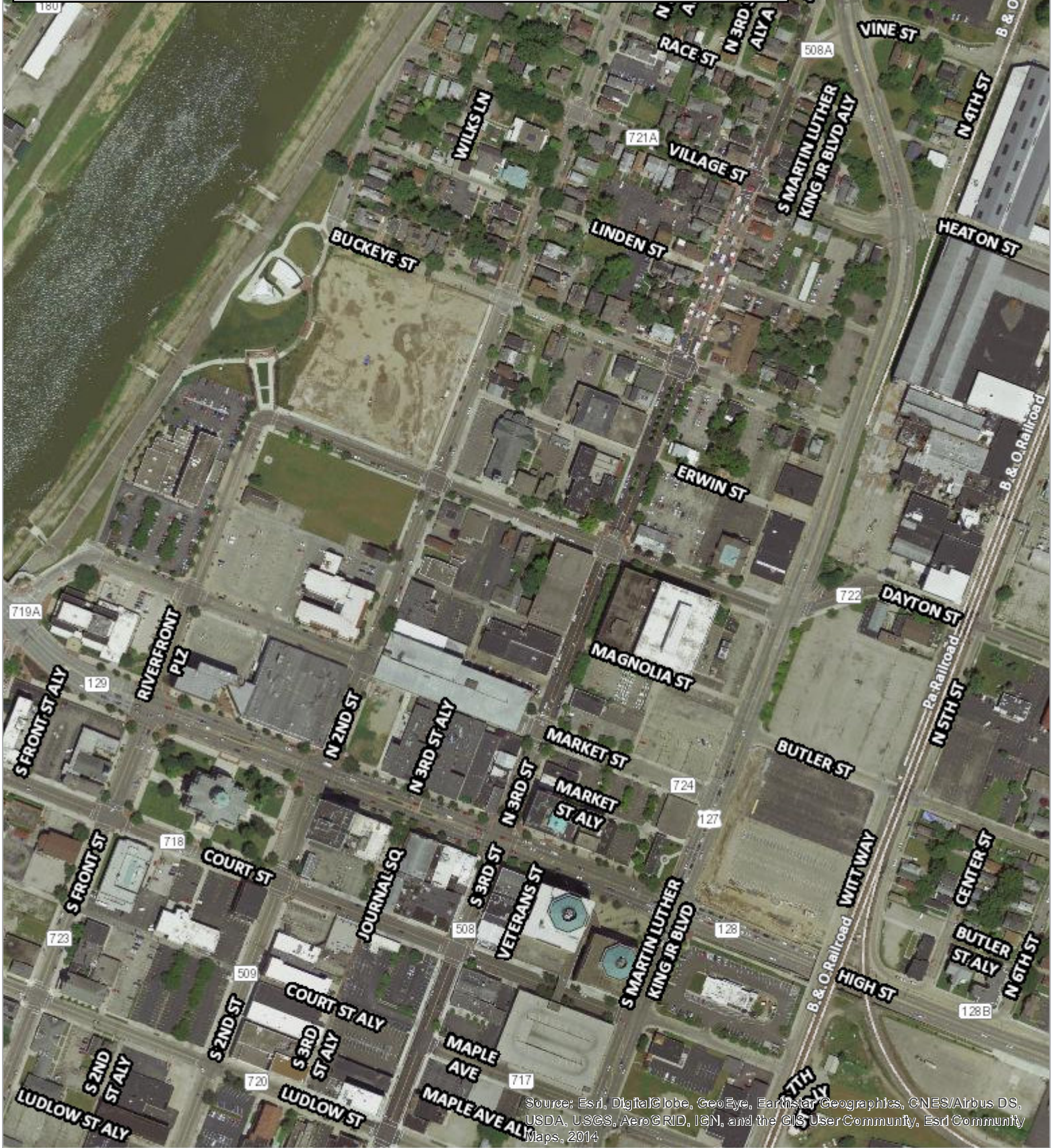
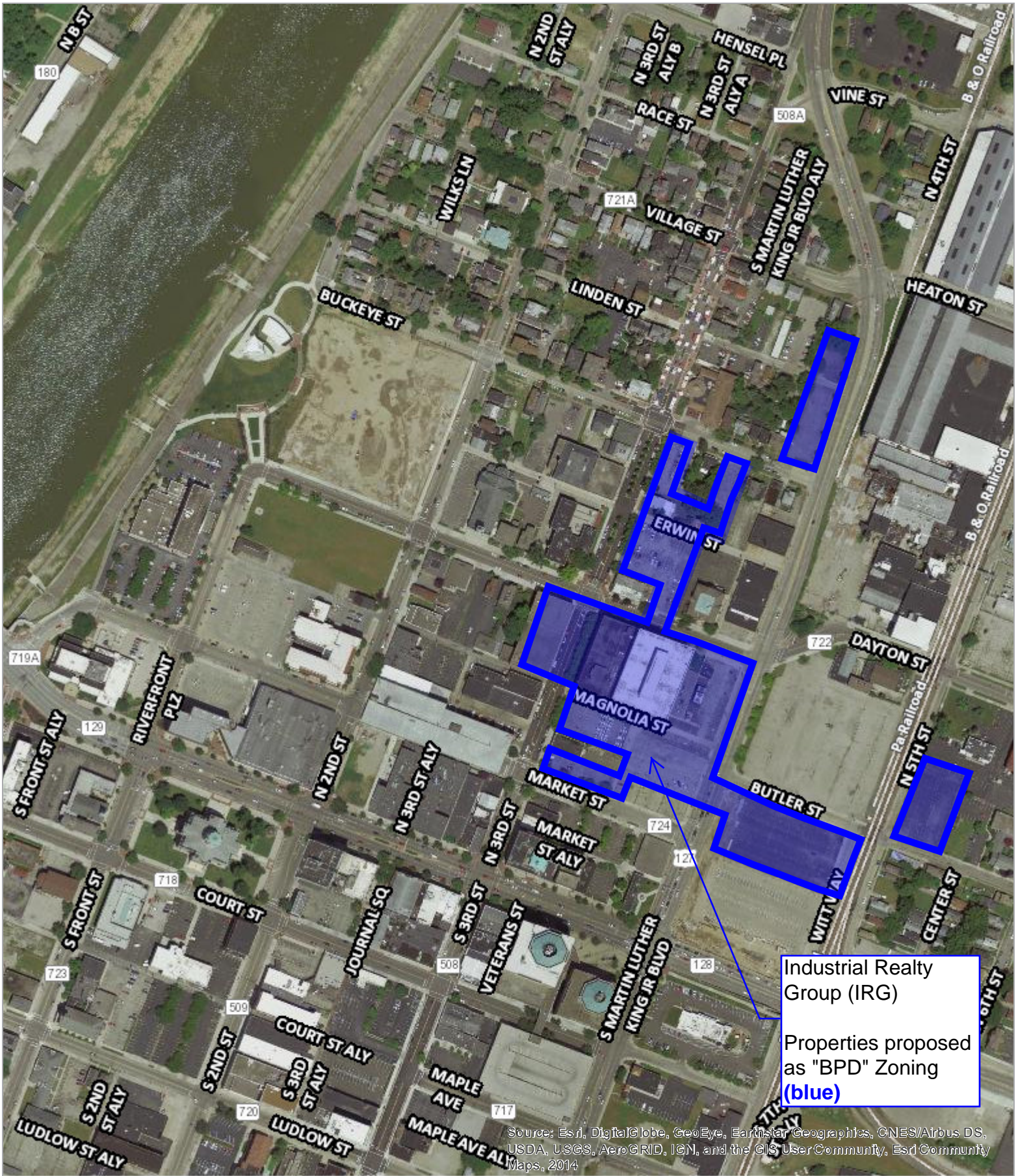


Rezoning of Multiple IRG Properties (131 & 136 North Third) to BPD  
 Exhibit A - Location Maps & Exhibit Map



# Location Map





Industrial Realty Group (IRG)  
 Properties proposed as "BPD" Zoning (blue)

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

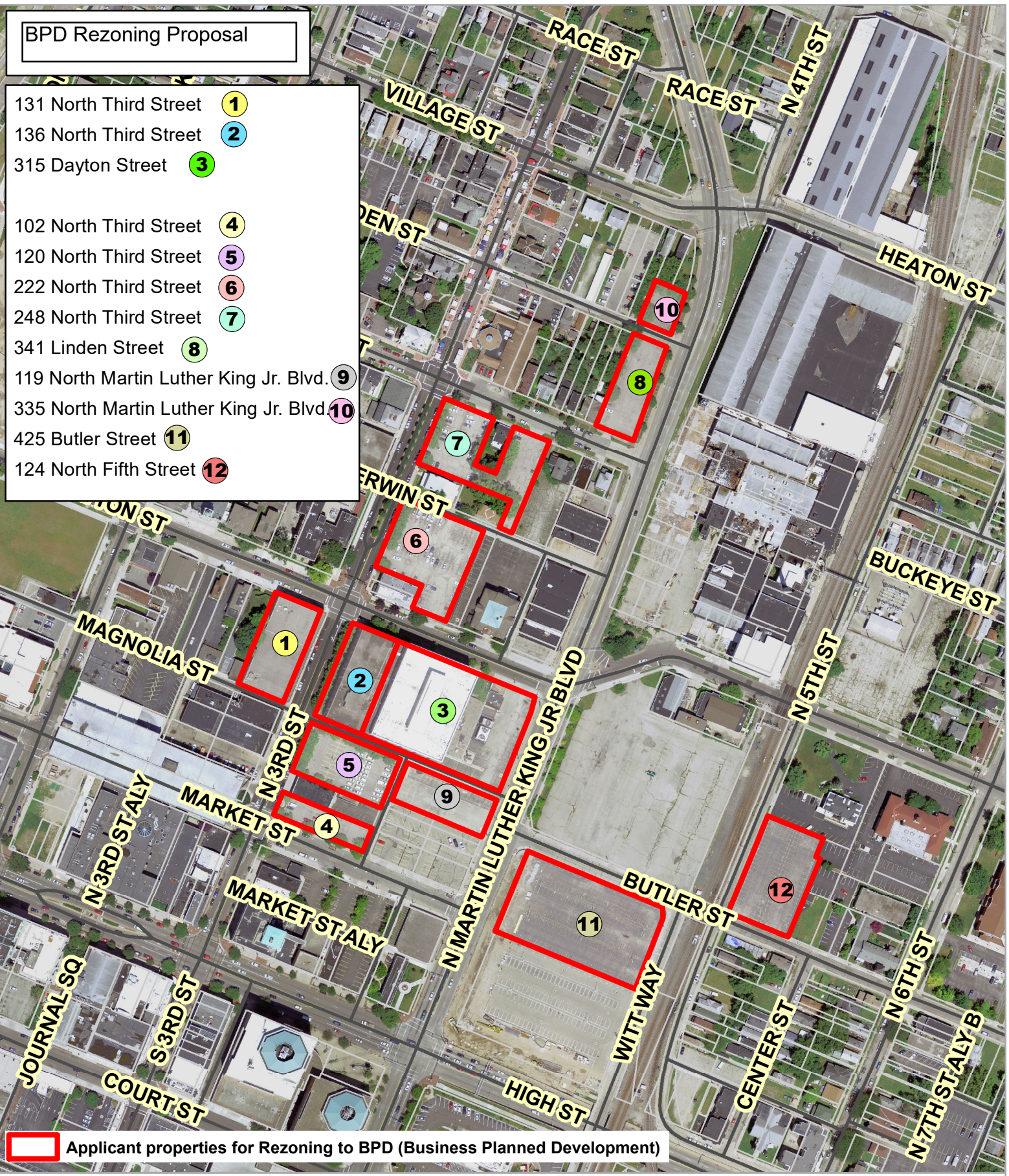



# Exhibit Map



# BPD Rezoning Proposal

- 131 North Third Street **1**
- 136 North Third Street **2**
- 315 Dayton Street **3**
  
- 102 North Third Street **4**
- 120 North Third Street **5**
- 222 North Third Street **6**
- 248 North Third Street **7**
- 341 Linden Street **8**
- 119 North Martin Luther King Jr. Blvd. **9**
- 335 North Martin Luther King Jr. Blvd. **10**
- 425 Butler Street **11**
- 124 North Fifth Street **12**



