

MEMORANDUM
DEPARTMENT OF COMMUNITY DEVELOPMENT
City of Kent



Date: April 22, 2008

To: Dave Ruller, City Manager

From: Jennifer Barone, Development Engineer *JB*

Re: White Oak Hills Subdivision Phase 3

Copy: Gary Locke, Director of Community Development
Gene Roberts, Director of Public Service
Linda Copley, Clerk of Council
Jim Silver, Law Director
Jim Bowling, City Engineer
file

I hereby respectfully request City Council agenda time on May 7, 2008 for consideration of three subdivision variances for **White Oak Hills Subdivision Phase 3**.

The applicant is requesting three variances from the subdivision code for White Oak Hills Ph 3 as follows. The applicants contention is as follows:

1. Variance for sidewalk – code section 1189.01 (b) (6) & Table 1
Due to the existence of wetlands and topography in the middle of Phase 3, the roadway lacks building frontage (lots) for over 500 feet, the applicant is asking to eliminate the sidewalk on the east side of Adrian Avenue from the detention basin north to the intersection with Nicholas.
2. Variance for sanitary sewer – code section 1189.02
Due to the dedication of Whitewood Drive with no road construction, the applicant is asking not to extend the sanitary sewer to the west property line because all the utilities would be available along the west side of Adrian Avenue, if / when the future roadway would be constructed.

3. Variance for grading – code section 1189.01 (a) (2) (B) & Table 1

Due to the extreme topography & dense woods, the applicant asking to postpone the clearing and grading until the builder & future homeowner have a chance to evaluate the lot(s). Wooded lots would be aesthetically pleasing, and future analysis may possibly save more trees {section 1189.01 (a) (2) (D)}. Also, since the Department of Community Development reviews each individual future house site plan, the original grading plan (elevations) can be held when the lots are built.

The Planning Commission is recommending approval of the variances for the sidewalk and the sanitary sewer requirements but did not recommend approval of grading requirement.

Staff supports the sidewalk variance but does not support the other two requests. The grade where the sidewalk is proposed is not conducive to construction per the city standards. Eliminating the sidewalk will permit a more gentle slope which would create a more safe environment. Also, there are no homes adjacent to this section of sidewalk and sidewalk will be provided on the west side of Adrian Avenue.

The sanitary sewer should be constructed to the property line to allow for future connection the vacant property to the west.

The grading plan must be followed so as to not create undue hardship for future homebuilders. The developer has the option to bond this work to allow for additional time when potential buyers may view the property.



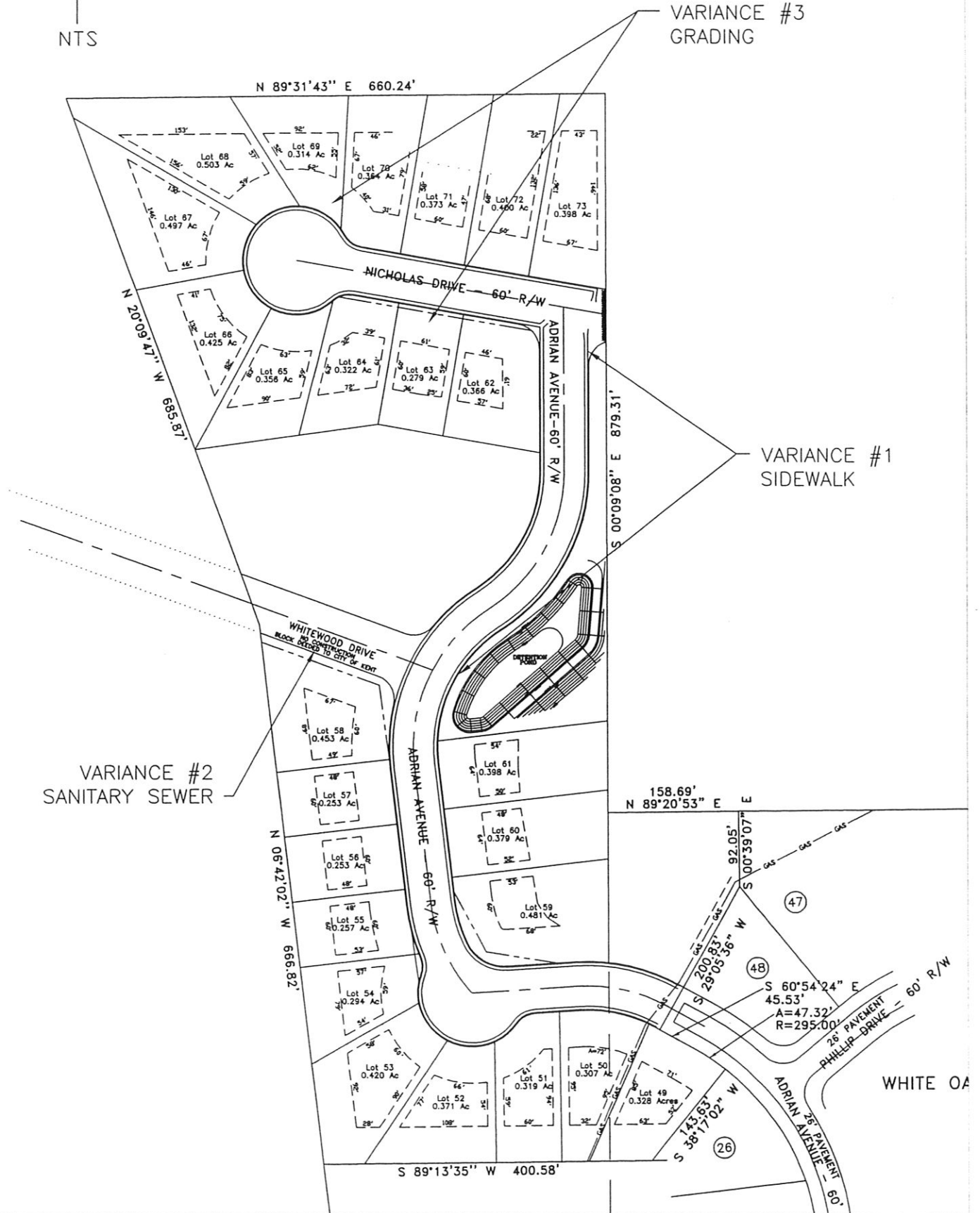
WHITE OAK HILLS PH 3 VARIANCE REQUESTS

SEE THE ATTACHED DRAWINGS FOR THE
LIMITS OF EACH VARIANCE REQUEST.

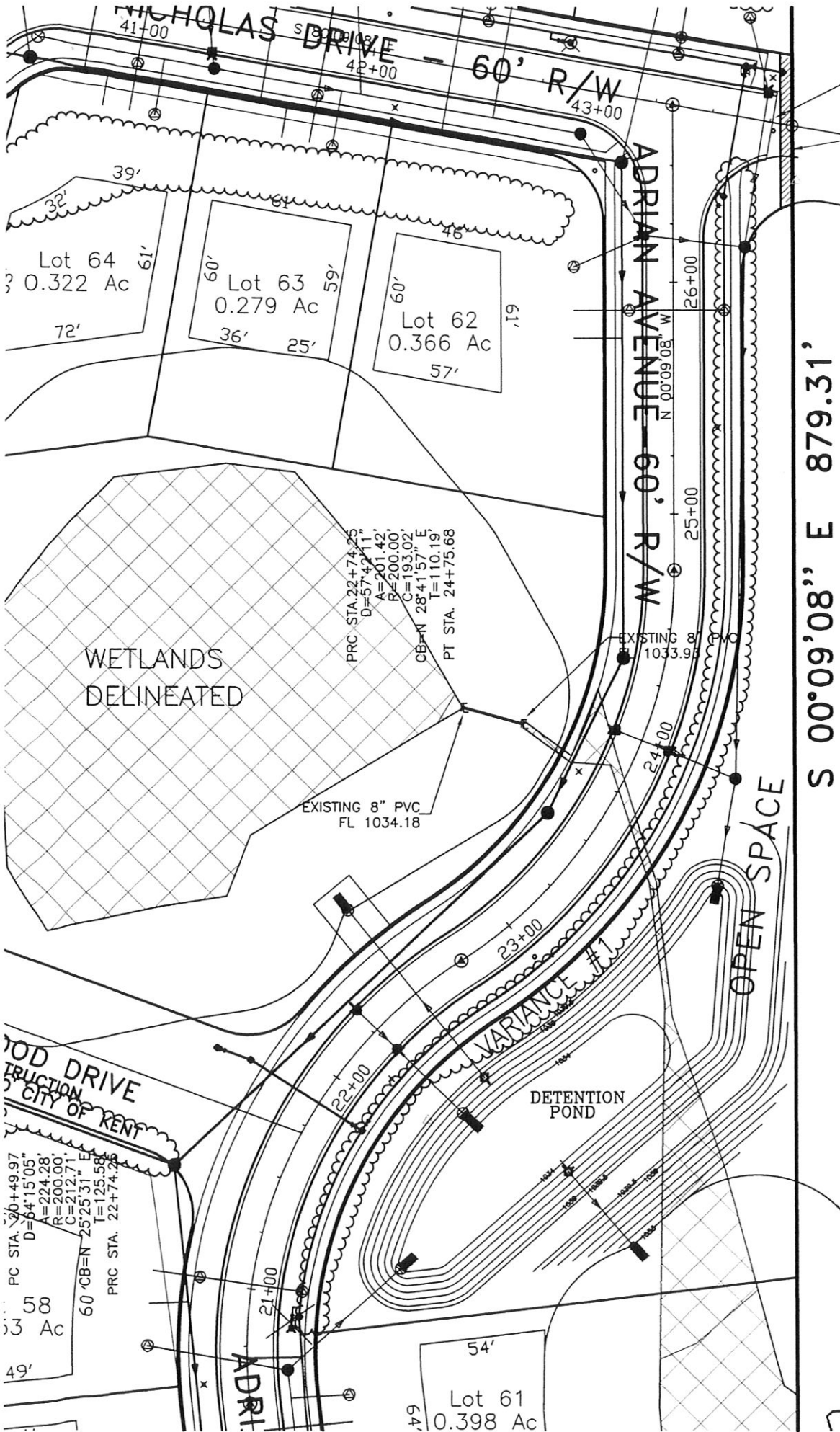
VARIANCE #3
GRADING

VARIANCE #1
SIDEWALK

VARIANCE #2
SANITARY SEWER



WHITE OAK



YOD DRIVE
 TRUCTION
 CITY OF KENT

PC STA. 20+49.97
 D=64'15.05"
 A=224.28'
 R=200.00'
 C=212.71'
 CB=N 25°25'31" E
 PT STA. 22+74.25

ADRIAN AVENUE

Lot 61
 0.398 Ac

S 00°09'08" E 879.31'

CLIP VIEW



OPEN SPACE

DELINEATED

White Oak Hills Phase 3

EXISTING 8" PVC
FL 1034.18

WHITEWOOD DRIVE
BLOCK BEDED TO CONSTRUCTION
VARIANCE #2
NO CONSTRUCTION TO CITY OF RENT

PC STA. 20+49.97
D=64°15'05"
A=224.28'
R=200.00'
C=212.71'
60' CB=N 25°25'31" E
T=125.58'
PRC STA. 22+74.25

Lot 58
0.453 Ac
49'

