

ORDINANCE NO. 5 , 2020

**AN ORDINANCE AMENDING THE LAND USAGE CODE TO ENACT NEW REGULATIONS FOR THE HERITAGE OVERLAY DISTRICT**

**WHEREAS**, over the past several months, the Administrative staff has been working closely with the Landmarks Commission and Planning Commission to update regulations for the Heritage Overlay District; and

**WHEREAS**, the Planning Commission held a public meeting on the proposed text amendments on November 4, 2019. The Planning Commission did vote to recommend approval of the attached text amendments to Chapter 151.1400; and

**WHEREAS**, upon the Planning Commission's recommendation, with notice and an opportunity for testimony as prescribed by law, Council did hold a public hearing on the proposed text amendments on December 18, 2019, and weighing the information compiled by the Planning Commission, Council did unanimously accept such recommendation and authorized proposed legislation to be added to Council's Agenda for consideration.

**NOW THEREFORE, BE IT ORDAINED** by the Council of the City of Montgomery, Hamilton County, Ohio, that:

**SECTION 1.** The attached updated text providing development regulations for the Heritage Overlay District codified in Chapter 151.1400 of the Montgomery Zoning Code of Ordinances are hereby adopted in their entirety as if fully rewritten herein and shall be made a part of the codified Ordinances of the City of Montgomery.

**SECTION 2.** All sections, subsections, parts and provisions of this Ordinance are hereby declared to be independent sections, subsections, parts and

provisions, and the holding of any section, subsection, part or provision to be unconstitutional, void or ineffective for any reason shall not affect or render invalid any other section, subsection, part or provision of this Ordinance.

**SECTION 3.** This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: April 1, 2020

ATTEST: Connie M. Gaylor  
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi  
Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:

Terrence M. Donnellon  
Terrence M. Donnellon, Law Director

**CHAPTER 151.14**  
**Heritage Overlay District Regulations**

- 151.1401 Purpose.
- 151.1402 Application of the district.
- 151.1403 Use regulations.
- 151.1404 Development standards.
- 151.1405 Design review criteria.
- 151.1406 Review procedures.

**§ 151.1401 PURPOSE.**

The Heritage Overlay (H-O) District is established in order to set specific design criteria for both rehabilitation and new construction projects within the Heritage Overlay District in Montgomery. ~~Therefore~~Therefore, the purposes of this Chapter are to:

- (a) Guide development in the Heritage Overlay District to protect the valuable historic and architectural resources and 19<sup>th</sup> century character of the City of Montgomery.
- (b) Ensure that new development and/or redevelopment respects the City's historic qualities and resources through compatible design.
- (c) Provide the basis for consistent and objective decision making by providing criteria and a review process to be used by the Zoning Administrator, Landmarks Commission, Planning Commission and City Council when evaluating proposed development.
- (d) Provide standards for property owners, architects and contractors to aid in the preparation of appropriate plans.
- (e) Increase public awareness of the value of the historic resources and appropriate design.

**§ 151.1402 APPLICATION OF THE DISTRICT.**

The Heritage Overlay District shall be in addition to and shall overlay all other zoning districts where the H-O is established. Therefore, any parcel of land lying in the H-O

district shall also lie in one or more zoning districts provided for in this Zoning Code. The Heritage Overlay District shall be established in accordance with the required procedures for a Zoning Map amendment pursuant to Chapter 150.22. The boundaries of the Heritage Overlay District shall be indicated on the Zoning Map and the district designation of H-O shall be superimposed over the existing zoning designations.

**§ 151.1403 USE REGULATIONS.**

The uses permitted in the Heritage Overlay District shall be governed by the permitted uses established in the underlying zoning districts.

**§ 151.1404 DEVELOPMENT STANDARDS.**

All lots, buildings, and structures in the Heritage Overlay District shall comply with the Secretary of the Interior Standards for Rehabilitation. When preservation work is done which involves a modification to a Landmark or contributing structure, the work shall be approached using the principle of reversibility. All lots, buildings and structures ~~must~~shall also comply with the standards set forth in the underlying zoning districts except as otherwise specifically modified in this chapter. In the event of a conflict between regulations of the H-O District and the underlying district, the regulations of this Chapter shall supercede.

**§ 151.1405 DESIGN REVIEW CRITERIA.**

The following design review criteria are in addition to the specific regulations and requirements set forth in the underlying zoning districts. All proposals in the Heritage Overlay District shall comply with the following Design Review Criteria. Further, the Design Review Criteria are applicable to all Landmark Properties as defined in §150.03 wherever located in Montgomery and are applicable to the Landmark itself, the underlying real property, and any improvements thereon:

**(a) Design Review Criterion # 1 BUILDING HEIGHT, SHAPE, SCALE: Ensure that building height, shape and scale are appropriate to the District, the era and the architecture of the building.**

- (1) Minimum building height shall be two stories for the front elevation(s) facing a street. Maximum height for elevation(s) facing a street shall be determined by the existing skyline of adjoining buildings and/or across the street, and in no case shall exceed 25 feet as measured from the grade line to the gutter. Additional stories may be permissible for the rear or side elevations when lower grade lines allow, but in no case shall exceed 40 feet as measured from grade line to gutter.
- (2) A building's vertical and horizontal dimensions shall be in proportion to each other without over emphasis of either dimension. Horizontally long buildings shall be broken up, through the use of recesses or setback variations, to cause the elevation to appear as a series of proportionally correct masses.
- (3) Overall building mass ~~must~~shall be in appropriate proportion to adjoining buildings, the lot upon which the building is intended, as well as other similar buildings in the district.
- (4) For new construction, the top of the exposed foundation shall, to the extent possible, be set within 10% of the average height of the foundation of the building on either side.

**(b) Design Review Criterion # 2 ROOFLINE, CONTOUR, CORNICE: Ensure that roofline, contour and cornice are appropriate to the District, the era and the architecture of the building.**

- (1) The roof of a primary structure shall be gabled and/or a shed roof. On a two-story building, a flat roof with a gabled appearance may be permitted.
- (2) For a gabled roof, the height of the gable shall not be less than  $\frac{1}{4}$  of the building height as measured from the grade line to the gutter. ~~The roof of An~~ attached shed roof may have a lower pitch than the roof over the main structure.
- (3) For new construction, the cornice shall be strong, well articulated and well proportioned.

**(c) Design Review Criterion #3 WINDOWS, DOORS: Ensure the rhythm and character of windows and doors are appropriate to the District, the era and the architecture of the building.**

- (1) The shape and configuration of windows and doors shall be based on historic and traditional design. Window panes shall be divided into smaller panes; 6-over-6 and 2-over-2 double-hung sashes are typical. The first and second story openings shall have a strong relationship to one another. Alterations to window or door size or shape may be permitted on Landmark buildings only to the extent that such a change would bring about greater historical accuracy.
- (2) Window and door openings shall occupy about 25% to 30% of the front elevation of a residential building.
- (3) Window emphasis shall generally be vertical with the height of a window being approximately two times its width. The spacing between windows in historic structures is usually between one and two times the width of the window. If spacing is less than one times the width, shutters shall not be used. Shutters shall be constructed of wood or a composite that



~~has the look and feel of wood. Solid vinyl shutters are prohibited. Shutters shall be -and be p-~~proportioned as if they would cover the entire window opening if closed. They shall be operable or mounted on hinges.

- (4) Windows may be fixed or operable. ~~W~~window openings in masonry buildings shall be configured with traditional components: sill, lintel, and trim.

Windows shall be glazed in clear glass rather than tinted glass. Narrow-line windows are prohibited. Snap-on grilles or grilles in airspace are prohibited. All windows shall be made of wood or a composite that has the look and feel of wood.

In addition, the following criteria apply:

(a) Landmark Property. ~~Windows repair is preferred shall be repaired when possible.~~ When replacement is necessary, the replacement shall be an all-wood window or a composite that has the look and feel of wood. If the original window was divided into smaller panes, then the replacement ~~must~~shall mimic that pattern and it shall have true divided lights. ~~If the new window is replacing a window that was not original to the building, the new replacement windows shall match the original window in dimension, proportion and profile.~~ On additions, simulated divided light sashes may be used.

(b) Contributing Property. ~~Window repair is preferred. Windows shall be repaired when possible.~~ When replacement is necessary, the replacement shall be an all-wood window or a composite that has the look and feel of wood. Replacement windows shall match the original window in dimension, proportion and profile. Simulated divided light sashes may be used.

(c) Design-Consistent Property and New Construction. Simulated divided light sashes shall be used except as provided in d(1) below. Extruded aluminum-clad or vinyl-clad wood windows and composite windows that have the

look and feel of wood are may-be-permitted, if-appropriate.

(d) Non-Contributing Property. Aluminum-clad or vinyl-clad wood windows and composite windows that have the look and feel of wood are may-be-permitted, if-appropriate.

- (1) Display windows on the first story of commercial buildings, may be larger than those typical of residential buildings and are not required to be subdivided. The first story windows shall show symmetry and proportion to the building and relate to the windows of the second floor. The length of a hypothetical rectangle that encompasses all first story windows and doors shall be the same length as that of a rectangle, which encompasses all second story windows. Commercial buildings may have a greater amount of building elevation occupied by windows and doors than residential buildings.
- (2) The main entry of a building shall preferably face the street. The entry of a corner building may face the street or be at an angle to the street. Entries may be flush with the building or recessed.
- (3) For residential and commercial buildings, doors shall be constructed of wood or a composite that has the look and feel of wood and be paneled, either solid or with glass panes. Door trim shall be compatible with window trim. Transoms above doors with glass panes and side lights may be permitted. On residential buildings, doors shall be about the same width as the windows. On commercial buildings, rear service doors may be wider than windows and may be constructed of metal. On commercial buildings, four or six paneled steel doors will be allowed when required by the Fire Code.
- (4) ~~Interior storm/screen windows are preferred. Exterior storm/screen windows with a wood frame made of wood~~ or painted aluminum may be allowed as an alternative to replacing existing sash or on a new unclad sash.

(d) Design Review Criterion #4 MATERIALS: Ensure the use of construction materials appropriate to the District, the era and the architecture of the building.

(1) Appropriate construction materials include brick, stone, natural wood clapboard, wood board and batten, wood shingles, and traditionally applied stucco. Vinyl, aluminum, and steel siding and exterior insulation and finishing system (EIFS, aka synthetic-stucco) are prohibited. Smooth fiber-cement siding and trim may be used on new construction, as a replacement on non-Landmark Property, and on additions to any property including Landmark Property. Materials for windows and doors are covered in Design Review Criterion # 3.

(2) Brick masonry in new buildings or additions to existing buildings shall have brick and mortar joints similar in color, size, and texture to historic examples in the district. The preferred color for brick is in the red-orange range. Variations in color may be used to reduce the mass of a large building. The color ~~should~~ shall be uniform rather than mottled or speckled. Unpainted brick is preferred, unless the building has been previously painted.

(3) Clapboard siding shall run horizontally, and shall have appropriate lap exposure.

(4) Slate, copper, wood, or standing seam metal roofs are preferred. Asphalt-fiberglass shingles may also be used but shall be uniform in color. When replacing roofing, every effort shall be made to duplicate the original roofing material. A rubber roof may be used on flat roof, if approved by the Landmarks Commission. Solar shingles may be used, if approved by the Landmarks Commission.

(4)(5) Awnings. Shed awnings are permitted and shall be of a traditional design. Curved awnings are prohibited. Cloth or synthetic materials that replicate woven cloth are preferred. Vinyl and shiny plastic materials are prohibited. Colors for awnings shall be

uniform and should complement the surrounding buildings, streetscape and/or other street furniture in the area. Fluorescent colors are prohibited. Awning signs are permitted in compliance with Section 151.30 and 151.1405(g); however, signs hanging from an awning are prohibited.

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(e) Design Review Criterion #5 COLORS: Use paint colors appropriate to the District.

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Paint serves two purposes—~~aesthetic~~ enhancement and protection against deterioration. Paint colors shall relate to the style and period of the building and to the traditional character of the District. In general paint colors for buildings shall be muted rather than vivid.

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In the early 19<sup>th</sup> century, white and light neutral colors were favored; then in the late 19<sup>th</sup> century colors darkened and palettes broadened, until the early 20<sup>th</sup> century brought a return to white and light colors. Greek Revival homes typically had white exteriors and dark green or black doors and shutters, while Victorian dwellings were enhanced by rich color treatments such as browns, olives, blues, ochres, and grays with contrasting colors for trim and decorative details.

(1) The simpler the building design, the fewer colors should be used on it, with a maximum of three different colors on a building unless appropriate to the architecture of that era. The body of a building should be painted all one color. However, variations in paint color may be used to reduce the mass of a large building.

(2) The body and trim of the building shall be painted different, but complementary colors. However, for late 19<sup>th</sup> century buildings, trim may be painted the same color as the body in a lighter or darker shade.

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(3) ~~Select e~~Colors that shall complement a building's materials —whether brick,

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wood, or stone—as well as the colors of abutting buildings.

- (4) The City maintains a color chart of historic colors that should be used as a guide in picking appropriate colors. For guidelines on colors for permanent and sandwich board signs, see Design Review Criteria #7.
- (5) A flat or satin finish shall be used on the body, and semi-gloss on windows and trim.

**(f) Design Review Criterion #6 LANDSCAPE STREET FURNISHINGS: Use landscape elements and street furniture appropriate to the District.**

(1) Improvements in the public right of way shall conform to the City of Montgomery’s Heritage District Streetscape Plan. The following standards shall apply to all street furnishings maintained, erected, or placed in a public right of way or which are placed upon private property, but are open to and visible from any public right of way. Improvements shall also conform to City of Montgomery Ordinance #10, 2007 regarding street furniture and furnishings.

(2) Street furniture, including tables, benches, chairs, sidewalk enclosures and waste containers shall be of a traditional design and shall be complementary to the surrounding buildings, streetscape and/or other street furniture in the area.

(3) The materials to be used for fences, non-structural walls, railings, and trellises are strictly limited to natural materials or painted iron. Vinyl fences are prohibited. The materials to be used for steps, stairs, or railings are limited to wood, concrete, stone, or brick. Wrought iron, wood, and aluminum or powder coated steel which gives the appearance of wrought iron are preferred for street furniture. Fiberglass, recycled plastic, galvanized steel and concrete products are prohibited. Synthetic teak, synthetic/resin wicker, virgin resin, poly lumber and polypropylene resin may be considered by the Landmarks Commission on a case by case basis. Black

PVC is a permitted material for movable sidewalk enclosures, if approved by the Landmarks Commission.

(4) Colors for tables, benches and chairs should shall be muted and use an earth tone consistent with the natural material. Furniture should shall be one color, except that furniture made in different materials may have a different color for each material used.

(5) Waste and recycling containers. Containers that are made from recycled plastic shall only be permitted in locations that are not visible from Montgomery, Cooper or Remington Roads. Black, green and gray are the preferred colors for waste or recycling containers. Bright colors and high sheen finishes are prohibited. Containers shall be a single, solid color.

(6) Planters. Wood or terra cotta is preferred. Man-made materials that mimic a natural material may be considered by the Landmarks Commission, when appropriate. Colors for planters should shall be muted and use an earth tone consistent with the natural material.

~~(2)~~(7) Umbrellas. Cloth or synthetic materials that replicate woven cloth are preferred. Vinyl and shiny plastic materials are prohibited. Colors for umbrellas should shall complement the surrounding buildings, streetscape and/or other street furniture in the area. Fluorescent colors and mounted lighting are prohibited. Umbrellas shall be of traditional design and a single, solid color. Signage is regulated by Section 151.30.

