

**KENT PLANNING COMMISSION
BUSINESS MEETING
August 21, 2018**

MEMBERS PRESENT:

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

STAFF PRESENT:

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

I. Call To Order

The meeting was called to order at 7:03 p.m.

II. Roll Call:

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

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. 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

Board Members received a copy of the 2nd story floor plan for the 527 South Water Street Case. Members stated that they have adequate time to review the document.

VI. Old Business

None

VII. New Business

**A. PC18-009 Eckstein Rooming House
 527 South Water Street
 Conditional Zoning Certificate and Site Plan Review**

The applicant is seeking a Conditional Zoning Certificate and Site Plan Review and Approval to convert the residential structure to a rooming house. The subject property is zoned R-C: High Density Multifamily - Commercial.

Ms. Edwards asked staff to introduce the project and review the Staff Report.

Mr. Gargan recused himself from this case. He is a member of a real estate partnership, which owns the property to the north and south of the subject property. They share a driveway and have discussed a partial property transfer. One of Mr. Gargan's partners will be speaking at tonight's meeting.

Ms. Barone states that the applicant is seeking to convert one unit of a duplex into a rooming house to allow 4 tenants; this unit has 4 bedrooms. The upstairs apartment will remain unchanged allowing 2 unrelated tenants. There is also an office located at the back of the first floor. No changes are proposed for this property except for this request for a change in use for one unit of a duplex to become rooming house unit. Rooming houses are conditional permitted in the R-4 zoning district. The conditions are listed in the staff report. The missing information was received after the information packets were mailed, which is the document noted under correspondence. The required 8 parking spaces already exist. All utilities will remain the same. The Architectural Review Board does not review this type of case, and no variances were needed from the Board of Zoning Appeals.

Ms. Susel pointed out that the staff report calls out 2 different zoning districts. The correct district is R-C as Ms. Barone described.

Vicki Mellon, 3108 Charles St., Cuyahoga Falls, is the Century 21 Wilbur Property Manager for the owner, who is currently out of town. She described the first floor as an open floor plan with new flooring. Parking is existing.

Mr. Bruder asked about the playground that appears to be located in a couple parking spaces.

Ms. Mellon stated that this can be removed, and they will also clean up debris on the property.

Ms. Barone stated that staff can double check the parking.

PUBLIC COMMENTS

Heidi Shaffer, 814 S Depeyster St., Kent, Ward 5 Councilperson, stated that the proposed use will not benefit the neighborhood or the city. The property has not been well cared for and the exterior is in poor repair. Council wants housing to convert back to single family, not rooming houses. A rooming house status for this property will only increase the resale value of this property and make it less affordable for single family redevelopment. Rental housing is not stable housing/neighbors, and are not as well cared for. There are still vacancies at the newly constructed housing; additional housing is not needed.

PLANNING COMMISSION DISCUSSION

Mr. Bruder asked if the construction to separate was complete.

Ms. Mellon stated that the units were already separated. The only work that will be done is flooring, painting, window replacement, and an upgraded kitchen.

Mr. Paino asked about the current use.

Ms. Mellon stated that there is one person renting the upstairs unit. The main floor was rented by a family with a lawn care business who lived there and used the office space for their business.

Mr. Paino asked for clarification with regards to parking and rooming and boarding houses.

Mr. Fink stated that Section 1122.06 requires that landscaping be installed all the way around the parking area in addition to the required setbacks.

Ms. Susel summarized a policy directive from Council as a strict adherence to the code to limit the number of conversion to rooming and boarding houses. She added that this is a conditionally permitted use and they should base their decisions on the 6 criteria provided, the housing study, and the information from Council.

Mr. Paino agreed that the property value would increase. He added that they would need to verify compliance to the Building Code.

Ms. Barone stated that one of the recommendations for the conditions of approval was to verify that the structure is compliant with the Building and Fire Codes.

The Board and staff discussed the number of bathrooms and inconsistencies on several plans. Staff stated that they have not been in the property to confirm.

