

PLANNING COMMISSION MINUTES OF November 13, 2019
6:00 P.M. 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, November 13, 2019, at Council Chambers, 745 Center Street, Milford, OH 45150.

Roll Call:

Lois McKnight called the Planning Commission meeting to order at 6:04 p.m. Other members present at tonight's meeting are Dino Pelle, John Brumleve, and John Wenstrup.

Mr. Pelle made a motion to excuse Lisa Evans. Mr. Brumleve seconded the motion. All voted aye.

Staff: Pam Holbrook, Asst. City Manager; Nate Clayton, City Engineer

Visitors: See attached sign in sheet.

Minutes Approval:

Mr. Wenstrup moved to approve the April 10, 2019 minutes, seconded by Mr. Pelle. Motion carried 2-0. Ms. McKnight and Mr. Brumleve abstained.

Mr. Pelle made a motion to approve the May 8, 2019 minutes, seconded by Mr. Wenstrup. Motion carried 3-0. Mr. Brumleve abstained.

Mr. Wenstrup made a motion to approve the August 14, 2019 minutes, seconded by Mr. Brumleve. Motion carried 3-0. Mr. Pelle abstained.

Mr. Brumleve made a motion to approve the October 9, 2019 minutes, seconded by Mr. Wenstrup. Motion carried 3-0. Ms. McKnight abstained.

SITE 19-21 Milford South Preliminary Plat Subdivision Review.

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

Project: Milford South Preliminary Plat Subdivision Review

Location: 777 Garfield Avenue

Property Owner: Milford Schools
1099 SR 131
Milford, OH 45150

Applicant: CDSG LLC
1009 Delta Avenue
Cincinnati, OH 45208

Acreage: Phase 1= 6.746 Acres; Total acreage = 13.183;

Tax Parcel Id: 210729.026P

Zoning: R-2, Single Family Residential District

Existing Use: Vacant School Building

Proposed Use: Phase 1 - 20 Single Family Residential Lots; Phase 2 - TBD

Adjacent Land Use and Zoning

North: R-3 Single Family District, Wallace Grove Subdivision;

East: R-3 Single Family District, Apple Lane Subdivision;

West: R-3 Single Family District, Hogan Drive Subdivision;

South: R-2 Single Family District, Valley View.

REQUEST

Paul Schirmer and Stan Messerly, applicants, submitted a preliminary subdivision plan for review by the Planning Commission in accordance with Section 1105 of the Codified Ordinance. The procedure for obtaining approval of a subdivision consists of three steps:

1. Preliminary consultation: August 14, 2019
2. Preliminary Plat Review and approval: November 13, 2019
3. Final Plat Review and Approval: TBD

PLANNING COMMISSION REVIEW AND APPROVAL (1105.05)

Planning Commission is tasked with ensuring the preliminary plat is in compliance with the Subdivision Regulations and Zoning Ordinance and will make one of the following determinations within thirty days of the public meeting:

1. Approve
2. Approve Conditionally
3. Disapprove

EXISTING SITE INFORMATION

The applicant has provided Existing Site Boundary, Topography & Utilities on Sheet 3. The applicant is proposing to remove a portion of the abandoned school building. Sheet 3, Note 1. The existing contours are shown and range from 664 feet at the north west corner of the parcel to 570 feet at the south east corner of the parcel.

LAND USE AND TRAFFIC IMPACT

The proposed land use as single family dwellings is consistent with the Land Use Plan and the R-2 Zoning District requirements. It does not appear that this development will generate more than 100 vehicle trips during peak hour. However, any future development on the remaining acreage will require that the applicant provide a letter from a traffic engineer stating expected vehicle trips. The applicant may be required to provide a traffic impact study in accordance with Section 1127.03.AB of the Zoning Ordinance.

PROPOSED LAYOUT

Access to the 20 lots will be via a new 50-foot right of way from Garfield Avenue. The street profile can be found on Sheet 4. The applicant intends to build the street to meet city specifications. Construction details can be found on Sheet 8. Staff recommends that a statement be placed on the final plat that states 'direct access to Wallace Grove and Garfield Avenue is prohibited for lots #1-20.'

