

**KENT PLANNING COMMISSION  
BUSINESS MEETING  
AUGUST 18, 2020**

**MEMBERS PRESENT:**                    **Amanda Edwards  
Jeff Clapper  
Chris Clevenger-Morris  
Peter Paino  
Michael Bruder**

**STAFF PRESENT:**                    **Eric Fink, Asst. Law Director  
Bridget Susel, Community Development Director  
Jennifer Barone, Development Planner**

**I.     Call to Order**

Ms. Edwards called the meeting to order at 7:04 p.m.

**II.    Roll Call:**

Ms. Edwards, Mr. Clapper, Mr. Morris, Mr. Paino, and Mr. Bruder were present.

**III.   Correspondence**

PC20-010:    Email from Jennifer Barone showing the existing PARTA signs.

PC20-011:

- Marci Maullar, Beryl Drive resident (#1): traffic concerns & small business competition
- Ann Rosa, 1633 S. Lincoln St (#2): real estate value, noise, view, and traffic concerns and not supportive of chain franchises.
- Sandra Toth (#7): prefers small business and traffic concerns
- Jacob Whitmore, 1634 S. Lincoln St. (#8): traffic concerns, removal of trees and brush will increase noise, driveway for residences sharing commercial driveway, supports small business
- Brad Maxwell (#13): asked if case could be held for more time to research and evaluate project
- Eric Fink regarding public notices
- Elizabeth Bruner, Chadwick (#10): many restaurants, depreciation of nearby homes, traffic concerns, hindering small businesses
- Rebecca Harder, 431 Beryl (#11): safety, traffic, lighting, and signage concerns, increase cut-thru traffic on Beryl, poor use of land, against commercial use at that location
- Tanya Lipton, 1575 S. Lincoln St. (#12): traffic concerns, exhaust emissions at drive thru, increased litter, noise pollution, bad odors, lighting pollution, trade mark signs and exterior building design, propensity for fast food, decrease in property value, hurting local businesses, profit leaving city and single use buildings being less profitable than mixed use facilities
- Brian and Jessica Gardner, 1646 S Lincoln St. (#14): letter to be read during public comment

- Brad and Jody Maxwell, 434 Beryl (#15): letter to be read during public comment
- Turner (#16): standup for small businesses, concerned about traffic accidents
- Allen and Maureen Smalley (#17): traffic concerns and concern for small businesses
- Brent Sterling: traffic concerns, concerns for child safety, suggested different location
- Email Elizabeth Eaken, architect: product brochure for lighting

Requests for Zoom link: Joseph Bishara, Stacey Lim (#3), Brad Maxwell (#5), Rebecca Harder (#6), Allen and Maureen Smalley (#9), and Brian Gardner.

The Board members stated that they have all had adequate time to review the additional correspondence.

#### IV. Old Business

None

#### V. New Business

- A. **PC20-010 Kent City Health Department  
201 East Erie Street  
Revised Kent Central Gateway Comprehensive Sign Plan approval**

**The applicants are seeking a revision to the Kent Central Gateway Comprehensive Sign Plan. The subject property is zoned C-D: Commercial Downtown and C-R: Commercial – High Density Residential zoning districts.**

Ms. Barone reviewed the staff report as presented.

Joan Seidel, Health Commissioner, 732 Paulus Dr., Kent, stated that they need way finding signage for their new offices on the second floor. She stated that the new signs will conform to the existing signs.

Brian Trautman, Chief Operations Officer, PARTA, 871 Belding Rd NE, Hartville, OH, stated that the second floor wasn't designed for retail so signage wasn't a part of the original sign plan. He stated that he agrees with Ms. Seidel that signage is needed.

Mr. Paino questioned the size of the sign.

Mr. Trautman stated that the sign matches the length; the block letters will affix to the green backdrop.

Ms. Seidel stated that it is her understanding that the Architectural Review Board wants them to match the green façade of the first floor with the sign on top of the façade. She stated that the new sign will not have the carve outs like the first floor sign but rather rounded corners but it will be the same green and gold as the other signs. Ms. Seidel stated that the ARB cut the original requested size in half so that it will be the same as the first floor.

