

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. April 4, 2016

Alf	Belew	Horsley	McAllister	Moeller	Samoviski	Smith

2. April 18, 2016

Alf	Belew	Horsley	McAllister	Moeller	Samoviski	Smith

3. June 20, 2016

Alf	Belew	Horsley	McAllister	Moeller	Samoviski	Smith

Old Business: None

New Business:

Agenda Item #1- Public Hearing

Request by Allen Loudiy, for a Conditional Use to allow the establishment of an Automobile Service and Minor Repair facility to operate on the property zoned B-2 Community Business District located at 735 South Erie Boulevard. (Allen Loudiy, Owner/Applicant).
Staff: John Creech



Alf	Belew	Horsley	McAllister	Moeller	Samoviski	Smith

Agenda Item #2- Public Hearing

Request by Hamilton City School District, for a Conditional Use to allow the establishment of an Institutional Use i.e. public education facility on property zoned R-4 Multi-Family Residence District located at 140 Ross Avenue (Hamilton City School District, Applicant) Staff: John Creech

Alf	Belew	Horsley	McAllister	Moeller	Samoviski	Smith

Agenda Item #3- Public Hearing

Request to Vacate a Portion of the Bender Avenue Alley, located in the Fifth Ward, City of Hamilton, Butler County, Ohio (Marcell’s Inc., Applicant) Staff: John Creech

Alf	Belew	Horsley	McAllister	Moeller	Samoviski	Smith

Reports:

1. Verbal Report on upcoming Architectural Design Review Board Meeting of August 2, 2016 – Staff: John Creech
2. Verbal Report on previous Planning Commission cases in progress – Staff: John Creech

Adjournment:



**WRITTEN SUMMARY
PLANNING COMMISSION
MEETING MINUTES
Monday, April 4, 2016
1:40 p.m.**

Roll Call:

Members Present:

Mr. Tom Alf, Mr. Dave Belew, Ms. Teri Horsley, Mr. Dale McAllister

Members Absent:

Mayor Pat Moeller, Mr. Mike Samoviski and Mr. Joshua Smith

City Staff Present:

Mr. Eugene (Bud) Scharf, Mr. John Creech, Ms. Meredith Murphy, Ms. Heather Hodges, Mr. Ed Wilson, and Ms. Kathy Dudley (Assistant Law Director)

Swearing in of Those Providing Testimony to the Commission:

Ms. Dudley swore in the audience members wishing to speak.

Old Business:

None

New Business: Agenda Item #1 - Public Hearing

Staff: John Creech

- 1) Request to Approve Building Placement, Building Height and Parking Location on property located within the Neighborhood Initiative Area Conservation Overlay Zoning District (NIA), and**
- 2) Request for a Conditional Use to allow the establishment of a Drive-Through Facility (i.e. retail/commercial establishment) to operate on property located at NW corner of Central Avenue and Knightsbridge Drive (Jeffrey Sackenheim, Applicant/Frank Pfirman, Gunnar Realty, LTD, Owner).**

Introduction:

This is a two-fold request submitted by Jeffrey Sackenheim on behalf of Frank Pfirman, Gunnar Realty LTD, to 1) approve Building Placement, Building Height and Parking Location on property located within the Neighborhood Initiative Area Conservation Overlay Zoning District (NIA), and 2) a Conditional Use Request to establish a Drive

Through facility (i.e. retail/commercial establishment) use on the property located at on the NW corner of Central Avenue and Knightsbridge Drive.

The property is zoned B-2 Community Business zoning district (Exhibit B) and is located within the boundary of the Neighborhood Initiative Area (NIA) Overlay Zoning District. The property is comprised of eight (8) separate lots including a vacated alley and a portion of an existing alley and comprises approximately 1.1 acres. Within the boundaries of the NIA zoning overlay district a "Drive Through Facility use requires Conditional Use review by the Planning Commission (Section 1127.50) and approval by City Council. New buildings within the NIA overlay zone must meet certain general site design requirements and specific building design requirements in Section 1127.70. These design requirements can be waived or modified by a majority vote of the Planning Commission.

Mr. Creech says that to his recollection, there may have only been one or two developments in the past ten years within the NIA zone (Beacon Pointe Redevelopment). They had several exceptions to the NIA overlay that were approved by the Planning Commission.

Mr. Creech then shows the map of the area with regard to the surrounding zoning. He says that the properties to the north are zoned B-2 Community Business. The properties to the west are zoned R-3 One to Four Family Residential, the properties to the south are zoned B-2, R-3 and R-4 Multi-Family Residential, and to the east is I-2 Industrial District.

He then shows a map with the proposed property outlined in red.

Proposed Project:

The proposed project is a single story 5,900 square foot building with four separate and distinct storefronts (two 1,400 sq ft commercial spaces and two 1,540 sq ft commercial spaces). The building will face southeast towards the intersection of Knightsbridge Drive and Central Avenue and will be approximately 20' in height. Each of the four storefronts will vary architecturally in finish masonry material, color, window area, and roof parapet. There is a central inset area of the building that will be utilized as an outdoor patio for building occupants and customers.

The proposed project includes six (6) designated employee parking spaces in the rear of the building and seventeen (17) spaces in front of the building, for a total of 23 spaces. There is adequate space in front of the building to add an additional bay of 12 parking spaces if necessary. A total of twelve parking spaces are required per the Hamilton Zoning Ordinance.

The eastern most retail space closest to Central Avenue will be designed to accommodate a vehicular drive through. The drive through lane is approximately 200 feet in length for vehicular stacking.

Short Street Alley

The portion of the existing alley on the northern portion of the property (Short Street Alley) is proposed to be vacated and rededicated. The alley currently intersects Central Avenue at an angle less than 90 degrees – the proposed realignment will intersect at a right angle. Public Works Department and Traffic Engineering have reviewed the Conditional Use plans and indicated that the proposed alley realignment is an improvement to the current angle of the alley. They have indicated that the realigned alley be widened adjacent to Central Avenue to accommodate two-way traffic.

Mr. McAllister asked for verification regarding an alley that had previously been vacated, and Mr. Creech verified its location.

Mr. Creech then shows the information provided by the Applicant in support of the Application (including site plan, the building setback, parking, detailed landscaping plan, architectural renderings showing building from “bird’s eye view”). Mr. McAllister asked about the placement of the drive-thru and Mr. Creech answered his question.

Mr. Creech then spoke about the NIA Design Guidelines, and said that he believed that they were created to make sure that the uses were not detrimental to the abutting residential areas (hence the landscaping and building design requirements). He shows a chart that he put together for the Board with relation to the “Building Placement, Building Height, and Parking Location”, and the proposed plans.

NIA Conservation Overlay District Guidelines (Section 1127.00)

	NIA Overlay Guidelines	Proposed
Building Placement	Within 5 ft – 10 ft of ROW	50 ft – 80 ft
Building Height	45 ft (10 ft for every 8 ft of bldg width)	18 ft – 20 ft (to delineate individual storefronts)
Parking Location	Rear or side of building	Front of building

He said that with these restrictions, the wider the building, the taller it must be, and he gave more specific information of the placement of the proposed building with regard to the guidelines.

He further advised that a unanimous vote of the Planning Commission will approve the proposed development, Site and Building Design Standards, as indicated in the right column of the chart above.

With regard to #2 of the Request, Mr. Creech states that Section 1155.00 which regulates Conditional Uses states that the following: A drive-through facility (i.e. retail/commercial establishment) use is a conditional use in the NIA Overlay 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.

Mr. Creech then states that the applicant is required to submit a written description of their project and to address the nine (9) criteria. He says that the Applicant has done that, and the information is provided in the Board packets provided. He summarizes the requested information and gives a bit of additional information, including staff information and some of the applicant's rationale for their responses to said criteria.

Mr. Creech advised the Board that notice of the public hearing was mailed to the owners of 78 properties within 500 feet of the property in question, and four telephone calls were received with inquiries, but no objections were voiced.

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.

Two separate votes are necessary to approve the site plan and conditional use request:

One vote will approve the development with respect to the NIA Conservation Overlay Zoning District Guidelines and the other vote will approve the Conditional Use with recommendation to be forwarded to City Council for final disposition.

If the Planning Commission approves the Central Avenue Square Development with respect to NIA Conservation Overlay Zoning District Guidelines, the Department of Community Development requests that the Planning Commission approve the request with the following motion:

- 1) The Planning Commission approves the Central Avenue Square development for Building Placement, Building Height and Parking Location as submitted in accordance in Section 1127.30 NIA Conservation Overlay Zoning District Design and Plan Review.**

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 ten 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 single story, brick and stone, masonry material veneer as shown on plans and supporting material submitted by the applicant. The same finish materials shall be applied to the dumpster enclosure.**
- 3. Proposed privacy fencing to be wood or vinyl construction, not chain link.**
- 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, fencing, and striping).**
- 5. No exterior storage/sales of merchandise or materials.**
- 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.**
- 9. The portion of the Short Street Alley to be vacated and realigned to comply with recommendation of Public Works Department i.e. the realigned alley should be widened adjacent to Central Avenue to accommodate two-way traffic.**

10. Any areas of the site that are not used for building, landscaping or approved parking to be planted with grass.

Mr. McAllister then asked if there was anyone in the audience wishing to speak to the Board regarding this item.

First was Mr. J. Cruz, 1150 Oakmont Avenue. He spoke about some properties that he owns in the Beacon Pointe area and some changes that he would like to make to them, but isn't permitted to. He also wondered how the new buildings would fit in with the surrounding houses, which he believes are older (possibly 100 years old). He expressed concern about additional traffic in the area if this project is approved with regard to the school on Knightsbridge. Mr. Cruz goes on to say that with regard to the comment that the properties are in disrepair, he believes that it's been the same owner for them, so it was the owner's choice to let them get that way so he could knock them down and do what he wanted with the land. Lastly, he stated that he owns properties two streets over, and he didn't receive any letters or notice, and gave information on how some other cities give notice of proposed changes to properties. He said that he doesn't believe that this particular change will benefit the neighborhood.

Mr. McAllister asked Mr. Cruz if he believed that it could be beneficial to the neighborhood and industry in the 2nd ward, and he answered that he believed that there are stores all over the neighborhood that serve the community. He said that he doesn't necessarily believe that it will create jobs for people from the community it's being built in, because he doesn't believe that Matandy employs people from that community now. He thinks there are other things that could benefit the community more than what is being proposed. They then had a bit of additional conversation about how the community could be improved, job creation and availability for community members, and notification areas for proposed changes to the neighborhood. Mr. McAllister replied that the residents from the community should have the same opportunity for employment as anyone else.

Ms. Becky Maggard (Maggard's Grocery) was there and she said that she was speaking on behalf of herself and Myrtle Smith from Smith's Drive-Thru (also in attendance). She had concerns as well as to whether or not the jobs that are being created will be filled by anyone in the surrounding community. She said that she's worried that they won't have the same chance as everyone else due to being from "second ward". She spoke about the loss of income to their businesses in between the time that the housing projects were torn down and Beacon Pointe was built. She's just not sure that the proposed unit will benefit everyone, but perhaps just Miami University or Vora. She said that they hear from people in the community that don't want to come to City Council. She said that the owner of Smith's Drive Thru would like to know if something is going to go in that will be competition for her store. Lastly, she asked what the benefit is of putting in another "drive-thru" when there is already one there.

Mr. McAllister replied that the “drive-thru” won’t be for liquor, it will be at the end of the building for whatever type of business is there (coffee, etc).

Ms. Myrtle Smith of Smith’s Drive Thru then spoke. She is concerned that the addition of that type of business there will cause more traffic in an area that already experiences a large number of traffic accidents.

Mr. Frank Pfirmman then spoke. He said that as far as jobs, their involvement would be just to build the building, and then lease it out. He assumes that the hiring would be done of local citizens. He said that he believes that 100% of his staff of over 100 employees of Matandy are from the local area. Regarding the drive-thru, the reason that they have asked for a drive-thru is that it’s a good marketing strategy. He said that it’s still in the planning phase, and the plans may change. He doesn’t believe that the proposed project will make the traffic accidents any worse. He said that he believes that they have improved their buildings that are in the entrance into town and if they can accomplish what they want, he believes that it will benefit the city. He said that they didn’t put up a sign because there’s nothing yet that guarantees what type of business will be put in there. He also addressed the concern of a new building vs. older housing in the area. He said that with regard to the “second ward” comment, that area has been good to their business, and he hopes that they can give back to them. He concluded by saying that he doesn’t believe that anything will go in that would have a negative impact on Maggard’s Grocery or Smith’s Drive-Thru.

Mr. Greg Lewis (representing Mr. Sackenheim), spoke next. He said that the site was already zoned for business. He said that they are looking to build something that is consistent with the scale of the neighborhood, and will benefit the neighborhood. He spoke a bit more about the location of the business, the specifics of their site plan and how it relates to the NIA guidelines.

With nothing further from the audience, Ms. Horsley made a Motion to close the public hearing. With a 2nd Mr. Belew and all “ayes”, the public hearing was closed.

Mr. Belew said that based on what Mr. Pfirmman has already done with Matandy Steel and the high quality of that development, he believes that what he is proposing now will be of high standard and enhance the whole neighborhood.

Mr. Alf agreed with Mr. Belew. He said that he when he sees some of his former students from that neighborhood and asks them how they are doing, they are working for Matandy Steel and doing very well. He concluded by saying that he believes that Matandy employs graduates of Hamilton High School and Badin High School, and he commended Mr. Matandy for his efforts.

With regard to #1 of the request, Mr. Alf made a Motion to Approve. With a 2nd by Mr. Belew and all “ayes” to a roll call vote, the Motion passes 4-0.

With regard to #2 of the request, Mr. Alf made a Motion to Approve. With a 2nd by Ms. Horsley and all “ayes” to a roll call vote, the Motion passes 4-0.

Mr. McAllister said that the approval of both would be forwarded to City Council and be heard by them on 5/11/16.

Reports:

Mr. Wilson gave the following verbal report on the upcoming Architectural Design Review Board (ADRB) meeting of April 5, 2016:

1. 337 Ross Avenue – Windows – Tabled from February 2016
2. 1306 Hanover Avenue – Roofing & Gutters – Like for Like
3. 427 Main Street – Signage

Mr. Creech gave the following verbal report on upcoming items for the Board of Zoning Appeals (BZA) meeting on April 7, 2016:

1. 735 S. Erie Blvd – Variance for Auto Service & Minor Repair
2. 576 Sharon Lane – Variance to Number of Accessory Bldgs
3. 1019 Dayton Street – Change to Nonconforming Use
4. 117 Village Street – Appeal of ADRB Decision (Vinyl Siding)
5. 988 Ridgefield Drive – Variances for Accessory Bldg (Height)
6. 244 Main Street – Appeal of ADRB Decision (Mural)
7. 906 East Avenue – Two (2) Zoning Variances for Auto Service & Minor Repair

Mr. Creech then gave the following verbal report on previous Planning Commission cases in progress:

1. 2311 Lincoln Ave Rezoning – City Council Second Reading 4/13/16
2. 200, 202, 204, 206 N. Dick & 770 Park Ave – City Council First Reading 4/13/16
3. 814 Park Ave – City Council First Reading 4/13/16
4. Adult Business Amendment – City Council Caucus 4/13/16
5. IPD Amendment – City Council Caucus 4/13/16
6. 115 Dayton St – City Council Caucus 4/13/16
7. General Scott Replat & Right of Way Dedication – City Council Caucus 4/13/16

Adjournment:

Ms. Horsley made a Motion to adjourn. With a 2nd by Mr. Alf and all “ayes”, the meeting was adjourned.

Respectfully submitted,

Ms. Kim Kirsch
Administrative Assistant

Mr. Eugene Scharf
Secretary

Mr. Dale McAllister
Chairman

DRAFT

**WRITTEN SUMMARY
PLANNING COMMISSION
MEETING MINUTES
Monday, April 18, 2016
1:40 p.m.**

Roll Call:

Members Present: Mr. Dave Belew, Mr. Dale McAllister, Mayor Pat Moeller, Mr. Mike Samoviski, and Ms. Kathy Dudley (Assistant Law Director for Mr. Joshua Smith)

Members Absent: Mr. Tom Alf and Ms. Teri Horsley

City Staff Present: Mr. Eugene (Bud) Scharf, Mr. John Creech, Ms. Meredith Murphy, Ms. Kim Kirsch, Mr. Ed Wilson

Swearing in of Those Providing Testimony to the Commission: Ms. Dudley swore in the audience members wishing to speak.

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

January 19, 2016 – Motion by Ms. Dudley to table the approval of the minutes until next meeting due to the number of other Board members absent. With a 2nd by Mr. Samoviski and roll call responses of all “Ayes”, the Motion passes and the minutes are tabled until the next meeting.

