

Summary of the Record
(a quorum of present members cannot be done)

**KENT PLANNING COMMISSION
BUSINESS MEETING
APRIL 19, 2022**

MEMBERS PRESENT: Amanda Edwards
Jeff Clapper
Nickolas Bellas

STAFF PRESENT: Bridget Susel, Community Development Director
Eric Fink, Assistant Law Director
Tim Sahr, Development Engineer

I. Call to Order

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

II. Roll Call:

Mr. Clapper, Ms. Edwards, Mr. Bruder, and Mr. Bellas were present.

III. Election of Officers

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

MOTION: *Mr. Clapper nominated Amanda Edwards as Planning Commission Chairperson. Mr. Bruder seconded the nomination. No other nominations were heard. The vote carried 4-0*

MOTION: *Ms. Edwards nominated Jeff Clapper as Planning Commission Vice Chairperson. Mr. Bellas seconded the nomination. No other nominations were heard. The vote carried 4-0.*

MOTION: *Mr. Clapper nominated Nickolas Bellas as Planning Commission Secretary. Ms. Edwards seconded the nomination. No other nominations were heard. The vote carried 4-0.*

IV. Reading of Preamble

Ms. Edwards read the Preamble, which describes the purpose and procedures of the Planning Commission as well as the applicant's right to an appeal.

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 is the truth, the whole truth, and nothing but the truth, so help you God? Please say "I do." The participants responded, "I do."

VI. Correspondence

None

VII. Old Business

None

VIII. New Business

- A. PC22-006 St. Patrick School / Modular Classrooms LLC
302 N. Depeyster St.
Conditional Zoning Certificate and Site Plan Review**

The applicants are requesting a Conditional Zoning Certificate and Site Plan Approval for a modular classroom building on a permanent foundation. The subject property is zoned R-3: High Density Residential Zoning District

Mr. Sahr introduced the case as presented in the Staff Report. He stated that the site is accessed from N. Depeyster St. and Alley #1 and is situated at the southwest corner of this intersection. He stated that it is surrounded by residential uses to the north and south, commercial use to the west, and the parish church to the east. He stated that the applicable code sections for this case are KCO 1103.11, 1105.56, 1111.02(B). He stated that there is currently a house located on the property that is being used for storage by St. Patrick's school. He stated that the school would like to place a modular building to the north of the house on a vacant portion of the property. He stated that the modular building will provide two new classrooms for the school. He stated that a large curb cut and four parking spaces facing Depeyster St. will be removed as part of the project; no new parking will be added. He stated that the modular building does not require water or sanitary service and the electrical line will be run overhead to the building. He stated that the storm water will be routed to an existing catch basin west of the building. He added that no signage is proposed. He stated that new motion activated wall mounted safety lighting will be installed at the modular building entrance. He stated that no new landscaping or new dumpster is proposed at this time. He stated that the Architectural Review Board was not required to review this project. He stated that the Board of Zoning Appeals approved two setback variances on March 21, 2022 for the current academic use; front yard setback variance to allow the structure to be installed 8 feet from the north property line along Alley #1, and a front yard setback to allow the structure to be installed 20 feet from the east property line along N. Depeyster St. He stated that staff finds that the request for a Conditional Use Certificate and Site Plan Approval are in accordance with the standards established by the zoning ordinance and other applicable development regulations.

Mike Wohlwend, Wohlwend Engineering, 4216 Karg Industrial Pkwy, Kent, OH, introduced John Moosbrugger with Modular Classrooms, who is the contractor providing the units. He stated that Mr. Sahr already presented the high points of the project but he is here to answer any questions about the project.

Mr. Bellas questioned if there is going to be one building or two and if it is a permanent structure.

Mr. Wohlwend stated that it is one building that comes in two sections that are joined together and it is a permanent structure.

Ms. Edwards questioned the location of the entrance for the children.

Mr. Wohlwend stated that the doors are located on the east side facing the street but the students will walk up the alley, which is gated to access the building.

