



**Tom Alf**  
Commission Member

**Teri Horsley**  
Commission Member

**Dale McAllister**  
Chairperson

**David Belew**  
Commission Member

**Patrick Moeller**  
Mayor

**Michael Samoviski**  
Commission Member

**Joshua Smith**  
City Manager

**Roll Call:**

2 Public Hearing

Alf	Belew	Horsley	McAllister	Moeller	Samoviski	Smith

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

Kathy Dudley, Assistant Law Director

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

**1. September 6, 2016**

Alf	Belew	Horsley	McAllister	Moeller	Samoviski	Smith

**Old Business:** None

**New Business:**

**Agenda Item #1- Public Hearing**

Request to approve a Free Standing Monument Sign on property zoned BPD Business Planned Development at 1440 Haldimand Avenue (Tim Hoskins, Applicant).

Staff: John Creech

Alf	Belew	Horsley	McAllister	Moeller	Samoviski	Smith

**Agenda Item #2- Public Hearing**

Request for a Conditional Use to allow the establishment of an Automobile Service and Minor Repair Facility (i.e. self service fuel dispensing) on property zoned B-2 Community Business District located at 302 East Avenue (City Lot No. 32098) (Thomas



Dunn/Trenton Veer Inc., Applicant/Owner).

Staff: John Creech

Alf	Belew	Horsley	McAllister	Moeller	Samoviski	Smith

**Reports:**

1. Verbal Report on Architectural Design Review Board Meeting of September 20, 2016 – Staff: John Creech
2. Verbal Report on Board of Zoning Appeals Meeting of October 6, 2016 – Staff: John Creech
3. Verbal Report on previous Planning Commission cases in progress – Staff: John Creech
4. Verbal Report on upcoming comprehensive plan update – Staff: John Creech

**Adjournment:**



**WRITTEN SUMMARY  
PLANNING COMMISSION  
MEETING MINUTES  
Tuesday, September 6, 2016  
1:30 p.m.**

**Roll Call:**

**Members Present:**

Mr. Dale McAllister, Mr. Tom Alf, Mr. Dave Belew, Mayor Pat Moeller

**Members Absent:**

Ms. Teri Horsley, Mr. Mike Samoviski, Mr. Joshua Smith

**City Staff Present:**

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

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

There were no audience members wishing to speak.

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

1. **August 1, 2016** – Motion to approve by Mr. Alf, 2<sup>nd</sup> by Mr. Belew. With all “ayes” to roll call vote the motion was approved 4-0. The minutes will need to be signed by Mr. Samoviski at the next meeting he attends.
2. **August 15, 2016** - Motion to approve by Mr. Alf, 2<sup>nd</sup> by Mr. Belew. With all “ayes” to roll call vote, the motion was approved 4-0.

**Old Business:**

None

**New Business:**

**Agenda Item #1 - Public Hearing**

**Staff: Meredith Murphy**

**Request to rezone 759 Park Avenue (City Lot No. 6531), located in the City of Hamilton, First Ward North Side, from R-1 Single Family Residential District to R-2A Two Family Residence District. (Laming Properties, Applicant/Owner).**

Ms. Murphy shows a map with the subject property outlined in red. She states that the property is currently zoned R-1, and it is surrounded by properties that are zoned R-1 and R-3. She refers to several cases heard previously by the Planning Commission for properties on Park Avenue and Dick Avenue.

## **BACKGROUND INFORMATION**

Laming Properties has submitted an application for the rezoning of 759 Park Avenue (City Lot No. 6531). The property is currently zoned R-1 Single Family Residence District. The applicants are proposing a zoning change from R-1 Single Family Residence District to R-2A Two Family Residence District. The property is currently being used as a duplex (photographs included in Board packet). According to the Butler County Auditor records the house was built in 1925. According to the Applicants, the reason for the rezoning request is to make the existing two-family dwelling a permitted use. Currently, the two-family dwelling is a grandfathered land use in the R-1 zoning district and allowed to continue as long as it remains and does not cease for more than six (6) months, per Section 1109.33 of the Hamilton Zoning ordinance. A two-family dwelling is not permitted in the R-1 Single Family Residence District, but is a permitted use in R-2A Two Family Residence District.

A total of one hundred and eighteen (118) public hearing notices were mailed to property owners within 500 feet of the subject property. At the time the report was written for this meeting there was no feedback received with regard to this rezoning.

Ms. Murphy then summarizes the Plan/Proposal Review (also included in its entirety in the Board packet). With regard to Zoning, she states “Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance”, and she explained the ordinance as it applies to the subject property.

Ms. Murphy states that there are no proposed changes for setbacks, parking, land division, landscaping, or lighting associated with the request (just zoning), that any future development plans would go through the City of Hamilton Interdepartmental Review process once plans are submitted, and that any future building or development plans must adhere to all applicable building and zoning regulations.

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

Ms. Murphy then showed pictures of the subject property, pointing out that each entrance has its own address.

Lastly, Ms. Murphy states that should the Planning Commission recommend approval, the Department of Community Development recommends the following motion to rezone the subject property:

- a) That City Council approve the rezoning of 759 Park Avenue (City Lot No. 6531) from R-1 Single Family Residence District to R-2A Two Family Residence District.

Chairman McAllister then asked if there was anyone in the audience wishing to speak to the current item, and there were none.

Mr. Scharf asked who the statutory agent was, and Ms. Murphy replied that it is Tom Laming. Mr. Scharf then asked her for confirmation that there is evidence that the property in question was built as a duplex. She replied that there is, and gave the specifics of said evidence.

Mayor Moeller made a Motion to close the Public Hearing. With a 2<sup>nd</sup> by Mr. Alf and all “ayes”, the Public Hearing was closed.

After a short question and answer session between the Board and Ms. Murphy, Mr. Belew made a Motion to approve the request as presented. With a 2<sup>nd</sup> by Mr. Alf and a roll call vote of 3-1 (“No” vote by Mayor Moeller), the Motion passes and the request is approved.

### **Reports:**

Ms. Murphy gave the following verbal reports:

1. Upcoming Architectural Design Review Board Meeting of September 6, 2016  
401 North Second Street - Porch Work/Replacement
2. Verbal Report on previous Board of Zoning Appeals Meeting of September 1, 2016  
2016.13 - Variance on lot size for an Automotive Repair Facility at 1150 Hooven  
Avenue was denied.
3. Verbal Report on previous Planning Commission cases in progress:
  - 735 S. Erie Blvd Conditional Use – Second Reading 9/14/16
  - 140 Ross Ave Conditional Use – Second Reading 9/14/16
  - Bender Avenue Alley Vacation – Second Reading 9/14/16

Mr. Scharf verified with Ms. Murphy that there are no applications and no further information for the next meeting. Mr. Alf made a Motion that the next scheduled meeting of 9/19/16 be cancelled. With a 2<sup>nd</sup> by Mr. Belew and all “ayes”, the Motion is approved and the meeting of 9/19/16 is cancelled.

**Adjournment:**

Mayor Moeller made a Motion to adjourn. With a 2<sup>nd</sup> by Mr. Alf and all “eyes”, the meeting was adjourned.