**(g) Design Review Criterion #7 SIGNS: Use sign design appropriate to the District.**

- (1) Signs ~~must~~shall comply with the regulations in Chapter 151.30.
- (2) Signs shall respect the overall architectural composition of the building and its scale, while not overwhelming the façade.
- (3) Sign colors shall be harmonious with the building’s materials and colors. Sign

colors shall relate to the style and period of the building and to the traditional character of the District. In general sign colors should be muted rather than vivid.

- (4) Corporate identity colors or logos may be permitted and shall be used with restraint.
- (5) Sign letter styles and heights shall be appropriate to the District and respect the overall composition of the sign.
- (6) Wall signs shall be affixed on a continuous, flat, vertical, opaque surface and cannot project more than 6" from the building surface. Signs shall not cover architectural features
- (7) Wall signs shall not extend higher than the bottom of the sill of the second story window, or above the lowest point of the roof, or over 25' above grade whichever is lowest. Wall signs shall be at least 6" from the lintel, sill or other trim of the windows above and below.
- (8) No more than one right angle sign, projecting not more than 4', is allowed for each business establishment. The bottom of the sign shall be at least seven feet above the ground level (sidewalk). The top of the sign shall not extend higher than the bottom of the sills of the second story window, the lowest point of the roof, or 25' above grade, whichever is lowest.
- (9) Window signs shall only be applied directly to the inside surface of the window glass. The letters shall be 4" or less and symbols shall not be larger than 8".
- (10) Signs shall have a simple design, and shall not have more than three lines of letters.
- (11) Signs may be externally illuminated. Neon lighting, internally illuminated, and backlit signs are prohibited. Ground signs shall include the street address.
- (12) Sand-blasted wood signs are preferred. Sign materials may be of wood, cast metal, poly-metal, natural stone, brick, or glass, with painted faces or letters. Other materials ~~may be permitted if~~

appropriate that have the look and feel of wood may be approved by the Landmarks Commission, if appropriate. Plastic and ~~foam~~-signs are prohibited. Vinyl or plastic letters may be approved, if appropriate.

(h) Design Review Criterion #8  
**ACCESSORY STRUCTURES: Ensure that accessory structures enhance, yet be subordinate to the primary structure in size, scale, and architectural detail.**

- (1) All accessory structures shall be limited to the rear yard and shall not exceed 1 1/2 stories in height. Roof style shall be limited to either gable or shed roof designs. Flat or gambrel roofs are ~~not allowed~~prohibited; however, a flat roof may be permitted as part of a covered porch, if approved by the Landmarks Commission.
- (2) Garage doors shall be made ~~only~~ of wood or a composite that has the look and feel of wood. Other materials may be permitted if appropriate. Separate doors ~~must~~shall be used for each bay. Exceptions may be made for the replacement of existing, non-conforming garage doors.
- (3) Decks, patios and porches shall be compatible with the era of the building.
  - (i) For Landmark and Contributing buildings, masonry and concrete patios directly on grade are permissible. Porches are permitted if they are compatible in design to the rest of the building and the era. The deck of new porches shall not be more than four feet above grade. Porches in conjunction with walk-out basements are discouraged. Above-grade decks are not permitted as additions to Landmark and Contributing buildings.
  - (ii) For other buildings, masonry and concrete patios directly on grade are encouraged. Walk-out basements or porches are discouraged. Decks are permitted, but shall be painted or stained (not clear) and be compatible with the era of the building. Vinyl is prohibited but



other materials may be considered, if appropriate.

- (4) Arbors, trellises, fences and other accessory structures shall be of a natural material. If they are made of wood, they ~~must~~shall be painted or stained (not clear). They shall be designed to be compatible with the era of the building. Vinyl is prohibited but other materials may be considered, if appropriate.

(5) Solar Panels.

(i) Solar panels that are not visible from a public right-of-way may be permitted, if approved by the Landmarks Commission.

(ii) Roof-mounted solar panels shall be installed to match the slope of the roof. In the case of a flat roof, solar panels may be angled, if approved by the Landmarks Commission.

(iii) Removal of historic materials or features, such as dormers or chimneys, for the installation of solar panels is prohibited.

(iv) Roof-mounted solar panels shall be positioned behind existing architectural features, such as parapets, dormers and chimneys, to limit their visibility and preserve the integrity of the building. Final layout of solar panels and mechanical equipment associated with solar panels shall be approved by the Landmarks Commission.

(v) Roof-mounted solar panels and mounting systems shall be compatible in color with the existing roof materials. Mechanical equipment associated with the panels shall be treated to be as unobtrusive as possible.

(vi) The installation and removal of solar panels shall not damage the historic integrity of the building.

~~(4) (vii) Free-standing solar panels are prohibited.~~Free-standing solar panels may be permitted in the side and rear yard, in compliance with the setback requirements for accessory structures, inf approved by the Landmarks Commission.

**(i) Design Review Criterion #9 LIGHTING:**  
Use exterior lighting appropriate to the District in type, design, location, and quantity.

- (1) Lighting shall be used in a very limited manner and only to highlight architectural details on a building, illuminate a sign, or illuminate walkways, outdoor dining areas and/or parking areas.
- (2) The use of incandescent, natural gas, or halogen lights is allowed, but colored, flashing or neon lights are prohibited. ~~Compact fluorescents and~~LED lights ~~may be used but only are permitted if they emulate incandescent bulbs in form and color and are enclosed in a traditional light fixture.~~ Other lights may be considered if appropriate. Lighting ~~must~~shall also comply with other sections of this code. See Design Review Criteria #7 for allowable lighting for signage.
- (3) Lighting ~~must~~shall not exceed the standards set in §151.1213(b) and 151.3212(c).

**§151.1406 REVIEW PROCEDURES.**

~~(a) The Zoning Administrator, subject to approval by the Landmarks Commission, shall adopt certain rules and regulations setting forth the color guidelines, roof materials, building materials, and other construction materials acceptable in the Heritage Overlay District for the enforcement of this Code.~~

~~(b)~~(a) All new and rehabilitation projects in the Heritage Overlay District shall be subject to the development plan review procedures set forth in Chapter 150.14.

~~(e)~~(b) Applications for exterior changes to property in the Heritage Overlay District that is neither a listed landmark nor subject to development plan review shall comply with the procedures set forth in § 150.1207.

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**CITY OF MONTGOMERY  
LANDMARKS COMMISSION REGULAR MEETING  
Safety Center, 10150 Montgomery Road, Montgomery, Ohio 45242  
July 11, 2018**

**PRESENT**

**GUESTS & RESIDENTS**

**STAFF**

Tracy Roblero, Community  
Development Director  
Karen Bouldin, Secretary

**BOARD MEMBERS**

Larry Schwartz, Chairman  
David Clark  
Jane Garfield  
Doug Hughes, Vice Chairman  
Deborah Hutchins  
Steve Schmidlin  
Mark Stella

**ALL BOARD MEMBERS PRESENT**

**CONSULTANTS PRESENT**

John Grier, John Grier Architects  
Beth Sullebarger, Sullebarger Assoc.

Chairman Schwartz called the meeting to order at 7:00 p.m.

**Roll Call**

*The roll was called and showed the following members' attendance:*

*Present: Ms. Garfield, Mr. Schmidlin, Mr. Hughes, Ms. Hutchins, Mr. Clark, Mr. Stella,  
Chairman Schwartz* (7)

*Absent:* (0)

**Guests and Residents**

There were no guests or residents present.

**Old Business**

There was no old business to report.

**New Business**

*Review draft text amendments for Chapter 151.14 Heritage Overlay District Regulations.*

**Landmarks Commission Meeting**  
July 11, 2018

Chairman Schwartz suggested that the Commission review each page of the handout showing the proposed changes and discuss.

Staff stated that the Landmarks Commission will need to make a recommendation to the Planning Commission once they are comfortable with the proposed amendments. The Planning Commission will then make a recommendation to City Council for consideration.

Page 1: No proposed changes.

Page 2: 151.1405 Design Review Criteria (a) Design Review Criterion #1 Building Height, Shape, Scale. (1) Maximum height for the front elevation(s) facing a street shall be a minimum of two stories. Staff stated that she added this statement because this definition is used in other locations, and farther down in (1), it states that additional stories may be permissible for the rear or side elevations. She wanted to clarify that the front elevation absolutely has to be 2-stories.

Ms. Garfield asked if this would affect the Gateway District. Ms. Roblero stated it would not, that this was only for the Heritage Overlay District. There was discussion about the text amendments for building heights in the Gateway Development Area.

(b) Design Review Criterion #2 Roofline, Contour, Cornice. (2) An attached shed roof...  
Staff noted that this did not change the meaning, just consistent with the wording in other sections.

(3) Shutters shall be constructed of wood or a wood composite...

Chairman Schwartz asked for a definition of wood composite. Ms. Sullebarger stated that it appears as wood/PVC/Fiberglass composite on Page 3. Ms. Roblero will change this wording, to be consistent, throughout. Ms. Sullebarger suggested that the guidelines should not be too specific because they tend to quickly become out-of-date. Ms. Hutchins stated that you could say wood composite, and give an example. Mr. Grier felt that cladding would also be acceptable, but wanted to be sure that vinyl was not permitted. Suggested verbiage: Shutters shall be constructed of wood or composite material, as long as it has the same look and feel of wood. Solid vinyl is prohibited.

Page 3: (4) All windows shall be made of wood or a wood/PVC/fiberglass composite. Members decided to use the same language as used in (3). This would be the same for (4) (a) and (b).

Ms. Garfield asked about the approval process and Ms. Roblero noted that even if an applicant followed the guidelines, Landmarks always has the final approval for a Landmark building.

Ms. Roblero stated that currently, the guidelines do not allow for any type of composite for Landmark buildings or design-consistent buildings. Allowing wood composite is a very big change. Mr. Grier also pointed out that when these regulations were written, the materials that are available today were not available.

There was much discussion about Landmark properties replacing the original windows with composite windows.

Mr. Schmidlin stated that historic buildings did not have indoor toilets or HVAC, but we allow these modern conveniences in Landmarks now and wondered why the Landmarks Commission



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July 11, 2018

would not allow composite windows if they have the look and feel of wood. Chairman Schwartz stated that we do not have any guidelines that deal with the interiors of Landmark properties.

Chairman Schwartz felt that original windows weren't always the best for energy conservation. He didn't believe that people would repair them, they will want to replace them with composite windows for better insulation. He asked if that would be acceptable to the Commission.

Ms. Roblero knows of 2 Landmarks Commission owners that would likely come forward as soon as this is passed to replace the original wood windows due to maintenance concerns, energy concerns or functionality reasons.

Ms. Sullebarger pointed out (4) (a): Landmark Property. Windows shall be repaired when possible. Mr. Stella stated that most windows are repairable, but the owners don't want to repair them. He noted that you can sometimes purchase a new composite window for the same or less than it costs to repair. Ms. Roblero stated that you can't always find a repairman in a timely manner for the original wood windows.

Chairman Schwartz felt that this proposed change opens the door to allow people to take out the old windows with the original glass and have them replaced. He would hate to see the wavy, hand-made glass windows taken out of buildings like Yost Tavern. It takes away from the character of the building.

Mr. Schmidlin wondered if the Commission should be concerned if the new windows had the look and feel of wood. Mr. Grier felt that if the windows had the right scale and proportion, they should be fine and could look like the original windows. He noted that there are many new windows on the market that look like historic windows, except for the wavy glass.

Ms. Sullebarger stated that if you wanted to replace the wood window with a wood replacement window, that wood wasn't going to last either --and it's very difficult to find someone to repair them.

Ms. Sullebarger asked about (4) (a): ...the new replacement shall match the original window. She wanted to add "in scale and proportion, dimension, and profile". She felt that if you placed these qualifiers in the clause, it may encourage more preservation.

Mr. Schmidlin felt that we should stay with the old code or allow a new window that is similar and maintainable.

Ms. Sullebarger stated that the National Park Service is specific about the new windows matching the original windows in dimension and profile. Mr. Schmidlin didn't know how you could ever have it match. Ms. Sullebarger stated that they require you to provide detailed drawings and submit the same for the new windows, so that you can actually compare them.

Mr. Schmidlin noted that this would then be a custom window, not a Pella or Anderson. Ms. Sullebarger confirmed. Mr. Schmidlin felt that you would then be faced with making a decision on cost, when would it make sense to repair the windows versus finding someone to



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custom make the windows. Ms. Sullebarger stated that the National Park Service doesn't require only wood anymore, they allow aluminum-clad wood and Fibrex.

Chairman Schwartz was having difficulty with the wording "when necessary". He wondered who decides when replacement is necessary.

Mr. Schmidlin felt that that wording should be eliminated. People should be allowed to replace the windows, whether they can be fixed or not. If your heating bill is astronomical, you should be permitted to replace your windows.

Mr. Stella agreed, but also believed that residents shouldn't be getting grant money for putting in new windows, it should only be for repairs on the windows. All members agreed on this point.

Ms. Roblero stated that the Montgomery Community Improvement Corporation could change the verbiage on the grant to meet this intent. She stated that there were a number of items that were not grant-eligible. Ms. Roblero noted that she would add this to the list.

Ms. Sullebarger also reminded all that another approach to energy conservations was storm windows. She stated that they are about as good as a double-glazed window.

There was much discussion as to how to word this. Suggestions were:

- Repair is preferred and encouraged.
- Repair when feasible. How to define feasible?
- The new replacement shall match the original window in proportion, dimension and profile.

Mr. Hughes was in favor of determining this on a case-by-case basis.

Ms. Garfield asked Staff for the reasoning of the two owners that she is aware of that would like to replace their windows, if this change is made to the guidelines. Ms. Roblero stated that the original wood windows were in in disrepair and the cost to repair them was more than the cost to replace them. The other owner is unhappy because they were not able to replace their windows in the past. The contractor told them the windows were beyond repair and the only way to fix them was to keep them in a fixed position. The owner would like new windows so that they are operable.

Mr. Clark asked if the City tracks all of the improvements to each of the Landmark homes. Ms. Roblero stated that they did, if it was an exterior improvement. He asked if she knew how many of the Landmarks had original wood windows. Ms. Roblero would need to research this.

Mr. Clark wondered what the Commission was trying to create regarding the outside look of the buildings. He thinks the Commission is trying to preserve that original look and architecture, but at some point in time, those wood windows will need to be replaced.

Mr. Schmidlin did not think that we should be dictating to these homeowners. Mr. Stella stated that many of our guidelines dictate requirements— i.e., setbacks. There was more discussion.

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Ms. Sullebarger restated that storm windows were an alternative for energy conservation. She noted that if energy conservation was the only criterion that someone was coming in for, she suggested they get storm windows. Chairman Schwartz agreed. He has a home that has interior storm windows and the windows are also operable.

Chairman Schwartz pointed out that these discussions show that it is too hard to prove whether operability meets the criteria in the Code as it stands today. Mr. Schmidlin asked if we wanted homes that were preserved, but might not be desirable or do we want homes that look historical and meet the demands of the market today.

The question was asked if you can take your home off of the Landmark status. Ms. Roblero stated that you could not. You can choose if you want your home to be a Landmark, but once it's on, you cannot take it off. Mr. Stella did not believe we would have many more additional Landmarks; we have about 32 now. He was concerned that future homeowners would tear them down and build a bigger home. Mr. Schmidlin felt that if we don't allow them to keep these Landmarks maintained at a reasonable cost now, they will fall into disrepair.

