

**WRITTEN SUMMARY
PLANNING COMMISSION
MEETING MINUTES
Monday, March 21, 2016
1:35 p.m.**

Roll Call:

Members Present: Mr. Alf, Ms. Horsley, Mr. McAllister, Mayor Moeller, and Mr. Smith

Members Absent: Mr. Belew, Mr. Samoviski

City Staff Present: Mr. Eugene (Bud) Scharf, Mr. John Creech, Ms. Meredith Murphy, 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. November 16, 2015 - Motion by Ms. Horsley, 2nd by Mr. Alf. With roll call responses of all "Ayes", the Motion passes (5-0), and the minutes are approved.
2. December 7, 2015 - Motion by Mr. Alf, 2nd by Mr. Smith. With roll call responses of all "Ayes", the Motion passes (7-0), and the minutes are approved.

Old Business: None

New Business:

Agenda Item #1

Public Hearing

Staff: Mr. Creech

Request to Rezone 200, 202, 204, 206 N. Dick Avenue and 770 Park Avenue (City Lot Nos. 6546, 6545, 6544, 16545, 27530 and 27531), located in the City of Hamilton, First Ward North Side, from R-1 Single Family Residential District to R-2A Two Family Residence District. (Pamela C. Lunsford, Donna M. Baden, Brenda S. Oliver, and Penny N. Jackson, Applicants).

Introduction:

BACKGROUND INFORMATION

Pamela C. Lunsford, Donna M. Baden, Brenda S. Oliver, and Penny N. Jackson have submitted an application for the rezoning of 200, 202, 204, 206 N. Dick Avenue and 770 Park Avenue. The properties are 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 properties are currently being used as duplexes (two-family dwellings) According to property records the three homes on Dick Avenue, 206, 204, and 202; were built in 1951 as duplexes. The house located at 770 Park Avenue was built in 1920 and is also currently being used as a duplex. The reason for the rezoning request is to make the existing two-family dwellings permitted uses. Currently, the two-family dwellings are grandfathered land uses and allowed to continue as long as they remain and do not cease for more than six (6) months, per section 1109.33 of the Hamilton Zoning ordinance. Two-family dwellings are not permitted in the R-1 Single Family Residence District but are permitted uses in R-2A Two Family Residence District.

On November 16th, 2015 the Planning Commission heard and denied a request to rezone the subject properties from R-1 Single Family to R-3 One to four Family Residence District. At that meeting the Planning Commission directed Community Development to create and propose a new Zoning Designation that would allow to two-family dwellings, but not three to four family. Community Development Department Staff presented that proposed zoning code amendment on December 7, 2015 to the Planning Commission. City Council approved the zoning amendment on February 10, 2016 and the zoning amendment became effective on March 11, 2016.

The applicants are now requesting to rezone their properties from R-1 to R-2A in accordance with the recently adopted zoning amendment that created the R-2A Two-Family zoning district.

A total of one hundred and twenty two (122) public hearing notices were mailed to property owners within 500 feet of the subject properties. Staff received several phone calls and e-mails in opposition to the request, and those were provided to the Board prior to the meeting.

Mr. Creech shows a map and points out the highlighted properties, and the areas zoned as R-3 and R-1. He points out to the Board that the new R-2A zoning district requires a minimum lot size of 7,000 square feet /3,500 square feet of lot area per dwelling unit, with a limit of two dwelling units per lot.

RECOMMENDATION

The requested zoning change from R-1 to R-2A would not change the current uses on these properties. The requested zoning change would be a continuation of the abutting residential land uses, and zoning in the immediate area. This change would permit the continuation and replacement of the existing homes on these properties as they were built.

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

- 1) That City Council approves the rezoning of 200, 202, 204, 206 N. Dick Avenue and 770 Park Avenue from R-1 Single Family Residence District to R-2A Two Family Residence District.

Lastly, Mr. Creech states that this was advertised as a Public Hearing. Mr. McAllister asks for anyone in the audience wishing to speak about the issue.

Mr. Tom Lunsford (Pamela's husband), spoke first. He stated that the property at 206 N. Dick has been in his family since it was built as a two-family (its entire existence). Presently, there are people living upstairs and downstairs. He said that they are not asking that anything be changed with regard to the property, other than the zoning code (from R-1 to R-2A).