Old Business: None

New Business: Agenda Item #1 - Public Hearing

Staff: John Creech

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).

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.

Mr. Creech then shows a site plan and gives the lot size (1.2 acres) and the minimum that is required by zoning. He says that the building will be setback 50' along Kiesland and 80' along Symmes Road. He then showed a sample provided by the applicant of the proposed colors for the building. He says that the applicant has provided all necessary information required for the Planning Commission (including written description of property and site plan). He adds that the applicant has met the 9 criteria, and he shows a summary on the screen.

Notification:

Public Hearing Notices were mailed to the owners of 9 properties within 500 feet of the property in question. There were no objections expressed to the proposed Conditional Use for 3720 Symmes Road.

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.

Recommendation:

A review of the nine Conditional Use Review Criteria – General Standards founds in Section 1155.30 (Exhibit C provided to the Board) 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.**

Mr. Creech concluded by saying that the hearing was advertised as a Public Hearing, and the applicant is present if the Board has any questions.

With no one in the audience wishing to speak and no questions for the applicant by the Board, Mr. Samoviski made a Motion to close the Public Hearing. With a 2nd by Mr. Belew and all “ayes”, the Public Hearing was closed.

Mr. Samoviski made Motion for the Planning Commission to approve the request as presented, with the 9 conditions as set forth, with a 2nd by Mr. Belew.

Mr. McAllister requested that the Applicant plant some trees on the east side of the property, and he said that he had spoken to Mr. Creech about that and he was definitely going to do that.

With a roll call vote of all “ayes”, the Motion passes 4-0, and the request is approved.

New Business: Agenda Item #2 - Public Hearing

Staff: John Creech

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).

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, and the lots are currently vacant.

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.

Mr. Creech showed a map depicting the zoning for the surrounding properties (B-2, I-1 or I-2). He says that the area outlined in yellow is the existing property, and the red box is the proposed portion to be added. He also shows supporting information provided by the Applicant, and the proposed plan. He points out to the Board that the existing Quality Auto Sales property will remain as is, there are no changes to it. The new parcel that will be added to it will comply with all the requirements in the zoning code for Automobile Sales Uses.

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).

Mr. Creech shows the 9 General Standards for review, with the Applicant's rationale noted in italics.

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.”*
- (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).

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. If they do that at a later date, they would come back to Planning Commission with a request for a Conditional Use.

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:

Mr. Creech stated that Public Hearing Notices were mailed to approximately 40 property owners within 500 feet of the property in question. There were two phone calls received, one with questions about the proposed conditional use, and the other in support of the Conditional Use.

Recommendation:

A review of the nine Conditional Use Review Criteria – General Standards founds in Section 1155.30 (Exhibit C as provided to the Board) 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.

Mr. Creech concluded his presentation, and advised the Board that the Applicant was present, should they have any questions for him.

Mr. Mike Dingeldein, CDA (representing Shane Kelly) introduced himself to the Board. He said that Mr. Creech had covered the item very thoroughly. He said that this is an expansion of their existing use, and they do have plans for a future building, but are not ready for that yet. At this time, they are hoping to expand onto that lot, and are continuing to meet all of the requirements of the Conditional Use. He went on to say that this since this is a continuation of a lot that has already been approved (and as presented), they believe that this is a straightforward application.

Mr. McAllister asked Mr. Creech if the lots are combined, is the “grandfathering” of the 10’ setback for vehicles still in existence, or would they lose that. Mr. Creech replied that it will stay the same if they combine the lots, and it would only change if they propose any changes on that lot (i.e., taking down buildings and replacing them with new ones, or changing landscaping).

Ms. Dudley asked if one person owned all of the parcels and Mr. Dingeldein replied “yes”. She asked if they have been combined on the Butler County Auditor’s website, and he replied that is in process at this time (there is clear title for all parcels). She then asked Mr. Dingeldein a few questions about the location of the proposed curb cuts. He answered those in detail, and gave a little more information about their plans for the lot.

Mr. Scharf asked if there were plans to remove any of the existing buildings at the current time, and Mr. Dingeldein said that there are no plans at this time. He said that there are two buildings on the lot currently and those would remain until he comes back to the Board for permission to put up a new building. Mr. Scharf then asked if Mr. Kelly would be operating the businesses located in both of those buildings, and Mr. Dingeldein replied that he will.

Ms. Dudley asked Mr. Dingeldein what the current uses are for the two buildings. He replied that the large building to the south is the auto sales and repair building, and the building to the north is an auto parts recycling business. He said that the applicant sells parts off of cars.

Mr. McAllister asked if a “recycling business for auto” is a permitted use, and Mr. Creech said that if it is a “junkyard”, that is not a permitted use. Mr. Creech said if they are refurbishing a part and then selling it, that is probably allowed. To bring a car and disassemble it would not be allowed. Mr. McAllister advised Mr. Dingeldein that he would need to make sure that the owner was aware of those restrictions.

Mr. Samoviski made a Motion to close the public hearing. With a 2nd by Ms. Dudley and all “ayes”, the public hearing was closed.

Mr. Scharf suggested that an extra condition be added as #8, that no part disassembly may be done on the premises other than repair, and it must be done indoors.

Mr. Samoviski made a Motion to approve the request for Conditional Use subject to the seven (7) conditions as listed, and the addition of #8, that would prevent disassembly of automobiles on the subject property. With a 2nd by Mr. Belew and all “ayes” by roll call vote, the Motion passes with a vote of 4-0.

New Business: Agenda Item #3 - Public Hearing

Staff: John Creech

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).

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 the 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 for the Board’s review. According the contractor, the reason for the request is because members get wet when they are trying to do business on that side of the drive-thru because it doesn’t extend far enough out.

Mr. Creech shows the maps depicting the current property and the proposed change.

Mr. Creech says that fifty four (54) public hearing notices were mailed to property owners within 500 feet of the subject property. In response, several phone calls of inquiry were received, but no objections.

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.

Mr. McAllister asked if there was anyone in the audience wishing to speak on the matter. There being none, Mr. Samoviski made a Motion to close the public hearing. With a 2nd by Mr. Belew and all "ayes", the Motion carries and the public hearing is closed.

Mr. Samoviski made a Motion to approve the request as presented, with a 2nd by Mr. Belew. Mr. Scharf asked Mr. Creech a procedural question, and Mr. Creech answered it. With all "ayes" by roll call vote, the Motion passes with a vote of 4-0.

Reports:

Mr. Wilson gave the following verbal report on the upcoming Architectural Design Review Board (ADRB) meeting of April 19, 2016:

1. 407 North Third Street (German Village) – Rear addition
2. 339 North Third Street (German Village) – Painting
3. 345 North Third Street (German Village) – Painting and remove wooden shakes
4. 401 North Third Street (German Village) – Painting
5. 311 Village Street (German Village) – Painting
6. 21 South C Street (Rossville-Main Street) – Painting
7. 100 North B Street (State Historic Inventory) – Wood front porches, metal wrap of cornices

Mr. Creech gave the following verbal report on results of Board of Zoning Appeals (BZA) meeting of April 7, 2016:

1. 735 S. Erie Blvd – Variance for Auto Service & Minor Repair – Tabled at request of Applicant
2. 576 Sharon Lane – Variance to Number of Accessory Bldgs – Approved
3. 1019 Dayton Street – Change to Nonconforming Use – Approved
4. 117 Village Street – Appeal of ADRB Decision (Vinyl Siding) – Approved
5. 988 Ridgefield Drive – Variances for Accessory Bldg (Height) – Approved with Conditions
6. 244 Main Street – Appeal of ADRB Decision (Mural) - Approved

Mr. Creech then gave the following verbal report on previous Planning Commission cases in progress:

1. 2311 Lincoln Ave Rezoning – City Council 2nd Reading 4/13/16 - Tabled
2. 200, 202, 204, 206 N. Dick & 770 Park Ave – City Council 1st Reading 4/13/16 - Tabled
3. 814 Park Ave – City Council 1st Reading 4/13/16 - Tabled
4. Adult Business Amendment – City Council Caucus 4/13/16
5. IPD Amendment – City Council First Reading 4/27/16
6. 115 Dayton St – City Council First Reading 4/27/16
7. General Scott Replat & Right of Way Dedication – City Council First Reading 4/27/16
8. Central Avenue Square – City Council Caucus 4/27/16

Adjournment:

Ms. Dudley made a Motion to adjourn. With a 2nd by Mr. Samoviski and all “ayes”, the meeting was adjourned.

Respectfully submitted,

Ms. Kim Kirsch
Administrative Assistant

Mr. Eugene Scharf
Secretary

Mr. Dale McAllister
Chairman

**WRITTEN SUMMARY
PLANNING COMMISSION
MEETING MINUTES
Monday, June 20, 2016
1:30 p.m.**

Roll Call:

Members Present:

Mr. Tom Alf, Mr. Dave Belew, Ms. Teri Horsley, Mayor Pat Moeller, and Mr. Mike Samoviski

Members Absent:

Mr. Dale McAllister and Mr. Joshua Smith. With Mr. McAllister being absent, Mayor Moeller was Acting Chair.

City Staff Present:

Mr. Eugene (Bud) Scharf, Mr. John Creech, Ms. Meredith Murphy, Ms. Kim Kirsch, Mr. Ed Wilson, and Ms. Kathy Dudley (Assistant Law Director). Ms. Tomika Hedrington (Contract employee for the City of Hamilton) was also present.

Swearing in of Those Providing Testimony to the Commission:

Ms. Dudley swore in the audience members wishing to speak.

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

January 19, 2016 – Motion to accept by Mr. Samoviski, 2nd by Mr. Belew. With all “ayes” to a roll call vote, the Motion passes.

February 15, 2016 – Motion to accept by Ms. Horsley, 2nd by Mr. Belew. With all “ayes” to a roll call vote, the Motion passes.

March 21, 2016 – Motion to accept by Mr. Belew, 2nd by Mr. Samoviski. With all “ayes” to a roll call vote, the Motion passes.

Old Business:

None

New Business:

Agenda Item #1

Public Hearing

Staff: John Creech

1) Request to rezone City Lot No. 22049 located at 200 Brookwood Avenue and City Lot No. 22050 located at 218 Brookwood Avenue from R-1 Single Family Residential District to RPD Residential Planned Development District, (Colonial Senior Services, Applicant)

2) Request to approve the Preliminary Plan for a new Westover Retirement Community parking lot, (Colonial Senior Services, Applicant)

Mr. Creech showed the site plan (including the proposed parking lot expansion and lighting/landscaping plans), as well as a map with the proposed changes outlined. He gave a summary of the plans and the reasons for the request.

Introduction:

This is a two-fold request submitted by the Colonial Senior Services for the rezoning of City Lot No. 22049 located at 200 Brookwood Avenue and City Lot No. 22050 located at 218 Brookwood Avenue from R-1 Single-Family Residential District to RPD Residential Planned Development District and to approve the Preliminary Development Plan for a new Westover Retirement Community parking lot.

The rezoning is being sought in order to allow for the construction of a permanent surface parking lot located on the two parcels that would serve the Westover Retirement Community. The subject properties are owned by Colonial Senior Services. The existing Westover Retirement Community site, located at 855 Stahlheber Avenue on approximately 11.7 acres, excluding the two lots in question, is currently zoned RPD Residential Planned Development.

A request to rezone property to RPD Residential Planned Development requires the submission of a Preliminary Development Plan to accompany the rezoning request, which if approved, serves as basis for Final Development Plan.

The Westover Retirement Community was rezoned to RPD Residential Planned Development from R-4 Multi-Family Residential in 1992. The site was rezoned to allow a mix of different residential, nursing, Preschool, fitness, general office and supporting facility uses on the property. Currently the Westover Retirement Community contains 21 independent living units (built in the 1980s), and approximately 104 assisted living dwelling units and apartments including various on-site amenities i.e. nursing, medical rehab, dining, Preschool/daycare, and wellness center. In addition, there are currently 164 on-site parking spaces.

Parking Lot Expansion

As mentioned, the zone change is requested in order to utilize the subject properties for additional surface parking purposes. Westover proposes to expand an existing parking lot with approximately 53 parking spaces. The proposed parking lot will abut and be an extension of the existing 50 space parking lot that was approved in 2011. The proposed parking lot will be accessible by vehicles from Brookwood Avenue with new driveway near the west property line. As currently planned, the proposed parking lot will be used by both staff and visitors to the Westover Retirement Community.

Notification:

Mr. Creech states that Public Hearing notices were mailed to all property owners within five-hundred (500') feet of the subject property. A number of inquiries were received requesting clarification and to express concerns about the project. He said that one neighbor who lives adjacent to the proposed parking lot (couldn't attend the meeting) asked that the Planning Commission consider having Colonial Senior Services extend the proposed privacy fencing behind his house, and he gave a bit more information about what the neighbor had to say with regard to that request.

Recommendation:

If the Planning Commission approves the request to rezone the subject property and approve the Preliminary Development Plan submitted by Westover Retirement Community, the Community Development Department recommends that the Planning Commission consider the following motion and conditions of approval:

- 1) That the Planning Commission approves the requested zone change from R-1 Single-Family Residential District to RPD Residential Planned Development District and recommend to City Council that the zone change be approved.
- 2) That the Planning Commission approve the Preliminary Development Plan for the proposed parking lot subject to the following conditions:
 - a. Preliminary Development Plan will serve as the basis for the preparation of the Final Development Plan.
 - b. 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.
 - c. All proposed landscaping item sizes to conform to the minimum size requirements found in Section 1110.20 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).
 - d. Landscaping, privacy fencing, fencing, parking lot surface, lighting, striping and other improvements be installed and maintained in good repair and

expansion of this type of illegal signage creates visual clutter and can impact the economic vitality of struggling business areas and districts.

He then showed examples of several signs, stated that the City of Hamilton already allows a generous amount of signage for business identification and advertising purposes, and went through different formulas and rules that apply to different types of signs. He went through the process that the department follows in addressing these complaints, talked about issues with different types of signs, and how the current code applies to these signs.

The proposed amendment to the Hamilton Zoning Ordinance will clarify language on “exempt signs” and require that they be free-standing or attached to the principal (main) building on a property and may not be attached to any accessory structures such as fences, light poles, benches or other permitted signs. In addition the proposed amendment will clarify language on “prohibited signs” and call out specifically that bench signs may not be permitted on private property.

He showed the current language in 1138.30 and 1138.40, with the proposed changes highlighted:

1138.30 Exempt Signs: The following signs are not a part of the total signage allotted for a particular use on any property in the City of Hamilton but must comply with other provisions in this section including those relating to construction, maintenance, illumination, safety, area, height, setbacks, number, and other noted requirements. Exempt signs may be free-standing or attached to the principal structure but shall not be attached to any accessory structures i.e. fences, light poles, benches or other permitted signs.

A) Exempt Signs (OR2012-8-68; REVISED OR2014-11-102)

- A. Residential Districts – One (1) sign no larger than six (6) square feet in area, shall not exceed four (4) feet in height, shall not be illuminated and must be maintained in good repair, properly secured against wind loads, and outside the required five (5) foot setback to any property line.
- B. Non Residential Uses in Residential Districts – One (1) sign no larger than 16 square feet in area. Such signs are limited to one (1) per street frontage or two (2) per 300 feet of each lot frontage or portion thereof, setback a minimum of 25 feet from any other exempt or temporary sign, shall not exceed four (4) feet in height, shall not be illuminated and must be maintained in good repair, properly secured against wind loads, and outside the required five (5) foot setback to any property line.

- C. Non Residential Uses in Non-Residential Districts – One (1) sign no larger than eight (8) square feet in area. Such signs are limited to one (1) per street frontage or two (2) per 300 feet of each lot frontage or portion thereof, setback a minimum of 25 feet from any other exempt or temporary sign, shall not exceed four (4) feet in height, shall not be illuminated and must be maintained in good repair, properly secured against wind loads, and outside the required five (5) foot setback to any property line.

1138.40 Prohibited Signs And Sign Characteristics: All signs not specifically permitted by or exempted from these regulations are prohibited and must be removed. Such signs include but are not limited to:

- A) Animated signs or devices with parts that move or revolve including pennants, streamers, spinners, or which have flashing or intermittent lights, but not including signs with scrolling messages, changeable copy signs, or signs with video screens, except Iconic Signs within the Route 4 Iconic Signage District. (OR2012-8-68)
- B) Bench signs painted on or affixed to benches in the public right of way or on private property.

RECOMMENDATION

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 Signs in Section 1138.00.

Mr. Creech concluded by saying that the hearing was advertised as a Public Hearing. Acting Chair Mayor Moeller asked if anyone in the audience wished to be heard regarding the matter. There being none, Mr. Samoviski made a motion to close the public hearing. With a 2nd by Mr. Belew and all “ayes” to a roll call vote, the motion passes and the public hearing was closed.

