

**KENT PLANNING COMMISSION
BUSINESS MEETING
FEBRUARY 5, 2019**

MEMBERS PRESENT:

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

STAFF PRESENT:

**Jennifer Barone, Development Engineer
Bridget Susel, Community Development Director
Eric Fink, Asst. Law Director
Tom Wilke, Economic Development Director**

I. Call To Order

Ms. Edwards called the meeting to order at 7:03 p.m.

II. Roll Call:

Ms. Edwards, Mr. Clapper, Mr. Paino, Mr. Bruder, and Mr. Morris 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 1109 of the Zoning Code. Anyone interested in appealing a decision of the Planning Commission is advised to seek private legal counsel.

IV. Oath of Office

Mr. Fink administered the Oath of Office to Christopher Clevenger-Morris. Mr. Morris responded "I do".

V. Election of Officers

MOTION: Mr. Morris made a motion to move Election of Officers to the end of tonight's meeting. Mr. Clapper seconded the motion. The motion carried 5-0

VI. 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."

VII. Correspondence

More information was presented for PC19-001, 325 Crain Ave. The Commissioners all stated that they have had adequate time to review the document.

VIII. Old Business

None

IX. New Business

**A. PC19-001 Masjid of Kent – Parking Lot Improvement
325 Crain Avenue
Conditional Zoning Certificate and Site Plan Review & Approval**

The applicants are seeking a Conditional Zoning Certificate and Site Plan Review and Approval. The subject property is zoned R-3: High Density Residential Zoning District.

Ms. Edwards asked staff to introduce the project and review the Staff Report.

Ms. Barone reviewed the staff report that was presented to the Board.

Sean Barbina, 315 Gougler Ave, stated the mosque has been having a lot of parking difficulties as well as pedestrian paths between the parking lot and the building. The Board of Zoning Appeals has granted variances, which will allow them 26 existing rear parking spaces and 20 new spaces to the east in the rear parking area and create safe passage to the building. Landscaping and fencing will create a barrier to the neighborhood. He added that they have kept the driveway as centrally located as possible.

Mr. Bruder asked for more information on the storm water management issues.

Ms. Barone explained that she received information from their engineer stating that the increase in runoff was insignificant and she does not agree with that. She added that they are looking at various storm water management systems to use.

Mr. Paino asked where a rain garden would be located.

Ms. Barone stated that her thought is that they could put grass swales along the edge of the parking lot on the north or east and west side as a possible alternative

Mr. Paino asked if the two catch basins that shown on the drawing are existing.

Mr. Barbina stated that they are new.

Mr. Paino asked if the rear existing parking area would need to be upgraded with catch basins.

Ms. Barone responded that they do not because they are existing.

Mr. Morris asked Ms. Barone if she will be able to work out the storm water issue in technical plan review since it isn't a large issue.

Ms. Barone responded that she would.

PUBLIC COMMENTS

Bob Wilson, 536 N. Willow stated that owns the property directly behind the mosque and is interested in the storm water issue. He stated that he has some rain garden type planting at the low end. His biggest concern is the snow removal as the snow piles are currently close to pushing the fence down; larger parking lot, larger snow piles. He added that in general the mosque has been a good neighbor and he understands their need for additional parking.

PLANNING COMMISSION DISCUSSION

Ms. Edwards stated that they have received correspondence from Keith Schmader regarding the variances.

Ms. Susel stated that she shared the documents that were reviewed by Board of Zoning Appeals as well as the Planning Commission documents before them tonight, and has not heard back from Mr. Schmader since he received the information; he was possibly just inquiring about the project.

Mr. Morris as Mr. Barbina if the snow removal had been considered.

Mr. Barbina stated that it has. There are two parallel spots that could be used for snow storage for the front portion, the rear will still be pushed to the back and some other areas can be moved to the sides.

Ms. Edwards stated that she feels that the project will add to the aesthetics of the neighborhood and also help with the street parking. She is confident that the City will make sure that the runoff is addressed.

