

PLANNING COMMISSION MINUTES OF October 14, 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, October 14, 2020, at Council Chambers, 745 Center Street, Milford, OH 45150.

Roll Call:

Dino Pelle called the Planning Commission meeting to order at 6:00 PM. Other members present at tonight's meeting are John Brumleve, Lisa Evans, and John Wenstrup. Ms. Evans made a motion to excuse Lois McKnight; motion seconded by Mr. Brumleve. Motion carried 4-0

Staff: Pam Holbrook, Asst. City Manager; Mike Minniear, City Law Director; Tim Casto, Kleingers (City Engineer)

Visitors: See attached Sign In Sheet.

Minutes Approval:

Ms. Evans made a motion to approve the September 9, 2020 minutes, seconded by Mr. Brumleve. Motion carried 4-0.

SITE 20-16 Little Miami Brewing Brew Barn CONTINUED.

Ms. Holbrook submitted the revised Staff Report for 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 the Little Miami Event Center events.

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 Event Center activity. A Microbrewery producing up to 15,000 barrels of beer a year is permitted 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. The 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.

Neighborhood Meeting

The City held a Neighborhood Meeting on September 23, 2020. The minutes are attached. Staff would like to clarify a few items brought up that night.

Permitted Use versus Accessory Use

Staff interprets the proposed Brew Barn as a Microbrewery listed under Permitted Uses in Section 1167.02. The applicant noted that it was an accessory use to the Event Center; however, as Zoning Administrator, I am responsible for determining which use category a particular 'use' may or may not be classified.

I determined that the Brew Barn meets the Milford Zoning Ordinance definition of a Microbrewery and, therefore, is allowed as a Permitted Use in the Milford River District.

Multiple Buildings/Multiple Uses on one Lot

The Milford Zoning Ordinance does not limit the number of buildings or principal structures on a lot. Each zoning district identifies setbacks, buffer requirements, lot area, and lot width at the right of way line. Any building constructed must meet these minimum standards to receive zoning approval. The City has several more recent instances where multiple buildings are built on one Lot. Properties include 743 US 50 (four buildings); and 100-130 Olympic Drive (four buildings).

In this case, both buildings, the Brew Barn and the Event Center, can meet the Milford River District's minimum zoning requirements.

Landscape Plan

A 30-foot buffer is required between commercial use and residential use. The buffer is composed of either one tree @ 25-35 on center and a double row of 6' hedge. Existing landscaping can count towards satisfying the buffer requirement. Although it appeared that the applicant had cut the vegetation back to the property line after walking the site with the applicant, there was still existing vegetation in some of the buffer areas. Staff asked the applicant to provide additional landscaping in areas where the buffer appeared to be thinned out.

The applicant submits a revised landscaping plan for review by the Planning Commission. The following landscaping was added to the 30-foot buffer:

- 8 – 6 foot Spring Grove Arborvitae
- 7 – 6 foot Norway Spruce
- 8 – 6 foot Eastern White Pine
- 3 – 6 foot Green Giant Arborvitae
- 3 – 6 foot Pyramid Limber Pine

Staff feels that the additional landscaping, along with the existing vegetation, provides a sufficient 30-foot buffer.

Spent Grains

Several neighbors were concerned about the potential for odors from either the brewing process or waste created. The applicant provided additional information regarding how the spent grain is stored. Spent grain is the grain used in the brewing process and then hauled away by local farmers for their use. (See the email dated 9/24/2020.) The grain could create an odor if left in place for too long. The spent grain is stored in the existing dumpster located onsite.

Noise and Light

Several neighbors were concerned about construction noise and the noise created by dumpster pickup in the middle of the night. The applicant contacted Republic, their dumpster service, to ensure the pickup time does not occur before 7 AM.

Staff added a condition that the lights for the brewery, event center, and the brew Barn be shut off automatically between the hours of 1 AM-7 AM nightly.

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.
4. Noise from construction activity shall be confined between 7 AM-8 PM Monday thru Friday and Saturday between 8 AM-8 PM. No noise from construction activity permitted on Sunday or holidays. (Section 1185.01.C.)
5. All spent grains to be stored in bagged containers with lids. Containers to be emptied twice weekly. No detectable odors beyond any lot line on which the use occurs. (Section 1185.01.J.)
6. Parking lot lights to be shielded to prevent glare onto neighboring property. Lights to be turned off nightly between the hours of 1 AM and 7 AM.
7. All installed landscaping small meet the minimum requirements outlined in Chapter 1189 Landscaping and Bufferyard Requirements.
8. The Brew Barn will not be open to the public for any event or reason. (Brew Barn Fact Sheet 09/2020)
9. The Brew Barn will not distribute bottled or canned beer or sell it or have a drive-through capacity. (Brew Barn Fact Sheet 09/2020)

Pam Holbrook: As a reminder, the planning commission approved the event center in June. Here is the original application. The applicant asked for a 10,000 square foot building with 74 parking spaces. The Planning commission approved this area along with the 30-foot buffer. Once approved, I sent the applicant an approval letter detailing the conditions of approval. Tonight you're reviewing a Brew Barn. It's a 3000 square foot building with three parking spaces. It's on the same site as the event center and includes the 30-foot buffer area.

The applicant received a WMSC permit from the engineer for a site plan, grading, erosion control, and everything involved with a civil set of plans. The building department approved a permit application for the event center. Tonight, we're focused on the Brew Barn and the 30-foot buffer to ensure that it complies with our zoning ordinance. The ordinance covers specific size trees and bushes required in the buffer area. Planting typically occurs in the fall or spring.

The landscaping plan you received in your packet tonight is revised with the additional landscaping they've added to address staff concerns.

John Brumleve: Is the beer garden included in this application?

Pam Holbrook: No, it is not.

Mr. Brumleve: So the need for additional details about it is moot?

Pam Holbrook: Correct.

Dino Pelle: This is the meeting portion where we turn it over to the applicant and the audience. We're going to have the applicant speak first and then follow that with anyone who

wants to talk in the community. Please come to the podium, state your name and address.

Hank Roe: A neighborhood meeting was held a few weeks ago. We submitted our revised landscaping plan. We've addressed some of the noise concerns with the dumpsters emptied in the early morning. I believe that is resolved with Ms. Shundich. We have made accommodations to help satisfy some of the neighbors' concerns. So I think we're at a pretty good point here. We do have a photometric plan that we submitted for the Brew Barn and the event center. I'm happy to answer any questions you may have.

The other thing covered was the storage of the spent grain. The containers are about the size of a smaller Rumpke plastic container that you roll out to your curb. They have bags inside of them, and the spent grain will go inside. They are stored inside the oversize dumpster enclosure with a single dumpster and picked up twice weekly from a farmer who reuses it for livestock feed.

Jim Streleu: I use a three-millimeter liner, a very thick plastic bag, to shovel the grain into in 96-gallon recyclable bins. It sits outside on the back patio for about two days, and then my farmer comes in, and we put the whole container onto his trailer. He takes the full bins to his farm and feeds the grain to his cattle. He brings the empty ones back. So he takes full, he brings the empty container back, and they rotate through. It takes about a week for the grain to get nasty. He comes every two days. He wouldn't take it if it went bad because the cows wouldn't eat it. He has an incentive to get the grain frequently.

John Wenstrup: Jim, is there any reason why the farmer couldn't pick up the grain in the same limited hours that Republic picks up stuff from a noise standpoint?

Jim Streleu: He's there about nine in the morning.

Dino Pelle: Thank you. We'll go to anyone in the audience who'd like to come up.

Darryl Donovan: First, I would like to thank Pam Holbrook for getting the Milford agenda on the City's website. I also ask you to get the council agenda on the website too. I think it is time we do away with this archaic code or law that states that only people within 400 feet of a project need to be notified. From the petition and the signatures we obtained, you can see that these projects affect whole neighborhoods.

