

Mr. Larson: **Second.**

Roll called. All members present voted in favor. (4-0)

Mr. Taylor: Agenda additions? I don't see anything. Mayor, do we have anything?

Mayor Kline: We have none tonight.

Mr. Taylor: Correspondence and communications. You should have received the minutes of last month's meeting minutes at your desk this evening. First item on the agenda:

Item #PZ19-09-01: Amendment to Zoning Map (R-6 to C-3)
 Tallmadge Reserve Development Company, LLC – Applicant/Owner
 PN6004338 & PN 6006401 & Southern Portion of PN6006400

- **For official filing & scheduling of public meeting**

Mr. Taylor: **I move to accept for official filing, Item #PZ19-09-01, Amendment to Zoning Map application, Tallmadge Reserve Development Company, LLC, applicant/owner, and schedule a public hearing [meeting] on Thursday, October 3, 2019 at 7:01 pm to consider a recommendation for action to City Council based upon the application submitted to the Zoning Department on August 22, 2019**

Mrs. Raber: If I can make a friendly amendment, it's a public meeting that's being set, not a public hearing. The public hearing is actually held in Council for the Rezoning's.

Mr. Taylor: **Ok, a public meeting. Ok.**

Mrs. Oliver: **Second.**

Roll called. All members present voted in favor. (4-0)

Mr. Taylor: Ok, we'll have that next month. Ok, next item on the agenda:

Item #PZ19-08-01: Conditional Zoning
 Global Kitchen LLC – Applicant
 TJ Circle One LLC – Owner
 12 Tallmadge Circle

- **Dining establishment serving alcoholic beverages**
- **For review & recommendation to Council**

Hem Gurung was sworn in.

Mr. Taylor: Last month we had scheduled a public hearing for 7:01, so at this time we'll open the public hearing.

Mr. Gurung: So, I'm here in hope of getting approval for my liquor license. We are hoping for this because a lot of customers want us to serve wine and beer at dinner time. So, as per their wants, we are planning to do this. And also, I'm hoping we're going to have a little bit increase in our everyday sale if we get this liquor license in our business. Other good thing, I hope this is going to help a little bit increasement of the revenue for the City too.

Mr. Taylor: Correct me if I'm wrong, I think your location is in between Danny Boys...

Discussion about where Global Kitchen is located.

Mr. Taylor: It appears from your floor plan, you have seating for about 22 people.

Mr. Gurung: We have 40 people seating.

Mr. Taylor: 40 people? Ok. I thought I counted about 20 or 22. 40 people. And what currently are your hours of operation?

Mr. Gurung: We are running 11am to 2:30pm, the lunch buffet every day, and 5pm to 9:30pm, dinner menu. Every Monday we are closed.

Mr. Taylor: In your letter, you had indicated that your request was for indoor dining only. Is that correct?

Mr. Gurung: Yes, sir. And we do some take out too.

Mr. Taylor: That's a picture of the facility there. Ok. So, currently you have parking... you share parking with Danny Boys or... how does that work out?

Mr. Gurung: Yes, we do share parking.

Mayor Kline: Maybe for clarification, some of you may not know, this restaurant has been open for a couple years. They're just adding this license. So, all the parking's been vetted, all of the ingress egress, the tables... the only thing that this applicant is requesting at this time is to allow him to be able to get alcohol at his current restaurant location.

Mr. Taylor: It's been open for a couple years? Oh, never noticed it.

Mrs. Raber: So, to be clear, this is very similar to the Scratch Kitchen application that you had just recently where it's just expanding their business operation to include alcohol.

Mr. Larson: Other than the fact that the Scratch Kitchen was just beer and this one is full alcohol, so my question is...

Mrs. Raber: It's just beer and wine.

Mr. Larson: It's D-5 and it says alcohol in the Staff Report.

Mrs. Raber: Are you going to do mixed drinks or are you going to do beer and wine only?

Mr. Gurung: We are doing beer and wine only for now. It's just during the dinnertime with the meal. We aren't open after 10:30.

Mrs. Raber: Are you getting a license through the state to be able to serve mixed drinks and other alcoholic beverages, if you decide to do that later?

Mr. Gurung: We may do if we decide later, but for now we just applied for the D-5 but currently we are planning to do that one only... for the small location wise, space wise.

