

PLANNING COMMISSION MINUTES OF January 12, 2022
6:04 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, January 12, 2022, at Council Chambers, 745 Center Street, Milford, OH 45150.

Roll Call: Ms. McKnight called the Planning Commission meeting to order at 6:04 PM. Other members present at tonight's meeting are John Brumleve, Brad Price, John Wenstrup, and Lisa Evans.

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

Visitors: See attached sign-in sheet.

Ms. McKnight: We appreciate everybody being here this evening. We will hear first from staff, and then the applicant will have an opportunity to explain the request and answer any questions posed by a member of the Planning Commission. We will then open the floor to audience members who would like to comment or ask questions about the case.

SITE 21-11 Garfield & High Subdivision and Planned Development Overlay.

Project: Redknot Subdivision and Planned Development

Location: 405 Garfield Ave

Property Owner: CPH IX, LLC2
2841 Woodburn Ave
Cincinnati, OH 45206

Applicant: Redknot Homes, Mark Pottebaum
2841 Woodburn Ave
Cincinnati, OH 45206

Acreeage/Area: 2.5166 Acres or 109,623 Square Feet

Tax Parcel Id: 210731A016P, 210731A054P, 210731A055P

Existing Zoning: R-3 Single Family Residential District

Proposed Zoning: R-3 Single Family Residential District, Planned Development

Existing Use: Bed & Breakfast and Vacant Land

Proposed Use: Thirteen Lot Single Family Subdivision

EXISTING CONDITIONS

Adjacent Land Use and Zoning

North: R-3 Single Family Residential District; Single Family Dwellings

East: R-3 Single Family Residential District/R-1 Large Lot Residential District; Single-Family

West: MRD Milford River District

South: R-3 Single Family Residential District; Single Family Dwellings

Existing Utilities

City sewer and water. Duke electric and gas.

Flood Plain

The site is not in a Special Flood Hazard Area.

PROPOSAL

Mark Pottebaum, Redknot Homes, proposes a thirteen-lot subdivision on 2.5166 acres at Garfield Avenue and High Street. The Bed & Breakfast building would remain. Vehicle access to the subdivision would be from a private drive off Garfield Avenue.

The minimum lot area required in an R-3 single-family residential zoning district is 8,000 square feet. The lot sizes in the proposed development range from 4,612 square feet to 13,943 square feet. The applicant is asking for a Planned Development Overlay, which allows a variance for lot size, front and rear yard setbacks, and minimum lot width.

PROCESS

The review process consists of:

1. Planned Development review by the Planning Commission and City Council;
2. Subdivision review by Planning Commission.

Planned Development (Chapter 1169, Milford Zoning Ordinance)

The purpose of a Planned Development District is to allow flexibility in the zoning requirements to achieve higher quality and more creative developments.

The establishment of a Planned Development Overlay is a three-step process. First, the Planning Commission holds a public hearing to review the Planned Development Overlay Request and preliminary development plan. Second, City Council has a public hearing and will vote to approve or deny the establishment of the Overlay District. If Council approves the Preliminary Development Plan, the third step is a review of the Final Development Plan by the Planning Commission.

Subdivision Review (Chapter 11, Codified Ordinances)

The subdivision regulations aim to regulate and control the division and development of land in the City to promote the citizens' public health, safety, and general welfare.

The steps to receive subdivision approval consist of a Preliminary Plat and Final plat review and approval by Planning Commission.

Redknot Subdivision and Planned Development Review Process			
Date	Meeting	Planned Development	Subdivision
January 12, 2022	Planning Commission Public Hearing	Preliminary Development Plan	
February 15, 2022	City Council Public Hearing	Preliminary Development Plan	
March 15, 2022	City Council Final Action	Preliminary Development Plan	
TBD	Planning Commission	Final Development Plan	Preliminary Plat
TBD	Planning Commission		Final Plat
TBD	Administrative Approval, City Engineer	Water Management & Sediment Control Permit	
TBD	Administrative Approval, Building Dept.	Construction Documents	

ANALYSIS

Permitted Uses

Section 1169.03.A. states that "permitted uses in the "PD" Planned Development District shall be those uses permitted in the district in which the "PD" District is to be located." The subject site is located in the R-3 Zoning District, allowing single-family dwelling units on a minimum lot area of 8,000 square feet.

Project Area

Section 1169.03.B. states that "the project area that will be used to determine the permitted number of units shall be limited to all the area within the Planned Development area that is devoted to the residential use excluding floodway and public right of way." In this case, the project area amounts to 2.5166 acres or an area of 109,623 square feet.

Under the existing R-3 zoning regulations and without the Planned Development Overlay, the applicant could create thirteen 8,000 square foot single-family lots. (109,623/8000= 13 single family lots or 109,623/12,000= 9 two-family lots)

Considerations

The applicant is seeking the following considerations or variances:

		<u>Required</u>	<u>Requested</u>
1147.06.A.	Minimum Lot Area	8000 Square Feet	4,612-13,943 Square Feet
1147.07	Minimum Lot Width	60 Feet	30-87 feet
1147.08	Minimum Front Setback	30 Feet	25 Feet
1147.09	Minimum Rear Setback	25 Feet	20 Feet

General Planned Development Guidelines

Section 1169.03.G. of Milford's Zoning Ordinance states that when evaluating a proposed Development Plan, the Planning Commission shall use the following guidelines:

1. **The residential "PD" district is consistent with the goals and objectives of the Milford Land Use Plan.** The Land Use Plan adopted in 2017 identifies the Project area as Single Family Residential. The proposed development is consistent with the Land Use Plan.

