

**CITY OF KENT
BOARD OF ZONING APPEALS**

**PUBLIC HEARINGS & BUSINESS MEETING
MARCH 18, 2013**

**(TO BEGIN IMMEDIATELY FOLLOWING RECONVENED MEETING OF JANUARY 28, 2013)
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. NEW BUSINESS**

**A. BZ13-005 JF SIGNS / WALGREEN'S
320 SOUTH WATER STREET**

Section: 1165.05(d)(1)(D)

Requests: The applicant is requesting a variance from Section 1165.05(d)(1)(D) to allow a total of two free-standing signs in the C-D zoning district.

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

**B. BZ13-006 DONALD VARGO
315 EAST SUMMIT STREET**

Sections: 1122.07(a), 1122.07(b), 1135.03(a)(3), and 1135.03(b)(1)

Requests: The applicant is requesting the following:

- 1) A 2800 square foot variance from the 10,000 square foot minimum lot size requirement to allow the conversion of a single family home to a rooming/boarding house with a 7200 square foot lot (Sections 1122.07(a) and 1135.03(a)(3)), and
- 2) A 10-foot variance from the 50-foot minimum lot width requirement to allow a single family house to be converted to a rooming/boarding house with a lot width of 40 feet (Sections 1122.07(b) and 1135.03(b)(1)).

A G E N D A

CITY OF KENT BOARD OF ZONING APPEALS

**RECONVENED MEETING OF JANUARY 28, 2013
PUBLIC HEARINGS & BUSINESS MEETING
MARCH 18, 2013
7:00PM
COUNCIL CHAMBERS – KENT CITY HALL
325 SOUTH DEPEYSTER STREET**

**(THIS MEETING WAS RECESSED ON JANUARY 28, 2013 AND IS BEING RECONVENED
TO CONCLUDE DISCUSSION ON ONE ITEM ONLY)**

I. CALL TO ORDER

II. OLD BUSINESS

**A. BZ13-003 STEVEN KUBOFCIK
335 PARK AVENUE**

Sections: 1122.07(a), 1122.07(b), 1135.03(a)(3) and 1135.03(b)(3)

Requests: The applicant is requesting the following:

- 1) A 5673.6-square foot variance from the 10,000 square foot minimum lot size to allow the conversion of a single family house to a rooming/boarding house with a lot size of 4326.4 square feet (Sections 1122.07(a) and 1135.03(a)(3)), and
- 2) A 33.44-foot variance from the 100 foot minimum lot width at the building line to allow a single family house to be converted to a rooming/boarding house with a lot that is 66.56 feet wide (Sections 1122.07(b) and 1135.03(b)(3)).

1. Board of Zoning Appeals Discussion / Action

III. ADJOURNMENT

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

C. BZ13-007 **ROBERT BOHN**
 1442 FRANKLIN AVENUE

Section: 1161.14(a)

Requests: The applicant is requesting the following:

- 1) A 5-foot variance from the 10-foot minimum side yard setback requirement to allow a new detached garage to be 5 feet from the side property line (Section 1161.14(a)), and
- 2) A 5-foot variance from the 10-foot minimum rear yard setback requirement to allow a new detached garage to be 5 feet from the rear property (Section 1161.14(a)).

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

VII. MEETING MINUTES

A. MINUTES FROM FEBRUARY 18, 2013 MEETING

VIII. OTHER BUSINESS

A. DISCUSSION OF SIGN REGULATIONS

IX. ADJOURNMENT



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: MARCH 8, 2013
TO: KENT CITY BOARD OF ZONING APPEALS
FROM: HEATHER PHILE, DEVELOPMENT PLANNER
RE: STAFF REPORT FOR THE MARCH 18, 2013 BOARD OF ZONING APPEALS MEETING

The following case appears on the agenda for the March 18, 2013 Board of Zoning Appeals meeting:

OLD BUSINESS

CASE NO.: BZ13-003

APPLICANT: STEVEN KUBOFCIK

SITE LOCATION: 335 Park Avenue

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

REQUESTED ACTION: The applicant is requesting the following:

- 1) A 5673.6-square foot variance from the 10,000 square foot minimum lot size to allow the conversion of a single family house to a rooming/boarding house with a lot size of 4326.4 square feet (Sections 1122.07(a) and 1135.03(a)(3)), and
- 2) A 33.44-foot variance from the 100 foot minimum lot width at the building line to allow a single family house to be converted to a rooming/boarding house with a lot that is 66.56 feet wide (Sections 1122.07(b) and 1135.03(b)(3)).

ZONING: This property is currently located in the R-4: Multi-family Residential Zone District.

TRAFFIC: The property is accessible from Park Avenue.

SURROUNDING LAND USES: The property is surrounded by single family and two-family uses on the north, east, and south sides. The Central School is across the street, west of this property.

APPLICABLE CODE SECTIONS: 1122.07(a), 1122.07(b), 1135.03(a)(3), and 1135.03(b)(3)

ANALYSIS:

This property is located at 335 Park Avenue and is currently located in the R-4: Multi-family Residential zoning district. This property is currently a single family dwelling. The surrounding properties are a mixture of single family and duplexes. Many of the properties are rental units.

The applicant is proposing to convert the single family home to a rooming/boarding house with up to 3 unrelated residents. The applicant purchased the home last year with the intention to fix up the home and have his daughter live there with a two other residents. In order to convert the property, two variances are necessary to meet the intent of the zoning code.

The first variance request is relief from the minimum lot size requirement. The zoning code requires a minimum of 10,000 square feet for a rooming/boarding house. This property measures 65 feet by 66.56 feet, for a total of 4326.4 square feet. This lot does not meet the zoning code for a single family dwelling, which is a minimum of 6,000 square feet.

The second variance request pertains to the minimum lot width at the building line requirement. The zoning code states that a minimum of 100 feet is required for multi-family dwellings. This property is 66.56 feet along Park Avenue and 65 feet along South Mantua Street. The applicant is therefore requesting a 33.44-foot variance from the 100 foot minimum lot width requirement.

With the new rooming/boarding house chapter in the zoning code, the Planning Commission can approve the site plan with less open space than what is required and the parking requirements. The Planning Commission approved the site plan and Conditional Zoning Certificate at their meeting on January 8, 2013, with the following conditions:

1. Limit of three unrelated persons.
2. Determination of the rear property line to verify that the house is on the property.
3. Rooming house designation will continue as long as the current owner maintains ownership.
4. Technical Plan Review.
5. Granting of variances from the Board of Zoning Appeals.

UPDATE SINCE JANUARY 28, 2013 MEETING

No new information has been submitted.

