



Planning Commission
April 16, 2020 @ 6:00 p.m.
Council Chambers
First Floor, 345 High Street
Hamilton, Ohio 45011

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

One (1) Public Hearing

**NOTICE CONCERNING THE APRIL 16, 2020 PLANNING COMMISSION MEETING:
REMOTE CONFERENCING / REMOTE ACCESS**

The Planning Commission meeting is open to the public. However, due to the State of Emergency related to COVID-19, the Planning Department is encouraging those who are comfortable participating in the public hearing remotely to do so.

The Planning Commission meeting will be held simultaneously via Zoom webinar. Per usual procedure and per Ohio's Sunshine Laws and Public Hearing requirements, the meeting shall be recorded by audio.

Anyone can use the website link or dial into the meeting using the following information (see below).

Online:

Please click the link below to join the webinar:

<https://zoom.us/j/446709637>

Or iPhone one-tap:

US: +19292056099,,446709637# or +13126266799,,446709637#

Or Telephone:

Dial +1 (312) 626-6799 and when prompted dial the webinar ID:

Webinar ID: 446 709 637

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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

One (1) Public Hearing

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. March 5, 2020 & March 19, 2020 – Located at the end of the agenda packet.

New Business:

Agenda Item #1 – PublicHearing

1. Short Street Alley (portion) – Alley Vacation
2. 1157 Central Avenue – Final Plat (rededicate portion of Short Street Alley, consolidate subject lots)

Request to vacate a portion of Short Street Alley as indicated on the Exhibit Attachment Map, and to approve the Final Plat for 1157 Central Avenue, consisting of 1.2 acres, situated in the Second Ward, City of Hamilton, Ohio.

Staff: Ed Wilson, AICP

Belew	Horsley	Mathews	McAllister	Moeller	Von Stein	Smith

Recommended Motion –

- 1) That the Planning Commission take action to recommend that City Council adopt the necessary legislation to vacate the portion of Short Street Alley, situated in the Second Ward, as displayed on the street vacation exhibit, with the recommended conditions of approval:
- 2) That the Planning Commission take action and recommend that City Council approve the Final Plat for 1157 Central Avenue, with the recommended conditions of approval:

Miscellaneous:

Reports: Update on General Planning items

Adjournment:





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AGENDA

City of Hamilton Planning Commission

Thursday, April 16, 2020

Contents

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- 1. Short Street Alley (portion) – Alley Vacation**
- 2. 1157 Central Avenue – Final Plat (rededicate portion of Short Street Alley, consolidate subject lots)**

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For the Planning Commission Meeting of April 16, 2020

To: Planning Commission
From: Ed Wilson, AICP, Associate Planner II
Date: April 8, 2020

Subject: **AGENDA ITEM #1 – New Business (Public Hearing)**
1. Short Street Alley (portion) – Alley Vacation
2. 1157 Central Avenue – Final Plat (rededicate portion of Short Street Alley, consolidate subject lots)

APPLICANT: City of Hamilton (Alley Vacation)
Jason Wittenkind, per Hamilton Convenience, LLC. (Final Plat)

LOCATION: 1157 Central Avenue situated in the Second Ward

REQUEST: To vacate a portion of Short Street Alley as indicated on the Exhibit Attachment Map, and to approve the Final Plat for 1157 Central Avenue, consisting of 1.2 acres.

BASIC INFORMATION		
Applicant/Property Owner	City of Hamilton, (applicant for Alley Vacation) Jason Wittenkind, per Hamilton Convenience, LLC. (Final Plat applicant and property owner)	
Architect/Engineer/Consultant	P.D.A. Engineering, Osam Mardim	
Size of Property	Overall Property: 1.2 acres Alley to be vacated: 2,453 square feet Alley to be dedicated: 4,302 square feet	
Current Zoning	B-2 (Community Business) NIA (Neighborhood Initiative Area) Overlay	
Requests	<ol style="list-style-type: none"> 1. Vacate a portion of Short Street Alley located at 1157 Central Avenue 2. Final Plat for 1157 Central Avenue – includes rededication of Short Street Alley, and consolidation of parcels at the subject property 	
Size of Revision	1.2 acres	
ADJACENT LAND USE/ZONING INFORMATION		
<i>Direction</i>	<i>Land Use</i>	<i>Zoning</i>
North	Residential	B-2 (Community Business)
South	Residential Commercial	R-3 (One to Four Family Residential) B-2 (Community Business)
East	Industrial	I-2 (Industrial)
West	Residential	R-3 (One to Four Family Residential)





Section A: Introduction & Background:

Section A.1: Project Overview

(Alley Vacation)

The City of Hamilton is requesting vacation of a portion of Short Street Alley. The portion of alley in question is the easternmost portion of an east-west alley that connects Lane Street and Central Avenue ([Exhibit A](#)). The portion of alleyway in question is an improved right-of-way, starting from the rear of 444 Knightsbridge Drive, continuing easterly towards Central Avenue, for a length of 209.34 feet. (See [Exhibits B, C, & D](#)).

