



**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

Five (5) Public Hearings

**Roll Call:**

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

**Held via Zoom webinar.**

**Swearing in of Those Providing Testimony to the Commission:**

Notary Public swore people in at each agenda item

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

1. April 16, 2020

Motion by: Belew

Second by: Horsley

Approved via simple voice vote.

**New Business:**

**Agenda Item #1 – PublicHearing**

**Berkeley Square, Phase 14 – Major Amendment to a Residential Planned Development (RPD)**

Request a Major Amendment to the Berkeley Square PD (Planned Development) for Phase 14 of the development, to create seven (7) new duplexes. (Paul Brokamp, VSWC Architects, Applicant)

Staff: Ed Wilson, AICP

**Presentation:**

**Section A: Introduction and Background**

***Section A.1: Project Overview***

The submitted application pertains to Phase 14 of Berkeley Square, a senior living development. The applicant proposes construction of seven (7) new duplexes, two-family dwellings, on undeveloped, vacant land, for a total of 14 new residences. Berkeley Square is a Planned Development (PD) community that was originally approved in 1989. If approved, the development would be the next phase of development within the subdivision.

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## ***Section A.2: Existing Site Conditions***

The development, Berkeley Square is a senior living complex located at 100 Berkeley Square accessed via Berkeley Drive. Access throughout the development is provided through a combination of public and private streets. The Berkeley Square Development includes the Berkeley Senior Living Complex, multiple Senior Living Apartments, Independent Homes, and attached condominiums (see Exhibit A for Location Map).

The subject property is located east adjacent to the main Berkeley Square complex, (Parcel #P6411063000033), and is accessed via Capitol Crescent Drive. The proposed Phase 14 would be located north of the recently approved Phase 13 (12 residential units). There are two (2) existing drainage ponds at the northern portion of the parcel, adjacent to the proposed Phase 14 site. The subject property is zoned RPD (Residential Planned Development) (see Exhibit B, Zoning Map) and is also located southwest of the Washington Estates development.

## ***Section A.3: History***

The Berkeley Square Planned Development has had multiple amendments to Development Plan. A history of those amendments is as follows:

1. In 1989 the Planning Commission approved Berkeley Square as a PUD (Planned Unit Development) on two (2) contiguous parcels, consisting of 289 Units that included:
  - 137 Individual Homes
  - 57 Congregate Apartment Units
  - 46 Assisted Living Apartments
  - 49 Full-Service Nursing Care Rooms
2. Department, Planning Records note that there have been multiple notable changes to the Planned Unit Development, brought to the Planning Commission's consideration, including:
  - 1991 – Revisions
  - 1993 – Community Building
  - 1995 – Carport
  - 1996 – Manor House; and Phase 8, Independent Housing
  - 1999 – Nursing Wing
  - 2003 – Phase 8
  - 2007 – Phase 11, Single-Family Homes
  - 2009 – Moderate Change
3. In 2017, the Planning Commission approved an amended Development Plan approving Phase 13 of Berkeley Square, as twelve (12) residential units.

## **Section B: Development Plan Review**

### ***Section B.1: Development Plan Overview - Major Amendment to the Development Plan (Exhibit C: Application; Exhibit D: Site Plan)***

The site in question, containing an area of approximately 3.5 acres, located in the eastern, undeveloped portion of Berkeley Square. The site, along with the rest of the subdivision is currently zoned RPD (Residential Planned Development) District.

The submitted application is for Phase 14 of Berkeley Square, to build seven (7) one-story patio duplexes on the site in question (14 dwelling units total). The proposed duplexes would be

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consistent with the existing, single-family, one-story patio homes in the recently completed Phase 13. A new asphalt drive off of Centennial Drive would serve as access for the proposed duplexes.

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

## **Section B.1.2 One-Story Patio Homes, Duplexes, Characteristics (Exhibit D)**

The applicant submitted four (4) building options that would be utilized in the construction of Phase 14.

- **Architectural Characteristics:**
  - The proposed homes will be consistent in architecture to the homes found in Phase 13 of the development (see attachments for pictures).
  - Each duplex will be one-story ranch patio home
  - Patio homes will be built on concrete building pads
  - Proposed duplexes range from approximately 48' x 80' to 48' x 110', with an average of approximately 4,100 square feet
  - Each dwelling unit will have a two-car attached garage on the front façade
  - Driveways for each unit will be asphalt or concrete.
- **Façade Materials include:**
  - Brick Veneer walls
  - Brick Veneer and/or Vinyl Siding for the gables
  - Dimensional Fiberglass shingle roofing
  - Steel Panel garage doors
  - Single-hung vinyl windows with vinyl louvered shutters
  - Exterior trim, gutters, and downspouts will be prefinished aluminum
- 1. **Duplex, Building Option 1:**
  - a. Total building area: 3,975 square feet
  - b. Dwelling Unit - the minimum size of living space in each dwelling unit will be a minimum of 1,491 square feet.
  - c. Two (2) bedrooms per dwelling unit, with an optional third bedroom
  - d. Building pad with will be approximately 57 feet deep by 106 feet wide
  - e. Attached two-car garages would range from 461 to 490 square feet
- 2. **Duplex, Building Option 2:**
  - a. Total building area: 3,899 square feet
  - b. Dwelling Unit - the minimum size of each dwelling unit will be a minimum of 1,433 square feet of living space
  - c. Two (2) bedrooms per dwelling unit, with an optional third bedroom
  - d. Typical dimensions will be approximately 58 feet deep by 90 feet wide

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- e. Attached two-car garages would range from 469 to 514 square feet

### 3. Duplex, Building Option 3:

- a. Total building area: 4,346 square feet
- b. Dwelling Unit - the minimum size of each dwelling unit will be a minimum of 1,593 square feet of living space
- c. Two (2) bedrooms per dwelling unit, with an optional third bedroom
- d. Typical dimensions will be approximately 63 feet deep by 112 feet wide
- e. Attached two-car garages would be 539 square feet

### 4. Duplex, Building Option 4:

- a. Total building area: 4,188 square feet
- b. Dwelling Unit - the minimum size of each dwelling unit will be a minimum of 1,593 square feet of living space
- c. Two (2) bedrooms per dwelling unit, with an optional third bedroom
- d. Typical dimensions will be approximately 67 feet deep by 102 feet wide
- e. Attached two-car garages would be 539 square feet

### ***Section B.1.3 Conservation and Landscaping***

The submitted Development Plans indicate the following:

- 1. Mounding and landscaping barriers will be constructed in the following locations:
  - a. Along the northwest and western sides of the development to limit the view of exiting parking along Capitol Crescent and limit view of the existing maintenance building.
  - b. Along the northeast corner of the development to limit the view of the existing Washington Estates Development.
- 2. Provision of landscaping around each dwelling unit as required to meet City of Hamilton Zoning Ordinance (HZO) requirements.
- 3. Approximately 30 trees are required for the development, including at least two (2) trees per duplex structure.

