

**KENT PLANNING COMMISSION
BUSINESS MEETING
MAY 4, 2021**

MEMBERS PRESENT: **Chris Clevenger-Morris
Jeff Clapper
Nick Bellas
Amanda Edwards**

STAFF PRESENT: **Eric Fink, Asst. Law Director
Bridget Susel, Community Development Director
Tim Sahr, Development Engineer**

I. Call to Order

Mr. Morris called the meeting to order at 7:00 p.m.

II. Roll Call:

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

MOTION: **Ms. Edwards moved to excuse Mr. Bruder from the May 4, 2021 Planning Commission Meeting. Mr. Clapper seconded the motion. The motion carried 4-0**

III. Reading of Preamble

Mr. Morris 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

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

Ms. Susel stated that Buckeye Relief submitted a replacement page A4 showing the design revision to the roofline after the packets had been distributed.

VI. Old Business

None

VII. New Business

**A. PC21-006 Buckeye Relief
1181 West Main Street
Site Plan Review & Conditional Zoning Certificate**

The applicant is requesting a Site Plan Review and Conditional Zoning Certificate to locate a medical marijuana dispensary at the listed address. The subject property is zoned IC-R: Intensive Commercial Residential Zoning District.

Mr. Sahr introduced the project as presented in the staff report. He stated that the property is surrounded on all sides by the IC-R Zoning District including uses such as automotive and repair shops, barbershop, various retail store fronts, and 2 residences. He stated that he has provided definitions from Section 1103.03 to assist in their review because at this time the City of Kent has not considered a Medical Marijuana Dispensary; the definitions are from the OAC 3796. He stated that Medical Marijuana Dispensaries are a conditional use in the IC-R Zoning District and are subject to Section 1171.0(5)(17)(26)(27)(57)(58)(59)(60)(61); the conditions were read to the Commissioners. He stated that the Architectural Review Board has reviewed the project and suggested that the roofline be adjusted as shown in the submitted revised drawing.

Caroline Henry, Director of Government Relations for Buckeye Relief, 33525 Curtis Blvd., Eastlake, Ohio, stated that A.J. Caraballo, Director of Retail Operations and a licensed pharmacist, Matt Winningham, Director of Security, and John Waddell, Erbach Waddell Architects, are also present to answer any questions. Ms. Henry provided background on Buckeye Relief operations.

Mr. Winningham provided a background on security procedures for the company.

John Waddell, Erbach Waddell Architects, 2335 W. 11th St., Cleveland, Ohio, reviewed the site plan as presented. He stated that the building is located on a corner with a parking lot to the east and additional parking spaces on the west side. He explained that they are not constructing any additions but they are adding a trash enclosure on the northeast corner of the building, constructing a new roof, installing new building materials, and minor landscaping improvements. He stated that they will be adding a few new security light fixtures on the building although the property already receives ambient light from neighboring properties. He stated that they will be installing a bike rack. He stated that they are using the existing curb cuts.

Mr. Caraballo provided his background and stated that they want to ensure the patients are well cared for and that they are a good neighbor in the community.

Mr. Winningham stated that they are involved in the communities where they are located to assist with training for first responders and law enforcement.

Ms. Edwards questioned the minimum parking spaces required.

Ms. Susel stated that the dispensary is by appointment only and not a walk-in basis. She stated that the provided parking is more than what is required.

Ms. Edwards questioned how their operations work with regards to appointments.

Mr. Caraballo stated that many of the patients will utilize the online and call ahead phone ordering process. He explained that those patients will rotate out quickly as their orders will be ready. He stated that some patients may want a consultation with a pharmacist and their appointments will take longer. He stated that they have some of the busiest dispensaries in the state and have not had an issue with cars backing onto the road due to the online ordering and they do not overbook; they are able to control how many pickups are scheduled per 15 minute time block.

Ms. Edwards questioned the delivery process of the products coming into the facility.

Mr. Winningham added that they also do not want an overcrowded parking lot as it impedes the ability to accept deliveries. He stated that all deliveries need to be registered in a manifest with the state; randomized routing is required as is information regarding the team members making the deliveries. He stated that the deliveries are made with low profile / low visibility vehicles and drivers who are in close communication with the facility. He stated that typically they use small transit vans or cars.

