



**Oberlin Planning Commission  
Wednesday, July 2, 2014, 4:30 p.m.  
City Hall Conference Room #2  
85 South Main Street, Oberlin, Ohio**

**Members**

**Present:** Bryan Stubbs, Matt Adelman and Ellen Mavrich.

**Members**

**Absent:** Tony Scott and Peter Crowley.

**Others**

**Present:** Gary Boyle; Wendie Fleming, Secretary to the Design Review Subcommittee; Sharon Soucy, Council Liaison; Elizabeth Rumics; Aliza Weidenbaum; Daniel Neff; Christopher Noble; Scott Broadwell; Jeff Baumann; Dennis Kirin; Valerie Urbanik; Eric Norenberg; David Sonner; Bryan Burgess and Mark Chesler.

Vice Chair Adelman called the meeting to order at 4:43 p.m.

**1. Approval of the June 18, 2014 Meeting Minutes.**

Stubbs made a motion to approve the June 18, 2014 meeting minutes as submitted. Mavrich seconded. Motion carried unanimously.

**2. Application for Site Plan/Design Review Approval, Proposed Exterior Building Improvements, Vineway, LLC, 82 – 86 South Main Street.**

Boyle stated that this application seeks approval for exterior building improvements including the installation of replacement storefront windows for businesses along South Main Street including the storefront windows on the building's south elevation. The installation of glazing in the former transom window openings above the store front windows on South Main Street and on the building's south elevation is also proposed. He noted that those former transom window openings are presently covered with painted plywood which the applicant advises is in a deteriorated condition. Boyle stated that this proposed window replacement is being undertaken as part of the applicant's efforts to restore the building to its original appearance.

Boyle advised that the various City departments have reviewed this application and there are no objections to its approval. The applicant will, however, need to ensure safe pedestrian movements on the sidewalk during construction and will need to obtain a building permit. In

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addition, the Design Review Subcommittee considered this application at its meeting on July 2, 2014 and unanimously moved to recommend approval of this application to the Planning Commission as submitted.

Stubbs stated that during the Design Review Subcommittee meeting, the applicant had mentioned putting plywood behind the new transom windows to block the view of the drop ceiling from the outside of the building. He advised that this would defeat the whole purpose of replacing the windows and suggested that the applicant consider a different approach to concealing the view of the drop ceiling through the transom windows. Boyle stated that the applicant needs to obtain a Building Permit through the City's Building Division and he would speak to the applicant regarding different options for concealing the drop ceiling through the transom windows at that time.

Stubbs made a motion to accept the recommendation of the Design Review Subcommittee and to approve the application as submitted with the suggestion that the applicant consider a different approach rather than using plywood to conceal the appearance of the drop ceiling through the transom windows. Mavrigh seconded. Motion carried unanimously.

**3. Revised Site Plan Application, Proposed Gateway Hotel Complex, Oberlin College, 7 North Main Street.**

Boyle noted that the above-referenced application was most recently considered by the Commission at its meeting on June 18, 2014. He advised that after reviewing the applicant's submittal at that time, the Commission moved to table this application pending submission of a "revised" final site plan that addresses the requirements of the Zoning Code and City departments.

Boyle noted that the Commission will need to vote to remove this application from the table if it is to be further considered at this meeting. Mavrigh moved to remove this application from the table. Stubbs seconded. Motion carried unanimously.

Boyle stated that the applicant has submitted a further "revised" site plan, landscape plan and exterior lighting plan sets for the review and approval of the Planning Commission. He indicated that the applicant's submittal in the Commission's packet also includes correspondence outlining the applicant's proposed approach to addressing the previously identified requirements of City departments.

Boyle advised that the Planning Commission has discussed at its previous meetings when this project has been considered, issues related to urban design, building siting and design, building materials, colors/textures, on- and off-site traffic circulation of all types (pedestrian, bicycle and motor vehicle), utility requirements, landscaping, exterior lighting, etc. with the developer and its design team on a number of occasions. The subject "revised" site plan submittal is an attempt by the applicant to address such site development requirements for this project.

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Boyle further noted that site development details related to construction phasing, staging areas for construction equipment and materials, contractor and construction parking areas, etc. still need to be provided by the applicant. He stated that this information is required in order to ensure proper coordination of traffic control, etc. during construction. Such coordination with the City needs to happen, and can occur with the developer at the building permit stage.

Boyle also advised that the Design Review Subcommittee, on June 18, 2014, considered the applicant's landscape plan and plant material selection, and moved to recommend to the Planning Commission that it be approved as submitted.

