

PLANNING COMMISSION MINUTES of February 14, 2024
6:00 PM Council Chambers
745 Center Street, Milford, OH 45150

The Planning Commission of the City of Milford met in regular session on the evening of Wednesday, February 14, 2024, at Council Chambers, 745 Center Street, Milford, OH 45150.

Roll Call: Ms. McKnight called the Planning Commission meeting to order at 6:00 PM. Other members present were Mr. Brumleve, Ms. Evans, Mr. Wenstrup and Mr. Redman.

Staff: Ms. Celsor, Planning and Community Development Coordinator.

Visitors: Brad Price, 111 Cleveland Avenue; Mary Kipp, 415 Mill Street; Emerson Moser, 3800 Broadview Drive, Cincinnati; Kevin Kiser, 8142 Brownstone, Westchester; Chelsea Curry, 405 Garfield Avenue, Nick Buhr, 431 Garfield Avenue; Joe Cornwell, 405 Garfield Avenue.

Minutes Approval:

Mr. Brumleve made a motion to approve the December 13, 2023 minutes, seconded by Ms. Evans. The motion carried 3-0. Mr. Wenstrup and Mr. Redman abstained.

SITE 24-01, 405 Garfield, Conditional Use

Ms. Celsor read the staff report into the record:

Project: 405 Garfield Conditional Use

Location: 405 Garfield Avenue

Property Owner: Adam and Chelsea Curry
405 Garfield Avenue
Milford, OH 45150

Applicant: Joe Cornwell
1471 Greystone Lane
Milford, OH 45150

Tax Parcel Id: 210731A057P

Acreage: .5 acres

Zoning: R-3, Single Family Residential District

Proposed Use: Accessory Dwelling Unit

ADJACENT LAND USE and zoning

To the east and south is zoned R-3, Single Family Residential District; to the west and north is zoned MRD, Milford River District.

Proposal

Joe Cornwell, applicant, requests approval for Conditional Use to construct an Accessory Dwelling Unit at 405 Garfield Avenue. A detached two story, two car garage fronting on High Street is being proposed, to include an in-law suite on the second floor. The property is zoned R-3, Single-Family Residential District. Accessory Dwelling Units are a Conditional Use in the Single-Family Residential District and require approval by the Planning Commission.

SITE DESCRIPTION

There is a single-family residence on this .3 acre parcel. A three-car garage used to belong to this home when the home was a bed and breakfast from 2018-2021. Redknot homes purchased the home and surrounding land in 2021. The three-car garage was demolished to make way for a new home, and the property has been re-platted. There are three new homes under construction by Redknot Homes to the east and north on Garfield Avenue and High Street.

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.

Section 1195.05 specifies specific standards for each conditional use. Accessory dwelling unit standards are listed below:

- 1. An accessory dwelling unit may be located within a principal single-family detached dwelling or a detached accessory building on the same lot as a principal dwelling.
- 2. Parking requirements shall be imposed by Planning Commission on a case by case basis. No new access points or driveways shall be created or installed for access to the accessory dwelling unit.
- 3. No more than one accessory dwelling unit is permitted on a single lot.
- 4. The accessory dwelling unit shall be limited in size to a maximum of 66% of the total living area of the principal dwelling or 800 square feet whichever is greater.
- 5. The establishment of an accessory dwelling unit within the building envelope of a legally existing single-family dwelling or through the alteration of a legally existing accessory structure is not subject to setback restrictions provided that the establishment of the accessory dwelling unit does not expand the existing structure's footprint.
- 6. Detached accessory dwelling units are subject to the side and rear yard setback requirements for accessory uses as specified in 1181.08(E) and 1181.08(F). Exception: The alteration of a legally existing accessory structure for the purpose of establishing an accessory dwelling unit is not subject to setback restrictions provided that the establishment of the accessory dwelling unit does not expand the existing structure's footprint.
- 7. An accessory dwelling unit established as an addition to a legally existing single-family dwelling must comply with all setback requirements for single-family dwellings in the applicable zoning district.
- 8. Detached accessory dwelling units are not permitted in front yards.
- 9. Detached accessory dwelling units shall not exceed 25 feet in height. Exception: a legally existing accessory structure being converted to an accessory dwelling unit may exceed 25 feet provided that the establishment of the accessory dwelling unit does not expand the existing structure's height.
- 10. An addition to a principal single-family dwelling that will contain an accessory dwelling unit must comply with all height requirements for single-family dwellings in the applicable zoning district.

