

**KENT PLANNING COMMISSION
BUSINESS MEETING
SEPTEMBER 17, 2024**

MEMBERS PRESENT:

Amanda Edwards
Naser Matar
Derek Salustro
Earl Clausson
Ken Crookston

STAFF PRESENT:

Bridget Susel, Community Development Director
Tim Sahr, Development Engineer

I. Call to Order

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

II. Roll Call:

Naser Matar, Derek Salustro, Ken Crookston, Amanda Edwards, and Earl Clausson 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.

IV. Administration of Oath

Ms. Susel instructed those members of the audience wishing to be heard on the case to be presented at this meeting to 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, if yes, please say "I do." The participants responded, "I do."

V. Correspondence

None.

VI. Old Business

None

VII. New Business

**A. PC24-010 FRANK HORNYAK
1604 E. MAIN ST.**

The applicant is seeking a Conditional Zoning Use Certificate and Site Plan approval to allow a multifamily dwelling to be located at 1604 E. Main Street. This property is located within the C-R: Commercial High Density Residential Zoning District.

Ms. Edwards stated that this case has been continued.

**B. PC24-011 LEGACY DEVELOPMENT GROUP/DAVEY RESOURCE GROUP
1750 CAMPUS CENTER DR.**

The applicants are seeking a Conditional Zoning Use Certificate and Site Plan approval to allow a multifamily dwelling to be located at 1750 Campus Center Drive. This property is located within the U: University and R-1: Low Density Residential Zoning Districts.

Mr. Sahr presented the project as submitted and presented the staff report to the Commission. He stated that the site is situated at the corner of S.R. 261, Campus Center Dr., and Meloy Rd. He stated that the property is bordered by Kent State University to the north, a radio broadcasting station to the west, and residential uses to the east and south. He stated that the applicant is proposing to construct 75 dwelling units on an undeveloped parcel and that the units are limited to no more than 2 unrelated residents. He stated that the applicant plans to sell the individual units as owner-occupied condominiums. Mr. Sahr read "Section 1105.40: Conditions for Multi-Family Dwellings, Potential Concerns and Conditions" and Section 1111.02(D)(6)(A) General Standards for a Conditionally Permitted Use or a Specially Permitted Use as presented in the staff report. He stated the setbacks for the portion of the property that is located in the University District are front yard setback of 60 feet, side yard setback of 25 feet, and a rear yard setback of 50 feet. He stated the setbacks for the portion of the property that is located in the R-1: Low Density Residential Zoning District are front yard setback of 45 feet, side yard setback of 12 feet, and a rear yard setback of 45 feet. He stated that the presented plans meet all of the setback requirements. Mr. Sahr stated that the project requires 94 parking spaces and the current site provides for 144, with each dwelling unit providing one space in the garage and one in the driveway. He stated that the trash removal will be managed by each occupant by use of wheeled trash bins taken to and from the curb for pickup on a weekly basis. He stated that a landscaping plan has been provided, which meets or exceeds the requirements of Chapter 1108 of the KCO. He stated that the only exterior lighting proposed in the submitted plans is ingress/egress lighting at each dwelling unit required for safe access. He stated that no signage is proposed at this time. He stated that review of this project by the Architectural Review Board is not required, and no variances are being requested. Mr. Sahr concluded that staff finds that the request for a Conditional Zoning Use Certificate and Site Plan approval, as presented, to be in accordance with the applicable sections of the City of Kent Zoning Code.

Ms. Susel stated that applicant's application erroneously stated that there are 72 units, but the site plan correctly shows that there are 75 units. She stated that the Potential Concerns listed under Section 1105 are listed for many projects, but not all are applicable to every case, however, the one Condition that is listed for this case is what the Planning Commission will need to find compliant as part of the project.

Applicant Presentation

Levi Dobson, Davey Resource Group, stated that Mr. Sahr summarized the project well and confirmed that they are proposing 75 units, but that they will be townhomes, not condominiums. He stated that these are fee simple townhomes to be sold. He stated that the access point for the development will be off of Meloy Rd. due to the wetlands adjacent to Campus Center Dr.

Elizabeth Rotherberg, Berns Ockner Greenberger LLC, 3201 Enterprise Pkwy, Suite 220, Beachwood, OH, added that the applicants have worked very closely with the City over several years and the plans you see today are a result of those conversations. She stated that they have tried to go above and beyond especially in terms of landscaping and other things to keep the area beautiful.

Ms. Edwards questioned if the units are deed restricted and if the HOA will require the units to be owner-occupied and if there will be rental policies with the HOA.

Ms. Rotherberg stated that there will be an extensive HOA that will include rules that the units will need to be owner-occupied as part of the deed restrictions.

Ms. Susel stated that HOAs are private and are not reviewed by the City. She explained that the units have to be maintained as owner-occupied or limited to no more than two unrelated occupants in order to comply with the Zoning Code.

