

PLANNING COMMISSION MINUTES OF April 10, 2019
6:00 P.M. Council Chambers
745 Center Street, Milford, OH 45150

ok
SIGNED

The Planning Commission of the City of Milford met in regular session on the evening of Wednesday, April 10, 2019, at Council Chambers, 745 Center Street, Milford, OH 45150.

Roll Call:

Oliver Roe called the Planning Commission meeting to order at 6:00 p.m. Other members present at tonight's meeting are Dino Pelle, Fred Albrecht, and John Wenstrup.

Staff: Pam Holbrook, Asst. City Manager

Visitors: Cynthia Sooy, 405 Garfield; Jayne Flege, 990 Wallace; John Neville, 1099 Main; Deborah Floyd, 39 Cleveland; Skip Margraf, 206 Cleveland; Becky Linser, 134 Cleveland; Dawn Hillman, 32 Cleveland; Cole & Mary Carothers, 22 High St.

Minutes Approval:

Mr. Albrecht moved to approve the February 13th, and the March 13th, 2019 minutes, seconded by Mr. Mr. Pelle. The motion carried 4-0.

SITE 19-08 Old Milford Inn B & B Conditional Use, Wedding Venue.

Ms. Holbrook read the Staff Report into the record:

Project: Belcher Bed & Breakfast Conditional Use, Wedding Venue
Location: 405 Garfield Avenue
Property Owner: Christopher & Cynthia Belcher
405 Garfield Avenue
Milford OH 45150
Acreage: 2.5 Acres
Tax Parcel Id: 210731A016P
Zoning: R3, Single Family Residential District
Existing Use: Single Family Dwelling
Proposed Use: Bed & Breakfast

ADJACENT LAND USE AND ZONING

North: R3, Single Family Residential and R1, Large Lot Single Family

West: B2 OMO, Downtown Mixed Use

East: R3, Single Family Residential

South: R3, Single Family Residential

INTRODUCTION

Cynthia Sooy, owner of the Old Milford Inn B & B, was granted a Conditional Use in 2017 by Planning Commission to operate a Bed & Breakfast at 405 Garfield Avenue. She is requesting permission to add an

outdoor wedding venue as an accessory use. The property is zoned R-3, Single Family Residential District.

Ms. Sooy notes that the wedding venue would be limited to twelve weddings per year and each event would be limited to eighty people. Receptions would not be held on the property and no alcohol would be served. Ms. Sooy states that she has been asked to host weddings at her scenic location, and she would like the option to generate additional income. Ms. Sooy proposes to use six on-site parking spaces with shared parking being used to accommodate the remaining guests.

ANALYSIS

The Milford Zoning Ordinance defines a Bed & Breakfast as "an owner occupied, single family detached structure, wherein lodging and breakfast are provided to transient guests for compensation. The bed & breakfast lodging is subordinate to the principal use of a single-family dwelling."

This property is located at the corner of Garfield Avenue and High Street. On the west side of High Street, the properties are zoned B-2 Downtown Mixed Use and on the east side of High Street properties are zoned residential. This property as well as the other corner property serve as a gateway to the south Milford neighborhood.

When approached by Ms. Sooy regarding this request, Staff expressed concern regarding noise, traffic congestion and parking. She brought up the fact that homeowners do host weddings in their home, but a homeowner would not be permitted to conduct a wedding venue business out of their home.

Staff understands why this location may be appealing as a wedding venue, but it is important to protect the integrity of the residential neighborhood. The Ordinance does not call out that any accessory uses are permitted or prohibited under the Bed & Breakfast conditional use. In Standards for all Conditional Uses, Section 1195.04.A. specifies, "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."

One of the questions to consider is whether this use can be conducted without substantially affecting the neighboring property as specified in Section 1195.04.A. Limiting the use to 12 times per year seems reasonable. The Commission may want to consider reducing the number of guests from 80 to 40 which would help with traffic and parking issues. The other recommendation is to limit amplification of music/sound to no later than 10PM.

STAFF RECOMMENDATION

Staff recommends approval of the request to hold weddings at the Old Milford Inn B & B with the following conditions:

1. The venue is limited to 40 people.
2. The site will only be available for wedding ceremonies.
3. No wedding receptions to be held on the property.
4. No alcohol.
5. Wedding venue activity limited to 12 times per year.
6. Property owner is responsible for ensuring the wedding party has obtained appropriate permits for the tent.
7. No amplification of sound or music after 10PM.

Ms. Holbrook:

I want to add that the staff report was written based on the original proposal. Last week, Ms. Sooy provided a revised proposal that you received in your packets as well. I did share with Ms. Sooy that despite the revised proposal my recommendations would remain the same. It is a residential zoning district. I do

have a great deal of concerns regarding the impact that this might have on the South Milford neighborhood. I'd be happy to answer any of your questions.

- Mr. Albrecht: One question I have, how do we pick 12 times per year?
- Ms. Sooy: Those are restrictions I placed upon myself. Just to try and be a good neighbor.
- Mr. Pelle: Is this technically a commercial property business on a residential area? It's mixed use, right?
- Ms. Holbrook: No. It's a residential zoning district. In the R3 district, you're allowed a bed and breakfast as a conditional use, but the principle use is still supposed to be single family.
- Mr. Pelle: My follow up questions what is the rationale behind the number 40? Why not the reception versus the wedding? Those first four I had questions on. What were the specifics around that?
- Ms. Holbrook: The number 40 was half the number that was requested. You're talking about maybe two people per vehicle, 20 cars to worry about parking. She has onsite parking for six. That meant that 14 cars would need to find parking somewhere in the area. It's subjective. You mentioned wedding ceremonies versus the reception. The reception brings a whole new element to the wedding venue. You're more likely to have noise and a party type of atmosphere with a dinner and alcohol.
- Mr. Albrecht: I guess it seems like a dichotomy between no wedding receptions to be held at the property, but then no amplification of sound or music after 10:00 p.m. Why would there be sound or music if it's only a wedding? I guess during the ceremony you have some music, but if there's not going to be a reception after, why would you have music even until 10:00?
- Ms. Holbrook: As a wedding you may or may not have music.
- Mr. Roe: I thought the same thing, but I think it's probably just a good catch all to kind of wrap it all up.
- Mr. Wenstrup: If you've got 40 people. You really don't need a lot of amplification, so maybe we could work through that when she has a chance to speak. The other thing is, there's nothing to prevent her at this property to apply for a special permit if people want to have a special event. We have to be prepared for that as we add venues like this in the community. That might be under that special event permit like when we have the South Milford neighborhood band that plays until later. We do have pieces in place to do that. My only question was also why would you need amplification of music and why would you need it until 10:00 p.m.? She can address that when she comes up.
- Ms. Holbrook: She provided an original proposal and then came back and revised it. She would like a maximum of 30 people for indoor celebrations which would be a building code and Certificate of occupancy issue. That's a question I can't answer tonight. The venue would be limited to a maximum of 60 people for outdoor celebrations, so she has reduced it from 80 to 60. Outdoor celebrations are not to extend past

10:00 p.m. on weeknights and 12:00 a.m. on weekends. And a limitation of 12 per year. The property owner would be responsible for any permitting requirements. As far as the tent being dismantled within 24 hours of event, I don't know that we can enforce that.

Mr. Wenstrup: I know we've had, more than 30 people in our house, so maybe I need a permit. Do we have an additional responsibility over and above this is my house, this is my family, I've got 40 people over at Christmas? Do we have a responsibility since this is held out to the public as a venue to assure that the capacity is within the engineering limits and stuff?

Ms. Holbrook: It's not an engineering question. It's a building department question.

Mr. Wenstrup: Do we have that responsibility to clarify that?

Ms. Holbrook: As a residential use, you're not under the same restrictions, that a commercial property is under. If you have 30 guests in your house and your floor collapses, that is covered under your homeowner's insurance. She's conducting a business, so she is in a different category.

Mr. Albrecht: I guess the question to you, have you considered, we have 30 people for indoor and 60 for outdoor. Does that mean 90 on the property at a time? Questions for staff right now.

Ms. Holbrook: I didn't take that to mean that it would be a total of 90. I guess that's a clarification that I would ask the applicant. I took that to mean that the wedding event could be outdoors, up to 60 people outdoors.

Mr. Albrecht: I'm just trying to cover all circumstances. Your recommendations didn't take that into consideration. I know that the fire department is very cognizant of tent size and capacity. I just don't want to get to the point where we're giving permission that the fire department is then going to take away. These are recommendations, but the fire code needs to supersede whatever recommendations we make for the conditional use.

Ms. Holbrook: Any time somebody brings a tent or is going to use a tent in the city that's over 400 square feet, they have to get a building permit. There's a whole set of commercial tent requirements. Certainly, anybody erecting a 400 square foot tent would have to follow these tent requirements. That goes whether it's residential or commercial, but anything over 400 square feet requires a building permit sign off, which means that it has to have a fire safety certificate, and Phil, our fire inspector, will go out and inspect it to make sure it complies.

Mr. Albrecht: I guess getting back, as far as staff recommendations, can we get back to the 12 times per year? I mean that sounds like once a month.

Ms. Holbrook: It's once a month, right.

Mr. Albrecht: Weddings generally are May, June, and July so now we're talking about could they do four, one every weekend for 12 weeks? Is that the intent of the 12 times per year to make it once per month? Just things to consider. It's residential property. I'm trying to reduce the pressure on the residential property because

they're asking for commercial use for residential property and they're asking for an exception to do that.

