

PLANNING COMMISSION MINUTES OF July 14, 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, July 14, 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, John Wenstrup, and Lisa Evans.

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

Visitors: Sam and Tammy Pschesang, 103 Mound; Philip Raines, 145 Mound; Tomislav Novakovic, 435 Main; Walter Akers, 104 Sycamore; Pat and Larry Conover, 420 Main; Scot Conover, 420 Main; Keith Conover, 420 Main; Joe Seitz, 424 Main.

SITE 21-09 Raines, 145 Mound, Front Setback

Ms. Holbrook read the following memo into the record:

Lauren Raines is requesting permission to construct a house at 145 Mound Avenue with a front setback of 14.5 feet which is less than the front setback requirement of thirty feet. The property owner is constrained by sewer easements that cut through the middle of the property.

Adjoining properties are setback 13.18 feet and 18.41 feet from the front property line. Section 1183.05.A. of the Milford Zoning Ordinance allows the Planning Commission to modify the front yard requirement as is consistent with the yards already established.

1183.05 FRONT YARDS

A. Smaller. Where the frontage upon the same side of the street within the same block is occupied or partially occupied by buildings with front yards, some or all of which are of less depth than required in this Zoning Ordinance, the Planning Commission shall permit a modification of the front yard requirements as is consistent with the yards already established.

Staff recommends approval.

Discussion

Mr. Brumleve: Is that footprint including the porch?

Mr. Raines: According to the drawings and everything, I understand. That includes the porch.

Mr. Brumleve: The porch would not be an additional projection beyond this footprint?

Mr. Raines: Correct.

Ms. McKnight: Could you just state your name and address for the record?

Mr. Raines: Philip Raines, 207 Water Street.

Ms. McKnight: Is there anything else you'd like to add regarding your request?

Mr. Raines: No, it's self-explanatory. Everything looks the same.

Mr. Wenstrup: Is there a residence there now?

Mr. Raines: There's a one-story home there. We're going to tear it down because of the amount of water that had been in the basement.

Ms. McKnight: So, Pam, the zoning ordinance gives the planning commission authority to establish a specific front yard for a lot, based on the setbacks of the surrounding properties?

Ms. Holbrook: Yes. The ordinance allows the planning commission to make that decision.

Mr. Pelle: This pertains to one specific lot? Not the street.

Ms. Holbrook: It's this one specific lot.

Mr. Pelle: Would saying yes to this set precedent?

Ms. Holbrook: No, it would not. Whatever decision we make tonight is not a precedence for any future decision.

Ms. McKnight: Was there anyone here this evening that wanted to comment on this request?

Mr. Brumleve: Mr. Raines, it shows the railroad right of way and all the other things behind there. Are those now in the river?

Mr. Raines: Yes, apparently some property had fallen off the backside,

Mr. Brumleve: I used to live across the street from there. And I was wondering how much of anything is left behind that property.

Mr. Raines: There's a decent amount of backyard.

Mr. Brumleve: I move for approval.

Mr. Pelle: Second.

Ms. McKnight: We have a motion and a second to approve the request for a 14-and-a-half-foot front yard setback at 145 Mound. All in favor?

Mr. Wenstrup: I would like to confirm that the setback includes 14 and a half feet from the front edge of the property to the first incidence of the porch.

Ms. McKnight: All in favor, say aye.

Group: All voted aye. The motion carried 5-0.

SITE 21-06 Multifamily Apartment Building, Conditional Use and Planned Development Overlay

Ms. Holbrook read the Staff Report into the record:

Project: Multifamily Apartment Building (Twelve units)

Location: 320 Victor Stier

Property Owner/Applicant: SP Contracting LLC
103 Mound Ave
Milford, OH 45150

Acreage: .4549 Acres or 19,816 SF

Tax Parcel Id: 210711A082
210711A081

Zoning: MRD, Milford River District

Existing Use: Five-unit apartment building

Proposed Use: Twelve-unit apartment building + Five-unit apartment building

Approval Required: Multifamily Conditional Use, Planned Development Overlay

Density: Approximately 37 units per acre

Floodplain: Yes

Adjacent Land Use and Zoning

All adjoining property is zoned MRD and Institutional
North: Institutional, Riverside Park & American Legion;
East: MRD, Vacant Commercial building;
West: Institutional, Riverside Park;
South: MRD, Commercial building.

PROPOSAL

Planning Commission will hold a public hearing to review a Conditional Use and Planned Development Overlay request submitted by SP Contracting LLC and Wood Architects. The applicant is proposing to construct a three-story, twelve-unit apartment complex on .4549 acres. The property is zoned MRD, Milford River District. Multifamily dwellings in this district are a conditional use that requires approval by Planning Commission. Projects that exceed six (6) dwelling units require approval by City Council through the Planned Development process.

PROCESS

Date	Meeting	
May 24, 2021	Submittal Deadline	

June 23	Neighborhood Meeting	
July 14	Planning Commission Public Hearing	Conditional Use
July 14	Planning Commission Public Hearing	Planned Development, Preliminary Development Plan
TBD	City Council Public Hearing	Planned Development, Preliminary Development Plan
TBD	City Council Final Action	Planned Development, Preliminary Development Plan
TBD	Planning Commission Review	Final Development Plan/Final Plat
TBD	Staff Review	Civil includes WMSC permit
TBD	Staff Review	Construction Plans - Architectural

Neighborhood Meeting

A Neighborhood Meeting was held on June 23. Neighbor concerns included:

1. Parking (not enough).
2. Stormwater issues coming from High Street.
3. A residential use that fronts Main street will hurt businesses on that end of downtown.
4. A resident questioned whether the current sewer capacity could handle 12 additional units.
5. Driveway going over sewer pipe.

Conditional Use Request

The following conditional uses are permitted in the Milford River District (MRD):

1167.03 CONDITIONAL USES

The following conditional uses shall be permitted only if expressly authorized by the Planning Commission in accordance with any applicable standards set forth in Chapter 1167 and Chapter 1195.

- A. Bed and Breakfast Lodging Establishment;
- B. Commercial Parking Garages;
- C. Convenience Stores;
- D. Mixed Uses;
- E. Multifamily Dwelling;
- F. Offices when located on the first floor of a primary structure;
- G. Religious Places of Worship;
- H. Single Family Residential Dwelling;
- I. Two-Family Residential Dwelling;
- J. Private Recreational Area.

