

**KENT PLANNING COMMISSION
BUSINESS MEETING
FEBRUARY 16, 2016**

MEMBERS PRESENT:

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

STAFF PRESENT:

**Jennifer Barone, Development Engineer
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. Paino 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

Not Given

V. Correspondence

None

VI. Old Business

A. PC16-002 CITY OF KENT
Zoning Code Text Amendment
Chapter 1127 – 1155 and Chapter 1171

The applicant is seeking input for the proposed code language amendments to Chapters 1129 R-1: Low Density Residential; 1131 R-2: Medium Density Residential; 1132 – Preservation Alternate; 1133 R-3: High Density Residential and 1134 R-3A: Extended High Density Residential.

Ms. Barone stated that they are continuing their discussion on the code. The next chapter is 1129: R-1, Low Density Residential District. She said the commissioners will recognize the changes from the chart that were made in the O-R Open Space Residential District that were done at the last meeting. She said changes in Chapter 1129 are pretty much identical to the ones made in the O-R: Open Space Residential District.. She said the definition of Group Homes will be changed in the future. Kennels were discussed last time as far as what type of kennel whether it was a doggy day care or training facility. Ms. Barone said the section on oil and gas wells was highlighted in the chart because she was not sure whether the commissioners wanted to remove this use from the R-1 District.

Mr. Paino asked where she was on the chart.

Ms. Barone replied she was on page 2 of the chart. She stated she skipped the first page and then reviewed some of the items discussed. She referred to agriculture greater than two (2) acres were on the chart that was discussed last time but the items that are crossed out were actually added to another section.

Mr. Paino asked if they were being eliminated.

Ms. Barone replied they are not being eliminated. The items were just moved to another section in the code. She said they added Green Houses and Nursery and Limited Home Business. They changed the schools to be public and private versus public and parochial. They added Child Care facilities in the home.

Mr. Paino asked if agriculture greater than two acres is new.

Ms. Barone replied that it is new.

Mr. Garner stated that if you have two acres in the city of Kent you can have chickens.

Ms. Edwards said the issue was when they have chickens with less than two acres, specifically on Morris and Crain.

Ms. Barone stated if they wanted to have chickens on less than two acres, they would have to move to Hudson.

Mr. Paino said it could be changed. He asked if it was a City Ordinance.

Ms. Barone replied it could be changed and that it was a City Ordinance and not zoning under livestock. They tried to get it changed but council did not vote in favor of it. She asked if they wanted to keep oil and gas wells or do they want to delete them.

Mr. Catalano asked Mr. Fink if he had made any progress in his research.

Mr. Fink replied yes. He said it will be on the next meeting's agenda.

Mr. Paino confirmed that oil and gas wells are permitted in the R-1 District.

Ms. Barone replied yes.

Mr. Paino stated that a lot of requirements would have to be met.

Ms. Barone stated that these requirements are not new.

Mr. Gargan stated they were permitted in the old O-R. Last week the commissioners recommended take this use out of the O-R District

Mr. Catalano stated that the location of oil and gas wells have to be addressed.

Ms. Barone stated that if that if this use is not addressed, it could be permitted anywhere in any district. She said they had been allowed in the O-R and R-1 Districts only.

Mr. Paino asked if they had been in the Industrial District.

Ms. Barone replied they have not been in the Industrial District but if the commissioners wanted the use in that district, they could change it so that they were permitted in that district.

Mr. Catalano asked if it was addressed, it does not have to be allow them.

Mr. Fink replied it has to be permitted, specially permitted, or conditionally permitted use in some place.

Mr. Paino reconfirmed that it could not be legislated out by zoning out of the whole city.

Mr. Fink replied correct.

Mr. Catalano asked where the best place is to put the use and asked if it was just in R-1.

Ms. Barone replied it was in O-R and R-1 and the I-Industrial District and the chart would show this.

Mr. Gargan stated they would not want an oil well at an apartment complex.

