WRITTEN SUMMARY
PLANNING COMMISSION
MEETING MINUTES
Monday, June 20, 2016
1:30 p.m.

Roll Call:

Members Present:

Mr. Tom Alf, Mr. Dave Belew, Ms. Teri Horsley, Mayor Pat Moeller, and Mr. Mike Samoviski

Members Absent:

Mr. Dale McAllister and Mr. Joshua Smith. With Mr. McAllister being absent, Mayor Moeller was Acting Chair.

City Staff Present:

Mr. Eugene (Bud) Scharf, Mr. John Creech, Ms. Meredith Murphy, Ms. Kim Kirsch, Mr. Ed Wilson, and Ms. Kathy Dudley (Assistant Law Director). Ms. Tomika Hedrington (Contract employee for the City of Hamilton) was also present.

Swearing in of Those Providing Testimony to the Commission:

Ms. Dudley swore in the audience members wishing to speak.

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

January 19, 2016 – Motion to accept by Mr. Samoviski, 2nd by Mr. Belew. With all "ayes" to a roll call vote, the Motion passes.

February 15, 2016 – Motion to accept by Ms. Horsley, 2nd by Mr. Belew. With all "ayes" to a roll call vote, the Motion passes.

March 21, 2016 – Motion to accept by Mr. Belew, 2nd by Mr. Samoviski. With all 'ayes" to a roll call vote, the Motion passes.

Old Business:

None

New Business:

Agenda Item #1 **Public Hearing** **Staff: John Creech**

1) Request to rezone City Lot No. 22049 located at 200 Brookwood Avenue and City Lot No. 22050 located at 218 Brookwood Avenue from R-1 Single Family Residential District to RPD Residential Planned Development District, (Colonial Senior Services, Applicant)

2) Request to approve the Preliminary Plan for a new Westover Retirement Community parking lot, (Colonial Senior Services, Applicant)

Mr. Creech showed the site plan (including the proposed parking lot expansion and lighting/landscaping plans), as well as a map with the proposed changes outlined. He gave a summary of the plans and the reasons for the request.

Introduction:

This is a two-fold request submitted by the Colonial Senior Services for the rezoning of City Lot No. 22049 located at 200 Brookwood Avenue and City Lot No. 22050 located at 218 Brookwood Avenue from R-1 Single-Family Residential District to RPD Residential Planned Development District and to approve the Preliminary Development Plan for a new Westover Retirement Community parking lot.

The rezoning is being sought in order to allow for the construction of a permanent surface parking lot located on the two parcels that would serve the Westover Retirement Community. The subject properties are owned by Colonial Senior Services. The existing Westover Retirement Community site, located at 855 Stahlheber Avenue on approximately 11.7 acres, excluding the two lots in question, is currently zoned RPD Residential Planned Development.

A request to rezone property to RPD Residential Planned Development requires the submission of a Preliminary Development Plan to accompany the rezoning request, which if approved, serves as basis for Final Development Plan.

The Westover Retirement Community was rezoned to RPD Residential Planned Development from R-4 Multi-Family Residential in 1992. The site was rezoned to allow a mix of different residential, nursing, Preschool, fitness, general office and supporting facility uses on the property. Currently the Westover Retirement Community contains 21 independent living units (built in the 1980s), and approximately 104 assisted living dwelling units and apartments including various on-site amenities i.e. nursing, medical rehab, dining, Preschool/daycare, and wellness center. In addition, there are currently 164 on-site parking spaces.

Parking Lot Expansion

As mentioned, the zone change is requested in order to utilize the subject properties for additional surface parking purposes. Westover proposes to expand an existing parking lot with approximately 53 parking spaces. The proposed parking lot will abut and be an extension of the existing 50 space parking lot that was approved in 2011. The proposed parking lot will be accessible by vehicles from Brookwood Avenue with new driveway near the west property line. As currently planned, the proposed parking lot will be used by both staff and visitors to the Westover Retirement Community.

