

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 Hearings

Alf	Belew	Horsley	McAllister	Moeller	Samoviski	Smith

Swearing in of Those Providing Testimony to the Commission:

Kathy Dudley, Assistant Law Director

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

1. November 7, 2016

Alf	Belew	Horsley	McAllister	Moeller	Samoviski	Smith

Old Business: None

New Business:

Agenda Item #1- Public Hearing

Request by Ziyad Aleissa, on behalf of Warren & Carter, Inc., for a Conditional Use to allow the establishment of an Automobile Sales facility to operate on the property zoned "B-2" Community Business District located at 2044 Dixie Highway (aka 2021 S. Erie Blvd.) on City Lot No. 10852. (Ziyad Aleissa/Warren & Carter, Inc., Applicant/Owner).

Staff: John Creech

Alf	Belew	Horsley	McAllister	Moeller	Samoviski	Smith

Agenda Item #2

Request by Mike Meyers, on behalf of DCT Symmes Road, LLC, for a Conditional Use to allow the establishment of an Exterior Storage and Parking Facility (i.e. semi trailer parking



lot) to operate on the property zoned "I-2" Industrial District located at 3550 Symmes Road on City Lot No. PT 25916 (Mike Meyers/ DCT Symmes Road, LLC, Applicant/Owner)
 Staff: John Creech

Alf	Belew	Horsley	McAllister	Moeller	Samoviski	Smith

Agenda Item #3

Request by City of Hamilton to grant Authority to Meredith Snyder to Approve Lot Splits and Lot Combinations that comply with provisions of the Hamilton Zoning Ordinance and Subdivision Regulations (City of Hamilton, Applicant)

Staff: John Creech

Alf	Belew	Horsley	McAllister	Moeller	Samoviski	Smith

Reports:

1. Verbal Report on 259 S Edgewood Ave Conditional Use – Staff: John Creech
2. Verbal Report on Architectural Design Review Board Meeting of November 15, 2016 – Staff: John Creech
3. Verbal Report on Board of Zoning Appeals Meeting of December 1, 2016 – Staff: John Creech
4. Verbal Report on previous Planning Commission cases in progress – Staff: John Creech
5. Comprehensive Plan Update – Staff: John Creech

Adjournment:



**WRITTEN SUMMARY
PLANNING COMMISSION
MEETING MINUTES
Monday, November 7, 2016
1:30 p.m.**

The meeting was called to order at 1:30 by Mr. McAllister.

Roll Call:

Members Present:

Mr. Dave Belew, Ms. Teri Horsley, Mr. Dale McAllister, Mayor Pat Moeller, Mr. Mike Samoviski and Mr. Joshua Smith.

Members Absent:

Mr. Tom Alf

City Staff Present:

Mr. Eugene (Bud) Scharf, Mr. John Creech, Ms. Kim Kirsch, Mrs. Meredith Snyder, Mr. Ed Wilson, and Ms. Kathy Dudley (Assistant Law Director).

Swearing in of Those Providing Testimony to the Commission:

There was no one in the audience wishing to speak.

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

1. **October 17, 2016** - Motion to approve by Mr. Belew, 2nd by Mr. Samoviski. With all "ayes" to roll call vote, the motion was approved.
2. **October 31, 2016** - Motion to approve by Ms. Horsley, 2nd by Mayor Moeller. With all "ayes" to roll call vote, the motion was approved.

Old Business:

Agenda Item #1- Public Hearing

Staff: John Creech

Tabled Item from October 17, 2016

Request for a Conditional Use to allow the expansion of an existing Vehicle Impound Lot to operate on property zoned I-1 Limited Industrial District located at 259 South Edgewood Avenue (City Lot No. 5993) (Robert M. Day/Day's Sunoco & Towing LLC., Applicant/Owner).

Mr. Samoviski made a Motion to remove the item from the table. With a 2nd by Mr. Belew and all "ayes", the Motion was removed from the table and the Public Hearing progressed.

Mr. Creech gave a summary of the current item before the Planning Commission for property located at 259 S. Edgewood Avenue. Items included were as follows:

- The subject property is zoned I-1 Limited Industrial District. Vehicle Impound Lots are Conditional Uses in the I-1 zoning district. Vehicle Impound Lots require Conditional Use review by the Planning Commission and approval by City Council (Section 1155.00).
- The Planning Commission held a public hearing and reviewed the Conditional Use application on October 17, 2016.
- After the public hearing and discussion, the item was tabled by the Planning Commission on October 17, 2016 for a future site visit by members of the Planning Commission.
- The Planning Commission held a site visit of the property on October 31, 2016.

Mr. Creech stated that prior to the site visit on October 31, 2016, Staff had not toured the location, there were just some photos that were taken through the fence. He went on to say that although no photos were taken on the 31st, based on what was seen by Staff, it is possible that the use occurring on that property is not actually a “vehicle impound lot” but more of a “junk yard use” based on definitions as listed in Section 1108 of the Zoning Codes:

“Junk Yard: A place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled; **including auto wrecking yards**, house wrecking yards, used material yards, but not including pawn shops, antique shops, and places for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition or salvaged materials incidental to manufacturing operations.”

“Vehicle Impound Lot: A parcel of land used as temporary storage; maximum sixty (60) days for vehicles, including damaged vehicles. **No dismantling or disassembling of vehicles is permitted.** (OR 89-4-33)”.

Mr. Creech said that “automobile wrecking yards” is listed under “Junk Yard”. “Vehicle Impound Lot” says that “No dismantling of vehicles is permitted”, and there were vehicles that appeared to be dismantled on the lot.

Mr. Creech stated that if the Planning Commission denies the proposed Conditional Use the Department of Community Development recommends that the Planning Commission utilize the following motion:

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

- 1) The proposed use will substantially or permanently injure the appropriate use of neighboring property and will not serve the public convenience and welfare. The area is surrounded by residential land uses with the exception of the US Postal Service office.

In addition, the former beltline RR, which served industrial sites on the west side of Hamilton is now closed which has changed the character of the immediate area.

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. The existing and intended character of the general vicinity is residential. This property and the property occupied by the US Postal Service are zoned I-1 and appear, in part, to be legacy properties occupied by former industrial uses.

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. While the property is zoned I-1 Limited Industrial, vehicular access to the property is through Franklin Street. Franklin Street is a residential street with the exception of the US Postal Service office.

4) The proposed use will be hazardous to or have a negative impact on existing or future neighboring uses. The existing Impound Vehicle Lot is nonconforming and appears to have been established prior to Vehicle Impound Lots becoming Conditional Uses – sometime between 1987 and 1989 by a previous property owner. However the proposed expansion will increase the size of the vehicle storage area which would increase the number of vehicles (customers & tow vehicles) using Franklin Street, which is a residential street.

5) The proposed use will impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. The number of vehicles entering and exiting the property, noise generated by towing/on and off loading vehicles and the condition of the surrounding privacy fencing could impede the development or improvement of surrounding residential properties, including the proposed Hamilton Beltline recreational trail.

Ms. Horsley stated that her employer has a business relationship with Mr. Day, so she will be abstaining from any comments or vote with regard to this matter upon advice from the Law Director.

Mr. McAllister said that there were numerous cars that were dismantled on the lot, but Mr. Day stated that they were brought in that way when asked about it at the site visit, and they would have to take Mr. Day's word on it. Mr. McAllister went on to say that he doesn't know what other use the property would be used for. He said that he doesn't see that increased traffic was going to be an issue, and to his knowledge there haven't been any neighbor's complaining about the business being a distraction.

Mr. Samoviski made a Motion to approve the Conditional Use permit with the stipulation that the activities on the property maintain compliance with the requirements of "Vehicle Impound Lot" as stipulated in the ordinance, and that main ingress/egress for access to the lot be off of the Edgewood Avenue property through the gate, rather than off

Franklin Street. He went on to say that he agreed with Mr. McAllister about the limited usage possibilities for the future.

