

PLANNING COMMISSION MINUTES OF April 19, 2023
6:00 PM Council Chambers
745 Center Street, Milford, OH 45150

The Planning Commission of the City of Milford met in regular session on the evening of Wednesday, April 5, 2023, at Council Chambers, 745 Center Street, Milford, OH 45150.

Roll Call: Mr. Brumleve called the Planning Commission meeting to order at 6:03 PM. Other members present were Ms. Evans, Mr. Wenstrup, and Mr. Price. Mr. Wenstrup made a motion to excuse Ms. McKnight, seconded by Mr. Price. The motion carried 4-0.

Staff: Ms. Celsor, Planning and Community Development Coordinator and Mr. Pacheco, Law Director.

Visitors: Charles Shafer, Union Township; Rachele Rapp Dickerson, 5440 S. Milford Road; Steven A and Linda Yokel, 100 Main Street.

Minutes Approval:
Mr. Wenstrup made a motion to approve the April 5, 2023 minutes, seconded by Mr. Price. Motion carried 4-0.

SITE 23-03 100 Main Street, Minor Building Improvement
Ms. Celsor read the staff report into the record:

Project: Mercantile Mall Minor Building Improvements
Location: 100 Main Street
Applicant and Property Owner: Steven A. Yokel
601 Wooster Pike
Terrace Park, OH 45174
Acreage: .039 Acres
Tax Parcel Id: 210709.016D
Zoning: MRD Milford River District
Existing Use: Mercantile Mall antique store

ADJACENT LAND USE AND ZONING
All adjacent property is zoned MRD, Milford River District.

Minor Building Improvements
Planning Commission will review a request submitted by Steven A. Yokel to replace the previously existing awning with a new awning and possibly change the paint color of the body of the building. Modifications visible from the public right-of-way require approval by the Planning Commission.

The blue Mercantile Mall awning was damaged in a storm on April 6, 2020. Code Enforcement staff and the Police Department have been working with Mr. Yokel since that time to get the awning replaced. In addition to the awning needing to be replaced, there is restoration work that needs to be done on the façade. The applicant is proposing removing the existing damaged siding over the front entrance; installing new cement fiber board and batten siding; replacing all existing trim with cement fiber trim boards; and replacing/repairing metal water table with new fabricated galvanized metal. Mr. Yokel previously stated that the project would be done in October of 2022, however the project has been continually delayed.

The applicant is proposing a new multi-color awning as shown in the application materials. The applicant also suggests a potential main building body color change. The application materials state that the color printed images

do not match the actual awning or paint chip. Staff has not received material or color samples representing the proposed colors.

Staff has pointed out to the applicant that the proposed awning does not appear to meet the specifications for the Milford River District:

1167.11(C) Design Standards-Colors

3. Always choose colors that blend well with the natural color of the buildings' unpainted brick or stone. If the building is framed, or is already painted, colors should be selected that will blend well with the predominant colors that already exist in this zoning district.
4. Limit the use of contrasting colors on the buildings within the MRD district. Color schemes should be kept simple, with no more than one or two trim colors used on any given building.
5. The chosen color scheme should help tie all of the parts of the building together. Typically, the color that is used in the storefront area should be repeated in the upper story windows or cornice area.
6. Bright primary colors, including shades of purple, turquoise, orange, pink, etc. are strongly discouraged in the MRD district.

Staff is unable to recommend approval of the proposed awning and building color change without seeing material and color samples, and without having more information about exactly what part of the building would be painted, and what part would remain the existing colors.

STAFF RECOMMENDATION

Staff does not recommend approval of the Minor Building Improvement without additional information.

Ms. Celsor: I will add that on Friday afternoon Linda Yokel brought in samples of the color and material for the awning. It is a little bit different than what was in the application.

Ms. Yokel: I'd like to tell you a little bit about my color choice and how inappropriate it appeared when I submitted it. I do not wish to keep the turquoise and peacock blue anymore. I wish to make a color combination which best suites the neighboring building. I propose to use a wine color for the main body and the upper trim and many of the other panels will be the darker match. The awning, I chose it so it would include the colors of the adjoining building. This business that we have, 104, is included in 106, and we call it 104 and 100. I have a color chart that shows what 104 looks like and the proposed main body of 100 and I have this rose color for small touch ups way up high. The repair has been quite a problem. At the very top we can't put an awning back. We had to find a specialist to repair the brick.

