



**CITY OF TALLMADGE
PLANNING & ZONING COMMISSION
MEETING MINUTES**

September 2, 2021

7:00 p.m.

Council Chambers

Per the RC-2 Schedule, meeting recordings and communications will remain on file in the Planning and Zoning Department

I. Call to Order

Chair Gerald Taylor called the meeting to order at 7:00 pm.

II. Pledge of Allegiance

III. Roll Call

Commission Members present:

- Gerald Taylor
- Julie Oliver
- Patrick Larson
- Kevin Heilmeyer
- Stephen Ryder

Administration present:

- Dave Kline, Mayor
- Megan Raber, Law Director
- Helene Hussing, Planning & Zoning Manager
- Matt Springer, Economic Developer

IV. Approval of Minutes

A motion to accept the July 29, 2021 and August 5, 2021 minutes was made by Mrs. Oliver and seconded by Mr. Heilmeyer.

All members voted in favor. (5-0)

V. Agenda Additions

None

VI. Correspondence and Communications

Correspondences received will be read into the record with the appropriate case.

VII. Cases

1. **Case PZ 21-09-01**

Conditional Zoning

For scheduling of public hearing

**Latoria C Weaver-Spaulding,
True Hearts of Care LLC, applicant/owner**

- 345 West Ave

Applicant requested for case to be withdrawn.

The following motion was made by Mr. Larson and seconded by Mr. Heilmeyer:

I move that Case #PZ 21-09-01 be withdrawn per the applicant's request.

All members voted in favor. (5-0)

2. **Case PZ 21-09-02**

Minor Modification to Site Plan

For review & approval

Wes Fair, Shelter Care, Inc., applicant/owner

- 262 South Ave

Mrs. Hussing gave a short summary of the case.

The representative for the case, Wes Fair, was sworn in.

Mr. Fair stated that the fencing is for added safety for the mothers and children.

Discussion

Mr. Taylor: Any comments from administration?

Mayor Kline: I think it's a great idea to put that fence in for the safety of the children there. I'm fully in support of it.

Public Comment

Received no requests to speak and no communications from residents

The following motion was made by Mr. Larson and seconded by Mrs. Oliver:

I move to approve the Minor Modification to Site Plan Application: Case #PZ 21-09-01, for Fence Installation at 262 South Avenue, applicant/owner Wesley Fair for Shelter Care, Inc., based upon the application & plans submitted August 13, 2021 to the Planning & Zoning Department subject to the no conditions, modifications and/or amendments based on the evidence presented.

Additional Comments from Commission

None

All members voted in favor. (5-0)

3. Case PZ 21-09-03 Minor Modification to Site Plan

For review & approval

Dan Murphy, La Mexicana, applicant

Russ Iona, owner

- **76 West Ave**

Mrs. Hussing gave a short summary of the case.

The representative for the case, Dan Murphy, was sworn in.

Mr. Murphy stated that they have lost patrons because they do not have an outdoor patio.

Discussion

Mr. Taylor: Is there going to be concrete blocks around it? A barrier?

Mr. Murphy: Yes. They are approximately 3' tall by 2' wide and 3' long and they weigh about 3,000-3,500 lbs. a piece to ensure the safety of the patrons that would be on that patio if a car were to back into it.

Mr. Taylor: So they're just interlocking?

Mr. Murphy: Correct. The inside will be poured, stamped concrete so the concrete will reinforce the locking mechanism.

Mr. Taylor: You're going to build that pergola above it just for shading?

Mr. Murphy: For shading and maybe somewhere down the line maybe put a plastic corrugated... for rain and weather across the top of it but that is not in the plan right now.

Mr. Taylor: Ok. Is that considered an addition?

Mayor Kline: If it's attached to the building it would be an addition. If it's enclosed, there could be Fire Department implementations but the Fire Department has no problem with what he's proposing now.

Mr. Taylor: Even if they put some type of corrugated roof on there? He'd have to go back to the Building Department, is that correct?

