

**WRITTEN SUMMARY  
PLANNING COMMISSION  
MEETING MINUTES  
Tuesday, January 3, 2017  
1:30 p.m.**

With the absence of Mr. McAllister, the meeting was called to order at 1:30 p.m. by Acting Chair Mayor Pat Moeller.

**Roll Call:**

**Members Present:**

Mr. Tom Alf, Mr. Dave Belew, Mayor Pat Moeller, and Mr. Scott Scrimizzi for Mr. Joshua Smith.

**Members Absent:**

Ms. Teri Horsley, Mr. Dale McAllister, and Mr. Mike Samoviski.

**City Staff Present:**

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

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

Audience members wishing to speak were sworn in by Ms. Dudley. There was also an audience member who didn't speak English, but the oath was translated to her.

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

1. **December 19, 2016** - Motion to approve by Mr. Belew, 2<sup>nd</sup> by Mr. Scrimizzi. With a roll call vote of 3-0-1 (Mr. Alf abstained), the motion passed and the minutes were approved.

**Old Business:** None

**New Business:**

**Agenda Item #1- Public Hearing**

**Staff: Meredith Snyder**

**Request by John Ingram for a Conditional Use to allow the establishment of a Residential Use on property zoned B-2 Community Business District located at 732 Central Avenue, City Lot No. Pt. 870 (John Ingram, Owner).**

## **Introduction:**

This is a request submitted by John Ingram, for a Conditional Use to allow the establishment of a Residential Use on a property zoned B-2 Community Business District located at 732 Central Avenue.

Ms. Murphy then shows a map with the subject property outlined, and goes over the neighboring zoning on adjacent properties. She states that the property is 8,943 square foot comprised of a single parcel, and located on just northeast of the corner of Central Avenue and Walnut Street. Residential Uses are Conditional Uses in the B-2 Community Zoning District and require review by the Planning Commission (Section 1121.39) and approval by City Council.

## **Proposed Project:**

The proposed project involves the renovation of an existing vacant building space to create a residential dwelling unit. The existing two story building is comprised of two separate spaces: an existing commercial storefront (future beauty shop) and an upper level former medical office that has been vacant for many years.

Approximately 4,000 square feet of the property is a paved surface but there are no defined parking spaces. A minimum of one (1) parking space should be designed for the proposed residential dwelling unit. Vehicular access to the property is provided from the existing driveway on Central Avenue.

The proposed dwelling unit, parking area and the existing site layout and access is shown on the Applicant's site plan. Ms. Snyder displays the image to the members of the Commission.

## **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)

### **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 nine (9) General Standards. Ms. Snyder reviews the 9 standards and the Applicant's responses to each of the criteria:

- (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.** A Residential 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 "*Yes there are others*" to the above. This information is attached to this report.
- (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 "*No*" to the above. This information is attached to this report.
- (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 "*Yes another one next door*" to the above. This information is attached to this report.
- (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 "*Yes it has previously been used as an apartment*" to the above. This information is attached to this report.

- (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 *“Yes existing parking on site no proposed changes”* to be above. This information is attached to this report.
- (6) **The proposed Conditional Use will comply with all applicable development standards, except as specifically altered in the approved Conditional Use.** The applicant stated *“Yes”* to the above. This information is attached to this report.
- (7) **The proposed Conditional Use will not be hazardous to or have a negative impact on existing or future neighboring uses.** The applicant stated *“No it was once used as residential”* to the above. This information is attached to this report.
- (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 *“No”* to the above. This information is attached to this report.
- (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 *“No”* to the above. This information is attached to this report.

**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 122 properties within 500 feet of the subject property as shown on the map included in the packet. Two telephone calls were received with questions, but no objections were received.

Ms. Murphy then showed all supporting documentation and photographs received.

**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 information provided by the applicant, findings, and review of the Conditional Use Review Criteria – General Standards, subject to the following conditions below:

- 1) A parking space be designed on the site for the residential dwelling unit;
- 2) The designated parking space to be identified by signage not to exceed 4 square feet indicating the space is for the exclusive use of the residential dwelling unit;
- 3) The sign copy/lettering from the existing free standing sign to be removed;
- 4) No outside parking or storage of junk or inoperable vehicles;
- 5) The construction drawings for the proposed improvements and work be revised subject to any future review requirements of the City of Hamilton Departmental Review;
- 6) 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.

