

PLANNING COMMISSION MINUTES OF February 12, 2020  
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, February 12, 2020, at Council Chambers, 745 Center Street, Milford, OH 45150.

**Roll Call:**

Lois McKnight called the Planning Commission meeting to order at 6:00 p.m. Other members present at tonight's meeting are Dino Pelle, John Brumleve, Lisa Evans, and John Wenstrup.

**Staff:** Pam Holbrook, Asst. City Manager

**Visitors:** Dan Lynch & Joe Brenner, Little Miami Brewery; Anthony Barachnowicz, Taco Bell; Dan Peyton, Ampler Development.

**Minutes Approval:**

Mr. Pelle made a motion to approve the December 11, 2019 minutes, seconded by Mr. Wenstrup. Motion carried 5-0.

Mr. Brumleve made a motion to approve the July 10, 2019 minutes with the amendment to strike the last two sentences under roll call, seconded by Mr. Wenstrup. Motion carried 4-0. Ms. Evans abstained.

Mr. Pelle made a motion to approve the June 12, 2019 minutes, seconded by Mr. Wenstrup. Motion carried 3-0. Ms. Evans and Mr. Brumleve abstained.

**SITE 20-01 Little Miami Brewing Co., Outdoor Kitchen Expansion.**

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

**Project:** Little Miami Brewing Outdoor Kitchen  
**Location:** 208 Mill Street  
**Property Owner:** Beauty Ridge LLC  
750 US 50  
Milford OH 45150  
**Acreage:** 1.2399Acres  
**Tax Parcel Id:** 210708.001P  
**Zoning:** Milford River District (MRD)  
**Existing Use:** Microbrewery

**ADJACENT LAND USE AND ZONING**

*North: MRD, Downtown Milford*

*South: Little Miami River*

*East: MRD, Vacant & Office Building*

*West: Little Miami River*

## **PROPOSAL**

Dan Lynch and Joe Brenner, Little Miami Brewing Company, are requesting permission to install a permanent 14-foot x 8.5-foot outdoor kitchen in the form of a black metal trailer with a logo. The trailer would be located in a parking space behind the building.

## **ANALYSIS**

The Milford Zoning Ordinance defines Food Trucks as, “a licensed, motorized vehicle or mobile food unit which is temporarily stored on a privately owned lot where food items are sold to the general public.” Food trucks are regulated by Section 1181.18 (See attached). Temporary food trucks are permitted in the Milford River District for special events and fairs.

The applicant would like to sell tacos out of this truck from March through October in addition to the indoor food service already provided. The applicant would be operating the food truck as an extension of their existing business on private property.

Food trucks are required to get an annual inspection, according to the Fire Marshall. Staff would recommend that the food truck complies with requirements in Section 1181.18, which would include the application for an annual zoning certificate.

## **STAFF RECOMMENDATION**

Staff recommends approval with the following conditions:

1. City approval is contingent on review and approval by the City Engineer and any other applicable local, state, and federal agencies.
2. Applicant to comply with additional regulations for ‘Mobile Food Units’ as specified by the City Fire Marshall.
3. The applicant must obtain a zoning certificate annually, showing compliance with City and Fire Department regulations, location, and hours of operation.
4. Food trucks are subject to the city noise ordinance.
5. No dumping of grease or greywater into storm sewers, dumpsters, etc.

Mr. Lynch stated their existing kitchen is very small, and this would be an economical way to expand the kitchen. This truck would not be moved around to other locations. It is also an effective way to serve canoe and kayakers through the warm months. Mr. Lynch stated there would be two people working inside to serve walk-up customers. He noted their sales were up 20% this year, and they expect a more significant increase during the spring with primary use March through October.

Ms. Holbrook stated the Food Truck Ordinance was added to protect restaurants who have made investments in their buildings. The staff viewed this project a bit differently because they are not moving this food truck around, and it is being used on their property. They would be permitted to keep this truck in this location year-round.

