

PLANNING COMMISSION MINUTES OF May 8, 2019
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, March 13, 2019, at Council Chambers, 745 Center Street, Milford, OH 45150.

Roll Call:

Lois McKnight called the Planning Commission meeting to order at 6:02 p.m. Other members present at tonight's meeting are Dino Pelle, Fred Albrecht, Oliver Roe, and John Wenstrup.

Staff: Pam Holbrook, Asst. City Manager

Visitors: Dan Lynch and Joe Brenner, LMBC; Kelly Addy, 5880 Park Rd.; Darryl Donovan, 28 Wooster, Pike; Sara Doepke, 222 Miami Lakes Dr.; John Neal, 323 Miami Lakes Dr.; Phil Ditchen, 548 Main St.; Pam Newhouse, 3305 Water St.; Jim Ritter, 3627 West Fork Rd.; John Savage, 1704 Chase Ave.; Don Williams, High St.

Minutes Approval:

Minutes were carried over to the next Planning Commission meeting.

SITE 19-13 High Street Demolition.

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

Project: High Street Demolition Certificate of Appropriateness

Location: 237 High Street

Applicant: Phil Ditchen
548 Main Street
Milford, OH 45150

Property Owner: POG Land Development
3759 N. Berkley Circle
Cincinnati, OH 45236

Acreage: .052 Acres

Tax Parcel Id: 210710A039C

Zoning: B-2, Downtown Mixed Use, OMO, Old Mill Overlay

Existing Use: Vacant Building (Single family residential)

Proposed Use: To Be Determined

EXISTING CONDITIONS

Adjacent Land Use and Zoning
North: B-2 OMO, Parking Lot;

East: R-3 Single Family Residential, Vacant;

West: B-2 OMO, Fountain Specialist;

South: B-2 OMO, Single Family Residential.

PROPOSAL

Phil Ditchen is requesting a Certificate of Appropriateness to demolish the 1,980 square foot structure located at 237 High Street.

ANALYSIS

Properties located in the Old Mill Overlay District are required to receive a Certificate of Appropriateness from Planning Commission before demolition can be completed. Section 1167.11.K. states that "Demolition of any structure shall not be permitted unless the applicant can demonstrate that one of the following conditions exist:

1. Demolition has been ordered by the Building Official for reasons of public health and safety;
2. The owner can demonstrate that the structure cannot be reused nor can a reasonable economic return be gained from the use of all or part of the building proposed for demolition;
3. The demolition of the building will not adversely affect the streetscape as determined by Planning Commission."

The subject site was damaged by fire in January of 2019. According to the Fire Department the building is structurally sound, however, in its current state, the building is a nuisance. The applicant does not have plans to redevelop the site in the short term. Any new development/construction except for single family residential will require approval from Planning Commission.

RECOMMENDATION

Staff recommends approval of the Certificate of Appropriateness 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. Perform site grading and restoration using gravel or seed and straw.

Mr. Phil Ditchen: My name is Phil Ditchin. My address is 548 Main Street in Milford. I don't think I need to add anything.

Ms. McKnight: Any questions for the applicant?

Mr. Wenstrup: When you demolish the building, how do you protect people from falling off the side?

Mr. Ditchen: I've met with a couple of demolition guys and their only concern is the the front foundation of the house because it appears to be holding up the sidewalk. The intent is to bring in fill dirt to level it out on the High Street side, grade it and then taper it to the Locust side.

Mr. Wenstrup: How long do you anticipate that fill in to take?

Mr. Ditchen: Less than a week.

Ms. McKnight: Would anyone else like to comment on this request or ask questions? No. Okay. Any discussion on the request for Certificate of Appropriateness?

Mr. Roe: I'll motion to approve the application for a Certificate of Appropriateness to demolish the building at 237 High Street with the two listed conditions.

Mr. Pelle: Second.

Ms. McKnight: We have a motion and a second to approve the Certificate of Appropriateness for the demolition of the structure at 237 High Street with the recommended two conditions.

Ms. McKnight: All in favor say Aye.

Group: Aye.

Ms. McKnight: Any opposed? Congratulations. And thank you.

Mr. Roe: I am going to recuse myself for the next case.

SITE 19-11 Little Miami Brewing Temporary Parking Lot.

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

Project: Little Miami Brewing Temporary Parking Lot

Location: 208 Mill Street

Applicant: Dan Lynch
Little Miami Brewing
208 Mill Street
Milford, OH 45150

Property Owner: Hank Roe
Terra Firma Development
750 US 50
Milford OH 45150

Acreage: 2.92Acres

Tax Parcel Id: 210708.0117P

Zoning: B-2, Downtown Mixed Use; OMO, Old Mill Overlay District

Existing Use: Vacant

ADJACENT LAND USE AND ZONING

North: B-2 OMO, Downtown Milford
South: Little Miami River
East: B-2 OMO, Vacant & Office Building
West: Little Miami River

PROPOSAL

Dan Lynch, Little Miami Brewing Company, is requesting permission to construct a temporary 30 space gravel parking lot on the vacant property adjacent to the brewery. The applicant proposes to screen the lot on the river side with bushes to reduce the headlight glare from parking vehicles.

The zoning ordinance requires new parking lots to be paved, however, the applicant intends for this to be a temporary parking solution. At some point the property owner, Terra Firma, would develop the property. Since there is always uncertainty with property development, Staff would recommend placing a time frame on the paving requirement.

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. Provide additional landscaping to reduce vehicle glare.
3. A time limit is established to the satisfaction of Planning Commission for the use of a temporary gravel parking lot.

Ms. McKnight: Any questions of Staff?

Mr. Albrecht: What is reasonable with respect to a timeframe for him?

Ms. Holbrook: That's the question I have for you. It is very difficult because as you know, with any condition you place on a project, there's the enforcement aspect. Since we don't know how long it will be a temporary parking lot, I recommend using shrubs to screen the lot rather than hay bales.

Mr. Dan Lynch: Dan Lynch 208 Mill Street.

Mr. Joe Brenner: We love being part of the downtown district and we're always looking for ways to improve it. We wanted to thank the Milford Garden Society. They awarded us the 2019 beautification award and we're very honored and humbled to receive that.

