

**PLANNING COMMISSION MINUTES OF June 9, 2021**  
**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, June 9, 2021, at Council Chambers, 745 Center Street, Milford, OH 45150.

**Roll Call:** Lois McKnight called the Planning Commission meeting to order at 6:00 PM. Other members present at tonight's meeting are Dino Pelle, John Brumleve, and John Wenstrup. Mr. Brumleve made a motion to excuse Ms. Evans; Mr. Pelle seconded the motion. The motion carried 4-0.

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

**Visitors:** See attached sign in sheet.

**SITE 21-04 Co Hatch Minor Building Improvement, 220 Mill Street**

Ms. Holbrook read the following staff report into the record:

**Project:** CoHatch Minor Building Improvements

**Location:** 220 Mill Street

**Applicant:** Sean Clark  
Jones Sign Co.  
1711 Scheuring Road  
De Pere WI 54115

**Owner:** CDRV Milford LLC  
1733 W. Lane Ave  
Upper Arlington OH 43221

**Acreage:** 0.039 Acres

**Tax Parcel Id:** 210708.004P

**Zoning:** MRD Milford River District

**Existing Use:** Office

**ADJACENT LAND USE AND ZONING**

*All adjacent property is zoned MRD*

**Minor Building Improvements**

Mr. Clark, Jones Sign Company, requests permission to paint various graphics on the building located at 220 Mill Street. This type of work is considered a Minor Building Improvement and requires approval from the

Planning Commission. The painted graphics provide visual interest to the building. Staff believes the request is in line with the Comprehensive Plans goal to make the downtown a destination.

#### **STAFF RECOMMENDATION**

Staff recommends approval of the Minor Building Improvements.

Mr. Brumleve: At what point do graphics crossover to being signage?

Ms. Holbrook: It is not defined.

Mr. Brumleve: I don't see any of this as signage because it does not address the occupancy of the building specifically.

Mr. Wenstrup: If graphics were signs, would these exceed the acceptable size for signs downtown?

Ms. Holbrook: Yes. The logo on the front meets the zoning requirement. I think to Mr. Brumleve's point, the kraken doesn't really identify CoHatch. It provides visual interest.

Ms. McKnight: Let's hear from the applicant.

Ms. Stiftar: Hi, I'm Angela Stiftar. I'm a graphic designer with CRDB, I helped come up with these designs. CoHatch is a co-working space, and one of the fun things about them internally, is they like to put giant murals even within the office space. Different meeting rooms will have different themes. We like to take the history of the building, the history of the area and have fun with it. That's one of the reasons for the kraken, even though there's obviously not a kraken in the Little Miami River.

Ms. Stiftar: So, we're looking at the dimensional logo on the front, the logo on the side, the blade sign, those are the three that have the CoHatch logo. And those all fit under the allotted square footage for signage. And then there's a cool leaf pattern since we are right along the river and the kraken. They don't want it to feel like an office building. So, bringing in the history, bringing in the community was a big part of the graphics that are being shown inside and out.

Mr. Wenstrup: I appreciate all that attention to detail. So, thank you. And were you here last month?

Ms. Stiftar: No. So, Sean drove down from Columbus last month.

Mr. Wenstrup: I was not here, and I want to apologize.

**Mr. Wenstrup made a motion to recommend approval of the Minor Building Improvements. Mr. Brumleve seconded the motion. The motion carried 4-0.**

#### **SITE 21-05 Stevenot Minor Building Improvement, 205-209 Main Street**

Ms. Holbrook read the Staff Report into the record:

**Project:** Stevenot Minor Building Improvements

**Location:** 205-209 Main Street

**Applicant:** JHET LLC  
4 Legend Ct.  
Cincinnati, OH 45244

**Acreage:** 0.039 Acres

**Tax Parcel Id:** 210710A030C

**Zoning:** MRD Milford River District

**Existing Use:** Office/retail

**ADJACENT LAND USE AND ZONING**

*All adjacent property is zoned MRD*

**Minor Building Improvements**

Mr. Stevenot purchased the 5,661 square foot, two-story building in 2016. He intends to make improvements to the front and rear of the building. The Minor Building Improvements to the front of the building include replacing awnings on the existing frame, replacing the shutters, and adding a stone facade. On the rear building facade, he proposes to replace the siding and install tin awnings. The color palette appears to be in keeping with the character of the Milford River District.

**STAFF RECOMMENDATION**

Staff recommends approval of the Minor Building Improvements request with the following condition:

1. City approval is contingent on review and approval by the City Engineer and any other applicable local, state, and federal agencies.

Mr. Stevenot: 4 Legend Court, Cincinnati, Ohio. The colors I presented are lighter colonial type colors. Something mellow that would go back there to match. The awning is just to keep it dry and safer for people because that's where it gets ice.

Ms. McKnight: So, the front will stay yellow? Back will go to gray or whatever.

Mr. Stevenot: Yes.

Mr. Brumleve: Can you tell us anything about how large the awning will be in the back?

Mr. Stevenot: There are a couple of little porches back there, I was just thinking five by eight in one. And then the other one's maybe four by five.

Mr. Wenstrup: Ted, so awnings on the same frame, so it'll look similar.

Mr. Stevenot: Yes.

Mr. Wenstrup: And on the back, there's several different openings that are boarded up, or will you just take that and put siding straight across that?

Mr. Stevenot: Correct. Those windows are gone. They were taken out before I purchased.

Mr. Wenstrup: So those windows will stay?

Mr. Stevenot: Yes, sir.

Ms. McKnight: Thank you. Is there anyone here that wanted to comment on the building improvements?

Mr. Pelle: Improvement is the right word for it. I mean, it will be an improvement, a much cleaner look.

Ms. McKnight: I agree. It'll look nice. Anybody prepared to make a motion?

**Mr. Wenstrup made a motion to recommend approval of the Minor Building Improvements. Mr. Pelle seconded the motion. The motion carried 4-0.**

**SITE 21-03 Milford South Phase 2 Final Development Plan, 777 Garfield Avenue**

Ms. Holbrook read the Staff Report into the record:

<b>Project:</b>	SITE 21-03 Milford South Phase 2 Final Development Plan
<b>Location:</b>	777 Garfield Avenue
<b>Property Owner:</b>	Milford Schools 777 Garfield Avenue Milford, OH 45150
<b>Applicant:</b>	Commercial Development Services Group (CDSG) Paul Schirmer 1009 Delta Avenue Cincinnati, OH 45208
<b>Acreage:</b>	6.4 Acres of a 13.59-acre parcel
<b>Tax Parcel Id:</b>	210729.026P
<b>Existing Zoning:</b>	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**

Paul Schirmer, Commercial Development Services Group, requests a review of the Phase 2 Milford South Final Development Plan. Phase 2 includes the construction of six townhomes and fourteen single-family homes.

### **PROCESS**

On September 15, 2020, City Council voted to approve the rezoning and Preliminary Development plan of 6.4 acres to R-4 Multi-family Residential district and a Planned Development Overlay with conditions. After the approval of the Planned Development District by the City Council, Planning Commission will review the Final Development Plan per Section 1169.07.B. Once the Final Development Plan is approved, the applicant will submit a Final Plat to Planning Commission for approval.

### **ANALYSIS**

Section 1169.07.A. specifies that the owner shall file a final development plan for any specific area within the project or the overall project with the Planning Commission for Final Development Plan approval. The Final Development Plan shall show the following:

1. The area to be developed and the area to be devoted to common open spaces for the use of all residents of the area with accurate acreage for each use, courses and distances to determine the boundaries of the development parcel;  
*See Sheet 1 of 9: Phase 2 consists of 6.4 acres, of which 2.35 acres will be the development area and 4.08 acres will be common open space.*

2. Final grading plans, indicating cubic footage of cuts and fills;  
*See Sheet 8 of 9: The proposed grading plan provides estimated earthwork quantities with required fill from Phase 1. The applicant is preparing Water Management and Sediment Control plans for review by the City Engineer.*

3. The interior roadway system, indicating existing and proposed rights-of-way and easements and cross-sections of new or improved streets;  
*See Sheet 6 of 9: A 40-foot private drive will access the site. Easements shown on the plan are either public or private. Staff feels all easements in Phase 2 should be private.*

4. Site plans, floor plans, elevations, and cross-sections for all building;  
*The lot layout is shown on Sheet 5 of 9 and matches the revised Preliminary Development Plan approved by Planning Commission on March 10, 2021. The six townhome's lot sizes range from 2,680 square feet to 10,061 square feet, and lot sizes for the single-family homes range from 3,400 square feet to 3,751 square feet.*

*The applicant provides floor plans and elevations for the single-family homes in the submittal application. The townhomes Floor plans are on Sheets A1 thru A5. All floor plans are consistent with the approved Preliminary Development Plan.*

5. Descriptive data as to the type of building, square footage for each use, number of dwelling units in each building type;  
*Five of the three-story townhomes are 1,700 square feet on the first floor. The sixth, two-story townhome is about 3,066 square on the first floor. Cross-sections are found on Sheet A5.*

*The approximate first-floor area for the twenty single-family homes is 2,000 square feet.*

6. The proposed open space system and areas to be in common ownership. Where multiple ownership is proposed, a detailed plan setting forth the manner, means, and proposed time of transfer of the land to a nonprofit entity, the means of development and maintenance, and the obligations and rights of use of such open space by all residents and/or tenants of the development;  
*The applicant intends to have two HOA's, one for each phase of the development. More detail about the responsibilities for each HOA need to be provided for Final Plat approval.*
7. A detailed landscaping plan for any new residential areas, indicating all existing and proposed vegetation by species, size, and caliper; dimensions and materials and special lighting features;  
*The Landscape Plan is on Sheet 9 of 9. Phase 2 will be screened along Garfield Avenue using landscape mounds and nine sweet gum trees. All landscaping should conform to the requirements set out in Chapter 1189 of the Milford Zoning Ordinance.*
8. Any modifications of the general plan data presented and approved for the Planned Development District.  
*The applicant is not requesting any modifications to the approved Preliminary Development Plan.*

The Planning Commission shall review the final development plan and approve, modify, and approve or disapprove the application for final approval of uses based upon finding that the following requirements are met.