Notification:

Mr. Creech states that Public Hearing notices were mailed to all property owners within five-hundred (500') feet of the subject property. A number of inquiries were received requesting clarification and to express concerns about the project. He said that one neighbor who lives adjacent to the proposed parking lot (couldn't attend the meeting) asked that the Planning Commission consider having Colonial Senior Services extend the proposed privacy fencing behind his house, and he gave a bit more information about what the neighbor had to say with regard to that request.

Recommendation:

If the Planning Commission approves the request to rezone the subject property and approve the Preliminary Development Plan submitted by Westover Retirement Community, the Community Development Department recommends that the Planning Commission consider the following motion and conditions of approval:

1) That the Planning Commission approves the requested zone change from R-1 Single-Family Residential District to RPD Residential Planned Development District and recommend to City Council that the zone change be approved.

2) That the Planning Commission approve the Preliminary Development Plan for the proposed parking lot subject to the following conditions:

    a. Preliminary Development Plan will serve as the basis for the preparation of the Final Development Plan.
    b. The construction drawings for the proposed work, including site/engineering plans, to be revised subject to any future requirements of the City Interdepartmental Review (IDR) Committee upon review.
    c. All proposed landscaping item sizes to conform to the minimum size requirements found in Section 1110.20 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).
    d. Landscaping, privacy fencing, fencing, parking lot surface, lighting, striping and other improvements be installed and maintained in good repair and

replaced as necessary to remain in compliance with the approved Development Plan.

e. The six (6') foot vinyl privacy fence be extended along the south property line of 855 Stahlheber where it abuts 234 Brookwood Avenue.
f. The two lots (22049 & 22050) be consolidated into the larger parcel through Lot Combination procedure.

Mr. Creech concluded by saying that the hearing was advertised as a Public Hearing. Acting Chair Mayor Moeller asked if anyone in the audience wished to be heard regarding the matter.

Mr. Jeff Thurman, CEO of Community First (owns and operates Colonial Senior Services), spoke. He gave the reasons why they are requesting the change, and added that he is in full support of the neighbor's request.

With no one else in the audience wishing to speak on the matter, Mr. Samoviski made a Motion to close the Public Hearing. With a 2nd by Ms. Horsley and all "ayes" to a roll call vote, the Motion was passed and the Public Hearing was closed.

Mr. Alf complimented Mr. Thurman on the work that they are doing, and made a Motion to approve (#1) of Agenda Item 1, with recommendations as listed. With a 2nd by Mr. Belew and all "ayes" except for Mr. Samoviski (who had to abstain due to conflict of interest), the Motion was passed by a roll call vote of 4-1 and the item was approved.

With regard to Agenda Item 1, (#2), there were no additional comments by the audience. Acting Chair Mayor Moeller asked Mr. Creech if he had anything to add and Mr. Creech responded that Staff asks the Board to consider conditions "A-F" as listed above. With no further discussion, the Public Hearing was closed by a Motion of Mr. Alf, with a 2nd by Mr. Samoviski and all "ayes" to a roll call vote.

Mr. Alf made a Motion to approve (#2) of the item, with the recommendations and conditions as stated. With a 2nd by Mr. Belew, the Motion was passed by a roll call vote of 4-1 (abstain by Mr. Samoviski) and the item was approved.

Agenda Item #2 **Public Hearing** **Staff: John Creech**

Request to Amend the Zoning Ordinance of the City of Hamilton, Ohio regarding Signage: Section 1138.00 Signs (City of Hamilton, Applicant)

Mr. Creech stated that Staff regularly receives complaints from the public about business signage, temporary signage and window signage, particularly in the main corridors and entryways into the City of Hamilton. Many of the complaints revolve around excessive and deteriorated signage – and these complaints are addressed by the Compliance Division of the City of Hamilton Health Department. There have been a growing number of complaints about signs attached to accessory structures on private property such as fences, light poles, benches, and other free-standing signs. The

expansion of this type of illegal signage creates visual clutter and can impact the economic vitality of struggling business areas and districts.