Boyle further indicated that that preliminary information or reports from the parking consultant engaged by the applicant related to the review of parking supply and demand, etc. in the "downtown district" has not as yet been submitted to the City.

Boyle briefly summarized the history of this project which has been before the Commission a number of times, including preliminary and formal applications. Boyle noted that in July and September, 2013 the Commission reviewed and tabled applications, and on October 23, 2013, the Commission granted partial approval to the site plan including the building's setback and footprint with a large number of conditions. He advised that on December 4, 2013, the Commission approved the building design, colors and textures with conditions and on March 19, 2014, the Commission approved the standalone bank, which the applicant continues to show on a separate parcel on the most recent plans, along with parking for the bank and a Conditional Use Permit for the bank drive through, subject to a number of conditions. Boyle indicated that at this afternoon's meeting, the Commission is being asked to consider approval of the landscaping, the site lighting/electrical plan and the final site plan including parking, all utilities, storm water management, etc.

Daniel Neff of Neff and Associates and Christopher Noble were present to represent this application.

Boyle advised that two (2) staff reports that the Commission members received on this "revised" submittal indicate what the applicant still needs to address on the site plan, etc. He stated that there are a number of outstanding matters and many of those items can be addressed through conditions of site plan approval. The Commission was also e-mailed a report last night by the Public Works Director.

Noble indicated that approval for this project has been a long process. He presented a copy of the site plan that was partially approved by the Commission on October 23, 2013. Noble stated that with respect to that site plan submittal, he thought they did their best to maximize parking, but thought that the parking area would be more aesthetically pleasing if they added some "green" to it. He advised that on April 2, 2014, they made a preliminary presentation to the Commission showing the addition of landscape islands to the parking fields, the bio-retention basin moved further to the north, and the introduction of compact car spaces. Noble stated that

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the current site plan is just a greener version of the site plan that was partially approved on October 23, 2013 by the Commission.

Neff stated that a number of the items that the City departments had indicated that were outstanding on the site plan submittal considered on June 18<sup>th</sup> have been addressed. He advised that they feel that any other outstanding items can be addressed through conditions of approval. Neff indicated that some of the items need answers to them, such as the additional camera work that needs to be conducted on the sewers. He advised that they will have their contractor, United Surveys, conduct additional camera work in the laterals to understand what condition they are in.

Neff indicated that they added one (1) more handicap parking space to the parking area closest to the building, per staff's request and they left the one (1) handicap parking space in the proposed bank parking area. He noted that this resulted in the loss of one (1) parking space to accommodate that added handicap parking space. Neff advised that on the last site plan, the streetlights were incorrectly identified and he stated on the most current revised site plans that have been corrected and he assured the Commission that they would match the City's current lights. He further noted that they are working on the power distribution issues with OMLPS.

Neff stated that with respect to the landscape plan that they introduced at the June 18, 2014 meeting, it has not been changed and the Design Review Subcommittee had reviewed it at their meeting on June 18, 2014 and recommended it to the Planning Commission for approval. He advised that with respect to the bike racks, they will consider using a different style of bike rack, and that design was included with their recent submission to the Commission.

Adelman asked if the Commission should vote on the landscape plan, site lighting/electrical plan and site plan separately or all together? Boyle stated it is not necessary to consider them separately, but if the Commission would prefer, it might be clearer by voting on each of those items separately.

Neff indicated that the revised site plan is generally the same plan that was given partial approval on October 23, 2013 other than that they have added the landscape islands to the parking field.

Stubbs asked if permeable paving had been considered for this project or was that cost prohibitive? Neff indicated that they did consider permeable paving, however, the heavy clay soil in this area does not work well with permeable pavement because the underlying clay does not allow the water to infiltrate the ground very well.

Neff reiterated that the revised site plan is the same as the one that received partial site plan approval on October 23, 2013 except for the landscape islands were added, they have seven (7) handicap parking spaces on the hotel site now, and one (1) on the proposed bank site and compact car spaces have been added. They have extended the walkway from College all the way north along Willard Court. They are still proposing a drop-off lane on East College Street and the area where they originally showed diagonal on-street parking along the retail space on East College Street, they plan to leave it as it is but indicate it as a "Fire Lane" with additional signage

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and pavement markings to keep people from parking there. Neff stated that with respect to the utility issues, they have indicated that they will be conducting additional camera work on the sewers on Main Street and they will work to abandon connections on Main Street that are not needed, however, because this is a phased project and the existing buildings would be demolished at different times and then rebuilt, some of the existing connections will be needed during demolition/construction for the hotel. He advised that they will work with staff on these matters and that they are willing to reline the sewers and he feels that they will not have to do any excavation in the right-of-way on Main Street.