NEW BUSINESS

<u>CASE NO.:</u>	BZ13-005
<u>APPLICANT:</u>	JF SIGNS / WALGREEN'S
<u>SITE LOCATION:</u>	320 South Water Street
<u>STATUS OF APPLICANT:</u>	The applicant is the sign company for the owner of the property.
<u>REQUESTED ACTION:</u>	The applicant is requesting a variance from Section 1165.05(d)(1)(D) to allow a total of two free-standing signs in the C-D zoning district.

ZONING: This property is currently located in the C-D: Commercial – Downtown Zone District.

TRAFFIC: The property is accessible from South Water Street and West Summit Street.

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

APPLICABLE CODE SECTIONS: 1165.05(d)(1)(D)

ANALYSIS:

This property is located at 320 South Water Street and is currently zoned C-D: Commercial – Downtown. This property has been home to Walgreen's since 2000.

The applicant would like to have a second free-standing sign at the corner of Haymaker Parkway (State Route 59) and South Water Street. The sign will be 25 feet in height and will have a total area of 173.57 square feet. The pole sign consists of two rectangular signs, one with the Walgreen's logo and one with a digital display area. The existing monument sign is 40 square feet in size and was approved by a variance in 1999. The applicant would like to keep the existing monument sign and add this pole sign, for a total of two free-standing signs.

The applicant explains that this property has three fronts with the building setback from the streets. The existing monument sign is located on the South Water frontage and is blocked by a bank drive-thru building on the south. This sign is not clearly visible to the traveling public on Haymaker Parkway/SR 59. The applicant explains that having the pole sign on the northeast corner of the property would aid in better visibility for people not familiar with the City.

The City of Kent zoning code does not permit free-standing signage in the C-D zoning district. Variances were granted for the building and free-standing signs in 1999 at time of site plan review. Building permits were issued in 2000.

CASE NO.: **BZ13-006**

APPLICANT: **DONALD VARGO**

SITE LOCATION: 315 East Summit Street

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

REQUESTED ACTION: The applicant is requesting the following:

- 1) A 2800 square foot variance from the 10,000 square foot minimum lot size requirement to allow the conversion of a single family home to a rooming/boarding house with a 7200 square foot lot (Sections 1122.07(a) and 1135.03(a)(3)), and
- 2) A 10-foot variance from the 50-foot minimum lot width requirement to allow a single family house to be converted to a rooming/boarding house with a lot width

of 40 feet (Sections 1122.07(b) and 1135.03(b)(1)).

ZONING: This property is currently located in the R-4: Multi-family Residential Zone District.

TRAFFIC: The property is accessible from East Summit Street.

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

APPLICABLE CODE SECTIONS: 1122.07(a), 1122.07(b), 1135.03(a)(3), and 1135.03(b)(1)

ANALYSIS:

This property is located at 315 East Summit Street and is currently zoned R-4: Multi-family Residential. This property is currently 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 explains that the surrounding properties are also student rentals, and many have more than 4 unrelated persons residing in the homes. The applicant proposes to raze the existing garage and a portion of the rear deck to create enough room to have the five parking spaces the zoning code requires. The applicant is requesting variances from the minimum lot size and from the minimum lot width requirements.

The City of Kent Zoning Code states that a rooming/boarding house and a multi-family residential lot in the R-4 zoning district requires a minimum of 10,000 square feet. This property is approximately 7200 square feet in size. The minimum lot width for a rooming/boarding house is equal to the minimum lot width for a single family residence. In this case, the minimum lot width is 50 feet. This property has a lot width of 40 feet. The Planning Commission can approve a site plan with less open space and with a gravel parking area.

CASE NO.: **BZ13-007**

APPLICANT: **ROBERT BOHN**

SITE LOCATION: 1442 Franklin Avenue

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

REQUESTED ACTION: The applicant is requesting the following:

- 1) A 5-foot variance from the 10-foot minimum side yard setback requirement to allow a new detached garage to be 5 feet from the side property line (Section 1161.14(a)), and
- 2) A 5-foot variance from the 10-foot minimum rear yard setback requirement to allow a new detached garage to be 5 feet from the rear property (Section 1161.14(a)).

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Board of Zoning Appeals Staff Report
March 18, 2013 meeting

ZONING: This property is currently located in the C: Commercial Zone District.

TRAFFIC: The property is accessible from Franklin Avenue.

SURROUNDING LAND USES: The property is surrounded by single family residential on the east and south, and by a creek and vacant property on the north and west.

APPLICABLE CODE SECTION: 1161.14(a)

ANALYSIS:

This property is located at 1442 Franklin Avenue and is currently zoned C: Commercial. This property is a legal, non-conforming single family residence.

The applicant would like to construct a 30 foot by 35 foot detached garage in the southwest corner of the property. The applicant explains that he would like to construct the garage to store his boat, cars, and their trailers in the garage to help clean up his property and to protect his vehicles. The applicant explains that he would like to construct the garage 5 feet from the rear and side property lines to avoid cutting down trees in the rear yard.

The City of Kent Zoning Code states that the side and rear setbacks for a detached accessory building is a minimum of 10 feet. The accessory building must also be at least 15 feet from the main structure. The garage will meet this requirement.

cc: Applicants
Case file
Jennifer Barone, Development Engineer
Bridget Susel, Community Development Director
Eric Fink, Asst. Law Director

**KENT CITY PLANNING COMMISSION
BUSINESS MEETING
MARCH 19, 2013**

**COUNCIL CHAMBERS
KENT CITY HALL
325 S. DEPEYSTER STREET
7:00 P.M.**

A G E N D A

I. CALL TO ORDER

II. ROLL CALL

III. READING OF PREAMBLE

IV. ADMINISTRATION OF OATH

V. CORRESPONDENCE

VI. OLD BUSINESS

VII. NEW BUSINESS

- A. PC13-004 DONALD VARGO
315 E. Summit Street
Conditional Zoning Certificate & Site Plan Review**

The applicant is requesting review and approval for a Conditional Zoning Certificate and Site Plan to convert a single family dwelling into a rooming house for four tenants. The subject property is zoned R-4: Multifamily Residential District.

- 1) Public Hearing**
- 2) Planning Commission Discussion/Action**

- B. PC13-005 OLD FRANKLIN HOTEL
176 E. Main Street
Comprehensive Sign Plan**

The applicant is requesting approval of a Comprehensive Sign Plan since the number and size of the signs exceeds that allowed by the zoning code. The subject property is zoned C-D: Commercial Downtown District.

- 1) Public Comment**
- 2) Planning Commission Discussion/Action**

**C. PC13-006 ROBERT HEIMANN
Forest Lakes Development Co.
SW Corner - Stone Water Drive & Fairchild Ave
Preliminary Plan Review**

The applicant is seeking review and approval of Phase V, Lakes at Franklin Mills Subdivision Preliminary Development Plan for nine proposed detached single family lots to complete the subdivision. The subject property is zoned R-2: Medium Density Residential District.