### ***Section B.1.4 Lighting***

The submitted Development Plans indicate the following:

- 1. Exterior Lighting will be similar to lighting found at Phase 13:
  - a. Streetlights will be posted near the entrance to the asphalt drive
  - b. Streetlights will also be posted at the circle of the loop cul-de-sac
- 2. Exterior Lighting at Duplexes:

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- a. Post Lights/Lamps will be at the end of driveways
- b. Recessed downlights in the roof will overhang above front entrances
- c. Decorative wall lights will be posted on both sides of the garage doors and at rear patios

## **Section B.1.5 Off-Street Parking & Access Controls**

The submitted Development Plans indicate the following:

1. New asphalt drive off Centennial Drive to provide access to the proposed seven (7) duplexes.
2. The proposed new asphalt drive would be a private street, approximately 450 feet extending northeast from Centennial Drive.
3. The new asphalt drive would end with a cul-de-sac "loop".

## **Section B.1.6 Utilities**

The submitted Development Plans indicate the following:

1. **Water Service**
  - a. Existing (eight inch) 8" water main at end of east side of Autumn Walk will be tapped with (six inch) 6" water line which will be run alongside new drive and dead end at new fire hydrant near duplex units closest to Centennial Drive.
  - b. Additional fire hydrant will be located inside circle of cul-de-sac.
  - c. Three-fourth inch (3/4") water service laterals with curb box/stop will extend to serve each of the 14 dwelling units.
2. **Electric / Communications**
  - a. Two (2) 4" empty conduits will be extended from existing primary pedestal near northeast corner of Centennial Drive to new transformers along new drive (located between duplex patio homes) and looped around cul-de-sac.
  - b. Additional empty conduits will be provided in same trench for Cincinnati Bell and Spectrum and stub up at telephone/CATV pedestals near transformers.
3. **Gas Service**
  - a. Existing (four inch) 4" gas main (intermediate pressure) at end of east side of Autumn Walk will be extended to rear side of cul-de-sac and will run alongside new drive.
  - b. New gas main extension will have one and one-eighth inch (1 1/8") service taps to each of the 14 dwelling units (at each end of 7 duplex units).
  - c. Four inch (4") gas main will extend to Centennial Drive and turn eastward and be capped for future extension.
4. **Sanitary Sewer**
  - a. Existing (eight inch) 8" sanitary sewer main will be tapped at existing manhole on north side of Centennial Drive, east of new drive.

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- b. New (eight inch) 8" sanitary main extension will continue along new drive to end of cul-de-sac and will have seven (7), six inch (6") line taps to each of the duplex units along new drive.

## **Section B.1.7 Drainage & Stormwater**

1. Stormwater Management
  - a. Applicant believes that the existing stormwater management system would be able to handle this phase of this development.
  - b. Storm pipes connecting downspouts from (7) duplex units and catch basins in center of drive and will drain into existing retention ponds.
  - c. Stormwater management calculations will be provided by Civil Engineer for approval as part of the construction drawings for permit.

## **Section B.2: Points Requirement for an RPD (Residential Planned Development)**

[Section 1118.170](#) of the Zoning Ordinance stipulates the minimum required points for RPD consideration: Two-Family developments regardless of average lot widths above shall provide for a minimum of sixteen (16) points.

1. A review of the submitted plans for Phase 14 and review of the Berkeley Square development indicates the following:
  - a. **3 - Points** for 5% passive open space in Phase 14. Passive open space, land not used for the development of duplexes and the private drive in Phase 14 (3.5 Acres) represents approximately 42% percent (1.5 Acres) of the subject area.
  - b. **1 - Point** for Open space being located within ¼ mile radius of 75% of the proposed dwellings (All dwelling units in Phase 14 are within ¼ mile radius of passive and active open space).
  - c. **5 - Points** for clubhouse or community building minimum size 2,000 square feet (Berkeley Square Main Campus would suffice for this requirement – Manor House is 13,676 Square Feet; Wellness Center is 4,400 Square Feet).
  - d. **2 - Points** for decorative lighting fixtures throughout the project. Decorative lighting fixtures are proposed along portions of the proposed private drive, and at the ends of proposed driveways. The proposed lighting matches existing decorative lighting found at Phase 13 and found throughout the Berkeley Square development.
  - e. **3 – Points** for covered front porch minimum size four (4') feet by six (6') feet (Applicant indicates the structures will match the designs found in the adjacent Phase 13 which also matched Phase 11. Submitted pictures indicate a covered front porch on front entry of each dwelling unit).
  - f. **2 – Points (Planning Commission Discretionary Points)** for increasing passive open space from 5% to 10%. Per [Section 1118.173](#), of the Zoning Ordinance, the Planning Commission may grant discretionary points for meeting supplementary criteria. The proposal exceeds the 10% threshold for proposed passive open space.

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A total of sixteen (16) points has achieved based on a review of the plans submitted. However, the proposal would require that Planning Commission grant two (2) discretionary points (please see Staff Recommendation, Section G; Staff Basis/Rationale, Section H).

## **Section C: Interdepartmental Review**

The city's Interdepartmental Review Committee evaluated the proposed Development Plan. The following comments were received:

**Fire:** No Objection

**Gas, Water:** No Objection, contingent upon satisfying the following items:

Public Utilities (Gas and Water, Sanitary to be verified) need to be shown in an easement as in Phase 13.

Propose Water Main is to be 8" (eight inch), not 6" as was required in phase 13.

Do not dead end proposed Water Main. Connect proposed water main  
To the water main on Capital Crescent and add fire hydrants as needed.

Please note, the 2" gas service connected to Autumn Walk services the Berkeley Coach House.

**Public Works / Engineering:** No Objection

**Electric:** No Objection

**Municipal Arborist:** No Objection

## **Section D: Submitted Request**

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

### ***Major Amendment to the Development Plan***

The applicant is seeking approval for a major amendment to the approved Development Plan for a site located within an RPD (Residential Planned Development). The proposed plan is for Phase 14 of the Berkeley Square development and, if approved, would allow the construction of seven (7) one-story patio duplexes on the site in question, a 3.5 acre portion of a vacant parcel.

### ***Two (2) Discretionary Points Granted by Planning Commission***

The proposal also requires two (2) Planning Commission discretionary points in order to achieve the required sixteen (16) points required for a two-family planned development.

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## **Section E: Statutes:**

### ***Section E.1 Findings for Approving an Amended Development Plan***

The HZO states that single-family residences are permitted within a Residential Planned Development (PD) District. There are specific findings outlined within the HZO for review and approval of a Residential Planned Development by the Planning Commission.

1. The Planned Development (PD) provisions of the Zoning Ordinance are intended to provide an alternative to standard zoning guidelines. More specifically the regulations are intended to:
  - A. Encourage superior and imaginative design and function in developments
  - B. Establish an alternative procedure for the development of land in order to allow for more efficient and economic development of property than customarily permitted by conventional zoning and subdivision regulations
  - C. Ensure orderly and thorough planning and review procedures that lead to higher quality design and development
  - D. Encourage the conservation of natural amenities of the landscape
  - E. Encourage the provision of usable common open space
  - F. Enable greater review of design characteristics to ensure that the development project is properly integrated into its surroundings and is compatible with adjacent development.
  
2. Section 1118.170 stipulates the minimum required points for RPD consideration:

As indicated previously (see Section B.2), the proposal achieves sixteen (16) points for a two-family Residential Planned Development.

However, this is contingent upon Planning Commission granting two (2) discretionary points. The proposal for Phase 14 of Berkeley Square exceeds the 10% passive open space requirement in order to qualify for the discretionary points.