Mr. Smith said that he's not opposed to the Conditional Use permit, but he thinks that we need more conditions. He asked Staff to bring up Google Maps for the Millville/Edgewood area.

Mr. McAllister asked if the Motion failed for lack of 2nd, and Mr. Creech said that it did.

Mr. Smith said that he was bothered by the grass that was past his knees when he was on the site visit, and the amount of vehicles sitting on the parking lot. He said that he would want one condition to be no off-site storage outside the fenced in area, including the parking area on the lot.

Mr. Scharf made a suggestion that the item be tabled until the Applicant can bring in a site plan, as there has been no site plan received to date. Mr. Scharf continued on, saying that the Conditions could be added on to the plan once the Board saw what the Applicant planned to do. He also added that the Health Division has received several complaints about the property, and one of those was with regard to the high grass.

Mr. Samoviski asked if the Board was voting on the lot behind the fence, or the lot that is off of Edgewood. Ms. Dudley said that it's all part of one. Mr. Creech said that it is a separate lot, but it's all part of the same address. He showed the map with the "Proposed Expansion" and the "Existing Lot" outlined. Mr. Samoviski, Ms. Dudley, and Mr. Creech then had a bit more discussion about the part of the property that was being discussed and to be included in the Application.

Mr. Smith said that he will agree to table the issue one last time. He made a Motion to table the item until a site plan is received that includes a landscaping plan for the Millville/Edgewood area and Franklin Street, a Signage plan, a Lighting plan, any Exterior Improvements taking place to be noted, Hours of Operation for the facility, Ingress & Egress that will be used (Franklin Street/Edgewood Avenue or both), any Easements that he is going to be utilizing, and anything that is environmental in nature. He added that he was very concerned about the Hours of Operation and how they handle the entryway from Edgewood Avenue. There was a 2nd to the Motion by Mr. Belew.

Mayor Moeller said that he agrees with Mr. Smith. The location of the business in question is in an entryway into the city, there are houses around it, a church across the street, and a small business that it close. He said that he would like to see the landscaping make a "tight screen" around the business. He's also concerned about the lighting.

Mr. McAllister said that he is hoping that Mr. Day will move some of the cars from the lot at Sunoco on Main to the current location, because he would like to see Main Street business viable and attractive also.

With a roll call vote of 4-1-1 (“no” by Mr. Samoviski, “abstain” by Ms. Horsley), the Motion passed and the item is tabled.

New Business:

Agenda Item #2- Public Hearing

Staff: John Creech

Request to Amend the Zoning Ordinance of the City of Hamilton, Ohio: Section 1118.00 R-4 Multi-Family Residence District (City of Hamilton, Applicant)

BACKGROUND INFORMATION

Mr. Creech stated that from time to time, as newly defined land uses occur or as land uses become obsolete, the current zoning definitions, permitted and conditional land uses found within the City of Hamilton zoning ordinance may require amendment or revision to bring the zoning ordinance up to date.

The City of Hamilton proposes to amend the R-4 Multi-Family Residence District in order to preclude the establishment of “Lodging and Boarding Houses”. Lodging and Boarding Houses are not the same land use as hotels or multi-family dwellings, both of which are separately defined and regulated in the Hamilton Zoning Ordinance.

Proposed Zoning Amendment:

The zoning code currently allows boarding houses in the R-4 and subsequent zoning districts with up to 20 unrelated individuals in a single building. There is no minimum lot size requirement or minimum lot area requirement per dwelling unit or individual.

The proposed zoning ordinance amendment will amend Section 1118.00 R-4 Multi-Family Residence District by removing “Lodging and Boarding Houses” from the list of permitted land uses in the R-4 district and adding to prohibited uses. By removing “Lodging and Boarding Houses” from the list of permitted uses in the R-4 zoning district, such uses will also not be permitted in subsequent zoning districts.

RECOMMENDATION

Mr. Creech stated that if approved by the Planning Commission, the Department of Community Development recommends the following motion:

The Planning Commission recommends that City Council approve the request to amend the Zoning Ordinance of the City of Hamilton, Ohio regarding Lodging and Boarding Houses encompassing Section 1118.00.

Mr. McAllister asked if you could still operate a Boarding House, and Mr. Creech said that if there was one there now, it would be “grandfathered” in. Mr. McAllister then asked Mr. Creech if that would also apply to Bed and Breakfast establishments, and Mr. Creech said there is separate zoning for those.

Mr. Samoviski made a Motion to close the Public Hearing. With a 2nd by Mr. Smith, the Public Hearing was closed.

Mr. Samoviski made a Motion to approve the request to Amend Zoning Ordinance 1118.00 as presented. With a 2nd by Mayor Moeller and all “ayes”, the Motion passes.

Agenda Item #3 **Staff: John Creech**
Request to Replat City Lot Nos. 30470 and 30471 located in Random Oaks, Section One, First Ward North Side, City of Hamilton, Ohio (Shelton & Sons, Inc. Applicant)

Mr. Creech gave a summation of the request to shift the property line between 680 and 690 Devanshae Court.

If the Planning Commission approves the proposed replat, the Department of Community Development requests that the Planning Commission recommends that City Council Approve the Replat of City Lot Nos. 30470 and 30471, located in Random Oaks, Section One, First Ward North Side, City of Hamilton, Ohio located at 680 and 690 Devanshae Court.

Mr. Samoviski made a Motion to approve the Request. With a 2nd by Mr. Smith and all “ayes” to roll call vote, the Motion passes and the Request is approve.

Reports:

Mr. Creech gave the following Verbal Reports:

1. Architectural Design Review Board Meeting of October 18, 2016:
 - 226 Main Street – Paint, Roof, Lap Siding – Approved
2. Board of Zoning Appeals Meeting of November 3, 2016:
 - 3461 Tylersville Road – Variances for Signage – Approved
3. Previous Planning Commission cases in progress:
 - 759 Park Avenue – Rezoning to R2-A – Approved effective 11/25/2016
 - 302 East Avenue – Conditional Use – Caucus 11/9/16, First Reading 12/14/16, Second Reading 12/21/16
4. Comprehensive Plan Update:
 - TASK 1: Project Kick-Off
 - Conduct Document Review
 - Finalize Community Participation Plan
 - Conduct Field Recon w/City
 - Community Participation Activities
 - Technical Review Committee Mtg#1
 - Comprehensive Plan Task Force Mtg#1
 - Three (3) Neighborhood Mtgs

TASK 2: Information Gathering & Analysis
Existing Conditions Analysis
Community Participation Activities
Technical Review Committee Mtg#2

Stakeholder Interviews (6-8)
Online Survey
Comprehensive Plan Task Force Mtg#2

TASK 3: Vision Development & Plan Framework

Follow-Up Field Work
Public Workshop #1
Scenario & Framework Development (Interim Period)
Public Workshop #2 - Final Presentation

TASK 4: Plan Development & Adoption

Draft Comp Plan
Technical Review Committee Mtgs (4 mtgs)
Comprehensive Plan Task Force Mtg#3
Three (3) Neighborhood Mtgs
Two (2) Corridor Mtgs
Grand Blvd
Route 4

TASK 5: Plan Adoption

Final Revisions to Draft
Planning Commission Review Mtg#1
City Council Mtg#1
Final Revisions to Final Plan

Meeting Summary

Technical Review Committee Mtgs (6)
Comprehensive Plan Task Force Mtgs (3)
Public Workshops (2)
Neighborhood Mtgs (6)
Corridor Mtgs (2)
City Council Mtg (1)

Adjournment:

With nothing further, Mr. Samoviski made a Motion to Adjourn. With a 2nd by Mr. Smith, the meeting was adjourned.

