

PLANNING COMMISSION MINUTES OF September 9, 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, September 9, 2020, at Council Chambers, 745 Center Street, Milford, OH 45150.

Roll Call:

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

Staff: Pam Holbrook, Asst. City Manager

Visitors: See attached Sign In Sheet.

Minutes Approval:

Mr. Wenstrup made a motion to approve the July 8, 2020 minutes, seconded by Mr. Pelle. Motion carried 5-0.

Lois McKnight: Welcome. The business order will be that Pam Holbrook will introduce the case and present the staff report. Planning Commission members will have an opportunity to ask questions of staff. Then we'll allow the applicant to come to the podium and present their application. Then we'll open up the floor to the rest of the audience. We ask that you come forward to the microphone, state your name and address, and make your statement or ask your questions to the Planning Commission. The intent will be to take all questions or comments and then allow the applicant to come back at the conclusion to address those comments and answer those questions. We don't want to get into a conversation between the floor and the microphone. After the audience participation, the Planning Commission will discuss the application and then vote this evening. If additional information is necessary, we can continue the hearing in progress to a later date.

SITE 20-16 Little Miami Brew Barn.

Ms. Holbrook read the Staff Report into the record:

PROPOSAL

Hank Roe, the applicant, is proposing to construct a 3,000 square foot building on the same parcel as the Little Miami Event Center. The building will be used as a beer production facility to support the anticipated volume of beer required for events held at the Little Miami Event Center.

Case #: SITE 20-16

Project: Little Miami Brew Barn

Location: Mill Street

Tax Parcel : 210708.117P

Acreage: 2.9161 Acres

Zoning: Milford River District (MRD)

Existing Use: Vacant

Proposed Use: Brew Barn (Microbrewery) and Event Center

Property Owner: Terra Firma Development

Applicant: Hank Roe
DER Development

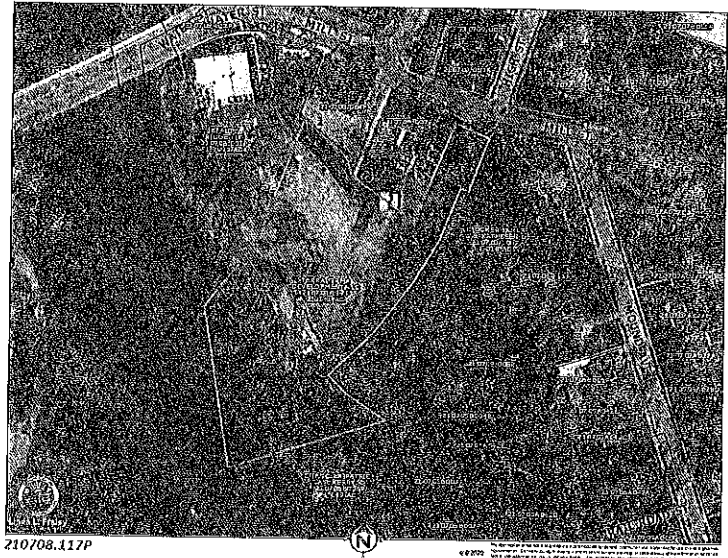
ADJACENT LAND USE/ZONING

North: MRD, Downtown Milford

South: Little Miami River

East: R-3, Single-Family Residential

West: MRD, Little Miami Brewery



ANALYSIS

The Event Center Site Plan was reviewed and approved by the Planning Commission on June 10, 2020. The applicant intends to replace a twenty-one space parking lot with a 3,000 square foot beer production facility. The building will produce approximately 5,000 barrels of beer per year to support the activity in the Event Center. A Microbrewery producing up to 15,000 barrels of beer a year is a permitted use in the Milford River District. The facility will not be open to the public.

The building is approximately 250 feet from the edge of the river. The wood-framed structure is clad in painted fiber cement and enclosed with a metal panel roof. Building height to the roof ridge is 35 feet. A 24-foot high silo is located in front of the building and branded with the Little Miami Brewery logo.

The Layout Plan notes a beer garden composed of old whiskey barrels with ropes, tables & chairs set on a crushed stone base. Staff would like additional details on this use as it relates to the Event Center and the Brewery.

Stormwater and Floodplain

The City Engineer reviewed the Stormwater and Floodplain plans submitted for the Event Center. The new structure will replace the twenty-one space parking lot. Therefore, the impervious area may not change. The City Engineer would like additional information that supports this assumption.

STAFF RECOMMENDATION

Staff recommends approval with the following conditions:

1. City approval is contingent on review and approval by the City Engineer and any other applicable local, state, and federal agencies.
2. Provide additional impervious area data to City Engineer.
3. Provide additional details for the Beer Garden.

Pam Holbrook: One other item that I would like to add to this list is about the 30-foot buffer. I went on a site visit Friday and found that the natural vegetation has been cut clear to the property line. I would request that they submit a revised landscaping plan that shows the additional landscaping required in the 30-foot buffer.

A resident had questions regarding concerns about the smell and ventilation. Their brewmaster responded that ventilation would be the same as they currently use in the existing brewery: steam, malted, barley, and a hop aroma. It's clean and pure.

Their current production is 1,200 barrels. The new brew barn in production will double the capacity to an additional 1,200 barrels, or 2,400 barrels per year. They don't have room in their current space for any more tanks or intend to have a canning or bottling line. I'd be happy to answer any questions.

Dino Pelle: So just to clarify, Pam, the 2,400 is a total of both facilities?

Pam Holbrook: Yes, It's within the 15,000 barrel maximum amount that is permitted.

John Wenstrup: There's nothing that changes about the Event Center location, as far as its approval?

Pam Holbrook: That's correct. And the buffer yard requirements that I'm referring to are in Section 1189.10. Any commercial land use adjacent to residential use is required to provide a 30-foot side yard buffer. It should be planted with one tree at 25 to 35 feet on center, plus a double row of a six-foot hedge.

Lisa Evans: Did you say the access to this will be from Mill or through the Brewery parking lot?

Pam Holbrook: The brewery parking lot.

Lois McKnight: So concerning that buffer, you're saying that this entire property line needs to be supplemented with one tree at 25 to 35 feet on center, plus the double row of the six-foot hedge?

Pam Holbrook: Yes.

Hank Roe: This project is a brew barn. It's a large mechanical room and will house tanks. It will have a walk-in cooler to store the beer produced and put into kegs. The building is on the 21 space parking lot's exact footprint, previously shown on the site plan for the Events Center. The purpose of that lot was to serve the River Roe development when it was a

100% commercial space. We are in the process of getting that approved for residential use. We don't need the extra parking space any longer. With the Events Center onboard, there is a need for additional beer production.

This facility is not open to the general public. It is not a taproom. There've been some rumors floating around that's the tanks from the existing brewery will be removed, and the taproom expanded, but that's not the truth. There's no drive-through. The Brew Barn is strictly a beer production facility with the same brewing staff of three people.

Jim Streleau is the head brewmaster. He'll be working there with a couple of his assistants. We do not have any additional need for parking. However, we will have a couple of parking stalls out front for Jim and his staff. We have a net gain of three spaces for the consolidated brewery and Event Center parking.

The building is a barn or a glorified carriage house design. It's got a couple of different roof pitches and a cupola. It's a painted metal roof with cedar shake siding panels, a couple of large windows for viewing of the tanks as people are walking by. So it's manifested from a growing business that grew to another space in the Event Center, which will support the Event Center's beer. Any questions for me?

Lois McKnight: Talk about the existing trees outside grading limits to remain. What happened there?

Hank Roe: We had a sedimentation basin on the south part of the Event Center site, which we had to clear to get temporary stormwater controls in place. Our civil engineer and landscape architect missed that design. We needed a temporary basin, so many of the trees were cleared along the East strip, adjacent to the nearest house on Mound Avenue. We haven't touched that for quite a while.

