

**KENT PLANNING COMMISSION
BUSINESS MEETING
OCTOBER 4, 2016**

MEMBERS PRESENT: Doria Daniels
 Amanda Edwards
 Peter Paino
 Anthony Catalano

MEMBERS ABSENT: John Gargan

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

I. Call To Order

The meeting was called to order at 7:35 p.m.

II. Roll Call:

Ms. Daniels, Ms. Edwards, Mr. Paino and Mr. Catalano were present.

MOTION: *Mr. Paino moved to excuse John Gargan from the October 4, 2016 Planning Commission meeting. The motion was seconded by Ms. Daniels. 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 Amendments 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 Planning Commission received three additional correspondences relating to the cases.

VI. Old Business

**A. PC15-017 UNIVERSITY OAKS
5914 Horning Road
Conditional Zoning Certificate and Site Plan Review**

The applicant is requesting a Conditional Zoning Certificate and Site Plan Review and Approval in order to construct townhouses with rooming house designation. The subject property is zoned R-4: Multi-Family Residential District.

Mr. Catalano asked the applicant to present the project. He reminded the public that he would limit their comments to three minutes.

Tom Reitz (215 West Garfield, Aurora, OH) stated he is the attorney for the applicant. He said his clients did not make it to the meeting. He asked that the case be tabled.

Mr. Catalano asked for a motion to table the case.

MOTION: Mr. Paino moved to table PC15-017 University Oaks, property located at 5914 Horning Road until the November 1, 2016 Planning Commission meeting. Ms. Daniels seconded the motion. The motion passed 4 – 0.

**B. PC15-021 EAST MAIN STREET LOFTS
1700 Holly Drive
Conditional Zoning Certificate and Site Plan Review**

The applicant is requesting a Conditional Zoning Certificate and Site Plan Review and Approval in order to construct a multi-family residential complex, The subject property is zoned R-4 – Multi-Family Residential District and C-R: Commercial High Density Residential District.

Mr. Catalano asked the applicant to present the project.

Scott Flynn (220 Frances Drive, Kent, OH), stated he is an attorney and was asked to represent the applicant about a month ago. He was a little hesitant in getting involved in this because he has challenged some zoning issues in his own neighborhood but after reviewing the project and listening to the neighbors he was comfortable in representing the applicant. He said about a month ago the issues raised by the neighbors were discussed. He said the Board of Zoning Appeals granted most of the variances that were requested by the applicant. The Board of Zoning Appeals did not grant a variance regarding the parking and since that time, the applicant has revised the parking so that there will be two parking spaces per unit. Mr. Flynn said he is representing the Miller family, who owns part of the property. He said they will sell the property pursuant to the proposal and Hallmark has been very good to the Millers. He understood that there will be some opposition from some of the neighbors. He said the applicants have met with the neighbors in the past that raised their concerns about storm water, the size of the complex, trees, speeding and traffic. Mr. Flynn said the applicants have addressed the storm water issues and they have cut the development in half due to the fact the township did not approve the project. This is a smaller development that will not be geared towards college students but the focus will be on professionals and graduates. It is not geared towards student housing. There is adequate green space and more trees will be put in.

Ryan Pearson (330 West Spring Street, Columbus, OH), stated that Hallmark has gone through an extensive process. They have met with the neighbors several times. The original plan was submitted over a year ago with 362 beds but the township did not approve the project. The development now will be located in the City of Kent only. The project will consist of two three story buildings containing one and two bedroom units in a multifamily development. He referred to the site plans to where the development would be located. There is an emergency ingress/egress in the Holly Park Apartments. Mr. Pearson said it is an odd shaped parcel. The project has sanitary sewer service. He said water is available on Horning Road but there is no gas but is available. He discussed the building layout and said the current project now has 94 units with 184 beds. The parking had to be modified because the Board of Zoning Appeals denied their variance request for parking.

Ms. Edwards asked Mr. Pearson to describe the layout of the building.

Mr. Pearson replied there will be a total of 94 units containing one and two bedrooms for a total of 184 beds.

Ms. Edwards confirmed that there are fewer parking spaces.

Mr. Pearson replied yes.

Mr. Fink stated because of the additional regulations for the zoning district the project is located in, two parking spaces per unit are required by the zoning code. This additional requirement is above and beyond what a multi-family unit would normally require.

