

AKRON CITY PLANNING COMMISSION

MEETING OF FEBRUARY 14, 2025 - 9:00 A.M.

COUNCIL CHAMBERS, THIRD FLOOR, MUNICIPAL BUILDING, 166 S. HIGH STREET

(1) CORRECTION and APPROVAL of Minutes of January 17, 2025

(2) PUBLIC HEARINGS:

A. Approval of sales of property and/or development plans in Urban Renewal and Community Development projects and assorted matters necessary to promote the Urban Renewal and Community Development Plans.

(1) **PC-2024-70-S** – Sale of city-owned land for redevelopment as infill housing in the Summit Lake neighborhood

(2) **PC-2025-04-S** – Additions to the “Welcome Home Akron” program

B. **PC-2024-71-T** – Text change to amend the Zoning Code fence requirements

C. **PC-2025-01-CU** – Petition of Battle Green Real Estate, LLC, dba Terrasana, for a Conditional Use to establish a dual-use cannabis dispensary at 235 E. Waterloo Road

(3) RENEWALS

KJ/emd

MEMORANDUM

TO: AKRON CITY PLANNING COMMISSION **ITEM # 2A1**
PC-2024-70-S

FROM: DEPARTMENT OF PLANNING AND
URBAN DEVELOPMENT

DATE: FEBRUARY 14, 2025 **WARD: 3**
COUNCILPERSON: Sommerville

SUBJECT: **PC-2024-70-S** - Sale of city-owned land for redevelopment as infill housing
in the Summit Lake neighborhood

GENERAL LOCATION: Scattered sites within the Summit Lake neighborhood

LAND USE OF THESE PROPERTIES: Vacant buildable land

LAND USE IN THE SURROUNDING AREA: All sides Residential

ZONED: Single-Family Residence Use District (U1, H1, A1)

COMMENTS:

The city of Akron is pursuing additional policies to stimulate the construction of new residential homes on unused and underutilized city properties in the Summit Lake neighborhood. The goals of these policies are to increase the supply of available stock of new home construction, to offer additional opportunities for home ownership, and to activate underutilized city land.

City-owned lots suitable for development will be made available to housing developers, homebuilders, and individuals wanting to build a new home within the Summit Lake neighborhood by offering the properties for sale via request for proposals (RFP) and/or the Welcome Home Program (PC-2023-52-S). Incentives available to the programs include a 15-year tax abatement for new home construction and ready access to water and sewer infrastructure.

Dwellings must be new construction, built in compliance with existing codes, and follow the city's housing standards. Approving the sale of these parcels will assist in strengthening our older neighborhoods by removing blight, re-densifying blocks, and providing additional housing options for residents.

RECOMMENDATION:

The OI/Planning staff recommends **APPROVAL** of the sale of city-owned land in the Summit Lake neighborhood to builders and individuals.

DM/emd

MEMORANDUM

TO: AKRON CITY PLANNING COMMISSION **ITEM # 2A2**
PC-2025-04-S

FROM: DEPARTMENT OF PLANNING AND
URBAN DEVELOPMENT

DATE: FEBRUARY 14, 2025

SUBJECT: PC-2025-04-S - Additions to the city of Akron "Welcome Home Akron" program

GENERAL LOCATION: Various city-owned properties throughout the city of Akron
(List included)

LAND USE OF THESE PROPERTIES: Vacant buildable land

LAND USE IN THE SURROUNDING AREA: Residential

ZONED: Single-Family Residence Unit District (U1, H1, A1)

SIZE OF LOT & AREA: Approximately 60 properties - at least 5,500 square feet per lot

COMMENTS:

The City of Akron is continuing the Welcome Home Akron program (PC-2023-52-S) to encourage additional construction of new residential homes on unused and underutilized city properties in its long-established neighborhoods. The goals of the program are to increase the supply of available housing stock, to offer additional opportunities for home ownership, and to activate underutilized city land.

City-owned lots suitable for development are made available to housing developers, homebuilders, and individuals wanting to build a new home within the city of Akron. Applicants are required to start construction within 6 months of the acquisition and complete construction on the home within 18 months of acquisition. A 15-year tax abatement for new homes is available to all applicants.

The program is established to help homeowners who desire a custom-built house as well as builders seeking to build homes with the intent to sell or lease them. Homes must be new construction, built in compliance with existing codes and building standards, should be in keeping consistent with adjacent structures in terms of size, mass, materials, and appearance.

RECOMMENDATION:

The OI/Planning staff recommends **APPROVAL** of the sale of additional city-owned land to builders and individuals through The Welcome Home Akron program.

DM/emd

MEMORANDUM

TO: AKRON CITY PLANNING COMMISSION

**ITEM # 2B
PC-2024-71-T**

**FROM: DEPARTMENT OF PLANNING AND
URBAN DEVELOPMENT**

DATE: FEBRUARY 14, 2025

SUBJECT: PC-2024-71-T – Text change to amend the Zoning Code fence requirements.

