

**WRITTEN SUMMARY
PLANNING COMMISSION
CITY OF HAMILTON, OHIO
Council Chambers
First Floor, 345 High Street**

Tuesday, January 19, 2016
1:30 p.m.

The Planning Commission met as a Committee of the Whole.

BOARD MEMBERS PRESENT:

Mr. Belew, Ms. Horsley, Mayor Moeller, Mr. Samoviski, Mr. Werdmann (for Mr. Smith), and Ms. Dudley (Asst. Law Director).

BOARD MEMBERS ABSENT:

Mr. McAllister

Appointment of Acting Chairperson:

Motion by Mr. Werdmann to appoint Mayor Moeller as Acting Chairperson. With a 2nd by Mr. Samoviski and all "Ayes", the Motion passes.

Swearing in of Those Providing Testimony to the Commission:

Ms. Kathy Dudley, Assistant Law Director, swore in audience members wishing to speak.

Old Business:

None

New Business:

Agenda Item #1 - Request to Update the Annual Action Plan Update 2016-2017 (City of Hamilton, Applicant)

Staff: Meredith Murphy

Ms. Murphy went over general information with regard to the Annual Action Plan, and summarized the information that was included in the agenda (which was previously distributed to the Board members).

- Annual Action Plan Update is a requirement for the City to receive Federal Funds.
- Update Includes a Citizen Input Survey to rank/prioritize local needs
 - Random Mail Survey
 - Service Provider Survey
 - City Website Survey
 - Tabulation of Survey Responses
- Public Input Meetings (4)
- Inclusion of Public Input Meeting feedback into Draft Plan
- Analysis and inclusion of 2010 Census data, as available
- Draft to Planning Commission and City Council for review/approval
- Submit Accepted Final Plan Update to HUD in Spring 2016

Ms. Murphy then goes over the time and location of the four Public Hearings that were held:

1. Monday, August 3, 2015, 6:00 p.m. – 7:00 p.m.
Booker T. Washington Community Center
1140 South Front Street, Hamilton, OH 45011
2. Tuesday, August 4, 2015, 6:00 p.m. – 7:00 p.m.
Partners in Prime
140 Ross Avenue, Hamilton, OH 45013
3. Wednesday, August 5, 2014, 2:00 p.m. – 3:00 p.m.
City of Hamilton, City Council Chambers
345 High Street, Hamilton, OH 45011
4. Wednesday, August 5, 2014, 6:00 p.m. – 7:00 p.m.
City of Hamilton, City Council Chambers
345 High Street, Hamilton, OH 45011

BACKGROUND INFORMATION

The Department of Community Development has completed an updated Annual Action Plan for FY 2016-2017 as required by the US Department of Housing and Urban Development (HUD) for the City of Hamilton's Community Development Block Grant (CDBG) and HOME programs.

The City of Hamilton is an entitlement community under the CDBG and HOME programs under the Housing and Community Development Act of 1974, as amended. CDBG and HOME Program funds are allocated nationwide to units of general local government on the basis of a formula that considers the relative inadequacy of each jurisdiction's housing supply, its level of poverty, its fiscal distress, and other factors. The Department of Community Development estimates that the City will receive \$1,232,500 in CDBG funds and HOME funding in the amount of \$300,000. These totals are estimates at this time and are subject to change.

The preparation and adoption of an Annual Action Plan is a HUD requirement. The Annual Action Plan is used by the local unit of government to gather information, identify issues/priorities, and assist in making local funding decisions for CDBG and HOME dollars.

In light of proposed funding reductions in both CDBG and HOME programs, the Department of Community Development continues to take a more strategic approach on funding to opportunities to meet the greatest needs such as housing, economic development, vacant/dilapidated housing demolition, street resurfacing and repair, and homeless support services. In addition, the Department is taking a more focused approach on implementing portions of the City's Strategic Plan to foster renewed investment and economic development/job creation in the community which include Economic Development Revolving Loan Fund, Design Assistance for new and/or expanding businesses.

The Department of Community Development continues to broaden and strengthen relationships with appropriate agencies and other City of Hamilton departments to implement physical improvements, special code enforcement and public services that benefit very low and low to moderate income city residents. Through these relationships, the City will work to provide emergency/minor home repairs to eligible

low-income homeowners as well as remove and clear dangerous, dilapidated and vacant buildings.

