

**KENT PLANNING COMMISSION
BUSINESS MEETING
NOVEMBER 21, 2017**

MEMBERS PRESENT:

**Amanda Edwards
Jeff Clapper
John Gargan
Michel Bruder**

STAFF PRESENT:

**Jennifer Barone, Development Engineer
Bridget Susel, Community Development Director
Eric Fink, Asst. Law Director
Sheila Uzl, Transcriptionist**

I. Call To Order

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

II. Roll Call:

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

MOTION: *Ms. Edwards moved to excuse Peter Paino's absence at the November 21, 2017 Planning Commission meeting.*

The motion was seconded by Mr. Bruder.

Motion carried 3 - 1.

<i>Ms. Edwards</i>	<i>Aye</i>	<i>Mr. Bruder</i>	<i>Aye</i>
<i>Mr. Gargan</i>	<i>Nay</i>	<i>Mr. Clapper</i>	<i>Aye</i>

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

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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 Chapter 1109 of the Zoning Code. Anyone interested in appealing a decision of the Planning Commission is advised to seek private legal counsel.

IV. 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."

V. Correspondence

Correspondence was received from Christine Klein on the Kent City School case and information on the Marijuana Code.

VI. Old Business

None

VII. New Business

**A. PC17-012 Klaben Used Vehicle Display Lot
 1181 West Main Street
 Relief from Site Plan Condition**

The applicant is seeking relief from a condition placed on the Site Plan approval on February 7, 2017 for expansion of a used vehicle display lot. The property is zoned IC-R: Intensive Commercial – Residential District.

Ms. Edwards asked the applicant to present the request.

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Al Klaben, 1250 West Main Street, Kent, Ohio, stated Klaben was asking for relief from Condition #5 on the February 16, 2017 Site Plan Approval. This condition would require that Klaben remove the western access off West Main Street and restore the tree lawn at the property. The entrance off West Main Street allows Klaben to easily move vehicles in and out of a very tight area as displays are changed.

PUBLIC COMMENTS

None

PLANNING COMMISSION DISCUSSION

Ms. Barone stated that the Conditional Zoning Certificate was approved on February 7, 2017. She said the parking lot pavement has been expanded and landscaping installed near the building and the rain garden has been installed. She said Klaben is seeking relief from Condition #5. Klaben has purchased the adjacent house to the east and plans on renovating it. The hedge along the western property line has not been installed, nor has the tree line been restored, but should be planted when weather permits in order to meet Condition #1. She said the driveway in Condition #5 is close to the intersection of W. Main St. and N. Francis St.

Mr. Gargan asked about the cost to remove the concrete and replace the landscape.

Mr. Klaben replied the cost is ridiculous with the removal of the concrete and replacement of the landscape as well as lane closures. He said the cost would run between \$6000 and \$7000.

Mr. Gargan asked what the plans were for the adjacent site.

Mr. Klaben replied they plan to restore it to a single-family residence. They will know in a couple of days.

Mr. Gargan asked if the operation will be closed at this location.

Mr. Fink responded that an order was sent to the applicant regarding 1169 West Main Street stating that the project was temporarily halted.

Ms. Susel stated that the building is slated for demolition, so the applicant will have to come in to change the permit. She said a condemnation placard was hung twice on the wall but was taken down.

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Mr. Klaben responded he did not see it.

Ms. Susel stated the Community Development Department will get a copy of the dates and time.

Ms. Edwards asked where they were in terms of the conditions listed in the motion of the site plan approval and how long Klaben has to meet the condition.

Ms. Barone replied two years from February, 2017. She said the applicant has to meet the Landscape Plan and conditions associated with PC14-012, and verify that the Landscaping Plan meets the landscape requirements of KCO 1168. She said there is no hedge between the parking lot and the residential property.

Mr. Clapper asked if the applicant was currently using that entrance.

Mr. Klaben replied they will be shutting down the business.

Mr. Bruder asked if the adjacent house will be demolished.

Mr. Klaben replied the house is condemned so they will tear it down. They are using the used vehicle sales building for storage because their name is on the building.

Mr. Bruder confirmed that the house would be demolished.

Mr. Klaben replied it is now condemned so it will be torn down.

Mr. Bruder asked if there were any plans for that used vehicle sales parcel.

Mr. Klaben responded they will dig up the pavement and plant grass where the pavement expansion is.

Mr. Bruder stated that the house is to be demolished.

Ms. Barone stated that the house is not part of the site plan approved in February.

Mr. Bruder asked about the landscaping.

Mr. Klaben replied they have already discussed the rain garden.

Ms. Edwards stated that condition would remain.

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Mr. Klaben stated that was not in the first approval. He said the site looks a lot better with the additional landscaping that has been installed.

