PLANNING COMMISSION MINUTES OF June 10, 2020
6:00 PM Council Chambers
745 Center Street, Milford, OH 45150

The Planning Commission of the City of Milford met in regular session on the evening of Wednesday, June 10, 2020, at Council Chambers, 745 Center Street, Milford, OH 45150.

Roll Call: Ms. McKnight called the Planning Commission meeting to order at 6:00 PM. Other members present at tonight's meeting are Mr. Pelle, Mr. Brumleve, Mr. Wenstrup, and Ms. Evans.

Staff: Ms. Holbrook, Asst. City Manager; Mr. Casto, City Engineer

Visitors: See the attached sign-in sheet.

Ms. McKnight: Welcome, everyone. And for those of you that may be watching from home, we welcome you, also. We have several items on our agenda this evening. Just a quick order of business, item number five, the Mid America Auto Group expansion conditional use request, has been withdrawn. So we'll not be considering that this evening. So, for the two cases that we have on the agenda, like to just go through briefly the process we'll have. Initially, we will hear from the Staff. They'll present the request and any recommendations on behalf of the city and city staff. We'll then hear from the applicant, explaining their request. The planning commission members will have an opportunity to ask the Staff or the applicant questions to conclude their presentation. We'll then open up the floor to those in the room who would like to ask questions or make comments regarding the request. We ask that you come forward to the podium, state your name and address for the record, ask your questions, and make your comments to the planning commission. If there's any feedback you're seeking due to your testimony, the applicant or city staff will address those once we've heard from everyone. So we'll be making a list of those questions that need to be addressed. Once we've heard from everyone in this room, we will open up the question and comment period to those who may be watching on Zoom. Ms. Holbrook will be monitoring our Zoom feed, making sure that we're catching anyone who raises their hand and wishes to participate. We have ICRC here this evening to assist in our endeavor. Thank you very much. So, we'll manage this meeting as best as possible, allowing everyone to participate. We are so grateful that you're here and those online as well. Planning Commission will review the May minutes will be continued to the next meeting. Our first request this evening is the Little Miami Brewing Company Events Center at 310 Mill Street. Thank you.

SITE 20-05 Little Miami Event Center.
Ms. Holbrook read the following Staff Report into the public record:

PROPOSAL
Hank Roe, the applicant, is proposing to construct a 9,936 square foot building with an approximately 3,000 square foot patio in the rear. The building will be used as an event center to accommodate weddings, corporate events, and special gatherings.

Case #: SITE 20-05

Project: Little Miami Event Center

Location: 310 Mill Street (New Address)

Tax Parcel : 210708.117P

Acreage: 2.9161 Acres

Zoning: Milford River District (MRD)

Existing Use: Vacant

Proposed Use: Event Center/Rental Hall

Property Owner: Terra Firma Development

Applicant: Mr. H. Roe
DER Development

ADJACENT LAND USE/ZONING

North: *MRD, Downtown Milford*

South: *Little Miami River*

East: *R-3, Single-Family Residential*

West: *MRD, Little Miami Brewery*

ANALYSIS

Zoning Use (1167.02)

The applicant intends to use the building as an event center available for rent to wedding parties, meetings, and corporate gatherings. The Milford Zoning Ordinance does not explicitly define 'Event Center.' However, the most closely matched use is 'Rental Hall' and described as a "building that is leased to groups for parties, meetings, and other functions." A 'Rental Hall' is a permitted use in the Milford River District. It appears the applicant's proposed use of an event center is a permitted use in this Zoning District.

Dimensional Standards (1167.10)

The Milford River District specifies the following dimensional Standards:

	Requirement	Provided
Maximum Height:	45 ft	25 ft to center ridge
Minimum Lot Area:	None	2.92 Acres
Minimum Lot Width:	Avg Lot width	60 ft at ROW; 230+ ft at Building Line
Minimum Front Yard Setback:	Avg Front Setback	Panhandle Lot-190 ft
Minimum Rear Yard Setback:	Avg Rear Setback	70+ ft
Minimum Side Yard Setback:	None	30+ ft

The applicant appears to meet all dimension standards as required by the Zoning Ordinance.

Milford River District Design Standards (1167.11)

Site development generally complies with the standards outlined in Section 1167.11. The applicant has created a pedestrian connection by installing a 5-foot sidewalk from Main Street, which leads to the parking lot. Staff recommends that marked crosswalks be added in the parking lot to help direct the pedestrian towards the event center. Also, Staff recommends that bicycle racks included.

The steel-framed building will be clad in a brick veneer. A portico provides a focal point to the front main entrance. Roll-up doors in the rear leading out to a patio. The initial design included brick infill windows, but Mr. Roe revised plans to comply with the Zoning Ordinance, which requires that the ground floor front façade be at least 50% transparent. The building design, color, and scale closely match the Brewery building and blends nicely with the adjacent Mill building.

Buffers (1189.10)

A 30-foot vegetated buffer is required along the east side property perimeter due to the proximity between commercial use and residential use. Much of the existing vegetation would remain but would be supplemented with Arborvitae, and pine trees in the buffer area.

Parking (1187.10)

The lot is accessed by a shared driveway. The parking lot will accommodate 74 parking spaces and is adjacent to the existing 55 space brewery parking lot. Staff believes the applicant has provided sufficient parking for the use as an event center. Although the Ordinance provides an exemption from the requirements of Chapter 1187 Off-street Parking, the applicant is providing an extensive landscaping plan that includes 65 trees and 62 shrubs. The applicant has not included a lighting plan. Exterior lights should be full cut off and shielded in accordance with the Milford Ordinance to mitigate light spilling onto neighboring properties.

Stormwater and Floodplain

The City Engineer will be reviewing all stormwater and floodplain plans. He notes any project in a floodway must be reviewed to determine if the project will increase flood heights. An engineering analysis must be conducted before a permit can be issued. The community's permit file must have a record of the results of this analysis, which can be in the form of a No-rise Certification. This No-rise Certification must be supported by technical data and signed by a registered professional engineer. The supporting technical data should be based on the standard step-backwater computer model used to

develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

STAFF RECOMMENDATION

The applicant appears to meet the technical requirements of the Ordinance. Staff recommends approval with the following conditions:

1. City approval is contingent on review and approval by the City Engineer and any other applicable local, state, and federal agencies.
2. Provide crosswalks through the parking lot from Sidewalk connection to the event center.
3. Add bicycle parking.
4. Submit a lighting plan. Exterior lights should be full cut off and shielded in accordance with the Milford Ordinance to mitigate light spilling onto neighboring properties.
5. Mark residential property boundaries.
6. Applicant to coordinate with Duke for any utility crossings.
7. Applicant to prepare no rise certificate along with supporting calculations. Any project in a floodway must be reviewed to determine if the project will increase flood heights. An engineering analysis must be conducted before a permit can be issued. The community's permit file must have a record of the results of this analysis, which can be in the form of a No-rise Certification. This No-rise Certification must be supported by technical data and signed by a registered professional engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).
8. A minimum of 14 feet thru clearance required under the canopy.
9. Fire Alarm and Sprinkler system required.
10. Fire Hydrant to be located within 75' of FDC.
11. Knox box (4400 Series) required.
12. Automated gate to have knox key override switch.
13. Driveway in front of building and under the canopy to be marked "No Parking, Fire Lane."
14. Address number to be displayed on building per Code requirements.

Ms. Holbrook: Mr. Roe provided us with additional detail yesterday regarding the flood plain information. Tim can speak to that. I'm not sure if you had a chance to look at that yet? Okay. I'd be happy to answer any of the questions you might have.

Ms. McKnight: Any questions for Pam from the planning commission? Do we want to hear from Tim now or wait for clarification?

Mr. Casto: I met with Pat Chandler on his property earlier today. He produced some past documents regarding the tributary area on his property where there may have been some grading encroachment. There was a condition for a previously developed layout on the property that the tributary would be reopened. I wasn't sure if that would be a condition because we're looking at changing grades there. Specifically, they're putting 48 cubic yards of fill within the floodway. They're also removing and doing some other excavations to compensate for the filling in one area and excavation in another. That area is close by where that tributary is, so there may be. I guess I have questions on if that is changed, and what would that change be?

