

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:

1 Public Hearing

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. August 1, 2016

Alf	Belew	Horsley	McAllister	Moeller	Samoviski	Smith

2. August 15, 2016

Alf	Belew	Horsley	McAllister	Moeller	Samoviski	Smith

Old Business: None

New Business:

Agenda Item #1- Public Hearing

Request to rezone 759 Park Avenue (City Lot No. 6531), located in the City of Hamilton, First Ward North Side, from R-1 Single Family Residential District to R-2A Two Family Residence District. (Laming Properties, Applicant/Owner)

Staff: Meredith Murphy

Alf	Belew	Horsley	McAllister	Moeller	Samoviski	Smith



Reports:

1. Verbal Report on upcoming Architectural Design Review Board Meeting of September 6, 2016 – Staff: Meredith Murphy
2. Verbal Report on previous Board of Zoning Appeals Meeting of September 1, 2016 – Staff: Meredith Murphy
3. Verbal Report on previous Planning Commission cases in progress – Staff: Meredith Murphy

Adjournment:



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

With the absence of Mr. McAllister, the meeting was called to order at 1:30 by Mr. Samoviski.

Roll Call:

Members Present:

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

Members Absent:

Mr. Dale McAllister

City Staff Present:

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

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

1. **April 4, 2016** – Motion to approve by Ms. Horsley, 2nd by Mr. Belew. With all “ayes” to roll call vote with exception of Mr. Alf and Mr. Samoviski (abstained, not present for meeting), the motion was approved 4-0-2.
2. **April 18, 2016** - Motion to approve by Ms. Horsley, 2nd by Mr. Belew. With all “ayes” to roll call vote, the motion was approved 6-0.
3. **June 20, 2016** - Motion to approve by Ms. Horsley, 2nd by Mr. Belew. With all “ayes” to roll call vote, the motion was approved 6-0.

Old Business:

None

New Business:

Agenda Item #1 - Public Hearing

Staff: John Creech

Request by Allen Loudiy, for a Conditional Use to allow the establishment of an Automobile Service and Minor Repair facility to operate on the property zoned B-2 Community Business District located at 735 South Erie Boulevard. (Allen Loudiy, Owner/Applicant).

Introduction

This is a request submitted by Allen Loudiy, for a Conditional Use to allow the establishment of an Automobile Service and Minor Repair facility to operate on the property zoned B-2 Community Business District located at 735 S. Erie Boulevard as shown on the Exhibit A map, which is part of the board packet.

Mr. Creech shows the Public Hearing notification map with the subject property outlined, and goes through the zoning on adjacent properties.

The property is zoned B-2 Community Business zoning district (Exhibit B) and measures approximately 10,877 square foot property and is comprised of a single parcel (City Lot Nos. 27073). Automobile Service and Minor Repair facility uses are Conditional Uses in the B-2 Community Business Zoning District and require review by the Planning Commission (Section 1121.39.26) and approval by City Council.

Mr. Creech points out that while the minimum lot area for an Automobile Service and Minor Repair facility is 20,000 square feet, a zoning variance was approved by the Board of Zoning Appeals on May 5, 2016 to reduce the minimum lot size requirement from 20,000 square feet to approximately 10,900 square feet. Mr. Creech says that a copy of the letter of approval for the variance was attached for the Board.

Mr. Creech speaks about the current building on the lot, its size, the existing setback and the property line.

Mr. Creech says that the Applicant submitted a site plan and written description as part of their application, and he spoke about the Applicant's plan for customer parking. He said that there is an existing fence that runs along the south and west property line of the existing parking lot on the south side of the building that is proposed to remain.

He then showed the site plan, and said that the plan indicates that a ten (10') foot wide portion of the existing parking lot along the south property line will be removed and landscaping will be installed and seven (7) vehicular parking spaces will be created along the south wall of the existing building. He then showed a picture of the parking lot, and also showed a picture of the entry door on the back and two bay doors on the front of the property.

He says that the site plan indicates that an existing driveway will be utilized for vehicular access to the property from South Erie Boulevard.

Mr. Creech then shows a picture of the property which was taken by Staff of parking blocks on the property, says that there are currently no cars on the lot, and the blocks keep cars from pulling in.

He points out that there is no defined sidewalk area or any clearly defined curb along the frontage of the property similar to the automobile sales use across the street. He says that the curb is designed so that someone could just drive right over it.

He says that the building is set back 5-10', and that vehicles will actually have to drive in the right-of-way area in front of the building to get into the building for repairs. He said that he doesn't believe that the parking blocks were there before and that cars parked in the right-of-way.

Mr. Creech says that public hearing notices were mailed to the owners of 88 properties within 500 feet of the property in question. At the time of the hearing, there were two (2) phone calls were received in objection to the request (and one was followed up with an e-mail which was attached for the Board's review).

Mr. Creech then went over the application and site plan provided by the Applicant per Section 1155.30., and addresses the nine (9) review criteria. All information relative to this requirement was included in the packets provided for the members of the Planning Commission.

Mr. Creech then states that Section 1155.10.2 also states 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.

After consideration of the Conditional Use Review Criteria and the information provided by the applicant on the site plan and supporting material there is sufficient reason in the findings below to consider **Denial** of the Conditional Use.

Mr. Creech then goes over some of the points that the Applicant submitted on their application:

1. The "situation and conditions of the parcel" identified by the applicant in Parts A and B of attached Exhibit C (lot configuration i.e. shape, existing building) are an issue because of the proposed Conditional Use. The property is zoned B-2 and there are many other permitted commercial land uses in that zoning district that could be pursued by the applicant that are not "conditional uses".

The BZA granted a zoning variance to reduce the minimum lot size from 20,000 square feet; the property is 10,877 square feet for a use that the zoning ordinance requires to be a minimum of 20,000 square feet. The lot is 54 percent of the required lot size for the proposed Automobile Service and Repair facility. In addition, the existing building measures approximately 4,800 square feet which leaves approximately 6,060 square feet for vehicle parking. The existing building and the vehicular access to the building (garage doors) directly abuts the

public right-of-way. There is no clear demarcation between vehicular or pedestrian traffic in this public right-of-way area (which is approximately 28' 10" in width). The existing layout of the site, building configuration, limited on-site parking, and lack of defined curb, sidewalk, and curb lawn may encourage vehicles to pull directly from South Erie Boulevard into the front of the building and garage doors – creating a hazard to vehicular and pedestrian traffic in the 28' 10" wide public right-of-way area (see Exhibit D of Planning Commission packet).

