

PLANNING COMMISSION MINUTES OF June 14, 2023
6:00 PM Council Chambers
745 Center Street, Milford, OH 45150

The Planning Commission of the City of Milford met in regular session on the evening of Wednesday, June 14, 2023, at Council Chambers, 745 Center Street, Milford, OH 45150.

Roll Call: Ms. McKnight called the Planning Commission meeting to order at 6:02 PM. Other members present were Mr. Brumleve, Ms. Evans, Mr. Wenstrup, and Mr. Price.

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

Visitors: Steve Haber, 317 Main Street; Neil Barraco, 231 Main Street; Clair & Tim Oliver, 209 Laurel Avenue; Dr. Douglas and Kim Vaal, 116 Mound Avenue; Carl Margraf, 206 Cleveland Avenue; Jim Craven, 740 Pasadena; Doug Ignatius, 720 E. Pete Rose Way, Suite 140; Scott Logan, 720 E. Pete Rose Way, Suite 140; Kim Hartley, 152 Mound Avenue; Amy Vilardo, 12 Big Oak; Rebecca Shundich, 11 Mound Avenue; Erin Head, 128 Laurel; and Judy Atkins, 115 Hickory..

Minutes Approval:

Mr. Brumleve made a motion to approve the May 10, 2023 minutes, seconded by Ms. Evans. Motion carried 4-0. Mr. Wenstrup abstained.

TEXT AMEND 23-01 Accessory Dwelling Units

Ms. Celsor: This is the public hearing for the accessory dwelling unit text amendment that's been discussed in previous meetings. The only thing that is new compared to the previous drafts is that the section of the zoning code that talks about minimum dwelling size would not apply to accessory dwelling units. So other than that, it's what we have discussed, so this is the proposed text amendment, if planning commission wishes, you can vote to recommend the text amendment as drafted or if you'd like to make any changes. And then that recommendation would be certified to city council.

Ms. McKnight: Without reading the whole amendment, just maybe summarize, maybe read the definition and then just kind of summarize what the purpose of the amendment is.

Ms. Celsor: The proposed definition for accessory dwelling unit, accessory dwelling unit shall mean a self-contained dwelling unit designed for occupancy by one family for living and sleeping purposes that provides complete independent living facilities, including its own entrance, kitchen or kitchenette, bathroom and sleeping area that is located on the same lot as a larger single family dwelling that serves as the principal use of the lot and whose use is subordinate and incidental to the larger single family dwelling.

It's proposed to be a conditional use in residential zoning districts as well as the Milford River District, so it would need to come before planning commission for approval to get conditional use approval. And then there are specific standards for the conditional use that would be reviewed then when the application came to planning commission. So the big picture is this would allow accessory dwelling units to be permitted in residential areas only if approved by planning commission as a conditional use. Right now, they're not addressed in the zoning code, so they're really not allowed.

Mr. Brumleve: And to put a sharp point on it, on a case by case basis.

Ms. Celsor: Correct.

Ms. McKnight: Any questions from planning commission members for staff?

Mr. Wenstrup: Christine, on the very first, and there was a couple mentions of a bathroom, and for a lot of people bathroom has a toilet and sink but are we talking a full bathroom where they can shower or bathe, I mean I think there's room for some confusion there.

Ms. Celsor: It's not specified in the definition, you could change that to be full bathroom if you want to be clear.

Mr. Wenstrup: I'm not sure what our intent is, that's why I think we should clarify whatever it is. Have you discussed this when I was in absentia?

Mr. Brumleve: I think because it says provides complete independent living facilities.

Ms. Evans: I know we had one question at one point on whether or not the utilities had to be separate or had to be combined, did we ever discuss that any further? I can't remember.

Mr. Brumleve: The anchor to that was that we do have a standard, a section in the standard that talks about the utilities being permanent. That would mean that because there is the possibility for the need for separate metering,

The point of the matter being that, and really all these standards all fit in a box that makes sure that this use cannot be separated from the primary, the principle dwelling unit, as a either real estate option or as any other kind of way of seeing this as some sort of severable thing. And it has to have permanence.

Mr. Price: So can I get clarification on the minimum dwelling size on the front page, and then the specific standards size reference on the back? It seems contradictory. Dwelling 800 square of 66% of the living space or 800 square feet, whichever is greater and then on the front it says no less than 900 square feet for two bedroom.

Mr. Brumleve: If I might take a stab at that particular section, 1181.02, the reason that clause was added that is highlighted in yellow on this, was so that the exception, that the minimum dwelling size overarching for the city is the 1200, 900 numbers that you're citing. But this clause has to do with the exception of it being an accessory dwelling unit.

Ms. McKnight: So accessory dwelling units have no minimum size, they have a maximum size.

All right, if there's anyone here that wants to ask a question or comment on this proposed text amendment or for any of the other cases that were going to come up later on the agenda, we would ask that you step forward to the dais, state your name and address for the record, we are recording the meeting so we can get accurate minutes. And for this particular text amendment now, you may step forward.