11. The accessory dwelling shall contain a living area, one bath, and a kitchen or kitchenette (including a refrigerator, microwave oven and/or stove, and sink) and may contain not more than one bedroom.
12. Detached accessory dwelling units must be of permanent construction and must contain permanent utility hookups. Mobile homes and recreational vehicles are not permitted as accessory dwelling units.
13. The accessory dwelling unit shall be in harmony and compatible with other buildings or structures located in the neighborhood.

ANALYSIS

The applicant is proposing to add parking as well as an accessory dwelling unit. The proposed accessory dwelling unit would contain 441 square feet of living space. According to the site plan provided, the front setback along High Street is 23.4 feet (15 feet is required for a corner lot per 1181.08 F), and the side setback is 8 feet (5 feet is required per 1181.08 E). The height of the proposed accessory dwelling unit is 21 feet 10 inches.

The applicant appears to be able to satisfy the conditional use requirements for an accessory dwelling unit as specified in Section 1195.05, and the proposed use is in keeping with the existing development.

STAFF RECOMMENDATION

Staff recommends approval of this conditional use application.

- Ms. McKnight: Thank you. Any questions from planning commission?
- Mr. Brumleve: No. I took a brief review on the data they gave us on the existing dwelling, so it is compliant with our benchmarks as far as the sizing is concerned, and it appears in all other respects to be congruent with our requirements.
- Mr. Wenstrup: Christine, accessory dwelling units are not allowed in the front yard, and this is clearly behind the house but it fronts on High Street, so does that create any issues for us at all?
- Ms. Celsor: The setback is more on a corner lot, it has to be 15 feet setback as opposed to five feet, so that's the main difference.
- Mr. Wenstrup: But it's setback far enough, correct?
- Ms. Celsor: Yes, it does meet the setback. The front yard would be considered fronting on Garfield, and the backyard would be behind the house, so technically it is the backyard.
- Mr. Wenstrup: Yeah, but it also has a street access.
- Ms. Celsor: That's true.
- Mr. Wenstrup: That's the only thing that sticks in my mind.
- Ms. Celsor: That is a little bit open to interpretation. My interpretation was, since it was also part of a garage, that it's not exclusively for the accessory dwelling unit. That was my interpretation, but that's certainly open for discussion.
- Mr. Wenstrup: Maybe we can kick that around. Thank you.
- Mr. Cornwell: I am Joseph Cornwell and I'm representing the homeowners of 405 Garfield as the general contractor. My company's ROS Construction.

As far as the access, I know that was a question that was brought up, there's a retaining wall there that's probably 200 years old or 150 years old. If anyone's seen it, it's one of the oldest houses in the city. I believe. It's deteriorating in that section specifically, so the goal for us is to obviously create the driveway there to access the garage, allow off-street parking which is kind of an issue there, but then also use that stone because it's of age.

There's an old horse carriage access ramp and we would be able to fill that in to continue the wall and have it continuous from the new driveway and repurpose that stone, so I don't know if that was specifically mentioned in the plans. I think it's under the minimum height for the code for

needing engineered plans for that. Anyway, I just wanted to make sure that that was allowable and you guys were aware of that, but it would look a lot better than it does now.

Mr. Brumleve: So basically, you're going to use the stone to reconstitute something that feels congruent with what is the texture already?

Mr. Cornwell: Matching the existing wall. Like I said, there's a space, it's a carriage ramp from 150 years ago or 200 years ago, but where we're removing the deteriorated stone, we'll be able to restack it to continue the wall where the ramp is now, which is further down from the driveway.

Mr. Brumleve: It's nice to have that as an asset.

Ms. McKnight: It looked like you'd have room put two cars, obviously, in the two car garage, and then two cars on the driveway apron, as well.