- 2. The residential "PD" district is an effective and unified treatment of the development possibilities on the project site, and the development plan makes appropriate provision of the preservation of streams and stream banks, wooded cover, rough terrain, and similar area.**

The topography makes the development of this land challenging. The contours vary from 630 feet at the site's northeast corner to 550 feet at High Street. Developing the site as a thirteen-lot subdivision allows for thoughtful water management and sediment control (WMSC) measures versus the development of individual lots. The City Engineer reviews all WMSC plans for compliance with city regulations.

- 3. The residential "PD" district is planned and developed to harmonize with any existing or proposed development in the area surrounding the project site.**

The applicant's proposed use is consistent with the adjacent residential neighborhood, and the applicant intends to preserve the historic Bed & Breakfast building, which benefits the community.

- 4. Off-street parking and loading areas are provided in accordance with Chapter 1187, Off-Street Parking and loading requirements.**

Parking will be managed onsite with individual driveways and garages. No on-street parking will be permitted.

- 5. There is a beneficial relationship between the proposed residential "PD" district and the neighborhood in which it is to be established.**

The existing zoning permits single-family residential homes. The site can be developed as individual lots with multiple curb cuts along High Street and Garfield Avenue. The proposed development reduces the number of curb cuts required on these streets.

- 6. Evidence of sufficient or proposed off-site and onsite services and infrastructure is presented. If the services or infrastructure are not in place, assurances that the improvements will be in place after the construction of the project shall be required.**

The City's Water and Wastewater infrastructure can meet the demand required by twelve additional homes. The water line should be looped to High Street. The development's HOA would privately maintain the water and sewer lines.

The width of the private drive should be increased to 40 feet which is consistent with the recently approved private drive at the Milford South subdivision. It is not clear whether the width of the drive on the plan is sufficient for Fire Department vehicles. The applicant should provide a truck turning template drawing verifying that the subdivision meets the requirements of the Fire Department.

The City Engineer recommends:

- Move the private drive further away from the intersection at Garfield and High.
- Provide additional information about stormwater capacity.

- 7. The proposal meets the purpose set for the "PD" Planned Development District as set forth in Section 1169.01, Purpose.**

The applicant is not requesting an increase in density. The applicant requests smaller lot sizes to construct a more cohesive and higher-quality development.

- 8. The proposal meets all the regulations for "PD" Planned Development Districts as set forth in this Chapter.**

Spacing and Building Height: Existing zoning permits a maximum building height of 35 feet. The applicant has not provided elevations.

Setbacks: The applicant is asking for a variance from the front setback from 30 feet to 25 feet and a rear setback variance from 25 feet to 20 feet. Side setback will be 6 feet. The front setback along Garfield is 50 feet, consistent with the adjacent property.

Common Open Space Requirements: The Ordinance requires that common open space comprise 20% of the project area. The applicant is not providing additional open space. However, staff feels extra open space is unnecessary when viewing the site's relationship to existing parks and sidewalks.

Traffic Impacts: The applicant has provided a Memo from a Traffic Engineer. The memo concludes that estimated new trips during AM/PM peak hours are significantly less than the 60 new vehicle threshold to trigger a complete Traffic analysis. Their engineer also concludes that the access drive is sufficient distance from the intersection to allow for adequate intersection sight distance for right and left turns.

- 9. Common open spaces and recreational areas should be linked together by walkways or planting areas.**
The development is within a short distance of public sidewalks.

- 10. Where commercial uses are proposed within the residential planned development, buffering and landscaping should be used to create a natural separation between the uses.**
Not applicable.

- 11. Commercial uses shall be designed to resemble the character of the surrounding residential buildings.**
Not applicable.

- 12. Buildings should be sited in an orderly, non-random fashion. Long unbroken building facades should be avoided.**
The applicant proposes 13 single-family homes.

- 13. Short loop streets, cul-de-sacs, and residential streets shall be used for access to residential areas in order to provide a safer living environment and a stronger sense of neighborhood identity.**
The applicant will not be creating any new public right of way.

- 14. Street location and design shall conform to the existing topographic characteristics. Cutting and filling shall be minimized in the construction of streets.**
Not applicable.

- 15. Adequate landscaping shall be provided throughout the site to create an attractive development, to reduce the amount of impervious surface created, and to prevent large expanses of uninterrupted pavement areas.**
The City does not typically regulate landscaping on single-family residential lots.

- 16. Consideration should be given to the provision of bus shelters.**
Currently, there is a bus stop at Main Street and Garfield Avenue. An additional bus shelter is not necessary

STAFF RECOMMENDATION

Staff believes the Planned Development Overlay will result in a safer, more cohesive use of the property but recommends the applicant submit a revised preliminary development plan to Planning Commission for review.

Comments

1. Provide Stormwater Maintenance Plan before approval of Final Plat.
2. The private drive width shall be 40 feet.
3. No on-street parking is permitted.
4. Provide truck turning template drawing.
5. Access drive is to be maintained by HOA.
6. The water line should be looped to High Street.
7. Water and sewer lines along the access drive are to be maintained by HOA.
8. Building materials to be reviewed and approved by Planning Commission.
9. Install sidewalks (per City specifications) along Garfield Avenue and High Street in the right of way.
10. Provide Planning Commission with a copy of the HOA's Covenants and Restrictions for review during the Final Plan review.
11. The Covenants and Restrictions should be recorded along with the Final Development Plan/Plat in the office of the County Recorder.
12. The developer to provide a before development and after development impervious calculation.
13. WMSC Permit required before grading can begin.
14. The developer must comply with all bonds and sureties before final plat approval.
15. The HOA will be responsible for the inspection and maintenance of the stormwater underground detention area.

Ms. Holbrook: The fire department is concerned about the width of the drive and being able to accommodate fire trucks. I believe their engineer submitted a revised plan today showing a 26-foot wide curb to curb pavement, which meets the fire code.