A 4-foot sidewalk will line the new street. The existing sidewalk along Garfield should continue and be reinstalled if necessary, to a width that matches the sidewalk on the adjacent property. A cul de sac provides a turnaround at the end of the street and does meet Fire Department truck turnaround

requirements. The roadway profile is shown on sheet 4. Maximum street grades for a cul de sac type of street is 12%. The street grade appears to comply with the ordinance requirements. The first cul de sac appears to be approximately 378 feet from the nearest intersecting street which meets the ordinance requirement that a cul de sac be no longer than 800 feet.

Lot layout detail is shown on Sheet 4. All lots appear to meet the minimum zoning standards required in the R-2 district for lot area, setbacks, and frontage. Lot #9 and #18 are panhandle lots. The panhandle has a minimum width of twenty feet and does not exceed 300 feet in length.

UTILITIES

Easements have been provided for utilities and drainage. Drainage calculations have been provided to the City Engineer for review. Staff recommends adding a condition that 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.

The applicant is proposing a water tap off Wallace Grove Lane in order to satisfy the Fire Department requirement that the water line be looped. The City Engineer, Water and Wastewater Supervisors have reviewed the proposed plans and feel that all city services can be provided to this subdivision without negatively impact existing services.

OPEN SPACE

The Planning Commission may require the dedication of land for open space purposes. (Section 1109.10) The proposed density is approximately 3 units per acre which requires 10% of the land be dedicated to open space. In lieu of the land dedication the Commission may require the subdivider to pay \$100 for each residential lot or dwelling unit to be used for park improvements.

Given the relationship of this subdivision to the surrounding parcels, staff recommends that a 20-foot environmental easement be required along the perimeter of the parcel to satisfy the open space requirement. Each lot owner would have the responsibility of preserving the environmental quality of the easement area. Building construction or indiscriminate cutting of live trees or other vegetation would not be permitted within this area without the prior consent of the City Manager or designee.

Sheet 7 is the Tree, Sign, and Street Lighting Plan. The applicant proposes to install small trees in the 8' tree lawn area approximately 40 feet on center. Section 911.08(i) and (j) regulate street trees in new subdivisions. Staff notes that there are utilities being installed in the tree lawn and therefore, would not recommend larger trees in this area. The City Engineer has recommended that no trees be installed in this area due to the conflict with utilities.

The applicant proposes three light poles at the end of the intersections. See Exhibit 2. It is unclear of lighting type at this time.

Staff Recommendation

Staff recommends approval 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. Place a statement on final plat that 'access to Wallace Grove Lane and Garfield Avenue is prohibited from lots #1-20.'
3. WMSC Permit required before grading can begin.
4. A 20-foot environmental easement is required along the perimeter of the parcel and each lot owner has the responsibility of preserving the environmental quality of the easement area. Building

construction or indiscriminate cutting of live trees or other vegetation would not be permitted within this area without the prior consent of the City Manager or designee.

5. Developer to comply with all bonds and sureties before final plat approval.
6. Homeowners association to be organized with this project before final approval granted.
7. The drainage easement area of each lot shall be maintained continuously by the lot owner. 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.
8. The HOA will be responsible for inspection and maintenance associated with the storm water detention/retention basins.

Ms. Holbrook stated that Exhibit 1 illustrates the Environmental Easement and shows a total of 1.566 acres which exceeds the minimum required open space. She noted that the applicant submitted drainage calculations for review by the City Engineer, they are available for anyone who would like to see.

Mr. Paul Schirmer stated they were presenting Phase 1 of the development plan which was consistent with the previously presented plan. Our intent is to comply with the R-2 zoning district requirements. We took this opportunity to work with our neighbors to create a better stormwater solution than currently exists on the site. The engineer has designed a system that exceeds code requirements.

Mr. Stan Messerly stated that Sheet 2 is a survey of the site. He noted that on the north property line there is an existing drainage swale which is used by houses on Wallace Grove. The water from that subdivision travels south and east towards 28 Apple Lane. He stated they are proposing several storage basins so as the water comes down the swale it will enter into Storage Basin #1. There is a 3-4 foot high embankment on the east side of the basin that will help divert the water flow, and then the water will outflow from the basin to the southeast. Mr. Messerly stated they are exceeding the volume requirements of that basin. We believe we have taken a situation that is a problem today and fixed that problem as well as abide by the WMSC regulations.

