

BRIMFIELD TOWNSHIP ZONING COMMISSION

BRIMFIELD TOWNSHIP ZONING COMMISSION

PUBLIC MEETING

MINUTES of July 13, 2017 at 7:00 PM

Brimfield Town Hall Community Room – 1333 Tallmadge Road, Brimfield, Ohio 44240

Present: Chairman Ron Jones Debbie Darlas William Kremer
Tom Sargent

Alternates: Thomas Johnson* Pat Blair

Absent: V.P. Gary Rodd

Staff Present: Dick Messner, Zoning Inspector
Wendi O’Neal, Assistant Zoning Inspector, Secretary of Board

Public Present:

Name	Company	Phone	Email
Cindi Moore	4322 Mogadore Rd	330.671.7064	

The Zoning Commission is called to order by **Chairman Ron Jones**, at 7:00 PM on **Thursday, July 13, 2017** at the Brimfield Township Town Hall.

Roll call:

Darlas: Here **Jones:** Here **Kremer:** Here **Rodd:** Absent
Sargent: Here **Johnson:** Here **Blair:** Here

Alternate **Thomas Johnson** will reserve voting rights for this meeting.

MOTION #2017-23

Tom Sargent makes a motion to accept the Agenda as presented and was seconded by **Debbie Darlas**. Motion passes unanimously.

The Board tabled the June 8, 2017 Meeting Minutes.

OLD BUSINESS:

NEW BUSINESS:

- **T-C District** – Green Hills Golf Course

Messner – Packets for the Board are items, Wendi prepared and due to circumstances personally would like for Wendi to review the outline of last meeting and new items.

Blair – Asked if the email edited version was different than what is being presented tonight.

O’Neal – Reviews the Board packets:

Page One: T-C Purpose – changes ‘encourage’ to ‘shall’ or ‘will’ Yes, the English needed to be revised for clear reading, with legal standing for ‘shall’ and ‘will’. Noting that letter e under the purpose was the definite, most important and main change for the entire purpose. Intent tonight is to revise a version to be sent to Regional Planning as per the Ohio Revised Code, (O.R.C.) to start the legal process of finalizing the change in the Zoning Resolution with November looking as earliest completion. Next T-C District Discussion is an outline of all the uses: Permitted Residential, Conditional Residential, Permitted Commercial, and Conditional Commercial. Residential uses noting the dwellings per acre are listed as four under permitted with five being conditionally permitted; highlighted the Planned Residential Development (P.R.D.) as being an allowed use. It is purely a residential subdivision would be allowed with no mixed use. Also,

BRIMFIELD TOWNSHIP ZONING COMMISSION

noting listed “mixed use facilities containing any combination of permitted or conditionally permitted uses,” intention of mixed use in already in book, just is not mandatory.

Page Two: lists the residential uses in Integrated Commercial District (I-C); essentially general commercial with residential possibility; for comparison permitted uses being ‘multi-dwellings up to four per acre’ and conditionally permitted ‘up to 12 dwellings per acre’.

Shows an overview of current uses in the T-C District (T-C) with uses:

- dwelling conversions to retail, businesses, commercial uses, total 21 single family (not including Sterling Green Subdivision),
- 11 vacant parcels,
- outline vacant land = 144 acres including the golf course, estimated total due to:
 - ♦ the 90 acres of Schmillier farm located south of Tallmadge Road and Ranfield Road half is in T-C District shows on parcel map,
 - ♦ Brimfield Crossings is one parcel but some is in T-C on the only south side of Brimfield Crossings Drive,
 - ♦ Jones property the Brimfield Bread Oven,
- visuals with acreage:
 - ♦ gun shop on ½ acre lot,
 - ♦ proposed senior housing almost four acres,
 - ♦ car wash on 1/3 acre,
 - ♦ comparison on the dwelling per acre.
 - ♦ Sully’s is over half acre -0.654.

Page Three: are the three different options:

1. Simple add a combination of uses on parcels greater than an acre with residential occupying no more than ___ percentage of an acre,
2. Simple insert table with dictating percentages of what the Board would like to see in lots of ½ an acre,
3. Insert Planned Unit Development (P.U.D.) or Planned Neighborhood Development (P.N.D.) instead of Planned Residential Development (P.R.D.).