At the neighborhood meeting, Hank stated that DER was in contact with the department of natural resources or other state agencies regarding how they could improve their work on the riverbank. Have there been any changes made to the riverbank?

I don't think any development should be approved until we know what DER construction and or the business will do to make this project more eco-friendly for the historic little Miami river, the historic downtown business district, and surrounding neighbors. I want to point out that the picture mailed out is nowhere near the grass and trees, as shown in this picture. I get they could not show the building at 220 Mill Street in the picture, but I see that it also enhanced what development looks like. Sparsely populating the parking lot with this drawing, just a few cars can make even a blacktop look good in a picture.

There are no longer mature trees standing along the back parking lot on the riverbank. I certainly hope the developers and the businesses plan on planting trees of the same size shown in this picture in the front and to the side of the new event center, and the same goes for all setbacks around the campus.

And finally, to our planning commission, do the right thing and listen to the people of historic downtown Milford, not just the developers and businesses. This goes for this project and any future project along the oldest historic river in the US. And as they stated on the website regarding the little Miami river, it says facility development should not detract from the quality of the river scene. Development should be back from the river bank and, in most cases, screened from the view of the river. Thank you.

Matt Fellerhoff: Good evening. Again, my name is Matt Fellerhoff from the firm Strauss Troy. I am here on behalf of my client, Rebecca Shundich, a neighbor of this property, and has significant concerns about the effect this continually growing project will have on her property. It's fantastic that we have now complied with the zoning code and had a neighborhood meeting. What I'm here to address primarily is the legality. I will allow my client to come up and address some of the conditions included if this board decides to go forward, and I'll let her address those. I will address one condition that's not on there that I think would be appropriate before I get into the legality, is that when this application was made as an accessory use.

The claim was there would only be 5,000 barrels created or brewed. There was a much lower number claimed tonight and the neighborhood meeting, and that was all they were going to brew. I believe it was 1,200 barrels. They have represented to this board that their impact will be minimal. And one of the reasons was the low number of barrels they would be brewing on this property. Now it's not an accessory use. It's claimed to be a primary use, and under a primary use, they can brew up to that 5,000 barrel amount. I asked that it be very appropriate for this board to limit them to their representation to the neighbors and the board regarding how many barrels be brewed.

But on top of that, let's get to the real legal issues that are out there. Again, we pointed out the need for a neighborhood meeting. At that point last time, it was claimed that this was an accessory use. We pointed out that this was not an accessory use. This is a use that will support the event center and also will support the brewery. And that is illegal under the zoning ordinance. Also, it's not a traditional accessory use. It is now admitted that this is a primary use, and is now argued that any number of primary uses can happen on a property under the zoning code. This zoning code does not envision more than one permitted use, one primary use on the property. I heard reference to some properties where there are multiple buildings on them, which were approved. And I don't know at what level they were approved, but the zoning code does not envision numerous primary uses on the property. That is how it is with all other zoning codes in the state of Ohio and other places because that's how zoning codes control zoning. If you envision multiple uses or mixed uses on a property, there is a vehicle in all zoning codes to deal with that. That's the PUD or PD process, as is in this zoning code. I've prepared a letter outlining some of these concerns with the zoning code provisions.

I know this body is familiar with the PD process, and I'm not going to get into that, but the details are in my letter, but I'm going to make this clear. There should only be one

primary use on a property. If it happened in the past, that doesn't make it right now. Additionally, this property is a primary example of why this should be treated as a PD. A PD allows for the creative use of zoning in certain circumstances when approved appropriately by the governmental agency. In this instance, if you recall how this worked, the first application was put forth for an event center. On that application, there was a spot reserved for parking. It was said in the earlier neighborhood meeting that that might be available for use for the brewery, but apparently, that was never intended. What that was reserved for was there was going to be a brewery put there. That's what this application is for. This board was denied the opportunity to consider the whole development and consider the impacts of the entire development. Even though it was clear that a brewery would be going in less than two months later, that would be an application for that brewery in a reserved spot in the plans. And now what you hear is that there is going to be a beer garden. This board shouldn't consider another use on the property because it's not before the commission.

Suppose this property will be developed with multiple primary uses on the property. In that case, the zoning code provides a way for that to happen through the PD process, which allows this board, the government, and the whole City to look at the entire project and see the impact of the entire project as fully developed because it's clear that the plan is there. It's being done in a piecemeal fashion. It's clear to me that it appears that there's an attempt to avoid the PD process. The PD process is there to enable the City to review everything instead of what is happening here, where it approves something. This board approved something three months ago, and now it's not allowed to look at what was approved before, but it can only look at this little item, being presented now, but this board can't then look at what the beer garden is, because that's not before this board.

The right way for this to happen, the way it is envisioned in the zoning code, is for the entire development to be put forward with three primary uses for approval as a PD. That's the purpose of the PD provisions in the zoning code. And for that reason, that's how this should be handled. The zoning code does not permit. It does not envision multiple primary uses on one piece of property. Even if there might be an example of it happening in the past, this board needs to think about what precedent would be set if it makes the policy that any number of primary uses can be created on one parcel. The proper way for this to happen is through the PD process. And I respectfully submit that's what should happen here. I'd be happy to answer any questions.

Jim Stocker: I live at 404 Mill Street. I don't know, I'm not sure how much toothpaste could be put back in the tube at this point, but I do want to express my disappointment. When I moved to Milford about two and a half years ago, I could stand in my yard in the winter and not see the brewery, not see past the river. I didn't have a river view. Today, with trees up and the leaves on, I can now see the river. I can see the brewery. I can see a lot of stuff. And the number of trees that were knocked down was just astounding. And I don't know if it was necessary. Since the pandemic, I've been working at home, listening to the trees just going down one right after another for a week, I got fed up, went down, and confronted an employee there who got off the bulldozer and gladly showed me where they had surveyed my property.

I was not notified, nor did anybody come by and say, "Hey, we want to show you where the property line is," right. This person assured me, "Hey, we're going to have a 30-foot

buffer. We're not taking down any more trees." I listened to them mow down trees for another two weeks. They took down every tree up to my very property line. And I'm probably most affected, quite frankly, because I think I have the largest amount of property adjacent to this project. Trees can't be put back. A 30-foot buffer is great, but I'm not sure was it necessary to mow down every tree so they could come back and plant smaller trees in this buffer.

I traveled a lot for my job before the pandemic. So this whole project kind of snuck up on me. And I don't think I had that level of awareness because maybe I wasn't at meetings or missed a notification, but at any event, I want to say it doesn't pass the smell test either how this whole thing went down, and we can't go backward, and you only can go forwards at this point. But I just want to say that to everyone involved.

Rebecca Shundich: 11 Mound. What was the noise ordinance construction confined to? What were the hours? We were hoping that we would move that eventually for the whole City from eight to eight, who cares what other countries are doing. But every country Jeff has lived in, which is about 20. Nobody starts their construction before eight o'clock. It gives you an hour of peace and quiet. It's going to be a long haul for the people who live here. We have three developments that have started, and we are very excited about those. But, we'd like to see that be eight o'clock. Thank you for adding the Sunday and holidays.

On the map where you've got the new buffer area in red, I'd like to point out: where the residents' homes are. Where is the parking for the first historical building down Mill Street? That I believe the Roes own. That's the Mill building, the first stone building, and it's got a parking lot. When you look over that parking lot, there is a raised piece of ground. When you're putting all that vegetation back on the low ground, while I'm thrilled to death, it's not going to help us because we're living up here. What would help Mr. Stocker, is a piece of high ground right behind the parking lot of that first building on Mill. And it's tall enough for trees. It's wide enough. If you would look at that, I would very much appreciate it because that is the only spot of high ground I could see. Do you know where I'm talking about, Hank? I would request that be looked at because that will shield some of Stocker's property. Whereas going 30 foot down isn't going to. It'll take 20 years. I don't even know how tall they'll get. Where are the spent grains stored for the first brewery?

