

**KENT PLANNING COMMISSION
REGULAR BUSINESS MEETING
May 1, 2007**

MEMBERS PRESENT: **Matt VanNote**
 Bill Anderson
 John Gargan
 Dave Wise
 Sean Kaine

STAFF PRESENT: **Gary Locke, Plans Administrator**
 Eric Fink, Asst. Law Director
 Jennifer Barone, Development Engineer
 Sheila Uzl, Transcriptionist

I. Call To Order

Mr. VanNote called the meeting to order at 7:00 p.m.

II. Roll Call:

Mr. Anderson, Mr. Gargan, Mr. Wise, Mr. Kaine and Mr. VanNote

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 the 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 1115 of the Zoning Code. Anyone interested in appealing a decision of the Planning Commission is advised to seek private legal counsel.

IV. Correspondence

A letter was received from the law offices of Yelsy & Lonardo regarding Ohio Cherry Gaming (PC07-009).

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. Meeting Minutes

MOTION: Mr. Anderson moved that the Planning Commission approve the Regular Meeting Minutes of March 6, 2007. Mr. Gargan seconded the motion. Motion passed 4 – 0 1 Abstention

MOTION: Mr. Anderson moved that the Planning Commission approve the Regular Meeting Minutes of March 20, 2007. Mr. Gargan seconded the motion. Motion passed 5 – 0

VII. Old Business

None

VIII. New Business

**A. PC07-008 MRF Machine
912 Lock Street
Site Plan Review**

The applicant is requesting Site Plan Review and Approval to construct a building addition onto the existing machine shop. The subject property is zoned I: Industrial District.

Mr. VanNote asked the applicant to present his project.

Mike Ferry, 981 Meloy Road - Kent, Ohio - stated the business has been at the same address since 1988. He said there has been an increase in their business and more space is needed for the operation. He wants to add a new 50-foot by 100-foot building onto the existing machine shop building. This new addition will allow the current as well as the new equipment to be housed inside the building. He said they have worked with the City staff to determine the best location, with the fewest variances, for the new addition.

Mr. VanNote asked if additional personnel would be added.

Mr. Ferry replied yes.

Doug Rhoades, General Contractor for the project discussed the site plan. The plan is to connect in the corner and there will be a garage there so most of the traffic will be forklift traffic that can go back and forth from the existing building into the new building. There will be one large garage door in the front roughly in the middle of the building where material will come in and out. There will be a second floor where the new offices will be located, closest to the existing building. On the other end, on the left side, there will be some second floor light storage area. He said it would be about 5000 square feet.

PUBLIC COMMENT

None

PLANNING COMMISSION DISCUSSION/ACTION

Mr. Locke stated that several zoning variances are required; one regarding the building setback on the south property line as well as the front yard parking variance, the part that is near Lock and Star. He said it is an odd shaped lot; probably one of the older industrial properties in the City. He said it is an expansion and they are trying to work with what they have to work with there. He said the City is trying to support the applicant as much as they can. He said the drainage would be resolved in the Technical Plan Review.

Mr. VanNote asked if the drainage issue appeared to be a significant one.

Ms. Barone stated that the applicants have adjusted the site plan to the satisfaction of the City.

Mr. Wise stated that he was glad to see that the machine shop was doing well.

Mr. Gargan asked the applicant what his primary business was.

Mr. Ferry replied they do a lot of general machinery, more production oriented. He said they also do hydraulic cylinder, which is a specialty.

Mr. Gargan stated that this project would be an improvement to the property.

Mr. Kaine asked what the riparian setback was along the river for this segment.

Ms. Barone replied there was none for this segment.

Mr. Kaine asked the applicant how many employees he planned to have after the expansion was complete.

Mr. Ferry replied it would depend on how much business was brought in on top of what they already have. They just hired two employees two weeks ago. They might add another 2 – 4 employees over the next year.

Mr. Kaine asked what the total would be.

Mr. Ferry replied there are 5 full-time employees and 1 part-time employee so about 10 in the future.

Mr. Kaine asked if the applicant really needed all the parking spaces. He said there is less than 30 feet from the front edge to the building and could not figure out how to back a car out of eastern most parking space.

Mr. Rhoades stated that had been discussed and it might end up being more of an angle line up rather than straight in.

Mr. Kaine asked if there had ever been any noise complaints because they are adjacent to a residential district.

Mr. Ferry replied no.

Mr. Anderson stated that he was glad to see someone bringing industry into the City.

Mr. VanNote stated he supported the project. There were no other comments or questions so he asked for a motion.

MOTION: Mr. Anderson moved that in Case PC07-008, MRF Machine, that the Planning commission approve the Site Plan in order to construct a building addition onto the existing machine shop subject to the Technical Plan Review and approval of the zoning variances by the Board of Zoning Appeals. Mr. Wise seconded the motion. The motion passed 5 – 0.

