

**WRITTEN SUMMARY
PLANNING COMMISSION
MEETING MINUTES
Monday, October 3, 2016
1:30 p.m.**

The meeting was called to order at 1:30 by Mr. McAllister.

Roll Call:

Members Present:

Mr. Tom Alf, Ms. Teri Horsley, Mr. Dale McAllister, Mr. Mike Samoviski and Mr. Joshua Smith. Mayor Pat Moeller arrived at 1:33 p.m.

Members Absent:

Mr. Dave Belew

City Staff Present:

Mr. Eugene (Bud) Scharf, Mr. John Creech, 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. **September 6, 2016** - Motion to approve by Mr. Alf, 2nd by Mr. McAllister. With all "ayes" to roll call vote, the motion was approved.

Old Business:

None

New Business:

Agenda Item #1 - PublicHearing

Staff: John Creech

Request to approve a Free Standing Monument Sign on property zoned BPD Business Planned Development at 1440 Haldimand Avenue (Tim Hoskins, Applicant).

Introduction

Mr. Tim Hoskins of Triangle Sign Co. has submitted a request, on behalf of Domino's Pizza, for Planning Commission review of an amendment to the approved development plan for the property at 1440 Haldimand Avenue. The plan amendment is for a new

free-standing monument sign to be erected near the southwest corner of the property where Haldimand Avenue and North McKinley Avenue intersect with Main Street.

Mr. Creech then shows the Public Hearing Notification map with the property outlined in blue. He says that it is zoned BPD.

Mr. Creech says that Public Hearing Notices were mailed to the owners of 100 properties within 500 feet of the property in question, and there was no feedback received from those.

Mr. Creech then shows the Site Plan with the proposed monument sign which will be located 5 feet behind the property line. He shows a picture of the proposed free standing sign which will be placed perpendicular to Main Street, and gives specific details about it. He points out that the graphic that he shows to the Board is updated from what was included in the packet that was sent out. The proposal has brick at the base of the sign, and shows the proposed landscaping.

Public Works/Traffic Engineering have reviewed and approved the proposed sign location. Since the proposed sign is "free standing" the Planning Commission must approve the proposed free-standing sign in order for it to be erected on the property.

RECOMMENDATION

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

1. The Planning Commission approve the request to erect a free standing monument sign at 1440 Haldimand Avenue.
2. At least fifty (50%) of the base area of the proposed free-standing sign to be wrapped in brick/stone masonry type material.
3. The ground area surrounding the base of the proposed sign to be landscaped to match the size of the proposed free standing sign i.e. 35 square feet.
4. Free standing sign to comply with requirements of Section 1138.00 of Hamilton Zoning Ordinance.
5. 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.
6. 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 concluded his presentation.

Mr. Tim Hoskins (Triangle Sign) was present. He says that he has been the sign contractor for Domino's for the past 25 years, and they are in the process of updating the image and logo.

There was a brief question and answer session between Mr. Hoskins and the Board regarding lumens, ambient light, and whether or not the sign could be made to match the monument signs that are on East High Street.

Mr. Brad Brubaker (Operations Manager for Domino's) said that they are okay with what was proposed by Mr. Smith for the sign. He said that the building will also have some brick on the lower half of the building.

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. Smith made a Motion to approve the free standing monument sign at 1440 Haldimand with the recommendations submitted by the Planning Department (specifically Item #2 of the Recommendations) that the masonry be consistent with the masonry bases that were done on the signage on east High Street.

With a 2nd by Mr. Samoviski and all "ayes" to roll call vote, the Motion passes with a vote of 6-0.

Agenda Item #2 - Public Hearing

Staff: John Creech

Request for a Conditional Use to allow the establishment of an Automobile Service and Minor Repair Facility (i.e. self service fuel dispensing) on property zoned B-2 Community Business District located at 302 East Avenue (City Lot No. 32098) (Thomas Dunn/Trenton Veer Inc., Applicant/Owner).

Mr. Creech stated that this is a request submitted by Thomas Dunn of Dunn & Titus Architects on behalf of Trenton Veer Inc., to approve a Conditional Use to establish a Minor Automobile Service and Repair Facility (i.e. self service fuel dispensing) use on the property located at 302 East Avenue (City Lot No. 32098) situated on the southeast corner of East Avenue and Ludlow Avenue (Exhibit A). The property is zoned B-2 Community Business zoning district (Exhibit B). The property is comprised of a single 25,845 square foot lot (0.5933 Acres).