Pam Holbrook: In this existing dumpster area.

Rebecca Shundich: Is there a reason with this new proposal that those spent grains can't just go to the original location?

Jim Streleu: There is not enough room. They're too heavy.

Rebecca Shundich: Well, I thought they were going on trolleys. We're just trying to keep it away from the neighbor border. That was a question I had.

With the increase in parking demand, you see it on High Street, and you're seeing it right around the corner on Mound regularly now, not just weekends. It's great; it's bikers, and it's public enjoying our lovely town. It's going to get more, and more, and more as all these buildings develop. We would like the city council to consider creating a resident-

only parking system for certain streets in the future. It doesn't have to be with this meeting.

The metal survey land posts. I don't know if they're there. I had requested metal survey land posts that we could see from our property. As buildings, including the event center, are built, we wouldn't have to go down there. We could just see them because they're bright. I saw wooden stakes, but I think they were for the building, not for the actual land site. Are those in place, or are those not? So I should be able to see them?

Hank Roe: They're steel and painted orange.

Rebecca Shundich: Pat should be able to see those too? Okay. Thank you. We'll look for those. Thank you.

The barrels. I'm glad Mr. Fellerhoff caught that because I think that should be a condition. In the end, I believe very strongly that Mr. Fellerhoff is right, and the PUD rules should be followed. You should look at the site as a whole for all the development that will occur there and not piecemeal. Thank you.

Dan Lynch: 208 Mill Street. Just a couple of things for the attorney that spoke of the beer gardens. We're not talking about a beer garden. The beer garden was essentially five picnic tables in a grassy area, but it's not on the plans. We're not going to do it. Hopefully, this is the last time that we need to ask for approval for a project.

As far as the barrels limitation, as Pam mentioned, this use permits quite a bit more barrelage than we're asking for. I resent the fact that somebody's asking us to limit our use to 1,200 barrels when 5,000 or 15,000, I believe, is the code. It's not that we're going to do that many, but I just kind of resent the fact that's being asked of us. I think it places an unnecessary limitation on something that doesn't belong. That's all I have.

Jim Streleu: The legal limit is 15,000 barrels. It is physically impossible to make more than 1,300 barrels with just the tanks I have with what we want to do. You're limited by the tank's size, versus three weeks per batch of beer, by how many barrels a tank can make. If I have four tanks that only make 1,200 barrels a year; we're not adding more tanks. We're not expanding because of bottling or canning. Everything is onsite for our purpose there. The 15,000 is the legal cap, and we're going to be substantially below that, probably at about 1,300 anyways. But if we wanted to go to 5,000, we could. I don't think it's going to happen.

Hank Roe: Just a couple of items here. Mr. Fellerhoff referenced three primary uses on this site. There's only two; the existing brewery's not part of the site, not part of the same parcel, not owned by the same entity. There are different uses on the other multiple primary use sites that Pam had mentioned. One of them being the Kellerman property on US 50. Pam, each one of those four buildings, has a different use.

Pam Holbrook: There's a roofing company, an adult daycare, a Party Bus, and a DNA Sports.

Hank Roe: We've mentioned this several times before: this was not a premeditated process. We did not bait and switch with a parking lot and change it out for a brew barn. This was just the natural process. It was an organic change. That's all I've got to add. Thank you.

Matt Fellerhoff: I don't want to belabor this anymore, but just to clarify that. No, it was not the brewery. It was the fact that which now appears to have been withdrawn, that they would come back again for approval for the beer garden; which would be another use on the property.

Darryl Donovan: I need to say something else. I don't want businesses in our town to fail. I want them to be successful. I really do. I, I wish you guys the best of luck. I seriously do. All I'm saying is what I had probably reiterated in meetings 12 years ago is: remember we're the neighbors; we're next door to these places. We're not trying to fight. We're trying to get things so that it does right by our town and does right by the neighbors. That's why I think in the future, any development on any part of this river should be discussed with the people that live in South Milford. That area doesn't affect the people on the other side of 275. I know there's a way to do this. I don't think they'd care to come to a meeting involving down here and vice versa. But I'm just saying we need to start notifying the people that develop because there is so much going on. It's a shame we have to hear this by word of mouth. It's a shame it can't be put on the websites immediately so all people can see it, which I do appreciate, Pam. I do appreciate those planning meetings finally showing up after years. I looked at the planning commission. It's up to date. Look at the council meetings that will approve these little tweaks later. They're not up there.

As a neighbor, I want to get along with the people here. I don't want to fight them. I just want them to understand we live next door. We have to deal with the outcome of every decision made in this room. So no, we're not fighting them. We're fighting for our homes, period. Thank you.

Pam Holbrook: I did want to note that we have two people watching via Zoom. Nobody has their hand raised.

Dino Pelle: If anybody on Zoom can hear me, can you tell us whether you want to participate or not?

Rebecca Shundich: I'm slow at my math, but my comment is noise from construction. Think about this, that's 13 hours. I'm living at home, and you want me to hear the construction for 13 hours? That seems very unreasonable. I think that needs to be changed.

Dino Pelle: Thank you. We'll move to our planning commission discussion.

John Wenstrup: I would not want to restrict this development, this campus, that now has taken on a form and shape through success after success. I don't have a problem if they want to put picnic tables outside in the age of COVID, so people can sit outside on their property and drink beer? It may be more viable, maybe more safety, it may turn out to be a bust. But I think those types of adaptations are part of what this whole space is about, and I don't see any reason to restrict something like that.

Dino Pelle: I would agree with that. Absolutely.

Lisa Evans: When council meets, we're getting ready to talk about relaxing awnings, all those things downtown in general, because of COVID. So people can sit outside and put extra tents up.

Dino Pelle: More people are opening up their doors to serve people outside and keep them a little bit safer. It's going to happen more and more. I think one of the applicants tonight is asking about that. I know the Governor's done it, Padrinos, right?

Some neighbors are being affected by this. Any development projects are going to affect the neighbors. But I do see that some good solutions if you want to call them that, have been brought forward to make this an even better plan than I saw before. One of the questions I had, Pam, could you clear up the primary versus the accessory use. I do not have a legal mind like our gentleman over there. So it's a little bit harder to follow. Maybe you or our attorney can help answer this and how we concluded that is within use.

John Brumleve: I'd like to expand on that for a second. I'm not sure why it seems that the brew barn is not an expansion of the event center and its business and activities. Why is this now seeming to be a second primary use when it appears to be an extension of a primary use? I would warrant that they probably would have tried to under an original plan, and I think I recall an earlier plan where they incorporated brew capacity into the events center itself. Can I have a nod of the head of that at one point was there?

Okay, but this is attendant use to the event center. If I were a major company that was making soap on a property, here I'm making dish soap, there I'm making bar soap. I need to expand my facility and build another building for more bar soap or whatever the case may be. I wonder why it would not be just more of the same use, the same primary use, and part of that business model. I'll leave that as a floating question.

Dino Pelle: I'm confused by that as well.

John Brumleve: Yes. This building is attendant to that primary use and only attended to its primary use; I see it as an expansion of the primary use.

John Wenstrup: I have a question for the developer. What is the amount of time that it would take to erect the building once this was approved?

Hank Roe: It could be nine months with design, permitting, and construction. It can be completed simultaneously as the event center; late summer next year.

John Wenstrup: And would you work through the winter months?

Hank Roe: Depends how long it would take to get a building permit. If we're starting, we have preliminary design drawings right now. We can finish the design and go through permitting. By the time that happens, it may not begin until this spring.