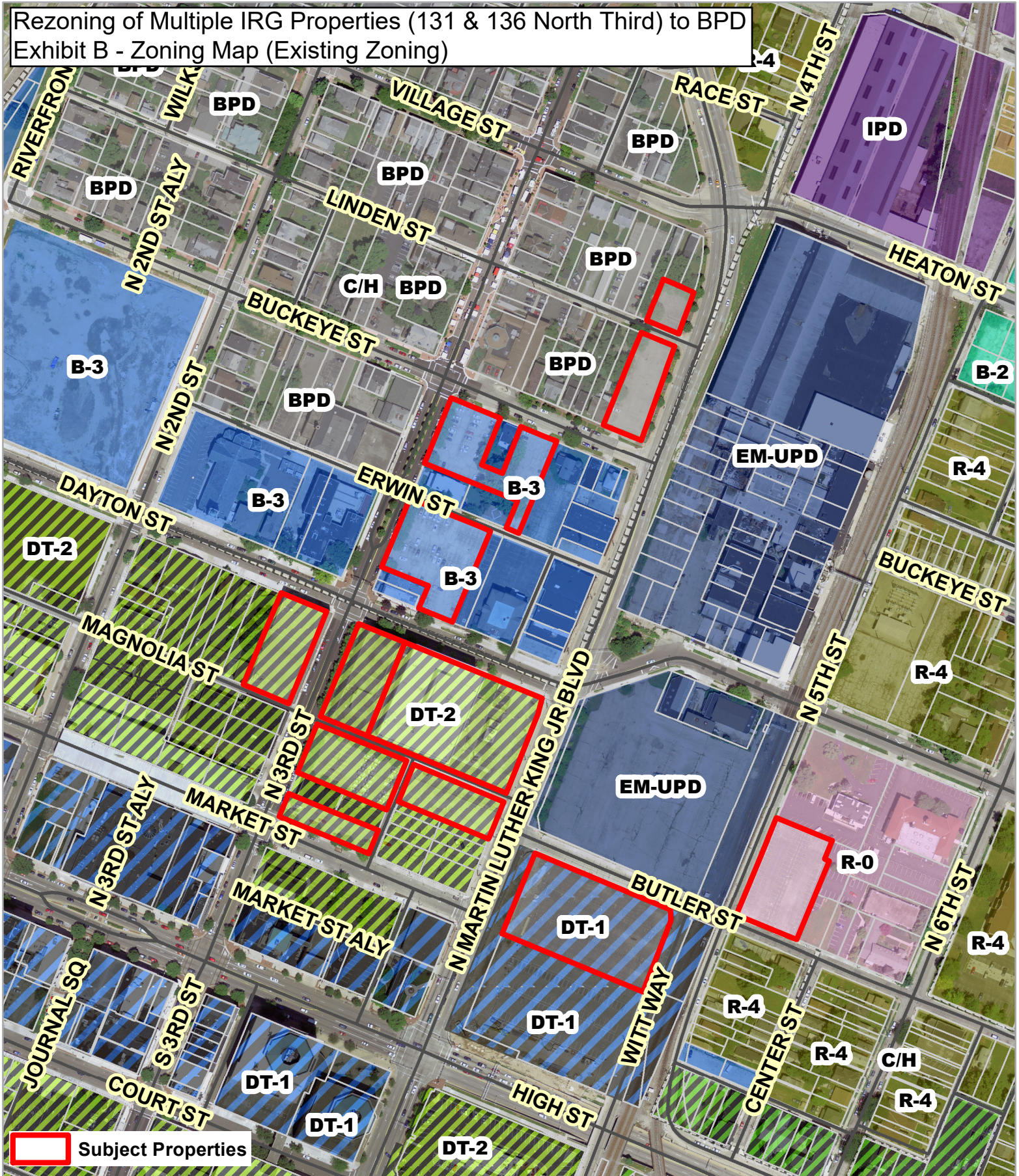
 Applicant properties for Rezoning to BPD (Business Planned Development)



## Detailed Map



Rezoning of Multiple IRG Properties (131 & 136 North Third) to BPD  
 Exhibit B - Zoning Map (Existing Zoning)



N

# Zoning Map



**Rezoning of Multiple IRG Properties (131 & 136 North Third) to BPD  
Exhibit C - Applicant Items, Submission Items**



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

**PLANNING DIVISION APPLICATION**

<b>Site Address:</b>	131 3rd; 136 3rd; 315 Dayton and various out parcels as defined by the attached map		<b>Project Name:</b>	3rd+Dayton	
<b>Lot #</b>	Various	<b>Zoning:</b>	BPD; B3; DT1; DT2; I1	<b>Subdivision:</b>	NA
	<b>OWNER / DEVELOPER</b>		<b>AGENT / APPLICANT</b>		<b>ARCHITECT / ENGINEER</b>
<b>Name</b>	Hamilton 131 3rd LLC; Hamilton 136 3rd LLC; Hamilton 315 Dayton LLC		Rex L Carpenter		
<b>Street Address</b>	4020 Kinross Lakes Parkway Suite 200		4020 Kinross Lakes Parkway Suite 200		
<b>City, State, Zip</b>	Richfield, Ohio 44286		Richfield, Ohio 44286		
<b>Phone# / Fax#</b>	330-659-4060 / 330-659-3237		216-296-9971 / 330-659-3237		<b>Phone / Fax</b>
<b>Cell</b>			216-296-9971		
<b>Email</b>			rcarpenter@irgra.com		

**ZONING** (\$500 application fee)  
 Existing property use: Office, Residential and vacant Present Zoning District: Various  
 Proposed use: Mixed Use Requested Zoning District: BPD

**LOT SPLIT / COMBINATION** (Fee \$100, except if non-buildable lot split \$20) \$ \_\_\_\_\_

**PRELIMINARY PLAT / FINAL PLAT APPROVAL** (Fee as below) \$ \_\_\_\_\_  
 Construction Plans (\$500 fee)  Preliminary (\$500 fee)  
 Final / Re-Plat (\$500 fee) & \_\_\_ \$40 / lot \$ 0  Sewer Impact Fee \$1,875 / lot \$ \_\_\_\_\_

**PLANNED DEVELOPMENT APPROVAL** (Fee as below) \$ \_\_\_\_\_  
 Construction (\$500 fee)  Preliminary (\$500 fee)  Final (\$500 fee)  
 Revision to Final Planned Development Plan - (Amend PUD/Planned Development)  
 Major (\$500 fee)  Moderate (\$250 fee)  Minor (\$150 fee)

- Certificate of Zoning Compliance (\$50.00 fee) \$ \_\_\_\_\_
- Home Occupation Approval (\$50.00 fee) \$ \_\_\_\_\_
- Mobile Food Service / Temporary Food Service (\$50.00 fee) \$ \_\_\_\_\_
- Small Cell Facility Application Fee (\$300.00 fee) \$ \_\_\_\_\_
- Telecommunication Registration Fee (\$300.00 fee) \$ \_\_\_\_\_

**TOTAL AMOUNT OF FEE** ----- \$ 500.00

Rex L Carpenter  
SIGNATURE OF APPLICANT

5/1/2020  
DATE

Rex L. Carpenter  
PRINT NAME

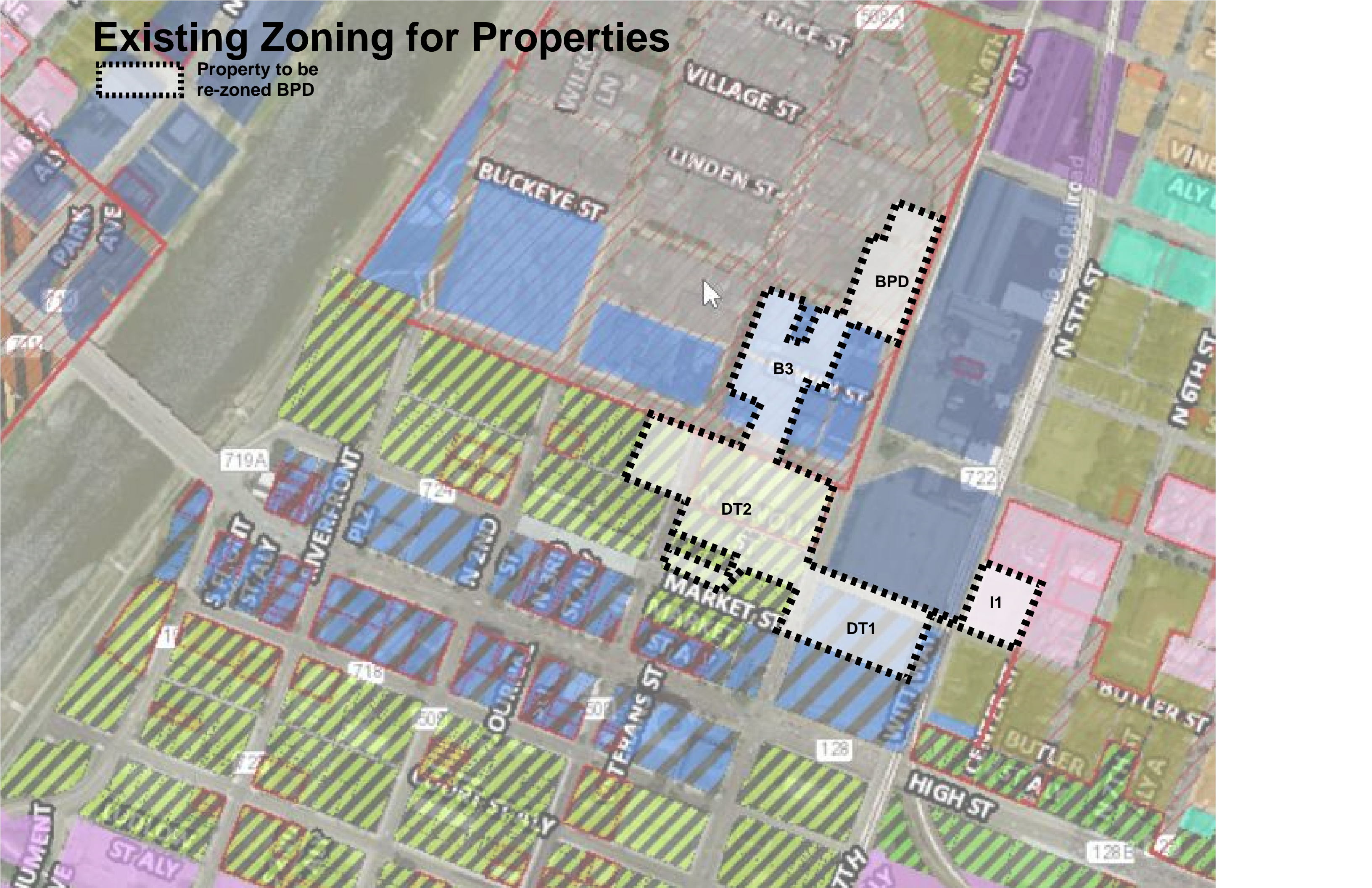
Justin Lichter Representing LLCs  
SIGNATURE OF PROPERTY OWNER

5/1/2020  
DATE

Justin Lichter  
PRINT NAME

# Existing Zoning for Properties

 Property to be re-zoned BPD



# Proposed Uniform Zoning

## 1122.100 "BPD" BUSINESS PLANNED DEVELOPMENT DISTRICT

(Chapter Amended OR 2008-1-2)

1122.110 Purpose: The purpose of the Business Planned Development (BPD) District is to enhance commercial neighborhood/community shopping centers, or the Central Business District, by integrating a variety of uses to ensure more efficient, successful, and aesthetically pleasing developments. A BPD District must also comply with the general provisions for Planned Developments contained in Chapter 1132.00.

1122.120 Principal Permitted Uses: No building, structure or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended or designed for other than one of the following uses:

1122.121 Principal Uses: Principal Uses of the B-1 District (as set forth in Chapter 1120.00 - Neighborhood Business District, Section 1120.20), EXCEPT as modified by Section 1122.140 of this Chapter.