Mr. Wenstrup: In the original discussion, there were 14 lots.

Ms. Holbrook: Yes. They eliminated one lot to allow for a larger setback on Garfield. The 50-foot front setback is similar to the adjacent property.

Mr. Wenstrup: Are there sidewalks on that cul-de-sac?

Ms. Holbrook: He is not showing sidewalks on the private drive. Our subdivision ordinance requires sidewalks along Garfield and High.

Mr. Brumleve: This suggests continuing the sidewalk system from the corner of Garfield and High to the north along High Street to hook up with whatever sidewalk system is further north on High Street. Is that correct?

Ms. Holbrook: They would be required to install a sidewalk to their property line. As properties are developed on High Street, the goal is to connect the sidewalk down High Street.

Ms. Holbrook: I debated requiring a sidewalk along the private drive.

Ms. Evans: That's going to be like their backyard.

Ms. Holbrook: No, it'll be a front yard. It'll be a double frontage lot with a front along High Street and a front along the private drive.

Mr. Brumleve: Lots one through eight would be fronting the private drive, and Lots 9 through 13 would have their front on High Street.

Ms. Holbrook: Yes.

Mr. Brumleve: Could you clarify this 40-foot requirement for the private drive? Is that a right of way or pavement area?

Ms. Holbrook: That's right of way.

Mr. Brumleve: We see a 30 foot right of way with a 20-foot pavement on the submitted plan, so the recommendation is to go to the 26-foot pavement with a 40 foot right of way?

Ms. Holbrook: I'm concerned about fire truck access. The fire department will need to approve the drive width. The engineer submitted a revised plan this afternoon, and we haven't had a chance to review it with the Fire Department.

Mr. Wenstrup: The lot sizes range from 4,000 to 13,000 square feet. What is the lot size of the adjacent lots in the south Milford Neighborhood?

Ms. Holbrook: There's a wide variety. In Mr. Buhr's presentation, they had 14 houses, 7,850, 13 houses, 8,400 square feet, 12 houses, 9,200 square feet, and 11 houses, 10,000 square feet.

Mr. Wenstrup: There's nothing as small as 4,000 square feet. [crosstalk 00:25:02] Not that everybody wants a bigger lot, but maybe he can address that when he comes up.

Ms. Evans: According to your analysis, without the overlay, he could build thirteen 8,000 square foot lots, right?

Ms. Holbrook: That's just taking the minimum required lot size of 8,000 square feet and dividing that into the total project area; you end up with thirteen lots. That is not accounting for terrain or any other factors. He could install driveways along High Street and Garfield. He can subdivide this land into lots for single-family homes; it's a matter of how many lots and what it will look like.

Ms. McKnight: I would like clarification from our engineer about the location of the private drive and proximity to the intersection of Garfield and High. Are you satisfied with the location?

Mr. Casto: Tim Casto with The Kleingers Group. Yes, we are satisfied with the location given the proper site distance. There's a lot of site distance through that area, and also, it's a low-volume

subdivision street. This is the proposed private driveway where it intersects at Garfield. This distance here is approximately 215 feet along that front on Garfield.

Mr. Pottebaum: I wasn't going to run through the whole presentation again. I want to focus on some of the changes since the last meeting. Most notably, this used to be 14 Lots. We enlarged the size of Lot 1 to allow for a similar setback to the neighboring home. And that was a request from the last meeting. The road became 26 feet wide. Craig from Abercrombie and Associates will share the discussions with the Fire Marshal and the auto turn simulation. It worked with a 20-foot wide drive and the current cul-de-sac, but we enlarged it to comply with what I understand is the fire code. Other than that, the plan is very similar to what you saw before.

There's been discussion about lot size. We created two large parcels on the front of Garfield, so we ended up with some smaller parcels. If we just cut this property up, we could get to something closer to 8000 square feet or what we need for duplexes, but I think this is the best layout because it maintains parking on High Street, and it does the same for Garfield as well without excessive curb cuts.

Mr. Brumleve: By definition, one curb cut for the whole project.

Mr. Pottebaum: Exactly. Yes. There was a discussion about the sidewalk around the private drive. I'll do what you want me to do, but I feel like there's a lot of pavement up here already. The City and the project would be better served to have more grass and landscaping than more concrete on the hill. We'll have a sidewalk that'll stretch down here all the way around and connect to some of the existing sidewalks. There'll be some work to be done over here to do that with a small retaining wall. It'll look nice, and then we'll have steps up to each of these homes to access from High Street.

Mr. Wenstrup: Lots two, three, four, and five are the smaller of the lots and two relatively good size lots with numbers nine and 10. Does it accomplish an architectural layout goal to have a mixture of grander lawns and smaller lots? Or is that just the way it got divided up?

Mr. Pottebaum: It's working with the topography that we have. We're going to introduce a lot of different architectural styles. All these will be custom homes, which lays out nicely for that. It also allows for this large cul-de-sac here on the private drive.

Mr. Wenstrup: If you look at the adjacent streets in South Milford, some of the lots are double lots, and some of them are narrower and different. There are no two homes alike.

Ms. McKnight: Following up on John's point, nine and 10 are larger lots, but they're with the proposed setbacks. I don't know that they're challenging to put a house on, but they have a little different configuration for where the house's footprint can be located, even though they're larger lots.

Mr. Pottebaum: Yes, you are exactly right.

Ms. McKnight: It's pretty restricted where the houses can go. And you don't envision that would be a problem, or you wouldn't have drawn it that way.

Mr. Pottebaum: Correct. We've built on more challenging sites in the City of Cincinnati, Over The Rhein, Columbia-Tusculum, and Northern Kentucky.

