

The Council of the City of Milford met in regular session in Council Chambers at 745 Center Street at 7:00 p.m. on February 3, 2015. Mayor Howland called the meeting to order with the Pledge of Allegiance and a Moment of Silence. Ms. Howland suggested that it would be appropriate to remember our armed forces and the police department and fire department within our City.

Roll Call: Present: Mayor Howland, Vice Mayor Lykins, Mr. Brady, Ms. Brewer, Ms. Evans, Ms. Hinners, Mr. Pittman.

Ms. Howland thanked those who had come to the public hearing and said their involvement in the City is greatly appreciated. She went on to say that from the correspondence she and other members of Council have received many feel that their voices were not heard and their questions went unanswered at the last meeting they attended. She said we are here to answer your questions and what is more, we are here to listen. This is your City. She then said Mike Minniear, Law Director will conduct the Public Hearing and that he has specific guidelines that will be followed during this meeting. The meeting was then turned over to Mr. Minniear.

Public Hearing:

Michael Minniear, Law Director started the Public Hearing with a discussion regarding how the Public Hearing will be conducted. He said that at the end of the Public Hearing Council will make a Motion to continue until the next Council Meeting on February 17th. When Council returns on February 17, they will debate the issue. Mr. Minniear said he has been a part of many of these types of hearings and some brought about emotional responses and yet he is pleased to report that everyone handled themselves in a civil and polite manner and that he expects the same tonight. He asked that only those at the podium would speak because should this go to litigation, the record will be presented at court. This is what lawyers call a ‘clean’ record. He indicated that it is almost impossible to record if someone else is talking. Therefore, when someone is at the podium- they have the podium. Please do not interrupt them. He stated this will be a fair hearing; that means that at the next meeting you may leave saying either Council made the right decision or Council made the wrong decision but you will not be able to say you didn’t get a fair hearing. Mr. Minniear indicated that as this is a Hearing, those who wished to speak will be allocated two (2) minutes in which to speak. He instructed those present that when they arrive at the podium they will state their name and their address for the record. He said that if they have any documents they would like to have submitted in the proceedings, they should bring them to him and he will enter them as an exhibit. He stated that he is not accepting any emails, faxes or mail as evidence this evening. Mr. Minniear said the Public Hearing will begin with a report from Pam Holbrook, Assistant City Manager who will be followed by the Applicant. After the Applicant speaks those who wish to speak will then be called forward. He said that as they signed in, those present should have indicated on the sign in sheet if they planned to speak. When he receives the sign in sheets, he will call people forward in the order in which they signed in. You will stand at the podium and you will state your name and address to the Clerk. He reiterated that if you are speaking he asks that you limit your remarks to two (2) minutes. After the public comment section is completed, the Applicant will have the opportunity to respond. If you have questions when you’re up there, state what your questions are. The staff will make notation of those questions and Mr. Cohen should make notations of those questions to answer later in the meeting. After the public comments, the staff and Mr. Cohen will address the questions asked. He asked that those present remember some of these questions might not be suitable for City Council. For instance, any questions regarding the sale of the school should be addressed at a school board meeting. After the Applicant has made his response, he said he will close the public comments part of the meeting. At that time Council can ask questions of staff, Jeff Wright, City Manager and Pam Holbrook, Assistant City Manager both of whom are here to address questions as well as Mr. Cohen and his contingent. He stated that the Mayor feels that it is appropriate for residents to ask questions of Council. Please remember that when we come back on February 17th you will not have the opportunity to ask questions.

Ms. Howland stated that Jeff and Pam will answer questions as you come to the podium. Questions for the developer will be answered later and questions regarding the sale of the building will not be addressed at all.

Mr. Minniear stated that there might be a temptation to comment when people are at the podium, but please refrain as that would be a distraction. The Clerk of Council then delivered the sign in sheets to Mr. Minniear at his request. He stated that as people come to the podium to speak they should indicate whether or not they have been sworn in. If they have not, they will need to be sworn in at that time. At this time Mr. Minniear asked those who wish to testify to stand. He swore them in then turned the time over to Ms. Holbrook.

Pam Holbrook, Assistant City Manager, came to the podium to present information regarding the Public Hearing.

Project: Milford on Main Zone Change Request

Location: 527 Main Street

Property Owner: Milford Exempted Village Schools St. Andrews Church
777 Garfield Avenue 552 Main Street

Milford, OH 45150

Milford, OH 45150

Applicant: Real Estate Ventures Capital, LLC
10925 Reed Hartman Highway
Cincinnati, OH 45242

Zone Change Acreage: 4.41 Acres; 3.51 acre Project area excluding right of way,

Tax Parcel Id: Zone change area: 210730B022P

Existing Zoning: I, Institutional District

Existing Use: Several small studios/offices/Clermont Educational Collaborative

Proposed Zoning: R5, Multi-Family Apartment District, OMO, PD

Proposed Use: 92 unit apartment complex

Consideration Dates: December 10, 2014, Planning Commission Public Hearing
December 18, 2014, BZA Variance Request
January 14, 2015, Planning Commission Public Hearing
February 3, 2015, City Council Public Hearing
February 17, 2015, City Council Final Vote

PROPOSAL

Jim Cohen, Real Estate Venture Capital LLC, is requesting a zone change to the subject site in order to construct a three story, 92-unit apartment complex. The site is the current location of the Milford Main School. Real Estate Venture Capital LLC has the parcel under contract for purchase from the Milford Exempted Village School District. The applicant proposes to demolish the existing school structure while saving several key architectural detail elements for reuse. The applicant intends to donate the area nearest to the five point intersection to the City for use as a park with a clock or bell tower element near the park.

The applicant states that the units will be a combination of one, two, and three bedroom floor plans targeting active empty nesters and young professionals. The current zoning is 'Institutional' and the applicant is requesting a zone change to R-5 Multi-family district with an Old Mill and Planned Development Overlay.

PROCESS

The purpose of a Planned Development Overlay is to allow flexibility in the zoning requirements in order to achieve a higher quality and more creative development. The Planning Commission and City Council review is based on the projects compliance with the Milford Zoning Ordinance, and the Planned Development Overlay district criteria. The establishment of a Planned Development Overlay is a three step process.

First, Planning Commission holds a public hearing to review the preliminary development plan, and make a recommendation to City Council.

Second, City Council holds a public hearing and will vote to approve or deny the establishment of the Planned Development District; Council may make three possible motions:

1. To approve the Planning Commission recommendation in its entirety.
2. To reject the Planning Commission in its entirety.
3. To approve the Planning Commission recommendation with amendments.

Each council member may make a motion for an amendment which would have to be voted on separately. If none of the three motions get the requisite number of votes then the Planning Commission recommendation is adopted by default.

Should council vote to approve the Preliminary Development Plan, the third and final step, is a review of the Final Development Plan by Planning Commission. An analysis of the Final Development Plan is based on criteria outlined in Section 1169.07. (See Attachment F)

STATUS

On December 10, 2014 Planning Commission opened the public hearing on the zone change and Planned Development request submitted by Real Estate Ventures. Planning Commission voted to continue the public hearing to the January 14, 2015 meeting pending the review of the density variance request by the Board of Zoning Appeals.

The applicant submitted an application to the Board of Zoning Appeals requesting a variance from Section 1169.03.2.H of the Milford Ordinance which specifies that "in no case shall the density in the planned development be increased by more than ten dwelling units per acre." On December 18, 2014 the Board of Zoning Appeals heard the applicant's request and voted 3-2 in favor to allow the applicant to increase the density in the planned development by up to 14.2 dwelling units per acre over the underlying zoning. While

the BZA approved a variance request of up to 14.2 dwelling units per acre over and above allowable density, as a part of the Planned Development process the City Council may evaluate criteria and guidelines, including agreeing or disagreeing with the density variance, as they deem appropriate.

Planning Commission resumed the public hearing on January 14, 2015; they voted 3-1 to recommend approval of the zone change application and the Preliminary Development Plan with conditions.

ANALYSIS

Project Area

The applicant proposes to include two parcels in the project area: parcel #210730B022P (#1), owned by the Milford School District, and parcel #210730B023P (#2) owned by St. Andrews Catholic Church; however, the zone change area includes only #210730B022P (the school site). The survey indicates the total area of the school site including right of way is 4.5 acres. For the purpose of calculating density, land located in the public right of way is excluded in the total project area; therefore, the total project area eligible for density calculation is 3.5 acres.

The Clermont County Auditor's website specifies that parcel #210730B022P is 2.35 acres in size. The applicant has produced a survey from a local surveyor that shows the zone change area size to be 3.51 acres in size. The data that appears on the County site is meant to provide an approximation and is not considered a legal document. Staff does not have any reason to challenge the validity of the survey submitted by the applicant; the surveyor, Gerry Berding, who prepared the document, is a licensed, local surveyor who has been in business for a number of years. However, in order to clarify this issue Staff is requesting that the applicant provide a boundary survey showing the exact acreage in the zone change area.

Density

The applicant is proposing to construct 92 apartments on a 3.51 acre site; total density is equal to 92 units/3.51 acres= 26.2 units/acre. The allowable density is calculated by using the density permitted in the underlying zoning district (R5=8 units per acre), the Old Mill Overlay (OMO=12 units per acre) district, and the Planned Development District; the maximum allowable density in this case is based on Section 1167.06.A. (OMO Use Regulations) which permits residential dwellings not exceeding a gross density of 12 units per acre.

Section 1169.03.C. and H. (Planned Development Density Calculation) permits a density increase of up to 10 units per acre (over and above the underlying zoning) if authorized by Planning Commission. Based on the ordinance the applicant is permitted up to 22 dwelling units per acre. The applicant's proposal of 26.2 units/acre exceeds the allowable 22 units/acre.

The applicant was given several options:

1. Apply for a text amendment to the Milford Zoning Ordinance in order to revise the permitted density; or
2. Submit an application to the Board of Zoning Appeals applying for a variance to the permitted density.

As mentioned above, the applicant chose to pursue a variance through the BZA and was approved by a vote of 3-2 to increase his project density by no more than 14.2 dwelling units per acre above the underlying zoning district of OMO.

TRAFFIC

Section 1127.03.AB of the Milford Zoning Ordinance requires the applicant to submit a traffic impact study when a multifamily development exceeds 220 units or when a new development will generate more than 100 new inbound or outbound trips during the peak hour. Staff requested that the applicant provide an estimate of the number of inbound/outbound trips based on the proposed land use. The applicant contracted with Jack Pflum, traffic engineer, to provide trip generation estimates for a 92 unit apartment complex consisting primarily of senior citizens. Mr. Pflum indicated that the apartments would generate 18 AM peak hour trips and 23 PM peak hour trips. These results do not trigger the requirement for a full-fledged traffic impact study. (See Trip Generation)

In Mr. Pflum's opinion the impact of the apartment trips will be negligible on the adjacent signalized intersection. He believes that "there will be no measurable decrease in the level of service of traffic operations and safety caused by construction of Milford on Main."

While the requirement for a traffic impact study has not been triggered, City Council may request that one be submitted so that they have a degree of comfort that the addition of 92 apartment units, whether they are empty nesters or young professionals, will not have a negative impact on traffic flow. (See Attached Sample Traffic Impact Study Outline)

ACCESS AND PARKING

The off-street parking lot would provide approximately 190 parking spaces for residents with some covered spaces; the applicant proposes to share a portion of the parking spaces with the adjacent Catholic and Methodist churches. The proposed parking should be adequate to meet the needs of the apartment complex.

Access to the site is obtained through three driveways via Lila Avenue, two driveways via Main Street and the back alley. Currently, buses pick the children up on Lila Avenue; I spoke with Mr. Soellner of St. Andrews and he stated there has not been any conversation yet as to a new pickup location. Should the project be approved, Jim Cohen and the church would discuss a solution to this issue.

ELEVATIONS

The building will have two front facades - one façade facing Main Street and the other façade facing Lila Avenue. The applicant proposes to use brick as the major exterior material supplemented with cement board, vinyl siding and exterior stucco details. The facades will be broken up with the inclusion of balconies, windows, and a varying roof line.

General Planned Development Guidelines

In accordance with Section 1169.03.G. of Milford's Zoning Ordinance 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 was adopted in 1997 and identifies the Project area as an Institutional Land Use. At the time the Land Use Plan was developed, the intent was to maintain the area as a school use; however, the Board of Education determined that the site no longer functions efficiently as a school. The Goals and Objectives outlined in the 1997 Land Use Plan are all still meaningful today even though the world and our environment have changed a lot in the last 20 years. The decision on how the City satisfies these goals and objectives is left to interpretation and the vision as seen by City Council, Planning Commission, Board of Zoning Appeals and the other committees that serve the City.

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 applicant is developing a site that is already built out and contains asphalt and buildings.

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 is proposing to create a project that is transitional in nature to the surrounding residential, commercial, and institutional uses. Low impact attached housing is an appropriate transition and buffer between a commercial area at 5 Points, the offices, churches, and residential uses on Main Street and Lila Avenue.

4. ***Off-street parking and loading areas are provided in accordance with Chapter 1187, Off-Street Parking and Loading requirements.***
The applicant is required to provide an adequate number of parking spaces for the proposed use. Based on a 92 unit apartment complex; staff would estimate the parking requirement to be approximately, two spaces for each unit or 184 parking spaces. The applicant is proposing 190 off-street spaces.

It is expected that all parking spaces would comply with the stall and aisle dimension outlined in the ordinance, and interior landscaping and outdoor lighting would be provided as specified in Section 1187.09 and .10. A landscaping and lighting plan would be required as part of the Final Development Plan submittal.

5. ***There is a beneficial relationship between the proposed residential "PD" district and the neighborhood in which it is to be established.***
The proposed development will provide several benefits to the neighborhood including:
a. Elimination of an underutilized, semi-vacant building.
b. Repurposing property from an 'Institutional' use to a 'Residential' use. The types of uses permitted under the current 'Institutional' zoning may be considered more intensive than residential zoning.

This type of luxury, maintenance-free living near the bike trail and downtown will provide opportunities to keep empty-nester residents, and attract young professionals who enjoy active lifestyles. Currently, this type of housing choice is in limited supply, and based on the success of the Riverwalk development there appears to be a demand for units like these.

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

Fire & EMS

Concerns have been brought up about this project's impact on the City's Fire and EMS services. Chief Cooper has indicated that the addition of ninety-two (92) living units/apartments with fifty-five years old (55) and over residents will have an impact on the fire department and will have to be addressed in the future planning of the service to the City as a whole. This issue will be a factor in future service planning when a similar proposal is planned for any other area of the City.