We cleared out vegetation around those old piers, right around the immediate area of the sedimentation trap. But whatever is supplementary, as far as additional landscaping, trees, that's fine. We'll restore that.

Lois McKnight: Okay. The city still has a buffer requirement, no matter when the trees were removed.

Hank Roe: Absolutely. We'll put it back.

Lois McKnight: Okay. Any other questions for Mr. Roe from Planning Commission?

John Wenstrup: Are we going to get further explanation of the beer garden?

Pam Holbrook: Your approval today doesn't include the future beer garden. They would come back to the Planning Commission for that approval.

Jim Streleau: I am the brewmaster at Little Miami Brewing Company, and I'm going to second everything Hank said. This brewery is a production facility only. There won't be any public in the building. We don't have taps in there, and there won't be bands in there. It'll be myself and one or two other people in the facility making supplemental beer for the new Event Center. We've maxed out what we have and will not be able to make enough for our Event Center. So it's purely to supplement what we're going to need with the Events Center.

Are there any questions on beer making or other concerns? When we make beer, there are four ingredients: water, hops, yeast, and barley. During the brewing process, there's

only three: water, hops, and barley, that's vented out the kettle stack. Quite honestly, this is a small footprint for a brewery. We're not even close to MadTree, that's doing 25,000 barrels a year. We're doing 1,200. We're brewing two times a week where we are now, and we'd probably be brewing two times a week at the Brew Barn as well. We're not brewing every day and night.

John Wenstrup: If there's a lot of humidity, smells don't go away as quickly. Is there a way to mitigate that if it became a problem?

Jim Streleau: Well, it's not been a problem before, and with our size, it won't be a problem.

John Wenstrup: I haven't heard anybody complain about it.

Jim Streleau: Some complaints are the smell of the spent grain. We have ours picked up after every brew. So that's not an issue. We have very reliable farmers who pick up our grain and give it to their cows, pigs, and chickens. So that gets recycled out to the community.

Lisa Evans: No noise, I'm assuming? I've never heard the noise from it, inside the taproom. I think that would be the same?

Jim Streleau: Yes. There's no extraneous noise escaping the building. Everything is very quiet. These other breweries start getting up into 20,000, 30,000, 40,000 barrels; they're going into canning, bottling, and distribution. We don't distribute our beer. We don't can it, and we don't bottle it. It's on-site only.

John Brumleve: Is there a technical solution for the brew stack aroma mitigation, should that ever occur?

Jim Streleau: I've never looked. I've been brewing for 25 years, and I've brewed in Cincinnati, Arizona, Colorado, and then back here for this job. And I have never seen any system whatsoever for that because it's never been a problem.

John Brumleve: In the industry, there's no known technical solution for that kind of thing?

Jim Streleau: No. In the last 25 years, I've never seen a brewery that had something like that.

Lois McKnight: Is our understanding of the production volume correct? That you're doing about 1,200 now, and for the entire campus, it would be about 2,400?

Jim Streleau: Correct. That would be the maximum. You couldn't do any more after that.

Pam Holbrook: How did you determine how much beer you would need to produce for an Event Center? How do you come to that calculation?

Jim Streleau: It is based on how many events we think we are having. You start with what your max will be, and you figure out it's going to be 1.3 pints per person per event and multiply that out: per person, occupancy, per event.

John Wenstrup: The original brewery and the brew barn are physically distant from each other. They're independent brewing buildings?

Jim Streleau: No equipment from the original brewery will be moved. Every existing piece of equipment stays at the original location, and equipment at the brew barn will be purchased new.

John Wenstrup: Would you require refrigeration at the brew barn, or will that type of equipment be in the Event Center?

Jim Streleau: We will have a walk-in inside the building. So I can make the beer, store it in there, and then hand truck it over to the Event Center.

Lois McKnight: Is there anyone else on the applicant's team that wants to speak at this time?

Joe Brenner: Regarding the beer garden. There's a little green space between the Event Center and the brewery. We decided to spread everyone out a little bit.

Dan Lynch: With COVID, we lost 82 chairs and tables, so we had to spread out. This area would have picnic tables, and that's it.

Joe Brenner: We thought it would look nice aligned with the barrels.

Dan Lynch: Yes, the barrels with the rope. Tie it together. Not a big deal. There's not going to be a bar out there.

Joe Brenner: There won't be any beer sales.

Dan Lynch: It gives us a little more area for people to sit and play corn hole.

John Wenstrup: So people could go from the brewery and drink their beer out there?

Dan Lynch: Yes.

John Wenstrup: I'd like to see a conceptual layout of that. I think that'll help.

Joe Brenner: We think it will look nice with the low voltage Edison bulbs overhead. Not a lot of them, just for lighting. But that's pretty much the entire beer garden.

John Wenstrup: Well, I was about to ask you what other amenities you might have out there?

Dan Lynch: There's corn hole sets, picnic tables, lights, and some whiskey barrels with a rope that defines the perimeter.

Pam Holbrook: I want to point out that the city adopted the designated outdoor recreation area. The whole area is in the Dora, so there's no issue with the liquor permit.

Dan Lynch: The Ohio Division of Liquor Control now has House Bill 669 in the Senate. It allows A1A and A1C holders to use the adjacent property if it's connected. Because of COVID,

they're allowing that to be a more straightforward process than it used to be. We would want to make sure we had approval from the Planning Commission, out of respect for our hometown Milford.

Joe Brenner: We would rather have the plastic Dora cups in that area.

Lois McKnight: Well, we look forward to seeing those plans when you come back. We'd love to hear from the rest of you in the audience. Just come to the microphone, state your name and address for the record, and ask your questions or make your comments.

Darryl Donovan: My compliments for finally getting the calendar dates for the Council and Planning Commission meetings on the Milford website's opening page. Is the agenda attached to the schedule, because I didn't see one?

Pam Holbrook: I was a little behind posting the agenda on the website. The agenda is posted where it's required to be posted. Jackie Bain, the Council Clerk, has a distribution list that she emails, and the agenda is posted on Facebook.

Darryl Donovan: Okay. Are these Planning Commissions usually virtual by the way?

Pam Holbrook: They're not usually, no.

Darryl Donovan: Have they ever been?

Pam Holbrook: Yes.

Darryl Donovan: Okay. Just curious, we told people they would be tonight.

Pam Holbrook: I don't think we've ever told people that meetings would always be virtual.

Darryl Donovan: Okay, I would think that's important tonight. So some of my thoughts regarding the new brew barn relate to the development as a whole. So the first thing I want to address is getting the trees planted at the new Event Center site to replace the trees removed during construction. Including the ones they were asked not to remove that had pink tags.

I am concerned because it will take special equipment to plant those trees on the hillside. And that's why I wanted to tell you guys upfront because that hillside is very bland compared to what it was. This is a picture before any development on this site, so you have something to compare.

I brought those pictures because I would like to make a statement about the historic Little Miami River and its designation. And I quote, "Facility development should not detract from the quality of the river scene. Development should be back from the riverbank. And in most cases, screened from the view of the river."

The next concern I would like to reference is about the 30 foot required setback from the river. I think myself and everyone else understood that they would not touch anything within 30 feet of the river.

Now, moving on to the Brew Barn, I feel that the owners of Little Miami Brew Company were aware that they had already reached maximum brewing capacity for their facility long before the event center's approval. Therefore I feel they should have included a

new brewery facility in the design of the event center. There is no way I could believe that they did not know they were at maximum capacity when they proposed that event center.

As far as the parking situation first, I don't know if any of you from the planning commission or council has been to the Little Miami Brew Company in the past two years, especially on holidays or weekends. But if you have, you would have noticed they have reached their maximum, as far as parking is concerned. After the approval of so many parking spaces, they now want to remove 21 parking spots from the Brew Barn's original plan.

The other point of interest, the building at 220 Mill Street, which is next door to the brewing company, has recently sold, the brewery has been renting spaces for overflow parking. There will be a loss of 15 parking spots unless the property has been bought by one of the many LLCs under the Roe name.