1. The design, size, and use are consistent with the preliminary development plan approved by Council.  
*Staff feels the Final Development Plan is consistent with the approved Preliminary Development Plan.*
2. The size of the first stage of development is appropriate and can effectively implement the development within the confines of the approved district.  
*The applicant intends to work on both phases simultaneously, and all development should occur within the district's confines. Due to the lot's topography, phase 2 stormwater structures will capture the runoff from phase 1, and fill dirt from phase 1 will be used in the phase 2 preparation.*
3. The location, design, size and uses shall be adequately served by existing or planned facilities and services.  
*City services adequately serve the project site.*
4. The location, design, size and uses shall result in an attractive, healthful, efficient and stable environment for residential and/or commercial development.  
*The final built project appears to be in keeping with the character of the surrounding neighborhood.*

#### **CONCLUSION AND RECOMMENDATION**

Staff recommends approval of the Final Development Plan with the following conditions:

1. City approval is contingent on review and approval by the City Engineer and any other applicable local, state, and federal agencies.
2. Provide Stormwater Maintenance Plan before approval of Final Plat.
3. The City recommends that the stormwater runoff be an outlet to Garfield Avenue's south side if feasible at the developer's expense.
4. All building materials will be reviewed and approved by Planning Commission.
5. Install sidewalks (per City specifications) along Garfield Avenue after completing Phase 1 and 2.

6. Provide Planning Commission with a copy of the HOA's Covenants and Restrictions for review during the Final Plat review.
7. The Covenants and Restrictions will be recorded in the County Recorder office along with the Final Plat.
8. The developer is to provide a before development and after development impervious calculation.
9. WMSC Permit is required before grading can begin.
10. A minimum 20-foot environmental easement, according to Exhibit 1 (Sheet #6), is required along the perimeter of the parcel, and each lot owner and HOA are responsible for preserving the environmental quality of the easement area. Building construction or indiscriminate cutting of live trees or other vegetation will not be permitted within this area without the prior consent of the City Manager or designee.
11. Developer to comply with all bonds and sureties before final plat approval.
12. The drainage easement area of each lot shall be maintained continuously by the lot owner and the HOA. Within the easements, no structure, planting, fencing, culvert, or other materials shall be placed or permitted to remain, which may obstruct, retard, or divert the flow through the water courses.
13. The HOA will be responsible for inspection and maintenance associated with the stormwater detention/retention basins.
14. Submit Stormwater Maintenance Plan and access easements for drainage ways and basins.
15. Remove 30" pipe adjacent to the eastern property line.

#### **ATTACHMENTS**

1. Ordinance 2020-48 Approval of Zone Change from R-2 to R-4 PD, September 15, 2020, with conditions.
2. Section 1169.07 Final Development Plan Approval of the Milford Zoning Ordinance.
3. Milford South Phase 1 and Phase Timeline.

Ms. McKnight: Could you summarize where we've been, and where we have yet to go on this project, just so everybody understands?

Ms. Holbrook: City council, rezoned the property in 2018 from institutional to R2, which is single family residential. In 2019, CDSG, the developer, received approval for a phase one subdivision, which included 20 single family lots. In 2020, the developer came back and asked for a rezoning of the phase two, which was the 6.4 acres, which we're talking about today. So this is the final development plan of the planned development process.

Ms. McKnight: So this is part of the zoning process?

Ms. Holbrook: Yes, that's correct.

Ms. McKnight: So the phase one has been approved?

Ms. Holbrook: Yes. Phase one is approved and they could proceed with a final plat. And once that's approved, then they could start construction. They would need to submit a WMSC plan, and then they could start construction once they had building permits. Phase two is a lengthier process, because they went through a rezoning process and a planned development process.

Ms. McKnight: So there's a zoning process and there's a subdivision process?

Ms. Holbrook: Yes. That's correct.

Mr. Brumleve: Yes. In the analysis under number three, you mentioned easements shown on the plat are either public or private. And I looked through and there does seem to be a mix of public and private easements. And then you make a recommendation, staff feels easements in phase two should be private. Can you have a brief discussion on what that means?

Ms. Holbrook: Well, if they're public, that means the city would be responsible for maintaining the easement. If it's private, then the developer's responsible for maintenance. All the activity is occurring on private property. It's not in the public right away. Even the roadway, the drive, is not public, it's a private access drive. Staff felt like that should be all private. The developer can speak to his case as to why he thinks it should be public. Based on my conversation with the water and wastewater department, we felt like it should be private.

Mr. Wenstrup: Pam, under your condition number three, the city recommends that the stormwater runoff be an outlet to the Garfield Avenue, south side, if feasible at the developer's expense. Why is that?

Ms. Holbrook: Tim Casto, the City Engineer can give you more detail about that condition.

Mr. Casto: So the original storm plan had the water from the site coming through a series of detention basins, and then out letting and flowing around and behind 729 Garfield where it's got an existing channel that drains across Garfield over into the Valley View property. So, we looked to see if there was a way that we can take that storm water and send it across Garfield before the existing stone culvert that it's crossing today. Then we can divert that and get that away from the backyard area of 729 Garfield. That resident was sensitive to the storm water. I think there's preexisting flooding conditions. We did analysis and to cut the amount of water that would be flowing back there by half. For what that resident may see in a post-developed condition is about half assuming there were no detention basins but there are detention basins. So, it would be further reduced. We're asking them to take it to Valley View to provide benefit to the community and make that a part of their expense.

Mr. Wenstrup: Can you take your finger and trace pretty much where the water goes?

Mr. Casto: So, this existing area drains to an existing swale on the applicant's property, and then drains onto the neighboring property and then bends towards Garfield. We're looking at taking that water through a series of detention basins, and basically taking it into a storm sewer and then piping it across Garfield, and out letting on the Valley View property.

Mr. Wenstrup: Valley View has a natural draining topography, correct?

Mr. Casto: Yes, there's an existing stone culvert here, crossing Garfield. It's an interesting piece of infrastructure of stone. I'm assuming it's 100 plus years old. From when that was a cow path and they had to build something to get across that, so it's that original infrastructure that's there. It is in a frail state, it's lost a lot of the bottom up through that. So, this helps



take the impact from this development and divert that away from that stone culvert, buying us time as we start to seek funding out and doing a replacement of that that stone culvert.

Mr. Wenstrup: And that is draining water from the phase two?

Mr. Casto: Phase one and phase two. It should help their situation by offloading some of the runoff from 729 and diverting it away from their property. So, there is a detention basin towards the north of the property, and it outlets into a rock channel that will flow along that eastern side of the development, and then tie into that existing swale. We couldn't get everything on the entire development to centrally collect and then cross over. That's a portion of the site that still will drain back behind 729 because of the existing topography.

Mr. Wenstrup: How big is that stone creek bed?

Mr. Messerly: I think it's four foot wide. I think it's type C.

Mr. Casto: It will release at the interface between the two properties where the channel's cross.

Mr. Wenstrup: Where was that water going without the detention basin? Was it all going down there?

Mr. Casto: It's going there. That's the existing drainage, kind of the outer point from this area, that's where the water is going today.

Mr. Wenstrup: So what I'm hearing you say is that that will expedite the drainage of the upper detention basin. However, this one, where's the natural drainage for that? Or the one where you put a pipe that you're going to get water to flow through?

Mr. Casto: So that's picking up the area from phase one. There is some area that's off their property that's still just draining through, passing through [crosstalk 00:53:51].

Mr. Wenstrup: So natural drainage of that, that's going into that pipe that goes under, that basically puts water in the front yard, but there's no point in the same amount of water in their back yard because [crosstalk 00:54:07] right?

Mr. Casto: Well, when we take this water and cross Garfield, we're out letting it downstream of that stone culvert. So it's not necessarily going to the front yard, it's crossing Garfield and then out letting [crosstalk 00:54:26].