2. The site plan indicates seven (7) spaces for vehicle parking for customers, employees, and parking for vehicles awaiting repair and/or pick-up after repair. The zoning code requires one (1) space for every 1,000 square feet of building area i.e. 5 spaces are required. This parking space calculation is based upon a generic commercial standard, and does not include a separate parking space calculation for an automobile repair use.

There is concern that given the size and placement of the existing building, vehicular access to the building directly from the public right-of-way and the few parking spaces provided, that the proposed Automobile Service and Minor Repair facility could be detrimental to the adjacent properties and impair the purposes of the zoning ordinance to project the public interest. If the seven (7) parking spaces are being utilized, vehicles accessing the property could be inclined turn directly from South Erie Boulevard to park in front of the building and garage doors because of the lack of defined curb and curb lawn which could create a hazard to vehicular and pedestrian traffic that traverse the right-of-way in front of the building (also Exhibit D).

Mr. Creech goes on to state that if the Planning Commission denies the proposed Conditional Use, the Department of Community Development recommends that the Planning Commission utilize the following motion:

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

- 1) The proposed use will substantially or permanently injure the appropriate use of neighboring property and will not serve the public convenience and welfare; and
- 2) The proposed use will not be harmonious with the existing or intended character of the general vicinity, and that such use will change the essential character of the same area; and

- 3) The proposed use will not have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding streets; and
- 4) The proposed use will be hazardous to or have a negative impact on existing or future neighboring uses; and
- 5) The proposed use will impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

Mr. Creech concludes his presentation by saying that the item was advertised as a public hearing. With no questions by members of the Planning Commission, the Public Hearing is opened.

First to speak was Mr. Jay Bennett, attorney for Mr. Loudiy. He gives the logistics and specifics of the building, and says that he doesn't believe that it is appropriate for any other use – it's an automotive garage. He says that it's completely screened on all sides, and shows the members of the Planning Commission what he is referring to on a large drawing of the property that he has brought. He also shows them the curb cut and bumpers on a photo that he has. He says that the operations and patron parking will be conducted inside the building; therefore, he doesn't believe that there should be an issue with the parking lot and spaces. He said that he believes that the size of the building provides a substantial "land use" benefit, in that most of the parking will be taking place inside the building, and basically that eliminates all of the "land use impact". He said that the parking spaces will be utilized by employees and any overflow patron parking. He also spoke about the large right-of-way, and said that it can be used to access both garage doors and allow entry and exit by vehicles without pulling out onto Route 4. He also gave what his solution is to the curb issue in the front of the business. He concluded by saying that his client is "trying to make something out of nothing", and to be "productive instead of non-productive".

Next to speak was Mr. Jonathan Wocher, Planner for McBride, Dale & Clairion. He spoke about the standards for approval and compared it to the staff report. He said that there are "use specific standards" and "general standards". He says that he believes that the proposed use complies with all of the standards with the exception of one (that being lot size), and that variance was approved by the BZA. He says that with that approval came certain guidelines, and he went through those. He believes that with that approval by the BZA, this application meets all 18 standards. With regard to the nine standards for general use, he believes that they also meet those. He then went through them, and gave the reasons why he believes the Applicant has met them.

Mr. Smith asked Mr. Wocher for clarification of the location of a barbershop that is nearby, asked what is located at 731 S. Erie, and Mr. Wocher answered him.

Mr. Wocher continued on with the list of “general standards”, and his client’s rationale for each answer. He said that he doesn’t believe that the Planning Commission should deny the application. Mr. Wocher then passed out a photograph that was taken the morning of the hearing to the members of the Planning Commission. He spoke to them about what they are seeing, and gave his proposal for the curb and curb cut issue. He concluded by saying that he feels like this is an application that can be approved, failure to approve it will really result in a lack of investment, and he expounded on that a bit.

Mr. Smith asked him if the Applicant has attempted to purchase more contiguous property to meet the 20,000 square feet standard. He goes on to say that for 52 years, the building was a TV repair shop; it wasn’t an automotive place until 2004. He says that he’s inclined to vote “no” against it because it needs to be 20,000 square feet. He says that he’s inclined to agree with staff suggestions, but would be open to consideration if there was an attempt to purchase contiguous properties to get them up to the 20,000 sq. ft. so that it would be a “permitted use” instead of a “conditional use”.

Mr. Wocher replied that he believed that it would still be a “conditional use”, and gave his reasoning for that answer. He says that he believes that they did what they needed to by getting a variance and they have met the minimum standard by way of the decision of the Board of Appeals. Mr. Smith said that he disagreed with Mr. Wocher’s opinion.

Mr. Alf said that he’s confused by the e-mail from the citizen who is concerned about a parking problem, because our current Applicant says that parking isn’t an issue. Mr. Wocher said that he believes that she is referring to the parking in the right-of-way and they are addressing that. He’s concerned that they are being punished for issues that have happened with the previous user of the property.

Mr. Samoviski asked Mr. Creech if he knew who sent the e-mail and what her address was. Mr. Creech replied that he wasn’t sure, but he believes that she lives on 14th Street. Mr. Creech did clarify that the e-mail was referring to the previous owners of the business that had been an issue, not these owners. Mr. Wocher talked about the fact that when you are on site, it feels like part of an abutting parking lot belongs to the current owner, but it does not.

Mr. Smith asked if the lot was 20,000 square feet, would they have had to apply for a variance, and Mr. Creech replied that they probably would not have, depending on the site plan that they submitted, and they had a bit more conversation about that.

Mr. Bennett re-addressed the Planning Commission and said that he believes that once a variance is granted, that becomes the standard for that particular piece of property.

With no further comments from the audience, Mayor Moeller made a Motion to close the public hearing. With a 2nd by Mr. Alf and all “ayes”, the public hearing was closed.

Mr. Smith made a Motion to recommend denial of the Conditional Use to the City Council based on the consideration of the site plan, written description provided by the applicant, findings, and review of the Conditional Use Review Criteria – General Standards #2, #3, #5, #7, and #9, with a 2nd by Mr. Alf.