Mayor Kline: Correct.

Mr. Taylor: Seems like a substantial barrier. More than we've seen before so I'm in agreement with that. Did you receive a copy of the Staff Report?

Mr. Murphy: Yes, I did.

Mr. Taylor: There were several comments in there from the Fire Department regarding the outside dining and then quite a few conditions and modifications that you would have to adhere to. You have no problem with those conditions?

Mr. Murphy: No.

Mr. Larson: Have you applied to the state for permission to have alcohol out on the patio?

Mr. Murphy: I've contacted them. If it does get approved, we can build the patio and then we'll call liquor control and they have to come out and inspect it prior to any alcohol being served out there.

Public Comment

Received no requests to speak and no communications from residents

The following motion was made by Mrs. Oliver and seconded by Mr. Heilmeier:

I move to approve the Minor Modification to Site Plan Application: Case #PZ 21-09-03, Outdoor Dining Area at 76 West Avenue, applicant Dan Murphy and owner Russell Iona, based upon the application & plans submitted August 17, 2021 to the Planning & Zoning Department subject to the following conditions, modifications and/or amendments based on the evidence presented:

- 1. That Condition 1, "No banners shall be displayed outside of the building" as set forth in Ordinance 35-2002 is amended to allow temporary signage as permitted by the sign regulations in the Zoning Code.**
- 2. That Condition 2, "No alcohol advertisements shall be visible from the public right-of-way" is amended to allow alcoholic advertisements in temporary signage as permitted by the sign regulations in the Zoning Code.**
- 3. That Condition 4, "No amplified music shall be heard from the outside of the building" is amended to No amplified music shall be audible from beyond the limits of the property.**
- 4. That the remaining conditions set forth in Ordinance 35-2002 remain in effect.**
- 5. That the location and number of tables, spacing of tables and access within the outdoor dining area must meet all requirements for accessibility.**
- 6. That alcoholic beverage consumption in the outdoor dining area is not permitted until**
 - the Zoning Code Update has been adopted by City Council which includes updated Alcohol Beverage Consumption standards, or**
 - an Amended Conditional Zoning Certificate is issued, and**
 - final occupancy has been granted.**
- 7. That a permanent barrier is provided around the outdoor dining area.**
- 8. That no obstruction exists between the parking lot and building entry to meet the Fire Department's requirements. And,**

9. That all necessary building permits shall be secured and approved by Summit County Building Department.

Additional Comments from Commission

None

All members voted in favor. (5-0)

4. Case PZ 21-07-05 Amendment to Zoning Code Text

For review & recommendation

City of Tallmadge, applicant/owner

- **Proposed Zoning Code**

Mr. Springer gave an update on the changes made to the proposed R-6 Zoning.

Discussion

Mr. Taylor: On the 2 examples that you showed, what is the acreage of that and how many houses are there?

Mr. Springer: I'm not sure about this exact example. What we tried to do is just take some examples that we were able to find comparing and contrasting but I think all of the examples that we did show were different acreages provided.

Mr. Taylor: 100 acres is a big piece of property. So following the new guidelines and either using the traditional or conservation design, we would end up with something similar to these 2 in our new R-6? That's what we would be asking of the developer?

Mrs. Hussing: These are just little graphic examples of the differences between a traditional and conservation design. On a 100-acre parcel, which is the minimum that is required to allow an R-6, if that were traditional, it might look more like that traditional development without an open spaces. The property owners would be responsible for the green spaces, not an HOA. Of course, the neighbor down the street can't walk through those woods because that's private property. The conservation design development actually allows for trails to go through and then it's supported for the whole neighborhood, so that's kind of the difference. This isn't an R-6, this is just an example of what that may look like. The open spaces are spread out too. In our Code it states that it should be a 5-minute walk.

Mrs. Oliver: Do we have copies of these slides?

Mrs. Hussing: I can give them to you.

