

PLANNING COMMISSION MINUTES of December 13, 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, December 13, 2023, at Council Chambers, 745 Center Street, Milford, OH 45150.

Roll Call: Ms. McKnight called the Planning Commission meeting to order at 6:00 PM. Other members present were Mr. Brumleve, Ms. Evans, and Mr. Price. Ms. Evans made a motion to excuse Mr. Wenstrup, seconded by Mr. Brumleve. The motion carried 4-0.

Staff: Ms. Celsor, Planning and Community Development Coordinator.

Visitors: Ryan Marcotte and Ken Marcotte, 8086 Crestridge Drive, West Chester, OH 45069

Minutes Approval:

Mr. Brumleve made a motion to approve the November 8, 2023 minutes, seconded by Mr. Price. The motion carried 4-0.

SITE 23-14, 731 Lila, Conditional Use

Ms. Celsor read the staff report into the record:

Project: Borderline Auto Sales

Location: 731 Lila Ave

Property Owner: Ulmers 5 LLC
700 Lila Ave
Milford, OH 45150

Applicant: Borderline Auto Sales
8086 Crestridge Drive
West Chester, OH 45069

Tax Parcel Id: 210726.107P

Acreage: .5 acres

Zoning: B-3, General Business District

Proposed Use: Automotive sales

ADJACENT LAND USE AND ZONING

All surrounding property is zoned B-3, General Business District

PROPOSAL

The applicant is seeking approval to operate an automotive sales business on the property located at 731 Lila Ave. Parcel id is 210726.107P. The property is zoned B-3 General Business District. Automotive sales is a conditional use in the B-3 District which may be permitted upon approval by Planning Commission.

SITE DESCRIPTION

This .5 acre parcel is the site of a former gas station. The majority of the site is paved. There is a small building and a metal canopy. No changes to the site are being proposed.

STANDARDS FOR ALL CONDITIONAL USES

In review of a conditional use application, the Planning Commission shall consider whether there is adequate evidence that the proposed conditionally permitted use is consistent with the following standards:

- A. The conditional use is consistent with the spirit, purpose and intent of the Comprehensive Plan, will not substantially and permanently injure the appropriate use of neighboring property and will serve the public convenience and welfare.
- B. The proposed conditional use is to be located in a district wherein such use may be permitted, subject to the requirements of Chapter 1195, Conditional Uses.
- C. The requirements set forth for each specific conditional use will be met;
- D. Minimum standards for parking and loading areas shall be as required in Chapter 1187, Off-Street Parking and Loading Requirements;
- E. Minimum Standards for landscaping shall be as required in Chapter 1189, Landscaping and Bufferyard Requirements; and
- F. The proposed use shall be adequately served by essential public facilities and services such as, but not limited to, roads, public safety forces, stormwater facilities, water, sewer, and schools.

Section 1195.05 specifies specific standards for each conditional use. Automotive sales standards are listed below:

- 1. No structure shall exceed 35 feet in height.
- 2. All structures and activity areas, except off-street parking, shall be located no less than 40 feet from all lot lines.
- 3. There shall be no more than two ingress/egress drives onto the property. No drive shall exceed 35 feet in width.
- 4. All points of ingress/egress shall be located as far as practically possible from intersections of two or more major thoroughfares.
- 5. Any repair shop or establishment that is accessory to the sale of motor vehicles shall meet the conditional requirements of Automotive Repair Establishments.
- 6. Lubrication and other incidental servicing other than washing of motor vehicles and all supply and merchandise storage shall be completely within an enclosed building except as otherwise provided herein.
- 7. Lighting, including permitted illuminated signs, shall be arranged so as not to reflect or cause glare that would constitute a nuisance to any residential use or hazard to traffic on any public thoroughfare.
- 8. Employee vehicles and vehicles awaiting servicing or return to customers following servicing shall be parked in areas indicated for such parking on the approved site plan.
- 9. Parking areas and vehicle display areas shall not encroach upon any bufferyard required in Chapter 1189, Landscaping and Bufferyard Requirements.

ANALYSIS

The applicant is not proposing to make any changes to the site. The conditional use request does not appear to negatively impact the adjacent property.

The applicant appears to be able to satisfy the conditional use requirements for automotive sales as specified in Section 1195.05, and the proposed use is in keeping with the existing development.

STAFF RECOMMENDATION

Staff recommends approval of this conditional use application.

Mr. Brumleve: When we're doing these, we are notifying adjacent properties?