Neff stated that with respect to the issue of truck access from East College Street to Willard Court and the truck movements on Willard Court to access the loading area, they have considered other options, however, they feel that they have addressed the City department's issues with respect to this and that the location of the loading area works best for the proposed facility. He noted that the loading area and truck circulation was approved by the Commission at its October 23, 2013 meeting.

Lastly, Neff advised that this will be a LEED certified project.

Adelman suggested that the Commission consider the landscape plan and then the site lighting/electrical plan separately from the site plan. The Commission agreed with that approach.

Neff indicated that there have been no changes to the landscape plan that was presented to the Commission at its meeting on June 18, 2014. He advised that they propose a variety of plant materials and those were outlined at the Commission's last meeting. Neff noted that they are still working on the exact placement of some of the trees on the west side of the building in order to avoid the proposed geothermal well heads to be installed there. He stated that the Design Review Subcommittee considered the landscape plan and plant materials at its meeting on June 18, 2014 and moved to recommend approval to the Commission as submitted.

Stubbs advised that he likes the design of the landscaping and particularly the addition of the landscape strips in the parking lot. Mavrigh indicated that the plant materials that have been selected are very nice, however, not all of them are native species. They could add those without coming back to the Commission.

Aliza Weidenbaum asked if the individual who is in charge of the landscaping at the College, had reviewed and approved this landscape plan? Noble advised that the plant materials and landscaping plan were discussed with Dennis Grieve of the College and found to be acceptable.

Mavrigh made a motion to accept the recommendation of the Design Review Subcommittee and to approve the landscape plan and plant materials as submitted along with a suggestion that the applicant consider using true native plant species. Stubbs seconded. Motion carried unanimously.

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Neff stated that the exterior lighting/electrical plan contains various types of LED lighting, such as ground/landscaping lighting, bollard lights by the parking lot, wall-mounted lighting, building/accent lighting, decorative pole lighting and pole lighting in the parking lot. He advised that the main parking lot lighting would consist of the "shoe box" style lighting fixtures with LED bulbs that are the College's standard parking lot light fixtures. Neff indicated that those pole lights would be 18 feet in height and would have a black pole and fixture head. He stated that the street lights along College Street and Main Street would be the City's standard decorative light poles that installed throughout the downtown area. Boyle noted that the staff report indicates that OMLPS requires additional information concerning the applicant's photometric plan and suggested that the Commission, if it should approve the lighting/electrical plan, make compliance with these requirements a condition of approval. Neff advised that their electrical contractor has updated the photometric plan and they will be submitting that updated plan when it is completed. Boyle stated that OMLPS will still need to approve any photometric plan. Stubbs indicated that he does not favor the appearance of the College's standard parking lot lighting, and had hoped for a better design.

Stubbs made a motion to approve the site lighting/electrical plan subject to approval of the photometric plan by OMLPS and subject to compliance with all other OMLPS requirements. Mavrich seconded. Motion carried unanimously.

Adelman indicated that the Commission would now consider the revised site plan submittal. He noted that the applicant provided a presentation concerning the revised site plan earlier in the meeting. Boyle advised that the Commission was provided with two (2) staff reports concerning the revised site plan. He stated that with respect to the various City department comments contained in the reports, most of the requirements can be made conditions of approval should the Commission decide to approve the revised site plan. Boyle noted that the City Engineer had some questions with respect to utilities and that Neff answered some of those questions earlier in the revised submittal. He advised that the Public Works Department, however, still needs several items to be addressed by the applicant or made conditions of approval.

Mavrich asked what is the main difference between this revised site plan and the site plan that received partial approval on October 23, 2013? Noble indicated that changes made to the site plan that was partially approved on October 23, 2013 consist of relocation of the bioretention basin and adding landscape strips to the parking lot. He further advised that to keep from losing too many parking spaces because of the addition of the landscape strips, they added compact car parking spaces which the City's Code indicates that up to 25% of the parking spaces can be designated for compact cars. Noble stated that the October 23, 2013 site plan did not contain any compact car parking spaces, the revised site plan contains 16% compact car parking spaces. He advised that the City's Code allows for compact car spaces have dimensions of 7 ½ feet by 15 feet, however, the compact car parking spaces that they are proposing would be 9 feet by 15 feet, whereas a standard parking space is 9 ft. by 18 feet. Noble indicated that they felt that a parking space that was 7 ½ feet wide was very narrow and adjusted those space to be 9 feet wide like a standard parking space, but they would only be 15 feet deep per the Code's compact car parking

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space regulation. He stated that with the addition of the landscape strips in the parking lot, they lost a total of five (5) parking spaces from the previously approved site plan.