Ms. Henry stated that the facility has a garage bay with a large door and all deliveries are made in the garage with the door down and under video surveillance.

Mr. Clapper stated that the required number of spaces is 18 and noted his concern regarding the configuration of the parking on the west side of the building.

Mr. Waddell stated that they are existing spaces and they assumed that they are able to continue using those spaces.

Ms. Susel confirmed that that is the case as long as they are not reconfiguring the parking layout.

Mr. Clapper stated that there was a previous case for this property where the western apron on West Main St. was to be removed and questioned whether or not this needs to be considered for this project.

Ms. Susel stated that she will need to verify the details but she believes that the removal was at the request of the former applicant. She stated that it would depend on if the condition was set for the project or the parcel itself.

Mr. Clapper stated that he feels that the eastern apron on West Main St. is a safer single apron option.

Ms. Susel clarified that the applicant is seeking a Conditional Zoning Certificate so that they can move forward with the approval process with the State.

Mr. Clapper questioned the location of the main entrance.

Mr. Waddell stated that the main entrance is located at the southwest entrance facing West Main St.

Ms. Henry stated that they do accept walk-in patients without reservations.

Mr. Bellas stated that he is familiar with the property and the dispensary operations and has no further questions at this time.

Mr. Morris stated that his primary concern was safety and he now has no further questions.

Ms. Susel stated that she received a phone call questioning how the legalization of recreational marijuana would affect this facility. She stated that if this property is approved based on medical marijuana requirements in the City zoning code as they currently exist, until the law in the State of Ohio and the zoning code is changed, recreation marijuana would not be permitted.

Mr. Winningham stated that the security that comes with a dispensary historically has a positive impact on the surrounding area.

Public Comment

Fred Pierre, 480 Longmere Dr., stated that the proposed project does seem to be an appropriate use for the property and feels that it will have a good impact.

Planning Commission Discussion

Ms. Edwards stated that she is in agreement with the project and the site plan. She stated that her main concern is the Thoroughfare Plan and how this project complies. She stated that she feels that the landscaping is lacking and is disappointed in the condition of the previously approved rain garden. She stated that she also recalls discussion regarding the west apron and would like to see it removed and some additional landscaping installed.

Mr. Morris agreed that landscaping is important to the site.

Mr. Bellas also agreed and feels that greenery and landscaping would be good as there is a lot of hard surface.

Ms. Edwards stated that she is all for adding new businesses and upgrading the area and feels that landscaping is an important part of upgrading this parcel.

Mr. Clapper stated that he feels that the project could use some more landscaping and feels that they need to be specific as to where it should be located.

Ms. Edwards stated that the area along West Main St. is the most important area to her that needs to have the landscaping addressed.

The Commissioners and staff discussed how to add additional landscaping to the motion.

Mr. Morris stated that he is pleased to see a business come in that has taken the time to see the bigger picture with regards to security. He stated that he agrees with Ms. Edwards and would like to see more landscaping to reduce the concrete feel. He concluded that he is very excited to see this project.

MOTION: *In the case of PC21-006, Buckeye Relief, 1181 W. Main St., Ms. Edwards moved to approve the Conditional Zoning Certificate to allow a medical marijuana dispensary subject to the following condition:*

- 1. Acquisition of proper licensing and approvals from the State of Ohio.***
- 2. Technical Plan Review and approval.***

3. Return to the Planning Commission for a landscape plan review and approval.

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

- B. PC21-010 State Route 43 & 261 / Triway Investment Properties Ltd.
Parcel #45-004-00-00-053-000, Near NW corner State Routes 43 & 261
Zoning Map Amendment**

The applicant is requesting a zoning map amendment to the parcel from its current C: Commercial Zoning District to the C-R: Commercial High Density Multifamily Residential Zoning District.

Mr. Sahr reviewed the staff report as presented and stated that staff has found that the request meets all of the requirements in Section 1111.03. He reminded the Commissioners that recommending a map amendment allows all uses under that new zoning district and not the just use that is being discussed as reason for the amendment request. He stated that the Planning Commission must render a recommendation for approval or disapproval to City Council.