Mr. Wenstrup: Are these going to be three-bedroom or four-bedroom homes?

Mr. Pottebaum: They will probably have two to five bedrooms.

Mr. Wenstrup: So, then they probably would have kids at home.

Mr. Pottebaum: The folks we've been talking to so far are empty nesters, and they enjoy the proximity to everything that's going on in downtown Milford. My experiences with this type of product are that we're not usually selling to many families. And part of it is the price point that we build at too.

Mr. Wenstrup: When I think of four and five bedrooms, I think of people with children and the safety of access through the neighborhood, but I don't see this as a through Street. There are plenty of roads with no sidewalk, and the kids get to and from where they want to go pretty easily. Safety is a concern.

Mr. Pottebaum: When I say two to five bedrooms, typically we're building something that is a five-bedroom with two home offices today. It's usually the owner suite, a guest room or two, plus an office or two.

Mr. Brumleve: You've looked at this from some proforma point of view. What do you anticipate being the market values of these types of properties?

Mr. Pottebaum: 750 to a million-plus.

Ms. McKnight: Can you speak about the proposed HOA? I know that's probably down the road a bit, but there's a lot of infrastructure that will be under the HOA's purview.

Mr. Pottebaum: There'd be a set of covenants and restrictions over the entire development. We'll pick up what used to be the Old Milford Inn with that as well. As a part of those covenants and restrictions, I'm going to prohibit any Airbnb, and the existing house will not be a bed and breakfast any longer. We'll pick up all of the private drive; any landscape lighting and maintenance for the community will be a part of the HOA. The stormwater systems, and all the other things outlined in the staff report, will fall under the HOA.

Mr. Brumleve: You have provisions for any stormwater drainage impinging on your properties as well? I mean, anything incoming you are containing and dealing with? Am I getting that correct?

Mr. Pottebaum: Yes. When lines come together like this, it means there's a creek bed here, or at least runoff coming this way. There's heavy runoff, and this is a mess over here. Suppose there are water issues on this site. In that case, I believe it's coming from this situation here [crosstalk 00:38:29] So, as you can see in the engineering drawing, we're picking that up with a stormwater management system. It will go down to an underground detention system, which will feed into the City's stormwater management system.

Mr. Brumleve: What was flowing across the property is now managed onsite?

Mr. Pottebaum: Yes. Hard surfaces and rain that hits the roofs will go through the system. We're going to take all of the water that's been coming onto the property and put it into the stormwater management system. Then we're going to be taking a lot of other stormwater running down this site and putting it through that same system.

Mr. Brumleve: Primarily underground detention.

Mr. Pottebaum: Yes. It spans this whole lawn. We are trying to maintain what used to be the Old Milford Inn and the lot size and allow for off-street parking. And then everything else kind of sets up around that. All these exterior facades will compliment everything that's going on in Old Milford in terms of traditional architecture. So I think that's important. I don't want to plug in 12 very modern homes. If you go on our website, we build them, but we're not going to build them here.

Ms. McKnight: About the former bed and breakfast, you said it wouldn't be a bed and breakfast. Is it just going to be a private home?

Mr. Pottebaum: It will be a Single-family residence. It's under contract right now. We're working with some clients on renovation plans to bring it back to a single-family home.

Mr. Wenstrup: Will there be any street lighting?

Mr. Pottebaum: I haven't worked through all those details, but I would like some along the private drive.

Ms. McKnight: We'll open it up to questions and comments from the floor. Feel free to come up when someone's finished and state your name and address for the record to keep track of the folks speaking this evening. So the floor is open.

Ms. Jacoby: My name is Brenda Jacoby, and I live at 707 state route 28. I feel this little community is inappropriate for this area. \$750,000 homes to a million are entirely out of the price range of any house around it. It doesn't seem like it fits. Perhaps Indian hill would be a better fit. And the parking appears to be a problem. What if these people have a Christmas party or a birthday party? Where are their guests going to park? There doesn't seem to be any parking on Garfield. And I'm sure that the people that live on High Street don't want their parking spaces taken. I'm concerned about all the trees that are going to be uprooted. That doesn't seem consistent with a small village, like the old Milford area. I'm saddened to see it change so much. And become so upscale that nobody can live here. Everything's going to have to change. If these people move in and have enough money to pay for these houses, they'll want many other things going on that don't seem appropriate for this area. Thank you.

Ms. Fremont: Hello. My name is Emanuela Fremont. I live at 817 Wallace Avenue, and I don't know specifically about this project. What's happening in Milford? At Milford south, they took down 100-year-old trees, and where are the cars going? There is one light. How are you going to manage any traffic? Thirteen houses, at least two cars each, I imagine. There is no

space on High Street. I walk every day on High Street. I know how it is. There's no space. Very narrow to drive through there. The quality of this housing doesn't match little old Milford. We have a very successful brewery, which was good but full of people. And now we have a distillery. It's a horrendous building, a horrendous thing. Now Milford's passing from a lovely little village with vintage stores and antique stores to many drunk people. They're going to be on the weekend, going around with a glass of alcohol. I'm sorry, I don't drink. I don't have anything against the people that drink, but I have something to say against what they're doing.

It doesn't seem like an improvement in the quality of life, with the respect they should have towards the people who live in this community. I feel entirely disregarded. It seems just about money. [inaudible 00:46:25] You want the taxes, nothing else. There's no protection on equality or a lifestyle and what we want it to be, how we want to look, how Milford will represent ourselves compared to the other community. Bunch of drunk people and many people coming in, we are not controlling who buys, sells, builds, and how. So we are losing on all fronts.