Stubbs asked what percentage of the storm water for the parking lot is the bioretention basin expected to handle? Noble advised that it is expected to handle 100% of the storm water from Willard Court west towards the hotel building. Mavrich asked if there had been any changes made to the truck loading area for this project since the partial approval on October 23, 2013? Noble advised that there has not been any changes to the truck loading area. Fire Chief Kirin stated that the applicant had been advised prior to the Commission's October 23, 2013 meeting that the location of the truck loading area, truck circulation movements and on-street parking spaces were not acceptable to City departments for safety reasons and that the Commission's partial approval on October 23, 2013 was subject to the applicant's compliance with a number of conditions including department requirements.

Adelman indicated that at the October 23, 2013 meeting, the Commission did ask the developer to leave the on-street parking spaces on the site plan as these parking spaces would provide much needed parking for downtown and the project. Noble stated that he tried to work out a compromise with Chief Kirin to allow some on-street parking on East College Street, Chief Kirin would not allow that on-street parking. Kirin advised that elimination of the on-street parking within East College Street was not his requirement, but rather the Fire Code's requirement. Noble stated that it was his understanding that there is some latitude for interpretation of this requirement by the Fire Chief. Kirin noted that he understands that the Commission would like to see additional parking for the downtown, however, he advised that there was a similar issue regarding on-street parking in front of the "East College Street Project" and that there continues to be issues with that area. He further noted that even if the applicant stripes the area along East College Street and posts "Fire Lane No Parking" signs, people will still park there. Kirin indicated that this will become an ongoing enforcement issue. Adelman indicated that the Police Department does enforce downtown parking regulations.

Mavrich advised that it appears that the layout of the truck loading area was part of the October 23, 2013 approval and noted that the applicant has indicated that there have not been any changes to the loading area on the site plan. Boyle stated that the staff report for the Commission's October 23, 2013 meeting stated that there were ongoing City department concerns with respect to the truck loading area and the truck movements on and off of the site and that issue was discussed at that meeting. He noted that there are still departmental concerns with the truck movements both on and off of the site. Boyle advised that City departments have indicated that delivery trucks should enter Willard Court at East Lorain Street/SR 511 and after making the delivery, the trucks should then travel north on Willard Court and exit to East Lorain Street/SR 511. The applicant proposes that delivery trucks would enter and exit the site via East College Street. Boyle indicated that this will require large delivery trucks to go over the centerline on East College Street when turning from Willard Court west onto East College Street and also when making the turn from East College Street north to Main Street. Neff stated that due to the layout of the intersections in downtown Oberlin, this happens now and will continue to happen in the future. Boyle advised that Willard Court is available for delivery trucks and this

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would allow trucks to travel south on Willard Court from East Lorain Street/SR 511 and then exit from the same way. Noble indicated that it is his understanding that the College plans to make Willard Court into a pedestrian plaza in the future and therefore, requiring delivery trucks to access the hotel site from East Lorain Street and for them to leave the site from that street would not be encouraged. He further advised that because the College wants to discourage vehicular traffic on Willard Court, they do not plan to widen it. Noble also noted that there are currently many trucks making deliveries to other businesses on College Street and why is this any different than deliveries that would be made to the hotel?

Stubbs advised that he would expect that the new hotel will attract more events and have more guests which would increase the need for deliveries. Noble stated that there would probably be some increase, but they do not expect it to be significant. Adelman indicated that there are existing traffic circulation issues with the current hotel, just like there are for Lorain National Bank and that is the reason why when the new bank drive through lanes were being considered that it was so important to have enough vehicle stacking in the drive through lanes so that vehicles were not having wait out in the street or over the sidewalks.

Adelman asked about the Commission's earlier approval? Boyle stated that partial site plan approval was granted by the Commission on October 23, 2013 because the applicant advised that they needed some assurance that the building location and setback would be acceptable.

Stubbs stated that there are legitimate concerns with respect to truck traffic on East College Street, especially with Eastwood School being located on that street. He asked if truck traffic could be restricted on that street? Noble advised that he knows of other communities that have done this, however, it requires Councilmatic action. Stubbs added that there will be a community cost to maintaining College Street because of wear on that road by additional truck traffic.

