

**KENT PLANNING COMMISSION
BUSINESS MEETING
JANUARY 5, 2016**

MEMBERS PRESENT:

**Anthony Catalano
John Gargan
Doria Daniels
Amanda Edwards
Peter Paino**

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. Gargan, Ms. Daniels, Ms. Edwards, Mr. Gargan and Mr. Catalano and 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 of Office

Mr. Fink swore in Amanda Edwards and Peter Paino. He asked Ms. Edwards and Mr. Paino if they solemnly swore to uphold the Constitution of the United States, Constitution of the State of Ohio, the Charter or Ordinances of the City of Kent and if they did hereby faithfully, honestly and personally discharge their duties of their offices and member of the Planning Commission of the City of Kent, Ohio for as long as they continue in office. Ms. Edwards and Mr. Paino both replied "I do".

V. 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
None

VII. Old Business
None

VIII. New Business

**A. PC16-001 CITY OF KENT
Zoning Code Text Amendment
Chapter 1103 and Chapter 1147**

The applicant seeking a zoning code text amendment to Chapter 1103: Definitions, to amend the language to change several definitions related to group living and care facilities plus "quasi" uses. Chapter 1147: University District to amend the language to change a number of permitted uses to conditionally permitted uses and associated criteria.

Mr. Fink stated he has been working on updating some of the definitions on and off for some time but other issues came up that delayed the discussions. MRDD has come up several times and that term no longer exists. Living and care facilities definitions need to be revised to meet what is currently used. The term "quasi" also needs to be clarified.

Ms. Susel replied to a question of what is MRDD (Mental Retardation & Developmental Disabilities) is to which she replied the medical designation was changed to DD (Developmental Disabilities) which now includes mental and physical disability.

Mr. Fink stated that a senior dwelling is when there are two or more units with age restrictions on property and that have the same rules as federal regulations. They will have the same regulations of any non-senior dwelling of the same density. He stated the age requirement could be handled in an ordinance. He asked if there should be an ordinance for senior housing. Mr. Fink asked if there should be a designated area for senior housing or should they be placed in a more appropriate senior populated area. Should there be a difference between student housing and senior housing? He wanted input to make sure he was going in the right direction.

Mr. Paino stated the only way he could see a difference is if somebody came in the senior housing project that would be set up like the student housing, but age restricted. It would be similar to an apartment which would have 2 or 3 unrelated people living together. He asked how that would fit into the code.

Mr. Fink stated unless they met the present definition of family, each apartment is limited to a single family unit.

Mr. Paino stated if that would fall under single family unit, they would not need it in the code.

Mr. Fink stated the definition of family continues to change over time and is sometimes quickly outside of their control.

Mr. Paino asked if it met all the requirements of the residential district or another district.

Ms. Susel stated the age restrictions are what developers seek to secure certain finances for tax credits. The age restriction is a federal designated category that is defined for certain types of houses. She stated people call housing student housing even though the housing cannot be designated only for students.

It was suggested that tourist dwelling definition be deleted and the correct terminology for mentally ill should be double checked and confirmed. Severe persistent mental illness is used at Coleman all the time. Terms not in the code should not be in the definitions.

Mr. Paino suggested that they move this discussion to the next Planning Commission meeting and discuss all the points at that time.

MOTION: Mr. Paino moved to table the discussion on Chapter 1103: Definitions to amend the language to change several definitions related to group living and care facilities plus "quasi" uses until the next scheduled Planning Commission meeting. Mr. Gargan seconded the motion. The motion passed 5 – 0.

The meeting moved forward to discuss CHAPTER 1147.

Ms. Barone began the discussion. The changes suggested are to move several permitted uses in the University district to conditionally permitted uses to match the rest of the code and lower maximum building height. On Kent State campus it might be appropriate to have 100 foot tall building; in the area surrounding the campus it is not. They recommend using the R-4 District maximum height. She asked the Commission if they thought there should be anything other items that should not be in the permitted use or any changes to the conditionally permitted uses. The conditions for the conditionally permitted uses from Chapter 1171 have not yet been added.

Ms. Susel said part of the reason for this discussion is because of the permitted housing use for the Presbyterian Church. She said the current code allow student housing by right as a permitted use. She stated some of the projects were stopped because of the current student housing development. Shifting to conditionally permitted uses allows the Commission to look at all the development going on and bring up the quality of life issues that are important.

Mr. Paino stated KSU could license a lot of uses.

An issue was raised that the U: University District includes areas not owned by the university. Permitted use is such an open door.

Mr. Paino stated that the freestanding Taco Bell in the university is a privately owned property inside the campus.

It was asked why the Taco Bell would not be allowed in as a conditionally permitted use.

The answer is that they have to get a license on state owned property not private property.

It was asked if everyone was okay with the sign regulations being permitted and the accessory building being permitted, with the conditionally permitted uses and if there was anything specific they wanted to see.

It was stated that if they build in the University District, they can request a variance from the Board of Zoning Appeals, if it is outside the zoning criteria.

There were no further questions or discussion. The Chair called for a motion.

MOTION: ***Mr. Paino moved that in Case PC16-001, City of Kent, that the Planning Commission recommends Council to amend Kent Codified Ordinances 1147 – University District language to change non-educational & non-university owned or operated facilities to conditionally permitted uses and modify the building height to a maximum of 65 feet. Ms. Edwards seconded the motion. The motion carried 5 – 0.***

IX. Meeting Minutes - September 1, 2015, September 15 2015 – October 6, 2015

MOTION: *Ms. Daniels moved to approve the September 1, 2015 meeting minutes as submitted. The motion was seconded by Mr. Paino. The motion carried 3 – 0. (Mr. Catalano and Ms. Edwards abstained)*

MOTION: *Ms. Edwards moved to approve the September 15, 2015 meeting minutes as submitted. The motion was seconded by Ms. Daniels. The motion carried 5 – 0.*

MOTION: *Ms. Edwards moved to approve the October 6, 2015 meeting minutes as submitted. The motion was seconded by Mr. Paino. The motion carried 5 – 0.*

X. Other Business

Ms. Barone stated there would be no January 16, 2016 Planning Commission meeting.

Ms. Susel reported that the housing study will be out on Monday. It is composed of good data and there is a summary at the end. The multi-family units have outpaced single family units. She said there is no magic number of how many multi-family units can be absorbed. She said school enrollment trends are going down by 6% and the age group is going down by 12%. She said that enrollment at Kent State University has gone up and at some point will peak and there is no need for additional housing. She said that development needs careful planning. She said there are other opportunities such as online classrooms. The Planning Commission will get a copy of the draft of the study. She said there is a relationship between high school and Kent State University enrollment. Student housing should be close to Kent State University and the downtown area.

IX. Adjournment

Motion: *Mr. Paino moved to adjourn. The motion was seconded by Ms. Daniels. The motion carried 5 – 0.*

The meeting adjourned at 7:50 p.m.