Ms. Susel stated that the City has not reviewed this layout of the site plan so at the present time staff is unaware of how it was configured.

Mr. Pearson stated that there was an exhibit in the original submittal showing the 30% required open space on site according to their calculations and their interpretation. He said the maximum height for the fence along Holly Drive will be four feet. Detention basins will be used for stormwater management. He said they met with the Architectural Review Board, and they recommend approval.

PUBLIC COMMENTS

Mr. Catalano reminded everyone that public comments will be limited to three minutes.

Mick Rogers (5885 Horning Road, Kent, OH), stated he is opposed to this project. He said there are at least ten other student housing complexes within a quarter of a mile of this project. He said he called College Towers and was told that they had over 1800 residents living there. He contacted other student housing complexes and found there are a lot of student housing rental units. Half of the rental complexes empty onto Horning Road which is unsuitable and unsafe. There will be a traffic problem. There are no sidewalks and a lot of bicycles. This is not a good idea. He did not think any professionals or professors will want to live in this dense cluster of student housing.

Jeri Geldenhuys (5896 Horning Road, Kent, OH), stated that she was supportive of good use of space and good transition from high density to low density housing. She said the development should not be so close to adjacent properties.

Maureen Gartland (5855 Horning Road, Kent, OH), referred to a map she had made and pointed out the locations of the roads that are around the project. She referred to pictures that showed the amount of traffic between 3:00 pm and 6:00 pm, Monday through Friday. Ms. Gartland said a lot of the people are trying to turn left.

She said the project was very poorly planned because the intersection cannot even hold the traffic that exists now. She said there are no sidewalks in one area, and there is no shoulder along the road. She said there are a lot of distractions in the area with pedestrians, bicycles, skateboarders and roller-skaters. She showed the location of the hill where it is supposed to be 25 mph, but it is really an over-used area. She said a lot of people cross randomly. She distributed pictures to the commissioners showing them the traffic. She was concerned about accidents.

Jay Rhodes (5890 Horning Road, Kent, OH), stated there are too many cars. He said 138 cars go up and down Horning Road in an hour in the afternoon. There are not as many in the morning when the kids are in school. He said he had a sheriff sitting in his driveway one day, and he had six cars going 60 mph in a half hour going up and down Horning Road. He said it is nothing to see 20 to 25 cars waiting to get out on East Main Street off Loop Road. He said more cars will result in accidents.

Matt Summerville (5907 Horning Road, Kent, OH), stated their property borders University Oaks. He said there used to be single family homes across the street and on the other side of the woods from him but they have been torn down, and the properties are now parking lots. He said there will be an increase in traffic. He was concerned about safety issues. He said there has been an increase in drug activity on their property because the small strip of woods gives a false sense of security.

Tim Lassar (5799 Rhodes Road, Kent, OH), stated he is a PARTA trustee. He said the lady who referred to the roller skaters and their distraction to traffic is correct. He said in the afternoon Horning Road is a drag street. Rhodes Road by itself is a dangerous road. He said Horning and Rhodes Roads are very dangerous and there is a drainage problem. Mr. Lassar said there are no clear walkways on either side of the road so people are cutting across. He did not agree with the layout. He understood what the developers were trying to do but said they could minimize the impact more. He said there have been two deaths in the past years in front of the property. Traffic is a major problem. He said the building could be moved to mitigate noise. Mr. Lassar said this will be student housing.

Dennis Krupa stated he lives on Rhodes Road and owned property on Horning Road. He said there are incongruities on this project. He said back in 2013 University Oaks was converted from senior housing to student housing and felt that was a mistake because it was a good fit for an R-1 neighborhood, and there was not a lot of traffic. He felt that the housing was out balanced because the developers are leading the process. It is hard to predict what a company is going to be doing years down the road. Traffic is bad. There was a total of 959 vehicles on Horning Road on April 10, 2013 and on April 23, 2014 there was a total of 2,365 vehicles on Horning Road in one day after the University Oaks' conversion to student housing. He said there is no way to guarantee that this development will be for professionals and graduate students.

He did not think it was a good decision to put in a high density development because no matter how the green space is used, it will not mesh with an R-1 district. He wondered if the 4½ acres were supposed to be green space.

