

**KENT PLANNING COMMISSION  
BUSINESS MEETING  
MARCH 21, 2017**

**MEMBERS PRESENT:**     **Doria Daniels  
Peter Paino  
John Gargan  
Jeffrey Clapper**

**ABSENT:**                     **Amanda Edwards**

**STAFF PRESENT:**         **Jennifer Barone, Development Engineer  
Bridget Susel, Community Development Director  
Eric Fink, Assistant Law Director**

**I.     Call To Order**  
The meeting was called to order at 7:00 p.m.

**II.    Roll Call:**

**Mr. Paino, Ms. Daniels, Mr. Gargan and Mr. Clapper were present.**

**MOTION: Ms. Daniels moved to excuse Amanda Edwards from the March 21, 2017 Planning Commission meeting. Mr. Gargan 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 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 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**

The commissioners received no additional correspondence. A copy of *Resolution No. 2017-14* Imposing a Temporary Moratorium on the acceptance of any new land use application seeking a development order and on the acceptance of certain building permit application for property located within the R-4 zoning districts was submitted to the members that was approved by City Council.

**VI. Old Business**  
**None**

**VII. New Business**

**A. PC17-003 CITY OF KENT  
Zoning Code Text Amendments  
Chapters 1134, 1135, and 1171**

**The applicant is recommending amendments to Kent Codified Ordinance – Chapter 1134-R 3A: Extended High Density Residential District; Chapter 1135 – R-4: Multifamily Residential District and Chapter 1171 – Conditionally Permitted Use Regulations.**

Ms. Barone stated there are similar changes being made to the R-3A: Extended High Density Residential and R-4: Multifamily Residential districts as was done as in the U: University District. She said they changed the Multifamily from a permitted use to a conditionally permitted use so that the zoning code is consistent. There is a need to consider whether a proposed multifamily project is harmonious with the surrounding area and does not change the essential character of the area. Staff is recommending moving multifamily dwellings from the permitted use section listed in KCO 1134.02(a)(3), to the conditionally permitted use section as KCO 1134.02(b)(13)

and 1135.02(a)(3) to the conditionally permitted use section as KCO 1135.02(b)(17) and both being subject to 1171.01(5), (9), (11), (37)(a) through (37)(g), (38), (39), (40) and the proposed (58).

**PUBLIC COMMENTS**

NONE

**PLANNING COMMISSION DISCUSSION**

Mr. Clapper had a question regarding section that butt up against the township.

Mr. Fink replied that it is the idea to give the Planning Commission the discretion to choose exactly what it wants to look at as opposed to following a hard and fast rule.

Mr. Paino stated this relates to if it is detrimental to the area and this allows the Planning Commission to make a determination outside of the City limits.

Ms. Susel stated this will be germane to the nature of the projects that have been going into the City. She said they have added this to allow the Planning Commission the opportunity to consider areas outside of the City limits. It gives the Planning Commission the latitude to consider.

Mr. Gargan stated that the Planning Commission could not consider adjacent properties under the old code.

Mr. Fink stated that there was no City or State ordinance. He said there are case laws regarding this issue. He said because Kent is a Charter City he would like to have the authority to determine what properties the Planning Commission can look at. This would survive a court challenge. He has seen this, and it has worked.

Ms. Susel stated that this condition is now listed so developers will now see that is a condition that will be considered.

Ms. Daniels asked if other Charter Cities have this.

Mr. Fink replied that he was not aware of any other cities that have a language like this. He said there are none that are close to Kent.

Mr. Paino asked if this would apply to any project in progress.

Mr. Susel replied no.

There were no other comments or questions. Mr. Paino asked for a motion.

- (1) **MOTION:** *Mr. Gargan moved in Case PC17-003, the Planning Commission recommends to City Council to amend Kent Codified Ordinance 1134: R-3A Extended High Density Residential in regard to multifamily dwellings from a permitted use to a conditionally permitted use with the associated conditions from KCO 1171. Mr. Clapper seconded the motion. The motion carried 4 –0.*
- (2) **MOTION:** *Mr. Gargan moved in Case PC17-003, the Planning Commission recommends to Council to amend Kent Codified Ordinance 1135-R-4: Multifamily Residential District language in regard to multifamily dwellings from a permitted use to a conditionally permitted use with the associated conditions from KCO 1171. Ms. Daniels seconded the motion. The motion carried 4 –0.*
- (3) **MOTION:** *Mr. Gargan moved in Case PC17-003, the Planning Commission recommends to Council to amend Kent Codified Ordinance 1171 – Conditionally Permitted Use Regulations language to add 1171.01(a)(58) to include nearby properties outside the jurisdiction of the City of Kent. Mr. Clapper seconded the motion. The motion carried 4 –0.*

#### **VIII. New Business**

##### **A. Discussion on Temporary Moratorium for R-4: Multifamily Residential Zoning District.**

Ms. Susel stated that they been examining a moratorium on any type of housing which is not supported by the case law. She said they have done some checking and found that temporary moratorium is done in a very limited short period of time to allow a jurisdiction the time needed to look at and adjust its zoning code. She said the key is to keep them to the shortest possible time and to clearly articulate the purpose for what it is being done for. Ms. Susel said she and Mr. Silver, Kent City of Law Director, worked together to expedite the process because staff has received inquiries from developers after the presentation of the Horning Road project that was heard and voted on by the Planning Commission. This project was going to be built in an R-4 district which is a permitted use. New developers were coming in with other projects. She said staff had already made the decision to go forward to moving a multifamily projects to a conditionally permitted use. Ms. Susel said a council committee and a full special City Council hearing were held. City Council enacted this change affective March 1, 2017 and it will be in place until what is passed at this Planning Commission meeting is approved by City Council. The moratorium will then be set side.

There will be a public hearing and committee discussion in May regarding these issues before it goes to full City Council on May 17<sup>th</sup>. She did not anticipate any problems with City Council.

She said staff does not want to see an occasion when the Planning Commission has issues that it could not address.

Mr. Fink stated that the temporary moratorium is for six months from March 1, 2017.

A discussion was held about the Presbyterian Church housing project which was approved as a permitted use.

Mr. Paino asked if a consultant has been hired to update the zoning code.

Ms. Susel replied no, but it will happen soon. She said they are not looking at rezoning but rather changing the requirements such as density, per person rather than per units, and the open space. She said that density as it was looked at 30 years ago is no longer applicable now.

Mr. Paino asked what the consultant will do and what the time frame will be.

Ms. Susel replied they need time to write the description of what the City of Kent wants, three weeks to send out the request and then a two week time frame to hire. It will be at least six to nine months to write the recommended changes. She said the adjustments will be presented as piecemeal, not all at once. The consultant should tighten up the zoning code. There will be a lot of discussion.

Mr. Paino asked how R-4 high density project was distinguished from student housing.

Ms. Susel replied that is one reason the City of Kent is hiring a consultant. She said they want one that has experience in a college town.

Ms. Daniels thanked staff for their service.

There were no other comments or questions.

## **IX. Adjournment**

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

The meeting adjourned at 7:30 p.m.