

**KENT PLANNING COMMISSION
BUSINESS MEETING
JUNE 7, 2022**

MEMBERS PRESENT:

Amanda Edwards
Jeff Clapper
Michael Bruder
Naser Matar

STAFF PRESENT:

Bridget Susel, Community Development Director
Eric Fink, Assistant Law Director
Tim Sahr, Development Engineer

I. Call to Order

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

II. Roll Call:

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

III. Reading of Preamble

Ms. Edwards read the Preamble, which describes the purpose and procedures of the Planning Commission as well as the applicant's right to an appeal.

IV. Administration of Oath to New Member

The Oath of Office was administered to Mr. Matar as the newest member. Mr. Matar responded affirmatively.

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 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

A. PC22-006 St. Patrick School / Modular Classrooms LLC
 302 N. Depeyster St.
 Conditional Zoning Certificate and Site Plan Review

The applicants are requesting a Conditional Zoning Certificate and Site Plan Approval for a modular classroom building on a permanent foundation. The subject property is zoned R-3: High Density Residential Zoning District

Mr. Sahr introduced the case as presented in the Staff Report. He stated that the site is accessed from N. Depeyster St. and Alley #1 and is situated at the southwest corner of this intersection. He stated that it is surrounded by residential uses to the north and south, commercial use to the west, and the parish church to the east. He stated that the applicable code sections for this case are KCO 1103.11, 1105.56, 1111.02(B). He stated that there is currently a house located on the property that is being used for storage by St. Patrick's school. He stated that the school would like to place a modular building to the north of the house on a vacant portion of the property. He stated that the modular building will provide two new classrooms for the school. He stated that a large curb cut and four parking spaces facing Depeyster St. will be removed as part of the project; no new parking will be added. He stated that the modular building does not require water or sanitary service and the electrical line will be run overhead to the building. He stated that the storm water will be routed to an existing catch basin west of the building. He added that no signage is proposed. He stated that new motion activated wall mounted safety lighting will be installed at the modular building entrance.

He stated a landscaping plan for the proposed modular building area is attached for review. He explained that the landscape plan is an addition to the site plan since the prior review on April 19, 2022 by the Planning Commission. The case had been continued at the April meeting until the applicant could provide a landscaping plan so that is why the case is being reviewed, again, at this meeting. He stated that a new dumpster is not proposed at this time. He stated that the Architectural Review Board was not required to review this project. He stated that the Board of Zoning Appeals approved two setback variances on March 21, 2022 for the current academic use; front yard setback variance to allow the structure to be installed 8 feet from the north property line along Alley #1, and a front yard setback to allow the structure to be installed 20 feet from the east property line along N. Depeyster St. He stated that staff finds that the request for a Conditional Use Certificate and Site Plan Approval are in accordance with the standards established by the zoning ordinance and other applicable development regulations. Mr. Sahr stated that the new materials that were submitted for this meeting are the landscaping plan, the color aerials, renderings, and color elevation renderings for the color of the siding.

Michael Wohlwend, Wohlwend Engineering Group, 4216 Karg Industrial Pkwy, Kent presented the new drawings and stated that he would be happy to answer any questions.

Mr. Bruder questioned the crosswalk configuration.

Mr. Wohlwend stated that for the proposed building, the student will come out of the school and up the gated alley and onto the sidewalk; they do not need to cross Depeyster St. to get to the proposed building.

Public Comment

Ms. Edwards stated that there is a letter from Dr. Rosky in support of the project and confirmed all of the Commissioners had the chance to review it.

Emily Fox 3428 Stoney Creek Circle, Ravenna, stated that she has a student at the school. She stated that the proposed building will eliminate the need for the students to cross the street.

Matt Lones, Architect, appearing on behalf of the modular unit supplier representative who could not attend, is with Design Group, 411 Meditation Lane, Columbus. Mr. Lones stated that the supplier has provided two color options to the Board: Gray or Tan.

Howard Mancini, St. Patrick's School Principal, 127 Portage St., stated that for many years the blue house next to the school was used for music/band classes but ceased operations when they were told it violated zoning laws. He stated that currently they are using the church basement for these classes but it is challenging when there is a mass or funeral during the day. He stated that having the music/band room in the school is difficult because of the close proximity of the classrooms. He stated that the location is for the time being and if a new pastor decides to move or remove the structure. He added that this structure is needed.

Ms. Susel clarified for the record that the blue house is no longer able to be used as a classroom due to building code regulations, not zoning code regulations.

Board Discussion

Mr. Bruder stated that he appreciates the additional information and he is still in support of the project.

Mr. Clapper stated that Section 1102(d)(6)(a) requires that the structure be consistent with the most recent Comprehensive Plan, must be harmonious and appropriate with the existing or intended character of the general vicinity. He stated that the general area is Victorian homes and brick buildings and he doesn't feel that a vinyl sided construction trailer is appropriate for the area. He stated that the code section also requires that the new structure does not change the essential character of the same area but he feels that this proposal meets this criteria. He read from the Comprehensive Plan and stated that he doesn't feel that this project meets this criteria. He stated that he believes that, overall this project only meets 3 out of the 6 conditional use requirements from the aforementioned code section.

