



**Pat Moeller**

Mayor

**Carla Fiehrer**  
Vice Mayor

**Matthew Von Stein**  
Council Member

**Kathleen Klink**  
Council Member

**Rob Wile**  
Council Member

**Robert Brown**  
Council Member

**Timothy Naab**  
Council Member

### **Call to Order**

**Offering of Prayer** – Council Member Carla Fiehrer

### **Pledge of Allegiance**

### **Special Presentations by City Council or the City Manager/ Proclamations/ Verbal Reports**

1. Feed Ohio Proclamation
2. Recent Water Issues Update

### **Audience of Citizens**

Individuals who wish to make comments regarding items scheduled on the Agenda may speak during this part of the agenda or may reserve the right to speak specifically when that item is up for a vote on Council floor. Individuals who wish to speak regarding items not specifically scheduled may do so at this time. All individuals who intend to address City Council are required to sign in at the table in the back of the room. Each speaker is allowed 5 minutes.

### **Consent Agenda**

The Consent Agenda is intended to allow the City Council to spend its time and energy on the important items on a lengthy agenda. Staff recommends approval of the Consent Agenda. Anyone may request an item on this calendar to be "pulled" off the Consent Agenda and considered separately. Agenda items pulled from the Consent Agenda will be considered separately under Pulled Consent Items.

- Approval of Minutes
- All Staff Reports
- Receive and File
- Committee of the Whole Report (Includes all Caucus Reports)
- Informational Report – The Emergency Demolition of 205 North B Street

### **Caucus Agenda August 10, 2016**

1. [Recommendation Relative to Amending, Transferring and Budgeting up to \\$116,252 of FY 2015 through 2016 CDBG Funds.](#)
2. [Recommendation Relative to a 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 \(Hamilton City School District, Applicant\).](#)
3. [Recommendation Relative to a 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. \(Allen Loudiy, Owner/Applicant\).](#)
4. [Recommendation Relative to a Resolution of Intent to Vacate a Portion of the Bender Avenue Alley, located in the Fifth Ward, City of Hamilton, Butler County, Ohio \(Marcell's Inc., Applicant\).](#)
5. [Recommendation Relative to the General Property Tax Rates and Amounts for Fiscal Year 2017.](#)
6. [Recommendation Relative to \\$15,000,000 Issuance of Bonds for Capital Projects.](#)





**These icons illustrate which strategic goals Council Actions align to**

**Live**



Increase residential property values by CPI + 5%

**Work**



Realize \$150 million of new private industrial/commercial investment

**Play**



Generate \$20 M in investment for recreational amenities with \$10 M around the Great Miami River



Decrease vacant residential structures by 30% (1000 total)



Add 2,000 net new jobs



Engage 50,000 participants annually in special events, arts, and recreation activities



**General Operations and Government Business**

**Council Actions Pertaining to Legislative Items:**

**Pending Legislation:**

3. [An ordinance amending Sections 1126.00 and 119.00 of the City of Hamilton Zoning Ordinance No. 7503, regarding Architectural Design Review Board Fees. \(Second Reading\).](#)
4. [An ordinance amending portions of Section 1138.00 of the City of Hamilton Zoning Ordinance No.7503, regarding signage. \(Second Reading\).](#)
5. [An ordinance amending Zoning Ordinance No. 7503 by changing the Zoning of the properties located at 200 Brookwood Avenue \(City Lot No. 22049\) and 218 Brookwood Avenue \(City Lot No. 22050\), located in the City of Hamilton, First Ward South Side, from R-1 Single Family Residential District to RPD Residential Planned Development District \(Colonial Senior Services, Applicant\). \(Second Reading\).](#)

**New Legislation:**

6. [An ordinance regarding the Fifth Supplemental Budget Appropriation to the 2016 Budget. \(Two Readings\).](#)
7. [An ordinance approving, adopting, and enacting the 2016 Replacement Pages to the 1998 Codified Ordinances of the City of Hamilton, Ohio, and repealing matters in conflict therewith. \(Two Readings\).](#)
8. [A resolution authorizing and directing the City Manager to pursue an Economic Development Agreement with Community Management Corporation \(CMC Properties\) for 115 Dayton Street.](#)
9. [A resolution authorizing and directing the City Manager to contact the Massachusetts Institute of Technology \(MIT\) in order to pursue the possibility of relocating murals painted by Robert McCloskey from MIT to the City of Hamilton.](#)





**City Council – Regular Meeting**

August 10, 2016 @ 6 p.m.

345 High Street

Hamilton, OH, 45011

**Audience of the City Manager**

**Audience of City Council**

**Executive Session**

**Adjournment**

The City of Hamilton is pleased to provide accommodations to disabled individuals and encourage their participation in city government. Should special accommodations be required, please contact the City Clerk's office at 513-785-7074 (24) hours before the scheduled meeting.





Informational Report  
August 10, 2016

## City Council Meeting Informational Report

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**TO:** The Honorable Mayor and Members of the City Council

**FROM:** Eugene Scharf, Director Community Development  
John Hoskinson, Purchasing Agent

**RE:** Emergency Demolition of 205 N. B Street, Hamilton, Ohio

Dear Mayor and Members of Council:

The structure at 205 N. B Street is a four level commercial property containing approximately 16,184 square feet. Built in 1916, the structure has severely deteriorated to the point where collapse is inevitable.

The property owners of record, Todd S. and Lisa J. Routh have not responded to the "Notice of Violations and Orders to Vacate and Demolish" Complaint ID #201602539, issued on May 4, 2016 by the City's Health Commissioner and Building Official. At that time, the Building Official ordered the closing of Wayne Street as a matter of public safety. Since the issuance of the complaint in May the Building Official has observed further and rapid deterioration of the structure. Due to its proximity at the corner of Wayne Avenue and N. B Street a collapse of the structure would fall onto one or both roadways. N. B Street is a major north south thoroughfare on Hamilton's west side for police and fire as well as citizens. The prolonged closure of N. B Street would be a significant impact to City services.

In accordance with C.O. 169.07 Emergency Contracts, the Purchasing Division solicited informal bids from nine demolition contractors. Four contractors responded with bids ranging from \$234,994 to \$491,000. The City Manager authorized the emergency contract award to the low bidder, Vickers Demolition, at \$234,994. Since the emergency contract award, an additional cost of \$9,017 has been incurred for the re-design and re-location of Cincinnati Bell Fiopics fiber optic lines and poles from around the address. The demolition contractor has mobilized on site is expect all work to be completed within four weeks.

This report is provided for your information and requires no City Council action.



**Related Strategic Goal(s)**

- I** Increase residential property values by CPI + 5%
- D** Decrease vacant residential structures by 30% (1,000 total)
- A** Add 2,000 new jobs
- R** Realize \$150 million of new private industrial/commercial investment
- G** Generate \$20 M in investment for recreational amenities with \$10 M around the Great Miami River
- E** Engage 50,000 participants annually in special events, arts and recreation activities
- O** General operations / Government Business



**City Council Meeting Caucus Report**

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**TO:** The Honorable Mayor and Members of the City Council

**RE:** Amend, Transfer and Budget up to \$ 116,252 of FY 2015 through 2016 CDBG Funds

- 1<sup>st</sup> Reading Date: 8/24/16
- 2<sup>nd</sup> Reading Date: 8/24/16
- Public Hearing Date: 8/24/16

Dear Mayor and Members of Council:

City Council is asked to consider amending, transferring and budgeting up to \$116,252 of FY 2015 through 2016 CDBG funds for the following activities.

- \$ 55,180 for the Clearance of Nuisance Properties
- \$ 49,572 for the Public Infrastructure Improvements
- \$ 11,500 for Public Facility Improvements

It is the recommendation of this office that Council receives this report, concurs in the recommendation, and directs the preparation of the necessary legislation.

Sincerely,

Caucus Report Prepared By:

Joshua A. Smith  
 City Manager

Eugene F. Scharf  
 Community Development Director

- Choose Strategic Goal(s)**
- R** Realize \$150 million of new private industrial/commercial investment
  - A** Add 2,000 new jobs
  - I** Increase residential property values by CPI + 5%
  - D** Decrease vacant residential structures by 30% (1,000 total)
  - G** Generate \$20 M in investment for recreational amenities with \$10 M around the Great Miami River
  - E** Engage 50,000 participants annually in special events, arts and recreation activities
  - O** General Operations/ Government Business



Potential Amendment

7/21/2016

**FROM:**

916-805-630-260	Housing Contractual	\$	1,154.71	\$	1,155.00
916-815-910-000-991-001	Economic Deve. - Entitlement Loans	\$	50,000.00	\$	50,000.00
916-840-620-200	Training	\$	400.00	\$	400.00
916-840-630-230	Outside Legal Services	\$	412.00	\$	412.00
916-840-640-420	Liability Insurance	\$	2,937.91	\$	2,938.00
916-840-640-530	Printing and Binding	\$	149.75	\$	150.00
916-840-640-580	Delivery	\$	124.34	\$	125.00
	<b>TOTAL</b>	\$	<b>55,178.71</b>	\$	<b>55,180.00</b>

**TO:**

916-855-910-821	Health - Demolition and Clearance	\$	55,178.71	\$	55,180.00
	<b>TOTAL</b>	\$	<b>55,178.71</b>	\$	<b>55,180.00</b>

**FROM:**

916-810-610-100	PF - Salaries and Wages	\$	4,792.20	\$	4,793.00
916-810-610-160	PF - Special Pays	\$	775.00	\$	775.00
916-810-620-100	PF - Health Insurance	\$	1,075.56	\$	1,076.00
916-810-620-101	PF - Dental Insurance	\$	152.74	\$	153.00
916-810-620-102	PF - Vision Insurance	\$	255.65	\$	256.00
916-810-620-110	PF-Life Insurance	\$	16.84	\$	17.00
916-810-620-115	PF - Health Spending Account - Employer Cont.	\$	276.67	\$	277.00
916-810-620-120	PF - Medicare	\$	141.17	\$	142.00
916-810-620-130	PF - PERS	\$	699.80	\$	700.00
916-820-910-000-052	Programmimg at the BTW Center	\$	14,648.57	\$	14,649.00
916-815-910-000-991-001	Economic Deve. - Entitlement Loans	\$	10,000.00	\$	10,000.00
916-835-610-100	Housing-Salaries and Wages	\$	2,004.75	\$	2,005.00
916-835-620-100	Housing - Health Insurance	\$	460.61	\$	461.00
916-835-620-101	Housing - Dental Insurance	\$	91.95	\$	92.00
916-835-620-102	Housing - Vision Insurance	\$	88.24	\$	89.00
916-835-620-110	Housing - Life Insurance	\$	46.85	\$	47.00
916-835-620-115	Housing - Health Spending Account - Emp. Cont.	\$	81.67	\$	82.00
916-835-620-120	Housing - Medicare	\$	142.63	\$	143.00
916-835-620-130	Housing - PERS	\$	693.46	\$	694.00
916-840-610-100	PA - Salaries and Wages	\$	6,864.12	\$	6,865.00
916-840-620-100	PA - Health Insurance	\$	308.25	\$	309.00
916-840-620-101	PA - Dental Insurance	\$	119.44	\$	120.00
916-840-620-102	PA - Vision Insurance	\$	29.66	\$	27.00
916-840-620-110	PA - Life Insurance	\$	95.77	\$	96.00
916-840-620-115	PA - Health Spending Account - Emp. Cont.	\$	255.21	\$	256.00
916-840-620-120	PA - Medicare	\$	181.37	\$	182.00
916-840-620-130	PA - PERS	\$	825.99	\$	826.00
916-840-630-245	Banking Services	\$	514.35	\$	515.00
916-840-640-560	Membership Dues	\$	292.50	\$	293.00
916-840-660-110	Miscellaneous Equipment	\$	781.00	\$	781.00
916-840-660-240	Books and Periodicals Subscriptions	\$	224.32	\$	225.00
916-840-700-399	Furniture and Fixtures	\$	500.00	\$	500.00
916-840-800-300	Fleet Maintenance	\$	1,800.00	\$	1,800.00
916-850-850-300	Contingencies	\$	325.00	\$	325.00
916-855-910-822	Health - Slum and Blight Remediation	\$	0.96	\$	1.00
	<b>TOTAL</b>	\$	<b>49,562.30</b>	\$	<b>49,572.00</b>

**TO:**

916-810-910-202	CORE Development Activities	\$	49,562.30	\$	49,572.00
	<b>TOTAL</b>	\$	<b>49,562.30</b>	\$	<b>49,572.00</b>

**FROM:**

916-810-910-202	CORE Development Activities	\$	11,500.00	\$	11,500.00
	<b>TOTAL</b>	\$	<b>11,500.00</b>	\$	<b>11,500.00</b>

**TO:**

916-810-New	Public Facilities - B + G Club: Concrete Repair	\$	11,500.00	\$	11,500.00
	<b>TOTAL</b>	\$	<b>11,500.00</b>	\$	<b>11,500.00</b>

## City Council Meeting Caucus Report

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**TO:** The Honorable Mayor and Members of the City Council

<input checked="" type="checkbox"/>	1 <sup>st</sup> Reading Date: 8/24/2016
<input checked="" type="checkbox"/>	2 <sup>nd</sup> Reading Date: 9/14/2016
<input type="checkbox"/>	Public Hearing Date:

**RE:** 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).

Dear Mayor and Members of Council:

### BACKGROUND INFORMATION

#### Introduction:

This is a request submitted by the Hamilton City School District (HCSD) for a Conditional Use 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 current 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:

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

HCS D anticipates four (4) buses will be utilized during the morning and afternoon sessions depending upon ultimate enrollment numbers. HCS D 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.

HCS D 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 HCS D 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.

**Notification:**

Public Hearing Notices were mailed to the owners of 58 properties within 500 feet of the property in question prior to the Planning Commission public hearing. There were no objections expressed to the proposed conditional use 140 Ross Avenue.

**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 City Council 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 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. Onsite 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.

### **Review and Findings:**

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.

### **Recommendation:**

On August 1, 2016 the Planning Commission held a public hearing and recommend approval of the Conditional Use application for 140 Ross Avenue subject to the following conditions of approval:

1. Bus route with discharge of students on school property.
2. School Resource Officer to be on-site during school hours (minimum hours 7:30 am-2:30 pm).
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 (Note added 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 5:00 pm for the days of Monday through Friday and on weekends, 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.
12. The construction drawings for the proposed work to be revised subject to any future requirements of the City Interdepartmental Review (IDR) Committee upon review.

It is the recommendation of this office that Council receives this report, concurs in the recommendation of the Planning Commission, and directs the preparation of the necessary legislation to **approve** the Conditional Use application for 140 Ross Avenue.

Sincerely,

Caucus Report Prepared By:

Joshua A. Smith  
City Manager

John Creech  
Senior Planner

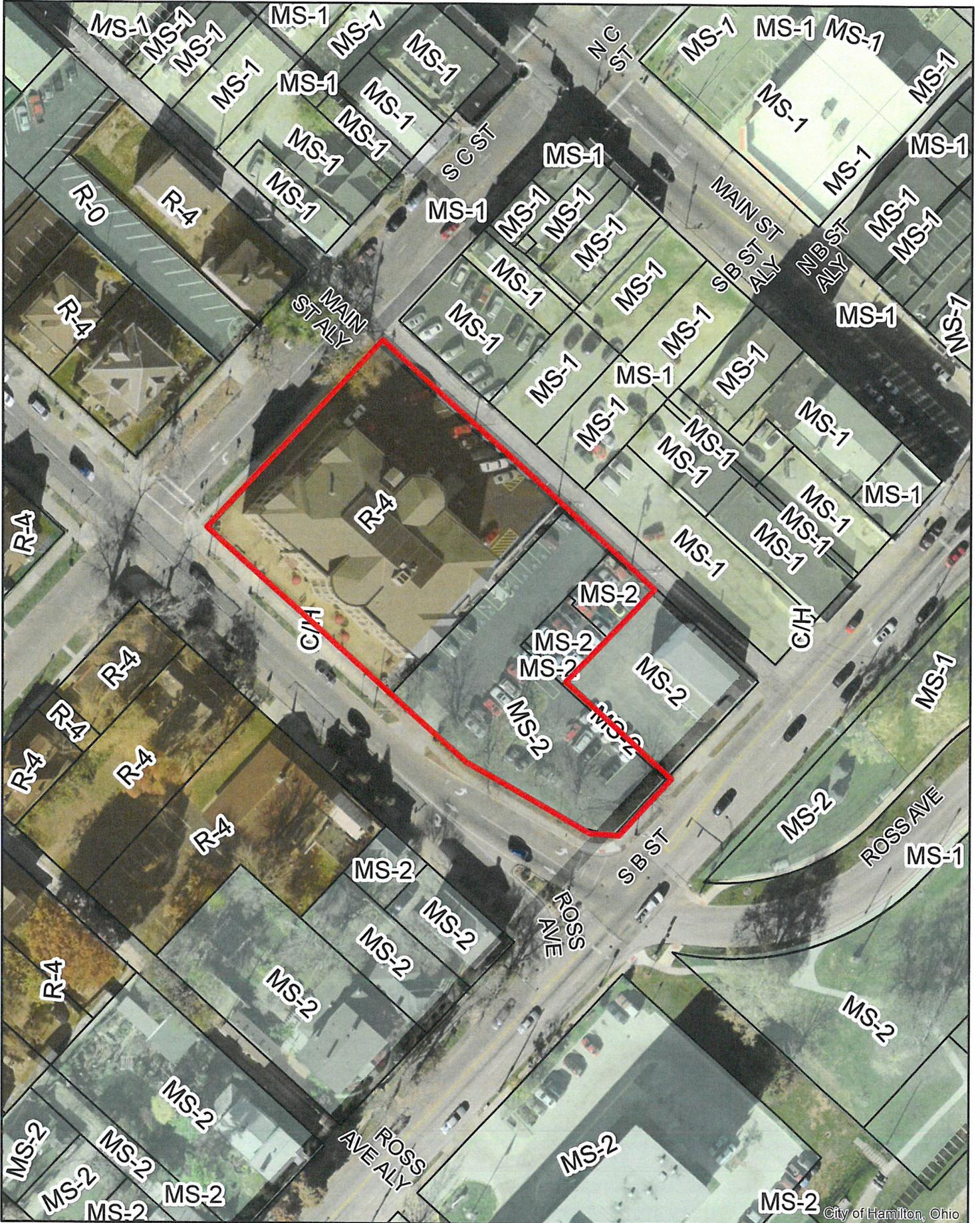
Attachments to this report include:

