

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:

3 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. January 19, 2016

Alf	Belew	Horsley	McAllister	Moeller	Samoviski	Smith

Old Business: None

New Business:

Agenda Item #1- Public Hearing

Request by Thomas Britt for a Conditional Use to allow the establishment of an Automobile Sales facility (Special Interest Auto Sales LLC) on property zoned I-2 Industrial District located at 3720 Symmes Road (Thomas Britt/Carol Besl, Applicant/Owner).

Staff: John Creech

Alf	Belew	Horsley	McAllister	Moeller	Samoviski	Smith

Agenda Item #2- Public Hearing

Request by Community Design Alliance, on behalf of Robert Shane Kelly, for a Conditional Use to allow the expansion of an existing Automobile Sales facility to operate on property zoned B-2 Community Business District located at 2128 & 2204 Dixie Highway.

(Community Design Alliance/Robert Shane Kelly, Applicant/Applicant).

Staff: John Creech

Alf	Belew	Horsley	McAllister	Moeller	Samoviski	Smith



Agenda Item #3- Public Hearing

Request to Rezone 1401 NW Washington (City Lot Nos. 23727), located in the City of Hamilton, First Ward North Side, from R-4 Multi-Family Residence District to R-O Multi-Family Residence/Office District. (Aurgroup Financial Credit Union, Applicant/Owner).

Staff: John Creech

Alf	Belew	Horsley	McAllister	Moeller	Samoviski	Smith

Reports:

1. Verbal Report on upcoming Architectural Design Review Board Meeting of April 19, 2016 – Staff: John Creech
2. Verbal Report on results of Board of Zoning Appeals Meeting of April 7, 2016 – Staff: John Creech
3. Verbal Report on previous Planning Commission cases in progress – Staff: John Creech

Adjournment:



For the Planning Commission Meeting of April 18, 2016

To: Planning Commission

From: John Creech

Subject: AGENDA ITEM #1

Request by Thomas Britt for a Conditional Use to allow the establishment of an Automobile Sales facility (Special Interest Auto Sales LLC) on property zoned I-2 Industrial District located at 3720 Symmes Road (Thomas Britt/Carol Besl, Applicant/Owner).

Date: April 12, 2016

BASIC INFORMATION		
Applicant/Property Owner	Thomas Britt, Applicant/Carol Besl, Owner	
Architect/Engineer/Consultant	HH Structural	
Size of Property	1.17 Acres Approx	
Current Zoning	I-2 Industrial District	
Proposed Use: Conditional Use	Automobile Sales Facility (Special Interest Auto Sales LLC)	
Comp. Plan Land Use Designation	Industrial	
Special Purpose/CRA	N/A	
ADJACENT LAND USE/ZONING INFORMATION		
<i>Direction</i>	<i>Land Use</i>	<i>Zoning</i>
North	Commercial/Industrial	I-2
South	Commercial/Industrial	I-2
East	Vacant	City of Fairfield
West	Commercial/Industrial	I-2
ZONING/DIMENSIONAL INFORMATION		
	<i>Minimum Required</i>	<i>Existing/Proposed</i>
Minimum Lot Area	20,000 sq ft	1.17 Acres
Minimum Lot Width	100 LF	+200 LF
Minimum Front Yard Setback	25 ft	50 ft – 80 ft
Minimum Side Yard Setback	12 ft	70 ft
Minimum Rear Yard Setback	10 ft	55 ft
Maximum Bldg. Height	35 ft	18 ft – 22 ft
Other Requirements	N/A	N/A

Introduction:

This is a request submitted by Thomas Britt to approve a Conditional Use to establish an Automobile Sales facility use (Special Interest Auto Sales LLC) on the property located at 3720 Symmes Road (NE corner of Symmes Road and Kiesland Court as shown on Exhibit A). The property is zoned I-2 Industrial district (Exhibit B) and is comprised of a single 1.17 acre lot (City Lot No. 28741). Automobile Sales uses are



Conditional Uses in the I-2 Industrial Zoning District and require review by the Planning Commission (Section 1127.50) and approval by City Council.

Proposed Project:

The proposed project is a single story 6,000 square foot (100 ft x. 60 ft) warehouse building that faces Symmes Road. There will be a 300 square foot interior office space located in the SW corner of the building and the remainder will be used for automobile storage. The proposed building will be between 18 to 22 feet in height for architectural purposes. The two facades of the building that face the two public streets will include windows and retractable overhead doors for vehicular access into the building. These two facades of the building will include a masonry (stone or brick veneer) base on the south elevation of the building and stucco finishes and raised roof parapet. The rear and east side of the building will be metal finish with masonry base.

Vehicular access to the property will be from single driveway on Kiesland Court. The proposed project includes eight (8) parking spaces in the front of the building. These parking spaces will be used for periodic display of automobiles for sale.

According to the applicant, Special Interest Auto Sales LLC is primarily an internet automobile sales use that focuses on classic, muscle (performance) and sports cars. Special Interest Auto Sales sells and delivers automobiles to buyers around the world. According to the applicant, many potential purchasers browse the vehicles for sale on their website and then visit the warehouse to view or pick-up the automobile. Special Interest Auto Sales is currently located at 3120 Homeward Avenue in the City of Fairfield.

CONDITIONAL USE REVIEW

1155.10 – Conditional Uses:

1. The Planning Commission (PC) shall review and make a recommendation to City Council, in accordance with the provisions of this Ordinance for applications for Conditional Uses. The PC shall review the particular facts and circumstances of each proposed Conditional Use, and if recommending approval shall find adequate evidence that the proposed conditional use complies with the General Standards applicable to all Conditional Uses found in 1155.30. (REVISED OR2015-9-80)
2. The PC has no obligation to recommend approval of a Conditional Use, and City Council has no obligation to approve a Conditional Use. The Hamilton Zoning Ordinance assumes that the uses listed as conditional are not outright appropriate unless an applicant demonstrates to the PC that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which the Conditional Use is proposed. (REVISED OR2015-9-80)



3. In considering an application for a Conditional Use, the PC and City Council shall give due regard to the nature and condition of all adjacent uses and structures and in recommending approval of a conditional use may impose such requirements and conditions, in addition to any expressly stipulated in this Ordinance, as the PC may deem necessary for the protection of adjacent properties and the public interest. (REVISED OR2015-9-80)

Section 1155.00 which regulates Conditional Uses states the following:

1155.30 – Application and Review

The applicant shall submit an application to the Department of Community Development for a Conditional Use along with applicable fee. The applicant shall submit at least the following supporting information to be considered for a Conditional Use.

- A. A written description of the proposed Conditional Use including nature of the business and hours of operation. The written description of the proposed Conditional Use should further address the nine (9) Conditional Use Review Criteria below in Section 1155.30.C. The written description of the proposed Conditional Use is attached to this report (attached as Exhibit C).
- B. Plans of the proposed site for the Conditional Use indicating the location of all existing and proposed buildings, parking, loading, and driveway areas, traffic access and circulation, open spaces, landscaping, refuse and service areas, utilities, signage, yards and setbacks, and such other information as the PC may require to determine of the effect of the proposed Conditional Use on the surrounding neighborhood. (REVISED OR2015-9-80) The plans of the proposed Conditional Use are attached to this report (attached as Exhibit C).

C. Conditional Use Review Criteria – General Standards

In reviewing an application for a Conditional Use, the PC shall consider whether there is adequate evidence that the proposed Conditional Use is consistent with the nine (9) General Standards below.

- (1) The proposed Conditional Use is to be located in a district wherein such use may be permitted, subject to the requirements of this Section and the Zoning Ordinance.** An Automobile Sales facility is a Conditional Use in the I-2 Industrial Zoning District. The Hamilton Zoning Ordinance assumes that the uses listed as conditional are not outright appropriate unless an applicant demonstrates to the Planning Commission that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which the Conditional Use is proposed. The applicant stated that *“The proposed conditional use subject property is currently zoned*



industrial. The surrounding and adjacent properties are also zoned industrial).” This information is attached to this report (attached as Exhibit C).

- (2) The proposed Conditional Use will not substantially or permanently injure the appropriate use of neighboring property and will serve the public convenience and welfare.** The applicant stated that *“The proposed project is intended for light use and will not impede or injure the appropriate use of neighboring properties and will serve the public convenience and welfare.”* This information is attached to this report (attached as Exhibit C).
- (3) The proposed Conditional Use will be harmonious with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area.** The applicant stated that *“The proposed building will be consistent or exceed the visual appeal of surrounding properties. The proposed steel building will have Dryvit Stucco panels on the South and West Side, with stone veneer on both south and west sides from grade approximately 4’ up coverage the concrete knee wall. This building is being built to current standards.”* This information is attached to this report (attached as Exhibit C).
- (4) The proposed Conditional Use shall be adequately served by essential public facilities and services such as, but not limited to, roads, public safety forces, storm water facilities, water, sanitary sewer, refuse, and schools. If not, the applicant shall be responsible for the extension or establishment of any public facilities and services to effectively service the proposed Conditional Use.** The applicant stated that *“Utilities suitable for this project are all existing at or near the site. Vehicular Access will not impede any traffic flow, access will be from Kiesland Ct.”* This information is attached to this report (attached as Exhibit C).
- (5) The proposed Conditional Use will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding streets.** The applicant stated that *“Traffic from Symmes Rd. heading west or east will be able to turn onto Kiesland Cr. and have ample space to turn into our driveway. Landscaping design removes any line of sight obstructions for traffic entering or exiting our proposed property.”* This information is attached to this report (attached as Exhibit C).
- (6) The proposed Conditional Use will comply with all applicable development standards, except as specifically altered in the approved Conditional Use.** The applicant stated that *“The proposed conditional use will comply with all applicable development standards. Neighboring properties include a mixture of commercial/industrial users.”* This information is attached to this report (attached as Exhibit C).



(7) The proposed Conditional Use will not be hazardous to or have a negative impact on existing or future neighboring uses. The applicant stated that *“The proposed conditional use will not be hazardous to or have a negative impact on existing or future neighboring uses.”* This information is attached to this report (attached as Exhibit C).

(8) The proposed Conditional Use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the base zoning district. The applicant stated that *“The property activities will be consistent with a low activity level, not disrupting the current streets and commercial corridor. We anticipate no more than normal business hours. Most of our on-site business is by appointment. The characteristics of our business do not produce traffic, noise, smoke, fumes, glare, odor, or other offensive characteristics not compatible to the use permitted in the based zoning district.”* This information is attached to this report (attached as Exhibit C).

(9) The proposed Conditional Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. The applicant stated that *“The proposed conditional use will enhance the immediate area, as we are building a structure to newer rules/codes/zoning rules and regulations. We intend to create a beautiful, landscaped and well maintained property. Our proposed conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.”* This information is attached to this report (attached as Exhibit C).

Summary Review of Conditional Use Standards:

Section 1155.10.2 confirms that the Planning Commission has no obligation to approve a Conditional Use. The Hamilton Zoning Ordinance assumes that the uses listed as conditional are not outright appropriate unless an applicant demonstrates to the Planning Commission that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which the Conditional Use is proposed.

Notification

Public Hearing Notices were mailed to the owners of 9 properties within 500 feet of the property in question. At the time this report was written, there were no objections expressed to the proposed Conditional Use for 3720 Symmes Road.

Recommendation:

A review of the nine Conditional Use Review Criteria – General Standards founds in Section 1155.30 (Exhibit C) provides the Planning Commission with the basic facts



and circumstances of the proposed Conditional Use. After consideration of the Conditional Use Review Criteria – General Standards and the information provided by the applicant on the site plan and supporting material there is sufficient reason to consider approval of the Conditional Use with Conditions.

If the Planning Commission approves the request for a Conditional Use, the Department of Community Development requests that the Planning Commission recommends that City Council approve the request for a Conditional Use subject to the following conditions of approval:

- 1. Construction drawings/documents for the proposed improvements and work shall be revised subject to any future review requirements of the City of Hamilton Departmental Review.**
- 2. Proposed building will be stucco finish on south and west façade, brick/ stone or masonry material veneer on lower level of south and west façade as shown on plans and supporting material submitted by the applicant. If exterior dumpster enclosure is provided at later date the same finish materials shall be applied to the dumpster enclosure.**
- 3. The north (rear) and east building façade to be painted to match the front and west façade of the building.**
- 4. All improvements and work indicated on construction drawings/documents approved as part of the Conditional Use be installed and maintained in good repair and replaced as necessary to remain in compliance with the approved Conditional Use - (includes building and exterior finishes, canopies, dumpster enclosure, landscaping, pavement surfaces, and parking lot striping).**
- 5. No exterior storage/sales of accessory materials or merchandise other than operable automobiles.**
- 6. Landscaping shall be provided as follows: 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). Landscaping selection to be coordinated with Municipal Arborist.**
- 7. Any future free standing signage to be a monument sign and include brick/stone base materials similar to those used on the proposed building. Any additional building, wall and any other signage (permanent or temporary) will comply with Section 1138.00 Hamilton Sign Ordinance.**



8. **Mechanical equipment in support of the building to be screened from the public right of way by landscaping/privacy fencing, or placed on the north side of the proposed building.**
9. **Any areas of the site that are not used for building, landscaping or approved parking to be planted with grass.**

Attachments:

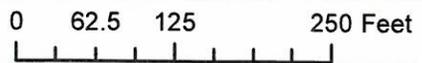
- 1) **Exhibit A - Public Hearing Location Map**
- 2) **Exhibit B – Zoning Map**
- 3) **Exhibit C – Conditional Use Application & Supporting Material**



3720 Symmes Road
PUBLIC HEARING MAP



-  3720 Symmes Road
-  City Boundary



3720 Symmes Road
PUBLIC HEARING MAP



-  3720 Symmes Road
-  City Boundary

0 62.5 125 250 Feet





A160776
A160777

APPLICATION FOR CONDITIONAL USE

Please Note: The Planning Commission has no obligation to approve a Conditional Use.

The Hamilton Zoning Ordinance assumes that the uses listed as conditional are not outright appropriate unless an applicant demonstrates to the Planning Commission that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which the Conditional Use is proposed. (HZO Section 1155.10)

Property Address: 3720 Symmes Rd.