Respectfully submitted,

Ms. Kim Kirsch  
Administrative Assistant

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Mr. Eugene Scharf  
Secretary

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Mr. Dale McAllister  
Chairman

DRAFT



**For the Planning Commission Meeting of October 3, 2016**

**To: Planning Commission**

**From: John Creech**

**Subject: AGENDA ITEM #1**

**Request to approve a Free Standing Monument Sign on property zoned BPD Business Planned Development at 1440 Haldimand Avenue (Tim Hoskins, Applicant).**

**Date: September 26, 2016**

<b>BASIC INFORMATION</b>		
<b>Project Name</b>	Proposed Free Standing Sign at 1440 Haldimand Avenue	
<b>Applicant/Property Owner</b>	Tim Hoskins	
<b>Architect/Engineer/Consultant</b>	N/A	
<b>Size of Property</b>	0.536 acres (23,374 square feet)	
<b>Current Zoning</b>	BPD – Business Planned Development	
<b>Proposed Zoning</b>	N/A	
<b>Comp. Plan Land Use Designation</b>	Commercial	
<b>ADJACENT LAND USE/ZONING INFORMATION</b>		
<i>Direction</i>	<i>Land Use</i>	<i>Zoning</i>
<b>North</b>	Residential	R-1– Single Family Residential
<b>South</b>	Vacant	I-1 Limited Industrial District
<b>East</b>	Residential	R-1– Single Family Residential
<b>West</b>	Commercial	B-1 Neighborhood Business District
<b>ZONING/DIMENSIONAL INFORMATION</b>		
	<b>Minimum Required</b>	<b>Existing</b>
<b>Minimum Lot Area</b>	One (1) Acre	0.536 acres (23,374 square feet)
<b>Minimum Lot Width</b>	N/A	132 LF on Haldimand & 170 LF on North McKinley
<b>Minimum Front Yard Setback</b>	10 Ft	N/A
<b>Minimum Side Yard Setback</b>	10 Ft	N/A
<b>Minimum Rear Yard Setback</b>	10 Ft	N/A
<b>Maximum Bldg. Height</b>	N/A	16 Ft
<b>Other Requirements</b>	Section 1138.00 Signs	See Below

**BACKGROUND INFORMATION**

Mr. Tim Hoskins of Triangle Sign Co. has submitted a request, on behalf of Domino’s Pizza, for Planning Commission review of an amendment to the approved development plan for the property at 1440 Haldimand Avenue. The plan amendment is for a new free-standing monument sign to be erected near the southwest corner of the property where Haldimand Avenue and North McKinley Avenue intersect with Main Street.

The proposed monument will be placed perpendicular to Main Street 5 feet behind the property line. The proposed sign is approximately eight (8) feet in height and 8.3 feet in width. The overall message area measures approximately 35 square feet. The overall

message area will be subdivided into two separate panels – a 17.6 square foot top panel with Domino’s logo and lettering and a lower 14.6 square foot panel of illuminated LED changeable message area.

The monument sign base is proposed to be a painted aluminum cabinet and measures approximately 18.6 square feet per side. It is recommended that at least fifty (50%) percent of the base area be covered with masonry type (brick or stone veneer) material and the surrounding monument sign base area be landscaped – approximately 35 square feet of landscaping area.

Public Works/Traffic Engineering have reviewed and approved the proposed sign location. Since the proposed sign is “free standing” the Planning Commission must approve the proposed free-standing sign in order for it to be erected on the property.

## **NOTIFICATION**

Public Hearing Notices were mailed to the owners of 100 properties within 500 feet of the property in question. At the time this report was written, were no objections expressed to the proposed free standing sign at 1440 Haldimand Avenue.

## **RECOMMENDATION**

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

1. The Planning Commission approve the request to erect a free standing monument sign at 1440 Haldimand Avenue.
2. At least fifty (50%) of the base area of the proposed free-standing sign to be wrapped in brick/stone masonry type material.
3. The ground area surrounding the base of the proposed sign to be landscaped. The landscape area to match the size of the proposed free standing sign i.e. 35 square feet.
4. Free standing sign to comply with requirements of Section 1138.00 of Hamilton Zoning Ordinance.
5. The construction drawings for the proposed sign to be revised subject to any future requirements of the City’s Interdepartmental Review (IDR) Committee upon review.
6. That the proposed sign and landscaping be maintained in good repair and repaired/replaced as necessary to remain in compliance with the Planning Commission approval.

## **EXHIBITS**

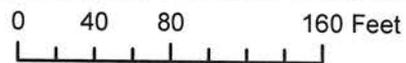
1. Aerial Location Map
2. Zoning Location Map
3. Applicant Provided Renderings and Sign Layout Detail.

1440 Haldimand Ave  
PUBLIC HEARING MAP



City of Hamilton, Ohio

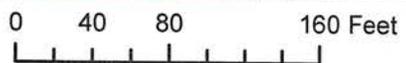
 1440 Haldimand Avenue



1440 Haldimand Ave  
PUBLIC HEARING MAP



 1440 Haldimand Avenue





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221 NORTH "B" STREET HAMILTON, OHIO 45013  
 PHONE 513-863-2578 FAX 513-863-8740

© th Scale: 1/2" = 1'

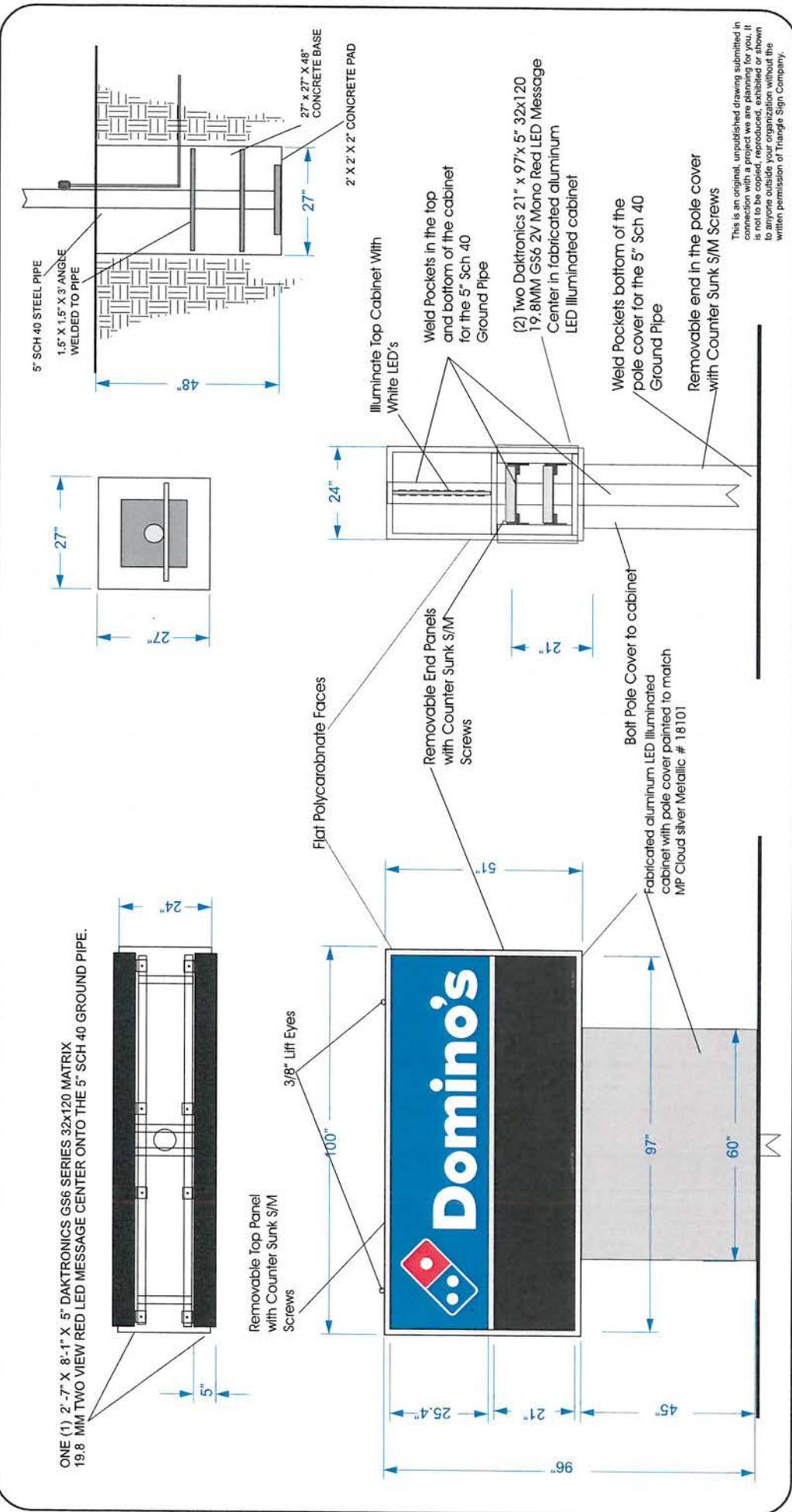
TH ACCOUNT REP.