## **Section F: Notification**

The Planning Department mailed Public Hearing Notices to the owners of 166 properties within 500 feet of the subject property per statute requirements (See Exhibit E).

As of the writing of this report, the Planning Department received no phone calls or inquiries pertaining to the proposal for a major amendment to a Residential Planned Unit Development for the proposed Berkeley Square, Phase 14.



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## Section G: Recommendations

### ***Request 1: Major Amendment to the Development Plan, Recommend Approval***

Staff recommends that the Planning Commission take final action to approve the major amendment to a residential planned development for Phase 14 of Berkeley Square subject to the following conditions:

1. Construction drawings and documents for the proposed improvements and work shall be revised subject to any current interdepartmental review comments, and future review requirements of the City of Hamilton Interdepartmental Review.
2. Landscaping, site improvements, and all exterior finishes and other improvements be installed and maintained in good repair and replaced as necessary to remain in compliance with the approved Final Development Plan.
3. All proposed landscaping items shall be reviewed and approved by the City of Hamilton Municipal Arborist.
4. All proposed landscaping item sizes to conform to the minimum size requirements found in Section 11.11.10 of the Hamilton Zoning Ordinance. (Deciduous trees minimum of 2 ½ inches caliper, evergreen trees minimum of six (6') feet in height, shrubs/bushes minimum of 12 inches). All tree species proposed shall be reviewed and approved by the City of Hamilton Municipal Arborist.
5. Phase 14 shall adhere to the required site improvements to meet the required points for a two-family residential planned development per Section 11.18.170 of the Hamilton Zoning Ordinance.
6. The findings of approval for the requested and required Planning Commission Discretionary Points are consistent with the requirements of the Zoning Ordinance necessary for granting such requests.

### ***Request 2: Two (2) Planning Commission Discretionary Points Recommend Approval / Granting of Points***

Staff recommends that the Planning Commission take action to grant two (2) discretionary points for a two-family residential planned development, subject to the following conditions:

1. Construction drawings and documents for the proposed improvements and work shall be revised subject to any current interdepartmental review comments, and future review requirements of the City of Hamilton Interdepartmental Review.
2. Existing trees and passive open space for Phase 14 shall be at or above 10% of the subject's development area.

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## Section H: Staff Basis / Comments

### ***Request 1: Major Amendment to the Development Plan***

Staff finds the amended development plan to be consistent with the intent and purpose of the Planned Development Regulations in the following ways:

1. The proposed development establishes an alternative procedure for the development of land which allow for more efficient, economic, and consistent development of property than customarily permitted by conventional zoning and subdivision regulations.
2. 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 to incorporate comments and input from all city departments to produce a plan that will be compliant with respect to city requirements.
3. The proposed project is a continuation of an ongoing residential planned development, Berkeley Square, and features façade and site design consistent with recent development phases and the character and form of Berkeley Square.
4. The proposed development plan encourages the conservation of natural amenities of the landscape through retention of existing trees in the development area, and establishment of landscape buffers along the northwestern and northeastern perimeter.
5. The proposed development will not harm the general public, health, safety, and welfare of the site or surrounding area.

### ***Request 2: Two (2) Planning Commission Discretionary Points***

Staff provided the following basis / comments for recommending approval of the two (2) Planning Commission Discretionary Points.

1. The submitted plans meet the requirements of City Staff and have been approved with no objection through the interdepartmental review process.
2. The submitted plans indicate a significant area of the development site as passive open space, exceeding the 10% requirement for granting two (2) discretionary points.
3. The submitted plans will allow the applicant to complete another phase of the Berkeley Square complex in a manner that is consistent and compatible with the character and form of the existing development.
4. The proposed development will not harm the general public, health, safety, and welfare of the site or surrounding area.

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## Public Hearing:

Mr. Brokamp, applicant, discussed the water line plan. Staff will get in touch with Mr. Engle to discuss that issue. Staff confirmed that we have not heard from the homeowners' association.

Ann Clark, neighbor, was in attendance and confirmed there are two homeowners' associations in the area. Mayor Moeller stated that he should abstain from this since he has represented a nearby homeowners' association.

No one else was in attendance to speak on this matter.

Motion to close public hearing: Belew

Second: Horsley

Motion passes unanimously.

## Discussion:

There was discussion about the pond. Staff confirmed the maintenance of the pond will be Berkeley's responsibility. Staff stated that stormwater will be approved through Interdepartmental Review.

## Motion -

**That the Planning Commission take final action to approve the Major Amendment to Berkeley Square Planned Development, for Phase 14 of the development, as presented and with the recommended conditions of approval:**

Motion by: Vanderhorst

Second: Von Stein

Motion passes with six yes votes and one abstention (Moeller).

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## **Agenda Item #2 – PublicHearing**

**1000 & 1001 Fairview Avenue and 1015 Symmes Avenue –**

**Conditional Use request for an Automotive Repair Business with a request for one (1) variance**

Request for a Conditional Use Certificate to allow the operation of an automotive repair business and a variance to the ten (10) foot front yard setback requirement. (Ihab Kaldas, Applicant)

Staff: Larry Bagford

It was noted that the variance was not required, and that the text was an artifact from a previous report.

## **Presentation:**

### **Section A: Introduction and Background**

#### ***Section A.1: Project Overview***

Mr. Ihab Kaldas is requesting a Conditional Use Approval to operate a Major Automotive Repair Business at 1000 & 1001 Fairview Avenue and 1015 Symmes Avenue. This property is located in an I-2 (Industrial) Zoning District. (See Exhibit B, Location Map; Exhibit C, Zoning Map) Per [Section 1124.39.5](#) of the Hamilton Zoning Ordinance (HZO), Major Automotive Repair requires a Conditional Use Approval in the I-2 (Industrial) Zoning District. Mr. Kaldas is also seeking a variance to the ten (10) foot front yard setback requirement as part of the Conditional Use application.

#### ***Section A.2: Existing Site Conditions***

The project encompasses three (3) addresses and five (5) separate parcels.

- 1001 Fairview Avenue, (Parcel#P6461045000046) which has an existing 6,500-square foot commercial/industrial building on the property.
- 1000 Fairview Avenue, (Parcel #P6461045000036) which has an existing 4,900-square foot commercial/industrial building on the property.
- 1015 Symmes Ave consists of three (3) parcels #P6461045000023 thru 025 all of which are vacant. These three adjacent lots are 18,600-square feet in area.

#### ***Section A.3: History***

All of these properties were formally owned by G & M Metal Products, which closed in 2019.

### **Section B: Petition Review**

#### ***Section B.1: Submitted Request***

Mr. Kaldas is requesting conditional use approval as required by the zoning ordinance in order to perform automotive repair utilizing the referenced properties at 1000 & 1001 Fairview Avenue and 1015 Symmes Avenue (See Exhibit A for Application and Plans)

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## ***Section B.2: Review of Applicant Submittal Materials***

The plans and application submitted indicate the business will be open from 9:00 AM until 6:00 PM Monday thru Friday and 9:00 AM until 2:00 PM on Saturdays. The plans propose a starting staff of ten (10) employees.

The business will service vehicle fleet customers and will not have regular retail customers.

