

**PLANNING COMMISSION MINUTES OF February 10, 2021**

6:20 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, February 10, 2021, at Council Chambers, 745 Center Street, Milford, OH 45150.

**Roll Call:** Lois McKnight called the Planning Commission meeting to order at 6:20 PM. Other members present at tonight's meeting are Dino Pelle, John Brumleve, and Lisa Evans. The Commission made a motion to excuse John Wenstrup. The motion carried 4-0

**Staff:** Ms. Holbrook, Asst. City Manager; Tim Casto, City Engineer

**Visitors:** Paul Schirmer, CDSG; Stan Messerly, Messco Engineering; Greg and Jennifer Barlow, 543 Clark; Justin Saylor, 424 High St.

**Zoom:** Carol Eichert, Forager Coffee; Chris McBroom, 729 Garfield Ave.; Katherine Toler

**Minutes Approval:**

Mr. Pelle made a motion to approve the December 9, 2020 minutes, seconded by Mr. Brumleve. Motion carried 4-0.

**REZ 20-21 REVISION Milford South Phase 2 Zone Change and Planned Development Overlay**

Ms. Holbrook read the Staff Report into the record:

**Project:** REVISION Milford South Phase 2 Zone Change and Planned Development Overlay

**Location:** 777 Garfield Avenue

**Property Owner:** Milford Schools  
777 Garfield Avenue  
Milford, OH 45150

**Applicant:** Commercial Development Services Group (CDSG)  
Paul Schirmer  
1009 Delta Avenue  
Cincinnati, OH 45208

**Acreage:** 6.4 Acres of a 13.59-acre parcel

**Tax Parcel Id:** 210729.026P

**Existing Zoning:** R-4 Multi-Family Residential District with a Planned Development Overlay

**ADJACENT LAND USE and zoning**

North: R-3 Single Family Residential District

East: R-3 Single Family Residential District;

West: R-3 Single Family Residential District;  
South: Valley View, R-2 Single Family Residential District.

## **PROPOSAL**

Planning Commission will hold a public hearing to review a request for Revision to the Milford South Phase 2 Site Plan. On September 15, 2020, City Council approved a request by Paul Schirmer, CDSG, to rezone 6.4 acres from "R-2 Single Family Residential District" to R-4 Multi-Family Residential District, with a Planned Development Overlay to a portion of tax parcel id # 210729.026P. The initial plan approval included six townhomes and seven duplexes for a total of twenty dwelling units. The revised plan consists of six townhomes and fourteen single-family homes for a total of twenty dwelling units. The parcel address is 777 Garfield Avenue.

## **PROCESS**

Following the public hearing, the Planning Commission:

- May recommend the application be granted as requested;
- May recommend a modification of the zoning change requested;
- May recommend the application not be granted.

After receiving the Planning Commission recommendation, the City Council will hold a public hearing. The Council public hearing is scheduled for March 2 at 7 PM in City Council Chambers. Following the public hearing and after reviewing the Planning Commission's recommendation, Council shall vote on the proposal. The Council may overrule the Planning Commission recommendation by a two-thirds vote of the full membership of the Council.

If the Council approves the Revision to the Site Plan, the applicant will be required to submit a Final Development Plan to Planning Commission for review and approval. The Final Development Plan will include a final grading plan, site plans, elevation, floor plans, and a detailed landscaping plan. The applicant has one year to begin construction once a Final development plan is approved; otherwise, the plan becomes void.

## **ANALYSIS**

Single-family dwelling units are allowed in the R-4 zoning district, and the use appears to be compatible with the surrounding properties.

Tim Casto, the City Engineer, reviewed the plan revisions. He noted that the change to detached single-family housing has minorly reduced the impervious area on the project, so there is no substantial stormwater change. They are still proposing to maintain the direction of water flow, as it is currently draining, to the downstream neighboring property. It does not appear that the developer has had any further conversations with Valley View about rerouting the outlet across Garfield. Mr. Messerly is preparing a full SWMSC permit application for Phase 1 and detailed calculation and information that includes the Phase 2 work.

The Fire, Water, and Wastewater Departments had no additional comments.

## **CONCLUSION AND RECOMMENDATION**

Staff supports the applicant's request to revise the Phase 2 Milford South site plan with the sixteen conditions approved by City Council on September 15, 2020.

## **ATTACHMENTS**

Ordinance 2020-48 Approval of Zone Change from R-2 to R-4 PD, September 15, 2020

Mr. Schirmer: The original plan showed fourteen duplex units, with each unit separated by a party wall. The proposed project replaces the duplex units with single-family homes; the rest of the plan stays the same. These would be 100% maintenance-free patio homes. The HOA would take care of the lawn maintenance. After presenting the original plan to builders and interested parties, they asked if they could be detached—these units are 40' wide and 65' deep. The homes are a little further away from Ms. McBroom's house but closer to the road.

Units include a two-car garage, entryway, porch, and first-floor master. The homes that back up to the hillside would likely be slab on grade. Several units would have the option to do a walkout basement. We are requesting a modification of the PD approval. Mr. Messerly intends to preserve the same detention areas that exist on site. We want to make sure the City is OK with the land-use change, and if we get approved, we will resume with final engineering to include Phase 1.