Mr. H. Roe: Hank Roe, 750 US 50, DER development. A rental hall, AKA event center, is a permitted use. They're synonymous in my mind. I think it's a great addition to old Milford. Many people commented that this is needed to fill a void in the historic district. And as far as the tributary for Mr. Chandler, we're creating a balance in the floodway. If we make the necessary excavation that we need in the floodway, we can parlay that with the Chandler tributary, as he's defining it, then we're open to that. That's a minor amount of excavation, and that can be worked out. We can all come together as a team and figure out what needs to be done there.

The Milford comprehensive plan makes mention of downtown destinations. I think this is a great addition. The comprehensive plan provides some guidance for expanding and redeveloping the historic downtown area, including adding daytime and nighttime activities, which this will be doing. I don't think all of the events down there are going to be in the evening hours. But are there any questions you all have for me at this point?

Mr. H. Roe: Tim, did you get a chance to read the technical content of the floodway permit application [inaudible 00:15:04]?

Mr. Casto: Yes. I think we're close. We're going to have some comments with that, but I think we can work through things and the grading with the changes there.

Mr. Wenstrup: There was a neighborhood meeting on May 20th. Were there any things that you tweaked in the plan to accommodate concerns brought up in that meeting?

Mr. H. Roe: The primary concerns were the parking, traffic impacts, and the lack of transparency in the front elevation. We had several window infills with masonry because the windows weren't conducive to our layout and use inside the building. But, Pam noted it was a sticking point with some people who have viewed those elevations and that it was also an ordinance requirement in the code. We went back and took out those fake window infills and inputted storefront windows to make up for that. That's the only change we have done.

Mr. Lynch: Dan Lynch, 208 Mill Street. This project is born out of need and demand for events like parties, a celebration of life, retirement, and weddings that people wanted to have at our Brewery, but is too small. This is a natural extension of the desire for the community to be in a brewery setting. They liked the feel, the open air, they're comfortable there. Even with this pandemic, it's been nice to see that people feel comfortable in our Brewery. So that's the impetus of this project. We intend to comply, be good neighbors, and follow any ordinances that have been passed regarding this issue. That's all I wanted to say. Thanks.

Ms. McKnight: We will open up the floor to anyone else who wishes to comment or ask questions.

Ms. Addy: Kelly Addy. I live at 5880 Park Road. I'm a former assistant prosecuting attorney. I own my own business, and I'm also a realtor. The mayor and city council passed a very broad noise ordinance in January that I just learned about last week. Even though I was in touch with the city manager and the mayor on several occasions, I was not told that one was passed in January.

During the neighborhood meeting, I quote, "Ms. Holbrook stated that the city received several emails from interested neighbors. Noise and traffic congestion was a common concern mentioned by the neighbors. Could you address those concerns? Mr. Brenner stated there would be bands for various events and people on the patio. The garage doors will be open. Mr. Brenner, they will hear music. Mr. Lynch said the council adopted the Ordinance and we will follow it. You can't have a wedding without a band. Ms. Holbrook stated that potentially there could be a band playing at the Brewery and also at the event center at the same time. Mr. Brenner and Mr. Lynch said yes. Mr. Lynch stated, this is an entertainment district, and a small minority of residents have an issue."

This is not an entertainment district. There is no such thing in the code. The purpose of the Milford River District is to protect the unique small town in downtown Milford's historic character while promoting the growth and development of new commercial and residential uses. It allows for encouraging a broad mix of uses and more urban development patterns while respecting the district's historical context and creating a vibrant pedestrian-friendly environment. It says that new construction restoration and expansion projects are compatible with the character of a traditional downtown and it enhances the Main Street character.

Next, we go to permitted uses, and under the permitted uses, this is a rental hall, as we've discussed earlier. The thing about it is, the planning commission does not automatically have to rubber-stamp a permitted use. It's a permissible use, but you have to look at the location of what that is and how it will affect people surrounding that area. So what you do next, if you go to the third page of what I've given you, are the standards of review. The following design standards of review shall serve as guidelines to assist you and Staff in considering when reviewing proposed building improvement applications within this zoning district. The proposed improvements should be guided and support the following standards: protect and enhance the area's physical character within the Milford River District and prevent the deterioration of property and nuisance conditions. And this is the big one, ensure that renovations, expansions, and new infill developments, do not adversely affect the physical character of the area overall, nor adversely affect the quality of life for residential inhabitants located in and within proximity to the district.

They aren't doing this here. They admitted themselves that they don't care. They're going to open the doors. They're going to have bands. They're going to have noise, and that's the way it is. They're stating that based upon the noise ordinance. But you, as the planning commission, can stop that. And how can you do that? Well, if you look at C, one of the following four actions may be taken by you for those building improvement applications. You can rubber-stamp it, but it's not going to do anything about the noise that's going to be coming from that center. Then the second thing that you can do is you can approve it with conditions.

I would propose that, if you do approve this, it should have no garage doors on the backside at all. It should have stationary windows that can open in an emergency and egress doors that automatically close, regular-sized doors. If you have these garage doors and garage windows, they will roll them up if they have five of them on the back. They will keep them open. You will have 300 patrons inside for a wedding and bands playing next to a brewery with bands playing.

The location is already congested. The site is surrounded by Milford's residential properties, on Mound Street, Wooster Pike, in the apartments on water street, Terrace Park, and Indian Hill. There are, as I said, five garage doors that they plan on opening. Not to mention that they don't seem to care about those other businesses like the distillery because they only have 75 extra spots for 300 patrons. We want Milford to grow but grow in a way that you envisioned. This is not an entertainment district. This is the Milford River District, which allows for and encourages a broad mix of uses while respecting its historical context and its residents. That does not mean having loud band music with open doors in side-by-side venues with traffic and noise emanating. It's about people enjoying a beer, listening to the river, and walking safely from [crosstalk 00:24:19].

Mark Addy: The other thing I would say in the vision, think about as you develop that event center and all that, are you going to want to have a sit-down restaurant close to that? Do you think anyone's going to want to have outdoor dining when they've got a rock band playing next door, just pounding at them? Think about the people and how this is going to develop overall. And we would hope that you would put some of these additional conditions in your consideration. Thank you.

Mr. Partee: Good evening. My name is Mr. Partee, and I'm the executive director of Little Miami Conservancy, a nonprofit river conservation organization of about 400 members. I have provided testimony with you. We do have some concerns about the riverfront, as you might expect. We have worked with numerous developers, landowners, local officials over the last 50 odd years to restore and preserve and clean up, deal with the dead fish floating down the river, water quality issues, and acquire lands here in Milford as nature preserves. We are responsible for a good portion of what you will see on the other side of the river.

We either currently own or purchased it when Dave Spinney was manager here, and Fred Gatch was mayor. Fred came to me and said, "We're trying to negotiate with a guy by the name of Jim Sieve (sp). He's an attorney downtown, and he owns a bunch of acres over there across the river, downstream from the bridge. We met with him. Jim winds up donating all that property to us except for the current parking lot. There was some money paid by us, our members, to him to make that deal happen. Over the next five years, we leased that property to the city of Milford. And at the end of that time, we donated the property to the city. We thought it was the right thing to do. We thought there was an understanding that it would be preserved and a great natural gem for the river.

We're thrilled that it's named after Mr. Terrell and attended the dedication ceremony. So we have a bit of history. Now on the East side of the river, and with apologies to everyone here, we had hoped to put some things up on the screen; it's been a lot more problematic from the riverbank areas' standpoint. For those of you that have been around a few decades, you remember how much erosion was occurring along the Little Miami. Riverside Park was all eroded out. We worked with Loretta Rokey at the time, pulled together some public funds to restore that, and plant it full of trees. It is now full of trees, perhaps not as deep as we would like, but it is a stable bank once again. All because of something as simple and as cost-effective as trees.

Who cares about trees? Well, they serve a purpose. Let's go on downstream a little bit: Clermont Lumber, another site where there wasn't a good forest buffer in that area. There were buildings, lumber, and Mr. Critchell made a good living, I think, at Clermont Lumber and more power to him. But again, erosion started. There was not a fair amount of tree roots mass in those banks to hold it together, and the sand and gravel and the makeup of the soils went away. We worked with the city council and Loretta to get the taxpayer money again to fix that situation. Now it's a 120-foot deep buffer, which frankly is our preferred width of a buffer, and a very stable situation, full of trees and growing by the day.

