

**KENT PLANNING COMMISSION  
BUSINESS MEETING  
JANUARY 26, 2021**

**MEMBERS PRESENT:**

**Amanda Edwards  
Chris Clevenger-Morris  
Michael Bruder  
Jeff Clapper  
Nick Bellas**

**STAFF PRESENT:**

**Eric Fink, Asst. Law Director  
Bridget Susel, Community Development Director  
Jennifer Barone, Development Planner**

**I. Call to Order**

Ms. Edwards called the meeting to order at 7:02 p.m.

**II. Administration of Oath to New Member:**

Mr. Fink administered the Oath of Office to Nickolas Bellas and Amanda Edwards. Mr. Bellas and Ms. Edwards responded affirmatively.

**III. Roll Call:**

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

**IV. Reading of the 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 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."

**VI. Correspondence**

Correction to Staff Report  
Letter from Mr. Salehi in support of PC21-001

**VII. Old Business**

- A.     **PC18-002     Hasawi  
                          211 Franklin Ave.  
                          Park Fee Review**

Ms. Barone explained that this project received approval in February 2018 with the condition that they would need to return with an agreed upon park fee so that the Planning Commission can approve the amount. She stated that the approved amount is \$12,480 for the park fee.

No public comment. No comment from the Commissioners.

***MOTION:     In Case PC18-002, Hasawi, 211 Franklin Ave., Mr. Morris moved that the Planning Commission approve the park fee in the amount of \$12,480 for a mixed use facility including commercial and residential uses subject to obtaining Park Board approval of the amount.***

***The motion was seconded by Mr. Clapper.***

***The motion carried 5-0.***

**VIII. New Business**

- A.     **PC21-001     Kent West Apartments  
                          227 Franklin Avenue  
                          Site Plan Review**

**The applicant is seeking site plan approval to construct a multifamily residential use project. The subject property is zoned C-D: Commercial-Downtown zoning district.**

Ms. Barone presented the staff report. She stated that the applicant is proposing a six story, 47 unit apartment building at 227 Franklin Avenue. She added that a similar project for this site was brought to the Planning Commission by a different developer previously. She stated that it is a permitted use in the C-D District and no additional conditions are required. She stated that they have provided a parking plan, which includes the private parking lot to the south as well as the parking deck. She stated that utilities are available and there is no increase in impervious areas and therefore no storm water requirements. She stated that the developer will return with signs at a later date. She stated that the dumpster is located off of Alley 10. She stated that there is a small courtyard to the north of the building. She stated that the Architectural Review Board reviewed this project in November and issued a Certificate of Appropriateness with the recommendation that the brick be a more reddish hue similar to other structures in the downtown. She stated that the applicant was denied a height variance from the Board of Zoning Appeals and revised their drawings. She explained that this project will also require a park fee but will need to come back at a later date for the Commissioners to review once an agreement has been made.

Steve Jennings, LD Architects, 5000 Euclid Ave., Cleveland, Ohio

Tim Dean, representative for College Town Kent, LLC, 22100 Horseshoe Lane, Strongsville, owner of the building.

Mr. Jennings presented his project as submitted. He stated that the balconies are located on the courtyard and Franklin Avenue sides of the building. He stated that there is a 6 foot elevation change from Alley 10 to Franklin Avenue. He reviewed the typical floor plan. He stated that the full trash enclosure is off of Alley 8, not 10, and will have a garage door for access. He showed the building elevations and renderings from the Architectural Review Board presentation and reviewed the colors of the building.

Mr. Bruder questioned the sanitary sewer capacity threshold and whether or not the project would move forward if it isn't adequate.

Ms. Barone stated that the developer has been asked to perform a sanitary sewer study. She stated that the City is aware that there is an issue with the main trunk line that goes to the plant along the river. She stated that if the study shows that there is an insubstantial increase in the trunk line, then there won't be an issue. She added that if there is a pipe that is undersized based on the study from the subject property to the trunk line, then the applicant will be asked to replace that pipe with a larger pipe.

