

Shaquila Mathews Commission Member **Teri Horsley** Commission Member **Dale McAllister** Commission Member **David Belew** Commission Member
Patrick Moeller Mayor **Matthew Von Stein** Commission Member **Joshua Smith** City Manager
Lisa Sandlin Alternate **Larry Bowling** Alternate

Three (3) Public Hearings

Roll Call:

Belew	Horsley	Mathews	McAllister	Moeller	Von Stein	Smith

Swearing in of Those Providing Testimony to the Commission:

Notary Public

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

1. February 6, 2020 – located at the end of the agenda

New Business:

Agenda Item #1 – PublicHearing

8340 North Gilmore Road – Conditional Use (Auto Auction)

Request for a conditional use certificate to allow Automobile Sales / Auto Auction, property zoned I-2 (Industrial). (Freeman Auction, LLC., Applicant)

Staff: Larry Bagford

Belew	Horsley	Mathews	McAllister	Moeller	Von Stein	Smith

Recommended Motion – Planning Commission recommends that City Council approve the Conditional Use to allow Automobile Sales / Auto Auction at 8340 North Gilmore Road, with the recommended conditions of approval.

Agenda Item #2 – PublicHearing

Zoning Text Amendment - TN (Traditional Zoning Neighborhoods)

Request to amend the Hamilton Zoning Ordinance (HZO) pertaining to Sections 1131.200, 1131.300, 1131.400, & 1131.500, (TN Zoning Districts 1 through 4). (City of Hamilton, Applicant)

Staff: Ed Wilson

Belew	Horsley	Mathews	McAllister	Moeller	Von Stein	Smith

Recommended Motion – Planning Commission recommends that City Council approve the zoning text amendments for TN (Traditional Neighborhood Zoning) as discussed and presented.





Miscellaneous:

- 1. Planning Commission Bylaws – Minor Amendment to allow alternate representative appointments to the Board of Zoning Appeals (BZA) and the Architectural Design Review Board (ADRB)**

Agenda Item #3- Public Hearing

- 2. Appointment of Representative to the Architectural Design Review Board**
 - Primary Representative
 - Alternate Representative

Reports:

1. Update on General Planning items

Adjournment:



AGENDA

City of Hamilton Planning Commission

Thursday, March 5, 2020

Contents

Subject: AGENDA ITEM # 1–New Business..... 5

8340 North Gilmore Road – Conditional Use (Auto Auction)..... 5

Section A: Introduction and Background..... 6

Section B: Petition Review 8

Section C: Interdepartmental Review 14

Section D: Submitted Request 15

Section E: Statutes 15

Section F: Notification..... 18

Section G: Recommendations..... 18

Section H: Staff Basis / Comments..... 21

Section I: Attachments 21

8340 North Gilmore Road, Attachments..... 23

Subject: AGENDA ITEM #2 – New Business..... 51

Zoning Text Amendments – TN (Traditional Neighborhood) Districts..... 51

Section A: Introduction & Background..... 51

Section B: Petition Review 52

Section C: Notification 54

Section D: Statutes..... 55

Section E: Recommendation 55

Section F: Staff Comments / Basis for Recommendation 55

Section G: Attachments:..... 56

Zoning Text Amendments, Attachments 57





AGENDA ITEM #3 – New Business..... 63

Planning Commission Bylaws Amendment: Appointments..... 63

Section A: Introduction and Background..... 63

Section B: Petition Review 64

Section C: Recommendations..... 64

Section D: Attachments..... 64

Planning Commission Bylaw Amendment, Attachments 65





For the Planning Commission Meeting of March 5, 2020

To: Planning Commission
From: Larry Bagford, Planning & Zoning Specialist

Date: March 5, 2020

Subject: AGENDA ITEM # 1–New Business
8340 North Gilmore Road – Conditional Use (Auto Auction)

APPLICANT: Freeman Auto Auction LLC - Evan Connor S.A.

LOCATION: 8340 N. Gilmore Rd, Hamilton, Ohio –
Parcel # P6461058000028

REQUEST: Request for a Conditional Use to Operate an Automotive Auction/Sales Business; and variances to the ten (10) foot rear and side yard setback requirements along with a variance to the required paving of the area where the auction vehicles will be stored.

BASIC INFORMATION		
Applicant/Property Owner	Freeman Auto Auction LLC - Evan Connor S.A.- Applicant 8340 Gilmore Investments LLC- Property Owners	
Architect/Engineer/Consultant	Keissling Architecture Inc.	
Size of Property	4.81 Acres	
Current Zoning	I-2 Industrial District	
Requests	Request for a Conditional Use to Operate an Automotive Auction/Sales Business	
Size of Revision	N/A - Exiting Building	
ADJACENT LAND USE/ZONING INFORMATION		
<i>Direction</i>	<i>Land Use</i>	<i>Zoning</i>
North	Industrial and Park Land	I-2 Industrial Zoning District
South	National Guard Armory	I-2 Industrial Zoning District
East	Gilmore Ponds Park	I-2 Industrial Zoning District
West	Bolke Veneer/Industrial Use	Not In City of Hamilton





Section A: Introduction and Background

Section A.1: Project Overview

Freeman Auto Auction LLC, represented by Mr. Evan Connor, is requesting a Conditional Use Approval to operate a dealer-to-dealer Automobile Auction /Sales Business at 8340 N. Gilmore Road. This property is located in an I-2 (Industrial) Zoning District. Per Section 1124.39.4 of the Hamilton Zoning Ordinance (HZO), Automobile Sales require a Conditional Use Approval in the I-2, (Industrial) Zoning District.

Overview of Auto Auction:

- Freeman Auto Auction will be a weekly dealer only auction held during regular business hours on a weekday. The preliminary time and day is 2pm every Wednesday. Each auction will last 2-4 hours.
- Plans propose five to seven (5-7) full time employees. In addition, there will be 6-8 temporary workers for a four-hour period on auction day only. Total workers on auction day may be up to twenty (20).
- This dealer-to-dealer auction allows only licensed auto dealers to sell their inventory through the auction to other licensed dealers who intend to resell them at their dealership.
- Freeman Auto Auction does not own the inventory, which it is selling; the cars are all consigned from dealers. The vehicles will primarily be from new car dealers intending to sell their unwanted trade-in vehicles. The buyers will be used car dealers looking to purchase inventory for their businesses.
- Transactions are rarely done with cash in order to reduce security concerns.
- Vehicles will not to be stored at the auction. All vehicles that are on the premises are there in preparation for the next auction or have already been sold and are awaiting pickup by the purchasing dealer. Some vehicles may be kept on site for the next week's auction because they did not sell at the previous week's sale.
- Vehicles generally arrive at the auction driven by employees of Freeman Auto Auction There may be times when vehicles arrive by truck or trailer, but generally vehicles are driven individually to the auction. Purchasing dealers may also use Freeman Auction employees to transport the purchased vehicles to their business.





Section A.2: Existing Site Conditions

The property is a 6.16 acre lot, of which Freeman Auto Auction will utilize approximately 4.88 acres, 79% of the overall property. The site features three (3) curb cuts for vehicular access

The property has an existing 10,772-sq.ft. building with an 855-sq.ft. brick office area on the west /front of the building and with a 9,916-sq.ft. concrete block portion of the building attached to the west /rear of the office area. The block portion of the building has six (6) large overhead doors on both the north and south sides of the building.

There are three (3) other buildings on the property. The largest is a 1,280-sq.ft metal building located at the northwest corner of the property; a second building is near the southern property line approximately 390 feet behind the Gilmore Road right of way line and there is a small shed located approximately 140-ft north of the second building.

The rest of the property is a gravel lot. An existing six-foot high (6') chain-link fence with three strands of barbwire on top encloses the lot on the north, east, and south sides of the property.

Section A.3: History

Three (3) different trucking companies are currently using the property for parking of semi-tractors and trailers. Staff has worked with the applicant regarding the conditional use application requirements, site operations, and general site design proposals. This included a pre-application meeting and subsequent reviews and refinement of the applicant's proposal. Staff also worked with the applicant concerning the paving of the site as part of the conditional use proposal.

The plans indicate that one trucking operation will continue to use approximately 1.28 acres located at the northeast corner of the property. A second trucking company will use the eastern portion of the main building (4,466-sq ft.), including three (3) of the overhead doors on each side of the building, to maintain and service their vehicles.





Section B: Petition Review

Section B.1: Development Plan Overview (Exhibit B)

The submitted development plan proposes exterior, interior, and site alterations to accommodate a proposed auto auction use on the property.

The development plan proposes:

1. To accommodate the proposed business, the office portion of the building will be renovated and ADA compliant restrooms will be included. The first three bays of the concrete block portion of the building will be used for the auto auction and the easterly three bays will be separated for the existing trucking business. The building will be repainted in a color matching as closely as possible to the existing color.

The proposed landscaping:

1. The applicant proposes to install a 10 feet landscape bed along the Gilmore Road right of way.
2. The landscape will contain 20 trees of three different evergreen species.
3. The corresponding three shrubs per tree (60 shrubs), will be a mix of Boxwood, Yews, Taxus, and Euonymus Shrubs.

The proposed paving of site:

1. Partial paving of the site with asphalt
2. Provide 128 striped parking spaces for employees and auction attendees in the paved area.
3. Customer parking will be separated from auction vehicles by a 6-ft high chain-link fencing with barbwire on top (to enclose the auction vehicles).
4. Most of the auction car parking area will be left as existing gravel.





Section B.1.1: Conditional Use with Variances Requests (Exhibit B)

The submitted application for the Planning Commission's consideration is for the following:

- 1) Freeman Auto Auction LLC is requesting two variances to the conditional use requirements listed in Section 1124.39.4 HZO and a conditional use.

Request #1

Freeman Auto Auction LLC is requesting a variance to the required ten (10) feet setback and landscaping requirement along the north, east and south sides of the property.

Request #2

Freeman Auto Auction LLC is requesting a variance to the paving requirement. They propose paving 90,845 sq.ft of the lot for customer parking. The remainder of the property; used for parking of auction vehicles and the northeast section of the property used by the trucking business will remain gravel surfaced.

Request #3

Freeman Auto Auction LLC is requesting conditional use approval in order to operate an automobile auction/sales business at 8340 N. Gilmore Road.

Section B.2: Review of Applicant Submittal Materials

To accommodate the proposed business, the office portion of the building will be renovated and ADA compliant restrooms will be included. The first three bays of the concrete block portion of the building will be used for the auto auction and the easterly three bays will be separated for the existing trucking business. The building will be repainted in a color matching as closely as possible to the existing color.





Section B.2.1 Proposal Overview

The submitted Development Plans indicate the following:

1. Auto auction to occupy approximately 4.88 acres of the property.
2. Auto auctions will be Wednesday at 2pm
 - a. Approximately five to seven (5 to 7) employees on a daily basis in the office area
 - b. Up to 20 employees on auction day
 - c. Up to 100 customers in the auction arena on auction day.
3. Renovation of the office portion of the building for auto auction operation.
4. Renovation of the existing vehicle garage area into an auction arena open area.
 - a. The first three (3) bays of the concrete block portion of the building will be used for the auto auction.
 - b. Easterly three (3) bays will be used by the existing trucking business.
5. Building façade to be repainted to match existing.
6. Paving of the front portion of the lot as asphalt (90,845 square feet).
 - a. 128 parking spaces proposed
 - b. Remainder of the site will remain unpaved gravel.
7. Proposed chain-link fence with barbwire to enclose the rear of the building, and for storing auction vehicles.
 - a. Setback 125 feet from front property line.
8. Landscaping proposed along the frontage of the site, along North Gilmore Road.





Section B.2.2 Exterior Façade and Site Improvements

The submitted Site Plans indicate the following:

1. Existing Office Renovation

- a. Alter the interior of the existing 855 square feet of office space to suit the auto auction tenant.
- b. Includes two (2) offices, lobby, restroom, and customer registration.

2. Existing vehicle garage area into an auction arena open area.

- a. 4,937 square foot proposed auto auction area
 - i. (This is half of the existing 9,875 square foot garage).
- b. The western half (front half) will be used for the auto auction arena. Accessed by the first three (3) bays.
- c. The eastern half (rear half) will remain as a sub-lease tenant. Accessed by the eastern three (3) bays.
- d. Two (2) bleachers will be provided for auto auction customer seating. Each bleacher seats approximately 56. (112 seats total).
- e. New exit door will be provided at the auto auction, northern façade, replacing the existing overhead door (northwestern corner).
- f. Reconfiguration of a portion of the auto auction area with two (2) new restrooms

3. Painting of the structure:

- a. Concrete Block, Painted Siding, and Steel Doors to be repainted.
- b. Repaint in a color matching to match the existing color scheme.
 - i. The concrete building is currently a tan/beige color.
 - ii. The brick building is dark red brick with dark red siding at the gable.





Section B.2.3 Landscaping

The submitted Landscaping Plans indicate the following:

1. Landscape Bed: The applicant proposes to install a 10 feet landscape bed along the Gilmore Road right of way, the frontage of the site.
2. Trees: The landscape will contain Twenty (20) trees of three (3) different evergreen species:
 - a. Seven (7) “Emerald Green Arborvitae”,
Approximately 5’ height, 8’ mature height,
 - b. Seven (7) “Centennial Girl Holly Tree”,
Approximately 5’ height, 8-9’ mature height,
 - c. Six (6) “Hetzi Juniper”,
Approximately 5’ height, 8-9’ mature height
 - d. These varieties are all on the City Arborist’s approved list of trees for planting under utility lines.
3. Shrubs: The corresponding three shrubs per tree (60 shrubs):
 - a. This will be a mix of Boxwood, Yews, Taxus, and Euonymus Shrubs.

Per the Hamilton Zoning Ordinance (HZO), one (1) tree is required per 5,000 square feet of development. The site is 4.81 acres (212,572 square feet).

- A total of 40 trees or proportional number of tree equivalents (three (3) shrubs or six (6) perennials per required tree) are required for the site.
- The application proposes 20 trees and 60 shrubs = (equal to 40 trees)
- The application meets the landscaping requirements for zoning.





Section B.2.4 Off-Street Parking & Access Controls

The submitted plans indicate the following:

1. Pave 90,845 square feet of the site. with asphalt (the western portion of the property, front of the property)
2. Provide 128 striped parking spaces
 - a. Spaces for employees and auction attendees in the paved area.
 - b. Includes five (5) ADA/Handicap Parking Spaces
3. Customer parking will be separated from auction vehicles by a 6 feet high chain-link fencing with barbwire on top for a total height of approximately 7 feet, matching the existing fence.
 - a. Access to this area will be provided by a four feet (4') door/gate and a twenty feet wide (20') vehicle gate
4. The majority of the area for auction car parking area will remain as existing gravel.
5. Proposed directional sign to identify access for existing trucking tenant.
 - a. Located at the northwest corner of the lot.

Per the Hamilton Zoning Ordinance (HZO),

- 1) Auto Auction: one (1) parking space is required per six (6) seats
- 2) Office/Industrial: one (1) parking space for every three (3) employees on the maximum shift

The application proposes 128 striped parking spaces. This exceeds the minimal requirements of both proposed uses.

Section B.2.5 Signage

The submitted plans indicate the following:

1. One (1) proposed Monument Sign
 - a. Maximum of eight (8') feet high
 - b. Maximum of 150 square feet in size.





Section B.2.6 Refuse Storage

The submitted plans indicate the following:

1. Two proposed dumpsters located at the rear of the building, behind proposed fence area.
2. No other designated refuse storage area or screening proposed for the dumpsters.