Mavrigh asked if the maintenance and safety concerns could be addressed through the Development Agreement. Boyle advised that a Development Agreement outlines how the applicant will proceed with construction, utility improvements, phasing of construction, etc. and does not normally deal with traffic issues, with maybe the exception of traffic during construction. He indicated that he could ask the Law Director for his comments on this issue. Mavrigh asked who prepares the Development Agreement? Boyle stated that the City would prepare the Development Agreement and the applicant's attorney and the City's Law Director would handle the negotiations. Baumann advised that each Development Agreement is unique to a particular project and items contained in the Agreement are added on a project by project basis. He indicated that the Development Agreement would be reviewed by the City's Law Director and would also include information on which party would be responsible for paying for on and off-site improvements, and who will own/maintain those improvements. Boyle stated that a Development Agreement can provide legal protection for the community regarding the maintenance of on and off-site improvements.



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Stubbs stated that the Commission could recommend to City Council that it look at regulating truck traffic on East College Street. Adelman indicated that once built, this hotel building will be part of the downtown for many years and it is the Commission's duty and responsibility to make sure that every aspect of the project done as well as it can be. He noted that as much as he would like to see this project move forward, he still has many concerns with respect to the City department requirements that the applicant has not addressed yet. Adelman stated that unless the outstanding issues can be addressed satisfactorily today, he is inclined to have the applicant comeback once those issues are addressed.

Stubbs indicated that it appears that the Fire Chief's requirements can be handled administratively. He noted that the requirements/issues outlined by the Public Works Director are items that are of deeper concern and will need to be made conditions of approval. Stubbs advised that at the last meeting, the applicant indicated that they would not need to excavate within the right-of-way, but if they end up needing to and Councilmatic action is required to allow the excavation, who will pay for the work? Baumann expressed frustration because to him, it appears that a lack of planning on the part of the applicant is now resulting in an emergency situation for the City. Neff advised that there are sequencing issues. Baumann stated that he has indicated that any work within the City's right-of-way should be done before prior to the street(s) being repaved. Stubbs noted that OMLPS needs information on sequencing as well. Boyle advised that these matters need to be resolved, and could be conditions of approval.

Baumann indicated that he thought that the applicant would arrange a meeting with the various City departments between this meeting and the last meeting on June 18<sup>th</sup> to go over the outstanding requirements, however, this has not happened at the departmental level. He stated that the Commission had asked earlier what has been changed since the partial site plan approval on October 23, 2013, however, he indicated that it would be easier to list what has not been changed. Baumann advised that he and other City department heads have repeatedly asked for items on the site plan to be changed or addressed to meet City requirements since October, 2013 and most have not been. He stated that the City can provide storm sewer, sanitary sewer and water service for this project, but the items that he has identified in his reports have not been included on the most recent site plan and must be included on the final site plan. Baumann indicated that he spent a considerable amount of time on his most recent list of requirements/comments to the Commission for this project and apologized for the late time of the day that it was sent to members for their review. He noted that the short amount of time between the applicant's most recent revised submittal on June 26<sup>th</sup> made it difficult to complete his review of the revised site plan and to generate his report. Baumann advised that with respect to the issue of traffic safety and whether something of this nature could be addressed in the Development Agreement, he is not sure. He noted that he would like the applicant to address traffic circulation, whether it be pedestrian, vehicular or bicycle with a holistic approach. Baumann advised that he previously suggested that the applicant look at including a bike lane on the south side of the site as a way to allow bicyclist to more safely travel in this area that will arguably be more congested as a result of this project. He further noted that the Public Works Department recommends that the developer do more than just stripe East College Street in front

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of the proposed retail space and he feels that this is an opportunity for the applicant to widen the sidewalk in this area and create a very attractive pedestrian plaza.

Baumann indicated that with respect to the comments in his report regarding refuse and recycling pickup and how it will be accommodated? He noted that the applicant stated that the refuse/recycling would be stored in Room 117 of the building but did not indicate how the City's trucks would collect it. Baumann stated that the applicant did not advise whether the City's refuse trucks can drive into this area to collect refuse. Adelman asked how the applicant proposes to handle refuse pick up? Noble stated that it would be stored in the building and would be rolled out by staff for collection. He advised that they want it stored in the building and not on the loading dock so that the refuse is not visible to guests staying at the hotel. Adelman noted that he knows Lorezo's Restaurant currently rolls their refuse out to the street for collection. He stated that this type of refuse collection will be an added burden for staff and it will need to be managed properly. Adelman asked what the applicant would do if more refuse is generated by the hotel's operation than can be stored inside the building? No answer was provided.