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

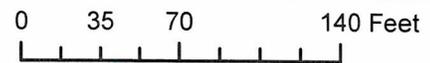
<b>Choose Strategic Goal(s)</b>	
<input type="checkbox"/>	<b>R</b> Realize \$150 million of new private industrial/commercial investment
<input type="checkbox"/>	<b>A</b> Add 2,000 new jobs
<input type="checkbox"/>	<b>I</b> Increase residential property values by CPI + 5%
<input type="checkbox"/>	<b>D</b> Decrease vacant residential structures by 30% (1,000 total)
<input type="checkbox"/>	<b>G</b> Generate \$20 M in investment for recreational amenities with \$10 M around the Great Miami River
<input type="checkbox"/>	<b>E</b> Engage 50,000 participants annually in special events, arts and recreation activities
<input checked="" type="checkbox"/>	<b>O</b> General Operations/ Government Business



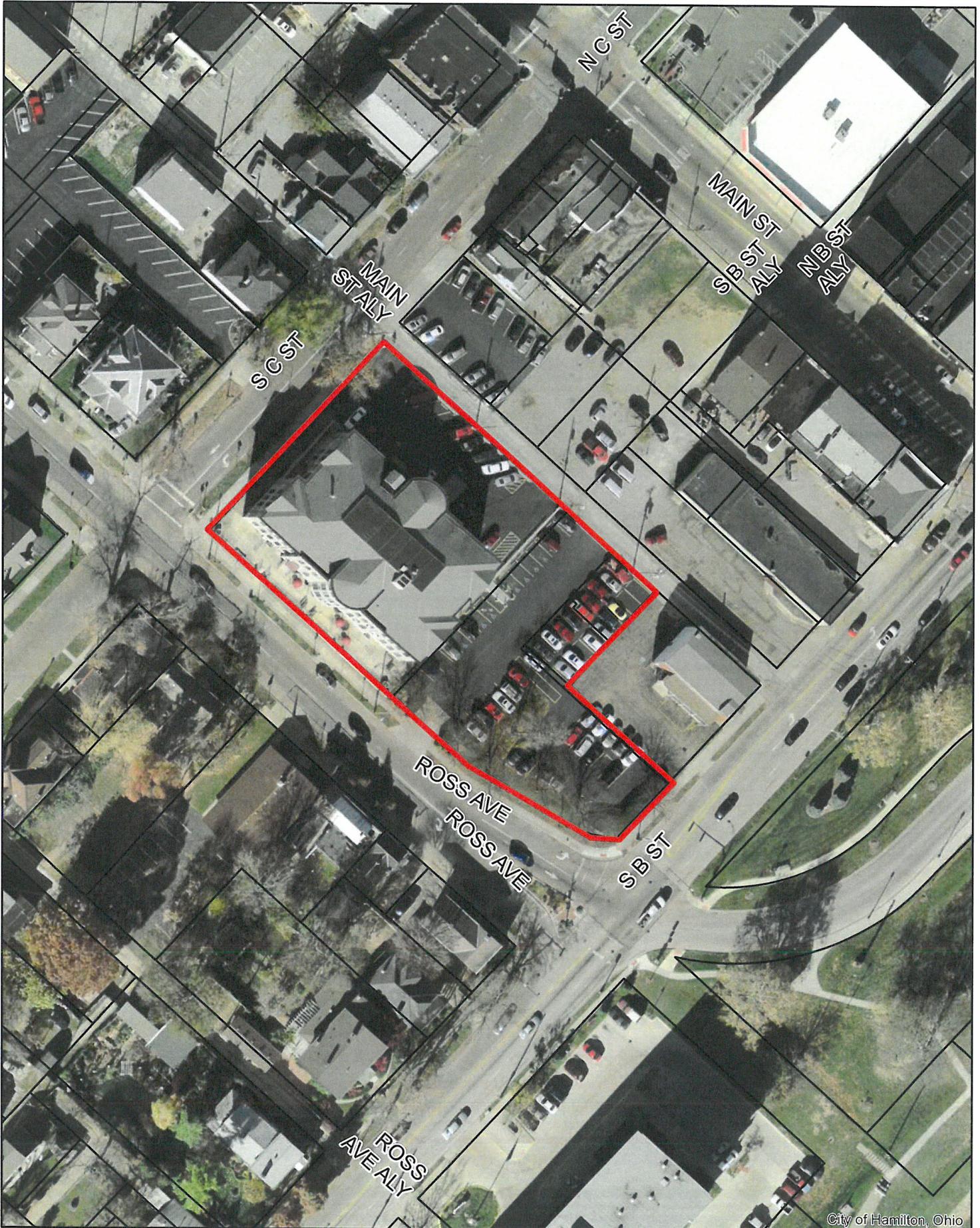
140 ROSS AVENUE  
PUBLIC HEARING MAP



 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 #: 228138  
 Name:  
 Receipt # 0094876  
 Payment Total: \$200.00  
 City of Hamilton  
 Office: CNST  
 Cashier: Cona  
 7/11/2016 2:11 PM  
 Check Number: 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.

[www.shp.com](http://www.shp.com)  
 @shp\_leading

**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

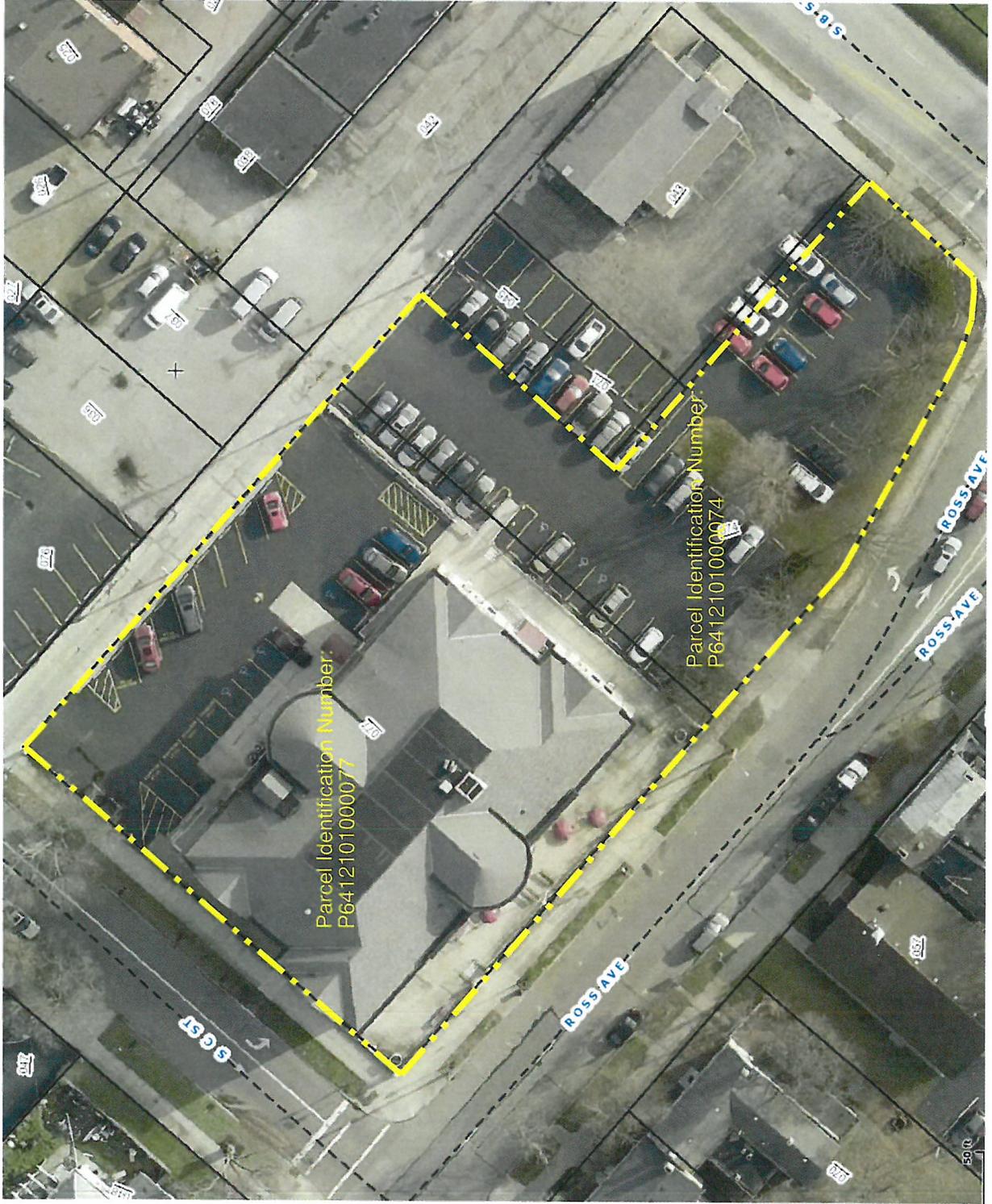
Bill Deters – Ennis Britton (via phone)

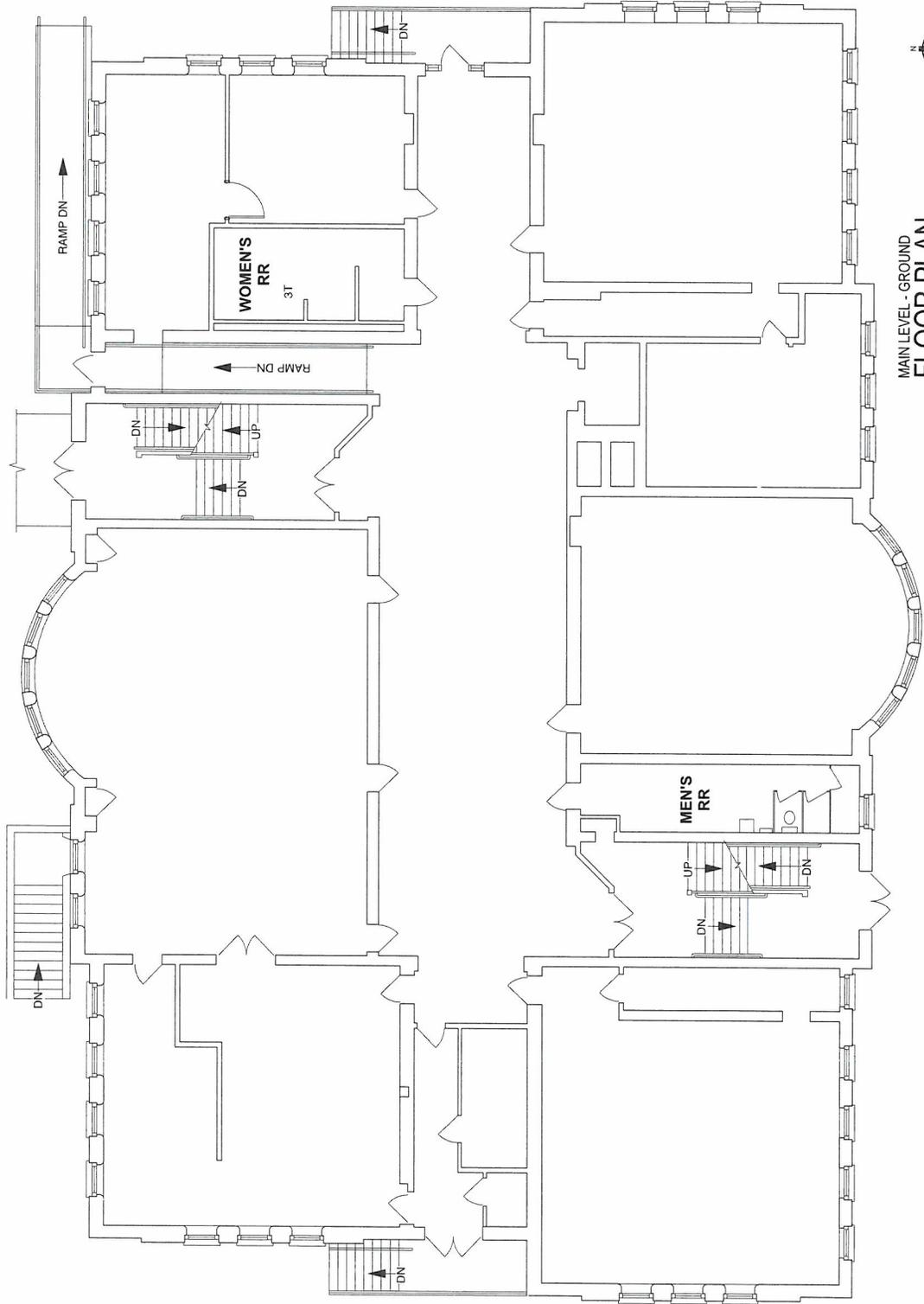
John Creech, Bud Scharf, Joshua Smith, Ken Rivera, Pat Moeller – City of Hamilton

Date: June 21, 2016

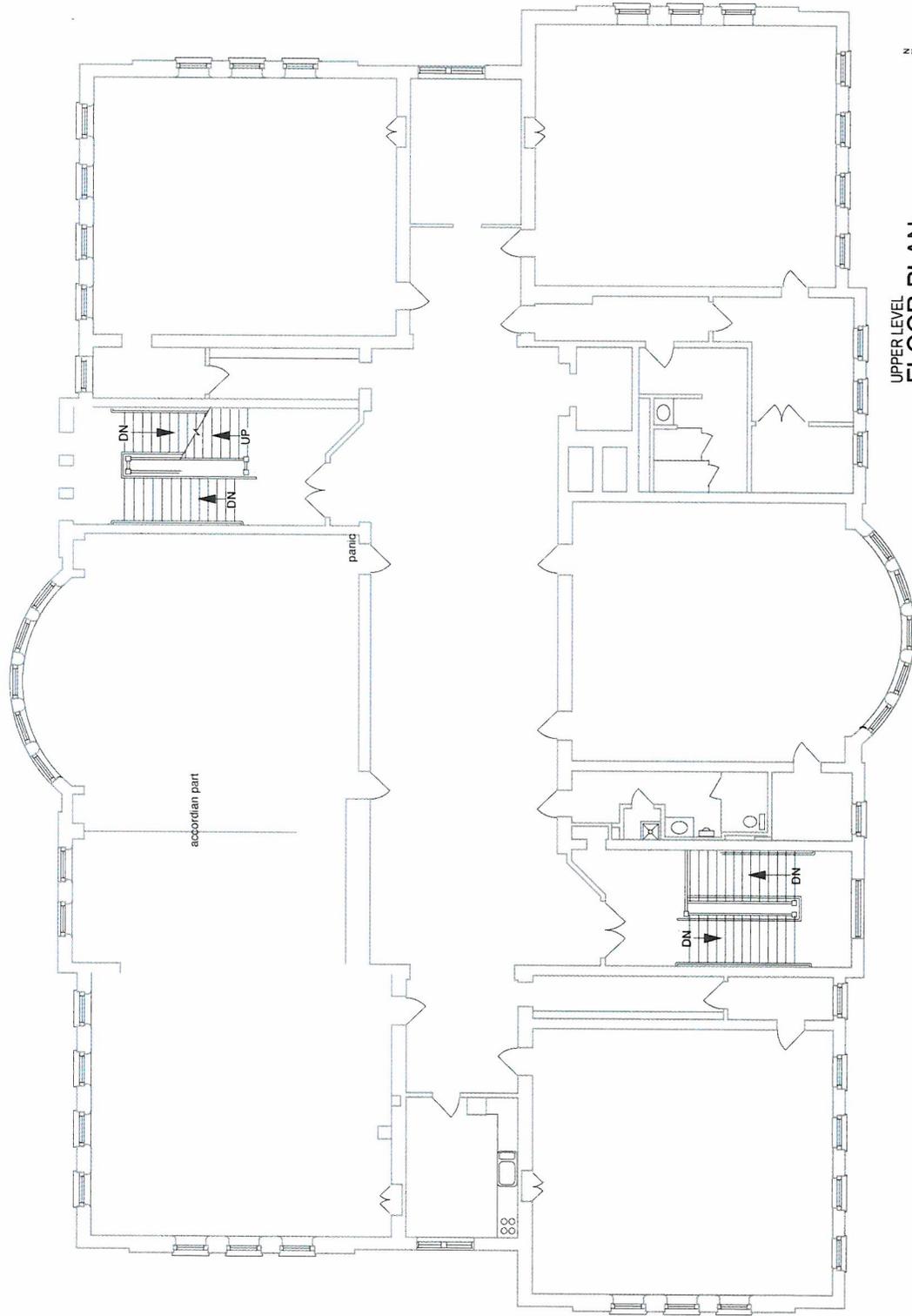
The following items were discussed and agreed to by all parties for inclusion in the Conditional Use application.

- 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.