Dino Pelle: It sounds like they would be done somewhat in parallel to get all the stuff done on time, whenever you decide that is. Regardless of let's say we said no to the brew barn; let's say that happened. That noise and all that construction's has to happen anyway?

Hank Roe: Yes.

Pam Holbrook: Do you want me to add a little bit as far as primary uses?

Dino Pelle: Yes, please.

Pam Holbrook: I'm not a lawyer, either. When an application is submitted to the City, each zoning district has a list of permitted uses and conditional uses. I'll see where that use fits in my list of permitted or conditional uses? Then from there, we go from either it is allowed and what process it goes through? Or it's not allowed. If somebody disagrees with my interpretation, they have the right to appeal my determination to BZA.

In this particular case, the brew barn falls under a microbrewery; they make beer. That's what a microbrewery does. The event center is a rental hall. They are two uses permitted in this zoning district. And keep in mind, the downtown is a mixed-use district. We allow office and retail on the same parcel. So you can have an office that's selling insurance and a retail business.

I do understand what Mr. Fellerhoff is saying. The town I came from did not allow more than one principal structure on a lot, but I could not find any place in the city ordinance prohibiting it. Is it a best practice? Where you get into complications is when somebody tries to sell that property, which becomes very difficult.

But in this case, you have a developer that owns all that land. They're probably not going to sell. That's one of the great things about the Roe's; they hold onto the property here. They have a lot invested in the community. They are paying a lot of attention to detail. So they're not a developer that's going to build it and go. That's a good thing.

Lisa Evans: My thought is that the brew barn doesn't change anything on the property. It doesn't change noise, traffic, or smell. I think it fits in the space and will not significantly impact the property any more than the event center.

Dino Pelle: Does anybody have any questions about the riverbank? It seems like this whole thing is about the barrels, the riverbank, the primary, and the accessory. It's almost like a Stephen King or a thriller.

Lisa Evans: To me, that was the event center that was not part of what we're looking at tonight.

John Wenstrup: It's interesting. You look at it in development. So you stand by your property, Darrell, and you look across, and you see rip rap. Riprap is used to stabilize the bank of the river; rip rap is not a finished product. If you look at Riverwalk's property, where the same stuff was applied to stabilize the riverbank, it's all overgrown and green. What comes after that looks like a riverbank to me. This is a price you pay when you move into a neighborhood. You mentioned the last meeting when you bought your house. You were told that it could never be developed. You were lied to. It wasn't these people. It was whoever sold you the house. It has been developed, and that's tough because I would hate to be in that position. If I thought it was going to be a certain way forever, I wouldn't want it to be the buildings that were down there forever. Sometimes abandoned, sometimes poorly maintained.

The property was parceled off, sold, and somebody was successful in developing it. I don't see the malicious intent or the attempt to deceive or any of that stuff. What I saw

at the neighborhood meeting was people saying, "We'd like this" and them saying, "Well, we can do that." We could see that kind of discussion has been very productive. I think that the idea that you brought up of, "Hey, plant trees higher, and you'll block more stuff." If it were my house on Mound Street, I'd plant trees in my backyard.

Rebecca Shundich: I can't; I've already checked with an arborist.

John Wenstrup: They've got a right to develop their property, and I have a right to privacy. If they do what they can to respect my concerns, I can do on my property what I want to or need to. In your suggestion that they take a piece of their property they may have some other need for and just plant it; begs the question of [crosstalk 01:00:35]

Mike Minnietar: City Law Director. Pam said that she's not a lawyer. She probably should be thankful for that, but she has got a great deal of expertise in this area. I've worked with her for 14 years, and I think she knows as much planning and zoning laws as any attorney that I know, including myself.

I have reviewed her report. I agree with her analysis, and I support the recommendation. I would also like to say that having been a business person in Milford for 47 years and its attorney for 43 years, I think I know a little bit about Milford. The South Milford area has always been a valuable source of input with the City. They've been a de facto partner in a lot of what we've done. We have Valley View now instead of a housing development owes mainly to the support the City had. We went through three lawsuits to defend that decision, to make that Valley View with the Bryco Company that wanted to make a housing development there. Working with the neighborhood of South Milford, that is now a beautiful area that the City can be proud of.

I appreciate all the input we get; I think many of those suggestions/recommendations were valuable and important. Again, I would like to say that we always try to be transparent. I agree that we probably could improve as far as being more updated on our website, perhaps. That was a good suggestion.

I want to say in short that as you said, every development we've ever done in Milford affects somebody adversely, and that's unfortunate. As I said, I agree with Pam's recommendation. If you have any questions, again, when somebody comes before this commission and the BZA, the board of zoning appeals and I may be wrong, but it's my position that I believe that's an ad hoc situation. I don't think generally speaking that that serves as a precedent because I believe everything that comes before the commission and the board is decided on a case by case ad hoc basis. I don't consider that a precedent. I don't think we'd be setting a precedent tonight, whatever you decide.

Darryl Donovan: Can I ask you a question? I'm just curious about one thing. It's what I had tried to reiterate for a long time about development around here. There's a lot of development going on. Rather than just the notification for 400 feet within any development, don't you think the people within a specific mileage, a mile, or four blocks are a better notification process because they are affected by them? A lot of them find out when it's too late. I don't know how many people I talked to that didn't even know the event center was going in. It's because there's no link anywhere that gives that info to these people. Now there is. I'm hoping that maybe it needs to be notified and told people to watch their

website somehow and say, "We'll post what the meetings are about; so you can see them," or at least notify them when there's construction within a mile. We've got four or five developments going on in a four-block area.

Dino Pelle: I appreciate your concern, Darryl. But it's also an issue that is not before us tonight that we can deal with anyway. Even if it was, I think that's a city council thing. So I would recommend you go to the city council.

Lisa Evans: Come to the city council meeting. No one comes, so come to the city council.

Dino Pelle: I think what's been brought forward by the developer, Dan, and his partner, Joe, is clearly within the boundaries of permissible use. It comes with some pain as all projects do, as all development projects do, as Mr. Minniear alluded. Overall, it's a positive development for the community, which is also part of what we have to look at. Does anybody else want to continue discussing, or are you ready to move forward and take some kind of vote?

John Brumleve: Pam, would you articulate what is coming before the planning commission in a simple language.

Pam Holbrook: The applicant seeks approval to construct a 3,000 square foot building, along with the landscaping plan. It's a site plan review.

John Brumleve: I move to approve the applicant's site plan request to construct a 3,000 square foot building with the following conditions as listed in the staff recommendations as amended this past week. Condition one, in summary, the approval of other agencies. Condition number two, in summary, impervious area analysis. Striking condition number three, about the beer garden details. Number four, the noise ordinance. Number five, the spent grain storage. Number six, the parking lot lights, timing. Number seven, the landscaping, Chapter 1189. Number eight, The Brew Barn, not open to the public. Number nine, The Brew Barn, not distributing or selling.

Lisa Evans: Second, the motion.

Pam Holbrook: Rebecca's asking if you wanted to add the barrel imitation?

Rebecca Shundich: By manufacturing the beer, the quantity is also related to how many hours the place will be open or working.

Lisa Evans: But they're allowed up to 15 000, legally.

John Brumleve: I'm not going to impose that.

Rebecca Shundich:[crosstalk 01:09:26] legal, doesn't mean it shouldn't be done. That's the consideration [crosstalk 01:09:29]

Dino Pelle: But it's permissible.

John Wenstrup: For number four, you made reference to it, noise from construction, and you used the word "ordinance," and I don't know that we... Do we have an ordinance? I would have just not used the word "ordinance."

Dino Pelle: Pam, would you like to take roll call?