He then showed examples of several signs, stated that the City of Hamilton already allows a generous amount of signage for business identification and advertising purposes, and went through different formulas and rules that apply to different types of signs. He went through the process that the department follows in addressing these complaints, talked about issues with different types of signs, and how the current code applies to these signs.

The proposed amendment to the Hamilton Zoning Ordinance will clarify language on "exempt signs" and require that they be free-standing or attached to the principal (main) building on a property and may not be attached to any accessory structures such as fences, light poles, benches or other permitted signs. In addition the proposed amendment will clarify language on "prohibited signs" and call out specifically that bench signs may not be permitted on private property.

He showed the current language in 1138.30 and 1138.40, with the proposed changes highlighted:

1138.30 Exempt Signs: The following signs are not a part of the total signage allotted for a particular use on any property in the City of Hamilton but must comply with other provisions in this section including those relating to construction, maintenance, illumination, safety, area, height, setbacks, number, and other noted requirements. Exempt signs may be free-standing or attached to the principal structure but shall not be attached to any accessory structures i.e. fences, light poles, benches or other permitted signs.

A) Exempt Signs (OR2012-8-68; REVISED OR2014-11-102)

A. Residential Districts – One (1) sign no larger than six (6) square feet in area, shall not exceed four (4) feet in height, shall not be illuminated and must be maintained in good repair, properly secured against wind loads, and outside the required five (5) foot setback to any property line.

B. Non Residential Uses in Residential Districts – One (1) sign no larger than 16 square feet in area. Such signs are limited to one (1) per street frontage or two (2) per 300 feet of each lot frontage or portion thereof, setback a minimum of 25 feet from any other exempt or temporary sign, shall not exceed four (4) feet in height, shall not be illuminated and must be maintained in good repair, properly secured against wind loads, and outside the required five (5) foot setback to any property line.

C. Non Residential Uses in Non-Residential Districts – One (1) sign no larger than eight (8) square feet in area. Such signs are limited to one (1) per street frontage or two (2) per 300 feet of each lot frontage or portion thereof, setback a minimum of 25 feet from any other exempt or temporary sign, shall not exceed four (4) feet in height, shall not be illuminated and must be maintained in good repair, properly secured against wind loads, and outside the required five (5) foot setback to any property line.

1138.40 Prohibited Signs And Sign Characteristics: All signs not specifically permitted by or exempted from these regulations are prohibited and must be removed. Such signs include but are not limited to:

A) Animated signs or devices with parts that move or revolve including pennants, streamers, spinners, or which have flashing or intermittent lights, but not including signs with scrolling messages, changeable copy signs, or signs with video screens, except Iconic Signs within the Route 4 Iconic Signage District. (OR2012-8-68)

B) Bench signs painted on or affixed to benches in the public right of way or on private property.

RECOMMENDATION

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

1) The Planning Commission recommends that City Council approve the request to amend the Zoning Ordinance of the City of Hamilton, Ohio regarding Signs in Section 1138.00.

Mr. Creech concluded by saying that the hearing was advertised as a Public Hearing. Acting Chair Mayor Moeller asked if anyone in the audience wished to be heard regarding the matter. There being none, Mr. Samoviski made a motion to close the public hearing. With a 2nd by Mr. Belew and all "ayes" to a roll call vote, the motion passes and the public hearing was closed.

Acting Chair Mayor Moeller asked if there was any discussion by the Board. Ms. Horsley had a question for Mr. Creech regarding the company that sells advertising for bench signs in the city, and he answered that.

Mr. Alf made a Motion to approve the request with recommendations as stated. With a 2nd by Ms. Horsley and all "ayes" to a roll call vote, the item was approved by a vote of 5-0.