Mr. Cornwell: Yeah. Off the top of my head, I'm not exactly sure what the setback is, but we're matching the side setback of the house, so I think at least two cars would be able to park there. If there's little cars, maybe more, but yeah, at least two full sizes.

Mr. Brumleve: What is the purpose of the pumped up shed dormer facing the house? Almost kind of a wall dormer.

Mr. Cornwell: I think the plan now is to create a minimum eight-foot continuous ceiling height for the second level, but I know at one point when we were going back and forth on the plans, the dormer was just to allow extra head height for the top of the stairs, but we changed that. I believe the plans you have the most current version, but that I think was part of the design because of the height clearance, initially.

Ms. McKnight: Any other questions for the applicant? Thank you. Okay, we'll open the floor up to questions or comments from the audience. If anyone has anything, come to the microphone and state your name and address.

Mr. Buhr: Hi, I'm Nick Burr, 431 Garfield, right up the street from 405. Really my main comment is back in 2021, 2022 when Mark from Redknot came in here with their 15 house plan, he had a garage in that plot which was ultimately approved, and then the plans kind of changed. But I do know Mark, as he was trying to sell the inn, he was telling buyers that you can put a garage here, even offering to do it under that initial whole variance approval for the whole community, so Mark's word's worth about this much to me right now, but I know he was actively selling that, it was approved through the city already to have a garage on that spot, so just kind of how I view the whole thing. It was approved already, it's just this is formality, I guess.

Mr. Brumleve: Just to speak toward that, the accessory dwelling unit has been a later development.

Ms. McKnight: Anybody else? As John pointed out, our purpose is, because there's an accessory dwelling unit involved, we don't normally approve garages at this board level, so discussion by planning commission.

Mr. Brumleve: I am really pleased that they've actually availed themselves of the opportunity to do this under what was really the subject of considerable amount of discussion with us when we put together the ADU requirements. I'm really pleased that someone has availed themselves of this. Additionally, the reason it comes before us is as people are going to live, it now becomes a living space as opposed to just a storage space for a car. Does it have coherence with its own property and with the neighborhood texture? And I think on both those marks and in consideration and review of the drawings, it looks like it's coherent in both of those respects, and I think it's consistent.

Mr. Wenstrup: On its own, if they wanted to build a two car garage there, they could, correct? And if they had a two car garage there and they wanted to put a dwelling unit on top of it, it would meet those requirements as well, correct?

Ms. Celsor: If they just wanted to do a garage, that would be an administrative approval; then at the point where they wanted to add the accessory dwelling unit, it would need to come before this group.

- Ms. Evans: Is there anything special, Christine, that the fire department requires to have living space over the garage, or are they meeting all that?
- Ms. Celsor: Well, they didn't provide any comments so far. The next step would be a building permit and they would review that as well, and have an opportunity to provide comments.
- Mr. Brumleve: There's numerous provisions having to do with that. Yeah, they're just part of the building code. When we go to building permit level, that's when life safety issues come into play, and there are some considerable life safety issues involved with putting any dwelling capacity over what amounts to a storage space such as a garage, and that will be handled at that level.
- I'd like to move to approve the application as it is.
- Mr. Wenstrup: I would like to second that.
- Ms. McKnight: If I can ask for clarification on the motion, you're finding that the standards for the conditional use have been met?
- Mr. Brumleve: I do.

The Planning Commission voted 5-0 to approve the application for Conditional Use for 405 Garfield.

SITE 24-02, 400 Milford Parkway, Conditional Use

Ms. Celsor read the staff report into the record:

- Project:** 400 Milford Parkway Conditional Use
- Location:** 400 Milford Parkway
- Property Owner:** Milford Realty IN LLC
1075 Broad Ripple Ave., Suite 309
Indianapolis, IN 46220
- Applicant:** Meridian Bioscience

3471 River Hills Drive

Cincinnati, OH 45244
- Tax Parcel Id:** 210737.022P
- Acreage:** 5.8 acres
- Zoning:** L-I, Light Industry District
- Proposed Use:** Manufacturing of in vitro diagnostics products

ADJACENT LAND USE and zoning

All adjacent property is zoned L-I, Light Industrial District.