Mr. Vaal: My name is Doug Vaal. I live at 116 Mound Avenue, and we just found out about the EDU. I've lived here for 39 years, and the main reason my wife and I moved here is because we loved the design and the acquaintance of the city. We've investigated the police department before we came here, we've investigated the schools before we came here, tax codes, everything was exactly what we desired to have to spend the rest of our lives. I don't intend on leaving our residence if we can help but my wife says that she has to be taken out in the box, so we won't be selling, but the EDU process here sounds more like we're going to try to turn most of the properties into multi-family properties, when the acquaintance of South Milford blueprint anyway is that most of them, not all of them, but most of them are single family residents, this will change this possibly to multi-family residence.

And two, I suspect that the request for this is more based on people wanting to supplement their income on Vrbo or Airbnb, and make some money off of their property, which I don't have a problem with that, but parking at least in South Milford and I'm sure in central Milford is the same way. Most houses have at least two cars, we have three vehicles, one being both which we keep in the garage per the request of the city. We park in the alley per the request of the city, because people on the west side of Mound Avenue don't have the alley anymore, so they have to park on the street. If this is for people to rent their EDUs to or PDUs to Vrbo or Airbnb, we're going to have a lot more cars. People on the other three streets, even though they have an alley, don't park in the alley, they park on the street.

It's one of the reasons we also park in the alley now is my wife is a nurse and she worked at San Haven, and we know or we did know most of the people that lived down there. My mother-in-law's car was struck twice, my wife's cars, two of them were struck twice by residents from SEM.

Everything went fine, all the damages were paid but we decided that it wasn't worth constantly getting your car fixed because they're seniors, and I understand, and now that I'm a senior, I expect a little respect from everybody else, which doesn't seem getting... not from you guys. Just I'm concerned that that's what this is turning into, a multi-family residence, we've got what's going up the corner of High Street in Garfield, and then the old school at Garfield, and right now it's a mess.

I'm hoping that someday I'll look at it and say, okay, that was a good idea. But my wife and I haven't been too happy with it, and with everything that happened in the city, I'm not complaining to you guys, but we had to buy three tires for my vehicle and two tires for her vehicle because of all the whatever they put in the streets kept blowing our tires. I don't expect to be reimbursed I'm not complaining about it, but the price of quote unquote progress is getting a little too high, and I'm afraid we're going to destroy the reason we came to Milford. What I'm concerned about the EDU, what would you call it, policy or plan, is this going to turn most of the properties into multifamily properties?

Ms. McKnight: Christine would you like to explain the difference between the accessory dwelling unit and the vacation rental policy?

Ms. Celsor: Right now, short-term rentals, well there's a pending lawsuit against the city regarding short-term rentals so the ordinance is not being enforced. Short-term rentals are addressed in a separate ordinance, not in the zoning code. This is a proposed change to the zoning code, any short-term rental issue would be handled separately from the zoning code. I'll also add just a little bit about what the conditional use process is so the ADUs are proposed to be a conditional use, so if someone wanted to apply for one, they would need to do a conditional use application that would come before the planning commission here in a public hearing so each one would need to go through this public process.

So it would be handled on a case by case basis and there are standards to be followed but for example, you brought up parking, parking in one part of town might be different than parking in an another part of town, so the proposal allows some flexibility based on the specific case that's being looked at for planning commission to consider.

Ms. McKnight: Is there anyone else that wanted to comment on the proposed text amendment? Okay, hearing none, close the public input portion and have discussion by the planning commission.

Mr. Wenstrup: So Christine, I have a question, and because Ed's expressing a certain amount of fear, I would say that all of the homes in South Milford are going to be become Airbnbs, well obviously accessory dwelling unit is not an Airbnb, is it?

Ms. Celsor: It is potentially possible.

Mr. Wenstrup: It's possible but then they need another type of permit to get that?

Ms. Celsor: They would under the city's short term rental ordinance but currently we're not able to enforce that ordinance, so right now permits are not required.

Mr. Wenstrup: Permits will be required though?

Ms. Celsor: It depends on the outcome of the lawsuit.

Ms. McKnight: It's all up in the air.

Mr. Wenstrup: All right so that's up in the air, that's something we can consider. Also if I remember our discussion from the last time, we talked about fit and finish of these homes being consistent with the fit and finish of the home they share the property with, the track they're on is that correct? And that comes before us as well, correct?

Ms. Celsor: Yes.

Mr. Brumleve: And just to shed a little light on three particular points that you brought to our attention, and I think it's really important that we reiterate them for everybody at large here. And that is, it specifically is subordinate and incidental to the larger single-family dwelling. It does not establish a multi-family dwelling setup.

Ms. Evans: It can't be a multi-family apartment building.

Mr. Vaal: My concern about the Airbnb and the Vrbo, et cetera, not just the increased traffic and the parking, but the properties that we own and we own two of them, we stopped renting, for example during spring break, because our units were trashed. And if these become VRBO or Airbnb et cetera, what's to prevent somebody from renting it online to x, y, z? It's only going to be two people, but they bring seven, and they all come down, and drink, and smoke and do whatever.

Mr. Brumleve: Yeah. That's kind of in the compartment of our ordinance dealing with Vrbos, et cetera right now, that's kind of in a separate compartment, that's already being kind of addressed.