Ms. Barone stated it was actually in the O-R and R-1 only. They had talked about putting it in the I: Industrial District.

Mr. Paino asked why it would not be in the Industrial District.

Ms. Barone stated it was not there, but the commissioners could change it.

Mr. Paino stated that he thought it was R-1 because back when it was started, R-1, was an undeveloped area. It was an open tract of land at one point.

Ms. Barone said that there is an oil and gas well in the Lakes at Franklin Mills, one by the Methodist Church, one at the American Legion, one at the Presbyterian Church and one in Riverbend. She stated there may be a well also Lappin Farm.

Mr. Catalano asked if they would be a conditionally permitted use or a specially permitted use.

Ms. Barone replied they could be a permitted use. She said the other issue for oil and gas wells is opening them to O-R to allow as a permitted use.

Mr. Catalano stated he thought they should be a conditionally permitted in the R-1 District since it is probably less populated.

Ms. Barone stated the O-R District was probably less populated than the R-1. She said it could always be put back in the O-R District.

Mr. Catalano asked what her recommendation was.

Ms. Barone replied that a group of people usually get together to drill a gas well and share the gas. They have been in residential areas. At times gas wells are existing or are installed in subdivisions at the beginning. The houses get free gas. They will get together to get their 10 acre limit and start a gas well.

Mr. Catalano stated to keep it as a conditionally permitted use in R-1.

Mr. Gargan asked to be reminded what the difference was between conditionally permitted and specially permitted uses.

Mr. Fink replied specially permitted uses have a few more requirements. It is harder to get something approved as a specially permitted use. If it was going to be a specially permitted use, they have to state what those additional requirements would be by selecting what they wanted.

Mr. Catalano stated that Mr. Fink's suggestions and recommendations are based on his research so the Planning Commission will move on from this.

Ms. Barone stated that outdoor research and education was added under No. 6, Institutions for Higher Education. She said this was a holdover from O-R. That is what was put in O-R but the O-R verbiage is a little different which states: University owned and operated as opposed to Institutions for Higher Education. She asked if these two things should be lumped together or should they stay separate so they show University owned and operated by the University versus Institutions for Higher Education. She said they were separate in the past.

Mr. Paino asked for a definition.

Mr. Gargan asked what the difference was between Institution of Higher Education and university owned and operated.

Ms. Barone said they seemed similar so she lumped them together in her mind but it is different language.

Mr. Fink gave the example that Bohecker's College which is not part of the university. It is higher learning. It is a college, not a university.

Ms. Susel stated it could be like a cosmetology school.

Ms. Barone agreed.

Mr. Paino asked if someone could have a school in the R-1 District.

Ms. Barone replied yes, currently. She said they are trying to limit things to outdoor research. For example, they have wetlands in Riverbend and if someone wanted to do a classroom study of the wetlands, that would be an outdoor research.

Ms. Susel stated Institutions for Higher Education were under specially permitted use. If they were accredited, you could evaluate them. Under conditionally permitted use, they have more latitude. She stated there was different verbiage in two locations because they are trying to figure out how to make it consistent.

Mr. Paino stated that theoretically a person could have a house in the R-1 District and some Institute of Higher Learning could come by and say, "I want to buy your house and turn it into a business".

Mr. Fink stated that it would be limited to outdoor research and education.

Mr. Paino said he understood.

Mr. Fink stated that if someone wants to buy a house in R-1 district, a person would find that those houses that are near wetlands could be tuned into classrooms to study the pattern of the falls and the water quality of the river. These would be a conditionally permitted use.

Ms. Susel stated they would have to meet all the criteria for being an Institute of Higher Education by being accredited.

Mr. Paino stated it was pretty limiting.

Mr. Gargan stated they would want the more encompassing definition.

Ms. Barone stated the U-University District was university owned and operated.

Mr. Paino said it hard to pretend that the City of Kent did not have a university, but if there was not one then this would be proper language.

