

**KENT PLANNING COMMISSION
BUSINESS MEETING
AUGUST 16, 2016**

MEMBERS PRESENT: **John Gargan
Amanda Edwards
Peter Paino
Doria Daniels**

MEMBERS ABSENT: **Anthony Catalano**

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 7:00 p.m.

II. Roll Call:

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

MOTION: ***Ms. Daniels moved to excuse Anthony Catalano from the August 16, 2016 Planning Commission meeting. The motion was seconded by Ms. Edwards. 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

Correspondence was received that included an Updated Building D Plan, two memos from Eric Fink regarding the Presbyterian Church, and a report from the Kent Environmental Council.

VI. Old Business
None

VII. New Business

**A. PC16-014 COLLEGE TOWN KENT, LLC
220 South Depeyster
Comprehensive Sign Plan – Building D**

The applicant is requesting review and approval of the Comprehensive Sign Plan for Building D (Avant 220). The subject property is zoned C-D: Commercial-Downtown

Mr. Gargan asked the applicant to present the project.

Norm Elbin (138 West Vine Street, Cleveland, OH) stated he represented College Town Kent, LLC. He said they were asking for approval of a Comprehensive Sign Plan for Parcel D, which is now known as Avant 220, located on South Depeyster Street and Haymaker. The Comprehensive Sign Plan is similar to their other buildings, except this building is a bit north and vehicular oriented. They have set up their signs for internally illuminated letters versus externally illuminated letters. He said a store front sign can be 75% size of the shortest side frontage, which is on the Haymaker side. Mr. Elbin said both of their tenants have two frontages, South Depeyster and Haymaker. The letters will be limited to 18 inches high, with 24 inches permitted for a logo. There will also be a

blade sign similar to the Kent Hotel. The blade sign can be 12 feet high, 30 inches wide and projecting 4 feet from the building. He said those are the basic size parameters for signage. Two weeks ago, they were at the Architectural Review Board, who made some recommendations, which they have incorporated into the final plan. They are allowing internally illuminated or Halo lighting, which is the back lit.

Mr. Paino asked if there are any signs in the package.

Mr. Elbin replied no. This just sets up parameters of what they can do. The signage will be submitted when they have tenants. The signage from the tenants first has to be approved by him and then they will be submitted to the City staff. There are two tenants so there will two blade signs. He said this package sets up the maximum the tenants can do, but they can have smaller blade signs if they want.

There were no other comments or questions.

PUBLIC COMMENTS

NONE

PLANNING COMMISSION DISCUSSION

Ms. Barone stated that the sign package was similar to the other downtown buildings in this area. Staff did include pictures of the signs from the area in their packet so the commissioners could see what they look like. It will be similar to the hotel sign. She said that the Comprehensive Sign Plan submitted complies with what the Architectural Review Board requested. She said staff recommends approval.

Ms. Edwards had no comments.

Ms. Daniels stated that it is clear what parameters the tenants will have to follow.

Mr. Paino stated that Bar 145 has signs in all the windows.

Mr. Fink stated they are not in compliance and that letters have been sent to them.

Mr. Gargan stated that the signage looks good so far. He had no further comments.

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

MOTION: *Ms. Edwards moved that in case PC16-014, College Town Kent, LLC, property located at 220 South Depeyster, that the Planning Commission approves the Comprehensive Plan for Building D (Avant 220). Subject to the following conditions:*

- 1) *Obtain a zoning permit within two years of Planning Commission approval.*
- 2) *Obtain a sign permit and submit the performance guarantee prior to installation of the signs.*

Mr. Paino seconded the motion. The motion passed 4 – 0.

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

The applicant is requesting Site Plan Review and Approval in order to construct a multi-family housing development. The project consists of a 5 story above podium parking with 126 units and 384 beds. The subject property is zoned U: University District.

Mr. Gargan asked the applicant to present the project.

Rev. Aaron Meadows (1456 East Summit Street, Kent, OH) stated that is the address of the Presbyterian Church. He said that the church has been part of the community for over 60 years. They offer a tutoring program that has been very successful. They hold clothing drives. They help with shutoff notices for utilities and rent deposit assistance. They work with Kent Environmental Society and Kent Social Services. He said their property is involved in this project. He felt it was a good project and fits well, looks good, and is supported by the church.

Greg Olbrys (1166 Avenue of the Americas, New York, NY). He said he was at the meeting on behalf of the Alden Kent Project. They are requesting approval of the site plan in order to build a student housing project on the Presbyterian Church's property. They are proposing 384 individual bedrooms in 126 units. The structure is five stories. The front portion of the building has a structured podium for parking above which the five stories will be placed. There is 10-foot grade change from south to north so the building is level height from front to back. The project will include a study courtyard, an interior courtyard with a pool, on site amenities for the residents, which will include a gym and study rooms with study spaces, and rooms for use by the church.

