




CITY OF KENT, OHIO

DEPARTMENT OF ECONOMIC DEVELOPMENT

Date: December 8, 2011

To: David Ruller, City Manager

From:  Dan Smith, Economic Development Director

Subject: Resolution for AMETEK CORF Application

Per our ongoing effort with regards to AMETEK's existing facility, I am working with the Brownfield Restoration Group to prepare an application for the final round of the Clean Ohio Revitalization Fund (CORF). As we have done previously to address the required environmental clean up, we need to pass an ordinance authorizing us to file an application to State of Ohio to participate in the CORF. The deadline for submission is January 20, 2012. To that end, we have prepared a draft ordinance and I respectfully request we include it as an unauthorized agenda item at the December 14 Council meeting. This resolution is merely the next step in the process for Clean Ohio funding that Council has previously approved.

ORDINANCE NO. 2011- _____

AN ORDINANCE AUTHORIZING THE CITY OF KENT TO FILE AN APPLICATION TO THE STATE OF OHIO TO PARTICIPATE IN THE CLEAN OHIO REVITALIZATION FUND.

WHEREAS, the State of Ohio, Department of Development, provides financial assistance to local governments for the purpose of addressing local needs; and

WHEREAS, the City of Kent desires to participate in the Program to receive financial assistance for the AMETEK Project under the Clean Ohio Revitalization Fund; and

WHEREAS, the City of Kent has the authority to apply for financial assistance and to administer the amounts received from the State of Ohio, Clean Ohio Council, Clean Ohio Revitalization Fund; and

WHEREAS, the City of Kent directs and authorizes Daniel Smith, Economic Development Director, to act in connection with the application and to provide such additional information as may be required.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least a majority (5) of all members elected thereto concurring:

SECTION 1. That Kent City Council authorizes Daniel Smith, Economic Development Director as the official representative of the AMETEK Project application to participate in the State of Ohio, Department of Development, and provide all information and documentation required in said Application for State of Ohio, Clean Ohio Council, Clean Ohio Revitalization Fund submission.

SECTION 2. That the City of Kent hereby approves filing an application for financial assistance under the Clean Ohio Revitalization Fund.

SECTION 3. That the City of Kent hereby understands and agrees that participation in the Program will require compliance with program guidelines and assurances.

SECTION 4. That the City of Kent hereby commits itself to provide the match as described in the application.

SECTION 5. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formation action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 6. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reason manifest to this Council this ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediate after passage.

PASSED: _____
DATE

MAYOR AND PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

I hereby certify that Ordinance No. 2011- _____ was duly enacted on this ____ day of December, 2011, by the Council of the City of Kent, Ohio.

Clerk of Council

AGENDA

CITY OF KENT
BOARD OF ZONING APPEALS
PUBLIC HEARINGS & BUSINESS MEETING
DECEMBER 19, 2011
7:00PM
COUNCIL CHAMBERS – KENT CITY HALL
325 SOUTH DEPEYSTER STREET

I. CALL TO ORDER

II. PLEDGE

III. ROLL CALL

IV. PREAMBLE

V. ADMINISTRATION OF THE OATH

VI. OLD BUSINESS

A. BZ11-022 COPEN MACHINE
440 HARRIS STREET

Section: 1169.12

Request: The applicant is requesting a substitution of a non-conforming use to change the use of the property at 440 Harris Street from a glass manufacturing facility to a metal processing facility (Section 1169.12).

1. Public Comment
2. Board of Zoning Appeals Discussion / Action

VII. NEW BUSINESS

A. BZ11-027 KENT OFFICE SUPPLY
948 CHERRY STREET

Section: 1155.04(c)

Request: The applicant is requesting a 20-foot variance from the 20-foot minimum side yard setback requirement to allow a new building to be constructed 5 feet from the west side property line (Section 1155.04(c)).

1. Public Comment
2. Board of Zoning Appeals Discussion / Action

**B. BZ11-029 DANIEL RODRIGUEZ
1701 ATHENA DRIVE**

Sections: 1133.03(a)(2) and 1133.03(b)(2)

Requests: The applicant is requesting the following:

- 1) A 484.5 square foot variance from the 12,000 square foot minimum lot size for a two-family dwelling in an R-3 Zone district to allow a single family home to be converted to a duplex with a 11,515.5 square foot lot (Section 1133.03(a)(2)), and
- 2) A 21-foot variance from the 75-foot minimum lot width at the building line to allow a single family home to be converted to a duplex with a 54-foot lot width at the building line (Section 1133.03(b)(2)).