(Final Plat)

In conjunction with the above request, the applicant, Jason Wittekind, on behalf of Hamilton Convenience, LLC, property owner, submitted a request for review and approval of the Final Plat for the 1157 Central Avenue, for a proposed gas station development, and rededication of a portion of Short Street Alley (see [Exhibit D](#)). The gas station and convenience store with drive-thru were reviewed as a conditional use and approved in November 2019. The Final Plat is the last step in the subdivision process for the acceptance of streets and/or alleys as right-of-way and in this case includes the replatting or combination of multiple parcels as a vacant buildable lot. The Planning Commission makes a recommendation to City Council for final action on Final Plat requests.

Section A.2: Existing Conditions

1157 Central Avenue is located at the corner of Central Avenue and Knightsbridge drive. The property consists of ten (10) parcels, currently vacant and undeveloped properties, and includes the subject portion of Short Street Alley, a twelve (12') foot wide, paved alley. The subject area consists of approximately 1.2 acres of space, which includes the portion of vacated Central Avenue Alley between 460 Knightsbridge Drive and 1157 Central Avenue. All parcels and the entirety of the subject property is zoned B-2 (Community Business District). The subject area is also located within the NIA (Neighborhood Initiative Area) Overlay District. Please review [Exhibit A](#) for a location map and details.

The present-day application is for:

- 1) Review and approval of the vacation of a portion of Short Street Alley, and**
- 2) Review and approval of the Final Plat for 1157 Central Avenue, allowing for the combination of ten (10) properties and rededication of the Short Street Alley (198' of alleyway, 16 feet wide) along the northern perimeter of the combined lot.**





Section A.3: History
Timeline of Prior Actions and Approvals

1157 Central Avenue is currently vacant and undeveloped lot. It had previously been a mixture of residential and commercial properties. The current owner purchased these lots over several years with the intent of consolidation for a future project on the site.

Since 2013 - City staff has been in conversation with the property owner about possible redevelopment of the site in question. These conversations led to the eventual proposal of a two commercial space development which included a convenience store with drive-thrus and a gas station canopy.

In 2014 – The city reviewed and approved the vacation/abandonment of a portion of Central Avenue Alley located within the subject area, situated between 460 Knightsbridge Drive and 1157, 1165, 1169, and 1179 Central Avenue.

In 2016 - the Planning Commission previously approved the following requests for the site:

1. Request to Approve Building Placement, Building Height and Parking Location on property located within the Neighborhood Initiative Area Conservation Overlay Zoning District (NIA), and
2. Request for a Conditional Use to allow the establishment of a Drive-Thru Facility (i.e. retail/commercial establishment) to operate on property located at NW corner of Central Avenue and Knightsbridge Drive

After the approval, the property owner demolished the properties that were on site in late 2016. No development occurred after approval.

Recently in October 2019 – the Planning Commission approved a revised development request for the property as a conditional use.

1. For a Convenience Store with Gasoline Refueling Pumps (Automotive Service and Minor Repair)
2. A Conditional Use for two (2) drive-thrus.

The following items in the staff report will detail the two (2) petition requests for Planning Commission’s review and consideration.





Section B: Petition Review:

Section B.1: Request for Alley Vacation

The City of Hamilton submitted a petition proposing vacation (abandonment) of the public right-of-way for a portion of Short Street Alley, from the rear of 444 Knightsbridge Drive to Central Avenue (See [Exhibit C](#)). The alley provides a right-of-way connection from Lane Street to Central Avenue and connects to Central Avenue Alley which is located to the rear of 1103 through 1125 Central Avenue. The portion of Short Street Alley in question is an improved, paved alley, that contains no existing 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.