Respectfully submitted,

Ms. Kim Kirsch
Administrative Assistant

Mr. Eugene Scharf
Secretary

Mr. Dale McAllister
Chairman

For the Planning Commission Meeting of December 5, 2016

To: Planning Commission

From: John Creech

Subject: AGENDA ITEM #1

Request by Ziyad Aleissa, on behalf of Warren & Carter, Inc., for a Conditional Use to allow the establishment of an Automobile Sales facility to operate on the property zoned "B-2" Community Business District located at 2044 Dixie Highway (aka 2021 S. Erie Blvd.) on City Lot No. PT 10852. (Ziyad Aleissa/Warren & Carter, Inc., Applicant/Owner).

Date: November 29, 2016

BASIC INFORMATION		
Applicant/Property Owner	Ziyad Aleissa/Warren & Carter, Inc., Applicant/Owner	
Architect/Engineer/Consultant	N/A	
Size of Property	26,266 sq ft approx	
Current Zoning	B-2 Community Business District	
Proposed Use: Conditional Use	Automobile Sales Facility	
Comp. Plan Land Use Designation	Commercial	
Special Purpose/CRA	N/A	
ADJACENT LAND USE/ZONING INFORMATION		
<i>Direction</i>	<i>Land Use</i>	<i>Zoning</i>
North	Commercial	B-2
South	Commercial	B-2
East	Commercial	I-1
West	Vehicle Parking	I-1
ZONING/DIMENSIONAL INFORMATION		
	<i>Minimum Required</i>	<i>Existing/Proposed</i>
Minimum Lot Area	20,000 sq ft	26,266
Minimum Lot Width	100 LF	+110 LF
Minimum Front Yard Setback	10 ft	10 ft
Minimum Side Yard Setback	10 ft	10 ft
Minimum Rear Yard Setback	N/A	N/A
Maximum Bldg. Height	N/A	N/A
Other Requirements	N/A	N/A

Introduction:

This is a request submitted by Ziyad Aleissa, on behalf of Warren & Carter, Inc, for a Conditional Use to allow the establishment of an Automobile Sales facility to operate on the property zoned B-2 Community Business District located at 2021 South Erie Boulevard (Exhibit A). The property is zoned B-2 Community Business zoning district



(Exhibit B) and is a 26,266 square foot property comprised of a single parcel (City Lot No. PT 10852). Automobile Sales uses are Conditional Uses in the B-2 Community Business Zoning District and require review by the Planning Commission (Section 1121.39.27) and approval by City Council.

Proposed Project:

The proposed project is involves the conversion of an existing vacant property and building into an automobile sales use. The structure on the property, a former restaurant, will be converted to automobile sales office use.

Plans indicate that the applicant proposes to remove the dumpster/dumpster enclosure and the former restaurant drive-through lane located behind the building. The plan also indicates that no vehicles will be parked or displayed within ten (10) feet of any property line. Section 1121.39.27 states that the “areas not used for parking or display of vehicles shall be landscaping according to requirements of Section 1111.20. No landscaping plan was submitted as part of the application, however, based on the size of the property, 26,266 square feet, the following minimum landscaping is required:

6 trees, plus additional plantings from a, b, or c below:

- a. Bushes: 3 Per Required Tree
- b. Flowering Perennials Plants: 6 Per Required Tree
- c. Trees: 1 Per Required Tree

In addition, the site plan submitted by the applicant indicates that the southern-most driveway onto South Erie Boulevard will remain open. This creates a conflict with the proposed 10 foot setback (landscaping area). In addition, the proposed vehicle display area in the rear of the building appears to impede the passage of automobiles on the south-side of the building. As currently designed vehicles entering the driveway on the south side of the building - from South Erie Boulevard would have to back-out onto South Erie Blvd in order to exit.

This property is also missing a sidewalk along the South Erie Boulevard frontage of this property. A Domino’s Pizza will be constructed on the abutting property to the north and sidewalk will be installed across the frontage of that property.

No additional information was submitted as part of the site plan that addresses landscaping, refuse and service areas, or signage.

CONDITIONAL USE REVIEW

1155.10 – Conditional Uses:

1. The Planning Commission (PC) shall review and make a recommendation to City Council, in accordance with the provisions of this Ordinance for applications for Conditional Uses. The PC shall review the particular facts and circumstances of each proposed Conditional Use, and if recommending



approval shall find adequate evidence that the proposed conditional use complies with the General Standards applicable to all Conditional Uses found in 1155.30. (REVISED OR2015-9-80)

2. The PC has no obligation to recommend approval of a Conditional Use, and City Council has no obligation to approve a Conditional Use. The Hamilton Zoning Ordinance assumes that the uses listed as conditional are not outright appropriate unless an applicant demonstrates to the PC that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which the Conditional Use is proposed. (REVISED OR2015-9-80)
3. In considering an application for a Conditional Use, the PC and City Council shall give due regard to the nature and condition of all adjacent uses and structures and in recommending approval of a conditional use may impose such requirements and conditions, in addition to any expressly stipulated in this Ordinance, as the PC may deem necessary for the protection of adjacent properties and the public interest. (REVISED OR2015-9-80)

Section 1155.00 which regulates Conditional Uses states the following:

1155.30 – Application and Review

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

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

C. Conditional Use Review Criteria – General Standards



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

- (1) The proposed Conditional Use is to be located in a district wherein such use may be permitted, subject to the requirements of this Section and the Zoning Ordinance.** An Automobile Sales facility is a Conditional Use in the B-2 Community Business District. The Hamilton Zoning Ordinance assumes that the uses listed as conditional are not outright appropriate unless an applicant demonstrates to the Planning Commission that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which the Conditional Use is proposed. The applicant stated that *“An automobile Sales Facility use is a conditional use in the B-2 Community Business District.”* This information is attached to this report (attached as Exhibit C).
- (2) The proposed Conditional Use will not substantially or permanently injure the appropriate use of neighboring property and will serve the public convenience and welfare.** The applicant stated that *“The adjacent properties are developed. Improvements to the property will enhance the quality of the neighborhood and provide services and employment opportunities to the neighborhood.”* This information is attached to this report (attached as Exhibit C).
- (3) The proposed Conditional Use will be harmonious with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area.** The applicant stated that *“There are numerous pre existing auto sales dealerships in very close proximity of this property”* This information is attached to this report (attached as Exhibit C).
- (4) The proposed Conditional Use shall be adequately served by essential public facilities and services such as, but not limited to, roads, public safety forces, storm water facilities, water, sanitary sewer, refuse, and schools. If not, the applicant shall be responsible for the extension or establishment of any public facilities and services to effectively service the proposed Conditional Use.** The applicant stated that *“All existing utilities are on site and active. Vehicular access from both street are present.”* This information is attached to this report (attached as Exhibit C).
- (5) The proposed Conditional Use will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding streets.** The applicant stated that *“Two major streets adjoin the property to the east and to the west. The new owner does not plan on changing anything that would create an interference with traffic in any way.”* 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 auto sales lot would be compliant with all development standards including the 10 foot setback.*

- *Lot Area (combined) = 26,266 sq ft > 20,000 sq ft. minimum*
- *Lot Frontages are 110.53 (east) and 113.43 (west) > 100 ft minimum.*
- *Automobiles on site will all be for sale, or for minor repairs within 30 days allowed.*
- *Automobiles displayed for sale on new lots seeking conditional use approved will be located on paved surfaces 10 feet minimum from property lines or public row. All vehicles will be listed for sale on the pavement area.*
- *Any repair services will be located within an enclosed building*
- *All vehicles stored outside will be operable new or used vehicles for sale or within the 30 day allowable repair window.*
- *Only repair services that are permitted outside under conditional use will be undertaken.*
- *Hazardous Materials as defined by this zoning section will be recycled or removed in accordance with local, state, and federal laws.*
- *Indoor Storage will be used for any automotive parts or equipment*
- *There will be no building openings with 50 feet of a residential district*
- *Vehicular access to the lot will be limited to one existing access curb cut per street. 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 business will be an asset to the surrounding neighborhood uses as it will revitalize a run down site and provide a large and compliant auto sales location in an area which is characterized by this dominant use group.”* This information is attached to this report (attached as Exhibit C).