Messner – Recalls P.U.D. percentages. Different types of developments: Neighborhood Development, Commercial Development, Mixed-use Development, could specify what you would want: recreational grounds, restricted open space, small retail, housing, so much acreage or percentage of single family, row housing, apartments, etc.,. Regional Planning review is by the three c’s, connectivity, compatibles, comparable, compatibly. Option of rewriting the whole T-C District or do modifications consistent protecting one end but not disturb any potential as in area on the road to nowhere (potentially rounding out to come out by Wendy’s), potential proposed nursing home, row houses and mixed use in way back. Conditionally approved previously was NDS Apartment house and financing fell through. Look at one of three ways: do you want to disturb what you have right now and just take a look at the one area (the 70 acres), or do you want to look at it so that it will affect the entire T-C District rebuilding the entirety including that area, or do you want to take that one area and set it up as one of the things we talked about as a neighborhood development system? T-C Neighborhood Development: anything over x number of acres (county 20 acres would be a subdivision), making it come under specifics for those 70 acres. On other end, total acreage not a lot over 20 acres. So the deal is if you go with a neighborhood development subdivision or T-C Neighborhood Development center what you would do then is set specific requirements as you would do a P.R.D. You would pull the P.R.D. out and then if you wanted to do it separately then you have the possibility of leaving things the way they are in the one area and just controlling that 70 acres.

Johnson – If going with the controlling the 70 acres, what type of legal footing would you have if the individual that owns the land gets an offer to sell, they could say the Board limited my initial profitability from owning that land therefor I have a course of action.

Messner – Has a good point and it is a possible legal action because anything you do in this area now that would adversely affect what somebody wants to do could be challenged in court. They could say even if you take the NRD out, just work out the stuff that was put up before on the first page, somebody could say that is discriminating; they did that to discriminate me from doing this, that or the other thing. So, any changes that you make in the T-C, you know it is highly unlikely you are going to get something that is going to fall but...

Johnson – Which aspect would be better in a sense of defending it, if it was to come to that? Would it be that to redesign the whole T-C or just the 70 acres?

BRIMFIELD TOWNSHIP ZONING COMMISSION

Messner – If you make the changes in the T-C and just say that we are making these changes in the T-C to make it more compatible for retail development and neighborhood densities. And then you are going to look at it and if it didn't get challenged by the guy over here at this one place; you might have something come in over here behind Casamento's or something. So, you have to be very careful. One of the things on this one, well we do it on all of them at Regional Planning, but whatever comes up with this it is going to go over to the prosecutor's office for review and they will make their recommendation. But remember any time you make a zoning change it is subject to interpretation by the code, by the law and by the courts. Even when we went through the massive changes it went through and could have been conceived as discriminating against two developers that I know of that were doing a P.U.D. rather than a P.R.D.

O'Neal – Would like the Board tonight to focus on the purpose, and the residential uses to get something sent over to Regional Planning ensuring P.R.D. is deleted as the Board discussed; thinking on the other part of it.

Johnson – Asks historically on your planned residential development, what is normally the lot size? Quarter, acre?

O'Neal – States it would depend on the zoning district.

Messner – States generally speaking and for instances we've got one requires 35-foot building separation and a setback from the road. So you put the 35-foot building separation in and set it back 35 feet and you put the normal 10-15-25 feet, whatever you want it back, that is the building envelope and whatever you can pack in there. Giving you a classic, as Bill knows, the Whispering Woods Subdivision started out with 31 lots and wound up with 50. So the P.R.D. which is conditionally permitted comes in on a site plan review and we use the base and a bonus density factor, which Bill put together.

O'Neal – The base is the zoning district.

Messner – The zoning district, let's say into a R-4. Four units per acre. Most of your subdivisions are going to be in R-2, R-3, or R-4 Districts; just more economically feasible to go with more rural density. And you come up with the base; so guys got a 100 acres, break out critical natural areas, infrastructure and so forth, and you have net acres left. And that net acres comes back with, let's say you have 75 acres left, 4 per acre; 4 times 75. Now make the twist on that is if the developer and the BZA get together and negotiate to a max increase; not given but is negotiating factor for the developer. So the base is created on the residential district and then the bonus density factor figures it out from there.

Kremer – Has read this chapter several times and really has to say that the authors of this chapter were extremely good. When reading the whole T-C it describes what does Brimfield Township want to see in the T-C. It doesn't talk all about multi-family housing, clusters housing, single family houses or commercial; it's the big picture of what we want to see within the T-C. And it was not intended to be all of one thing or all of another but it was a conglomeration of mixed uses that would create a T-C. So I think we worry a lot about single family houses but I don't think we really have much to worry about. And I say that for two reasons: 1. Don't want to take out single family houses because if you do then everybody that is in T-C is now non-compliant and now they are going to have a financing issue permanently from that point on because you took out single family. So, to take out single family you are truly going to impact how many houses that are presently in T-C that will now be legally non-conforming which means you can't get refinanced.