ADD

21+00

22+00

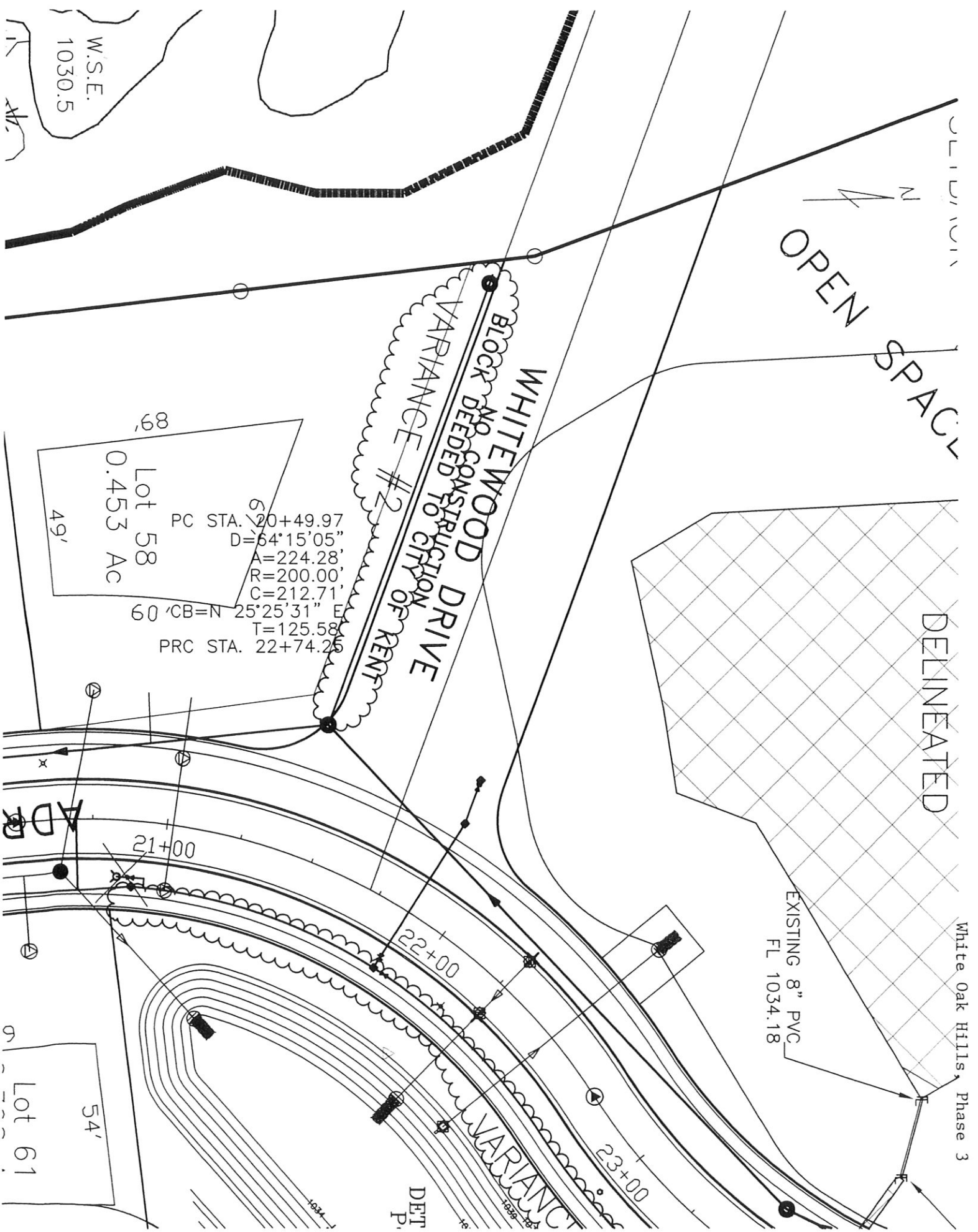
23+00

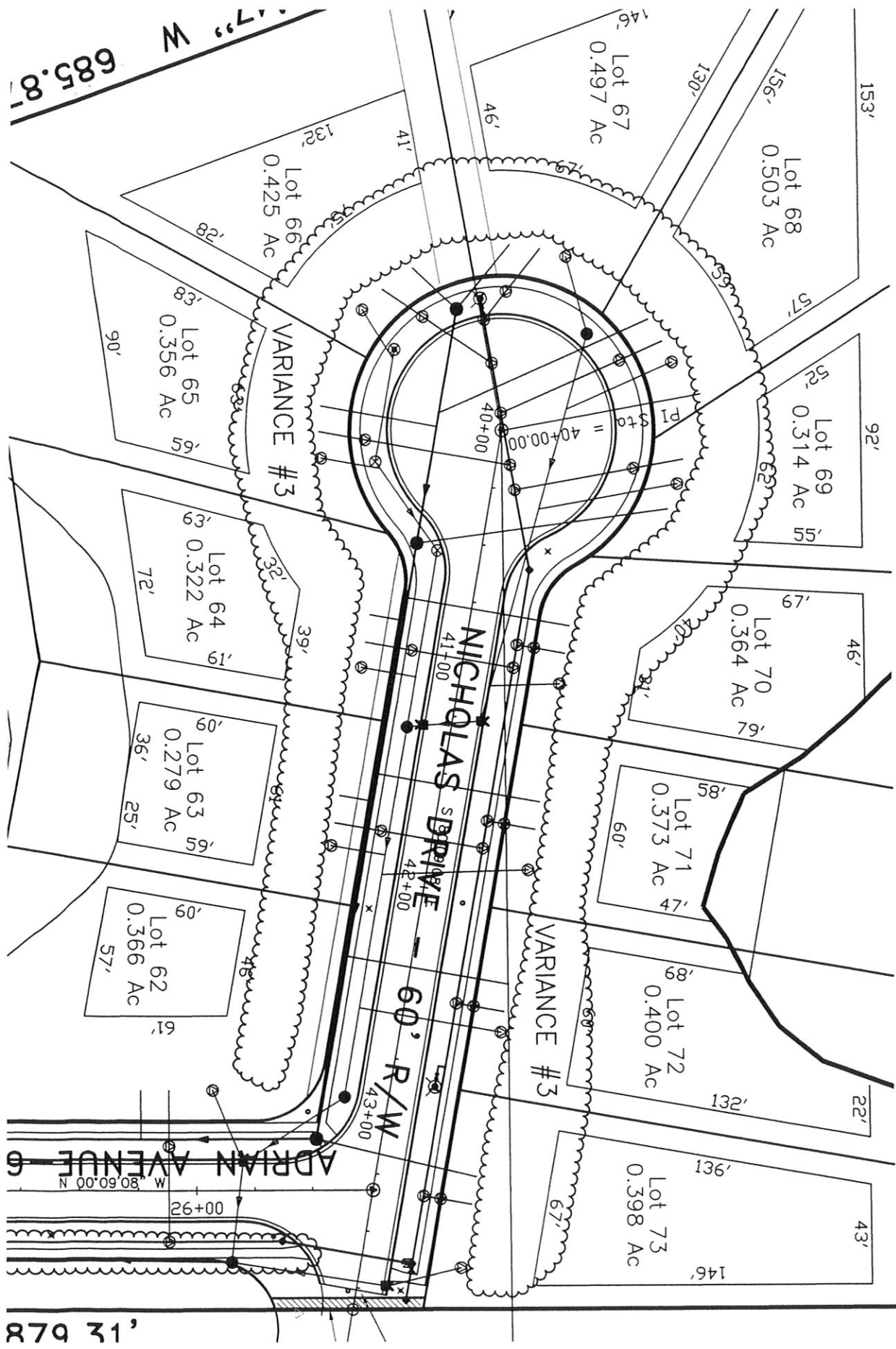
VARIANCE

DEPT
P.

Lot 61
54'

W.S.E.
1030.5





879 31'

Drainage Area Q Phase V Storm Sewer



Project Location: Deidrick Rd & Irma St (from Parmalee St south) and Chelton Dr (west of Irma St)

Project Budget: \$750,000

Project Schedule:

Design Start Date	January 2009
Construction Start Date	October 2009
Project Finish	December 2009

Deidrick, Irma, Chelton, Stow Outfall

There are 152 acres that drain into Drainage Area "Q." It has been determined that 30 acres of storm water runoff drain from Stow into Kent. Six and a half acres (on the east side of Deidrick Road between West Main Street and Powell Road) are collected by the Phase 3 system.

It is not possible to drain the Phase 5 area to the detention basin constructed in Phase 1. Therefore, the remaining 23.5 acres in Stow along with an additional 18.4 acres from Kent will be routed through Stow and discharged into Fish Creek.



Since the concurrence from our neighboring municipality was necessary, the Kent Engineering Division approached the City of Stow. Fortunately, the City of Stow was sympathetic to our problem, and Stow City Council has agreed to participate with the City of Kent.



This improvement will provide storm sewer improvements on Deidrick, Irma and Chelton, along with a drainage outlet for Verner, Powell, Wilders and Deidrick Road.

This project is being funded in part through the City of Kent Storm Water Utility Fund, property owner assessments and possible Issue II Grant funds.



Project Status:

The Drainage Area Q-Phase V Storm Sewer project is currently in the planning phase.

Contact:

Rhonda Boyd, P.E., P.S.
Senior Engineer
Phone: 330-678-8106
Email: boyd@kent-ohio.org



City of Kent
Department of Public Service
Division of Engineering



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

TO: Dave Ruller, City Manager

FROM: Michael Weddle, Plans Administrator 

DATE: May 1, 2008

SUBJECT: 2008 *Celebrate Kent!* Grant Program Funding Recommendations

The City of Kent has received four applications seeking funding through the *Celebrate Kent!* grant program: D.I.C.E., "Who's Your Momma" Earth Day and Film Festival 2009, Kent State Folk Festival, and Kent Community Dinner. The total funding requested for all four projects is \$19,480 (D.I.C.E.: \$5,000; "Who's Your Momma": \$3,000; Kent State Folk Festival: \$9,000; Kent Community Dinner: \$2,480). Attached are copies of the Request for Proposal for this program; project applications; and spreadsheets for each of the projects listing requested amounts, eligible expenses and recommended funding amounts.

Based on the availability of \$10,000 to be applied to this effort, on a review of the information in the applications, staff recommends the following funding allocation for each of the four programs (please refer to the attached spreadsheets for a detailed description of the recommended funding allocation):

- | | |
|-----------------------------|---------|
| 1. D.I.C.E. | \$2,500 |
| 2. "Who's Your Momma" | \$1,000 |
| 3. Kent State Folk Festival | \$6,000 |
| 4. Kent Community Dinner | \$ 500 |

Would you please authorize this matter to be placed on Council's May 7, 2008 Committee agenda. I will be available at that meeting to make the presentation to Council, and the applicants have been invited to attend the meeting as well to answer any questions related to their respective applications.

Please let me know if there are any questions related to this matter or if additional information is needed.

Pc: Gary Locke, Community Development Director
Jim Silver, Law Director (memo only via email)
Linda Copley, Clerk of Council (memo only via email)
Dan Smith, Economic Development Director (memo only via email)
Barbara Rissland, Director of Budget and Finance (memo only via email)
Program Applicants (via email)

Attachments

E:\CELEBRATE KENT GRANT PROGRAM\CELEBRATE KENT 2008\RULLER MEMO 5-1-08.doc

From: Mike Weddle
To: MTW
CC: Dave Ruller; Gary Locke
Date: 3/24/2008 10:25 AM
Subject: Celebrate Kent! Request for Proposals
Attachments: -----CELEBRATE KENT - RFP 2008.doc-----.doc

Ladies and Gentlemen:

Attached is the City of Kent *Celebrate Kent!* program description and application materials for your consideration. As in the past, \$10,000 has been allocated by City Council for this program. With increased interest this program, funding requests will exceed available resources, so competition for funding through this source is expected to be considerable.

I encourage each of you to submit an application for the FY-2008 *Celebrate Kent!* funding round. If you have any questions related to this program, please feel free to contact me at: 330-678-8108; or via email at: weddle@kent-ohio.org. Good luck to all!

Mike Weddle
Plans Administrator

Subject: Celebrate Kent! Request for Proposals
Created By: Weddle@kent-ohio.org
Scheduled Date:
Creation Date: 3/24/2008 10:25 AM
From: Mike Weddle

Recipient	Action	Date & Time	Comment
BC: (Karascon)	Transferred	3/24/2008 10:26 AM	
BC: (lauralgreen)	Transferred	3/24/2008 10:26 AM	
BC: Al Bartholet (Bartholet)	Transferred	3/24/2008 10:26 AM	
CC: Dave Ruller (RullerD)	Read	3/24/2008 12:41 PM	
CC: Gary Locke (Locke)	Read	3/25/2008 1:26 PM	
BC: Jeff Ingram (jingram3)	Transferred	3/24/2008 10:26 AM	
BC: Karen Barrett (kbarrett7)	Transferred	3/24/2008 10:26 AM	
BC: Mary Gilbert (mary)	Pending		
To: Mike Weddle (Weddle)	Read	3/24/2008 10:39 AM	
BC: Tom Simpson (tsimpson)	Transferred	3/24/2008 10:26 AM	



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

TO: Potential *Celebrate Kent!* Program Applicants

FROM: Michael Weddle, Plans Administrator

DATE: March 24, 2008

SUBJECT: Economic Development *Celebrate Kent!* Program Request for Proposals

Attached is a Request for Proposals related to the above referenced grant program. If you would like for the City to email you a copy of the application so that you can complete it on your computer, please email me at weddle@kent-ohio.org with "ED Grant Application" in the Subject Line and I will get out to you right away. Of course, if you have any questions, please do not hesitate to contact me.

Attachments

Pc: Gary Locke, Community Development Director



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

REQUEST FOR PROPOSALS

The City of Kent is accepting applications for qualified projects for the FY-2008 round of our *Celebrate Kent!* Grant Program. Attached is a brief program description, application and Statement of Success form. Those interested in applying for funding should submit a completed application by April 30, 2008 to the address listed on the application form.

All applications received will initially be reviewed by the Community Development Department for eligibility and completeness. Qualifying applications will then be forwarded to the Kent City Council for funding consideration. Applicants may be invited to present their proposal to City Council at their regularly scheduled Committee meeting in early May.

Questions related to the *Celebrate Kent!* Grant Program should be directed to Michael Weddle at 330-678-8108 or via email at weddle@kent-ohio.org.

Celebrate Kent!

PROGRAM GUIDELINES

GOAL: To provide opportunities to celebrate the quality of life enjoyed by the residents of the City of Kent, and share with those outside of the community the attributes that make Kent a unique and exciting place to work, go to school, and to live.

OBJECTIVES:

1. Attract Kent residents, and those from other communities, to downtown activities and events.
2. Promote the City's attributes to those outside of the city.
3. Create additional commercial opportunities for downtown business concerns.

PROGRAM REQUIREMENTS:

1. The project should be oriented toward attracting people to downtown Kent.
2. Applicants must be, or represent, a Kent company or agency.
3. Funding is intended to support **verifiable program expenses** (hard costs such as materials, advertisements, flyers, printing, etc.). Funding for administrative purposes (salaries, general office supplies, agency overhead, payment for services provided by applicant employees or representatives, etc.) will not be considered.
4. At the completion of the event(s) the applicant must submit a report to the City of Kent summarizing and documenting the results of the event(s), and whether the stated program goals and objectives were met.
5. Grant funds will be disbursed on a reimbursement basis for eligible expenses as identified in the Program Description and Program Budget, and backed by third-party invoices and receipts for those expenses. No disbursements will be authorized until the receipt of the report mentioned in the previous section has been received by the City of Kent.
6. Each dollar of grant funding must be matched with one-dollar from another source, or two-dollars of in-kind contribution. A combination of both cash and in-kind contributions is permissible; however, separate and distinct accounting procedures must be maintained for each of the two sources. Evidence of all matching contributions, be they in-kind or cash, must be verifiable, and accepted by the City of Kent prior to reimbursement.

In the space provided below, please respond to each of the following application components. Attachments are welcomed; however, they **may not** be substituted for one or more of the application requirements.

PROPOSALS MAY BE RETURNED TO:

**THE CITY OF KENT
COMMUNITY DEVELOPMENT DEPARTMENT
930 OVERHOLT ROAD
KENT, OHIO 44240
ATTN.: MICHAEL WEDDLE, PLANS ADMINISTRATOR**

**PHONE: 330-678-8108
FAX : 330-678-8030
EMAIL: WEDDLE@KENT-OHIO.ORG**

Celebrate Kent! APPLICATION

PROJECT TITLE: _____

APPLICANT ORGANIZATION: _____

CONTACT PERSON: _____

ADDRESS: _____

PHONE NUMBER: _____ **FAX NUMBER:** _____

EMAIL ADDRESS: _____

TOTAL AMOUNT OF FUNDING REQUEST: \$ _____

PROGRAM DESCRIPTION: In the space below please provide a general description of the proposed project (Feel free to attach additional sheets if necessary).

PROJECT BUDGET REQUEST: Please provide a budget for the proposed project to include: grant monies being requested; the amount and source of additional funding; and a listing of all projected expenses (Feel free to attach additional sheets if necessary).

Celebrate Kent!
STATEMENT OF SUCCESS

(To be completed when requesting expense reimbursement)

All grant recipients must submit a report at the end of their program activities highlighting the results of their program. Please complete the attached report and submit it to Community Development Department, 930 Overholt Road, Kent, Ohio 44240, ATTN.: Michael Weddle. Feel free to attach additional sheets if necessary. Grant monies may not be disbursed until the attached report has been submitted and approved. Reimbursements may take up to six-weeks to receive.