We are going to have these horrendous things in Milford South. I wasn't here before, but no one discussed the traffic problem when driving for the school in the morning. And I don't know the environment, because you have a lot of cars in line and they don't want a sidewalk. They don't need a sidewalk. Why not? We make all this adjustment because we want more houses, money, and taxes.

Mr. Buhr: Nick Buhr 431 Garfield Avenue. My property is directly east of the proposed development. The numbers assumed there was no square footage lost to the road. So that 8,400 on 13 houses was the whole lot just divided by whatever. Maybe two and a half years ago, I moved into Milford. The High Street proposal was approved. So to me, the writing was on the wall. We had this sizeable undeveloped area on High Street, and I knew they would come through and develop this. So I looked at High Street as the beginning. This is probably the worst-case scenario in terms of density and frontage.

First of all, Mark didn't talk about this, but he proposes to build on top of the hillside, right? So you look at High Street now, we're cutting into the hill and just putting a house there. This one is more building on top of it. I think that's going to be better for the City. You're not gouging out our current hillside. You're building on top of it. So I do prefer that approach.

Mark mentioned saving the Inn; it's not going anywhere. That speaks to, "Hey, I'm not just coming in and tearing everything down and putting in another three houses because we could." I did like that. He took our feedback from the last meeting and adapted it by moving that front house back to match the Inn's setback that we see across Garfield and farther up Garfield. And the other thing I'm excited about that he's proposing is getting sidewalks on that side of High Street. High Street needs some TLC right now. And I think developing 500 feet of it, getting nice sidewalks, putting retaining walls, tearing out the invasive honeysuckle. And some of the other brush in the area will go a long way to getting that Street matching the rest of the South Milford area.

Mark said the water flows from Wallace directly through my yard and into the proposed development. And about once a year is a significant problem. Three, four feet deep, and it floods High Street. It goes down into the businesses. He is willing to collect all that water put in underground detention. RRT is doing a significant expansion. I'm sure they don't want flooded basements every March because we get a hundred-year flood every year now. Back to some of my numbers, I'm a numbers guy. So you talked about averages, right? So taking out the road, he is about 7,000 square feet per house, which is what it is. It falls within the current community of some of the smaller lots. I've had a lot of conversations about whether 13 is too many. I would love to see three, but that's just not a realistic scenario here. It's a tough lot to develop. I'm a realist when I approach these types of things. So roughly 78,000 square feet, not counting the end, what's up for development. You could do single-family or multifamily. He could have seven or eight two-family houses if you look at it that way. So instead of 13 new doors, now we're talking 16, 18 new doors. If you just went to a duplex approach instead of a single-family. When you talk minimum frontage, I didn't look much in the cul-de-sac on it, but the 50 feet minimum frontage falls in the middle of what we currently have in the community. The four houses on High Street are around 40, 45 feet. We have houses on Mound already at 50 feet with six-foot setbacks on the side. So yeah, it's tight, but it's not unusual for where we live.

So back to how I feel about the whole thing. Again, I would love to live next to a park, but it's not going to happen. I knew it wasn't going to happen when I moved in, and that's why I bought the grassy lot next to me to make sure that I had a buffer whenever this happened. Overall, I support a variance to allow the decreased lot size. I think Mark is trying to work with the community and taking our input. I generally agree with the architectural style of the house. I like what he has.

I would rather be next to 13 single-family houses than 15 or 16 duplexes. You guys talked about kids in the neighborhood. You might not have a lot there, but there are currently 11 kids on Garfield that are there full-time or part-time. So I think kids' safety on Garfield should be an important thing. People fly down that road. It's straight down. It's 35- 40. That was more for my city council soapbox next month. There is parking on Garfield, but it's not the greatest parking. My house, I can't have people park in my driveway. So when I have parties, they either park in the grass or park on the road. The expectation is that if you're having many people over, you will park on Garfield. I don't see why this would be any different. In my mind, that's how it works. And five times a year, when the City does something like art affair, we get people on Garfield. It just happens. It's part of living close to a thriving downtown. That's all I got. Thank you.

Mr. Donovan: Hi Darryl Donovan, 28 Wooster Pike. I've been here about 15 years now, and it was a small town, kind of boring. I think development is good for the City. My problem is the infrastructure that I feel this group doesn't handle because I know people who live on High Street already have problems with overflow parking from the brewery. Once that distillery opens up, I guarantee you're going to have more. And we knew that when we approved the distillery. I think it comes down to the biggest bang for the buck for the lot. No offense to you guys. I think it's a great idea that you want to invest in this community. I just feel that it's down to the investors and their money and their returns. Half the time in the summer, I can't get in my driveway because of the brewery and everything else. I just want you guys to think about the infrastructure when you approve anything in this City.

Sure, when you approve anything in this City, that to me is a little bit of overdevelopment, in my opinion. These lots are already full on High, Mound, Cleveland. They're already parking on all of these streets, and I know they may be empty nesters, but, hey, they all still have friends that come and visit. No on-street parking and you're telling me that they're going to find a spot on any weekend night in this City, anywhere near the distillery, the brewery, whatever else is down here? All I'm asking is, think about your development. When I moved in, it was a historic Milford, and if we keep taking away from it, we're going to lose what we have. I think it's great that we have development. Just be careful how much development you'll allow in. Thank you.

Mr. Carothers: My name is Cole Carothers. I live at 22 High Street, directly across from 405 Garfield. My greatest concern is the slope of the hillside. It's probably about 15 degrees, which is pretty severe, not unlike what you see in other areas. Mr. Pottebaum said that he'd done developments that were more difficult than this one. Nonetheless, with the amount of construction that will go on there, the number of homes built, the amount of pavement poured, whether there's a sidewalk or not, I think it raises questions about safety. Nonetheless, the hillside currently takes in a lot of water. The water won't change. It'll keep coming down, whether there are homes there or not. If the absorbency of the soil is taken away and replaced with impervious surfaces, rooftops, foundations, pavement, roadways, general excavation, I think you're going to be increasing the amount of water that will get into the system.

