

**KENT PLANNING COMMISSION  
REGULAR BUSINESS MEETING  
May 6, 2008**

**MEMBERS PRESENT:**     **Bill Anderson**  
                                  **Dave Wise**  
                                  **Sean Kaine**  
                                  **John Thomas**  
                                  **Jenny Arthur**

**STAFF PRESENT:**       **Jennifer Barone, Development Engineer**  
                                  **Eric Fink, Assistant Law Director**  
                                  **Sheila Uzl, Transcriptionist**

**I.     Call To Order**

The meeting was called order at 7:05 p.m.

**II.    Roll Call:**

Mr. Wise, Mr. Kaine, Mr. Thomas, Ms. Arthur and Mr. Anderson 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 the 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 1115 of the Zoning Code. Anyone interested in appealing a decision of the Planning Commission is advised to seek private legal counsel.

**IV. Correspondence**

Mr. Anderson stated there was a signed petition from the residents and owners of Meloy Road. Ms. Barone had also received correspondence from the applicant.

**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. Old Business**

- A.       PC06-024    EQK LLC  
                          Plum Creek Apartments  
                          North Side of Meloy Road  
                          West of State Route 43**

**The applicant is seeking an extension of the Site Plan review and Approval to permit the construction of a 288 multi-family apartment complex on the subject site. The approval was granted November 7, 2006 and expired on November 7, 2007. The extension is requested for one year expiring on November 7, 2008. The subject property is zoned R-4: Multi-family Residential**

Mr. Fink stated the law department had been asked to do some research in two different issues. The City of Kent Codified Ordinances does not give the Planning Commission the authority to extend the time out beyond the one year. This would have to go before City Council. He said he was also asked to determine when the year actually expired. That approval was conditioned upon certain conditions. One of those conditions was that the Park Fee issue be resolved. That condition was not resolved until June 2007 so in June 2008, it will expire. Per the applicant's correspondence, they are still going to pursue an

extension before City Council. It might come back to the Planning Commission but he was not sure. He told the commissioners if they had any questions, he would be happy to answer them.

Mr. Anderson asked for a motion to table this case.

**MOTION: Mr. Kaine moved that the Planning Commission table Case 06-024, EQK LLC, Plum Creek Apartments, located on the North Side of Meloy Road, West of State Route 43.  
Mr. Wise seconded the motion.**

**The motion passed 5 – 0.**

### **VIII. New Business**

Mr. Fink discussed the appropriate fashion to make motions. He said Ms. Barone will suggest a motion in the staff report but they are not limited in what she puts in her report. He said a motion should not been made by someone that is not going to vote for it. It would be better to let someone else do it even though it might die on the table. If a commissioner makes a motion, it should not be a motion in the negative.

Ms. Barone stated that the next meeting is May 20, 2008. There is one case dealing with the downtown parking project and that Kent State University representatives will be at it to give an informational presentation.

### **VII. Adjournment**

**MOTION: Mr. Wise moved to adjourn  
Mr. Thomas seconded the motion.**

**The motion passed 5 – 0.**

The meeting adjourned at 7:15 p.m.