

**KENT PLANNING COMMISSION
BUSINESS MEETING
October 2, 2018**

MEMBERS PRESENT:

**Amanda Edwards
Jeff Clapper
Peter Paino
John Gargan**

STAFF PRESENT:

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

I. Call To Order

Ms. Edwards called the meeting to order at 7:00 p.m.

II. Roll Call:

Ms. Edwards, Mr. Clapper, Mr. Paino, and Mr. Gargan were present.

MOTION: *Mr. Gargan moved to excuse Mr. Bruder's absence. Mr. Clapper seconded the motion. The motion carried 4-0.*

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

None

VI. Old Business

None

VII. New Business

**A. PC18-011 Kent West End
227 Franklin Avenue
Site Plan Review and Approval**

The applicant is seeking Site Plan Review and Approval to construct a multi-family residential structure. The subject property is zoned C-D: Commercial-Downtown District.

The applicant is also seeking approval of the park fee amount in lieu of park land dedication.

Ms. Edwards asked staff to introduce the project and review the Staff Report.

Ms. Barone stated that the applicant is seeking site plan approval for multi-family residential use in the C-D: Downtown District. The project consists of razing the former BW3's building and constructing a 6 story 58 unit apartment building, which is a mixture of 1 bedroom, 2 bedroom, and micro-style units. The C-D district requires buildings to be constructed at the property line. In the current design, the footers do not extend into the right of way. Staff suggests including a condition for obtaining a license to occupy in case the design changes and the footers need to be placed in the right of way. Their parking plan consists of utilizing parking spaces in the parking deck and the small parking lot directly to the south, which they have leased. Staff suggests including a condition requiring the Developer to work with the City to design the most efficient layout of the parking lot given some of the spaces overlap with the city lot to the south.

Mr. Paino asked if the increased number of parking spaces indicated on the plans relies on using city land.

Ms. Barone stated that currently there are 17 parking spaces plus a couple spaces where the dumpster is. She stated that if the angle is changed, they may be able to fit more

parking spaces but she feels that it will encroach onto city property. The number of spaces is unclear. Ms. Barone continued that utilities are available. She added that the sanitary sewer capacity may be an issue and staff has asked the developer for a sanitary sewer study. Staff also recommends that this be a condition of approval as well. There isn't an increase in impervious area so no storm water management is required. At this time, they are not proposing a sign, they are using wall sconces for lighting, and although the building utilizes most of the site there are some grassed areas and a courtyard with pervious pavers. The dumpster will be located on the east side off of Alley #10. The Architectural Review Board reviewed the project on September 4th and issued a Certificate of Appropriateness with 2 conditions: the addition of a door off of the lobby to the courtyard and adding more red brick on the north and east elevations. They did not obtain any variances from the Board of Zoning Appeals. The Park Board has approved the park fee amount listed in the staff report and requires Planning Commission's consideration. The conditions that are recommended by Staff are listed in the Staff Report.

Ms. Susel stated that reconfiguration of the applicant's lot would not result in a loss of parking in the city's lot. The city lot will not be paved at the same time as this project; the City hopes to be able to do paving in the future. The applicant's lease is a 30 year lease with several renewals available that increase the lease to approximately 99 years.

Mr. Fink clarified that there isn't a minimum number of parking spaces required because this is in the C-D District. They are only required to provide a parking plan. They do not need to use any of the city's property when reconfiguring their lot; it is up to them how many parking spaces they choose to provide on their property. The applicant would be required to obtain a license to occupy if they use some of the city property whether or not it is a condition of approval.

Brice Hamill, Vice President of Fairmount Properties, 1138 West 9th Street, Cleveland, Ohio, and Ted Singer, Dimit Architects, 14414 Detroit Ave, Lakewood, Ohio were present.

Mr. Hamill stated that Ms. Barone presented the project well, and he clarified that they will at minimum restripe the parking area and maintain the 23 parking spaces on their leased property if they are unable to utilize any city property. The building now meets current zoning code including building height, setbacks, etc. They have incorporated the Architectural Review Board's requirements into the plans. Due to the neighbor having a zero lot line, they have created a courtyard to allow more lighting for their building. They have been working closely with the neighbor to the north to share a transformer pad on this property to avoid extensive work on Franklin Avenue. They may also collaborate on staging, sequencing, and shared subcontractors to make the projects as cohesive as possible.

Mr. Paino asked why they are installing a grass courtyard.

Mr. Hamill stated that it is an outdoor amenity for the building and the spacing between the buildings also allows for more light to enter into the units.

Mr. Paino stated that he likes the courtyard but is concerned about the ability for grass to grow in that area. He suggested Astro-turf as an option and would like to see something other than grass.

Mr. Hamill stated that they debate between grass and Astro-turf on every project. This is an item that is decided near the end of the project.

Mr. Paino expressed his concern for how the building to the north relates to this project.

Mr. Hamill stated that they have only seen the conceptual drawings and they appear to be very in line with this building in terms of a brick character with a dark metal reveal and the same color and texture.

Mr. Paino stated that they need to have a bike rack on site as well. Mr. Paino asked about the HVAC units for the building.

Mr. Hamill stated that they have roof top mounted split systems for all of the 1 and 2 bedroom units and PTAC units for all of the micro-units.

Mr. Paino asked about how they will look on the elevations.

Mr. Hamill stated that elevations presented include the upgraded architectural louvers. He added that they will not be adding the blue filters to the units as they would be visible.