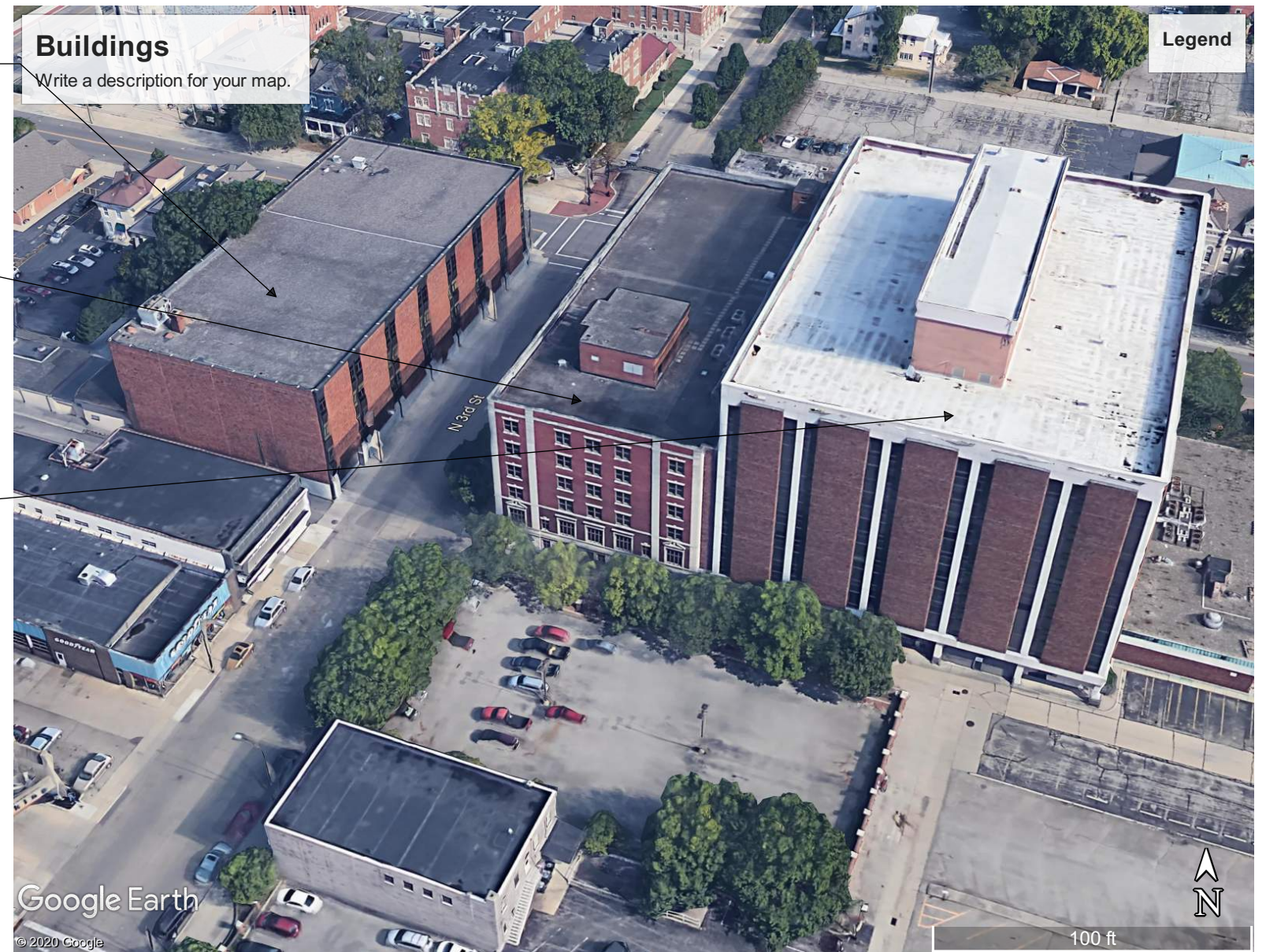
1122.130 Uses Requiring Specific Approval: A BPD may include the following uses, subject to obtaining Specific Approval by the Hamilton Planning Commission (see Chapter 1132.00 of this Ordinance for the general procedures, regulations, requirements and appeal process information applicable to Planned Developments).

1122.131 Principal: Conditionally Permitted uses of the B-1 District (Chapter 1120 - Neighborhood Business District), and Principal and Conditional Permitted uses of the B-2 and B-3 Districts (Chapter 1120.00 - Community Business District, and Chapter 1122.00 - Central Business District) and miniwarehouses, but excluding those uses prohibited by Section 1122.140 of this Chapter. While the Permitted Uses of a BPD (as listed in Section 1122.120 of this Chapter) do not require the Specific Approval of the Planning Commission, the overall Planned Development Plan does require the Commission's approval. (Amended by OR 2001-1-2)

131 N. Third previous use light industrial (print shop)

136 N. Third previous business occupancy

315 Dayton previous business occupancy Currently top 3 floors residential



## Building Conditions and Implications

### 131 N Third

4 Story building former print shop constructed with the first floor 32" above the sidewalk and entry lobby for dock access. No elevator service to street level. Existing enclosed dock on 3rd street and main entry lobby with stairs to elevator lobby making accessibility unfeasible. The building has limited windows due to its construction in proximity to property lines so no opportunity to add windows. This building is being considered for personal storage units due to its existing dock and limited windows. The recent addition of small residential units in 315 Dayton as well as other housing within walking distance has driven need for personal storage.

### 136 N Third

6 Story Building former office for Ohio Casualty Insurance, current planned use is street level retail with multiple options above, to date residential, office, hospitality, educational and light manufacturing have been explored. We anticipate a market driven use with any one or more of these uses.

### 315 Dayton

8 Story building former office for Ohio Casualty Insurance, currently completing conversion to floors 6,7,& 8 to residential, 6 and 7 are occupied with 8 progressing. Ground floor houses residential lobby and existing food service use that may become a restaurant. Anticipated use for remainder of building is more residential as well as office, or hospitality. All building life safety systems and elevators are being brought up to current code and standards.

# Building Photos and Marketing

315 Dayton Apartments and Lobby

Luxury Downtown Apartment Suites

www.thirdanddayton.com

third + dayton

**BE WHERE YOU BELONG.**

Welcome to **third+dayton** — a historic building in Hamilton's German Village and the center of a new, walkable community, where you can live, work & play.

**Be part of something big.**

The mixed-use project will feature office space and co-working areas, as well as retail space. Among features you will love — enjoy restaurants adjoining the building and a tranquil, outdoor courtyard all walkable to the downtown district

**Wellness and entertainment— just around the corner.**

Your new home is just steps from concerts and events at **RiversEdge Amphitheater** at Marcum Park. The green space along Hamilton's beautiful riverfront, offers outdoor recreation, bike paths, and live entertainment. In 2020, **Spooky Nook Sports** is slated to open nearby with activities including a rock climbing wall, indoor/outdoor fields & courts, weightlifting, fitness zones and more!



Residential Lobby



Artist rendering of 136 N Third Retail



Existing Third street view

Lifestyle Shopping & Dining

www.thirdanddayton.com

third + dayton

**LET THE GOOD TIMES ROLL.**

Welcome to **third+dayton** — a historic building in Hamilton's CBD and the center of a walkable live, work & play community.

**Be part of something big.**

The mixed-use project will feature apartment, office, co-working and retail space with a tranquil outdoor patio and community areas. Flexible plans for restaurant and retail space is available on the first floor, with apartment suites filling up fast in the floors above. More than 100 Miami University students will live on the property beginning summer 2019.

**Just the right spot.**

The site is located in German Village within Hamilton's CBD. It's just steps from concerts and events at **RiversEdge Amphitheater** at Marcum Park. The green space along Hamilton's beautiful riverfront, offers outdoor recreation, bike paths, and live entertainment. In 2020, **Spooky Nook Sports** is slated to open nearby with activities including a rock climbing wall, indoor/outdoor fields & courts, weightlifting, fitness zones and more!



1 Bed Room Apartment

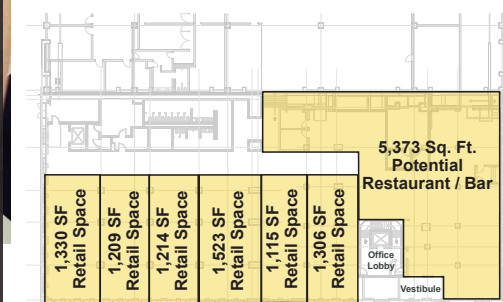


Apartment Bed Room



Apartment Living Kitchen

**SPACE PLAN**



Note: Space sizes subject to final designs and based on tenant demands.





English Pub

Pizza Pie



English Pub

Pizza Pie



Public Storage

Public Storage



**Extra Space Storage**  
EXTRA SPACE STORAGE









LifeStorage

LifeStorage.net 312.222.0055

Self Storage

Office  
DEPOT

NOW  
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SELF-STORAGE



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CUBESMART

self storage

800-800-7777



**Rezoning of Multiple IRG Properties (131 & 136 North Third) to BPD  
Exhibit D - Notices of Public Hearing**

Example of the Notice Letter sent to Owners of property proposed for rezoning

May 22, 2020

**NOTICE OF PUBLIC HEARING**

Attention Property Owner:

The City of Hamilton Planning Commission will hold a public hearing on **Thursday afternoon, June 4th, 2020 at 1:30 PM** in the Commission Chambers of the City Building located at 345 High Street, and via Zoom online webinar, at: <https://zoom.us/j/94796217159> Webinar ID: 947 9621 7159.

The agenda for this hearing includes the following item:

- LOCATION:** Multiple properties zoned "B-3" within the German Village Historic District & properties owned by Industrial Realty Group (102, 120, 131, 136, 222, & 248 North Third Street; 315 Dayton Street & 341 Linden Street; 119 & 335 North Martin Luther King Jr. Blvd.; 425 Butler Street & 124 North Fifth Street.) (See notification map).
- APPLICANT:** Rex L. Carpenter & City of Hamilton
- REQUEST:** The applicants have submitted requests to change the zoning of specific properties to BPD (Business Planned Development), requests to approve Final Planned Development Plans, a Specific Use Approval for a Self-Storage Facility, and Six (6) Waivers to the Self-Storage Facility regulations (see notification map).

**This letter is being sent to inform you of the proposed Zone Change of your property in Hamilton (within German Village).**

- **From B-3 (Central Business) to BPD (Business Planned Development) your property is being proposed for rezoning to B-3.**

Rex L. Carpenter, on behalf of Industrial Realty Group (IRG), has applied to the Planning Commission to rezone the properties owned by IRG to Business Planned Development (BPD) Zoning. The City of Hamilton has submitted an additional rezoning proposal at the same time for adjacent property that includes property you own to establish a consistent zoning district in the area. See notification map for the area in question.

Currently, this portion of the German Village Historic District is zoned B-3 Central Business District Zoning. The rest of the German Village Historic District was rezoned to BPD in 1997. Because these German Village properties are located between IRG's properties and the rest of German Village, the City of Hamilton is taking the opportunity to propose to rezone this area to BPD.

These properties will be incorporated into the Final Planned Development Plan that was established in 1997 for the German Village Historic District. This district accommodates single-family residential, multi-family residential, churches, and neighborhood style businesses such as retail, offices, restaurants, and similar uses. Given the larger scale of some of the buildings proposed to be rezoned BPD in this area, the City plans to add uses such as hotels, event centers, and similar uses to the German Village Final Planned Development Plan.

*Report continued on the next page*





The process to complete the Zone Change is to take the proposal to the Planning Commission for consideration and recommendation to City Council who will take final action on the request. **If approved, the proposed zone change will not impact the current residence, business, or land use of the property.** Any land use that does not conform with the BPD District will be “grandfathered” which means that said use can continue to operate as well as be transferred to a new operator, provided that there is not a vacancy of use that extends for a period exceeding six (6) months.

Because you own a property within this area, Planning staff encourages you to review the full proposal on the Planning Commission website and email or call us with any questions you may have.

<https://www.hamilton-oh.gov/planningcommission>. Our contact information is in the last paragraph of the [letter](#).

In addition to the rezoning affecting your property, the City also would like to make you aware of the application from Rex L. Carpenter. The applicant is proposing to rezone the properties IRG owns to a consistent zoning, Business Planned Development (BPD), and has provided a Final Planned Development Plan with this rezoning proposal. The purpose of the “BPD” zoning district is to enhance business districts by integrating a variety of uses and ensure more efficient and aesthetically pleasing developments.

- a. The Final Planned Development Plan calls for a mixture of uses in the three (3) buildings IRG owns. 315 Dayton is being renovated into residential, 136 North Third Street does not have identified tenants but is proposed as mixed-use that includes retail on the first floor, and 131 North Third Street is being proposed as a self-storage facility.
- b. Self-storage is a Specific Use in BPD zoning, so Planning Commission will review this part of the proposal individually. Given the existing conditions of 131 North Third Street, Planning Commission will also review six (6) waivers to the self-storage regulations as well.

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 (929) 205 6099 and when prompted dial the Webinar ID: 947 9621 7159

Or use this website link to access the online meeting: <https://zoom.us/j/94796217159>

**Webinar ID: 947 9621 7159.**

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](mailto: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 J.J.F*

Mr. Ed Wilson, AICP  
Associate Planner II

*Report continued on the next page*





Example of the Notice Letter sent to Property Owners within 500 Feet of Subject Area

May 22, 2020

**NOTICE OF PUBLIC HEARING**

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- APPLICANT:** Rex L. Carpenter & City of Hamilton
- REQUEST:** The applicants have submitted requests to change the zoning of specific properties to BPD (Business Planned Development), requests to approve Final Planned Development Plans, a Specific Use Approval for a Self-Storage Facility, and Six (6) Waivers to the Self-Storage Facility regulations (see notification map).

**Your property is not part of the rezoning project.** However, you are a property owner located within 500 feet of the area being considered for rezoning and, as such, are receiving this letter to provide notification of the proposal in accordance with statutes outline for the operation of the Planning Commission.

There are two (2) separate rezoning applications being reviewed by the Planning Commission for properties near a property you own. Overviews of the proposals are provided below. Please note that the applications and additional information on these two projects are available on the Planning Commission website for your review: <https://www.hamilton-oh.gov/planningcommission>.

