

**KENT PLANNING COMMISSION
BUSINESS MEETING
NOVEMBER 15, 2016**

MEMBERS PRESENT: John Gargan
 Peter Paino
 Amanda Edwards

ABSENT: Anthony Catalano
 Doria Daniels

STAFF PRESENT: Heather Phile, Development Planner
 Bridget Susel, Community Development Director
 Eric Fink, Assistant Law Director

I. Call To Order

The meeting was called to order by Vice Chair, John Gargan at 7:00 p.m.

II. Roll Call:

Ms. Edwards, Mr. Paino and Mr. Gargan were present.

MOTION: *Mr. Paino moved to excuse Anthony Catalano and Doria Daniels from the November 15, 2016 Planning Commission meeting. Ms. Edwards seconded the motion. The motion carried 3 – 0.*

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

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

V. Correspondence
None

VI. Old Business

**A. PC15-021 EAST MAIN STREET LOFTS
1700 Holly Drive
Conditional Zoning Certificate and Site Plan Review**

The applicant is requesting a Conditional Zoning Certificate and Site Plan Review and Approval in order to construct a multi-family residential complex. The subject property is zoned R-4: Multi-Family Residential and C-R: Commercial High Density Residential District.

Ms. Barone stated that the Traffic Engineer has not completed his review of the traffic study submitted. At the Applicant's request Staff advised the Planning Commission to continue this case until the December 6, 2016 Planning Commission meeting.

Mr. Gargan asked for a motion.

MOTION: *Mr. Paino moved to table Case PC15-021, 1700 Holly Drive until the December 6, 2016 Planning Commission meeting. Ms. Edwards seconded the motion. The motion carried 3 – 0.*

**B. PC16-021 CITY OF KENT
Proposed Zoning Code Text Amendments
Chapter 1103 and Chapter 1122
Zoning Code Text Amendment**

The applicant is recommending text amendments to Chapter 1103: Definitions and Chapter 1122: Rooming and Boarding Houses of the Kent Codified Ordinances.

Mr. Fink stated that there are several different reasons that staff wanted to review the definitions carefully; in part because of some of the cases that have come up. He said some of the definitions do not seem to work, and they are inconsistent to other parts of the code, or there is some language that staff felt was not acceptable language. He said in other instances regulations were being used as definitions and regulations do not belong in the definition section. With these reasons in mind, staff went through all of Chapter 1103. He said they found a lot of definitions that apply to the sex trade and had not been a pertinent issue. He did not want to delete them and did not want to have to go over all of them so he created a new section of Chapter 1103.04. It would have special use definitions and the regulations. There are a few changes since staff prepared the draft for Planning Commissions such as the three typos. The definitions have been reorganized to have similar uses together such as home and business will be all in one section. Private/commercial clubhouses have been put closer together. Hopefully this will be more user-friendly. He said there were a lot of definitions for noise that are repeated in each chapter that is all dedicated to noise so why should it be both places when one day one might get changed and a conflict arises. All the noise definitions have been deleted in Section 1103. Chapter 1175 defines elderly at age 65 versus 60 versus 55.

Ms. Susel discussed age restriction for seniors from ages 65 to 60 to 55.

Mr. Fink stated that in 1993 Chapter 1175 in group home defines elderly as 65 years of age. Back then there were fewer conflicts with the zoning code. He said staff has updated the child care and family care definitions. The State of Ohio has gone from having child care definitions to family care definitions so the City of Kent is modifying its definition to mimic the State regulation for child and family day care centers. He said a Change In Use might trigger the Planning Commission to review the property so the number of household units occupying a dwelling unit is a change in use. He said staff updated the definition of dwelling and dwelling unit. The definition is the same in Rental Licensing but the definition in Chapter 1103 was not updated at the same time. He said household unit has several different definitions. Household unit is defined as a family, a family and one unrelated person, a single person, two unrelated persons and a caregiver(s) residing in a single dwelling unit. Persons residing in a rooming house, boarding house, hotel, group dwelling fraternity or sorority house does not constitute a household unit. The definition of a care giver is: An unrelated person who provides medical or personal care to an elderly person, a person with a recognized disability, or a juvenile, without which the recipient of said care would not be able to live independently.