Mr. Wenstrup: So she's still going to have issues to deal with.

Mr. Casto: Yes. By no means is it solving the issues. The other thing, the detention basins, and the facilities here, they're designed for a 100-year event. So, if we get a huge rain event, everything here is going to be flooded. And because of where this property sits in the topography, this is where the water goes.

Mr. Pelle: I don't know if you can answer this or not, is there a percentage that you estimate that it will improve her situation? The reduction of water.

Mr. Casto: That's that general 50% of peak flow rate, generally from a one-year type of flood, to 25 year types, or to a hundred year types form, it's generally cutting in half from a peak flow rate. Those numbers are assuming there's no detention basins. There are detention basins, so now this gets a lot more complicated.

Mr. Casto: Start holding back that water and then releasing over a longer period, which means that half is a basic calculation, knowing that we're going to hold this water back, release it, so the number will be lower than just a comparison. Yes. The intent here is just get it across Garfield and get it out of the backyard.

Mr. Brumleve: Because as it currently stands, all drainage from both phases is dumping into her backyard, effectively.

Mr. Casto: That was the original plan that came forward, and that was as it exists today.

Ms. McBroom: But it goes across main road, doesn't go across the development. It comes through the pipe in the back of that 30-inch pipe [inaudible 00:56:57] taken now, that's where it comes from. From the other side of the property. It doesn't flow all the way; it goes into the ground. When you say you're going to reduce it by half, what are you going to do is [inaudible 00:57:22]. So, it's not going to be half, it's going to be 10 times as much, and then half of 10 times as much, but not half of what is halved.

Mr. Casto: I don't believe it's 10 times.

Ms. McBroom: I just made that number up, but when you say half, it's not real half.

Mr. Casto: And that's the benefit of the detention basins. We have four detention basins onsite that's holding back that water and then releasing it. [crosstalk 00:57:53] one of the detention basins has a three-inch orifice that's draining that basin. So, if you think of that subsection of this area draining into a pond and it's being brought them down to drain out a three-inch hole. So that's how we're throttling that water back. So it doesn't have that big peak surge that's coming through your property. You may see now with the rains we've had.

Mr. Wenstrup: So your question is not a bad question because you have roofs and gutters in the streets? How is that water set to drain the streets and the downspouts on the roof?

Mr. Casto: So the streets have a storm sewer collection system that is routed through those detention basins. So I believe the majority of the houses will be a drain through splash blocks, that'll be diverted to the swales between the houses, kind of diverted to the local system. Which eventually will be collected, and then again, routed through the detention basins.

Mr. Wenstrup: Through pipes?

Mr. Casto: Through pipes, yes. To the pond.

Mr. Brumleve: Yes. And this is what their engineer... We're putting Tim on the spot for their engineering.

- Mr. Casto: Our intent was, let's get this across Garfield before it gets to this property. [crosstalk 00:59:57]
- Mr. Brumleve: Yes. That's what you're speaking to, is how that gets across Garfield. So is that development, or that change to the development and those details, are those dedicated to city upkeep or developer upkeep?
- Mr. Casto: Yes. So, where it enters Garfield, and then comes across Garfield and gets onto the Valley View property. The intent there is that's going to be in a public utility easement, and that would be city of Milford infrastructure. And because it's crossing the public right away, at that point it's public water, or a public storm system.
- Mr. Brumleve: Do we need to put a condition on what we're doing this evening, as it relates to that development happening?
- Ms. Holbrook: Tim is reviewing the WMSC. It shows this crossing using Garfield. It is. It's something he's reviewing, so if they come back, if he approves what they've submitted, it will show Garfield, and then to that culvert. You could put a condition on, but it may be something that Valley View can't permit. Do you want to speak to the meeting that, or do you want to let Stan speak about that?
- Mr. Casto: Stan's here. I'll defer to their team and the meetings they've had with Valley View.
- Ms. McKnight: I'm back on process again. So without going into the details of the what and the how, can we talk just a little bit about the process for the stormwater management plan and approvals in relation to commencing development?
- Ms. Holbrook: They must submit the WMSC permit application, which they have done, and Tim has started that review. They have a stormwater maintenance plan that will be required that Planning Commission will review during the final development plat. The HOA details, that will be something that you guys will review at the final plat. There's still pieces that you're going to look at and review, and either accept or not accept, like the private versus public.
- Ms. McKnight: The city has requirements for how they manage their water and their sediment, post-development, right? Construct infrastructure that will manage the water and it's reviewed and approved by our engineer. And then there's also how they manage sediment control and runoff during construction. So they're not causing issues until all this pipes and everything get put in.
- Ms. Holbrook: Right, condition number three says, city recommends that the stormwater runoff be an outlet to Garfield Avenue, south side, if feasible at the developer's expense, which is what Tim has been talking about. However, Valley View must agree and they may not be able because of their restrictions.
- Mr. Casto: And they are entirely within their rights to outlet their water where it's naturally out letting today, which is in that channel that goes behind 729 Garfield. That's where the water is going, that's what they're allowed to physically take that water to. So our point was, if we can, let's see how we can get that across there to get that water diverted.

Ms. McKnight: And I don't keep picking on things, they're within their rights, but we have rules and regulations as to how that happens, how they're detaining the water and what rate it's flowing out over, what period of time.

Mr. Casto: It's not unrestrained, yes. But from the process and regulations where they're able to take that water at that point, they're able to take that to the natural, existing outlet point.

Mr. Wenstrup: Is it a culvert? Is that what we called it? The other one words, crumbling-

Mr. Casto: The stone culvert under Garfield.

Mr. Wenstrup: Does that create additional water problems on any of the properties?

Mr. Casto: Generally? No. [crosstalk01:06:27] So that's still [inaudible 01:06:31] capacity and by Stan's analysis, he has shown that that culvert has the capacity for what's draining to it and what we're trying to push through without having to back water up at 729 Garfield.

Mr. Schirmer: My name is Paul Schirmer, I'm with Commercial Development Services Group, 1009 Delta Avenue, Cincinnati. Here with our architect Tom Toensmeyer and Stan Messerly at Messco Engineering. We are gearing up to close on the property, looking to get started on the site work, clearing, and initial site construction phases. We would like to coordinate our phase one and phase two site construction. It's more ideal for us and as we build our infrastructure utilities, storm water and the like, it's going to serve everybody a lot better if we do that in one phase. We're finalizing our agreement with Ashford Homes. They're looking to be the exclusive builder in phase one and phase two and so they're looking to get a model out there and start on houses as soon as they can. The whole thing seems to be coming together for us.

Mr. Schirmer: With model homes, they're looking at a variety of houses that fit on those lots. I don't have specific models in your packet a previous packet showed examples of some of the homes that they can do on the empty nester lots and a house they could do on the larger phase one lots. We're looking to do stuff of that caliber with fiber cement, not vinyl, masonry stone, wood accents, everything that you'd expect in a quality development.

Mr. Schirmer: We're looking at multiple HOAs, an HOA from phase one and then a separate HOA for phase two. Our lawyer is looking at boiling that down to a single HOA. We've done a lot of work over the past couple of months trying to solve the stormwater issues and detail that system out. We met with Valley View. Initially they were aghast at what we proposed because we're looking to cross the road at a much earlier stage, it would have required taking down quite a few trees on the south side of the live wire that did conflict with some of the goals of Valley View and they would have trouble legally getting that done.

Mr. Schirmer: We have since revised those plans, we think we've come up with a solution that works much better, that is much more acceptable to both parties. Furthermore, beyond the storm culvert, we're looking at installing quite a bit more rip rap and so forth. So, I'm not sure if you mentioned it, but, through a large storm event, that's such a small orifice that the water comes through that is probably shooting water through the culvert in creating

quite an erosion problem. So, we're looking at installing additional rip rap down in that area to address that issue. He's addressed the storm water as it exists today. Everything rolls through Ms. McBroom's site with zero controls. The way that we're looking at the development of the site is to basically divert close to half the site into a structured pipe system so that it crosses the road and gets diverted over to the south side of Garfield. And it takes all the acreage away from coming through that culvert.

Mr. Schirmer: I intended to have someone from Ashford Homes here, unfortunately the owner was out of town. Before final plat approval we'll get them back here so we can go through all the details. As far as the architecture for the school, it goes back to the early renderings with the bay bump-outs and the overbuild on top of the roof. We're looking at taking four classrooms, a classroom in the front, a classroom in the back, and then stacking that to comprise one specific unit on the ground level. We have the existing school on the very first page, and a concept of the townhouses. Looking at the dining room, we're bumping out into that bay area. What is not on here and what's still getting detailed out is in front of that dining bump out area, we're want to give the residents a little outdoor, private landscape space. Moving upstairs, we're looking at these units being like a three-bedroom type of unit. Three bedrooms up, two on the back, one in the front. Masters in the front with a master bath, walk-in closet, and enough space to get a small study up there. And then on the second floor, a laundry adjacent to all the bedrooms and then potentially even a small little space for the kids in the back. So, the overbuild proposed is an optional room on the left at the top of the staircase. We're envisioning a loft area with a potential bathroom up there, and then also a rooftop patio that would overlook the Valley View property. A lot of the original materials proposed is the same. We're looking at keeping most of the existing brick. We're looking at painting the brick on the edges and coming in with a new front façade. Utilizing fiber cement siding to build the bays and add all new windows, new metal roof, and so forth.