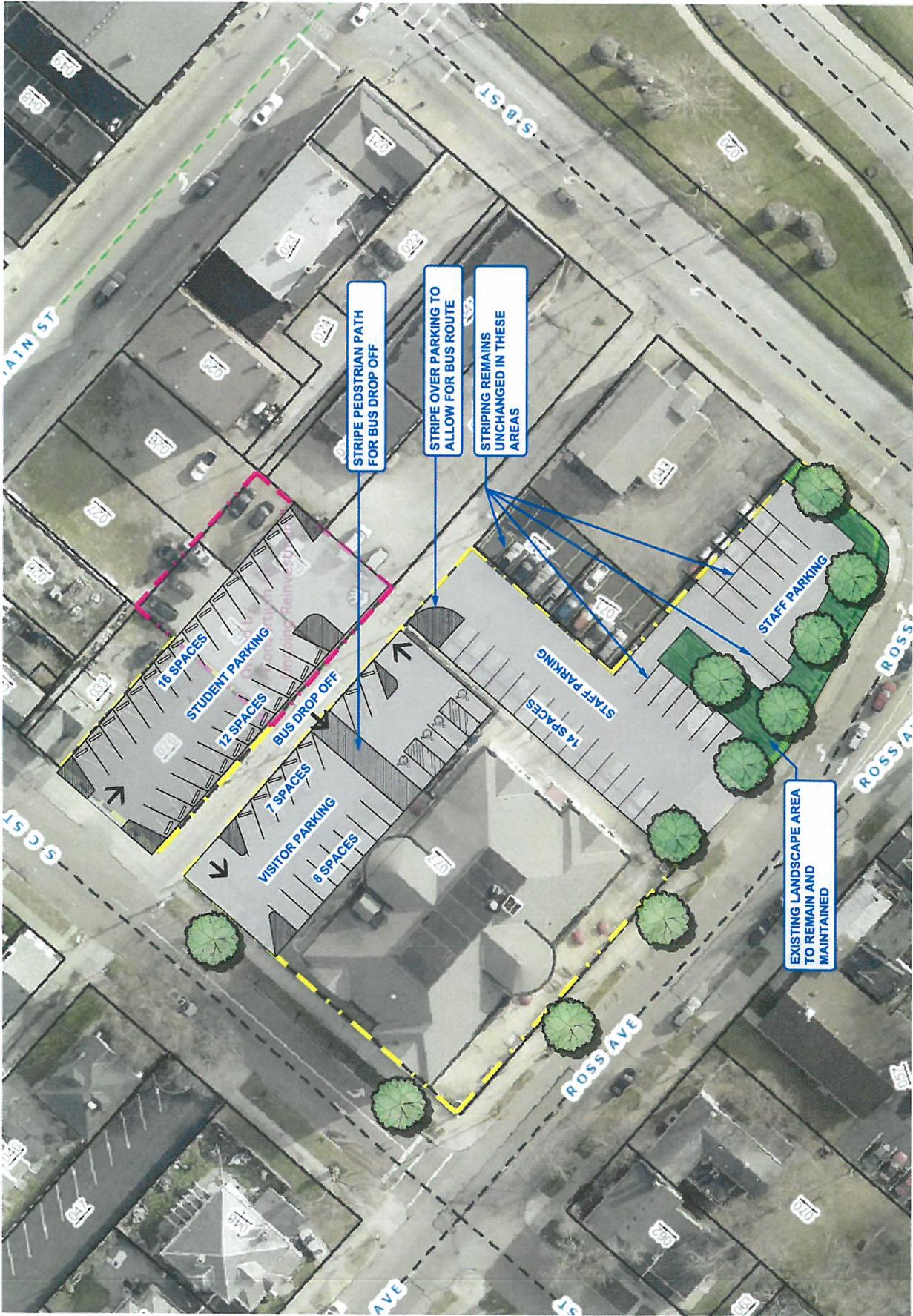


MAIN LEVEL - GROUND  
**FLOOR PLAN**  
140 ROSS AVE, HAMILTON, OH

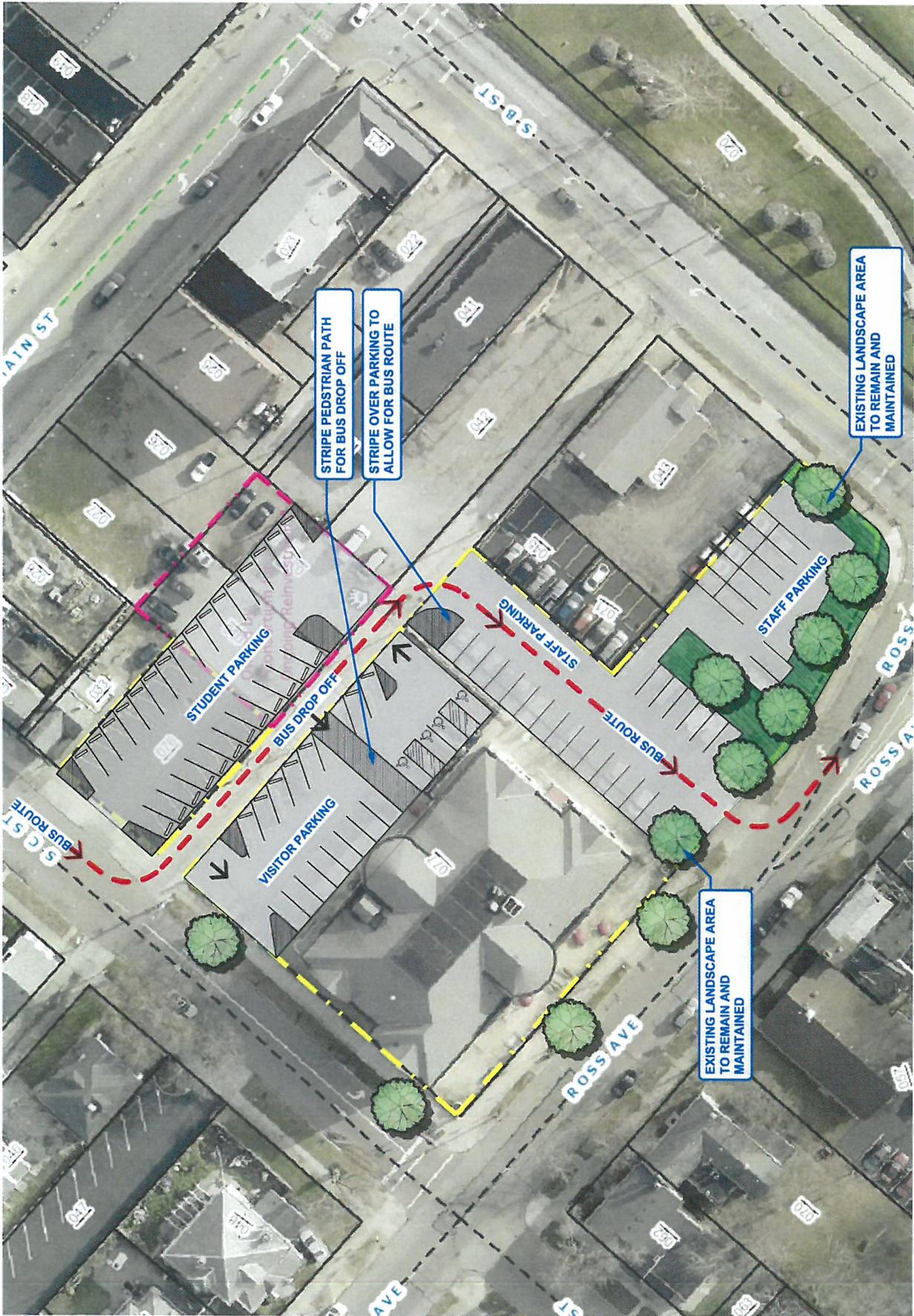


UPPER LEVEL  
**FLOOR PLAN**  
140 ROSS AVE, HAMILTON, OH





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



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

## City Council Meeting Caucus Report

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**TO:** The Honorable Mayor and Members of the City Council

<input checked="" type="checkbox"/>	1 <sup>st</sup> Reading Date: 8/24/2016
<input checked="" type="checkbox"/>	2 <sup>nd</sup> Reading Date: 9/14/2016
<input type="checkbox"/>	Public Hearing Date:

**RE:** 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).

Dear Mayor and Members of Council:

### BACKGROUND INFORMATION

#### 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 provided 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, the Planning Commission determined that there was sufficient reason in the findings below to **deny** 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 protect the public interest. If the seven (7) parking spaces are being utilized, vehicles accessing the property could be inclined to 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:**

The Planning Commission held a public hearing on August 1, 2016 and 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.

It is the recommendation of this office that Council receives this report, concurs in the recommendation of the Planning Commission, and directs the preparation of the necessary legislation to **deny** the Conditional Use application for 735 S. Erie Boulevard.

Sincerely,

Caucus Report Prepared By:

Joshua A. Smith  
City Manager

John Creech  
Senior Planner

Attachments to this report include:

- 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

**Choose Strategic Goal(s)**

- R** Realize \$150 million of new private industrial/commercial investment
- A** Add 2,000 new jobs
- I** Increase residential property values by CPI + 5%
- D** Decrease vacant residential structures by 30% (1,000 total)
- G** Generate \$20 M in investment for recreational amenities with \$10 M around the Great Miami River
- E** Engage 50,000 participants annually in special events, arts and recreation activities
- O** General Operations/ Government Business



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



### 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: CNST  
 Acct: 226680  
 Cashier: Consvs  
 Name: \_\_\_\_\_  
 Receipt # 00936184  
 6/28/2016 9:46 AM  
 Payment Total \$200.00  
 Check Tended: \$200.00

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

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

\_\_\_\_\_  
**Please see attached**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

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.

 6-27-16  
Applicant's Signature Date

**Allen Loudiy**  
Applicant's Printed Name

 6-27-16  
Property Owner's Signature Date

**Allen Loudiy**  
Property Owner's Printed Name

---

**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  
27406 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]  
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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]  
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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

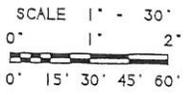
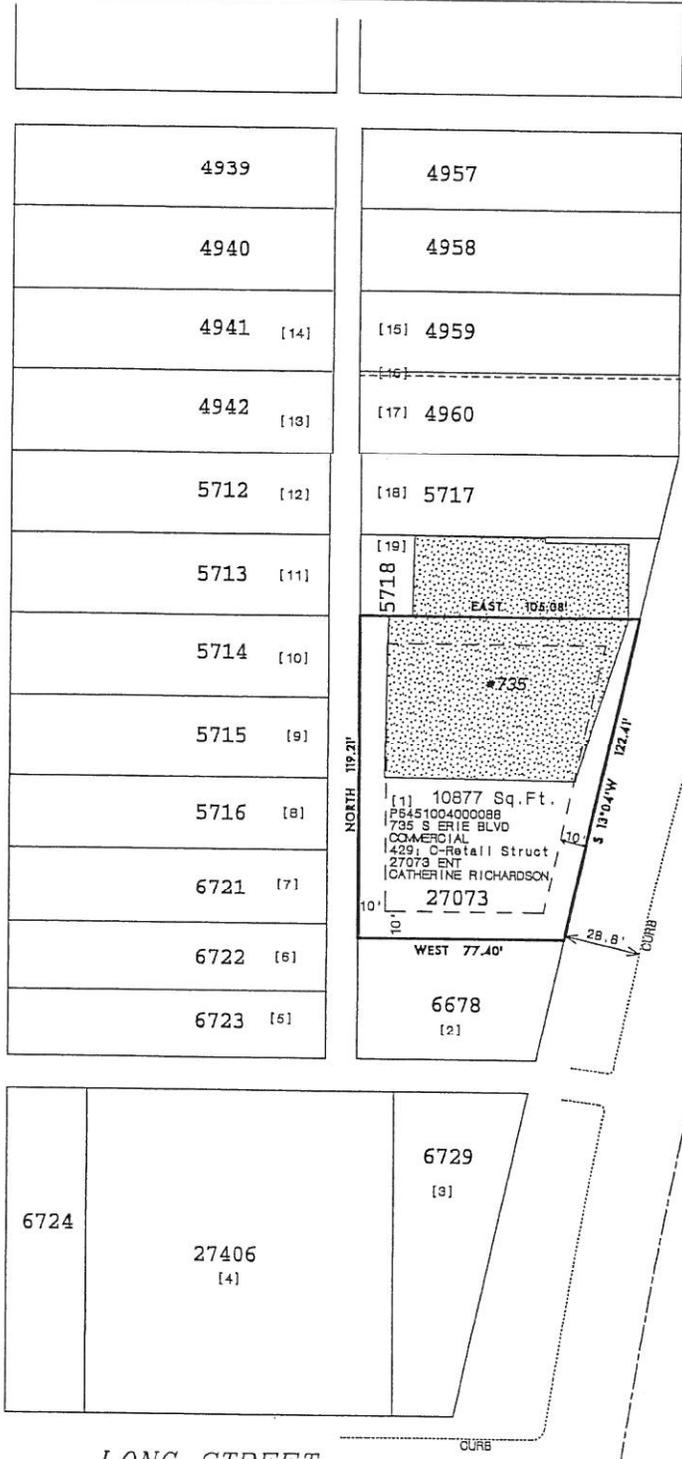
[19]  
P6451004000089  
731 S FOURTEENTH ST  
COMMERCIAL  
447; C-Office Bldg 1-2 Sty  
5718 ENT  
TAMELA M PATRICK

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

13th STREET

TEND CURB  
14th STREET  
CURB

ERIE HIGHWAY  
CURB



2015 APRIL 30  
**AMOS GREENE**  
LAND SURVEYOR  
6018 BARRETT ROAD  
WEST CHESTER, OH 45060-3146  
Phone 513-753-2657



EXISTING FENCE

ALLEY

NORTH 119.28'

27'-0" SETBACK

(1) 9'X18' PARKING SPACES

10'-0" SETBACK

S 13° 04' W 122.4'

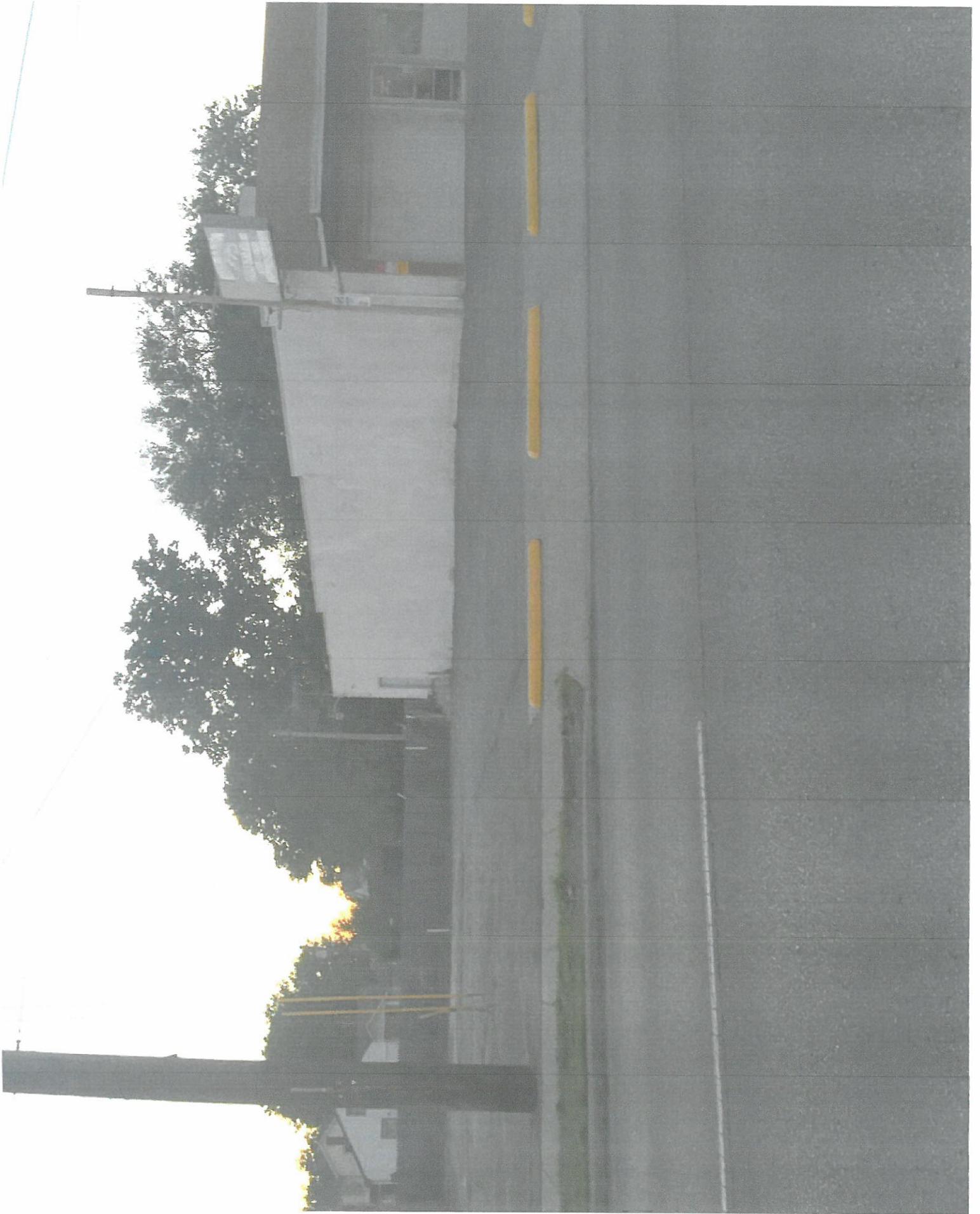
28'-10"

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



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## 735 South Erie Blvd

3 messages

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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

[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

[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](mailto:creechj@ci.hamilton.oh.us).

Sincerely,

John Creech  
Secretary  
Board of Zoning Appeals  
CC: Jay Bennett



## City Council Meeting Caucus Report

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**TO:** The Honorable Mayor and Members of the  
City Council

<input checked="" type="checkbox"/>	1 <sup>st</sup> Reading Date: 8/24/2016
<input type="checkbox"/>	2 <sup>nd</sup> Reading Date:
<input type="checkbox"/>	Public Hearing Date:

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

Dear Mayor and Members of Council:

### BACKGROUND INFORMATION

#### Introduction:

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.

#### Background:

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 before the City Planning Commission on August 1, 2016. There were no objections to the proposed alley vacation.

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



**Recommendation:**

The Planning Commission held a public hearing and reviewed the proposed alley vacation on August 1, 2016 and recommend approval by City Council.

It is the recommendation of this office that Council receives this report, concurs in the recommendation of the Planning Commission, and directs the preparation of a Resolution of Intent to Vacate a portion of the Bender Avenue Alley, located in the Fifth Ward, City of Hamilton, Butler County, Ohio.