If 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:

- Subject portion of Short Street Alley
 - Length: 209.34 feet & Width: Twelve (12') feet

Adjacent Property Owners:

Hamilton Convenience, LLC (applicant) is the owner of record for all properties abutting the alley in question, they would receive the entirety of the vacated portion of Short Street Alley:

- 444 Knightsbridge Drive (Parcel: P6421023000029, (Pt City Lot No. 2485)
- 450 Knightsbridge Drive (Parcel: P6421023000028, (Pt City Lot No. 2484)
- 460 Knightsbridge Drive (Parcel: P6421023000027, (Pt City Lot No. 2483)
- 1133 Central Avenue (Parcel: P6421023000018, (City Lot No. 26270 ENT)
- 1157 Central Avenue (Parcel: P6421023000019, (City Lot No. 2432 ENT)
- 1157 Central Avenue (Parcel: P6421023000020, (City Lot No. 2479 ENT)





Section B.2: Request for Final Plat

The applicant desires the recording of the final plat for 1157 Central Avenue, which includes the rededication of a portion of Short Street Alley. Planning staff has determined that the applicant has submitted sufficient information to proceed with the final plat (please see [Exhibit D](#) for the submitted Final Plat document).

- **Final Plat proposal:**
 - Consolidate properties at 1157 Central Avenue:
 - Ten (10) individual properties, one (1) vacated alley, and one (1) alley proposed for vacation,
 - Combines the properties into a contiguous 1.2 acre site.

The plat also proposes the rededication (reorientation) of Short Street Alley to maintain contiguous alleyway access for properties within the immediate area.

- **Rededicated (moved) portion of Short Street Alley**
 - Length: 198 feet & Width: 16 feet
 - Begins at the intersection of Short Street Alley and Central Avenue Alley,
 - Northeast-Southwest alley that connects to an existing concrete apron allowing access ingress and egress from Central Avenue
 - Alley will be setback four (4') feet from the eastern property line of 1125 Central Ave.

The proposed replatted, consolidated lot would exceed the minimum lot width of 50 feet required in the B-2 (Community Business) zoning district.

On October 17, 2019, the Planning Commission reviewed and approved a conditional use request for 1157 Central Avenue to allow, 1. For a Convenience Store with Gasoline Refueling Pumps (Automotive Service and Minor Repair) and, 2. A Conditional Use for two (2) drive-thrus.

The Planning Department finds the proposed final plat to be consistent with the conditional use approved by the Planning Commission. In addition, submitted final plat is consistent with the conditions of approval for the conditional use, including vacation and rededication of a portion of Short Street Alley, and consolidation the parcels within the project area.



Section B.3: Interdepartmental Review

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

The city's Interdepartmental Review Committee evaluated the Final Plat for 1157 Central Avenue including the rededication of Short Street Alley. This includes review from the Department of Engineering and Traffic. There were no objections to the proposal.

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.

Platting of Lots

Per the City Subdivision Regulations, Ordinance No. 6038, the Planning Commission can recommend that City Council approve or deny the request for the platting or replatting of lots, as well as the rededication of alleys or streets as public right-of-way within the City of Hamilton.

Chapter 1191 of the Subdivision Regulations outlines the procedure for plat approval.





Section D: Notification

The Planning Department mailed Public Hearing Notices to the owners of 20 properties within 200 feet of the subject property per statute requirements. This mailing also includes one (1) 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 Short Street Alley.

As of the writing of this report, the Planning Department received no phone calls or inquiries pertaining to the proposal.

Section E: Staff Recommendation:

The Planning Commission can:

- 1) Provide a favorable recommendation to City Council for the Short Street Alley vacation or recommend denial of proposal.
- 2) Provide a favorable recommendation or denial of the proposed Final Plat for 1157 Central Avenue. If the Planning Commission approves a motion for approval, said recommendation is forwarded to City Council, which will take final action to approve or deny the Final Plat.

Section E.1: Recommended Motion:

If the Planning Commission chooses to recommend approval of the Alley Vacation and Final Plat, the Planning Department recommends that the following motion:

- 1) That the Planning Commission take action to recommend that City Council adopt the necessary legislation to vacate the portion of Short Street Alley, situated in the Second Ward, as displayed on the street vacation exhibit, with the recommended conditions of approval:
- 2) That the Planning Commission take action and recommend that City Council approve the Final Plat for 1157 Central Avenue, with the recommended conditions of approval:





Conditions of 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

1. The proposed Final Plat for 1157 Central Avenue, adheres to the amended Final Planned Development as approved by the Planning Commission.
2. The portion of alley in question contains no utilities and thus does not require an easement to maintain utilities.
3. No connectivity will be lost as a result of the proposed vacation. All remaining residences will continue to have alley access via the remaining Short Street Alley and existing Central Avenue Alley. The proposed rededication of Short Street Alley would maintain an alleyway connection to Central Avenue.
4. 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.
5. The proposed project has been through substantial planning and review procedures to facilitate a higher quality design and development. The applicant has met with staff multiple times to include input from all city departments to produce a plat and proposal compliant with respect to city requirements.





