

**KENT PLANNING COMMISSION
REGULAR BUSINESS MEETING
DECEMBER 15, 2009**

MEMBERS PRESENT: **Sean Kaine**
 John Gargan
 John Thomas
 Melissa Long

STAFF PRESENT: **Gary Locke, Director of Community Development**
 Jennifer Barone, Development Engineer
 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:

Mr. Gargan, Ms. Long, Mr. Thomas and Mr. Kaine 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 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 1115 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 by Assistant Law Director

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. Meeting Minutes:

**Regular Meeting Minutes: October 6, 2009
Joint Summary Report – October 20, 2009 (no action required)**

**MOTION: Mr. Gargan moved to approve the minutes of October 6, 2009
The motion was seconded by Mr. Thomas. The motion passed 4 – 0**

**VII. Old Business
None**

VIII. NEW BUSINESS

**A. PC09-013 Absorbent Minds Montessori School
1407 Fairchild Avenue
Conditional Zoning Certificate & Site Plan Review**

The applicant is requesting a Conditional Zoning Certificate and Site Plan approval in order to operate a private school out of the Riverwood Community Chapel. The subject property is zoned O-R: Open Space Recreation.

Mr. Kaine asked the applicant to present the request.

Kelly Andamasaris, 2438 Graham Road – Stow, Ohio – stated she is the administrator of the Montessori School in Cuyahoga Falls, Ohio. She said they have been in Cuyahoga Falls for about four years. They would like to expand to a second location inside the Riverwood Community Chapel building.

PUBLIC COMMENT

John Flippo, 1376 Sunset Way – Kent, Ohio – stated he owns the property right next to the church property. He asked what the size of the school would be; specifically how many kids would there be. He asked if there would be a daycare, after school activities, or bussing involved. He said bussing would affect the traffic. He asked what the definition of Montessori was. He was interested in how many grades there would be the number of kids and the ratio of students and teachers. He said there had been discussion of a playground behind the church and asked if there would be any lighting back there that will add to the lighting glare. He said they are turning the church into a business. He said Ms. Andamasaris did not mention why the church wanted to do this and asked if there would be a cash flow to the church. He stated the neighbors already see the traffic from the church and was concerned about the traffic impact this school will have. He asked if the noise would be monitored. He said now is the time to consider a barrier; a fence or planting vegetation barrier. He said Fairchild is very busy and that the increase in traffic is a concern.

Mike Spicer, 1370 Sunset Way – Kent, Ohio – Kent, Ohio stated that he lives to the south of Mr. Flippo. His concerns were the same as Mr. Flippo's regarding congestion. He stated that since this was a school operating out of a church, there will obviously be a school zone with the appropriate speed limit and signs. He said the traffic congestion and backup is bad now especially with the busses from Stow and Kent schools. He expressed a concern about the noise coming from the people, cars and traffic.

Mike Lewis, 1364 Sunset Way – Kent, Ohio – stated he was adamantly opposed to this project. The project is turning a church into a commercial business. He expressed a concern about the increased traffic and noise from the kids, playground and traffic.

Mr. Kaine asked the applicant to respond to some of the issues raised by the public and then he would return to public comments.

Ms. Andamasaris stated there are two classes in Cuyahoga Falls and they have about 65 students. They are licensed for pre-school through kindergarten. They have considered expanding in the far future to include 1st through 3rd grades. She said that Montessori is a different approach to education and they teach in a three year age period so they have students from 3 years to 6 years old in the classroom. They do not run on a daycare time frame but run on the city school calendar so the school is open from the end of August /beginning of September to the beginning of June. They are not open in the summer. The school hours are 8:00 a.m. to 3:00 p.m. They do offer a before care/after care service.

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They offer multiple schedules for full time and part time so there are generally three times a day that there are picks and drop offs. Students will be dropped off because no public transportation or bussing is offered. She said they have grown immensely in the four years they have been in Cuyahoga Falls and are maxed out in the two classrooms they have now. She said this is a higher form of education. She said they were drawn to Riverwood because they like the way the church is run. The classrooms as well as the playground will be on the far side of the church from the residential area. The children will be outside twice a day; 11:00 a.m. to noon and 2:30p.m. – 3:00 p.m. She said it is a very educational program and they are all about family.