Sincerely,

Caucus Report Prepared By:

Joshua A. Smith  
City Manager

John Creech  
Senior Planner

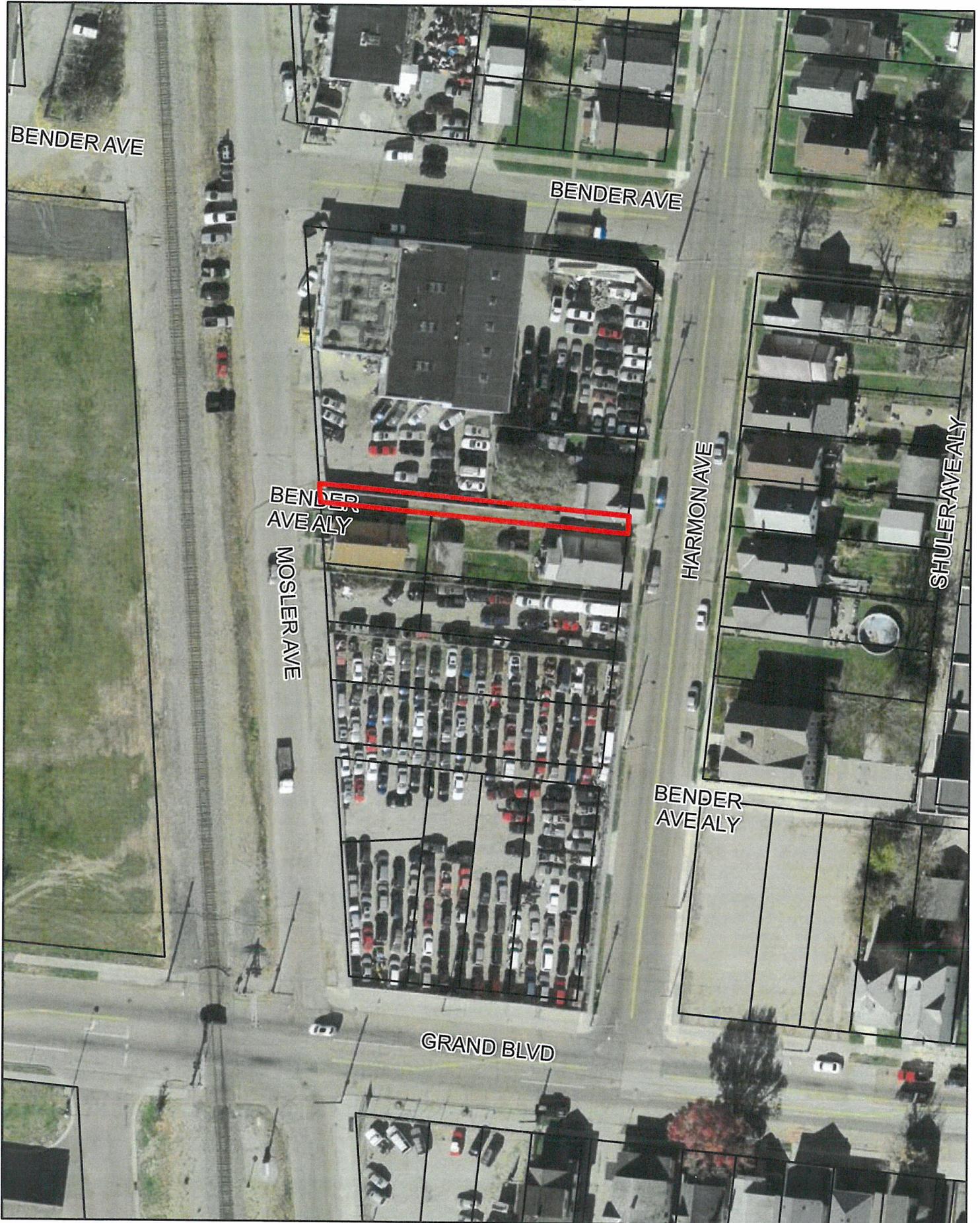
Attachments to this report include:

1. Public Hearing Notification Map
2. Petition for Vacation

<p><b>Choose Strategic Goal(s)</b></p> <p><input type="checkbox"/> <b>R</b> Realize \$150 million of new private industrial/commercial investment</p> <p><input type="checkbox"/> <b>A</b> Add 2,000 new jobs</p> <p><input type="checkbox"/> <b>I</b> Increase residential property values by CPI + 5%</p> <p><input type="checkbox"/> <b>D</b> Decrease vacant residential structures by 30% (1,000 total)</p> <p><input type="checkbox"/> <b>G</b> Generate \$20 M in investment for recreational amenities with \$10 M around the Great Miami River</p> <p><input type="checkbox"/> <b>E</b> Engage 50,000 participants annually in special events, arts and recreation activities</p> <p><input checked="" type="checkbox"/> <b>O</b> General Operations/ Government Business</p>
--



# 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.

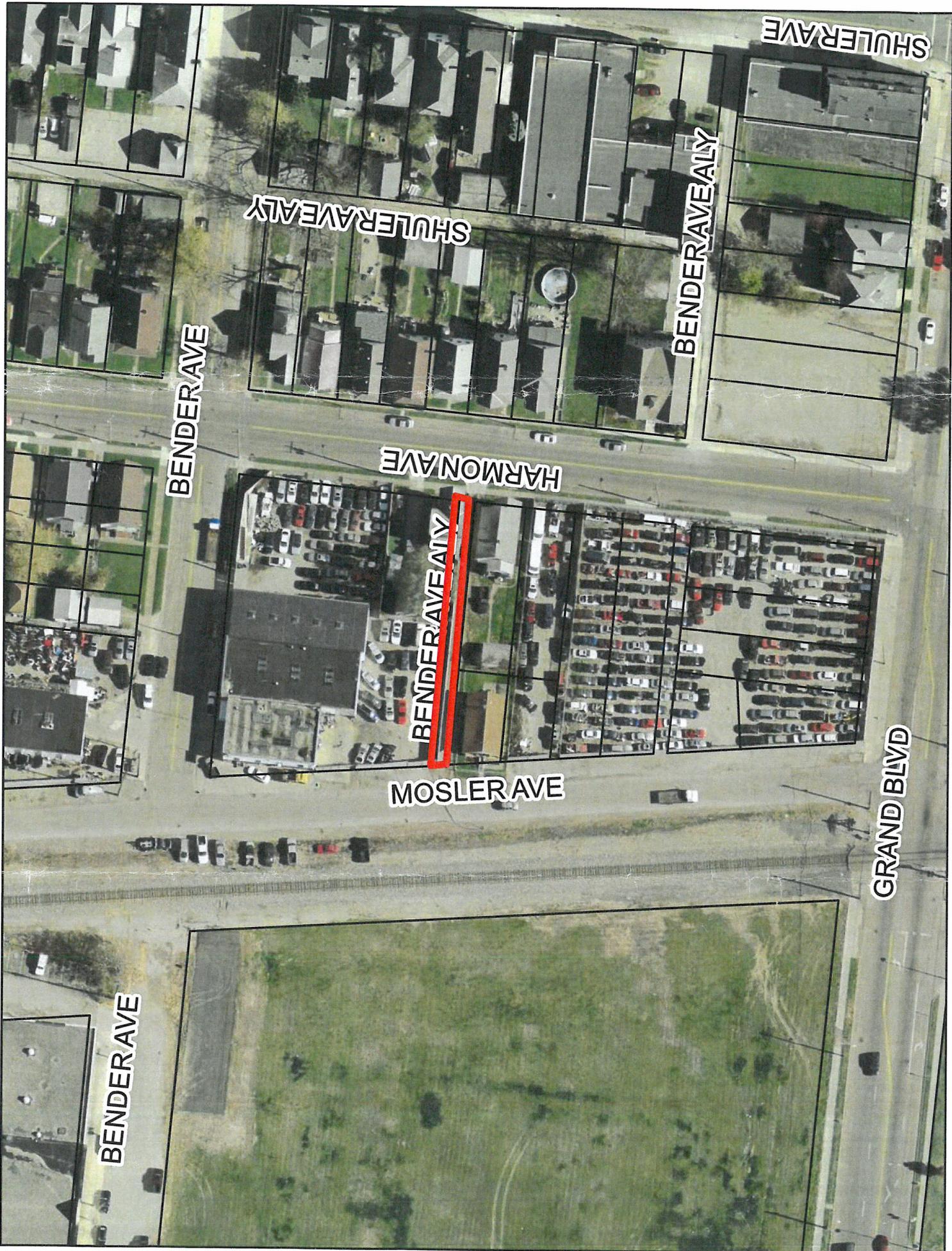
Sincerely,



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  
7/5/2016 10:51 AM  
City of Hamilton  
Office: CNST  
Cashier: Consys  
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
<b>Zoning / Planning</b> John Creech 785-7355	7/5/2016		JMC	7/21/2016	
	REQUIRES APPROVAL BY CITY COUNCIL PURSUANT TO ORD. 167.07				
<b>Fire</b> Ken Runyan 785-7506	7/5/2016	KLR		7/13/2016	
<b>Electric</b> Craig Marcum 785-7240	7/5/2016	CDM/JM		7/6/2016	
<b>Utilites Gas/Wtr/Se</b> Joy Rodenburgh 785-7283	7/5/2016	JFR/DJF		7/7/2016	
	NO OBJECTIONS				
<b>Public Works</b> Rich Engle 785-7273	7/5/2016	RAE		7/5/2016	
<b>Envir. Services</b> 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**

## City Council Meeting Caucus Report

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**TO:** The Honorable Mayor and Members of the City Council

**RE:** General Property Tax Rates and Amounts for Fiscal Year 2017

- |                                     |                                       |
|-------------------------------------|---------------------------------------|
| <input checked="" type="checkbox"/> | 1 <sup>st</sup> Reading Date: 8/24/16 |
| <input checked="" type="checkbox"/> | 2 <sup>nd</sup> Reading Date: 8/24/16 |
| <input type="checkbox"/>            | Public Hearing Date:                  |

Dear Mayor and Members of Council:

Ohio Revised Code Section 5705.34 requires that each taxing district in the State of Ohio annually upon receipt of certified rates, adopt legislation on or before October 1st, establishing the General Property Tax Rates for the forthcoming tax year. This legislation, after adoption, must be certified to the Butler County Auditor, Roger Reynolds.

The amounts and rates of the tax levies have been determined by the Budget Commission of Butler County, Ohio. Council's action, by legislation, is to formally approve the tax rates as established and certified to the City by the Butler County Budget Commission.

It is the recommendation of this office that Council receives this report, concurs in the recommendation, and directs the preparation of the necessary legislation.

Sincerely,

Caucus Report Prepared By:

Joshua A. Smith  
City Manager

Tom Vanderhorst  
Finance Director

### Choose Strategic Goal(s)

- R** Realize \$150 million of new private industrial/commercial investment
- A** Add 2,000 new jobs
- I** Increase residential property values by CPI + 5%
- D** Decrease vacant residential structures by 30% (1,000 total)
- G** Generate \$20 M in investment for recreational amenities with \$10 M around the Great Miami River
- E** Engage 50,000 participants annually in special events, arts and recreation activities
- O** General Operations/ Government Business



**City Council Meeting Caucus Report**

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**TO:** The Honorable Mayor and Members of the City Council

**RE:** \$15,000,000 Issuance of Bonds for Capital Projects

<input checked="" type="checkbox"/>	1 <sup>st</sup> Reading Date: 8/24/16
<input checked="" type="checkbox"/>	2 <sup>nd</sup> Reading Date: 8/24/16
<input type="checkbox"/>	Public Hearing Date:

Dear Mayor and Members of Council:

City administration would like authorization for the issuance of not to exceed \$15,000,000 of bonds for the purpose of financing various capital projects including, but not limited to, the South Hamilton Crossing Project and the Main Street Project. This issuance would be an internal note from the Electric Fund to the General Fund.

It is the recommendation of this office that Council receives this report, concurs in the recommendation, and directs the preparation of the necessary legislation.

Sincerely,

Caucus Report Prepared By:

Joshua A. Smith  
City Manager

Tom Vanderhorst  
Director

<b>Choose Strategic Goal(s)</b>	
<input checked="" type="checkbox"/>	<b>R</b> Realize \$150 million of new private industrial/commercial investment
<input checked="" type="checkbox"/>	<b>A</b> Add 2,000 new jobs
<input checked="" type="checkbox"/>	<b>I</b> Increase residential property values by CPI + 5%
<input checked="" type="checkbox"/>	<b>D</b> Decrease vacant residential structures by 30% (1,000 total)
<input checked="" type="checkbox"/>	<b>G</b> Generate \$20 M in investment for recreational amenities with \$10 M around the Great Miami River
<input checked="" type="checkbox"/>	<b>E</b> Engage 50,000 participants annually in special events, arts and recreation activities
<input checked="" type="checkbox"/>	<b>O</b> General Operations/ Government Business



## City Council Meeting Staff Report

**Report To:** The Honorable Mayor Patrick Moeller & Members of the City Council

**Report From:** Meredith Murphy, Associate Planner

**Agenda Item:** Request to Amend the Zoning Ordinance of the City of Hamilton, Ohio: 1126.00 Architectural Conservation/Historic Districts and Section 1190.00 Fee Schedule (City of Hamilton, Applicant)

<p><b>Approvals/Reviews</b> <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i></p>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<p><b>Related Strategic Goal(s)</b></p> <input type="checkbox"/> <b>R</b> Realize new investments <input type="checkbox"/> <b>A</b> Add new jobs <input checked="" type="checkbox"/> <b>I</b> Increase property values <input checked="" type="checkbox"/> <b>D</b> Decrease vacant structures <input type="checkbox"/> <b>G</b> Generate recreational investments <input type="checkbox"/> <b>E</b> Engage citizens in activities <input checked="" type="checkbox"/> <b>O</b> General operations
<p><b>Ordinance or Resolution</b> <i>Ordinance</i></p>	<input checked="" type="checkbox"/> 1 <sup>st</sup> Reading Date: 7-27-2016 <input checked="" type="checkbox"/> 2 <sup>nd</sup> Reading Date: 8-10-2016 <input checked="" type="checkbox"/> Public Hearing Date: 7-27-2016	
<p><b>Prior Action/Review</b> <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p><b>City Council (or other):</b> City Council Caucus: Planning Commission: 6-20-2016</p>	
<p><b>Contract</b></p>	<input type="checkbox"/> Contract Required	<input checked="" type="checkbox"/> Additional Document(s) Attached
<p><b>Fiscal Impact</b> CDBG</p>	<p>Budgeted: No General Fund: \$200.00 Other Funds: \$ 0.00</p>	<p><i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i></p>

### Policy Issue

Does City Council wish to approve the request to amend the Zoning Ordinance of the City of Hamilton, Ohio: 1126.00 Architectural Conservation/Historic Districts and Section 1190.00 Fee Schedule?

### Policy Alternative(s)

Council may choose not to adopt such legislation to approve the request to amend the Zoning Ordinance of the City of Hamilton, Ohio: 1126.00 Architectural Conservation/Historic Districts and Section 1190.00 Fee Schedule.

### Staff Recommendation

It is the recommendation of this office that Council receives this report, concurs in the Recommendation of the Planning Commission, and adopts the necessary legislation to approve the request to amend the Zoning Ordinance of the City of Hamilton, Ohio: 1126.00 Architectural Conservation/Historic Districts and Section 1190.00 Fee Schedule.

### Statutory/Policy Authority

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton



## **Fiscal Impact Summary**

The City's current fiscal impact includes staff time allotted to preparation of the request to amend the Zoning Ordinance of the City of Hamilton, Ohio: 1126.00 Architectural Conservation/Historic Districts and Section 1190.00 Fee Schedule which is estimated at approximately \$200.

## **Background Information**

The City of Hamilton Zoning Ordinance currently requires the submission of 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 a building listed on the State of Ohio Historic Inventory. There is a COA application fee of Fifty Dollars (\$50.00) for a commercial property and Twenty Five Dollars (\$25.00) for a residential property. Currently this COA application fee is collected even if the applicant is using the same paint color or exterior building materials that are currently applied or part of the house or structure. COA applications for work that involves repainting or repair/restoration of existing exterior building materials are approved by the Architectural Design Review Board (ADRB) Secretary as "like for like" improvements. COA applications for work that involves a change in paint color or change in exterior building materials must be reviewed by the ADRB.

In order to expedite COA applications, promote maintenance and conserve the character of historic structures in the City of Hamilton, the City 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 proposes to return or restore to previous or original historic exterior materials that can be referenced or documented in accordance with previous ADRB or other official City of Hamilton/ State of Ohio Historic Inventory records.

The proposed amendment to the Hamilton Zoning Ordinance will also create a zoning definition to clarify language on what constitutes a "Like for Like" COA application.

As of June 14, 2016, the City of Hamilton has collected \$2,000 in COA application fees for the current year - \$525 of which were for "Like for Like" improvements.

The Planning Commission held a public hearing and reviewed the proposed zoning amendments on June 20, 2016 and recommend approval by City Council.

## **Recommendation**

It is the recommendation of this office that Council receives this report, concurs in the recommendation of the Planning Commission, and adopts the necessary legislation to approve the proposed amendment to the zoning code in Section 1126.00 Architectural Conservation/Historic Districts and Section 1190.00 Fee Schedule.

## **Attached Information**

1. Exhibit A – Proposed Zoning Amendment

## **Copies Provided to:**

N/A



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/colors.
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).

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING SECTIONS 1126.00 AND 1190.00 OF THE CITY OF HAMILTON ZONING ORDINANCE NO. 7503, RELATIVE TO THE ARCHITECTURAL DESIGN REVIEW BOARD FEES.**

WHEREAS, the Administration of the City of Hamilton, Ohio, upon recommendation of the City's Planning Commission, recommends certain changes to Sections 1126.00 and 1190.00 of the City of Hamilton Zoning Ordinance No. 7503 relative to the Architectural Design Review Board (ADRB) fees; and

WHEREAS, the City of Hamilton currently requires the submission of an application for a Certificate of Appropriateness (COA) for any change to the exterior of a historic building located in an Architectural Conservation/Historic District or listed on the State of Ohio Historic Inventory and charges a COA application fee of Fifty Dollars (\$50.00) on a commercial property and Twenty Five Dollars (\$25.00) on a residential property; and

WHEREAS, the City of Hamilton currently collects the COA application fee even if the applicant is using the same paint color or exterior building materials that are currently applied to part of the house or structure. COA applications for work that involves repainting or repair/restoration of existing exterior building materials are approved by the ADRB Secretary as "like for like" improvements. COA applications for work that involves a change in paint color or change in exterior building materials must be reviewed by the ADRB; and

WHEREAS, in an effort to expedite COA applications, promote maintenance and conserve the character of historic structures in the City of Hamilton, the City is proposing an amendment to the Hamilton Zoning Ordinance to waive the application fee on COA applications for instances considered "like for like" and in instances where the applicant proposes to return or restore the house or structure to previous or original historic exterior materials that can be referenced or documented in accordance with previous ADRB or other official City of Hamilton/State of Ohio Historic Inventory records; and

WHEREAS, the Planning Commission held a public hearing regarding said zoning amendments on June 20, 2016 to receive public input; and

WHEREAS, said amendments were approved by the Planning Commission at their June 20, 2016 meeting and Council desires to adopt such amendments to Sections 1126.00 and 1190.00 of the City's Zoning Ordinance No. 7503.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hamilton, Ohio:

SECTION I: That portions of Sections 1126.00 and 1190.00 of the City of Hamilton Zoning Ordinance, are hereby amended to be and read as set forth in Exhibit No. 1 attached hereto, incorporated herein by reference and made a part hereof.

SECTION II: This ordinance shall take effect and be in full force from and after the earliest period allowed by law after its passage.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Effective Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_

City Clerk

Ordinance No. \_\_\_\_\_ (Cont'd)

**CERTIFICATE**

I, Nick Garuckas, City Clerk of the City of Hamilton, Ohio, State of Ohio, hereby certify that the foregoing Ordinance No. \_\_\_\_\_ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in each fire station within the City for a period of ten days. POSTED: \_\_\_\_\_.

\_\_\_\_\_  
**Nick Garuckas, City Clerk**  
**CITY OF HAMILTON, OHIO**

Exhibit No. 1

Proposed Zoning Amendments to Section 1126.00 and 1190.00 of the City of Hamilton Zoning Ordinance:

**Amend Section 1126.20 as follows:**

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/colors.
12. ~~44-~~**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.

**Amend Section 1126.50 as follows:**

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

Ordinance No. \_\_\_\_\_ (Cont'd)

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.