Ms. Shundich: Hi, I'm Rebecca Shundich, 11 Mound Avenue. And I was here at the meetings about the Airbnbs and Vrbo and I thought the public was very in agreement with you all and the decisions that were made at that time, so if this AD whatever you're calling it, U, is opening you to the possibility of more and more and more and more rentals, then that's going against everything that you decided about the Airbnb and Vrbos. And all the other communities I know are quite capable of standing their ground, making the decision, you've got most of the public behind you, with the decisions that were made originally. So can't you postpone this until that lawsuit thing is settled?

Ms. Evans: It's totally separate from the ordinance we passed for the Airbnb, we could still follow those rules, this doesn't override that.

Ms. Shundich: Yes, but you said it is possible that they will become rental units so as long as you're doing that, it does add to the percentage of places that can be rental.

Ms. Evans: They're still limited in that ordinance.

Mr. Price: What created this whole conversation several months ago is several people who live in Milford have asked to build a place for an elderly parent to live. So I think that's the intention, I mean we had the conversation two months ago about the rental issue. The ordinance that the lawsuit's now over, that really addresses that. Currently, the city's being sued over that.

Ms. Shundich: That's okay with me. You should be able to handle that. I'm expecting that you all can handle that and do what the public wants.

Mr. Price: The intention for the accessory dwelling units isn't to give people the option to build a carriage house that they can Airbnb. I think the intention is a very different thing.

Ms. Shundich: Okay. And the other thing is the parking. It is tricky. We get our cars hit on Mound enough that some people have been to court about it. So, same thing with the parking, we're having a hard time. They're parked up, I don't know if most of you are down there, but on the weekends, I'm the end house on Mound. So Thursday, Friday, Saturday, I pick up the trash. I've got neighbors getting mad. "Becky, why didn't you pick that up?" I'm tired of picking it up, but I will continue to pick it up. That's the way that is for the weekend party guys.

Mr. Wenstrup: All right. So yeah, an accessory dwelling unit, which I hadn't heard of up to six months ago. If my mom or dad wanted to move in with me, I'd say, "Come move in." I never thought of it, but I can understand wanting a separate place. So I think it's a wonderful thing, but we've carefully considered that. And that is a separate issue. And if they're going to change the use from the original intent, to a profit center, don't they have to apply for a different permit for an Airbnb?

Ms. Celsor: Under the ordinance that was passed, a permit is required to operate a short-term rental. We're not currently enforcing that, though, due to the lawsuit.

Mr. Brumleve: There's a significant encumbrance to coming before us, or coming before the zoning commission, the building department, the utilities departments, everything else. There's a significant encumbrance that it does forestall anybody from grabbing an Airstream trailer, plopping it on the back of their lot, and saying, "Hi, we're for rent." It's permanence, and non-severability is very important to this ordinance.

Mr. Wenstrup: I think we're in a unique position to address this in our community, and we have been addressing it with all diligence and input that we can find, trying to make it something that's workable for our community. We recognize and appreciate our residential areas in the city, and we recognize and

appreciate the business development in our community. And trying to protect one from the other, I've seen tremendous cooperation when things are addressed, where the business community has tried to accommodate, and where the residential community has been somewhat gracious about, this isn't going to be Milford 1964 forever. Okay, and so the amendments as laid out, I think are our best stab at this, and I feel very comfortable passing it on to city council for them to add their 2 cents worth. I think we're at that point.

Ms. McKnight: I would agree with you.

Mr. Price: So John, is that your motion?

Mr. Wenstrup: Yeah, I'll call it a motion. I move that we approve the amendment, send it to the city, with the only change being a full bathroom.

Ms. McKnight: Would you accept a modification to recommend to city council the text amendment rather than approving it and sending it on? We're actually recommending.

Mr. Wenstrup: Oh, well, then let's call it recommend. We'll recommend it.

Mr. Brumleve: I'm pleased to second that motion.

The Planning Commission voted 5-0 to recommend the Text Amendment for Accessory Dwelling Units to City Council.

SITE 23-06 The Governor Outdoor Seating, 231 Main Street

Project: The Governor Outdoor Dining Area

Location: 231 Main Street

Applicant: Neil Barraco
231 Main Street
Milford, OH 45150

Acreage: .057 Acres

Tax Parcel Id: 210710A038C

Zoning: MRD - Milford River District

Existing Use: Restaurant

ADJACENT LAND USE AND ZONING

All adjacent property is zoned MRD.

Minor Building Improvements

Planning Commission will review a request submitted by Neil Barraco to add additional seating to the outdoor dining area at The Governor. Outdoor dining areas in the Milford River District require approval by the Planning Commission.

On May 13, 2020, the Planning Commission approved an outdoor dining area that included four two-seat tables and four bar stools. One condition of approval was that a minimum unobstructed sidewalk width of four feet measured from the edge of the curb or edge of pavement must be maintained for outdoor dining areas within the public right-of-way. This is a requirement in the Zoning Code specified in section 1167.11 (K)(3).

On April 23, 2023, the City received a complaint regarding tables and chairs being placed by the curb. The picture showed two two-seat tables adjacent to the curb. When staff investigated, the tables had been moved. On May 5, 2023, the City received another complaint about the same problem, with a picture that showed three two-seat tables

adjacent to the curb. Staff sent a violation letter. The owner advised that he would seek approval for additional outdoor seating..