Mr. Messerly stated that Storm Basin #2 will take the water flowing from the asphalt today and outflow in an existing storm pipe along Garfield. Staff has recommended that we let as much water as possible percolate in the ground rather than pipe everything. The lot configuration is based on the R-2 zoning district. He pointed out sewer, stormwater, and environmental easements that will be shown on the final plat. Mr. Messerly noted the water line will tie into the line on Wallace Grove in order to satisfy the Fire Departments requirement to loop the water line. A water main easement will be placed between lots #14-15 for tie in to a future Phase 2. The overhead electric will be placed underground for this development.

Mr. Messerly stated the school building addition will be demolished but the remainder of the building will be left up until a determination has been made on a Phase 2 use. There are 3 street lights proposed at the intersections. Mr. Schirmer stated they are considering participating in the program where Duke supplies the fixture but do not have specifications yet. Mr. Brumleve recommended that full cutoff lights be used. Mr. Messerly noted Storage Basin #1 is about 4 feet deep. The water slowly releases through a 12-inch pipe, to a window system at the top of that control orifice and then flows out of the system. We meet our storage requirements and our allowable outfall.

Mr. Brumleve asked whether the embankment will be built as a part of Phase 1? Mr. Messerly stated that it is a part of Phase 1. He stated they wanted to work with an arborist and the city to limit the impact to existing trees. Mr. Brumleve expressed concern that the exit at 579' is higher than the 572' elevation of the backyards at 28-29 Apple Lane so that the embankment would need to be above 579'. Mr. Messerly pointed out that the break line was at 582'. Water will exit this property between 30 Apple Lane and the McBroom property as it does today after storage, and percolation. Ms. McKnight asked if the embankment can be maintained outside of the 25' natural easement area? Mr. Messerly stated the intent

would be to be in the 25'. That would be determined before final platting. He noted there are trees in the northeast corner that they would like to save. Mr. Schirmer stated they are also considering landscaping on top of that mound.

Mr. Wenstrup asked about the soil absorption rate on the property. Mr. Messerly stated at the top of the hill it is not near the capacity as it is in the valley. It is categorized as a moderate absorption rate at the top of the hill. Mr. Wenstrup asked who maintains the pipe in the storage basin? Mr. Messerly stated that staff recommends the pipes be maintained by the HOA. Mr. Brumleve asked whether the water intercept calculation included the water that is already coming off of Wallace Grove? Mr. Messerly stated yes, the pre and post development drainage areas include the offsite drainage areas.

Ms. McKnight asked everyone who intends to speak to address all questions to Planning Commission. The applicant will answer questions at the end.

Ms. Chris McBroom, 729 Garfield, stated that legally you can't pipe water onto somebody's property without an easement and they don't have an easement. She said Bud White told her when this property was developed the water from this site would have to be contained and brought to storm sewers. She noted that her concern is that she receives all the water from this property and Wallace Grove. Ms. McBroom stated the existing channel should not be there and should not be counted as existing. Does the proposed basin size meet EPA regulations? Ms. McBroom asked about the difference between an environmental easement and the setback.

Ms. Holbrook stated the setback relates to the building structure and the easement describes an undisturbed area. They do overlap. It would be considered part of the open space. The front setback is 30', rear setback is 25' and side setback is 6'.

Mr. Clayton stated that when reviewing their proposed stormwater calculations, he used the requirements outlined in the Water Management Sediment Control (WMSC) regulations adopted by the City. The WMSC regulations mirror Clermont County regulations and were recently updated. Mr. Clayton stated he believed they were compliant with EPA regulations.

Mr. Sam Pschesang, 613 Garfield, stated the sanitary easement should be 10 feet on either side. The ditch that drains Hogan Drive and Wallace on the western property line needs to be in the environmental easement. The environmental easement does not encompass that. [Inaudible] Mr. Pschesang expressed concern regarding potential landslides and believes lot topography should be reviewed first. He noted the property is zoned for single family and questioned why the school building is not being demolished.

Mark Ziegenhardt, 6 Hogan Drive, stated the entire school should be demolished before any development. We have no idea what will happen in Phase 2.