Section B.2.7 Lighting

The submitted plans indicate the following:

1. The auto auction will only use existing lighting on the site.
2. All existing lighting is located on the façade of the existing concrete structure and brick structure, typically as one (1) over each overhead door.
 - a. Concrete Block structure: at least nine (9) overhead lights on the façade
 - i. Three (3) on the north façade
 - ii. Four (4) on the south façade
 - iii. Two (2) on the front façade
 - b. Brick structure: six (6) façade lights
 - i. Three (3) overhead lamps
 - ii. Three (3) lights at the south façade entrance.

Section C: Interdepartmental Review

The plans were circulated for Interdepartmental Review and there were no objections to the proposal.

Because Gilmore Road is in the City of Fairfield, the plans were shared with them for approval of the entrance/exit aprons onto Gilmore Road.

Fairfield requires that a permit is obtained for the two aprons, that the paving used for the aprons is a minimum of 9-inches thick and the aprons/entrances are no wider than 26-feet each.





Section D: Submitted Request

In order to accomplish the project as proposed in Section B, the applicant, Freeman Auto Auction LLC, is requesting two variances to the conditional use requirements listed in Section 1124.39.4 HZO and a request for a conditional use approval.

Request #1

Request for a variance to the required ten (10) feet setback and landscaping requirement along the north, east and south sides of the property.

Request #2

Request for a variance to the paving requirement. The applicant proposes paving 90,845 sq.ft of the lot for customer parking. The remainder of the property; used for parking of auction vehicles and the northeast section of the property used by the trucking business will remain gravel surfaced (118,701 square feet).

Request #3

Request conditional use approval in order to operate an automobile auction/sales business at 8340 N. Gilmore Road, property zoned I-2 (Industrial).

Section E: Statutes

Section E.1: Conditional Use

Per Section 1124.39.4 HZO; automotive sales requires a Conditional Use Approval from the Planning Commission and City Council. Section 1155.30 (Conditional Uses – Application and Review, General Standards) contains specific findings outlined within the zoning ordinance for review and approval of a Conditional Use by the Planning Commission.





Conditional Uses:

In reviewing an application for a Conditional Use, the Planning Commission shall consider whether there is adequate evidence that the proposed Conditional Use is consistent with the following nine (9) criteria, general standards for a conditional use:

- (1) The proposed Conditional Use is to be located in a district wherein such use may be permitted, subject to the requirements of this Section and the Zoning Ordinance.
- (2) The proposed Conditional Use will not substantially or permanently injure the appropriate use of neighboring property and will serve the public convenience and welfare.
- (3) The proposed Conditional Use will be harmonious with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area.
- (4) The proposed Conditional Use shall be adequately served by essential public facilities and services such as, but not limited to, roads, public safety forces, storm water facilities, water, sanitary sewer, refuse, and schools. If not, the applicant shall be responsible for the extension or establishment of any public facilities and services to effectively service the proposed Conditional Use.
- (5) The proposed Conditional Use will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding streets.
- (6) The proposed Conditional Use will comply with all applicable development standards, except as specifically altered in the approved Conditional Use.
- (7) The proposed Conditional Use will not be hazardous to or have a negative impact on existing or future neighboring uses.
- (8) The proposed Conditional Use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the base zoning district.
- (9) The proposed Conditional Use will not impede the normal and orderly development.



Section E.2: Variances

Section 1155.30 item D - Conditional Use Review Criteria – Use Specific Standards and Variances states:

In reviewing an application for a Conditional Use, the PC may also consider any variance applicable or corresponding to a conditional use request, and determine whether there is adequate evidence that the proposed Conditional Use is consistent with the applicable use-specific standards. Any waiver, variance, or deviation from zoning regulations and standards will become part of the PC recommendation. (REVISED OR2019-6-44)

1. **Variance-Findings of the Commission and Council:** No variance to which this Ordinance is applicable shall be recommended for approval by the Planning Commission, or authorized by the City Council, unless the Commission and Council find, by a preponderance of the evidence, that all of the following facts and conditions exist.
 - A. **Exceptional Circumstances:** That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same Zoning District.
 - B. **Preservation of Property Rights:** That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same Zoning District and in the same vicinity.
 - C. **Absence of Detriment:** That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purposes of this Ordinance or the public interest.
 - D. **Not of General Nature:** No grant of a variance shall be authorized unless the Planning Commission or City Council finds that the condition or situation of the specific piece of property for which the variance is sought is not of so general or regulation for such conditions or situation.

Section E.3: Plan Hamilton

Plan Hamilton is the updated Comprehensive Plan for the city; a living document meant to guide zoning and land use decisions for the present and the future. Conditional Uses should be compared with the recommendations of Plan Hamilton.

Plan Hamilton's land use map shows the N. Gilmore Road area as Commerce Mixed Use. The proposed auto auction and the two existing trucking businesses on this site comply with this land use.





Section F: Notification

Notices were sent to ten (10) property owners within 500 feet of the subject property. As of the printing of this report, Staff received no responses.

Section G: Recommendations

Staff recommendations to the Planning Commission are listed below in the document. Additionally, Staff Recommended Conditions are also listed in the Exhibit Attachments for this staff report (Please see Exhibit E):

Request #1 - Variance to waive the 10-ft landscaped setback along the north, east, and west sides of the property.

Staff concurs with the applicant and recommends that Planning Commission approve the requested variances to waive the rear and side yard setback landscaping requirements for the following reasons:

- A. *Exceptional Circumstances:*** The property is bordered on the north side by another industrial property with a natural buffer of semi dense forest type natural growth already in place. The property is bordered on the east side by natural wetlands, which make a landscaping border/buffer. The property is bordered on the south side by another industrial property, (military depot/storage/recruiting), which is separated by a typical 6' tall chain link fence with barbed wire on top. Placing a landscape buffer along a bordering industrial property of similar appearance would be highly redundant as their respective property uses do not conflict.
- B. *Preservation of Property Rights:*** Neighboring properties enjoy the same or similar variation from code whether directly granted or grandfathered. There are no other properties in the same area with similar surroundings as we have that have been required to place substantial landscape buffers where we are requesting a variance from.
- C. *Absence of Detriment:*** The requested variance to leave out a landscaping buffer on three sides of the property will not in any way, any neighboring property. The occupancy of Freeman Auto Auction will actually improve the property and immediate area from an aesthetic standpoint because of the paving, painting, and landscaping.
- D. *Not of General Nature:*** The special characteristics of the property are such that these variances are sensible in nature but are not common enough to necessitate a change in regulation.





Recommendation #2 - A variance to the paving requirement for the rear portion of the existing gravel lot.

Staff concurs with the applicant and recommends that Planning Commission approve the requested variance to allow the applicant to pave 90,845 sq.ft of the lot for customer parking and keep the remainder of the lot used for storage of auction vehicles and the northeast section of the property used by the trucking business gravel surfaced

- A. *Exceptional Circumstances:*** Using the existing gravel to park auction cars on is will not adversely affect the property. The gravel area will not be used for customer parking. It would be impractical from a logistical standpoint to require the entire property to be paved, given the trucking businesses that are going to remain at this location.
- B. *Preservation of Property Rights:*** Neighboring properties have a similar appearance with large gravel covered areas on which they park and store equipment including tanks, while the only paved areas are their designated customer parking areas.
- C. *Absence of Detriment:*** There is no harm to neighboring properties by leaving the rear area of this property with the existing gravel surface, which will used for auction vehicle parking. The plans will pave approximately half of lot has been used as a graveled for years.
- D. *Not of General Nature:*** The variance sought to allow the subject areas with their existing gravel does not necessitate a change to and existing regulations.

Recommendation #3 - A conditional use approval to operate an auto auction/sales business at 8340 N. Gilmore Road

Staff recommends that Planning Commission provide a recommendation to City Council to approve the Conditional Use and the requested two (2) variances to allow for the operation of an auto auction/sales business on the site in question, subject to the following conditions:





Conditions of Approval:

1. That a variance to waive the 10-ft landscaped setback requirement on the north, east and south sides of the property is approved.
2. That a variance to the paving requirement for the rear portion of the existing gravel lot as shown on the plans is approved.
3. All storm water drainage shall be directed to the east in a manner that will prevent standing water and will not be directed toward any foundations or cause a problem for adjacent properties.
4. All required permits and inspections shall be obtained prior to the business commencing operation.
5. All site improvements as proposed and all conditions shall be in compliance prior to the business commencing operation.
6. All signs shall conform to the requirements of Section 1138.00 –Signs of the Hamilton Zoning Ordinance.
7. The portion of the new chain-link fence enclosing the auction vehicles shall have vinyl slats installed to screen the graveled parking area and the vehicles parked there.
8. No auction vehicles shall remain on the property for more than 30 days.
9. There shall be no automobile repair on the site as part of the auto auction business.
10. No auto parts or tires shall be stored on the property.
11. All conditions shall be maintained while the business is located at his location. If at any time the property is not in compliance with this approval a Notice of Violation will be sent to the applicant allowing thirty days to achieve compliance.





Section H: Staff Basis / Comments

1. The proposed Conditional Use will be harmonious with the existing character of the general vicinity, and such use will not change the essential character of the same area.
2. The aesthetic and safety improvements proposed and recommended in the conditions are consistent with our auto use regulations. Furthermore, the conditions are also comparable to the conditions recommended for other recent auto use projects.
3. The proposed use is adequately served by essential public facilities and services such as, but not limited to, roads, public safety forces, storm water facilities, water, sanitary sewer, refuse, and schools.
4. The proposed use is not hazardous to nor will it have a negative impact on existing or future neighboring uses.
5. The proposed use does not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
6. The proposed site improvements, including aesthetic building enhancements, added landscaping, and reduced curb cuts, are an important improvement according to Plan Hamilton because this area is predominantly residential.

Section I: Attachments

The following attachments are listed in chronological order as they appear in the report.

- 1) Exhibit A - Proposal Plans
- 2) Exhibit B - Location Map
- 3) Exhibit C - Zoning Map
- 4) Exhibit D - Notice of Public Hearing Letter
- 5) Exhibit E - Recommended Conditions of Approval





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8340 North Gilmore Road, Attachments
Conditional Use request to allow Auto Auction (Automobile Sales)

Report Attachments

Note: The full exhibit attachments for this case, including Large Format Plan Drawings, can be found in the separate PC Attachments document for the March 5, 2020 meeting.

Please use the following link to access the document: [[Here](#)]





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**8340 N Gilmore Road, Conditional Use (Auto Auction)
Exhibit A - Application and Submitted Plans**



Planning Department
345 High Street, 3rd floor
Hamilton, Ohio 45011

Planning | 2020

CONDITIONAL USE APPLICATION

Note: Staff correspondence pertaining to updates on your application, including reports and notifications, is conducted via email. Please be sure to include an email address for each of the contacts below. Staff is also able to notify additional individuals by providing their name and email address on a separate page titled "Additional Contacts" which should be included within your application.

PROPERTY ADDRESS: 8340 N Gilmore Rd Hamilton OH 45015

Property Owner: 8340 Gilmore Road Investments, LLC

Owner's Mailing Address: 11129 Kenwood Road Blue Ash, OH 45242

Email Address: jared@mw1corp.com **Phone Number:** (513)794-9700

Applicant's Name (if different from owner): Freeman Auto Auction, LLC C/O Evan Connor

Applicant's Mailing Address: 8216 Princeton Glendale Rd West Chester, OH 45069

Email Address: FreemanAutoAuction@Gmail.com **Phone Number:** 502-418-2457

Architect / Engineer: Kiessling Architecture Inc, Bernard Kiessling

Mailing Address: 9435 Waterstone Blvd, Suite 140, Cincinnati, OH 45249

Email Address: bk@kiesslingarchitecture.com **Phone Number:** (513) 703-9677

Previous Legal Use of Property: Several trucking companies and wholesale auto dealer

Date Previous Use Discontinued: up to and including present

Proposed New Use of Property: Auto Auction, licensed auto dealer only

PLEASE NOTE:

Incomplete applications or applications missing the required materials necessary to conduct a review will not be reviewed by staff nor will they be placed on the agenda to be heard by the Planning Commission until all required information has been submitted.

CERTIFICATION:

I certify that all of the information contained in this Application is complete, true, and accurate.

Applicant's Signature: *Evan Patrick Connor* **Date:** 02/12/2020

Property Owner's Signature: *[Signature]* **Date:** 2/12/20

For questions or more information, please contact Planning at 513 785-7350 | www.hamilton-city.org

Continued on the Next Page

Page 8 of 10





Planning 2020

City of Hamilton

Planning Department 345 High Street, 3rd floor Hamilton, Ohio 45011

BUTLER COUNTY OHIO

CONDITIONAL USE APPLICATION

Note: Staff correspondence pertaining to updates on your application, including reports and notifications, is conducted via email. Please be sure to include an email address for each of the contacts below. Staff is also able to notify additional individuals by providing their name and email address on a separate page titled "Additional Contacts" which should be included within your application.

PROPERTY ADDRESS:

Property Owner:

Owner's Mailing Address: _

Email Address:

_ Phone Number:

Applicant's Name (If different from owner): _

Applicant's Mailing Address: _

Email Address:

_ Phone Number:

Architect / Engineer:

Mailing Address:

Email Address:

_ Phone Number:

Previous Legal Use of Property:

Date Previous Use Discontinued:

Proposed New Use of Property: _

PLEASE NOTE: Incomplete applications or applications missing the required materials necessary to conduct a review will not be reviewed by staff nor will they be placed on the agenda to be heard by the Planning Commission until all required information has been submitted.

CERTIFICATION: I certify that all of the information contained in this Application





is complete, true, and accurate.

Applicant's Signature:

Date:

Property Owner's Signature:

Date: 2/12/20

A handwritten signature in black ink, appearing to be 'JK', written over a horizontal line.

For questions or more information, please contact Planning at 513 785-7350 | www.hamilton-city.org

Continued on the Next Page

Page 8 of 10





Freeman Auto Auction, LLC % Evan Connor
8340 N Gilmore Hamilton, OH 45015 P 502-418-2457
F 513-522-5600 FreemanAutoAuction@Gmail.com

Application for Conditional Use Permit

Application Requirements:

General Requirements:

- **Pre Application Meeting:** Completed 02/04/2020, with Larry Bagford
- Completed Conditional Use Application Form, enclosed
- Required Application Fee, \$200 fee paid via telephone
- Required Application Material enclosed

Project Overview:

Description of Request(s):

- Conditional Use, for wholesale dealer only Auto Auction to be held once a week
- Variance sought: Ten foot Landscape buffer/border installation on only 1 of 4 sides
- Variance sought: To allow existing gravel to remain on eastern most approximately 3 acres to allow parking for auction cars only, no customer parking on gravel. Customer parking area to be entirely paved.

Project Description:

- Introduction/Background of Proposal, see attached "Summary of Business, Conditional Use Permit Application"
- Scope of business operations, see attached "Summary of Business, Conditional Use Permit Application"
- Description of how project addresses review criteria:

A. Conditional Use Criteria, (Section 1155.30)

1. Freeman Auto Auction is located in a district wherein such use may be permitted, and is subject to the requirement of this section and zoning standards.