Mr. Clapper asked about the number of tenants allowed in the upper unit.

Ms. Barone stated that it is currently limited to no more than 2 unrelated people and if they wanted more, they would need to come back before the Board and seek approval.

Mr. Fink stated that the Board should consider Section 1107.05(a) items 1-6 when making a decision and the conditions listed in the staff report.

Ms. Edwards expressed her concern for the lack of complete information needed to make a good decision. She also didn't feel comfortable with the following conditions: being harmonious with the surrounding area, detrimental to the property and community around, as well as in keeping with the special housing study, and what the specific needs are in the City.

Mr. Bruder stated that the applicant can request a continuance if they desire.

Mr. Fink stated that the Board can also issue a continuance if they feel they need more time and or information.

MOTION: Mr. Bruder moved in case PC18-009, Eckstein Rooming House, 527 South Water Street, that the Planning Commission continue until adequate information has been provided.

Mr. Fink cautioned that there should be a specific date so that the Planning Commission's deadline date to make a decision is not missed.

Mr. Paino asked what the options are for the applicant if his request is denied.

Mr. Fink stated that they can appeal the decision, submit a new and different application, or wait one year and resubmit the same application.

Mr. Paino stated that he feels they need more information. He recommended providing specific information to the applicant so they know where the application is lacking.

Mr. Bruder's motion died for lack of a second.

MOTION: ***Mr. Paino moved in case PC18-009, Eckstein Rooming House, 527 South Water Street, to disapprove the Conditional Zoning Certificate and Site Plan Review to operate a rooming house in the lower unit based on the information and drawings provided at this time.***

Mr. Clapper seconded the motion.

Mr. Paino stated he does not have enough information to make a decision based incomplete and contrary documents provided. He also feels that based on the stated policy regarding limiting the number of rooming houses and the information provided, they did not present a compelling case to grant approval. Sections 1171.01(a)11 and 17 have not been met: Section 11 – no landscaping has been proposed, Section 17 – existing parking lot is not defined and orderly.

***Mr. Bruder Aye
Mr. Clapper Aye***

***Mr. Paino Aye
Ms. Edwards Aye***

The motion passed 4-0-1. Mr. Gargan abstained.

**B. PC18-010 Dairy Queen Plaza
 1413 - 1441 South Water Street
 Comprehensive Sign Plan**

The applicant is requesting review and approval of the Comprehensive Sign Plan for a multi-tenant development. The subject property is zoned C-R: Commercial - High Density Multifamily Residential Zoning District.

Ms. Barone stated that the requested Comprehensive Sign Plan is for an existing plaza with existing signs. The tenant, Light Ministries, is proposing to change their sign, which is the reason for the request. The staff report outlines the standards to evaluate this project. The existing sign size information has been provided from the city's records. The Architectural Review Board has recommended approval as submitted. If the comprehensive sign plan is approved, the applicant will not need to go before the Board of Zoning Appeals for sign variances for sizes or quantity. The Commission can approve or disapprove the request. If approval is appropriate, staff suggests the conditions that are listed in the staff report.

Mr. Fink added that one of the items the Architectural Review Board liked is that one of the pole signs was proposed to be removed.

Tom Yankovich, Ellet Sign Co, 3041 E Waterloo Rd, Akron, presented the Board with drawings/pictures of the existing signs. He stated that they have designed a sign plan, which includes the existing signs, but also allows for new signage for The Light Ministries as well as any additional future tenants that might result in dividing a unit. They would encourage the signs to be the same in size and have individual letters mounted on a raceway. The goal is to have an aesthetic sign band with visible modern signage similar to those across the street. One of the pole signs would be removed and the other would be revamped at a later date with a new design to allow for more tenant space. Mr.