The applicant submitted plans for a drive-through convenience store in 2015 (which does not require Conditional Use approval). However, the applicant is now requesting to utilize the existing fuel dispensing island (gasoline pumps) for self service fuel dispensing. By zoning definition, this would be classified as an Automobile Service and Minor Repair facility use, and requires Conditional Use review by the Planning Commission and approval by City Council (Section 1155.00).

Mr. Creech showed the zoning map and gave zoning of the surrounding properties. He said that there are two buildings on the property, one which was previously Fackey's BP and a separate retail building on the south end of the property.

The proposed project involves the renovation of a former BP gas station/convenience store located at 302 East Avenue. The existing building is a single story 2,800 square foot masonry block building that will be reconfigured as a convenience store for walk-in pedestrian customers and vehicular drive-through traffic.

Mr. Creech then showed the site plan and gave specific information with regard to the proposal, including refurbishing the five fuel pumps, adding a canopy, narrowing the curb cut, adding landscaping, additional parking spots, and putting up a privacy fence 120' in length to screen the convenience store from the abutting residential property.

Mr. Creech then shows additional proposals with the garage bay doors refurbished with glass doors installed, an elevation view, and current photographs of both buildings and the surrounding properties.

Public Hearing Notices were mailed to the owners of 139 properties within 500 feet of the property in question. At the time of the hearing, there were no objections expressed to the proposed conditional use.

Mr. Creech shows the written application and all other paperwork that was provided by the Applicant.

He goes on to say that 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.

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, 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. Construction drawings/documents for the proposed improvements and work shall be revised subject to any future review requirements of the City of Hamilton Inter-Departmental Review.

2. Proposed building will be single story masonry material veneer as shown on plans and supporting material submitted by the applicant.
3. Minimum of six (6') feet of proposed fuel canopy island supports be covered/wrapped in masonry material to closely match final building color.
4. Proposed dumpster/refuse area enclosure be covered/wrapped in masonry material to closely match final building color.
5. Proposed privacy fencing along west property line, approximately 120' in length, to be wood or vinyl construction, not chain link.
6. No exterior storage/sales of merchandise or material other an ice and/or propane sales to be indicated on final construction plans.
7. Landscaping shall be provided as follows: All proposed landscaping item sizes to conform to the minimum size requirements found in Section 1111.10 of the Hamilton Zoning Ordinance. (Deciduous trees minimum of 2 ½ inches caliper, evergreen trees minimum of six (6') feet in height, shrubs/bushes minimum of 12 inches). Final landscaping selection to be coordinated with Municipal Arborist.
8. All future signage (permanent or temporary) will comply with Section 1138.00 Hamilton Sign Ordinance.
9. Mechanical equipment in support of the building to be screened from the public right of way by landscaping/privacy fencing.
10. Add a pedestrian connection from front of building to the East Avenue or Ludlow Avenue sidewalk.
11. No automobile repair, sales or storage is permitted on the property, only dispensing of fuel and fluids for operable motor vehicles.
12. Hours of operation will be 6AM to 1AM seven days a week.
13. All improvements and work indicated on construction drawings/documents approved as part of the Conditional Use be installed and maintained in good repair and replaced as necessary to remain in compliance with the approved Conditional Use - (includes building and exterior finishes, canopies, dumpster enclosure, landscaping, pavement surfaces, fencing, and striping).

Mr. Creech concluded his presentation, and stated that the Applicant was in the audience if the Board had any questions.

Mr. McAllister called for any audience members wishing to speak in favor of the proposal.

Mr. Tom Dunn (Dunn & Titus) was on hand. There were a few questions from the Board for Mr. Dunn including lighting, hours of operation, who the actual owner of the property was, whether or not color elevations are available, location of the proposed privacy fence, and he answered those.

Ms. Dudley swore Ms. Walker in (not present at time of original swearing in), and she spoke to the Board. She lives at 1013 Ludlow Street, and she spoke her displeasure with some of the proposed changes, specifically hours of operation, privacy fence, and landscaping plan that will block her view of the corner. She is also concerned about her safety with regard to the proposal. Lastly, she's concerned that people will be working on their cars on the lot, and she was assured that the application is just for a convenience store and gas pumps, not a vehicle repair facility.

Mr. Smith and Mr. Creech had a discussion regarding the difference in the how a retail/convenience store can be approved without Board approval, and the current item needing Board approval. Mr. Creech explained that due to the addition of the fuel dispensing on the property, this project needs a "Conditional Use". The City of Hamilton zoning definition for Automobile Service and Minor Repair includes vehicle fuel dispensing. With regard to the convenience store, the hours of operation are not limited by code. The "hours of operation" are a requirement of a "Conditional Use", but are not a requirement for the retail/convenience store.