2. The first application is from Rex L. Carpenter on behalf of Industrial Realty Group (IRG), which owns the properties listed in the addresses listed in the "Location" section of the information above (see notification map). The applicant is proposing to rezone the properties IRG owns to a consistent zoning, Business Planned Development (BPD), and has provided a Final Planned Development Plan with this rezoning proposal. The purpose of the "BPD" zoning district is to enhance business districts by integrating a variety of uses and ensure more efficient and aesthetically pleasing developments
  - a. The Final Planned Development Plan calls for a mixture of uses in the three (3) buildings IRG owns. 315 Dayton is being renovated into residential, 136 North Third Street does not have identified tenants but is proposed as mixed-use that includes retail on the first floor, and 131 North Third Street is being proposed as a self-storage facility.
  - b. Self-storage is a Specific Use in BPD zoning, so Planning Commission will review this part of the proposal individually. Given the existing conditions of 131 North Third Street, Planning Commission will also review six (6) waivers to the self-storage regulations as well.
3. The second application comes from the City of Hamilton. Currently, a portion of the German

*Report continued on the next page*





Village Historic District is zoned B-3 Central Business District Zoning. The rest of the German Village Historic District was rezoned to BPD in 1997. Because these German Village properties are located between IRG's properties and the rest of German Village, the City of Hamilton is taking the opportunity to rezone this area to BPD at the same time to establish a consistent zoning in the area. Please see the notification map for the properties in question.

- a. These properties will be incorporated into the Final Planned Development Plan that was established in 1997 for the German Village Historic District. This district accommodates single-family residential, multi-family residential, churches, and neighborhood style businesses such as retail, offices, restaurants, and similar uses. Given the larger scale of some of the buildings proposed to be rezoned BPD in this area, the City plans to add appropriate uses such as hotels, event centers, and similar uses to the Final Planned Development Plan.

The process to complete the Zone Change is to take the proposal to the Planning Commission for consideration and recommendation to City Council who will take final action on the request. **If approved, the proposed zone change will not impact the current residence, business, or land use of the property.** Any land use that does not conform with the BPD District will be "grandfathered" which means that said use can continue to operate as well as be transferred to a new operator, provided that there is not a vacancy of use that extends for a period exceeding six (6) months.

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Sincerely,

*Edward Wilson J.F.F.*

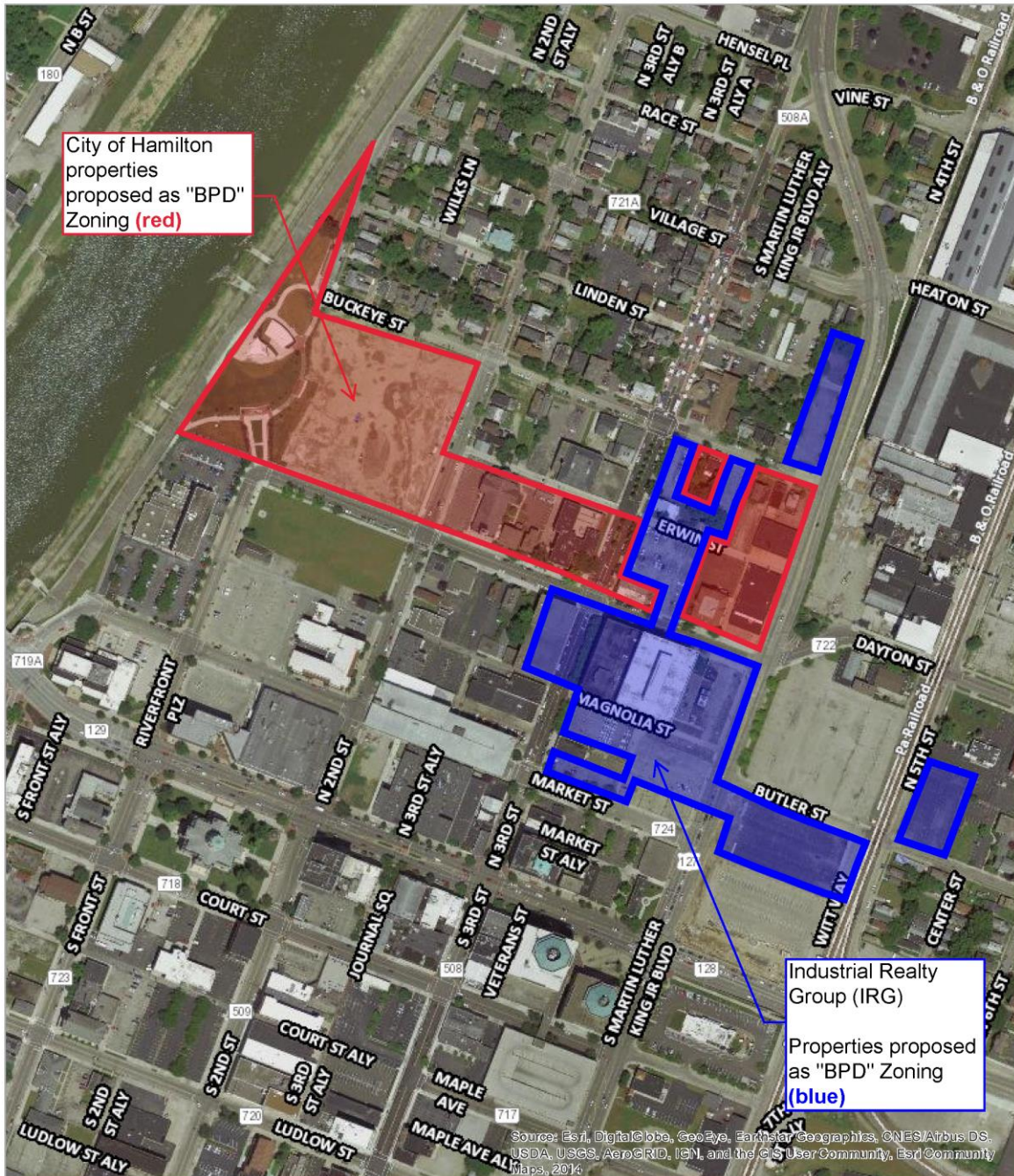
Mr. Ed Wilson, AICP  
Associate Planner II

Report continued on the next page





Map utilized for the mailed Public Hearing Notices



## Notice Map

Report continued on the next page





**Rezoning of Multiple IRG Properties (131 & 136 North Third) to BPD  
Exhibit E - Recommended Conditions of Approval**

<b>BASIC INFORMATION</b>	
<b>Applicant/Property Owner</b>	Rex L. Carpenter on behalf of Hamilton 131 3 <sup>rd</sup> LLC, Hamilton 136 3 <sup>rd</sup> LLC, and 315 Dayton LLC
<b>Architect/Engineer/Consultant</b>	Rex L. Carpenter and Barry Sherman
<b>Size of Property</b>	5.84 acres (0.49 acres owned by ownership group already zoned BPD)
<b>Current Zoning</b>	B-3 (Central Business Zoning District), DT-2 (Downtown-2 Form Based Zoning) DT-1 (Downtown-1 Form Based Zoning), and R-O (Multi-Family Residential Office Zoning)
<b>Size of Revision</b>	5.84 acres

**Conditions for Approval**

The recommendation to City Council for the rezoning request and the Planning Commission’s final action of approval are subject to the following conditions:

1. The Final Development Plan shall be dependent upon the approval of the Rezoning of properties to BPD (Business Planned Development).
2. The Specific Use for Self-Storage at 131 North Third Street shall be dependent upon the approval of the rezoning of properties to BPD (Business Planned Development).
3. All development will be subject to approval through the Interdepartmental Review process and shall be compliant with the Commercial Designs Standards set forth in Section 1111.00 of the Zoning Ordinance.
4. Landscaping, site improvements, and all exterior finishes and other improvements be installed and maintained in good repair and replaced as necessary to remain in compliance with the approved Final Development Plan.
5. Any exterior changes to 136 North Third Street shall require Architectural Design Review Board approval given its designation as a locally designated historic building.
6. The self-storage facility at 131 North Third Street’s signage shall be regulated in the following ways:
  - a. No banner, flag, or window signage permitted.
  - b. No signage on the Dayton Street side of the building shall be illuminated after 9 pm daily.

*Report continued on the next page*







- c. The signage will be similar in size, scale, and material as the signage examples submitted by the applicant, included in Exhibit C.
  - d. All future signs shall conform to the requirements of Section 1138.00, of the Hamilton Zoning Ordinance, Signage Regulations.
7. The property owner of 131 North Third Street shall work with City staff to find a way to activate the pedestrian level of the building. The self-storage company will explore options, including supporting a StreetSpark mural at the pedestrian level of the building. Final proposal will be approved by City staff.
  8. The applicant shall work with the Department of Engineering to determine an appropriate location for a new overhead door at 131 North Third Street.
  9. Any of the following would require an additional future Specific Use approval:
    - a. Self-storage on parcels other than 131 North Third Street.
    - b. Exterior storage of self-storage/dead-storage items anywhere within the Planned Development project area.
    - c. Parking of vehicles associated with moving businesses, self-storage, fleet storage, or other commercial vehicles for rent anywhere within the Planned Development project area.
  10. All dumpsters and refuse storage areas shall be enclosed and screened in accordance with the Commercial Design Standards. All trash and debris shall be stored in enclosed dumpsters. No trash, debris, or storage unit goods shall be placed within the public right-of-way.
  11. All required permits and inspections shall be obtained prior to the self-storage business commencing operation.
  12. The findings of approval for the requested waivers and modifications are consistent with the requirements of the Zoning Ordinance necessary for granting such requests.
  13. 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 (30) days to achieve compliance.

*Report continued on the next page*



 German Village Plan Area  
 Proposed Expansion Area

Rezoning of "B-3" zoned  
 German Village properties to BPD  
 Exhibit A - Exhibit/Location Map



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

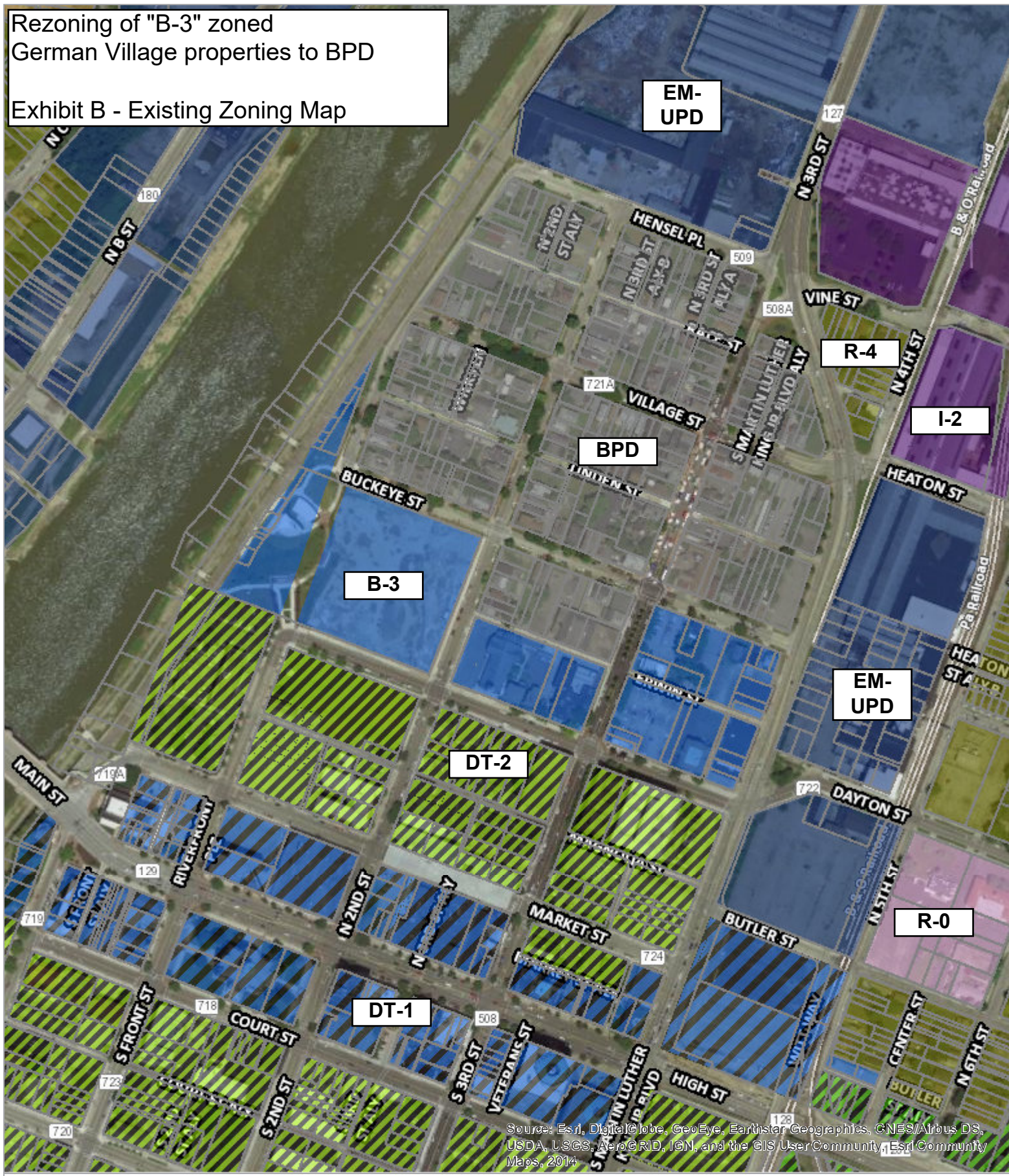


# German Village Plan Expansion Map





Rezoning of "B-3" zoned  
 German Village properties to BPD

Exhibit B - Existing Zoning Map



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

-  Owner Parcels
-  Municipal Boundaries

# Zoning Map





**Rezoning of "B-3" zoned German Village properties to BPD  
Exhibit C - List of Properties proposed for Rezoning**

List of Properties proposed for rezoning to BPD  
Sorted by owner name, alphabetically