COMMENTS:

The City of Akron proposes to amend the Zoning Code regarding fence requirements. The city routinely makes amendments to the zoning code to stay current with changing land uses and circumstances as well as to eliminate vague and confusing language.

Our legacy zoning code language, which consists of one paragraph of text, is in some regards overly strict and has proven to be difficult for the public to find, interpret, and implement. This confusion or lack of awareness often leads to code violations with solid fences built too tall and placed too close to streets, resulting in the need for expensive and burdensome variances, conditional use requests, or even removal.

The proposed amendment would apply the residential fence requirements adopted under the recently approved form-based code for the Merriman Valley and Summit Lake neighborhoods to the entire city. The form-based code contains language, charts and diagrams that are easy to read and understand. These fence regulations are common and effective in many cities across the country. The “Walls and Fences” section of the form-based code would be amended to add further clarity and desired fence standards.

The fencing provisions of the form-based code allow solid fencing up to four feet tall to extend to the right-of-way (property line) in a front yard on primary streets. This is less restrictive than the current legacy code requirement which requires a setback of 20 feet for a solid fence if over 30 inches in height. The Zoning staff has heard from the public over the years and agrees that the current height requirement for solid front yard fences is overly burdensome and ineffective. Further, fences up to six feet tall with a 5-foot setback would be allowed on a side street. Fences up to 8 feet in height in the rear yard would still be allowed, subject to a Summit County building permit. The fence provisions of the existing form-based code also detail allowable and prohibited fencing materials, along with setbacks and height measurement standards.

The Planning Staff is of the opinion that the fence requirements of the form-based zoning code, featuring simple and concise language and diagrams, are much better suited than our legacy code language to convey fence requirements to the public. These changes would align with the Department of Planning/Zoning Division goals to provide clear requirements, streamline review processes for the public, and enable predictable outcomes. The suggested changes should lead to a reduction in the number of violations and subsequent enforcement and variances. As such, the following text changes to the zoning code are proposed:

153.305 – Residence Requirements

~~D(3) - In any U1, U2, ULB or UD District classification except for a fence which is eighty-five percent or more open space, no wall, vegetation, fence, earthbank or other obstruction to visibility shall be permitted to a height greater than two feet six inches above the curb, closer than twenty feet to the street, in the front or side yard of any lot (at a location within twenty feet of any driveway or street). If the building line or lines on any lot are less than twenty feet, the open space required above may be reduced to conform to the building line, but not to less than ten feet. The purpose of this section is to permit vehicles and pedestrians to be visible to persons entering or leaving any lot and the application of this section shall be so construed.~~

D(3) – Fences shall adhere to Section 4.3.3 “Walls and Fences” of the City of Akron Form-Based Zoning Code.

RECOMMENDATION:

The Planning Staff recommends **APPROVAL** of the text change to amend the Zoning Code fence requirements.

BL/MA/DD/emd

4.3.3. Walls and Fences

A. Intent

To balance the needs for natural surveillance and visual interest along the public realm with security and privacy for private ground story uses in a manner appropriate to context.

B. Applicability

1. The wall and fence height limitations apply to all sites.
2. Where a screening requirement requires a taller wall or fence, the screening requirement supersedes.
3. **FOR SWIMMING POOL FENCE AND ENCLOSURE REQUIREMENTS, SEE CHAPTER 197 OF THE CITY OF AKRON BUILDING CODE.**

C. Design and Installation

1. Material

- a. Walls, fences and screens shall be constructed of **BRICK, STONE, MASONRY, CONCRETE, WROUGHT IRON, DECORATIVE METAL, CHAIN LINK, VINYL, WOOD, OR OTHER** durable, low maintenance **STANDARD WALL AND FENCE** materials. ~~that have a long life expectancy.~~
- b. ~~Chain-link fences in the front yard of residential uses shall not exceed 4' in height. No wall, fence or screen may be constructed of~~ **CORRUGATED METAL, WOOD PALLETS**, tires, junk, or other discarded materials.
- c. Barbed wire, **RAZOR WIRE**, and concertina wire ~~is~~ **ARE** not allowed **IN OPEN SPACE AND RESIDENTIAL USES.**