**Amend Section 1190.12 as follows:**

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

## City Council Meeting Staff Report

**Report To:** The Honorable Mayor Patrick Moeller & Members of the City Council

**Report From:** John Creech, Senior Planner

**Agenda Item:** Request to Amend the Zoning Ordinance of the City of Hamilton, Ohio: Section 1138.00 Signs (City of Hamilton, Applicant)

<p><b>Approvals/Reviews</b> <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i></p>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<p><b>Related Strategic Goal(s)</b></p> <input type="checkbox"/> <b>R</b> Realize new investments <input checked="" type="checkbox"/> <b>A</b> Add new jobs <input type="checkbox"/> <b>I</b> Increase property values <input type="checkbox"/> <b>D</b> Decrease vacant structures <input type="checkbox"/> <b>G</b> Generate recreational investments <input type="checkbox"/> <b>E</b> Engage citizens in activities <input checked="" type="checkbox"/> <b>O</b> General operations
<p><b>Ordinance or Resolution</b> <i>Ordinance</i></p>	<input checked="" type="checkbox"/> 1 <sup>st</sup> Reading Date: 7-27-2016 <input checked="" type="checkbox"/> 2 <sup>nd</sup> Reading Date: 8-10-2016 <input checked="" type="checkbox"/> Public Hearing Date: 7-27-2016	
<p><b>Prior Action/Review</b> <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p><b>City Council (or other):</b> City Council Caucus: Planning Commission: 6-20-2016</p>	
<p><b>Contract</b></p>	<input type="checkbox"/> Contract Required	<input checked="" type="checkbox"/> Additional Document(s) Attached
<p><b>Fiscal Impact</b> CDBG</p>	<p>Budgeted: No General Fund: \$200.00 Other Funds: \$ 0.00</p>	<p><i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i></p>

### Policy Issue

Does City Council wish to approve the request to amend the Zoning Ordinance of the City of Hamilton, Ohio: Section 1138.00 Signs?

### Policy Alternative(s)

Council may choose not to adopt such legislation to approve the request to amend the Zoning Ordinance of the City of Hamilton, Ohio: Section 1138.00 Signs.

### Staff Recommendation

It is the recommendation of this office that Council receives this report, concurs in the Recommendation of the Planning Commission, and adopts the necessary legislation to approve the request to amend the Zoning Ordinance of the City of Hamilton, Ohio: Section 1138.00 Signs.

### Statutory/Policy Authority

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton

### Fiscal Impact Summary



The City's current fiscal impact includes staff time allotted to preparation of the request to amend the Zoning Ordinance of the City of Hamilton, Ohio: Section 1138.00 Signs is estimated at approximately \$200.

### **Background Information**

The City of Hamilton regularly receives complaints from the public about business signage, temporary signage and window signage, particularly within the main corridors and entryways into the City of Hamilton. Many of the complaints revolve around excessive and deteriorated signage – and these complaints are addressed by the Compliance Division of the City of Hamilton Health Department. There have been a growing number of complaints about signs attached to accessory structures on private property such as fences, light poles, benches, and other free-standing signs (see attached example). The expansion of this type of illegal signage creates visual clutter and can impact the economic vitality of struggling business areas and districts.

The City of Hamilton already allows a generous amount of signage for business identification and advertising purposes (wall signage and freestanding signage) which is based on building or lot size. For example, 1.5 square feet of wall signage is allowed for every one (1) lineal foot of building frontage. In addition, every business is allowed one (1) eight square foot “exempt” sign and may also register a separate 32 square foot temporary sign for display up to 90 days per calendar year period.

There are no specific zoning guidelines related to “exempt” signage and this frequently leads to confusion and conflict between businesses and zoning enforcement. 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.

The Planning Commission held a public hearing and reviewed the proposed zoning amendments on June 20, 2016 and recommend approval by City Council.

### **Recommendation**

It is the recommendation of this office that Council receives this report, concurs in the recommendation of the Planning Commission, and adopts the necessary legislation to approve the proposed amendment to the zoning code Section 1138.00 Signs.

### **Attached Information**

1. Exhibit A – Proposed Zoning Amendment
2. Examples of Signs Attached to Accessory Structures

### **Copies Provided to:**

N/A



**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.

Examples of Signs Attached to accessory structures:



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING PORTIONS OF SECTION 1138.00 OF THE CITY OF HAMILTON ZONING ORDINANCE NO. 7503, REGARDING SIGNAGE.**

WHEREAS, the Administration of the City of Hamilton, Ohio, upon recommendation of the City's Planning Commission, recommends certain changes to Section 1138.00 of the City of Hamilton Zoning Ordinance No. 7503 relative to exempt and prohibited signage.

WHEREAS, the City of Hamilton regularly receives complaints from the public about business signage, temporary signage and window signage, particularly within the main corridors and entryways into the City of Hamilton. There have been a growing number of complaints about signs attached to accessory structures on private property such as fences, light poles, benches, and other free-standing signs. This type of illegal signage creates visual clutter and can impact the economic vitality of struggling business areas and districts; and

WHEREAS, the City of Hamilton already allows a generous amount of signage for business identification and advertising purposes (wall signage and freestanding signage) which is based on building or lot size. For example, 1.5 square feet of wall signage is allowed for every one (1) lineal foot of building frontage. In addition, every business is allowed one (1) eight square foot "exempt" sign and may also register a separate 32 square foot temporary sign for display up to 90 days per calendar year period; and

WHEREAS, there are no specific zoning guidelines related to "exempt" signage and this frequently leads to confusion and conflict between businesses and zoning enforcement. 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" specifically prohibiting bench signs painted on or affixed to benches on private property; and

WHEREAS, the Planning Commission held a public hearing regarding said zoning amendments on June 20, 2016 to receive public input; and

WHEREAS, said amendments were approved by the Planning Commission on June 20, 2016 and Council desires to adopt such amendments to the City's Zoning Ordinance No. 7503.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hamilton, Ohio:

SECTION I: That portions of Section 1138.00 of the City of Hamilton Zoning Ordinance, are hereby amended to be and read as set forth in Exhibit No. 1 attached hereto, incorporated herein by reference and made a part hereof.

SECTION II: This ordinance shall take effect and be in full force from and after the earliest period allowed by law after its passage.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Effective Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_

City Clerk

**CERTIFICATE**

I, Nick Garuckas, City Clerk of the City of Hamilton, Ohio, State of Ohio, hereby certify that the foregoing Ordinance No. \_\_\_\_\_ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in each fire station within the City for a period of ten days. POSTED: \_\_\_\_\_.

\_\_\_\_\_  
**Nick Garuckas, City Clerk**  
**CITY OF HAMILTON, OHIO**

Exhibit No. 1

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Proposed Zoning Amendments to Section 1138.00 of the City of Hamilton Zoning Ordinance:

**Amend Section 1138.30 as follows:**

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.

**Amend Section 1138.40 as follows:**

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.

## City Council Meeting Staff Report

**Report To:** The Honorable Mayor Patrick Moeller & Members of the City Council

**Report From:** John Creech, Senior Planner

**Agenda Item:** 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)

<p><b>Approvals/Reviews</b> <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i></p>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<p><b>Related Strategic Goal(s)</b></p> <input type="checkbox"/> <b>R</b> Realize new investments <input type="checkbox"/> <b>A</b> Add new jobs <input type="checkbox"/> <b>I</b> Increase property values <input type="checkbox"/> <b>D</b> Decrease vacant structures <input type="checkbox"/> <b>G</b> Generate recreational investments <input type="checkbox"/> <b>E</b> Engage citizens in activities <input checked="" type="checkbox"/> <b>O</b> General operations
<p><b>Ordinance or Resolution</b> <i>Ordinance</i></p>	<input checked="" type="checkbox"/> 1 <sup>st</sup> Reading Date: 7-27-2016 <input checked="" type="checkbox"/> 2 <sup>nd</sup> Reading Date: 8-10-2016 <input checked="" type="checkbox"/> Public Hearing Date: 7-27-2016	
<p><b>Prior Action/Review</b> <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p><b>City Council (or other):</b> City Council Caucus: Planning Commission: 6-20-2016</p>	
<p><b>Contract</b></p>	<input type="checkbox"/> Contract Required	<input checked="" type="checkbox"/> Additional Document(s) Attached
<p><b>Fiscal Impact</b> CDBG</p>	<p>Budgeted: No General Fund: \$200.00 Other Funds: \$ 0.00</p>	<p><i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i></p>

### Policy Issue

Does City Council wish to approve the 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?

### Policy Alternative(s)

Council may choose not to approve the 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.

### Staff Recommendation

It is the recommendation of this office that Council receives this report, concurs in the Recommendation of the Planning Commission, and adopts the necessary legislation to approve the 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.



## Statutory/Policy Authority

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton

## Fiscal Impact Summary

The City's current fiscal impact includes staff time allotted to preparation of the 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 is estimated at approximately \$200.

## Background Information

This is a request submitted by the Colonial Senior Services for the rezoning of contiguous properties, 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. The Planning Commission reviewed the rezoning of the subject properties on June 20, 2016 and recommend approval by City Council.

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 Road 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 for review by the Planning Commission, which if approved, serves as basis for Final Development Plan. The Planning Commission reviewed and approved a Preliminary Development Plan for a new Westover Retirement Community parking lot on the properties on June 20, 2016

The Westover Retirement Community was originally 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 approximately 21 independent living units, 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. There are currently 164 on-site parking spaces.

## Rezoning Analysis:

The existing land uses and zoning districts surrounding the two lots proposed for rezoning are as follows:

Direction	Land Use	Zoning
North	Residential	RPD Residential Planned Development
South	(Brookwood Ave) Residential	R-1 Single-Family Residential
East	Parking lot & Residential	RPD Residential Planned Development
West	Residential	R-1 Single Family Residential

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 about the project.

## Parking Lot Expansion

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 new parking spaces. The proposed parking lot will abut and be an extension of the existing 50 space parking lot along Brookwood Avenue that was



approved in 2011. The expanded parking lot will be accessible by vehicles from Brookwood Avenue with a new driveway near the west property line.

### **Landscaping/Lighting**

Proposed landscaping details are provided as part of the Preliminary Development Plan. Along the west property line where the proposed parking lot abuts an existing single family residence Westover proposes to install a six (6') foot vinyl privacy fence along the property line with landscaping. In addition, landscaping is proposed around the perimeter and the entrance to the parking lot facing Brookwood Avenue. All plantings will be required to meet the minimum planting requirements found in Sections 1111.20 and 1131.70 of the Hamilton Zoning ordinance:

- 1) Evergreens - Minimum 6 feet
- 2) Deciduous - Minimum 2.5" caliper
- 3) Bush plants - Minimum 1 foot

Final landscaping selections and plantings will be reviewed and coordinated with the Municipal Arborist.

The parking lot will also include two lighting fixtures (shoebox-type) to direct light downward onto the parking lot surface and not on adjacent streets or properties. Lighting fixtures will be mounted approximately 22.5 feet above the parking lot surface and match those that illuminate the existing, abutting 50 space parking lot.

The Planning Commission held a public hearing and reviewed the proposed rezoning on June 20, 2016 and recommend approval by City Council.

### **Recommendation**

It is the recommendation of this office that Council receives this report, concurs in the recommendation of the Planning Commission, and adopts the necessary legislation to rezone the subject properties from R-1 to RPD.

### **Attached Information**

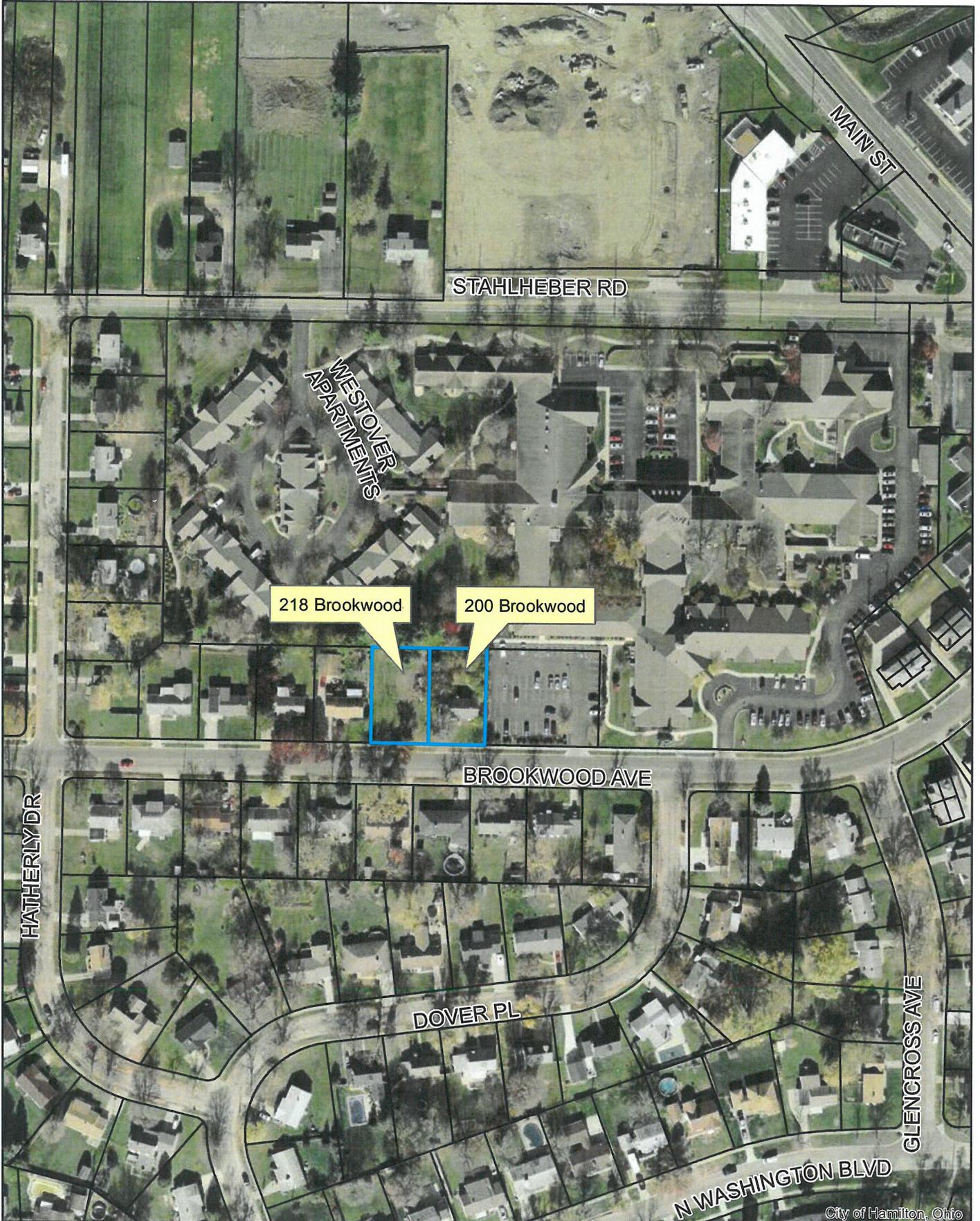
1. Exhibit A - Public Hearing Notification Map
2. Exhibit B - Preliminary Site Plan

### **Copies Provided to:**

Jeff Thurman, Colonial Senior Services



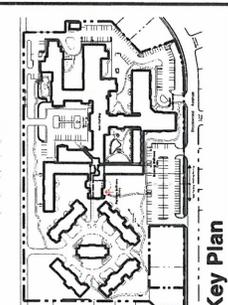
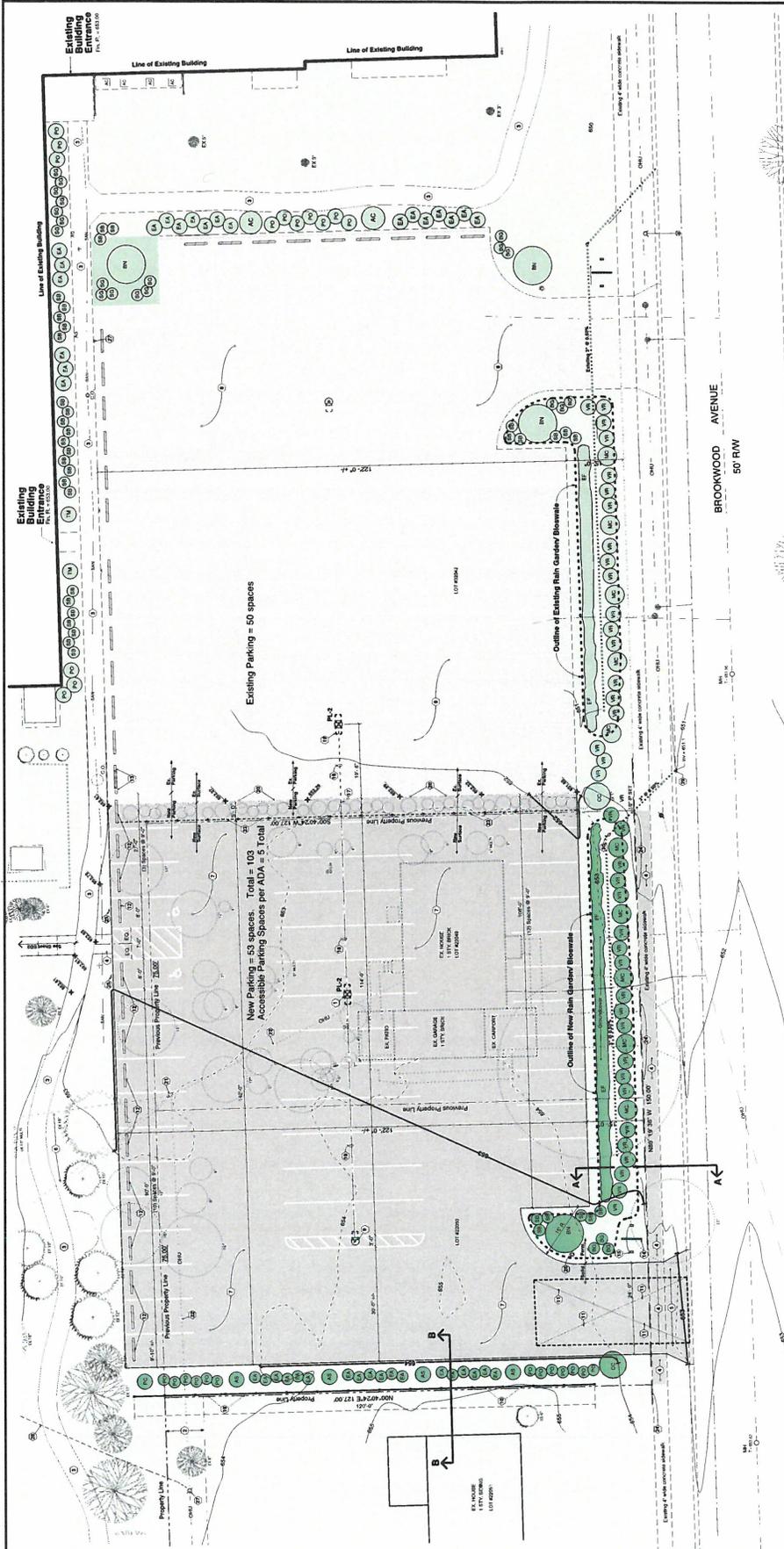
200 & 218 Brookwood Ave  
PUBLIC HEARING MAP