- Ms. Holbrook: That's a good point. You could do June, July and August, cover 12 weeks out of that and you'd be done for the year. The hard part with 12 times per year is that how do I regulate that unless somebody does come in and get a special permit for that? If she's got to get a tent permit each time it's happening, I can regulate it that way, but otherwise if an impromptu wedding celebration happens, then I'm not going to know about it on a Saturday night. It becomes difficult. I'm not going to go out and count that there's only 60 people.
- Mr. Albrecht: Right. It's enforcement? Okay.
- Mr. Roe: We have a lot of questions. I think it is probably time to let the applicant speak. Please state your name and your address for the record.
- Ms. Cynthia Sooy: Cynthia Sooy, 405 Garfield Avenue.
- Ms. Sooy: I did some research on the other bed and breakfasts in Clermont County. I just went off the Clermont County's visitor's guide and they list the B&Bs. I spoke to every single one of them. All of them are zoned residential. All of them are allowed to have indoor and outdoor events with no restrictions with the exclusion of one of them that was zoned agriculture and they, of course, could pretty much do what they wanted to. I'm hoping that you guys will consider that as a precedence.
- Mr. Wenstrup: Is that in Milford or is that in Clermont County?
- Ms. Sooy: We don't have any other ones in the City of Milford. They are all Clermont County, 1861 Inn at Batavia which is a very popular one, Henderson House in Bethel, Vernholt House and Susanna's Guest House are both in New Richmond. The Sweetspire Ranch is in Batavia and that's the one that's zoned agriculture.
- Mr. Wenstrup: You may have to confirm for your own edification that there's no restrictions in Clermont County, but we have to decide what works in the City of Milford.
- Ms. Sooy: Absolutely. I just thought that this would be good information for you to have. Did you have any questions for me?
- Mr. Roe: I think one of the questions was there was the 30 and 60 number thrown out.
- Ms. Sooy: That was an either/or issue. Either it would be an indoor event or an outdoor event. My house is nearly 4,000 square feet, so it will fit way more than 30 people. That was the restriction I was putting on myself.
- Mr. Wenstrup: How much is the common area? You wouldn't have a wedding in the bedrooms or anything.
- Ms. Sooy: No, no. In the two front rooms, another thing people had been wanting to get married on the front porch, which is a large front porch.
- Mr. Wenstrup: That's a good question. How big is your porch?

Ms. Sooy: I have a very large porch, maybe 1,000 square feet. Maybe 1,200 square feet as far as porch, which most people have an interest in getting married out there or having a reception out there. Small. We're talking a small wedding. My two public rooms in my house are not that large. That's why I limited it to a 30-person event.

Mr. Wenstrup: Do you think that will work for you? Is that restricting you in some way? Are you happy with 30 and 60?

Ms. Sooy: I would prefer not to have any restrictions and just use my own common sense when it came to it, but I was putting the restrictions in on the hope that I would have better luck in getting approval with this. I would be willing to stick with my restrictions if deemed necessary.

Mr. Wenstrup: Unfortunately, common sense won't help me because I've never run a bed and breakfast. I know that we've had businesses who thought they'd need this much space and now they need that much space. I think you're in the right track of talking about that.

Ms. Sooy: I think if and when I would ever need a larger space, I would probably come before the planning commission again and request permission for that.

Ms. Wenstrup: Would that be something that if she, wanted to have 32 people. Do they have to come before planning commission or can they come to you and get a special dispensation of some kind, come to the staff?

Ms. Holbrook: As I said, I'm not going to go out and count people. She's going to tell you 30 or 60. If she comes to me and says instead of 30, I've got to do 40 inside, the first question is going to be is does your certificate of occupancy allow you to do that? She might need to meet some fire safety requirements.

Ms. Sooy: The question is do I? Really, if I can retain my residential zoning with my conditional use, as far as I know, I am not subject to that.

Ms. Holbrook: You haven't had a conversation with the building department yet, correct?

Ms. Sooy: No.

Ms. Holbrook: I would defer to the building department. You want to do everything right for liability issues. If I'm a commercial business and I have 30 people inside my building, I would want to make sure I'm following all fire safety restrictions. That's a question that the building department will have to answer.

Ms. Sooy: Right. Like Mr. Wenstrup said, my family comes over for Easter and there's well over 30 people there.

Mr. Albrecht: That's a little different than a commercial thing that you're renting to somebody to bring in commercial business, right?

Ms. Sooy: Right.

Mr. Albrecht: The brewery has restrictions on how many people can be in there. Every restaurant we have has restrictions.

Ms. Sooy: I can assure you that 30 people would be well below my maximum capacity.

Ms. Holbrook: The building department could come back and say we can only grant you a certificate of occupancy for 20 people,

Mr. Albrecht: Or you might have to put in sprinklers or you might have to do X, Y, Z.

Ms. Sooy: As a B&B, I want to avoid that. For this to work, I need to retain my residential zoning. That's why I'm here.

Ms. Holbrook: This isn't changing the zoning. If Planning Commission said yes to your proposal, you're still a residentially zoned property.

Mr. Albrecht: We can put conditions on this property because you're asking for an exception to the rule.

Ms. Holbrook: As far as the original question if she had 32 instead of 30-

Mr. Pelle: At some point there's a level of trust, right? I mean that's the point.

Ms. Sooy: Also, my clients have to sign a contract with me when they want to utilize my property and it lists out the maximum number of people that are allowable based on what they tell me because they can't sign a contract for 20 people and show up with 45. They would sign a contract with me stating the maximum amount of people that would be there and obviously would have to be in line with the rules set place here.

Mr. Albrecht: You've requested 60 people for your outdoor tent?

Ms. Sooy: Yes. Not necessarily a tent either. It doesn't have to be a tent. That would be up to the individual clients. My plan is if I get approved to have receptions on the property is to remodel my carriage house, which would be an excellent indoor area for food and anything that they would like to place in there. That would be my plan. I would be willing to invest the money into that if I am allowed to have receptions.

Mr. Albrecht: You're requesting not just weddings. You're also requesting receptions?

Ms. Sooy: Yes. In my revised proposal, after giving it much thought, I realized I can't rent my house for a 15-minute ceremony. People don't want that. If they're not going to get married in a church and then go to a reception, they don't want to go somewhere else for a reception. They want to have it at the same place.

Mr. Albrecht: Pam, I have a question then because I know this question comes up at the Promont. The Promont, if they have one of their events, they go to the health department to get approval for food and beverage. Now we're talking alcohol. I mean, we can't give her an alcohol permit or permission to serve commercial alcohol even if the people are bringing it. This is a commercial use, is it not?

Ms. Sooy: Would I need that if I am not supplying the alcohol?

Mr. Albrecht: Even when the Promont's not providing the food, they have to go to the health department to get a permit just to serve the food.

Ms. Sooy: If it's a licensed catering company?

Mr. Albrecht: Even if it's a catering company, they have to go to the health department and get a food permit every time, but alcohol is a whole other issue.

Ms. Holbrook: If you guys approve this, it should be contingent upon approval by a number of other agencies. When I originally did the staff report, it was based on the first proposal which was limiting everything.

Mr. Albrecht: Another option we have is to push it off until we get those answers, right?

Ms. Holbrook: You can do that, yes.

Mr. Roe: I think effectively this is a commercial use. That's what it's becoming. It's becoming an event venue. There are a lot of questions here as far as the building department and the fire department. These are as big of hurdles as the zoning is going to be for you. I imagine some of your neighbors might not be exactly pleased with it.

Ms. Sooy: I understand and that's why I specifically set restrictions for myself. I didn't have to volunteer those restrictions. I'm trying to be a good neighbor and stay in business and offer something to the community. I didn't start the B&B thinking that I would do this, but it's become kind of imperative at this point. We have a proliferation of Airbnbs in Old Milford and in Milford. It's becoming very difficult for me to compete during the weekday with people who can rent their spare bedrooms for \$33 a night to \$45 a night. It's killing me during the week. I can't get anybody in there. In order for me to have a long-term plan and make this business viable, I have to generate additional revenue through other avenues. Most people when they think of a B&B, the vast majority of B&Bs offer these services. It's a given.

Ms. Sooy: Just like I said, the five B&Bs that are closest that are in the visitor's guide for Clermont County, they all have events and they are all allowed events and they have no restrictions placed on them and they're all zoned residential.

Mr. Roe: I would like to see that in writing from the local authorities in each one of those restrictions that they have no restrictions. That's surprising to me. They can probably tell you that, but I know the 1861 Inn has several acres around it. It's kind of off on its own. I don't know about the other places, but before we set those as precedence's, I would like that demonstrated.

Ms. Sooy: I spoke to individual owners. I certainly wouldn't come here and make it up.

Mr. Albrecht: I haven't been to those locations and I know this is a very unique location right next to South Milford. It's residential. It is not a commercial property.

Ms. Sooy: I get it, but I'm a half a block away from the commercial area. My lot is large. I have a big empty lot next to me. I also own the lot on High Street above me that was not included in this parcel.