All members voted yes to approve the site plan request to construct a 3,000 square foot Brew Barn building with 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. Noise from construction activity shall be confined between 7 AM-8 PM Monday thru Friday and Saturday between 8 AM-8 PM. No noise from construction activity permitted on Sunday or holidays.
4. All spent grains to be stored in bagged containers with lids. Containers to be emptied twice weekly. No detectable odors beyond any lot line on which the use occurs.
5. Parking lot lights to be shielded to prevent glare onto neighboring property. Lights to be turned off nightly between the hours of 1 AM and 7 AM.
6. All installed landscaping shall meet the minimum requirements outlined in Chapter 1189 Landscaping and Bufferyard Requirements.
7. The Brew Barn will not be open to the public for any event or reason. (Brew Barn Fact Sheet 09/2020)
8. The Brew Barn will not distribute bottled or canned beer or sell it or have a drive-through capacity. (Brew Barn Fact Sheet 09/2020)

The motion carried 4-0.

SITE 20-18 CoHatch Conditional Use request and Minor Building Improvements.

Ms. Holbrook read the Staff Report into the record:

Project:	CoHatch Conditional Use and Minor Building Improvements
Location:	220 Mill Street
Applicant:	CRDV Cincinnati LLC 1733 West Lane Street Columbus, OH 43221
Property Owner:	Milford One LLC 6805 Alberly Lane Cincinnati, OH 45243
Acreage:	0.341 Acres
Tax Parcel Id:	210708.004P
Zoning:	MRD Milford River District
Existing Use:	Vacant Building

Proposed Use: Shared Office Space and Office on first floor

ADJACENT LAND USE AND ZONING

All adjacent property is zoned MRD

PROPOSAL

- a. Planning Commission will hold a public hearing to review a request submitted by CRDV Cincinnati, LLC, on behalf of CoHatch, to use the first floor of the building located at 220 Mill Street for shared office space. The property is zoned Milford River District (MRD). An 'Office' use on the first floor of a building in the MRD zoning district requires the Planning Commission's approval per Chapter 1195 Conditional Uses. CoHatch provides shared office space and private offices to entrepreneurs, small businesses, and the community.
- b. CRDV Cincinnati LLC, on behalf of CoHatch, proposes to add an outdoor seating area in the front of the building located at 220 Mill Street and a deck on the rear. Modifications to the building's façade that are visible from the public right of way and change the appearance of the building are subject to review by the Planning Commission.

CONDITIONAL USE ANALYSIS

CoHatch describes their business as a "space where individuals, start-ups, small businesses, large corporations, and non-profits thrive together-in the communities in which they live and love." They intend to use the first and second floors in the building for shared office space. Since office space on the first floor in the Milford River District is a conditional use, the Planning Commission will need to approve the use. Chapter 1195 Conditional Uses provides standards for all conditional uses and specific standards for certain conditional uses. There are no particular standards for offices on the first floor, so the Planning Commission shall consider whether there is adequate evidence that the proposed conditionally permitted use is consistent with the following standards:

- A. The conditional use is consistent with the spirit, purpose and intent of the Comprehensive Plan, will not substantially and permanently injure the appropriate use of neighboring property and will serve the public convenience and welfare.
- B. The proposed conditional use is to be located in a district wherein such use may be permitted, subject to the requirements of Chapter 1195, Conditional Uses.
- C. The requirements set forth for each specific conditional use will be met;
- D. Minimum standards for parking and loading areas shall be as required in Chapter 1187, Off-Street Parking and Loading Requirements;
- E. Minimum Standards for landscaping shall be as required in Chapter 1189, Landscaping and Bufferyard Requirements; and
- F. The proposed use shall be adequately served by essential public facilities and services such as, but not limited to, roads, public safety forces, stormwater facilities, water, sewer, and schools.

The building has been vacant for many years, and while the property owner has maintained the building, it has been underutilized. CoHatch intends to make improvements to the interior and exterior of the building. The site plan shows 17 onsite parking stalls.

The floor plan includes nine—1 person offices, three—2 person offices, two – 3 person offices, and three—4/5 person offices. Subscribers pay a monthly membership fee and then have the ability to

reserve office space for some time when needed. The shared office use is in line with the way many companies and entrepreneurs are working today. Subscribers will come and go daily, weekly, and monthly. The occupancy load would be approximately 60 patrons.

Staff believes the request is consistent with the spirit, purpose, and intent of the Comprehensive Plan. The use should not be as intensive as a typical 8-5 office use, restaurant, or retail space due to the staggering work times.

STAFF RECOMMENDATION

Staff recommends approval of the conditional use request with the following condition:

1. City approval is contingent on review and approval by the City Engineer and any other applicable local, state, and federal agencies.

Minor Building Improvements

The applicant intends to make the following exterior improvements:

- Patio – Stone/brick pavers, black metal railings, Green painted entry door, Cedar plank focal wall with externally lit logo, vertical "stone" accents to match neighboring brewery building to the left (aged/stacked limestone), new neutral light paint throughout and dark gray paint along the top portion of the building.
- On the deck – Cedar decking, dark gray exterior composite planking/paneling at back of deck (possibly Viroc planks or exterior grade wood), a mural painted on planking/paneling on the wall near the entry door. See labeled renderings on page 3-4.

In the building's front yard, they plan to remove the two existing trees and replace them with smaller trees with planter beds beneath each. They also plan to remove planter beds in front of the windows and replace them with cedar planter boxes.

Staff believes the exterior building improvements will be a wonderful update to this older building in downtown Milford.

STAFF RECOMMENDATION

Staff recommends approval of the Minor Building Improvements request with the following condition:

1. City approval is contingent on review and approval by the City Engineer and any other applicable local, state, and federal agencies.

Lisa Evans: So where those trees are now, that's where the new sidewalk will be, is that correct?

Pam Holbrook: Yes, they'll take that out.

Dino Pelle: The property owner has owned this property for many years? Is Cohatch purchasing?

Pam Holbrook: Yes. I don't know where they are in that process, but they are purchasing the property.

Tim Mescher: I represent Equity Construction Solutions, the Program Manager for CRDV, which stands for COhatch Regional Development Ventures. Then that brings us back to CoHatch. We are currently in negotiations to purchase the building and should be closing within the next 15 days.

Lisa Evans: So all of this outdoor space is just for the office?

Tim Mescher: That is correct. I don't have any more statements. Other than what Pam's already read, that was our application to the City. CoHatch is a wonderful organization and wants to bring new life into the space and into that part of town. We represent them across the nation and all their development work. And they believe that this is a town hall 2.0 where people can live, work and play together, bring families in and enjoy that time away from their families and workspace.

Dino Pelle: Okay, it's a great concept.

John Wenstrup: I think it's lovely, but I have some questions.

John Wenstrup: This is a 24-hour day place, right?

Tim Mescher: It is, yes. It's a key fob to entry, so it is open 24/7 to members of the building.

John Wenstrup: Does that present any problem with us as a village?

Pam Holbrook: No. I think it makes it more attractive because it spreads out the use of the building-

John Wenstrup: There's an image of the building's front view. Is this consistent with the look we want? The sheer size of the CoHatch sign as you come down Main Street, it hits you in the eyes. I think it's a pretty demonstrative logo for a sleepy downtown.

Pam Holbrook: Can I add that they show the logo on this plan, but they still have to get approval. The logo has to meet our sign requirements.

John Wenstrup: On the street, you've got beautiful tables out front, but if I'm walking with a beer, that looks like a great place to sit. Does that create a problem for you, [inaudible 01:23:34]? Is that a public space?

Tim Mescher: It would not be public; it would be gated. I don't know that we're here today to fight that battle. If it becomes an issue, I'm sure we can address it.