- 1) Public Comment
- 2) Planning Commission Discussion/Action

VIII. MEETING MINUTES: December 4, 2012 - February 5, 2013

IX. OTHER BUSINESS

1. Zoning Code Update: Existing language concerning driveway widths is inconsistent with what is permitted in practice. Attorney Eric Fink will provide proposed language.
2. Discussion of Green Space: The Planning Commission met with the Sustainability Commission to ask for their assistance in identifying areas to remain as green space. This discussion is to decide whether to continue with the request and if so, to define parameters to present to the Sustainability Commission for consideration.

X. ADJOURNMENT



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: March 11, 2013
TO: Kent City Planning Commission
FROM: Jennifer Barone, PE, Development Engineer
RE: Staff Report for the March 19, 2013 Planning Commission Meeting

The following items appear on the agenda for the March 19, 2013 Planning Commission meeting:

NEW BUSINESS:

CASE NO: PC13-004

APPLICANT: Donald Vargo

SITE LOCATION: 315 East Summit Street

STATUS OF APPLICANT: The applicant is the owner.

REQUESTED ACTION: Conditional Zoning Certificate and Site Plan Review and Approval for a rooming house.

ZONING: R-4: Multifamily Residential

TRAFFIC: The site is accessed from East Summit Street.

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

APPLICABLE CODE SECTIONS: Chapters 1107, 1113, 1135 and 1122 of the Kent Codified Ordinances.

ANALYSIS:

PROJECT DESCRIPTION:

The applicant is requesting to convert a single family dwelling into a rooming house where four tenants may reside.

Rooming and boarding houses are conditionally permitted uses subject to KCO 1171.01(11), (17), (21) and (56) listed below. Please note that Number 56 is superseded by KCO 1122: Rooming and Boarding Houses. Staff believes all the conditions have been met.

- (11) Such uses shall be properly landscaped to be harmonious with surrounding residential uses.
- (17) All permitted installations shall be maintained in a neat orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to insure that this provision will be met.
- (21) Lodging and boarding house uses shall be so designed, maintained and operated as to comply with inspection and rules of the City Board of Health and the regulations of all other applicable City codes, and to minimize possible disruptive effects on the character of adjacent and nearby properties.
- (56) There shall be one parking space for every person that lives in said structure of building. (Ord. 2002-90. Passed Sept. 18, 2002)

TRAFFIC/PARKING:

The proposed parking is in the rear yard. Five spaces are required. Staff is of the opinion that there is inadequate backing room for these parking spaces.

UTILITIES:

Utilities are existing.

STORMWATER:

There is no proposed storm water management.

SIGNAGE:

No signage is proposed.

LIGHTING/LANDSCAPING/DUMPSTER:

No changes to the lighting or landscaping are proposed. Garbage cans are used for refuse.

ARCHITECTURAL REVIEW BOARD:

The project did not require review by the Architectural Review Board.

VARIANCES:

A couple of zoning code variances will need to be presented to the Board of Zoning Appeals.

- KCO section 1135.03(a)(3) minimum lot area.
- KCO section 1135.03(b)(3) minimum lot width building line.

RECOMMENDATION:

Staff is not recommending approval due to the lack of adequate parking. Planning Commission may approve, approve with conditions, or disapprove the application. Should Planning Commission wish to approve this project, the following language may be used:

I move that in Case PC13-004, the Planning Commission approve the Conditional Zoning Certificate and Site Plan to operate a rooming house at 315 East Summit Street subject to the following conditions:

1. Limit of four unrelated persons.
2. Technical Plan Review.
3. Granting of variance(s) from the Board of Zoning Appeals (BZA).

List of Enclosures for This Project:

1. Cover letter dated and site plans received January 30, 2013.
2. Parking space layout plan received February 7, 2013.
3. Map of area rooming houses.
4. Aerial Topo and Zoning Map.

<u>CASE NO:</u>	PC13-005
<u>APPLICANT:</u>	OLD FRANKLIN HOTEL
<u>SITE LOCATION:</u>	176 East Main Street
<u>STATUS OF APPLICANT:</u>	Ghenghis Properties (Ron Burbick) owns the property.
<u>REQUESTED ACTION:</u>	Comprehensive sign package for the Franklin Hotel
<u>ZONING:</u>	C-D: Commercial - Downtown
<u>TRAFFIC:</u>	The site is accessed from East Main Street for pedestrians and South Depeyster Street for parking.
<u>SURROUNDING LAND USES:</u>	The property is surrounded by PARTA's multimodal facility to the east, commercial to the north, south & west

APPLICABLE CODE SECTIONS: Chapter 1165 of the Kent Codified Ordinance.

ANALYSIS:

PROJECT DESCRIPTION:

The owner of the building at 176 East Main Street, Ron Burbick, is renovating the old Franklin hotel. The applicant is requesting approval of a comprehensive sign package since the number and size of the signs exceed that allowed by the zoning code.

The comprehensive sign plan purpose and standards are listed below.

Purpose - A Comprehensive Sign Plan is intended to integrate the design of the signs proposed for a development project with the design of the structures, into a unified architectural statement. A Comprehensive Sign Plan provides a means for defining common sign regulations for multi-tenant projects, to encourage maximum incentive and latitude in the design and display of multiple signs and to achieve, not circumvent, the intent of this Chapter.

Standards - A Comprehensive Sign Plan shall comply with the following standards:

- (1) The Planning Commission may allow signage which otherwise exceeds the number, type, size and placement as otherwise permitted in this Chapter when it determines that such additional signage is warranted due to the size, nature, number of tenants or other features of the site as they may exist.
- (2) The signs shall enhance the overall development, be in harmony with, and relate visually to other signs included in the comprehensive sign plan, to the structures and/or developments they identify, and to surrounding development;
- (3) The Plan shall accommodate future revisions that may be required because of changes in use or tenants; and
- (4) That the Plan is consistent with the Design Guidelines that may be applicable to a designated area as may be identified in Chapter 1121 of the Kent City Zoning Code. In areas of the City not governed by the Design Guidelines identified in Chapter 1121, the Plan, to the degree feasible, shall comply with the recommended Sign Design Guidelines set forth in Appendix B of the Zoning Code.

ARCHITECTURAL ADVISORY BOARD:

Architectural Advisory Board approved the Certificate of Appropriateness on March 5, 2013.

VARIANCES:

Should the Planning Commission approve the comprehensive sign plan, variances from the Board of Zoning Appeals would not be required.

RECOMMENDATION:

Staff is recommending approval with the conditions listed below.

The Planning Commission may approve, approve with conditions, or disapprove the application. Should Planning Commission wish to approve this project, the following language may be used:

I move that in Case PC13-005 Planning Commission approve the Comprehensive Sign Plan for the hotel and conference center at 230 East Erie Street and 215 South Depeyster Street subject to the following conditions:

1. Obtain a zoning permit within two years of Planning Commission approval.
2. Obtain a sign permit and submit the performance guarantee prior to installation of the signs.

