

**KENT PLANNING COMMISSION
BUSINESS MEETING
MAY 21, 2019**

MEMBERS PRESENT:

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

STAFF PRESENT:

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

I. Call To Order

Ms. Edwards called the meeting to order at 7:00 p.m.

II. Roll Call:

Ms. Edwards, Mr. Clapper, Mr. Bruder, Mr. Paino, 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. Administration of Oath

None

V. Correspondence

Revised 1103 Code Chapter – 5/17/19
List of Existing vs. New Terms

VI. Old Business

None

VII. New Business

A. Zoning Code Update: Work Session Two

The proposed Zoning Code Text Amendments are being forwarded to the Commission for review and comment.

Work Session Two is the review of the following:

- Chapter 1103 – LAND USE AND ZONING MAP.

Ms. Barone initiated the work session by explaining that the reason for the revised chapter is a result of a recent meeting with the consultant. She added that the list of existing versus new terms outlines which terms the consultant has merged into new terms. This document is for the purpose of the zoning code revision only and will not be a part of the final new zoning code.

Ms. Susel stated that there will be more new terms and definitions in the future.

Page 3-1

Mr. Paino asked why the Conservation Alternative isn't listed on the first page.

Ms. Barone stated that it is now located in a separate chapter for overlay districts.

Ms. Susel stated that all special designations that overlay the zoning districts will be handled separately to avoid confusion.

Page 03-2

The descriptors have been simplified in the first section.

Page 03-3

Mr. Barone stated zoning boundaries descriptors B & D were deleted. The consultant has been asked to look at clarifying a parcel that has two different zoning districts.

Mr. Bruder asked if they would correct parcels that have two different zoning districts when they update the map.

Staff will need to look into that.

Ms. Barone stated that in 1103.04, they have added that the zoning inspector will decide if there is a question about the zoning boundary. If a person disagrees with the zoning inspector, then they could take it to the Board of Zoning Appeals. They have also changed the amount of time to update the map to 30 days.

Mr. Paino questioned the title “zoning inspector”.

It was suggested to add zoning inspector to the definitions if it isn’t already in there.

1103.06 language has been clarified so that the permitted, conditionally permitted, and specially permitted are better understood. Mr. Bruder asked if it needs to be clarified as to who “deems not harmonious are specifically prohibited”. Ms. Susel stated that the fact that it is not listed in that district means that it has already been determined by the adoption of the code that it is not harmonious with that district. Mr. Bruder suggested adding the word “not” with each “harmonious”, “conditionally permitted”, and “specially permitted” for more specificity.

The table that delineates each zoning district and the how a use is permitted will change once it is determined the specific uses for each district. Mr. Paino stated that when he reviewed this document on his computer, the header for the graphs needs to repeat at the top of each page.

03-08: The Board likes the format. Ms. Barone stated that the minimum lot width at the building line was removed. Mr. Paino stated that this measurement is typically used for flag lots. Ms. Susel stated that if Kent has one it would be residential and probably have a house on it. Mr. Paino agreed and stated that the other setbacks will limit where you can put a building.

03-10: Mr. Bruder asked about the definition of foster home. Ms. Susel stated that they will be removing Foster Home from the definitions as it would be covered under Caregiver and Residential Facility.

Ms. Barone asked if Accessory Building should be listed under each type since it is allowed in each district. Mr. Bruder and Mr. Paino feel that a link and reference to the Accessory Building section is adequate.

Mr. Paino noted that they removed the reference to lot size without sewer and water. Ms. Barone stated that they will add another section that references parcels that may not have sewer and water but most parcels do have it.

R-2: Similar to R-1

R-3: Ms. Barone stated that they have asked the consultant to simplify the method for the way the square footage is calculated for multi-family. Staff will also review the requirements to make sure they are realistic. Mr. Paino asked for clarification on limited multi-family dwellings in the intent section. Mr. Fink explained that those are dwellings where you still are able to have a multi-family dwelling but you can’t build a 36 unit structure; small multi-family dwelling structure. Mr. Paino and Mr. Bruder would like to see more clarification of this text. The Board and staff discussed density examples.

Mr. Clapper suggested making anything that abuts one district to another automatically conditionally permitted. Ms. Susel stated that it couldn’t be done across the board; you try

to minimize conflict but you will never eliminate it. Ms. Susel suggested that they can make other elements conditional such as drive-thru's, sizes, etc.

