



**Tom Alf**  
Commission Member

**Teri Horsley**  
Commission Member

**Dale McAllister**  
Chairperson

**David Belew**  
Commission Member

**Patrick Moeller**  
Mayor

**Michael Samoviski**  
Commission Member

**Joshua Smith**  
City Manager

**Roll Call:**

5 Public Hearings

Alf	Belew	Horsley	McAllister	Moeller	Samoviski	Smith

**Swearing in of Those Providing Testimony to the Commission:**

Kathy Dudley, Assistant Law Director

**Approval of Meeting Minutes- Written summary and audio recording for the following dates:**

1. November 16, 2015

Alf	Belew	Horsley	McAllister	Moeller	Samoviski	Smith

2. December 7, 2015

Alf	Belew	Horsley	McAllister	Moeller	Samoviski	Smith

**Old Business:** None

**New Business:**

**Agenda Item #1- Public Hearing**

Request to Rezone 200, 202, 204, 206 N. Dick Avenue and 770 Park Avenue (City Lot Nos. 6546, 6545, 6544, 16545, 27530 and 27531), located in the City of Hamilton, First Ward North Side, from R-1 Single Family Residential District to R-2A Two Family Residence District. (Pamela C. Lunsford, Donna M. Baden, Brenda S. Oliver, and Penny N. Jackson, Applicants).

Staff: John Creech

Alf	Belew	Horsley	McAllister	Moeller	Samoviski	Smith



**Agenda Item #2 - Public Hearing**

Request to Rezone 814-816 Park Avenue (City Lot No. 6551), located in the City of Hamilton, First Ward North Side, from R-1 Single Family Residential District to R-2A Two Family Residence District. (Robert Hoffman and Janet Hoffman, Applicant)

Staff: John Creech

Alf	Belew	Horsley	McAllister	Moeller	Samoviski	Smith

**Agenda Item #3 - Public Hearing**

Request to Rezone 115 Dayton (City Lot No. 31128), located in the City of Hamilton, Second Ward, from B-3 Central Business District to DT-2 Downtown Support District. (City of Hamilton, Applicant)

Staff: John Creech

Alf	Belew	Horsley	McAllister	Moeller	Samoviski	Smith

**Agenda Item #4 - Public Hearing**

Request to Amend the Zoning Ordinance of the City of Hamilton, Ohio regarding Adult Businesses i.e. Sexual Encounter Establishments (City of Hamilton, Applicant)

Staff: John Creech

Alf	Belew	Horsley	McAllister	Moeller	Samoviski	Smith

**Agenda Item #5 - Public Hearing**

Request to Amend the Zoning Ordinance of the City of Hamilton, Ohio regarding the Industrial Planned Development (IPD) Zoning District (City of Hamilton, Applicant)

Staff: John Creech

Alf	Belew	Horsley	McAllister	Moeller	Samoviski	Smith

**Agenda Item #6**

Request to approve proposed free standing signage on property zoned BPD Business Planned Development at 75 North Brookwood Avenue. (Randy Adams, Applicant).

Staff: John Creech

Alf	Belew	Horsley	McAllister	Moeller	Samoviski	Smith



**Agenda Item #7**

Request to approve Replat & Right-of-Way Dedication for Part of Lots 24202, 24203, and 25238 located at 1425 Millville Avenue. (General Scott LLC, Applicant).

Staff: John Creech

Alf	Belew	Horsley	McAllister	Moeller	Samoviski	Smith

**Reports:**

1. Verbal Report on Architectural Design Review Board Meeting Results of February 16, 2016; March 1, 2016; and March 15, 2016 – Staff: John Creech
2. Verbal Report on Board of Zoning Appeals Meeting Results of March 3, 2016 – Staff: John Creech

**Miscellaneous:**

**Adjournment:**



**WRITTEN SUMMARY  
PLANNING COMMISSION  
CITY OF HAMILTON, OHIO  
Council Chambers  
First Floor, 345 High Street**

**Monday, November 16, 2015  
1:30 p.m.**

The Planning Commission met as a Committee of the Whole with Mr. Dale McAllister, Chairman presiding and the following members present:

**BOARD PRESENT:**

Mr. Belew, Mr. Bowling, Ms. Horsley, Mayor Moeller, Mr. Samoviski and Mr. Reister (Law Dept)

**BOARD ABSENT:**

Mr. Smith

**Motion to Appoint John Creech as Acting Secretary in the absence of Eugene Scharf.**

A motion was made by Mr. Samoviski with a 2<sup>nd</sup> by Mr. Bowling. With all "Ayes", the Motion carries.

**SWEARING IN OF THOSE PROVIDING TESTIMONY TO THE COMMISSION:**

Members of the audience were sworn in before the Planning Commission by Mr. Steve Tooman.

**PUBLIC FORUM:**

**OLD BUSINESS:** None

**NEW BUSINESS:**

**Agenda Item #1**

**Request to Approve the Final Development Plan for the Fresenius Medical Clinic/ West Hamilton at 890 NW Washington Boulevard, City Lot No. 30138 (Land Focus Consulting, Applicant) Staff: John Creech**

**BACKGROUND INFORMATION**

Hamilton Ventures LLC has submitted plans for Planning Commission review and approval of the Final Development Plan for a proposed FMC Medical Clinic at 890 NW Washington Boulevard (Kidney Dialysis Center). The property is currently zoned BPD – Business Planned Development. Medical/health care uses are permitted in the BPD zoning district. BPD zoned properties require a public hearing and Planning Commission review of Preliminary and Final development plans for new developments.

The Planning Commission reviewed and approved, with conditions, the Preliminary Development Plan for the subject project on November 2, 2015. If the Final Development Plan is approved by the Planning Commission, Community Development Department Staff recommends that the Planning Commission approve the Final Development Plan for the proposed FMC Medical Clinic project subject to the following conditions:

1. The construction drawings for the proposed work, including site/engineering plans, to be revised subject to any future requirements of the City Interdepartmental Review (IDR) Committee upon review.
2. All proposed landscaping item sizes to conform to the minimum size requirements found in Section 1111.10 of the Hamilton Zoning Ordinance. (Deciduous trees minimum of 2 ½ inches caliper, evergreen trees minimum of six (6') feet in height, shrubs/bushes minimum of 12 inches).
3. Landscaping, parking areas, exterior building finishes and other improvements be installed and maintained in good repair and replaced as necessary to remain in compliance with the approved Final Development Plan.
4. Free standing signage be limited to a monument type sign not to exceed eight (8) feet in height with base of sign to match brick and stone materials used on the proposed building.
5. The area between the proposed parking lot and the north property line be maintained as an undisturbed area to provide a natural buffer between the medical office building and the residential uses to the rear (north).

He shows photos of the property, maps, and goes over specifics in the site plan with regard to size of property, size of building, landscaping plan, architectural drawings for the building and architectural renderings. He points out that there is a porte cochere (covered drop off) in front of the building. One thing that has been added are the details of the garbage dumpster, and he shows the photographs of where it will be constructed. Mr. McAllister asked if they were wrought iron gates, and Mr. Creech states that he believes it is aluminum.

#### **RECOMMENDATION**

If the Preliminary Development Plan is approved by the Planning Commission, Community Development Department Staff recommends that the Planning Commission approve the Preliminary Development Plan for the proposed FMC Medical Clinic project subject to the following conditions:

1. Preliminary Development Plan will serve as the basis for the preparation of the Final Development Plan.
2. The construction drawings for the proposed work, including site/engineering plans, to be revised subject to any future requirements of the City Interdepartmental Review (IDR) Committee upon review.
3. All proposed landscaping item sizes to conform to the minimum size requirements found in Section 1111.10 of the Hamilton Zoning Ordinance. (Deciduous trees minimum of 2 ½" caliper, evergreen trees minimum of six (6') feet in height, shrubs/bushes minimum of 12").
4. Landscaping, parking areas, exterior building finishes and other improvements be installed and maintained in good repair and replaced as necessary to remain in compliance with the approved Development Plan.
5. Free standing signage be limited to a monument type sign not to exceed eight (8) feet in height with base of sign to match brick and stone materials used on the proposed building.
6. The area between the proposed parking lot and the north property line be maintained as an undisturbed area to provide a natural buffer between the medical office building and the residential uses to the rear (north).

Property owners within 500 feet of the subject property were notified by mail of the public hearing. A number of phone calls were received but no objections to the proposal were noted.

## **PUBLIC HEARING**

Mr. McAllister asks for anyone wishing to speak either on behalf or against the request to step to the podium and give their name and address.

Stephen Bourquein from Land Focus Consulting, Pendleton, Indiana stated that he didn't really have anything to add, he was simply making himself available for questions.

There being none, Mr. Samoviski made a Motion to close the Public Hearing, with a 2<sup>nd</sup> by Mr. Bowling. With all "Ayes", the Motion carries.

Mr. McAllister then asks if there is any discussion by the Board.

Hearing none, Mr. Bowling makes a Motion to Approve the recommended use of the Medical Clinic with the five (5) conditions listed on the report, with a 2<sup>nd</sup> by Mr. Belew. With all "Ayes", the Motion carries.

## **Agenda Item #2**

**Request to Rezone 200, 202, 204, 206 N. Dick Avenue and 770 Park Avenue (City Lot Nos. 6546, 6545, 6544, 16545, 27530 and 27531), located in the City of Hamilton, First Ward North Side, from R-1 Single Family Residential District to R-3 One to Four Family Residence District (Pamela C. Lunsford, Donna M. Baden, Brenda S. Oliver, and Penny N. Jackson, Applicants).**

**Staff: Meredith Murphy**

## **BACKGROUND INFORMATION**

Pamela C. Lunsford, Donna M. Baden, Brenda S. Oliver, and Penny N. Jackson have submitted an application for the rezoning of 200, 202, 204, 206 N. Dick Avenue and 770 Park Avenue. The properties are currently zoned R-1 Single Family Residence District. The applicants are requesting proposing a zoning change from R-1 Single Family Residence District to R-3 One to Four Family Residence District to make these existing 2 family homes compliant with zoning. The properties are currently being used as 2 family residences.

According to property records the three homes on Dick Avenue, 206, 204, and 202; were built in 1951 as duplexes. The house located at 770 Park Avenue was built in 1920 and is also currently being used as a duplex. The reason for the rezoning request is to permit the rebuilding of duplexes on the sites should something happen to the current buildings. The duplex uses are grandfathered and allowed to continue as long as they remain and do not cease for more than six (6) months, per Section 1109.33 of the Hamilton Zoning ordinance. The proposed uses are not permitted in the R-1 Single Family Residence District to be built present day, but are permitted in R-3 One to Four Family Residence district.

A total of one hundred and fifty two (152) public hearing notices were mailed to property owners within 500 feet of the subject property. Numerous calls were received, both in support and opposition. Copies of all correspondence received, including names and addresses of all citizens wishing to express opposition to the request, were provided to the Board.

Ms. Murphy went through the presentation, showing a map of the properties in question (outlined in red), properties that are zoned correctly (R-1, R-3 and a mix of both). She then shows photos of the subject properties. There are no records showing why they were zoned the way they were.

#### **RECOMMENDATION**

The requested zone change would be a continuation of the adjacent R-3 One to Four Family Residence District zoning from the east, south, and west. The rezoning from R-1 to R-3 would be a continuation of the zoning ordinance, the predominate abutting land use, and zoning in the immediate area. This change would permit the replacement of existing homes as they were built, should anything happen to the properties.

The Department of Community Development recommends the following motion to rezone the subject property:

- 1) That City Council approve the rezoning of 200, 202, 204, 206 N. Dick Avenue and 770 Park Avenue from R-1 Single Family Residence District to R-3 One to Four Family Residence District.

Mr. McAllister asks that any citizens who wish to speak come to the podium and state their name and address.