PROJECT TITLE: _____

APPLICANT ORGANIZATION: _____

CONTACT PERSON: _____

***Celebrate Kent!* GRANT AMOUNT AWARDED: \$** _____

STATEMENT OF GOALS ACHIEVED:

NUMBER OF PEOPLE SERVED:

ECONOMIC IMPACT:

NON-CITY OF KENT FUNDING SOURCES USED:

From: Mike Weddle
To: Beacon Journal; Kent Stater; Record Courier; WAKR; WNIR
CC: Gary Locke; Linda Copley
Date: 3/24/2008 11:22 AM
Subject: City of Kent Press Release
Attachments: -----CELEBRATE KENT - GRANT PRESS RELEASE 2008.doc-----.doc

-----FOR IMMEDIATE RELEASE-----

The City of Kent is now accepting applications for funding through the *Celebrate Kent!* program. Attached is a more detailed press release, and the *Celebrate Kent!* program guidelines for your consideration.

Questions related to this announcement, or the *Celebrate Kent!* program, should be directed to: Michael Weddle, Plans Administrator, City of Kent, Community Development Department, Kent, Ohio 44240; weddle@kent-ohio.org; 330-678-8108.

Subject: City of Kent Press Release
Created By: Weddle@kent-ohio.org
Scheduled Date:
Creation Date: 3/24/2008 11:22 AM
From: Mike Weddle

Recipient	Action	Date & Time	Comment
To: Beacon Journal (amezger)	Transferred	3/24/2008 11:23 AM	
CC: Gary Locke (Locke)	Read	3/25/2008 1:27 PM	
To: Kent Stater (stater)	Transferred	3/24/2008 11:23 AM	
CC: Linda Copley (Copley)	Read	3/24/2008 12:27 PM	
To: Record Courier (Mfredmonsky)	Transferred	3/24/2008 11:23 AM	
To: WAKR (news)	Transferred	3/24/2008 11:33 AM	
To: WNIR (news)	Transferred	3/24/2008 11:23 AM	



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

FOR IMMEDIATE RELEASE

TO: Area Media

FROM: Michael Weddle, Economic Development Coordinator

DATE: March 24, 2008

SUBJECT: *Celebrate Kent!* Program Request for Proposals

REQUEST FOR PROPOSALS

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Questions related to the *Celebrate Kent!* Grant Program should be directed to Michael Weddle at 330-678-8108 or via email at weddle@kent-ohio.org.

Celebrate Kent!
PROGRAM GUIDELINES

GOAL:

To provide opportunities to celebrate the quality of life enjoyed by the residents of the City of Kent, and share with those outside of the community the attributes that make Kent a unique and exciting place to work, go to school, and to live.

OBJECTIVES:

4. Attract Kent residents, and those from other communities, to downtown activities and events.
5. Promote the City's attributes to those outside of the city.
6. Create additional commercial opportunities for downtown business concerns.

PROGRAM REQUIREMENTS:

7. The project should be oriented toward attracting people to downtown Kent.
8. Applicants must be, or represent, a Kent company or agency.
9. Funding is intended to support **verifiable program expenses** (hard costs such as materials, advertisements, flyers, printing, etc.). Funding for administrative purposes (salaries, general office supplies, agency overhead, payment for services provided by applicant employees or representatives, etc.) will not be considered.
10. At the completion of the event(s) the applicant must submit a report to the City of Kent summarizing and documenting the results of the event(s), and whether the stated program goals and objectives were met.
11. Grant funds will be disbursed on a reimbursement basis for eligible expenses as identified in the Program Description and Program Budget, and backed by third-party invoices and receipts for those expenses. No disbursements will be authorized until the receipt of the report mentioned in the previous section has been received by the City of Kent.
12. Each dollar of grant funding must be matched with one-dollar from another source, or two-dollars of in-kind contribution. A combination of both cash and in-kind contributions is permissible; however, separate and distinct accounting procedures must be maintained for each of the two sources. Evidence of all matching contributions, be they in-kind or cash, must be verifiable, and accepted by the City of Kent prior to reimbursement.

PROPOSALS MAY BE RETURNED TO:

**THE CITY OF KENT
COMMUNITY DEVELOPMENT DEPARTMENT
930 OVERHOLT ROAD
KENT, OHIO 44240
ATTN.: MICHAEL WEDDLE, PLANS ADMINISTRATOR**

**PHONE: 330-678-8108
FAX : 330-678-8030
EMAIL: WEDDLE@KENT-OHIO.ORG**



Celebrate Kent! Grant Proposal for

The Downtown Innovative Community Events (D.I.C.E.) Program

**Submitted to
The City of Kent Department of Community Development
Attn: Mike Weddle
930 Overholt Rd.
Kent, OH 44240**

**Submitted by
Standing Rock Cultural Arts
257 N. Water St.
Kent, OH 44240
330-673-4970
www.standingrock.net**

Jeff Ingram/Executive Director

Celebrate Kent! APPLICATION

PROJECT TITLE: Downtown Innovative Community Events (D.I.C.E)

NON PROFIT ORGANIZATION: Standing Rock Cultural Arts

CONTACT PERSON: Jeff Ingram

ADDRESS: 257 N. Water St. Kent, OH 44240

PHONE NUMBER: 330-673-4970

EMAIL ADDRESS: info@standingrock.net

WEBSITE: www.standingrock.net

TOTAL AMOUNT OF FUNDING REQUEST: \$5,000.00

PROGRAM DESCRIPTION: In the space below please provide a general description of the proposed project (Feel free to attach additional sheets if necessary).

D.I.C.E. will be a series of Open Air Events that will take place in Downtown Kent at the Home Savings Plaza.

These include three Sidewalk Cinema Events where a popular film will be rented and shown, free of charge, to attract people to the Downtown Shopping District. Other examples include an Old Fashioned Ice Cream Social, A Cider Festival, and an Ice Sculpting Event.

At these events,. music and children's activities will be included. Popcorn, pre-packaged food, and beverages will be for sale by local businesses such as Trinity Lutheran Church, Anthony's Cafe, and Stahl's Bakery. When in season, Beckwith's Orchards will sell cider made from their orchard. Woodsy's will provide a Sound System if needed.

2008 Schedule

- Friday, June 29, 9:00pm Sidewalk Cinema**
- Friday, July 25, 9:00pm Sidewalk Cinema**
- Saturday, August 2, 1:00-4:00pm Old Fashioned Ice Cream Social**
- Friday, August 31, 9:00pm Sidewalk Cinema**
- Saturday, November 1, noon-3:00pm Cider Festival**
- Saturday, February 7, 2009 1:00-4:00pm Ice Carving Demonstration**

PROJECT BUDGET REQUEST: Please provide a budget for the proposed project to include: grant monies being requested; the amount and source of additional funding; and a listing of all projected expenses (Feel free to attach additional sheets if necessary).

INCOME:

Requested: \$5,000.00

Matching Funds: \$11,200.00

-Sources

1. Ohio Arts Council \$1,000.00
2. Kent Chamber of Commerce: \$500.00
3. Local Businesses: \$ 3,000.00
4. Private Contributions: \$2,500.00
5. Art Sales Commissions: \$1,200
6. Christenson Foundation: \$3,000

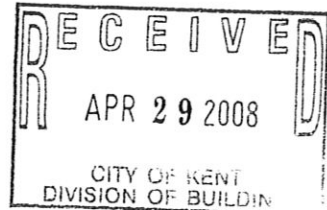
TOTAL INCOME: \$16,200.00

Expenses:

1. Administration: \$8,000 (Artistic Director , 1 Assistant)
1. Entertainers: \$3,000.00 (Dance Troupe, Musicians, Street Performers etc.)
2. Graphic Artist for Fliers and Ads: \$500.00
3. Fliers and Posters (800 fliers, 60 posters): \$200
4. Projector Rental (screen and projectionist included): \$600.00
5. Promotional Ads: \$600.00
6. Banners to Hang Downtown: \$500.00
7. Ice Cream: \$200.00
8. Ice for Ice Carving: \$800.00
9. Photographer: \$300.00
10. Decorations/Helium Balloons to help identify Downtown Businesses: \$100.00
11. 1000 Post Cards listing Schedule of Events: \$200.00
12. Insurance: \$200.00
13. Travel: \$200.00
14. Postage: \$50.00
15. Office Supplies: \$150.00
16. Phone: \$100.00
16. Sound System: \$500.00

TOTAL EXPENSES: \$16,200.00

DATES: SIDEWALK CINEMA 6/27/08, 7/25/08 & 8/31/08, ICE CREAM SOCIAL 8/2/08 -CIDER FESTIVAL 11/1/08, ICE SCULPTING 2/7/09



**Celebrate Kent!
Grant Proposal
for**

**The "Who's Your Mama?" Earth Day and
Environmental Film Festival 2009**

**Submitted to
The City of Kent Department of Community Development
Attn: Mike Weddle
930 Overholt Rd.
Kent, OH 44240**

**Submitted by
Standing Rock Cultural Arts
257 N. Water St.
Kent, OH 44240
330-673-4970
www.standingrock.net**

Jeff Ingram/Executive Director

PROJECT TITLE: Who's Your Mama? Earth Day and Environmental Film Festival 2009

NON PROFIT ORGANIZATION: Standing Rock Cultural Arts

CONTACT PERSON: Jeff Ingram

ADDRESS: 257 N. Water St. Kent, OH 44240

PHONE NUMBER: 330-673-4970

EMAIL ADDRESS: info@standingrock.net

WEBSITES: www.standingrock.net or www.whosyourmama.org

TOTAL AMOUNT OF FUNDING REQUEST: \$3,000.00

PROJECT TITLE: Who's Your Mama? Earth Day and Environmental Film Festival

PROGRAM DESCRIPTION

The Who's Your Mama? Earth Day and Environmental Film Festival will be a four-day community event in the downtown Kent area that will include a Headline Event Street Festival on April 25, 2009. The event will offer local and international environmental films at The Kent Stage, multi-media education as well as alternative energy, sustainable agriculture, and conservation displays.

The mission of the festival is to celebrate planet earth and offer a forum for the sustainable activities occurring in our region. The target population will be families living in northeast Ohio.

A long term goal of the festival is to create a green infrastructure in the City of Kent and Portage County that is fueled by alternative energies and local, ecologically sensible manufacturing.

Downtown businesses will participate by offering specials to those who bicycle to the event. Downtown restaurants will be encouraged to participate in a local food challenge whereby an item on their menu will feature locally grown and/or organic ingredients.

There will be music at The Home Savings Plaza and Main Street will be closed off between Depeyster and Water Streets.

Past participants include The Portage Park District, The Kent Parks and Recreation Department, The Ravenna Parks and Recreation Department, The Davey Tree Expert Company, The Kent Roosevelt Environmental Science Class, The Kent Free Library, Family and Community Services, The Kent Environmental Council, and thirty other organizations from around the region and the state of Ohio.

PROJECT TITLE: "Who's Your Mama?" Earth Day and Environmental Film Festival

PROJECT BUDGET REQUEST

INCOME:

Requested: \$3,000.00

Matching Funds: \$19,300.00

-Sources

1. Ohio Arts Council \$1,000.00
2. Kent Chamber of Commerce: \$500.00
3. Local Businesses: \$ 2,000.00
4. Private Contributions: \$2,500.00
5. Program Ad Sales : \$1,000.00
6. Christenson Foundation: \$1,000.00
7. Davey Tree Expert Company: \$2,000.00
8. Sponsors: \$12,300.00

TOTAL INCOME: \$22,300.00

Expenses:

1. Administration: \$8,000 (Artistic Director , Marketing Director, 1 Assistant)
1. Entertainers: \$3,000.00 (Dance Troupe, Musicians, Street Performers etc.)
2. Graphic Artist for Fliers, Post Cards and Ads: \$1,500.00
3. Fliers and Posters (800 fliers, 60 posters): \$200
4. Projector Rental (screen and projectionist included): \$200.00
5. Promotional Ads: \$1,600.00
6. Banners to Hang Downtown: \$500.00
7. Programs: \$500.00
8. Film Licensing: \$2,000.00
9. Photographer: \$300.00
10. Catering: \$800.00
11. 1000 Post Cards listing Schedule of Events: \$200.00
12. Space Rental of Kent Stage: \$800.00
13. Travel Expenses: \$400.00
14. Insurance: \$200.00
15. Alternative Energy Displays: \$1,000.00
16. Sound System: \$500.00
17. Office Supplies: \$200.00
18. Postage: \$100.00
19. T-shirts: \$300.00

TOTAL EXPENSES: \$22,300.00

Celebrate Kent! APPLICATION

RECEIVED
APR 3 0 2008
COMMUNITY DEVELOPMENT
CITY OF KENT

PROJECT TITLE: The Kent State Folk Festival

APPLICANT ORGANIZATION: WKSU

CONTACT PERSON: Robert J. Burford

ADDRESS: 1613 E. Summit St., Kent OH 44242

PHONE NUMBER: 330-672-3114 FAX NUMBER: 330-672-4107

EMAIL ADDRESS: burford@wksu.org

TOTAL AMOUNT OF FUNDING REQUEST: \$9,000

PROGRAM DESCRIPTION: In the space below please provide a general description of the proposed project (Feel free to attach additional sheets if necessary).

The Kent State Folk Festival, now in its 42nd year, is one of the longest running folk festivals in the country. This year's Festival will take place Nov. 6 – 15, and will consist of:

1. Mainstage performances by nationally known artists
2. Folk Alley 'Round Town performances at more than 30 Kent venues, including restaurants, coffee shops, bars, and galleries.
3. Free folk music community workshops featuring national and regional artists showcasing music and dancing technique, and highlighting musical history and traditions.
4. Folk music education program for children attending Kent elementary schools

The Kent State Folk Festival has demonstrated that it draws significant audiences from outside Portage County. The attached document represents just some of the locations of Festival ticket buyers. The Festival concerts attracted visitors from Pennsylvania, Illinois, West Virginia, Quebec, and all over Ohio.

PROJECT BUDGET REQUEST: Please provide a budget for the proposed project to include: grant monies being requested; the amount and source of additional funding; and a listing of all projected expenses (Feel free to attach additional sheets if necessary).

Expenses: artist fees: \$55,000; marketing \$20,000; venue rentals \$4000; technical rentals \$4000 workshops \$5000; school program \$2000; labor \$2500; Round Town \$2500; recording \$2000 Revenues include University funding \$8,000; University sponsorship \$10,000; corporate funding \$25,000; city funding \$9,000; and ticket sales \$45,000

Program Description

4-30-08

APR 30 2008

COMMUNITY DEVELOPMENT
CITY OF KENT

The Kent Community Dinner is a tradition from the 1970's and re-established in 2005. Participants are people from Kent and environs including students at Kent State University. The Kent Community Dinner is yet another expression of Kent's resurgent town and gown partnership! Here you'll find a welcoming group of all ages and walks of life, a relaxed atmosphere, good food, and conviviality.

We enjoy the hospitality of organizations all around town. Sometimes we meet at a park, other times at a church, and even at a family owned restaurant.

