

PLANNING COMMISSION MINUTES OF January 9, 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, January 9, 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, Fred Albrecht, and John Wenstrup.

Ms. McKnight made a motion to excuse Oliver Roe; Mr. Albrecht seconded the motion. All voted aye.

Staff: Pam Holbrook, Asst. City Manager

Visitors: Dan Lynch, LMBC; Mark Bredemeier, 29 High Street; Mazen Hamza, Alma Granite; Rick Amato, 5770 Park Rd.; John Savage, 1704 Chase Ave.; Pat Chandler, 43 Mound Ave.; John Mills, 3206 Water St.; Hank Roe, DER Development; Kelly & Mark Addy, 5880 Park Rd.; Ivy & Rodney Hodges, 5963 Castlewood Crossing; Brad & Barbie Price, 111 Cleveland Ave.; Chase Gatch & Melissa Dewitt, 5879 Cook Rd.; Nikolas Wibowo, 1101 Sophia Dr.; Mary Rutledge, 55 Mound Ave.; Rebecca Shundich, 11 Mound Ave.; Cole Carothers, 22 High St.; Mohsen Rezayat, 5855D(?) Ln.; Katie Gokey, 4315 Wellington Dr.

Minutes Approval:

Mr. Wenstrup moved to approve the November 14, 2018 minutes, seconded by Mr. Albrecht. All voted aye.

SITE 18-14 Little Miami Brewing Company Elevated Patio Deck.

Ms. Holbrook read the Staff Report into the record:

Project: Little Miami Brewing Elevated Deck

Location: 208 Mill Street

Property Owner: Beauty Ridge LLC
750 US 50
Milford OH 45150

Acreage: 1.2399Acres

Tax Parcel Id: 210708.001P

Zoning: B-2, Downtown Mixed Use; OMO, Old Mill Overlay District

Existing Use: Microbrewery

ADJACENT LAND USE AND ZONING

North: B-2 OMO, Downtown Milford

South: Little Miami River

East: B-2 OMO, Vacant & Office Building

West: Little Miami River

PROPOSAL

Dan Lynch, Little Miami Brewing Company, is proposing to construct an elevated deck over an existing patio. The deck would replace the temporary tent. The structure would be built with steel beams painted the same color as the existing building. The beams would extend beyond the second floor in order to support a sail or awning. Noise suppression panels would be installed on the first floor to dampen the sound coming from scheduled bands. The elevated deck would accommodate an additional 75 seats. The applicant would use Edison light bulbs to provide deck lighting.

ANALYSIS

The applicant received approval from Planning Commission in November 2016 to construct a 4,200 square foot brewery, 1,200 square foot patio and a 27-foot-high brewery silo. In addition, the applicant constructed 55 parking spaces. Mr. Lynch has been able to secure an additional 34 parking spaces by leasing space behind the Mill Building.

A Neighborhood Meeting was conducted on December 19, 2018. The minutes are attached. During the meeting several neighbors thought the structure was harsh and industrial looking. They offered several suggestions to soften the look including: landscaping, trellises, and flower boxes. The applicant was instructed to provide additional information at the Planning Commission meeting as well as a rendering showing the view of the deck as you cross the bridge heading into Milford.

Zoning was identified as an issue at the meeting by a neighbor on High Street. He felt that a second-floor deck did not comply with *Section 1155.01 Purpose*, in the Milford Zoning Ordinance which states, "The second floor of these buildings shall be used for residential, personal services, and office uses." In 2009 Mr. Chris Hamm requested approval for a Certificate of Appropriateness to install a balcony on the property know as Latitude's, 18 Main Street. Planning Commission met twice on the subject. On April 20, 2009, Planning Commission approved the Certificate of Appropriateness to construct a second-floor balcony. During the meeting Mike Minniear, City Law Director, stated that the "Purpose" and "Preamble" section of the zoning ordinance are not directives that are binding, but are guides. The April 8th and 20th, 2009 Planning Commission meeting minutes are attached.

The applicant has hired various musical acts since opening their doors. City Staff has received several noise complaints. Staff made Mr. Lynch aware of these complaints and he followed up with decibel level readings. The results of these readings and complaint letter are attached. The applicant indicates they intend to place a speaker on the deck, however, I would recommend that music be limited to the lower patio area behind the noise suppression curtain only.

STAFF RECOMMENDATION

Staff believes the elevated deck is a positive addition to the brewery and is appropriate with the surrounding area if the applicant can soften the industrial feel of materials and address the noise issues. 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. Limit music, including speakers, to the first-floor level behind the noise suppression curtains.
3. Provide additional landscaping to soften the industrial look of the steel structure.