Gina Volchko (5908 Horning Road, Kent, OH), referred to the site plan and showed the location of their house. She stated they have an easement to connect the sewer and asked how that was protected.

Joe Volchko (5908 Horning Road, Kent, OH), stated that this development will take a toll on the neighborhood and it is stressful. He said rights are being taken away from the neighbors. He read Section 1145.01 for the CR District and said the area should have been rezoned when the Holly Park development was put in. He said if there is any hardship, it was self-imposed. He said maximizing a profit is not a point of order. He said the developer has met with the neighbors and looked at alternatives. Mr. Volchko said the neighbors would like to see a lower impact development in the area. He would like to see people benefit from a development. The neighbors have to stand up for their rights. He asked if it was possible for the City of Kent to purchase the land and make a community park. He would like to see all parties involved work together.

Nancy Pizzino (4640 Creekside Drive, Kent, OH), stated she is one of the owners of the property. She said her father invested in the City of Kent over fifty years ago. She said they did not live on the property but wanted property near the university. Over the past ten years they have worked with different developers. She said they are comfortable with Hallmarks and feel that it is a very good plan. She said her father and mother wanted to build something that would be conducive to the professors and graduate students. She was comfortable with the plan submitted by Hallmark. Hallmark sees the benefit of being close to the university and within walking distance to downtown. She supported the plan.

Michelle Tuve Holland (5896 Horning Road, Kent, OH), located their house on the site plan and said they rent to own the property. She said what happens behind their property is very important to them. She understood that it is zoned for high density housing but does not think it should be for high density housing. She felt that something better could be done with this property. She does not object to student housing. Her objection was not with the type of people who would live there but rather with the traffic problem. Horning Road already has speed issues and safety concerns. She felt that the space would be better used as a park because there is a shortage of green space on this side of town. She did not believe shoving a development in the small area is the best plan for the space.

Kathleen Rhodes, 5890 Horning Road, Kent, Ohio, located their property on the site plan. She said they have almost two acres. She said this development will be squished into the 4 ½ acres. Her husband's family has owned their property for over seventy years.

She said everything downtown and the east side of the City of Kent seems to be changing to everything university. Single family homes are being converted to rentals. Single families are being pushed out of the east side of the City of Kent. She said the school population in the elementary, middle and high school is going down. Single families are moving out of the City of Kent. She asked if people wanted a mixture of single families and university people. She said they live in Franklin Township but they still pay taxes that benefit the City of Kent. She said the original plan was for a six foot fence but now it has been changed to a four foot fence so wondered how many more changes would come about as the project goes along. She said she would want a fence as high as possible because they have people walking through their property now.

Scott Miller (1043 Verona Drive, Kent, OH), stated that he was raised on the property. He said everything that has been said is true. There is a lot of traffic, people cutting through yards and a lot of trash but no one listened to his parents. He said his parents bought the property from his grandfather who had bought the property in 1935. He said they built houses which are now parking lots. He said the house in the back is abandoned. He said his mother still owns the property. He explained where their property is located; as you go down Holly Drive and make the turn, it is the first house on the right that sits higher than the other properties. He said this property was their investment. His mother lives in Four Seasons and she can do what she wants. He said the sale of this property will give her enough money to take care of herself for the rest of her years. He supported the project. He said the property is within the zoning.

Howard Lowry (5873 Horning Road, Kent, OH), located their property on the site plan. He said they have lived there for twenty nine years and the property has been in the family for sixty plus years so there is some investment for his family as well. He said they have watched the increase in traffic when University Oaks was converted from senior housing to student housing. The activity on the road has increased. He said no one respects the 25 mph. It has become a dangerous area. He said property values have diminished. He does not want to see his neighborhood completely overrun by students.

Doug Bender (5500 New Albany Road, Columbus, OH), stated he represented EMH&T, Engineers, Surveyors, Planners, Scientists. He said they did a traffic impact study. He said they have worked with the City staff. They studied the traffic and did an analysis. He said they recommend providing a dual left turn at Horning Road and Main Street intersection using the current right turn only lane as a second left. This could be done by restriping. The traffic impact study did not address speeding or the students but he said a simple solution and cost effective way would be to have pedestrian cross walks so that there would be a safe way to cross. He said speeding is a problem. He said guide signage could be installed to direct people south towards S.R. 261 by other means rather than coming down Main Street. He said the City of Kent could talk to Kent State University about staggering university faculty and staff hours to cut down the traffic during peak hours.