The Zoning Ordinance provides the following specific standards for a conditional use:

1195.05 SPECIFIC STANDARDS FOR EACH CONDITIONAL USE

The following minimum requirements shall be imposed on conditional uses in addition to those requirements of the zoning district where the subject use is located. Additional requirements may be imposed by the Planning Commission if deemed desirable. In granting any conditional use, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this Code. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this code.

T. Multi Family Dwelling

1. The following shall apply to all applications to construct or convert a property to a multifamily dwelling in the MRD:
2. All applicable standards found in Chapter 1167 and Chapter 1195 shall apply.
3. The maximum density for a conditional use of any multifamily project in the MRD shall be 6 units per acre.
4. Multifamily dwellings proposed inside the MRD zoning district that are greater than 6 units per acre, shall only be permitted with an approved Planned Development Overlay zoning district designation. All applicable standards and procedural requirements found in Chapter 1169, PD Planned Development District shall apply. In the event of any conflict between regulations found in the MRD and PD overlay zoning district, the more restrictive regulation shall control.

The applicant's proposal exceeds six units per acre, and therefore, the project will go through the Planned Development Overlay approval process.

Planned Development Process

Establishing a Planned Development Overlay district is a three-step process that first requires a Planning Commission public hearing. 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. Following the public hearing and after reviewing the recommendation of the Planning Commission, Council shall vote on the proposed application. 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 Zone Change and the Planned Development request, the applicant will be required to submit a Final Development Plan to Planning Commission for review and approval. The Final Development Plan will include the final grading plan, site plan, elevation, floor plans, and a detailed landscaping plan.

If the Planning Commission approves the Final Development Plan, the Plan must be filed as a final plat as specified in Chapter 1105 of the Subdivision Regulations. The applicant must complete all site

improvements or provide a Surety Agreement that site improvements will be completed before Planning Commission approval of the Final Plat.

The applicant has one year to begin construction once a Final development plan is approved; otherwise, the Plan becomes void.

CONDITIONAL USE ANALYSIS

The Zoning Ordinance requires the following standards be met:

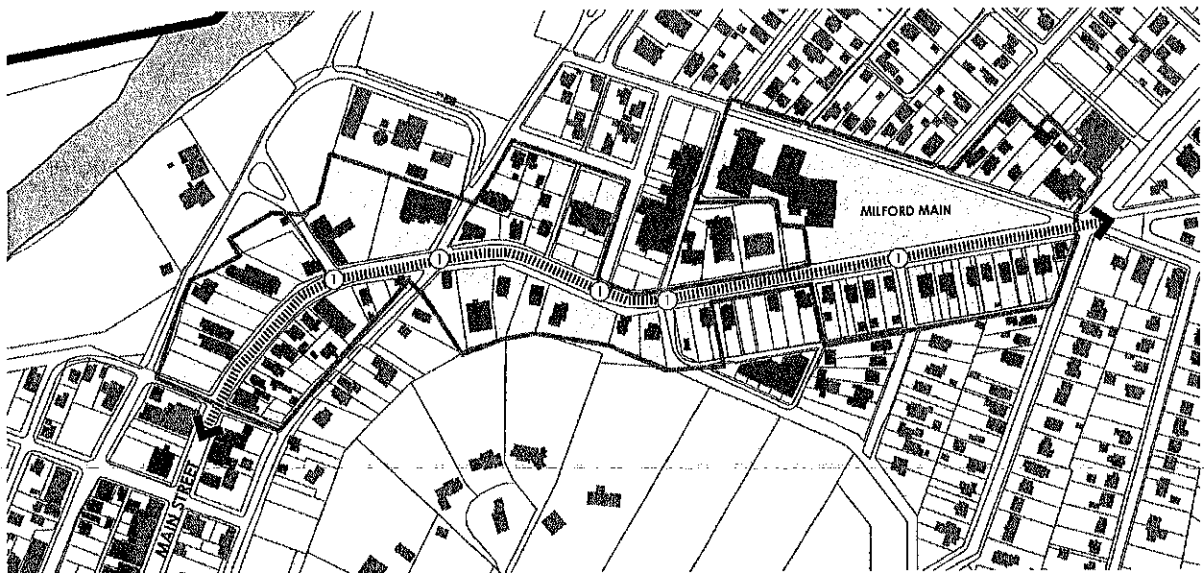
1195.04 STANDARDS FOR ALL CONDITIONAL USES

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

- A. The conditional use is consistent with the spirit, purpose, and intent of the Comprehensive Plan, will not substantially and permanently injure the appropriate use of the neighboring property, and will serve the public convenience and welfare.

The 2017 Comprehensive Plan identifies this section of downtown Milford as Focus Area 3, Main Street Transitional Corridor. Focus area 3 spans the gap between Five Points and the gateway to downtown Milford. The Plan notes that this 'area has been slowly transforming into a mixed-use district where single-family residential dwellings are interwoven with lower intensity retail, services, and professional office uses.' The Plan recommends the following permitted land uses: lower-intensity uses that feature a mix of office, retail, service, and residential.

Comprehensive Plan, Focus Area 3 Main Street Transitional



This project sits in a block that consists of first-floor commercial uses. It is difficult to envision this location as appropriate for first-floor residential use. The south side of downtown Milford has evolved into a vibrant area, attracting residents from around the area. A first-floor commercial use in this location would help bring vibrancy to the northern end of downtown.

The applicant has chosen to orient the building so that the rear faces Main Street. The building elevation fronting Main Street should provide a usable front entrance consistent with the character of downtown, pedestrian-friendly, and visually appealing.

On Monday, the applicant emailed a new elevation to staff. I would agree that the front elevation does look more appealing, attractive, and pedestrian-friendly.

B. The proposed conditional use is to be located in a district wherein such use may be permitted, subject to the requirements of Chapter 1195, Conditional Uses.

Multifamily units are a permitted use in downtown Milford. The Planned Development process is triggered because the applicant proposes more than six units.

C. The requirements set forth for each specific conditional use will be met;

The specific conditional use requirements will be met upon approval of the Planned Development Overlay.

