

**KENT PLANNING COMMISSION
BUSINESS MEETING
OCTOBER 17, 2023**

MEMBERS PRESENT:

**Amanda Edwards
Derek Salustro
Naser Matar
Jeff Clapper**

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:

Amanda Edwards, Naser Matar, Jeff Clapper, and Derek Salustro 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

Mr. Fink instructed those members of the audience wishing to be heard on any of the cases presented at this meeting to 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."

V. Correspondence

None.

VI. Old Business

**A. PC23-005 SCHRAMM SIGNS, MARCOS PIZZA
1629 EAST MAIN STREET**

The applicant is seeking approval of a Comprehensive Sign Plan. The subject property is zoned C-R: Commercial High Density Multifamily Residential District.

Mr. Sahr stated that the application has been amended to include both pole signs in the Comprehensive Sign Plan. He stated that if the Commissioners feel that it is appropriate to approve the change, staff will not pursue having the abandoned pole sign, situated to the east, removed.

Dean Schramm, Schramm Signs, 41431 Schadden Rd., Elyria, OH, introduced Matthew Baker, Marco's Pizza owner, 3892 Oak Ridge Dr. NE, Louisville, OH. He confirmed that they have added the second pole sign. He stated that the modest design of the second sign will not detract from the city. He stated that without the sign, the owner will lose 45% of his business as pizza is an impulse buy. He stated that the sign is necessary to bring attention to the drive thru.

Mr. Baker stated that they are excited to be a part of Kent. He stated that Marco's Pizza does a lot of fundraisers and is actively involved in the community, especially the schools. He stated that the reason he likes this site is because of the pole sign and the ability to install a pick-up window.

Mr. Clapper questioned the method of lighting and the content of the sign.

Mr. Schramm stated that it will be internally lit LED and stated that the text will have the name and phone number of the business and "drive thru".

Mr. Matar noted that there is a bus stop also at this location.

Public Comment

None

Planning Commission Discussion

Mr. Clapper stated that this property is a 3-unit building and questioned what happens when a third tenant comes along. He stated that it makes more sense to put in a monument sign so that all three tenants can be on one sign. He stated that the Zoning Code is pretty specific on the regulations for pole signs.

Ms. Edwards stated that her thoughts are similar, and the Commission needs to think about what business will be there after Marco's Pizza. She stated that the Zoning Code is very clear that abandoned pole signs are to be removed and that the current Zoning Code now prohibits the installation of pole signs. She stated that she is leaning towards not being in favor of the request.

Mr. Matar stated that this sign has been abandoned for a long time. He stated that there is also an electrical pole next to it with a light.

Mr. Salustro questioned if the applicant had been notified about the abandoned pole.

Ms. Susel stated that notifications have gone out regarding the abandoned pole sign for this property as well as all the other abandoned pole signs in the City.

Mr. Clapper questioned if the notification occurred prior to the applicant's request.

Ms. Susel stated that it was sent prior to the applicant's request. She stated that the pole sign regulations were approved in June 2021 and notifications were sent to all property owners with abandoned pole signs shortly thereafter and then follow up documentation has been sent as well.

Mr. Clapper stated that the building owner was notified that he had a non-conforming sign and chose not to come into conformity with it.

Ms. Susel stated that is correct.

Mr. Salustro stated that the sign has been sitting abandoned for a while and isn't sure how structurally sound it is. He stated that another request for a third pole sign is not going to be approved. He stated that he is feeling the same as the other Commissioners.

Ms. Edwards stated that she didn't have any issues with the rest of the sign package.

Mr. Clapper stated that he was fine with the remainder as well. He questioned the applicants about what will happen when the third tenant space is filled.

Mr. Baker stated that he controls the third tenant space, and he will not lease the space.

Mr. Clapper stated that at some point when Mr. Baker no longer controls the third tenant space, they will need a third sign and a third pole sign is not an option.

Mr. Schramm suggested that the second pole sign could easily have signage for two tenants when that time comes.

Mr. Clapper stated that he is concerned about the letter of the law and how it is written now. He noted that the property owner was given adequate notice that the second pole sign would need to be removed. He questioned if the first pole sign for Pho King was ever non-conforming.

Ms. Susel explained that the Pho King sign was in place before the code changed in June 2021 and is considered a pre-existing non-conforming use. She stated that if Pho King were to close and not be operational for 90 days, the pole sign would need to be removed under the current code.

Mr. Baker stated that he is only 20 yards from the City limits and everyone around him has pole signs.