2. Freeman Auto Auction will not substantially or permanently injure the appropriate use of neighboring property and will serve the public convenience and welfare.
3. Freeman Auto Auction will be harmonious with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area.
4. Freeman Auto Auction is adequately served by essential public facilities and services such as, but not limited to: Roads, public safety forces, storm water facilities, water, sanitary sewer, refuse, and schools.
5. Freeman Auto Auction will have vehicular approaches to the property which shall be so designed so as to not create an interference with traffic on surrounding streets.
6. Freeman Auto Auction will comply with all applicable development standards, except as specifically altered in the approved conditional use.
7. Freeman Auto Auction will not be hazardous to or have a negative impact on existing or future neighboring uses.
8. Freeman Auto Auction will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristics not comparable to the uses permitted in the base zoning district.
9. Freeman Auto Auction will not impede the normal and orderly development of the surrounding property for the used permitted in the district.
10. How the proposal relates to the existing land use of the vicinity: Freeman Auto Auction is a wholesale, dealer only establishment which only provides services to licensed auto dealers. The area in which the auction is situated is surrounded almost entirely by other wholesale or business to business types of operations/companies. Freeman Auto Auction will complement the existing nature of the surrounding businesses because we too are wholesale and a business to business operation. Because they, and we, are nearly all wholesale, business to business establishments, our hours of operation will be nearly the same. Our hours will be approximately 9am-5pm, closed on the weekends. Freeman Auto Auction will only be held one day per week, (preliminarily on Wednesday at 2pm), therefore very little customer traffic will be present on the other days which we are open but not hosting an auction. Monday, Tuesday, Thursday, and Friday will be auction preparation days or post auction business days.





B) Variances, (Section 1155.30), see "Supplement to Application for Conditional Use Permit"

Site Plans:

Basic Drawing and Location Information:

- North Orientation Arrow, *please see attached architectural plans*
- Drawing Scale Information, *please see attached architectural plans*
- Property Lot Lines, *please see attached architectural plans*
- Street Locations and names, *please see attached architectural plans*

Proposed, Location, Dimensions, Height, Areas, and setbacks to property Lines:

- Buildings, *please see attached architectural plans*
- Signage, possible code complying street sign, or building sign, possibly both, *please see attached architectural plans*
- Fencing, *please see attached architectural plans*
- Parking, *please see attached architectural plans*
- Dumpster enclosures, *please see attached architectural plans*
- Accessory structures, *please see attached architectural plans*

Access, and circulation on the site:

- Vehicles, *please see attached architectural plans*
- Pedestrians, interior gathering area is inside first three bay doors, attendees will also be present in and around auction car parking inside of the fenced in area as they inspect the vehicles they may purchase

Location of off street parking:

- Off Street parking areas, *please see attached architectural plans*
- Driveways, *please see attached architectural plans*
- Parking locations, 123 total parking spaces, *please see attached architectural plans for both customer parking and auction car parking areas*
- Parking space dimensions, 123 total parking spaces, per standards of 18' x 9'
- Surface materials, customer parking areas are entirely fresh asphalt, some auction vehicle parking is existing gravel and some is new asphalt. *Please see attached architectural plans for exact areas to be paved*





Signage:

- **Location, Setbacks, Area, and Height:** We may elect to do a sign on the building and/or a street sign. Should there be a street sign, it will be set back a minimum 5 feet from the road, and not to exceed 150 square feet and 8 feet tall, with all being code compliant. There will also be a smaller sign on the north end of the property directing the existing trucking company to their designated parking area which is completely separated from the auction operations by fencing.

Location of landscaped areas:

- *Please see attached architectural plans*

Fencing Height and materials:

- Standard 6 feet tall chain link fencing plus approximately 1 foot of barbed wire for a total height of approximately 7 feet. *Please see attached architectural plans for exact fencing layout and measurements. It will tie into existing fencing running north/south in the approximately middle point of the property.*

Building Plans:

Color of exterior building and elevation drawings:

- Buildings to be repainted to a color very similar to existing color, *please see attached architectural plans*
- Building Heights, *please see attached architectural plans*
- Building Materials, (existing buildings to remain), *please see attached architectural plans*
- Architectural details, *please see attached architectural plans*
- Features, *please see attached architectural plans*

Interior floor plan showing:

- Room/area uses, *please see attached architectural plans*
- Interior room dimensions, *please see attached architectural plans*

Location of areas/facilities relevant to the conditional use:

- *Please see attached architectural plans*





Landscaping Plan:

Plans showing number, type, and location of:

- Trees, see below for type and please see *attached architectural plans for placement*
 - Three types of trees (all evergreen): 1) Approximately 5' height, Quantity 7 "Emerald Green Arborvitae", 8' mature height, 2) Approximately 5' height Quantity 7 "Centennial Girl Holly Tree", 8-9' mature height, 3) Approximately 5' height Quantity 6 "Hetzi Juniper", 8-9' mature height
 - Shrubs, an appropriate corresponding number of a mix of Boxwood Shrubs, Yew/Taxus, and Euonymus

Lighting Plan: Not applicable, using existing lighting, and there are no night operations





Freeman Auto Auction, LLC % Evan Connor
8340 N Gilmore Hamilton, OH 45015 P 502-418-2457
F 513-522-5600 FreemanAutoAuction@Gmail.com

Supplement to Application for Conditional Use Permit

Specific Requested Variances in code

13th February 2020

1170.60.1

Reading:

Exceptional Circumstances: That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district:

Request

Freeman Auto Auction is requesting a variance from the required landscaping buffer/border on all sides of the property. We are requesting to only do the landscape buffer/border on the west side of the property, which borders North Gilmore Road. Freeman Auto Auction is also requesting a variance to keep the existing gravel on approximately 3 acres for parking of auction cars only, no customer parking on gravel. We are asking for the following reason(s):

- A. The property is bordered on the north side by another industrial property with a natural buffer of semi dense forest type natural growth already in place. This already serves as a foliage buffer. This presents *exceptional circumstances* for the property because this already serves as a natural border. The property is bordered on the east side by natural wetlands which make a landscaping border/buffer irrelevant. This presents *exceptional circumstances* for the property because it would be without general purpose to place a landscape buffer along an area adjacent to natural wetlands.
- B. The property is bordered on the south side by another industrial property, (military depot/storage/recruiting), which is separated by a typical 6' tall chain link fence with barbed wire on top. Placing a landscape buffer along a bordering industrial property of





similar appearance would be highly redundant as their respective property uses do not conflict, rather they compliment each other.

- C. We feel that using the existing gravel to park auction cars on is sufficient. The gravel area would not be used for customer parking. Additionally we feel that It would not serve the property's best interest or ideal use to pave the entire property with asphalt.
- D. It would be impractical from a logistical standpoint to require the entire property to be paved, given the other tenants
- E. Finally, it would be cost prohibitive to pave the entire property.

1170.60.2

Reading:

Preservation of Property Rights: That such a variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and the same vicinity.

Freeman Auto Auction is requesting a variance from the required landscaping buffer/border along the three remaining sides of the property. Freeman Auto Auction is also requesting a variance to keep the existing gravel on approximately 3 acres for parking of auction cars only, no customer parking on gravel. We are asking for the following reason(s):

- A. Neighboring properties enjoy the same or similar variation from code whether directly granted or grandfathered in. To the best of our knowledge, there are no other properties in the same area with similar surroundings as we have that have been required to place substantial landscape buffers in places like where we are requesting a variance from.
- B. Neighboring properties of similar look, appearance, and use enjoy the same property layout as we are requesting.
- C. Neighboring properties enjoy a largely gravel area in which to conduct their wholesale operations while the only paved areas is their designated customer parking area(s).

1170.60.3

Reading:

Absence of Detriment: That the authorizing of such a variance will not be of substantial detriment to the adjacent property, and will not materially impair the purposes of the ordinance of the public interest.





Freeman Auto Auction is requesting a variance from the required landscaping buffer/border along the three remaining sides of the property. Freeman Auto Auction is also requesting a variance to keep the existing gravel on approximately 3 acres for parking of auction cars only, no customer parking on gravel. We are asking for the following reason(s):

- A. The requested variance to leave out a landscaping buffer on three sides of the property will not in any way, shape or form, harm our or any neighboring property.
- B. The occupancy of Freeman Auto Auction will actually notably improve our property from an aesthetic standpoint because of our paving, painting, and landscaping. So, rather than absence of detriment, we are greatly improving the appearance of our property
- C. Freeman Auto Auction feels it does no harm to this or neighboring properties to leave the subject areas with their existing gravel to only be used for auction vehicle parking, no gravel areas are to be used for customer parking.

1170.60.4

Reading:

Not of General Nature: No Grant of a variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property for which variance is sought is not so general of recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

Freeman Auto Auction is requesting a variance from the required landscaping buffer/border along the three remaining sides of the property. Freeman Auto Auction is also requesting a variance to keep the existing gravel on approximately 3 acres for parking of auction cars only, no customer parking on gravel. We are asking for the following reason(s):

- A. The requested variance by Freeman Auto Auction is not of a general nature therefore it does not necessitate the need for new regulations.
- B. The special characteristics of the property are such that these variances are sensible in nature but are not common enough to necessitate a change in regulation.
- C. The variance sought to allow the subject areas with their existing gravel does not necessitate a change to and existing regulations.





Freeman Auto Auction, LLC % Evan Connor
8340 N Gilmore Hamilton, OH 45015 P 502-418-2457 F 513-522-5600
FreemanAutoAuction@Gmail.com

Summary of Business, Conditional Use Permit Application

Summary, Scope and Description of Auto Auction

Intro

Freeman Auto Auction will be a weekly dealer only auction held during regular business hours on a weekday. The preliminary time and day is 2pm every Wednesday and will take 2-4 hours. As a state licensed auto auction, Freeman Auto Auction is regulated by the Ohio BMV and must remain in good standing with the Ohio Bureau of Motor Vehicles/Dealer Licensing Division. Ohio BMV mandates all prospective auction owners and current auction owners to meet and maintain certain financial worthiness requirements. There are plans to have 5-7 full time employees, and 6-8 temporary workers for a four hour period on auction day only. Total workers on auction day may be 20. There will be minor office renovations and the addition of ADA compliant restrooms.

Customers

The customers will all be licensed auto dealers, (new and used), from any state as long as they have and maintain a valid dealer license. Their guests are also permitted, although their guests are not permitted to buy or sell, only the dealer or dealer representative is. Having this auction dealer only greatly reduces the potential crowd size. The only attendees will be dealers intending to purchase or sell vehicles. Public auto auctions generally attract lots of spectators, people who are not there to purchase vehicles.





Purpose

The purpose of this auction is to allow dealers to sell their inventory through the auction to dealers who intend to purchase. The target selling customer will be a new car dealer intending to sell their unwanted traded in vehicles. This allows new car dealers to quickly liquidate their unwanted traded in vehicles. The buyers will almost entirely be used car dealers looking to purchase inventory for their car lots.

Financial

Freeman Auto Auction's profit comes from fees charged from the sale of vehicles, it charges a separate fee to the seller and to the buyer. Freeman Auction does not own the inventory which it is selling, the cars are all consigned from dealers, this is how all vehicles are sold at auto auctions. For safety, transactions are rarely done with cash.

Transportation

Vehicles generally arrive at the auction by our drivers who work directly for the auction. There are times when vehicles arrive by truck or trailer, but generally vehicles are driven to the auction. Purchasing dealers may also use us to transport their vehicles purchased to their premises.

Security

All vehicles are kept behind a 7 foot tall barbed wire fence which encompasses the entire area where the vehicles are kept in preparation for the auction. There is one twenty foot cantilever gate, (slide gate), and two separate people gates on either side of the building. Total of one vehicle gate and two separate people gates. A local law enforcement official may be present on auction day for security.

Storage

Vehicles are not considered to be stored at the auction. All vehicles which are on the premises are there in preparation for the next auction or have already been sold and are awaiting pickup by the purchasing dealer. Some vehicles may be kept on site for next week's auction because they did not sell at the previous week's sale. They are simply sent through the auction again until either sold or taken back to the owning dealership.





Food and Drink

We do intend to invite local food trucks to offer food and beverages at the auction. Their food service vehicles will only be on site during the auction day. All food and beverage providers are licensed and must provide proof to us that they adhere to all applicable regulations.

Other Services

Minor Services will be offered such as basic cleaning etc. There will not be any major mechanical repair done to vehicles. If a vehicle becomes mechanically disabled at the auction, major work may not be done at the auction. Some vehicles are brought to the auction in non-running condition and thus will be sold as "Non-Running" vehicles which a salvage or parts dealer may purchase.

Other Tenants

We do intend to keep the tenant "Royal Trucking" in the northeast quadrant, and possibly the tenant occupying the adjacent three east bay doors. Their respective operations will not encroach on our operations because our areas of operation will be completely separated by fencing or a building wall.

Signage and parking

Our main sign will be at least code distance from the road and will comply with Hamilton size codes. It will be no taller than 8 feet and no larger than 150 square feet. We would also like to place a small sign on the north side of the property directing the trucking company tenant to their respective parking area. There will be a total of 123 parking spaces with the applicable amount of ADA compliant spaces.





Drawing 2.1

Shows a summary of proposed changes to the site. The only item lacking will be a potential 20 ft shipping container used for business equipment storage. These are commonly used on construction sites. It will be located adjacent to the dumpsters and out of view from the street.

Drawing 2.2

Shows all major aerial measurements of property and buildings. It also shows acreage breakdowns.

Drawing 2.3

Shows proposed fence location and dimensions

Drawing 2.4

Shows area to be paved.

Drawing 2.5

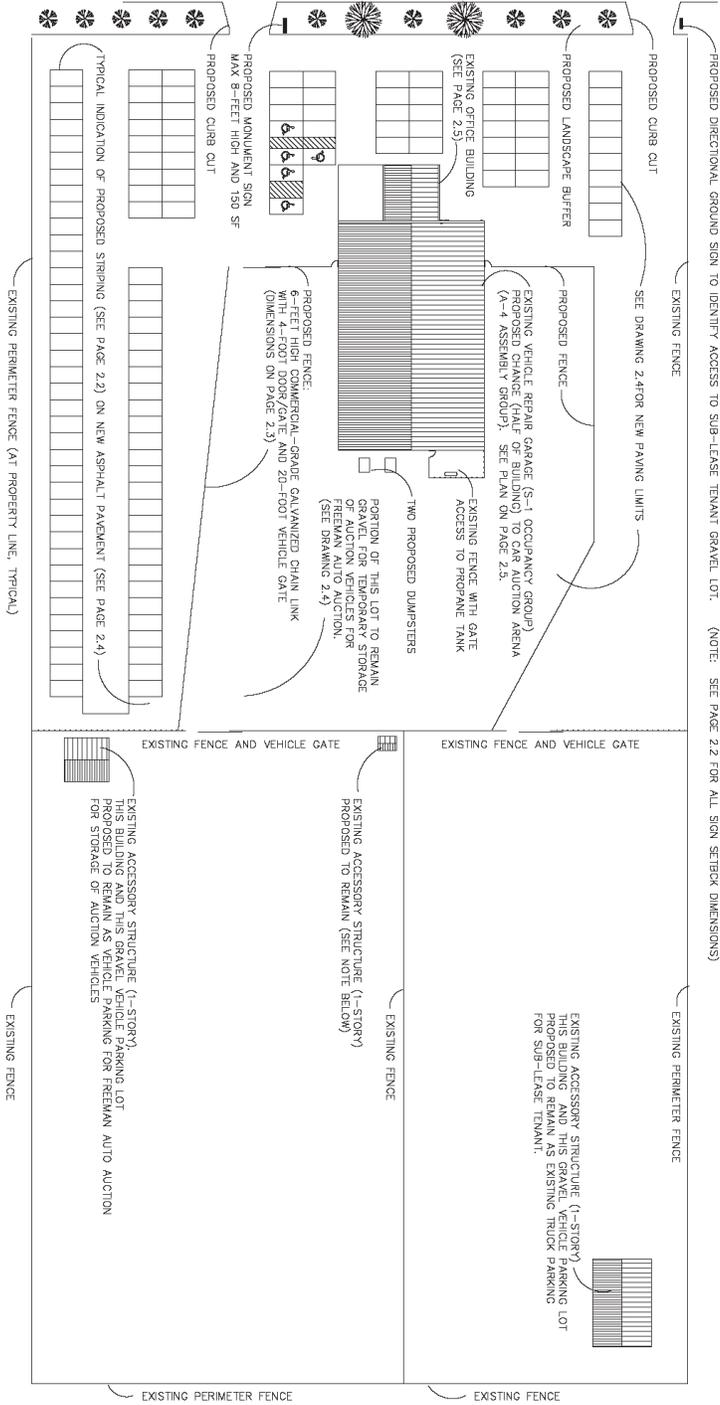
Renders interior layout of our three bays used for the auction, including proposed bleachers. The adjacent 3 bays which are not occupied by the auction are mislabeled as "Vehicle Repair Garage", this is actually occupied by a small trucking company.