Ms. Edwards stated that the application letter discusses parking along Franklin Avenue.

Ms. Susel stated that this was due to a miscommunication regarding future overnight parking on Franklin south of College, which has not been authorized by Council. She stated that the future overnight parking is anticipated to go before Council given the two new residential projects on Franklin Avenue. She explained that those 10 parking spaces will have permits sold by the Community Development Department on a first come first serve basis and are not specific to any building.

#### **Public Comment**

None

#### **Planning Commission Discussion**

Mr. Bruder stated that he feels that it is a nice project.

Mr. Clapper questioned the recommendation from the Architectural Review Board regarding a reddish hue.

Mr. Susel stated that the ARB did approve a Certificate of Appropriateness for the drawings that the Commissioners see today. She stated that the recommendation for the color was added as a point of order.

Mr. Fink explained that if the Commissioners were to find the colors of the proposed building injurious to the surrounding area, then it would give the Commissioners some basis to require the reddish hue.

Mr. Morris stated that overall, he feels that it is a fantastic project. He stated his only consideration is about adding a condition regarding the color.

Mr. Bellas stated that he feels that the courtyard will be enjoyed by the tenants and overall it looks very nice.

Ms. Edwards stated that she also doesn't have any concerns regarding the project. She reviewed the criteria for a site plan in the Commercial – Downtown District and feels that all of the criteria have been met.

**MOTION:** *In Case PC21-001, Kent West Apartments, 227 Franklin Avenue, Mr. Morris moved that the Planning Commission approve the Site Plan to construct a multi-family structure subject to the following:*

1. **Submit for Technical Plan Review.**
2. **Perform a sanitary sewer study to verify there is adequate capacity in the system. If capacity is inadequate, measures must be taken to modify the City's sanitary system to provide the necessary capacity.**
3. **Obtain a license to occupy the right-of-way from Kent City Council for the building footers should the final design depict the footers being placed in the City's right-of-way.**
4. **Collaborate with the City to design an efficient parking lot layout.**
5. **Formalize a document such as a license to occupy, lease agreement, etc. to utilize City land if the final design depicts parking beyond the privately leased lot.**
6. **Finalize the park fee amount, obtain the Park Board approval of the park fee amount and return to Planning Commission for approval.**
7. **Ensure with assistance from the City that all brick utilized on the site have a more reddish hue similar to other structures in the downtown area where possible and if necessary.**

***The motion was seconded by Mr. Clapper.***

Mr. Bruder stated that he is not in favor of adding the color criteria to the motion. He stated that the nearby old post office building in the downtown district is not reddish and more in line with the plans presented. He stated that he feels that it would be a requirement of undue burden of the owner especially since it has already been approved by the ARB.

Mr. Clapper stated that he agrees with Mr. Bruder.

Mr. Morris stated that his color condition was worded in such a way that should the developer decide to make the change they can do so but it does not require them to do so.

There was more discussion of the color condition with regards to the legality and wording.

**AMENDMENT:** **Mr. Morris made a friendly amendment to condition 7:**

7. **Ensure with assistance from the City that all brick utilized on the site have a more reddish hue similar to other structures in the downtown area where possible and if desired.**

**Mr. Clapper seconded the friendly amendment.**

**The friendly amendment passed 5-0**

***The motion carried 5-0.***

- B. PC21-003 Kent Codified Ordinances  
Chapter 11: Planning and Zoning Code Chapters 1107 – 1175 (Full Replacement) Part 1 of 2 proposed chapters 1101-1106 (new chapters)**

**The proposed Planning and Zoning Code Amendment is being forwarded to the Commission for review and recommendation to Council.**

Ms. Barone stated that staff is now at a point with the first half of the zoning code amendments for Planning Commission's public hearing tonight and to discuss other changes to Chapters 1101 – 1106. She stated that when this goes to Council, staff would like to have the zoning code adopted in its entirety and that is why when the first half of the code is forwarded to Council it should be only for a public hearing on that portion. She added that same process would take place for the second half of the zoning code as well before Council's consideration to adopt. She concluded that the purpose for tonight is for the public hearing, discussion on any other changes, and forward it to Council.

