

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. January 17, 2017

Alf	Belew	Horsley	McAllister	Moeller	Samoviski	Smith

Old Business: This item was tabled on January 17, 2017.

Agenda Item #1- Public Hearing

Request by Kevin Marino, on behalf of KOI Enterprises, Inc., for a Conditional Use to allow a Landscaping Company (i.e. exterior storage of supplies and equipment) on property zoned "I-1" Limited Industrial District located at 611 Maple Ave (City Lot Nos. PT 522, 523, 375, 1973, 1972, 1971, 1970, 1969, 1968, 1967, 1966, 26425, & 1963) (Kevin Marino/KOI Enterprises, Inc., Applicant/Owner).

Staff: John Creech

Alf	Belew	Horsley	McAllister	Moeller	Samoviski	Smith

New Business:

Agenda Item #2- Public Hearing

Request to vacate a portion of Magnolia Street, situated in the Second Ward, City of Hamilton, Butler County, Ohio (City of Hamilton, Applicant).

Staff: John Creech



Alf	Belew	Horsley	McAllister	Moeller	Samoviski	Smith

Miscellaneous:

1. Acceptance of letter from Hamilton City School District appointing Mr. Tom Alf as School Board representative to the City Planning Commission for 2017 term.
2. Appointment of Representative & Alternate to the Architectural Design Review Board

Reports:

1. Verbal Report on Architectural Design Review Board Meeting of February 7, 2017 – Staff: John Creech
2. Verbal Report on Board of Zoning Appeals Meeting of February 2, 2017 – Staff: John Creech
3. Verbal Report on previous Planning Commission cases in progress – Staff: John Creech

Adjournment:



**WRITTEN SUMMARY
PLANNING COMMISSION
MEETING MINUTES
Tuesday, January 17, 2017
1:30 p.m.**

The meeting was called to order at 1:32 p.m. by Chairperson McAllister.

Roll Call:

Members Present:

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

Members Absent:

Mr. Tom Alf

City Staff Present:

Mr. Eugene (Bud) Scharf, Mr. John Creech, Ms. Kim Kirsch, Ms. Meredith Snyder, Ms. Heather Hodges, Mr. Ed Wilson, 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.

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

1. **January 3, 2017** - Motion to approve by Mr. Samoviski, 2nd by Mr. Belew. With a roll call vote of 4-0-2 (Chairperson McAllister & Mr. Samoviski abstained), the motion passed and the minutes were approved.

Old Business: This item was tabled on November 7, 2016.

Mr. Samoviski made a Motion to remove the item from the table. With a 2nd by Mr. Scrimizzi and all "ayes" except for Ms. Horsley (abstained), the Motion passed and the item was removed.

Agenda Item #1- Public Hearing

Staff: John Creech

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 Nos. 5992 and 5993) (Robert M. Day/Day's Sunoco & Towing LLC., Applicant/Owner).

Mr. Creech gave a summation of the item; background information going back to November 4, 2015, reason for current pending legal action against Mr. Day, site visit on October 31, 2016, 2nd Public Hearing on November 7, 2016, and reason this item is back before the Commission at the current meeting.

He said that 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).

Mr. Creech then reviewed images that were part of the packet for the meeting, including the current plans for expansion.

A revised Conditional Use application, prepared by Architect Robert Treadon & Associates Architects, was received on January 9, 2017. Mr. Creech went over the changes from the original proposal that was submitted, including utilization of a gate on the Edgewood side only for access, and a landscaping plan for the property. He gave some specifics of the landscaping plan, and said that Public Works/Traffic Engineering has indicated that the location and size of the cluster of trees may create or exacerbate a sight distance issue for vehicular traffic at the Edgewood Avenue and Millville Avenue intersection.

The applicant has submitted a revised site plan for the proposed Conditional Use that identifies items listed in Section 1155.30 (B) of the zoning code. In addition, the applicant submitted a Plat of Survey that show lot lines, buildings, and property dimensions and abutting public roadways only. The applicant also submitted new photographs of the property from various perspectives.

Notification:

Public Hearing Notices were mailed to the owners of 172 properties within 500 feet of the property in question. There was one e-mail received which was distributed to the Planning Commission on the day of the meeting, as well as several photographs which were taken by an adjacent neighbor.

Surrounding Zoning/Land Use:

The property to the north is zoned I-1 Limited Industrial District and is occupied by the US Postal Service. The property to the east is zoned I-1 Limited Industrial and is the existing Vehicle Impound Lot, the address being 859 Franklin Street. The property to the south is zoned I-1 and is a multi-tenant building and car wash (253 South Edgewood Ave). The properties to the west are residential uses zoned R-2 Single Family Residential. Between the residential properties and the subject property is the abandoned Hamilton Beltline railroad right-of-way. The Hamilton Beltline ROW is being considered by the City of Hamilton for a multi-use recreational trail project. The City is aggressively pursuing grant opportunities to implement the beltline recreational project.

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 stated that there are 9 criteria for Conditional Use Review. He stated that on Mr. Day's initial application, there was just a blanket statement that the business would meet the criteria of the 9 general standards.

C. Conditional Use Review Criteria – General Standards

In reviewing an application for a Conditional Use, the Planning Commission 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.
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.
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.
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.
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.
6. The proposed Conditional Use will comply with all applicable development standards, except as specifically altered in the approved Conditional Use.
7. The proposed Conditional Use will not be hazardous to or have a negative impact on existing or future neighboring uses.
8. The proposed Conditional Use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the base zoning district.

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.

Review and Findings:

A review of the nine Conditional Use Review Criteria found in Section 1155.30 provides the Planning Commission with the basic facts and circumstances of the proposed Conditional Use. Mr. Creech states that 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 #1, #2, #3, and #9 as outlined. Mr. Creech reviewed those criteria and gave additional information for them.

- 1) #1 - The proposed Conditional Use is not located in a district wherein such use may be permitted, subject to the requirements of this Section and the Zoning Ordinance. Based upon visual survey of the property during the October 31, 2016 site visit – the current use of the property appears to be a **Junk Yard** and not a **Vehicle Impound Lot** based on the zoning definitions found in Section 1108.00 of the Hamilton Zoning Ordinance. A **Junk Yard** is not permitted as a Conditional Use in the I-1 zoning district.

Zoning Definitions Section 1180.00

- o **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.**
- o **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)**

1124.34 Junk Yard: Conditional Use in I-2 General Industrial District

1123.31 Vehicle Impound Lot: Conditional use in I-1 Limited Industrial District

- 2) #2 - 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.

- 3) #3 - 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.
- 4) #9 - 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.

Chairperson McAllister asked if there were any audience members who wished to speak to the Planning Commission regarding this item.

First to speak was Robert Michael Day, the applicant. Ms. Dudley advised that Mr. Day not been present when she swore the audience in at the beginning of the meeting. She went ahead and swore him in.

Mr. Day stated that he believes that every impound lot in this town is surrounded by a residential area. He added that there have been no complaints about noise from loading and off-loading vehicles, even in response to the Public Hearing notice that was sent out. He said that he thinks they have improved the property since they bought it, and he went into some of the ways he thinks they have improved it. He feels that they should be commended for what they have done with the property. He added that he believes that his business has actually improved the neighborhood due to the improvements that they have made, as opposed to it being a detriment. He said that he doesn't believe the term "junk yard" applies to his business based on what his opinion of a "junk yard" is, and he expounded on that a bit. He said that if they are allowed to continue their business there, they will continue to improve the lot and the property. He went on to say that he doesn't believe that what Mr. Creech cited has any merit, as there haven't been any complaints by any citizens. He concluded by giving his current arrangement with Cohen for scrapping cars that are on his lot, and giving his aspirations for the empty buildings on the lot.

Mr. Scrimizzi made a Motion to close the Public Hearing. With a 2nd by Mr. Belew and all "ayes", the Motion passes and the Public Hearing was closed.

Mr. Scrimizzi made a Motion to deny the request for a Conditional Use as presented, based on criteria #1, #2, #3 and #9 of the general standards, with a 2nd by Mayor Moeller.

Mr. Samoviski asked for clarification on the drawings, and Mr. Creech responded.

Ms. Horsley stated that she will be abstaining from the vote due to an existing business relationship between her employer and the Applicant.

Chairperson McAllister stated that he thinks that closing the Franklin Street entrance for ingress/egress is a positive move for the nearby residents, and that he sees why it is a benefit for Mr. Day's business on Main Street to move cars there that people haven't paid for or aren't paying for, and he expounded on that. He concluded by saying that for these reasons, he will be voting against a denial.

Mr. Samoviski stated that he agrees with much that Chairperson McAllister is saying. He said that given the fact that there have been no complaints from neighbors, if they keep the lot cleaned up and beautified, he thinks it's a good thing to continue the usage there.

With no further discussion, Chairperson McAllister called for a roll call vote on the Motion to deny. With a vote of 2-3-1 (no by Mr. Belew, Chairperson McAllister, and Mr. Samoviski; Abstain by Ms. Horsley), the Motion is denied.

Mr. Samoviski made a Motion to approve the request for Conditional Use with the following conditions:

- 1) That the property be utilized in a proper manner as outlined by Mr. Treadon's documents which would preclude the parking or moving any vehicles up in the Edgewood Avenue portion of the property (concrete paved area surrounded by the existing buildings);
- 2) To be done in accordance with the requirements of the ordinance regarding "Impound Lots" and not "Junk Yards";
- 3) That the property be maintained in an appropriate fashion that is amenable towards the surrounding neighborhoods; and
- 4) That appropriate landscaping is put in on the Millville Avenue and Edgewood Avenue sides of the property that would meet the "beautification" requirement and also be done in accordance with the requirements of the Traffic Engineering Division of the Public Works Department.