Ms. Edwards stated that she looked at the property again today and she sees a diverse area with many different structure styles, colors, materials, and uses. She stated that she is still in favor of the project and would be okay with either the gray or tan color but would lean towards the tan due to the fact that there is a tan sided house next door.

Mr. Clapper questioned the elevation of the structure.

Mr. Wohlwend stated that the first floor of the new structure will be in line with the current sidewalk for ADA accessibility reasons.

MOTION: *In the case of PC22-006, St. Patrick School / Modular Classrooms LLC, 302 N. Depeyster St., Mr. Clapper moved that the Planning Commission not approve the Conditional Use Certificate and Site plan.*

Motion died due to the lack of a second.

MOTION: *In the case of PC22-006, St. Patrick School / Modular Classrooms LLC, 302 N. Depeyster St., Mr. Bruder moved that the Planning Commission approve the Conditional Use Certificate and Site plan with the following conditions:*

1. Technical Plan Review with specific requirement by Staff to review landscaping requirements have been met on all available sides.

Ms. Edwards seconded the motion.

Roll Call Vote: Mr. Bruder – aye, Mr. Clapper – nay, Ms. Edwards – aye, Mr. Matar – aye. The motion carried 3-1.

VIII. New Business

**A. PC22-009 Michael Lyons
813 Franklin Ave.
Conditional Zoning Certificate and Site Plan Approval**

The applicant is requesting a Conditional Zoning Certificate and Site Plan Approval for a Multifamily Dwelling Use. The subject property is zoned R-3: High Density Residential Zoning District.

Mr. Sahr introduced the case as presented in the Staff Report. He stated that the site is accessed from Franklin Ave and West Oak St. and is surrounded by residential uses on all sides. He stated that the property is adjacent to a retail business to the southwest. He stated that the applicable code Sections for this case are KCO 1102.03(2), 1103.14, 1105.40 and 1111.02(b). He stated that in the 1990's a conditional zoning permit was issued for the property to allow for one of the first floor units to be used as an art supply and framing shop but that use has since been terminated and the land owner would like to use that space as a third residential dwelling unit with no more than 2 unrelated occupants; currently the structure has 2 approved residential units. He stated that the property currently has outdoor parking for 6 vehicles as well as a 3 car garage where 4 parking spaces will be required if the proposed use is approved. He stated that no new utilities, no signage, no changes to lighting, landscaping or trash removal services are proposed under this request. He added that no review by the Architectural Review Board or variances were required. He stated that staff finds that the request for a Conditional Use Certificate and Site Plan Approval are in accordance with the standards established by the zoning ordinance and other applicable development regulations.

Michael Lyons, 3300 Broadview Rd., Richfield stated that he didn't see any concerns related to Section 1105.04(a) as there are no proposed modification to the structure or site.

Mr. Clapper questioned if there was a closet in Unit A.

Mr. Lyons stated that there is a closet.

Mr. Bruder questioned the current use.

Ms. Susel stated that this property is a Non-Conforming Mixed Use. She stated that the property always had a commercial use and 2 residential units but the commercial use has been vacated for quite some time. She added that is a 2 family dwelling that is proposing to become a multi-family dwelling.

Ms. Edwards questioned what was included in the open space requirement.

Ms. Susel stated that the open space requirement was missed in the staff review and suggested that the case be continued until the open space calculations can be verified.

Ms. Edwards questioned the requirement for bicycle racks for this property.

Ms. Susel stated that the size of the rack is based on the number of occupants so it should probably be a rack for one.

Ms. Edwards questioned the hard surface parking design.

Ms. Susel stated that the City doesn't have a specific parking design or curb, it just can't be front or side yard parking. Ms. Susel stated that gravel counts as hard surface; it can't be dirt. She added that if there was grass showing through it, it would need to be re-graveled.

Mr. Lyons stated that the driveway has been concrete or asphalt for the last 20 years.

MOTION: *In the case of PC22-009, Michael Lyons, 813 Franklin Ave., Mr. Bruder moved that the Planning Commission continue the case to the June 21, 2022 meeting*

Mr. Clapper seconded the motion. The motion carried 4-0

**B. PC22-010 City of Kent / Community Development
Proposed Zoning Code Text Amendments**

The proposed Zoning Code Text Amendments are being forwarded to the Commission for review and comment for Chapters 1103 and 1109 of the Kent Codified Ordinances (KCO).

Ms. Susel stated that while the majority of the new zoning code is working well, there are a few adjustments that will need to be made. She stated that the first on the list is changing the zoning district name of I-R: Industrial Research. She added that this district only affects the Davey Tree campuses. She stated that the word 'Industrial' is confusing because it applies to only light industrial, which is completely enclosed use, but many who here that word assume it allows for all types of industrial uses. She stated that the proposed new name is RTO: Research, Technology, and Office. She stated that this does not change any of the conditions or requirements of this district; name change only.