Lot No(s): 28741 TAX I-D A07000222000005

Property Owner: Jac + CAROL BesL

Owner's Mailing Address: 3660 Dixie Hwy Fairfield OH 45014

Applicant's Name (if different than owner): Thomas Britt

Applicant's Mailing Address: 9507 Twin Valley Ct,

Applicant's Email Address: SiASales1@gmail.com

Applicant's Phone Number: 513 608-8121

Previous Legal Use of Property: VACANT Lot

Date Previous Use Discontinued: _____ OR2014-8-7

Proposed New Use of Property: 1123,36 Automobile and other Vehicle sales

Requesting a Conditional Use Approval from the following Sections of the Hamilton Zoning Code:

Section 1124.39.4

City of Hamilton
Date: 3/28/2016
Office: OCT
CASHIER: CONS
3/24/2016 1:44 PM
Account # 00844084
Receipt Total: \$200.00
Check Tendered: \$200.00

Description of the proposed Conditional Use including nature of the business, hours of operation:

Applicants must include adequate information to satisfy 1155.30 – Application and Review C. Conditional Use Review Criteria – General Standards (attached to application). Please add additional sheets if more space is needed. This will assist the Planning Commission in making an informed decision on the requested Conditional Use

Please refer to 2 page Typewritten Attachment 7.B

Applicants must also submit all pertinent plans of the proposed site for the Conditional Use indicating the location of all existing and proposed buildings, parking, loading, and driveway areas, traffic access and circulation, open spaces, landscaping, refuse and service areas, utilities, signage, yards and setbacks, and such other information as the Planning Commission may require to determine of the effect of the proposed Conditional Use on the surrounding neighborhood.

CERTIFICATION:

I certify that all of the information contained in this Application is complete, true and accurate.

Thomas Britt
Applicant's Signature

3-20-16
Date

Thomas Britt
Applicant's Printed Name

Carol Besl
Property Owner's Signature

3-21-16
Date

CAROL Besl
Property Owner's Printed Name

Office Use Only

CU Application Number: _____

Zoning District: _____

Fee Paid: _____

Meeting Date: _____

APPROVED

DISAPPROVED

Special Interest Auto Sales LLC
Proposed Commercial Development

Builder : H&H Structural Contracting
Mr. Gary Hart President

Parcel Address: 3720 Symmes Rd
Hamilton, Ohio 45015

Zoned: 1-2

1155.30 – Application and Review

A. Written Description

The “Special Interest Auto Sales LLC” project consists of a single story office/warehouse. The building will be 6,000SQF (100’ X 60’). 100’ parallel to Symmes Rd., 60’ parallel to Kiesland Ct.. Parking is located immediately in front of the warehouse south side facing Symmes Rd.

The subject property is now a vacant lot.

The new development will be open to the public on a limited basis. State BMV licensing division mandates a minimum posted business hours of at least 2 hours per week. We have been operating our business in 2 small warehouses in Fairfield, Ohio for the last 8 years using the minimum hours plus meeting people on an appointment basis. We have very little off the street business. We sell 98% of our classic/show cars on the Internet. While selling most to buyers in the United States we also sell cars around the world.

The specific conditional use we are seeking is to have a car business in an area not typically thought of as a car sales area. Our car sales business is not your typical car lot. We house all of these special classic, muscle cars, and sports cars inside. No banners, no buy here pay here, etc... Our building, being built to today’s standards, would be a positive/upgrade to the neighboring buildings.

Though still a preliminary number we anticipate the development costs to represent a \$500,000 investment.

B. Plans

See attached submission.

Complete technical drawings for construction will be submitted to the city at a later date, as part of the normal permit application process. Our team will work closely with the city to submit any zoning approvals that may be required (i.e. monument signs along Symmes Rd.)

C. Conditional use Criteria – General Standards

1. The proposed conditional use subject property is currently zoned industrial. The surrounding and adjacent properties are also zoned industrial.
2. The proposed project is intended for light use and will not impede or injure the appropriate use of neighboring properties and will serve the public convenience and welfare.
3. The proposed building will be consistent or exceed the visual appeal of surrounding properties. The proposed steel building will have Dryvit Stucco panels on the South and West Sides, with stone veneer on both south and west sides from grade approximately 4' up covering the concrete knee wall. This building is being built to current standards.
4. Utilities suitable for this project are all existing at or near the site. Vehicular access will not impede any traffic flow, access will be from Kiesland Ct.
5. Traffic from Symmes Rd. heading west or east will be able to turn onto Kiesland Cr. and have ample space to turn into our driveway. Landscaping design removes any line of sight obstructions for traffic entering or exiting our proposed property.
6. The proposed conditional use will comply with all applicable development standards. Neighboring properties include a mixture of commercial/industrial users.
7. The proposed conditional use will not be hazardous to or have a negative impact on existing or future neighboring uses.
8. The property activities will be consistent with a low activity level, not disrupting the current streets and commercial corridor. We anticipate no more than normal business hours. Most of our on-site business is by appointment. The characteristics of our business do not produce traffic, noise, smoke, fumes, glare, odor, or other offensive characteristics not compatible to the use permitted in the base zoning district.
9. The proposed conditional use will enhance the immediate area. As we are building a structure to newer rules/codes/zoning rules and regulations. We intend to create a beautiful, landscaped and well maintained property. Our proposed conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

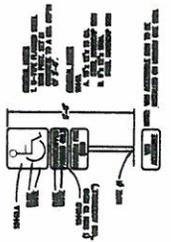
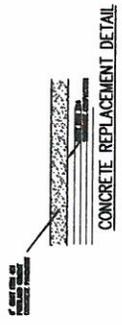
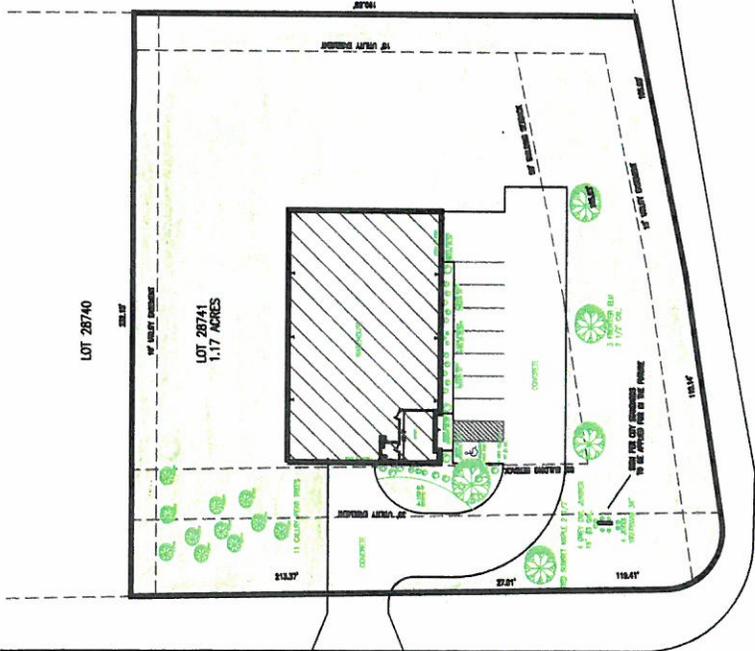


NEW BUILDING ADDITION FOR
SPECIAL INTEREST AUTO SALES LLC
3720 SYMMES RD.
HAMILTON, OHIO

SITE
PLAN

DRAWING NO.
C1

SPECIAL INTEREST AUTO SALES LLC
6TH WARD, CITY OF HAMILTON
LOT 28741



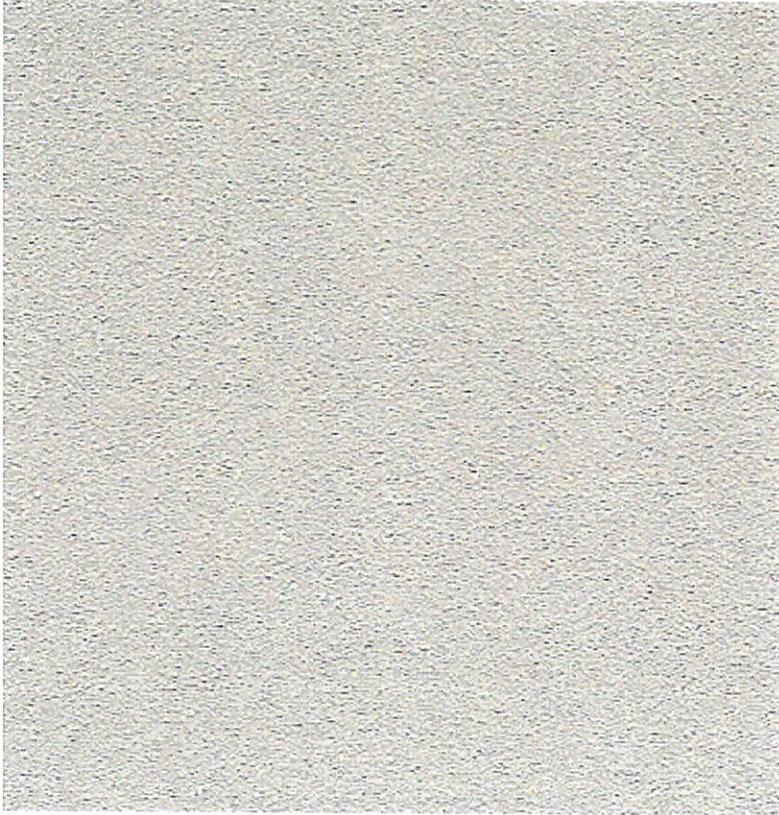
BACK REFERENCE
CITY OF HAMILTON
ZONING ORDINANCE
SECTION 12.01

SITE DATA
LOT AREA: 1.17 ACRES
TOTAL LOT AREA: 1.17 ACRES
TOTAL LOT AREA: 1.17 ACRES
TOTAL LOT AREA: 1.17 ACRES

IF YOU HAVE ANY
QUESTIONS
CALL TOLL FREE 1-800-362-2764
OR VISIT OUR WEBSITE



Dover Sky - Main portion of Building



Gull Gray - Entry/Office Surround

For the Planning Commission Meeting of April 18, 2016

To: Planning Commission

From: John Creech

Subject: AGENDA ITEM #2

Request by Community Design Alliance, on behalf of Robert Shane Kelly, for a Conditional Use to allow the expansion of an existing Automobile Sales facility to operate on the property zoned B-2 Community Business District located at 2128 & 2204 Dixie Highway. (Community Design Alliance/Robert Shane Kelly, Applicant/Applicant)

Date: April 12, 2016

BASIC INFORMATION		
Applicant/Property Owner	Community Design Alliance (CDA), Applicant/Robert Shane Kelly, Owner	
Architect/Engineer/Consultant	CDA	
Size of Property	36,526 sq ft approx	
Current Zoning	B-2 Community Business District	
Proposed Use: Conditional Use	Automobile Sales Facility (Quality Auto Center)	
Comp. Plan Land Use Designation	Commercial	
Special Purpose/CRA	N/A	
ADJACENT LAND USE/ZONING INFORMATION		
<i>Direction</i>	<i>Land Use</i>	<i>Zoning</i>
North	Commercial	B-2
South	Commercial	B-2
East	Commercial	I-1
West	Commercial	B-2
ZONING/DIMENSIONAL INFORMATION		
	<i>Minimum Required</i>	<i>Existing/Proposed</i>
Minimum Lot Area	20,000 sq ft	36,526
Minimum Lot Width	100 LF	+200 LF
Minimum Front Yard Setback	10 ft	10 ft
Minimum Side Yard Setback	10 ft	10 ft
Minimum Rear Yard Setback	N/A	N/A
Maximum Bldg. Height	N/A	N/A
Other Requirements	N/A	N/A

Introduction:

This is a request submitted by Community Design Alliance, on behalf of Robert Shane Kelly, for a Conditional Use to allow the expansion of an existing Automobile Sales facility to operate on the property zoned B-2 Community Business District



located at 2128 & 2204 Dixie Highway as shown on Exhibit A). The property is zoned B-2 Community Business zoning district (Exhibit B) and is a 36,526 square foot property comprised of four (4) separate parcels (City Lot Nos. 10855, 10942 N40, 10942 S10, and PT 10943). Automobile Sales uses are Conditional Uses in the B-2 Community Business Zoning District and require review by the Planning Commission (Section 1121.39.27) and approval by City Council.

Proposed Project:

The proposed project is the expansion of the existing automobile sales use (Quality Auto Center) located at 2124 Dixie Highway (City Lot No. 10855) onto the three (3) contiguous lots to the south (10942 N40, 10942 S10, and PT 10943, aka 2128 & 2204 Dixie Highway). The structures on these properties have recently been demolished.

The existing automobile sales use is located on a 25,334 square foot property; the addition of the three (3) lots will add 11,192 additional square feet to the automobile sales use – once combined the property will measure 36,526 square feet.

Plans indicate that the addition of the three properties will comply with the vehicular setback and landscaping requirements for Automobile Sales uses. In addition, the public sidewalk will be extended along the South Erie Boulevard frontage of the property. Vehicular access to the new parcel will be maintained from the existing driveway located off of Dixie Highway that serves PT Lot 10943. The driveway aligns with Belle Avenue. There are no proposed changes to the existing parcel where Quality Auto Center is currently located at this time.

The applicant has indicated that in the future they intend to remove the existing structures on the property and construct a new, larger automobile showroom and garage facility.

CONDITIONAL USE REVIEW

1155.10 – Conditional Uses:

1. The Planning Commission (PC) shall review and make a recommendation to City Council, in accordance with the provisions of this Ordinance for applications for Conditional Uses. The PC shall review the particular facts and circumstances of each proposed Conditional Use, and if recommending approval shall find adequate evidence that the proposed conditional use complies with the General Standards applicable to all Conditional Uses found in 1155.30. (REVISED OR2015-9-80)
2. The PC has no obligation to recommend approval of a Conditional Use, and City Council has no obligation to approve a Conditional Use. The Hamilton Zoning Ordinance assumes that the uses listed as conditional are not outright appropriate unless an applicant demonstrates to the PC that the use will not be detrimental to the public health, safety, or general welfare of the City or the



neighborhood in which the Conditional Use is proposed. (REVISED OR2015-9-80)

3. In considering an application for a Conditional Use, the PC and City Council shall give due regard to the nature and condition of all adjacent uses and structures and in recommending approval of a conditional use may impose such requirements and conditions, in addition to any expressly stipulated in this Ordinance, as the PC may deem necessary for the protection of adjacent properties and the public interest. (REVISED OR2015-9-80)

Section 1155.00 which regulates Conditional Uses states the following:

1155.30 – Application and Review

The applicant shall submit an application to the Department of Community Development for a Conditional Use along with applicable fee. The applicant shall submit at least the following supporting information to be considered for a Conditional Use.