Mr. Clapper asked Mr. Klaben why he had not appealed. He felt the conditions should stand.

Mr. Gargan stated it was no longer a used car lot.

Mr. Klaben stated they have been in business since 1980.

MOTION: *Mr. Gargan moved to that in Case PC17-012, the Planning Commission approve the request for relief from the condition, Remove the western access of West Main Street and restore the tree lawn, placed on the approval of the Conditional Zoning Certificate and Site Plan to construct a used car display lot to expand the existing used car display lot at 1181 West Main Street at the February 7, 2017 meeting..*

There was no second to the motion.

MOTION: *Mr. Clapper moved that in Case PC17-012, the Planning Commission deny the request for relief from the condition, Remove the western access of West Main Street and restore the tree lawn, placed on the approval of the Conditional Zoning Certificate and Site Plan to construct a used car display lot to expand the existing used car display lot at 1181 West Main Street at the February 7, 2017 meeting.*

Mr. Bruder seconded the motion.

The motion carried 3 –1.

<i>Ms. Edwards -</i>	<i>Aye</i>	<i>Mr. Clapper -</i>	<i>Aye</i>
<i>Mr. Gargan -</i>	<i>Nay</i>	<i>Mr. Bruder -</i>	<i>Aye</i>

Mr. Fink told Mr. Klaben that the property still had to be maintained. He would have to check the City's ordinances to see if this can be enforced. He will send Mr. Klaben a formal response. For now, the house will need a different permit.

Mr. Klaben stated the cars will be moved tomorrow.

B. PC17-012 Kent City School
900 Doramor Street
Conditional Zoning Certificate & Site Plan Review

The applicant is requesting a Conditional Zoning Certificate and Site Plan Review and approval to relocate a classroom modular unit. The subject property is zoned R-1: Low Density Residential District.

Ms. Edwards asked the applicant to present the request.

Jim Soyars, Director of Business Services for Kent City School District and Paul Romanic, architect for the project, introduced themselves.

Mr. Soyars stated Walls Elementary is in need of additional classroom space for Second Language classes and has made an agreement with Riverwood Chapel regarding a two-classroom modular unit, which is currently behind the chapel at 1407 Fairchild Avenue. He said they are asking for a Conditional Zoning Certificate.

Mr. Romanic said the site will be prepared and the electricity will be hooked up. He said there will be no water or sewer hook up, but there will be an alarm and phone/cable connection. He said different options were considered, but this site location will have a limited impact on the adjacent properties. There is access to drainage and fire control, and the unit was built with security in mind.

PUBLIC COMMENTS

Elizabeth Zana, 467 Harvey Street, Kent, Ohio, said this will be right in her back yard. She said the site will not be maintained and will be an eye sore. She said it will not be temporary and the existing one is not maintained; the skirt has been damaged. She was concerned about the compost pile, critters, and security. She asked about the greenhouse.

Vic Gontero, 455 Harvey Street, Kent, Ohio, stated there are no lights at night, but there is a lot of activity in the area. He said the location is not a good one. He said the other unit was not maintained and wondered what condition this one would be in.

Ms. Edwards asked how many units there would be and asked about the lights and security.

Mr. Soyars stated there is a two-classroom unit. It will be disassembled, moved, and then put back together. The skirt damage can be addressed. He said he was not aware of the animals. He said the school takes care of the composite pile.

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Mr. Gargan asked where the composite pile was located.

Ms. Zana replied it is in the corner by the unit.

Mr. Soyar said the greenhouse was a project run by the principal, and he will talk to the principal about it. He said there is a security issue so they will install cameras. He said the custodial staff is there until 11:00 p.m. and they will be asked to check out the area. He said they will look into lighting for this unit.

Ms. Barone stated that public schools are a conditionally permitted use in the R-1 zoning district, subject to KCO 1171.01(a)(1), (2), (3), (5) and (6): (1) All structures shall be located at least 100 feet from all property lines. (2) Loudspeakers which cause a hazard or annoyance shall not be permitted. (3) All points of vehicle entrance or exit shall be no closer than 100 feet from the intersection of two major thoroughfares, or no closer than 100 feet from the intersection of a major thoroughfare and a local or collector thoroughfare. (5) No lightening shall constitute a nuisance or in any impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties. (6) Elementary school structures shall be located on a collector thoroughfare. She said water and sanitary service are not required. There are no landscaping changes proposed. She reviewed the proposed language for the motion.

Mr. Bruder asked if Condition No. 2 regarding moving the units need to be included in the motion.

Ms. Barone replied no, it was just a recommendation.

Ms. Susel said it would be helpful.

Mr. Bruder asked what kind of condition the unit is in.

Mr. Romanic said unit's age is unknown, but it is in very good condition. The skirting will have to be replaced.