Parcel Number	OWNER	Address / Location
P6431012000043	ALECO PROPERTIES LLC	N MARTIN LUTHER KING JR BLVD
P6431012000044	ALECO PROPERTIES LLC	N MARTIN LUTHER KING JR BLVD
P6431012000045	ALECO PROPERTIES LLC	233 N MARTIN LUTHER KING JR BLVD
P6431012000046	ALECO PROPERTIES LLC	N MARTIN LUTHER KING JR BLVD
P6431012000047	ALECO PROPERTIES LLC	N MARTIN LUTHER KING JR BLVD
P6431009000008	CITY OF HAMILTON	RIVERFRONT PLZ
P6431009000065	CITY OF HAMILTON	RIVERFRONT PLZ
P6431011000049	CITY OF HAMILTON OHIO	116 DAYTON ST
P6431012000058	ERIE HARDWARE AND SURPLUS LLC	350 DAYTON ST
P6431012000059	ERIE HARDWARE AND SURPLUS LLC	DAYTON ST
P6431012000060	ERIE HARDWARE AND SURPLUS LLC	DAYTON ST
P6431012000061	ERIE HARDWARE AND SURPLUS LLC	DAYTON ST
P6431012000032	LEYRER GAIL C	230 N THIRD ST
P6431012000038	LEYRER GAIL C	N THIRD ST
P6431012000042	LLOYD MISA L	345 BUCKEYE ST
P6431012000040	LOREN REAL ESTATE LLC	331 BUCKEYE ST
P6431012000056	M & M INVESTMENT GROUP LLC	322 DAYTON ST
P6431012000057	M & M INVESTMENT GROUP LLC	332 DAYTON ST
P6431012000052	MEEHAN TIMOTHY E & KIMBERLY A TRS	202 N THIRD ST
P6431009000009	MIAMI CONSERVANCY DIST	RIVERFRONT PLZ
P6431009000010	MIAMI CONSERVANCY DIST	RIVERFRONT PLZ
P6431009000012	MIAMI CONSERVANCY DIST	RIVERFRONT PLZ
P6431009000014	MIAMI CONSERVANCY DIST	RIVERFRONT PLZ
P6431009000016	MIAMI CONSERVANCY DIST	RIVERFRONT PLZ
P6431009000017	MIAMI CONSERVANCY DIST	RIVERFRONT PLZ
P6431011000010	MIAMI CONSERVANCY DIST	RIVERFRONT PLZ
P6431011000012	MIAMI CONSERVANCY DIST	RIVERFRONT PLZ
P6431011000014	MIAMI CONSERVANCY DIST	RIVERFRONT PLZ

Report continued on the next page





P6431011000017	MIAMI CONSERVANCY DIST	RIVERFRONT PLZ
P6431011000006	MIAMI CONSERVANCY DIST DISTRICT	RIVERFRONT PLZ
P6431011000008	MIAMI CONSERVANCY DIST DISTRICT	RIVERFRONT PLZ
P6431012000035	OCCUPY ROSSVILLE LLC	317 BUCKEYE ST
P6431012000022	PILARCZYK DANIEL E ARCHBISHOP TR	224 DAYTON ST
P6431012000062	PILARCZYK DANIEL E ARCHBISHOP TR	224 DAYTON ST
P6431012000041	SCHWEGMAN GREGORY	339 BUCKEYE ST
P6431012000063	WHITE GREGORY D & RUTH A	204 N THIRD ST
P6431012000023	YWCA OF HAMILTON APARTMENTS LTD PRT	244 DAYTON ST
P6431012000024	YWCA OF HAMILTON APARTMENTS LTD PRT	244 DAYTON ST

*Report continued on the next page*





**Exhibit D – Public Hearing Notice Letter**

**Rezoning of "B-3" zoned German Village properties to BPD  
Exhibit D - Public Hearing Notices**

May 22, 2020

**NOTICE OF PUBLIC HEARING**

Attention Property Owner:

The City of Hamilton Planning Commission will hold a public hearing on **Thursday afternoon, June 4th, 2020 at 1:30 PM** in the Commission Chambers of the City Building located at 345 High Street, and via Zoom online webinar, at: <https://zoom.us/j/94796217159> Webinar ID: 947 9621 7159.

The agenda for this hearing includes the following item:

- LOCATION:** Multiple properties zoned “B-3” within the German Village Historic District & properties owned by Industrial Realty Group (102, 120, 131, 136, 222, & 248 North Third Street; 315 Dayton Street & 341 Linden Street; 119 & 335 North Martin Luther King Jr. Blvd.; 425 Butler Street & 124 North Fifth Street.) (See notification map).
- APPLICANT:** Rex L. Carpenter & City of Hamilton
- REQUEST:** The applicants have submitted requests to change the zoning of specific properties to BPD (Business Planned Development), requests to approve Final Planned Development Plans, a Specific Use Approval for a Self-Storage Facility, and Six (6) Waivers to the Self-Storage Facility regulations (see notification map).

**This letter is being sent to inform you of the proposed Zone Change of your property in Hamilton (within German Village).**

- **From B-3 (Central Business) to BPD (Business Planned Development) your property is being proposed for rezoning to B-3.**

Rex L. Carpenter, on behalf of Industrial Realty Group (IRG), has applied to the Planning Commission to rezone the properties owned by IRG to Business Planned Development (BPD) Zoning. The City of Hamilton has submitted an additional rezoning proposal at the same time for adjacent property that includes property you own to establish a consistent zoning district in the area. See notification map for the area in question.

Currently, this portion of the German Village Historic District is zoned B-3 Central Business District Zoning. The rest of the German Village Historic District was rezoned to BPD in 1997. Because these German Village properties are located between IRG’s properties and the rest of German Village, the City of Hamilton is taking the opportunity to propose to rezone this area to BPD.

These properties will be incorporated into the Final Planned Development Plan that was established in 1997 for the German Village Historic District. This district accommodates single-family residential, multi-family residential, churches, and neighborhood style businesses such as retail, offices, restaurants, and similar uses. Given the larger scale of some of the buildings proposed to be rezoned BPD in this area, the City plans to add uses such as hotels, event centers, and similar uses to the German Village Final Planned Development Plan.

*Report continued on the next page*





The process to complete the Zone Change is to take the proposal to the Planning Commission for consideration and recommendation to City Council who will take final action on the request. **If approved, the proposed zone change will not impact the current residence, business, or land use of the property.** Any land use that does not conform with the BPD District will be “grandfathered” which means that said use can continue to operate as well as be transferred to a new operator, provided that there is not a vacancy of use that extends for a period exceeding six (6) months.

Because you own a property within this area, Planning staff encourages you to review the full proposal on the Planning Commission website and email or call us with any questions you may have.

<https://www.hamilton-oh.gov/planningcommission>. Our contact information is in the last paragraph of the [letter](#).

In addition to the rezoning affecting your property, the City also would like to make you aware of the application from Rex L. Carpenter. The applicant is proposing to rezone the properties IRG owns to a consistent zoning, Business Planned Development (BPD), and has provided a Final Planned Development Plan with this rezoning proposal. The purpose of the “BPD” zoning district is to enhance business districts by integrating a variety of uses and ensure more efficient and aesthetically pleasing developments.

- b. The Final Planned Development Plan calls for a mixture of uses in the three (3) buildings IRG owns. 315 Dayton is being renovated into residential, 136 North Third Street does not have identified tenants but is proposed as mixed-use that includes retail on the first floor, and 131 North Third Street is being proposed as a self-storage facility.
- c. Self-storage is a Specific Use in BPD zoning, so Planning Commission will review this part of the proposal individually. Given the existing conditions of 131 North Third Street, Planning Commission will also review six (6) waivers to the self-storage regulations as well.

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 (929) 205 6099 and when prompted dial the Webinar ID: 947 9621 7159

Or use this website link to access the online meeting: <https://zoom.us/j/94796217159>

**Webinar ID: 947 9621 7159.**

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](mailto: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 J.J.F*

Mr. Ed Wilson, AICP  
Associate Planner II

*Report continued on the next page*





Example of the Notice Letter sent to Property Owners within 500 Feet of Subject Area

May 22, 2020

**NOTICE OF PUBLIC HEARING**

Attention Property Owner:

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- LOCATION:** Multiple properties zoned "B-3" within the German Village Historic District & properties owned by Industrial Realty Group (102, 120, 131, 136, 222, & 248 North Third Street; 315 Dayton Street & 341 Linden Street; 119 & 335 North Martin Luther King Jr. Blvd.; 425 Butler Street & 124 North Fifth Street.) (See notification map).
- APPLICANT:** Rex L. Carpenter & City of Hamilton
- REQUEST:** The applicants have submitted requests to change the zoning of specific properties to BPD (Business Planned Development), requests to approve Final Planned Development Plans, a Specific Use Approval for a Self-Storage Facility, and Six (6) Waivers to the Self-Storage Facility regulations (see notification map).

**Your property is not part of the rezoning project.** However, you are a property owner located within 500 feet of the area being considered for rezoning and, as such, are receiving this letter to provide notification of the proposal in accordance with statutes outline for the operation of the Planning Commission.

There are two (2) separate rezoning applications being reviewed by the Planning Commission for properties near a property you own. Overviews of the proposals are provided below. Please note that the applications and additional information on these two projects are available on the Planning Commission website for your review: <https://www.hamilton-oh.gov/planningcommission>.

4. The first application is from Rex L. Carpenter on behalf of Industrial Realty Group (IRG), which owns the properties listed in the addresses listed in the "Location" section of the information above (see notification map). The applicant is proposing to rezone the properties IRG owns to a consistent zoning, Business Planned Development (BPD), and has provided a Final Planned Development Plan with this rezoning proposal. The purpose of the "BPD" zoning district is to enhance business districts by integrating a variety of uses and ensure more efficient and aesthetically pleasing developments
  - a. The Final Planned Development Plan calls for a mixture of uses in the three (3) buildings IRG owns. 315 Dayton is being renovated into residential, 136 North Third Street does not have identified tenants but is proposed as mixed-use that includes retail on the first floor, and 131 North Third Street is being proposed as a self-storage facility.
  - b. Self-storage is a Specific Use in BPD zoning, so Planning Commission will review this part of the proposal individually. Given the existing conditions of 131 North Third Street, Planning Commission will also review six (6) waivers to the self-storage regulations as well.
5. The second application comes from the City of Hamilton. Currently, a portion of the German

*Report continued on the next page*







Village Historic District is zoned B-3 Central Business District Zoning. The rest of the German Village Historic District was rezoned to BPD in 1997. Because these German Village properties are located between IRG's properties and the rest of German Village, the City of Hamilton is taking the opportunity to rezone this area to BPD at the same time to establish a consistent zoning in the area. Please see the notification map for the properties in question.

- a. These properties will be incorporated into the Final Planned Development Plan that was established in 1997 for the German Village Historic District. This district accommodates single-family residential, multi-family residential, churches, and neighborhood style businesses such as retail, offices, restaurants, and similar uses. Given the larger scale of some of the buildings proposed to be rezoned BPD in this area, the City plans to add appropriate uses such as hotels, event centers, and similar uses to the Final Planned Development Plan.

The process to complete the Zone Change is to take the proposal to the Planning Commission for consideration and recommendation to City Council who will take final action on the request. **If approved, the proposed zone change will not impact the current residence, business, or land use of the property.** Any land use that does not conform with the BPD District will be "grandfathered" which means that said use can continue to operate as well as be transferred to a new operator, provided that there is not a vacancy of use that extends for a period exceeding six (6) months.