Mr. Belew asked how long the building had been vacant, and Mr. Bennett replied that it's been vacant since approximately June 15, 2016. Mr. Smith asked for clarification as to what the building was used for between the times that it was purchased in November of 2015 and vacated in June of 2016, and Mr. Bennett said that it was an auto detailing shop.

With a roll call vote of 6-0, the Motion to deny the request was passed. Mr. Creech advised the Applicant that the first reading of the recommendation to deny will be August 24, 2016, the 2nd reading will be September 14, 2016, and that anyone interested may speak to Council during the "audience of citizens" on those dates.

Agenda Item #2 - Public Hearing

Staff: John Creech

Request by Hamilton City School District, for a Conditional Use to allow the establishment of an Institutional Use i.e. public education facility on property zoned R-4 Multi-Family Residence District located at 140 Ross Avenue (Hamilton City School District, Applicant)

Introduction

This is a request submitted by the Hamilton City School District (HCSD) for a Conditional Use Request to establish an Institutional Use i.e. public educational facility on property located at 140 Ross Avenue (Exhibit A). "Institutional Uses" are defined to include public education facilities. The property is zoned R-4 Multi-Family Residence District and is located within the boundary of the Rossville Historic District.

Mr. Creech shows the public hearing notification map with the property outlined in red, and says that the properties to the north are zoned MS-1 Main Street Core District, the properties to the west are zoned R-4 Multi-Family Residential, the properties to the south are zoned R-4 Multi-Family Residential, and to the east is MS-2 South B Street District.

The property is comprised of two (2) separate parcels, including a portion of a vacated alley that measures approximately one (1) acre. Within the R-4 Multi-Family Zoning District, "Institutional Uses" require Conditional Use review by the Planning Commission, (Section 1118.32) and approval by City Council.

Mr. Creech summarizes the Proposed Project Description as presented in the Commission packets, including the proposal for student parking, the proposed school bus route, and the proposed student drop off area. He says that there are 51 parking spaces associated with the site, and went over what the school district proposes to do with respect to parking for staff, students, and ADA parking. He says that the north side of the alley was actually subject to a vacation petition earlier in the year, but it is no longer moving forward. Mr. Creech then shows a map with the proposed "bus drop off" plan, and goes over the specifics of it.

Notification

Public Hearing Notices were mailed to the owners of 58 properties within 500 feet of the property in question. At the time of the hearing, were no objections expressed to the proposed conditional use 140 Ross Avenue.

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 says that all of the information required by Section 1155 with regard to the site plan and written description has been received and is included in the Commission Packet for their review.

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 in Section 1155.30.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)

Mr. Creech then addressed an e-mail that was circulated with regard to “Institutional use”, and the findings of Staff to said inquiries.

He speaks about a requirement of the Ohio Schools Commission regarding recommended lot size for a high school, and how that would apply to this application.

He then goes over site plan proposals with regard to parking for employees and students, landscaping, and the plans for the exterior of the building.

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.

If the Planning Commission approves the request for a Conditional Use submitted by the HCSD to allow the establishment of an Institutional Use i.e. public education facility, 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 conditions of approval:

- 1) Bus Routes for student discharge: Park Avenue west on North C Street cross Main Street to South C Street left into alley behind 140 Ross Avenue.
- 2) School Resource Officer to be on-site during school hours.
- 3) Changes in signage or building exterior (design, color, etc.) to be reviewed by Architectural Design Review Board (ADRB).
- 4) Landscaping Plan to be submitted for site (identify existing, and any new plantings proposed). Note that landscaping is to be maintained in good condition and replaced as necessary, and any landscaping plan is to be reviewed by Municipal Arborist.
- 5) Any dumpster(s) to be enclosed in structure to match principal building.
- 6) 30 on-site parking spaces are required per zoning (1 space for every 5 classroom seats – $150/5=30$). Site plan to indicate staff, student, and visitor parking.
- 7) All student parking to be provided on-site.
- 8) On-site parking will be available for public parking after 5PM unless needed for school function.

- 9) 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, signage, pavement surfaces, and parking lot striping, etc.)
- 10) City will be notified if any new activities are proposed, not originally stated in the application, will be conducted in the facility.
- 11) The HCSD agrees to not object to the issuance of a State of Ohio liquor permit associated with a City of Hamilton supported development or redevelopment project within a 500 foot vicinity of 140 Ross Avenue. He indicates to the Planning Commission that this condition is in there due to possible development/establishing of restaurants in that area, and the School Board is agreeable to said condition.

Mr. Creech added that he would like the Commission to consider adding an additional condition as #12 (put on all Conditional Uses), which is that the construction drawings for the proposed work to be revised are subject to any future requirements of the City Interdepartmental Review (IDR) Committee upon review.

Mr. Creech concluded by saying that this item was advertised as a Public Hearing. With no discussion by the Board, Mr. Samoviski asked for audience members who wished to speak.

First was Mr. Larry Knapp, Business Manager for the Hamilton City School District and also the Applicant. He said that they feel that this type of facility can provide good services to the students and to the community. He gave a brief summary of the reason for the facility, why it is beneficial, how the internal operations of the School district will benefit, how the day to day operations will work, and how the drop off process will work.

There was then a brief question and answer session between Mr. Knapp and the members of the Planning Commission (with the exception of Mr. Alf who is on the School Board), regarding the number of students who could attend, a profile of the students that will attend, the types of classes that are offered, the hours that the school resource officer would be needed, and when the parking lot would be available as a public parking lot for citizens. It was suggested and agreed that Condition #8 would be amended to say that it will be available, except when it is needed for school functions.

Mr. Dingeldein spoke next. He said that as a resident of the Rossville district, he is in support of the use of the building as applied for, and gave the reasons for his support. Speaking as a CORE fund director, he said that he believes that the alley vacation has taken place, and that they have a contract ready to go out for bid for the work. He went on to give a summary of how that would change the specifics of Conditions #1 as listed, and said that given those specifics, he believes it should be amended to allow off street drop off from their buses.

With no further discussion by the audience, Ms. Horsley made a Motion to close the Public Hearing. With a 2nd by Mayor Moeller and all “ayes”, the Public Hearing was closed.