Mr. McAllister asked Mr. Creech if the properties can continue to be zoned as R-1 if they are sold, and Mr. Creech said that it's his understanding that the lender on this particular property has asked for it be confirmed or zoned two-family before they would make a loan for it. He said that some lenders don't ask for the zoning in particular, sometimes they do, and this time they did. He said the fact that it's grandfathered in as R-1 goes with the property, providing nothing else changes. Mr. Smith said that in the community that he lived in prior, the banks would not make a loan if the zoning wasn't done correctly and once it changed ownership, he believed that it would revert back to the underlying zoning and the grandfathering would not go with the property. He asked for clarification by Ms. Dudley, and she said that she believes that since they were built as duplexes and there was no modification, they would be grandfathered in by Ohio Law. If they had been modified, that could be different but since they weren't, they would be grandfathered.

Mr. Robert Hoffman, 4333 Princeton Road, spoke next. He said that he owns a property adjacent to subject property since 1980, and he is in support of the rezoning from the R-1 to the R-2A.

Ms. Teresa Truitt, spoke next. She is the property owner of 207 Eaton Avenue (behind the subject properties on the alley). She said that she is asking the property owners to please be conscientious of whom they rent to, because of the property damage, vagrancy, loitering, car theft, and damage to vehicles all up and down the alley.

Ms. Brenda Oliver, 920 Cardome Drive, (property owner of 202 N. Dick) spoke next. She thanked the Board for their time and said that obviously the zoning code of 2016 is slightly different than the zoning code of 1950, which is why they are there and to make sure that it's done correctly. She said that the properties are unique, specific to the location, and she believes they are all extremely well maintained. She said that she has spent 30 years protecting the property rights of home owners in Hamilton (as a Realtor). She asked the Board to do the same by protecting the current property owners and the future generations.

Mr. Smith and Ms. Oliver then had a brief discussion where he asked for clarification by Ms. Oliver on her statement “protecting the property rights of current property owners” vs. current home owners that live in the properties, and she answered his question.

Mr. Lunsford spoke again in answer to the concern voiced by Ms. Truitt. He said that he had 17 applicants for the last rental, and gave the background of his newest tenant and current tenant (which were high credit scores and good jobs). He said that if there are any parties that go on, each one of the people on either side of 206 N. Dick notifies him. He said that he received notice of one party last summer. He addressed it with the tenant, and had no further incidents. He believes that it is an area in transition where there are people on outlying streets that either live there or are renting. He agreed with some of the problems that Ms. Truitt mentioned, but he doesn't believe it's anyone that is renting at the subject properties that are causing the problems (his car was vandalized also and tenants of his properties were upset).

Mr. Dennis Wittman, 501 N. Dick Avenue, spoke next, in favor of the request. He said that he's always considered the subject properties as the “gateway o Highland Park” and it's his opinion that Highland Park is really one of the “crown jewels” as far as neighborhood because of how it's platted its architectural history, and its diverse population. He said that this item caught his attention because he thinks that it cleans up an issue and prevents possible problems down the line. He then gave some history of how Hamilton developed after WWII (near Fairgrove Avenue, Vista Homes, Lindenwald) with regard to transitional properties being multi-family to single family. As a lawyer, he thinks it's good from a legal standpoint and protects the property owners.

Robert Hammons, 104 The Alameda (Middletown, Ohio), spoke next. He said that he owns property adjacent to the ones being discussed, and he supports the rezoning. He said that he doesn't see that it's going to change anything in the future; it will just clean things up. He said that although people attribute vandalism to rental properties, it happens in the higher priced neighborhoods also and sometimes it's kids, and not just “renters”. He said that they screen their tenants and they own several properties in Butler County. “No matter how much you check, if the tenants want to bring somebody “bad” in, they can. There is a way around everything.” He said that it sounds like the properties in question have been very well maintained for a long time, and he supports the proposed change.

Mr. Smith asked where the second entrance to the properties was (in addition to single front door and single walkway going up). Mr. Lunsford said that they have side door entrances. The front door entrance (is to the side of the property) and the side of the property has a 2nd door (that is for the upstairs). There is also an alternative that each side has for a key for the door to the rear of the property. There are two exits for each tenant. Staff brought up Google Maps Street View and Mr. Lunsford showed Mr. Smith what he was referring to.

Ms. Oliver said that for her properties, when you go into the front door, immediately to the left is the entrance to the 1st floor apartment and you have to go up the steps

(separate entrance) for the 2nd floor apartment. There is a door around the side which goes to the basement (also can be accessed through another door to either door). There are two separate entrances and exits at the back of the property. She said that the buildings haven't been altered at all, that is how they were built (to be duplexes).