Proposal

Meridian Bioscience, Inc., applicant, requests approval for Conditional Use for manufacturing of in vitro diagnostics products (tests and kits for conditions such as the flu, strep, and other respiratory diseases) at 400 Milford Parkway. The property is zoned L-I Light Industry District. Research and development laboratories are a conditional use in the Light Industry District and require approval by the Planning Commission.

The only changes being proposed to the site are the addition of a generator and HVAC unit behind the building. All production would be contained within the building. Bioscience is not specifically defined in the zoning code; the most similar use group defined in the zoning code is research and development laboratories (a conditional use in the Light Industry District) and light manufacturing establishments (a permitted use in the Light Industry District).

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- 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.

Section 1195.05 specifies specific standards for each conditional use. Research and development facilities standards are listed below:

- 1. No structure shall exceed 45 feet in height.
- 2. There shall be no more than two ingress/egress drives onto the property. No drive shall exceed 35 feet in width.
- 3. All points of ingress/egress shall be located as far as practically possible from the intersection of two major thoroughfares.
- 4. Parking areas shall not encroach upon any bufferyard required in Chapter 1189, Landscaping and Bufferyard Requirements.
- 5. All research and development shall occur within an enclosed building.

ANALYSIS

The applicant appears to be able to satisfy the conditional use requirements for a research and development laboratory use. The proposed use is compatible with existing development and is consistent with the purpose of the Light Industry District.

STAFF RECOMMENDATION

Staff recommends approval of this conditional use application.

Mr. Redman: My question, after reviewing the documents and stuff, maybe the applicant will talk when they come, doing medical sciences and other things, I was just curious about any of the hazards that come with us approving something that has to do with medical things. I don't have it in front of me, but they said it met all the safety things and stuff, too, but I was just curious for further explanation of the kind of procedures that are taking place in a facility like this from a safety standpoint.

Ms. McKnight: All right, we'll go ahead and ask the applicant to come forward. State your name and address for the record.

Mr. Moser: Hello, my name is Emerson Moser. I'm the general counsel of Meridian Bioscience, and my personal address is 3800 Broadview Drive in Cincinnati, Ohio. I'll let Kevin introduce himself in a second and I'll hand this over to him in just one second, but all I'll say is that Meridian Bioscience, as you may know, has operated in the city of Newtown for approximately 50 years. We have a campus there. We've operated a number of facilities where we manufacture and develop in vitro diagnostic tests, so this is not something that's unusual to us or different than what we do over there.

Part of our long-term strategic plan is to develop new tests for new conditions and to expand our manufacturing footprint, and that's what the real purpose of this site that we've identified is, is to develop new products that we don't currently manufacture, but which are consistent with the types of products that we currently manufacture and have manufactured in Newtown. With that, I'll ask Kevin to address the specific question that you had and he can answer any more questions about the operations.

Mr. Kiser: Kevin Kiser. I'm vice president of operations, Meridian Bioscience. My address is 8142 Brownstone in Westchester. I've been at Meridian for 22 years, so I can give you guys some perspective on all the stuff that we've been doing, but this is very consistent with the manufacturing we already do in Newtown.

To address hazardous waste there, we do not have any bulk chemical manufacturing. We have some of that down in the Newtown site, but this site, the type of waste that we would have as an output of this would be more like a medical waste, like a red plastic biohazard bin kind of waste, and those would be removed by a company like Steris, so we have very good containment procedures. We will have a quarantined area on site for any waste that we would produce, and then they would ship it off. But it would be very small amounts of it. It wouldn't be bulk liquid waste or anything of that nature that you'd have drums or anything like that coming out of there.

Our typical manufacturing is dispensing of inert buffers, and we produce lateral flow devices, like you may have seen the COVID tests that you've taken yourself. It's very much like that. That's the kind of devices that we're going to make, and then we will be packaging them, and we will actually be boxing them up and leaving that facility and taking them to our Newtown site, so that truck traffic that we would be getting, and we had some conversation about that, maybe two to three trucks a day kind of thing. It's not a distribution center, it's not going to be a high volume of traffic. I don't expect that to introduce anything there. The parking spaces that are already there are going to be unchanged. We're just going to utilize them as lined.