Ms. McKnight: Any questions for staff from planning commission at this time?

Mr. Wenstrup: I was not clear on, under the first item proposal, about the fourth line down it says, "Beams would extend beyond the second floor to support a sail or awning." What is that?

Ms. Holbrook: They do intend to attach an awning to the building and extend that awning over the deck area. It's not shown here, but that's their intention.

Mr. Wenstrup: To further protect the space?

Ms. Holbrook: To screen from sun.

Mr. Wenstrup: Okay.

Mr. Wenstrup: Since it's not in this packet, will that require our approval?

Ms. Holbrook: An awning should come back to Planning Commission.

Ms. Holbrook: One other item that needs to be addressed tonight is whether they intend to make that a screened in area? It's not been addressed, and it's something I'd like to get on the record because Planning Commission should review that as well.

Ms. McKnight: We can get further clarification from the applicant on that when they approach.

Ms. McKnight: The process for the meeting will be, first we'll ask the applicant to step up to the podium and give an explanation of their project, explaining any additional information that they'd like both Planning Commission and the audience to be aware of. Once they've completed, Planning Commission will have an opportunity to ask questions of the applicant, and then we will open the floor to those in attendance who might want to ask a question or make a comment regarding the application.

Ms. McKnight: For everyone that speaks we ask that you hold your speech until you're at the podium, then when you speak, state your name and address for the record. Any questions be addressed to the Planning Commission, and then we will give the applicant an opportunity to answer those questions all together, once we've heard from everyone. Would the applicant like to begin their presentation?

Mr. Joe Brenner: I'm Joe and this is Dan. We're both co-founders of the brewery, and we'd like to thank you all for coming tonight. Thanks for the Planning Commission for hearing us.

Mr. Brenner: We both want to say how much we love being part of the Milford community and the downtown area. We think it keeps getting better and better every day with what Main Cup has recently done and with what Sycamore Whiskey is going to be doing, KBA Architects just recently moved in. Welcome.

Mr. Brenner: And with that being said, what Little Miami is proposing, we're really excited about, and we think it'll enhance the downtown even more. We look forward to hearing your input.

Dan Lynch: Joe and I both, took a lot of the advice and ideas from the December 19th meeting. We listened to those concerns and had KBA Architects, Mark Bredemeier make some revisions to remove the mass on the second floor. In fact, the whole idea of having any awning on the second floor was replaced with just umbrellas for the tables. Our intention isn't to have a real awning on the second floor at all. And we wanted to add planters and landscaping on the perimeter to soften the look. We're here to answer any questions. We have our architect and contractor available as well.

Mr. Mark Bredemeier: Good evening, I'm Mark Bredemeier with KBA Architects, we're at 29 High Street in Milford, and I just wanted to clarify the structure comment. There is not an intent to do an awning on the second level. The intent was to replace the trellis that was up there with a heavier structure with poles to support lighting and perhaps some sun sails, but we realized that that would require a separate zoning application.

Mr. Bredemeier: However, we do have isinglass on the first level to be able to roll those curtains down along with the sound attenuation blankets behind the stage. I think that is part of this application.

Mr. Albrecht: Can you tell us more about that glass, because I'm not seeing any drawings that really show it?

Ms. Holbrook: We haven't seen anything about glass.

Mr. Bredemeier: I think the initial rendering showed that, it is a roll up isinglass similar to what you'd see on a boat.

Mr. Lynch: I've got a picture of it.

Mr. Bredemeier: Sure. And what that would do is, during cooler temperatures you could roll that down and seal off the lower level.

Mr. Albrecht: Now when you say it'll only be down in cold weather, some of the conversations I've seen via email from you have indicated that these would also be down during bands.

Mr. Lynch: Oh yes. Any kind of music, those would be lowered [crosstalk 00:13:43].

Mr. Albrecht: So those would always be down whenever there's music.

Mr. Lynch: Correct, yes.

Mr. Bredemeier: We would like for that to be part of this application for the perimeter, to seal off the lower level.

Mr. Albrecht: Is this just an example or an exact rendering of what we would expect to see?

Mr. Lynch: That's actually an example. The company that does that, that's actually done at the ...

