

**KENT PLANNING COMMISSION
BUSINESS MEETING
April 19, 2016**

MEMBERS PRESENT:

**Anthony Catalano
Peter Paino
Amanda Edwards
Doria Daniels**

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.

MOTION: *Ms. Daniels moved to excuse John Gargan's absence from this meeting.
Motion was seconded by Mr. Paino.
The motion carried 4 – 0.*

II. Roll Call:

Mr. Paino, Ms. Daniels, Ms. Edwards, and Mr. Catalano 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

Information was received on River Bend East S/D elimination of block "E".

VI. Old Business

None

VII. New Business

**A. PC16-007 Unitarian Universalist Church
 228 Gougler Avenue
 Conditional Zoning Certificate & Site Plan**

The applicant is requesting approval of Conditional Zoning Certificate and Site Plan Review and approval in order to construct a fellowship hall. The subject property is zoned N-C: Neighborhood Commercial and R-4: Multi-family Residential Zoning Districts.

Mr. Catalano asked the applicant to present the project.

Melissa Carvill Ziemer, 905 Vine Street, Kent, Ohio, stated she has been minister of the church for about eleven (11) years and about eight (8) or nine (9) years ago the congregation realized they needed to expand to meet the growing congregation. She said they explored the idea of relocation but this was an issue with the congregation because the Unitarian Universalist Church is the oldest continually occupied church in Kent. She said the site is landlocked but the church was able to purchase part of the adjacent property to build the Fellowship Hall on.

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Doug Fuller, 136 North Water Street, Kent, Ohio, from DS Architects, stated this was the longest continuous congregation in the City of Kent; perhaps in the county. It was built in 1868. He said the church wants to build a Fellowship Hall to meet the growing congregation. He said the Fellowship Hall will be built to the west of and behind the existing church. He referred to the site plan to show the commissioners the floor plan of the hall and the landscaping and buffering that will be used. The church has purchased adjacent property for the addition. He said the Board of Zoning Appeals granted three variances with regard to rear yard setback, lot coverage, and open space. He said they will improve the school parking lot, and a small pickup and drop off area will be added. He said pervious material will be used for walks, patios and other areas. He pointed out an area for a detention basin. He said the existing church will remain. They will be using masonry and traditional materials. He said the new addition will not conflict with the history or the look of the existing buildings along the street. It will be of wood construction with brick.

Randall Leeson, 3553 Charring Cross Drive, Stow, Ohio, stated he is on the construction/expansion committee. He stated this is a three phase project. The Fellowship Hall is the first phase which will create some fellowship space and new classrooms and will take some of the pressure off the existing church. The second phase will be to renovate the basement to create more classrooms so that it is much more useable and friendlier to families. The final phase will be to restore the sanctuary to its original configuration. He reviewed the parking requirements. He said the church has a long term lease agreement with a letter of intent from the Kent City Schools for 36 spaces. It also has a letter from Family & Community Services for 22 space and there nine (9) spaces behind the Franklin Townhall. Copies of the letters were given to staff. He said the church hopes to purchase the lot from Kent City Schools, but if not, they will have a long term lease. He said the church also has the first right of refusal for the house on Mantua Street.

Mr. Paino asked what the Fellowship Hall will be used for.

Mr. Leeson replied the Fellowship Hall will not be used every day. It may be rented out for weddings and occasionally the church might have auctions. He said there will be a kitchen in the Fellowship which will be used to supplement the hot meals program. He said it could be used for a youth conference. The Fellowship Hall will be used mainly on Sundays. There are two services with 70 – 90 people for each service. He said there are about 40 spaces and parking has not been a problem in the past.

PUBLIC COMMENTS

Mark Messerly, 234 North Mantua Street, Kent, Ohio, asked what the zoning district was.

Mr. Fuller replied it was a Conditional Use in the R-4 District. He said they will be using masonry and traditional materials. It will be of wood construction with brick base and vinyl siding. He showed the location of the doors and windows as well as the elevations. The width of the egress has been modified.