And inside the actual manufacturing center, we use clean rooms, which is why we need the HVAC unit outside, because you just do air changes, and the clean rooms are really to protect the product from getting contaminated. We have really clean manufacturing, we have clean products, and we basically want to make sure that they perform as good as possible for our patients that end up using them. We really anticipate there's no noise that we're going to be generating. You're not going to see any kind of additional pollution and no real waste stream of any significance coming out of there.

Mr. Moser: You might also, just confirm, Kevin, but when we do test for COVID, flu, these other things, we don't have the live viruses on site, so there's no risk of a leak or something like that where it's going to get out of the site and then infect somebody.

Mr. Kiser: Actually, our test kits are built around antibodies, anyway. The antibodies would detect any of the components of the virus that would be in a specimen anyway. Anything we test is already inactivated viruses as it is anyway, they just contain the protein that you would test for.

Mr. Brumleve: Would our emergency services need to be appraised of any conditions or considerations in responding to an emergency at the facility?

Mr. Kiser: No, we don't have anything that we require, anything special other than fire. That's the only thing we've ever had, in case you have anything for that. Just a normal building kind of thing. Smoke detectors or anything like that, but nothing that would create any kind of need. Are you talking like a bio waste or biohazard?

Mr. Brumleve: No, I'm being a little bit facetious here, but if the alarm came in, would our fire department be going, "Oh good, this is what we needed to train for," or something? Are there special considerations in an emergency response?

Mr. Kiser: There's been nothing. The fire department is right across the street from us currently in Newtown, so we have regular walkthroughs. The City of Milford would welcome them to come through and check our facility. I'm sure they will anyway, to make sure it meets code, but there would be nothing special that they would need to do.

Mr. Redman: And to clarify, too, recalling your application, this site is primarily for the research and development, and then you'll be going over to Newtown to mass produce the newer technologies and stuff?

Mr. Kiser: It will be light manufacturing more than it would be... There are laboratories, which we kind of had a challenge of how do you classify laboratories, because you kind of do pilot manufacturing where you make sure the test is working, so that's where the lab part comes in. Otherwise, there'll be automation lines that'll be put in place, and those will be used mainly for cutting and packaging and sealing and boxing the kit, so most of the space is really going to be for dispensing and packaging. There will be labs there, though, just for some small testing.

Ms. Evans: Is this a Monday to Friday, nine to five type hours?

Mr. Kiser: Yeah, probably Monday to Friday, six to four.

We anticipate with one shift that we can grow into 40 employees there, so if we went to two shifts, we could add another 30 employees.

Ms. Evans: And didn't you just expand recently in Newtown, also?

Mr. Kiser: We did. We just expanded on Church Street in Newtown. In that facility there, I think we currently are employing about 20 employees. It's been good. We're running out of room in Newtown. Let's call it what it is.

Mr. Brumleve: I'm just asking some stupid questions, maybe. So if the place caught fire with the stuff that's in there, would that release anything that would be extra hazardous to the police or anybody else? Are any of the chemicals or particles or whatever that you use over and above the normal flammability?

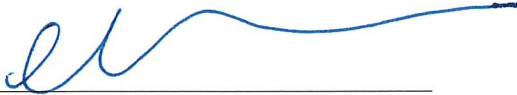
Mr. Kiser: If we have flammable chemicals, we have to keep them in flammable proof cabinets. We do have some chemicals that may go into that sort of thing, but from what I know, it's not going to be much of anything.

Mr. Brumleve: I would like to move that in consideration that this satisfies the conditional use requirements for the application. I'd like to approve the conditional use application. That's my motion.

Ms. Evans: Second.

The Planning Commission voted 5-0 to approve the application for Conditional Use for 400 Milford Parkway.

There being no further business or comments to come before the Planning Commission, the meeting adjourned at 6:42 PM.



Christine Celsor, Planning and Comm. Dev. Coordinator



Lois McKnight, Chair

