

**PLANNING & ZONING COMMISSION
MEETING MINUTES
February 5 , 2019**

**Call to Order &
Pledge of
Allegiance**

Mr. Kressler called the meeting of the Loveland Planning and Zoning Commission to order at 7:00 P.M. The Pledge of Allegiance was recited.

Roll Call

The following Commission members were present: Mr. Kressler, Mr. Redmond, Mr. Cox, and Mr. Butler.

Staff Present

Others in attendance: Assistant City Manager, Tom Smith, Zoning and Economic Development Specialist, Eva Wisby.

Oath of Office

Mrs. Wisby administered the Oath of Office to Mr. Kady for re-appointment to the Planning and Zoning Commission.

**Approval of Minutes
dated December
10, 2018**

Mr. Butler moved to approve the minutes of January 2, 2019, seconded by Mr. Redmond. ROLL CALL: YES: Mr. Redmond, Mr. Cox, Mr. Kady, Mr. Butler. NO: None. Motion carried.

Open Forum

Mr. Ryan Kulik, 10084 Foxchase Drive, Loveland, Ohio addressed the Commission. He stated that he was speaking before the board as a citizen but also his profession. He does a lot of master planning for communities and the number one issue to roll out is the 5G network that are small cell facilities. He stated that he does know that Loveland passed a law by emergency but 5G was never mentioned with dealing with small cell facilities. He stated that the small cells need to be above ground and a few hundred feet apart and they are coming to communities because they are needed for the next generation. He works with a lot of communities on cost and roll out plans. He felt that Loveland jumped the gun, specifically the City Manager's office, by making a determination as to what the costs of the small cells were going to be. He questioned, do we know what the cost will be for these small cells? We so far know what we are going to charge the telecoms for it, but he spoke with Mr. Kennedy last week and the City did not know what they cost. This is coming now, and a lot of communities are losing money over it. He explained that he also wanted to bring this up because he thinks that Planning and Zoning needs to look at this because it is coming, and the FCC is hamstringing us. Back in October, they passed a new order that is going to run the shot clock which means cities are going to have an extreme limited amount of time to approve these devices and he stated there will be hundreds, if not, thousands that will be here in the next few months. He hopes that Councilman Butler, Planning and Zoning, and the City Manager's office gets in front of this because they will change the law. Since the City passed their law, it has been changed.

He stated that the City has three committees that deal with downtown right now and he feels that is kind of cumbersome. He would be happy to go to one of the committee meetings, the historic committee, the downtown committee and/or the Planning and Zoning, but Councilman Butler is on all three of those committees and this needs to be dealt with and he hopes the city does not find themselves in a situation like Texas is in right now where they are losing thousands and thousands of dollars because they did not plan.

Mr. Butler commented to Mr. Kulig that he had his email address so if there was anything, he would like to forward to him he would be glad to take a look at it, such as examples of other communities and what they have done to regulate these cells. Mr. Kulig stated that he could not provide him with his research because he gets paid for it, it is proprietary. Mr. Butler stated that he understood but if he has any public information, he wanted to forward that would be great. Mr. Kressler questioned the dimensions of the small cells. Mr. Kulig stated that they range from a size of a pizza box to ones that are taller and thinner but smaller in width. They have wires and the law says they will be on municipal owned properties and on telephone poles. He suggested googling small cell towers in Texas to obtain more information about them as there is already a class action suit going on against the State and he feels if we get in front of this it will help us in the long run. He stated that he was planning to talk to City Council about this topic next week because it needs to be in front of the city now.

Mr. Kulig continued by stating if Verizon wants one and Sprint wants one, they have to have two separate ones and what is happening is pole pollution, all of sudden they will be all over the poles. He stated that he has heard that some issues are being worked out to possible allow them to collocate.

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Mr. Butler questioned what the nature of the litigation was. Mr. Kulig responded that he is still doing work on that, but this will be one of the largest infrastructure projects in a generation such as in the past when you image going outside one day to look up at the sky and seeing all the telephone poles up. This will be something we cannot stop. Communities that are planning, are able to estimate the costs and esthetic issues.