Agenda Item #3 **Public Hearing** **Staff: John Creech**

Request to Amend the Zoning Ordinance of the City of Hamilton, Ohio regarding Architectural Design Review Board fees: Section 1126.00 Architectural Conservation/Historic Districts and Section 1190.00 Fee Schedule (City of Hamilton, Applicant)

BACKGROUND INFORMATION

Mr. Creech explained who needs to obtain a Certificate of Appropriateness (COA), and how the process works to obtain one. The Community Development Department of the City of Hamilton currently requires an application for a Certificate of Appropriateness (COA) for any change to the exterior of an historic building located in an Architectural Conservation/Historic District, or listed on the State of Ohio Historic Inventory. There is a charge of $50.00 for a commercial property application, and a charge of $25.00 for a residential property application. Currently, this application fee is collected even if the applicant is using the same color or materials that are currently applied or part of the house or structure.

In order to promote maintenance and conserve the character of historic structures in the City of Hamilton, the Community Development Department is proposing an amendment to the Hamilton Zoning Ordinance to waive the application fee on COA applications in two types of instances; (1) COA applications that are considered "Like for Like" (the repair or improvement being done utilizes the existing materials/colors and replaces them with matching materials) and; (2) COA applications where the applicant proposed to return or restore to previous or original historic materials that can be referenced in past Architectural Design Review Board or other official City of Hamilton/ State of Ohio Historic Inventory records.

The proposed amendment to the Hamilton Zoning Ordinance will clarify language on what constitutes a "Like for Like" COA application and waive the COA application fee for applicants that are maintaining or returning to the original or historic materials of structures located in the City of Hamilton.

Mr. Creech then shows the current Zoning Amendments to Section 1126.00 and Section 1190.00 Fee Schedule, with the proposed changes highlighted:

> Attachment 1 Proposed Zoning Amendments to Section 1126.00 Architectural Conservation/Historic Districts and Section 1190.00 Fee Schedule
> Current Code References (with proposed and ~~removed~~)

1126.00 ARCHITECTURAL CONSERVATION /HISTORIC DISTRICTS

1126.20 Definitions:

11. **Like for Like** - A repair or improvement in relation to a property in an Architectural Conservation/Historic District or a property listed on the State of Ohio Historic Inventory in which the repair or improvement is being done that utilizes the existing materials/colors and replaces them with matching materials.

12. ~~11.~~ **Owner** - the owner or owners of record

13. ~~12.~~ **Preservation** - The act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic property

14. ~~13.~~ **Reconstruction** - The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure or object for the purpose of replicating its appearance at a specific period of time and in its historic location

15. ~~14.~~ **Rehabilitation** - The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features, which convey its historical, cultural, or architectural values

16. ~~15.~~ **Restoration** - The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project

17. ~~16.~~ **Review Board or Landmarks Commission** - the board or commission established under the provisions of the enabling legislation (OR2011-12-122)

18. ~~17.~~ **Sign** - As Defined by Section 1108.00 Definitions of the Hamilton Zoning Ordinance (OR2015-2-13)

    a. New permanent signage or any change of signage is considered an Alteration to the historic property as defined in

the aforementioned Section 1126.20 of the Hamilton Ordinance. Such proposal shall submit a Certificate of Appropriateness Application for review and approval by the Architectural Design Review Board per Section 1126.00 of the Hamilton Zoning Ordinance.

b. Proposed freestanding permanent signage must comply with Section 1138.71.D of the Hamilton Zoning Ordinance.
c. All proposed permanent signage must comply with the regulations of Section 1138.00 of the Hamilton Zoning Ordinance.

1126.50 Certificate Of Appropriateness: No alteration, painting, design change, color change, construction, reconstruction, erection, removal or exterior work on a structure, and no construction, erection, mounting, painting, design change, color change, moving, removal, or revision of permanent signage to any property in an Architectural Conservation/Historic District where such action or work will affect the exterior architectural and/or historic features or appearance of a structure, site, monument, streetscape, or neighborhood shall be permitted unless and until a Certificate of Appropriateness for such action or work has been applied for and issued by the Architectural Design Review Board, its Secretary, or Chairperson, as authorized by said Architectural Design Review Board. An application for any building permit for use in an Architectural Conservation/Historic District shall also be considered an application for Certificate of Appropriateness. In addition to the requirements for a building permit, an application shall include such other information as may be required by the Architectural Design Review Board for a Certificate of Appropriateness.