With that information, where do you think the overflow parking will go? People will park in all the adjoining neighborhood areas. The critical issue of parking, a primary concern of the neighborhoods, needs to be addressed now and not after the six new developments are built.

The reason most people enjoy the Little Miami Brew Company is because of their view of the Little Miami Scenic River, which for them, is an untouched view of the opposite shore. For those living on the other bank and those traveling down the river, the development of the new event center property looks like an industrial site, and I think you can see that from the pictures.

They stated they would not have a pullout facility for the canoes and kayaks at a previous meeting for the original brewery. A member of the planning commission said on record that they would not be using the bank to exit the river. This holiday weekend, I counted 60 plus canoes and kayaks on their bank. Pictures are available. This activity is eroding the bank. Rocks have been placed there as steps to encourage that area as a pullout. People are loading their boats in the brewery parking lot when it's not supposed to be. This activity has increased trash that we have to pick up every weekend or pick up every day when it's a busy day. So it's a little bit dirty down there, just making a point there.

We realized the city had evaluated parking and traffic over the past few years, but with six new developments in proximity, we need a solution now. Adjacent neighborhoods should be notified of all future developments, not just the abutting properties. This area is called an entertainment district, but understand that residents live on three sides of that district. Thank you.

Matt Fellerhoff: I'm an attorney from the firm of Strauss Troy in Cincinnati. I'm here on behalf of a neighboring property owner, Rebecca Shundich. She's asked me to review the proposal because she was concerned about the proposal. I want to put on the record that I discussed with the zoning administrator and the chairman about making this a record hearing and was told that this would not be made a record hearing. I think it is appropriate to have this as a record hearing, but I will proceed regardless.

Additionally, my client has a petition with 104 signatures gathered from residents of Milford opposing this development. I'd like to ask her to deliver that to the zoning administrator and the committee members.

If I may approach, I also have a letter that I put together to identify some legal issues. As the planning commission is aware, the event center was approved on June 10. A 21 spot parking lot was shown on that plan. On May 20, as part of the review of the event

center, the property owner indicated that the 21 spot parking area would also be used to support the event center and the rest of the parking on the property. We now hear that based on the testimony, I just heard that that was never part of the plan it's supported, supposedly a condo development, that's no longer necessary.

One thing that's important here, and you've heard this already, is the timing of this. It is hard to conceive of this event center being planned as it was without knowledge that if they genuinely wanted to, needed to expand the brewery to support the event center, which wasn't known three months ago. It's just curious that this came in this broken up fashion. I can't speak for the developer in this case. As detailed in my letter, they are trying to characterize a brewery as an accessory use to an events center. Under the zoning code and zoning codes across the nation, accessory uses are supposed to be a use that is traditionally associated with the primary use.

In this case, if you read the proposal, it identified the brewery as being accessory to the events center and another place it identified the brewery as being the Brew Barn. To make sure we're clear, I meant the Brew Barn when I said the brewery because this is important. They indicate that the Brew Barn is an accessory to the brewery. An accessory use cannot be accessory to two separate pieces of property. It has to be an accessory to one, even considering the individual properties. If you don't have this mixed application, it fails under the zoning code.

First of all, if there is a claim that the Brew Barn is accessory to the brewery, it can't be because number one, it's a separate lot. Number two, it's a separate lot titled in different property owner's names. It cannot be accessory to the brewery.

Now, talking about the events center, several things. First of all, you would be hard-pressed and cannot find an instance of an accessory brewery to an event center. It is not like a garage or a shed; this is a different use. It's a permitted use under certain circumstances and a different zoning requirement. But as an accessory use, it doesn't fit. Additionally, under the zoning code, if it is an accessory use, it has to be an accessory use located in the back yard of the property. In this case, the use is in the side yard, but I looked at it again today, and it's the front yard. It's not an accessory use that is in the back of the property. It's the side yard.

Next, though, there were representations that they're only going to be 1,200 barrels produced at this location. The application indicates 5,000 barrels. Even by the testimony that was here, five thousand barrels is far more than would be required for the event center. We include math on 5,000 barrels, and it's impossible for those barrels if they're produced to support the event center and understand this is an accessory use if it is an accessory use, those barrels that are made under the argument, a brewery can be an accessory use to an event center. Those barrels that can be produced are not to be sent to the brewery; they only support the event center. Under the 5,000 barrel and I would argue the 1,200 barrel number identified here, those barrels will not only be used at the event center. They're going to be used at the brewery, which could be appropriate in a particular circumstance but not as an accessory use.

Under the zoning code, we shouldn't even be here tonight at this point. It is new construction. It is a major building improvement. This isn't a minor building improvement. Under the zoning code before coming to planning, there is a required meeting with the neighbors, that hasn't happened in this case.

For those reasons, this matter should be dismissed or denied because it does not comply with the zoning code. You already heard discussions about parking. Parking, I think everybody understands, is of great concern in this area. There has been fantastic development in Milford. There's no doubt about it. Milford doesn't have very specific

parking standards, but there has to be a determination by the zoning administrator and then the planning commission that the parking is adequate. You've already heard a discussion of the loss of parking in the area used by the brewery.

Now there's a 21 space loss that has occurred. Now, the 21 spaces weren't required as part of this board's approval, but it was referred to in the minutes of the board by the owner as possibly being available. It is not available. We are losing 21 spaces, and potentially it was indicated that three spaces would be gained. I don't know how that math works when 21 spaces are lost, but nonetheless, parking is a tremendous issue. It is an issue that my clients are concerned about, and it's an issue that I'm sure the petition signers are concerned about also. This board has the ability under the zoning code to decide whether there will be adequate parking, and with all the development that has occurred in the area and with what's happening here, I would suggest it is not adequate.

There was a discussion of nuisance issues. By the way, I have been to the brewery. I liked the beer. I've enjoyed it. It's a wonderful facility. The question is, how much is too much, and we can talk about smells, but I'm just going to use examples. If any of you have gone to Rhinegeist, I go there with my kids. I brought my kids there. They used to refuse to go in because of the smell. Breweries have smells, and it is a significant concern to my client.

Additionally, you've already heard discussions of screening and concerns about that. My clients have grave concerns based on similar actions to what was discussed earlier, that all the screening and all the buffering on the residential side would be lost, and it will detract from their neighborhood. It will affect their property values, and again, for that reason, we request the board to consider this seriously.

I'm going to look at my notes quickly, and I'll be quiet because I'm sure I've spoken long enough for you. I've already addressed those issues.

The bottom line is this is a violation of the zoning code. It is not an accessory use. There probably is a way to do this appropriately under the zoning code. I'm not going to tell them how to do their business, but as an accessory use, it is in the front yard. It is not a use that would support an event center, and the amount of beer that has been identified as being produced in the application is far more than the event center would support, and if it is making far more than that, where's that beer going to go? It's likely going to the brewery. That's a separate piece of property, it is not what a traditional accessory use would support, and it's contrary to the zoning code.

For those reasons and the fact that we haven't had a neighborhood meeting, I request that this board deny this matter. Thank you. I'm happy to answer any questions.

Tim Dunn:

I've had the opportunity to go to a lot of breweries in my day, as you might notice, none of them have ever been this close to a residential area like South Milford. Most of them are built-in abandoned warehouses or factories. None this close to a residential neighborhood. I don't think a six-foot hedge will provide a barrier for a 40-foot building, replacing 30, 40, 50-foot trees that were on that residential barrier for quite a while.

I think refrigeration makes noise. I don't know about the brewery itself. The current brewery, I don't smell that. I'm probably close to it, like most people. This is at least 150 feet closer to my house, then the current brewery is. So as far as odors, it's much different. I also notice that and I'm not an architect or a landscape engineer, but the Brew Barn being as close to the original area, I'm wondering why it's not close to the event center and the current brewery, if it's going to service both of those places?