All members agreed to leave the verbiage as is and look at this issue on a case-by-case basis.

Ms. Roblero stated that the Historic Preservation Matching Grant was good through 2018. She noted that for 2019, the Montgomery Community Improvement Corporation could modify the guidelines to prohibit the use of grant funds for replacement windows and only allow grant money to be used for repairs to original wood windows. Members agreed.

Staff asked about the wording "when feasible", as opposed to "when possible". Feasible means within reason. Possible means no matter what. All members agreed on feasible. Suggested wording: Window repair is preferred and encouraged, when feasible.

Ms. Sullebarger wanted to suggest a minor word change for Item (d) (4): Exterior storm/screen windows made of wood or painted aluminum may be....

Page 4: Changes made on (d) (2) and (4) were acceptable.

Item (d) (5) Awnings. Chairman Schwartz felt this section was still silent regarding logos and words. This information is written under the sign section. Ms. Sullebarger suggested that we add "refer to signage Section 151.30". There was discussion about signage on the drop down panels – Mr. Grier was not in favor of signage on the drop down apron/skirt. He also felt that plastic awnings should not be allowed and that there should not be lighting permitted under the awning. He stated that sometimes there is a light on the building or beneath the awning – and it looks like a lighted sign. He was not in favor of the drop downs being rigid, they should be a shed-type awning, not a waterfall or a quarter ball. All members agreed. Members also agreed on the wording of "Cloth or synthetic materials that replicate woven cloth are preferred." The Commission discussed lighting and felt that internal illumination for an awning should not be permitted.

Item (f) Street Furnishings. (1) All approved of the changes.

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Page 5: Item (f) (2) Changes accepted. Staff stated this had never been defined.

Item (f) (3) Members approved of changes. Staff explained that movable sidewalk enclosures were the small fences for the outdoor dining.

Item (f) (4) Members approved.

Item (f) (5): Mr. Stella suggested we add the color green, as well as the black and gray as approvable colors for recycling bins. Members agreed.

Item (f) (6) Members accepted changes.

Chairman Schwartz asked about temporary lighting outside – lights in their umbrellas. Ms. Garfield felt they may need some temporary lighting and/or space heaters. Ms. Sullebarger suggested adding “outdoor dining” to the phrase “to illuminate walkways and parking areas”.

Members agreed to stay silent on space heaters; they preferred not to address this for now. Dave Clark suggested we put in a clause, “Landmarks shall review miscellaneous site accoutrements, i.e., space heaters.” Ms. Roblero noted that these do not require a permit. All agreed to have the regulation remain silent on those types of items.

Chairman Schwartz asked about the stand/podium that is sometimes outside as a hostess stand. Ms. Roblero stated that it would have to meet the material and colors standards. Members agreed.

Page 7: Item (g) (9) Ms. Sullebarger would like to add a paragraph to read, “Awning signs are permitted on the skirt of the awnings only. Mr. Grier was opposed to this, and felt they should be on the main section. It was noted that there are already locations with signage on the skirts, as well as on the face of the awning. Ms. Garfield wanted to allow the sign on the skirts. Chairman Schwartz was not in favor of it. Mr. Stella was in favor of it, as sometimes, you can’t see the sign in the window, due to cars parked there and driving by. Ms. Sullebarger provided a sketch of an awning with a sign in Glendale, as a negative example. Verbiage suggested: Awning signs are permitted, in compliance with signage regulations.

Item (g) (12) Sign materials. Chairman Schwartz would like to add “Sandblasted wood signs with molding around the edge are encouraged.”

Item (h) (1) was accepted.

Item (h) (2): Ms. Roblero will add the verbiage previously determined on Page 3.

Item (i) (2) He felt that LED lights were made better now and they should be permitted to be put in a gooseneck light, etc.

Ms. Roblero stated that she will make all of these modifications and bring them back before the Landmarks Commission at the next meeting.

**Staff Report**

**Landmarks Commission Meeting**  
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Napa Kitchen is open for business this week.

Ms. Roblero reported that she is working with a potential tenant for the Yost Tavern; a decision will be made by the end of the month.

Kay Gaffney with Montgomery Historical Preservation Association (MHPA) will attend next month's Landmarks Commission meeting to discuss the Landmark ornament program. Ms. Roblero explained that the gentleman who makes the ornaments was in poor health and they do not believe that the 2018 ornament will be completed. Ms. Gaffney thinks this project may have run its course and wants to speak with Commission members on how to move forward.

Montgomery Inn has decided not to use the matching grant for the siding of their Main Street outbuilding, due to price of the work. Ms. Roblero asked if the Commission wanted to make a last-ditch effort before the City starts sending violation letters. Ms. Roblero is concerned that they may tear it down, even though they would only get about 4-5 parking spaces out of it. Ms. Sullebarger asked if MHPA had some funding for situations like this. Ms. Roblero stated that she would reach out to them, but in the past, they have not shown interest in using their funds for this purpose.

She will also bring it up to Montgomery Community Improvement Corporation to see if there is an interest in funding the project. Ms. Roblero stated that the quote was about \$50,000, and with the matching grant, their cost would be about \$35,000. There was more discussion about this building. It was suggested that we ask Montgomery Inn to donate the building to the city, and give them a tax write-off for it. Mr. Stella was not in favor of this.

Staff stated that Bastille Day was this Saturday. She will lead the walking tour at 1 p.m., which will start off at the Universalist Church.

Ms. Roblero noted that City Council approved the Hopewell Haunting project and the date is set for Saturday, Oct. 27<sup>th</sup>.

**Other**

Chairman Schwartz stated that he gave the 2017 Annual Landmarks Commission update to City Council recently. He passed out copies to all members, and reviewed the highlights.

Mr. Stella referred to the May 9 application for 9424 Shelly Lane, asking if the applicant ever received additional quotes (from the \$11,000 quote). Ms. Roblero stated that they did not find anyone to give them another quote, at this point, because it was such a small job. She brought the Commission's concerns about the cost to the CIC. The CIC approved the matching grant, but asked them to find something for less money.

Mr. Stella felt that we should add verbiage to the grant requiring applicants to bring three quotes for the work. Members agreed.

Mr. Schmidlin asked about the status of the new Gateway development. Ms. Roblero gave an estimate for site preparation to begin by year-end, hopefully. She noted that there is a water line extension on Montgomery Road that needs to be completed, and this will probably be the first part that gets started. She explained that this process will proceed by phases. Phase 1 consists of utility



**Landmarks Commission Meeting**

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relocations and the beginning of the underground parking garage. She noted that they are in discussions with Duke to put all power underground.

Chairman Schwartz asked about the Vintage Club. Staff stated they just had the ground breaking ceremony. Two of the condo buildings (about 13 units/building) will be built first, then the commercial buildings will go up. They will have underground parking for the condos only, the rest of it will be surface parking.

**Minutes**

Mr. Hughes moved to approve the minutes of May 9, 2018, as amended.

Mr. Schmidlin seconded the motion.

The Commission unanimously approved the minutes.

**Adjournment**

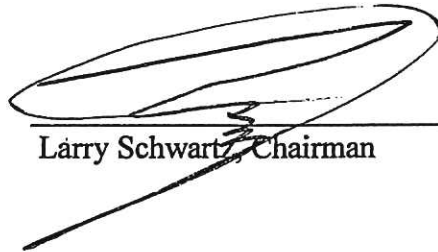
Mr. Stella moved to adjourn. Mr. Schmidlin seconded the motion.

The meeting adjourned at 8:45 p.m.



Karen Bouldin, Clerk

/ksb



Larry Schwartz, Chairman

10/10/18  
Date

**CITY OF MONTGOMERY  
LANDMARKS COMMISSION MEETING  
August 8, 2018**

**PRESENT**

**GUESTS & RESIDENTS**

**Kaye Gaffney  
Montgomery Historic  
Preservation Association  
10545 Crescendo Court  
45242**

**Craig Margolis  
City Council Member  
8270 Mellon Drive  
45242**

**STAFF**

**Tracy Roblero, Community  
Development Director  
Karen Bouldin, Secretary**

**BOARD MEMBERS**

**Larry Schwartz, Chairman  
Jane Garfield  
Deborah Hutchins  
Doug Hughes, Vice Chairman  
Steve Schmidlin  
Mark Stella**

**BOARD MEMBERS NOT PRESENT**

**David Clark**

**CONSULTANTS PRESENT**

**John Grier, John Grier Architects  
Beth Sullebarger, Sullebarger Assoc.**

**Call to Order**

Chairman Schwartz called the meeting to order at 7:00 p.m.

**Roll Call**

*The roll was called and showed the following vote:*

**PRESENT: Ms. Hutchins, Mr. Schmidlin, Mr. Hughes, Ms. Garfield, Mr. Stella,  
Chairman Schwartz**

**(6)**

**ABSENT: Mr. Clark**

**(1)**

**Guests and Residents**

There were no guests or residents who wished to speak about items that were not on the agenda.

**New Business**

***Discussion of Landmark Ornament Program***

Ms. Roblero introduced Ms. Kaye Gaffney of Montgomery Historic Preservation Association (MHPA) and explained that she would like to speak about the Landmark Ornament program.

**Ms. Kaye Gaffney, member of Montgomery Historic Preservation Association, 10545 Crescendo Court, Montgomery, OH 45242** passed around samples of the Landmark ornaments to the Commission, as well as a handout listing all previous ornaments. She pointed out that so far, the

## Landmarks Commission Meeting

August 8, 2018

City has purchased 22 landmark ornaments (noting that 2 ornaments were created in 1997). All ornaments were made in Oxford, Ohio by Barker Ornaments of Oxford, Ohio. She noted that there are approximately 1,500 ornaments in inventory, paid for by the City of Montgomery. The ornaments are in boxes, stored on the second floor of the Wilder-Swaim House.

Ms. Gaffney stated that over the years, different prices were charged; at the present time, the cost is \$3.50/ornament. Ms. Gaffney sells them at the July 4<sup>th</sup> Festival, the Harvest Moon Festival and other community events. The City of Montgomery also sells the ornaments during the year from the administration building. Ms. Gaffney has seen less interest in the ornaments over the past few years. Sales in 2017 were \$758. At this year's July 4<sup>th</sup> Festival, she sold the ornaments for \$5/each or 3 for \$10, and sold a total of \$25. Sales since 1997 have been \$22,464.86. Expenses have been \$16,978, showing a profit of \$5,496.86. She believes that there are probably only about 100 people in Montgomery that are collectors, and she does not see the interest in this program, and feels it may not be a worthwhile project anymore. When sales drop under \$1000/year, she does not see a reason to continue.

She explained that the 2018 ornament is supposed to be of Sage Tavern; however, Mr. Barker has not been in good health and unable to produce the 2018 ornament and is not sure that she will receive it. She would like to turn this project over to the City, still happy to help, as needed. She feels they may need to take another tact in an attempt to sell the ornaments in stock. She asked for thoughts from the Commission.

Mr. Stella felt we should advertise this in the November *Montgomery Bulletin*, thinking that this would reach newer residents who may not even be aware of this program.

Ms. Roblero stated that we do this each year, with an article written by Kaye, announcing the new ornament for the year; however, we still don't have the ornament for 2018. She pointed out that it is also on the Montgomery website. She noted that the ornaments were available at the Lanterns and Landmarks event, but Ms. Roblero did not think that any were sold that evening.

Ms. Roblero stated that they are not sold at the walking tour event of Bastille Day. Chairman Schwartz suggested that we charge an extra \$5 or \$10 for the walking tour, and include an ornament of your choice.

Ms. Garfield suggested asking some of our vendors to sell them for us, i.e. Chamber members who have retail stores – to at least just display them, if they did not wish to sell them. She cited Montgomery Inn, Kroger, and Vintage Marketplace. Ms. Gaffney did not feel retailers would welcome the extra work, but she was willing to try.

Ms. Gaffney stated that every year that we receive a new ornament, she calls the business or homeowner, and takes the ornament to them. Some people have been generous.

Ms. Hutchins asked if there was any promotion of the ornaments in conjunction with the Holiday in the Village event. She suggested displaying them at Twin Lakes, or at the Victorian Holiday Village display at Ohio National Insurance Company.

**Landmarks Commission Meeting**  
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Ms. Roblero summarized that MHPA would like the City to take over this project. Ms. Roblero thinks that the City will be happy to do this, but is not sure how they would move forward, given Mr. Barker's health situation. Ms. Roblero stated that she would take this to the Planning, Zoning & Landmarks Committee of Council (PZ&L) to determine their thoughts on whether we should continue creating new ornaments. She asked for the Commission's thoughts on going forward with this project, noting that there is funding in the Historical Trust Fund, if they support continuing the program. Ms. Roblero did not have another vendor in mind to create the ornament, but would research this, if the Commission wanted to continue this project.

Ms. Roblero stated that there are Preservation events that are happening, where we could give the ornaments to participants, as long as City Council approves. She noted that this was done for the 10<sup>th</sup> anniversary of the Montgomery Citizens Leadership Academy (MCLA) class, during the history session.

Mr. Stella asked if some ornaments were more rare / popular than others. Ms. Gaffney stated that the Wilder-Swaim House was the most popular because people in the Swaim Fields Subdivision purchased them. Mr. Stella thought we could do a rerun of a few that are more popular.

Chairman Schwartz asked if we had the rights to recreate these ornaments, ourselves. Ms. Gaffney stated that the drawings were done years ago, by Dee Eberhard. Ms. Gaffney would simply enlarge the drawing, and Mr. Barker works right from the drawing. She noted that the first ornaments were created by his parents, in their barn.

Ms. Garfield thanked Kaye for 21 years of spearheading this wonderful project.

Ms. Gaffney asked if anyone was interested in joining the Montgomery Historical Preservation Association, noting that they now only consisted of 3 people: Gary Blomberg, Kaye Gaffney, and Janet Korach. She gave brochures to Landmarks members. Mr. Stella felt that we needed to encourage younger adults to get involved. Chairman Schwartz suggested perhaps retired Landmark members, MCLA grads, etc.

Kaye Gaffney noted that there were still problems with the Universalist Creed being taken off the wall, and put on the floor, at the Universalist Church. She pointed out that it had cost \$500-plus to have it framed. Ms. Gaffney noted that it is currently on the wall, but the problem is that when it's taken down, it is not put back up. She suggested we just cover it up, so they don't see it, when people get married, etc., instead of taking it down.

Mr. Stella asked why we are taking the creed down every time the church is used. Ms. Garfield asked why we can't leave it up, especially since it is an historic building. Ms. Roblero stated it is the City's purview to have this taken down. The Commission asked Ms. Roblero to bring this up to the City Manager to have it permanently left up. She confirmed that she would discuss this matter with the City Manager.

Chairman Schwartz asked about the Wilder-Swaim House and how we can get it open more often throughout the year, to the public – possibly once a month, as a museum, or once a quarter; featuring a specific theme or topic, to create interest. It could be promoted by the *Montgomery Bulletin*. Mr. Stella felt it would be hard to have it manned. Chairman Schwartz suggested that we



## **Landmarks Commission Meeting**

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get volunteers - docents - and we could train them. Ms. Gaffney stated that it used to be opened once a month, but they did not have anyone come after a while. She was willing to work some days, but not alone.