The plans indicate that 1001 Fairview Avenue will be used primarily for auto repair with a small office area. The plans indicate that six (6) automobile lifts will be installed in this building. There are two (2) existing overhead roll up doors that will be used to bring vehicles in and out of the building.

The existing building at 1000 Fairview Avenue will be used for automobile repair and storage. There is an existing overhead roll-up door that will be use to bring vehicles in and out of the building. There are three (3) off street parking spaces at this address. Plans indicate that the existing lot will be restriped. Additionally, due to the configuration of the existing parking and building, the applicant would require a variance to the 10 foot front yard setback requirement for a parking lot.

## ***Section B.3: Off-Street Parking / Storage Area***

The three (3) parcels at 1015 Symmes Avenue will be paved with new asphalt and striped for parking of vehicles awaiting repair and for employees. A six-foot (6') high aluminum, picket panel fence will enclose this parking area. The fence will be setback ten (10) feet from all property lines. Ingress and egress onto this lot will be through rear alley access (Symmes Avenue Alley).

There are 41 off-street parking spaces proposed for the site.

- 39 spaces at 1015 Symmes Avenue
- 2 existing restriped spaces at 1000 Fairview Avenue

## ***Section B.4: Landscaping***

The plans propose the setback outside the fenced parking lot will be landscaped with twelve (12) shrubs along the 1015 Symmes Avenue frontage and three (3) shrubs at the southwest corner along Zimmerman Avenue.

The plans propose four (4) trees be planted in the Fairview Avenue curb lawn in front of 1001 Fairview Avenue. Three (3) trees and ten (10) shrubs are proposed for the landscaping at 1000 Fairview Avenue, located primarily along the Symmes Avenue frontage.

## ***Section B.5: Other Proposed Improvements***

The plans also propose the following improvements to the buildings:

1. Restoring the exterior facades of both buildings. This includes, cleaning, and painting the exterior walls and replacing the gutters and downspouts as necessary.
2. Repairing the roof of both buildings
3. Cleaning and maintaining the landscaping of the backyard of both buildings.
4. Installing six (6) Hydraulic Lifts in one of the buildings. The building is equipped with existing electrical service, which will permit this installation without additional wiring.

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## Section C: Interdepartmental Review

The plans were circulated for Interdepartmental Review and there were following comments:

From the City Arborist:

1. Substitute [Frontier Elm \(Ulmus 'Frontier'\)](#) for the silver maple trees. Silver maple are weak wooded trees and susceptible to storm damage.
2. Substitute [Green Column Black Maple \(Acer nigrum 'Greencolumn'\)](#) for the red maple tree. Red Maple does better in acidic soils found east I-71 in Ohio. Our spoils in Hamilton are clay loam and high pH or basic. Red maples are susceptible to many insect pests, diseases and micronutrient deficiencies.
3. Substitute [Yoshino Cherry \(Prunus yedoensis\)](#) for Dream Catcher Flowering Cherry. Dream Catcher Cherry is susceptible to many insect pests, diseases and micronutrient deficiencies.
4. Substitute Summer Sweet ([Clethra alnifolia](#)) for the White butterfly bush. Butterfly bushes are non-native and found to be invasive.

## Section D: Statutes

### ***Section D.1: Conditional Use***

Per [Section 1124.39.5](#) HZO; automotive repair 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 HZO for review and approval of a Conditional Use by the Planning Commission.

[Section 1155.30, Clause D](#) (Conditional Uses, Variances) contains four (4) specific criteria for review of variances associated with a conditional use application.

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.

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- (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 D.2: Variances**

Section [1155.30, Clause D](#) (Conditional Uses – Use Specific Standards and Variances) contains specific findings outlined within the HZO for review and approval of any variance corresponding to a Conditional Use by the Planning Commission.

No variance shall be recommended for approval unless the Planning Commission finds 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 recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

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## ***Section D.3: Plan Hamilton***

Plan Hamilton [\[link\]](#) 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.

In Plan Hamilton's [Future Land Use Plan](#), this area is designated as Urban Mixed Use, which includes a mix of residential, commercial and light industrial uses.

## **Section E: Staff Basis / Comments**

Planning Staff has determined that the proposed use meets all of the above listed requirements. The proposed Auto Repair Business aligns with the Plan Hamilton Land Use Map for this area.

## **Section F: Notification**

Notices were sent to 75 property owners within 500 feet of the subject property. As of the printing of this report, we have had no responses or other inquiries.

## **Section G: Recommendation:**

Planning Commission may recommend approval, amend, or deny the conditional use application. Planning Staff recommends that a conditional use approval is granted to allow an automotive repair business to operate at 1000, & 1001 Fairview Avenue and the property at 1015 Symmes Avenue shall be used as parking for the same business.

Planning Commission may recommend approval, amend, or deny the variance of a 10 foot front yard setback at 1000 Fairview Avenue. Planning Staff recommends that the variance be granted.

If Planning Commission chooses to approve, the Planning Department recommends the following motion:

- 1) That the Planning Commission takes action to recommend that City Council approve of the conditional use application to allow an automotive repair business at 1000 & 1001 Fairview Avenue and allow 1015 Symmes Avenue as parking for the same business.

The recommendations and motions are subject to the following 13 conditions:

## **Section H: Conditions of Approval:**

1. The proposed fence around the parking area will be setback a minimum of ten (10) feet from the Zimmerman Avenue and Symmes Avenue right-of-way lines.
2. The proposed fence around the parking area will be setback a minimum five (5) feet from the edge of the alley and side property lines.
3. The setback areas outside the fence along the Zimmerman Avenue and Symmes Avenue right of ways shall be landscaped with a minimum of one (1) tree every 30



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linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c will be required for each site plan:

- a) Bushes: three Per Required Tree
  - b) Flowering Perennials Plants: 6 per Required Tree
  - c) Trees: one Per Required Tree
4. The landscape plans shall be amended to comply with the recommendations of the City Arborist.
  5. The fenced parking area will have a solid evergreen hedge a minimum of 4-feet in height along the east side of the fence between the parking area and the residential buildings there.
  6. All repairs or services shall be performed within an enclosed building.
  7. No junk, inoperative or unlicensed vehicles, except for those awaiting repair, shall be permitted outside of any building. Vehicles awaiting repair may not be stored on the lot for more than 30 days.
  8. Used or discarded motor vehicle fluids, tires, batteries, parts or equipment, shall be stored inside a building and disposed of in accordance with state and federal regulations
  9. No vehicles shall be kept on the property for salvaging of parts and equipment to repair other vehicles.
  10. Vehicular access drives shall be limited to no more than one (1) access drive per street frontage, unless otherwise approved by the City Traffic Engineer.
  11. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
  12. No outdoor storage of any material or waste shall be permitted on site.
  13. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 30 days to achieve compliance or be subject to the Penalties listed in in Section 1186.00 HZO.

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## Public Hearing:

Planning Commission asked about the fence. Staff confirmed that all fence sections are proposed as a 6 foot black aluminum fence. The applicant, Mr. Kaldas, clarified that he does not know what the fence exactly will look like. Planning staff said that we will need to know what privacy fence will look like prior to going to council. Mr. Kaldas confirmed this timeline works for him.