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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](mailto: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 J.F.F.*

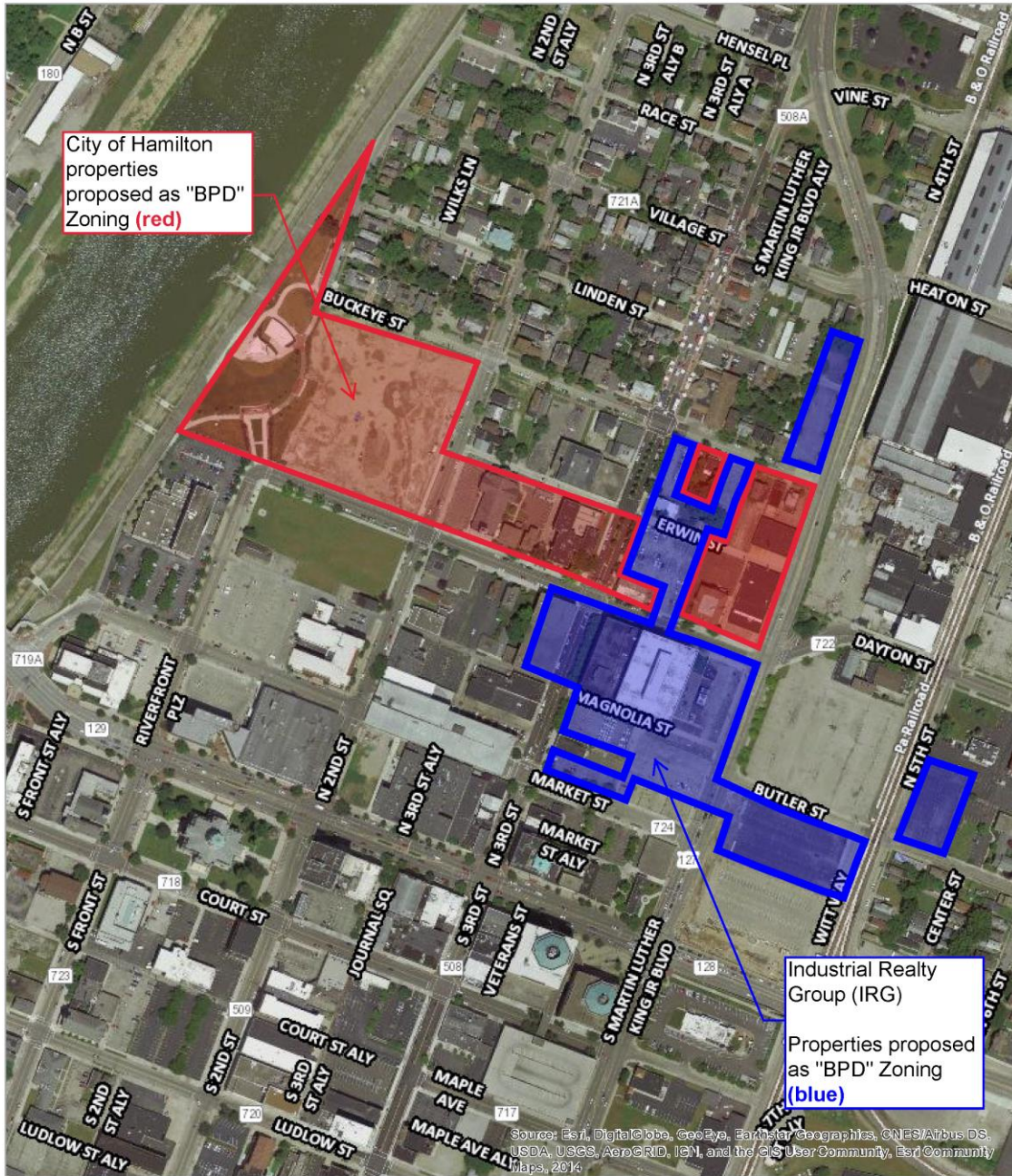
Mr. Ed Wilson, AICP  
Associate Planner II

Report continued on the next page





Map utilized for the mailed Public Hearing Notices



**Notice Map**

**City of Hamilton**  
BUTLER COUNTY OHIO

1 inch = 417 feet

Date: 5/20/2020

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.

Report continued on the next page



Rezoning of "B-3" zoned German Village properties to BPD  
Exhibit E - German Village BPD Plan (Draft Copy in Progress)



# **German Village Business Planned Development Plan & Neighborhood Vision Plan**

Photo courtesy Brown Studios, German Village, Hamilton, Ohio

**PREPARED BY**

**Hamilton German Village Incorporated  
& The City of Hamilton, Planning Department**

# German Village Planned Development Plan

## Executive Summary

The German Village Business Planned Development plan is designed to encourage and expand the opportunities for an appropriate mixture of office, business, and residential uses while protecting and enhancing the neighborhoods residential character and historic integrity. A village like mixture of residential, with office and small commercial has always been a part of the historic development of the village.

The plan is structured to capitalize on this neighborhood strength while protecting the residential elements of the neighborhood. The expected result of the implementation of this plan will be increase property values because of the widened opportunities for new and appropriate uses. It also encourages preservation efforts and takes advantage of the cultural and tourism opportunities provided by the Village's character and location. The German Village should remain a predominately residential village with a blending of new office and some appropriate neighborhood business uses that have the look and feel of *Turn of the 20<sup>th</sup> Century* residential homes. The North Third Street area retains its historic village center business character.

In 1997 the Zoning District designation for a seven-block area of the German Village neighborhood was changed from a combination of Multi-family (R-4) Residential Office (R-O) and Neighborhood Business (B-1) to Business Planned Development (BPD). It is also protected under the Historic Preservation sections of the Zoning Ordinance, as a locally designated historic district. The BPD zoning was selected because the existing, successful mixture of uses and an established and fixed historic character.

## Plan Features

- Keeps the present uses intact, as a part of the plan
- Allows office uses throughout the Planned Development Area that enhance and protect the look and feel of a "Turn of the Century" residential village.
- Takes advantage of the wonderful historic character of the neighborhood by allowing history and culture based shops and small businesses to locate with-in the Planned Development District.
- Retains the North Third Street Business Area, and the area near the corner of Second and Hensel, as the primary business district of the Village.
- Utilizes the village's location near downtown, by allowing specialty business and niche office uses that are an important component of redevelopment and encourages tourism.
- Protects the residential uses in the neighborhood by allowing only business and office uses that generate volumes of traffic compatible with the size of the building, and which fit the character of its surroundings. It also provides Planning Commission with the ability to regulate hours of operation, deliveries and trash removal to safeguard the surrounding neighborhoods integrity
- Encourages historic preservation by adding the potential for creative adaptive reuse of historic structures. Allows renovator's new uses that are more suited to a building's potential than uses allowed prior to the existence of the Panned Development zoning in the District.

- Improves the economic viability and the reuse potential for existing buildings, in-turn having a positive effect on values throughout the Village.
- Utilizes the existing Historic Preservation District Regulations and the Historic Design Review Board as a partner in implementing the visual aspects of this plan.
- Provides for an efficient and aesthetic way to maximize the limited parking resources in the neighborhood.
- Allows the neighborhood a voice in determining proposed use changes through the Planned Development process.
- Encourages distinctive, unifying and historically appropriate signage throughout the District.
- Allows the Planning Commission and the Historic Design Review Board to negotiate the removal, replacement, or reconfiguring of non-historic intrusions placed prior to the enactment of the Historic District Legislation as a part of the new use approval process.
- Supports the continuing efforts to install brick sidewalks, period lighting, landscaping and other public property improvements, by establishing a master plan for the neighborhood.

## German Village Planned Development Plan

The goals and objectives of this plan are:

- **Meet the objectives of the zoning ordinance - as stated in section 1102.20**
- **Optimize the unique cultural, historic, and location opportunities by expanding the areas where suitable office and business may locate, while maintaining a balance, diversity and scale of uses that protect individual and collective property rights.**
- **Continue and enhance a positive direction for the neighborhood. Cultivate its strengths and, minimize the weaknesses, based on sound social, planning, and preservation principles.**
- **Preserve the architectural and historic development that is important to the Community.**
- **Create the mechanisms to accomplish these goals through the framework of the Planned Development sections of the Zoning Ordinance and the Historic Preservation District Regulations.**

On March 28th, 1997, City Council approved changes of zoning district designation for a seven-block area, in the German Village Neighborhood of the City, to Business Planned Development (BPD). The previous zoning was a mixture of Community Business (8-2), Multi-Family (R-4), with some Residential Office (R-O). There also existed a number of special permits and grandfathered non-conforming uses. The Planned Development District is also located within the Hamilton Historic Preservation District. The following is the Development Plan for the area.

The R-4 and 8-2 combination of zoning and the Historic Preservation District designation have worked, deflecting some inappropriate intrusions and maintaining many desirable qualities. However, over the years, it has become apparent that because of the Village's location, history, opportunities and challenges, that the slightly different approach of a Planned Development is desirable. The decision to pursue Business Planned Development zoning was arrived at through the efforts of property owners, The German Village Society and the City Planning Department. City Council approved the change based on a recommendation by the Planning Commission.

Traditional zoning is based on axioms that may not hold true in the German Village. Normally, Planning Commission, when establishing or amending a zoning district designation, will consider not only, what is initially planned for the site, but must also consider what the uses of the property might be in the future. The removal and replacement of buildings or their alteration and enlargement is only controlled by the limitations prescribed by the district regulations. Further, any use allowed by the district regulations can legally replace the original use without input from the neighborhood. For these reasons, traditional zoning tends to be conservative and restrictive.

Planned Development zoning, however, gives the Planning Commission greater flexibility in uses, setbacks, parking and densities, in exchange for controls on building design, layout, site amenities, and other safeguards. The Planned Development concept is a total package approach designed to result in development that is superior to what might be developed under traditional zoning, while protecting the other properties in and around the Planned Development. As part of a development package, the Planning Commission sets design criteria for the property including building style, colors, landscaping, signs etc. The Commission also reviews and approves any future changes to the plan.

Because the Village area is already developed, in place and controlled somewhat by the Historic Preservation District regulations, the plan submitted is weighted more towards appropriate uses and the enhancement, preservation, and maintenance of the existing character. It is intended to be somewhat flexible, and relies more on Planning Commission's judgement, and application of the concepts of the plan and less upon hard numbers (square footages, exact boundaries, and population counts, etc.). It is different from most development plans, in that it depends as much on written concepts as on graphics.

In this plan, standard zoning use definitions are used in order to avoid confusion. However, because the plan encourages and allows mixing residential, with certain types of office and business uses, there are a few instances where further refinements of the standard Hamilton Zoning Code definitions, prove necessary. In the areas of the Planned Development that are intended to retain a mostly residential character, (The parts of the BPD outside of the traditional business areas shown on the plan map) the following definitions for Residential Setting Offices and German Village Residential Setting Business apply. Business and office uses that generate traffic, or are less suitable for a historic,



residential setting are encouraged to locate in the North Third Street Area and in the Second and Hensel Area. Business and office uses in these areas will be delineated using the standard zoning code definitions as modified herein.

**Residential Setting Office** - Office uses permitted in the in the R-O Residential Office District regulations and Home Occupation uses, permitted in the R-1 through R-4 Residential District Regulations, expanded to include non-resident employees, that are located in residential buildings that are preserved or restored to retain the look and feel of the original residential structure and are limited in the amount of traffic generated.

**German Village Residential Setting Business** - Business Uses permitted in the 8-1 and 8-2 Neighborhood and Community Businesses regulations, that are appropriate, in scale, type, and spirit, for the desired character of the German Village. And are located in residential buildings that are preserved or restored to retain the look and feel of the original residential structure and are limited in the amount of traffic generated. Residential setting businesses may include small gift boutiques, shops selling small-scale antique items, Victorian and turn of the century items and crafts, history related items, jewelry shops, bookstores, coffee house, art studios and galleries etc. are examples. Personal Services businesses such as tanning salons, barbershops, beauty parlors etc. are not considered Residential Setting Businesses under this definition.

### ***History, Character, Existing Conditions, and Potential***

The German Village Area is part of the original plat of the City of Hamilton. When Hamilton was a village, the German Village area was a major part of that village. As Hamilton grew into the City that it is today, this nine-block area retained many of the characteristics of the original village. By definition, a village is a compact, pedestrian oriented, predominately residential place, with a mixture of uses and a recognizable boundary.<sup>1</sup> The German Village exhibits these characteristics and is similar to a country village in that it is surrounded by mostly non-residential uses, and it provides services to those outside uses.

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<sup>1</sup>Reinventing the Village, Suzanne Sutro, American Planning Association, Planning Advisory Services, PAS report #430, 1990

Being one of the earliest and most intensely developed sections of the City, with nearly 90% of the existing buildings constructed before 1910, the Village contains many of the City's most historically and architecturally significant structures. Most of the historic, architectural features of these buildings remain in tact, giving the Village a definite sense of time. Encircled by the river on the west, the factories to the north and east and Downtown on the south the German Village also keeps a distinct sense of place.

The recognizable sense of time and place of the German Village has been acknowledged by the establishment of the neighborhood as a Local Historic District in 1973 and as a National Register listed Historic District in 1990. Any future development, redevelopment or use changes should sustain and encourage these valuable attributes.

At the time when most of the houses were built and the village-like character established, the neighborhood was a mixture of grand houses, occupied by the factory owners, moderate sized middle management houses, small worker dwellings, along with supporting neighborhood businesses, churches and schools. Developed long before the automobile and even the streetcar, it was a desirable place to live because it contained all the essential services for daily living, while being within easy walking distance to downtown, and the factories.

