

**KENT PLANNING COMMISSION
BUSINESS MEETING
OCTOBER 18, 2016**

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Anthony Catalano

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 7:08 p.m.

II. Roll Call:

Ms. Daniels, Ms. Edwards, Mr. Paino and Mr. Gargan were present.

MOTION: *Mr. Paino moved to excuse Anthony Catalano from the October 18, 2016 Planning Commission meeting. Ms. Edwards seconded the motion. The motion carried 4-0.*

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 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
NONE

VI. Old Business

**A. PC16-009 ALDEN KENT PROJECT, LLC
1456 East Summit Street
Site Plan Review**

The applicant is requesting a Site Plan Review and Approval in order to construct multi-family housing adjacent to the existing Presbyterian Church. The subject property is zoned U: University District.

Mr. Gargan asked the applicant to present the project.

Mr. Fink stated that normally the applicant had the opportunity to go first but asked if he could present the City of Kent's side first.

Mr. Hunt agreed to this.

Mr. Fink referred to a statement he had prepared: The applicant for this project is requesting site plan approval for a housing complex. The City and the Developer have never agreed as to how to label the housing complex, with the City classifying the project as a multi-family dwelling and the applicant referring to the project as student housing, rooming house, multi-family and hybrid housing. On August 15, 2016, the City of Kent Board of Zoning Appeals rejected the City's calculation of parking and, on their certificate, identified the amount of parking provided as adequate. While the City does not believe that the certificate accurately reflects the decision of the BZA, based upon this certificate, the City of Kent Community Development Office, under the advice of the

Law Department, has withdrawn any further objections to this project based upon parking. The Fire Department has determined that this project is in compliance with their regulations. The City believes that the project complies with the remaining legal requirements. I am further advising the Planning Commission that, when deciding how to vote on the site plan in PC16-009, you must consider that this project, regardless of what label the project has, is a permitted use in the U (University) district. You are the finder of fact for site plans. Because this project is a permitted use, if this site plan complies with all of the City of Kent's ordinances, regardless of your personal feelings, you must vote in favor of this project. If this project does not comply with all of City of Kent's ordinances, you must articulate how you believe this fails to comply. Failing to articulate a reason would likely result in the City losing any further legal challenges.

Todd Hunt (1301 East 9th Street Cleveland, OH) stated he is an attorney representing the applicant and the Presbyterian Church. He thanked the staff and the law department for helping them through the process.

Rev. Aaron Meadows (1456 East Summit Street, Kent, OH) said he had no comments.

PUBLIC COMMENTS

Jake Harman, Kent State University student who lives in one of the dorms, stated he was in support of the project.

PLANNING COMMISSION DISCUSSION

Ms. Edwards asked if Chapters 1113, 1147, and 1191 are still applicable.

Mr. Fink replied yes. He said Chapter 1167 is also relevant to the project.

Ms. Daniels stated she is in support of the project.

Mr. Paino had no further comments.

Mr. Gargan stated he was sad to see all the trees go.

There were no further comments or questions. Mr. Gargan asked for a motion.

MOTION: *Mr. Paino moved in Case PC16-009, Alden Kent Project, property located at 1456 East Summit Street, that the Planning Commission approves the Site Plan dated October 3, 2016 for construction of a multi-family housing development. Subject to the following conditions:*

- 1) *Coordinate the technical plans with the Summit Street Improvement Project plan.*
- 2) *Review and approve of the Technical Plans.*
- 3) *Provide a photometric plan depicting zero light crossing the property lines.*
- 4) *Address the water main easement concerns to the satisfaction of the City Engineer.*
- 5) *Address the traffic study concerns to the satisfaction of the City Engineer.*
- 6) *Install 6' sidewalks adjacent to the parking stalls or install wheel stops.*

Ms. Daniels seconded the motion. The motion carried 4–0.

MOTION: *Mr. Paino moved in Case PC16-009, Alden Kent Project, property located at 1456 East Summit Street, that the Planning Commission approves the park fee in lieu of park land in the amount of \$115,200 for the multi-family housing development. Ms. Daniels seconded the motion. The motion carried 4 –0.*

**B. PC16-020 FLYNN/WONG ROOMING HOUSE
546 South Water Street
Conditional Zoning Certificate and Site Plan Review**

The applicant is requesting a Conditional Zoning Certificate and Site Plan Review and Approval in order to convert the residential structure to a rooming house. The subject property is zoned R-C: High Density Multi-family Commercial District.

Mr. Gargan asked the applicant to present the project.