 200 & 218 Brookwood Ave

0 70 140 280 Feet





**Site Plan - Parking Expansion  
Rear Parking Expansion  
Westover Retirement Community**

Project No. 2014-14  
Date: 01/14/15

1534/C  
Architect  
1411 Maplewood Road  
Hannibal, MO 65513

Scale: 1" = 10'-0"

Sheet No. SD1  
of 2

**Plant Schedule**

100 - 100' x 100' x 100' (100' x 100' x 100')

101 - 100' x 100' x 100' (100' x 100' x 100')

102 - 100' x 100' x 100' (100' x 100' x 100')

103 - 100' x 100' x 100' (100' x 100' x 100')

104 - 100' x 100' x 100' (100' x 100' x 100')

105 - 100' x 100' x 100' (100' x 100' x 100')

106 - 100' x 100' x 100' (100' x 100' x 100')

107 - 100' x 100' x 100' (100' x 100' x 100')

108 - 100' x 100' x 100' (100' x 100' x 100')

109 - 100' x 100' x 100' (100' x 100' x 100')

110 - 100' x 100' x 100' (100' x 100' x 100')

111 - 100' x 100' x 100' (100' x 100' x 100')

112 - 100' x 100' x 100' (100' x 100' x 100')

113 - 100' x 100' x 100' (100' x 100' x 100')

114 - 100' x 100' x 100' (100' x 100' x 100')

115 - 100' x 100' x 100' (100' x 100' x 100')

116 - 100' x 100' x 100' (100' x 100' x 100')

117 - 100' x 100' x 100' (100' x 100' x 100')

118 - 100' x 100' x 100' (100' x 100' x 100')

119 - 100' x 100' x 100' (100' x 100' x 100')

120 - 100' x 100' x 100' (100' x 100' x 100')

**Legend**

1 - Existing Building

2 - New Building

3 - Existing Parking

4 - New Parking

5 - Existing Rain Garden Bioswale

6 - New Rain Garden Bioswale

7 - Existing Landscaping

8 - New Landscaping

9 - Existing Utility Lines

10 - New Utility Lines

11 - Existing Property Lines

12 - New Property Lines

13 - Existing Easements

14 - New Easements

15 - Existing Right-of-Way

16 - New Right-of-Way

17 - Existing Street

18 - New Street

19 - Existing Drive

20 - New Drive

21 - Existing Alley

22 - New Alley

23 - Existing Walkway

24 - New Walkway

25 - Existing Ramp

26 - New Ramp

27 - Existing Stair

28 - New Stair

29 - Existing Platform

30 - New Platform

31 - Existing Sign

32 - New Sign

33 - Existing Light

34 - New Light

35 - Existing Pole

36 - New Pole

37 - Existing Foundation

38 - New Foundation

39 - Existing Wall

40 - New Wall

41 - Existing Window

42 - New Window

43 - Existing Door

44 - New Door

45 - Existing Roof

46 - New Roof

47 - Existing Floor

48 - New Floor

49 - Existing Ceiling

50 - New Ceiling

51 - Existing Partition

52 - New Partition

53 - Existing Core

54 - New Core

55 - Existing Shaft

56 - New Shaft

57 - Existing Stairwell

58 - New Stairwell

59 - Existing Elevator

60 - New Elevator

61 - Existing Escalator

62 - New Escalator

63 - Existing Ramp

64 - New Ramp

65 - Existing Stair

66 - New Stair

67 - Existing Platform

68 - New Platform

69 - Existing Sign

70 - New Sign

71 - Existing Light

72 - New Light

73 - Existing Pole

74 - New Pole

75 - Existing Foundation

76 - New Foundation

77 - Existing Wall

78 - New Wall

79 - Existing Window

80 - New Window

81 - Existing Door

82 - New Door

83 - Existing Roof

84 - New Roof

85 - Existing Floor

86 - New Floor

87 - Existing Ceiling

88 - New Ceiling

89 - Existing Partition

90 - New Partition

91 - Existing Core

92 - New Core

93 - Existing Shaft

94 - New Shaft

95 - Existing Stairwell

96 - New Stairwell

97 - Existing Elevator

98 - New Elevator

99 - Existing Escalator

100 - New Escalator

**General Notes:**

1. See all notes on sheets 1 through 10.
2. All work shall be in accordance with the City of Hannibal, Missouri, Ordinance 100.000, and the Missouri State Building Code, 2012 Edition.
3. All work shall be in accordance with the City of Hannibal, Missouri, Ordinance 100.000, and the Missouri State Building Code, 2012 Edition.
4. All work shall be in accordance with the City of Hannibal, Missouri, Ordinance 100.000, and the Missouri State Building Code, 2012 Edition.
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10. All work shall be in accordance with the City of Hannibal, Missouri, Ordinance 100.000, and the Missouri State Building Code, 2012 Edition.

**Numbered Notes:**

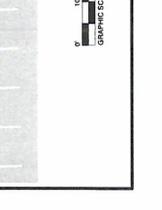
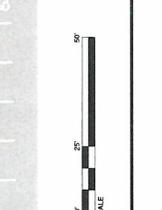
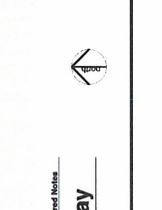
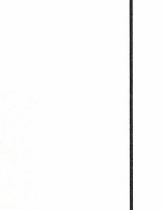
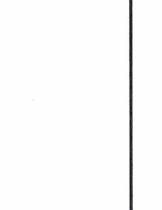
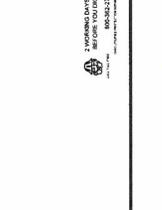
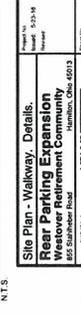
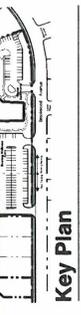
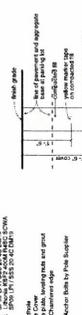
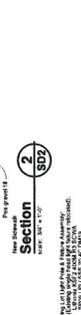
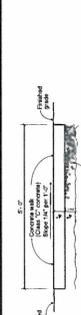
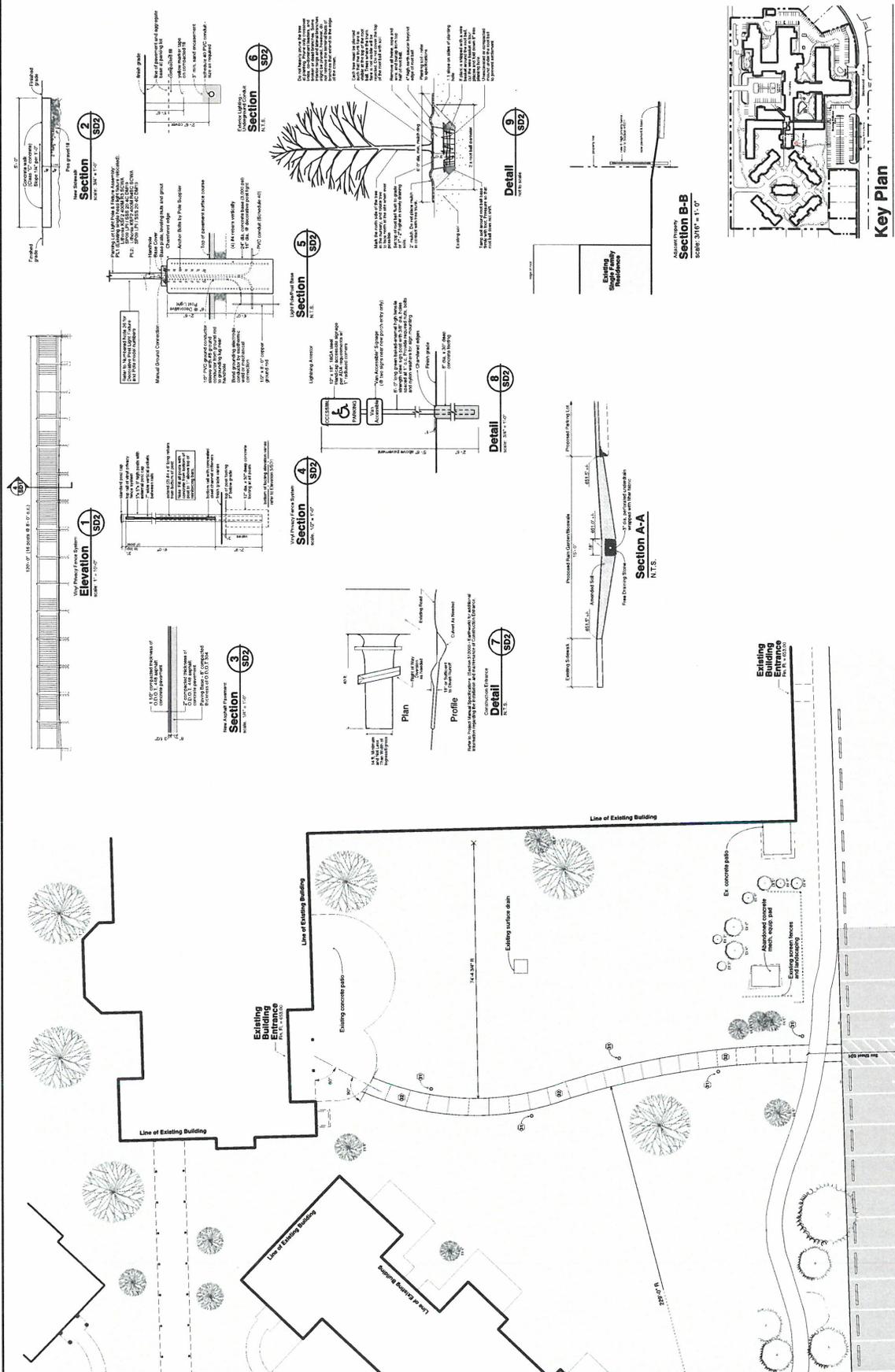
1. New 10' x 10' x 10' concrete pad for parking space.
2. New 10' x 10' x 10' concrete pad for parking space.
3. New 10' x 10' x 10' concrete pad for parking space.
4. New 10' x 10' x 10' concrete pad for parking space.
5. New 10' x 10' x 10' concrete pad for parking space.
6. New 10' x 10' x 10' concrete pad for parking space.
7. New 10' x 10' x 10' concrete pad for parking space.
8. New 10' x 10' x 10' concrete pad for parking space.
9. New 10' x 10' x 10' concrete pad for parking space.
10. New 10' x 10' x 10' concrete pad for parking space.

**Site Plan - Parking**

Scale: 1" = 10'-0"

Graphic Scale: 0' 10' 20' 30'

North Arrow



Site Plan - Walkway Details.  
 Westover Retirement Community  
 Rear Parking Expansion

USMAC Architects  
 1111 North 10th Street  
 Tallahassee, FL 32304  
 Phone: 904.438.1111  
 Fax: 904.438.1112  
 www.usmac.com

Scale: 1" = 10'-0"  
 SDZ 1-9  
 of 2

Site Plan - Walkway  
 Scale: 1" = 10'-0"

See Sheet SD1 for General Notes and Numbered Notes

Scale: 1" = 10'-0"

Scale: 1" = 10'-0"

Scale: 1" = 10'-0"

Scale: 1" = 10'-0"

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING ZONING ORDINANCE NO. 7503 BY CHANGING THE ZONING OF THE PROPERTIES LOCATED AT 200 BROOKWOOD AVENUE (CITY LOT NO. 22049) AND 218 BROOKWOOD AVENUE (CITY LOT NO. 22050), LOCATED IN THE CITY OF HAMILTON, FIRST WARD SOUTH SIDE, FROM "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "RPD" RESIDENTIAL PLANNED DEVELOPMENT DISTRICT. (Colonial Senior Services, Applicant/Owner)**

WHEREAS, the Administration of the City of Hamilton, Ohio, has received a request from Colonial Senior Services, owner of the properties located at 200 Brookwood Avenue (City Lot No. 22049) and 218 Brookwood Avenue (City Lot No. 22050), for a change in the zoning designation for said properties, located in the First Ward South Side, from "R-1" Single-Family Residence District to "RPD" Residential Planned Development; and

WHEREAS, Colonial Senior Services has proposed the rezoning from "R-1" to "RPD" in order to redevelop the properties as a surface parking lot adjacent to Westover Retirement Community; and

WHEREAS, the City Planning Commission held a public hearing and reviewed the rezoning request at their June 20, 2016 meeting and property owners within 500 feet of the subject properties were notified by mail of the public hearing before the City Planning Commission; and

WHEREAS, the City Planning Commission reviewed the proposed rezoning on June 20, 2016 and after holding a public hearing and consideration, the Planning Commission approved the rezoning request and recommends that City Council approve the request to rezone the properties from "R-1" to "RPD" located at 200 Brookwood Avenue (City Lot No. 22049) and 218 Brookwood Avenue (City Lot No. 22050), located in the First Ward South Side, City of Hamilton, Butler County, Ohio.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hamilton, Ohio:

SECTION I: That the zoning of the following described lot, to-wit:

- (1) properties located at 200 Brookwood Avenue (City Lot No. 22049) and 218 Brookwood Avenue (City Lot No. 22050), located in the First Ward South Side, City of Hamilton, Butler County, Ohio

as the same are known and designated on the revised list of lots in the First Ward South Side of the City of Hamilton, Butler County, Ohio, and as set forth in detail in Exhibit No. 1, attached hereto, made a part hereof and incorporated herein by reference, be and are hereby changed from "R-1" Single-Family Residence District to "RPD" Residential Planned Development District, and the District Map provided by Section 1103.00 of the Zoning Ordinance No. 7503 shall be altered to show such changes.

SECTION II: This ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

Effective Date: \_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
City Clerk

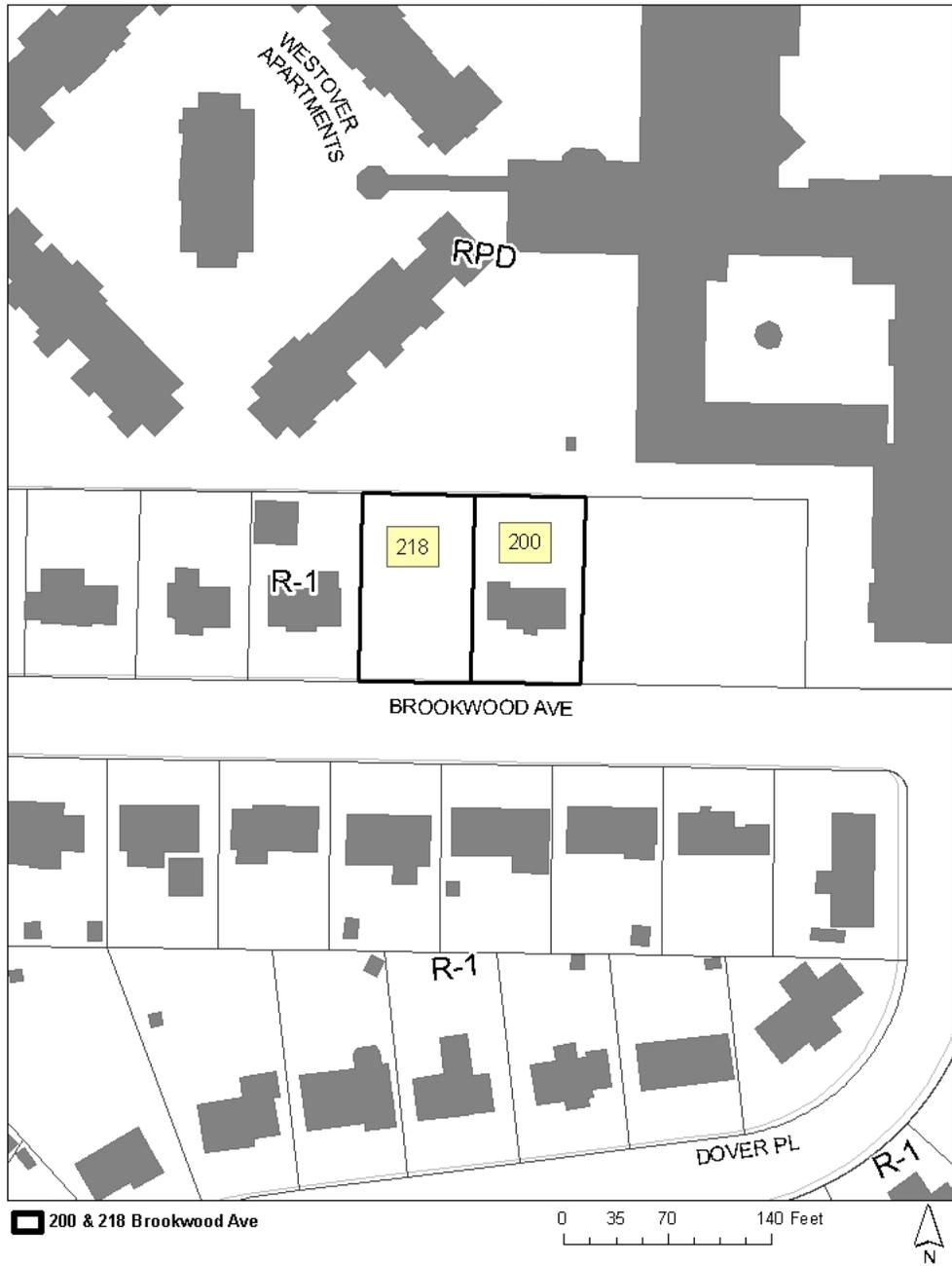
**CERTIFICATE**

I, Nick Garuckas, City Clerk of the City of Hamilton, State of Ohio, hereby certify that the foregoing Ordinance No. \_\_\_\_\_ was duly published as provided in Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in each fire station within the City for a period of ten days. POSTED: \_\_\_\_\_

\_\_\_\_\_  
**Nick Garuckas, City Clerk  
CITY OF HAMILTON, OHIO**

**EXHIBIT NO. 1**

**200 & 218 Brookwood Ave  
PUBLIC HEARING MAP**



## City Council Meeting Staff Report

**Report To:** The Honorable Mayor Patrick Moeller & Members of the City Council

**Report From:** Tom Vanderhorst, Finance Director

**Agenda Item:** Report regarding passing an ordinance for this supplemental appropriation amending the 2016 budget.

<b>Approvals/Reviews</b> <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<b>Related Strategic Goal(s)</b> <input type="checkbox"/> <b>I</b> Increase property values <input type="checkbox"/> <b>D</b> Decrease vacant structures <input type="checkbox"/> <b>A</b> Add new jobs <input type="checkbox"/> <b>R</b> Realize new investments <input type="checkbox"/> <b>G</b> Generate recreational investments <input type="checkbox"/> <b>E</b> Engage citizens in activities <input checked="" type="checkbox"/> <b>O</b> General operations
<b>Ordinance or Resolution</b> <i>Ordinance</i>	<input checked="" type="checkbox"/> 1 <sup>st</sup> Reading Date: 8/10/16 <input checked="" type="checkbox"/> 2 <sup>nd</sup> Reading Date: 8/10/16 <input type="checkbox"/> Public Hearing Date:	
<b>Prior Action/Review</b> <i>Please note if this item was discussed on a prior Council or other agenda</i>	<b>City Council (or other):</b>	
<b>Contract</b>	<input type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
<b>Fiscal Impact</b>	<b>Total Appropriated Increases:</b> \$5,123,800 <b>Total Appropriated Decreases:</b> \$3,065,000  <b>General Fund Impact:</b> \$653,800 increase in appropriations offset by approximately \$1.2 million in increased revenue due largely to increased income tax revenue.  <b>All Other Funds Impact:</b> \$4,470,000 increase in appropriations	<i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i>

### Policy Issue

Does City Council wish to adopt legislation to approve this 2016 Supplemental Ordinance?

