

**KENT PLANNING COMMISSION
BUSINESS MEETING
FEBRUARY 7, 2017**

MEMBERS PRESENT: **Amanda Edwards
Doria Daniels
Peter Paino**

ABSENT: **John Gargan**

STAFF PRESENT: **Jennifer Barone, Development Engineer
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. Edwards, Mr. Paino and Ms. Daniels were present.

MOTION: ***Ms. Daniel moved to excuse John Gargan from the February 7, 2017 meeting of the Planning Commission. The motion was seconded by Mr. Paino. The motion carried 3 –0.***

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. Election of Officers

MOTION: *Mr. Paino moved to elect Amanda Edwards as Chair of the Planning Commission. The motion was seconded by Ms. Daniels. The motion carried 3 – 0.*

MOTION: *Ms. Daniels moved to elect Peter Paino as Vice Chair of the Planning Commission. The motion was seconded by Ms. Edwards. The motion carried 3 – 0.*

MOTION: *Ms. Edwards moved to elect John Gargan as Secretary of the Planning Commission. The motion was seconded by Mr. Paino. The motion carried 3 – 0.*

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 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."

VI. Correspondence

January 2017 Kent Environmental Council Newsletter, Klaben Landscape Plan and Klaben Drainage Calculation

VI. Old Business

**A. PC15-021 EAST MAIN STREET LOFTS
1700 Holly Drive
Conditional Zoning Certificate and Site Plan Review**

The applicant is requesting a Conditional Zoning Certificate and Site Plan Review and Approval in order to construct a multi-family residential complex. The subject property is zoned R-4 Multi-Family Residential and C-R: Commercial High Density Residential District.

Ms. Edwards stated that this case was being postponed until the February 21, 2017 Planning Commission meeting due to some unresolved issues.

MOTION: Mr. Paino moved to postpone Case PC15-021, East Main Street Lofts, 1700 Holly Drive, until the February 21, 2017 Planning Commission meeting. The motion was seconded by Ms. Daniels. The motion carried 3 – 0.

**B. PC14-012 KLABEN USED VEHICLES DISPLAY LOT
1181 W. Main Street
Conditional Zoning Certificate and Site Plan Review**

The applicant is requesting a time extension to comply with the previously approved Conditional Zoning Certificate and Site Plan Approval regarding the landscape plan for the used car vehicle display lot. The subject property is zoned IC-R: Intensive Commercial-Residential District.

Ms. Edwards asked Mr. Fink if the applicant had the opportunity to table this case to the next Planning Commission since there were only three commissioners present.

Mr. Fink replied yes.

Mr. Klaben asked if he had the right to decide after the presentation was given if he wanted to table the case.

Mr. Fink replied he could up to such time the commissioners made a motion.

Al Klaben (1250 West Main Street, Kent, OH) introduced Cathy Serafin of Suncrest Gardens.

Cathy Serafin from Suncrest Gardens located at 5157 Akron Cleveland Road, Peninsula, Ohio, stated she was is a registered Landscape Architect for the State of Ohio. She reviewed the four pages of the Landscape Plan that Mr. Klaben had passed out to the commissioners at the meeting. She said some of the plants depicted in the plan were contingent upon the acquisition of the land to the east. She said the salt issue was considered in the plant selection. These areas would be low maintenance. The soil is sandy. She described the rain garden shown in the Landscape Plan. She said the rain garden will be 18 inches deep and 55 feet in length. Washed river gravel will be used for mulch. Boulders will be on placed on the two corners. There will be shrubs, grasses and perennials in the rain garden. Maintenance on the garden will include cutting back and pruning the plants once a year. She said the existing trees on the adjacent property will remain.

Mr. Klaben stated that the new Landscape Plan will meet the code requirements even if the adjacent property is not purchased.

PUBLIC COMMENTS

NONE

PLANNING COMMISSION DISCUSSION

Ms. Barone stated that there are two different cases for Klaben on the agenda tonight. One is the 2014 case where the condition was extended to provide a Landscape Plan. The second case pertains to expanding the paved parking area. The Landscape Plan submitted pertains to both cases.