1. Public Comment

2. Board of Zoning Appeals Discussion / Action

VIII. MEETING MINUTES

A. MINUTES FROM THE SEPTEMBER 19, 2011 MEETING

IX. OTHER BUSINESS

X. ADJOURNMENT



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: DECEMBER 9, 2011
TO: KENT CITY BOARD OF ZONING APPEALS
FROM: HEATHER PHILE, DEVELOPMENT PLANNER *JPH*
RE: STAFF REPORT FOR THE DECEMBER 19, 2011 BOARD OF ZONING APPEALS MEETING

The following case appears on the agenda for the December 19, 2011 Board of Zoning Appeals meeting:

OLD BUSINESS

CASE NO.: BZ11-022
APPLICANT: COPEN MACHINE
SITE LOCATION: 440 Harris Street
STATUS OF APPLICANT: The applicant is the potential owner of the property.
REQUESTED ACTION: The applicant is requesting a substitution of a non-conforming use to change the use of the property at 440 Harris Street from a glass manufacturing facility to a metal processing facility (Section 1169.12).
ZONING: This property is currently located in the R-3: High Density Residential Zone District.
TRAFFIC: The property is accessible from Harris and Cedar Streets.
SURROUNDING LAND USES: The property is surrounded by residential uses on all sides.
APPLICABLE CODE SECTIONS: 1169.12

ANALYSIS:

This property is located at 440 Harris Street. This property is currently a non-conforming glass manufacturing facility. This use was a substitution request that was approved by the Board of Zoning Appeals in 2001. Prior to the glass manufacturing facility, this property was a non-conforming machine shop from at least 1973 until the substitution approval in 2001. The property is currently zoned R-3: High Density Residential.

The applicant is requesting that the use of the property be changed from the glass manufacturing facility back to a machine shop / metal processing facility. Copen Machine owns 930 Overholt Rd., Kent, Ohio 44240 • (330) 678-8108 fax (330) 678-8030 • www.KentOhio.org

the property at 501 Dodge Street and operates their machine shop in this location. They would like to expand their operations into the facility at 440 Harris Street. The applicant explains that they manufacture small metal and plastic parts for the appliance, bank, and security industries. They wish to expand into the medical industry as well. The applicant does not plan on any changes to the existing building, except for some general clean up and maintenance, such as new paint and gravel for the existing parking area. The interior of the building will not change. Most work will be performed during normal, business hours. Any truck delivery will be minimal and would occur also during business hours.

The Board of Zoning Appeals can approve a substitution from one non-conforming use to another non-conforming use under the following circumstances: 1) The new use is similar to the previous non-conforming use and is equally appropriate or more appropriate in the zoning district in which it is located; and 2) The new use will not be more intrusive to the neighborhood.

NEW BUSINESS

CASE NO.: BZ11-027

APPLICANT: KENT OFFICE SUPPLY

SITE LOCATION: 948 Cherry Street

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

REQUESTED ACTION: The applicant is requesting a 20-foot variance from the 25-foot minimum side yard setback requirement to allow a new building to be constructed 5 feet from the west side property line (Section 1155.04(c)).

ZONING: This property is currently located in the I: Industrial Zone District.

TRAFFIC: The property is accessible from Cherry Street.

SURROUNDING LAND USES: The property is surrounded by other Industrial uses on all sides.

APPLICABLE CODE SECTION: 1155.04(c)

ANALYSIS:

This property is located at 948 Cherry Street and is within the Industrial Zone District. This property is currently home to Kent Office Supply.

The applicant is proposing to raze an existing storage building and construct a new 7200 square foot warehouse building that will have shipping/receiving docks. The applicant is also proposing to install a new driveway off of Cherry Street that will accommodate large delivery vehicles. The new driveway will need a variance from the Service Department for a larger curb cut and driveway width than what is permitted in the code. This variance is an internal, administrative variance from the Service Director.

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Board of Zoning Appeals Staff Report
December 19, 2011 meeting

The new building is proposed to be 5 feet from the west side property line. In the Industrial zoning code, a minimum of 25 feet is required for a side yard setback. Therefore, the applicant is requesting a 20-foot variance. The applicant states that they would like the new driveway since they share a driveway and parking area with the City of Kent office building next door. The new driveway would line up with the new building and would make deliveries easier and safer. In order for the building to line up with the new driveway, the building would need to be constructed closer to the western side property line, as there is an existing office building that would be in the way if they were to construct the building within the setback requirements.

