

**KENT PLANNING COMMISSION
BUSINESS MEETING
JUNE 2, 2020**

MEMBERS PRESENT: **Amanda Edwards
Peter Paino
Chris Clevenger-Morris
Jeff Clapper
Michael Bruder**

STAFF PRESENT: **Bridget Susel, Community Development Director
Jennifer Barone, Development Engineer
Eric Fink, Assistant Law Director
Amy Wilkens, Clerk of Council**

I. Call to Order

Ms. Edwards called the meeting to order at 7:05 p.m.

II. Roll Call:

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

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

Ms. Edwards reported the following correspondence, which is in addition to the information found in the meeting packets:

- Letter 6/2/2020 Benjamin Tipton, 451 Park Ave, in support of the Bell Tower Properties application.
- Email 5/31/2020 Bruce Dzeda, 422 Park Ave., with concerns of the Bell Tower Properties application.
- Email 5/25/2020 Conchita and Roxanne Burroughs, 325 & 327 Park Ave, with concerns of the Bell Tower Properties application
- Email 6/2/2020 Colin Boyle, 703 W. Main St., in favor of the Bell Tower Properties application.
- Email 6/2/2020 Shawn Martin, 310, 322 & 326 Park Ave., in favor of the Bell Tower Properties application.
- Email 6/2/2020 Kelly Paton Jacobson, Kent Resident., in favor of the Bell Tower Properties application.
- Email on 6/2/2020, Amy Sue Arnold in favor of the Bell Tower Properties application.

The Commissioners confirmed that they have had time to review the additional correspondence.

VI. Old Business

None

VII. New Business

- A. PC20-008 Freedom Fellowship of Northeast Ohio
500 VFW Parkway
Conditional Zoning Certificate and Site Plan Review & Approval**

The applicants are seeking Conditional Zoning Certificate and Site Plan Review and Approval to convert an existing building (previously the VFW Post 3703) to a conditionally permitted use as a building for the purpose of religious worship. The subject property is zoned R-3: High Density Residential Zoning District.

Ms. Barone presented the staff report as provided to the Commissioners.

Ms. Susel stated that the rezoning has been officially completed through City Council and is now in effect.

Neil Brooks, 4375 Eastwood Blvd., Stow, presented the site plan, which will remain the same. Mr. Brooks also reviewed the building floorplan changes. He stated that the dumpster will be provided with screening. Mr. Brooks also shared a rendering of the sign, which will be reviewed at a later date.

Public Comment

None

Board Discussion

Mr. Paino questioned if there was a parking lot light requirement. He also confirmed with Ms. Barone that conditions #1, 3, and 7 are existing under the code and do not need to be met.

Ms. Barone stated that there isn't a requirement for parking lot lights and Mr. Paino is correct regarding the existing conditions.

No other Board comments were heard.

MOTION: *Mr. Morris moved that in Case PC20-008, the Planning Commission approve the Conditional Zoning Certificate and Site Plan to convert an existing building to a conditionally permitted use as a building for the purpose of religious worship subject to the following conditions:*

- 1. Technical Plan Review*
- 2. Screening of the Dumpster*

The motion was seconded by Mr. Clapper.

The motion carried 5-0.

- B. PC20-009 Bell Tower Properties, Inc.
310 Park Avenue
Conditional Zoning Certificate and Site Plan Review & Approval**

The applicants are seeking Conditional Zoning Certificate and Site Plan Review and Approval to convert an existing building to a mixed use facility. The subject property is zoned N-C: Neighborhood-Commercial Zoning District.

Ms. Barone presented the staff report as provided to the Commissioners.

Ryan Tipton, 458 W. Main St., Kent, introduced himself and the other owners and stated their commitment to the Kent community and desire to start this project.

Jennifer Herman, 313 Highland Ave, Kent, introduced herself and her experience with brewing beer.

Bridget Tipton, 458 W. Main St., co-owner, is the interior designer for the project. Ms. Tipton stated that they in no way want to diminish the historical significance of the building. She stated that the rooming house at 322 Park Ave. will remain. Ms. Tipton stated that the parking lot will change with re-striping and a patio will be added. Ms. Tipton stated that they have tried to talk with the neighbors directly to address their concerns, although some of them were not available. Ms. Tipton explained that the brewery will be operating under an A1C liquor license. She stated that the patio is proposed on the north side of the building because it is easily accessible from the interior of the building and this pathway is ADA compliant. She explained that the patio is now critical given the COVID-19 requirements. Ms. Tipton stated that the patio lighting will be turned off during non-business hours and they will use the existing lighting for security. Ms. Tipton stated that they will negotiate deliveries and trash pick-up to be considerate of the neighbors. She added that the music on the patio will be at a respectful volume consistent with an ambient level normally found at a family friendly restaurant. Ms. Tipton reviewed the parking calculations. She added that they did not consider Park Ave. as part of their parking plan.

Mr. Clapper questioned the business hours.

Mr. Tipton stated that they considered the business hours based on financial sustainability as well as the neighborhood concerns; they would like the flexibility for the hours to possibly adjust in the future if needed.

