

**KENT PLANNING COMMISSION
BUSINESS MEETING
MAY 2, 2017**

MEMBERS PRESENT: Amanda Edwards
 Jeffrey Clapper
 John Gargan
 Chris Clevenger

ABSENT: Peter Paino

STAFF PRESENT: Jennifer Barone, Development Engineer
 Bridget Susel, Community Development Director
 Eric Fink, Assistant Law Director

I. Call To Order

II.

The meeting was called to order at 7:00 p.m.

II. Roll Call:

Mr. Clapper, Mr. Gargan, Ms. Edwards and Mr. Clevenger were present.

MOTION: Mr. Gargan moved to excuse Peter Paino from the May 2, 2017
Planning Commission meeting. Mr. Clapper seconded the
motion. The motion carried 3 – 0. (Mr. Clevenger abstained)

III. Reading of the Preamble

The Planning Commission operates in accordance with the provisions of the Kent City Charter, the Kent Zoning Code and Subdivision Regulations, all of which establish the powers and duties of the Commission. Members of the Planning Commission are appointed by Kent City Council and serve without compensation. Certain cases such as Conditional Zoning Certificates, Special Zoning Permits, Overlay District Projects and Zoning Amendment require Public Hearings before the Planning Commission. During the Public Hearing, any person wishing to address their concerns to the Commission will be provided the opportunity. Once the Public Hearing is closed, it shall be the discretion of the Chair whether to allow any additional public comment. Cases such as Site Plan Reviews and Subdivision Projects do not require a Public Hearing. However, the Chair will allow public comment on each case as it is taken on the agenda. In each instance where the Commission receives public comments or conducts a Public Hearing, those persons wishing to address their concerns to the Commission will be required to do so under oath or positive affirmation. The oath or affirmation shall be administered to all who wish to speak at the beginning of the Planning Commission Meeting. Once a decision has been made by the Planning Commission on a case, the Case is closed for the commission, as there is no provision to reopen a case.

With the exception of cases falling under the Subdivision Code, any decision of the Planning Commission may be appealed to the City's Board of Zoning Appeals in accordance with the Chapter 1109 of the Zoning Code. Anyone interested in appealing a decision of the Planning Commission is advised to seek private legal counsel.

IV. Oath of Office

Mr. Fink swore in Chris Clevenger. He asked Mr. Clevenger if he solemnly swore to uphold the Constitution of the United States, Constitution of the State of Ohio, the Charter and Ordinances of the City of Kent and if he did hereby faithfully, honestly and personally discharge his duties of his office as member of the Planning Commission of the City of Kent, Ohio for as long he should hold office. Mr. Clevenger replied "I do".

V. Administration of Oath

Mr. Fink instructed those members of the audience wishing to be heard on any of the cases presented at this meeting to rise and raise their right hand. Mr. Fink administered the Oath, "Do you solemnly swear or affirm that the testimony that you are about to give this evening is the truth, the whole truth, and nothing but the truth, so help you God? Please say "I do." The participants responded, "I do."

VI. Correspondence
None

VII. Old Business
None

VIII. New Business

**A. PC17-001 KENT INVESTORS, INC.
1005 East Main Street
Site Plan Review**

The applicant is requesting Site Plan Review and Approval in order to construct a three unit commercial building. The subject property is C-R: Commercial High Density Multifamily Residential District.

Ms. Edwards stated that the applicant has asked for a continuance to allow staff adequate time to review the traffic study. She asked for a motion to continue the case to May 16, 2017.

MOTION: *Mr. Clevenger moved to continue Case PC17-001, Kent Investors, Inc., property located at 1005 East Main Street, until the May 16, 2017 Planning Commission meeting. The motion was seconded by Mr. Gargan. The motion carried 4 –0.*

B. PC17-002 L.N. GROSS BUILDING
315 Gougler Avenue
Site Plan Review

The applicant is requesting Site Plan Review and Approval in order to construct a parking lot to serve the remodeled facility. The subject property is zoned N-C: Neighborhood Commercial District.

Ms. Edwards asked the applicant to present the project.

Eric Pros (136 North Water Street, Kent, OH) stated they were requesting approval of the site plan for parking that will serve the existing facility.

PUBLIC COMMENTS

Mary Junk (341 North Mantua Street, Kent, OH) stated that she is directly across the street from the building. She asked why they would not use the existing parking lot that is adjacent to the building. It is gravel right now and looks like a parking lot. The area that they propose to make a parking lot is grassy and has not been very well maintained by the City of Kent and the only time it gets mowed is when she calls the City to mow it. She said she is a member of the condo association and asked how this will impact the condo's swales. Ms. Junk asked what the impact will be to the citizens. She asked what the parking lot's hours of operation will be and who could use the lot. She asked if there will be any protective barrier between the parking lot and the houses that are directly behind it. Will there will be landscaping and if so who will maintain it? Ms. Junk asked who would do the trash pickup. She was also concerned about the noise.