### Policy Alternative(s)

Council may choose to not adopt this Supplemental Appropriation Ordinance. If Council does not adopt legislation, the City will not have enough funds appropriated to cover costs associated with the items addressed in the Fiscal Impact Summary.



## **Staff Recommendation**

Staff recommends that Council receive this report, concur in the recommendation and adopt the necessary legislation. The ordinance will balance accounts and provide the authority to make expenditures.

## **Statutory/Policy Authority**

- ORC 5705.38 Annual appropriation measures; classification
- ORC 5705.40 Amending or supplementing appropriation; transfer unencumbered balance; contingencies
- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.

## **Fiscal Impact Summary**

### **GENERAL FUND:**

- Approximately \$86,000 was added to Community Development's demolition budget to fund contributions to the Land Reutilization Fund from the General Fund. These contributions are normally funded out of the Land Reutilization Fund (227). However, funds did not exist when needed.
- To cover cash shortfalls, \$50,000 was transferred out of the Land Reutilization Fund from the General Fund.
- Increase appropriations in the amount of \$25,000 for new pool liner at Booker T. Washington Community Center (BTW).
- Increase appropriations for the amount of \$165,000 to paint Norfolk/Southern Rail Bridge.
- Appropriate funds for outside legal services and increases to the prosecutor's contract.
- Increase appropriations to Parks Conservancy by \$80,000 per revised agreement.

### **SPECIAL REVENUE FUNDS:**

- Increase appropriations for the Drug Law Enforcement Trust (240) by \$25,000 for a grant with Butler Metro Housing Authority (BMHA).
- Increase Stormwater Fund (279) for \$125,000 for the Water in Basement Evaluation Project.
- Reclassify \$75,000 in salaries from the Refuse Fund to the Streets Fund—net impact between the two funds is zero.
- Increase appropriations in the Golf Fund \$20,000 to account for increased expenses for supplies and concessions.

### **ENTERPRISE FUNDS:**

- Increase appropriations for Electric Utility Fund (502) in the amount of \$3,000,000 for transfer to the Electric Capital Improvement Fund. There are offsetting expenditures that will be funded with a decrease in the Electric System Reserve Fund (527) by \$2,990,000 and a \$3,000,000 transfer into the Electric CIP Fund (525).
- Increase appropriations for the Water Construction Fund (531) in the amount of \$1,000,000 for the Pershing Avenue Water Main project loan with OPWC.
- Increase Wastewater Capital Improvement Fund (545) appropriations for \$125,000 for the Water in Basement Evaluation Project.

### **INTERNAL SERVICE FUNDS:**

- Increase to Central Service Fund (620) OF \$100,000. For increases to the Meter Reading Dept \$50,000 for a position that was not budgeted. Also an increase of \$50,000 to the Resident Services Dept, for a piece of Graffiti Removal Equipment.

## **Attached Information**

N/A

## **Copies Provided to:**

N/A



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF HAMILTON, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2016.**

BE IT ORDAINED by the Council of the City of Hamilton, Ohio:

SECTION I: That the following unappropriated or unencumbered balances of funds be and the same are hereby re-appropriated as follows:

<u>NUMBER</u>	<u>FUND NAME</u>	<u>AMOUNT</u>
100	From the General Fund	<u>46,294,756</u> 46,948,556
	Personnel Subtotal:	<u>31,241,589</u> 31,276,589
	Non-Personnel Subtotal:	<u>15,053,167</u> 15,671,967
200	From the One Renaissance Fund	2,363,274
213	Municipal Income Tax Aggregation Fd	0
2010	From the Home Fund 2010	0
2013	From the Home Fund 2013	<u>0</u>
	Personnel Subtotal:	
	Non-Personnel Subtotal:	
2014	From the Home Fund 2014	<u>0</u>
	Personnel Subtotal:	
	Non-Personnel Subtotal:	
207	From thre Hamilton Court Sec. Proj	70,500
208	From the Hamilton Court Sp Proj Fd	<u>40,375</u>
	Personnel Subtotal:	5,000
	Non-Personnel Subtotal:	35,375
210	From the Public Safety Health Inc Tax	3,281,250
211	From the Rounding Up Util Acct	3,500
212	From the Hamilton Muni Ct Cap Imp	<u>106,045</u>
	Personnel Subtotal:	24,620
	Non-Personnel Subtotal:	81,425
213	From the MIT Aggregatn/Verifctn Fd	
215	From the Ham Cap Imp Debt Serv	5,613,731
221	From the Dispute Resolution Proc Fd	<u>7,650</u>
	Personnel Subtotal:	6,650
	Non-Personnel Subtotal:	1,000
225	From the Justice Assistance Grant	34,917

Ordinance No. \_\_\_\_\_ (Cont'd)

NUMBER	FUND NAME	AMOUNT
227	From the Land Reutilization Fund	968,612
231	From the Law Enforcement Trust	67,600
233	From the Safety Seat Belt Grant	
235	From the Public Safety Spec Proj	71,812
	Personnel Subtotal:	37,900
	Non-Personnel Subtotal:	33,912
238	From the Probation Services	230,537
	Personnel Subtotal:	223,896
	Non-Personnel Subtotal:	6,641
240	From the Drug Law Enforcement Trust	39,810 64,810
241	From the DUI Enforcement & Eductn Trst	4,500
242	From the Indignt Drivers Alcohol Trt	60,000
246	From the Police Pension Fund	240,000
249	From the Police Levy Fund	730,000
250	From the Firemen's Pension Fund	225,000
251	From the Emergency Medical Serv Grant	2,500
252	From the Charter Fire Force Fund	745,000
253	From the Fire EMS Levy Fund	720,000
260	From the Immunization Action Plan Grant	90,095
	Personnel Subtotal:	69,351
	Non-Personnel Subtotal:	20,744
261	From the Kathryn Weiland Trust	1,541
	Personnel Subtotal:	100
	Non-Personnel Subtotal:	1,441
270	From the Street & Parks Beautification	
279	From the Stormwater Mgmt Fund	3,227,074 3,352,074
	Personnel Subtotal:	910,211 910,211
	Non-Personnel Subtotal:	2,316,863 2,441,863

Ordinance No. \_\_\_\_\_ (Cont'd)

NUMBER	FUND NAME	AMOUNT	
280	From the Refuse Fund	<u>4,463,159</u>	4,388,159
	Personnel Subtotal:	705,170	630,170
	Non-Personnel Subtotal:	3,757,989	3,757,989
281	From the Street Maintenance Fund	<u>3,545,406</u>	3,620,406
	Personnel Subtotal:	4,233,303	1,308,303
	Non-Personnel Subtotal:	2,312,103	2,312,103
283	From the Convention & Visitors Bur Fd		84,000
301	From the Special Assessments		1,034,815
303	From the Lowes MITIE Talawanda Fund		100,000
304	From the Walmart MITIE Hamilton Fund		175,000
307	From the Issue II Project Fund		1,000,000
308	From the Matandy Steel MPITIE Fund		46,890
309	From the Robinson Schwenn MPITIE Fund		4,550
310	From the Clean Ohio Grants Program		126,051
311	From the Infrastructure Renewal Program		8,206,843
348	From the RIDs - MPITIE Citywide District		400,000
349	From the RIDs - MPITIE North District		17,500
350	From the RIDs - MPITIE South District		36,000
351	From the Quality Publishing MPITIE Fd		10,500
352	From the Shoppes @ Hamilton MPITIE Fd		114,100
353	From the Historic Developers - Mercantile		28,000
354	From the Tippman Properties MPITIE Fd		1,950
355	Neturen Manufacturing TIF		62,000
501	From the Gas Utility		<u>26,008,181</u>
	Personnel Subtotal:		2,096,460
	Non-Personnel Subtotal:		23,911,721
502	From the Electric Utility	<u>220,504,842</u>	223,504,842
	Personnel Subtotal:	8,650,583	8,650,583
	Non-Personnel Subtotal:	211,854,259	214,854,259
503	From the Water Utility		<u>13,818,302</u>
	Personnel Subtotal:		2,831,520
	Non-Personnel Subtotal:		10,986,782

Ordinance No. \_\_\_\_\_ (Cont'd)

NUMBER	FUND NAME	AMOUNT
504	From the Wastewater Utility	14,376,038
	Personnel Subtotal:	2,231,059
	Non-Personnel Subtotal:	12,144,979
515	From the Gas Capital Improvement Fund	3,069,740
516	From the Gas Rate Stabilization Fd	0
517	From the Gas System Reserve	0
518	From the Gas Bond Service Fund	434,000
522	From the Electric Construction	646,595
524	From the Hydroelectric operations Fd	2,508,627
	Personnel Subtotal:	1,689,400
	Non-Personnel Subtotal:	819,227
525	From the Electric Cap Improvement Fd	9,930,504
526	From the Electric Rate Stabilization Fd	1,350,000
527	From the Electric System Reserve	34,860,350
528	From the Electric Bond Service Fd	2,471,000
531	From the Water Construction Fd	248,238
535	From the Water Cap Improvement Fd	5,000,402
536	Water Rate Stabilization Fund	0
538	From the Water Bond service Fund	2,065,000
541	From the Wastewater Construction Fd	9,998,347
	Personnel Subtotal:	111,320
	Non-Personnel Subtotal:	9,887,027
545	From the Wastewater Cap Imp Fd	5,645,477
548	From the Wastewater Bond Service Fd	4,847,000
550	From the Parking Fund	386,728
	Personnel Subtotal:	134,978
	Non-Personnel Subtotal:	251,750
551	From the Parking Cap Improvement Fund	3,000,000
560	From the Golf Fund	1,395,299
	Personnel Subtotal:	640,345
	Non-Personnel Subtotal:	754,954
610	From the Fleet Mtce Fund	3,309,131
	Personnel Subtotal:	909,031
	Non-Personnel Subtotal:	2,400,100
620	From the Central Services Fund	8,584,399
	Personnel Subtotal:	4,724,328
	Non-Personnel Subtotal:	3,860,071

Ordinance No. \_\_\_\_\_ (Cont'd)

NUMBER	FUND NAME	AMOUNT
640	Central Benefits Fund	0
650	Economic Budget Stabilization Fund	0
715	From the Unclaimed Monies Fund	25,000
730	From the Benninghoffen Trust Fd	250
775	From the Sinking Fund	4,507,217
800	CDBG Revolving Loan Fd	
802	From the Neighborhood Stabl Prgrm	
804	From the Neighborhood Stabl Prgm 3	
912	From the CDBG 2011-2012	
913	From the CDBG 2012-2013	
914	From the CDBG Fund 2014	
	Personnel Subtotal:	
	Non-Personnel Subtotal:	
915	From the CDBG Fund 2015	
	Personnel Subtotal:	
	Non-Personnel Subtotal:	

**The Fund appropriations include these transfer limits:**

Into the Electric CIP Fund - 525	Out of the Electric Fund - 502	3,000,000
Into the Electric CIP Fund - 525	Out of the Electric System Reserve Fund - 527	(3,000,000)
Into the Land Reutilization Fund Fund - 227	Out of the General Fund - 100	50,000

**The Fund appropriations include these advance limits:**

**The Fund appropriations include these return of advance limits:**

SECTION II: This ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Effective Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
City Clerk

Ordinance No. \_\_\_\_\_ (Cont'd)

**CERTIFICATE**

I, Nick Garuckas, City Clerk of the City of Hamilton, State of Ohio, hereby certify that the foregoing Ordinance No. \_\_\_\_\_ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in each fire station within the City for a period of ten days. Posted: \_\_\_\_\_

---

Nick Garuckas, City Clerk  
CITY OF HAMILTON, OHIO

## City Council Meeting Staff Report

**Report To:** The Honorable Mayor Patrick Moeller & Members of the City Council

**Report From:** Nick Garuckas, City Clerk

**Agenda Item:** A report regarding an ordinance to adopt and enact the 2016 Replacement Pages

<p><b>Approvals/Reviews</b> <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i></p>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<p><b>Related Strategic Goal(s)</b></p> <input type="checkbox"/> <b>R</b> Realize new investments <input type="checkbox"/> <b>A</b> Add new jobs <input type="checkbox"/> <b>I</b> Increase property values <input type="checkbox"/> <b>D</b> Decrease vacant structures <input type="checkbox"/> <b>G</b> Generate recreational investments <input type="checkbox"/> <b>E</b> Engage citizens in activities <input checked="" type="checkbox"/> <b>O</b> General operations
<p><b>Ordinance or Resolution</b> <i>Ordinance</i></p>	<p>1<sup>st</sup> Reading Date: 8-10-16            2<sup>nd</sup> Reading Date: 8-10-16            Public Hearing Date:</p>	
<p><b>Prior Action/Review</b> <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p><b>City Council (or other):</b></p>	
<p><b>Contract</b></p>	<input type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
<p><b>Fiscal Impact</b></p>	<p>Budgeted:            Expenditure: \$9,400.14            Source Funds: General Fund (100.102.630.260)</p>	<p><i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i></p>

**Policy Issue**

Does City Council wish to adopt an Ordinance which puts into place all updates to the Codified Ordinances of the City of Hamilton since the last recodification period from August 26, 2015 through June 6, 2016?

**Policy Alternative(s)**

City Council can refrain from adopting recodification legislation; however, these updates are necessary both for internal City Administration and for the general public.

**Staff Recommendation**

Staff recommends that Council receive this report and adopt the necessary Ordinance to adopt the 2016 Codified Ordinances update.

**Statutory/Policy Authority**

- Section 731.23, Ohio Revised Code
- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.

**Fiscal Impact Summary**

This recodification is expensed out of the General Fund (100.102.630.260).



**Background Information**

The City undertakes this recodification on an annual basis. The last recodification was adopted by City Council in October of 2014. By updating our Codified Ordinances, new ordinances are placed into one comprehensive book and updates in state law are incorporated as well.

**Attached Information**

N/A

**Copies Provided to:**

N/A



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE APPROVING, ADOPTING, AND ENACTING THE 2016 REPLACEMENT PAGES TO THE 1998 CODIFIED ORDINANCES OF THE CITY OF HAMILTON, OHIO, AND REPEALING MATTERS IN CONFLICT THEREWITH.**

WHEREAS, a supplement to the City of Hamilton, Ohio's 1998 Codified Ordinances has been prepared and designated the "2016 Replacement Pages" which updates said Codified Ordinances and contains legislation previously adopted and codified by the Council of the City of Hamilton, Ohio, during the period from August 26, 2015 through June 6, 2016; and

WHEREAS, said 2016 Replacement Pages also contain legislation supplementing the 1998 Codified Ordinances for the City of Hamilton, Ohio, and amending certain sections thereof, to conform with current State law; and

WHEREAS, this Council desires to adopt and enact these 2016 Replacement Pages;

NOW, THEREFORE, BE IT ORDAINED by the Council of Hamilton, Ohio:

SECTION I. That the ordinances of the City of Hamilton, Ohio, of a general and permanent nature as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2016 Replacement Pages to the Codified Ordinances are hereby approved and adopted.

SECTION II. That the following provisions of the Codified Ordinances are hereby enacted, amended or repealed in the manner respectively indicated in order to comply with current State law:

Traffic Code

- |         |   |
|---------|---|
| 301.19  | Motorcycle. (Amended)   |
| 335.031 | Driving With Probationary License; Curfew. (Amended)          |
| 335.09  | Display of License Plates. (Amended)                          |
| 335.10  | Expired or Unlawful License Plates. (Amended)                 |
| 341.01  | Definitions. (Amended)  |
| 341.03  | Prerequisites to Operation of a Commercial Vehicle. (Amended) |
| 341.05  | Criminal Offenses. (Amended)                                  |
| 341.06  | Employment of Drivers of Commercial Vehicles. (Amended)       |
| 351.04  | Parking Near Curb; Handicapped Parking. (Amended)             |
| 373.02  | Riding Upon Seats; Handlebars; Helmets and Glasses. (Amended) |

General Offenses Code

- |        |                                      |
|--------|--------------------------------------|
| 529.07 | Open Container Prohibited. (Amended) |
|--------|--------------------------------------|

SECTION III. That all ordinances or parts thereof enacted prior to August 26, 2015, which are inconsistent with any provision of the 2016 Replacement Pages are hereby repealed as of the effective date of this ordinance.

SECTION IV. That no provision of this ordinance, nor any provision of the 2016 Replacement Pages, shall be construed to amend or repeal any legislation adopted by the Council of the City of Hamilton, Ohio on or after June 6, 2016.

**Ordinance No.** \_\_\_\_\_ **(cont'd)**

SECTION V. That one copy of the 2016 Replacement Pages shall be certified as correct by the Mayor and the City Clerk, attached to this ordinance as a part hereof, and filed with the permanent records of the City of Hamilton, Ohio.

SECTION VI. That the City Clerk shall publish this ordinance, with a copy of the 2016 Replacement Pages attached thereto, in the same fashion that other ordinances are published.