Mr. Smith then asked Mr. Creech if Staff has copies of records that indicate that the properties were constructed as duplexes in the 1950's, and Mr. Creech replied that there are no records, except for a housing survey from 1952 that was done by a consultant that identifies it as a "two-family".

Mayor Moeller asked Mr. Creech when the notices were sent to the adjacent properties, and Mr. Creech said that they are sent a minimum of 10 days before the hearing. Mayor Moeller then asked how many phone calls Mr. Creech had received regarding this matter, and Mr. Creech replied that he had received 2 phone calls on the morning of the hearing. Mayor Moeller then asked if the Rhea Avenue address (717 Rhea – resident sent e-mail which is being made part of the minutes) was within 500 feet, and Mr. Creech said that it was.

With no further discussion by the audience, Mr. Alf made a Motion to close the Public Hearing, with a 2nd by Mr. Smith.

Mayor Moeller then says there was a lengthy discussion about this issue in a previous meeting, and while the proposal makes sense in certain areas of the city, he's concerned when a resident (Mr. Peter Chadwick) says that he didn't get a letter notifying him of the Public Hearing. He says that it's possible that the letter was sent, and the resident didn't get it for some reason. He says that he's concerned that someone who wanted to be at the meeting can't be. Mr. Creech verifies with Mayor Moeller that he's speaking of Mr. Chadwick, and that he received an e-mail just before coming to the meeting (it was presented to the Board for review prior to the meeting).

Mayor Moeller verified with Ms. Dudley that if the Planning Commission passes the request, the next step is City Council and she said that was correct. He then asked if the Charter states that a certain number of votes from Council are needed to pass it (5 votes instead of 4). She said that may hold true for an "Emergency vote", but she would research it. Mr. Creech then read the rules "In case the proposed amendment, supplement, or change be disapproved by the Planning Commission, such amendment shall not take effect unless passed by not less than three-fourths (3/4) of the full membership of the Council". Ms. Dudley advised the Board that said language would not apply if the zoning has already been changed, and there was a bit more conversation between the Board and Ms. Dudley regarding the matter.

Mr. Alf made a Motion to approve the request, with a 2nd by Mayor Moeller. Mr. Smith said that he wanted to explain why he would be voting against the request prior to doing so: He said that he will respect the fact that the properties are grandfathered in with the current use, but he will not accept the fact that the City has a growing number of rental properties within the community. He said that he's hearing very clearly from the

residents that they think that is the number one issue the City of Hamilton is facing today. Based on that, if it can be used as two-family currently, then he will support that continued grandfathered use. He cannot, however, support an actual structural rezoning of those properties when it just adds to a permitted use for more than one family.

Mr. McAllister called for a roll call vote. The Motion carried with a vote of 4-1 (Smith – no). Mr. Creech advised that the next step for this item is a Public Hearing at City Council on April 13, 2016.

Agenda Item #2

Public Hearing

Staff: Mr. Creech

Request to rezone 814-816 Park Avenue (City Lot No. 6551), located in the City of Hamilton, First Ward North Side, from R-1 Single Family Residential District to R-2A Two Family Residence District. (Robert Hoffman and Janet Hoffman, Applicant)

BACKGROUND INFORMATION

Mr. Robert Hoffman and Ms. Janet Hoffman have submitted an application for the rezoning of 814-816 Park Avenue. 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. According to Butler County Auditor records the house was built in 1920. 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.

Mr. Creech again shows a map with subject property, R-1 and R-3 zoning districts abutting on either side. He then shows a picture of the property looking at it from Park Avenue.

A total of one hundred and ten (110) public hearing notices were mailed to property owners within 500 feet of the subject property. Again, there were several phone calls and e-mails in opposition, and those have been submitted to the Board.

According to the Applicants, they received notice of the November 16, 2015 Planning Commission meeting where the request to rezone properties located at 200, 202, 204, 206 N. Dick Avenue and 770 Park Avenue to R-3 One to four Family Residence District was denied. They were aware of the R-2A zoning code amendment to create the two-family zoning district and have submitted an application to rezone their property from R-1 to R-2A to comply with the zoning.

Mr. Creech reiterated that the new R-2A zoning district requires a minimum lot size of 7,000 square feet /3,500 square feet of lot area per dwelling unit, with a maximum limit of two dwelling units per lot.

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 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 approves the rezoning of 814-816 Park Avenue from R-1 Single Family Residence District to R-2A Two Family Residence District.

Mr. McAllister than asked if anyone in the audience wished to speak on the matter.