The new proposal includes three four-seat tables next to the building; and two two-seat tables next to the railing. There is at least four feet kept clear for pedestrians, which meets the ADA requirement.

The Fire Department reviewed the plan and commented that the egress pathway should be maintained from the door to the street, as shown on the plan. The City Engineer reviewed the plan and did not have any comments.

STAFF RECOMMENDATION

Staff recommends approval with the following conditions:

1. No modifications to the outdoor seating arrangement shown on the approved plans are permitted without approval of the Planning Commission.
2. Consistent with Section 911.06(a)(5) of the City's codified ordinances, tables and chairs which are not merchandise for sale but are intended for use by customers of food-selling establishments may remain on sidewalks overnight, provided that at least six feet of sidewalk is kept clear for use of pedestrians at all times.

Ms. McKnight: Any questions of staff by planning commission?

Mr. Brumleve: Christine, would the six-foot requirement that I'm seeing in the second condition, when I see the clearances portrayed on the plan, I'm seeing numbers less than six feet, is that required that they remove the tables at night? What am I seeing here?

Ms. Celsor: Well, this is a section, it's not in the zoning code, it's in the codified ordinances, and it talks about overnight having at least six feet sidewalk kept clear. I don't know how consistently this has been adhered to in the past, but that's what the code says, that overnight they're supposed to be six feet clear.

Mr. Brumleve: And then I see the word "at all times," and it's confusing to me.

Ms. Celsor: It is confusing. And I think that language was before outdoor dining really became popular. So maybe that needs to be revisited and changed. But that's what the current code says.

Ms. McKnight: And it's under a sidewalk section that really would apply to all sidewalks in the city, whether the sidewalks are six feet wide or not, which is another confusing thing.

Ms. Celsor: Yes. Good point.

Mr. Barraco: My name's Neil Baraco. I'm representing The Governor, 231 Main Street. I think Christine pretty much specified what's going on pretty clearly. We were unclear whether the code stated four-foot clearance walkway or four-foot from the curb. So we simply made an adjustment with our seating to comply. So as long as you guys are okay with it, then I'd like to get it resolved.

Mr. Wenstrup: I do want to comment, because I've had the, it's awkward when you're walking down the sidewalk, because you're walking, and then there's tables, so you've got to go where the pole is, and you can get close to the pole, but the trees have a big concrete with dirt in it. And we may want to revisit that as a whole, and revisit it with the idea in mind of having a clear pathway for pedestrians. Because some people just want to walk by, and they don't want to walk this close to somebody that's eating a wonderful meal, and also you want to know what the rules are so you can follow them.

Mr. Barraco: Correct. And also to make sure that it's consistent throughout the entire Main Street.

Mr. Wenstrup: I've been in cities where, during the nice summer months, they'll take, a restaurant can lease from the city one of the parking spaces, and put some tables actually right on the street. Now, given the fact that semis and stuff go up and down that street, I don't know if that would be all that good of an idea. I don't want people walking in the street. But I certainly understand the need for more space when we're celebrating summer in our beautiful little town. So my comments are just, I think we need to look at having probably a certain square footage going straight down that sidewalk. So maybe you've got a two-top over here and a four-top over there, but so that it's clear,

the most well-paved area of the sidewalk is for people who want to walk. That just makes sense to me, I don't think it would screw you up at all.

Mr. Barraco: Yeah, I agree with what you're saying. My original plan needed to be adjusted because we did throw some extra seats out there after Covid. So I'm here to get that seating arrangement approved. But again, I was unclear when I saw the citation. It said four-foot from the curb, which is not consistent through Main Street. So I just assumed as long as I had a four-foot walkway, which we did, four-foot in between, I figured it was fine.

Mr. Wenstrup: Opening their car doors, that's why you need space from the curb, because people got to open the door to the car to get out.

How wide is the space between, that looks like two feet between the 24-inch table and the 24 by 48 table. There's about two feet.

Mr. Barraco: Correct. And there's over four-foot clearance from the curb to that first table.

Mr. Price: And in fairness to Neil, I can see how you'd be confused, because The Parlor sometimes has tables on the curb.

Mr. Barraco: Well, I mean, they've been there for 12 years. I'm not complaining. It should be consistent throughout for everybody. But there's plenty of room for people to walk past there. Like I said, I'm not complaining. I'm just saying that I was told that the rule is four-foot from the curb, whereas I'm seeing for 12 years people putting tables on the curb.

Ms. McKnight: Thank you. Is there anyone else that would like to comment on this request for minor building improvement? Doesn't seem like it. Okay. Well the request before us tonight deals with the seating arrangement for The Governor. I appreciate the desire on all parties to have this enforced consistently, but let's try to focus our attention on what they're requesting this evening. Discussion?

Ms. Evans: I think it looks good, but I do agree, like when the stroller is there that it's almost impassable. That probably can't happen. But I think the other table placement looks fine. I'm okay with that.

Mr. Price: So then my only other question would be with the staff recommendation, with the section 91106A5.