#### Public Comment

None

**Board Discussion**

The Board had no further questions.

**MOTION:** *Mr. Clapper moved that in Case PC20-010, the Planning Commission approve the Revised Kent Central Gateway Comprehensive Sign Plan, 201 East Erie Street to include a second story tenant sign and two wall directory signs subject to the following:*

***1. Technical Plan Review***

***The motion was seconded by Mr. Morris.***

***The motion carried 5-0.***

**B. PC20-011 Dunkin'  
1625 South Water Street  
Conditional Zoning Certificate and Site Plan Review & Approval**

Ms. Barone reviewed the staff report as presented. She stated that there are 2 residences located behind this parcel that have a driveway that goes through proposed parking lot; an easement is already on file. Ms. Barone stated that the restaurant will employ up to 8 persons and their operating hours should be 5a.m. to 10p.m. everyday. She stated that they do have an order board for the drive thru, which can be adjusted to limit the noise in respect of the neighbors. She explained that restaurants are a conditional use and she has listed the conditions in the staff report for the Board's consideration. Ms. Barone stated that they will have 2 drive entrances: the southern entrance will be right-in/right-out and the northern entrance will have an ingress and both a left and right egress. Ms. Barone reported that a traffic study was received in January 2020 and after staff comments, revised in February. She listed the recommendations from the traffic study and the city's comments as follows:

- Construct a second westbound left turn lane at the intersection of South Water Street and State Route 261. City comment: This was already constructed as part of the State Route 43 signalization project in 2019.
- Construct the proposed driveway with one egress lane and one ingress lane at the intersection of South Water and the proposed north driveway. City comment: Staff has requested one ingress lane, one right turn egress lane, and one left turn egress lane, which have been incorporated into the plans presented.
- Construct an exclusive southbound left turn lane at the intersection of South Water Street and the proposed north driveway. City comment: This can be accomplished by re-striping South Water Street so that the southbound left turn lane is extended to the north.
- Construct an exclusive northbound right turn lane at the intersection of South Water Street and the proposed north driveway. City comment: This is recommending an exclusive right turn lane from State Route 261 northbound to the Dunkin' entrance. Widening the pavement may encourage increased vehicular speeds in the area. Right turn lanes in private developments are not used on South Water Street and since this is in conjunction with a single family driveway,

an exclusive right turn lane is not viable. The city is not in support of this recommendation.

- Install stop sign controls on the east approach for the proposed driveway. City comment: This recommendation has been met as there are stop signs at both driveways as vehicles exit.
- Eliminate the access driveway. City comment: The south driveway cannot be eliminated because it services the two homes that are directly east of the proposed Dunkin'. The fire department has requested 2 accesses for emergency services.

Ms. Barone continued that the restaurant is required to have 6 parking spaces but they have provided 16 spaces shown. She stated that the applicant has received a curb cut variance from the Service director for both curb cuts, which exceed the 30' maximum width. Although bicycle racks are not required, Ms. Barone stated that they are providing a 4 bicycle rack. Ms. Barone stated that the applicants have received a variance from the City Manager relieving them from installing sidewalk on State Route 261, a limited access highway and for South Water Street. She stated that water and sanitary sewer are available on South Water Street. She further explained that they are proposing storm water management through underground oversized pipes, which will discharge on Beryl Drive for which they have received an easement from a property owner. Ms. Barone stated that a comprehensive sign plan and lighting will need to be considered. She stated that the proposed site plan shows 13 trees and 67 shrubs as well as a 6' high masonry wall where the landscaping requirement is 8 trees, 16 high shrubs or 24 low shrubs. Ms. Barone notes that the masonry wall is at the top of the slope to provide the most screening to the neighborhood. She stated that the proposed dumpster location is in the northwest corner of the parking lot. Ms. Barone stated that the Architectural Review Board recommends that Planning Commission approve the plan with the revision of changing the masonry wall to a 3' earthen berm topped with vegetation. She stated that the Board of Zoning Appeals denied a variance request on 12/17/18 to Section 1171.01(8): Such developments shall be located adjacent to non-residential uses. She stated that the decision was later overturned by the court. Ms. Barone noted that all projects that come to the Planning Commission are vetted through the other city departments such as police, fire, service, engineering, building and zoning. Ms. Barone suggested that should the Board decide to approve the case, she would recommend the conditions of technical plan review and adjusting the light to be zero at the property lines from the lighting fixtures.