I will add to the awning in a cream color the name of the building which would be Mercantile Mall and it would be the same as the awning that was torn.

Mr. Brumleve: I want to say thank you for your continued business in the City.

Ms. Evans: When you say trim, all the stuff that is cream now would be that trim color?

Ms. Yokel: Yeah, it would be the dark.

Mr. Wenstrup: What is the reasoning behind the preference to not have pink, orange, or purple?

Ms. Celsor: That is in the zoning code.

Mr. Wenstrup: I see two pinks and three oranges in this. I don't know if that's problematic, I don't know if the zoning code is arbitrary. We've talked about the paint colors. The colors that stand out are in the awning.

Ms. Yokel: If we look on Main Street there are a lot of colors that are in the families that are unacceptable. All of these things add to our family of interesting colors.

Mr. Brumleve: To your point, I do see a blended color palette. There seems to be a blended approach that is appropriate.

Mr. Price: I personally like the paint palette. I think the awning is jarring.

Mr. Wenstrup: It is stand out-ish, and I don't know how stand out-ish it would be. I would try to get a better sense of it on a building. I would take the front and side pictures of the building and plop these colors on them. I need a better visualization.

The awning begs the question, are we talking about signage as well?

Ms. Yokel: It will be on the ruffle.

Ms. Celsor: Typically when we get proposals for awnings, we have a plan of the awning that includes the letters on it. That's typically what we review. There are requirements, like the letters I think can't be more than fifty percent of the face.

Ms. Yokel: Well Mercantile Mall is a long word but it's just on the drop.

Ms. Celsor: At any rate, that would be considered signage that would be reviewed administratively.

Ms. Evans: Do you know the size of the awning?

Ms. Yokel: No.

Mr. Brumleve: Fifteen feet across more or less.

Ms. Evans: The color of the body of the building, I don't think it's bad. That little piece is not terrible but I'm afraid when it's eighteen feet by twenty feet or whatever it's going to be a lot.

Mr. Price: I agree.

Ms. Evans: The building next door is orange.

Mr. Price: That's a really muted color to me.

Ms. Evans: It is. It's more of a terra cotta.

Mr. Wenstrup: Is there a way we can paint the building and talk about the awning later? The applicant said she picked the colors based on the awning. The question is what can we do today, if anything. I need to mock it up somehow to see how overwhelming it might be. Otherwise I would suggest going back to the drawing board.

Mr. Price: I agree.

Mr. Brumleve: I differ. I find it to be a bit edgy and I think that it will come to grow on us a bit. When you see it from across the block, I think there will be a more blended appearance.

Mr. Pacheco: So you've got a couple of options. It sounds like you heard everything you need to hear to make a decision. One is go back and provide what the Mayor and Mr. Wenstrup have said and come back and show us what that looks like. Second option is up or down right now.

Mr. Wenstrup: When's our next meeting?

Ms. Celsor: The next regularly scheduled meeting is May 10th.

Mr. Wenstrup: I'm going to make a motion that we continue this until we can gather information that let's us see it more as the presentation of the building itself, and particularly focusing on the proportion and overall look of the building with those colors on there.

Mr. Price: I second that.

Mr. Pacheco: You have a motion and a second to come back on May the 10th at 6 pm. One of the things I think Mr. Wenstrup is pointing out is to help the Planning Commission determine which colors blend well with the natural colors of the buildings under item three. In order for you to make that determination you need more information to determine the blend.

The Planning Commission voted 4-0 to continue the application for Minor Building Improvement for 100 Main Street to the May, 10, 2023 Planning Commission at 6 pm.