Baumann continued to outline the items that he has listed that still need to be addressed by the applicant. He asked the applicant why coded notes to the site plan were not included and advised that this is something that is always included with the site plan submission and is necessary for a thorough review by City departments. Neff stated that the coded notes were included in the construction documents and that he did not think that the Commission needed such detailed information for its review purposes. Boyle advised that submitting more detailed information helps to answer questions for staff and the Commission, and is required by the Code. He indicated that all of the detailed information must be included on the final site plan because it will be appended to the Development Agreement. Stubbs asked if the coded notes are available? Neff advised that they are and he now understands that they are required. Baumann stated that the only reason he knows about the existence of the coded notes for the site plan is that he was asked to comment on the Demolition Permit Application due to utility, access concerns, etc., and noted that normally, that type of application would not be shared with other departments. Baumann reiterated that the outstanding information is crucial for thorough departmental review.

Adelman asked if the Commission decided to approve the site plan at this meeting, would it just be partial approval since there are so many outstanding requirements? Baumann advised that the Commission could approve the revised site plan with conditions and staff would be left to try to negotiate with the applicant to ensure all items are addressed. Kirin agreed and indicated that he is not comfortable with approval of the revised site plan with conditions given the fact that the applicant has failed to completely address outstanding requirements/issues time after time and because City departments have had to repeatedly rush to review revised submittals. For example, he stated that the aisle widths on the site plan are still shown as being 24 feet wide when the Fire Code specifically requires them to be 26 feet wide per the Fire Code and he indicated that the applicant has been advised numerous times that this needed to be changed but it has not been. Neff advised that the Fire Chief had stated in the past that the Fire Department would not be accessing the site from the rear in case of a fire, so why would do they need to

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make the aisles 24 feet wide? Kirin indicated that he advised that the Fire Department's primary fire access point would be from College Street, but he did not say that they would never need to access the building from the rear. He noted that the portion of the building that will contain the College's offices would need to be accessed from the rear in case of a fire. Kirin advised that he made it clear to the applicant that the aisle widths needed to be 26 feet wide and that the pavement in those areas would need to be able to support the weight of the fire apparatus as is required by the Code and those items have not been addressed on the site plan. He further noted that the site plan process is different than the building permit process.

Noble indicated that they have addressed the issues that were identified by City departments from the October 23, 2013 partial approval. Adelman stated that there appears to be a huge disconnect between the applicant, who feels that they have addressed all of the issues and the City departments who indicate that a large number of issues still need to be addressed from earlier reviews and partial approvals by the Commission.

Boyle advised that the Commission is the gatekeeper and that there are minimum code requirements that must be complied with and indicated on the site plan. He expressed concern that if the Commission approved the revised site plan at this meeting, the applicant could claim that they only have to do what is on this plan because that is what was approved and it could be difficult for the City to compel the applicant to fully comply with the Code. Boyle indicated that he too, is not comfortable with the Commission approving this revised site plan with many outstanding issues. Stubbs asked what could the City do if the applicant does not address the outstanding conditions? Baumann indicated that if the City has a Development Agreement, City would have to file a lawsuit Lorain Common Pleas Court to force the applicant to comply. He stated that this process would cost the City money and it could take a long time for the Court to make a ruling. Baumann advised that there are still outstanding issues with the College's Kohl Jazz Studies Building that were part of that Development Agreement that three (3) years later have still not been addressed by the College. Stubbs asked if a Certificate of Occupancy is required for an applicant to occupy the building upon completion and whether that could provide the City with leverage to make sure all conditions of approval are complied with? Boyle stated that a Certificate of Occupancy would be needed, however, Building Code requirements are different than the site plan requirements and it is his understanding that the Ohio Board of Building Standards' regulations would not simply permit the City to deny occupancy of a building if all of the Building Code requirements are met, even if there are still outstanding site plan requirements. He gave another example a College project in which a water line easement related to a dorm project was not received as required but the College received occupancy for the building.

Adelman once again suggested that the applicant and City staff should meet to work through all of the outstanding issues noted by the various departments. He noted that staff has had to rush the processing of the applicant's revised site plan submittals now and in the past in order to have information for the Commission's meetings and unfortunately, it appears that the same items that were listed by staff in the last staff report as being required have still not been addressed. Adelman asked the applicant why these items were not addressed?