First was Mr. Robert Hoffman, who is the owner of the property at 814 & 816 Park. He said that was a side-by-side duplex that was built that way in 1920. It has a front entrance, porches on the front and back, and entrances on the back. It's across the street from the church, and Mr. Lunsford's property is to the rear. He said that they are not planning on selling it, but he doesn't want to have a problem if they do decide to sell it in the future. He said that they have had tenants in the property for the better part of 26 years, and most of them have been good. He said that he polices the property often, and has never really had any problems. He said that he's an active landlord (there at least weekly to check property) and if there were problems with his tenants, he feels that the neighbors would let him know. The appraised value is similar to what the duplexes are, and it meets the square footage that is required.

Ms. Teresa Truitt, 207 Eaton, spoke again. She said that there has been trouble there, but her husband is a police officer and he makes arrests and takes away problems. She told Mr. Hoffman that they have taken people out of his garage that are smoking pot.

Ms. Brenda Oliver spoke again. She said if that had happened, she would be aware of it. She spoke of one of her tenants (has been there 15 years). She said that she has received no information with regard to any issues. She said that she walks by frequently, her family cuts the grass and if anything had happened there, she would know.

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

Mr. McAllister asked Mr. Creech where the duplexes start and where they end. Mr. Creech replied that there are approximately 998 two-family homes within the City of Hamilton (as far as Butler County Auditor is concerned), and the subject properties are part of those. They are scattered about the city, and can be a two-family surrounded by a single-family.

Mr. Scharf asked Mr. Creech if the properties on either side of the subject are zoned R-1 and Mr. Creech said that they were. Mr. McAllister asked if they were duplexes, and Mr. Creech replied that, to the best of the Staff's knowledge, they are single-family.

Mr. Alf made a Motion to approve the rezoning, with a 2nd by Ms. Horsley. With no further discussion by the Board, Mr. McAllister called for a roll call vote. The Motion carried with a vote of 3-2 (Moeller & Smith – no).

Agenda Item #3

Public Hearing

Staff: Mr. Creech

Request to Rezone 115 Dayton (City Lot No. 31128), located in the City of Hamilton, Second Ward, from B-3 Central Business District to DT-2 Downtown Support District. (City of Hamilton, Applicant)

BACKGROUND INFORMATION

The City of Hamilton is requesting to rezone 115 Dayton Street to encourage the future development of the site. The property is currently owned by the City of Hamilton and was acquired by the City of Hamilton as part of the Mercy Hospital closure and demolition. The property is currently zoned B-3 Central Business District and the proposed change is to DT-2 Downtown Support District, a form based zoning district similar to the surrounding zoning designation. The reason for the rezoning request is to allow for the possible future development of the site.

A total of twenty six (26) public hearing notices were mailed to property owners within 500 feet of the subject property. One telephone call was received in support of the proposed change.

Mr. Creech then shows a map with the subject property outlined in red (the old parking lot for Mercy Hospital). He points out that the change has always been in the Redevelopment plan by Towne Property (shows a plan that was prepared years ago envisioning RiversEdge, Amphitheater site, and this property as a mixed use/residential commercial area). He said that this rezoning will facilitate the City in achieving the type of development that they are looking at on that property.

RECOMMENDATION

The requested zone change from B-3 Central Business District to DT-2 Downtown Support District would be a continuation of the abutting DT-2 form based zoning district. The zoning change would allow future site development to match surrounding land uses

Sexual Encounter Establishment: A Sexual Encounter Establishment is a business or commercial establishment that, as one of its principal business purposes, offers for any form of consideration a place where two or more persons may congregate, associate, or consort for the purpose of engaging in specified sexual activities.

If approved, the new zoning definition for an “Adult Business” will read as follows with the addition of “Sexual Encounter Establishment”:

Adult Business: Any Adult Arcade, Adult Book/Video Store, Adult Cabaret, Adult Drive-in Theater, Adult Mini Motion Picture Theater, Adult Motel, Adult Motion Picture Theater, Massage Establishment, Nude Model Studio, *Sexual Encounter Establishment*, or any other business providing Adult Material, Adult Entertainment, or Adult Services. (OR 96-8- 85)

Adult Businesses will remain “Conditional Uses” within the City of Hamilton Zoning Ordinance to be reviewed by the Planning Commission and a recommendation to approve or deny would be forwarded to City Council for final consideration.

RECOMMENDATION

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

- 1) The Planning Commission recommends that City Council approves the request to amend the Zoning Ordinance of the City of Hamilton, Ohio regarding Adult Businesses encompassing Section 1108.00.