I wonder whether the engineering for this is adequate. I don't know if it's ever been done, retention systems that would accommodate a development of this size with the slope of the hill as it is. I think it's a risky thing. I think the City ought to demand things like a soil study of the hillside to get a sense of what it does, the health of the hillside relative to the topography, and the growth of the trees that are there. A lot of those will be removed. That's a concern I have. Then all this water will go into the water detention system. Is the infrastructure of the City able to handle that? Will an HOA be bonded to cover something that might occur with the amount of water that comes down or shed onto other property?

A traffic study wasn't required, but I think it would be prudent to do one. We have 777 Garfield, which will increase traffic flow down Garfield, especially during peak hours. There is only one traffic light for access from the south Milford area onto Main Street at Garfield. You don't have a traffic light at Mill. You have people that queue up and try and get across the road as best they can when you have traffic on Main Street going towards the bridge. The bridge itself is becoming more congested during peak hours. I think it's just inevitable that the growth that the City is experiencing will invariably modify the habits of people as to how they respond to the situation. I believe that this development would increase some of that complexity. I think the City ought to be careful with this.

We didn't hear from the Abercrombie company about the engineering of this. I think we should hear from them certainly before you deliberate. I want to say that I support some of the other comments that have been made relative to the community. I would like to see it stay that way. I'm not entirely against some development here, but I think it should consider the community of which it will be a part. I'm not sure that the density at this level

feels right. I think it's also potentially taking on many risks that we don't know how it'll pan out. I hope we're all being heard. Thank you.

Mr. Sargent: Hi, Tony Sargent, 437 Garfield. In general, I agree with everything that Nick mentioned. We're neighbors, so we're two houses down. I think a few big concerns will get considered through traffic's number one. People fly down Garfield to Wallace. I work at COhatch. I walk to work. I can tell you that people fly up the hill and cruise around to get to Garfield. I'd be worried about people pulling out and getting hit. It's probably another meeting, but something to consider. In general, I think the price points are consistent. We moved from Madeira. I think it's exciting for Milford to have this kind of development.

A couple of things and the HOA will probably address this, but structures in backyards, like lots 1, 2, 3, and 4, will look pretty terrible if there are decks, hot tubs, swing sets, that kind of stuff. I don't know if that's being addressed. A tree line or some kind of natural structure or barrier would be nice. I don't know if that's in the plans or not. Then lastly, you guys mentioned lighting. We walk to 20 Brix or the brewery; it is pretty dark there. It would be nice if you guys could incorporate that. In general, I think it's exciting. It's a nice development.

Ms. McKnight: Thank you. Anyone else? Okay. Can we hear again from the applicant and the applicant's engineer?

Mr. Abercrombie: I'm Craig Abercrombie with Abercrombie and Associates. We're the engineer. We will have to meet the city stormwater and settlement control regulations regarding drainage. I assume that'll all go through you and your staff. That underground detention system is a rectangle for now. It'll probably be a bigger footprint. It'll be buried, and a storm tech system. It's the yellow chambers. They're a half-moon, and they get gravel around them. We do those a lot. They've got a good track record. The runoff will increase. We're not saying it won't increase, but we'll hold it back to the pre-development runoff rate, as I mentioned. Over the last 15 or 20 years, the regulations have become more stringent, which is not bad, especially in an urban area like this. I can answer any questions on drainage.

Mr. Brumleve: Talk about the private drive. Its functional purpose is to take parking effectively off Garfield and High. Do I perceive that correctly?

Mr. Abercrombie: That's one of the purposes of the private drive. Sure.

Mr. Brumleve: There's going to be two-car garages effectively lining that private drive. Am I getting that about right?

Mr. Abercrombie: Yes. Each driveway will have room for two cars parked in addition to parking in the garages.

Mr. Brumleve: A potential of four cars parking for the property on the private drive?

Mr. Abercrombie: Yes. This won't be a single 12-foot drive to serve one garage bay. It'll be double.

Mr. Brumleve: Can you speak about the fragility of the hillsides in this region and how that is being addressed?

Mr. Abercrombie: Mark will have a geotechnical analysis performed. I don't think you've done that.

Mr. Pottebaum: Craig's our civil engineer. Lee Knupple will be our geotechnical engineer. We haven't conducted borings on this site. However, I have done some preliminary site visits with Lee, including past studies that they've done. He walked to the project down the road where a pretty big cut was done on High Street. He was satisfied with the soil composition in the rock that he saw.

Mr. Brumleve: It's not in your interest or anybody else's for any of these houses to slide onto High Street?

Mr. Pottebaum: We wouldn't be building houses any longer. Lee will be engaged in every home as a part of the design and part of the construction. He will analyze and sign off on the bearing capacity of the soil or the rock when we dig down to footer level. He will also sign off on the design of the footer and the retaining walls for the foundations.

Mr. Brumleve: Therefore, that directly feeds into your concerns, Mr. Abercrombie, regarding how water is impinging upon that whole system?

Mr. Abercrombie: Correct. I'll work hand in hand with Mr. Knupple as we do our grading plan and our drainage design, taking into account any comment he has in his geotechnical report that we'll need to address from a site design standpoint.

That private drive is going to look like a subdivision street. It'll have a curb and gutter. It's going to be narrower and privately owned. [crosstalk 01:09:57] pavement.

Mr. Brumleve: Being a dead-end, just looking at it from a pedestrian point of view, it's not going to be a pedestrian destination. Is that effectively true?