Mr. Larson: I guess my question would be, with beer and wine it's a pretty simple process. You don't need storage space, obviously, because you've just got a couple of items, so they'll probably more than likely be in the refrigerator, or something like that. If you got into serving mixed drinks, that would require a bar. So, I didn't see any place on these plans where there was any allocation for a space for a bar.

Mrs. Raber: It's not their intention. They're not intending to change the restaurant design or anything at all. They're not wanting to have a bar, they just want to serve the wine and beer, is what they've indicated to us.

Mr. Larson: The Staff Report is wrong?

Mrs. Raber: They may have applied for a different permit, I don't know what permit they applied for, but they're not planning on a bar in their restaurant.

Mayor Kline: But even if they were, they could serve alcohol out of the back. Do they have to have it out front?

Mr. Larson: No, they wouldn't. But I'm just asking a question. How would they facilitate that, is my question. We've got restrictions on our Fine Dining District and, I don't anticipate this being an issue, but I'm just asking the question, because this is a little bit different now than even Scratch Kitchen because of the possibility with the license that they've indicated they're applying for, that they could have a full bar. If we approve this, and they have this particular license, then they could potentially have a full bar.

Mayor Kline: I think it's approved based on the plans that are submitted right there and it does not show a bar. So, one of your conditions would be if they want to modify the floor plan for alcohol purposes, they must come back to Planning and Zoning. There's no intent to have a sit-down cocktail bar, from what we're told.

Mr. Larson: And I understand that. But understand that, that opens up that potential so as long as we do put conditions in there, in case they were to add a bar area, that they would have to come back to us.

Mayor Kline: Yes.

Mr. Larson. Ok.

Mr. Taylor: I think this is very similar to Scratch Kitchen. The only thing they were having was beer, this has beer and wine, and they're not indicating a bar. Any other questions from Commission

Members? Hearing none. Anyone in the audience would like to either speak for or against this amendment to the zoning? We will close the public hearing.

Mr. Larson: I move for adoption of the following findings, based upon the evidence presented, that the Conditional Zoning Certificate for Dining Establishment Serving Alcoholic Beverages at 12 Tallmadge Circle:

- (a) Is harmonious and in accordance with the general objectives of this Code;**
- (b) Is designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and so that such use shall not change the essential character of the same area;**
- (c) Is not hazardous or disturbing to neighboring uses;**
- (d) Is served adequately by essential public facilities and services;**
- (e) Is not detrimental to the economic welfare of the community;**
- (f) Does not involve uses, activities, processes, material, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.**
- (g) Does have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.**
- (h) Does comply with the City of Tallmadge Thoroughfare Plan. If additional street right-of-way width is required for compliance, the property owner shall dedicate the required land at a time requested by the City at no cost to the property owner.**

Mr. Ryder: Second.

Roll called. All members present voted in favor. (4-0)

Mr. Larson: I move to recommend to Council to adopt the Conditional Zoning Certificate – Dining Establishment Serving Alcoholic Beverages for Item PZ19-08-01, Applicant Global Kitchen LLC and Owner TJ Circle One LLC at 12 Tallmadge Circle based on the plans and application submitted to the Planning & Zoning Department on July 16 & 18, 2019.

Subject to the following conditions, modifications and/or amendments in addition to those set forth in Tallmadge Codified Ordinance Section 1189.05, subsection 131, based on the evidence presented:

- 1) No banners shall be displayed outside of the building, unless permitted with a temporary sign permit;**
- 2) No alcohol advertisements shall be visible from the public right-of-way;**
- 3) No neon signage shall be exposed to the outside of the building;**
- 4) No amplified music shall be heard from the outside of the building;**
- 5) Sales receipts shall be made available to the city annually or upon request;**
- 6) That the area of the permitted conditional use shall be limited to indoor dining at the existing Global Kitchen restaurant, which is comprised of about 1090 square feet and has the same address as on the application: 12 Tallmadge Circle;**
- 7) That any future improvements for outside dining area serving alcoholic beverages will require re-application for conditional zoning.**
- 8) Any modifications made to the interior of the structure to accommodate a bar for mixed drinks must come back to Planning and Zoning for approval.**

Mrs. Oliver: Second.

Roll called. All members present voted in favor. (4-0)

Mr. Taylor: The vote is unanimous. **Motion for adjournment?**

Mr. Larson: **So moved.**

Mrs. Oliver: **Second.**

Roll called. All members present voted in favor. (4-0)

Respectfully submitted,



Kelli Funk, Secretary



Gerald Taylor, Chairman