Ms. Susel stated that Jim Bowling, City Engineer, is in attendance for tonight's meeting to answer questions regarding the traffic study and city recommendations.

Mr. Fink read the 6 Conditional Use Criteria Standards (KCO 1107.05(a)) for the Board to consider.

1. Shall be harmonious with and in accordance with the general objectives or with any specific objective of the Land Use and Thoroughfare Plan (Comprehensive Development Plan) of current adoption;
2. Shall be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use shall not change the essential character of the same area;
3. Shall not be hazardous or disturbing to existing or future neighboring uses;
4. Shall not be detrimental to property in the immediate vicinity or to the community as a whole;

5. Shall be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures; or that the persons or agencies responsible for the establishment of such use shall be able to provide adequately any such service including refuse disposal; and
6. Shall have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.

Elizabeth Eaken, Architect, 175 E Erie St, Suite 303, introduced Ken Blum, business owner, 2595 Center Rd, Hinkley, Ohio, and Brent Artman, Engineer, 13710 Cleveland Ave NE Uniontown, Ohio. Ms. Eaken stated that Ms. Barone did a great job of explaining the project. She stated that the reason that they had the traffic study re-done in February was because the Kent State University students were on break during the first study. She stated that after the study was complete, they met with the city to discuss and they met all of the requests from all of the departments. Ms. Eaken explained the site plan and how it works. She stated that when Dunkin searches for a property, they look for one that is located on the right side of the street during morning traffic so that it is convenient for their customers to turn right into the site and a right turn to exit. She stated that the drive thru has enough stacking for 9 cars from the window to the height bar sign. She described the dumpster enclosure as a split face masonry enclosure buffered with shrubs and trees. Ms. Eaken stated that she has added some trees to the other side of the wall as a visual buffer for the neighbors. She stated that she believes that all of the light levels are zero at the property line but they will make adjustments to correct anything that isn't. Ms. Eaken stated that she believes that once the building and wall are complete it will help reduce the noise for the neighborhood from South Water Street and State Route 261 from what it is now. Ms. Eaken stated that the architecture is a Western Reserve look, which is similar to residential and harmonious with other area architecture. She described the structure: the base is a split-face block, upper portion is brick, siding on the gable ends, shingled roof, and the south elevation has a chimney looking tower. Ms. Eaken described the building signs: the Dunkin' sign directly above the door is an internally lit sign, the "Kent runs on Dunkin' sign to the south of the door sign is not internally lit but rather a graphic mounted directly on the structure with 3 goose-necked light fixtures above it, the other building sign is mounted on the chimney facing State Route 261, which gives the oncoming traffic plenty of time to slow down before turning into the property. Ms. Eaken stated that there is also a monument sign, which is illuminated and also has an electronic message board. Ms. Eaken noted that typically the store changes the sign 3-4 times per day: morning, lunch, dinner, and evening; no constantly changing.

Mr. Blum stated that although Dunkin is a chain, it is more of a family business as it is run by family members and have donated to and sponsored many organizations in the Kent area for the past 4 plus years. He stated that they take pride in ownership and in keeping their properties well maintained. Mr. Blum stated that he has talked with many of the neighbors and explained that they will work with them.

There was discussion about the decision of the Court of Common Pleas with regards to the criteria that must be met to approve the project. Item #8 is not applicable.