Lloyd Schultz, 1038 Laurel Avenue, asked questions about how disabled vehicles will be loaded into his property. Mr. Kaldas explained that a disabled vehicle will be unloaded one at a time by a tow truck. The neighbor is concerned that they will be blocking the street. Employees will be parking in the parking lot, not on street parking. The neighbor asked about how many spots will be available to store vehicles on site and Mr. Kaldas said that there will be storage space for 30 vehicles on site.

Planning Commission discussed the concern about blocking traffic. Mr. Kaldas stated that one out of 200 vehicles may be disabled so that will not happen on a regular basis. The primary clients are used car businesses.

Planning Commission discussed concerns about another property Mr. Kaldas owns in Hamilton. He stated that he is not the operator of that business and as the property owner is not aware of issues with City regulations in the past three years.

Planning Commission asked about the nature of the work being completed. It is for businesses with fleet vehicles. Not direct to consumers. No auto sales will occur on site.

Mr. Kaldas will work with Mr. Bagford on outstanding items before City Council review.

Motion to close public hearing: Belew  
Second: Von Stein  
Motion passes unanimously.

## Discussion:

Planning staff confirmed there is no need for a variance.

Planning Commission requested adding a condition about no unloading on the streets surrounding the property.

## Motion –

That the Planning Commission take action to recommend that City Council approve the Conditional Use application with the recommended conditions of approval.

Motion by: Vanderhorst  
Second: Mathews  
Motion passes unanimously.

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## Agenda Item #3 – PublicHearing

### Zoning Text Amendments – clarifying Automotive Related Conditional Uses.

Request to amend the City of Hamilton Zoning Ordinance (HZO), pertaining to the clarification of Automotive Related Conditional Uses. (City of Hamilton, Applicant)

Staff: Larry Bagford

#### Presentation:

#### Section A: Introduction & Background:

The current conditional use standards for automobile related businesses are repetitive and inconsistent, making them confusing for the public to understand and apply in accordance with the vision for the City's future.

The proposed changes will eliminate three (3) repetitive uses from four (4) different chapters of the zoning ordinance, by consolidating where appropriate and eliminating excessive verbiage.

Attached this report are the sections of the zoning ordinance reflecting the proposed changes to the text. Items ~~struck through in red~~ are to be deleted. Proposed new language is highlighted in yellow. (See Exhibit A for proposed Zoning Text Amendments).

The bullet points of the individual conditions associated with the uses have been changed to a letter and numbering system that will clarify ordinance citations in reports and notices.

In addition, there is a clean draft (Attachment –Exhibit B) that shows the new text as it will appear in the ordinance.

#### Section B: Petition Review

The proposal consists of a text amendment to the Hamilton Zoning Ordinance (HZO), amending various sections pertaining to auto-related uses.

In all cases, the amended and added use categories would remain as Conditional Uses within their respective Zoning Districts. The proposed changes would primarily impact the following zoning districts and sections of the zoning ordinance.

- B-2 (Community Business District), Section 1121.00
- B-3 (Central Business District), Section 1122.00
- I-1 (Limited Industrial District), Section 1123.00
- I-2 (Industrial District), Section 1124.00

Please see Exhibit A for the proposed amendments to the Zoning Ordinance, and Exhibit B for a clean copy of the new zoning language.

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## *Section B.1: Proposed Amendments, Changes*

### Amending:

- Automobile and Other Vehicle Sales

**Revised to: Automobiles and Other Motor Vehicles Sale or Rent (Boat, Trailer, Recreational Vehicles, Farm Machinery, Power Equipment, and Other Motor Vehicle)**  
Sections 1121.39.27, 1122.36, 1123.36 and 1124.39.4

The proposed revision is a clarification and consolidation of automotive and vehicle sales. There are also proposed changes to the required conditions for this use that are in line with recent applications and Staff review of the zoning ordinance.

- Automotive Service and Minor Repair

**Revised to: Automotive and Other Vehicle Repair**  
Sections 1121.39.6, 1122.37.1, 1123.38.2 and 1124.39.6

The proposed revision is a clarification and consolidation of the automobile repair uses with revised conditions for the use.

Staff reviewed the automotive service and major auto repair uses compared to existing conditions in the city and best practices in the Planning field. The proposed revision would consolidate both auto repair uses under one definition. Auto repair proposals that are larger in scope and scale would have further conditions of approval recommended by Staff when required.

- Automobile Washing Facilities

**Revised to: Automobile and Other Vehicle Washing Facilities / Car Wash**  
Sections 1121.39.28, 1123.38.3 and 1124.39.7

Propose changes to the required conditions for this use that are in line with recent applications and Staff review of the zoning ordinance.

- Form-Based Zoning Districts, Permitted Uses (Use Chart) - of the Hamilton Zoning Ordinance - Section 1129.30

The proposed changes would be reflective of the other revisions pertaining to automotive related uses, including updating of use categories.

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## ***Section B.2: Proposed Deletions***

### **To Delete:**

- Major Auto Repair  
Sections 1122.37, 1123.38.1 and 1124.39.5

With this deletion, all auto repair would be interpreted as Automotive and Other Vehicle Repair. All other instances of Major Auto Repair within the Zoning Ordinance would be revised to reflect the change.

- Automotive Service Stations – when an accessory use  
Section 1122.33

Automotive Service Stations will be deleted and replaced with a proposed new use category: Automobile and Other Motor Vehicle Fueling Stations. All other instances of Automotive Service Stations within the Zoning Ordinance would be revised accordingly.

- Farm Implement Sales  
Sections 1121.33, 1123.38.4 and 1124.39.8

With this deletion, Farm Implement Sales would be interpreted as Automobile and Other Vehicle Sales or Rent. All instances of Farm Implement Sales within the Zoning Ordinance would be revised to reflect the change.

## ***Section B.3: Proposed Additions:***

### **To Add/Revise:**

- New land use category:  
**Automobile and Other Motor Vehicle Fueling Stations (Fuel Station)**  
Sections 1121.33, 1122.33, 1123.38.4 and 1124.39.8

With this deletion, all auto repair would be categorized as Automotive and Other Vehicle Repair. All instances of Major Auto Repair within the Zoning Ordinance would be revised to reflect the change.

## **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. Staff posted the notification on April 21, 2020, located on the Planning Commission's website (see Commission Website, [here](#); Proof of posting of notices, [here](#); see Notice, [here](#)). See Exhibit C for the notice items.

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

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## **Section D: Statutes:**

[Section 1180.00](#) of the Hamilton Zoning Ordinance provides the basis and process for the amendment of the Zoning Ordinance, Ordinance No. 7503.

## **Section E: Recommendation:**

The Planning Commission can approve, amend, or deny the proposed zoning text amendments. If the Planning Commission approves of the proposed text amendments to the Hamilton Zoning Ordinance, the Planning Department recommends the following motion:

- 1) That the Planning Commission take action to recommend to City Council that they hold a public hearing, prepare legislation, and approve the text amendments to the City of Hamilton Zoning Ordinance as presented and contained within the attachments submitted within the Planning Staff report.