Cindy Bowser, 2899 Saybrooke Boulevard- Stow, Ohio – stated she is the Director of Stewardship and Building Manager of Riverwood Community Chapel. She said the church looks at the project as a win win situation. She said they want to see the facility used for a quality program. She said they will receive rent which will be for wear and tear and maintaining the building. They are glad that a small playground will be installed. It will be located in the Northwest corner of the lot which is the farthest from the neighborhood. She said they want to be a good neighborhood and do not want to upset anyone. She said they are more than willing to discuss any issues. She said the traffic flow will be during the day and it will not be that great in comparison to the Sunday traffic. She said it would be a good use of the facility.

PLANNING COMMISSION DISCUSSION/ACTION

Ms. Barone stated that Riverwood Community Chapel requested a zoning code amendment to modify Section 1125.02(b) of the Kent City Code to include public or private schools as a conditional use in the O-R zone district. The code amendment was approved by Kent City Council in October, 2009. This project has a number of conditions that are associated with it including condition #57 which states “Such uses shall be conducted in a commercial building meeting all applicable building requirements.” However, when the code amended, special condition #57 was not included. This was an oversight and will be corrected. She said the applicant is before the Planning Commission to get approval for a Conditional Zoning Certificate and Site Plan approval. She said their goal is to have 24 – 40 students who will not be full time and 4 -5 staff members for the first year. She said the ultimate capacity is 12 students per class room and up to 12 classes (144 students) and the student to teacher ratio would be 8 or 9: and staffing would be approximately 18 at capacity. The only site modification would be the addition of a playground. The building modification/site modifications must include addressing the Fire Department’s concern regarding the fire alarm system and smoke detector locations. The applicant has already discussed these concerns with the Fire Department. There is ample parking. The staff recommends approval of this application.

Mr. Gargan pointed out that some of the conditions listed in the Staff Report answers some of the questions raised; specifically about the lighting.

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Ms. Barone stated there will be no lighting added.

Ms. Long stated that the traffic flow is bad now. She said if the maximum number of students of 144 enrolled in the school, it would negatively impact the traffic flow.

Mr. Thomas stated that the hours of operation will mostly be during daylight so he is not concerned about Condition #5 listed in the staff report that addressed lighting. He referred to the condition that no elementary school structures shall be located on a collector thoroughfare. He asked what is a collector thoroughfare and if Fairchild Avenue is currently defined as a thoroughfare?

Ms. Barone replied that a collector thoroughfare would be a main road whereas Fairchild is a minor arterial roadway. A major arterial roadway would be like a highway.

Mr. Thomas asked what the sequence of events were set to transpire for that particular condition #57 to be placed in the zoning code by Kent City Council. He asked if the Planning Commission had to delay any action if subsequent actions were taken by Kent City Council. He questioned if the Planning Commission could proceed without these special zoning conditions being in the code.

Ms. Barone replied it will be on the first Council's committee agenda next month. She said everything but the item being discussed is in the zoning code. She said this project meets the intent and is a commercial building because it is open to the public.

Mr. Locke stated that this falls under commercial building because it is not a single or two family residence. The building is built to commercial standards. He said a church is considered a commercial use.

Mr. Fink stated that the applicants are meeting all the requirements.

Mr. Gargan asked if the daycare function would only pertain to the students at the school.

Ms. Andamasaris replied yes. She said currently at their facility in Cuyahoga Falls, they have two students who use their before care program and six students who use their aftercare program. It will not be opened up to anyone else other than current students.

Mr. Gargan asked Mr. Locke if a traffic light would be installed at the intersection of Fairchild and Silver Meadows Boulevard.

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Mr. Locke replied that there were a couple of streets that they have suggested for a traffic light to be installed. He said a warrant study has to be done before a traffic light is installed. There are a variety of issues to be considered such as the number of accidents, pedestrians and the traffic flow.