D. Minimum standards for parking and loading areas shall be as required in Chapter 1187, Off-Street Parking and Loading Requirements;

The applicant proposes to provide 14 parking spaces for 17 units. The proposed parking does not appear to be adequate for the use.

E. Minimum Standards for landscaping shall be as required in Chapter 1189, Landscaping and Bufferyard Requirements; and

The applicant is required to provide a landscaping plan that complies with Chapter 1189.

F. The proposed use shall be adequately served by essential public facilities and services such as, but not limited to, roads, public safety forces, stormwater facilities, water, sewer, and schools.

It appears that city services can support this use.

CONDITIONAL USE RECOMMENDATION

I would like to see the applicant come back to Planning Commission with a plan that includes a first-floor commercial use with a reduced number of residential units on the second and third floor. Staff recommends denial of the multifamily conditional use as presented for the following reasons:

1. Although the Comprehensive Plan Focus area 3 is transitional in nature, staff believes that the project block should maintain a first-floor commercial use. A commercial first floor would enhance and help bring commercial activity to this end of downtown Milford.
2. The parking provided does not appear to be adequate for seventeen apartment units.
3. The building should include a useable front entrance facing Main Street.
4. Section 1195.02 of the Milford Ordinance requires that the applicant submit a Site Plan that is in accordance with Chapter 1127 Site Plan review. The following plans should be included in this review: Landscaping, Utilities, Stormwater Management, Grading, and Lighting.
5. Provide Dumpster location/details and bicycle rack.
6. Provide detail about the materials to be used on the building.

Discussion

Ms. Holbrook: The first part of the review is the conditional use question. I would ask that we discuss the conditional use first before going any further.

Mr. Wenstrup: Is the building between Victor Stier and the parking lot existing?

Ms. Holbrook: Yes, this is the five-unit apartment building.

Mr. Wenstrup: Where do the people park that live there?

Ms. Holbrook: It's not shown on the plans.

Mr. Brumleve: Are we to discuss the conditional use as this building is rendered? Or is the conditional use isolated as a use only?

Ms. Holbrook: I'm not sure I understand the question. The conditional use has to do with the multifamily units.

Mr. Brumleve: We can then talk about the particulars of how the Plan is presented after the conditional use is approved.

Ms. Holbrook: Section 1195.02 of the Milford ordinance requires that the applicant submit a site plan in accordance with chapter 1127. And that site plan should include landscaping, utility, stormwater management, grading, and lighting. So, all of that should be part of the package for the conditional use. I think the applicant was trying to determine whether Planning Commission would permit a First-floor, multifamily use.

Mr. Pschesang: Hello. Sam Pschesang, 103 Mound Avenue, Milford. I think we woke up after the neighborhood meeting about the first floor being residential. In all the studies that we went through, no one's saying build retail. Studio 2200 was vacant for almost a decade. But, after hearing from the neighbors, it dawned on me, I would be foolish if I didn't design the building to accommodate change. That is my intention from this point forward. Right now, the demand is housing. But we intend to design, especially that first floor where we can easily convert to commercial if the demand arises. I think that is the best scenario anybody could ask. I can provide you with sketches of how the first floor would look and how things could be converted and still maintain building and fire codes. But right now, the demand is residential. People are working from home. The only reason they're buying cars again is because of the free money and the shutdown of Uber. Now, that's probably going to change. We have 17 parking spots for the new building, and we have eight spots for the existing building, four on each side. I have space in the front; if the drive from Victor Stier impacts some of the parking on the north side, we have enough room to create parking in the front to move those four spots.

Mr. Pschesang: Because Milford is focusing on being a destination city, you need destination workers, and they need a place to live. And a lot of them, again, don't drive. We've seen a lot of pedestrian traffic over the last ten years, especially with the new sidewalk going up 28. So, a lot of people are walking. And again, making it so that the first floor can convert and be flexible enough to chase current markets, I think that's what the city ought to be

looking at. On the other side of the street, they're all houses that were converted into businesses. Who's not to say that those houses or those businesses might not be converted back to houses. I mean, do we know, especially with this pandemic, which way things are moving. But having the flexibility, I think the city would want. You can make more dollars per square foot on commercial space. Why wouldn't I? I do not have the financial capacity to risk it now, but I may in the future. And if the demand comes and we have a structure, and there's a demand, we can easily convert it into a commercial office or retail.

Mr. Pschesang: Here's our front entrance off Main Street. These are porches, covered, that surely can be enclosed and made a [inaudible 00:31:08].

Mr. Wenstrup: They're all two-bedroom apartments?

Mr. Pschesang: Correct.

Mr. Wenstrup: And what's the market for those? What kind of rent would those draw for you?

Mr. Pschesang: We don't have a strong figure, but I've advertised \$1,200 a month for the apartment building I own on Garfield, and I have a lady that's supposed to sign the lease this Sunday.

Ms. Evans: This property dips down? So, is there another floor below this one?

Mr. Pschesang: Yes.

Ms. Evans: Another floor. [crosstalk 00:32:23]. Is it a four-story? So, there wouldn't be units down there. Would there be parking underneath?

Mr. Pschesang: No, and that's because of a fire code. You must have so much fire suppression and fire blocking, et cetera, same with parking a car underneath. If the vehicle caught fire, the expense gets to the point where we can't justify it.

Ms. McKnight: What's the footprint or the floor area for each unit?

Mr. Pschesang: Approximately 900 and 1,000 square feet per unit.

Ms. Holbrook: There's a minimum size of 900 square feet for a two-bedroom dwelling unit. However, as a planned development, you could ask for a variance.

Ms. Evans: The property behind this is five units?

Mr. Pschesang: They're all individual units: three studios, a two-bedroom, and a one-bedroom. Most studios have one car or none. And again, we wanted the porch area. I think people need to enjoy the outdoors. I mean, we can enclose that and get our square footage up, but I don't believe the porches are included in the square footage of the space.

Mr. Wenstrup: Beneath these three stories, there's a full-sized space, which I don't think is on this drawing.

Mr. Pschesang: There's a rear side elevation that shows that.

Mr. Wenstrup: Well, the rear elevation still makes it look like it's three stories. I'm confused. Unless I'm reading it wrong because I think it drops off when it goes back there. Doesn't it?