1. Pam Biederman, 909 Virginia Avenue. She states that she spearheaded a committee to go out and petition to the Highland Park community to see if they were in support. She has 114 people who were opposed to the change. She stated that they like things the way they are, don't want any more two-family units in the community, and they think it should all stay R-1. She then gave a copy of the signed petitions to the Board, with a Motion to accept by Mr. Samoviski and a 2<sup>nd</sup> by Mr. Bowling. All were in favor of receipt of same.
2. Tom Lunsford, 206 Dick Avenue. He states that the property has been in his family for 40 years. It was built as a 2 family, and they have rented the top floor out for 35 years to one person. The property is kept in immaculate condition. He said that he believes in keeping up the property, and he takes pride in it. The problem came in now after he bought it from his brother because he found out that if there would be any issues that would destroy the property and it had to be rebuilt, he could only rebuild it as a one-family by current zoning. This would cause him financial harm because he would lose his ability to have this property as a two-family residence. He states that if the zoning had been done correctly at the initial time, there would be no problem now. He's not trying to change anything that exists. He

believes that as long as he keeps the property maintained in good condition, it should be kept a two-family, as should the other properties in question that were built as a two-family residence. He can't rebuild it or resell it until it's zoned correctly.

3. Neil Beiderman, 1002 Gray Avenue. He says that he has no problem with it being a two-family, but he doesn't want it to become a four-family, nor does he want any other property in Highland Park to become a four-family.
4. Eva Kessler, 610 Dick Avenue. She doesn't believe that any of the residents have a problem with the two family homes that are there, she's just concerned that if it becomes zoned R-4 and four-family homes don't fit into the plan of Highland Park. She's also concerned about parking if any of the properties become 4 family houses.
5. Richard Young, 1357 Taft Place (Realtor for potential buyer). He's the Realtor involved in the transaction, and says that his buyer cannot secure financing if the property isn't zoned correctly. He's talked to 7 different lenders, and it cannot happen as is. Tax records say it's a two-family, and he didn't verify zoning prior to writing a contract. He says that no one will be able to secure insurance for the other properties that are zoned incorrectly either, and they cannot be resold.
6. Gerald Thornhill, 434 Marcia Avenue. His main concern is that when turning from Park Avenue onto Dick Avenue, it basically becomes a one lane street and there is no parking available. He believes that if the zoning is changed to a four-family, it will be much worse (with potential of 8 cars per house).
7. Brenda Oliver, 941 Cardome Drive. She owns 202 Dick Avenue. She says that the property is very well maintained, and there is no conceivable way that the property could ever become a four family unit. She believes that the zoning needs to be corrected for tax purposes and for future sales.

Mr. Biederman responded that although he believes she is correct about the properties on Dick Avenue not being able to be converted to a four-family unit, the property at 770 Park could be, and it could be the start of converting other units in the area to multi-family. He asked if they could be zoned R-2 Two-Family.

With no further comments from the audience, Mr. Samoviski made a Motion to close the Public Hearing. With a 2<sup>nd</sup> by Mr. Bowling and all "ayes, the Motion carries.

After a lengthy discussion that included Mr. McAllister, Mr. Bowling, Mr. Belew, Mayor Moeller, Ms. Oliver and Mr. Creech, it was decided that an alternative R-2 zone could possibly be created that would be for two-family only zone with lot size requirements. The properties in question could then be rezoned as R-2.

Mr. McAllister asked Mr. Young which property his buyer is interested in and he responded that it was 202 Dick Avenue. Mr. Samoviski asked Mr. Creech what the time frame would be for getting the change accomplished. He responded that the first Public Hearing would probably be in December, and then it would go to City Council to be approved by them, then immediately after the beginning of the year the process would start to rezone those properties, and then it would go back to City Council. Mayor Moeller said that he thinks it would be reasonable to think it could be accomplished by March as long as there are no objections. Mr. Creech said that it can be made a priority.

Mr. Young said that obviously he would like it to be done as soon as possible for his buyer, and asked if the property in question could be approved prior to the others, and Mr. McAllister advised that it's not possible to do "spot zoning", so that isn't really a possibility.

Ms. Oliver then spoke and said that although she doesn't know of any potential sales of the other properties in question, it needs to go through the process and be done correctly to protect the property owners.

Mr. Bowling asked about the process for this particular item on the agenda, and Mr. Creech replied that he believes that there will be a new zoning district created and then it will be applied to the properties in question and then look at others that are similarly situated. As for this petition, if it's not going past the Planning Commission, then it will either be denied or the Applicants would withdraw their application.

Mr. Reister asked Mr. Creech if the application were denied, is there any prohibition against re-filing after the new zoning code is created, and Mr. Creech replied that there is not.

Mr. Bowling made a Motion to deny the application for rezoning and requests that Planning create the new zoning code as soon as possible, with a 2<sup>nd</sup> by Mr. Belew.

Mr. McAllister asked Mr. Creech if he had anything to add, and he said that once the process is in Motion, if it passes Council, the residents in the audience would probably receiving a new notice of the Public Hearing sometime after the beginning of the year.

Mr. Lunsford thanked the Board for coming up with a solution. He said that the home means a good deal to his family, and he doesn't want that area to change. He's hoping that it will be expedited as soon as possible in the event of a fire or any type of financial damage.

With regard to the Motion to deny, roll call was taken and all were in agreement, the Motion carries.

**REPORTS:**

1. Verbal Report on Architectural Design Review Board Meeting Results of October 20, 2015 – Staff: Ed Wilson
  - 526 Ludlow Street – Demolition – Approved
  - 529 Ludlow Street – Demolition - Approved
  - 342 North Third Street (*German Village*) --- Painting - Tabled
  - 328 Buckeye Street (*German Village*) --- Painting - Approved
  - 120 South Second Street (*Central Area Building*) Exterior Work, Multiple - Approved
  - 349 Ross Avenue (*Rossville-Main Street*) Vinyl Siding & Painting - Tabled
  - 924 High Street (*State Inventory*) --- Demolition - Approved
  - 501 South Third Street (*State Inventory*) --- Demolition - Approved
  - 449 North Third Street (*German Village*) --- Porch Work – Partial Approval

2. Verbal Report on Board of Zoning Appeals Meeting Results of November 5, 2015 – Staff: John Creech
  1. Request by Carl Eskins & Crystal Roberts for conditional use to establish an Automobile Repair at 300 Millville Avenue – **Approved**
  2. Request by Nana Kwame Agyekym for conditional use to establish a Major Automobile Repair at 1150 Hooven Avenue - **Denied**
  3. Request by Patricia Keith for conditional use to establish a Major Automobile Repair at 239 Edgewood Avenue – **Approved**

On agenda for 12/3/15 Meeting - 2015-23 Appeal of Zoning Interpretation for 1019 Dayton Street.

Appeal of a Zoning Interpretation of the Zoning Authority of the City of Hamilton that the non-conforming (commercial storage) use within the accessory building located at the rear of 1019 Dayton Street has been discontinued. This property is located in an R-4 Multi-Family Residence District. Basically, someone is saying that they did not abandon their non-conforming use.

Mr. McAllister asked Mr. Bowling how much longer he will be on the Board, and he replied that it would be through December 31, 2015. Mr. Bowling said that his seat is due to the City Charter. He said that he was asked by the Board of Education President to ask Mr. Reister if his seat can be filled by a representative of the Board of Education, or if it has to be an actual Board Member. Mr. Reister replied that he will have to look into it.

#### **MISC.**

#### **Discussion of Permanent Signage content and Window Signs/Temporary Signs.**

**Staff: John Creech**

The administration has asked that the Planning Department take a look at signage again, two things in particular, (1) Permanent Signage content and (2) Window Signs vs. Temporary Signs. Basically, there has been a request to amend the zoning code to require that Permanent signage (whether it's on a monument, a pole, or on a wall) only include the name of the business, the address, telephone number, street address, or website address. He then shows examples (White Castle, Walgreens, Max Stacy Florist, and a new erected wall sign at Jay's Furniture). Right now, the ordinance is content neutral. As long as it's not offensive or pornographic, it's okay. Signs are determined by the size of the building. The sign at Jay's Furniture is painted on the wall.

He then showed another slide of a new sign on High Street, "Johnson and Lapham Injury Lawyers", so we sent them a letter and asked them to change their sign to "Johnson and Lapham".

Then with regard to window signage, he then showed the slide showing Burger King (temporary window sign) and went over the restrictions for window signs. Mr. Samoviski asked for clarification and guidelines for what is considered "window sign". He also showed slides of Pohlman Tire on High Street, White Castle, Sara's House, First Financial Bank and Max Stacy Flowers.

There was a brief question and answer session between Mayor Moeller, Mr. Bowling, Mr. Samoviski, and Mr. Creech, regarding a number of different signs in town (digital vs. actual sign) and the purpose of the change.

He then goes over the results of research done by the department.

## Signage Research

### Permanent Signage – Content Regulated?

### Window Signs – Treated as temporary?

**Oxford, OH** – No regulation

No, may cover up to 50% of window area  
(No permit required)

**West Chester, OH** – No regulation

No, may cover up to 25% of window area

**Liberty Township, OH** – No regulation

No, may cover up to 25% of window area  
(Permit Required)

**Fairfield Township, OH** – The sole content of the sign shall be to advertise products sold on the premises or to identify the business located on the premises.

Not regulated

**Fairfield, OH** – Only identify the name, address and phone number of the building or occupant or the principal uses of the premises and any design trademarks. Such signs may identify products or services sold on the premises where the sign is located.

Not regulated

**Kettering, OH** – No regulation

No, may cover up to 25% of window area (No permit required)

**Hamilton, OH** – No regulation

No, may cover up to 25% of window area  
(No permit required)

There was conversation between Mayor Moeller, Mr. Samoviski and Mr. Bowling regarding their opinion of the proposal, concerns over the enforcement of the proposal and zoning regulations for Permanent Signs. Mr. Creech stated that the Planning Department would be putting a draft together and forwarding to the Law Department by the first of December, 2015, and that everything they had just discussed was informational only and under review.

### ADJOURNED:

With nothing further to discuss, the motion to adjourn the meeting was motioned by Mr. Samoviski, seconded by Mr. Bowling. With everyone saying “AYE”, the motion carries and the meeting is adjourned.

Respectfully submitted,

Ms. Kim Kirsch  
Administrative Assistant

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Director  
Community Development/Designee

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Chairperson

**WRITTEN SUMMARY  
PLANNING COMMISSION  
CITY OF HAMILTON, OHIO  
Council Chambers  
First Floor, 345 High Street**

**Monday, December 7, 2015  
1:37 p.m.**

The Planning Commission met as a Committee of the Whole with Mr. Dale McAllister, Chairman presiding and the following members present:

**BOARD PRESENT:**

Mr. Belew, Mr. Bowling, Ms. Horsley, Mr. McAllister, Mayor Moeller, Mr. Samoviski, Mr. Smith, and Mr. Reister (Law Dept).

**BOARD ABSENT:**

None

**SWEARING IN OF THOSE PROVIDING TESTIMONY TO THE COMMISSION:**

Members of the audience were sworn in before the Planning Commission by Mr. John Reister.

**PUBLIC FORUM:**

**OLD BUSINESS:** None

**NEW BUSINESS:**

**Agenda Item #1 - Request to Amend the Zoning Ordinance of the City of Hamilton, Ohio: Section 1108.00 Definitions and Section 1138.00 Signs (City of Hamilton, Applicant)**

**Staff: John Creech**

**BACKGROUND**

Mr. Creech said that over the years, the sign code has been amended. The City routinely gets comments and complaints from the public about business signage, temporary signage, window signage, etc., on the main entry corridors and business areas throughout the City.

Many of the complaints centered around the number of signs, the condition of signs, signs that are associated with businesses that are maybe closed, and large, deteriorated, and temporary signage. It's felt that these factors combined can negatively impact the economic vitality of some of the business districts.

The City of Hamilton allows business signage (which includes wall signage and free-standing signage) based on building frontage and lot width.

For example, 1.5 square feet of wall signage is allowed for every one (1) Lineal foot of building frontage.

By that measurement, the bigger the building, the bigger the signage allowed. There is a similar formula for free standing signage, however it varies by zoning. Differing from some other communities, the City has no cap on the number of signs allowed on a property.