- A. A written description of the proposed Conditional Use including nature of the business and hours of operation. The written description of the proposed Conditional Use should further address the nine (9) Conditional Use Review Criteria below in Section 1155.30.C. The written description of the proposed Conditional Use is attached to this report (attached as Exhibit C).
- B. Plans of the proposed site for the Conditional Use indicating the location of all existing and proposed buildings, parking, loading, and driveway areas, traffic access and circulation, open spaces, landscaping, refuse and service areas, utilities, signage, yards and setbacks, and such other information as the PC may require to determine of the effect of the proposed Conditional Use on the surrounding neighborhood. (REVISED OR2015-9-80). The plans of the proposed Conditional Use are attached to this report (attached as Exhibit C).

C. Conditional Use Review Criteria – General Standards

In reviewing an application for a Conditional Use, the PC shall consider whether there is adequate evidence that the proposed Conditional Use is consistent with the nine (9) General Standards below.

- (1) The proposed Conditional Use is to be located in a district wherein such use may be permitted, subject to the requirements of this Section and the Zoning Ordinance.** An Automobile Sales facility is a Conditional Use in the I-2 Industrial Zoning District. The Hamilton Zoning Ordinance assumes that the uses listed as conditional are not outright appropriate unless an applicant demonstrates to the Planning Commission that the use will not be



detrimental to the public health, safety, or general welfare of the City or the neighborhood in which the Conditional Use is proposed. The applicant stated that *“An automobile Sales Facility use is a conditional use in the B-2 Community Business District.”* This information is attached to this report (attached as Exhibit C).

- (2) The proposed Conditional Use will not substantially or permanently injure the appropriate use of neighboring property and will serve the public convenience and welfare.** The applicant stated that *“All adjacent properties are developed. The property was in disrepair at the time of purchase. The new owner has cleared the property to gravel base. Improvement to the property will enhance the quality of the neighborhood and provide a service and employment opportunities to the neighborhood.”* This information is attached to this report (attached as Exhibit C).
- (3) The proposed Conditional Use will be harmonious with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area.** The applicant stated that *“The east, north and south adjacent uses are ALL auto sales operations.”* This information is attached to this report (attached as Exhibit C).
- (4) The proposed Conditional Use shall be adequately served by essential public facilities and services such as, but not limited to, roads, public safety forces, storm water facilities, water, sanitary sewer, refuse, and schools. If not, the applicant shall be responsible for the extension or establishment of any public facilities and services to effectively service the proposed Conditional Use.** The applicant stated that *“All existing utilities are on site and available to east (S. Erie) and west (Dixie) and existing to vehicular access to both streets is present.”* This information is attached to this report (attached as Exhibit C).
- (5) The proposed Conditional Use will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding streets.** The applicant stated that *“Two major streets adjoin the property to the east (Dixie Hwy) and to the west (S. Erie Blvd). The new owner does not plan to increase the number of curb cut, but rather decrease by one. Only one existing curb cut to remain on the new conditional use lots and is in straight alignment with Belle Ave to the West.”* This information is attached to this report (attached as Exhibit C).
- (6) The proposed Conditional Use will comply with all applicable development standards, except as specifically altered in the approved Conditional Use.** The applicant stated that *“The owner is combining the lots with an existing approved Auto Sale lot to the north. ALL NEW LOTS shall meet the current development standards per 1121.39.17. The owner is requested consideration for the existing approved Auto Sale lot to the north to*



be allowed to continue under its current configuration and use...particularly the 10 foot setback required under current conditional use standards. The lot is so configured between two major arterial frontages, that 40% of the useable area of the lot would be lot under the 10 foot setback requirement. Again, the new lots being combined with the existing approved Auto Sales would ALL be compliant with the new development standards, including the 10 foot setback.

- *Lot Area (combined) = 36,526 sq ft > 20,000 sq ft. minimum*
- *Lot Frontages are 294.14 feet (east) and 287.81 feet (west) > 100 ft minimum.*
- *Automobiles displayed on site will all be for sale, or for minor repairs within 30 days allowed.*
- *Automobiles displayed for sale on new lots seeking conditional use approved will be located on paved surfaces 10 feet minimum from property lines or public ROW. NOTE: Existing lot P6461030000032 shall remain in the pavement/parking configuration as currently approved under its conditional use.*
- *Any repair services will be located within an enclosed building*
- *All vehicles stored outside will be operable new or used vehicles for sales or within the 30 day allowable repair window*
- *Only repair services that are permitted outside under conditional use will be undertaken.*
- *Hazardous Materials as defined by this zoning section will be recycled or removed in accordance with local, state, and federal laws.*
- *Indoor Storage will be used for any automotive parts or equipment*
- *There will be no building openings with 50 feet of a residential district*
- *Vehicular access to the new lots will be limited to one existing access curb cut per street. NOTE: Existing lot P6461030000032 shall remain in the curb cut/access drive configuration as currently approved under its conditional use.*
- *Proposed building will comply with Section 1111.00 Development Regulations.” This information is attached to this report (attached as Exhibit C).*

(7) The proposed Conditional Use will not be hazardous to or have a negative impact on existing or future neighboring uses. The applicant stated that *“The proposed redevelopment of the site will be an asset to the surrounding neighborhood uses as it will revitalize a deteriorating site and provide a larger and more compliant Auto Sales location in an area which is characterized by this dominant use group.”* This information is attached to this report (attached as Exhibit C).

(8) The proposed Conditional Use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the base zoning



district. The applicant stated that *“The proposed use will not create any more noise than the current use. The hours of operation are M-F 9am-7pm, Sat 10am-6pm, Sun 10am-4pm.”* This information is attached to this report (attached as Exhibit C).

(9) The proposed Conditional Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. The applicant stated that *“The proposed conditional use will re-vitalize and improve a deteriorating property.”* This information is attached to this report (attached as Exhibit C).

Summary Review of Conditional Use Standards:

Section 1155.10.2 confirms that the Planning Commission has no obligation to approve a Conditional Use. The Hamilton Zoning Ordinance assumes that the uses listed as conditional are not outright appropriate unless an applicant demonstrates to the Planning Commission that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which the Conditional Use is proposed.

Notification

Public Hearing Notices were mailed to the owners of 39 properties within 500 feet of the property in question. At the time this report was written, two (2) phone calls were received with questions about the proposed conditional use. There were no objections expressed to the proposed conditional use for 2128 & 2204 Dixie Highway as of the date of the report.

Recommendation:

A review of the nine Conditional Use Review Criteria – General Standards founds in Section 1155.30 (Exhibit C) provides the Planning Commission with the basic facts and circumstances of the proposed Conditional Use. After consideration of the Conditional Use Review Criteria – General Standards and the information provided by the applicant on the site plan and supporting material there is sufficient reason to consider approval of the Conditional Use with Conditions.

If the Planning Commission approves the request for a Conditional Use, the Department of Community Development requests that the Planning Commission recommends that City Council approve the request for a Conditional Use subject to the following conditions of approval:

- 1. Construction drawings/documents for the proposed improvements and work shall be revised subject to any future review requirements of the City of Hamilton Departmental Review.**
- 2. All improvements and work indicated on construction drawings/documents approved as part of the Conditional Use be installed and maintained in good repair and replaced as necessary to**



remain in compliance with the approved Conditional Use - (includes, landscaping, pavement/walkway surfaces, and parking lot striping).

3. No exterior storage/sales of accessory materials or merchandise other than operable automobiles.
4. Landscaping shall be provided as follows: 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). Landscaping selection to be coordinated with Municipal Arborist.
5. The four (4) separate parcels to be combined into a single parcel by way of lot combination.
6. Any future free standing signage to be a monument sign and include brick/stone base materials similar to those used on the proposed building. Any additional building, wall and any other signage (permanent or temporary) will comply with Section 1138.00 Hamilton Sign Ordinance.
7. Any areas of the site that are not used for building, landscaping or approved parking to be planted with grass.

Attachments:

- 1) Exhibit A - Public Hearing Location Map
- 2) Exhibit B – Zoning Map
- 3) Exhibit C – Conditional Use Application & Supporting Material



2124, 2128 & 2204 Dixie Hwy
PUBLIC HEARING MAP



 2124, 2128 & 2204 Dixie Hwy

0 35 70 140 Feet



2124, 2128 & 2204 Dixie Hwy
PUBLIC HEARING MAP



2124, 2128 & 2204 Dixie Hwy

0 35 70 140 Feet





Final Application
Quality Auto

INSTRUCTIONS TO FILE AN APPLICATION FOR A CONDITIONAL USE

The Hamilton Planning Commission (PC) hears requests for Conditional Uses and makes a recommendation to Hamilton City Council for final decision as defined in the Hamilton Zoning Ordinance (HZO).

An application shall be considered filed when the application is completed, signed and received by the Community Development Department office along with all required information and fee.

Be sure to fill in all appropriate blanks on the application. All information should be typewritten or printed legibly in ink, and signed by the applicant and the property owner.

If sufficient space is not available on the form to provide information or answer a question, please attach 8 1/2" x 11" sheets to each copy and make specific reference to the question being answered.

Make certain that each page of information presented contains your name and the address and lot number of the property concerned. The Community Development Department may waive the submission of any information not relevant to the Conditional Use.

The application should include:

- One completed appeal application
- One copy of plans no larger than 11" x 17" as submitted for zoning review
- One copy of all written supporting documentation

A fee of \$200.00 shall accompany a request for Conditional Use.

You will be notified as to the date, time, place, and purpose of the hearing. If applying for Conditional Use approval the owners of all property within 500 ft. of the property in question will be notified.

HEARING PROCEDURE

You, as the applicant, or your representative, should be present at the meeting in order to have the case considered.

- Community Development Department Staff will present and explain the case to the Planning Commission.
- You, or your representative, may then present any information or testimony that is relevant to the Conditional Use to the Planning Commission.
- The Planning Commission will then hear from any other interested parties.
- After considering all information presented, the Planning Commission will render a decision.
- The decision of the Planning Commission will then be forwarded to the Hamilton City Council for review.
- Community Development Department Staff will inform you of when the Hamilton City Council will hear the recommendation for your Conditional Use.

If you proceed with the project on the basis of the City Council decision or in accordance with the HZO, whichever applies, you must then submit to Construction Services proper drawings and

specifications for the project to obtain the necessary permits.

No Conditional Use approval of the City Council is valid longer than six (6) months unless a building permit for such erection or alteration is obtained and the work is started within such period. Or, where no erection or alteration is necessary, the permitted use is established within such period, or an extension is requested in writing and granted by the Planning Commission.

Any Conditional Use shall automatically expire if the Conditional Use ceases by discontinuance or abandonment for a period of more than six (6) months.

No application that is substantially similar to an application that has been denied, wholly or in part, shall be accepted for one year from the date denial. The Community Development Department shall determine if a similar application differs enough to be considered a different application and not subject to this section. The Community Development Department may consider factors such as the nature or size of a proposal, changes in the development or traffic patterns of the area, or newly discovered evidence pertinent to a decision on a previous application.

Copies of the Hamilton Zoning Ordinance (HZO) and zoning map are online at hamilton-city.org or may be obtained from the Community Development Department for a fee of \$10.00 each.



A160757
A160758

APPLICATION FOR CONDITIONAL USE

Please Note: The Planning Commission has no obligation to approve a Conditional Use.

The Hamilton Zoning Ordinance assumes that the uses listed as conditional are not outright appropriate unless an applicant demonstrates to the Planning Commission that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which the Conditional Use is proposed. (HZO Section 1155.10)

Property Address: 2128 & 2204 Dixie Hwy

Lot No(s): Parcel ID P6461030000033, 34, &35

Property Owner: Robert Shane Kelley

Owner's Mailing Address: 2124 Dixie Hwy

Applicant's Name (If different than owner): Community Design Alliance

Applicant's Mailing Address: 236 High Street

Applicant's Email Address: mike@cdalliance.net

Previous Legal Use of Property: auto repair

Date Previous Use Discontinued: Nov 2015

Proposed New Use of Property: auto sales

Requesting a Conditional Use Approval from the following Sections of the Hamilton Zoning Code:

1121.33 - "B-2" Community Business District

City of Hamilton
Office of Consumer Affairs
Date: 3/24/2016
Acct: Cashier: consv
Name: 3/24/2016 11:52 AM
Receipt #: 00843893
Payment Total: \$200.00
Credit Card Tended: \$200.00

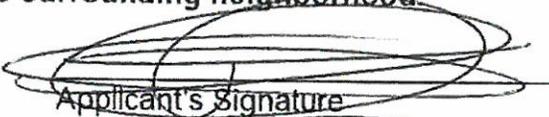
Description of the proposed Conditional Use including nature of the business, hours of operation:

Applicants must include adequate information to satisfy 1155.30 – Application and Review C. Conditional Use Review Criteria – General Standards (attached to application). Please add additional sheets if more space is needed. This will assist the Planning Commission in making an informed decision on the requested Conditional Use

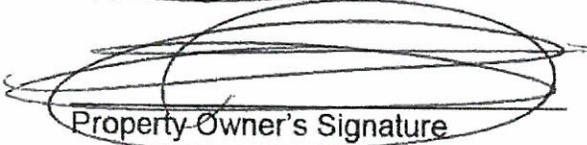
This was an existing auto service repair facility and restaurant facility. The existing buildings have been demolished and the site is clear/empty. The proposed use is consistent with adjacent uses to north by same owner.

SEE attached detail of development standards review 1155.30

Applicants must also submit all pertinent plans of the proposed site for the Conditional Use indicating the location of all existing and proposed buildings, parking, loading, and driveway areas, traffic access and circulation, open spaces, landscaping, refuse and service areas, utilities, signage, yards and setbacks, and such other information as the Planning Commission may require to determine of the effect of the proposed Conditional Use on the surrounding neighborhood


Applicant's Signature

1/12/2016
Date


Property Owner's Signature

1/12/2016
Date

Office Use Only

CU Application Number: _____

Zoning District: _____

Fee Paid: _____

Meeting Date: _____

APPROVED DISAPPROVED

Conditional Use Review Criteria - General Standards 1155.30

1. **The proposed Conditional Use is to be located in a district wherein such use may be permitted, subject to the requirements of this Section and the Zoning Ordinance.**
An Automobile Sales Facility use is a conditional use in the B-2 Community Business District.
2. **The proposed Conditional Use will not substantially or permanently injure the appropriate use of neighboring property and will serve the public convenience and welfare.** All adjacent properties are developed. The property was in disrepair at the time of purchase. The new owner has cleared the property to gravel base. Improvements to the property will enhance the quality of the neighborhood and provide a service and employment opportunities to the neighborhood."
3. **The proposed Conditional Use will be harmonious with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area.** The east, north and south adjacent uses are ALL auto sales operations. **The proposed building is a high quality pre-engineered building with high quality architectural details (FUTURE PHASE).**
4. **The proposed Conditional Use shall be adequately served by essential public facilities and services such as, but not limited to, roads, public safety forces, storm water facilities, water, sanitary sewer, refuse, and schools. If not, the applicant shall be responsible for the extension or establishment of any public facilities and services to effectively service the proposed Conditional Use.** All existing utilities are on site and available to east (S. Erie) and west (Dixie) and existing vehicular access to both streets is present
5. **The proposed Conditional Use will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding streets.** Two major streets adjoin the property to the east (Dixie Hwy) and to the west (S. Erie Blvd). The new owner does not plan to increase the number of curb cuts, but rather decrease by one. Only one existing curb cut to remain one the new conditional use lots and is in straight alignment with Belle Ave to the West.
6. **The proposed Conditional Use will comply with all applicable development standards, except as specifically altered in the approved Conditional Use.** The owner is combining the lots with an existing approved Auto Sales lot to the north. ALL NEW LOTS shall meet the current development standards per 1121.39.17. The owner is requesting consideration for the existing approved Auto Sales lot to the north to be allowed to continue under it current configuration and use...particularly the 10 foot setback required under current condition use standards. The lot is so configured between two major arterial frontages, that 40% of the useable area of the lot would be lost under the 10 foot setback requirement. Again, the new lots being combined with the existing approved Auto Sales would ALL be compliant with the new developed standards, including the 10 foot setback.