Johnson – 21 houses.

Kremer – 21 houses?

O'Neal – 21 plus Sterling Green.

Messner – States he is going to make a statement three times in and then is going to shut up and let you guys do your work. When the T-C was put together it was built from the inside out. We had Regional Planning under contract, and we had a grant from urban design. And we said how do we keep Brimfield which was growing in population, exploding at that time to know where the T-C is unlike you seen in Stow, unlike you seen Cuyahoga Falls, but where you maintained a reliable like Medina Square, Rosworth Square, the Circle in Tallmadge, how do you do it? What came out from the two commissions, the citizens committee, the two companies we had was to create a four corner park. The first thing that was put together was the idea that to buy Sully's, buy Kreiger's, and get a commitment from Henry Just to buy the gas station or where the drive thru is now. As you know Kreiger's wanted to sell to us when he lost the business because as you know he didn't have parking. Sully's has been trying to sell to us for years. That was the hub that would be built out into a neighborhood. If you lived in a city you could take sections of the city, for instances look at South Akron around that one corner where the old bank used to be, where Kenmore Blvd. shoots out from South Main, North Main and Temple Square, where you

BRIMFIELD TOWNSHIP ZONING COMMISSION

have a cluster of houses and some businesses. This is what the T-C was originally designed to look like and unfortunately it never developed in that manner; I'll leave it at that. So, that was the original concept that was put together by the professionals on this thing and that's the way the T-C was built as we just discussed. Remembering and as just discussed it was designed. There was discussions at that time to take Green Hills out of it. There was talks at one time to split in two because the township section lines go right through making half with the Karg Industrial Park adjacent to it Light Industrial and make whatever was left the T-C on the other side. There was another one thrown out to make it R-3 like across the street so you could get into that. And the last thing, and I'm going to shut up, sometime soon I am going to ask the trustees to consider next year to start what we did 15-16 years ago. When we put this together in 2004 and the trustees adopted we said this would as is with minor modifications with maps and everything else in the book would take it out to about 12,000 people. We are over 11,000 people now and there are 464 apartments that are booming up, they can't build them fast enough, that's going to bring in about 650-700 people at one point with six people per unit. That's going to put us right at the door step of 12,000 and there's been a slowdown in building but it will pick up again. Cranberry Creek Phase II is on its way with 44 more houses and they will sell those fast. So there's a need at this stage to go back, and I'm saying it will be as bad as last time, but this is going to have to look seriously at saying ok: what do we need? Do we got to go back and look at the book? Do we change the comprehensive plan? Do we change the land use plan? Look at it all. Because the next step unless there is major changes the Township as is will build out to about 17,000 unless you change it to high-rises and so forth on it. You guys are going to have to, this Board is going to have to contend with that if the trustees buy into it. And we did say 12,000, if you remember Bill, and it's been tweaked a lot but now we are looking at the T-C, you got some stuff going in at the other end, the northeast which is the high density area which was profiled out even to the usage of the roads, so there are going to be some other areas now that is going to have to be looked at for potential development under the new concept, new ideas over the last several years that have developed since the recession. So take that into consideration, and with that I'm going to shut my mouth and let you guys go to work.

Jones – Okay, if we left single family dwellings in there, what we talked about the P.R.D.s can we limit the number of them, like we wouldn't want Schipper or any up in that section to be all single family detached homes. By using acreage could we limit the number of it and then with the rest of it add in 100-foot setbacks for like that here and for mixed-use?

Messner – To watch it because you have the setbacks on Tallmadge and State Route 43 which will have to be consistent.

Kremer – We have talked about any parcel for more than five acres or some number and that parcel has to be a certain percentage of use versus another use. So that couldn't put all one, and we didn't want to see all commercial on that use and we didn't want to see all residential on that use. I think that what you will probably do in creating that kind of requirement is that you probably strongly encourage condominium offices, and why we haven't seen much of that here, I have no idea but I see it all over Northeast Ohio. But we have none here. You could build a 10,000 square foot office building with five 2,000 square foot units and you know what I think that would market very well and look very well. At the same time we don't have any well we haven't built a condominium in this other than what Ryan built over here in Pleasant Lakes but other than that we haven't see any of that in this area either. I don't see anyone coming here and building, especially in T-C, they are not going to come here, well I don't want to see a bunch of single family houses. It would really be a loss to the community to fill up a parcel with a bunch of single family houses. But at the same time say no you can't have any single family houses; I don't know if that is necessarily what we would like to see either.