Mr. Soyars said the outside of the unit will be painted to complement the existing school color.

Mr. Clapper said he had no comments on the site plan. He suggested that if there is noise, the residents should go to the school board.

Mr. Gargan asked if the existing unit was being used.

Mr. Soyars replied yes, on a daily basis.

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Mr. Gargan asked what the distance to the property line was.

Mr. Romanic referred to pictures of the site and said from the rear of Harvey Street it is about 252 feet.

Mr. Gargan asked if there were trees in between.

Mr. Romanic yes there are larger established trees.

Ms. Edwards stated that the project meets the code.

There were no further questions, so Ms. Edwards asked for a motion.

MOTION: *Mr. Clapper moved to approve the Conditional Zoning Certificate and Site Plan to relocate a two-classroom modular unit to Walls Elementary school located at 900 Doramor Street, subject to the following conditions:*

- 1) Review and approval of technical plans.
- 2) Obtain permit including the route for the move from the Police Department to move an oversized load.
- 3) Coordinate with Engineering to verify the move route is permissible.

Mr. Gargan seconded the motion.

The motion carried 4 – 0.

Ms. Edwards - Aye *Mr. Clapper - Aye*
Mr. Gargan - Aye *Mr. Bruder - Aye*

VIII. MEETING MINUTES **August 15, 2017**
September 5, 2017

MOTION: *Mr. Gargan moved to approve the minutes of August 15, 2017, as submitted.*

The motion was seconded by Mr. Clapper.

The motion carried 3 – 0.

<i>Ms. Edwards -</i>	<i>Aye</i>	<i>Mr. Clapper -</i>	<i>Aye</i>
<i>Mr. Gargan -</i>	<i>Aye</i>	<i>Mr. Bruder -</i>	<i>Abstained</i>

Motion: *Mr. Clapper moved to approve the minutes of September 5, 2017, as submitted.*

The motion was seconded by Mr. Gargan.

The motion carried 3 – 0.

<i>Ms. Edwards -</i>	<i>Aye</i>	<i>Mr. Clapper -</i>	<i>Aye</i>
<i>Mr. Gargan -</i>	<i>Aye</i>	<i>Mr. Bruder -</i>	<i>Abstained</i>

IX. Other Business

Discussion of amendments to the zoning code to include marijuana.

Ms. Susel stated that Kent City Council has placed a moratorium on this issue until the State rules are final. She said a work session will be scheduled where she will be going over State rules. She said there are four categories, and all are very regulated. The Commissioners had a map showing all the districts in Ohio that they could refer to during this discussion. The Dispensary Department is a building, room, or other area under the control of a dispensary and upon the licensed premises with access limited to patients, caregivers, dispensary employees or service professionals who are escorted and supervised by a dispensary employee authorized by OAC Section 3796.05. She said Lake, Geauga and Portage Counties submitted applications for dispensaries. She said that it has been recommended that it be a conditionally permitted use and cannot be located within 500 feet of schools, churches, public libraries, public playgrounds, or public parks, and it cannot be located near a community addiction service provider. She said there will be high security and regulated hours from 7:00 a.m. to 9:00 p.m., with a location in a Commercial District. It will not be like a Walgreens. The Marijuana will be dispensed for medical purposes only.

Mr. Bruder asked if the dispensary will be like a medical facility.

Ms. Susel replied a dispensary will follow the State guidelines for dispensing medical marijuana.

A Dispensary District is a geographic region established by the State Board of Pharmacy in accordance with (B)(3) of OAC Section 3796.05.

A Restricted Access Area is a building, room or other area under control of a dispensary and upon the licensed premises with limited access. All records relating to dispensing medical marijuana will be maintained behind a physical barrier which includes suitable locks and an electronic barrier to detect my entrance.

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Ms. Susel said that Portage County is in Northeast District 5 and a total of two dispensaries will be allowed in this district. An applicant must provide proof that he owns or controls all real estate where the marijuana will be dispensed. Documentation must be provided describing size of the proposed dispensary including building and construction plans. No dispensary can be renovated or modified without the approval of the State Board of Pharmacy. Signage and advertising must be submitted to the State Board of Pharmacy for review and are subject to limitations on location and content as specified in OAC 3796-3-24.

Ms. Barone stated it will be a challenge to find the suitable area.

Ms. Susel stated testing was to be done with universities, but only Wright State has been expressed interest. She said it is opening up to private testing as well.

Ms. Susel said there are only 24 cultivator licenses.

Ms. Susel said this presentation was for information. The Commissioners did not have to take any action at this meeting.

PUBLIC COMMENTS

None

X. Adjournment

Motion: ***Mr. Bruder moved to adjourn.***

The motion was seconded by Mr. Gargan

The motion carried 4 – 0.

Meeting adjourned at 8:43 p.m.