With a 2nd by Mr. Belew and roll call vote 3-2-1 (no by Mayor Moeller and Mr. Scrimizzi), the Motion passes and the request is approved with conditions as stated.

Mr. Creech stated that this is only a recommendation for City Council, and he gave the meeting dates of the 1st reading (1/22/17) and the 2nd reading (3/8/17).

*** Mayor Moeller left the meeting at 2:12 p.m.

New Business:

Agenda Item #2- Public Hearing

Staff: John Creech

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.

Mr. Creech showed a map with the subject property outlined, and reviewed the neighboring zoning on adjacent properties. He stated 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. If approved, 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. No additional changes were proposed.

The proposed dwelling unit, parking area and the existing site layout and access is shown on the Applicant's site plan.

CONDITIONAL USE REVIEW

1155.10 – Conditional Uses:

1. The Planning Commission shall review and make a recommendation to City Council, in accordance with the provisions of this Ordinance for applications for Conditional Uses. The Planning Commission 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 Planning Commission 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 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. (REVISED OR2015-9-80).

3. In considering an application for a Conditional Use, the Planning Commission 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 Planning Commission 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 Planning Commission shall consider whether there is adequate evidence that the proposed Conditional Use is consistent with nine (9) General Standards. Mr. Creech 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.
- (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.
- (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.
- (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.
- (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.

- (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.
- (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.
- (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.
- (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.

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. One (1) phone call was received requesting clarification of the application but there were no objections expressed to the proposed conditional use for 732 Central Avenue.

Review and Findings:

A review of the nine Conditional Use Review Criteria found in Section 1155.30 provides the Planning Commission with the basic facts and circumstances of the proposed Conditional Use. After consideration of the Comprehensive Land Use Plan Designation, 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.

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 732 Central Avenue, City Lot No. PT. 870 after holding a public hearing, consideration of the site plan, written description provided by the applicant, findings, and review of the Conditional Use Review Criteria – General Standard #8) for the following reasons below:

1. #8 – The proposed Conditional Use i.e. Residential Use could be negatively impacted by future commercial land uses within the same building and/or on the same property. The subject property is zoned B-2 Community Business District. The B-2 zoning district permits a variety of land uses that could be detrimental or create severe conflicts to a residential use on the upper level of the property. Depending upon the future commercial use, the conflicts could involve hours of operation, vehicular and pedestrian traffic, noise, smoke, fumes, lighting glare, odor or parking conflicts. The list of uses permitted in the B-2 zoning district (Section 1121.00) is included for the Commission’s review.

However, 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 four (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.

Mr. Creech concluded his presentation by stating that this item was advertised as a Public Hearing.

Mr. Scharf advised Chairperson McAllister that this item was brought before the Commission at the last meeting, but the vote was 2-2, and no recommendation was given. He added that under City Ordinance, the Planning Commission is obligated to give a recommendation to City Council either “for” or “against” the item, and that is the reason that it is before the Commission for a 2nd time.

Chairperson McAllister asked if there was anyone in the audience wishing to speak on the matter.

The Applicant, Mr. John Ingram, was present. He stated that his daughter, Johnisha McCluskey, would be speaking for him. Ms. McCluskey gave the reasons for Mr. Ingram’s application submission, and how the business and accompanying apartment would be utilized.

Mr. Samoviski asked Mr. Creech if this application was similar to one that was received for 2nd and Pershing (except that they were adjacent to each other), and Mr. Creech replied that it was very similar. Mr. Samoviski and Mr. Creech then had a brief conversation about mixed use (commercial with residential). Mr. Creech stated that the permit that was applied for a “beauty shop” in the past, but there are no current permits pending or approved for that location.

With no one else in the audience wishing to speak, Mr. Samoviski made a Motion to close the Public Hearing. With a 2nd by Mr. Scrimizzi and all “ayes”, the motion passes and the Public Hearing was closed.

Mr. Samoviski made a Motion to approve the application as presented, with a 2nd by Ms. Horsley.

Mr. Belew asked if there had been any letters or phone calls from the neighbors, and Mr. Creech replied that there had been one phone call but it was just asking for clarification, it was not in objection.

Mr. Samoviski said that he believes that it’s similar to other things that the Planning Commission has approved in the past, and this type of use occurs in other cities. He said that he believes it conforms to the direction that the City is going in, and if the neighborhood isn’t objecting to it, he thinks it’s an appropriate use for the building.

Chairperson McAllister added a few comments in support of what Mr. Samoviski said.

With no further discussion and a roll call vote of 4-1 (No by Mr. Scrimizzi), the Motion passed and the application was approved.

Mr. Creech advised the Applicant that the item is set to go to Council for the 1st reading on 1/22/17, 2nd reading on 3/8/17, and it's slated for caucus at the next meeting.

Agenda Item #3 - Public Hearing

Staff: John Creech

Request by Kevin Marino, on behalf of KOI Enterprises, Inc., for a Conditional Use to allow a Landscaping Company (i.e. exterior storage of supplies and equipment) on property zoned "I-1" Limited Industrial District located at 611 Maple Ave (City Lot Nos. PT 522, 523, 375, 1973, 1972, 1971, 1970, 1969, 1968, 1967, 1966, 26425, & 1963) (Kevin Marino/KOI Enterprises, Inc., Applicant/Owner).

Introduction:

The property is zoned I-1 Limited Industrial zoning district (Exhibit B) and measures approximately 1.4 acres and is comprised of 13 separate parcels, located on the southwest corner of Maple Avenue and South 7th Street. Exterior Storage of materials and equipment such as vehicles, trucks, trailers, supplies, and landscaping material is a Conditional Uses in the I-1 Industrial Zoning District and requires review by the Planning Commission (Section 1121.39.27) and approval by City Council.

Proposed Project:

The proposed project involves the establishment of a landscaping business on the subject property. The application states that the "Property to house K&R Lawn and Landscaping LLC offices for business operation. Storage of trucks and trailers, and palletted stone material. Houses of operation are 7AM to 7PM, seven days a week. Not open to public - No retail sales."

Mr. Creech gave a summation of the Application, and displayed all supporting documentation. Mr. Creech stated that there had been one previous application for a similar landscaping business several years ago (North B Street near the Black Street Bridge), and that was approved as a Conditional Use.

CONDITIONAL USE REVIEW

1155.10 – Conditional Uses:

1. The Planning Commission shall review and make a recommendation to City Council, in accordance with the provisions of this Ordinance for applications for Conditional Uses. The Planning Commission 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 Planning Commission 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 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. (REVISED OR2015-9-80).
3. In considering an application for a Conditional Use, the Planning Commission 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 Planning Commission 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 Planning Commission 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.** Exterior Storage of materials and equipment such as vehicles, trucks, trailers, supplies, and landscaping material is a Conditional Uses in the I-1 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 *“Yes, property is zoned light industrial.”*
- (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, the company nor its employees will not cause any injury to the neighboring properties. Fences will be mended and screened.”*
- (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 *“We do not plan to change the essential character of the area, but plan to beautify the property by planting new trees and flowers on curb areas and paint existing fence”.*
- (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 *“No the company will not need to alter the public facilities of the property to operate.”*

- (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 *“No, the property has adequate paved parking for all employees and vehicles used by the company.”*
- (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, our company does not plan to alter the building or property in anyway except for cosmetic fixes to beautify the property.”*
- (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, our company does not store any hazardous chemicals or materials.”*
- (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.”*
- (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.”*

Review and Findings:

A review of the nine Conditional Use Review Criteria found in Section 1155.30 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 #3, #7 and #9:

1. #3 - The proposed use will not be harmonious with the existing or intended character of the general vicinity, and the use will change the essential character of the area. The immediate area is a mix of residential and industrial/commercial uses. However, the proposed landscaping company which includes the “storage of trucks and trailers, and palletted stone material” in the open air could have a negative visual

impact on abutting properties thereby not being harmonious with the existing or intended character of the general vicinity. The site plan submitted does not demonstrate that the proposed exterior storage can be effectively screened from adjacent properties.

2. #7 - The proposed use will be hazardous to or have a negative impact on existing or future neighboring uses. The immediate area is a mix of residential and industrial/commercial uses. However, the proposed landscaping company which includes the “storage of trucks and trailers, and palleted stone material” in the open air could have a negative visual impact on abutting properties thereby having a negative impact on existing or future neighboring uses. The site plan submitted does not demonstrate that the proposed exterior storage can be effectively screened from adjacent properties.
3. #9 - The proposed use will impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. The immediate area is a mix of residential and industrial/commercial uses. However, the proposed landscaping company which includes the “storage of trucks and trailers, and palleted stone material” in the open air could have a negative visual impact on abutting properties thereby impeding the normal and orderly development and improvement of surrounding properties. The site plan submitted does not demonstrate that the proposed exterior storage can be effectively screened from adjacent properties.

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 100 properties within 500 feet of the property in question. There were no objections expressed to the proposed conditional use for 611 Maple Avenue.

Mr. Creech concluded his presentation by stating that this item was advertised as a Public Hearing.

Chairperson McAllister asked for anyone in the audience wishing to speak on the matter.

