

**KENT PLANNING COMMISSION
BUSINESS MEETING
JUNE 1, 2021**

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

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 7:01 p.m.

II. Roll Call:

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

MOTION: *Ms. Edwards moved to excuse Michael Bruder from the June 1, 2021 meeting. Mr. Clapper seconded the motion. The motion carried 4-0.*

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

MOTION: *Ms. Edwards moved to amend the agenda to hear case PC21-011 ahead of PC21-007 as the applicant for PC21-007 is not present at this time.*

Mr. Clapper seconded the motion. The motion carried 4-0.

**A. PC21-011 Davey Resource Group
1550 Franklin Avenue
Site Plan Review**

The applicant is requesting a Site Plan Review and Approval to construct a new paved vehicle training lot behind an existing maintenance building. The subject property is zoned I: Industrial Zoning District.

Mr. Sahr introduced the project as presented in the staff report. Mr. Sahr explained that the subject property is surrounded by industrial uses to the north, west, and south, and residential to the east. He stated that parking lots are a permitted use in the Industrial Zoning District but the Commissioners are reviewing the project due to its size; parking lots over 6,001 square feet constitutes a major site plan review. He stated that there will be an additional drive exiting onto St. Clair Ave. He stated that it will not be used for parking therefore, new parking spaces will not be delineated. He stated that the current use of the property is a 52,000 sq. ft. warehouse, which requires 11 parking spaces; a minimum of 20-25 spaces have been provided. He stated that no new water or sanitary utilities are planned. He added that a detention basin will be provided near the back of the property to handle the change in the storm water. He stated that there will not be any new signage, but there will be new lighting for the training lot. He stated that a photometric plan has been provided, which indicates that no light will be escaping from the property. He stated that there will not be any changes to landscaping and dumpster location and reviews by the Architectural Review Board and Board of Zoning Appeals are not required. He stated that staff finds that the request for the Site Plan Review and Approval is in accordance with the standards established in the zoning ordinances.

Dan Joy, Executive Vice President for Davey Tree, stated that the Department of Transportation has determined that they need a third party educational training for their drivers. He stated that they have gone through the process and will be their own trainer and need this training lot for their DOT training center for Davey employees. He explained that the training will occur approximately every other month for 8-10 people, some of whom will be from out of town.

Mr. Clapper questioned if this will only be used to train Davey employees.

Mr. Joy confirmed that it will only be Davey employees.

Public Comment

None

Planning Commission Discussion

None

MOTION: *In the case of PC21-011, Davey Resource Group, 1550 Franklin Ave., Mr. Clapper moved that the Planning Commission approve the Site Plan subject to the following condition:*

1. Technical Plan Review.

Ms. Edwards seconded the motion. The motion carried 4-0.

**B. PC21-007 Roger Muzia, Architect
317 East College Avenue
Conditional Zoning Certificate**

The applicant is requesting a Conditional Zoning Certificate 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 project as presented in the staff report. He stated that the property is surrounded by residential uses to the west, south and east and by Kent State University to the north. He stated that the property is currently a duplex and the applicant is pursuing Conditional Zoning Certificate to operate as a rooming house with no more than 3 unrelated persons in each unit. He reminded the Commissioners that the memo regarding upholding the strict application of the Zoning Code when considering the conversion of single family dwelling units to rooming houses issued by Kent City Council on September 7, 2016, is still in effect; a copy was provided with the Staff Report and read aloud for all present. He stated that rooming and boarding houses are conditionally permitted uses in a R-4: Multi-Family Residential Zoning District (Section 1135.02(b)(10)) subject to the conditions in Section 1171.01 (11)(17) and (21), which are also listed in the staff report. He stated that the proposed rooming house is also subject to all requirements specified in Chapter 1122 Rooming and Boarding Houses. He stated that the parking requirements are specified in 1122.06; a requirement of 1.25 parking spaces per bed in the rear yard. He stated that this proposal has a total of 6 bedrooms, which requires a total of 8 parking spaces; there are only 6 existing parking spaces. He stated that there will not be any changes to utilities, no signage is proposed, no exterior lighting, no additional landscaping, and no change to the dumpster location. He stated that Architectural Review Board and Board of Zoning Appeals reviews were not required for this project.

[Mr. Fink swore in Mr. Muzia.]

