

PLANNING COMMISSION MINUTES OF April 25, 2018
6:00 P.M. Council Chambers
745 Center Street, Milford, OH 45150

The Planning Commission of the City of Milford met in regular session on the evening of Wednesday, April 25, 2018, at Council Chambers, 745 Center Street, Milford, OH 45150.

Roll Call:

Oliver Roe called the Planning Commission meeting to order at 6:05 p.m. Other members present at tonight's meeting are Fred Albrecht, and John Wenstrup. Mr. Albrecht made a motion to excuse Lois McKnight and Dino Pelle. Mr. Roe seconded the motion. The ayes carried. Mr. Pelle arrived at approximately 6:15.

Staff: Pam Holbrook, Asst. City Manager; Mike Minniear, Law Director

Visitors: Tom Wagner, 5392 S. Milford Rd.; Howard and Diana Kuhnell, 605 Garfield Ave.; Phil and Suzanne Ditchen, 308 High St.; Doug Woodruff, 17 Wallace Grove Ln.; Larry Faul, 24 Wallace Grove Ln.; Jason Curfiss, 12 Hogan Dr.; John Hensley, 835 Indian Hill; Chris McBroom, 729 Garfield Ave.; Pam Lee, 25 Potawatomie; Tom Fremont, 817 Wallace Ave.; Wendy Stober, 815 Wallace Ave.

REZ 18-01 Milford South Rezoning

Ms. Holbrook read the following Staff Report into the record:

Project: Milford South Rezoning
Location: 777 Garfield Avenue
Property Owner: Milford Schools
777 Garfield Avenue
Milford, OH 45150
Applicant: Milford City Council
Acreage: 13.59 Acres
Tax Parcel Id: 210729.026P
Existing Zoning: I, Institutional District
Proposed Zoning: R-2 Single Family Residential District

ADJACENT LAND USE AND ZONING

*North: R-3 Single Family Residential District
East: R-3 Single Family Residential District;
West: R-3 Single Family Residential District;
South: Valley View, R-2 Single Family Residential District,*

PROPOSAL

This is a public hearing to allow Planning Commission to review a zone change application initiated by City Council in accordance with Section 1133.02 of the Milford Zoning Ordinance. The City is requesting

a zone change from “I, Institutional District” to “R-2, Single Family Residential District” to parcel # 210729.026P.

ANALYSIS

The 13.59-acre parcel is located at 777 Garfield Avenue and the current property owner is the Milford School District. The District will be moving to a new location and they are marketing the property for sale.

In 2017 the City updated their Comprehensive Plan. The Plan changed the future Land Use for several properties including the Milford South property. The Plan indicates that a single family residential zoning classification is more appropriate for the parcel located at 777 Garfield Avenue and the single family residential classification is compatible with the abutting and surrounding property.

The Zoning Ordinance has three different single family residential zoning classifications: R-1, Large Lot Residential, R-2, Single Family Residential, and R-3, Single Family Residential. The table below provides a comparison of the three-different single family residential zoning districts and the regulations for each district:

	R-1 Large Lot Residential	R-2 Single Family Residential	R-3 Single Family Residential
Permitted Uses	Public Recreational Areas Single Family Dwellings Type B Family Day Care Homes	Public Recreational Areas Single Family Dwellings Type B Family Day Care Homes	Public Recreational Areas Single Family Dwellings Two-Family Dwellings Type B Family Day Care Homes
Maximum Height	35 Feet	35 Feet	35 Feet
Minimum Lot Area	1 ½ Acres	10,000 Square Feet	8,000 Square Feet (Single Family) 12,000 Square Feet (2 Family)
Minimum Lot Width	75 Feet	75 Feet	60 Feet
Minimum Front Yard Setback	30 Feet	30 Feet	30 Feet
Minimum Rear Yard Setback	25 Feet	25 Feet	25 Feet
Minimum Side Yard Setback	6 Feet	6 Feet	6 Feet

The R-2 Single Family Residential zoning district allows for single family homes on a minimum lot area of 10,000 square feet. The R-2 zoning district does not permit two family dwellings. City Council believes that the zone change to the R-2 zoning district would be in the best interest of the citizens of the City of Milford and not detrimental to the general welfare.