2. Location

- a. Walls, fences and screens must be set back from the property line (lot line) in accordance with Sec. 4.3.2.B, Street and Lot Line Screening and Sec. 4.3.3.D –~~C~~, Wall and Fence Standards.
- b. No wall or fence is allowed to be constructed within any **PUBLIC RIGHT OF WAY**, required drainage easement, or **RESTRICTED** utility easement.
- c. All walls, fences and screens including their sub-grade elements, such as footings or foundation, must be located on-site.
- d. **PROPERTY OWNER IS RESPONSIBLE FOR DETERMINING THE LOCATION OF PROPERTY LINES. THE CITY DOES NOT LOCATE PROPERTY LINES OR PERFORM SURVEYS. IF UNCERTAIN ABOUT THE LOCATION OF PROPERTY LINES, PROPERTY OWNER SHOULD CONTACT A PROFESSIONAL SURVEYOR.**
- e. ~~No wall or fence shall interfere with visibility at intersections or driveways.~~

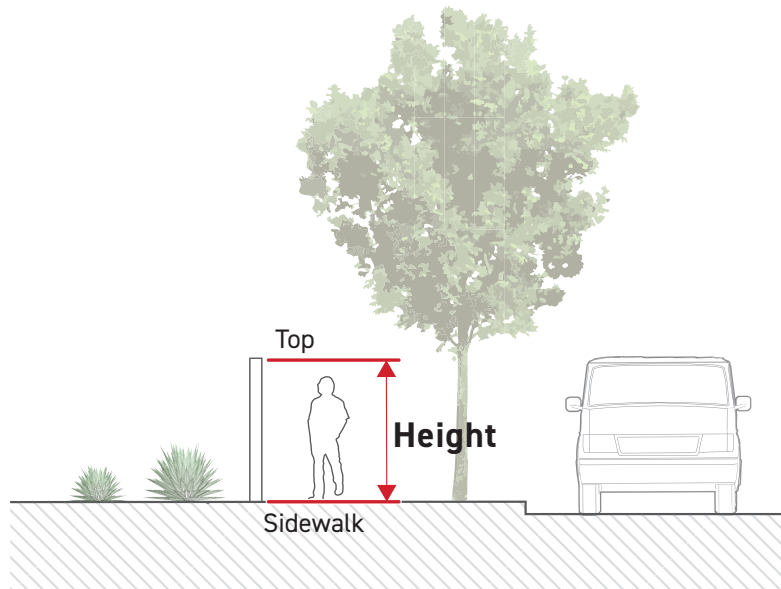
3. Maintenance

All walls, fences and screens must be maintained in good repair and must be kept vertical, structurally sound, and protected from deterioration.

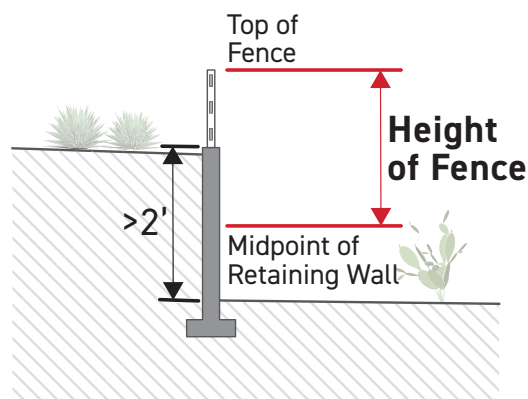
4. Measurement of Height

a. Front Yards and Side Street Yards

- i. Wall or fence height is measured from the adjacent sidewalk to the topmost point of the wall or fence.

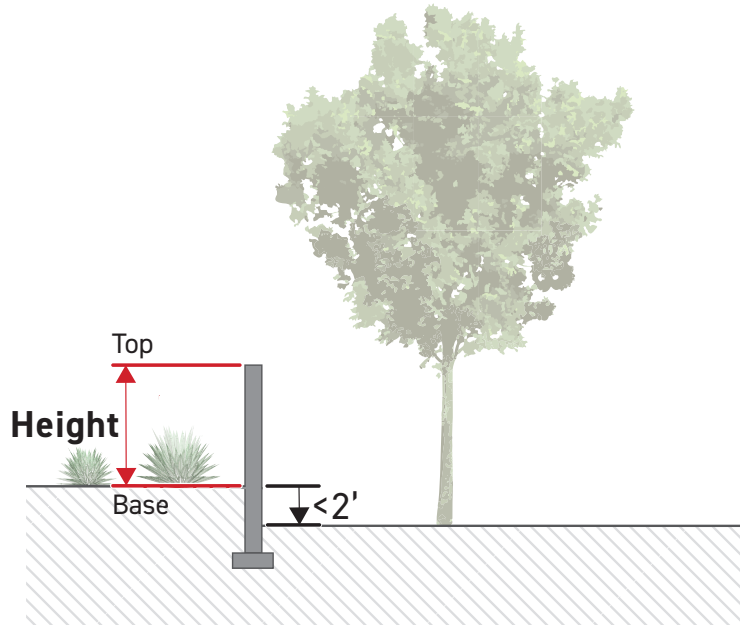


- ii. Where no sidewalk exists within 20 feet of the wall or fence, height is measured from the base of the wall or fence to the topmost point of the wall or fence, on the exterior side of the wall or fence.
- iii. When a wall or fence is located within 3 feet of the exterior face of a retaining wall and the retaining wall is 2 feet in height or greater, height is measured from the top of the wall or fence to the midpoint of the retaining wall.