Mr. Lynch: The Blue Ash Summit Park. That's done at the Brown Dog Café. They use an outdoor structure, during weather, those lower and raise. It gives us the flexibility of allowing that space to be used in various seasons, you know, nice weather, raise them, have a music act, lower them, hang the sound suppression panels. And allows it to be changeable in different seasons, because the beauty of our locations is it's got a great river view and people like to look at the river, but if it's cold and we need that space to be heated we want to be able to lower them and use it similar to the way we use the space now.

Mr. Albrecht: So tell me, is this actual glass.

Mr. Lynch: No, it's plastic.

Mr. Lynch: Those just roll up.

Mr. Albrecht: Kind of like a boat cover?

Mr. Lynch: Yeah. They're plastic. They roll up, it's an enclosure company that exactly fits it. They raise and lower. With good weather and no music, they would be raised so people could see the river, sit out there on the patio during music acts or any inclement weather during the winter, those would be lowered and the space would be heated.

Mr. Brenner: And with the tent we have now, it's seasonal. We lower them at a point and it's done for the season, and we raise them in the spring. These we get, there's a nice day in February, they're pretty easy to raise.

Mr. Pelle: How sound suppressing is that, that it's a roll up?

Mr. Lynch: Well that's, the sound suppression panels are a separate piece. They're a [crosstalk 00:16:01]

Mr. Pelle: It's a completely different piece, okay so that's not aiding in that part of it.

Mr. Lynch: No, it's an addition. It would hang, I've got detail sheets on that, that would actually hang on the inside of those panels, and they're two inches thick, they're twelve feet by four feet. They're connected by industrial Velcro and that whole perimeter where music acts would be, about a 30-foot section, would be completely surrounded with these sound suppression panels.

Ms. Holbrook: The entire underneath the deck area would be surrounded or you would have these panels?

Mr. Brenner: Right now, we're not thinking the parking lot side would, cause that's the [inaudible 00:16:42] side nearing the river, and the side nearing the street.

Mr. Lynch: The corner, the corner, yeah, that ...

Ms. Holbrook: Just the corner at Mill Street?

Mr. Brenner: Corner at Mill Street, yeah.

Mr. Lynch: The riverside and the current street side, that corner would be completely sound suppression panels.

Ms. McKnight: If you would please, show me on the drawing which corner you're referring to.

Mr. Brenner: It would be [inaudible 00:17:11]. Yeah, right here.

Mr. Brenner: All along here, which is along the street. And then all the way going along the river side also.

Ms. McKnight: So, the entire side facing the river and the entire side facing the street?

Mr. Lynch: Yes. Yes.

Ms. McKnight: Okay.

Mr. Albrecht: And so, this would have hanging suppression panels behind these curtains?

Mr. Lynch: Yes. These panels have a, audio seal. I have a detailed sheet ... Yes.

Ms. McKnight: Yes. We have them. Thank you.

Mr. Wenstrup: What threw me, is that seems a lot longer than 30 feet if it goes ...

Mr. Lynch: It actually is.

Mr. Wenstrup: Down this side and then down that side of it [crosstalk 00:18:09] now, right?

Mr. Lynch: Yeah, now that I think about it, it's more like, let me see, what would that be? 30 by ...

Mr. Lynch: Sixty feet.

Mr. Wenstrup: Each of those panels is about ten, isn't it?

Mr. Lynch: About 80 feet, yeah. 80 feet, yeah.

Mr. Wenstrup: And the isinglass comes down in front.

Mr. Lynch: Correct.

Mr. Wenstrup: And the sound panel, is it suspended?

Mr. Lynch: Yes.

Mr. Lynch: There are hooks. There're grommet hooks. You hook it [crosstalk 00:18:36]

Mr. Wenstrup: Okay. So, you have to store that somewhere and then just bring it in.

Mr. Lynch: Yeah, you roll them up, put them in our storage barn and bring them out when we've got music acts.

Mr. Brenner: They're like 12 foot by four-foot sections, two inches thick, and they Velcro together with industrial Velcro.

Mr. Lynch: They weigh about 70 pounds a piece, and they run the whole length of that area.

Mr. Albrecht: Okay. So I'm curious what that's going to look like. I mean there's ... we haven't seen anything here that really shows those in the design. And I'm curious what ... it's almost looking like this is going to be a permanent tent type material.

Ms. Holbrook: Well the sides rolling down are more like a tent, yes, I would say.

Mr. Albrecht: Okay.

Mr. Wenstrup: Will the sides be total clear or will they be faux windows like these?

Mr. Lynch: No, they'll be windowed similar to that.

Mr. Wenstrup: They'll be similar to that.