Mr. Catalano asked who would talk to the university.

Mr. Bender replied the City staff could talk to the university. He stated this is an existing condition and it is not necessarily up to the developer to correct it however the improvement for the dual left turn was something that was recommended as a site related improvement so it could happen when an upgrade or re-pavement is done.

Mr. Paino asked who would pay for it.

Mr. Bender replied they are working with the City of Kent for these low cost options.

PLANNING COMMISSION DISCUSSION

Ms. Susel stated that there is a lot more that goes into the process of striping so it is not that the City of Kent is ignoring issues raised, but they are cost prohibitive because there is more involved than just painting and they do require research. She said the suggestions about traffic control should be vetted through the City Engineering Division.

Ms. Barone reviewed the Staff Report. She said the Planning Commission saw the conceptual plan in August 2015. She said this is actually the first time the Planning Commission has seen this proposal because the City was waiting for the zoning decision from Franklin Township. She said the original proposal was for two four story buildings with 98 units and 362 beds. Now there are 98 units with 184 beds. It is a multi-family dwelling which is a conditional use in the C-R: Commercial Residential District. Staff believes that all the conditions listed in the staff report have been addressed either by meeting the condition or by going to the Board of Zoning Appeals except for the number of parking spaces. A number of units were changed from one bedroom to two bedroom and the site plan modified to meet the parking requirements. She said staff has not seen the revised traffic study and she suggested that should be submitted and reviewed by the City's Traffic Engineer.

Ms. Barone stated that the Fire Department was okay with the fire trucks getting through, if the islands were reduced or roll curbs were installed. They are required to provide 15 bicycles racks and they are proposing to install 16. Utilities are available. The sanitary sewer is in Portage County so they will have to deal with the county. They are proposing detention basins for the stormwater. Lighting consists of decorative street lights, parking lot lights and wall sconces. Their photometric plan shows that lighting is zero at the property line. They meet the landscaping requirements. There is a trash compactor that will be screened with landscaping.

The Architectural Review Board met today to review the project and its recommendation was to accept it. There were no conditions from the Architectural Board. The developer went before the Board of Zoning Appeals and received approval for three variances but

did not receive approval for a variance for the number of parking spaces. A Park Fee of \$73,320 was agreed upon between the Parks and Recreations Department Director and the developer. Staff has recommend language for a motion which includes the conditions. She recommended that the traffic study should be added to the conditions.

Mr. Fink stated that the Architectural Review Board's decision is official. He said the developer has been before the Board of Zoning Appeals and had variances granted for all they asked for except for the parking. The applicant has only had two weeks to make adjustments to their parking plans so the City asked to have a condition be added to any motion made that the site plan does have the right number of parking spaces. He said concerns about why this site is zoned high density Commercial Residential has been raised a couple of times. He said a lengthy process has to be gone through to have the zoning changed but so far this has not happened. If this was implemented today, the applicants would have the right to go under the zoning code as it was when they submitted their application. The height of the fence has changed as the plan has gone through changes in the various applications. This fencing that goes back from the road to the first structure is considered the front yard and the City of Kent does not allow a 6-foot fence in the front yard. It only allows a 4-foot fence in the front yard. The applicants would have to go back before the Board of Zoning Appeals, if they wanted to use a 6-foot fence.

Ms. Daniels asked Ms. Barone what her comments were on the traffic.

Ms. Barone replied that it is typically the developer that puts in any improvements suggested in a traffic study.

Ms. Daniels asked if the traffic study and recommendations had to go the City of Kent's Engineer.

Ms. Barone replied it would have to be approved by the City of Kent's Engineer.

Ms. Daniels asked if it would be the developer's responsibility.

Ms. Barone replied yes.

Ms. Daniels stated this would help with some of the issues that the residents have.

Ms. Susel stated that the City of Kent's Engineering Division would have to determine itself, if that was the right recommendation and then how this might affect traffic in other area so it is a long process.

Ms. Daniels stated the developer could work with the residents on the 6-foot fence. She said the dual left turn should also be looked for impact.