Probably because it's not a very attractive building to put in the midst of this project. Instead, they're putting it in the backyard of some of my neighbors. Thanks.

Rebecca Shundich: I had hired Matt Fellerhoff because I had strong concerns. I wasn't going to speak today, but I'm very concerned that this meeting is not live, is that right? Virtual, they can't link in?

Pam Holbrook: No, it is not live.

Rebecca Shundich: So here's my question to you. In a time of COVID where I've got a hundred neighbors signing a petition and wanted to see this meeting tonight, it doesn't seem like it's very hard. Five minutes, 10 minutes to set up planning commission meetings, and city council meetings should all be online during this time because these people are afraid to come to the building. From this meeting forth, I think that's critical that you take a look at that. I think that's unfair.

Secondly, I did talk to Pam immediately, and I don't remember the timeframe, but three or four weeks ago, when I saw trees that were right behind Stocker's property tagged with a pink tag, and they were no longer there, that was in the past month, I cannot give you the exact date. I don't know why that was, but they're saying they haven't touched the trees in a long time, and I'm afraid that I have a different opinion.

The other thing is, even though there is a required 30-foot buffer from homes, ideally, we would ask for a 50-foot buffer. We don't care about a hedge. That's not going to hide anything. You're dropping 80-foot trees to be replaced by a hedge that does nothing for the neighbors.

The third thing, I do believe [inaudible 00:49:26] all the people that were signing, I won't say all, many people, mostly men who probably drink more beer or go to more breweries, I don't know, every single one said, you do know this is going to smell. I hadn't even thought about the smell. That's the first thing out of their mouths. You do know this is going to smell.

Even though this is an entertainment district, people keep calling it. It has three sides with residences. There are large apartments; people are living there permanently across the river and certainly, Milford South. We don't want to leave. So, you're putting it in place, and there's no reason, there's so much property available in Clermont County that they can't build this two or three miles down the road where there are no residences. Thank you.

Pat Chandler: I'm close to the project that's going on. We've been dealing with it for over eight years now. I'm here right now to represent many of my neighbors that are not here because Becky and I live right above the brewery. I can look behind my house and see a lot in the wintertime that goes on. But my neighbors want me to give a presentation about the parking.

I know it's been discussed, and I heard Hank say the word parking, but nothing else. It's not their problem to deal with the parking. I think that's something the city and the council will have to deal with because it will be a big issue. My neighbor said, "Hey if you go down my street right now, our streets are taken." I mean, there's no parking right now. So, when you add the brewery and what's coming across the street, there will be a parking issue. If there's a committee, I'll get on there because I don't have a clue either. I can walk to the event center, but I'm just here to represent many of my neighbors. Thank you.

Tim Rogers: Hi, my name's Tim Rogers, and I also live on Mound Avenue. I have a question on what the elevation of all the buildings will look like. Is the barn significantly higher than the event center compared to the brewery compared to the other buildings on Mill?

Aaron Rourke: I'm from the Department of Natural Resources, Division of Natural Areas and Preserves. My name's Aaron Rourke, and I'm the Southwest Ohio Scenic River Program Manager. I don't have any regulatory authority. That's not why I'm here. I can only offer advice. Four other groups do have the regulatory authority and are in conversation with the developers and owners. They would be the Fish and Wildlife Service, Army Corps of Engineers, State EPA, and the Interior Department since this is also a federally designated scenic river.

It's the oldest designated scenic river and the oldest program in the nation. So it's kind of a holy of holies, and we have some regulatory authority in townships and counties, but not in municipalities. So we hand over the public trust to preserve scenic river values to the cities and groups like yours.

I would offer that we can provide in the form of advice, our general subdivision recommendations, if you'd like a copy, I've got five. I could leave those for you with my business card. They're general recommendations on how to provide stormwater control and sediment containment. We would like to see three things done.

We like to see a vegetated buffer. We asked for at least 120 feet because that's two tree widths. So that's a little bit of forest, and a forest-dwelling animal will recognize that as a pathway for travel and migration. We understand that often that's not doable, especially in cities. We have a vegetation list, recommended plants, Forbes understory trees, and canopy trees. I'd be happy to provide those. A suggestion I'd make based on some research we've done in the Dayton area recently is that Prairie has remarkably absorptive capability like on the order of a nine-inch rain, which we never have around here. It's amazing. Some of the prairies I've seen have no reveal. It's no reels. There's no runoff because of the extra-long root systems absorb water.

In a case like the development at hand where sightlines are very important, and maybe trees and a shrub layer will not happen as much as I would like for that to happen. Perhaps Prairie is an alternative vegetative setback. We'd love to have 120 feet.

The riprap. If everybody does riprap, we lose all the scenic river values on the 107 miles long, Little Miami River.

Rebecca Shundich: Sorry, sir, can you explain that term?

Aaron Rourke: Yes. Riprap is the concrete or natural stone that's used as erosion control.

There are natural materials. If you'd like to see some demonstration projects, Warren County's engineer, Neil Tunnison has hired a contractor to do about 12 erosion control projects to save abutments, roadways, and bike trails. They're called Woody Revetments, it's an easy reference to find, but I'd be happy to supply you with any information.

And finally, a pervious surface wherever possible. This river is the only one of our 15 that has two major Metro areas. It's not dying from agricultural runoff the way almost every other river in Ohio is. It's the impervious surface runoff. Everything we can do to minimize impervious surface is good. Optimally, if this development could be zero runoff, that would be something to aim for.

If you have any questions, I'd be happy to answer them. I can leave the subdivision recommendations for the record, and I can stay as long as anybody wants, developers, advocates, opponents, anybody. I don't have any regulatory authority. I'm just here to offer advice.

John Wenstrup: Aaron, have you had any of this dialogue or provided any of this information to the property's developers before this meeting?

Aaron Rourke: No, it's a relatively new issue on our plates. Be happy to do that though. [crosstalk 00:57:48]. Two weeks ago.

John Wenstrup: How did it come up?

Aaron Rourke: The Department of the Interior representative, my counterpart from the Department of Interior, Hector Santiago gave me the heads up.

Dino Pelle: So you're saying that this came to your attention based on a concern?

Aaron Rourke: Yes, because the email string involved someone who brought it to Hector's attention, someone from the local area.

Dino Pelle: And Hector felt it was enough of a concern to bring to your attention?

Lisa Evans: Was the concern more with the event center or with the brew barn?

Aaron Rourke: No, it's just with the appearance of the riprap, the denuding of vegetative cover. Then, a couple of other business owners in the area chimed in shortly after it was brought to my attention.

Darryl Donovan: Can I ask one question for him specifically? If there's enough development along the river, it could also cause it to lose its historic designation. Is this true?

Aaron Rourke: It's unprecedented. None of the designations have ever been rolled back, but if its water quality declined to such an extent, it no longer represented scenic river values. I suppose one would say that the advocates of scenic river designations would ask that it be removed for fear of lowering the program's quality level in general.

Darryl Donovan: So that would include over-development also, or do you know?

Aaron Rourke: Scenic river values include a lot more than just development. They include the fraction of impervious surfaces in the watershed, along 75% of the designated length, with the riparian corridor. In the case of the Little Miami, all 107 miles are designated. It's the only river in Ohio that has that. In many cases, you'll find only, say, 20 miles of a river is designated. So it is an outstanding example of the amount of quality that one can retain in a highly developed area. In the Eastern United States, it's looked at as a model for what you can do. So I'm not against development, but there are good ways to do it and better ways to do it.

Dino Pelle: Could you take a look at the before and after photos from Darryl? I'd like you to comment. Is there anything there that's overtly concerning to you?

Aaron Rourke: Well, the riprap and the lack of vegetation, that's a fairly steep bank. We would optimally like to see that setback. So there's less of a slope, graded back. By the way, this view is from across the river.