Mr. Pschesang: Yes.

Mr. Wenstrup: Is there access?

Mr. Pschesang: You have the physical count. You have the three windows going down. As you can see, the building drops.

Mr. Wenstrup: Oh, it drops about half a story, is that right?

Mr. Pschesang: It looks like about eight or nine feet.

Mr. Wenstrup: Would there be access to that space from the outside?

Mr. Pschesang: Yes, there'll be access. What's the use? Tenant storage. It's in the flood plain. So you can't put dwelling units there.

Mr. Wenstrup: Will each unit have its utilities in the unit? Like it's water heaters and all that.

Mr. Pschesang: Yes.

Mr. Wenstrup: So, all the things to operate their residence are in their unit. Including heat. So, there's no need for mechanicals in the basement.

Mr. Pschesang: That's correct.

Mr. Wenstrup: They can get in and out from the outside?

Mr. Pschesang: Yes.

Mr. Wenstrup: And there's an entrance in the back as well as the front, correct?

Mr. Pschesang: Correct.

Ms. Holbrook: So, the finished floor elevation, I can't quite read that number. Our ordinance requires a foot above the finished floor elevation for properties in the floodplain.

Ms. Evans: What's the setback from the street?

Ms. Holbrook: There isn't a setback requirement in the Milford River District.

Mr. Pschesang: We've set the building back to create a more user-friendly streetscape and to avoid messing with power lines above us. I think it conforms to a lot of what we have down there.

Mr. Brumleve: Well, as far as conforming to what we have down there, there are only two other buildings in downtown Milford three stories high on Main Street. One of them is a fountain store, and the other one is 20 Brix. Those are the only buildings. The rest of the volumes on Main Street are a story and a half and two stories, max.

Mr. Pschesang: The distillery will be three stories.

Ms. Holbrook: The height for the distillery is going to be around 45 feet. 20 Brix is 45 feet.

Mr. Brumleve: I'm not talking about the area around the distillery. The building is significant, and I don't know if I have a platform to talk about it here because we're talking about use. And then we'd be talking about the Plan later. Do I understand that correctly?

Ms. Holbrook: As a part of the conditional use, you will be looking at the site and utility plans.

Mr. Brumleve: Speaking as an architect, I'm concerned. Nothing we have talked about here talks about what the building does to the fabric of Main Street and how that relates.

Mr. Wenstrup: Completely agree.

Mr. Brumleve: This is a significant volume. The building is not a trivial structure.

Mr. Pschesang: I don't think it's the size of 20 Brix at all.

Mr. Brumleve: Well, it isn't. None of them are the same as anybody else, and I'm not saying that it is. I appreciate the gestures to breaking down the volume. That makes total sense. And using a wide variety of materials to try to break it up and everything. But it is pressed against Main Street for understandable reasons. And it is three stories high for performance variables that I understand you're trying to meet.

Mr. Pschesang: And we've lost a floor due to the floodplain.

Mr. Brumleve: No, it's still three stories above Main Street.

Mr. Pschesang: Correct, but we're trying to [crosstalk 00:41:50]

Mr. Brumleve: Everything adjacent and in that corridor is significantly lower except for the fountain store. I understand all those things, but I feel a bit toothless here to even talk about it, to have any traction in addressing this. The Comprehensive Plan doesn't speak about volumetric issues.

Ms. McKnight: But we do have the density issue to consider-- 12 units.

Ms. Evans: I still think you're going to see four stories of concrete. You're going to see that lower level.

Mr. Brumleve: I was particularly worried at the earlier rendition, as seen in the AutoCAD rendition, which just looked like a brick box. I've seen plenty of those before. The revised version is an improvement. I don't know if it is because it's right on Main Street. The fact that it is

amongst a whole bunch of other development. I looked at this, and with those two exceptions, everything is two stories or less.

Mr. Pschesang: Then you have three stories on High Street. The new townhouses.

Mr. Brumleve: They're not on Main Street. So, it doesn't feel the same at all. It's part of that experience of moving through downtown Milford.

Mr. Pschesang: Is High Street part of the River District or not?

Ms. Holbrook: No, it is not. If I hear you correctly, even if the first floor were commercial, it sounds like you have a little bit of an issue with the massing of the building as a three-story building?

Mr. Brumleve: I have a whole lot of trouble with it.

Ms. McKnight: We should get some comments from the floor. And again, we're trying to focus on the conditional use initially, permitting the 12 units in this district. So, is there anyone who'd like to come forward and give their comments? And if you would, please state your name and address for the record.

Mr. Conover: My name is Scot Conover, Sign Graphics & Design. I'm across the street from the development. I'd like to point out that this used to be the old mill overlay, now the Milford River District. I see that district as two parts. Locust Street is the district's primary division, and once you pass Locust Street, from Locust to Mill, Milford has put all their efforts into that part of the district. In doing so, they've reaped the benefits, and it's taken years to get to where it is.

Mr. Conover: Milford's most stringent zoning guidelines are within this district for a reason. You wanted to bring the downtown feel to the other side of Main Street. My point is that if you allow residential on the first floor, you're taking the other end of the district, which hasn't received a lot of attention over the years. The businesses are smaller, and the district is broken up with residential. But if you add this, it's not going to do anything positive to the area itself, as far as businesses and mixed uses are concerned. You're taking a building from Lila Chateau and moving it to Main Street. I would also add that, even though the elevation is broken up. Where are the historical guidelines? Is he going to meet any historical elevations so that it blends? I looked at the elevations. It looks like a modern or post-modern building, and it doesn't have any historical significance.

Mr. Conover: I haven't seen the new renderings, but if the entrances are on the front, on Main Street, now that he's moved the entries from the back of the building or Victor Stier to Main Street, suddenly, all the residents that rent from him now park on Main Street. If I were renting and my front door was on Main Street, and he told me my parking space was in the back, well, where's the motivation there? I mean, I'm going to park on Main Street. Parking on Main Street is already a problem. And if you look at the site plan, I don't know if he's defined a site plan yet, but he has an ingress and egress to get to the back of his new building. And he's going to displace the parking that's in his old building. Because his lot lines are tight to that existing building in the back. Once he takes up a lane to come in and a lane to go out, suddenly, he's taking these parking spots from the existing building

away. So, if he says he' has eight parking spaces or however many he had for that existing building, half of that's going away when he builds driveways to get to the other one.