Ms. Rotherberg asked if the owner-occupancy would be reviewed by the City.

Ms. Susel stated that this is correct in order to confirm a unit is not required to register with the City's rental licensing program.

Ms. Rotherberg stated that it will be in the HOA that the units must be owner-occupied. She stated that these units are high end development and are not intended to sneak below the radar.

Public Comment

David Gaffey, 1395 Meloy Rd., stated that his property borders the entire eastern edge of the proposed project. Mr. Gaffey stated that this project doesn't seem like a proper fit for the area given the increase in traffic, congestion, and people due to the access from Meloy Rd. rather than Campus Center Dr. He stated that he and his neighbors have lived there for decades because it is a quiet neighborhood. He stated his concern for the disruptions that will be caused by light, noise, and trash trucks coming in early in the morning that will ruin the quality of life in that area. He stated that he doesn't understand how the proposed project fits in the middle of many single-family homes.

Robin Meredith, 1427 Meloy Rd., questioned if privacy fencing will be used along the sides with neighbors, and what will be done with the yard waste. She stated that Meloy Rd is in terrible condition and the repairs are inadequate. She stated that having an additional 150 cars on the road will not help. She questioned what the cost of each unit will be. She stated that the corner of Campus Center Dr. and SR 261 is a swamp that floods after it rains and questioned how the stormwater will be controlled. She agreed with Mr. Gaffey regarding the access being from Meloy Rd. She added that Meloy Rd. is already treated as if it is speedway and this is a dangerous scenario. She questioned when the last traffic survey was conducted showing the number of cars that use the light at SR 43 and Meloy, and Campus Center Dr. and SR 261. She questioned who the emergency services response teams is for this development.

Ryan Lucas, 1335 Meloy Rd., stated that he recently purchased his childhood home from his parents and agrees with what the other residents have said so far. He questioned where the access would be located and if some kind of separation between the existing homes and the new development, such as a soundproof wall, will be added to protect them against noise since they will be removing trees. He stated that he would not have purchased his home had he known this development would be constructed. He questioned the effect on property values. He stated that many use Meloy Rd. and Campus Center Dr. as a short-cut and they constantly have cars turning around in their driveways due to cars missing the turn because they are going too fast.

Ms. Edwards closed public comment. She explained the Planning Commission's role with regards to reviewing the project as it pertains to complying with the Zoning Code. She stated that there are some concerns that were raised by the residents that are not in the Planning Commission's purview. She asked Ms. Susel to explain the need for traffic study, who will maintain the roads, and safety.

Ms. Susel stated that the zoning of the subject parcel is University District because it had been owned by Kent State University, but some of the properties located in a University Zoning District are privately held lands. She stated that the University sold this parcel to the developer and the City of Kent Zoning Code has University Zoning District requirements that allow this use as a conditionally permitted use. She stated that multi-family units, such as townhomes, are conditionally permitted within this zoning district. She added that it is not specifically only university owned buildings and can be other land uses that are complementary and associated with a university. She stated that the trash pick-up is not allowed before 7am and after 8pm per the Kent Codified Ordinances (KCO) and if it were to happen once the project is operational, they should call the City Health department to report. She further stated that the density of any project needs to be extremely high to change traffic in an area. She stated that because these 75 units are owner-occupied although it will increase, the traffic flow will be low as everyone doesn't leave and return at the same time. She stated that this project was too small in terms of density to warrant a traffic study. She stated that the Zoning Code does not require privacy fencing, however, it does require landscape buffering and there is extensive landscape buffering that is shown on the site plan. She stated that the buffers are 20 feet for the frontage and 10 feet on the sides and consists of trees and heavy landscape. She stated that SR 261 is a state route and the Ohio Department of Transportation does not allow ingress/egress from a private site onto a state route; it is prohibited. She stated that they cannot put the access on Campus Center Dr. due to the wetlands as per the Army Corp of Engineers. She added that the utilities must extend under the wetland. She stated that the portion of Meloy Rd. that is within the City limits is maintained like all City roads where they are ranked and repairs are addressed by the City Engineer. She stated that if residents have issues with that portion of Meloy Rd., they should call the City of Kent Engineering Department at 330-678-8106. She stated that yard waste management is not regulated by zoning. She stated that Brimfield township residents are serviced by Brimfield emergency services, however there is a reciprocity agreement with the City of Kent, who may also respond. She stated that this project is fully in the City of Kent and will be serviced by the City of Kent Fire and Police departments.

Mr. Sahr stated that developers are required to submit to the city full calculations and design of how stormwater will be managed such that there will be no impact on neighboring properties or negative impact on the stormwater system for the City as a whole. He stated that the first plan that was brought to the City for review showed the entrance off Campus Center Dr. but because the western third of the property is almost entirely a wetland, any construction in that area would have wrecked the stormwater management on that site and the flooding in that area would be

horrible. He stated that the developer sent its planned design to the Army Corp of Engineers to have it evaluated, which resulted in not being able to occupy the western third of the property because of wetlands and this is why the access is off Meloy Rd. He stated that the developer is required to mitigate the stormwater on site, which is detailed on the site plan.