Mr. Lynch: We were going to request something like 24 months for the temporary parking lot. We don't feel the soil is such that it will be conducive for landscaping. We want to block any headlights from going across the river. We thought bales of hay would better block headlights and be more of a solid barrier. Plants would thin out in that soil and would be destroyed by future development.

Mr. Albrecht: What's the purpose of the parking lot?

Mr. Lynch: Additional parking for Fridays and Saturdays because it's busy. There's a shortage of parking everywhere in Milford. We thought this would be a nice way of providing our guests with more convenient parking than trying to find something on Water Street.

Mr. Albrecht: Just for the record this is actually located behind the existing building?

Mr. Lynch: Yes, correct.

Mr. Albrecht: And what were you planning to make the proposed temporary pedestrian walk out of?

Mr. Lynch: Gravel.

Mr. Albrecht: The plan is showing a gravel surface to be paved and asphalt. Is that part of this request as well?

Mr. Lynch: No.

Ms. Holbrook: The drawing shows a four-foot orange plastic construction fence surrounding the parking lot. Was that to be a part of the temporary parking lot?

Mr. Hank Roe: Hank Roe 750 US 50. That's just to keep everybody contained and not parking beyond what is designated as a temporary lot. I don't know if landscaping would provide security. There's a cost associated with this so that the little Miami brewing can understand where their money's going and it's not to that piece of asphalt, it's just to the gravel surfacing.

Mr. Wenstrup: A bale of hay will muffle a lot of sound. And if I'm not mistaken that's a pretty wild area. It grows up fast. So, the bales would be concealed by natural vegetation I like that better than a fence.

Mr. Lynch: The landscaping is not going to grow in that soil.

Ms. McKnight: Are there any other questions for the applicant at this time?

Mr. Albrecht: I just want to confirm one thing. You're not using the parking lot for the tent?

Mr. Lynch: No, this is just for parking.

Ms. McKnight: Did the property owner want to add anything else before I open it up to the audience?

Mr. Roe: We have plans to develop that property but nothing firm. There's no timeframe. I don't know if Dan and Joe answered your question on a timeframe for this temporary gravel lot, but there's nothing set in stone for what we're going to do with that property at this point.

Mr. Wenstrup: Will the lease be a month to month lease.

Mr. Roe: It's currently set at a six-month term and then it's month to month beyond that. So, it's open, but it's not a five-year lease.

Ms. McKnight: Is there anyone here that would like to speak regarding this request? Anyone that's speaking needs to come to the podium state your name and address for the record, please direct your questions to the Planning Commission and then we'll get clarification from the applicant when we've heard from everyone in the audience.

Ms. Kelly Addy: My name is Kelly Addy, 5880 Park Road.

Mr. Albrecht: Just for the record is that Milford or Indian Hill.

Ms. Addy: Well my address is Indian Hill, but I also have a four-acre lot in Milford.

Mr. Albrecht: But your address is Indian hill? You're a resident of Indian Hill?

Ms. Addy: Yes.

Mr. Albrecht: Tax payer of Indian Hill?

Ms. Addy: And a taxpayer of Milford. Yes.

Mr. Albrecht: You pay income tax in Indian Hill, right? Not to Milford.

Ms. Addy: Right.

Mr. Albrecht: I just wanted to establish that.

Ms. Addy: But I do pay taxes, because I have four acres in Milford.

Mr. Albrecht: Property taxes.

Ms. Addy: The tent was temporary as well and here we are a year and a half later. So, they're asking for a temporary gravel lot. They're not just using it as parking as they stated. They want to use it also for their exotic classic car show every Saturday between eight and 11. I would think they would have to have a permit to do that because this last Saturday morning you've got a lot of cars revving their engines coming in between eight and 11 in the morning. So, my first point is don't they need some sort of permit for that? So, the other thing is the dust from the gravel. There's going to be a lot of dust from that and it's going to hit all downtown. The third point is why would you reward the brewery with another parking lot when A, they have not complied with your request to put the music in the building with the doors closed, which we talked about last time; B, they need more parking to pack more people into a temporary tent; and C, it just shows that there was never an intention when this all started for the brewery to ever have live bands or have the entertainment that they're having. I just think that it's pretty unfair for them to even ask for this at this point considering they have not complied with what you asked them to do at the last meeting. The last point I make is that 1167.10 of the Milford Zoning Ordinance says whenever there are five or more parking spaces on the property, the parking lot shall be screened for at least two thirds of the length of the parking lot. Landscaping, walls, fences, planters or similar means shall be used to screen cars. It says nothing about hay bales. So, if they are going to do this, they should comply with what it says in the code. That's my point. Thanks.

Mr. John Savage: John Savage, 1704 Chase Avenue, Cincinnati. Our property is on Park Road. It is within the City of Milford, although it is vacant and not occupied. I would consider myself to be representative of Richard and Sharon Amato, my sister, who resides at 5770 Park Road. They're not complying with what was agreed upon, at least I thought it was agreed upon at the last meeting. I agree with what Kelly has said. I don't see any problem with this particular plan, but they need to get their act in order on the noise front before they get a carrot offered to them to further expand their operations. So that's really all I have to say.

Mr. Lynch: I'd like to address a couple things 3411 Woodlake Court, Loveland. A couple of things were brought up about the ability to contain sound. We agreed that once the addition is started that's how we were going to do that. We were going to close the doors and windows. We mentioned in March that there were a couple of

bands that we had already pre contracted that were going to play at the brewery. We had them, one of them was 4-7PM on Sunday. One of them played to 11 on Friday. We mentioned that there's a couple of acts in May, a couple in June and a couple in July. We haven't done anything different than what we said. Point number two, the cars, it's called cars and coffee. It's a group of people that get together. We sell them coffee that we get from Main Cup. We sell them a Holtzman doughnut that we buy in Milford and it's just a gathering for a few hours. Not a big deal. It's part of what people do on the weekends. It's not a race kicking up dust. Its people parking and everybody enjoying their cars. And yes, it would be nice if we had a little more parking for that. Bales of hay are a good temporary means to block headlights completely versus landscape. It's not going to take root and is going to die because we can't water back there. Thank you.

Mr. Pelle: Regarding the classic cars and cars and coffee. Do you have an idea of how many people attended this in the past?

Mr. Lynch: The first weekend that we did it, we had close to 60, 70 cars showed up. It was really nice. It is weather related.