Mr. Wenstrup: I guess it's the gym on the left. What's up with that?

Mr. Schirmer: That space is still getting coordinated. So, it's to be determined. And then in the center that will be the common space. Some of that items will be customizable depending on who the buyers are.

Mr. Wenstrup: Secondly, this number three thing is the one thing that jumps out at me, I'll find the conditions that she hasn't, it's worded in such a way that I think it's a toothless tiger-the way it's written. "The city recommends a stormwater create an outlet to Garfield south side, if feasible at the developers expense." The first thing I would do is change the way that it's worded. Let's say it requires the stormwater be run off to an outlet... I'm sorry. The scenario requires the stormwater would be run off at the developer's expense to an outlet on Garfield Avenue, south side. That would be the first thing that I would want to do. The second thing the city's got different co-op money for different things, incentives, and stuff. Do we have anything that can help them with that expense so that it's not such a burden and we partner a little bit?

Ms. Holbrook: No, we do not.

Mr. Wenstrup: Is it feasible with Valley View? It's not that stipulation isn't if it's feasible at your expense, it's feasible, right? It's got to be at your expense. Is that going to hold up the project if that was a requirement?

Mr. Schirmer: With the estimates that we've got, we're not asking for any handouts from the city. Our deal isn't complete with Valley View. Although we're going in the right direction.

Mr. Pelle: So it's premature to add a requirement at this time, because we don't even know if the deal will work out with Valley View, If it does work out, the requirements, no problem.

Mr. Schirmer: Based on our current conversation, that's why we've done our drawings and made the proposal. We're not looking at two proposals, an A or a B. We're looking at an A, and if we exhaust A and that's really all we're going for, is A right now, if we get the door slammed shut, then we're going to go to B.

Ms. Holbrook: So, he would just say, city requires on number three, is...?

Mr. Pelle: Change the word, 'if feasible' and change recommends to 'requires.'

Mr. Wenstrup: And if it's not feasible what then?

Mr. Brumleve: Contingent upon Valley View-

Mr. Schirmer: Approval. Sorry.

Mr. Brumleve: I don't know. Is it approval or what do we do?

Mr. Pelle: Is subject to an agreement with Valley View.

Mr. Schirmer: We don't control them. So, it would have to be subject to their approval.

Ms. McKnight: I think we can, we can leave the subject to out. It's understood. And if it doesn't come through, then you'll be back.

Mr. Schirmer: Can I request it to be put in, ...the subject to?

Mr. Brumleve: Subject to Valley View. Contingent upon Valley View approval. [crosstalk 01:31:05]

Mr. Wenstrup: Then it becomes a moot point, and the point isn't resolved yet.

Mr. Schirmer: Well, we'd have to come back because all our drawings point to Valley View. We would have to come back with a revised drawing.

Mr. Messerly: It's not a matter of cooperation. They're not sure given their funding, if they're able to do that piping on their property. It's totally illegal issue. All indications so far, they're okay with the plan. Now the question becomes, can he legally do that on a site that has already been provided public funding? And they're investigating it.

Mr. Wenstrup: Well, I'm good with the requirements and if it's not feasible, we must adjust our expectations. You've got a plan B, right?

Mr. Brumleve: I think he just hit on the word we need is, pending approval or pending investigation by Valley View. The city requires that the stormwater runoff be an outlet to... Instead of making contingent upon, we say pending, waiting for that to happen. Pending Valley View investigation, the city requires that the stormwater runoff be an outlet to Garfield south side at the developer's expense.

Mr. Brumleve: I'm going to write it down, so I get it right. Pending Valley View investigation and approval, the city requires that the storm water runoff be an outlet to Garfield Avenue, south side at the developer's expense.

Ms. McKnight: We still have more discussion to come. Do we need to stipulate that we're referring to the stormwater that's shown on this plan being piped to Garfield? Which stormwater? The one that's piped to Garfield, as opposed to the overland flow, stormwater.

Mr. Messerly: The current plan is taking offsite drainage area [inaudible 01:35:23] and the onsite drainage area from storm water storage, two, three, and four to a pipe that would cross Garfield. Really everything that goes to Garfield today in addition to the stormwater flow from stormwater storage facility two. That might be an easier way to put it. I can quantify it for you if you'd like. Right now, the plan is there's 25 total acres that go to that culvert. The plan is to take 13 acres of that runoff to across the street. So it's a little bit over half.

Mr. Brumleve: Okay, because nothing that's coming through the northeastern part of the system can get back up hill and over to Garfield.

Mr. Messerly: That's correct.

Mr. Wenstrup: [inaudible 01:36:50]. I want to just clarify and [inaudible 01:36:55]. The roof water that goes through downspouts and the street water that might go through, that all goes through that as well. Is that right?

Mr. Messerly: There's a couple of houses that don't make it to the basin, but that's compensated for in the volume calculation for that basin.

Mr. Brumleve: Can you speak to the bit about private versus public easements?

Mr. Schirmer: Down in the lower portion, that's going to be all new construction. We're looking at that whole section to be privatized. And there was discussion about the actual utilities and the water meters and so forth and whether that was going to be privatized or not. And I believe coming out of that conversation that there was going to be a combination, but then at some point, it switched off to all private. So, we're open to both, but we would prefer that if it goes to a private, I'm sorry, to a public water meter that the easement to the public water meter would be public. So, it's with utilities and what the appropriate easement with that specific utility. But again, we may want to set that aside pending the final.

Ms. Holbrook: Yes. I would have to defer to our water and wastewater.

Mr. Schirmer: Right. We will have that worked out before final plat.

Ms. McBroom: Chris McBroom, 729 Garfield Avenue. I am here to defend my property from stormwater. You've heard a lot of language about they're entitled to drain across the property and that it's the natural flow of the water, but it is only a natural flow until the property is altered by development. Then they're not entitled to a natural flow because it's not natural anymore. So, I disagree with Tim on a legal word, entitled. They're not entitled to in my opinion. He's an engineer. I'm a retired attorney. So, we can argue about it, but we don't want to have to go to court to do that, which is why we're trying to do it now to get it clear, so we don't have issues down the road that make me have to defend my property somewhere else.

Ms. McBroom: I know there was a lot of discussion about this, whether the condition of number three is based on Valley View's approval. But why is that the issue? Why can't the city require that the developer take care of their stormwater and get it into the system as it is now or you can't develop it? What if Valley View says, "Oh, we decided not to." What kind of requirements are we going to require from Valley View to show us that their decision is legally correct or adequate or [inaudible 01:42:40] the funding sources. To me, it should be a requirement that all the stormwater, not just half of it, be put into the public water system, the storm sewer system. That's what it's for. Now, I don't know if it's inadequate. Pam said in one of her discussions that the city utility systems are adequate. Well, what does that mean? Appear? Who decides how it appears? Does Pam decide if it's adequate? Does Tim decide if the city system's adequate to manage a new development? I don't know. I don't have answers to that, so I'd like to have answers to that.

Ms. McBroom: And Tim, at the last meeting, which was held virtually, I attended virtually, there were several concerns that the engineer had about the current plat, we don't know because they weren't read into the record. So, I think those should be read into the record. And then you can address, Tim, whether each one of them was satisfied with this new final plat. I'm saying a lot of different things. I don't know what order or how to address them. I don't want to get too far away from each one because each one, I think, needs to be addressed now. You have questions for me or Tim before I go on.

Mr. Wenstrup: In the natural flow of things, you have water now?

Ms. McBroom: Only water I have that floods my property comes out of the 30-foot pipe that is going to be removed.

Mr. Wenstrup: What do you think would happen if they removed that 30-foot pipe and put in a four-foot culvert with stone that [crosstalk 01:44:40]-

Ms. McBroom: I think it would flow onto Apple Lane property. It wouldn't flow into my property. The pipe was put in, I think, to stop Apple Lane basements from flooding.

Mr. Wenstrup: Have you involved, employed, had someone check these things out for you as to how these [crosstalk 01:45:07]?



Ms. McBroom: I hired a civil engineer to review the plans, and I've had several discussions with him. I don't think I remember asking him that question. But that's where the water comes from now. So, it's not natural flow. It's piped flow. If it was allowed to run downhill, it would run probably into Apple Lane basements. But that's the water I have now. I don't have water from the front or the sides or anywhere else.

Ms. McKnight: Typically, we'd take everyone's questions and then give everyone the answers. I will honor your request as best we can. Pam, could you speak to the question of who decides if the city systems are adequate?

Ms. Holbrook: It's staff in general, everybody. When we receive a set of plans, the entire leadership team meets to look at the plans, and everybody weighs in on their issues, their departments. And together collectively, we decide whether it appears that we can support this development. So that's how we get to that. It's not one person. It's collectively.