Public Comment

None

Planning Commission Discussion

Mr. Bruder stated that he is in support of the project as it is great to have an active and vibrant school downtown; it is good that they are growing and need more space.

Mr. Clapper stated that he doesn't agree with the use of a modular building there. He stated that there are a couple of criteria for a Conditionally Permitted Use that he doesn't feel they meet. He stated that he doesn't feel that it is consistent with the standard that the structure is harmonious with the surrounding existing types. He stated that he doesn't feel that it fits in with the character of the area as stated in Section 1111.02 (d)(6)(a). He stated that he doesn't feel that the provision that the building needs to be designed constructed, operated, and maintained so as to be harmonious and appropriate in appearance and function with the existing intended character of the general facility has been met. He stated that he understands the need for it, but he would like to see either an addition to the school or a brick structure that matches the school and church and not a modular building 20 feet from the sidewalk at the top of a hill.

Ms. Edwards stated that she would like to see the modular units blend in better with some landscaping; there are things that can be done to make it stand out less. She stated that it is on a solid foundation with siding, which isn't different than wood with siding on it. She asked Mr. Clapper if it is the industrial look that he is opposed to.

Mr. Clapper explained that it isn't the location that he has an issue but rather that it sticks out like a sore thumb with regards to the brick and Victorian structures around it.

Ms. Edwards questioned the ability to dictate the exterior materials used because it is not able to be reviewed by the Architectural Review Board.

Mr. Clapper stated that he is going by the guidelines set forth in the Zoning Code that requires that it be consistent with the most recent Comprehensive Plan; he doesn't feel that it is consistent with the Building Design Standards. He stated that it also says that such use must not change the essential character of the same area, which he feels that putting this unit in this area changes the essential character of the same area; doesn't meet the provisions set forth in Section 1111.02 (d)(6)(a) that needs to be met for a Conditional Certificate.

Mr. Bruder stated that he disagrees with Mr. Clapper and notes that schools turn to these types of structures because of the realities of how difficult it is to build.

Mr. Clapper stated that he doesn't disagree, but stated that the Code still needs to be met. He stated that they have an opportunity to construct a structure that would match the area around it.

Mr. Wohlwend stated that a standard brick and mortar building is not an option here due to finances but modular units are what the budget allows.

Ms. Susel stated that the school was using the house for classroom space but the City's Building Department prohibited that use due to inadequate egress/ingress. She stated that the school has come to the City on several occasions with options to replace those classrooms.

Ms. Edwards stated that she looked at the project from the standards of an educational facility and not necessarily the appearance of the structures. She stated that she feels that the project fits the standards as presented.

Mr. Bellas stated that he feels that this could be blended in better with a different color, proper materials, different landscaping, etc. He questioned if they can change the look a bit to make it fit better as it is going to be a permanent structure.

Mr. Moosbrugger, 1545 Brennen Rd, Columbia, SC, contractor, stated that currently the structure has aluminum siding but that will be replaced with new vinyl siding once it is set in place; color has not been selected as of yet.

Mr. Bellas asked if there were any plans for landscaping.

Mr. Wohlwend stated that the existing large area with parking stalls will be removed and grass restored. He stated that the only concrete will be the sidewalk in front of the unit and there will be a lawn area between the unit and the city sidewalk.

Mr. Bellas and Mr. Clapper questioned more landscaping to screen the structure.

Ms. Edwards questioned if the presented elevation was accurate.

Mr. Moosbrugger stated the elevation is more prototypical where the unit is up on a foundation. He stated that because this plan is built into a hillside, the front structure will have an elevation more of a typical building without the ramps and steps shown; the door will be level with the sidewalk.

Ms. Susel stated that while the Commission cannot specify color, they can add landscaping as part of their approval.

Ms. Edwards stated that she would not be opposed to adding landscaping.

Ms. Susel stated that Staff could determine the landscaping needed through technical plan review and the landscape code. She stated that it would be helpful to clarify in their motion where the landscaping is needed.

