

**KENT PLANNING COMMISSION
BUSINESS MEETING
AUGUST 16, 2022**

MEMBERS PRESENT:

Amanda Edwards
Jeff Clapper
Naser Matar
Michael Bruder

STAFF PRESENT:

Bridget Susel, Community Development Director
Tim Sahr, Development Engineer
Kailyn Cyrus, Development Planner Intern

I. Call to Order

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

II. Roll Call:

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

III. 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

Ms. Susel 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. Ms. Susel 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

Ms. Edwards stated that there is an additional email from Doria Daniels in support of PC22-012.

The Board members stated that they have all had adequate time to review the email.

VII. Old Business

**A. PC22-001 (S)Lightly Toasted / Next Level Operators LLC
331 East Main Street**

The applicant is requesting a Conditional Zoning Certificate and Site Plan Approval for a medical marijuana dispensary. The subject property is zoned C-R: Commercial High Density Multifamily Residential District.

Mr. Sahr summarized the case. He stated that the State of Ohio has granted the applicant a license for the business and Mr. Dulick has brought in partners to help run the business. He stated that the property has had a survey that shows all of the required setbacks are being met.

Pamela Siekman, 3937 Headleys Mill Rd, Pataskala, OH.

Dwayne Siekman, 3937 Headleys Mill Rd, Pataskala, OH.

Ms. Siekman stated that they have been sworn in. She stated that she and Mr. Siekman are the owners of Next Level Operators, LLC and they are doing business as Bliss Ohio. She stated that their entity was awarded a provisional medical marijuana dispensary license by the State of Ohio Board of Pharmacy. She stated that they will operate the business at 331 E. Main St. should the site plan receive approval. She stated that their business has received approvals for all of the regulatory requirements from the Pharmacy Board. She stated that they are looking forward to doing business here and being good community citizens.

Mr. Bruder questioned the boulders that are shown on the drawings.

Ms. Susel stated that the project received a Certificate of Appropriateness from the Architectural Review Board and although the rocks were not a part of the Certificate, they will be used to hide the wall. Ms. Susel read the Certificate of Appropriateness.

Ms. Edwards questioned the signs.

Ms. Susel stated that the sign in the yard will be removed and one new sign placed on the building once it is first approved by the State of Ohio and then the City of Kent ARB.

The applicant confirmed this sign information is correct.

Public Comment

Ms. Edwards stated that because this is a continuation of a case, public comment will not be reopened. By a show of hands, there were 6 members of the public that were present for this case; 0 were in support and 6 were opposed. She stated that because the public comment would be a repeat of what the Commission has already heard and discussed, she will read the concerns stated at the previous meeting for the record. She read the public comments found in the January 18, 2022 minutes.

Mr. Clapper stated that this is a legal business licensed by the State of Ohio. He stated that he feels that this business is not a greater threat than any other business in town. He stated that this business type is highly regulated.

Mr. Bruder seconded Mr. Clapper's comments.

Board Discussion

Mr. Clapper stated that one of the items that he was concerned with at the last meeting was the need to add on a loading area. He stated that the updated plans confirm the proposed addition has maintained the 100 foot setback from residential properties so he is satisfied. He questioned the dumpster location.

Jim Thomas, BDT Architects& Designers, 26 E. Park Dr., Athens, Ohio, stated that he has been sworn in. He explained that due to regulations, all waste needs to be locked up and so the dumpster will be located in the enclosed sally port addition.

Ms. Edwards questioned the width of the drive as it passes the structure and if it is wide enough for two cars.

Mike Wohlwend, Wohlwend Engineering, 4216 Karg Industrial Pkwy, Kent, stated that he has been sworn in. He stated that the driveway according to the survey is slightly more than 20 feet wide. He stated that it is more narrow than a typical driveway but wide enough for cars to pass each other.

Ms. Susel stated that 10 feet per drive lane is code.

Ms. Edwards questioned traffic concerns and changes in that area and if a traffic study is warranted.

Mr. Sahr stated that the proposed traffic circle and other changes to East Main St. are moving forward, but will be east of the driveway for this property.

Ms. Susel stated that construction is scheduled to begin in 2024. She stated that the funding has not been completely secured as of yet and there will need to be acquisitions of land before construction begins but the project is moving forward.

Ms. Edwards stated that making a left turn out of the property is difficult and questioned how they keep the ingress/egress safe until the roundabout is completed.

Ms. Susel reminded the Commissioners that there is no more traffic with this business than there was with the hair salon. She stated that typically they don't designate ingress/egress based on traffic flow for businesses that require appointments or have a limited clientele base. She stated that many businesses in that corridor do not have restrictions and that traffic movements will be addresses with the road construction. She gave examples of the dentist office, courthouse, and Chipotle that have similar ingress/egress conditions.

Mr. Bruder and Mr. Matar did not have any questions or concerns to discuss.

MOTION: ***In the case of PC22-001, (S)Lightly Toasted / Next Level Operators LLC, 331 East Main Street., Mr. Clapper moved that the Planning Commission approve the Conditional Use Certificate and Site plan with the following conditions:***

- 1. Completion of the proper licensing and procedures through the State of Ohio.***
- 2. Technical Plan Review.***

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

VIII. New Business

**A. PC22-012 Brittain Bollenbacher (Rooted Community Center)
211 Cherry Street**

The applicant is requesting a Conditional Zoning Certificate and Site Plan Approval for a Mixed Use Permit with business uses as shown in the attached plans. The subject property is zoned C: Commercial District.