Mark Frisone (143 Gougler Avenue, Kent, OH) stated he is the Executive Director of Family and Community Services. He said they are next door to this project. He said he supported the project because parking is going to be at a premium between Family and Community Services and this project. He said the applicants are doing a tremendous job in terms of what they are doing in the neighborhood. He did not think there will be an issue with the church and the school using this parking lot because the church and the school will be using the parking lot on Mantua Street so there should be no spill over from the church. He supports the applicants' request.

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Kirk MacClean (307 North Mantua Street, Kent, OH), stated he saw a plan for this parking lot a year ago and he thought he would see a plan that might have changed. The original plan showed the lot connecting to North Mantua Street which runs right next to his house. He was concerned about noise and the traffic. He said a road that exists into Mantua Street was shown on the plan he saw about a year ago but does not currently exit. He asked how the road would be used and if there would be barriers to slow people down. He asked if the road would be one way or bi-directional.

Mark Messerly (234 North Mantua Street, Kent, OH) stated it would be nice to know if the access shown on Gougler Avenue and North Mantua Street are ingress or egress. He would like to know what type of lighting will be used in the parking. He asked what the hours of operation will be. Mr. Messerly asked if there would be barriers for noise. He said that when the condominiums were put in, people were told the ingress/egress would always be side streets. He did not think the mid-block access was well planned.

Ms. Edwards closed Public Comments. She asked the applicant to return to the microphone and provide more information for the commissioners to consider.

Mr. Pros stated that the building was built in 1928 with various businesses located in it such as a dress factory, a machine company, restoration business and plastic injection business. He said they bought the building two years ago. One tenant is a water bottling plant. They are aluminum bottles that are filled with water and then shipped out. It is anticipated that there will be two trucks a day for delivery during business hours only. It could be a 24 hour operation but again deliveries are made only during working hours.

There is an architectural office that will have normal business hours. The bottling plant does not make the bottles but only fills them. He said the current gravel lot will be used for truck maneuvering to the docks. The lot will be screened and landscaped. They will beautify and maintain the area. He guaranteed they will be good neighbors. He said they are not working with the church on parking. They will allow public parking on the lot after hours and on weekends for access to the hike and bike trail. He said there will be a minimum amount of noise with trucks coming in during the day. He did not think noise will be an issue. Security lights will be in the parking lot and will be self-contained. He said there is ingress to the site on Gougler Avenue and ingress/egress from the site to North Mantua Street. He said people used to cut through the site to turn around. He said trees will be added as a visual barrier.

Mr. Clapper asked if there would be three shifts a day.

Mr. Pros replied there will be only five workers so they will start out with two shifts a day with a potential to expand. He said that robots are used a lot in the business. He said the architectural business will have normal business hours.

Ms. Edwards closed Public Comments.

PLANNING COMMISSION DISCUSSION

Ms. Barone stated the applicant is requesting to construct a parking lot to serve an existing commercial facility. It is a permitted use in the N-C (Neighborhood Commercial) zoning district. She said the N-C District requires a parking plan but no specific number of parking spaces has to be provided. The plan shows 85 spaces. They also will provide bike storage for five bikes. The utilities and the building are existing. They are providing retention areas for storm water quality. The Architectural Review Board does not have to review this project. An architectural folly is proposed for the west side of Gougler Avenue. This is considered a structure so must meet the 30-foot building setback. The Planning Commission may approve a zero setback as stated in KCO Section 1139.04. In reference to the easement, there are future plans for a bike and hike trail along the river so an easement will be needed for this project. An easement will be needed for the discharge piping for storm water that crosses the City owned adjacent property. She said these additional conditions can be added to any motion.

Ms. Edwards stated that the number of parking spaces should be 77 not 85 as shown in the Staff Report.

Mr. Gargan questioned the parking spaces. He said there is inconsistency between page one which is the parking plan and page two which shows parking provided. He said it shows that there are 64 standard spaces, three handicapped accessible spaces and ten spare spaces which add up to 77. On page 2, it shows 72 parking spaces and five handicapped spaces which also add up to 77 spaces.

Mr. Pros replied that page one shows the business uses and on the plan it shows where those spaces are located. It is the same number of spaces. There are three handicapped spaces. He said the parallel spaces will be for guests. The parking lot to the north of the building will be parking lot C.

Mr. Gargan was glad that grass and landscaping will be installed. It will improve the area. He asked if the white garage stays.

Mr. Pros replied the garage is not on their property.

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Mr. Clapper expressed his concern was with the lighting which has been addressed. He did not think the traffic will be excessive. He said the landscaping will improve the area.