(8) The proposed Conditional Use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the base zoning district. The applicant stated that *“The proposed use will not create any more noise than the current use. The hours of operation are M-F 9am-7pm, Sat 10am-6pm, Sun Closed.”* This information is attached to this report (attached as Exhibit C).

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



permitted in the district. The applicant stated that *“The proposed conditional use will re-vitalize and improve a deteriorating property.”* This information is attached to this report (attached as Exhibit C).

Summary Review of Conditional Use Standards:

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

Notification

Public Hearing Notices were mailed to the owners of 38 properties within 500 feet of the property in question. There were no objections expressed to the proposed conditional use for 2021 S Erie Boulevard as of the date of the report was prepared for the Planning Commission.

Review and Findings:

A review of the nine Conditional Use Review Criteria found in Section 1155.30 (Exhibit C) provides the Planning Commission with the basic facts and circumstances of the proposed Conditional Use. After consideration of the Conditional Use Review Criteria and the information provided by the applicant there is sufficient reason in the findings below to consider **denial** of the Conditional Use, specifically with respect to Conditional Use Review Criteria #5, #7 and #9 as outlined below:

1. #5The 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. The site plan submitted by the applicant indicates that the southern-most driveway onto South Erie Boulevard will remain open however, the proposed 10 foot setback (landscaping area) and the proposed vehicle display area appear to impede the passage of automobiles on the south-side of the building. It is recommended that the southern-most driveway onto South Erie Boulevard be eliminated. As currently designed vehicles entering the driveway from South Erie Boulevard would have to back-out onto South Erie Blvd in order to exit.
2. #7The proposed use will be hazardous to or have a negative impact on existing or future neighboring uses. The site plan submitted by the applicant indicates approximately 62 designated vehicular display parking spaces and a looping one way driveway aisle with several tight turning points. The number of proposed vehicle display spaces and tight turning radii (radiuses) could create a hazardous on-site situation and lead to customers parking on adjacent properties to avoid the constricted access and turning situation.



3. #9The proposed use will impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. The site plan submitted by the applicant indicates approximately 62 designated vehicular display parking spaces and a looping one way driveway aisle with several tight turning points. The number of proposed vehicle display spaces and tight turning radii (radiuses) could create impede the normal and orderly development and improvement of the surrounding properties by way of customer parking on adjacent properties to avoid the driveway and turning issues on the subject property.

Recommendation:

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

The Planning Commission recommends that City Council deny the proposed conditional use for 2044 Dixie Highway (aka 2021 S. Erie Blvd.) on City Lot No. PT 10852 after consideration of the site plan, written description provided by the applicant, findings, and review of the Conditional Use Review Criteria – General Standards #5, #7, and #9) for the following reasons below:

1. #5The 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. The site plan submitted by the applicant indicates that the southern-most driveway onto South Erie Boulevard will remain open however, the proposed 10 foot setback (landscaping area) and the proposed vehicle display area appear to impede the passage of automobiles on the south-side of the building. It is recommended that the southern-most driveway onto South Erie Boulevard be eliminated. As currently designed vehicles entering the driveway from South Erie Boulevard would have to back-out onto South Erie Blvd in order to exit.
2. #7The proposed use will be hazardous to or have a negative impact on existing or future neighboring uses. The site plan submitted by the applicant indicates approximately 62 designated vehicular display parking spaces and a looping one way driveway aisle with several tight turning points. The number of proposed vehicle display spaces and tight turning radii (radiuses) could create a hazardous on-site situation and lead to customers parking on adjacent properties to avoid the constricted access and turning situation.
3. #9The proposed use will impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. The site plan submitted by the applicant indicates approximately 62 designated vehicular display parking spaces and a



looping one way driveway aisle with several tight turning points. The number of proposed vehicle display spaces and tight turning radii (radiuses) could create impede the normal and orderly development and improvement of the surrounding properties by way of customer parking on adjacent properties to avoid the driveway and turning issues on the subject property.

Attachments:

- 1) **Exhibit A - Public Hearing Location Map**
- 2) **Exhibit B – Zoning Map**
- 3) **Exhibit C – Conditional Use Application & Supporting Material**
- 4) **Exhibit D – City Departmental Review Comments**



2021 S Erie Blvd
PUBLIC HEARING MAP



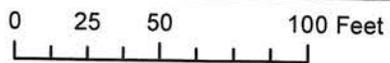
DIXIE HWY

S ERIE BLVD

EMERY AVE

Subject Property

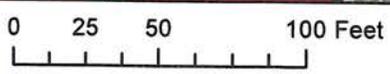
2021 S Erie Blvd



2021 S Erie Blvd
ZONING MAP



-  2021 S Erie Blvd
-  B-2 Community Business District



A164104
A164105



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: 2044 ^{2021 S. Erie Hwy} Dixie Highway Hamilton, Ohio 45015

Lot No(s): Parcel ID PG461029000021

Property Owner: Warren & Carter Inc

Owner's Mailing Address: 9541 SE 49th Ter #249 Webster FL 33597

Applicant's Name (if different than owner): Ziyad Aleissa

Applicant's Mailing Address: 305 Deercreek Dr. Amelia, Ohio 45102

Applicant's Email Address: zee7869@~~cloud~~^{gshop}.com

Applicant's Phone Number: 513-652-0412

Previous Legal Use of Property: Restaurant

Date Previous Use Discontinued: _____

Proposed New Use of Property: Car Lot / Auto sales

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

1121.33 "B-2" Community Business district

City of Hamilton
Date: 11/14/2015
Time: 11:14:47
Office: 6145 PM
Printer: 11/14/15 6:14:45 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

This building was an existing restaurant facility. The building will be used as an office for the Used Car dealership

See Attached detail of development Standards review 1155.30

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

CERTIFICATION:

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

[Signature]
Applicant's Signature

11-11-16
Date

Ziyed Aleissa
Applicant's Printed Name

DocuSigned by:
Jim Warren
Property Owner's Signature

11/12/2016 | 5:04 PM PST
Date

warren & Carter, Inc.
Property Owner's Printed Name

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

Conditional Use Review Criteria -General standards 1155.30

1. **The proposed conditional use is to be located in a district wherein such use may be permitted, subject to the requirements of this section and the zoning ordinance.**
An automobile sales facility use is a conditional use in the B-2 community business district.
2. **The proposed conditional use will not substantially or permanently injure the appropriate use of neighboring property and will serve the public convenience and welfare.** The adjacent properties are developed. Improvements to the property will enhance the quality of the neighborhood and provide services and employment opportunities for the neighborhood.
3. **The proposed conditional use will be harmonious with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area.** There are numerous pre existing auto sales dealerships in a very close proximity of this property.
4. **The proposed conditional use shall be adequately served by essential public facilities and services such as , but not limited to, roads, public safety forces, storm water facilities, water, sanitary sewer, refuse, and schools. If not, the applicant shall be responsible for the extension or establishment of any public facilities and services to effectively service the proposed conditional use.** All existing utilities are on site and active. Vehicular access from both streets are present.
5. **The proposed conditional use will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding streets.** Two major streets adjoin the property to the east and west. The new owner does not plan on changing anything that would create an interference with traffic in any way.
6. **The proposed conditional use will comply with all applicable development standards, except as specifically altered in the approved conditional use.** The auto sales lot would be compliant with all development standards including the 10 foot setback.
 - Lot area (combined) =26,266 sq ft >20,000 sq ft minimum
 - Lot frontages are 110.53 (East) and 113.43 (West) > 100 ft minimum