MOTION: *Mr. Morris moved that in case PC19-001, the Planning Commission approve the Conditional Zoning Certificate and Site Plan to expand the parking lot for the Masjid of Kent at 325 Crain Avenue, subject to the following conditions:*

- 1. Technical plan review and approval*
- 2. Incorporate storm water management facilities*
- 3. Consolidation of the parcels*

Mr. Clapper seconded the motion. The motion carried 5-0

**B. PC19-002 NYPANO Company, LLC
200 West Williams Street
Rezoning**

The applicants are seeking the rezoning of the subject property to CD: Commercial Downtown Zoning District. The subject property is currently zoned I: Industrial Zoning District.

Mr. Paino recused himself from this case.

Ms. Edwards asked staff to introduce the project and review the Staff Report.

Ms. Barone reviewed the staff report that was presented to the Commissioners.

Scott Flynn, 220 Francis Drive, Kent stated that he is representing NYPANO. Mr. Flynn explained that NYPANO owns 15 acres but is only seeking rezoning for 2.5 – 3 acres of that parcel to become C-D: Commercial Downtown. He stated that the Industrial zoning of the parcel doesn't make sense anymore as the railroad companies are gone, and the downtown core has expanded. He feels that expanding the downtown in this area makes sense and development in this area would bring greater pedestrian safety, crosswalks, sidewalks, bike paths, etc. He added that changing the zoning for this oddly shaped parcel will incentivize some development. He explained that they are asking for a little bit of an extension of the current downtown area so they can make the highest possible use of this property, which they feel would have a less negative impact on the neighborhood than industrial.

Mr. Bruder asked why the parcel boundaries are not specifically defined.

Mr. Fink stated that before it goes before City Council it will need to be clearly defined but because this is just a recommendation phase, it is not required.

Mr. Bruder asked if this warrants a traffic study before any changes are made.

Ms. Barone stated that a traffic study would occur when a project is submitted for site plan or conditional zoning review.

Ms. Susel added that the Commission needs to consider all permitted and conditionally permitted uses that are being proposed for this zoning district. It needs to be looked at in its totality.

Mr. Morris asked that staff read for proposed uses for those present so that they will have a better understanding of what is being considered.

Ms. Barone read the uses for both the existing and proposed zoning districts as listed in the staff report.

Mr. Morris stated that there are a lot of unknowns and he is very hesitant to make a decision at this point.

Mr. Clapper asked if they would be required to have a parking plan if it is changed to the C-D district.

Ms. Susel stated that that is correct however, any project will still need to meet any conditions that are listed for permitted and conditionally permitted uses in that district.

Ms. Edwards asked Mr. Fink to explain spot zoning.

Mr. Fink stated that spot zoning is when you take a parcel and change is to meet just one specific need/location. In this instance, it would not meet any of the tests set forth by the Ohio Supreme Court regarding spot zoning because they are asking to convert this to a district that is directly adjacent to it. The City of Kent's code prohibits spot zoning.

Mr. Morris asked if once this zoning was changed to C-D, could the next parcel owner also ask for rezoning.

Mr. Flynn stated that his client owns the other twelve acres down Mogadore and is not seeking further changes. Davey Drill is located to the south of this parcel and the owner has no plans to convert this to a Commercial district.

Mr. Morris reminded Mr. Flynn that he stated that while Mr. Myers owns the property today, there's nothing to say that the next owner may want to do something different.

Mr. Flynn agreed that that is always a possibility, but at this time, Mr. Myers has no intentions of expanding the C-D district further than the request tonight. Mr. Flynn stated that if the parcel is rezoned, it is the very beginning of many meetings, hearings, and discussions with the City regarding a proposed development, and at that point there will be traffic studies. He understands the Commission's concerns

about the unknown but reminded them that without the rezoning, they can't get to point of specific project details; at this point it can only be developed as a factory.

Mr. Morris stated that he understands that this is the first step however, he is very cautious to make a change without first making sure that all of the uses proposed would not adversely affect the surrounding areas.