A fee will be charged for any Certificate of Appropriateness application that is required to be heard before the Architectural Design Review Board, unless the proposed change is returning to or restoring to previous or original historic materials that can be referenced in past Architectural Design Review Board or other official City of Hamilton/ State of Ohio Historic Inventory records. Fee information is listed in section 1190.12 Certificate of Appropriateness.

1190.00 FEE SCHEDULE

1190.12 Certificate of Appropriateness. A nonrefundable fee of Fifty Dollars ($50.00) on a commercial property, Twenty Five Dollars ($25.00) on a residential property for a Certificate of Appropriateness will be required for any work on a property in an Architectural Conservation/Historic District or a property listed on the State of Ohio Historic Inventory that is not considered like-for-like (Section

1126.20 #11) or is a return to original historic materials (Section 1126.50).

As of June 14, 2016, the City of Hamilton has collected $1,725 in COA application fees for the current year, $375 of which were for "Like for Like" improvements.

RECOMMENDATION

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

1) The Planning Commission recommends that City Council approve the request to amend the Zoning Ordinance of the City of Hamilton, Ohio regarding Architectural Design Review Board Fees in Section 1126.00 Architectural Conservation/Historic Districts and Section 1190.00 Fee Schedule.

With no one in the audience wishing to speak on the matter, Mr. Samoviski made a Motion to close the Public Hearing. With a 2nd by Ms. Horsley and all "ayes" to a roll call vote, the Motion was passed and the Public Hearing was closed.

Acting Chair Mayor Moeller asked if there was any discussion by the Board. Mr. Belew stated that he would be abstaining from the vote as he is getting ready to ask for a "like-for-like" on his property.

Mr. Alf said that anything that can be done to streamline the process is a benefit, and he is in support of anything that can help the citizens that are investing money into making those sections of the community more attractive.

Acting Chair Mayor Moeller asked for some clarification on if the waiving of fees will be for "like-for-like" only, or if it will also apply to work being done that restores the property back to the way it was, and Mr. Creech answered that.

Ms. Dudley made a suggestion that the word "colors" be added to the last sentence of the definition of "Like for Like", so that it reads…"replaces them with matching materials/colors", and Mr. Creech was in agreement with that suggestion.

Ms. Dudley then asked if replacing vinyl windows with other vinyl windows was considered "Like-for-Like", and Mr. Creech said that it was.

Mr. Samoviski made a motion to approve the request with recommendations as stated (including the one made by Ms. Dudley). With a 2nd by Ms. Horsley and all "ayes" to a roll call vote except for Mr. Belew (abstaining), the Motion carries and the request is approved with a vote of 4-1.

Agenda Item #4 **Public Hearing** **Staff: John Creech**

Request to review the Assessment of Fair Housing (AFH)-Draft for Hamilton, Ohio (City of Hamilton, Applicant)

BACKGROUND INFORMATION

Mr. Creech states that the City of Hamilton is an "entitlement community", which means that each year, they receive a certain amount of funding from CDBG and HOME funds.

The Department of Community Development has completed an Assessment of Fair Housing (AFH) as required by the US Department of Housing and Urban Development (HUD). The Assessment of Fair Housing is a requirement of CDBG fund recipients and has been in the Fair Housing Act since 1968. The Planning Commission must hold a public hearing to consider the City of Hamilton's Assessment of Fair Housing (AFH)-Draft, which includes the City's assessment and plans to address fair housing issues and concerns in the community.