- Mr. Albrecht: I just envision these wedding receptions in the middle of South Milford and having them in my back yard. I think having 12 of those a year, possibly four every month for three months would be very disruptive.
- Ms. Sooy: First of all, that would be implausible for me because I have to suspend my B&B operations to have an event like that. I would be very happy, if you wanted to put in place one a month, I would certainly be open to that. I just offered these restrictions, just to try to be a good neighbor, but I am certainly open to your recommendations or even rules.
- Mr. Albrecht: Pam, have we had to send out letters to the neighbors for this?
- Ms. Holbrook: I did.
- Mr. Albrecht: Did you get any responses?
- Mr. Wenstrup: Anybody here that's responding?
- Mr. Wenstrup: I'm glad you're interested in a Bed & Breakfast, but the one thing we want to try to maintain, because it's easy to have it slip away, is we have a residential character and we have a business district character. Blurring those lines all of a sudden, we have to pay attention to this. Secondly, we have to have regulations or processes that are fair to everybody. Whether they own the lot across the street or not, we can't just pick you and say no you can't and somebody else can.
- Ms. Sooy: I certainly understand, but each one needs to be evaluated on its merits. Like the Mayor said, I have a unique property based on where it sits. It's on a large lot. It would be something different if it was on Mound Street and wanted to have outdoor parties or something like that where the houses are stacked on top of each other. I think that should be taken into consideration. I did a parking study and along with my six private spots, I counted all the public spots within a two block, including the new city municipal block next to Harvest Market, I counted 95 spots not including any of them on the shopping district of Main Street. There's plenty of parking.
- Mr. Wenstrup: If you have 30 guests inside, that's like 15 cars. If you have 60 guests outside, that's like 30 cars.
- Ms. Sooy: I don't believe parking should be a concern. I don't think it's feasible for me to only offer the property for wedding ceremonies. They last 15 minutes. Nobody is going to pay me more than a couple bucks to do that. Nobody's going to want to do that. The other thing is, I don't want to limit it to weddings. I have a list of people that have contacted me that want to use my property for various things. For example, I have a woman that's waiting to hear on what happens with this hearing. She owns a pet treat company. She wants to have a bow wow brunch in the back of my house, in my fenced area, for dog owners, dogs and their owners. Channel 5 wants to come and do a little human-interest story on it. It's a Sunday afternoon. If you put that in there that I'm only allowed to do weddings, it's going to exclude me from all these wonderful opportunities that are also going to put Milford in the news and bring people here that aren't even familiar with Milford.

Ms. Sooy: That would be my other request, please do not limit it simply to weddings. We have people who have had anniversaries. We have people who have family reunions. Mostly these are in the middle of the day. Certainly, the people who just want to do a Sunday brunch in my backyard for 35 people are not going to be hooting and hollering until midnight. Please consider not limiting just to weddings. I'm very cognizant of my neighbors. I love my neighbors. I have very wonderful neighbors and that's why I put those restrictions on myself voluntarily when I didn't necessarily feel like I needed to because I want to be a good neighbor. I have to branch out to make this work at this point. There's proliferation of cheaper accommodations. I have to find another form of revenue. Do you have any other questions for me?

Mr. Pelle: Your lot is pretty large, where would the 60 people be?

Ms. Sooy: I included a diagram. The front of my house faces Garfield. I want to do it on the side of the house. It's still kind of facing Garfield, but it's on the side of the house that faces the empty lot next to me. Not in the back, but on the side. What I would do for noise issues, I would invest in leveling out the yard, putting sod down and then building a slight berm against my sidewalk that you would see would give it some privacy and some noise block from Garfield. A little berm with landscaping shrubs, things like that, to create a more intimate setting and to block the noise from the street and to block the noise from my neighbors.

Mr. Wenstrup: The conditional use in a residential area does not trump the residential use in a residential area so we have to mitigate that and address all things. We want to help you. We want to make it work, but we have to draw a line somewhere where residential begins and commercial begins. I think if you're working with us, this is a dialogue.

Ms. Sooy: I get that and I would love to work with you. I am flexible with this.

Mr. Wenstrup: We had a woman in here last time we met. We were talking about noise and sound. Well we don't like the noise from the brewery. Well, they need to shut it down by 10 o'clock and no amplified music. All this stuff. The sweet person gets up and she goes, "you know, I like to take a nap in the afternoon and sometimes that bothers me." So, your neighbors may want to take a nap in the afternoon not live music at 10 o'clock.

Ms. Sooy: We can't anticipate any of that. I am cognizant of my neighbors. Like I said, I try and be a good neighbor. I think it is a little different than if I had a house on Mound Avenue where the houses are right next to each other and I'm requesting parties of 60 people out in the yard.

Mr. Wenstrup: I really don't think that matters

Mr. Albrecht: We can't differentiate. You're really asking us to change this from residential and give you all the exceptions for a commercial piece of property so you can make a profit.

Ms. Sooy: I would like you to consider the fact that the other B&Bs don't have any restrictions on them and seem to be able to operate freely.

- Mr. Roe: Anybody from the audience care to speak? Please state your name and your address for the record.
- Ms. Jayne Flege: I'm Jayne Flege. I live at 990 Wallace Avenue which is directly above Ms. Sooy's property. In fact, it's my primary view out of my kitchen and family room. It's great. The brewery is right above it. First of all, in its current presentation, the Old Milford Inn has had a very low impact on the neighborhood. It's been an attractive and acceptable addition to the neighborhood. It's also been a tasteful and beneficial part of the renaissance of old Milford. It's charming, right there and like a jewel. It's just fine. But, that's in its current presentation. As it is now, it has been an appropriate conditional use as a bed and breakfast in this R-3 single family, residential district.
- Ms. Flege: An outdoor wedding venue is a commercial use, not inside the structure. That fact alone should make it not an acceptable accessory to the building or use of the property and would really compromise surrounding residents and my quality of living. My ability to peacefully enjoy my property and would have a negative effect on property values. I think it would really violate the intention and spirit of the R-3 single family, residential district zoning. This should not be approved.
- Ms. Flege: It's in my backyard. If my neighbor wants to have a family wedding once every 10 years, there's noise or a graduation party, I have no problem with that. But, that's private, not-for-profit. This would be a commercial venture. Ms. Sooy had mentioned she needs to find a way to make it more viable for profit. It should have been in her original business plan as a bed and breakfast as she presented it. This should have been viable or considered viable at the time.
- Ms. Flege: We must be vigilant to further encroachment by commercial ventures into this lovely gateway into Old Milford. It's just surrounded by charming single families. This is just another encroachment. If she didn't feel like she could make it work by just a bed and breakfast, she shouldn't have converted it to a bed and breakfast. I respectfully ask the Planning Commission, please do not approve this application as an outdoor wedding venue or any other kind of special events venue as an accessory to the Old Milford Inn. Thank you.
- Mr. Cole Carothers: My name is Cole Carothers and I live at 23 High Street which occupies the opposite corner of Garfield and High. Our awareness of this proposal came to us only through distribution of the printed matter from the city. We weren't contacted directly. I'd like to say there is a little bit of a disconnect among neighbors of being fully transparent in terms of what's going on.
- Mr. Carothers: It is a R-3 residential zoned area and with the potential commercialization and encroachment upon the integrity of that zoning brings to me a concern about the integrity of the zoning period in regards to Milford. I've witnessed a number of situations over the last 30 years, issues such as sound, alcohol, parking, business versus residential, have tested the level of the Planning Commission, City Council, residents and business community. I think it's really important to maintain a rather orthodox approach to the sanctity of residences versus business property. Certainly, she's done a good job as presenting a B & B as a residential situation. It can be somewhat business oriented, but I fear that multiple extensions of that particular kind of acquiescence where it will encroach and become more evident that this is ongoing business and its business going on at

the expense of others would deteriorate the credibility of Milford [inaudible 00:53:17] residents and businesses.

Mr. Carothers: That's not a good [inaudible 00:53:21] between the two areas of livelihood that exist here. I would strongly urge the Planning Commission to not approve this proposal. It was first presented as a proposal for ceremonies and receptions. Then, it's called ceremonies but ceremonies that last until 10 or 12 o'clock at night with people outdoors. If there are other events such as anniversaries, family reunions, etc., those will become as an ongoing commercialization in the residential area.

Mr. Carothers: Lastly, I have a full view of the area that is being proposed for grading and use for tents. It would not be for just 12 days of the year. That kind of situation would be visible to me 24/7. I would see days in advance the erection of the tent, the arrival of caterers, chairs, all that sort of stuff. I think Pam is right, we would not see the tent removed until probably Monday morning. I think there are a lot of things about the whole concept that become broader and a bit more extreme than just the simplicity and beauty of an idyllic wedding in a bucolic setting. Those are my reasons and I hope you give it some thought.

Mr. Wenstrup: Thank you. I'd like to ask you a question. Your objection, your problem is with the outdoor activity with music and equipment coming and going. If she has a wedding at her place and all 30 or however many people she can hold and still be, that doesn't bother you at all? They park on the street and they have a wedding there.

Mr. Carothers: I think the city has an obligation to do its due diligence on the appropriateness of the structure for that, the safety of that. If it's indoors, obviously I'm not going to be counting the number of people that show up and walk inside the structure. I would be concerned that any kind of events as a venue, you do have to have commercial insurance for that kind of thing. You might have to have licenses, permits, etc. That makes it more complicated. But, indoors versus outdoors, it's less offensive if it's indoors. I would agree. That would be less noticeable.

Mr. Roe: Thank you. Anybody else in the audience wish to come up to speak? Cynthia, would you like to respond?

Ms. Sooy: I appreciate my neighbors' thoughts on it. I want to let Mr. Carothers know that I did stop by twice [inaudible 00:56:53], but I did make an effort. To address his concerns, where the property faces his house, there would be a slight landscaping berm with shrubs that would be placed there. Although he would be able to see the property, he wouldn't be able to see most of the facilities or activities that would be going on. And, it would create a sound berm, too.

