

PLANNING COMMISSION MINUTES OF July 11, 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, July 11, 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 Dino Pelle, Fred Albrecht, and John Wenstrup. Mr. Pelle made a motion to excuse Lois McKnight. Mr. Albrecht seconded the motion. The ayes carried.

Staff: Pam Holbrook, Asst. City Manager

Visitors: Nancy Seng, 1 Crestview; Elliot Werner, 314 Main St.; Hank Roe, 750 US 50; Rebecca Shundich, 11 Mound Ave.; Darrell Donovan, 24 Wooster Pike

Minutes Approval:

Mr. Wenstrup noted a correction on the meeting minutes for June 13, 2018. Mr. Pelle moved to approve the minutes with the correction, seconded by Mr. Roe. The ayes carried.

SITE 18-05 Coolest Toys Awning, 314 Main Street, Certificate of Appropriateness.

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

Project: Coolest Toys Awning Certificate of Appropriateness

Location: 314 Main Street

Property Owners: Michael Valz
825 Campbell Rd.
Douglas, MI 49406

Applicant/Agent: Elliot Werner
Coolest Toys
314 Main Street
Milford, OH 45150

Acreage: 0.2346Ac

Tax Parcel Id: 210710A045B

Zoning: B-2 OMO

Existing Use: Office/Retail

ADJACENT LAND USE AND ZONING

Adjacent Property is zoned B-2 OMO

PROPOSAL

Elliot Werner is requesting a Certificate of Appropriateness to replace the awning on the building located at 312-314 Main Street. The property is zoned B-2, Downtown Mixed Use District and is in the Old Mill

Overlay district. Building improvements visible from the public right of way that may change the original appearance of the building are subject to review by the Planning Commission.

ANALYSIS

Two businesses operate out of this building: Quintin Fleg, State Farm Insurance and Elliot Werner, Coolest Toys. The existing red State Farm awning was installed by Mr. Valz in 2010. Mr. Fleg took over the insurance business in 2016 and changed the name on the awning.

Mr. Werner is proposing to replace a portion of the existing red awning that is installed over his store with a black awning and 4 square foot logo. The new awning would be more representative of his brand and establish a more prominent identity on Main Street. I spoke with Mr. Fleg and he agrees with the change.

STAFF RECOMMENDATION

Staff recommends approval.

Mr. Wenstrup asked whether there was a reason the business is now called an outlet. Mr. Werner apologized for missing the last two meetings. He noted Coolest Toys started in downtown Milford thirteen years ago, and now has a store in Mariemont. Many of the same products are carried in both stores as well as products they would like to discount. They conducted a survey a few years ago and based on the feedback customers wanted to see discounted items. The improvements include a sign face change to an existing pole sign.

Mr. Wenstrup asked about the toys on the sidewalk. Mr. Werner stated they used to keep certain types of toys out there, but the business has evolved and those items are not displayed out front anymore. Mr. Wenstrup asked about the Coolest Toys stickers being placed in a variety of locations throughout the community. Mr. Werner stated the stickers were part of a hunt, find, win promotion that the store did many years ago, but have discontinued. They are not producing any more stickers.

Mr. Wenstrup made a motion to approve the Certificate of Appropriateness for a new awning; Mr. Pelle seconded the motion. The ayes carried.

SITE 18-07 Eckerson Mixed Use, 1 Crestview Drive, Conditional Use.

Ms. Holbrook read the following staff report into the record:

Project: Eckerson Mixed Use

Location: 1 Crestview Drive

Property Owner: Mark Eckerson
1 Crestview Drive
Milford, OH 45150

Applicant/Agent: Mark Eckerson
1 Crestview Drive
Milford, OH 45150

Acreage: 0.294 Ac

Tax Parcel Id: 210723.016P

Zoning: O, Office

Existing Use: Office

Proposed Use: Mixed Use

ADJACENT LAND USE AND ZONING

North: B-3, General Business District; Commercial Use

South: O, Office District; Single Family Use

West: O, Office District; Office Use

East: O, Office District; Office Use

PROPOSAL

Mark Eckerson, Applicant, is requesting permission to convert his office building to a Mixed Use. The Milford Zoning District defines Mixed Use as a combination of at least one residential apartment and another permitted or conditionally permitted use within a district. The property is zoned O, Office District and Mixed Use is permitted as a Conditional Use upon approval by Planning Commission.

