

**KENT PLANNING COMMISSION
BUSINESS MEETING
November 6, 2018**

MEMBERS PRESENT:

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

STAFF PRESENT:

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

I. Call To Order

Ms. Edwards called the meeting to order at 7:00 p.m.

II. Roll Call:

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

Applicant presented more information on the Hometown Bank sign plan depicting the addresses.

VI. Old Business

None

VII. New Business

A. PC18-012 Hometown Bank 142 & 203 North Water Street Comprehensive Sign Plan

The applicants are seeking a Comprehensive Sign Plan approval. The subject property is zoned C-D: Commercial – Downtown Zoning District

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

Ms. Barone stated that many of the signs that are presented in the proposed Comprehensive Sign Plan are existing however, there are some changes as outlined in the chart provided by the applicant. The internally lit sign at the drive-thru at 203 N. Water will be removed and replaced with individual letters, which are externally lit (sign #1). Sign #2 is the ATM sign that they hope to replace with "Hometown Bank" if they are contractually allowed; otherwise it will remain "Star" or current provider. Signs #3, and #5-8 will remain the same. Sign #4 will now be a blank panel. Sign #9 is a new sign located on the south façade, which will also be externally lit with individual letters. The Architectural Review Board approved a Conditional Certificate of Appropriateness as presented with the chart that has been provided. Should the Board decide to approve the application, Staff has recommended 3 conditions in the staff report; one of which, being the ARB approval, has already been accomplished.

Dave Sommers, DS Architecture, 315 Gougler, Kent, presented the case. Mr. Sommers stated that the only change on the east façade is the new blank panel for future use, which replaces the "Anthony's Café" sign. The other sign changes for this building are on the south façade where the bank would like to add a "Hometown Bank" sign as well as change the ATM signage if contractually allowed. The additional sign, which faces W. Main Street will be the bank's logo in their corporate blue; it is their registered trademark. The location of this sign is the only visible option due to the neighboring trees. Mr.

Sommers added that the external lighting for the sign is existing. Changes for the drive-thru that is across the street, consist of replacing the existing internally lit sign with the same sign that is proposed for the south façade (sign #9). The implementation of this sign plan would complete the same identity for all of their buildings.

PUBLIC COMMENTS

None

PLANNING COMMISSION DISCUSSION

No comments.

MOTION: *Mr. Clapper moved in case PC18-012, Hometown Bank, 142 & 203 North Water Street, that the Planning Commission approve the Comprehensive Sign Plan 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.*

Mr. Gargan seconded the motion. The motion carried 5-0

**B. PC18-013 Dunkin' Donuts
1625 S Water Street (NE corner of S.R. 43 & S.R. 261)
Conceptual Site Plan Review**

The applicants are seeking a Conceptual Site Plan review. The subject property is zoned R-C: High Density Multifamily – Commercial Zoning District.

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

Ms. Barone stated that Dunkin Donuts is interested in constructing a one story, 2,442 square foot restaurant at the NE corner of S.R. 42 and S.R. 261. The applicant is seeking comments on a conceptual plan. The proposed project is a conditional use in this district and staff has provided the conditions that must be met in order to satisfy the approval of a conditional use. The proposed plans shows 2 ingress/egresses; the south location is a right-in right-out only and the north location has all movements. It is the recommendation of the City that the applicant have a traffic study performed. Mr. Giaquinto, City Traffic Engineer, suggested that they may need to widen a portion of South Water Street to create a turning lane but this would be unearthed in the traffic study. Ms. Barone added that State Route 261 is a limited access highway and all requests for driveways onto S.R. 261 would need special approvals from ODOT. The applicant may also want to get a variance from the City for relief of constructing a sidewalk on the S.R. 261 property line. There is an easement for a driveway that services two residential homes that are located to the east and behind the proposed building. The driveway has been incorporated into the southern ingress/egress.

Because this curb cut is right-in, right-out the residents would need to drive around the building in order to turn left onto S. Water St. The preliminary building layout shows 22 seats, which requires 6 parking spaces; the plan shows 17 spaces. There is water and sanitary service available on S. Water St., however the storm is not located on the frontage. Staff recommends that the applicant prepare a sanitary sewer study to verify adequate capacity. The proposed storm water connection involves an easement from two houses in order to connect on Beryl. Staff will need more information to ensure that this will gravity feed to Beryl and the applicant may need to raise the property to accomplish this. The applicant would like comments on the sign plan, landscaping plan, and other site items that have been provided. Because this project is only conceptual, the Architectural Review Board has not reviewed the project at this time. No action is required tonight. The applicant is looking for input to improve the plans.

Amanda Carter, DS Architects, 315 Gougler Ave, Kent, presented the project. She stated that the project is fairly close to the intersection of S.R. 261 and S.R. 43. They positioned the project as far north as possible to accommodate the driveway easement for the two residential homes to the east. The idea is that because Dunkin is primarily a morning destination and many people are heading north in the morning, the right-in, right-out option is good for the southern curb cut. The other curb cut across from the bank on S. Water St. would accommodate the southbound traffic and left turns in. The drive-thru would queue around the building and Dunkin's standard is a minimum of eight cars. This would allow traffic to flow without backing up into the street. The landscape plan provides buffers between the neighboring residential properties. The sign plan includes a site location sign at the street, and building signs on three sides of the building.