Capacity and impact on City Water and Waste Water:

The City has evaluated whether the existing water and waste water facilities are able to handle the potential 92 new units, and have determined that there is existing capacity of both water and waste water facilities to handle potential increase in users. There are approximately 2,130 existing waste water connections today. 92 more units would be an increase of approximately 4% more users. The Waste Water Treatment Plant was significantly upgraded and expanded in 2007. The WW Plant is authorized by the Ohio EPA to handle an average daily flow of 1.2 million gallons. It is designed to have a maximum daily flow of 3.25 million gallons and in 2014 the actual, average daily flow was only 682,000 gallons. Thus, if Milford on Main was approved it would be increasing the daily flow by 4%, still only half of the design for typical days and only 25% of the allowable maximum daily flow allowed. Also, in the past decade the City replaced the Combined Sewer Overflow lines that use to exist in the downtown. This added capacity of both waste water and storm water downstream from Milford on Main. Furthermore, the City's investment the past three years in relining the existing sanitary sewer lines means that there is less storm water now infiltrating the sanitary sewer lines.

The Water Treatment Plant has also received large capital improvements in the last few years to stay ahead of actual demand. The most obvious one is the new Clearwell that was installed. In 2013 the City replaced the water booster station on Main Street and in 2014 a new, larger water main was installed on Main Street between the Plant and 5 Points. This is the area in front of the proposed Milford on Main. In 2015 the City will receive a grant and loan to replace the rest of the Main Street water lines between 5 Points and the new water booster station. Capacity exists to handle an additional 92 accounts.

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

The proposal meets the objectives set forth in Milford's Land Use Plan which specifies the design should be in keeping with the area by extending the character of the existing neighborhood into the new development.

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

Spacing and Building Height: The maximum height of the apartment building (42.8') is in keeping with the maximum height of the existing school (42').

Setbacks: Staff feels that the building setbacks shown on the site plan are adequate for this neighborhood and do not present any adverse impacts to the adjacent properties.

Common Open Space Requirements: Common open space is defined as "land within or related to a development, not individually owned by occupants of the development, which is designed and intended for the common use and enjoyment of the occupants of the development."

In a Planned Development Overlay, Common Open Space is one of the requirements that must be satisfied by the developer. Section 1169.03.L Open Space Requirements specifies that common open space must comprise at least 20% of the project area. In this case, the applicant is required to provide 20% * 3.51 = .7 acres of common open space.

The applicant's common open space consists of 32,950 square feet of open space which equals 21.5% of the 153,093 square foot site (3.51 Acres). (See Open space attachment) The Planned Development guidelines state that common open space must comprise at least twenty percent (20%) of the project area, excluding areas used for vehicle parking and circulation. The applicant is proposing to donate 5,500 square feet (.1 acres) of open space near the intersection of Lila Avenue and Main Street. Staff recommends that the applicant be required to construct a bell or clock tower in the park that will incorporate several architectural elements of the school building as well as provide outdoor furniture (benches, picnic tables, and trash receptacles) to create a user friendly neighborhood park.

9. *Common open spaces and recreational areas should be linked together by walkways or planting areas.*

The common open space would be an integral part of the Five Points intersection and is accessible by existing 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 is proposing to vary the building facades with balconies and several low roof elements to add interest.

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 applicant will be required to provide a landscaping plan during submittal of the Final Development plan. The landscaping requirements will include screening consisting of trees and shrubs around the perimeter of the parking areas and the building.

16. Consideration should be given to the provision of bus shelters.

Currently, there are several existing bus stop along Main Street and Lila Avenue.

STAFF RECOMMENDATION

The subject site will draw a very desirable demographic to the City, and will provide an attractive housing option for the empty-nester as well as the young professional who wants easy, walkable, bikeable access to downtown Milford, businesses along Main and Lila, and the nearby recreational amenities. In return, these residents will support and enhance downtown Milford businesses through discretionary expenditures, and generation of new revenue for the City. The ability to place an OMO and PD Overlay on the parcel ensures that this development will be held to a higher standard. Staff recommends approval with the following conditions:

CONDITIONS OF APPROVAL

1. Dedicate the 5,500 square foot common open space area to the City to be used as a public park.
2. Construct a bell or clock tower in the park that will incorporate significant architectural features and components of the existing structure in an appropriate fashion to be approved by the Planning Commission on the Final Development Plan.
3. Applicant to provide outdoor furniture (benches, picnic tables, and trash receptacles) to create a user friendly neighborhood park as approved by Planning Commission.
4. Acceptable materials for use shall include brick, wood, hardie plank, stone or stucco. No vinyl.
5. Secure an easement from St. Andrews to use the driveway located on Lila Avenue.
6. Applicant shall revise, if necessary, the location of the existing Main Street pedestrian crosswalk used by St. Andrews students. (Current crosswalk location may provide a conflict).
7. Identify location of trash compactors or dumpsters on site plan.
8. All modifications as submitted by the applicant at the January 14, 2015 Planning Commission meeting.
9. Applicant shall not exceed the maximum density of 26.2 units per acre as approved by the BZA.

At the end of Ms. Holbrook's report, the Applicant, Mr. Jim Cohen, Real Estate Ventures Capital, LLC was invited to the podium. Mr. Cohen stated that there are a lot of questions and concerns and that he will address each and every one. He stated that the building will house only senior citizens 55 years and older. It will not house young professional and families. This building is not in competition with Riverwalk; it will meet a very different market. Mr. Cohen stated that he has met with vast resistance with this project mostly from those who live on Main Street or Lila. He said he met with the same resistance regarding the Riverwalk development and the fears of the citizens at that time have not been realized. Mr. Cohen said CMC is a company of professional developers who keep their promises. He stated that they have never embarrassed themselves or any municipality with their projects. He stated that with the Riverwalk development, he has a vested interest in the City and the success of the Milford on Main development. He went on to say that with all the flyers and the facebook comments and citizen's meetings regarding this project no one has come up with a better proposal and the money to bring it to fruition. Mr. Cohen stated that he was at the school auction of the Milford Main building in April with as many as 20 developers and no one bid on the building. He said he then reached out to the school board with a proposal. He stated that he had then reached out to several local developers and no one was interested in the building. He reached out to Clermont Senior Services and they were not interested in a new Senior Citizens Center. The City passed on the opportunity for a civic center or park. The Autism School considered the option of combining several of their classes and schools into one building and passed on the offer. The American Legion considered relocating to Main for about five minutes then passed on the offer. The suggestion that makes the most sense is a 55 and older senior housing development. Mr. Cohen indicated that there is a need for housing for those 55 years and older that falls into place between SEM and high end facilities like Pinebrook. He stated that seniors want to remain in this community, they want to be able to walk to shops and services; they want to grow old around familiar faces and places. The school that educated a generation will now be repurposed to meet their current needs. Mr. Cohen stated that at a meeting of the BAC (Business Advisory Council) empowered by the Milford School District and chaired by Tom Rocklin and attended by community leaders and development professionals like Dale Roe recommended senior housing for Milford Main. He quoted: "The location seems ideal for a senior housing facility as it is located in the heart of a walkable community with essential services close by." Senior housing in this location has many advantages for the City and for its residents. He indicated that the effect on traffic will be negligible, it will

still provide significant shared parking for the churches, and it will clean up an abandoned school building which will not get better with age. He continued to say the building will serve as a buffer between a gas station, a convenience store, an auto repair shop, the police headquarters and a bar. Milford on Main will provide a safe secure walkable home for Milford's aging adults who want to remain in the community but not in a home. Tom Rocklin Chair Emeritus of Clermont Senior Services indicated that they have a 240 person waiting list for their housing units and Sem Laurel has a 7-8 year wait for their two bedroom independent living apartments. Mr. Cohen described the potential living quarters as having low windows, removable base cabinets to accommodate wheelchairs, sheltered balconies, side by side refrigerators, walk-in showers, sit down vanities, second or third bedrooms, and trip and slip resistant floor coverings. He indicated that there will be events to keep the residents active and engaged, walking paths, transportation to shopping and cultural events, demonstration kitchens, artisan resident programs and programs with local church groups and activities recommended by the Council on Aging.

Mr. Cohen said he had three experts with him to address the three most talked about concerns: Jack Pflum, the regional expert on traffic studies will discuss the science of traffic studies. Doug Gallow who is a national expert on senior facilities and aging and Dean Lutton, project architect will address size, density and design issues and will demonstrate conclusively that our building is virtually the same size as the school, we have lowered our height to be 8 feet below the current building and increased our setbacks to match our neighbors.

Mr. Cohen said he will now touch on the most frequently asked questions:

- 1) Will taxes increase as a result of this development? Milford Main has not paid any taxes for one hundred years. We will pay taxes on the land from day one. Our residents will pay income taxes from day one. Hundreds of thousands of dollars will be paid as property taxes as soon as the CRA Tax Abatement expires.
- 2) What impact will Milford on Main have on EMS services?' There is no doubt that 92 senior adults will generate more runs than an empty school. SEM Laurel independent living had 70 runs in 2014 for 122 apartments. Proportionally that will equal about 50 for Milford on Main. Riverwalk has had only 1 EMS.
- 3) And concerns about parking. Shared parking will be a significant benefit. The churches and the school have shared parking for 100 years. At the beginning of this project my first calls were to Father Rob and Pastor Hess and I committed to both of them that we would work together. I have designed the building with 100 more spaces than we need. Mr. Cohen displayed a picture of Pinebrook independent living. They have planned 1 space for every apartment and they always have open parking spaces. He then spoke to plans they have to pave additional portions of the land to create additional parking and driveway access. There will also be plans to address school bus needs.
- 4) Will property values go up or down? Mr. Cohen indicated that it was premature to try to answer that questions, however, at Riverwalk the neighbors have only seen their property values go up. Milford on Main should have the same effect.
- 5) How is open space calculated? Gerry Berding, a local surveyor, confirmed with the Clermont County Auditor the accuracy of his survey. 3.5 acres is the net acreage after the removal of the right-of-way. The open space calculation exceeds the 20% required by the code. In addition we are donating the point of the Five Points intersection to the City.
- 6) Does our plan comply with the 1997 Land Use Plan? 1997 is 18 years ago. Good practice is to update Land Use Plans every 5-7 years. The Commonwealth of Kentucky legislates that cities update their plans every 5 years. However, the goals of the Plan that remain relevant today are:
 - a) Develop creative gateways near all major entry points of the City.
 - b) Create a sense of 'place' that is unique to Milford.
 - c) Create the potential for innovation and adaptive potential for underused properties.

Mr. Cohen asked: If not this, what? And who is going to pay for it? I hope you will agree with the staff, the school district, the BAC, your Planning Commission and the Board of Zoning Appeals that Milford on Main is the highest and best use of this site and that it is good for the City of Milford.

Doug Gallow, Principal Architect with Lifespan Design Studio: Mr. Gallow provided his qualifications and that of his company then indicated that he wanted to discuss demographics that are occurring across the country, all over the world and in the City of Milford. He indicated that 10,000 baby boomers turn 65 every day in this country. By 2030 20% of the population in this country will be 65 or older. Right now it is 1 in 8 and at that time it will be 1 in 5. Milford has an average age that exceeds the national average; Milford's median age is 43.2 years and the national average is at least 6 years younger than that. 22% are at least 65 in the City. In the state of Ohio, 14% are over the age of 65. 53% of Milford's residents are over the age of 50 and 20.3 are between 35-49 years of age which will soon be aging into the senior demographics. The average household in the City averages 2.09 residents per house. 43% of Milford's residents live by themselves. AARP regularly conducts polls regarding the issue of where individuals want to live and consistently 85%-90% individuals 65 older want to remain in their own house as long as they possibly can. Many realize that that is not going to happen because the house they live in is not conducive to the aging process. If they cannot stay in their own home, they certainly want to stay in their own community and it is extremely important to them. The housing demand that exists today should be viewed as a continuum of

meeting the needs of the baby boomers; 78 million of them born between 1946 and 1964. The baby boomer children need special housing to allow them to live long and healthy lives into the future. This building is designed to house adults 55 years and older. It is not assisted living and it is not a nursing home. Milford on Main will provide 1, 2, and 3 bedroom units to meet the demanding need the consumer has created in downsizing. Statistically one bedroom units are not popular when people downsize; they want to have more room. The extra bedroom can be used as guest rooms, or as the individual gets older, for a care-giver so they can stay in their own home and not have to go to assisted living or nursing home. Based on the fact that 43% of Milford residents live alone, it is anticipated that most of these apartments will be single occupancies. Mr. Gallow then reviewed the particular amenities included in the apartments to benefit senior residents.

Mr. Jack Pflum, Civil Engineer and Traffic and Transportation Planner then came to the podium to discuss the traffic study that was conducted. He indicated that he was a founding partner of the firm that prepared the 1997 Land Use Plan. Because of the expertise and the experience he has had over the years (40 years) he has provided expert witness testimony in various cases and has worked for public and private clients. He indicated that traffic engineering is a science today due to the impact that traffic has on our lives. He said they use computer modeling and technology that is available on the internet to gather information and make judgments. There are rigid standards that have to be followed in traffic studies because if he violates the Standards of Practice he could be disbarred and lose his ability to do traffic engineering and transportation planning. There are 3 agencies in this particular case that have influence in the City of Milford: 1) State of Ohio Department of Transportation that publishes the standards for traffic impact studies and of traffic studies 2) the Clermont County Board of Engineers which have developed access management regulations and 3) the Hamilton County Engineers which have also developed access management regulations which we follow. These three agencies have all published regulations that a traffic impact study is necessary if the proposed development generates more than 100 trips during any peak hour usually the morning or afternoon peak hours. That is 50 trips out and 50 trips in for a total of 100 trips. In this case the 92 units of senior housing generate 18 trips in the morning and 23 trips in the afternoon. He came to this decision using a well-respected 'bible' in the traffic engineering profession that was published by the Institute of Transportation Engineers - an international body of experts in the Traffic Engineering profession which have conducted thousands of studies of land uses from the largest shopping centers to the smallest batting cage facility including schools, housing, and apartments. He stated that this reference is available to everyone. Another source is the Department of Transportation Trip Generation Manual. Based on that information, the Senior Citizen Housing proposed here would generate between 18 and 23 trips in the peak hours and that is clearly lower than the 100 trips threshold. He completed the study and submitted his information to Mr. Cohen and he in turn provided a copy to Ms. Holbrook. In that memorandum he pointed out that a full and complete traffic impact study was not required under the guidelines that he uses in the preparation of such studies. Mr. Pflum stated that he spoke to Dr. Farrell, Milford School Superintendent, who reports that when the school was operational that site generated, during a total day, almost 1300 trips a day; roughly 4 times the trips as the senior citizen facility will generate. Mr. Gallow then presented information regarding traffic if other entities are built on the current site. He indicated that senior citizens generally do not drive in peak hours and generate fewer trips on Saturday and Sunday. He then discussed the parking ratio. He indicated that 20 years ago parking was a big deal and properties tended to be built with large parking areas but that is not encouraged or needed any more especially with this type of use. There are three agencies across the United States that we refer to as a reference: The Federal Housing Administration, Urban Land Institute and American Planning Association. These publish statistics from across the country and they vary because every development is different. The parking ratios range from 2 to .5 per parking spaces per unit with an average of .7 to 1 space per unit. He then went on to discuss owner occupied homes versus rental units. The 1997 Land Use Plan used 1990 census data. The rental units in Milford at that time were 60%. In 2010 the Census found that 48% of the units were rental. The 92 units we're dealing with here will be a relatively small 'blip' on the census radar. He said the question has come up "Who pays for it?" Generally speaking the developer pays for surveys because he owns the land in question. However, the standards are so well known and published it is almost impossible for an engineer to 'cook the books'. In closing he said the proposed design is a fairly benign use. The number of trips being generated will not affect the traffic volume and is insignificant.