STANDARDS FOR ALL CONDITIONAL USES

In review of a conditional use application, the Planning Commission shall consider whether there is adequate evidence that the proposed conditionally permitted use is consistent with the following standards:

- A. The conditional use is consistent with the spirit, purpose and intent of the Comprehensive Plan, will not substantially and permanently injure the appropriate use of neighboring property and will serve the public convenience and welfare.
- B. The proposed conditional use is to be located in a district wherein such use may be permitted, subject to the requirements of Chapter 1195, Conditional Uses.
- C. The requirements set forth for each specific conditional use will be met;
- D. Minimum standards for parking and loading areas shall be as required in Chapter 1187, Off-Street Parking and Loading Requirements;
- E. Minimum Standards for landscaping shall be as required in Chapter 1189, Landscaping and Bufferyard Requirements; and
- F. The proposed use shall be adequately served by essential public facilities and services such as, but not limited to, roads, public safety forces, stormwater facilities, water, sewer, and schools.

ANALYSIS

Mr. Eckerson purchased the property in 2007 and has been operating his law office out of this location. City records do not indicate when this building was converted from a residential use to a commercial use. However, it appears that the previous property owner also used this property as a Law Office. The Clermont County Auditors site lists the property as a Commercial use.

A 1982 Milford Zoning Map lists the zoning as a B-2 Business District. The zoning designation for this property was changed from B-2 to Office in 1999.

The applicant is attempting to sell his property and has had buyers interested in purchasing the property as either a live/work building or single-family home. A single-family use is not a permitted use in the Office District. Mixed Use is permitted as a Conditional Use upon approval by Planning Commission.

The site consists of a 2,196 square foot, two-story building that was built in 1964. The building has 2 bedrooms and 4 full bathrooms. A remodel was completed in 1981, I suspect that may be when the single-family dwelling was converted to an office. According to the applicant the house contains a fully functioning kitchen.

The property has an established history as an office use for a number of years. It appears that at least as far back as 1982 the City felt a Business zoning designation was appropriate for this area.

The 2017 Comprehensive Plan indicates that Mixed Use is appropriate for the major corridors, so the question before the Commission tonight is whether the use as proposed by the applicant falls under the umbrella of a Mixed Use.

Chapter 1195.05 Specific Standards for Each Conditional Use specifies the following for Mixed Use:

1. No structure shall exceed 35 feet in height.
2. The residential portion of the structure shall be located on the second floor of the structure.
3. All development that lies within the B-2 District and the OMO district shall comply with the regulations set forth in Chapter 1167, Old Mill Overlay District.
4. Parking areas shall not encroach upon any bufferyard required in Chapter 1189, Landscaping and Bufferyard Requirements.

In this case the potential buyer would, for example, conduct a service business (hair salon or massage therapy) and live in the house without a separation of use. It does not appear that using the structure in this way would meet the City's strict definition of Mixed Use since they are technically not creating an apartment nor would the property owner be strictly using the second floor as their residence.

While not meeting the strict definition of a mixed-use Staff feels that the use is consistent with the spirit, purpose, and intent of the comprehensive plan and is in keeping with the other single-family properties that are adjacent to this property.

STAFF RECOMMENDATION

Staff recommends approval with the following conditions:

1. City approval is contingent on review and approval by any other applicable local, state, and federal agencies.
2. All potential permitted business uses shall comply with the list of permitted uses in the Office zoning district.

Ms. Holbrook noted that zoning map shows Office zoning along Main Street/SR 28 and is a well defined commercial area. The aerial shows two single family homes located behind this property and they are also zoned Office district. The City's intent many years ago was that this area would convert to an Office use and that has not happened yet. In 1964 this property was a home that was converted to an office use in the 1970's. Ms. Holbrook stated that she has had a number of phone calls asking whether a single-family use would be permitted and has had to tell everyone that a single family use is not permitted in the Office district. Ms. Holbrook stated that the request does not meet the strict definition of Mixed Use, so it is a matter of whether the City/Planning Commission has a desire to allow them to move forward as a Mixed Use. It is stretching the definition of a Mixed Use. Typically, a Mixed Use would be a commercial use on the first floor and a residential use on the second floor similar to what occurs in downtown Milford.