PLANNING COMMISSION DISCUSSION

Ms. Barone reviewed the staff report and said staff believed all but one condition has been met in Section 1171.01(1) – All structures must be 100 feet from all property lines. She said the site can be accessed from Gougler Avenue and North Mantua Street. The applicant has parking agreements with Kent City Schools, Family & Community Services and with Franklin Township. She said although the code requirement for bicycle racks is not specific for churches, staff encourages the installation of bicycle racks. The plans depict bicycle racks. Utilities exist on both Gougler and North Mantua St. Stormwater discharge will be directly to the river. The applicant will need to demonstrate that the existing storm sewer can handle the additional flow. A storm water basin would be difficult to install because there is a shallow rock layer. Water quality requirements do not apply. No signage is proposed. Lighting consists of door entry lights and mounted lights. Landscaping requirements are five (5) trees surrounded by assorted shrubs. There are privacy walls and a variety of trees and shrubs depicted in the landscape plans. The dumpster is located west of the proposed Fellowship Hall and will be screened from view with the privacy fence and the proposed building. The Architectural Review Board issued a Certificate of Appropriateness with two conditions: 1) The congregation is to consider other material than vinyl 2) A window is to be added on the west elevation in the classroom. Three Variances were approved by the Board of Zoning Appeals and they will have to return to the Board of Zoning Appeals to get a variance from the condition, “all structures and activity areas shall be located at least 100 feet from all property lines.” Staff finds that the proposed development, as presented on the submitted application, plans and specification is in accordance with the standards established in the Zoning Ordinance except with the conditions: 1) review and approval of the technical plans, 2) provide stormwater calculation depicting adequate capacity of the downstream storm sewer or verify post development runoff shall not to exceed pre-development runoff for the 2, 10, 25, and 100 year design storms, 3) obtain one additional variance from the BZA, 4) implement the suggestions from the ARB, 5) submit documentation from the Kent City School board for renewal/extension of the lease agreement for parking and 6) consolidate the parcels.

Mr. Paino asked what it meant for all structures to be 100 feet away from the property line

Ms. Barone stated it is a condition in 1171.01 that all buildings have to be located at least 100 feet from the property line.

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Mr. Paino stated there was a change in the traffic circulation and asked if the southern egress/ingress was one way.

Mr. Leeson replied it was it was used mostly as an entrance and there have been no problems.

Mr. Paino asked if there would be a fence on site.

Mr. Fuller replied yes.

Ms. Edwards questioned the parking requirements and confirmed that a final agreement with the Kent City Schools will be obtained.

Ms. Barone referred to the site and showed the location of the parking spaces that will be provided.

Ms. Daniels asked the applicants if they would work to meet the standards and conditions from the ARB.

Mr. Leeson replied they are willing to work with the suggestions. He said there is a staggered arrival and there has been no problem with traffic circulation. The speed limit is 25 mph on Gougler Avenue. He said there were no safety issues.

Ms. Daniels asked if there was any area for the children.

Mr. Leeson replied there is a fenced in play area for the children.

Mr. Paino was concerned about safety.

Mr. Catalano stated he appreciated that the church has taken steps to stay in Kent.

Mr. Paino stated that the ingress is a unique situation.

There were no other questions so Mr. Catalano asked for a motion.

MOTION: *Ms. Paino moved in Cast PC16-007, Unitarian Universalist Church property located at 228 Gougler Avenue, that the Planning Commission approves the Conditional Zoning Certificate and Site Plan. Subject to the following conditions:*

- 1) Review and approval of the technical plans.*
- 2) Provide stormwater calculations depicting adequate capacity of the downstream storm sewer or verify Post Development runoff shall not*

exceed pre-development runoff for the 2, 10, 25, and 100 year design storms

- 3) Obtain one additional variance from the Board of Zoning Appeals (BZA).*
- 4) Comply with the Architecture Review Board (ARB) Certificate of Appropriateness (COA).*
- 5) Submit signed documentation from the Kent City School Board for renewal/extension of the lease agreement for parking.*
- 6) Consolidate the parcels.*

The motion was seconded by Ms. Daniels.

The motion carried 4 –0.

**B. PC16-007 River Bend East S/D Replat PH V
Cindy Circle
Replat**

The applicant, Eric Hummel (Crooked River Land Co.), is requesting approval of a replat of the Final Plat for Phase V of the River Bend East Subdivision to eliminate Block “E”. The subject property is zoned R-1: Low Density Residential.

Mr. Catalano asked the applicant to present the project.

Eric Hummel, 127 East Main St., Ravenna, Ohio, stated he was requesting approval of a replat of the Final Plat for Phase of the River Bend East Subdivision to eliminate Block “E”. He wanted to eliminate Block “E” to make the two adjacent lots larger. He said this was the last stage in the development of River Bend.