Mr. Pelle: The classic car owners are okay with parking on gravel?

Mr. Lynch: Yes. It's not an issue. First of all, the gravel is not going to kick up dust. It's gravel that's compacted. We're going to paint lines on the gravel to have designated parking spaces. Last week we didn't have any cars show up. We bought four gallons of coffee; nobody came. It brings more people to Milford, brings more people to our brewery and people love it. It's a fun time, and it's camaraderie amongst car people. The place that used to do it was Fuel Coffee down on Eastern Avenue. They had it down there for 15 years. They called us when that place closed and asked if we would like to do this

Mr. Wenstrup: How many people attended?

Mr. Lynch: That first weekend maybe a hundred. We're not making money from coffee and donuts. This has been done as a community goodwill thing.

Mr. Wenstrup: So, do people rev their engines?

Mr. Lynch: No. I can't tell you that there's not somebody that might do that as they exit, but that's not a common thing. Most of the people that come are probably in their fifties, and just like to hang out with people that have similar cars.

Mr. Wenstrup: I'd like to hear your response to something that Kelly had said that it was clear that the intent was never to use this as temporary.

Mr. Lynch: Joe and I have never done this before. We came in front of Planning Commission in 2016 and we had no idea what the demand would be for the product that we offer. So, we built it small. Conservative. It was all the money we had. Everything I have is in this brewery. And the tent was a temporary cover for the patio. I agree that it has extended longer than we intended. We came in front of Planning Commission with a plan that was not as good of an idea as the eventual construction of a brick addition. In August we're going to start construction. The tent is going to be gone by the end of December. I just find the whole

characterization that were somehow lying and abusing the privilege that we've been given is insulting. We brought this brewery to Milford and it's been a great thing for the city, and we haven't done anything intentional to try to violate any trust that's been given. When we have the addition, the music problem is going to go away, along with the sound ordinance that's going to keep us complying with any issue of sound. We fully intend to comply with anything like that. We're doing our best.

Mr. Wenstrup:

If you originally said you want to have bands there seven nights a week, we probably would've said no. But that didn't come up. If it were me, I'd tell them, I'm going to have to cancel your gig because I'm going to try to stay within the parameters of this. And I would pay them, because it's not their problem. It's my problem. But I want to be as genuine as I can, because we all need the support the community. If you do have a band and we know that the sound travels up that hill. We talked about what would be acceptable for music. You agreed to that. Your main brick building has a door that could close and they could be in that main brick building, and what we talked about is if that door was closed, the sound doesn't go up that hill. So apparently the door was open, when the band that already had been contracted played. You're under close eyes and close ears on this stuff, and if you don't follow the spirit of what we've agreed to, we're going to hear about it.

Mr. Lynch:

Can I make a request? Bicycle Day was an all-day event that brought about 4,000 to 5,000 people to Milford on a Saturday in July and we had music that was part of that event. Could we request that we have the ability to do that day and then cancel the others?

Mr. Albrecht:

Before we go too far. We are here today to talk about a gravel parking lot, and not a noise ordinance. I think Planning Commissions is overstepping their bounds if they make any deals of this nature. Secondly, if you go back and look at the history of this whole project, they first came to us with a solution that included what I called boat covers which we approved with conditions. They have no restriction on their existing building. They came back with another application to build an addition. They agreed that when that second addition is completed, they would keep the doors and windows closed unless there was, a noise ordinance in place that superseded it. That's the agreement. There's no agreement right now that says they can't do music in their tent. There's no agreement that says they can't do music in their existing building. That doesn't exist. It's not fair to take restrictions that you think we had from a prior application and apply them here. And I also think that we're discussing things that belong at City Council. I wanted to clarify that because I've been reading all kinds of accusations and you're not on trial here. We appreciate the business. We have two things that we have to balance, the businesses and the residents. It's a tough thing to balance, but we appreciate the investment.

Mr. Lynch:

We went from the boat cover application to a completely new addition, which is going to run \$750,000. We did not take any of this lightly.

Mr. Donovan:

Darryl Donovan, 28 Wooster Pike. It seems fruitless to consider putting a temporary parking lot in there. Why put something temporary? Yes, I understand. It's summertime. If you're investing that kind of money, why not do it right? Because I don't think that's going to be temporary. I think your business is doing

great. I think we all want to work together, but I think we need to look at a permanent solution, not something temporary for this summer. And then bales of hay that by wintertime are falling apart, rolling down the hill. The temporary solution just seems like a foolish waste of money to begin with. It's just seems like they should consider permanent parking. Thank you.

Mr. Albrecht:

I absolutely agree with Ms. Addy about the screening. I'd like to see some sort of permanent landscaping, whether those be raised beds or something that would hold the landscaping rather than hay bales. I understand why this would be temporary. I agree with Pam that whenever we put things in, I always think about enforcement on the back end. We can give them a timeframe and then say come back in 24 months for another review if it's not paved by then. I think that would force them to come back to Planning Commission to tell us why it's not paved. And then whoever's on Planning Commission two years from now can review the issue. We are at least giving a future Planning Commission a chance to make that decision. As long as we put provisions in there about landscaping that's acceptable to the city, which would be no different than any other required landscaping around parking lots. I'm thinking raised beds, or containers. If they want to invest in a fence that's not a construction fence that's just the cost of doing business.

Mr. Pelle:

My notes are relatively similar to yours. I personally have an issue with the hay bales. I do think another solution could be found that's effective and more in keeping with downtown. The 4-foot construction fence also is not very appealing.

Mr. Wenstrup:

So, the request is for a gravel lot. I sit in these planning meetings and here people talk about greenspace. I think there's potential in a wall of hay bales because that is a quickly growing river edge. The bales are recyclable, so it's a green endeavor. They're relatively inexpensive compared to putting up a fence and less obnoxious than an orange four-foot fence. You can't drive through them. The sound won't go through them, light won't go through them.

Mr. Pelle:

Can the hay bales be seen? Would they be seen from the street? They're too far back.

Ms. McKnight:

We require parking lots to be paved, we require parking lots to be screened. they're asking can we have a parking lot that's not paved? There's no such thing as temporary in this business, and so to consider allowing them to have temporary gravel parking lot. I really can't give on the other aspects. I agree. It's a cost of doing business.