Mr. Minniear asked if Mr. Gallow had a CV with him that he could admit as an exhibit. Mr. Gallow said he did not but would get the information to Mr. Minniear. Mr. Minniear then asked Mr. Gallow if he had any other information he would like to submit as an exhibit and Mr. Gallow replied "no."

Dean Lutton, architect and Project Manager with Reztark Design Studio, then came to the podium to provide the following report: Mr. Lutton began by stating Milford on Main moves the building east to balance the site, the parking, and to appropriately frame Main Street and Lila Avenue. While staying back 30'-35' from the curb, the building and landscaping forms an edge, a sense of enclosure to the streets which visually defines the sidewalks and public spaces. The height of the building relates directly to the width of the space between itself and the buildings across the street, creating a comfortable, room-like quality. The parking area is broken into two sections, one near 5-Points which allows relief at the intersection to coincide with the park at the point. While the remaining parking is at the west end of the site, sharing excess parking with the churches, hidden from Lila Avenue by a single story parking garage. The loading zone and trash zone is hidden in this area as well. There have been concerns expressed about the distance of

the building from Lila Avenue. In response Mr. Lutton then described pictures projected on the screen present in the room. He indicated the rearrangement of the building to pull it 5' farther from the street than the previous design. He said the developer has also added additional landscaping in this area to help screen the building from the street and the neighbors. The curb cuts have also been modified to allow right-in from the two way portion of Lila Avenue, and right-in, right-out at the Main Street curb cut. This will hinder those seeking to use the development as a cut-through between Main Street and Forest Avenue. He provided a slide which also depicted that the existing school building's footprint in yellow and the proposed building in blue indicating approximately the same area. He pointed out the area that indicated the proposed common open space as defined in the code, which exceeds the required 20%. He said in the initial proposal they had also shown a separate fitness building near the 5 points intersection. They heard concerns about too many buildings on the site and have since moved those functions inside the main building to allow the 5 points intersection to remain more open. At 5-points, in the area of land donated to the city for a park, they have proposed a monument to memorialize Milford Main. Previously they showed an option for a bell tower with the 'Boys' and 'Girls' terracotta arches preserved and incorporated into the monument. We have heard that some think a fountain would be more appropriate in this area so we have taken the first steps to conceptualize a fitting memorial. Mr. Lutton stated that this site is unique. Beyond the triangular shape, it is directly adjacent to four different zoning districts. Three of which are more robust and commercial in nature, I-Institutional, O-Office, and B-3 - General Business, and one is less robust, R-3 Single Family Residential. He said we believe that the proposed change from Institutional to Residential multifamily with the Old Mill Overlay, to preserve the character of the neighborhood, and a planned development overlay will allow this site to be a transition from the more robust surrounding districts to the single family district. In the Institutional, Office and General Business districts, a maximum height of 45' is permitted. In Single Family R-3, 35' is allowed. The change in zoning we are proposing will be a transition between these different intensities. The proposed PD overlay for the site permits 45', however we have reduced the building's maximum height to 42' 8". This occurs at the main entrance facing 5-Points. Facing the single family homes on both Lila and Main Street, we have reduced the height almost 11' from our initial design down to 38' 8". Mr. Lutton then provided a slide depicting the transition from the Office, General Business and Institutional heights of 45' to the proposed front, 5-Points elevation of 42' 8", then down to the Lila and Main Street proposed elevation heights of 38'-8", and finally down to the R-3 Residential Height of 35'. He that stated that previously we had reduced the height of the building on Lila, but we believe even though Main Street is busier and can support a higher height, it is important to respect the single family homes across the street, so we have lowered the height about 11' here as well. The building is set back from the curb similar to the houses across the street. And we are appropriately sized per the American Planning Association's recommendation of a street width to building height ratio of 3:1. There have been some concerns expressed that the shadow created by the building would put the houses on the north side of Lila into darkness. Using the global position of the site, we have calculated the solar angles for the project. The four views shown indicate the shadow line at noon for various dates around the year. The upper left is the longest day of the year, June 21st at noon. As expected, the shadow line is near the building. In the upper right is the noon shadow at April and August 21st, it doesn't quite reach the curb on the south side of the street. On February and October 21st at Noon, the lower left image shows that the shadow reaches into the street. Finally, on December 21st, the shortest day of the year, the shadow reaches across the street to the sidewalk on the north side. The appropriately sized and setback building ensures that houses will continue to enjoy the sunshine. Mr. Lutton then added that once the rezoning is approved, this project will continue to follow the typical Final Development Plan approval process which will review materials and colors as directed by the Old Mill Overlay, as well as reviewing the details in site layout, landscaping, and lighting. He ended by suggesting residents confirm the direction supported by the Staff, Board of Zoning Appeals, and the Planning Commission, who have all recommended for approval of this project.

Mr. Minniear then stated that the Charter of the City of Milford and the Minutes from both the Planning Commission and Board of Zoning Appeals are already on record. He then reiterated how the remainder of the Public Hearing would be conducted. He stated that while everyone's input is important residents and businesses from the City would be heard from first and then non-residential entities. He asked that everyone limit their remarks to two minutes and that he would call people up to speak using the sign in sheet. He indicated that if an individual represents a group to name the group.

Jacqueline Kohake: Ms. Kohake indicated that she resided in East Milford. She stated that her concerns were over parking in that there is not much parking available. She indicated that statistics indicate that even though it has been said elderly don't have two cars, the elderly received a lot of visitors. She said she is concerned about the density of the site and remarked that most retired individuals do not pay City taxes and asked if that was correct.

Mr. Minniear stated that questions would not be answered at that time, but would be addressed by staff and Council at the conclusion of the public speaking portion of the Hearing.

Ms. Kohake then stated that she is concerned about as time goes on what the building will look indicating that she doesn't want another Edgecomb or Brooklyn at the beginning going down to old Milford. She then alleged that there was a court case pending regarding this builder at Riverwalk and sewer lines. She then stated that there would be a need for more policemen and EMS and wondered where the money would

come from if we're not going to make that much money from the houses. Ms. Kohake then asked what the cost would be to the retired people as most of them live on scheduled incomes.

Melissa Wilson (614 Main Street 71/2 years, Clermont County 44 years) She indicated that she will be speaking on behalf of an organization called 'Moms and Babes' which constitutes 140 individuals. She is opposed to the proposed senior living/housing, 55 and older living in the area of discussion stating we oppose the zone change from institution to residential. She said that in some of what we heard tonight there were extreme discrepancies between senior housing, empty nesters, urban citizens etc. She says she is grateful for the clarification that what we're focusing on now is 55 years and older community. She indicated that she was an administrative assistant at Pinebrook and has much knowledge of development working with the market team there. She said she has heard concerns about the proposed building and traffic and parking. We don't like the idea of a 192 off street parking proposal. She said creating that much parking would displace residents of the community that are already there. She said she has learned through several venues that the City has recently acquired the Pleasant Hill School site for \$1 and would suggest that this developer pursue with the City building there. There's no historic building there to be concerned about. We'd like to preserve Milford Main as it is. She said she appreciates Mr. Cohen's information and his question was 'if not this then what?' What we would propose for a central feature to the Main Street location is what she, as the mother of a three year old calls a 'sprinkle park' that includes a wet playground with fountains, trees, benches, and areas to play including a dry playground.

Mr. Minniear thanked Ms. Wilson and said it appeared that there were a couple questions to be answered.

Ms. Brewer said it has been made clear tonight that the proposed development is not an assisted living development and asked if Ms. Wilson considered Pinebrook to be assisted living or independent living.

Ms. Wilson indicated that what she knows is that some of those units have been apportioned for assisted living so there would still be independent living available.

Ms. Brewer asked that in her experience with them, based on the units that were full, are all of the parking spaces utilized by the current residents? Is there adequate parking? Is there insufficient parking?

Ms. Wilson said that what is nice about the location of Pinebrook is that it is on one main street and not at the convergence of five and that the parking that is founded for that facility is usually 1/3 filled with resident vehicles.

Ms. Brewer asked if Pinebrook provided busing to the mall or the Aaronoff or to the grocery store.

Ms. Wilson said that they did and that the busing included WalMart and the library.

Bob Farrell, Superintendent of Milford Schools, came forward. He indicated that he wanted to answer some of the questions that have been raised about the school building. The Main building stopped serving students in 2003 after the new elementary schools were built. We abandoned the building at that time. There have been questions about whether we have sufficient student spaces in our buildings. We do have sufficient student spaces in our buildings now and actually according to a study by the State of Ohio over the next 10 years we will have fewer students. Dr. Farrell indicated that they are currently participating the State of Ohio's Building Plan and that funds 27% of the costs of all buildings that we build and the tax payers fund 73% of buildings we build. This cost is determined by a state formula based on the wealth of each resident of our school district. We are in the process of replacing Boyd E. Smith and Seipelt Schools. We did not have to request additional funding because for this project we received a credit of money that we had already spent with tax payer money on McCormick, Meadowview, Pattison, and Mulberry and renovations to the high school and junior high so that has been our share. We do intend to tear down and abate those buildings and tax payers pay 73% and the State pays 27%. I have been asked 'Can the school tear down Main and have the state pay for it?' Currently that is not in the plan but the plan could be amended. The cost to tear down and abate Main in current prices is between \$800,000 and \$900,000. We can ask the state to change the plans and fund 27% of that but we would have to come up with the money now or whenever we tear it down. So, that would be between \$800,000 and \$900,000 and then at some point the State would give us credit and the bill would be for us between \$584,000 and \$657,000. I have also been asked the question 'What would the school district do if the City does not approve the zoning for this project?' It would be dangerous for me to talk on behalf of the Board of Education but my recommendation would be to continue to sell Main. I have been here 8 years and it has been the recommendation of a special committee of residents, with Board member representation in 2008 and Business Advisory Council that after two year study the school district sell Main. We did give notice that we would be selling as required and proceeded with an auction in April. We had approximately 20 people attend and there were no bids at the auction. After the auction we received one bid from Jim Cohen of Real Estate Venture Capital to purchase the property and the Board approved that bid in July with contingency for zoning approval. We currently rent Main to dance groups, gymnastic groups, some local artists, Clermont Education Center who has several units for autistic children and they also use the playground and we also serve lunch for St. Andrew children and they also use the playground. All groups have been given notice that the building may not be available after the end of the school year. We are working with St.

Andrews about alternate plans for lunch if they want us to provide it. We have offered space to the Clermont Educational Center for their autistic units and our preschool on Rt. 28. Some have also asked if the deal falls through what happens. We believe the renters will move out because of the uncertainty of the future of the building. Over the Christmas holiday one of our two boilers failed which we knew was a danger so we are currently heating the building with the only remaining boiler. We hope it will last the winter. The roof continues to leak and we're thinking we should not invest. We have been advised not to invest monies into rehabbing the building. In the last couple of years the renters have paid for the utilities of the building and we do not anticipate that with the mounting costs that we can continue to invest monies into the building. My recommendation to the Board would be to mothball the building. The Board of course is the only one to make that decision. Those are questions we have been asked by the community and I thought I would answer them here.

Mr. Minniear thanked Dr. Farrell for his remarks and asked if Council had any questions for him at this time.

Ms. Hinnners asked if it is true that there is a tremendous cost to removing the asbestos in the building.

Dr. Farrell: Yes, That is part of the abate cost. It's not just the tearing down, it's the abate that costs so much. That's why the cost is so much higher. We are tearing down Seipelt and Boyd E. Smith but they are hundreds of thousands dollars less than Main.

Ms. Hinnners: And the Seipelt property; is it true that it has been given to Miami Township for recreation?

Dr. Farrell: Yes. We didn't get any bids to buy the Seipelt property. One of the reasons we didn't is that the roof would have cost \$400,000 to replace. We had about 100 buckets there during the last winter. We have repaired it but it's just a patch job. It's lasted this winter which we're thankful for, but we had to tell people it would cost \$400,000 to replace the roof. So, we had received no bids. The Township was willing to make into a park so we did sell it to them for \$1.00

Ms. Hinnners: It is a small lot isn't it?

Dr. Farrell: Yes, it is a small lot and there are some drainage issues on the lot; so the developers didn't want to develop there.

Mr. Minniear thanked Dr. Farrell.

Ms. Howland indicated that Mr. Wright had a question and that she also had a question.

Mr. Wright: I wanted to answer Ms. Wilson's question while Dr. Farrell was at the podium. We heard Ms. Hinnners say that the township received the property for a dollar. The township doesn't have to pay for any of the demolition costs, is that correct?

Dr. Farrell: That is correct.

Mr. Wright: Because, as you had explained to us, is 73% - 27% formula. So the State of Ohio is paying for 27% of the costs and the school district is paying 73%.

Dr. Farrell: That is correct.

Mr. Wright: I just wanted to make sure, per Ms. Wilson's question that was clarified that it wasn't the City; and that the building was coming to the Township without any of the costs before the \$1.00.

Dr. Farrell: That's correct. The money is available to the school district now because of the credit for building those other buildings. That's why we don't have to take it out of our general fund or ask the tax payer to demolish those buildings. 24 million came to the school district to build those buildings and to demolish Seipelt.

Ms. Howland: I have two quick questions because I know there are a lot of questions from our residents concerning this development. A lot of residents thought the facade had to be kept for 12 years and the tenants had one year to move out after it has been purchased. Can you explain to everybody as to why that has been altered and if that had been out there in the beginning would we have gotten other developers to come in and bid knowing those two elements were not part of the bid process.

