

**KENT PLANNING COMMISSION
BUSINESS MEETING
FEBRUARY 1, 2022**

MEMBERS PRESENT:

Amanda Edwards
Jeff Clapper
Michael Bruder

STAFF PRESENT:

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

I. Call to Order

Ms. Edwards called the meeting to order at 7:02 p.m.

II. Roll Call:

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

MOTION: *Mr. Clapper moved to excuse Mr. Bellas from the February 1, 2022 meeting. Mr. Bruder seconded the motion. The vote carried 3-0.*

III. Reading of Preamble

Ms. Edwards read the Preamble, which describes the purpose and procedures of the Planning Commission as well as the applicant's right to an appeal.

IV. Administration of Oath

Mr. Fink instructed those members of the audience wishing to be heard on any of the cases presented at this meeting to rise and raise their right hand. Mr. Fink administered the Oath, "Do you solemnly swear or affirm that the testimony that you are about to give is the truth, the whole truth, and nothing but the truth, so help you God? Please say "I do." The participants responded, "I do."

V. Correspondence

None

VI. Old Business

None

VII. New Business

A. PC22-003 **ROGER MUZIA, ARCHITECT**
 317 East College Avenue
 Conditional Zoning Certificate and Site Plan Review

The applicant is requesting a Conditional Zoning Certificate and Site Plan Review to operate a Rooming House with up to 3 unrelated persons in each unit of the duplex. The subject property is zoned R-4: Multifamily Residential Zoning District.

Mr. Sahr introduced the case as presented in the Staff Report. He stated that the site is accessed from East College Ave. and is surrounded by residential uses to the west, south, and east and by Kent State University Esplanade to the north. He stated that the property currently holds a Zoning Use Certificate for a duplex with no more than 2 unrelated persons in each unit; the applicant is seeking a Conditional Zoning Certificate and Site Plan Approval to operate a rooming house to allow no more than 3 unrelated persons in each unit. Mr. Sahr reminded that Commissioners that the Kent City Council memo from 9/7/16 regarding the conversion of single family dwelling units into rooming houses is still in effect. He stated that rooming houses are a conditional use in an R-4: High Density Residential district and are subject to all requirements specified in Chapter 1105.54. Mr. Sahr noted that the Open Space requirement has been revised and is no longer based on a strict square footage. He explained that 1.25 parking spaces per bed are required for rooming houses and must be located in the rear yard. He stated that the plans for this project show the required 8 parking spaces in the rear yard. He stated that there are no planned changes to the water, sanitary, storm water, exterior lighting, landscaping, or dumpster location and no signs have been requested. He stated that no review was required by the Architectural Review Board and no variances are being requested at this time. He concluded that staff finds that the applicant's request is in accordance with the standards established in the Zoning Ordinance and other applicable development regulations barring the 2016 memo.

Ms. Edward informed the applicant that because there are only three Commissioners present at this meeting, the applicant can ask for the case to be continued until the next meeting, or they can proceed with the hearing. She stated that the applicant would need a unanimous positive vote for approval of this case.

Jason Whitacre, attorney with Flynn, Keith & Flynn, property representative, stated that the 2016 Council Memo that has been referenced refers to the conversion of single family residences to rooming houses; the subject property is a duplex. He stated that the subject property is next door to a fraternity house and there are several other rooming houses on the street. He stated that denying the Conditional Use Certificate would deprive the owner of the reasonable use of the property in the sense of lost rent. He stated that the property owner is only asking to conform to the surrounding properties. He stated that the site plan has been updated to show the 8 required parking spaces.

Ms. Edwards questioned if they would like to proceed with the case.

Mr. Whitacre stated that they would like to proceed.

Roger Muzia, 210 Columbus St., architect, stated that the area has changed and he is doubtful that there are any issues with the new police station next door. He stated that according to the 1970 directory, the area was mostly single family but the 1974 directory indicates that half the neighborhood had been converted to multi-family including the subject property. He stated that this property would be the smallest density rooming house on the block and the single family home next door appears to be vacant. He explained that after the adoption of the Code in 1972, the property converted to multi-family but fell under the radar because of their size and configuration and was not inspected by the City Health Department. He stated that they are not asking for anything that has not been done for the last 47 years. He stated that they do not need any variances, they have met the lot and parking requirements, and the property has been kept up. He stated that they share a

driveway with a fraternity. He stated that they are located 100 yards from campus and this is the highest and best use for this property.