Darryl Donovan: We were told this was a flood plain and would never be developed because it was a flood plain. I'm not trying to stop this development. I'm not trying to say that we can't move on. I agree that I think we need to have a little better look at what people will think of Downtown Milford in the future. And I think this is not a good look, in my opinion, at least from what I can see every day. I don't think this is a good representation for Milford alone. I'm not trying to stop the development. I agree with him because there were some trees here, and it was pretty. There were deer there, and I enjoyed it. I'm not saying it should be just my enjoyment.

Hank Roe: Concerning the events center and the riverbank slope. We did cover this at the planning commission meeting for the events center. I don't know if I should go into all those details again. We have a riverbank slope design from a geotechnical engineer and have gone through the permitting. I have been in touch with Hector Santiago. We shared our drawings, our designs, engineering studies, floodplain permits. Our riverbank work is structurally complete. The landscaping is not done. We have a landscape plan. We're starting the foundation tomorrow. We have a foundation permit; it's just not finished yet. We're being critiqued on a condition that's in process. We did a temporary seed that's for temporary erosion control. That's not the permanent look. We are putting plantings in there. We're getting scrutinized based on what you see right now from the other side of the river as the permanent condition. That's just not the truth.

There was a question about the impervious area, from what it was before with the 21 stalls private gated parking lot. And with the implementation of the brew barn, the hard surface of the roof, the small parking area, and the drive, there is about a 10% reduction in the impervious area on the site that includes the event center and the brew barn. Yes, at the last meeting, we talked about the possibility of leasing that lot to the events center, the Little Miami Brewing Company, but that was never in stone. We have it in writing, in my narrative, that I submitted with the site plan application. It indicates 74 parking stalls. That was always a private gated lot. We said that it was dedicated to the River Roe condominium use, and it's in writing. It never was part of the events center parking area. Yes. We said we might consider leasing to it, but it was never formally part of the event center. So we are not losing any stalls. We are, in fact, gaining three stalls, and those are just the facts.

The parking at the Millcroft is a facility with ten parking stalls that could have up to 800 occupants. The planning commission approved the parking ratio for that site. Okay. We have 74 stalls for the event center here. We are talking about the events center, and that's in the past. We already have our approvals. So I don't know why all this is coming up right now. Yes. It's two developments on the same site, but the events center itself has been approved.

There is a stipulation in the code that allows it not to reside in the rear yard as far as the accessory use of the brew barn to the event center. It's in section 1181.08, item G. it says, "Any accessory, building or structure, if not located in the rear yard shall be an

integral part of the principal building, which it is an accessory and shall be placed to meet all yard and court requirements for the principal building." Well, as far as I'm concerned, we've met all those. So there is an exception. It doesn't have to be in the rear yard. Our rear yard is to the river. That's why it's not in the rear yard.

The barrel discrepancy. We're allowed to have 15,000 barrels. Yes, it lists 5,000 barrels, but that's still well under the 15,000 that's allowed. Maybe they've changed their outlook on what they think they're going to produce out of this brew barn. Perhaps it's not 5,000. Maybe it's 2,400, or it's 1,200. I'm not quite sure, but we're still well under this 15,000 barrel total allowed. And that was a recent change in the zoning code in the last year or two. So it's not like this is in the little corner of the code for 30 years. I mean, this was a recent adoption with the zoning ordinance.

Dino Pelle: Hank, could you address the issue raised by Matt Fellerhoff? He talked about whether this was an accessory to the brewery or the event center and its implications.

Hank Roe: The timeline has been spread out. We didn't intentionally delay submitting this brew barn to make it look like it was not part of an original master plan. I mean, Little Miami Brewing Company, Dan and Joe, can discuss how their need arose. But this was not an intentional bait and switch. They're at capacity with the brewery. The event center starts growing legs, and all of a sudden, Oh, what are we going to do? How are we going to service the event center? They can get into any more details you have on that, but I really can't speak on to daily consumption and production.

Lois McKnight: I think there was a question about the building's elevation?

Hank Roe: Yes. If we're going halfway up the ridge, right? For finding the height. That's 25 feet on the brew barn. And that's because we have a steep pitch trying to make it look like a barn. I think it's an attractive building. If anybody can recall the original size of the brewery, this is about three quarters that size. So it's relatively small. The event center is around 20 feet. So we're within five feet, halfway up the ridge or halfway up the roof slope.

Lois McKnight: But the barn itself sits a little higher?

Hank Roe: The finished floor elevation is 524. The events center finished floor is 522.

Pam Holbrook: I wanted to add to the conversation regarding accessory use. In the initial discussions I had with Hank, we talked about an accessory use. However, the use would be permitted on the lot, whether it would be accessory or not. So, that's how I viewed it. I didn't consider it an accessory use. It's a microbrewery. We have multiple uses and multiple buildings on lots all over the city.

Lois McKnight: Yes. There wasn't any reference to accessory use in the staff report.

Pam Holbrook: Mr. Fellerhoff brought up about the neighborhood meeting. He's correct. I did not have a neighborhood meeting. We had just come out of a neighborhood meeting in June. That's on me. I should have, but I didn't.

Dino Pelle: There was a question about whether this is a major or minor building improvement.

Pam Holbrook: It's a new construction.

Dino Pelle: Is that considered major?

Pam Holbrook: Yes.

Lisa Evans: As the council rep, I wanted to add that council has been working diligently on downtown parking solutions. We have several new possible solutions coming soon. So there will hopefully be more parking available downtown.

Tim Dunn: Just wondering. Whatever is the use, why would it be located as close to the residential property line as possible? Given all the additional space, at least on the map, I have here. It doesn't seem to be a lot of consideration for the neighborhood.

Dan Lynch: There's this insinuation that we are trying to do something underhanded. We've been producing beer at our brewery, and the events center made us realize that we're going to need a lot more beer. There's a couple of ways you can do that. When you can't produce it, you can buy it. For the last couple of years, we've had a relationship with another brewery where we contract brew and buy that beer. We didn't think after looking at the numbers for the event center, that was a good strategy for us longterm. Hence the reason that we're here today, talking about the brew barn.

I take umbrage with the fact that we would be trying to do something underhanded. We've been straight forward. We have worked, and the city has supported us, and we've done everything above board. There's no public. It's not going to put off noxious fumes. It smells like a bakery on a good day. We're not doing canning. Jim, Joe, and I and are 50 some years old. We're not working that hard. We're not into the trying to do a Rheingeist or Madtree. It's just not us. We're about brewing beer in a small craft brewery along the banks of the Little Miami and making a place where people enjoy coming to hang out with their families. And that's what we have. It's one of the best breweries in the city. You guys should be proud of what has been accomplished here and what has been created out of nothing?

It's an amazing project and viewed by all the other breweries in the city as the best there is. And we're proud to be part of that. And I'm not ashamed to say that I don't always have all the answers. The minute we walk in here from day one, I didn't think we need an event center. We need a brew barn. These things evolve. And you look at the numbers. You run numbers on the back of a napkin. You talk to your brewmaster, and you figure out what's needed. That's the truth. That's what happened with this project? This will probably be the last time that we'll be in front of you because there's no more land and we're done.

That's the evolution of this project. It's not that we nefariously go back and say, "Geez, how can we fool somebody again." This is about creating something that is a great asset to the community. Look at all the development that is happening in Downtown Milford. It's amazing. There are incredible developments. It's surpassing some of the other cities like Loveland and Mason, and people are coming here on the weekends in significant numbers.

We're going to brew 1,200 barrels of beer in the brew barn if it's approved. It's not 5,000. It's 1,200. As we looked at it, the contract brewing, if we were to move away

from contract brewing and stop buying beer from an outside producer, it will be 1,200 at the brewery, 1,200 at the brew barn, to support the event center. It's a strict accessory to the event center. That's the facts.

