

PLANNING COMMISSION MINUTES OF December 11, 2019  
6:00 P.M. Council Chambers  
745 Center Street, Milford, OH 45150

The Planning Commission of the City of Milford met in regular session on the evening of Wednesday, December 11, 2019, at Council Chambers, 745 Center Street, Milford, OH 45150.

**Roll Call:**

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

**Staff:** Pam Holbrook, Asst. City Manager

**Visitors:** Kelly & Mark Addy, 5880 Park Rd., Cincinnati; Caroline Goode, 16 Wooster Pike; Dan Lynch & Joe Brenner, Little Miami Brewery; Jim Strelau, 725 Yale Ave., Terrace Park; Mark Bredemeier, KBA Architects; John Savage, 1704 Chase Ave., Cincinnati; Sharon & Melanie Amato, 5770 Park Rd, Cincinnati; Darryl Donovan, 28 Wooster Pike, Dale & Hank Roe, 750 US 50.

**Minutes Approval:**

Mr. Brumleve made a motion to approve the November 13, 2019 minutes, seconded by Mr. Pelle. Motion carried 4-0. Ms. Evans abstained.

**SITE 19-22 Little Miami Brewing Co., Canopy, Sunshades, & Rooftop Bar.**

Ms. Holbrook read the following staff report into the record:

**Project:** Little Miami Brewing Canopy/Sunshades & Beer Dispensing  
**Location:** 208 Mill Street  
**Property Owner:** Beauty Ridge LLC  
750 US 50  
Milford OH 45150  
**Acreage:** 1.2399Acres  
**Tax Parcel Id:** 210708.001P  
**Zoning:** Milford River District (MRD)  
**Existing Use:** Microbrewery

**ADJACENT LAND USE AND ZONING**

*North: MRD, Downtown Milford*

*South: Little Miami River*

*East: MRD, Vacant & Office Building*

*West: Little Miami River*

**PROPOSAL**

Dan Lynch, Little Miami Brewing Company, is proposing the following three projects:

1. Install a rooftop beer dispensing station covered by 10' x 20' gray metal canopy.

2. Install 3 sunshades over the customer seating in colors to match the brick building.
3. Install a 1,500 square foot paver patio around the fire pit area with sitting wall.

### **ANALYSIS**

The applicant received approval from Planning Commission on March 13, 2019 to construct an addition and elevated deck with the following conditions:

1. City approval is contingent on review and approval by the City Engineer and any other applicable local, state, and federal agencies.
2. Provide additional landscaping to soften the industrial look of the steel staircase. Provide a planting schedule which shall include a row of evergreen shrubs along the southern edge of the parking lot perimeter to shield vehicle headlights.
3. Sound amplification permitted inside the building only.
4. All windows and doors to remain closed whenever any sound amplification is being used inside the building in lieu of a City noise ordinance.
5. Upon adoption of a City noise ordinance, the noise ordinance will supersede condition #4.

Staff does not have an issue with the three requests. Awnings and canopies are permitted in downtown Milford. I am unaware of any prohibition with an outdoor beer dispensing machine, but I would recommend that the original March 13th approval conditions regarding noise and sound be continued/carried over with this request.

### **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. Sound amplification permitted inside the building only.
3. All windows and doors to remain closed whenever any sound amplification is being used inside the building in lieu of a City noise ordinance.
4. Upon adoption of a City noise ordinance, the noise ordinance will supersede condition #3.

Joe Brenner stated the brewery has had a big impact on downtown Milford. We are seeking approval for several remaining projects. Mr. Lynch stated we are a Cincinnati success story with what is going on in downtown Milford. We've created over 50 jobs with over \$1,000,000 in annual payroll. The river district has become a true destination spot. We've initiated events like Oktoberfest and donated to local charities. We have spent a great deal of money on the expansion and spent \$15,000 on the sound dampening ceiling in the new space.

Ms. McKnight stated that she was disappointed that Planning Commission is looking at these plans after the construction has already started. She noted that there should not be anything happening before Planning Commission approvals. Mr. Lynch apologized and stated they got excited about the project and missed a few steps. He said it would not happen again.

Kelly Addy stated that they are before Planning Commission after the fact. She noted that the upper deck should be aesthetically pleasing from the road. There was going to be flower boxes, low voltage light bulbs; the whole project was supposed to blend in with nature. There was never any mention of an upstairs bar. If she hadn't called in, they would have continued to move forward with their plans. We are happy that they are doing well, but are worried about future development. Ms. Addy stated if the distillery had started construction on structures that weren't approved, the city would have told them to stop. Mr. Wenstrup noted that the city did tell them to stop construction once we were made aware.

Mark Addy stated that he outlined the timeline in a letter to Planning Commission. Mr. Brumleve asked when the letter was written? Mr. Addy stated December 9<sup>th</sup>. He stated they are not anti-brewery and applaud them for their successful business. They've done a great job marketing the brewery and aesthetically it is tremendous. We are not anti-music, but we are trying to protect our rights as neighbors. It is unfair to us as adjoining residential neighbors to be exposed to amplified music and late-night hours, seven days a week. We've repeatedly voiced our concerns regarding that. We appreciate the conditions imposed at the prior approvals and think those conditions will help. Our concern is when it is 80 degrees and the windows are open. We want to make sure those conditions are followed. We are also very hopeful that the city will follow up on a noise ordinance. We all want guidelines; we are not trying to be unreasonable. We understand that we live in a residential area that is adjacent to a business area. Everyone knows the rules and we are very disappointed with the owner of the construction company, because they knew they were not permitted to build this without Planning Commission approval. We ask that you consider the rights of all property owners. Every time this Planning Commission has imposed conditions each step of the way, we come back to the next meeting and these gentlemen will say they didn't follow that or we didn't understand that but look how great our business is doing. At some point you have to put your foot down and make them follow the laws. I'm in the construction business and when we build something without Planning Commission approval, we are told to stop, remove the construction until we receive approval. All we ask is that our rights be protected and laws enforced.