Ms. McBroom: I know, but the word appears. What's that means?

Ms. Holbrook: Well, you're a lawyer. If I said absolutely, that would be wrong too.

Ms. McBroom: I don't know. Appears just means, well, I don't know. Maybe it does. Maybe it doesn't.

Ms. Holbrook: It doesn't mean that in this case. From what we have reviewed so far, it is okay. Milford is an old city, and there's always surprises. Based on our conversation with all the leadership team, everybody agrees that it appears that we can support this development.

Mr. Pelle: So, it's not 100% guarantee, but...

Ms. Holbrook: I'm not going to say that there wouldn't be a surprise somewhere along the way. That's just the nature of an older city.

Ms. McBroom: So, what is the system that appears to be adequate? What system are you talking about?

Ms. Holbrook: The water service, the wastewater service, the stormwater, all of that. Based on all of these different departments reviewing these plans, everybody feels like the city can support this development.

Ms. McBroom: So, the current pipes that run underground along Garfield are of adequate size to manage this development.

Mr. Casto: Not the split hairs, but when you say the pipes-

Ms. McBroom: Well, the stormwater that comes off and runs into current stormwater drains along Garfield Avenue.

Mr. Casto: There is a set of proposed stormwater infrastructure that they are providing so that the existing infrastructure is reliant on the proposed infrastructure to be able to come together to be able to service the site.

Ms. McBroom: So, the developer is providing an upgrade to the current city system? What's proposed mean?

Mr. Messerly: To be built.

Ms. McBroom: Okay. To get this approved, they are improving the current city stormwater utility system. That's a requirement.

Mr. Casto: They're not improving what's currently there so much as they're augmenting it. They're adding to.

Mr. Brumleve: It also comes down to the term of imposition. And that is the restraint that they're putting on the stormwater is providing a mitigation and an accommodation to make sure that they are not providing additional imposition on the city than what is currently able to be handled by the city. Okay. It's not an additional imposition. They are reducing the imposition. All told, that's an opinion based on what I read in the plans and what I see proposed. That's my opinion.

Ms. McBroom: Because of the detention pond, you mean?

Mr. Brumleve: Yes. The detention systems and everything reduce the imposition upon the neighbors. At least to my understanding of what I see here, it reduces the imposition significantly.

Ms. McBroom: Well, if there's that ability to detain that water, why isn't all the water being channeled across Garfield? Why is only half of it?

Mr. Brumleve: They have problems with getting it up and over hills to do that. There's a portion of it that just can't get there.

Ms. McBroom: Mm, I don't know about that. Is that true? It all comes downhill. It doesn't go up and down.

Mr. Messerly: We've got a point here that's lower than the point here. So this water is going to have to flow uphill to get to here.

Ms. McBroom: Why doesn't it flow into the street into a stormwater from the pond?

Mr. Messerly: You got a pond here that flows into a piping system that flows into the [inaudible 01:51:34].

Ms. McBroom: But the pond is uphill.

Stan: [crosstalk 01:51:39] towards Garfield? Because it flows down to a point here that's lower than Garfield.

Ms. McBroom: But why doesn't it flow into the street into a storm system?

Mr. Brumleve: It would have to go up hill.

Ms. McBroom: No, you don't.

Mr. Messerly: I'm not sure what you're trying to do.

Ms. McBroom: I'm trying to get all of the water to flow to Garfield instead of across my backyard.

Mr. Casto: And we've got a point here towards the rear of your property that's lower than Garfield.

Ms. McBroom: Okay. I understand that. But the water that's coming to that point has an opportunity before it gets to that point to go into a stormwater system that goes downhill and is not lower than Garfield. So why doesn't that happen?

Mr. Casto: And so there's a portion of that water that is collected towards the basins and that is able to route towards Garfield and across. Three of the four detention basins are being routed across Garfield. It's this northern area in the basin that is being maintained to do the flow towards that existing low point towards the rear of your backyard.

Ms. McBroom: Right. But why is that? Why isn't that detention pond routed into the stormwater system also?

Mr. Casto: We're dealing with a situation here where that water must traverse a low point. It's low there towards the rear of your property. You can't get that [crosstalk 01:53:26].

Ms. McBroom: Why can't the pond be aimed into a stormwater system that goes down the road out to Garfield?

Mr. Messerly: What we're proposing is to reduce your water by 50%.

Ms. McBroom: My question is why only 50%? Why not all of it? Other than natural flow, but why is that pond not connected?

Mr. Wenstrup: What do you want to happen? Do you want no water on your property?

Ms. McBroom: No. I just want-

Mr. Wenstrup: Have you done anything on your property to reduce the flow of water through your yard? Have you dug any ditches? Have you put in any piping because that's the way it was when you bought it? Right?

Ms. McBroom: But that's not the question.

Mr. Wenstrup: That's the question I'm asking you.

Ms. McBroom: The question is what's going to happen next.

Mr. Wenstrup: I'm asking question for clarification so that I can address your concerns.

Ms. McBroom: I have dug a ditch to try to-

Mr. Wenstrup: You dug a ditch. Where does the ditch go?

Ms. McBroom: It goes from the end of the... Well, not the end of the pipe, because that's not on my property. It goes from the point where the water enters my property from the end of the pipe to the culvert.

Mr. Messerly: No, it doesn't. It goes across your property and parallels until it slopes, takes a 90-degree turn and takes another 90-degree turn.

Ms. McBroom: That's not the ditch I dug. That was the way it-

Mr. Messerly: That's what is there today. And that entire area there is inundated with vegetation, honeysuckles and so forth. So there's a system that's been created such that the water flows through a ditch that has got a lot of resistance to it through the vegetation, that's got a flow path that takes multiple 90 degree turns to try to get [crosstalk 01:55:20].

Ms. McBroom: It's the way the river flowed. It's the way the water flowed. I did not make it that way. That's the way it was. But that's not the point. The point is, why can't the water from the pond that's not being diverted into the storm system not be put into the storm system? It's just aimed toward my property. I don't understand why.

Mr. Wenstrup: Let's assume that it can. Okay? Let's assume that it can for your sake of your argument. So, the question then becomes, you're a neighbor, they're a neighbor. They have ameliorated or helped, aided, decreased 50% of the flow. They've done their share. They've done their half. So, the question is, if they've done their half to be a good neighbor, are you willing to pay the cost to take it all the way across the property under Garfield? Are you going to put some skin in the game? Or do you just want them to solve your problem that was there when you bought the house? I don't understand your question.

Ms. McBroom: It's different. You are mixing apples and oranges. You're mixing pre-development and post development of property that used to be a natural site.

Mr. Wenstrup: When you say 50% of the water, you're talking about 50% of the existing water?

Mr. Messerly: That's correct. 50% of the [crosstalk 01:56:48].

Mr. Wenstrup: Okay. So they're resolving 50% of the existing problem.

Ms. McBroom: But why is it half?

Mr. Wenstrup: You want 100%. And what I'm saying, if they're paying for 50% of your problem water, why wouldn't you pay 50% of the rest of your problem?

Ms. McBroom: You're not allowed to develop a new piece of property and make the downhill property owner suffer the development costs.

Mr. Messerly: That's why the regulations are written the way they're written. We're required to limit the flow of water from our site to no more than the pre-development flow. And that's what I've presented to the city. That's the regulations. And they're written to accommodate what your concerned about.

Ms. McBroom: Well, I still don't understand why the detention pond can't go into the storm system. That's just one point. I know we're taking a lot of time on it, but why wouldn't you put it into the stormwater system if it's adequate to handle a new development?

Mr. Messerly: Because that stormwater system is not adequate to handle the new development. The stormwater system is adequate to handle the flow that's there today. We've got a drainage area that goes through your property and a drainage area that goes to the system on Garfield. That system on Garfield is adequate to handle the flow today. But now you're talking about adding [crosstalk 01:58:20].

Ms. McBroom: We just said that the city said it was adequate to handle the new development. And you're just now saying it's not adequate.

Mr. Messerly: I'm saying the system today that's along Garfield does not accommodate the flow that goes through your property at this point. That system is not designed for that flow that goes to the back of your property. But that system is adequate today. And due to the regulations since we're prohibited from increasing the flow into that system, that system is adequate to handle the flow that would go to it today and considering the development [inaudible 01:59:03] areas that flows into that system, it will still handle the flow. And same would be true for the overland flow through your property.

Ms. McBroom: So, is it just a cost issue that you don't make the water from the upper detention pond flow into the stormwater system? Or is it an adequacy of system issue?

Mr. Messerly: When you take that water that does not go to that system today, then you create a system that's no longer adequate. You're taking a system that was adequate, even after development and making it inadequate by adding drainage area that does not go there today.

Ms. McBroom: So if the ability to develop this property requires that the system be upgraded to handle all of the water, why doesn't the city require that?

Mr. Messerly: The ability to develop this project is based upon the Water Management Sediment Control regulations, which we follow. The Water Management Sediment Control regulations do not require that we take all the water from our site and put it to one point and away from the neighbors.