Mr. Lynch: To let some light in.

Mr. Brenner: Yeah.

Mr. Lynch: Right.

Mr. Wenstrup: Did you see this [inaudible 00:19:45]? Now these aren't like that.

Mr. Lynch: No, those happen to not be like that. Those are more ...

Mr. Wenstrup: Those are just solid isinglass.

Mr. Lynch: Solid isinglass.

Mr. Wenstrup: This is isinglass and a canvas sort of a thing.

Mr. Lynch: Right.

Mr. Lynch: We can ... yeah.

Mr. Wenstrup: Yeah, you could do this to make it look better when it was down.

Mr. Albrecht: But my problem with that is, we're not seeing that here tonight.

Mr. Wenstrup: Cause what you'd see through the isinglass is this stuff [crosstalk 00:20:14] right? Fred, you'd see this stuff.

Mr. Albrecht: That's what I'm saying. Then you see ...

Mr. Wenstrup: A big wall of that stuff.

Mr. Albrecht: And behind that you see a big wall of that, like a big padded ...

Mr. Wenstrup: Like a bunch of mattresses stood on their end.

Mr. Lynch: That's going to be just when music's playing.

Mr. Lynch: On a Saturday night from seven to ten or seven to eleven.

Mr. Albrecht: [crosstalk 00:20:34] when we get a lot of traffic coming through. Okay.

Ms. Holbrook: So you don't see these panels being up during the day, like if you had bands on Saturday afternoon?

Mr. Brenner: Most of the things we have on Saturday afternoon are just acoustic [inaudible 00:20:57], solo acts, or a duo maybe. They don't put out the noise that a band would usually put out.

Mr. Lynch: Inside the building.

Mr. Lynch: So our goal was to replace a temporary tent that doesn't have any kind of sound suppression with a structure that gives us flexibility in different seasons because, the beauty of that space is to allow different seasons, the ability to change the way the space works in different seasons. Winter, spring, summer, have the ability to provide sound suppression since there was some issues with some of our musical acts. We want to address and have a plan to handle that.

Ms. McKnight: I'm sure we'll talk about that more as the evening progresses, but what we're seeing, though, as far as colors and materials, the window boxes that you're showing, those are all what you intend to construct?

Dan Lynch: Exactly.

Mr. Brenner: Same company that does the barrels we have out front will be doing all those window planters.

Mr. Lynch: Planters. We wanted to make it a beautiful ...Planter boxes, nice landscaping, very attractive with umbrellas, combination of different materials instead of all steel, bringing in the umbrella look, the colors and things like that.

Mr. Pelle: Would they ... I'm sorry if I'm misunderstanding anything, but would the music be played below?

Mr. Lynch: Yes, only.

Mr. Pelle: Below area only? Never on top.

Mr. Lynch: Right. We're not having any amplified music on top, no.

Mr. Pelle: Okay.

Mr. Lynch: The only music would be played on the lower level.

Mr. Albrecht: When you say no amplified, do you mean there'll be no speakers up there?

Mr. Lynch: Right, no speakers.

Ms. Holbrook: Can you just provide a little bit of detail as to why those particular panels were selected? I guess it's a thickness of two inches? Is that right?

Mr. Lynch: Correct. Right.

Mr. Lynch: I've been researching this for a couple months. We worked with an acoustical consultant and basically the way these panels, how they'll perform, if you take a typical house, the decibel rating in your house is about 42-43 decibels. Okay. The decibel reading, we took immediately across the street at River Walk on a night where we had music playing was 54 decibels. The company that provides these panels are saying that there'll be a reduction of between 25 and 50 percent of the decibels by reducing it five to ten decibels, which would drop it ... you wouldn't even hear ... it's going to be similar to what you're hearing in your own home.

Mr. Lynch: The performance varies depending upon the type of frequency. It gets a little complicated, but basically in a simple ... it should knock it down five to ten decibels. And we were getting, like I said, the highest reading we took was right across at River Walk, which was 54 decibels. Still though, we did research with nearby communities as to what decibel readings were acceptable and things and, for example, Loveland, up until ten o'clock, decibel readings of 50 are permitted, or, I'm sorry, 55 decibels, and then up until 11 o'clock, 50 decibels.

Mr. Lynch: So they have some guide ... there's some specific numbers that they put to it that provides guidance. But these panels will, we will manage the sound. We're here tonight to say that we will manage the sound on this project. We understand that there's a concern from a few that have raised complaints, and our intention is to manage the sound on this project, and that's a commitment that you can have from Joe and I. We're not going to create a nuisance here. That's not our objective.