Doug Woodruff, 17 Wallace Grove, stated how can only half a plan be reviewed. What prevents the developer from walking away and leaving Phase 2 undone with a building that needs to be torn down. He would not approve a plan until you know what the entire plan is. Sheet #6 shows a headwall between lot #12 and 13; he is concerned about screening for this potential eyesore. Mr. Woodruff asked if there is a start and end date for the development and construction sequence. What part of the property will be clear cut? Which trees will be kept? Mr. Woodruff stated that he believed the swale was a blue line stream and is marked on Clermont County maps which opens up EPA issues.

Martha Kleinfelter, 28 Wallace Grove, asked for clarification where the staff report mentions that water would be tied in from Wallace Grove and stormwater from Wallace Grove was not captured properly. Mr.

Clayton stated the staff report is referring to the drinking water line versus the stormwater runoff. It is two different types of water.

Lynn Chaney, 140 Mound, stated she is uncomfortable with a partial plan for several reasons: the water runoff from a Phase 2 development will change the stormwater calculations, and additional development may require a traffic study. If you take a portion of the school building down what will the remaining building look like and it will be subject to more disrepair. She asked for clarification on a turn lane and what that would look like and expressed concern about the stability of the hillside.

Scott Naylor, 28 Apple, stated he is concerned about water flowing downhill to his basement. The detention basin appears to be about 40 feet from my house. Why haven't they shown us Phase 2? Doesn't make sense to review Phase 1 without Phase 2.

Lee Hatter, 29 Apple, stated the water flows through his property towards the McBroom property. He noted that he maintains the corrugated pipe on the school property. Mr. Hatter stated that it is like a lake back there and he didn't feel the retention pond or a 12-inch pipe will take care of the problem. The water will uproot all the trees back there when they start moving dirt. He noted that tearing down a portion of the school does not make sense; who would consider buying a lot with an abandoned school building filled with asbestos sitting there. Mr. Hatter stated that he has an easement that runs from his property through #30 and all the way out to Garfield. There was an access area when Apple Lane was first built. We can't even get curbs and drains on our street so why are we worried about curbs and drains on the property next to us? He stated it was a 1 ½ years before they fixed the drain in front of my house.

Lisa McKinney, 6 Hogan, thanked the applicant for looking into the water issue. She stated that she did not understand leaving the school. It is zoned R-2, we overwhelmingly indicated at previous meetings that we did not need another independent living building and the density was too much for the acreage. Also, it would be nice to have the whole plan.

Ms. McBroom, 729 Garfield, passed around photos she had taken of the drainage problem. Mr. Wenstrup asked if the area drained eventually or does it stay wet? Ms. McBroom stated it stays wet most of the time. Her understanding was that the roofs and downspouts of the Wallace Grove homes do not go to the drainage basin like they're supposed to. They drain off the back of the hill which causes the current problem. If the homes were required to drain into the basin like they are supposed to there might not be as much water going into the property. She noted that you can't take the pipe and legally drain it out to my property. They have already done it probably to address drainage problems on Apple Lane, but you can't continue to do it. I was told that it would be fixed when the property is developed.

Rachelle Rapp Dickerson, 5440 South Milford, stated the developer stated they were not going to tie their downspouts into the detention basin so the water would percolate out which sounds similar to the existing conditions at Wallace Grove; this doesn't seem to be a good thing. She asked whether completing the project in two Phases gets around the need for a traffic study? Ms. Holbrook stated that eventually they might have to do a traffic study, it depends on what the Phase 2 development turns out to be. The study would have to take into consideration Phase 1 and Phase 2 traffic. Ms. Dickerson asked whether a school could go back in under R-2 zoning. Ms. Holbrook stated it would depend upon the uses permitted in that zoning district. The school use is not grandfathered.

Katie Cook stated she is going to be purchasing 27 Apple Lane. She stated she met with Paul last week and was confused about approving Phase 1 without the Phase 2. Ms. Holbrook stated if the developer came back with a Phase 2 plan that was 10,000 square foot single family home lots then their process would include a prehearing consultation, preliminary plat review, and final plat review. If the developer chooses to do another type of development then he will need to go through a planned development

process which includes a public hearing with Planning Commission and City Council. Council would make the final decision.

Mr. Pschesang stated he would like to reiterate that he is very concerned about the lot topography. A great deal of land has to be disturbed to terrace these homes with possibly 50% of the trees being lost because their roots are disturbed. He displayed a video showing the amount of water flow.

