

PLANNING COMMISSION MINUTES OF February 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, February 13, 2019, at Council Chambers, 745 Center Street, Milford, OH 45150.

Roll Call:

Lois McKnight called the Planning Commission meeting to order at 6:00 p.m. Other members present at tonight's meeting are Dino Pelle, Fred Albrecht, Oliver Roe, and John Wenstrup.

Staff: Pam Holbrook, Asst. City Manager

Visitors: Mohammad & Shakila Shoaib, 301 Old Bank Road; Awais Shoaib, 301 Old Bank Road; Larry Hatfield, 4568 Schoolhaven Cir., Batavia, OH; Stephanie & Dean Judkins, 115 McCormick Pl; Kris Baker, 14 Stonevalley Dr.; Kate Jordan, 3520 Island Trail Dr., Williamsburg; Rob Painter, 6230 Centre Park Dr., West Chester; Caroline Good, 16 Wooster Pike; Hank Roe, DER Development; Don Hartley, 585 Blackhawk Trail; Len Harding, Milford Library; Pam Lee, 25 Potowatomie; Steven Rodgers & Brenda Forrest, MFUMC

SITE 19-02 Staybridge Hotel, Chamber Drive, Site Plan Review.

Ms. Holbrook read the Staff Report into the record:

Project: Staybridge Hotel
Location: 401 Chamber Drive
Property Owners: Charles Kubicki
7143 East Kemper Road
Cincinnati, OH 45249
Applicant: Mohammad Shoaib
301 Old Bank Road
Milford, OH 45150
Acreage: 4.091 Acres
Tax Parcel Ids: 210736.110
Zoning: B-3, General Business District, Planned Development
Existing Use: Vacant
Proposed Use: Hotel

ADJACENT LAND USE AND ZONING

North: B-3, General Business District, Planned Development; Roney's, UC Health

South: Union Township

East: B-3, General Business District, Planned Development; Facet Jewelry

West: B-3, General Business District, Planned Development; Walmart

ANALYSIS

Mohammad Shoaib, Applicant, is requesting approval to construct a 92 room, four-story Staybridge Hotel. The subject site is a vacant 4.091-acre parcel located on Chamber Drive next to Walmart. The tax parcel id is 210736.110. Total building square footage is approximately 74,512.

The parcel is zoned B-3 General Business District, Planned Development. A Hotel use is permitted in this district. A Planned Development Overlay was approved for the Rivers Edge area in the late 90's. The Preliminary Development Plan Design Guidelines were approved by the City in 2000.

WMSC (Water Management and Sediment Control)

The Grading and Erosion Control Plan are shown on Sheet C1 and C2. The topography slopes from 549' at the rear of the property to the edge of the parking lot at 530'. Retaining walls are located to the east and west of the site. The block wall design can be found on Sheet A-00.

Stormwater runoff will be managed by a detention pond located to the rear of the property. The City Engineer has reviewed this plan and determined that it follows the City of Milford's Water Management and Sediment Control Ordinance requirements.

Site Plan

The Site Plan is located on Sheet C1. The applicant appears to meet minimum lot area, lot width, and setback requirements in the B-3 district. Access to the site is by an existing shared driveway off of Chamber Drive. The applicant is providing 102 parking spaces which should be adequate for a 92-room hotel.

The lot frontage includes several different easements:

- 10' Public Utility Easement
- Three - 20' Public Storm Sewer Easements
- 40' common access easement

The dumpster pad is located in the rear and should be screened with material to match the building.

Traffic

The applicant has provided trip generation information from their Traffic Engineer. The data indicates that AM trips will generate 31 total peak hour trips and 33 total peak hour trips in the PM. Traffic Impact studies are required for developments that generate more than 100 new inbound/outbound trips during the peak hour. Staff does not feel a traffic impact study is warranted in this case.

City Services

The City Engineer, Water, Wastewater, Fire and Police Departments indicate that there will not be any issues with providing services to this site nor will there be a negative impact to existing city services.

Sheet C3 is a Fire truck Turn Analysis and indicates the ability of the City fire trucks to maneuver around the site. Based on the data provided it appears that the City trucks should be able to make their way around the site.

Elevations

Sheet A-01 and A-02 show building elevations. The façade includes several different colors of EIFS siding: oyster gray, sky, Mt. Etna; stone veneer, and aluminum grills. The Rivers Edge Design guidelines specify that building color palette should be neutral or earth tones. The canopy at the front of the building is an entrance canopy and not a drive through type of canopy.

The building height at the roof deck is 44' 11" which complies with the 45-foot maximum height limit. The building includes parapets ranging in height from 47'11" up to 52' 6". The parapets will be used to screen the rooftop mechanical equipment.

Signage will be reviewed and approved under a separate permit application.

Landscaping

The Landscape Plan is shown on Sheet L1 and L2. Perimeter parking areas are to be tree lined with one tree every 50 feet and 6 shrubs for every 10 units of parking stalls. The applicant should provide a planting schedule showing the number of trees and shrubs.

Lighting

The photometric lighting plan is included. It appears that the footcandles at the property line do not exceed the 0.5 footcandle limit as specified in the Zoning Ordinance.

STAFF RECOMMENDATION

Staff recommends approval of this request 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. Screen dumpster pad with material to match the building.
3. Provide a planting schedule showing the number of trees and shrubs.
4. Sheet C1: Change references to Goshen Township, ODT, and Clermont County to City of Milford.

Mr. Wenstrup: I have a question. A detention pond, are there two different things, a retention pond and the detention pond? What's the difference?

Ms. Holbrook: They are used differently, and actually the engineer can probably speak to that better than I could, but yes there is a difference in how it holds water.

Mr. Painter: D is for dry. Retention is wet.

Mr. Wenstrup: The question is because if water retains there, that's a lot of additional water that could create mosquitoes and other issues, so that's my point of concern.

Ms. Holbrook: The area just to the north and west is an environmental easement. It will never be developed. It's part of the Walmart property.

Ms. McKnight: Any other questions for Pam from Planning Commission? All right. We've heard from staff. Applicant?