Timothy Hoskins, Partner  
 Triangle Sign Company, PLLC

NOTES

CUSTOMER APPROVAL DATE  
 Dominos West Hamilton

JOB NO.  
 DATE: July 3, 2016  
 DWG NO. 14-0316  
 SHEET 1 OF 10



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JOB NO.	
DATE:	July 3, 2016
DWG NO.	14-0316
SHEET	2 OF 10

CUSTOMER APPROVAL  
 DATE  
**Domino's ----- West Hamilton**

TH  
 ACCOUNT REP.  
**Timothy Hoskins, Partner**  
 Triangle Sign Company, PLLC

**TRIANGLE SIGN CO.**  
 A SIGN OF QUALITY SINCE 1921  
 221 NORTH "B" STREET HAMILTON, OHIO 45013  
 PHONE 513-863-2578 FAX 513-863-8740  
 © th Scale: 1/2" = 1'

NOTES

REVISIONS

TH  
 DRAWN BY

PIXELS HIGH (AAA)	PIXELS WIDE (BBB)	PIXEL SPACING (CC)
40	150	15.85mm
32	120	19.81mm
24	90	26.42mm

#	DETAIL	DESCRIPTION
1	DISPLAY	ISS - AAANBBB-CC (SEE CHART ON TOP LEFT)
2	LED COLOR	RED, AMBER, OR RGB
3	ACTIVE AREA	2' 15/16" [634] X 7' 9/8" [2377]
4	OVERALL SIZE	2' 6-15/16" [786] X 8' 5/8" [2454]
5	CABINET	ALUMINUM & STEEL
6	VENTILATION	FRONT
7	ACCESS	SERVICE FROM FRONT OF DISPLAY
8	WEIGHT	150 LBS [69 KG] (APPROX)
9	SHIPPING	SHIPPED AS A SINGLE UNIT
10	DIMENSIONS	FEET AND INCHES (MILLIMETERS)
11	PAINTED	SEMI-GLOSS BLACK

STRUCTURAL RATING	DESIGN WIND PRESSURE "P" (CASE A)	P<=100 PSF (ASD)
1	STANDARD CODE	IBC 2009/ASCE7-05, IBC 2012/ASCE7-10
3	ALL CLIP ANGLES MUST BE USED TO MOUNT DISPLAY	

TECHNOLOGY	COLOR	MAX WATTS	LINE 1 (3 WIRES + GND) DOMESTIC	LINE 2 (AMPS)	LINE 1 (AMPS)	LINE 2 (AMPS)
GS6	RED	485	4.05	N/A	2.02	2.02
	AMBER	485	4.05	N/A	2.02	2.02
	RGB	742	6.190	N/A	3.09	3.09

**VENTILATION REQUIREMENTS**

1 DISPLAY RELIES ON VENTILATION TO FUNCTION PROPERLY. INTAKES, EXHAUSTS AND FILTERS MUST BE ABLE TO DRAW IN LOCATED AIR AT TEMPERATURES NO GREATER THAN 80°F.

2 IN ORDER TO ENSURE AMBIENT TEMPERATURES ARE MAINTAINED, NO PORTION OF THE VENTILATION OPENINGS ALONG THE FRONT OF THE DISPLAY MAY BE COVERED OR OBSTRUCTED IN ANY WAY.

**INSTALL NOTES**

1 IN ORDER TO PRESERVE THE STRUCTURAL INTEGRITY OF THE DISPLAY CABINET, THE 90° ANGLE BETWEEN THE CABINET AND THE LIFTEYE MUST BE MAINTAINED - USING A SPREADER BEAM IS SUGGESTED. ALL EYEBOLTS MUST BE USED WHEN LIFTING.

2 1/2" LIFTEYES TO ASSURE PROPER MOUNTING. LIFTEYES MAY NOT BE USED FOR PERMANENT INSTALLATIONS. LIFTEYES MAY BE REMOVED.

3 MECHANICAL AND SIGNAL CONNECTIONS OCCUR EXTERNAL TO DISPLAY.

4 CLIP ANGLE FOR MOUNTING. CLIP ANGLES CAN BE ADJUSTED VERTICALLY 1°-3/16" AS NEEDED DURING INSTALLATION. CLIP ANGLE CAN BE WELDED OR BOLTED TO STRINGER.