Mr. Fink had no comments from the Legal Department.

Mr. Paino asked what the boundaries were two years ago versus what they are today.

Ms. Barone asked Mr. Paino if he had received the plans that Mr. Klaben had passed out because they showed the current boundaries.

Mr. Paino replied yes. He asked if the purpose of the rain garden was to meet the requirements of the Landscape Plan or the requirements of retention or both.

Joe Mosyjowski (2615 Swartz Road, Hartville, OH) replied the rain garden addresses both issues. The first issue is landscaping and the second one is drainage. He said the site is somewhat unusual because everything drains radial. He said he conducted some drainage calculations, pre and post development and found based on ten year storm calculations very little change in the run off. He said the houses, driveways and patios that have been removed compensate for the new asphalt Mr. Klaben installed in 2014 and 2015. He said the 0.65 drainage in a radial direction was not much change based on what was there at one time and what is there now. He said the only storm infrastructure on or near the site is the catch basin at Frances and West Main Street. He said it would be difficult to put in a conventional basin because all the asphalt would have to be torn up. Mr. Mosyjowski said it is a minor modification to what was already there. There is minor increase of runoff. He said the staff suggested the rain garden. If the site is expanded, a comprehensive storm management plan can then be addressed. He said they are trying to keep expenses to the minimum and trying to use common sense relative to what was being improved.

Ms. Daniels asked where the rain garden was located.

Ms. Serafin stated it will be on the northeast part of the site. She referred to the Goggle map and showed where it will be. She said it is 55' x 15'.

Mr. Paino asked if there were any landscaping requirements for street scape trees.

Ms. Barone replied that they are no requirements for the right of ways. The requirements are only for onsite.

Mr. Paino asked if there were requirements for a landscape buffer.

Ms. Barone replied staff needs time to check that against the landscape code.

Ms. Susel stated the required calculations are based on what complies with the code.

Mr. Klaben asked when they were talking about the calculations, if they were talking about the quantities of different items based on the square footage.

Ms. Susel replied they vary depending on the nature of the use.

Mr. Klaben stated that they have exceeded the buffers.

Ms. Edwards stated that they were looking at a Landscape Plan for the 2014 project. She said there is a list of items that are going to move forward if the adjacent property is acquired. She asked what was left, if it was not acquired.

Mr. Klaben replied if the property adjacent is purchased, some of the items would be moved from the existing site to the east including Arbor Vitae and the fence. The existing trees are on the neighbor's property.

Ms. Edwards stated that Chapter 1143.09 refers to an outdoor display area.

Ms. Susel stated the outdoor display on this site was abutting a residential district.

Mr. Paino asked the applicant if they were going to move items from 1169 West Main Street to the site to the east. He asked if another part of the asphalt will be carved out when the property is purchased.

Mr. Klaben replied that Arbor Vitae were previously planted, but they died. He said a different type will be planted on the property. He said additional paved area would not be done in the near future. He said the only reason they were considering that property was because it is an eyesore. It would not be for additional parking because it is not needed.

Mr. Fink stated that if 1169 West Main was paved, a modified Landscape Plan would have to be submitted.

Mr. Paino asked if the Bicentennial Plan carried any weight in regards to this project.

Ms. Susel and Mr. Fink replied no that it did not.

Mr. Paino stated he wanted to make sure that the landscape plan submitted meets the code requirement. He would like more landscaping along the street.

Mr. Klaben stated that they were purchasing 1169 West Main Street to make the street look better.

Ms. Edwards asked the applicant if they had a projected schedule for the landscaping project.

Mr. Klaben replied they would start as soon as possible once this is approved, weather permitting. The plans were submitted on April 15th.

Ms. Edwards asked if a condition could be added to the motion that there was a time frame that the landscaping had to be done. She asked if an end date by the end of June could be included in the motion.

Ms. Susel stated that it would be best if a May 1, 2017 start date was listed as a condition rather than an end date.

There were no other comments or questions. Ms. Edwards asked for a motion.