Ms. Susel stated that the map amendment does require the applicant to submit certain responses, which were verified by the Assistant Law Director and listed in green in the staff report.

Pete Schwiegeraht, MVAH Partners, 9100 Centre Pointe Dr., Suite 210, West Chester, Ohio provided background for MVAH Development and their 27 years of work to develop, own, and manage approximately 10,000 units in 16 states. He stated that they mostly have two product types: senior independent living and multi-family housing. He stated that they would like to use this parcel for multi-generational housing due to its nearby retail and walkable amenities. He stated that their development would be a combination of senior independent housing that is age restricted to 55+ and workforce housing targeted for residents making \$30-60,000 per year; they do not want to do student housing. He stated that they selected the C-R zoning district so that the commercial options are still available should something change; the multi-family project would be a conditional use in the C-R district. He offered some concept sketches and plan elevations that they envision for the area if the Commission would like to see it.

Mr. Fink reminded the Commissioners that there are no guarantees that the concept sketches are what will be proposed at a later date and the map amendment cannot be based upon this proposal.

Mr. Schwiegeraht agreed with staff that this project is not guaranteed as the owners could change their minds and move in a different direction. He noted that multi-family is a conditionally permitted use and the Commissioners would be able to see the proposed projects and approve on a case by case basis.

Public Comment

Fred Pierre, 480 Longmere Dr., stated that he is concerned about the impact that this development would have on the Cooperrider Kent Bog Preserve on Meloy Road. He stated that he is a member of the Kent Environmental Council. He stated that storm water retention and disposal planning for flood level events is very important to the ecosystem at

the bog. He stated that lighting and traffic can also impact wildlife; he suggested a tree-filled buffer be maintained on the north side of Meloy Rd with appropriate light covers to eliminate ambient light pollution.

Maria Burr-Walter, 955 Meloy Rd. stated that Mr. Pierre covered most of her concerns.

Eric Walter, 955 Meloy Rd. stated that they are adjacent property owners to subject parcel. He stated that they are also concerned about the preservation of the bog as well as the general feel of Meloy Rd. and the traffic patterns that may be associated with any potential project.

David Hall, 1150 Pin Oak Dr., Kent, owner of the parcel, stated that he was personally responsible for locating the bog and making it a State owned facility and its preservation. He stated that he believes that the members of the public who spoke may be looking at the wrong parcel. He stated that the parcel that is being proposed for a map amendment will in no way drain into the bog due to the separation with State Route 261. He stated that he is also a member of the Kent Environmental Council and feels that the public concerns and suggestion for a tree buffer is not only excessive but unnecessary. He stated that in his opinion, this is in no way going to have an adverse impact to the bog and he would not support the change if it would.

Mr. Sahr shared the map showing that the parcel is north of State Route 261.

The Commissioners had no further questions.

Mr. Schwiegeraht assured the public that they will be adhering to strict storm water runoff filtration standards of the City.

Planning Commission Discussion

Ms. Edwards stated that the Housing Study that was completed for the City showed that there was a shortage of single family homes and senior housing. She stated that she has concerns about another apartment building type structure as anyone can purchase this parcel and change the type of clientele. She stated that the housing climate may still be changing post COVID and she will not be in favor of adding high density housing.

Mr. Clapper stated that while he echoes Ms. Edwards's concerns regarding housing, he feels that they need to look at the full scope of what is possible with a C-R parcel. He stated that the difference between the C and C-R districts does not make him hesitate to move forward with a recommendation for approval to Council.

Mr. Morris stated that he shares Ms. Edwards's concerns and notes that the property owner could sell the parcel as soon as the map amendment is complete to someone with different plans. He also agreed that while there aren't many other concerning uses, he doesn't want to see another high-rise apartment complex for students in that area. He doesn't feel that the bog would be impacted.

Ms. Edwards stated that the biggest difference between the two districts is the residential aspect. She stated that there are two apartment buildings being constructed downtown that haven't been rented. She stated that there are varying pieces of unknown information such as capacity, pricing, who they will accommodate to, and lower attendance at Kent

State University; the future is unknown. She stated that she feels that it would be irresponsible to allow another building at this time.