Dr. Farrell: We made no changes in terms of the people that were going to be allowed to stay through the school year. They were only St. Andrews and Clermont County Educational Service Center; the others are month-to-month. They don't have leases for a year. Regarding the facade; it was in the language of the contract that the preservation of the facade could be interpreted a lot of different ways. It did say for 12 years, but it was preservation of the facade. So what does that actually mean?

Cole Carothers (22 High Street): The Applicant received an enormous amount of time. In fairness it would have been best to hear from the people who had the most at stake in this and those are the current residents.

Mike Minniear; Council has rules which we have always followed for presentations of this sort at a Public Hearing. We've always followed those procedures. As I've indicated before, Mr. Cohen's group had 38 minutes and I would anticipate that no one will leave this meeting and accuse this Council of being unfair. I've already deviated from my 2 minutes on the previous speakers. Each of them have had 5 minutes so far. I've heard your question and those are the rules. I've been here 37 years and we have not deviated from it.

Cole Carothers: Thank you for your clarification. Mr. Carothers indicated that he is not good at public speaking and would like to read a couple statements. He then read from the 'City Brochure' and the 'Community Profile'. Mr. Carothers said this is a pivotal moment in the history of the City; Council's decision will affect the City for decades to come. Development of the Main building is inevitable. Without vision and courage we will squander this opportunity. He said we need to understand what our future is and it is not a mega structure that basically tears apart the fabric of what Milford has already identified as an iconic place.

John Mark Ziegenhardt (586 Main Street): Mr. Ziegenhardt distributed the zoning map of the Old Milford Overlay to Council members. He stated that the purpose of the OMO is to protect the unique historic small town character of downtown Milford. Downtown Milford is exactly where this is laying right now. If you start separating this and putting it all over the City, we're going to have all kinds of issues because of the density that's allowed in that district. At the end of the OMO district, the Board of Zoning Appeals heard the variance to that. Three members voted yes and two voted no. If you look at that relationship to the variances, the property is wholly or partially located within the OMO. This property has never had a zone change yet - that's why we're having these hearings. The variances should not have been permitted in my opinion for that reason. He indicated that the appeals to the zoning are done when the Planning Commission makes a decision that the applicant doesn't like and then he takes it to the Board of Zoning Appeals. The other problem that he has is the properties and apartment complexes located within the City and they are all in the periphery and not in residential neighborhoods - they're all on the side of them. Mr. Ziegenhardt brought up a development in the property known as Valley View and indicated that Council had made the right decision there. He then closed with I hope that your decision is to not change the decision in the OMO district. If it is changed it should be to a lower level and contain the density.

Dawn Hillman (32 Cleveland): She stated I understand that there will be a development at Five Points; my biggest concern is the size of it, what it's going to look like. I'm not satisfied with the current facade. I'm not satisfied with what I'm looking at. If I lived there I would be pulling in and out of my driveway 15-20 times a day. Ms. Hillman provided information regarding her daily driving habits then stated this is the most important piece of property in the City and it deserves to be treated that way because we are going to be looking at it every single day.

Tenderly Adams (804 Center Street): She thanked those who had received her e-mails and responded and took her telephone calls. She opened a discussion regarding the Land Use Plan saying parts of the Land Use Plan have been discussed and the other parts are also relevant as it relates to planned development zoning. The first part that relates to traditional residency indicates that the new structure should resemble the existing houses in the area. The proposed structure doesn't blend in with what is already there. The second part is the multi-family residential section. This is from the 90's but I think the people had this type of situation in mind. She said this is being presented now as a senior facility but there is nothing to say that it will remain that way if it doesn't work out as a senior facility. It is important that the studies being shown are based on any potential for the residents that will be living there. Home owners have a much larger financial stake in the City than renters do. Renters have less incentive when it comes to the political process whether it means voting for local representatives, community issues, levies that affect our property value or situations such as this. As a Realtor my experience is that homes that are located near apartment buildings almost always are much less desirable to buyers. Apartment buildings and commercial buildings are considered an external obsolescence, which means there are things outside your home over which you have no control that decrease your value. The Land Use Plan has purposes including Section E which states one of the purposes of the PDD is the creative development that conforms with the goals and objectives set forth in the Milford Land Use Plan. This development is not in line with the Land Use Plan. Why were these overlays and density variances allowed? As Council members what is it you feel will be the benefit to the community? We're prepared to take this to the ballot.

Joe Cooper (552 Lila Avenue): He said he was confused about the information from the Superintendent regarding the 1300 trips per day when the school was open. He indicated measurements using the City Council Chambers as a base and suggested the actual measurements of the proposed building site will be very different.

Jo Ann Weigel (101 Post Oak): She said she is in support of this project and has been since its conception. She has not changed her mind. She stated I think it's wonderful and would love to move there. I have spoken to many friends who are active like I am. I still work and I do pay taxes to the City of Milford. I look forward to something like this. I have empathy for others and respect your opinions but I think it's not going to get any better with that building sitting there. She closed saying I think this would be a really great opportunity for the City.

Karen Wikoff, Executive Director of the Milford/Miami Township Chamber of Commerce: She said we respect all opinions. The Milford/Miami Township Chamber of Commerce has been serving the Milford area and the businesses of Milford since 1947. The mission of the Milford/Miami Township Chamber of Commerce is to develop, promote and enhance business interests in our community, establish vital connections with our government, education and civic organizations. We would like to acknowledge the hard work and the integrity of Milford City Council, City Manager and Assistant City Manager and staff and the residents. We also appreciate the citizens of the City of Milford who volunteer to serve on the Planning Commission and BZA. This is not an easy process. We trust that you will make this proposed development meet all the requirements for the betterment of the City. We not only support the rezoning of this property, but also think it is a boost to our community. CMC Properties has taken steps for the building to retain its integrity and landscape to the community and offer parking to the churches. They have invested in this City. The Board of Directors of the Milford/Miami Township Chamber of Commerce endorses the rezoning of the property located on Main Street in Milford for residential housing.

Janet Cooper (522 Lila Avenue): Ms. Cooper questioned the statistics regarding apartments. She indicated 46 % of Milford residents currently are renters in apartments. It is the highest in Clermont County. If we build more apartments it will increase and will basically be going backwards increasing the amount of renters. Compared to neighboring communities, we are higher than all of them. Clermont County's average is 22%. She stated Ohio's average is 28%. Milford's is 46%. Miami Township is building 3 new senior living apartment complexes; some have been built and some are currently being built.

Justin Bonnell (544 Lila Avenue): I would like to read a letter I previously sent to City Council. I also have a couple questions. He read his letter commenting several times as he read it. Questions: 1) Is there any plan to do a light impact traffic study? 2) Who is paying for the bell tower or fountain memorial? 3) In the statement 'the City was offered and the City passed' - who is 'the City' referring to? 4) In the last slide the architect showed, the part donated to the City is the same color as the open space requirement of 20%. If it's donated to the City how can it still be part of his open space as a land owner? 5) What is hardie siding? 6) He stated no one is arguing that the senior living facility is going to be successful. No one is arguing that that sort of thing isn't in demand. The reasons some of us bought houses here and decided to raise our families here are being jeopardized. I oppose this thing altogether.

John Aufdenkamp: (554 Brandon Avenue): When I sat on that side of the bench I was very much involved in enlarging the City. This development does not fit in with the City. I have the Old Milford Overlay and have discovered that it has not been codified. When I looked at 1167.01 of the Codified Ordinances I found that it is already taken by a Recreation District. This Overlay will not go into a Recreation District. I always thought that concerning Milford Main, the Catholic Church and everybody would pitch in and take it over. Renting it out to schools has worked out pretty good. When the Board of Education moved out, Madeira came here and went for two years. If the school district can tear down other buildings and build new ones, why can't they rejuvenate a building that is in good condition except for asbestos which is a minor detail to get rid of? Why can't the school district rehab this building and maybe the City can help them finance it.

Mr. Minniear: I say this very respectfully, we are well aware that whatever Council decides; litigation or referendum are possible outcomes. We are well aware of what could occur.

Jim Corwin (618 Main Street): He stated you are all faced with a tough decision, obviously. It's wrapped in emotion and many people here in this room are pretty upset about this. We're talking about dealing with our homes and neighborhoods and our community; our town. I have attended the Planning Commission meetings and that of the BZA. I'm here trying to be active in what is going on in my community. We're talking about dramatically changing the face of Milford and I think it's disturbing to everyone here. I will highlight just a couple of things. The Land Use Plan was developed by a steering committee of citizens from Milford; also in the develop of the Land Use Plan there were Council members, a member from the Planning Commission and from the BZA and an independent engineering firm from the outside. That lends a great deal of validity to an 18 year old plan. The Land Use Plan has an incredible amount of thought put into it. Mr. Corwin read from the goals of the Land Use Plan at this time. He then stated that the triangle of land the building sits on is surrounded on three sides by R-3 residential living, there are 2 churches and there are offices at the end; it is residential all the way around. The residential churches and school have been integrated in neighborhoods for as long as there have been neighborhoods and an apartment building does not make a neighborhood. When you drive down into Milford from the east and you cross the Five Points intersection, you are driving past an apartment building, nothing more. Next I would like to touch upon is the layered zoning that has been passed by the BZA. We have taken an R-3 zone and are trying to convert it to an R-5 to Institutional to build this building on. An R-5 is designed for apartments, multi-family complexes of this nature. Mr. Cohen wants to adjust the R-5 density. The R-5 density is only 8 units per acre and he wants to go to 26 units per acre. We've thrown the OML in there. The purpose of that is to protect the historic character of the downtown residential Milford units. On top of this layered zoning we are having a Planned Development District. If you read through the PDD it is designed to give guidelines to build sub-divisions and tract homes. It has nothing to do with apartments. So, we're combining special rules from other areas inaccurately to come up with enough rules to qualify this. We then get a density variance to stretch to get the number we need to get this building to work. In the density BZA meeting there was no

debate. I think Council really needs to question the extent they are going to to allow someone else to make a dollar off of Milford.

Lisa McKinney (6 Hogan Drive): This City has integrity with deep roots and long family lines. We want to raise our kids here with the same sense of community that we had. I don't want Milford to compromise itself and its integrity for 92 unit apartment building on the most prominent piece of property in Milford whether it's for seniors, assisted living or young professionals or whomever. I'm sure this will be a beautiful building with wonderful amenities but this particular piece of land is not the place for it to be built. I ask that you don't let anyone tell you now that it should have been updated and that it's old and it's not working. If that was the case the Council and staff would have updated it every five years and they would have looked at things and changed things and made new rules. Milford Main is an icon but it is not usable at the moment. I trust that there could be another plan. I know the building has been sitting there and the Board wants to get it off their hands. This can bring forward other alternatives that can work for the City of Milford and the neighborhoods. The homeowners pay the taxes and keep the schools going and the EMS going. Renters will not have any vested interest in our City going forward. Two questions: 1) If Council approves the building, can CMC change this building from seniors to anything else? 2) There's a note in the Milford Schools BAC meeting (12-16-2013) that states that the property be donated to the City of Milford to be used as a community center or park and that the City declined that offer. I want to know who in the City declined that offer and why that was done. I believe the citizens and community would have come together to make that work whether it be in volunteering hours or materials or in supporting a levy to pay for it.

Roger Kleinfelter (634 Wallace Avenue): He stated he has lived in Milford for 19 years and 29 years in the area. It is a great place to live and I would like to spend the rest of my life here. Walk-ability is very important to me because I am legally blind. Currently there is no facility in the area that would allow me to be independent and still maintain my dignity. This facility would allow that. I would move there in a second. It would allow me to go to the bank, the store, and down town. It would allow me my dignity. In 1996 I built a house up on Wallace Grove. We had people come to the house and tell us no house should be built there. And yet Wallace Group has been an asset to the City and so would this project.

Bill Koster indicated that he had nothing to add and did not come to the podium.

Dean Judkins (115 McCormick Trail): Over the past 5-10 years we have seen Milford really come back from a sleepy sometimes dying town and that is so exciting to see. That is from all the restaurants, the businesses and Riverwalk. As I weighed the pros and cons of CMC's proposal for the property, I see its potential to add to the vitality of the community and its one of the reasons I strongly support the development. The other reasons I believe Council should approve the project is that whatever was said tonight, there wasn't one other project offered. If we want to sit and watch Milford Main deteriorate we can do that. That's the other option right now. I think the building is attractive. I think it would make a nice statement as one drives into downtown Milford. I'm really concerned about Milford Main falling down around its structure. It meets the needs for an every growing senior population and fits a nice niche between fully independent living at home and living in an assisted living facility. We need that facility in Milford. As a member of Milford First United Methodist Church for 20 years, I can guarantee parking is a problem up and down Lila, Main Street, other street's around and we have used Milford Main parking on Sundays. It's to CMC's credit that they're offering parking that will be available to the benefit of both Milford First and St. Andrews. As a tax payer I know your expenses go up all the time, there's only three ways to deal with that. You can cut your services, raise taxes or you can increase your tax base. For me I'd much rather increase the tax base than my taxes. 92 new folks in the community contributing their taxes plus what Mr. Cohen will be contributing owning the building is a benefit to all of us and to City Council.

Robert Huxell (1000 Forest Avenue) A couple notes, for 15 years I lived across the street. One of the points that has not been raised is the amount of light, the amount of energy this building will create. I'm very concerned that there is only one plan. We should all be concerned that this is a 'take it or leave it' mentality that Mr. Cohen brings to the table. It should not only be concerning to me but to Council. Why only one plan that looks into the houses of every single street that it abuts. It concerns dozens of people looking into the houses on Main Street. It has been stated that a 3-1 vote pushed this movement forward and it bares consideration that the one vote resigned that evening. It's like that one vote didn't resign because that person felt so strongly that the Planning Commission had done its job. I believe that one vote felt so strongly that the guidelines hadn't been followed.

Mary Sue Vilardo (604 Main Street) I think this is a landmark that should be incorporated into something beautiful as you drive into Milford and not into an apartment building. It should be a park or something, I haven't come up with what it should be but there has to be some other answer.

Gary Birch (623 Lewis Avenue): The applicant has talked about demographics and underutilization and the aging process. Mr. Birch provided information from 'web md' regarding child development. Children play outside at Milford Main. They are not coaxed into exercising; they are playing outside because the space is there. Playing outside has positive effect on cognitive achievement. The children at St. Andrew use Milford Main for recess even when it's wet. It's a place of possibility and it's safe. Health and welfare of our

children and the children yet to come is not trivial. Feelings of home and belonging to a community are not trivial. It is these sentiments that bring us here. Because this project is large and expensive does not make it impressive. If it is realized it will always be seen as a ponderous blunder in the midst of a well-preserved one hundred year old neighborhood. The speculative benefits of this thing are hard to swallow especially as touted by people who don't live here.