Ms. Dudley swore in audience members who had not been previously sworn in.

First to speak was Mr. Michael Rapp. He stated that the proposed property that they are looking at needs a good deal of work. He said that they do not want to go into the property and leave it the way that it currently is. He said that one thing they plan on doing is fixing the fence, which is dilapidated. He stated that they do not store clippings, and that it's very rare that they work past 7:00 p.m. He added that they have new trucks and nice trailers, and that anything that could easily be carried off will be inside the buildings. Ms. Horsley asked if they intend on storing pesticides and chemicals and he said that they do not.

After a somewhat lengthy discussion between Mr. Rapp, Mr. Marino, the Planning Commission and Mr. Creech regarding the Applicant's intentions for the property, Mr. Samoviski made a Motion to close the Public Hearing. With a 2nd by Mr. Belew and all "ayes", the Motion passes and the Public Hearing was closed.

There was then a discussion between the Planning Commission, Ms. Dudley and Mr. Creech regarding several items. During the course of the discussion, the Applicant re-approached and spoke to the Commission regarding his flexibility for storing materials and bulk materials.

Mr. Samoviski asked if the Applicant would be open to meeting with Staff and coming back to the Planning Commission with a more specific plan regarding storage, paving, parking, etc, and the Applicant replied that they would be willing to do that.

After a discussion between Mr. Scharf, Assistant Law Director Kathy Dudley and Mr. Samoviski, Mr. Samoviski made a Motion to re-open the Public Hearing. With a 2nd by Ms. Horsley and all "ayes", the Motion passes.

Mr. Samoviski made a Motion to Table the item until the next meeting, which is set for 2/6/17. The Applicants are to get with Planning Staff in regard to specific requirements and details for a site plan. With a 2nd by Mr. Belew and all "ayes", the Motion passes and the item is tabled.

Agenda Item #4- Public Hearing

Staff: Meredith Snyder

Request to Approve the Draft FY 2017-2021 Consolidated Plan and the 2017-2018 Annual Action Plan Update (City of Hamilton, Applicant)

Background Information

The Department of Community Development has completed a Draft FY 2017-2021 Consolidated Plan and 2017-2018 Annual Action Update 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. The preparation and adoption of FY 2017-2021 Consolidated Plan every five years and 2017-2018 Annual Action Update every year is a HUD requirement. The Plans are 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.

Ms. Snyder then reviewed the process that is gone through in creating the plan:

- 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 (7) in month of August.
- Inclusion of Public Input Meeting feedback into Draft Plan
- Analysis and inclusion of 2010 Census data, as available
- Planning Commission and City Council review/approval
- Submit Final Plan Update to HUD in Spring 2017

Ms. Snyder then showed the location of the seven meetings that were held. She stated that the Annual Action Plan describes the local needs, resources, priorities and proposed activities to be undertaken with respect to the federally funded HUD programs. She said that “CDBG” is Community Development Block Grant (CDBG) and “Home” is HOME Investment Partnership Program (HOME). She added that there are three national objectives that anything funded has to meet, and she detailed those.

Ms. Snyder then reviewed the seven Categories of Eligible Activities for CDBG Funding, and displayed the funding totals from 2007-2016, along with the estimated totals for 2017.

Ms. Snyder stated that 2001 paper surveys were mailed to 2,001 randomly selected households in Hamilton, and 338 completed surveys were returned (16.8%). She added that with regard to the web survey, 144 completed surveys were received and there was public outreach through seven Public Input meetings.

Ms. Snyder then displayed the survey that was sent out, as well as the proposed budget for 2017-2018, and said that all Applicants who applied for funding were notified of the amount they would be receiving.

She concluded her presentation by stating that if approved by the Planning Commission, the Department of Community Development recommends that the Planning Commission hold a Public Hearing and approves or modifies the draft Annual Action Plan Update and funding recommendations, and forwards to City Council for their consideration.

Mr. Samoviski had a question about the timeline, and Ms. Snyder and Mr. Scharf answered him. Mr. Scharf expressed his gratitude to the Planning team for their efforts

in getting the proposal together and submitted, including Meredith Snyder as lead, Kim Preston, and Duronna Smith.

Mr. Samoviski echoed Mr. Scharf's sentiment in praise for the department, both during the Public Meetings and afterwards with support in guiding citizens through the process.

With no one in the audience wishing to speak, Mr. Samoviski made a Motion to close the Public Hearing. With a 2nd by Ms. Horsley and all "ayes", the Motion passes and the Public Hearing is closed.

Mr. Samoviski advised that he would be abstaining from a vote as he has an interest in one of the projects being considered.

Mr. Belew made a Motion to approve the draft as presented. With a 2nd by Ms. Horsley and a roll call vote of 4-0-1 (Abstain by Mr. Samoviski), the Motion passes and the request is approved.

Ms. Snyder reviewed the dates that the draft will go to City Council.

Miscellaneous:

1. Appointment of Representative & Alternate to the Board of Zoning Appeals

Motion by Mr. Belew & 2nd by Ms. Horsley that Mr. Samoviski be appointed as BZA representative, with the City Manager as alternate. With all "ayes", the Motion passes.

2. Appointment of Representative & Alternate Representative to the Architectural Design Review Board.

Mr. Creech advised the Commission that Mr. Alf is the current School Board representative on the Planning Commission and Staff has not received a letter yet from the School Board advising who their appointment is for 2017. After a brief discussion by the Commission, it was decided that the item would be tabled until the next meeting.

Reports:

The following verbal reports were given by Mr. Creech:

1. The Board of Zoning Appeals meeting for January was cancelled due to a lack of quorum. The Board of Zoning Appeals Meeting is set for Feb. 2, 2017. Items on the agenda include:
 - 407 N. Third Street – Appeal of ADRB Decision regarding paint color
 - 502 Ross Avenue – Variance to parking requirements
 - 517 Williams Avenue – Variance to side yard setback

2. Verbal Report on previous Planning Commission cases in progress:

- 2021 S. Erie Blvd – City Council 2nd Reading - 1/25/17
- 545 Central Ave – City Council 1st Reading - 1/25/17, 2nd Reading 2/8/17

Adjournment:

With nothing further, Mr. Samoviski made a Motion to Adjourn. With a 2nd by Mr. Belew and all “ayes”, the Motion passes and the meeting was adjourned at 3:06 p.m.

Respectfully submitted,

Ms. Kim Kirsch
Administrative Assistant

Mr. Eugene Scharf
Secretary

Mr. Dale McAllister
Chairman

For the Planning Commission Meeting of February 6, 2017

To: Planning Commission

From: John Creech

Subject: AGENDA ITEM #1

Request by Kevin Marino, on behalf of KOI Enterprises, Inc., for a Conditional Use to allow a Landscaping Company (i.e. exterior storage of supplies and equipment) on property zoned "I-1" Limited Industrial District located at 611 Maple Ave (City Lot Nos. PT 522, 523, 375, 1973, 1972, 1971, 1970, 1969, 1968, 1967, 1966, 26425, & 1963) (Kevin Marino/KOI Enterprises, Inc., Applicant/Owner).

Date: January 31, 2017

This item was tabled at the January 17, 2017 Planning Commission Meeting.

BASIC INFORMATION		
Applicant/Property Owner	Kevin Marino/ KOI Enterprise, Inc., Applicant/Owner	
Architect/Engineer/Consultant	N/A	
Size of Property	1.4 Acres Approx	
Current Zoning	I-1 Limited Industrial District	
Proposed Use: Conditional Use	Landscaping Company (i.e. exterior storage of supplies and equipment)	
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	Industrial	I-1 Limited Industrial District
South	Residential	R-4 Multi-Family Residential District
East	Industrial	I-1 Limited Industrial District
West	Residential	I-1 Limited Industrial District
ZONING/DIMENSIONAL INFORMATION		
	<i>Minimum Required</i>	<i>Existing/Proposed</i>
Minimum Lot Area	N/A	1.4 Acres Approx
Minimum Lot Width	N/A	+450 LF
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:

This is a request submitted by Kevin Marino, on behalf of KOI Enterprises, Inc., for a Conditional Use to allow the establishment of a Landscaping Company (i.e. exterior storage and equipment) to operate on the property located at 611 Maple Avenue on City Lot Nos. PT 522, 523, 375, 1973, 1972, 1971, 1970, 1969, 1968, 1967, 1966, 26425, & 1963 (Exhibit A). The property is zoned I-1 Limited Industrial zoning district (Exhibit B) and measures approximately 1.4 acres and is comprised of 13 separate parcels, located on the southwest corner of Maple Avenue and South 7th Street. Exterior Storage of materials and equipment such as vehicles, trucks, trailers, supplies, and landscaping material is a Conditional Uses in the I-1 Industrial Zoning District and requires review by the Planning Commission (Section 1121.39.27) and approval by City Council.

The Planning Commission held a public hearing and reviewed the Conditional Use application on January 17, 2017. After consideration, the Planning Commission tabled the Conditional Use request and asked Community Development Department Staff to coordinate with the applicant on a revised application. A revised application was submitted on January 23, 2017.

Proposed Project:

The proposed project involves the establishment of a landscaping business on the subject property. The application states that the “Property to house K&R Lawn and Landscaping LLC offices for business operation. Storage of trucks and trailers, and palletted stone material. Hours of operation are 7AM to 7PM, seven days a week. Not open to public- No retail sales.”