Ms. McKnight: I'm a little uncomfortable because I'm not entirely familiar with all of the codified ordinances of the city of Milford. Our charge being the zoning ordinance portion. I'm a little uncomfortable pulling something out from another section because I don't know what else is in there that I don't know about.

Ms. Evans: Yeah. Because that part is confusing.

Mr. Brumleve: I think that we could put enough teeth on this by just taking the first condition alone.

Mr. Price: I agree.

Mr. Brumleve: I think that we could take the first condition standalone. The fact that they would have to come before the planning commission for any change to the seating plan, would have to come before us regardless. We don't need to attach the codified ordinance to this particular consideration. I think we can consider the approval of the plan as presented and let it stand at that.

I find in consideration of what's been presented that I would like to make a motion. I'd like to recommend approval of the seating arrangement as presented to us and with the staff recommendation number one, and striking staff recommendation number two.

Mr. Price: I second.

The Planning Commission voted 4-1 to conditionally approve the application for Minor Building Improvement for 231 Main Street.

SITE 23-04 SEM Haven Addition Site Plan Review, 225 Cleveland Avenue

Project: SEM Haven Addition Site Plan Review
Location: 225 Cleveland Avenue
Property Owner: SEM Haven Inc., dba SEM Haven Health & Residential Care Center
225 Cleveland Avenue
Milford, OH 45150
Applicant: Scott Logan/ Champlin Architecture
720 E. Pete Rose Way
Cincinnati, OH 45202
Acreage: 8.243 acres
Tax Parcel Id: 210733.090
Zoning: I, Institutional District
Use: Nursing home and assisted living

ADJACENT LAND USE AND ZONING

North: R-3, Single Family Residential;
South: I, Institutional;
East: R-3, Single Family Residential;
West: I, Institutional

ANALYSIS

Planning Commission will review a request for Site Plan Review for SEM Haven. The proposal includes a 3,000 square foot addition to the northeast corner of the building near Cleveland and Hickory. The proposed addition will add 11 independent living units. The scope of work also includes an interior renovation. There will also be some changes to the landscaping as shown on sheet C1.0.

The Fire Chief has indicated that although the additional units will probably result in additional EMS details to the facility, the additional units will not negatively impact the ability of the Milford Community Fire Department to properly protect the City.

The City Engineer reviewed the plans. He notes that the applicant will need to submit documentation showing the downstream system has the available capacity to receive the increase in runoff that is generated by the new impervious area.

The addition is not considered a substantial expansion as defined in section 1189.02. Therefore, no additional zoning requirements are triggered.

Elevations

Elevations are shown on sheet A201. Brick veneer, stone veneer, vinyl siding, and asphalt shingles are proposed to match the existing building.

STAFF RECOMMENDATION

Staff recommends approval with the following condition:

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

Ms. McKnight: Thank you. Any questions from Planning Commission for staff?

Mr. Wenstrup: I couldn't help but notice that in Mark's comments, that he mentions 14 additional units, and then this says 11. Am I confused here?

Ms. Celsor: I think that 14 was based on our plan review meeting. We didn't have the exact number, and then I got clarification and got the exact number.

Mr. Wenstrup: All right. So, it's 11. Okay.

Ms. McKnight: There's no other questions for staff. We'll hear from the applicant.

Mr. Ignatius: Hi, my name is Doug Ignatius, Champlin Architecture, 720 East Pete Rose Way, Cincinnati, Ohio. I think Christine laid out the case fairly clearly. I did want to clarify something in that, I think maybe in our initial plan review we indicated those were independent living units. These are all assisted living units, meaning that the residents are in need of assistance. And that's in line with the mission and purpose of SEM Haven as a continuing care facility. Additionally, the nursing home administrator did clarify to me that as assisted living units, those residents are not permitted to own cars, or they're not coming and going from there of their own volition, and I just wanted to clarify that. I think I maybe stated incorrectly that those were independent living units. That's all I wanted to clarify.

Mr. Wenstrup: Thanks for clarifying that, because I knew SEM Haven was assisted living, correct? And so, the staff is sufficient to handle an additional 11 people, or your staff will be sufficient, their staff will be sufficient.

Mr. Ignatius: Yes.

Mr. Wenstrup: Tell us more about the... Architecturally, the drawings are one thing, but is it basically built to match the existing structure?

Mr. Ignatius: Yes, right. It is built to match the existing structure, in terms of looks. It also is just a continuation of the different wings upon which the addition is attached to. On the lower level, the Hickory Woods is for assisted living for people in early stages of dementia, and the upper level is assisted living for general population. And being assisted living, the residents have some independence in that they can move about. They're obviously able to move and respond to emergencies on their own volition. And that's the case for both the lower level and the upper level. Did that answer your question, sir?

Mr. Wenstrup: Yeah, I think so. It is assisted living, you said. It's like a pathways unit or a memory unit that will have a way of people staying within the unit so they don't wander off. And is it two stories or one story?

Mr. Ignatius: The addition is two stories. At the north, there it is a two-story. The majority of the complex is single-story, but as you head north towards Hickory Street, the grade falls. It does reveal kind of the lower level, which is its own unit, with the courtyard out there, as well.