Section G: Attachments:

- 1) [Exhibit A - Location Maps](#)
- 2) [Exhibit B - Exhibit Map of South E Street Alley](#)
- 3) [Exhibit C - Final Plat for 1157 Central Avenue](#)
- 4) [Exhibit D - Petition to Vacate a portion of Short Street Alley](#)
- 5) [Exhibit E - Public Hearing Notice Letter](#)
- 6) [Exhibit F - Recommended Conditions of Approval](#)





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Exhibit A - Location Maps



Short Street Alley

City of Hamilton BUTLER COUNTY OHIO 

Date: 3/31/2020 The information contained in this is a public resource for general information and is provided for use only as a graphical representation. The City of Hamilton is not responsible for the accuracy, completeness, or timeliness 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 = 83 feet





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Short Street Alley

Site Address Points
Owner Parcels

City of Hamilton
BUTLER COUNTY OHIO

Date: 3/31/2020
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 is not responsible for the accuracy or completeness of the information contained therein and assumes no liability for any errors. Any reliance on the information is the exclusive risk of the user.

1 inch = 83 feet



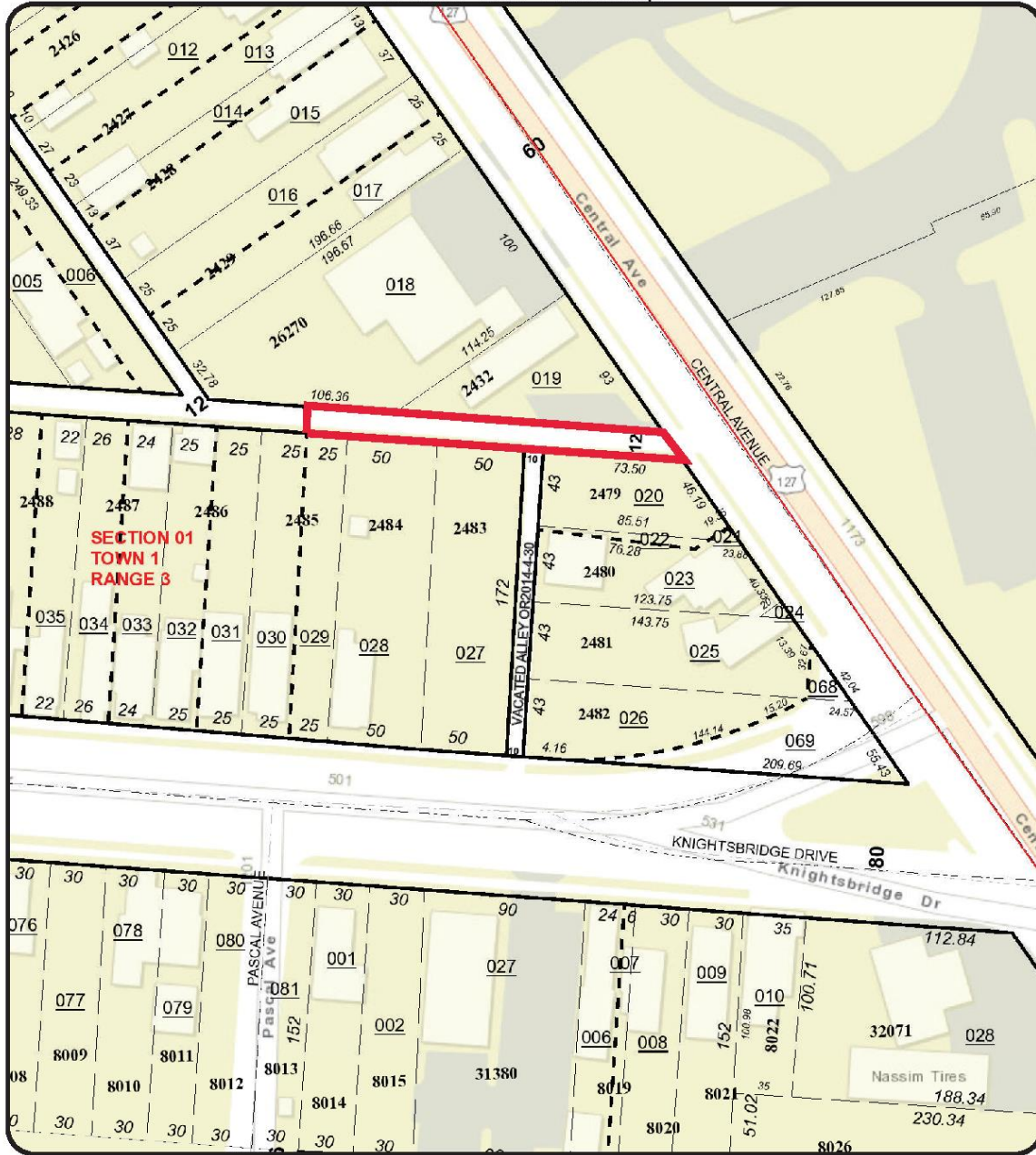



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Exhibit B – Exhibit Map of South E Street Alley

BCEO GIS Tax Map



 Portion of Short Street Alley, proposed for vacation/abandonment



In using this map provided by the Butler County Engineer's Office, you accept the data as is, without warranty of any kind, either expressed or implied. The Butler County Engineer's Office shall not be held liable for any claim for any loss or damage as a result of reliance on the information contained in this website

April 9, 20





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Exhibit C – Final Plat for 1157 Central Avenue

NOTES:

1. ALL LOTS SHOWN ON THIS PLAT ARE SUBJECT TO ALL APPLICABLE ORDINANCES, REGULATIONS AND DEEDS OF RECORD.