Ms. Susel stated that the code still needs to be polished for formatting and Scrivner's errors but the wording and intent are accurate.

Some formatting recommendations were discussed.

Mr. Clapper suggested headers on every page.

Ms. Edwards questioned printed page 44 regarding Mixed Use Development.

Ms. Susel stated that the Mixed Use is conditionally permitted in the C-D, C-R, N-C, C, U, and IC-R; it will not be permitted in any district. She stated that on page 105 Mixed Use Developments, they have identified potential concerns that need to be discussed.

Mr. Bruder expressed concerns on having different numbering on the electronic version versus the printed version.

Ms. Susel stated that the footer will include both the chapter and page number on the final copy.

Mr. Clapper stated that (page 44) microbreweries are permitted in the I-R District, but he feels that they should be conditionally permitted in the C-D District.

Ms. Susel stated that because the primary focus is beer production and not serving food, it is an industrial use and not in the C-D District.

Mr. Fink stated that the chart has the microbrewery permitted in the I-R and conditionally permitted in the I but that should be reversed.

Mr. Clapper questioned whether or not microbreweries should also be conditionally permitted in the N-C District.

Ms. Susel stated that everyone assumes that if they are doing beer production on site, it is a microbrewery. She explained that the Bell Tower's primary use is a restaurant and the beer production in ancillary.

Mr. Fink stated that one of the concerns that they have listed with microbreweries is the product logistics with deliveries.

Ms. Edwards stated that she doesn't see the need for breweries downtown. She stated that she feels that it is more feasible to have a restaurant with a microbrewery component.

Mr. Bruder stated that Mr. Clapper brings up some good points but feels that the issue is a matter of scale. He feels that the Mixed Use option is a good umbrella.

Ms. Edwards (page 28 & 29) stated that some of the marijuana sections say in accordance to Ohio Administrative Code Section 3796 and some don't. She questioned if these should be consistent.

Mr. Morris stated that some of the Section 3796's say OAC and some say ORC.

Mr. Fink stated that staff will review.

Mr. Clapper questioned whether medical marijuana should be allowed in the C-D District.

Ms. Susel stated that the current code reflects what the current state law supports. She stated that if the state laws change, they can look at making an amendment to the code.

Ms. Edwards (page 80) questioned if the map is correct.

Ms. Susel stated that it is.

There was discussion on when the design guidelines and map will be reviewed as it is not a part of this review.

Ms. Edwards asked for clarification on the definition of dwelling unit (page 18).

Ms. Susel explained that a dwelling unit is the actual enclosed area that people occupy such as an apartment, rooming house, and duplex which would have 2 units. She stated that the number of people that can occupy a dwelling unit is based on the zoning district and classification. She stated that a rooming house is a single dwelling unit with shared common areas and individual bedrooms but because of the district and classification, they are allowed to have more occupants.

Mr. Bruder questioned if foster children are considered in the family definition.

Ms. Susel stated that they are included.

**Public Comment**

None

**MOTION:** *In Case PC21-003, Mr. Bruder moved that the Planning Commission recommend that City Council hold a public hearing and review the proposed zoning code text for proposed chapters 1101-1106 with the intent to adopt the amended Zoning Code in its entirety after the public hearing for part 2.*

*The motion was seconded by Mr. Bruder.*

*The motion carried 5-0*

**IX. Adjournment**

**MOTION:** Mr. Morris moved to adjourn. The motion was seconded by Mr. Clapper. The motion carried 5 – 0. The meeting adjourned at 8:24 p.m.