Both the Cleveland Plain Dealer newspaper and WKSU Radio Station have featured Kent's Dinner in a story. They both felt we ~~have~~ had something worth sharing with all of North East Ohio. In the P.D. article Harvard University's Public Policy Professor Robert Putnam was interviewed. He has found evidence that social networks of trust, like the kind we, in Kent, are building, positively impact a town's schools, crime rate, government and even physical health. He does not know of a similar dinner anywhere. The author goes on to write "Breaking bread is a powerful form of connecting across lines of social division."

2.

Kent was settled by European immigrants and strengthened by those of African descent. The University continues to attract people from across the country and around the world.

We need go no farther than our own Dinner to share food and conversation with our neighbors of all races and religions. It is a place where we can rediscover that, while our differences exist, the humanity we share connects us all.

In celebrating the traditions of the Kent community, we acknowledge our unity. Traditions connect us with our history and our future.

Project Budget Request for May 2008 - May 2009

Program Expenses:

Charcoal - May \leftrightarrow October = \$10@ - - \$60
 additional Beverages - 12 months \$25@ - \$300
 additional Brochures - 2000 - - \$220
 Pay for part of Dinner at Kent State for 200 people - \$1,000

Capital Expenses:

Portable Heated Stoves - 2 units \$425@ - \$900
 18" x 36" + tax
 \$2,480

Additional Funding

one time donation - Kent Intfaith Council - (now defunct) \$717.09
 year long - Barbick Foundation - \$1,000.00
 25 years Lions - one time w/ pos. renewal \$50.00
 Doris Daniels - one time \$10.00

In Kind Donations

8 Jan - ~~tax~~ Acme Fresh Market - gift card - food \$300.00
 advanced display - outdoor signs
 all of our generous hosts - facilities
 Family and Community Services - admin support
 Dubois Bookstore - paper products
 Girl Scouts of the Western Reserve - assistance
 Great Trails Council, Boy Scouts of America - assistance

additional Funding cont.

- Lou Morning - floral design
 Joan Underhill - graphic design
 Kent City Schools - tables + chairs
 Kent Hardware - equipment
 Kent Floral - flowers
 KSU fraternities + sororities - assisting
 Laura Meyer - founder + coordinator
 Local Musicians - including Rudy Beckna, David
 Bittinger, Brad Bolton, Celtic Clan, Kenny
 Fanta, Helena Esperza, Kenny Keon, Joe
 Giacola, Trish McDonough, Guy Parnelli,
 Aaron Sheg, Splish! Music, Bob Stevenson,
 Theodore Roosevelt ACE's Choir, Tina
 Vaught, Hal + Hellen Walker,
 Weniger + Simon, John White
 Many fine men + women - greeters, tablecloths, set-up
 + clean-up
 Susan's Coffee + Tea - beverages
 Ted Welser - attorney, legal advice
 Word Smiths - printing
 Woodsy's Music - sound system

2008 CELEBRATE KENT PROJECT ALLOCATION TABLE

D.I.C.E.

	REQUESTED AMOUNTS	ELIGIBLE ITEMS	RECOMMENDED ALLOCATIONS
ADMINISTRATION	\$8,000	\$0	\$0
ENTERTAINERS	\$3,000	\$3,000	\$1,100
GRAPHIC ARTIST	\$500	\$0	\$0
FLYERS AND POSTERS	\$200	\$200	\$200
PROJECTOR RENTAL	\$600	\$600	\$0
PROMOTIONAL ADS	\$600	\$600	\$600
BANNERS	\$500	\$500	\$0
ICE CREAM	\$200	\$0	\$0
ICE FOR ICE CARVING	\$800	\$800	\$400
PHOTOGRAPHER	\$300	\$300	\$0
DECORATIONS	\$100	\$0	\$0
POST CARDS	\$200	\$200	\$200
INSURANCE	\$200	\$0	\$0
TRAVEL	\$200	\$0	\$0
POSTAGE	\$50	\$50	\$0
OFFICE SUPPLIES	\$150	\$0	\$0
PHONE	\$100	\$0	\$0
SOUND SYSTEM	\$500	\$500	\$0
TOTALS	\$16,200	\$6,750	\$2,500

MAXIMUM AMOUNT OF SUPPORT PERMITTED

$$(\text{MATCHING FUNDS}) + (\text{IN-KIND SERVICES}/2) / 2 =$$

$$(\$11,200 + \$0) / 2 = \$5,100$$

2008 CELEBRATE KENT PROJECT ALLOCATION TABLE

"WHO'S YOUR MOMMA?"

	REQUESTED AMOUNTS	ELIGIBLE ITEMS	RECOMMENDED ALLOCATIONS
ADMINISTRATION	\$8,000	\$0	\$0
ENTERTAINERS	\$3,000	\$3,000	\$0
GRAPHIC ARTIST	\$1,500	\$0	\$0
FLYERS AND POSTERS	\$200	\$200	\$0
PROJECTOR RENTAL	\$200	\$200	\$0
PROMOTIONAL ADS	\$1,600	\$1,600	\$1,000
BANNERS	\$500	\$500	\$0
PROGRAMS	\$500	\$500	\$0
FILM LICENSING	\$2,000	\$0	\$0
PHOTOGRAPHER	\$300	\$300	\$0
CATERING	\$800	\$0	\$0
POST CARDS	\$200	\$200	\$0
SPACE RENTAL	\$800	\$800	\$0
TRAVEL	\$400	\$0	\$0
INSURANCE	\$200	\$0	\$0
ALTERNATIVE ENERGY	\$1,000	\$1,000	\$0
SOUND SYSTEM	\$500	\$500	\$0
OFFICE SUPPLIES	\$200	\$0	\$0
POSTAGE	\$100	\$100	\$0
T-SHIRTS	\$300	\$300	\$0
TOTALS	\$ 22,300.00	\$ 9,200.00	\$ 1,000.00

MAXIMUM AMOUNT OF SUPPORT PERMITTED

$$(MATCHING FUNDS)+(IN-KIND SERVICES/2)/2 =$$

$$(\$19,300 + \$0)/2 = \$9,650$$

2008 CELEBRATE KENT PROJECT ALLOCATION TABLE**KENT STATE FOLK FESTIVAL**

	REQUESTED AMOUNTS	ELIGIBLE ITEMS	RECOMMENDED ALLOCATIONS
ARTIST FEES	\$55,000	\$55,000	\$0
MARKETING	\$20,000	\$20,000	\$6,000
VENUE RENTALS	\$4,000	\$4,000	\$0
TECHNICAL RENTALS	\$4,000	\$4,000	\$0
WORKSHOPS	\$5,000	\$5,000	\$0
SCHOOL PROGRAM	\$2,000	\$2,000	\$0
LABOR	\$2,500	\$0	\$0
ROUND TOWN	\$2,500	\$2,500	\$0
RECORDING	\$2,000	\$2,000	\$0
TOTALS	\$ 97,000.00	\$ 94,500.00	\$ 6,000.00

MAXIMUM AMOUNT OF SUPPORT PERMITTED

 $(\text{MATCHING FUNDS}) + (\text{IN-KIND SERVICES}/2) / 2 =$
 $(\$88,000 + \$0) / 2 = \$44,000$

2008 CELEBRATE KENT PROJECT ALLOCATION TABLE**COMMUNITY DINNER**

	REQUESTED AMOUNTS	ELIGIBLE ITEMS	RECOMMENDED ALLOCATIONS
CHARCOAL	\$60	\$60	\$0
BEVERAGES	\$300	\$0	\$0
BROCHURES	\$220	\$220	\$0
KSU DINNER EXPENSE	\$1,000	\$1,000	\$500
CAPITAL EXPENSES	\$900	\$0	\$0
TOTALS	\$ 2,480.00	\$ 1,280.00	\$ 500.00

MAXIMUM AMOUNT OF SUPPORT PERMITTED

$$\begin{aligned} & (\text{MATCHING FUNDS}) + (\text{IN-KIND SERVICES}/2)/2 = \\ & (\$2,077 + \$0)/2 = \$1039 \end{aligned}$$



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

TO: Dave Ruller, City Manager

FROM: Michael Weddle, Plans Administrator *MW*

DATE: April 17, 2008

SUBJECT: **Business Development Center Tenant Application**
R. U. Gear Clothing Store

Attached is an application from Jamal Uddin requesting to lease the currently vacant suite in the Kent Business Development Center. If granted their request this minority owned and operated business will renovate the double suite to accommodate a Hip-Hop clothing retail operation. The applicant has been in touch with the Kent Regional Business Alliance regarding the preparation of a business plan; however, a plan has not been submitted at this time. Also attached is a copy of an email from Rillis Money Penny who performed the background and credit search for this application.

After review of the application and background search, staff recommends that City Council favorably consider this request, and authorize the Administration to execute a lease with the applicant. If their application is favorably received, the applicant would like to begin renovations on the space as soon as possible so that they can be in operation as soon as possible, and therefore has requested that their application be considered at the May 7, 2008 Council Committee Meeting. If possible, would you authorize this matter to be placed on Council's agenda for that meeting, at which time I will make the presentation to Council, and the applicants will be available to answer any questions related to their business and lease application.

Please let me know if there are any questions related to this matter or if additional information is needed. Thanks.

Pc: Gary Locke, Community Development Director
Jim Silver, Law Director
Linda Copley, Clerk of Council
Dan Smith, Economic Development Director
Barbara Rissland, Director of Budget and Finance
Sandy Lance, Administrative Assistant

attachments

CITY OF KENT COMMERCIAL LEASE APPLICATION

The following is an application to the City of Kent located in the County of Portage by

R.U. Gear, hereinafter referred to as the "Applicant," for the lease of city-owned property.
Business Name

GENERAL INFORMATION

1. Applicant name, name of business, home or main office address, contact person, and telephone number (attach additional pages if multiple enterprise participants).

Jamal Uddin
Applicant name

791 Ghent Road, Fairlawn, Ohio 44333
Street address City State Zip

Jamal Uddin, 330-671-9833, jamalmui@hotmail.com
Contact person Telephone number/FAX number email address

2. Nature of business (manufacturing, distribution, wholesale, retail, residential or other).

Retail clothing store

3. List 4 digit Standard Industrial Codes that apply to the products produced by the enterprise.

SIC Code #: 5611
Primary SIC Code

4. Form of business of enterprise (corporation, partnership, proprietorship, or other).

Corporation

5. Name of principal owner(s) or officers of the business (attach list if necessary).

Jamal Uddin, President

6. Is business seasonal in nature? Yes ___ No X

7. Lease will begin May, 2008 and be completed April, 2013.

8. State the enterprise's current employment level at the proposed project site:

Current Full-Time Employment 1
Current Part-Time Employment 0

9. State the enterprise's current amount of annual payroll for existing employment.

Current Full-Time Employment \$ Confidential
Current Part-Time Employment \$ 0

10. List proposed schedule for new hiring.

	Year 1	Year 2	Year 3	Year 4	Year 5
New Full-Time Employment	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>
New Part-Time Employment	<u>5</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>

11. a. Estimate the amount of annual payroll such new employees will add.

	Year 1	Year 2	Year 3	Year 4	Year 5
New Full-Time Payroll	<u>\$ 50,000</u>	<u>\$ 60,000</u>	<u>\$70,000</u>	<u>\$80,000</u>	<u>\$90,000</u>
New Part-Time Payroll	<u>\$ 5,000</u>	<u>\$ 7,000</u>	<u>\$ 9,000</u>	<u>\$ 11,000</u>	<u>\$11,000</u>

b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project: Full-Time: \$ Confidential Part-Time: \$ 0

12. a. Will the project involve the relocation of employment positions or assets from another location? Yes No

b. If yes, state the location(s) from which employment positions or assets will be relocated and the location to where the employment positions or assets will be located:

Located from: N/A

Located to: N/A

13. Does the Owner owe :

- a. Any delinquent taxes to the State of Ohio or any County, City or Township within the State of Ohio? Yes No
- b. Any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State? Yes No
- c. Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not. Yes No
- d. Any delinquent City of Kent taxes, utility usage fees or other City fees or charges. Yes No

NOTE: If the answer was yes to any of the above, on a separate sheet of paper, please provide details of each instance including but not limited to the location, amounts and/or case identification numbers.

14. An estimate of the amount to be invested by the Applicant to occupy the property:

	Total Amounts
a. Leasehold improvements	\$ <u>2,000</u>
b. Furniture and Fixtures	\$ <u>1,000</u>
c. Office Equipment	\$ <u>10,000</u>
d. Laboratory and other Equipment	\$ <u>2,000</u>
Total Investment	\$ <u>33,000</u>

PROJECT DESCRIPTION

15. Please provide a description of the proposed project (attach additional pages if necessary):

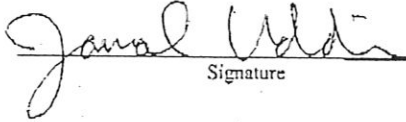
R. U. Gear is a retail operation specializing in the sale of contemporary, Hip-Hop clothing. The location of the Kent Business Development Center is ideally located to cover the Kent State University and greater Kent markets. Additionally, the approximate 2,000 ft² space, and affordable lease rate will permit this start-up operation to effectively grow into this currently underserved market without placing an undue financial burden on the company during the first few years of its existence. As the company grows in local awareness and market penetration it is expected that at, or before the end of the five-year lease term that R. U. Gear will seek to expand its operation in another location in the greater Kent area.

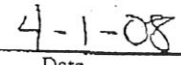
CERTIFICATIONS

The applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct. Falsification of which could result in the forfeiture of all current and future economic development assistance benefits as well as possible fines and imprisonment. The applicant further understands that any misstatement or error in fact may render this application null and void and may be cause for the repeal of any ordinance adopted in reliance on said information.

The Applicant agrees to supply additional information upon request.

Submission of this application expressly authorizes the City of Kent to confirm statements contained within this application, and to review applicable confidential records.

 _____
Signature

 _____
Date

Jamal M. Uddin, President
Typed/Printed Name and Title


**AUTHORIZATION TO CONDUCT
BACKGROUND AND CREDIT CHECKS**

I hereby authorize and consent to permit the City of Kent and Money Penny Realty & Management, LLC to conduct an investigation of my personal credentials as permitted by law including, but not limited to, inquiries with present and former employers, educational institutions, police departments and credit agencies regarding my employment, educational, criminal and credit histories.

This authorization also shall serve as an authorization to my present or former employers, educational institutions, credit agencies and bureaus and police departments to release my records or information pertaining to me to the City of Kent and Money Penny Realty & Management, LLC and to make disclosures to the greatest extent permitted by law to allow the City of Kent and Money Penny Realty & Management, LLC to assess my suitability as a tenant.