The City of Hamilton Administration has requested that the Department of Community Development to research other local communities with respect to permanent signage and window signage and develop new guidelines to address permanent signage in the city.

The results of the survey of other local communities are summarized below:

<b>Permanent Signage – Limitations</b>	<b>Window Signs</b>
Oxford, OH – No regulation	No, may cover up to 50% of window area (No permit required)
West Chester, OH – No regulation	No, may cover up to 25% of window area (No permit required)
Liberty Township, OH – No regulation	No, may cover up to 25% of window area (Permit Required)
Fairfield Township, OH – The sole content of the sign shall be to advertise products sold on the premises or to identify the business located on the premises.	Not regulated
Fairfield, OH – Only identify the name, address and phone number of the building or occupant or the principal uses of the premises and any design trademarks. Such signs may identify products or services sold on the premises where the sign is located.	Not regulated
Kettering, OH – No regulation	No, may cover up to 25% of window area (No permit required)
Hamilton, OH – No regulation	No, may cover up to 25% of window area (No permit required)

Fairfield Township and the City of Fairfield have limits on permanent signage as indicated above.

The proposed amendment to the City of Hamilton zoning ordinance proposes to define information to be included in permanent signage as follows: Name, address, phone number, website address, hours of operation, or registered design trademarks of the business or legal use of the property where the sign is located. This would apply to all

permanent signs such as freestanding signs (pole & monument), wall signs, awning signs, projecting signs, and suspended signs.

Mr. Smith asked if a monument sign with an LED changing display at Family Dollar that advertised current items for sale would be allowed under the current ordinance, and Mr. Creech said that it would, and it would be allowed up to 50%.

Mayor Moeller asked if the sign that Mr. Creech showed of CVS would be allowed, and he replied that under the new ordinance, it would not be allowed. He then asked Mr. Creech if he's aware of any signs that are banned in Fairfield, Ohio, and Mr. Creech replied that he is not.

Mr. Creech then shows portions of the Code that would be changed with regard to permanent signs. He says that the new language would be repeated in all subsequent sections where "permanent sign" is mentioned.

He then says with regard to changeable copy sign, it would be limited to 50% of the total signage area, and he shows different examples of those that are currently displayed and would be permitted under the new ordinance.

Mr. Scharf asks Mr. Creech to go back to an example and asks for clarification as to whether or not the sign where the entire script would continuously change is illegal, and if they have to keep 50% of the sign the same, and Mr. Creech said yes, it would.

Mr. McAllister asks a question about the formula for content of a changeable sign (either mechanical or manual), and signs that are hanging that are permanent and hanging either inside windows or just on the outside the building with scrolling messages (lighted digital). Mr. Creech said that if it's inside the window, it would be considered a window sign. Mr. McAllister asked if there is an outside changeable sign that's affixed to the side of a building, how that would be handled, and Mr. Creech said that the changeable portion (ex. Kroger) would be 50% as stated previously.

Mr. McAllister asked if someone wanted to put up a readable digital wall sign, would they have to come before the Planning Commission for a permit, and Mr. Creech said that they would. They then went over a different situation and how that would be handled and the specifications that would have to be met.

Mr. Creech said other communities put a limit on what portion of a sign can have changeable content. He said that he included the examples that he did because they are existing signs and would be "grandfathered". He said they would have either had to have a variance or had been erected before the current Code that we have right now.

Mr. went on to say that if the proposed Amendment goes through, the signs that are there can stay and be maintained, but if they are ever taken down and replaced, they would have to meet the new code requirements. He cited an example of the sign for Frisch's "Breakfast bar". He said that "Breakfast Bar" is not really the name of the

business, “Frisch’s” is. He thinks that the sign looks well in excess of what would be permitted as far as message area and the set back from the sidewalk. He then said that with regard to the “Richard’s Pizza” sign, he believes that the sign is oversized by the width of the property, and the setback is not within current guidelines. If it was ever replaced, it would have to change conform to current guidelines.

Mr. McAllister said that both the signs cited are part of the registered business trademarks. He asked if there had been discussion about signs there were done retroactive to the new code, and Mr. Smith said that there was a discussion about “iconic signs”, but those are limited to Route 4. Mr. McAllister was concerned that if their sign was part of a registered trademark for a business, could we change it?

Mr. Smith asked Mr. Creech to go back to the picture of the wall sign that was painted. He stated from the Administration’s perspective, this discussion started with residents driving down Rt. 4 and texting him photos of the sign that has “up to 70% off” painted onto the side of the building, and that was accepted as a permanent sign. He said that he knows that it’s hard to legislate only certain signage, but what we are trying to stay away from is someone putting a permanent sale on the side of building. He said that to him, it screams something that Hamilton does not want to be known for. He said that the CVS sign and some of the other signs don’t bother him at all, the subject sign that he is referring to is what he was trying to find a way to not allow in the future.

Mr. Creech states that “If approved by the Planning Commission, the Department of Community Development recommends that City Council approve the request to amend the Zoning Ordinance of the City of Hamilton, Ohio regarding Signs in Section 1108.00 Definitions and Section 1138.00 Signs.” He states that this was advertised as a public hearing.

Mr. McAllister asked if anyone in the audience wished to speak.

Karen Underwood-Kramer, 1150 New London Road, spoke. She said that she just found out about the proposed sign changes and she didn’t have much time to research it, but she did drive to Fairfield to Jungle Jim’s before this meeting, and she took some photos. She requested permission to distribute them to the Board.

Mayor Moeller made a Motion to receive the photos, with a 2<sup>nd</sup> by Ms. Horsley. With all “ayes”, the Motion is passed and said photos were passed out.

She said that the Richard’s Pizza sign would be in violation, not because of its setback or size (which is grandfathered in). They are looking at putting new faces on the sign that are a little more updated, and the content that is currently on the sign would not be within the guidelines. She further stated that “Pizza Boy” wouldn’t be on the sign either, because he’s not registered at this time. They are in the process of doing it at this time with their attorney in Washington, D.C. She went over the signs that she brought pictures of. She gave her opinion of what she believes should be able to be contained on a sign for the business. She suggested that we either adopt the rules of the City of

Fairfield or Fairfield Township, or table it to allow business owners and sign operators get together with the Chamber of Commerce and form a committee to go over the proposed changes and how it would affect their businesses. She stated that she believed that one of the “iconic signs” listed in the sign ordinance would be in violation of the new ordinance. She had questions in particular about signs on Main Street due to the structure of the area and what the availability there is for different types of signs, and that they may have to use projected signs.

Mr. Smith said that he agrees with Ms. Underwood-Kramer on tabling the item, that he has no problem with the content of the CVS sign, and he’s not opposed to some painted signs, but he does have a problem with a massive “70% off” all time sign painted on a roadway that gets 30,000-40,000 cars a day. He said that he thinks it sends the wrong message. He recommends that the item be tabled to allow input from those affected, as well as for them to have a conversation about the content.

Mayor Moeller said that he’s in agreement also. He likes the “spirit” of the amendment. Mr. Bowling said that he likes this proposal much better than what was proposed at the meeting 2 weeks prior, and that we don’t want to make it harder for businesses to do business here. He said that he agrees with Fairfield’s policy, but he doesn’t agree with changing the whole policy just because of one wall sign that Administration doesn’t like. He feels that there has to be a better way to do it without affecting most of the businesses in Hamilton.

Mr. Smith said that he agrees with that, but at the same time when he drives through Liberty Township or West Chester, he doesn’t see the same type of signs there that he sees here. He said that the quality of what they have out is much better than what we have in Hamilton, and we don’t want to not do anything and keep going down a slope towards being known as the “Discount King of Butler County”, and that is the comment that he’s heard from many folks as they go up and down Rt. 4 in particular, and “how do we allow these signs to exist when you really don’t see these signs in Liberty or West Chester”? Their businesses are different. When you have National retailers, their branding is different that they are using for all of their signage, and it’s a different situation when we have more small businesses. He said that he loves iconic signs and he thinks that we are better off preserving our iconic signs whenever we can, because it’s the history of spirit of who Hamilton is. However, he does not agree with the “dancing lady on the corner” and the “70% off” on the wall, and he thinks that we do need to have stronger regulations in place to make sure that we don’t allow that to happen, to the fullest extent possible.

Ms. Underwood-Kramer replied that she wasn’t aware of any situations coming into today’s meeting that was prompting the ordinance change, she just saw “the removal of product and services” and important information for a small business, or an unknown business. All businesses are not well known, and if people don’t know what you have inside your store, she thinks it’s critical to be able to advertise your products and services.

Mr. Richard Peterson from Porter Advertising spoke next. He said that they have been in business for 80 years, and he's looking at the ordinance through the eyes of a billboard operator. He said that he's a little unclear on some of the issues and how it would affect his business. He said that he had just found out about the proposed change last week also, and he's a little dismayed at how it could affect their business, as well as many small business owners. He said that he doesn't feel that it was well advertised, and that not very many people know about the change that is being proposed. He cited a case that had to do with limiting the size of square footage that went all the way to the Supreme Court (Reed vs. City of Gilbert, Arizona). He encouraged the board to review the case.

Mr. Scharf verified with Mr. Creech that this legislation is just dealing with business signs and not billboards, and Mr. Creech said that he was correct.

Mr. Samoviski made a Motion to close the Public Hearing, with a 2<sup>nd</sup> by Mr. Bowling. With all "ayes", the Motion passes. Mr. Bowling made a Motion to table the item for further review by the Chamber of Commerce, and bring it back next year. Ms. Horsley 2<sup>nd</sup> the Motion.

Mr. Smith asked that the language of the Motion be verified before the vote. He said that he would like for it to go to the City's Ordinance Review Commission Meeting vs. the Chamber of Commerce and invite small businesses. He says that to him, that's a public meeting with public notice vs. a Chamber meeting, which is private. He said that he wants to make sure that the meeting is publically noticed, and that it can be done in Council Chambers where it can be recorded.

Mr. Bowling said that it was his intention to do a committee meeting that public, but not necessarily be the Administration, or a combination of Chamber and Administration.

Mr. Smith said that he has no problem with the Chamber being there, he's just saying that he would like it to be publicly noticed with the Ordinance Commission. He's not on that Commission, but he wants it to go through them. Mr. Bowling replied that the proposed change came from the Administration and he doesn't care if they are there to help lead it, but he feels that they need some input from the outside.

Ms. Horsley agreed with Mr. Bowling. She agreed that it will affect the business community and there are not many people at the meeting and she feels that they need the opportunity to give input.

Mr. Mayor agreed that no matter which way they do it, it needs to be advertised better. Mr. McAllister said that since Mr. Craig was in the audience, perhaps he could pass out the information to his constituents also and let them select a few people to work with the group and come back with suggestions and Ordinance review.

Mr. Bowling made a Motion to withdraw his previous Motion, and Ms. Horsley withdrew her 2<sup>nd</sup>. All approved with "ayes", and the Motion was withdrawn.

Mr. Smith made a Motion to table the request to Amend the zoning Ordinance 1108 as presented, to take the draft of the ordinance to the next meeting of the Ordinance Review Commission, and to have the Chamber of Commerce appoint 5 business owners to attend the meeting for the input on same. Mr. Belew 2<sup>nd</sup> the Motion.

Mayor Moeller said that he hoped that the meeting would be publicized in the Chamber newsletter so that they can all be well informed so that the 5 who will be speaking can all attend the meeting.

Mr. McAllister asked when the next Ordinance meeting will be, and Mayor Moeller replied that it would be January 6 at 8:00 a.m. Mr. McAllister asked if all were in agreement with that time frame, and Mr. Smith said that if that doesn't give the Chamber enough time to find the 5 business owners, they can always move it to the February meeting, but he would prefer to have it in January.

Mr. Bowling asked who was on the Ordinance Review Committee, and Mr. Smith and Ms. Fiehrer (in the audience) replied that it's Carla Fiehrer, Rob Wile, Cindy Hogg (Health Dept), Vivian Crooks (retired), and Craig Bucheit (Police Chief).