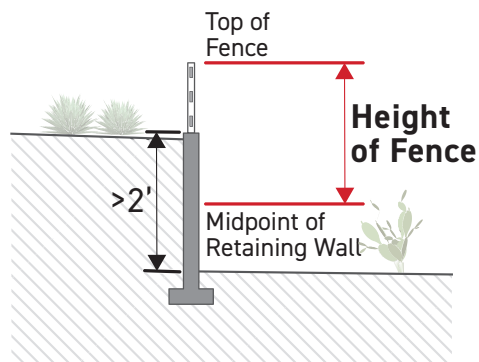


b. Side and Rear Yards

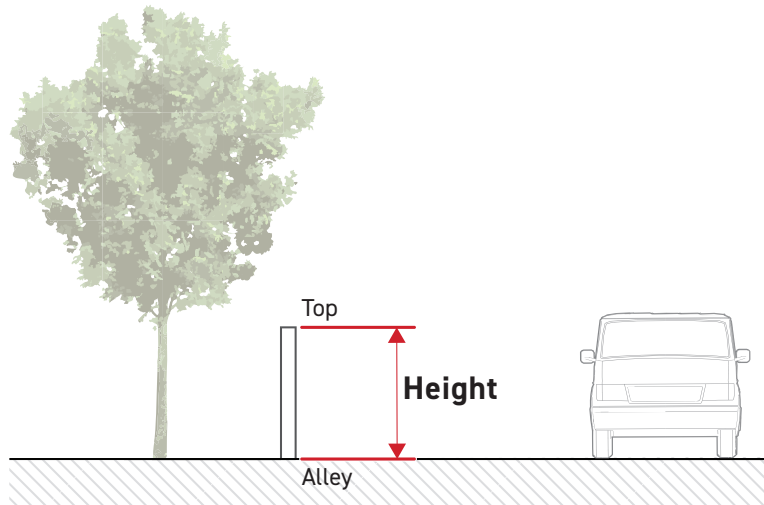
- i. Where the difference in grade on either side of a wall or fence is less than 2 feet, height is measured from at the base of the wall or fence on the side with the highest grade.



- ii. When a wall or fence is located within 3 feet of the exterior face of a retaining wall and the retaining wall is 2 feet in height or greater, height is measured from the top of the wall or fence to the midpoint of the retaining wall.

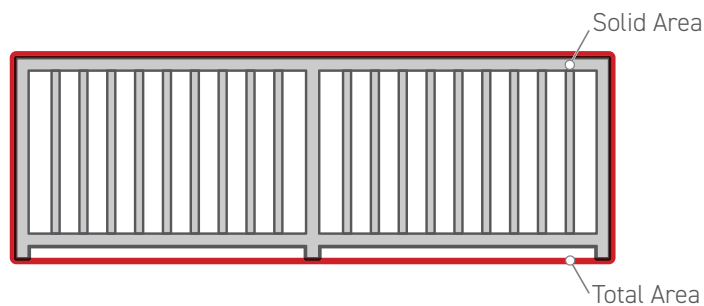


- iii. Fences and walls located in a rear or side yard abutting an alley are measured from the surface of the adjacent alley, vertically to the topmost point of the wall or fence.



5. Opacity

- a. **OPACITY IS A MEASURE OF HOW SOLID, OR OPAQUE, A FENCE OR WALL IS.**
- b. Opacity is measured as a percentage, calculated by dividing the solid portion of the fence or wall by the total area of the fence or wall.
- c. The total area of the fence or wall is measured as the smallest regular shape containing all elements of the fence or wall.
- d. **A SOLID FENCE HAS AN OPACITY OF 100%.**



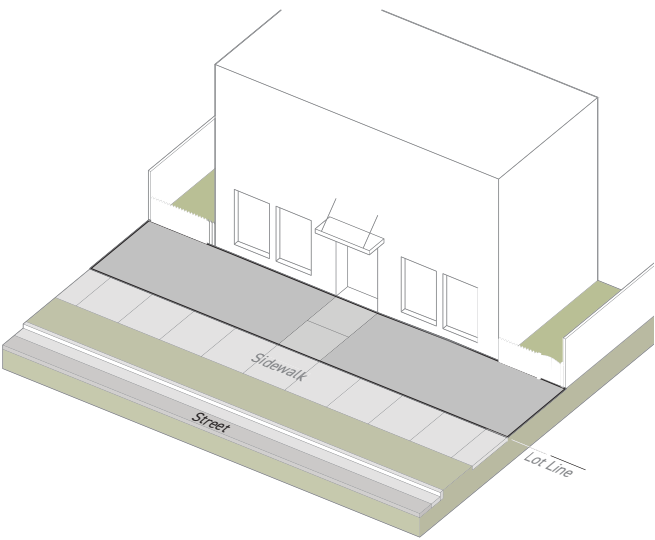
$$\frac{\text{Solid Area}}{\text{Total Area}} = \text{Opacity (\%)}$$