I will not assert any claim, cause of action or demand against the City of Kent or Money Penny Realty & Management, LLC, its employees, officers, directors or agents which may arise from the City of Kent's and Money Penny Realty & Management, LLC's investigation of my credentials or from any of the above-mentioned entities for providing the information requested.

A copy of this Authorization can be relied upon by those parties from whom information about me is requested.



Sign Name

Jamal Uddin
Print Name

791 Ghent Rd., Fairlawn, Oh 44333

Address

DOB - 3/7/79

[REDACTED]
Social Security No.

4-1-08

Date

WAIVER OF RELOCATION BENEFITS

The below signed Lessees of the property located at 211 E. Summit Street, Kent Ohio, hereby acknowledge and agree that each, jointly and severally, is a tenant in the described premises for a one-year term pursuant to this lease of even date herewith with the City of Kent as the owner and Lessor of the premises.

The below signed further acknowledge that either party may terminate the written lease upon giving the other the requisite notice provided for in the lease.

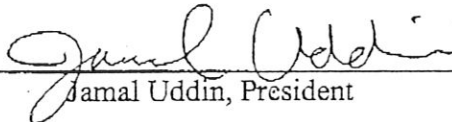
Upon receipt of such notice, the below signed agree to vacate the premises in accordance with the terms of the lease without any compensation due the below signed from the Lessor for exercising its rights under the lease.

The below signed hereby waive and release Lessor from having to pay to the below signed, their successors, administrators and assigns, any relocation benefit or payments in the event Lessor, City of Kent, exercises its rights under the terms of the lease to terminate the lease for any reason, with or without cause.

R. U. GEAR

CITY OF KENT, OHIO

By:


Jamal Uddin, President

By:

David Ruller, City Manager

Date:

4-1-08

Date:

Approved as to Form:

James R. Silver, Law Director

From: "Rillis Money penny" <rillis-money penny@money penny realty-management.com>
To: "Mike Weddle" <Weddle@kent-ohio.org>
CC: "Rillis Money penny" <rillis-money penny@money penny realty-management.com>
Date: 4/6/2008 8:06 PM
Subject: Jamal Uddin

Mike,
I ran a credit report, criminal background check and an ID cross check on Jamal Uddin. Based on my method of evaluating each entry on his credit report I find him to be satisfactory. He has no criminal activity in his background!. His ID cross check is also came up OK. The only problem I found is a State Tax Lien for \$53 from 2004 which is very minor. If he were applying for a rental with me I would find him acceptable.
Rillis

Rillis O. Money penny, Jr.
Broker
237 E. Main St.
Kent, Ohio 44240
Office 330-677-4722
Fax 330-677-4730
Cell 330-714-6543
rillis-money penny@money penny realty-management.com



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

TO: Dave Ruller, City Manager

FROM: Michael Weddle, Plans Administrator 

DATE: April 29, 2008

SUBJECT: Don Joseph Toyota, Inc. Community Reinvestment Area Agreement

Attached is a copy of the above referenced document that must be considered by City Council, and if approved, adopted by ordinance. Would you please authorize the attached agreement for City Council's action at the May 7, 2008 Council Committee meeting. Mr. Silver has reviewed the agreement and related attachments, and has found them to be in order. Additionally, the Administration of the Kent City School District has been an active participant in the consideration of this agreement and supports the project as witnessed by the attached School Board Resolution. Staff recommends that Council authorize the Community Reinvestment Area tax abatement as presented in the attached document.

Please let me know if you have any questions related to this matter, or if additional information is needed.

Attachment

Pc: Gary Locke, Community Development Director
Jim Silver, Law Director
Linda Copley, Clerk of Council
Dan Smith, Economic Development Director

E:\COMMUNITY REINVESTMENT AREAS\DON JOSEPH TOYOTA 2008\RULLER MEMO 4-29-08.doc



**DON JOSEPH TOYOTA
COMMUNITY REINVESTMENT AREA AGREEMENT**

This agreement ("Agreement") made and entered into by and between the City of Kent, Ohio, a city, with its main offices located at 215 East Summit Street, Kent Ohio 44240 (hereinafter referred to as "City of Kent") and Don Joseph, Inc., an Ohio corporation, with its main offices located at 1111 West Main Street, Kent, Ohio 44240.

RECITALS:

WHEREAS, the City of Kent has encouraged the development of real property and the acquisition of personal property located in an area located within the City of Kent and designated as a Community Reinvestment Area; and

WHEREAS, Don Joseph, Inc. desires to construct a new 18,000 square foot service and parts center with customer lounge, technician locker room and restrooms on the real property located at 1111 West Main Street, Kent, Ohio (the "REAL PROPERTY") and also to renovate an existing facility on such REAL PROPERTY to allow for additional sales space and showroom display (collectively, the "PROJECT") provided that the appropriate development incentives are available to support the economic viability of said PROJECT; and

WHEREAS, the Council of the City of Kent, Ohio by Ordinance No.2008-_____ adopted on _____ 2008 designated the REAL PROPERTY to be within an area designated as a "Community Reinvestment Area" pursuant Chapter 3735 of the Ohio Revised Code; and

WHEREAS, effective JULY, 12, 2005, the Director of Development of the State of Ohio determined that the aforementioned area designated in said Ordinance No.2008-_____ contained the characteristics set forth in Section 3735.66 of the Ohio Revised Code and confirmed said area as a Community Reinvestment Area under said Chapter 3735; and

WHEREAS, the City of Kent having the appropriate authority for the stated type of project is desirous of providing Don Joseph, Inc. with incentives available for the development of the PROJECT in said Community Reinvestment Area under Chapter 3735 of the Ohio Revised Code; and

WHEREAS, Don Joseph, Inc. has submitted a proposed application to the City of Kent for Community Reinvestment Area Tax Incentives, a copy of which is attached hereto as **Exhibit A** (the "APPLICATION"); and

WHEREAS, Don Joseph, Inc. has remitted the required state application fee of \$750.00 made payable to the Ohio Department of Development with the APPLICATION to be forwarded to said department with a copy of this Agreement; and

WHEREAS, the City of Kent has investigated the APPLICATION of Don Joseph, Inc. and has recommended the same to the Kent City Council on the basis that Don Joseph, Inc. is qualified by financial responsibility and business experience to create and preserve employment opportunities in said Community Reinvestment Area and improve the economic climate of the City of Kent; and

WHEREAS, the REAL PROPERTY is located in the Kent City School District and such school district has been properly notified of the filing of the APPLICATION in accordance with Section 5709.83 and been given a copy of the APPLICATION; and

WHEREAS, the Kent City School District and Don Joseph, Inc. have entered into a Compensation Agreement, a copy of which is attached as **Exhibit B** (the "Compensation Agreement"); and

WHEREAS, pursuant to Section 3735.67(A) of the Ohio Revised Code and in conformance with the format required under Section 3735.671(B) of the Ohio Revised Code, the parties hereto desire to set forth their agreement with respect to matters hereinafter contained;

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the parties herein agree as follows:

1. Don Joseph, Inc. shall construct the PROJECT constituting a new 18,000 square foot service and parts center with customer lounge, technician locker room and restrooms and renovate its existing facility to allow for additional sales space and showroom display on the REAL PROPERTY. In addition during the timeframe set forth herein, Don Joseph, Inc. will purchase and install \$200,000 of new machinery and equipment, \$200,000 of new furniture and fixtures, and \$7,500,000 of inventory at the REAL PROPERTY. It is estimated by the parties that the PROJECT will involve a total investment by Don Joseph, Inc. of \$12,560,000 (Twelve Million, Five-Hundred Sixty Thousand Dollars), plus or minus 10%, at the Real Property. In addition to those dollar amounts listed above, also included in this investment are \$4,500,000 (Four Million, Five-Hundred Thousand Dollars) for construction of the facility and \$400,000 (Four-Hundred Thousand Dollars) to purchase first used machinery and equipment, furniture and fixtures. The PROJECT is estimated to begin May, 2008 and all acquisition, construction and installation is estimated to be completed by March, 2009 subject to delays caused by then prevailing economic conditions and force majeure events.

2. Don Joseph, Inc. currently has 52 full-time permanent employees, and 4 part-time permanent employees at the project site. In total, Don Joseph, Inc. has 52 full-time permanent employees, and 10 part-time employees in the State of Ohio. As part of the PROJECT, Don Joseph, Inc. shall create the equivalent of 15 new full-time permanent, and 4 new part-time permanent job opportunities between May 1, 2009 and December 31, 2010 or during such period of time which is thirty-six months (36) after commencement of construction, whichever is later, and will also use its best efforts to retain the 52 existing full-time permanent, and 4 part-time permanent jobs at the REAL PROPERTY. The obligations and timeframes of Don Joseph, Inc. contained in this paragraph shall also be subject to delays caused by then prevailing economic conditions and force majeure events.

It is estimated by the parties that the increase in the number of employees will result in approximately \$543,000 (Five-Hundred Forty-Three Thousand Dollars) of additional annual payroll. The following is an itemization of such additional payroll by the type of new jobs created: full-time permanent \$525,000 (Five-Hundred Twenty-Five Thousand Dollars), and \$18,000 (Eighteen Thousand Dollars) for part-time permanent employees. The retention of the existing jobs will maintain the current annual payroll of \$1,042,000 (One-Million, Forty-Two Thousand Dollars).

3. During the term of this Agreement, Don Joseph, Inc. shall provide to the proper Tax Incentive Review Council any information reasonably required by the council to evaluate its

compliance with this Agreement, including returns filed pursuant to section 5711.02 of the Ohio Revised Code, if requested by the council.

4. The City of Kent hereby grants Don Joseph, Inc. a tax exemption for real property improvements made to the PROJECT site pursuant to Section 3735.67 of the Ohio Revised Code in the following amounts: 75% the assessed value to be exempted for 12 years. The estimated real property taxes associated with the PROJECT are attached as **Exhibit C**. The exemption shall commence on the first year for which the REAL PROPERTY would first be taxable were that property not exempted from taxation. Notwithstanding the foregoing, no exemption granted hereunder shall commence after 2010 nor extend beyond 2023. Don Joseph, Inc. must file the appropriate tax forms with the Portage County Auditor to effect and maintain the exemptions covered in the Agreement.

5. Don Joseph, Inc. shall pay an annual fee (the "Annual Fee") to the City of Kent equal to \$500.00 (Five Hundred Dollars).

The Annual Fee shall be made payable to the City of Kent and shall be due and payable on or before April 30 of each calendar year this Agreement is effective. The check for the Annual Fee is to be made out to the City of Kent with "CRA Annual Review Fee" stated in the memo section of the check. This Annual Fee shall be deposited by the City of Kent in a special fund created for such purpose and shall be used exclusively for the purpose of complying with section 3735.671(D) of the Ohio Revised Code and by the Tax Incentive Review Council created under section 5709.85 of the Ohio Revised Code exclusively for the purposes of performing the duties prescribed under that section.

6. Don Joseph, Inc. shall pay such real and tangible personal property taxes as are not exempted under this Agreement and are charged against such property and shall file all tax reports and returns as required by law. In the event Don Joseph, Inc. fails to pay such taxes or file such returns and reports, all incentives granted under this Agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and thereafter. Notwithstanding anything contained in this section to the contrary, the City of Kent shall be required to give Don Joseph, Inc. written notice of its intent to rescind the incentives granted under this Agreement and a thirty (30) day period in which to cure the same prior to such rescission.

7. The City of Kent shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

8. If for any reason the Community Reinvestment Area designation expires, the Director of the Ohio Department of Development revokes certification of the zone, or the City of Kent revokes the designation of the zone, entitlements granted under this Agreement shall continue for the number of years specified under this Agreement, unless Don Joseph, Inc. materially fails to fulfill its obligations under this Agreement or the Compensation Agreement and as a result of such failure the City of Kent, after written notice of such material failure and a thirty (30) day period to cure, terminates or modifies the exemptions from taxation granted under this Agreement.

9. Subject to the required notice and opportunity to cure set forth in Section 8 above, if Don Joseph, Inc. materially fails to fulfill its obligations under this Agreement, or the Compensation

Agreement, or if the City of Kent reasonably determines that the certification as to delinquent taxes required by this Agreement is fraudulent, the City of Kent may terminate or modify the exemptions from taxation granted under this Agreement, and may require the repayment of the amount of taxes that would have been payable had the property not been exempted from taxation under this Agreement.

10. Don Joseph, Inc. hereby certifies that at the time this Agreement is executed, Don Joseph, Inc. does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio, and does not owe delinquent taxes for which Don Joseph, Inc. is liable under Chapter 5733, 5735, 5739, 5741, 5743, 5747, or 5753 of the Ohio Revised Code, or, if such delinquent taxes are owed, Don Joseph, Inc. currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against Don Joseph, Inc.. For the purposes of the certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

11. Don Joseph, Inc. affirmatively covenants that it does not owe:

- A. any delinquent taxes to the State of Ohio or a political subdivision of the State;
- B. any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State; and
- C. any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not.

12. Don Joseph, Inc. and the City of Kent acknowledge that this Agreement must be approved by formal action of the legislative authority of City of Kent as a condition for the Agreement to take effect. This Agreement shall take effect upon such approval.

13. The City of Kent has developed a policy to ensure recipients of Community Reinvestment Area tax benefits practice non-discriminating hiring in their operations. By executing this Agreement, Don Joseph, Inc. is committing to following non-discriminating hiring practices and acknowledges that no individual may be denied employment solely on the basis of race, religion, sex, disability, color, national origin, or ancestry.

14. Exemptions from taxation granted under this Agreement shall be revoked if it is determined that Don Joseph, Inc., any successor property owner, or any related member (as those terms are defined in Section 3735.671 of the Ohio Revised Code) has violated the prohibition against entering into this agreement under Division (E) of Section 3735.671 or Section 5709.63 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections.

15. Don Joseph, Inc. affirmatively covenants that it has made no false statements to the State or local political subdivisions in the process of obtaining approval of the Community Reinvestment Area incentives. If any representative of Don Joseph, Inc. has knowingly made a false statement to the State or local political subdivision to obtain the Community Reinvestment Area incentives, Don Joseph, Inc. shall be required to immediately return all benefits received under the Community Reinvestment Area Agreement pursuant ORC Section 9.66(C)(2) and shall be ineligible for any future economic development assistance from the State, any state agency or a political subdivision pursuant to ORC Section 9.66(C)(1). Any person who provides a false statement to secure economic development assistance may be guilty of falsification, a

misdemeanor of the first degree, pursuant to ORC Section 2921.13(D)(1), which is punishable by a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

16. This Agreement is not transferable or assignable without the express, written approval of the City of Kent, which approval shall not be unreasonably withheld, conditioned or delayed.