Ms. Edwards stated that she is struggling with allowing the pole sign when it is the goal to eliminate them.

Mr. Clapper agreed and added that this is especially true since they have had such a long period of time to get it removed.

Mr. Salustro agreed with Ms. Edwards and Mr. Clapper, but he stated that he doesn't want to hurt anyone bringing a business into Kent.

Mr. Clapper agree but stated that this is the law and added that if it were any other business, they would look at it the same way.

Ms. Edwards stated that they need to look at the use of the structure.

Ms. Susel clarified that if the pole sign were included in the Comprehensive Sign Plan, the sign would be considered a pre-existing non-conforming use sign until such time that the use of either pole signs were abandoned for 90 days, the Zoning Code requirement for removal would apply and the poles removed. She clarified that if they approved the pole sign as part of the Comprehensive Sign Plan, they are not approving an illegal sign, but rather, allowing a pre-existing non-conforming use because the sign currently exists.

Mr. Clapper questioned if they could make a condition that if the business terminates for any reason, the 90 day window is gone and the sign returns to a non-conforming status immediately and must be removed.

Ms. Susel stated that the minimum of 90 days is needed to allow due process. She added that they could add a stipulation that the sign could not be altered except for new replacement panels. She explained that if a change to the sign was proposed, they would need to come back to amend the Comprehensive Sign Plan and at that time, they would reevaluate the pre-existing non-conforming status. She stated that if a third tenant decided to install a monument sign and it was approved by the building owner, then the pole signs could be removed.

Mr. Fink stated that the Comprehensive Sign Plan regulations will not allow the second pole sign to be split into two different signs; a new Comprehensive Sign Plan will be needed because it does not allow for two businesses to be advertised on the same sign.

Mr. Clapper questioned if the 90 day period would apply in this case.

Ms. Susel stated that it would not as they would be evaluating a new Comprehensive Sign Plan. She stated that the Commission, could at that time, require that both pole signs be removed, and a monument sign be added or whatever the Commissioners deem appropriate for the new Comprehensive Sign Plan, or the current plan will continue. She added that any new signage would require a new Comprehensive Sign Plan.

Mr. Schramm questioned the location for a sign for the third lease space.

Ms. Susel stated that it is not identified on the plans submitted and if they want it approved, they will need to identify it tonight before the Commission votes.

The Commissioners discussed their options.

MOTION: ***In the case of PC23-005, Schramm Signs / Marco's Pizza, 1629 E. Main St., Mr. Clapper moved that the Planning Commission approve the Comprehensive Sign Plan as presented with the following conditions:***

1. Technical Plan Review.

Mr. Matar seconded the motion. The motion carried 3-1.

VII. New Business

**A. PC23-004 AMIRA OMRAN LLC, GULF STATION
706 SOUTH WATER STREET**

The applicant is seeking a Conditional Zoning Use Certificate and Site Plan approval to allow a business retail use to be located at 706 South Water Street and is currently zoned R-C: High Density Multifamily Commercial.

Mr. Sahr presented the project as submitted to the Commission. He stated that the applicant is requesting to change from the existing non-conforming use as a gas station and replace it with a new conditionally permitted use as business retail. He stated that the Commissioners received a memo from Mr. Fink outlining why any change to that property needs to be a change of use. He stated that the property is zoned R-C: High Density Multi-Family Commercial and it accessed from South Water St and W. Hall St. He stated that the property is bordered by residential uses to the north and west and to the east and south, the property is bordered by commercial uses. He stated that the Gulf station has been in business at this location since the 1970's and the current owner plans to remove the small building, exterior cooler units, storage shed and other display items from the site and construct a single building to accommodate its retail sales. He added that the fueling island and underground tanks will not be disturbed as part of this project. He stated that a review by the Architectural Review Board was not required. He stated that the Board of Zoning Appeals did grant the necessary setback variances to the west and south property lines to construct the building as presented.

Public Comment

None

Planning Commission Discussion

The Commissioners discussed the drawings as they all found them to be difficult to read and lacking information. It was determined that the case would be continued until the November 7, 2023 meeting so that new plans can be disseminated to the Commissioners for appropriate review prior to voting on the site plan.

MOTION: Mr. Clapper moved to continue case PC23-004, Amira Omran LLC, Gulf Station, 706 S. Water St., to the November 7, 2023 meeting.

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

VIII. Other Business

None

IX. Adjournment

MOTION: Mr. Clapper moved to adjourn. The motion was seconded by Mr. Matar. The motion carried 4-0. The meeting adjourned at 7:48 p.m.