

**KENT PLANNING COMMISSION
BUSINESS MEETING
DECEMBER 15, 2020**

MEMBERS PRESENT: Amanda Edwards
Chris Clevenger-Morris
Jeff Clapper

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 7:00 p.m.

II. Roll Call:

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

MOTION: *Mr. Clapper moved to excuse Peter Paino from the 12/15/2020 Planning Commission Meeting. The motion was seconded by Mr. Morris. The motion carried 3-0.*

MOTION: *Mr. Clapper moved to excuse Michael Bruder from the 12/15/2020 Planning Commission Meeting. The motion was seconded by Mr. Morris. The motion carried 3-0.*

III. Correspondence

None

IV. Old Business

None

V. New Business

A. Zoning Code Update: Work Session Twelve

The proposed Zoning Code Text Amendment is being forwarded to the Commission for review and comment.

- Staff revised the proposed Chapter 1106: Standards Applicable to Specific Land Uses to include a new section identified as "Potential Concerns" for each conditional use that is now listed before the actual conditions in this chapter. Staff also identified the conditions applicable to all uses, including permitted and conditional, and added it as a new section under site plan review in Chapter 1112.

The following listed conditional uses were discussed:

Section 1106.01 Airports, Airfields, and Landing Strips

Ms. Edwards asked if the category “Potential Concerns” meant consideration was limited to only those that were listed.

Ms. Susel said it was not and suggested adding language in the beginning of the chapter that clarifies what “Potential Concerns” means and then adding wording stating “but not limited to.” It was mentioned that this will also address any listed “Potential Concerns” for a conditional use that does not apply in some instances.

Mr. Fink will craft language.

Ms. Edwards stated that for airports, airfields and landing strips, she did not find 100’ from front for all structures and taxi areas to be far enough away. She recommended 300’ setback from all property lines for runway and make runways a separate condition. .

Section 1106.02 Apartment Complex

4 unrelated was questioned. Staff explained that this was a new conditional use category that will allow for up to 4 unrelated individuals, per unit, to reside in one dwelling unit in a multi-unit, multi-building project. This is different than a rooming house, which is defined as a former single-family structure that allows 3-15 maximum unrelated individuals as residents.

1106.06 Automotive Washing Facility (Car Wash)

Discussion among the Commissioners regarding adding 1) Noise from operations and 2) traffic as “Potential Concerns”. Applicant will need to verify traffic does not back up on street. Suggestion that “traffic” should be added to all potential concerns to which it applies in this section.

Discussed the standards for all permitted and conditionally permitted uses that was added to Chapter 1112 and send to Commissioners.

Mr. Clapper asked a question regarding adding a condition about automotive repair businesses parking vehicles on sidewalk and referenced Firestone on E. Main Street as the example.

Ms. Susel explained that Firestone’s use of the sidewalk area was informally authorized many years ago by prior City staff, but in the last 4-5 years, a formal agreement to use a section of the sidewalk for the temporary parking of vehicles being serviced during business hours was finalized by the City Engineer, Jim Bowling.

1106.09 Bar, Tavern, Night Club, Saloon and Similar Establishments

Commissioners discussed including 1) parking, 2) Hours of operations as “Potential Concerns.”

1106.13 Business, Retail

Discussion that Outdoor display of merchandise or services, such as is currently occurring with the Erie Street Kitchen that currently operates in The Venice Café on Erie Street is typically not allowed, but exception has been allowed in response to COVID concerns. –

1106.14 Cemetery

Remove Zombies as a “Potential Concern” (NOTE: Added in draft for comical relief with intention to remove prior to formal recommendation to Council in the coming weeks.

Ms. Edwards asked why cemeteries, crematoriums, and funeral homes aren’t together in the “Conditional Use” chapter. It was explained that these three uses are conditionally permitted in different zoning districts and are listed in this section in alphabetical order.

1106.22 Fraternities

Staff noted that the new sign chapter does prohibit sheet signs and signs made from other materials not designed for outdoor display that are frequently seen hanging in the front of fraternities and sororities. Staff also note that feather signs are prohibited as well in the new sign chapter.

The consequences for displaying an illegal sign was questioned. Staff reported it is considered a civil offense under Section 501.13 (Civil Offenses) and subject to fines for noncompliance.