- Lot Area (combined) = 36,526 sq ft > 20,000 sq ft. minimum
 - Lot Frontages are 294.14 feet (east) and 287.81 feet (west) > 100 ft minimum.
 - Automobiles displayed on site will all be for sale, or for minor repairs within 30 days allowed.
 - Automobiles displayed for sale on new lots seeking conditional use approved will located on paved surfaces 10 feet minimum from property lines or public ROW.
NOTE: Existing lot P6461030000032 shall remain in the pavement/parking configuration as currently approved under its conditional use.
 - Any repair services will be located within an enclosed building
 - All vehicles stored outside will be operable new or used vehicles for sales or within the 30 day allowable repair window
 - Only repair services that are permitted outside under conditional use will be undertaken.
 - Hazardous Materials as defined by this zoning section will be recycled or removed in accordance with local, state, and federal laws.
 - Indoor Storage will be used for any automotive parts or equipment
 - There will be no building openings with 50 feet of a residential district
 - Vehicular access to the new lots will be limited to one existing access curb cut per street. *NOTE: Existing lot P6461030000032 shall remain in the curb cut/access drive configuration as currently approved under its conditional use.*
 - Proposed building will comply with Section 1111.00 Development Regulations.
7. **The proposed Conditional Use will not be hazardous to or have a negative impact on existing or future neighboring uses.** The proposed redevelopment of the site will be an asset to the surrounding neighborhood uses as it will revitalize a deteriorating site and provide a larger and more compliant Auto Sales location in an area which is characterized by this dominant use group.
8. **The proposed Conditional Use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the base zoning district.** The proposed use will not create any more noise than the current use. The hours of operation are M-F 9am-7pm, Sat 10am-6pm, Sun 10am-4pm
9. **The proposed Conditional Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.** The proposed conditional use will re-vitalize and improve a deteriorating property.



Matthew J. Hines
 State of Ohio License 10512
 Mechanical Engineering
 License Expires 12/31/16

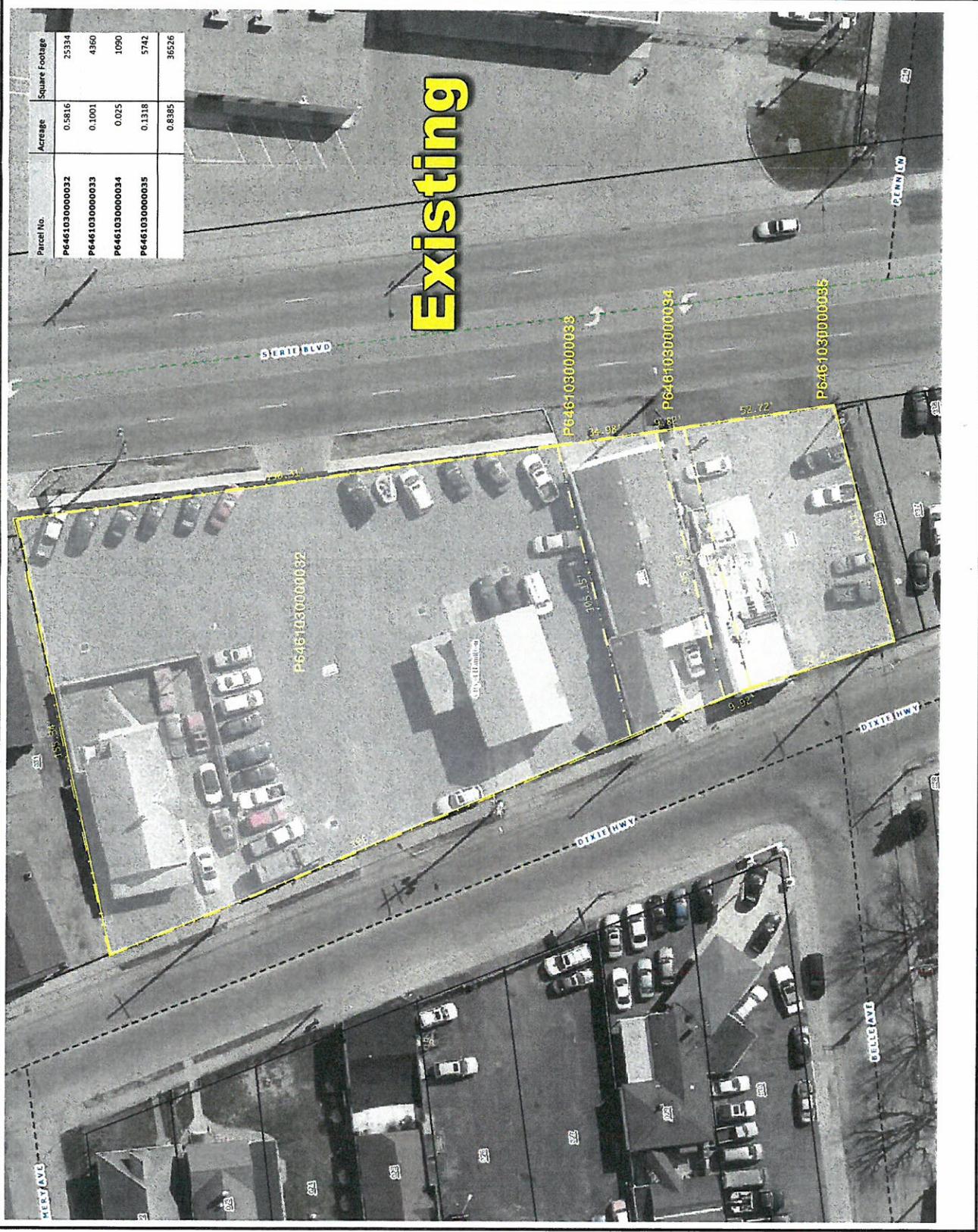
CDA
 COMMUNITY
 DESIGN ALLIANCE

Quality Auto Center
 2124 Dixie Hwy
 Hamilton, Ohio 45011

EXISTING
 SITE INFO
 1" = 20'-0"

DATE 3.17.2016
 COMB NO 201602.00
 SHEET NO.

E100
 OF



Parcel No.	Acres	Square Footage
P6461030000032	0.5816	25334
P6461030000033	0.1001	4360
P6461030000034	0.025	1090
P6461030000035	0.1318	5742
	0.8385	36526



Michael Chapman, License 0915820
 Expired Date 12.31.16

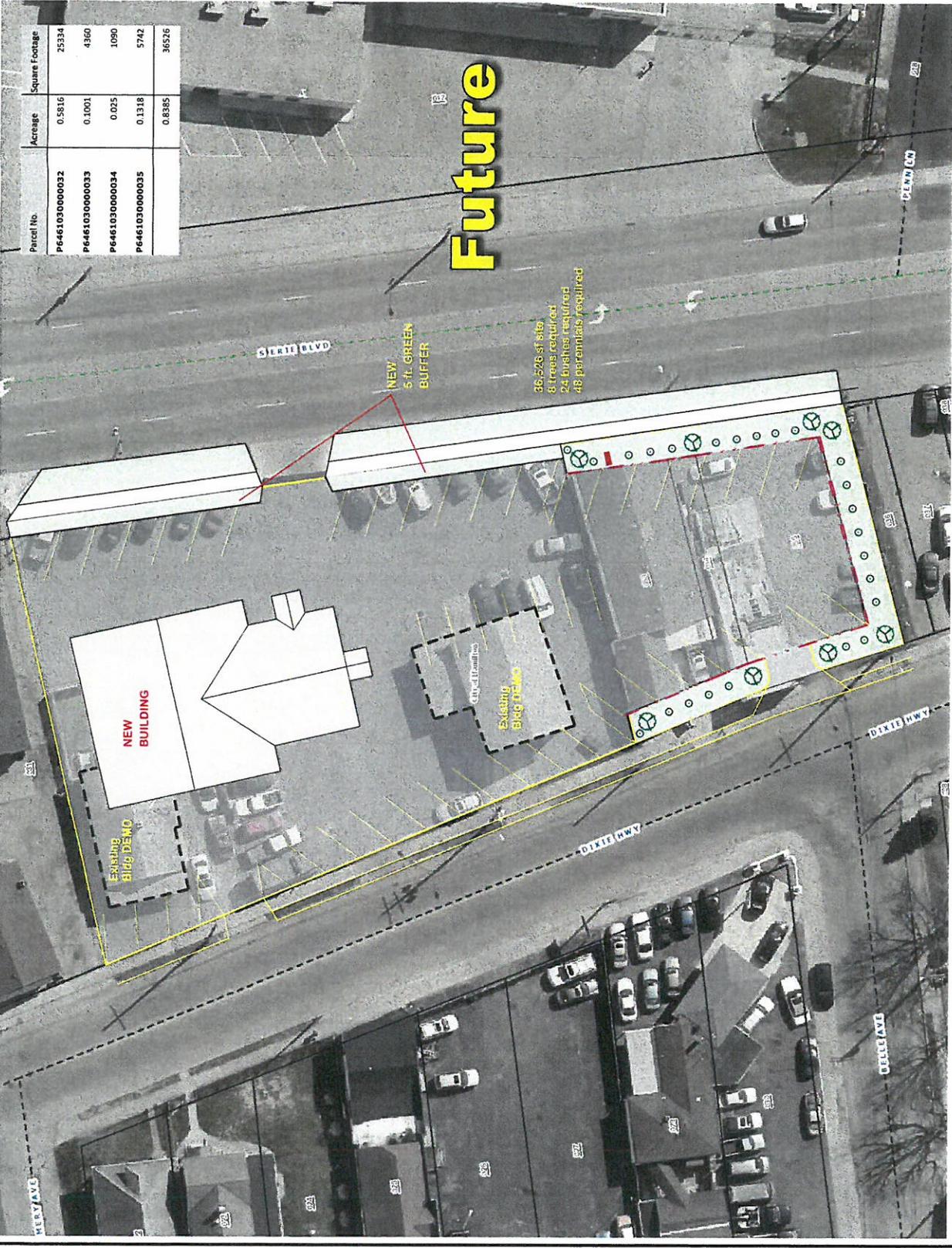
CDA
COMMUNITY
DESIGN ALLIANCE

Quality Auto Center
 2124 Dixie Hwy
 Hamilton, Ohio 45011

PROPOSED
 SITE
 LAYOUT
 1" = 20'-0"
 FUTURE

DATE: 3.17.2016
 COMB. NO: 20160270
 SHEET NO.

F100
 OF



For the Planning Commission Meeting of April 18, 2016

To: Planning Commission

From: Meredith Murphy

Subject: AGENDA ITEM #3

Request to Rezone 1401 NW Washington Boulevard (City Lot No. 23727), located in the City of Hamilton, First Ward North Side, from R-4 Multi-Family Residence District to R-O Multi-Family Residence/Office District. (AurGroup Financial Credit Union, Applicant/Owner).

Date: April 12, 2016

BASIC INFORMATION		
Applicant/Property Owner	AurGroup Financial Credit Union	
Architect/Engineer/Consultant	Green Building Solution LLC	
Size of Property	0.238 acres – 10,375 square feet	
Current Zoning	R-4 Multi-Family Residence District	
Proposed Zoning	R-O Multi- Family Residence/Office District	
Comp. Plan Land Use Designation	Commercial	
Special Purpose/CRA	N/A	
ADJACENT LAND USE/ZONING INFORMATION		
<i>Direction</i>	<i>Land Use</i>	<i>Zoning</i>
North	Residential/Office	R-4 Multi-Family Residence District, and R-O Multi- Family Residence/Office District
South	Residential	R-1 Single Family Residence District
East	Residential	R-4 Multi-Family Residence District
West	Office	R-O Multi- Family Residence/Office District
ZONING/DIMENSIONAL INFORMATION		
	<i>Minimum Required</i>	<i>Existing</i>
Minimum Lot Area	5,000	10,375 sq. feet
Minimum Lot Width	55 feet at building setback	83 feet
Minimum Front Yard Setback	25 Feet	N/A
Minimum Side Yard Setback	5 Ft	N/A
Minimum Rear Yard Setback	10 Ft	N/A
Maximum Bldg. Height	45 feet	N/A
Other Requirements	N/A	N/A

BACKGROUND INFORMATION

AurGroup Financial Credit Union is requesting to rezone 1401 NW Washington Boulevard (City Lot No. 23727) in order to combine the two parcels into a single parcel to allow for a canopy expansion onto the existing bank’s Drive Thru. There are two parcels of land that make up the AurGroup property and the two properties are currently zoned differently. The property where the bank building is located is

currently zoned R-O Multi-Family Residence/Office District and the parking lot parcel to the east is zoned R-4 Multi-Family Residence District. A zoning map is attached to this application as Attachment 2. This rezoning is the first necessary step in order to permit the canopy extension for the AurGroup Financial Credit Union. Plans for the proposed canopy extension are attached as Attachment 3.

A total of fifty four (54) public hearing notices were mailed to property owners within 500 feet of the subject property. At the time this report was written one call was received from an individual with questions about the rezoning request.