A site plan submitted by the applicant indicates exterior areas of the subject property that are proposed for truck and equipment parking and storage, bins for bulk storage of landscaping materials i.e. mulch, etc., employee parking, and pallet and stone storage. In addition, the site plan indicates areas along the exterior boundaries of the property that are proposed for landscaping consisting of evergreen trees. The site plan also shows portions of an existing chain link fence that is proposed for repair, and areas of new chain link fencing. The existing chain link fence is approximately six (6’) feet in height and surrounds the property with the exception of a large portion of the Maple Avenue frontage. Proposed fencing will also be six (6’) in height. In addition, a separate windscreen to be attached to the existing and proposed fencing that will block the direct view into the property from the outside of the fencing. Vehicular access to the property will remain from three (3) existing driveways along Maple Avenue, the driveway closest to the Maple Avenue and South 7th Street intersection will be closed.

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.** Exterior Storage of materials and equipment such as vehicles, trucks, trailers, supplies, and landscaping material is a Conditional Use in the I-1 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, property is zoned light industrial.”* 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, the company nor its employees will not cause any injury to the neighboring properties. Fences will be mended and screened.”* 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 *“We do not plan to change the essential character of the area, but plan to beautify the property by planting new trees and flowers on curb areas and paint existing fence.”* 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 *“No the company will not need to alter the public facilities of the property to operate.”* 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 *“No, the property has adequate paved parking for all employees and vehicles used by*



the company.” 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, our company does not plan to alter the building or property in anyway except for cosmetic fixes to beautify the property.”* 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, our company does not store any hazardous chemicals or materials.”* 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.”* 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.”* 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 100 properties within 500 feet of the property in question. There were no objections expressed to the proposed conditional use for 611 Maple Avenue.

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 subject to specific conditions as outlined below:

1. **Construction drawings/documents for the proposed improvements and work shall be revised subject to any future review requirements of the City of Hamilton Inter-Departmental Review.**
2. **All future signage (permanent or temporary) will comply with Section 1138.00 Hamilton Sign Ordinance.**
3. **No automobile or truck repair, sales or storage is permitted on the property, except those utilized by the business.**
4. **Proposed fencing be adjusted at corner of intersection of South 7 Street and Maple Avenue Alley to comply with sight distance setback applicable to street and alley intersections.**
5. **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) or as otherwise approved by the Municipal Arborist.**
6. **Hours of operation are 7AM to 7PM daily.**
7. **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, fencing, windscreen, landscaping, pavement surfaces, fencing, and pavement striping).**

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 for 611 Maple Avenue on City Lot Nos. PT 522, 523, 375, 1973, 1972, 1971, 1970, 1969, 1968, 1967, 1966, 26425, & 1963 after holding a public hearing, 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 as outlined below:



1. **Construction drawings/documents for the proposed improvements and work shall be revised subject to any future review requirements of the City of Hamilton Inter-Departmental Review.**
2. **All future signage (permanent or temporary) will comply with Section 1138.00 Hamilton Sign Ordinance.**
3. **No automobile or truck repair, sales or storage is permitted on the property, except those utilized by the business.**
4. **Proposed fencing be adjusted at corner of intersection of South 7 Street and Maple Avenue Alley to comply with sight distance setback applicable to street and alley intersections.**
5. **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) or as otherwise approved by the Municipal Arborist.**
6. **Hours of operation are 7AM to 7PM daily.**
7. **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, fencing, windscreen, landscaping, pavement surfaces, fencing, and pavement striping).**

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**
- 5) **Exhibit E – Public Hearing Notice and 500 Ft Address Listing**



611 Maple Avenue
PUBLIC HEARING MAP



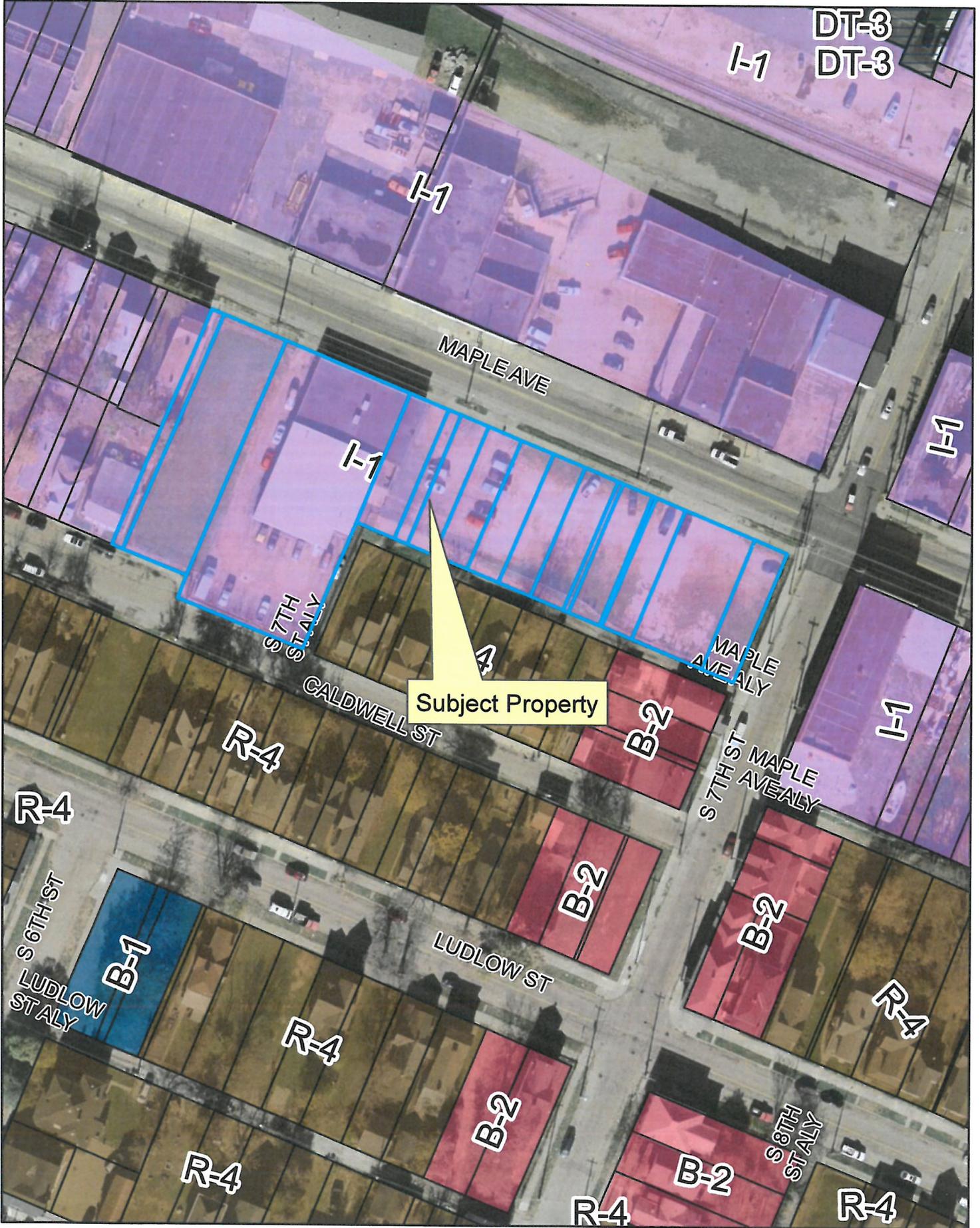
Subject Property

 611 Maple Avenue

0 37.5 75 150 Feet



611 Maple Avenue
PUBLIC HEARING MAP



611 Maple Avenue

0 37.5 75 150 Feet



A164539
A164530



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: 611 Maple Ave Hamilton OH 45013

Lot No(s): Parcel Nos. P6441019000068, 70-84 consecutively

Property Owner: KOI Enterprises, Inc.

Owner's Mailing Address: 2701 Spring Grove Ave, Cincinnati, OH 45225

Applicant's Name (If different than owner): Kevin Marino

Applicant's Mailing Address: 3600 Millikin Rd Ham. OH 45011

Applicant's Email Address: kevinmarino2000@yahoo.com

Applicant's Phone Number: 513-808-8129

Previous Legal Use of Property: KOI Auto Parts

Date Previous Use Discontinued: August 28, 2015

Proposed New Use of Property: Landscaping Company

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

1155.10

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

Property to house K+R Lawn and Landscaping LLC, offices for business operation, Storage of trucks and trailers and palletized stone material. Hours of operation are 7AM - 7pm 7 days a week. Not open to public - No retail sales.

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, property is zoned as light industrial

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

No, the company noise its employees will not cause any injury to the neighboring properties. Fences will be mended and screened.

(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?

We do not plan to change the essential character of the area, but plan to beautify the property by planting new trees and flowers on curb areas and paint existing fence.

(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.

No the company will not need to alter the public facilities of the property to operate.

(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?

No, the property has adequate paved parking for all employees and vehicles used by the company.

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

Yes, our company does not plan to alter the building or property in anyway except for cosmetic fixes to beautify the property.

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

No, our company does not store any hazardous chemicals or materials.

(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.

Kevin Marino
Applicant's Signature

12.20.16
Date

Kevin Marino
Applicant's Printed Name

[Signature]
Property Owner's Signature

12/20/16
Date

KOJ ENTERPRISES INC
Property Owner's Printed Name

by: DAVID P. WASSERMAN, President



- Red = Existing 6' chain link fence. We will use windscreen to block view of operations.
- Blue = Build new 6' chain link fence and install windscreen to block view of operations.
- Green = Truck and equipment parking.
- Black = Bins for bulk storage.