Mr. Paino stated that although there isn't a specific number of parking spaces that are required, he feels that the parking lot needs to be improved.

Mr. Hamill explained that they first acquired control of the parking lot in response to a need for another building and striped and paved the lot at that time.

Mr. Paino stated that some of the parking spaces are on someone else's property.

Mr. Hamill stated that they are showing the parking drawing as part of their parking plan as it is striped and is being accessed and utilized. He stated that this parking lot is not needed but is a benefit to their parking plan.

Mr. Fink stated that because this is in the C-D District they do not have to have a certain amount of parking spaces.

Ms. Susel stated that at minimum the developer would re-stripe the parking lot to maximize parking, and they will also need to cordon off the area in some way so that it is only used by their tenants. Although this is not required for the site plan review and approval, they were gracious enough to have discussions with the City regarding the parking. Ms. Susel stated that the City would like to do something with the parking lot to the south of their parking lot, but unfortunately the city's timeline may not line up with theirs.

Mr. Paino asked who is responsible for repairs to the alleys that may be needed after construction.

Ms. Susel stated that the alleys will be improved as a result of the excavating that will need to take place for utility connections.

Mr. Hamill stated that they will be paving the alleys when the project is complete.

Mr. Paino asked about the potential issue with the sewer capacity and how does it affect the next project that needs to connect.

Ms. Barone stated that it is a first come first serve scenario and that the developer is responsible for making adjustments, if necessary, to provide capacity for their project only. The study is needed to show if they will need to make any changes. Ms. Barone added that if this was a city project, they would consider potential future developments and size accordingly, but they do not require developers to plan ahead for the city.

Ms. Susel stated that once the two new buildings establish adequate capacity for their respective project, the sanitary system should be satisfactory for some time.

Mr. Paino added that he does like their project and just needs to ask the questions.

Mr. Clapper stated that Mr. Paino asked all the questions that needed to be asked.

Mr. Gargan asked about the height of the Ametek/Davey Tree building and the drop in elevation from South Water Street to Franklin Avenue. He has heard some concern about this building being too tall for the area but he feels that based on the height of the South Water building and the change in elevation, the proposed building will be close to the same.

Ms. Susel agreed.

Ms. Edwards stated that she has no further comments

PUBLIC COMMENTS

John Flynn, owner of 250 S Water Street, stated his concerns for the parking and how it may affect his property. He would like the Planning Commission to address the parking concerns even though there isn't a parking requirement for the C-D District.

Ms. Edwards closed the public comment portion of the meeting.

PLANNING COMMISSION DISCUSSION

Mr. Paino reiterated his concerns about the parking and agrees with Mr. Flynn. Mr. Paino asked what the written parking plan is for this project.

Ms. Susel stated that their parking plan is outlined in their cover letter and staff has a copy of their lease agreement.

Mr. Paino asked if the leased parking lot will be shared with other buildings.

Mr. Hamill stated that it will only be for this building. They will sell permits for the same number of parking spaces they have in the lot. Anyone not having a pass who parks in the lot will be towed.

Mr. Paino asked if there is a curb cut onto Franklin Ave.

Ms. Susel stated that there is one onto the Alley #10.

Mr. Paino asked if there is a plan that shows the traffic flow.

Ms. Susel stated that it is something that will be looked at in technical plan review.

Mr. Paino expressed his concern that applicants should need to show how the parking plan works including the specific number of spaces and traffic flow in the future.

Mr. Fink stated that those requirement currently do not exist and that the applicant has met the current requirements.

Mr. Gargan asked Mr. Fink if it is the Planning Commission's responsibility to develop some kind of parking plan for this project.

Mr. Fink stated that it is not.

Ms. Edwards asked if there is an update on the open capacity for the parking deck.

Ms. Susel stated that PARTA has agreements with some developers for a specific number of spaces and also works directly with tenants. The City has not received a report.

MOTION: ***Mr. Paino moved in case PC18-011, Kent West End, 227 Franklin Avenue, that the Planning Commission approve the Site Plan to construct a multifamily structure subject to the following conditions:***

- 1. Submit for Technical Plan Review.***
- 2. Perform a sanitary sewer study to verify that there is adequate capacity in the system. If capacity is inadequate, measures must be taken to modify the City's sanitary sewer system to provide the necessary capacity at the developer's cost.***
- 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 along Franklin Avenue and Alley #10.***

4. *Collaborate with the City to design an efficient parking lot layout for the parking lot to the south of the property.*
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.*

Mr. Clapper Seconded the motion.

<i>Mr. Paino</i>	<i>Aye</i>	<i>Mr. Gargan</i>	<i>Aye</i>
<i>Mr. Clapper</i>	<i>Aye</i>	<i>Ms. Edwards</i>	<i>Aye</i>

The motion carried 4-0.

MOTION: *Mr. Paino moved in case PC18-011, Kent West End, 227 Franklin Avenue, that the Planning Commission approve the park fee in the amount of \$34,800.00 for the Kent West End multifamily housing development subject to the Kent Park Board approval.*

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

VIII. Minutes *August 21, 2018*

MOTION: *Mr. Gargan moved to approve the August 21, 2018 minutes as submitted.*

The motion was seconded by Mr. Clapper.

The motion carried 4-0.

IX. Other Business

The next Planning Commission meeting will be November 6, 2018

X. Adjournment

Motion: *Mr. Clapper moved to adjourn.*
The motion was seconded by Mr. Gargan

The motion carried 4 – 0.

Meeting adjourned at 8:03 p.m.