Drawing 2.6

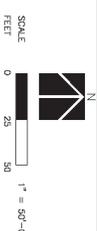
Renders exterior building, which will be painted an appropriate color. Building dimensions are also shown.



GILMORE ROAD



Preliminary Plot Plan for
Freeman Auto Auction
8340 N. Gilmore Rd., Hamilton, Ohio
Drawing No. 21-131-20
Revision No. 1
Project No. 1197-001



Kiesling Architecture
405 Westwood Blvd., Suite 100, Cincinnati, Ohio 45229
info@kieslingarchitecture.com (616) 444-0027





Preliminary Dimensioned Fence Plan for
 Freeman Auto Auction
 8340 N. Gilmore Rd., Hamilton, Ohio
 Drawing No. 23
 Date: 01/13/20
 Project No. 1197-001

SCALE
 1" = 50'-0"
 0 25 50
 FEET

Kiesling Architecture
 4425 Washington Blvd., Suite 100, Cincinnati, Ohio 45239
 info@kieslingarchitecture.com (513) 444-0077

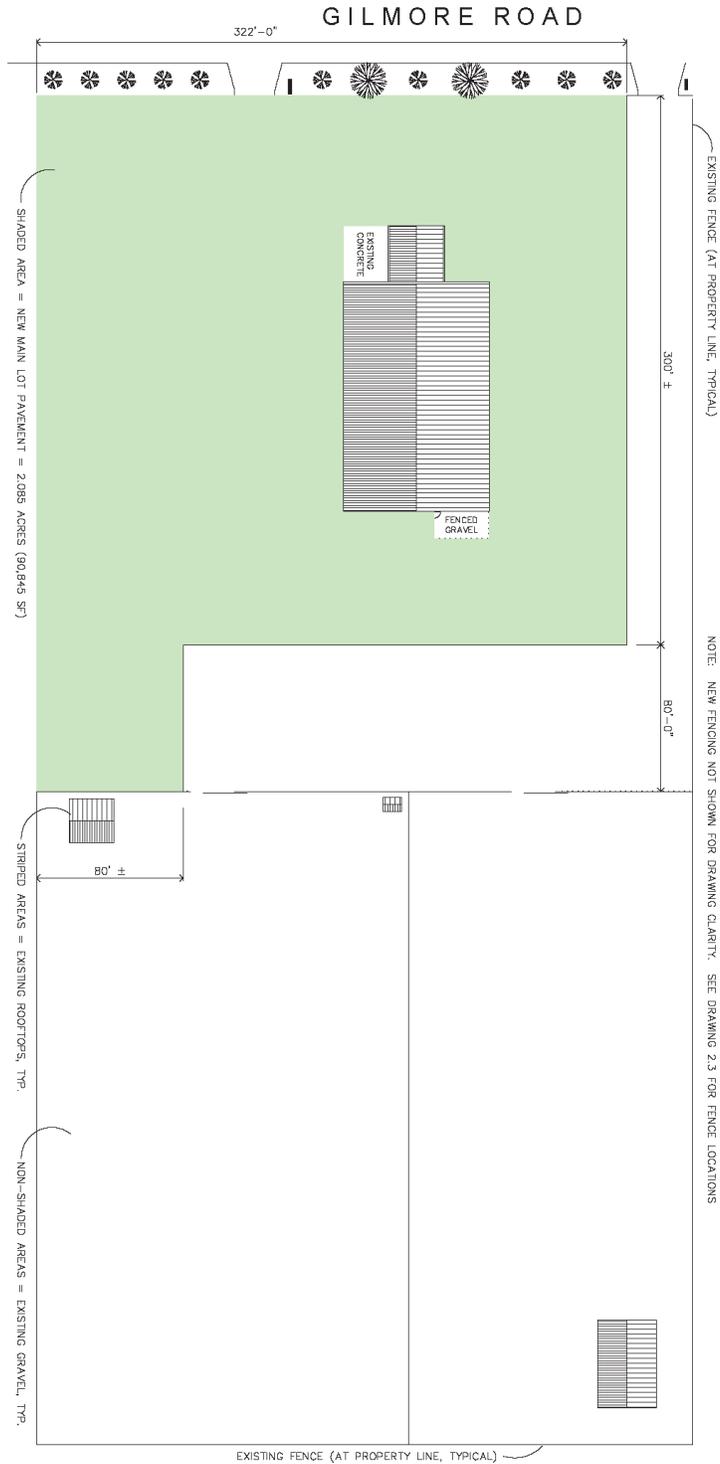




Preliminary Dimensioned Paving Plan for
Freeman Auto Auction
8340 N. Gilmore Rd. Hamilton, Ohio
Drawing No. 214
Revision No. 01
Project No. 1137-001

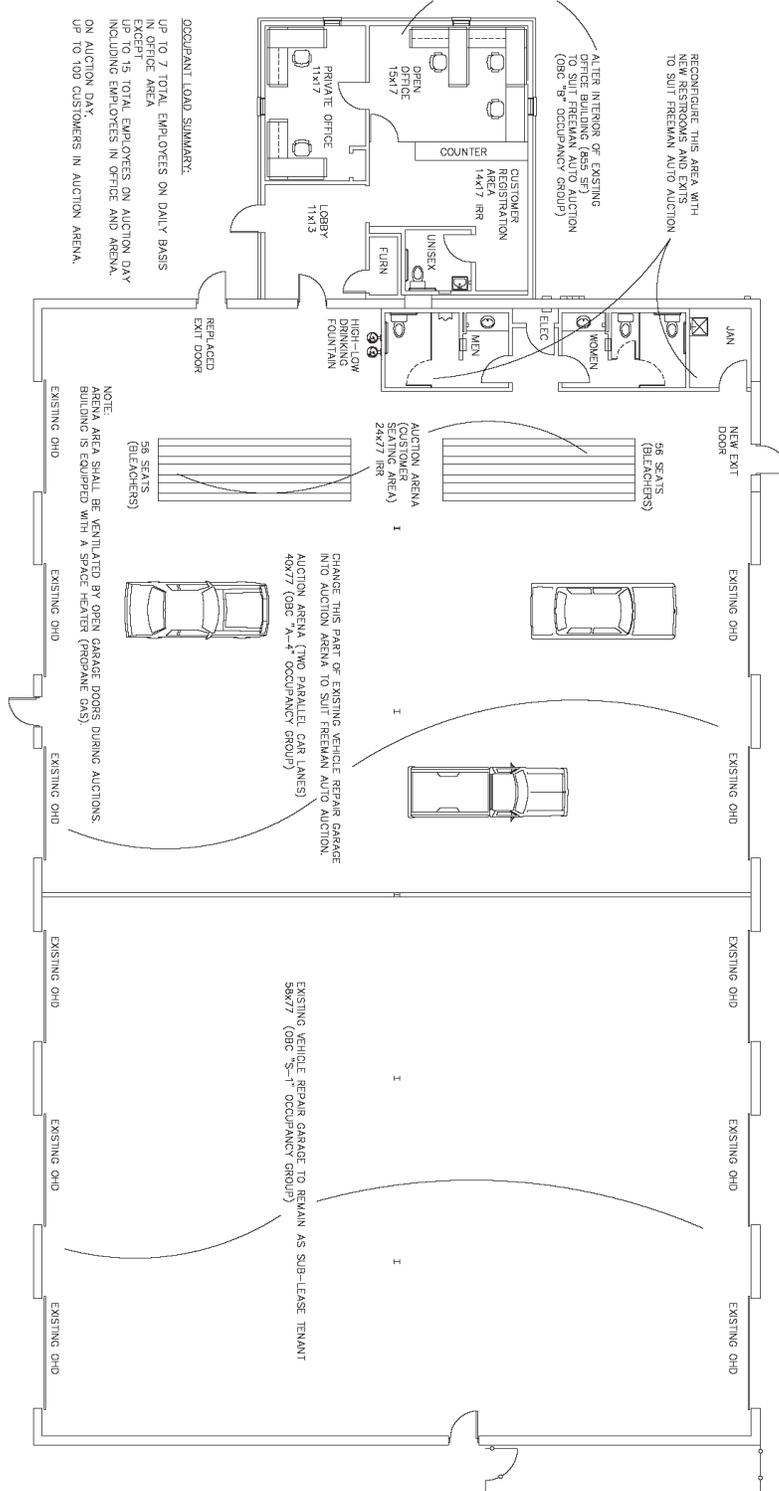
SCALE
0 25 50
1" = 50'-0"
FEET

Kiesling Architecture
4425 Westchester Blvd., Suite 100, Cincinnati, OH 45236
info@kieslingarchitecture.com (513) 444-0027





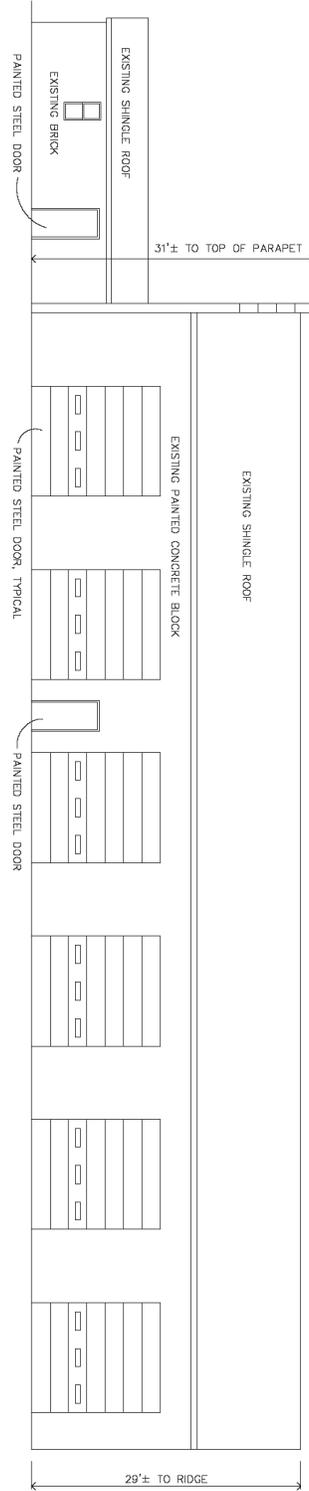
Preliminary Floor Plan for
Freeman Auto Auction
8340 N. Gilmore Rd. Hamilton, Ohio
Drawing No. 23
Revision No. 1-20
Project No. 1197-001



SCALE
1" = 10'-0"
0 3 16
FEET

Kiessling
Architecture
462 Westwood Blvd. Suite 100, Cincinnati, Ohio 45229
info@kiesslingarchitecture.com (616) 444-0027

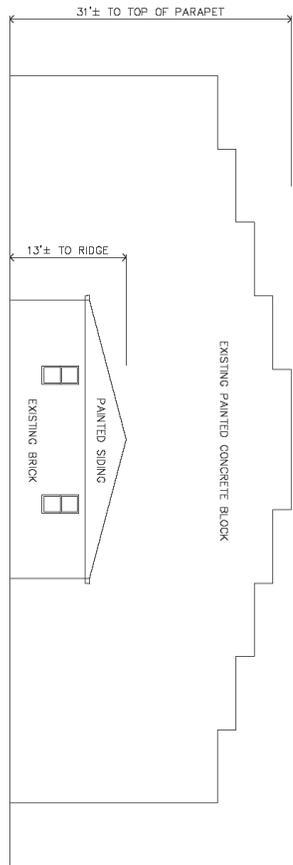




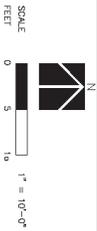
South Elevation

NOTE:
CONCRETE BLOCK, PAINTED SIDING, AND
STEEL DOORS TO BE REPAINTED.
COLOR(S) TO BE DETERMINED.

West Elevation (as seen from Gilmore Road)



Existing Building Elevations for
Freeman Auto Auction
8340 N. Gilmore Rd., Hamilton, Ohio
Drawing No. Z19
Drawing Date: 11/13/20
Project No. 1137-001



Kiesling
Architecture
402 Westwood Blvd., Suite 100, Cincinnati, Ohio 45219
info@kieslingarchitecture.com (616) 444-0077



8340 N Gilmore Road, Conditional Use (Auto Auction)
Exhibit B - Location Map



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri Community Maps, 2014

Areas

- Override 1
- Owner Parcels

8340 N. Gilmore Rd.





**8340 N Gilmore Road, Conditional Use (Auto Auction)
Exhibit C - Zoning Map**



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri Community Maps, 2014

- Areas**
- Override 1
 - Owner Parcels

8340 N. Gilmore Rd.



Date: 2/18/2020

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

1 inch = 376 feet





8340 N Gilmore Road, Conditional Use (Auto Auction)
Exhibit D - Notice of Public Hearing



February 19, 2020

NOTICE OF PUBLIC HEARING

LOCATION: 8340 N. Gilmore Road
APPLICANT: Freeman Auto Auction LLC - Evan Connor
REQUEST: The applicant is requesting a Conditional Use Approval to operate a dealer-to-dealer Automobile Action /Sales Business at 8340 N. Gilmore Road. The site is located within an I-2, Industrial Zoning District.

Attention Property Owner:

The City of Hamilton Planning Commission will hold a public hearing on **Thursday, March 5, 2020 at 1:30 P.M.** in the Council Chambers of the City Building located at 345 High Street.

You are a property owner within 500 feet of the subject property and as such are required by statute to be notified of this public hearing.

An application for this project as well as the Commission Bylaws are on file in our office and available for your review. These materials, in addition to future updates and reports completed by staff during the review process, can be found online at:

<https://www.hamilton-city.org/266/Planning-Commission>.

If you have any comments concerning this matter, you may appear at the public hearing or you may forward your comments to the Planning Department in writing for presentation at the meeting.

If you or anyone planning to attend this hearing have a disability for which we need to provide accommodations, please notify staff of your requirements at least three (3) days prior to the public hearing.

If you have any questions, please visit the Planning Department located at 345 High Street, Hamilton, Ohio, or contact **Larry Bagford**, of the City of Hamilton Planning Department at **785-7350**.

Sincerely,

LJ Bagford

Larry Bagford, CFM
Planning & Zoning Specialist





8340 N Gilmore Road, Conditional Use (Auto Auction)
Exhibit E - Recommended Conditions of Approval

Conditions of Approval for 8340 N. Gilmore Road

1. That a variance to waive the 10-ft landscaped setback requirement on the north, east and south sides of the property is approved.
2. That a variance to the paving requirement for the rear portion of the existing gravel lot as shown on the plans is approved.
3. All storm water drainage shall be directed to the east in a manner that will prevent standing water and will not be directed toward any foundations or cause a problem for adjacent properties.
4. All required permits and inspections shall be obtained prior to the business commencing operation.
5. All site improvements as proposed and all conditions shall be in compliance prior to the business commencing operation.
6. All signs shall conform to the requirements of Section 1138.00 –Signs of the Hamilton Zoning Ordinance.
7. The portion of the new chain-link fence enclosing the auction vehicles will have vinyl slats installed to screen the graveled parking area and the vehicles parked there.
8. No auction vehicles shall remain on the property for more than 30 days.
9. There shall be no automobile repair on the site as part of the auto auction business.
10. No auto parts or tires shall be stored on the property.
11. All conditions shall be maintained while the business is located at his location. If at any time the property is not in compliance with this approval a Notice of Violation will be sent to the applicant allowing thirty days to achieve compliance.