Mr. McAllister asked Mr. Craig if that would give him enough time to form his committee and review the Ordinance. Mr. Craig verified what the five people would be doing, and Mr. Smith said that he would like them to come to the meeting prepared to speak about it, and not just talk about it. Mr. Craig said that with the holidays it might be tough, but he thought they could do it. Mr. Scharf also made the offer to Mr. Craig that Staff from his department would be willing to meet with them to answer any questions they had on the proposed changes.

The roll call was taken on the Motion to table the item. With all "ayes", the Motion carries.

**Agenda Item #2 - Request to Amend the Zoning Ordinance of the City of Hamilton, Ohio: Section 1116.100 "R-2A" Single Family Residence District (City of Hamilton, Applicant) Staff: John Creech**

The proposed R-2A Two Family ordinance amendment arose at the November 16, 2015 Planning Commission meeting following a request for the rezoning of six (6) parcels from R-1 Single Family Residence District to R-3 One to Four Family Residence District.

That rezoning request was denied on the basis that one to two family dwellings should be permitted but the zone change to R-4 would possibly allow one to four family residences on the six parcels.

The proposed amendment will create a zoning designation that would permit one to two family dwellings (duplex).

The City of Hamilton Zoning Ordinance does not have a two-family zoning designation.

If approved, this would provide an option for homes that were built as two family residences but are currently nonconforming because they may currently be zoned “R-1” Single Family or R-3 or R-4.

The proposed amendment is to Section 1116.100 “R-2A” which is currently an unused zoning designation.

The proposed two-family zoning district would allow one (1) two-family dwelling with a minimum lot size of 7,000 square feet and a minimum of 3,500 of lot area per dwelling unit.

Mr. Creech says that there are no properties in the City of Hamilton that are listed as R-2A, and that it was just done for “Highland Park”. It came up because of a real estate issue.

If approved by the Planning Commission, the Department of Community Development recommends the following motion:

- 1) The Planning Commission recommends that City Council approve the request to amend the Zoning Ordinance of the City of Hamilton, Ohio regarding Two Family Zoning in Section 1116.100 R-2A Single Family Residence District.

Mr. Creech states that this was advertised as a Public Hearing.

Mr. McAllister asked if there was anyone in the audience who wished to speak to this item. Hearing none, Mr. Samoviski made a Motion to close the Public Hearing. With a 2<sup>nd</sup> by Mr. Bowling and all “ayes”, the Motion carries and the Public Hearing is closed.

Mr. McAllister asked if there was any discussion by the Commission. Hearing none, Mr. Samoviski made a Motion to approve the Request to Amend as proposed. With a 2<sup>nd</sup> by Mr. Bowling, and all “ayes”, the Motion passes and the Request to Amend is passed.

#### Reports:

Mr. Wilson gave the following report from the 12/1/15 ADRB meeting:

1. 304 North Second Street (German Village) – Painting, Exterior Work - Approved
2. 29 North D Street (Rossville-Main Street) – Shutter Removal - Denied
3. 16 North D Street (Rossville-Main Street) – Remove Paint, Paint Items - Approved
4. 244 Main Street (Rossville-Main Street) – Remove Paint, Paint Items – Approved with conditions
5. 12 South C Street (Rossville-Main Street) – Demolition - Approved
6. 332 North Third Street (German Village) – Painting - Approved
7. 346 North Third Street (German Village) - Painting - Approved

The next meeting is set for December 15, 2015.

1. Verbal Report on Board of Zoning Appeals Meeting Results of December 3, 2015  
– Staff: John Creech

Three items from the 12/3/15 meeting:

1. Appeal of Interpretation for 1019 Dayton Street – Mr. Creech gave a summary of the background of the item. It was approved by the BZA.
2. Variance Request 1316 & 1320 Grand Blvd – Mr. Creech gave a summary of the background of the item. One variance was on lot size (approved) and one variance was to reduce the minimum setback for parking vehicles. That variance was denied. That will come to the Planning Commission sometime after the beginning of the year.
3. ADRB Appeal of Decision for 349 Ross Avenue – Mr. Creech gave a summary of the background of the item. The appeal was denied.

### **MISCELLANEOUS**

Mr. Scharf asked the Board as part of their duties to appoint Jody Gunderson as the OKI Board of Directors Representative for the Calendar Year 2016.

Mr. Samoviski made a Motion with a 2<sup>nd</sup> by Mr. Belew. With all “ayes”, the Motion passes.

Mr. Scharf stated that it looks like there is only 1 item on the meeting set for 12/21/15. He asked if it was the Board’s wish to defer that item to the meeting set for 1/4/16. Mr. McAllister said that he’s fine with deferring it if it won’t put anyone in a bind. There was also a discussion that they need a representative to replace Mr. Bowling on the Board, as Mr. Bowling will be retiring from the School Board at the end of 2015. Mr. McAllister thanked Mr. Bowling for his service.

### **ADJOURNED:**

With nothing further to discuss, the motion to adjourn the meeting was motioned by Mr. Bowling. With a 2<sup>nd</sup> by Mr. Samoviski and everyone saying “AYE”, the motion carries and the meeting is adjourned.

Respectfully submitted,

Ms. Kim Kirsch  
Administrative Assistant  
Signed:

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John Creech  
Community Development/Designee

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Chairperson

DRAFT

**To:** Planning Commission  
**From:** Meredith Murphy  
**Subject:** **AGENDA ITEM #1**  
 Request to Rezone 200, 202, 204, 206 N. Dick Avenue and 770 Park Avenue (City Lot Nos. 6546, 6545, 6544, 16545, 27530 and 27531), located in the City of Hamilton, First Ward North Side, from R-1 Single Family Residential District to R-2A Two Family Residence District (Pamela C. Lunsford, Donna M. Baden, Brenda S. Oliver, and Penny N. Jackson, Applicants).

**Date:** March 14, 2016

<b>BASIC INFORMATION</b>		
<b>Applicant/Property Owner</b>	Pamela C. Lunsford, Donna M. Baden, Brenda S. Oliver, and Penny N. Jackson	
<b>Architect/Engineer/Consultant</b>	N/A	
<b>Size of Property</b>	1.434 acres – 62,465 square feet	
<b>Current Zoning</b>	R-1 Single-Family Residence	
<b>Proposed Zoning</b>	R-2A Two Family Residence	
<b>Comp. Plan Land Use Designation</b>	Residential	
<b>Special Purpose/CRA</b>	N/A	
<b>ADJACENT LAND USE/ZONING INFORMATION</b>		
<i>Direction</i>	<i>Land Use</i>	<i>Zoning</i>
<b>North</b>	Residential	R-1 Single-Family Residence District
<b>South</b>	Residential	R-1 Single-Family Residence District and R-3 One to four Family Residence District
<b>East</b>	Residential	R-3 One to four Family Residence District
<b>West</b>	Residential	R-1 Single-Family Residence District and R-3 One to four Family Residence District
<b>ZONING/DIMENSIONAL INFORMATION</b>		
	<i>Minimum Required</i>	<i>Existing/Proposed</i>
<b>Minimum Lot Area</b>	7,000 sq. feet	7,000 sq. feet or more per parcel
<b>Minimum Lot Width</b>	55 feet	50 feet
<b>Minimum Front Yard Setback</b>	15 feet	40 feet
<b>Minimum Side Yard Setback</b>	5 feet with a sum of 15 feet	5 feet minimum
<b>Minimum Rear Yard Setback</b>	10 feet	0 feet
<b>Maximum Bldg. Height</b>	2 ½ stories	2 stories
<b>Other Requirements</b>	N/A	N/A



## BACKGROUND INFORMATION

Pamela C. Lunsford, Donna M. Baden, Brenda S. Oliver, and Penny N. Jackson have submitted an application for the rezoning of 200, 202, 204, 206 N. Dick Avenue and 770 Park Avenue. The properties are currently zoned R-1 Single Family Residence District. The applicants are proposing a zoning change from R-1 Single Family Residence District to R-2A Two Family Residence District. The properties are currently being used as duplexes (two-family dwellings) According to property records the three homes on Dick Avenue, 206, 204, and 202; were built in 1951 as duplexes. The house located at 770 Park Avenue was built in 1920 and is also currently being used as a duplex. The reason for the rezoning request is to make the existing two-family dwellings permitted uses. Currently, the two-family dwellings are grandfathered land uses and allowed to continue as long as they remain and do not cease for more than six (6) months, per section 1109.33 of the Hamilton Zoning ordinance. Two-family dwellings are not permitted in the R-1 Single Family Residence District but are permitted uses in R-2A Two Family Residence District.

On November 16<sup>th</sup>, 2015 the Planning Commission heard and denied a request to rezone the subject properties from R-1 Single Family to R-3 One to four Family Residence District. At that meeting the Planning Commission directed Community Development to create and propose a new Zoning Designation that would allow to two-family dwellings, but not three to four family. Community Development Department Staff presented that proposed zoning code amendment on December 7, 2015 to the Planning Commission. City Council approved the zoning amendment on February 10, 2016 and the zoning amendment became effective on March 11, 2016. The applicants are now requesting to rezone their properties from R-1 to R-2A in accordance with the recently adopted zoning amendment that created the R-2A Two-Family zoning district.

A total of one hundred and twenty two (122) public hearing notices were mailed to property owners within 500 feet of the subject properties. At the time this report was written no calls were received from individuals objecting to the rezoning.

## PLAN/PROPOSAL REVIEW

- 1. Zoning** – There are six (6) parcels that make up the property block associated with this rezoning request. The properties are currently zoned R-1 Single Family Residence District. The applicants have indicated that they would like the properties to comply with the appropriate zoning district and be able to sell, refurbish or rebuild which in its current zoning classification of R-1 would not be permitted. Section 1109.42 of the Hamilton Zoning Ordinance states that “Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.” The Planning Commission must hold a public hearing and review the rezoning



application and forward a recommendation to City Council for final consideration.

2. **Setbacks** – There is no change or construction associated with this request.
3. **Parking** – There is no change or construction associated with this request.
4. **Land Division**- The current rezoning request is regarding six (6) parcels.
5. **Landscaping** – There is no change or construction associated with this request.
6. **Lighting** –There are no proposed changes to exterior lighting.
7. **Interdepartmental Review** – There are no current plans to review as part of the rezoning process. Should building plans be submitted for this site in the future they would be required to be reviewed and approved by the City of Hamilton Interdepartmental review and would have to adhere to all applicable building and zoning regulations.
8. **Other** – A total of one hundred and twenty two (122) public hearing notices were mailed to property owners within 500 feet of the subject property. At the time this report was written no calls were received from individuals objecting to the rezoning request.

## PLAN/PROPOSAL ANALYSIS

**Zoning**- The properties located at 200, 202, 204, 206 N. Dick Avenue and 770 Park Avenue are currently zoned R-1 Single Family Residence District. The area surrounding 200, 202, 204, 206 N. Dick Avenue and 770 Park Avenue is currently a mix of R-1 Single Family zoning and R-3 One to Four Family Residence. The existing properties have a total of approximately 310 feet of frontage along Dick Avenue, 54 feet of frontage along Park Avenue, and 113 feet of frontage along Elvin Avenue. There are a total of six (6) parcels associated with this request. All six parcels have always been zoned R-1 Single Family, and in the case of the three homes on Dick Avenue, 206, 204, and 202 were allowed to be built as duplexes while zoned R-1 Single Family.

**Building**- There is no proposed building or construction at this time. Any future development plans would go through the Interdepartmental Review process once plans are submitted. Any future building or development plans must adhere to all applicable building and zoning regulations.

## RECOMMENDATION

The requested zoning change from R-1 to R-2A would not change the current uses on these properties. The requested zoning change would be a continuation of the abutting residential land uses, and zoning in the immediate area. This change would permit the continuation and replacement of the existing homes on these properties as they were built.