Mr. Margraf: 206 Cleveland Avenue, directly across the street. Reviewed the plans. My comments are two. One is, there will be some trees removed in order to make the 3000 square-foot building work. There's no trees at all on the plan to follow, to be restored, to put back in. It is a relatively vacant-looking lot now, and I think if they're going to do the work, that the plan should include some trees to help buffer it from the residential area around it. The second thing that I find interesting is, living across the street, there are a number of people from SEM, not only from SEM Haven but from the other ones, that walk through the maze of sidewalks throughout our community, which is great. They can't get to them. The only sidewalks that they currently have and in according to the plans, dump them into the parking lot. And from the parking lot, if you leave the parking lot, you have to walk into the street in Hickory.

Last night, case in point, there was something that went on at SEM Haven and five to 10 people left the building. Didn't cause any problems, whatnot, but they were trying to get to the sidewalk and Hickory. So they walked down Hickory till they got to Cleveland, where they could get to the sidewalk. I think a sidewalk that runs along their parking lot and from their parking lot, up to

Cleveland, is a fair request, for safety reasons if nothing else. I also think the city then is responsible for putting in a crosswalk so people can cross. But people, at random, walking down Hickory or walking across Cleveland, I just don't think that's a good idea. And unfortunately, the stop sign at Hickory and Cleveland is the beginning of the drag race down toward Terrace Park Country Club. Those are my two comments. I think there should be some trees added to the plan and I think the sidewalks are a safety issue that should be addressed. Thank you.

Ms. McKnight: Anyone else?

Ms. Atkins: Judy Atkins. I'm on Hickory Street, 115. I just have a question about the two-story building piece. I work at SEM myself, PRN, so I kind of know how they have their hallways set up. And I see Hickory Cottage out my front window, so I know there's a grade to have the two stories there. But how are you going to make the two stories when this grade that goes to Cleveland doesn't seem to be as tall? Are you just going to build it higher than the rest of the building to make the two stories, because I don't see that there's a lot of room of the grading right now, where it's next to Hickory Cottage. Does that make sense? Or, I guess I'm asking you guys to look at that.

Mr. Ignatius: So, here's your existing, this is the existing Hickory Cottage right here. This is our new addition. You can see, we popped up the roof line a little bit just to make this transition a little bit easier. But it's for all intents and purposes, it's a continuation of the building and the building volume here.

Ms. Atkins: And then, I do agree with more trees and bushes, in general. You know I can't come to one of these without talking.

Ms. Oliver: Hi, Claire Oliver. 209 Laurel Avenue. I am behind Skip, so I can see all of the SEM, that end of the complex, from my back windows, and my house, and all of that. I have no problem with it. My power comes up when it goes out because of SEM. I know the houses down in Hyde Park and Indian Hill, Madeira haven't been reduced between Marjorie P. Lee, and Traditions, and some of the other big places built, and it's a real need in the community at large, this kind of housing. Glad to hear no one thinks it's going to be a big increase in the squad runs, but I mean, we're becoming more and more urban daily. That's a problem we'll have to deal with. I think Skip has an excellent point. Living where I've lived for 20-plus years now, I cannot tell you how many people I've seen on scooters, walkers, being pushed by staff members in wheelchairs. So if this is going to go through, I would say, please add that sidewalk, put in access to a sidewalk, and put a sidewalk there on Hickory.

And I would urge you guys, since I know you like hearing about crosswalks, just send John out there with some paint and draw a few lines there, because that stop sign is quite a mess. I know a hundred years ago, when my kids would catch the bus there, we would all stand there and have a great time counting how many people blew the stop, because it's always been a cut through down Cleveland, wherever. I just think some simple tweaks, because the building might match the rest. It's not going to match the neighborhood though, so throw that sidewalk, throw some trees in there, something.

Mr. Ignatius: I think the gentleman's point about the trees is well-taken. We do have an allowance within our construction budget for landscaping, and I will discuss with the owner your desire to replace the trees. I would think they would be wholeheartedly in favor of replacing those three trees that we are taking out to create our additions. There is landscaping within the project budget and we will work with the owner to replace those trees. That's all I wanted to say.

Mr. Brumleve: You might consider how you can attach your accessory sidewalk, the sweeping sidewalk you have going around the building, to the public right-of-way, in a reasonable manner, such that you don't have to... You could offset the budget needed to create that outreach by modifying the budget you have for that sweeping landscape sidewalk.

Mr. Ignatius: Yeah. And again, I can't speak for the owner and say that yes, we'll do that.

Mr. Wenstrup: So Scott, the owner has been here before and I think he tried to bend over backwards to make accommodations for different things. But what you're saying is, if in fact our approval would be incumbent on adding a sidewalk, it's physically possible to do that.

Mr. Ignatius: Yes, I believe it is.

Mr. Wenstrup: I think trees and sidewalks aren't unreasonable at all. It's already an institutional building and it's going to look like an institutional building, but if we put trees and sidewalks, it'll be good for your people and good for ours, too.

Mr. Ignatius: I agree.