Mr. Creech said that this item was advertised as a Public Hearing.

With no input from the audience, Ms. Horsley made a Motion to close the Public Hearing. With a 2nd by Mr. Smith and all “ayes”, the Public Hearing was closed.

Mr. McAllister and Ms. Dudley had a brief discussion regarding the intent of the change, and what would be covered by same. Mr. Creech then gave several specifics with regard to conditional use for B-2, I-1 and I-2.

Mayor Moeller and Ms. Dudley again had a conversation about the next steps, should the request be approved or not approved.

Mr. McAllister made a Motion to accept the request as presented. With a 2nd by Mayor Moeller and all “ayes” by roll call vote, the Motion passes 5-0, and it is approved to go to City Council.

At 2:32 pm, Mr. Smith advised that he had to leave for an important conference call, but he is available to come back done if needed. He did say that he approves of all Staff Recommendations for the remaining items. Mr. Scharf also made the Board aware that the Mayor had an appointment at 3:00 that he will have to attend.

Agenda Item #5

Public Hearing

Staff: Mr. Creech

Request to Amend the Zoning Ordinance of the City of Hamilton, Ohio regarding the Industrial Planned Development (IPD) Zoning District (City of Hamilton, Applicant)

BACKGROUND INFORMATION

There are a number of land uses within the Hamilton Enterprise Park (HEP) ranging from office, industrial, transportation, manufacturing and health care. Tri-Health and Duke Realty own and operate the Tri-Health Bethesda Butler County Hospital on approximately 22 acres. The healthcare campus encompasses a full scale hospital, surgery, inpatient & outpatient care, 24-hour emergency department, imaging/radiology, infusion therapy, cancer Institute, digestive institute, heart institute, cardiologists and cardiac testing, surgical institute, physical therapy, mammography, sleep disorder center, laboratory services, and individual health care provider offices.

As part of the growing services located on the campus, Tri-Health from time to time offers “Addiction Medicine” services to individuals both on an inpatient and outpatient basis. “Addiction Medicine” is defined in Section 1108.00 of the Hamilton Zoning Ordinance as “The field of healthcare which addresses the needs of individuals addicted to substances of abuse, including alcohol, legal and illicit drugs and others. Addiction medicine may include but is not limited to: counseling, psychology, social work, psychiatry, internal medicine, and the administering of medication for treatment purposes.” (OR 2014-8-71)

Further, the Hamilton Zoning Ordinance explicitly prohibits the following uses from the IPD zoning district:

Alcohol and Drug Addiction Treatment Clinics & Facilities, Inpatient: shall mean any business, building, structure, or land used for the inpatient treatment, counseling, and administering of addiction medicine for recovery purposes. (OR 2014-8-71)

Alcohol and Drug Addiction Treatment Clinics & Facilities, Outpatient: shall mean any business, building, structure, or land used for the outpatient treatment, counseling, and administering of addiction medicine for recovery purposes. (OR 2014-8-71)

Therefore, the practice of “Addiction Medicine” associated with Alcohol and Drug Addiction Treatment both inpatient and outpatient at Tri-Health Bethesda Butler County Hospital is technically a violation of the Hamilton Zoning Ordinance. The amendment of the Hamilton Zoning Ordinance as outlined below would address the issue.

In addition, the City of Hamilton owns approximately 163 acres of vacant land within HEP and the current zoning prohibition severely restricts other health care and medical uses that practice Addiction Medicine in whole or in part as part of their health care and medical offerings.

Proposed Amendment:

The proposed zoning ordinance amendment will remove Alcohol and Drug Addiction Treatment Clinics & Facilities (inpatient & outpatient) from the list of prohibited uses in the Industrial Planned Development (IPD) zoning district. In addition, the amendment will create the following minimum zoning standards for land uses within the IPD zoning district for Alcohol and Drug Addiction Treatment Clinics & Facilities (inpatient & outpatient). The use(s) would have to still meet the minimum Industrial Planned Development (IPD) zoning standards as follows:

Minimum lot size: Ten (10) Acres

Use Setbacks:

1. Setback five hundred (500) feet from the boundaries of a parcel of real estate having situated on it a school, public library, public park, church, or religious institution.
2. Setback five hundred (500) feet of any business that serves and/or sells alcoholic beverages.

Mr. Creech shows the subject property on the map, and says that if Tri-Health ever wanted to expand, or if another medical service provider ever wanted to go in the Hamilton Enterprise Park, there would be a restriction against that.