Scott Flynn (220 Frances Drive, Kent, OH) stated he was the attorney for the applicant. He stated that the staff report described very well what they were trying to do. There is an interior and exterior site plan. He said the basement is unfinished and is not part of this application. He said they tweaked their original application after the City staff determined that they would need a variance for the parking spaces. The parking is located on the north end of the property. The modified site plan shows that the dumpster will be located on the south end of the property, which will alleviate the need of a variance for parking. He said there is an adequate number of parking spaces, that are 5 feet from the north property line. He said there are adequate shrubs and trees. He said they would like to keep the parking confined to the back of the building.

He noted there are some technical things that need to be determined by the City of Kent, as far as the width of the driveway. He said they need to talk to the City staff to make sure the windows are adequate in order to exit the second floor via a ladder.

It is a large house and they want it zoned for 5 unrelated people. He said the family living there does not meet the definition of family. He said Mr. Wong was at the meeting if the Planning Commissions had any questions about the property.

Ms. Edwards asked if they want temporary approval specifically for this family.

Mr. Flynn replied no. They want permanent approval. He said he only mentioned the family that is living there because that is what instigated this request.

Mr. Gargan disclosed that he is partners with the owners of property down the street.

Mr. Fink asked Mr. Gargan if there would be any financial impact on him as a result of what happens to this project.

Mr. Gargan replied no.

Mr. Fink stated there is no conflict of interest.

PUBLIC COMMENTS

NONE

PLANNING COMMISSION DISCUSSION

Ms. Susel clarified the definition of family in the code and stated that the relationships of the people living in the house do not meet that definition.

Mr. Fink stated that there was nothing that struck the law department as noteworthy at this time.

Ms. Daniels asked about the parking.

Mr. Scott referred to the drawing and showed her the location of the parking. He said they are going to add gravel. There is plenty of space for parking. There will be parking spots along the north and east that will look much better than now. Currently there is no turn around. He said there will be back up space and there will be barriers to prevent cars from parking too close to the university drive-thru. It will look more professional than it does now.

Ms. Daniels referred to the map where she thought there was a dip or ditch on the right side of the drawing.

Mr. Scott replied he did not remember a ditch, but he did say if there is a ditch, it will be alleviated so the dumpster will be put on the far south side which will make it easier for garbage trucks to come in and out. There will be no cars in front of the dumpster and there will be the turn around radius that the City wanted.

Mr. Paino had no comments.

Ms. Edwards stated she was thinking about the housing survey. She felt this is an ideal location for a rooming house.

Mr. Gargan asked how long the applicant had owned the property.

Cheng Wong (2009 Crossfield Circle, Kent, OH) replied he has owned the property for 8 years.

Mr. Gargan asked how long the current residents have lived on the property.

Mr. Wong replied about one year.

Mr. Gargan asked who rented it to before the current residents.

Mr. Wong replied it was rented to a family.

Mr. Paino stated that they are trying to limit the conversion of single family houses to rooming houses.

Mr. Scott stated it is right on a main street and the neighbors are the drive-thru and a vacant lot. He said it is zoned for this use and at some time a developer could come in to put in a commercial use.

Mr. Gargan stated there a lot of rentals on the street. There have been cases when people come in to get approval for rooming houses after the fact.

There were no other comments. Mr. Gargan asked for a motion.

MOTION: ***Ms. Paino moved in Case PC16-020, Flynn/Wong Rooming House, property located at 549 South Water Street, that the Planning Commission approves the Conditional Zoning Certificate and Site Plan to operate a rooming house. Subject to the following conditions:***

- 1) *Limit of five unrelated persons.*
- 2) *Screening of the dumpster is to be installed.*
- 3) *Technical Plan Review and Approval.*
- 4) *Provide storm water or demonstrate that no additional storm water runoff will be produced due to the parking addition.*
- 5) *Schedule an inspection with the Fire Department and Chief Building Official for code compliance.*
- 6) *Obtain licensure from the Health Department.*

Ms. Edwards seconded the motion. The motion carried 4–0.

VII. New Business
NONE

VIII. Meeting Minutes September 20, 2016

Motion: Ms. Daniels moved to approve the minutes of September 20, 2016, as submitted. The motion was seconded by Ms. Edwards.
The motion carried 3 – 0. (Mr. Gargan abstained)

IX. Other Business
NONE

X. Adjournment

Motion: Mr. Paino moved to adjourn. The motion was seconded by Ms. Daniels. The motion carried 4 – 0.

The meeting adjourned at 7:40 p.m.