Acting Chair Mayor Moeller asked if there was any discussion by the Board. Ms. Horsley had a question for Mr. Creech regarding the company that sells advertising for bench signs in the city, and he answered that.

Mr. Alf made a Motion to approve the request with recommendations as stated. With a 2nd by Ms. Horsley and all “ayes” to a roll call vote, the item was approved by a vote of 5-0.

Agenda Item #3

Public Hearing

Staff: John Creech

Request to Amend the Zoning Ordinance of the City of Hamilton, Ohio regarding Architectural Design Review Board fees: Section 1126.00 Architectural Conservation/Historic Districts and Section 1190.00 Fee Schedule (City of Hamilton, Applicant)

BACKGROUND INFORMATION

Mr. Creech explained who needs to obtain a Certificate of Appropriateness (COA), and how the process works to obtain one. The Community Development Department of the City of Hamilton currently requires an application for a Certificate of Appropriateness (COA) for any change to the exterior of an historic building located in an Architectural Conservation/Historic District, or listed on the State of Ohio Historic Inventory. There is a charge of \$50.00 for a commercial property application, and a charge of \$25.00 for a residential property application. Currently, this application fee is collected even if the applicant is using the same color or materials that are currently applied or part of the house or structure.

In order to promote maintenance and conserve the character of historic structures in the City of Hamilton, the Community Development Department is proposing an amendment to the Hamilton Zoning Ordinance to waive the application fee on COA applications in two types of instances; (1) COA applications that are considered “Like for Like” (the repair or improvement being done utilizes the existing materials/colors and replaces them with matching materials) and; (2) COA applications where the applicant proposed to return or restore to previous or original historic materials that can be referenced in past Architectural Design Review Board or other official City of Hamilton/ State of Ohio Historic Inventory records.

The proposed amendment to the Hamilton Zoning Ordinance will clarify language on what constitutes a “Like for Like” COA application and waive the COA application fee for applicants that are maintaining or returning to the original or historic materials of structures located in the City of Hamilton.

Mr. Creech then shows the current Zoning Amendments to Section 1126.00 and Section 1190.00 Fee Schedule, with the proposed changes highlighted:

Attachment 1 Proposed Zoning Amendments to Section 1126.00
Architectural Conservation/Historic Districts and Section 1190.00
Fee Schedule
Current Code References (with **proposed** and **removed**)

1126.00 ARCHITECTURAL CONSERVATION /HISTORIC DISTRICTS

1126.20 Definitions:

11. **Like for Like** - A repair or improvement in relation to a property in an Architectural Conservation/Historic District or a property listed on the State of Ohio Historic Inventory in which the repair or improvement is being done that utilizes the existing materials/colors and replaces them with matching materials.
12. ~~41.~~ **Owner** - the owner or owners of record
13. ~~42.~~ **Preservation** - The act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic property
14. ~~43.~~ **Reconstruction** - The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure or object for the purpose of replicating its appearance at a specific period of time and in its historic location
15. ~~44.~~ **Rehabilitation** - The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features, which convey its historical, cultural, or architectural values
16. ~~45.~~ **Restoration** - The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project
17. ~~46.~~ **Review Board or Landmarks Commission** - the board or commission established under the provisions of the enabling legislation (OR2011-12-122)
18. ~~47.~~ **Sign** - As Defined by Section 1108.00 Definitions of the Hamilton Zoning Ordinance (OR2015-2-13)
 - a. New permanent signage or any change of signage is considered an Alteration to the historic property as defined in

the aforementioned Section 1126.20 of the Hamilton Ordinance. Such proposal shall submit a Certificate of Appropriateness Application for review and approval by the Architectural Design Review Board per Section 1126.00 of the Hamilton Zoning Ordinance.

- b. Proposed freestanding permanent signage must comply with Section 1138.71.D of the Hamilton Zoning Ordinance.
- c. All proposed permanent signage must comply with the regulations of Section 1138.00 of the Hamilton Zoning Ordinance.

1126.50 Certificate Of Appropriateness: No alteration, painting, design change, color change, construction, reconstruction, erection, removal or exterior work on a structure, and no construction, erection, mounting, painting, design change, color change, moving, removal, or revision of permanent signage to any property in an Architectural Conservation/Historic District where such action or work will affect the exterior architectural and/or historic features or appearance of a structure, site, monument, streetscape, or neighborhood shall be permitted unless and until a Certificate of Appropriateness for such action or work has been applied for and issued by the Architectural Design Review Board, its Secretary, or Chairperson, as authorized by said Architectural Design Review Board. An application for any building permit for use in an Architectural Conservation/Historic District shall also be considered an application for Certificate of Appropriateness. In addition to the requirements for a building permit, an application shall include such other information as may be required by the Architectural Design Review Board for a Certificate of Appropriateness.

A fee will be charged for any Certificate of Appropriateness application that is required to be heard before the Architectural Design Review Board, unless the proposed change is returning to or restoring to previous or original historic materials that can be referenced in past Architectural Design Review Board or other official City of Hamilton/ State of Ohio Historic Inventory records. Fee information is listed in section 1190.12 Certificate of Appropriateness.

1190.00 FEE SCHEDULE

- 1190.12 Certificate of Appropriateness. A nonrefundable fee of Fifty Dollars (\$50.00) on a commercial property, Twenty Five Dollars (\$25.00) on a residential property for a Certificate of Appropriateness will be required for any work on a property in an Architectural Conservation/Historic District or a property listed on the State of Ohio Historic Inventory that is not considered like-for-like (Section

1126.20 #11) or is a return to original historic materials (Section 1126.50).

As of June 14, 2016, the City of Hamilton has collected \$1,725 in COA application fees for the current year, \$375 of which were for “Like for Like” improvements.

RECOMMENDATION

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 Architectural Design Review Board Fees in Section 1126.00 Architectural Conservation/Historic Districts and Section 1190.00 Fee Schedule.

With no one in the audience wishing to speak on the matter, Mr. Samoviski made a Motion to close the Public Hearing. With a 2nd by Ms. Horsley and all “ayes” to a roll call vote, the Motion was passed and the Public Hearing was closed.

Acting Chair Mayor Moeller asked if there was any discussion by the Board. Mr. Belew stated that he would be abstaining from the vote as he is getting ready to ask for a “like-for-like” on his property.

Mr. Alf said that anything that can be done to streamline the process is a benefit, and he is in support of anything that can help the citizens that are investing money into making those sections of the community more attractive.

Acting Chair Mayor Moeller asked for some clarification on if the waiving of fees will be for “like-for-like” only, or if it will also apply to work being done that restores the property back to the way it was, and Mr. Creech answered that.

Ms. Dudley made a suggestion that the word “colors” be added to the last sentence of the definition of “Like for Like”, so that it reads...”replaces them with matching materials/**colors**”, and Mr. Creech was in agreement with that suggestion.

Ms. Dudley then asked if replacing vinyl windows with other vinyl windows was considered “Like-for-Like”, and Mr. Creech said that it was.

Mr. Samoviski made a motion to approve the request with recommendations as stated (including the one made by Ms. Dudley). With a 2nd by Ms. Horsley and all “ayes” to a roll call vote except for Mr. Belew (abstaining), the Motion carries and the request is approved with a vote of 4-1.

**Request to review the Assessment of Fair Housing (AFH)-Draft for Hamilton, Ohio
(City of Hamilton, Applicant)**

BACKGROUND INFORMATION

Mr. Creech states that the City of Hamilton is an “entitlement community”, which means that each year, they receive a certain amount of funding from CDBG and HOME funds.

The Department of Community Development has completed an Assessment of Fair Housing (AFH) as required by the US Department of Housing and Urban Development (HUD). The Assessment of Fair Housing is a requirement of CDBG fund recipients and has been in the Fair Housing Act since 1968. The Planning Commission must hold a public hearing to consider the City of Hamilton’s Assessment of Fair Housing (AFH)-Draft, which includes the City’s assessment and plans to address fair housing issues and concerns in the community.

The objectives of the AFH are to reduce segregation, enhance the nation’s increasing racial, geographic and economic diversity, eliminate racially and ethnically concentrated areas of poverty, reduce disparities in access to important community assets such as quality schools, job centers, and transit, and also to narrow gaps that leave families with children, people with disabilities, and people of different races, colors, and national origins with more severe housing problems.

The Planning Commission will consider recommending or modifying the draft recommendation and submit the AFH to City Council. City Council will consider the Planning Commission’s recommendation or modification before approving and directing the submission of the Assessment of Fair Housing (AFH) to the U.S. Department of Housing and Urban Development.

Mr. Eugene Scharf advised the Board that out of the 1,000 or so “entitlement communities”, Hamilton was chosen as one of 20 cities to start a new process. The name has changed, but the same thing is done as was done for the “Consolidated Plan”. He introduced Tomika Hedrington, told the Planning Commission what her role has been with regard to the Assessment, and gave a few details about the Assessment.

Ms. Tomika Hedrington gave a summary of the things that the Assessment looks at, what the key issues are, what the findings were, and where to find specific information in the Assessment. She concluded by saying that it is a “work in progress”, that it is still a draft, and that Staff welcomes any recommendations by the Planning Commission.

RECOMMENDATION

A draft of the Assessment of Fair Housing (AFH) was attached for the Planning Commission's review.

- 1) If approved by the Planning Commission, the Department of Community Development recommends that the Planning Commission hold a Public Hearing, concur or modify the draft Assessment of Fair Housing (AFH) and forward it to City Council for their consideration.

Mr. Samoviski asked when the Public Hearing would be and how would it be advertised if they approved the recommendation and report. Ms. Hedrington answered that it will go to City Council on July 13, 2016 for a Public Hearing, and then final approval on July 27, 2016. Mr. Scharf added a bit more information as to where and when it would be advertised.

With no one in the audience wishing to speak on the matter, Mr. Samoviski made a Motion to close the Public Hearing. With a 2nd by Ms. Horsley and all "ayes" to a roll call vote, the Motion was passed and the Public Hearing was closed.

Mr. Samoviski made a Motion to approve the request with recommendations as submitted. With a 2nd by Ms. Horsley and all "ayes" to a roll call vote, the Motion was passed and the request to proceed to City Council was approved with a vote of 5-0.

Reports:

- Mr. Creech gave the following verbal report on the upcoming Architectural Design Review Board (ADRB) meeting of June 21, 2016:
 1. 1008 Dayton Street – Fence & Painting

Mr. Creech also stated that there is a meeting between ADRB and StreetSpark prior to that meeting on that date regarding murals.

- Mr. Creech gave the following verbal report on results of Board of Zoning Appeals meeting of June 2, 2016:
 1. 309 N Second St – Variance to rear & side yard setbacks for new garage – Approved
 2. 1001 New London Rd – 4 Variances for accessory building – Approved

- Mr. Creech then gave the following verbal report on previous Planning Commission cases in progress:

1. 206 N Dick, 770 Park Ave – Rezoning to R-2A – Denied effective 6/24/16
2. 200, 202, 204 N Dick Ave – Rezoning to R-2A – Approved effective 6/24/16
3. 814 Park Ave – Rezoning to R-2A – Approved effective 6/24/16
4. 1401 NW Washington – Rezoning to R-0 – Approved effective 7/8/16

Mr. Creech advised that the deadline for submission for the July 5, 2016 meeting had passed and there were no submissions. With agreement of the Planning Commission members, there will not be a meeting on that date. Mr. Creech advised that he will send a notice of the cancellation out to all members.

Adjournment:

Mr. Samoviski made a Motion to adjourn. With a 2nd by Ms. Horsley and all “ayes”, the meeting was adjourned.

Respectfully submitted,

Ms. Kim Kirsch
Administrative Assistant

Mr. Eugene Scharf
Secretary

Mayor Pat Moeller
Acting Chairman

For the Planning Commission Meeting of July 18, 2016

To: Planning Commission

From: John Creech

Subject: AGENDA ITEM #1

Request by Allen Loudiy, for a Conditional Use to allow the establishment of an Automobile Service and Minor Repair facility to operate on the property zoned B-2 Community Business District located at 735 South Erie Boulevard. (Allen Loudiy,

Owner/Applicant)

Date: July 12, 2016

BASIC INFORMATION		
Applicant/Property Owner	Allen Loudiy, Owner & Applicant	
Architect/Engineer/Consultant	N/A	
Size of Property	10,877 sq ft*	
Current Zoning	B-2 Community Business District	
Proposed Use: Conditional Use	Automobile Service and Minor Repair facility	
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	R-3
ZONING/DIMENSIONAL INFORMATION		
	<i>Minimum Required</i>	<i>Existing/Proposed</i>
Minimum Lot Area	20,000 sq ft	10,877 sq ft*
Minimum Lot Width	100 LF	+122 LF
Minimum Front Yard Setback	10 ft	10 ft
Minimum Side Yard Setback	10 ft	10 ft
Minimum Rear Yard Setback	10 ft	10 ft
Maximum Bldg. Height	N/A	N/A
Other Requirements	N/A	N/A

*A variance to reduce the minimum lot size requirement from 20,000 square feet to 10,877 square feet was approved by the BZA on May 5, 2016 (Exhibit F).

Introduction:

This is a request submitted by Allen Loudiy, for a Conditional Use to allow the establishment of an Automobile Service and Minor Repair facility to operate on the property zoned B-2 Community Business District located at 735 S. Erie Boulevard as



shown on the attached Exhibit A map. The property is zoned B-2 Community Business zoning district (Exhibit B) and measures approximately 10,877 square foot property and is comprised of a single parcel (City Lot Nos. 27073). Automobile Service and Minor Repair facility uses are Conditional Uses in the B-2 Community Business Zoning District and require review by the Planning Commission (Section 1121.39.26) and approval by City Council. While the minimum lot area for an Automobile Service and Minor Repair facility is 20,000 square feet, a zoning variance was approved by the Board of Zoning Appeals on May 5, 2016 to reduce the minimum lot size requirement from 20,000 square feet to 10,877 square feet.

Proposed Project:

The proposed project is the establishment of an automobile repair garage on the subject property located at 735 S. Erie Boulevard (City Lot No. 27073). There is an existing 4,800 square foot building on the north side of the property that covers approximately 44 percent of the lot. The building setback varies between 5 to 10 feet from the front property line. According to the applicant, the building will be used for repair services to automobiles.

The site plan indicates that a ten (10') foot wide portion of the existing parking lot along the south property line will be removed and landscaping will be installed and seven (7) vehicular parking spaces will be created along the south wall of the existing building. There is an existing fence that runs along the south and west property line of the existing parking lot on the south side of the building that is proposed to remain. No additional exterior changes are proposed to the existing building or the site.

The site plan indicates that an existing driveway will be utilized for vehicular access to the property from South Erie Boulevard. The property does not have vehicular access to the alley that runs along the rear (west) property line. Vehicular access to the existing building is proposed through two overhead garage doors that face South Erie Boulevard. There is no clearly defined curb, curb lawn or sidewalk along the frontage of the property similar to the automobile sales use across the street.

Surrounding Zoning:

The properties to the north and south are zoned B-2 Community Business District. Immediately to the east is South Erie Boulevard and further east is property zoned I-1 Light Industrial. To the west, across the public alley is property zoned R-3 One to Four Family Residential District.

Notification

Public Hearing Notices were mailed to the owners of 88 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 two objections expressed to the proposed conditional use for 735 S. Erie Boulevard as of



the date of the report, one over the phone and one through email (attached as Exhibit E – Email Objection).

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) review criteria. Information provided by the applicant in response to the nine criteria below is *“italicized”*.

- (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 is located in the B-2 Community Business District where such use is permitted. (See Hamilton Zoning Ordinance Section 1121).”* 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 *“There are no land use impacts emanating from the Applicant’s property. The proposed Conditional Use itself is completely screened from all adjacent properties by virtue of the fact that all aspects of said use (service and parking) will take place inside the building. Any outside customer delivery and employee parking will be completely screened by the opaque board fence and planned vegetative buffer. Public convenience and welfare will be serviced by the productive use of the property that is suited for the immediate area without producing negative land use impacts.”* 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 Conditional Use will be harmonious with the existing longstanding character of the site and the existing character of Erie Boulevard*



and will not change the character of the area.” 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 *“Applicant will use the same essential public facilities and services that have served the property since 1948.”* 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 *“The existing vehicular approaches to the property have existing since 1948. The right-of-way abutting the subject property is large enough (28’ 10”) so as to remove all aspects of potential interference with traffic by ingress and egress to and from the 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 *“There are 18 use standards for Automobile Service and Minor Repair. The proposed change in use complies with all such standards including the 20,000 square foot minimum lot requirement that was modified/waived by the granting of a variance by unanimous vote of the Hamilton Board of Zoning Appeals on May 5, 2016 in Hamilton Zoning Case #2016-4.”* 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 given the screened, buffered, self-enclosed nature of the proposed use.”* 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 conduct of the self-enclosed nature of the proposed use during normal business hours will be virtually unintelligible to*



persons owning adjacent property with no effect upon the general welfare of the vicinity.” 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 use will not impede the normal and orderly development and improvement of surrounding 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.