PLAN/PROPOSAL REVIEW

1. **Zoning** – There is one (1) parcel associated with this request. The property located at 1401 NW Washington Boulevard is currently zoned R-4 Multi-Family Residence District. The area surrounding 1401 NW Washington Boulevard is R-4 Multi-Family Residence District and R-O Multi-Family Residence/Office District to the north, R-O Multi-Family Residence/Office District to the West, R-1 Single Family Residence District to the South, and R-4 Multi-Family Residence District to the east. 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** – The proposed expansion follows the existing setback of the Credit Union Building, which is a 30 foot setback.
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 proposed changes to landscaping.
6. **Lighting** –There are no proposed changes to exterior lighting.
7. **Interdepartmental Review** – Plans have been submitted for an expansion to the existing Credit Union Building as part of the rezoning process. The plans will be required to be reviewed and approved by the City of Hamilton Interdepartmental review and will have to adhere to all applicable building and zoning regulations.
8. **Other** – A total of fifty four (54) public hearing notices were mailed to property owners within 500 feet of the subject property. At the time this report was written one call was received from individuals with questions about the request.

PLAN/PROPOSAL ANALYSIS

Zoning- There are two parcels of land that make up the AurGroup property located at 1401 NW Washington Boulevard and the two properties are currently zoned differently. The property where the bank building is located is currently zoned R-O Multi-Family Residence/Office District and the adjacent parking lot parcel associated is currently zoned R-4 Multi-Family Residence District. AurGroup has submitted an application to rezone the parking lot parcel from R-4 Multi-Family Residence District and R-O Multi-Family Residence/Office District.

Surrounding zoning includes R-O Multi- Family Residence/Office District to the north, R-O Multi- Family Residence/Office District to the West, R-1 Single Family Residence District to the South, and R-4 Multi-Family Residence District to the east. The subject property has a total of approximately 83 feet of frontage along NW Washington Boulevard. There is one (1) parcel associated with this request, and two parcels associated with the applicants business AurGroup Financial Credit Union.

Building- Plans have been submitted for an expansion to the existing Credit Union Building drive-through canopy. The proposed expansion would be building across lot lines, therefore a lot combination is necessary – the lots can only be combined if they have the same zoning classification. If the proposed rezoning is approved and the two lots combined the submitted canopy extension plans would go through the City of Hamilton Departmental Review process. The plans must adhere to all applicable building and zoning regulations.

Public Notification- A total of fifty four (54) public hearing notices were mailed to property owners within 500 feet of the subject property. At the time this report was written one phone call was received from an individual with questions about the request.

RECOMMENDATION

The requested zone change from R-4 Multi-Family Residence District to R-O Multi-Family Residence/Office District would be a continuation of the current zoning of the Credit Union building on the corner of NW Washington Boulevard and Eaton Avenue and would allow for the expansion of the AurGroup Credit Union drive-through. This proposal also conforms with the land use shown on the Comprehensive Plan Land Use Designation.

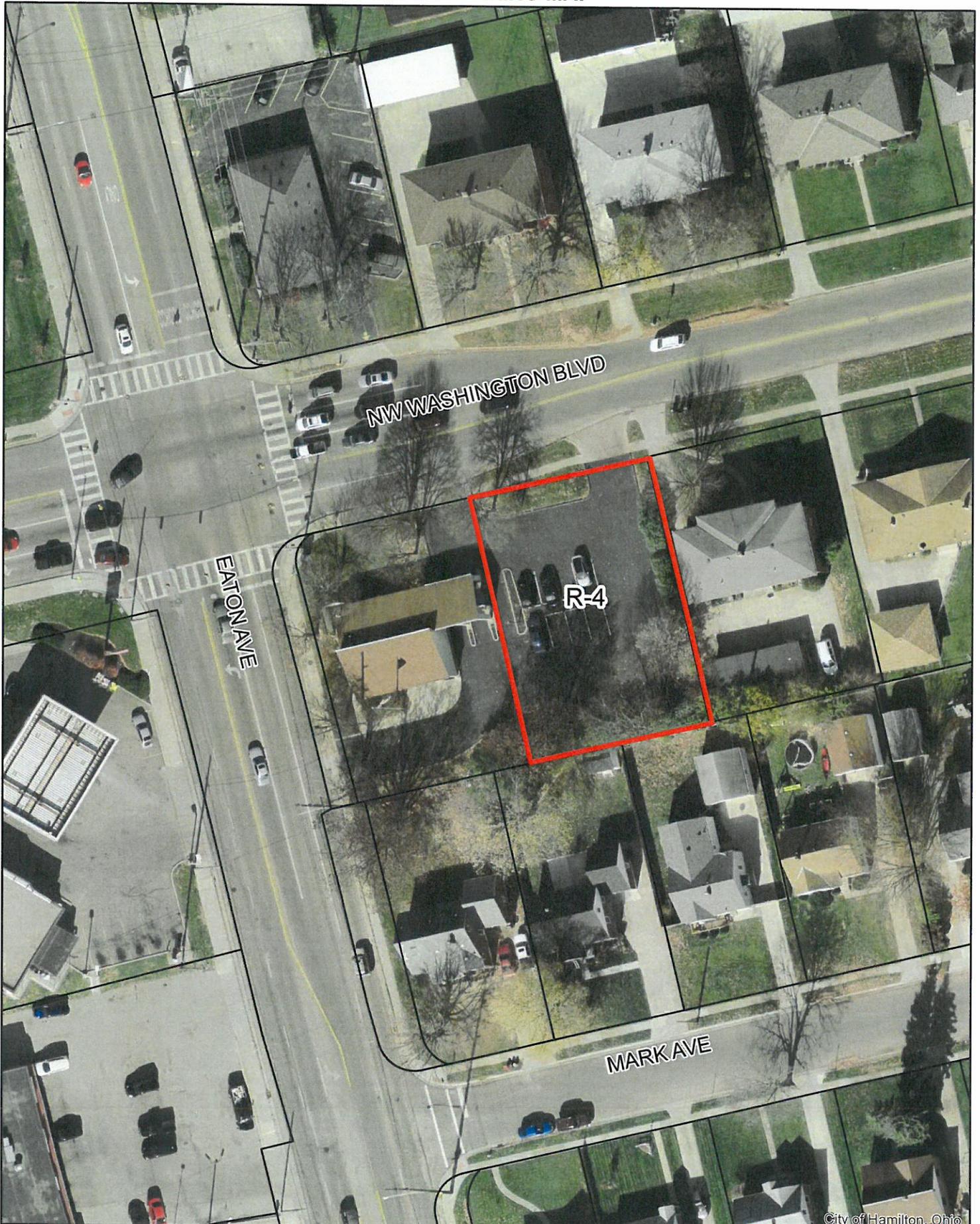
If the Planning Commission approves the request to rezone the subject property located at 1401 NW Washington Boulevard, the Department of Community Development recommends the following motion to rezone the subject property:

- 1) That City Council Approve the rezoning of 1401 NW Washington Boulevard, located in the First Ward North Side, City Lot No. 23727, from R-4 Multi-Family Residence District to R-O Multi-Family Residence/Office District.

Attachments to this report include:

1. Public Hearing Notification Map
2. Zoning Map
3. Application and Submitted Plans

1401 N.W. WASHINGTON BLVD.
PUBLIC HEARING MAP



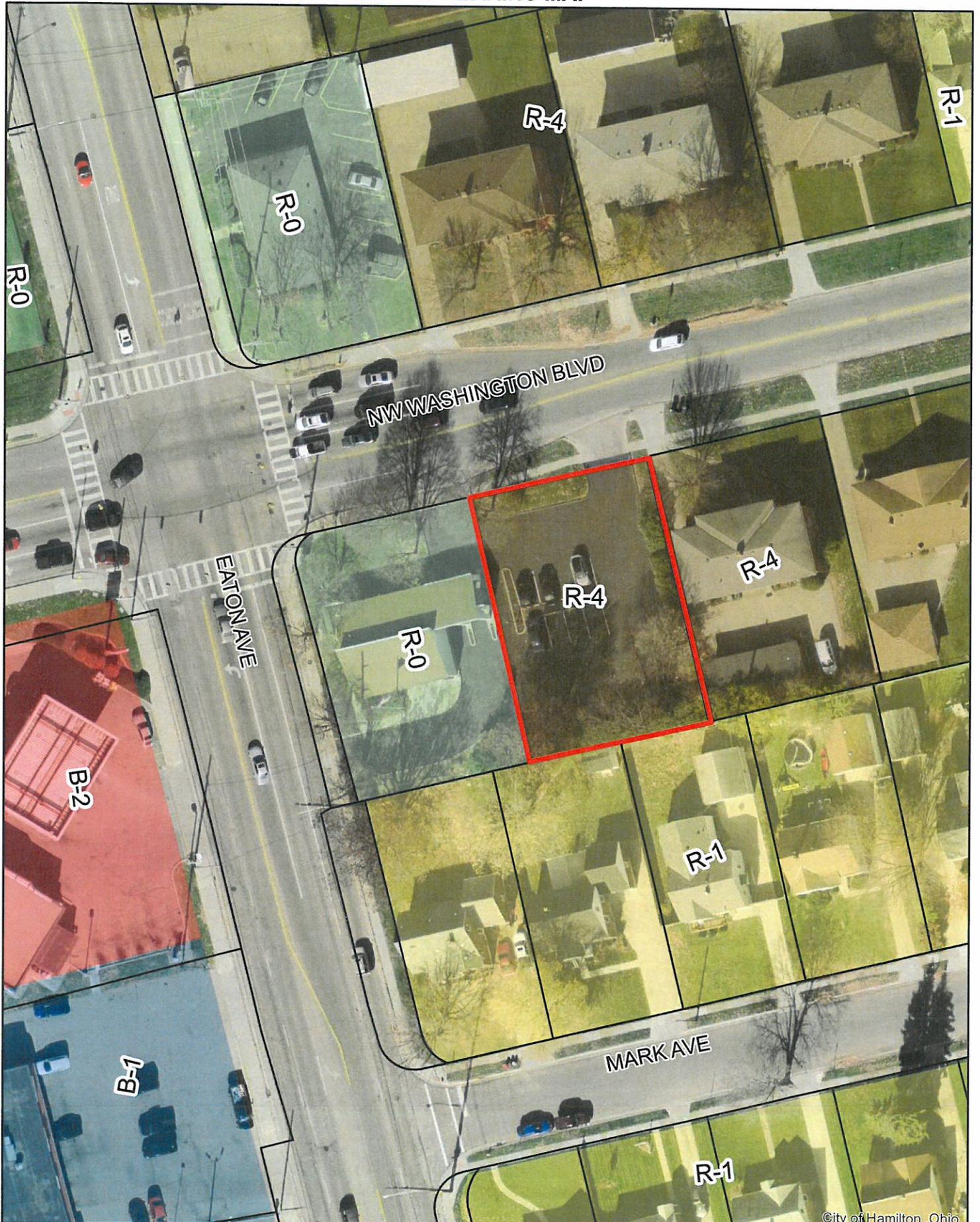
City of Hamilton, Ohio

 1401 N.W. Washington Blvd.

0 25 50 100 Feet



1401 N.W. WASHINGTON BLVD.
PUBLIC HEARING MAP



 1401 N.W. Washington Blvd.

0 20 40 80 Feet





A160852
A160853

PLANNING DIVISION APPLICATION

Site Address: 1401 NW Washington Blvd.		Project Name: Aurgroup - Drive thru	
Lot # P6411052000117	Zoning: R-4 Multi-Family	Subdivision:	
OWNER / DEVELOPER		AGENT / APPLICANT	
Name Green Building Solution LLC		Name Mary Lee Jones / Aurgroup Credit Union	
Street Address 5810 Brown Rd		Street Address 8811 Holden Blvd.	
City, State, Zip Oxford, OH 45056		City, State, Zip Fairfield, OH 45014	
Phone# / Fax# 513-497-2014 / Fax		Phone# / Fax# 513-305-4366 / Fax	
Cell		Cell	
Email ahicks@greenbuildingsolutions.biz		Email mjones@aurgroup.org	
		ARCHITECT / ENGINEER	
		Name Almangio and Associates	

ZONING (\$300 application fee) \$ 300.00
 Existing property use: Credit Union parking lot Present Zoning District: R-4 Multi-Family residential
 Proposed use: Lot combination of Credit Union and Parking lot Requested Zoning District: R-O Residential Office

LOT SPLIT / COMBINATION (Fee \$100, except if non-buildable lot split \$20) \$ _____

PRELIMINARY PLAT / FINAL PLAT APPROVAL (Fee as below) \$ _____

Sketch (\$100 fee)
 Preliminary (\$300 fee)
 Construction Plans (No Fee)
 Final (\$500 fee)
 _____ \$40 / lot
 Sewer Impact Fee \$1,875 / lot _____

PLANNED DEVELOPMENT APPROVAL (Fee as below) \$ _____

Sketch (\$100 fee)
 Preliminary (\$300 fee)
 Final (\$500 fee)
 Revision to Final Planned Development Plan
 Major (\$500 fee)
 Moderate (\$250 fee)
 Minor (\$150 fee)

Certificate of Zoning Compliance (\$50.00 fee) \$ _____

Home Occupation Approval (\$50.00 fee) \$ _____

Telecommunication Registration Fee (\$300.00 fee) \$ _____

TOTAL AMOUNT OF FEE \$ 300.00

	4/6/2016	Anthony Hicks
SIGNATURE OF APPLICANT	DATE	PRINT NAME
	4/6/2016	Mary Lee Jones
SIGNATURE OF OWNER	DATE	PRINT NAME

City of Hamilton
 Planning Division
 Date: 4/6/2016
 Act: 10855555
 Name: dachiar: consvs
 Received: 4/6/2016 4:05 PM
 Amount: \$300.00
 Credit Card Tendered: \$300.00

**NEW DRIVE THRU
CANOPY EXTENSION FOR:
AURGROUP CREDIT UNION
1401 N. W. WASHINGTON STREET
HAMILTON, OHIO 45012**



Alwin J. Mangio
Architect
RA BO MPE BI
109 Bellbrook Avenue
Spring Valley, OH 45370
937-231-4605

Index to Drawings

CODE NOTES
DESIGNED UNDER 2011 OHIO BUILDING
CODE AND REFERENCED STANDARDS.

CONSTRUCTION TYPE - VB
EXISTING OCCUPANCY IN BUILDING IS 'B' USE GROUPS
OCCUPANCY IS UNCHANGED
EXISTING BUILDING AREA IS 2,420 S.F. (UNCHANGED)
NEW CANOPY AREA IS 282 S.F. (UNCHANGED)
NEW BUILDING AREA IS 2,672 S.F. (CHANGED)
ALLOWABLE BUILDING AREA IS 9000 SF AND ONE STORY HEIGHT
FOR B, (PERIMETER INCREASE NOT NEEDED)
NO FIRE SUPPRESSION SYSTEM REQUIRED OR PROVIDED
NEW OCCUPANT LOAD 'B' = 2,672/100 OCCF = 27

THE SCOPE OF THIS PROJECT IS TO OBTAIN THE REQUIRED BUILDING PERMITS
FOR A BUSINESS AREA EXPANDED INTO A NEW COVERED TELLER LANE
THE USE OF THIS BUILDING IS UNCHANGED.