The Department of Community Development recommends the following motion to rezone the subject properties:



- 1) That City Council approve the rezoning of 200, 202, 204, 206 N. Dick Avenue and 770 Park Avenue from R-1 Single Family Residence District to R-2A Two Family Residence District.

Attachments to this report include:

1. Public Hearing Notification Map
2. Zoning Map

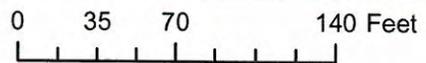


200, 202, 204, 206 NORTH DICK AND 770 PARK  
PUBLIC HEARING MAP



City of Hamilton, Ohio

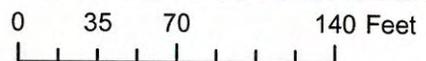
 200, 202, 204, 206 North Dick and 770 Park



200, 202, 204, 206 NORTH DICK AND 770 PARK  
PUBLIC HEARING MAP



 200, 202, 204, 206 North Dick and 770 Park



City of Hamilton, Ohio



**To:** Planning Commission  
**From:** Meredith Murphy  
**Subject:** **AGENDA ITEM #2**  
 Request to Rezone 814-816 Park Avenue (City Lot Nos. 6551), located in the City of Hamilton, First Ward North Side, from R-1 Single Family Residential District to R-2A Two Family Residence District. (Robert Hoffman and Janet Hoffman, Applicant).

**Date:** March 21, 2016

<b>BASIC INFORMATION</b>		
<b>Applicant/Property Owner</b>	Robert Hoffman and Janet Hoffman	
<b>Architect/Engineer/Consultant</b>	N/A	
<b>Size of Property</b>	0.171 acres – 7,452 square feet	
<b>Current Zoning</b>	R-1 Single-Family Residence	
<b>Proposed Zoning</b>	R-2A Two Family Residence	
<b>Comp. Plan Land Use Designation</b>	Residential	
<b>Special Purpose/CRA</b>	N/A	
<b>ADJACENT LAND USE/ZONING INFORMATION</b>		
<i>Direction</i>	<i>Land Use</i>	<i>Zoning</i>
<b>North</b>	Residential	R-1 Single-Family Residence District
<b>South</b>	Residential	R-3 One to four Family Residence District
<b>East</b>	Residential	R-1 Single-Family Residence District
<b>West</b>	Residential	R-1 Single-Family Residence District and R-3 One to four Family Residence District
<b>ZONING/DIMENSIONAL INFORMATION</b>		
	<i>Minimum Required</i>	<i>Existing</i>
<b>Minimum Lot Area</b>	7,000 sq. feet	7,452 sq. feet
<b>Minimum Lot Width</b>	55 feet	50 feet
<b>Minimum Front Yard Setback</b>	15 feet	22 feet
<b>Minimum Side Yard Setback</b>	5 feet with a sum of 15 feet	2.5 feet
<b>Minimum Rear Yard Setback</b>	10 feet	50 feet
<b>Maximum Bldg. Height</b>	2 ½ stories	2 stories
<b>Other Requirements</b>	N/A	N/A

**BACKGROUND INFORMATION**

Robert Hoffman and Janet Hoffman have submitted an application for the rezoning of 814-816 Park Avenue. The property is currently zoned R-1 Single Family Residence District. The applicants are proposing a zoning change from R-1 Single Family Residence District to R-2A Two Family Residence District. The property is currently being used as a duplex. According to Butler County Auditor records the house was built in 1920. According to the Applicants, the reason for the rezoning request is to



make the existing two-family dwelling a permitted uses. Currently, the two-family dwelling is a grandfathered land use in the R-1 zoning district and allowed to continue as long as it remains and do not cease for more than six (6) months, per Section 1109.33 of the Hamilton Zoning ordinance. A two-family dwelling is not permitted in the R-1 Single Family Residence District but is a permitted use in R-2A Two Family Residence District

According to the Applicants, they received notice of the November 16, 2015 Planning Commission meeting where the request to rezone properties located at 200, 202, 204, 206 N. Dick Avenue and 770 Park Avenue to R-3 One to four Family Residence District was denied. They were aware of the R-2A zoning code amendment to create the two-family zoning district and have submitted an application to rezone their property from R-1 to R-2A to comply with the zoning.

A total of one hundred and ten (110) public hearing notices were mailed to property owners within 500 feet of the subject property. At the time this report was written no calls were received from individuals requesting clarification of the request.

## **PLAN/PROPOSAL REVIEW**

1. **Zoning** – There is one (1) parcel associated with this request. . The property is currently zoned R-1 Single Family Residence District. The applicants have indicated that they would like the property to comply with the appropriate zoning district and be able to sell, refurbish or rebuild which in its current zoning classification of R-1 would not be permitted. Section 1109.42 of the Hamilton Zoning Ordinance states that “Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.” The Planning Commission must hold a public hearing and review the rezoning application and forward a recommendation to City Council for final consideration.
2. **Setbacks** – There are no building or construction plans at this time.
3. **Parking** – There are no building or construction plans at this time.
4. **Land Division**- The current rezoning request is regarding one (1) parcel.
5. **Landscaping** – There are no building or construction plans at this time.
6. **Lighting** –There are no proposed changes to exterior lighting.
7. **Interdepartmental Review** – There are no current plans to review as part of the rezoning process. Should building plans be submitted for this site in the future they would be required to be reviewed and approved by the City of Hamilton Interdepartmental review and would have to adhere to all applicable building and zoning regulations.
8. **Other** – A total of one hundred and ten (110) public hearing notices were mailed to property owners within 500 feet of the subject property. At the time this report was written no calls were received from individuals objecting to the rezoning request.



## PLAN/PROPOSAL ANALYSIS

**Zoning-** The property located at 814-816 Park Avenue is currently zoned R-1 Single Family Residence District. The area surrounding 814-816 Park Avenue is currently a mix of R-1 Single Family zoning and R-3 One to Four Family Residence. The existing property has a total of approximately 50 feet of frontage along Dick Avenue and 50 feet of frontage along Park Avenue. There is one (1) parcel associated with this request.

**Building-** There is no proposed building or construction at this time. Any future development plans would go through the Interdepartmental Review process once plans are submitted. Any future building or development plans must adhere to all applicable building and zoning regulations.

## RECOMMENDATION

The requested zoning change from R-1 to R-2A would not change the current use on the property. The requested zoning change would be a continuation of the abutting residential land uses, and zoning in the immediate area. This zoning change would permit the continuation and replacement of the existing home on this property.

The Department of Community Development recommends the following motion to rezone the subject property:

- 1) That City Council approve the rezoning of 814-816 Park Avenue from R-1 Single Family Residence District to R-2A Two Family Residence District.

Attachments to this report include:

1. Public Hearing Notification Map
2. Zoning Map



814-816 PARK AVE.  
PUBLIC HEARING MAP



 814-816 Park Ave.

0 35 70 140 Feet



814-816 PARK AVE.  
PUBLIC HEARING MAP



 814-816 Park Ave.

0 35 70 140 Feet

City of Hamilton, Ohio

**To:** Planning Commission  
**From:** Meredith Murphy  
**Subject:** **AGENDA ITEM #3**

Request to Rezone 115 Dayton (City Lot No. 31128), located in the City of Hamilton, Second Ward, from B-3 Central Business District to DT-2 Downtown Support District. (City of Hamilton, Applicant)

**Date:** March 14, 2016

<b>BASIC INFORMATION</b>		
<b>Applicant/Property Owner</b>	City of Hamilton	
<b>Architect/Engineer/Consultant</b>	N/A	
<b>Size of Property</b>	1.591 acres – 69,304 square feet	
<b>Current Zoning</b>	B-3 Central Business District	
<b>Proposed Zoning</b>	DT-2 Downtown Support District	
<b>Comp. Plan Land Use Designation</b>	Mixed Use	
<b>Special Purpose/CRA</b>	N/A	
<b>ADJACENT LAND USE/ZONING INFORMATION</b>		
<i>Direction</i>	<i>Land Use</i>	<i>Zoning</i>
<b>North</b>	Residential	B-3 Central Business District
<b>South</b>	Residential	DT-2 Downtown Support District
<b>East</b>	Residential	DT-2 Downtown Support District
<b>West</b>	Residential	DT-2 Downtown Support District
<b>ZONING/DIMENSIONAL INFORMATION</b>		
	<i>Minimum Required</i>	<i>Existing</i>
<b>Minimum Lot Area</b>	N/A	69,304 sq. feet
<b>Minimum Lot Width</b>	N/A	50 feet
<b>Minimum Front Yard Setback</b>	0-10 Feet	N/A
<b>Minimum Side Yard Setback</b>	0 Ft	N/A
<b>Minimum Rear Yard Setback</b>	5 Ft	N/A
<b>Maximum Bldg. Height</b>	10 Stories	N/A
<b>Other Requirements</b>	Section 1129.00	N/A

**BACKGROUND INFORMATION**

The City of Hamilton is requesting to rezone 115 Dayton Street to encourage the future development of the site. The property is currently owned by the City of Hamilton and was acquired by the City of Hamilton as part of the Mercy Hospital closure and demolition. The property is currently zoned B-3 Central Business District and the proposed change is to DT-2 Downtown Support District, a form based zoning district similar to the surrounding zoning designation. The reason for the rezoning request is to allow for the possible future development of the site.



A total of twenty six (26) public hearing notices were mailed to property owners within 500 feet of the subject property. At the time this report was written no calls were received from individuals objecting to the rezoning request.

## PLAN/PROPOSAL REVIEW

1. **Zoning** – There is one (1) parcel associated with this request. The property is currently zoned B-3 Central Business District. The adjacent and surrounding properties to the south, east and west were rezoned to DT-2 in early 2013 when the city’s adopted form based zoning in the downtown area. The Planning Commission must hold a public hearing and review the rezoning application and forward a recommendation to City Council for final consideration.
2. **Setbacks** – There are no building or construction plans at this time.
3. **Parking** – There are no proposed changes to the parking at this time.
4. **Land Division**- The current rezoning request is regarding one (1) parcel.
5. **Landscaping** – There are no building or construction plans at this time.
6. **Lighting** –There are no proposed changes to exterior lighting.
7. **Interdepartmental Review** – There are no current plans to review as part of the rezoning process. Should building plans be submitted for this site in the future they would be required to be reviewed and approved by the City of Hamilton Interdepartmental review and would have to adhere to all applicable building and zoning regulations.
8. **Other** – A total of twenty six (26) public hearing notices were mailed to property owners within 500 feet of the subject property. At the time this report was written no calls were received from individuals objecting to the rezoning request.

## PLAN/PROPOSAL ANALYSIS

**Zoning**- The property located at 115 Dayton Street is currently zoned B-3 Central Business District. The area surrounding 115 Dayton Street is B-3 Central Business District to the north and DT-2 Downtown Support District to the West, South, and east. The existing property has a total of approximately 401 feet of frontage along Dayton Street, 150 feet of frontage along Riverfront Plaza, and 170 feet of frontage along North Second Street. There is one (1) parcel associated with this request.

**Building**- There is no proposed building or construction at this time. However, any future development plans would go through the Interdepartmental Review process once plans are submitted. Any future building or development plans must adhere to all applicable building and zoning regulations.

## RECOMMENDATION

The requested zone change from B-3 Central Business District to DT-2 Downtown Support District would be a continuation of the abutting DT-2 form based zoning



district. The zoning change would allow future site development to match surrounding land uses and be regulated by the City's form based zoning requirements. In addition, the rezoning request, if approved, will assist the City of Hamilton in marketing the property and achieving a development that implements the City's Strategic Plan

The Department of Community Development recommends the following motion to rezone the subject property:

- 1) That City Council Approve the rezoning of 115 Dayton Street, Located in the 2<sup>nd</sup> Ward, City Lot No. 31128, from B-3 Central Business District to DT-2 Downtown Support District.