List of Enclosures for this Project:

1. Letter and plans dated February 15, 2013
2. Revised letter dated February 28, 2013 (received March 5, 2013)
3. Aerial Topo and Zoning Map

<u>CASE NO:</u>	PC13-006
<u>APPLICANT:</u>	Robert Heimann (Forest Lakes Development Co.)
<u>SITE LOCATION:</u>	Southwest corner of Stone Water Drive and Fairchild Avenue.
<u>STATUS OF APPLICANT:</u>	The applicant is the owner of the property.
<u>REQUESTED ACTION:</u>	Subdivision – preliminary plan review
<u>ZONING:</u>	R-2: Medium Density Residential
<u>TRAFFIC:</u>	The lots will be accessed from Stone Water Drive and Roy Marsh Drive.
<u>SURROUNDING LAND USES:</u>	The proposed site is abutted by residential uses.
<u>APPLICABLE CODE SECTIONS:</u>	Chapter 1185 of the Kent Codified Ordinance

ANALYSIS:

The applicant has submitted the Preliminary Development Plan for Phase V of the Lakes at Franklin Mills to the Planning Commission for review and approval. Phase V

consists of 8.8713 acres, with 9 proposed detached single family units. This yields an overall density of 1.01 dwelling units per acre, whereas up to 3.00 units per acre are permitted in the Preservation Alternate where it overlays an R-2 District. The net density, after further subtracting out the acres of preservation area (5.5258 acres), calculates to 2.69 units per acre whereas up to 5.00 units are permitted. Calculations for the preservation area are noted on the plans and show that the project exceeds the 30% open space requirement.

Phase V will consist of detached (fee simple lots) to be constructed on the vacant parcel located at the north corner of Stone Water Drive and Roy Marsh Drive intersection with seven homes sites on Stone Water Drive and two home sites on Roy Marsh Drive.

Initially, this area was planned to be commercial development to serve the surrounding residential area. The owner has attempted to develop the area as such but has found that commercial development is not a viable venture at this location. He would like to now complete the project with single family homes.

The existing subdivision was developed under the R-2 Preservation Alternate zoning code. This section may also be developed under this code. The owner has prepared a plan depicting the division into lots that meets the R-2 utilizing the Preservation Alternate.

TRAFFIC/PARKING:

The traffic produced by the nine new homes will be less than what a commercial development would have produced. The City's traffic engineer evaluated found that there are negligible impacts the existing traffic loads and systems. See the Fairchild Avenue and Stonewater Drive/Adrian Drive Traffic Signal Request memo dated June 20, 2008.

UTILITIES:

Utilities are existing. Some minor modifications are proposed (eg. a sanitary collector line in an easement is proposed).

STORMWATER:

The storm water management will be the existing retention basin (pond) on site. A grassed swale to collect the downspout discharge directs the flow into forebays prior to discharging into the existing pond.

SIGNAGE:

Not applicable.

LIGHTING/LANDSCAPING/DUMPSTER:

Not applicable.

ARCHITECTURAL ADVISORY BOARD:

The Architectural Advisory Board does not review subdivisions.

VARIANCES:

No variances are required.

RECOMMENDATION:

Staff recommends approval of the Preliminary Plan for Phase V of the Lakes at Franklin Mills.

I move that in Case PC13-006, the Planning Commission approve the Preliminary Plan to subdivide eight acres into nine single family home lots and an open space parcel subject to the following conditions:

1. Technical Plan Review.

List of Enclosures for This Project:

1. Cover letter dated February 5, 2013.
2. Ackerman letter of support dated February 6, 2013.
3. Preliminary subdivision plans received February 27, 2013.
4. Fairchild Avenue and Stonewater Drive/Adrian Drive Traffic Signal Request memo dated June 20, 2008

OTHER BUSINESS:

1. Zoning Code Update: Existing language concerning driveway widths is inconsistent with what is permitted in practice. Eric Fink is to provide proposed language.
2. Discussion of Green Space: The Planning Commission met with the Sustainability Commission to ask for their assistance in identifying potential areas to remain as green space. This discussion is to decide whether to continue with the request and if so, to define parameters to present to the Sustainability Commission for consideration.

CC: Bridget Susel, Community Development Director
Jim Bowling, City Engineer
Eric Fink, Assistant Law Director
Heather Phile, Development Planner
Applicant
PC Case File



KENT FIRE DEPARTMENT MONTHLY INCIDENT REPORT FEBRUARY 2013

FIRE INCIDENT RESPONSE INFORMATION

Summary of Fire Incident Alarms

City of Kent
Kent State University
Franklin Township
Sugar Bush Knolls
Mutual Aid Given
<i>Total Fire Incident Alarms</i>

	CURRENT PERIOD			YEAR TO DATE		
	2013	2012	2011	2013	2012	2011
City of Kent	48	36	27	88	91	56
Kent State University	4	24	16	22	44	38
Franklin Township	7	12	10	17	25	20
Sugar Bush Knolls	0	0	0	2	0	0
Mutual Aid Given	3	2	7	4	9	7
<i>Total Fire Incident Alarms</i>	62	74	60	133	169	121

Summary of Mutual Aid Received by Location

City of Kent
Kent State University
Franklin Township
Sugar Bush Knolls
<i>Total Mutual Aid</i>

City of Kent	1	6	0	1	7	0
Kent State University	1	0	0	1	0	0
Franklin Township	0	1	0	0	1	0
Sugar Bush Knolls	0	0	0	0	0	0
<i>Total Mutual Aid</i>	2	7	0	2	8	0

EMERGENCY MEDICAL SERVICE RESPONSE INFORMATION

Summary of Emergency Medical Service Responses

City of Kent
Kent State University
Franklin Township
Sugar Bush Knolls
Mutual Aid Given
<i>Total Emergency Medical Service Responses</i>

	CURRENT PERIOD			YEAR TO DATE		
	2013	2012	2011	2013	2012	2011
City of Kent	180	171	164	370	361	344
Kent State University	46	48	32	64	84	58
Franklin Township	31	30	26	65	77	45
Sugar Bush Knolls	1	1	0	2	3	3
Mutual Aid Given	3	9	1	7	11	2
<i>Total Emergency Medical Service Responses</i>	261	259	223	508	536	452

Summary of Mutual Aid Received by Location

City of Kent
Kent State University
Franklin Township
Sugar Bush Knolls
<i>Total Mutual Aid</i>

City of Kent	5	0	0	10	0	0
Kent State University	0	0	1	0	0	1
Franklin Township	0	1	0	2	1	1
Sugar Bush Knolls	0	0	0	0	0	0
<i>Total Mutual Aid</i>	5	1	1	12	1	2