Jim Streleau: We are a local producer that produces and sells on property. We have no plans ever to bottle/can to distribute. There's a distinction between microbreweries, brewpubs, and taprooms. A microbrewery by definition is something that produces beer to distribute in kegs, bottles, and cans. We are strictly a taproom or brewpub, and that's a place with food and beer, locally produced beer, beer made on-premise, and beer consumed on-premise. It would be physically impossible to do 5,000 barrels based on the brew barn design. That would take about 15 fermenters to make that kind of beer. We're going to have four. Plus, we also needed the brew barn based on a 40% increase in sales over last year. We didn't expect a 40% growth.

Dan Lynch: We thought the original brewery could support the event center, but we just came out of an addition that we didn't have any sales data until this pandemic hit us in March. We didn't have real sales data to make any decisions until May of this year. There was no sales data. We were shut down in March and April. The governor let us open in May. We had no sales data to make any decisions. So that's why all this came about in May.

Joe Brenner: Jim refers to himself as a hamster on a wheel. He's continually brewing. That'll give him a chance to use his creative talents to do some good beers. And we want to be known as the best in the city. And that'll give him the ways to do that, to be well known for the best beer around.

Jim Streleau: The existing tanks we have now are very small. We've undersized it for when we first opened up. So they're all being utilized for the most popular beers. With the brew barn, I can make larger batches in a smaller amount of tanks. And then all the other esoteric, eclectic, fun stuff that I would love to do much smaller batches because they sell slower and just have more variety and more options for the beer connoisseurs and the beer curious people out there.

Joe Brenner: We are huge outdoors people. We love the river, hiking, and fishing. This is not what it's going to end up looking like. And we will guarantee that. We do not want it to look like that. We want it to blend in. We're going to plant sycamores, Maples, other trees. I'd love your advice. I really would. To make it look as good as possible.

Jim Streleau: Absolutely. We love the river, and the river is a total value added to the community and us. Looking at the pictures here. I bet you had trees where your house is. At some point, development happens, but we're committed to beautifying it and putting the trees back. We've already put trees back and continue to do so.

Dan Lynch: We planted five trees this week. I spent \$1,600 to plant. There were some dead trees along the bank by the brewery that beavers had eaten. Some of these trees that went down were already dead.

Joe Brenner: Six redbuds.

Dan Lynch: Like Joe just said, this is not how it's going to look. I'm not going to sign my name to an event center with a bank that looks like that. Okay. So you can count on it. I'm a huge fisherman, huge canoeist. I love the outdoors, and with the DER and the Roes help, we'll make an event center that people can look out from the patio and enjoy the river or look up from the river and see an incredible building.

Aaron Rourke: Are you going to leave the riprap, or is that coming off?

Hank Roe: Right now, we don't have any alternative design. The riprap was specified by our geotechnical engineer when he designed the riverbank slope. It's been permitted. We're open to reviewing other options, but we don't want to lose what we just built right now. So we can't take it out until we figure out if we can put a sufficient structural substitution in place. But right now, it's there. We can't take it out. So if you have some alternative methods, we could entertain those. We were the contractor hired by the City of Milford to install riprap on their behalf, as part of the design, part of our contract in 2006. We put riprap there. That's what we were told to do. It's on the contract documents. We supplemented that with some coconut matting and some sycamore trees. There's been reforestation or regrowth of that riverbank with the commingling of all those different tools. You can't even see the riprap anymore, but it's there. So, we're doing nothing other than what the city paid us to do as a contractor, about 14 years ago.

Rebecca Shundich: I feel I need to speak on the behaviors that occur that make it difficult for the residents to understand why things change so rapidly. So I don't understand when we agree on a building plan, such as the event center and the parking lot, how a year later, the parking lot can be taken away or changed. I really do not understand that, because that's been agreed upon by everybody. So then I thought it would stay a parking lot. Most of the residents didn't want the event center, so we were feeling like, "Okay, we're adjusting, we're getting the events center, parking lot, that brewery. We're doing all well." And this is difficult, but I just want to tell you that behavior so that you understand where the residents are coming from. And then, I know Milford works very hard on behalf of everybody. But when we get six days written notice, and it wasn't a lot of notice, none of the neighbors knew anything about another building down there; they thought we were talking about the event center. When a company or somebody may request early voting when voting is not supposed to be at that meeting on that development, that creates an air of distrust when you don't have neighborhood meetings, and when the plans are not posted, no one could see the plans of all the people that signed the petition, they're like, "Becky, where are they? Where are they?" I'm like, "I don't know. They're not on there." So, those are the things that create a difficult time for the residents. The real end question is, with so many other properties available, why does it have to be there?

Darryl Donovan: I'm going to come back up one more time. I think one of the things that I hope that people from the brewery understand, and I think all of the people who just spoke want to see a successful business. I never want this to become personal with anyone. But it is our home, and we have to live next to it. I don't want this to sound personal to any of you, but I'm the one that lives across from there. I'm the one every night when it's not even the music anymore. The music, quite frankly, has been great, it's been low, but

even the sound of 100 people out on that side yard and outside, it gets loud in my backyard.

Now, as far as addressing something, and you'd have to go back in the records, one of the statements was about having to bring beer because they weren't producing enough. That was stated just now. It's underhanded, but if they just stated they were bringing beer in, then they already knew they needed a brewing facility before this event center. That's all I'm saying. They could have integrated it with the event center somehow. And there's just a lot of people in this city who aren't notified as Becky said, and I think it's time to try to include the people who will be affected by all of this planning. And again, I wish them the best of luck. I want them to succeed.

Dan Lynch: We didn't know what we didn't know. We didn't have any sales data until May. The governor shut us down in March and April because of COVID. We had no information as to what the sales were. We just knew we had an addition that was approved that we're just opening. The rooftop sales went up 40%. We didn't know if it was going to be a 10% increase. We had to remove 82 tables and chairs. So, again, I think we're looked upon as somebody who's supposed to know everything. That's not the way it is. We have to experience the growth and then react and carefully look at the numbers and financially make a plan, and that's why we brought this to planning when we did. We just didn't know. Okay? I mean, we just didn't know. If somebody likes to tell me that I'm lying and you should have known, well, maybe I'm just slow, and I didn't know, but that's the truth. We just didn't know.

Jim Streleau: It's far from slow. The development of this also comes from the fact that our business partner is experiencing tremendous growth. Soon, whether it's six months or a year, we may not be able to produce our beer anymore, which would leave us with a big problem. And for us to be successful in business and to continue what we love to do and pay our bills and support our families, that's our lifeline, so if that dries up, we have to be able to produce it. And these are all just new developments, also. A lot of these breweries around town have seen considerable increases in cans and bottles because of COVID. People aren't going out to restaurants, and people don't have outside seating as we do. So, we have increased sales because we have a fantastic location. But yeah, our sources for other beer may dry up, so we're just protecting our business.

Matt Fellerhoff: Bear with me. I will be very quick. I don't want to belabor this. I understand that 15 or 16,000 barrels can be made, but the representation was made that the beer made in the Brew Barn would only serve the event center. We hear now that there is a need because of a potential loss of supplier to brew a lot more beer, and it's not just for the event center. You also heard a discussion of brewing specialty beers. Presumably, those aren't only going to be served in the events center. A lot of the discussion of the brewery and the need for the Brew Barn talk about matters that go well beyond the needs of the event center, which was what was identified as the reason for the Brew Barn and the accessory use. And I'll be quiet. Thank you.

Lois McKnight: So, the item in front of us this evening, site plan review for the Brew Barn, we did approve the event center at an earlier meeting. However, we have an outstanding issue regarding the landscaping and buffer plan from the event center. I've had additional information provided by Mr. Rourke about landscaping that could be done along the river bank, which is not a requirement, am I saying this correctly, of the zoning code. We

have the buffer requirements between commercial and residential. We don't have a riparian buffer requirement, so we've got a couple of issues there that we've discussed—trying to determine how we should proceed.

Pam Holbrook: Could I make a suggestion? I would recommend that we continue it till the next meeting and allow the applicant to produce a landscaping plan, satisfying, at least, the buffer requirements.