So there are pictures here in the testimony that show all of this erosion. I mention these because whenever we look at riverbank areas and particularly in Milford. I hate to say it this way if you look at all the communities up and down the river, the most erosion that happens along the Little Miami and in downtown areas is in Milford. So as we learned of the new proposal, understandably, our first concern was regarding the riverbank area and the trees. And long story short, we're proposing that there be a 50-foot buffer along the property, lots of sycamores. We'd had conversations back in 2012 about Sycamore trees and planting more sycamores. I'd like to pick that up again and see more sycamores and native trees planted on 10 to 15-foot spacings throughout that area so we can get that bank stabilized and it doesn't erode out, and the taxpayer, once again, is asked to cough up the money to resolve that. The only other bank project that is of note and happened in the 1970s now called the Mound street project on the big bend down below the bridge. There's a photograph from 1970 of a gentleman and his son in a homemade Jon boat fishing the Little Miami right there in the houses at the slope's precipice at Mound Street. My recollection was the project was something like $750,000 to put in. Today, I don't have the CPA or CPI adjustments, but substantial. Long story short, I think it's essential for the Milford riverfront that we recommend that if you do approve this, there'll be some serious consideration given to the planting of that area. The placement of fill in the floodway is always problematic. We have seen numerous times up and down the Little Miami where dirt fill is brought in, compressed, and stamped. It is put in place, and it washes out with the next big flood. We've seen it at Peter's Cartridge and in other areas of relatively straight stretches of river.

The exact location of where the building and the patio are irrelevant as long as it's back beyond that 50-foot zone, and we get the trees established. We've been through this three times now in Milford. The taxpayer has been through the wringer three times. Let's learn from the past. Thank you.

Pat Chandler: Hello, my name is Pat Chandler, and I live at 43 Mound Avenue. I'm one that asked him to come out and look at that because the tributary that I'm talking about, if it stays open, doesn't put as much pressure on my hillside where I live 90 feet top of the hill, just past the Brewery. It's going to affect my house and all my neighbors' house on Mound Avenue, which has been my issue for eight years with the developers, and for eight years, we've had the thing filled in, and then we have it taken out. Four years ago, I had a bunch of logs in there. They're gone now, and now we got dirt and rocks. I'm sure those will be moved, and I'm sure when the project is finished, it's going to look nice next to us. That's my main issue, the tributary, and then whatever happens upstream, it's going to affect us downstream, so I'm glad to see that people are keeping an eye on what's going on in the riverbank. Thank you.

Len Harding: Hi, my name is Len Harding. I live in Milford. I've lived here most of my life. I moved here with my parents in 1947, and my dad was born on Laurel Avenue. I want to point out that Milford used to be a very, very vibrant town. Then for maybe 30 years, it was dead. We had a downtown with empty stores. We had used bookstores. We had all manner of things. The only place that was making money for all that time was the gun store, but the issue is now that Milford is thriving again, it's a much different place, and so we're caught somewhere between a rock and a hard place because to have all these businesses go, you've got to have traffic. You've got to have foot traffic. You've got to have people in, and you've got to have businesses that will attract people. Milford has quite a few nice restaurants, bars, and I see this as kind of an extension of the Little Miami Brewery, but I'm a little bit concerned that we sort of jam ourselves into a situation we need not be in. So the first thing I want to address is the development itself. Yes, development is needed. I've often said, and I'll say it again. Milford needs 10,000 people to keep its political heft in the state. It just needs people. That's all there is to it. Right now, what are we, about six, not quite seven? So we're always on edge, and I'm still thinking, well, let's get some more people in here. We've closed down schools. Instead of having something creative to do with the school, we turned it into a very flat piece of ground. Why? Because we couldn't agree on anything, and I always think that this deserves much more of a discussion among the people than we can have here and having people get assaulted. If it goes to court over something like this, the city will be out of money. Either way, if it goes to court, win or lose. Mr. Roe has been mischaracterized.

I am a former trustee of the Milford library building. I was always aware of the fact that we didn't have much money. We weren't collecting much money. The Milford library doesn't make any money, yet you're responsible for that building legally. I was looking around for someone to help because Lou Gatch, the other trustee, was leaving, and I cornered Dale with the idea of getting him on the board. Let it come out of his pocket, not mine, but Dale was interested in the building. He wanted it, he bought it, and he's given the library a 300-year lease. I've walked through it with him a couple of times. He's doing a pretty good job in there. So this is not somebody who wants to trash it up. He just is not going to do that. The other thing is this is an event hall, and unless I'm missing my guess, we don't have weekly or nightly gatherings there. It's going to be an event, and unless you guys rent it to a church. That's what happened around here when Milford was dead. A lot of churches moved in and took the storefront property. Do we want that again?

We've got all kinds of places around here that can say you need to put deep-rooted plants in there. They're places full of them. If nothing else, you could put the honeysuckle there. When we talk about the conservancy down on South Milford, I think the instruction there is the people in South Milford were fighting off a developer twice, and the second time, we got him to say no. We got the city to say no to him. He wanted to put 300 homes down there in that little area. Still, the second time it happened, a group of South Milford neighborhood people, and I'm proud to say I was one of them, got together and decided, well, we're just not going to be able to say no, we don't want you to use your property in a way that bothers us. So we got together, and we bought it, and the city of Milford was very sweet to us because the neighborhood bought the land, but the money was borrowed using the city of Milford's credit, and all we had to do was pay the interest off every quarter, which got to be kind of fun. We had that thing for two or three years until we got a grant from the ODNR, and now it's a wonderful place. If you

want to do what you want, you got to buy it. I'm sure everyone in this room knows what takings are. What's a taking? If somebody buys land and wants to use it and you refuse to let him, he can take you to court. In this case, the city of Milford.

I have warm regards for the Roe family. They have done a very nice thing to a building that has been in the city, and the library is sitting there for free, fat and happy. To characterize him as someone who cares not for others is just wrong. That's all, just wrong. Is he a hard-headed businessman? I'd be willing to bet that. Will he go to court? You can bet on that too, I'm pretty sure. So when you're doing this, understand that we have an issue. He owns the land. He's got a way to make it worthwhile, and if you're not going to let him do that, you got to come up and say it. South Milford came up with a rather novel plan. We'll buy the land. He'll sell it to you. I'm willing to bet, but let's not just sit here and willy nilly say no because I don't think. I sat in on this last hearing that the noise is gone after 10 o'clock, and if you live in South Milford, you know all about the gun club, you know all about the Texas Road House, you know all about I70 275 because that traffic never stops. That's the price of living here, and as I say, a long-term resident, I'd rather we grew a little more than get into another lawsuit. Those things are expensive. Thank you.

Ms. McKnight: Thank you. Anyone else? Pam, do we have any Zoom participants that want to comment?

Caroline Goode: Hi, this is Caroline Goode of 16 Wooster Pike. I wanted to reiterate what Kelly Addy had said. I agree with all of her points. Living across the river from the Brewery, we brought up the noise issues before. I think that the biggest concern is the way that the building is being developed with the garage doors. When we had that meeting before, it was stipulated that the garage doors would have to be closed whenever loud music was played. I have not, unfortunately, been able to see the plans for the event center. I didn't get a chance to look at that, the design and stuff, but again, we're not against development either. I think that's not how we'd like to portray it, but I mean, the noise issue, you can say, yes, you need to bring traffic into Milford. I agree with that, and places like the Brewery and the distillery are great places. They're going to bring in many people, and there's going to be a lot more walking traffic. That's wonderful, but with the noise, it could be detrimental. It's going to harm other businesses as well. I mean, you're saying that you have the Brewery, and it's bringing in all this business. Still, then if the Brewery is bringing in bands and the event center has all this loud music and these loud events, it's detrimental to other businesses like the distillery or surrounding residences and surrounding businesses.

So that's just something to consider, and that's all that I have to say. We are directly impacted living right across the river from the Brewery, so that's an important thing. I mean, we like to see businesses. We just don't want to see, and I think that it's very reasonable to say you can design these businesses and make sure that the noise is mitigated and hat's just the design of the building and just keep the noise within the confines of the building, and then there won't be this problem. So anyway, that's my statement for today. Thank you.