CASE NO.: BZ11-029

APPLICANTS: DANIEL RODRIGUEZ

SITE LOCATION: 1701 Athena Drive

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

REQUESTED ACTION: The applicant is requesting the following:

- 1) A 484.5 square foot variance from the 12,000 square foot minimum lot size for a two-family dwelling in an R-3 Zone district to allow a single family home to be converted to a duplex with a 11,515.5 square foot lot (Section 1133.03(a)(2)), and
- 2) A 21-foot variance from the 75-foot minimum lot width at the building line to allow a single family home to be converted to a duplex with a 54-foot lot width at the building line (Section 1133.03(b)(2)).

ZONING: This property is currently located in the R-3: High Density Residential Zone District.

TRAFFIC: The property is accessible from Athena Drive.

SURROUNDING LAND USES: The property is surrounded by various residential uses on all sides.

APPLICABLE CODE SECTIONS: 1133.03(a)(2) and 1133.03(b)(2)

ANALYSIS:

This case was previously presented at the October 17, 2011 BZA meeting. Since there were no motions made on the requests, the applicant was free to re-apply for the variances at any time. The following is copied from the October BZA Staff Report, as no changes were made to the original requests.

The applicant is requesting a variance for lot size and lot width at building line to allow the change in use of the single family dwelling to a two-family (duplex) dwelling. This property is located at 1701 Athena Drive, and is currently zoned R-3: High Density Residential.

The applicant explains that he would like to convert the single-family house to a duplex, by having the basement be a separate unit. The applicant's drawings show that separate entrances can be obtained through the side door. The side door leads directly into the downstairs apartment. The upper apartment would have two bedrooms and the lower apartment would have one bedroom. The applicant would create a parking area behind the house that would have enough room for 4 cars to park. Two spaces per unit are required. The applicant is also proposing to only have the duplex while he is the owner of the house. When he sells and moves from the property, the house would revert back to a single family dwelling and would be sold as such. The applicant is also in partnership with the Campus Crusade for Christ on the Kent State campus and would pull the potential tenants from this organization.

The minimum lot size for the R-3 zone district is 12,000 square feet for two-family dwellings. This property has approximately 11,515.5 square feet, 485 square feet short. The minimum lot width at the building line is 75 feet for two-family dwellings. This property is 54 feet wide. This property currently meets all zoning requirements for a single family dwelling in the R-3 zone district.

cc: Applicants
Case files
Jennifer Barone, Development Engineer
Eric Fink, Asst. Law Director



KENT FIRE DEPARTMENT NOVEMBER 2011 MONTHLY INCIDENT REPORT

FIRE RESPONSE INFORMATION

	CURRENT PERIOD			YEAR TO DATE		
	2011	2010	2009	2011	2010	2009
Summary of Fire Incident Alarms						
City Of Kent	50	46	44	498	530	525
Kent State University	30	18	17	225	182	197
Franklin Township	7	9	14	124	128	109
Sugar Bush Knolls	0	0	1	1	0	3
RESPONSES	87	73	76	850	840	834
Mutual Aid Received by Location						
City Of Kent	0	0	1	5	13	16
Kent State University	0	0	0	1	0	0
Franklin Township	0	0	0	1	10	3
Sugar Bush Knolls	0	0	0	0	0	0
TOTAL	0	0	1	7	23	18
Mutual Aid Given	5	3	3	44	43	36
TOTAL FIRE INCIDENTS	92	76	79	894	883	870

EMERGENCY MEDICAL RESPONSE INFORMATION

Summary of Medical Responses						
City Of Kent	184	184	225	2191	2186	2193
Franklin Township	36	33	30	338	329	320
Kent State University	35	40	41	350	310	326
Sugar Bush Knolls	0	0	0	6	9	7
Mutual Aid Given	2	3	2	22	35	25
TOTAL RESPONSES	257	260	298	2907	2869	2871
Mutual Aid Received by Location						
City Of Kent	1	1	9	25	32	46
Franklin Township	0	0	0	5	1	9
Kent State University	0	0	3	5	3	10
Sugar Bush Knolls	0	0	0	0	0	0
TOTAL	1	1	12	35	34	65
Total Fire and Emergency Medical Incidents	349	336	377	3801	3752	3741



CITY OF KENT, OHIO

DEPARTMENT OF LAW

TO: KENT CITY COUNCIL MEMBERS
DAVID RULLER
FROM: JAMES R. SILVER, LAW DIRECTOR *JRS*
DATE: NOVEMBER 29, 2011
RE: VACANT / ABANDONED BUILDINGS

Pursuant to the amendment of the vacant/abandoned buildings ordinance on the floor of Council on November 16, 2011, attached is the section of 1341.07 that was changed (see bold text).

