

**WRITTEN SUMMARY
PLANNING COMMISSION
MEETING MINUTES
Monday, April 4, 2016
1:40 p.m.**

Roll Call:

Members Present:

Mr. Tom Alf, Mr. Dave Belew, Ms. Teri Horsley, Mr. Dale McAllister

Members Absent:

Mayor Pat Moeller, Mr. Mike Samoviski and Mr. Joshua Smith

City Staff Present:

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

Swearing in of Those Providing Testimony to the Commission:

Ms. Dudley swore in the audience members wishing to speak.

Old Business:

None

New Business: Agenda Item #1 - Public Hearing

Staff: John Creech

- 1) Request to Approve Building Placement, Building Height and Parking Location on property located within the Neighborhood Initiative Area Conservation Overlay Zoning District (NIA), and**
- 2) Request for a Conditional Use to allow the establishment of a Drive-Through Facility (i.e. retail/commercial establishment) to operate on property located at NW corner of Central Avenue and Knightsbridge Drive (Jeffrey Sackenheim, Applicant/Frank Pfirman, Gunnar Realty, LTD, Owner).**

Introduction:

This is a two-fold request submitted by Jeffrey Sackenheim on behalf of Frank Pfirman, Gunnar Realty LTD, to 1) approve Building Placement, Building Height and Parking Location on property located within the Neighborhood Initiative Area Conservation Overlay Zoning District (NIA), and 2) a Conditional Use Request to establish a Drive

Through facility (i.e. retail/commercial establishment) use on the property located at on the NW corner of Central Avenue and Knightsbridge Drive.

The property is zoned B-2 Community Business zoning district (Exhibit B) and is located within the boundary of the Neighborhood Initiative Area (NIA) Overlay Zoning District. The property is comprised of eight (8) separate lots including a vacated alley and a portion of an existing alley and comprises approximately 1.1 acres. Within the boundaries of the NIA zoning overlay district a "Drive Through Facility use requires Conditional Use review by the Planning Commission (Section 1127.50) and approval by City Council. New buildings within the NIA overlay zone must meet certain general site design requirements and specific building design requirements in Section 1127.70. These design requirements can be waived or modified by a majority vote of the Planning Commission.

Mr. Creech says that to his recollection, there may have only been one or two developments in the past ten years within the NIA zone (Beacon Pointe Redevelopment). They had several exceptions to the NIA overlay that were approved by the Planning Commission.

Mr. Creech then shows the map of the area with regard to the surrounding zoning. He says that the properties to the north are zoned B-2 Community Business. The properties to the west are zoned R-3 One to Four Family Residential, the properties to the south are zoned B-2, R-3 and R-4 Multi-Family Residential, and to the east is I-2 Industrial District.

He then shows a map with the proposed property outlined in red.

Proposed Project:

The proposed project is a single story 5,900 square foot building with four separate and distinct storefronts (two 1,400 sq ft commercial spaces and two 1,540 sq ft commercial spaces). The building will face southeast towards the intersection of Knightsbridge Drive and Central Avenue and will be approximately 20' in height. Each of the four storefronts will vary architecturally in finish masonry material, color, window area, and roof parapet. There is a central inset area of the building that will be utilized as an outdoor patio for building occupants and customers.

The proposed project includes six (6) designated employee parking spaces in the rear of the building and seventeen (17) spaces in front of the building, for a total of 23 spaces. There is adequate space in front of the building to add an additional bay of 12 parking spaces if necessary. A total of twelve parking spaces are required per the Hamilton Zoning Ordinance.

The eastern most retail space closest to Central Avenue will be designed to accommodate a vehicular drive through. The drive through lane is approximately 200 feet in length for vehicular stacking.

Short Street Alley

The portion of the existing alley on the northern portion of the property (Short Street Alley) is proposed to be vacated and rededicated. The alley currently intersects Central Avenue at an angle less than 90 degrees – the proposed realignment will intersect at a right angle. Public Works Department and Traffic Engineering have reviewed the Conditional Use plans and indicated that the proposed alley realignment is an improvement to the current angle of the alley. They have indicated that the realigned alley be widened adjacent to Central Avenue to accommodate two-way traffic.