Ms. Barone stated that all of the special conditions from 1171 will be added to the end of the chapters for ease of reference.

Mr. Paino ask about the minimum lot coverage vs. open space.

Ms. Barone stated that it is an issue and will be modified in some way. She stated that she feels that the open space calculation is too complicated.

Mr. Paino agreed and asked for a better calculation process. He added that it might decrease the percentage of open space but it might make it better open space.

R-3A: Ms. Barone stated that they had them adjust all of the language to be identical to the R-3 as the plan is to remove R-3A when the map is changed with the Comprehensive Plan.

R-4: Maximum lot coverage was removed but may be looked at again with the open space. Maximum building heights in all districts except for R-1 thru R-3 and OR have all been changed to 60 feet. There are allowed for some small protrusions such as elevator shafts, mechanical equipment, etc.

Mr. Fink added that there is new language in districts R-4 and up for an additional 1 foot of building height for each 1 foot of height of parking floors provided under a building with a maximum of 15 feet.

The Board was concerned to have this for the R-4 District as it would put tall buildings in neighborhoods. They liked the idea to help incentivize open space but maybe for other districts such as C-D. It was suggested to make this a condition of the conditional multi-family use in the R-4. The wording for number 6 needs clarified.

Ms. Barone stated that she will research parking garage standards to make sure the numbers work.

Mr. Bruder stated that 15 feet is a reasonable number and noted that 15 feet would not be the clearance height due to structure needed.

Mr. Balazs suggested making it 8-10 feet and requiring the developer to go underground for the remainder. Height is complex given the topography of some areas and 15 feet is a lot when you are comparing it to other surrounding buildings.

Mr. Morris asked how this would apply if it was only a partial parking area and not under the entire footprint.

This will need to be qualified.

There was discussions about whether or not this should be in the I District.

R-C: Ms. Barone stated that they have changed 'adjacent' to 'adjoining', which will need a definition.

Mr. Bruder stated on page 25, it says 'none' for commercial instead of 'none specified'. Mr. Bruder suggested adding the staff's explanation of R-C vs. C-R into the Intent section.

Staff will review for differences between the two districts and also intents.

ICR: Staff has discussed limiting how many residential units can be built.

Mr. Bruder suggested consolidating the ICR into another district since there is only one similar to what is being done with R-3 and R-3a.

The pros and cons of merging the districts was discussed.

The group discussed the Adult Entertainment Special uses and where and how they should be listed.

Medical Marijuana needs to be included in the code.

C: Ms. Barone stated that most of the changes have already been discussed. She stressed to the Board that which uses are allowed or conditionally allowed in which districts is very important and now is the time to make any necessary changes.

Mr. Morris asked about the definition of a banquet hall.

Currently there isn't one but staff stated that they will look at that as well as catering, etc.

Ms. Edwards asked if #20 in the C-D District 'testing, experimental, and research facilities' could be used for medical marijuana purposes.

Ms. Susel stated that the medical marijuana is governed by the Ohio Revised Code. Staff will make adjustments to the intent to add something about this before the next review. Ms. Susel recommended that the Board make notes for the next meeting regarding which districts the uses are best suited and whether they should be permitted, conditionally permitted, or specially permitted. They should also look at the definitions to make sure they are not too limiting.

Mr. Morris asked to have a large map at the next meeting.

The Board asked for a chart that lists the districts with all the criteria as a working document.

There was discussion of the comprehensive plans versus zoning code and planning for the future. Once the zoning code revisions have been adopted, they comprehensive plan will be revisited and potentially revised. At that point, there may be a need to adjust the new zoning code to solidify the goal of the comprehensive plan.

Mr. Paino stated that importance of an overlay district that would facilitate growth in the South Water Street District.

PUBLIC COMMENTS

Public comment was throughout the discussion. Those present were Jona Burton of the Board of Zoning Appeals and Steve Balazs of the Architectural Review Board.

VII. Other Business

None

IX. Adjournment

MOTION: *Mr. Morris moved to adjourn. The motion was seconded by Mr. Bruder.*

The motion carried 5 – 0.

Meeting adjourned at 9:15 p.m.