Roger Muzia, Architect, 210 Columbus St., Kent stated that the subject property has been a rooming house for quite some time. He stated that he referred to the City directories from 1970 and 1974 and during that time the Haymaker Parkway was constructed, which essentially turned College Ave. from single family to multi-family almost overnight. He stated that in 1970 most properties, including this property, were single family and in 1974 the subject property was listed as student housing with 8 single family houses remaining. He questioned how other properties were converted to multi-family and this property was not. He stated that he believes that this is the last single family house in the neighborhood with the possible exception of the vacant house next door. He stated that the other next door neighbor is a fraternity house with whom they share a driveway. He stated that it seems to be an oversight that this was not reclassified earlier and he would like to correct that.

Mr. Clapper questioned if there is a closet in Unit A, bedroom 2.

Mr. Muzia confirmed that there is a closet.

Ms. Edwards questioned that the proposed project is a duplex and not a single family home.

Mr. Muzia confirmed that it is a duplex.

Mr. Bellas questioned how many people are currently living in the duplex at this time.

Mr. Muzia stated that there are 6 people currently living there.

Mr. Morris questioned how long the house has been operating as a rooming house.

Mr. Muzia stated that the house was listed in the 1974 City directory as student housing and has been operated as such at least since then.

Mr. Morris questioned whether or not they have obtained a rental license from the Health Department.

Mr. Muzia stated that to his knowledge they have not.

Public Comment

None

Planning Commission Discussion

Mr. Morris stated that while the proposed project has been operating as a rooming house for some time, the question is whether or not this should be allowed to continue. He stated that it is the general consensus that there are too many rooming houses in the City, which drives up the cost of living for other families.

Mr. Clapper stated that he agrees and feels that the students are moving away from the rooming house model and are more interested in furnished apartments with more amenities. Mr. Clapper noted that there is a deficit in parking for this project and no additional spaces have been suggested.

Ms. Susel stated that currently the structure is a duplex with zoning limiting the occupancy to no more than two unrelated persons per side. She stated that the applicant is requesting a conditional use certificate for a rooming house. She clarified that the term grandfathered is applied to a non-conforming use. She explained that the non-conforming use of this structure has not been clearly identified through a historic review provided by the applicant and therefore would be approved as a new rooming house.

Ms. Edwards stated that when she is considering a case like this, she doesn't like to look at the neighboring uses because it is sometimes unclear if they have the proper approvals. She stated that with this application, she doesn't feel that there is sufficient parking for it to be a rooming house. She stated that other items were missing that are required from Chapter 1122 such as landscaping around the parking area, property setbacks, open space requirement, etc. She stated that she feels that this property should remain as a duplex and it is not appropriate for another rooming house.

Ms. Susel stated that rooming houses with 3 or more residents have been inspected by the Health Department for many years but single family structures with one, two, and three units that are limited to no more than 2 unrelated have not been inspected by them. She stated that single family rental licensing program, which includes structures with one, two, and three units that are limited to no more than 2 unrelated or a family are now inspected by the Community Development Department. She stated that it is through this process that this property was identified. She further explained that if it had been recognized as a rooming house, then the Health Department would have been inspecting this since they began inspections in 1978.

Mr. Morris stated that this was uncovered rather than being reported by the owner. He stated that he is not leaning in the direction of granting a variance to a property that has been operating with 45 years of mistakes.

MOTION: In the case of PC21-007, Roger Muzia, Architect, 317 E. College Ave., Mr. Clapper moved that the Planning Commission not approve the Conditional Zoning Certificate as presented.

Mr. Bellas seconded the motion. The motion carried 4-0.

VIII. Minutes

MOTION: Ms. Edwards moved to approve the May 4, 2021 Planning Commission minutes as amended. Mr. Clapper seconded the motion. The vote carried 4-0.

MOTION: Ms. Edwards moved to approve the May 18, 2021 Planning Commission minutes as presented. Mr. Clapper seconded the motion. The vote carried 3-0-1. Mr. Bellas abstained.

IX. Other Business

Ms. Susel stated that the June 15th meeting has been moved to June 22nd for a presentation of the new City Administration Building. She stated that there are three minor changes that will be going before City Council with regards to the new Zoning Code. She stated that it is unclear whether it will be approved in June or July.

X. Adjournment

MOTION: Ms. Edwards moved to adjourn. The motion was seconded by Mr. Clapper. The motion carried 4-0. The meeting adjourned at 7:37 p.m.