MOTION: *Mr. Paino moved in Case PC14-012, Klaben Used Vehicle Display Lot, property located at 1181 West Market, that the Planning Commission accept the Landscape Plan that has been prepared by Cathy Serafin dated February 7, 2017 to complete the site plan originally approved December 2, 2014.*

Subject to the following conditions:

- 1) City staff will verify that the Landscape Plan meets the minimum amount of landscaping required under Kent City Ordinance 1168.*
- 2) Start date for installation of the Landscape Plan begins no later June 1, 2017.*

3) The installation of the landscaping to be completed no later than July 15, 2017.

The motion was seconded by Ms. Daniels. The motion carried 3 – 0.

VIII. New Business

**A. PC16-022 KLABEN USED VEHICLE DISPLAY LOT
1181 West Main Street
Site Plan Review**

The applicant is requesting Site Plan Review and Approval to expand the existing used car display lot. The subject property is zoned IC-R: Intensive Commercial- Residential District.

Ms. Edwards asked the applicant to present his request.

Al Klaben (1250 West Main Street, Kent, OH) stated the new case pertains to the new pavement they added in 2016. This is the solution to the storm water issues on the property for the additional pavement which they have already discussed. They said they incorporated the same argument as before.

PUBLIC COMMENTS

None

PLANNING COMMISSION DISCUSSION

Ms. Barone stated the applicant has expanded the parking and everything is pretty much the same as discussed before. She said staff had recommended that the furthest west apron on West Main Street be removed because it is not being used and it is close to the intersection and to restore the tree lawn. She reviewed the conditions listed in the Staff Report.

Mr. Fink had no comments from the Legal Department.

Mr. Paino asked if there would be a 5-foot landscape strip between 1169 W. Main and 1181 W. Main.

Mr. Klaben replied they would put in a strip if they did not buy the property next door. He said if they do not obtain the property, they would make sure there is a continuous 5 foot strip along the property line.

Mr. Paino asked where the western most access was located.

Ms. Barone pointed out the access area to Mr. Paino.

Mr. Klaben stated this was addressed in 2014 because they are not using that entrance.

Ms. Edwards asked about the curb cut variance.

Ms. Barone replied a curb cut cannot be any more than 30 feet so the applicant needs to get a variance from the City of Kent Service Director. In reply to a question from Mr. Paino, she discussed the variances that had already been granted.

There were no other comments or questions. Ms. Edwards asked for a motion.

MOTION: *Mr. Paino moved in Case PC16-022, Klaben Used Vehicle Display Lot, property located at 1181 West Market, that the Planning Commission approves a Conditional Zoning Certificate and Site Plan to construct a used car display lot to expand the existing used car display lot.*

Subject to the following conditions:

- 1) Referencing the Landscape Plan and conditions associated with PC14-012, verify that the Landscaping Plan meets the landscape requirements of KCO 1168.*
- 2) Revise the paved area to provide a 5-foot landscape strip in the rear yard.*
- 3) Submit technical plans for review and approval.*
- 4) Provide storm water management and associated calculations.*
- 5) Remove the western access of West Main Street and restore the tree lawn.*
- 6) Obtain a variance from the City of Kent Service Director for the North Francis Street curb cut width greater than 30 feet.*

The motion was seconded by Ms. Daniels. The motion carried 3 – 0.

IX. Meeting Summary Minutes

November 15, 2016
December 6, 2016
December 20, 2016

There was no quorum to vote on the November 15, 2016 meeting minutes.

Motion: *Mr. Paino moved to approve the minutes of December 6, 2016 as submitted. The motion was seconded by Ms. Daniels.
The motion carried 3 – 0.*

Motion: *Ms. Daniels moved to approve the minutes of December 20, 2016 as submitted. The motion was seconded by Mr. Paino.
The motion carried 3 – 0.*

X. OTHER BUSINESS
NONE

XI. Adjournment

Motion: *Mr. Paino moved to adjourn. The motion was seconded by Ms. Daniels.
The motion carried 3 – 0.*

The meeting adjourned at 8:10 p.m.