Messner – We control that by mixed use.

Kremer – Yes.

Messner – By percentage, like Wendi has in her report.

Kremer – I think that restricted through percentages is a good idea.

Messner – Restricted and unrestricted open space. So in other words, you take that gross acreage and you reduce it down as much as you can to reduce the development you get residential.

Kremer – A start developer understands the ascents of Boulevard, parks, water features, today's developing, yes, Ryan went down here and dropped down 50 boxes and took out the gazebo and street lights and took out the boulevard entrance and everything else and basically made it a basic we can get 50 houses in here.

Messner – We did four more inches in the road

Kremer – And I was not happy with that at all. But it go approved so that is history. Now I have no real interest in any of these properties, I'd have a much stronger interest and influence

BRIMFIELD TOWNSHIP ZONING COMMISSION

at any meetings that may occur here within the Township as to what goes in somewhere. Because my only concern is that I want to see something that when I die someone says damn that was a nice development. And that's all I care about; something that looks good, that we can be proud of.

O'Neal – Now when appraisers call and ask about single family houses about legal conforming and legal non-conforming they do ask about Section 520; whether it can be rebuilt. Do you see it differently from financing? The appraisal is usually the defining factor.

Kremer – It depends on the lender.

Sargent – When we were doing the bank load stuff, the legal non-conforming we camped in that for a little bit and then again you sit on a board that is approving loans and to a point you know what does that mean?

Kremer – And when you are in Marietta, Ohio, or Texas or if you are in the entity that is going to approve or disapprove a loan sometimes they think of Ohio as not far from Kentucky and many don't know what that means.

Sargent – That's a good point because we were dealing with somebody that was local and I think that is what helped but you are right on the bigger banks and commercial.

Kremer – Well the bigger banks you get down to Texas and Texas has no zoning and all of a sudden it is legal non-conforming going what the heck is that? Because you could put a bar in a residential neighborhood in Texas. I mean it is really the wild west, if you have ever been down to Houston, it's interesting.

Messner – Just remember when the new zoning went into effect, approximately 85% of all the single family houses became legal non-conforming.

Darlas – Right.

Kremer – And I think when you look at the intent of the T-C I really like the, if you fully read the entire chapter you get a pretty good perspective on what is Brimfield want to see in T-C.

Darlas – What wanted, or what their vision was.

Kremer – What is the vision of the T-C? If you don't get that vision from reading that, that is because you don't care but if you look at that realistically, and said does Brimfield have a vision? IT's not going to take a whole lot of a person of reasonable intelligent to come up with the conclusion of what Brimfield Township wants.

Darlas – You'd get the whole picture from it, I agree Bill.

Messner – There's one other simple solution what do you feel is the connectivity and the compatibility to the remainder of the existing T-C that green hills has? No if you feel that it would be difficult to connect, remember urban design put a callsway over 43, if you feel that maybe it is not compatible, comparable, connectivity to it then maybe you just look at it and say what is comparable next to it? Across the street is an R-3, take the T-C and leave it as it is and change the golf course to R-3 and forget about it.

Kremer – That's a thought but then you are going to end up with R-3 and that is you are going to end up with. Is that what you want?

O'Neal – That and probably a lawsuit for singling out.

Kremer – I mean is that what you want to see though? Do you want to see an R-3?

O'Neal – From reviewing the minutes of the Board, I would say no. I would say that you didn't want to see all houses. Which gets back to deleting the P.R.D. and limiting the..

Kremer – For example, let's say you took half of the property or even a third, and I don't want to create a zoning for one parcel and then mess up the whole T-C. But let's say that one third of this property has to be commercial office retail and 2/3 can be something else. Then you end up with what 40 acres, minus the critical natural stuff, down to 32 acres, then when you look at the wetlands and the topography and the non-buildable areas and slicing out a portion of this which will probably be a daycare center commercial then you are left with this here and how much are you really left with develop. I don't see any lender lending any money to put in all single family houses to make it feasible and to make it functionally profitable because it is not big enough to be able to do anything with it. Now a smaller builder with 50-60 condominiums I think that could be possible but financial.

Darlas – Somewhat like they have back by Walmart, well not those.

Kremer – Could see apartments back there, not crazy about it either though.

Jones – That could be too. I don't think you could get but 50% of a commercial property, it that area would be more like 25%.

Blair – Depends on what is on the other side of the street.

Kremer – Yes, because of the wetlands here.

Jones – Would see more like 25% of it for commercial.

