

**KENT PLANNING COMMISSION
BUSINESS MEETING
OCTOBER 18, 2022**

MEMBERS PRESENT:

Amanda Edwards
Jeff Clapper
Naser Matar
Michael Bruder

STAFF PRESENT:

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

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

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

Ms. Edwards stated that an addition was made to the site plan for PC22-014 and an updated copy was provided to Commissioners in advance of the meeting. She confirmed that the other Commissioners have received this information.

VIII. New Business

**A. PC22-014 North American Dental
 1500 East Main Street**

The applicant is requesting a zoning use certificate and site plan approval for a Business Non-Retail Use as shown in the attached plans. The subject property is zoned C-R: Commercial High Density Multifamily Residential District.

Mr. Sahr presented the case as outlined in the staff report. He stated that the site is accessed from East Main Street and is surrounded by commercial uses to the east, west, and south with a religious facility abutting the property to the north. He stated that the relevant code sections for this case are 1103.15, 1107, 1108, 1109, and 1111.02(b) of the

Kent Codified Ordinances. He stated that the applicant is in a lease agreement for this property with the intent of creating a dental office; the building is currently unoccupied. He stated that a minimum of 12 parking spaces are required for this business non-retail use and 20 spaces are currently provided on the site plan. He stated that there are no planned changes to the existing utility service and no change to the storm water runoff from this site. He stated that the applicant is proposing one wall sign and one monument sign, both of which are permitted in the CR District and have been determined to be compliant with the applicable sign regulations. He stated that no new exterior lighting is proposed at this time. He stated that staff has reviewed the new landscaping plan that is proposed as shown on the most recently distributed site plans and has determined that the design is in accordance with the applicable landscaping regulations. He stated that a new dumpster enclosure has been proposed on the south rear side of the building. He added that the Architectural Review Board did not need to review this case and there were no variances requested for the Board of Zoning Appeals. He stated that staff finds that approval of a Use Certificate and Site Plan Approval are in accordance with the standards established by the Zoning Ordinance and other applicable development regulations.

Ben Darian, WD Partners, 7007 Discovery Blvd, Columbus, OH 43017

Scott Filleul, North American Dental Group, 27 Court St., Wakefield, Mass.

Mr. Darian stated that they are proposing a new dental office in an existing commercial space, where there will be no change to the existing building footprint. He stated that they are looking to update the structure as it has been vacant.

Mr. Filleul stated that there would be one general dentist with three assistants and other staff members in this office to start.

Public Comment

None

Board Discussion

Mr. Matar questioned if the dumpster would contain medical waste that might be treated differently.

Ms. Susel stated that the Health Department will oversee that issue.

Mr. Matar questioned the traffic and the ability to make a left turn from the parking lot.

Ms. Susel stated that a dental office is by appointment so the increase in traffic will be minimal. She stated that typically the City does not require a traffic plan to be provided for anything at a low density / scheduled appointment location; this does not create extensive traffic.

Mr. Bruder had no comments.

Ms. Edwards stated that she is happy to see the building be revitalized and to add the landscaping and signage. She stated that she is in favor of the project.

MOTION: *In the case of PC22-014 North American Dental, 1500 E. Main St., Mr. Clapper moved that the Planning Commission approve the Zoning Use Certificate and Site Plan with the following conditions:*

1. Technical Plan Review.

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

**B. PC22-016 FMD Architects
 Zoning Code Text Amendments**

Proposed Zoning Code Text Amendments are being forwarded to the Commission for review and comment for Chapters 1103.07, 1103.17, 1103.21, 1103.22, and 1105.37 of the Kent Codified Ordinances (KCO).

Ms. Susel stated that the City has been contacted by an architect who wanted to add a limited use food service into MadCap, which is in an Industrial Zoning District. She stated that food service is not permitted nor conditionally permitted in the I District, but staff did want to accommodate allowing at least a limited service use; it seemed a reasonable request. She explained that MadCap was allowed to use food trucks, but the applicant wanted to establish something more permanent on the inside. She stated that the chapters noted are all of the chapters that would be affected by this change. She stated that the additional new category for land use would be micro-breweries with limited indoor food service. She stated that there would not be any changes in the eligible zoning districts. She stated that the additional land use category would be added to along with the existing micro-breweries in the I-R, Commercial, and I Districts. She stated that the conditions that would be added are Microbreweries that include an interior taproom, such food service must be ancillary to the primary use of alcoholic beverage production and will require no more than 30% of the available interior square footage be utilized for food prep and service. She stated that this change refers to a microbrewery, where the primary use is production with an ancillary limited food service component.