Mr. Abercrombie: Correct. We had some discussions via email and phone call with fire department staff today. I was talking to Phil Nause. He required the pavement to be widened to 26 feet, to which Mark agreed. He's asking for a 90-foot diameter cul-de-sac, which is very big. I told him that we would struggle to fit on the site. He told us he would work with us and submit our plan today with a 76-foot diameter versus 90. [crosstalk 01:10:57].

Mr. Brumleve: It'd be the difference between a full-size fire truck being able to do a donut in the cul-de-sac, as opposed to backing down the Street for 150 feet?

Mr. Abercrombie: Correct, or making a few turns to turn in that cul-de-sac. It's a lot of pavement.

Mr. Brumleve: Should the alarm ring they can still get in as much as they need to do their work?

Mr. Abercrombie: Correct, but with the cul-de-sac we have proposed, that'll allow for the turning movement of the aerial truck based on the analysis that we've done. We have a software called Autoturn where we can use different vehicles. It's got standard trucks, semis, fire trucks, school buses, and others. We performed an analysis yesterday. We even sent a

video showing vehicles on the 20-foot wide pavement. Based on input from the fire department, Mark agreed to make the roadway 26 feet because they were still concerned about having enough room. We're proposing 26 with the 76-foot diameter, 38-foot radius on the cul-de-sac, bigger than the Milford standard for a public street.

Ms. McKnight: The private right of way would still be 30 feet, and the pavement would be [crosstalk 01:12:28]

Mr. Abercrombie: That's what we're proposing. If we widen that private road, we're fighting setbacks and topography.

Mr. Wenstrup: Question one, you said that the retention box would be sufficient to retain the pre-development runoff rate. Did I get that right?

Mr. Abercrombie: Correct. At a certain design storm.

Mr. Wenstrup: Is it possible to have a retention basin that actually improves or lessens the runoff rate than what it is pre-development?

Mr. Abercrombie: It's possible.

Mr. Wenstrup: Would that be in the community's best interest in that area? Would that be expensive?

Mr. Abercrombie: It just depends on what degree we would increase the volume and hold the runoff rates back.

Mr. Wenstrup: Talk about that. When we talked to the people down at 777, they were able to reduce the runoff rate to 50% of the pre-development with retention, no detention basins at the top of the hill and down below, and then clear out so that it could flow because the thing flowing under the Street wasn't flowing right. I thought it was terrific that they understood the concerns and made an extra effort. I believe you are in that position. If you're putting a retention basin as an extra whatever to make it retain a little more, it might not be a bad thing to do. I want to entertain that discussion.

Mr. Abercrombie: I'm going to look at the guy that's paying.

Mr. Brumleve: When we talk about these nasty drainage events that are running across this property now, there is little to no percolation going on those moments anyway and getting absorbed into our water table anyway. It's just running straight off and into people's developments down in downtown Milford. This puts a time delay on the absorption of that water before it is released in a more controlled manner and, therefore, can be absorbed into our stormwater systems. Have I characterized that correctly?

Mr. Abercrombie: You've done a really good job. It's holding that flow back as the storm peaks and then allows it to release once that storm is peaked.

Mr. Wenstrup: The other question in a development like that, water would have to run, and there would be an extension of the hydrant system. There would be a fire hydrant at the top of the cul-de-sac, or is that not so?

Mr. Abercrombie: We're proposing a few fire hydrants, and then Mark has agreed to the water loop to High Street, which will benefit Milford's water quality by looping that main.

Mr. Wenstrup: There'll be adequate water close to these homes if there was a fire?

Mr. Abercrombie: Absolutely. The water main is on the east side. It's in the pavement, just west of the road's centerline. You've got a fire hydrant on the cul-de-sac, and then we got a fire hydrant at the entrance.

Ms. Evans: Can I ask Mark a question? Could you address Tony's questions about the HOA regarding swing sets, hot tubs, sheds, all of those kinds of things in the backyards, especially the ones that back up to the people on Garfield?

Mr. Pottebaum: We won't allow any auxiliary structures behind those. There just won't be enough room. I want to create a landscaping buffer between the homes and neighboring property. I think that would benefit everybody.

I want everybody to keep in mind that we can develop this land by right, without going through this process. I could cut the lots this way. I could have five or six curb cuts here. I could shrink this lot a little bit. I could get one or two lots here. I could get a private drive and house back up in here. I can do that by right. I don't have to go through the extended timeline that we're going through now to create an expensive development with the private drive, the stormwater management, HOA, and everything we're doing. It'd be a lot safer that way, too, honestly, from an investment standpoint.

I think this is the best thing, though, for this community. I think it's the best thing for Milford. It maintains parking and limits curb cuts. It helps manage the stormwater. It presents the best product. It was said earlier about cutting the hill. One thing that we're focused on when developing on a hillside is not to have massive cuts in the hill and try to step up the hill. If we start developing this way, we will have cuts into the hill, similar to what you have down on High. We want to try to avoid that if we can.

The HOA is a good thing. We talked about that a little bit before. Then in terms of parking, this helps parking. I think we're all on the same page there. It's one curb cut. We're getting four vehicles per home off of the street. If I cut the curb five or six times here and two or three times over here, I'm getting rid of a lot of parking on Garfield and High. I think this is the right plan once again for this corner.

Mr. Wenstrup: How will you contain the development so that water doesn't run all over the street and run down the hill.

Mr. Pottebaum: I'll have daily onsite construction management. Construction's intrusive. I can't guarantee it'll be perfect all the time, but we will have onsite construction management every single day. Installing a private drive will help a lot. Rather than an excavator pulling in and out, it

will help with staging materials. It helps lessen the burden on the community from the construction standpoint.