Some members felt that if more Montgomery groups (Landmarks members, owners, MCLA, Chamber of Commerce, MHPA, etc.) formed stronger connections and communications, this would be easier to accomplish. Some members felt that it was simply a lack of interest from residents.

Mr. Schmidlin suggested that we hold wine-tastings once a month. Ms. Garfield suggested doing programs similar to "Live at Uni". She also suggested that we run a contest of drawing or painting the house, and then displaying all of the artwork in the house, in connection with a wine and cheese tasting. Mr. Schmidlin suggested putting air conditioning in there, to make it comfortable. Mr. Grier agreed that air conditioning would also be better for some of the historic artifacts that were in there, as well as keeping things dryer.

Mr. Margolis cited a similar situation with the Environmental Commission. He noted that they had several brainstorming sessions and then implemented them. Chairman Schwartz suggested that we get a committee formed to discuss a plan – he noted four Commission members and Ms. Gaffney that all agreed to be involved. Ms. Roblero pointed out that as a committee of the Landmarks Commission, they were only permitted to have a maximum of 3 members of the Landmarks Commission and they must hold public meetings. Ms. Garfield suggested that at the next Landmarks meeting, when there is time, they could plan to brainstorm about ideas for the Wilder-Swaim House. Ms. Roblero agreed, but noted that another issue was staffing and volunteers. Mr. Stella suggested that each group mentioned above (Landmarks Commission, Chamber, MHPA, MCLA) could do the work and volunteer for one event.

Ms. Gaffney cited two examples that were impressive to her: 1) Waldschmidt House in Camp Dennison and 2) "The Barn" in Mariemont (the old Lindner Dairy Barn). Mr. Stella suggested that we could also have a quilting guild provide one of the exhibits at the Wilder-Swaim House.

### **Old Business**

#### ***Review draft text amendments for Chapter 151.14 Heritage Overlay District***

The Commission reviewed the packet in their handouts, discussing changes they had made at the last meeting on July 11, 2018.

Page 1: Date changed to August.

Page 2: 151.1405 Design Review Criteria (a) Design Review Criterion #1 Building Height, Shape, Scale. (1) Maximum height for the front elevation(s) facing a street. Ms. Sullebarger noted that a corner building might also have a side elevation facing the street. Ms. Roblero stated that it would be considered two fronts, two front yards. She felt that they would still want the 2-story elevation on a corner lot. Ms. Sullebarger suggested removing the word "front" and say "for the elevation(s) facing a street.... Members agreed on this change.

Ms. Sullebarger referred to the statement "composite that gives the look and feel of wood". She suggested using the word "has" instead of "gives", here, and throughout the section.

**Landmarks Commission Meeting**  
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Mr. Schmidt referred to (a) Landmark property window repairs are preferred and encouraged, when feasible. He suggested that the last two words be taken out "when feasible". The intent of this still implies that the Landmarks Commission has the purview to require this or not. There was much discussion. Mr. Schmidlin felt that if a composite window looks and feels like a real wood window, that the Commission should not be able to dictate that the owner keep the original wood window. He felt that the owner should be permitted to make that decision. Whether you use the two words or not, Ms. Sullebarger felt that the Commission's mission was to preserve as much historic fabric as possible; but she pointed out that there is a difference between a composite window and a genuine, old wood window. She believes the Commission should evaluate each individual case, and that the feasibility of preserving it would depend on several factors: what condition the window/s are in, can energy conservation include utilize storm windows, is there someone available to repair them -- at a reasonable cost. There was much discussion about repairs, and original windows versus replacement windows. Members agreed on the wording to say "for Landmark buildings window repair is preferred." This verbiage should also be used for contributing properties as well.

Mr. Grier referred to #4, and Chairman Schwartz suggested adding a new first sentence and starting the paragraph with, "When storm windows are added, the preference is for interior mounting." Ms. Sullebarger suggested that the section be named only Storm Windows, not interior or exterior. Interior installation is preferred for storm windows.

Ms. Hutchins referred to #4 (c) – wants to change the word "which" to "that" ....storm windows *that* have the look and feel of wood.

Page 3: All members agreed on changes.

Page 4: Ms. Hutchins asked how the existing curved awnings in the district would be treated. Ms. Roblero stated that if the awning was approved prior to this text change, it would be considered, legal, non-conforming. The owner could provide maintenance on them, but if they were replaced, they may not be curved and must meet the current code. All changes made on page 4 were acceptable.

Page 5: Ms. Hutchins suggested that the verbiage be changed from "one color" to a "single solid" color. Members agreed.

Chairman Schwartz referred to #7, and suggested including the word "mounted" ... "fluorescent colors and mounted lighting." He also felt that we should add the reference ...Logos and lettering can be found under Sign section 151.30.

Ms. Hutchins suggested the change to read... "Umbrellas should be a single, solid color. "  
Ms. Sullebarger asked if one establishment could have several umbrellas that were all different colors. Staff replied that they could.

Page 6: Chairman Schwartz suggested the same change for #2, at the bottom of the page ... "that have...". This was a change decided earlier on page 2, #4(c).

Chairman Schwartz referred to #2 regarding LED lights. All members discussed this, and suggested removing the two words from the sentence that says "*Compact, fluorescent*" ... and LED

**Landmarks Commission Meeting**  
August 8, 2018

lights may be used, but only if enclosed in a light fixture.” An additional sentence to read, “LED lights are permitted, if traditional in design and emulate incandescent bulbs in form and color emissions.”

Page 7: Members agreed on these changes.

Members decided to look at this once again at the next meeting after Staff has made changes.

*Mr. Stella moved to table this discussion.*

*Mr. Schmidlin seconded the motion.*

*All members unanimously approved.*

**Staff Report**

Ms. Roblero stated that the City is working on plans for public improvements and site improvements on the Gateway Redevelopment Area. They are inching forward.

Staff announced a new business in the Heritage Business -- Mr. Schmidlin's business is moving into Montgomery Commons, to be opened on September 1.

Ms. Roblero noted that Toast & Berry will be moving in, next to Stone Creek (possibly in November) – a brunch/lunch restaurant. She explained this is a new concept and this is their first location. They will serve locally sourced foods, with specialty coffees, mimosas and Bloody Mary's. This facility will close around 2 or 3 p.m. due to the shared parking agreement with Twin Lakes.

Chairman Schwartz asked about the status of construction on Weller Road. Staff stated that there were 2 street projects occurring on Weller Road – one with Cincinnati Water Works and the second was street curb replacements. A problem surfaced from this, when they discovered that the CG&E/Duke gas lines were installed much more shallow than required and the contractor was running into them. They are coordinating with Duke to fix this and getting close to completion.

Mr. Stella asked about the former Delicio's space. Ms. Roblero stated that the building owner passed away and so the entire building is still tied up in the estate. Delicio's will not be coming back.

Ms. Roblero stated that Hopewell Cemetery Walking Tour will be on the front cover of the next *Montgomery Bulletin*.

Ms. Roblero announced that Z Place for Wine and Cheese is under new ownership.

She also reported that she had received a phone call from a representative of the City of Wyoming, who attended the recent walking tour on Bastille Day. They would like to institute this in their city.

Chairman Schwartz asked if our Montgomery Landmarks app had been fixed. Ms. Roblero noted that it has not been fixed, pointing out that the staff in that department is suggesting that we direct people to our website. The app has not been fixed because the new platform for the website does not support the app.

**Landmarks Commission Meeting**  
August 8, 2018

Chairman Schwartz suggested that we revisit the topic of attracting / encouraging more residents to become a landmark owner. He wondered if the City might consider offering tax credits that could be used to apply towards renovations; possibly be rolled over each year. Mr. Margolis agreed that it would be good to figure out an incentive.

Mr. Margolis asked if Commission members have extended any outreach to potential Landmark owners. Mr. Stella stated that he had previously talked to the people on the corner of Cooper and Main, and has not pursued this for a couple of years. At that time, they were very interested in the matching grant program. Ms. Roblero pointed out that this home is considered a contributing property, and they are sent a letter each year, regarding the matching grant program; but they have never called about it. Mr. Stella noted that he will go back to speak to the Fries again.

**Council Report**

Mr. Margolis noted that City Council approved the zoning modification for the Lucke development on the east side of Montgomery Road. There will be another public hearing on the zone changes for the west side of Montgomery Road.

Mr. Margolis stated that City Council passed legislation not to allow medicinal marijuana in the City, noting that the major health care delivery specialists will not take advantage of it, due to the conflict that it is federally prohibited, even though it is state permitted.

Ms. Roblero added that the City has passed legislation regarding small cell antennas – they must be treated as a utility and be allowed in right-of-ways. Staff is working on design guidelines, particularly concerning the Heritage District and Old Montgomery Gateway District.

She noted that Council also approved the zoning text amendments on Old Montgomery Gateway District.

Mr. Stella inquired about the John Hunt Morgan plaque. Mr. Margolis stated that PZ&L has looked at this, and will revisit this issue in October, hoping that with the time that has passed, the feelings will soften on this issue. There was more discussion.

Mr. Margolis noted that in September, Council will conduct interviews for the open seat on the Board of Zoning Appeals.

**Minutes**

Mr. Hughes moved to approve the minutes of July 11, 2018, as amended.

Mr. Schmidlin seconded the motion. The Commission unanimously approved the minutes.

**Adjournment**

Ms. Garfield moved to adjourn. Mr. Stella seconded the motion.

The meeting adjourned at 9:05 p.m.



Karen Bouldin, Clerk  
/ksb



Larry Schwartz, Chairman

Date



**CITY OF MONTGOMERY**  
**LANDMARKS COMMISSION REGULAR MEETING**  
**Safety Center, 10150 Montgomery Road, Montgomery, OH 45242**  
**October 10, 2018**

**PRESENT**

**GUESTS & RESIDENTS**

**STAFF**

**Tracy Roblero, Community  
Development Director  
Karen Bouldin, Secretary**

**BOARD MEMBERS**

**Chairman Larry Schwartz  
Jane Garfield  
Deborah Hutchins  
Steve Schmidlin  
Mark Stella**

**BOARD MEMBERS NOT PRESENT**

**David Clark  
Doug Hughes, Vice Chairman**

**CONSULTANTS PRESENT**

**John Grier, John Grier Architects  
Beth Sullebarger, Sullebarger Assoc.**

Chairman Schwartz called the meeting to order at 7:00 p.m.

**Roll Call**

*The roll was called and showed the following members' attendance:*

*Present: Mr. Schmidlin, Ms. Garfield, Ms. Hutchins, Mr. Stella,  
Chairman Schwartz*

*(5)*

*Absent: Mr. Hughes, Mr. Clark*

*(2)*

**Guests and Residents**

There were no guests or residents present.

**Old Business**

*Review draft text amendments for Chapter 151.14 Heritage Overlay District Regulations*

*Mr. Stella moved to take this off the table.*

*Mr. Schmidlin seconded the motion. All members unanimously approved.*

Chairman Schwartz referred to the packet: Chapter 151.14, Heritage Overlay District Regulations, and explained that the red verbiage encompassed all of the changes this Commission had made in the July and August Commission meetings. This was to be a final review.

**Landmarks Commission Meeting**  
October 10, 2018

Page 1: Change September to October.

Page 2: Item (c) (3) to read: If spacing is less than one times the width, shutters *are prohibited*. All other changes were approved.

Page 3: Ms. Hutchins asked if there are specific instances in which we use “must” rather than “shall”. Ms. Roblero prefers to use the word “shall”, instead of “must” or “will”. Item (a) line 6 – change “must” to “shall”. Chairman Schwartz suggested that “should” also be changed to “shall”. Ms. Roblero noted that the word “should” means encouraged, and “shall” means required. All other changes were approved on Page 3.

Page 4: Item (5) 2<sup>nd</sup> last line: signs hanging from an awning *are prohibited*. All other changes were approved.

Page 5:

Item (d) (2) Take out the “traditional design” and replace with the verbiage about complimenting other streetscape furniture in the area, etc.

Item (d) (3) Black PVC is a permitted material ....

Item (d) 4, 2<sup>nd</sup> line – change “should” to “shall”.

Item (d) 6, 5<sup>th</sup> line – change “should” to “shall”.

Item 7 – keep the word “should”: Colors for umbrellas *should* complement...

Page 6: All changes were approved.

Page 7: All changes were approved.

***Ms. Hutchins moved to approve the changes, as amended tonight.***

***Mr. Schmidlin seconded the motion.***

***AYE: Mr. Stella, Mr. Schmidlin, Ms. Garfield, Ms. Hutchins, Chairman Schwartz (5)***

***NAY: (0)***

***ABSENT: Mr. Hughes, Mr. Clark (2)***

***ABSTAINED: (0)***

***This motion is approved.***

Ms. Roblero noted that the next step will be a recommendation by the Planning Commission to City Council. City Council will have the final approval.

**New Business**

There was no new business to discuss.

**Staff Report**

Ms. Roblero noted that Harvest Moon Festival is this Saturday from 5 p.m. to 8 p.m. She thanked Mr. Stella for volunteering at this event.

**Landmarks Commission Meeting**  
October 10, 2018

Ms. Roblero noted that the Hopewell Cemetery tour will be held on October 27. She explained that WCPO Lifestyle Living Section will come to film a segment on the event. Ms. Roblero stated that Landmarks members were welcome to attend the cemetery tour. Everyone will receive a travel coffee mug. Coffee and cookies will be served before and after the tour. Come, rain or shine – bring umbrellas.

Ms. Roblero stated that the Planning, Zoning & Landmarks Committee of Council (PZ&L) met earlier this month and approved installation of the Morgan's Raid plaque, with the change from the portrait to the map. She will discuss with Mr. Grier to get the mock-up, and she will change the wording from "his daring ride" to something appropriate. Installation will likely be in the spring of 2019.

The PZ&L Committee also discussed the situation with the Landmark ornaments (see July 2018 Landmarks minutes), and were very supportive of continuing the program. The project has now been handed over to the City, who will be looking for a new vendor; and they have decided to order all of the remaining ornaments at one time.

Ms. Roblero noted that the City Council chambers are currently under renovation and should be completed by our November meeting. There will be a new sound system. The dais will be bullet-proof and there will be a second entrance/exit (a new doorway) that will open directly into the conference room from the dais area. They are hoping to have this completed by October 24.

Mr. Stella asked about the re-branding campaign. Ms. Roblero stated that this was part of the Strategic Plan. The City is working with Razor Marketing Communications and Kolar Design on the campaign. She explained that past branding has been internal to the city as a government and that this campaign is geared toward the community as a whole.

Mr. Stella asked for an update on the Montgomery Inn out-building. Ms. Roblero stated that she and the City Manager had a meeting with Tom Gregory and Joe Hansel. They told her they were thinking of updating this building for office space. She has no idea if this idea will gain traction. They are going to get quotes and make a determination.

Chairman Schwartz asked about the Universalist Church Creed. Ms. Roblero stated that she met with the City Manager and Julie Machon, the Staff Liaison to the Arts Commission, with hopes to understand where the Arts Commission stands on this issue. There was discussion of alternative ideas and it was agreed that a curtain be put up to cover the creed during city-sponsored events so as not to damage it. There are still discussions going on internally about the best way to proceed; however, Ms. Roblero will continue to represent the opinions of the Landmarks Commission and Montgomery Historic Preservation Association in this matter.

**Council Report**

There was no council report.

**Minutes**

Ms. Garfield moved to approve the minutes of August 8, 2018, as amended.