Attachments to this report include:

1. Public Hearing Notification Map
2. Zoning Map

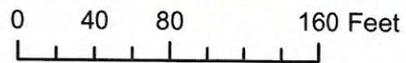


115 DAYTON  
PUBLIC HEARING MAP



City of Hamilton, ©info

 115 Dayton



115 DAYTON  
PUBLIC HEARING MAP



115 Dayton

0 40 80 160 Feet

City of Hamilton, Ohio

**From:** John Creech  
**Subject:** **AGENDA ITEM #4**  
 Request to Amend the Zoning Ordinance of the City of Hamilton, Ohio regarding Adult Businesses i.e. Sexual Encounter Establishments (City of Hamilton, Applicant)

**Date:** March 21, 2016

<b>BASIC INFORMATION</b>	
<b>Applicant/Property Owner</b>	City of Hamilton, Applicant
<b>Architect/Engineer/Consultant</b>	N/A
<b>Size of Property</b>	N/A
<b>Current Zoning</b>	N/A
<b>Proposed Zoning</b>	N/A
<b>Comp. Plan Land Use Designation</b>	N/A
<b>Special Purpose/CRA</b>	N/A

<b>ADJACENT LAND USE/ZONING INFORMATION</b>		
<i>Direction</i>	<i>Land Use</i>	<i>Zoning</i>
<b>North</b>	N/A	N/A
<b>East</b>	N/A	N/A
<b>West</b>	N/A	N/A
<b>South</b>	N/A	N/A

<b>ZONING/DIMENSIONAL INFORMATION</b>		
	<b>Minimum Required</b>	<b>Existing</b>
<b>Minimum Lot Area</b>	N/A	N/A
<b>Minimum Lot Width</b>	N/A	N/A
<b>Minimum Front Yard Setback</b>	N/A	N/A
<b>Minimum Side Yard Setback</b>	N/A	N/A
<b>Minimum Rear Yard Setback</b>	N/A	N/A
<b>Maximum Bldg. Height</b>	N/A	N/A
<b>Other Requirements</b>	N/A	N/A

**BACKGROUND INFORMATION**

The City of Hamilton Zoning Ordinance was adopted in 1971. From time to time, as newly defined land uses occur, the current zoning definitions, permitted and

conditional land uses found within the City of Hamilton zoning ordinance may require amendment or revision to bring the zoning ordinance up to date. The City of Hamilton proposes to amend the current zoning definition of Adult Business.

**Proposed Zoning Amendment:**

The proposed zoning ordinance amendment will add a definition for “Sexual Encounter Establishment” and also amend the current definition of “Adult Business” to include “Sexual Encounter Establishment” found in Section `1108 of the City of Hamilton Zoning Ordinance. The current definition of an “Adult Business” in the Hamilton Zoning Ordinance reads as follows:

Adult Business: Any Adult Arcade, Adult Book/Video Store, Adult Cabaret, Adult Drive-in Theater, Adult Mini Motion Picture Theater, Adult Motel, Adult Motion Picture Theater, Massage Establishment, Nude Model Studio, or any other business providing Adult Material, Adult Entertainment, or Adult Services. (OR96-8- 85)

The definition to be added is for a "Sexual Encounter Establishment" which is defined in the Ohio Revised Code and reads in part as follows:

Sexual Encounter Establishment: A Sexual Encounter Establishment is a business or commercial establishment that, as one of its principal business purposes, offers for any form of consideration a place where two or more persons may congregate, associate, or consort for the purpose of engaging in specified sexual activities.

If approved, the new zoning definition for an “Adult Business” will read as follows with the addition of “Sexual Encounter Establishment”:

Adult Business: Any Adult Arcade, Adult Book/Video Store, Adult Cabaret, Adult Drive-in Theater, Adult Mini Motion Picture Theater, Adult Motel, Adult Motion Picture Theater, Massage Establishment, Nude Model Studio, Sexual Encounter Establishment, or any other business providing Adult Material, Adult Entertainment, or Adult Services. (OR 96-8- 85)

Adult Businesses will remain “Conditional Uses” within the City of Hamilton Zoning Ordinance to be reviewed by the Planning Commission and a recommendation to approve or deny would be forwarded to City Council for final consideration.

**RECOMMENDATION**

If approved by the Planning Commission, the Department of Community Development recommends the following motion:

The Planning Commission recommends that City Council approve the request to amend the Zoning Ordinance of the City of Hamilton, Ohio regarding Adult Businesses encompassing Section 1108.00.

**EXHIBITS**

Exhibit No. 1 – Proposed Zoning Amendments

Exhibit 1 – Proposed Zoning Amendment to Section 1108 of the City of Hamilton Zoning Ordinance:

1. Add the following Definition to 1108.00:

Sexual Encounter Establishment: A Sexual Encounter Establishment is a business or commercial establishment that, as one of its principal business purposes, offers for any form of consideration a place where two or more persons may congregate, associate, or consort for the purpose of engaging in specified sexual activities.

2. Amend the following Definition in 1108.00 by adding “Sexual Encounter Establishment”:

Adult Business: Any Adult Arcade, Adult Book/Video Store, Adult Cabaret, Adult Drive-in Theater, Adult Mini Motion Picture Theater, Adult Motel, Adult Motion Picture Theater, Massage Establishment, Nude Model Studio, Sexual Encounter Establishment, or any other business providing Adult Material, Adult Entertainment, or Adult Services. (OR96-8- 85)

**From:** John Creech  
**Subject:** **AGENDA ITEM #5**  
 Request to Amend the Zoning Ordinance of the City of Hamilton, Ohio regarding the Industrial Planned Development (IPD) Zoning District (City of Hamilton, Applicant)

**Date:** March 21, 2016

<b>BASIC INFORMATION</b>		
<b>Applicant/Property Owner</b>	City of Hamilton, Applicant	
<b>Architect/Engineer/Consultant</b>	N/A	
<b>Size of Property</b>	N/A	
<b>Current Zoning</b>	N/A	
<b>Proposed Zoning</b>	N/A	
<b>Comp. Plan Land Use Designation</b>	N/A	
<b>Special Purpose/CRA</b>	N/A	
<b>ADJACENT LAND USE/ZONING INFORMATION</b>		
<i>Direction</i>	<i>Land Use</i>	<i>Zoning</i>
<b>North</b>	N/A	N/A
<b>East</b>	N/A	N/A
<b>West</b>	N/A	N/A
<b>South</b>	N/A	N/A
<b>ZONING/DIMENSIONAL INFORMATION</b>		
	<b>Minimum Required</b>	<b>Existing</b>
<b>Minimum Lot Area</b>	N/A	N/A
<b>Minimum Lot Width</b>	N/A	N/A
<b>Minimum Front Yard Setback</b>	N/A	N/A
<b>Minimum Side Yard Setback</b>	N/A	N/A
<b>Minimum Rear Yard Setback</b>	N/A	N/A
<b>Maximum Bldg. Height</b>	N/A	N/A
<b>Other Requirements</b>	N/A	N/A

**BACKGROUND INFORMATION**

There are a number of land uses within the Hamilton Enterprise Park (HEP) ranging from office, industrial, transportation, manufacturing and health care. Tri-Health and Duke Realty own and operate the Tri-Health Bethesda Butler County Hospital on approximately 22 acres. The healthcare campus encompasses a full scale hospital, surgery, inpatient & outpatient care, 24-hour emergency department, imaging/radiology, infusion therapy, cancer Institute, digestive institute, heart



Use Setbacks:

1. Setback five hundred (500) feet from the boundaries of a parcel of real estate having situated on it a school, public library, public park, church, or religious institution.
2. Setback five hundred (500) feet of any business that serves and/or sells Alcoholic beverages.

## **RECOMMENDATION**

If approved by the Planning Commission, the Department of Community Development recommends the following motion:

The Planning Commission recommends that City Council approve the request to amend the Zoning Ordinance of the City of Hamilton, Ohio regarding the Industrial Planned Development (IPD) Zoning District.

## **EXHIBITS**

Exhibit No. 1 – Proposed Zoning Amendments

Exhibit 1 – Proposed Zoning Amendment to Section 1125.00 of the City of Hamilton  
Zoning Ordinance:

**Add Section 1125.32 as follows:**

**1125.32 Principal Uses:**

Alcohol and Drug Addiction Treatment Clinics & Facilities, Inpatient or Outpatient

Minimum lot size: Ten (10) Acres

Use Setbacks:

1. Setback five-hundred (500) feet from the boundaries of a parcel of real estate having situated on it a school, public library, public park, church, or religious institution.
2. Setback five-hundred (500) feet of any business that serves and/or sells Alcoholic beverages.

**Amend Section 1125.40 Prohibited Uses by deleting the following:**

1125.419 Alcohol and Drug Addiction Treatment Clinics & Facilities, Inpatient:  
As Defined in Section 1108.00 (OR2014-8-71)

1125.420 Alcohol and Drug Addiction Treatment Clinics & Facilities, Outpatient:  
As Defined in Section 1108.00 (OR2014-8-71)



**To:** Planning Commission  
**From:** Heather Hodges

**Subject: AGENDA ITEM #6**  
Request to approve proposed free standing signage on property zoned BPD Business Planned Development at 75 North Brookwood Avenue. (Randy Adams, Applicant).

**Date:** March 21, 2016

<b>BASIC INFORMATION</b>		
<b>Project Name</b>	Proposed Free Standing Sign at 75 N Brookwood Ave.	
<b>Applicant/Property Owner</b>	Randy Adams / Somerville National Bank	
<b>Architect/Engineer/Consultant</b>	N/A	
<b>Size of Property</b>	0.67 acres	
<b>Current Zoning</b>	BPD – Business Planned Development	
<b>Proposed Zoning</b>	N/A	
<b>Comp. Plan Land Use Designation</b>	Commercial	
<b>ADJACENT LAND USE/ZONING INFORMATION</b>		
<i>Direction</i>	<i>Land Use</i>	<i>Zoning</i>
<b>North</b>	Hamilton West Shopping Center	BPD– Business Planned Development
<b>South</b>	Single Family Residential	R-1– Single Family Residential
<b>East</b>	PPG Paints	BPD – Business Planned Development
<b>West</b>	Remax 100 Inc.	BPD – Business Planned Development
<b>ZONING/DIMENSIONAL INFORMATION</b>		
	<b>Minimum Required</b>	<b>Existing</b>
<b>Minimum Lot Area</b>	N/A	N/A
<b>Minimum Lot Width</b>	N/A	N/A
<b>Minimum Front Yard Setback</b>	N/A	N/A
<b>Minimum Side Yard Setback</b>	N/A	N/A
<b>Minimum Rear Yard Setback</b>	N/A	N/A
<b>Maximum Bldg. Height</b>	N/A	N/A
<b>Other Requirements</b>	Ord. No. 167.07	See Below

**BACKGROUND INFORMATION**

Randy Adams has submitted a request, on behalf of Somerville National Bank, for a new free standing sign at 75 N. Brookwood Avenue. The proposed sign is for a Somerville National Bank office that is currently at the location. The proposed sign is a monument sign to be placed 16.5 feet from the curb of North Brookwood Avenue or 10.5 feet behind the sidewalk along the southside of North Brookwood Avenue. The proposed free standing sign is approximately 6 feet in width and 4 feet in height. The proposed sign will consist of a treated wood frame with stucco exterior finish, using PVC panels for text and logo. The sign will include blue lettering and trim and beige type exterior finish colors.

Since the property is located in the Hamilton West Shopping Center BPD zoning district it requires Planning Commission approval of the proposed free standing sign. The proposed free standing sign must also meet the adopted guidelines for the Hamilton West Shopping Center Signs, approved by the Planning Commission on September 6, 1966 which are as follows:

1. The signs should consist of only the name of the Store – no additional advertising messages should be conveyed
2. The horizontal Space occupied by the sign may not exceed 80% of the width of the parapet; the vertical distance occupied by the letters may not exceed 70% of the height of the parapet, unless it is a trademark.
3. Signs shall be placed not less than 12 inches above the pedestrian canopy
4. Store information signs are to be centered on the face of the parapet.

Since the proposed sign is “free-standing” and not a wall sign only item number #1 of the above guidelines applies to the proposed free standing sign. The Planning Commission must approve the proposed free-standing sign in order for it to be erected on the property.