Mr. Paino questioned how the 2 houses behind the proposed Dunkin' were created

Mr. Fink stated that by today's standards, the 2 lots behind this property would not be allow to be created. Mr. Fink stated that the 2 houses were annexed into the city after they were already established.

Ms. Edwards questioned the Architectural Review Board's recommendation and how it should be applied; the ARB asked the Commissioners to consider earthen berms instead of the 6 foot wall.

### **Public Comment**

Mr. Fink read an email from Brad and Jody Maxwell stating their opposition to the project citing concerns for traffic and the dangerous intersection of State Route 261 and South Water Street according to the AMATS study. Mr. Maxwell stated that he feels that it will only get worse with the addition of a high traffic business and requests a comprehensive traffic study be completed at multiple times. Mr. Maxwell asked staff to review all aspects of the project such as environmental impact, utility capacity, noise pollution, and its impact on the bordering residential neighborhood. Mr. Maxwell stated that he feels that the development is inappropriate for this natural area.

Mr. Maxwell added that he and Mrs. Maxwell don't feel that the traffic study accurately represents the traffic over a period of time. He also stated his concern for the lack of sidewalks and crosswalks needed to access the property; pedestrian safety.

Brian Garner, 1646 S. Lincoln St., stated that he has concerns regarding the backup traffic spilling onto South Water Street and cites the example of the Dunkin' on East Main Street, which can hold 8 cars from the pick-up window to the street. He stated that it will also cause issues for westbound State Route 261 vehicles turning north onto South Water Street as they will need to decelerate quickly if the traffic is stopped in the street. Mr. Garner suggested doing the traffic studies again. Mr. Garner stated that backed up traffic on the site will impede fire and safety services for the houses behind the site. Mr. Garner stated that he would rather have the 6 foot wall rather than the earthen berm to reduce the traffic noise. He stated that he is all for developing the site but doesn't feel that a Dunkin' makes sense as they are closing 800+ stores. He also feels that now is not a good time to increase the competition of the small local coffee shops.

Allen and Maureen Smalley, 414 Beryl Dr., stated they want to see the 6 foot wall on a berm or higher between their property and the Dunkin' as proposed. He stated that this development affects their property and agreed that the traffic is horrendous on South Water Street and State Route 261. He stated that he is concerned about the noise and light pollution without the wall and berm.

Mrs. Smalley stated that Beryl Drive has issues with storm water currently.

Becca Harder, 431 Beryl Drive, stated that she emailed her comments earlier to the Commissioners and is opposed to the Dunkin' on this site. Ms. Harder stated that she disagrees with the Courts decision to allow the project based on their definition of 'adjacent'. Ms. Harder stated that her concern is for safety, encouraging increased traffic on Beryl, and the negative impact of a quick service drive thru restaurant would have on the neighborhood. She stated that she is also concerned that allowing this development would set a precedent for future commercial development. She stated that she doesn't feel that the south end needs another quick service restaurant.

Attorney Bishara, 100 E. Federal St., Suite 600, Youngstown, OH, stated that he is legal counsel for the property owner as well as his son. He stated that the parcel is better suited for commercial development rather than residential or office space. Mr. Bishara stated that the property is adjacent to both commercial use and commercial zoning districts. He stated that while he respects the public comments, he hopes that the Commission will listen to the professional traffic study. Mr. Bishara stated that the Dunkin' operator has been very thorough in this process and feels that he will be a good neighbor.

Stacey and Charles Lim, 4534 Eastwick Blvd, Mr. Lim stated that he is speaking for Ms. Lim, who is the owner of one of the houses that would be behind the proposed Dunkin'. He stated that their major concern is if someone makes a mistake and pulls back to the houses as there isn't an area to turn around. They both stated that the 3 foot earthen berm will not stop the light and noise for the houses; they would like to see something more for the safety of the residents. He stated that he would like to see a better design for access to the houses.

Public comment was closed.

Mr. Morris questioned where the loading and unloading would take place.

Mr. Blum stated that the site plan is designed to accommodate their truck, which will be delivered in the evening after 5pm; trucks will use the front traffic path.