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For the Planning Commission Meeting of March 5, 2020

To: Planning Commission
From: Liz Hayden
Larry Bagford
Ed Wilson, AICP

Date: February 19, 2020

Subject: **AGENDA ITEM #2 – New Business**
Zoning Text Amendments – TN (Traditional Neighborhood) Districts

Applicant: City of Hamilton

Request: To Amend the Zoning Ordinance of the City of Hamilton, Ohio by amending Chapter 1131.200 TN-1 (Traditional Neighborhood-One) District, 1131.300 TN-2 (Traditional Neighborhood-Two) District, 1131.400 TN-3 (Traditional Neighborhood-Three) District and 1131.500 TN-4 (Traditional Neighborhood-Four) District (City of Hamilton, Applicant)

BASIC INFORMATION	
Applicant/Property Owner	City of Hamilton – Planning Department
Architect/Engineer/Consultant	N/A
Size of Property	N/A
Current Zoning	N/A
Proposed Zoning	N/A
Comp. Plan Land Use Designation	N/A
Special Purpose/CRA	N/A
ADJACENT LAND USE/ZONING INFORMATION	
N/A	
ZONING/DIMENSIONAL INFORMATION	
N/A	

Section A: Introduction & Background

The purpose of the Traditional Neighborhood zoning districts is to establish zoning regulations developed specifically for the established design of Hamilton’s traditional and urban core neighborhoods. The submitted application would amend the new Traditional Neighborhoods zoning districts based on preliminary feedback that staff is compiling as these districts are being applied to more neighborhoods. The proposed changes include:

(Report continues on Next Page)





Synopsis of Changes:

1. To add Bed and Breakfast as a Conditional Use in the Traditional Neighborhood-One (TN-1) district with nine conditions that would apply for when a bed and breakfast may be appropriate. Staff is also recommending eliminating the regulation that a Bed and Breakfast has to be in a designated Historic Preservation District in TN-2, TN-3, and TN-4. This change is in response to interest from property owners in utilizing single-family homes that are most appropriately zoned TN-1 as bed and breakfasts.
2. Change the Infill Development Standards regarding vinyl siding. The proposed change now includes a reference to the Residential Design Standards in Section 1110.00 of the Hamilton Zoning Ordinance, which contains guidelines such as vinyl thickness. It also changes the regulations on vinyl siding from not allowing it on the front façade to allowing it on the front façade if the character of the surrounding area contains vinyl siding on the front façade.
 - Because there are areas of Lindenwald and Prospect Hill where vinyl is common, Staff believes that it could be appropriate to include vinyl siding on infill development. It remains identified as an accessory material only. These regulations are found in TN-1 but apply to TN-2, TN-3, and TN-4 as well.
3. Fix an error in the text regarding Minimum Lot area regulations where there was conflicting information. Staff deleted the 7,500 square feet lot are minimum and kept the 4,000 square feet minimum. This change occurs in TN-1 and TN-2.

Section B: Petition Review

The proposal consists of a text amendment to the Hamilton Zoning Ordinance, amending Chapters 1131.200 TN-1 (Traditional Neighborhood-One) District, 1131.300 TN-2 (Traditional Neighborhood-Two) District, 1131.400 TN-3 (Traditional Neighborhood-Three) District and 1131.500 TN-4 (Traditional Neighborhood-Four) District.

The proposed changes to the four (4) TN (Traditional Neighborhood) zoning districts are summarized below. The full version of the TN District zoning with the changes identified are included as attachments to the staff report (See Exhibit A).

No other changes are proposed for the TN zoning districts.

(Report continues on Next Page)



Proposed Changes to Traditional Neighborhood-1 (TN-1) District

1. Add New Section to Conditional Uses: Bed and Breakfast
 - a. Maximum of three (3) bedrooms in the principal residential structure may be used as rentable units.
 - b. Add Conditions pertaining to a Bed and Breakfast in a TN-1 District
 - i. Minimum Lot Size: 6,000 square feet.
 - ii. Minimum Lot Size per rentable unit: 1,500 square feet.
 - iii. The Bed & Breakfast plan must mitigate impacts on surrounding areas (noise, overcrowding, trash, screening, parking, etc.).
 - iv. No outdoor storage of materials or waste.
 - v. No lighting shall produce glare on any street or adjacent property.
 - vi. Bed & Breakfast must be compliant with local regulations (Zoning, Health, Public Safety) and any relevant licensing requirements.
2. Minimum Lot Area – (For any lot in the TN-1 District)
 - a. 4,000 square feet minimum lot size.
 - b. Eliminated conflicting language: 7,500 square feet.
3. Infill Development Standards – (new construction of structures)
 - a. Add language that new structures and facades must meet Residential Design Standards, Section 1110.00.
 - b. Revise language pertaining to vinyl siding: Vinyl may be used on the front facade if vinyl is not a material used on the principal structures on the two (2) adjoining [adjacent, neighboring] lots located on the same block face.

Proposed Changes to Traditional Neighborhood-2 (TN-2) District

1. Revise Bed and Breakfast language to allow in all TN-2 as a Conditional Use:
 - a. Eliminate “located within a Historic District” language.
 - b. Maximum number of bedrooms will remain as three (3) bedrooms.
2. Minimum Lot Area – (For any lot in the TN-2 District)





- a. 4,000 square feet minimum lot size.
- b. Eliminated conflicting language: 7,500 square feet.

Proposed Changes to Traditional Neighborhood-3 (TN-3) District

1. Revise Bed and Breakfast language to allow in all TN-3 as a Conditional Use:
 - a. Eliminate “located within a Historic District” language.
 - b. Maximum number of bedrooms will remain as five (5) bedrooms.

Proposed Changes to Traditional Neighborhood-4 (TN-4) District

1. Revise Bed and Breakfast language to allow in all TN-4 as a Conditional Use:
 - a. Eliminate “located within a Historic District” language.
 - b. Maximum number of bedrooms will remain as seven (7) bedrooms.

Section C: Notification

The City of Hamilton posted notification of the zoning text amendments on the Planning Department’s website, per Section 1180.00 of the Hamilton Zoning Ordinance. They were posted on February 19, 2020, located on the Planning Commission’s website.

At the time of writing this report, Planning staff has received no phone calls about these text amendments.





Section D: Statutes

Section 1180.00 of the Hamilton Zoning Ordinance provides the basis and process for amending zoning districts.

Plan Hamilton is the updated Comprehensive Plan for the city; a living document meant to guide land use and zoning decisions for the present and future of the city. Plan Hamilton recommends the implementation of the Traditional Neighborhood zoning.

Section E: Recommendation

If approved by the Planning Commission, the Planning Department 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, by amending Chapters 1131.200 TN-1 (Traditional Neighborhood-One) District, 1131.300 TN-2 (Traditional Neighborhood-Two) District, 1131.400 TN-3 (Traditional Neighborhood-Three) District and 1131.500 TN-4 (Traditional Neighborhood-Four) District.

Section F: Staff Comments / Basis for Recommendation

Staff recommends the amendment TN Districts for the following reasons:

1. Removing the language about requiring Bed and Breakfasts to be located only in designated historic districts and adding Bed and Breakfast as a Conditional Use in TN-1 is responsive to feedback we have received from property owners in Hamilton's traditional and urban core neighborhoods who are interested in utilizing their properties for bed and breakfast purposes. Where appropriate conditions exist, including large lot sizes and off-street parking availability, bed and breakfasts can integrate into Hamilton's urban core and traditional neighborhoods.
2. Changing the infill guidelines regulations about vinyl siding allows for infill development that is appropriate to sections of Hamilton's traditional neighborhoods where vinyl siding is common. Regulating the thickness of the vinyl as well as only allowing it as an accessory material on the façade maintains the goal of high-quality development in Hamilton's neighborhoods.
3. Eliminating the conflicting language included in the minimum lot area regulations eliminates confusion on how to interpret the Hamilton Zoning Ordinance for Staff, developers, and citizens.





4. While the changes allow for greater flexibility in use and material, the TN Districts provide the proper oversight to ensure that all developments properly integrate with the character and form of the surrounding areas and, as such, will not adversely impact the public health, safety, or welfare of the public.

Section G: Attachments:

Exhibit A – Proposed Hamilton Zoning Ordinance Sections:

1131.200 (TN-1), 1131.300 (TN-2), 1131.400 (TN-3), and 1131.500 (TN-4)



Zoning Text Amendments, Attachments
Proposed changes to Hamilton Zoning Ordinance (HZO)
Sections 1131.200, 300, 400 & 500

Traditional Neighborhoods Districts (1, 2, 3 & 4)

Report Attachments





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General Attachment Notice:

For ease of viewing, only those portions of the Zoning Ordinance pertaining to the requests within the submitted application have been included within these attachments.

The complete zoning code can be viewed online at:
<https://www.hamilton-city.org/262/Planning-Department>

EXHIBIT A

Proposed Text Amendments to City of Hamilton Zoning Ordinance
Words to be **deleted** are [lined through] - Words to be **added** are **highlighted**

TN (Traditional Neighborhood) Zoning Districts
[TN-1, TN-2, TN-3, & TN-4]

Proposed Changes to Traditional Neighborhood-1 (TN-1) District

1131.260 Conditional Uses: The following uses shall be permitted only if specifically authorized by the City Council in accordance with the provisions of Section 1155.00. (REVISED OR2015-9-80). Where applicable, buildings and structures shall be compliant with the Infill Development Standards established in Section 1131.280.

1131.260.5 Bed and Breakfast: A maximum of three (3) bedrooms in the principal residential structure on a lot may be used as Rentable Units, subject to the following conditions:

1131.260.5.1 Minimum Lot Size for Operation: 6,000 square feet.

1131.260.5.2 Minimum Lot Size per Rentable Unit: 1,500 square feet.

1131.260.5.3 The submitted plan mitigates adverse impacts on the surrounding areas associated with the increase in density and intensity. Considerations include, but are not limited to, overcrowding, noise, trash, off-street parking, and screening or buffering.

1131.260.5.4 The use shall not generate pedestrian or vehicular traffic beyond that which is reasonable or normal to the area in which the site is located.





1131.260.5.5 One (1) off-street parking space shall be provided per bedroom available for rent. Off-street parking shall be provided as indicated in the approved plan. Applicants shall demonstrate the ability to provide parking for employees and customers on-site and / or through the use of public facilities or some other off-site location, either of which shall be located within 500 feet of the site. A minimum of seventy percent (70%) of the required off-street parking shall be provided on-site in areas featuring a high concentration of residential land uses.

1131.260.5.6 Operations shall be compliant with all applicable state and local regulations, including any and all applicable licensing requirements.

1131.260.5.7 No outdoor storage of any material (usable or waste) shall be permitted on site, unless such outdoor storage is approved in the plan through the Conditional Use Process set forth in this Zoning Ordinance.

1131.260.5.8 No lighting shall be permitted in association with a Bed and Breakfast which would produce a glare on any street or into any adjacent property beyond that which is reasonable or normal to the Zoning District and within surrounding areas.

1131.260.5.9 No use shall create hazardous, offensive or objectionable odor, dust, cinders, fumes, noise, vibration, radiation, or refuse matter.

1131.270 Minimum Lot Area: The Minimum Lot Area of newly created lots shall be within five percent (5%) of the average lot size of all lots located on the same block face and in the same zoning district. ~~In no instance shall the lot area of a new lot used for residential purposes have an area that is less than 7,500 square feet.~~ In no instance shall the lot area of a new lot used for residential purposes have an area that is less than 4,000 square feet.





1131.280 Infill Development Standards: Infill Development standards of this Section apply to the construction of all new structures located within a TN District.

1131.280.3 Building Materials: All exterior building materials shall be quality materials that produce aesthetics that are consistent or compatible with typical construction materials used in traditional and urban neighborhoods. Examples include brick, wood “clapboard” type siding, wood composite “clapboard” type siding or cement board “clapboard” type siding, stone, concrete, and other materials which are formed to have a stone, wood, shake, or brick appearance. Vinyl may be used as an accessory material in the following instances:

1131.280.3.1 The style of the vinyl material appropriately mimics typical construction materials used in traditional and urban neighborhoods and meets the Residential Design Standards in Section 1110.00.

1131.280.3.2 The portion of the exterior where vinyl is utilized is not directly viewable from the public right of way on the front facade if vinyl is not a material used on the principal structures on the two (2) adjoining lots located on the same block face.

Proposed Changes to Traditional Neighborhood-2 (TN-2) District

1131.360 Conditional Uses: The following uses shall be permitted only if specifically authorized by the City Council in accordance with the provisions of Section 1155.00. (REVISED OR2015-9-80). Where applicable, buildings and structures shall be compliant with the Infill Development Standards established in Section 1131.280.

1131.362 Bed and Breakfast: A maximum of three (3) bedrooms in the principal residential structure on a lot located within a designated Historic Preservation District may be used as Rentable Units, subject to the following conditions:

1131.370 Area and Height Requirements: Unless otherwise stated within this Section of the Zoning Ordinance, the following area and height requirements shall be observed within the TN-2 Zone:





1131.371 Maximum Height: Three (3) stories or thirty (30) feet in height.

1131.372 Minimum Lot Area: The Minimum Lot Area of newly created lots shall be within ten percent (10%) of the average lot size of all lots located on the same block face and in the same zoning district. ~~In no instance shall the lot area of a new lot used for residential purposes have an area that is less than 7,500 square feet.~~ In no instance shall the lot area of a new lot used for residential purposes have an area that is less than 4,000 square feet.

Proposed Changes to Traditional Neighborhood-3 (TN-3) District

1131.460 Conditional Uses: The following uses shall be permitted only if specifically authorized by the City Council in accordance with the provisions of Section 1155.00. (REVISED OR2015-9-80). Where applicable, buildings and structures shall be compliant with the Infill Development Standards established in Section 1131.280.

1131.461.3 Bed and Breakfast: A maximum of five (5) bedrooms in the principal residential structure on a lot ~~located within a designated Historic Preservation District~~ may be used as Rentable Units, subject to the following conditions:

Proposed Changes to Traditional Neighborhood-4 (TN-4) District

1131.560 Conditional Uses: The following uses shall be permitted only if specifically authorized by the City Council in accordance with the provisions of Section 1155.00. (REVISED OR2015-9-80). Where applicable, buildings and structures shall be compliant with the Infill Development Standards established in Section 1131.280.

1131.563 Bed and Breakfast: A maximum of seven (7) bedrooms in the principal residential structure on a lot ~~located within a designated Historic Preservation District~~ may be used as Rentable Units, subject to the following conditions:





For the Planning Commission Meeting of March 5, 2020

To: Planning Commission
From: Ed Wilson, AICP, Associate Planner II
Date: February 27, 2020

AGENDA ITEM #3 – New Business
Planning Commission Bylaws Amendment: Appointments

APPLICANT: City of Hamilton
REQUEST: Proposed changes to the Planning Commission Bylaws, to allow other appointed officials as the Planning Commission representative to the Architectural Design Review Board (ADRB) and Board of Zoning Appeals (BZA)

Section A: Introduction and Background

The City of Hamilton Planning Department is requesting a text amendment to the Planning Commission bylaws to help facilitate commission representation to the city's other planning boards: the Architectural Design Review Board (ADRB) and the Board of Zoning Appeals (BZA).