Mr. H. Roe: We've heard parking may be an issue here. Should the event center need additional parking, we have alternate off-site parking available. We have a lot at Elm and Water, another 40 stalls. We have a lot a little bit further down on Locust Street, another 20

stalls. We have the old mill building. We work out something there. We have tenants in the building who need parking access, but such hours as the event center will hold events, those stalls may be available. Our river roe development across the street from the Brewery, we are in the process of switching to the planned development for residential condos there. We no longer have a fully intended use for commercial space. That's going to lighten up the parking load. That's going to lighten up the traffic load as a result of that development there.

We may have a commercial condo option available to us on the first floor, but the upper two floors will be residential, and even the first floor may be residential as well. The planned development application was submitted about two weeks ago, so that's in the process right now. The Millcroft collection that was approved about a year ago is an 11,400 square foot facility. According to their code summary, that facility will have a potential occupancy of 799 people spread across three floors and a basement. The planning commission approves the site plan with an onsite parking count of 10 spaces and one ADA space. So look at our ratio here. This is significantly skewed, much denser parking available to the event center than what we have at the Millcroft plus our alternative parking options that I'm sure we can work out with Dan and Joe, should those be required. Additionally, the uses in the Millcroft include a restaurant, a bar, a tasting room, kitchen and coffee shop, offices, two banquet rooms, storage areas, a rooftop deck, and outdoor seating. It has a lot more than what we are providing with the event center. That's just one of the six or seven different uses in the Millcroft. We had some traffic studies completed a few years ago for the Mill and Water intersection. That study included, when this event center's going, we had planned 32 bedroom apartment units there, which amounted to 18 AM peak hour trips, 34 PM peak hour trips. In essence, that should be discounted or credited to what the event center will do as far as increasing these peak hour trips, which I only see being a problem may be on a Friday evening. Otherwise, these are mainly going to be weekend events. They may be later in the hours in the evening, or it's not even going to add to the congestion of traffic that we see in the latter part of the afternoons, early evenings. Per our consultant, given the bridge, Mill Street, Main Street, the existing building placements allow for limited, hardly any right of way expansions. Everything's bottlenecked on both sides. The only thing that consultants said could be signaling improvements as far as the timing goes of switching lights red, green, turn signals, whatnot. No real capacity improvements.

We talked about the flood plain permit application that's been submitted to Tim Casto, who's the city engineer. Concerning the riverbank slope and the comments from Mr. Partee at LMC. He noted that a handful of trees would not adequately prevent the river from meandering in erosion. We have a professionally engineered, reinforced riverbank slope design that's completed. That calls for primary geogrid reinforcing 30 foot wide layers installed at four-foot vertical spacings between elevations 504 and 516. There are secondary geogrid reinforcing layers between elevations 506 and 518 installed basically in between the primary spacings. Below 508, we have riprap. Above 508, we have seeding and landscape plantings per the landscape design. This slope doesn't need the trees, although we want the trees.
We're going to add some trees in there. Our landscape design shows it, but they're not necessary. This slope can support itself, given the reinforcement design that a professional engineer has signed off on. There's an active beaver problem on this river. I've got several pictures, 20 pictures I sent to Pam this morning. I brought this up a year

ago. Beavers are a significant problem down there. I like wildlife, but when beavers are removing trees from the riverbank, what will we do about it? That's a touchy environmental topic there. There's a lot of felled trees. You can see the gnawing to points. It's a problem; they're causing a lot of destruction. There were a couple of trees that they had chewed on near the bridge, and I think Milford's maintenance department had to remove a couple of trees for fear of those falling on the bridge, coming in conflict with traffic. I don't know what we can do about it. I don't know what Mr. Partee can do about the beavers, but that's a problem down there too.

The Milford comprehensive plan, I touched on this before. It promotes redevelopment of downtown. There's going to be traffic impacts when that happens. It calls for the repositioning of downtown as an entertainment district. Yes, the district is not defined as an entertainment district. Still, the strategies and the end goals of this district reference this in the comprehensive plan. As far as Terrace Park is concerned, I'm a resident of Terrace Park. I called the village administrator—also, police chief, Jerry Hayhow. There have been zero complaints against the Brewery in all facets, sound included. They also don't have a sound ordinance, and if they did, Chief Hayhow commented that the village ordinances only applied within the Terrace Park boundary limits. They would have no jurisdiction, in essence, over what's happening with the Brewery. So those are just a few things I wanted to add. Is there anything I can answer question wise from the planning commission?

Ms. Evans: What is the setback from the river?

Mr. H. Roe: I don't know what that setback is precisely, but if we were to move the building to the 50-foot setback that Mr. Partee suggests, that would destroy the project. We had a lot of time invested talking to the fire department about their apparatus access to the building, to the Portico, how they can get turned around in there. If we do that, we're going to have to reconfigure the entire lot layout. We're going to lose parking stalls. The building placement won't be ideal. I don't think the project would happen if we had to do that. We're sensitive to the river. We're doing as much as we can to preserve the slope, prevent erosion, make it nice with trees and plantings. The river's the asset. Without this river, I don't know what the Brewery would be, if anything. I don't know what the event center would be. So we have to take it seriously if it causes significant problems and we're out a couple, several million dollars worth of improvements there.

Mr. Pelle: I'd like to follow up with Mr. Partee, please, if you can step up. Thank you.

Mr. Partee: We'll figure out how to get rid of those beavers.

Mr. Pelle: I want to address what Mr. Roe said about the 50 foot that you had recommended, 50 plus feet, I think it was. What was that based on, and is there an allowance there and all?

Mr. Partee: When we look at bank stability, and we've been looking at this for several decades up and down the whole river, and talking with ODNR and EPA and the Corps and national park service, et cetera. There is a consensus amongst that group that a 120-foot buffer in terms of long-term bank stability, tree growth, small saplings, big trees falling, little ones replacing them, all the dynamics that go into that sometimes you don't think about, the 120 zones. Now we look at downtown areas and we say, well, gee, 120, how could you

possibly do 120. We could do 120 there at the river flats project, and there's a 120 requirement actually at riverside. So the 120 is something. Now in downtown areas, Loveland, for example, has a 50-foot wide buffer zone that protects the river. You can't go in and clear cut trees and so forth and that sort of thing. So I think there's some commonality here with the village of Milford. You get into 120 on small lots, you get into legal issues, you get into taking issues and all of that, and as much as you'd like to see it, the reality is that's not going to happen. So that's why we come down to 50 as a compromise, if you will, as something that we think still has a positive impact and is worth doing.

Mr. Pelle: Does that consider what Hank was talking about regarding the professional-grade geogrid reinforcing? If they did that, does that mitigate some of that distance?

Mr. Partee: I haven't seen that design. I have a civil engineering degree, but I'm not practicing, so I don't know that I'm overly qualified to challenge it. In looking at that 50-foot zone in my scaling off the distance between the edge of the water and I believe the patio's edge, I think, was a 50-foot distance. So the 50 foot gets down to what happens within the 50 foot, basically along the river. Is there an opportunity here to reestablish a lot of trees in that area? We understand that there will be a desire for a view just like at the Brewery. People like to sit there and look down at the water. I get that. And we see the Foster, with the Whistlestop or the Monkey Bar, great name. And we get that. But we'd like to see a balance if you will, that as you are looking from the other side of the river or the river itself, it's something different than building. It's a softer view, primarily of trees and without the beaver. And so we think there would still be a view of the waters of the beautiful scenic Little Miami. Even with our recommendation for plantings.

Ms. Holbrook: Eric, is the 50 foot measured from the edge of the water?

Mr. Partee: There was an edge of the water marked on your drawings.

Mr. Pelle: Hank, do you want to respond to that at all?

Mr. H. Roe: I don't know what we have at the Brewery. The Brewery is on a two to one slope to the river. That's what we have proposed. There were no improvements made on the brewery slope, riverbank. Everything's fine. Nothing's shifting, and there's no significant erosion going on there. We improve the river bank by eradicating the invasive honeysuckle. There was a challenge from somebody in this room that we cleared the entire riverbank, which is not the case. We removed the invasive honeysuckle. I believe Mr. [Partee 01:02:36] applauded our efforts for doing so. The Little Miami River stabilization at the river walk, guess who the contractor was that worked for the City of Milford? It was DER; we did that project. We know how to handle riverbank stabilizations. Riprap, it's working. Riverwalk is not eroding. Everything's growing well, so we are sensitive to that; we know how to build along river banks.

Mr. Pelle: And did I hear correctly, there would be added vegetation to that embankment?

