

**THE CITY OF KENT, OHIO
LAND USE COMMITTEE
WED., OCT. 7, 2009**

This meeting of the Land Use Committee of Kent City Council was called to order on Wed., Oct. 7, 2009, by Garret Ferrara, Chair, at 7:08 p.m. Chair Ferrara explained the purpose of this meeting was to discuss the two proposed zoning amendments that were the subject of two public hearings preceding this meeting.

PRESENT: MR. AMRHEIN, MR. DELEONE, MR. FERRARA, MR. HAWKSLEY, MR. KUHAR, MS. SHAFFER, MR. TURNER, AND MR. WILSON

ALSO PRESENT: J. FENDER, MAYOR; D. RULLER, CITY MANAGER; J. SILVER, LAW DIRECTOR; L. COPLEY, CLERK OF COUNCIL; AND G. LOCKE, DIR. OF COMMUNITY DEVELOPMENT.

ABSENT: MS. WALLACH

Gary Locke, Dir. of Community Development, explained that staff supports both requests, and has recommended approval of the proposed changes. He said if the project at the Presbyterian Church is done properly, it could be a good project for Kent, with their active management.

Mr. Locke said with respect to the amendment initiated by the Riverwood chapel, it makes a lot of sense for those types of uses in those types of facilities. He said that churches are built to a commercial standard, and are very close to meeting the standard for those types of uses. He said a few new jobs and revenue for the chapel would be generated. He said the proposal by the Presbyterian church would also generate revenue for the City. He said both are good examples of how that can be done. Mr. Locke said the Presbyterian Church as to go through a site plan review, adding that is something still on their plate. He said the Chapel also has to go through the review process as well. Mr. Locke said both needed the amendments first.

Ms. Shaffer asked if the church project would be tax exempt, and Rev. Meadows said that the likelihood is that a majority of it would be tax exempt. He said some of the mixed use would be subject to taxation.

Ms. Shaffer asked him if he had spoken to the University regarding this, and he said he had two conversations with the University. He said one was with Resident Services, adding he asked if they have a certification program for off campus housing, and if not, if they planned to do it in the future. He said they indicated they do not have a program. He said the other was with Facility Planning, who had positive comments.

Ms. Shaffer asked Mr. Locke if this would be a rooming house, and he said they have not gotten to that level of detail, adding it could qualify as a dormitory. He said the University District does not break it down. Mr. Locke said it would depend on the room arrangements, adding it could be defined as a rooming house or a dormitory type of use. He said he has seen no plans at this time. Ms. Shaffer asked if it would be licensed, if a rooming house, and Mr. Locke said that was correct.

Mr. Wilson said that Ms. Shaffer raised the issue of exemption, and asked **Jim Silver, Law Director**, if the employees would still be subject to the 2% income tax, and Mr. Silver said that was correct.

Mr. Kuhar said the Riverwood Chapel zoning amendment would be specific to the location for Riverwood. He asked if the one for the Presbyterian Church would be for the whole district, and Mr. Locke said they would both be for the whole district. He said the changes in the O-R District for Riverwood would apply to all O-R districts in Kent, adding one is the location of the cemetery, and one is the bog. He said on this property, they left the back part as open space, when it was purchased. He said he could not think of too many other churches in the O-R District. Mr. Locke said the high school used to be in an O-R District, but it was changed.

Mr. Kuhar asked if they could be opening up the doors for halfway houses and those types of things, and Mr. Locke said this is related to public and private schools, adding he was unsure how they could turn that into a rooming house. He said the text speaks specifically of public and private schools.

Mr. Hawksley said that Rev. Meadows talked about certified housing, and they have discussed the issue of large residential developments with young people. He asked if there is something they can do to certify homes, instead of just licensing them, and Mr. Locke asked what the focus would be. Mr. Hawksley said someone from Ohio State spoke to them about off-campus housing being certified. He said he has no problem with the proposal, but questioned what happens in thirty years if the property is sold. He questioned whether they could manage it through this process, and Mr. Locker said he was unsure how the certification program would regulate that. He said the University of Illinois has a certification process, adding it tells the parents what property is certified. He said there was an expectation the students who enrolled at the University would live in the certified housing, adding he was unsure of the penalty if they did not live in certified housing. Mr. Locke said he was unsure how that would protect against Mr. Hawksley's concerns.

Mr. Ruller said they had conversations with the University about this process, and it would not be a punitive measure. He said it would be a list of houses in "good standing." He said the idea would be that it is nothing regulatory, but more of an effort to help parents know where the good houses are.

There was no further comment at this time, nor audience comment.

MOTION TO AUTHORIZE THE ZONING AMENDMENT TO THE O-R DISTRICT.

Motion made by Mr. Wilson, seconded by Mr. DeLeone, and carried by a voice vote of 7-0-1, with Mr. Ferrara abstaining.

MOTION TO AUTHORIZE THE ZONING AMENDMENT TO THE UNIVERSITY DISTRICT.

Motion made by Mr. Wilson, seconded by Mr. DeLeone, and carried by a voice vote of 7-0-1, with Mr. Ferrara abstaining.

At this time, the Clerk told the Committee that she had a conversation earlier in the week with Rev. Meadows, who indicated they were planning to request the emergency clause.

MOTION TO ADD THE EMERGENCY CLAUSE TO BOTH ZONING AMENDMENTS.

Motion made by Mr. Wilson, seconded by Mr. DeLeone, and carried by a voice vote of 7-0-1, with Mr. Ferrara abstaining.

Hearing no further business before this Committee, Chair Ferrara adjourned this meeting at 7:20 p.m.

Linda M. Copley, Clerk of Council

ACTION RECOMMENDED BY THIS COMMITTEE:

- 1) **TO AUTHORIZE THE ZONING AMENDMENT TO THE O-R DISTRICT, WITH THE EMERGENCY CLAUSE.**
- 2) **TO AUTHORIZE THE ZONING AMENDMENT TO THE UNIVERSITY DISTRICT, WITH THE EMERGENCY CLAUSE.**