Mr. McAllister asked for verification regarding an alley that had previously been vacated, and Mr. Creech verified its location.

Mr. Creech then shows the information provided by the Applicant in support of the Application (including site plan, the building setback, parking, detailed landscaping plan, architectural renderings showing building from “bird’s eye view”). Mr. McAllister asked about the placement of the drive-thru and Mr. Creech answered his question.

Mr. Creech then spoke about the NIA Design Guidelines, and said that he believed that they were created to make sure that the uses were not detrimental to the abutting residential areas (hence the landscaping and building design requirements). He shows a chart that he put together for the Board with relation to the “Building Placement, Building Height, and Parking Location”, and the proposed plans.

NIA Conservation Overlay District Guidelines (Section 1127.00)

	NIA Overlay Guidelines	Proposed
Building Placement	Within 5 ft – 10 ft of ROW	50 ft – 80 ft
Building Height	45 ft (10 ft for every 8 ft of bldg width)	18 ft – 20 ft (to delineate individual storefronts)
Parking Location	Rear or side of building	Front of building

He said that with these restrictions, the wider the building, the taller it must be, and he gave more specific information of the placement of the proposed building with regard to the guidelines.

He further advised that a unanimous vote of the Planning Commission will approve the proposed development, Site and Building Design Standards, as indicated in the right column of the chart above.

With regard to #2 of the Request, Mr. Creech states that Section 1155.00 which regulates Conditional Uses states that the following: A drive-through facility (i.e. retail/commercial establishment) use is a conditional use in the NIA Overlay 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.

Mr. Creech then states that the applicant is required to submit a written description of their project and to address the nine (9) criteria. He says that the Applicant has done that, and the information is provided in the Board packets provided. He summarizes the requested information and gives a bit of additional information, including staff information and some of the applicant's rationale for their responses to said criteria.

Mr. Creech advised the Board that notice of the public hearing was mailed to the owners of 78 properties within 500 feet of the property in question, and four telephone calls were received with inquiries, but no objections were voiced.

Recommendation:

A review of the nine Conditional Use Review Criteria – General Standards 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 – General Standards and the information provided by the applicant on the site plan and supporting material there is sufficient reason to consider **Approval** of the Conditional Use with Conditions.

Two separate votes are necessary to approve the site plan and conditional use request:

One vote will approve the development with respect to the NIA Conservation Overlay Zoning District Guidelines and the other vote will approve the Conditional Use with recommendation to be forwarded to City Council for final disposition.

If the Planning Commission approves the Central Avenue Square Development with respect to NIA Conservation Overlay Zoning District Guidelines, the Department of Community Development requests that the Planning Commission approve the request with the following motion:

- 1) The Planning Commission approves the Central Avenue Square development for Building Placement, Building Height and Parking Location as submitted in accordance in Section 1127.30 NIA Conservation Overlay Zoning District Design and Plan Review.**

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

1. **Construction drawings/documents for the proposed improvements and work shall be revised subject to any future review requirements of the City of Hamilton Departmental Review.**
2. **Proposed building will be single story, brick and stone, masonry material veneer as shown on plans and supporting material submitted by the applicant. The same finish materials shall be applied to the dumpster enclosure.**
3. **Proposed privacy fencing to be wood or vinyl construction, not chain link.**
4. **All improvements and work indicated on construction drawings/documents approved as part of the Conditional Use be installed and maintained in good repair and replaced as necessary to remain in compliance with the approved Conditional Use - (includes building and exterior finishes, canopies, dumpster enclosure, landscaping, pavement surfaces, fencing, and striping).**
5. **No exterior storage/sales of merchandise or materials.**
6. **Landscaping shall be provided as follows: All proposed landscaping item sizes to conform to the minimum size requirements found in Section 1111.10 of the Hamilton Zoning Ordinance. (Deciduous trees minimum of 2 ½ inches caliper, evergreen trees minimum of six (6') feet in height, shrubs/bushes minimum of 12 inches). Landscaping selection to be coordinated with Municipal Arborist.**
7. **Any future free standing signage to be a monument sign and include brick/stone base materials similar to those used on the proposed building. Any additional building, wall and any other signage (permanent or temporary) will comply with Section 1138.00 Hamilton Sign Ordinance.**
8. **Mechanical equipment in support of the building to be screened from the public right of way by landscaping/privacy fencing.**
9. **The portion of the Short Street Alley to be vacated and realigned to comply with recommendation of Public Works Department i.e. the realigned alley should be widened adjacent to Central Avenue to accommodate two-way traffic.**