2. THE CITY ENGINEER HAS REVIEWED THIS PLAT AND HAS DETERMINED THAT IT COMPLIES WITH ALL APPLICABLE ORDINANCES, REGULATIONS AND DEEDS OF RECORD.

3. THE CITY ENGINEER HAS REVIEWED THIS PLAT AND HAS DETERMINED THAT IT COMPLIES WITH ALL APPLICABLE ORDINANCES, REGULATIONS AND DEEDS OF RECORD.

4. THE CITY ENGINEER HAS REVIEWED THIS PLAT AND HAS DETERMINED THAT IT COMPLIES WITH ALL APPLICABLE ORDINANCES, REGULATIONS AND DEEDS OF RECORD.

5. THE CITY ENGINEER HAS REVIEWED THIS PLAT AND HAS DETERMINED THAT IT COMPLIES WITH ALL APPLICABLE ORDINANCES, REGULATIONS AND DEEDS OF RECORD.

RECEIVED

DATE: 10/20/2020

BY: [Signature]

TITLE: [Title]

STATE OF OHIO BUTLER COUNTY S.S.

BEFORE ME, the undersigned authority, on this 20th day of October, 2020, personally appeared **John J. Duffy**, known to me to be the person whose name is subscribed to the foregoing plat, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 20th day of October, 2020.

[Signature]

Notary Public for Butler County, Ohio

DEDICATION OF PART OF AN EXISTING 12' WIDE ALLEY & VACATION OF PART OF AN EXISTING SECOND WARD CITY OF HAMILTON BUTLER COUNTY, OHIO

The diagram shows a residential lot layout with several lots numbered 2481 through 2485. A 16-foot alley runs through the center, with a portion to be vacated. The alley is bordered by Central Avenue to the east and Knightsbridge Drive to the south. A 12-foot alley to the north is to remain, while the section to the south is to be vacated. Various owners and addresses are noted for each lot.

CITY COUNCIL

APPROVED BY THE CITY COUNCIL OF THE CITY OF HAMILTON, OHIO THIS _____ DAY OF _____, 2020.

PLANNING COMMISSION

APPROVED BY THE PLANNING COMMISSION OF THE CITY OF HAMILTON, OHIO THIS _____ DAY OF _____, 2020.

PLANNING COMMISSION

APPROVED BY THE CITY PLANNING COMMISSION OF THE CITY OF HAMILTON, OHIO THIS _____ DAY OF _____, 2020.

COUNTY AUDITOR

RECORDED FOR TAXES _____ A.S. 2020

COUNTY RECORDER

FILED FOR RECORD _____ A.S. 2020

COUNTY RECORDER

FILED FOR RECORD _____ A.S. 2020

COUNTY RECORDER

FILED FOR RECORD _____ A.S. 2020

VICINITY MAP

JOHN J. DUFFY & ASSOCIATES, INC.