Mr. Lynch: We understand the sound complaints. It's a tent. What we have out there right now is a tent. There's no roof over it. The new structure's going to have a six-inch concrete floor, there's going to be side walls of an enclosure plus a blanket sound panel. This is going to solve that problem. This will solve that problem.

Ms. McKnight: Any other questions from the planning commission of the applicant at this time? Thank you.

Mr. Lynch: All right. Thank you.

Ms. McKnight: We may be calling you back up for further information.

Mr. Lynch: All right, thank you.

Ms. McKnight: Appreciate that. As I said, we'll open the floor to anyone who has questions. Please, I don't want to have to pick people, just be bold and come on up, so one at a time though. One at a time. And again, state your name and address for the record.

Mr. Rick Amato: Good evening, Mayor, everybody else on the committee. Thanks for the opportunity to talk. My name is Rick Amato. I live at 5770 Park Road. For those of you that don't know Park Road or 5770, you're coming from downtown Milford, crossing the bridge, going to the bike trail. You look up the hill, that's our house. We've been there, my wife Sharon and I have been there for 25 years. Raised three kids. Her family has had the property for 70 years.

Mr. Amato: So it is a Milford property by the way, it's not Indian Hill, it's Milford and we love being there. It's been great. Over the last, since you guys opened Little Miami, the noise has just been louder each time. It's three, four, five nights a week, maybe it's four. Thursday, Friday, Saturday, Sunday. Started off going passed 11 o'clock. It's now, I think they stop at 11 o'clock, so we appreciate that.

Mr. Amato: I'm an old guy, go to bed sometimes at 10 o'clock, so just be aware that some of us are older. Just to give you a level of the noise on my deck. I know every song that's being played. I can hear it. On the noisiest nights I can go in my house, my walls are shaking, my windows are shaking. You may say 40 is my house, but when you guys are playing it's much louder than 40. So just be aware of that.

Mr. Amato: I know that you mentioned the Loveland ordinance. I looked into the Loveland ordinance. I came last night to the city council to try to get them to put a noise ordinance in place, so hopefully they're considering that, because ... Either a noise ordinance or a music venue ordinance.

Mr. Amato: Because really what you have down there is a music venue. And I think the problem is with this temporary or mostly open structure, and you look at the drawings, you look at ... and those, they're on Facebook are different than what drawings we've seen with the sound suppression. I mean they're mostly open. I mean the numbers that were quoted to going from 50 decibels down to 40 or whatever the exact numbers were, that's maybe with a fully enclosed system. What they have, and if you look at the pictures, it's never fully enclosed. 50 percent.

Mr. Amato: Milford's got a city ordinance for amplifying devices. It has to do with cars, automobiles. If you can go, I think it's like 100 feet away from an automobile and you hear loud noise, that's not allowed by the city of Milford. If you guys were an automobile, it wouldn't be allowed. So, you know, think about that. I mean, here we are in a community. It's a mixed zone environment, and residents and businesses are supposed to be coexisting. And it's hard to do that when you're playing that ... And I'm a musician. I love music. But I want to be able to choose what I'm listening to every night on my deck. I don't want to have to just listen to what you guys are doing. You know, no disrespect.

Mr. Amato: My wife has got her own business. We're business people. I worked for GE for 35 years. I love the fact that you guys are doing well in Milford. It's great. I'm glad to hear about the whiskey company coming in and hopefully we'll get good bourbon down in the city of Milford soon. That's great. But I don't think a tent, temporary structure, or a very poor structure like you're proposing, fits in with what we're trying to do in Milford. The mayor on his website talks about the charm of Milford. On Friday/Saturday nights, for us residents, there's not a lot of charm. So I'd ask you to think about that. What you're doing, I don't have any problem with the structure of the building, but the music you're playing in the

lower level, it's basically like speaker box. Basically, pushing out sound to the rest of the community.

Mr. Amato: One of the questions I have for you is why aren't you just fully closing the building? Is there some ordinance or some zoning that won't let you do that? Put the whole thing enclosed. Put nice big windows on there so you can see out onto the river. Roll them down when the bands are playing like you do in the rest of the building. Put them down. We've got no problem. I don't think the neighbors would have a problem with that. Do that, you're spending a lot of money on this structure and it's not going to accomplish what you need to accomplish. Thank you, I don't know how much time I have. But I thank you for listening and I'm sure others are going to want to say some things. Thank you.