Mr. Stella seconded the motion.



**Landmarks Commission Meeting**  
October 10, 2018

The Commission unanimously approved the minutes.

**Other**

Ms. Garfield inquired about how to make the Wilder-Swaim House more accessible to the public – an idea that was discussed at the August 8, 2018 Landmarks meeting. Ms. Roblero stated that she held a meeting with Janet Korach and Kaye Gaffney to discuss it. This idea was also discussed with the Planning, Zoning and Landmarks Committee of Council and they suggested involving Montgomery Historic Preservation Association (MHPA) in the visioning session. Ken Suer and Craig Margolis are members of the PZ&L, and would like to be a part of this, also. Ms. Roblero suggested that we all meet and work on this on a Landmarks meeting night, when we do not have an agenda item.

**Adjournment**

Ms. Garfield moved to adjourn the meeting. Mr. Schmidlin seconded the motion. The meeting adjourned at 7:44 p.m.



\_\_\_\_\_  
Karen Bouldin, Clerk



\_\_\_\_\_  
Larry Schwartz, Chairman

\_\_\_\_\_  
Date

/ksb

**CITY OF MONTGOMERY**  
**ANNUAL LANDMARKS COMMISSION MEETING**  
**April 10, 2019**

PRESENT

GUESTS & RESIDENTS

**Brett Macht**  
10787 Deerfield Rd.  
Montgomery, OH 45242

**Craig Margolis**  
City Council Member  
8270 Mellon Drive, 45242

**Joe Walker**  
Automated Systems  
Engineering / Walker  
Brothers Ice Cream  
9423 Montgomery Rd,  
Montgomery, OH 45242

STAFF

**Tracy Roblero, Community  
Development Director**  
**Evelyn Dumont, Secretary**

BOARD MEMBERS

**Larry Schwartz, Chairman**  
**David Clark**  
**Jane Garfield**  
**Deborah Hutchins**  
**Steve Schmidlin**  
**Mark Stella, Vice Chairman**

ALL BOARD MEMBERS PRESENT

CONSULTANTS PRESENT

**John Grier, John Grier Architects**  
**Beth Sullebarger, Sullebarger Assoc.**

Call to Order

Chairman Schwartz called the meeting to order at 7:00 p.m.

Roll Call

*The roll was called and showed the following vote:*

**PRESENT:** *Ms. Hutchins, Mr. Schmidlin, Ms. Garfield, Mr. Stella, Mr. Clark,  
Chairman Schwartz*

(6)

**ABSENT:**

(0)

Guests and Residents

There were no guests or residents who wished to speak about items that were not on the agenda.

New Business

***Application for Certificate of Approval: Solar Panels for Automated Systems Engineering at 9423 Montgomery Road, Montgomery, OH 45242***

Mr. Roblero reviewed the Staff Report dated April 10, 2019, "Application for Certificate of Approval for Solar Panels for Automated Systems Engineering at 9423 Montgomery Road." The applicant is proposing to place black, flush-mounted solar panels on the roof of the James Ayers building on both the front and rear of the roof. Ms. Roblero was very supportive of the use of solar panels throughout the community; however, has some concerns about the visibility of the panels on a Landmark building.

## **Landmarks Commission Meeting**

April 10, 2019

**Joe Walker, Automated Systems Engineering, 9423 Montgomery Rd, Montgomery, OH 45242** stated that the Staff report covered the application well. He would like to place the panels on the roof due to the fact that Automated Systems Engineering is expanding their business into renewable energy services and this would allow the business to demonstrate their commitment to renewable energy, serve as a demonstration for potential clients and allow for training of employees. He understands that there is concern about putting the solar panels on the front roof; however, it is the best location for energy generation. He stated that they were black panels and would be flush-mount so they should not be too intrusive.

Ms. Garfield asked if the solar panels could be placed on the Walker Brothers Ice Cream building instead, since that building was not a Landmark and was not as visible from Montgomery Road. Mr. Walker stated that he looked at that option; however, the building was small, that they would only be able to put two solar panels on the roof. He stated that it is also wouldn't work because the two buildings are on were on two separate meters.

Ms. Garfield wondered if there was a way for Mr. Walker to partner with the City on a demonstration site. She has heard that demonstrating the way the system works to potential clients is more important than the energy savings, and thought it could be a creative solution to avoid putting panels on the building. Mr. Walker stated that he was very interested in speaking with the City about potential projects, but for his purposes, the panels really needed to be on the building so he can use them for training employees and demonstrating to clients.

Mr. Grier reviewed the Consultant Report dated April 10, 2019. He suggested placing the panels on the upper and lower west-facing roofs.

Ms. Sullebarger felt that solar panels were a fantastic idea, but she was concerned that they were in the wrong place, due to the visibility from the front and the rear.

Chairman Schwartz provided a handout to the Commission members with pictures of the building and information on research he conducted for how other cities have handled solar panels on historic buildings. Several of the cities allowed solar panels as long as they did not alter the roof lines, did not damage the structure, and the panels did not face the street. The cities also required the panels to be flush-mounted and to blend in with the surrounding features. Therefore, Chairman Schwartz was in support of allowing the panels on the rear upper and lower roof, but could not support panels on the front roof facing Montgomery Road.

Mr. Clark had concerns about the placement of the panels on the upper and lower roofs. He felt that the panels would look unsightly because they could not be lined up in a uniform manner, due to existing roof vents. There was discussion about the possibility of moving the roof vents so that the panels could be lined up in a symmetrical pattern. Mr. Walker believed that the roof vents could be relocated to accommodate this request. There was discussion about making sure the panels on the upper and lower roof lined up so that they had a clean appearance that did not distract from the building, even if the applicant had to lose a panel or two. After discussion, it appeared possible for a 1 x 4 row of panels on the upper roof and a 2 x 4 row of panels on the lower roof, once the roof vents were removed. Mr. Walker was agreeable to this solution.



**Landmarks Commission Meeting**  
April 10, 2019

*Mr. Stella moved to approve the application submitted by Joe Walker for Certificate of Approval for Solar Panels for Automated Systems Engineering at 9423 Montgomery Road, Montgomery, OH 45242.*

*This approval is based upon the findings that the application substantially conforms to Section 151.1405 "Design Review Criteria" items:*

- (a) Design Review Criterion # 1 BUILDING HEIGHT, SHAPE, SCALE:  
Ensure that building height, shape and scale are appropriate to the District, the era and the architecture of the building.*
- (b) Design Review Criterion # 2 ROOFLINE, CONTOUR, CORNICE:  
Ensure that roofline, contour and cornice are appropriate to the District, the era and the architecture of the building.*
- (d) Design Review Criterion #4 MATERIALS:  
Ensure the use of construction materials appropriate to the District, the era and the architecture of the building.*
- (h) Design Review Criterion #8 ACCESSORY STRUCTURES:  
Ensure that accessory structures enhance, yet be subordinate to the primary structure in size, scale, and architectural detail.*

*As detailed in the Staff Report to Landmarks Commission dated April 10, 2019 and the "Consultant Report" to Landmarks Commission dated April 10, 2019 by John R. Grier, the Landmarks Consultant.*

*This approval is contingent upon the following conditions:*

- Panels permitted on the west-facing roof only.*
- A 1 x 4 row of panels shall be permitted on the upper roof and a 2 x 4 row on the lower roof.*
- Panels shall be mounted in a way as to not damage the building during installation or removal.*
- Existing vents on the lower roof shall be relocated to allow for contiguous installation of panels in proportion with the panels on the upper roof.*
- Final location to be reviewed and approved by Staff.*

*Mr. Clark seconded the motion.*

*The roll was called and showed the following vote:*

<i>AYE: Mr. Schmidlin, Ms. Garfield, Mr. Stella, Mr. Clark, Ms. Hutchins, Chairman Schwartz</i>	<i>(6)</i>
<i>NAY:</i>	<i>(0)</i>
<i>ABSENT:</i>	<i>(0)</i>
<i>ABSTAINED:</i>	<i>(0)</i>

*This motion is approved.*

**Landmarks Commission Meeting**  
April 10, 2019

There was discussion among the Commission members and it was suggested that new regulations be written regarding solar panels for the Historic District similar to what has been done in other cities. Ms. Roblero stated that due to the workload of the Planning Commission, they had not yet had an opportunity to review the proposed text amendments to the Heritage District Design Guidelines. Therefore, it may be possible for Staff to do research and review proposed text changes with the Landmarks Commission, so that the regulations could be included in the update. All Commission members agreed that this was a good idea.

**Old Business**

Ms. Roblero stated that she had a meeting with the Public Works Staff to discuss the capital improvements necessary for the installation of the Morgan's Raid Plaque. Mr. Grier stated that he would try to have a mock-up of the plaque (using a map instead of a portrait of John Hunt Morgan) for the next meeting.

Chairman Schwartz asked a colleague to give him an estimate on correcting the issue with the Landmarks Walking Tour app. Unfortunately, it would require a rewrite of the code, which is estimated to take approximately 2.5 weeks with a cost estimate of \$8,000. Ms. Roblero stated that she would discuss this with the City Manager.

**Staff Report**

Ms. Roblero stated that the Planning Commission had approved Phase 1 of the Montgomery Quarter project; however, it would still be a while before the developer was ready to move forward with a Final Development Plan or come forward with architectural plans.

Ms. Roblero also reported that the Pink Tulip Club has closed and Downtown Girl will be moving into that location. She also reported that Berlitz will be relocating and Peaches Skin Care will take over that space.

**Council Report**

There was no report from City Council.

**Other**


There was no other business to report.

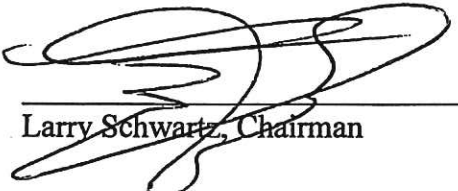
**Minutes**

Chairman Schwartz stated that the March 13, 2019 minutes would be postponed until the May 8 meeting, to give all members time to review, as they were received late from the secretary.

**Adjournment**

Mr. Stella moved to adjourn. Mr. Clark seconded the motion.  
The meeting adjourned at 8:25 p.m.

  
\_\_\_\_\_  
Karen Bouldin, Clerk  
/ksb

  
\_\_\_\_\_  
Larry Schwartz, Chairman  
6-12-19  
Date

**CITY OF MONTGOMERY  
LANDMARKS COMMISSION MEETING  
June 12, 2019**

PRESENT

GUESTS & RESIDENTS

**Bob & Patti May  
Ireland-May Ltd.  
9441 Main St., 45242**

**Craig Margolis  
City Council Member  
8270 Mellon Drive, 45242**

STAFF

**Tracy Roblero, Assistant City  
Manager/Acting Community  
Development Director  
Karen Bouldin, Secretary**

BOARD MEMBERS

**Larry Schwartz, Chairman  
David Clark  
Jane Garfield  
Mark Stella, Vice Chairman**

BOARD MEMBERS NOT PRESENT

**Deborah Hutchins  
Steve Schmidlin**

CONSULTANTS PRESENT

**John Grier, John Grier Architects**

Call to Order

Chairman Schwartz called the meeting to order at 7:00 p.m. All in attendance introduced themselves.

Roll Call

*The roll was called and showed the following vote:*

**PRESENT: Ms. Garfield, Mr. Stella, Mr. Clark, Chairman Schwartz (4)**  
**ABSENT: Ms. Hutchins, Mr. Schmidlin (0)**

Guests and Residents

There were no guests or residents who wished to speak about items that were not on the agenda.

Chairman Schwartz stated that he would like to change the agenda this evening and move Old Business to later in the meeting. All members unanimously approved.

New Business (1)

***Application for Certificate of Approval for replacement of siding at 9441 Main Street.***

Ms. Roblero reviewed the Staff Report dated June 7, 2019, "Application for Certificate of Approval for Replacement Siding and Trim for the Jonathan Crain House at 9441 Main Street." Ms. Roblero noted that the applicant wanted to replace a small covered roof on the back of the house and provided Staff with an image this evening. She handed out the photos to the Commission, which showed what the applicant would like the replacement to look like. She stated that the applicant would discuss this during their presentation this evening.



**Landmarks Commission Meeting**  
June 12, 2019

Chairman Schwartz wanted to clarify information from the application which stated that the new siding will have 4" to 5" lap; he noted that the existing siding was 5" to 6" lap. He asked why they would not do the same. Ms. Roblero deferred to the applicant.

**Patti May, Ireland-May Ltd., 9441 Main Street, Montgomery, OH 45242** stated that the existing siding was not all one lap, they were all different. Chairman Schwartz stated that he visited the building today, but only looked at one area. She stated that they would like to make it all look cohesive.

Bob May gave history on the building: Currently over the back door, there is a flat panel that is covered with copper. It sticks out about 36" to 38" from the gutter board. The water comes down off of the roof onto that, and drips over the doorway. That is why they would like to put the gable roof on the rear of the building. He explained that the picture they have is from Williamsburg, and there are a lot of similarities with the older buildings in Montgomery.

Mr. May stated that, in the past, for the space from the windowsill down to the ground, they would divide it, so it would course at the same level as the sill of the window. That might be 4.5". From there to the top of the window, they would measure it, and divide it out, and it might be 4 3/4", and from there to the next window, it might be 4 3/8", and that is why there are variations in the lap.

Mr. May stated that there are also variations from one side of the building to the other. He noted that the building was 4 units. The first unit was a 2-story (one room below and one room above), but they had the staircase to the second floor behind the fireplace. That is when Morgan's raiders came through here. Then they put on an addition next to it. The addition they put onto it -- to the south -- is a full 2-story, with a stone basement. About the turn of the century, they added a 2-story addition to the back in the northwest corner of the building. From there to the south, was a porch, and they enclosed it. Each one of the additions had a little variation in the exposure of the clapboards, and the lap. He noted the corner boards were different from most others, showing an influence from those in Williamsburg.

Mr. Grier felt that the peak gable would be appropriate on the back of the house. When asked, Mr. May stated that it would hang out about 24" from the gutter board. He noted that the current roof does not shed the water away from the door and is impractical.

Chairman Schwartz asked if there was a proposed color. Ms. Roblero stated that it would be painted white with a matte or satin white.

Chairman Schwartz asked for comments from the other members.

Ms. Garfield, Mr. Schmidlin and Mr. Stella were in favor of the project.

Mr. Grier loved the corner board and was happy they were going to maintain it. He described one way to cut the clap boards up to the underside of the windowsill. He suggested that if the Mays wanted to make the clap boards even, to that point, he believed it should be even all the rest of the way. He did not feel it was necessary for the siding to be equal spaces between windows. He felt the siding should be equal spaces for itself, and it was designed to be a 4.5" to 5" to weather.

**Landmarks Commission Meeting**  
June 12, 2019

Mr. Grier thought that the house had shutters; but it did not look like there were shutter dogs or hinges.

Mr. May did not believe that this house originally had shutters. He stated that there were decorative plastic shutters, and the Mays had removed them. Mr. Grier suggested removing the rest of the shutters on the side; he felt it looked better without them, and more like an historic building. Mr. May agreed.

Mr. Grier asked if this building had gutters. Mr. May stated that it did not, and he was not planning to put them on it. Mr. May told him that around 3 sides of the house there is stone, up against the foundation. Mr. May stated that they created this same design in Williamsburg, only with brick. There was a ground gutter, where the water would come off of the roof, to the ground gutter, which had a drain underneath that would take it away.

