

**KENT PLANNING COMMISSION  
BUSINESS MEETING  
NOVEMBER 1, 2016**

**MEMBERS PRESENT:**

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

**STAFF PRESENT:**

**Heather Phile, Development Planner  
Bridget Susel, Community Development Director  
Eric Fink, Assistant Law Director  
Sheila Uzl, Transcriptionist**

**I. Call To Order**

The meeting was called to order at 7:00 p.m.

**II. Roll Call:**

Ms. Daniels, Ms. Edwards, Mr. Paino, Mr. Gargan 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 Amendments 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**

Ms. Barone stated that the commission received a printed copy of the text amendments for code changes. This discussion is on the agenda but staff is asking for a continuance to discuss this at the next meeting. These amendments were given to the commissioners so they would have the opportunity to look at them before the discussion.

**VI. Old Business**

**A. PC16-017 UNIVERSITY OAKS  
5914 Horning Road  
Conditional Zoning Certificate**

**The applicant is requesting a Conditional Zoning Certificate and Site Plan Review and Approval in order to construct townhouses with rooming house designation. The subject property is zoned R-4: Multi-Family Residential District.**

Mr. Fink stated that the City recommends tabling this case to the November 15, 2016 Planning Commission meeting. He said this is being recommended because some issues and concerns have been raised primarily because of the traffic study that was submitted on October 26, 2016 and has not been adequately reviewed by the City's Traffic Engineer. He said there are issues with the parking and that a variance will be needed to meet the parking requirements. Mr. Fink said he and Mr. Reitz, the attorney for the applicant, are continuing to discuss this matter. The percentage of lot coverage needs to be clarified. He said staff believes that they cannot provide a proper report to the commission at this time based on these multiple issues. Again, he said staff is recommending tabling this issue until the November 15, 2016 Planning Commission meeting. Mr. Fink said the time will be charged against the City of Kent and not against the applicant.

Ms. Susel stated that staff will not have the traffic study by that date based on the report from the City Engineering Department so that is not a valid date.

She said the traffic study provided for this project is the original traffic study submitted to the Traffic Engineer for another Hallmark project and this needed to be reviewed prior to the modifications and the updated traffic report for this project. It is taking longer because it is a lot to be reviewed.

Mr. Catalano asked the applicant if they had any comments.

Tom Reitz, Aurora, Ohio, attorney for the applicant, said to his knowledge the City of Kent had not requested a traffic study. He said the applicants did a traffic study to satisfy their own curiosity. He said they wanted to know what the effect the development would have on the adjacent community. He said the applicants' engineer consulted with the City of Kent Traffic Engineer. He said the study is clear that the traffic generated by the development will have no significant effect on the studied intersections. Mr. Reitz said the development will not affect the level of service or the am or pm traffic count at the intersection of Horning Road and Rhodes Road. He said the current site plan for this development which was approved by the Planning Commission conforms to the current Kent Zoning Code and has a parking lot with 85 spaces. He said if this project is approved, there will be 44 spaces on site. That is a reduction of 41 spaces and will improve the situation. He said that over a period of 15 months 0.8 parking spaces have been used per room until tonight. Mr. Reitz said he had not received any correspondence that differs from 0.8 space per room until tonight. He said this project should be approved at its current lot coverage. He said this project has been pending for 15 months.

Mr. Fink stated that Section 1113.05 in the zoning code does permit special studies when additional information is necessary. He said the development may create a different amount of traffic and staff believed that a traffic study needs to be done and the City Traffic Engineer should have the time to review it. He said the number of parking spaces has come up before. He said the City does not ask for a continuance lightly but believes it was in the best interest.

Mr. Catalano asked for a motion.

**MOTION:**     *Mr. Gargan moved to table Case PC15-017, University Oaks, property located at 5914 Horning Road until the December 6, 2016 Planning Commission meeting. The motion was seconded by Ms. Edwards.*

*Upon call for the vote on adoption of the motion, the vote was as follows:*

*Mr. Catalano - Aye  
Mr. Gargan - Aye  
Ms. Edwards - Aye*

*Ms. Daniels - Aye  
Mr. Paino - Aye*

**VII. New Business**

**A. PC16-021 CITY OF KENT  
Chapter 1103 and Chapter 1122  
Zoning Code Text Amendment**

**The applicant is requesting proposed zoning code text amendments to Chapter 1103 – Definitions and Chapter 1122 – Rooming and Boarding Houses.**

Ms. Barone stated the commissioners have a copy of the proposed amendments. She said staff is requesting that this discussion be postponed until the November 15, 2016 Planning Commission meeting.

**MOTION: Ms. Daniels moved to table Case PC16-021, City of Kent, Chapter 1103 and Chapter 1122, Zoning Code Text Amendment until the November 15, 2016 Planning Commission meeting. The motion was seconded by Mr. Gargan.**

***Upon call for the vote on adoption of the motion, the vote was as follows***

|                                  |                                 |
|----------------------------------|---------------------------------|
| <b><i>Mr. Catalano - Aye</i></b> | <b><i>Ms. Daniels - Aye</i></b> |
| <b><i>Mr. Gargan - Aye</i></b>   | <b><i>Mr. Paino - Aye</i></b>   |
| <b><i>Ms. Edwards - Aye</i></b>  |                                 |

Ms. Susel stated that the advertisement to the public hearing covered only Chapter 1103 and Chapter 1122. The commissioners received a packet that included Chapter 1161 but those codes were not covered in the advertisement and will be discussed at a later date.

**VIII. Other Business**  
NONE

**X. Adjournment**

**Motion: Mr. Paino moved to adjourn. The motion was seconded by Ms. Edwards. The motion carried 5 – 0.**

The meeting adjourned at 7:15 p.m.