

**KENT PLANNING COMMISSION
BUSINESS MEETING
JULY 6, 2021**

MEMBERS PRESENT: Chris Clevenger-Morris
 Jeff Clapper
 Amanda Edwards
 Nickolas Bellas
 Michael Bruder

STAFF PRESENT: Eric Fink, Asst. Law Director
 Bridget Susel, Community Development Director
 Tim Sahr, Development Engineer

I. Call to Order

Mr. Morris called the meeting to order at 7:06 p.m.

II. Roll Call:

Mr. Morris, Ms. Edwards, Mr. Bellas, and Mr. Clapper were present. Mr. Bruder was not present at this time but is expected to attend.

III. Reading of Preamble

Mr. Morris 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 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

None

VI. Old Business

None

VII. New Business

**A. PC21-013 DOUGLAS & MICHELLE OLIVER
 315 Summit St.
 Conditional Zoning Certificate and Site Plan Review Amendment**

The applicant is requesting an Amendment to the existing Conditional Zoning Certificate and Site Plan to allow four unrelated persons and to allow the approval to be attached to the property and not the owner. The subject property is zoned R-4: High Density Residential Zoning District

Mr. Sahr introduced the project as presented in the staff report. Mr. Sahr explained that the parcel is accessed from E. Summit St. and is surrounded by residential uses on all sides. He stated that in 2015 the applicant was granted a rooming house use but was only granted the use for 3 unrelated individuals with the restriction that the use would revert back to single family use upon the sale of the property; 4 unrelated persons was requested. He noted that the staff report and minutes from the 2015 meeting are included in the Commissioner's packets. Mr. Sahr stated that the applicant's request tonight is to allow 4 unrelated persons and that the restriction that the use revert back to single family use upon sale be removed. He stated that rooming houses are conditionally permitted uses in the R-4: High Density zoning district subject to KCO 1171.01(11, 17, 21, and 56) and staff finds that all conditions have been met. He stated that a total of 5 parking spaces would be required and 6 spaces are shown on the site plan. He stated that there are no changes to utilities, landscaping, lighting, or the trash removal system and no signage is being proposed. He stated that this project is not subject to Architectural Review Board review as it is outside the overlay district and no new variances from the Board of Zoning Appeals are required.

Mr. Morris confirmed that all Commissioners have received the 2016 Rooming House Memorandum.

[Mr. Bruder joined the meeting at 7:09.]

Michelle Oliver, 4795 Stroups Hickox Rd, W. Farmington, stated that they purchased the house in 2013 and while they have made some repairs, more repairs need to be done. She stated that the income from the fourth renter would remove the burden of how the repairs would be paid. She stated that they have only good intentions with this property, which is to be a responsible landlord and homeowner. She stated that they maintain the landscaping and personally try to stay engaged with the tenants to ensure they are respectful. She stated that they suspect that there is from time to time an unauthorized resident in the fourth bedroom but because they are required to give a 24 hour notice of their arrival, they are unable to confirm. She stated that allowing them to rent the fourth bedroom allows them to monitor who lives there as well as the financial benefit towards the maintenance of the property.

Mr. Clapper asked for clarification of the restriction placed on the use in 2015.

Mr. Fink explained that the restriction is from the Planning Commission and this is not a deed restriction. He stated that as long as they have site plan approval, they are limited to these conditions. He stated that he believes that similar conditions were imposed by the BZA.

Mr. Bellas asked the applicant when they purchased the house.

Ms. Oliver stated that they purchased the house in 2013 with the understanding that it was a 4 bedroom rental. She stated that the neighborhood has changed with the addition of The Flats just 4 houses down.

Public Comment

None

Planning Commission Discussion

Ms. Edwards stated that she was on the Commission when this case was approved in 2015. She stated that she recalls that they purchased the house for their sons and two roommates and the Planning Commission allowed no more than 3 unrelated to accommodate this. She stated that their representative, Attorney Williams, stated that this would not be a long term investment and so that is why the restriction of returning the property to single family use upon sale was added.

Mr. Clapper questioned the additional parking spaces and the 30% open space requirement.

Ms. Susel stated that they are not adding any parking and the site is as it was previously.

Ms. Edwards stated that Planning Commission intended to approve it as a temporary solution to help the applicants; it wasn't intended to be a permanent boarding house.

Ms. Susel stated that beginning in 2011, the Zoning Code requires the seller of any property to provide a Zoning Use Certificate to the buyer that specifically states what the legal use of the property is. She stated that their transaction was either done without a real estate agent or the zoning code requirement was not followed.

Mr. Morris stated that he appreciates what the Planning Commission did at that time to help the owners and it seems that the sons are now not living in this house. He stated that it is not their responsibility to increase the occupancy because there are concerns of enforcement of having an unauthorized extra person living there; that is for the owners to enforce. He read a statement from the 2016 Council memo regarding applying the City's Zoning Code in the strictest manner possible when executing the Planning Commission's duties as a way to ensure an appropriate mix of residential rental housing options while stabilizing and maintaining residential neighborhoods throughout the community. He stated that he is hesitant to adjust the occupancy number just because the situation has changed and is adamantly against making the change to allow the status to remain after the sale of the property.

Mr. Clapper stated that he agrees with not removing the restriction upon the sale of the property but is more on the fence about increasing the occupants to 4.

Ms. Edwards stated that she still agrees with the original thought process from 2015, which was done to help the applicants and not to have another rooming house in the city. She stated that she is not in favor of converting to 4 occupants.

Mr. Bruder stated that this is one of those unfortunate situations that goes back years due to a lack of poor information and communication.

Mr. Clapper stated that he doesn't feel that adding an occupant is adding a boarding house to the city but rather adding the use of an existing bedroom in an existing boarding house.

Mr. Clapper questioned how long the sons have been out of the house.

Ms. Oliver stated that they have been out for two years.

Mr. Fink stated that it is currently a rooming house with 3 unrelated.

Ms. Susel stated that currently they are licensed through the Community Development's Rental Licensing program but if it increases to 4 occupants, the property will be licensed by the Health Department.

Mr. Morris stated that the reason for why the Planning Commission approved this property as a rooming house for 3 unrelated persons has passed and if they were looking at this project for the first time today, he feels that they would be looking at this differently. He is not in favor of making any changes.

MOTION: *In the case of PC21-013, Douglas & Michelle Oliver, 315 Summit St., Mr. Clapper moved that the Planning Commission not remove the restriction reverting the property to single family use upon sale.*

Ms. Edwards seconded the motion. The motion carried 5-0.

MOTION: *In the case of PC21-013, Douglas & Michelle Oliver, 315 Summit St., Ms. Edwards moved that the Planning Commission not approve the amendment to the Conditional Zoning Certificate and Site Plan.*

Mr. Bellas seconded the motion. The motion carried 4-1.

VIII. **Minutes**

MOTION: *Ms. Edwards moved to approve the June 22, 2021 Planning Commission minutes as presented. Mr. Clapper seconded the motion. The vote carried 5-0.*

IX. **Other Business**

Mr. Fink stated that the Commissioners will be receiving a hard copy of the new Zoning Code at the next business meeting.

X. **Adjournment**

MOTION: *Mr. Clapper moved to adjourn. The motion was seconded by Ms. Edwards. The motion carried 5-0. The meeting adjourned at 7:38 p.m.*