5 DAKTRONICS IS NOT RESPONSIBLE FOR THE MOUNTING HARDWARE OR THE INTEGRITY OF THE MOUNTING STRUCTURE.

6 DAKTRONICS IS NOT RESPONSIBLE FOR THE MAIN ELECTRICAL DISCONNECT. SEE POWER RATINGS ABOVE.

7 **SEE DWG-03097583 FOR SIGNAL & MTG DETAILS**

**SUBMITTAL APPROVAL**

APPROVED

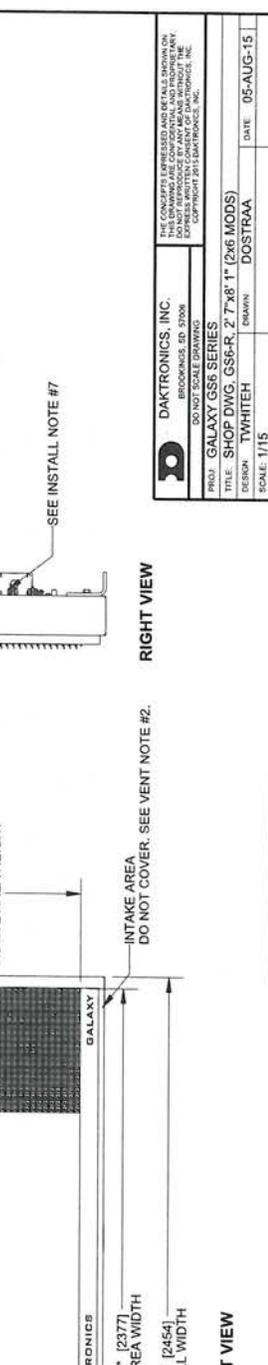
APPROVED AS NOTED

APPROVED AS NOTED & RESUBMIT

COMPANY: \_\_\_\_\_

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

TITLE: \_\_\_\_\_



REV	DATE	BY
1 OF 1	00	P. 1817

**DAKTRONICS, INC.**  
BROOKINGS, SD, 57008  
DO NOT SCALE DRAWING

PROJ: GALAXY GS6 SERIES  
TITLE: SHOP DWG, GS6-R, 2' 7"x8' 1" (2x6 MODS)  
DESIGN: TWHITEH  
SCALE: 1/15  
DRAWN: DOSTRAA  
DATE: 05-AUG-15

THE COMPANY EXPRESSLY AND BY THIS DRAWING DOES NOT APPROVE BY ANY MEANS WITHOUT THE COMPANY'S WRITTEN CONSENT ANY CONTRACTS, AGREEMENTS, OR CONDITIONS OF SALE.

SHEET	REV	JOB NO.	FUNCTION/DATE
1 OF 1	00	P. 1817	E - 07 - B

3111193





A163080  
A163092

**PLANNING DIVISION APPLICATION**

Site Address:	1440 HALDIMAL AVE		Project Name:	DOMINO'S	
Lot #		Zoning:	B-PD	Subdivision:	
	OWNER / DEVELOPER		AGENT / APPLICANT		ARCHITECT / ENGINEER
Name			TIMOTHY HOSKINS TRIANGLE SKN CO		
Street Address			221 N. B ST		
City, State, Zip			HAMILTON, OH 45013		
Phone# / Fax#	Phone	Fax	863-2578	1863-8740	Phone / Fax
Cell			266-1009		
Email			THOSKINS@TRIANGLESKNCOMPANY.COM		

**ZONING** (\$300 application fee) \$ \_\_\_\_\_  
Existing property use: \_\_\_\_\_ Present Zoning District: \_\_\_\_\_  
Proposed use: \_\_\_\_\_ Requested Zoning District: \_\_\_\_\_

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

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

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

**PLANNED DEVELOPMENT APPROVAL** (Fee as below) \$ 500.00

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

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

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

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

**TOTAL AMOUNT OF FEE** ----- \$ \_\_\_\_\_

<u>Timothy Hoskins</u> SIGNATURE OF APPLICANT	<u>8/12/16</u> DATE	<u>TIMOTHY HOSKINS</u> PRINT NAME
<u>Becky Waul</u> SIGNATURE OF OWNER	<u>8-23-16</u> DATE	<u>Becky Waul</u> PRINT NAME

City of Hamilton  
 Planning Division  
 Received: \$ 01/11/19  
 Payment Total: \$500.00  
 Date: 8/22/2016  
 Time: 9:27:27 PM  
 \$500.00

For the Planning Commission Meeting of October 3, 2016

To: Planning Commission

From: John Creech

Subject: AGENDA ITEM #2

Request for a Conditional Use to allow the establishment of an Automobile Service and Minor Repair Facility (i.e. self service fuel dispensing) on property zoned B-2 Community Business District located at 302 East Avenue (City Lot No. 32098)( Thomas Dunn/Trenton Veer Inc., Applicant/Owner).

Date: September 26, 2016

<b>BASIC INFORMATION</b>		
<b>Applicant/Property Owner</b>	Thomas Dunn, Applicant/Trenton Veer Inc., Owner	
<b>Architect/Engineer/Consultant</b>	Dunn & Titus Architects	
<b>Size of Property</b>	.5933 (25,845 square feet)	
<b>Current Zoning</b>	B-2 Community Business District	
<b>Proposed Use:</b> Conditional Use	Self Service Fuel Dispensing (Gasoline Pumps)	
<b>Comp. Plan Land Use Designation</b>	Commercial	
<b>Special Purpose/CRA</b>	N/A	
<b>ADJACENT LAND USE/ZONING INFORMATION</b>		
<i>Direction</i>	<i>Land Use</i>	<i>Zoning</i>
North	Vacant	B-2
South	Residential	B-2
East	Residential	R-3
West	Commercial	B-2
<b>ZONING/DIMENSIONAL INFORMATION</b>		
	<i>Minimum Required</i>	<i>Existing/Proposed</i>
<b>Minimum Lot Area</b>	20,000	25,845
<b>Minimum Lot Width</b>	100 LF	195 LF
<b>Minimum Front Yard Setback</b>	<b>Building:</b> 25 ft <b>Parking:</b> 10 ft	<b>Building:</b> 40-45 ft <b>Parking:</b> 10 ft
<b>Minimum Side Yard Setback</b>	5 ft	35 ft
<b>Minimum Rear Yard Setback</b>	25 ft	88 ft
<b>Maximum Bldg. Height</b>	35 ft	18 ft – 20 ft
<b>Other Requirements</b>	1155.00	N/A

**Introduction:**

This is a request submitted by Thomas Dunn of Dunn & Titus Architects on behalf of Trenton Veer Inc., to approve a Conditional Use to establish a Minor Automobile Service and Repair Facility (i.e. self service fuel dispensing) use on the property located at 302 East Avenue (City Lot No. 32098) situated on the southeast corner of



East Avenue and Ludlow Avenue (Exhibit A). The property is zoned B-2 Community Business zoning district (Exhibit B). The property is comprised of a single 25,845 square foot lot (0.5933 Acres). The applicant submitted plans for a drive-through convenience store in 2015 – which does not require Conditional Use approval. However, the applicant is now requesting to utilize the existing fuel dispensing island (gasoline pumps) for self service fuel dispensing which by zoning definition is classified as an Automobile Service and Minor Repair facility use and requires Conditional Use review by the Planning Commission and approval by City Council (Section 1155.00).

**Surrounding Zoning/Land Use:**

The properties to the north are vacant and currently zoned B-2 Community Business. The property to the west is vacant commercial property zoned B-2. The property to the south is a residential use currently zoned B-2 Community Business , and to the east is residential use currently zoned R-3 One to Four Family Residential.

There is a separate, existing 1,450 square foot retail building on the south end of the property that will remain.

**Proposed Project:**

The proposed project involves the renovation of a former BP gas station/convenience store located at 302 East Avenue. The existing building is a single story 2,800 square foot masonry block building that will be reconfigured as a convenience store for walk-in pedestrian customers and vehicular drive-through traffic.

The north (Ludlow Avenue frontage) and west (East Avenue frontage) of the building will be refurbished to create pedestrian storefront with larger windows and new doorway entry. A separate vehicular access will be added to the south side of the building for vehicular drive-through entry and a vehicular exit will be added to the north side of the building.