Lois McKnight: Okay. That would be helpful.

Lisa Evans: So, you're saying because this building could stand-alone, whether the beer goes one place or the other doesn't matter?

Pam Holbrook: I didn't view it as an accessory use. I viewed it as a use that would be permitted on that lot.

Lisa Evans: Does it matter if they roll up to this building or roll up to that building?

Tim Dunn: I have a notice that says Brew Barn accessory use?

Pam Holbrook: Right. Initially, Hank and I had discussed it as an accessory use. But as I looked at it closer, in my opinion, it's a permitted use.

Lisa Evans: You roll it 20 feet this way, or 20 feet that way. I do not understand the difference.

Pam Holbrook: Exactly.

John Brumleve: Do we have a procedural issue with the neighborhood meeting?

Pam Holbrook: Yes. We can, in the next month, have a neighborhood meeting.

Dino Pelle: I think that would be a good idea.

John Wenstrup: I think just from what we've had here today, a neighborhood meeting would have been constructive because some of the dialogue between both parties seems to be collaborative, although there seems to be some assumption of malicious intent because of some information left out and that's normal, if they thought, "Well, then, why didn't I know that." So, I think there's time, and there's room to encourage that dialogue at a neighborhood meeting.

I think it's important to realize that we might want to set up something virtual, and I would encourage everyone to watch ICRC. We had a long meeting a while back, and I said, "Did that just happen?" And I went home and sat back and watched it again because there was so much going on, there's so much to take on. So, I know it's not ideal for those who have signed the petition, but ask them to watch the ICRC. It's well done, and you can follow along.

Pam Holbrook: We had those two planning commission meetings via Zoom, ICRC showed up, and we did have a virtual meeting set up. Those two planning commission meetings are on the ICRC webpage where the Milford link is.

Darryl Donovan: Is that like Zoom? When we were at the council meeting, I was told by a few people they said, "Oh yeah, we were watching you live on something." I don't know if that's ICRC.

Pam Holbrook: The council meeting is Facebook live. ICRC is here. They video the session, and send out to Facebook live. In the planning commission meetings, ICRC was here, they set up in the back corner, they recorded the session, and send through Zoom. So, you could call in.

Rebecca Shundich: Because that's where I'm getting confused because I understood there were two links, and I saw that. Then, today, to find that nobody's watching it, it's very disappointing.

Pam Holbrook: For planning commission, we've only had two Zoom meetings, and that's just been in June and July.

Rebecca Shundich: So, is it easy to do the Facebook Live? Why wouldn't all the meetings just be on Facebook Live?

Pam Holbrook: Well, ICRC still has to come. The problem with Facebook Live is that it's creating a public record that is not a good public record. It's better to do it via Zoom and ICRC. That way, the public record is preserved.

Darryl Donovan: So, would that be better than when we're sitting here with the development that we keep changing in this town, which I think not all of it's all that bad, but maybe this is something that might want to be live every time. Because there was so much development going on in this town right now, and I was amazed at how many people I talked to had no idea what the mound of dirt was behind the brewery. And they said, "We didn't know." And I'm not saying it was deceit or anything. I certainly don't want you guys to think that.

Lisa Evans: I would say, partly, we usually have zero guests at our council meetings, so people have to make an effort to get involved or follow the city webpage. But we can try to make that easier. But also, when we have zero people here every council meeting. That's one way to inform people is to come to meetings.

Pam Holbrook: You can get on the distribution list for all agendas, city agendas, and that's through Jackie Bain, the council clerk. She has a distribution list. Whenever an agenda is created, she emails that agenda, regardless of what kind of meeting it is, she'll add you to this list. Every email that she sends out, you'll get, whether it be for RFPs, agendas. It has been busy here. Usually, I get out the letters. I have to notify within 400 feet, and so I send out a lot of letters. So, it's on me that the information hasn't gotten out there for this particular topic. That's all on me, but I'm doing the best I can. That's all I can say.

John Brumleve: I'd like to list some of the considerations that we have here as far as the continuation goes, and one of those is having been brought to our attention, a legal stance. Another thing is having to do with the Ohio Department of Natural Resources guidelines, courtesy of Mr. Rourke. We would like to have a chance to consider those, and the

petition. And especially some procedural issues with the neighborhood meeting, a further understanding of the accessory use, and the vegetative buffer.

Since we had a minor irregularity on the posted plans and agendas, I don't think it was serious. Still, since there was that as an item, I would like to make sure that the future beer garden's stance be clarified for our consideration. Just we're getting a heads up that it's going to happen, or is it included in this plan. And with all deference to the fact that this is a rapidly developing situation for the tenants, for the landowners and the city, we need to get our paperclips in order here, I think, to make sure that we have the procedural basis covered.

Lois McKnight: Sounds like an excellent motion.

John Brumleve: Can I just simply say so, so moved?

Speaker 19: I don't think so. That's an awful lot of words for a motion. I would like to move to for a continuance.

Pam Holbrook: Since everybody is here at this meeting, I would ask Hank, would you be available for a neighborhood meeting here on the 16th, 23rd, any of those days?

Hank Roe: Does that still keep us on the October planning commission agenda?

Pam Holbrook: Yes. It's here. That meeting will not be televised, so you would have to come to the meeting.

John Wenstrup: We want to make sure that all interested parties to the discussion, the developer, and so forth have copies of the petition and the legal and this stuff so that they can try to address those. It's hard when you get stuff dumped on you at a meeting. They don't know what's in this petition.

Tim Dunn: Can the neighborhood meeting be at the site?

Lois McKnight: The planning commission is not involved in the neighborhood meeting.

Pam Holbrook: The neighborhood meeting is an informal meeting. It's meant to introduce people to a project. It's a question and answer between the neighbors and the developer. So, it could be at the site, but the weather may not be good.

Hank Roe: We can't have the meeting on our site due to liability issues.

Lisa Evans: Rebecca, do you know the dates that most of these signatures were collected?

Rebecca Shundich: Yes. Darryl and I started walking the neighborhood and the downtown area Saturday, Sunday, and Monday.

Rebecca Shundich: We understand how hard it is. We know six developments are going to be happening around the four-block area. It is tough, and it makes it tough for you all. However, then I think we need to slow the procedures down because they should happen. We should have a neighborhood meeting. I'm sorry we all have to go slower, but it's nobody's fault. It's too much work for you all, and it's too much for us even to process.

Darryl Donovan: So, to have a neighborhood meeting, that means the people that signed the petition would physically have to walk around and tell these people there was a meeting now, correct? Because they don't have any other way of learning because we haven't, in this town, figured out a way to notify people.

Pam Holbrook: I send out letters to people within 400 feet.

Darryl Donovan: Right. That's usually five people.

Pam Holbrook: No, it's not.

Darryl Donovan: [crosstalk 01:49:52] with 400 feet, we have two houses on Mill and two houses on Wooster, I guess you had people on [Water 00:01:50:01]. I don't know the exact number.

Pam Holbrook: And actually, I sent them down Mound in this case because it was directly adjacent. And for this particular case, if I can read the addresses here, I will send out letters to these people. I'll send out a notice that we're having a neighborhood meeting on the 23rd and a PC meeting on the 14th.

Dan Lynch: This is by no means an absolution, but I have noticed that the postal service has been running extremely slow.

Darryl Donovan: Well, that's no excuse. [inaudible 01:51:14]. We found a way, instead of you having to physically mail it, either an email or a way to set up phone numbers for a text, that might be simpler for you with doing all that work.

Pam Holbrook: It would be simpler, but we're just not technologically prepared to do that today. I mean, we have Nixle, which the police department uses to notify people.

John Wenstrup: Could contact the South Milford neighborhood association. They've got a lot of names and addresses. That might help.