Ms. Susel stated that it has to be determined by the Engineering Division how the dual left lanes will affect traffic in other areas.

Rick Kirk, with Hallmark, stated they would be happy to participate on the traffic and fence issue.

Ms. Edwards was concerned about the density of the project that has a lot of single family homes around it. She was concerned about the burden it would be putting on the City of Kent and Franklin Township. There are traffic issues and bike lanes are another issue. She said there is a housing study that says the City of Kent needs single family homes and not apartments. She has a lot of concerns about the whole project.

Mr. Paino stated the land has a certain zoning classification that allows the property owner or developer to put in a certain development. He personally tries to look at a project to see if it can be done better and how does it impact the community and what could be done. The traffic issue has been raised a lot. He said the traffic is a real problem with this development and is an issue that needs to be addressed. He asked what Holly Park's green space was when it was developed.

Ms. Barone replied she did not know.

Mr. Paino asked if this land was part of the Holly Park land when it was first developed or was it never part of Holly Park.

Ms. Barone replied she would have to go back and look in the files.

Mr. Paino said this project is a conditionally permitted use. He asked if roads and sidewalks are considered utilities.

Ms. Barone replied they are part of the infrastructure.

Mr. Paino confirmed that they received a variance to not have a courtyard so the developers do not have to worry about having structures facing the court yard. He said he saw a detention basin and asked what it is for.

Ms. Barone responded there is detention basin proposed for this project.

Mr. Paino stated there is one there already.

Ms. Barone responded the basin he is referring to is only for Holly Park.

Mr. Paino asked why the buildings were not oriented so they were closer to Holly Park versus the R-1: Low Density district.

Mr. Pearson replied originally they did this, but they wanted to make sure that the buildings were within the setbacks so no variance would have to be requested for the setbacks.

Mr. Paino asked how more cars could be prevented from dumping onto inadequate streets and intersections.

Ms. Barone replied that is why traffic studies are required so that an evaluation of the roads or intersections may have to be modified. The City's Traffic Engineer has to review the traffic study. The City of Kent has not received the revised traffic study.

Mr. Paino asked what information the traffic study is based on.

Ms. Susel replied the City has not seen the revised traffic study. The first traffic study was associated with the entrance onto Main Street. The revised one is associated with Horning Road.

A continued discussion was held among the commissioners on the traffic study. Questions were raised about the access points and the intersections involved and if things would be the same, if other locations were used.

Mr. Bender located the access point and stated the original traffic study was originally done for the larger project. It was redone when the development was reduced in size. He said the traffic issues sound like an existing condition. He said the left turn only lane and the left/right turn lane may lessen the traffic impact. He said they worked with City staff. He said they used the same traffic count and re-ran an analysis. He said with or without the development there is still a need for a dual left lane. He said other elements will be investigated.

Mr. Paino asked what Condition No. 3 meant that was listed in the staff report.

Ms. Barone replied there is a water main that runs up Holly Drive but it is a private water main. They have revised their plan to go to Horning Road and connect to the City of Kent's water main rather than the private water main. They cannot connect to a private water main unless they get approval. This is not an issue any more.

Mr. Catalano asked how this development will focus on professionals and professors.

Mr. Kirk replied the units will be larger and the market price will be higher. The units will not be furnished. He said these will be expensive units with expensive materials. He said they know they cannot discriminate who they rent to.

Mr. Catalano stated that focusing on professionals is not a satisfactory answer. He said the residents findings are opposite of what the traffic studies concluded and he tends to agree with the residents on this matter. He did think that adding a dual left hand turn lane would solve the issue. He felt it was the developer's responsibility for any changes. He said the City needs a revised traffic study. Mr. Catalano said based on the housing study that was done, he was not in favor of the project. He recommended tabling the case until the City receives the revised traffic study and has time to review all information.

Mr. Flynn concurred to table the case until staff has time to review everything.

Mr. Catalano stated that this development does not coincide with the housing study.

Mr. Fink stated that the parking spaces should also be accurate.

Ms. Daniels stated that Engineering Department needs to look at the traffic. She felt that it was the developer's responsibility to make sure the traffic flow will eliminate some of the problems on that road.

Mr. Catalano stated that there is an existing problem so there is no need to add traffic to this area.