Mr. Moosbrugger noted that the north side of the structure doesn't have much room for landscaping.

Mr. Bruder stated that one of his recent projects utilized maroon vinyl as an addition to a brick building, which made it more harmonious and discrete. He understood that it isn't their purview but he wanted to give them a suggestion on what could be done.

Mr. Clapper asked for clarification from Mr. Bellas as to whether or not he felt the project as presented was not harmonious with the area.

Mr. Bellas stated that that is correct.

MOTION: *In the case of PC22-006, St. Patrick School / Modular Classrooms LLC, 302 N. Depeyster St., Mr. Clapper moved that the Planning Commission not approve the Conditional Use Certificate and Site plan.*

Mr. Bellas seconded the motion.

Roll Call Vote: Mr. Clapper – Aye, Ms. Edwards – Nay, Mr. Bruder – Nay, Mr. Bellas – Aye. The motion does not carry 2-2.

MOTION: *In the case of PC22-006, St. Patrick School / Modular Classrooms LLC, 302 N. Depeyster St., Mr. Bruder moved that the Planning Commission approve the Conditional Use Certificate and Site plan with the following conditions:*

- 1. Technical Plan Review with specific requirement by Staff to review landscaping requirements have been met on all available sides*

Mr. Clapper questioned whether or not the ARB could be asked to review.

Ms. Susel stated that they cannot.

Ms. Edwards seconded the motion.

Roll Call Vote: Mr. Clapper – Nay, Ms. Edwards – Aye, Mr. Bruder – Aye, Mr. Bellas – Nay. The motion does not carry 2-2.

Mr. Fink asked if any of the Commissioners believe that further discussion or input will cause anyone to change their opinion at this point in time.

Mr. Bellas stated that he may be inclined to change his vote if he had more reassurance that the structure would have changes that would make it more harmonious.

Ms. Susel asked for specifics.

Mr. Bellas stated that it isn't just the color. He stated that he likes the condition set forth with the landscaping, he understands the need and the financial concerns of the school, and he doesn't want to prohibit this, but he needs to be more assured that the landscaping and grass area will be installed.

Ms. Susel stated that the City is requiring them to remove the parking area and apron. She stated that the Landscaping Code will also be applied.

[Mr. Wohlwend reviewed the presented site plan and explained grass area 40' x 50']

Mr. Clapper reminded that financial status cannot dictate their decision.

Ms. Edwards suggested that the applicant could come back with a landscaping plan versus having Staff do it.

Mr. Bellas stated that he would be more comfortable if the applicant was to bring something back that was a little more substantial that shows a commitment to trying to make it more

harmonious. He stated that he is in favor of Technical Plan Review by the City. He stated that his concern is because it is a permanent structure, he wants to see it fit in better. Mr. Wohlwend stated that he is not adverse to a continuation of the case but he would like to have a discussion on what type of landscaping the Commission would be happy with so they can bring something back that is approvable.

Mr. Bellas stated that he doesn't have anything specific in mind but he would like to see some buffering between the school and the road and have the City weigh in regarding what landscaping is appropriate. He stated that it is difficult to envision at this time and renderings would help.

Ms. Susel stated that the tree lawn is under the purview of the City's Arborist, and they will be selecting a tree once the tree lawn is restored.

Mr. Bruder suggested a color plan to help differentiate between the different elements.

Mr. Wohlwend asked that the case be continued until an updated landscape plan can be provided.

Ms. Edwards acknowledged the applicant's request to continue.

**B. PC22-008(a) Davey Tree Expert Company
East Side of State Route 43 near the City of Kent north boundary
Proposed Map Amendment**

The applicants are requesting a Map Amendment to add parcel no. 12-049-00-00-012-000, 6700 State Route 43, to the City of Kent Zoning District Map and designate the zoning as I-R: Industrial Research and Office District upon Portage County Annexation acceptance and Municipal Boundary Change effective date.