Mr. Kressler questioned if we can require collocation for the units such as we do for cell equipment on our cell towers? Mr. Bulig replied, that the people that are more skilled in that area would have to provide that information. He stated that his wife works in the field and she has informed him that there are units that can collate but is not sure which provider pays for them.

Mr. Bulig questioned Mr. Smith as to if the City had a cost plan for small

cells. Mr. Smith replied that we do not. Mr. Redmond questioned where the providers would put the equipment in residential neighborhoods that do not telephone poles? Mr. Bulig replied that they will do something called circling and you draw a circle around the areas that need the service and you build them around the circle.

Mr. Smith commented that when the City passed the law a few months ago, it was exclusive to commercial and light industrial properties at that time.

Mrs. Angie Settell addressed the Commission. She referenced the January 2, 2019 Planning and Zoning minutes that were approved. She stated there was a public hearing that covered two items as one case and on page two (2) paragraph six (6) states that Mr. Cox approved Case #18-15 and she assumes that is a typo. Mr. Smith stated that it should be Case #18-21. Mrs. Settell continued that in paragraph seven (7), Mr. Butler moved to approve Case #18-29 by adding a second sentence. She asked for clarification as to if the first part of the motion, the first sentence, was about the materials and that the amendment was the language stating that signs shall compliment the building and adjacent buildings. Mr. Smith replied, yes that was the language that was recommend to be included in the motion. Mrs. Settell commented that Mr. Smith mentioned in earlier discussions that other materials aside form wood would be added, such as plastic, metal or stone. Mrs. Settell asked for clarification as to if Mr. Butler's comment was an amendment to the first sentence. Mr. Smith stated that was correct. Mrs. Settell pointed out in paragraph seven (7), the reference to Section 1173.13 (b) (1) should be a capital b. Mr. Smith stated that will be changed if it is different than the code reads.

Mrs. Settell continued stating that if she was working on the sign changes, she would be more restrictive on the materials that she would allow, particularly if you want to be in line with Mr. Butler's statement about the design and enhancing the architecture and reflecting the historic character. She felt that the way that read did not protect anything, because anyone can do anything on a sign. She then asked how this affects the historic preservation committee. They have not come up with their design guidelines, so they don't have to worry about them now because they are already written and that anyone can basically do anything. She felt that the City needed to be more restrictive if we are looking for a certain look. She is not sure what the look is because of the various looks in the downtown. She commented that she liked the New Orleans look because that is her home town. Mr. Kressler responded that the Commission is running into cases such as the building where magnolia's is location. It was a 60's building and they were wanting approval for signs that look like that time period. Mrs. Settell replied that she was trying to wrap her head around what the historic look was, and no one has been able to define it for her because it seems to be different

**New Business:
Case #19-01,
Request for
Signage Approval
212 W. Loveland
Ave.**

looks.

Mrs. Settell questioned why staff was recommending approval of these new cases when signs are obviously not in compliance right now and it is clearly stated that the signs are in compliance. She stated that City Council has not even had a public hearing on the sign change yet so the public had not had any opportunity to provide any input and there has been no legislation yet to come before City Council so she thinks that is jumping the gun. She stated that we have a process, everyone is always talking about the process and she thinks we need to do that here.

Mrs. Settell suggested the Commission look at the Loveland Madeira Overlay District guidelines and do something about the muted color requirement because the City gets themselves in trouble with that all the time. She stated there are signs that do not conform particularly to the muted colors on the agenda this evening, but we are going to approve it because it is a nationally recognized logo and it must be that color.

She discussed an old case from when she was a member of the Planning and Zoning Commission that was on the agenda in May 2016, Case #16-08. The owner of Vision Arts applied to the Commission for sign approval and it was a reddish /orange color and it was not muted colors and was not approved, even though Ace, State Farm, the Public Library all had red signs. It cost that business owner, she believed, \$2,000 to redo the sign. She thought it would be wise to look at the muted sign requirement since the Commission is approving signs that do not meet them.