Rebecca Shundich: That's why I have to [inaudible 01:51:45] because it's South Milford and Facebook, and I'm sorry, I'm one of those people who does not want to be on Facebook and people keep forcing me to [crosstalk 01:51:51].

Pam Holbrook: I have to mail the letters regardless. I mean, there's a lot of people that aren't on Facebook, there are people that don't have email. I mean, this is an older community.

Dale Roe: So, this now will be a 400-foot radius where people are involved, or it's just open to South Milford? And what about the rest of the city? The 5,000 people that live here. Because you're going to go beyond 400 feet, I think the whole city needs to be notified.

Rebecca Shundich: That's why it needs to be televised. That's why it needs to be online.

Dale Roe: Letters. I'll pay for the letters. I'll define who I am and what I've done here for the city, and I want every person in this city to be notified.

Pam Holbrook: I will do the 400 feet. If you want to send out additional letters, then you can do that. I'm going to do the 400 feet, and I'm going to do the petition addresses.

Dale Roe: The 400 feet, that's what the law is. South Milford is not going to rule this city. Do you understand? South Milford is not going to rule this town.

Lois McKnight: All right. So, we have a motion for continuance.

John Brumleve: In consideration of a developing situation, we have some procedural and development concerns and new consideration items. One, the need for a neighborhood meeting, additional research on accessory use or not, the inclusion of restoration of the vegetative buffer, clarification of the future beer garden, verification of the plan of the posting of plans and agendas, and I think that's about it.

Dino Pelle: Would your vegetation portion of the cover the possible supplemental whatever to the riparian buffer?

John Brumleve: No, that was not my consideration in this case, so I guess you can amend my-

Lisa Evans: But that has nothing to do with the Brew Barn, correct? So, that's what I'm thinking, too. Do these things have to do with the Brew Barn or with the event center?

John Brumleve: The riverside was not a consideration of the Brew Barn. The neighborhood side was.

Lisa Evans: Second.

Lois McKnight: We have a motion and a second to continue the Brew Barn's site plan review meeting at 310 Mill Street. Based on the outstanding items that need to be addressed before the October 14 Planning commission meeting. All in favor, say aye.

Group: All members voted aye.

The meeting broke for a five-minute recess at 7:57 PM.

Lois McKnight: We will call the meeting back to order at 8:07. Thank you very much—the next item on the agenda: preliminary consultation for a subdivision lot split on Chamber Drive. Just to clarify, we're not taking action. We're not voting.

Pam Holbrook: Correct. This is a consultation to talk about a subdivision. What makes this a little bit more complicated is that it does not front a road, a public right away. When you're creating a lot, you're supposed to front a public right away. This was subdivided in 2004. The long panhandle here extended out to Chamber Drive, and they created one lot, lot 18. They didn't get a variance. We've got a private drive coming off of Chamber Drive. The private drive is maintained by the property owners.

Tru Hotel bought lot 18, and they would like to subdivide. I've had several legal conversations with Mike Minniear. The question was, did the city want to assume responsibility for this private drive? The answer to that was no. We don't want to take over maintenance of that private drive. The service department, plows up to the private drive. They've never maintained any of that area. The next question was, how do we go

through the subdivision process properly? I talked to Mike about whether they would need a variance? Or can it be taken to the Planning commission? What's the best way to process this? Mike recommended that I take it to the planning commission. In the meantime, I had a conversation with Lois, and she pointed out that the lot 18A loosely fronts Round Bottom Road.

If you collapsed the railway, it does. The likelihood of ever getting access off of there is probably almost zero, but it does meet the letter of the law. If lot 18A does front Round Bottom, then technically Planning Commission doesn't need to review it. It becomes an administrative review, and staff signs off. The only other concern I had was this new shared drainage easement, making sure that there's information on the plat so that in the future, the city engineer doesn't have an issue with the drainage in this area, that he knows who is responsible for it.

Mike McCarty: I think this will be the fourth replat of this subdivision. I think in the second replat that private road was established and there's language in there about the property owners having to do their maintenance. [crosstalk 02:11:55]. We can add that to the new replat also. If we create the new detention area easement, that would also be just part of the recorded easement. The recorded plat would be to have the maintenance agreement. That's pretty common out in the county when a detention pond is created, there's language in there that says that that's maintained by the property owners.

Lois McKnight: Okay. The lot as it exists today includes the narrow substandard panhandle.

Pam Holbrook: Yes.

John Brumleve: I don't know; I'm reluctant to say that it could ever front on Round Bottom.

Lois McKnight: Well, there's a difference between having legal frontage and having access.

John Brumleve: True. Okay.

Pam Holbrook: For example, the Brew Barn, the event center lot that we were just talking about, has frontage on Mill Street, but they could never access it via that frontage. That's why they have an easement to go through the brewery.

John Brumleve: I'm reluctant to say that 18A is attendant to 18B now. Is it possible to have two substandard panhandles reaching out to Chamber Drive?

Pam Holbrook: Well, 18A does not have a panhandle.

John Brumleve: I know it does not. That's my point. If 18B can reach out there, cannot we take a sliver out of 18B's panhandle to give 18A panhandle as well to reach Chamber Drive?

Pam Holbrook: You're creating a five-foot sliver.

John Brumleve: I mean, we were already down to ten feet, what's another five?

John Wenstrup: This could be subleased to someone that could have a nice restaurant there, so the people that stayed there would have another place to eat.

Pam Holbrook: Or they could sell it.

Mike McCarty: We don't have a specific use in mind.

John Wenstrup: We don't maintain that little private drive, and we don't want to maintain that private drive, but as I look at it in the drawing, I'm thinking, even though it comes off of Chamber Drives intersection, I want the private drive to be every bit the same spec as the public street, [crosstalk 02:16:21] with access and egress. I don't know that it is.

Lois McKnight: [crosstalk 02:16:25] It has to be, because safety services, like fire trucks and all that.

Michael McCarty: If I could speak on behalf of the owner. I'm the engineer and surveyor with this. The existing private drive that fronts all of this is a 24 foot wide back-to-back of Curbed Street. Identical to the city's street specifications. The street is a fully functional public street. It's just the city's not maintaining it. It's the same size. It meets all the standards of a city street.

John Wenstrup: The question I have is, is there potential for a private drive to come all the way through to Round Bottom Road? There's not?

Michael McCarty: It would have to cross a railroad. [crosstalk 00:02:18:20].

Pam Holbrook: The intention is not to create access there. It just, the idea was that it meets the letter of the law. We would never expect access off of Round Bottom Road. That is not going to happen.

John Wenstrup: So the discussion is, how would we feel about carving out that lot in the front of the Tru Hotel? So that it could be developed separately.

Lisa Evans: It doesn't sound like it would be an issue.

John Brumleve: I don't have an issue with that at all.

Pam Holbrook: If you all are okay with the subdivision, it's easy enough to do administratively, rather than make them go through a subdivision process. I think it meets the spirit and intent of the ordinance. I don't have any issues with doing it. I just want to make sure we're doing it, correctly. So you are okay with administratively approving this?

Group: All members stated, yes.

Lois McKnight: Any other business to come before planning commission this evening, Pam?

There being no further business or comments to come before the Planning Commission, Ms. Evans made a motion to adjourn the meeting at 8:22 PM, seconded by Mr. Wenstrup. Following a unanimous decision, the ayes carried.

Assistant City Manager

Lois McKnight, Chairman

CITY OF MILFORD
PLANNING COMMISSION MEETING
September 9, 2020 6:00 p.m.

SIGN IN SHEET

| NAME | ADDRESS |
|-----------------------|--------------------------------------|
| Dan Lyndh | 208 Mill |
| Dale ROE | 750 US 50 Milford |
| Jim Strelan | 725 Yale ave Tempe Ariz, AZ |
| Tim & Jennifer Rogers | 72 Mound Ave. |
| John S. Souza | 1204 Chase Ave, 45223 |
| DARRYL DONOVAN | 28 WOOSTER PIKE |
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