He said the Ohio Department of Transportation has standards by which the installation of traffic lights is warranted. He understood that the City of Kent had some liability if a traffic light is installed that was not warranted. He said one questions regarding this project is how much it was going to impact the traffic flow. He said the concern about traffic was raised during public compact. He said a small number of students might not impact the traffic whereas 150 would. He said the church could change its hours and methods of operation any given time such as having an evening service and there would not be too much the City of Kent could do about that from a zoning stand point. He said the City of Kent might decide to do a warranty study to see what the traffic implications are. The Planning Commission can always question the traffic impact and ask the City to take a look at it. A discussion between the church and the residents in the area might be considered to address some of the issues raised. A new warrant study could possibly be done.

Ms. Long requested that a traffic study be done. She said it is very difficult to get in and out of some of the intersections.

Mr. Kaine stated that there have been a lot of comments made on the traffic impact and not on the use. He said peak times and traffic on Fairchild does need to be addressed. He suggested that the hours of the school night be offset from the high school hours. He said the Planning Commission might consider putting a cap on the number of students. He asked if school zone signs would have to be installed.

Mr. Locke replied he would have to check to see if that was the case.

Mr. Kaine stated an amendment should be added that the playground has to be 100' from the property line.

Mr. Thomas asked if it would be an appropriate suggestion for everyone to meet and discuss the issues raised.

Mr. Spicer stated this project impacts more neighbors than those that were at the meeting tonight in regards to the traffic issue and the noise issue.

Mr. Gargan stated it was a good project but there are some legitimate concerns with the traffic. There are some residents who do not want it there no matter what.

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Ms. Bowser stated that they would cap the number of students. The church does not want the students to take over the church. They were doing it for the benefit of the applicant and the church. She has no objection to capping the number of students, if this would make the neighbors feel better.

She said the church would like to install a driveway to Newcomer Road but it has been too costly. If the students comes in, they might be able to use some of that money for that project.

Ms. Andamasaris stated that they were willing to discuss the issues. She said currently they have 65 students enrolled but only 40 were there at a time because there are different schedules. She says capping the total number and the number at the school at one time are two different issues. She said they do not have a school zone in Cuyahoga Falls and they allow parents to pick up the students between 3:00 and 3:30 p.m.

Mr. Lewis expressed a concern about the support services such as suppliers, garbage collection, food delivery and supply trucks.

Mr. Kaine stated there were several issues to be considered: cap the number students, a driveway to Newcomer, a meeting between the church and the residents and the traffic impact on Fairchild. He said the Planning Commission had to reach a decision on what it wanted to do.

Mr. Thomas stated he supported the recommendation that the Planning Commission proceed with this issue.

Mr. Fink stated that the commissioners had to look at the elements of use and articulate the reason for voting the way they did.

Mr. Gargan stated he would like to amend the motion to put a cap on the total enrollment to 75.

Ms. Andamasaris stated this would be their second school, but not their last. They have requested extra classrooms to use in the future; not necessarily as classrooms but for special activities. She said they are looking at 2 to 5 classrooms with 12 students in a classroom per day. She said she was not opposed to capping the total enrollment but the issue of total enrollment versus the total number in the school at a time should be considered.

Mr. Locke stated that it would be difficult to police how many kids are in the building. The applicant can always return to ask for more.

It would be more practical to put a cap on the total number. The traffic issue and any other concerns could be addressed at that time.

Mr. Thomas stated he did not believe in putting on a cap especially when it comes to education.

Mr. Gargan withdrew his amendment to the motion.

MOTION: Mr. Thomas moved that in case PC09-013, Absorbent Minds Montessori School that the Planning Commission approve a Conditional Zoning Certificate and the Site Plan in order to operate a private school out of the Riverwood Community Chapel. Subject to the following:

- 1) Installation of a fence around the playground**
- 2) Technical Plan Review**
- 3) Food service operations approval from the Health Department, if food is to be prepared for the attendees by the school.**
- 4) Adherence to all building code requirements**
- 5) Adherence to all fire code requirements**

Mr. Gargan seconded the motion. The motion passed 3 – 1 (Long dissenting).

IX. OTHER BUSINESS
None

X. ADJOURNMENT

MOTION: Mr. Gargan moved to adjourn. Ms. Long seconded the motion. The motion passed 4 – 0.

The meeting adjourned at 8:18 p.m.