TOTAL FIRE AND EMERGENCY MEDICAL SERVICE RESPONSE INCIDENTS

	323	333	283	641	705	573
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**City of Kent
Income Tax Division**

February 28, 2013

Income Tax Receipts Comparison - RESTATED - (NET of Refunds)

Monthly Receipts

Total receipts for the month of February, 2013	\$919,060
Total receipts for the month of February, 2012	\$806,227
Total receipts for the month of February, 2011	\$788,986

Year-to-date Receipts and Percent of Total Annual Receipts Collected

	<u>Year-to-date Actual</u>	<u>Percent of Annual</u>
Total receipts January 1 through February 28, 2013	\$1,817,036	15.94%
Total receipts January 1 through February 28, 2012	\$1,891,480	15.68%
Total receipts January 1 through February 28, 2011	\$1,815,343	16.95%

Year-to-date Receipts Through February 28, 2013 - Budget vs. Actual

<u>Year</u>	<u>Annual Budgeted Receipts</u>	<u>Revised Budgeted Receipts</u>	<u>Year-to-date Actual Receipts</u>	<u>Percent Collected</u>	<u>Percent Remaining</u>
2013	\$ 11,400,000	\$ 11,400,000	\$1,817,036	15.94%	84.06%

Comparisons of Total Annual Receipts for Previous Seven Years

<u>Year</u>	<u>Total Receipts</u>	<u>Percent Change From Prior Year</u>
2006	\$ 10,151,202	-0.36%
2007	\$ 10,540,992	3.84%
2008	\$ 10,712,803	1.63%
2009	\$ 10,482,215	-2.15%
2010	\$ 10,453,032	-0.28%
2011	\$ 10,711,766	2.48%
2012	\$ 12,063,299	12.62%

Submitted by



Director of Budget and Finance

2013 CITY OF KENT, OHIO
Comparison of Income Tax Receipts
as of Month Ended February 28, 2013

Monthly Receipts				Comparisons	
Month	2011	2012	2013	Amount	Percent Change
January	\$ 1,026,357	\$ 1,085,253	\$ 897,977	\$ (187,277)	-17.26%
February	788,986	806,227	919,060	112,832	14.00%
March	823,680	860,826			
April	1,057,137	1,239,488			
May	1,006,438	972,050			
June	844,726	915,138			
July	848,105	961,433			
August	873,559	942,880			
September	825,343	980,892			
October	939,121	1,076,141			
November	843,533	890,325			
December	834,781	1,332,645			
Totals	\$ 10,711,766	\$ 12,063,299	\$ 1,817,036		

Year-to-Date Receipts				Comparisons	
Month	2011	2012	2013	Amount	Percent Change
January	\$ 1,026,357	\$ 1,085,253	\$ 897,977	\$ (187,277)	-17.26%
February	1,815,343	1,891,480	1,817,036	(74,444)	-3.94%
March	2,639,023	2,752,306			
April	3,696,160	3,991,794			
May	4,702,598	4,963,844			
June	5,547,324	5,878,982			
July	6,395,429	6,840,415			
August	7,268,988	7,783,295			
September	8,094,331	8,764,187			
October	9,033,453	9,840,328			
November	9,876,985	10,730,653			
December	10,711,766	12,063,299			
Totals	\$ 10,711,766	\$ 12,063,299			

2013 CITY OF KENT, OHIO
Comparison of Income Tax Receipts from Kent State University
as of Month Ended February 28, 2013

Monthly Receipts				Comparisons	
Month	2011	2012	2013	Amount	Percent Change
January	\$ 406,862	\$ 403,606	\$ 383,688	\$ (19,919)	-4.94%
February	336,710	335,895	353,861	17,966	5.35%
March	362,390	360,114			
April	357,231	362,957			
May	354,925	360,026			
June	349,038	362,330			
July	337,910	379,316			
August	370,933	359,550			
September	298,038	328,283			
October	352,815	376,474			
November	358,685	384,179			
December	360,837	423,935			
Totals	\$ 4,246,372	\$ 4,436,666	\$ 737,549		

Year-to-Date Receipts				Comparisons	
Month	2011	2012	2013	Amount	Percent Change
January	\$ 406,862	\$ 403,606	\$ 383,688	\$ (19,919)	-4.94%
February	743,572	739,501	737,549	(1,952)	-0.26%
March	1,105,962	1,099,615			
April	1,463,193	1,462,573			
May	1,818,117	1,822,598			
June	2,167,155	2,184,929			
July	2,505,065	2,564,245			
August	2,875,997	2,923,795			
September	3,174,035	3,252,078			
October	3,526,851	3,628,552			
November	3,885,535	4,012,731			
December	4,246,372	4,436,666			
Totals	\$ 4,246,372	\$ 4,436,666			

2013 CITY OF KENT, OHIO
Comparison of Income Tax Receipts from Kent State University
as of Month Ended February 28, 2013

Comparisons of Total Annual Receipts for Previous Seven Years

Year	Total Receipts	Percent Change
2006	\$ 3,542,080	2.59%
2007	\$ 3,707,931	4.68%
2008	\$ 3,919,539	5.71%
2009	\$ 4,090,788	4.37%
2010	\$ 4,267,465	4.32%
2011	\$ 4,246,372	-0.49%
2012	\$ 4,436,666	4.48%

2012 Private Property Code Violations Summary

This summary report was prepared by staff to track progress on code compliance issues in the City of Kent. This is the seventh year that these statistics have been analyzed so this report includes a comparison across several years – 2006, 2007, 2008, 2009, 2010, 2011, and 2012.

With seven years of data we continue to identify common themes that re-appear year after year, e.g., high incidence of overgrown vegetation citations, and it also notes new trends that have emerged the last several years, e.g., an increase in sign zoning violations in public right-of-ways.