Mr. Messerly: There are not many changes engineering-wise. The sanitary sewer and water main layout are almost identical. As far as stormwater management, we are looking at the same configuration and location of detention basins. This layout's actual impervious area is slightly less because the building's footprint is less square footage. The City Engineer and I have talked about reducing the water flow from the neighboring property, and the developer is interested in pursuing it. There is currently a storm inlet that would need to be changed out to tie in our new pipe. That storm inlet handles the current flow along Garfield. The inlet ties into the old stone box culvert that is under Garfield. The developer is looking to replace and upsize the pipe leading to the box culvert to handle the existing road's flow and the new development.

Mr. Brumleve: Your detention capacity on the property has not changed?

Mr. Messerly: It would go down slightly. There would not be a noticeable difference in the volume required, but we will have less impervious surfaces. There would be less runoff with the current layout.

Mr. Brumleve: You are already managing water coming onto your property?

Mr. Messerly: That's correct.

Mr. Brumleve: The setback between Garfield and unit 1 has been cut in half from 60' to 30'? Is that roughly congruent with the setbacks along Garfield? The downside is the sidewall is no longer coplanar with the school.

Mr. Messerly: The thirty-foot does meet the current zoning requirement. It is the same setback required for Lot 1 of Phase 1.

Ms. Holbrook: There is a 30-foot setback, but the house is not facing Garfield. His sidewall is facing Garfield, and you are bringing the building up closer to the street. Ms. McBroom's house is about 27 feet from Garfield, and further up Garfield, the houses are set back even farther.

Mr. Brumleve: I want to make sure there is compatibility along the street, but it is not without precedent. What is the space between the units?

Mr. Schirmer: The units are 10 feet apart or two five-foot setbacks. These houses are similar to Orchard Woods in Montgomery.

Mr. Brumleve: I'm concerned about the space between the units and wonder how that will be addressed.

Mr. Schirmer: We didn't think it was too far off, given there is an example of this configuration in the high-end units in Montgomery with the same dimensions and what is required in the R-2, which is a 6-foot side setback.

Ms. Evans: How does the square footage and price point of these units compare?

Mr. Schirmer: It may be slightly higher but is relatively the same.

Mr. Brumleve: So these become more marketable?

Mr. Schirmer: Yes.

Ms. McBroom: I don't have comments about the change from duplex to single-family homes. I have a continued interest that the water's natural flow does not flow to the detriment of my property. You can't rely on the natural flow argument when you are altering the entire space. The City Engineer has to be sure that the system is adequate to meet to handle the water. I don't understand why we can't have all the stormwater flow into the stormwater system down the private driveway. Why does it have to go on my property at all?

Mr. Messerly: The City Engineer, the developer, and I are working on some alternatives. The storm pipe comes out of this detention storage today, but per the City's request, we are looking to tie into the proposed junction chamber and then tie into the existing catch basin, which would be a new catch basin, then pipe from that catch basin to the box culvert. It would require an upsizing of the pipe from that inlet to the box culvert.

Ms. McBroom: Will that be a revised plan? Will we get to see that?

Mr. Casto: It is an engineering detail that we have talked with the developer's engineer. It is my understanding from a process perspective; they are not at the stage of construction document review. They are not required to have full engineering plans.

Ms. Holbrook: They will be required to submit Final Development Plans that will include all of that detail. Planning Commission will review these plans at a later date, and the public will be able to review and comment on them. They will not be able to move forward until Planning Commission has approved a Final Development Plan.

Mr. Pelle: It seems like a feasible plan, and I don't see any issues that can't be addressed. I like it better.

Mr. Brumleve: I agree.

Ms. McKnight: I think your comment about the unit closer to the street is a good one. It is a corner lot.

Mr. Brumleve: Likewise, the sideyard for Lot 1 in Phase 1 will have a sidewall facing Garfield and is equally as close.

Mr. Pelle: The houses on Garfield are further back, but once you are past the McBroom house, the houses are closer to the street. The homes in Clertoma are close to the street and have side walls facing Garfield.

Ms. McKnight: It will behoove the developer to have a landscaping plan that softens the feel of that lot from the street.

**Mr. Brumleve made a motion to recommend approval of the Revision to the Planned Development site plan. Ms. Evans seconded the motion. The motion carried 4-0.**

**SITE 21-01 Forager Coffee and Tea, 122 Main St., Minor Building Improvements**

Ms. Holbrook read the Staff Report into the record:

**Project:** Forager Coffee & Tea Minor Building Improvements

**Location:** 122 Main Street, Unit A

**Applicant/Property Owner:** Carol Eichert  
Oak Tree Enterprises LLC  
4507 McKeever Pike  
Williamsburg, OH 45176

**Acreage:** 0.128 Acres

**Tax Parcel Id:** 210709.026C

**Zoning:** MRD Milford River District

**Existing Use:** Vacant Building

**Proposed Use:** Retail/Restaurant

**ADJACENT LAND USE AND ZONING**

*All adjacent property is zoned MRD*

**Minor Building Improvements**

Ms. Eichert purchased the building in September 2020. The building consists of two units (A&B). She will occupy Unit A and Primitives & More occupies Unit B. Ms. Eichert intends to open a coffee and tea shop. Minor Building Improvements to the unit A front façade are Hardie board siding, new windows, door, and lighting. The color palette appears to be in keeping with the Milford River District.