Ms. Sooy: And this lady too, I certainly understand what she's saying. I wanted to remind the committee that we're talking about 60 people maximum outside. It's not going to be a 300-person wedding or even 150 people. It's going to be 60 people. It's manageable. I just wanted to put that into perspective. 60 people versus a very large wedding. The other thing, there will be no trees taken down at all. My side yard is simply going to be leveled out. No trees will be affected by that. The hill up Wallace where she lives in the summer you can't see any of those houses. During the winter, you can, you can see the houses, but in the middle, starting

right now all the way through the fall, none of those houses are visible from my house. I'm assuming they would not be able to see my house either.

Mr. Roe:

I think the property is beautiful. It's a very cool house. I think the whole concept of holding events there and wedding receptions sounds really cool. It's a big lot, you can see from the aerial, but it's very concerning about the impacts that would follow. The neighbors, it is an encroachment of commercial use for those 12 times a year or whatever the case may be in a residential district. There's High Street and across the way is B-2 OMO, but that's a different zoning for a reason. That's concerning for me. I would be really interested to hear what the Fire Departments concerns are.

Mr. Roe:

In my opinion, it would make me more comfortable for them to review it before we look at it again. We could have this big discussion and our interpretation of the code especially conditional use is a little more of a gray area, it could go through all that and they're going to kick it back. I imagine they're going to want to look at it. It's an older home. Talk about flammable of tents, but older homes, it's a wood construction, those things concern me a bit.

Mr. Albrecht:

I'm pretty much a purist when it comes to our codes. I'm very much a protectionist of our codes. Clearly this is a request for commercial use in a residential property. Certainly, the committee as well as Planning Commission and Council has signified the OMO for a reason. We're always very concerned about the balance between what goes on in the OMO and the south Milford neighborhood. This is totally an infringement upon the R-3 as far as I'm concerned. I see no reasons why I would approve commercial use in a residential home. I think the bed and breakfast has been liberally granted. I think that's a privilege that we've granted and it's worked out just fine. Certainly, we have the right to grant it in other places or not. That's worked out just fine but I cannot see any kind of event thing. Just a protection of our current codes, spirit of the comprehensive plan, everything that we do. If we grant this, then there are no rules as far as I'm concerned. That's my position.

Mr. Wenstrup:

I asked myself, would we approve a party venue in a side yard if she wasn't a bed and breakfast. My answer there was no. We know that outdoor music and sound has not been warmly received. That has created challenges. We know there's an amphitheater effect when you're down at the bottom and the hill amplifies the sound. The residents' concerns are legit. Your desire to build your business is understandable, but it's a contingent use of a residential property. I would say, if you want to hold weddings inside there, if you want to have receptions inside there, if you want to have a dog show inside there. I would suggest that the way to go about that would be just to request an event permit like they do down in South Milford.

Mr. Wenstrup:

I'm not trying to give business advice, but it seems like you're entering into a lot of expense before you even know what the market is for that. I couldn't approve it because it is a commercial use in a residential area. Regretfully, only because I like to make people happy, but I can't see it. Also, I think it needs a little more work. You say you'll plant trees; I want to see trees and specifications like I would with a commercial property. How many trees? What size? What kind? What will the grading be? Not just a felt marker drawn around in a little trapezoid there. If you want to have commercial application you have to follow

commercial rules even though you're in a residential area. You can't dance on both of them. I agree, lastly, with the mayor that having a bed and breakfast is a privilege. I'll say this to Becky and I'll say this to Deb and I'll say this to you. The moment it becomes an infringement or a problem in the residential area, you're the problem, not the residents. That's my point of view and I'll keep that point of view.

Mr. Pelle:

Okay, I'll respond to one point regarding bed and breakfast and Airbnb, those are two totally different things. They're not the same thing by law or by regulation. We need to separate those two things, they're completely different animals. We're talking about a bed and breakfast now which is different than an Airbnb. Becky has an Airbnb. However, getting back to this point. I agree with you guys. It's very clear that there's commercial application going on in a residential area. I would like to have seen more assessment by fire, building, those kinds of things in order to be able to assess this better. Without that assessment, I can only go by the rule or the spirit of what's written in our documents, which pretty clearly states that this is my mind, the potential of this type of outdoor commercial event-based business far outweighs going above and beyond what the document tells us to do.

Mr. Albrecht:

In my little experience in the noise battle, I can justify noise coming from a commercial area that's for business use. They have a right to conduct business. To give someone else the right to conduct business in a residential area is a really serious problem and would be very difficult for me to defend when neighbors start complaining, and they will.

Mr. Roe:

I agree with all of that. If we're not going to vet it first through building and fire, I agree with John that if it's indoors, I would feel okay about it. But something that moves outdoors, it's an event. It's a different animal.

Mr. Pelle:

It becomes a totally different kind of business when it's outdoors and I don't even think the 60 is not a lot of people on her plot, but that's not the point. The point is conditional use says this, and that is something else.

Mr. Albrecht:

It's not density question because there's no density defined.

Mr. Pelle:

I wish that was the only issue, number of people.

Mr. Wenstrup:

I have a question of staff, of Pam. Just supposing Ms. Sooy has two people who've expressed really strong interest and she'd like to give it a go. Is she within her rights to, aside from us giving permission, is she within her rights to say, "I would like to get a permit to have an outdoor reception in my side yard."? On a case by case basis, can she do that?

Ms. Holbrook:

Promont doesn't do that. They hold weddings up there all the time. It's not by permit that they hold weddings, they're in an institutional zoning district and they hold weddings.

Mr. Albrecht:

It's by the zoning districts, so it's not [crosstalk 01:08:49]. A commercial uses is not-

Mr. Wenstrup:

If she wanted to have an event in her yard ...

Mr. Albrecht: She couldn't.

Mr. Wenstrup: She couldn't?

Mr. Albrecht: Not for a commercial use.

Mr. Wenstrup: Okay, thank you.

Mr. Albrecht: Right? You could if you were a private citizen and [crosstalk 00:01:09:01]-

Mr. Wenstrup: A big family reunion or her and the four neighbors get together, [crosstalk 01:09:04] but she couldn't as a commercial use.

Mr. Albrecht: Right. That is a commercial use.

Ms. Holbrook: It's not something that we've had to debate or evaluate before. Promont wanted to create a wedding venue, and they did. And they went through the appropriate channels, as far as the health department, doing all the things they needed to do. But the city doesn't require them to get a special event permit.

Mr. Albrecht: But they're in an institutional area where zoning allows it. That's the difference.

Mr. Wenstrup: You know, growing pains are a wonderful thing. But I clearly, believe that there's a line between our residential neighborhoods and our commercial zones. And there's plenty of space in our commercial zone that's not used to its full capacity. And I don't want to take the path of least resistance and say, "Well, now let's make residential stuff a commercial zone. And I wanted to ask about the permit because I'm trying to see a way that the property owner can have a constructive use of what they're trying to do, which I think is a wonderful thing.

Ms. Holbrook: It is an interesting question. It's not a question I've been asked before, and I'm trying to think, suppose she had come to me and said, "Hey, we'd like to do this wedding event. What do I need to do? It's a special event, could we do that? And in that scenario, a onetime thing, maybe we would have done a special event permit. But once it becomes a part of the business model, a regular event. Then all of a sudden, a red flag goes up and you say, "Hey, wait a minute. What's going on?" We do a lot of things through a special event permit. We close streets down, we allow alcohol on the streets. There's lots of things we do with a special event permit. In this case, a onetime thing. Sure, we might've signed off on a special event permit.

Mr. Wenstrup: And the other thing is, we're talking about precedent, we set precedent here. Clermont county doesn't set our precedent.

Mr. Albrecht: There's a lot of things in Clermont county I would not allow in Milford.

Mr. Wenstrup: Not that those bed and breakfast are bad places. They may have a lot of land around them or they may be best, highest use of the land and the property. But if it was a one-off thing and we could do it, it'd be fun. But once we say, "Oh, you can do 12." Then the next person says, "Well, I've got this place and you're letting her do 12, I want to do 12." And then all of a sudden it becomes really muddled as to what is a contingent use, and what becomes a consistent use then.

Mr. Albrecht: I even have concerns on indoor, because it's the same thing. You're still taking a residence, which has been granted a Bed & Breakfast, and turning it into an event center. And that's a commercial use. And maybe again, I think if someone wants to do that, they'd have to go through the process to come back. But go to the fire department, building inspectors, find out what would be required. But it still would be a commercial use, in a residential area. I just don't know how I could consider that. You got to have the rules for a reason.

Mr. Roe: So, I'm at a point where I think I can ... I understand you're not okay with the [crosstalk 01:13:36]

Mr. Albrecht: I'd make a motion to reject it, is what I would do.

Ms. Holbrook: I want to bring u, that Cynthia's been holding wine tastings, a number of people have been showing up. So, is that any different than the special event or the event that's being held indoors for 30 people? Because essentially, if you vote no to this, then technically nothing really like that should be held on site.

Mr. Pelle: I personally feel there's a difference between an indoor event in a residence versus an outdoor event.

Mr. Albrecht: Well, I think there's a difference between offering a wine tasting, and having a commercial event.

Ms. Holbrook: I want to bring that out now, because I know that she's going to ask me whether she can hold a wine tasting event.

Mr. Albrecht: I think that's still up to your discretion. I mean we're not asking anyone to change zoning, to do a wine tasting. That's totally different than renting out your space, bringing caterers in, the whole shebang. It'd be like us doing a block party every month. I don't know that you would let South Milford do a block party every single month. Right?

Mr. Wenstrup: Because it's a commercial use.

Mr. Albrecht: Well if we were selling spots. But it's totally different than inviting people to come to a wine tasting in your bed and breakfast.