She mentioned that she saw another typo in the minutes where a number was missing at the adjournment time.

Mr. Smith stated that application for signage approval was submitted by Emily Bamonte of Holthouse Lackner Signs for the building located 212 W. Loveland Ave. in the Historic District. The request is for one (1) wall mounted sign on the southwest side of the building which will be 38" X 38" and one (1) wall mounted sign on the front fascia of the building which will be 50" X 66". Mr. Smith explained that the signs are not in conformance with the provisions of sign regulations in the Historic District, Section 1173.13.1. Notwithstanding, they are in conformance with surrounding properties in the same zoning district. Staff is recommending approval.

**Case #19-02,
Request for
Signage Approval
111 Railroad Ave.**

Mr. Kressler asked for clarification that the signs were being made of aluminum and painted. Mr. Smith concurred. Mr. Butler commented, that following up on Mrs. Settell's commentary, the ordinance does provide this commission to approve signage that is not in conformance with the code, if it is the opinion of the commission that it is consistent with other signage in the historic district and essentially that the commission approves it as appropriate signage. Mr. Kressler responded that is

**Case #19-03,
Request for
Signage Approval
112 N. Second St.**

correct. Mr. Smith stated that is correct according to provisions in Section 1173.13.1. Mr. Butler commented that the design of the signage request in the packet is similar to the signage design that were approved for the building a couple of months ago. Mr. Kressler and Mr. Smith concurred.

Mr. Redmond moved to approve Case #19-01, second by Mr. Butler. ROLL CALL: YES: Mr. Cox, Mr. Kady, Mr. Butler, Mr. Kressler, Mr. Redmond. NO: None. Motion carried.

Mr. Smith stated that application for signage approval was submitted by Jimmy Hooper of Homegrown located 111 Railroad Ave. in the Historic District. He is requesting approval of one (1) 28" X 54" ground mounted sign. Mr. Smith explained that the sign is proposed to be made of wood and is in conformance with the provisions of sign provisions in the Historic District Section 1173.13.1. Staff is recommending approval.

Mr. Jimmy Hooper of Homegrown, 111 Railroad Ave. addressed the Commission.

Mr. Butler questioned if the logo was going to be black lettering with a white background. Mr. Hooper explained that the lettering for hometown would be black wood cutouts attached to the white background and the words *café*, market, and events. Mr. Kady asked for clarification that the approximate location is how it is shown on drawing. Mr. Hooper concurred. Mr. Redmond asked how far off the bike trail it will be off the bike trail. Mr. Hooper stated it would away from the bike trail in front of their patio in the front yard.

Mr. Butler moved to approve Case #19-02 as submitted, seconded by Mr. Kady ROLL CALL: YES: Mr. Kady, Mr. Butler, Mr. Kressler, Mr. Redmond, Mr. Cox. NO: None. Motion carried.

Mr. Smith stated that the application for signage approval was submitted by Greg Sharma of Fast Signs. The request is for one (1) 88.75" X 42.75" wall mounted sign on the front of the building. The sign would be constructed of metal with white lettering against a red and blue background and will not be illuminated. Mr. Smith explained that the signs were not in conformance with the sign provisions in the Historic District, Section 1173.13.1. Notwithstanding, they are in conformance with surrounding properties in the same zoning district. Staff recommends approval.

**Case #19-04,
Request for
Signage Approval
399 Loveland
Madeira Rd.**

Mr. Kressler questioned if the colors were a nationally recognized logo color. Mr. Smith responded yes. Mr. Butler questioned, although the sign is not currently in conformance with the requirements, assuming City Council approves the amendments for signs at a future date, they would be in compliance then. Mr. Smith responded yes.

Mr. Butler reiterated once again, the Commission has the ability to

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approve signs in the Historic District notwithstanding the fact that they are not in conformance. Mr. Smith stated that is correct and most of the materials that are included in the language of the new ordinance was based off proposed and approved signage in the district that were other materials not made of wood.