There are no site development plans associated with this zone change. Any future development plans will need to go through an approval process. The requested zoning change is in keeping with the adjacent single-family dwelling properties.

STAFF RECOMMENDATION

Staff recommends approval of rezoning parcel id# 210729.026P from I, Institutional District to R-2 Single Family Residential District in accordance with the land use prescribed in the 2017 Comprehensive Plan.

Ms. Holbrook noted that City Council will hold a Public Hearing to review this item on Wednesday, May 2, 2018 at 7:00PM.

Mr. Roe stated that he felt it was a good use for this parcel because it could not be a school building forever. The buildings useful life is over and there really is not a better use than R-2 Single Family residential use. Mr. Pelle asked if there was a current developer. Ms. Holbrook stated that the City has not received any submittal applications to date.

Mr. Pelle asked if the zone change is approved by City Council then what will be the process once an application is received. Ms. Holbrook stated that once a Planned Development application is received, the City will place a thirty-day notice in the paper advertising a public hearing to be held by Planning Commission and City Council. The submittal application would include a site plan, grading & erosion control, elevations as is normally required for a submittal.

Mr. Wenstrup stated that he thought the property originally belonged to the village and gifted to the school district in the past. Ms. Holbrook and Mr. Minniear stated they were not aware of that.

Mr. Minniear, City Law Director, spoke on behalf of the applicant. He stated that this item has come before Planning Commission as a result of the ordinance (18-1345) that was passed by City Council on March 13, 2018 initiating the zone change. He stated that he is here representing City Council and on behalf of City Council he is requesting this be approved. It is without question in the best interest of the City and surrounding property owners. The present zoning is totally incompatible for that area and has been for quite some time. To make it more compatible with the surrounding residential area it was determined that the zoning would be more appropriate as an R-2 which is what Council is requesting. On behalf of the City of Milford we are requesting that Planning Commission recommend approval.

Mr. Woodruff, 17 Wallace Grove, stated that realtor.com shows that there is a pending sale for this property. Ms. Holbrook stated that she cannot comment on a sale between the school district and a purchaser, but the City has not received any type of submittal application from a developer. He questioned why the notice references plans. Ms. Holbrook stated the term plans used in the notice is referring to the tax map. The City has not received any site plans. She noted that this request is a straight up rezoning and no site plans are associated with this property right now. However, once the City does receive a site plan, property owners within 800 feet will receive another notice in the mail informing them of upcoming meetings.

Mr. Woodruff expressed concern about any development clearing out many of the trees and that changing the use to residential is a major change. Mr. Albrecht stated that as an Institutional district someone could come in and clear off all the vegetation on the lot. Ms. Holbrook stated that when the City does receive a development plan that package will include grading, erosion control, stormwater management plans which will in turn be reviewed by the City Engineer and all Department Heads. Mr. Woodruff stated the school has been a good neighbor. Mr. Minniear stated that is why Council is taking this step, the school is selling the property and the school is obligated to get the best price. As an Institutional district there is no guarantee that someone wouldn't come in and clear the entire lot. Mr. Minniear stated that as a Planned Development the City will have some control over how that property is developed.

Mr. Woodruff stated he was also concerned about the entrance to a new development off of Garfield Road. He stated that the traffic pattern at Mill and Garfield doesn't function well and adding vehicles

would make it worse. Ms. Holbrook stated that all of these considerations would be a part of the site plan review once the City receives a submittal. The City will also have a Neighborhood Meeting prior to a Planning Commission meeting to allow the developer to introduce the project to interested neighbors.

Howard Kuhnell, 605 Garfield, expressed concern about the ingress/egress, but wondered what portion of that property is developable with the slopes that exist. Ms. Holbrook stated that the developer will do all of their studies and once they have submitted their site plan City Staff will review. He questioned whether an applicant could ask for a PD here and would that be a zone change. Ms. Holbrook stated yes it is a zone change and the Planned Development does allow for a degree of flexibility in the density. She stated that the expectation from Council is that any project moves forward as a Planned Development so that Council could add any necessary conditions to the site plan approval. Mr. Kuhnell asked if the only ingress/egress for the property is Garfield Avenue or is there an easement off of Wallace Ave. Ms. Holbrook stated she is not aware of an easement off of Wallace Avenue.