The objectives of the AFH are to reduce segregation, enhance the nation's increasing racial, geographic and economic diversity, eliminate racially and ethnically concentrated areas of poverty, reduce disparities in access to important community assets such as quality schools, job centers, and transit, and also to narrow gaps that leave families with children, people with disabilities, and people of different races, colors, and national origins with more severe housing problems.

The Planning Commission will consider recommending or modifying the draft recommendation and submit the AFH to City Council. City Council will consider the Planning Commission's recommendation or modification before approving and directing the submission of the Assessment of Fair Housing (AFH) to the U.S. Department of Housing and Urban Development.

Mr. Eugene Scharf advised the Board that out of the 1,000 or so "entitlement communities", Hamilton was chosen as one of 20 cities to start a new process. The name has changed, but the same thing is done as was done for the "Consolidated Plan". He introduced Tomika Hedrington, told the Planning Commission what her role has been with regard to the Assessment, and gave a few details about the Assessment.

Ms. Tomika Hedrington gave a summary of the things that the Assessment looks at, what the key issues are, what the findings were, and where to find specific information in the Assessment. She concluded by saying that the it is a "work in progress", that it is still a draft, and that Staff welcomes any recommendations by the Planning Commission.

RECOMMENDATION

A draft of the Assessment of Fair Housing (AFH) was attached for the Planning Commission's review.

1) If approved by the Planning Commission, the Department of Community Development recommends that the Planning Commission hold a Public Hearing, concur or modify the draft Assessment of Fair Housing (AFH) and forward it to City Council for their consideration.

Mr. Samoviski asked when the Public Hearing would be and how would it be advertised if they approved the recommendation and report. Ms. Hedrington answered that it will go to City Council on July 13, 2016 for a Public Hearing, and then final approval on July 27, 2016. Mr. Scharf added a bit more information as to where and when it would be advertised.

With no one in the audience wishing to speak on the matter, Mr. Samoviski made a Motion to close the Public Hearing. With a 2nd by Ms. Horsley and all "ayes" to a roll call vote, the Motion was passed and the Public Hearing was closed.

Mr. Samoviski made a Motion to approve the request with recommendations as submitted. With a 2nd by Ms. Horsley and all "ayes" to a roll call vote, the Motion was passed and the request to proceed to City Council was approved with a vote of 5-0.

Reports:

- Mr. Creech gave the following verbal report on the upcoming Architectural Design Review Board (ADRB) meeting of June 21, 2016:

  1. 1008 Dayton Street – Fence & Painting

Mr. Creech also stated that there is a meeting between ADRB and StreetSpark prior to that meeting on that date regarding murals.

- Mr. Creech gave the following verbal report on results of Board of Zoning Appeals meeting of June 2, 2016:

  1. 309 N Second St – Variance to rear & side yard setbacks for new garage – Approved
  2. 1001 New London Rd – 4 Variances for accessory building – Approved

- Mr. Creech then gave the following verbal report on previous Planning Commission cases in progress:

    1. 206 N Dick, 770 Park Ave – Rezoning to R-2A – Denied effective 6/24/16
    2. 200, 202, 204 N Dick Ave – Rezoning to R-2A – Approved effective 6/24/16
    3. 814 Park Ave – Rezoning to R-2A – Approved effective 6/24/16
    4. 1401 NW Washington – Rezoning to R-0 – Approved effective 7/8/16

Mr. Creech advised that the deadline for submission for the July 5, 2016 meeting had passed and there were no submissions. With agreement of the Planning Commission members, there will not be a meeting on that date. Mr. Creech advised that he will send a notice of the cancellation out to all members.

Adjournment:

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

Respectfully submitted,

Ms. Kim Kirsch
Administrative Assistant

Eugene F. Scharf Jr.
Mr. Eugene Scharf
Secretary

Mayor Pat Moeller
Acting Chairman

PLANNING COMMISSION
City of Hamilton
Council Chambers

MEETING DATE: 6/20/16 **MEETING TIME: 1:30 p.m.**

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

Name	Agency	Address	Phone	Email
JEFF THEEMAN	COLONIAL			