Ms. McBroom: I can't argue with that because I don't know what they say. But I think the city could make it a requirement that all the water from the development exit the property along Garfield.

Ms. McKnight: The city has requirements today. We're not making up new requirements to manage stormwater for this development. We have requirements in place, and those are the requirements that our city engineer uses when reviewing proposals from developers on

projects, such as this. So we don't make specific requirements for different projects. The requirements are there. None of us are civil engineers, and we don't review the same plans that our city engineer does because that's not our job. We look to him as the resident expert on the city's regulations on stormwater to determine if this development meets the regulations that we have. And when he says they do, then we know how to act, just as we do if the water department or the sewer department or anybody else had an issue. They need to let us know because we're the ones that review. But we don't have jurisdiction over stormwater. The regulations are already there.

Ms. McBroom: So, the regulations only require half?

Mr. Messerly: No, the regulations don't require [inaudible 02:01:39] at all. That's gone over and above the regulation. Regulations require that we limit our flow from the site to the pre-development flow, which we can do without piping any water across Garfield.

Ms. McBroom: Okay. Let's move on to the if feasible language because that's so contingent upon Valley View agreeing to allow this to happen.

Mr. Wenstrup: I don't know if you heard earlier, we addressed that.

Ms. McBroom: I know, but the language that you were using still makes it easy to wiggle out of.

Ms. McKnight: The requirement that we have discussed is that they develop it as shown today with a pipe going under Garfield and out letting to Valley View. If we approve it, that's where we are at this point in the meeting. That's what would be approved. If they want to do something else, they must come back because that's not what we would have approved.

Ms. McBroom: So what did that say? You wrote it down. Is that going to be the condition?

Mr. Brumleve: Yes, I did. The pending Valley View investigation approval the city requires that the stormwater runoff be an outlet to Garfield Avenue south side at the developer's expense. If feasible language was taken out. I think that where it leaves us in any case is that that plan would stand. That plan is already reduced and reduced the imposition upon the swale at the center of the eastern property line by 50%, about. I got that about right?

Mr. Messerly: About 50%, but that's 50% of water that goes to that culvert.

Mr. Brumleve: Correct. The imposition has been reduced relative to the pre-development status.

Ms. McBroom: And if Valley View doesn't approve it, then what?

Ms. McKnight: They're back here with another plan.

Ms. McBroom: What would be the answer then? We don't have the answer. They'd have to come up with a plan [crosstalk 02:04:03].

Mr. Brumleve: They may decide the expense of the entire development is worth scotching their entire project.

Mr. Casto: Can I ask, is there flooding issues there now? Is there issues that you're facing or contending with?

Ms. McBroom: Just from the end of the pipe.

Mr. Casto: From the end of the pipe flowing onto your property?

Ms. McBroom: Right.

Mr. Casto: It's not flooding on your property?

Ms. McBroom: Well when it rains hard it floods. Just very rarely, but I'm worried about what's going to happen next. I'm worried about this whole thing being turned into a big development, and then we don't know what the natural flow is.

Mr. Casto: And is there water that's flooding into the shed?

Ms. McBroom: It's a barn. It goes around the barn, behind the barn.

Mr. Casto: But it's not flooded in the barn.

Ms. McBroom: Well, yeah, it does flood. It's a dirt floor. It's a bank barn.

Mr. Casto: Okay. Do you have a basement?

Ms. McBroom: Yes. No. It doesn't come into my basement from that point.

Mr. Casto: Okay. But has water gotten in your basement?

Ms. McBroom: Well, regular, not from the flow from the pipe.

Ms. McKnight: Do you have another question?

Ms. McBroom: Well, I was wondering you had some concerns at the last meeting, and they've all been addressed. Have all your concerns that you addressed from the previous meeting been satisfied with this final plat?

Ms. Holbrook: This is the final development plan. They will [crosstalk 02:06:24] final plat. I don't know specifically what you're referring to, but in the process, Tim has been reviewing and working with Stan regarding the stormwater.

Mr. Casto: At the time, I don't believe that they had submitted a Water Management Sediment Control Plan, and now they have that. We've got additional details that are starting to fill in some of the blanks that we have been able to review. Those plans are still under review.

Ms. McBroom: But you feel that the concerns you had have been addressed to your satisfaction?

Mr. Casto: I'm going to apologize for not knowing [crosstalk 02:07:09]-

Ms. McBroom: I don't know what they were either because they weren't read into the record. So I don't know what they were.

Mr. Casto: I believe at the time that we did not have a plan that shows the storm sewer crossing. The plans that have been submitted showing that crossing. So that would be a concern that we had that we have [inaudible 02:07:42]. As a review perspective on another, I can't say at this point that they've been adequately addressed. Still under review.

Ms. McKnight: So, he's reviewing plans prior to issuing it. Once he's satisfied, then a water management and sediment control permit would be issued. And a condition the staff has proposed, is that they must have that permit before they can begin grading.

Ms. McBroom: And so, what's the next step after this? There's a final plat filed after all of the other conditions have been met for getting the HOA documents in order and getting this permit from the stormwater management environmental EPA. I forget what it's called, the permit you've been talking about tonight.

Mr. Casto: I said there's an WMSC permit that's a local permit that we have here in Milford. There is some Ohio EPA permitting that will happen as well.

Mr. Messerly: The NOI is already complete.

Mr. Casto: Okay. So they have a notice of intent permit with the Ohio EPA, which they would need, to start work.

Ms. McBroom: So there'll be another one of these planning commission meetings to address all this?

Ms. Holbrook: By the next time that they're ready to submit for their final plat, I would expect the WMSC to be reviewed completely and approved. And I'd be happy to provide you a copy of what Tim is looking at. In case you want to hire an engineer and go over the plans with them. We'll have more detail on HOA and stormwater maintenance plan.

Ms. McBroom: And so the Valley View part will [crosstalk 02:10:22].

Ms. Holbrook: We should know the Valley View decision by the time we have received the final plat.

Mr. Wenstrup: How long have you lived at the property there?

Ms. McBroom: Since June of '08.

Ms. McKnight: Anyone else want to comment on this project?

Ms. Toler: Hi, my name is Catherine Toler. I live at 27 Apple Lane. Originally when they had proposed the retention pond behind my property and then down, they were going to do a mound to keep the water from coming in. And then it looks like now that they're going to be doing a drain. We have trees on our property line, like that's in my fence line in the back of my house that is over a hundred-year-old trees. How far back do they have to



comply with, to keep our trees from being destroyed, the roots and things like that? If something happens and that tree falls, my house is ruined. Just destroy my house. So, I guess the question is, do they have to work with an arborist to make sure that that doesn't happen?

Mr. Brumleve: Is that part of the 20-foot environmental easement?

Ms. Holbrook: Yes, I would say that is in the 20-foot environmental easement and building construction or indiscriminate cutting of live trees or other vegetation is not permitted within this 20 foot environmental easement without the prior consent of the city manager.

Ms. Toler: Okay. But it says cutting into trees. What about the root system too? These are a hundred year plus old trees.

Ms. Holbrook: Well 100 year tree is probably going to have a root system that extends a long way.

Ms. Toler: And I understand that, but I didn't know if they have to work with the arborist to make sure that they aren't interfering with the root system. I understand it's going to happen a little bit, but is there a way to prevent it from being minimal so that it doesn't kill that tree?

Ms. Holbrook: It's not a condition. The planning commission would have to make that a condition.

Mr. Wenstrup: I would, given that there's a 20-foot easement, I don't know how big the canopy of your tree is. Typically, they say the canopy is the same width as the root system, but what I would do if it were my house, I would call one of the arborists and say, they have a 20-foot easement, am I going to have a problem here or not?

Mr. Casto: If I'm looking where 27 is relation to the pond or the piece of grading, within that 20 foot easement. That trees on the property line.

Ms. Toler: I think it's shared by three properties.

Mr. Casto: Is your intent to keep that tree there?

Mr. Messerly: I think we're going to have to go onsite and actually look at the tree. I can't say specifically.

Ms. Toler: Okay. I know a couple of neighbors down. I'm sure he was fine with you taking out a tree. I'm personally not.

Mr. Messerly: There was a neighbor expressed a concern about that tree as it is today because it already leans towards Apple Lane.

Ms. Toler: It really doesn't lean that much.

Mr. Schirmer: We'll be happy to meet you out there with the arborist.

Mr. Wenstrup: How deep is the retention pond?

Mr. Messerly: Top of the bank I believe is six, so I think it's four to five foot deep.

Mr. Wenstrup: Part of that, it's a raised rim. Correct? So, the arborist will tell you whether you have a tree that has deep roots or shallow roots. And I think that's a good course for you.

Ms. Toler: I believe you were asking about flooding and stuff. I'll speak for my neighbors. My at number 27 stays dry. When they put the housing above Apple Lane, whatever that is, now the house number 28, 29, 30, that's when all the flooding started having issues. The two neighbors down, every single time, it rains, their basements flood due to that. And it did not happen prior to that. And I know that then they tried to put the culvert in. Culvert did not work. So, I think the city tried put it in to help that. But I remember, we bought my grandmother's house. I remember her complaining about it. And I know my one neighbor said he was the one for years that's been cleaning it out because it flooded even more because no one was maintaining it. But that's all I have. Thank you very much.