Mr. Albrecht:

I also would like to see something with the path other than gravel. Something nicer.

Ms. McKnight:

Is anyone prepared to make a motion?

Mr. Wenstrup:

I'd like to make a motion to approve. Including staff recommendation #1 and provide additional landscaping to reduce glare using a solid structure of the developer's choosing and a time limit established, to the satisfaction of Planning Commission to use a temporary gravel parking lot for a period not to exceed two years.

Ms. McKnight: Is there a second? Somebody needs to second and then we can consider an amendment; if you don't second it, then then it dies for lack of a second. We can try again. We have no second.

Mr. Pelle: I'd like to make a new motion. I'd like to propose that for the project and discussion that it is approved based on the following contingencies. Number one city approval is contingent on review and approval by the city engineer in any other applicable local, state and federal agencies. Number two, to be revised to state a solid fencing solution to mitigate the lights that Planning Commission approves. I'd personally like to see what that solution is before I approve it, and number three, a paved surface for the pedestrian walkway.

Mr. Albrecht: I have a question for you. Just for expediency of time. We'd be okay with staff approving it and would staff be okay with it?

Ms. Holbrook: Yes. Is it a wood fence? Is it a metal fence?

Mr. Pelle: Solid fencing to prevent the lighting from coming through.

Mr. Albrecht: It'd have to be a solid wood fence

Ms. Holbrook: Is that all the way around the parking lot?

Mr. Albrecht: Yes. All the way around.

New Speaker: The light pollution is across the river?

Ms. McKnight: This is in lieu of the 4-foot plastic construction fence.

Mr. Wenstrup: Could they put a split rail down that side rather than a solid fence to delineate where the parking lot stops?

Ms. McKnight: We've got a motion in progress. We need, to, finish the motion. If there is a second then we can discuss the motion.

Mr. Pelle: May I revise my motion number 1- city approval is contingent on review and approval by the city engineer and any other applicable local city, state, and federal agencies. Number two, to be a solid wood fence to mitigate light pollution that travels across the river into homes or residential areas that is approved by staff, and number three a paved surface for pedestrian walkway and the parking area. So, what I'm basically saying on the second point is I personally don't see a need for it to be all the way around. I think as long as staff determines that that lighting is not going into those residents' homes, I'm perfectly fine with that. Point number four, split rail fence to replace any orange construction fence to delineate the parking lot.

Ms. Holbrook: So, let me make sure I understand. Number three, paved surface for pedestrian walkway and the parking area. So, no gravel lot?

Mr. Pelle: It should be paved. As Lois pointed out it states in our rules and regulations that it has to be paved. So why would we not do that? It's more of an investment for the business, but it is a cost of doing business.

Mr. Wenstrup: For the sake of discussion, I'll second because I want to hear a discussion about it. Would you read back the motion please?

Ms. Holbrook: Number one, city approval is contingent on review and approval of all agencies. Number two is the solid wood fence solution to mitigate light pollution. Number three, paved surface for a pedestrian walkway and parking lot. Number four split rail fence to replace the orange construction fencing.

Ms. McKnight: Well certainly, what you're describing is the ideal solution. That's what the code requires.

Mr. Pelle: Is there any point hanging anybody up?

Mr. Albrecht: The paved parking. I've agreed with everything else, but I don't think we should require them to pave the lot. They're asking for a temporary use of it. The City as a whole embraces parking. We have gravel lots by the way.

Mr. Wenstrup: We know where we want to go, but we also have to support the people who help us get there. In the prior planning meeting, we had a gentleman that wanted to open a car lot and we gave him a certain amount of time to pave it. I don't see why we should treat this property owner any differently.

Mr. Pelle: Yes, that's understandable. Would anybody like to revise?

Ms. McKnight: We can vote to amend Dino's motion and then vote to consider.

Mr. Pelle: I'd like to make a motion to amend my motion.

Mr. Albrecht: Second that motion.

Mr. Lynch: We can pave it after 24 months. Gravel in the beginning and we would agree that it would have to be paved later. Temporary means gravel to us. Honestly, it's getting to be expensive. It's just a temporary gravel lot.

Mr. Pelle: The amended motion, would be all conditions the same except for point number three, which is being changed to, the use of a gravel surface is approved with the condition that it be paved in 24 months. No more than 24 months. That gives them two years.

Mr. Wenstrup: I think if I could add you're probably more likely to have a stumble if you go from gravel to pavement, then if you just continue the gravel out to the lot. People trip and fall when the surface changes. I think we also say that when the parking lots paved, so is the walkway.

Mr. Pelle: I would agree with that. The Little Miami Brewing temporary parking lot, is approved with the following conditions condition number one city approval is contingent on review and approval by the city engineer and any other applicable local, state and federal agencies; #2, a solid wood fence solution to mitigate light pollution into residential areas. #3, a gravel surface is approved for pedestrian walkway and the parking area for up to 24 months.

Ms. Holbrook: I had gravel surface with condition it is paved in no less than 24 months.

Mr. Pelle: Correct. Let's call it that. And then four was the split rail fence to replace the orange construction fencing originally planned.

Mr. Albrecht: I second the motion.

Ms. McKnight: I have a second. All in favor say.

Group: Aye.

Ms. McKnight: Any opposed? All right.

Ms. Holbrook: Do we want to talk about the tent? The tent permit expires at the end of this month. The applicant is asking for an extension to the tent permit till August and then once construction begins, they would like to install a tent in the front of the building.

Mr. Lynch: The relocation is just a portion of the current tent for three months while the construction goes on. The available space for the current tent area represents about 50% of our seating. It would be a significant decrease in our business if we couldn't have the tent. We would have to lay off staff if we didn't have it because there'd be less business.

Ms. McKnight: How large is the current tent?

Mr. Lynch: The current tent is 30 by 40, 1200 square feet. The new tent is a 20 by 40, 800 square feet. It doesn't block the fire department connection to our sprinkler system. Ms. McKnight: 01:16:08

Mr. Albrecht: Now would we establish it to be zero music inside?

Mr. Lynch: Yes sir. Zero.

Mr. Albrecht: Will the doors to the existing brewery be closed when you play music?

Mr. Lynch: Yes. The doors and windows would be closed.

Mr. Albrecht: When would the last day be for the tent?