The objectives of the CDBG and HOME programs include the revitalization, preservation, conservation and redevelopment of neighborhoods; stimulating economic development; and providing public improvements, which principally benefit persons of low and low-moderate income.

Ms. Murphy goes over three “National” Objectives of CDBG:

1. **Benefit low and moderate income persons**
 - a. Area Benefit
 - b. Limited Clientele Benefit
 - c. Housing activities
 - d. Job Creation and Retention activities
2. **Aid in the prevention or elimination of slums or blight**
 - a. Prevent/eliminate slum and blight on an area basis
 - b. Prevent/eliminate slum and blight on spot basis
 - c. Be in an urban renewal area
3. **Meet an urgent need**
 - a. Conditions that pose an immediate threat to the health and welfare of the community

Ms. Murphy then goes over the seven (7) Categories of Eligible Activities, of which CDBG funded programs have to meet one of the following:

1. Purchase property for development projects.
2. Public Facilities and Improvements
 - Construction, Reconstruction, and Rehabilitation of facilities open to the public
 - Park and Recreation facilities
 - Street Improvements
 - Water/Sewer Improvements
 - Sidewalks
3. Demolition and clearance of dilapidated/unsafe buildings.
4. Public Services (15% cap)

Examples include, but are not limited to:

 - Transportation
 - Employment/Job Training
 - Health Care
 - Child Care
 - Youth Programs
 - Crime Prevention Programs
 - Fair Housing Programs
 - Services for Senior Citizens (62 Years of Age +)
 - Services for Homeless Persons
 - Services for Battered and Abused Spouses/Children
 - Drug Abuse Counseling and Treatment
5. Emergency/Minor home repairs for income qualifying households
6. Economic Development/Job Creation or Retention
7. Planning, Design, and Program Administration Costs (20% cap)

She then shows a chart of funds that the City has received, this year's estimate of funds to be received, and a chart explaining how the funding works.

Ms. Murphy then gives the following information:

- There were approximately 1840 public input paper surveys mailed to randomly selected households in Hamilton. Of those, approximately 250 completed surveys (13.6% of Surveys Returned)
- A web Survey was done through e-mail and on the City website, and 124 completed surveys were received.

Ms. Murphy shows some of the results, including results for Census tract 13 (larger on Westside) and 150. She then shows a sample of the 2 sided survey which was sent out. Next, she shows the proposed budget with total amount at the top, a chart showing what each organization requested, what the proposed allocation to each was, and the HOME funds.

RECOMMENDATION

If approved by the Planning Commission, the Department of Community Development recommends that the Planning Commission hold a Public Hearing, concurs or modifies the draft Annual Action Plan Update and funding recommendations, and forwards it to City Council for their consideration.

Mr. Belew asked about the proposed allocation for Serve City, and about the \$1,000.00 contingency.

Mr. Scharf responded that we get a 5% cut every year to the services, and last year Serve City requested \$25,000.00 and received approximately \$17,000.00 or \$18,000.00. He says they are very responsible with the money that they receive, but we just don't have the resources to give everyone exactly what they ask for. With regard to the contingency, it's just something that is put in just for emergency basis only. He told Mr. Belew that he can request that the contingency be budgeted back into one of the funds, but it's preferred to keep it out for an emergency.

Mayor Moeller asked Mr. Scharf if he wanted to put more into the contingency, would it have to come from one of the amounts already allotted to an organization, and he replied that it would. Mayor Moeller then asked Mr. Scharf how many agencies requested funds and didn't get them, and Mr. Scharf responded that there was one (Partnerships for Housing). He said that they requested money under the HOME, which was not granted. They, did, however receive money from CDBG for fire alarms for their current housing.

PUBLIC FORUM:

Mr. Jock Pitts from People Working Cooperatively spoke. He wanted to thank the City of Hamilton for the funds that they have received. He gave a brief speech about the services that PWC provides, and what they spend their funds on. He says that they spent about \$7,000 of Hamilton's funds last year. In addition to that, PWC brought another \$42,000.00 into the community. He gave findings of how a stable environment shows itself in the schools and kid's performances, and the approximate income of their average client.