Mr. H. Roe: Yes, there is. There's grading that we need to do there, create our slope, and then excavate this geo-grid reinforcing. The landscape design we have provided adds back

plantings because we don't want a barren slope there on the river bank. We want it to be vegetated and look nice.

Mr. Pelle: My biggest concern has been the hillside river bank integrity. I happen to do some consulting work for the Hillside Trust. For the long-term health of a city based on a river or a river town, all the charms start eroding if you don't take care of that. It seems that there's some mitigation going on that can resolve any of those issues, and in fact, make it better than it is now. So I'm hoping that's the case.

The second point I had was noise control. Sean Sutter, the attorney representing the Savage family, made a good point regarding the noise ordinance, which I've had an issue with myself; I don't think it's an ordinance. It doesn't have all the requirements of what I believe is an ordinance. That's an issue for the city council, not the planning commission, but it does make clear that to me at least, that we're not addressing noise the way we should be in an area that carries sound so well. So I'd like to see some discussion around that if there are any conditions or mitigations that we can apply to make that a better situation for the neighbors without ruining an event center, and you want to be outside looking at a river. There should be some balance there. Those are my most significant points.

Mr. Brumleve: I'm thinking about the physics of sound here, shy of significant mass and early absorption; it's challenging to mitigate sound once it gets loose. And we're talking about within feet; it's tough. As it relates to garage doors or no garage doors, and whether they're open or closed, I could see the lack of garage doors or anything like that as a significant inhibitor to the event center's utility. I don't see them as being within our purview; we certainly cannot legislate the noise ordinance or reconfigure it.

As it relates to our purview when looking at the city's plans and regulations and how the development influences those, there is a myriad of choices, a multitude of opportunities, but very few options that have ways forward because somebody doesn't step up to make them happen. I find that if anything, the step back and significant retreat of the development from Main Street preserves Main Street and preserves Main Street's character. I can't see many pedestrians going to the event center, possibly driving up, for the most part, bicycle rack notwithstanding.

Ms. Evans: I agree with the noise issue, and I'll take that back to the council. We'll have to revisit it if needed.

Mr. Wenstrup: I have been amazed at the Brewery's success and the rebirth of our downtown. It comes with a price. If you live in a ghost town, of course, it's quiet and peaceful. If now you have a boomtown, it's going to be noisy. Within these meetings' framework, I've always found the gentlemen presenting this request to be open and willing to try to respect the neighbors. Protecting the south Milford neighborhood district's character from being spoiled by the river district is a balance. Noise is an issue, and I don't know how you mitigate that.

I'm speaking to DER and the beer and enjoyment business, and I'm talking to you guys, there's enough revenue in there to try to spend some money to mitigate the issues for your neighbors, and you've expressed a willingness to do that. There've been

opportunities to buy that property. But I think we have to address all the things to the best of our efforts, but it's your property. If you're developing within our village's laws and regulations, people should be grateful for anything over and above that.

The riverbank with the reinforcement, does it allow us to do 35 or 37.6? Because we all know that's in everybody's best interest. Without that river there, you'd be another brewery along a highway. Your property would not be the property that it is. So we want to protect the river. I'd like to see a closer look at that from an environmental standpoint. Your neighbor has a little tributary that runs down there. I don't know why stuff keeps getting dumped on his property, but stop leaving things in his property.

The best thing is to be a good neighbor, and that's hard to come by. A noise ordinance can't do what a good neighbor can do. I can live with it being noisy during frontier days. I can deal with it when music quits at 10, 10:30. That's not a problem for me. We can't engineer every space that's next to each other to make everybody happy, but we can do what we can on both sides of the river to mitigate the problem.

And I see a lot of effort coming from the developer to mitigate these problems, particularly with the Brewery. I do think they have made an effort.

Ms. Evans: What about the soundproofing in the new part? I know it doesn't look beautiful, but are there any considerations you can put into the main hall ceiling to help with the noise?

Mr. Pelle: That's a great idea. There's a balance between indoor aesthetics that a bride's going to want versus a bar.

Mr. Bredemeier: Mark Bredemeier, KBA Architects, 29 High Street, Milford, Ohio. The product you're referring to is more to control reverberation inside the facility than to mitigate sound going through the roof. In terms of the wall construction, it would be similar to the addition to the Brewery and the ceiling. We haven't gotten into the ceiling's design. There are products that we can do. It'd be insulated well as well.

Mr. Brumleve: Often, the solution also starts to change the behaviors. If you absorb more and intercept early, the amplifiers get turned up. I've seen this.

Mr. Bredemeier: And we will have hard surfaces in the building. So we will want to dampen that sound somewhat similar to what we did with the addition.

Ms. Evans: If the band's back by the windows versus at the front of the hall.

Mr. Brumleve: These are behavior issues, and I don't know how it's within our purview to stipulate or regulate that from this point.

Mr. Bredemeier: I think the way the band is set up would be advantageous. It would not be faced towards the river.

Ms. Goode: I did forget to bring up the issue of the kayakers and the boaters along the Little Miami River. I know that there has been an increase in the kayak traffic, and I know that I had initially addressed that issue when the Brewery came. I was concerned that there would

be many kayakers parking on the river bank and trailing up the side to go to the Brewery. And that is indeed happening. And I know that the kayakers, they want the money from the kayakers and everything like that. But then when you were talking about the erosion of the hill, that contributes to that. It's also a liability, I think, for all the kayakers coming up, putting their boats up right at the bottom of the Brewery too.

I know that this is about the event center, but this is continuing. I saw a video the other day of someone jumping off the bridge, and it was actually on the side of the Brewery. There are some liability issues. I don't know if it's more for Milford or the Brewery, but it's just something to consider.

Ms. McKnight: This request is a site plan review of the site's development, which does include whether the use is permitted, but definitely landscaping, parking, lighting, buffering. Obviously, as a river town, we're very sensitive to the river. I am not an engineer. We have one on Staff. I would defer to the engineering professionals to ensure that we're doing all we can to protect that riverbank. It's an asset for the event center. It's an asset for the city. And just a couple of weeks ago, the river was at that parking lot, at Terrell Park.

So the water is going to do what the water's going to do. And we rely on the engineers to institute best practices to make sure that we're protecting property and life there. The building fits in with the character of the historic downtown. It's not a Main Street front building. And I think they've done an excellent job achieving that with their design. The additional landscaping to beef up that required buffering along all the adjoining residential properties is critical. Trees between the building and the river can be an asset and an impediment to the view. So we appreciate anything that is done there.

In reviewing this project as a site plan, I certainly looked at the zoning code. The zoning code explicitly refers to the comprehensive plan when considering development within the Milford River District. So I also looked at the comprehensive plan about what the vision for that area is. And a rental hall or an entertainment event center is appropriate based on the comprehensive plan. It's a permitted use in the river district. Concerning the noise ordinance passed by the council, they are the policy-making body for the city. This body doesn't make policy. We enforce the policies and the rules and regulations that are enacted by the council.

Do I wish it was beefier? Certainly. But those issues need to be taken to the city council to address. At a point where we had nothing, we did our best. And that said, if the city passes something, it'll supersede any condition that we've placed. I would echo what my fellow commissioners have said about being a good neighbor. And we would trust that the operators of the event center and the brewery operators would do their best to be that good neighbor. But we can't legislate good neighborliness from our seats here. So, I guess the only thing I would add to the Staff's condition is to address additional buffering and landscaping along the entire adjoining border to residential zones. The south area looks like the clearing has eliminated the existing trees, and some additional buffering would be beneficial there to comply with the zoning code.

Ms. Evans: I think I read it in the neighborhood meeting comments about fencing or something to separate the property from the Mound Avenue properties. Will there be anything to prevent people are out wandering to walk up to the Mound Avenue property?

Ms. Holbrook: There were several comments about marking the property line, but not fencing.

Mr. Wenstrup: I think that's the message we want to make clear to you. We don't want it to spoil the residential enjoyment of two very nice neighborhoods—the people up on Park and the people in south Milford.

Mr. Chandler: I'm Pat Chandler, I'm at 43 Mound, and I did have that complaint. I'm neighbors to the Brewery, and people were coming down along the river onto my property. The first group was kids climbing on the trees, and I was worried that they would fall and get hurt. The other thing we just talked about is going to happen, and that's something that we can work on once we get the project finished. So I have no trespassing signs, and it's all marked, but eventually, there's nothing there right now. And that's why I'm sure we can get together and solve that problem. Thank you.