Mr. Creech then advised that this item was advertised as a Public Hearing.

Mr. McAllister had a few questions regarding this item, and Mr. Creech answered those.

RECOMMENDATION

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

1. The Planning Commission recommends that City Council approve the request to amend the Zoning Ordinance of the City of Hamilton, Ohio regarding the Industrial Planned Development (IPD) Zoning District.

With no audience members wishing to speak on this issue, Ms. Horsley made a Motion to close the Public Hearing. With a 2nd by Mr. Alf and all “ayes”, the Public hearing was closed.

Mr. Alf made a Motion to accept the amendment as proposed. With a 2nd by Ms. Horsley and all “ayes” by roll call, the amendment is approved by a vote of 4-0.

Agenda Item #6

Staff: Mr. Creech

Request to approve proposed free standing signage on property zoned BPD Business Planned Development at 75 North Brookwood Avenue. (Randy Adams, Applicant).

BACKGROUND INFORMATION

Randy Adams has submitted a request, on behalf of Somerville National Bank, for a new free standing sign at 75 N. Brookwood Avenue. The proposed sign is for a Somerville National Bank office that is currently at the location. The proposed free standing sign is approximately 6 feet in width and 4 feet in height. The proposed sign will consist of a treated wood frame with stucco exterior finish, using PVC panels for text and logo. The sign will include blue lettering and trim and beige type exterior finish colors.

Since the property is located in the Hamilton West Shopping Center BPD zoning district it requires Planning Commission approval of the proposed free standing sign. The proposed free standing 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 sign is “free-standing” and not a wall sign only item number #1 of the above guidelines applies to the proposed free standing sign. The Planning Commission must approve the proposed free-standing sign in order for it to be erected on the property.

Mr. Creech shows the proposed monument style free-standing sign, which will be placed 16.5 feet from the curb of North Brookwood Avenue (or 10.5 feet behind the sidewalk along the south side of North Brookwood Avenue). He also advises the Board that there are other businesses on North Brookwood that have free-standing signs, and he gives the specific of those.

RECOMMENDATION

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

1. The Planning Commission approves the request to erect a free standing sign at 75 North Brookwood Avenue.

2. The base of the proposed free-standing sign to be brick/masonry material that matches as closely as possible the existing masonry finish of the building.
3. The ground area surrounding the base of the proposed sign to be landscaped. The landscape area to match the size of the proposed free standing sign.
4. 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.
5. That the proposed sign and landscaping be maintained in good repair and repaired/replaced as necessary to remain in compliance with the Planning Commission approval.

Mr. Creech advised the Board that he forwarded the proposed conditions to the applicant. They are aware of the conditions of approval, but they are not present at the meeting.

Ms. Horsley made a Motion to approve the request as approved, with conditions as provided. With a 2nd by Mr. Alf and all "ayes" by roll call vote, the request is approved by a vote of 4-0.

Agenda Item #7

Staff: Mr. Creech

Request to approve Replat & Right-of-Way Dedication for Part of Lots 24202, 24203, and 25238 located at 1425 Millville Avenue. (General Scott LLC, Applicant).

BACKGROUND INFORMATION

CESO Inc., on behalf of General Scott LLC, has submitted a request, for Planning Commission review and approval of the Replat and Right-of-Way dedication for 1425 Millville Avenue. The plat is attached for reference as an exhibit item. The plat will dedicate approximately 22,158 Square Feet or 0.50 Acres of land as public right-of-way along the southwest corner of Wasserman Road and Millville Avenue. The property proposed for dedication includes the following: an additional 10 feet in width along the Millville Avenue frontage totaling 40 feet in width and 330 feet in length; and an additional 10 feet in width along the Wasserman Road frontage totaling approximately 40 feet in width and 264 feet in length.

Additionally, the plat will combine three separate lots: Lot 25238, Lot 24202, and Lot 24203, for a proposed new City Lot, Lot 32101 at a net combined acreage of 1.49 Acres.

The right-of-way proposed for dedication is the final portion of the recent improvements to the Millville Avenue, Wasserman Road intersection adjacent to Dollar General Retail establishment. All improvements have been completed, inspected and approved by the City of Hamilton.

This request for public right-of-way dedication and lot combination has been reviewed and approved by all City of Hamilton Departments through the Interdepartmental

Review. The right-of-way dedication along Millville and Wasserman and the combination of the three separate lots into a single parcel were a condition of approval of the development of the property at 1425 Millville Avenue on May 9, 2013.