John Brumleve (912 Forest Avenue): The OMO equals 12 units per acre, add 10 for the PDD equals 22. If you ask for 20% more you get 26.2 against an established rule that was set out and guided in the past. Really if you look at it as just the PDA itself it's about a 40% increase and unit density; you're looking at taking what was pretty good guidelines and taking what was meant to be a guideline for the exception and going beyond the exception for even more. Now I understand this property has become a commodity and sits in the cross hairs of that commodity for investment purposes and for others. But I do know that we had guidelines that were pretty well established. I think the City Council and Zoning Commission should have held the line. The guideline was good and the guideline should stay and I don't think that because we find a part of our city in the cross hairs we should say welcome in and take a pass on the guidelines you knew when you came in. It is not fair to our City, to our future and it sends a bad signal to those others who might see us as a commodity to be acquired.

Becky Birch (63 Lewis Avenue): We look to you; and you are changing direction of what this town should be. The building blocks the community and I hope that it isn't the direction you're setting for our town that it's going to be an apartment community and not a community for families. I want to talk about the traffic study. I know about models and I know about how models work and if you pick the wrong model and you put in the wrong data you get the wrong answer. I ask that you look at the models again a little bit harder. If there is any sort of slow down or problem on Main the traffic veers onto Lewis and becomes heavy traffic on an alleyway. I see this as making it worse. I would just ask if you want this next to your house. I don't think we want to live here with a structure that big in our neighborhood.

Larry Curliss (548 Lila Avenue): One thing I want to say to the Mayor that she asked of the Superintendent about the facade. Here's how they got around it. They said they were going to save the facade for a period not less than 12 years, the next sentence reads 'for purposes of this agreement the building facade shall be defined as that front portion of the building located on the property emblazoned with the words 'boys' and 'girls'. That is not the facade. I'm referring to a portion of the Minutes of the meeting of December 18th. Ms. Conover stated "Since the building is being marketed to empty nesters and then to young professionals, if the project is not successful at leasing to seniors, at what point would it be rented to young professionals? I understand that you're trying to cover both bases but it seems like two separate audiences. Is there a threshold?" Mr. Cohen stated that the question can't be answered tonight. Was the question ever answered? Later Mr. Cohen stated "if we find out down the road that this is not attractive to seniors for whatever reason, if we misinterpreted the information, if the demographics are wrong we will lease the building to yuppies or puppies or anyone who can pay \$1250 per month." There is no guarantee what it can be. At Riverwalk numerous incentives were given to CMC Properties by the City. I'm not sure what a CRA Abatement is, but I do know a 15 year tax abatement was given. I would like to know about that. He then read part of a letter published in the Cincinnati Enquirer.

Charles Evans (769 Forest Avenue) He began by stating we bought our house in east Milford because of the neighborhood and quaint houses. We have pride in our neighborhood and would like to see that it stays quaint and keeps the historical charm. I understand that Milford Main is not going to be saved; there are too many problems with it. I am not against Mr. Cohen developing the property, I would just like to see something that is not so massive as compared to the housing around it and even compared to the existing St. Andrew's Church building and the school building. It completely dwarfs those buildings. I would welcome a development that would more into the character of the neighbor and the size and scope of the neighborhood. We are trying to maintain our own identity and keep our small-town charm. In numerous meetings, Mr. Cohen said that if this property could not be leased out to 55 and overs he would open it up to younger people. That has been stated on the record numerous times.

Mary Sue Roberts (412 Lila Avenue): I am concerned about the huge list of seniors waiting to get into apartment buildings all over Clermont County. They built three but those are all subsidized. Now I'm looking at this thing that we are going to put up here with all the amenities, and it is going to be on the pricey side. It's not going to be easy for all of the seniors to move into this apartment place. I'm worried about density. I'm worried about the facade and the park. Seniors go out at 5:00 to have dinner and doctor appointments in the morning. Do the right thing.

Andy Evans (556 Lila Avenue): There was a statement about half-truths; my group has worked very hard to present questions of fact. We have taken pride in our work to do that and I take umbrage that we are disseminating half-truths. I want to submit into evidence this model. It is a scale model done by a professional. It is one inch equals ten foot. That was made to show the scale of this building and it's not even including the garage. That is the magnitude of what is going to be put in with proper setbacks and scale and size.

Mike Minniear: What I would like you to do, because that is going to be extremely cumbersome, is to take digital photographs of it and submit the photographs as evidence. Seriously if I have to go to court, I cannot take that thing with me. If you can reduce it to digital form, that would be great.

Andy Evans: This is used for review for City Council to view. Questions/Statement: When the Methodist Church in 2001 built their building they had to have a certain number of parking spaces for the square footage of their building. Mr. Evans quoted 'For Planning Commission consideration the applicant has submitted a parking analysis. This analysis utilizes the accepted parking standard of one space per four seats in the church sanctuary and determined that 75 parking spaces are required.' This was to close down Beech Street, add the building on to the Methodist Church. They had to get agreements from Craver Riggs Funeral Home which supplied 29 spaces. Milford helped create on street parking for them and the Milford Main school property had to provide 30 spaces. They are providing 190 spaces, 92 units times 2 equals 184 spaces for the residents. That leaves 6 parking spaces for just the Methodist Church's 30. Under the preliminary plan of approval from the Planning Commission it says that they need to secure an easement from St. Andrews Church to use the driveway located on Lila Avenue. There is no easement secured from St. Andrew Church. Clermont County Senior Services builds senior developments for income-based housing. These are for people of advanced age. It is my understanding that there is immediate occupancy at Sem Villa and at Sem Laurels for one bedroom at Sem Laurels. For two or three bedrooms you may have to wait. Is this going to be 55 years and over certified? Has Council been receiving emails and what do you think the percentage of pro and con emails are?

Ms. Howland responded with 44 against and 3 of those are not residents so it is 41 against and I have received 3 emails in favor of which 2 are not residents.

Mr. Lykins said that his number is different and that he believes all members of Council have different numbers because some received emails that not all members of Council received.

Ms. Howland stated that she tried to forward her emails to others.

Ms. Brewer said she shared all of her emails as well.

Mr. Brady said no matter what the final number is the emails are overwhelmingly against it.

Andy Evans: For the record, the emails you have received have been overwhelmingly against the project.

Mr. Lykins: It's also only 1% of the population of the City for the record.

Ms. Hinnars: That's right, we can't go by that.

Mr. Lykins: If we're going to put statistics out, let's put them all out.

Ms. Howland: There are only 4,000 registered voters not 6,000.

Mr. Lykins: So the other 6,000 don't count. I'm just making sure.

Ms. Howland: No, I'm just saying if you're going to play statistics, in that these 44 people, I'm not going to get into that debate. These 44 people are very passionate. Again it's not that those 2,000 don't vote, but maybe they're part of the 2,000 because people who rent don't tend to vote and register.

Mr. Lykins: Ms. Howland, I rent and I vote and I register and I've invested in this community more than some people.

Ms. Howland: You have and you're almost 55 and you're also a highly intelligent and very successful man.

Voice from audience: "And you rent from Mr. Cohen."

Mr. Lykins: Yes, I do rent from Mr. Cohen.

Mr. Minniear: Up until now I have been very impressed with how civil we have been up to this point. Let's continue on an even keel. Please continue Mr. Evans.

Andy Evans: Is it incorrect that if I own a house that is worth \$250,000 that this property will be paying the same amount of taxes? And it is my impression that there will be an increase of taxes for safety services. He read a quote at this time then said if this is going through; it could be considered taxation without representation. My opinion is that the role of Council is to represent the citizens and I'm getting that the majority of citizens is against this. Second the job of Council is to represent City-owned businesses and third, is to represent business entities that do business with the City. Mr. Evans then listed several items that Council had said "No" to developers and developments. He continued with I think it was a mistake that the City didn't take this property for \$1.00. As it was brought up earlier, the City found money to purchase the property at 300 Main Street to develop into more parking. Almost \$500,000 was found for that project.

Mr. Minniear indicated that the model would be marked 'Exhibit 2'. Mr. Minniear asked if staff would like to answer any of Mr. Evans questions then said I would like to point out here that the applicant and his

three witnesses took a total of 38 minutes and we started our public comments at 8:30. I believe we'll probably be here another 45 minutes.

Ms. Howland invited those in the hallway to come inside indicating that there are seats available.

Emily Rich (614 Main Street): Ms. Rich began by thanking everyone for the information she had received. She next asked if the complex would have elevators. She next asked how the community be guaranteed that the complex would remain for those 55 and over.

Rachel Richardson (907 Center Street): I purchased my historic home in Milford with the confidence that the City of Milford would support the zoning codes. The burden is on the City to prove that this is in the best interest of the City as a whole. Milford Zoning Code calls for maximum 12 units per acre with an additional 10 if authorized. Ms. Richardson quoted from the Zoning Codes at this time. She asked what is the reason for having a Zoning Code is the codes are not applied consistently? The variance requested by the BZA is 44% higher than the density the City specifies for the Zoning Code. It also surpasses the recommended density suggested by the American Planning Association which is 16 units per acre. Ms. Richardson then said she thinks the projected building will not fit in seamlessly with the homes on Main Street and Lila Avenue. Ms. Richardson then suggested that should she ever want to sell her home, she doesn't believe the projected building will add value to her property. She indicated there is a need for affordable senior housing. Ms. Richardson said that the rent at the Milford on Main site would be between \$1200 to \$1500 a month. That would mean that the average income for Milford on Main residents would be between 43,000 - 55,000 generally if you apply the 1/3 rule that your rent should not be more than 1/3 of your total income. Ms. Richardson then quoted from the 2010 Census Report regarding income of Clermont County seniors. She then enumerated reasons she felt would prohibit Mr. Cohen from banning children if the apartment building should it be opened to young professionals. She said area communities have turned down or revised similar building projects. She indicated that limiting the density would solve many of the residential concerns.

Christine Seltzer (4022 Paxton Road, Cincinnati): Ms. Seltzer reiterated that the Milford Main building was built in 1913 and was over one hundred years old and wondered what the projected building would look like in one hundred years. She stated that if the building could be listed on the National Register as a historic building, federal and state income tax money could be had and they would provide \$44,000 toward the cost rehabbing the building. She suggested the Cincinnati Preservation Association could be a valuable resource. Ms. Seltzer stated that the historic character was worth preserving.

Don Holcom (6629 Nickle Road): Mr. Holcom stated that he served on a Planning Committee in Kentucky and as a Marketing Director for a civil engineering firm. He stated that in his experience large commercial buildings placed in a residential area is not the best recipe for growing the tax base and increasing the availability of things that can come. He suggested if the City puts 26 residents on a single acre how many more people will come and say 'Milford is where I want to develop because I can maximize my dollars.' He indicated that should he decide to rent somewhere he would plan to stay a "long time" thus having a building renting to 55 year old seniors is a good investment. He said tearing the building down and yet keeping the facade would be very expensive but there has to be a better plan. He hopes there can be a better plan with less residents per acre.

Pam Cerveny (823 Forest Avenue): Ms. Cerveny said she wanted to go on record as being against the plan and that she doesn't see this as an asset to the City.

Kimberly DeLuca (212 Main Street): She wonders if the building can be saved. She stated that there are several organizations, one is called Artspace.org. They preserve old buildings and rent each room to an artist. She stated that she is shocked no one searched out organizations to save the building. She indicated that she is opposed. She would like to see the building saved or build a park but not the current project.

Dino Pelle (134 Cleveland): Mr. Pelle indicated that people have made substantial arguments for both sides. He stated that to know who you are you have to look into your past. He said Milford is a historic city and that is what our past is. He said the building could be located anywhere because it is not distinguished. He suggested that the building needs a historic look to reflect who we are and what has made us different.

Len Harding (222 Cleveland): He said he wanted to point out that the emotions and feelings were strong at the meeting and he would hate to be in Council's shoes making the decision. He reminded everyone that the developer who wanted Valley View was turned away and the residents of south Milford bought the land and held on to it. They paid off the loan and got grants. He stated that if the builder is going to be turned away, it will take money and effort. No one wants the taxes to go up - parks cost money. He said abating a building is ferociously expensive. He suggested that those who spoke against the project should "put your wallets behind it otherwise you're just venting your spleen."

Mr. Minniear said that according to the rules we are now going to hear from the Applicant and asked that they limit their response to answering the questions and comments from the public.

There was a five minute break at this time.

Mr. Minniear said he wanted to address 'conflict of interest'. He stated that he is serving as Parliamentarian for Council tonight and as the Law Director for the City those decisions are under his purview. He stated that with the exception of Ms. Brewer everyone has had a claim of conflict of interest at one time or another. He said he has talked to Council members and reviewed the matter and has determined that no one on Council has a conflict of interest or an appearance of conflict of interest. It was specifically brought up this evening about Mr. Lykins leasing or renting space from the Applicant and it's not a conflict of interest unless Mr. Lykins gains some benefit from that, which he does not. Mr. Lykins has told me that he can provide proof that he does not have a conflict of interest. Each and every member on this Council in his professional determination as a practicing attorney for 41 years and doing this job for 37 is that these people are going to make a conscientious decision based on what they have heard this evening. They are going to take two weeks to consider and review all the evidence and all the testimony they have heard, all the evidence, all the Minutes, all the documents, everything that has been submitted and then they are going to come back on the 17th to make their decision. They are going to talk about it then. He indicated that he wanted to make it clear on the record that nobody here, in his professional and legal opinion has a conflict of interest or even the appearance of a conflict of interest.

Applicant Response.