Mr. Addy: I had a question for the commission that I don't understand. When we were here two years ago, and again last year, this very commission placed sound mitigation conditions. And that was within the purview to take steps. While we all hope we're good neighbors, let me assure you, sometimes you have to take steps to make that happen. And so, I'm asking you to consider some of those sound mitigation conditions as part of this.

Mr. Wenstrup: The conditions we put in for the Brewery, before this noise document, were those effective?

Mr. Addy: They did because the garage doors were closed.

Mr. Brenner: Joe Brenner, 208 Mill Street. When that first conversation came about, we didn't have garage doors back then; we just had that tent. And that's why the noise was even more of an issue.

Mr. Wenstrup: I think once the doors were there, they're saying that it helped a lot. You have doors on the riverside of this development-

Mr. Brenner: Right, and we close those when we have music there. Those are the big windows, yes.

Mr. Wenstrup: We understand it's a problem. We know you went to a significant expense, which means the business must be doing good, but it may be that we have to come back and make a similar restriction if it becomes problematic.

Ms. Addy: In the neighborhood meeting, they flat-out stated they would not keep the doors down in the new event center, that they will put up the doors during weddings and parties and bands playing. They were asked, and they specifically said they would keep the doors up.[Crosstalk 00:01:16] That's what the major problem is.

Ms. Evans: The new city ordinance allows for that, though. That's something that the council will have to address.

Mr. Brumleve: And there are other variables at play. The tent was removed, so it effectively was an open-air performance in the tent versus almost complete containment or optional containment, right? And early intercept absorption. So it's tough to put the finger on that one.

Mr. Lynch: To recap history, the Brewery opened in December 2017. We had a tent. The tent is where all the complaints about sound came from. We proposed a structure that was open air on the bottom with a rooftop. We modified that plan and spent three times as much money on a brick building. We are not required to, but we do close the windows on the riverside. We have the garage door leading to our patio that we leave open. The complaints that came in were when there was a tent there. We've put in acoustical sealing. We did everything that we were asked to do, and we've abided by every regulation and law, including the new sound Ordinance, which tells us when music has to be turned off. We follow that. I just think it's disingenuous of some to kind of continue to label us for something that happened when there was a temporary tent there. The tent's gone. It's over. That's all I want to say.

Mr. Savage: We very much appreciate those efforts. And it has worked. However, the problem is that two weeks ago, the statement was, we're going to open up those doors at the event center. That is a massive problem and is unacceptable. If you keep the doors shut, we're good. If you open them? Not good, particularly when there's music going.

Mr. Wenstrup: This is my first look at the noise document, and it says there's no amplified sound after 10:00 PM Sunday through Thursday and after midnight on Fridays and Saturday. If you have an issue with that, I'd go to the city council and say, here are some areas I'm concerned about. But here, we really can't do much about it.

Ms. Evans: We had two publicized meetings in January about establishing the noise ordinance.

Mr. Wenstrup: Was it well attended by members of the public?

Ms. Evans: No.

Mr. Wenstrup: One of the comments made is that this noise is a problem for other businesses in downtown Milford. Pam, have we had any complaints from any of the other businesses in downtown Milford that the noise was problematic for them having the peaceful operation of their businesses?

Ms. Holbrook: I'm not aware of any complaints.

Mr. Pelle: I do think the noise is a problem for those neighbors. I believe them. However, we are in a situation where we have an event center, which I think is permissible. And how the hell do you have an event center with weddings with 2,300 people and not allow them to go outside and not allow them to party? It's just a crazy idea. So in the 20-year comprehensive plan, as Lois stated, it is. Lois and I were both on that committee, and it is within the spirit of what we wanted in downtown. So it fits there. I believe that some issues with the noise ordinance could be improved, but I don't think that's part of what we do.

I would encourage you to go to the city council and state your opinions there. What we can do is put conditions on a permissible use. They've shown a willingness to do that for the community. And what we're trying to do is place possible conditions such as, can they come back with a detailed plan to better explain what the sound mitigations are, as opposed to saying, yeah, we'll do that. I'd like to hear details on that.

Mr. Savage: I went to the brewpub and took measurements with my audio decibel reading. It wasn't that loud inside the room. I called my brother-in-law before he came down and said, can you hear anything up there? And he said no. It was all good. You just got to keep it inside. If you want to have a band play at the wedding, you can't open those doors. We'll have problems, and we will have to come after you. We will have to because you are taking away the value of my property. I've had this property for a long time. I want to build houses on it when my sister decides to do that. And I can't build a house and sell it if I have to put up with that racket.

Ms. McKnight: Okay. Any further discussion or anyone prepared to make a motion?

Ms. Evans: Can that be a condition that we add on if they submit a sound plan?

Mr. Pelle: I would love to see that as part of the conditions, but otherwise, it is permissible, what they're planning.

Mr. Wenstrup: Would you be prepared to go ahead and approve this tonight?

Mr. Pelle: I would approve it with the condition of just seeing details on what that sound is.

Mr. Brumleve: Who should they submit that to?

Mr. Wenstrup: Since I'm sure they've considered this, can you address that now?

Mr. Lynch: Let's just step back a minute. It's a brick building with an open ceiling. If you've ever been to a wedding in an industrial building, you have wood rafters that brides and their moms like to hang chandeliers from, with swags, and to make it look festive. We're not talking about building a soundproof room. There's no sound plan. It's an open ceiling. We're over-engineering this. It's just an open ceiling with rafters. There are garage doors, there's a bride room, there's a groom's room, there's a prep kitchen for the caterer, there's a lobby area, and there's a band area on a dance stage. That's it. We went through at the Brewery because we had a tent for two years, and I can understand that we weren't maybe the best neighbors with that tent. We could probably do some things over again, but now we have a structure, and Mr. Savage just thankfully complimented us on how we have voluntarily closed the windows along the river.

An event center is going to have bands. You're not going to put a band on the riverside. That's where the river and the view and the patio is. So the band is not going to be right outside. I think we're kind of forgetting some basics. So that's all I wanted to say that the ceiling is an open wood beam ceiling, and it's decorated the way the bride wants to decorate it.

Mr. Pelle: Dan, I think plan may have been the wrong word to use, but I would like details on, for example, what is it? Is there anything in the walls that reduce acoustics for the outside? Is there [crosstalk 01:43:13]

Mr. Bredemeier: We haven't gotten into the specifics of the building. It would be similar to what the Brewery is. I would ask you if you are looking for that kind of study, have you asked that of the distillery to do a similar study?

Mr. Brumleve: We need to seek clarity on the vocabulary here. I think, plan, as it relates to the building's physical aspects, I don't think it is where we really want to go as much as an action plan. How does that get submitted into who? It becomes a question for me.

Mr. Bredemeier: And the specifics of what items you're looking for?

Mr. Wenstrup: If you have amplified music, it doesn't matter where the band is. It matters where your woofer and amps are, where your speakers are pointed. A Lot of sound doesn't transmit through brick, so that's a good thing. It has nothing to do with the building itself. You've got brick and windows. If the windows are insulated, they're going to deaden more sound. If you turn the speakers so that they're not facing out toward the river, you're going to have less sound. It's common sense. But other than having the building with brick walls and doors you can pull down, they will probably put something in there to help kill some of the bouncing sounds.

Mr. Bredemeier: The only other thing I would add, looking back at the restrictions of the closed doors and that kind of thing, I believe that was put in place before there was a sound ordinance and the wording was, as soon as the sound Ordinance adopted, those restrictions went away.

Mr. Brumleve: Superseded. True.

Ms. Addy: What I don't understand here is why do you have to have garage doors? Why does there have to be five garage doors on the backside of this place? Why can there not just be glass doors that people can exit and go onto the patio? Why do you have to have these large doors open all the time? You have air conditioning in the building. You have heat in the building. Why? You all can decide that that is not part of the plan, that you're going to just put maybe three glass doors from different areas in the building for people to go out on the patio. I don't understand. I mean, of course, it doesn't matter where the band's going to be. When you have five doors and windows open, wide open, the size of garage doors, that sound is going to come out, okay?