Mr. Wenstrup: Okay. That's what... I just wanted to see what you thought about that. To that end, I used to walk my dog around that block for 20 years, and the only place where there's not an appropriate sidewalk to cross is across the street from your property, between your lot and that next one on the next corner, you're walking on that and then you got... There's a big puddle and then there's a little puddle. And God help you if you don't realize it's thin ice. So maybe the city can do their part to make a sidewalk where it crosses the alley. It's probably about 17 feet and it's just a gravel alley, but that's kind of impassable. It holds water and it would force people back in the street.

Ms. Evans: A sidewalk across the alley?

Mr. Wenstrup: There's a sidewalk across the alley on the Mill Street side. There's sidewalks across the alley on Mill Oak. But at Hickory, it's just a gravel driveway and it's really impassable certain times. So, we might do our part, and you do your part, and that would become a real beautiful corner there. All right, thanks.

Ms. Vaal: Kim Val, 116 Mound Avenue, and I worked at SEM for almost 20 years, okay? And I know that the residents want to get out, and we've had some of them, on my watch, get to the Wooden Nickel and I have to get the police to get them back home. It was a long time ago. But needless to say, the sidewalk next to, on Hickory, one's on the one side that's near the homes. And the other one, we need a sidewalk there too, because we have a lot of the people won't even use the sidewalks. They just walk down the middle of Hickory, the middle of the street, because of the puddles. And they need to be handicapped-friendly too, because a lot of them are going to have to have wheelchairs, because those people will... Families come and they will take them out on pretty days, and they enjoy our neighborhood, and they enjoy talking to the neighbors when they're out working in their yards, and they need that stimulation.

And the sidewalks give them that continuity that they're not just in an institution, they're part of our community. And that needs to be addressed, too. There's one thing I know is that, all the neighbors in our... We pay for our own sidewalks. They used to go around and put X's and we would have to pay for them ourselves. Well, SEM Haven, somebody owns that property. They need to pay for that sidewalk just like we do, the neighbors that allow their residents to use our neighborhood. And there was a lot of broken cement because we have a beautiful trees and we all have put up our money and put in all new sidewalks in front, my husband and I, and we try to maintain it so that it's safe for everybody. And that's all I need to say.

Mr. Brumleve: Christine, do we have a model that we could present to the owners of an appropriate tree/landscaping buffer that would be congruent with the desires of the neighborhood?

Ms. Celsor: We have recommended trees in the zoning code, but we don't really have a particular buffer-style design.

Mr. Brumleve: Then in that case, what would be within their purview, would be the submittal of a landscape plan for approval.

Ms. Celsor: You could do that.

Mr. Wenstrup: And we could designate shade trees, as opposed to ornamental trees, and something like that.

Ms. Evans: So, are we allowed to add another recommendation that they put the sidewalk in?

Mr. Brumleve: Yeah. We've got that in there. I'm talking... I've got some language I'm to entertain here, provide ADA-compliant pedestrian access from the facility to pedestrian sidewalks of the public right-of-ways of Hickory and Cleveland Avenues.

Pedestrian access, that means it has to be connected from the facility to existing pedestrian sidewalks of the public right-of-ways of Hickory and Cleveland Avenues.

ADA compliant pedestrian access from a facility to get connection to the sidewalk network of the neighborhood. And I mean that doesn't mean create a sidewalk on the west side of Cleveland. It does mean however, get it connected to the sidewalks that are available throughout the rest of the right-of-ways in the neighborhood. Hence, the sidewalk on East Cleveland by way of a crosswalk. And on Hickory I think there's a sidewalk on the north side of Hickory. So that would have to get them across the street in an ADA-compliant manner.

Yeah, I understand why they want to have the accessory sidewalk which is part of their landscape plan. They want to have something that's compartmentally isolated. Programmatically isolated. I understand that, but if it could be somehow connected even so to the public right-of-way sidewalks that would be desirable. I think that's what we're trying to achieve here.

The third one, submit a landscape plan for administrative review or planning commission review.

Ms. Evans: I would say staff approval.

Ms. Celsor: What I'm hearing is the goal of the new landscape plan would be to recreate the effect of the existing trees in a new landscape...

Ms. Evans: If that's your motion, I'll second that.

Mr. Brumleve: I would like to make a motion to approve with the following condition. Condition number one as already stated by staff, which is city approval on continuing arm review on approval. City engineer and other applicable state, local, state and federal agencies. That's the first condition. The second condition, provide an ADA-compliant pedestrian access from the facility to pedestrian sidewalks of the public right-of-ways of Hickory and Cleveland avenues or streets, Hickory Street and Cleveland Avenue. And then thirdly, submit for an administrative review, a landscape plan including shade tree provisions.

Ms. McKnight: Discussion of the motion. I have a question. The sidewalk plan, is that intended to also be administrative review in your mind?

Mr. Brumleve: I think if we're letting our administrative folks review the plantings and landscape, I think we can also have them review the accessibility of the public right-of-ways for pedestrian access.

Ms. McKnight: And would you accept in your condition regarding the pedestrian access to the sidewalks in the public right-of-way to accept the word "existing" to the existing sidewalks in the public right-of-way, understanding there are no existing sidewalks on the west side of Cleveland and the north side of Hickory but...

Mr. Brumleve: I think that it is reasonable for us to include the word "existing". I think that's a reasonable inclusion because they are making some budget accommodations in order to get some of this accomplished.