Mr. Bruder questioned the process of the Health Department with regards to the homes being converted in the 1970's.

Mr. Muzia stated that according to Heather Heckman, Development Planner for the City of Kent, there was a process in the 1990's when the Health Department was actively trying to clean up the rooming houses.

Ms. Susel stated that the Health Department has been inspected since the 1970's and the goal has always been to inspect structures that were more than 3 units. Ms. Susel clarified that the memo from Council is regarding single family housing stock where single family is the unit and not the structure so it was written for conversion duplexes as well. She stated that during the inspection process for the new rental licensing process for single family dwelling units, it was determined to be operating with 3 unrelated persons in each unit but because the structure only has 2 units, the Health Department had never inspected it; it fell through the cracks. She explained that this case previously went before the Board of Zoning Appeals but because evidence couldn't be produced showing that it has operated as a rooming house since 1971, a Non-Conforming Use could not be issued. Ms. Susel questioned if the rooming house classifications as indicated on Mr. Muzia's map had been confirmed with zoning designations from the Community Development Department.

Mr. Muzia stated that his drawing is an enlarged copy of the directory, but Ms. Heckman did tell him if an address was a rooming house and the number allowed.

Mr. Bruder noted that there are a couple of houses on the drawing that are no longer there; the north side of College St. up to Haymaker along the west end of Willow St.

Ms. Susel stated that she is aware of a mix that would include rooming houses in this area but the specification on the site plan may not be exact based on when properties were acquired for the police station. She stated that it is definitely an area with higher density rooming houses and also multi-family in the area. She stated that both the Health Department and the Community Development rental licensing do inspect numerous structures in this block; number of rental properties vs. owner occupied.

Public Comment

None.

Planning Commission Discussion

Mr. Clapper stated that it makes sense on paper to make this a rooming house. He stated that he feels that it would not change the essential character of the area, it would not be detrimental to the properties in the immediate area or the community as a whole, the nature of the use would not be hazardous or disturbing to the neighboring uses. He stated that with regards to the Council memo, he doesn't think of this property as an existing single family housing stock or a new rental house.

Mr. Bruder stated that he generally concurs with Mr. Clapper. He stated that the increase per unit is minimal, the parking issue has been resolved, and no variances are needed. He stated that the area has changed considerably with the addition of the Esplanade. He stated that he feels that it makes sense in this location with these circumstances.

Ms. Edwards stated that when considering the direct vicinity of the property, it fits. She stated that she is concerned regarding the Council memo. She stated that she does not feel that the burden of proof is on the City nor is she considering the loss in income into her decision. She stated that normally she does not like to add boarding houses due to the Council directive and the City as a whole, but in this situation, she feels that it makes sense.

Mr. Clapper stated that he feels that this is one of the outliers to the general directive.

Ms. Edwards stated that this property is already in the middle of similar properties and will not spur further rooming houses.

Mr. Bruder noted that this neighborhood is less dense due to both the University and City development.

Mr. Clapper stated that in the future, this neighborhood is not likely to return to a single family area.

Mr. Bruder noted that this property will also be subject to an annual permit and inspection.

Ms. Susel suggested that the Commission specify the number of unrelated allowed per side should they decide to approve the applicant's request for future clarity.

Mr. Fink clarified that the property will need to get licensed every year but as long as the property remains in compliance, the inspections take place every other year unless there are issues, then yearly inspections will occur.

Ms. Edwards questioned if the applicant would like to proceed.

Mr. Whitacre responded that they would like to proceed.

MOTION: *In the case of PC22-003, Roger Muzia, 317 East College, Mr. Bruder moved that the Planning Commission approve the Conditional Zoning Certificate and Site Plan with the following conditions:*

- 1. Technical Plan Review*
- 2. Obtain a Rental License from the appropriate City Department*
- 3. The status of the approval is to allow no more than 3 unrelated individuals in each unit*

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

VIII. Other Business

None

IX. Adjournment

MOTION: *Mr. Clapper moved to adjourn. The motion was seconded by Mr. Bruder. The motion carried 3-0. The meeting adjourned at 7:40 p.m.*