Mrs. Oliver: I would like that. Just to clarify, there is nothing preventing a developer from coming to us with a traditional layout for a development with the old R-1 rules, but we are seeing more and more developers for many reasons, coming to us with the other type of development plans. What I love about what you did with the slides is it really gives us and maybe the public, a better idea of why these developments are being proposed and potentially what their value is versus the fact that so many people feel that houses are being crammed into one little location and the other negative comments that go along with that. So, I would love to have this emailed to us.

Mayor Kline: Today, a traditional R-1 allotment is really about the lot size. 20,000 sq ft for the lot size and the house that can go on that is a minimum of 1,000 sq ft. If you look at the R-6, we're allowing 25% to be at that 1,000-1,500 and then you go up from that so we're actually making the R-6 more restrictive to the structure size instead of the lot size. People don't want to mow their yards anymore, the infrastructure... the Street Department has to suck leaves on a 100 ft frontage

of a house instead of maybe now a 70 ft frontage, so the infrastructure long term is a great benefit as long as we can spread out the amenities of the open spaces through the whole lot.

Mr. Larson: So, we talk about single family homes... just for clarification, would this include or exclude if a developer wanted to come in with a mixed-use type of project with some condominiums?

Mayor Kline: That would have to be Conditionally done or a different overlay.

Mr. Larson: So the R-6 would just apply to single family.

Mr. Taylor: Normally the developer would meet with administration and go over what they are proposing so you have an idea of what they're going to propose.

Mayor Kline: Correct, and we try to work with them and this new Code will be a nice tool that we're able to work with the developer.

Mr. Taylor: It would be helpful to us that you show the developer that we would prefer the traditional or conservational district verses a cookie-cutter, throw everything at the back of the property... that's what we're looking for in the future. If we could include those examples in our new Code, we'd have some ammunition when they come in. Would the Commission be in agreement with that?

Mrs. Raber: Our Code language, especially in the open space requirements, does now sort that out. Where there's provisions that make sure that the open space is more evenly spread out and more usable open space than before. That open space section in the new Code has really been flushed out to try to do exactly what you're saying with the language of the Code. So, these would be good tools to demonstrate when people come in but my only hesitation is that they weren't crafted specially to our Code that I wouldn't want to put something in that maybe isn't 100% what our actual Code would require.

Mrs. Hussing: Our intent after the adoption of the Zoning Code is to create some guidebooks too so that is next years project. It is our goal to create some guidebooks for the overlays and we could request one for the R-6 as well.

Mrs. Oliver: I don't think 10 years ago, any of us would have ever imagined that we would be looking at the types of developments that are coming before us now just because the way this community is. So, I'm going to say that over the next several years, we're going to be seeing things... these developers are way ahead of us and our Codes. They are already looking at what the predications are for what people are going to be looking at and looking for and I'm confident that we are going to see some things that may surprise us again and in 5 years we might be looking at some developments that we can't believe came before us. So, this it great because in my mind, it does bring us up to date.

Mr. Ryder: With the 30% open space, 20% is allowed to be R-1, the 20,000 sq ft and R-1 is the largest lot size that you can have?

Mayor Kline: You can have as large as you want. That's just the minimum.

Mr. Ryder: Ok. So the other lots within that can be smaller? That's where they're going to allow for the smaller lots?

Mayor Kline: That's where it says the maximum.

Mrs. Hussing: Yes, it's the density.

Mr. Ryder: So the minimum on 20% has to be at least an R-1 for lot size. Ok. What are the variances on that? Is that something we would be voting on if they come in with a different ratio of open space to developed spaces, or lot sizes? Could that still be considered R-6 with variances?

Mrs. Hussing: Yes, that would depend on the development.

Mr. Ryder: So this is a standard guidance?

Mrs. Hussing: We would want them to meet these requirements.