He went on to say that their budget allotment of \$39,000.00 is very much appreciated, but they could definitely use more if there is any way it would become available. Mr. Belew asked him what PWC's annual budget is, and he responded that it's about \$12 million annually for 23 counties. He said that Butler County is their 2nd largest county.

Mayor Moeller asked Ms. Dudley if he should abstain from voting since he's on the SELF Board, and she responded that he should.

Mr. Belew asked if there were any carryover funds reflected in the budget. Mr. Scharf said that there are not; however, there are times that it becomes available throughout the year and the Community Development Department will notify any agency that may receive additional monies.

Ms. Horsley made a Motion to close the Public Hearing. With a 2nd by Mr. Werdmann and all "Ayes", the Motion passes and the Public Hearing is closed.

Mr. Werdmann made a Motion to accept the Annual Action Plan as proposed. With a 2nd by Mr. Belew and all "Ayes" (except Mayor Moeller, who abstained), the Motion passes.

Agenda Item #2 - Request for a Conditional Use to allow the establishment of an Automobile Service and Minor Repair Facility (i.e. convenience store/gas station) to operate on property zoned B-2 Community Business District located at 1316 & 1320 Grand Boulevard (Shane Jones, Applicant)

Staff: John Creech

Introduction:

An application was submitted by Mr. Shane Jones to establish an Automobile Service and Minor Repair Facility (i.e. drive through convenience store/gas station) use on the property located at 1316 and 1320 Grand Blvd. (Exhibit A). The property is zoned B-2 Community Business zoning district (Exhibit B). B-2 Community Business District is regulated by Section 1121.00 of the Hamilton Zoning Ordinance, (HZO). An Automobile Service and Minor Repair Facility (i.e. convenience store/gas station) use requires Conditional Use approval by the Planning Commission (Section 1121.36.26). Section 1108.00 of the Hamilton zoning ordinance defines a "gas station" as Automobile Service and Minor Repair facility.

The minimum lot size for an Automobile Service and Minor Repair Facility (i.e. convenience store/gas station) is 20,000 square feet. The applicant received a zoning variance to reduce the minimum lot size from 20,000 square feet to 19,000 square feet on December 3, 2015.

Property Details:

The property is zoned B-2 Community Business Zoning District and is located on the northwest corner of South Erie Boulevard and Grand Boulevard. The property is comprised of two (2) lots. The two lots are approximately 19,000 square feet in total area. The property has a total of 125 lineal feet of lot frontage along South Erie Boulevard and 150 lineal feet of frontage along Grand Boulevard.

There is an existing gas station use on the property comprised of a small retail building, approximately 400 square feet in size, vending machines and gas island canopy on the site.

The properties to the north are zoned B-2 Community Business. The properties to the west are zoned B-2 Community Business, to the south is a B-2 Community Business, and to the east is I-2 Industrial.

Mr. Creech then shows maps which were included with the original agendas, as well as the site plan. He goes over the Applicant's proposed project, including the landscaping plan, and proposed drive-thru convenience store. He shows the plans for a garbage dumpster pad, but there is no further information for it. He then shows additional photographs of a similar project being done in the Dayton area which would be used for a model for the current proposal.

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.

Mr. Creech then goes over the 9 conditional use criteria, and the applicant's responses to those criteria. He notes that on the site plan, there are two driveways on each street, and the applicant indicates that two of those driveways located nearest the intersection on both frontages will be removed, so that should improve safety. Mr. Werdmann asked for clarification on the map, and Mr. Creech showed him. Mr. Samoviski also asked Mr. Creech to point out the proposed landscaping, and Mr. Creech did so.

Mr. Creech then states that Public Hearing Notices were mailed to the owners of 93 properties within 500 feet of the property in question. There were no phone calls or objections expressed to the proposed conditional use for 1316-1320 Grand Boulevard.

He then gave the Recommendation of the Community Development Department, with the 12 conditions that it recommends be attached to the approval, should said approval be granted, with one additional request that all applicable conditions be added to the final development/construction plans.

He showed a copy of their application, written responses to criteria, and additional site plan.