In addition, there is an existing fuel dispensing island with five (5) fuel pumps that are proposed to be refurbished – the addition of the fuel dispensing on the property makes this project a “Conditional Use” because the City of Hamilton zoning definition for Automobile Service and Minor Repair includes vehicle fuel dispensing.

The proposed project will provide nine (9) designated parking spaces on the property, not including fuel pump parking, and five (5) spaces for the existing retail building on the south end of the property.

The large existing vehicular access curb cut along East Avenue will be reduced to a more defined curb cut for vehicular access to the property.

A ten (10') foot wide landscaping area is proposed around the entire perimeter of the property which will contain six (6) trees, 18 bushes and 36 perennial flower plantings. A privacy fence is recommended to be installed along the east property line



(approximately 120 feet in length) to screen the convenience store from the abutting residential property.

## **CONDITIONAL USE REVIEW**

### **1155.10 – Conditional Uses:**

1. The Planning Commission (PC) shall review and make a recommendation to City Council, in accordance with the provisions of this Ordinance for applications for Conditional Uses. The PC shall review the particular facts and circumstances of each proposed Conditional Use, and if recommending approval shall find adequate evidence that the proposed conditional use complies with the General Standards applicable to all Conditional Uses found in 1155.30. (REVISED OR2015-9-80)
  
2. The PC has no obligation to recommend approval of a Conditional Use, and City Council has no obligation to approve a Conditional Use. The Hamilton Zoning Ordinance assumes that the uses listed as conditional are not outright appropriate unless an applicant demonstrates to the PC that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which the Conditional Use is proposed. (REVISED OR2015-9-80)
  
3. In considering an application for a Conditional Use, the PC and City Council shall give due regard to the nature and condition of all adjacent uses and structures and in recommending approval of a conditional use may impose such requirements and conditions, in addition to any expressly stipulated in this Ordinance, as the PC may deem necessary for the protection of adjacent properties and the public interest. (REVISED OR2015-9-80)

Section 1155.00 which regulates Conditional Uses states the following:

### **1155.30 – Application and Review**

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

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



determine of the effect of the proposed Conditional Use on the surrounding neighborhood. (REVISED OR2015-9-80)

### **C. Conditional Use Review Criteria – General Standards**

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

1. The proposed Conditional Use is to be located in a district wherein such use may be permitted, subject to the requirements of this Section and the Zoning Ordinance. An Automobile Service and Minor Repair Facility (i.e. self service fuel dispensing) use is a conditional use in the B-2 Community Business 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 in a B2 Community Business District, subject to the requirements of this section and the Zoning Ordinance.”* This information is attached to this report (attached as Exhibit C).
2. The proposed Conditional Use will not substantially or permanently injure the appropriate use of neighboring property and will serve the public convenience and welfare. The applicant stated that *“The existing structure is neglected and is being transformed into a cohesive site that will not substantially or permanently injure the appropriate use of neighboring property and will serve the public convenience and welfare.”* This information is attached to this report (attached as Exhibit C).
3. The proposed Conditional Use will be harmonious with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. The applicant stated that *“The proposed Conditional Use will be harmonious with the existing or intended character of the general vicinity, and will not change the essential character of the same 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 *“The proposed Conditional Use will be adequately served by essential public facilities and services and all existing services will be utilized including existing electrical service which will be upgraded to meet the*



*new demands.*" 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 proposed Conditional Use will have vehicle approaches to the property which are designed as not to create an interference with traffic on surrounding streets. The vehicle access to the site has been simplified and corner access from East Avenue has been eliminated."* This information is attached to this report (attached as Exhibit C). The site plan indicates that the driveways located nearest the intersection will be removed.
6. The proposed Conditional Use will comply with all applicable development standards, except as specifically altered in the approved Conditional Use. The applicant stated that *"The proposed Conditional Use will comply with all applicable developments, except as specifically altered in the approved Conditional Use."* This information is attached to this report (attached as Exhibit C).
7. The proposed Conditional Use will not be hazardous to or have a negative impact on existing or future neighboring uses. The applicant stated that *"The proposed Conditional Use will not be hazardous to or have a negative impact on existing or future neighboring uses."* This information is attached to this report (attached as Exhibit C).
8. The proposed Conditional Use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the base zoning district. The applicant stated that *"The 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 compatible to the uses permitted in the base zoning district. Dispensing of fuels only will be permitted on the site. No vehicular storage or repair will be done on site as well as storage of tires and other automotive parts."* 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 not impede the normal and orderly development and improvement of the*



*surrounding property for uses permitted in the district.” This information is attached to this report (attached as Exhibit C).*

**Summary Review of Conditional Use Standards:**

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

**Notification**

Public Hearing Notices were mailed to the owners of 139 properties within 500 feet of the property in question. At the time this report was written, were no objections expressed to the proposed conditional use for 302 East Avenue.

**Recommendation:**

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

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

1. **Construction drawings/documents for the proposed improvements and work shall be revised subject to any future review requirements of the City of Hamilton Inter-Departmental Review.**
2. **Proposed building will be single story masonry material veneer as shown on plans and supporting material submitted by the applicant.**
3. **Minimum of six (6') feet of proposed fuel canopy island supports be covered/wrapped in masonry material to closely match final building color.**
4. **Proposed dumpster/refuse area enclosure be covered/wrapped in masonry material to closely match final building color.**
5. **Proposed privacy fencing along west property line, approximately 120 feet in length, to be wood or vinyl construction, not chain link.**