Specific sections proposed for amendment are as follows:

### **To Amend:**

Section 1108.00 - Glossary  
Sections 1121.39.27, 1122.36, 1123.36 and 1124.39.4 - Automobile and Other Vehicle Sales;  
Sections 1121.39.6, 1122.37.1, 1123.38.2 and 1124.39.6 - Automotive Service and Minor Repair  
Sections 1121.39.28, 1123.38.3 and 1124.39.7 - Automobile Washing Facilities - of the Hamilton Zoning Ordinance  
Section 1129.30, Permitted Uses (Use Chart) for the Form-Based Zoning Districts

### **To Delete:**

Sections 1122.37, 1123.38.1 and 1124.39.5 - Major Automotive Repair  
Section 1122.33 - Automotive Service Stations - when an accessory use Sections 1121.33, 1123.38.4 and 1124.39.8 - Farm Implement Sales

### **To Add**

Sections 1121.33, 1122.33, 1123.38.4 and 1124.39.8 - Automobile and Other Motor Vehicle Fueling Stations

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## Section F: Staff Comments / Basis for Recommendation

1. The proposed text amendments address repetition and inconsistencies concerning the automobile related businesses, clarifying them for the public and other users of the Zoning Ordinance.
2. The proposed text amendments align the Hamilton Zoning Ordinance with State of Ohio best practices.

The revised and new conditions associated with the automobile related uses reduce the intensity and impact of the uses, protecting the public, health, safety, and welfare.

### Public Hearing:

Planning Commission asked about how these changes will affect existing property owners. Planning staff confirmed that existing uses will be grandfathered. Staff discussed that these are the standard conditions but that there will always be an opportunity to add additional conditions for site specific issues. Planning Commission asked about dumpster enclosures. Staff stated that if it is a new building, commercial design standards will apply.

Motion to close public hearing: Moeller  
Second: Horsley

Discussion: None

### Motion –

That the Planning Commission take action to recommend that City Council holds a public hearing and prepare legislation to approve the text amendments to the Zoning Ordinance as presented and contained within the staff report attachments.

Motion by: Moeller  
Second: Horsley  
Motion passes unanimously.

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## **Agenda Item #4 – PublicHearing**

**Zoning Text Amendments – revisions to Commercial Design Standards, Residential Design Standards for Accessory Structures, and Special Provisions (Residences on Narrow Lots) of the Zoning Ordinance.**

Request to amend the City of Hamilton Zoning Ordinance (HZO), (City of Hamilton, Applicant)

1. To revise Section 1111, Commercial Design Standards (Concrete Material & Class 4 vehicle storage as Conditional Use)
2. To revise Section 1110, Residential Design Standards for detached Accessory Structures
3. To revise Section 1131, Special Provisions of the Zoning Ordinance, pertaining to New Residential Structures on substandard lots

Staff: Daniel Tidyman & Liz Hayden

## **Presentation:**

### **Section A: Introduction & Background**

The City of Hamilton Zoning Ordinance (HZO), Ordinance No. 7503 provides regulations for land use and property use, to protect the general public health, safety, and welfare of the city. After periodic review, Staff has determined a need for updating specific portions of the zoning ordinance for clarification:

- 1) **Commercial Design Standards:**  
Staff determined the need for minor revisions to the Commercial Design Standards of the Zoning Ordinance. The intent of City's Commercial Design Standards (Hamilton Zoning Ordinance, Section 1111.00) is to protect and promote the city's economic vitality through standards for new commercial development, which encourage and reward high quality development while discouraging less attractive and less enduring alternatives. The commercial design standards comprise architecture, building materials, façade materials, landscaping and site design, key components for regulating new and significant renovation-type commercial building projects.
- 2) **Residential Design Standards:**  
Staff has determined a need for updating the Residential Design Standards pertaining to the exterior finish of accessory structures. The current regulations for accessory structures require at least 50% of all accessory structure facades to match the primary finish of the front façade of the primary structure on the property. This means that if the primary finish on the front façade is brick, 50% of all facades of the accessory structure will be required to have brick.  
  
Over the past few years, the city has received multiple variance requests pertaining to accessory structures with brick finishes as the primary façade. These requirements can be cost prohibitive to the property for both the exterior finish. Staff is requesting changes that increase the required exterior finish material on all facades of the accessory structure.
- 3) **Special Provisions (New Residences on substandard/smaller lots):**  
In conjunction with the residential standards, Staff determined a need for review of related Special Provisions sections pertaining to constructing new single-family structures on nonconforming lots of existing records. These lots may not meet the area requirements set forth within the zoning district to build a new single-family dwelling, which can include lot width, area, setbacks, and/or other dimensional requirements.



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## Section B: Petition Review

The proposal consists of a text amendment to the Hamilton Zoning Ordinance (HZO), amending [Section 1111.00](#) Commercial Design Standards, [Section 1110.00](#) Residential Design Standards, and [Section 1131.00](#) Special Provisions / Miscellaneous Provisions.

### ***Section B.1 Revisions to the Commercial Design Standards (Exhibit A)***

1. Revise concrete which is formed to have a masonry unit or brick appearance
  - a. **From:** a principal building material that is allowed up to 100% of the building material
  - b. **To:** a principal building material that is allowed up to 65%
2. Change the word "complimentary" to "complementary" in the Commercial Sign and Loading/Unloading Areas sections.
3. Add language specifying that Class 4 vehicles and above as identified by the Federal Highway Administration require a Conditional Use approval when they are not in a Planned Development (PD) zoning district. In Planned Development zoning, this proposal will require a Specific Use approval.

### ***Section B.2 Revisions to the Residential Design Standards (Exhibit B)***

#### Section 1110.26: Accessory Buildings

1. Revise façade requirements for accessory buildings over 200 square feet
  - a. **Current:** Accessory buildings over 200-sq. ft. in area must have the same exterior finish material on a minimum of 50% on all sides as the primary exterior material and approximate color as the front of the existing primary building.
  - b. **Proposed:** removal of the 50% minimum. An accessory structure over 200 square feet would require the same exterior finish as the primary structure.
2. Proposed new language: If the primary finish of the primary building facade is brick or stone, 100% of the front facade of the accessory building and 25% of facades visible from the street (not alley) must match the primary building material.

The change would:

- a. Require the front façade of an accessory structure over 200 square feet to match the primary structure, 100%.
- b. Require other facades visible from a street to match the primary structure by at least 25%.

### ***Section B.3 Revisions to the Special Provisions (Exhibit C)*** ***(New Residences on substandard or smaller lots)***

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## Section 1131.10: Dwelling On Any Lot of Record

1. Revision of language for clarification.
2. Simplification of language and the standards for new residences on smaller or substandard lots.
3. New residences on substandard lots must meet the applicable requirements of the Zoning District and the Residential Design Standards.
4. Clarification of new Single-Family dwellings and Multi-Family dwellings on substandard lots. Multi-Family dwellings on substandard lots would require a Conditional Use approval.

## **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. Staff posted the notification on April 21, 2020, located on the Planning Commission's website (see Commission Website, [here](#); Proof of posting of notices, [here](#); see Notices: [Section 1111](#), [Section 1110](#), [Section 1131](#))

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

## **Section D: Statutes**

[Section 1180.00](#) of the Hamilton Zoning Ordinance (HZO) provides the basis and process for amending zoning districts.

Plan Hamilton [\[link\]](#) 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 includes the objective of revitalizing and reimagining business corridors in Hamilton. Improving the Commercial Design Standards helps to ensure that high quality development occurs in our commercial areas.