Mr. Conover: You commented that there are no other three-story buildings on Main Street, and I would agree with that. You put the stringent zoning of this overlay district in place for a reason. And now, to say, let's just settle for the first development that comes along. You didn't do that for the other side of Locust Avenue, from Locust to Mill. That took years to develop. I've tried to do minor upgrades to my business, and I've come before other boards, and I was denied. My upgrades were insignificant compared to what you have in front of you today. I would urge this board and the city council to reject this proposal because it does not align with the zoning guidelines you set out as a city. Thank you.

Mr. Novakovic: My name is Thomas Novakovic, and I'm at 435 Main Street. Just two properties over, going east, from the proposed development. I've been in this location for about nine years, and I've seen Milford moving forward. Thanks to you guys and previous administrations. Our neighbor wants to develop, invest money, and make money, which is good for everybody. I support development. However, I have concerns that this development may affect my property with stormwater management. The property being developed is low lying, and my property is very similar, maybe even lower. I get a lot of water from Main Street. From the east side, from U-Haul, and the north, from the American Legion. From the west side, which is a vacant commercial building and with this development. If stormwater is not managed correctly, my building will flood every time there's rain.

Mr. Novakovic: So, do I support the facility? I support development. I just want to make sure that the city council is aware of the situation for any future development. And this current development is designed and installed so that I don't get an inch more of stormwater because I will have a flood. I have a few slides and video clips to show you. When you look to the left, you see U-Haul. If you are viewing east on Main Street, you will see it sloping toward my building. All the water from Main Street is coming down toward my building and running north/south. When you look down from Main Street, you see sloping towards my property. When you look at the east side, on U-Haul, it's even worse. That is giving me the most problem. U-Haul has a huge parking lot, lots of roof space. And I don't think they have any storm drains installed. The downspouts are going to the parking lot. When you look on the other side, it keeps going down toward my property and then swings around the building. Looking north at the American Legion, the parking lot breaks, and most of it is going towards my property. So, in addition to south Main Street and U-Haul, I get most of the water coming from the American Legion.

Mr. Novakovic: And from the west, from Victor Stier, it slopes towards my property. All the downspouts drain to my property. I do get water coming from Main Street and everything from that commercial building. This is where water collects at the magnolia tree. So this is a new development. I just want everyone to be aware. Maybe there are other measures to mitigate my troubles to reduce the quantity of water that I am getting from the south, east, and north. Thank you.

Mr. Wenstrup: How long have you owned that building?

Mr. Novakovic: Nine years.

Mr. Wenstrup: And how long have you observed the water problems? Nine years? And have you done anything to mitigate the water problems on your property?

Mr. Novakovic: No.

Mr. Wenstrup: Okay. So, it's important now that he's developing a building?

Mr. Novakovic: I don't want to stop development, and I don't think he needs to solve my problems. I'm just saying I have enough existing issues. If he does not contain his water, I will have a bigger problem.

Mr. Wenstrup: I want to comment that clearly, you have water problems. All roads lead to Rome, and all water leads to your place, which is unfortunate, but there may have been some due diligence that was missed when you bought it because it's been that way, correct?

Mr. Novakovic: I'm sure.

Mr. Wenstrup: The proposed developer has been a staunch advocate of protecting water invasion on other people's property before this group in the past on other developments. I don't mean to speak for the group, but we make every effort to, number one, make sure that water problems that exist on an adjacent property don't become worsened. And, we make every effort to encourage the people who are doing the development to try to work with the adjacent properties to find solutions that help everybody. At least that's where my stance is. You made a wonderful presentation, and I appreciate you making it clear what your problem is. So, I wanted to thank you, and I wanted to make sure I understood that this was a preexisting problem long before he decided to consider building.

Mr. Novakovic: I'm just concerned that any inch of pavement we put around will affect me even worse.

Mr. Wenstrup: You make a good point because this isn't just your problem or his problem. It affects the whole area.

Mr. Conover: I'm Keith Conover, and I'm also at 420. My brother spoke first tonight. As far as the preexisting water, some of that area down there is owned by Milford. Am I correct?

Ms. Holbrook: There's a portion of the green area that is Milford's right of way.

Mr. Conover: Actually, the ingress and egress down there is by Milford. Is that correct? You have to go over the Milford property to get in and out.

Ms. Holbrook: He will enter off of Victor Stier, which would be considered right of way.

Mr. Conover: Don't they have a lot there? I thought that where all the development [inaudible 01:14:20] is the property line.

Ms. Holbrook: That's all Milford's right of way. It's not paved but is considered right of way.

- Mr. Conover: Right, he doesn't even own it. Any section that butts up against Victor Stier, he's going to have to go through the Milford lot. I disagree. [inaudible 01:14:58]. [inaudible 01:14:58].
- Ms. Holbrook: This is Victor Stier and is right of way.
- Mr. Conover: I have a lot of experience with the cars on Main Street and the parking situation. We're working on 420, but there are two spots as I'm coming in to park. I used one of them, there's another spot, and maybe another space opened up. There are people doing business down there, and they depend on the street parking for their clients. There are many hair salons in that block. They park for an hour and then switch out.
- Mr. Conover: And right now, it works. If you add 12 units plus the five in the back and only give them however many spots, they will park on Main Street. Our parking just went away. Milford has a parking lot a block away, and it gets used a lot because there is some tight parking down through there. If you suppress that parking to the point where people walk two blocks to get their hair done, they're not coming back. They're going up the street where there is parking. And the same holds with other types of business down here.
- Mr. Conover: I was on the Batavia zoning board for ten years, and we had planned developments. We envied Milford for what they had accomplished down here. But the one thing that we were pretty firm on is that any development needs two spots. So, you got two units; you need four spaces, even a business, you know? And it's a good rule of thumb because some people will only have one car, and others have three, but typically it'll balance out to two. I will speak for the park. You've got kids coming down there all the time. It's a busy park, and it's kind of nice, and you do have young kids because it's designed for young kids. If you're starting the day with half that lot full, it's going to fill up.
- Mr. Conover: But when you make some wrong zoning moves, you don't enhance. You retract from it. As a board, you guys need to consider if we want 12 units in a place that will only hold four or five or six? I guess that's the only issue I want to address right now. I know there's going to be change, and we're going to have to adapt. It's a good thing if Milford is getting better. I don't mind adapting and figuring out solutions to a problem.
- Mr. Conover: You know, he says 1200 a month. I don't know if that's low or high. My second question is, where do I park? And if they tell me, "Well, you've got one spot, I'm like, "Well, where am I going to park?" Because she's going to get the spot. Where do I go? These planned urban developments are nice for zoning boards because they have a lot of latitude, but there can be a bad side. I learned and that we stuck by in Batavia was that two spots per unit rule. It is important. That's all I got.
- Mr. Conover: Hi, good evening. My name is also Conover, and I happen to be the father of both boys who made their presentation. I've lived in Milford all my life, and I'm in my 70s. I've seen that river do tremendous things, things that you wouldn't believe. That property that you're talking about, at one time up until 20 years ago, belonged to my family. And most of those buildings in this whole area belong to our family. So, I'm very familiar with the river and with flooding. I've seen half a dozen significant floods in my lifetime, starting in the late 50s, early 60s. In the 70s and 80s, they did control the river very well in that two-decade period, and we didn't have much flooding. With the change in the climate that we're experiencing, warmer weather, and a lot more rain, we've got a lot more rise and