Mr. Bruder questioned if this change would grandfather other microbreweries in these districts that do not have food service.

Ms. Susel stated that MadCap is the only microbrewery in an Industrial District.

Mr. Sahr stated that a taproom is also required in order to have the ancillary food service component; not just production and food service.

Ms. Susel stated that also from a safety standpoint it is good to offer limited food service with alcohol seems to be reasonable coordination of activities.

Mr. Bruder stated that this is a change to the code and not just one property.

Ms. Susel confirmed that this is correct.

Ms. Edwards stated that she likes the 30% interior limitation. She questioned if the area includes the seating area or if the seating area could be in other parts of the building.

Ms. Susel stated that the 30% applies directly to the food service area: kitchen, waiting area, etc. She added that the tables already exist in the taproom so that wouldn't be considered part of the dining space.

Mr. Bruder and Mr. Clapper questioned if 30% was too high.

Ms. Susel stated that when staff was considering this change, they considered 20%, 25%, and 30% keeping in mind a smaller facility. She stated that it is up to Planning Commission to decide the amount. Ms. Susel suggested looking at the limitations categorically based on square footage or square footage ranges.

Mr. Sahr suggested a square footage up to a maximum; example: 30% but no greater than 2,000 sq. ft.

The Board and staff discussed the proposed change and how it could be used.

Mr. Bruder stated that he now sees that the proposed language is up to 30% of the square footage but it must still be the ancillary to the production. He stated that he is good now after the clarification.

Ms. Susel stated that it could be less than the 30%.

Public Comment

Ryan Holmes, MadCap Brewing Co., 3051 Hillside Trail, Stow, stated that they have been operating strictly as a production facility with some wholesale and a taproom. He stated that they have been relying on food trucks and outside delivery but they would really prefer to have something in-house to create a more family type environment.

Board Discussion

Mr. Clapper questioned if because there are two separate business, would it be considered a restaurant.

Ms. Susel stated that ownership does not dictate land use in the zoning code. Ms. Susel stated that it would be allowed as long as it is a limited food service. She stated that the change doesn't specify the type of food service that is allowed, only that it is limited and ancillary.

Mr. Clapper questioned if the hours of operations of the food service portion need to run congruent with the microbrewery.

Ms. Susel stated that hours of operations are not dictated through zoning. She stated that ancillary is defined by the space that is being occupied and that they business could have the food service open 7 days even if the brewery isn't. She stated that they do list hours of operations as something for the Planning Commission to consider when it is abutting a residential area.

Mr. Fink stated that this would be a conditionally permitted use and each application would be reviewed by the Planning Commission where the hours of operations could at that time be considered.

Mr. Sahr questioned if MadCap would need to come before the Planning Commission if the zoning change is approved in order to receive the limited food service designation.

Ms. Susel stated that because it is conditionally permitted in some zoning districts, applicants proposing this use from a zoning district where it is conditionally permitted will need to seek approval.

Mr. Clapper stated that he is good with the 30% of usage because he doesn't feel that anyone would construct an extremely large kitchen.

Mr. Bruder questioned if a drive thru would be permitted.

After some discussion, Ms. Susel stated that they can add a condition that states that drive-thru services are prohibited.

Mr. Clapper questioned if they could make them conditionally permitted.

Mr. Bruder stated that he agrees.

Ms. Susel reminded everyone that this is for a limited ancillary food component that is being added in an industrial district.

MOTION: *In the case of PC22-016 Zoning Code Text Amendments, Mr. Clapper moved that the Planning Commission approve the Zoning Code Text Amendments as presented with the addition to 1105.37 that drive thru service is prohibited*

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

X. Other Business

None

XI. Adjournment

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