Ms. Holbrook stated that the City Council recently adopted a Noise Ordinance. Mr. Lynch noted the trailer comes with a propane-powered generator that reaches 60 decibels. There will be no floodlights installed on the trailer. The trailer will be black with white letters. The unit will be at least 10 feet away from people and will be located in the second parking space from the patio.

Mr. Brumleve questioned whether losing two parking spaces would affect their compliance with the zoning regulations. Mr. Lynch stated that he felt they had adequate parking now that they are able to use the temporary lot. He noted that they also rent three additional lots. Ms. Holbrook stated that the

ordinance doesn't require a specific number of spaces; it only requires that the applicant provide enough spaces to satisfy the use. Mr. Lynch stated they would dispose of any grease through the grease trap in the brewery. There are no fryers in the unit.

Mr. Wenstrup made a motion with the following conditions as recommended by Staff:

1. City approval is contingent on review and approval by the City Engineer and any other applicable local, state, and federal agencies.
2. Applicant to comply with additional regulations for 'Mobile Food Units' as specified by the City Fire Marshall.
3. The applicant must obtain a zoning certificate annually, showing compliance with City and Fire Department regulations, location, and hours of operation.
4. Food trucks are subject to the city noise ordinance.
5. No dumping of grease or greywater into storm sewers, dumpsters, etc.

Ms. Evans seconded the motion. All members voted in favor of the request. The motion carried 5-0.

**SITE 20-02 Taco Bell, Site Plan Review and Conditional Use.**

Ms. Holbrook read the Staff Report into the record:

**Project:** Taco Bell Restaurant

**Location:** 220 Chamber Drive

**Property Owner:** Walmart Stores East, LP  
702 SW 8<sup>th</sup> Street  
Bentonville, AR 72716

**Applicant:** Anthony Barchanowicz  
The Halle Building  
1228 Euclid Ave, Suite 320  
Cleveland, OH 44155

**Acreage:** 1.12 Acres

**Tax Parcel Id:** 210736.103

**Zoning:** B-3, General Business District, PD, Planned Development

**Use:** Restaurant with Drive Through

**ADJACENT LAND USE AND ZONING**

*Surrounding property: All adjacent property is zoned B-3, PD*

*North: UDF; South: Vacant; East: Milford Parkway; West: Chamber Drive*

**ANALYSIS**

Anthony Barchanowicz, the applicant, is requesting approval to construct a 2,079 square foot Taco Bell restaurant with a drive-through on a vacant 1.12-acre site. Drive-throughs are permitted as a conditional use in the B-3 district upon approval by the Planning Commission.

Ingress/egress to the site would be from a shared access drive. The 30' access easement running parallel to Chamber Drive would extend to the southern property line. The applicant is providing 29 parking spaces, which should be adequate for the building size and use. The portion of the entrance drive and parking lot exposed to heavy use should be paved per the Milford, "Typical Half Roadway Section" located on sheet MST-1.

The City Engineer notes that the entryway finger island separating the front access drive and the drive-through bypass lane should be tapered at the nose to allow for emergency vehicle access. Turning radius specifications are attached. The width of the entryway into the parking lot should not generally be reduced so that vehicles entering the lot do not steer into the drive-through queue.

The dumpster is to be screened with a minimum 6' high opaque wall composed of material to match the building architecture. The applicant has not supplied dumpster screening detail. The City Engineer and Fire Department noted that the dumpster enclosure appears to be at an odd angle and difficult for a front-loading trash truck to collect both dumpsters. They would like to see a turning template showing dumpster collection movements.

The Fire Department recommends that the fire hydrant be relocated behind the sidewalk to prevent damage from vehicles. The fire hydrant is to meet city specifications and be visible at all times. Additional Fire Department notes are included in the conditions of approval.

#### Landscaping

Parking lot perimeters visible to the public street are to be tree-lined with one shade or ornamental tree per every 50 linear feet of perimeter space and should include six shrubs for every ten parking stalls. All parking stalls are to be within 125 feet of landscaped area. The applicant is required to have a total of 18 shrubs. The applicant meets or exceeds the required parking lot landscaping.