D. Wall and Fence Standards

1. Front Yard and Side Street Yard Wall & Fence Types

Type C1

Intended for front and side street yards where buildings ~~ADDRESS~~ engage directly with sidewalks directly to provide natural surveillance and visual interest, **AND WHERE PEDESTRIANS CAN ENGAGE DIRECTLY WITH** Especially where ground story uses are commercial uses.

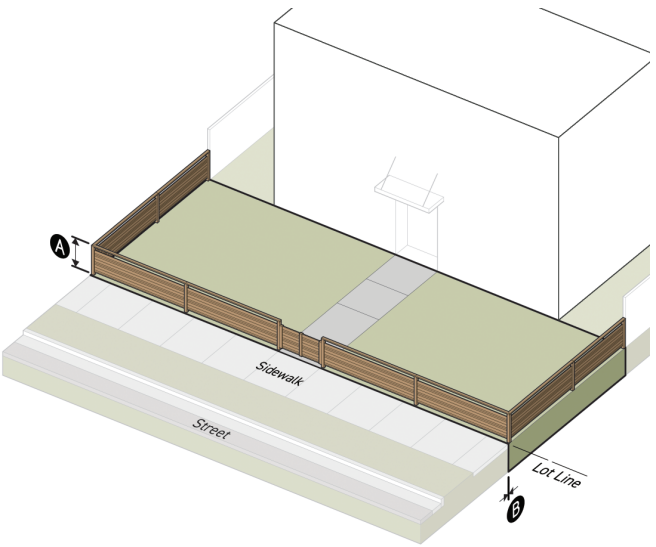


STANDARDS

Wall/fence height	Not allowed*
* If required for outdoor consumption of alcohol, a wall or fence, 4 feet in height (max) and 50% opacity (max), is allowed.	

Type C2

Intended for front yards and side street yards where the need for natural surveillance, and visual interest is balanced by the need for separation between sidewalks and private ground story **RETAIL AND RESIDENTIAL** uses.

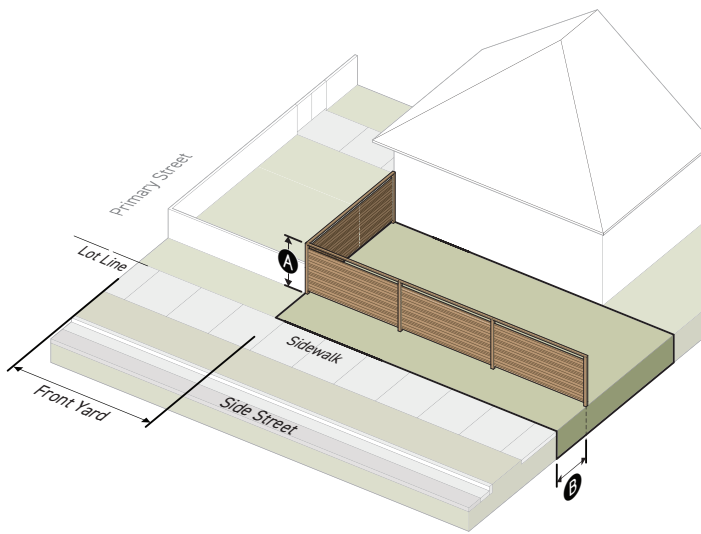


STANDARDS

A	Wall/fence height (max)	4'
B	Setback from lot line (min)	0'
OPACITY (max)		100%
(Solid fences are permitted.)		

Type C3

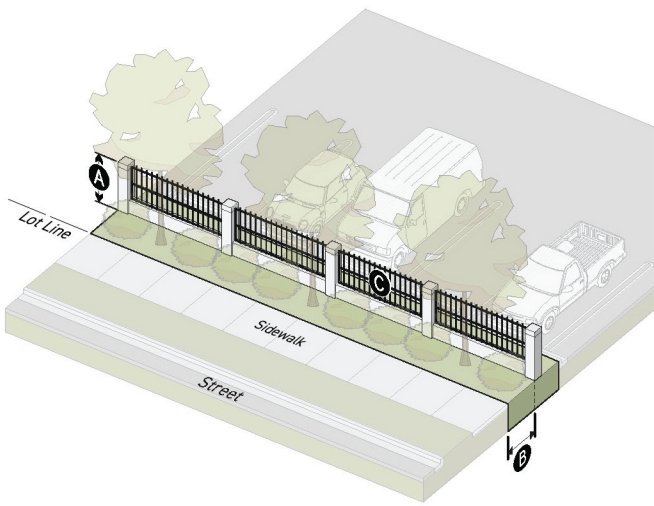
Intended for side street yards where natural surveillance and visual interest along the public realm is less critical than the need to mitigate impacts **FOR PRIVACY** on private ground story uses.