Mr. Flynn stated that there are also 'what-ifs' as an industrial property. The decision is whether to make the property an extension of the downtown or remain as industrial property. He explained that at some point his client is going to develop this property and connecting it to the downtown in his mind this provides the best and highest use.

Ms. Edwards asked who is financially responsible for improvements resulting from a traffic study.

Ms. Susel stated that the developer is responsible. Ms. Susel added that this rezoning will go before City Council whether Planning Commission gives it a positive or negative recommendation.

PUBLIC COMMENTS

Mr. Myers, 1750 Oakhill Dr. stated that his family has owned this parcel since 1943 when they purchased it from the railroad. He stated that they have tried to be good stewards of the property and that will not change with a change in zoning. He explained that whatever is developed on this property will need to meet his high expectations.

Howard Boyle, 1485 River Edge Dr., stated that he has been involved with downtown development for a long time. Mr. Boyle stated that Kent is unique in that it is a central business district unlike some of the surrounding communities. In past years, the zoning mirrored suburban zoning making a major thoroughfares commercial districts although they may be residential in nature. He explained that commercial districts in a central business district develop block by block and are walking districts. Mr. Boyle stated that he is concerned about pedestrians rather than cars. He would like to see people in commercial districts walk to the businesses downtown. Mr. Boyle shared some historical photos and background of the subject property.

John Spindler, 503 Franklin Ave. stated that he is against the proposed zoning changes because he feels like the downtown area has expanded too far when it is not succeeding as well as he thinks it should. He feels that there are more areas in the existing downtown that need to be used before expanding outward. He would like to see the area stay industrial as the country as a whole needs this type of growth. He likes the greenspace. He approves of prudent building however, he feels that we are overbuilt with apartments. He also feels that we need more

parking. He suggested that maybe the City can help with keeping the parcel maintained in exchange for an auxiliary parking area.

Courtney Davis, 555 Franklin Ave. stated that she is the owner. She would like to see the reverse of slumlords and poorly maintained property. She believes an increase in lighting, traffic, and noise will be a deterrent of nice, tidy single family homes.

Mary Beth Cieplinski, 533 Franklin Ave. stated that she agrees with the neighbors that have talked before her. She emphasized that this area is a neighborhood and should not have any kind of development. She doesn't feel that it will help the depreciating home values and doesn't want downtown any closer than it is. She agreed that while a flower shop across the street from her house would be nice, she is concerned about the traffic at Franklin and Summit; this intersection has become a hazard. She stated that they already have lights and noise from Fred Fuller Park and doesn't want that to increase.

Phoebe Prisop, 555 Franklin Ave. stated that her concern is the lack of details on what will be constructed, the financial impact of a large corporation versus a small local business, and losing the small town feel of Kent. She stated that many of the neighbors that she has talked to feel the same way.

PLANNING COMMISSION DISCUSSION

Mr. Clapper asked if it is possible to review this case after the zoning code changes are complete.

Ms. Barone stated that they need to make a recommendation to Council within a certain timeframe.

Mr. Fink clarified that they have 60 days to make a recommendation. He stated that vagueness of the application is something that the City requested of the applicant because we don't want anyone to think that this is for one concrete proposal as all uses need to be considered for a zoning change.

Ms. Edwards stated that she understands concerns about developing the property and also the property owner's right to develop his property. She added that we can't expect the property owner to allow free parking as well as other uses. She doesn't have an issue with the C-D district per say, but rather the districts requirements for parking and that is it a permitted use for multi-family residential. However, she feels that there are some great commercial district uses that that property could utilize. She added that she feels that commercial development might help the traffic, intersections, and lighting because the City and the developer would work together for a resolution.

Mr. Bruder stated that he agrees with Ms. Edwards. He thinks that it is a logical step to change this parcel to the C-D Commercial Downtown district, as development does grow block to block. He appreciates that they districts are

contiguous, and also that the owner has the right to develop his property. He added that with the current zoning, they could be discussing a dog food factory, which would be a permitted use. He stated that this change would provide more flexibility and more palatable options. He explained that if that parcel was valuable to the City, they would have to purchase it.