Mr. Morris questioned the storm water connection.

Ms. Barone stated that they are installing oversized pipes under the parking lot, which will store the water and slowly release it into the storm system so that the neighborhood shouldn't be impacted.

Mr. Bruder asked for Mr. Bowling's comments regarding the thoroughness of the traffic study and any concerns that he may have.

Mr. Bowling stated that the traffic study that was done by TMS Engineers was submitted and reviewed by the City's Traffic Engineer. He stated that there was concern with the first report because Kent State was not in session so they had to retake the counts, which they did. He stated that the engineering profession has developed measurements to measure traffic congestion and what is considered acceptable. Mr. Bowling stated that the traffic analysis shows that the average delay falls in line with acceptable levels and the additional volume of trips generated by the proposed Dunkin' does not raise that average delay significantly; the average delay for the opening day without Dunkin' is 38.6 seconds in the afternoon peak rush hour and 38.9 seconds with the Dunkin'. He added that the traffic calculated for the Dunkin' is an estimate based on the Institute of Traffic Engineers National Standards for this type of facility; the standard also estimate that 50% of the Dunkin' traffic will be from people already on the road. Mr. Bowling stated the typical peak usage on the roadways is in the evening and Dunkin's peak usage will be in the morning. He stated that the neighbors will see more traffic spread out throughout the day.

Mr. Bruder questioned the financial responsibility of re-striping the left turn lane on South Water Street.

Mr. Bowling stated that it is the applicant's responsibility.

Mr. Paino questioned the distance the northbound lane closest to State Routh 261 (southern entrance) is from the intersection with Stated Route 261.

Mr. Bowling stated that because that is a right-in only ingress there will be lesser impacts of potential delays of traffic entering the property. He added that because the right of way is so large in that area, it is far enough from the intersection that there isn't a concern. He stated that the 2 entrances were required based on the fire department's needs.

Mr. Paino noted that if the residents of the houses behind the Dunkin' want to go south out of the property, they will need to go around the drive-thru or through the front of the building. Mr. Paino stated that he is still a little unclear regarding the drive easement and how it works. Mr. Paino questioned the traffic counts at 7-8a.m.

Mr. Bowling stated that the a.m. peak there are 760 cars going north and 460 going south and in the evening there are 700 going north and 1,100 going south based on traffic counts.

Mr. Paino expressed his concerns regarding the back-up or drive-thru traffic and how it is handled. He stated that the in and out of the property is going to be more dangerous.

Mr. Bowling stated that the left turn from Dunkin' is the most difficult and why they suggested they add a second egress lane leaving the site. Mr. Bowling stated that the crash ratings on State Route 261 have been a problem for a long time, and have been related to speed; the speed limit on South Water Street is 25mph.

Mr. Paino questioned the fence bordering Stated Routh 261.

Mr. Bowling stated that that is the limited access fence, which stays.

Mr. Paino asked if a sound study has been completed.

Ms. Barone stated that staff has not requested that study.

Ms. Susel stated that the city does have a noise ordinance that is enforced; if it is audible past the property line at 7am for example, they would receive a criminal offense for violation of the noise ordinance. Ms. Susel stated that the violations are complaint driven through the police department.

Ms. Eaken stated that they are not in favor of a 3 foot berm; they prefer a 6' wall or taller if allowed. Ms. Eaken stated that there is an escape lane around the drive thru to allow for vehicles to move for emergency vehicles. She stated that they can add signs to the entrance of the driveways that go back to the houses that say "do not enter – private property".

Mr. Blum stated that the volume of the drive thru speakers is adjusted based on the time of day to be respectful of the neighborhood. He agrees that the wall will have a tremendous effect on minimizing the sound. Mr. Blum stated that typically 65% of their business goes through the drive thru but due to COVID, it's more like 95%. He stated that this building will not open until next year and hopefully by then business will be closer to normal.

Mr. Paino reviewed the landscape plan and expressed his concern with how the limited access fence is going to look.