PLAT NO. _____

DATE: 10/20/2020

BY: [Signature]

TITLE: DEDICATION/VACATION PLAT





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Exhibit D – Petition to Vacate a portion of Short Street Alley

City Council Meeting Caucus Report

TO: The Honorable Mayor and Members of the City Council

RE: Petition: request to vacate a portion of Short Street Alley, situated in the Second Ward, City of Hamilton, Ohio. (City of Hamilton, Applicant)

<input type="checkbox"/>	1 st Reading Date:
<input type="checkbox"/>	2 nd Reading Date:
<input type="checkbox"/>	Resolution Date:
<input type="checkbox"/>	Public Hearing Date:

Dear Mayor and Members of Council:

The City of Hamilton Planning Department is submitting a petition to vacate a portion of Short Street Alley. The portion in question is best described by the attached map. The vacation is in association with the redevelopment of 1157 Central Avenue into a gas station, which is currently a vacant lot.

As part of this project, the City has requested that the alley be moved from its current location to the northernmost portion of the development site. This will allow traffic to continue to utilize the alley and also will move the alley further away from the Central Avenue/Knightsbridge Drive intersection, which improves traffic safety in the area. Because it is an active alley, Short Street Alley will be vacated in conjunction with a rededication of Short Street Alley in the new location.

The portion of alley measures approximately 270 feet in length and 10 feet in width. This is an improved right-of-way containing overhead utilities.

It is the recommendation of this office that Council receives this petition and recommends that it be forwarded to the City Planning Commission for review, public hearing and recommendation.

Sincerely,

Caucus Report Prepared By:

Joshua A. Smith
City Manager

Liz Hayden
Planning Director

Choose Strategic Goal(s)	
<input checked="" type="checkbox"/>	1 Generate 125mm in new private investment
<input type="checkbox"/>	2 Increase gross wages paid by Hamilton Employers by \$100mm
<input type="checkbox"/>	3 Exceed total county growth rate median home sale prices
<input type="checkbox"/>	4 Generate \$40mm in investment for recreational amenities
<input type="checkbox"/>	5 Engage 50,000 participants annually in special events, arts and recreation activities
<input checked="" type="checkbox"/>	6 General Operations/ Government Business

Attachments:

1. Exhibit A – Exhibit Map of Short Street Alley





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Exhibit E – Public Hearing Notice Letter



March 31, 2020

NOTICE OF PUBLIC HEARING

Attention Property Owner:

The City of Hamilton Planning Commission will hold a public hearing on **Thursday evening, April 16, 2020 at 6:00 P.M.** in the Council Chambers of the City Building located at 345 High Street, and via Zoom online meeting, at: <https://zoom.us/j/28118213>

The agenda for this hearing includes the following information:

LOCATION: Short Street Alley, portion between Central Avenue Alley and Central Avenue
APPLICANT: City of Hamilton
REQUEST: To vacate (abandon) and rededicate a portion of Short Street Alley located between Central Avenue Alley and Central Avenue, abutting 1133, 1141, & 1157 Central Avenue, and 440, 442, 450, & 460 Knightsbridge Drive, situated in the Second Ward, City of Hamilton, Ohio.

Please see the attached map found on the reverse side of this letter for the highlighted area of alleyway proposed for vacation. The request is to accommodate the redevelopment of 1157 Central Avenue into a gas station with drive-thru, which received Conditional Use approval in November 2019.

The public hearing pertains to a proposed alley vacation and rededication. This proposal would move the portion of Short Street alley to the northern most part of the development site allowing continued use of the alley while improving traffic safety (Please refer to the map located on the back).

You are a property owner within 200 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-oh.gov/planningcommission>

Due to recent state mandates, the Planning Commission meeting shall be held remotely. Staff will hold the meeting through an online service and allow citizens to call into the meeting or access the meeting via website. We encourage you to access the meeting through the options below.

Call: 1 (312) 626-6799 and when prompted dial the Meeting ID: **281 118 213**

Or use this website link to access the online meeting: <https://zoom.us/j/28118213>

If you have any questions or comments concerning this matter, please forward your comments in writing for presentation at the meeting, or, please contact the Planning Department via email at planning@hamilton-oh.gov or contact **Ed Wilson, AICP** or **Liz Hayden, Planning Director** of the City of Hamilton Planning Department at (513) 785-7350.

Sincerely,
Edward Wilson III, AICP
Mr. Ed Wilson, AICP
Associate Planner II

See Reverse Side for Public Hearing Notification Map





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Exhibit F – Recommended Conditions of Approval

APPLICATION INFORMATION	
Applicant/Property Owner	City of Hamilton (Alley Vacation) Jason Wittenkind, per Hamilton Convenience, LLC. (Final Plat)
Property Location	1157 Central Avenue
Size of Property	1.2 acres, overall 2,453 square feet of right-of-way to be vacated
Current Zoning	N/A
Petition Date	3/13/2020

Request: To vacate a portion of Short Street Alley as indicated on the Exhibit Attachment Map, and to approve the Final Plat for 1157 Central Avenue, consisting of 1.2 acres, Second Ward, City of Hamilton, Ohio.