Ms. Snyder concluded her presentation and offered to answer any questions by the Commission.

There being no questions for Ms. Snyder, Mayor Moeller asked for anyone in the audience wishing to speak on behalf of the item.

First to speak was the Applicant, Mr. John Ingram. He said that he would appreciate the Planning Commission approving his request. Mayor Moeller asked the Applicant several questions regarding the history of the building, layout of the building, and inquired about exits out of the building. With nothing further and no one else in the audience wishing to speak on the item, Mr. Alf made a motion to close the Public Hearing.

With a 2<sup>nd</sup> by Mr. Belew and all “ayes”, the Motion was passed and the Public Hearing was closed.

Mr. Alf thanked Mr. Ingram for being willing to invest in the community and make it a better place. With no further comments by the Commissioners, Mr. Alf made a Motion to approve the proposal with the six (6) conditions as proposed, with a 2<sup>nd</sup> by Mr. Belew. With a roll call vote of 2-2 (Moeller & Scrimizzi “No”), the Assistant Law Director stated that the Motion did not pass, but it is also not denied. She added that it will go to council without a recommendation.

Ms. Snyder said that the item is set to go to council for the 1st reading on 1/25/17, 2<sup>nd</sup> reading on 2/8/17, and it’s slated for caucus at the next meeting. Ms. Snyder also verified those dates directly with the Applicant and the other interested members in the audience.

**Miscellaneous:**

1. Appointment of Representative to the Board of Zoning Appeals – Current is Mr. Mike Samoviski.
2. Appointment of Representative to the Architectural Design Review Board – Current is Mr. Tom Alf.

Due to there being a limited number of members present at the Planning Commission meeting, Mr. Scharf suggested that they wait until the next meeting for the appointments.

Mr. Alf made a Motion that they continue the ADRB appointment until the next Planning Commission meeting which is set for 1/17/17. With a 2<sup>nd</sup> by Mr. Belew and all “ayes”, the item was tabled until the next meeting.

Mr. Belew made a Motion that they continue the appointment of the BZA representative until the next Planning Commission meeting which is set for 1/17/17. With a 2<sup>nd</sup> by Mr. Scrimizzi and all “ayes”, the item was tabled until the next meeting.

**Reports:**

The following verbal reports were given by Ms. Snyder:

1. Architectural Design Review Board Meeting of December 20, 2016:
  - 723 Dayton Street – Privacy Fence – Approved
  - Meeting set for 1/3/17 cancelled due to lack of items
2. Board of Zoning Appeals Meeting of January 5, 2017. Items to be heard:
  - 407 N Third St – Appeal of ADRB Decision of Paint Color
  - 517 Williams – Variance to side yard setback
  - 502 Ross – Variance to parking requirements

3. Planning Commission cases in progress:

- 690 Devanshae Ct – 2<sup>nd</sup> Reading 1/11/17
- Lodging & Boarding Houses – 2<sup>nd</sup> Reading 1/11/17
- 2021 S. Erie Blvd – 1<sup>st</sup> Reading 1/11/17, 2<sup>nd</sup> Reading 1/25/17
- 545 Central Ave – 1<sup>st</sup> Reading 1/25/17, 2<sup>nd</sup> Reading 2/8/17

After discussion between Mr. Scharf and the Assistant Law Director, Mr. Alf made a Motion to keep the current representatives in service for ADRB and BZA until the meeting which is set for 1/17/17. With a 2<sup>nd</sup> by Mr. Belew and all “ayes” to roll call vote, the Motion passes.

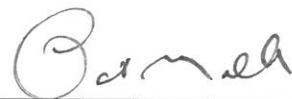
**Adjournment:**

With nothing further, Mr. Belew made a Motion to Adjourn. With a 2<sup>nd</sup> by Mr. Alf and all “ayes”, the Motion passes and the meeting was adjourned at 1:56 p.m.

Respectfully submitted,

Ms. Kim Kirsch  
Administrative Assistant

  
Mr. Eugene Scharf  
Secretary

  
Mr. Dale McAllister  
Chairman

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**PLANNING COMMISSION**  
City of Hamilton  
Council Chambers

**MEETING DATE: 1/3/17**

**MEETING TIME: 1:30 p.m.**

**Please sign in and provide requested information. Thank you for your participation.**

Name	Agency	Address	Phone	Email
Maria Zamora		311 Washington St	5138693078	
Jehana Juegan		128. Beck St	2842343	