This proposal originated from the appointment of Planning Commission officers and representatives for the 2020 operational year. It was noted that the commissioners held multiple appointments including representation on other boards and commissions. Representing the Planning Commission on either the BZA or the ADRB is a time commitment as the meetings average from one to two hours in length, and with commissioner involvement on the Planning Commission and other obligations, committing to another planning board could result in undue difficulty for commission members.

Staff researched the Planning Commission Bylaws and worked with the Law Department on the possibility of having a city staff member as a representative. Law Department reviewed and proposed revisions to the bylaws in order to allow this possibility for Planning Commission. The proposal would allow the Commission to appoint an alternate representative to the ADRB or BZA in the event the Commission cannot fill the appointment among the commission member body.





Section B: Petition Review

The proposed revision pertains to the two planning boards, ADRB and BZA. Planning Commission is required to appoint one (1) representative among the commission membership to each of the boards respectively.

Proposal:

The revision is to allow the Planning Commission to appoint an alternate individual, recommended by the City Manager, as the representative.

- Staff is requesting the proposed changes out of consideration of commissioner commitments outside of the Planning Commission. Staff is cognizant of the commissioners' other obligations and service to the community beyond Planning Commission, which can result in either time constraints and/or exceeding demand on commission members.
- There is already precedent in utilizing City Staff strategically as alternate membership on Planning Commission. The proposed change to allow the option of a singular staff member, or other appointee, as the Planning Commission representative to the ADRB and BZA respectively would be a logical extension of this precedent. Meanwhile, the ADRB and BZA would still consist of majority citizen volunteers, in line with the intent of these planning boards.
- The proposed language also allows for other individuals beyond City Staff as the potential appointee. This would be in line with the City's and Planning Commission's pursuit of expanding citizen involvement in city affairs and potentially grooming new citizen leaders.

The proposed bylaw changes have been reviewed and recommended by the Law Department.

Section C: Recommendations

The Planning Commission can approve, amend, or deny the proposed changes. The Planning Department recommends the following motion:

- 1) That the Planning Commission take action to approve the amendment to the Planning Commission bylaws "Appointments" as presented.

Section D: Attachments

- 1) Exhibit A – Proposed Bylaw Changes: "Appointments"





Planning Commission Bylaw Amendment, Attachments
Proposed changes to “Appointments”

Report Attachments





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EXHIBIT A

Proposed Text Amendments to City of Hamilton Planning Commission, Appointments
Commission Bylaws

Words to be **deleted** are [~~lined through~~] - Words to be **added** are **highlighted**

- A. At the first official meeting of every new year, the Planning Commission shall make four (4) yearly appointments from their membership to serve as a Primary member and an Alternate member to the Board of Zoning Appeals and the Architectural Design Review Board. **If the Planning Commission is unable to fill any of these appointments from their own membership, Planning Commission may make appointments to the Board of Zoning Appeals and the Architectural Design Review Board based upon the recommendation of the City Manager.**





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Report continued on the next page





DRAFT Minutes for Review

Report continued on the next page





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Shaquila Mathews Commission Member	Teri Horsley Commission Member	Dale McAllister Commission Member	David Belew Commission Member
Patrick Moeller Mayor	Matthew Von Stein Commission Member	Joshua Smith City Manager	
Lisa Sandlin Alternate		Larry Bowling Alternate	

Three (3) Public Hearings

Roll Call:

Belew	Horsley	Mathews	McAllister	Moeller	Von Stein	Vanderhorst for Smith
	X	X	X		X	X

Swearing in of Those Providing Testimony to the Commission:

Notary Public Liz Hayden

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

January 16, 2020

- a. Motion to approve: Horsley
- b. Second: Von Stein
- c. Motion approved unanimously.

New Business:

Agenda Item #1 – PublicHearing

1301 Grand Boulevard – Conditional Use

Request for a conditional use certificate to allow multi-family residential with first floor commercial space at 1301 Grand Boulevard, property zoned B-2 (Community Business). (Community Design Alliance, Applicant)

Staff: Ed Wilson

Staff Presentation:

Section A: Introduction and Background

Section A.1: Project Overview

The submitted application pertains to a renovation and utilization of the building and site in question as a mixed-use building - multi-family residential dwelling with first floor commercial space. The site is located within a B-2 (Community Business) District. The B-2 District allows multi-family dwellings as a Conditional Use if approved by the Planning Commission and City Council (see Exhibit B for the conditional use proposal and submitted project plans).



Section A.2: Existing Site Conditions

The site in question consists of two (2) parcels for a total area of 6,175 square feet. The property contains a two-story, formerly sided, building and an adjacent paved area.

The two-and-a-half (2 ½) story structure, features two (2) full floors and an attic. There are three (3) entryways at the front façade of the structure, and two (2) entryways at the rear patio. There are also two separate (2) entryways leading to the basement, one on the front elevation and one on the back elevation.

There is a paved area located at the rear of the structure, spanning the eastern adjacent parcel. This paved area measures approximately 3,800 square feet, accessible by one (1) curb cut at rear connecting to South Thirteenth Street, and one (1) curb cut at the front connecting to Grand Boulevard.

Section A.3: History

This is the first time this specific request for the site in question has been heard by the Planning Commission. There has been some rehabilitation work performed on the structure, including removal of the existing siding and covering the structure with Tyvek material. The existing windows have also been replaced with new windows.

Previously, there were six (6) residential units in the building. This includes two (2) residential units in the basement that were illegally occupied per local ordinances. This property has a history of nuisance activities according to the Building Department, Health Department, and Public Safety.

Staff met with the applicant on November 22nd, 2019 as a pre-application meeting, to evaluate the proposal, discuss specifics of the residential components, and explain the required steps for moving forward with the conditional use proposal. Staff has also been in consistent contact with the owner and applicant in order to facilitate the project and move the proposal forward.

Section B: Development Plan Review

Section B.1: Development Plan Overview (Exhibit B)

The submitted Development Plan proposes exterior and interior alterations, including a change from a six-unit residential building to a mixed-use building with two (2) commercial spaces and four (4) apartment units. The additional of commercial was at the request of the City of Hamilton to better align with Plan Hamilton's objectives for the corridor.

The Development Plan proposes:

1. Renovation of the existing structure and property consisting of the following:
 - a) New roof
 - b) Replacement windows
 - c) New façade material of primarily thin brick veneer with stone veneer
 - d) New aluminum storefront windows and entryways
 - e) New entry doors at the eastern and rear elevations
 - f) New ADA ramp at the eastern elevation
 - g) Repair of existing paved parking area with landscaping



The submitted application for Planning Commission's consideration is for the following:

1. Conditional Use Certificate for renovation and reactivation of the structure for multi-family residential, with commercial space on the first floor, on property zoned B-2 (Community Business).

The current proposal for residential includes:

- a. Three (3) apartments at the upper floor
 - b. One (1) apartment at the first floor
2. The proposal also includes an office tenant space and commercial tenant space for the storefront portion of the first floor.
 3. The proposal includes interior residential improvements including granite countertops and porcelain tile flooring with a rendered wood pattern.

The specifics of the development proposal are discussed in greater detail in the section below.

Section B.2 Conditional Use for the proposed renovation of an existing structure for multi-family residential on the upper floor and commercial space on the first floor. (Exhibit B)

Section B.2.1: Proposal Overview

The submitted Development Plans indicate the following:

1. Conditional Use for a multi-family residence in B-2 (Community Business) zoning.
 - a. To allow for renovation, construction, and occupation of apartments in the structure. Three (3) units in the upper floor and one (1) unit in the rear of the first floor.

Hamilton Zoning Ordinance, Definitions (Section 1108.00) defines, family:

“Family”: A person living alone, or two or more persons related by blood or marriage living together as a housekeeping unit, and occupying a single dwelling unit; or a group of not more than four (4) persons, who need not be related by blood or marriage, living together as a housekeeping unit by joint agreement and occupying a single dwelling unit on a non-profit, cost sharing basis.

2. Renovation of the existing structure, which includes multi-family residential and commercial spaces on the first floor. Proposed work and development plans include the following items:



Section B.2.2: Exterior Façade Improvements and Site Improvements

The submitted Development Plans indicate the following:

1. Exterior improvements for the existing structure:
 - a. Roof to be replaced with architectural dimensional shingles (color to be determined).
 - b. Replace all existing residential windows with new vinyl windows.
 - 1) Twenty-nine (29) new windows total, to be replaced/installed.
 - c. Proposed thin brick veneer for all four elevations of the structure.
 - 1) This includes the upper half of the first floor.
 - 2) The second floor and remainder of the façade will be thin brick veneer.
 - 3) Application notes there is a possibility for real brick contingent upon cost analysis, structural analysis and feasibility.
 - d. Proposed stone veneer at the bottom of all four elevations, consisting of the lower half of the first floor.
 - e. Renovation of the first floor commercial facades
 - 1) Three (3) replacement doors at the front façade.
 - 2) Six (6) new aluminum storefront windows.
 1. Four (4) windows at the front
 2. One (1) window at the west elevation
 3. One (1) window at the east elevation
 - f. Demolition of existing basement access at front façade, and replacement with a new ADA ramp and entryway for the first floor.
 - 1) New entry door at the eastern elevation
 - 2) New five (5') feet wide ADA ramp - approximately 25 feet in length
 - g. New entry door at the rear elevation at the rear covered porch.
 - 1) This will provide access to the upper floor apartments.
 - h. Six (6') feet tall wooden fence and gate proposed at the rear of the structure as a trash/refuse enclosure.
2. Interior improvements to convert the majority of the space as a multi-family use.
 - a. Four (4) apartments proposed for the structure.
 - 1) First Floor will contain one (1) two-bedroom apartment
 1. Apartment is accessible via the first entryway at the rear covered porch.
 - 2) Second Floor will contain three (3) apartments.
 1. One (1) as a one-bedroom apartment
 - a. Accessible via the second entryway at the rear covered porch.
 2. Two (2) as two-bedroom apartments



- a. Accessible through the center door at the front façade.
 - 3) Apartments will have a kitchen and restroom.
 - b. Interior materials and finishes include:
 - 1) Granite countertops
 - 2) Wood cabinets
 - 3) Porcelain tile plan flooring (rendered wood pattern)
 - 4) Wood baseboard with crown molding (with certain instances of chair rail molding)
 - 5) Painted drywall for the interior walls
 - c. Attic will contain mechanical space.
 - d. Basement will contain mechanical space, with six (6) storage spaces. The City of Hamilton has requested that they not be individual rooms given the issues that have occurred at the building with illegal dwelling units.
3. Two (2) commercial type spaces on the first floor.
- a. One (1) office space, with a floor area of 332 square feet.
 - b. One (1) commercial tenant space, with a floor area of 450 square feet.
 - c. The two commercial spaces are accessible by a 110 square foot hallway at the rear of the tenant spaces.
 - 1) This hallway serves as access for the ADA ramp at the eastern elevation.

Section B.2.3 Landscaping

The submitted Development Plans indicate the following:

- 1. Proposed Landscaping will be located in a landscape area at the northeast corner of the overall property.
 - a. Two (2) trees are proposed for the property
 - 1) (Per HZO, two (2) trees are required).
 - b. Nine (9) shrubs are proposed
 - 1) (Per HZO, commercial design standards, six (6) shrubs are required).
 - c. Per the HZO, the landscaping proposal exceeds the required amount landscaping needed for the proposal.



Section B.2.4 Off-Street Parking & Access Controls

The submitted Development Plans indicate the following:

1. Existing Parking / Paved Area
 - a. Existing paved area at the rear of the property, serves as off-street parking for the lot.
 - b. Existing parking area will be repaired and striped.
2. Vehicular Parking and Access Controls
 - a. Vehicular traffic will be one-way traffic.
 - 1) Access on to the site will be from South Thirteenth Street at the rear.
 - 2) Vehicular egress, exiting from the site, will be from the remaining curb cut on to Grand Boulevard.
3. Parking spaces proposed:
 - a. Six (6) parking spaces proposed.
 - 1) Five (5) normal spaces
 - 2) One (1) ADA parking space
 - b. Per the HZO, the parking required for the proposal includes:
 - 1) Four (4) multi-family dwelling units proposed will require six (6) parking spaces required
 - 2) The commercial spaces require one (1) space per 500 square feet. Two (2) parking spaces are required.
 - 3) The proposal plans note a proposed bike rack at the front façade.
 1. Bike racks reduce the required number of parking spaces by two (2).
 - c. The proposed parking meets the off-street parking requirements of the zoning ordinance.

Section B.2.5 Lighting

The submitted Development Plans indicate the following:

1. Overhead lamp lighting proposed for the front façade, to illuminate first floor tenant signage and central entryway.
2. Security lighting with security cameras proposed to be installed above each front entry
 - a. Three (3) security lights and cameras, located at the front façade.
3. Security lighting with security cameras proposed for the parking lot, to be installed and attached to the structure.
 - a. One (1) light proposed at east elevation, towards the rear.
 - b. One (1) light proposed at the rear elevation.



Section C: Interdepartmental Review

The city's Interdepartmental Review Committee evaluated the proposed Conditional Use Certificate to allow a Multi-Family Residence on a property in the B-2 (Community Business) zoning district.

Planning received no objections on the final proposal submitted. The applicant worked with multiple City Departments to address concerns. The applicant reduced the number of apartments and added commercial based on the recommendations from the City of Hamilton. City staff requested that the entire first floor be commercial but based on concerns from the applicant, the City staff has not objected to the proposed plan that includes one (1) apartment on the first floor. City staff asked for more information on why removing the first floor apartment is not feasible but has not received it at the time of writing this report.

Section D: Submitted Request

In order to accomplish the project as proposed in **Section B.1**, the applicant is requesting a Conditional Use Certificate pertaining to the following request.

Request 1: Conditional Use Certificate for multi-family residential in an existing two-story building, on property zoned B-2 (Community Business).

The applicant is seeking approval for a conditional use certificate to renovate and reactivate a vacant two-story structure with a multi-family residential use, on property zoned B-2 (Community Business).

The applicant's intention is to have three (3) apartments on the second floor, and one (1) apartment at the rear of the first floor. The applicant also proposes an office space and commercial space for the front first floor space.

Section E: Statutes:

Section E.1 Governing Statutes

Section 1155.00 of the Hamilton Zoning Ordinance provides the basis, process, and review criteria for a Conditional Use Application. Section 1121.00 of the Zoning Ordinance governs the Community Business District (B-2). The purpose of the B-2 (Community Business) District is to permit and to encourage the establishment of commercial shopping centers, which offer a wide variety of consumer goods and services. It is intended that the Community Business District serve a larger population and larger area, and be located along major highways and thoroughfares.

Per Section 1121.39 of the HZO, the proposal for a multi-family residence located on property zoned B-2 (Community Business) requires a Conditional Use proposal and approval.

Plan Hamilton, the updated Comprehensive Plan meant to guide land use, planning, and zoning decisions for the city, indicates 1301 Grand Boulevard as part of the Urban Mixed Use future land use area. Urban Mixed Use is part of the community where the broadest mixture of land uses may be appropriate with well-design structures and the use of transitional uses that are significantly different in scale or intensity.



Grand Boulevard is identified in Plan Hamilton as a special plan area and this area calls for mixed-use development. Additionally, the Plan calls for this area to be more pedestrian and bike friendly.

Section E.2 Findings for Approving a Conditional Use

Section 1155.30 (Conditional Uses – Application and Review, General Standards) contains specific findings outlined within the HZO for review and approval of a Conditional Use by the Planning Commission.