Mr. Albrecht questioned whether there is an active buyer. Ms. Seng stated there is not; several people have asked whether they could live upstairs and conduct their business downstairs. She noted there are four bedrooms upstairs. There is no kitchen upstairs, but a full kitchen downstairs. There is no true separation of upstairs living area and downstairs office. Ms. Holbrook stated that it would be impossible to enforce a condition that would require an occupant to have a business downstairs.

Mr. Roe agreed that it would be impossible to regulate the use as a single-family home once someone moved in. Mr. Wenstrup questioned the status of the single-family use of the buildings located behind this property. Ms. Holbrook stated that those properties are considered legal, nonconforming uses. The use as a single family would be allowed to continue as long as the use continues. If the property remains unoccupied for a period of a year, then the use has to conform with the current zoning requirements. Ms. Seng stated that she believed the Eckerson property has been an office use since the 1970's.

Mr. Albrecht stated he didn't feel it was appropriate to allow a single family residential use unless the City is willing to change that to residential zoning or the structure is converted to a mixed use. He stated that there is no clear-cut division of uses in this building. In addition, there is no applicant coming before the Commission to ask permission.

Mr. Wenstrup questioned whether there was a separate entrance to the second floor. There are two entrances, one that goes in from the porch and another that enters from the reception area. Mr. Albrecht stated he did not believe the building could conform to the letter of the law. Mr. Wenstrup stated the buildings downtown have separate entrances for commercial and residential.

Ms. Seng stated the building has been on the market for about two years but only advertised for the last year. Ms. Holbrook stated that adjacent property owners were notified of this request and meeting date.

Mr. Roe stated that it was not truly a Mixed Use. Mr. Pelle stated it is a tough one because the properties behind it are all single family. Mr. Wenstrup questioned whether the rooms upstairs currently serve any use. Ms. Seng stated her office is upstairs and Mr. Eckerson's office is on the first floor.

Mr. Wenstrup made a motion to deny the Conditional Use request to allow a Mixed Use at 1 Crestview Drive. Mr. Albrecht seconded the motion. The motion carried.

Oliver Roe recused himself before the Commission begins review of the next case.

Site 18-08 Mill Street Driveway Extension and Parking Lot Addition.

Ms. Holbrook read the following staff report into the record:

Project: Driveway and Parking Lot Improvements

Location: 228 Mill Street

Property Owners: Terra Firma Development, LLC
750 US 50
Milford, OH 45150

Applicant/Agent: Hank Roe
Terra Firma Development, LLC
750 US 50
Milford, OH 45150

Acreage: 3.3962 Ac
Tax Parcel Id: 210708.007P and 210708.113P
Zoning: B-2 OMO
Existing Use: Office/Retail

ADJACENT LAND USE AND ZONING

North: B-2 OMO District

South and West: Little Miami River

East: R-3 Single Family Residential District

PROPOSAL

Site 18-08 Terra Firma, 228 Mill Street Driveway Extension and Parking Lot Addition.

Hank Roe, Terra Firma Development, is requesting permission to extend the driveway access southeast from the Little Miami Brewery to the first-floor offices towards the rear of the Mill Street Building. The existing lower level parking area would be demolished and replaced with thirteen parking spaces, landscaping and lighting. The property is zoned B-2 Downtown Mixed Use and is in the Old Mill Overly District.

ANALYSIS

The site plan shows a 29-foot-wide driveway separated with a 5-foot landscaped median. The applicant intends to install an automatic barrier gate limiting access to the parking lot. The Fire Department will need access to the lower portion of the building and will need gate access. The Fire Department will need a truck turn around area as well. The City recommends that a cul de sac be installed to allow for a fire truck turn around.

The applicant plans to remove the existing asphalt located on the southern and western side of the property. A five-foot concrete sidewalk will be installed on the western side of the property which will provide a pedestrian connection from Mill Street to the rear of the property. The City Engineer recommends that the manhole underneath the asphalt to the west be exposed and raised. The improved parking lot will have thirteen parking spaces, and landscaping. A 20-foot-tall twin head light to match the existing lights at the Little Miami Brewery will be installed at the southern edge of the parking lot. The photometric lighting plan showing 0.5 or less footcandles at the property line is in compliance with the Zoning Ordinance.