STANDARDS	
A Wall/fence height (max)	6'
B Setback from lot line (min)	5'
OPACITY (max)	100%

Type C4

Intended for front yards, and side street yards, and for parking lot edges where the need for natural surveillance and visual interest along the public realm is balanced with the need for security between private uses and the public realm.

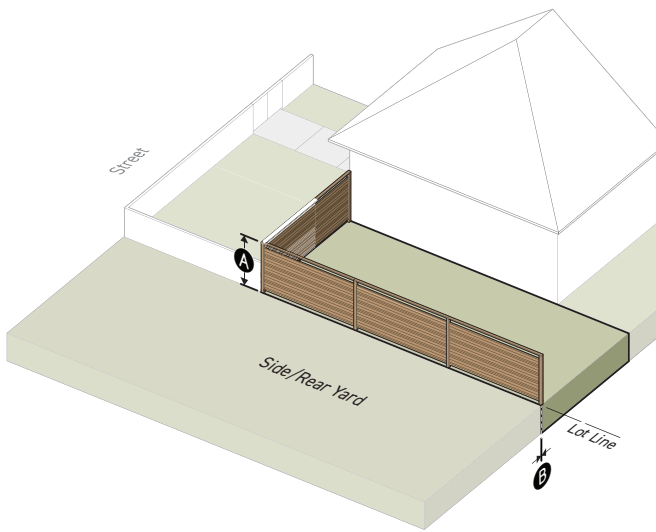


STANDARDS	
A Wall/fence height (max)	6'
B Setback from lot line (min)	3'
C Opacity above 4' in height (max)	50%

2. Side Yard and Rear Yard Wall & Fence Types

Type C5

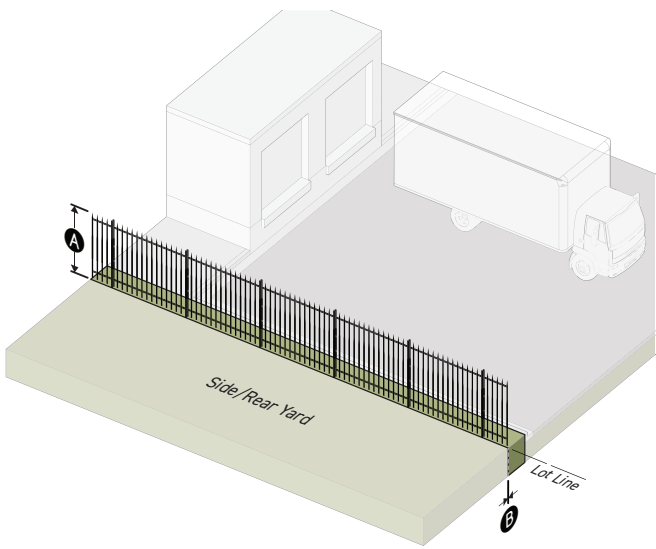
Intended for residential side and rear yards.



STANDARDS	
A Wall/fence height (max)	8'*
B Setback from lot line (min)	0'
*A building permit is required for fences with a height greater than 6'.	

Type C6





Intended for commercial and industrial side and rear yards.



STANDARDS	
A Wall/fence height (max)	8'
B Setback from lot line (min)	0'
OPACITY (max)	100%