It's going to come out. That's what it does. It travels. And it's going to travel down the river, and it's going to travel up. Your point was Terrace Park had not said anything. I got news for you: once you have bands going in the Brewery and once you have bands going in this event center, it's going to be a lot more far-reaching than it is now, or has been. All I'm saying is you can make this building more soundproof by not allowing these huge roll-up doors, where all the sound will come out. Thank you.

Mr. Lynch: We can have the band, not project speakers, and woofers out to the river. We can put the band facing the other way, so the sound travels towards the brick and glass and walls

of the building. That's not a problem. I mean, that's what's going to happen anyway. We don't need to have that legislated. We're going to place the band that way. And as far as garage doors, breweries have garage doors. Breweries, event centers, like 50 West, Mad Tree, and all local breweries have event centers. They have garage doors. Garage doors are part of the ambiance that makes an event center feel like a brewery. That's the look. If you look at wedding venues across the country that have an industrial building look and feel, that's what we're going for. To make this project work financially, we have to rent this for quite a bit of money.

It will be one of the most expensive venues in town, or this isn't going to fly. It's designed to look great. I thought the drawings that KBA did were fantastic. The architectural, the amount of the glass look, we couldn't be happier. But we're not going to put the band broadcasting out. We don't do that in the Brewery now. We don't do that with music now. The sound Ordinance goes till midnight on Friday, Saturday. At 11 o'clock, things are going to start turning down. That's the way weddings typically are. I think we're worried about something that isn't going to happen. It's as I said, we intend to be good neighbors. We're law-abiding citizens. We know that what the city council passed and the sound Ordinance can change if we're not good neighbors. We understand that. Nothing's forever. So we intend to follow the rules and to do everything that we're supposed to do. And we think this building provides that. Thanks.

Ms. McKnight: I hear what you're saying about asking them to come back, but I'm having trouble visualizing what they would bring and how we would evaluate it, on what standards we would apply to say, yep, that's good, or no, that's not good enough.

Mr. Pelle: I've heard enough just from the comments. I just wanted to hear more about what you plan on doing. I believe this is a group of people who take the community seriously and have responded every time there has been an issue. So I don't think this will be an issue, but I am concerned about the problems we've had in the past with that noise and how it's affected some of the neighbors. I do believe you've answered that question for me.

Mr. Wenstrup: It was helpful for me to have them talk about it. It's useful for me to see the design elements included in the Brewery addition. It was beneficial for me to hear from a resident who said those brewery building changes were significant. We have to take their word in good faith to utilize those for the neighbors' benefit. I would move that we entertain a motion.

Mr. Brumleve: I'd like to make a motion that the planning commission approve the major building improvement and new construction site plan, as noted with staff recommendations.

Ms. Evans: Second.

Ms. McKnight: I'd like to ask that we add the condition they adequate landscaping within the 30-foot buffer area required along the residential properties to be reviewed by Staff.

Mr. Brumleve: And I will second that if that's something I'm supposed to do. Yeah. So that condition should be added as far as respect to the adjacent residential properties.

Ms. McKnight: So, we have a motion and a second. Technically we're supposed to vote on the additional condition.

Ms. McKnight: Okay. So all in favor of adding a 15th condition regarding landscaping and buffer.

All members voted yes to add the 15th condition.

Ms. McKnight: So now we have a motion and a second to approve the site plan for a Little Miami event center with 15 conditions.

All members voted yes to approve the Little Miami Event Center Site Plan. The motion carried 5-0.

Ms. McKnight: Our next case this evening is Colvalt Station 222 Wooster Pike site plan review. I would like to state for the record that the property is partially in the Village of Terrace Park. And I've recently been contracting with the Village of Terrace Park to be their zoning administrator. So, if there is any review or approval of anything on the Terrace Park side, that'll be me.

If any of my planning commissioners have an issue with me participating, or if the applicant has a problem with my participating, please say so, and I will recuse myself. I did speak with the Village of Terrace Park, to make sure they knew what was going on. They had no concerns about a conflict for me to hear it at this point.

Mr. Pelle: I have no issues, personally.

Ms. Holbrook: And typically, we would review the portion that's in Milford. That's what we're looking at tonight.

SITE 20-11 Covalt Station.

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

PROPOSAL

John Hoebbel, the applicant, is proposing to construct a one-story 120 square foot addition and breezeway to an existing building located on Wooster Pike in Hamilton County. The site will be used as a restaurant. The building was formerly known as the Old Garden Shack but has been vacant for several years.

Case #:	SITE 20-11	
Project:	Covalt Station	
Location:	222 Wooster Pike	
Tax Parcel :	524-0002-0019-00	City of Milford
	521-0001-0245-00	Village of Terrace Park
Acreage:	0.819 Acres	
Zoning:	B-2 Downtown Mixed-Use District	

Existing Use: Vacant

Proposed Use: Restaurant

Property Owner: 222 Wooster LLC
222 Wooster PK
Milford, OH 45150

Applicant: John Hoebbel
3217 Madison Road
Cincinnati, OH 45209

ADJACENT LAND USE/ZONING

North: *MRD, Downtown Milford*

South: *Little Miami River*

East: *R-3, Single-Family Residential*

West: *MRD, Little Miami Brewery*

ANALYSIS

Zoning Use

The proposed use is a full-service eating and drinking establishment. The buildings use as a restaurant, is a permitted use in the B-2 Downtown Mixed Use zoning district.

Site

According to the survey provided by the applicant Sheet A0.1, the subject site is split between two jurisdictions: the City of Milford and the Village of Terrace Park. Both parcels are located in Hamilton County. The restroom addition and breezeway are being constructed on the Milford portion of the project.

The project includes renovation to an existing single-story wood-framed building with a partial walkout basement and a 120 square foot bathroom addition and covered breezeway. The restaurant will hold approximately 64 occupants. The total building footprint will be 1,522 square feet. The building addition is not considered a substantial expansion, and therefore, no additional landscaping requirements are triggered.

The applicant is providing a total of nine parking spaces; three spaces are located in the City of Milford. Six parking spaces are located in the Village of Terrace Park. Four of those spaces are in a parking easement area and permitted through an easement agreement. It is expected that residents from both communities may use golf carts to access the site. Staff would recommend that a small area be set aside for bicycle parking. The applicant has not indicated how trash will be handled or whether outdoor lighting will be installed.

The City Engineer reviewed the plans and notes that the area being redeveloped is generally a preexisting condition and would not substantially alter the stormwater runoff quantity and drainage patterns. Water service is provided through the Village of Indian Hill, and wastewater is handled through a septic system.

Staff requested information regarding any Terrace Park approvals, but this information was not available.

STAFF RECOMMENDATION

This small scale restaurant appears to be a good use for this property. Although parking could be a concern, the site is in a pedestrian-friendly part of the City and the Village; customers may use alternative transportation methods to the site. The applicant appears to meet the technical requirements of the Ordinance. Staff recommends approval with the following conditions:

1. City approval is contingent on review and approval by the City Engineer and any other applicable local, state, and federal agencies.
2. Add bicycle parking.
3. Identify how trash will be handled (dumpster).
4. Provide a photometric lighting plan before outdoor lighting is installed.

Mr. Brumleve: I heard about the photometric plan. I may have either overlooked anything about full cut-off fixtures.

Ms. Holbrook: I would review that during the photometric lighting plan review if they install lights. If they do, they will have to meet the Ordinance, which does specify full cut-off lighting.

Ms. McKnight: Any other questions for Staff? We'll hear from the applicant now.

Mr. Novak: My name is Ron Novak. I live at 7862 Daleview Road in Cincinnati, Ohio. I am an architect and owner of the Drawing Department firm that's worked with Joan and John Kerry to develop this. The applicant is John Hoebbel. I'll let him talk about the project.

Mr. Hoebbel: My name is John Hoebbel, also with the Drawing Department, and I live at 1625 Pullan Avenue in Cincinnati. So, thanks for hearing us tonight. I can tell you what was important to us when John and Joan Kerry approached us to resurrect this charming little building right on the town's border. And that was to create a family-friendly space and wasn't the tail that wags the dog and was discreet and fit in with the surroundings and took advantage of the wonderful trees, the beautiful sight, and the sounds of the creek that were there.

So it's a restaurant, it's a family restaurant, it's a burger joint. We're keeping the deck that's there. We want to leave a light footprint on what's there but still provide accessibility and bathrooms for everybody and be good stewards to the neighborhood. So, that's what led to the design that we have today in front of you. It's a subtle light touch on this building. Again, it's an adaptive reuse of the site and the building.