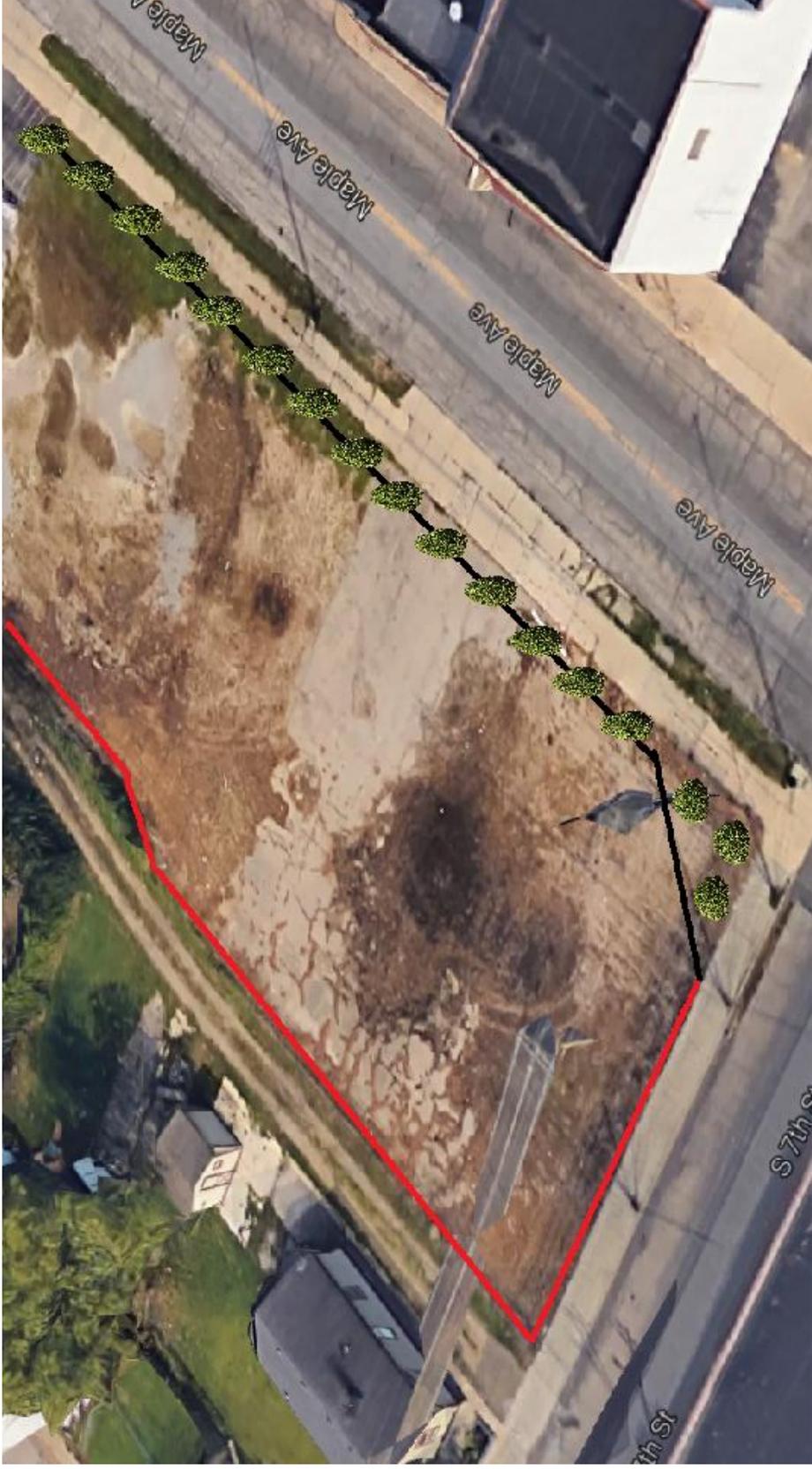
Windscreen images to be used for
privacy around operation areas.





After wind screening all chain link fence around operation areas we plan to plant decorative evergreens in front of fences along Maple Ave.

We will clean weeds and grass out of sidewalks and keep them neat and manicured.
We will clean all trash and debris from property as well.



Red = Existing 6' chain link fence to have windscreen installed.

Black = New 6' chain link fence to be installed.

Evergreen plants to installed along front of fence line.

Corner fence is to be taken back 20' from each side for traffic.

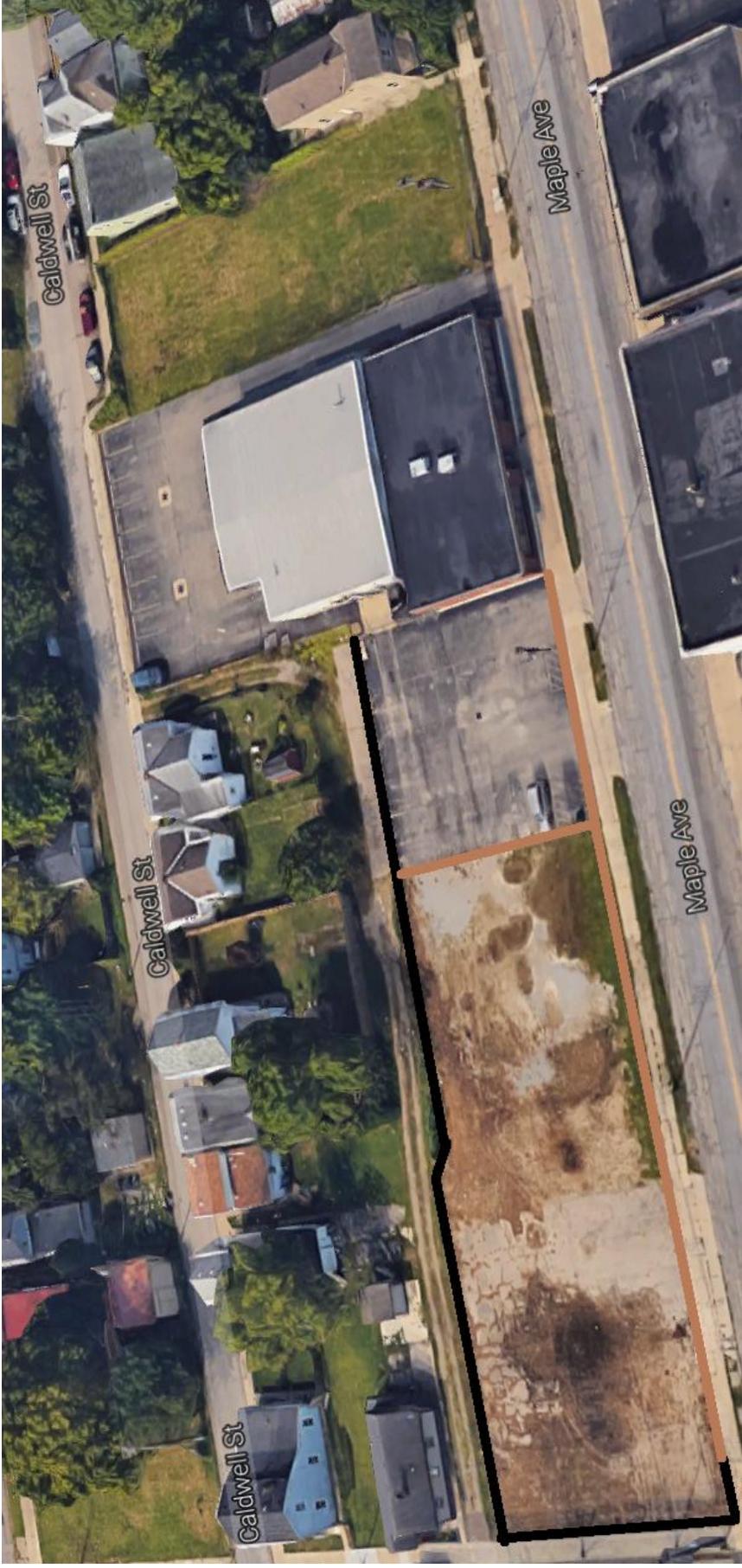
Evergreens to be planted on corner not to exceed 42" plus K & R Side to be installed.