- Automobiles on site will all be for sale, or for minor repairs within 30 days allowed.
 - Automobiles displayed for sale on new lots seeking conditional use approved will be located on paved surfaces 10 feet minimum from property lines or public row. All vehicles will be listed for sale on the pavement area.
 - Any repair services will be located within an enclosed building.
 - All vehicles stored outside will be operable new or used vehicles for sale or within the 30 day allowance repair window.
 - Only repair services that are permitted outside under conditional use will be undertaken.
 - Hazardous materials as defined by this zoning section will be recycled or removed in accordance with local, state, and federal laws.
 - Indoor storage will be used for any automobile part or equipment.
 - There will be no business openings within 50 feet of a residential district.
 - Vehicular access to the lot will be limited to 1 existing curb cut per street.'
- 7. The proposed Conditional Use will not be hazardous to or have a negative impact on existing or future neighboring uses.** The proposed business will be an asset to the surrounding neighborhood uses as it will revitalize a run down site and provide a large and compliant auto sales location in an area which is characterized by this dominant use group.
- 8. The proposed Conditional Use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the base zoning district.** The proposed use will not create any more noise than the current use. The hours of operation are M-F 9am-7pm, Sat 10am-6pm, Sun Closed.
- 9. The proposed Conditional Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.** The proposed conditional use will re-vitalize and improve a deteriorating property.

City of Hamilton

Date: 11/14/2016 Batch: 9228
Office: CNST Mach ID: FVG85L1
Cashier: Consvs Tran #: 13

Misc Construction Service
Receipt #: 01068757

Acct #:
Name:

MIS1 Miscellaneous Revenue \$200.00
Payment Total: \$200.00

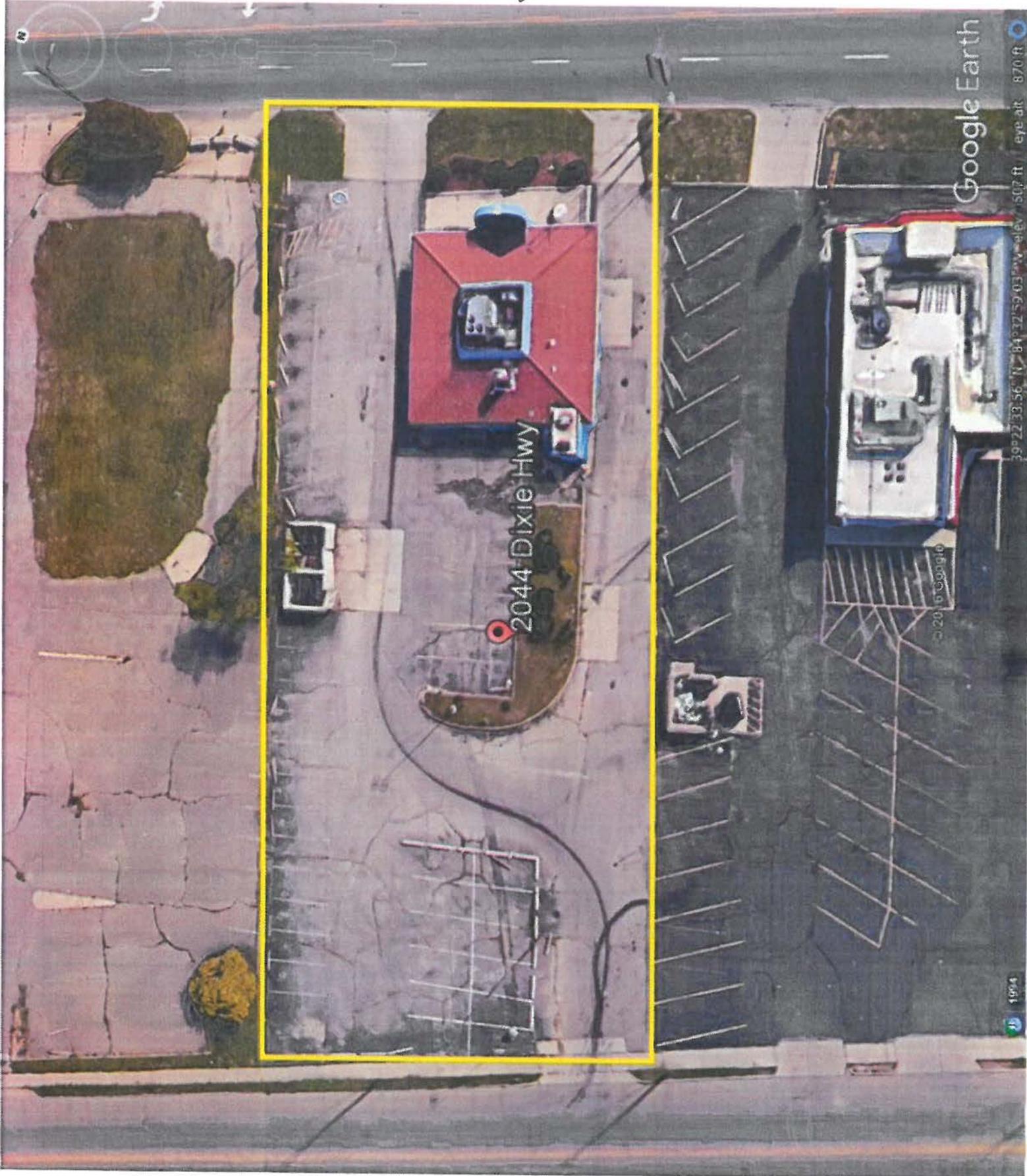
Transaction Total: \$200.00
Check Tendered: \$200.00

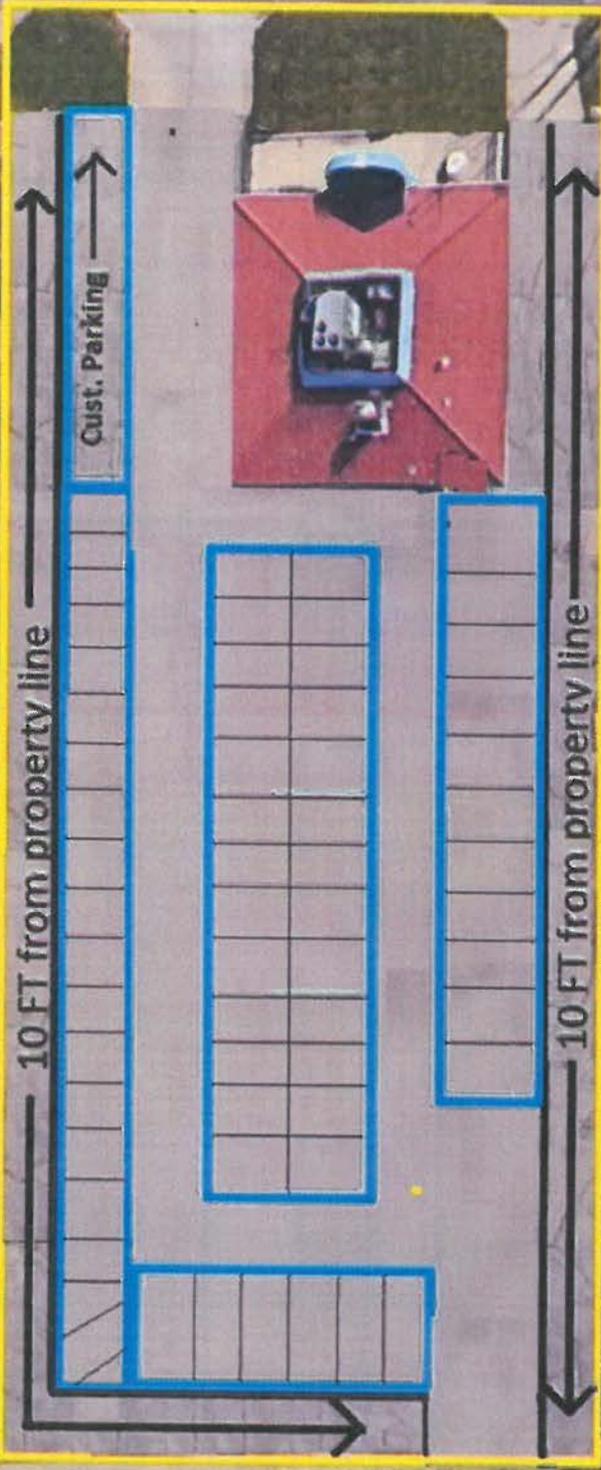
Checks presented:

CITIZENS AUTO CREDIT INC 12/15		2208
1074 STATE ROUTE 125		56-4571422
AMEX CO-OP 12/15		
513-652-0412		
11-14-16		
PAY TO THE ORDER OF	City of Hamilton	\$ 200.00
Two hundred dollars		
River Hills		
on 11/14/16		

Thank you for your payment.
Have a nice day!