She stated that the second proposed text amendment is also in Section 1103.21 and pertains to adjusting the maximum building height from 45 feet to 50 feet. She stated that this is only in the I-R District and only affects the Davey Tree campuses. She stated that the reason for the change is the proposed climbing center for Davey Tree's training facility. She explained that the majority of the building itself is below 50 feet but the peak for the climbing is at 50 feet because the tie-off happens at 48.5 feet and height is measured from that highest point. She added that the existing tree line is well over 70 feet and is not being removed so it will not be visible to the neighborhood to the east. She stated that changing the height in the district alleviates the need for them to seek a variance.

Mr. Bruder questioned whether it would be better to let them seek the variance rather than changing the district as you don't know what a future owner would do.

Ms. Susel stated that when staff was looking at allowable heights during the zoning code update, they made recommendations based on what was there and potential needs. She

stated that had they known at that time that Davey would be building a climbing center, they would have allowed for that.

Mr. Bruder stated that it is difficult to create 3 stories with 45 feet.

Ms. Susel stated that the Commercial district has a maximum of 60 feet.

Mr. Bruder stated that it seems reasonable but he is also trying to gauge the community's interest.

Ms. Susel stated that the additional 5 feet is not enough to allow for an additional story on a building.

Mr. Fink added that they thoroughly looked at the change from all directions before making this proposal.

Ms. Susel stated that the next two changes deal with Section 1109: Signs. She stated that staff has found inconsistencies that were creating confusion: they propose adding wording to Section 1109.07(f) that allows electronic menu and order summary boards visible only to a person placing the order in a drive-thru lane.

Mr. Bruder stated that he feels that the language is too restrictive as there may not be a car in the lane at all times making it visible from neighboring properties.

Mr. Sahr stated that staff has found that generally the sign boards project a very low amount of lumens and some have polarized filters so that you can't see them from all angles.

Mr. Susel stated that they will change the text from 'visible only' to 'visible primarily'. She stated that in Section 1109.08(F): prohibited pole signs, staff proposes changing timeframe so if a business is out for 90 days, a blank panel needs to be installed over the sign panel for that business or if it's a pole sign, the pole sign needs to be removed. She stated that the last proposed change is to 1109.10 pertaining to wall signs. She stated that staff is recommending a 70 square foot maximum size a wall sign. She explained that the current code allows for 2 square feet for lineal foot of building frontage and can get extremely large depending on the building. She added that this is a "not to exceed" to address signs on larger buildings.

Mr. Bruder questioned the allowed 2 square foot per lineal foot of building frontage and wondered if that shouldn't be changed to allow 1 square foot for the same.

Ms. Susel stated that this amendment will apply in all Commercial districts. Ms. Susel stated that she will bring back the code section that allows 2 square feet in the "Industrial" zoning districts for them to review at a later date as this specific section will need to be advertised before it can move forward.

Mr. Clapper suggested 60 square feet as the maximum size and if the applicant feels it is too restrictive, they can ask for a comprehensive sign plan approval.

The Board discussed options for the changes. It was decided to change the code to 1 square foot of sign per 1 lineal foot of building frontage with a maximum of 60 square feet.

Ms. Susel stated another code issue that she would like input on is regarding the finished side of the fence. She stated that she would like to eliminate this requirement in code as it has created issues.

The Board gave their opinions on the matter and it was decided to fine tune the definition of "finished side". This matter will come before the Board in July.

- MOTION:** *In the case of PC22-010, Mr. Clapper moved that the Planning Commission recommend to City Council to amend the following:*
- 1. Chapter 1103.21: Amend the name of the district to "R-T-O: Research Technology and Office District"*
 - 2. Chapter 1103.21(e): Amend the maximum building height to 50 feet.*
 - 3. Chapter 1109.07: Exempt signs. Amend to add "electronic menu and order boards visible primarily to person placing an order in a drive-thru lane".*
 - 4. Chapter 1109.08(f): Any sign, structure, support, or frame that was previously part of an on premise commercial sign, but no longer supports or contains a sign relating to a commercial activity, business, or usage on the premises which has been discontinued for at least ninety (90) days must be removed in accordance with this Section 1109.15: or brought into compliance with this Chapter.*
 - 5. Chapter 1109:10(C) Wall Signs. Amend the maximum area to specify "One (1) square foot per lineal foot of building frontage to a maximum are of sixty (60) square feet."*

Mr. Bruder seconded the motion. The motion carried 4-0.

IX. Other Business

The group discussed the upcoming Design Guideline Interviews.

X. Adjournment

MOTION: *Mr. Clapper moved to adjourn. The motion was seconded by Mr. Bruder. The motion carried 4-0. The meeting adjourned at 8:15 p.m.*