Ms. Rotherberg stated that it was disappointing that they couldn't use Campus Center as the access point but that is the reality of the site. She stated that they have increased the landscape buffers to a minimum of 25 feet where it is abutting residential uses, which is one example of how they are exceeding the Zoning Code requirements. She stated that only the access drive will come off Meloy Rd and the future intent is for there to be 2 additional lots to be split off for single family homes. She stated that everything is set off from the street and buffered behind trees with 20 feet of buffering on each side of the access road and shouldn't affect the character of the road.

Planning Commission Discussion

Ms. Edwards stated that they need to ensure that the project meets the criteria for conditionally permitted use as well as the University Zoning District. She reviewed these items as stated in the staff report.

Mr. Clausson questioned what is considered the front yard and back yard of this property.

Ms. Susel stated that Meloy Rd. is considered the front yard.

Mr. Clausson stated that most of the items to consider have been addressed by staff.

Mr. Crookston stated that he agrees and added that the HOA addresses many concerns as well.

Ms. Edwards read the conditions of the conditionally permitted use.

Ms. Susel corrected her previous statement and stated that actually the property has three front yards; SR 261, Campus Center Dr. and Meloy Rd. She stated that per the Zoning Code, when property touches right-of-way (ROW) it is considered a front yard. She added that the developer did not need any variances and have met the required landscape buffering setbacks on all sides.

Mr. Crookston stated that he feels that the conditions have all been addressed.

MOTION: *In the case of PC24-011, Legacy Development Group LLC, Ronald Gainer, 1750 Campus Center Dr., Mr. Salustro moved that the Planning Commission approve the Conditional Zoning Use Certificate and Site Plan with the following conditions:*

- 1. Technical Plan Review.*
- 2. Owner must provide copies of all easements executed and recorded that are necessary to facilitate utility routing to the site.*
- 3. Owner must acquire a License to Occupy from the City of Kent to allow for the routing of utilities across the Campus Center Drive right of way.*

Mr. Matar seconded the motion. The motion carried 5-0.

C. PC24-013 CITY OF KENT

The applicant is seeking approval of text amendments to the City of Kent Zoning Code for the following:

- **CHAPTER 1102: DEFINITIONS**
- **CHAPTER 1103: ZONING DISTRICTS, LAND USE, AND ZONING MAP**
- **CHAPTER 1104: SUPPLEMENTAL ZONING DISTRICT STANDARDS AND OVERLAY ZONING DISTRICTS**
- **CHAPTER 1106: GENERAL PROVISIONS**
- **CHAPTER 1109: SIGNS**

Applicant Presentation

Ms. Susel stated that she is presenting some proposed zoning code text amendments. She stated that the first proposed amendments address the confusion between an accessory structure and an accessory use. She stated that they were defined in the Zoning Code, but in order to add clarity, staff has changed the term accessory structure to subordinate structure; it is a word for word replacement. Ms. Susel stated that in 2023 new Design Guidelines were adopted as recommendations and not codified. She stated that Council has directed staff to codify the recommendations to make them law so that they can then determine if an Architectural Review Board is still needed. She stated that she feels that about 95% of the recommendations in the Design Guidelines will be codified as they are black and white and not subjective. She stated that the proposed regulations based on the Design Guidelines will only apply to the Overlay District. She stated that some of the proposed language is based on previous ARB cases and their preferences. She stated that the proposed language also adds language to the sign ordinance that will apply to all zoning districts with regards to concealing sign power sources, prohibiting the mounting of neon signs on the exterior façade or on a monument sign, adding materials used for awnings and canopies, and reducing the percentage of allowed window signs to 30% as well as including transparent window signs. She stated that the last proposed amendment is a new table that clarifies the existing Zoning Code regarding rental uses by zoning districts.

Public Comment

None

MOTION: *In the case of PC24-013, City of Kent, Mr. Clausson moved that the Planning Commission recommend that Kent City Council approve the proposed Kent Zoning Code Text Amendments as presented*

Mr. Crookson seconded the motion. The motion carried 5-0.

VIII. Meeting Minutes

MOTION: *Mr. Salustro moved approve the August 20, 2024 Meeting Minutes as presented. The motion was seconded by Mr. Matar. The motion carried 3-0-2. Mr. Crookston and Ms. Edwards abstained.*

IX. Other Business

None

X. Adjournment

MOTION: *Mr. Clausson moved to adjourn. The motion was seconded by Mr. Salustro. The motion carried 5-0. The meeting adjourned at 8:05 p.m.*