## **Section E: Recommendation**

The Planning Commission can approve, amend, or deny the proposed zoning text amendments. If the Planning Commission approves of the proposed text amendments to the Hamilton Zoning Ordinance, Planning recommends the following motion:

1. That the Planning Commission take action to recommend to City Council that they hold a public hearing, prepare legislation, and approve the request to amend the Zoning Ordinance of the City of Hamilton, Ohio, by amending Sections 1111, Commercial Design Standards; 1110, Residential Design Standards; and 1131, Special Provisions, as presented and contained within the attachments submitted within the Planning Staff report.

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## Section F: Staff Comments / Basis for Recommendation

Staff recommends the proposed amendments for the following reasons:

1. Staff recommends that treating concrete which is formed to have a masonry unit or brick appearance similar to wood composite "clapboard" as a building material is more aligned with Hamilton's objective to promote the use of high-quality materials than treating it like brick or stone.
2. This change will further Plan Hamilton's objective to ensure high quality development on Hamilton's commercial corridors.
3. The proposed amendments are in keeping with the purposes of the Commercial Design Standards, the Residential Design Standards, and the Special Provisions of the Zoning Ordinance.
4. Staff received multiple variance requests pertaining to accessory structures with brick finishes as the primary façade due to cost and feasibility. The proposed text amendments are required to address the frequency of variance requests to the Hamilton Zoning Ordinance.
5. The revised regulations allow for residences on nonconforming lots while providing increased review and oversight of multi-family residences through the Conditional Use process.
6. The proposed text amendments align the Hamilton Zoning Ordinance with State of Ohio best practices.

### Public Hearing:

No one in attendance to discuss

Motion to close public hearing: Moeller

Second: Von Stein

### Discussion: None

### Motion –

That the Planning Commission take action to recommend that City Council holds a public hearing and prepare legislation to approve the text amendments to the Zoning Ordinance as presented and contained within the staff report attachments.

Motion by: Vanderhorst

Second: Horsley

Motion approved unanimously.

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## Agenda Item #5 – PublicHearing

### Zoning Text Amendments – Supportive Housing, Clinics, & Inpatient Rehabilitation

Request to amend the City of Hamilton Zoning Ordinance (HZO), pertaining to use categories: Supportive Housing, Clinics, & Inpatient Rehabilitation. (City of Hamilton, Applicant)

Staff: Liz Hayden

#### Presentation:

### Section A: Introduction and Background

#### *Section A.1: Overview of Zoning Text Amendments*

The City of Hamilton Planning Department is requesting text amendments to the City's Zoning Ordinance that are related to two (2) separate changes.

First, is the proposed addition of five (5) new use categories to the Hamilton Zoning Ordinance: Supportive Housing, Large; Supportive Housing, Small; Clinic, High Intensity; Clinic, Low Intensity; and Inpatient Rehabilitation Facility. Second, is the proposed elimination of two (2) use categories pertaining to the proposed use categories: Alcohol and Drug Addiction Treatment Clinics, Inpatient, and Outpatient. An overview of the proposed changes has been outlined below (see [Exhibit A](#) for specific revisions):

#### Medical Clinics

Currently, the City of Hamilton Zoning Ordinance treats all medical clinics, ranging from small dental offices to large urgent cares, the same. The only exception is Inpatient and Outpatient Alcohol and Drug Addiction Treatment Clinics. After a review of planning & zoning best practices, Staff is recommending that Clinics and Inpatient and Outpatient Alcohol and Drug Addiction Treatment Clinics be eliminated and replaced with the following new categories:

1. Clinic, High Intensity: A clinic that has more than five (5) employees working on the largest shift and have more than 30 patrons on average per day.
2. Clinic, Low Intensity: A clinic that has five (5) or less employees working on the largest shift and have 30 patrons or less on average per day.
3. Inpatient Rehabilitation Facility: A facility that provides inpatient care of persons requiring physical, mental, and/or medical care for 24 hours or more, but that does not require hospitalization.

These proposed changes allow the Hamilton Zoning Ordinance to better address intensity of use and manage these in different zoning districts. The proposed new use categories are also in line with best practices for zoning in the State of Ohio.

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## Supportive Housing

Currently, the City of Hamilton Zoning Ordinance does not include a land use category for homeless shelters, domestic violence shelters, and transitional housing. Planning staff is recommending the addition of the following definition and two (2) new use categories:

1. Supportive Housing: A dwelling or facility that provides access to health and social services, such as mental health and addiction therapy, medical care, and case management, to assist tenants who reside in the dwelling or facility. The types of Supportive Housing contemplated by this definition are:
  - a. A shelter for persons experiencing temporary homelessness.
  - b. A domestic violence shelter, which is a public or private building or structure housing residents for the purpose of the rehabilitation or special care for victims of domestic violence or emotional or mental abuse.
  - c. A recovery or rehabilitation residence for people who are recovering from substance addiction and which includes services such as peer support, employment assistance, and community/house meetings.
  - d. A transitional house that serves as a short-term stay for an individual or household that is either waiting to secure permanent housing or has secured permanent housing that is not immediately available.
2. Supportive Housing, Large: A supportive housing use where more than six (6) persons reside.
3. Supportive Housing, Small: A supportive housing use where three to five (3 to 5) persons reside.

These proposed changes allow the Hamilton Zoning Ordinance to better address intensity and density presented by this use. The proposal regulations would also help with the management of uses in different zoning districts.

### ***Section A.2: History***

Planning staff has been working with McBride Dale Clarion, a Planning consulting firm, to update the Hamilton Zoning Ordinance related to these two topics. Liz Fields from McBride Dale Clarion researched zoning information pertaining to these uses throughout the State of Ohio and has recommended the proposed changes.

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## Section B: Petition Review

The City of Hamilton Planning Department proposes that the new land uses will be regulated in the following way:

### Medical Clinics, Low Intensity

- Permitted Use in the R-0, B-1, B-2, B-3, BPD, I-1, I-2, NIA, MS-1, MS-2, MS-3, DT-1, DT-2, DT-3, UCP-1, UCP-2, EM-UPD Zoning Districts
- Conditional Use in TN-3, TN-4, R-3 and R-4 Zoning Districts
- Specific Use in RPD, OPD, and IPD Zoning Districts

### Medical Clinics, High Intensity

- Conditional Use in B-2, DT-1, DT-2, DT-3, UCP-1, UCP-2, I-1, I-2 Zoning Districts
- Specific Use in BPD, IPD, and EM-UPD Zoning Districts

### Inpatient Rehabilitation Facilities

- Accessory Use in RPD Zoning District
- Specific Use in OPD, BPD, and IPD Zoning Districts
- Conditional Use in B-2, B-3, I-1, I-2 Zoning Districts

### Supportive Housing, Small

- Conditional Use in R-3 and R-4 Zoning Districts

### Supportive Housing, Large

- Conditional Use in I-1 and I-2 Zoning Districts
- Specific Use in IPD Zoning District

Permitted uses are allowed in zoning districts by-right, no need for Planning Commission review. Specific Uses only exist in Planned Development Zoning Districts and require Planning Commission review. Conditional Uses require both Planning Commission and City Council review. Accessory Uses are allowed when accompanied with a Permitted Use. For example, an Inpatient Rehabilitation Facility could be an Accessory Use to a nursing home in the Residential Planned Development District. Zoning Districts not listed for each use mean that the use is not allowed in that district.