Mr. Smith made a Motion to approve the Conditional Use as presented with conditions as recommended by Planning; Condition #1 being amended to say that “bus drop off for discharge will happen on school property”; Condition #2 to be amended to say that a “school resource officer shall be on site during school hours” (a minimum of 7:30 am-2:30 pm to accommodate whatever school hours are); and Condition #8 to be amended to say that on-site parking will be available for public parking after 5:00 p.m. Monday-Friday and during weekends unless needed for school functions. With a 2nd by Ms. Horsley (and with the addition of Condition #12 as provided earlier by Staff), and roll call vote of 5-0-1 (abstain by Mr. Alf), the Motion passes. Mr. Samoviski thanked the Applicant and wished him good luck.

Mr. Creech advised the Applicant of the dates of the readings for City Council, and encouraged them to attend and speak in the audience of citizens.

Agenda Item #3 - Public Hearing

Staff: John Creech

Request to Vacate a Portion of the Bender Avenue Alley, located in the Fifth Ward, City of Hamilton, Butler County, Ohio (Marcell’s Inc., Applicant)

Background Information

Mr. William Burchfield of Marcell’s Inc. has submitted a request to vacate a portion of the Bender Avenue Alley that runs east/west between Harmon Avenue and Mosler Avenue. The portion proposed vacation is located in the block bounded by Mosler Avenue to the west, Grand Boulevard to the south, Harmon Avenue to the east, and Bender Avenue to the north. The Burchfield family owns the three (3) properties that abut to the subject alley. Marcell’s Inc. (vehicle towing & impound lot) abuts the alleyway.

The subject alley is approximately 12 feet in width and 188 feet in length. There are no utilities located within alleyway. The proposed alley vacation has been reviewed and approved by all City of Hamilton Departments through Interdepartmental Review.

Property owners within 200 feet of the subject property were notified by mail of the public hearing. There was one phone call for clarification of information, but no objections were received as of the hearing.

Mr. Creech advised the Planning Commission that the property that abuts the subject alley on the north is zoned I-1 Industrial District, property to the south is currently zoned I-1 Industrial District, and no change in zoning is proposed at this time.

Recommendation

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

That the Planning Commission approves the proposed alley vacation, and recommend that City Council adopt the necessary legislation to vacate a portion of the Bender Avenue Alley, located in the Fifth Ward South Side, City of Hamilton, Butler County, Ohio.

Mr. Creech concluded by saying that this hearing was advertised as a Public Hearing.

Mr. Scharf advised that the members of the Planning Commission that while there has been Health Department issues with the Applicant and subject property in the past, there are currently no violations.

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

Mr. Belew made a Motion to approve the request as presented. With a 2nd by Mr. Smith and roll call vote of 6-0, the Motion passes.

Reports:

Mr. Creech advised that both the ADRB meeting of 8/2/16 and the BZA meeting of 8/4/16 were cancelled due to no new cases.

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

1. 200 & 218 Brookwood Ave – Rezoning – 2nd Reading August 10, 2016
2. Draft AFH Plan – Approved July 27, 2016
3. Zoning Code Amendment – Exempt Signs – 2nd Reading August 10, 2016
4. Zoning Code Amendment – COA Fees – 2nd Reading August 10, 2016

Lastly, Mr. Creech advised that the next Planning Commission meeting is set for August 15, 2016, and he gave the specifics of the two items that had been received to date.

Adjournment:

Mayor Moeller made a Motion to adjourn. With a 2nd by Mr. Belew and all “ayes”, the meeting was adjourned.

Respectfully submitted,

Ms. Kim Kirsch
Administrative Assistant

Mr. Eugene Scharf
Secretary

Mr. Mike Samoviski
Acting Chairman

DRAFT

**WRITTEN SUMMARY
PLANNING COMMISSION
MEETING MINUTES
Monday, August 15, 2016
1:30 p.m.**

With the absence of Mr. McAllister, the meeting was called to order at 1:30 by Mr. Samoviski as Acting Chairperson.

Roll Call:

Members Present:

Mr. Tom Alf, Mr. Dave Belew, Ms. Teri Horsley, Mayor Pat Moeller, and Mr. Mike Samoviski. Mr. Dale McAllister arrived at 1:31 and assumed role as Chairman.

Members Absent:

Mr. Joshua Smith

City Staff Present:

Mr. Eugene (Bud) Scharf, Ms. Meredith Murphy, Mrs. Heather Hodges, Ms. Kim Kirsch, Mr. Ed Wilson, and Ms. Kathy Dudley (Assistant Law Director). Mr. John Creech was not present.

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: Meredith Murphy

Request to Amend the Final Development Plan for the former Eden Lakes Development (proposed Hamilton Commons Senior Living) – located on City Lot No. ENT 29176, comprised of +/-35.2 acres, situated west of Gardner Road and north of Eden Park Drive - (McBride Dale Clarion/Clover Development, Applicant/Owner)

Introduction

An application has been submitted by McBride Dale Clarion on behalf of Clover Development for Planning Commission review of an Amendment to the Final Development Plan for Development formerly known as Eden Lakes Development. The property is comprised of approximately 35.19 Acres and is situated on the north east corner of Eden Park Drive and Gardner Road. The current zoning on the property is RPD – Residential Planned Development. RPD zoned properties require a public

hearing and Planning Commission review. The name proposed for the Amended Development Plan is Clover Senior Residential Development. This application includes a Major Revision to a Final Redevelopment Plan to allow the construction of 119 unit residential unit development for senior living to be located at 1676 Eden Park Drive.

Ms. Murphy then showed a map with the subject property outlined in red, and continued on with the following background information:

On July 25, 2016 an application was submitted. The applicant is proposing 115 two bedroom units and 4 one bedroom units (for a total of 119 units) to be located on the site in one building. There are also four (4) buildings which house enclosed garage spaces to be located to the north (to the rear) of the main building. The applicant has indicated that the development will only take place on 8.5 acres of the total 35.19 acres, leaving 26.7 acres of undeveloped land proposed as open space.

The subject 35.19 acre parcel is part of the former Eden Lakes Development that comprised approximately 70 acres comprised of three (3) parcels. According to Planning Commission records, the property was rezoned from R-4 Multi-Family Residential and B-2 Community Business District to RPD Residential Planned Development in 2001 in order to develop the site as a mixed residential community of single family homes and condominiums.