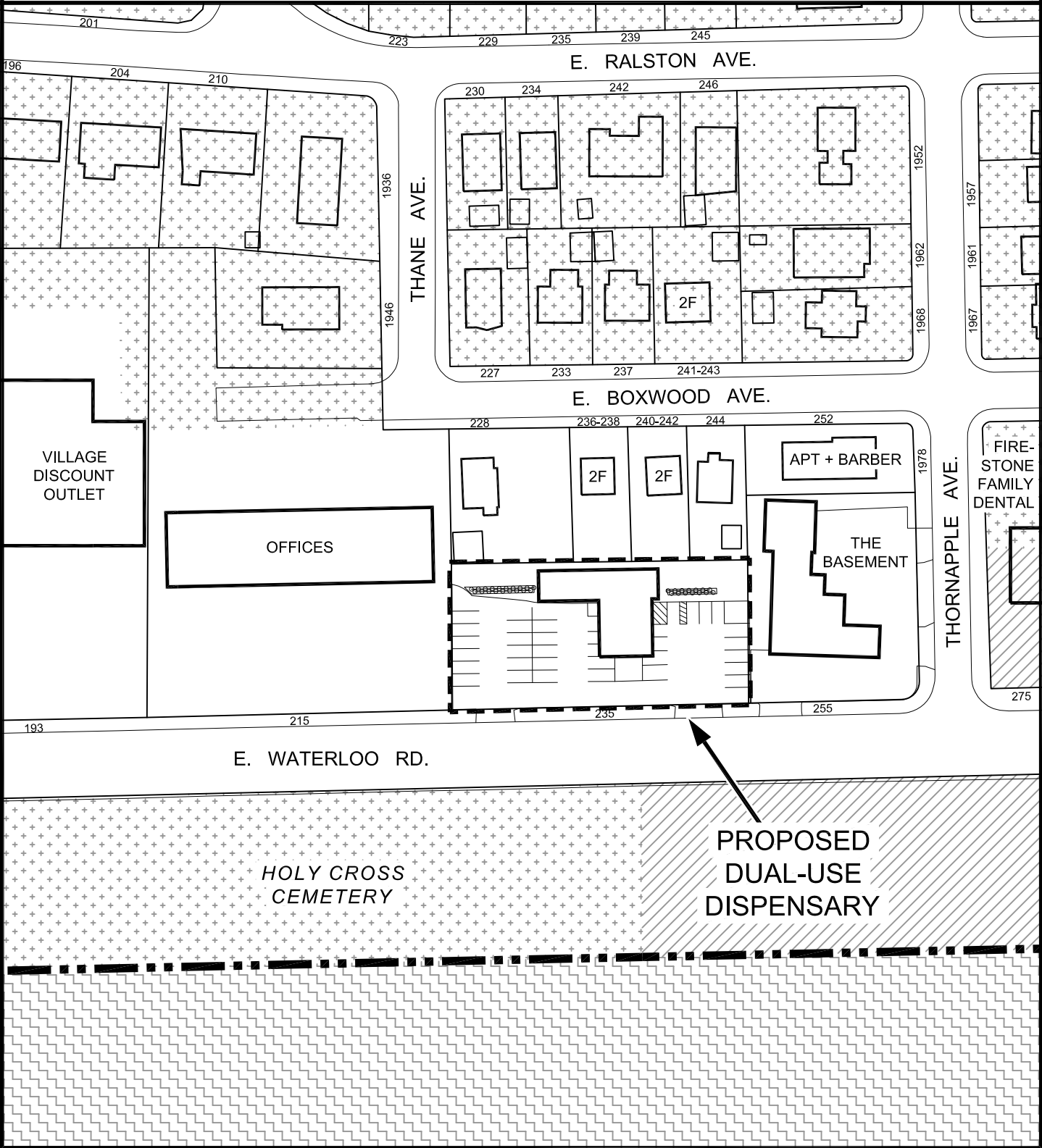
PC-2025-01-CU

Petition of Battle Green Real Estate LLC, dba Terrasana, for a Conditional Use to establish a dual-use cannabis dispensary at 235 E. Waterloo Road

-  U1 Single Family Residential
-  U3 Retail Business
-  U4 Commercial
-  Coventry Township



0 100'
Created 01/28/2025 jwh
Revised 01/29/2025 jwh



MEMORANDUM

TO: AKRON CITY PLANNING COMMISSION **ITEM # 2C**
PC-2025-01-CU

FROM: DEPARTMENT OF PLANNING AND
URBAN DEVELOPMENT

DATE: FEBRUARY 14, 2025 **WARD:** 7
COUNCILPERSON: Kammer

SUBJECT: PC-2025-01-CU – Petition of Battle Green Real Estate LLC, dba Terrasana, for a Conditional Use to establish a dual-use cannabis dispensary at 235 E. Waterloo Road

GENERAL LOCATION: North side of E. Waterloo Road, west of Thornapple Avenue

LAND USE OF THIS PROPERTY: Vacant retail building

LAND USE IN THE SURROUNDING AREA:

NORTH SIDE: Residential
SOUTH SIDE: Cemetery
EAST SIDE: Retail and office
WEST SIDE: Office and retail

ZONED: Retail Business Use District (U3, H1, A2)

SIZE OF LOT & AREA: 0.5 acres

COMMENTS:

Battle Green Real Estate LLC, dba Terrasana, holds an option to purchase approximately 0.5 acres of land on the north side of E. Waterloo Road, west of Thornapple Avenue. The property, measuring approximately 215.5 feet in width and 103 feet in length, contains a vacant retail building and accessory parking lot. Surrounding land uses include retail and offices to the east and west, mixed residential to the north, and Holy Cross Cemetery to the south. The property is zoned Retail Business Use District (U3, H1, A2) in accordance with the Land Use and Development Guide Plan.