Conditions of 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.

Report continued on the next page





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Report continued on the next page





DRAFT Minutes for Review

Report continued on the next page





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Report continued on the next page



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 for Horsley Alternate **Larry Bowling** Alternate

Three (3) Public Hearings

Roll Call:

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

1. February 6, 2020 – located at the end of the agenda
 - a. Approved unanimously

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

Staff Presentation:

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.

NOTE: Previously, Staff concurred with the applicant and recommends that Planning Commission approve the requested variances to waive the rear and side yard setback landscaping requirements for the reasons below. This was amended after deliberation during the Planning Commission meeting, with Planning recommending denial of the variance:

- ~~**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:

REVISED Conditions of Approval:

Revised Conditions of Approval 03/05/2020

1. That a variance to waive the 10-ft landscaped setback requirement on the north, east and south sides of the property is not approved.
2. In reference to Recommended Condition of Approval #1: the applicant, property owner, City Staff and MetroParks shall work to identify the specifics of the buffer to address stormwater, aesthetics, and cost. Grass shall be along the south side (southern property line) and along the northwest property line that is not adjacent to MetroParks property, with a condition that the width shall be subject to stormwater and drainage requirements.
3. A revised landscape plan shall be submitted indicating compliance with the 10-ft landscape setback along the north, east, and south property lines.
4. That a variance to the paving requirement for the rear portion of the existing gravel lot as shown on the plans is approved.
5. The existing exterior fence is straightened and repaired where damaged.
6. The storm water management shall be subject to City of Hamilton, Interdepartmental Review and shall not increase or concentrate flow onto adjacent properties. Measures to prevent the discharge of gasoline, oil, antifreeze, or other chemicals shall be identified on the storm water management plan.
7. All required permits and inspections shall be obtained prior to the business commencing operation.

8. All site improvements as proposed and all conditions shall be in compliance prior to the business commencing operation.
9. All signs shall conform to the requirements of Section 1138.00 – Signs of the Hamilton Zoning Ordinance.
10. 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.
11. No auction vehicles shall remain on the property for more than 30 days.
12. There shall be no automobile repair on the site as part of the auto auction business.
13. No auto parts or tires shall be stored on the property.
14. All conditions shall be maintained while the business is located at his location. If at any time the property does not comply 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.

Motion to accept MetroParks letter (and all other materials from both MetroParks and the Applicant) – passes unanimously.

Public Hearing:

Evan Connor, Freeman Auto Auction, Applicant, was in attendance to answer questions. Planning Commission asked about slats in the new fence. Mr. Connor stated that slats are cost prohibitive. He stated that the overgrowth on MetroParks' land is substantial and therefore the fence is not visible within the park.

Planning Commission asked about how much of the lot will be paved. Staff showed the parking lot on an aerial and identified the portion being paved. Planning Commission asked about stormwater management and Mr. Connor said they will be working on this aspect with City staff. Allen Messer was in attendance to discuss stormwater concerns. He stated that the change from gravel to paved results in only a 5 to 10 percent change in stormwater and a landscape strip will likely be sufficient.

The applicant stated he is renting the entire property and will be subletting to the truck depot. Mr. Messer said that 4/10ths of an acre would become greenspace with the buffer around the property, which he would recommend. Grass strip along the south property line and a landscape buffer to the north and east. A design engineer would be able to determine how wide it should be.

Staff showed a picture on the screen showing where a landscape buffer may be appropriate, basically along MetroParks land. The northeast area of the property is where there are possible stormwater issues. Mr. Messer recommends sheet flow drainage to continue as it currently drains at the site. Mr. Messer suggested a grass strip on the northwest property line as well.

Mr. Connor stated that it is not a salvage year and no car maintenance is performed on site. There will be no storage of hazardous materials. He strongly objects to the landscaped buffer on the north and east property lines. He shared photos and said that the adjacent trees provide a sufficient buffer. He said that the plan is aligned with surrounding uses. The plan improves curb appeal without the recommended changes being discussed at the meeting.

Mr. Latham, MetroParks representative, discussed the Miami 2 Miami trail project, a \$2 million project. The plan is to improve the park and increase its usage. He stated that he felt the City of Hamilton was treating parkland differently than other property and he does not consider the parkland itself a buffer. He stated that waiving zoning requirements represents a missed opportunity for site improvements next to an important park.