The Eden Lakes Development included 109 attached condominiums and detached single family homes. In November 2012, the Planning Commission reviewed and approved a Plan Amendment submitted by The Faith Pentecostal Church for the southern-most portion of the property that included the original clubhouse for the Eden Lakes Development. In November 2015, the Planning Commission reviewed and approved a Plan Amendment for a portion of the property for Miami University Student housing (condos and detached dwellings) submitted by Quest Holdings.

Ms. Murphy then goes over the Plan/Proposal Review as included in the Board Packet, summarizing Zoning, Setbacks, Parking, Access, Land Division, Phasing, Landscaping, Interdepartmental Review, a review of the minimum requirements for a major change to a Planned Development (Section 1118.170) and minimum threshold requirements for multi-family in RPD, and Public Hearing notification.

PLAN/PROPOSAL ANALYSIS

Section 1118.170 Minimum Requirements for Residential (RPD) Consideration:

The Amendment to the Former Eden Lakes Development Plan is considered a Major Change; therefore the requirements found in Section 1118.170 applicable to multi-family developments in the RPD zoning designation are applicable. The section establishes a the minimum threshold of Site Amenity and Open Space/Recreational Points that must be met for a development proposed in an RPD zone. The proposed development includes multi-family dwellings therefore it must achieve a minimum of 18 points.

Ms. Murphy goes over the points that the plan received. The rationale received by the Applicant (*in Italics*), was provided in the Planning Commission packet:

- 3** - Points for minimum of 5% passive open space in the project.
- 3** - Points for protection of existing environment, a large portion of the site.
- 1** - Point for Open space being located within ¼ mile radius of 75% of the proposed dwellings.
- 3** - Points for an eight (8) foot wide paved multi-modal path that transverses at least seventy five percent (75%) of the development.
- 3** - Points for features that include special designs such as but not limited to fountains, public art and water features.
- 3** - Points for development that includes a covered front porch minimum size (4' X 6') on all residential units.
- 5** - Points for a development that includes rear loaded garages on all residential units.
- 2** - Points for passive open space that is greater than 10% of the development area.

The applicant is proposing that 23 points are obtained based on a review of the plans submitted, with a minimum of **18** points required per Section 1118.170.

Ms. Murphy then goes over Section 1118.180, the Minimum Requirements for Multi-Family Development Consideration, and the requirements for same. She says that the Multi-family (3+ units) developments shall also achieve a minimum of 18 total points from the above Site Amenity list, and in addition shall meet at least 3 of the 4 requirements. She says that a review of the plans submitted indicates that all 4 of the 4 requirements above are met.

Ms. Murphy then goes over some of the specific areas which were addressed on the Plan/Proposal Analysis, and gives the specifics of them: Main Building, Garage Building, Parking/Access, Site Amenities, Landscaping/Screening (including one dumpster location, Lighting, Signage, and Ownership/Maintenance).

Ms. Murphy shows the Public Hearing map with the subject property outlined in red, and she went over the zoning of the abutting parcels. She then shows an aerial map with an overlay of their proposed site plan, as well as some of the renderings provided of the building and the elevation of the proposed garage (one of the four buildings), and gives the following recommendation:

If the Request to Amend the Final Development Plan for the Former Eden Lakes development is approved by the Planning Commission, Community Development Department Staff recommends that the Planning Commission approve the Request to

Amend the Final Development Plan for the Clover Senior Residential Development subject to the following conditions:

1. The construction drawings for the proposed work, including site/engineering plans, to be revised subject to any future requirements of the City Interdepartmental Review (IDR) Committee upon review.
2. Landscaping, site improvements, and all exterior finishes and other improvements be installed and maintained in good repair and replaced as necessary to remain in compliance with the approved Final Development Plan.
3. Should any drives become dedicated public streets, they will be constructed to meet City of Hamilton standards for public roadway construction including sidewalks five (5') feet in width on both sides of the street and dedicated as a public right-of-way.
4. All proposed landscaping item sizes to conform to the minimum size requirements found in Section 1111.10 of the Hamilton Zoning Ordinance.
5. The proposed dumpster enclosure is to be constructed of similar masonry materials that match the proposed buildings.
6. Decorative lighting will be required in the public Right of Way if existing historic- type light fixtures are proposed or replaced and will comply with City of Hamilton Electric Department standards.
7. Provide surety (performance bond or irrevocable letter of credit) to the City of Hamilton prior to occupancy for associated site improvements and amenities improvements based on Engineer's Estimate. Surety to be released two years from issuance of final certificate of occupancy.
8. Any proposed signage should be limited to monument type signage with monument base constructed of similar masonry materials that match the proposed buildings.

With no questions by the Board for Ms. Murphy, the Public Hearing is opened.

First to speak is Mr. Jonathan Woche of McBride Dale Clarion. He says that Ms. Murphy has summarized the project in great detail, and that they have been working with the Planning Staff on the site design, including building elevations. He said that they will comply with the Staff's recommendations for approval. He concluded by saying that he believes that it will be a quality development, and that Mr. Mark Branaman from Clover Development was also present if the Board had any questions.

There was then a brief discussion between the Board, Mr. Scharf, Mr. Woche, and Mr. Branaman regarding drainage issues and the proposed remedy for same, drainage ponds, the proposed number of parking spaces with relation to garages, type of materials to be used and design for the buildings, number of staff members present,

restrictions in place to ensure that it is only seniors living there, and what allowances there are to those restrictions.

Mr. Samoviski asked if it was market rate housing, and the answer was “yes”.

Next to speak was Sharon Mesler, 1840 Gardner Road. She said that she is not against the project, but she has concerns about the height of the proposed buildings, and about the drainage with regard to the watershed (“has to be protected”). She had a question about the setback (based on what was listed in the tax records), and that was answered by Ms. Murphy. She also had great concerns about the parking proposal and the number of proposed entrances and exits, and Mr. Wocher answered her questions.

Mr. Alf had a question about the activities for the residents and expressed concern that it could be an issue with the parking. Mr. Branaman replied that the activities are for the residents only, they are handled by staff already on site, and no visitors partake in those activities, so it should not impact the number of spaces needed.