Ms. Eaken stated that they can add trees/shrubs on their property but cannot add to the state's property.

Mr. Paino questioned the location of the dumpster and asked if it could be located on the south side of the parking area where there are 16 spaces and only 6 are needed. Mr. Paino objected to its proximity to the apartment building and street.

Mr. Artman stated that it could be moved to the south side of the parking area but you would lose parking spaces in that area.

Mr. Bruder suggested that they study the turning radius for access to the dumpster.

Ms. Eaken stated that they may need to set the dumpster at an angle for ease of access.

Mr. Blum stated that there isn't any on street parking in this area so giving up parking spaces may be detrimental. He stated that it may be an option to move it behind the building to the green space and change the front curbing.





### **Board Discussion**

Ms. Edwards reminded those in attendance that the Commissioners don't necessarily get to choose what kind of business purchases the property but it is their duty to ensure the site plan and the conditional zoning certificate follow the zoning codes. She stated that the five main topics for discussion are: conditional zoning certificate, comprehensive sign packet, traffic, wall versus berm, and site plan discussion.

Mr. Bruder stated that he doesn't not have any further questions/comments.

Mr. Morris stated that he has serious concerns regarding traffic and parking at this location. He stated that he doesn't feel that it is enough parking given they will have 8 employees and has concerns about cars being blocked in with drive thru traffic. Mr. Morris cited the traffic/parking situation at the Starbucks on East Main Street as an example. He stated that he is also concerned with the noise from the drive-thru. Mr. Morris stated that he is very unhappy with the way this project is designed and the way it looks and feels that they are set up for failure.

Mr. Clapper stated that he agrees with much of Mr. Morris's comments regarding traffic. He stated that he lives close to the other Dunkin' on East Main Street and gets trapped on University Avenue because of the traffic and feels that this will be a bigger issue. Mr. Clapper questioned whether Section 1107.05(a)(6) directly speaks to the traffic or just the approaches effect on traffic. He stated that he feels that it is a detriment to the residents in the houses behind the proposed Dunkin'. Mr. Clapper stated that he also feels that the wall is better than the berm. He stated that he agrees with Mr. Paino regarding the dumpster and would like to see it moved to the southeast corner if at all possible.

Ms. Edwards stated that because she is not a traffic engineer, she feels that she needs to trust the traffic study. She stated that she visited Dunkin' on East Main Street and the Stow location three times and did not see any backups although she said she could have missed them. Ms. Edwards reviewed the General Standards listed in 1107.05(a) for Conditional Zoning Certificate:

Item #1: Shall be harmonious with and in accordance with the general objectives or with any specific objective of the Land Use and Thoroughfare Plan.

Mr. Bruder stated that he feels that this is a commercial business fitting into a commercial corridor.

Item #2: Shall be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use shall not change the essential character of the same area.

Ms. Edwards stated that there is a lot of commercial in the immediate area.

Item #3: Shall not be hazardous or disturbing to existing or future neighboring uses.

Mr. Paino stated that it could be construed as a possibility in his opinion.

Mr. Clapper stated that he could see disturbing being a factor.

Item #4: Shall not be detrimental to property in the immediate vicinity or the community as a whole.

Ms. Edwards stated that #3 and #4 could possibly be tied together.

Item #5: Shall be served adequately with public facilities and services.

Ms. Edwards stated that they already went through that item.

Item #6: Shall have vehicular approaches to the property.

Mr. Clapper stated that he previously addressed his concerns with #6. He questioned #5 with regards to the sidewalks that the City Manager gave a variance to not construct stating that he feels that building sidewalks with private money rather than public money is more advisable.

Mr. Bruder stated that he looked into this and the sidewalk doesn't exist north of the property as the apartments are so close to the street; it would have been a sidewalk just on the Dunkin' property.

Mr. Bowling stated that there isn't enough right of way on the property to the north to install any sidewalk.

Ms. Eaken stated that they did agree to install sidewalks if at any time in the future it becomes feasible to do so.