Mr. Cohen: Mr. Cohen thanked those who remained for staying to hear the answers. He indicated that he would begin by painting a picture that should be said and that the new normal in America is a bend toward renting rather than owning not just with the older age group. Milford has between 40%-50% of its residents renting. He said the older adults they are targeting for Milford on Main regularly pay 50% of their income toward housing. That means that if the apartments on Main are \$1,000 and more that would require an income of \$24,000 per year. That is not a high income but it is not subsidized housing. The development will not be income based, but market based. There is an enormous demand between the low income senior subsidized housing and the high income senior housing at Kenwood and Pinebrook. They rent for \$2,500 to \$3,500 per month as a start at Pinebrook they're more expensive at Kenwood. Our building will be certified as 55 and older; we have no intention of renting to people under 55. He said it has been suggested that there is another plan. He stated that there is no other plan. No other plans have been presented to the school board or to anybody else. Water parks are incredibly expensive to build and they generate no income. In order for the school board to come up with an alternate use, someone has to come forward with a concept that is 'zonable' and has the ability to be built. He indicated that they will have to work very closely with the Planning Commission regarding design and materials used. There will be two elevators. There is a huge demand for income restricted housing for senior citizens. He indicated that he does not know if the property was ever offered to St. Andrew, but he does know the property was offered to the Methodist Church. Due to the enormous cost to abate the asbestos and tear the building they decided even at no cost they couldn't afford to tear the building down or renovate it. The light impact study is something that will normally come out of Planning Commission. The fountain will be paid for by the developer. As far as he knows the City passed on the property and the Methodist Church passed on the property. The Milford BAC years ago studied alternative uses for the site and literally came up with nothing. The property was widely marketed to developers through the auction process and again nobody bid on it. The park will be donated to the City, not because it is an enormous park, but because the City should control the point and the City wants to own the point. Hardie siding is a cement product; a masonry product. He discussed the current zoning of the property which contains a garage, a gas station, a small store, offices and a police station none of which are usually compatible with residential neighborhoods. He feels the building will offer a buffer between those properties and the neighborhood. Mr. Cohen said Pinebrook is assisted living and that with 112 parking spaces for 120 units he has still found spaces for visitors. He said Milford on Main will also provide busing to local events, Arronoff and things like that. Mr. Cohen stated that he knows nothing about any court case regarding a break in the sewer line at Riverwalk and not fixing it. He said with 109 apartments at Riverwalk, he has never heard of a backup on the sewer line. He indicated that he thought he had answered the questions that were brought up and would gladly answer any questions Council should bring up.

Mr. Minniear stated that he would get to Council questions when the Public Hearing was closed. He stated that was the Applicant's response and asked if they had anything to add. He then asked for a Motion to close the Hearing. A Motion to close the Public Comments section of the Hearing was made by Ms. Hinnens and seconded by Ms. Evans. All voted yes. Mr. Minniear said the next portion of the Hearing is for Council to ask questions of the staff or Applicant.

Ms. Evans asked about the traffic study. Since Lila Avenue is one way, two of the exits are on Lila Avenue and the only way for people to leave on Lila Avenue and get to 275 or anywhere else is to cut down Forest and then up Pike Street to get to Main Street. Hudson and Pike don't even line up - it's a crazy intersection. She said she believes the traffic on Forest and Pike Street will be unbelievable.

Dean Lutton responded that there are two exits onto Lila. He said that on Lila near Forest they took staff's recommendation to make that a right in.

Ms. Evans: And across from that there is no left turn so they can't head to 275 from the other side of the property on Main Street unless they cut back through the back part?

Mr. Lutton: Yes. Originally we had the Main street entrance as a full entrance/exit. It was recommended by staff that due to the proximity to the intersection that would not be acceptable. We were advised to make that a right in - right out. There is the option for someone to come down at some point to Main Street.

Ms. Evans: I believe there will have to be a traffic light at Lehr's.

Ms. Howland: There are twenty cars that leave St. Andrews every morning for school drop off and pick up currently. There are about twenty people who come in for church in the morning and that doesn't include at Milford Main building where people arrive to do whatever they do. They go onto Main Street and it is a steady stream of cars anywhere between 7:00 - 7:30 in the morning. Lila is also a steady stream between 7:00 - 7:30. Parents who need to go up US 50 to Miami Township, they go down Forest and they cut around to the light at 5 Points. Going left on Main Street and cutting across traffic during rush hour you wait a long time. If you're talking about seniors, most of them don't like having to have that push to go out against traffic like that. Chances are that if there is a longer way to go that takes them to a light they're going to be taking that light. I believe a traffic study needs to be done only because if the numbers come out the same we haven't lost anything. If the numbers come out different, we can then figure out what we need to do. If we don't do a traffic study and we end up having a traffic issue on Forest or at Five Points or at Main Street then shame on us for not doing a full blown traffic study. I have run traffic study numbers from a national study, too, and it depends which national study you do; it depends on the manipulation of the statistics and facts. How do the statistics and facts weigh in on a one-way street and how do they weigh in on streets that tend to be narrow because we're a historic town?

Ms. Evans stated that there are a number of children in the neighborhood who play in the streets, go to UDF or just hang out at Main. This will also put more traffic on Forest, Pike and Center Streets.

Mr. Lutton: I will allow the traffic expert to speak to those issues. I do know that with apartment buildings that are not senior apartment buildings it's around 1/2 trip per unit from the studies I've read which sounds like it is about what you're saying .4 to .6. So it would be approximately 40.

Ms. Howland: I have 4.5 to 5.6 trips per day per unit. I'm not an expert but it's a matter of different studies, then you add seniors into it. My concern is the seniors coming out and not wanting to face the challenge of Main Street and wanting to go down those side streets to get to the light at Five Points.

Mr. Pflum: You're right about the studies. The manuals or whatever resource you have; there are between 800-900 studies done and are probably 35-40 different sources dealing with residential properties, single family to congregant living. They range from very low to very high. So if you're looking at the high end you might have 4 or 5 and single family dwelling units generate about 10 trips a day.

Ms. Howland: I just wasn't sure what study to look at.

Mr. Pflum: You're a driver and have Council responsibilities and I respect that. Parts of the problems you're describing right now exist today or tomorrow.

Ms. Howland: Our traffic today is much worse than it was five years ago.

Mr. Pflum: Yes, and it will continue to get worse. The job that I've had in the past in dealing with these issues is to very carefully segregate existing problems and existing issues and you described them very well. Will the new traffic exacerbate those problems beyond the point where you can tolerate it? I'm suggesting to you that while your concerns are legitimate and you have the responsibility and authority to ask for a larger traffic study clearly if you want to do that. But we are dealing with numbers that vary day to day, week to week and month to month. You can go out on Main Street and count the traffic today and a month later it will vary a lot more than the amount of traffic that will be generated by this senior citizen housing. That's why I wrote that report and submitted it to the City because we meet all of the concerns; we meet all of the requirements of traffic studies as I understand them. If you want more detail, that's your prerogative to do that. Then when the report is provided to you as Council it becomes a matter of record that there are issues, and some of them might be safety issues. I know the area but I don't live here. I'm not picking up my children every morning as you are, but once the record is made it then becomes a matter of public record.

Ms. Howland: My question to you is is that considered a traffic study or traffic analysis? Is it a traffic impact study?

Mr. Pflum: It is considered a traffic impact study. Technically speaking if you're going to do the 100 trip threshold and you're above that, you do a traffic impact study which looks at a lot of ...

Ms. Howland: Then what you turned in to our staff, in to Jeff and Pam, would that be considered a traffic analysis or traffic impact study.

Mr. Pflum: It is not a traffic impact study it is a traffic analysis. I think the memo was titled.

Ms. Howland: I just wanted clarification because in our old Milford planning thing it requires a traffic impact study for all developments that exceed 50 residential units and for all commercial and industrial

developments in the plan. That was adopted in 1997 that even though some people think it's outdated. I'm just curious then why it was not recommended.

Mr. Pflum: I'm in an awkward position because I wrote part of that study. And at the time that that was written those were the standards and the standards have changed today. And they are now 100 as I indicated and that is universally accepted by practically every agency I've ever dealt with. The 100 vehicle's is now used as a threshold.

Ms. Holbrook: I just wanted to add that the zoning ordinance actually uses the 100 as the threshold.

Ms. Howland: I was just curious as to why that one had 50.

Mr. Pflum: While I'm here there was one other question. Is every kid on the bus considered a trip and the answer is no. We count the bus as one trip.

Mr. Brady: Jim, a couple different times as you were talking you said that you haven't heard a better option yet or that it would be up to the school board to pick another option. So, just carrying that out to conclusion; if there was another option or alternative, that you would walk away from the project? What do you mean by that?

Mr. Cohen: When I first took the option on the property I put a sign up and spoke to the press asking for development opportunities for the Milford Main site. I'm primarily a multi-family and office developer. We own right now one senior housing project. We're not senior housing developers. When I started looking at the recommendations of the Milford BAC which I didn't see until I became the 'optioner' of the site did I realize that some pretty good minds in the development business recommended senior housing. So I started looking around at senior housing options that exist in this community. I actually flew to Buffalo New York to look at a model very similar to what we're designing for here. And I made the decision after an awful lot of analysis about what would be the highest and best use of this site. If somebody could present to me a higher or better use that I felt was a good investment, I would absolutely change to that. If the zoning doesn't go through for here then it goes back to the school and they make the decision what to do. I think this is an appropriate use for that site. Certainly there is a large demand in this community and every community across America. And every time I've looked at it I've seen them to be very successful.

Mr. Howland: My understanding is and word from the business director at St. Andrews is that at this point in time the Archdiocese is not even considering the easement. They will not even look at the idea of the easement until it has been re-zoned at which point in time, to quote him they "will do what is in the best interest of the children." So there is a strong possibility that, after some grumbling from St. Andrew's parents, that you may not get this easement from the archdiocese but it's part of your application process that you will get the easement so I don't know what that legality is. How does that look different if you don't get the St. Andrew's easement?

Mr. Cohen: Do you see the driveway right now on Main? That will be relocated.

Ms. Howland: Will you still meet your set back on the property in the back of the building?

Mr. Cohen: Yes, we'll still be 30 ft. off the property. Now having said that there have been cross access arrangements that have existed between the church and the school property for decades. It's in everyone's interest that those continue because in order for the church to access that parking lot directly behind their building they have to drive across the school's property to reach the parking lot.

Ms. Howland: Look at the side entrance here on the other side of the rectory...there's a street.

Several from Council said it was an alley and that it came up along the Methodist church.

Mr. Lutton: There is currently a wall on here that comes down to a garage or accessory structure. It could eliminate the accessory parking along here and have a driveway that connects through to the garage. They would lose the parking in that area and they would be able to access through a sharp turn and still get to the back area. They certainly would lose parking in the back if there wasn't an easement across the developer's property to get to it.

Ms. Howland: There is that wall there.

Mr. Lutton: At the end of the day the whole purpose of incorporating the church is that it is undeveloped ground and would allow 12 additional parking spaces. Obviously we're trying to create as many parking spaces we can for the churches. So I do believe it is in the church's best interest, the developer's best interest, the City's best interest, to have as much parking there as long as it isn't a big sea of parking. We're trying to make this parking more conducive to the neighborhood by adding landscaping, by breaking up the big fields of parking.

Ms. Brewer: So if this is no longer an option, and this is not a done deal, how do you access the units from Main Street? Do you only access from Lila then?

Mr. Cohen: No, we'll just move that driveway to our property instead of the church's property.

Ms. Hinnners had questions about the developer's map as depicted on the whiteboard regarding St. Andrew's property and the easement and school property which were explained by Mr. Cohen and Mr. Lutton away from the microphones.

Mr. Minniear reminded everyone that the tape will only pick up one voice at a time.

Ms. Evans: If this is the only option; if Council turns down the 92, there's no 80 or 72 it's 92 or nothing? Is that what I'm hearing?

Mr. Cohen: The answer is it's a balance as to what the requirements are with respect to the design of the building and the cost of the building. What I'm told is that this building has to have three facades; it has to be all masonry. You've heard what it costs to abate. This is an incredibly expensive project. We've knocked it down from 100 units to 92. Riverwalk is 109. We're building one in Loveland that is 115 or 107. None are below 100 units because that is the break-even point in order to design a building and get a return on investment. These projects are incredibly risky in spite of what people think. And the answer to the question has to do with a whole lot of balance between what Planning Commission is going to require vs. what Planning is going to allow us to do. We have to work through the process with Planning Commission just as we did with Riverwalk. We realize this is a very visible piece of land. It's woefully underutilized today. We'd like to build something there that people will be proud of for many decades. We'll design it in such a way that it meets the needs of the City and the developer.

Ms. Hinnners: This is more a comment than a question. I just wanted everyone to be aware that I have lived here mostly all my life. I have been all over this City all of my life and if I've heard about 'Oh, it's going to ruin the looks of...' I respect those opinions, if you drive around this town; you're going to see all kinds of different buildings next to each other. You're going to see this and then that and everything keeps character with our town. I think that this being on Five Points, right next to Forest Avenue, there's a business, another business, Evans Funeral Home, business, business, business. It's not as though we have a perfect village that has a perfect plan and that's the way it is. It's not that way and I think this fits in beautifully.

Mr. Minniear thanked Ms. Hinnners for her remarks then stated that all comments will be made at the next Council meeting.

Mr. Lykins: I have six questions and I think some are directed at City staff. I'll try to identify which is which. I'm going over the notes I made tonight to make sure everyone's questions get answered. I may have missed a couple. 1. Will the people in this development pay income taxes? Are there any figures from the City that tell us the percentage? I know we can't say every one CMC would rent to would pay income taxes but do we have any ideas on that?

Mr. Wright: We've not done a statistical analysis of age. It's a good question. Milford is similar to most cities in Ohio in that we tax earned income, so I say that in hopes of answering Ms. Kohake's question and yours. If a retiree has a guaranteed pension fund, we don't tax it. If that retiree has a part-time job and the pension fund, we would tax their part-time job. To my knowledge we have not done an analysis of age group and the income. We have to keep that information very close to the vest.

Mr. Lykins: Question 2: The Main Street, 300 Main Street Project, can you cover the cost? Some people said \$500,000; some people have said \$600,000 for that project. The 308 Main Street Project is purchasing the old Marathon gas station and the grocery store next to it making a parking lot out of the Marathon station. Can you go over those costs a little bit - what the projection is?

Jeff Wright: I'll try to identify some information and Ms. Holbrook can supplement me if I'm leaving anything out so we can cover everything. It was a distress sale; it was headed for foreclosure. When I say 'it', it is actually two properties. 300 Main Street is the former Sauer's Marathon gas station that was empty for approximately 12 months before the City bought it. It included the adjacent 308 Main Street which was a deli building and there are three apartments above. Because it was headed for foreclosure by 5/3 Bank, the City paid \$225,000 for the land costs for both parcels. The first expense the City had was demolishing the building. The building was demolished for a lot of reasons. Council's logic behind those were a 12 month abandoned gas station was starting to have a blighting effect; and everyone agreed that if it wasn't already a blighting impact, it was starting to have a blighting impact. There was concern that it would not have adjacent development happen. Luckily Riverhills Bank across the street has happened since that time. And, as Andy Evans mentioned, there was also the motivation of a public parking lot. The plans have 37 public parking spaces there. The demolition and the removal of the underground storage tanks that had had the gasoline and racing fuel had scared off the development community. The \$58,000 cost for demolition for removal of the underground storage tanks was covered by Community Development Block Grants from Hamilton County. So we had \$225,000 for land costs for both properties, \$58,000 was a pass through for a demolition and tank removal. The next expense was a contract for the hillside push back so there could be a higher number of parking spaces and for putting for a dyed and stamped concrete panel trying to make it decorative is a \$287,000 contract. There were some other soft costs: there was a design for that, we had to have an environmental engineering firm make sure the tanks were removed properly so the City has a clean bill of health and not liability in the future from the underground storage tanks. There were some soft costs from that. I don't have those at the top of my head, but there were several with some professionals. Mr.