Planning Commission asked what the landscaping will do to improve the aesthetics when it cannot currently be seen through trees. Mr. Latham stated that much of the undergrowth is honeysuckle and may be cleared out. Mr. Latham said he would be willing to work with the applicant on a low-cost alternative.

Planning Commission asked what would be required as far as landscaping goes, and staff explained that there is not a defined amount or type of landscaping required for rear and side buffer areas. Mr. Bagford confirmed that much of what is on the fence is honeysuckle and that parks across the country are trying to alleviate them.

Mr. Bagford said that staff could work with the applicant and MetroParks to find a solution for the buffer area.

Jared Wendling, a representative of the property owner, was in attendance to discuss the project. The owners view this project as an improvement to the site. There will be lighting and ADA improvements at the site. He stated that they want to work with MetroParks but he does not want to lose sight about the overall site improvements they are making at this site.

2:45 pm Commissioner Dave Belew left the meeting.

Motion to close: Von Stein

Second: Sandlin

Discussion: Staff recommended addressing the variances before the conditional use. Planning Commission stated that the auto auction is an improvement to the site. Planning Commission stated that they understand the issue about the honeysuckle and that is why it is important to add a buffer on site.

Motion: Motion to deny the request for the landscape buffer. The applicant, property owner, City staff, and MetroParks will work to identify the specifics of the buffer to adequately address stormwater, aesthetics, and cost. Grass would be along the south side and along the northwest property line where it is not adjacent to MetroParks - the width would be subject to the stormwater requirements.

Motion: Sandlin

Second: Von Stein

Motion approved unanimously.

Motion: To approve the asphalt paving plan as presented.

Motion: Sandlin

Second: Von Stein

Motion approved unanimously.

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.

Motion by: Sandlin

Second: Von Stein

Motion approved unanimously.

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

Staff Presentation:

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:

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.

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.

Public Hearing: No one in attendance to discuss.

Motion to close: Von Stein

Second: Sandlin

Discussion: None

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

Motion by: Von Stein

Second: Sandlin

Motion approved unanimously.

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

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.**

Motion to close the public hearing: Von Stein

Second: Mathews

Motion: Motion to approve the by-law change as presented.

Motion by: Von Stein

Second: Mathews

Motion passes unanimously.

2. Appointment of Representative to the Architectural Design Review Board

- Primary Representative
 - i. Motion to nominate Lisa Sandlin as the Planning Commission representative to ADRB.
 - 1. Motion by: Von Stein
 - 2. Second: Mathews
 - 3. Motion passes unanimously.
- Alternate Representative
 - i. Planning Commission requests that the City Manager choose an alternate.

Reports:

1. Update on General Planning items

Adjournment: 3:27 P.M.

Motion: Von Stein

Second: Mathews

Respectfully Submitted,

Ms. Liz Hayden
Secretary

Mr. Dale McAllister
Chairperson



Written Minutes - Planning Commission
 March 19, 2020 @ 6:00 p.m.
 Council Chambers
 First Floor, 345 High Street
 Hamilton, Ohio 45011

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

One (1) Public Hearing

Roll Call:

Sandlin for Belew	Horsley	Mathews	McAllister	Moeller	Von Stein	Vanderhorst for Smith
x	X Via teleconference		x	x	X Via teleconference	X Via teleconference

Motion to table the agenda items due to the state of emergency due to COVID-19, including the public hearing for agenda item #1, to May 21st and to cancel the April 2nd Planning Commission meeting.

Motion by: Moeller & Second by: Von Stein
 Motion passes unanimously.

There was no in the audience for the meeting.

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

1. March 5, 2020 – located at the end of the agenda

New Business:

Agenda Item #1 – PublicHearing

Lindenwald & Prospect Hill – Proposed Rezoning of Specific Properties to TN (Traditional Neighborhood) Zoning District

Request to rezone properties in the Lindenwald and Prospect Hill neighborhoods:

- 1) Rezone neighborhood properties to TN (Traditional Neighborhood -1, 2, 3, & 4), and
- 2) Rezone specific properties (2208, 2250, 2270 & 2350 Pleasant Avenue) to BPD (Business Planned Development) & (901 & 999 Laurel Avenue) to IPD (Industrial Planned Development (City of Hamilton, Applicant)

Motion to adjourn: Moeller
 Second: Von Stein

Motion passes unanimously.
 Adjourned at 6:08 pm

Submitted by:

Liz Hayden,
Planning Director

Dale McAllister,
Chairperson