fall on the Little Miami River. The system they used upstream to control the river flooding has reached capacity, and they can't control it anymore.

Mr. Conover: It's only going to get worse. So, the floodplain down there is not going to improve. It's going to, over the next two or three decades, probably be a lot worse. That's my number one issue. I've been in the derelict building, I call it, but it's the one right to the north of the property that he owns. That building has had as much as four and a half feet of water in it. I've seen that happen. And I've also seen a period of time in the 70s when it had a couple of feet of water. And the building that he owns in the back there, that one has a little bit higher elevation, and it's gotten at least a foot twice in my memory.

Mr. Conover: First of all, it's in a flood plain, and I think we all know that. I don't know if putting 12 units on top of a flood plain and 12 units entirely out of character with the downtown area. I think everybody who has made a statement on this agrees with that. I agree. It's just a big block building, and that's fine, but we're trying. In my experience, when I came here and was aware of what was going on in the 50s, Milford was an entirely different town. Now it's a destination in those days it was a country town. Today it's not that way. It's attractive. It's got a lot of qualities that Montgomery, Loveland, and Madeira have. I think that's what we want, and I don't know that putting this thing right down there in that district does anything to promote that idea, that image of what we've tried to create over the last 25 or 30 years.

Mr. Conover: You guys have done a good job with that, and I just hope it continues that way. But I'm opposed to the idea of this building. These people on the third floor, incidentally, they're going to have wires right outside their balcony. Go down and look at the utility poles. Those are phone lines and electric lines that'll be within 15 feet of their balcony, on the edge of Main Street. That's all I've got to say, but I'm not opposed to development if it's appropriately developed with half a dozen units. But adding 12 more units in there when there's already five, on 4.7 acres, figure out the density. I think the lady there said it was what, 37? It sounds like Manhattan, not Milford. I hope you make the right decision because I think it's essential that we have reasonable zoning that is productive and adds to the community's character and the economy of the community. That's all I have, but thanks for your time.

Mr. Pschesang: Unfortunately, our properties are in the Old Mill Race, and that was why it's low, and that was why it fills up. One of the big floods, as that the river elevation coming back to Mill Race, and [inaudible 01:27:30]. As far as when the river is not up, the watersheds, mine goes down Mill Race, which is... I've got a catch basin here, and it cuts through [inaudible 01:27:47] somewhere. [inaudible 01:27:51]. I can't say the other side of the property doesn't extend that way. But the majority of everything in front of that building goes down towards [inaudible 01:28:08]. When the river gets up, and everything goes backward, that's all. Again, I believe we have adequate parking, and we always had the entrance off of Main Street. There are two entrances, one in the back and one in front.

Mr. Pschesang: We don't have an entrance off Main Street. When we talked to Pam on several occasions, she was concerned about that, and rightfully so. So that is why we are accessing the property from Victor Stier. As far as the building front, anything can be changed. We had it originally brick, kind of like what Dale Roe likes to do. And John already mentioned he didn't like that and was happier to see the newer version. And then we have people in

the audience who don't like the newer version. I think we will do whatever we can to make it historic looking and fit the neighborhood.

Mr. Pschesang: We have three-story buildings on Main Street. It is what it is. I don't know what's wrong with that. I don't think it makes it stand out aggressively. The statue place, Mark Sedacca's place, seems to blend. I'm trying to think what else was brought up. Again, with the storefronts, I want to make that first floor as flexible as possible and attack whatever market I can right now. It looks like the demand is for housing.

Mr. Pschesang: I wouldn't see why. Again, the houses on the other side of the street were houses at one time that got converted to businesses. We don't know if that might not go back the other way. If somebody's got a crystal ball, I'd like to see it. I think we have a good deal, and I think we are willing to make changes to the front, to whatever historical standards you would like us to include. I think that's all I have.

Ms. Evans: I'm personally also concerned about the parking because I do agree with the Conover's that I think if I live in these front units, I'm not going to park in the back. I'm going to pull up on Main Street and park. On the city council, one of our main focuses right now is trying to alleviate parking issues downtown. So, that does concern me.

Ms. McKnight: We could see where the actual parking spaces would be for both the existing and proposed development with a site plan. And we don't have that information today.

Ms. Evans: Those front six units could have 10, 12 cars that take up all those spots right in front of Michaelson and down the street.

Mr. Brumleve: Well, I don't know that they're going to find those spots on Main Street. I might suggest to Sam that you develop the first floor as a commercial space; you're almost going to be helping yourself out as far as parking goes. What will happen is that basically, you treat the building as a bedroom community from the second floor up. Everybody's gone to work during the day. They come back home in the evenings when businesses have subsided for the day. So, there could be a balancing effect there. That's speculation on my part. Your comment about whether I do or don't like the front facade is not relevant at this stage of the game. I don't have anything to say about that. The overall volume is non-trivial here.