Marlin Dowdy, 801 Wallace, stated the water problems are a big issue and need to be fixed. He stated when he was a kid before Wallace Grove, there were water problems back there.

Ms. McKnight asked for an explanation about how stormwater detention systems are designed to work. Mr. Clayton stated a stormwater detention system is designed based on a 1-year flow and projected out to 5, 10, 20, 100-year events. The detention system itself is supposed to store a 100-year rain event. Your post construction is not supposed to be anymore than your preconstruction runoff out of the detention pond. Calculations are based on impervious surface and include rooftops. He noted downspouts should daylight because they are slowing the water down and allowing it to percolate into the ground. Mr. Clayton stated that the ground has been saturated during some of the rain events this year and is not absorbing the water like it normally would. Most of the Milford soil is gravel based. A detention pond is supposed to drain out in 48 hours. Calculations are based on the impervious and the detention pond has to have the capacity to catch a 100-year rain and then drain it out at the pre-construction rate of a 1-year rain.

Ms. McKnight asked if the size of the pipe that allows the water to come out is sized in such a way that it takes 48 hours to release. Mr. Clayton stated that his understanding of the drainage laws is that water should follow the existing drainage patterns. He stated the hillside does drain into Ms. McBroom's property and that is where it will go. The easement on Apple Lane is a stormwater easement that flows into her side yard from the Apple Lane properties.

Ms. McKnight asked if the downspouts should daylight on the property so that the water is slowed down on the property before it flows into another person's property. Mr. Clayton stated yes. If you piped every impervious system into a storm pipe, you could not afford to size a pipe to handle every single rain event.

Mr. Thomas Levard, 125 Gatch, asked for clarification on the size of the basin. Mr. Clayton stated the basin will handle the impervious from the road, the rooftops, whatever is not left as green space. Mr. Levard stated that you are not necessarily fixing the problem, but only making sure the new impervious surface does not make the issue worse. Mr. Clayton stated yes, but a part of their calculations took into account the post construction runoff from Wallace Grove which could potentially help the situation.

Mr. Paul Schirmer, applicant, stated he would start with the questions about Phase 2. The property is zoned R-2 and we still have to comply with the 10,000 square foot lot size for single family homes. For any future development we held to the standards of the R-2 zoning district. Phase 2 can include a similar plan to the Phase 1 plan. We would clear cut, create lots and put in another driveway. We are doing an exploratory look at the existing school building and a potential alternate use such as the duplexes we originally presented. The density's we may propose in Phase 2 would not exceed the density that would be permitted in the R-2 zoning district. The benefit to this type of development is we would have the ability to further improve the stormwater issues and we would be able to preserve some of the existing topography, trees and enhance the landscape on the Phase 2 area. We are not looking to increase the density in this area and are not proposing any specific development for Phase 2 tonight.

Mr. Stan Messerly, Engineer/applicant, stated that the term blue line has come up at all three meetings. If you order a hardcopy GIS drawing from Clermont County there will be a blue line drainage swale. I am

not aware of any legal issues that represents. The blue line I am familiar with that has impacted approval processes are the blue lines that are on USGS maps. This drainage swale has an offsite drainage area of 1 acre. I have reviewed several different years of the USGS maps and there is no blue line on that map.

He stated all the water runoff from downspouts will end up in Storage 1 and some will go to Storage 2. Mr. Messerly stated we are not proposing any diversion of stormwater which is where you typically run into legal issues. He noted one of the biggest problems out here is that when these houses were built, there was no accounting for the offsite drainage areas. We are proposing a detention facility and an embankment to direct that flow of water to the existing drainage swale near 30 Apple and the barn. That drainage area is not being proposed to increase post development. It is the same post development as it is pre development. The regulations are set up so that the outflow from our detention facility is limited to the 1-year pre development flow up to the 100-year storm. We are adding an additional 10% over and above the storage requirement. I agree with the engineer that the Milford WMSC requirements do not violate the EPA regulations. Because we are disturbing more than an acre of land, we are required to apply for a National Pollutant Discharge Elimination System (NPDES) permit from the Ohio EPA. Based on staff recommendations we will be required to seek approval from any other agencies and if Ohio EPA requires additional storage, we will have to meet that.