RECOMMENDATION

If the Planning Commission approves the Replat and Right-of-Way Dedication for the Millville Avenue and Wasserman Road Right-of-Way the Department of Community Development requests that the Planning Commission recommends that City Council approve the request to approve the Replat and Right-of-Way Dedication for Part of Lots 24202-24203, and 25238 for the General Scott Subdivision located at 1425 Millville Avenue.

Mr. McAllister said that he has spoken to some of the land owners from that area, and they had been very skeptical of the use of the lot, but their drainage seems too improved and they like the changes to the street.

With no discussion by the Board, Mr. McAllister makes a Motion to approve the request as presented. With a 2nd by Mr. Alf and all "ayes" by roll call vote, the request is approved by a vote of 4-0.

Mr. Scharf made a suggestion to go ahead and adjourn the meeting so that Mayor Moeller can leave for his engagement at 3:00, and then go ahead with the reports. With agreement, Mayor Moeller made a Motion to Adjourn. With a 2nd by Mr. Alf and all "ayes", the meeting was adjourned and Mayor Moeller exited.

Reports:

The following verbal report was given by Mr. Ed Wilson on the results of the Architectural Design Review Board (ADRB) meetings of February 16, March 1, and March 15, 2016.

1. 337 Ross Ave – Window Replacement – Tabled
2. 20 High St – Signage – Approved
3. 120 S Second St – Signage – Approved
4. 29 S D St – Railing, Gutters – Denied
5. 9-11 S C St – Demolition – Approved
6. 139 Main St – Paint – Approved
7. 310-312 Main St – Paint – Approved
8. 16 N D St – Paint – Approved
9. 244 Main St – Paint – Approved
10. 244 Main St – Mural – Denied
11. 15 S D St – Mural – Approved
12. 20 S High St – Mural – Approved
13. 309 N Second St – Garage – Approved
14. 425 S D St – Exterior Work - Approved

The next meeting is April 4, 2016.

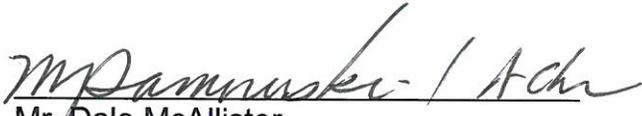
The following verbal report was given by Ms. Meredith Murphy for the upcoming Board of Zoning Appeals (BZA) meeting which is set April 7, 2016.

1. A variance to reduce the minimum lot area required for an Automobile Service and Minor Repair facility at 735 S. Erie Boulevard – the minimum lot area required is 20,000 square feet - the subject property is approximately 10,860 square feet (Allen Loudly, Applicant/Owner).
2. A variance to the number of accessory structures permitted on a residential lot at 576 Sharron Lane (Stephen Brunner, Applicant/Owner).
3. A Change of a Non-Conforming Use at 1019 Dayton Street (Allied Property Management, Applicant/Owner).
4. An Appeal by William Wilks regarding the refusal of his request on February 2, 2016 by the Architectural Design Review Board (ADRB) to issue a Certificate of Appropriateness (COA) to install vinyl siding and paint color on at 117 Village Street. (Community Design Alliance/William Wilks, Applicant/Owner).

Respectfully submitted,

Ms. Kim Kirsch
Administrative Assistant


Mr. Eugene Scharf
Secretary


Mr. Dale McAllister
Chairman

**PLANNING COMMISSION
City of Hamilton
Council Chambers**

MEETING DATE: 3/21/16

MEETING TIME: 1:30 p.m.

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

Name	Agency	Address	Phone	Email
ROBERT L HOFFMAN		4333 PRINCETON RD	513-315-8490	HOFFMAN1965@FVSE.NET
THOM LUNSTROED		206 N. DICK AVE	513-808-8742	THOM.LUNSTROED@YAHOO.COM
Brenda Oliver		941 Carlome Dr	609-7524	
Teresa Truitt		207 EARTH AVE	867-9199	truitttshadowkat@YAHOO.COM
Robert Hammond		104 THE ALAMEDA	266-1438	
DENNIS WITTMAN		501 N. DICK AVE.	(513)896-7167	—



Meredith Murphy <meredith.murphy@hamilton-oh.gov>

Highland Park Rezoning Letter

Terie Kleman <tkleman@hotmail.com>
To: "Murphy, Meredith" <murphym@ci.hamilton.oh.us>

Mon, Mar 21, 2016 at 8:58 AM

Good morning, Meredith,

I received two more letters regarding the public hearing this afternoon concerning rezoning requests for **four properties on Dick Avenue** and **one property on Park Avenue** in Highland Park. Holding these meetings at 1:30 on a Monday is not convenient for anyone holding a regular job. Can you please consider moving these to later in the day when neighbor with questions and concerns can actually attend?