Mr. Brumleve: I will note that if you're thinking about making the first-floor convertible to retail, you probably need to increase the floor to ceiling height a bit on the first floor so you can have that mobility, planning-wise. I'm just thinking about that architecturally. If you're asking me about finishes, I feel more variety of finishes is not necessarily a better treatment historically. You're trying to develop a consistent approach of finishes that knits it together and makes it seamless, but that's an aesthetic call. My concern is that this portion of downtown is a district of particular focus, and [inaudible 01:35:05] calls it an area of focus in the comprehensive Plan. In other words, they wanted everyone concerned with this area to pay attention.

Mr. Brumleve: That cutoff area is Sycamore Street. The comprehensive Plan was written to pay particular attention to this area and up towards Five points. That is where my concern is coming from. This is not the area that the Fountain store is in. That is not the area that

that the 20 Bricks is in. That is not the area of the distilleries. Pam, I wanted to ask you a particular question. One of the Conover's made specific mention to two spaces per unit. Do we have ensconced in our zoning for a particular number per occupancy unit?

Ms. Holbrook: No, this ordinance is not written that way. It says adequate for the use, and in downtown, you can also include the shared parking.

Mr. Brumleve: Interesting. A particular question about common open space requirement in the staff analysis. Is this a typo? I'm seeing open requirements. You're referring to the trails and parks and everything. Staff does not feel additional open space is necessary?

Ms. Holbrook: I don't. The project is so close to Memorial Park and Riverside Park it doesn't seem necessary.

Ms. McKnight: To your point, John, I'm referring, again, back to the comprehensive Plan and that focus area three. When you look at the permitted land uses recommended for this area should include lower intensity uses and feature a mix of office, retail, service, and residential. Controlling the density and intensity of redevelopment projects in this district is critical to maintaining an appropriate scale with the surrounding residential properties.

Mr. Pelle: That's my concern as well. I think John, you pretty much addressed all my concerns. It feels oversized for what I know, being on that comprehensive plan committee, knowing the spirit of what we were trying to do and encapsulate in this document, it doesn't feel like it fits that. That's the sense I get. I also didn't see any counterpoint to staff's recommendations of why they would recommend not doing it. I didn't hear any counterpoints that overwhelmed that argument. I just didn't feel like those were truly addressed in a way that said I'm convinced it won't be that way. It was more based on conjecture, but we can't make decisions based on that. So for me, I don't see anything about what John said, or what staff put in here, that I disagree with.

Mr. Wenstrup: I'm delighted that you want to invest in the property. I think if there was a 16 unit going where the five-unit was, and you found someone who would take that front lot and build commercial, I think we'd all be very excited. But this isn't what you've got. And you hear everybody's complaining. And really, a lot of times, this first meeting is just to feel out the water and find out stuff. So, hopefully, we're helpful. I think the density is a little much. I think the reason the three-story is an issue is because it's a three story among two stories, so that makes it stand out. We have kind of said, if you develop something, particularly with parking and stuff like that, we want the developer to take that into account as they develop. We did that with the Garfield school, and they came up with a program that projected to reduce the water problem by 50%, which is awesome. So, I don't know if there's a place to put a retention pond, but you know what I'm saying. Those kinds of things, I would be delighted to see this input kind of help you come up with something that works within the framework of what you want. But the first-floor residential right on Main Street is an issue. The density is a total of five plus 12 is 17. It's 34 on a half an acre. And it's six on an acre, right? 34 on a full acre because it's 17 on a half an acre. It's six times what it calls for. So in light of those things, I would have a hard time giving you a go today. That's just me. I mean, I would also, and this is a crappy part of being on this committee is I also want to encourage you to keep at it, because I think residential is needed in the community. And I think we'd love to see people develop

property, especially this property. We're just waiting for something to happen. And maybe in the off of it, we can solve a water problem, but that's not our thing to solve.

Ms. McKnight: I'm not opposed to a mixed-use building. I definitely fall into the camp of first floor retail or commercial. This building in another place. The intensity and the scale today, it doesn't feel like it fits, like it's sensitive to the area. Now our options are to approve the conditional use. I think you've gotten a feel that we're probably not inclined to do that this evening. If you were interested in taking some of the comments that we've given you and take another shot at it, we're happy to continue. You could come back. Or our third options is to recommend denial or to deny that we not recommend to actually deny the conditional use request. So, that's where we are this evening.

Mr. Pschesang: So to be clear, you want first floor business retail?

Ms. Holbrook: Commercial use.

Mr. Brumleve: It's desirable. I mean, we can go about finishes. We can go about retail and residential on our first floor and numbers of parking spaces. I think this is me talking just from my point of view, the scale of the development is disproportionate to the degree of care we should be directing towards it.

Mr. Pschesang: So two stories from Main Street up?

Mr. Brumleve: I mean, it's a matter of address. It's a matter of how it actually happens.

Ms. Evans: I think partly even though because of where it sits, it's going to look like a four story. I mean, on the front, it's three story. I think on the sides, when you come in down the street, it's going to look massive, because it's really four stories on the sides.

Ms. McKnight: Because of the hill, right.

Mr. Brumleve: And that's part of it. It's even three stories on Main Street. And it would be on par with what is arguably landmark buildings further down the street that this is not meant to be.

Mr. Wenstrup: So, I look at this as if I was developing it, what would I do? And three stories is kind of tall, but that wouldn't stop me if it was developed properly. But what I would suggest is we'd call it a mixed use building and the buildings, the two units that face Main Street, could those be retail and the units that are on the back of the building [crosstalk 01:47:30]

Mr. Brumleve: And really to make them useful, he'd need all four really to make them useful retail spaces.

Mr. Wenstrup: Those are pretty big spaces. What did you just say? You think that they need the whole space for it to be an effective retail space?

Mr. Brumleve: No, I think they probably need some more headroom too, but these are all opinions. This is speculation on my part.

Mr. Wenstrup: I'm just trying to define mixed use for our purpose. We want businesses on Main Street.

Mr. Brumleve: Being in this business too, I know that it's how you actually execute that gets you there. I can make speculation as to what the possible solutions may be.

Mr. Pschesang: What I'm trying to get, what I've got to do is-Take your recommendations and crunch numbers and see if it works. So, if it doesn't, I need to comply with your recommendations to get something built. And if I can't-It's just the numbers have to work.