Mr. Messerly stated the existing sewer line runs along the west side next to the parking lot. He noted a typical sewer easement is 20 feet. We are proposing an easement along an existing sewer line. Per the City Engineer requirement, we are proposing sewer line easement to the northwest corner. A concern was expressed about the lot cut in for #4. There are a variety of engineering methods available to make that lot buildable. I am comfortable telling my client that a house can be built on that lot.

Mr. Messerly walked through the stormwater plan and direction of water flow. He stated they are not looking to change the current direction of flow. They intend to use drainage and maintenance methods that will alleviate the any concerns by the city engineer. All impervious surface goes to a storage basin, the stormwater plans comply with Milford's requirements.

Mr. Messerly stated there is not a proposed turn lane with Phase 1 of the development, the amount of traffic from these 20 lots would not dictate that, however, if a traffic study is required with Phase 2 then that study may determine a turn lane is necessary.

Mr. Schirmer stated the construction time line is contingent on the subdivision approval. I would expect to start 30-60 days from the time we receive all permit approvals. The construction would take approximately 3-4 months for installation of all streets and utilities. We are looking at selling finished lots to builders. Mr. Schirmer stated the limited demolition of the school building is the rear frame building, it will not be visible from Garfield.

Mr. Wenstrup stated it has been 3 months since the preliminary consultation at which time we asked to see Phase 2. He stated he was uncomfortable with the plan as presented. If asked to approve today, I would say no. Ms. McKnight stated at the August meeting there was no vote taken. There were several members on the Commission that would like to see Phase 2, but no directive was given. What they have submitted as far as zoning is concerned is in compliance with the existing zoning. She noted it is not a planned development it is straight up R-2 zoning. Mr. Schirmer stated he felt that he had painted a picture of what Phase 2 would look like in regards to density and the intended development. The density would not be greater than the current R-2 and we feel there is an option to explore a cluster style development that preserves more of the existing site than what the current R-2 allows. I am not prepared to show you pictures of products when we don't have a completed feasibility study. Mr. Wenstrup stated he felt it was high priority to see Phase 2. Mr. Schirmer stated Phase 2 was not the submission.

Mr. Pelle stated that the Commission has been asked to decide on their submission for Phase 1 and whether it meets R-2 zoning and the subdivision regulations. When they come back for a Phase 2 review the Commission can ask them to make changes. I understand why it would be nice to look at Phase 2 but we are being asked to review Phase 1 according to the guidelines. Mr. Wenstrup stated he would feel different if the property owner were asking for this review. Ms. Holbrook pointed out that Section 1105.05, Subdivision Regulations states, "Planning Commission is tasked with ensuring the preliminary plat is in compliance with the subdivision regulations and the zoning ordinance and will make one of the following determinations within 30 days of the public meeting." She stated the Commission has 3 choices: approve, approve conditionally, or disapprove. Ms. Holbrook stated that within 30 days of the public meeting today, Planning Commission is to make a decision.

Mr. Brumleve stated that he found the proposal to be compliant with the R-2 zoning district. I would like to see Phase 2, but I would remind everybody that should Phase 2 be proposed we would start a new process and when we start the new process and it is not compliant with R-2 zoning then he will have a whole new set of proposals that would require a different type of process that would eventually require City Council approval. I would consider any additional conditions as the Commission sees appropriate for Phase 1.

Ms. McKnight stated she did not see any additional conditions. The subdivision requirements seem clear as to what is required. We rely on staff to tell us the subdivision regulations are being complied with. She noted that building on some of those lots will require some creativity. Mr. Brumleve noted the developer is at risk to sell those lots.

Mr. Pelle stated he felt the preliminary plat complied within the constraints the Commission is being asked to review which is the subdivision and zoning regulations. I don't see additional conditions beyond the staff recommendations.

Planning Commission reviewed the staff conditions. Mr. Clayton stated condition #3 references WMSC or Water Management Sediment Control. Ms. McKnight stated, that is how they are managing the water pre and post construction and how they are preventing sediment from running off the site during construction. Mr. Clayton stated the city Stormwater regulations and calculations are all part of the WMSC permit. They have already completed those calculations and would submit that application before construction.