Mrs. Mesler said that she is still concerned about the height of the building, the drainage, and their proposal for the number of parking spaces (she doesn’t believe that it will be adequate). She also stated that the City came in to put utilities in, knocked her fence down, undid the two drainage creeks and didn’t put the rock base back, thereby creating another draining issue.

Mr. Samoviski asked her if she had an easement there, and she said that she did not. He suggested that she contact Public Works. She said that she spoke to someone at the time and showed him the issue. He told her that they will address the problem, and she said that she’s confident that they will fix it.

She also is wondering why there is only one entrance for the amount of units planned, when Wish Village has entrance and exits on both sides. She said that she’s not sure that Gardner Road can handle all of the traffic. She stated that there are no storm sewers, and the storage units across the street have flooded twice since they’ve lived there. She and Mr. Samoviski then had a bit more conversation about where the creeks drain to, the culverts and storm drain systems, and the comprehensive storm water plan for the entire acreage.

She then asked why there is only one entrance, and Ms. Murphy answered that. She asked if they were going to widen Gardner Road, and Ms. Murphy answered that.

Mr. Richard Mesler, 1840 Gardner Road, then spoke about his concerns with regard to the garbage and dumpsters, and Mr. Branaman answered those (including a question with regard to a landscaping buffer).

Mrs. Mesler then spoke again with concerns of a three story building and what would happen if there were a fire in the proposed three story building (that the fire could land on their house).

Mr. Samoviski then advised Mrs. Mesler that if they have issues with settlement on the road, she would need to contact the Butler County Engineer's office. Mrs. Mesler then had one more question about what the developer was going to do with regard to debris and dust coming over onto their property, and Mr. Branaman answered that.

Mr. Belew asked if we knew how many apartments there were at Wish Village. Mrs. Mesler said that their website says it's 156, but she counted and she thinks it's only 136.

With nothing further from the audience, Mr. Samoviski made a Motion to close the Public Hearing. With a 2nd by Ms. Horsley and all "ayes", the Public Hearing was closed.

Mr. Alf asked if there was a contingency plan in place if the parking became an issue and there wasn't enough. He said that he doesn't feel comfortable with people having to park on Gardner Road and walk, even if it's only one day a year that it's overcrowded (ie, Mother's Day).

Mr. Branaman answered that they would be happy to look at trying to put more parking spots in if that would make the Board more comfortable. There was also a question from Mr. Samoviski as to whether or not Clover provides transportation to the residents, and Mr. Branaman said that they haven't planned on providing one initially but if they find that there is the need, they will provide it.

Mr. Belew made a Motion to approve the request to Amend the Final Development Plan subject to the eight conditions as recommended. Mr. Samoviski gave a 2nd to the Motion, with a request that a condition be added that the plan include that parking be done per Hamilton Zoning Code Section 1137.28 (1.5 spaces per every dwelling).

There was then a discussion between the Board, Mr. Wocher, and Mr. Branaman, and it was concluded that the proposal would be changed to Clover providing the number of spots recommended per Hamilton Zoning Code Section 1137.28 (1.5 spaces per every dwelling unit) as Condition #9.

With a roll call vote of 6-0, the Motion passes and the request was approved as recommended with Conditions #1-9.

Mayor Moeller left the meeting at 2:20 for a Court hearing.

Agenda Item #2 - Public Hearing **Staff: Meredith Murphy**
Request to approve the Final Development Plan for a new Westover Retirement Community parking lot, located on City Lot No. 22049 and City Lot No. 22050, (Colonial Senior Services, Application)

Introduction:

Colonial Senior Services has submitted plans for Planning Commission review and approval of the Final Development Plan for a proposed parking lot expansion of Westover Retirement Community located on City Lot No. 22049 and City Lot No. 22050. The property is currently zoned RPD – Residential Planned Development. Parking lot uses are permitted in the RPD zoning district. RPD zoned properties require a public hearing and Planning Commission review of Preliminary and Final development plans for new developments. The Planning Commission recommended approval of the proposed rezoning and preliminary development plan on June 20, 2016 and City Council held a public hearing and reviewed on July 27, 2016.

The Westover Retirement Community was rezoned to RPD Residential Planned Development from R-4 Multi-Family Residential in 1992. The site was rezoned to allow a mix of different residential, nursing, preschool, fitness, general office and supporting facility uses on the property. Currently, the Westover Retirement Community contains 21 independent living units (built in the 1980s), and approximately 104 assisted living dwelling units and apartments (including various on-site amenities i.e. nursing, medical rehab, dining, preschool/daycare, and wellness center). In addition, there are currently 164 on-site parking spaces.

The request would allow for the construction of a permanent surface parking lot located on the two parcels that would serve the Westover Retirement Community. The subject properties are owned by Colonial Senior Services. The existing Westover Retirement Community site, located at 855 Stahlheber Avenue on approximately 11.7 acres and is currently zoned RPD Residential Planned Development.

Ms. Murphy then goes over the Plan/Proposal Review as included in the Board Packet, summarizing Zoning, Setbacks, Parking, Land Division, Landscaping, Lighting, Interdepartmental Review, and Public Notification for the Public Hearing.

Ms. Murphy then shows a map with the subject property outlined in blue, and gives the following recommendation:

If the Final Development Plan is approved by the Planning Commission, Community Development Department Staff recommends that the Planning Commission approve the Final Development Plan for a new Westover Retirement Community parking lot subject to the following conditions of approval:

1. The construction drawings for the proposed work, including site/engineering plans, to be revised subject to any future requirements of the City Interdepartmental Review (IDR) Committee upon review.
2. All proposed landscaping item sizes to conform to the minimum size requirements found in Section 1110.20 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).
3. Landscaping, privacy fencing, fencing, parking lot surface, lighting, striping and other improvements be installed and maintained in good repair and replaced as necessary to remain in compliance with the approved Development Plan.

4. The six (6') foot vinyl privacy fence be extended along the south property line of 855 Stahlheber where it abuts 234 Brookwood Avenue.
5. The two lots (22049 & 22050) to be consolidated into the larger parcel through Lot Combination procedure.

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

Mr. Samoviski made a Motion to approve the request as presented, with the five conditions of approval as recommended. With a 2nd by Ms. Horsley and all “ayes” to roll call vote, the Motion is passed by a vote of 5-0.