Mr. Sahr presented the case as outlined in the staff report. He reported that the site access is from Cherry St. and Franklin Ave. and is surrounded by residential uses on all sides except for the commercial use to the southeast. He stated that KCO Sections 1103.17, 1105.38, and 1111.02(B) are applicable to this case. He stated that the applicant is in a lease-purchase agreement for this property with the intent of creating a community meeting space and restaurant. He stated that currently, the building has one commercial tenant that the applicant would like to retain in addition to the community meeting space and restaurant in the remainder of the building. He stated that they are seeking a mixed use certificate for the spaces as follows: office/business non-retail 1,483 sq. ft. with 6 required parking spaces, meeting and religious institutions space in 683 sq. ft. of the building with no specific parking requirements, dining or restaurant 1,126 sq. ft. with 6 required parking spaces; 12 parking spaces are required and 16 spaces have been provided. He stated that no utility or storm water runoff changes are planned. He stated that the sign is currently allowed under BZ17-008 to have a total of 3 wall signs for businesses. He stated that new canopy lighting will be installed and a photometric plan has been provided showing that there shouldn't be any light leak beyond the property lines. He stated that some new landscaping is shown on the plans. He stated that small trash cans brought to and from the curb will be used. He stated that review by the Architectural Review Board (ARB) is not required and no variance are needed for this project at this time. He stated that in its current state, staff finds that the request for a Conditional Use Certificate and Site Plan approval are in accordance with the standards established in the Zoning Ordinance and other applicable zoning regulations.

Brittian Bollenbacher, 745 Judson Rd, Kent, stated that he has been sworn in. He stated that Rooted is a place based community development corporation. He stated that prior to finding a building, they have spent time in this community helping neighbors and talking to neighbors and existing community leaders about what they would desire to give them a starting place for this property. He stated that the general idea is a community center focused on some of the senior residents as a gathering place, a variety of clubs, social gatherings, informational gatherings as well as focusing on youth with regards to life skills activities, mentoring, etc. He stated that currently they are collaborating the intergenerational focuses together. He stated that there is a tenant in the northern third of the building as they will not need that portion of the building for several years. He stated that they also hope to open a small breakfast and lunch café in a few years to offer job skills and employment opportunities.

Mr. Bruder questioned the tenant classification that is currently there.

Mr. Bollenbacher stated that it is office space for a college organization focusing on international students. He stated that they also do some small art related things with students.

Ms. Edwards questioned what their initial business floor plan/schedule would be.

Mr. Bollenbacher stated that initially there will be a program called Cultivate, where a student would be paired with a mentor for small educational items and character development. He stated that the building will be used as a launching pad to care for residents' needs. He stated that once the café is open, the classroom space will be separated during operating hours.

Mr. Bruder questioned if the tenant has access to a restroom.

Mr. Bollenbacher stated that the tenant has one ADA restroom located within their footprint. He stated that no changes are being made to that portion of the building so details of that space are not complete on the plans.

Public Comment

Jackie Flanney, 1861 Merrill Rd., Kent stated that she is the Program Manager for Kentway Senior Apartments. She stated that they have a wonderful partnership with Mr. Bollenbacher's group and the Tree City Church. She stated that the programs that they have brought into Kentway have changed so many lives. She stated that they have been amazing with the senior population and she can only imagine what they will do with the youth as well.

Board Discussion

Mr. Bruder stated that he would put his general support behind this project. He stated he feels that it is a great idea to have something happening in this building and supporting this neighborhood; it's a great location.

Ms. Edwards questioned if a dumpster would need to be considered once the café is in operational every day.

Mr. Bollenbacher stated that he thought that there was a dumpster on the plans.

Mr. Bruder stated that there is a note that the trash recycling screen is located in page A1 next to the garage.

Mr. Sahr stated that he assumed that given the location, it would need to be cans

Mr. Bollenbacher stated that he was under the impression that they would eventually have a dumpster and it would be accessible with a truck.

Ms. Edwards asked for clarification that he is not opposed to bring in a dumpster if he needs one rather than cans at the street.

Mr. Bollenbacher stated that this is correct.

Ms. Susel stated that if the dumpster would need to be relocated from where it is shown on the plans, staff would do a minor plan review and verify that the dumpster is properly screened.

MOTION: *In the case of PC22-012 Brittian Bollenbacher (Rooted Community Center), 211 Cherry St., Mr. Clapper moved that the Planning Commission approve the Conditional Use Certificate and Site plan with the following conditions:*

1. Technical Plan Review.

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

IX. Minutes

MOTION: *Mr. Bruder moved to approve the August 2, 2022 Summary Meeting Minutes as presented. The motion was seconded by Mr. Clapper. The motion carried 4-0.*

X. Other Business

None

XI. Adjournment

MOTION: *Mr. Clapper moved to adjourn. The motion was seconded by Mr. Matar. The motion carried 4-0. The meeting adjourned at 7:34 p.m.*