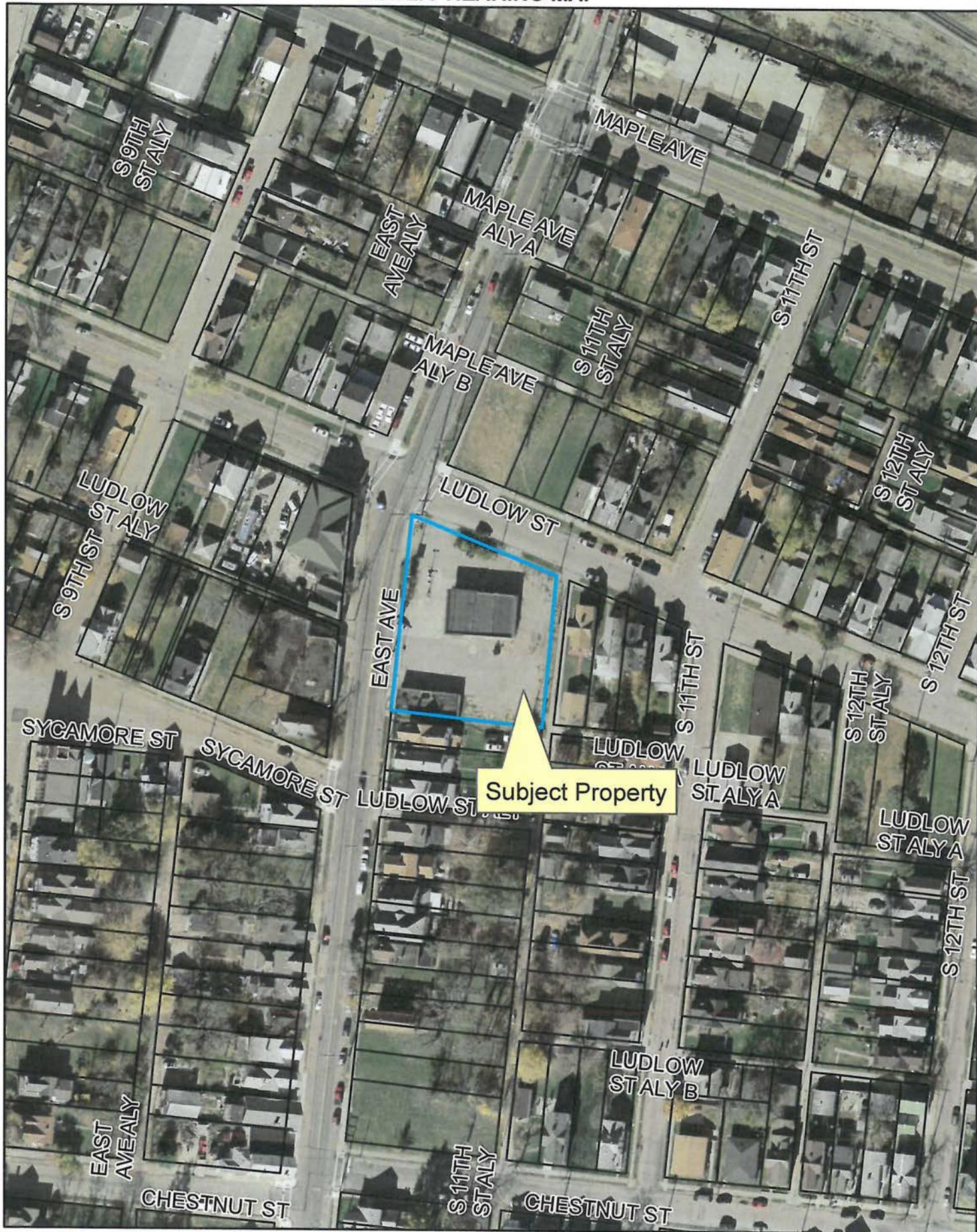
6. **No exterior storage/sales of merchandise or material other an ice and/or propane sales to be indicated on final construction plans.**
7. **Landscaping shall be provided as follows: All proposed landscaping item sizes to conform to the minimum size requirements found in Section 1111.10 of the Hamilton Zoning Ordinance. (Deciduous trees minimum of 2 ½ inches caliper, evergreen trees minimum of six (6') feet in height, shrubs/bushes minimum of 12 inches). Final landscaping selection to be coordinated with Municipal Arborist.**
8. **All future signage (permanent or temporary) will comply with Section 1138.00 Hamilton Sign Ordinance.**
9. **Mechanical equipment in support of the building to be screened from the public right of way by landscaping/privacy fencing.**
10. **Add a pedestrian connection from front of building to the East Avenue or Ludlow Avenue sidewalk.**
11. **No automobile repair, sales or storage is permitted on the property, only dispensing of fuel and fluids for operable motor vehicles.**
12. **Hours of operation will be 6AM to 1AM seven days a week.**
13. **All improvements and work indicated on construction drawings/documents approved as part of the Conditional Use be installed and maintained in good repair and replaced as necessary to remain in compliance with the approved Conditional Use - (includes building and exterior finishes, canopies, dumpster enclosure, landscaping, pavement surfaces, fencing, and striping).**