Mr. Grier stated that he had a photo from years ago, and the house used to have a gutter; but he was not against leaving the gutter off. Mr. May stated that they have not had a problem with drainage.

Mr. Grier was not thrilled with the fencing in the front. Mrs. May asked if they could change it – she thought it had been on the front entrance on the Main Street side, when the building was deemed to be a Landmark. Mr. Grier stated that regulations prohibit them from removing it. He suggested to paint it and leave it.

Chairman Schwartz asked if they had any plans for the windows – they seemed to need repair. Mrs. May stated that there is a person in Cincinnati who could repair those windows. She stated that several of them had the original glass, and they don't leak.

Mr. May stated that the windows on the back of the house are from the 1920s, and those on the front are from the 1840s. Mr. May asked if he would be permitted to make the windows all look the same, when they do get to it, possibly next year. Mr. Grier suggested that they come back and discuss it at that time.

The Commission appreciated the Mays' proposal and great work.

Mr. Clark moved to approve the application submitted by Ireland-May Ltd. for Certificate of Approval for the replacement of siding and trim for the Jonathan Crain House, at 9441 Main Street, Montgomery, OH 45242, based on the information provided by the applicant dated May 28, 2019 and C.J. Construction, dated May 30, 2019.

***This approval is based upon the findings that the application substantially conforms to Section 151.1405 "Design Review Criteria" items:***

***(d) Design Review Criterion #4 MATERIALS:***

***Ensure the use of construction materials appropriate to the District, the era and the architecture of the building.***

***(e) Design Review Criterion #5 COLORS: Use paint colors appropriate to the District.***

***of the current Montgomery Zoning Code.***

**Landmarks Commission Meeting**  
June 12, 2019

*As detailed in the Staff Report to Landmarks Commission dated June 7, 2019.*

*This approval is contingent upon the following modifications:*

- 1) Paint color shall be white, in a matte finish.*
- 2) Final paint color to be approved by Staff.*

*Mr. Stella seconded the motion.*

*The roll was called and showed the following vote:*

<i>AYE: Ms. Garfield, Mr. Clark, Mr. Stella, Chairman Schwartz</i>	<i>(4)</i>
<i>NAY:</i>	<i>(0)</i>
<i>ABSENT: Ms. Hutchins, Mr. Schmidlin</i>	<i>(2)</i>
<i>ABSTAINED:</i>	<i>(0)</i>

*This motion is approved.*

**New Business (2)**

***Review draft text amendments for Chapter 151.14 Heritage Overlay District Regulations in regard to solar panels.***

Ms. Roblero referred to her June 7, 2019 memo to the Landmarks Commission and read through the proposed amendments.

Mr. Stella stated that the reason solar panels are a certain height from the roof is because they heat the roof up, and they want a current under them. He knew it was at least 4", it might be 5". There was discussion about what the number should be in the amendment. Mr. Stella stated if they get too high, then you have a problem with high winds blowing them off. The Commission agreed with 5".

Ms. Garfield suggested that it say, "Solar panels shall be installed, so as to match the slope of the roof". All members agreed.

Mr. Stella asked if there were any historic houses with flat roofs. Ms. Roblero did not believe there were but noted that there were some buildings with flat roofs in the district that were not Landmark buildings. Mr. Stella stated that when there is a flat roof, they usually angle the panels, which requires a lot of ballasts. For a historic home, adding the heavy weight of ballasts would put a great strain on the roof.

Ms. Garfield suggested verbiage, "...so as to match the slope of the roof. In the case of a flat roof, the panels may be angled, if approved by the Landmarks Commission." This would apply to everything in the district and could be taken on a house by house basis. Members agreed.

Regarding free-standing panels (i.e., in your yard), Staff stated that they would be permitted in other parts of the city, if they meet the setbacks of accessory buildings; but did not feel this should be permitted in the Historic District. There was more discussion. Mr. Stella felt if you were using the solar panel as a structure, like a garage, or for a purpose that was not just for collecting, it could be allowed. For example, at the zoo, panels are used as the roof of a carport, in the parking lot.

**Landmarks Commission Meeting**  
June 12, 2019

Members were concerned about allowing them in parking lots because they would be extremely visible. Members felt that they could allow free-standing, but not visible from the right-of-way. This might be the only option for someone whose backyard had the sun, or if the roof was not strong enough to hold them.

Verbiage was suggested, "Free standing solar panels may be permitted in the side and rear yard, in compliance with setback requirements for accessory buildings in the District, conditional upon Landmarks approval." Mr. Clark asked if we could add "Final panel layout, location and mechanical equipment associated with panels to be approved by the Landmarks Commission." All members agreed.

Mr. Stella then asked about wind turbines. Staff stated that right now they would be regulated as an accessory structure – and would not be permitted to be over 15 feet in height. Since turbines are so tall, this should not present an issue in Montgomery, for now.

Chairman Schwartz referred to the statement that solar panels were not to be visible; he pointed out that new technology is emerging with shingles that look like shingles that are actually solar panels. Every 3<sup>rd</sup> or 4<sup>th</sup> shingle is a solar panel shingle, and you can't tell the difference. He wondered if we should have some exceptions for that. Perhaps this could be put under solar panels or incorporated under roofing or building materials to say that "...shingles that incorporate solar technology can be approved." He stated that they are now testing them in Arizona and California.

Ms. Roblero stated that she will make all changes and bring back for review at the next meeting. She stated that the Planning Commission has just reviewed revised amendments for the Heritage Design Guidelines, but she is holding off until we finish this, so she can take all revisions as one package, and move it forward to Council.

She noted that the Planning Commission will next be looking at changes to the Montgomery Road Commercial Corridor to make it a bit more pedestrian friendly.

**Old Business**

*Morgan's Raid Plaque review.*

Mr. Grier gave handouts to all members, illustrating the revised plaque, with some, but not all changes agreed upon from the last meeting on May 8, 2019:

- The revised map showed lines instead of the dots.
- The word "daring" had not been changed to "infamous" on the third line.
- The revision did not show a hyphen between "19-day", also on the third line.

Mr. Grier felt that because this was an historic marker of an event that happened in Montgomery, the Commission might want to consider some alternate titles, instead of "Morgan's Raid through Montgomery":

- 1) Montgomery, Ohio Civil War Historic Pathway, or
- 2) Historic Pathway, or
- 3) Historic Site



**Landmarks Commission Meeting**  
June 12, 2019

He pointed out that this would not sound as if it was glorifying the raid.

Several titles were discussed, and members decided on the following layout and title:

Montgomery Historical Marker (on line 1)

Morgan's Raid (on line 2)

Chairman Schwartz suggested removing the legend. Mr. Grier agreed.

Mr. Grier noted that he would make the change to the title, as well as the other suggested changes, as noted above. He would also get some quotes.

**Staff Update**

Ms. Roblero stated that City Council had approved a water main extension on Montgomery Road that will support the Montgomery Quarter development, so you will see work starting downtown.

Ms. Roblero stated that City Council recently approved a new brand for the City – you may recall the brand survey from a while ago. They are now in the process of developing a roll-out of this new brand, which you will see roll out in 2020. The tag line will be “A charming past and a glowing future”.

Staff stated that a new business call Designer Items and More will locate in the prior Downtown Girl space. Downtown Girl is moving to the space previously occupied by Pink Tulip.

Bombay Brazier on Cooper Road has relocated. It was previously located in the shopping center behind the Salt Boxes on Cooper. A new restaurant will be moving in: Artemus Mediterranean Bistro.

Peaches Skin Care will be moving from the Pioneer Building into the former location of Berlitz. This may take place in the summer. Staff stated that someone may purchase the Pioneer Building to be used as a luxury watch shop. She noted they are proposing to do some restorative renovations to the building.

Ms. Roblero stated that Lanterns & Landmarks will take place again this year on October 26. They may add a string quartet this year but did not plan any other major changes.

Ms. Roblero explained and asked for the Commission's thoughts on Matthew Vanderhorst's (Community & Information Services Director) idea for revamping the walking tour app: Montgomery has a *Service to Community* grant that could be used. Since no one has applied for it this year, we could use it to offer a scholarship for high school and/or college students to design an app for Montgomery, with us supplying our current audio and images. This would also build awareness of our landmarks with the younger generation, as well as give them a major accomplishment to add to their resume.

Chairman Schwartz recalled that he had provided a quote previously of \$7,000, based on a certain number of hours at \$25/hour. This would give us a possible idea of the time and effort this would entail for students. Staff stated that the grant was for \$6,000. She asked if the Landmarks Commission would be willing to be the judges to determine the winner.

**Landmarks Commission Meeting**  
June 12, 2019

The Commission embraced this idea. Staff stated that she will now move this idea through the internal channels to see if this could be approved.

Staff reminded members of the July 4<sup>th</sup> parade and Bastille Day. For Bastille Day, she noted that they will again present the Historic Walking Tour at 1 p.m. and will have a tarp of the roundabout with remote control cars in the children's area. Chairman Schwartz asked if they could add French domestic beer to the domestic beer booth (since it is Bastille Day). Ms. Roblero will suggest this.

Mr. Grier noted that he saw the corner-circle awning from Village Tavern on a truck today, at 3:00 p.m. He would love to see a more historically appropriate awning there. Ms. Roblero will investigate this.

Mr. Stella referred to the Montgomery Quarter, and asked if there were any revisions, or if they still plan to have the condos/apartments look the same. She stated that, at the moment, they have not worked further on the architectural design, but she is hoping they will have something for Council to consider in July. They are focused now on getting signatures for the Developer Agreement.

**Council Report**

There was no report from City Council.

**Minutes**

Mr. Stella moved to approve the minutes of March 13, 2019, as amended.

Ms. Garfield seconded the motion. The Commission unanimously approved the minutes.

Mr. Garfield moved to approve the minutes of May 8, 2019, as amended.

Mr. Stella seconded the motion. The Commission unanimously approved the minutes.

**Adjournment**

Mr. Stella moved to adjourn. Mr. Clark seconded the motion.

The meeting adjourned at 9:15 p.m.

  
Karen Bouldin, Clerk

  
Larry Schwartz, Chairman

10/16/19  
Date

/ksb

**CITY OF MONTGOMERY  
LANDMARKS COMMISSION MEETING  
July 17, 2019**

PRESENT

GUESTS & RESIDENTS

Pat Gilligan  
Gilligan Company  
9321 Montgomery Road  
Montgomery, OH 45242

Tom Hattersley  
7967 Cooper Rd., 45242

STAFF

Tracy Roblero, Assistant City  
Manager / Acting Community  
Development Director  
Evelyn Dumont, Clerk

BOARD MEMBERS

Larry Schwartz, Chairman  
David Clark  
Jane Garfield  
Deborah Hutchins  
Brett Macht  
Steve Schmidlin

BOARD MEMBERS NOT PRESENT

Mark Stella, Vice Chairman

CONSULTANTS PRESENT

John Grier, John Grier Architects  
Beth Sullebarger, Sullebarger Assoc.

Call to Order

Chairman Schwartz called the meeting to order at 7:00 p.m. He welcomed Brett Macht as a new member to the Commission. All in attendance introduced themselves.

Roll Call

*The roll was called and showed the following vote:*

**PRESENT:** *Mr. Schmidlin, Ms. Garfield, Ms. Hutchins, Mr. Clark, Mr. Macht,*  
*Chairman Schwartz*

**(6)**

**ABSENT:** *Mr. Stella*

**(1)**

Guests and Residents

Chairman Schwartz asked if there were any guests or residents who wished to speak about items that were not on the agenda. There were none.

Chairman Schwartz rearranged agenda items, stating that they would begin with New Business and then move to Old Business.

New Business (a)

***Application for Certificate of Approval for installation of exterior storm windows at  
7967 Cooper Road, Montgomery, OH 45242.***

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**Staff Update**

Ms. Roblero reviewed the Staff Report dated June 8, 2019, "Application for Certificate of Approval: 7967 Cooper Road (Wooley-Kelsch Landmark)."

Mr. Grier appreciated all of the continued efforts on this home and was in favor of this application.

Ms. Sullebarger agreed with Mr. Grier. She noticed how he sized the shutters and was impressed. She referred to the use of maple wood for the windows. She stated that she is now replacing her 20-year old maple windows because the sills are rotting. She suggested another wood – cypress or something that would last longer.

Mr. Grier believed that the window companies put a natural preservative on the maple; although he pointed out that these windows would be painted. He felt that priming them would be wise. He suggested that the applicant discuss this with the craftsman.

Mr. Schmidlin, Ms. Hutchins, Ms. Garfield, Mr. Macht and Mr. Schmidlin were all in favor.

*Mr. Macht moved to approve the application submitted by Thomas and Sharon Hattersley, 7967 Cooper Road, Montgomery, OH 45242 (Wooley-Kelsch Landmark) for the installation of storm windows, based upon the information provided by the applicant dated June 19, 2019 and July 9, 2019.*

*This approval is based upon the findings that the application substantially conforms to Section 151.1405 "Design Review Criteria" items:*

- (c) Design Review Criterion #3 WINDOWS, DOORS:  
Ensure the rhythm and character of windows and doors are appropriate to the District, the era and the architecture of the building.*
- (d) Design Review Criterion #4 MATERIALS:  
Ensure the use of construction materials appropriate to the District, the era and the architecture of the building.*
- (e) Design Review Criterion #5 COLORS: Use paint colors appropriate to the District.*

*of the current Montgomery Zoning Code.*

*As detailed in the Staff Report to Landmarks Commission dated June 8, 2019.*

*This approval is contingent upon the following modification:*

- 1) Paint color shall be matte finish, white to match the existing storm windows.*

*Ms. Garfield seconded the motion.*

*The roll was called and showed the following vote:*

*AYE: Mr. Schmidlin, Ms. Garfield, Ms. Hutchins, Mr. Clark, Mr. Macht  
Chairman Schwartz*

*(6)*

*NAY:*

*(0)*



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**ABSENT: Mr. Stella**  
**ABSTAINED:**

(1)  
(0)

*This motion is approved.*

**New Business (b)**

***Application for Certificate of Approval for installation of new signage for Dunkin' at 9321 Montgomery Road, Montgomery, OH 45242.***

**Staff Update**

Ms. Roblero reviewed the Staff Report dated July 11, 2019 "Application for Certificate of Approval 9321 Montgomery Road."

**Mr. Pat Gilligan, President and CEO of Gilligan Company, a franchisee for Dunkin' Donuts, 9321 Montgomery Road, Montgomery, OH 45242** handed out sample colors in a matte finish and stated that they would use a matte finish. He expressed that he does not have authority to change colors, as he would have to get it approved through Dunkin' corporate office. He explained that Dunkin Donuts rebranded to just Dunkin' because they now sell so many coffee products. He believed the colors fit in nicely. He stated that with the matte finish, the color would be muted a little bit.

Ms. Hutchins wanted to confirm what would be visible from various points. She asked if the drive-through sign was replacing the current Awakenings drive-through sign. Mr. Gilligan confirmed.

She asked if the word Dunkin' faces south – where the parking lot is. Mr. Gilligan confirmed.

The two Ds are visible from Montgomery Road. Mr. Gilligan agreed.

Ms. Hutchins asked if there was a specific reason that they chose to put the two Ds on the east elevation, instead of the word Dunkin'. Mr. Gilligan stated that the two Ds are Dunkin's symbol and due to the fact that it is shorter it fit better between the two signs geometrically.