Mr. Wenstrup: And I agree, if the wine tasting is something that's within the scope of what you can approve indoors in your space, or if they're out on the porch or whatever. I don't have an issue with that.

Mr. Wenstrup: My big issue is with an outdoor venue, and really that's how we've had a problem before. Where we had somewhat of an outdoor venue with lots of people and lots of talking and singing and music and stuff. Where it wasn't prepared to shield the sound from those who didn't want to hear it. So, the proposal is no. A big fat no on anything outdoor on that venue. And if you come back with something else, I would entertain the fact that you wanted to have events there on regular basis indoors. I don't think I'd have an issue with that, based on what I've heard today. But either one of those uses, in my mind, if you have a wine tasting, if you're having a wedding reception in your house, it's not bed and breakfast. It's bed, breakfast and hospitality, and that's a little different.

Mr. Roe: So you're okay with indoor?

Mr. Pelle: I'm okay with indoor.

Mr. Roe: You're okay with indoor?

Mr. Wenstrup: As long as it meets all the other requirements.

Mr. Pelle: As long as it meets the fire and building requirements, I'm okay with indoor.

Mr. Roe: I'm okay with indoor. We have to vote on something, but if someone's willing to make a motion in that spirit?

Mr. Wenstrup: I want to try and make a motion. So, my motion would be that the venue be limited to the number of people that the building inspector says that space can have. That's number one.

Mr. Wenstrup: Number two, that the site is available for approved events. If you can give us an idea of what events you want to hold there. You want to have receptions. We'd like to know what kind of accepted receptions. It's kind of ridiculous to have an event like that and not have alcohol.

Mr. Albrecht: But we can't issue an alcohol permit.

Mr. Wenstrup: Yeah, so she needs an alcohol permit. And then, far as I'm concerned, limit to a certain number per year and no tent and no amplified sound outside.

Mr. Roe: I'm going to have to ask you to totally rephrase your motion. [crosstalk 01:18:57] Please abbreviate that, or ... [crosstalk 01:19:00]

Ms. Holbrook: Are you saying your motion involves everything occurring inside-

Mr. Wenstrup: Occurring inside, with appropriate permits that a commercial operator would have to have. Even though it's commercial operation in a residential. So, she has to have the liquor license, she has to have approval of all the things that anybody who wanted to have a public building in a commercial area, where they entertain and were hospitable to people. This has to meet those same standards. Has to have enough bathrooms. If you got 40 people inside one bathroom, probably not going to cut it. So yeah, I want the commercial use of this residential property to be in compliance with commercial use of any commercial hospitality facility. Including safety and so forth.

Ms. Holbrook: I would leave that up to the building department, because based on the use, they are going to put it into a certain classification. I had Phil look at it and he was concerned about guests going inside. He didn't feel like the use would work, based on the current use. In regards to the building codes. But Phil's the fire inspector not the building inspector. They work hand in hand, but in the end the building department regulates what's required.

Mr. Pelle: I would like to make a motion that the Old Milford Bed and Breakfast be approved to hold indoor events for wedding ceremony and related events. With appropriate permits and meeting the guidelines required by the health, fire and building departments, with no amplified sound. Is that too broad? Too Strict?

Mr. Roe: I think that's appropriate.

Mr. Albrecht: I think it's well worded.

Mr. Roe: Is there a second?

Mr. Wenstrup: I'll second that.

Ms. Holbrook: Mr. Pelle?

Mr. Pelle: Yes.

Ms. Holbrook: Mr. Roe?

Mr. Roe: Yes.

Ms. Holbrook: Mr. Albrecht?

Mr. Albrecht: I'm going to tell you why no, but no. Because it's still commercial use in a residential area. For me, would be no.

Ms. Holbrook: Mr. Wenstrup?

Mr. Wenstrup: Yes.

The motion carried by a vote of 3-1.

Ms. Sooy: Does my carriage house count as [inaudible 00:14:55]?

Ms. Holbrook: One of the first things I would do is call the building department and tell them that you're conducting a bed and breakfast, you are a residential use. And what do you need to do to hold indoor events, wine tastings, receptions, weddings inside your building?

Ms. Sooy: Right, but from this it's my understanding the carriage house is an enclosed structure and considered an indoor event area.

Mr. Pelle: If it's indoor, if it's inside the structure.

Mr. Wenstrup: Will there be a bed or will you serve breakfast in there?

Mr. Pelle: Does it matter?

Mr. Wenstrup: It does to me, the main house is a bed and breakfast, this is an ancillary building. I would want her to ask for another permit of use. [crosstalk 01:24:01]

Mr. Roe: It's probably going to have to have restroom facilities in it. It has to be reviewed by the [crosstalk 01:24:10] fire department [crosstalk 01:24:11] and the health department.

Mr. Pelle: Yeah. As long as it meets all those conditions and it's on her property.

Ms. Sooy: Why would I need a liquor license if the people who are holding the weddings are actually hiring these people with the licenses to bring that. I'm not charging them for alcohol, I'm not selling alcohol.

Mr. Roe: I'm not sure that we're even allowed to answer that question.

Mr. Albrecht: I don't know, we don't have the answers. You have to ask the ABC people that.

Ms. Sooy: But I was told that I needed to get a liquor license from this [crosstalk 01:24:39].

Mr. Roe: You have to get all approved special permits, and approval from the building department, the health department and the fire department.

Mr. Pelle: And they'll tell you if you need that or not. Because if somebody else is doing it, maybe the health department says, "Well the caterer has that permit, that's good enough for us."

Ms. Sooy: Right. It would be used by someone who has a liquor license.

Ms. Sooy: So, this is something that can be revisited, I can come in front of this committee again?

Mr. Wenstrup: Absolutely.

Ms. Holbrook: Right. You've heard their questions, things that they did not have answers to. So, if you were coming back, you should be prepared to answer those questions and any additional questions they may have based on the new application.

Ms. Sooy: Okay, thank you for your time.

SITE 19-09 Floyd Bed & Breakfast Conditional Use.

Ms. Holbrook read the Staff Report into the record:

Project: Floyd Bed & Breakfast Conditional Use

Location: 39 Cleveland Avenue

Property Owner: Deborah Floyd
39 Cleveland Avenue
Milford OH 45150

Acreage: 0.234 Acres

Tax Parcel Id: 210705A024E

Zoning: R3, Single Family Residential District

Existing Use: Single Family Dwelling

ADJACENT LAND USE AND ZONING

All adjacent property is zoned R3

PROPOSAL

Deborah Floyd is seeking approval to use her single-family dwelling as a Bed & Breakfast. The property is zoned R-3 Single Family Residential District and Bed & Breakfast is a conditional use which shall be permitted only if expressly authorized by the Planning Commission in accordance with Chapter 1195, Conditional Uses. The applicant lives on site and intends to rent 2 bedrooms using the Airbnb online platform.

ANALYSIS

The Milford Zoning Ordinance defines a Bed & Breakfast as "an owner occupied, single family detached structure, wherein lodging and breakfast are provided to transient guests for compensation. The bed & breakfast lodging is subordinate to the principal use of a single-family dwelling."

Chapter 1147 Single Family Residential District identifies Bed & Breakfast as a conditional use which may be permitted upon approval by Planning Commission. 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.

The specific requirements for Bed & Breakfast are listed in 1195.05.G. and include:

- 1. The owner of the premises used for a bed and breakfast shall reside in the dwelling full-time. *Owner will comply.*
- 2. No more than three bedrooms in any dwelling may be used for bed and breakfast lodging. A guest room shall contain no less than 100 square feet of living space, not including closets. A maximum of two guests is permitted per room. *Owner to make two bedrooms available for rent.*
- 3. A minimum of one full bath, including shower, toilet, and sink shall be available for the exclusive use of bed and breakfast paying guests. *TBD*
- 4. Only one meal shall be served to each guest of the bed and breakfast and that meal shall be breakfast. No cooking facilities shall be permitted in individual guest quarters. *TBD*
- 5. One off-street parking space shall be provided for each bedroom offered for bed and breakfast lodging and one off-street space shall be retained for the dwelling unit. Such off-street spaces may be provided in an existing driveway. *Applicant has been asked to provide more information on parking.*

6. Parking areas shall not encroach upon any bufferyard required in Chapter 1189, Landscaping and Bufferyard Requirements. *No substantial expansion proposed, does not apply.*
7. Each paying guest shall stay at the bed and breakfast for not more than seven consecutive nights in a single year, nor more than a total of twenty-one nights in any given calendar year. *TBD*
8. The resident owner shall keep a current guest register including names, addresses, and dates of occupancy of all guests. *TBD*
9. Only one on premise sign shall be permitted for each bed and breakfast and shall not exceed four square feet per side. *Owner to comply, permitted separately.*
10. Bed and Breakfast Lodging Establishments shall acquire and maintain any necessary State and County licenses and shall comply with all pertinent legislation. *Owner to comply.*

The Applicant has not addressed items #3, 4, 5, 7, and 8. This information should be provided at the Planning Commission meeting. Of specific concern is the off-street parking requirement; the applicant will need to show that she can park three vehicles off street.

STAFF RECOMMENDATION

Staff cannot make a recommendation until the items referenced above have been addressed. If Planning Commission should approve this request, Staff recommends an approval with the conditions specified in Section 1195.05.G. 1-10 in the Milford Zoning Ordinance. In addition, add condition #11 which states, the applicant will comply with a short-term rental ordinance, to the extent practical, should the City adopt an ordinance.