THE EXISTING BUILDING IS UNCHANGED.
THE NEW ADDITION INCREASES THE AREA AND THEREFORE THE OCCUPANT LOAD SLIGHTLY.
HOWEVER, SINCE THE TOTAL OCCUPANT LOAD IS LESS THAN 50, SEPARATE TOILET FACILITIES
ARE NOT REQUIRED.

THERE WILL BE THE ADDITION OF ELECTRICAL CIRCUITS AND LIGHTING FIXTURES
THERE WILL BE NO NEW HVAC WORK.

REVISIONS

NEW DRIVE THRU
CANOPY EXTENSION FOR:
Aurgroup Credit Union
1401 N. W. WASHINGTON STREET
HAMILTON, OHIO 45012

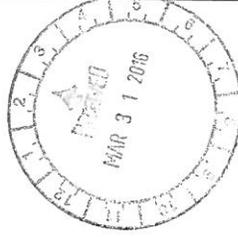


ARCHITECTS
109 BELLBROOK AVE
SPRING VALLEY
OHIO 45370



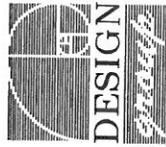
Alwin J. Mangio
#9348
Expires 12-31-17
DATE: 03-11-16
SHEET NUMBER

CI



REVISIONS

NEW DRIVE THRU
CANOPY EXTENSION FOR:
Aurgroup Credit Union
1401 N. W. WASHINGTON STREET
HAMILTON, OHIO 45012



SPC I T E C T S
100 BELLBROOK AVE
CINCINNATI, OHIO
5827-5811-4000



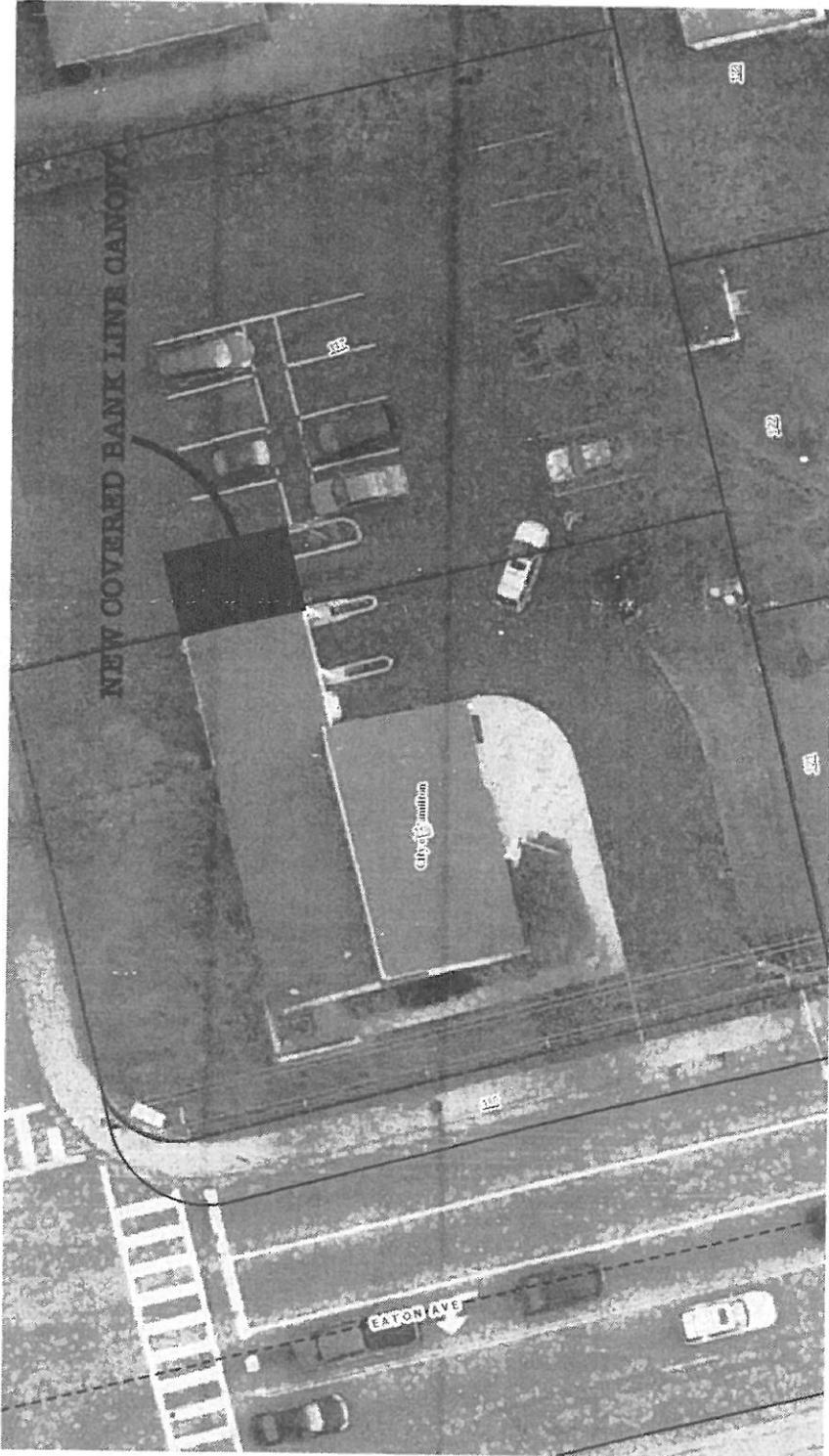
Alvin James Mangro
#9348

Expires 12-31-17

DATE: 03-11-16

SHEET NUMBER

C2



SMALL SCALE
SITE PLAN
NO SCALE

REVISIONS

NEW DRIVE THRU
CANOPY EXTENSION FOR:
Aurgroup Credit Union
1401 N. WASHINGTON STREET
HAMILTON, OHIO 48012



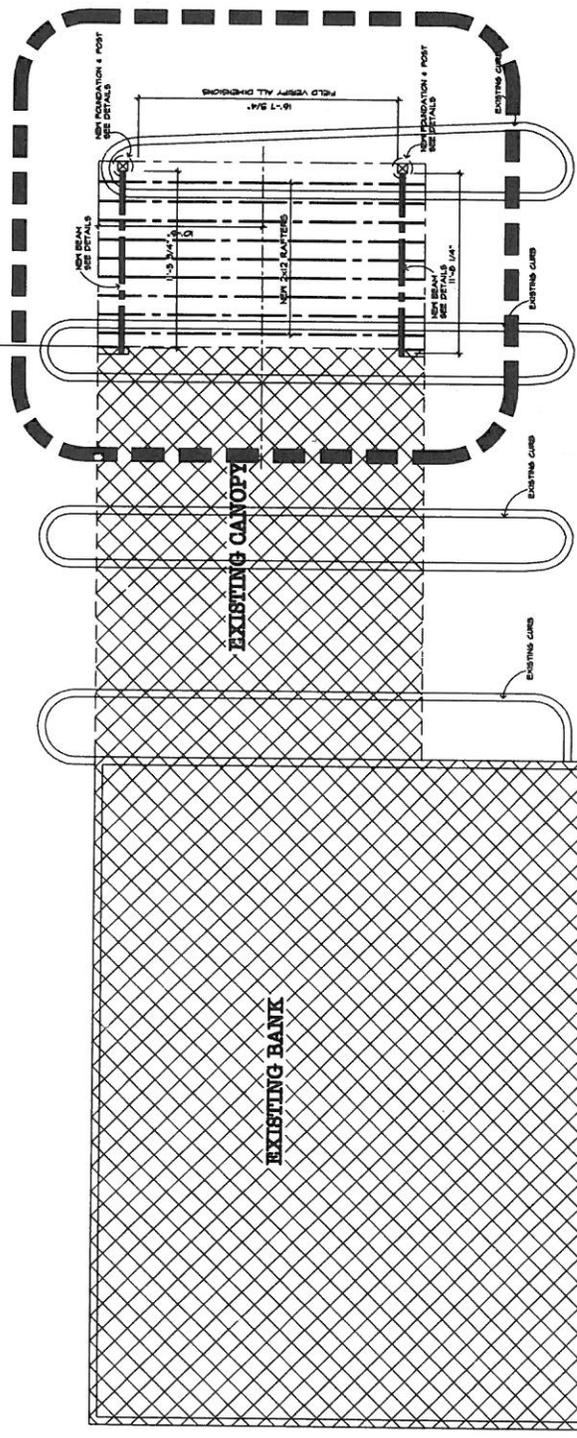
100 BELLBROOK AVE
CINCINNATI, OHIO 45212
937.881.4000



Alvin James Mungo
#9348
Expires 12-31-17
DATE: 03-11-16
SHEET NUMBER

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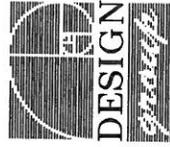
EXISTING CANOPY NEW CANOPY



SMALL SCALE
FLOOR PLAN
SCALE - 1/8"=1'-0"

REVISIONS

NEW DRIVE THRU
CANOPY EXTENSION FOR:
Aurgroup Credit Union
1401 N. W. WASHINGTON STREET
HAMILTON, OHIO 45012



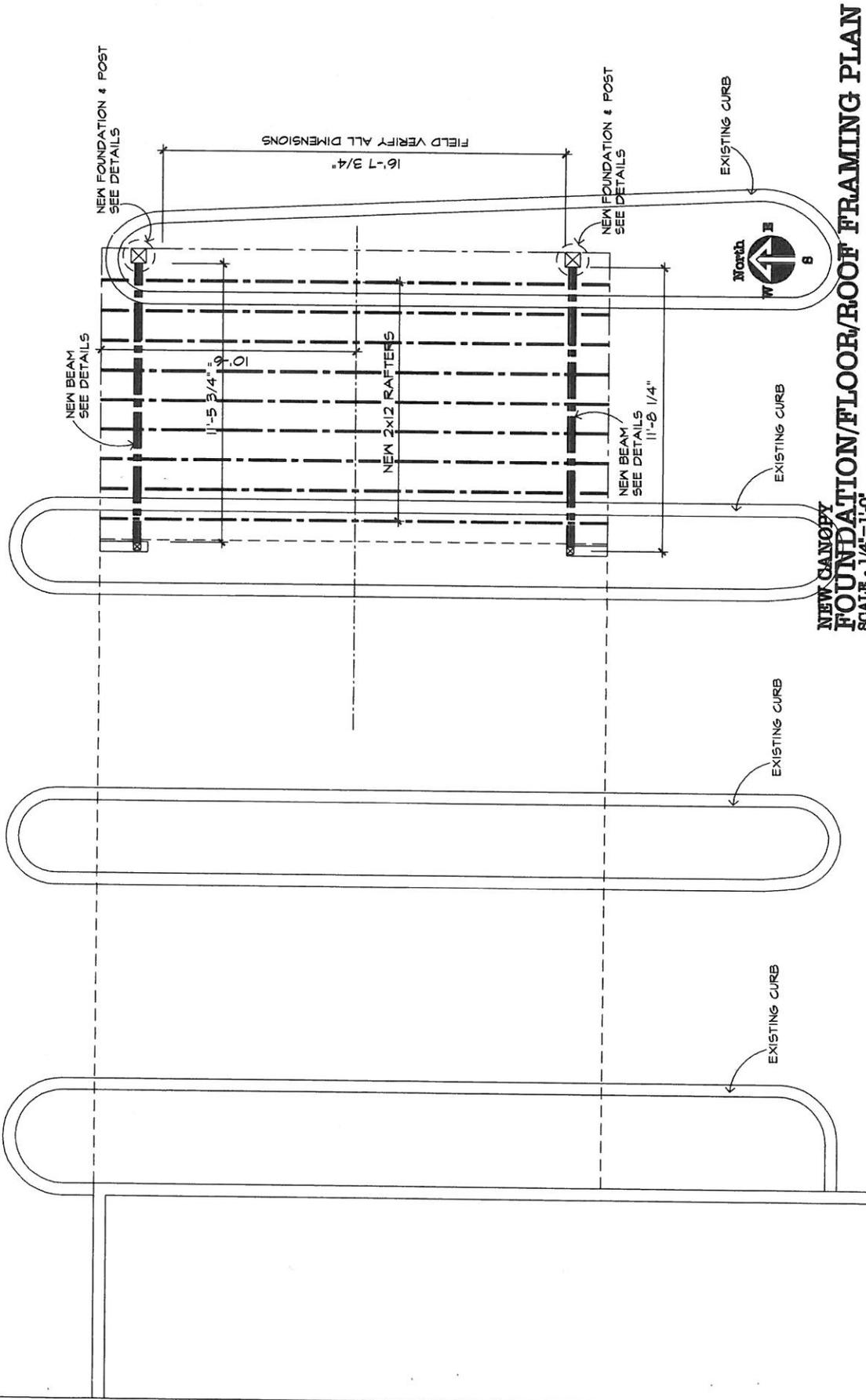
ARCHITECTS
100 BELLBROOK AVE
SPRING VALLEY
OHIO 45376-4000



Alvin James Mungo
#93348

DATE: 03-11-16
Expires 12-31-17

SHEET NUMBER
A1



**NEW CANOPY
FOUNDATION/FLOOR/ROOF FRAMING PLAN**
SCALE - 1/4" = 1'-0"

EXISTING CURB

EXISTING CURB

EXISTING CURB

EXISTING CURB



FIELD VERIFY ALL DIMENSIONS
16'-7 3/4"

NEW FOUNDATION & POST
SEE DETAILS

NEW FOUNDATION & POST
SEE DETAILS

NEW BEAM
SEE DETAILS

NEW BEAM
SEE DETAILS

1'-5 3/4"

1'-8 1/4"

REVISIONS

NEW DRIVE TERU
CANOPY EXTENSION FOR:
Aurgroup Credit Union
1401 N. W. WASHINGTON STREET
HAMILTON, OHIO 45012