Mr. Brumleve asked if the 20-foot easement mentioned in #4 has been expanded to 25 feet in certain locations. Mr. Messerly stated yes within the Phase 2 development which allows for some meandering of the channel flow. He noted that the portion of the easement that is located outside of Phase 1 would be maintained by the HOA. Ms. McKnight asked that the condition reference sheet #6 of 8 (Exhibit 1).

Ms. Holbrook stated condition #5 is to ensure that there is money set aside to finish the infrastructure if the applicant should happen to walk away. Mr. Brumleve questioned the mechanics of condition #6. Ms. Holbrook stated the HOA documents would need to be drawn up and recorded before receiving final plat approval. She noted that third step of this process is final plat approval. Mr. Wenstrup expressed concern about how the HOA could enforce homeowners to take care of drainage easements. Mr. Clayton stated that it is the City Engineers responsibility to ensure that these drainage easements are inspected and maintained. Mr. Wenstrup asked if the City was responsible for cleaning out the existing pipe on school property? Mr. Clayton stated no, the pipe is on private property so it is the school's responsibility. Mr. Pschesang [Inaudible] expressed concern about Fire Department access to the school building. Mr. Wenstrup asked if it was reasonable to expect the Fire Department to review as part of the other agencies mentioned in condition #1? Ms. Holbrook stated the Fire Department has reviewed this plan and felt they

could address any safety issues. Mr. Clayton noted that once the street is built, they will have access to the school building. They only need access to three sides of the building in order to adequately fight a fire.

The Commission discussed condition #8 and were concerned about how the city might enforce the HOA maintenance of the stormwater basins. Mr. Clayton stated this would also be recorded on the final plat which indicates who is the responsible party. That is the way it has been handled with other subdivisions in Milford. Mr. Wenstrup asked how a homeowner who is downstream from a stormwater basin can feel good about a Phase 1 & 2 development when the current property owner has not dealt with runoff issues; he would side with the property owner that has lived in the city for a number of years. Ms. McBroom stated [inaudible]. Mr. Messerly stated all easements will be recorded on Phase 1 final plat. Mr. Clayton stated for future consideration of Phase 2 there may need to be an access easement to get to the detention basin depending on how the lot is split up in the future. Ms. Holbrook stated that it would make sense to have a stormwater maintenance plan in place that would be recorded as well; this could be added as a condition to the final plat approval. Mr. Messerly stated they could make it a blanket access easement over the property which would allow the city access if necessary. He asked if the city had an existing maintenance plan that they could follow. Mr. Clayton stated that Clermont County has a plan on their Soil & Water website. Ms. McKnight noted that Nate would inspect to make sure they were doing what was required. After inspection Mr. Clayton would tell them they were in violation if necessary and require them to fix. Ms. McKnight stated a 9th condition would be to submit a maintenance plan and access easements.

Mr. Pschesang stated since the zoning is R-2 the school building becomes a corner lot and would not meet setback requirements. Ms. Holbrook stated the applicant is creating a corner lot so the building would need to comply with front setback requirements or be demolished. She stated that she recalled an email going back and forth regarding that topic.

Mr. Wenstrup stated at the first meeting there were several property owners that brought up an issue with water pressure. He asked if there is a way to ensure that the water pressure will not be any worse or that it could be made better within the scope of this development? Mr. Clayton stated that we just got RFQ's back for a water tower on Wallace to increase the volume and pressure.

Ms. McBroom asked if the detention facility and berm could be increased in size so it would better divert the water? Mr. Clayton stated the detention facility could not be sized to handle every rain event. There still may be rain events that will make the pond overflow. Mr. Messerly stated they are making the runoff better by slowing the water flow down and creating a method by which the water is diverted away from lots 27, 28, & 29. Mr. Clayton stated the swale behind the lots on Apple Lane is silted in, the natural swale of the stormwater system is going down the school property through the pipe and then in the back of Ms. McBroom's property. We are not changing the direction of the flow of water. Ms. McBroom stated she felt the water was being diverted onto her property and she did not understand how the basin was going to handle the existing water runoff as well as the new water runoff. Audience member [Inaudible]. Mr. Brumleve asked how porous the detention basin is? Mr. Messerly stated they had not run any infiltration or percolation tests yet. He stated the soil conservation service shows that soil as a medium to high medium percolation rate. Mr. Messerly stated you want to allow that water to percolate through the project which will help reduce the water volume onto adjacent properties. Audience members [inaudible]. Mr. Brumleve asked if there was any merit to lowering the bottom of the basin? Mr. Messerly stated it is possible but without the geotechnical percolation and infiltration test we don't know what's out there. Mr. Clayton stated the only concern he had with digging it deeper is that the outfall would have to be piped even further or the swale cut deeper which would affect more trees. Audience member [inaudible]...Mr. Wenstrup stated that staff recommendation #3 that Water Management Sediment Control permit is required before grading can begin could be addressed through that process. Mr. Pelle asked Mr. Clayton if he believed there would be less water going through that area than there is now? Mr.