Mr. Hatfield: Hello. My name is Larry Hatfield. I represent Mohammad and Shakila for this project. My address is 4568 Schoolhaven Circle, Batavia, Ohio. The City of Milford has been very helpful. My client, Mohammad, has looked at a couple properties in this area, and we've had opportunity to meet with the city on maybe three occasions. And it's been our intent to comply with all the feedback we received from Pam and the city. I really don't have a lot to add, I think Pam covered everything. Our intent is to work with the city and do what we need to do. I want to say that Mohammad is a good member of the community, and he runs a very nice hotel. And I am sure that this hotel will be no different. And that's really all I've got right now if you'd like to ask some questions.

Ms. McKnight: Do you have the material samples?

Mr. Hatfield: I do. If you want to call the elevations up, Pam.

Mr. Hatfield: This is a four-story project. The first floor will be a veneer stone. This is an IHG brand hotel, so with the hotel brands, they've got very specific design guidelines, and you can deviate from those guidelines to some extent, but they do have a design especially with the interior, and there is some flexibility on the exterior. In this case, what we've got is a four-story building. The first floor will be stone veneer, I think, fits in very well with River's Edge design guidelines. I think because you do see similar applications of this material in that corridor. So that would be the first floor. This is quality stone veneer.

Mr. Hatfield: The upper three floors are going to be a water-managed, exterior-installation finish system with different colors. And with a building like this, exterior articulation's important to break the massing up. And that's the intent here. So, what we've got is three different colors. We've got the lighter color you see in the elevations, I believe this is called white. And you've got Oyster Gray. And then you've got Mount Etna. These are very earth-tone colors. Mount Etna's more of a cooler color, so I would say that probably about 15 to 18% of each elevation is Mount Etna. The balance of the fields is going to be these colors.

Mr. Hatfield: Also got the [inaudible 00:13:06] system which will be a clear anodized aluminum system. Then you've got [inaudible 00:13:13].

Mr. Pelle: Would you mind bringing those up, please?

Mr. Hatfield: Absolutely.

Mr. Albrecht: What is that material?

Mr. Hatfield: That is something people refer to it as Dryvit. It's exterior - it's a water-managed, exterior-insulated finish system. That's the material that you have on UC Health and some of the other projects down here. More of a burgundy. Red Robin used that material. It's pretty typical with a lot of hotel brands now.

Mr. Wenstrup: It's pretty durable?

Mr. Hatfield: It is. It's got at least a 20-year warranty on it. It's water-managed, so water can't through [inaudible 00:14:17]. Usually what happens after several years with these hotel brands, sometimes the owners have to do updates. And that material, it's easy to change the color if you need to, very flexible. It's easy to patch. It's easy to repair. I think that starts at about 10 or 12 feet above the ground.

Mr. Wenstrup: Is the stone, is that actual stone? Is it a manufactured stone? Looks nice.

Ms. Milliken: It's manufactured.

Mr. Hatfield: It's a dry-stack system, so it's very durable. It's pretty common. That's actually an upgrade from brick.

Mr. Wenstrup: I'm coming back to detention/retention. So, the water runs off to a detention pond, right? And then disperses slowly as not to flood things, right? Where's the

water coming from? Is it coming from the parking lot? Is it sloping from the property to the detention?

Mr. Hatfield: The black lines that you see, those are catch basins. They collect the water.

Mr. Wenstrup: So go off to the sides.

Mr. Hatfield: Yes. Basically, it's a drain in the ground, and then the black lines are pipes. What happens is the water from the building goes into a storm system. The water from the parking lot collects at these low points, where those black dots are, and then that water is sent to here.

Mr. Wenstrup: Goes into the detention-

Mr. Hatfield: Detention basin. Yes. And during a storm, what happens is that will start to fill up. When it reaches a certain point, there's a storm structure here, an overflow structure, it fills up to a certain point, water goes into that storm structure, then it goes its natural course into a stream or a low point. So, the whole idea behind detention is to slow water down so you don't get flooding.

Mr. Wenstrup: Is that safe? I don't suspect that children would be playing back there, but you never know where children are playing, so is that protected in some way.

Larry Hatfield: It will be dry.

Mr. Wenstrup: For the most part.

Mr. Hatfield: 99.999 percent of the time. The only time it's going to be wet is if you have a really hard rain, and then you're going to get water everywhere. In fact, there's detention basins like this that are in front of all of the other uses that are along Chamber Drive. In fact, there's one toward the end of Chamber Drive. I don't know what that business is. That is a retention... that's actually a pond. And those are, I think, that's what you alluded to earlier, those are a bit more hazardous because they do draw mosquitoes. There's a liability issue. As a hotel owner, you don't want that anyway, so that shouldn't be a problem. It's really going to be a recessed area.

Mr. Wenstrup: Okay. Well, you're teaching me. I appreciate that. So why do you need to slow down the water if it's running back toward the river anyway? Why do you need a detention for run-off water?

Mr. Hatfield: You want to help me with this, Rob? He's going to talk about water quality management.

Mr. Painter: My name's Rob Painter with RVP engineering, 6230 Center Park Drive. West Chester, OH, 45069. We have to provide storm water detention because it's required by Hamilton County which is the bottom line. They require a certain amount of stormwater be captured and held back to rates that are specified in their code.

Ms. Holbrook: It's actually required by the City of Milford. We have our own water management/sediment control regulations.

Mr. Painter: Thanks, Pam.

Mr. Wenstrup: Where's the water eventually go after it's been detained?

Mr. Painter: It goes to the local creeks then to the rivers, and downstream.

Mr. Wenstrup: So it ends up in the Little Miami river?

Mr. Painter: Yes.

Mr. Hatfield: The whole reason for the detention is to control the flow of the water from the site. So as that detention basin fills up, it's going to let water out at a rate that's acceptable. If that wasn't there, and everybody had parking lots and buildings and water just going- So it's controlling the flow, right Rob?

Mr. Painter: That's correct.

Mr. Wenstrup: Other than in a parking lot like that, you would probably have a snow removal truck come in, so it's not like there would be chemicals on that parking lot that would run off into the river and things like that other than normal road wear-and-tear chemicals, right?

Mr. Painter: It's normal roadway type runoff.

John Wenstrup: Thank you.