O'Neal – States they are building on land over in Copper Creek where the slope was more than 18% which would be very similar circumstances of the topography.

BRIMFIELD TOWNSHIP ZONING COMMISSION

Kremer – A very good friend of mine designed all the buildings that are on Portage Trail extension, where you are going down the hill. Talk about a slope and doing down a hill but some of those buildings were just breath taking and well designed.

Sargent – Timber Top was breath taking as buildings burnt. We used to call it Tinder Top because well they were really poorly built. It takes deep pockets to build those places because you've got so much site and prep work. So, I always think of the T-C, it takes the right developers to come in that have that vision or can catch the same vision with deep enough pockets. And that is the challenge with any of it. It kind of slows the process, but you have to start somewhere and lay some ground work.

Johnson – So are suggesting then that we would make that site specific those considerations or the whole T-C District?

Kremer – When I looked at Green Hills, I said that the topography was so interesting that you are right, the site work is going to be so difficult as you get further back off Tallmadge Road. To do single family houses there, it's going to take a whole wipe out of the whole piece of real estate and totally regrade it to make it feasible to make that happen. I don't see how it can work especially if you want to limit single family housing, that is a good enough way as any because if you take off 30% of the land for commercial what is left just isn't feasible for somebody to put single family houses on. I think they are going to load up right close to the road where the building is easier because everybody picks the cherries in the industry.

Sargent – And to your point, the further you go back the costs just skyrocket, because of the infrastructure, utilities, etc. and again the developers that you are going to attract on that are going to be few.

Kremer – It's going to take a specific developer and my guess is that you are probably going to be working with somebody that is going to be local. Because of somebody on the nationals, like Polty or Ryan and say you know what it is probably going to be too expensive for them to do and them to look at it and go, no we don't want to do this; there's got to be other parcels that we can work with that aren't as challenging.

Sargent – And the other thing is what we were talking about, apartments. There are nice complexes that are kept up after the fact, and I'm not talking about what it looks like on the initial opening or the first year. But we see housing developments that go in that the developers have run rough shot through it and they do only what it takes to get the stuff through and those as developments look terrible. Whether it's the way the houses are built, the materials used on the houses, I mean there has been some of them, I can't remember if it was in Rootstown, any how it is a sprawling development, the houses are kind of stretched out. It's down where Keith lives, but when you go back in that development you see houses that are like, "wow, these really look bad." And they are not that old, so anyway my point is that you could have a really nice apartment complex, that draws good people, etc. but the other side of that coin you've got almost a Section 8 complex but it is not Section 8.

O'Neal – And you see Section 8 whether it is neighborhood development services or its others, they are buying these up, all of them and they keep buying because they don't have enough housing for the number of people.

Blair – They are relative to Walmart. If you notice, there is usually a Walmart within one to two miles of Section 8 housing.

O'Neal – And the land owner, or landlords get almost double from subsidized housing than they do for average renters.

Blair – I'd tell ya if I was a developer looking for Section 8 I'd be down there buying the Green Hills Golf Course. I'm seriously, right off the interstate, Walmart right down the street and they are putting in a new grocery store.

Sargent – I agree but I think there is too much site work; they are not going to spend the money to do it. They are looking for level ground typically.

O'Neal – Once they are there, then that would be a possibility.

Sargent – Correct, after they are already built.

Jones – So are we talking about leaving single family in?

Kremer – I don't think we are going to see much single family anyways. So just leave it the way it is.

Darlas – Says to remove it.

Kremer – But I would like to see some assurance of mixed-use on parcels of, Wendi and I talked about maybe around five acres to have to have a certain percentage of mixed-use; on any parcel that is greater than say five or three acres whichever.

O'Neal – On the top of page three, I left the sentence vague so that the Board could add that figure; "a combination of uses on parcels greater than say five acres residential uses occupying no more than blank percentage.

BRIMFIELD TOWNSHIP ZONING COMMISSION

Darlas – I think maybe a third.

O'Neal – And leave it at that, making it that simple. Taking the P.R.D. out and after the fact possibly editing this T-C neighborhood development and spend more time in with that so that maybe it could be used somewhere else too.

Jones – So if you go with the five acres greater than with residential occupying no more than 50% in acreage? Is that what we are thinking?

Darlas – I was thinking more of a third of an acre.

Kremer – Any of this is going to be conditional anyway, it is all going to be conditional regardless, correct?

O'Neal – Typically yes, but depends on how these uses are moved around.

Messner – Any time you get into a subdivision, is going to come under the review of Portage County by law so it is going to be conditionally permitted.