**Attachments:**

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



302 East Avenue  
PUBLIC HEARING MAP

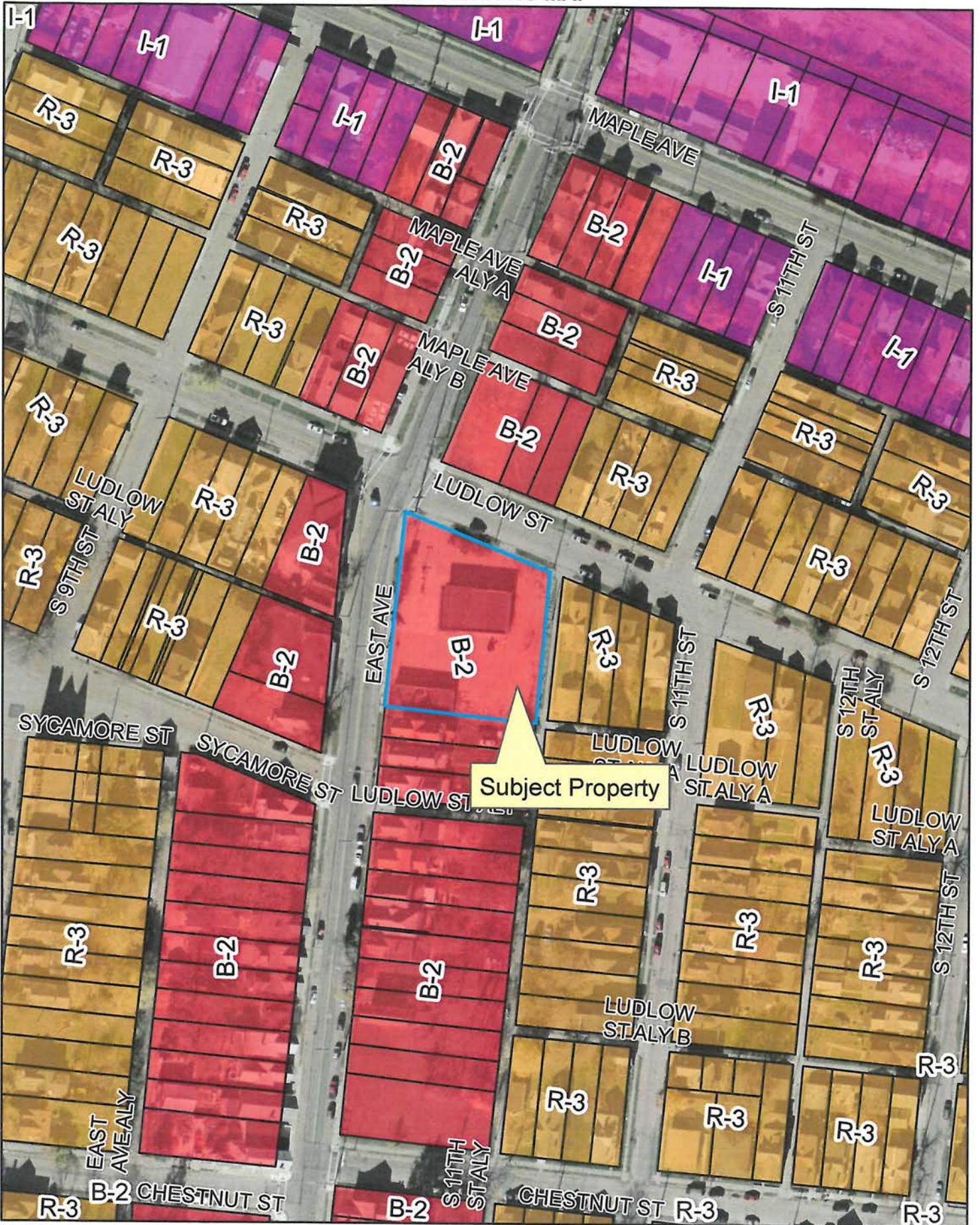


 302 East Avenue

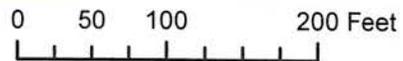
0 50 100 200 Feet



302 East Avenue  
PUBLIC HEARING MAP



 302 East Avenue



A163204  
A163205



Community Development  
345 High Street, Suite 370  
Hamilton, Ohio 45011

### APPLICATION FOR CONDITIONAL USE

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

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

Property Address: 302 EAST AVE

Lot No(s): 4197 THRU 4200 AS CONSOLIDATED PL 44103500613

Property Owner: TRENTON VEER INC / RAVINDER GILL

Owner's Mailing Address: 9408 TAHOE DR, DAYTON, OHIO 45458

Applicant's Name (If different than owner): THOMAS R. DUNN

Applicant's Mailing Address: 800 COMPTON, UNIT 26, CINCINNATI OH, 45231

Applicant's Email Address: dunnandtitus@usa.net

Applicant's Phone Number: 513 582-7378

Previous Legal Use of Property: SERVICE STATION

Date Previous Use Discontinued: 2012 (ESTIMATED)

Proposed New Use of Property: CONVENIENT STORE & FUEL DISPENSING

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

Zoning Code:

- 1155.10 HZO SECTION 1155.10
- 1120.34 SELF SERVICE FUEL SALES
- 1111.00 ARCH, LANDSCAPING, DESIGN, BUILDING
- & SITE DEVELOPMENT

Dates: 7/13/2016  
 Arch: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Receipt # 1008413  
 Payment 7/13/16: \$100.00  
 City of Hamilton  
 Office: \_\_\_\_\_  
 Cashier: \_\_\_\_\_  
 7/12/2016 3:36 PM  
 \$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

THE PROPERTY IS ZONED B-2. A CONVENIENCE STORE HAS PREVIOUSLY BEEN APPROVED AND IS NOW BEING REMODELED.

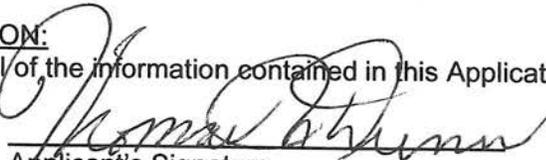
ALL UTILITIES AND PUBLIC FACILITIES ARE IN PLACE. THIS CONDITIONAL USE WILL INHANCE THE NEIGHBORHOOD BY PROVIDING REQUIRED LANDSCAPING AND THE REMODELING OF THE ABANDONED EXISTING SERVICE STATION.

SOME EXISTING CURB CUTS WILL BE ELIMINATED OR MODIFIED TO CREATE BETTER TRAFFIC FLOW. THE CONDITIONAL USE WILL NOT BE DETRIMENTAL BUT INCREASE THE VISUAL APPEARANCE.

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

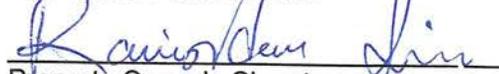
CERTIFICATION:

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

  
Applicant's Signature

9/8/16  
Date

THOMAS R. DUNN  
Applicant's Printed Name

  
Property Owner's Signature

9/8/16  
Date

Property Owner's Printed Name

Office Use Only

CU Application Number: \_\_\_\_\_ Zoning District: \_\_\_\_\_  
Fee Paid: \_\_\_\_\_  
Meeting Date: \_\_\_\_\_  APPROVED  DISAPPROVED

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

Re: Fuel dispensing system addition to 302 East Avenue.

The following items are presented in support of a Conditional Use change to the former gasoline service station to a convenient store including a self service fuel dispensing system with canopy:

- A. The proposed conditional use is:
  - 1. A self service retail fuel dispensing system with canopy.
  - 2. Convenient store with drive through window at side as currently being remodeled under separate permit.
  - 3. Hours of operation will be 6:00 am to 1:00 am, seven days a week.
- B. A site plan including landscaping is included showing the scope of the project.
- C. Review Criteria 1155.30 - Application and Review
  - 1. The proposed Conditional Use is in a B2 Community Business District, subject to the requirements of this section and the Zoning Ordinance.
  - 2. The existing structure is neglected and is being transformed into a cohesive site cohesive site that will not substantially or permanently injure the appropriate use of neighboring property and will serve the public convenience and welfare.
  - 3. The proposed Conditional Use will be harmonious with the existing or intended character of the general vicinity, and will not change the essential character of the same area.
  - 4. The proposed Conditional Use will be adequately served by essential public facilities and services and all existing services will be utilized including existing electrical service which will be upgraded to meet the new demands.

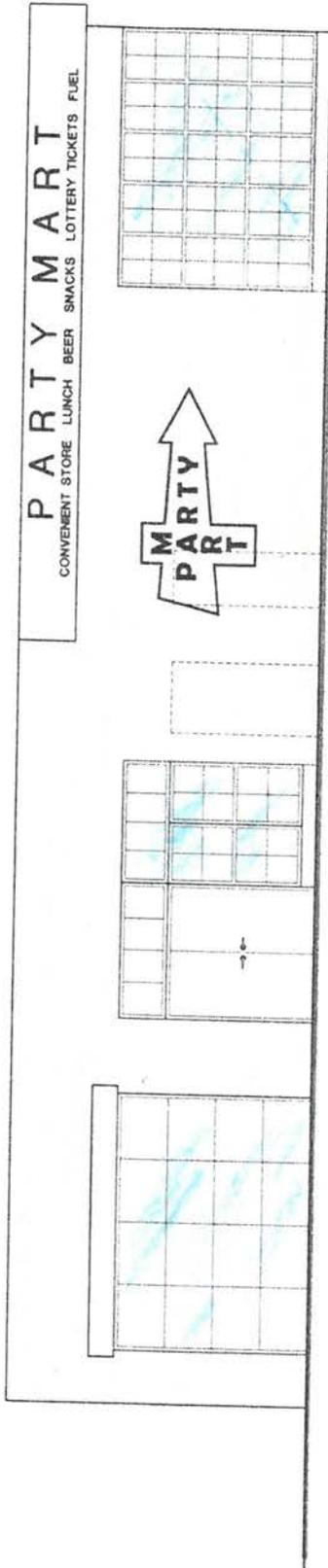
5. The proposed Conditional Use will have vehicle approaches to the property which are designed as not to create an interference with traffic on surrounding streets. The vehicle access to the site has been simplified and corner access from East Avenue has been eliminated.
6. The proposed Conditional Use will comply with all applicable developments, except as specifically altered in the approved Conditional Use.
7. The proposed Conditional Use will not be hazardous to or have a negative impact on existing or future neighboring uses.
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 compatible to the uses permitted in the base zoning district. Dispensing of fuels only will be permitted on the site. No vehicular storage or repair will be done on site as well as storage of tires and other automotive parts.
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.