Mr. Pelle: Can you go back to the façade image? Does this represent at all visually the parapet that's talked about in here? The 45-47' and the 52.6' taller than the actual roof line?

Mr. Hatfield: Yes. This line is the roof line, 44 feet, 11 inches. That's the top of the roof. And then everything above that is just a parapet.

Mr. Pelle: So that pretty much represent what I will see when it's done?

Mr. Hatfield: Yes. Elevations are a little misleading because it kind of flattens everything. It's going to be back from the road. It'll look a little differently. And the nice thing about parapets is there are going to be some rooftop units called ERVs, and there'll be some rooftop units on the top of the building; these parapets screen that.

Mr. Pelle: Okay. So, I won't see any of that?

Mr. Hatfield: No.

Mr. Pelle: Okay. Thank you.

Mr. Wenstrup: The parapets. Not only on the front, but on the sides of those as well?

Mr. Hatfield: Yes.

Mr. Wenstrup: So, all around it.

Mr. Hatfield: And usually when we locate the rooftop units, we tend to locate them towards the middle of the building if we can, because that's where you want them... these hotels, the air goes down to the first floor, and then it goes in the corridors, and then rooms have their own units. So we locate those in the middle of the building. Quite frankly, with a building this tall, you wouldn't even need parapets. Probably wouldn't see those units. Might see them from a highway, if there weren't any parapets, but when everything's so small, you wouldn't know what you were looking at.

Mr. Hatfield: It is important to the brand, too. Aesthetics are very important to these brands because not only do we have to get your approval, we have to get the owner's approval. We have to get the brand's approval for the design as well.

Ms. McKnight: What about the dumpster? How will it be screened? What material would you propose to use?

Mr. Hatfield: The intent would be to use something similar to what we're wrapping the building with.

Ms. Milliken: Stone. [crosstalk 00:22:40]

Mr. Hatfield: Something durable.

Ms. McKnight: Okay. Good

Mr. Wenstrup: Other than 92 rooms, will the facility have any meeting capacity to hold meetings or groups of people for events or things like that?

Mr. Hatfield: It'll have an indoor pool, and a couple of meeting rooms for anywhere from 20 to 30 people. A nice thing about the rooms is you never have any conflict for parking because our guests are gone when those rooms are being used. Or people that are using the rooms, which is usually the case, are guests, so they're sharing parking spaces.

Mr. Hatfield: We met with the fire department and one of their primary concerns was access around the site, so Rob modeled that based on the feedback we got from the fire department. Everything's fine there. And we put windows on this, too, so you'll be able to open a window approximately four inches if you need to.

Ms. Holbrook: That's sheet C-3 which is the modeling showing our fire truck, being able to maneuver around the site.

Mr. Hatfield: Originally, we didn't have parking, or a drive around the back of the building, but in one of our meetings with the fire department, that was a concern they raised, so we modified it.

Mr. Wenstrup: What's the significance of a window opening? It came on the tail of a discussion about the fire department. What's the significance of opening a window four inches? Let smoke out?

Mr. Hatfield: Well, it is. The fire department's biggest concern was that people burn their popcorn and things like that. And the next thing you know, you're clearing a building out to get smoke out of somebody's room. They have to get the smoke

out of the room. If the windows aren't operable, they have to bring their equipment in to evacuate the smoke. Nobody wants the smoke in the room. The hotel guests don't. The fire department doesn't. So, having the windows open, they can just force the air right out of the window.

- Ms. McKnight: Okay. Any other questions for the applicant? Thank you.
- Mr. Hatfield: Thank you very much.
- Ms. McKnight: Is there anyone else here this evening that would like to speak regarding the site plan review request?
- Ms. McKnight: All right. Discussion?
- Mr. Pelle: Well done.
- Mr. Albrecht: Yes. It's well thought out. It's one of the cleanest applications we've had so far. I really appreciate the fact that they listened to the City and the Staff. I mean it shows not only the spirit of cooperation, but also the fact that you really are engaged in our community, so we appreciate that. We also appreciate the investment.
- Mr. Roe: Yes. It seems to fit with the development, and it's one more empty lot that's getting built on there.
- Ms. McKnight: All right. Is anyone prepared to make a motion regarding this site plan?
- Mr. Pelle: I will make a motion that the site plan for Staybridge Hotel be approved with the staff recommendations.
- Mr. Roe: I'll second.
- Ms. McKnight: Okay. We have a motion and a second to approve the site plan for the Staybridge Hotel on Chamber Drive. All in favor say aye.
- Mr. Wenstrup: Aye.
- Mr. Pelle: Aye.
- Mr. Albrecht: Aye.
- Ms. McKnight: Aye.
- Mr. Roe: Aye.
- Ms. McKnight: Any opposed? Very good.
- Mr. Albrecht: I have a question, though. When?
- Mr. Shoaib: Hi. My name is Mohammad, 301 Old Bank Road in Milford. It's going to take probably summer to start. I've been here 12 years. I own a hotel here. I really love working with everybody. Everybody knows me we've worked together for 12 years, so it will be another opportunity for me to have something here.

Mr. Pelle: Yes. Well, thank you for investing in the community.
Mr. Albrecht: Thank you for choosing the City of Milford.
Mr. Wenstrup: We appreciate it very much.
Ms. McKnight: Thank you.
Ms. McKnight: Our next case this evening is a request for approval of a conditional use for a child daycare center at the First United Methodist Church at 541 Main Street.

SITE 19-03 FUMC Child Daycare Center

Ms. Holbrook read the Staff Report into the record:

Project: First United Methodist Church Child Daycare Center
Location: 541 Main Street
Property Owner: Milford United Methodist Church
541 Main Street
Milford, OH 45150
Applicant/Agent: Same
Tax Parcel Ids: 210730A064.
210730A049.
210730A063.
210730A052.
210730A066B
210730A075.
210730A051.
210730A050.
210730A066A
210730B035P
210730A065.
210730A076.
210730B031P
Zoning: I, Institutional District; R-3 Single Family Residential District
Existing Use: Church
Proposed Use: Child Daycare Center

ADJACENT LAND USE AND ZONING

Zoning Districts

*North: R-3, Single Family Residential
South: R-3, Single Family Residential
East: I, Institutional District, Park
West: O, Office District and R-3 Single Family Residential*

PROPOSAL

The Methodist Church is seeking approval to operate a Child Daycare Center at their church property. The property is zoned I, Institutional District, and child daycare centers are permitted in this district as a conditional use if expressly authorized by the Planning Commission, and in accordance with Chapter 1195.05.I.