## STAFF RECOMMENDATION

Staff recommends approval of the Minor Building Improvements request with the following condition: City approval is contingent on review and approval by the City Engineer and any other applicable local, state, and federal agencies.

Ms. Eichert: The building improvements would be more in line with the brand and the downtown. The windows will be more open to inviting pedestrian interaction. The process has taken longer than expected, but we hope to turn in permit applications next week.

**Mr. Pelle made a motion to approve the Minor Building Improvements at 122 Main Street, and Ms. Evans seconded the motion. The motion carried 4-0.**

### Discussion/Planning Consultation - Agricultural Use, 424 High Street

Ms. Holbrook: Jennifer Barlow contacted the City about the vacant church property at 424 High Street. Ms. Barlow would like to use the property for her landscape business, Outside Influence Landscape Design Group, for landscape design services, container planting preparation, porch makeovers, and garden-inspired classes. The property is zoned R-3 Single Family Residential and permits 'Agricultural Uses' as Conditional Use if approved by Planning Commission. I was unsure if this was an appropriate business for this location in an R-3 district and whether the use would fall under an 'Agricultural Use.'

The Planning Commission is not making a decision tonight. We are here for discussion only. If Ms. Barlow continues, she will apply for a Conditional Use for review by Planning Commission.

Ms. Barlow: My business is a landscape design business, and I have multiple branches of that business. Two of which would fall into the definition of horticulture under agricultural uses. A significant part of my business is container planting, which we service at clients' sites and do some of the design in my garage. Greg and I moved here four years ago and live on Clark Street. Before moving here my office was in old Loveland. Once settled in Milford I moved my business here. I had a spot above The Main Cup Coffee Shop, but I lost my office a year ago, and then COVID happened. I have spent the last year looking for a bigger space that could accommodate all four business branches. I need a spot that I can spread out and not easily damage someone's hardwood floors. The church is a perfect spot; it is 1,000 square feet, and I can create zones within the building to do my work and hold classes occasionally. Traffic would be minimal, my design office and client meetings would happen out of there as well. Traffic in and out would include one part-time person and me. There would not be a lot of traffic in and out of there.

Ms. Holbrook: Agricultural use in the R-3 district was the closest classification to the proposed use. Even the zoning definition of Educational Facilities was very traditional education such as elementary, secondary, or collegiate.

Ms. Barlow: A landscape major at university is considered agricultural. Every year I pay my license fees to the Nursery Stock licensing, which goes to the Department of Agriculture. My business is regarded as an agricultural business by the state. Am I farming? No, I'm not planting. I have looked high and low for a type of space suitable for this business.

Ms. McKnight: Is there a classification in our zoning code that this would easily fall under? General Business? Light Industry? Office?

Ms. Holbrook: It would fall under General Business and could be permitted in the Milford River District as well.

Mr. Brumleve: How did the church receive approval to be in that location.

Ms. Holbrook: Religious Institutions are permitted in the R-3 district as a conditional use.

Mr. Pelle: What is plant farming?

Ms. Barlow: Natorp's is a nursery and falls under plant farming. I am not growing plants. I am creating the containers on-site and then moving them to the client's house. I would only be using the sanctuary portion and not the second lot.

Mr. Brumleve: What are the ways forward if not classified as agricultural?

Ms. Holbrook: An applicant could ask Council to rezone the property, but I would not encourage that since single-family homes surround it and the Land Use plan calls for single-family in this location. A gentleman is investing a lot of money to build expensive single-family houses on that side of High Street, and the hope is that will continue.

Mr. Pelle: Our definition of Educational facilities should be updated because there are alternative learning situations now.

Ms. McKnight: I like all the aspects of your business, and I love that you want to be in Milford. The problem in my mind is that even though your business seems benign, how do we tell the next person no.

Ms. Barlow: The zoning definition for agricultural uses specifies horticultural and floriculture. Any university will tell you that what I do falls under agriculture, horticulture, and floriculture. When I register my business in the state, it is an agricultural industry.

Mr. Brumleve: I can see that as the narrow path forward. You are teaching horticulture and conducting horticulture classes.

Mr. Pelle: If you can demonstrate or show that this business ties to the Department of Agriculture, I think that is an important consideration. It is such a benign business. I think it fits.

Ms. Evans: I agree.

Ms. Barlow: My next step would be to apply for Conditional Use. If I do the next step, I need to provide enough data to show how the state classifies it.

There being no further business or comments to come before the Planning Commission, Mr. Pelle made a motion to adjourn the meeting at 7:55 PM, seconded by Ms. Evans. Following a unanimous decision, the ayes carried.

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Assistant City Manager

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Ms. McKnight, Chairman