- Mr. Pelle: I need to recuse myself since I have an Airbnb, it is much too closely aligned with what I do to make an objective decision on this.
- Mr. Wenstrup: What is the difference between Airbnb and a Bed & Breakfast use?
- Mr. Pelle: It's more of a legal definition. The way Milford has it written is that an Airbnb is under the scope of bed and breakfast regulation as a conditional use. However, the state of Ohio says I can and can't do certain things as a bed and breakfast, which I could or couldn't do as an Airbnb. So, they consider them two entirely different entities. For example, I cannot serve breakfast. A Bed and breakfast establishment has to serve breakfast in order to be a bed and breakfast. I can only have a certain number of rooms, according to the state of Ohio, offered up per bathroom.
- Mr. Wenstrup: Are there any distinctions from a liability standpoint?
- Mr. Pelle: I am not forced to take on any kind of commercial insurance or Airbnb specific insurance.
- Ms. Sooy: Airbnb actually does offer liability for their clients.
- Mr. Pelle: They do. And we have our own on top of that.
- Mr. Roe: Would the applicant like to approach? Please state your name and address for the record.

Ms. Deborah Floyd: My name is Deborah Floyd and I'm at 39 Cleveland Avenue. I want to say that I serve as the president of the South Milford Neighborhood Association. And our whole credo is about maintaining the historic value of our homes. And I would never want to do anything that would take away from that. So that's my first test for myself, in terms of the spirit of what I'm trying to do today.

Ms. Floyd: Parking, seems to be the biggest concern and I can completely understand that. I have an exceptionally long driveway that holds three cars. Probably a large truck or two cars. So, if I ever had a family member or people visiting me when I had guests, we would be able to use that driveway for three spaces. I am doing the two bedrooms, no more than two guests per night. And so, they would each have a single space. I imagined that I could probably even specify that. It's not something I realized was a condition. All I will provide is a Keurig machine with Keurig pods and generic nutrition bars. I think they should have something, but I'm not going to be cooking, there's no cooking facilities in the rooms for them. Airbnb ensures us up to one million dollars liability insurance. I will also be taking out a rider, just as a precaution. There's one full bathroom, it has a bathtub, a sink and a toilet. It would be shared by the two rooms. I have my own bedroom; I have my own bathroom that's separate. The guest register, certainly I can keep that, if that's supposed to be something separate. I do know that Airbnb as a company keeps a record for us of all guests.

Mr. Roe: As long as you agree to comply with the requirement that guests stay will be no more than seven consecutive nights per guest or 21 total nights for a year.

Ms. Floyd: I imagine the register would support that.

Mr. Roe: Do you agree to comply with that?

Ms. Floyd: Right, yes.

Ms. Floyd: I have lived on Mound Avenue for seven years. I married someone who lived on Cleveland, who was killed four months after we were married. My motivation for doing this is the increased revenue that I feel I need, in order to be able to stay in my own residence.

Mr. Albrecht: You'd have no problem, complying with conditions one through 11?

Ms. Floyd: Yes.

Mr. Albrecht: Pam, there's no requirements specifically what kind of register, right? An electronic register probably can supply that information?

Ms. Holbrook: Right.

Ms. Floyd: And one through 10 really doesn't necessarily speak to what I would be concerned about as a resident, and that is the type of people that might be wanting to stay. I've stayed at a lot of Airbnb's and you're vetted ahead of time. They have to have your credit card numbers, a copy of your license, an email and phone number.

Mr. Roe: It appears that she meets all the conditions that are in the code for this particular use. Would anybody from the audience care to speak?

Ms. Flege: Are these bed and breakfast and Airbnb subject to hotel taxes?

Mr. Albrecht: Bed and breakfasts are excluded from hotel taxes. As is Airbnb.

Ms. Dawn Hillman: Hello, I'm Dawn Hillman and I live at 32 Cleveland Avenue and I basically live across the street from Deborah and I am very happy for her to have that.

Ms. Sooy: I don't have any objects per se. I would just like the committee to consider, putting some laws or rules into place about density restrictions for potentially licensed Airbnb's. Maybe Deborah, Becky and I can get together and craft some rules that will help us protect our existing businesses. But I do believe the city needs to put some restrictions on density of licensed Airbnb's or density of just Airbnb's or, not just Airbnb's but there's five or six other bookings sites that people put their properties on.

Mr. Albrecht: Thank you. Just so you know, the committee doesn't do that. We just enforce the rules. You have to bring it to council.

Ms. Holbrook: We have discussed an ordinance. Dino provided a lot of information because he didn't really fit into this bed and breakfast category. If council wants staff to move forward with an ordinance, then I would like for council to initiate that. Then it would be a text amendment added to the zoning ordinance.

Mr. Albrecht: But my point is, if citizens wanted council to consider something like that, they need to come to council meetings, express your concerns and then council would either act on it or not act on it, right?

Ms. Sooy: I understand, and there're communities all over the country that are dealing with this same issue and they're all trying to figure out what do with it cause it's a fairly new phenomenon. Maybe we can get together and put something together for the city council to consider.

Mr. Wenstrup: And I think that's a wonderful idea. Whether you know it or not, we're just neighbors and citizens too. We happen to serve in this capacity but when we all take an interest in how these things develop, things tend to develop better.

Ms. Sooy: Right. Well just to give you some perspective, just in Old Milford or nearby, we have nearly twelve people who are offering their property's on Airbnb.

Mr. Albrecht: We have two approved right?

Ms. Holbrook: Two approved, correct.

Ms. Sooy: Well, I'm not talking about bnb's. I'm talking about people on Airbnb and they aren't getting permission from the city to do that and nor are they required to. So maybe that is something that needs to be considered.

Mr. Albrecht: Well they are required to, right?

Ms. Holbrook: They are required to do that, but we handle things on a complaint basis. I don't normally patrol these websites, looking for people that are doing something. If you know of somebody doing it, provide me with the address and we'll send a violation letter.

Ms. Holbrook: In the review that I did of short-term rental ordinances I looked at putting a perimeter in which you can only have Airbnb or a short-term rental within 100 feet of each other. If we should approve a short-term rental ordinance, Dino, Becky and Deborah would be grandfathered because they have come through an approval process, whereas anybody else, would definitely be in violation.

Ms. Sooy: We do have several properties listed on Airbnb that are not owner-occupied. They're renting out entire homes or entire apartments.

Mr. Wenstrup: I think, if anything we enforce, if you're an Airbnb, a bnb, a whatever you are, it has to be owner-occupied. We shouldn't allow non-owner-occupied.

Mr. Roe: It's one of the requirements.

Mr. Albrecht: Again, we're a complaint-based community. We [inaudible 01:49:40]

Ms. Sooy: These things are very easy to find. Is that something that I would actually have to take upon myself to do that?

Mr. Albrecht: Its complaint based from the citizens.

Ms. Holbrook: It gets very tricky because if you want to rent out your home, we don't have any regulations that say you can't rent out your home. Right now, our ordinances aren't complete in that regard.

Ms. Sooy: Right, well, just something to consider for the future. I'd like to protect our existing businesses.

Mr. Wenstrup: If I were a concerned citizen, knowing that we're a complaint-based organization, I would make a copy of our regulation on bed-and-breakfast and as a kindness, send it to the people that are holding themselves out as Airbnb and bnb without registering and say, "You probably ought to know this. We think it's in everybody's best interest. I don't want to rat you out, but at the same time, we need to be strong as a group." That's what I would do.

Ms. Sooy: As a personal citizen, would that be my responsibility to do?

Mr. Roe: Yes, please. Complaint-based, please read between the lines.

Ms. Holbrook: We don't have a large staff. It's really just me and a code enforcement officer, part-time. Between all the other complaints that we get, we just don't have time to be patrolling websites looking for people in violation. There's plenty just right down the road. We get a number of calls each week from neighbors complaining on neighbors.

Ms. Sooy: I would just hope you would have some compassion for the people who've gone out of their way to do this legally and invested money and time into the properties.

Mr. Wenstrup: Our best regulations come from active, grass root groups who try to promote the best and highest use of these properties so I think that'd be well advised.

Ms. Holbrook: And come to council. If there's a group that wants a short-term rental ordinance, come to council. Appeal to them because they're the ones that should initiate that and they're the ones that have to ultimately approve that type of ordinance. I think it would be a good thing, definitely. It makes it easier for staff to regulate.

Mr. Albrecht: I make a motion to approve the property for bed and breakfast based upon items 1 through 11 per the staff recommendations.

Mr. Wenstrup: I second.

Mr. Roe: We have a motion and a second.

Ms. Holbrook: Mr. Roe?

Mr. Roe: Yes.

Ms. Holbrook: Mr. Albrecht?

Mr. Albrecht: Yes.

Ms. Holbrook: Mr. Wenstrup?

Mr. Wenstrup: Yes.

The motion carried by a vote of 4-0.

SITE 19-10 Mid America Auto Group Conditional Use.

Ms. Holbrook read the Staff Report into the record:

Project: Mid America Auto Group Conditional Use

Location: 1099 Main Street

Applicant: John Neville
2825 Pond Run road
New Richmond, OH 45157

Property Owner: Robert Wells
22496 E. Maplewood PL
Aurora, CO 80015

Acreage: 0.45 Acres

Tax Parcel Id: 210722.332

Zoning: B-3, General Business District

Existing Use: Vacant

ADJACENT LAND USE AND ZONING

All adjacent property is zoned B3

PROPOSAL

John Neville is requesting permission to operate an automotive sales business located at 1099 Main Street. The property is zoned B-3, General Business District; automotive sales is permitted as a conditional use in the B-3 district upon approval by the Planning Commission.

ANALYSIS

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:

- 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 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.