Additional landscaping will be required as specified in the Planned Development conditions of approval. A minimum 20-foot landscape buffer along Chamber Drive is needed. The 20-foot buffer shall include one tree for every 50 feet of roadway and one shrub for every 15' of the roadway.

#### Elevations

The building elevation consists of fiber cement panels and fiber cement brick panels. The east elevation facing Milford Parkway represents the front/entrance of the building. This is a double frontage lot; staff is concerned about the appearance of the screening for the wall cooler as it is viewed from Chamber Drive.

#### Lighting

The Milford Zoning Ordinance specifies that all outdoor lighting shall not exceed 0.5 footcandles at the property line. The applicant appears to meet this requirement.

#### Drive-through

The applicant proposes a drive-through for this location. Drive throughs in this zoning district are considered conditional uses and are required to be approved by the Planning Commission.

### **STANDARDS FOR ALL CONDITIONAL USES**

In the 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 the 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.

Section 1195.05.N. of the Milford Zoning Ordinance, *Specific Standards for Conditional Uses* specifies that drive-throughs are required to meet the following conditions:

**N. Drive-Through Facilities**

1. There shall be no more than two ingress/egress drives onto the property. No drive shall exceed 35 feet in width.
2. All points of ingress/egress shall be located as far as practically possible from the intersection of two major thoroughfares.
3. A minimum of five stack spaces is required for the drive-through facility. Additional stacking spaces may be required by the Planning Commission to prevent traffic from backing up onto a public road or streets.
4. At least one lane of travel must be provided next to the drive-through lane to allow traffic to pass vehicles waiting at the drive-through facility.
5. Stacking spaces shall not encroach upon any buffer yard required in Chapter 1189, Landscaping, and Bufferyard Requirements.

It appears that the applicant is able to satisfy the minimum conditional use standards for drive-throughs. The staff does not see any issues with the conditional use request.

**STAFF RECOMMENDATION**

The applicant has several issues to address before the Staff can recommend approval of the Site Plan. Staff recommends the applicant be prepared to address the following items at the Planning Commission meeting:

1. City approval is contingent on review and approval by the City Engineer and any other applicable local, state, and federal agencies.
2. Correct address on plan pages. The new address will be 220 Chamber Drive. (Address shown belongs to Walmart.)
3. A minimum 20-foot landscape buffer along Chamber Drive is required. The 20-foot buffer shall include one tree for every 50 feet of roadway and one shrub for every 15' of the roadway.
4. Ensure that installed landscaping meet the minimum size requirements as specified in Section 1189.05.
5. Provide detail showing how the dumpster will be screened.
6. Provide a turning template showing dumpster collection movements.
7. Provide detail for the wall cooler screening.

8. Signage, including a mural, to be reviewed and approved separately.
9. Pave heavily traveled access drive and parking lot in accordance with the “Typical Half Roadway Section” specifications located on sheet MST-1.
10. Address numbers required on the southwest side of the building facing Chamber Drive, not less than 4 inches high and with a minimum stroke width of ½ inch.
11. Turning radius requirements attached.
12. Fire Hydrant shall meet city specifications.
13. Fire Hydrant to be visible and accessible at all times. (Consider this when landscaping)
14. Relocate fire hydrant straight back behind the sidewalk, to prevent damage from vehicles.
15. Knox Box required, must meet city requirements. Contact Fire Dept. for details.

Mr. Barchanowicz stated he updated drawings based on comments received from Staff. He reviewed the GPD responses they provided to Staff comments. Ms. Holbrook stated that the turning radius requirement could be subject to approval by the City Engineer and Fire Department.

Mr. Barchanowicz noted the walk-in cooler would be screened with a weathered vertically installed galvalume, which is a metal screening material, but there will be ornamental trees and shrubs hiding the metal screening. The metal material will also be behind the dumpster pad, which will also have landscaping installed around this area.

Ms. Holbrook noted this would be the only building that does not have a door on the Chamber Drive side of the building. A ground sign is shown on the site plan. However, all signage will be under a separate review. Mr. Wenstrup asked if the applicant would have any issues meeting the Staff recommendations? Mr. Barchanowicz stated, no. The revised drawings have addressed all the concerns.

