KENT PLANNING COMMISSION
BUSINESS MEETING
JULY 18, 2017

MEMBERS PRESENT: **Chris Clevenger**
Jeffrey Clapper
John Gargan
Peter Paino
Amanda Edwards

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 at 7:03 p.m.

II. Roll Call:

Mr. Clapper, Mr. Gargan, Mr. Clevenger, Mr. Paino and Ms. Edwards 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

The correspondence received will be reviewed with the presentation of the case.

VI. Old Business

None

VI. New Business

A. PC17-009 City of Kent
Gougler Avenue
Conditional Zoning Certificate & Site Plan

The applicant is requesting a Conditional Zoning Certificate and Site Plan Review and Approval in order to construct a parking facility. The subject property is zoned N-C: Neighborhood Commercial Zoning and R-4 Multifamily Residential Zoning District.

Ms. Edwards asked the applicants to present the project.

Ms. Susel stated that this project was before the Planning Commission in March. She proceeded to give some history on the parcel. She said there were environmental conditions determined on the parcels being sold. There had been a dry cleaner on the corner and a gas station on the western parcel and the liquids from the previous businesses had leached into the ground and migrated east. The owners of the property would be responsible for any potential issues that might develop from these environmental conditions. Potential buyers did not execute the purchase agreement because they did not want to take on the legacy issues so the City of Kent will maintain ownership of all the parcels and will be leasing to the developer (RFK, LLC) of 315 Gougler Ave (Riverside Landing) who will construct and maintain the parking lots. The lots will be leased to the company for 74 years with an option to renew for another 22 years.

The City of Kent will add three more monitoring wells on the property so that we can monitor the contamination conditions and confirm that the contaminates will not migrate off the parcels.

Mr. Fink stated this is a public facility and the parking lot is a conditionally permitted use in the C: Commercial and R-4: Multifamily Residential zoning districts. It is subject to KCO 1171.01(a)(3), (7), (8) and (11). One of the conditions is that all points of vehicular entrance or exit shall be located no closer than 200 feet from the intersection of two major thoroughfares. To comply with this condition, the ingress/egress onto North Mantua Street is not being proposed with the site plan so there will be no parking on the R-4 parcel and will be confined to the commercial district. The applicants were granted a variance from the Board of Zoning Appeals to allow a governmentally owned public facility to be located adjacent to residential uses. He said substantial landscaping and screening is being provided. There will be 64 spaces.

Ms. Phile stated that six different parcels have been consolidated. There is a new parcel number now and another will be added at a later date. Oversized pipes will be used for stormwater drainage and management. Signs are proposed in the pedestrian pavilion as way-finding signs, however a variance will be requested from the Board of Zoning Appeals because free standing signs are not permitted in the N-C zoning district. She suggested that a condition be added to the motion to obtain a variance from the Board of Zoning Appeals to allow a free standing sign or file for a Comprehensive Sign Plan package.

Ms. Susel stated that the lease agreement has been approved by Council and should be authorized by tomorrow. The attorneys for the City of Kent and the property developer are finalizing the lease details.

PUBLIC COMMENTS

Kirk MacLean (307 North Mantua Street, Kent, OH) stated the easement hinders the driveway turn around and if he cannot turn around, he will have to back all the way out to North Mantua. He said a cosmetically pleasing barrier such as landscaping could be installed. He wanted to make sure the easement was on record. He said combining the parcels would make it easier in the future to make a driveway and parking. He was concerned about the tree on the property line and the root system and was worried the old tree would slowly die. He passed out sketches he had drawn to the commissioners.

Mark Messerly (234 North Mantua Street, Kent, OH) understood the nature of the plan. He asked if a variance would be needed to approve the plan.

Mr. Fink replied a variance will be required for a free standing sign.

Ms. Susel stated they could also file for a Comprehensive Sign Plan for the property.

Mr. Messerly asked if the project was complete enough without the variances.

Mr. Fink stated that the project would be approved if the qualifiers were put in place. He said it was not uncommon for a sign variance to be required after the fact. The only variance sought and granted was that a public use parking lot could be located directly adjacent to residential use.

Mary Junk (341 N. Mantua Street, Kent, OH) asked about the site plan. She asked for a copy of the site plan and that the commissioners reference what page they might be discussing.

Tim Rasinski (1189 Temple Trail, Stow, OH) stated he owns 331 North Mantua Street. He asked when the construction would begin. He also asked if there would be a landscaping buffer and what would the height and the nature of it between the condos and the parking lot. He said the residents want the landscaping barrier to be high enough to block the view of the parking lot.

PLANNING COMMISSION DISCUSSION

Ms. Susel stated the project will be scheduled to start in the fall. She said Eric Pros will speak specifically to the landscaping buffering.

Eric Pros (136 North Water Street, Kent, OH) referred to Page C-06 which is the landscaping plan that shows all the buffers that will be installed. He said they are exceeding the City of Kent's landscaping requirements. He said they are removing the shrubs in the easement.

Mr. Clapper was concerned about traffic turning at the triangle. He confirmed the general use of the lot will be 9:00 a.m. to 5:00 p.m. He asked if there were plans down the road for another ingress/egress point.