Mr. Mark Addy: Good evening. I'm Mark Addy. I'm here with my wife Kelly Addy, who'll pick up after I let off. Our address is 5880 Park Road. We own six acres in Indian Hill and we have four acres in Milford. So right at the top of the hill, when you go through the curve, that's where we sit. We built our home. We've been there about five years. I want to also say that we are so supportive of business coming into this city. We couldn't be happier with a brewery. I mean our kids love it, we love it. We want to support that.

Mr. Addy: My business previously, I was managing partner of a downtown law firm. The last 20 years I've been running one of the largest real estate companies in the United States. We have 350 grocery anchored shopping centers in the United States. So I'm very familiar with zoning matters and issues here. The issue for us is not the aesthetics, as it exists. The issue for us is totally about the sound and about noise.

Mr. Addy: The property sits immediately adjacent to Little Miami River. It sits right next to a state park, which the bike trail we use extensively. My wife has been forefront in really bringing many concerns to the owners which have been very responsive in at least addressing back to us. When I look at things and what past steps have been taken, they have a temporary tent have made really no effort to cut back on the sound even though we've made numerous attempts to do that. Well I can feel the bass in my bedroom in the back of the house. That's not what I want to have.

Mr. Addy: Now we understand where we live, we love the fact that we can look over old Milford. It's beautiful. We like the fact that we have land. But we also realize that we're close to a downtown area. But all we're asking them is to be respectful of all those around them. Now I hear them say that they're going to put noise suppression devices in place. Well first of all, the best indicator is what have you done previously? You had the opportunity to do some of these things and you didn't take those steps. Now what they're talking about is some of the new steps they'd like to take with acoustic panels, which from a management standpoint I'm a little questionable how willing they're going to be to roll these out every time they're going to want to play music.

Mr. Addy: But also, if it's a 90-degree day and you want to sit out and listen to music and you tell me that they're going to roll down those and they're going to put acoustic out so you can't see the river. My question is how is that really going to work? So, our issue as property owners and adjacent property owners is really about the noise issue as it relates. And making sure that there's very significant steps taken

with regard that we know old Milford's going to develop. We want it to develop. But part of your goal is to develop in a way that's going to be conducive to other people wanting to come in.

Mr. Addy: And I can just tell you when you have noise like that, and we have other residents that are going to speak, that's problematic for us. So, I guess the one question I would ask to the owners is are you saying in the middle of summer when you're having music there that you're going to roll down the ... [crosstalk 00:34:36]

Ms. McKnight: Trying to record the meeting. Thank you very much.

Mr. Addy: Okay. My wife would like to speak here for a minute.

Mr. Addy: I'm Kelly Addy, I'm married to Mark. We live in 5880 Park Road. My first question to you is that tented area, or the new area, the porch area has no HVAC, correct? There's no air conditioning out there. And there's no plans for air conditioning, correct?

Mr. Lynch: Correct.

Ms. Kelly Addy: So, there's a door and then there's that structure. So, if it's 80 degrees outside and a band is in there and you roll down the plastic and you put the acoustical things up there's no way, you're going to do that if it's 80 degrees. What is your answer?

Ms. McKnight: I'd really like to continue that-

Ms. Addy: I thought we could ask him questions. Okay, so let me continue.

Speaker 3: Thank you.

Ms. Addy: Okay so I'm going to give you guys a little handout I have here. I'm going to skip down. Mark's mentioned some of the things. I have been complaining for quite a long time. Several months. To the mayor, to the City Manager, to the police departments, to the Mayor of Indian Hill, to all kinds of people. I've talked to the owners. They've said to me numerous times, "We're going to turn it down. We're going to move the bands toward the interior of the building."

Ms. Addy: When the building was initially constructed there was no intention whatsoever to have live music in that building. There is no area. There is no space for live music in that building. So almost immediately they put that temporary tent, which I honestly don't know how it's even been allowed to be there for a year. They put the temporary tent up for overflow tables. Then one thing led to another and they started with small acts and then bigger acts and then now full bands. Bass, amps, drums, guitars. Okay?

Ms. Addy: It's been extremely loud there on the weekends. And they keep saying, "Well it's only till 11 o'clock at night." Well I ask you, the board, if you want to barbecue out on your back patio at seven o'clock at night on a weekend, on a Friday or Saturday night, or you wanted to have a fire pit at Thanksgiving like we did with all of our family in town, and you're sitting outside is boom boom boom boom all night long. I ask you how you would feel about that?