Mr. Fink asked the applicants when they wanted to return.

Mr. Flynn responded November 15, 2016.

There were no other questions or comments. Mr. Catalano asked for a motion.

MOTION: *Mr. Paino moved to table Case PC15-021, East Main Street Lofts, property located at 1700 Holly Drive, until the November 15, 2016 Planning Commission meeting. Ms. Daniels seconded the motion. The motion passed 4 – 0.*

Maureen Gartland asked to have her drawings returned to her.

Mr. Fink replied the City of Kent actually needed them for the record but as soon as a copy was made she could have it back.

**C. PC16-009 ALDEN KENT PROJECT, LLC
 1456 East Summit Street
 Site Plan Review**

The applicant is seeking Site Plan Review and Approval in order to construct multi-family housing adjacent to the existing Presbyterian Church. The subject property is zoned U: University District

Mr. Catalano asked the applicants to present the project.

Todd Hunt (1301 East 9th Street, Cleveland, OH), stated he is the attorney for the applicants. He introduced others at the meeting who would give testimony.

John Grave (6185 2nd Ave, Kent, OH), stated he is the president of the Presbyterian Church. He said at the last two meetings, Mr. Paino asked how the church operated and what their plans were for the church. He said the church was founded in 1959 with campus ministry. He said other churches were moving into student housing to expand their campus ministry and they wanted to do the same. Three lessons were learned through the years to making the expansion of campus ministry a success: put as many people as possible in a single building so that there would be open space for the people who would be addressing and providing ministry to people. They also found that the housing development should be close to the church and they are proposing to have 1000 square feet in this development. He said there will be marriages and funerals in the church, but the ongoing day to day purpose of the church is campus ministry and that is why they support the project.

Greg Olbrys (1166 Avenue of the Americas, New York, NY), stated he did not want to re-hash what has already been said but wanted to address some of the concerns raised. He said there has been healthy dialogue between the City of Kent and the developer on the last project. He said they did not have a chance to discuss the Fire Department issues until last Monday. He said the plans have been before the City for four months. He said the fire concerns would be addressed at this meeting. He said they will address Mr. Paino's concern about access.

Ms. Daniels asked where the building was in conjunction with church. She asked if it was to the right of the sign.

Mr. Olbrys replied if you are facing the church, it will be to the right side of the church. The sign for the church is directly adjacent to the access to the church. The Fire Department recommended site plan denial because they want a different secondary access. He said they have received the same comments back from the Fire Department each time they were contacted. He believed the market can bare additional student housing.

Mr. Catalano stated that the Fire Department still has concerns.

Mr. Olbrys replied all fire lanes will be 26 feet wide and they will use rolled curbs.

Mr. Catalano asked staff had any comments on the Fire Department

Ms. Barone stated that part of the issue is that the applicant should be coming through the Community Department to set up things with the Fire Department. She was out of the loop for this and was not aware of anything that was discussed with the applicant but she will follow up with the Fire Department. She said there was a conversation and part of the problem was that the Fire Department did not have the up to date plans yet so the applicants got the same comments back from the Fire Department because they did not have a full set of plans. She said there was a very productive telephone meeting last week and there have been emails going back and forth. She said staff is waiting on a site plan showing fire truck maneuvering and where the snow will be plowed.

Mr. Olbrys stated the City of Kent has no snow removal plan. Snow removal is an operational issue not a Fire Department issue. He referred to a computer generated site plan showing the fire trucks' maneuverability.

Ms. Barone stated that the computer generated site plan was in error and she thought the City was going to get a new corrected plan.

Ms. Edwards wanted to confirm which site plan the Planning Commission should be reviewing.

Mr. Olbrys responded that there was only one difference between the site plans and that had to do with the access points.

Mr. Hunt stated it has been 30 days since the Board of Zoning Appeals reversed the City's determination of required parking spaces for the proposed development. He said it was determined the parking is adequate for the site.

Mr. Olbrys referred to Section 1147.01 of ordinances for the City of Kent which states: "The purpose of the University District is to provide for a variety of public and private uses which may be carried on as part of, or benefit from being located in close proximity to a college or university". He said the church is on the Kent State University map.

PUBLIC COMMENTS

Jeri Geldenhuys, 296 Horning Road, Kent, Ohio, stated the development is appropriate for the location. She said the development will be close to the university.