The specific requirements for Automotive Sales are listed in 1195.05.D. and include:

- 1. No structure shall exceed 35 feet in height. *NA, existing structure.*
- 2. All structures and activity areas, except off-street parking, shall be located no less than 40 feet from all lot lines. *Display vehicles and off-street parking will be located within 40 feet of the lot lines, otherwise, no other activity occurring in this area.*
- 3. There shall be no more than two ingress/egress drives onto the property. No drive shall exceed 35 feet in width. *Applicant to eliminate ingress/egress drive from Main Street. Area will be used for vehicle display.*
- 4. All points of ingress/egress shall be located as far as practically possible from intersections of two or more major thoroughfares. *Existing driveways.*
- 5. Any repair shop or establishment that is accessory to the sale of motor vehicles shall meet the conditional requirements of Automotive Repair Establishments. *NA*
- 6. Lubrication and other incidental servicing other than washing of motor vehicles and all supply and merchandise storage shall be completely within an enclosed building except as otherwise provided herein. *NA*

7. Lighting, including permitted illuminated signs, shall be arranged so as not to reflect or cause glare that would constitute a nuisance to any residential use or hazard to traffic on any public thoroughfare. *No new lighting proposed.*
8. Employee vehicles and vehicles awaiting servicing or return to customers following servicing shall be parked in areas indicated for such parking on the approved site plan. *NA*
9. Parking areas and vehicle display areas shall not encroach upon any bufferyard required in Chapter 1189, Landscaping and Bufferyard Requirements. *No substantial expansion proposed, bufferyard requirements do not apply.*

The condition of the parking lot is in need of improvement. If Planning commission should approve this conditional use request, Staff would recommend that a condition be placed on the approval that would require the applicant to pave the parking lot.

STAFF RECOMMENDATION

This is a challenging, existing site that has been vacant for a while. The proposal is in keeping with the surrounding area and does not appear to negatively impact the adjacent property. Staff recommends approval of this conditional use request with the conditions specified in Section 1195.05.D. 1-9 in the Milford Zoning Ordinance and a condition #10 that states, Applicant to pave parking lot.

- Mr. Wenstrup: They're adding no new lighting and I'm assuming the lighting that's there is in compliance?
- Ms. Holbrook: I'm not sure if there's any lighting on that lot. Do you recall if there's lighting?
- Mr. John Neville: Not that I'm aware of.
- Ms. Holbrook: Mr. Neville can clarify this, but I believe he's seeking to purchase the property. Right now, the current property owner is out of state and I think it would be helpful to have a local property owner.
- Mr. Roe: We ask that you address some of the items that are listed as n/a or need your explanation [inaudible 01:59:10] sales at this location.
- Mr. Neville: Good evening, my name is John Neville. The property in question is 1099 Main Street, Milford. I moved to Cincinnati. Went to school in Cincinnati. Moved from the area. Returned in 98. In 98, I pursued the corner down here to open a used car dealership. I found this property and Bob Wells owned the property then. He lives in Colorado. I worked with Bob and I leased it for 12 years. Opened my dealership, September of 98. I functioned there for probably 7 years. Then, with Mr. Wells permission, I sublet it out to other vendors who did various things and watched the turnover. I only did that until my lease expired. At that time, I was under a 5-year obligation.
- Mr. Neville: The only reason I moved to Miami township where I currently function, just before you get to Castrucci Ford on the left, right across from the Sunoco gas station. The only reason I moved there is because of space. The location was just not large enough. Frankly, I'm very blessed and grateful for what God has given me. It just was not sufficiently large enough. Going there, we have now maxed out that property which is approximately 1.7 acres. As a matter of fact, received a phone call just this week from Pierce Township where I live that said, "Hey, you

cannot store cars at your residence. You can't do that." I said, "Oh, I'm sorry." I have 40 acres where I live. It wasn't a problem to me. I didn't realize it was a problem, but it was there. I apologized and moved the cars right away. It's because I have too many cars that I can't keep them all where I am.

Mr. Neville:

I received a phone call from Mr. Wells who said, "John," I forget what he said... 80 plus years old, just said, I won't lease it out again. You were a wonderful tenant, great, it worked well, but I will not lease it out again. Will you buy it? I said sure! The price is right, I'll buy anything. I'm a used car dealer. I say anything as in legal, and ethically. Sure, I'll buy it. We discussed it. He wanted me to buy it right away. I said, "Bob, I'm actually in the process of purchasing a church in Norwood." I'm a church guy. The church where we go needs a church so I'm in the process of purchasing that. I said, "I won't do both at the same time. I will do a lease-option with you. It's the best I will do. I won't stretch myself farther than what I'm comfortable. I propose to you a lease-option and then within two years I'll buy the property from you and move forward."

Mr. Neville:

In my attempt to purchase this, I'm just sure that Mr. Wells will not pave the parking lot. I think the reason he's selling it, what he shares with me is it's a financial issue and he's not in a position to pave it. Personally, I'm not going to pave it until I own it. It's not prudent for me to do that. If I pave the parking lot, and then for some reason this falls apart and I don't proceed, that's just too much money. I don't know for sure and I don't know if this is the committee to ask. So, I'm not asking legally and all that, in paving the parking lot I think there's more to it than paving company just coming and paving. I believe there's water runoff, retention and detention. In my speaking to the county with the dealership where I have, I know they regulate that pretty heavily with water runoff, storm water. When you change from a gravel lot and partially paved to a paving, I believe it's more involved. I don't know that but I believe it's more than just calling the paving company and they put down paving. If that's the case, I just don't want to get into engineer drawings, storm retention ponds, detention, because I believe that's more involved than that. My concern is with the paving is what we had done before, Milford when I was there before requested that I would tar and chip. So, I don't remember when it was, maybe as much as 15 years ago we put down tar and chip. I intend to address the property not looking nice. I will intend for it to be an appropriate looking building and maintain it.

Mr. Roe:

I'll go through the items. Number 5 it says, "Any repair shop or establishment that is accessory to the sale of motor vehicles shall meet the conditional requirements of automotive repair establishments." Will there be any repairing on site? Will it be a repair shop?

Mr. Neville:

If they're any repairs it would be to my vehicles only. There are no lifts in the garage. I don't intend to put any lifts in the garage. For that kind of thing. To say they're no repairs, the technical answer to that is if there is a turning signal that is out, I'm not attempting to be difficult or smart aleck. But, the technical answer legally from the state of Ohio, if you repair a turn signal for a customer, that's considered a repair. That's technically what the answer is. Then it constitutes warranties and all those kinds of things, that's technically a repair.

Mr. Neville:

My intention is absolutely not to take in outside service. To say that I will do no repairs, change a battery, change a tail light, change a brake light. Something

minor of those concerns, frankly, the intentions I have for the garage that's currently there is to clean cars. We have a 5-bay facility where we are and I intend to do all service there. I don't intend for any vehicles to be on the property that are not for sale. If a customer comes to my facility now and the car was freshly taken in trade, of course I'll sell it to them.

Mr. Neville: The intentions of this operation would be for display only, retail only. When the car comes in either from trade or purchased from auction or where we get the car. It'll go to 984 State Route 28. It'll go through service. Once it's serviced it'll either: A. Be detailed at 984 SR 28 or come to Milford 1099 Main Street and then be cleaned there. It'll be simply placed on the property, go into the garage, be cleaned and then in a display area. To answer your question, I'm not attempting to be a smart aleck or difficult, I have no intentions of doing what I believe you're asking are repairs. I don't intend to. But the answer it in the spirit of integrity. Will we change a tail light? Will we change a brake light or something of that nature? Yes.

Mr. Wenstrup: Prep work. Bulbs and stuff. No drive train. No major repairs. Will you be selling tires out of that? Basically, a show room? Some of your better cars that get high visibility there? If they need repairs you take them out to the State Route 28. If you need them cleaned, you take them to your other facility, right?

Mr. Neville: I intend to do some cleaning on vehicles at that location.

Mr. Wenstrup: What would that involve? Vacuuming and washing?

Mr. Neville: Correct. And possibly buffing. The reason I do that is especially in the winter time, if you have a vehicle up there and you drive it down in inclement weather, snow, salt on the road...

Mr. Wenstrup: It's dirty again anyways? You have an indoor space to do that right?

Mr. Neville: Correct.

Mr. Wenstrup: You won't do any of that outdoors? Except maybe go wipe the windows off after a rainstorm.

Mr. Neville: Yes.

Mr. Wenstrup: Where's the water go? In a drain?

Mr. Neville: Yes, there is a floor drain with a grease trap. I think I'm saying that correctly. There is a large floor drain. There is a grease trap that I had cleaned out before when I was there to maintain the building.

Mr. Wenstrup: What are the hours of operation of this facility?

Mr. Neville: 9 to 6, Monday through Friday. 10 to 4 on Saturdays.

Mr. Wenstrup: Will it be adequately lit from a security standpoint in off business hours?

Mr. Neville: You asked me about lighting and I said I don't believe there is. What we used for lighting in the past is rent security lights that they'd put on their posts and you

pay 12, 15 dollars a month. Something of that nature and they put up lights. That's what I've done. Yes, because we've actually had, where we are now, cars stolen. I'm very aware. We've taken significant security measures which I choose not to discuss publicly of what we do. We are very cognizant of security cameras and lots of stuff.

Ms. Holbrook: One thing I would like to add in looking at the aerial here that he provided. I don't know if this will be a problem. He shows parking spaces all the way up to Brooklyn. Usually when you are trying to leave Brooklyn to go onto Main Street, you have to pull out pretty far onto Main Street to see. He shows cars going all the way up to that island, center island. I don't know if it'll be a problem but I would like to reserve the right to ask him to remove a few of those cars if it effects sight visibility.