Ms. Addy: What I gave to you is actually something that has been passed by your city. It is the City of Milford 2017 Comprehensive Plan. And in it, under 3.15 it states respecting the close adjacencies of residential properties of this transitional mix use district, hours of operations for businesses should be limited to avoid potential noise pollution issues late at night and early in the morning. This should be a limited issue if the permitted land use focus on lower intensity retail, service, and office as opposed to dining and entertainment uses that stay open longer into the evening periods.

Ms. Addy: And I looked up the definition of evening, and evening is the latter part of the day and early part of the night. That's not 11PM. If you keep on going, we know that this is a mixed-use district and under conditional use it's a micro-brewery. We know that. We also know it is part of the OMO, which is the Old Mill Overly district. The purpose of which you all defined is to protect the unique small town and historic character of downtown Milford while promoting the growth and development of new commercial and residential land users.

Ms. Addy: We're supposed to be living in harmony. Under microbrewery it said all structures and activity areas except off street parking shall be located no less than 50 feet from any lot line that abuts a residential use or district. It said hours of operation for brewing related activities shall be restricted to seven AM until seven PM. Non-brewing related activities with quote, "no external impact" may be conducted outside of these hours.

Ms. Addy: My argument to you is noise pollution is external impact. And it's impacting a lot of the residents around that area. I also included, just for you to look at, including for you also the Mayor, that Cincinnati Ohio, even, OTR, Cincinnati Ohio has noise related regulations. And in that it states no person operating a restaurant, hotel, or other place of refreshment or entertainment shall permit nor shall any person enter about such restaurant, hotel, summer garden, or other place of refreshment, engage in the playing or rendition of music of any kind. Singing, loud talking, amplification of sound, or other noises on or about the premises in such a manner as to disturb the peace and quiet of the neighborhood.

Ms. Addy: So that's just a simple example of yet another community that doesn't allow it. And then I also included for you Miami Township, which is really our sister township to Milford. Has a noise ordinance that says no person shall generate or permit to be generated noise or loud sound which is likely to cause inconvenience or annoyance to persons of ordinary sensibilities by means of live performance, radio, phonograph, television, on and on and on.

Ms. Addy: I'm going to end by saying that I got ... I don't have them right here. But I also have gotten several emails from residents of the apartments down on the river who have told me how upset they are about the loud noise. That they can't sleep, they can't go outside at night, they've called and complained about the noise to the owners and nothing has been done. So, all I'm asking is for you guys to put yourselves in our positions. We have our homes and our quiet enjoyment has been disrupted. And I just want you to consider that. Thank you very much.

Ms. McKnight: Thank you.

Mr. Mohsen Rezayat: Hi everyone. I'm Mohsen Rezayat. I'm here with my wife. I live on 5855 Drury Farm Lane, which is the corner of Park and Drury. As everyone has already said, the noise has been unbearable. But I want to come at it from a different angle. I got my PhD in engineering mechanics. My thesis is on how P&S waves propagate. I've worked for Seaman's for 34 years. On Park 50. I'd be more than happy to give you my PhD thesis on this topic.

Mr. Rezayat: This stuff is gibberish. That we're going to put some panels and then all of the sudden it's going to be beautiful and the sound is not going to go anywhere. Unless they have four-inch panels on the roof, on the ceilings, on the sides, on the windows, on the floor, there is no way that they can sit here and look you in the eye and tell you that those sound waves are not going to travel. Especially through the roof, up through the windows. And this business about we're going to put it in front of the windows and close it at 80-degree weather, as other people have said, is hard to believe.

Mr. Rezayat: So, I just think we have to understand the science of this thing. It's not going to work. It doesn't matter how many times they sit here and tell you they're going to do this and they're going to do that. You're going to have us back here in a few months from now if you permit this and you're going to hear our complaints. It's not going to work. Thank you.

Mr. Pelle: Thank you.

Mr. John Savage: Hello. My name is John Savage. I live at 1704 Chase Avenue in the City of Cincinnati. I'm a property owner. I'm the general partner for the Savage Family Limited Partnership, which owns the property surrounding the Amato property. It's about 7.5 acres. We intend to build up to three single family homes on that property in the future. As Rick said, it's been in my family for about 70 years.

Mr. Savage: Though I don't live there, the music is clearly audible. I went out there last Saturday night because I had heard it from Rick for a while. Rick has got very good hearing and he was upset. So, I verified it and I knew this meeting was going to happen so I said, "Well, I'm going to find out the truth." So, I went and I listened and I said, "Yeah, it's really loud. It's terrible." I went around to other spots in Milford. Mound Avenue, I could hear it. Wasn't as bad. I went to the apartment complex that's here on the end, it was also quite noticeable on that new apartment complex.