A screened dumpster enclosure will be constructed at the end of the driveway.

STAFF RECOMMENDATION

Staff recommends approval with the following conditions:

1. Install a Fire Department approved gate access device.
2. Install a cul de sac or turn around at the end of the street in accordance with City Specifications.
3. No parking is permitted in the cul de sac or turn around.
4. Expose and raise the manhole that is located in the sidewalk.
5. Maintain the natural drainage swale located behind the dumpster.
6. Provide dumpster screening detail.

Ms. Holbrook stated that Mr. Roe suggested installing a short road extension rather than a cul de sac if that was agreeable by the Fire Department. She stated the Fire Department was in agreement with that suggestion.

Mr. Roe stated they were still unsure what would be done with the remaining vacant property. He walked commission members through the plan. He stated the sidewalk on the west side of the property would provide pedestrian connection from Mill Street. He noted there are approximately the same number of parking spaces but the lot has been pushed closer to the building.

Mr. Wenstrup questioned what other access would be used for the property to the rear. Mr. Roe stated this road would provide access. He noted that the barrier gate would be for the office use only. They want to make sure their tenants have available parking spaces.

Mr. Roe stated the dumpster is currently not screened, but they are proposing to screen it. We may build it a little larger in preparation for what may happen on the property closer to the river. Mr. Roe stated the existing parking lot has a number of boxwoods and sweetgums. We want to keep this landscaping by lining the edges with the existing boxwoods and honey locusts. The buffer on the south east side adjacent to the residential uses would be maintained.

Mr. Wenstrup questioned if the roadway will provide sufficient access to the remainder of the property whenever that is developed. Mr. Roe stated that he believed the road would handle any traffic to the remainder property. Our utilities were designed for a thirty unit multi family complex and we don't feel a larger driveway is necessary.

Mr. Wenstrup disclosed that he is a long-term renter at 228 Mill Street, but he would not have any financial gain from approval of this project.

Mr. Roe requested that condition #4 be left for a later date while they work with the City engineer to resolve the sewer and easement issues. He does agree that the manhole does need to be raised, but the question remains as to who will pay for it. Ms. Holbrook noted that in the end it is a City Council decision.

Ms. Shundich stated that she is pleased with the brewery and the hours of operation. She has not had a problem with noise or lighting. As long as the lights are kept low and turned inward there should not be any problems. She stated her only concern is that there is not enough parking for the brewery. The lot behind Millcroft is being used, but that is only a temporary solution. She felt that there needed to be more parking for the Brewery. Ms. Holbrook stated that the Ordinance does not have a minimum required number of parking spaces required. Mr. Wenstrup stated one of his priorities was to see that neighborhoods and commercial areas peacefully coexist. Mr. Albrecht stated that there is a lot of parking downtown, but the City needs more directional signage.

Mr. Roe reviewed the lighting plan. Ms. Holbrook noted that lighting at the property line is not to exceed 0.5-foot candles and based on the plan submitted the footcandles for this project are at acceptable levels.

Mr. Donovan stated that he was concerned about the noise; he noticed that on Saturday night the band played until midnight. He questioned what the noise rules were. Ms. Holbrook stated the Ordinance is not very specific about noise disturbances, but the Police can be called. Ms. Holbrook stated that there was no condition placed on the brewery plan approval regarding how late music could be played. Mr. Wenstrup encouraged Mr. Donovan to talk with the Brewery owners. Mr. Albrecht recommended that Mr. Donovan express his concerns at a City Council meeting.

Mr. Pelle made a motion to approve the parking lot improvements with staff conditions and a modification to staff condition #4 which should state: (4.) Expose and raise the manhole that is located in the sidewalk with expenses to be agreed upon between City and developer. Mr. Wenstrup seconded the motion. The motion carried.

There being no further business or comments to come before the Planning Commission, Mr. Pelle made a motion to adjourn the meeting at 7:10 pm; seconded by Mr. Wenstrup. Following a unanimous decision, the ayes carried.

Assistant City Manager

Oliver Roe