John Wenstrup: I love it, I looked at that building myself, and I think it's a wonderful building. I think this is an interesting use. We've got a building right behind you, that's the sister building. And there's a lovely community of people, so I applaud your concept-

Dino Pelle: It's a brilliant move, building it next to the brewery.

John Wenstrup: I can see where homeowners are mad because the thing on the back and side faces their way. They might express concerns, but the people are quietly doing their work out there or sitting outside with their ear pods in, working on their iPad. I don't see that as a challenge, so other than trying to keep parking consistent and everything else, I like what I see initially.

John Brumleve: In the spirit of kind, productive criticism, this building has a certain quirky old charm of its own. It's been, shall we say, a resident of the community for a long time—even the split face block on the front face. I don't know if you knew this, we used to drive our cars up to

the second floor to have them serviced. I'm just saying a complete facelift might not be entirely necessary.

Tim Mescher: Understood.

John Wenstrup: So, what does a project like this take, from start to finish, to have your place ready to go, and how much noise does it make?

Tim Mescher: We would have minimal noise here. Just a minor repair on the back, obviously front improvements, but that's a couple of weeks worth of work in its entirety. Our total project is starting around November 1 and completing as a grand opening in June. That includes planning, development, permits, and approvals.

John Wenstrup: With the indoor space, is that laid out in permanent structures or those things that you could adjust?

Tim Mescher: No, they are permanent. They're drywall walls. The ramp would be removed, and new offices built in that place. And those would be permanent structures or interior partitions. [crosstalk 01:27:08]

John Brumleve: It mentioned river rentals. I'm kind of curious, what is that? There would be. It sounds to me like you have an intended occupant, maybe?

Tim Mescher: No, this would be for community members to use a few different devices to enjoy the river, as a community member. So members at CoHatch may want to have Bait and Tackle that you can get a fishing pole and take your kids out on weekends and nights.

John Brumleve: It's an amenity?

Tim Mescher: It's an amenity. It is not anything for business or financial gain. It's an amenity for the members.

John Brumleve: Like the front tables, and the deck and everything is amenities to the tenants?

Tim Mescher: That is correct.

Dino Pelle: What is the cost of these spaces? What kind of range are you talking about?

Tim Mescher: A monthly social member where you just come in and co-work in public areas is \$60 a month. A private office you rent on an annual basis, potentially month-to-month. But it's a yearly base, and that's about \$600 per seat in that office. So if it's a four-person office, that's \$2,400 per month, but it's on an annual basis. So you can be a co-working member, and that not only gets you into this space, but any other Cohatch's in the United States. So if you have offices in Columbus or Dayton or Cleveland and places where there's other Cohatch's, you can use those when you visit those locations.

Dino Pelle: So, if you're doing a social membership, do the same amenities apply?

Tim Mescher: Yes, it does. You just do not get your own private office with a locked door.

John Wenstrup: So a person has a business, but they need a place to meet with clients, they call the front desk, and they say, "I need a conference room for four people on Tuesday at 9 AM." "Yeah, we got one!" Boom. And that's part of their social membership. Do they pay additionally for that day to use that conference-

Tim Mescher: No, you get a certain number of conference room hours per month, based upon your membership level.

John Wenstrup: I'm sorry, but we're asking about operations, which isn't what this is about it's just fascinating, and people will want to know, right?

Tim Mescher: Not only that, but you can rent the conference rooms or event spaces outside of being a member of CoHatch. So any other community member can come and rent office spaces to have offsite meetings. They encourage that for local businesses or organizations to have offsite meetings within the CoHatch business.

Pam Holbrook: You'll take two votes. One for the conditional use, which is the office use on the first floor, and then the second one is for the minor building improvements, including the deck and the outdoor facade. And I do have somebody on Zoom here that has their hand raised.

Tobi Iacono: I live at 212 Cleveland, and I have a couple of questions for the Planning Commission. Old Milford, it's not looking so old anymore. The character, the buildings, I love that building, it's beautiful. Is there any way to preserve the exterior or anything in our bylaws that require specific aesthetics standards? The Sycamore brewery or distillery has gone to great expense to save the Millcroft, and I'm just wondering if we're going down a road here that anybody can do anything with these beautiful old buildings?

Pam Holbrook: The Planning Commission can review the exterior, but it is a subjective review. We don't have requirements that say it has to look historical, but it should fit in with the area's character. I guess it really does boil down to beauty is in the beholder's eye. The Millcroft had a sentimental value to many in the community. I'm not sure about this building.

Tobi Iacono: I think it does.

Pam Holbrook: You're right, and there may be someone here who has a sentimental attachment to the building?

Dino Pelle: Is she asking for my opinion on the proposal's aesthetics or what the building was?

Pam Holbrook: I guess the question is, does what they're doing to the building fit in with downtown Milford's character?

John Wenstrup: Do you have access to the pictures that we have?

Tobi Iacono: Yes [inaudible 01:33:03]

John Wenstrup: I think the building is interesting, inside and out. And other than the change of colors, which kind of beige-ish yellow. It looks like it still honors the architectural structure and makes it look less painted up. The only striking thing is the signage, and I'm sure we'll have discussions about that later. So I'm trying to see where that would be detrimental to the look, feel of our downtown community.

Tobi Iacono: It looks very contemporary. That's part of why I'm asking about whether or not there's anything about standardized materials. Right next door is that beautiful stone building. If it were for sale, I guess anybody could do anything they wanted with it. Is there historic preservation in downtown Milford?

Pam Holbrook: Milford does not have a historic preservation district. Any change made to the building's exterior has to come to the Planning Commission for review and approval. I see stone columns that match the Mill building, and then the front looks like wood of some sort. The signage is distracting, but that's a separate issue anyway. When I look at this, I feel like it fits in with the character of the area. It matches the river character. It has stone and wood. But like I said, beauty is in the eye of the beholder, so I can certainly understand if you don't think it fits in.

Lisa Evans: The cornice matches other buildings downtown.

John Brumleve: So you are retaining some of the architectural elements, you're overlaying some of the architectural features, and you're preserving outright. Some of them, it appears you're covering outright. Again, I don't think it's within our purview to tell you to do this or that on a note-by-note basis. I think as long as it's within the standards that are within our plan and within our code-

Pam Holbrook: You can dictate material. Stone is permitted. Wood is permitted.

John Wenstrup: Ma'am, I know you can't see this. He's making notes as we're talking. I think, at this meeting, our goal is to say, "Geez, we'd like to preserve as much character as we can because it is meaningful to people who've taken their horse and buggy up to the second floor... That's hyperbole, but anything we can do to make it look nice but still make it look like it fits. I know with the distillery they've gotten historic renovation matching funds from the state because that's a historic building and the same with the old stable saloon. And then they're building a building in between that has a similar architectural feel. I don't think it would be out of place, but I will advise the applicant that it's a lot easier to design things that people feel good about but still achieve your goal and reinforce your brand.

John Brumleve: And trying to address what's in our purview here as well. As much as we have talked about liking or loving this building, nobody has liked or loved it enough to declare it a historical monument, a piece of history, or anything else, so it should say, we've let those rains slip as far as that's concerned. However, we suggest in the spirit of neighborliness and the texture of our historic downtown, that you just take one step back and reexamine the imposition of new materials into the historic fabric, if you'll call it historical with a little "h," building.

Tim Mescher: Absolutely. If you take a note of the columns, those are to match the building next door. So we want to have limestone or a natural stone feel to the space. The wood component in the middle would not pop that much off of the space. I mean, it's a bright color on the drawing here on the screen, but it would be a lot more subdued. It would add a natural character to the building. The existing paint that's there now, the yellowish color, would be an improvement to that. It would mimic the downtown, old-time feel.

John Brumleve: You've got to have some materials in place that are possibly worth preserving. I'm referring specifically to the split face block that's already there. You could reuse that. Anyway, again, none of this ends up being binding because we have no outside authorities dictating to us that this is historic or marked as such. I'm not going to labor this any further on my part.