There were no other public comments.

PLANNING COMMISSION DISCUSSION

Ms. Barone stated that there are Fire Department concerns about a secondary access to the site if East Summit is blocked. She said other developments in the City of Kent have a secondary access. The Fire Department was also concerned about the maneuverability of the fire truck within the site because if east bound lane was blocked, no other fire trucks could gain access to the site. She said she and the City Engineer looked at the Summit Street project and saw that there are actually two crossings on the boulevard entrance; one is east of the project and one is one west of the project. She said that the Fire Department is also concerned about the location of the snow piles. She said the City of Kent wanted some kind of snow plowing plan from the developer. She agreed that snow plowing is operational. She said the Planning Commission has asked the Board of Zoning Appeals to explain their reasoning for granting the applicant's appeal of the City staff's determination for the parking space requirement but the Board of Zoning Appeals have not yet responded. She said they do have verbatim minutes from the City and from Mr. Hunt. If the Planning Commission acts on this application, a separate motion was needed to approve the Park Fee.

Mr. Fink stated that the City's position on the parking has not been adequately addressed. He referred to the verbatim minutes on the motion made and passed at the Board of Zoning meeting. He said even though this motion is saying that the City staff's calculation was wrong does not make everything else right. He said that Sections 1122 and 1167 of the Kent City Ordinances should have been used for the calculation of the required parking spaces. He said an applicant cannot pick and choose which section of the code they want to use.

Ms. Susel stated that Section 1122 is applicable for rooming house status and that determination needs to be vetted to determine where the project is in the code.

Mr. Paino confirmed that the City staff had calculated the number of parking spaces needed based on a formula they thought was correct.

Mr. Fink replied yes.

Mr. Paino stated the applicant then appealed the staff's decision. He asked how many spaces were on the site plan. He said 372 spaces are required.

Mr. Hunt replied there are 374 spaces are shown on the site plan.

Mr. Paino asked what is the City's argument.

Mr. Fink replied the City's argument is that the calculation for the number of parking spaces should be based on the multi-family definition. He said the applicants are basing their calculation on a combination of the multi-family parking space requirement and the parking requirement for a rooming house. They used Chapters 1122 and 1167.

He said they should use all of one section or another. They should not pick and choose what section they want to use.

Mr. Hunt stated that they were told by the Community Development Department staff how to calculate the number of required parking spaces. He said 0.8 parking space per bed is the required parking space for a rooming house. If they use Section 1122, other requirements have to be followed. He said the parking decision is a done deal.

Mr. Fink agreed that the Board of Zoning Appeals' decision cannot be changed but the fact remains they did not make it clear how they came to their decision. He said the applicants did not abide to Section 1122.06(a)-Location, 1122.06(f)-Landscaping or 1122.05(c)-Open Space.

Ms. Susel stated that the applicants cannot use a section from two different codes for parking that will work for and in favor of the project. She said one code section needs to be chosen. The City of Kent does not use a hybrid code.

Mr. Paino understood that the Board of Zoning Appeals decision is final.

Mr. Fink agreed that the Board of Zoning Appeals decision is final.

Mr. Paino confirmed that the Board of Zoning Appeals decision had nothing to do with the classification of this project.

Ms. Susel stated that the Planning Commission had to determine which section of the code should be used as far as the zoning classification. She said the multi-family classification is indicated however, the rooming house classification is used by the developer for the parking but not the other sections of that chapter.

Mr. Paino asked what section the parking was determined.

Ms. Susel responded multi-family.

Mr. Fink stated that the parking requirement was based on Chapter 1167 for multi-family, not Chapter 1122. This was overturned by the Board of Zoning Appeals. They did not explain how they came to that decision.

Mr. Paino stated he had a copy of a letter that states that this is a multi-family project. He asked if this site plan meets the requirement of Chapter 1167.

Mr. Fink stated it was his belief that more parking spaces would have to be provided, if Chapter 1167 was used. He said there are other provisions under Section 1167.

Mr. Susel stated the applicant appealed the City's parking determination.

Mr. Paino asked if the Board of Zoning Appeals disagreed with how the City of Kent came up with the calculations.

Mr. Fink replied yes.