Mr. Roe: We're shooting for December 1, 2019.

Mr. Albrecht: So, if we said December 31st, 2019 this tent comes down?

Mr. Lynch: Yes. It's gone. The end of December, the construction will be finished.

Ms. Holbrook: No music, no amplification coming from the from the tents at all?

Mr. Albrecht: No music at all. Not amplified or otherwise. Not even a pocket transistor in radio.

Ms. Addy: So, before you wouldn't talk about the noise, but now that we have the other tent coming up for renewal, you could put limitations on music in that tent. Aren't you still keeping the little tent?

Mr. Albrecht: Just to clarify for her, you are keeping this tent for a period of time. When is the new tent being moved?

Mr. Lynch: The current tent will stay until August 15th. Then construction starts and the tent will be moved.

Ms. Holbrook: The current tent permit expires at the end of May. They can ask for an extension.

Ms. Addy: All I'm saying is, you could put a condition that there is no music in that current tent that it has to be within the structure and that would appease all the residents. The other thing, this seems awfully dangerous to have that tent close to the road.

Mr. Albrecht: Can you clarify the where you plan to place the tent in the front?

Mr. Lynch: We had two different tent companies come out. They both designed the same solution.

Mr. Albrecht: This would have to pass inspections.

Ms. Holbrook: A building permit is required, and it has to be fire rated.

Mr. Albrecht: Absent of any efforts on our part, the tent is supposed to come down May 29th. You're asking us to extend the tent permit to August 15th?

Mr. Lynch: Yes.

Mr. Albrecht: We could place contingencies on that new permit, correct? Which would include no music inside the tent and doors shut inside the existing building.

Mr. Wenstrup: So, the big tent will be up until construction starts at the end of August. The little tent won't go up until maybe that same week?

Mr. Lynch: It's going to be moved same day. It's a relocation.

Ms. McKnight: Anyone else want to speak regarding the extension?

Mr. Albrecht: I'd be in favor of letting them move the tent with very specific dates in mind. August 15th for the old tent to go away. August 15th for the new tent to be put up. December 31st for all tents to go away and I'd be okay with no music in any of the tents and the doors closed.

Ms. McKnight: So, if they were to have a musical act, the musical act would be located inside the building and the musical act would not be in the tent?

Ms. Holbrook: And the garage door and windows would be closed.

Mr. Albrecht: the windows and doors that could be open to that Don't go right into the tent. Right.

Mr. Wenstrup: Have you had people actually call up and ask you to turn down the music? Have you had police show up because people called them?

Mr. Lynch: We don't have people call us, but we did have a police visit. We were requested to turn down the music this past weekend. One of the acts was in the afternoon. It was a Ukulele band. He played from 4:00 to 7:00 PM. There is no sound ordinance. There's nothing we can follow. It seems to me that were being picked on for, the ability to have an act that's bigger than will fit in our current tap room. But if that's the way we're going, what I'd like to request is that we be able to do bicycle day in July, and have acts in the tent because that was a big event for us last year. If we could just request bicycle day as an exception, we've already got a lot of planning and commitments.

Mr. Albrecht: What are the three dates you currently have?

Mr. Lynch: There's two dates in May, two in June, and two in July, there was a total of six dates over the next three months.

Mr. Wenstrup: I would agree with that, and I would also say that, it'd be nice if we had something on our books that address individuals that wanted to have a large assembly of some kind. If it's like frontiers days and is noisy, they come to the village and get a permit to do it.

Mr. Lynch: We would appreciate that consideration. Thank you.

Ms. Addy: So, if you get on their website, they have something six days a week. They have all kinds of stuff, if you don't place some parameters on that stuff it's going to still happen. This past weekend we had out of town guests, we couldn't be outside because it was noise until 11:00 PM at night and then it was all Sunday afternoon. I don't understand why we would allow that

Mr. Wenstrup: When this happened, what was your course of action?

Ms. Addy: I called the police. And I got the chief of police's voicemail and left a voice mail.

Mr. Pelle: But they showed up?

Ms. Addy: They didn't show up at my house. I guess they did. I never got a call back. I never knew if they did or not.

Mr. Wenstrup: That's our procedure right now, notify somebody who could document the complaint. It gives us something to go on if we need to call somebody to the carpet.

Ms. Addy: I will have to say that, over the last month, it's been pretty good. It's just when they have these amplified bands with electric guitars and drums, if you look at their website, all the flaps were open on the tent. Nothing was down. And that happened all day Sunday too. You're trying to lay out in your pool with your relatives. All you can hear is boom, boom, boom, boom. It's very frustrating.

Mr. Albrecht: Just to clarify we're saying no bands inside these tents except for the six days that we would grandfather. The rest of the time, he has to contain any acts inside the building. We don't want the garage doors open to the tents when there's music, we're applying the same rules to both tents. We've only exempted those six days that he already booked. We're not going to have any tents after 12/31/19.

Ms. Holbrook: I've got the end of May to August 15th for the original tent. Six acts in the tent are allowed between now and then they can have music, and games in the building, but all the doors have to be closed.

Mr. Albrecht: Do we have those specific dates?

Mr. Brenner: We have one on May 10th then May 25th, June 15th, June 29th and then the bike days, July 6th that's three bands and July 20th.

Mr. Albrecht: When you get your band inside your building the windows need to be closed because I've been there when they're open and that might as well not be inside. I know your band guy likes to have the air coming in, but you need to make sure they do that. I think we should put that in the restrictions. So with respect to the request for temporary tents at the, little Miami Brewery Company, the request has come into have the existing tent extended to August 15th, and then on August 15th that tent to be removed and part of that tent, the smaller tent be put up in the front of the building on August 15th. All tents to be removed by 12/31/19. Contingent upon approval by other agencies. Number two would be approving music to be utilized on these following dates. May 10, May 25, June 15, June 29, July 6 and July 20 within the tent area. All other dates, all music will be contained inside the physical building with the windows closest to the band closed. All the doors and windows adjacent to those tents will be closed. The restrictions apply to both tents.

Mr. Pelle: Second.

Ms. McKnight: We have a motion and a second, to grant approval for the extension of the existing tent permit with conditions and relocation of a portion of the existing tent to the front of the building with conditions until December 31st, 2019. All in favor say Aye.