O'Neal – The P.R.D. is conditionally permitted but I think you would want to edit and move these around from permitted to conditionally permitted, however you want to move this around to ensure that over five acres mixed-use is conditionally permitted. Because if you take out planned residential development, then you are eliminating the 'all residential development'.

Blair – Which is what you want.

Sargent – Question so that I can get my arms around this because I always think in practicality. So somebody has a five acre lot and now they have to put mixed-use, so they come in and they have a plan. But we all know that like even the Menards deal over there at Maple Crest, there's the timeframe for everything to go in gets really spread out. So in a five acre lot if they are using mixed-use so they put the houses or residential portion up but they can't get anybody to come in and do commercial. So, what happens in that event? What happens to that property?

O'Neal – It would have to be developed commercially I would assume, that after the fact it has to be developed commercially with whomever develops it; that is conditioned on that land.

Darlas – So they would have to go into having it rezoned.

O'Neal – Well no, they would have to ask for a variance for use.

Sargent – Okay, so that would get into variances and going into appeals and stuff like that. But I'm talking about so their plan is that they are going to get commercial but they don't have anybody to go in. But they have somebody sitting there for housing, so

Messner – The one thing that you can control is, take the P.R.D. out, but in something else and you could say that all developments over 20 acres will come under the review of the neighborhood development, whatever you want to call it, for review to the Board of Zoning Appeals for conditionally permitted use. You can say that in that neighborhood development area that you could have uses spelled out. It could be single family, multi-family, could be commercial, it could be a mixed use under the neighborhood development use. So what you do/are saying is that anything over 20 acres is going to be a subdivision then you could spell out what you want in that subdivision. You know you are going to have, right off the back, 5% restricted open space. Then you can throw in some that you will require at least another one acre or two acre for recreation open space or a park. Then you could, there's ways that you can list it like we do our subdivisions, but what happens when you get under 20 acres?

O'Neal – That's what Bill is trying to go five acres or more.

Messner – Now you can go, what happens legally as you have pointed out, if you say in developed lots over five acres are you going to make something entirely different and discriminate with what you can do on lots of 2, 3, or 4 acres and then from five you can say anything over ten acres to 20 acres? So you have to watch out that anything that goes in the way that you are going to have to control it is either by area requirements, or something else, because you can't discriminate you with four acres and me with six acres and what you can do and what I want to do with six acres or vice versa. So you can't discriminate in that. Now the easy way out, put it all in to regional planning, get to look it over there and let it get to the prosecutor's office and they will chop it all up over there; so that's the good part. You guys are not sitting on this alone. You are going to have two other departments looking at it.

O'Neal – Well I think that Bill was trying to make sure that five acre lots aren't completely all residential where you could put up to four or five dwellings per acre which is five times four which is 20 dwellings, not even just single family, apartments, whatever, there would be 20 on that five acres. Is that what you would want? I guess what it comes down to is how dwellings would you want to see on one acre?

Kremer – The four per acre is fine with me. Why don't we take the single family detached and put it in conditional?

Darlas – And I think that is what we were talking about doing.

Jones – Is there a consensus on that?

Board – Yes, detached.

BRIMFIELD TOWNSHIP ZONING COMMISSION

Messner – Okay, I'm a developer and I'm coming in under section b conditionally permitted multi-family up to five dwellings per acre. Okay, and I say okay I've got 70 acres, 10% infrastructure, 5% open space, 10% C.N.A., winding up with 45-50 acres and 50*5 equals 250 houses.

Johnson – With 250 homes then you could afford to do the infrastructure work in the back and move a lot of Earth.

Kremer – How are you going to squeeze 250 homes on 50 acres? But if you put the single family in conditional I would certainly hope that the BZA is never going to approve 200 homes or 100 homes.

Messner – You are going to have to take that usage out. You are going to have to have a base number that is not contrary or not discriminating against the rest of the stuff in the lower ones.

Kremer – It's not. We just are saying that any parcel over five acres you can only use 50% of it for residential.

Messner – You could carry that all the way through to the subdivision.

Kremer – Carry it all the way through and you got what you got.

Blair – Well that would encourage selling the swamping land.

Kremer – Okay.

Blair – Yeah, 50% of that if you combine that golf course what about 25% of that is unbuildable land.

Kremer – For any commercial stuff you are going to assume you are going to be on the road with commercial stuff. No one is going to want commercial stuff in the back of the development. That doesn't work.

Darlas – No.

Kremer – So by the time that you do the stuff that is on the road do you see mass building? I don't for see it.