In reviewing an application for a Conditional Use, the Planning Commission shall consider whether there is adequate evidence that the proposed Conditional Use is consistent with the following nine (9) criteria, general standards for a conditional use:

Conditional Use Criteria:

- (1) The proposed Conditional Use is to be located in a district wherein such use may be permitted, subject to the requirements of this Section and the Zoning Ordinance.
- (2) The proposed Conditional Use will not substantially or permanently injure the appropriate use of neighboring property and will serve the public convenience and welfare.
- (3) The proposed Conditional Use will be harmonious with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area.
- (4) The proposed Conditional Use shall be adequately served by essential public facilities and services such as, but not limited to, roads, public safety forces, storm water facilities, water, sanitary sewer, refuse, and schools. If not, the applicant shall be responsible for the extension or establishment of any public facilities and services to effectively service the proposed Conditional Use.
- (5) The proposed Conditional Use will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding streets.
- (6) The proposed Conditional Use will comply with all applicable development standards, except as specifically altered in the approved Conditional Use.
- (7) The proposed Conditional Use will not be hazardous to or have a negative impact on existing or future neighboring uses.
- (8) The proposed Conditional Use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the base zoning district.
- (9) The proposed Conditional Use will not impede the normal and orderly development.



Section F: Notification

The Planning Department mailed Public Hearing Notices to the owners of 110 properties within 500 feet of the subject property per statute requirements. Staff posted a sign at the site, advertising the public hearing for the conditional use.

Planning received one (1) phone call inquiring about the nature of the commercial spaces proposed for the structure, with a concern of potential auto-related uses (automobile sales, automotive repair) occupying the space. Planning answered the questions and the caller had no objections.

Section G: Recommendations

The Staff recommendations to the Planning Commission are as listed below in the document. Additionally, Staff Recommended Conditions are also listed in Exhibit E as a separate summary document. (Please see Exhibit E for the conditions).

Request 1: Conditional Use Certificate for multi-family residential in an existing two-story building, on property zoned B-2 (Community Business).

Staff recommends that the Planning Commission take action to recommend to City Council that they approve the Conditional Use Certificate for 1301 Grand Boulevard, to allow reoccupation of an existing structure with Multi-Family residential, subject to the following conditions:

1. Construction drawings and documents for the proposed improvements and work shall be revised subject to any current interdepartmental review comments and future review requirements of the City of Hamilton Interdepartmental 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 Hamilton Zoning Ordinance.
3. There shall be a lot combination of the two (2) parcels comprising 1301 Grand Boulevard within one (1) year of the Conditional Use approval and prior to Certificate of Occupancy: (Parcels: #P6451034000046 & P6451034000048).
4. All proposed landscaping items shall be reviewed and approved by the City of Hamilton Municipal Arborist.
5. The condition of the parking lot will comply with all Health and Zoning Code regulations, including Section 1779.07 of the Hamilton Health Code, which says, "Paved grounds, including parking areas, shall be maintained in good repair, free of debris, chuck holes, loose asphalt, loose concrete, and vegetation. A. Except as provided for by the City of Hamilton Zoning Code, parking areas are to be paved and shall be marked with appropriate traffic control markings and islands. B. Striping and markings shall be clearly visible to pedestrians and operators of vehicles,"
6. Any off-street parking spaces shall be allotted and arranged in an orderly manner to maintain the safe, orderly flow of traffic, as well as egress & ingress from the site.
7. Any proposal for the installation of an ADA ramp within right-of-way shall require review and approval from the Department of Engineering and the Traffic Engineer.



8. Any proposal for the removal of grass and/or existing trees within the Grand Boulevard right of way shall require review and approval from the City Arborist.
9. The total amount of residential units at the building shall not exceed four (4) units.
10. The Conditional Use and multi-family residential use shall adhere to the City of Hamilton Zoning Ordinance regulations, including abiding by the HZO's definition of a family, which states that the dwelling units shall not be rented to more than four (4) unrelated individuals at the same time.
11. The Conditional Use and subject property shall adhere to all applicable building, health, public safety, and fire code regulations. If issues are identified, the City shall work with the property owner to remedy issues. If issues are not resolved in a timely manner, the Conditional Use shall be revoked.
12. The rear fenced refuse/trash enclosure shall be solid wood fencing, with matching gate and shall reduce visibility into the refuse enclosure.
13. No light glare from any light source on the property shall extend beyond the property lines.
14. The four (4) residential units permitted will not exceed the space identified on the plan. None of the area identified on the plan as commercial will be utilized as residential.
15. The apartments will utilize the materials identified in the application, including:
 - a. Granite countertops
 - b. Wood cabinets
 - c. Porcelain tile plan flooring (rendered wood pattern)
 - d. Wood baseboard with crown molding (with certain instances of chair rail molding)
 - e. Painted drywall for the interior walls
16. The exterior of the building must be renovated in the manner shown on the building elevations. Any proposed modifications to the exterior of the building must be approved by City of Hamilton Planning Department staff.
17. The basement shall not be used for residential units, per State of Ohio Building Code. The storage units will not be built as rooms as shown on the building plans.
18. The applicant will install a bike rack that will be approved by the City of Hamilton Department of Engineering.
19. The building owner will make sure that the sidewalk remains in good condition and will repair any damage that occurs during construction.



Section H: Staff Basis / Comments

Request 1: Conditional Use Certificate for multi-family residential in an existing two-story building, on property zoned B-2 (Community Business).

Staff finds the proposed Conditional Use for multi-family residential on property zoned B-2 (Community Business) district to be consistent with the intent and purpose of the Conditional Use regulations, B-2 regulations, and the purpose and intent of the Hamilton Zoning Ordinance (HZO) in the following ways:

1. The proposed repair and renovation of the structure for a multi-family residential use and proposed conditions will not substantially injure the neighboring property, or the public convenience, health, safety, and welfare. It will not be hazardous to existing or future land uses, and will comply with applicable development standards.
2. The proposed Conditional Use, multi-family residential, with two (2) commercial tenant spaces is located in a district wherein such use can be permitted, due to nature of the building and its location in a traditional urban neighborhood, and its adjacency to R-3 (One to Four Family Residential) district.
3. The proposed project, multi-family residential use with first floor commercial will be harmonious with the existing or intended character of the neighborhood and will not change the essential character of the same area, due to the proposed restoration of the property.
4. The proposed Conditional Use will be adequately served by essential public facilities and services as part of the overall project.
5. The proposed Conditional Use has one vehicular approach to the property from South Thirteenth Street and one vehicular exit for the Grand Boulevard curb cut; it will not create interference with traffic. There will be no ingress from Grand Boulevard, a high traffic road, which would help prevent potential traffic issues.
6. The proposed Conditional Use will not impede the normal and orderly development. The recommended conditions pertaining to refuse storage and parking will address potential litter, excess refuse, and the orderliness and cleanliness of the property.
7. The proposed reactivation of an existing two-story structure with multi-family primarily on the upper floor and first floor commercial tenant spaces is consistent with Plan Hamilton, the update to the City's comprehensive plan, which identifies the area for Urban Mixed Use, promoting residential use mixed with other uses in a traditional urban environment.
8. The submitted plans meet the requirements of City Staff and have been approved with no objection through the interdepartmental review process.

Motion to accept a letter from a neighbor at 1221 Grand

Motion: Horsley

Second: Von Stein



Public Hearing:

Steven Gephart, applicant, in attendance to discuss the project. He stated that the project adds a commercial component to the building, which aligns with Plan Hamilton and the historical use of the building. The commercial addition to the project will also improve security. Additionally, the proposal includes security cameras and lighting in the parking lot. The project does not add residential density to the neighborhood, which was a concern the City staff stated. He stated the building is in fair shape and it is appropriate to return to productive use.

The plan will make the building ADA accessible. The proposed façade improves the aesthetic of the street. He commits to ensuring the interior materials are up to code and high quality.

Mr. Gephart stated that it will be a brick veneer. He expects one commercial space to be a leasing office and the other a salon or barbershop. Keeping the size of the commercial units small will help ensure that no high intensity commercial businesses will be able to locate here. The apartments are one and two bedroom. He stated that the storage in the basement will be for tenants to store items only. Staff discussed the parking requirements for these uses and how the applicant met the parking standards. Staff also stated there is on street parking available for this building.

Staff discussed public safety issues at the address under prior ownership. It was at one point planned for demolition because it was a problem property for Public Safety and the Health Department. However, it is a new owner and therefore City staff is working with them to repurpose the building.

Planning Commission asked about the budget and timeline. Mr. Gephart stated they do not have a budget yet but they want to get started as soon as possible, pending approval from the City.

Motion to close the public hearing: Von Stein
Second: Horsley

Discussion:

Planning Commission expressed concern about having crime issues at this site again. There was a discussion about how to ensure these issues will not occur again. Staff discussed remedies to address potential issues at this location, including court action and ultimately, revocation of the Conditional Use approval. Another process would be to declare it a Chronic Nuisance. Planning Commission discussed concerns about the quality of the materials proposed for the exterior of the building. They decided to reopen the public hearing to discuss with Mr. Gephart.

Motion to Open Public Hearing: Von Stein
Second: Mathews

Public Hearing, Reopened

Planning Commission asked about the brick veneer. Mr. Gephart stated that they chose a brick veneer instead of full brick due to cost. He stated that it would be possible to do a full brick technically but not sure about cost. Staff recommended adding an additional condition that the applicant would work with City staff to finalize the material of the exterior. Planning Commission asked that they consider a full brick exterior.

Motion to close the public hearing by: Horsley
Second: Von Stein



Motion – Planning Commission recommends that City Council approve the Conditional Use allowing multi-family residential use at 1301 Grand Boulevard, with conditions as stated in the meeting, including the additional exterior material condition.

Motion by: Von Stein
Second: Horsley

Motion approved unanimously via roll call vote.

Agenda Item #2 – PublicHearing

South E Street Alley – Alley Vacation

Request to vacate a portion of South E Street Alley, between Ross Avenue Alley and Franklin Street, located in the First Ward, South Side, of the City of Hamilton. (City of Hamilton, Applicant)

Staff: Ed Wilson

Staff Presentation:

Section A: Introduction and Background

Section A.1: Project Overview

The City of Hamilton is requesting vacation of a portion of South E Street Alley. The portion of alley in question is a north-south alley that connects Franklin Street and Ross Avenue Alley. The alleyway in question is a partially improved right-of-way, with approximately 50 feet of the southern portion as paved, and the remaining northern majority being vacant, unimproved land.

Section A.2: Existing Site Conditions

The portion of alley in question measures 180 feet in length, 10 feet in width, and right-of-way of approximately 1,800 square feet. The alley is located parallel to South E Street, and is situated between multiple residential properties including 410 Franklin Street, 428 Franklin Street, and 127 South E Street. Currently, there are existing overhead electric services being provided over the alley.

- The southern portion of the alley is paved from Franklin Street, approximately 53 feet. This serves as access to the parking area for 410 Franklin Street.
- The remaining portion and majority of the alley is unimproved land (non-paved land).

The majority of the alley is inaccessible and unusable by vehicular traffic. The southern portion of the alley serves as vehicular access for the side yard parking area for 410 Franklin Street. The northern portion is unimproved and features existing overhead utilities, obstructing potential vehicular traffic.



Section B: Petition Review

Section B.1: Submitted Request

The City of Hamilton submitted a petition proposing vacation (abandonment) of the public right-of-way for a portion of South E Street Alley, located between Franklin Street and Ross Avenue Alley. The alley provides a right-of-way connection from Franklin Street to Ross Avenue Alley, which connects South E Street and South F Street. The majority of the subject alley has not been improved to be a public alley and is currently occupied by vacant land with existing overhead utilities.

An alley vacation is a process in which an alley is reviewed for transference from public use to private property. Approval of an alley vacation means that the vacated portion of street will no longer be public right-of-way and the public could not use the alley for public access such as driving, parking, or walking.

In the event that any right-of-way vacation is approved, the land currently designated as right-of-way would be split down the centerline and each half (1/2) would be transferred to the adjacent property owners of record.

Specific information pertaining to the proposed alley for vacation is as follows:

- South E Street Alley (between Franklin Street and Ross Avenue Alley)
 - Length: 180 feet
 - Width: Ten (10') feet

Adjacent Property Owners:

Specific information pertaining to the properties adjacent to the right-of-way proposed for vacation is as follows:

- 410 Franklin Street – Owner: Jennifer J. Beckman
Parcel: P6412109000026, (City Lot No. 26740 ENT)
- 428 Franklin Street – Owners: Sheli G. & Scott A. Zeller
Parcel: P6412109000025, (City Lot No. 4715 ENT)
- 127 South E Street – Owners: Cecilia S. & Timothy R. Andrews
Parcels: P6412109000027 & 28, (City Lots No. 2345 & 2346 ENT)

If the alley vacation is accepted, the abutting owners would receive the following amount of property (approximate):

- 410 Franklin Street = **500 Square Feet**
 - Approximately 430 square feet consists of paved alley.
- 428 Franklin Street = **900 Square Feet**
 - Approximately 430 square feet consists of paved alley.
- 127 South E Street = **400 Square Feet**
 - The portion of alley is unimproved and contains overhead electric utilities.



Section B.2: Interdepartmental Review

The city's Interdepartmental Review Committee evaluated the proposed vacation of a portion of South E Street Alley. There were no objections to the proposal.

- However, the Interdepartmental Review requires an easement spanning the entire length of the alley to operate and maintain existing overhead electric and telecommunication facilities. This item is included as a recommended condition of approval.

Section C: Statutes:

Alley Vacation Process.

The Planning Commission can approve or deny the request for an alley vacation and may modify or add any additional conditions to the street vacation request.

The statutes of Chapter 167.07 of the City of Hamilton's Codified Ordinances regulate vacation or abandonment of public right-of-way (alleys, streets, etc.).

- Planning Commission may vote on the street vacation, for or against.
- If the Planning Commission provides a favorable recommendation, the street vacation proposal is forwarded to City Council.
- If approved by City Council, the council adopts a resolution of intent to vacate.

Typically, right-of-way vacations proceed with appraisal of the alley and Board of Revisions of Assessments. However, with the City of Hamilton as applicant, the petition to vacate may proceed to City Council as a resolution to vacate, followed by an ordinance to vacate the right-of-way.

Section D: Notification

The Planning Department mailed Public Hearing Notices to the owners of 30 properties within 200 feet of the subject property per statute requirements. This mailing also includes three (3) owners of property abutting the alley in question. Staff posted a sign at the site, advertising the public hearing for proposed vacation of a portion of South E Street Alley.

The Planning Department received two (2) phone calls pertaining to the proposal.

- 410 Franklin Street – Owner: Jennifer J. Beckman

Ms. Beckman called and voiced opposition to the proposed alley vacation, with comments that the alley should be cleaned up. Staff has been in discussion with Ms. Beckman regarding the project and her concerns.

In addition, Planning received a letter voicing concerns and opposition from Ms. Beckman. This item is included as an Exhibit Attachment item.

- 127 South E Street – Owners: Cecilia S. & Timothy R. Andrews

Ms. Andrews called and voiced that she was favorable to the proposed alley vacation.



- 435 Franklin Street

The caller wanted more information about the alley vacation. The caller voiced no comment against or for the proposal.

Section E: Recommendations

The Planning Commission can provide a favorable recommendation to City Council for the alley vacation, or recommend denial of proposal. The Planning Department recommends the following motion to City Council:

That the Planning Commission take action to recommend that City Council adopt the necessary legislation to vacate the portion of South E Street Alley, situated in the First Ward, South Side, as displayed on the street vacation exhibit. The recommendation includes the following conditions:

Conditions for Approval:

- 1) The construction drawings for the proposed work, including site/engineering plans, shall be revised subject to any future requirements of the City Interdepartmental Review (IDR) Committee upon review.
- 2) A ten (10') feet wide utility easement shall be recorded, which includes the entire length of the portion of South E Street Alley.
- 3) That the City Council waive its right to a hearing before the Board of Revisions of Assessments because the petition for vacation has been submitted by the City of Hamilton.
- 4) That the City Council waive the requirement for an appraisal of the property to be vacated because the petition for vacation has been submitted by the City of Hamilton.
- 5) That the City Council waive the customary two-thirds payment of the appraised value of the vacated property because the petition for vacation has been submitted by the City of Hamilton.