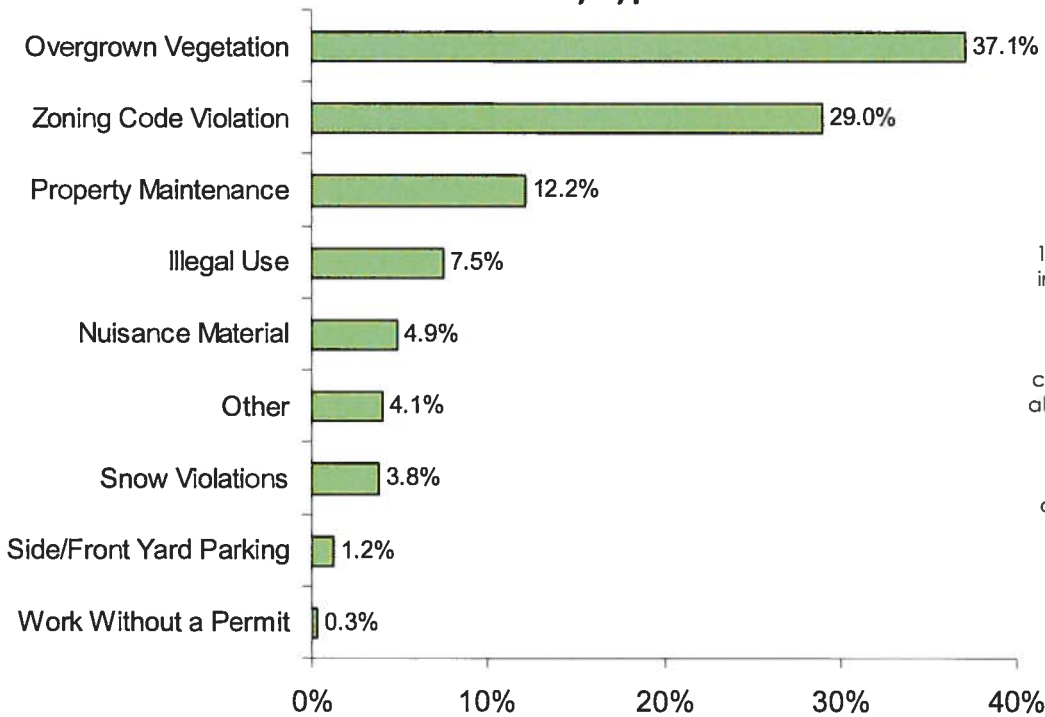
For the fifth consecutive year, rental property citations surpassed owner occupied citations for the total number of citations issued – with overgrown vegetation complaints remaining a significant problem for all property owners. This year vacant properties had the most violations for snow removal, whereas rental properties had the most last year.

Using this data we hope to be able to continue to introduce new code initiatives.

property maintenance zoning snow removal trash tall grass and weeds

Code Inspection Results in 2012

Code Violation Distribution by Type



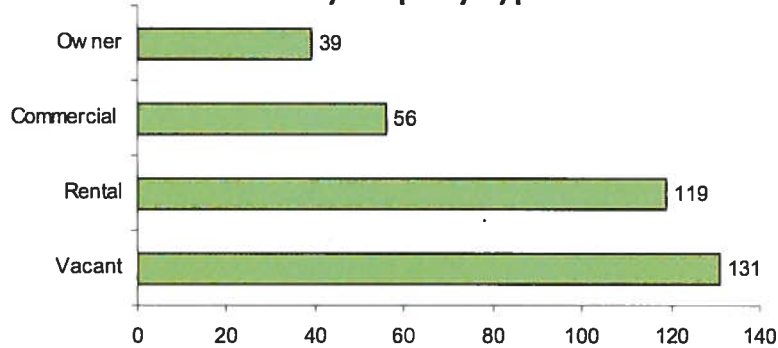
2012 Summary

1 out of 3 code complaints in 2012 were in response to overgrown vegetation

The top 5 most common complaints made up 91% of all complaints, 3% more than last year

5 out of 14 of the "other" category were tool rentals

Code Violations By Property Type

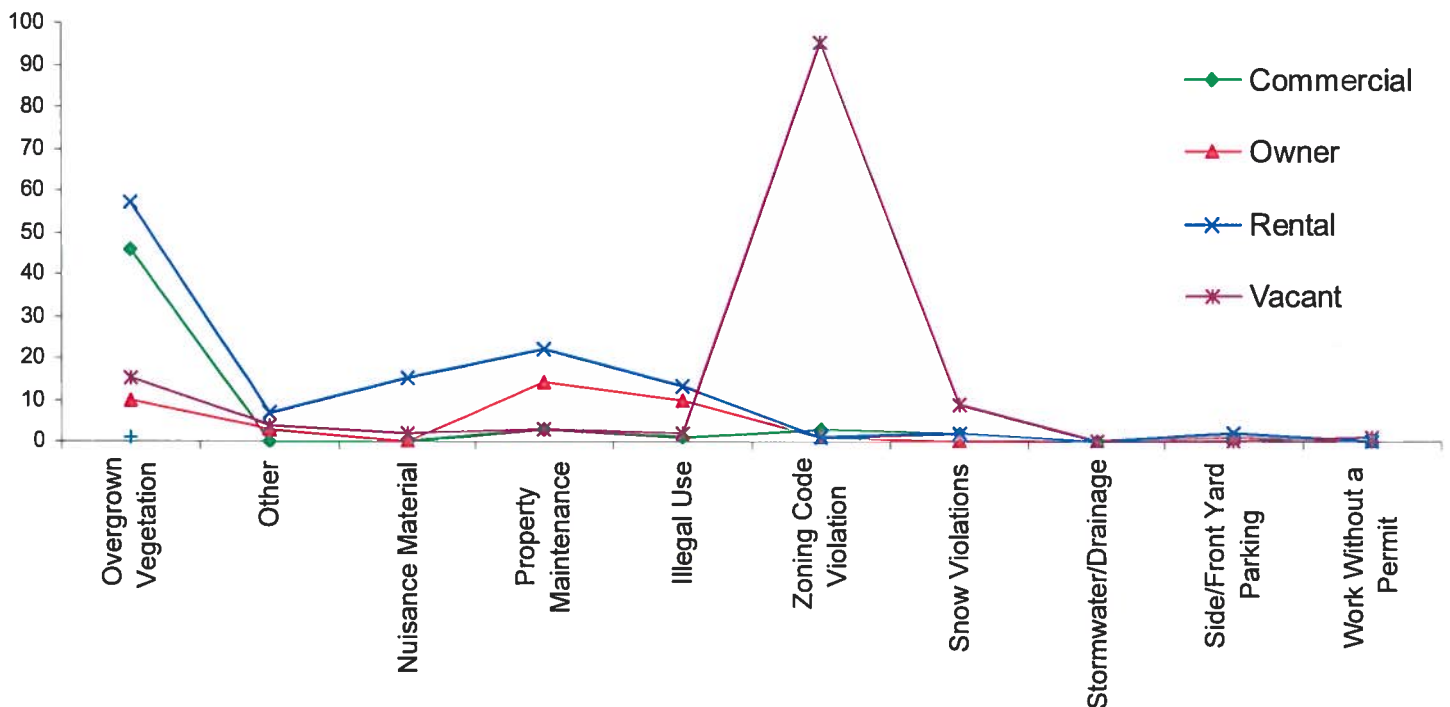


2012 Summary

35% of all violations occurred at rental properties

Rental properties had the highest number of violations for overgrown vegetation than any other category