STANDARDS FOR ALL CONDITIONAL USES

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

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

ANALYSIS

The Church's stated intent is to provide a safe learning/daycare environment for children from infants to 4 years old. Their long-term plan is to provide after school care. The classroom area would be located inside the building. See Sheets 1 and 2.

Child Daycare Centers are regulated by the State and the Church would be required to satisfy all state requirements as well as any City conditions. State regulations require an outside play area with a minimum area of at least 60 square feet per child. The church anticipates approximately 12 children in the play area at any one time. The provided 2,200 square foot play area exceeds the City and State minimum required. The play area will be enclosed by a 6' high aluminum fence.

The Church's preferred location for the 2,200 square foot Play Area is shown on Sheet 3. The Area would include a large portion of the easement area, eliminate a landscape area, and two parking spaces. This location is adjacent to the back door and would allow the children to enter the play area without crossing the parking lot.

In 2001 the Church requested approval to construct an addition to their building. Sheet 5 shows the existing conditions at that time. The driveway between Maple Street and the Back Alley was known as Beech Street. City Council passed an Ordinance in 2001 vacating Beech Street. (See ATTACH 1) As a condition of the vacation of Beech Street, City Council required the Methodist Church to grant a 20-foot Ingress/Egress Easement to the Catholic Church; the easement extended from Maple Avenue to the Back

Alley. (See ATTACH 2) Sheet 6 shows the 20' Ingress/Egress Easement as it appeared on the Site Plan drawing approved by Planning Commission in 2001.

Staff spoke with the Law Director and he indicated that City Council could grant a license to the Methodist Church allowing them to use the easement area. He did not recommend dissolving the easement. The Methodist Church will need to provide a letter from St. Andrew's Church giving permission to place the play area in the easement and request a license from City Council to allow use of the easement area. Police and Fire Services did not see any issues locating the play area in the easement.

Staff is concerned about the proximity of the dumpster to the play area as shown on the plan and would recommend that there be a 5' separation. The two parking spaces on Sheet 3 labeled #1 and 2 are situated adjacent to the play area, there is not sufficient backout room to allow vehicles to exit. Staff would recommend that either the parking spaces be eliminated or the play area be pushed a minimum of 5' from the spaces.

Section 1195.05.I. provides specific standards for Child Daycare Centers as a Conditional Use:

1. Child Day Care Centers are conditionally permitted in the R-1, R-2, R-3, R-4, R-5, B-1, B-2, B-3, B-5, O, I and L-1 zoning districts. *In compliance, property zoned I and R-3.*
2. A site plan shall be provided as a part of the application which shall clearly denote lot lines, the footprint(s) of any structure(s), the footprint(s) of any proposed new construction, parking areas, driveways, walkways, landscape details, setbacks from adjoining properties, and accessory uses, long with a rendering from each of the lot lines. Requirements are subject to Chapter 1127, Site Plan Review. *See analysis above.*
3. A traffic and circulation plan shall be submitted. The design and location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Milford Planning Commission so as to reduce congestion, promote safety, and reduce the impact of the residential character of the neighborhood, when located in or adjacent to a residential district. The plan shall provide for the separation of incoming and outgoing vehicles during high volume period and shall provide a safe drop off point for children that will not impede traffic. *All children will enter the main entrance on Maple Street and be accompanied by a parent or guardian.*
4. Parking areas shall not encroach upon any bufferyard required in Chapter 1189, Landscaping and Bufferyard Requirements. *NA, Existing site.*
5. Screening from adjacent residential areas, or from adjacent houses in a non-residential zone, is required on the perimeter of the parcel. Screening shall meet minimum requirements set forth in Chapter 1189, Landscaping and Bufferyard Requirements. *NA*
6. The light from any light source, including the interior of the building, shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect surrounding or facing residential districts, uses, or adversely affect safe vision of operators of motor vehicles moving on public or private roads, highways or parking areas. Light shall not shine into residential structures. *No additional lighting proposed.*
7. Outdoor play areas for children shall be permitted in the side and rear yards only. Outdoor play areas must be on the site of the day-care center.
 - a. A minimum of sixty (60) square feet per child using the area at any one time shall be provided. *The play area provided would exceed the minimum square foot required.*
 - b. The outdoor play area shall be enclosed by a fence or otherwise protected from traffic or other hazards and screened from view of the adjoining property owners. Any day-care facility

- with and outdoor play areas shall enclose said area with a fence or wall that is a minimum of five (5) feet in height. *Applicant will install a 6' high aluminum fence.*
8. The hours of operation for child day-care centers shall be between the hours of 6:00 a.m. and 6:00 p.m., Monday through Friday. The use of outdoor play equipment and areas shall be limited to the hours between 8:00 a.m. and 6:00 p.m. Hours of operation may be extended by the Planning Commission pursuant to its authority to impose requirements and conditions in authorizing a conditional use. *Shall comply.*
 9. When located in a residential district, the exterior of the front of the facility shall not differ in appearance to the character of the surrounding neighborhood in which it exists. *NA*
 10. The administrator, owner or provider of child day-care shall be responsible for compliance with all applicable city ordinance and state and federal statutes and regulations. *Shall comply.*

STAFF RECOMMENDATION

Staff believes this request is consistent with the spirit, purpose, and intent of the Comprehensive Plan, will not substantially and permanently injure the appropriate use of neighboring property and will serve the public convenience.

Staff recommends approval of this conditional use application with the following conditions:

1. City approval is contingent on review and approval by any other applicable local, state, and federal agencies.
2. Provide a letter from the Catholic Church giving permission to install a play area in the Ingress/Egress Easement area.
3. Obtain a license from City Council to use the Easement area as Child Play area.
4. Provide bollards around child play area.
5. Separate dumpster from play area by a minimum of 5 feet.
6. Eliminate parking spaces #1 and 2 on Sheet 3 or push the play area back a minimum of 5' from the spaces.