### **PLAN/PROPOSAL ANALYSIS**

1. **Zoning** – Property is zoned BPD and requires Planning Commission Approval
2. **Setbacks** –No changes in building setbacks are proposed.
3. **Parking** – N/A
4. **Land Division** – N/A
5. **Landscaping** – N/A
6. **Lighting** – N/A
7. **Interdepartmental Review** – The sign is in the process of being reviewed by the City of Hamilton Interdepartmental Review Committee, no problems are anticipated.
8. **Other** – Per the above requirements for the Hamilton West Shopping Center Signs as passed by the Planning Commission on September 6, 1966, any variation of the above guidelines is to be submitted to Planning Commission for review and approval.

### **RECOMMENDATION**

If approved by the Planning Commission, the Department of Community Development recommends the following conditions of approval:

1. The Planning Commission approve the request to erect a free standing sign at 75 North Brookwood Avenue.
2. The base of the proposed free-standing sign to be brick/masonry material that matches as closely as possible the existing masonry finish of the building.
3. The ground area surrounding the base of the proposed sign to be landscaped. The landscape area to match the size of the proposed free standing sign.
4. The construction drawings for the proposed sign to be revised subject to any future requirements of the City’s Interdepartmental Review (IDR) Committee upon review.
5. That the proposed sign and landscaping be maintained in good repair and repaired/replaced as necessary to remain in compliance with the Planning Commission approval.

## **EXHIBITS**

1. Aerial Location Map
2. Zoning Location Map
3. Applicant Provided Renderings and Sign Layout Detail.

75 NORTH BROOKWOOD  
LOCATION MAP

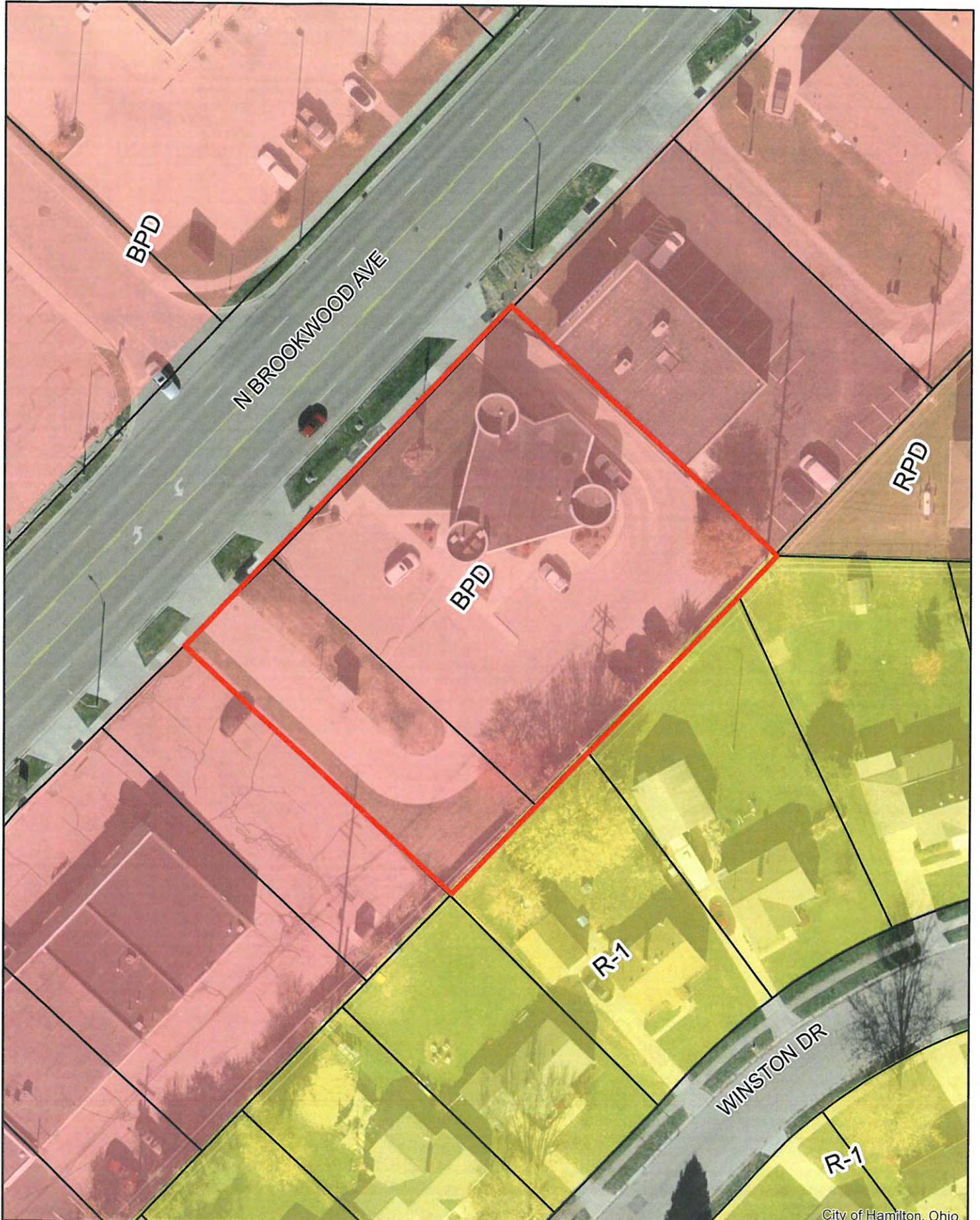


 75 N Brookwood

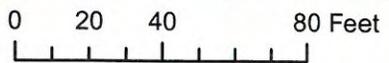
0 20 40 80 Feet



75 NORTH BROOKWOOD  
LOCATION MAP



 75 N Brookwood



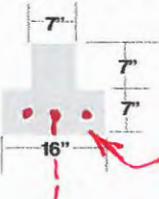




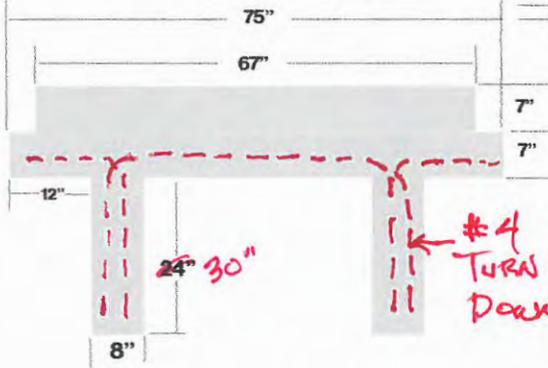
FEB 26 2016

**SIGN CONSTRUCTION:  
TEATED LUMBER FRAME  
W/ STYROFOAM AND STUCCO FINISH  
USING PVC PANELS FOR TEXT, LOGO, INFO**

**END VIEW OF FOOTER**



**SIDE VIEW OF FOOTER**



SIGN FACES ARE PVC  
W/ VINYL GRAPHICS  
BONDED W/ (LEXOL)  
SEE PART B



**A.**

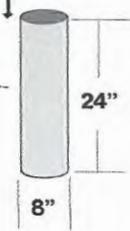
SIGN STRUCTURE IS TREATED LUMBER FRAME W STUCCO FINISH  
SIGN IS ACTUALLY HOLLOW AND FITS OVER TOP CONCRETE FOOTER  
7" OF CONCRETE IS INSIDE THE SIGN FRAME

**B.**

AND SITS ON AN LEDGE AROUND THE FOOTER  
AND IS BONDED TO FOOTER WITH (LEXOL) A SILICON BASED  
ADHESIVE THAT CAN ACTUALLY BE BONDED TO WET OR DAMP SURFACES

**C.**

8"X24" PILLARS ARE DUG, FORMED, POURED CONCRETE  
AS WITH THE REST OF THE FOOTER, MAKING IT ALL ONE PIECE  
FOR ADDED STABILITY





**To:** Planning Commission  
**From:** Ed Wilson  
**Date:** March 21, 2016  
**Subject:** **AGENDA ITEM #7**  
 Request to approve Replat & Right-of-Way Dedication for Part of Lots 24202-24203, and 25238 at 1425 Millville Avenue. (General Scott LLC, Applicant).

**Date:** March 21, 2016

<b>BASIC INFORMATION</b>		
<b>Project Name</b>	Dedication Plat for Lots 24202-24203, 25238	
<b>Applicant/Property Owner</b>	General Scott LLC	
<b>Architect/Engineer/Consultant</b>	CESO, Inc	
<b>Size of Property</b>	2.0 acres	
<b>Current Zoning</b>	BPD – Business Planned Development	
<b>Proposed Zoning</b>	N/A	
<b>Comp. Plan Land Use Designation</b>	Commercial	
<b>ADJACENT LAND USE/ZONING INFORMATION</b>		
<i>Direction</i>	<i>Land Use</i>	<i>Zoning</i>
<b>North</b>	Twinbrook Plaza	B-2 – Community Business
<b>South</b>	Single Family Residential	R-1 – Single-Family Residential
<b>East</b>	Harrison Building and Loan	BPD – Business Planned Development
<b>West</b>	Churchway Mall	BPD – Business Planned Development
<b>ZONING/DIMENSIONAL INFORMATION</b>		
	<b>Minimum Required</b>	<b>Existing</b>
<b>Minimum Lot Area</b>	N/A	N/A
<b>Minimum Lot Width</b>	N/A	N/A
<b>Minimum Front Yard Setback</b>	N/A	N/A
<b>Minimum Side Yard Setback</b>	N/A	N/A
<b>Minimum Rear Yard Setback</b>	N/A	N/A
<b>Maximum Bldg. Height</b>	N/A	N/A
<b>Other Requirements</b>	N/A	N/A

**BACKGROUND INFORMATION**

CESO Inc., on behalf of General Scott LLC, has submitted a request, for Planning Commission review and approval of the Replat and Right-of-Way dedication for 1425 Millville Avenue. The plat is attached for reference as an exhibit item. The plat will dedicate approximately 22,158 Square Feet or 0.50 Acres of land as public right-of-way along the southwest corner of Wasserman Road and Millville Avenue. The property proposed for dedication includes the following: an additional 10 feet in width along the Millville Avenue frontage totaling 40 feet in width and 330 feet in length; and an additional 10 feet in width along the Wasserman Road frontage totaling approximately 40 feet in width and 264 feet in length.



Additionally, the plat will combine three separate lots: Lot 25238, Lot 24202, and Lot 24203, for a proposed new City Lot, Lot 32101 at a net combined acreage of 1.49 Acres.

The right-of-way proposed for dedication is the final portion of the recent improvements to the Millville Avenue, Wasserman Road intersection adjacent to Dollar General retail establishment. All improvements have been completed, inspected and approved by the City of Hamilton.

This request for public right-of-way dedication and lot combination has been reviewed and approved by all City of Hamilton Departments through the Interdepartmental Review. The right-of-way dedication along Millville and Wasserman and the combination of the three separate lots into a single parcel were a condition of approval of the development of the property at 1425 Millville Avenue on May 9, 2013.

### **PLAN/PROPOSAL ANALYSIS**

1. **Zoning** – Property is zoned BPD no change in zoning is proposed.
2. **Setbacks** –No changes in building setbacks are proposed.
3. **Parking** – N/A
4. **Land Division** – N/A
5. **Landscaping** – N/A
6. **Lighting** – N/A
7. **Interdepartmental Review** – The plat has been reviewed and approved by the City of Hamilton Interdepartmental Review Committee.
8. **Other** – N/A

### **RECOMMENDATION**

If the Planning Commission approves the Replat and Right-of-Way Dedication for the Millville Avenue and Wasserman Road Right-of-Way the Department of Community Development requests that the Planning Commission recommends that City Council approve the request to Approve the Replat and Right-of-Way Dedication for Part of Lots 24202-24203, and 25238 for the General Scott Subdivision located at 1425 Millville Avenue.