Vacant properties had the highest incidence of snow violations



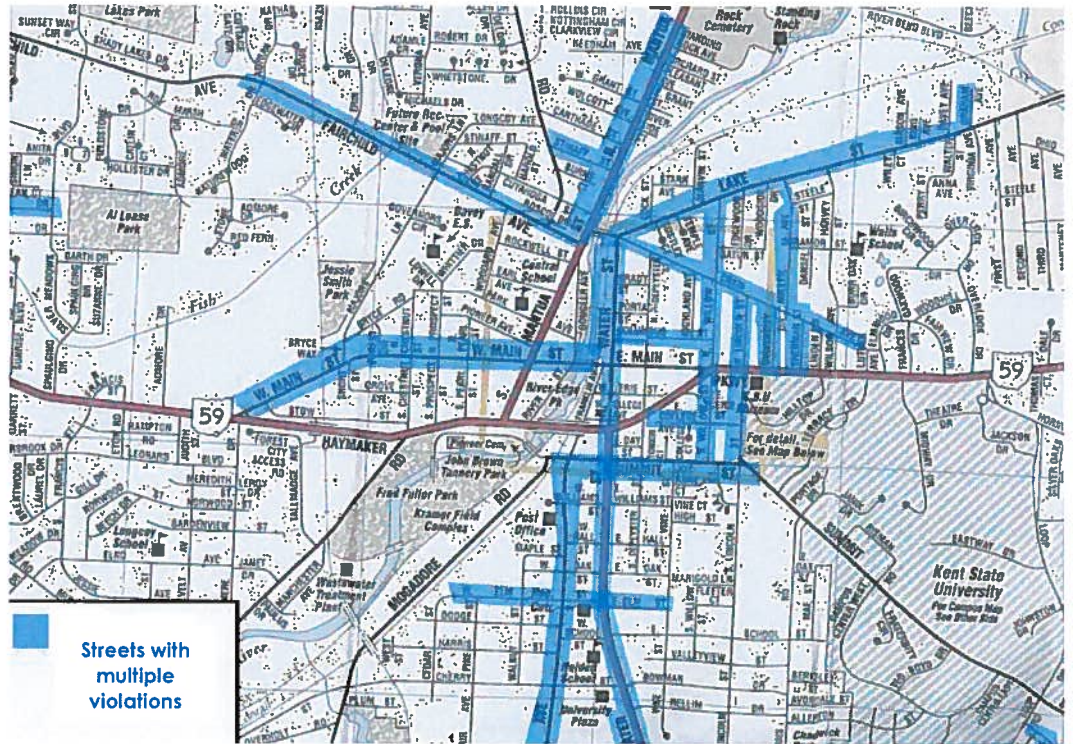
Code Inspection Results in 2012

TOP 20 Streets for Code Violations in 2012

The following 20 streets are listed in descending order for the most violations in 2012:

STREET # VIOLATIONS

E. Summit	25
S. Water	18
E. Main	15
S. Lincoln	15
W. Main	13
Crain	11
Cherry	10
Fairchild	10
Lake	9
E. College	8
Francis	8
Harris	8
S. Willow	8
W. Elm	8
Akron	7
Bowman	6
Franklin	6
Vine	6
N. Mantua	5
N. Willow	5



Street Summary

A total of 96 streets had violations in 2012

The top 20 streets accounted for 72% of the total violations

43% of the streets had only one violation

The map illustrates streets with multiple violations. It's important to remember that the inspection process is mainly complaint based so heavily trafficked streets are likely to have a disproportionately high number of violations called in.

Property Summary

345 violation notices were issued in 2012

264 different property owners received violation notices

39 properties or 11% of properties (1 out of 9) were repeat offenders in 2012

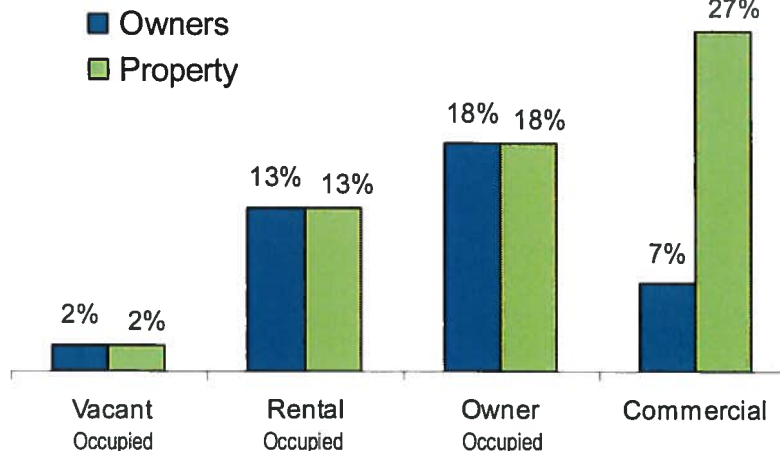
The single owner with the most violations had 37 in the course of the 12 month period

Overall 7 owners had violations at multiple properties (2%)

15 commercial properties were repeat offenders in 2012

1 out of 8 rental property owners were repeat offenders

Percent of Repeat Violations



Code Inspection Results 2006 to 2012

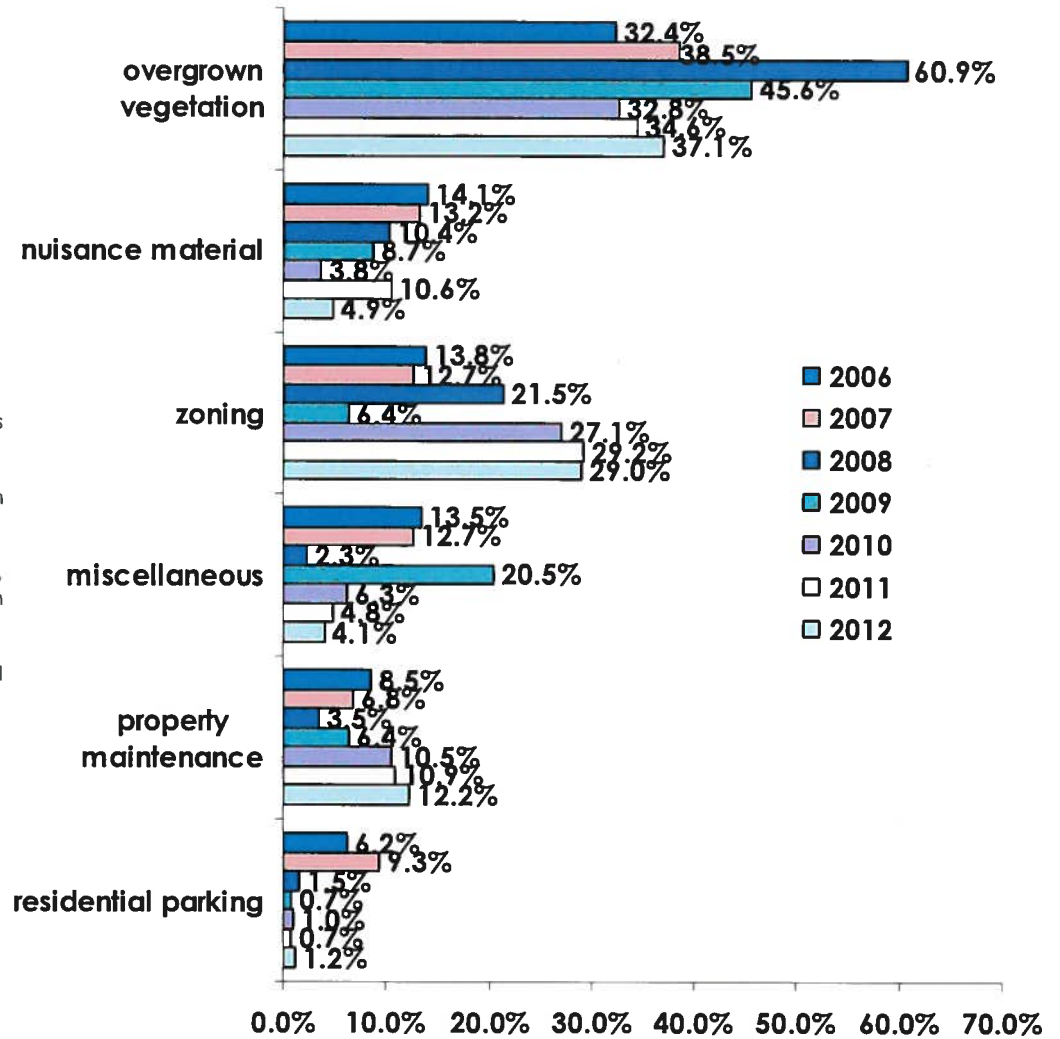
Code Violation Distribution by Type (2006 to 2012)