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Noble indicated that they could just go back and use the site plan from October, 23, 2013, since that was partially approved by the Commission with conditions. Boyle advised that the conditions that were part of the partial approval from October 23, 2013 have not been fully addressed and that many are the same issues that staff identified after reviewing the most recent revised site plan submittal.

Stubbs asked if the applicant was facing any type of financing deadlines for this project? Noble advised that the New Market Tax Credits will be closing in a week and they need to be at a certain point in the approval process by that time in order to receive those Tax Credits. He indicated that if the site plan is tabled by the Commission, then they may lose the Tax Credits. Stubbs asked if the applicant could obtain a demolition permit in order to satisfy the financing deadline requirements? Noble stated that they have submitted a demolition permit. Boyle noted that such permits have been issued.

Mavrich advised that there were conditions attached to the partial approval by the Commission on October 23, 2013 and asked if they had been complied with? Noble stated that they do not have any intention of skirting the Code requirements.

Stubbs indicated that he wants to see this project move forward, however, if the City could have problems enforcing the conditions of approval, he has concerns. He noted that he is also concerned with the fact that the applicant does not appear to be working with the City to address the outstanding issues. Baumann advised that he or other staff has never been opposed to meeting with the applicant. He indicated that he has only received a few brief e-mails on specific topics. Baumann stated that the revised site plan was received last Thursday along with a copy of the letter from Neff to Noble regarding the list of outstanding items that was identified in "draft list of conditions for approval" from the Commission's June 18, 2014 meeting. He noted that there is no good reason why these items have not been addressed especially when he, and other City staff are willing to assist.

Noble indicated that he met with Boyle and City Manager Norenberg since the last meeting, however, there has not been time for him meet with all of the City departments. He stated that in that meeting, they tried to focus on the "draft list of conditions for approval" items that he thought were material and they addressed those items in their most recent revised site plan submittal. Noble noted that these changes were made very quickly and he understands that some items may have been overlooked and in addition, he did not think that Planning Commissions were usually concerned with the level of detail that they have been asked to provide.

Soucy advised that it is unfortunate that the review and consideration process for this project has gone the way it has and noted that this is not the norm. She indicated that she supports the project, however, it is clear that the Commission wanted the details worked out with staff and this has not been done and this meeting is not the place to work out those details. Broadwell agreed and stated that it would be beneficial to all parties if a face to face meeting can take place. He further indicated that while he understands the Commission's desire not to table this application, it is important that the outstanding requirements/issues be resolved to the satisfaction

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of the City departments. Adelman asked the City Manager if he had any comments. Norenberg stated that he agreed with Soucy and Broadwell, and that he has no other additional comments.

Mark Chesler indicated that there are parking problems in downtown and this is very evident during Commencement Weekend. He noted that the City's Community Services Officer, Henry Wallace, who often does municipal parking enforcement, is employed by the College to enforce parking during Commencement Weekend. Chesler stated that parking concerns that have been articulated regarding the Gateway Hotel project are similar to the parking problems with the "East College Street Project." He advised that the drop-off area in front of the "East College Street Project" has been misused and that on May 29, 2010, during Commencement Weekend, there was a mobile food truck operating in that drop-off area.

Mavrigh stated that the outstanding issues with the revised site plan are basically the same as those expressed in the staff report for the Commission's June 18, 2014 meeting and it appears that staff is concerned the outstanding items will not be complied with and that the information that has been requested in the past on another project is not forthcoming from the College. Noble indicated that he has not been involved in past projects with the College.

Adelman advised that parking downtown continues to be a problem and he still has concerns regarding the adequacy of the proposed parking for this project. He stated that there are events on Saturdays at Hall Auditorium and it is hard to find a parking space during those events and with the increase in events at the new hotel, adequate parking will become even more of an issue. Adelman noted that inadequate parking has been an issue with the existing Oberlin Inn. He suggested that this project presents a great opportunity for the College to develop a comprehensive parking plan, otherwise there will continue to be a negative impact on downtown businesses because of inadequate parking.

Mavrigh asked Baumann if the responses given by the applicant to the outstanding requirements were adequate to address his concerns or not appropriate or incomplete? Baumann stated that the responses given are mostly accurate, however, there are some that are factually incorrect or based on assumption, in his opinion. He advised that the report that he just submitted to the Commission on this revised site plan via e-mail gave a comparison of what has been received and what is still outstanding. Baumann stated an example of this is the area on East College Street that the applicant proposes to stripe the pavement to keep people from parking there would make a great pedestrian plaza. He reiterated that he would like to see a holistic approach to both pedestrian and bicycle traffic for this project and noted that the curbed area in this location will pose issues for individuals who have mobility impairments. He stated that these types of issues need to be addressed and the onus would be on staff to make these conditions work. Mavrigh asked Baumann if he felt that staff concerns have been answered by the applicant and now there are additional issues? Baumann indicated that the answers have not been fully made and there is required information that is still outstanding.