Clayton stated there would not be any more water, even having the detention is an improvement. Audience member [inaudible]...

Ms. Holbrook asked if Planning Commission needed additional information from the applicant? She recommended that a condition be added that stated, prior to submittal for Final Plat the existing school building must comply with all setback requirements. This would allow the applicant time to determine whether they want to demolish the school building, seek a front setback variance or proceed with a Planned Development in Phase 2. Audience member [inaudible]...

Mr. Pelle made a motion to approve the Milford South preliminary plat subdivision with the following 11 conditions:

1. City approval is contingent on review and approval by the City Engineer and any other applicable local, state, and federal agencies.
2. Place a statement on final plat that 'access to Wallace Grove Lane and Garfield Avenue is prohibited from lots #1-20.'
3. WMSC Permit required before grading can begin.
4. A 20-foot environmental easement, in accordance with Exhibit 1 (Sheet #6), is required along the perimeter of the parcel and each lot owner has the responsibility of preserving the environmental quality of the easement area. Building construction or indiscriminate cutting of live trees or other vegetation would not be permitted within this area without the prior consent of the City Manager or designee.
5. Developer to comply with all bonds and sureties before final plat approval.
6. Homeowners association to be organized with this project before final approval granted.
7. The drainage easement area of each lot shall be maintained continuously by the lot owner. 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.
8. The HOA will be responsible for inspection and maintenance associated with the storm water detention/retention basins.
9. Submit Stormwater Maintenance Plan and access easements for drainage ways and basins.
10. Prior to submittal for Final Plat the existing school building must comply with all setback requirements.
11. Remove 30" pipe adjacent to the eastern property line.

Mr. Brumleve seconded the motion. Mr. Pelle, Ms. McKnight, Mr. Brumleve voted yes to approve; Mr. Wenstrup voted no. The motion carried 3-1.

There being no further business or comments to come before the Planning Commission, Ms. McKnight made a motion to adjourn the meeting at 9:51 pm; seconded by Mr. Brumleve. Following a unanimous decision, the ayes carried.


Assistant City Manager


Lois McKnight, Chairman



CITY OF MILFORD
 PLANNING COMMISSION MEETING
 November 13, 2019 6:00 p.m.

SIGN IN SHEET

NAME	ADDRESS
Chris McBroom	729 Garfield Ave.
Pat Schri	1009 DEUTA AVE - 45208
Marlin Dorendy	801 WALLACE AVE
Patricia GORMAN	24 Wallace Grove Lane
Bill Loch	15 Wallace Grove Lane
Rachelle Rapp-Dickerson	5440 S Milford Rd.
Stan Messolmy	2766 Wasson Rd.
Sam PSESING	613 GARFIELD/MOUNDS
Doug Woodruff	17 WALLACE GROVE LN.
Martha Kieweiter	2 Wallace Grove Ln
Virginia Rapp	7 Hoban Dr.
Lynn Chaney Doug Michaels	140 mound
Lee HARTER	29 Apple Ln
Dave Liles	375 Hickory st.
Pam Lee	25 Potawatomi TR
KATIE COOK	27 APPLE

SPEAR



CITY OF MILFORD
PLANNING COMMISSION MEETING
November 13, 2019 6:00 p.m.

SIGN IN SHEET

NAME	ADDRESS
MARC ZIEGENHART	586 MAIN ST. REPRESENTING G HOGAN DR.
Lisa McKinney	6 HOGAN DR.
Scott Naylor	28 APPLE