Mr. Redmond moved to approve Case #19-03 as submitted, seconded by Mr. Kady. ROLL CALL: YES: Mr. Butler, Mr. Kressler, Mr. Redmond, Mr. Cox, Mr. Kady. NO: None. Motion carried.

Mr. Smith stated that the application for signage approval was submitted by Jason Park with Re-Max on the Move for one (1) cabinet sign face change; and one (1) face change to the pylon sign located at 399 Loveland Madeira Rd. The cabinet sign face change will be 3' X 8' and the pylon face change will be 2.5' X 3'. The proposed sign will be constructed of plastic with red and blue lettering against a white background and will be illuminated. The proposed signs are not in conformance with the provision of the Loveland Madeira Overlay District Notwithstanding, they are in conformance with surrounding properties in the same zoning district and are nationally recognized logos and they are not permitted to change their colors. Staff is recommending approval.

Mr. Butler questioned if there was a sign at the location prior to this application. Staff confirmed that there was an existing sign and the signs will be face changes to the existing cabinet that is on the building and existing space on pylon sign. Mr. Smith clarified the only color of the sign that is not permitted is the red color in the sign.

Mr. Butler questioned if this was a new business moving into the City. Mr. Smith replied that it was a new business.

Mr. Butler moved to approve Case #19-04 as submitted, seconded by Mr. Redmond. ROLL CALL: YES: Mr. Kressler, Mr. Redmond, Mr. Cox, Mr. Kady, Mr. Butler. NO: None. Motion carried.

Mr. Butler commented on the public forum that was held on January 14, 2019 for the downtown master plan and stated it was a full house. The audience was broken up into several focus groups which addressed four (4) separate questions about the downtown historic district. After the focus groups were finished, there was an opportunity for a read out and public input. He commented that most of the attendees that he spoke to felt that it was well conducted and appreciated the opportunity to be heard. In terms of the attendance and enthusiasm out of the audience, he views the forum as a success. He added that his personal perspective is that yard and company did a very good job. The process for the downtown plan is ongoing and they have scheduled another session mid in February. They anticipate a final plan in June.

Adjournment

Mr. Smith commented that he would like to inform the Commission on some items that staff will be recommending changing and bring before City Council and they pertain to signs and public hearings. The agenda this evening was all for signage approval and staff is recommending changing the process for signage approval and be more accommodating to the customer and have signage approval be completed administratively. He continued stating that in terms of the public hearing process, as the code reads today, we have to have a meeting to schedule a public hearing and the public hearing is held a month later. If someone applies for a conditional use or special exception, the applicant has to wait an entire month for the hearing. Staff is suggesting the elimination of the request for the hearing and have the public hearing date be set administratively and hold the public hearing on one meeting date. Mr. Kressler stated that if the sign is in compliance with the code then it can be approved administrative however, if it does not meet code, he feels it needs to be reviewed by the Commission. He also commented that he questioned the elimination of the meeting to set public hearing because that eliminates one more chance for the public to be alerted that something is coming to the Commission. Mr. Butler added that he is all for expediting but also feels that the public needs to be aware especially the kinds of projects that require it.

Mr. Smith stated that the practice of one meeting for a public hearing is also used by the board of appeals. Board of Appeals public hearing dates are set administratively and you do not have to have a meeting to set a public hearing meeting date.

Mr. Butler stated that he will review the change and consider it once it goes to City Council as well as share Mr. Kessler's comments. Mr. Kressler stated that if there was an issue with meeting dates for public hearings, we could always have a second meeting which we have done in the past to help better accommodate the applicant.

Mr. Kady stated that in his experience it not typical practice to have a public meeting to schedule a public hearing.

There being no further business, Mr. Redmond moved to adjourn the meeting, seconded by Mr. Cox. All were in favor. Meeting adjourned at 7:35 P.M.

Al Kressler, Chairperson

Eva Wisby, Clerk