Ms. Edwards stated that the Comprehensive Sign Plan includes 3 separate wall signs totaling 70 square feet, the directional signs, drive thru signs, and the monument sign with the LED message board. She stated that she feels the 2 wall signs and the monument sign on South Water Street is a lot but is okay with the sign facing State Routh 261. She added that she is not in favor of the LED portion of the monument sign.

Mr. Morris stated that he agrees that it is sign heavy and also does not like the LED portion of the sign. He feels that they can reduce the signage and people will still know what it is.

Mr. Clapper stated that he agrees they should eliminate the LED sign. He also feels that they can do without the "Kent Runs on Dunkin'" and just use the typical brand sign. He stated that the signage is a little excessive on that elevation.

Mr. Paino stated that he does not like the LED sign. He stated that he feels that the "welcome back" and the "see you soon" signs are not needed but use the directional signs as needed. He stated that he does want to see the "do not enter – private property" posted at the residential driveway. He also agreed with Mr. Clapper to eliminate the "Kent Runs on Dunkin'" to minimize the number of signs. He added that a nice big tree is a nice sign too.

Mr. Morris summarized the Commissioner's comments on the Comprehensive Sign plan as follows: eliminate the "welcome back", "see you soon", the LED message board, and the "Kent runs on Dunkin'" signs and add "do not enter" signage where deemed necessary.

Ms. Edwards stated that it sounds like all of the Commissioners are in favor of leaving the wall as presented as opposed to the berm suggested by the ARB. Ms. Edwards stated that she feels that the dumpster is probably in the best location to allow for the most parking spaces as possible.

Mr. Bruder stated that moving the dumpster to the other location only moves it closer to someone else's residence, which they would see driving in and out. He agreed that while the dumpster location is not ideal, it is probably the best solution for a challenging site.

Ms. Edwards questioned the Commissioner's thoughts on the landscape plan.

Mr. Bruder stated that it is in compliance with the minimums that are required although they would always advocate for additional landscaping. He added that it is well designed and thoughtfully placed.

Ms. Edwards read the staff report, which indicates they are providing more than the minimum requirements for landscaping.

Mr. Bruder stated that he would suspect that the owner of the Dunkin' would do something if the limited access fence was in poor repair.

Ms. Barone stated that the "do not enter" sign for the residential driveway does not fall under the Comprehensive Sign Plan as the plan only covers items that advertise the business so it should be a part of the site plan motion.

Mr. Morris stated that he would also like to see the "DD" sign on the height clearance bar removed as well; sign clutter.

Ms. Eaken stated that she feels that it is important to have exit signs and suggested changing "see you soon" to "exit".

Mr. Blum stated that the "see you soon" language is what is available to them but they do not use it at any of their stores; changing that language to "exit" or "drive thru".

Ms. Eaken confirmed that they would have signs that say "enter" and "exit".

**MOTION: Mr. Morris moved that in Case PC20-011, Dunkin', 1625 South Water Street, the Planning Commission approve the Comprehensive Sign Plan for a new restaurant with a drive thru subject to the following:**

- 1. Strike the "Welcome Back" and "See You Soon" verbiage to read "enter" and "exit".**
- 2. Strike the LED message board**
- 3. Strike the "Kent Runs on Dunkin'" signage**
- 4. Eliminate the "DD" signage attached to the height clearance bar at the drive thru.**

***The motion was seconded by Mr. Paino.***

***The motion carried 5-0.***

Mr. Artman stated that the apartment building's trash is located on the southeast corner of the property adjacent to this property.

Mr. Paino stated that his other objection to the proposed dumpster location is that it is close to South Water Street in their front yard.

Mr. Clapper said that he would like to see it moved to the southeast corner of this property.

Mr. Bruder disagreed.

Ms. Edwards stated that the current proposed location of the dumpster is next to another dumpster on the neighboring property. She stated that if the dumpster is moved to the southeast corner then the trash truck and employees will be blocking vehicles trying to get back to their homes creating safety issues.

Mr. Bruder confirmed on the site plan that the dumpsters would be adjacent to each other due to the shape of the lots.