Group: Aye. Any opposed? The motion carried 5-0.

SITE 19-06 Mill Street Addition & Outdoor Deck.

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

Project: The Millcroft Collection Certificate of Appropriateness

Location: 203 Mill Street

Property Owner/Applicant: Contingent Holdings, LLC
7885 East Kemper Road
Cincinnati, OH 45249

Acreage: .449 Acres

Tax Parcel Id: 210709.001; 210709.002B; 210709.005A; 210709.006B

Zoning: B-2, Downtown Mixed Use, OMO, Old Mill Overlay

Existing Use: Vacant Building

Proposed Use: Distillery, Restaurant, Banquet Facility, and Office

EXISTING CONDITIONS

Adjacent Land Use and Zoning

All adjacent property is zoned B-2, OMO

North: Park National Bank and Masonic Lodge;

East: One Main Gallery and May Café;

West: Milford Library, Dr. Guju, and Parker Building;

South: Little Miami Brewery

PROPOSAL

Jim Ritter, Architect, representing the property owner, is requesting a Certificate of Appropriateness to construct a 11,400 square foot multi-use building. The applicant intends to demolish the structure located between the original Millcroft and the Stables building, upgrade the infrastructure, and incorporate portions of the Millcroft and Stables into the new footprint. Potential uses include: Distillery, Restaurant, Banquet Facility, and Offices.

ANALYSIS

Permitted Uses

The proposed uses which include: Restaurant, Banquet Facility, and Offices are permitted uses in the B-2 district. The distillery use is not identified as a permitted use in any Milford zoning district. This is not surprising since the existing ordinance was adopted in 1999. Staff is currently working on an update to the downtown district zoning guidelines and our intention is to add the distillery use as a part of these changes. Staff does not see an issue with this use as it is very similar to the Microbrewery use that is permitted in the downtown district.

The applicant has been made aware that he will need to come back to a future Planning Commission meeting to receive conditional use approval for the distillery use. This delay does not impact the other uses proposed for this site.

Site Plan

The applicant received a Certificate of Appropriateness to demolish portions of the structure at the November 14, 2018 Planning Commission meeting.

The Site Plan shown on Sheet C-1 notes the existing structures that will remain and the 11,400 square foot, three-story addition. The basement will be used for the distillery and restaurant storage. The first floor will be the restaurant, bar, tasting room, kitchen and coffee shop. The second floor will be used for offices and banquets/meetings. The third floor consists of roof deck bar and outdoor seating.

Vehicle access to the site would be handled via Water Street. Trash would be handled by an on-site dumpster.

Parking

Parking is a concern with the number of different uses proposed on this site. Sheet A-1 indicates a total potential occupancy of 800 people across three floors and the basement. Section 1187.05 states that the applicant is required to provide a parking plan showing that an adequate number of spaces have been provided for the proposed use. The on-site parking lot contains a total of ten parking spaces with one accessible space and a truck loading/unloading area.

According to Section 1187.06 the applicant is permitted to use shared parking as a part of their space count. The applicant has provided a parking plan shown on the revised Sheet C-1. Public parking spaces within 600 feet total 112. Public spaces beyond 600 feet total 113. There is a grand total of 225 existing public spaces. The City may create additional parking spaces on the north end of town at some later date, but this has not yet been approved by City Council or placed in the budget. (See Manager Memo)

Downtown Milford has a variety of restaurants, offices, and stores that open and close at different hours of the day and therefore, have different parking needs at different times of the day. In the short term, the shared parking situation may be adequate for the various uses.

Utilities and Safety Services

All City departments indicate they will be able to provide services to this development.

Landscaping

Parking lots with 5 or more spaces are required to be screened at least 2/3 of the length. The applicant proposes to use juniper and cat mint as screening. These two plants do not provide much screening but do provide ground cover. An alternative screening option could be a stone knee wall which could either be use for planters or sitting.

Lighting

The lighting plan is shown on Sheet C-3. Footcandles at the property line are not to exceed 0.5. In this case foot candles along Mill Street do exceed 0.5. The applicant will need to submit a revised lighting plan showing compliance Section 1187.10.

Elevations

This project is located in the Old Mill Overlay and the Commission has the ability to regulate material type and height. The applicant is making an effort to preserve the Millcroft and Stables as well as investing a great deal of money to restore the Millcroft to a close replica of the building as it once was many years ago. The proposed new construction appears to be more contemporary, but complimentary to the surrounding buildings.

Elevations are shown on Sheet A-5 and 6. Materials include white wood siding, architectural shingles, black fiber cement panels, and cedar accents. Building height from the base to its highest point is less than the maximum permitted 45' height.

Neighborhood Meeting

A Neighborhood Meeting was held on April 24, 2019. Approximately 15 people attended. Mark Stuhlreyer presented the plan to the group. Comments, questions, concerns include the following:

- Demolition will begin in approximately 90 days
- Several audience members were concerned about the noise. It is not expected to generate much noise. It will be a low-key operation.
- Stuhlreyer will own the building but lease out portions to a restaurant, office, etc.
- Anchor restaurant to upscale, casual
- Any exhaust from distilling process? Flour and water are boiled which may produce steam and smell similar to a bakery,
- Parking is a concern. Mark has made dozens of calls to local property owners to discuss leasing parking spaces. Looking at valet service. Willing to participate in a City parking project.
- Construction duration is 9-12 months
- Applaud Mark for saving the Millcroft and Stables building

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. Screen dumpster pad with material to match the building.
3. Resubmit lighting plan showing compliance with Section 1187.10.