The Petitioner is seeking permission to establish a dual-use cannabis dispensary at this location. Ordinance No. 275-2024, passed on July 22, 2024, requires any medical, dual-use, or adult-use marijuana cultivation, processing, dispensing or testing facility in the City of Akron to receive Conditional Use approval. As such, the proposed use requires approval by City Council. Additionally, the project must be reviewed and approved by the State of Ohio Division of Cannabis Control (DCC).

The Petitioner intends to remodel the currently vacant retail drive-thru restaurant building on the site to be utilized as a dual-use dispensary. The structure would receive modest cosmetic upgrades to company branding but would otherwise remain unchanged. Parking for 38 vehicles is available to the front and side of the building. Access drives are located toward the east and west sides of the lot. A row of shrubbery along the north side of the parking lot screens the activity from the residential properties to the north, which lie approximately 10 feet lower in elevation. Deliveries would occur within a secure area. A masonry dumpster enclosure would be constructed at the northeast corner of the parking lot. Plans for signage have not been submitted yet, but the intent is to utilize the existing monument sign location for a new identification sign that would need to meet both Zoning Code and DCC requirements. The Petitioner intends to operate the dispensary 7 days per week, from 10:00 a.m. to 9:00 p.m.

No objections to the proposed use have been received from any City department. The Planning Staff does note, however, that several unsightly pieces of HVAC equipment on the roof are visible and should be screened from view, as is typically required of conditionally approved uses. The available parking exceeds Code requirements. Lighting and video surveillance, in addition to other DCC requirements for packaging and prohibited activities on the property, should mitigate any negative effects on the surrounding neighborhood. The proposed use is in a heavily traveled retail district and should be less intrusive to residents to the north than the property's previous use as a drive-in restaurant. The property is more than a mile from any other dispensary. Goals of the Land Use and Development Guide Plan include encouraging the renovation or redevelopment of older neighborhood business districts and guiding the location of new retail development so that it will be convenient to residents served and will have minimal impact on adjacent properties. The proposed dual-use dispensary would reactivate a vacant retail structure and is adjacent to compatible uses. The Planning Staff is supportive of this request.

RECOMMENDATION:

The Planning Staff finds the requested Conditional Use is consistent with the standards found in Section 153.474 (A thru H) and the Land Use and Development Guide Plan and recommends **APPROVAL** of the petition of Battle Green Real Estate LLC, dba Terrasana, for a Conditional Use to establish a dual-use cannabis dispensary at 235 E. Waterloo Road, in accordance with the submitted plans and subject to the following conditions:

- (1) That a landscape planting and fencing plan which conforms to the "Akron Development Guide" as referred to in Section 153.300-.310 of the Zoning Code be submitted to the Department of Planning and Urban Development for its review of compliance with said guide, and that the landscaping and fencing be installed and maintained as shown on the approved plan.

- (2) That all walkways, driveways, and parking areas be hardsurfaced and curbed to Bureau of Engineering specifications.
- (3) That the structures and layout of the development conform substantially to the approved plans; however, minor changes may be approved by the Department of Planning and Urban Development.
- (4) That all exterior building facade, wall and other surfaces at the property shall be kept in good repair, in a safe condition, and, if constructed of a non-weatherproof material, or if currently coated by stucco, paint or other treatment, or if required to be coated by the Building Code, shall be protected against decay from the elements, and shall be uniformly coated by paint or other treatment, free of chips, cracks, flaking, chalking, peeling or exposed underlying surfaces, and shall be free of holes, cracks, or broken, loose or decaying materials.
- (5) That any projections above the roof line of the structure, except parapets or chimneys, be adequately screened to the satisfaction of the Department of Planning and Urban Development.
- (6) That the outside storage of scrap or display of merchandise be prohibited.
- (7) That the area be kept free of trash and litter.
- (8) That the hours of the operation be limited to 9:00 a.m. to 9:00 p.m. Sunday through Saturday.
- (9) That any exterior dumpster shall have an enclosure constructed of masonry and its location shall be subject to the approval of the Department of Planning and Urban Development.
- (10) That all exterior lighting on the Petitioner's property be installed so as not to impair in any way the safe movement of traffic on any street or highway or so as not to intrude on the surrounding properties.
- (11) That the number, size, and location of all exterior signs shall conform to Section 153.345-.375 of the Zoning Code and the State of Ohio Department of Cannabis Control.
- (12) That the Petitioner meet all requirements of the State of Ohio Division of Cannabis Control.
- (13) That the Petitioner shall provide any and all safety and security measures in accordance with the City of Akron Fire and Police department requirements.
- (14) That the Conditional Use be subject to annual renewal by the City Planning

Commission. This requirement for annual renewal may be removed by the Planning Commission three years after completion of the project.

JH/emd