Caroline Goode stated she agreed with the Addy's comments. I'm not against business in Milford, but I am concerned because I live across the river from the brewery. I'm concerned about the noise and the precedent it is setting. I am grateful for the business that has come into downtown Milford, but concerned about what will happen in the summer.

Darrel Donovan stated he agreed with everyone's comments. He stated it is wonderful how Milford has developed but it seems development tends to happen before approvals have been received. He noted that he got home about 11PM this past Saturday night and definitely heard the band. More so in the bass department. I believe we need a noise ordinance and some boundaries that everyone can follow.

John Savage stated they owned about 7 acres of vacant land that we will one day build houses on. I'm here to protect my investment. The noise issue has improved greatly from a year ago. I am concerned about when the windows open in the summer time.

Sharon Amato stated they have lived on Park Road for about 25 years. Our house is approximately 500 feet from the bridge. We support Milford businesses and the brewery is wonderful. A year ago, we were experiencing a tremendous amount of noise from the brewery, but since numerous Planning Commission and City Council meetings we have had less of an issue. I did hear noise on Saturday night. The reason for attending tonight is to make sure that amplified speakers are not allowed on the deck and the windows and doors facing our house will remain closed during music events. I would like to know about that noise ordinance.

Hank Roe stated he represents the landlord and construction company. He took responsibility and apologized for the omissions and lack of Planning Commission review for this project. It was an oversight. Ms. McKnight asked what kind of lighting would be installed in the service area? Mr. Roe stated the Board of Health required a certain level of lighting underneath the canopy for serving beer. The lights will go on the underside of the canopy and will illuminate that specific area. Ms. McKnight asked if those lights could be shielded? Mr. Roe stated they could put in full cutoff lights with shields.

Mr. Lynch stated that previously the music had been in a tent but now we have a permanent structure. There is not going to be amplified music on the top deck. We intend to be good neighbors. Mr. Brenner

stated there is a misconception that we are playing loud music every night of the week and that is not true. We usually have music on Thursdays till 9 or 10PM, Fridays till 7PM, and Saturdays till 11PM.

Mr. Donovan suggested the meeting notice be distributed to more people. He also recommended supplying everyone with a number to call or text when the music is too loud. Mr. Savage asked whether the brewery had determined at what point the decibel level becomes an issue for people living on Park Road. Mr. Lynch stated they do monitor the decibel level and will turn the music down when it gets too loud.

Mr. Roe stated the Distillery has been approved for a rooftop deck/bar, canopy, elevator and restrooms. This request is not any different from that approval. Ms. Addy stated the difference is they got prior approval. They also have a building blocking the noise. Ms. Addy stated she felt it was within Planning Commissions authority to apply a cutoff time for bands. She stated the last concert in July went well past midnight. Mr. Lynch stated all the issues that happened in July were due to music being played in a tent; we are now in a permanent structure.

Ms. Holbrook stated that the noise ordinance discussion should be taken to City Council. The Planning Commission does not have the authority to enact a noise ordinance. Mr. Wenstrup suggested that if someone has a complaint regarding noise there first call should be to the Little Miami Brewery. He stated Planning Commission is tasked with reviewing a specific request and determining if the request meets the ordinance.

Mr. Pelle stated there are two issues discussed tonight: noise ordinance and vigilance in enforcement when an applicant starts construction without first receiving approval. This has harmed their cause. When the applicant has been told to stop work, they have responded very quickly. With the conditions the Commission has placed on this project it seems they have gone above and beyond what was required. I feel this request is meeting all the conditions. Enforcement is difficult and does need to be brought to our attention.

Ms. McKnight stated she would like to add a fifth condition that states, full cutoff lighting will be required at the beer dispenser area and that sound amplification will only be permitted inside the building, nothing will be permitted at the upper level. I think it is a great plan with a lower level where people can enjoy the music and an upper level where you can enjoy the view and night sky.

Mr. Pelle asked the Commission members for their opinion on a time cutoff for music. Ms. Evans stated it should come back to Council, and what's in front of us has nothing to do with the music. Ms. Holbrook stated the way the conditions are written, even in the summer the windows and doors would need to be closed when amplified music is played unless the city passes a noise ordinance. This information has been shared with the Police Chief. Mr. Wenstrup stated this is the only business that has restrictions regarding noise and they have agreed to that.

Mr. Brumleve made a motion to approve the following projects: a rooftop beer dispensing station covered by 10' x 20' gray metal canopy, 3 sunshades over the customer seating in colors to match the brick building, and a 1,500 square foot paver patio around the fire pit area with sitting wall 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. Sound amplification permitted inside the building only.
3. All windows and doors to remain closed whenever any sound amplification is being used inside the building in lieu of a City noise ordinance.
4. Upon adoption of a City noise ordinance, the noise ordinance will supersede condition #3.

5. Task lighting of canopy is to be full cutoff.

Ms. Evans seconded the motion. All voted in favor of the request. The motion carried 5-0.

There being no further business or comments to come before the Planning Commission, Ms. McKnight made a motion to adjourn the meeting at 6:47 pm; seconded by Mr. Brumleve. Following a unanimous decision, the ayes carried.

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Assistant City Manager

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Lois McKnight, Chairman