Mr. Bruder asked about the height of the proposed fence.

Ms. Carter stated that a 6' fence on top of mounding is standard for this client.

Mr. Paino asked about the location of the project in relation to S.R. 261 and frontages for the residential properties.

Mr. Bruder stated that there is a 220 foot right of way from S.R. 261.

Ms. Barone clarified that the residential properties do not have any frontage.

Mr. Fink stated that the current code would not favor residential properties without frontage, however as far as the records show, the properties pre-date our zoning code. A private drive exists with easements.

Ms. Carter stated that the easement is 20' wide.

Mr. Paino stated that he would like more information showing how this would impact the residential properties. He would also like to see a traffic study for the left in/out for this project compared to Mike's Place.

Mr. Gargan stated that he has traffic concerns as traffic is already an issue in this area.

Mr. Clapper asked if there was any change in the S.R. 261 status as a limited access road.

Ms. Barone stated that she is not aware if there was talk of removing the limited access status from S.R. 261. She had heard of a desire to change it from a 4 lane road to a 2 lane road and possibly adding a hike and bike trail or other facilities adjacent to it. The committee that was considering this has not met for quite some time, but it is out there.

Ms. Susel added that that proposal is being driven by AMATS not by ODOT. It is in the study format at this point and no definitive ruling has been made.

Mr. Bruder asked for clarification on the sidewalk requirement.

Ms. Barone stated that the code requires them to install sidewalk on all of their frontages. Because the frontage on S.R. 261 would not serve any purpose they could ask for a variance. The frontage on S. Water St. would be needed.

Mr. Bruder stated that many of his comments would require further information from the studies that staff has suggested. Overall he feels it is an appropriate location for this but it is technically challenging enough that it could prevent the development from occurring.

Ms. Carter stated that they are assuming that they will need to add fill to the site in order to accomplish the gravity feed issue for the storm sewer. The exact quantity is not known at this time.

PUBLIC COMMENTS

Allen Smalley, 414 Beryl Drive, Kent, is an adjacent property owner to the project. He stated that he has a 6' fence but that would not be enough for his split level home as he will be able to see the project from his second story window. The easement needed for the storm sewer would impact his property. The current traffic at the Marc's intersection is a hazard and it will only double or triple with the new development. Any lighting and noise that they have will be in his bedroom. They are not happy to hear of this proposal.

Bradley Maxwell, 434 Beryl Drive, Kent, is also a neighbor. He agrees with Mr. Smalley's concerns regarding traffic, lights and noise. He stated that the Dunkin on E. Main St. backs up into the street in the mornings and wonders what a traffic backup would do near this dangerous intersection in addition to the residents coming in and out. Cars that cannot make a left turn out of the property due to traffic will make a right and go down Beryl to turn around increasing traffic and making a dangerous situation. He feels that it would negatively impact their neighborhood. He said other neighbors agree with him.

Charles Lim, 5314 S.R. 43, Kent, owns the apartment building to the north and his son owns one of the houses that would be behind the project. He stated that it is very difficult to leave the property due to its closeness to the intersection. He expressed his concern for customers that might mistakenly continue down the driveway to the houses. He also is concerned about the lights from the drive-thru shining into the apartment windows of his property next door.

PLANNING COMMISSION DISCUSSION

Mr. Gargan stated that he feels they need more information such as a traffic study and consideration of the neighbors on Beryl.

Mr. Clapper agreed with Mr. Gargan and asked for a timeframe.

Ms. Carter stated that it would probably be a couple months for a traffic study and a month for the Board of Zoning Appeals.

Ms. Susel clarified that the applicant would likely seek a variance with the Board of Zoning Appeals before obtaining the studies that are requested by the Planning Commission and seeking a formal plan review.

Mr. Bruder suggested an option to explore during the traffic study may be directing the traffic out onto Beryl through easements and/or purchases. The traffic would then be making a left turn at the light.

Ms. Barone stated that they should be aware that the apartment building to the north of this site is lower in elevation.

Ms. Edwards summarized that if the Board of Zoning Appeals grants the needed variance, the Planning Commission would need the traffic studies, different sewer studies, information about all easements, the distance from S.R. 261's right-of-way, as well as other technical plan details for further consideration. Ms. Edwards asked the applicants if they had obtained all the information they needed.

Applicants responded yes.

VIII. Minutes *October 2, 2018*

MOTION: *Mr. Gargan moved to approve the October 2, 2018 minutes as amended. The motion was seconded by Mr. Paino.*

The motion carried 4-0-1. Mr. Bruder abstained.

IX. Other Business

None

X. Adjournment

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

The motion carried 5 – 0.

Meeting adjourned at 7:55 p.m.