Red = 10,428.84 sq ft
Green = 8,784.47 sq ft
Orange = 6,848.49 sq ft
Maroon = 149,828.60 sq ft



Red line = Existing fence that will be made private. 550' total

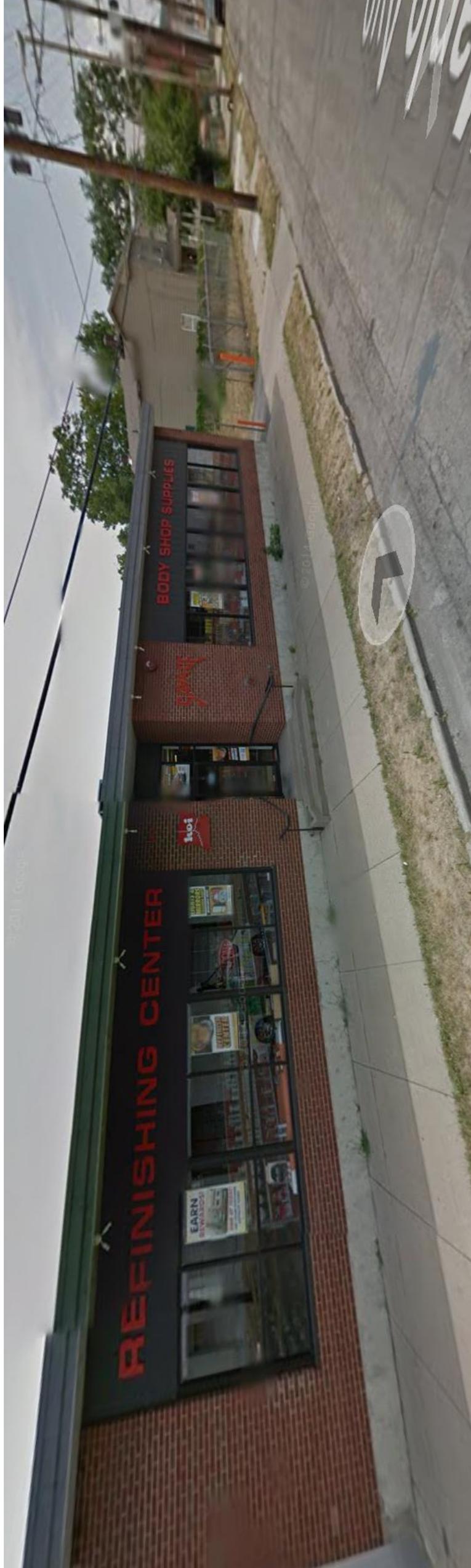


Black line existing fence = 410 ft

Tan line future fence options = 273 and 89 ft

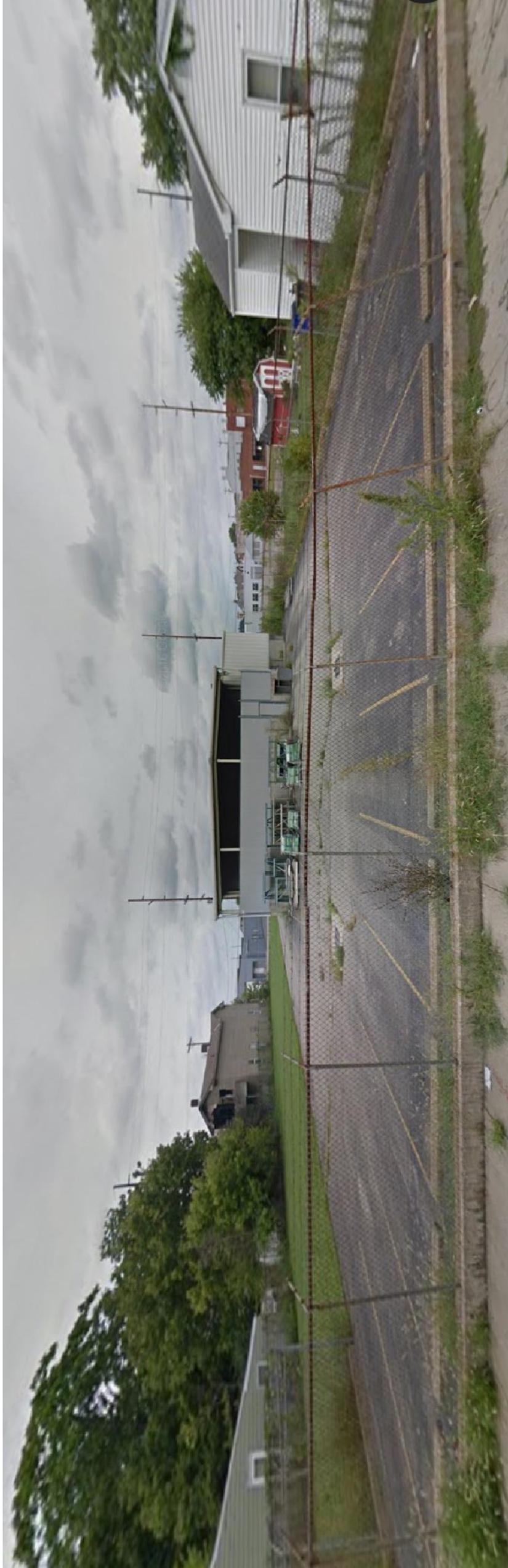


Red area is outside storage area = 987.04 sq ft



We will clean front of building and maintain. Our plan is to remove weeds, keep sidewalks clean, edge, and manicure grass. We plan to have K & R Landscaping signage on the front of the building.

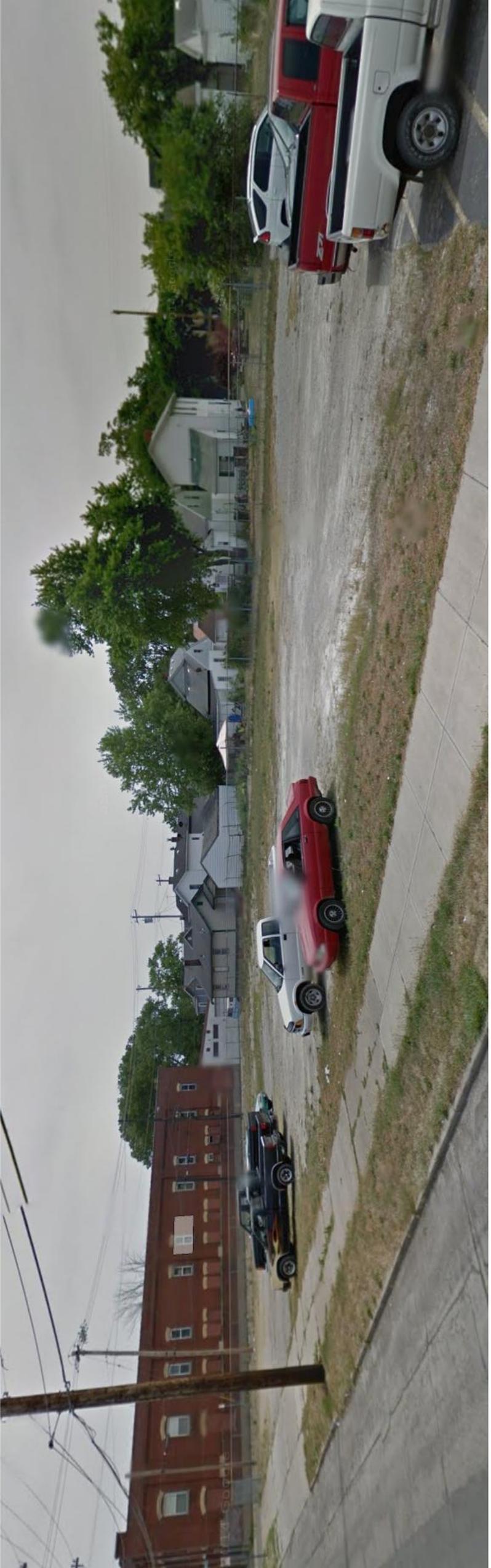




We plan to fix fence along back side of property.
Clean and edge all side walks. Clean fence rows before installing windscreen for privacy.



Existing black to parking lot. It has 16 striped parking spots.
We will clean weeds from area and maintain.



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

Date Plans Submitted: **01/09/2017**

Date Plans Reviewed:

Project Address: **611 MAPLE AVE**

Ph: **(513) 808-8129**

Project / Owner Name: **K & R LAWN & LANDSCAPING**

Applicant: **KEVIN MARINO**

FX:

Project Description: **CONDITIONAL USE**

Application #: **A164539**

Plan Review #: **A170061**

Review # **1**

Department	Date to	No Object	Object	Date from	Remarks
Zoning / Planning John Creech 785-7355	12/20/2016		JMC	1/11/2017	CONDITIONAL USE - REQUIRES REVIEW AND RECOMMENDATION BY PLANNING COMMISSION AND APPROVAL BY CITY COUNCIL
Fire Ken Runyan 785-7506	12/20/2016				
Electric Craig Marcum 785-7240	12/20/2016				
Utilites Gas/Wtr/Se Joy Rodenburgh 785-7283	12/20/2016				
Public Works Rich Engle 785-7273	12/20/2016	RAE		1/10/2017	Public Works Requirements for Conditional Approval: 1. All work in right-of-way located between back of sidewalk and curb must obtain a permit from Public Works Department prior to beginning construction. This includes planting of trees and flowers. 2. Tree selection must be reviewed and approved by City Arborist.

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**



January 6, 2017

NOTICE OF PUBLIC HEARING

RE: Request by Kevin Marino, on behalf of KOI Enterprises, Inc., for a Conditional Use to allow a Landscaping Company (i.e. exterior storage of supplies and equipment) on property zoned "I-1" Limited Industrial District located at 611 Maple Ave (City Lot Nos. PT 522, 523, 375, 1973, 1972, 1971, 1970, 1969, 1968, 1967, 1966, 26425, & 1963) (Kevin Marino/KOI Enterprises, Inc., Applicant/Owner).