100 BELLBROOK AVE
CINCINNATI, OHIO 45202
513.763.4800
513.763.4800



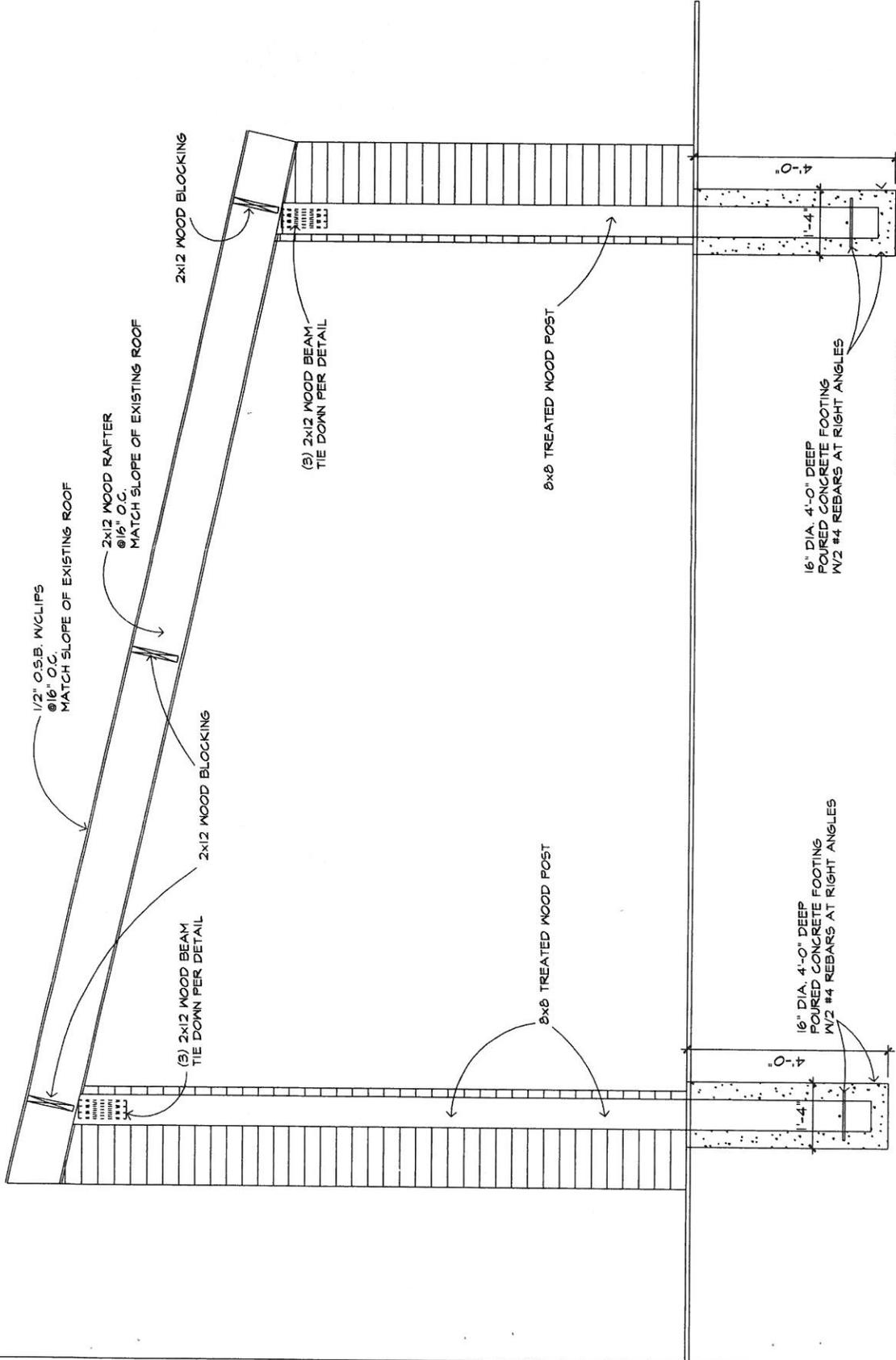
Alvin James Manglo
#9349

Expires 12-31-17

DATE: 03-11-16

SHEET NUMBER

A2



NEW CANOPY SECTION DETAIL
SCALE - 1/8"=1'-0"

16" DIA. 4'-0" DEEP
POURED CONCRETE FOOTING
W/2 #4 REBARS AT RIGHT ANGLES

16" DIA. 4'-0" DEEP
POURED CONCRETE FOOTING
W/2 #4 REBARS AT RIGHT ANGLES

REVISIONS

NEW DRIVE THRU
CANOPY EXTENSION FOR:
Aurgroup Credit Union
1401 N. W. WASHINGTON STREET
HAMILTON, OHIO 45012



125 BELLEFLORE AVE
SPRING VALLEY, OHIO
45076
PH: 513.466.4608



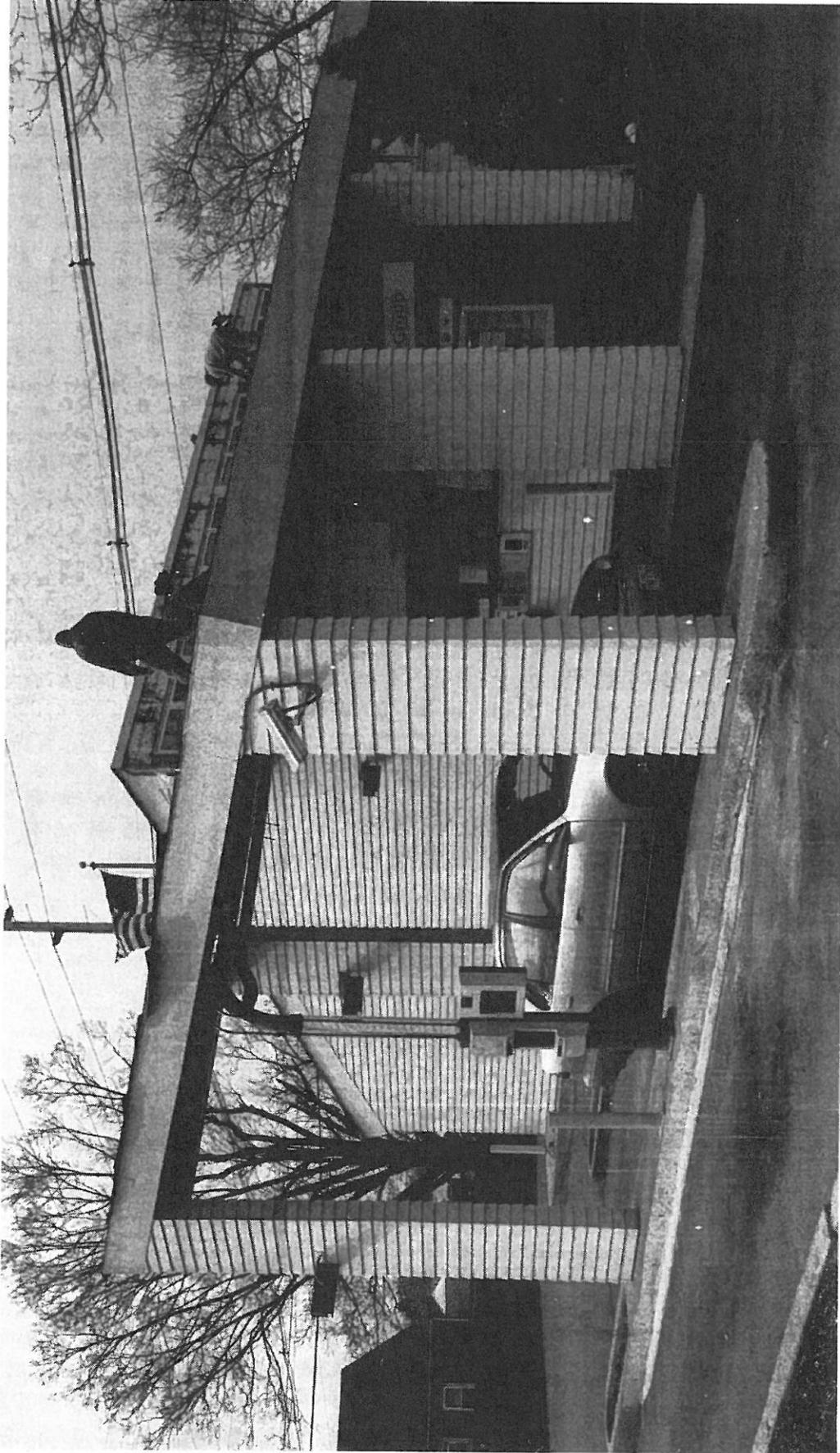
Alvin James Manglo
#3348

Expires 12-31-17

DATE: 03-11-16

SHEET NUMBER

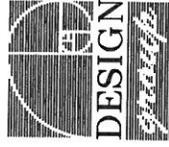
A3



NEW CANOPY
SITE PHOTOGRAPH
SCALE - 1/8"=1'-0"

REVISIONS

NEW DRIVE TRU
CANOPY EXTENSION FOR:
Aurgroup Credit Union
1401 N. W. WASHINGTON STREET
HAMILTON, OHIO 45012



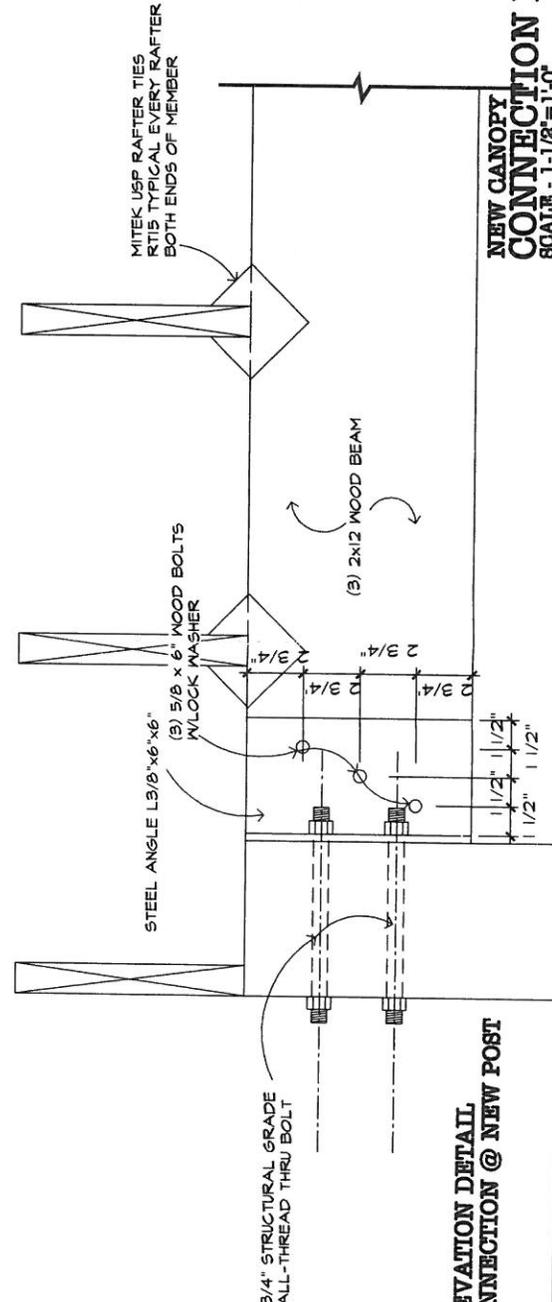
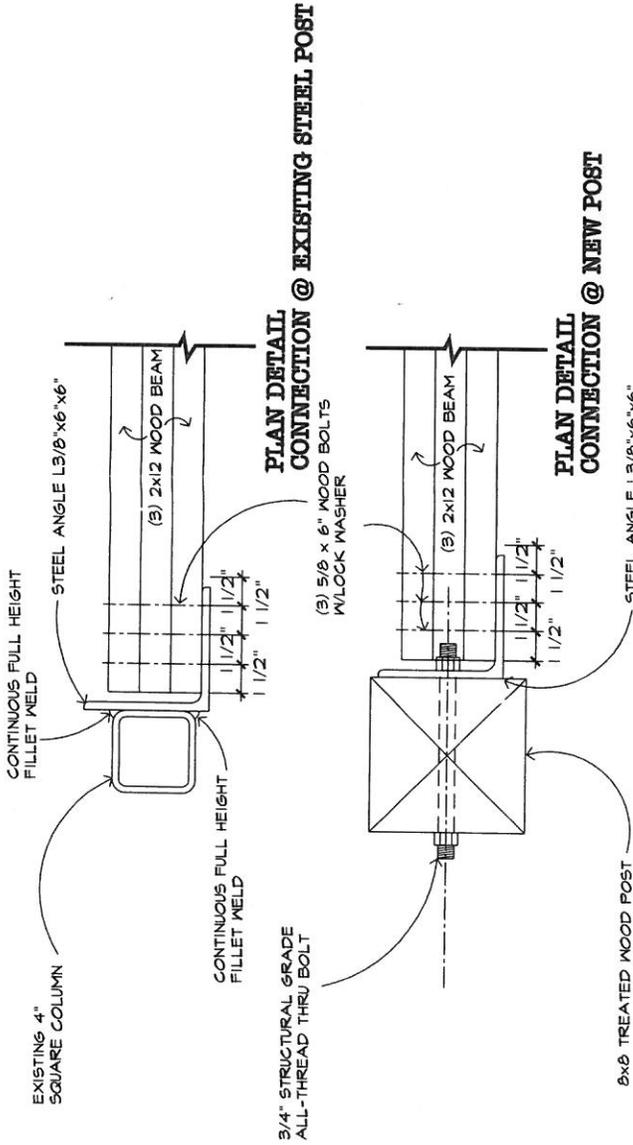
ARCHITECTS
100 BELLBROOK AVE
SPRING VALLEY
OHIO 45381-4608



Alvin James Manglo
#9346
Expires 12-31-17
DATE: 09-11-16
SHEET NUMBER

A4

NEW CANOPY
CONNECTION DETAILS
SCALE - 1-1/8"=1'-0"



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

**Tuesday, January 19, 2016
1:30 p.m.**

The Planning Commission met as a Committee of the Whole.

BOARD MEMBERS PRESENT:

Mr. Belew, Ms. Horsley, Mayor Moeller, Mr. Samoviski, Mr. Werdmann (for Mr. Smith), and Ms. Dudley (Asst. Law Director).

BOARD MEMBERS ABSENT:

Mr. McAllister

Appointment of Acting Chairperson:

Motion by Mr. Werdmann to appoint Mayor Moeller as Acting Chairperson. With a 2nd by Mr. Samoviski and all "Ayes", the Motion passes.

Swearing in of Those Providing Testimony to the Commission:

Ms. Kathy Dudley, Assistant Law Director, swore in audience members wishing to speak.

Old Business:

None

New Business:

Agenda Item #1 - Request to Update the Annual Action Plan Update 2016-2017 (City of Hamilton, Applicant)

Staff: Meredith Murphy

Ms. Murphy went over general information with regard to the Annual Action Plan, and summarized the information that was included in the agenda (which was previously distributed to the Board members).