Mr. Sahr introduced the case as presented in the Staff Report. He stated that the site is accessed from State Route 43/N. Mantua St. and the property is surrounded by residential uses to the south, undeveloped land and light industrial use land to the north, and undeveloped land to the west and east. He stated that the applicable code sections for this case are Chapter 1103.21, 1111, and 1112 of the Kent Codified Ordinances. He stated that Davey Tree Expert Company (aka Davey) has acquired the property that is currently located in Franklin Township and has submitted a petition for annexation for the parcel to be annexed into the City of Kent. He explained that upon annexation this property must be assigned a zoning classification and Staff has determined that the appropriate zoning district based on the proposed use is I-R: Industrial Research and Office and the applicant has requested that the property be zoned I-R: Industrial Research and Office. Mr. Sahr provided a memo from the Community Development Director dated March 31, 2022 for a more detailed explanation of the process with the staff report. Mr. Sahr stated that the Planning Commission must forward a recommendation for approval or disapproval to the City of Kent Zoning District's Map Amendment to City Council pursuant to the annexation of said parcel.

Ms. Susel stated that because the parcel is being annexed, it requires that zoning be assigned to it; it cannot come into the jurisdiction without a designation. She stated that this discussion is for the former golf course in Franklin Township. She stated that the annexation agreement between Franklin Township and the City of Kent has been authorized by Franklin Township on March 22nd and City Council will finalize voting

tomorrow night (4/20/22). She stated that this is an Expedited Type I Annexation, which means that it will go to Portage County for acceptance and if petition is complete, it will be accepted, and the jurisdictional boundaries redrawn; it does not require a vote by the Commissioners. She stated that the City of Kent is the applicant but Davey Tree will speak to their proposed plans for the parcel. She reminded the Commission that all aspects of the I-R District will apply to the parcel if the Map Amendment is approved.

Sandra Reid, 681 Rustic Knoll Drive, is representing the Davey Tree Expert Co. at 1500 N. Mantua St. She stated that the Davey East Campus project is intended to be a science and learning center. She stated that the intended use of the property is to have a public use space that can be shared by Kent schools and residents as a Davey Tree Arboretum and also a science and learning center, which would be taking the Davey Institute building from the corporate facility and moving it to the East Campus. She explained that this will include, laboratories, climbing gym, science staff, and research space, which is anticipated to be for about 35 people. She stated that a majority of the acreage is intended to be research plots, shared training space, using the existing wetlands and specimen trees, and adding new trees to the property.

Ms. Susel stated that the site plan for the project will be brought back as a permitted use to the Planning Commission if the annexation is successful.

Ms. Reid stated that currently the plan she has described is in master planning process and is conceptual at this time.

Public Comment

David Basista, 1500 River Edge Rd., questioned the parameters of the Industrial Research District: what is and is not allowed, building heights, type of structures, type of research, type of screening required, buffers, etc.

Ms. Susel stated that the specifics for this project will be reviewed with the site plan review at a later date. She noted that once the parcel is consolidated, the parcel will be over 180 acres with extensive green space.

Brian Goold, 1480 River Trail Dr., questioned the alternative district terms that could have been used besides industrial terminology.

Ms. Susel stated that the City has an Industrial District, which is different from this district. She stated that this district is geared more towards research, versus industrial uses that are in other areas of the city such as off of Cherry St. She stated that they will read the proposed uses to show that this most closely fits with that designation.

Planning Commission Discussion

Ms. Edwards read the permitted and conditionally permitted uses for the I-R District for the record.

Ms. Susel explained that permitted and conditionally permitted uses have different standards. She stated that the medical marijuana is only testing laboratories that is completely kept inside where they are testing samples; not production or distribution.

Mr. Bellas stated that the proposed changes are appropriate.

Mr. Bruder stated that he is in support of this proposal and is glad to know that research and vetting has already gone into this.

Ms. Susel stated that the west campus of Davey Tree (across the street) has the same zoning designation as the one proposed for the east campus.

Mr. Bruder stated that this isn't a typical industrial research facility because Davey Tree's product is horticultural and arborist.