As employment increased in the area, more and more in-fill housing was developed and some of the houses were converted to apartments. By 1950, the factories along the edge of the Village employed more than 4500<sup>2</sup> people, placing tremendous pressure on the housing stock and parking. By 1960, several of the nearby industries closed and it became increasing difficult to fill the small apartments. Some deterioration set in, and some of the buildings were cleared to provide parking.

Beginning in 1972, The City, property owners, and the Historic Preservation Community began efforts to protect the area from further deterioration and demolition. The results of those efforts were:

- 1) The founding of the of The German Village Society in March of 1973; This is an association of property owners residents and friends of the neighborhood organized for the purpose of protecting, improving and promoting the German Village neighborhood;

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<sup>2</sup>Hamilton Survey of Manufacturing, Hamilton Chamber of Commerce report, 1953

2) The adoption of the German Village Ordinance, and the establishment of the German Village Commission on November 14, 1973. This ordinance created the locally designated historic district and defined the procedures for repair, remodeling, maintenance, and demolition of properties within the district. In 1985, based in part on the success and the experience gained from the German Village, the Ordinance was modified and expanded to include the Rossville and Dayton-Campbell Historic areas. The new ordinance was made a part of the zoning ordinance, known as the Historic Preservation District section;

3) The delineation of the area as a demonstration project by Hamilton City Council, August 10<sup>th</sup>, 1973. Subsequently, the area has been designated as a Neighborhood Development Rehabilitation Target Area, and has, over the years, used CDBG funding to install period lighting, brick walks and other public space amenities. These efforts continue and will be included as an important part of this plan.

4) A considerable amount of private investment was committed to rehabilitating buildings and open spaces.

#### ***Office and History Related Business Use Potential***

A major feature of this plan is to allow and encourage more office uses that retain the residential character or the structure. Residential setting offices are office uses located in buildings that retain the look and feel of the original residential structure. Typically residential setting offices should only be discernable from residential structures around them by suitable signs and perhaps appropriately placed and landscaped parking.

The intermingling of residences and office uses has been an important and successful character-defining element of the Village. In 1893, Mercy Hospital was established, in one of the large homes in the Village. Other large houses, because of their proximity to the hospital, were converted to medical offices. The Doctor and Dentist offices have been good neighbors to the residences.

In 1943, the Lazard Kahn Family presented the Lane Hooven House and Fitton House, to the Citizens of Hamilton, for use as the offices for public agencies. Today these restored buildings are the location of the United Way and the Hamilton Community Foundation. Placing these buildings in public hands, in order to keep them from being lost, is perhaps one of Hamilton's earliest historic preservation endeavors.

These office uses and those in the former R-O zoned areas, have proven that conversion of larger residential buildings to appropriate new uses, such as residential setting offices, can work well with residential uses in an urban village.

Recycling historic buildings for new uses, called *creative adaptive reuse* by preservationists, is an important tool for the preservation of structures that are possibly no longer suitable for their original use. For example, the layout of a large mansion with open stairwells, extra large rooms and highly detailed woodwork, might not be suited to be divided into several apartments with out extensive destruction of many of the important features. The same building might prove to be well suited for reuse as an office or an office/residence combination. Encouraging creative adaptive reuse and allowing new uses that fit the character of the neighborhood is an economic benefit that can make an individual project viable. The resulting improvement of property values in the neighborhood, brought about by enhanced use opportunities, encourages the rehabilitation and maintenance of all of the buildings in the Village.

#### ***Cultural, Tourism, and Specialty Business Opportunities***

Another feature of this plan is to allow for the development of small businesses relating to the culture and history of the German Village and to historic tourism. These uses also should respect the character of the neighborhood by maintaining the residential and historic look and feel of the neighborhood.

The German Village is in many ways the cultural and historic heart of the city. The existence of many beautifully restored buildings, such as the Lane Public Library, the Lane Hooven House, the Benninghoffen House and Saint Julie Billiard Church attract visitors. The neighborhoods proximity to a revitalized Downtown, The Hamiltonian Hotel, and Mercy Hospital, offer exceptional prospects for suitable cultural, historic and tourism related enterprises. Likewise, the Village can provide specialty business services, niche office, and important residential components for a revitalized Downtown.

Small shops that sell fitting cultural or historic items, bookshops, coffeehouses, or tearooms can be a positive addition to the Village. These types of business uses could be located anywhere in the BPD; however, they would probably be best suited in the North Third Street Area or near the south end of the District near the Butler County Historic Society. Similar to residential setting offices, these types of businesses, when located outside of the traditional business areas, should only be discernable from the residential structures around them, by suitable signs and perhaps appropriately placed and landscaped parking

### ***Zoning Issues***

Locally Designated Historic Districts, like the German Village, are regulated under the Historic Preservation Sections of the Zoning Ordinance, administered by the Historic Design Review Board and the City Planning Department staff. The Historic District zoning is an overlay of the existing zoning. The Planning Commission is responsible to administer the zoning, including setbacks, uses, lot coverage, parking, etc. The duties of the Historic Design Review Board are similar to the Planning Commission's function of reviewing and approving a planned development in terms of its physical design. The Historic District regulations control the removal, replacement, and alteration of the buildings and control of the visual environment in the German Village.

The Historic Design Review Board operates under a specific set of rules, namely the Historic Preservation sections of the Zoning Ordinance, The Secretary of the Interiors Guidelines for Renovation of Historic Structures, and The Historic Design Review Boards Guidelines and Policies. The rules and regulations of the Historic Design review Board are adopted as a part of this plan.

Adopting the ordinance, the Secretary of the Interiors Guidelines and the HORS guidelines as a part of the plan will help to eliminate some of the jurisdictional overlap between the BPD and the Historic District Sections of the Zoning Ordinance. Exterior work approved by the Historic Design Review Board, that does not involve a change in use, demolition of buildings, major additions to buildings, or the construction of new buildings or parking lot additions, are therefore, in conformance with this plan.

Applications for change in use that do not involve physical changes to the exterior of the building will not require any Design Review Board action. However, the Zoning Ordinance has designated the HDRB as an advisor to Council and to any City Board. The Planning Commission may request a recommendation from the HDRB concerning any matter before it.

Requests that involve action by both the Historic Design Review Board and the Planning Commission (changes in use, new parking, demolition or construction of new buildings etc. along with exterior changes) will require approval from both the Planning Commission and the HDRB. Concurrent or joint sessions for these boards may be required while considering complicated applications.

Applications that involve action by both the HDRB and the Planning Commission will be first submitted to the Planning Commission, where preliminary approval may be granted contingent upon approval by the HDRB.

## ***BJ APPROPRIATE USE CRITERIA***

New uses introduced into the Plan area must consider the size and character of the building and its immediate surroundings and the ability of the proposal to meet building codes, parking and other criteria established by this plan.

All development and proposed uses will respect and complement the Village's sense of time and place. Careful consideration must be given to maintaining the character and scale of the neighborhood. The amount of traffic generated by a proposed use is an important consideration in maintaining this character.

In order to maintain the village-like character of the neighborhood an appropriate balance of uses must be maintained. One use type should not be allowed to dominate by number of locations or by scale of operations, in a manner that may be detrimental to the other uses and the sense of neighborhood. In its determination of the appropriateness of a new use, the Planning Commission may impose operational limitations on the new use in order to meet the intent of the Zoning Ordinance, as stated in section 1102.2, and to maintain the balance and character of the neighborhood. Operational limitations on the use may include but are not limited to the following: hours of operation, delivery times, trash removal schedules and apparatus locations, hours of light operation for sign and site illumination, or other appropriate measures.

This plan also recognizes that the economic viability of a neighborhood is critical to the continuing maintenance and preservation of its historic fabric. The Creative Adaptive Reuse of historic structures for new appropriate uses is encouraged.

The application of these criteria should result in the following distribution of uses:

Typically, the smaller houses near the northwest corner of the district should remain single or multifamily residential. Office uses generating little walk-in clientele may be appropriate, if the structure lot size and setbacks are sufficient for the use. Moving towards the southeast, the distribution should be a gradual blending of the residential, with more general office uses intermingled as the buildings become larger and the street capacity improves. In the vicinity of Second and Buckeye Streets, the mix might include small German Village residential setting businesses. The North Third Street area should remain the general

commercial area of the neighborhood and should be given the greatest latitude in the allowance of appropriate business uses. The small commercial area existing at the North Second Street and Hensel Place intersection should remain neighborhood business area. **Figure "A,"** shown on the development plan, graphically depicts this distribution. **The Planning Commission will be the sole determinate in granting uses based upon the concepts of this plan and the conditions prevailing at each site.**

**The Principal Permitted Uses in the German Village Planned Development District are:**

**1.) Uses Permitted Without Specific Plan Approval**

**Residential**

- Single-family residential
- Multi-family residential in existing multi-family or mixed-use buildings - the number of units that already exist in a building or a multi-family project that reduces the number of units that exist in a building can be approved without Specific Plan Approval
- Setbacks, lot coverage, building height, and lot width same as Traditional Neighborhood-1 Zoning District
- Customary Home Occupation Uses

~~All Principal Permitted Uses allowed in the R-4 Multi-Family Residential District regulations meeting the criteria of the R-4 district regulations concerning setback, lot coverage, front and side yards.~~

**Office & Business**

- All Principal Permitted Commercial and Office Uses in the Traditional Neighborhood-4 Zoning District are Permitted Uses in the following areas:
  - On the North Third Street Corridor
  - In buildings that contained commercial and office uses at the time of the designation of the BPD District so long as the new use creates equal to or less than the amount of traffic created by the former use. Business and office uses that are appropriate in scale, character, and type, for the character of the German Village may be located throughout the Planned Development District subject to the G. V. Plan Criteria. Such enterprises will be defined as Residential Setting Businesses for purposes of this plan. German Village Residential Setting businesses may include small gift

boutiques, shops selling small-scale antique items Victorian and Turn of the Century items and crafts, history related items, jewelry shops, bookstores/coffee house, art studios and galleries etc. as examples. Personal Services businesses such as tanning salons, barber shops, beauty parlors etc. are not Residential setting Businesses under this plan.

- Restaurants that serve alcohol are permitted uses in buildings that have been historically been used as restaurants on the North Third Street Corridor.
- Expansion of an existing use that are not expected to increase traffic by more than 10% of current business traffic.
- Bed and breakfast uses may be located in all parts of the district, subject to the G. V. Plan Criteria and the conditions found in Traditional Neighborhood-3.
- Uses as described in the 2020 Expansion Area section of the plan within the Expansion Area only, meeting the Appropriate Use Criteria, and The Plan Modification Standards (G.V. Plan Criteria), defined elsewhere in this plan.
- ~~Existing Principally Permitted and Conditionally Permitted uses allowed in the R-0 and B-2 District Regulations, that exist within the Planned development District at the time of the designation of the BPD District. Any existing, "grandfathered" non-conforming uses, and special permit uses existing within the Planned Development District at the time of the designation of the BPD District. Where legal uses beyond those permitted in the R-4 district exist, said uses are permitted to continue in their present location as a part of this plan. Future, building additions or demolitions, and changes in size or scope of use as determined by the Director of Planning, will require specific plan approval.~~

## 2.) Uses Permitted With Specific Plan Approval

### Residential

- Multi-family residential as allowed in the Traditional Neighborhoods-4 District, meeting the conditions of approval multi-family found in the TN-4 regulations, meeting the Appropriate Use Criteria, and The Plan Modification Standards (G.V. Plan Criteria), defined elsewhere in this plan.
- ~~All Conditionally Permitted Uses allowed in the R-4 Multi-Family Residential District Regulations, meeting the Appropriate Use Criteria, and The Plan Modification Standards (G.V. Plan Criteria), defined elsewhere in this plan.~~
- ~~All Principally Permitted Uses allowed in the R-4 District Regulations, requiring modification of lot coverage, setback, and yard requirements, meeting the G.~~



~~V. Plan Criteria. Customary Home Occupation Uses allowed as an Accessory use in the R-1 through R-4 District Regulations, expanded to include non-resident employees, meeting the G. V. Plan Criteria.~~

## Office & Business

- All Conditionally Permitted Uses allowed in the Traditional Neighborhoods-4 District, meeting the Appropriate Use Criteria, and The Plan Modification Standards (G.V. Plan Criteria), defined elsewhere in this plan.
- In buildings that did not contain commercial and office uses at the time of the designation of the BPD District and are not on North Third Street, new office and business uses require a Specific Use Approval.
- New uses or changes in size or scope of an existing building that will generate more traffic than the maximum permitted to be approved without Specific Plan Approval.
- Personal service businesses such as salons throughout the German Village District except for on the North Third Street Corridor, where they are permitted without Specific Approval.
- The Director of Planning reserves the right to require Specific Plan Approval for any use in which the intensity or traffic impact is unknown or is expected to be more substantial than the intent of the German Village Plan describes.
- ~~All principal permitted uses allowed in the R-O Multi-Family-Office District Regulations, meeting the G.V. Plan Criteria, that generate pedestrian and non-resident employee traffic in amounts, equal to or less than the amount of traffic which is reasonable and normal to the building if used for residential purposes, are permitted through-out the district.~~
- ~~Principal Permitted Uses allowed in the R-O Multi-Family-Office District Regulations that generate pedestrian, vehicular and delivery traffic beyond that which is reasonable and normal to the R-4 District, are restricted to the North Third Street Corridor as shown on the approved plan map. Or are restricted to buildings and sites suitable by reason of their lot or building size, parking availability, street capacity and meeting the G. V. Plan Criteria.~~
- ~~Conditionally Permitted uses allowed in the R-O Multi-family Residential District Regulations. Permitted R-O uses are restricted to the North Third Street Corridor, as shown on the approved plan map, except as herein~~