Agenda Item #3

Staff: Heather Hodges

Request for Specific Approval to permit a Retail Use (Furniture Store) on property zoned BPD Business Planned Development located at 3105 Dixie Highway (Joel Tiberghien, Applicant)

BACKGROUND INFORMATION

Mr. Joel Tiberghien, representing Cambridge Real Estate Partners, has submitted an application for a Specific Approval to allow a Retail Use in the Business Planned Development (BPD) Zoning District. The proposed business is to be located at 3105 Dixie Highway, located in the Cambridge Plaza Development, which is a 12.8 acre parcel containing several businesses. The current zoning on the property is BPD - Business Planned Development. Section 1122.130 of the Hamilton Zoning Ordinance requires that the Planning Commission grant Specific Approval for the operation of Retail Use that is different (more intense) than retail uses permitted in the B-1 Neighborhood Business District. The proposed use, more specifically described by the Applicant as a Furniture Store (including a Showroom and Warehouse), would be located between St. Aloysius Forensics storefront and to the north and south of the existing Dollar General storefront, occupying two tenant spaces for a total of 37,962 square feet. Both tenant spaces associated with this request are currently vacant.

Mr. Tiberghien submitted the following description of the project:

“The proposed furniture store is intended to occupy 37,962 SF of the total 97,000 SF Cambridge Plaza property. The showroom will be located between St Aloysius-Forensics space and Dollar General. The showroom store will be approximately 18,000 SF with warehousing and shipping immediately to the west separated by a wall.”

This project description (along with the submitted plan showing the building layout and site plan) was attached for the Board’s review.

Mrs. Hodges then goes over the Plan/Proposal Review as included in the Board Packet, summarizing Zoning, Setbacks, Parking, Access, Land Division, Lighting, Landscaping, Interdepartmental Review, and Signage. She concludes by saying that this item did not need notification as a Public Hearing.

Mrs. Hodges then shows a map with the subject property outlined in red, the surrounding zoning, and gives the following recommendation:

If the request for Specific Approval to operate a Retail Use, a Furniture Store, in a Business Planned Development, located at 3105 Dixie Highway is recommended for approval by the Planning Commission, the Community Development Department Staff recommends that the approval be subject to the following conditions:

1. The construction drawings for the proposed work, including site/engineering plans, be revised subject to any future requirements of the City Interdepartmental Review (IDR) Committee upon review.
2. That Outdoor Sales not be permitted. All merchandise for sale must be located inside the building.
3. Proposed signage (permanent and temporary) shall comply with Section 1138.00 of the Hamilton Zoning Ordinance.

Mr. McAllister voiced a concern about the signage with regard to the property sitting so far off of the highway. Mr. Tiberghien said that they are landlord of the building and they will be in full compliance. He said that there is a pylon sign in the lot now.

Mr. Alf thanked Mr. Tiberghien for investing in the community.

Mr. Samoviski made a Motion to approve the request as presented, with the three conditions of approval as recommended. With a 2nd by Mr. Alf and all “ayes” to roll call vote, the Motion is passed by a vote of 5-0.

Agenda Item #4 - Public Hearing **Staff: Meredith Murphy**
Request by KHAN Signs Inc., to approve proposed wall signage on property zoned BPD Business Planned Development located at 1 North Brookwood Avenue. (KIMBEC Properties LLC/ KHAN Signs Inc., Owner/Applicant).

Introduction:

Khan Signs has submitted a request, on behalf of Kimbec Properties LLC, for a new wall sign at 1 N. Brookwood Avenue. The proposed sign is for Urgent Care of Hamilton office that is currently at the location. The proposed sign is a wall sign to be placed on the parapet of the building facing Main Street. The proposed wall sign is approximately 11.25 feet in width and 4.5 feet in height (approximately 50.6 square feet). The proposed sign will consist of Aluminum channel letters mounted to the building.

Since the property is located in the Hamilton West Shopping Center BPD zoning district it requires Planning Commission approval of the proposed wall sign. The proposed wall sign must also meet the adopted guidelines for the Hamilton West Shopping Center Signs, approved by the Planning Commission on September 6, 1966 which are as follows:

1. The signs should consist of only the name of the Store – no additional advertising messages should be conveyed
2. The horizontal Space occupied by the sign may not exceed 80% of the width of the parapet; the vertical distance occupied by the letters may not exceed 70% of the height of the parapet, unless it is a trademark.
3. Signs shall be placed not less than 12 inches above the pedestrian canopy
4. Store information signs are to be centered on the face of the parapet.

Since the proposed wall sign does not meet condition 2, the Planning Commission must approve the proposed wall sign in order for it to be erected on the building.

Ms. Murphy then shows a zoning map with the property outlined in red, as well as the properties surrounding the subject property, and gives the following recommendation:

If approved by the Planning Commission, the Department of Community Development recommends the following conditions of approval be associated with the request to erect a wall sign at 1 North Brookwood Avenue.

1. The construction drawings for the proposed sign to be revised subject to any future requirements of the City's Interdepartmental Review (IDR) Committee upon review.
2. That the proposed sign be maintained in good repair and repaired/replaced as necessary to remain in compliance with the Planning Commission approval.
3. Temporary signage shall comply with Section 1138.00 of the Hamilton Zoning Ordinance.

Ms. Murphy concludes by saying that there is no Public Hearing necessary for this item, so no notices were mailed out.

Mr. Samoviski made a Motion to approve the request as presented, with the three conditions of approval as recommended. With a 2nd by Mr. Belew and all "ayes" to roll call vote, the Motion is passed by a vote of 5-0.

Reports:

1. There is an upcoming Architectural Design Review Board meeting set for September 6, 2016. The meeting previously set for August 16 was cancelled due to no cases.
2. There is an upcoming Board of Zoning Appeals meeting set for September 1, 2016. There is one case on the agenda at this time for 1150 Hooven Avenue for a variance on lot size for an Automotive Repair Facility. If that variance is approved, it will then go before the Planning Commission for recommendation to City Council.
3. Verbal Report on previous Planning Commission cases in progress:

- 200 & 218 Brookwood Rezoning – Approved, Effective 9/9/16
- Exempt Signs Amendment – Approved, Effective 9/9/16
- COA Fees Amendment – Approved, Effective 9/9/16
- 735 S. Erie Blvd Conditional Use – First Reading 8/24/16; Second Reading 9/14/16
- 140 Ross Ave Conditional Use – First Reading 8/24/16; Second Reading 9/14/16
- Bender Avenue Alley Vacation – First Reading 8/24/16; Second Reading 9/14/16

Mr. Scharf commended Mrs. Hodges and Ms. Murphy for the fine job that they did on presenting at the meeting in Mr. Creech’s absence.