Messner – You know, you guys might of just swept something here. Very simple, anything over five acres, you guys are on the right track, keep going.

Kremer – Yeah, and I think anything over five acres 50% is allowed to be residential and 50% has to be mixed-use.

O'Neal – Any of the other listed uses?

Kremer – Yes, whatever is listed.

Messner – That might be the simplest way out. You guys might be on to something, go ahead you guys are on the right track.

Jones – Residential use will not occupy more than 50% on parcels over five acres?

Kremer – If somebody comes in and says you know I've got this great plan, I want to get 40% to commercial and 60% to housing but I want to do upscale then it becomes a negotiated thing with the BZA. But I think we need to make it pretty clear to anybody that does want to come in here, we don't want to see a whole lot of squeezed apartments fill up Green Hills, but we don't want to see all commercial either which will probably ultimately not doing well as well.

Messner – And remember this, in the event that the applicant disagrees with the results of the formula, the applicant may present a yield plan. A yield plan shall graphically show the proposed site development in accordance with the conventional zoning requirements of the zoning district the property is located. In addition a yield plan shall identify the C.N.A.s, the site order to the Board of Zoning Appeals to determine the appropriate number of buildable lots associated with the site.

Kremer – Yup.

Messner – It's already in the book.

Kremer – Already in the book.

O'Neal – Do you want the top wording or there is another sentence at the bottom states that no single use can occupy this? Or do you just want to do the five acres and 50% of residential? That is probably the simplest way.

Messner – Get the basis language and let regional planning figure out the specific language.

Darlas – Half and half.

Messner – You guys are good.

Kremer – And as far as lot sizes, a quarter acre is probably fine. I think we necessarily need to say that but...

O'Neal – I didn't even get into that, because those

Kremer – I mean I looked at and said quarter acre is not very big.

O'Neal – They are small.

Kremer – But even if we aren't going to approve anything smaller than a quarter acre, I would hope. And I don't know what you would build on that would look half decent on less than a quarter acre?

BRIMFIELD TOWNSHIP ZONING COMMISSION

Sargent – Tiny.

Darlas – Tiny houses.

Johnson – So you are looking at parcels greater than five acres that line, in use can only be occupied in use no more than 50% residential?

Kremer – Right.

Blair – And you can give them a conditional permit for a park or anything else they would like.

Johnson – And that would allow to continue to leave in the P.R.D. under conditional use?

O’Neal – No, that would have to be scratched. The P.R.D. is purely residential.

Johnson – That would have to be removed?

Board – Confirms.

Kremer – And single family detached would be moved down to conditional.

Johnson – Then move single family down to conditional?

Board – Confirms.

Messner – Where are you moving that from permitted?

Kremer – Well permitted we have single family attached dwellings, conditional is single family detach dwellings.

Messner – Think about it, don’t you want that reversed? Single family attached or clustered and single family detached.

Blair – Yeah, because you might be having people living in the other half of their business or something upstairs.

Kremer – That is very possible.

Sargent – That works really well in a right along the main streets and things like that...

Blair – They’ve got that in Kent all over the place.

Sargent – Yes, but generally where you see that is when old buildings have been converted.

Kremer – It will be interesting to see how well Tesla buildings does in Tallmadge. That is going to be a really good barometer. I looked at it and I state down with Paul and said Paul you are out of your mind. And I know that you are way smarter than I am, but you’ve got three stories of apartments over top of the first floor commercial stuff.

Sargent – Does the commercial go all the way back?

Kremer – The whole first floor is commercial.

Jones – Where’s that?

Kremer – The one right off the Tallmadge Circle on North Avenue.

Messner – The first big complex off of 91.

Kremer – That building is huge. I’m not sure how many square feet there is but I mean that building is huge. It’s a big building. Wally Waffles is going in there.

Sargent – Yeah, that was the first sign that went up. Do you know what other businesses are going in there? I’m just curious because Wally Waffles go out front and in retail it’s location, location, location.

O’Neal – Is that moving from the Acme Plaza?

Kremer – I think it is going to be another one. I think it is the second one; I don’t think they are closing the one in the Acme Plaza.

Sargent – But generally when you have buildings like that, the far back buildings usually are retail, they go more commercial or offices, stuff like that.

Kremer – Yes.

Jones – Get a few boutiques or businesses like that.

Sargent – Well its businesses that are not depending on walk-in, spur of the moment walk-in type costumers.

Jones – So we are at a consensus here, then for permitted use do we want to leave the single family detached or remove it and put it down in conditional?