Ms. Hutchins asked if the signs were to scale in the picture. Mr. Gilligan stated that they were.

Mr. Macht asked Staff if the drive through sign would have a lower hanging piece with only an arrow on it. Ms. Roblero confirmed that she suggested this. Mr. Gilligan agreed with that sign suggestion, stating that they could make the arrow red or any color recommended. Staff suggested pink or orange, so as not to introduce another color.

Ms. Sullebarger reiterated that this was in the Montgomery Gateway District, not in the Heritage District and it was not a Landmark building, which made a difference. She also noted that there was precedent for the colors; however, pointed out that the Commission tried to avoid the use of vivid colors. This sign is sits off the street, it is their logo and they will be using a matte finish, so she is supportive of the application. She felt that the logo was simple and very minimal. Ms. Sullebarger agreed with Staff's suggestion for the drive-through sign with the arrow. She asked Mr. Gilligan if he was comfortable with using Staff's suggestion for that sign, and he confirmed.

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Mr. Schmidlin was in favor of this and liked the location of this new coffee shop.

Ms. Hutchins liked seeing the word Dunkin' on the ground sign because she felt it would be more recognizable than the two Ds. She was in favor of this application.

Mr. Clark felt that because it was a new building, the signs did not look out of place, especially with the Montgomery Quarter right across the street, and more modern signage would also be there.

Mr. Macht appreciated that the applicant used the existing sign locations.

Chairman Schwartz agreed with Ms. Sullebarger and was in favor of this application.

Mr. Grier preferred that the DD be in the location of the word, Dunkin', but realized that we needed to help this business grow, and that the DD symbol would become more well known, over time. He was in favor of this application, as proposed.

*Ms. Hutchins moved to approve the application submitted by Quality Signs and Service, 1530 Production Drive, Burlington, KY 41005 for Certificate of Approval for installation of new signage for Dunkin' at 9321 Montgomery Road, Montgomery, OH 45242, based upon the information provided by the applicant dated June 26, 2019.*

*This approval is based upon the findings that the application substantially conforms to Section 151.1405 "Design Review Criteria" items:*

*(d) Design Review Criterion #4 MATERIALS:*

*Ensure the use of construction materials appropriate to the District, the era and the architecture of the building.*

*(e) Design Review Criterion #5 COLORS: Use paint colors appropriate to the District.*

*(g) Design Review Criterion #7 SIGNS: Use sign design appropriate to the District.*

*of the current Montgomery Zoning Code.*

*As detailed in the Staff Report to Landmarks Commission dated July 11, 2019.*

*This approval is contingent upon the following modification:*

*1) The drop-down drive-through sign shall be an arrow only.*

*Mr. Clark seconded the motion.*

*The roll was called and showed the following vote:*

*AYE: Mr. Schmidlin, Ms. Garfield, Ms. Hutchins, Mr. Clark, Mr. Macht,  
Chairman Schwartz*

*NAY:*

*ABSENT: Mr. Stella*

*ABSTAINED:*

*(6)*

*(0)*

*(1)*

*(0)*

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*This motion is approved.*

**Staff Update**

Ms. Roblero stated that City Council had approved a water main extension on Montgomery Road that will support the Montgomery Quarter development. Cincinnati Waterworks had encountered an issue with ordering of materials so this project may not begin until mid-August.

Staff stated that they are working with the Development Team for Montgomery Quarter and hope to bring a signed Preferred Development Agreement to Council at their first meeting in August. This will be a major accomplishment for the project.

She noted that the Walking Tour on Bastille Day in July was quite successful. Approximately 20 people participated, including Mark Stella.

Ms. Roblero noted that there will be a showing at Yost Tavern this week, where an existing Montgomery business is looking to move to a more charming location.

Ms. Roblero and Matthew Vanderhorst, Community and Information Services Director, met with the City Manager, Brian Riblet last week to discuss the scholarship opportunity program for high school or college students to update the walking tour app. Mr. Riblet was supportive, and they will now present to the Government Affairs Committee of Council for approval.

Ms. Roblero is working with the Parks and Recreation team on a program for a children's educational program around historic landmarks, where they can earn a badge. This will take place in the upcoming months.

Ms. Roblero noted that the former Pomodori's building has been purchased by an MCLA graduate, with plans to open a brewpub, called Montgomery Public House. The brewery license has been approved. They are hoping to open by the end of the year.

Staff stated that they have discovered an alternate vendor to create the Landmark ornaments, who works out of Indianapolis. She stated that the price is a bit higher than before, but the look and quality is comparable to our standards. She will now take this to Planning, Zoning and Landmarks Committee of Council to see 1) if they want to continue with the program 2) if they want to continue making one/year or 3) if they want to make the 11 remaining ornaments in bulk.

Mr. Grier asked about Village Tavern's awning that had been taken down. Ms. Roblero stated that they did replace the covering. She stated that our current regulations do not prohibit that type of awning; if our new regulations had been codified, we could have required a different awning.

Chairman Schwartz referred to Bastille Day, noting that there was a display of the map of the plans for Montgomery Quarter. He asked about the buildings along the back of Cooper, and if they were a maximum of 3 stories. He stated that the plans showed some at 4 stories.

Ms. Roblero stated that on Main Street, there were two buildings that cannot be more than 2 stories. The buildings behind that, backing up to Indian Hill, can be taller – up to 4 stories, but they must be 200 feet from Montgomery Road. She stated that Planning Commission was concerned about the

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height of the buildings backing up to Cooper Road and they will utilize the existing grade to reduce any negative impacts. Chairman Schwartz was concerned that they were very close to the Landmark Buildings and would tower over them.

**Old Business (a)**

***Morgan's Raid Plaque review.***

Mr. Grier gave a mockup to all members, illustrating the revised plaque, in brass/bronze color, showing all changes agreed upon from May 8, 2019 and June 12 meetings. The intent is that it be a Montgomery, Ohio historic marker, not glorifying the horror of the Raid, but marking the event in history, showing the direction they travelled and telling the story. Changes he made:

- He eliminated the arch on the top of the plaque; it looked appropriate when they had Morgan's face, but now replaced with the map, it was better without it.
- The actual size of the sign is 2 inches shorter and 2 inches less in width (1 inch all the way around the sign) than shown on his sample handout.
- The letters will all be raised, and a shiny bronze color.

Changes suggested:

- Ms. Hutchins suggested that they capitalize the town "Salineville"
- Space between the two words: headed east
- Correct spelling of Indiana
- Ms. Sullebarger suggested they title it an Historical Marker, rather than an Historic Marker
- Chairman Schwartz felt that the shape of this plaque might be the template for all of Montgomery's plaques, and asked if they should keep the arch at the top or not. He preferred the arch or rounded at the top. They all agreed on this shape, saying Montgomery Historical Marker. (eliminating Ohio)
- Center "Morgan's Raid" over the text – no need for semicolons, no capital letters
- Make the dotted arrow line thicker, not bigger, to distinguish the actual path of the raid from the other roads

Mr. Grier noted that he would email a revised draft to Tracy, and she could forward to all members. Ms. Roblero advised all members to respond to her individually, with respect to the Sunshine Law.

**Old Business (b)**

***Review of draft text amendments for Chapter 151.14 Heritage Overlay District Regulations for Solar Panels.***

Ms. Roblero wanted to review all the changes that had been suggested at the last meeting, so that members could approve or make additional revisions. All members had received a copy of the revisions in their packets. Ms. Roblero briefly reviewed them all.

She pointed out that she added some verbiage under Building Materials: "Solar shingles may be used, if approved by the Landmarks Commission." Ms. Hutchins asked if the intent was to permit solar shingles and Ms. Roblero confirmed.

Ms. Roblero noted that the remaining changes regarding solar panels were listed separately.



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Ms. Sullebarger noted that in the regulations regarding street furniture, there are 3 “shoulds”. She asked if that was correct, or if we wanted to use the word “shall”?

Ms. Roblero noted that “should” means that we prefer it; “shall” means it is required. The Commission members agreed with the following changes to the street furnishings section:

- Colors for tables, benches and chairs *shall* be muted and use an earth tone consistent with the natural material
- Colors for planters *shall* be muted
- Colors for umbrellas *shall* complement the surrounding buildings

The Commission agreed to language regarding solar panels to read, “solar panels that are not visible from a public right-of-way *may be* permitted, if approved by the Landmarks Commission”. This gives the Commission the option to evaluate each case.

There was discussion about allowing free-standing panels in the side or rear yard. They agreed on this statement: “Free-standing solar panels may be permitted in the side and rear yard, in compliance with the setback requirements for accessory structures, if approved by the Landmarks Commission.”

Members also agreed to modify the distance of roof-mounted solar panels to the roof to no more than 5 inches.

Ms. Sullebarger wanted to comment on the solar panels that were approved on the back of the building for the recent Walker application. She explained that this code did not exist then, and so it did not necessarily create a precedent. She believed it is correct to not have solar panels visible from any public right-of-way.

Mr. Grier pointed out language under awnings. He asked the Commission how they felt about backlighting letters on awnings. Ms. Roblero stated that in Section 151.30 Sign Regulations already prohibited backlighting letters on awnings.

Under signage, Mr. Grier referred to Page 6, and suggested it say: “(12) Sand-blasted wood signs are preferred. Sign materials may be of wood, cast metal, poly-metal, natural stone, brick, or glass, with painted faces or letters. (He added this sentence: *Other materials that have the look and feel of wood may be approved by the Landmarks Commission, if appropriate.*) Plastic signs are prohibited. Vinyl or plastic letters may be approved, if appropriate.”

Mr. Schmidlin suggested that we approve these changes now, and Ms. Roblero will send a revised copy to all members, and if there were any further changes to be made, we will make them at the next meeting.

***Mr. Schmidlin moved to approve the text amendments suggested by Staff for Chapter 151.14 Heritage Overlay District Regulations.***

***It was agreed that Ms. Roblero will make these revisions. She will email them to all members for their comments, in case more changes need to be made.***

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*Mr. Clark seconded the motion.*

*The Commission unanimously approved the motion.*

*This motion is approved.*

**Council Report**

There was no report from City Council.

**Other**

Chairman Schwartz reviewed his 2019 report, (which covered April 2018 to April 2019) to City Council with Commission members.

**Minutes**

Mr. Clark moved to approve the minutes of June 12, 2019, as amended.

Mr. Macht seconded the motion. The Commission unanimously approved the minutes.

**Adjournment**

Mr. Clark moved to adjourn. Mr. Schmidlin seconded the motion.

The meeting adjourned at 8:45 p.m.

  
\_\_\_\_\_  
Karen Bouldin, Clerk

  
\_\_\_\_\_  
Larry Schwartz, Chairman

10/16/19  
\_\_\_\_\_  
Date

/ksb

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**CITY OF MONTGOMERY  
PLANNING COMMISSION REGULAR MEETING  
SAFETY CENTER, 10150 MONTGOMERY ROAD, MONTGOMERY, OH 45242  
November 4, 2019**

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<u>PRESENT</u>		
<u>GUESTS &amp; RESIDENTS</u>		<u>STAFF</u>
Greg Abbott Abbott Image Solutions LLC 185 Park Drive Wilmington, OH 45177	Doug Hinger President Traditions Building & Development Group 4000 Executive Park Drive Suite 250 Cincinnati, OH 45241	Tracy Roblero, Assistant City Manager / Acting Community Development Director Karen Bouldin, Secretary  <u>BOARD MEMBERS</u> Chairman Mike Harbison Vince Dong Jim Matre, Vice Chairman Barbara Steinebrey Pat Stull
Richard Arnold Vice President Land Development MSP Design (McGill Smith Punshon) 3700 Park 42 Drive Suite 190B Sharonville, OH 45241	Scott Humes Development Coordinator Traditions Development Group, LLC 4000 Executive Park Drive Suite 250 Cincinnati, OH 45241	<u>MEMBERS NOT PRESENT</u> Dennis Hirotsu Darrell Leibson
Mark Bailey 120 Village Gate Lane Montgomery, OH 45249	Jim Kiefer Traditions Development Group, LLC 4000 Executive Park Drive Suite 250 Cincinnati, OH 45241	
Richard Brown 131 Village Gate Lane Montgomery, OH 45249	Craig Margolis City Council Member 8270 Mellon Drive Montgomery, OH 45242	
Bill Gresler 214 Legacy Lane Montgomery, OH 45249	John Schumacher 146 Village Gate Lane Montgomery, OH 45249	

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**Call to Order**

Chairman Harbison called the meeting to order at 7:30 p.m. He reminded all guests and residents to sign in and turn off their cell phones.

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**Planning Commission Meeting**

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**Roll Call**

*The roll was called and showed the following attendance:*

- AYE: Mr. Dong, Mr. Matre, Chairman Harbison, Ms. Steinebrey, Mr. Stull* (5)
- NAY:* (0)
- ABSENT: Mr. Hirotsu, Mr. Leibson* (2)
- ABSTAINED:* (0)

**Guests and Residents**

Chairman Harbison asked if there were any guests or residents who wished to speak about items that were not on the agenda. There were none.

**Old Business**

There was no old business to report.

Chairman Harbison explained the process for this evening’s meeting to all guests and residents: “Ms. Roblero reviews her Staff Report, and the Commission asks any questions they might have. The applicant presents their application, and the Commission then asks any questions. The floor is opened to all residents for comments. If a resident agrees with a comment that was previously stated, they could simply concur, instead of restating the entire comment (to save time). The Commission discusses the application, and residents are not permitted to comment or question during this discussion. The Commission will then decide to table, approve or deny the application.”

**New Business - a**

*An application from Abbott Image Solutions, LLC on behalf of GE Credit Union, for Final Development Site Plan Approval of the sign package for the building at 11165 Montgomery Road.*

**Staff Report**

Ms. Roblero reviewed the Staff Report dated October 18, 2019, “Application for Approval of Sign Package, 9856 Montgomery Road”.

Mr. Matre asked about the yellow background and the white plane: if the yellow background is gone, how do you see the white plane. Ms. Roblero stated that the yellow won’t shine through at night, but you would see it during the day.

Mr. Dong asked if we had any signage like this in the City. Ms. Roblero stated that this one was different because typically you would see a square sign with just the background, and letters and logo shining through. This sign is a single channel letter, with the logo. She was not aware of any other sign in the City like this.



