

**KENT PLANNING COMMISSION
BUSINESS MEETING
FEBRUARY 15, 2022**

MEMBERS PRESENT:

Amanda Edwards
Jeff Clapper
Nickolas Bellas

STAFF PRESENT:

Bridget Susel, Community Development Director
Eric Fink, Assistant Law Director
Tim Sahr, Development Engineer

I. Call to Order

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

II. Roll Call:

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

MOTION: *Mr. Clapper moved to excuse Mr. Bruder from the February 15, 2022 meeting. Mr. Bellas seconded the motion. The vote carried 3-0.*

III. Reading of Preamble

Ms. Edwards 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 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. PC22-004 LYSIUM DEVELOPMENT / JASON RICE
Sunset Way Blvd (north end)
Subdivision Regulation Variance

The applicants are requesting a variance from the Subdivision Regulations to allow a driveway to be constructed at the end of a dead end street without installing a cul-de-sac as required by KCO 1187.02(e).

Mr. Sahr introduced the case as presented in the Staff Report. He stated that the parcel is zoned R-2: Medium Density Residential Zoning District and is accessible from Sunset Way Blvd. He stated that currently the parcel is surrounded by residential uses on all sides. He stated that Kent Codified Ordinance Chapters 1181.06, 1187.02(e), and 1111.02(B) are the governing sections for this case. He stated that the parcel is located directly to the north of Sunset Way Blvd. and because it has been subdivided from the remaining parcels to the north, the subject parcel's only access to an existing public right of way is via Sunset Way Blvd. He stated that the applicants intend to construct a single family home on this parcel. He stated that when the subdivision was created, the dead end street was temporarily allowed per KCO Chapter 1187.02(e). He explained that with the creation of this parcel, the potential for any adjoining subdivision has been eliminated and the Code now requires that a cul-de-sac be constructed in place of the dead end. He stated that the property owners would like to locate a driveway off of the 28' wide end of Sunset Way Blvd without constructing a cul-de-sac. He stated that currently there are stubbed utilities available for the construction of the home. He stated that there are no plans for storm water changes, signage, new exterior lighting, new landscaping, or dumpster at this time. He stated that Architectural Review Board review is not required and no variances are required at this time with the exception of this request. He stated that in general, Staff finds that the request for the variance is in accordance with the standards established in the Zoning Ordinance and other applicable development regulations.

Ms. Fink read Section 1181.06: Variances of the Subdivision Regulations:

"The Planning Commission may recommend variances to these Subdivision Regulations as specified herein where unusual or exceptional factors or conditions require such modification provided that the Planning Commission shall:

- (a) Find that unusual topographical or exceptional physical conditions exist.
- (b) Find that strict compliance with these Regulations would create an extraordinary hardship in the face of the exceptional conditions.
- (c) Permit any modification to depart from these Regulations only to the extent necessary to remove the extraordinary hardship.
- (d) Find that any modification granted will not be detrimental to the public interest nor in conflict with the intent and purpose of these Regulations.
- (e) Require such other conditions to be met by the proposed plat as the Planning Commission may find necessary to accomplish the purposes of these Regulations when modified.
- (f) Any variance shall accompany the proposed plat with appropriate justification."

Ms. Susel stated that she has provided all of the Commissioners with a copy of Section 1181.06 Variances of the Subdivision Regulations.

Jason Rice, 4273 Newcomer Rd., stated that he is the builder and represents the owners, Jeremy and Jill Pietrocini, who are looking to building a residence on this property. He shared a wetland map for the area, which shows the unbuildable wetlands around the property. He stated that the plan for a cul-de-sac would be to develop other properties off of it but because of the wetlands, this could never happen. He stated that the neighbors on both sides of the subject property have stated that they are in favor of not constructing the cul-de-sac. He stated that this is also a land-locked parcel and this is the only access for this parcel.

Public Comment

Gina Lampe, 1448 Sunset Way Blvd., stated that she is the neighbor next door and she does not want the cul-de-sac but does have concerns regarding snow plowing.

Mr. Susel clarified that the placement of snow is not regulated under any City Code and establishing a designated area for snow storage is not required. She stated that the City uses right-of-way. She stated that the Central Maintenance Department looked at the parcel and feels that the tree lawns on both sides would accommodate the snow. She added that the owner of the parcel has offered a prescription easement, where if there is a need for snow storage, an area to the east of the proposed drive can be used. Ms. Susel stated that the guardrail will be removed.

Pat Oster, 1259 Windward Lane, questioned if it is possible to ensure that this property cannot be divided in the future. She stated that this property is not included in the Homeowner's Association designated area.

Mr. Fink stated that the City does not have jurisdiction to control what happens with regards to that, only what happens to the stub street.

Ms. Susel stated that if another drive was proposed, they would also need to come before the Planning Commission for a similar variance from the Subdivision Code.

Mike Wohlwend, 4216 Karg Industrial Pkwy., civil engineer appearing on behalf of the applicant, stated that there wouldn't be enough legal frontage on Sunset Way Blvd to split it further without coming back and getting a variance.

Rob Gagich 1265 Shady Lakes Dr., questioned how the driveway would be constructed given the steep incline that is currently at the end of the road.

Don McFall, 1436 Sunset Way Blvd., stated that there are many cars that need to turn around in the driveways in this area and is concerned about any increased traffic. Mr. McFall stated that he feels that there should still be some type of turn-around at the end of the street.

Mr. Rice stated that the preliminary grading plans show filling and grading the 8' – 10' drop to create an 8% drive as it comes off of Sunset Way and turns to the left. He stated that because they are constructing a single family house, there isn't a huge traffic concern. He stated that the owners may install a 'private property' sign at the driveway to alert drivers that it is not part of the street.

Planning Commission Discussion

Mr. Bellas questioned if a 'No Outlet' sign is appropriate.

Ms. Susel stated that because it is a private home, it would be up to the property owners to post. Ms. Susel stated that the end of the street was identified as needing a cul-de-sac as a matter of the requirements of the subdivision code. She stated that the area was not dedicated to the City or approved as a part of the subdivision plan; it was conceptual but not approved.

Mr. Bellas commented that the driveway will be smaller and easily identifiable as a drive and not a street.

Mr. Sahr stated that the current street is 28' wide and while the maximum allowable width of a driveway is 24', the owners are planning a 12' wide driveway.

Mr. Clapper questioned if there are any issues for Fire Trucks or service vehicles.

Ms. Susel stated that there are not any issues and it is treated as a single family home. She explained that the variance is for the cul-de-sac and is not associated with the property itself.

Ms. Edwards stated that she doesn't feel that this would be detrimental to the area as it is a single family home that would not increase turn around traffic. She stated that she would be in favor of the variance.

MOTION: *In the case of PC22-004, Lysium Development / Jason Rice, Sunset Way Blvd. (north end), Mr. Clapper moved that the Planning Commission approve the Subdivision Variance to not construct the cul-de-sac at the north end of Sunset Way Blvd.*

Mr. Bellas seconded the motion. The motion carried 3-0.

VIII. Other Business

None

IX. Adjournment

MOTION: *Mr. Clapper moved to adjourn. The motion was seconded by Mr. Bellas. The motion carried 3-0. The meeting adjourned at 7:25 p.m.*