Ms. Celsor: Yes.

Mr. Brumleve: Was any comment received from any of the adjacent properties?

Ms. Celsor: No.

Mr. Brumleve: And any site improvements sought by the applicant at a later date have to come before us?

Ms. Celsor: It depends on what the improvements would be.

Mr. Brumleve: Specific to conditional use for automotive sales standards as listed as items one through nine under 1195.05.

Ms. Celsor: If it's just lighting, we've allowed that without having to come before Planning Commission, if it meets the zoning requirements. If they wanted to build a new structure or change the flow of the lot, that would definitely be a site plan issue that would come before Planning Commission. If it's something really minor, it might not have to come before Planning Commission.

Mr. Brumleve: Okay. And that criteria specifically as it relates to lighting have to, would be an administrative call with regards to whether it constitutes any nuisance to residential use or traffic. Am I right?

Ms. Celsor: Yes. And you could of course attach a condition of approval specifying if any additional lighting were to be added. It would have to come before Planning Commission if you'd prefer that or if you don't, it would be your call.

Mr. R. Marcotte: I'm Ryan Marcotte. 86 Crestridge Drive is my address. Westchester, 45069.

My dad and I have actually, we had a car sales business in Loveland and he had a service place in Loveland, too, for the last 40 years. So we've already been at this for a while. Been at the service thing for 40 years and 20 years for used car sales and recently just sold the service side and the guy, actually it's Ulmer's who bought it. So there was no room to operate over there and do used car sales anymore. So he offered us this lot over here and seemed to give us a good price on it. We figure we'll try our luck at it, you know?

Mr. Brumleve: With regards to trying your luck at it, you've judged the property to be suitable as far as situation and positioning within the city for good use, for your use?

Mr. R. Marcotte: I think so. It's a little on the small side. I think we could probably put maybe 10 to 15, maybe 20 cars over there.

Ms. Evans: You're renting the property, not purchasing it, correct?

Mr. R. Marcotte: Just renting.

Mr. Brumleve: And you find the site lighting to be sufficient to your needs?

Mr. R. Marcotte: Actually, I don't even know what the lighting situation is. I've never seen it in, I guess I should probably just drive by and take a look. I guess it's worst-case scenario, we can modify lighting if needed. So long as it's okay with you guys.

Mr. K. Marcotte: They've taken the lights down from the canopy. I think we'd like to put some back up.

My name is Ken Marcotte. I live at 6698 Branch Hill Guinea Pike, Loveland, Ohio. I was in business in Loveland for 40 years and I retired. I'm going to help my son start this business here.

We will improve the building as far as the paint that looks pretty hideous and the lights have been removed. Whatever we do, that building will start to be improved of what it's now.

Ms. McKnight: Christine, maybe you could explain briefly about any permits or review needed on the lighting, because they are talking about putting the canopy lights or lights in the canopy again.

Ms. Celsor: The zoning code specifies how bright the light can be in relation to the property lines. So that would be something to keep in mind that the brightness meets what's in the zoning code. You may or may not need an electrical permit depending on what the setup is.

Ms. McKnight: Understanding that people got to see the car, to want to buy it, you'll need to be sure to keep the sidewalk clear of any cars so that pedestrian traffic can be maintained.

Ms. Evans: I have a couple concerns I guess. I have received a lot of comments and emails, not necessarily wanting that used on that stretch of road and we're getting ready to do a million dollar corridor improvements in 2025. And that was just a concern. Is this the best use?

Mr. Price: And that was my question, pertaining to the comprehensive plan. We're really trying to keep things that are happening downtown, moving further up 28 and down Lila. I don't personally think it's consistent with the comprehensive plan.

Ms. Evans: Yeah. I'm not against the business at all, but I don't know if it's the best location.

Ms. McKnight: I agree with your sentiments. With regard to the comprehensive plan, I guess my response is our zoning code doesn't line up with the comprehensive plan. They're asking to do something the zoning allows.

Mr. Brumleve: This site is pretty well shielded from what is becoming a center point, a centerpiece for the city. We're trying to move the city life up towards Five Points as the investment proves. So I would say that this property is pretty well shielded.

There's a lot of improvements that sometimes happen with unintended consequence. Hence, my concern about the lighting. So I just want to make sure that we have it pretty well covered administratively so we don't have to make a condition. Certainly any condition to be imposed on such a request to have it come back before say Planning Commission or whatever would be a burden. But at the same time, it would also possibly be redundant to what we've already got in place and I would hate to do something redundant or unnecessary.