Adjournment:

Mr. Samoviski made a Motion to adjourn. With a 2nd by Mr. Belew and all “ayes”, the meeting was adjourned.

Respectfully submitted,

Ms. Kim Kirsch
Administrative Assistant

Mr. Eugene Scharf
Secretary

Mr. Dale McAllister
Chairman



For the Planning Commission Meeting of September 6, 2016

To: Planning Commission

From: Meredith Murphy

Subject: AGENDA ITEM #1

Request to rezone 759 Park Avenue (City Lot No. 6531), located in the City of Hamilton, First Ward North Side, from R-1 Single Family Residential District to R-2A Two Family Residence District. (Laming Properties, Applicant/Owner).

Date: August 30, 2016

BASIC INFORMATION		
Applicant/Property Owner	Laming Properties	
Architect/Engineer/Consultant	N/A	
Size of Property	0.172 acres – 7,500 square feet	
Current Zoning	R-1 Single-Family Residence	
Proposed Zoning	R-2A Two Family Residence	
Comp. Plan Land Use Designation	Residential	
Special Purpose/CRA	N/A	
ADJACENT LAND USE/ZONING INFORMATION		
<i>Direction</i>	<i>Land Use</i>	<i>Zoning</i>
North	Residential	R-1 Single-Family Residence District & R-3 One to four Family Residence District
South	Residential	R-1 Single-Family Residence District & R-3 One to four Family Residence District
East	Residential	R-1 Single-Family Residence District & R-3 One to four Family Residence District
West	Residential	R-1 Single-Family Residence District & R-3 One to four Family Residence District
ZONING/DIMENSIONAL INFORMATION		
	<i>Minimum Required</i>	<i>Existing</i>
Minimum Lot Area	7,000 sq. feet	7,500 sq. feet
Minimum Lot Width	55 feet	50 feet
Minimum Front Yard Setback	15 feet	15 feet
Minimum Side Yard Setback	5 feet with a sum of 15 feet	5 feet
Minimum Rear Yard Setback	10 feet	75 feet
Maximum Bldg. Height	2 ½ stories	2 stories
Other Requirements	N/A	N/A

BACKGROUND INFORMATION

Laming Properties has submitted an application for the rezoning of 759 Park Avenue (City Lot No. 6531). The property is currently zoned R-1 Single Family Residence District. The applicants are proposing a zoning change from R-1 Single Family



Residence District to R-2A Two Family Residence District. The property is currently being used as a duplex (see attached photographs). According to Butler County Auditor records the house was built in 1925. According to the Applicants, the reason for the rezoning request is to make the existing two-family dwelling a permitted use. Currently, the two-family dwelling is a grandfathered land use in the R-1 zoning district and allowed to continue as long as it remains and do not cease for more than six (6) months, per Section 1109.33 of the Hamilton Zoning ordinance. A two-family dwelling is not permitted in the R-1 Single Family Residence District but is a permitted use in R-2A Two Family Residence District

A total of one hundred and eighteen (118) public hearing notices were mailed to property owners within 500 feet of the subject property. At the time this report was written no calls were received from individuals requesting clarification of the request.

PLAN/PROPOSAL REVIEW

1. **Zoning** – There is one (1) parcel associated with this request. . The property is currently zoned R-1 Single Family Residence District. The applicants have indicated that they would like the property to comply with the appropriate zoning district and be able to sell, refurbish or rebuild which in its current zoning classification of R-1 would not be permitted. Section 1109.42 of the Hamilton Zoning Ordinance states that “Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.” The Planning Commission must hold a public hearing and review the rezoning application and forward a recommendation to City Council for final consideration.
2. **Setbacks** – There are no building or construction plans at this time.
3. **Parking** – There are no building or construction plans at this time.
4. **Land Division**- The current rezoning request is regarding one (1) parcel.
5. **Landscaping** – There are no building or construction plans at this time.
6. **Lighting** –There are no proposed changes to exterior lighting.
7. **Interdepartmental Review** – There are no current plans to review as part of the rezoning process. Should building plans be submitted for this site in the future they would be required to be reviewed and approved by the City of Hamilton Interdepartmental review and would have to adhere to all applicable building and zoning regulations.
8. **Other** – A total of one hundred and eighteen (118) public hearing notices were mailed to property owners within 500 feet of the subject property. At the time this report was written no calls were received from individuals objecting to the rezoning request.

PLAN/PROPOSAL ANALYSIS

Zoning- The property located at 759 Park Avenue is currently zoned R-1 Single Family Residence District. The area surrounding 759 Park Avenue is currently a mix



of R-1 Single Family zoning and R-3 One to Four Family Residence. The existing property has a total of approximately 50 feet of frontage along Park Avenue. There is one (1) parcel associated with this request.

Building- There is no proposed building or construction at this time. Any future development plans would go through the Interdepartmental Review process once plans are submitted. Any future building or development plans must adhere to all applicable building and zoning regulations.

RECOMMENDATION

The requested zoning change from R-1 to R-2A would not change the current use on the property. The requested zoning change would be a continuation of the abutting residential land uses, and zoning in the immediate area. This zoning change would permit the continuation and possible replacement of the existing home on this property.

The Department of Community Development recommends the following motion to rezone the subject property:

- 1) That City Council approve the rezoning of 759 Park Avenue (City Lot No. 6531) from R-1 Single Family Residence District to R-2A Two Family Residence District.

Attachments to this report include:

1. Public Hearing Notification Map
2. Zoning Map
3. Photographs of the Subject Property



759 PARK AVE.
PUBLIC HEARING MAP



City of Hamilton, Ohio

 759 Park Avenue

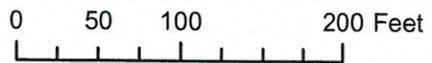
0 35 70 140 Feet



759 PARK AVE.
PUBLIC HEARING MAP



 759 Park Avenue



**759 Park Avenue Rezoning Request
Photographs of the Subject Property**