IN WITNESS WHEREOF, the City of Kent, Portage County Ohio, by David Ruller, its City Manager, and pursuant to Ordinance No. 2008-_____, has caused this instrument to be executed this ___ day of _____, 2008 and Don Joseph, Inc. by Jeffery D. Joseph, President has caused this instrument to be executed on this day 23 of April, 2008.

WITNESS:

CITY OF KENT, OHIO

David Ruller, City Manager

Approved as to form:

Jim Silver, Law Director

WITNESS:

James H. Beaton

DON JOSEPH, INC.
Jeffery D. Joseph
Jeffery D. Joseph, President

EXHIBIT A
CITY OF KENT
COMMUNITY REINVESTMENT AREA APPLICATION

The following is an application to the City of Kent located in the County of Portage by **Don Joseph, Inc.**, hereinafter referred to as the enterprise, for Community Reinvestment Area (CRA) Tax Incentives.

GENERAL INFORMATION

1. a. Name of business, home or main office address, contact person, and telephone number (attach additional pages if multiple enterprise participants). **Don Joseph, Inc., 1111 West Main Street, Kent, Ohio 44240**
- b. Contract Person: **Jeff Joseph** Telephone number/FAX number: **330-346-2900/ 678-8258**
- c. Project site: **1111 West Main Street and Stone Water Drive, Kent, Ohio, 44240**
2. Nature of business (manufacturing, distribution, wholesale, retail, residential or other). **Automobile Dealership.**
3. List 4 digit Standard Industrial Codes that apply to the products produced by the enterprise. SIC Code # **5511**
4. Form of business of enterprise (corporation, partnership, proprietorship, or other). **Corporation.**
5. Name of principal owner(s) or officers of the business (attach list if necessary). **Jeffrey D. Joseph**
6. Is business seasonal in nature? Yes ___ No **X**
7. Project will begin **May 2008** and be completed **March 2009**, provided a tax abatement is provided.
8. For new projects, please project the demand for the water and sewer services. For expansion projects, please project any increase over existing demand for sewer, storm sewer and water services.
 - a. Projected increases in Water Usage (GPD) **50%**
 - b. Projected increased in Sewer Usage (GPD) **50%**
9. If a consolidation, what are the components of the consolidation? (applicant must itemize the location, assets, and employment positions to be transferred)

10. Does the enterprise owe :
- a. Any delinquent taxes to the State of Ohio or any County, City or Township within the State of Ohio? Yes ___ No **X**
 - b. Any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State? Yes ___ No **X**
 - c. Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not. Yes ___ No **X**
 - d. If yes to any of the above, please provide details of each instance including but not limited to the location, amounts and/or case identification numbers (add additional sheets if necessary). **N/A**
11. An estimate of the amount to be invested by the enterprise to establish, expand, renovate or occupy a facility:

	<u>Total Amounts</u>	<u>Amount Eligible For Exemption</u>
a. Land:	\$ <u>160,000</u>	\$ - 0 -
b. Acquisition of Buildings:	\$ <u>- 0 -</u>	\$ -0-
c. Additions/New Construction:	\$ <u>3,000,000</u>	\$ <u>3,000,000</u>
d. Improvements to existing buildings:	\$ <u>1,500,000</u>	\$ <u>1,500,000</u>
e. Machinery & Equipment:	\$ <u>200,000</u>	\$ -0-
f. Furniture & Fixtures:	\$ <u>200,000</u>	\$ -0-
g. Inventory:	\$ <u>7,500,000</u>	\$ -0-
Total New Project Investment:	\$<u>12,560,000</u>	\$<u>4,500,000</u>

Note: Not all of the above items are eligible for tax abatement.

SOURCES AND USES OF FUNDS STATEMENT

12. Please provide below a detailed Sources and Uses of Funds Statement.

<u>SOURCES OF FUNDS:</u>		<u>USES OF FUNDS:</u>	
Equity:	\$ -0-	Land Acquisition:	\$ <u>160,000</u>
Bank Loan:	\$ <u>12,535,000</u>	Construction:	\$ <u>4,500,000</u>
Internal Financing:	\$ -0-	Fixtures and M&E:	\$ <u>400,000</u>
City of Kent Grant:	\$ <u>25,000</u>	Inventory:	\$ <u>7,500,000</u>
TOTAL:	\$<u>12,560,000</u>	TOTAL:	\$<u>12,560,000</u>

PROJECT DESCRIPTION

13. Please provide a description of the proposed project (attach additional pages if necessary):

Construct a new 18,000 square foot service and parts center with customer lounge, technician locker room and restrooms. Renovate existing facility to allow for additional sales space and showroom display.

EMPLOYMENT AND PAYROLL INFORMATION

14. State the enterprise's current employment level at the proposed project site:

Current Full-Time Permanent Employment at Proposed Project Site **52**
 Current Full-Time Temporary Employment at Proposed Project Site **0**

Current Part-Time Permanent Employment at Proposed Project Site **4**
 Current Part-Time Temporary Employment at Proposed Project Site **0**

15. State the enterprise's current employment level in Ohio:

Current Total Ohio Full-Time Permanent Employment **52**
 Current Total Ohio Full-Time Temporary Employment **0**

Current Total Ohio Part-Time Permanent Employment **10**
 Current Total Ohio Part-Time Temporary Employment **0**

16. List proposed schedule for new hiring.

	Year 1	Year 2	Year 3	Other	Total
New Full-Time Perm.	<u>15</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>15</u>
New Full-Time Temp.	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
New Part-Time Perm.	<u>4</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>4</u>
New Part-Time Temp.	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

17. a. Estimate the amount of annual payroll such new employees will add.

	Year 1	Year 2	Year 3	Other	Total
New Full-Time Perm.	<u>\$525,000</u>	<u>\$525,000</u>	<u>\$525,000</u>	<u>\$0</u>	<u>\$1,575,000</u>
New Full-Time Temp	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
New Part-Time Perm	<u>\$ 18,000</u>	<u>\$18,000</u>	<u>\$18,000</u>	<u>\$0</u>	<u>\$ 54,000</u>
New Part-Time Temp	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project: Full-Time: **\$1,012,000** Part-Time: **\$30,000**

18. a. Will the project involve the relocation of employment positions or assets from one Ohio location to another? Yes No

b. If yes, state the locations from which employment positions or assets will be relocated and the location to where the employment positions or assets will be located:

Located from: N/A

Located to: N/A

c. State the enterprise's current employment level for each facility to be affected by the relocation of employment positions or assets: N/A

- d. What is the projected impact of the relocation, detailing the number and type of employees and/or assets to be relocated? N/A

TAX INFORMATION

19. In the space provided below estimate the payroll, real estate and personal property values and their associated tax projections for the period of abatement requested.

	YEAR	PAYROLL	INCOME TAX	TOTAL R.E. VALUE	EST. R.E. TAX
1	2008	\$3,447,635	\$68,953	\$4,500,000	\$71,777
2	2009	\$3,972,635	\$79,453	\$4,500,000	\$71,777
3	2010	\$3,972,635	\$79,453	\$4,500,000	\$71,777
4	2011	\$3,972,635	\$79,453	\$4,500,000	\$71,777
5	2012	\$3,972,635	\$79,453	\$4,500,000	\$71,777
6	2013	\$3,972,635	\$79,453	\$4,500,000	\$71,777
7	2014	\$3,972,635	\$79,453	\$4,500,000	\$71,777
8	2015	\$3,972,635	\$79,453	\$4,500,000	\$71,777
9	2016	\$3,972,635	\$79,453	\$4,500,000	\$71,777
10	2017	\$3,972,635	\$79,453	\$4,500,000	\$71,777
11	2018	\$3,972,635	\$79,453	\$4,500,000	\$71,777
12	2019	\$3,972,635	\$79,453	\$4,500,000	\$71,777
	TOTAL	\$47,146,620	\$942,936		\$861,319

22. Business requests the following tax exemption incentives:

- a. Real Property 75 % for 12 years
- b. Please explain below how the receipt of tax abatement through the City of Community Reinvestment Area Program will impact on the enterprise's decision to expand or locate within the City of Kent, and state why the project would not go forward with out this financial incentive. Be as quantitatively specific as possible.

Don Joseph Toyota is being encouraged by Toyota Corporate to expand its physical plant to comply with a standard dealership image. As seen in the cost estimates listed above, this mandated expansion is a very expensive venture, one that will significantly impact Don Joseph's financial bottom line. Absent the receipt of the requested tax abatements through the City of Kent Community Reinvestment Area program, the dealership must consider other alternatives, among which being the relocation to other locations within and around Portage County, but outside the City of Kent. While the abandonment of our corporate home for the past 39 years will present a number of challenges to the

dealership, the probability of such a move is extremely high in that an alternative site in a neighboring community has already been identified. The economic impact of the relocation of Don Joseph Toyota on our host City, the City of Kent, will be devastating financially, and would substantially set back the City's efforts to redevelop the "Kent Auto Mile."

CERTIFICATIONS

The applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct and is aware of the ORC Sections 9.66(C)(1) and 2921.13(D)(1) penalties for falsification which could result in the forfeiture of all current and future economic development assistance benefit as well as a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.


The applicant further understands that any misstatement or error in fact may render this application null and void and may be cause for the repeal of any ordinance adopted in reliance on said information.

The Applicant agrees to supply additional information upon request.

Submission of this application expressly authorizes the City of Kent to contact the Ohio Environmental Protection Agency to confirm statements contained within this application, including Item #10, and to review applicable confidential records. As part of this application, the property owner may also be required to directly request form the Ohio Department of Taxation, or complete a waiver form allowing the Department of Taxation to release specific tax records to the City of Kent.

Don Joseph Toyota
Name of Enterprise

2-26-08
Date


Signature

Jeffrey D. Joseph, President
Typed Name and Title

The City of Kent will forward a copy of this proposal to the affected Board of Education along with notice of the meeting date upon which the City of Kent will review the proposal. Notice must be given a minimum of fourteen (14) days prior to the scheduled meeting to permit the Board of Education to appear and/or comment before the legislative authorities considering the request.

A copy of this application will be attached to the Final Community Reinvestment Area Agreement as Exhibit A.

Copies of this proposal will be included in the finalized Community Reinvestment Area Agreement, and be forwarded to the Ohio Department of Taxation and the Ohio Department of Development within fifteen (15) days of final approval.

COMPENSATION AGREEMENT

This Compensation Agreement (the "Agreement"), made and entered into this April ____, 2008, between the BOARD OF EDUCATION OF THE KENT CITY SCHOOL DISTRICT (the "School District"), an Ohio public school district, and DON JOSEPH, INC. (the "Developer"), an Ohio corporation. Capitalized words and terms not otherwise defined elsewhere in this Agreement shall have the meanings assigned to them in Section 1 hereof.

RECITALS:

A. The Developer as owner of the Development Site has applied for an exemption for taxation under Sections 3735.65 through 3735.70 of the Revised Code (the "CRA Act") as to a planned improvement project at the ____ acre parcel site owned by the Developer and located at 1111 West Main Street, Kent Ohio 44240 (the "Development Site") which exemption will not exceed 75% of the assessed value of the planned improvements over a period of 12 years (the "Abatement").

B. The CRA Act provides that the City of Kent, Ohio (the "City") may approve the Abatement after the City and the Developer enter into a community reinvestment area agreement as required by the CRA Act which will describe the Abatement (the "CRA Agreement"). For the Abatement requested by the Developer, the CRA Act also requires that the School District approve the CRA Agreement before the CRA Agreement is approved by the City Council. The City has provided the School District with the proposed CRA Agreement.

C. On April 15, 2008 the Board of the School District adopted Resolution No. 08-19, (a) authorizing (i) this Agreement, and (ii) the School District's consent to the CRA Agreement, and (b) waiving any further notice requirements of the CRA Act, on the condition that the Developer execute and deliver this Agreement.

NOW, THEREFORE, in consideration of the premises and covenants contained herein, and to permit the City to proceed with the proposed Abatement, the parties agree as follows:

1. Payments from Developer. Each year that the Abatement is in effect for the Development Site, the Developer agrees to pay the School District the amount of \$5,000 (the "Developer Payments"). Each Developer Payment will be due on the date that the first-half real estate tax payment would have been due on the abated taxes had those taxes not been abated. In order to secure the Developer Payments, the Developer has opened account no. _____ with Fifth Third Bank (the "Pledge Account") and will deposit \$60,000 into that account within 14 days of signing the CRA Agreement. Investments within the account will be limited to savings accounts, certificates of deposit, money market funds and other interest bearing investments (where principal is not at risk) offered by Fifth Third Bank. The Developer grants the School District a lien on the Pledge Account to secure the Developer Payments and will execute an account control agreement in form reasonably acceptable to the School District to perfect that pledge. The Developer may withdraw interest credited to the Pledge Account at any time, but will only be able to direct transfers/withdrawals of principal in favor of the School District, until all Developer Payments have been paid. The Developer will pay any costs associated with the Pledge Account either from interest accrued on the Pledge Account or from

sources outside the Pledge Account. The Developer will be responsible for initiating the \$5,000 annual Developer Payment from the Pledge Account to the School District when due or alternatively making those payments from other funds available to the Developer. However, the Developer authorizes the School District to direct Fifth Third to make those payments to the School District if the Developer defaults on a payment. The Developer will direct Fifth Third to send account statements to the Treasurer of the School District no less frequently than semiannually.

2. Agreement by School District. In consideration of the compensation to be provided to it under this Agreement, the School District hereby:

- (a) approves the CRA Agreement; and
- (b) waives any notice requirements set forth in the CRA Act with respect to the CRA Agreement.

3. Amendment. This Agreement may be amended or modified by the parties only in writing, signed by all of the parties to the Agreement.

4. Counterparts. This Agreement may be executed in any number of counterparts, all of which taken together shall constitute one and the same instrument, and any party to this Agreement may execute this Agreement by signing any such counterpart.

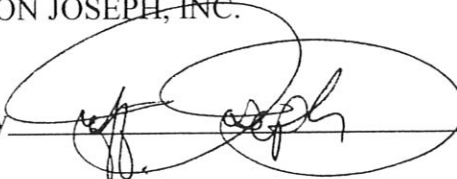
IN WITNESS WHEREOF, the undersigned have executed this Agreement as an authorized act as of the date first written above.

KENT CITY SCHOOL DISTRICT

By: _____
Superintendent

By: _____
Treasurer

DON JOSEPH, INC.