Mr. Fink replied no. He said the City of Kent had no plans to insert parking on the parcel past North Mantua Street. If that should occur, a new site plan would have to be presented to the Planning Commission.

Ms. Susel stated that there will be 64 parking spaces with most of them being used by professionals, office workers and tenants. They are not strictly a 9:00

a.m. to 5:00 p.m. operation. There will be free public parking from 5:00 p.m. to 3:00 a.m.

Mr. Gargan asked if Mr. MacLean's concerns about the landscaping in the easement and the tree have been addressed.

Ms. Susel replied that Mr. MacLean has spoken with the architect, Eric Pros. Grading will be removed and a small type of retaining wall or some kind of barrier will be installed so that he can back out and leave the driveway straight. Typically in an easement, the City of Kent does allow grading and planting. The materials for it will be discussed between the developer and the homeowner.

Mr. Gargan asked about the tree.

Ms. Susel replied that the tree is on a private lot. The City of Kent does not deal with encroachment issues. She further stated that the homeowner is responsible for a tree that falls over.

Mr. Paino asked if the easement just goes back to the west property line of the parking lot property.

Mr. Fink replied yes.

Mr. Paino asked if the adjustments to the landscaping is on City owned property.

Ms. Susel replied yes.

Mr. Paino confirmed where the easement ends. He asked who owns the easement out to Mantua Street.

Ms. Susel replied the City.

Mr. Paino stated the City has a 30-foot easement from Mantua Street that is between the residential property and the condo property.

There was continued discussion on the easement regarding when it first came into existence as well as the grading and slope.

Mr. Paino asked how much grading would be done between the existing lots to the west up to the new parking lot. He asked if the slope would be graded or if there would be a shrub wall.

Mr. Pros stated that that there is 3' to 4' drop over 15 feet so there is not a steep grade.

Mr. Paino asked how this would impact getting in and out of the garage.

Mr. Pros stated a retaining wall could be installed.

Mr. Clevenger asked about the retaining wall and if something could be done so Mr. MacLean can turn around out of his garage.

Mr. Pros replied something can be worked out.

Mr. Paino asked if the soil borings were done because when the condos were built, sandstone was discovered at a shallow depth.

Mr. Pros stated they have not done any soil borings on site because it is technically not their property. He said the sandstone is shallow depending where you are. It slopes up and the sandstone has been taken into consideration with drainage that they will have to do on that site. He said the level should be within the tolerance that is allowed.

Mr. Paino asked about the legacy environmental issues.

Ms. Susel stated that the prior uses resulted in environmental issues. She said remediation is not required. The parking lot is the best scenario for the legacy environmental issues. There are exiting monitoring wells on site as well some on the eastern portion of the parcel and where the dry cleaners was located. Additional wells will be added to ensure that the migration is not going down to the bedrock or to the river or other adjacent properties.

Mr. Clapper asked if significant grading would be done near Mr. MacLean's tree and what could be done.

Mr. Pros replied there should not be much of an impact. It will be 30 feet from the tree.

Ms. Edwards stated her questions had been answered.

There were no other comments or questions. Ms. Edwards asked for a motion.

<u>MOTION</u>*: *Mr. Clevenger moved in Case PC17-009, City of Kent, property located on Gougler Avenue, that the Planning Commission

approve a Conditional Zoning Certificate and Site Plan in order to construct a parking facility. Subject to the following conditions:

1. Technical Plan Review and Approval
2. Obtain variance from the Board of Zoning Appeals to allow a free standing sign or file for a Comprehensive Sign Plan package.
3. Finalize and execute the lease agreement between the City and 315 RFK,LLC.
4. Demonstrate that there will be no negative impact to the Gougler Avenue storm sewer system.
5. Add a barrier at the corner of the easement at 307 N. Mantua Street, near the driveway.

Mr. Clapper seconded the motion. The motion was approved 5 – 0.

VII. Meeting Minutes

1) May 16,2017 Transcript for PC17-001/Kent Investors
2) June 6, 2017/Transcript for PC17-001/Kent Investors
3) June 20, 2017 Meeting Summary for PC17-007/Treno
4) June 20, 2017 Transcript for PC17-001/Kent Investors

Motion: ***Mr. Clevenger moved to approve the transcript of May 16, 2017 as amended. Mr. Gargan seconded the motion. The motion carried 5 – 0.***

Motion: ***Mr. Clevenger moved to approve the transcript of June 6, 2017 as amended. Mr. Paino seconded the motion. The motion carried 5 – 0.***

Motion: ***Mr. Clevenger moved to approve the summary minutes of June 20, 2017 as amended. Mr. Gargan seconded the motion. The motion carried 5 – 0.***

Motion: ***Mr. Clevenger moved to approve the transcript of June 20, 2017 as amended. Mr. Paino seconded the motion. The motion carried 5 – 0.***

IX. Other Business

Mr. Clevenger submitted his letter of resignation from the Planning Commission. He will be moving outside of the City limits.

X. Adjournment

Motion: ***Mr. Gargan moved to adjourn. Mr. Clevenger seconded the motion. The motion carried 5 – 0.***

The meeting adjourned at 8:10 p.m.