David Sonner asked if this site plan is approved, what are the next steps and if the Commission does not approve the site plan, what are the next steps? Boyle advised that if the site plan is

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approved, it would need to be with conditions. Staff would do its best to memorialize those in the Development Agreement and on the final site plan. Permits could then be issued and staff would continue to monitor the project to ensure compliance with requirements. Boyle indicated that if the Commission denied the application, the applicant would be precluded from reapplying for approval for six months per the Zoning Code unless the submittal was significantly changed. The applicant could, however, appeal the Commission's decision to Lorain County Common Pleas Court. Elizabeth Rumics noted that the application could also be tabled. Boyle agreed.

Weidenbaum advised that there is not a representative from the College present at this meeting and maybe the matter should be tabled until a College representative could be present. Boyle stated that Mr. Noble is an authorized representative of the College, and he mentioned that it is his understanding that the College representative who normally attends Commission meetings is ill. Weidenbaum asked if the long-term concerns of staff have been met?

Adelman stated that he would like to move forward in a meaningful way and suggested that the Commission could approve the revised site plan with conditions and the City could use whatever means it needs to in order to obtain compliance. Noble indicated that he does not feel that any of the outstanding issues are so significant that they cannot be made conditions of approval. He noted that the Commission's partial approval on October 23, 2013 was subject to conditions and he indicated that if it was acceptable to do that then, why not now?

Mavrigh asked if revised drawings would be acceptable or if the applicant would need to submit new ones? Boyle stated that the existing sets can be revised/amended to reflect the changes and provide details. Mavrigh asked how quickly could the revisions be made? Boyle noted that it is up to the applicant and staff remains available to meet with the applicant and assumes it should not take a long time. Neff mentioned that plans can be revised in a fairly short time frame.

Mavrigh asked Noble if he was clear on what the outstanding issues are? Noble indicated yes and no. Mavrigh stated that the Commission needs to be clear about what still needs to be addressed by the applicant. Adelman noted that the staff report has a comprehensive list of the outstanding issues. Boyle agreed. Baumann also agreed that the staff report addresses most of the issues except for issue of how refuse and recycling collection will be handled.

The Commission then discussed what conditions should be included in any approval given of this site plan application. Stubbs asked if the Commission should worry about the level of detail that the City departments want or just consider what is presented? He noted that the Commission is not the peacemaker. Stubbs also indicated that Oberlin College greatly influences the greater community and asked if the Commission would handle another developer, like Kendal for example, differently and would it be harder or easier to make a decision? Weidenbaum suggested that the applicant and staff should meet to resolve the outstanding issues first.

Mavrigh made a motion to approve the site plan subject to the College entering into a Development Agreement with the City, subject to compliance with City department requirements

in the staff reports related to utilities, excavation and building permits, storm water management, etc. and subject to the submittal of a final site plan within sixty (60) days of this approval.

Adelman stated that the number of peak parking spaces that the College's parking consultant had indicated would be needed for this project is 226 spaces. How many spaces are indicated on the revised site plan? Neff advised that there would be 254 parking spaces per the revised site plan.

Stubbs seconded the motion.

Kirin asked if the public safety concerns are included in the list of conditions? Mavrich stated that the Commission is trying to be as clear as possible and these were detailed in the previous list of 46 conditions for approval and in the staff report. She amended her motion to specifically add the phrase "and public safety concerns" to the requirements. Stubbs accepted the amendment.

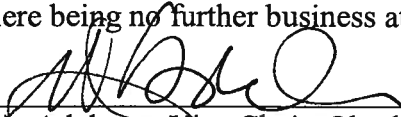
The amended motion carried unanimously.

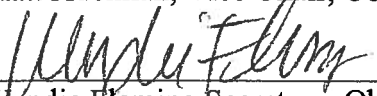
**4. Other Business.**

Boyle advised that the Commission's next regularly scheduled meeting would be on July 16, 2014.

**5. Adjournment.**

There being no further business at this time, the meeting was adjourned by the Chair at 7:05 p.m.

  
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Matt Adelman, Vice Chair, Oberlin Planning Commission

  
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Wendie Fleming Secretary, Oberlin Planning Commission