My position on this as stated in my previous letter last fall (see below) still stands; I stand with my fellow neighbors AGAINST further rezoning of any properties in the Highland Park neighborhood away from single-family residences.

Rezoning from single family to multi-family residences devalues properties in the city as a whole and in our historic neighborhood. We are already surrounded with R-2 to R-4 housing all up and down Eaton, parts of Main, Park, and beyond. Converting additional single-family homes over to multi- is not to the benefit of the community in general.

Thank you,
-Terie Kleman
707 Rhea Avenue

Date: Mon, 16 Nov 2015 09:06:26 -0500
Subject: RE: Highland Park Rezoning Letter
From: tkleman@hotmail.com
To: murphym@ci.hamilton.oh.us

Thank you very much, Meredith. Much appreciated... Terie

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----
From: "Murphy, Meredith" <murphym@ci.hamilton.oh.us>
Date: 11/16/2015 9:04 AM (GMT-05:00)
To: Terie Kleman <tkleman@hotmail.com>
Subject: RE: Highland Park Rezoning Letter

I will pass your email along to the Planning Commission at this afternoons meeting.

Thanks,

Meredith Murphy

City of Hamilton

3/21/2016

City of Hamilton, Ohio Mail - Highland Park Rezoning Letter

Kind regards,

-Terie A. Kleman

707 Rhea Avenue

tkleman@hotmail.com

513.290.6484



John Creech <john.creech@hamilton-oh.gov>

Rezoning of residential properties in Highland Park

Peter Chadwick <PChadwick@clarkecontractors.com>

Mon, Mar 21, 2016 at 1:22 PM

To: "john.creech@hamilton-oh.gov" <john.creech@hamilton-oh.gov>

To whom it may concern,

I was made aware this morning after not receive in a letter but my neighbor had one week ago pertaining to two properties asking to be rezoned into multi family's.

Last year the one property owners attempted this by requesting changing it to a 4 family and there was a petition signed by members of the neighborhood and sent to the board.

Now they are back again as well as another location in our same area. It is bad enough now with all the rental properties which are not cared for and neglected by some owners. The renters do not respect the owners and due to having so many cars, trucks and such continue to park where ever they chose to including in front of and on the side of corners of homes they do not live in. They will park and leave there vehicles for 5-6 days at a time.

We would like to keep our subdivision as historical as possible. We are being swollen up around our homes and the home values keep depreciating.

This is not benefitting the residential tax base and helping to bring in family's who will appreciate, care and respect where they place there roots.

If this were to pass I would hope to receive a letter this time so I can seek further legal advise.

Sincerely Peter Chadwick

716 Rhea ave.

Hamilton Ohio 45013. FYI-corner of Rhea and Park Ave.

Peter Chadwick
Clarke Contractors, Inc.
4475 Muhlhauser Rd.
West Chester, Ohio 45011
Cell Phone [513-508-9462](tel:513-508-9462)
Cincinnati Office [513-874-3995](tel:513-874-3995)
Dayton Office [937-610-3959](tel:937-610-3959)
Kentucky Office [859-441-3995](tel:859-441-3995)
Toll Free [888-823-0907](tel:888-823-0907)
Fax [513-874-3998](tel:513-874-3998)
www.clarkecontractors.com
www.iceblastersusa.com



Meredith Murphy <meredith.murphy@hamilton-oh.gov>

Rezoning in Highland Park

1 message

Aaron Grant <a_grant05@yahoo.com>
Reply-To: Aaron Grant <a_grant05@yahoo.com>
To: Meredith Murphy <murphym@ci.hamilton.oh.us>

Mon, Mar 21, 2016 at 12:15 PM

Ms. Murphy,

I live at 707 Rhea Avenue. In the mail I received the proposal of rezoning on Park. Last time this came up the people of Highland Park made it clear we do not want any rezoning from R-1 to multi-family homes. It encourages rental properties and there is enough of that in Hamilton. We do not want it filtrating into Highland Park. The only people that want this are the people who want them rezoned so they can make more money. We want to keep our neighborhood beautiful, and promoting rental properties goes against that idea.

I do not support or want any type of multi-family rezoning taking place in Highland Park. It's taking a step in the wrong direction for the entire city.

Sincerely,

Aaron Grant