Wendy Stober, 815 Wallace, stated that since the sale is considered pending and the City has not received an application yet, could the buyer be an industrial user. Ms. Holbrook stated that she could not speak about the transaction between the school district and their potential buyer. She noted that Council is trying to be proactive by initiating this zone change and setting a clear direction for the land use for this property. Mr. Albrecht stated that is why Council chose to proceed with the zone change; that deal could fall through tomorrow and Council's goal is to protect the residents by making this residential. Ms. Stober stated we really won't know the density until drainage, roadways, etc are taken into consideration. Ms. Holbrook agreed that the City will not know the exact density until we see a site plan from the developer. Mr. Wenstrup noted that if you look at the surrounding property zoning, the R-3 zoning is more dense than what the R-2 district density would be. He recommended that everyone read the 2017 Comprehensive Plan because it outlines the direction the City is heading. He added that the City is taking a very proactive stand by pursuing a residential zone change.

Phil Ditchen, 308 High, stated that he is in favor of the rezoning and that bringing residential homes to Milford is a great thing. He noted that typically the property owner applies for the rezoning so what gives the City the ability to proceed with this rezoning. Mr. Albrecht stated that the rezoning request has to do with the location of the property and potential uses. We can't control what did happen to the property many years ago but the City can control the future land uses that can go there. He stated that there is no one here from school board objecting to this request. Mr. Ditchen asked whether it was only because the school owns the property that the City could proceed with a zone change or can the City do this with any property. Mr. Minniear stated that either for legal or political reasons the school did not want to initiate the zone change. Since they did not want to pursue it the City is legally allowed to initiate the zone change; it is a perfect time to do it now because the school is leaving Milford and that property should have been residentially compatible a long time ago, and since we are asking for an R-2 land use it is less dense than the surrounding property. Ms. Holbrook stated that last year during Comprehensive Update the Steering Committee identified several properties that should have a different land use including this one. Mr. Minniear stated the Comprehensive Plan is a roadmap for the City to follow in the future, and the Plan indicated that the best use for this property is residential so we are just following the Comprehensive Plan.

Mr. Wenstrup stated there were a variety of uses in this area such as churches and schools that have now become residential. Having this property revert back to a residential use is wonderful. The concerns that have been identified today by the neighbors will become answered during the site plan review.

Ms. Holbrook stated the next step is a City Council Public Hearing on May 2nd at 7PM. Once the City receives an application for site development that will trigger additional reviews including a neighborhood meeting.

Mr. Kuhnell asked how many readings would be required at City Council to pass this zone change. Mr. Minniear stated that there would be no more than two readings and we could do it in one evening. I wouldn't think it would be any longer than six weeks from tonight.

Mr. Albrecht made a motion to approve the zone change request for parcel id# 210729.026P from I, Institutional District to R-2 Single Family Residential District in accordance with the land use prescribed in the 2017 Comprehensive Plan. Mr. Wenstrup seconded the motion. The motion carried 4-0.

Mr. Minniear asked that the commission affirm that the zone change is in the best interest of the City. Mr. Roe agreed that it is appropriate. Mr. Pelle stated he agreed that it was in the best interest of the City. Mr. Wenstrup stated that if you look at the zoning map, this property should be single family residential. Mr. Albrecht stated that he would like to point out that there is a difference between R-2, R-3, and the final density. He stated that in regard to traffic, I invite you to drive by there every day because there are 30-40 cars parked there on a daily basis; they come to work in the morning and leave in the evening, every day. It's not like it is a vacant building or on a vacant lot now. Just imagine the traffic when it was a school.

There being no further business or comments to come before the Planning Commission, Mr. Roe made a motion to adjourn the meeting at 6:50 pm; seconded by Mr. Pelle. Following a unanimous decision, the ayes carried.

Assistant City Manager

Oliver Roe