Ms. Susel stated that there was another zoning change that was approved with covenant language that was recorded with the deed that put limitations on the property. She explained that the Planning Commission's decision could also include limitations or conditions that tie to the rezoned parcel that will carry forward in perpetuity regardless of whether it is sold. Ms. Susel added that there may be mechanisms that can be put in place that would alleviate some of the challenges that they are concerned with. Any conditions would be a recommendation to Council. The property owner or future developer would have to be accepting of the recommendation.

Mr. Morris asked if staff would be able to provide information as to what their options are.

Ms. Susel stated that if the Commission guided staff as to what the issues of concerns are, they can fashion possible restrictions that could be considered and for discussion purposes only they would not be staff recommendations.

Mr. Morris stated that he would like to see examples of what the City and other communities have done in the past. He would like to find a way to protect the interests of the community members who live in that district while upholding the owner's right to develop his land.

Ms. Edwards asked if they could place stipulations on parking.

Ms. Susel stated that they can make a recommendation that would then be discussed with Council. Ms. Susel explained that any restriction would be applied to all development across the board. Ms. Susel cautioned that not every possible scenarios can be considered, and the Commission should be careful to not make it so restrictive that nothing can be developed even with the rezoning.

Ms. Edwards asked what the parking restriction is for the N-C: Neighborhood Commercial District is.

Ms. Barone stated that the N-C District only requires a parking plan.

Ms. Edwards asked what Mr. Bruder's concerns are.

Ms. Susel reminded the Commission that with regards to housing since it is an allowed use in the C-D district, any multi-family housing is limited to no more than two unrelated. The ability to use the rent-per-bed has been removed from the zoning districts for now. She stated that when they are considering conditions,

they should focus on the permitted uses as opposed to the conditionally permitted uses as they have 6 criteria that need to be met before approval is given. Ms. Susel suggested that they consider the areas that caused concern when they reviewed past development such as a parking plan versus on-site parking for multi-family housing. You don't need to apply such a restriction to all uses. There is no set answer but these are the types of items they need to think through.

Ms. Edwards asked Mr. Clapper which projects he felt parking has been an issue.

Mr. Clapper stated that most of the downtown businesses use on-street parking. However, there isn't any on-street parking on Franklin, Stow, or Summit Streets.

Mr. Bruder stated that under the current zoning, Mr. Myers could pave the entire lot for a parking lot.

Mr. Clapper expressed his concerns for multi-family housing parking.

Ms. Edwards stated that if there is a covenant that there is no multi-family residential on that parcel then the huge parking issue disappears.

The other Commissioners agreed and asked if they need to ask if the applicant is agreeable or just make the recommendation to Council.

Ms. Susel stated that they will make the recommendation to Council. Council will hold another public hearing and the applicant and the public will have the opportunity to speak again. City Council has ultimate authority of what is actually approved.

Mr. Bruder stated that there is a process for approving a parking plan.

Mr. Morris added that this is only for conditionally permitted uses. If it is a permitted use, they have no say.

Mr. Clapper asked if the proposed zoning changes will affect this parcel.

Ms. Barone stated that the development follows the zoning code that is in effect when they submit documents for approval.

Mr. Flynn stated that the rumored hotel that may or may not happen will not be built without adequate parking. He suggested that the Commission make a recommendation to Council to approve with covenants for parking or something else. He would need to discuss this with his client, but believes that he would be receptive to this.

Mr. Morris stated that it is more than just the current property owner and his plans for the property. He explained that they need to think about the property and what can happen in 10-20 years from now.

Mr. Flynn stated that he knows that Council is appreciative of parking and zoning issues and feels that a recommendation tonight for the approval of the zoning change asking Council to impose covenants would be more expeditious than continuing the case for further discussion.

Mr. Morris stated that they need to present the best information available to Council. He added that he is not comfortable recommending anything without restrictions.

Ms. Edwards agreed that they need to put thought and detail into their recommendation to Council, which needs to be done in a public format. She added that she would prefer to figure it out now as the discussion will be the same at the next meeting.

