

**KENT PLANNING COMMISSION
BUSINESS MEETING
NOVEMBER 19, 2024**

MEMBERS PRESENT:

Amanda Edwards
Naser Matar
Derek Salustro
Ken Crookston
Earl Clausson

STAFF PRESENT:

Bridget Susel, Community Development Director
Tim Sahr, Development Engineer

I. Call to Order

Ms. Edwards called the meeting to order at 7:02 p.m.

II. Roll Call:

Amanda Edwards, Naser Matar, Derek Salustro, Earl Clausson, and Ken Crookston 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

Ms. Susel instructed those members of the audience wishing to be heard on the case to be presented at this meeting to raise their right hand. Ms. Susel 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, if yes, please say "I do." The participants responded, "I do."

V. Correspondence

A document from ROI LED Lighting addressed to Jeff Forstner.

A set of property photographs of 711 S. Water St. submitted by Roger Muzia.

Ms. Edwards questioned if the Commissioners have had adequate time to review the lighting correspondence. She noted that the photographs will be shared during discussion of the case.

The Commissioners responded affirmatively.

VI. New Business

**A. PC24-009 JEFF & MEGAN FORSTNER / ROGER MUZIA, ARCHITECT
711 S. WATER STREET**

The applicants are seeking a Conditional Zoning Use Certificate and Site Plan approval to allow a Bed and Breakfast Facility to be located at 711 S. Water Street. This property is currently zoned R-C: High Density Multifamily–Commercial Zoning District.

Mr. Sahr presented the project as submitted and presented the staff report to the Commission. He stated that the site is accessed from S. Water St. and is bordered by commercial uses to the north and west and residential uses to the east and south. He stated that the property was purchased by the current owners in 2019, and they would like to open a Bed and Breakfast. He explained that a bed and breakfast is a conditional use in the R-C Zoning District and read the Potential Concerns and Conditions and Setback requirements for a Bed and Breakfast use. He stated that 5 total parking spaces are required for this project and 6 spaces have been provided. He stated that trash is currently managed using roll away trash cans, which are brought to and from the curb weekly for pickup. He stated that no new exterior lighting or signage is proposed. He stated that review of this project by the Architectural Review Board is not required. He stated that four variances were granted to this property by the Board of Zoning Appeals on August 19, 2024: a 14-foot variance to allow a 6-foot front yard landscape buffer, a 10-foot variance to eliminate the landscape buffer requirement on the north side of the property, a 20-foot variance to eliminate the landscape buffer requirement on the east side (rear) of the property, and a 10-foot variance to eliminate the landscape buffer requirement on the south side of the property. He stated that there have been several submissions of this project to staff and the requested information of underground and above ground utility location, and a photometric plan for the site have not been received prior to this meeting.

Roger Muzia, Architect, 210 Columbus St., stated that the subject property is a large house on a very small lot that has been there for probably 100 years. He stated that the plan is to landscape the property and improve the street appeal to compensate for the granted landscape buffering variances. He stated that they are removing 400 sq. ft. of asphalt that will limit the amount of run-off. He stated that they are going to add a 5-foot landscape buffer behind the sidewalk to screen the property. He stated that they will heavily landscape the eastern 20-foot setback to block the views from the back. He stated that most of the parking will be in the back and to screen the abutting neighbors from the headlights, they will install a 6-foot privacy fence. He stated that they are taking a single-family house and changing it to another residential type that is more conducive to not raising a family. He stated that it is a large house on one of the more major streets in Kent that is noisy. He stated that this is not an Air B&B as the guests will have access to the whole house. He stated that the zoning is in place to prevent a nuisance, and he feels that this is not a nuisance as it gives a good use to an existing building, and it preserves the neighborhood character of the street.

John Forstner, 711 S. Water St., stated that he and his wife own the property. He stated that a bed and breakfast has been his wife's dream for a long time and they are both very hospitable. He stated that they both work from home and are always there. He stated that the front door has an access panel with access cards as the separate entrance for their guests. He stated that they come in through the back. He stated that there is a community room, a dining room, 2½ bathrooms.

Ms. Edwards questioned how long they have lived in the house and how long they plan to stay. She questioned how the provided meals will be structured.

He stated that they moved in in September of 2023 and they plan on living there the rest of their lives. He stated that his wife will provide a continental breakfast during the week and something different on the weekend.

Mr. Clausson asked for clarification regarding the disagreement for the need for documentation for the utilities.

Mr. Sahr stated that they have a list of requirements for what is needed on a site plan when you move from a single-family residential use to a commercial use, which is what this is even though Mr. Muzia stated it was moving from one type of residential use to another. He explained that a Bed and Breakfast is a commercial use as it is for the public to pay to stay there for temporary lodging. He stated that when it is a commercial use, there is more in-depth information that needs to be reviewed such as locations of underground and above ground utilities and photometric plans. He stated that during discussions, Mr. Muzia stated that he feels that those items were not pertinent to this application.