Review and Findings:

A review of the nine Conditional Use Review Criteria found 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 and the information provided by the applicant on the site plan and supporting material there is sufficient reason in the findings below to consider **denial** of the Conditional Use.

The “situation and conditions of the parcel” identified by the applicant in Parts A and B of attached Exhibit C (lot configuration i.e. shape, existing building) are an issue because of the proposed Conditional Use. The property is zoned B-2 and there are many other permitted commercial land uses in that zoning district that could be pursued by the applicant that are not “conditional uses”.

The BZA granted a zoning variance to reduce the minimum lot size from 20,000 square feet, the property is 10,877 square feet for a use that the zoning ordinance requires to be a minimum of 20,000 square feet. The lot is 54 percent of the required lot size for the proposed Automobile Service and Repair facility. In addition, the existing building measures approximately 4,800 square feet which leaves approximately 6,060 square feet for vehicle parking. The existing building and the vehicular access to the building (garage doors) directly abut the public right-of-way. There is no clear demarcation between vehicular or pedestrian traffic in this public right-of-way area (which is approximately 28’ 10” in width). The existing layout of the site, building configuration, limited on-site parking, and lack of defined curb, sidewalk, and curb lawn may encourage vehicles to pull directly from South Erie Boulevard into the front of the building and garage doors – creating a hazard to vehicular and pedestrian traffic in the 28’ 10” wide public right-of-way area (see Exhibit D).



The site plan indicates seven (7) spaces for vehicle parking for customers, employees, and parking for vehicles awaiting repair and/or pick-up after repair. The zoning code requires one (1) space for every 1,000 square feet of building area i.e. 5 spaces are required. This parking space calculation is based upon a generic commercial standard, and does not include a separate parking space calculation for an automobile repair use.

There is concern that given the size and placement of the existing building, vehicular access to the building directly from the public right-of-way and the few parking spaces provided, that the proposed Automobile Service and Minor Repair facility could be detrimental to the adjacent properties and impair the purposes of the zoning ordinance to project the public interest. If the seven (7) parking spaces are being utilized, vehicles accessing the property could be inclined turn directly from South Erie Boulevard to park in front of the building and garage doors because of the lack of defined curb and curb lawn which could create a hazard to vehicular and pedestrian traffic that traverse the right-of-way in front of the building (see Exhibit D).

Denial of the proposed Conditional Use to establish an Automobile Service and Minor Repair facility does not deprive the owner of a reasonable economic use of the property given that there are other permitted land uses in the B-2 zoning district.

RECOMMENDATION:

If the Planning Commission denies the proposed Conditional Use the Department of Community Development recommends that the Planning Commission utilize the following motion:

The Planning Commission recommends that City Council deny the proposed conditional use after consideration of the site plan, written description provided by the applicant, findings, and review of the Conditional Use Review Criteria – General Standards #2, #3, #5, #7, and #9) for the following reasons below:

- 1) The proposed use will substantially or permanently injure the appropriate use of neighboring property and will not serve the public convenience and welfare, and
- 2) The proposed use will not be harmonious with the existing or intended character of the general vicinity, and that such use will change the essential character of the same area, and
- 3) The proposed use will not have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding streets, and



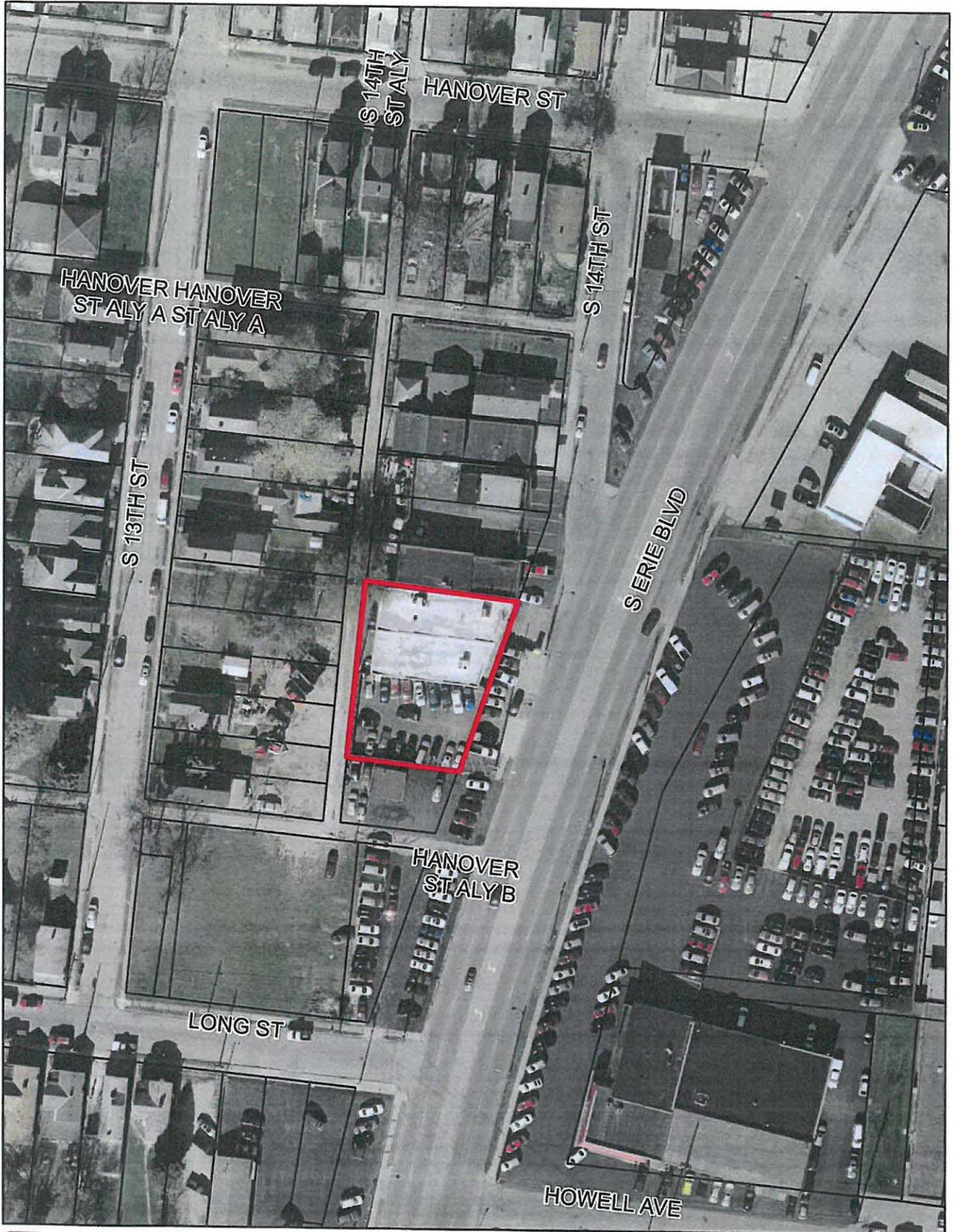
- 4) The proposed use will be hazardous to or have a negative impact on existing or future neighboring uses, and
- 5) The proposed use will impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

Attachments:

- Exhibit A – Public Hearing Location Map
- Exhibit B – Zoning Map
- Exhibit C – Conditional Use Application & Supporting Material
- Exhibit D – Site Photographs – July 11, 2016
- Exhibit E – Email Objection
- Exhibit F – BZA Variance Approval Letter



PUBLIC HEARING NOTIFICATION MAP
735 S. ERIE BLVD



 735 S. Erie Blvd.

0 37.5 75 150 Feet



Exhibit B

PUBLIC HEARING NOTIFICATION MAP
735 S. ERIE BLVD



 735 S. Erie Blvd.

0 37.5 75 150 Feet



A162114

City of Hamilton
BUTLER COUNTY OHIO



Community Development

345 High Street, Suite 370
Hamilton, Ohio 45011

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: 735 S. Erie Boulevard

Lot No(s): 27073

Property Owner: Allen Loudiy

Owner's Mailing Address: 5888 Beacham Drive, Huber Heights, OH 45424

Applicant's Name (If different than owner): _____

Applicant's Mailing Address: _____

Applicant's Email Address: _____

Applicant's Phone Number: _____

Previous Legal Use of Property: Auto Detailing business

Date Previous Use Discontinued: N/A

Proposed New Use of Property: Automotive Service and Minor Repair

Requesting a Conditional Use Approval from the following Sections of the Hamilton

Zoning Code:

1121.39.26

City of Hamilton
 Date: 6/28/2016
 Office: CMST
 Acct: 226680
 Cashier: Consys
 Name: _____
 Payment: Total \$200.00
 Receipt # 00936184
 6/28/2016 9:46 AM
 Check # _____
 Amount: \$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 see attached

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.

Applicant's Signature: [Signature] Date: 6-27-16

Applicant's Printed Name: Allen Loudiy

Property Owner's Signature: [Signature] Date: 6-27-16

Property Owner's Printed Name: Allen Loudiy

Office Use Only
CU Application Number: _____ Zoning District: _____
Fee Paid: _____
Meeting Date: _____ [] APPROVED [] DISAPPROVED

[2]
P6451004000087
743 S ERIE BLVD
COMMERCIAL
454; C-Car Sale/service
6678 ENT
JOHN EARL WYRICK III

[3]
P6451004000086
795 S ERIE BLVD
COMMERCIAL
456; C-ParkGarStruct
6729 ENT
E F SMITH HOLDINGS INC

[4]
P6451004000085
LONG ST
COMMERCIAL
400; C-Commercial Vacant
2740S ENT
E F SMITH HOLDINGS INC

[5]
P6451004000082
754 S THIRTEENTH ST
RESIDENTIAL
510; R-SingleFamily
6723 ENT
CECIL & ELIZABETH F OSBORNE

[6]
P6451004000081
S THIRTEENTH ST
RESIDENTIAL
500; R-Residential Vacant
6722 ENT
CECIL & ELIZABETH F OSBORNE

[7]
P6451004000080
748 S THIRTEENTH ST
RESIDENTIAL
510; R-SingleFamily
6721 ENT
CECIL OSBORNE

[8]
P6451004000079
S THIRTEENTH ST
RESIDENTIAL
500; R-Residential Vacant
5716 ENT
CECIL OSBORNE

[9]
P6451004000078
S THIRTEENTH ST
RESIDENTIAL
500; R-Residential Vacant
5715 ENT
CECIL OSBORNE

[10]
P6451004000077
740 S THIRTEENTH ST
RESIDENTIAL
500; R-Residential Vacant
5714 ENT
BETTY J SMITH

[11]
P6451004000076
738 S THIRTEENTH ST
RESIDENTIAL
510; R-SingleFamily
5713 ENT
BETTY J SMITH

[12]
P6451004000075
736 S THIRTEENTH ST
RESIDENTIAL
510; R-SingleFamily
5712 ENT
CONSTANCE SPICER HANEY

[13]
P6451004000074
734 S THIRTEENTH ST
RESIDENTIAL
510; R-SingleFamily
4942 ENT
LINDA SHEEHAN

[14]
P6451004000073
732 S THIRTEENTH ST
RESIDENTIAL
510; R-SingleFamily
4941 ENT
DANNY R & JANET E GARRETT

[15]
P6451004000093
725 S FOURTEENTH ST
COMMERCIAL
454; C-Car Sale/service
4959 ENT
MICHAEL G VERDIN TR

[16]
P6451004000092
S FOURTEENTH ST
COMMERCIAL
400; C-Commercial Vacant
4960 N 1.5
MICHAEL G VERDIN TR

[17]
P6451004000091
727 S FOURTEENTH ST
COMMERCIAL
429; C-Retail Struct
4960 S 28.5
CLIFFORD KERR

[18]
P6451004000090
S FOURTEENTH ST
COMMERCIAL
429; C-Retail Struct
5717 ENT
CLIFFORD KERR

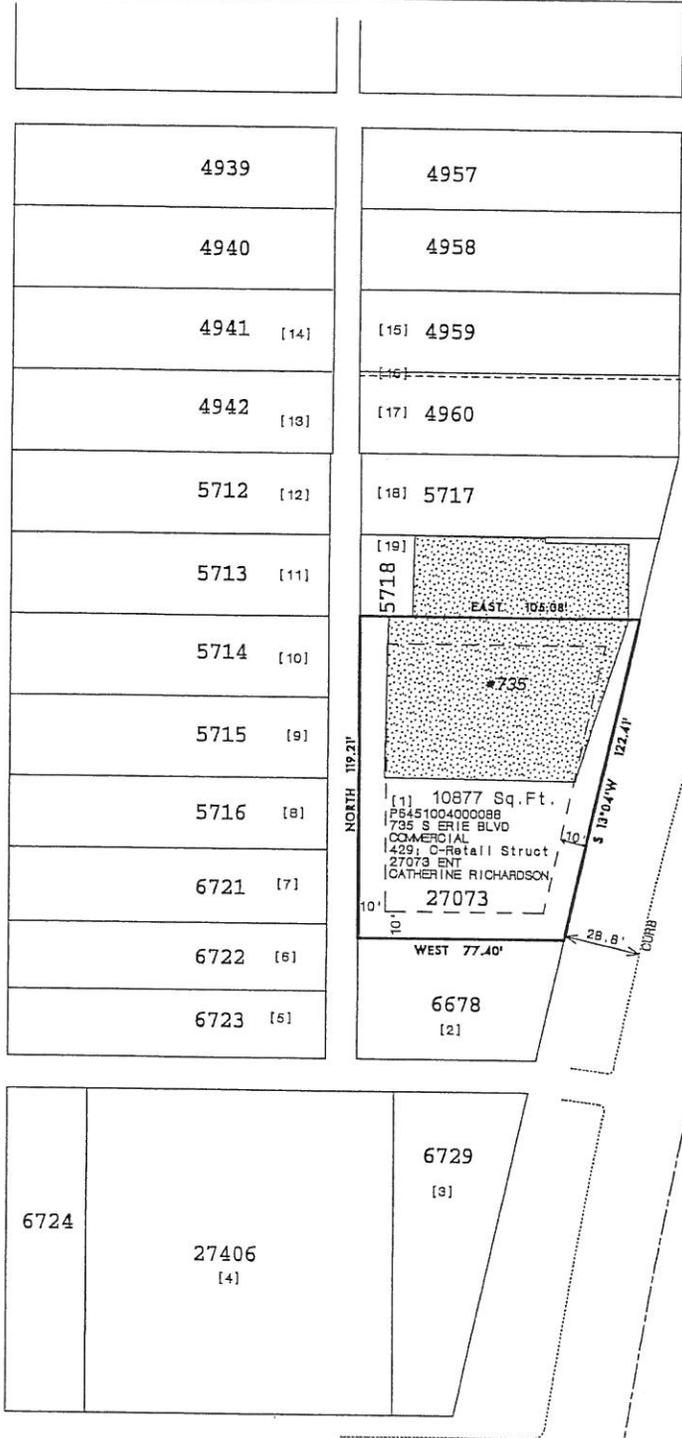
[19]
P6451004000089
731 S FOURTEENTH ST
COMMERCIAL
447; C-Office Bldg 1-2 Sty
5718 ENT
TAMELA M PATRICK

N
NORTH DIRECTION
ASSUMED FOR EAST
LINE OF 13TH ST.