Ms. Holbrook: I'd be happy to answer any questions.

Mr. Pelle: Your recommendation number six. Eliminate parking spaces one and two on sheet three. Can you point out which spaces those are?

Ms. Holbrook: If you look up here at the screen. They are labeled one and two.

Mr. Pelle: Got It.

Mr. Roe: There will be bollards going in there too, right?

Ms. Holbrook: Yes.

Mr. Pelle: Okay. The other question I had was on number five, separate dumpster from play area by a minimum of five feet. Just an internal question, why five feet?

Ms. Holbrook: It's just a rough guess.

Mr. Pelle: It just seems appropriate?

Ms. Holbrook: It seemed an appropriate distance. It is a brick dumpster, I believe they're going to ask not to have to do the five feet. But that's totally up to Planning Commission. When Rumpke picks up the dumpster, they do it from the back alley. Right? [crosstalk 00:37:54]

Mr. Judkins: Yes.

Ms. Holbrook: And it is a pretty sturdy brick wall. I went out to take a look at the dumpster. You have a picture in your packet.

Ms. McKnight: Any other questions for staff before we hear from the applicant? Thank you.

Mr. Judkins: My name is Dean Judkins, 115 McCormick Point, Milford. I represent Milford First United Methodist Church. It is our hope and intent to operate a daycare center, starting with infants through four-year olds. We intend to use the existing building with minor modifications. We're kind of set up for it as you can see from the layout.

Mr. Judkins: In terms of daycare, everybody knows what daycare is. So, I don't need to answer too much about that. The one issue I do think that is in play is the dumpster, and we'd ask for consideration that they're not be the five-foot separation. Only because it is reversed to what actually exists. The doors are on the alley. There is a wooden door in front of it, that closes the dumpster enclosure. My thought was perhaps enveloping that dumpster pad with the same fence that we have elsewhere, just for consistency's sake. So, it looks the same everywhere. But other than that, everything that's in the staff report makes a lot of sense to us as well.

Ms. McKnight: So what would be your resolution of those two parking spaces then?

Mr. Judkins: We totally agree with that.

Ms. McKnight: You'd just eliminated them as well?

Mr. Judkins: When I brought it to Pam and she looked at it, I hadn't even thought about it. We hadn't thought about it. I'm glad Pam's here to straighten us out.

Ms. Holbrook: Just to point out, there's a landscape island where the first two spaces are. See number two there. Just below that, that's landscaping and then the other two spaces, the spaces above that would be eliminated.

Mr. Judkins: Our thought is we'd like to have about 2,200 square feet of play area, as mentioned in the statement. You are at 60 square feet, this is quite a bit more than that. I'm not sure if that 2,200 actually comes out to this. But the idea would be to remove that space completely until the 2,200 square feet does exist, then add the different types of play equipment and still have enough room for the kids to run around.

Mr. Roe: Would you run the fence up against the brick wall, for the dumpster screen?

Mr. Judkins: Yes. Against the rear of the dumpster. And to run the [inaudible 00:42:20] grass. And we would prefer to run the fence along the dumpster, to the back of the dumpster [inaudible 00:10:30]. And the thought would be allowing it to be more

consistent, as the fence is against the building as well. And the dumpster, by the way, is six and a half feet tall.

Mr. Roe: Is that kind of just like a hygiene kind of thing?

Ms. Holbrook: Yes, that was my concern. I try to point out all the things I think might be a problem. And then let Planning Commission sort out if it is really a problem or not.

Mr. Wenstrup: The addition, is it the same material as the original building that's there? Are they making an addition to the building itself?

Ms. Holbrook: No. They're just adding the play area. And I think internally, if you look at that sheet one that shows the floor plan for nursery, one year old, two-year-old, three-year-old, they're using their existing floor plan.

Mr. Wenstrup: Yes. The space is laid out the way it is ...

Ms. Holbrook: Right.

Mr. Judkins: That's correct. The only changes we're making is that between the nursery and 104, we're going to have to put a door through there. So, there's a saw cut. That's the biggest change we're making. Other than that, we'll take out the doors in those rooms that we'll be using and put in Dutch doors.

Mr. Judkins: Again, that's a safety thing for the children. Other than that, we'll be removing the carpeting, putting tile floors down, and then rugs on top of that. Those are the big changes we're making from a structural standpoint. The rooms will remain as they now exist.

Ms. McKnight: Other questions for the applicant?

Mr. Pelle: Just one more. On the sheet that has the playground pad it showed one here that had doors swinging in or out around the playground. Do they go out? Do those open out toward the parking lot or does the gate go inward.

Mr. Judkins: That has not yet been determined. We'll do whatever you require us to do. I'll be honest with you, we hadn't really thought about it.

Mr. Pelle: My only thought there is, what's safer for the kids? If it opens out, it's easier to just go right out into a parking lot. As opposed to opening inward. As well as, if somebody is illegally parked there and hasn't been told to move yet. It could easily damage a car.

Mr. Judkins: You know, quite frankly, I think we need to think through that as well. Corinna?

Corinna: Our licensing requires that any gate around a play area remained locked at all times.

Mr. Judkins: So, then it wouldn't matter that much. Thank you. They're the experts.

Ms. McKnight: I'm going to guess some of that's going to fall under number one. Other applicable local, state and federal agencies.

Ms. Holbrook: The state I'm sure comes out and does an inspection before they grant you the license to do any kind of daycare.

Mr. Judkins: Yes, the state, the health department. You name it, we get inspected.

Mr. Wenstrup: I noticed in the paperwork that we notified neighbors within a certain distance.

Ms. Holbrook: Yes.

Mr. Wenstrup: Have we had any response to you.

Ms. Holbrook: The only question I had was from a Council member asking where the easement area was. What did that mean, where was that area? But that's the only question I've had.

Mr. Judkins: Thank you. And I'd like to thank Pam and her staff. They are a great help.

Ms. McKnight: Good. Thank you very much. Is there anyone in the audience that would like to speak regarding this conditional use request?

Ms. McKnight: Okay. Any discussion? So, we need to determine that the request complies with our general conditional use requirements as well as those specific to a daycare center.