There were no other comments or comments.

PUBLIC COMMENTS

Susan Little (1064 Fraternity Circle, Kent, OH) stated she was with the House Appropriation of Delta Zeta Sorority. The Delta Zeta property abuts the church's property. She said the south side of Summit Street has low housing and this applicant

wanted to put in a five story building between the church and the Phi Delta Fraternity which will probably not see the sun until noon because of the height of the building. She was concerned about turning a park like setting into a parking lot. She was also concerned about the water draining onto their property. She said there are concerns about access for the Fire Department. Ms. Little said Fraternity Circle is a private drive and she did not think that they would allow access because the street is not strong enough to handle a fire truck.

Jonathon Burkhardt (28 North Cherry Street, Germantown, OH) stated he was from Burkhardt Engineering. He is the engineer for the project. He said he would be happy to answer any questions.

Rev. Meadows stated that the issue was whether the project met the code or not.

Mr. Burkhardt stated the all the drainage will be collected in underground detention ponds.

PLANNING COMMISSION DISCUSSION

Ms. Barone stated the applicant wanted to construct a five story building with parking. There are 126 units with 384 beds and is a permitted use in the University District. Parking was looked at very closely and the Board of Zoning Appeals determined at its meeting on August 15, 2016 that the number of parking spaces provided is sufficient. They are required to have bicycle storage facilities and they are providing them. A traffic study was done and a couple of questions arose that have not been resolved, so that is still being worked on. The Fire Department would like to see the fire lanes marked clearly and where the fire trucks will set up to fight fires. Utilities are existing. Stormwater will be collected in an underground detention system, but there are some details regarding this that also need to be worked out. Two signs are proposed. The dimensions of the signs were not provided. They would have to go before the Board of Zoning Appeals, if the signs do not meet the zoning code requirements. Lighting consists of parking lot lights and wall mounted fixtures. The photometric plan will have to be modified because it does not extend to the property line. They have met the landscaping requirements and there will be an enclosed dumpster.

The Architectural Review Board reviewed the project on August 2, 2016 and they recommended approval, subject to selecting a brick color that is complimentary to the red tone of the existing church brick. The Board of Zoning Appeals approved the number of parking spaces the applicant will provide. The Parks and Recreation Director and the developer have agreed on the amount of \$115,300 for the park fee. She said if the Planning Commission does approve this site plan, there are a number of conditions that should be attached to the motion. Ms. Barone said one of the big issues is the Fire Department's concerns regarding access on the west side and ability to fight fires. She said the parking lot islands are very narrow and the arborist was concerned that the trees

would not survive. She said the sidewalk adjacent to parking spaces must be 6 feet wide to account for vehicles overhanging over the sidewalk or wheel stops could be installed.

Mr. Fink stated that the Board of Zoning Appeals reversed the decision of the Community Development Department with respect to how the parking should be calculated. It approved the amount of parking provided for this project, so it is not one of the issues the Planning Commission should consider. This is a permitted use. The Planning Commission's role is not whether or not the commissioners liked the project but whether or not the project is in compliance with the specifications and standards established in the zoning ordinance. The Commission should take into account the comments of the administration and from the general public on the project. The Planning Commission can add conditions to the approval of the site plan in order to make sure the health, safety and welfare of the public and the integral part of the existing neighborhood and the proximities of that development are considered. If the Planning Commission determines that some of the issues were not met, such as the Fire Department's concerns or the lack of modifications to the photometric plan, the Planning Commission has the authority to request the applicant to table the application, to delegate the authority to a City employee to verify compliance of project, or to withhold approval of the site plan. The Planning Commission also has the authority to request to have special studies done.

Ms. Daniels asked if something was going to be torn down.

Mr. Olbrys replied it is a new structure.

Ms. Daniels was concerned about fire access.

Ms. Edwards was concerned about the fire department's access on the south and west side of the building. The fire lanes were also a main concern. She asked where loading and unloading will be done when residents move in and out. She asked about the outdoor recreational space where the residents will be able to go out and enjoy the recreational space. Ms. Edwards said Chapter 1122 of the Kent Codified Ordinances requires recreational space. She said there is the 6-foot sidewalk issue. She had questions about the sign details. She asked if there was a plan for guest parking, especially for the pool area because residents will have a lot of guests visiting.