Lykins talked about potential income from the sale of the property. The City doesn't have a contract but we are almost done with negotiations. The City you recall, after a public advertisement, received three proposals. We did an RFP. Council selected a group of former Milford residents that would be moving back to Milford and operating a small grocery, a juice bar, health food, a coffee bar, etc. They would have a retail footprint there. They proposed to buy the property from the City. We don't have a signed contract. The potential sale though was high. There would be an income in the range of six figures between \$150,000 and \$200,000 of income that would come from just the sale of the building. The City will keep the parking lot for public parking. They would rehab the building for the first floor and then they would rehab the apartments above. There are three one-bedroom apartments that they would rehab for new tenants. So that is over all the expenses the City has expended and the income the City expects back.

Mr. Lykins: So assuming the sale goes through, our net is somewhere around 350.

Mr. Wright: That is very close.

Mr. Lykins: It keeps coming up that the City passed and I think the Mayor touched on it in the last meeting. But it's worth going over again.

Mr. Pittman: City Council...City actions by City Council.

Mr. Lykins: Yes, City actions by City Council. The City passed on it because of the cost of tearing down the existing building and making a park.

Mr. Wright: We heard Dr. Farrell say in the last twelve or thirteen years the school district's BAC looked at it twice and he told us tonight one time about seven or eight years ago there was a community panel put together to look at it. During part of that two year process the BAC looked at, there was a day when Pam and I did an open house. We invited a lot of local developers to it. One of whom is a very successful Milford resident who does a lot of his work in Over the Rhine. He rehabs buildings and he's very good at it. We invited other residential and mixed use developers through there; not with the goal of saying "Pretend the building is gone, what would you seven or eight developers do?" There was another time someone was looking at it for senior housing. We showed him the building in hopes that someone would say "Yes, I have a plan." that they could rehab the building and that there would be a market for it. And that private owner could have income from it because everyone we showed the building to couldn't just do it because they had some unlimited resources; they had to earn an income from it not just because they agreed with us that it is very interesting and a historical significant building.

Ms. Howland: You're talking about saving the building.

Mr. Wright: Saving the building.

Ms. Howland: You're talking about working with developers to save the building.

Mr. Wright: I know that that was the first goal and I know firsthand Ms. Holbrook and I took several, and a couple of them were local, another one lives outside of the City but owns a construction business in the City, we invited him to go through thinking he might have an idea to preserve the building. So I know that was their hope and that was our goal. We showed it because I agree with everyone here tonight that it is a significant property in Milford. Unfortunately the ten plus people that we showed it to didn't come back with a financial plan that they could make work.

Ms. Howland: My understanding is because it is too expensive. I'm trying to get the numbers from Mariemont. Mariemont had asbestos in their building. Obviously they aren't looking at their emails this late at night to find out what that cost was to renovate Mariemont with asbestos.

Mr. Brady: The follow-up question to that would be, that per Dr. Farrell's comments this evening that it could be treated like Seipelt if the district had the property back is not something that was proposed to us.

Mr. Lykins: Our deal was to take the land and tear down the building.

Ms. Howland: It was going to be well over a million dollars which is why we passed on it.

Mr. Brady: But what he's bring up is new information that is well worth

Mr. Wright: I wanted to give an answer to the question Mr. Bonnell and Lisa McKinney had. Yes, what Mr. Brady said is correct. This is new data we have learned this week. I appreciate knowing the news because it's not that the school board was not forthcoming simply every school district has to have a Master Plan and the Ohio School Facilities Commission has to bless that plan. This school has been inactive for twelve years; that's why it's not part of that. One of earlier residents asked did the City buy Seipelt or did Miami Township. It was Miami Township. Miami Township makes up about 80% of the school district we make up about 15% of the school district and Union Township makes up about 5% of the school district. To answer Mr. Brady, that information was not something that existed two years ago or one year ago or eight years ago when the first panel did their study or twelve years ago when the first BAC did their study. It's good information and it's helpful information, but it was not available two years ago.

Mr. Lykins: Mr. Curliss asked what a CRA Abatement is.

Mr. Wright: The City of Milford adopted the Community Reinvestment Area program in 1986 so that was the wisdom of the previous Council and the previous administration. It has existed here for 29 years. It has never been amended since maybe the late 90's. I believe the City may have revised the boundary. In 1994 the State of Ohio did significant changes with the Ohio Revised Code to CRA's. Milford was allowed to make one revision without losing all their grandfathered status, so I believe in the late 90's we might have made a map revision. They are prevalent all over the State of Ohio and possibly other states. The goal of a CRA is to entice new private sector development into an older neighborhood. It can be used to rehab an existing building. It can be used to temporarily abate property taxes on new construction. In Milford, terms haven't changed since 1986 since we adopted it. New construction of residential or commercial buildings in Milford receive a tax abatement for 15 years. If a building is rehabbed, the abatement lasts for 12 years. Since 1986 I would say there's between 20-25 times this has been used. The earliest ones in the City have expired. We probably now have 15-18 on the county record right now. The most recent examples: Riverwalk was used as the most recent construction, Glenn Glass was new construction on Castleberry Court, 20 Brix has a 15 year tax abatement. Earlier when I said income tax is close to the vest, I didn't mean that anything is hidden. With income tax, I don't receive anybody's information. It's private information. I don't know what a single resident pays. Property tax is not quite so private. When you get home you can go to the County Auditor's website and find out what any of your neighbors paid for their home and what they pay in taxes. So that is very public information. I'm sensitive when talking about businesses because it's topical. So 20 Brix and Riverwalk and Glenn Glass are probably the biggest new construction. As I said, it's prevalent throughout Ohio. Almost all cities and many of your more urban and larger townships have CRA's. The CRA wasn't created recently by staff or Council to entice Mr. Cohen to do something to the property. I think attorneys call it 'by right'; it's not been modified for Mr. Cohen. Council could modify the terms at some future date; and that should apply to the whole City. To my knowledge before I worked here, I don't think has it ever been modified for one developer over another. There has never been a situation where Developer A gets this term and Developer B will get this term. It has always been consistent. That is the only item Mr. Cohen and his company are eligible for. There's no development agreement that exists. You heard him respond that he would pay for the fountain. The Clermont Lumber property redevelopment was a 15 year goal from when Clermont Lumber Company last operated. Mr. Critchell owned it all that time. To my knowledge there were about seven developers that had it under contract or had submitted a plan to the City. That was a long time coming. My words this summer when I heard that Mr. Cohen had the contract from the school district was to understand that the City's motivation to develop the 15 year blighted lumber site is going to be different than the motivation for something occurring at Five Point and to that point the CRA that this neighborhood is eligible for is the only item. There's nothing else being waived and I've not taken a request or asked Council to consider something like that. The City needs to repave Main Street whether this project goes forward or not. Part of the reason you knew we had the water capacity if something was to be built on Main Street, and it's no secret to you, was that we replaced the waterline and that next year we need to repave the street. The City will repave that street because we need to correct how we damaged it when putting in a waterline that replaced one from 1908.

Mr. Lykins: Mr. Evans asked a question about a tax increase. As I understand it Council is the only one who can authorize a tax increase and I've not been party to any discussion regarding a tax increase.

Mr. Minniear indicated that we can't adjust an income tax without a vote from the citizens.

Mr. Wright: Anything over 1% takes a vote of the citizens. Property taxes are about inside millage and outside millage and this is true in Ohio and not just Milford. It would take a vote of the residents. Chief Cooper's been very helpful helping us understand this. We know they have been great stewards with the tax. We know part of their levy is from other resources, ambulance runs and charges to people's insurance. There's not been a discussion about increasing the Fire and EMS Levy if this development or another development would go. And again, the City couldn't increase the Fire and EMS Levy without going back to the residents. You will recall that 79% of you passed a renewal and increase that is three years in length. There's not been any discussion of retiring that and coming back to you early. Again, regarding any income tax over 1% and any property tax to increase the outside millage; Council would discuss it and put it on the ballot and either action would take a vote of the residents.

Ms. Howland: That's where he got his whole taxation without representation.

Mr. Lykins: One last one for Mr. Cohen. I think it was Ms. McKenney who asked if the owner can change it from seniors to Section 8 housing if it doesn't work out.

Mr. Cohen: I can tell you that this owner doesn't own or manage any Section 8 housing. I'm not familiar with the Section 8 requirements. What I have been trying to illustrate through the experts and the testimony tonight is that there is an enormous demand for this product. We have not come to this decision lightly. We're making an enormous investment in this community as we did with Riverwalk. It's a calculated risk but it's a risk. As I've said before on the record, if this thing doesn't fill up, if all of a sudden this administration decides that there is free housing for seniors; we're a nimble entrepreneur. We're going to figure something to do to fill the building and fulfill our investment, but there's no reason to believe that this building is not going to fill up with the senior citizens that it's been designed for because it's a well-designed property in a community with a large base of senior citizens that are ready to move into this type

of facility. I don't know how I can answer that any better than that. I can assure you that under this ownership it is not going to go Section 8. We've never done a Section 8 project and never would unless the program changes.

Ms. Howland: So there is no guarantee that it will not, at some point if the market demands it, will go to young professionals. You can't guarantee 100% that you will never go outside the 55 and over zone for this.

Mr. Cohen: I cannot guarantee.

Ms Howland: So with that in mind, don't you think that would impact the traffic analysis?

Mr. Cohen: No because the traffic analysis was run even with younger people and it still didn't come anywhere close to the 100 trips per day.

Ms. Howland: I thought the analysis we got said it was for the market of 55 and over.

Mr. Cohen: If you did it based upon a regular apartment it is still less than 50% of the required 100 trips per day.

Ms. Howland: The analysis we have before us is for a typical housing unit of seniors of seniors 55 and over. We don't have that analysis.

Ms. Brewer: Before we change topics, just for clarification, the question was "Can you sell it? Yes or no." Could the building be sold for Section 8 housing?

Mr. Lykins: The question I asked was "Do we have any guarantee that Mr. Cohen won't change it from Seniors to section 8?"

Ms. Howland: And mine was seniors to young professionals. Somebody asked if it would be 55 and over certified.

Mr. Cohen: There are requirements for 55 and older housing and this qualifies.

Mr. Pflum: The memorandum report, the traffic analysis I gave to you was based on senior citizen housing. This was in November, since then we've become aware that there are all those other currents that are floating around and I can tell you that we did look at other housing units which would include young professional and a much broader range of demographic. Those 92 apartments would produce 46 trips and 55 trips in the peak hours. So it's well below the 100 threshold. We'd have to go to a completely different use, a non- residential use of this small site before we go over 100...medical office building, restaurants, etc.

Ms. Howland: Then someone had the question 'Is Mr. Cohen paying the same amount of property taxes as their \$230,000 dollar property?'

Mr. Wright: I printed out the Clermont County auditor's value. The auditor has the appraised value today with the school owning it of \$368,500. So 368,000 - 369,000. As Ms. Holbrook explained, the county still has it at 2.5 acres because they had never updated it.

Mr. Pittman: What is the interplay between that number and the CRA?

Mr. Wright: Do you mean that right now the school district doesn't pay property taxes?

Mr. Pittman: Is there going to be that amount paid or is that the valuation of the lot?

Mr. Wright: That tax would have to be paid if the property if the property was sold to any private entity, not a school district, not a church, not the City of Milford. The value of the land still has to be paid with a CRA program. Every CRA that exists in the City; the improvements are abated for either 12 or 15 years, but the underlying land value that is accessed by the Clermont County Auditor's office, the property owner pays taxes on the value of the land. But, they don't pay taxes on the new building or a building rehab.

Mr. Pittman: So, it's improvements to the land that are covered by the CRA.

Mr. Wright: That's correct. It does not abate land value.

Ms. Howland: We have a question from the audience. Has all of Council read the report from the Milford BAC on the Milford Main building dated 12-16-13?

Mr. Pittman: I have.

Mr. Brady: I can't say that I have.

Ms. Howland: I can't say that I have.

Ms. Evans: I have not.

Mr. Lykins: I may have in 2013.

Ms. Hinnars: No.

Mr. Minniear asked if there were any more questions for the applicant.

Mr. Pittman: As it is now, and I understand that changes may be made, what is the total sq. ft., the interior sq. ft. of the project?

Mr. Cohen: Can I get back to you after I calculate it?

Ms. Howland: Do you currently have one unit that is senior housing, what is the rent on that per month?

Mr. Cohen: I'd say it's in the \$900 range.

Ms. Howland: Where is that located?

Mr. Cohen: It's in Amberly Village.

Ms. Howland: Mr. Cohen, when you first came to Pam, Jeff and I your original proposal to us was not for senior housing. You gave us a long detailed speech; you had a report about how important it was that this piece of property was to the City. You called it our gateway. You said whatever we built there had to be a gold medal in your own words. Your suggestion at that time was a park for the City. We did not have the means or the ability to do a park at that time. So, my question to you is very subjective, after seeing your long presentation to us. At the time you asked us if we would trade the riverfront property for the Milford Main property so you could expand Riverwalk. When we said we cannot give up our riverfront you said maybe I'll do senior housing. So, my question to you is do you think after you gave us that long speech about how vital it was and there would be nothing better than for people to drive into Milford and see this big open space and see this park and how gorgeous it would be, is this the same gold medal as you described it?

Mr. Cohen: We're going to build a building there that is going to be as iconic as Main was when it was built. It's going to be a stately iconic building in that location. It's going to be very different than a park. For it to become a park, the City has to pay for it. Or some benefactor to the City has to pay for it. In order to put a development there that is going to be income generating that's going to support the cost of the land and the cost of the abatement and the cost of construction, it's going to have to be a building that is going to generate revenue for whoever is making the investment. I think the building that is before us, in my personal opinion, is a very attractive building. It's very difficult to design a building by committee; but these guys are pretty good at what they do. When Dean started his presentation, he talked about some of the design principals he has incorporated, how he has incorporated things from both the churches, and the residents. I've said it before. I'm not going to build anything I wouldn't be proud to live in. I don't think anyone in this room would be embarrassed to live there. I know some people aren't happy with the way Riverwalk turned out. I'm very proud of Riverwalk and would have no trouble living there. This is an equally important property in Milford and it's going to be beautiful but it is very different than a park.