SECTION VII. This ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

Effective Date: \_\_\_\_\_

\_\_\_\_\_

Mayor

ATTEST: \_\_\_\_\_

City Clerk

**CERTIFICATE**

I, Nick Garuckas, City Clerk of the City of Hamilton, State of Ohio, hereby certify that the foregoing Ordinance No. \_\_\_\_\_ was duly published as provided in Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in each fire station within the City for a period of ten days. POSTED: \_\_\_\_\_

\_\_\_\_\_  
**Nick Garuckas, City Clerk**  
**CITY OF HAMILTON, OHIO**

## City Council Meeting Staff Report

**Report To:** The Honorable Mayor Patrick Moeller & Members of the City Council

**Report From:** Jody Gunderson, Economic Development Director

**Agenda Item:** Entering into a potential Development Agreement with CMC Properties

<b>Approvals/Reviews</b> <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<b>Related Strategic Goal(s)</b> <input checked="" type="checkbox"/> <b>I</b> Increase property values <input checked="" type="checkbox"/> <b>D</b> Decrease vacant structures <input type="checkbox"/> <b>A</b> Add new jobs <input checked="" type="checkbox"/> <b>R</b> Realize new investments <input type="checkbox"/> <b>G</b> Generate recreational investments <input type="checkbox"/> <b>E</b> Engage citizens in activities <input type="checkbox"/> <b>O</b> General operations
<b>Ordinance or Resolution</b> <i>Resolution</i>	<input checked="" type="checkbox"/> 1 <sup>st</sup> Reading Date: 8/10/2016 <input type="checkbox"/> 2 <sup>nd</sup> Reading Date: <input type="checkbox"/> Public Hearing Date:	
<b>Prior Action/Review</b> <i>Please note if this item was discussed on a prior Council or other agenda</i>	<b>City Council</b> (or other):	
<b>Contract</b>	<input checked="" type="checkbox"/> Contract Required	<input checked="" type="checkbox"/> Additional Document(s) Attached
<b>Fiscal Impact</b>	Budgeted: \$ N/A Expenditure: \$ N/A Source Funds: N/A	<i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i>

### Policy Issue

Does City Council wish to adopt legislation to authorize the City Manager to pursue a development agreement with CMC Properties for the property located at 115 Dayton Street for City Council consideration?

### Policy Alternative(s)

Council may choose not to adopt such legislation to authorize the City Manager to pursue a development agreement with CMC Properties.

### Staff Recommendation

Staff recommends that Council receive this report and adopt the legislation to authorize the City Manager to pursue a development agreement with CMC Properties for the property located at 115 Dayton Street.

### Statutory/Policy Authority

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.

### Fiscal Impact Summary

No impact to the General Fund.



## **Background Information**

Beginning in 2005, City officials worked with Towne Properties on a potential mixed-use development at the former Mercy Hospital site – 115 and 116 Dayton Street (7.25 acres). In June 2005, the City and Towne Properties entered into a Site Preparation and Development Agreement. Towne and the City continued to pursue the project until 2008 when the parties decided to part ways.

In early 2009, Economic Development staff contacted potential developers by mail in and outside of the region trying to solicit another developer to the site interested in doing a mixed-use project.

In 2015, Economic Development staff working in partnership with Development Strategies Group again reached out to potential developers interested in the former Mercy Hospital parking lot located on the south side of Dayton Street (1.6 acres) only. Through this process the City met CMC Properties and James D. Cohen.

CMC Properties has existing mixed-use developments in Milford and Loveland that are similar to what city officials would like to see at the 115 Dayton Street property. The City signed a Letter of Intent with CMC Properties on April 20, 2016. At this time, City Administration would like to proceed with CMC Properties and draft a Development Agreement for City Council's consideration.

## **Attached Information**

Executed Letter of Intent

## **Copies Provided to:**

N/A



April 20, 2016

Community Management Corporation  
D/B/A CMC Properties  
10925 Reed Hartman Highway  
Cincinnati, OH 45242  
Attn: James D. Cohen

Dear Mr. Cohen:

This Letter is intended to summarize the general terms of a proposal being considered by Community Management Corporation (the "Purchaser") regarding the possible acquisition and development of the Property (as that term is hereinafter defined) located at 115 Dayton Street (Lot # 31128) in Hamilton, Ohio from the City of Hamilton, Ohio ("Seller"). In this Letter: (a) Purchaser and Seller are sometimes collectively referred to as the "Parties"; and (b) Purchaser's possible acquisition and development of the Property is sometimes called the "Possible Transaction".

#### PART ONE

The Parties wish to commence negotiating a definitive written Sale and Development Agreement (the "Definitive Agreement") providing for the Possible Transaction. To facilitate the negotiation of a Definitive Agreement, the Parties request that Seller's attorney prepare an initial draft.

Based on the information currently known to Seller, it is proposed that the Definitive Agreement include the following terms:

1. The Project.  
Purchase of 115 Dayton Street shown on Exhibit A attached hereto (the "Property"). The Definitive Agreement will provide that the Property will be sold to Purchaser in "as is" condition and developed by Purchaser as a 96 unit high density apartment development with commercial/retail space on the first floor (the "Project").
2. Purchase Price.  
The purchase price (the "Purchase Price") for the Property will be One Dollar (\$1.00). The Purchase Price will be paid to Seller at the closing ("Closing").
3. Conveyance.  
Title to the Property shall be conveyed to Purchaser at the Closing by Limited Warranty Deed, free and clear of all liens, but subject to "Permitted Encumbrances" (as that term will be defined in the Definitive Agreement).
4. Conditions.  
The obligations of Purchaser to acquire the Property shall be subject to the following conditions, all of which shall be satisfied or waived by the dates specified in the Definitive Agreement:

- (a) Title Insurance: Purchaser, at its sole cost and expense, shall have obtained a commitment from its Title Insurance Company for the issuance of an Owner's Policy of Title Insurance for the Property insuring that title is vested in Purchaser, subject to Permitted Encumbrances.
- (b) Environmental Matters: Purchaser, at its sole cost and expense, shall have completed an environmental assessment of the Property, the results of which are satisfactory to Purchaser.
- (c) Approved Plans: Purchaser and Seller shall have agreed on (i) the plans and specifications for the public and common improvements to be constructed on the Property; (ii) the bonding estimates for any public improvements to be constructed on the Property; and (iii) the plans and specifications for the Project to be constructed on the Property. The matters set forth in clauses (i), (ii) and (iii) in the preceding sentence are collectively referred to as the "Approved Plans".
- (d) Due Diligence: Purchaser, at its sole cost and expense, shall have: (a) completed its inspections of the Property, the results of which are acceptable to Purchaser; and (b) obtained assurances that all governmental approvals and permits for the construction of the Project will be issued on terms that are acceptable to Purchaser.

The Definitive Agreement shall provide that if a condition has not been met or waived by Purchaser, then Purchaser shall have the right to terminate the Definitive Agreement by delivering a written notice of termination to Seller. Thereafter, neither Purchaser nor Seller has any further obligations under the Definitive Agreement or liability to the other, except with respect to those obligations which survive the termination of the Definitive Agreement.

5. The Project.

The Definitive Agreement shall, among other things, obligate Purchaser, at its sole cost and expense, to construct the Project on the Property: (a) in a lien-free, good and in workmanlike manner; (b) by an agreed-upon completion date; and (c) in accordance with the Approved Plans and all applicable laws, rules and regulations.

6. Proration.

Real Estate taxes and assessments (general and special) for the Property shall be prorated to the date of the Closing based on the most recent tax bill that is available from Butler County, Ohio prior to that Closing.

7. Closing.

The Closing on the Project shall occur on or before July 1, 2016.

*December 31, 2015*  
*Jan 4/19/16*  
*4/20/16*

PART TWO

The following paragraphs of this Letter (the "Binding Provisions") are legally binding and enforceable against Purchaser and Seller.

1. **Exclusive Dealing.**  
Until the earlier of: (a) one hundred twenty-five (125) calendar days after the date that this Letter is signed by Seller (the date that this Letter is signed by Seller being hereinafter referred to as the "Signing Date"); or (b) the date on which either Party gives the other Party (at the address set forth under its signature), a written notice that negotiations toward a Definitive Agreement are terminated (the "Termination Date"), Seller will not solicit or entertain offers from any other person relating to the acquisition of the Property.
2. **Costs.**  
Each of Purchaser and Seller will be solely responsible for and shall pay all of its own costs and expenses (including, but not limited to the expenses of its attorneys, accountants and consultants) incurred at any time in connection with pursuing or consummating the Possible Transaction.
3. **Termination.**  
The Binding Provisions will automatically terminate on the earlier of (a) the one hundred twenty five (125th) calendar day following the Signing Date or (b) the Termination Date; provided, however, that the termination of the Binding Provisions will not affect the liability of a Party for breach of any of the Binding Provisions prior to the termination. Following termination of the Binding Provisions, the Parties will have no further obligations hereunder, except as stated in paragraphs 2, 3, 4, 5, 7 and 9 of this Part Two, which shall survive such termination.
4. **Governing Law.**  
The Binding Provisions will be governed by and construed under the laws of the State of Ohio without regard to conflicts of laws principles.
5. **No Liability.**  
The paragraphs and provisions of Part One of this Letter do not constitute and will not give rise to any legally binding obligation on the part of either Party. Moreover, except as expressly provided in the Binding Provisions, no past or future action, course of conduct, or failure to act relating to the Possible Transaction, or relating to the negotiation of the terms of the Possible Transaction or any Definitive Agreement, will give rise to or serve as a basis for any obligation or other liability on the part of the Parties or either of them.
6. **Counterparts.**  
This Letter may be executed in one or more counterparts, each of which will be deemed to be an original and all of which, when taken together, will be deemed to constitute one and the same agreement.
7. **Finder/Broker Fee.**  
Seller represents and warrants to Purchaser and Purchaser represents and warrants to Seller that neither will incur any liability to any third party with whom it or its agents have had discussions regarding the sale or development of the Property. Each Party agrees to remain fully responsible for and shall pay any claims by or liabilities to any such third party, including any legal or other expenses incurred in connection with the defense of such claims. The provisions of this paragraph shall survive the termination of this Letter.

8. Notice.

All notices shall be in writing and addressed to a Party at the address set forth below its signature. All notices shall be sent by overnight delivery using a nationally recognized overnight courier and shall be deemed given and delivered one (1) business day after deposit with such courier. A Party's address may be changed by written notice given to the other Party.

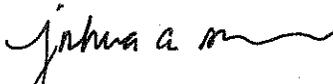
9. Entire Agreement.

The Binding Provisions constitute the entire agreement between the Parties and supersede all prior oral or written agreements, understandings, representations, warranties and courses of conduct in dealings between the Parties on the subject matter hereof. Except as otherwise provided herein, the Binding Provisions may be amended or modified only by a writing executed by both of the Parties.

If you are in agreement with the foregoing, please sign and return a counterpart of this Letter to me, which thereupon will constitute our agreement with respect to its subject matter.

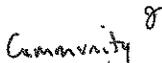
Sincerely,

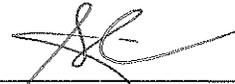
Approved as to Form: 4/18/16  
  
City Law Director

  
City of Hamilton, Ohio

By: JOSHUA A. SMITH  
345 High Street  
Hamilton, Ohio 45011  
Attn: Director of Economic Development

AGREED AND ACCEPTED this 20 day of April, 2016.

  
Community Management Corporation  
D/B/A CMC Properties

By:   
James D. Cohen, President  
10925 Reed-Hartman Highway  
Cincinnati, OH 45242

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO PURSUE AN ECONOMIC DEVELOPMENT AGREEMENT WITH COMMUNITY MANAGEMENT CORPORATION (CMC PROPERTIES) FOR 115 DAYTON STREET.**

WHEREAS, the Administration of the City of Hamilton, Ohio, has recommended that the City pursue an Economic Development Agreement (EDA) with Community Management Corporation, (hereinafter referred to as "CMC Properties"), relative to the property located at 115 Dayton Street; and

WHEREAS, in 2015, Economic Development staff, working in partnership with Development Strategies Group, reached out to potential developers interested in the former Mercy Hospital parking lot located on the south side of Dayton Street (1.6 acres). Through this process the City met CMC Properties; and

WHEREAS, CMC Properties has experience in mixed-use developments and City Officials have interest in pursuing a mixed-use of commercial and residential units on the site; and

WHEREAS, a Letter of Intent was signed between the City of Hamilton and CMC Properties on April 20, 2016. At this time, City Administration would like to proceed with CMC Properties and draft an Economic Development Agreement for City Council consideration.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hamilton, Ohio:

SECTION I: That the City Manager is hereby authorized and directed to pursue an Economic Development Agreement with CMC Properties, relative to the development of mixed use facilities at 115 Dayton Street. If an agreement is completed, said agreement shall be brought before City Council for final approval and review.

SECTION II: This resolution shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Effective Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_

City Clerk

**CERTIFICATE**

I, Nicholas Garuckas, City Clerk of the City of Hamilton, Butler County, Ohio, hereby certify that the foregoing Resolution No. \_\_\_\_\_ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in each fire station within the City for a period of ten days. POSTED: \_\_\_\_\_

\_\_\_\_\_  
**Nicholas Garuckas, City Clerk**  
**CITY OF HAMILTON, OHIO**

## City Council Meeting Staff Report

**Report To:** The Honorable Mayor Patrick Moeller & Members of the City Council

**Report From:** Joshua Smith, City Manager

**Agenda Item:** Pursuing the possibility of relocating Robert McCloskey murals from MIT to Hamilton

<b>Approvals/Reviews</b> <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<b>Related Strategic Goal(s)</b> <input type="checkbox"/> <b>I</b> Increase property values <input type="checkbox"/> <b>D</b> Decrease vacant structures <input type="checkbox"/> <b>A</b> Add new jobs <input type="checkbox"/> <b>R</b> Realize new investments <input type="checkbox"/> <b>G</b> Generate recreational investments <input checked="" type="checkbox"/> <b>E</b> Engage citizens in activities <input type="checkbox"/> <b>O</b> General operations
<b>Ordinance or Resolution</b> <i>Resolution</i>	<input checked="" type="checkbox"/> 1 <sup>st</sup> Reading Date: 8/10/2016 <input type="checkbox"/> 2 <sup>nd</sup> Reading Date: <input type="checkbox"/> Public Hearing Date:	
<b>Prior Action/Review</b> <i>Please note if this item was discussed on a prior Council or other agenda</i>	<b>City Council (or other):</b>	
<b>Contract</b>	<input type="checkbox"/> Contract Required	<input checked="" type="checkbox"/> Additional Document(s) Attached
<b>Fiscal Impact</b>	Budgeted: \$ N/A	<i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i>
	Expenditure: \$ N/A	
	Source Funds: N/A	

### Policy Issue

Does City Council wish to adopt legislation to authorize and direct the City Manager to pursue the possibility of relocating murals painted by Robert McCloskey from MIT to the City of Hamilton?

### Policy Alternative(s)

Council may choose not to adopt such legislation to authorize and direct the City Manager to pursue the possibility of relocating murals painted by Robert McCloskey from MIT to the City of Hamilton.

### Staff Recommendation

Staff recommends that Council receive this report and adopt the legislation to authorize and direct the City Manager to pursue the possibility of relocating murals painted by Robert McCloskey from MIT to the City of Hamilton

### Statutory/Policy Authority

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.

### Fiscal Impact Summary

No impact to the General Fund. The murals were originally commissioned for \$18,000 in 1939 but sun damage may have decreased their value.



## **Background Information**

In 1939, Hamilton native Robert McCloskey was hired to help paint six large murals for the Kendall Square headquarters of the Lever Brothers Company in Boston, Massachusetts. At the time Robert was relatively unknown as a writer and artist as his first major children's book "*Make Way for Ducklings*" was not published until 1941.

The Massachusetts Institute of Technology (MIT) purchased the Lever Brothers building in the early 1950s to house its Sloan School of Management and the murals stayed in place throughout this transition and remained a part of the school until the building underwent a major renovation in 2013. It was concluded that due to the sheer amount of construction that would in the vicinity of the murals, the murals would be destroyed or severely damaged. With the new layout and design of the lobby of the building the murals no longer fit as their classic style of painting does not blend in with the lobby's new modern look. Additionally, the murals are each nearly 14 feet tall and 11 feet wide.

Since the beginning of the renovations to the building in 2013 the canvas murals have been placed in storage waiting for a new home. MIT has not been able to find anyone in the Boston area that has been willing to take the murals. They have stated that they reached out to museums, government agencies, businesses, and even the artists' relatives.

This resolution would authorize and direct the City Manager to explore the possibility of bringing the murals to the City of Hamilton.

## **Attached Information**

Pictures of the murals

## **Copies Provided to:**

N/A



Staff Report Attachment:  
Pictures of Robert McCloskey Murals



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO CONTACT THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY (MIT) IN ORDER TO PURSUE THE POSSIBILITY OF RELOCATING MURALS PAINTED BY ROBERT MCCLOSKEY FROM MIT TO THE CITY OF HAMILTON.**

WHEREAS, the Administration of the City of Hamilton, Ohio, has recommended that the City contact the Massachusetts Institute of Technology (hereinafter referred to as "MIT") in order to pursue the possibility of relocating murals painted by Hamilton native Robert McCloskey from MIT in Boston, Massachusetts to the City of Hamilton; and

WHEREAS, in 1939, Hamilton native Robert McCloskey was hired to help paint six large murals for the Kendall Square headquarters of the Lever Brothers Company in Boston, Massachusetts; and

WHEREAS, MIT purchased the Lever Brothers building in the early 1950s to house its Sloan School of Management and the murals stayed in place throughout this transition and remained a part of the school until the building underwent a major renovation in 2013. It was concluded that due to the sheer amount of construction that would be in the vicinity of the murals, the murals would be destroyed or severely damaged; and

WHEREAS, since the beginning of the renovations to the building in 2013, the canvas murals have been placed in storage waiting for a new home. MIT has not been able to find anyone in the Boston area that has been willing to take the murals. They have stated that they reached out to museums, government agencies, businesses, and even the artists' relatives.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hamilton, Ohio:

SECTION I: That the City Manager is hereby authorized and directed to contact MIT in order to pursue the possibility of relocating the murals painted by Robert McCloskey from MIT in Boston, Massachusetts to the City of Hamilton, relative to displaying them within our community for the public good. If an agreement is completed, said agreement shall be brought before City Council for final approval and review.

SECTION II: This resolution shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Effective Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_

City Clerk

**CERTIFICATE**

I, Nicholas Garuckas, City Clerk of the City of Hamilton, Butler County, Ohio, hereby certify that the foregoing Resolution No. \_\_\_\_\_ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in each fire station within the City for a period of ten days. POSTED: \_\_\_\_\_

\_\_\_\_\_  
**Nicholas Garuckas, City Clerk**  
**CITY OF HAMILTON, OHIO**