Mr. Wenstrup: The only thing I would say is put some teeth in your tree thing and say no fewer than the number of trees that are removed. They take down four or five because the sidewalk, we want to put four or five at least back.

The Planning Commission voted 5-0 to approve the application for Site Plan Review for 225 Cleveland Avenue with conditions.

SITE 23-05 Tickled Sweet Minor Building Improvements, 317 Main Street

Project: Tickled Sweet Minor Building Improvements
Location: 317 Main Street
Applicant Bambi Merz
317 Main Street
Milford, OH 45150

Property Owner: 317 Main Street LLC
Bambi Merz
317 Main Street
Milford, OH 45150

Acreage: .189 acres

Tax Parcel Id: 210710A044C

Zoning: MRD, Milford River District

Existing Use: Chocolate/candy store

ADJACENT LAND USE AND ZONING

All surrounding property is zoned MRD, Milford River District.

Minor Building Improvements

Planning Commission will review a request for Minor Building Improvements to paint the exterior “sonic sky” blue; add black awnings with white lettering to the front and side of the building; and add spot lighting under the main street awning. Modifications visible from the public right of way require approval by the Planning Commission. The new awnings would be an improvement over the existing deteriorated awning and the color palette appears to be in keeping with the character of the Milford River District.

STAFF RECOMMENDATION

Staff recommends approval of the Minor Building Improvements subject to the following condition:

1. The lettering on the small faces of the awnings shall not exceed fifty percent of the surface area of the faces of the awnings, in accordance with section 1191.09(E)(2). Total square footage of lettering on each face, as well as square footage of the awning faces to be provided as part of the sign permit application.

Ms. McKnight: Very good. Any questions for staff?

Mr. Brumleve: Is the two renditions that are in front of us here... The photo mock-ups that I'm seeing here, you've spelled out the 50% stipulation. Are these renditions compliant with that?

Ms. Celsor: I can't tell because I don't know the dimensions of the lettering. I don't know the dimensions of the awning.

Mr. Brumleve: Not being a fontographer here, what I see in the renditions is pleasing. And if it happens to come to a fine point, I would hate to see a stand in the way of what they're doing here.

Ms. Celsor: Understood.

Mr. Haber: Hi, Steve Haber, 317 Main Street. Thank you. Let me as an aside, say as a 12 year member and current chair of the Anderson Township Board of Zoning Appeals, it's a little intimidating to be over on this side of the diocese. Back when Bambi Merz, who's the owner here, bought the building and we outfitted it for the candy. We kept the existing awning for a number of reasons. We kind of like it. It's lit up from underneath, whether that's appropriate or not. We thought it was a nice addition, but it's gotten extremely old over time and it needs to be replaced.

We looked at some of the other awnings. We started with a hangar rod awning, similar to what the governor has. And due to cost concerns, we opted for a black fabric awning with a four foot projection to it. Let me clarify, the blue is only at the corner, and what's really nice about this building. Is because it is a corner building so that the majority of the Main Street will be painted in that blue. But you notice this one part of the building that actually has a higher parapet, only under that portion is it going to be painted blue. Next to that window will be blue and then the rest of the building is going to remain white.

Mr. Brumleve: What is the current projection of your current awning?

Mr. Haber: Two feet.

The Planning Commission voted 5-0 to approve the application for Minor Building Improvement for 317 Main Street.

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

Mr. Wenstrup: I just want to ask, because I think this is a good time to think about the sidewalk and there's probably areas in an old Milford too, we look at our sidewalk program because we want our neighborhood sidewalks to be inviting to walk. And there's two places that I'm aware of in South Milford that are hazardous. I don't want to tell somebody else you got to put in the sidewalk and not have a sidewalk across the alley at Hickory there. How do we address that?

Ms. Evans: We were going to address it in the fall, if I'm correct, Christine? Some of the sidewalk issues up on Wallace, so I think it got pushed. I think there is a sidewalk plan somewhere. We just need to look at that and see. I would think Christine can investigate.

There being no further business or comments to come before the Planning Commission, Mr. Wenstrup made a motion to adjourn the meeting at 7:44 PM, seconded by Mr. Brumleve. Following a unanimous decision, the ayes carried.



Christine Celsor, Planning and Comm. Dev. Coordinator



Lois McKnight, Chair

CITY OF MILFORD
 PLANNING COMMISSION MEETING
 June 14, 2023 6:00 p.m.

SIGN IN SHEET

NAME	ADDRESS
STEVE HABER	317 MAIN ST, MILFORD OH 45150
Neil Barvaco	231 Main St.
Clair + Tim Oliver	209 Laurel Ave
DR ^{KIM VAAL} Doug / AS VAAL	116 MOUND AVE
Carl Mangroff	206 Cleveland Ave
JIM CRAVEN	740 PASADENA
DOUG IGNATIUS	720 E. PETE ROSE WAY STE 140
Scott Logan	720 E Pete Rose Way Ste 140
Kim Hartley	152 Mound Ave
Amy Vilardo	12 BIG OAK
Rebecca Shundell	11 Mound Ave
Erin Head	128 Laurel
Judy Skun	11 Oak Key