Existing





PLAT OF SURVEY
 SPLIT LOT 10852 & SURVEY PT. LOT 10854
 CITY OF HAMILTON, 6TH WARD, N.S.
 BUTLER COUNTY, OHIO

ALL WORK IS BASED
 ON THE 1983-84
 RECORDING DATA

Franchise
 = 110.53'

ERIE BLVD. (S.R. 4)
 (R/W VARIES)

THE NEW 0.189 AC. PART OF LOT 10852 IS NOT A SEPARATE BLDG. PARCEL AND IS INTENDED TO BE COMBINED WITH THE 2 PARCELS TO THE SOUTH. IT MAY NOT BE SOLD TO ANYONE OTHER THAN AN ADJOINER WITHOUT PRIOR APPROVAL OF THE CITY OF HAMILTON PLANNING DEPARTMENT.



NOTES
 DIMENSIONS MARKED WITH ** ARE BASED ON A PLAT BY YETTERS-BAYER AND ASSOC., DATED 12-4-88. THE PLAT WAS USED TO RE-ESTABLISH MINOR VARIATION FOUND BY YETTERS-BAYER & ASSOC. AT THE SOUTHERN CORNERS OF THE PROPERTY BEING SURVEYED WHICH HAS APPARENTLY BEEN DESTROYED.
 THE CURRENT LEGAL DESCRIPTION FOR THE PART OF LOT 10854 TO THE SOUTH OF THE PROPERTY BEING SURVEYED DOES NOT MATCH THE YETTERS-BAYER AND ASSOC. PLAT DATED 12-4-88.
 MONUMENTS FOUND NOT SET AT THE SOUTHERN CORNERS OF THE NEW 0.189 ACRE PART OF LOT 10854 DUE TO THE ABOVE-RECORDED COMMENT.

I hereby certify that the accompanying plat is a return of a survey made under my direction, July 2012, and was prepared in accordance with the Standards for Boundary Surveys, All monumentation is set as shown.

REFERENCES
 BUTLER COUNTY ENGINEERS' RECORD OF LAND SURVEYS
 -VOL. 17, P.C. 48
 BUTLER COUNTY RECORDEER'S OFFICE
 -O.R. 74, P.C. 109
 -O.R. 145, P.C. 481
 OTHER SURVEYS:
 -SURVEY BY YETTERS-BAYER & ASSOC. DATED 12-4-88

J.E. THIEN, INC.
 4190 HAMILTON-CLEVELAND ROAD, BOSS, OHIO 45004
 PHONE: 738-3513
 FAX: 738-3513
 APPROVED BY: J.E. THIEN
 DATE: 8/10/12

Scale 1" = 30'



JEFF E. THIEN
 Registered Surveyor #171

SHAWNEE MARKS
 12-123-5

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

Date Plans Submitted: **11/14/2016**

Date Plans Reviewed: **11/23/2016**

Project Address: **2021 S ERIE BLVD**

Ph: **(513) 652-0412**

Project / Owner Name: **ZIYAD ALEISSA**

Applicant: **ZIYAD ALEISSA**

FX:

Project Description: **CONDITIONAL USE - CAR LOT/AUTO SALES**

Application #: **A164104**

Plan Review #: **A164105**

Review # **1**

Department	Date to	No Object	Object	Date from	Remarks
Zoning / Planning John Creech 785-7355	11/14/2016		JMC	11/21/2016	
	Automobile and Other Vehicle Sales - Conditional Use in B-2 Community Business District. Requires review by Planning Commission and approval by City Council				
Fire Ken Runyan 785-7506	11/14/2016	KLR		11/15/2016	
	NO REPAIRS ON AUTOMOBILES TO BE MADE INSIDE OF BUILDING UNTIL PLANS ARE SUBMITTED FOR "REPAIR GARAGE" AND APPROVED				
Electric Craig Marcum 785-7240	11/14/2016	CDM		11/14/2016	
Utilites Gas/Wtr/Se Joy Rodenburgh 785-7283	11/14/2016	JFR		11/14/2016	
	CONDITIONAL USE - NO OBJECTIONS CONTINGENT UPON NO CHANGES BEING MADE TO THE EXISTING UTILITIES (GAS, WATER AND SANITARY).				
Public Works Rich Engle 785-7273	11/14/2016	PRY		11/16/2016	

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**

For the Planning Commission Meeting of December 5, 2016

To: Planning Commission

From: John Creech

Subject: AGENDA ITEM #2

Request by Mike Meyers, on behalf of DCT Symmes Road, LLC, for a Conditional Use to allow the establishment of an Exterior Storage and Parking Facility (i.e. semi trailer parking lot) to operate on the property zoned "I-2" Industrial District located at 3550 Symmes Road on City Lot No. PT 25916 (Mike Meyers/ DCT Symmes Road, LLC, Applicant/Owner).

Date: November 29, 2016

BASIC INFORMATION		
Applicant/Property Owner	Mike Meyers/ DCT Symmes Road, LLC, Applicant/Owner	
Architect/Engineer/Consultant	N/A	
Size of Property	29.5 Acres Approx	
Current Zoning	I-2 Industrial District	
Proposed Use: Conditional Use	Semi Trailer Parking	
Comp. Plan Land Use Designation	Industrial	
Special Purpose/CRA	N/A	
ADJACENT LAND USE/ZONING INFORMATION		
<i>Direction</i>	<i>Land Use</i>	<i>Zoning</i>
North	Open Space/Airport	I-2 Industrial District
South	Industrial	I-2 Industrial District
East	Industrial	I-2 Industrial District
West	Industrial	I-2 Industrial District
ZONING/DIMENSIONAL INFORMATION		
	<i>Minimum Required</i>	<i>Existing/Proposed</i>
Minimum Lot Area	N/A	29.5 Acres Approx
Minimum Lot Width	N/A	+600 LF
Minimum Front Yard Setback	N/A	10 ft
Minimum Side Yard Setback	N/A	10 ft
Minimum Rear Yard Setback	N/A	N/A
Maximum Bldg. Height	N/A	N/A
Other Requirements	N/A	N/A

Introduction:

This is a request submitted by Mike Meyers, on behalf of DCT Symmes Road, LLC, for a Conditional Use to allow the establishment of an Exterior Storage and Parking Facility (i.e. semi trailer parking lot) to operate on the property located at 3550 Symmes Road on City Lot No. PT 25916 (Exhibit A). The property is zoned I-2



Industrial zoning district (Exhibit B) and is a 29.5 acre property comprised of a single parcel (City Lot No. PT 25916), located on the northwest corner of Symmes Road and Bypass 4. Exterior Storage and Parking Facility (i.e. semi trailer parking lot) uses are Conditional Uses in the I-2 Industrial Zoning District and require review by the Planning Commission (Section 1121.39.27) and approval by City Council.