10. Any areas of the site that are not used for building, landscaping or approved parking to be planted with grass.

Mr. McAllister then asked if there was anyone in the audience wishing to speak to the Board regarding this item.

First was Mr. J. Cruz, 1150 Oakmont Avenue. He spoke about some properties that he owns in the Beacon Pointe area and some changes that he would like to make to them, but isn't permitted to. He also wondered how the new buildings would fit in with the surrounding houses, which he believes are older (possibly 100 years old). He expressed concern about additional traffic in the area if this project is approved with regard to the school on Knightsbridge. Mr. Cruz goes on to say that with regard to the comment that the properties are in disrepair, he believes that it's been the same owner for them, so it was the owner's choice to let them get that way so he could knock them down and do what he wanted with the land. Lastly, he stated that he owns properties two streets over, and he didn't receive any letters or notice, and gave information on how some other cities give notice of proposed changes to properties. He said that he doesn't believe that this particular change will benefit the neighborhood.

Mr. McAllister asked Mr. Cruz if he believed that it could be beneficial to the neighborhood and industry in the 2nd ward, and he answered that he believed that there are stores all over the neighborhood that serve the community. He said that he doesn't necessarily believe that it will create jobs for people from the community it's being built in, because he doesn't believe that Matandy employs people from that community now. He thinks there are other things that could benefit the community more than what is being proposed. They then had a bit of additional conversation about how the community could be improved, job creation and availability for community members, and notification areas for proposed changes to the neighborhood. Mr. McAllister replied that the residents from the community should have the same opportunity for employment as anyone else.

Ms. Becky Maggard (Maggard's Grocery) was there and she said that she was speaking on behalf of herself and Myrtle Smith from Smith's Drive-Thru (also in attendance). She had concerns as well as to whether or not the jobs that are being created will be filled by anyone in the surrounding community. She said that she's worried that they won't have the same chance as everyone else due to being from "second ward". She spoke about the loss of income to their businesses in between the time that the housing projects were torn down and Beacon Pointe was built. She's just not sure that the proposed unit will benefit everyone, but perhaps just Miami University or Vora. She said that they hear from people in the community that don't want to come to City Council. She said that the owner of Smith's Drive Thru would like to know if something is going to go in that will be competition for her store. Lastly, she asked what the benefit is of putting in another "drive-thru" when there is already one there.

Mr. McAllister replied that the “drive-thru” won’t be for liquor, it will be at the end of the building for whatever type of business is there (coffee, etc).

Ms. Myrtle Smith of Smith’s Drive Thru then spoke. She is concerned that the addition of that type of business there will cause more traffic in an area that already experiences a large number of traffic accidents.

Mr. Frank Pfirmman then spoke. He said that as far as jobs, their involvement would be just to build the building, and then lease it out. He assumes that the hiring would be done of local citizens. He said that he believes that 100% of his staff of over 100 employees of Matandy are from the local area. Regarding the drive-thru, the reason that they have asked for a drive-thru is that it’s a good marketing strategy. He said that it’s still in the planning phase, and the plans may change. He doesn’t believe that the proposed project will make the traffic accidents any worse. He said that he believes that they have improved their buildings that are in the entrance into town and if they can accomplish what they want, he believes that it will benefit the city. He said that they didn’t put up a sign because there’s nothing yet that guarantees what type of business will be put in there. He also addressed the concern of a new building vs. older housing in the area. He said that with regard to the “second ward” comment, that area has been good to their business, and he hopes that they can give back to them. He concluded by saying that he doesn’t believe that anything will go in that would have a negative impact on Maggard’s Grocery or Smith’s Drive-Thru.