The following standard conditions are proposed to be included in the Zoning Ordinance:

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**Clinics, Low Intensity:** Low Intensity Clinics as defined in Section 1108.00, including the offices of physicians, surgeons, and dentists, engaged in Outpatient Care of persons in need of medical or surgical attention must comply with the following conditions:

- Low Intensity Clinics must be located along a street classified as a major arterial, minor arterial, or a collector street, in accordance with the City of Hamilton Street Designation.
- Designated outdoor smoking areas shall be located to the rear of the principal building and shall be screened from adjoining residential property with a solid wall, fence, or landscaping, a minimum of six (6) feet in height.
- Low Intensity Clinics shall not have a history of being in bad standing with the City of Hamilton, Butler County, or the State of Ohio including but not limited to a history of zoning, building, or health code violations.

**Clinics, High Intensity:** High Intensity Clinics as defined in Section 1108.00, including the offices of physicians, surgeons, and dentists, engaged in Outpatient Care of persons in need of medical or surgical attention must comply with the following conditions:

- High Intensity Clinics must be located along a street classified as a major arterial, minor arterial, or a collector street, in accordance with the City of Hamilton Street Designation.
- A solid wall, fence, or landscaping, a minimum of six (6) feet in height shall separate a high intensity clinic from adjoining residential property.
- Designated outdoor smoking areas shall be located to the rear of the principal building.
- High Intensity Clinics shall not have a history of being in bad standing with the City of Hamilton, Butler County, or the State of Ohio including but not limited to a history of zoning, building, or health code violations.

## **Inpatient Rehabilitation Facilities:**

As Defined in Section 1108.00 and must comply with the following conditions:

- Inpatient Rehabilitation Facilities shall not have a history of being in bad standing with the City of Hamilton, Butler County, or the State of Ohio including but not limited to a history of zoning, building, or health code violations.
- A solid wall, fence, or landscaping, a minimum of six (6) feet in height shall separate an inpatient rehabilitation facility from adjoining residential property.

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**Supportive Housing, Small:** As Defined in Section 1108.00 and must comply with the following conditions:

- In order to prevent the excessive concentration of Supportive Housing Facilities and to avoid impacting a residential block or neighborhood, the City shall not grant a conditional use which would permit more than one Supportive Housing Facility within the same block or within a 500 foot radius of another Supportive Housing Facility.
- Organizations that operate and/or own a small supportive housing facility shall not have a history of being in bad standing with the City of Hamilton, Butler County, or the State of Ohio including but not limited to a history of zoning, building, or health code violations.

**Supportive Housing, Large:** As Defined in Section 1108.00 and must comply with the following conditions:

- In order to prevent the excessive concentration of Supportive Housing Facilities and to avoid impacting a residential block or neighborhood, the City shall not grant a conditional use which would permit more than one Supportive Housing Facility within the same block or within a 500 foot radius of another Supportive Housing Facility.
- Organizations that operate and/or own large Supportive Housing Facilities shall not have a history of being in bad standing with the City of Hamilton, Butler County, or the State of Ohio including but not limited to a history of zoning, building, or health code violations.

## **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. Staff posted the notification on April 21, 2020, located on the Planning Commission's website (see Commission Website, [here](#); Proof of posting of notices, [here](#); see Notice, [here](#))

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

## **Section D: Statutes:**

Section 1180.00 of the Hamilton Zoning Ordinance provides the basis and process for the amendment of the Zoning Ordinance, Ordinance No. 7503.



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## **Section E: Recommendation**

The Planning Commission can approve, amend, or deny the proposed zoning text amendments. If the Planning Commission approves of the proposed text amendments to the Hamilton Zoning Ordinance, the Planning Department recommends the following motion:

- 1) That the Planning Commission take action to recommend that City Council holds a public hearing, and prepare legislation to approve the text amendments to the City of Hamilton Zoning Ordinance as presented and contained within the attachments submitted within the Planning Staff report.

Specific sections being proposed for amendment are as follows:

- Section 1108.00, Glossary
- Section 1117.00, R-3 (One to Four Family Residence District)
- Section 1118.00, R-4 (Multi-Family Residence District)
- Section 1118.100, RPD (Residential Planned Development District)
- Section 1119.00, R-0 (Multi-Family Office District)
- Section 1119.100, OPD (Office Planned Development District)
- Section 1120.00, B-1 (Neighborhood Business District)
- Section 1121.00, B-2 (Community Business District)
- Section 1122.00, B-3 (Central Business District)
- Section 1122.100, BPD (Business Planned Development District)
- Section 1123.00, I-1 (Limited Industrial District)
- Section 1124.00, I-2 (Industrial District)
- Section 1125.00, IPD (Industrial Planned Development District)
- Section 1129.00, Form-Based Zoning Districts
- Section 1130.100, EM-UPD (Entertainment Mixed Use Development District)
- Section 1134.400, TN-3 (Traditional Neighborhood Three District)
- Section 1134.500, TN-4 (Traditional Neighborhood Four District)

## **Section F: Staff Comments / Basis for Recommendation**

1. The proposed text amendments align the Hamilton Zoning Ordinance with State of Ohio best practices.
2. The proposed text amendments improve the clarity of the Hamilton Zoning Ordinance.
3. Categorizing clinics and supportive housing by the size of the operation allows for better regulation of intensity within different zoning districts.
4. The proposed text amendments include conditions for each new use that will help to determine when a Conditional or Specific Use Approval is appropriate.

# May 7, 2020 Planning Commission Minutes

The proposed text amendments have been through a significant review process and encompass input received from McBride Dale Clarion, City Staff reviews, and legal review from Frost Brown Todd.

## Public Hearing:

No one was in attendance for the public hearing. Planning Commission asked about medical clinics and whether the staffing level or number of patrons is the controlling factor. Planning Commission decided that the language should be amended to clarify that the patrons is the controlling factor.

Planning Commission requested that criminal activity be added to the list of "bad standing" language for all relevant categories so that criminal violations be included.

Planning Commission asked that the language for Supportive Housing Large and Small be clarified so that the size delineation is clear.

Motion to close public hearing: Moeller  
Second: Von Stein

## Motion -

That the Planning Commission take action to recommend that City Council holds a public hearing and prepare legislation to approve the text amendments to the Zoning Ordinance as presented and contained within the staff report attachments and amended by the Planning Commission.

Motion by: Vanderhorst  
Second: Von Stein  
Motion passed unanimously.

## Miscellaneous:

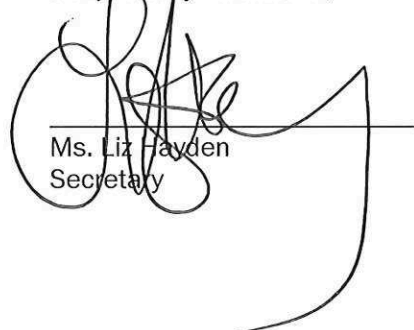
Reports: Update on General Planning items

We will have a Planning Commission meeting on May 21, 2020.

Adjournment: 3:54 pm

Motion to adjourn - Moeller  
Second - Von Stein

Respectfully Submitted,



Ms. Liz Hayden  
Secretary



Mr. Dale McAllister  
Chairperson