By:  _____

Its: President _____

EXHIBIT C

DON JOSEPH TOYOTA CRA ABATEMENT ESTIMATION - 2008

Estimated Real Property Improvements \$ 4,500,000 KENT CITY SCHOOL DISTRICT

REAL PROPERTY

Year	New Real Property	Assessed Value (35%)	Effective Millage	Real Property Tax	Percent of Abatement	Amount of Abatement
1	\$ 4,500,000	\$ 1,575,000	0.074435371	\$ 117,236	75%	\$ 87,926.78
2	\$ 4,500,000	\$ 1,575,000	0.074435371	\$ 117,236	75%	\$ 87,926.78
3	\$ 4,500,000	\$ 1,575,000	0.074435371	\$ 117,236	75%	\$ 87,926.78
4	\$ 4,500,000	\$ 1,575,000	0.074435371	\$ 117,236	75%	\$ 87,926.78
5	\$ 4,500,000	\$ 1,575,000	0.074435371	\$ 117,236	75%	\$ 87,926.78
6	\$ 4,500,000	\$ 1,575,000	0.074435371	\$ 117,236	75%	\$ 87,926.78
7	\$ 4,500,000	\$ 1,575,000	0.074435371	\$ 117,236	75%	\$ 87,926.78
8	\$ 4,500,000	\$ 1,575,000	0.074435371	\$ 117,236	75%	\$ 87,926.78
9	\$ 4,500,000	\$ 1,575,000	0.074435371	\$ 117,236	75%	\$ 87,926.78
10	\$ 4,500,000	\$ 1,575,000	0.074435371	\$ 117,236	75%	\$ 87,926.78
11	\$ 4,500,000	\$ 1,575,000	0.074435371	\$ 117,236	75%	\$ 87,926.78
12	\$ 4,500,000	\$ 1,575,000	0.074435371	\$ 117,236	75%	\$ 87,926.78
TOTAL/AVERAGE				\$ 586,179	75%	\$ 1,055,121.38

Don Joseph INC.

1111 WEST MAIN ST.
KENT, OHIO 44240

TOYOTA

330 673 2200
800 714 6635

www.donjosephtoyota.com

SCION

330 673 2200
877 DJSCION

www.donjosephscion.com

421

88760

SEVEN HUNDRED FIFTY DOLLARS AND 00/100

PAY

DATE	AMOUNT
04/29/08	\$750.00

TO THE
ORDER OHIO DEPARTMENT OF DEVELOPMENT
OF

DON JOSEPH, INC.
VOID AFTER 90 DAYS

SECURITY
FEATURES INCLUDED
DETAILS ON BACK

Leslie Young MP
Claudine Broft MP
AUTHORIZED SIGNATURE

Fifth Third Bank
NORTHERN, KY

██████████ ██████████ ██████████

NAME NUMBER DATE

OHIO DEPARTMENT OF DEVELOPMENT 04/29/08

CREATED BY: LESLIEY

CRA APPLICATION FEE

DESC	CTRL#	ACCT#	AMOUNT
		8140	750.00

REMITTANCE ADVICE
DETACH AND RETAIN

DON JOSEPH, INC.
KENT, OHIO 44240

CHECK NO.
88760

NET
AMOUNT

\$750.00

Reynolds and Reynolds - EQUAL OPPORTUNITY - CC203142 Q (07/06)

**BOARD OF EDUCATION
KENT CITY SCHOOL DISTRICT
PORTAGE COUNTY, OHIO**

The Board of Education (the "Board") of the Kent City School District (the "School District"), Portage County, Ohio, met in regular session on April 15, 2008, at 7:00 p.m., at Holden School, with the following members present:

Mr. Ryan Ferrara	Mr. John Flynn	Mrs. Rebekah Wright Kulis
Mrs. Janet Rusnack	Mr. Brian Boykin	

Mr. Flynn introduced the following resolution and moved its passage:

RESOLUTION NO. 08-19:

A RESOLUTION AUTHORIZING THE APPROVAL OF A
COMMUNITY REINVESTMENT AREA AGREEMENT
BETWEEN DON JOSEPH, INC. AND THE CITY OF KENT
AND THE ENTERING INTO OF A COMPENSATION
AGREEMENT BETWEEN THE SCHOOL DISTRICT AND DON
JOSEPH, INC. AS CONSIDERATION FOR THAT APPROVAL

WHEREAS, Don Joseph, Inc. (the "Developer") and the City of Kent, Ohio (the "City") have approached the School District seeking the School District's approval of a Community Reinvestment Area Agreement between the Developer and the City (the "CRA Agreement") in which a planned improvement to the Developer's Toyota car dealership located at 1111 West Main Street, Kent, Ohio 44240 would receive a tax abatement under Ohio Revised Code Sections 3735.65 to 3735.70 (the "CRA Act"), which exemption would not exceed 75% of the assessed value of the planned improvements over a period of 12 years (the "Abatement"); and

WHEREAS, the City has provided the School District with a copy of the proposed CRA Agreement; and

WHEREAS, as a condition to the School District's approval, the School District and the Developer are negotiating compensation that the Developer will pay to the School District in consideration of the School District's approval of the CRA Agreement; and

WHEREAS, based on the transaction described above, this Board has determined to enter into the compensation transaction and approve the CRA Agreement under the terms outlined in this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE KENT CITY SCHOOL DISTRICT, PORTAGE COUNTY, OHIO, THAT:

Section 1. This Board hereby approves the CRA Agreement and the granting of the real property tax exemption for 75% of the increase in assessed valuation for a period of up to 12 years with respect to the planned improvement, subject to the satisfaction of the conditions set forth in the recitals to this resolution, which shall be set forth in the Compensation Agreement.

Section 2. This Board hereby authorizes the School District to enter into the Compensation Agreement with the Developer, which shall provide for one of the two compensation options described below:

- (a) payments of \$5,000 per year by the Developer to the School District during each year that the tax exemption is in effect; or
- (b) a lump sum payment by the Developer to the School District at or about the time the CRA Agreement is executed equal to the present value of the payment stream describe in clause (a) using a reasonable discount factor.

The Superintendent and Treasurer of the School District are hereby authorized to complete negotiations with the Developer and elect either of the compensation options described above, to determine a reasonable discount factor if the second compensation option is elected, and to execute the Compensation Agreement on behalf of this Board in substantially the form presented to this Board (with such changes, not materially adverse to the School District, as those officials shall approve, and the execution of the Compensation Agreement by those officials on behalf of this Board shall be conclusive evidence of such approval).

Section 3. The Superintendent and Treasurer of this School District, or either of them individually, are also authorized to execute and deliver any other agreements, documents or certificates, and take all other actions necessary to accomplish the purposes of this Resolution.

Section 4. Subject to the entering into of the Compensation Agreement, this Board hereby waives any notice requirements of CRA Act with respect to the City's approval of the proposed tax abatement or the entering into of the CRA Agreement.

Section 5. The Treasurer is authorized and directed to promptly certify a copy of this Resolution to the City.

Section 6. This Board hereby finds and determines that all formal actions of this Board concerning and relating to the passage of this resolution were taken in an open meeting of this Board, and all deliberations of this Board and of any of its committees that resulted in such

formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Ms. Rusnack seconded the motion and, after discussion, a roll call vote was taken and the results were:

Ayes: Mrs. Kulis, Mr. Boykin, Mrs. Rusnack, Mr. Flynn, and Mr. Ferrara

Nays: None

The resolution passed.

Passed: April 15, 2008

BOARD OF EDUCATION
KENT CITY SCHOOL DISTRICT
PORTAGE COUNTY, OHIO

Board President

Attest:
Treasurer

CERTIFICATE

The undersigned Treasurer of the Kent City School District, Portage County, Ohio hereby certifies that the foregoing is a true copy of a resolution duly passed by the Board of Education of said School District on April 15, 2008.

Treasurer
Kent City School District,
Portage County, Ohio

CITY OF KENT, OHIO

Combined Statement of Revenues, Expenditures and Changes in Fund Balances - Budget and Actual (Non-GAAP Budgetary Basis) (1)
 General Fund, Street Construction, Maintenance and Repair Fund, Income Tax Fund, Income Tax Safety Fund,
 Fire and E.M.S. Fund and Capital Projects Fund

	2007 Original Budget	2007 Capital Plan	2007 Actual	Variance with 2007 Cap. Plan Positive/ (Negative)
Revenues				
Property and other taxes	\$ 1,595,636	1,686,912	1,679,315	(7,597)
Income Taxes	10,400,000	10,400,000	10,660,344	260,344
JEDD Taxes	-	300,000	182,215	(117,785)
Fees, licenses and permits	107,100	107,100	97,626	(9,474)
Intergovernmental	2,592,206	2,637,606	2,716,398	78,792
Estate Taxes	250,000	250,000	294,127	44,127
Grants	-	190,000	8,268	(181,732)
Charges for services	1,099,600	1,099,600	1,136,759	37,159
Fines and forfeits	262,000	262,000	221,509	(40,491)
Special assessments	84,400	84,400	127,162	42,762
Interest	780,000	980,000	969,351	(10,649)
Miscellaneous	35,000	235,000	257,195	22,195
Total revenues	17,205,942	18,232,618	18,350,269	117,651
Expenditures				
Current				
Security of persons and property	9,120,996	9,120,996	8,721,516	399,480
Public health and welfare	487,349	487,349	445,415	41,934
Leisure time activities	-	-	-	-
Community development	1,263,013	1,863,013	1,687,762	175,251
Transportation	1,561,996	1,561,996	1,419,435	142,561
General government	3,195,301	3,305,301	2,729,307	575,994
Total expenditures	15,628,655	16,338,655	15,003,435	1,335,220
Excess of revenues over expenditures	1,577,287	1,893,963	3,346,834	1,452,871
Other financing sources (uses)				
Proceeds from sale of assets	5,000	5,000	38,575	33,575
Proceeds from sale of notes/bonds	3,445,000	3,445,000	3,453,268	8,268
Debt service and issuance costs	(4,099,672)	(4,099,672)	(4,099,894)	(222)
Capital grants	-	353,000	27,880	(325,120)
Managed Reserve Contribution	(80,000)	(100,000)	(106,485)	(6,485)
Advance/Transfer to other funds (net)	165,000	165,000	165,000	-
Net other financing sources (uses)	(564,672)	(231,672)	(521,656)	(289,984)
Available for Capital Outlay	1,012,615	1,662,291	2,825,178	1,162,887
Capital outlays	3,360,300	3,573,300	2,286,247	1,287,053
Revenues/Sources minus Expenditures/Uses	(2,347,685)	(1,911,009)	538,931	2,449,940
Recovery of prior year encumbrances	-	-	304,945	304,945
Fund balance - January 1	11,881,067	11,881,067	11,881,067	-
Fund balance - December 31	9,533,382	9,970,058	12,724,943	2,754,885
Capital Reappropriated in January 2008			(1,353,000)	
Fund Balance after Reappropriation			11,371,943	

Position Vacancies - 2007

	Estimated Savings	Termination Pay	Net Savings	FTE
Governmental				
Security of persons and property	\$511,395	\$182,721	\$328,674	6.4
Public health and welfare	23,645	1,805	21,840	0.3
Community development	100,600	0	100,600	1.0
Transportation	90,020	16,297	73,723	1.3
General government	264,571	1,609	262,962	3.5
	<u>\$990,231</u>	<u>\$202,432</u>	<u>\$787,799</u>	<u>12.5</u>
Water	\$167,258	\$34,819	\$132,439	2.4
Sewer	\$188,603	\$31,240	\$157,363	2.7
Solid Waste	\$1,913	\$0	\$1,913	0.0
Parks and Recreation	\$51,894	\$32,542	\$19,352	0.8
Total	\$1,399,899	\$301,033	\$1,098,866	18.4

Terminations/Retirements
Full-Time Employees

1999	17
2000	10
2001	10
2002	11
2003	9
2004	15
2005	4
2006	21
2007	17
2008 YTD	2

2006	7	Vacancies - Beginning of Year
	21	Terminations
	1	New
	(10)	Hires
	<u>19</u>	Vacancies - End of Year

2007	19	Vacancies - Beginning of Year
	17	Terminations
	0	New
	(1)	Transfer from Part-time
	(19)	Hires
	<u>16</u>	Vacancies - End of Year

2008	16	Vacancies - Beginning of Year
	2	Terminations
	0	New
	(2)	Transfer from Part-time
	(7)	Hires
	<u>9</u>	Vacancies - 4-28-2008

CITY OF KENT, OHIO

Combined Statement of Revenues, Expenditures and Changes in Fund Balances - Budget and Actual (Cash Basis)
 General Fund, Street Construction, Maintenance and Repair Fund, Income Tax Fund, Income Tax Safety Fund,
 Fire and E.M.S. Fund and Capital Projects Fund

	2008 Original Budget	2008 Revised Budget	Cash Basis 4/28/2008	Cash as Percentage of Revised Budget
Revenues				
Property and other taxes	\$ 1,696,312	1,696,312	762,847	44.97%
Income Taxes	10,650,000	10,650,000	3,921,419	36.82%
JEDD Taxes	325,000	325,000	36,955	11.37%
Fees, licenses and permits	106,900	106,900	24,387	22.81%
Intergovernmental	2,684,368	2,684,368	838,692	31.24%
Estate Taxes	250,000	250,000	164,103	65.64%
Grants	150,000	150,000	8,194	5.46%
Charges for services	1,061,000	1,061,000	438,818	41.36%
Fines and forfeits	231,400	231,400	77,665	33.56%
Special assessments	79,000	79,000	60,754	76.90%
Interest	905,000	905,000	401,193	44.33%
Miscellaneous	75,000	75,000	217,569	290.09%
Total revenues	18,213,980	18,213,980	6,952,596	38.17%
Expenditures				
Current				
Security of persons and property	9,347,794	9,349,994	2,964,669	31.71%
Public health and welfare	507,289	507,289	196,879	38.81%
Leisure time activities	-	-	-	
Community development	1,369,255	1,369,255	536,020	39.15%
Transportation	1,557,416	1,557,416	543,382	34.89%
General government	3,208,160	3,208,160	989,166	30.83%
Total expenditures	15,989,914	15,992,114	5,230,116	32.70%
Excess of revenues over expenditures	2,224,066	2,221,866	1,722,480	
Other financing sources (uses)				
Proceeds from sale of assets	5,000	5,000	-	
Proceeds from sale of notes/bonds	3,225,000	3,225,000	-	
Debt service and issuance costs	(3,854,797)	(3,854,797)	-	
Capital grants	1,500,000	1,500,000	117,956	7.86%
Managed Reserve Contribution	(105,000)	(105,000)	-	
Advance/Transfer to other funds (net)	175,000	175,000	-	
Net other financing sources (uses)	945,203	945,203	117,956	
Available for Capital Outlay	3,169,269	3,167,069	1,840,436	
Capital outlays	3,379,000	4,732,000	678,575	14.34%
Revenues/Sources minus Expenditures/Uses	(209,731)	(1,564,931)	1,161,861	
Recovery of prior year encumbrances	-	-		
Fund balance - January 1	12,724,943	12,724,943		
Fund balance - December 31	12,515,212	11,160,012		