Mr. Wenstrup: I have a question because I don't know how this works either. I know that they get inspected by the state and they get inspected by probably the Methodist Church group and they get inspected by other entities. Do we have any regular parameters where we go in and make sure it's up to par and up to snuff? Do we have the right to do that? What's our role in that?

Ms. Holbrook: All we would inspect is what the site plan calls for. If you approve the conditions then we, the city, would make sure that they had put some bollards in, remove the parking spaces, those sorts of things. These are things they would be bound by. The state really is the responsible party in the licensing.

Mr. Wenstrup: Yes. And I guess I should have answered my own question, because we're just approving or disapproving or talking about the site development. As far as operations and making sure that it's within that scope.

Ms. Holbrook: You're approving the conditional use, the use itself.

Mr. Wenstrup: And so in as much if something happens there or something is added there, that's outside that conditional use. We would say, "Hey, that's outside of the conditional use" and call them into order on that particular line item. Right?

Ms. Holbrook: Assuming that it was not permitted. I'm not sure exactly what that might be. If they're doing something that they're permitted to do, then we wouldn't call them out on that. But if they're doing something related to child daycare that doesn't meet the conditional use requirements, then we would call them out on that.

Mr. Wenstrup: Got it.

Ms. Holbrook: Does that make sense?

Mr. Wenstrup: That does make sense. But that would have to be brought to our attention. Correct?

Ms. Holbrook: It would have to be brought to my attention.

Mr. Wenstrup: But it's not like we have a regular way of supervising the compliant use of a conditional use of property. We just don't do that.

Ms. Holbrook: Generally it would be on a complaint basis.

Mr. Albrecht: Which is how we run the city.

Ms. McKnight: And when you look at the one through 10 standards, we're not going to have someone out there checking their hours of operation. That would be something if someone called us about it.

Ms. Holbrook: That's correct.

Ms. McKnight: But if they bulldoze the buffer yard that might be obvious. We might see that. That's another item, so it probably just depends on what the issue is.

Ms. Holbrook: Right.

Mr. Roe: I have no issues. I think what their proposing meets all the code and the conditional use. I think all the staff recommendations are reasonable. I could be flexible about the dumpster separation of five feet. I don't know what anybody else thinks about that?

Mr. Pelle: I'm okay with that.

Ms. McKnight: I feel better now knowing that the site plan isn't accurate, that the doors are opening a different way.

Mr. Roe: Yes, I agree.

Ms. Holbrook: So you're okay removing condition number five?

Ms. McKnight: I think so.

Ms. McKnight: Anyone prepared to make a motion regarding approving of this conditional use?

Mr. Roe: I'll make a motion with conditions one, two, three, four and six with the recommendation to remove number five, the five-foot separation of the dumpster.

Mr. Albrecht: Second.

Ms. McKnight: We have a motion and a second to approve the conditional use, the child daycare center at the First United Methodist Church with five of the six recommended conditions provided by staff?

Ms. Holbrook: Mr. Wenstrup?

Mr. Wenstrup: Aye.

Ms. Holbrook: Mr. Pelle?
Mr. Pelle: Yes.
Ms. Holbrook: Mr. Albrecht?
Mr. Albrecht: Yes.
Ms. Holbrook: Ms. McKnight?
Ms. McKnight: Yes.
Ms. Holbrook: Mr. Roe?
Mr. Roe: Yes.
Ms. McKnight: Very good.
Ms. McKnight: Our last item on our varied agenda is a request for a certificate of appropriateness for the demolition of the building located at 5 Water Street.
Mr. Roe: Lois, I'm going to recuse myself from this particular agenda item.
Ms. McKnight: You can be excused and recused. [crosstalk 00:54:16]

SITE 19-04 5 Water Street Demolition

Ms. Holbrook read the Staff Report into the record:

Project: Water Street Demolition Certificate of Appropriateness
Location: 5 Water Street
Applicant: Hank Roe
DER Development Co.
750 US 50
Milford, OH 45150
Property Owner: Beauty Ridge LLC
750 US 50
Milford, OH 45150
Acreage: .45 Acres
Tax Parcel Id: 210709A006P
Zoning: B-2, Downtown Mixed Use, OMO, Old Mill Overlay
Existing Use: Vacant Building (former garage and gas station)
Proposed Use: To Be Determined

EXISTING CONDITIONS

Adjacent Land Use and Zoning

All adjacent property is zoned B-2, OMO

North: Milford Library, Dr. Guju;

East: Millcroft;

West: Little Miami River;

South: Little Miami Brewery

PROPOSAL

Hank Roe is requesting a Certificate of Appropriateness to demolish the 4,448 square foot structure located at 5 Water Street. If Planning Commission grants a Certificate of Appropriateness for demolition, the applicant will come to a future Planning Commission meeting for a Site Plan review. The applicant does not have a firm development schedule, but anticipates that the building will be demolished in the next 12 months.

ANALYSIS

Properties located in the Old Mill Overlay District are required to receive a Certificate of Appropriateness from Planning Commission before demolition can be completed. Section 1167.11.K. states that "Demolition of any structure shall not be permitted unless the applicant can demonstrate that one of the following conditions exist:

1. Demolition has been ordered by the Building Official for reasons of public health and safety;
2. The owner can demonstrate that the structure cannot be reused nor can a reasonable economic return be gained from the use of all or part of the building proposed for demolition;
3. The demolition of the building will not adversely affect the streetscape as determined by Planning Commission."

Mr. Roe submitted a report from a structural engineer which provides an analysis of the building condition. The structural engineer concludes, "the structure is in very poor condition, particularly the first-floor framing. The elevated parking deck to the east is currently unsafe and should not be occupied. The 1st floor framing will require major repair and, in some places, complete replacement of the existing framing in order to be safe and occupiable."

In an appraisal of 5 Water Street completed in 2007, the appraiser states, "In our opinion, the current improvements no longer contribute value to the property and should be razed."

The City Engineer reviewed the request and noted that the stabilization of US 50 at the hillside will need to be maintained. The applicant is required to get a demolition permit from the Building Department so the Engineer will review the plans in detail at that time.

RECOMMENDATION

Staff believes that the property owner has demonstrated that the structure cannot be reused; therefore, recommends approval of the Certificate of Appropriateness 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. Stabilization of US 50 must be maintained.
3. Perform site grading and restoration using gravel or seed and straw.