Mr. Clapper stated that he agrees that there are some types of housing that the city does not need. He noted that any type of housing would be conditionally permitted and would need to have Planning Commission's approval.

Ms. Edwards stated that there isn't any 100% guarantee that they could stop a conditional permit request for multi-family and cited past lawsuits against the city.

Ms. Susel stated that the Housing Study from 2016 looked at all housing in the city and found that the student oriented housing was over inventory and there was a shortage of affordable housing and single family housing. She stated that the Commissioner's comments that they need to look at all of the conditional uses as possibilities is accurate. She stated that the City is tracking housing rental lease up rates every year and current rates are substantively lower than a year ago at the newer complexes, which is what the Housing Study predicted would occur; it was accelerated due to COVID.

MOTION: In the case of PC21-010, State Route 43 & 261 / Triway Investment Properties Ltd., , Ms. Edwards moved to recommend to the Kent City Council to disapprove the Zoning Map Amendment to amend the 4.47 acre Parcel #45-004-00-00-053-000, from C: Commercial to the C-R: Commercial High Density Multifamily Residential Zoning District.

The motion died due to the lack of a second.

MOTION: In the case of PC21-010, State Route 43 & 261 / Triway Investment Properties Ltd., Mr. Clapper moved to recommend to the Kent City Council to approve the Zoning Map Amendment to amend the 4.47 acre Parcel #45-004-00-00-053-000, from C: Commercial to the C-R: Commercial High Density Multifamily Residential Zoning District.

Mr. Bellas seconded the motion.

Mr. Morris stated that he feels that adding any additional housing for students in a large complex is going to be a disaster for Kent but he also feels that changing the zoning could open up some opportunities that could be beneficial for Kent. He stated that his biggest concern isn't the current developer but who would own the property next.

Mr. Clapper stated that he completely agrees but doesn't feel that this will become student housing based on the way the student housing market is going. He stated that he feels that there is a lack of affordable housing for the single working person and he feels that this is an opportunity to help with that. He stated that developers know that the student housing need is down and they have to tap into a new market.

Ms. Edwards stated that student housing and family housing are not separate in the code; it's all one type of housing. She stated that the lease levels are low and rent is going to go up so there will be a shift and people will be moving accordingly. She

said that there are new buildings that aren't even leased out yet. She stated that possibly in a year or two they can reevaluate the issue but right now the City doesn't need it and there are too many uncertainties.

Mr. Morris stated that he appreciates the comment that it isn't student housing until it is, but he also understands how very difficult it is to find affordable housing in Kent. He stated that he is inclined to make a favorable recommendation if there are conditions to allow some control.

Ms. Susel stated that conditions cannot be made on a recommendation to Council for a map amendment.

Roll Call Vote: Mr. Clapper – aye, Mr. Bellas – aye, Ms. Edwards – nay, Mr. Morris – aye. The motion carried 3-1

VIII. Minutes

MOTION: Mr. Clapper moved to approve the December 15, 2020 Planning Commission minutes as presented. Ms. Edwards seconded the motion. The vote carried 3-0-1. Mr. Bellas abstained.

MOTION: Mr. Clapper moved to approve the January 26, 2021 Planning Commission minutes as presented. Ms. Edwards seconded the motion. The vote carried 4-0.

MOTION: Ms. Edwards moved to approve the February 9, 2021 Planning Commission minutes as presented. Mr. Clapper seconded the motion. The vote carried 4-0.

MOTION: Mr. Clapper moved to approve the February 16, 2021 Planning Commission minutes as presented. Mr. Bellas seconded the motion. The vote carried 3-0-1. Ms. Edwards abstained.

MOTION: Mr. Clapper moved to approve the April 6, 2021 Planning Commission minutes as presented. Mr. Bellas seconded the motion. The vote carried 3-0-1. Ms. Edwards abstained.

IX. Other Business

None

X. Adjournment

MOTION: Mr. Clapper moved to adjourn. The motion was seconded by Ms. Edwards. The motion carried 4-0. The meeting adjourned at 8:29 p.m.