Mr. Wenstrup: Yeah, the white line where a car supposed to stop of Brooklyn. The sight line looking right is obscured by those vehicle spots.

Ms. Holbrook: It is, but nobody stops at that stop bar because you can't see you have to pull up. I would just reserve the right to ask you to move some cars if sight visibility is impeded in any way.

Mr. Neville: You make a good point. Absolutely respect that. Safety is important by all means. We want to be safe. Full cooperation with that. I would like to add to that, in the 7, 8, 9 years I was there, sorry I don't remember the exact dates. I know I opened in September of 98. Eight to 10 years, I suppose, that I was there running the dealership. It didn't appear to ever be a problem. In other words, it was never a complaint registered by Milford or any neighbors saying, "hey I can't see out." I recall no accidents there from that.

Mr. Wenstrup: John, are you a buy here, pay here lot or are you a financing lot? How does your business operate?

Mr. Neville: That's a very fascinating question. People ask me if I'm buy here, pay here. The technical answer to that is Ford Motor Credit finances a car for a Ford store, it's technically buy here, pay here. 99 percent of our business is late model cars that are financed through Kimba Credit Union, Our Group Credit Union, Park National Bank, People's National Bank, that's the predominant of our business. To answer your question on a buy here, pay here, if I got a car for sale for \$12,000, someone comes in with \$10,000 cash and their credit is very poor and they need to borrow 2 grand, they got 10 grand in the game? Yeah, I'll float the note for them?

Mr. Wenstrup: You're really struggling with the paving part, right?

Mr. Neville: Yes.

Mr. Roe: What's the zoning say on that? Is that a requirement, Pam?

Ms. Holbrook: Paving a lot is required. It's a part of the zoning ordinance. The Commission did agree to allow him to tar and chip. We do have a business incentive program. It's 50% up to \$5,000 rebate, and we have used that program for paving projects. The

City Engineer would need to determine whether stormwater would apply in this case if John were to repave the lot.

Mr. Neville: To say that I'll never pave that, that's not my intention. When I actually own the property, then that's a whole another answer. Yes, that's what I'd prefer to have. It just works a whole lot better for it to be paved than to be gravel. Under our current situation with Mr. Wells, I'll gladly approach him.

Mr. Wenstrup: Does Mr. Wells know that we have an incentive program?

Mr. Neville: I have no idea. Here's what I will tell you from Mr. Wells. He indicated to me, it's a struggle for him to currently pay taxes and insurance and he needs income from it, because it's costing him money. He retired from here, worked in Colorado where they are, and they now have retired. And I think he's in a situation that financially to even keep it as is. He's going to get rid of it. He's agreed to me because of our long-term relationship that we had. And so, I'm just simply asking for a delay that says, when I buy the property, that's what I'll do.

Ms. Holbrook: So, it's a lease option to purchase?

Mr. Neville: Correct. Two years. And I intend to purchase it within that. The only reason this church deals tied up, and it's been a year with this church deal, it's a long, long, long story. But there's a challenge. It's not a short sale and banks won't foreclose on churches. They're very hesitant to do that. And it's just a long drawn out story and whatnot. Not hiding anything from him, just sure you're not interested in hearing that. So, at any given time the phone can ring and say we're done. And within two weeks I'm closing on the church.

Mr. Neville: I just don't choose to, with the cashflow for the business, the cash flow to buy the church and do what I need to do with the church, and then take on this business as well. I'm not telling you that I won't pave it. I'm just simply telling you; it just doesn't make financial sense for me to do that. And if that's something that's required, by all means, I understand and respect it. I just simply will have to say it just doesn't work for me. I choose not to spend those dollars today to do that. If we can go in under what Mr. Wells has agreed for me to do a two-year option, and then in that two years we do the paving at that point. That's not a problem because I'm not going to chase this church for another two years.

Mr. Wenstrup: How much do you think that paving that lot would cost?

Mr. Neville: If there's no storm water. I'm going to suggest we're looking at 10 to \$12,000.

Mr. Wenstrup: How much is tar and chip cost?

Mr. Neville: Two to three thousand.

Mr. Wenstrup: Would tarring and chipping be an interim? You build places all the time. What do you think?

Mr. Roe: Yes, I mean it's going to look better than the gravel. Weeds are growing up through this stuff, so it's better than not paving it.

Mr. Pelle: What about the possibility of requirement to tar and chip, but [crosstalk 02:21:02] upon, purchase within a certain amount of time, pave? To meet the requirement?

Mr. Roe: How do we regulate that?

Mr. Albrecht: Or if you approve it with the condition that it's paved within couple years. Tar and chip immediately, and pave within two years?

Mr. Neville: Sure. That all makes sense. This is just a cashflow issue. I have the cash to do it.

Mr. Albrecht: And then I would urge you to look at the incentive plan, and you might decide that the city kicking in five-grand for you now is a lot better than waiting two years when there might not be an incentive plan two years from now. We want to help you out. It's not our problem that you don't want to have it paved right now. But it's our problem that we want it paved, right? But I'd be willing to compromise, as long as it says that's what's going to happen.

Mr. Neville: I probably want to pave more than you do. That's probably the realistic thing. I understand the value of the paving. The cars look better, they display better. It's easier to keep it clean, it's easier to keep it nice. I want it paved. What I choose not to do is over extend myself. And so, I have to balance all of those things. And I just have too much going on now, but it's frankly an opportunity for me to get in this property. I can only be honest with you, and tell you why I'm requesting for delay.

Mr. Wenstrup: Anybody else have something to say about this situation?

Mr. Flege: I'm Jane Flege. I live at 990 Wallace Avenue. I know exactly the property we're talking about, and it is tacky. It's a real detriment to that part of Milford. And I applaud Mr. Neville for trying to improve this. You might want to consider the fact that if he can paint that, is it still that horrible lime green? They can paint it, paint the building a more respectable color. And I do think like if the picture's correct, it looks like the front part of the property is concrete, but in really poor condition. It's cracked and really does not look good. So, I don't know how you could put tar and chips on the existing concrete. But it's just my opinion that if he would be able to make improvements that he could afford right now and defer the paving for 2 years.

Mr. Neville: My intention is to improve the property and make it nicer. That's my intentions. I have a history of that. I did it then, I intend to now. I just simply am telling you it's not a cash flow issue as far as what I can do, it's what I choose to do, just to something make sense out of that. Thank you.

Mr. Pelle: I don't have an issue with compromise on this. I don't think we should get too far in the compromise because obviously the city wants and needs this done, with this and other properties. But I think a little bit of a compromise might go a long way in terms of having a viable business there.

Mr. Wenstrup: I think we want to try to work with businesses in our community to do things that make sense for both parties. I wouldn't want to have a gravel lot there forever, because you know how that pull out and just brings a little bit with them. But I'd

like to try to think of some way of coming to an agreement that upon ownership, that pavement is done. And for a certain period of time we'll accept a current tar and chip ... Do we match tar and chip?

Ms. Holbrook: I wouldn't consider that an improvement.

Mr. Wenstrup: Yeah so that's not an improvement. But tar and chip is probably a pretty good base for a redo anyway. I think? I don't know is it? Is it a good base?

Mr. Roe: Yeah [crosstalk 02:31:57] Sure I mean if it's gravel-

Mr. Wenstrup: I'm willing to compromise. I'm willing to come up with a tar and chip, maintain the tar and chip so it doesn't create a problem on the street. When you buy the property within a certain period of time, you pave the property.

Ms. Holbrook: Oliver, do you have to do yearly maintenance on the tar and chip?

Mr. Roe: It certainly isn't as durable as normal, flexible or rigid pavement. But it's more susceptible to freeze and thaw, plow trucks over it. It's good for a couple of years.

Mr. Roe: I'd be okay with John's suggestion.

Mr. Albrecht: I'd be okay. And I think that maybe refine the wording when I spoke earlier about it. Within two years, or property purchase occurs.

Mr. Pelle: Immediately upon purchase or no more than two years from this date.

Mr. Albrecht: But not longer than two years with this date.

Mr. Roe: Agree.

Mr. Pelle: Agree.

Mr. Wenstrup: And he would not have to do all ground water runoff study if he just did a tar and chip it.

Ms. Holbrook: We would need to talk with the city engineer to find out, water runoff is a concern.

Mr. Pelle: So, I would say regarding the project Mid America auto group, conditional use application by John Neville, staff recommends approval based on applicant upgrading parking lot with tar and chip immediately. Upgrading parking lot with pavement upon purchase but no later than two years from this application date. Two, applicant to purchase or rent and use security lighting. Three, I have applicant to not impede sight line to and from Main Street. And four, applicant to comply with requirements from city engineering.

Mr. Roe: And how about five, comply with one through nine in Milford zoning ordinance?

Mr. Albrecht: And applicant comply with one through nine of section 1105.05.D in the Milford zoning ordinance.

Mr. Wenstrup: How about six, that they maintain the loose gravel situation on Brooklyn and on Main Street.

Mr. Roe: That loose gravel deposited from the parking lot is not brought into Brooklyn.

Mr. Wenstrup: Second.

Mr. Roe: All in favor say Aye?


Group: Aye.

Mr. Roe: Opposed?

The motion carried by a vote of 4-0.

There being no further business or comments to come before the Planning Commission, Mr. Roe made a motion to adjourn the meeting at 8:40 pm; seconded by Mr. Pelle. Following a unanimous decision, the ayes carried.


Assistant City Manager


Oliver Roe, Chairman