13th STREET

14th STREET

ERIE HIGHWAY



SCALE 1" = 30'
0" 1" 2"
0' 15' 30' 45' 60'

2015 APRIL 30
AMOS GREENE
LAND SURVEYOR
6518 BARRETT ROAD
WEST CHESTER, OH 45060-3146
Phone 513-755-2657



EXISTING FENCE

ALLEY

NORTH 119.28'

2'-0" SETBACK

(7) 9'X18' PARKING SPACES

LANDSCAPE AREA - EXISTING REMOVAL

10'-0" SETBACK

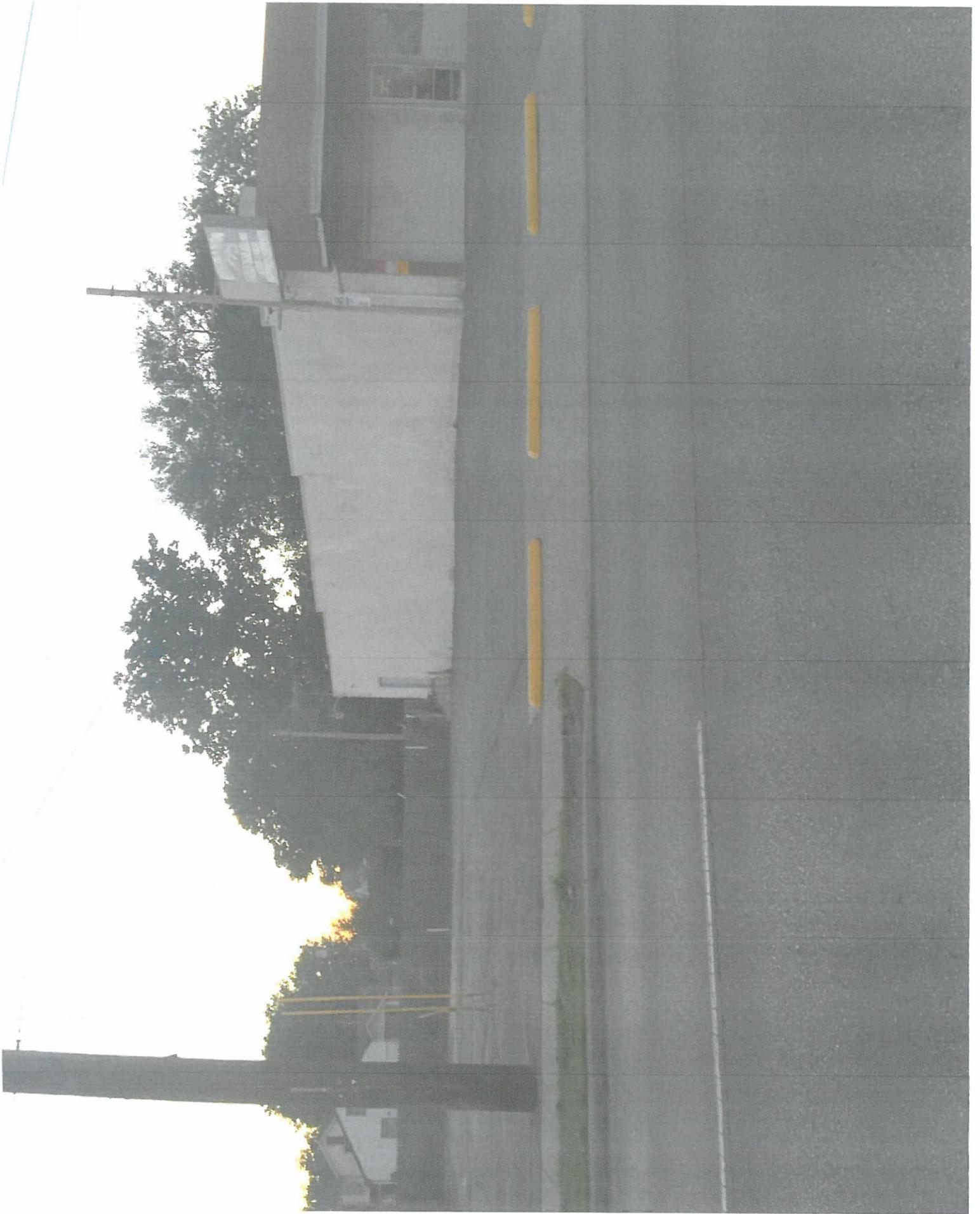
S 13° 04' W 122.4'

28'-10"

EXISTING CURB CUT

EXISTING CURB LINE

SOUTH ERIE BOULEVARD



A. The proposed Conditional Use is identified as Automotive Service and Minor Repair as set forth in Section 1121.39.26 of the Hamilton Zoning Ordinance. The nature of the proposed business is Automotive Servicing that would include change and replacement of fluids such as oil, transmission fluid, brake fluid, windshield wiper fluid and minor repair such as replacement of windshield wiper refills, headlights, tail lights and all other parts that are not considered auto body work or repair. Business hours would be 8:00 a.m. – 5:00 p.m. Monday through Saturday.

The situation and conditions of the parcel are unique among similarly used lots in the area given the trapezoidal shape of the lot as well as the six foot opaque board fencing constructed in 2004 that spans part of the south and all of the west boundaries, the existence of which was mandated by the City as a condition of the granting of the conditional use of auto detailing that took place on August 6, 2004.

B. The site of the proposed conditional use is 735 S. Erie Blvd. and consists of a lot that is 10,860 square feet. In 1948 there was constructed a one story concrete block building with a concrete floor having two double garage doors facing Erie Blvd. and no windows other than one that is part of a small office that is less than 100 square feet. Said building is the most unique aspect of the property. The total square footage of the building is 4,890 square feet occupying 44% of the lot and will accommodate 12-15 vehicles inside the building while having an adjacent parking area that will accommodate 7 vehicles after the installation of a 2,000 square foot vegetative buffer to be installed along the south boundary and a portion of the west boundary of the property. Though not required by code, said vegetative buffer is preferred by the Applicant in order to “break up” the concrete and asphalt that aesthetically dominates the site.

The highway access to the property is located at the midpoint of the east boundary of the parking lot portion of the property which will allow ingress and egress to the property from the street. The right-of-way across which ingress and egress is maintained is quite deep at 28 feet 10 inches. This configuration allows ample room for the indoor parking and movement of all vehicles upon the premises. The space inside the building to be utilized for the requested use has been doubled by virtue of the owner’s removal of the tire shop which formerly inhabited the northern portion of the building thereby allowing a substantially greater work space as well as inside parking space.

The adjacent properties consist of the following: there is an alley to the west that separates the site from residential zoning as well as from the 6 foot opaque board fence. The properties to the east are across Erie Boulevard and are zoned industrial and are auto oriented uses. The property to the south is an auto oriented use. The properties to the north are a barbershop and what appears to be a vacant auto service use.

The effect of the proposed conditional use upon the surrounding neighborhood is virtually nonexistent given the board fence screening, the planned vegetative buffer, and the unusually large interior space provided by the existing building. The services to be provided as well as parking of customers' vehicles will be provided inside the building. The outside lot will provide 7 parking spaces that will accommodate employee parking as well as temporary customer pick up and drop off. The building is unusually large and yet is substantially limited by its unique size and design as an automotive garage. The current permitted use is Auto Detailing, a conditional use granted by the City in 2004. Said use has been rendered obsolete with the advent of automated mechanized car washes.

C. Conditional Use Review Criteria – General Standards

- (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.

The proposed Conditional Use is located in the B-2 District where such use is permitted. (See Hamilton Zoning Ordinance Section 1121)

- (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.

There are no land use impacts emanating from the Applicant's property. The proposed Conditional Use itself is completely screened from all adjacent properties by virtue of the fact that all aspects of said use (service and parking) will take place inside the building. Any outside customer delivery and employee parking will be completely screened by the opaque board fence and planned vegetative buffer. Public convenience and welfare will be served by the productive use of the property that is suited for the immediate area without producing negative land use impacts.

- (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 proposed Conditional Use will be harmonious with the existing longstanding character of the site and the existing character of Erie Blvd. and will not change the character of the area.

- (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.

Applicant will use the same essential public facilities and services that have served the property since 1948.

- (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 existing vehicular approaches to the property have existed since 1948. The right-of-way abutting the subject property is large enough (28' 10") so as to remove all aspects of potential interference with traffic by ingress and egress to and from the property

- (6) The proposed Conditional Use will comply with all applicable development standards, except as specifically altered in the approved Conditional Use.

There are 18 use standards for Automotive Service and Minor Repair. The proposed change in use complies with all such standards including the 20,000 square foot minimum lot requirement that was modified/waived by the granting of a variance by unanimous vote of the Hamilton Board of Zoning Appeals on May 5, 2016 in Hamilton Zoning Case #2016-4.

- (7) The proposed Conditional Use will not be hazardous to or have a negative impact on existing or future neighboring uses.

The proposed Conditional Use will not be hazardous to or have a negative impact on existing or future neighboring uses given the screened, buffered, self-enclosed nature of the proposed use.

- (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 conduct of the self-enclosed nature of the proposed use during normal business hours will be virtually unintelligible to persons owning adjacent property with no effect upon the general welfare of the vicinity

- (9) The proposed Conditional Use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

The proposed use will not impede the normal and orderly development and improvement of surrounding property.

Applicant is attempting to make the subject property productive again by providing a property use that will produce a profit, jobs, tax revenue, aesthetic improvement, thereby adding to the current ongoing substantial improvement of the urban core of the City of Hamilton without creating any deleterious land use impacts for the neighboring properties and the City at large.

EXHIBIT D



735 South Erie Blvd

3 messages

John Creech <john.creech@hamilton-oh.gov>
To: freebirdwin@gmail.com
Cc: Meredith Murphy <meredith.murphy@hamilton-oh.gov>

Thu, Jul 7, 2016 at 4:27 PM

Tammy-

The meeting is scheduled for July 18, 2016 at 1:30pm - if you are unable to attend you can replay to this email with any comments and I will forward to the Planning Commission for consideration.

John Creech, AICP
City of Hamilton
Department of Community Development
345 High Street, 3rd Floor
Hamilton, OH 45011

[\(513\) 785-7355](tel:5137857355)

[Website](#) | [Facebook](#) | [Twitter](#)



John Creech <john.creech@hamilton-oh.gov>
To: Meredith Murphy <meredith.murphy@hamilton-oh.gov>

Mon, Jul 11, 2016 at 4:34 PM

John Creech, AICP
City of Hamilton
Department of Community Development
345 High Street, 3rd Floor
Hamilton, OH 45011

[\(513\) 785-7355](tel:5137857355)

[Website](#) | [Facebook](#) | [Twitter](#)



----- Forwarded message -----

From: Tammy <freebirdwin@gmail.com>
Date: Mon, Jul 11, 2016 at 4:23 PM
Subject: Re: 735 South Erie Blvd
To: John Creech <john.creech@hamilton-oh.gov>

I just want everyone to know they did have the same business there before, and I am a neighbor, I had so much trouble from them, there is not enough parking for them so they all took a lot of our parking, I would go talk to them , they were so rude, they have no respect for others. I just hope we don't have them there again , it made trouble for us . Thank you

Sent from my iPad

[Quoted text hidden]

[Quoted text hidden]

Please note that my email address has changed.

John Creech <john.creech@hamilton-oh.gov>
To: Meredith Murphy <meredith.murphy@hamilton-oh.gov>

Mon, Jul 11, 2016 at 4:35 PM

John Creech, AICP
City of Hamilton
Department of Community Development
345 High Street, 3rd Floor
Hamilton, OH 45011

(513) 785-7355

[Website](#) | [Facebook](#) | [Twitter](#)



----- Forwarded message -----

From: Tammy <freebirdwin@gmail.com>
Date: Mon, Jul 11, 2016 at 4:28 PM
Subject: Re: 735 South Erie Blvd
To: John Creech <john.creech@hamilton-oh.gov>

They also would park and block my customers to keep them from leaving , it was a nightmare, hope this never opens again.

Sent from my iPad

On Jul 7, 2016, at 4:27 PM, John Creech <john.creech@hamilton-oh.gov> wrote:

[Quoted text hidden]

Please note that my email address has changed.



Mr. Allen Loudiy
5888 Beacham Dr.
Huber Heights, OH 45424

May 6, 2016
RE: Case No. 2016-4
ADDRESS: 735 South Erie
MTG. DATE: May 5, 2016

Dear Mr. Loudiy:

This letter is to advise you that your request before the Board of Zoning Appeals (BZA) for one (1) zoning variance in order to apply for Conditional Use approval of an Automobile Service and Minor Repair facility to operate on the property zoned B-2 Community Business located at 735 South Erie Boulevard, was heard by the Board at the May 5, 2016 meeting.

The BZA approved the variance request to Section 1121.39.26 to reduce the minimum lot area required for an Automobile Service and Minor Repair facility– the minimum lot area required is 20,000 square feet and attached the following conditions to the variance:

- 1) Proposed landscaping to be maintained.
- 2) No automobile parking in the public ROW.
- 3) All automobile repairs to be done within the building.
- 4) No automobiles to be sold from the property.
- 5) All automobiles outside the building to be parking in defined/striped spaces.

Decisions of the Board do not become final until the expiration of five (5) days from the date such decision is made.

Pursuant to Section 1170.80 of the Hamilton Zoning Ordinance

“No order of the Board permitting the erection or alteration of a building or the use of a building or premises shall be valid for a period 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.”

The next step in the approval process is to submit an application for Conditional Approval. That application is attached. If you have any questions, please contact me at 513-785-7355 or via email at creechj@ci.hamilton.oh.us.

Sincerely,

John Creech
Secretary
Board of Zoning Appeals
CC: Jay Bennett



For the Planning Commission Meeting of August 1, 2016

To: Planning Commission

From: John Creech

Subject: AGENDA ITEM #2

Request by Hamilton City School District, for a Conditional Use to allow the establishment of an Institutional Use i.e. public education facility on property zoned R-4 Multi-Family Residence District located at 140 Ross Avenue (Hamilton City School District, Applicant.

Date: July 26, 2016

BASIC INFORMATION		
Applicant/Property Owner	Hamilton City School District	
Architect/Engineer/Consultant	SHP Leading Design	
Size of Property	1.0 Acre Approx	
Current Zoning	R-4 Multi-Family Residence District	
Proposed Use: Conditional Use	Institutional Use i.e. public education facility	
Comp. Plan Land Use Designation	Mixed Use	
Special Purpose/CRA	N/A	
ADJACENT LAND USE/ZONING INFORMATION		
<i>Direction</i>	<i>Land Use</i>	<i>Zoning</i>
North	Commercial	MS-1
South	Commercial/Residential	R-4
East	Commercial	MS-2
West	Residential	R-4, R-O
ZONING/DIMENSIONAL INFORMATION		
	<i>Minimum Required</i>	<i>Existing/Proposed</i>
Minimum Lot Area	5,000	1 Acre Approx.
Minimum Lot Width	55 LF	340 LF
Minimum Front Yard Setback	15 ft - 30 ft	5 ft – 15 ft
Minimum Side Yard Setback	5 ft	15 ft
Minimum Rear Yard Setback	10 ft	62 ft
Maximum Bldg. Height	80+ft	35 ft
Other Requirements	N/A	N/A

Introduction:

This is a request submitted by the Hamilton City School District (HCSD) for a Conditional Use Request to establish an Institutional Use i.e. public education facility on property located at 140 Ross Avenue (Exhibit A). The property is zoned R-4 Multi-Family Residence District (Exhibit B) and is located within the boundary of the Rossville Historic District. The property is the currently location of Partners in Prime,



a multi-purpose senior services organization. The property is comprised of two (2) separate parcels including a portion of a vacated alley that measures approximately one (1) acre. The two (2) lots include City Lot Nos. 29041 and 29552. Within the R-4 Multi-Family Zoning District, “Institutional Uses” require Conditional Use review by the Planning Commission (Section 1118.32) and approval by City Council. “Institutional Uses” are defined to include public education facilities.

The properties to the north are zoned MS-1 Main Street Core District, the properties to the west are zoned R-4 Multi-Family Residential, the properties to the south are zoned R-4 Multi-Family Residential, and to the east is MS-2 South B Street District.

Proposed Project Description:

According to the applicant, the proposed project is the conversion of the former Miami School Building, located at 140 Ross Avenue into the new home of the HCSD Registration Center and Virtual Academy. Central Registration will tentatively be open from 7:30Am to 4:30PM. Families registering for or withdrawing from school will be able to process their request from the centralized location. The Virtual Academy’s hours are tentatively scheduled as follows:

- 7:30AM-10:30AM morning session
- 10:30AM-11:30AM drop in and support session
- 11:30AM-2:30PM afternoon session

HCSD anticipates four (4) buses will be utilized during the morning and afternoon sessions depending upon ultimate enrollment numbers. HCSD anticipates approximately 150 students will be enrolled in the Virtual Academy and it is estimated that approximately 30-50 students will be physically located on the site during the typical school day – the remaining enrolled students would be completing required coursework from home.

HCSD has no current plans to modify the exterior of the building or site. Interior improvements and modifications to the building are anticipated to exceed more than \$1M.

The building is currently being utilized by Partners in Prime for a number of senior services including meals, gatherings, fitness, and other group activities. The existing site includes 51 parking spaces. The proposal is to utilize all the existing parking for HCSD staff, ADA required parking, and visitor parking. Designated student parking is proposed on the existing parking lot located north of the Main Street alley (north of 140 Ross Ave) and on portions of property to be acquired from the CORE Fund to create a total of 28 additional parking spaces. A total of 30 parking spaces are required per the Hamilton Zoning Ordinance based on the maximum enrollment of the facility 150 students.