Ms. Celsor: What I look for, for lighting compliance, is a photometric plan that actually shows how strong the lighting levels are at the property lines. I know there's probably a cost to have one of those done, but that would be what I would be looking for to make sure it complies with zoning.

Ms. Evans: I do like the fact and I probably would want something in here if they're going to improve the property because now it's in pretty bad shape and it's just concrete. That's all that it is.

Mr. Brumleve: And there are cars parked on it today.

Ms. McKnight: That's what I was going to say, it looks like a car lot now. With all the workers parked over there.

Mr. Price: But it looks terrible the way it is.

Ms. McKnight: They're not allowed to have all the typical car dealership flags, banners, all that stuff, correct?

Ms. Celsor: It depends on exactly what kind of banners and stuff you mean. Technically any kind of banner signage needs a permit. There are temporary banners that are allowed.

Ms. Evans: I'm just thinking sometimes typically when you see a car lot or something, they have all the big, I don't know, the flag type banners. You know what I'm talking about?

Ms. McKnight: Has that been an issue with our other used car lots?

Ms. Celsor: No, it's been an issue with the snow cone places. We did have a vape shop put a bunch of those feather flag signs and we asked them to take them down. But it's a little bit of a fine line with the flag signs because if it's just a flag with a pretty picture, is that really a sign? If it's a flag that says vape shop, clearly that is a sign. So there's a little bit of a fine line there with whether it's signage or not.

Ms. Evans: The other car lot up on 28. I know we had provisions in their approval. I think they can only park so many cars on the grass because I think that's come up before they keep sneaking more cars in.

So we, I'm just thinking about where there's going to be laid out some kind of provisions. And I don't want all these cars lined up on the sidewalk.

Mr. Brumleve: Well even lined up at the sidewalk, it would certainly appear more orderly than its current condition.

And I think that in the case that you cite there, we had a particular concern as it related to they had a green space, then they didn't have a green space. And then what are you going to do with that and what are the ramifications and the unintended consequences? That was kind of a separate, had some different considerations in that respect.

Intrinsically what's involved with seeming the visuals of a used car lot don't seem to be incompatible with the current situation of the property. Is it incompatible with the comprehensive plan? Possibly, but to the letter of our zoning ordinance? No.

Mr. Price: No. But the first standard for conditional use for all is that one. Right?

Mr. Brumleve: Right. And I don't think this would impede the intent of the comprehensive plan in any long-term or substantive manner, but that's my speculation.

Ms. McKnight: I don't know what it's, if there's any physical ramifications to the property from it being a gas station for someone to do a use that would involve disturbing the concrete and doing something new. Is there remediation involved? It's an expensive proposition at that point.

Ms. Evans: I mean someone said to me, it needs to be a restaurant. I'm like, well we can't make them put a restaurant there. We don't own the property.

Ms. McKnight: There's going to be no repairing there. Correct? Just selling.

Mr. Brumleve: Yeah. They have a non-compete at that. And they've already talked about it in tones of it being, shall we say, a test. That's what I heard in some of their comments, a test for them.

Ms. McKnight: If this was a greenfield site and they were saying we want to come in, put down asphalt and put in a car lot, I'd look at it differently in light of the comprehensive plan than I do it being a former gas station and a car storage, car parking, automotive use today.

Mr. Brumleve: I think that as it currently stands, the condition of the property in consideration of the existing conditions of the property and in consideration of the fact that they have to come before us for any significant improvements to the property in the pursuit of their business objectives, kind of does allow us to have further input as to its momentum towards or away from the proposed use.

I, having said that the lighting considerations are going to be handled administratively and I think this is not inconsistent with current conditions. Now do we want the current, do we want future conditions to be better? I think so, but as it currently stands, since we have enough mechanism in place to provide checks on its furtherance towards a potential driving the stakes deeper on this use. I think we're in a position of enough influence over the future use.

Ms. Evans: I would definitely want some conditions maybe about landscaping or improvements to the property. Is that possible?

Ms. McKnight: I think anything's possible. Do they have... Is there any non-paved surface?

Ms. Evans: Well that's what I mean landscape or could we make them add? It'd be nice to have a little bit of green in there so it's not all parking, not all concrete. Of some sort.

Mr. Price: Which may be hard to maneuver and maintain the parking that they need.