~~modified. Conditionally Permitted R-O District drive-in uses are not encouraged and will also be subject to the curb cut and screening provisions of the parking lot regulations of this plan. Bed and breakfast uses may be located in all parts of the district, subject to the G. V. Plan Criteria.~~

## **Business**

- ~~• Principally Permitted and Conditionally Permitted Uses allowed in the 8-2, Community Business District Regulations, except prohibiting the following uses; Automotive Service Stations, Automotive Services repair, Farm Implements and Adult Entertainment. Permitted 8-2 uses will be restricted to the North Third Street Business Area as shown on the approved plan map.~~
- ~~• Conditionally Permitted Uses allowed in the 8-1, Neighborhood Business District Regulations, except prohibiting the pumping of gas as an accessory use. Permitted 8-1 Conditional Uses will be restricted to the North Third Street Business Area as shown on the approved plan map.~~
- ~~• Principally Permitted Uses allowed in the 8-1, Neighborhood Business District Regulations. Permitted 8-1, Neighborhood Business Permitted Uses will be restricted to North Third Street Corridor, except as herein modified~~
- ~~• Principally Permitted Uses allowed in the B-1, Neighborhood Business District Regulations, that are appropriate, in scale, character, and type, for the character of the German Village may be located throughout the Planned Development District subject to the G. V. Plan Criteria. Such enterprises will be defined as residential setting businesses for purposes of this plan. German Village Residential Setting businesses may include small gift boutiques, shops selling small-scale antique items Victorian and Turn of the Century items and crafts, history related items, jewelry shops, bookstores/coffee house, art studios and galleries etc. as examples. Personal Services businesses such as tanning salons, barber shops, beauty parlors etc. are not Residential setting Businesses under this plan. Commercial uses that generate pedestrian, vehicular and delivery traffic beyond that which is reasonable and normal to the R-4 District will be limited by the G. V. Plan Criteria.~~

## **C.) Standards - Modification of Development Plan Considerations**

**Parking** - The amount and location of parking facilities will be considered as part of the approval process for changes in use. Section 1137 of the zoning ordinance will be used as a guideline only in determining the amount of parking

required. The amount of parking may be more or less, than the zoning ordinance requires as determined by the Planning Commission under the Planned Development Regulations. The Commission should consider factors such as the days and hours of operation, or the traveling habits of the expected clientele. Planned Development regulations allow Planning Commission to increase or decrease the parking requirements of section 1137 by up to 35% to arrive at the approved number of spaces needed for the new use. Approval of a use will only be granted where sufficient parking can be made available as defined in this plan.

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The approved number of spaces may be located on site, in shared use parking areas or in near-by public parking where applicable and approved. Planning Commission may require a written agreement, or the granting of cross easements where shared parking sites are being considered. Where public, metered parking is located within five-hundred feet (500') of a proposed commercial and office use, with Planning Commission approval, it may be counted as up to 50% of the approved number of parking spaces required for such uses.

As with normal zoning requirements, the prior uses of the building and how those parking needs were handled may also be used as an additional modifying factor. In many cases on-street parking fulfilled the parking demands of the prior use. For commercial/office uses, on-street parking should only be used to fill, the short-term customer/client/ patient portion of the new use's parking needs.

All new parking will be developed in accordance with the Historic Design Review Board's Policies and Guidelines for parking lots. New parking areas must also be approved by the HDRB. Parking facilities should be made as inconspicuous as possible, generally to the rear of the property. Entrances should be, if possible, from Erwin, Linden, or Race Streets or from the alleys. In order to preserve the "Turn of the 20th Century" pedestrian atmosphere, the development of parking areas requiring new curb cuts is discouraged and will only be approved where there is no other prudent alternative. The sharing of curb cuts and drives is encouraged to retain unpaved yard space and to preserve on-street parking.

Where one or two spaces are needed to meet the code, a new curb cut will not be granted, and the two spaces of street parking retained will fill this requirement.

**Building Code Compliance** - Approval of a change in use for a particular location will be based on the capacity of the building to meet the current

building code standards for the proposed use (Fire separations, ingress-egress issues etc.). Existing buildings may be modified to meet such codes; however, all exterior changes necessary to meet the code for the new use must also comply with the Secretary of the Interiors Standards for Rehabilitation, the Historic Design Review Board Guidelines, and be approved by the Historic Design Review Board. The Ohio Basic Building Code makes allowances for the sensitive treatment of building safety issues in the renovation of historic structures, under Article 34 of the code. Applicants are urged to utilize design professionals that are knowledgeable in the application of Article 34 of the OBBC. Approval of a use will only be granted where successful mitigation of code issues can be accomplished.

**Rehabilitation of Structures, Removal of Inappropriate Features** - The existing condition of the building and the amount and quality of the restoration work proposed are factors to consider in determining whether to approve a specific land use. The Commission may negotiate the removal or replacement of Historically inappropriate existing conditions in order to enhance the character of the village as part of the redevelopment proposal. These items are generally parts of a remodeling undertaken before the creation of the Historic District, which have remained under grandfather provisions of the HDRB section of the zoning ordinance. For example: removal of an 1950's aluminum awning, or the replacement of a chain link fence with wooden fence, screening of an existing parking lot, or repainting the building with appropriate colors are issues which could be linked to a plan approval. The Commission may request a recommendation from the HDRB regarding the correction of such inappropriate intrusions and other acceptable restorative work beyond the normal scope of HDRB regulations. The Planning Commission will determine the appropriate amount of such work as a part of the approval of the new use.

## D) Signs

Signs are an important part of the architecture and setting of a building and when similar and consistent in design, number and size can add to the sense of place. Signs in the German Village Planned Development must be appropriate in design, number and location to the character of the building and site. The Historic Design Review Board will approve all aspects of sign design. Signs similar in design to those shown on the **graphic plan** are typical of the kinds of signage desired.

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Signs permitted in the North Third Street Business area of the Planned Development Area should generally not exceed the number and area of signs

permitted in section 1138.23, Signs Permitted in the "B-1" Neighborhood Business District.

In the remaining areas of the District where low traffic offices and business are appropriate, the number and size of signs, will generally not exceed those permitted in section 1138.223, of the Zoning Code, Signs permitted in Residence Districts. Club. lodge. office signs.

In areas of the Planned Development District, not in the North Third Street Business Area, where traffic producing offices and business are appropriate the size of signs on the building, will generally not exceed those permitted in section 1138.262 Signs Permitted in Office PD Districts. (150% of Signs Permitted in Residence Districts.) [30 square feet]. An additional freestanding yard sign similar in design to those shown on the graphic plan may be installed where appropriate.

Planning Commission may allow increases in the size and number of signs, to the limits of the Planned Development regulations, where appropriate, because of the nature of the operation, the location or lay-out of the enterprise, or to include appropriate additional design elements as herein defined. For example, signage for non-traffic producing office in a residential block should be minimal (See business card signs on the graphic plan). While a professional office in an area where traffic producing offices are appropriate, with several associates and multiple entrances may appropriately require an additional sign at or near the second entrance.

Most of the Village's architectural styles are highly decorative in nature and appropriate signage requires a significant amount of detailing (Finials, brackets, pent roofs, pediments, painted borders, etc). The Commission may increase the size of allowable signage up to the limits of the Planned Development Regulations to accommodate appropriate stylistic elements. (See **Figure 8** on the graphic plan.) Period style support posts are encouraged and will not be included in calculating sign area.

As a further unifying element, signs for uses in the German Village are encouraged to include historic information where appropriate. Such historic information may include the date of establishment of the business or enterprise, and/or the historic name of the building and/or the construction date of the building. Planning Commission may allow additional sign area as a bonus provision, to accommodate such information. Such information should be appropriate in size of lettering and in length. For example: "*established, 1897*" would be suitable while, "*Cheerfully doing business at this location since 1904*" would probably not be suitable.

#### **E.) Community participation concerning changes in the BPD Plan and Changes made according to the BPD Plan**

This plan establishes a desired state for the German Village Planned Development District and it allows and encourages the changing of uses to achieve the desired state. It is important to note the difference between site-specific changes made under the provisions of this plan and changes made to the written plan itself.

Changes to the written and graphic plan might include adding a new kind of use or removing a particular use from the approved options. Planned Development regulations have established mechanisms to modify approved PD plans in section 1132.46 of the zoning ordinance. Changes to the written plan will

continue to follow these procedures and as prescribed, including notification of property owners and a public hearing.

Because the desired state involves the mixing of uses and the interdependence among the new use and the existing neighboring uses, it is only proper that the German village Community be involved in changes made according to the plan. There are three ways in which the German Village Community can participate in plan changes. 1) A public hearing before Planning Commission, with owner notifications for major modifications to the plan, as defined below. 2) Through the German Village representative on the Historic Design Review Board, concerning exterior changes that are proposed as a part of a plan modification, and 3) through the required pre-application conference as herein defined.

Planned Development Procedures require a pre-application conference between the applicant and the Planning Director. This conference should include a review of the modification parameters of this plan. Because of the village-like nature and the proposed mixing of uses, public support for any change is important. The applicant should be advised to work with the German Village in development of their plan modification proposal.

A Public Hearing before the Planning Commission, requires a written notification to property owners, for major and substantial changes to the plan as defined in the Planned Development regulations - Section 1132 of the Zoning Ordinance. In addition to the notification of the public hearing provided to the affected property owners, as required under zoning ordinance, notification will be provided to the President and Board of Trustees of German village Inc.

### **Major Amendments**

For purposes of this plan, the following allowed, site specific proposed changes are major changes also subject to Section 1132.

- Changes from a Principal Permitted Use to a Use that requires Specific Use Approval.
- Residential and low traffic office changes to traffic producing office, residential setting business or business uses.
- ~~Traffic producing office to business.~~
- Substantive changes in the character type or scope of a residential setting business as determined by the Director of Planning. For example, conversions

of a bookstore or gift shop to a coffeehouse.

- A change in use from a use that does not serve alcoholic beverages to a use that serves alcoholic beverages.

### **Minor and Moderate Amendments**

For the purpose of this plan, adjustments in uses among subcategories of permitted uses and changes in building code use groups will be considered as minor or moderate character defining adjustments as determined by the Director of Planning based on the criteria of this plan.

For example a change from an office to an artist studio which meets the parking, character and building code use group criteria of this plan might be found to be a minor adjustment under. Another example of a minor or moderate change in use might be from a bookstore to small shop that makes and sells candy. This is a change in use as far as the Building Code is concerned (food preparation etc.) If all the other criteria of this plan were met such a change would probably be considered a minor plan adjustment.

Another example of a minor or moderate change is a restaurant adding an outdoor dining area, as long as the area is setback ten feet from an adjacent residential property and includes a buffer of some sort like a fence.



## German Village Plan Expansion Area

June 2020

The 11.8 acres included in this expansion area are part of the German Village Historic District. They contain historically significant structures that have long been part of the neighborhood's fabric. However, this area includes properties that are larger in scale than other properties within the German Village Historic District.

The 1997 plan captures most of the objectives for the expansion area; however, given the scale and type of buildings, a wider variety of uses are appropriate in this 11.8 acres, including:

- **Hotels** – An adaptive reuse of these properties into a hotel would support the tourism objectives of the German Village Plan.
- **Apartments or condominiums** – Residential uses are permitted in the plan. These larger buildings could be appropriate for a higher density of residential units.
- **Event centers** – Event centers are a suitable adaptive reuse of historic buildings and could be appropriate in conjunction with a hotel or a standalone use.
- **Light industrial** – Some buildings along Martin Luther King Jr. Boulevard were built for light industrial and should be permitted to continue as this use. This includes contractor and skilled trades businesses with no exterior storage. However, these buildings or sites could be appropriate redevelopment sites as well. Light industrial is only appropriate in buildings that were operating as light industrial when this Expansion Area was added to the District.
- **Institutional** – The area includes existing institutional uses such as St. Julie's Church and the YWCA Hamilton. The YWCA Hamilton building could be a good building for an adaptive reuse that supports the tourism and economic development objectives of the German Village Plan and the City's Comprehensive Plan, Plan Hamilton.
- **Park** – Marcum Park and RiversEdge are important to the quality of life not only to German Village, but to the City of Hamilton as a whole. This park is expected to be preserved as public space.