The four (4) school buses expected to provide transportation for students to the school will utilize South C Street for access, turn right into the Main Street Alley and



discharge/pick-up students within the alley centered on a direct pedestrian connection to the rear of the building. School buses will exit the property using the existing driveway along Ross Avenue just east of the building.

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.
- 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)

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 Institutional Use (i.e. public education facility) is a conditional use in the R-4 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 located in an R-4 multifamily residence district”. The subject property is currently a “B” Business use group. The proposed new “E” use is an approved conditional use per 1108.30.* This information is attached to this report (attached as Exhibit C). **COMMENT: The applicant reference to “E” above is building code reference – however, institutional uses i.e. public education facilities are Conditional Uses in the R-4 zoning 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.** The applicant stated that *“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. While the parcel is zoned R-4, it is immediately adjacent to “MS-2” and “MS-3” designations (B Street form based code), which support a variety of mixed uses including business, religious, housing, etc. HCS believes the Central Registration Center and Virtual Academy will be a positive asset to the community and will complement the existing diverse property uses in the immediate area.”* 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 has been a fixture on the corner of Ross and C Streets since 1902. It maintains its original scale, fenestration, and materiality. No modifications are planned to the existing exterior; thereby it will maintain its*



essential character which is harmonious with the district and the adjacent properties.” 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 the property are all existing; there are currently no plans for any utility modifications.”* 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 *“Vehicular access from Ross and C Streets is existing and appropriate. On-site parking is adequate for the anticipated number of staff and visitors to the Registration Office and Virtual Academy.”* 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 existing building complies with all applicable development standards. No exterior modifications are anticipated.”* 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 use as a Central Registration Office and Virtual Academy will be a positive addition to the community and will not be hazardous 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 will not involve uses or activities that will be detrimental to any persons, property or general welfare in the area.”* 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 be a community asset in the neighborhood. It will not impede the normal and orderly development of the surrounding properties.”* 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.

Analysis

Within the R-4 Multi-Family Zoning District, “Institutional Uses” require Conditional Use review by the Planning Commission (Section 1118.32) and approval by City Council. “Institutional Uses” are defined to include public education facilities. There are no specific standards applicable to institutional uses in the HZO other than a review of the 9 criteria. However, when the HCSD rebuilt a number of elementary and middle schools a few years ago they adhered to the State of Ohio School Facilities Commission recommended minimum lot size of ten (10) acres. The subject property is only one (1) acre. Based on the description of the proposed Virtual Academy there does not appear to be the need for additional lot area for outside or recreational activities typically associated with a public high school. All educational activities are proposed within the building and students should only be outside when accessing transportation to/from the academy.

Parking for employees, visitors, and students is to be provided as shown on the site plan. Existing landscaping will be maintained and replaced if necessary.

Notification

Public Hearing Notices were mailed to the owners of 58 properties within 500 feet of the property in question. At the time this report was written, were no objections expressed to the proposed conditional use 140 Ross Avenue.

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 submitted by the HCSD to allow the establishment of an Institutional Use i.e. public education facility, 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:

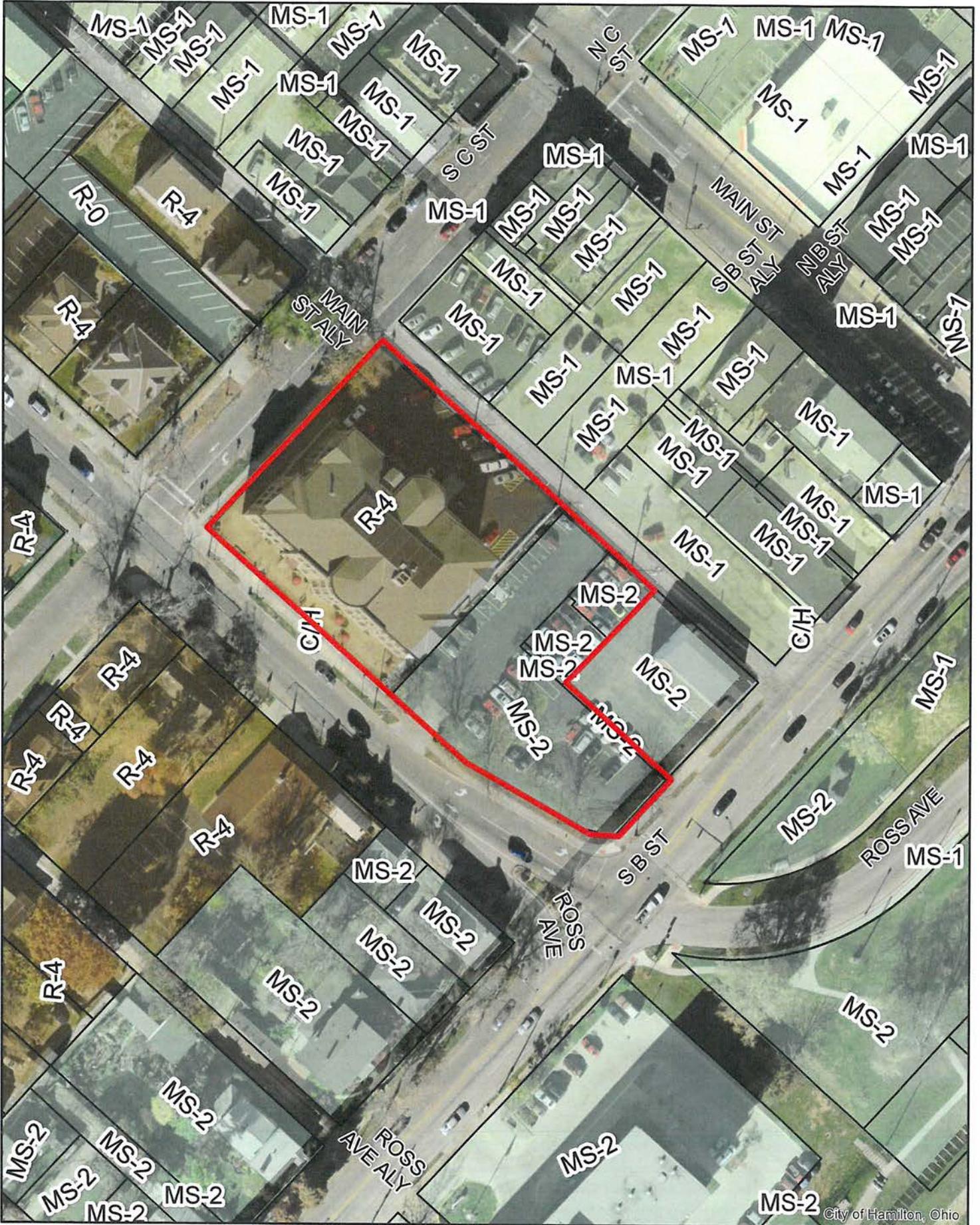
- 1) Bus Routes for student discharge: Park Avenue west on North C Street cross Main Street to South C Street left into alley behind 140 Ross Avenue.
- 2) School Resource Officer to be on-site during school hours.
- 3) Changes in signage or building exterior (design, color, etc.) to be reviewed by Architectural Design Review Board (ADRB).
- 4) Landscaping Plan to be submitted for site (identify existing, and any new plantings proposed – add note that landscaping to be maintained in good condition and replaced as necessary). Landscaping Plan to be reviewed by Municipal Arborist.
- 5) Any dumpster(s) to be enclosed in structure to match principal building.
- 6) 30 on-site parking spaces are required per zoning (1 space for every 5 classroom seats – $150/5=30$). Site plan to indicate staff, student, and visitor parking.
- 7) All student parking to be provided on-site.
- 8) On-site parking will be available for public parking after 5PM unless needed for school function.
- 9) 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, signage, pavement surfaces, and parking lot striping, etc.)
- 10) City will be notified if any new activities are proposed, not originally stated in the application, will be conducted in the facility.
- 11) The HCSD agrees to not object to the issuance of a State of Ohio liquor permit associated with a City of Hamilton supported development or redevelopment project within a 500 foot vicinity of 140 Ross Avenue.

Attachments:

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

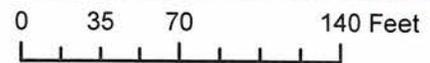


140 ROSS AVENUE
PUBLIC HEARING MAP

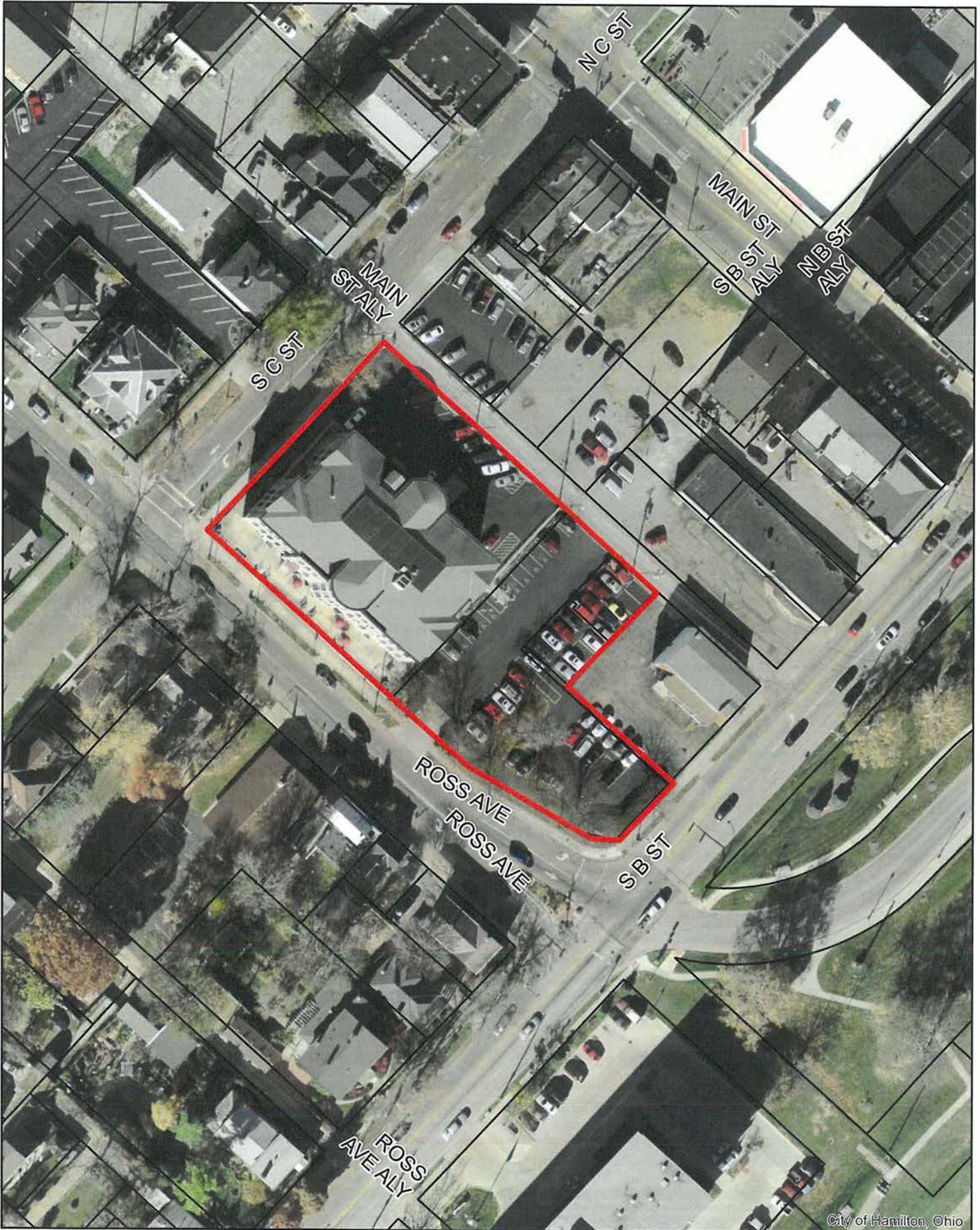


City of Hamilton, Ohio

 140 Ross Avenue



140 ROSS AVENUE
PUBLIC HEARING MAP



City of Hamilton, Ohio

 140 Ross Avenue

0 35 70 140 Feet





A162307
A162309

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: 140 Ross Avenue, Hamilton, OH 45013

Lot No(s): P6412101000077 & P6412101000074

Property Owner: Hamilton City School District

Owner's Mailing Address: 533 Dayton Street, Hamilton, OH 45011

Applicant's Name (if different than owner): Larry Knapp

Applicant's Mailing Address: 533 Dayton Street, Hamilton, OH 45011

Applicant's Email Address: lknapp@hcsdoh.org

Applicant's Phone Number: 513-887-5013

Previous Legal Use of Property: Use Group B - Business: Senior Citizen's Center

Date Previous Use Discontinued: Still in use

Proposed New Use of Property: Use Group E - Education (original use)

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

- 1118.00 "R-4" Multi-Family Residence District
- 1118.30 Conditional Uses:
- 1118.32 Institutional Uses: As defined in Section 1108.00
- 1108.00 Institutional: ...schools...

Date: 7/11/2016
 Acct: 728138
 Name:
 Receipt #: 0094386
 Payment Total: \$200.00
 City of Hamilton
 Officer: CNST
 Cashier: CNST
 7/11/2016 2:11 PM
 check tendered : \$200.00



Project Name: Hamilton City School Registration Center & Virtual Academy
Applicant: Hamilton City Schools
Architect: SHP Leading Design / Todd Thackery, Jeffrey Sackenheim

Parcel addresses (see attached):
140 Ross Avenue / Hamilton, OH 45013
Parcel ID: P6412101000077 & P6412101000074

Zoned: Current zoning: "R-4" Multi-Family Residential
Current use: "B" Business (Senior Citizen's Center)
Proposed use: "E" Education (original building use)

1155.30 – Application and Review

A. Written description:

Hamilton City Schools plans to purchase the "Miami School Building" at 140 Ross Avenue and have it become the new home of the Hamilton City School Registration Center and Virtual Academy. Central Registration will tentatively be open from 7:30AM to 4:30PM. Families registering for or withdrawing from school will be able to process their requests conveniently from a centralized location. The Virtual Academy's hours of operations will tentatively be as follows:

7:30AM-10:30AM morning session
10:30AM-11:30AM drop in and support session
11:30AM-2:30PM afternoon session

HCS anticipates (4) buses will be utilized during the morning and afternoon sessions depending upon enrollment. HCS anticipating approximately (150) students will be enrolled at the Virtual Academy. Of those, they anticipate that at any given time approximately 30-50 students will physically be on site, with the remaining students completing coursework from home. As with other HCS secondary buildings, a school resource officer will be on site during school hours.

While the Hamilton Optional Education Program is phasing out, credit recovery opportunities will still be available throughout the HCS secondary schools. The intent of the Virtual Academy is to recapture students who are currently attending ECOT, who are homeschooled or who HCS believes will choose to learn in a technology-rich, blended learning environment.

HCS, along with SHP Leading Design, studied the potential for locating the Registration Center and Virtual Academy at 533 Dayton Street. We determined that it is not economically feasible for a number of reasons, including the lack of the required number of plumbing fixtures and fresh-air requirements necessitated by public school guidelines.



CINCINNATI
4805 Montgomery Road Suite 400
Cincinnati, Ohio 45212
513.381.2112 main



COLUMBUS
250 Civic Center Drive Suite 200
Columbus, Ohio 43215
614.223.2124 main



BELLEVUE
223 Fairfield Avenue Suite 100
Bellevue, Kentucky 41073
859.360.1234 main

B. Plans

At present, there are no plans to make modifications to the exterior of the building or site (attached existing aerial plan provided for reference), unless as may be required by the City. Should signage modifications be made, they would be submitted to the City through the required signage approval process. The site has adequate parking and egress/ingress from both Ross and "C" streets.

Though still a preliminary number, we anticipate the interior renovation total project costs to represent a \$1,000,000.00+ investment in the property.

C. Conditional Use Criteria – General Standards

1. The proposed conditional use subject property is located in an R-4 "multi-family residence district". The subject property is currently a "B" Business use group. The proposed new "E" use is an approved conditional use per 1108.30.
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. While the parcel is zoned R-4, it is immediately adjacent to "MS-2" and "MS-3" designations (B Street form based code), which support a variety of mixed uses including business, religious, housing, etc. HCS believes the Central Registration Center and Virtual Academy will be a positive asset to the community and will complement the existing diverse property uses in the immediate area.
3. The proposed building has been a fixture on the corner of Ross and C Streets since 1902. It maintains its original scale, fenestration, and materiality. No modifications are planned to the existing exterior; thereby it will maintain its essential character which is harmonious with the district and the adjacent properties.
4. Utilities suitable for the property are all existing; there are currently no plans for any utility modifications.
5. Vehicular access from Ross and C Streets is existing and appropriate. On-site parking is adequate for the anticipated number of staff and visitors to the Registration Office and Virtual Academy.
6. The existing building complies with all applicable development standards. No exterior modifications are anticipated.
7. The proposed use as a Central Registration Office and Virtual Academy will be a positive addition to the community and will not be hazardous or have a negative impact on existing or future neighboring uses.
8. The property will not involve uses or activities that will be detrimental to any persons, property or general welfare in the area.
9. The proposed Conditional Use will be a community asset in the neighborhood. It will not impede the normal and orderly development of the surrounding properties.