Ms. Holbrook: Nate Clayton, the City Engineer, was concerned about the wall. This is kind of holding up the Mill Street, US 50 road. So, we want to be careful. I'm sure DER

will be very careful in doing that, but we just want to note that the engineer was concerned.

Mr. Albrecht: Which part? That little wall there?

Ms. Holbrook: This, wall here. Yes.

Mr. Wenstrup: The stone wall?

Ms. Holbrook: Right here. [crosstalk 00:58:00]

Mr. Albrecht: The part of the building.

Ms. Holbrook: The white wall.

Mr. Roe: Good evening everybody. Hank Roe, DER Development. Just a quick comment here, I'll get with Nate about it, but I think we referred to the natural stone wall there.

Ms. Holbrook: He pointed to this wall right here, but ...

Mr. Roe: Because that's just framing that concrete deck that's in place.

Ms. Holbrook: And he may not be familiar entirely with how that is being supported in there. But he just wants that to be noted as a concern when he reviewed this.

Mr. Roe: Yes. This stone wall is the original retaining wall for the whole ridge driveway pavement approach. That's the iron bridge that obviously no longer exists. And this wall continues as the foundation thru that building.

Mr. Roe: So I just need to walk Nate through the building and show him.

Ms. Holbrook: Right.

Mr. Roe: But this is the area that actually the structural engineer noted as being extremely unsafe. When that car ... it can fall through that concrete deck. It's like [crosstalk 00:59:27] a parking garage right in that little section. So that's what his concern is. So, having said that, there is a need, to get that safely removed. But happy to walk Nate through the building.

Mr. Roe: But you summed everything else up very well. We initially asked the structural engineer to make the visits to the building because we wanted to pursue some concepts to reuse the existing structure and foundation. We wanted to retain this building, looking for ways to save money. And based on the condition that it's in right now, our structural engineer basically walked out of the building, scared to walk back in it again.

Mr. Roe: There are steel beams supporting what are now the drive-in bays, where the glass overhead doors are, that are delaminating. You can stick your fist through them. There's spalling going on inside the building, outside the building. There's a lot of effervescence, inside the lower level. A lot of moisture that's dripping off of the concrete beams and some of the steel framing, causing stalactites and stalagmites. It's pretty rough there.

Mr. Roe: So, we have been playing around with some studies and some designs to rebuild a new building on this site. Of course, that's not why we're here tonight. But it would be something in the realm of two, three stories. Parking underneath it, open from the river side. So, we're not just tearing the building down for fun. We're going to be redeveloping it, at a later date.

Mr. Wenstrup: Now first off, thanks for the paperwork. And that building doesn't really have any historic value, even if we could restore ... it's falling apart, from the drawings. But that's not historic like anything else, where we'd get a lot of blow back, is there?

Ms. Holbrook: I spoke with Donna Amann from Promont and she indicated to me that, as far as she knew it did not have any historic value.

Mr. Wenstrup: All right. Will the demolition create any potential issues for traffic along there, for the river, for the environment?

Mr. Roe: I don't see how the demolition will affect traffic at all.

Mr. Wenstrup: Okay.

Mr. Roe: We're kind of buffered by an existing right of way that we're actually trying to assume ownership of that right of way. We don't for right now, but there's that buffer there for the Old Bridge Pavement approach, that will give us some separation. [crosstalk 01:02:31] Effects on the river, highly doubt it. We were actually hired by the City of Milford about 15 years ago to remediate the river bank, as it was eroding behind what's now Riverwalk apartments. At the time, it was Clermont Lumber. So, we're very conscious of what it takes to work on the river bank in Milford, on the Little Miami. We just got done building the Little Miami Brewery about a year ago. So, we have a lot of experience on that river and in that exact section of the city.

Mr. Wenstrup: I had asked you about this earlier and I'd like to ask about it in this meeting, because I think it's important that we make note of it. And I think it's in the engineering notes. It says that the building had been a service station or a former garage and gas station. And just for everyone's peace of mind, the tanks have been gone. There're no soil issues, is that correct?

Mr. Roe: That's correct. Part of our due diligence, we engage with Tencon Environmental Company on Wooster Pike in Milford. And they conducted what's called a Phase One Environmental Report. They determine that there is history of fuel tanks at this location. We proceeded to a Phase Two study. They did some soil sampling, sent it off to a lab, checking for petroleum-based chemicals and anything else that is associated with fuel tanks. Those came back negative. We got a report that will reinforce that. We were told that from the seller at the time. Of course, you just can't take that at face value, we conducted our own environmental studies and concluded the same opinion.

Mr. Wenstrup: And so in the demolition, if you discovered anything, obviously, that would have to be dealt with at that time.

Mr. Roe: Yes, we would notify Tencon immediately. We would take soil samples and do whatever review of the conditions that we encounter, and guide us through the process.

Mr. Wenstrup: You're not going to want to build a building on stuff that's bad. But that's good that it's clean.

Mr. Roe: Yes, we wouldn't have purchased it, or we would have had some significant negotiations if we had encountered any environmental issues.

Mr. Albrecht: Do you foresee any issues with complying with what Nate's asking as far as keeping Route 50 stabilized?

Mr. Roe: No, that's a concern of ours. We don't want the roadside to slip, because then we're liable for it, for one thing. But I don't think Nate's ever been in the building. His tenure as a City Engineer isn't that vast where he hasn't been in every single building like Bud White had. But certainly, I've got a great relationship with Nate. We'll invite him to the building and walk through it with him and make sure he's on same page. And like Pam says, he controls a lot of the influence with the permits being issued around here, so he's not going to let anything [crosstalk 01:05:34].

Ms. Holbrook: He would sign off on the demolition permit as well as the building department, so he has a say in what's going to happen.

Mr. Roe: Sure. When we tore down the corner barbershop building at Main and Garfield, we had almost similar conditions. There were foundation walls from that previous building that were stone that lined the sidewalks on both corners, and we safely removed the building, kept those walls, and poured new concrete foundation walls and encapsulated those, resulting not even a crack in the sidewalk, let alone the road.