Mr. Clausson questioned if the City already has the utility information.

Ms. Susel stated that the City only has water and sewer, which also needs to be indicated on the surveyed plan.

Mr. Fortner stated that when they initially hired the engineer for the site plan, they were unaware that the utilities needed to be marked on the plans. He stated that Mr. Muzia did mark some of the utilities on the plans.

Mr. Muzia stated that he knows that the sewer connection is in the middle of the street and that it is a 4-inch cast iron line. He did not have the locations of the gas, water utilities for this existing building listed on the plans.

Mr. Clausson stated that this is a matter of having full documentation on a commercial building.

Ms. Edwards questioned the importance of having this information, i.e. safety hazard.

Ms. Susel stated that they cannot make that determination on it, but it is a requirement of the Planning Commission application. She stated that it is standard practice in every community to have a surveyed plan with utilities as a base if it goes to Planning Commission.

Mr. Crookston noted that there is an American National Insurance sign in the yard. He questioned if there were any parking requirements with regarding running the business out of the home.

Ms. Susel stated that they could make a condition that if the business changed and allowed customers to come to the house associated with that business, that it would need to be re-evaluated for appropriate parking.

Mr. Crookston stated that his only concern would be the amount of space that isn't available for parking.

Mr. Muzia stated that they do have one extra parking space.

Ms. Edwards questioned how many parking spaces would they need for the insurance business. Mr. Forstner said clients do not come there for business activities.

Ms. Susel stated that if no customers are coming to the home, then parking is not a factor for a home-based business. She stated that if it becomes a home occupation where customers come to the home, it will need to be reviewed.

Mr. Crookston stated that he looked up the business and found his wife's picture and the home's address listed as the office address. He stated that his concern is that someone see that and thinks that they could just show up to the office.

Mr. Forstner stated that they service 350 households that are all serviced by phone. He stated that they have not had anyone come in and they do not accept payments.

Mr. Salustro questioned if this could become a boarding house.

Ms. Susel stated that it cannot due to the time limits on the guest stays. She stated that if someone is there for more than 14 consecutive days, they become a resident, and it needs to go through the rental licensing process. She stated that a rooming house is conditionally permitted in this zoning district, but there are other conditions associated with a rooming house that will also need to be met and it needs to come back to the Planning Commission for a change in use..

Ms. Edwards questioned if the zoning certificate would specify that the bed and breakfast needs to be owner-occupied.

Ms. Susel stated that it will. She stated that anytime the land use has a proposed change, it will need to come before the Planning Commission.

Ms. Edwards questioned if the sign that was presented at the meeting tonight would be located inside the house.

Mr. Forstner stated that it will be inside.

Public Comment

Randy Callahan, 707 S. Water St., stated that he is the current owner of PC Surgeons, which is next to the subject property. He stated that he has watched the renovations take place and feels that it is strikingly better than what it was. He is very happy to have them there and is excited about the Bed and Breakfast.

Planning Commission Discussion

Mr. Crookston stated that his questions have been answered. He stated that there isn't anything better than having a neighbor express their gratitude for the improvements.

Mr. Clausson stated that he likes the project and in general sees this as a favorable move. He stated that the improvements to the property are beneficial to the neighborhood. He stated that he is a little stuck on the City documentation requirements that were not met but he doesn't feel that he can vote against the project based on that given there isn't any practical difference in how the property will be used from the viewpoint of the utilities themselves.

Mr. Salustro and Mr. Matar had no further comments.

Ms. Edwards stated that she feels that the project is a nice addition and that it fits in with the location and doesn't feel that there will be issues here. She stated that she is a bit more of a stickler for protocol and she would be in favor of a condition for the utility site plan if this is something that everyone must do, and it has to be on record. She stated that she is also in favor of a condition that states that if the home-based business was to change to a different kind of business, then the parking would need to be revisited. She stated that she feels that it is a wonderful project.

MOTION: *In the case of PC24-009, Jeff & Megan Forstner / Roger Muzia, Architect, 711 S. Water St., Mr. Salustro moved that the Planning Commission approve the Conditional Zoning Use Certificate and Site Plan with the following conditions:*

- 1. Technical Plan Review.*
- 2. Owner must occupy the premises.*
- 3. A surveyed utility site plan must be provided.*
- 4. If the home-based business changes, reevaluation of parking is required.*

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

VII. Meeting Minutes

MOTION: *Mr. Clausson moved approve the September 17, 2024 Meeting Minutes as presented. The motion was seconded by Mr. Matar. The motion carried 5-0.*

MOTION: *Mr. Crookston moved approve the October 15, 2024 Meeting Minutes as presented. The motion was seconded by Mr. Clausson. The motion carried 5-0.*

VIII. Other Business

None

IX. Adjournment

MOTION: *Mr. Clausson moved to adjourn. The motion was seconded by Mr. Mater. The motion carried 5-0. The meeting adjourned at 7:37 p.m.*