PRE-APPLICATION MEETING NOTES

Attendees:

Larry Knapp, Thomas Alf – Hamilton City Schools

Jeffrey Sackenheim – SHP Leading Design

Bill Deters – Ennis Britton (via phone)

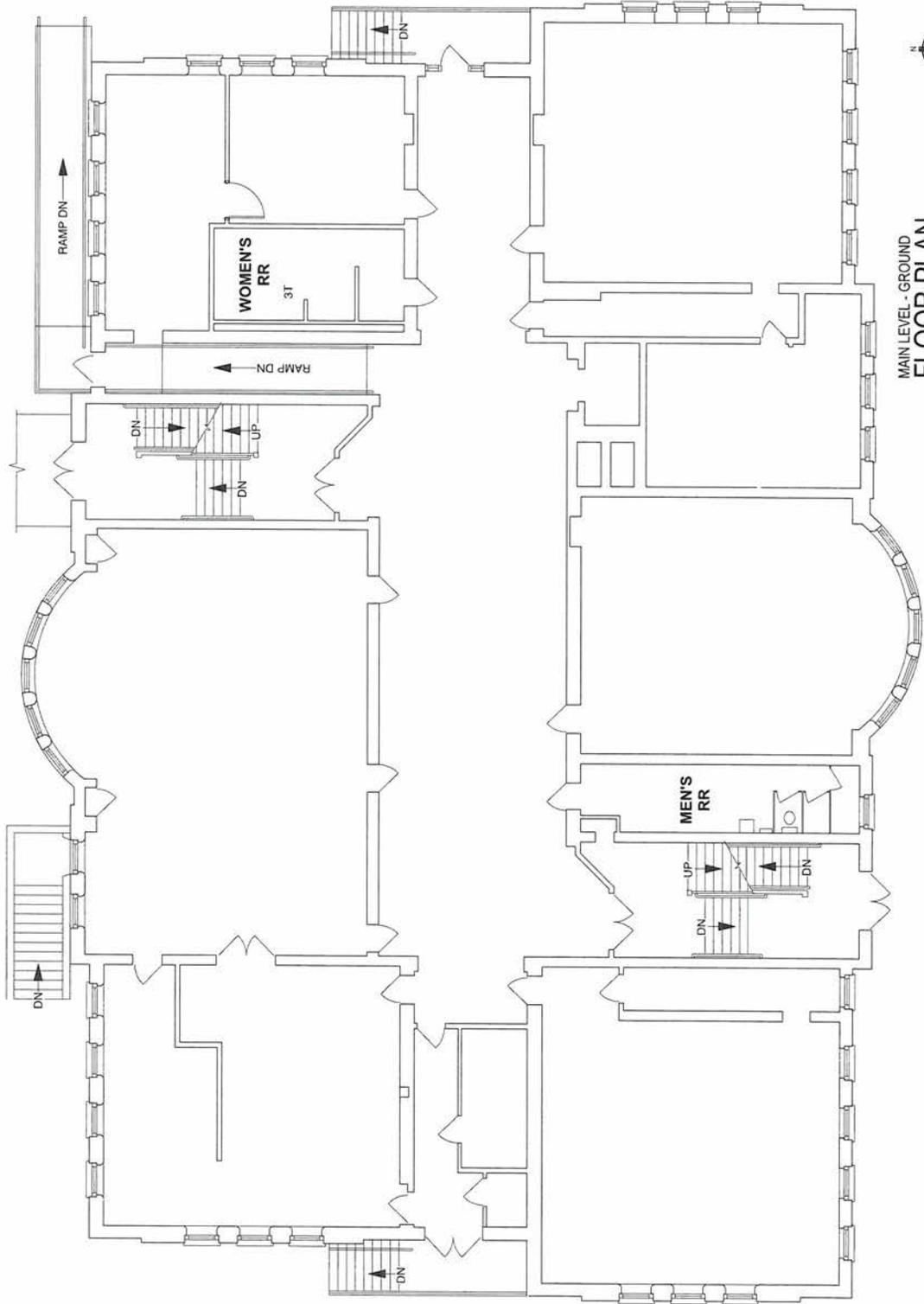
John Creech, Bud Scharf, Joshua Smith, Ken Rivera, Pat Moeller – City of Hamilton

Date: June 21, 2016

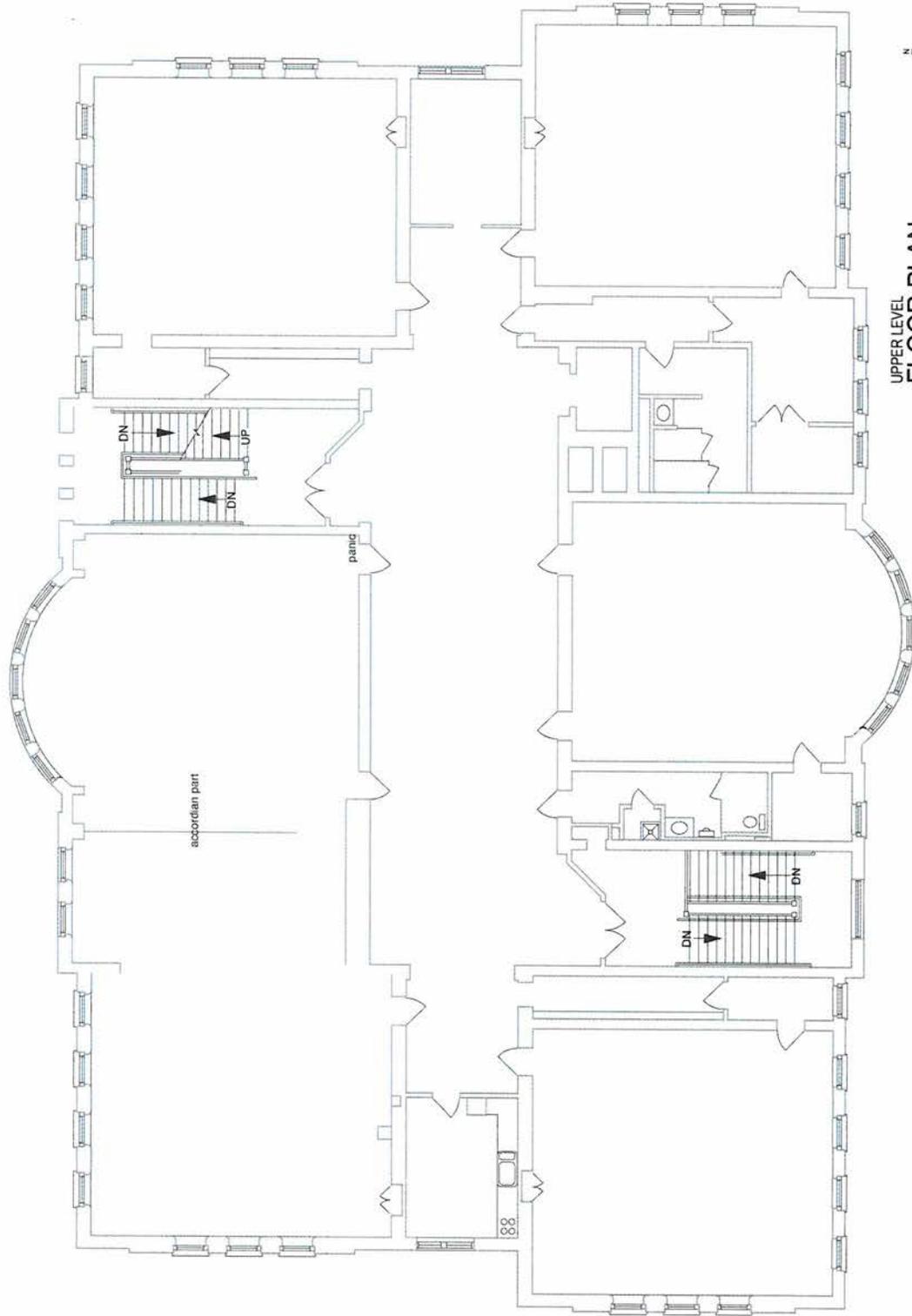
The following items were discussed and agreed to by all parties for inclusion in the Conditional Use application.

- 1) Bus Routes for student discharge: Park Avenue west on North C Street cross Main Street to South C Street left into alley behind 140 Ross Avenue.
- 2) School Resource Officer to be on-site during school hours.
- 3) Changes in signage or building exterior (design, color, etc.) to be reviewed by Architectural Design Review Board (ADRB).
- 4) Landscaping Plan to be submitted for site (identify existing, and any new plantings proposed – add note that landscaping to be maintained in good condition and replaced as necessary). Landscaping Plan to be reviewed by Municipal Arborist.
- 5) Any dumpster(s) to be enclosed in structure to match principal building.
- 6) 30 on-site parking spaces are required per zoning (1 space for every 5 classroom seats – $150/5=30$). Site plan to indicate staff, student, and visitor parking.
- 7) All student parking to be provided on-site.
- 8) On-site parking will be available for public parking after 5PM unless needed for school function.
- 9) 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, signage, pavement surfaces, and parking lot striping, etc.)
- 10) City will be notified if any new activities are proposed, not originally stated in the application, will be conducted in the facility.
- 11) The HCSD agrees to not object to the issuance of a State of Ohio liquor permit associated with a City of Hamilton supported development or redevelopment project within a 500 foot vicinity of 140 Ross Avenue.

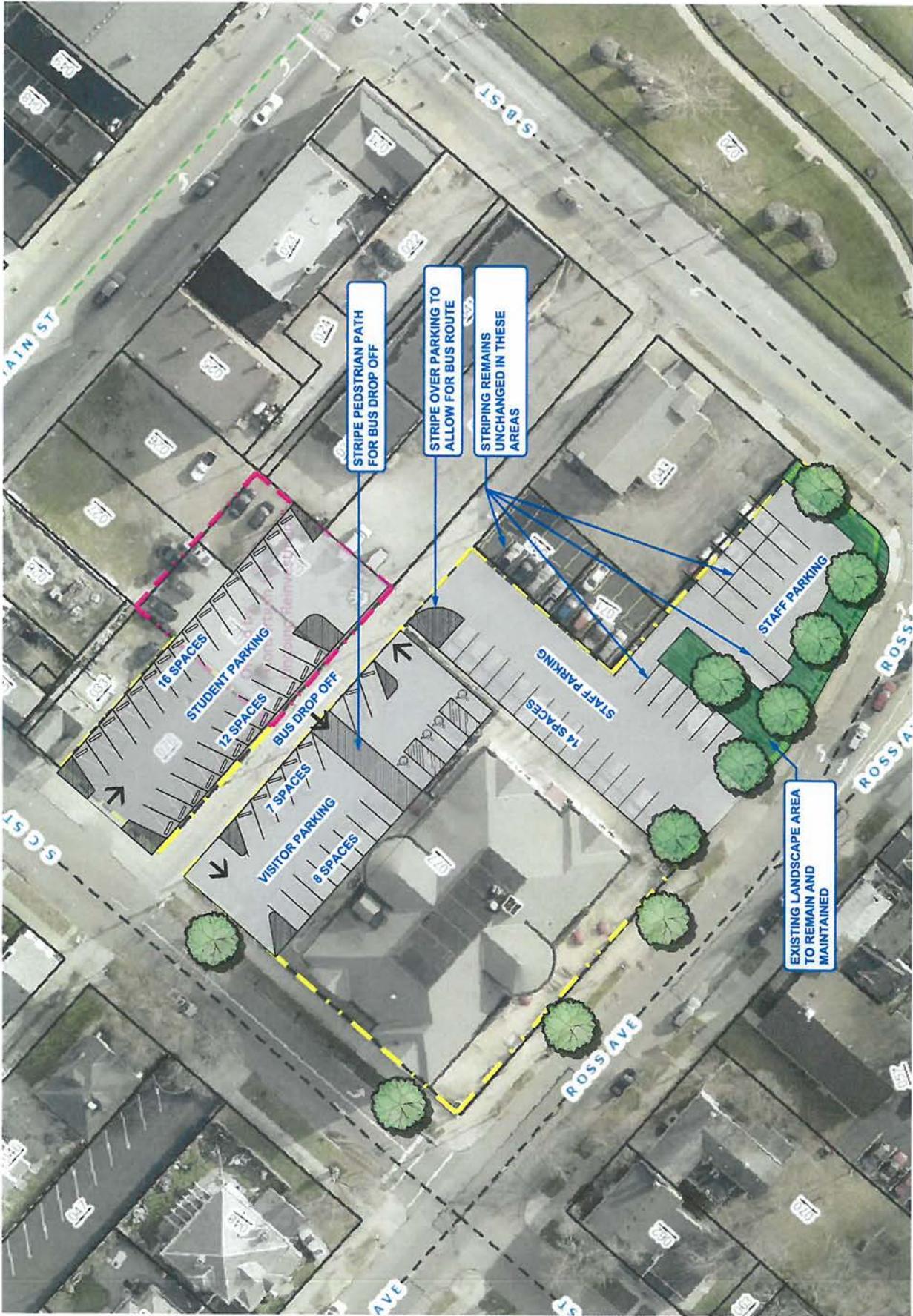




MAIN LEVEL - GROUND
FLOOR PLAN
140 ROSS AVE, HAMILTON, OH



UPPER LEVEL
FLOOR PLAN
140 ROSS AVE, HAMILTON, OH

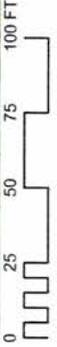


STRIPED PEDESTRIAN PATH FOR BUS DROP OFF

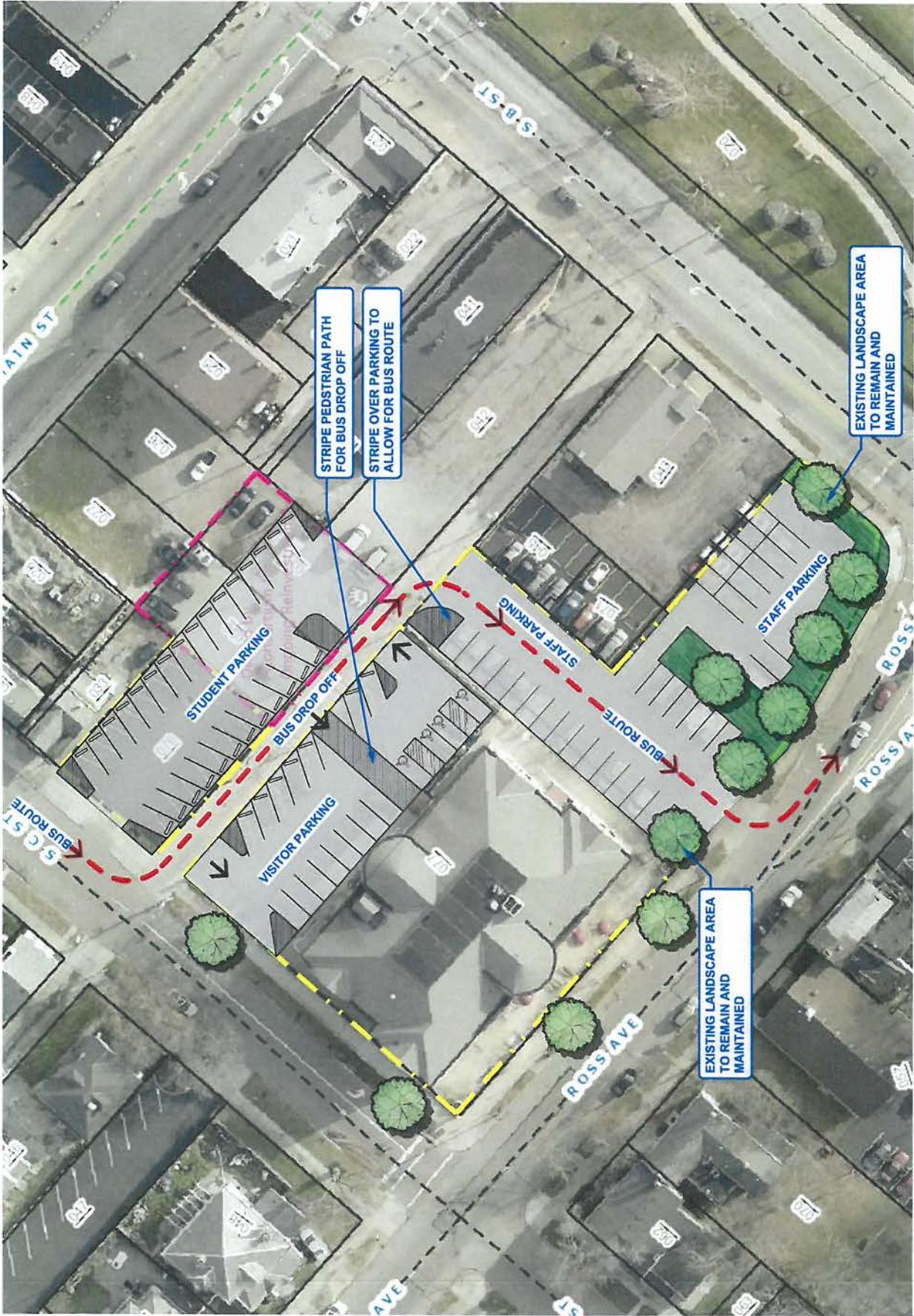
STRIPED OVER PARKING TO ALLOW FOR BUS ROUTE