Ms. Edwards noted that the Dunkin' dumpster won't be as close to the street as it looks on the site plan as the apartment building will block the view.

Mr. Bruder added that the dumpster sits back farther than the apartment building.

Amanda again reviewed the standards for the Zoning Use Certificate with the Commissioners:  
Item #1: Shall be harmonious with and in accordance with the general objectives or with the specific objective of the Land Use and Thoroughfare Plan.

Mr. Paino and Ms. Edwards stated that they agree that the project meets this standard.

Item #2: Shall be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use shall not change the essential character of the same area.

Mr. Paino and Mr. Morris stated that they agree that the project meets this standard.

Item #3: Shall not be hazardous or disturbing to existing or future neighboring uses.

Mr. Morris suggested making the delivery times of 5:00 pm and 3:00 am a part of the motion to avoid a backup of traffic.

Mr. Clapper stated that the trucks will be noisy so he doesn't feel that deliveries should be made after 9:00 pm or whenever the noise ordinance begins.

Ms. Edwards stated that she is not in favor of restricting times and feels that most business owners don't want trucks in the parking lot during their main business hours.

Mr. Bruder stated that if they are in compliance with the noise ordinance they will not be bothering anyone.

Mr. Morris questioned if the police would cite a truck generator for the noise ordinance.

Mr. Fink stated that there have been citations for loud vehicles.

Mr. Bruder stated that he doesn't feel that early morning deliveries will be an issue as they are probably not economically feasible. He stated that the noise ordinance has been successful.

Ms. Edwards stated that she can't recall ever restricting delivery hours on a case.

Item #4: Shall not be detrimental to property in the immediate vicinity or to the community as a whole.

Mr. Clapper stated that if they deem Item #3 has been met, then it isn't likely that it is detrimental to property.

Item #5: Shall be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, or that the persons or agencies responsible for the establishment of such use shall be able to provide adequately any such services including refuse disposal.

No comments.

Item #6: Shall have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public street or roads.

Mr. Clapper stated that while the design of their ingress/egresses are probably adequate, he isn't sure that their capacity is big enough to handle the amount of traffic going to the store and based on other locations, feels that traffic will back up onto the streets.

**MOTION:** *Mr. Bruder moved that in Case PC20-011, Dunkin', 1625 South Water Street, the Planning Commission approve the Conditional Zoning Certificate and Site Plan to construct a new restaurant with a drive thru subject to the following:*

- 1. Technical Plan Review*
- 2. Adjust the lighting to be zero at the property line*
- 3. Install "Private Property – Do Not Enter" sign for the private drive.*

*The motion was seconded by Mr. Morris.*

*Mr. Clapper amended the motion to include the location of the private property sign to be at the entrance to the private property at the southeast corner of the lot. Mr. Morris seconded the motion. The motion to amend the motion carried 5-0.*

Mr. Clapper stated that he would like to stand on his comments regarding 1107.05(a)(6).

*Ms. Edwards called for a roll call vote.*

<i>Mr. Bruder</i>	<i>Aye</i>
<i>Mr. Paino</i>	<i>Aye</i>
<i>Mr. Morris</i>	<i>Nay</i>
<i>Mr. Clapper</i>	<i>Nay</i>
<i>Ms. Edwards</i>	<i>Aye</i>

*The motion carried 3-2*

## VI. Minutes

**MOTION:** *Mr. Morris moved to approve the June 2, 2020 Planning Commission minutes as revised. Mr. Clapper seconded the motion. The motion carried 5-0*

***MOTION:*** ***Mr. Morris moved to approve the June 16, 2020 Planning Commission minutes as presented. Mr. Clapper seconded the motion. The motion carried 3-0-2; Mr. Paino and Mr. Bruder abstained.***

**VII. Adjournment**

***MOTION:*** ***Mr. Morris moved to adjourn. The motion was seconded by Mr. Paino. The motion carried 5 – 0. The meeting adjourned at 10:00 p.m.***