Mr. Odell: So, I'm Christopher George Odell, 320 High Street. I live by what you know is a huge earthwork. And everybody said to me, what about the water? It's coming to your house? No problems. I trust the engineers. I trust your judgment. But what I do love is what I'm seeing because I live and work here. That is a huge improvement over a derelict school that's just garbage. I didn't know what this was until tonight. This is wonderful. Turning that to condos, that's historical as can be. I love this. I think this is a great idea. I'm glad to be here accidentally to see this. But I have had no water issues. The engineers nailed it. I mean all the waters direct to my house and during construction, no problems.

Mr. Wenstrup: I've had a month to look at this stuff. I want to say that it looks like they've addressed a lot of the stuff that we had asked about. I don't like number three, but we've already discussed that. So, I feel very good about it.

Mr. Pelle: I think staff did a great job of putting together the recommendations. I think we've addressed one of the recommendations and made it stronger per John. The developers seem to have continuously bent over to make the plan better and address any concerns and go a step further. So I'm perfectly fine with how this stands.

Mr. Brumleve: I agree. I think that something that needs to be kind of illuminated is that there's a lot of issues that come up during these things that are not talked about again, because they take a trajectory on their own towards being either administrative, handled at an administrative level, or the applicant oftentimes either shall we say removes them from the table by having solved them along the way. During the final plat, yes, we will be reviewing everything as it is finalized, but we're not going to be illuminating every issue that has come up along the way and reviewing every page of the trip tick and every restroom stop along the way. I think it's important to understand that our city staffers work hard to try to tie these things together.

Ms. McKnight: This has been a project in process from the first review of the traditional subdivision to this. No development project is easy. And we certainly appreciate the developers' efforts to work with the city and come up with a good development. Obviously, we're putting our faith and trust in you with the requirements and regulations to back up our faith and our trust. I think this is going to be a nice development and it'll be different than what's

there today. And in this case, I think that'll be very good. With respect to the public private easements, I would recommend a 16th condition if you will, that says all easements to be private, except those specifically required to be public by the city. And by the city, it's any city agency that is responsible for a utility if they require a public easement to maintain their system, then otherwise it would be private.

Mr. Brumleve: To be privately held except those determined by the city to be necessary to be public.

Ms. McKnight: And I would like to add the clarification on what storm water runoff in item number three we're referring to when we say it be. So that stormwater that's generated offsite west of the property, plus the drainage in areas two, three, and four, that's piped as shown on page seven of nine of the March 28, 2021 plan. That's what Mr. Messerly said if I got it right.

Mr. Messerly: Or you could just say all the water that currently runs to Garfield plus storage two. That's probably a lot simpler way to put it.

Ms. McKnight: I'm just looking for language that will clarify if it becomes a question in the future, so we know. Because clearly, we've had a lot of discussion about not all the water going in the same place.

Mr. Messerly: If you're only talking about two, three, and four, you got a portion of water that flows directly to the Garfield keeping the existing [inaudible 02:25:19].

Mr. Pelle: Would be all currents, storm water flowing from the school.

Ms. McKnight: So, what was your second alternate?

Mr. Brumleve: Plus storage two.

Mr. Messerly: [crosstalk 02:25:33] towards Garfield, plus the water from storage facility two.

Ms. McKnight: All right. Anyone prepared to make a motion?

Mr. Brumleve: I move to approve the final development plan with the following conditions. I'm going to say as noted.

Mr. Messerly: Storage three.

Ms. McKnight: Storage three, not storage two.

Mr. Brumleve: Conditions as indicated one through 15 in the public packet with the following exceptions. Condition three, pending Valley View investigation and approval, the city requires that the stormwater runoff be an outlet to Garfield Avenue, south side at the developer's expense. This includes all water currently running to Garfield, plus that of storage facility three.

Mr. Pelle: Slight clarification. From the school. The from part.

Mr. Brumleve: From the school.

Mr. Pelle: Stormwater running from the school.

Mr. Messerly: That currently runs to Garfield.

Mr. Brumleve: All to Garfield. And so I don't think we need that addendum, because that's inclusive.

Mr. Brumleve: I'll read it out again just so it's in my head. Pending Valley View investigation and approval, the city requires that the stormwater runoff be an outlet to Garfield Avenue, south side at the developer's expense. This includes all water running to Garfield plus that of storage facility three-

Ms. McKnight: Currently running to Garfield.

Mr. Messerly: You could say Garfield storm piping system.

Mr. Brumleve: To Garfield storm piping system and that of storage facility three. Did I miss a word in there? I don't think I did. I shouldn't use the word that. The water.

Mr. Brumleve: And then we add condition 16. All easements are to be privately held except those determined by the city and public agencies needing to be public. Did I get a verb in there? I think I got a verb in there. All easements are to be privately held except those determined by the city and public agencies needing public access.

Mr. Pelle: I would say all easements to be private except those determined by the city to be required to be public. Something like that?

Ms. McKnight: I have a motion. Do we have a second?

Mr. Pelle: Second.

Ms. McKnight: We have a motion and a second to approve the final development plan for Milford South phase two, 777 Garfield Avenue with 16 conditions as modified and added. 15 conditions are recommended by staff modifications to condition three and additional condition 16.

Mr. Wenstrup: I have a question. So, in number three, when it's done, boom. And I understand it. Valley View is a public entity, and they may or may not be able to, it's not like they want to, they may be restricted from this. Automatically, does this come back into question or does it become a moot point if they are unagreeable or unable to give their cooperation with that?

Ms. McKnight: So, we're, we're approving a plan for grading and stormwater management. If they can't pipe the water under Garfield, this plan then can't be implemented.

Mr. Casto: They'd have to propose a different plan.

Mr. Brumleve: That condition can't be check boxed at that point and it has to come back to us to be readdressed.

Ms. Holbrook: I'll do roll call.

**Mr. Brumleve made a motion to approve the Phase 2 Milford South Final Development Plan with sixteen conditions of approval. Mr. Pelle seconded the motion. The motion carried 4-0.**

**Final Development Plan Conditions of Approval**

1. City approval is contingent on review and approval by the City Engineer and any other applicable local, state, and federal agencies.
2. Provide Stormwater Maintenance Plan before approval of Final Plat.
3. Pending Valley View investigation and approval, the city requires that the stormwater runoff be an outlet to Garfield Avenue, south side at the developer's expense. This includes all water running to Garfield storm piping system plus the water of storage facility three.
4. All building materials will be reviewed and approved by Planning Commission.
5. Install sidewalks (per City specifications) along Garfield Avenue after completing Phase 1 and 2.
6. Provide Planning Commission with a copy of the HOA's Covenants and Restrictions for review during the Final Plat review.
7. The Covenants and Restrictions will be recorded in the County Recorder office along with the Final Plat.
8. The developer is to provide a before development and after development impervious calculation.
9. WMSC Permit is required before grading can begin.
10. A minimum 20-foot environmental easement, according to Exhibit 1 (Sheet #6), is required along the perimeter of the parcel, and each lot owner and HOA are responsible for preserving the environmental quality of the easement area. Building construction or indiscriminate cutting of live trees or other vegetation will not be permitted within this area without the prior consent of the City Manager or designee.
11. Developer to comply with all bonds and sureties before final plat approval.
12. The drainage easement area of each lot shall be maintained continuously by the lot owner and the HOA. Within the easements, no structure, planting, fencing, culvert, or other materials shall be placed or permitted to remain, which may obstruct, retard, or divert the flow through the water courses.
13. The HOA will be responsible for inspection and maintenance associated with the stormwater detention/retention basins.
14. Submit Stormwater Maintenance Plan and access easements for drainage ways and basins.
15. Remove 30" pipe adjacent to the eastern property line.
16. All easements to be private except those determined by the city to be required to be public.

**Other Business:**

714 Lila Avenue, Roof Sign Approval

Ms. Holbrook read the memo into the record:

Christopher George is requesting permission to install a roof sign on the building at 714 Lila Avenue. A portion of the By Golly's deck is being enclosed to house an ice cream shake shop. Mr. George proposes to add a 20 square foot sign which in part extend above the roof line of the deck. Section 1191.11 of the Milford Zoning Ordinance requires approval by the Planning Commission for roof signs.

**Roof Sign Definition:**

A sign erected or maintained in whole or in part upon, against or directly above the roof or parapet line of a building.

## SECTION 1191.11 SIGNS REQUIRING APPROVAL BY PLANNING COMMISSION

### 1. Roof Signs

Roof signs shall not be permitted except upon approval by the Planning Commission. The Planning Commission may grant approval for a roof sign only in those cases where the applicant demonstrates practical difficulties in utilizing a wall sign or a freestanding sign and demonstrates that the roof sign will be in keeping with the spirit and intent of this chapter.