John Wenstrup: I'm stuck a little bit with the seating area in the front. Because we have people developing and it's nice to have places to sit on the outside, we also need to move people. And so are they moving this side by the street?

Tim Mescher: There would be a space outside of that fence row to walk up and down the street. You've got some space right next to the building, you have a sidewalk, you have a tree, planting area, and then you have another sidewalk outside of that tree planting area.

John Wenstrup: Which one are you going to leave available to people?

Tim Mescher: Outside of the tree planting area would become an ADA or an accessible walk.

John Wenstrup: I walk up and down that [crosstalk 01:40:59]. So, you're going to put bushes back? And then, planters?

Tim Mescher: Yes.

John Brumleve: Addressing the deck, I think that's fine because first off, it's the office side of the building. It also declares its novelty entirely appropriately in that respect, so I have no comment on the deck.

Dino Pelle: Yes, I agree. I think it's a good plan, frankly. I can see how you mentioned being so bright in that wood area because of the rendering. Still, I don't remember cedar being like that unless it's purposely stained that way and you're suggesting or saying that that's not the way it actually would look.

Tim Mescher: That's right.

Dino Pelle: So, if it's a subdued cedar, wood, or stone, it is very appropriate for our area. It looks like, with the matching limestone facades across it, none of the structure changes. I think the only thing I see is how large that logo is. That's the only thing I'm getting at.

John Brumleve: Yes. That's the economic side.

Dino Pelle: That's a little bit too much.

John Wenstrup: We're in a great spot. When people come down that street and go to the end of the bridge, and it's like, "Wow," that's huge. But that logo, I don't want to ever deter someone from branding their business, but at the same time, under advisement that we're going to get some pushback.

Pam Holbrook: The signage does not come back to the Planning Commission. As long as it meets our zoning ordinance, as far as size and location, then it is approved administratively.

John Brumleve: Yeah. And should it come to the point where he wanted it to be larger, it then comes to us.

Pam Holbrook: It goes to BZA.

Tim Mescher: I have a picture of another site that we just opened with a little bit more realistic sign size in relationship to the size of the building.

Dino Pelle: Love to see that.

John Wenstrup: Show the camera. I don't know if this is going to work.

John Brumleve: It's a much more respectful size, ma'am. We will just go ahead and say that.

John Wenstrup: We appreciate your input. I think you appreciate the input.

Pam Holbrook: We will need two motions. One for the conditional use and one for the minor building improvements.

John Wenstrup: I would like to move that we approve the conditional use of office use on the first floor.

Lisa Evans: Second.

All members voted yes to approve the office space conditional use on the first floor of the building at 220 Mill Street with one condition:

1. City approval is contingent on review and approval by the City Engineer and any other applicable local, state, and federal agencies.

The motion carried 4-0.

John Wenstrup: I motion to approve the outdoor seating area and minor building improvements with staff conditions.

Lisa Evans: Second.

All members voted yes to approve the outdoor seating area and minor building improvements with one condition:

1. City approval is contingent on review and approval by the City Engineer and any other applicable local, state, and federal agencies.

The motion carried 4-0.

SITE 20-19 Chez Renee Minor Building Improvements.

Ms. Holbrook read the Staff Report into the record:

Project: Chez Renee Minor Building Improvements

Location: 233 Main Street

Applicant: Laurent & Catherine Degois
Chez Renee
233 Main Street
Milford, OH 45150

Property Owner: E Paul Corp
7324 Paddock Road
Cincinnati OH 45216

Acreage: 0.123 Acres

Tax Parcel Id: 210710A038B

Zoning: MRD Milford River District

Existing Use: Restaurant

Proposed Use: Restaurant Expansion

ADJACENT LAND USE AND ZONING

All adjacent property is zoned MRD

PROPOSAL

Laurent Degois, Chez Renee, Bistro, propose to add a patio to their building located at 233 Main Street. The parcel is located in the MRD zoning district. Modifications to the building's façade visible from the public right of way and change the building's appearance are subject to review by the Planning Commission. The applicant proposes constructing a 352 square foot deck on the side of the building facing Locust Street. The deck would measure 22 feet by 16 feet.

Analysis

The applicant has not provided detail on materials, so Staff would ask the applicant to provide these details at the Planning Commission meeting. One concern identified by the Fire Department is the existing stairway shown on page 2. The Fire Department would like to see the egress path from the rear second level door and stairwell.

Outdoor dining has become essential for restaurants during these challenging times. Staff supports the concept of the deck if the Fire Department is satisfied that the applicant meets their safety concerns. The applicant must apply for a Building Permit so the Fire Department must review and approve the application.

STAFF RECOMMENDATION

Staff recommends approval of the Minor Building Improvements request with the following condition:

1. City approval is contingent on review and approval by the City Engineer and any other applicable local, state, and federal agencies.

Riley Wolf: I live at 764 Forest Avenue. I'm here on behalf of Kathy and Laurent Degois for Chez Renee.

Dino Pelle: There's a question about materials. Do you have any insight on that?

Riley Wolf: It will be cedar wood.

John Wenstrup: Like a natural wood decking like people put on their house?

Riley Wolf: Yes.

Lisa Evans: In this picture where this van is, that's where you go to the kitchen. Is that where they're going to build the deck?

Riley Wolf: They have that whole building. So it'll be slightly past the doorway area.

Lisa Evans: So from the deck you can't get inside the restaurant?

Riley Wolf: You'll be able to, it'll be raised, so you'll be able to get into the kitchen, and they're building a bar area. So you'll be able to access it that way as well.

Lisa Evans: If I'm a customer on the deck, can I enter the restaurant, or do I have to walk around the front?

Riley Wolf: You can enter the restaurant. There are two windows right now. And they're going to bust those open and put two French doors there.

John Wenstrup: Who's doing the construction?

Riley Wolf: I'm not sure. I'd have to follow up on that.

Pam Holbrook: Do you know what will happen to the stairway?

Riley Wolf: They will be removing that because the top floor is only used for storage at this time. There's no public access to it at all.

Pam Holbrook: You will want to check with the fire department before you even put plans together. I would recommend that we set up a meeting to take a look because it's better to get the fire department involved early so they can give you input. They may not let you remove the stairway.

Riley Wolf: I can relay that to them.

Dino Pelle: It might be part of the egress plan from the second floor.

John Wenstrup: Who made these renderings?

Riley Wolf: I'm not sure [inaudible 01:53:24].

John Wenstrup: We're used to seeing drawings that are a little more substantive as far as materials. There's a large box in front of the windows on the drawing?

Pam Holbrook: I wonder if it's HVAC equipment. It's behind those bushes.

John Brumleve: I have a question about the parking spaces. And maybe this goes to Staff, and that is, there are five. It looks like you're taking three parking spaces to do this?

Riley Wolf: They are for Staff and the one tenant.

John Brumleve: Where will they park now?

Lisa Evans: At the city lot. We have all the parking at the Legion that no one uses. I don't think they would park in front of the restaurant because they want customers to park there.

John Wenstrup: I'd like to see a little bit better rendering of details and materials.

Pam Holbrook: They're asking you to come back next month with more detail about what it's going to look like? What is the material that they're going to use? What is that box? Is that box representative of something, or is it just a mistake on the drawing? And the stairway has to be addressed.

John Brumleve: That's not necessarily within our purview, but I think you want to understand what that will impose on your thoughts and plans as it relates to what we have purview over.

John Wenstrup: I've spoken to them and have eaten there, and I can understand where it could get confusing. I want to try to help you, so you know what you need to do. And I think materials, construction, stairway, what's the box? Who's going to do the work? Because if they're just going to throw a deck on there themselves, that probably won't fly.