- Annual Action Plan Update is a requirement for the City to receive Federal Funds.
- Update Includes a Citizen Input Survey to rank/prioritize local needs
 - Random Mail Survey
 - Service Provider Survey
 - City Website Survey
 - Tabulation of Survey Responses
- Public Input Meetings (4)
- Inclusion of Public Input Meeting feedback into Draft Plan
- Analysis and inclusion of 2010 Census data, as available
- Draft to Planning Commission and City Council for review/approval
- Submit Accepted Final Plan Update to HUD in Spring 2016

Ms. Murphy then goes over the time and location of the four Public Hearings that were held:

1. Monday, August 3, 2015, 6:00 p.m. – 7:00 p.m.
Booker T. Washington Community Center
1140 South Front Street, Hamilton, OH 45011
2. Tuesday, August 4, 2015, 6:00 p.m. – 7:00 p.m.
Partners in Prime
140 Ross Avenue, Hamilton, OH 45013
3. Wednesday, August 5, 2014, 2:00 p.m. – 3:00 p.m.
City of Hamilton, City Council Chambers
345 High Street, Hamilton, OH 45011
4. Wednesday, August 5, 2014, 6:00 p.m. – 7:00 p.m.
City of Hamilton, City Council Chambers
345 High Street, Hamilton, OH 45011

BACKGROUND INFORMATION

The Department of Community Development has completed an updated Annual Action Plan for FY 2016-2017 as required by the US Department of Housing and Urban Development (HUD) for the City of Hamilton's Community Development Block Grant (CDBG) and HOME programs.

The City of Hamilton is an entitlement community under the CDBG and HOME programs under the Housing and Community Development Act of 1974, as amended. CDBG and HOME Program funds are allocated nationwide to units of general local government on the basis of a formula that considers the relative inadequacy of each jurisdiction's housing supply, its level of poverty, its fiscal distress, and other factors. The Department of Community Development estimates that the City will receive \$1,232,500 in CDBG funds and HOME funding in the amount of \$300,000. These totals are estimates at this time and are subject to change.

The preparation and adoption of an Annual Action Plan is a HUD requirement. The Annual Action Plan is used by the local unit of government to gather information, identify issues/priorities, and assist in making local funding decisions for CDBG and HOME dollars.

In light of proposed funding reductions in both CDBG and HOME programs, the Department of Community Development continues to take a more strategic approach on funding to opportunities to meet the greatest needs such as housing, economic development, vacant/dilapidated housing demolition, street resurfacing and repair, and homeless support services. In addition, the Department is taking a more focused approach on implementing portions of the City's Strategic Plan to foster renewed investment and economic development/job creation in the community which include Economic Development Revolving Loan Fund, Design Assistance for new and/or expanding businesses.

The Department of Community Development continues to broaden and strengthen relationships with appropriate agencies and other City of Hamilton departments to implement physical improvements, special code enforcement and public services that benefit very low and low to moderate income city residents. Through these relationships, the City will work to provide emergency/minor home repairs to eligible

low-income homeowners as well as remove and clear dangerous, dilapidated and vacant buildings.

The objectives of the CDBG and HOME programs include the revitalization, preservation, conservation and redevelopment of neighborhoods; stimulating economic development; and providing public improvements, which principally benefit persons of low and low-moderate income.

Ms. Murphy goes over three “National” Objectives of CDBG:

1. **Benefit low and moderate income persons**
 - a. Area Benefit
 - b. Limited Clientele Benefit
 - c. Housing activities
 - d. Job Creation and Retention activities
2. **Aid in the prevention or elimination of slums or blight**
 - a. Prevent/eliminate slum and blight on an area basis
 - b. Prevent/eliminate slum and blight on spot basis
 - c. Be in an urban renewal area
3. **Meet an urgent need**
 - a. Conditions that pose an immediate threat to the health and welfare of the community

Ms. Murphy then goes over the seven (7) Categories of Eligible Activities, of which CDBG funded programs have to meet one of the following:

1. Purchase property for development projects.
2. Public Facilities and Improvements
 - Construction, Reconstruction, and Rehabilitation of facilities open to the public
 - Park and Recreation facilities
 - Street Improvements
 - Water/Sewer Improvements
 - Sidewalks
3. Demolition and clearance of dilapidated/unsafe buildings.
4. Public Services (15% cap)

Examples include, but are not limited to:

- Transportation
 - Employment/Job Training
 - Health Care
 - Child Care
 - Youth Programs
 - Crime Prevention Programs
 - Fair Housing Programs
 - Services for Senior Citizens (62 Years of Age +)
 - Services for Homeless Persons
 - Services for Battered and Abused Spouses/Children
 - Drug Abuse Counseling and Treatment
5. Emergency/Minor home repairs for income qualifying households
 6. Economic Development/Job Creation or Retention
 7. Planning, Design, and Program Administration Costs (20% cap)

She then shows a chart of funds that the City has received, this year's estimate of funds to be received, and a chart explaining how the funding works.

Ms. Murphy then gives the following information:

- There were approximately 1840 public input paper surveys mailed to randomly selected households in Hamilton. Of those, approximately 250 completed surveys (13.6% of Surveys Returned)
- A web Survey was done through e-mail and on the City website, and 124 completed surveys were received.

Ms. Murphy shows some of the results, including results for Census tract 13 (larger on Westside) and 150. She then shows a sample of the 2 sided survey which was sent out. Next, she shows the proposed budget with total amount at the top, a chart showing what each organization requested, what the proposed allocation to each was, and the HOME funds.

RECOMMENDATION

If approved by the Planning Commission, the Department of Community Development recommends that the Planning Commission hold a Public Hearing, concurs or modifies the draft Annual Action Plan Update and funding recommendations, and forwards it to City Council for their consideration.

Mr. Belew asked about the proposed allocation for Serve City, and about the \$1,000.00 contingency.

Mr. Scharf responded that we get a 5% cut every year to the services, and last year Serve City requested \$25,000.00 and received approximately \$17,000.00 or \$18,000.00. He says they are very responsible with the money that they receive, but we just don't have the resources to give everyone exactly what they ask for. With regard to the contingency, it's just something that is put in just for emergency basis only. He told Mr. Belew that he can request that the contingency be budgeted back into one of the funds, but it's preferred to keep it out for an emergency.

Mayor Moeller asked Mr. Scharf if he wanted to put more into the contingency, would it have to come from one of the amounts already allotted to an organization, and he replied that it would. Mayor Moeller then asked Mr. Scharf how many agencies requested funds and didn't get them, and Mr. Scharf responded that there was one (Partnerships for Housing). He said that they requested money under the HOME, which was not granted. They, did, however receive money from CDBG for fire alarms for their current housing.

PUBLIC FORUM:

Mr. Jock Pitts from People Working Cooperatively spoke. He wanted to thank the City of Hamilton for the funds that they have received. He gave a brief speech about the services that PWC provides, and what they spend their funds on. He says that they spent about \$7,000 of Hamilton's funds last year. In addition to that, PWC brought another \$42,000.00 into the community. He gave findings of how a stable environment shows itself in the schools and kid's performances, and the approximate income of their average client.

He went on to say that their budget allotment of \$39,000.00 is very much appreciated, but they could definitely use more if there is any way it would become available. Mr. Belew asked him what PWC's annual budget is, and he responded that it's about \$12 million annually for 23 counties. He said that Butler County is their 2nd largest county.

Mayor Moeller asked Ms. Dudley if he should abstain from voting since he's on the SELF Board, and she responded that he should.

Mr. Belew asked if there were any carryover funds reflected in the budget. Mr. Scharf said that there are not; however, there are times that it becomes available throughout the year and the Community Development Department will notify any agency that may receive additional monies.

Ms. Horsley made a Motion to close the Public Hearing. With a 2nd by Mr. Werdmann and all "Ayes", the Motion passes and the Public Hearing is closed.

Mr. Werdmann made a Motion to accept the Annual Action Plan as proposed. With a 2nd by Mr. Belew and all "Ayes" (except Mayor Moeller, who abstained), the Motion passes.

Agenda Item #2 - Request for a Conditional Use to allow the establishment of an Automobile Service and Minor Repair Facility (i.e. convenience store/gas station) to operate on property zoned B-2 Community Business District located at 1316 & 1320 Grand Boulevard (Shane Jones, Applicant)

Staff: John Creech

Introduction:

An application was submitted by Mr. Shane Jones to establish an Automobile Service and Minor Repair Facility (i.e. drive through convenience store/gas station) use on the property located at 1316 and 1320 Grand Blvd. (Exhibit A). The property is zoned B-2 Community Business zoning district (Exhibit B). B-2 Community Business District is regulated by Section 1121.00 of the Hamilton Zoning Ordinance, (HZO). An Automobile Service and Minor Repair Facility (i.e. convenience store/gas station) use requires Conditional Use approval by the Planning Commission (Section 1121.36.26). Section 1108.00 of the Hamilton zoning ordinance defines a "gas station" as Automobile Service and Minor Repair facility.

The minimum lot size for an Automobile Service and Minor Repair Facility (i.e. convenience store/gas station) is 20,000 square feet. The applicant received a zoning variance to reduce the minimum lot size from 20,000 square feet to 19,000 square feet on December 3, 2015.

Property Details:

The property is zoned B-2 Community Business Zoning District and is located on the northwest corner of South Erie Boulevard and Grand Boulevard. The property is comprised of two (2) lots. The two lots are approximately 19,000 square feet in total area. The property has a total of 125 lineal feet of lot frontage along South Erie Boulevard and 150 lineal feet of frontage along Grand Boulevard.

There is an existing gas station use on the property comprised of a small retail building, approximately 400 square feet in size, vending machines and gas island canopy on the site.

The properties to the north are zoned B-2 Community Business. The properties to the west are zoned B-2 Community Business, to the south is a B-2 Community Business, and to the east is I-2 Industrial.

Mr. Creech then shows maps which were included with the original agendas, as well as the site plan. He goes over the Applicant's proposed project, including the landscaping plan, and proposed drive-thru convenience store. He shows the plans for a garbage dumpster pad, but there is no further information for it. He then shows additional photographs of a similar project being done in the Dayton area which would be used for a model for the current proposal.

Summary Review of Conditional Use Standards:

Section 1155.10.2 confirms that the Planning Commission has no obligation to approve a Conditional Use. The Hamilton Zoning Ordinance assumes that the uses listed as conditional are not outright appropriate unless an applicant demonstrates to the Planning Commission that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which the Conditional Use is proposed.

Mr. Creech then goes over the 9 conditional use criteria, and the applicant's responses to those criteria. He notes that on the site plan, there are two driveways on each street, and the applicant indicates that two of those driveways located nearest the intersection on both frontages will be removed, so that should improve safety. Mr. Werdmann asked for clarification on the map, and Mr. Creech showed him. Mr. Samoviski also asked Mr. Creech to point out the proposed landscaping, and Mr. Creech did so.

Mr. Creech then states that Public Hearing Notices were mailed to the owners of 93 properties within 500 feet of the property in question. There were no phone calls or objections expressed to the proposed conditional use for 1316-1320 Grand Boulevard.

He then gave the Recommendation of the Community Development Department, with the 12 conditions that it recommends be attached to the approval, should said approval be granted, with one additional request that all applicable conditions be added to the final development/construction plans.

He showed a copy of their application, written responses to criteria, and additional site plan.

Mayor Moeller asked for any comments from the audience. First to speak was Ms. Dorothy Kennedy, 1312 Grand Boulevard. She was concerned about whether or not there was going to be a privacy fence put up behind the subject property. Mr. Creech showed her the map and said that he believes that a 6' privacy fence will be erected (wood or vinyl that can't be seen through) if the request is approved.

Mayor Moeller asked Mr. Creech about lights, and Mr. Creech said that the general rule for zoning is that any lights have to be directed on to the property and can't extend past

the property lines. He said that he believes any drawings for lights would be on the construction drawings phase. He then asked Mr. Creech if he knew if there was a fence up now, and Mr. Creech said they only use the front porch of the property now, it's all overgrown in the rear.

Mr. Joshua Liles of Apex Engineering spoke next. He said that he's the one that drew the plan up. He said that they are fine with all of the additional conditions that were proposed. He said that as far as the design, he does believe there would be a 3' to 4' retaining wall in the rear, and then a privacy fence going on that wall. He said that he believes this new design will benefit the area, since it will do away with people setting up on the weekends to sell their wares. He reiterated that they would be moving two of the access points which will help with the safety of going in and out.

Mr. Werdmann asked what type of sign would be used (monument type?). Mr. Creech replied that it's addressed in #8 of the conditions that they are asking be added. He said that the maximum size for a monument sign is 8'.

Mr. Samoviski made a Motion to close the Public Hearing. With a 2nd by Ms. Horsley and all "Ayes", the Motion carries.

Mr. Samoviski made a Motion to approve the request, subject to the 13 criteria outlined in the report. With a 2nd by Mr. Belew and all "Ayes", the Motion passes and the request is approved with conditions as set forth.

Mr. Creech said that the next step is for this to go to City Council, and he gave the timeline for Caucus Report, First Reading (open for public comments), and 2nd and final reading on February 24, 2016.

Reports:

1. Mr. Wilson gave a report from the Architectural Design Review Board meeting from January 5, 2016 (220 High Street – signage for Artspace was approved). There is a meeting set for later that same day.
2. Verbal Report on Board of Zoning Appeals Meeting Results of January 7, 2016 by Mr. Creech regarding a variance request by Certified Gas Station on High Street. The request was approved with conditions.

MISCELLANEOUS

Mr. Creech asked that the Board receive a letter from the City of Hamilton School District appointing Mr. Tom Alf as their representative to the Planning Commission Board.

Mr. Samoviski made a Motion to accept the letter, with a 2nd by Mr. Belew. With all "Ayes", the Motion passes.

There was then a discussion regarding the appointment of a representative and an alternate to the Board of Zoning Appeals. Mr. Scharf made a suggestion of a temporary appointment to the next BZA meeting on February 4, 2016. Mr. Samoviski said that he will be out of town, Mayor Moeller will be in Hamilton County in Court, and Ms. Horsley said she is not available. Given that no one is available, they decided to discuss it at the next meeting.

With regard to the ADRB, they need an alternate to be appointed. Ms. Horsley resigned, and Mr. Belew is her alternate. He said that he needs an alternate also. Mayor Moeller said that they will discuss that at the next meeting also.

ADJOURNED:

With nothing further, Mr. Samoviski made a Motion to adjourn. With a 2nd by Ms. Horsley and all “Ayes”, the Motion carries and the meeting is adjourned.

Respectfully submitted,

Ms. Kim Kirsch
Administrative Assistant

Signed:

Director
Community Development/Designee

Chairperson