Blair – I think that your single family attached would stay in permitted.

Jones – I’m talking, we talked about moving the detached and putting it in conditional but now do we want to leave it up in permitted to?

Darlas – Right.

Blair – No, because we would rather have somebody build a dwelling over top of the businesses.

Jones – I agree with that.

Blair – So you just don’t want to give them a permit right off the back, they are going to have to come through and challenge the BZA for it.

Kremer – Submit a plan.

Jones – Okay. So leave it down in conditional?

Board – Confirms.

BRIMFIELD TOWNSHIP ZONING COMMISSION

Sargent – Some of that I think would take of itself from the you are mixing residential with commercial and the things that you have to do structurally with building codes and things like that; it filters out the people that can't afford to it.

Blair – That would be an expensive house.

Sargent – Yeah, it would take a good business plan to do that.

Darlas – It would.

Blair – A goldsmith, jeweler would might what to do something like that.

Sargent – Well you are not going to put a dwelling over a body shop, so things like that; a unique situation.

Kremer – That would be challenging, I wonder where they are put that stuff.

Sargent – Used to run into situations when working with Verizon because nowadays your air conditioning units, your economizers that pull in fresh air well sometimes that fresh air intakes are too close to the exhaust stakes and you start pulling it and there isn't nothing you can do.

Jones – So multi-family, we want to leave that in permitted use, right? Or 4/5 dwellings per acre?

Kremer – Yup.

O'Neal – Dick and I were just discussing the difference in single family attached and multi-family attached and he was just saying that with single family attached both would max out at four per acre.

Blair – So it fits. And we are not changing the book that much to where it would open us up?

O'Neal – My question was how many single family can they attach? What's the percentage of that?

Kremer – Can we put on here that a certain percentage of our zoning permits from this point on get funded into the T-C?

Messner – How many times do you think I asked for the Trustees to put money into the restricted fund they approved 16 years ago?

Kremer – What is in it right now?

Darlas – Nothing.

O'Neal – It is being discussed with zoning permits that are over a certain amount of money half of it goes into the T-C fund.

Kremer – I would hope so you know.

O'Neal – For these upcoming large buildings like Menards, Rubbermaid was the largest at \$44,000 dollars.

Blair – Let me ask you that do you track that out of this office or do you give it to John to track?

O'Neal – No, I can tell you how much is brought in every year, from there it goes to the general fund.

Messner – Have tracked since day one.

Jones – With the amount of building, if we had 50% of that money in this department or appropriated in the T-C or something like that we could get started.

O'Neal – One other thing on these uses, the conversion of a single family home to three dwelling units would that make sense to move that to permitted uses? Because the other two that up here, are the single family attached which is four per acre and the multi-family dwellings four per acre, and you have houses and majority of them are moving towards retail. Just simply, one house can be converted into three rentals do you want to move that to two units, and there is one three-unit already.

Blair – Yeah, the farm house.

O'Neal – That's why I'm wondering if that fits in with the other two up there? Instead of making it conditionally permitted.

Darlas – It makes more sense.

Jones – Looking at the other homes that are in the T-C what other homes could be into a three-unit other than the one at the end of Ranfield? All these down this way are not big enough to do that.

O'Neal – There's a few heading towards the vet across from Green Hills. Majority of the single family houses are right there from the Steakhouse down to McTaggart or right next to us, Wanda's. Okay, so just to review for the purpose are we okay with the 'will further' and the 'shall'?

Board – Confirms.

MOTION #2017-24

William Kremer makes a motion to send Portage County Regional Planning the provisions to the T-C District's Purpose Section 308.01 and Uses Section 308.02, seconded by **Tom Sargent**. Motion carries.

BRIMFIELD TOWNSHIP ZONING COMMISSION

PUBLIC COMMENTS: NONE

GOOD OF THE ORDER:

Messner – Reviews the TIFF at Rubbermaid, and reviews the TIFF proposed for Maple Crest Golf Course.

Board – discusses the status of the gun shop’s armed truck signage.

SET NEXT MEETING:

Thursday, August 10, 2017 at 7:00 PM is the next set regular scheduled meeting at the Brimfield Township Town Hall.

MOTION #2017-25

A motion was made by **Debbie Darlas** to adjourn the **July 13, 2017** at 9:00 PM, seconded by **Tom Sargent**. Motion passes unanimously.

Chairman Ron Jones

Vice Chair Gary Rodd

Debbie Darlas

William Kremer

Tom Sargent

Secretary Wendi O’Neal

Alternate Thomas Johnson

Alternate Patrick Blair