Mr. Burkhart said that he has spoken with Lt. Coffee who said the Fire Department will work with them. He has contacted Lt. Coffee again, but has not heard back from him. He said they are in compliance with the Fire Code. He said they want to discuss access to the west and south side of the building. He said the fire access issue can be resolved. He said there are 63 spaces under the building with the elevator where residents can park and unload.

Mr. Olbrys stated the common area can be reached from the parking area and also through the front doors.

Ms. Edwards stated that she was referring more to U-Haul trucks and asked if they would block the parking and back in.

Mr. Olbrys stated that the units will be fully furnished.

Mr. Burkhart stated that they can adjust the landscaping. He said there plan is well over the required amount of trees. They have developed a sign for the residential project. It will be 24 square feet or less. There is no design yet for the church sign but it will be a maximum of 25 square feet or less. He said a sanitary study was done and no problems were found. The traffic study indicted there would be no impact to the area, so no turn lanes are warranted.

Mr. Paino asked if the number of units or the number of parking came first.

Mr. Olbrys replied it was interactive.

Mr. Paino stated the developer was paving the whole project. He could visualize what the development will look like when it is finished. He asked how many parking spaces were in the existing parking lot.

Mr. Burkhart replied 112.

Mr. Paino said the point of entry to the church is clearly defined with nice sidewalks on the original site plan but the point of entry to the church is not clearly defined on their new site plan. He felt that it was a poor design.

Mr. Olbrys replied he did not think that was accurate.

Mr. Paino replied he was looking at the plan and if people park in the parking lot, they would have to walk through a car to get to the front door to get into the church. There is no open pathway to get from the parking lot to the church. He said from the units there is no entry way. He felt that was poor design. Everyone has to walk through a humongous parking lot to get to their building and there is no area that says welcome. Mr. Paino felt that the parking lot was designed to fit as many cars as it could to meet the zoning code. He thought they might have designed the parking lot first to determine how many units there could be. He said he had a problem with a building that had no identifiable pathway from parking lots into buildings. He wanted to see changes in the site plan.

Rev. Meadows stated that parking was closer for the handicapped. He asked if this was code issue.

Mr. Paino replied he did not know the answer, but the Planning Commission was at the meeting to look at the site plan. He asked where the snow would go in the parking lot.

Mr. Olbrys replied there is green space around the church and in the setbacks, which are 27 feet on the side and 90 feet in the front.

Mr. Paino asked what open space the development will have.

Mr. Fink stated the open space requirement is up to the Planning Commission per Chapter 1122.05 which is for rooming houses and requires the applicant to demonstrate with reasonable satisfaction to the Planning Commission that some open area or recreational space is provided for the residents of the facility that is separate from parking areas. Front yard areas shall not be used for the purpose of providing such open space. The Planning Commission may take into account the availability of nearby public parks or public recreation areas as a partial or full substitute for on-site recreational space.

Mr. Paino asked where the outdoor open space was located.

Mr. Gargan asked if the pools count.

Mr. Fink replied yes.

Mr. Olbrys stated the outdoor pool is the open space.

Mr. Fink stated that there is not a set amount or formula to determine how much open space is required. It is up to the Planning Commission to determine how much open space should be required.

Ms. Edwards asked if the pool was in-door or outdoor.

Mr. Olbrys replied outdoor.

Ms. Edwards asked what is the size of the pool. She said if they were treating this structure as a rooming house under Chapter 1122. Chapter 1122.06(a) states that the parking location will be located in the rear yard and asked how this was going to impact this project because there will be a parking lot in the front yard. According to Chapter 1122.06, parking is prohibited in the front.

Mr. Olbrys replied and showed Mr. Paino the dimensions of the pool. It will be 82 feet.

Mr. Piano stated it will be 3200 to 3600 square feet.

Mr. Olbrys stated that the parking is for a mixed use. The rooming house designation will be used for the three and four bedroom units but the one and two bedroom units do not have to follow the rooming house requirements.

Mr. Gargan stated that the structure was designated as a rooming house because of the number of bedrooms.

Mr. Fink stated that the applicant elected to use the 1122.06(b) parking requirements so the determination of the Board of Zoning Appeals is relevant because that was the only way they could get 0.8 parking requirement. This is why the rooming house designation is being used. All the parking in the front yard is for the church. It is up to the Planning Commission's judgment, if that is appropriate.

Rev. Meadows stated that the one and two bedroom units do not fall under the rooming house designation.

Mr. Paino asked if a building could have a multi-use on one piece of property like this.