**B. PC07-009 Wild Cherries Gaming
162 Cherry Street (University Plaza)
Conditional Zoning Certificate**

The applicant is requesting a Conditional Zoning Certificate to permit the operation of a skilled entertainment machine arcade under the classification of amusement and recreation per Section 1141.02(b)(1) of the Kent Zoning Code. The subject property is zoned C: Commercial District

Mr. VanNote advised the Commissioners that this case has been continued to the next Planning Commission meeting at the applicant's request.

IX. Other Business

Mr. VanNote asked Mr. Locke asked if he had anything to add.

Mr. Locke stated that he would not be at the next meeting and there were three cases on the next agenda. Ms. Barone will be the staff representative.

He said one of the cases to be the discussed is the park fees for the Plum Creek apartments. He said there is a rather significant disagreement between EQK's attorney with regard to how much should be paid in park fees and what the Parks and Recreation Department thinks they are. The Planning Commission has to make the decision on how much should be paid.

Mr. VanNote stated that the park fees are not actually in the code but there is a chapter on the park fees. He asked the staff to send out a copy to all the commissioners so that they can be better informed in case they have questions.

Mr. Locke agreed to do that. He said the commission had some discussion on park fees regarding other projects because when there is a residential property it is something that is considered. The Planning Commission only has to "give a blessing" to the fee that is being charged.

He said there are a couple of variables that are involved in determining the fee that the commissioners will consider when they start discussing them. One of the variables is the number of people per unit and the other piece is what the value of the land is. He said that is probably the majority of the disagreement between the developer and the Parks and Recreation Department. He said they are using two very different valuations. He said the Parks and Recreation Department does not feel that the developer is using the correct standard. He asked that the commissioners keep this in mind when they have their discussion. He said the commissioners would get a copy of the letter from the developer's attorney in which they state what their position is. The commissioners will also get a copy from the Parks and Recreation Department as to what their position is. Mr. Idone and Mr. Williams, the attorney for the developer, will be at the meeting.

The second item on the agenda is Riverside Wines. They have an option to purchase the property two doors to the north on North Mantua Street. Mr. Locke said there is a small piece of that property that is actually owned by the City of Kent. The applicant proposes tearing down the existing structure and creating a parking area closer to the store that will have 32 additional parking spaces. There is a house immediately north of the wine store and is the last property in the commercial zone. The property the Planning Commission will be reviewing is actually in the R-3 District. He said there is a section in the zoning code that allows the Planning Commission to grant a Conditional Zoning Certificate for parking in a residential district that abuts a commercial district, which is the situation with this particular site. Mr. Locke stated that Mr. Gargan would recuse himself from this project because the bank where he worked has done the financing for the deck on this site.

Mr. VanNote suggested that if any of the other commissioners could not make the next meeting, it might be a good to let everyone know in advance because it might become a situation where there is not a quorum since Mr. Gargan will recuse himself.

Mr. Locke stated that the third case is Wild Cherries Gaming. He stated that the City of Kent has recently adopted business regulations for Gaming Arcades (March 2007) patterned after the Tallmadge, Ohio ordinance and that the regulations are administered through the Department of Public Safety and not as part of the Zoning Code. Mr. Locke stated that the State of Ohio is going to have to make a decision as to whether these types of games are going to be permitted.

Mr. Locke told the commissioners if they wanted to review the legislation, they could do so. He said the Planning Commission is actually going to be considering a Conditional Zoning Certificate that falls under Amusement and Recreation,
Planning Commission Minutes
May 1, 2007
Page (7)

which is a conditional use in the C: Commercial District where University Plaza is located. He said one of the conditions that the staff will attach to any approval is that it satisfies all local, state and federal laws including the one the City of Kent recently adopted. He said the machines being proposed are ones where the player actually has to make a decision which is different from a slot machine where all a player does is pull an arm. He said that the machines have to meet the requirements confirming that they are games of skill. The commissioners will be getting a copy of the source code. The applicants have to get their license through the Department of Public Safety and have to prove that they have met all the requirements.

Mr. Anderson asked if the machines would be checked to confirm that they have not been reprogrammed.

Mr. Locke replied he did not know if the machines would be re-certified periodically or not.

Mr. Anderson asked how many machines there would be. He felt it was gambling any way it was looked at.

Mr. Locke replied about 50. He said if people want to spend their money on these machines, they would either do it in Kent or somewhere else. He said the Tallmadge fees are pretty aggressive. The fee in the Tallmadge ordinance is a base fee of \$1000 a year plus \$100 monthly per machine. For 50 machines this would generate around \$60,000 for the City of Kent. He said he could not bring in any information on any business that takes up that amount of space and generates that amount of revenue. He said the Planning Commission does have the ability to modify the zoning code to add additional regulations or conditions. He said at some point in time the State will do something and there will be a court decision. The whole gambling issue has been an ongoing discussion for a number of years. There is considerable amount of money being spent by people to make these things work.

IX. Adjournment

MOTION: *Mr. Anderson moved to adjourn. Mr. Kaine seconded the motion. The motion passed 5 – 0.*

The meeting adjourned at 8:00 p.m.