CITY OF KENT, OHIO

Combined Statement of Revenues, Expenditures and Changes in Fund Balances - Cash Basis
 General Fund, Street Construction, Maintenance and Repair Fund, Income Tax Fund, Income Tax Safety Fund,
 Fire and E.M.S. Fund and Capital Projects Fund

	Cash Basis 4/28/2007	Cash Basis 4/28/2008	Cash as Percentage of Revised Budget	
Revenues				
Property and other taxes	\$ 764,854	762,847	(2,007)	-0.26%
Income Taxes	3,860,007	3,921,419	61,412	1.59%
JEDD Taxes	-	36,955	36,955	#DIV/0!
Fees, licenses and permits	20,611	24,387	3,776	18.32%
Intergovernmental	905,790	838,692	(67,098)	-7.41%
Estate Taxes	182,295	164,103	(18,192)	-9.98%
Grants	-	8,194	8,194	#DIV/0!
Charges for services	222,348	438,818	216,470	97.36%
Fines and forfeits	72,634	77,665	5,031	6.93%
Special assessments	49,600	60,754	11,154	22.49%
Interest	292,299	401,193	108,894	37.25%
Miscellaneous	218,019	217,569	(450)	-0.21%
Total revenues	6,588,457	6,952,596	364,139	5.53%
Expenditures				
Current				
Security of persons and property	2,707,793	2,964,669	256,876	9.49%
Public health and welfare	163,547	196,879	33,332	20.38%
Leisure time activities	-	-	-	-
Community development	315,817	536,020	220,203	69.72%
Transportation	471,779	543,382	71,603	15.18%
General government	854,454	989,166	134,712	15.77%
Total expenditures	4,513,390	5,230,116	716,726	15.88%
Excess of revenues over expenditures	2,075,067	1,722,480	(352,587)	-16.99%
Other financing sources (uses)				
Proceeds from sale of assets	-	-		
Proceeds from sale of notes/bonds	-	-		
Debt service and issuance costs	-	-		
Capital grants	-	117,956	117,956	#DIV/0!
Managed Reserve Contribution	-	-		
Advance/Transfer to other funds (net)	-	-		
Net other financing sources (uses)	-	117,956	117,956	#DIV/0!
Available for Capital Outlay	2,075,067	1,840,436		
Capital outlays	784,974	678,575	(106,399)	-13.55%
Revenues/Sources minus Expenditures/Uses	1,290,093	1,161,861		

Position Vacancies as of 4-28-2008

	Estimated Savings	Termination Pay	Net Savings	FTE
Governmental				
Security of persons and property	\$133,360	\$59,315	\$74,045	4.6
Public health and welfare	0	0	0	0.0
Community development	14,764	0	14,764	0.5
Transportation	19,667	0	19,667	0.7
General government	76,625	0	76,625	2.8
	<u>\$244,416</u>	<u>\$59,315</u>	<u>\$185,101</u>	<u>8.6</u>
Water	\$46,154	\$0	\$46,154	1.8
Sewer	\$40,160	\$0	\$40,160	1.4
Solid Waste	\$0	\$0	\$0	0.0
Parks and Recreation	\$13,311	\$0	\$13,311	0.8
Total	\$344,041	\$59,315	\$284,726	12.6



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT



DATE: APRIL 11, 2008
TO: KENT CITY BOARD OF ZONING APPEALS
FROM: HEATHER PHILE, DEVELOPMENT PLANNER *HP*
RE: STAFF REPORT FOR THE APRIL 21, 2008 BOARD OF ZONING APPEALS MEETING

The following cases appear on the agenda for the April 21, 2008 Board of Zoning Appeals meeting:

NEW BUSINESS

CASE NO.: BZ08-004
APPLICANT: VINCENT & SUZANNE DeGEORGE / BRIAN FEELEY
SITE LOCATION: 118 University Drive
STATUS OF APPLICANT: The applicant is the architect for the owners of the property.
REQUESTED ACTION: The applicants are requesting the following:

- 1) A 6,175 square foot variance from the 11,500 square foot minimum lot size requirement to allow a new rooming/boarding house to have a lot size of 5,325 square feet (Section 1145.03(a)(3)),
- 2) A 50-foot variance from the 100-foot minimum lot width at the building line to allow a new rooming/boarding house to have a lot width of 50 feet at the building line (Section 1145.03(b)(3)),
- 3) A 30 percent open space variance from Section 1145.03(d) to allow 0 percent open space, as defined Section 1109.01(g)(132)(A-J),
- 4) An 11-foot variance from the 20-foot minimum ingress/egress driveway width to allow a driveway width of 9 feet (Section 1167.04(a)), and
- 5) A 1.5-foot variance from the 5-foot minimum rear yard landscaping strip to allow 3.5 feet between the parking area and the rear property line (Section 1167.10(b)(2)).

ZONING: This property is currently located in a C-R: Commercial – High Density Residential zone district.

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www.KentOhio.org

TRAFFIC: The property is accessible from University Drive.

SURROUNDING LAND USES: The property is surrounded by multi-family or non-conforming rooming/boarding houses on all sides.

APPLICABLE CODE SECTIONS: 1145.03(a)(3), 1145.03(b)(3), 1145.03(d), Section 1109.01(g)(132)(A-J), 1167.04(a), and 1167.10(b)(2)

ANALYSIS:

The property at 118 University Drive is currently zoned C-R: Commercial – High Density Residential and is a single-family dwelling. The applicant would like to convert the single family dwelling into a rooming/boarding house for up to four unrelated residents. The applicant proposes to provide four new parking spaces in the rear yard for the residents.

Rooming/boarding houses are Conditionally Permitted in the C-R zone district. In order to convert the property to a rooming/boarding house, the applicant is requesting a Conditional Zoning Certificate from the Planning Commission, who will review this case on April 15, 2008.

The applicant is requesting five variances: overall lot size, lot width at the building line, open space relief, and minimum rear yard landscaping strip along the new parking area. The first variance is a request to allow a 6175 square foot lot instead of the 11,500 square feet required by the R-4 zoning code. There are residences on both sides of this parcel, and purchasing any property from either of these lots is not possible.

The second variance request pertains to the minimum lot width at the building line. The C-R zoning district states that a minimum lot width at the building line is 100 feet. This property is currently only 50-feet wide. This lot was platted many years ago, with the surrounding properties being of similar widths.

The next variance request is for total relief from the open space requirements. The C-R zone district requires a minimum of 30 percent open space. The usable open space requirements state that a minimum of 10,000 square feet is required. This lot is currently less than the minimum space required. The applicant explains that in order to allow for some outdoor space for the residents, a front porch and rear deck do exist on the property. Most of the green space that exists on the property currently will become a new parking area for the four residents. The applicant does state that the property is across the street from Campus, and the campus can provide some open space for the residents.

The next variance deals with the minimum drive width for ingress/egress to the property. This property currently has an 11-foot driveway, which is consistent with the neighboring properties. There is not enough room to expand the driveway to make a 20-foot wide driveway from the street to the garage, as the driveway sits in between the house and a block retaining wall that lines the north property line.

The last variance request involves the landscaping strip from the parking area to the rear property line. A minimum of 5 feet between the parking area and the property line needs to be landscaping or natural vegetation. The new parking area will include a concrete slab from an old garage. This slab currently sits 3.5 feet from the west property line. Since the new parking area will include this slab, a variance will be required. The applicant proposes to plant and mulch this strip to provide a buffer to the neighboring property.

RECOMMENDATION:

Staff is of the opinion that the applicant has addressed the hardships for all of the variance requests. There are few alternatives the applicants can do to add onto the lot in order to be more in line with the zoning code. Staff would like to state that the Board should heavily consider any neighborhood comments in their decision for approval or denial of the variances, as the project could be a detriment to the neighboring properties or the public interest.

CASE NO.: **BZ08-005**

APPLICANT: **EQK / PLUM CREEK APARTMENTS**

SITE LOCATION: Northwest corner of Meloy Road & State Route 43

STATUS OF APPLICANT: The applicant is the owner of the property.

REQUESTED ACTION: The applicant is requesting the following:

- 1) A variance to allow a 21' X 8' free-standing sign within the R-4 zoning district (Section 1165.03), and
- 2) A 3-foot variance to allow accessory buildings to be 18 feet in height (Section 1161.14(a))

ZONING: This property is currently located in a R-4: Multi-family Residential zone district.

TRAFFIC: The property is accessible from Meloy Road.

SURROUNDING LAND USES: The property is surrounded by vacant commercial land to the north, residential uses to the west, the Kent Bog on the south and by commercial uses on the east.

APPLICABLE CODE SECTIONS: 1165.03 and 1161.14(a)

ANALYSIS:

The applicants are requesting to extend their approvals for two variances that were previously approved in January of 2006. The advertisement and neighborhood letters show a request for five variances, but after a site plan revision, two variances were eliminated and the Planning Commission approved the reduction in the open space requirement during the site plan review. The final site plan was approved on November 7, 2006 with no new variances requests required. The applicant has submitted plans for Technical Plan Review since that time.

The applicant is requesting to extend their approval of their site plan to November 7, 2008 through the Planning Commission. This will give the applicant more time to prepare construction drawings and to obtain the necessary building, zoning, and engineering permits. The applicant is requesting re-approval of the two variances, as the variance approval is a condition of the overall site plan approval by the Planning Commission.

RECOMMENDATION:

Staff is recommending re-approval of the two variances so that the applicant can obtain the necessary permits for construction and move forward with the project.

CASE NO.: BZ08-006

APPLICANT: DON JOSEPH TOYOTA

SITE LOCATION: 1111 West Main Street

STATUS OF APPLICANT: The applicant is the owner of the property.

REQUESTED ACTION: The applicant is requesting a 10-foot variance from the 20-foot minimum landscaping strip to allow a 10-foot strip between the parking area and the Stonewater right-of-way line (Section 1167.10(b)(1)).

ZONING: This property is currently located in an IC-R: Intensive Commercial –Residential zone district.

TRAFFIC: The property is accessible from West Main Street and Stonewater Drive.

SURROUNDING LAND USES: The property is surrounded by vacant property on the north, south, and east sides, and by Don Joseph Toyota on the west side.

APPLICABLE CODE SECTION: 1167.10(b)(1)

ANALYSIS:

The property at 461 Stonewater Drive was previously home to a single-family dwelling and is now vacant property. This property is zoned IC-R: Intensive Commercial – Residential. The applicants are proposing to add onto the existing Toyota facility and create a new parking area to store inventory vehicles. Some existing parking will be taken away after the additions to the building are constructed. The new parking area on Stonewater will make up for these spaces that will be lost to the new building additions and will create more area for inventory storage.

The applicant is requesting a 10-foot variance from the 20-foot minimum landscaping setback to allow for a 10-foot landscaping strip between the street right-of-way and the parking lot edge. Creating this lot will allow the existing facility to be upgraded to the industry standards required by Toyota. To be able to have enough spaces to make up for the lost spaces, a 10-foot landscaping strip will allow for the row of spaces along the street. Without the variance, these spaces will need to be eliminated; creating a smaller lot that will not serve the purpose of creating this parking area.

RECOMMENDATION:

Staff is recommending approval of the variance request. Staff is of the opinion that the applicant has demonstrated a hardship in that the additional row of spaces will provide enough room to store the required number of inventory vehicles. Staff is also of the opinion that

granting this variance would not be a detriment to the surrounding neighborhood or to the traveling public. The granting of the variance would not materially impair the purpose of the zoning code. The applicant will submit plans for any signage variances at a later date.

CASE NO.: **BZ08-007**

APPLICANT: **LINCOLN COMMONS SENIOR VILLAGE / MILLER VALENTINE**

SITE LOCATION: South Lincoln Street, just north of Marigold Lane

STATUS OF APPLICANT: The applicant is the owner of the property.

REQUESTED ACTION: The applicant is requesting the following:

- 1) A variance to allow a 4-foot by 10-foot free-standing sign within the R-3 zone district (Section 1165.03), and
- 2) A 10 percent variance from the 30 percent open space requirement, as outlined in Section 1133.03(e) and defined in Section 1109.01(132), to allow 20 percent open space.

ZONING: This property is currently located in a R-3: High Density Residential zone district.

TRAFFIC: The property is accessible from South Lincoln Street.

SURROUNDING LAND USES: The property is surrounded by single-family residential uses on the west and south sides, vacant residential property on the east side and other residential uses on the north side.

APPLICABLE CODE SECTIONS: 1165.03, 1133.03(e), and 1109.01(132)

ANALYSIS:

This project is located on South Lincoln Street, just north of Marigold Lane. This property is formerly known as Phase 2 of the Lincoln Commons Subdivision. The property is currently zoned R-3: High Density Residential.

The applicants are proposing to construct a senior village that will consist of 5 buildings with a total of 36 single-family ranch-style condos. Each unit is approximately 950 square feet of living space that will have two bedrooms, one and a half bathrooms, and a one car attached garage. In addition to the ranch-style units, the applicant proposes to have a clubhouse/recreation center plus outdoor recreation and garden areas. Residents will have to be 55 years old or older to live in the development.

The applicant is requesting two variances at this time. The first variance request is to allow a free-standing sign that displays the development name. The applicant would like to place the sign at the entrance off of South Lincoln Street to identify the project and believes that the visibility for the complex will allow for better marketability for the development.

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Staff Report to the Board of Zoning Appeals
April 21, 2008 meeting

The second variance pertains to the amount of usable open space for the project. The applicant shows approximately 20 percent of the site meets the definition of usable open space according to the City of Kent Zoning Ordinances. They are providing areas for outdoor recreation, a walking trail, and community gardens.

RECOMMENDATION:

Staff is recommending approval of both of the variances. Staff is also of the opinion that granting the variances would not be a detriment to the surrounding neighborhood or to the public interest. The granting of the variances would not materially impair the purpose of the zoning code.

After further review of the site plan, Staff has discovered another variance that would pertain to Section 1171 of the Kent Zoning Code that pertains to building in a multi-family, multi-building complex and that they should all face upon a courtyard. Since some of the buildings do not face the courtyard, a variance will be required and will be advertised and presented to the Board at their next meeting in May. The applicant is aware of the new variance and will return next month to address this request.

cc: Applicant
Case file
Gary Locke, Community Development Director
Eric Fink, Asst. Law Director