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## **Planning Commission Meeting**

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- 54 Mr. Matre asked, if we followed Staff's interpretation, could the applicant request a variance.  
55 Ms. Roblero confirmed, noting that it was another option of appeal, for the applicant.  
56
- 57 Mr. Dong asked if anyone had looked at this sign, from a traffic standpoint – the safety of the  
58 traffic, with the light shining through at night, given that this is such a large sign – 7' x 7'.  
59 Ms. Roblero did not feel that these channel letters were bright enough from that distance, that  
60 they would affect traffic. There shouldn't be any light trespass.  
61
- 62 **Greg Abbott, Abbott Image Solutions LLC, 185 Park Drive, Wilmington, OH 45177**, was  
63 representing General Electric Credit Union. He stated that this is their brand, their identifying  
64 logo that is basically on every location. They are building 6 to 8 new branches next year, and  
65 this brand will be applied universally – it is the yellow and the white.  
66
- 67 Mr. Abbott believed that this sign was exactly the same as the sign at Christ Hospital – with the  
68 blue, yellow and the white around it. He stated that it will look the same way, lighted at night.  
69
- 70 Mr. Matre asked if it was physically possible to change it up – and put the yellow background  
71 behind the letters.  
72
- 73 Mr. Abbott stated that the applicant would fight it. He stressed that it is their brand and they are  
74 trying to make a big impact in the Cincinnati area; this would cause a problem for his client.  
75
- 76 Mr. Dong asked if Mr. Abbott had a picture of another location that he could show members.  
77 Mr. Abbott showed all members a picture on his iPad.  
78
- 79 Ms. Steinebrey asked if these signs would be up now, if she were to go to the Loveland and the  
80 Reading Road locations. Mr. Abbott confirmed. Ms. Roblero stated that the Route 4 location  
81 did not have this signage.  
82
- 83 Mr. Abbott stated that this is a new brand for them, and Florence, KY will be opening soon and  
84 will be the first location with this new brand. Next, will be the one in Oakley.  
85
- 86 Chairman Harbison asked if Christ Hospital's signs required variances. Staff confirmed that they  
87 had many sign variances.  
88
- 89 Mr. Dong asked if the airplane sign with the yellow seemed so much bigger than the letters.  
90 He felt that people would really see the logo, and not the letters. He asked if that was the point.  
91 Mr. Abbott confirmed. He noted that many people just associate them with General Electric, and  
92 as a credit union, they are not. They are trying to break this stigma, because anybody who lives  
93 or works in these counties can utilize them, but the stigma holds them back.  
94
- 95 Ms. Steinebrey was confused that they were doing this, as the airplane was such a close  
96 connection with General Electric Aircraft. Mr. Abbott stated that they also had iterations that  
97 might come later. He noted that this was a progression.

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## **Planning Commission Meeting**

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98 Chairman Harbison asked if any guests or residents wished to speak. There were none.  
99  
100 Chairman Harbison closed the meeting to the public.  
101  
102 Chairman Harbison gave a bit of history, noting several other large companies that did not  
103 receive the sign package that was proposed: Kroger, CVS, car dealerships, and some banks.  
104 He felt that the applicant needed to follow the Zoning Code.  
105  
106 Ms. Roblero stated that the applicant is stating that this is the logo. Our code says that the logo  
107 and lettering is permitted to shine through at night. The applicant feels that the entire thing  
108 should be able to shine because it is all the logo.  
109  
110 Ms. Roblero's interpretation of the Zoning Code, is that the yellow is not the actual logo, it is the  
111 background. She noted that this is different because we have not had a situation where the entire  
112 sign was the logo. This is why we need the interpretation of the Commission.  
113  
114 She pointed out to the applicant that there is still an option to go before the Board of Zoning  
115 Appeals and apply for a variance, if this is not approved tonight.  
116  
117 Mr. Dong felt that the logo was so much bigger than just a regular lit sign. He felt that  
118 Montgomery's intentions would not be to have such a large, lighted sign.  
119  
120 He pointed out that Christ Hospital's sign had the logo and the lettering of the same height; it  
121 was not overbearing. He felt that if the logo was in proportion to the lettering – similar to the  
122 Christ Hospital sign, it would be different. He was concerned that this would change the  
123 character of Montgomery to allow this as a precedent.  
124  
125 Ms. Roblero noted that she has taken a strict conservative interpretation of the code because the  
126 whole sign feels as if it is the background.  
127  
128 Mr. Stull stated that this would set a precedent for other signage, if we approved this. He was  
129 not in favor of setting a precedent with this application.  
130  
131 Ms. Steinebrey agreed with the other members. She stated that the sign was overpowering and  
132 did not meet the requirements of the code. Chairman Harbison agreed.  
133  
134 Mr. Matre noted a similar situation with First Financial Bank-another company that was not  
135 permitted to go forward with their proposed signage.  
136  
137 ***Mr. Matre made a motion to approve the application from Abbott Image Solutions, LLC on***  
138 ***behalf of GE Credit Union, for Final Development Site Plan Approval of the sign package for***  
139 ***the building at 11165 Montgomery Road, conditioned upon the background being a single,***  
140 ***opaque, non-reflective material. This means that only the letters and airplane will be lighted,***  
141 ***the yellow will not illuminated.***

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**Planning Commission Meeting**

November 4, 2019

142

143 *Ms. Steinebrey seconded the motion.*

144

145 *The roll was called and showed the following vote:*

146

147 *AYE: Mr. Stull, Ms. Steinebrey, Mr. Matre, Mr. Dong, Chairman Harbison (5)*

148 *NAY: (0)*

149 *ABSENT: Mr. Hirotsu, Mr. Leibson (2)*

150 *ABSTAINED: (0)*

151

152 *This motion is approved.*

153

154 **New Business - b**

155 *An application from Traditions Development Group, LLC for Final Development Plan*  
156 *approval for Phase 10 of the Vintage Club community.*

157

158 **Staff Report**

159 Ms. Roblero reviewed the Staff Report dated November 1, 2019, "Application for Final  
160 Development Site Plan for Phase 10 of the Vintage Club of Montgomery". She stated that the  
161 Development Team was present tonight.

162

163 Mr. Dong asked about mixed use in this area– restaurants, and office. He asked if we knew how  
164 much percentage of each item would be in this building.

165

166 Ms. Roblero stated that the way that the conditions were written for the Vintage Club, is that  
167 only maximum numbers were established, not minimum. She deferred to the Development  
168 Team, noting that retail and restaurant are slotted for the first floor, and office will be on the  
169 second or third floor.

170

171 Mr. Dong asked about the hospital. Ms. Roblero noted that it is considered a medical office use.  
172 She stated that even with the hospital, the development is well below the maximum office  
173 permitted. Mr. Dong was very concerned that it will turn out being all office use, and very little  
174 mixed use.

175

176 Ms. Roblero pointed out that the regulations cap office use of 165,000 square feet, and there is  
177 only 100,000 square feet currently, including The Christ Hospital. This is because the overall  
178 density was reduced, but the regulations for square footage allowances did not change. They can  
179 go up to another 65,000 square feet, according to our approval.

180

181 Ms. Roblero noted that Building C was 27,000 square feet, so it could potentially as all office use  
182 and be in compliance with the regulations; however, she noted that was not the developer's  
183 intention. She also stated that she did not believe Mr. Dong would have any legal reason, with  
184 regard to the office use, not to approve this building.

185

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186 Ms. Steinebrey was in favor of this proposal.

187 Mr. Stull stated that they have met all of the zoning requirements.

188

189 **Doug Hinger, President, Traditions Building & Development Group, 4000 Executive Park Drive, Suite 250, Cincinnati, OH 45241** introduced:

191 - Jim Keiffer, Sr. VP of Engineering, Traditions Group

192 - Rich Arnold, VP of McGill Smith Punshon

193 - Scott Humes, Development Coordinator, Traditions Group

194

195 Mr. Hinger referred to a PowerPoint presentation, showing Phase 10 of the Vintage Club.

196 He talked about Building C, and pointed out that their goal was to have the first floor dedicated

197 to retail; he was not sure if it will be a restaurant or not. The second floor was targeted for a

198 restaurant, and an outdoor dining area, and some other retail space. The third floor shows an

199 example of 3 specific office tenants, or could be one single user.

200

201 He noted that while this was a single building, it is designed to look like 3 individual buildings.

202

203 Mr. Hinger showed all a video about Building C, and provided commentary.

204

205 **Scott Humes, Development Coordinator, Traditions Development Group, LLC, 4000**

206 **Executive Park Drive, Suite 250, Cincinnati, OH 45241** showed samples of the three different

207 styles of the bricks they will use, and then pointed out each corresponding building, on the wide

208 screen.

209

210 Ms. Roblero pointed out the HVAC units on the top of the building and wanted to ensure they

211 could not be seen over the parapet walls. Mr. Hinger stated that they will double-check the sizes

212 and locations with their mechanical contractor and confirm that.

213

214 Mr. Dong asked if additional screening was needed, would they be open to provide it?

215 Mr. Hinger agreed, noting that they would prefer to use a parapet, and they will check to be sure

216 they don't see the mechanicals on top of the roof. Staff stated she could check that at the permit

217 level. Ms. Roblero had concerns with the view from southbound. There was more discussion

218 about seeing the mechanicals on top of the roof – from every angle. The Commission wanted to

219 avoid this.

220

221 Mr. Dong's concern was with maintaining the mixed use and was hoping to avoid 100% office

222 area. Mr. Hinger stated that they are subject to the market, but the real market for them is to

223 build condominiums, and they are trying to accommodate those.

224

225 Mr. Hinger stated that Building K is proposed to be a large restaurant, a 4,700 square foot, one

226 story building. They are hoping for 3 eateries – for evening and for lunch.

227

228 Mr. Matre asked if there was an elevator in this building. Mr. Hinger confirmed there was.

229



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**Planning Commission Meeting**

November 4, 2019

230 Chairman Harbison asked if any guests or residents wanted to comment. There were none.

231 Chairman Harbison closed the meeting to the public.

232

233 Mr. Dong was in favor of the design and the different brick colors, and thought the buildings  
234 looked great. His only concern was with keeping the mixed use percentage.

235

236 Mr. Matre felt that the market would determine the mixed use, and did not have any concern.  
237 He was in favor of this application.

238

239 Mr. Stull agreed.

240

241 Ms. Steinebrey was glad to have seen the sample bricks, and felt this building looked very nice.

242

243 Chairman Harbison concurred with other members' thoughts.

244

245 *Mr. Matre made a motion to approve an application from Traditions Development Group,*  
246 *LLC for Final Development Plan approval for Phase 10 of the Vintage Club community, with*  
247 *the conditions set forth in the Staff Report dated November 1, 2019. This approval is also*  
248 *based on the following conditions:*

249 *1) building materials will stay the same*

250 *2) final confirmation by Staff, of appropriate mechanical screening,*  
251 *at the time of building permit*

252

253 *Mr. Stull seconded the motion.*

254

255 *The roll was called and showed the following vote:*

256

257 *AYE: Ms. Steinebrey, Mr. Matre, Mr. Dong, Mr. Stull, Chairman Harbison (5)*

258 *NAY: (0)*

259 *ABSENT: Mr. Hirotsu, Mr. Leibson (2)*

260 *ABSTAINED: (0)*

261

262 *This motion is approved.*

263

264 **New Business –c**

265 *An application for text amendments to Chapter 151 of the Land Usage Code regarding the*  
266 *Heritage Overlay Design Guidelines.*

267

268 **Staff Report**

269 Staff reviewed the Staff Report dated November 1, 2019, "Proposed Text Amendments to  
270 Chapter 151.14 Heritage Overlay District." She noted that we want to keep the word "shall"  
271 consistent throughout the document. The word "shall" means you absolutely must do it,  
272 "should" means it is recommended, but it is not a requirement. The word "must" is being  
273 replaced with the word "shall" to be consistent.

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## **Planning Commission Meeting**

November 4, 2019

274 Mr. Matre stated that he reviewed these changes and did not see anything that jumped out to him.  
275 He felt we should go forward and approve it; since the Landmarks Commission has spent so  
276 much time working on the amendments.

277

278 Chairman Harbison asked why the change on page 7: 151.1406 was struck. Ms. Roblero stated  
279 that this was taken out because it was written before we codified much of the information. Now,  
280 all of the roof guidelines, colors, etc. are incorporated into the Zoning Code. This was just an  
281 administrative clarification.

282

283 Mr. Dong has heard that a lot of shops were leaving because our rent is more expensive than in  
284 other areas. He wonders why we have such a turnover. Ms. Roblero did not feel it was because  
285 of the regulations. She thinks many people come to open new businesses downtown because  
286 they feel there is a lot of foot traffic. Unfortunately, there is not as much foot traffic as they  
287 think and they need to do a better job at marketing.

288

289 Ms. Roblero stated that they meet with the new business, tell them not to rely on foot traffic and  
290 that they will need to advertise. She stated that the City will run an article in the *Montgomery*  
291 *Bulletin* to get free advertising to residents and business owners. They also connect them with  
292 the Chamber.

293

294 Mr. Dong felt that sustainability and lower carbon footprint would become more prevalent than  
295 before. He asked if our principal in Montgomery is to get people to a zero carbon footprint.

296 Ms. Roblero stated that the city is supportive of that – we have the Environmental Commission,  
297 and we wave permit fees for solar installations, to encourage this. We are not mandating it, but  
298 are very supportive.

299

300 Mr. Matre asked if we had any solar regulations for anywhere else in the City. Ms. Roblero  
301 stated that we do not, noting that there were several installs throughout the City, and they were  
302 regulated as an accessory structure.

303

304 Ms. Roblero noted that the Landmarks Commission spent a lot of time working on the solar  
305 panel regulations. There was more discussion about solar panels.

306

307 ***Mr. Matre made a motion that the Planning Commission recommend to City Council that they***  
308 ***approve the text amendments to Chapter 151 of the Land Usage Code regarding the Heritage***  
309 ***Overlay Design Guidelines, as dated July 2019 Revision.***

310

311 ***Mr. Dong seconded the motion.***

312

313 Mr. Dong wanted City Council to note that his approval was based on them considering allowing  
314 secondary streets in the Historic District to have solar panels. Ms. Steinebrey did not agree with  
315 this, noting that she was not in favor of solar panels on the front of buildings in the Heritage  
316 District, because it was not in character with the District and it is such a small area.

317

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**Planning Commission Meeting**

November 4, 2019

318 Mr. Stull didn't feel it would be a huge issue.

319

320 *The roll was called and showed the following vote:*

321

322 *AYE: Mr. Matre, Mr. Dong, Mr. Stull, Ms. Steinebrey, Chairman Harbison (5)*

323 *NAY: (0)*

324 *ABSENT: Mr. Hirotsu, Mr. Leibson (2)*

325 *ABSTAINED: (0)*

326

327 *This motion is approved.*

328

329 **Staff Report**

330 Ms. Roblero stated that they had a very successful ground-breaking for the Montgomery Quarter,  
331 and received a lot of positive press.

332

333 The annual Chamber dinner will be held on November 14.

334

335 She noted that Kotsovos would be coming before Landmarks Commission next week for an  
336 addition to the Kotsovos building, over the parking lot. They want to build a single story over  
337 the existing parking lot in the back.

338

339 She noted that Twin Lakes was looking into additional development across.

340

341 Ms. Roblero stated that she had reached out to the new owners of the Euro Café and they are still  
342 working on the remodel; they have encountered more than they had anticipated.

343

344 Ms. Roblero stated that she will be out of the office this Thursday through Tuesday.

345

346 Ms. Steinebrey asked about Steak 'n Shake. Ms. Roblero stated that it is owned by the Josephs.  
347 There was a nationwide closure of the restaurants.

348

349 Mr. Dong asked if there has been any feedback about the CBD store. Ms. Roblero stated there  
350 has been no negative feedback.

351

352 **Council Report**

353 There was no report from Council.

354

355 **Other**

356 There was no other business to report.

357

358 **Minutes**

359 Mr. Dong moved to approve the minutes of October 7, 2019, as amended.

360 Ms. Steinebrey seconded the motion. The Commission unanimously approved the minutes, as  
361 amended.

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**Planning Commission Meeting**

November 4, 2019

362 **Adjournment**

363 Mr. Matre moved to adjourn. Mr. Stull seconded the motion.

364 The Commission unanimously approved. The meeting adjourned at 9:07 p.m.

365

366

367

368

369

370

371

372 \_\_\_\_\_  
Karen Bouldin, Clerk

\_\_\_\_\_  
Michael Harbison, Chairman

Date

373

374 /ksb