Mr. Smith and Ms. Walker then spoke a little bit more about what she would like to see, as opposed to what is being proposed. At the end of the discussion with Ms. Walker, Mr. Smith suggested that the item be tabled until the staff can sit down with the ownership group and try to work out the specific issues, and Mayor Moeller agreed.

There was then a short conversation between Mr. Alf and Ms. Walker about her concerns with the fence and her safety if her property is blocked off from the view of the street by a tall privacy fence. Mr. Alf asked Mr. Creech if the "Conditional Use" for the gas pumps is denied, will the hours of operation that have been approved still stand, and Mr. Creech said that they would.

Mr. Samoviski verified that even if the Applicant withdraws their application for the gas pumps, the current approval still stands, and Mr. Creech said yes. Mr. Alf said that he understands that the reason that the neighbors weren't notified was because it didn't need Board approval.

Mr. Smith questioned the "hours of operation" policy again, and Mr. Scharf explained that by right, a retail store doesn't have to set hours for approval. The only reason this item is before the Board today is because of the addition of the gas pumps, making it a conditional use.

Mr. Scharf also asked that the Architect stress to the owner that they are needed at the meetings.

Mr. Samoviski verified with Mr. Scharf what the Planning Commission's limitations are with regard to a "Conditional use" versus something that is not a "Conditional Use".

Ms. Walker asked if she would be notified of the next meeting. Mr. McAllister advised her that it will be a public meeting, and someone will get in touch with her and let her know when it's been set for.

Ms. Walker then asked about a large hole on the back of the property across from her garage, and Mr. Dunn answered that it's where the existing underground tanks are, and they are being dug up to check them. Mr. Samoviski said that they will have to be inspected to make sure they are usable.

It was suggested that the meeting with the neighbors be set sometime after 5:30pm so that more people could attend, and Mr. Scharf agreed with that suggestion. Mr. McAllister said that Mr. Smith would also like other elevations be made available for viewing at the next meeting.

With all "ayes" to a roll call vote, the Motion was tabled.

Reports:

Staff: John Creech

1. Verbal Report on Architectural Design Review Board Meeting of September 20, 2016:
 - a) 113 Village Street – Painting – Approved
 - b) 345-349 N. Third Street – Painting – Approved
 - c) 117 S. B Street – Painting & Porch Work – Approved
 - d) 228 Linden – Painting – Tabled
2. Verbal Report on Board of Zoning Appeals Meeting of October 6, 2016:
 - a) 140 Wasserman – Driveway Width/Side Yard Setback
3. Verbal Report on previous Planning Commission cases in progress:
 - a) 735 S. Erie Blvd – Conditional Use – Denied effective 10/14/16
 - b) 140 Ross Ave – Conditional Use – Approved with Conditions effective 10/14/16
 - c) Main Street Alley Vacation – Approved effective 10/28/16
 - d) 759 Park Ave – Rezoning – Recommended Approval – First Reading 10/12/16
4. Verbal Report on upcoming comprehensive plan update. Mr. Creech gave an update on where the Planning Department is with regard to this. Mr. Smith gave a bit

more information, and spoke about a steering committee and his suggestion for what they could do.

Mr. Alf then and Mr. McAllister then had a brief conversation about the current situation and Mr. Alf spoke to Mr. Creech about how it compares to when Mr. Fackey had the gas station opened.

Adjournment:

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

Respectfully submitted,

Ms. Kim Kirsch
Administrative Assistant



Mr. Eugene Scharf
Secretary



Mr. Dale McAllister
Chairman

PLANNING COMMISSION
 City of Hamilton
 Council Chambers

MEETING DATE: 10/3/16

MEETING TIME: 1:30 p.m.

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

Name	Agency	Address	Phone	Email
Beverly White	PUNN & TITUS ARCHITECTS	1108 Ludlow St.	513 290 4477	—
TOM DUNN	Deminos	800 CAMPBELL AVE. SUITE 1100	513 582-7378	dunnandtitususa.net
BAAD BAUBAKER	TRANSVERSE SKANSKA	221 N. B ST	513-876-2000 513-4150	
Tim Hoskins				
Mary Walker		1013 Ludlow St	513-633-9889	MaryWalker@cityofhamilton.com