MOTION: Mr. Morris moved to have a 5 minute recess. Mr. Bruder seconded the motion. The motion carried 4-0.

Mr. Clapper stated that he keeps going back and forth on this issue as he can see both the positives and negatives. He suggested adding to the recommendation to Council that the actual change does not come into effect until the new zoning code is approved.

Mr. Fink stated that the developer may or may not agree to that condition and it is up to Council to make the final decision. The Commission does have the ability to attach this to their recommendation. He added that it will be many months before the new zoning code is completed.

Mr. Bruder stated that he doesn't feel that it is fair to the applicant.

Ms. Edwards agreed with Mr. Bruder.

Mr. Clapper stated that one of the recommendations he will make with regards to the new zoning code will be that any commercial property that directly abuts a residential property should be conditionally permitted, which gives Planning Commission an opportunity to work out issues.

Mr. Morris stated that they could add that as a covenant to the recommendation to Council for this specific parcel. Mr. Morris added that his recommendation for a covenant would be any parking plan submitted through the development be submitted to Planning Commission for approval. If the developer wants to develop a parking plan on this space, Planning Commission needs to approve it.

Ms. Susel asked if he is referring to a parking plan that is specific to that site and not a parking plan off site.

Mr. Morris responded 'correct'.

Ms. Edwards stated that she would agree with Mr. Morris.

Ms. Susel suggested that they should clarify the language to whether it is a permitted or conditionally permitted use, you would want a parking plan on-site to be reviewed and approved by Planning Commission.

Ms. Barone asked about off-site parking.

Mr. Clapper stated that off-site parking may come along by the time the parcel is developed and will need to be addressed.

Mr. Bruder stated that the two houses that are immediately connected to this parcel are zoned Industrial.

Ms. Edwards stated that she feels that the covenant about parking takes care of her personal concerns.

Whether permitted or conditionally permitted use, any parking plan for this parcel, on-site or off-site, will be submitted to and require approval by the Planning Commission.

MOTION: *Mr. Morris moved that in case PC19-002, the Planning Commission recommend to Kent City Council to approve the zoning map amendment for a 2.5-3.0 acre parcel at 200 West Williams Street from I: Industrial to C-D: Commercial-Downtown, with the following covenant:*

1. *Whether the use is permitted or conditionally permitted, any parking plan for this parcel, on-site or off-site, must be submitted to and approved by the Planning Commission.*

Mr. Clapper seconded the motion.

*Mr. Morris: Yes Mr. Clapper: Yes Ms. Edwards: Yes
Mr. Bruder: Yes*

Motion carries 4-0.

X. **Minutes** *November 6, 2018*

MOTION: *Mr. Paino moved to approve the November 6, 2018 minutes as presented. The motion was seconded by Mr. Clapper.*

The motion carried 4-0-1. Mr. Morris abstained.

XI. Other Business

None

V. Election of Officers

Mr. Fink summarized the positions and their responsibilities. After Planning Commission Discussion, the appointment of officers is as follows:

MOTION: *Mr. Paino moved to elect Amanda Edwards as Planning Commission Chairperson. Mr. Bruder seconded the motion.
The motion carried 5-0.*

MOTION: *Ms. Edwards moved to elect Peter Paino as Planning Commission Vice Chairperson. Mr. Clapper seconded the motion.
The motion carried 5-0.*

MOTION: *Ms. Edwards moved to elect Michael Bruder as Planning Commission Secretary. Mr. Paino seconded the motion.
The motion carried 5-0.*

Ms. Susel summarized the position with the Community Reinvestment Area Housing Council (CRA). After Planning Commission Discussion, the appointment is as follows:

MOTION: *Ms. Edwards moved to appoint Chris Morris to the Community Reinvestment Area Housing Council (CRA). Mr. Clapper seconded the motion.
The motion carried 5-0*

XII. Adjournment

MOTION: Mr. Morris moved to adjourn. The motion was seconded by Mr. Paino. The motion carried 5 – 0. The meeting adjourned at 9:15 p.m.