Mr. Scalf: Justin Scalf with One Stop Signs. We're located at 2502 State Route 131 Goshen, Ohio. The initial proposal was a four by eight sign. We've already reduced to meet the other code requirements, which is a 1.5 linear ratio times for every one linear foot of frontage. So, in this case it would allow for 21 square feet. We're at 20 square feet, one foot under. Even though we exceed the roof line of the deck structure, we do not exceed the overall height of the structure. Krazee Shakes is coming in as a second tenant of that space while we exceed the height of deck, we do not exceed the height of the building.

Mr. Brumleve: Is this sign larger than the By Golly sign?

Mr. Wenstrup: Yes. Is this an illuminated sign?

Mr. Scalf: It's not illuminated.

Mr. Wenstrup: So, it's painted on a board or material.

Mr. Scalf: This will be an ACM material. It's a hard aluminum composite. There's currently a tree there. So, to notice the advertisement, they're going to bring the small tree down. But other than that, that's the only changes going on at the property.

Mr. George: My name is Christopher George. I live on High Street. I think this is a great addition to town because it brings a lot of business. And I just think the sign brings things together. Are you familiar with Terry's Krazee Shakes out in Lynchburg? Those things are over the top, sundaes that have an entire piece of cake and then a whole candy bar, cupcakes, they're huge. They're just messes, and people love it. They're all over the coast and they're just working their way in to the inner states. So, I'm trying it to beat the market and get it into Cincinnati because we believe in them.

Ms. Holbrook: They have enclosed a portion of the deck, and that will be the walk-up window.

Ms. McKnight: So, we're not regulating content, color, design. If an applicant demonstrates practical difficulties in utilizing a wall sign or a free-standing sign and demonstrates that the roof sign will be in keeping with the spirit and intent of this chapter. So just a few words about the practical difficulty in utilizing a wall sign because that's the standard we have to look at.

Mr. George: Real fast though, have you noticed, we painted it white. The Krazee Shakes part of the building is white now. I am making sure that this has a very corporate, professional, clean feel, that they're going to wear uniforms, they're going to wear hats. I did put thought into the sign.

Mr. Scalf: In terms of the difficulty of finding solutions. That flat wall, the back parapet, on the backside of the deck structure. When you do that at the human scale it creates a visibility issue. It's not relevant for people walking. Secondly, when you orient the sign onto the other adjacent wall, I think that you're facing North, Northwest. When you do that, it faces the interior of the property. It's irrelevant to motorists and other guest coming into the property. So, we try to find solutions. In this case, it's very limited. Then you can see the angular structure or orientation of the roof, creates the issue.

Mr. Wenstrup: I don't see a practical difficulty because that same sign, Krazee, could be placed in front of Shakes lengthwise, and it doesn't challenge the roof line, and it still creates a separate, clean identity. Stacking them like that, and particularly, I'm trying to picture that being white, but I don't see the hardship of having a sign that is a continuous run of Krazee Shakes.

Mr. Scalf: Remember, if it was a linear rating at that size of text, it would still technically exceed the roof line.

Mr. Wenstrup: Well, technically is your interpretation, and of course we must do our interpretation. So, I did hear that argument early on and I thought it was very clever, but I don't agree with you.

Mr. George: Well, it's still going to be part of the roof line as it slopes. The sign will be, no matter what, even this way, will be higher than the low, where the roof comes to, the slant stops. Well, it would be higher than the lowest pitch where the sign would come across. If Krazee Shakes was stretched out, it would be a much longer sign.

Mr. Scalf: The Design Review Board is at the discretion of council.

Ms. McKnight: I'm not even sure I understand.

Mr. Scalf: The Design Review Board is to look at this. There's not really a definition here.

Ms. Holbrook: This is Planning Commission. This is not the Design Review Board.

Mr. Scalf: Oh, excuse me, I'm sorry.

Mr. Brumleve: To John's point. I agree that the more horizontal aspect ratio would challenge the roofline significantly less, and I agree with him in that respect. It might even be argued that the architect could have been engaged to have raised the parapet such that the Krazee Shakes would not violate any parapet or roofline. But that's not what we're here for today.

Mr. Pelle: It sounds like they looked at a lot of different solutions for this. I agree with you. I'd personally rather see it that way. I think it would fit in there better.

Ms. Holbrook: The square footage is okay. You're looking at it because it's the roof issue.

Mr. Scalf: I will say that Chris is fine with doing a compromise as doing a linear reading.

Ms. McKnight: So, did I hear someone say that you would be okay with a two by 10 sign?

Mr. George: Yes. Totally fine.

Mr. Pelle: Two by 10, that sounds like a good solution.

Ms. McKnight: If we approve a two by 10 sign, and a little bit of it extends over the slope of the deck, it's still a roof sign that we've approved. Is anyone prepared to make a motion?

**Mr. Wenstrup made a motion to approve the Krazee Shakes Roof sign Mr. Brumleve seconded the motion. The motion carried 4-0.**

### **18 Main Street, Outdoor Eating Area**

Ms. Holbrook read the following memo into the record:

Robert Krehnbrink is requesting permission to establish an outdoor eating area along the length of the building located at 18 Main Street. Section 1167.11.K. of the Milford Zoning Ordinance requires approval by the Planning Commission.

#### **1167.11.1 DESIGN STANDARDS**

**K. Outdoor Eating Establishments.** The regulations set forth in this section refer to sidewalk dining areas proposed to be located within the public right-of-way:

1. The Planning Commission shall approve all locations and dimensions for outdoor dining areas proposed for placement in either the public right-of-way or dining area proposed to be located on public or private property.
2. When proposing a location in the public right-of-way, all outdoor furniture and table umbrella materials and styles must be approved by the Planning Commission.
3. A minimum unobstructed sidewalk width of four (4) feet measured from the edge of curb or edge of pavement must be maintained for outdoor dining areas located within the public right-of-way.
4. No permanent structure shall be placed in the public right-of-way.
5. When proposing a location in the public right-of-way, any proposed fencing or other separation materials and styles shall be approved by the Planning Commission.

Ms. Holbrook: The outdoor eating area would extend the full length of the building. The Fire Department commented that they just want to make sure that handicap areas are not encroached on.

Mr. Brumleve: Is the salon going to stay?

Mr. George: The salon stays, yes.



Mr. Krehnbrink: Hi, my name is Robert Krehnbrink and I'm here on behalf of Sulpat, LLC and Ash Patel, owners of 18 Main. We're proposing an outdoor seating area that extends 97 feet. The entire face of the building. Plus, additional seating on the North, that's looking toward the East wall. The way it was designed allows for a six-foot space of travel for handicapped individuals to get through the handicap doors. So, we're well within the parameters. There was only one question as to design of the chairs. We are waiting to see if we will be able to have the inventory fulfilled based on COVID restrictions. It is a metal chair, stackable, with rattan weaving in the middle. Our desire is to have a silver chair with a natural rattan. The other options are black and brown, which are both in stock and not an issue. The tables themselves will be made from wood along with the bench. They will be of a natural green varnish color. The stanchions themselves are black and there are 15 of them but utilizing a non-permanent fencing so that we can maneuver the space within the parameters. We may need to move that aisle way back if we're causing issues for pedestrians.

Mr. Brumleve: So, these are weighted stanchions. Am I getting that? Not permanent.

Mr. Krehnbrink: Once we find a traffic pattern, we will be coming back to do a permanent fencing design, to be confirmed.

Mr. Wenstrup: So, I count 26 tables, right?

Mr. Krehnbrink: Correct. There is seating for an additional 50 people.

Mr. Wenstrup: Do the tables and chairs stay outside all night long?

Mr. Krehnbrink: Yes, they will.

Mr. Pelle: Christopher, how do you feel about this? Does it impede your business at all?

Mr. George: Well, that was my idea. The only thing that I would, which is his idea tonight, because my staff's already overseeing whatever's going to happen. They said, the latest we're hearing in colors and so forth, you don't want to be seen. I didn't even think about that. I just forgot. I just wanted people in front of my shop because I love people. They said, "Think about these girls with colored hair and people are eating and looking at them." So they panicked. But he just mentioned tonight, the salon side of my business, doing something with windows. So whatever that is with my windows, if you guys agree to do it, I'm totally fine with it.

Mr. Krehnbrink: We're recommending a screen-type, bottom, pull-up type of an assembly so that Christopher can arrange the screens to whatever height he would like to have them.

Mr. George: I'm fine with it. If you approve the windows because my staff is panicking.

**Mr. Brumleve made a motion to approve the Outdoor Eating Area at 18 Main Street. Mr. Wenstrup seconded the motion. The motion carried 4-0.**

There being no further business or comments to come before the Planning Commission, Mr. Pelle made a motion to adjourn the meeting at 9:15 PM, seconded by Ms. Evans. Following a unanimous decision, the ayes carried.

A handwritten signature in blue ink, reading "Dan Dollroth", written over a horizontal line.

Assistant City Manager

A handwritten signature in blue ink, reading "Ms. McKnight", written over a horizontal line.

Ms. McKnight, Chairman