### **EXHIBITS**

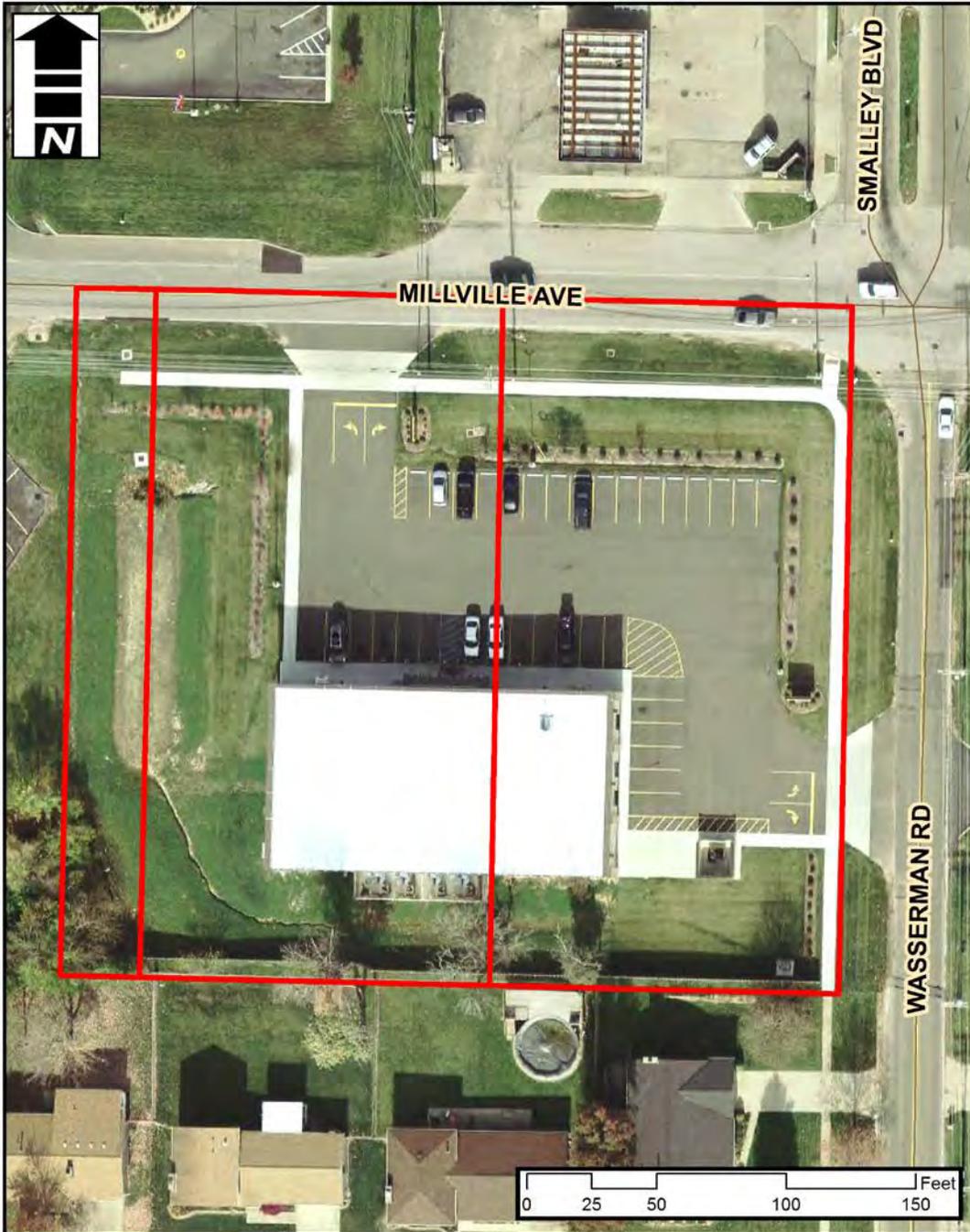
1. Aerial Location Map
2. Zoning Location Map
3. Dedication Plat for General Scott Subdivision

### **COPIES PROVIDED TO:**

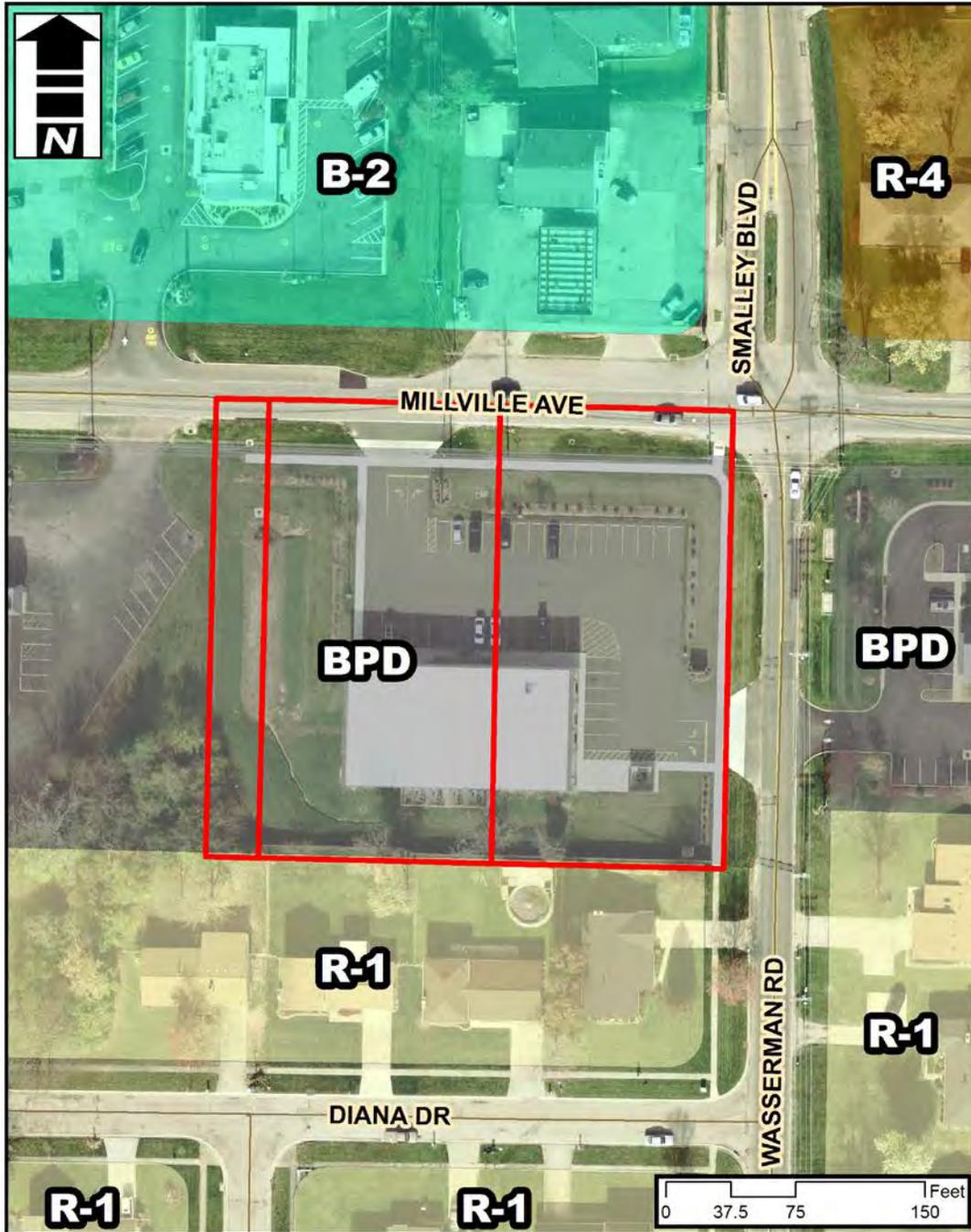
1. CESO, Inc.
2. Rich Engle, Public Works Director



### Aerial Location Map 1425 and 1431 Millville Avenue



### Zoning Map 1425 and 1431 Millville Avenue



**NEIGHBORHOOD MAP**  
AS SHOWN TO SCALE

**RECORD PLAT**  
**GENERAL SCOTT SUBDIVISION**  
CONTAINING 100 TOTAL ACRES  
SECTION 10, TOWNSHIP 10 NORTH, RANGE 10 WEST,  
CITY OF HAMILTON, BUTLER COUNTY, OHIO

**RECORD DATA**

NO.	DATE	DESCRIPTION

**GENERAL NOTES:**

1. THIS PLAT IS THE RESULT OF A SURVEY MADE BY THE SURVEYOR AND IS SUBJECT TO THE PROVISIONS OF THE SURVEYING ACTS OF THE STATE OF OHIO.
2. THE SURVEYOR HAS BEEN ADVISED BY THE OWNER THAT THE BOUNDARIES SHOWN ON THIS PLAT ARE THE BOUNDARIES OF THE PROPERTY OWNED BY THE OWNER AND THAT THE SAME ARE NOT SUBJECT TO ANY OTHER CLAIMS OR INTERESTS.
3. THE SURVEYOR HAS BEEN ADVISED BY THE OWNER THAT THE PROPERTY SHOWN ON THIS PLAT IS NOT SUBJECT TO ANY OTHER CLAIMS OR INTERESTS.
4. THE SURVEYOR HAS BEEN ADVISED BY THE OWNER THAT THE PROPERTY SHOWN ON THIS PLAT IS NOT SUBJECT TO ANY OTHER CLAIMS OR INTERESTS.
5. THE SURVEYOR HAS BEEN ADVISED BY THE OWNER THAT THE PROPERTY SHOWN ON THIS PLAT IS NOT SUBJECT TO ANY OTHER CLAIMS OR INTERESTS.

**LEGAL DESCRIPTION:**

SECTION 10, TOWNSHIP 10 NORTH, RANGE 10 WEST, CITY OF HAMILTON, BUTLER COUNTY, OHIO

**MONUMENT LEGEND:**

- IRON PIN
- IRON PIPE
- IRON ROD
- IRON BOLT
- IRON NAIL
- IRON WIRE
- IRON BAND
- IRON PLATE
- IRON DISK
- IRON CEMENT
- IRON CONCRETE
- IRON BRICK
- IRON TILE
- IRON SLAB
- IRON CURB
- IRON GROUND
- IRON SURFACE
- IRON MARK
- IRON SIGN
- IRON POST
- IRON PILE
- IRON BEAM
- IRON COLUMN
- IRON WALL
- IRON FENCE
- IRON RAIL
- IRON TRACK
- IRON ROAD
- IRON BRIDGE
- IRON TOWER
- IRON MAST
- IRON PILE
- IRON BEAM
- IRON COLUMN
- IRON WALL
- IRON FENCE
- IRON RAIL
- IRON TRACK
- IRON ROAD
- IRON BRIDGE
- IRON TOWER
- IRON MAST

**AGREEMENT TABLE:**

NO.	NAME	ADDRESS	DATE

**OWNER'S DECLARATION:**

I, the undersigned, being the owner of the property shown on this plat, do hereby certify that the same is not subject to any other claims or interests, and that the same are the boundaries of the property owned by me, and that the same are not subject to any other claims or interests.

\_\_\_\_\_  
OWNER

**LAND SURVEYOR:**

\_\_\_\_\_  
LAND SURVEYOR

**PLANNING COMMISSION BUTLER COUNTY, OHIO:**

\_\_\_\_\_  
PLANNING COMMISSION

**BOARD OF HEALTH BUTLER COUNTY, OHIO:**

\_\_\_\_\_  
BOARD OF HEALTH

**BUTLER COUNTY AUDITOR:**

\_\_\_\_\_  
BUTLER COUNTY AUDITOR

**BUTLER COUNTY RECORDER:**

\_\_\_\_\_  
BUTLER COUNTY RECORDER

**CEISO**  
CREATION TO COMPLETION  
www.ceiso.com  
Butler County, Ohio

**RECORD PLAT**  
**GENERAL SCOTT SUBDIVISION**  
**HAMILTON FIRST-WARD SOUTH**  
CITY OF HAMILTON, BUTLER COUNTY, OHIO