Out of Area Owner Language:

- (b) If a vacant property is owned by a corporation and/or out-of-area beneficiary/trustee/owner, a local property management company shall be contracted to perform inspections every six (6) months to verify that the requirements of this chapter, and any other applicable laws, are being met.
- (1) All vacant property shall be posted with name and 24-hour contact phone number of the owner or the local property management company. The posting shall be no less than 18 inches by 24 inches and shall be of a font that is legible from the city public right of way and shall contain along with the name and 24-hour contact number the words "THIS PROPERTY MANAGED BY" and "TO REPORT PROBLEMS OR CONCERNS CALL." The posting shall be placed on the interior of a window facing the street to the front of the property so it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the property so it is visible from the street or, if no such area exists, on a stake of sufficient size to support the posting in a location that is visible from the street to the front of the property but not readily accessible to vandals. Exterior posting must be constructed of and printed with weather resistant materials.
- (2) "Out-of-area" owner means an owner that lives outside the State of Ohio.
- (c) Registration shall be required for all vacant houses and buildings, whether vacant and secure, vacant and open or vacant and boarded; and shall be required whenever any building has remained vacant for 45 consecutive days or more. **A HOUSE MUST BE VACANT FOR 1 YEAR PRIOR TO REGISTRATION BEING REQUIRED.**

In no instance shall the registration of a vacant house or building, and the payment of registration fees be construed to exonerate the owner, agent or responsible party from responsibility for compliance with any other building code or housing code requirement. One registration statement may be filed to include all vacant houses and buildings of the owner so registering.

The owner of the vacant property, no earlier than November 1 of each calendar year, shall be responsible for the payment of the non-refundable \$500 annual registration fee. Said fee shall be billed through the Community Development Department and based on the duration of the vacancy as determined by the following scale and conditions:

- (1) No fee for properties vacant less than 365 days if the property is actively being rented, sold or rehabilitated, and that are well-kept and maintained;
- (2) \$500 annual registration fee for vacant commercial properties where the owner of the property is maintaining it in such a condition that it is well-kept and maintained; and where the owner is in compliance with all applicable ordinances, city, state and federal tax laws; and where the owner has placed a clearly identifiable placard on the property that contains the names, addresses and telephone numbers of any and all owners as defined by this ordinance;

KENT POLICE DEPARTMENT
NOVEMBER 2011

	NOVEMBER 2010	NOVEMBER 2011	TOTAL 2010	TOTAL 2011
CALLS FOR SERVICE	1475	1462	19363	18085
FIRE CALLS	337	349	3756	3801
ARRESTS, TOTAL	130	169	1986	1898
JUVENILE ARRESTS	15	20	182	190
O.V.I. ARRESTS	12	21	197	212
TRAFFIC CITATIONS	207	190	3054	2599
PARKING TICKETS	167	128	2701	2279
ACCIDENT REPORTS	74	75	750	780
Property Damage	48	51	467	491
Injury	8	8	107	113
Private Property	14	8	134	122
Hit-Skip	4	8	42	54
OVI Related	0	5	12	22
Pedestrians	3	2	9	11
Fatals	0	0	0	0
U.C.R. STATISTICS				
Homicide	0	0	1	2
Rape	0	0	10	6
Robbery	1	3	9	17
Assault Total	18	19	200	213
Serious	0	5	21	30
Simple	18	14	179	183
Burglary	16	13	148	133
Larceny	43	56	429	434
Auto Theft	0	4	21	29
Arson	1	1	19	16
TOTAL	79	96	837	850
CRIME CLEARANCES				
Homicide	0	0	1	2
Rape	0	0	4	1
Robbery	1	0	4	5
Assault Total	16	16	154	161
Serious	0	4	10	18
Simple	16	12	144	143
Burglary	6	1	21	17
Larceny	2	7	46	69
Auto Theft	0	0	7	4
Arson	1	0	3	2
TOTAL	26	24	239	261

M. J. ...