In summary, we feel this Conditional Use change will provide a much needed upgrade of this existing facility and in turn provide a welcome, attractive addition to the neighborhood while providing both services and employment opportunities.

Sincerely,

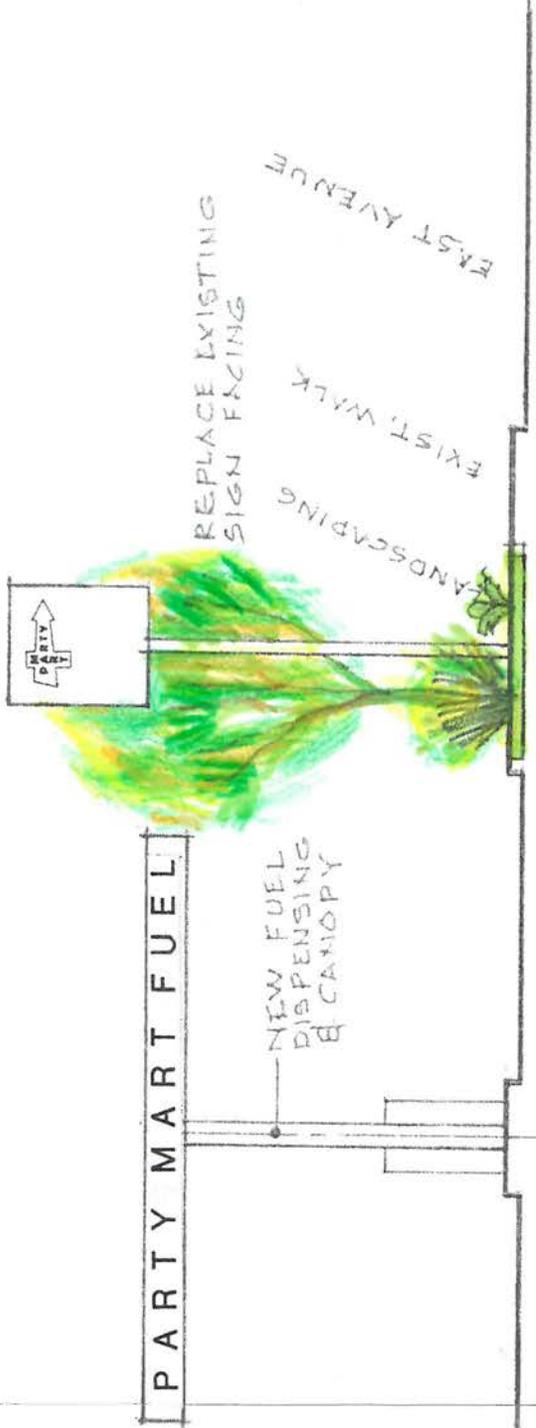
Thomas Dunn, RA





NORTH ELEVATION

SCALE: 1/8" = 1'-0"



PARTY MART FUEL

NEW FUEL  
DISPENSING  
CANOPY

PARTY

REPLACE EXISTING  
SIGN FACING

EXIST. WALK

LANDSCAPING

EAST AVENUE





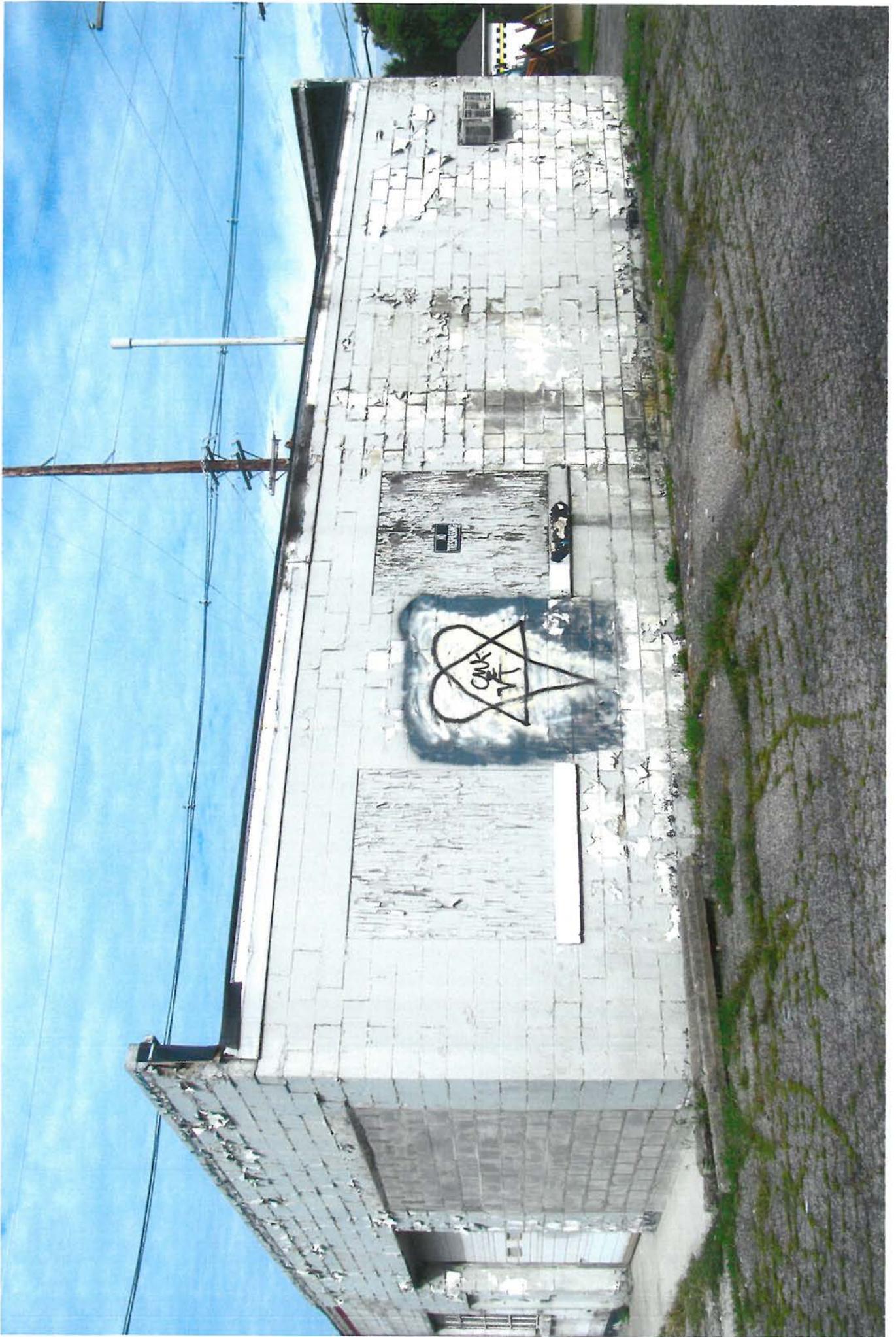
EXISTING WEST ELEVATION



EXISTING NORTH ELEVATION



EXISTING SOUTH ELEVATION



EXISTING EAST ELEVATION



LOOKING SOUTHWEST ACROSS EAST AVENUE



NEIGHBOR TO WEST ACROSS EAST AVENUE



NEIGHBOR TO SOUTH



NEIGHBOR TO EAST