- Mr. Jim Ritter: My name is Jim Ritter, architect, I'm at 3627 West Fork road. Cincinnati. I want to thank your public works guys because they helped us, chase down 2 storm lines and a sewer line. I'm here to answer any questions. I hope you understand the project. It's an event center not just a distillery and not just a restaurant. I think our biggest concern as Pam talked about was the parking. We think that it should be treated like a shopping center. You have six or seven different uses and the code may say you need 180 spaces, but with all those different uses at different times, you may only need 120. We approached the parking by comparing to the Hamilton county standard. We used that standard and came up with the count and then tried to identify where the parking spaces were that are available to the public.
- Mr. Albrecht: How many spaces did you guys determine you would need based on the Hamilton county standard?
- Mr. Ritter: If we use Hamilton County standards, we need about 113. There are 112 spaces within 600 feet. And we identified other spaces bringing the total to 178.
- Mr. Albrecht: I'm trying to visualize for everybody in the room as well. Would it include the new parking lot by the market?
- Mr. Ritter: No. When you look at civil sheet one, there's a 600-foot arc. we use 600 feet because that's a standard city block. This is a tricky project because two existing buildings are historical then the center section is not. We want to tear down the center section, build the basement, rebuild it, and then tie the two existing buildings together. The original building at 203 Mill has been clad in vinyl siding. We're going to strip all the vinyl siding off and replace it with wood siding or possibly cement board. The portion of the building that would remain on the east is an old stable, that's all stone. We might have to rebuild a portion of the roof. We're not sure exactly whether we over frame the existing roof. or take down a portion of the roof.
- Ms. McKnight: You're really challenged for where the dumpster can be located. You can't really get to it unless you make sure there's no cars parked in the parking lot.
- Mr. Ritter: If you negotiate a contract and you do your pickups at six in the morning or eight in the evening it's very easy and that's the most logical place in the northeast corner.
- Ms. McKnight: I'm looking at the lighting plan that Pam pointed out.
- Mr. Ritter: We had two spots on Mill Street where the lighting exceeded the city standards. We chose some acorn type light fixtures that kind of match out in the streets but we will take those away and then we'll be able to conform.

Ms. McKnight: The floodlights that are shown around are those down lighting or up lighting?

Mr. Ritter: They'll be up lighting.

Ms. McKnight: And then the question about the landscaping?

Mr. Ritter: We had a landscape architect do the landscaping, Gail Frazier we've worked with her for 15 years. I'm sorry, I couldn't really speak to that sheet.

Mr. Roe: I think Lois is pointing out that there is a screening requirement that we have for parking. Ground covers not going to provide any screening. You either need to provide some kind of screening bushes or a wall or a fence can be used to achieve the same thing.

Mr. Ritter: All the parking is in back.

Mr. Roe: I understand. It abuts Water street. So that's actually the front, right?

Ms. McKnight: You have that very small area?

Ms. Holbrook: It's a small strip here that should be screened right along Water Street here. It's more ground cover. Not really screening.

Mr. Ritter: I'm sure we'll get it landscaped.

Mr. Wenstrup: If they build a stone wall there that was four-foot-high and put ground cover on that, that would be sufficient?

Ms. Holbrook: Yes. Similar to what we did at the public parking lot.

Mr. Ritter: We'll pick that up. We have the two light fixtures to remove.

Ms. McKnight: I remember seeing that on the prelim rendering the earlier presentation. I'll be happy to entertain questions or comments from the audience.

Ms. Addy: I did study the plans that were online. When I was reading through the standards under 1167 the new part that they're putting in. I'm a little concerned about the rooftop deck. Of course, everything is related to noise with me, at this point. According to these sheets that are in the standards, they say to avoid the middle part being taller than the rest of the structures. And it looked to me on those plans that that middle, the rooftop deck is going to be taller than the front and back of those buildings. I'm wondering why that is taller than the rest of the facade.

Mr. Ritter: If we go to the south elevation, we have four bays at grade. And then above those four bays, you see light fixtures that are washing the wall. And then above that we have a 42-inch-high guardrail. I'm sorry, is the concern noise or we're under the allowable height. We're four or five feet above the existing buildings, the existing original building.

Ms. Holbrook: According to the plans here you have the third-floor deck. It appears that the, the floor of the third-floor deck is about 30 feet.

- Mr. Ritter: That's correct. The third-floor roof deck is below the height of the original building, but the rest of the structure is above that height, but still below the 45-foot maximum that the city allows. The top of the roof is at 40 feet, which is five feet below. And when you look at it in an elevation, that 40-foot height it is set back 25 or 30 feet. When you're at street level yet, there's not very much of a chance to even see it.
- Ms. Holbrook: There is no intention to have bands or anything on these decks?
- Mr. Ritter: If they had a wedding reception on the second floor, they'd certainly have a band inside.
- Ms. McKnight: Anyone else have a comment or question regarding the application? Discussion by Planning Commission?
- Mr. Wenstrup: I came to the public meeting and heard Mark speak. I think he's tried to comply with the things we'd asked. This seems like a guy whose heart's in the right place about developing something and maintaining things that are important to our community.
- Mr. Roe: I agree with John. He's removed the vinyl siding off the Millcroft home, replacing it with wood or fiber cement siding. It's a durable product and better looking. He's saving the building that everybody's held their breath about for 10 years. I've got no issues with it. I think it looks great.
- Mr. Albrecht: I commend the architect in trying to incorporate new with the old and the way that I've seen progress when they listen to comments in the community. I think this is an excellent example of collaboration with the community by the time they got to us. I think all the questions have been answered and it looks awesome. I certainly appreciate the investment in a historic building. It's phenomenal.
- Mr. Pelle: I feel the same way. As somebody who works in the design field, I feel like the architecture is really good here. It's definitely hearkening back to this historic vibe, but contemporizing it and I think that's the right way to move.
- Mr. Wenstrup: I want to say one other thing and that is that, this appears to me to be a labor of love because it was just a pure economic win, win.
- Ms. McKnight: Yes, it will be a great addition to the city. I liked your term elegant looking building. Is anyone prepared to make a motion?
- Mr. Roe: I'll make a motion to approve the proposal for the project at 203 Mill Street with the three staff conditions.
- Mr. Pelle: Second, with a fourth condition.
- Mr. Roe: Fourth condition to bring the landscape parking lot screening into compliance with the zoning code.
- Mr. Albrecht: Second.
- Ms. McKnight: We have a motion and a second. Any discussion? All in favor say Aye.