Mayor Moeller asked for any comments from the audience. First to speak was Ms. Dorothy Kennedy, 1312 Grand Boulevard. She was concerned about whether or not there was going to be a privacy fence put up behind the subject property. Mr. Creech showed her the map and said that he believes that a 6' privacy fence will be erected (wood or vinyl that can't be seen through) if the request is approved.

Mayor Moeller asked Mr. Creech about lights, and Mr. Creech said that the general rule for zoning is that any lights have to be directed on to the property and can't extend past

the property lines. He said that he believes any drawings for lights would be on the construction drawings phase. He then asked Mr. Creech if he knew if there was a fence up now, and Mr. Creech said they only use the front porch of the property now, it's all overgrown in the rear.

Mr. Joshua Liles of Apex Engineering spoke next. He said that he's the one that drew the plan up. He said that they are fine with all of the additional conditions that were proposed. He said that as far as the design, he does believe there would be a 3' to 4' retaining wall in the rear, and then a privacy fence going on that wall. He said that he believes this new design will benefit the area, since it will do away with people setting up on the weekends to sell their wares. He reiterated that they would be moving two of the access points which will help with the safety of going in and out.

Mr. Werdmann asked what type of sign would be used (monument type?). Mr. Creech replied that it's addressed in #8 of the conditions that they are asking be added. He said that the maximum size for a monument sign is 8'.

Mr. Samoviski made a Motion to close the Public Hearing. With a 2nd by Ms. Horsley and all "Ayes", the Motion carries.

Mr. Samoviski made a Motion to approve the request, subject to the 13 criteria outlined in the report. With a 2nd by Mr. Belew and all "Ayes", the Motion passes and the request is approved with conditions as set forth.

Mr. Creech said that the next step is for this to go to City Council, and he gave the timeline for Caucus Report, First Reading (open for public comments), and 2nd and final reading on February 24, 2016.

Reports:

1. Mr. Wilson gave a report from the Architectural Design Review Board meeting from January 5, 2016 (220 High Street – signage for Artspace was approved). There is a meeting set for later that same day.
2. Verbal Report on Board of Zoning Appeals Meeting Results of January 7, 2016 by Mr. Creech regarding a variance request by Certified Gas Station on High Street. The request was approved with conditions.

MISCELLANEOUS

Mr. Creech asked that the Board receive a letter from the City of Hamilton School District appointing Mr. Tom Alf as their representative to the Planning Commission Board.

Mr. Samoviski made a Motion to accept the letter, with a 2nd by Mr. Belew. With all "Ayes", the Motion passes.

There was then a discussion regarding the appointment of a representative and an alternate to the Board of Zoning Appeals. Mr. Scharf made a suggestion of a temporary appointment to the next BZA meeting on February 4, 2016. Mr. Samoviski said that he will be out of town, Mayor Moeller will be in Hamilton County in Court, and Ms. Horsley said she is not available. Given that no one is available, they decided to discuss it at the next meeting.

With regard to the ADRB, they need an alternate to be appointed. Ms. Horsley resigned, and Mr. Belew is her alternate. He said that he needs an alternate also. Mayor Moeller said that they will discuss that at the next meeting also.

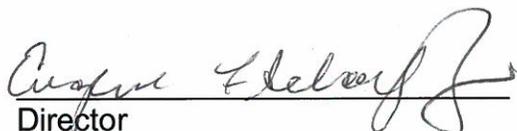
ADJOURNED:

With nothing further, Mr. Samoviski made a Motion to adjourn. With a 2nd by Ms. Horsley and all "Ayes", the Motion carries and the meeting is adjourned.

Respectfully submitted,

Ms. Kim Kirsch
Administrative Assistant

Signed:



Director
Community Development/Designee



Chairperson
Acting Chairperson, Public Meetings

PLANNING COMMISSION
City of Hamilton
Council Chambers

MEETING DATE: 1/19/16

MEETING TIME: 1:30 p.m.

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

| Name | Agency | Address | Phone | Email |
|-----------------------|----------------|--|---------------------|--------------------------|
| Jack Pitts | PWC | . | 351-7921 | pitts@pwc.com |
| JOHN LUTER | APCC EMS | 1068 N. DIVISION BLVD WASHINGTON OH 45042 | 513-424-5202 | openen@engineering.com |
| Christy Kennedy | | 1856 See one Hamilton | 513 488-0378 | — |
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