Mr. Paino asked what other conditions they would have to meet as a multi-family project.

Mr. Fink replied there would have to be one parking space per bed, if it was multi-family development.

Mr. Paino asked what is Chapter 1122.

Ms. Susel responded rooming houses.

Mr. Paino asked if there were other conditions other than one parking space per bedroom under Chapter 1167.

Mr. Fink replied they meet all other requirements under Chapter 1167 except the number of parking spaces. He said the Board of Zoning Appeals reversed the City of Kent's determination.

Mr. Paino stated that everything comes back to whether it is a rooming house or multi-family development. He asked what zoning was used by the University Edge development.

Ms. Barone replied they used one space per bed.

Mr. Paino asked if the development across the street was classified multi-family.

Mr. Fink replied yes.

Mr. Paino stated that he does not like the site plan. It looks like a sea of pavement but they cannot go against the zoning code. He would like to see fewer units so there would be more green space. He asked if there was a requirement for green space in a multi-family development.

Ms. Barone replied not in the University District.

Ms. Daniels stated the Planning Commission has not had a case like this because it involves campus ministry outreach. The development is combined and associated with the church. She said the Board of Zoning Appeal did give them a waiver from the multi-family section of the code. She said there is access for the Fire Department. She said she supported the project.

Ms. Edwards stated that she looked at the project from a planning perspective. She said the buildings might be sold and used for other purposes. She is looking into the future. She said there is not an area specifically for student housing within the City of Kent. There are sections for residential housing but there are not particular areas just for students. She had a problem with the parking. Ms. Edwards also had concerns regarding access for the Fire Department. She said the Planning Commission needs a response from the Fire Department.

Mr. Catalano stated the applicants cannot pick and choose what section of the zoning code to use. He said the applicants need to choose what section to use. He said there were concerns under Section 1122. He is not in favor of the project.

Mr. Olbrys felt they were not getting a fair shake. He asked that the case be tabled.

Rev. Aaron Meadows (1456 East Summit Street, Kent, OH), stated they have received a letter from the Fire Department regarding the egress/ingress to the site. He asked if this was a religious issue. The parking is adequate.

Ms. Barone clarified that it was an email that was received.

Mr. Catalano stated that the snow removal has no bearing whatsoever on this decision.

Mr. Hunt stated that they have a certificate that says the development is multi-family.

There were no other comments or questions. Mr. Catalano asked for a motion.

MOTION: *Mr. Paino moved to continue Case PC16-009, Alden Kent Project, LLC, property located at 1456 East Summit Street, until the October 18, 2016 Planning Commission meeting. Ms. Edwards seconded the motion. The motion passed 4 – 0.*

VII. New Business

- A. PC16-020 FLYNN/WONG ROOMING HOUSE
 549 South Water Street
 Conditional Zoning Certificate & Site Plan Review**

The applicant is requesting a Conditional Zoning Certificate and Site Plan Review and Approval in order to convert the residential structure to a rooming house. The subject property is zoned R-C: High Density Multi-family-Commercial District

An email was received from the applicants asking to table Case PC16-020, Flynn/Wong Rooming House.

MOTION: *Mr. Paino moved to continue Case PC16-020, Flynn/Wong Rooming house, property located at 549 South Water Street,, until the October 18, 2016 Planning Commission meeting. Ms. Edwards seconded the motion. The motion passed 4 – 0.*

**VIII. Meeting Minutes Regular Meeting Minutes August 16, 2016
 Regular Meeting Minutes September 6, 2016**

MOTION: *Ms. Edwards moved to approve the August 16, 2016 as amended. The motion was seconded by Mr. Paino. The motion carried 3 – 0. (Mr. Catalano abstained)*

MOTION: *Ms. Daniels moved to approve the September 6, 2016 Meeting Minutes as submitted. The motion was seconded by Mr. Paino. The motion carried 3 – 0. (Ms. Edwards abstained)*

IX. Other Business

Ms. Barone stated she would not be at the next Planning Commission meeting.

Ms. Edwards reminded the commissioners that they needed to stay with the planning issue of a project and not relay opinions.

X. Adjournment

Motion: *Mr. Paino moved to adjourn. The motion was seconded by Ms. Daniels. The motion carried 4 – 0.*

The meeting adjourned at 10:30 p.m.