Unfortunately, we couldn't put bathrooms in that building and still have any people inside it. So we chose to create a dogtrot situation that would also allow us to control the patio or the deck portion of it that exists there that we're going to resurrect. So that seemed to be the most appropriate way of handling operations and control of that outdoor space. So the bathrooms can be used by everyone. The building now will be

accessible, and it should be a vibrant, compatible business for the neighborhood. So, that's what led us there. So if you have any questions, we're here to answer them, however unique.

Mr. Wenstrup: Terrace Park has always been a tough place to open up a restaurant because they didn't have a way to deal with the grease trap.

Mr. Hoebbel: One of the more considerable hurdles of the project was that we have to present our menu and our food type and have an analysis done and the design for EPA approval to consider food service. So we have had the place surveyed, and we've hired SES as our septic engineer. We have a brand new septic system that meets the capacity and the flow that the state EPA would approve. So, we had to prove that tying into the public system is fiscally and technically and feasible. That would mean we'd be bringing our sewage across the bridge or under the river to get into downtown, which has six figures behind it.

The system that we put in is half of our budget for construction because we have sandwiches and chips. Our system is designed based on the capacity of our occupancy and the food that we're bringing. It will be part of our application for the building permit, but those drawings aren't in this packet because this was about the zoning approval. But the building permit application that we turn in has all of the engineered drawings for mechanical, electrical, plumbing, and that sort of stuff.

Mr. Wenstrup: I believe The Birch had a similar problem.

Mr. Hoebbel: We were the architect on The Birch, also. And so we did have a similar problem in the fact that restaurants generate wastewater that needs to get the grease out of it, and it's unique when you don't have a public system to take care of it. Our system has redundancy to it. It's a dual system to deal with because we can't connect to a public sewer system. But we can meet the EPA's effluent requirements with our design, or we won't get a building permit for it.

Mr. Wenstrup: That spot is structurally sound from the standpoint of water running through that creek?

Mr. Hoebbel: So we have had McGill Smith Punshon as our civil engineer and Advantage Group Engineering as our structural engineer. The building is being amended in several places because of the occupancy and the loading we have in that building. And it's a unique historic structure. But as far as the geotechnical capacity of that hillside, we're not making any footprint or changes to that slope, and we're not making it unstable.

Mr. Wenstrup: Is it the operator's intention to be able to participate in the DORA?

Mr. Hoebbel: We'd love to participate in that.

Ms. Evans: Right now, it cuts off at the bridge.

Mr. Wenstrup: Is there an indoor seating area?

Mr. Hoebbel: Yes. So the total amount of people is 64 people.

Mr. Wenstrup: And how many of those areas are outdoors?

Mr. Hoebbel: Thirty-one.

Ms. McKnight: Access, traffic, parking, it's there, it's established. That's how it's operated in the past, but it's a little tricky.

Ms. Holbrook: Can you elaborate on your hours of operation?

Joe Creighton: We'll be closed by 12 at night.

Mr. Wenstrup: Will you have music?

Joe Creighton: No, the thing there is about how peaceful it is and its location on the creek. Part of the cool thing about it is a breeze comes down Redbird Creek, and you can hear all the little waterfalls, and that's why we love it so much to be able to sit down there, quiet, listen to the birds and nature.

Mr. Pelle: I'm not sure I got the hours of operation.

Joe Creighton: From 11:00 AM to about 12:00 PM.

Mr. Santoro: John Santoro, 12 Denison Terrace Park. We'll fall within the parameters of all the local businesses. We're not going to be open super late. We're not going to be open super early. Sundays are going to be minimal, and we may go till nine. We don't know. I know football, the fall, all that kind of stuff is popular. I think we close at six, so noon to six or 11 to six. Monday through Thursday, I believe, is 11 to maybe 10. And then Friday and Saturday would be midnight.

Mr. Wenstrup: That is a tricky place to get in and out.

Joe Creighton: It is one of the things that we talked about. We took some private polls in Terrace Park. I think we're going to get a ton of foot traffic, a lot of bicycles, a lot of golf carts. It used to be a diner, grill back in the day. And I think it was Grady's. We have a great picture of the 1950s cars pulled up in the front. And we're just replicating that, but I believe it's crazy, but I think we're going to have more golf carts than we are cars. Many of the neighbors walk to The Birch all the time, a lot of bicycles and a ton of golf carts.

Mr. Brumleve: What are the waste disposal provisions?

Mr. Hoebbel: So we don't show a dumpster on there. We need to figure out how much waste we're going to generate because as a small diner, most of our stuff is disposable. We need to review what type of situation sanitary or the waste will be in. Is it a dumpster or is it roll-outs? And then I think, we want to figure out how we're going to stream that and where it's going to be located.

Mr. Brumleve: It is not a major contingency for our part, but I was curious, what does it look like?

Joe Creighton: The look of that building will be newer. And so the dumpster area will look like that too. It'll be behind a fence.

Mr. Brumleve: I'm trying to figure out what car you're going to eliminate to do that.

Mr. Hoebbel: I would imagine it's by the grease traps over there, so it's away from the patio.

Joe Creighton: Yes. On the back, the right side. It sits back. There's a little cutout that'll be perfect for it. So it'll sit flush with the building.

Mr. Brumleve: Where the septic tanks are?

Joe Creighton: Yes. So it won't be visible. They'll most likely be roll-outs. And just to give a little history I've owned and operated restaurants for the last 12 years, like the Rookwood in Mount Adams, Cheapside Cafe downtown, another bar down in OTR. So knowing the parameters of everything we need, as Ron said, it'll probably just be a few roll-outs. And you can get picked up twice a week if you need to. So everything is very small at this location.

Mr. Wenstrup: Will you do carry out as well?

Joe Creighton: Yes.

Ms. McKnight: Do you have any more questions?

Joe Creighton: The cool part about it is the design. I feel the area is going to be proud of what we're doing. We've taken the last year and a half to study the area, what's going on. And as always, tell them the places to find the spaces. So I don't take something, we don't take something that, you know, we have this concept, and we shove it into something. You pick the building, and then the concept comes from that. So, it's a way to bring all three areas, Camp Dennison, Indian Hill, Old Milford, Terrace Park together, and have one spot that sort of plays on everything that's gone around here, down around a year or so. Right now is a super exciting time to be here as well with everything that's going on.

Mr. Pelle: I think it's going to be a charming little burger joint.

Ms. Evans: I assume lots of patio heaters on the patio?

Joe Creighton: Yes. It's got the glass ceiling on it right now.

Mr. Novak: You'd be surprised how warm it stays with nothing on it. We were shocked this winter, so, you know, it's going to be multi-seasonal.

Mr. Wenstrup: Just as a comment, when the florist was there, it was a beautiful corner, and hopefully, you can carry some of that character into your place.

Joe Creighton: That's exactly the look.

Ms. McKnight: Okay. Is anyone prepared to make a motion regarding the addition?

Mr. Pelle: Yeah. I'll motion to approve as is.

Mr. Wenstrup: I will second to approve as is, with the focus group.

Ms. Holbrook: I'm assuming with the four staff recommendations.

Mr. Pelle: With the four staff recommendations, correct.

Ms. McKnight: All right. So we have a motion and a second to approve the site plan with the four conditions as recommended by Staff.

All members voted yes. The motion carried 5-0.

Ms. Evans: What's your timeline?

Joe Creighton: Start real soon and open real soon.

Mr. Wenstrup: Covalt Station, what's the impetus for the name?

Joe Creighton: Abraham Colvalt came from Pittsburgh down the river to where Marina is at four seasons. Marina came up with his family and about 20 people, some horses, and they built a fort where St. Thomas church is. That was the original fort. Those were the first settlers here, and they built a mill right there on Redbird Creek. They had gotten in some scuffles with the Shawnee. He's buried there minus a scalp. There's a whole bunch of history in area. [inaudible 00:28:32], Adena Indians, to the Shawnee, to the history of everything that had happened in this area. And that's really, that's always, usually my driving force for things.

Mr. Pelle: Great story.

There being no further business or comments to come before the Planning Commission, Ms. McKnight made a motion to adjourn the meeting at 8:34 PM, seconded by Mr. Pelle. Following a unanimous decision, the ayes carried.

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Assistant City Manager Ms. McKnight, Chairman