Proposed Project:

The proposed project involves the construction of additional paved areas on the north and west side of the existing 300,000 square foot industrial building. Approximately 106 designated semi-trailer parking spaces are proposed in the areas as indicated on the site plan. Part of the 106 spaces includes a separate 84 space parking area will be added to the rear (north side) of the building. Access to this area will be provided from a driveway extension off of the existing parking area.

No semi trailers or vehicles are proposed to be parked or displayed within ten (10) feet of any property line and will not be in direct view from the Symmes Road frontage of the property. Section 1121.39.27 states that the “areas not used for parking or display of vehicles shall be landscaping according to requirements of Section 1111.20. No landscaping plan was submitted as part of the application, however, the rear portions of the property and along the Route 4 Bypass include overgrown areas that partially block the view of the proposed parking area from the Route 4 Bypass. The area adjacent to the Route 4 Bypass should remain undisturbed to maintain the visual barrier.

The applicant indicates that they wish to “construct a trailer parking lot on vacant land located on the north side of the exiting building. Trailers will be parked on an as needed basis while not in use. Hours of operation consist of 7:30am to 5:00pm. The nature of the business includes distribution of products for the supply chain.”

No additional information was submitted as part of the site plan that addresses landscaping, refuse and service areas, or signage.

CONDITIONAL USE REVIEW

1155.10 – Conditional Uses:

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



be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which the Conditional Use is proposed. (REVISED OR2015-9-80)

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

Section 1155.00 which regulates Conditional Uses states the following:

1155.30 – Application and Review

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

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

C. Conditional Use Review Criteria – General Standards

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

- (1) The proposed Conditional Use is to be located in a district wherein such use may be permitted, subject to the requirements of this Section and the Zoning Ordinance.** An exterior Storage and Parking Facility (i.e. semi trailer parking lot) use 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 *“Yes, per section 1124.32 the exterior storage and or parking of contactors supplies and equipment is permitted as long as it’s in accordance with the provisions in section 1155.00.”* 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 *“No, it will be consistent with all neighboring property currently being used in this manner.”* 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 *“Yes, similar to Interstate Warehouse, FedEx and Road Runner Transportation Systems. We are requesting approval for outdoor trailer parking.”* 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 *“Yes the proposed are will be design by a team of professional engineers to meet or exceed all requirements of authority having jurisdiction.”* 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 *“Yes, the new approach to the parking area will be designed by a team of professional engineers to meet or exceed all requirements of authority having jurisdiction.”* 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 *“Yes all applicable development standards will be followed.”* 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 *“No, the use is consistent with current neighboring properties.”* 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 *“No, 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.”* 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 *“No, 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 12 properties within 500 feet of the property in question. There were no objections expressed to the proposed conditional use for 3550 Symmes Road as of the date of the report was prepared for the Planning Commission.

Review and Findings:

A review of the nine Conditional Use Review Criteria found in Section 1155.30 (Exhibit C) provides the Planning Commission with the basic facts and circumstances of the proposed Conditional Use. After consideration of the Conditional Use Review Criteria and the information provided by the applicant there is sufficient reason in the findings below to consider **approval** of the Conditional Use.



Recommendation:

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

The Planning Commission recommends that City Council approve 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, subject to the following conditions below:

- 1) The construction drawings for the proposed improvements and work be revised subject to any future review requirements of the City of Hamilton Departmental Review.
- 2) A trailers, semis and trucks stored on the exterior of the property be maintained in operable condition.
- 3) Existing vegetation along north and west property lines adjacent to the proposed parking be maintained and undisturbed.
- 4) Any future free standing signage associated with the proposed conditional use be a monument type sign and include brick/stone base materials. Any additional building, wall and any other signage (permanent or temporary) will comply with Section 1138.00 Hamilton Sign Ordinance.
- 5) All improvements and work indicated on construction plans approved by the City of Hamilton Departmental Review be installed and maintained in good repair and replaced as necessary to remain in compliance with the approved Conditional Use.

Attachments:

- 1) **Exhibit A - Public Hearing Location Map**
- 2) **Exhibit B – Zoning Map**
- 3) **Exhibit C – Conditional Use Application & Supporting Material**
- 4) **Exhibit D – City Departmental Review Comments**



3550 Symmes Road
PUBLIC HEARING MAP



 3550 Symmes Road

0 125 250 500 Feet



3550 Symmes Road
Zoning Map



-  3550 Symmes Road
-  I-2 Industrial District

0 125 250 500 Feet





A164109
A164110

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: 3550 Symmes Road, Hamilton, Ohio 45015

Lot No(s): P6461059000052

Property Owner: DCT Symmes Road, LLC

Owner's Mailing Address: 4701 Creek Road, Suite 230 Cincinnati, Ohio 45242

Applicant's Name (If different than owner): Mike Meyers

Applicant's Mailing Address: 4701 Creek Road, Suite 230 Cincinnati, Ohio 45242

Applicant's Email Address: mmeyers@dctindustrial.com

Applicant's Phone Number: 513.577.7169

Previous Legal Use of Property: Hamilton Light Fixtures - I-2

Date Previous Use Discontinued: May 2012

Proposed New Use of Property: Property to remain I-2 (Light Distribution)

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

1124.32 Exterior Storage and / or Parking of Contractor's Supplies and Equipment

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

Construct a trailer parking lot on vacant land located on the north side of existing building. Trailers will be parked on an as needed basis while not in use. Hours of operation consist of 7:30am to 5:00pm. The nature of the business includes distribution of products for the supply chain.

City of Hamilton
11/15/2016 11:14:20 AM
11/14/2016 11:38 PM
\$200.00

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.

(1) Is the proposed Conditional Use to be located in a district wherein such use may be permitted, subject to the requirements of this Section and the Zoning Ordinance?

Yes, per section 1124.32 the exterior storage and or parking of contractor's supplies and equipment is permitted as long as it's in accordance with the provisions in section 1155.00

(2) Will the proposed Conditional Use substantially or permanently injure the appropriate use of neighboring property and serve the public convenience and welfare?

No, it will be consistent with all neighboring property currently being used in this manor

(3) Will the proposed Conditional Use 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?

Yes, similar to Interstate Warehouse, FedEx and Road Runner Transportation Systems.

We are requesting approval for outdoor trailer parking

(4) Will the proposed Conditional Use 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.

Yes the proposed area will be designed by a team of professional engineers to meet or exceed all requirements of authority having jurisdiction

(5) Will the proposed Conditional Use have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding streets?

Yes, the new approach to the parking area will be designed by a team of professional engineers to meet or exceed all requirements of authority having jurisdiction

(6) Will the proposed Conditional Use comply with all applicable development standards, except as specifically altered in the approved Conditional Use?

Yes all applicable development standards will be followed.

(7) Will the proposed Conditional Use be hazardous to or have a negative impact on existing or future neighboring uses?

No, the use is consistent with current neighboring properties

(8) Will the proposed Conditional Use 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?

No

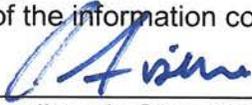
(9) Will the proposed Conditional Use impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district?