If a person is over 65 or under 18 years old, the City does not need a lot of documentation from the care giver to support that. Between the ages of 18 and 55 years, more documentation would be needed for the care giver relationship. The “Golden Girl” scenario allows for more than one caregiver in a unit for multiple individuals under the age of 18 and this would not be a violation of not more than two unrelated people in a unit. This scenario would constitute a single household unit. He said currently the definition of multi-family is being challenged. The definition of an illegal house has been added. He said a rooming house allows three (3) to fifteen (15) unrelated persons in a house. The definition of boarding and rooming houses have been updated. The definitions of a boarding house and a rooming house have been modified to a residential building originally built as a single family or two family dwelling that has been approved by the Planning Commission and/or the Community Development Department to house three (3) to fifteen (15) unrelated persons; Chapter 1122 is the section for rooming houses. He said there will not be a definition for an apartment such as a quad with unrelated people living in it until sometime next year.

A lengthy discussion was continued on the definition of a rooming house and what the requirements were.

Ms. Susel stated that the rooming house definition is one of the issues that has arisen when some of the larger complexes have used the rooming house definition. The modifications of the rooming house definition will prevent this confusion.

Mr. Paino confirmed that the staff wanted to get the modifications to Kent City Council as soon as possible.

Ms. Susel replied yes.

Mr. Fink stated that things are getting scheduled a lot faster now than it was under the previous administration.

Ms. Susel stated that the City of Kent is hiring a consultant to continue review and update the zoning code.

Mr. Fink stated that the definition for hotel/motel has been modified to clarify and prevent long term or rooming house status without a lease. He said some sections like noise and juvenile offenders are already covered under other sections of the code and does not need to be in the zoning code.

PUBLIC COMMENTS

None

PLANNING COMMISSION DISCUSSION

Mr. Fink stated that the regulations under Usable Open Space really do not belong in the definition section however before they are taken out of the definition section, new regulations need to be created but this was not advertised for tonight. He said he still wanted to strike Paragraph F. The other ones will remain. The definition of Story should have been in red on the commissioners' copy of Chapter 1103 and is defined as: The part of a building between the surface of a floor and the ceiling immediately above. Unless otherwise defined, this distance shall be set at ten (10) feet because it matches other places in the code.

There were no other comments or questions. Mr. Gargan asked for a motion for approval to amend Chapter 1103.

MOTION: *Mr. Paino moved in Case PC16-021 that the Planning Commission recommends to Kent City Council to amend Kent Codified Ordinance Chapter 1103 – Definitions language in regard to the additions, deletion, revision and reorganization of the definitions and keeping the section on Usable Open Space except Paragraph F. Ms. Edwards seconded the motion. The motion carried 3 – 0.*

Mr. Fink stated that the only thing changed in Chapter 1122 is the number of required parking spaces. This is an issue that has had a lot of discussion. Under Chapter 1122.06, staff is recommending 1.25 parking spaces per bed which eliminates the different required spaces based on the number of residents. The code has been amended requiring 1.25 spaces per bed.

PUBLIC COMMENTS

None

PLANNING COMMISSION DISCUSSION

A discussion was held on the number of residence in a unit and how the number is monitored.

There were no other comments or questions. Mr. Gargan asked for a motion for approval to amend Chapter 1122.06.

MOTION: *Ms. Edwards moved in Case PC16-021 that the Planning Commission recommends to Kent City Council to amend Kent Codified Ordinance Chapter 1122.06 – Rooming and Boarding Houses to adjust the parking requirement. Mr. Paino seconded the motion. The motion carried 3 – 0.*

VII. New Business

Ms. Susel stated that the first Council committee meeting on the Planning Commission recommendations will be in January. There will first be a public hearing in December then the recommendations will go to a committee.

VIII. Meeting Minutes: *Special Joint Meeting - September 28, 2016*
 Regular Meeting - October 4, 2016
 Regular Meeting - October 18, 2016

There was no quorum to vote on the minutes of September 28, 2016 and October 4, 2016.

MOTION: *Mr. Paino moved to approve the minutes of October 18, 2016 as submitted. The motion was seconded by Ms. Edwards. The motion carried 3 – 0.*

IX. OTHER BUSINESS

- 1. Request to close PC16-001: Code Definitions**
- 2. Request to close PC16-002: Zoning District Code Changes**

Staff asked that the Planning Commission officially close case PC16-001: Code Definitions and PC16-002: Zoning District Code Changes. PC16-001 was advertised again under PC16-021. PC16-002 Zoning District Code Changes was the continuing Zoning Code update. The current plan is to hire a consultant to update the zoning code. New case numbers will be assigned as the update progresses and is presented to the Planning Commission.

MOTION: *Mr. Paino moved to close case PC16-001 and PC16-002. The motion was seconded by Ms. Edwards. The motion carried 3 – 0.*

X. Adjournment

Motion: *Mr. Paino moved to adjourn. The motion was seconded by Ms. Edwards. The motion carried 3 – 0.*

The meeting adjourned at 8:15 p.m.