Mr. Fink replied that the Board of Zoning Appeals only ruled on the City's parking space requirement. There was an in depth discussion at the Board of Zoning Appeals meeting which ended in reversing the City's determination on the amount of parking spaces required. Mixed use is not in the code. Under Chapter 1167.05 is where the requirement is for the City's interpretation for multi-family, which is one space per bedroom. The applicants' made several different arguments opposing the City's interpretation. One is that it is a rooming house and therefore subject to the 0.8 requirement. Another argument was that their use was not classified anywhere in the code and therefore they fall under subsection (e) which says: "Where the off-street parking requirement for a use is not specifically defined in this Chapter, the parking facilities for such use shall be developed so as to be sufficient to meet all the parking needs of the proposed use". He said the appropriate board should determine whether or not the parking provided is in fact sufficient for the project.

Mr. Paino asked how many parking places were on this site plan.

Mr. Olbrys replied 374.

Mr. Paino stated that the Planning Commission is charged to see if everything seems to meet the code requirement, as well as have some aesthetic value. He said the City has come up with a couple of comments about having 6-foot wide sidewalks instead of 5-foot and the Fire Department issue, which the Fire Department will take care of. He said he did see a water main listed in the staff report.

Ms. Barone updated the water main issue. She said the staff has offered several suggestions to resolve the water main issue. One was to put extra dirt on top of the City's water main so there would be a wider easement but the City's equipment would not be able to dig down that far. The other option was to raise the water main at their expense. Another option is that they could look at tiering the parking lot so they do not have to fill.

Mr. Paino again asked what came first the number of parking spaces versus the number of bedrooms. He asked how tall is the church.

Mr. Olbrys replied it is about 70 feet, which is characteristic of the University District.

Mr. Paino stated he would rather see a taller building with more green space. He said there is little landscaping on the north side but a lot of parking.

Mr. Olbrys said that compared to other student housing developments, there is more landscaping.

Mr. Gargan asked if there would be on site management.

Mr. Olbrys replied yes there would be third party management.

Mr. Gargan was worried about another monstrosity like the 345 Flats development. He disagreed that this project fits with the University District.

Ms. Susel reviewed the Housing Study results. She said student oriented rent per bed model had significantly outpaced all housing combined. She said 2100 beds have been added since 2012.

Mr. Paino stated he was having a hard time with this project and has to do with the volume of paved area on this project. He expressed concern with what this project will look like when it is completed.

Mr. Olbrys stated it matches other similar projects. He said the City of Kents' code is out of date.

Ms. Edwards said that even if the Planning Commission considered what the 374 spaces the Boarding of Zoning Appeals approved, they are using chapter 1122 for the three and four bedrooms and a different chapter for the one and two bedroom units and so many for the church. She told the applicant they cannot pick and choose what chapters in the code they want to use for the project. She said there are 263 parking spaces that are supposed to be in the rear and not in the front or on the side. The site will have nine months without open space.

Mr. Olbrys said the Architectural Review Board had good things to say about the project.

Mr. Paino asked if it was only a right hand turn out.

Ms. Barone replied yes.

Mr. Paino asked how wide the tree planting areas were.

Ms. Barone replied they will be three to five feet. She said they could swap out nonviable areas for trees and shrubs.

Mr. Fink stated that the staff's evaluation was based on the U: District, not Chapter 1122. Chapter 1122 was not analyzed, so he went through other code sections that could apply. Chapters 1122.02(b), 1122.04, 1122.05, 1122.06 and 1122.08 could apply. He said the Board of Zoning Appeals reversed the City's decision on how many parking spaces are required. The City does not think there is sufficient parking.

After a discussion among the commissioners, it was decided they did not feel they were ready to vote.

Rev. Meadows asked to table the project until the September 6, 2016 Planning Commission meeting.

**VII. Meeting Minutes - Regular Meeting Minutes – May 17, 2016
Regular Meeting Minutes - June 21, 2016
Regular Meeting Minutes - August 2, 2016**

MOTION: *Mr. Paino moved to approve the May 17, 2016 Meeting Minutes as amended. The motion was seconded by Ms. Daniels.
The motion carried 3 – 0.*

MOTION: *Ms. Daniels moved to approve the June 21, 2016 Meeting Minutes as amended. The motion was seconded by Ms. Edwards.
The motion carried 3 – 0.*

MOTION: *Ms. Edwards moved to approve the August 2, 2016 Meeting Minutes as amended. The motion was seconded by Mr. Paino
The motion carried 3 – 0.*

Ms. Barone stated she had sent out an email about the joint meeting with Board of Zoning Appeals and wanted to confirm that the date was okay with the commissioners.

X. Adjournment

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

The meeting adjourned at 8:35 p.m.