

**KENT PLANNING COMMISSION
REGULAR BUSINESS MEETING
MARCH 17, 2009**

MEMBERS PRESENT: **Sean Kaine
Dave Wise
John Gargan
Melissa Long**

EXCUSED ABSENCE: **John Thomas**

STAFF PRESENT: **Gary Locke, Director of Community Development
Jennifer Barone, Development Engineer
Eric Fink, Assistant Law Director
Sheila Uzl, Transcriptionist**

I. Call to Order

The meeting was called order at 7:03 p.m.

MOTION **Ms. Long moved to excuse John Thomas from tonight’s meeting.
Mr. Gargan seconded the motion. The motion passed 3 – 0.**

II. Roll Call:

Mr. Wise, Mr. Gargan, Ms. Long and Mr. Kaine were present.

III. Reading of the Preamble

The Planning Commission operates in accordance with the provisions of the Kent City Charter, the Kent Zoning Code and Subdivision Regulations, all of which establish the powers and duties of the Commission. Members of the Planning commission are appointed by Kent City Council and serve without compensation. Certain cases such as Conditional Zoning Certificates, Special Zoning Permits, Overlay District Projects and Zoning Amendment require Public Hearings before the Planning Commission. During the Public Hearing, any person wishing to address their concerns to the Commission will be provided the opportunity. Once the Public Hearing is closed, it shall be the discretion of the Chair whether to allow any additional public comment. Cases such as Site Plan Reviews and Subdivision Projects do not require a Public Hearing. However, the Chair will allow public comment on each case as it is taken on the agenda. In each instance where the Commission receives public comments or conducts a Public Hearing, those persons wishing to address their concerns to the Commission will be required to do so under oath or positive affirmation. The oath or affirmation shall be administered to all who wish to speak at the beginning of the Planning Commission Meeting. Once a decision has been made the 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 1115 of the Zoning Code. Anyone interested in appealing a decision of the Planning Commission is advised to seek private legal counsel.

IV. Correspondence
None

V. 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."

VI. Old Business
None

VIII. New Business

**A. PC09-003 LINCOLN COMMONS SENIOR VILLAGE
West side of South Lincoln Street
Conditional Certificate & Site Plan Review**

The applicant is seeking Conditional Zoning Certificate and Site Plan Review and Approval to permit the construction of a 36 unit senior village. The subject property is zoned R-3: High Density Residential.

Mr. Kaine asked the applicant to present the project. He told the applicant that there were only three members present so in order for the project to be approved all three would have to cast an affirmative vote. He also told the applicant that he had the option to postpone his application until there was a full board present.

Peter Schwiegeraht, the Miller Valentine Group, 8915 Hialeah Drive – West Chester, Ohio – thanked the commission for their support last year for this project. He said this project was submitted for funding at that time but they just missed obtaining the funding. This will be a 36 unit site senior facility. Presently there is only one other site for senior housing in the city, The Four Seasons. He said the units will be two bedrooms, 1 ½ baths, 920 square feet and one car attached garage. All units are restricted to 55 years and up.

There will also be 850 square foot clubhouse that will have a community room with a kitchenette, computer room and theater room. There will be an outdoor recreational space including playing fields and picnic shelters. In addition there will also be a community garden where residents can plant their own vegetables. He said the whole project will host a set of enterprise green standards including storm measures and infiltration and will use energy efficiency site standards as well as all green materials. He asked if there were any comments or questions.

PUBLIC COMMENT

None.

PLANNING COMMISSION DISCUSSION/ACTION

Ms. Barone stated that this plan was seen last year by the Planning Commission. She said the roads are private in the development. Marigold Lane comes out and stubs out and then there is a cul-de-sac. The Fire Department wants an emergency access through there but the staff wanted to separate the private roads from the public road so there is a little space in between. She said the site plan is a little different from the one last year. She said last year a cul-de-sac was made at the end of Marigold and the stub was taken out but now there is house there that has a drive that comes out onto Primrose Lane. The applicant has asked to keep the stub and then have the emergency access connected to their private driveway. She said a couple of buildings have been changed so the configuration is different. There is a little more open space. The Board of Zoning Appeals has approved the variances listed in the staff report.

Mr. Gargan asked about the stub road in the previous plan.

Ms. Barone stated they removed the stub road in the previous plan but then there was an emergency access and it was a paved area between the two.

Mr. Gargan stated that it was not very aesthetically pleasing.

Ms. Barone stated they could not come up with a way to make it look good.

Ms. Long asked how the stub road would be used.

Mr. Schwiegeraht stated that the right of way in the first phase of the development is in the process of being dedicated to the City. Their roads in the development are private roads so will be their maintenance responsibility. He said they will curb to make edges for the Right of Way so fire engines can make a three point turn and it also will give an area for snow to be piled. He said they are trying to make it as clean as possible. He said they themselves do not require a second emergency access but the fire department requested it.

Ms. Long asked if it would open at all times.

Mr. Schwiegeraht replied it would be only for emergency access.

Ms. Long asked what would keep people out.

Mr. Schwiegeraht replied a sign will be posted or a movable bollard. He said they would be happy to do whatever the staff wants.

Ms. Barone stated they could also have a rolled curb so it does not look like it is a road. It is a curb but it is not something a person would want to drive over every day.

Mr. Kaine stated that last year from a safety standpoint, the people at the fire department said they would much rather not have a bollard or chain or gate because that is response time.

Mr. Kaine asked who removed snow on the private drives.

Ms. Barone replied the developer is responsible.

Mr. Kaine asked if there was anything in place to make sure the roads are kept in a safe condition.

Mr. Locke replied that there was no difference from other apartment complexes. The staff would talk to the management if there was a problem.

Mr. Kaine asked if it was specifically spelled out in the zoning code a particular age in a senior housing complex.

Mr. Locke replied the code does not define senior housing but it was discussed last year that the developer was going to include a covenant to restrict occupants to 55 years or over. They have restrictions with the financing that require the developer to keep the complex as senior housing 30 years. The City might want it go beyond the 30 years.

Mr. Kaine asked if there were evergreens along Lincoln. He said he wanted a decent screening for the privacy of the residents.

Mr. Schwiegeraht replied yes there will be evergreens.

Mr. Kaine stated he would like to see adding conditions such as a covenant for senior housing for 55 years and older and that the generic trees shown in the plan are approved by the City or an arborist for size and species.

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

MOTION: Mr. Gargan moved that in Case PC09-003, Lincoln Commons Senior Village that the Planning Commission approve the Conditional Zoning Certificate and Site Plan subject to:

- 1) Management must agree in writing to maintain the emergency connection including snow removal for the entire access to be open to Primrose Lane.
- 2) Technical Plan Review
- 3) Add a covenant to require it be senior housing for 55 years and older
- 4) Any trees planted along South Lincoln Street are approved by the City staff or an arborist.

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

Ms. Long asked if the covenants would go to the next owner.

Mr. Fink replied that deed restrictions go with the property.

VII. **ADJOURNMENT**

MOTION: Mr. Wise moved to adjourn. Ms. Long seconded the motion. The motion passed 5 – 0.

The meeting adjourned at 7:25 p.m.