Only three of the main violation types decreased this year

2012 was the second year overgrown vegetation complaints increased

Property maintenance, residential parking, and overgrown vegetation all increased in 2012

Nuisance material violations decreased almost 6% in 2012



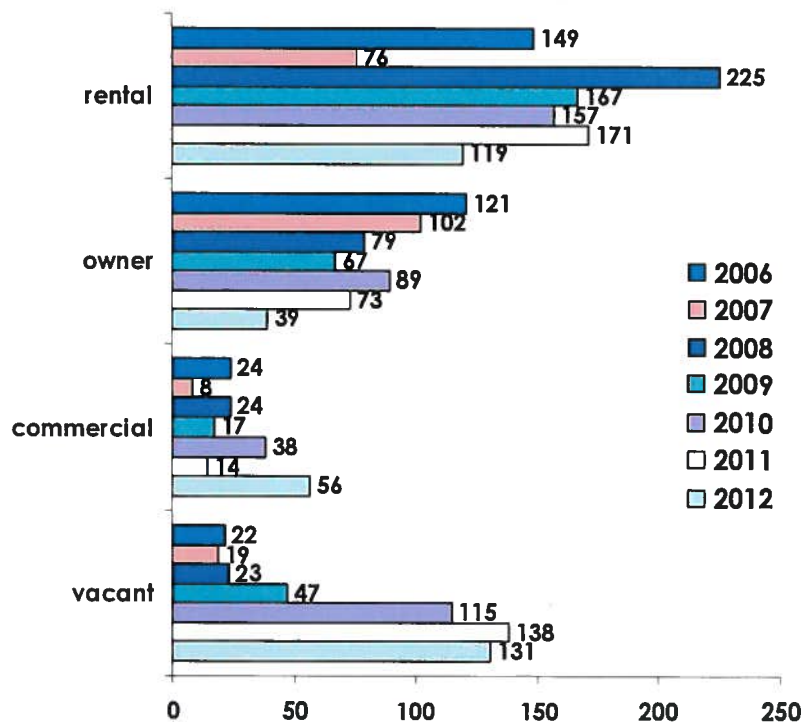
Code Violations by Property Type (2006 to 2012)

Total rental violations decreased by 52

Total owner violations decreased by 34 incidents

For the last five years rentals had the highest number of overgrown vegetation violations, in 2006 & 2007 owner occupied was the highest

This was the first year in the last 3 years that the total number of owner occupied violations decreased



Code Inspection Results 2006 to 2012

Street Violation Summary (2006 to 2012)

7 out of 20 streets with the highest violations changed from 2011 to 2012

Only 3 of the top 5 were the same from 2011 to 2012

In 2012 the number of streets with violations decreased by 18 or 19%

7 streets have remained in the top 20 every year

Property Violation Summary (2006 to 2012)

Total citations decreased by 51 or 15% from 2011 to 2012

In 2006 the total number of violations by property owner was 254, then a decrease of 88 owners or 35% in 2007, in 2008 the total number increased by 88 back to 254, in 2009 the total number of property owners was 254 again, in 2010 there was an increase of 77 for a total of 331, then in 2011 there was a decrease of 10 for a total of 321, and finally another decrease of 57 for a total of 264 in 2012

Repeat offender property owners decreased by 22%

Vacant properties were the lowest for repeat violations in 2010, 2011, & 2012

Code Inspection Duties in Kent

The City's code inspection functions are decentralized with responsibilities spread out among several city departments:

- The Health Department manages the enforcement of the state health code, e.g., food service, swimming pools, licensed boarding houses, trash.
- The Fire Department has a range of building inspection duties related to upholding the state fire code, e.g., electrical, ingress/egress, etc.
- The Police Department handles a number of nuisance activities such as enforcement of the noise ordinance and nuisance parties.
- The Community Development Department performs all inspections related to construction activity, administers the zoning code, and responds to a number of exterior maintenance types of complaints, e.g., tall weeds and grass, graffiti, fencing, etc.

Code Inspection Policy

The City's code inspection efforts are governed by national/state laws and adopted City policy that seeks to protect public health and safety. Where national/state laws establish standards, e.g., building code, fire code, etc., the City ensures private activities comply with those standards through routine permitting, licensing and inspection procedures.

In addition, the City has adopted a range of property requirements that establish local standards for maintenance of private property, e.g., tall weeds and grass, exterior maintenance, etc. These requirements were created as a means to uphold the community's expectations for their investment in their homes, businesses and quality of life enjoyed in the community.

Clean, well-maintained neighborhoods do much more than just make Kent a pleasant place to live. Neighborhoods whose homeowners perform routine, basic maintenance on their structures and yards consistently enjoy lower crime rates and higher property values.

Code Inspection Practices

For those activities that require permits and licenses, the City has procedures in place that govern the necessary application, notification, and inspection of regulated activities.

For the local code matters, the City has historically used a complaint driven practice, whereby inspections are performed only in response to a complaint. This practice was in part due to the lack of staffing available to patrol neighborhoods and seek out violations fairly, but it was also a policy established by City Council in an effort to maintain a more customer-friendly community.

Since the hiring of a full-time Code Enforcement Officer in 2008 the City has been able to take a more pro-active approach to Code matters while maintaining good customer service.