Question on whether Visual Clutter can be added as a condition. Staff explained this can be addressed under some of the “Potential Concerns” already listed, including “Nuisance” and “Trash.”

Discussion of applying “(B) Conditions (1) Basis of Determination” to all permitted and conditionally permitted uses. Staff will add to the new section in Chapter 1112 that applies to all permitted and conditionally permitted site plan reviews. “Basis of Determination” allows the Planning Commission to consider and compare a proposed use to other nearby properties.

1106.26 Home Occupation

Discussion regarding adding language that can limit proximity to schools for Home Occupation uses such as the background firearms case heard in November. Staff explained that the service provided in that case was a legal use that did not have any state or federal limitations with regards to such limits so applying as a local requirement will be a challenge to defend in court. This would also apply to firearms sales in commercial districts.

It was questioned how to separate guns out. Staff will look into this. Making it similar to Sexually Oriented Businesses was suggested.

1106.27 Hotel or Motel

Requested to add “parking” as a “Potential Concern” for this use.

Discussion regarding parking regulations for C-D Zoning District based on the proposed new hotel for the corner of Franklin and Summit. Commented that new hotels or motels proposed for the C-D should have to have onsite parking. Discussion that other cities have similar model with regards to providing a parking plan rather than on-site parking.

Staff will send downtown parking information regarding 1 minute and 3 minute walking distances.

1106.32 Medical Marijuana, Dispensary

Mr. Clapper asked about adding medical marijuana dispensary in the C-D Zoning District and if distance limits can be established for schools and public parks (St. Patrick's, Dan Smith Park, etc.). Staff explained that under the current State of Ohio medical marijuana regulations, it will not comply, but if the State extends marijuana sales to include recreational it can be evaluated and the Code amended at that time.

1106.35 Microbreweries

Must produce what is sold on site otherwise, it is considered a bar or tavern.

1106.38 Multi-Family Dwellings and Apartments

Discussion regarding whether "height" needs to be added as a "Potential Concern." Staff explained that height and density restrictions are specified per zoning district in Chapter 1103.

1106.40 Open Air Markets / Farmers Market

Discussion that currently the Haymaker Farmers' Market utilizes area on Summit Street where the proposed new hotel will be located. The owner of the site did report he will continue to allow shared parking when the hotel is constructed and operational. Discussion that once the Farmers' Market moves indoors, it is governed by the Health Dept. and not the Zoning Code/CD Dept.

1106.44 Outpatient Addiction Services Facilities

Ms. Edwards requested an explanation of what this applies to and the example provided was a Methadone clinic open during specified hours with no overnight/residential services provided.

1106.50 Religious Institutions

Question regarding whether the City and/or language included in the Zoning Code can regulate the issuance of parking permits by churches. Staff explained that it is private property and if no complaints or concerns develop, it cannot be regulated. Churches still must adhere to Planning Commission approval.

1106.51 Residential Facilities

Freedom House and Miller House would not be allowed in certain residential zoning districts. These facilities are different than independent living situations in residential areas. Staff provided an example of three unrelated persons with developmental disabilities who are living in an R-3 because complied with zoning since all three documented receiving assistance from applicable County services agency.

1106.54 Rooming and Boarding Houses

Discussion on the amendments made to this use in 2017 so this section not change from current Zoning Code. Discussion of the changes and issues. Suggested add (1) parking as a Potential Concern. (2) MF cannot be rooming house

1106.56 Sexually Oriented Businesses

Currently only conditionally permitted in I: Industrial District. Discussion regarding adding to the Intensive Commercial Residential (IC-R) Zoning District, which includes mostly West Main Street. Decision was made to prohibit this use in the IC-R as well.

Discussion that the staff has requested the consultant alphabetize the use chart currently in Chapter 1103 so it is easier to find the uses.

1106.57 Storage Units

Discussion of fencing and difference between opaque and painted. Example of material or inserts on a chain link fence (opaque), vs. a painted fence.

VI. Minutes

November 17, 2020 Minutes will be reviewed at the next meeting.

VII. Adjournment

MOTION: Mr. Clapper moved to adjourn. The motion was seconded by Mr. Morris. The motion carried 3 – 0. The meeting adjourned at 8:50 p.m.