Ms. Susel stated that the conditionally permitted uses in the I-R prohibit any of the uses that are normally in an Industrial District.

Mr. Clapper stated that he has no opposition as it is presented.

Ms. Edwards stated that she feels that it is a good zoning district for the use on the property there and is in favor.

MOTION: *In the case of PC22-008(a), Mr. Clapper moved that the Planning Commission recommend to City Council to approve the Zoning Map Amendment to amend the 174.848 parcel at 6700 St. Rt. 43 Parcel ID #12-049-00-00-012-000 to I-R: Industrial Research and Office Zoning District pursuant to the annexation of said parcel.*

Mr. Bellas seconded the motion. The motion carried 4-0.

**C. PC22-008(b) Davey Tree Expert Company
 East Side of State Route 43 near the City of Kent north boundary
 Proposed Map Amendment**

The applicants are requesting a Map Amendment to add parcel no. 17-042-00-00-001-000, 6662 State Route 43, from R-1: Low Density Residential to I-R: Industrial Research and Office District.

Mr. Sahr introduced the case as presented in the Staff Report. He stated that the site is accessed from State Route 43/N. Mantua St. and is surrounded by residential uses to the south and undeveloped land to the north, west and east. He stated that the applicable code sections for this case are 1103.09, 1103.21, 1111, and 1112 of the Kent Codified Ordinances. He explained that the applicant is requesting an amendment to the City of Kent Zoning Districts Map in accordance with 1112.01(b)(5) to amend the zoning map to rezone the 8.075 acre parcel from R-1: Low Density Residential to I-R: Industrial Research and Office District. He stated that Staff's evaluation of the fulfillment of the requirements are listed in the staff report in green below each section. He reviewed the criteria for approving a map amendment. He stated that the Law Department has provided a memo regarding its review of the application and it is attached to the Staff Report. He stated that the Planning Commission must consider that any of the uses permitted or conditionally permitted in the I-R District may be built on this parcel. Mr. Sahr stated that the Planning Commission must forward a recommendation for approval or disapproval to the City of Kent Zoning District's Map Amendment to the City Council.

Ms. Susel stated that City Staff initiated this request from Davey Tree because the parcels are going to be consolidated for the proposed site plan redevelopment. She clarified that the reason that the I-R District was selected was because it coincides with the parcel

across the street and they cannot create spot zoning by using a district that does not border this parcel.

Public Comment

Lorie Stuver, 1484 River Park Dr., questioned getting a larger map.

Ms. Susel explained that tonight they are only looking at the map amendment and will look at a more detailed site plan once the project is brought back to the Planning Commission for review.

Planning Commission Discussion

Mr. Bellas stated that the proposed change makes sense and he is onboard.

The other Commissioners stated that they have no more comments.

MOTION: *In the case of PC22-008(b), Mr. Bruder moved that the Planning Commission recommend to City Council to approve the Zoning Map Amendment to amend the 8.075 parcel at 6662 St. Rt. 43 Parcel ID #17-042-00-00-001-000 from R-1: Low Density Residential Zoning District to I-R: Industrial Research and Office Zoning District.*

Mr. Clapper seconded the motion. The motion carried 4-0.

IX. Minutes

MOTION: *Mr. Clapper moved to approve the January 18, 2022 Planning Commission minutes as presented. Mr. Bellas seconded the motion. The vote carried 3-0-1. Mr. Bruder abstained.*

MOTION: *Mr. Bruder moved to approve the February 1, 2022 Planning Commission minutes as presented. Mr. Clapper seconded the motion. The vote carried 3-0-1. Mr. Bellas abstained.*

MOTION: *Mr. Clapper moved to approve the February 15, 2022 Planning Commission minutes as presented. Mr. Bellas seconded the motion. The vote carried 3-0-1. Mr. Bruder abstained.*

X. Other Business

None

XI. Adjournment

MOTION: *Mr. Clapper moved to adjourn. The motion was seconded by Mr. Bruder. The motion carried 4-0. The meeting adjourned at 8:03 p.m.*