Dear Property Owner:

A public hearing will be held on Tuesday, January 17, 2017 at 1:30 p.m., before the City Planning Commission in the Council Chamber, First Floor, 345 High Street, Hamilton, Ohio 45011 over a Conditional Use request submitted by Kevin Marino, on behalf of KOI Enterprises, Inc., for a Conditional Use to allow a Landscaping Company on the property zoned "I-1" Limited Industrial District located at 611 Maple Avenue (City Lot Nos. PT 522, 523, 375, 1973, 1972, 1971, 1970, 1969, 1968, 1967, 1966, 26425, & 1963). The Conditional Use would allow the establishment of a Landscaping Company with exterior storage of vehicles, trucks, trailers, and supplies, and landscaping material at 611 Maple Avenue. The subject property is zoned "I-1" Limited Industrial District and is shown on the map on the reverse of this notice. The "I-1" Limited Industrial Zoning District is regulated by Section 1123.00 of the Hamilton Zoning Ordinance (HZO). Section 1123.32 of the HZO requires Conditional Use approval for a Landscaping Company (i.e. exterior storage of supplies and equipment) in the "I-1" zoning district, therefore recommendation from the Planning Commission and approval from City Council is required in order to allow this proposed land use.

You are a property owner within 500 feet of the Conditional Use request and as such, Planning Commission rules require that you be notified of this public hearing.

An application for this project is on file in our office and available for your review. If you have any comments concerning this matter, you may appear at the public hearing or you may forward your comments to the Planning Commission in writing for presentation at the meeting.

If you have any questions, please visit the Community Development Department located at 345 High Street, Hamilton, Ohio, or contact **John Creech** of the Community Development Department at **785-7350**.

Sincerely,

A handwritten signature in cursive script, reading "Eugene F. Scharf".