Yankovich feels that the plan is not out of place given the commercial district across the street. It allows each tenant to have equal weighted amount of signage that would be visible and easily recognized. Mr. Yankovich clarified for Mr. Bruder which sign for Light Ministries is existing and which is proposed. Mr. Yankovich also clarified that the north pole sign would be removed right away and the south Dairy Queen pole sign would stay and in the future they may redesign to include all of the tenants on one sign, which they would resubmit to the Board. The plan would unify the signs in terms of size, illumination, etc.

Ms. Edwards asked how the space would be divided.

Mr. Yankovich explained that if each tenant had 15-feet of frontage, then the overall sign width could be 11-feet based on the 2-foot buffer allowed on each side of the sign.

Mr. Bruder asked if there was a maximum allowable sign area.

Ms. Susel stated that the Board can specify a maximum size per tenant as a condition to their approval.

Mr. Yankovich stated that the existing signs would exceed the allowable size based on frontages. Currently they are inconsistent; the square footage of the existing signs are not relative in size to each other.

The Board discussed their concern regarding the sign lengths given the varying existing and possible tenant frontages.

Mr. Yankovich suggested 2 square feet per linear frontage.

Mr. Bruder stated that the size should be based per tenant frontage. Mr. Bruder added that he feels that a 45 foot maximum would be more in-line with the intent.

Mr. Yankovich suggested that the square footage maximum be for the usable space of the sign area as opposed to the size of the actual sign given the practical difficulty of channel letters.

Mr. Paino stated that the like the sign they are concerned about the future ramifications of the proposed allowable sign size.

PUBLIC COMMENTS

No comments.

No further Board comments.

MOTION: *Mr. Paino moved in case PC18-010, Dairy Queen Plaza, 1413 – 1441 South Water Street, that the Planning Commission approve the Comprehensive Sign Plan for a multi-tenant development.*

Subject to the following conditions:

- 1. Obtain a zoning permit within two years of Planning Commission approval.*
- 2. Obtain a sign permit and submit the performance guarantee prior to installation of the signs.*
- 3. Any new signs will not exceed 45 square feet per tenant on the building facade.*

The motion was seconded by Mr. Gargan.

*Mr. Bruder Aye
Mr. Clapper Aye
Mr. Gargan Aye*

*Mr. Paino Aye
Ms. Edwards Aye*

The motion passed 5 – 0.

VIII. Minutes *May 1, 2018
June 5, 2018
July 3, 2018*

MOTION: *Mr. Bruder moved to approve the May 1, 2018 minutes as submitted.*

The motion was seconded by Mr. Clapper.

The motion passed 3-0-2. Ms. Edwards and Mr. Paino abstained.

MOTION: *Mr. Paino moved to approve the June 5, 2018 minutes as corrected.*

The motion was seconded by Mr. Clapper.

The motion passed 5-0.

MOTION: *Mr. Paino moved to approve the July 3, 2018 minutes as submitted.*

The motion was seconded by Mr. Clapper.

The motion passed 4-0-1. Mr. Gargan abstained.

IX. Other Business

AT&T still not ready but looking at alternative locations

Mr. Fink stated that they currently do not have any update on court cases to report.

Next meeting will be on October 2, 2018

Zoning revisions are progressing; currently doing the annotated review, which will take approximately 8 week. Work sessions with the Planning Commission should be starting in November.

Mr. Bruder asked about the possibility of point of sale inspections for the City of Kent to help regulate the condition of properties.

Mr. Fink stated that although it has been discussed in the past, it has not been approved by Council.

Ms. Susel stated that after several attempts, a basic property maintenance code was adopted (Chapter 14). The challenge was the sense of invasion of privacy of the property owners. Staffing is also an issue. The new rental licensing program is beginning soon and there has only been one new additional staff person for this purpose. Property maintenance issues are addressed daily. The code is very basic and doesn't allow for all issues to be enforced.

X. Adjournment

Motion: *Mr. Clapper moved to adjourn.*
The motion was seconded by Mr. Gargan

The motion carried 5 – 0.

Meeting adjourned at 8:37 p.m.