Mr. Fink stated if Hiram College wanted to open up a field station on the Cuyahoga River since it's a University they would not be able to do that.

Mr. Catalano agreed.

Ms. Daniels asked why it would not be changed to Institutions of Higher Education in the O-R: Open Space District.

Ms. Barone said that was what she was asking about. She stated they might want to leave the university owned in the U: University district and change the O-R: Open Space district to the same as the R-1.

Mr. Gargan said he thought it was appropriate.

Ms. Barone said they would see all this information again and look at what conditions they wanted to add. Section 1129.06 shows the other requirements got moved from the first page. She said they will go onto R-2 district and the commissioners will see various changes in the R-2 District. She stated they had talked about the water recreation access points which were added in the O-R District under one of the elements. She said the R-1 and R-2 districts have the same language unless the commissioners do not think the R-2 District needs water recreation access points.

Mr. Catalano asked what is the zoning for the Riverbend subdivision.

Ms. Barone replied that Riverbend is R-1: Low Density Residential.

Mr. Gargan stated Forest Lakes is R-2: Medium Density Residential.

Ms. Barone stated Forest Lakes is R-2, Lakes of Franklin Mills is R-2. Lakes of Franklin Mills has a river near it and Forest Lakes has a large park area that has wetlands.

Mr. Paino asked if that was the flood plain.

Ms. Barone stated it is in the flood plain.

Mr. Paino stated Plum Creek is a R-1 District.

Ms. Barone agreed Plum Creek is R-1. She asked if everyone was okay leaving the water access points and also the conditions.

She stated Chapter 1132 is the Preservation Alternate and it applies to R-1 and R-2 districts. There are not a lot of changes. The big change is on the first page where detached was changed to unattached. The definitions stated unattached and not detached. There was attached units in Franklin Mills, and they have unattached units.

She stated to be consistent they should add attached and unattached. The idea of the Preservation Alternate is clustering or having more green space with consolidation. She said the definitions are going to be taken out and moved to the definition section. At the Lakes of Franklin Mills, there are no side yard setbacks. She stated most of the subdivisions do have utility easements. From a staff's standpoint some of the setbacks became a problem because people wanted to put some of the houses closer to the property lines. She said they could not because of the 5 yard setback for the utility easement.

Mr. Paino stated in a lot of respects there are no side yards.

Ms. Barone replied yes. She said it depends on whether they are condos.

Mr. Paino stated there were no side yards. The boundary was you had to be so far off the property line all the way around. He stated he could not remember about the front yard.

Ms. Barone said the issue came up because with condos the building area is plotted, but in Lakes at Franklin Mills it was changed to single family units. That change is what caused the problem.

Mr. Paino stated the minimum area required for a project is 10 acres.

Ms. Barone asked if he thought it should be more or less.

Mr. Paino stated he was not sure. He thought if somebody came in with a project with less than 10 acres, it could be different and still be useful. It should be considered with a variance. He thought there were areas in Kent with a 10 acre parcel of land that would be usable.

Ms. Barone stated Lapin Farm and Spring Water Park are two examples. This criteria would not apply to Spring Water Park because it is actually in a R3-A: Extended High Density Residential District and adjacent to an R-1 District.

Mr. Paino stated now was the time to take a look at alternate housing and zoning issues. It could fall under something like this. He said he did not understand why something like this could not be done in the R-3A District even though R-3A allows a higher density because the same requirements would have to be met and that way there would be a choice. He said higher density would allow something different with more open space and a different type of project.

Ms. Barone said Spring Water Park is a good example and although it is in the R-3A District, the area has a lot of wetlands so they could cluster their buildings in one part and leave the other area as open green space.

Mr. Paino stated alternative types of housing developments should be looked at versus what has been done in the last six years. He raised the issue how the southwest part of Kent could be redeveloped with some type of different zoning. He said the economic reality of building today necessitates a different type of building.

Ms. Barone asked Mr. Paino if he was suggesting to considering adding R-3 requirements or adjusting the minimum.