Eugene F. Scharf, Secretary
City Planning Commission

See Reverse Side for Public Hearing Notification Map

DAVID FAULKNER
1009 SHULER AVE
HAMILTON OH 45011 4437

DAVID FAULKNER
1015 SHULER AVE
HAMILTON OH 45011 4437

CONNIE J HARDING
1124 BURLEIGH AVE
DAYTON OH 45402 4103

MIRNA MAYA
1137 N FRIEDA DR
FAIRFIELD OH 45014 3315

GENCORP PROPERTIES LLC
1160 BLACK RD
HAMILTON OH 45013 9607

JORGE PAREDES
127 JOSHUA CT
FLORENCE KY 41042

JOSE LUIS MACIAS
ALEJANDRA PIMENTAL
1270 LANE ST
HAMILTON OH 45011 3171

HINKEL AUTO & STORAGE
1341 MILLVILLE AVE
HAMILTON OH 45013 3990

JOHN A MALONEY
1389 SMITH RD
HAMILTON OH 45013 9627

MICHAEL RAY BOWMAN
1409 MAPLE AVE
HAMILTON OH 45011 4356

JAIME ORTIZ ARELLANES
MARIA GABRIELA FLORES FERNANDEZ
15 WACO WAY
HAMILTON OH 45015 1342

JEFFREY G PETERS
EDWARD DURHAM
1597 HINE RD
HAMILTON OH 45013 9595

JONATHAN R AND ANDREA N SEARS
1607 CEREAL AVE
HAMILTON OH 45013 2684

BRIAN NOBBS
1755 S ERIE HWY
HAMILTON OH 45011 4117

PYRAMID HILL SCULPTURE PARK & MUSEUM
1763 HAMILTON CLEVES RD
HAMILTON OH 45013 9601

GREEN & RUBY WOOLUM
1840 DARRTOWN RD
HAMILTON OH 45013 9379

JOHN JONES TR
1894 E GALBRAITH RD
CINCINNATI OH 45215

PAUL D RILEY
REGINA L HOLLANDSWORTH
1941 PARRISH AVE
HAMILTON OH 45015 1250

GREGORY W & TRACY L DAVIS
1945 STILLWELL BECKETT RD
HAMILTON OH 45013 9316

LARRY MULLINS
2044 MINTON RD
HAMILTON OH 45013 4372

JEFF WOELLERT
2074 MILES RD
CINCINNATI OH 45231 2146

DURONNA AND MELVIN SMITH
2142 GARDNER RD
HAMILTON OH 45013 9321

LINDA SHEEHAN
2163 CANAL RD
HAMILTON OH 45011 2001

DEBRA K PRICE
218 S 8TH ST
HAMILTON OH 45011 3602

ROBERT D AND PENNYS DOWNARD
2371 MILLVILLE OXFORD RD
HAMILTON OH 45013 9145

OWENS & FAMILY ENTERPRISES LLC
26 LISA DR
HAMILTON OH 45013 1471

HORSEMEN ENTERPRISES LLC
% DUSTY BAKER
261 HEDGINGTON CT
HAMILTON OH 45013

HAMILTON AUTO WAREHOUSE INC
2701 SPRING GROVE AVE
CINCINNATI OH 45225

JAMES G & DONNA J HALL
290 NEW LONDON RD
HAMILTON OH 45013 3633

NORFOLK SOUTHERN COMBINED RAILWAY
TAXATION DEPARTMENT
3 COMMERCIAL PL BOX 209
NORFOLK VA 23510

ADA C KING
306 S 5TH ST
HAMILTON OH 45011 3608

EUGENE CHILDS JR
318 S 7TH ST
HAMILTON OH 45011 3615

DAVID R FROST
322 S 7TH ST
HAMILTON OH 45011 3615

RAFAEL F SALEM
3259 HOMEWARD WAY
FAIRFIELD OH 45014 4237

FREDERICK DIESBACH
3457 RADABAUGH RD
TRENTON OH 45067 2015

COREY R MITCHELL
3532 SNEAKVILLE RD
LAWRENCEBURG IN 47025 0708

JAMES M & JUDITH L WARGO
3692 DUST COMMANDER DR
HAMILTON OH 45011 5524

GREGORY S EDMONDS
3859 MILLIKIN RD
HAMILTON OH 45011 2295

701 MAPLE LLC
3933 JOCELYN DR
HAMILTON OH 45011 5686

WILLIAM BROWN III
401 HOME AVE
HAMILTON OH 45013 3469

JAMES A & RUBY L HADDIX
410 SW 14TH CT
OKEECHOBEE FL 34974

DEBBIE K ROBINSON
42 N 7TH ST Apartment 1
HAMILTON OH 45011 3513

LEONICIO BASTIDA
439 N FIFTH ST
HAMILTON OH 45011 4305

FU RUI PAN
4548 STONEHADEN DR
HAMILTON OH 45011 4316

BRUCE A & SANDRA L LEDGER
4855 GARVER ELLIOTT RD
OXFORD OH 45056 9013

KELLY & CARPENTER
ROOFING & METAL SHEET INC
507 MAPLE AVE
HAMILTON OH 45011 6021

SUSANA LOPEZ
5096 SHERRY LN
FAIRFIELD OH 45014 2493

NORMAN L JORDAN
515 S MARTIN LUTHER KING BLVD
Apartment 3
HAMILTON OH 45011 3279

JOSE MEZAVILLANUEVA
& MARIA GUADALUPE JACINTO
516 LUDLOW ST
HAMILTON OH 45011

ROSA M GONZALEZ BANEZCA &
RICARDO ANDRES UGAS GONZALEZ
516 NUNNER RD
MAINEVILLE OH 45039

P L CHERRENFRO SR
518 SYCAMORE ST
HAMILTON OH 45011 3668

MICHAEL W AND PAULINE L KOEHLER
5272 DEE ALVA DR
FAIRFIELD OH 45014 1543

DENNIS MICHAEL PETTYJOHN
540 LUDLOW ST
HAMILTON OH 45011 3646

TRINITY FELLOWSHIP OUTREACH
543 N 5TH ST
HAMILTON OH 45011 9999

MARK WELCH
5879 OWL NEST DR
WEST CHESTER OH 45069 4532

THANA Y ALJAFARI
5933 AMBASSADOR DR
FAIRFIELD OH 45014 4601

JOHN RIEBEL
6035 KYLES STATION RD
HAMILTON OH 45011 8419

IRON HORSEMEN MC HAMILTON INC
604 LUDLOW ST
HAMILTON OH 45011 3648

COOP DOG HOLDINGS LLC
6049 WINDING CREEK BLVD
HAMILTON OH 45011

WANDA WAGERS
608 LUDLOW ST
HAMILTON OH 45011 3648

MARTHA P REYES
612 LUDLOW ST
HAMILTON OH 45011 3648

JOSE D & ADRIANA REYES
616 LUDLOW ST
HAMILTON OH 45011 3648

JOSE AVALOS
618 SYCAMORE ST
HAMILTON OH 45011 3670

SERVE CITY
622 EAST AVE
HAMILTON OH 45011 3743

PAUL J & SHIRLEY A MUCKERHEIDE
6246 SHANNON DR
HAMILTON OH 45011 5130

DIANA & KENNETH W ARTHUR
626 CALDWELL ST
HAMILTON OH 45011 3636

ANNA PAYNE
630 CALDWELL AVE
HAMILTON OH 45011

JAIME HERMAN CHAVEZ
630 SYCAMORE ST
HAMILTON OH 45011 3670

SARAH JONES
638 SYCAMORE ST
HAMILTON OH 45011 3670

ALLIED PROPERTY MANAGEMENT LTD
639 HIGH ST
HAMILTON OH 45011 6004

GTO PROPERTIES LTD
639 HIGH ST
HAMILTON OH 45011 6004

DOCKSIDE DEVELOPMENT LLC
640 HERMAY DR
HAMILTON OH 45013 6066

DANIEL LARIOS
643 LUDLOW ST
HAMILTON OH 45011 3647

DANIEL D MCKINNEY
DDM PROPERTY MANAGEMENT LLC
7015 RED ASH CT
HAMILTON OH 45011 5673

LMC PROPERTY MANAGEMENT II LLC
7015 RED ASH CT
HAMILTON OH 45011 5673

DONALD & JUDITH E JENKINS
702 LUDLOW ST
HAMILTON OH 45011 2981

JANET CROSWELL
MELVIN BALDWIN
706 LUDLOW ST
HAMILTON OH 45011 3650

MARTHA ALVARADO RAMIREZ
720 SYCAMORE ST
HAMILTON OH 45011 3673

OSBECK INVESTMENTS LLC
725 HIGH ST
HAMILTON OH 45011 6006

HAMILTON REAL ESTATE
INVESTMENTS LLC
725 HIGH ST
HAMILTON OH 45011 6006

GREGORY J SCHWEGMAN
7250 WYANDOT LN
LIBERTY TOWNSHIP OH 45044 9640

HOWARD RUSSELL
726 LUDLOW ST
HAMILTON OH 45011 3650

GREGORIO ALMARAZ
727 LUDLOW ST
HAMILTON OH 45011 3649

ASHLEY M BAUER
733 LUDLOW ST
HAMILTON OH 45011 3649

BURL J SPIERS
736 LUDLOW ST
HAMILTON OH 45011 3650

GREGORY W & TRACY L DAVIS
737 MAPLE AVE
HAMILTON OH 45011 6023

LUIS M CORNIEL
744 LUDLOW ST
HAMILTON OH 45011 3650

NEFTALI ESAU ROBLERO
8000 PUTTING GREEN LN
WEST CHESTER OH 45069 1733

ARTHUR GENTRY
805 MAPLE AVE
HAMILTON OH 45011 6025

CERTIFIED OIL CORPORATION
949 KING AVE
COLUMBUS OH 43212

NEW LIFE SERVANT INVESTMENTS
PO BOX 119
MONROE OH 45050 0237

ARISTOCRAT REALESTATE LLC
PO BOX 13010
HAMILTON OH 45013 0128

ANDREW G CRAWFORD II
PO BOX 13289
HAMILTON OH 45013 0350

HAMILTON AUTOMOTIVE WAREHOUSE
ATTN TOM FRANK
PO BOX 14240
CINCINNATI OH 45250 0240

DARRELL E STONE TR
PO BOX 18064
FAIRFIELD OH 45018

ROCKFORD PROPERTIES LLC
PO BOX 18064
FAIRFIELD OH 45018 0179

RUSSELL O AND LOUISE G
CALDWELL
PO BOX 187
PITTSBURG KY 40755 0187

CB PROPERTIES OF HAMILTON LLC
PO BOX 957
MIDDLETOWN OH 45042

KOI Enterprises INC.
2701 Spring Grove Ave
Cincinnati, OH 45225

Kevin Marino
3600 Millikin Road
Hamilton, OH 45011



For the Planning Commission Meeting of February 6, 2017

To: Planning Commission
From: John Creech
Subject: AGENDA ITEM #2
Request to vacate a portion of Magnolia Street, situated in the Second Ward, City of Hamilton, Butler County, Ohio (City of Hamilton, Applicant).
Date: January 31, 2017

BASIC INFORMATION	
Project Name	Magnolia Street Vacation (Portion)
Applicant/Property Owner	City of Hamilton, Ohio
Architect/Engineer/Consultant	N/A
Size of Property (area of street to be vacated)	Approx. 3,280 sq.ft. (205'x16')
Current Zoning	DT-2 Downtown Support District
Proposed Zoning	N/A
Comp. Plan Land Use Designation	Mixed Use

ADJACENT LAND USE/ZONING INFORMATION		
<i>Direction</i>	<i>Land Use</i>	<i>Zoning</i>
North	Vacant	DT-2 Downtown Support District
South	Surface Parking	DT-2 Downtown Support District
East	Commercial	DT-2 Downtown Support District
West	Commercial	DT-2 Downtown Support District

ZONING/DIMENSIONAL INFORMATION		
	Minimum Required	Existing
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	Ord. No. 167.07	See Below

BACKGROUND INFORMATION

The City of Hamilton has submitted a request to vacate a portion of Magnolia Street that runs between Riverfront Plaza to the west and North 2nd Street to the east. The portion of Magnolia Street proposed for vacation will be used for the furtherance of economic development efforts within the downtown business district. The vacated portion of Magnolia Street will be incorporated into an economic development project at 115 Dayton Street to create new mixed-use project consisting of residential dwelling units and commercial uses. The abutting property owners are aware and in support of the proposed street vacation.

Property owners within 200 feet of the subject property were notified by mail of the public hearing. No objections were noted prior to the drafting of this memo.

PLAN/PROPOSAL ANALYSIS

1. **Zoning** – Property that abuts the subject street on the north is zoned DT-2 Downtown Support District and property to the south is currently zoned DT-2 Downtown Support District. – No change in zoning is proposed.
2. **Setbacks** – N/A
3. **Parking** – N/A
4. **Land Division** – N/A
5. **Landscaping** – N/A
6. **Lighting** – N/A
7. **Interdepartmental Review** – The petition for street vacation has been reviewed and approved by the City of Hamilton Interdepartmental Review Committee.
8. **Other** – This request has been advertised as a public hearing.

PROPOSED STREET VACATION

The City of Hamilton has submitted a request to vacate a portion of Magnolia Street that runs between Riverfront Plaza to the west and North 2nd Street to the east. The portion of Magnolia Street proposed for vacation will be used for the furtherance of economic development efforts within the downtown business district. The vacated portion of Magnolia Street will be incorporated into an economic development project at 115 Dayton Street to create a new mixed-use project consisting of residential dwelling units and commercial uses. The abutting property owners are aware and in support of the proposed street vacation.

The proposed street vacation has been reviewed and approved by the City of Hamilton Interdepartmental Review Committee.

Public Hearing notices were mailed to all adjacent property owners within 200 feet of the right-of-way subject to vacation. No objections to the proposed street vacation were received.

RECOMMENDATION

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

That the Planning Commission approves the proposed Magnolia Street vacation, subject to conditions, and recommend that City Council adopt the necessary legislation to vacate a portion of Magnolia Street, situated in the Second Ward, with the following recommendations:

1. That the City Council waive its right to a hearing before the Board of Revisions and Assessments because the petition for vacation has been submitted by the City of Hamilton; and,

2. That City Council waive the requirement for an Appraisal of the property to be vacated because the petition for vacation has been submitted by the City of Hamilton; and,
3. The City Council waive the customary two-thirds payment of the appraised value of the vacated property because the petition for vacation has been submitted by the City of Hamilton; and,

EXHIBITS

1. Public Hearing Notification Map
2. Petition for Vacation

COPIES PROVIDED TO:

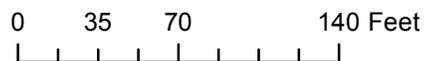
Rich Engle, Public Works

Magnolia Street Vacation
PUBLIC HEARING MAP



City of Hamilton, Ohio

 Portion of Magnolia Street Proposed for Vacation





January 11, 2017

Honorable Mayor Moeller and Members of City Council
City of Hamilton

RE: Vacation of a portion of Magnolia Street

Dear Honorable Mayor Patrick Moeller and Members of the City Council:

The Public Works Department respectfully requests vacation of a portion of Magnolia Street between Riverfront Plaza and North Second Street as shown on attached aerial map immediately following this document.

In furtherance of economic development efforts within Downtown Neighborhood (Central Business District) and nearby German Village, it is desirable to vacate this portion of existing Magnolia Street to allow for lot combination and redevelopment opportunities.

Any such vacation will be subject to either relocation of existing utilities or continuance of any existing utility easements that are presently located within the right-of-way. Staff will investigate and determine the preferred alternative for each utility. The second attached aerial map shows the existing utilities located within Magnolia Street right-of-way.

If you have any questions, please contact me at 785-7273. Thank you.

Respectfully,

A handwritten signature in blue ink, appearing to read "Richard A. Engle".

Richard A. Engle, P.E.
Director of Public Works/City Engineer



City of Hamilton, Ohio City of Hamilton, Ohio

The information contained in this map is a public resource for general information and is provided for use only as a graphical representation. The City of Hamilton makes no warranty to the content, accuracy, or completeness of the information contained herein and assumes no liability for any error. Any reliance on this information is the exclusive risk of the user.



Date: 12/22/2016

1 inch = 70 feet



Utilities

City of Hamilton, Ohio
City of Hamilton, Ohio



Date: 12/22/2016
 1 inch = 35 feet

The information contained in this map is a public resource for general information and is provided for use only as a graphical representation. The City of Hamilton makes no warranty to the content, accuracy, or completeness of the information contained herein, and assumes no liability for any errors. Any reliance on this information is the exclusive risk of the user.



January 11, 2017

City Planning Commission
One Renaissance Center
345 High Street
Hamilton, OH 45011

To Whom It May Concern:

I am writing to notify you that Mr. Tom Alf will be the Board of Education's appointment on the City Planning Commission. The Board of Education appointed Mr. Alf at their January 10, 2017 regular meeting.

Mr. Alf's contact information is as follows:



JAN 19 2017 AM 9:56

If you need further information, please feel free to contact me.

Sincerely,

Robert A. Hancock

Robert A. Hancock
Treasurer

RAH/seh

cc: Mr. Tom Alf

533 Dayton Street, P.O. Box 627
Hamilton, OH 45012
513-887-5000
513-868-4475 Fax

Robert A. Hancock
Treasurer