STRIPING REMAINS UNCHANGED IN THESE AREAS

EXISTING LANDSCAPE AREA TO REMAIN AND MAINTAINED



1 Miami School Parking Plan
Scale: 1" = 40 ft



2 Miami School Bus Route Plan
 Scale: 1" = 40 ft

For the Planning Commission Meeting of August 1, 2016

To: Planning Commission

From: John Creech

Subject: AGENDA ITEM #3

Request to Vacate a Portion of the Bender Avenue Alley, located in the Fifth Ward, City of Hamilton, Butler County, Ohio (Marcell's Inc., Applicant)

Date: July 26, 2016

BASIC INFORMATION	
Project Name	Bender Avenue Alley Vacation (Portion)
Applicant/Property Owner	Marcell's, Inc.
Architect/Engineer/Consultant	N/A
Size of Property (area of alley to be vacated)	Approx. 2,200 sq.ft. (183.8'x12')
Current Zoning	I-1 Industrial District
Proposed Zoning	N/A
Comp. Plan Land Use Designation	Mixed Use

ADJACENT LAND USE/ZONING INFORMATION		
<i>Direction</i>	<i>Land Use</i>	<i>Zoning</i>
North	Vehicle Impound Lot Surface Parking	I-1 Industrial
South	Residential	I-1 Industrial
East	Residential	I-1 Industrial
West	Public Roadway/Rail Road	I-1 Industrial

ZONING/DIMENSIONAL INFORMATION		
	Minimum Required	Existing
Minimum Lot Area	N/A	N/A
Minimum Lot Width	N/A	N/A
Minimum Front Yard Setback	N/A	N/A
Minimum Side Yard Setback	N/A	N/A
Minimum Rear Yard Setback	N/A	N/A
Maximum Bldg. Height	N/A	N/A
Other Requirements	Ord. No. 167.07	See Below

BACKGROUND INFORMATION

Mr. William Burchfield of Marcell's Inc. has submitted a request to vacate a portion of the Bender Avenue Alley that runs east/west between Harmon Avenue and Mosler

Avenue. The portion proposed vacation is located in the block bounded by Mosler Avenue to west, Grand Boulevard to the south, Harmon Avenue to the east, and Bender Avenue to the north. The Burchfield family owns the three (3) properties that abut the subject alley. Marcell's Inc. (vehicle towing & impound lot) abuts the alleyway.

The subject alley is approximately 12 feet in width and 188 feet in length. There are no utilities located within alleyway. The proposed alley vacation has been reviewed and approved by all City of Hamilton Departments through Interdepartmental Review.

Property owners within 200 feet of the subject property were notified by mail of the public hearing. No objections were noted prior to the drafting of this memo.

PLAN/PROPOSAL ANALYSIS

1. **Zoning** – Property that abuts the subject alley on the north is zoned I-1 Industrial District and property to the south is currently zoned I-1 Industrial District. – No change in zoning is proposed at this time.
2. **Setbacks** – N/A
3. **Parking** – N/A
4. **Land Division** – N/A
5. **Landscaping** – N/A
6. **Lighting** – N/A
7. **Interdepartmental Review** – The petition for alley vacation has been reviewed and approved by the City of Hamilton Interdepartmental Review Committee.
8. **Other** – This request has been advertised as a public hearing.

PROPOSED ALLEY VACATION

Mr. William Burchfield of Marcell's Inc. has submitted a request to vacate a portion of the Bender Avenue Alley that runs east/west between Harmon Avenue and Mosler Avenue. The portion proposed vacation is located in the block bounded by Mosler Avenue to west, Grand Boulevard to the south, Harmon Avenue to the east, and Bender Avenue to the north. The Burchfield family owns the three (3) properties that abut the subject alley. Marcell's Inc. (vehicle towing & impound lot) abuts the alleyway.

The subject alley is approximately 12 feet in width and 188 feet in length. There are no utilities located within alleyway. The proposed alley vacation has been reviewed and approved by all City of Hamilton Departments through Interdepartmental Review.

Public Hearing notices were mailed to all adjacent property owners within 200 feet of the right-of-way subject to vacation. As of this writing, no objections were noted and one phone call was received regarding clarification of the proposed alley vacation.

RECOMMENDATION

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

That the Planning Commission approves the proposed alley vacation, and recommend that City Council adopt the necessary legislation to vacate a portion of the Bender Avenue Alley, located in the Fifth Ward South Side, City of Hamilton, Butler County, Ohio.

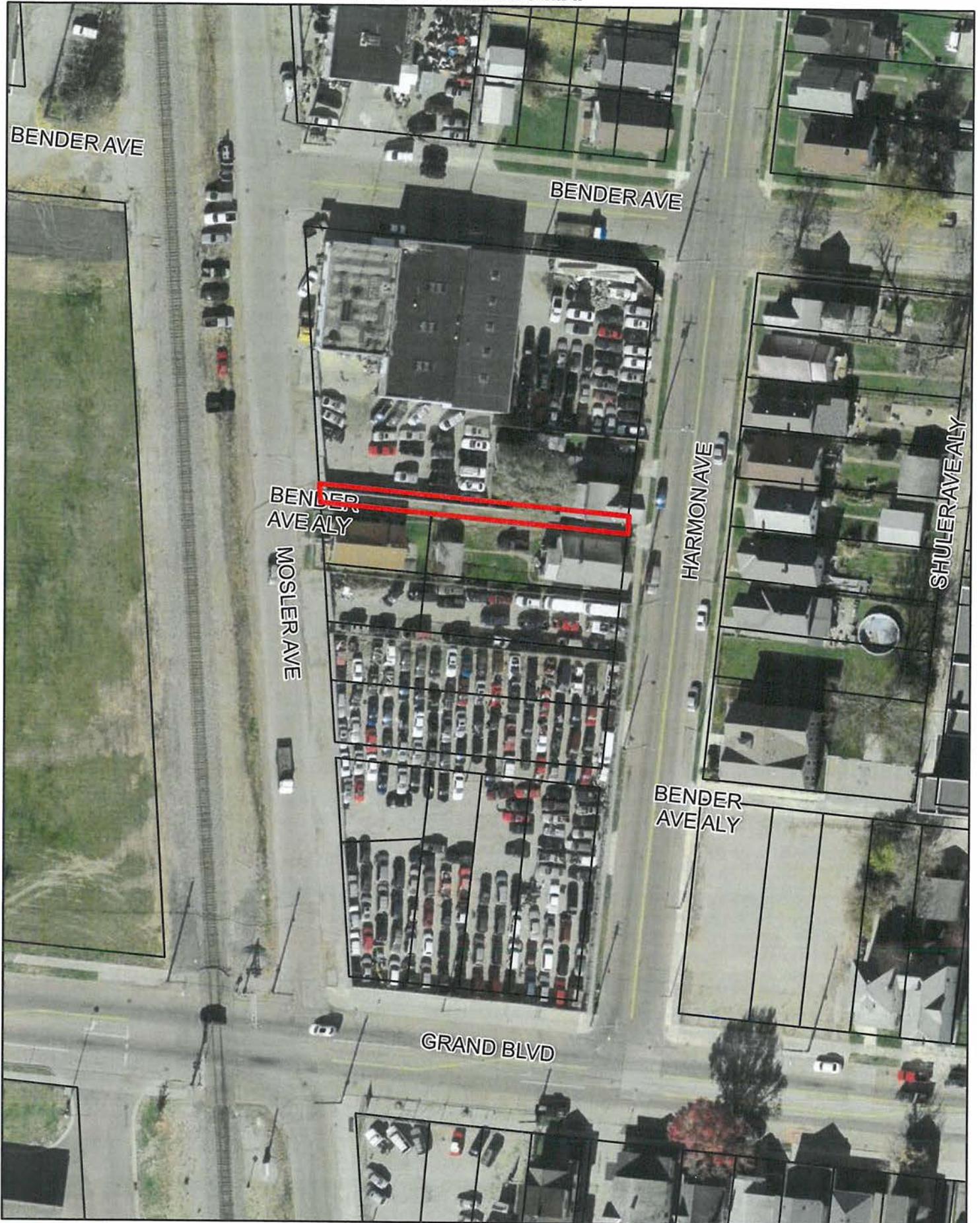
EXHIBITS

1. Public Hearing Notification Map
2. Petition for Vacation

COPIES PROVIDED TO:

Rich Engle, Public Works

BENDER AVENUE ALLEY PUBLIC HEARING MAP



 Bender Avenue Alley

0 30 60 120 Feet



A162189
A 162191

Marcell's Inc.

Established in 1956

1627 Bender Avenue
Hamilton, Ohio 45011
Phone: 513) 867-8889
Fax: 513) 867-1024
Email: marcells_inc@yahoo.com

JUL 1 2016 PM 3:13

City of Hamilton
Community Development
345 High Street, Suite 370
Hamilton, Oh 45011

Date: June 24, 2016

Re: Alley Between 1300 Block of Mosler Avenue 1300 Block of Harmon Avenue

Dear Council Members:

Please be advised that this is a formal request to vacate the alley shown on the enclosed map. The alley abuts only land owned by Ruth Burchfield, William Burchfield, and Marcell's Inc. The Burchfield family owns and operates Marcell's Inc. The alley is used almost exclusively by the employees of Marcell's Inc., and it is the intent of Marcell's Inc. to redevelop the surrounding property to improve its business and appearance, which would require the use of the alley.

A check for \$50.00 is enclosed to cover the required filing fee. Please let me know if there is any additional information required.

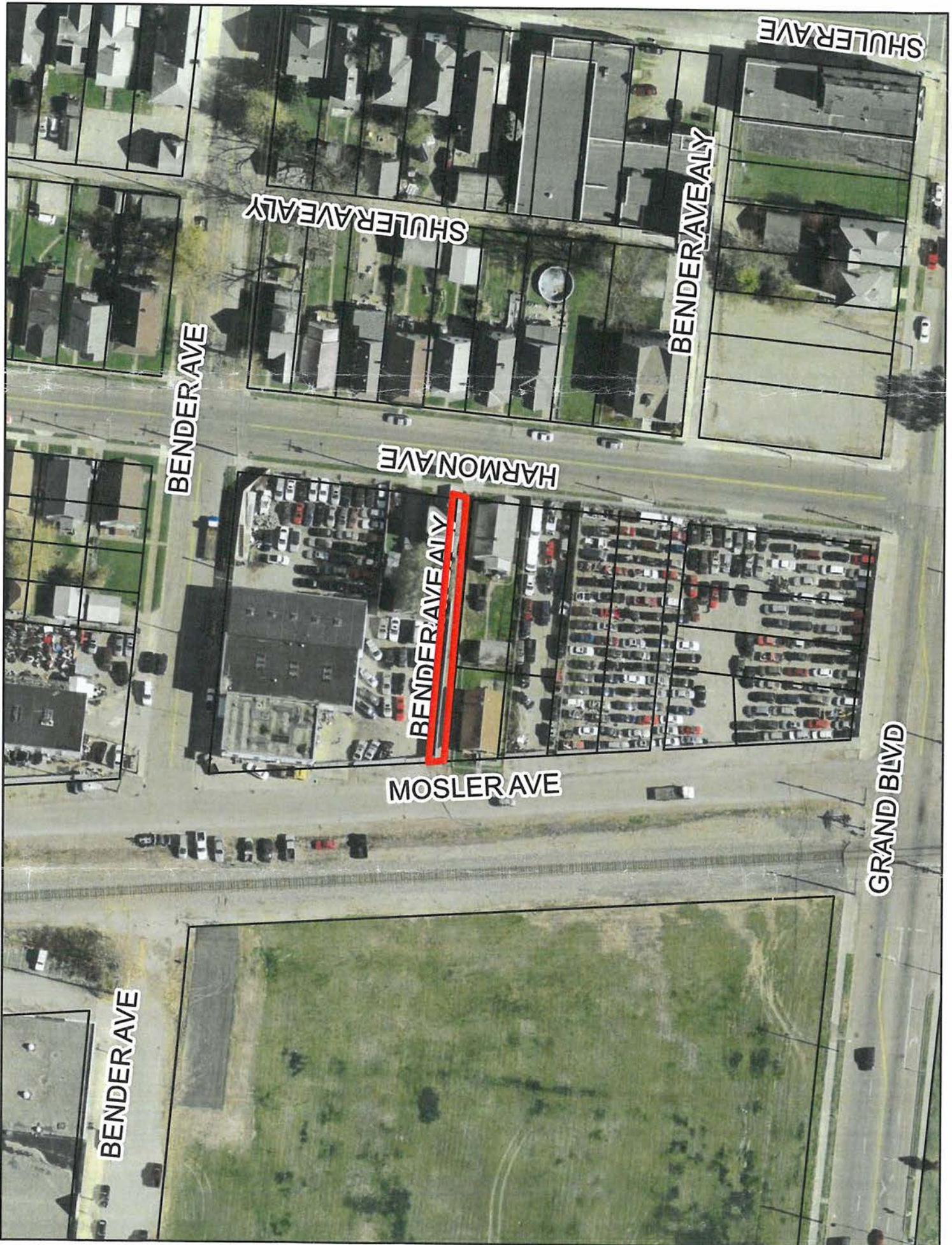
Sincerely,



William Burchfield, President
Marcell's Inc.

Enclosures: Map of 1300 Block Mosler Avenue and 1300 Block Harmon Avenue
Check/Filing Fee

City of Hamilton
Date: 7/5/2016
Acct: 276203
Name:
Receipt #: 00940924
Payment Total: \$50.00
City of Hamilton
Officer: CRIST
Cashier: Consvo
7/5/2016 10:51 AM
Check tendered : \$50.00



SHULERA VE

BENDER AVE ALY

SHULERA VE ALY

BENDER AVE

HARMON AVE

BENDER AVE ALY

MOSLER AVE

GRAND BLVD

BENDER AVE

COMMUNITY DEVELOPMENT DEPARTMENT
CONSTRUCTION SERVICES DIVISION
INTER-DEPARTMENTAL PLAN REVIEW RECORD

Date Plans Submitted: **07/05/2016**

Date Plans Reviewed: **07/21/2016**

Project Address: **1627 BENDER AVE**

Ph: **(513) 867-8889**

Project / Owner Name: **1300 BLOCK
MOSLER/HARMON AVENUE**

Applicant: **BILL BURCHFIELD**

FX:

Project Description: **ALLEY VACATION**

Application #: **A162189**

Plan Review #: **A162191**

Review # **1**

Department	Date to	No Object	Object	Date from	Remarks
Zoning / Planning John Creech 785-7355	7/5/2016		JMC	7/21/2016	REQUIRES APPROVAL BY CITY COUNCIL PURSUANT TO ORD. 167.07
Fire Ken Runyan 785-7506	7/5/2016	KLR		7/13/2016	
Electric Craig Marcum 785-7240	7/5/2016	CDM/JM		7/6/2016	
Utilites Gas/Wtr/Se Joy Rodenburgh 785-7283	7/5/2016	JFR/DJF		7/7/2016	NO OBJECTIONS
Public Works Rich Engle 785-7273	7/5/2016	RAE		7/5/2016	
Envir. Services Darla Bokeno 785-7211	7/5/2016	DSB		7/8/2016	

When all of the above objections are corrected, submit **2** complete sets of revised plans to the **Construction Services Office at 345 High Street, Suite #350**. **All plan changes shall be color highlighted** to be accepted. As an option, the applicant may choose to insert individually revised sheets into all sets.

Ken Rivera, Building Official

By: _____

If you have any questions concerning any of the attached information you may contact **John Creech**.

Telephone # **513.785.7355**

Email **john.creech@hamilton-oh.gov**