I mean, to John's point, I get that they'd have to ask to do adjustments to it, but that doesn't for me, it doesn't solve my hang up. I mean anything you would do to the building and anything you would do to the property would improve the way it looks. I get that. But once you're granted permission to use it as a car lot it's a car lot.

Ms. Evans: Because most of the things like the bank, most of the things down that strip have a green grass strip in between sidewalk, the sidewalk and the road. Don't they?

Ms. McKnight: Speedway doesn't. Calibration doesn't. Definitely the bank does. They may have just a tiniest little bit there in front of the second building. Rally's does not, Kroger does or the shopping center does. So definitely room for improvement on the corridor, no doubt there.

There's a little bit of grass to mow, it looks like, by the sidewalk. Not much you could do as far as shrubbery.

Ms. Evans: It would be nice if they had planters, something.

Mr. Brumleve: We'll go specifically to standards, point E Minimum standards for landscaping. I'm imposing on either your memory or your interpretation of 1189, Christine. Do you have any refresher for us as far as what that may involve? And I'm sure that the current situation is probably not in compliance with 1189.

But I'm wondering, that also goes to point number nine down below. But can you familiarize us at all with the landscaping and buffer yard requirements that may not yet currently be in place at that location?

Ms. Celsor: Well, it's really supposed to be applicable for new property development or substantial expansion. So given that there wasn't going to be any change in the site, I didn't see that that would technically apply. But it does go on to talk about what would be required for a major change or new development.

Mr. Brumleve: Would it be, if we wanted to head that, towards that direction on this property and ask for improvement in the short term towards chapter 11, what would that be? What kind of imposition would that be?

Ms. Celsor: I guess if you think back to when St. Vincent de Paul came in asking for their expansion, something along those lines. Where there was, I don't know how many feet in the front. So there would be, on such a small site like this, if you were requiring landscaping for say 10 feet or something inside after the sidewalk that may start to eat into their parking lot.

Mr. Brumleve: Oh, it pretty likely will, yeah.

Ms. Evans: On the side between the snow cone place. That's always been a hot mess. It's just a mess. Some improvements there. Or I don't know if we could require them, I'm just thinking some of those big concrete planters in the front with flowers, something that would kind of buffer and just clean up the site.

Mr. Brumleve: Well, we also have to call upon a certain degree of faith as they've already stated it, that they have, they've presented to us that they have a reputation for things heading up as opposed to down. So there's a certain degree of faith we have to have in that.

Mr. Price: Well, given the site, I don't know. To Lisa's point and Christine's, there isn't anywhere they can do anything right now. And I'm assuming that you probably wouldn't want, as much as I would be happier to see planter boxes with something. Anything you put there is going to be blocking your cars that are sitting on 28 that you're trying to sell. So I mean I think I'm going to assume that it's going to look similar to the way it looks currently with fresh paint and lights.

Ms. Evans: Do you guys have any thoughts or comments on landscaping? Because it is mostly concrete.

Mr. K. Marcotte: Well, it is all concrete except for some gravel and that's just kind of a mess and some shrubs over there. But I don't see that there's a whole lot of landscaping there. Maybe some pots here and there, but all that would take away from the lot, which is what we need.

Is there any way that you could grant us a temporary, say for a year? You can have more time to look at it?

Ms. Evans: Are we allowed to put that in here? To revisit in a year? That would help me.

Mr. Brumleve: I'm not so sure a year is enough time for them.

Mr. Price: I would feel comfortable at a year if there's nothing happening in it now, and also you see how development is coming. If things are perking along and moving in that direction, then you go, I really don't feel this is the highest and best use.

Mr. Brumleve: I think we can take the lead of the applicant here. They've put that forward.

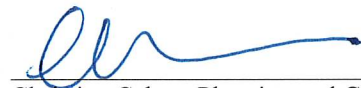
Ms. Evans: So in a year we would check in.

Mr. K. Marcotte: At that point it may be worth us sticking twenty thousand dollars into some special landscaping.

Mr. Price: I motion that we approve the conditional use for the period of approximately 12 months to be reviewed January of 2025.

The Planning Commission voted 4-0 to approve the application for Conditional Use for 731 Lila for a period of approximately 12 months to be reviewed January 2025.

There being no further business or comments to come before the Planning Commission, the meeting adjourned at 6:49 PM.



Christine Celsor, Planning and Comm. Dev. Coordinator



Lois McKnight, Chair