Mr. Peyton introduced himself as the new owner of this Taco Bell franchise. He stated he purchased twenty-eight franchises around the area approximately six months ago.

Mr. Brumleve made a motion to approve the drive-through Conditional Use. Ms. Evans seconded the motion. All voted in favor of the motion. The motion carried 5-0.

Ms. Evans made a motion to approve the Site Plan with Staff conditions. Mr. Brumleve seconded the motion. All voted in favor of the motion. The motion carried 5-0.

Ms. McKnight noted for the record that the request from Earworm Records for consideration of a mural was withdrawn.

**SITE 20-03 Freedom House Church, Conditional Use.**

Ms. Holbrook read the Staff Report into the record:

**Project:** Freedom House Church

**Location:** 989C Lila Avenue

**Property Owner:** Toebben Limited  
541 Buttermilk Pike, Suite 104  
Crescent Springs, KY 41017

**Applicant:** Jerry Stone  
Freedom House Church

PO Box 400  
Milford, OH 45150

**Acreage:** 21.005 Acres (Entire Shopping Center)  
**Tax Parcel Id:** 210725.001  
**Zoning:** B-3, General Business District  
**Use:** Religious Institution

**ADJACENT LAND USE AND ZONING**

*All adjacent property is zoned B-3*

**PROPOSAL**

An application submitted by Jerry Stone to operate a religious place of worship in a tenant space located at 989C Lila Avenue. The property is zoned B-3. Religious places of worship are a conditional use in the B-3 district and require approval by the Planning Commission. The 21-acre parcel contains an existing shopping center with parking spaces.

**STANDARDS FOR ALL CONDITIONAL USES**

In the 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:

- G. 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 the neighboring property and will serve the public convenience and welfare.
- H. 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.
- I. The requirements set forth for each specific conditional use will be met;
- J. Minimum standards for parking and loading areas shall be as required in Chapter 1187, Off-Street Parking and Loading Requirements;
- K. Minimum Standards for landscaping shall be as required in Chapter 1189, Landscaping and Bufferyard Requirements; and
- L. 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**

The applicant proposes to locate the church in 10,582 square feet of the existing shopping center. Space will be divided into worship space, gathering space, offices, classrooms, and storage. The actual total occupancy is to be 150. While there are multiple small businesses occupying the shopping center, the staff feels there is adequate parking to be shared among the different uses.

The applicant appears to be able to satisfy the conditional use requirements as specified in Section 1195.05.W, and the proposed use is in keeping with the existing development.

**STAFF RECOMMENDATION**

Staff recommends approval of this conditional use application with the following conditions:

1. City approval is contingent on review and approval by any other applicable local, state, and federal agencies.
2. Signage is to be administratively reviewed and approved through a separate application.

Mr. Wenstrup asked if there might be a parking conflict with RDI employees? Ms. Holbrook stated she was not sure if RDI had a Sunday work shift. Mr. Brumleve wondered if there was a conflict with places of worship and restaurants that serve alcohol. Ms. Holbrook stated no, not as far as zoning is concerned. She noted there is already another church located in the shopping center.

Mr. Stone introduced himself as the Lead Pastor for Freedom House church. He stated the church was in Batavia originally and another site in Morrow. They are merging into the Milford site. They are meeting at Cinemark at the present time.

Ms. Holbrook noted that there should not be a parking conflict since most of the businesses in the shopping center are not open on Sunday morning. Mr. Stone stated there are three employees in the office on a daily basis. Ms. Wenstrup asked how space will be used. Mr. Stone stated there would be a 3,300 square foot auditorium, three classrooms, some open space, and office space.

Mr. Brumleve made a motion to approve the Freedom House Church's conditional use at 989C Lila Avenue. Mr. Wenstrup seconded the motion. All voted yes. The motion carried 5-0

There being no further business or comments to come before the Planning Commission, Ms. McKnight made a motion to adjourn the meeting at 7:06 pm, seconded by Mr. Brumleve. Following a unanimous decision, the ayes carried.

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Assistant City Manager

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Lois McKnight, Chairman