Mr. Wenstrup: How long will it take to demolish a building like that?

Mr. Roe: I'm thinking probably three weeks at least. There's a lot of cast-in-place concrete. It's not like a house demolition where you take one swoop, push it over and it's in a pile. So, we're going to have to remove all the concrete slabs and beams and columns and foundations and get it on the ground, piled up, and hauled out.

Ms. McKnight: Thank you very much. Is there anyone else here this evening that would like to speak regarding the request for certificate of appropriateness?

Ms. Good: Hello, my name is Caroline Good, and I own the 16 Wooster Pike property. I guess my greatest concerns is the historical-ness of the property which has been addressed. Some of these questions can't be answered until it's demolished in terms of what will replace the building, what the plans are. He said there was going to be a building, so those questions in terms of the impact with regards to traffic and what's going to be there will be addressed at that time.

Ms. Good: It's unfortunate because I think the building is quite nice. I understand that if it's seriously compromised by ... whatever [inaudible 01:08:05] saying stalactites and small and concrete and stuff. I haven't seen it, but it is a nice property. I think it's

a nice property when you come over the bridge, it's a nice entryway. My concern is with regards to the destruction of the property, how long it possibly could remain vacant. That might not be appropriate for this discussion at this time. How much traffic disruption would be with regards ... perhaps any questions with regards to stability of the bridge in terms of the closeness to the bridge. Some of the questions were brought up with regards to the liability of the degradation of the site in terms of ... you know.

Ms. Good: It's kind of unfortunate. I think that it is a very nice, quaint building, but I don't know. Those are my concerns as of right now. Primarily kind of traffic and how long it's going to remain vacant and what's going to replace it, and traffic concerns and stuff like that. But he said there's going to be another building. It's not going to be another parking lot or anything like that. Thank you very much.

Mr. Harding: My name is Len Harding. I am a trustee of the library building which is right next door. I got a letter from you people saying come down if you have any issues, and the only issue I have at this time would be to make sure that the wall is maintained. I trust DER development. They know what they're doing. This building seems to be an add-on to that structure, because that was my concern, is not so much the river coming up, but if that collapses, that's going to be a problem. I don't necessarily think, given the flow of traffic, that would hurt the library, but anything that goes bad down there hurts the library, and God knows we need all the help we can get.

Mr. Harding: We don't have an objection to it. I agree, though, that something needs to go there. Something nice needs to go there, because as often as that building sits there, it often sits empty, and that's one of the worst things we can have coming into Milford. That's all I have to say. We're okay with the demolition.

Mr. Wenstrup: I thank you both, and you bring up a good question, the three weeks or so that it might take to bring that building down, that the driveway that's behind the building gives you plenty of access that you wouldn't really have an effect on traffic on either Water Street or Mill Street as far as needing to be in the roadway, other than to pull things in and out.

Mr. Roe: That's correct.

Ms. McKnight: Any discussion?

Mr. Pelle: It seems quite needed, frankly. I mean, I don't think it's ... But it's also a tremendous opportunity. It's not just fixing the current problem, which is a problem, not just structurally, but also being an empty space so often ... The time I've lived here, it's not a good image coming into the city. There's also a lot of good development going on at that entry point, and this is a tremendous opportunity to continue that. I don't see where there's a downside here, as long as it's properly done, and these guys in the past have proven that they can do that. So, I don't have an issue.

Mr. Wenstrup: Yes, I agree. When the barbershop burned down ... I've been in other communities where something else goes up, and what went up really became a strong anchor for downtown. Don't know why, but I feel like this particular developer really has a soft place in his heart for our community and wants to

make it better. Not just profitable, but better as well, and I think that's really important. I'm concerned about the vacancy. The best that building's looked since I've been in Milford is when they bought it and put stuff on the outside so it wasn't such an eyesore, and that alone made it look better. Imagine how great it could be if something that was maintained and built in the character of the village. Given the structural pieces that I see, but I looked at those pictures, and I wouldn't touch that building with a 10-foot pole.

Mr. Pelle: Yes, and I think there are the concerns I think Caroline, is it? Had are all very legitimate. I think those are all addressed at the site plan stage, because they're going to have to come back to us anyway and say, what is it that they are doing. So, I think those can be addressed at that point, but no reservations.

Mr. Albrecht: I agree with you, Dino, as far as the process goes, and really all we're really considering today is whether it's appropriate to tear down a building that's either going to be torn down or fall down. I had no idea that. It really should be condemned by the city. When you talk about it, it's not even safe to have a car parked up on that thing. It should be blocked off so nobody can park there. So, I'm 100% ... believe that there's an engineer telling me what the structure's all about, and I've talked to a couple other developers before this and heard the same story, I asked the same question, when? The sooner the better. But I look forward to seeing what's next.

Ms. McKnight: I agree with you gentlemen. Never excited to see a building plan for demolition, but after reading the report, this needs to happen. Looking forward to seeing what change might bring, improvement to the site, and adding to the quality and the character of the city.

Ms. McKnight: Is anyone prepared to make a motion regarding the request for the certificate of appropriateness?

Mr. Albrecht: I'll make a motion to allow the demolition of the property in question with no restrictions other than the normal restrictions noted. Right? Yes. One, two, and three, which are stabilization of U.S. 50, city-approved contingent upon the approval by the engineer, as well as applicable, local, state, and federal agencies, and they perform a site grading and restoration using gravel and/or seed and straw.

Mr. Pelle: Second.

Ms. McKnight: All right, we have a motion and a second to approve the certificate of appropriateness for demolition of the building at 5 Water Street with the three conditions recommended by staff. All in favor say aye.

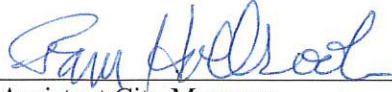
Group: Aye.

Ms. McKnight: Any opposed? There we go.

Ms. McKnight: Any other business to come before Planning Commission this evening?

Ms. Holbrook: That's it.

There being no further business or comments to come before the Planning Commission, Ms. McKnight made a motion to adjourn the meeting at 7:18 pm; seconded by Mr. Pelle. Following a unanimous decision, the ayes carried.



Assistant City Manager



Lois McKnight, Chairman

DINO PELLE