PUBLIC COMMENTS

None

PLANNING COMMISSION DISCUSSION

Ms. Barone said the applicant wanted to eliminate Block “E” to make sublots 98 and 99 larger. Block “E” was platted to comply with the thoroughfare plan. She said KCO 1181.04 states: “No changes, erasures, modifications or revisions shall be made in any plat of a subdivision after approval has been given by the Planning Commission and an endorsement is made in writing on a plat, unless the plat is first resubmitted and the changes approved by the Planning Commission. She said it was determined that the crossing of Breakneck Creek at the end of Cindy Circle would be the best crossing

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location. She said she had received correspondence from the Kent City Fire Department and the Superintendent of Engineering that expressed concern about Block "E" being eliminated and would like to see a second access to the area. She said dedication of the road, infrastructure, and easement has not taken place for this phase of the subdivision. She said eliminating Block "E" would negate the possibility of expanding the road system to the east and having a second access point to this subdivision. Easements need to be provided for the existing sanitary and storm sewer pipes. Access to the storm water detention system is provided through Block "E". She said the applicant would have to obtain a subdivision variance from Kent City Council and add necessary utility easements to the replat. The Architectural Review Board does not review subdivisions. She said staff does not support this request.

Otto Falkenburg stated that the bridge has been reinforced to the bike and hike path to Block "B" for emergency access. On the plan it's not showing block B but a driveway to the south.

Ms. Barone stated that Block "B" is the access to hike and bike trail. There was a Block "C" meant for the secondary access, but could not be fulfilled because of the crossing over the railroad. Block C was vacated a number of years ago and an extra lot created.

Mr. Falkenburg stated the bridge has been reinforced.

Ms. Daniels stated it was a Block "C" that was dropped years ago. She was not comfortable with changing the Thoroughfare Plan.

Mr. Paino referred to the site plan drawing and stated that more information was needed before a decision could be made. He said that the second access needed clarification. He said the Thoroughfare plan was questionable.

Mr. Fink stated that the Planning Commission may want concrete answers on Block "B" vs. Block "C".

Mr. Catalano stated the case should be tabled.

The Planning Commission had further discussion about what would happen if they went ahead with the vote.

Ms. Susel discussed the time frame that Kent City Council would have this request on its agenda.

Mr. Paino stated he was not concerned about the Thoroughfare Plan but was concerned about a secondary access.

Staff is to check if the bridge is adequate for fire trucks.

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Mr. Fink stated that the applicant could go forth with his request or it could be tabled for two week or even thirty days if needed.

The applicant asked to table the case for now.

MOTION: *Ms. Paino moved to table Case PC16-008 River Bend East S/D Replat PH V, property located on Cindy Circle.*

The motion was seconded by Ms. Edwards. The motion carried 4 – 0.

VIII. Meeting Minutes

Regular Meeting Minutes – March 19, 2016.

MOTION: *Mr. Catalano moved to approve the March 19, 2016 as presented. Motion was seconded by Ms. Daniels.*

The motion carried 4 – 0.

IX. Other Business

A. Discussion for 345 Flats Planning Commission recourse options.

Mr. Fink stated the question is, “What can the Planning Commission do now?” He said the Traffic Engineer signed off so nothing can be done in a Planning Commission capacity whether the commissioners agree or disagree with the Traffic Engineer.

Mr. Paino was upset about this project. He said there was no line of sight for someone coming out of the parking area so they would not see pedestrians or bicyclers. At the intersection of Summit and Depeyster there is no way to see around the corner to see the traffic. The building will block the view for traffic and pedestrians so is dangerous. He felt the building should have been setback more. . He said it makes sense that it is safe for everyone involved. There should be a line of sight for safety reasons. He said a valuable lesson has been learned from this project.

Ms. Susel stated a traffic study was done and was signed off by the Traffic Engineer. She said the Planning Commission also approved the site plan with conditions which included complying with the recommendations from the Traffic Engineer, complying with the recommendations from the Architectural Review Board and submit for Technical Plan Review Approval.

Mr. Paino stated he wanted it on record that at the time the project was brought before the Planning Commission, he told the architects of the project that the design was terrible and

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did not work. He said he wanted it to go on record that he was annoyed. He felt that the Kent City Engineering Department did not do their job.

There were no other comments on this project.

X. Adjournment

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

Vote: *The motion carried 4 – 0.*

Meeting adjourned at 8:40 p.m.