No

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

11.14.16
Date

Alan Fischer
Applicant's Printed Name

 11.14.16
Property Owner's Signature Date

Alan Fischer
Property Owner's Printed Name

City of Hamilton

Date: 11/15/2016 Batch: 9238
Office: CNST Mach ID: FVG85L1
Cashier: Consvs Tran #: 1

Misc Construction Service
Receipt #: 01068880

Acct #:
Name:

MIS1 Miscellaneous Revenu \$200.00
Payment Total: \$200.00

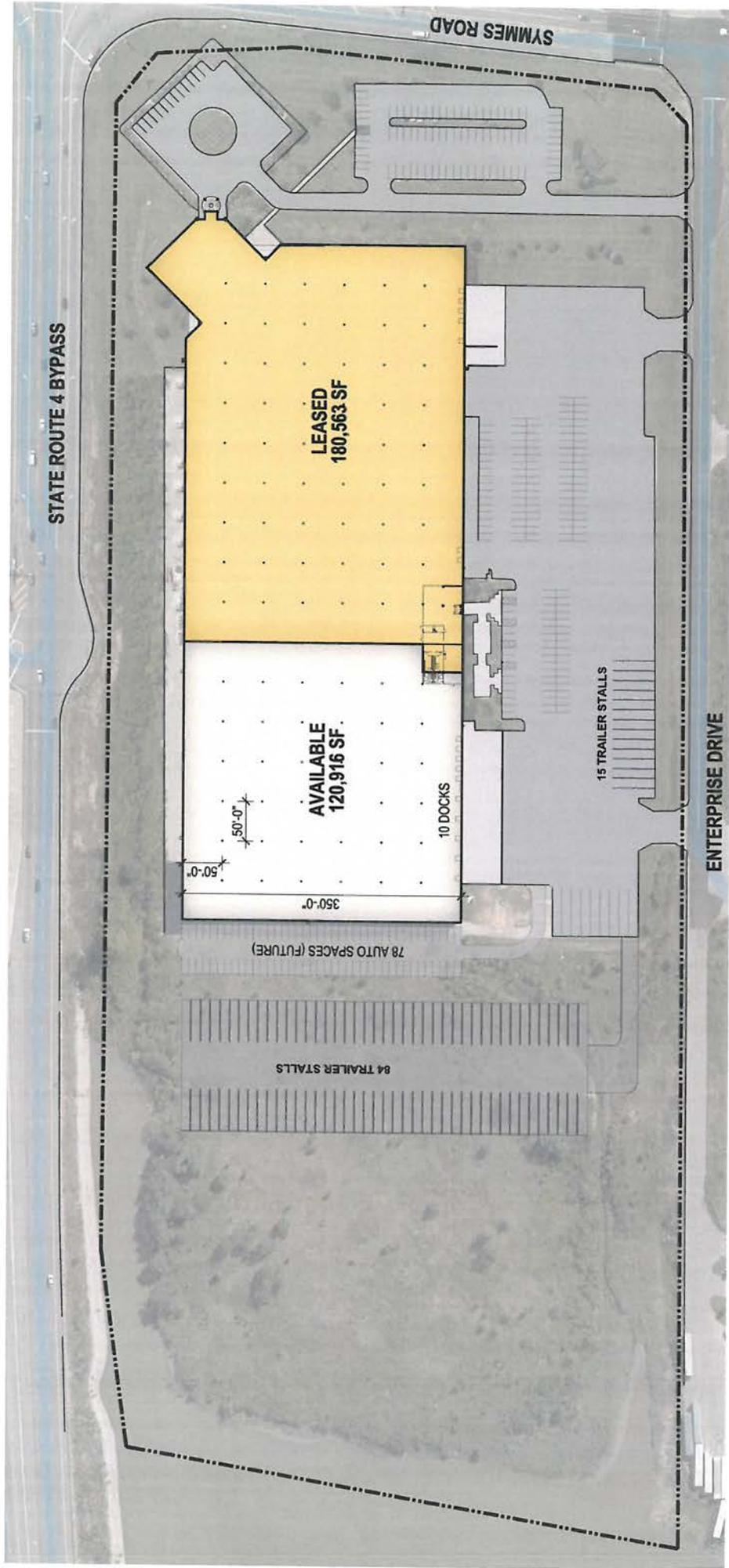
Transaction Total: \$200.00
Check Tendered : \$200.00

Checks presented:

DCT Property Management LLC Property Operating Account 516 1705 Street, Suite 800 Denver, CO 80202		US Bank 622 17th St Fl Denver, CO 80202	24 24 9238
PAY	Two Hundred AND 00/100 Dollars	Date 11/20/16	Check No. 181272
City of Hamilton Ohio 348 High Street Hamilton, OH 45011		Check Amount \$200.00	

WMS

Thank you for your payment.
Have a nice day!



SITE PLAN



3550 SYMMES ROAD
 CITY OF HAMILTON
 BUTLER COUNTY, OHIO

TOTAL BUILDING AREA: 301,479 SF
 AVAILABLE AREA: 120,916 SF

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

Date Plans Submitted: **11/14/2016**

Date Plans Reviewed: **11/23/2016**

Project Address: **3550 SYMMES RD**

Ph: **(513) 577-7169**

Project / Owner Name: **DCT SYMMES ROAD, LLC**

Applicant: **MIKE MEYERS**

FX:

Project Description: **CONDITIONAL USE**

Application #: **A164109**

Plan Review #: **A164110**

Review # **1**

Department	Date to	No Object	Object	Date from	Remarks
Zoning / Planning John Creech 785-7355	11/14/2016		JMC	11/21/2016	
	Outdoor storage/parking of semi-trailers - Conditional Use in I-2 Industrial District. Requires review by Planning Commission and approval by City Council				
Fire Ken Runyan 785-7506	11/14/2016	KLR		11/18/2016	
Electric Craig Marcum 785-7240	11/14/2016	CDM		11/15/2016	
Utilities Gas/Wtr/Se Joy Rodenburgh 785-7283	11/14/2016	JFR/DJF		11/16/2016	
	NO OBJECTIONS, CONTINGENT UPON NO CHANGES WILL BE MADE TO THE EXISTING UTILITIES (GAS, WATER AND SANITARY).				
Public Works Rich Engle 785-7273	11/14/2016	JAM		11/23/2016	
	NO OBJECT TO CONDITIONAL USE. BE ADVISED THAT DETAILED CONSTRUCTION DRAWINGS MUST BE APPROVED PRIOR TO CONSTRUCTION AND MUST CONTAIN THE FOLLOWING: 1 Provide erosion and sediment control, including at a minimum: dust control, stabilized construction entrance, silt fence (or equivalent), inlet protection (if applicable), temporary seeding and/or permanent vegetation, and a concrete truck wash out on the site. 2 Maintain existing storm water drainage facilities per development drainage plan. 3 General storm water (NPDES) permit from the Ohio EPA and a storm water pollution prevention plan are required for projects disturbing more than 1 acre. 4 Provide storm water drainage calculations and facilities, including storm water detention in accordance with the City of Hamilton Drainage Policy found on the City webpage at http://www.hamilton-city.org/index.aspx?page=188 . 5 List the total amount of impervious area being added to the site				

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**

For the Planning Commission Meeting of December 5, 2016

To: Planning Commission

From: John Creech

Subject: AGENDA ITEM #3

Request by City of Hamilton to grant Authority to Meredith Snyder to Approve Lot Splits and Lot Combinations that comply with provisions of the Hamilton Zoning Ordinance and Subdivision Regulations (City of Hamilton, Applicant).

Date: November 29, 2016

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

Introduction:

The Subdivision Regulations of the city of Hamilton are the basis for the Planning Commission's power to approve lot splits and combinations of parcels within the City. The Commission has chosen to authorize various city staff members to approve changes to parcel boundaries when the proposed changes fall within the limitations and guidelines of the Subdivision Regulations and Zoning Ordinance.



Currently John Creech is the only person in the City of Hamilton authorized by the Commission to grant such approvals. Although the City of Hamilton subdivision regulations allow the city up to seven days to make a determination on whether to approve or not approve a lot split or combination, the city typically approves lot splits and lot combinations while the customer waits.

In an effort to continue with this efficiency, consistency and expediency of approvals, the City of Hamilton is requesting that the Planning Commission grant Meredith Snyder, Associate Planner, authority to also approve lot splits and lot combinations. Meredith Snyder has sufficient experience with the City and knowledge necessary to approve these requests.

Recommendation:

It is recommended that the Planning Commission grant Meredith Snyder authority to approve or deny requests for lot splits and lot combinations.