Mr. Greg Lewis (representing Mr. Sackenheim), spoke next. He said that the site was already zoned for business. He said that they are looking to build something that is consistent with the scale of the neighborhood, and will benefit the neighborhood. He spoke a bit more about the location of the business, the specifics of their site plan and how it relates to the NIA guidelines.

With nothing further from the audience, Ms. Horsley made a Motion to close the public hearing. With a 2nd Mr. Belew and all “ayes”, the public hearing was closed.

Mr. Belew said that based on what Mr. Pfirmman has already done with Matandy Steel and the high quality of that development, he believes that what he is proposing now will be of high standard and enhance the whole neighborhood.

Mr. Alf agreed with Mr. Belew. He said that he when he sees some of his former students from that neighborhood and asks them how they are doing, they are working for Matandy Steel and doing very well. He concluded by saying that he believes that Matandy employs graduates of Hamilton High School and Badin High School, and he commended Mr. Matandy for his efforts.

With regard to #1 of the request, Mr. Alf made a Motion to Approve. With a 2nd by Mr. Belew and all “ayes” to a roll call vote, the Motion passes 4-0.

With regard to #2 of the request, Mr. Alf made a Motion to Approve. With a 2nd by Ms. Horsley and all “ayes” to a roll call vote, the Motion passes 4-0.

Mr. McAllister said that the approval of both would be forwarded to City Council and be heard by them on 5/11/16.

Reports:

Mr. Wilson gave the following verbal report on the upcoming Architectural Design Review Board (ADRB) meeting of April 5, 2016:

1. 337 Ross Avenue – Windows – Tabled from February 2016
2. 1306 Hanover Avenue – Roofing & Gutters – Like for Like
3. 427 Main Street – Signage

Mr. Creech gave the following verbal report on upcoming items for the Board of Zoning Appeals (BZA) meeting on April 7, 2016:

1. 735 S. Erie Blvd – Variance for Auto Service & Minor Repair
2. 576 Sharon Lane – Variance to Number of Accessory Bldgs
3. 1019 Dayton Street – Change to Nonconforming Use
4. 117 Village Street – Appeal of ADRB Decision (Vinyl Siding)
5. 988 Ridgefield Drive – Variances for Accessory Bldg (Height)
6. 244 Main Street – Appeal of ADRB Decision (Mural)
7. 906 East Avenue – Two (2) Zoning Variances for Auto Service & Minor Repair

Mr. Creech then gave the following verbal report on previous Planning Commission cases in progress:

1. 2311 Lincoln Ave Rezoning – City Council Second Reading 4/13/16
2. 200, 202, 204, 206 N. Dick & 770 Park Ave – City Council First Reading 4/13/16
3. 814 Park Ave – City Council First Reading 4/13/16
4. Adult Business Amendment – City Council Caucus 4/13/16
5. IPD Amendment – City Council Caucus 4/13/16
6. 115 Dayton St – City Council Caucus 4/13/16
7. General Scott Replat & Right of Way Dedication – City Council Caucus 4/13/16

Adjournment:

Ms. Horsley made a Motion to adjourn. With a 2nd by Mr. Alf and all "ayes", the meeting was adjourned.

Respectfully submitted,

Ms. Kim Kirsch
Administrative Assistant


Mr. Eugene Scharf
Secretary


Mr. Dale McAllister
Chairman

**PLANNING COMMISSION MEETING
City of Hamilton Council Chambers**

MEETING DATE: Monday, April 4, 2016

MEETING TIME: 1:30 P.M.

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

Name	Agency	Address	Phone	Email
GREG LEWIS	SHP LEADING DESIGN			glewis@shp.com
Bobby Maggiora	MAGGIORA	1247 Central	337-5444	
Myrtle Smith	Smith D. Fern	1255 Central	513 8569797	O
Frank Quinn	MATANDY/GUNNAR	1200 Central Ave	383-5328	
S Wilford Crea	com	Po Box 13010 45013	264-0000	