TA 23-01 Accessory Dwelling Units

- Mr. Brumleve: Any consideration of accessory dwelling unit would come before the Planning Commission? Am I getting that right?
- Ms. Celsor: Yes because it's a conditional use.
- Mr. Pacheco: Yes, it's a conditional use everywhere. Correct.
- Mr. Brumleve: And I think that's entirely appropriate. The other thing I wanted to cover here is that these structures are permanent.
- Mr. Wenstrup: I agree with you on that.
- Mr. Brumleve: These will require building permits.
- Ms. Evans: There's two things that I found that I don't know if it's in ours or if it's needed. One was that the accessory units shall not be sold separately. The other one was that the permit is only effective as long as the person lives in the main residence or the accessory.
- Mr. Pacheco: I think that you can. What I wouldn't want us to do right now, given the pending litigation, is say you can't rent these.
- Mr. Price: I have a small lot, our house is whatever it is, 2700 square feet, so that gets you, at 66% of that to 1800 square feet, so I'm assuming if I were coming before Planning Commission, that would be our opportunity, that takes up too much of your lot.
- Mr. Brumleve: Not in harmony and compatible or with other buildings in the neighborhood.
- Mr. Wenstrup: Do they build an accessory dwelling unit on a slab?
- Mr. Brumleve: It has to have a permanent foundation. It goes through the building permitting process.
On point J, detached accessory dwelling units shall not exceed twenty-five feet in height.
Exception: a legally existing accessory structure being converted to an accessory dwelling unit may exceed twenty-five feet provided the establishment of the accessory dwelling unit does not expand the existing structure's height. To link the height restriction to its footprint...I don't see where the footprint should be a contingency for the height.
- Mr. Pacheco: Fine here. The intent on this one is to say if you have something that's thirty feet already we're not going to limit your ADU to twenty-five feet. You can go to thirty.
- Mr. Brumleve: But we're also saying we're not going to let you go to the thirty-fifth foot.
- Mr. Pacheco: Correct. That's exactly right.
- Mr. Brumleve: In point L, do we need to expand the one bedroom to be talking or sleeping area or space for sleeping. I'm kind of worried about the definition of bedroom.
- Mr. Pacheco: I'm actually more concerned about defining it that way.
- Mr. Brumleve: I'm thinking specifically there might be plan variants that don't have a bedroom, where it has a sleeping area in a studio type plan.
- Ms. Celsor: It doesn't really say it has to have a bedroom, right? The first part is a shall so the thing is they couldn't show two bedrooms on the plans.
- Mr. Wenstrup: Is the population of the accessory dwelling unit defined as one or two people?
- Mr. Pacheco: I don't know what the residential building codes would say but you would have some limit.
- Mr. Brumleve: I need to have the word tiny stricken from this. Point N - tiny home is not a definable term. What that leaves though is two words that sit next together. Mobile homes. Mobile homes, recreational vehicles, and trailers are not permitted as accessory dwelling units. Mobile structures and vehicles are not permitted. I'm worried that somebody will take that as they can not get a modular or prefabricated structure to be usable because those can be permanent.
- Mr. Pacheco: I think we have our direction already. We're changing height in J and we're changing structures and vehicles in N and we're saying whichever is greater in C, and we took out tiny. So I've got four changes there. If you say that's what you want, I would say you direct us to start the text

amendment process with these changes and we' start the 1133.04 with this notice. So you can tell us right now, set the public hearing.

Mr. Wenstrup: I'd like to make a motion – what he said.

Mr. Price: I second.

Mr. Pacheco: So we've got a motion and a second. So Planning Commission understands what it's voting on. We have clear direction from the Planning Commission. Thank you for the recommendation. Planning Commission by this motion is instructing Christine and I to start the 1133.04 process, which will be, we will send out notice that we will have a hearing on these recommended changes at whatever date that is within that window. So Christine do you have a suggestion as to when that date will be?

Ms. Celsor: I would do the June 14th.

Ms. Evans: Is the Council meeting the public hearing?

Mr. Pacheco: Both. You're going to have one in planning and Council will have one based on Planning Commission's recommendation.

Mr. Brumleve: I might want to amend the motion that we're going to take this back up on June 14th.

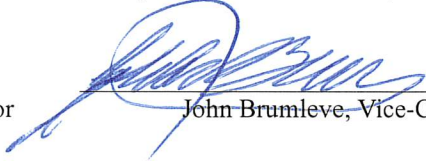
Ms. Evans: Second.

The Planning Commission voted 4-0 to instruct the Law Director and Zoning Administrator to start the 1133.04 process for a text amendment for accessory dwelling units with a public hearing on June 14th.

There being no further business or comments to come before the Planning Commission, Ms. Evans made a motion to adjourn the meeting at 7:37 PM, seconded by Mr. Price. Following a unanimous decision, the ayes carried.



Christine Celsor, Planning and Comm. Dev. Coordinator



John Brumleve, Vice-Chair

CITY OF MILFORD
PLANNING COMMISSION MEETING
April 19, 2023 6:00 p.m.

SIGN IN SHEET

NAME	ADDRESS
Charles Shafer	Union Twp
Rachelle Rupp Dickerson	5440 S. Milford Rd
Steven A Yokel	100 Main Street
Linda Yokel	100 Main Street