Ms. Evans: I think the height would even look different if they were row houses versus one big massive building.

Mr. Wenstrup: Well, they seem they'll be different heights because they're different setbacks. Okay. So that's a good point. And that could also be remediated with a parapet. Is that what they call that? I'm just curious as a person who doesn't know what the hell I'm talking about when it comes to that, but is it conceivable to build a building and have front retail on the first floor and back residential on the first floor?

Mr. Pschesang: I don't think it's out of the question. I don't think it's out of the question at all. Again, we just need to kind of run the numbers and see what you want. I don't want to keep doing this. Because it costs me money. I've been trying to get definitive things from you-

Mr. Brumleve: To the issue of scale, Sam, something that comes to mind-Is to step back from the street. And I'm not talking about in Plan. I'm talking in volume. And this is done in major cities all the time in order to give the street air. It gives us some breathing space above, because there are certain portions of the city that aren't intended to be big-shouldered and out front. And there are other portions of the city that are intended to subside. And I wonder if, for example, could the third floor be stepped back to, shall we say high-end apartments that have their terraces on the front and suppose too, having their walls on the front? Can they be pushed back? Can you give yourself some air? Give the street some breathing space up there, as opposed to creating a possible canyon wall with that kind of height.

Mr. Wenstrup: You mean somewhat cantilever the back out a little bit?

Mr. Brumleve: You start getting into devil in the details. I know that, and I'm really sorry that we feel like we're haggling here and I'm not meaning to take you there. But it does-

Mr. Pschesang: Volume's an issue then?

Mr. Brumleve: Volume is my main issue. I think it's the perceived volume and scale more than the actual-Because it's that transition-

Mr. Pschesang: I think that white building next to it, is that two story, Larry? And then it has the apartment on top.

Mr. Conover: No. It presents itself as a story and a half.

Mr. Wenstrup: If and when we look at this further, is there a way that you can show us that rendering, juxtaposed to the street scape. So it might not look as bad as we think.

Ms. Evans: How is it going to look coming down the street, both directions?

Mr. Wenstrup: He was saying bump out and push back the layers, so they're not stacked a straight up, which could give it some character. I don't know if you have room. It looks like you got plenty of room on your lot to do that.

Mr. Brumleve: And to the issue of parking being under the building. I mean, we've had two buildings proposed, I think in the last year that have parking under the building. So it is doable.

Mr. Pschesang: It's costly. The numbers have to work.

Mr. Pschesang: Okay. Well, I'd like to talk it over with the architect and Eric. I guess you're saying either they vote, yes, no? Or come back? Is that the question?

Ms. McKnight: Yes. We could vote to continue. Go run your numbers, see what you can do. And if it looks like it's doable, you'd get in touch with Pam. We have another meeting. If it looks like it's not going to work, you tell Pam-it's not going to work. And you would send her something in writing to withdraw and that would be it. So I'll entertain a motion to continue the conditional use hearing.

Mr. Brumleve: I'd like to move to continue this case.

Mr. Wenstrup: Second.

Ms. McKnight: We have a motion and a second to continue the public hearing for the conditional use request. All in favor, say aye.

Group: All members voted aye. The motion carried 5-0.

Ms. Holbrook: I still have one other business item here. This isn't something that falls under Planning Commission review, but I want to get your feedback regarding Milford south. Paul Schirmer is asking permission to construct a model home at Milford South. As you probably know, they've started their earthwork. They haven't come back to you yet for a final plat approval. They've submitted a permit to demolish the back portion of the school building. Their intention is to get the detention areas installed so they can start capturing the water. But in the meantime, they want to put up a model home with no utilities. Do you want to talk a little bit about that, Paul?

Mr. Schirmer: Yes. Ashford Homes would like to construct a model unit, basically in the ground foundations this fall with the intent being that it's ready to walk through come spring. What they're looking to do before everything is platted, is put in a model lot.

Mr. Brumleve: And are our ducks in a row legally on this? Well, the fear is that something like this gets built and it sits in the weeds for the next 10 years.

Ms. Holbrook: The final plat is not done, but if something happens we end up with one house on a large lot. I wanted to get a second opinion. I don't need an approval to sign off on it. However, I felt better taking it to Planning Commission for discussion. I'm looking for some feedback.

Ms. Evans: If our goal is to get the development going and get it developed-This would help with.

Ms. Holbrook: It would.

Mr. Brumleve: I think it's in its best interest. I'm just curious though-The risk? In a prior life, I was involved in permitting and there always was a full stop at some juncture.

Ms. Holbrook: None of that has been done yet.

Mr. Brumleve: I don't know if that's too far down the road to consider or if it's in our rear view mirror. I just don't know where we're at with the process. Are we in a secure place with the process?

Ms. Holbrook: I look at what's the worst that can happen? If we gave them a permit, there are no utilities connected to the house. Suppose they walk away after that. We could end up with property maintenance issues.

Mr. Schirmer: The one advantage to the location of where they're proposing to build the model house, it's the very first house adjacent to Garfield. So it's easily hooked up to the utilities.

Mr. Brumleve: So that lowers our risk a bit.

Mr. Schirmer: Yes, exactly. Not only that, where it's proposed, it's not going to affect any of the site work and utilities going on site.

Mr. Pelle: There are some risks, but I'd also take a bet on that risk based on Paul's team, everything they've done so far they have shown a desire to work with us and make things right, and make things better as the Plan goes along. So I'm perfectly willing to take that risk based on what you've done so far.

Mr. Wenstrup: There's no extensive regrading for that piece of property. Is there a basement under it?

Mr. Schirmer: I believe there would be a basement.

Mr. Wenstrup: I think it's appropriate to have something there that people can see.

Mr. Schirmer: Actually, it's the builder taking the risks.

Mr. Pelle: I'm all for it too.

Ms. McKnight: Did that help, Pam?

Ms. Holbrook: Yes, it did.

There being no further business or comments to come before the Planning Commission, Mr. Pelle made a motion to adjourn the meeting at 8:15 PM, seconded by Ms. Evans. Following a unanimous decision, the ayes carried.


Assistant City Manager


Ms. McKnight, Chairman