Mr. Paino replied yes and the lower minimum is the conditionally permitted use.

Ms. Barone stated that this chapter states whenever someone comes before the Planning Commission, the commissioners can refuse the request.

Mr. Gargan asked if someone with a smaller plot than the ten (10) acres could go before the Board of Zoning Appeals requesting a smaller plot.

Ms. Susel replied staff has discouraged this type of appeal.

Mr. Paino suggested that the acreage might be adjusted so that the more progressive developments with conditions could be built so that different type of developments could at least be thought about.

Ms. Barone stated it sounded like the commissioners wanted staff to look at this again.

Mr. Paino replied not entirely. He said that the Preservation Alternate was a great piece of zoning. He said people or developers could look at this and conclude that they could go through with their projects without going through a lot of aggravation.

Ms. Susel stated looking at doing it in high density districts and adjusting the minimum area makes the assembling of parcels, which can be cost prohibited for developers, could make it feasible on a smaller scale. She said this point has merit. In reply to a comment from Mr. Paino, she stated there is nowhere else that requires minimum floor for our areas. She stated that section should be omitted.

Mr. Paino agreed.

Ms. Susel stated it would just be deleted. Minimum square footage does not matter. You can still build something nice for smaller.

Ms. Barone said they can look at it again and see what some of the surrounding areas have in their codes and then come back before the Planning Commission. She asked if there were any other comments or questions.

The next section to be discussed was 1133 R-3: High Density Residential.

Ms. Barone stated this section includes limited home business and that public and parochial was changed to public and private. Institution for Higher Education was not modified so the Planning Commission could look at that. She discussed the locations of the R-3 districts in the City of Kent. Some examples given are Crain Avenue, Indian Valley, State Route 43 down by the high school, Haymaker, South Prospect, and South Lincoln.

Mr. Paino stated that there is minimal useable open space. The chart showed the minimal is 30% for a multi-family dwelling with a maximum lot coverage of 25%.

Ms. Barone stated that the chart shows that there should be a minimum of 30% open space and that the impervious area cannot be more than 25% for a parking lot and the structure.

Mr. Paino said that adds up to 55% of the lot.

Ms. Barone stated that these are minimums and maximum. The multi-family dwellings were added recently. The Police Station, which will come before the Planning Commission at the next meeting, is in this district and had to be 30% open space so they had to go for a variance because they do not meet the lot coverage space because they will be over the 25%.

Ms. Edwards asked if there were any thoughts on leaving in Institutes of Higher Education.

Ms. Barone replied it is existing.

Ms. Edwards stated her concern was that massage places set up in old houses on State Route 43. She asked why it couldn't be there on a main street.

Ms. Barone stated that developers will be looking at a major thoroughfare and collector thoroughfares. She said State Route 43 will probably be the only street going through an R-3 district. There are some R-3 districts on Haymaker and Summit. There were no other comments or questions on Section 1133: High Density Residential.

The next section discussed was 1134 R-3A: Extended High Density Residential.

Ms. Barone stated Limited Home Business was added. Public and parochial was changed to public and private schools. Also, Institutes for Higher Education were added. Most of them are the same changes that have been seen before and are very much like the R-3. The biggest difference between R-3 and R-3A is the density.

Permitted and conditionally uses are the same. She said staff is just giving input to the Planning Commission at this stage. The code changes will come back to the Planning Commission before going forward to City Council.

There were other comments or questions on 1134 R-3A.

VII. New Business
None

**VIII. Meeting Minutes - Verbatim Transcript – University Oaks
June 2, 2015**

A lengthy discussion wash held on the University Oaks project and the upcoming court case.

MOTION: *Ms. Daniels moved to approve the Verbatim Transcript of June 2, 2015 as amended. The Motion was seconded by Mr. Paino. The motion carried 3 –0. (Ms. Edwards and Mr. Catalano abstained).*

IX. Other Business
NONE

X. Adjournment

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

The meeting adjourned at 8:05 p.m.