Ms. Howland: I know that a lot of people have raised the question and you have said this that no one else was interested in this property. A lot of developers weren't interested in this property and I think it is because of the facade. It turned a lot of people away - the keeping of the facade. In your professional opinion, with the facade out and not having to keep the tenants for a year, would there have been more developers who would have come in to bid on that property?

Mr. Cohen: The issue was always keeping the tenants through the expiration of their leases.

Ms. Howland: It was in the paper at one time that the tenants would have one year to relocate.

Mr. Cohen: The fact is the commitment we made, and the only thing in respect to the tenants, is that they would stay through their leases and the school would stay through the school year. As far as the facade; when we first got the option one of the first companies we brought in to Cincinnati to look at it was an organization called Core Redevelopment. They're out of Indianapolis. They renovate historic school buildings all over the country including the School of Creative and Performing Arts in downtown Cincinnati. I walked through with the President of Core and the number one guy in the company and their first comment to me was that there is absolutely nothing historic about Milford on Main other than the fact that it's 100 years old. The structure itself you could build today with brick and it would look exactly like that. When you walk through the halls of Milford Main it is a 1950's school building because it was completely remodeled in the 1950's. All of the historic moldings and blackboards all the things that make SCPA such a beautiful iconic place that someone would come in and renovate is because it truly had all the history back in it or still in it; moldings and built-ins and that kind of stuff. These guys said there is no federal funding available for this. The school board at one or two of the hearings, I think it was Rockland, and he is in charge of the BAC said they have explored every federal program to try to save the school and exhausted it. The only thing that I did to look into that is that I called in the best expert that I know in this region and that's Core Redevelopment and they said there is absolutely no historic value.

Ms. Howland: That's what everybody and the public was led to believe, that the front facade had to be saved for 12 years. Taking that out, not saving the building, but the public for whatever reason thought the front facade had to be preserved. If you take that stipulation out, in your professional opinion, do you think more developers would have come to the school board with the option to buy and demo that building?

Mr. Cohen: I don't believe anybody came to the school board and said we'll buy it if we can tear the building down. Second, somebody here tonight read the contract that defined the facade as the 'Boys' and 'Girls' because those are the elements that are considered historic. The historians that have looked at the building have said that there isn't anything particularly memorable from a historic standpoint except that it's 100 years old. It doesn't have great historic significance architecturally. The definition of facade was clearly 'Boys' and 'Girls' elements which is why we have always said we were going to incorporate them into a bell tower or now possibly a fountain because that was the commitment that was made and the requirement was to maintain the 'Boys' and 'Girls' terracotta pieces. It was never defined as one end to the other. We would have had no interest if that was the case. The developer said it was prohibitively expensive to keep a facade. As a matter of fact in Terrace Park, they went a couple million dollars over budget to keep a facade.

Ms. Howland: That's exactly to my point. A lot of developers thought they had to keep one whole side of the building. Thus they were not interested in this development. But now that it's out there that you don't have to keep one whole side of the building, that's a whole other ballgame. That's my whole point to you, is that it was out there so developers assumed they had to keep one whole side and now it isn't it's just that 'Boys' and 'Girls' and that changes a developers whole perspective of the project being profitable because like you said, it's extremely expensive. Not just expensive in tearing it down, but in trying to design around it. And that scared a lot of developers away. To the argument that nobody else wanted it because they thought there were different stipulations.

Ms. Hinners: I was way back in the BAC days when it first got started and that was the only thing they talked about; saving the 'Boys' and 'Girls' lintel.

Mr. Minniear: Let me interrupt here. As long as I am in control of the meeting, this is how I'm going to handle it. This meeting is for questions. Discussion and comments is next time.

Mr. Brady: You had said a couple minutes ago if there was going to be a park the City would need to build the park. So, just as a what if, if the school had control of the property again, they could add the building into the plan and then if the Board would approve it, they could go to the State and the State would pay 27% of the demolition of the building and the school would absorb the rest of it which would mean our taxes would be used for that. Then carrying it out to a conclusion, are you saying that for the City to build a park that is something you would be willing to help us with?

Mr. Cohen: No.

Mr. Brady: It's just that at a couple different times today you've made statements like there isn't any other plan, or the City would need to do this, and the school board would need to do that so I just wanted to get it clear. It's not like you're saying you would walk away, you are going to pursue this.

Mr. Cohen: I'm going to continue to pursue this through the zoning process. If we're not approved for zoning, obviously we can't build what we want to build. I'm not going to build a park. I never said I was going to build a park. I asked the City if they wanted to build a park.

Mr. Lutton: I can answer the sq. ft. question. It's a little over 105,000 sq. ft. that's over the course of three levels. If you add the basement it's 120,000 sq. ft.

Ms. Evans: Regarding what Andy brought up concerning the parking at the Methodist Church, part of their getting permission for what they want to build is having 30 spots from the school. And now they won't have that so what does that do to their contract?

Ms. Holbrook: The zoning approval letter that was generated at that time didn't specify that there had to be 'X' number of spaces. There was paperwork associated with that file that gave a breakdown of that required 75 parking spaces. Milford on Main is to share 30 and there was a certain number for the funeral home, and then a majority of it was generated through shared parking. If you subtract out the 30 spaces, they still meet the minimum 75 required spaces.

Ms. Evans: Without the 30 they still had the required 75 spots?

Ms. Holbrook: With everybody else's share of the parking.

Mr. Brady: So, we have referred tonight about the OMO and then a map showing the overlay downtown but it's being applied far from downtown. Can you explain that?

Ms. Holbrook: Sometimes in an ordinance you'll have an overlay district that will give a boundary say between Center Street and Forrest Street, it'll give a specific boundary. In the case of the OMO there is no boundary identified. In this case we tried to use that as a means to increase the density. There's nothing that says you can't do it. In other words you could come in and the applicant can ask for anything and the beauty

of the process is that he gets heard by a jury of your peers. He's been to Planning Commission which is four residents and a business owner; he's been to BZA which is four residents. He went back to Planning Commission and now he's come to Council so ultimately you have the power to agree or disagree with the previous commissions based on the vision you see for the community. But there's nothing in the ordinance that says it can't be done.

Ms. Brewer: So all the stipulations that would apply in the OMO downtown would apply here as well. Not just density; all stipulations would apply.

Mr. Lykins: That was the question I was going to ask. We have aside density; the OMO has a lot of other controls in it for the City.

Ms. Holbrook: In other words, most of the time, if somebody was going to build on that property today, they'd just have to go to Planning Commission. With an OMO if he wants to paint the building that has to go to Planning Commission. Normally that wouldn't have to go to Planning Commission, but anything he does to the exterior of the building would have to go to Planning Commission. It does add an extra degree of protection from any development particularly downtown. It also could work in this case as well because it requires the developer to answer to the Planning Commission.

Ms. Brewer: So, not looking at the criteria specifically of the OMO, does this design meet those requirements of the OMO as presented?

Mr. Pittman: It's just a concept design.

Ms. Holbrook: This is a concept. The final development plan is where we start looking at details.

Ms. Brewer: My question was leading up to how much deviation might we expect if this didn't meet the OMO criteria as presented?

Ms. Evans: People might think they're going to see that, but they're not going to see that.

Ms. Brewer: Right. So if the OMO is applied and this is presented, how much change or variations does or does not meet within that overlay?

Ms. Holbrook: The OMO is looking for aesthetics, a lot of aesthetics. One of the key things is any exterior change is going to have to come back to Planning Commission.

Mr. Lykins: There are almost three pages of things he's going to have to come back with if this is all approved.

Ms. Holbrook: Mr. Bonnell asked about lighting. He's going to have a plan for lighting, signage, paint colors, the type of material that goes on the building, landscaping, and setbacks.

Also, Mr. Aufdenkamp talked about the OMO not being valid. It was approved by ordinance in 1999 as part of that overall zone change that the Council did. The book, the whole zoning ordinance was approved in 1999. That was when the OMO came into existence to my knowledge.

Mr. Wright: That is my understanding.

Ms. Hinnners: Mr. Cohen, I just want to clarify because I'm surprised that St. Andrews has so little of their property there if it's just that darker thing where the cars are. Correct?

Mr. Cohen: Yes.

Ms. Hinnners: Now then, for years we've used from there to Lila Avenue to get in and out. If you got this property you would own all the way over to the United Methodist Church line. Is that right?

Mr. Cohen: We'd own to the alley.

Ms. Hinnners: So there is a legal that goes through there. In other words, parishioners could get from Lila Avenue, down that alley, to the back of St. Andrews.

Ms. Evans: You'd have to tear the wall down.

Ms. Hinnners: If you tore the wall down. That's what I needed to know.

Mr. Cohen: Let me point something out. If you tore the wall down, then in order to get around here, these nine parking spaces right here would disappear because that would end up being a drive lane. But, I don't have any reason to believe that St. Andrews, and the Methodist Church and us as a developers aren't going to agree to cross access easements because it makes sense for everybody. It's in everybody's best interest.

Ms. Holbrook: Andy Evans asked about securing an easement from St. Andrews. This is a concept plan; it is identified as a condition that would be part of the final development plan. They would have to have that easement in place at that time.

Mr. Brady: We've heard a lot about the Land Use Plan. We've heard that it has been relied upon, we've heard it criticized, and pieces taken to promote all different points of view. What we have is a Land Use Plan that says 'the City does not propose the addition of new multi-family areas for the future to encourage more single family and condominium developments and owner occupancy'. When I read that I originally thought that it said to me why do we even consider this? But then I also thought we considered and approved River Flats which flies in the face of this. So I guess the question is from a guide standpoint when either City staff or Planning or Zoning or these different groups are evaluating these kinds of things, should people be relying on this or are we relying on it now because it kinda suits the needs of enlargements or what? Why do we have it if we say we should increase owner occupancy but then we are talking about adding apartments? Maybe it's more philosophical how we approach stuff?

Ms. Howland: No, I think some of our ordinances and codes state that it has to apply.

Mr. Minniear: I think I can answer that. Any community that is going to adopt a Zoning Code has to by law first adopt a Comprehensive Plan. Comprehensive Plan is not a statute; it is a guide for how the people who adopted it at that particular time feel about the community. That's the goal that they're trying to set as a guide. It's not bound in law whereas a Zoning Code is more restrictive and it's specific as what is permitted and what's not permitted. But within a Zoning Code itself, there's variances which allows a property owner to get a variance or vary from the code and there's also a PUD or pud which allows an owner to deviate from the zoning code and if he does, Council is permitted to put conditions on granting that variance on a PUD. So, I don't know if that answers your question, but a Comprehensive Plan merely serves as a guide. There are many communities in Ohio that have Comprehensive Plans that are twenty and thirty years old. Why don't they update them? Because they don't have the money to do it. That's not Milford's case, but that's why we have a Comprehensive Plan. It's a guide.

Ms. Howland: On 11.69.03 Item One says the residential PD district is consistent with goals and objectives of the Milford Land Use Plan. Is it a guide even though it specifically mentions a couple times under 11.69.03 the Land Use Plan? Which I guess is a guide but it says it has to be consistent with the goals and objectives. One of those goals and objectives was not including rental rates. Which for me as a Council member; it's in here, but it's a guide and we don't have to follow it, but it says we have to here. I'm trying to figure where does it place then if it says residential planned development has to be consistent with the goals and objectives of the Milford Land Use Plan.

Mr. Minniear: That's where the variance part comes in. You can vary from that as long as the applicant seeking the variance proves certain conditions.

Mr. Pittman: Because part of the Comprehensive Plan and the Zoning Plan whether it's PUD's or the OMO or whether it's the BZA process itself, or Planning Commission, all of those things are part of the total Zoning Code. They are all part of the vision for how we deal with land use planning in Milford.

Mr. Minniear: Are there any more questions? Before we close up here and I turn it back to the Mayor to close the regular session...

Mark Ziegenhart: This is regarding Pinebrook. I have personal knowledge because my mom lives there. They have vacated the whole second floor and they are making the whole second floor assisted living. That's why there aren't as many cars in the lot.

Larry Curliss: This is regarding the facade. Mr. Curliss quoted from the April 17, 2014, Milford Board of Education News. Mr. Curliss then quoted from the July 3, 2014 Purchase Agreement. He then quoted from School Board Meeting Minutes from the July 24, 2014 meeting.

Mr. Minniear: Where we're going from here is that I have a few closing comments, then we are going to entertain a motion and second to continue the Public Hearing in progress until the next Council meeting. And then I'm going to turn it back over to the Mayor to adjourn the regular session of Council. I have attended many of these kinds of Hearings for townships, villages, cities, the City of Milford and I've been doing this for a long time. I can tell you that I've never attended a meeting that was so fair to both sides. Both sides had an opportunity to say whatever they wanted to as long as they wanted to say it. This is one of the fairest Hearings I've ever been to. As far as the time for the record the Applicant for his primary presentation and his rebuttal, took about fifty minutes. The public took about two hours and fifty minutes. I want to compliment the Applicant. Their presentation was very professional and well presented. I'd like to compliment the public for those of you who are still here, and those of you at By Gollys or Skyline, because again you've proven what I've always known that you folks can be extremely emotional about a topic and an issue, and still come here and present it in a very civil, courteous and polite manner. You get your point across the way you did tonight without a lot of histrionics and that's much appreciated. I anticipate that the way this is going to work out if history is a guide, for this type of project which is obviously controversial, we're coming back on the 17th. That's when Council will have the discussion and debate. They're going to have two weeks to review all the documents, ask staff questions, no decisions are going to be made outside a Public Hearing. All decisions are going to be made at a Council meeting. If there is an ordinance to be approved, it is not going to be passed at one meeting. It's always been done that we'll have a first reading at one meeting and a second reading to adopt at the second meeting of Council. So

there's going to be two meetings. If there is a decision to be made, it's not going to be passed as an ordinance at the next Council meeting. The soonest it is going to be done is the first meeting in March. If there is a first reading on February 17th, then the second reading for adoption will be the first meeting in March. I don't know that there's going to be an ordinance; there might not be a call to pass an ordinance. So, right now I would like to entertain a motion and a second to continue the Public Hearing and progress until the next Council meeting.

Mr. Pittman made a motion to continue the Public Hearing and progress until the next Council meeting, seconded by Mr. Lykins. All voted yes.

Mr. Minniear: I will now turn the meeting over to the Mayor to adjourn the regular Council session.

Ms. Howland: It's 1:15a.m. Do I have a motion to adjourn?

Mr. Pittman made a motion to adjourn; seconded by Mr. Lykins. All voted yes.

Sharon Waldmann, C.P.T.

Laurie Howland, Mayor