Riley Wolf: I can't say for sure, but currently, they're doing all that bar work inside, and I imagine it's the same contractor extending outside.

Pam Holbrook: I would recommend meeting with Phil, the fire marshal. I'll be happy to set that up. I would do that because the stairway impacts how you go forward.

John Brumleve: Yes. The usability of your whole plan may come into question. You might just need to revise your plan significantly.

John Wenstrup: And we are all delighted that the business is doing well. We want to help; however, we can.

Riley Wolf: To make sure I'm clear, you want to understand where the stair's going, you would like us to meet with the fire department, and you expect a rendering that is more clear as to what materials are being used?

Pam Holbrook: Keep in mind that they have to get a building permit if they do get approval. So it's not a matter of just slapping something up.

John Wenstrup: Do they just want a conceptional approval today? [crosstalk 01:59:55] with those things subject to and give them that?

Pam Holbrook: I thought the concept was fine. It's just some of these details, which would have to be resolved if they're going to get a building permit.

John Brumleve: Can we defer to staff about the materials?

Pam Holbrook: Yes.

John Brumleve: Especially since this is not the prime frontage of the property.

Lisa Evans: If we just add that, we can let it go through, and Pam can deal with all the other things.

Pam Holbrook: The administrative, the building permit, the fire department issue is of most concern.

John Brumleve: I think that is the way forward. I make a motion to approve the minor building improvements at 233 Main Street with the Staff condition and staff approval of the materials.

Lisa Evans: Second [crosstalk 02:02:37].

All members voted yes to approve the outdoor seating area and minor building improvements with conditions.

1. City approval is contingent on review and approval by the City Engineer and any other applicable local, state, and federal agencies.
2. Staff to review materials for compliance with Zoning.

The motion carried 4-0.

SITE 20-20 Patel Minor Building Improvements.

Ms. Holbrook read the Staff Report into the record:

Project: Patel Minor Building Improvements

Location: 18 Main Street

**Applicant/
Property Owner:** Ash Patel
Sulpat LLC
1824 West Loveland Avenue
Loveland OH 45140

Acreage: 0.466 Acres
Tax Parcel Id: 210709.007C
Zoning: MRD Milford River District
Existing Use: Vacant
Proposed Use: TBD

ADJACENT LAND USE AND ZONING

North, South, West is zoned MRD

East is zoned R-3 Single Family Residential

PROPOSAL

Ash Patel proposes to add a garage door to the front of the building located at 18 Main Street. The building is currently vacant. The parcel is located in the MRD zoning district. Modifications to the façade of the building which are visible from the public right of way and change the appearance of the building are subject to review by the Planning Commission. The garage doors measure 20' 9" long and 9'1" in height. The doors would be installed in an existing opening.

Analysis

The garage door has become fairly common in downtown Milford. This door appears to be in keeping with other installations in this area. The applicant must apply for a Building Permit so the Fire Department will review the application.

STAFF RECOMMENDATION

Staff recommends approval of the Minor Building Improvements request with the following condition:

1. City approval is contingent on review and approval by the City Engineer and any other applicable local, state, and federal agencies.

John Brumleve: I'm curious, is the existing storefront door an egress path? And has it been accommodated elsewhere with such that this garage door does not interfere with egress? That will be under the fire department question.

Ash Patel: There are multiple doors, very close to that one. There's a side door, and the actual front door is just off to the right.

John Brumleve: Is that marked as an egress exit?

Ash Patel: It is.

John Brumleve: Okay, then. We're good.

John Wenstrup: So the garage door, when it closes, will not close at the sidewalk level. There'll be a step up, correct?

Ash Patel: That's correct.

John Wenstrup: They filled in that lower piece there.

Ash Patel: They did. So we're going to have to figure out a way where it's seamless.

John Wenstrup: Well, the sidewalk and the rest is seamless?

Ash Patel: The sidewalk is lower than the entrance to the restaurant. We would put the furniture along there and not have it so much as an egress, but more as an open-air feel.

John Wenstrup: So there'd be one door, one 20 foot long door?

Ash Patel: It's either going to be one door or two smaller doors. If the weather's accommodating, we can open both. If it's marginal, we'll open one.

John Wenstrup: I'm comfortable with that. And it makes the building a lot more DORA friendly, and it facilitates the flow of people in and out.

Dino Pelle: Yes. It's certainly consistent with what people are doing. Especially with the pandemic, it gives restaurants a better opportunity.

John Wenstrup: When they do a commercial space, they don't have to talk to the other commercial buildings to see how they feel about it. Right?

Pam Holbrook: Yes.

John Wenstrup: I move that we approve the minor building improvement requested by Mr. Ash Patel at 18 Main street in which he proposes to add a garage door or doors in the opening in front of the building to the left of the entry door. And I do that contingent upon review and approval of the city engineer and any other local state and federal agencies.

John Brumleve: Second.

All members voted yes to approve the minor building improvements with conditions.

1. City approval is contingent on review and approval by the City Engineer and any other applicable local, state, and federal agencies.

The motion carried 4-0.

Pam Holbrook: Are you able to share with us the future use?

Ash Patel: No. I have a signed NDA, but it's going to be a great experienced team coming in there. I think the community will be impressed. It'll be something special. It's a great concept that will utilize both floors of the space, which historically has been a challenge. Any two-story restaurant is always a challenge, but these guys figured it out.

SITE 19-21 Milford South Subdivision Phase 1.

Pam Holbrook: Paul Schirmer, the applicant, requests a nine-month extension to a Preliminary Plat approval received on November 13, 2019, by Planning Commission. Plat approval is valid

for one year. Preliminary plat approval may be extended upon approval by Planning Commission.

Dino Pelle: As it relates to phase one catching up with phase two.

Paul Schirmer: That's correct.

John Wenstrup: But you know what we're trying to do. This is hard. You've got people who want to protect the residential part, but we love our burgeoning downtown. So you're part of something special. And I think taking a little more time would be appreciated by us because you have come back enough times to know our concerns and people's concerns in the neighborhood. But if together you can make it better for everybody. That would be ideal. So I'd love to give you all the time you need to figure out.

Paul Schirmer: No, that sounds great. Thank you very much.

Dino Pelle: Does anybody want to make a motion then?

John Wenstrup: I make a motion to allow a nine-month extension to Milford South Phase 1.

Lisa Evans: Second

**All members voted yes to approve a nine-month extension to the preliminary plat approval.
The motion carried 4-0.**

Dino Pelle: Any other business to come before planning commission this evening, Pam? Motion to adjourn.

John Brumleve: Second, to the adjournment.

There being no further business or comments to come before the Planning Commission, Mr. Pelle made a motion to adjourn the meeting at 8:14 PM, seconded by Mr. Brumleve. Following a unanimous decision, the ayes carried.

Assistant City Manager

Dino Pelle, Vice Chairman

CITY OF MILFORD
PLANNING COMMISSION MEETING
October 14, 2020 6:00 p.m.

SIGN IN SHEET

NAME	ADDRESS
Tim Casto	6355 Cota Rd, West Chesh OR 95069
Rebecca Shundich	11 Mound Ave.
ARON ROUNKIE	28 WASTER PIKE
Jim Gill	750 US 50
Mark Angel	1704 Chase Ave
Matt Keller	4th and Main 95202
Pat Clewell	43 Mark Ave
John Savage	1704 Chase Ave, 95223
Dan Lynch	208 Mill St
Tim Mescher	220 Mill St.
Mary Rutledge	55 Mound Ave
AARON ROUNKIE	01 NR SCIENCE RIVERS PROGRAM
Dal Schi	1000 DELTA AVE CLW, OR 95208
Jim Strelan	208 Mill St Milps
Jim & Kathleen Stocker	404 Mill St. Milford