Mr. Clevenger stated that all of his concerns have been answered. He said it looks like the installation of landscaping and shrubbery will improve the area.

Mr. Clapper stated that both drives will be ingress/egress and will be the key to keep traffic flowing.

Ms. Edwards stated that this was very well planned. She said both the ingress/egress on Gougler and North Mantua will help the traffic flow as well as making the property easily accessible. She said the crosswalk will help with the safety issue. She said it is easily accessible to emergency vehicles and they are complying with most of the zoning. She said she viewed the folly as a structure so she was not sure she was willing to approve a zero setback.

Mr. Gargan stated he was okay with the zero setback. It will provide shelter for people in inclement weather when they are standing to cross the street.

Ms. Edwards was concerned with the height and its closeness to the road.

Mr. Clapper agreed with Ms. Edward's comments and would prefer it sat further back.

Mr. Fink stated that it shows that the building is in line with the rest of the buildings that sit back 35' from the street.

Ms. Barone stated it would be zero feet setback from the property line versus the street pavement. It will be set back from the pavement but too close to the property line and falls within the 30 foot front yard setback.

Ms. Edwards asked Mr. Pros how far it would be back from the property line.

Mr. Pros replied it will be 34 feet from the street and approximately 18 feet from the sidewalk.

There were no other questions or comments. Ms. Edwards asked for a motion.

MOTION: ***Mr. Clapper moved in Case PC17-002, L.N. Gross Bldg., property located at 315 Gougler Avenue, that the Planning Commission grant the front yard setback variance request for the architectural folly to have a three foot front yard setback. The motion was seconded by Mr. Clevenger. The motion carried 4 – 0.***

MOTION: *Mr. Gargan moved in Case PC17-002, L .N. Gross Bldg., property located at 315 Gougler Avenue, that the Planning Commission approve the Site Plan to construct a parking facilities for an existing commercial building. Subject to the following conditions:*

- 1) Review and approval of the technical plans.*
- 2) Provide a minimum of five bicycle racks.*
- 3) Grant an easement for a wider Bike & Hike trail along the Cuyahoga River.*
- 4) Obtain easement for the stormwater facilities that cross adjacent property.*

The motion was seconded by Mr. Clevenger. The motion carried 4 – 0.

**C. PC17-004 CITY OF KENT
Zoning Code Text Amendment
Chapter 1161.20-Supplementary Regulations**

The applicant is requesting a recommendation to City Council to approve a modification to KCO 1161.20 to amend the gap size to four inches for pool fences.

Ms. Barone stated that this issue has come up several times. It is in reference to Section 1161 regarding the gap in pool fences. The City of Kent wants to modify its 3” gap size to meet industry standards of 4”. Staff is asking the Planning Commission to recommend this change to Kent City Council.

Ms. Susel stated that the change will reflect what is required under the Ohio Revised Code when it comes to the vertical slots in fences around residential swimming pools. The change will bring the City of Kent into compliance with industry standards as well as the state code.

PUBLIC COMMENTS

None

PLANNING COMMISSION DISCUSSION

Mr. Clevenger stated he had no issue with this request.

Mr. Clapper, Mr. Gargan and Ms. Edwards were okay with the change.

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There were no other comments or questions. Ms. Edwards asked for a motion.

MOTION: *Mr. Clapper moved in Case PC17-004, City of Kent, that the Planning Commission recommends to Kent City Council to amend Kent Codified Ordinance 1161 – Supplementary Regulations to revise the pool fence maximum gap to four inches. The motion was seconded by Mr. Clevenger. The motion was approved 4 – 0.*

IX. Meeting Minutes

Regular Summary Minutes	February 7, 2017
Verbatim Transcript	February 21, 2017
Regular Summary Minutes	Mach 21, 2017

February 7, 2017 Summary Minutes:

The meeting minutes summary was accepted but not approved because there will be no quorum as a result of new commission members.

Motion: *Mr. Gargan moved to approve the verbatim minutes of February 21, 2017 as amended. The motion was seconded by Mr. Clapper. The motion carried 3 – 0. (Mr. Clevenger abstained)*

March 21, 2017 Summary Minutes:

The minutes of March 21, 2017 were postponed and will be listed on the agenda for the next Planning Commission meeting because there was no quorum.

X. Other Business

Mr. Fink stated that PC15-021, East Main Street Lofts has appealed the Planning Commission's decision. Once the court receives the approved minutes from tonight, the courts will convene for a status conference. He said he did not know what the procedure will be because there is a new judge and a new magistrate.

XI. Adjournment

Motion: *Mr. Clevenger moved to adjourn. The motion was seconded by Mr. Gargan. The motion carried 4 – 0.*

The meeting adjourned at 7:50 p.m.