Ms. Tipton stated they also do not want to be open late to avoid nonsense; they do not want that type of business atmosphere.

Mr. Morris questioned if private events will change the business hours.

Mr. Tipton stated that they would not.

Mr. Paino questioned whether the Commission was voting on business hours.

Mr. Fink stated that this is a conditional site application so hours of operations is something they can consider and add as a condition to their approval, if desired.

Mr. Clapper questioned if the noise ordinance 509.12 applies to this project.

Mr. Fink stated that yes, they are subject to the enforcement of the noise ordinance.

Public Comment

Shawn Martin, 1596 Woodway Rd, current building owner, stated that he submitted a timeline of the redevelopment of the structure where their business was operated. Mr. Martin stated that the Tipton's have done extensive research to ensure that the

building is a good fit for their business. Mr. Martin stated that his family's interest is to place the property with an owner who has the appreciation to continue the preservation of the building. He feels that the Kent Community would benefit from the Tipton's taking ownership of the building. Mr. Martin stated that they live in the neighborhood and are very respectful of the neighborhood and its blend.

Bob Cene, 315 Gougler, stated that he and his son Ryan wanted to extend their support for the project.

Doug Fuller, part owner West River Place, 1431 River Edge Dr., stated that he and the other West River Place owners support the project 100%. Mr. Fuller stated that the area on Gougler has greatly improved over the years and he feels that a group of young people looking to develop a business in Kent and stay here is great value for the community.

Jack Amrhein, 346 Majors Lane, stated that he is expressing his support as the president of the Kent Historical Society for the building to be occupied and historical integrity protected. Mr. Amrhein attested to the good character of all three owners.

Board Discussion

Mr. Clapper questioned the history of this dry district.

Mr. Paino stated that there was a vote against making the area a wet district.

Ms. Susel stated that the ballot was an initiative to get full spirit service in a dry district. Ms. Susel stated that the current permit is for beer production and service on site only.

Mr. Morris stated that while he appreciates the current applicant's business hours, his concern is for what a potential future owner may do.

Mr. Bruder stated that he feels that this is a great, well thought out project. Mr. Bruder stated that he is very reluctant to restrict business hours as it could hamper a small business trying to succeed. He added that there are already laws in place to enforce any noise issues.

Mr. Clapper agreed with Mr. Morris and stated that he has concerns regarding noise and whether or not the next owners will be as respectful.

Ms. Edwards stated that it is a great project and a huge asset to the community. Ms. Edwards stated that she is typically conservative on placing restrictions on small business owners as well. She stated that possible future uses could be a restaurant but would probably not be able to get a liquor license due to the district and ballot issues. Ms. Edwards stated that she does not have an issue with the interior hours and based on personal experiences, she doesn't feel that the patio

will be an issue. She explained that the noise ordinance will govern any patio issues. She stated that she is inclined to not placing any conditions on the patio.

Mr. Paino agrees with Ms. Edwards and Mr. Bruder with regards to not putting restrictions on the hours of operations.

Mr. Morris stated that while he feels that this project is one of the best thought out designs he has seen as a Commissioner, his concerns are for the surrounding individuals who may be impacted by a less thoughtful future owner; not trying to tie the hands of a small business owner.

Mr. Bruder disagreed that the approval of this case would set a precedent as you can't predict the future. Mr. Bruder stated that because this case meets the rules set forth by Council and the analysis of staff he is concerned about trying to enforce something beyond the zoning code.

Ms. Susel stated that the former Bar 145 held an open mic karaoke on their patio, which was enforced through the noise ordinance and had to close by 9:00 p.m. She explained that the outdoor seating was not disruptive to the neighboring properties; no additional conditions were placed on the property.

Ms. Edwards questions the specifics of the noise ordinance.

Ms. Susel stated that it is KCO 509.12, which states that for a residential property from 9 p.m. to 8 a.m. noise cannot exceed the property from which it is created.

MOTION: *Mr. Bruder moved that in Case PC20-009, the Planning Commission approve the Conditional Zoning Certificate and Site Plan to convert an existing building (previously RW Martin) located at 310 Park Avenue to a mixed use facility, subject to the following:*

- 1. Technical plan review and approval*
- 2. Return to ARB with the design of the signage, outside seating area including fencing, and dumpster enclosure to obtain a Certificate of Appropriateness*

The motion was seconded by Mr. Paino.

Mr. Clapper reminded the Commission that the decision will impact the neighborhood moving forward in perpetuity until it is changed.

The motion carried 3-1-1 by roll call vote; Aye: Ms. Edwards, Mr. Bruder, and Mr. Morris; Nay: Mr. Clapper. Mr. Paino abstained.

VII. Minutes

March 17, 2020

MOTION: Mr. Morris moved to approve the March 17, 2020 minutes. The motion was seconded by Mr. Paino.

The motion carried 3-0-2; Ms. Edwards and Mr. Bruder abstained.

IX. Other Business

None

X. Adjournment

MOTION: Mr. Morris moved to adjourn. The motion was seconded by Mr. Paino. The motion carried 5-0. The meeting adjourned at 8:20 p.m.