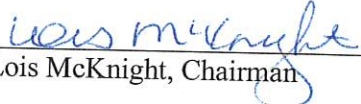
- Group: Aye. The motion carried 5-0.
- Ms. Holbrook: I'm bringing this to planning commission's attention. I'm not asking for any type of action tonight. Some of these items have come up as issues. One of the things that I briefly talked with Fred about, is whether a brewery and distillery should be conditional uses in the B 2 district. Could they just be permitted, uses, uses permitted by, right. I'm interested in some feedback regarding that. I think when the microbrewery language was put into the zoning ordinance, in the nineties, they did not know what kind of impact a brewery might have. And I'm sure they were trying to account for that. But I think as we've seen the, it's not the brewing process or even the distilling process, that's an issue. It's everything that goes along with it, which is the entertainment. Possibly we need to look for some language to address the downtown entertainment. The next action would be for counsel to initiate a text amendment and that directs staff to move forward with drafting some language to address this.
- Mr. Albrecht: Can the rest of this be wrapped up into that before you?
- Ms. Holbrook: No, I do have a definition for massage versus massage therapy
- Mr. Wenstrup: I wanted to get back to the entertainment. I definitely think we need to have some language that, allows and encourages entertainment. Because when you have entertainment, people come in town and they go get something to eat before or after they have a cocktail. I think that's a good thing.
- Mr. Albrecht: And we're not talking about limiting entertainment. We're talking about defining what is and what's permissible. Just so that it's not always a conditional use.
- Ms. Holbrook: I think we want to have all these fun things to do downtown, but we are so compact. We have so much residential adjacent, so how do we control that?
- Mr. Albrecht: For the most part, people who purchased property around the business district. They should be aware that this is possible. Chappy's has been there forever. They play music until who knows how many hours. I hear they play later than the brewery, but they don't call on Chappy's, that's what I don't understand?
- Ms. Holbrook: This list, auto repair, auto sales, auto service stations auto washing establishments. I am concerned about key pieces of property zoned B3. An auto repair could be placed in any in any B3 district as a conditional use think that Milford has many car lots, and vehicle repair businesses.
- Mr. Pelle: Is it possible to limit the number particular category?
- Ms. Holbrook: I think it's easier to create zoning districts. You look at the overall picture of Milford and determine where we want vehicle sales. Areas where it makes sense.
- Mr. Albrecht: Gotcha. Grandfather people that already exist.
- Ms. Holbrook: But once they go you don't allow somebody else to do that. It could be years before that changes, but it's taking a closer look at where we want certain activities. Where we want treatment clinics. You can do it here and here, but you

- can't do it all over the place. We have a lot of B3 zoning and that district is pretty wide open.
- Mr. Albrecht: So how do you take that next step and apply that to south Milford or east Milford that really need guidelines. Perfect example is a guy comes in and builds a garage on the street when our guidelines say a garage should be in the back, but they didn't even have to get approval. So, nobody could reject it.
- Ms. Holbrook: You're looking at zoning, setbacks, right. That's all I sign off on when a building permit comes in.
- Mr. Albrecht: They at least should have to come to a committee like the planning commission and then we can look at it. You could put 32 homes with garages right on the street and there's nothing that would prevent that right now. So how do we foresee that? I'm hoping, is there a way to put that into language now.
- Ms. Holbrook: It's not something I would recommend doing quickly.
- Mr. Albrecht: How do you at least get a start on it? Even if it's a permission-based. I feel like we need something to at least be able to look at.
- Ms. McKnight: That's not a problem unique to Milford. Most communities don't regulate aesthetics and appearance of new construction of single-family homes. In most areas where they see a lot of development, it's a 50-acre track that's been subdivided and Fisher or MI or whoever's going in and, the houses are all going to look like that. Infill becomes a different problem.
- Ms. Holbrook: A few years ago, Geoff Pittman, formed an ad hoc committee to look at South Milford and determine whether an overlay would be appropriate. He had several meetings but he could not get any buy in.
- Mr. Albrecht: No, I get make sense. Perfect. Will this this go to a committee first or right to council?
- Ms. Holbrook: Well I would put a more detailed memo together for council, it does not need to go to committee yet. It goes to council to decide if they want to initiate a text amendment, which directs staff to move forward with language. And then it goes through the process, a 30-day advertisement, notice. And then to planning commission, 30-day notice, and then to city council for a public hearing. And then final approval.
- Ms. Holbrook: I want to say thank you to Oliver. We are going to miss him. He's been a great member of planning commission and I really enjoyed working with you.
- Mr. Roe: Thanks for the kind words guys. I'm moving to Louisville and I'll be down there probably a few years and then maybe we'll come back. I need to challenge myself with something different.
- Mr. Wenstrup: Pam sent out a letter to Planning Commission from Cole Carruthers. We need to have a procedure for those kinds of things so that complainants can feel that they being heard. give me some thoughts on that, I think is something we as a group should address it.

- Mr. Albrecht: How has that been handled in the past?
- Ms. Holbrook: Staff will typically deal with the complaint that comes in. In this case, he specifically said, I want you to share this with Planning Commission, which I did. He should come to Planning Commission and it should be addressed in a public meeting. It's not up to you guys to respond directly.
- Mr. Wenstrup: And just for my own edification, so when you send something out to us, we can provide our 2 cents back to the group? Am I violating some rule by sending a response to something you've sent me?
- Ms. Holbrook: The best way is to bring it to Planning Commission and read it. Keep in mind whatever you put in an email is public record? So just be mindful of what you say.
- Mr. Albrecht: But any public request for any communication between any of us will go to whoever asks for the public records request and be used in any way. Even if it was just sent between us.
- Ms. Wenstrup: So just do all our business in these meetings?
- Mr. Albrecht: Yes. If I get a query like this, even as mayor, I refer to the city manager, Pam and Mike Minniear. That way we're all clear that one person is not going rogue and answering questions for all of us.
- Mr. Pelle: So, the only response you're really making is procedural in a sense. It's not opinion, recommendation, suggestion, it's just no thank you.
- Mr. Albrecht: You can't ever win those. You can't win the war. I've learned that the hard way. I do always respond because I do want to be responsive. Right?
- Mr. Wenstrup: When you've got a problem, you create procedure, then you don't have a problem anymore. You just follow the procedure and we don't have procedures on a number of things.
- Ms. Holbrook: As Fred said, I would treat Planning Commission the same as City Council. If somebody's got a complaint that they want to address to the Planning Commission, I'll forward that to you but I should instruct that person to come to the next meeting to discuss.

There being no further business or comments to come before the Planning Commission, Ms. McKnight made a motion to adjourn the meeting at 8:41 pm; seconded by Mr. Albrecht. Following a unanimous decision, the ayes carried.


Assistant City Manager


Lois McKnight, Chairman