Mr. Wenstrup: I know that every property owner has a right. I know that you've looked beyond your rights to how we can make this part of the community. Reducing the lot size so that the setback on Garfield would match the other houses on Garfield, I was delighted to see that. I'm interested in how the two fronts will look, one on the private drive and one on High Street. I look to High Street as our clear delineation between our bustling, thriving downtown area and our residential area. I'm interested to see how the next phase of designs comes in. I would rather trust you until you give me a reason not to question everything you're doing because homes are selling for \$750,000 in Milford. Many of us didn't buy our homes for that much, but we sold them for that much.

It helps the neighborhood to be healthy and thriving. To have people buying older houses and fixing them up. The people who purchased homes in terrible shape have put some money and energy into them. That's why we consider their concerns because they've already made that investment in the adjacent neighborhood. They don't know who you are, and they don't know what you're doing, so I appreciate you taking the time to listen and explain. That's why our process seems to be working pretty well. I wanted to share I appreciate your efforts on behalf of making your proposed development something that's more palatable to people who are, quite frankly, afraid, concerned, and wondering what it's going to mean for them. I would agree. I wish there were somebody on Council here; I could say infrastructure is an issue because it is, but that's not your problem. That's the City's problem that we have to address at some point.

Ms. Evans: It is high on the list.

Mr. Pottebaum: Which tax dollars help pay for.

Mr. Brumleve: I know a development like this sitting in the margins between the higher densities of what's going on in downtown Milford proper and what is a Milford South, for lack of a better term or a better name. The immediate and easy reaction is to say, "Well, let's duplicate Milford South here." And that's not going to be a model. I think we all can agree on that. But we also agree that we don't want to take a two-story storefront and flat overhead and start to duplicate that up on High Street either. You have to start to say what will be this transitional zone and how will that work? How do you envision that working? This forms a harmonious transition between adjacent densities, not a duplication of either.

If looking at it from a Milford South point of view or South Milford point of view, this is a bulwark between what could have been increased retail and commercial development in downtown Milford and provides that transition zone. I think appropriate occupancy and highest use of this land as far as making that work and be a transition zone between, shall we say, the later portions of Garfield and down to High Street. I appreciate you being able to help me articulate what is going on with the parking. I think that's an alleviation. I think the stormwater is an alleviation of what we got.

This is small-scale urban development, and it's something we face in our future. I think this performs in a reasonable way forward towards that small-scale urban development.

Ms. McKnight: Any other thoughts or comments?

Mr. Wenstrup: I lived in downtown Milford for 20 years. I moved this past summer because I'm old and want more space. I lived in Terrace Park for 20 years before that, and I came through Milford all the time. Milford had shops downtown that I was afraid to pick something else up because I'd fear there'd be a mouse or a roach jump on me. There were a bunch of rough places. A lot of the houses were in bad repair. People grew old didn't take care of their homes. The amount of time, energy, and love that's gone into the homes in South Milford and the amount of investment and intelligent thinking and planning and savvy that's gone into downtown Milford could be much different and much worse.

When someone comes to a meeting, they listen to what people here say, and then they go back, and they redo their drawings to accommodate that, that shows that we are bringing in the kind of people we want. If somebody's going to develop it, we want somebody who will develop it with those things in mind. It's a real relief rather than arguing about, "Well, I can do whatever the hell I want." Let me say I'm good with it.

I'm looking forward to seeing the plans, not in the way of trying to restrict you or tell you what to do, but having the continued guidance of this group and the community to try to make it something we're all very proud of.

Ms. McKnight: If we're looking at making a recommendation to Council, which is our job, we've heard from the applicant and his civil engineer about the pavement. I want Council to hear from the fire department that the private drive meets the approval of the Milford fire department.

Ms. Holbrook: So you would change condition number two to the private drive width shall be approved by the fire department or something to that effect?

Mr. Brumleve: I make a motion that the preliminary development plan is recommended to the city council for approval with the conditions as outlined, previously known as comments, under the staff recommendation now called "conditions," except for item number two, private drive with shall be as approved by our emergency services.

Ms. McKnight: We have a motion. Do we have a second?

Mr. Wenstrup: Second.

Ms. McKnight: We have a motion and a second to recommend approval of the Garfield and high subdivision planned development overlay to Council. Recommend approval to Council with the 15 conditions listed, with the modification of number two.

The Planning Commission voted 5-0 to recommend approval of the Final plat with the following conditions:

1. Provide Stormwater Maintenance Plan before approval of Final Plat.
2. The City's emergency services departments shall approve the private drive width.
3. No on-street parking is permitted.
4. Provide truck turning template drawing.

5. Access drive is to be maintained by HOA.
6. The water line should be looped to High Street.
7. Water and sewer lines along the access drive are to be maintained by HOA.
8. Building materials to be reviewed and approved by Planning Commission.
9. Install sidewalks (per City specifications) along Garfield Avenue and High Street in the right of way.
10. Provide Planning Commission with a copy of the HOA's Covenants and Restrictions for review during the Final Plan review.
11. The Covenants and Restrictions should be recorded along with the Final Development Plan/Plat in the office of the County Recorder.
12. The developer to provide a before development and after development impervious calculation.
13. WMSC Permit required before grading can begin.
14. The developer must comply with all bonds and sureties before final plat approval.
15. The HOA will be responsible for the inspection and maintenance of the stormwater underground detention area.

There being no further business or comments to come before the Planning Commission, Mr. Brumleve made a motion to adjourn the meeting at 7:49 PM, seconded by Ms. Evans. Following a unanimous decision, the ayes carried.

Assistant City Manager

Ms. McKinght, Chairman