Mrs. Raber: When you're looking at doing a variance request, in the application you would be looking at making sure that there is a hardship or practical difficulty. So let's say there is some really odd topography and they just couldn't make it work for a lot or two, they would have the ability to ask for that variance but they would have to show you why they need it as opposed to just because they want to.

Mr. Ryder: Ok. Is there any idea of how much land in Tallmadge could be developed under the R-6?

Discussion on open spaces in Tallmadge.

Mrs. Hussing presented the other updates on the proposed Zoning Code as shown on the Staff Report.

Mr. Larson: This has been a monumental task and we could sit here and debate as Commission Members that have had very little to do with this process but I think it's to the point for me that there has been so much hard work done and so much time spent and changes that have been made... there will be changes to this document moving forward so in my opinion I don't see any reason to debate this any longer. I think it's done; we should move forward and its great work.

Mr. Taylor: I think it's more complete than we've ever had before. It is monumental and I think it's a huge improvement. I think the administration deserves a lot of credit for putting this together.

Public Comment

Registered speaker:

Jim O'Connor from Pulte Homes was sworn in.

Mr. O'Connor: I agree with your comments that the Staff needs to be commended for this. In my business and looking across Northeast Ohio, there's 257 Municipalities and what has been done and the work that has been done on this Code and these Code enhancements is exceptional. It's one of the best Codes we have seen. When the R-6 moratorium was enacted, I think the strongest underlying tone was everybody was worried that the R-6 Code was too broad and that developers could exploit it and create these undesirable forms of development and that there would be no control or no input. So, the changes that you see before you I think are exceptional because it provides a lot of subjectivity to the Planning Commission to be able to say what is beauty... it's in the eye of the beholder. Preserving sensitive environmental efforts and areas. You get to say yes, I think they're doing an excellent job preserving the stream quarter, preserving vistas and open space, creating new outlets and access to recreational areas and amenities and being able to activate the open spaces and create spaces for social engagements for the residents. That's the power that has been handed to you and at the same time, the Code provides a script where you can have a variety of housing styles and a variety of lot sizes so that you can work with the different buyer demographics that are in the marketplace and there are varying square footage minimums, which are perfect for what is desired in today's market. I think the Code very accurately captured all those elements, provides the developer the ability to create a development and provides the

Commission with a way to give very valuable feedback to achieve the standards that they would like to see in the community going forward. I applaud the Staff. I think it is exception work that they have done.

Mrs. Oliver: I am proud of what we have here. We have gotten a bad rap and maybe not so much of a bad rap in the past of being a very difficult community to work with on some occasions for some developers, for people bringing businesses and other types of development here and to me, this Code shows that we're progressive and yet we have something in mind that we want in our community and I think this will make it easier for those folks who are bringing projects to us to see what it is we are looking for and not be searching through an old Code that really didn't apply to them.

Mayor Kline: I just want to talk for a minute about Ripley Farm. We may have gotten a bad rap for what it is. You cannot build those houses quick enough. People are buying in there as fast... we thought it would take 5 years to get to Phase 5, well they are in doing the proof roll on Phase 5 this week. That whole allotment is going to be built out probably within 3 years and not 5. It might even be sooner. People want that. Could we have tweaked it a little bit and made that open space? I think we learned on that one moving forward. But I really have to say to the Staff, Helene, Matt and Megan, phenomenal job putting this together.

The following motion was made by Mr. Ryder and seconded by Mrs. Oliver:

I move to recommend to Council the acceptance of Ordinance 86-2021, REPEALING AND REPLACING TALLMADGE CODIFIED ORDINANCE PART ELEVEN – PLANNING AND ZONING CODE.

Additional Comments from Commission

None

All members voted in favor. (5-0)

VIII. Adjournment

A motion to adjourn was made by Mr. Larson and seconded by Mrs. Oliver.

All members voted in favor. (5-0)

Meeting adjourned at 8:01 pm

Respectfully submitted,


Kelli Funk, Secretary


Gerald Taylor, Chairman