Section F: Staff Basis / Comments

Staff finds the proposed alley vacation to be consistent with the intent and purpose of right-of-way vacation and abandonment in the following ways:

1. The alleyway in question is an unimproved alley, with a need to access the overhead electric utilities. With a recorded utility easement, such access would be maintained.
2. No connectivity will be lost as a result of the proposed vacation. The southern portion of alley would remain paved and serve as access to 410 Franklin Street. The northern portion is inaccessible to vehicular traffic due to the existing overhead utilities.
3. The proposed vacation will not adversely impact the public health, safety, or welfare. No vehicular access to any privately owned property will be closed as a result of the proposed vacation.



Public Hearing:

Jennifer Beckman, 410 Franklin Street, discussed her concerns with the alley vacation. She stated that she believes she should retain ownership of the entire alley. She said the City is vacating the alley because the City does not want to maintain the alley. Staff discussed the sewer grate and Mr. Engle confirmed that the City would make sure it could be driven over so Ms. Beckman could retain access to the parking lot, if she needs to move the access point to her parking lot.

Ms. Beckman discussed how she would go about acquiring the other half of the alley from the neighbor.

Cecilia Andrews, adjacent property owner to the alley, was in attendance to discuss the alley vacation. She said the alley has not been in use for 70 years. She said there is a dangerous drop-off in this area that makes it unsafe for people to walk in this area. Ms. Andrews has been cutting the grass until 2019 when her mower broke. Staff stated that Ms. Andrews can fence it in but the City asked that she work with Engineering to minimize the likelihood of having to remove fencing to access the power lines. Staff explained how the ADRB process worked to encourage her to move forward with the fencing she desires.

Ms. Beckman discussed her concern about how the alley vacation affects her property. Planning Commission explained that currently anyone is allowed on the alley. Staff confirmed that it would extend their private property, which could result in property tax increases, if it is deemed to improve the value of the land.

Staff explained the rationale for the alley vacation. Staff stated that the paved portion of the alley has been operating essentially as private property – an entrance to the parking lot. One neighbor adjacent to the grassy portion of the alley is interested in owning the property and fencing it to help reduce dumping and blight issues. Another reason for the vacation is that it is not a functional alley and looks like private property, so there has been ongoing confusion about who owns it. The City has sent Ms. Beckman letters to clean up the alley because the City staff did not know it was an alley; Ms. Beckman would have to explain the situation to the staff person. This happened many times over the years.

Motion to close the public hearing: Von Stein
Second: Mathews

Discussion:

Planning Commission validated the concerns City staff discussed about confusion about ownership. Staff confirmed all owners received letters about this vacation.

Motion – Planning Commission recommends that City Council approve the alley vacation, with conditions as discussed in the meeting, including the conditions about Public Works cleaning the alley up and Engineering permitting extending the apron of the parking lot access drive.

Motion by: Von Stein
Second: Horsley
Approved unanimously via roll call vote.



Agenda Item #3 – PublicHearing

South Hamilton Crossing – Right-of-Way Vacation and Dedication Plat

Request to vacate right-of-way and a dedication plat for the South Hamilton Crossing intersection, located in the Sixth Ward, North Side, of the City of Hamilton. (City of Hamilton, Applicant)

Staff: Ed Wilson

Staff Presentation:

Section A: Introduction and Background

Section A.1: Project Overview

The Planning Department and Department of Engineering have submitted, a) a petition to vacate right-of-way located at South Hamilton Crossing (SHX) and b) a dedication plat for South Hamilton Crossing (SHX). The requests are being submitted to resolve former street and alley right-of-ways, including the former portions of Central Avenue and East Avenue that are no longer applicable due to the construction of South Hamilton Crossing (SHX).

Section A.2: Existing Site Conditions

The subject area, South Hamilton Crossing (SHX) is located west adjacent to the railroad, with Grand Boulevard as the overpass connection above the railroad.

Existing site conditions include:

- To the north are industrial properties, as well as several businesses and residences along Central Avenue.
- To the east of South Hamilton Crossing is the Jefferson neighborhood, a traditional urban neighborhood with smaller lots and gridded streets.
- To the west is vacant, undeveloped land known as University Commerce Park, with Grand Boulevard extending to University Boulevard and Lane Library Hamilton.
- To the south is the Lindenwald neighborhood featuring urban residential and urban business uses.

Section A.3: History

The South Hamilton Crossing Improvement Project consisted of a grade separation in the form of an overpass, which replaced a dangerous and confusing at-grade rail crossing located at the former intersection of Central Avenue and Pleasant Avenue. South Hamilton Crossing (SHX) improved access to the adjacent University Commerce Park (UCP), 60+ acres of vacant, municipally-owned, development-ready land; the growing Miami University Hamilton campus; and the Class-A office space of Vora Technology Park.

Additionally, SHX provides mainline artery access to Route 4, Bypass 4, State Route 129, and Interstate 75 for the existing uses and potential development areas. The SHX Improvement Project is expected to provide much needed access, unique development opportunities, and potential for major economic development within the City of Hamilton.



Section B: Petition Review

Section B.1: Submitted Request

The submitted request includes a petition to vacate right-of-ways around South Hamilton Crossing, and a dedication plat for the South Hamilton Crossing (SHX). (See Exhibit B).

- 1) A right-of-way vacation is a process in which a right-of-way (street or alley) is reviewed for transference from public use to private property. Approval of a right-of-way vacation means that the vacated portion of street or alley will no longer be public right-of-way and the public could not use the alley for public access such as driving, parking, or walking.

In the event that any right-of-way vacation is approved, the land currently designated as right-of-way would be split down the centerline and each half (1/2) would be transferred to the adjacent property owners of record.

- 2) A dedication plat is a process in which right-of-way is established and accepted by the City for public use.

The specific requests for review include the following items:

1. Vacation of specific right-of-ways
 - a. Right-of-ways at the Grand Boulevard, East Avenue, Dixie Highway intersection (east of the Railroad).
 - b. A portion of Grand Boulevard right-of-way at Lane Public Library.
 - c. Pleasant Avenue Alley and Marshall Avenue Alley (unimproved alleys) located southwest of the main South Hamilton Crossing (SHX) intersection.
2. Dedication Plat for South Hamilton Crossing (SHX).
 - a. Dedication of right-of-way and easements.
 - 1) Grand Boulevard
 - 2) U.S. Route 127 (Central Avenue & Pleasant Avenue)
 - 3) Dixie Highway
 - 4) East Avenue
 - 5) Sipple Avenue (cul-de-sac street)
 - 6) Two (2) alley dedications
 - 7) Multiple easements for utilities and engineering

Section B.2: Review of Applicant Submittal Materials

Section B.2.1 Vacation Requests

The city requested vacation of portions of right-of-way at South Hamilton Crossing (SHX). The right-of-ways in question are unimproved, unpaved, former street intersections. The portions of right-of-way are unneeded due to the relocation of streets that were part of the South Hamilton Crossing (SHX) project.



1. Vacation of right-of-ways at the Grand Boulevard, East Avenue, Dixie Highway intersection, located east of the railroad.
 - a. The former Central Avenue is a 60 feet wide right-of-way, 414.65 feet in length, located north of the Grand Boulevard & East Avenue intersection.
 - b. The former East Avenue is a 60 feet wide right-of-way, 330.63 feet in length, located north of Grand & East Avenue, intersecting with the former Central Avenue.
 - i. 1.03 Acres of right-of-way to be vacated (Central Avenue & East Avenue)
 - c. The former Dixie Highway is remainder portion of right-of-way located south of Grand & East Avenue, measuring 0.22 acres.

The proposed vacation of the former Central Avenue and former Dixie Highway also includes reserving a 40' wide length for public utility easement purposes.

2. Vacation of right-of-way at Grand Boulevard located west of the South Hamilton Crossing (SHX) intersection.
 - a. The portion proposed for vacation is approximately 660 feet in length, measuring 0.08 acres.
 - b. Per the Applicant, Lane Library has expressed an interest in accepting the vacated portion along their frontage.
 - c. The City of Hamilton owns all remaining properties abutting the alley.
3. Vacation of Pleasant Avenue Alley and Marshall Avenue Alley, located southwest of South Hamilton Crossing (SHX).
 - a. The alleys in question are unimproved and unpaved.
 - b. The alleyway portions are 16 feet wide and measure 0.12 acres.
 - c. The City of Hamilton is the owner of all properties abutting these alleys.

The newly constructed South Hamilton Crossing (SHX) and relocated streets provide vehicular and pedestrian access to properties and streets within the vicinity of the intersection.

Section B.2.2 Dedication Plat Request

The city requested dedication of right-of-way in the South Hamilton Crossing project area. A dedication plat request involves the platting of land occupied by streets, sidewalks, or other public areas, for acceptance by the City as public right-of-way.

The dedication of right-of-way includes:

1. Grand Boulevard, west of the South Hamilton Crossing intersection.
 - a. Street length of approximately 1,100 feet.
2. The majority of the South Hamilton Crossing intersection (Grand Boulevard & Pleasant Avenue)
3. The Grand Boulevard, East Avenue intersection (east of the railroad).
4. Sipple Avenue, cul-de-sac street, including the intersection with East Avenue.



5. Two (2) alley dedications:
 - a. One located at Dixie Highway Alley (east of Pleasant Avenue, west of the railroad)
 - b. One located at Grand Boulevard Alley (east of Dixie Highway)
6. Multiple utility easements where utilities currently exist in the South Hamilton Crossing area, and where required for engineering.

Adjacent Property Owners:

Specific information pertaining to the properties adjacent to the right-of-way proposed for vacation is as follows:

- 921 Sipple Avenue – Owner: Ed Emenaker
Parcels: P6451024000028 & 29, (City Lot No. 4119)
- 1517 Dixie Highway – Owner: Doug’s Auto Repair
Parcels: P6461009000041 & 42, (City Lots No. 10633 ENT & 10634 ENT)
- 1396 University Boulevard – Owner: Lane Public Library
Parcels: P6461005000143, (City Lot No. 2345 & 2346 ENT)

For the proposed vacation of right-of-way, the three (3) properties above would be impacted in the following ways:

- A portion of the former East Avenue, 55.54 feet in length (0.008 acres) abuts the rear of 921 Sipple Avenue.
- A portion of the former Dixie Highway, 35.5 feet in length (0.006 acres) abuts the front of 1517 Dixie Highway.
- A segment of right-of-way along the western portion of Grand Boulevard, 447 feet in length (0.09 acres) abuts Lane Library. The City of Hamilton is the owner of all other properties abutting the right-of-ways in question.

Section C: Statutes:

Right-of-Way Vacation Process.

The Planning Commission can approve or deny the request for an alley vacation and may modify or add any additional conditions to the street vacation request.

The statutes of Chapter 167.07 of the City of Hamilton’s Codified Ordinances regulate the renaming of public right-of-way.

- Planning Commission may vote on the street vacation, for or against.
- If the Planning Commission provides a favorable recommendation, the street vacation proposal is forwarded to City Council.
- If approved by City Council, the council adopts a resolution of intent to vacate.



Section D: Notification

The Planning Department mailed Public Hearing Notices to the owners of 38 properties within 200 feet of the subject property per statute requirements. This mailing also includes three (3) owners of property abutting the alley in question. Staff posted a sign at the site, advertising the public hearing for the street renaming.

The Planning Department received one (1) phone call pertaining to the proposal.

- 1329 East Avenue – Owner: Ramon Batista

Mr. Batista called and asked if the proposal would impact the property of 1329 East Avenue. Staff explained that property is accessible through East Avenue and that the petition to vacate was to resolve former, unneeded right-of-way. Mr. Batista voiced no objection to the proposal.

Section E: Recommendations

Vacation of Right-of-Way & Dedication Plat (South Hamilton Crossing)

The Planning Commission can provide a favorable recommendation to City Council for the proposals, or recommend denial of proposal. The Planning Department recommends the following motion to City Council with conditions of approval:

That the Planning Commission take action to recommend that City Council adopt the necessary legislation to:

- 1) Vacate the portions of right of way within the South Hamilton Crossing (SHX) project area: (Grand Boulevard, Dixie Highway, Central Avenue, East Avenue, Marshall Avenue Alley, and Pleasant Avenue Alley), situated in the Sixth Ward, North Side, as displayed on the street vacation exhibit; and
- 2) Accept the Dedication Plat for South Hamilton Crossing (SHX).

Conditions for Approval:

- 1) The construction drawings for the proposed work, including site/engineering plans, shall be revised subject to any future requirements of the City Interdepartmental Review (IDR) Committee upon review.
- 2) That the City Council waive its right to a hearing before the Board of Revisions of Assessments because the petition for vacation has been submitted by the City of Hamilton.
- 3) That the City Council waive the requirement for an appraisal of the property to be vacated because the petition for vacation has been submitted by the City of Hamilton.
- 4) That the City Council waive the customary two-thirds payment of the appraised value of the vacated property because the petition for vacation has been submitted by the City of Hamilton.



Section F: Staff Basis / Comments

Staff finds the proposed vacation and dedication to be consistent with the intent and purpose of right-of-way vacation and dedication of streets in the following ways:

1. The vacation and dedication would create continuity for this major intersection as it would resolve the issue of unimproved, irrelevant, and unneeded right-of-way within the South Hamilton Crossing (SHX) project area.
2. The proposal would dedicate and properly establish the right-of-way for the streets and right-of-way of the South Hamilton Crossing (SHX) intersection.
3. The proposed vacation of right-of-way would only minimally impact three (3) properties in the project area. The impact is negligible to the properties in question as the portions of right-of-way are marginal pieces of property. The properties in question also already have right-of-way access through South Hamilton Crossing (SHX) streets.
4. The proposed vacation and dedication will not adversely impact the public health, safety, or welfare. The proposal does not involve closing, rerouting, or vacating of any other existing street or alley utilized by the public. All public right-of-way access will be maintained.

Public Hearing:

Motion to close the public hearing: Horsley
Second: Von Stein

Discussion:

Ms. Horsley asked if she should abstain because of Porter's advertising. Mr. Messer said this agenda item is not adjacent to their billboards.

Motion – Planning Commission recommends that City Council approve the right-of-way vacation and dedication plat for South Hamilton Crossing.

Motion by: Von Stein
Second: Vanderhorst for Smith
Motion approved unanimously.

Miscellaneous:

1. Election of Commission Chairperson for the 2020 operational year
 - a. Motion: Motion to elect Dale McCallister as Chairperson
 - b. Motion by: Horsley
 - c. Second: Von Stein
 - d. Motion approved unanimously.
2. Election of Commission Vice-Chair for the 2020 operation year
 - a. Motion: Motion to elect Teri Horsley
 - b. Motion by: Vanderhorst
 - c. Second: Von Stein
 - d. Motion approved unanimously.



3. Appointment of Representative to the Board of Zoning Appeals

- Primary Representative
 - a. Motion: Motion to elect Von Stein
 - b. Motion by: McAllister
 - c. Second: Horsley
 - d. Motion approved unanimously.

- Alternate Representative
 - a. Motion: Motion to elect Mathews
 - b. Motion by: McAllister
 - c. Second: Horsley
 - d. Motion approved unanimously.

4. Motion to table ADRB appointment to see if Tom Vanderhorst can do it.

Adjournment: 3:15 pm

Motion to adjourn: Horsley
Second: Mathews

Respectfully Submitted,

Ms. Liz Hayden
Secretary

Mr. Dale McAllister
Chairperson