Mr. Savage: So, it is a nuisance. It's a problem. And it can't continue, without question. Other issues, I'm not going to cover everything because a lot of people have already covered it very well. I'm sorry I'm a little late to the game on this. There's been other meetings already about it but the notification process for people that don't reside on the street that own property is ... I missed this. So, I'd have liked to been part of this earlier. So maybe we can all learn from that a little bit.

Mr. Savage: I'm still trying to figure out why the music is permissible in the tent. I mean, did they slip one in past the goalie and just kept going? It doesn't seem like this should be allowed to happen. When they talk about the panels themselves, I'm skeptical as well. I would like to get the specifics about the manufacturer and what claims they make with these specific products. The model number and I want to know the details. I want to look it up.

Mr. Savage: I'm also questioning ... When I got an email from Dan, he talked about they're going to cover an area of 30 feet. And I believe I heard that number again tonight. But as we all can figure out, you can look at the circumference around the addition, it's over 100 feet that could conceivably have noise coming out of it. So, they're incomplete on what ... They're not giving you the full picture of what they're going to do. And you could also question the practicality of pulling these things in hot weather, as other people have said.

Mr. Savage: So, I don't see proof that this is going to work. I don't think that they have really clearly figured this out yet. I think there's a lot unknown so it can't be approved at this time without significant conditions. But I'm not opposed to the bar itself. I mean I think it has great potential. I mean it's already proven to work. So, it's great. However, it's not working for us. And I can't build houses up on that hill with that racket. Thank you.

Ms. McKnight: Thank you Mr. Savage.

Mr. Cole Carothers.: Good evening. My name is Cole Carothers. I live at 22 High Street. I just wanted to mention a few things. I remember when the brewery was first introduced as a potential business in the city. It was stated by the owners that they might have music and of course, if they had any music it would be acoustic music. So, I think the amplification and electrification of the music, as we're finding it today, is a digression from that original ... I don't know if I would call it a promise. But at least it was indicated at the time that if they had music, that's what it would be.

Mr. Carothers: Regarding the structure, I spoke earlier today with Ms. Holbrook about the tent and the fact that it seemed to be permanent. When it seemed to me that it was any tent added to a building sounds more like a temporary kind of accommodation. I believe this area has been called a patio. And a patio suggests that it's an exterior platform with pavers or something that is outside the structure of the residence. It seems, as it's been indicated by others this evening, that really, they've sort of moved in over the patio with a kind of permanent temporary building. So, I question the appropriateness of that both in terms of zoning regarding temporary buildings, and also the fact that everything about the OMO regarding businesses says that those businesses must comply with the OMO in terms of whatever is being done.

Mr. Carothers: So I think in terms of this situation it would be more appropriate to apply for a building permit and build a room. And not call it a patio, because it's not. So that's basically what I think would be the best solution. Thank you.

Ms. McKnight: Thank you very much.

Ms. Rebecca Shundich: I'm Rebecca Shundich and I live on 11 Mound Avenue. I was at the December 19th meeting. It does seem like I've been a little bit tolerant. I do hear as I spoke before the game and even all the words that are said during game night. And I do agree that it was originally more of an acoustical music, which I thought would be really nice and quiet and peaceful. And it has turned into the amplified music plus the games are quite loud.

Ms. Shundich: I can't imagine if I can hear it up on Mound, the people sitting 20 feet away, it's probably not even really good for their hearing. I can't imagine that it couldn't be

reduced by half and they'd all still be able to play the game or do whatever. That's Tuesday nights. I also realized there are special events. So, I'm hearing, "Well this is a special event so it can kind of go outside the original thinking for the music and the sound." So, from everything I've been hearing at these meetings, it seems that we need a lot more decision making and information regarding comparing apples to apples with the sound level meters. We never did get a written report. I'd like to know who the acoustical consultant was. What company that was. Because for different people to take sound level meters and just go to different places, if they're not comparing it at the exact same time and the same time it doesn't even matter really, what either party is saying. So, we never did see anything in writing from the December 19th meeting.

Ms. Shundich: So, I guess I would say I recommend that no addition could be made until the sound issue is addressed. Thank you.

Ms. McKnight: Thank you.

Mr. Pat Chandler: I will follow Becky since she's my neighbor. Thank you, Becky. My name is Pat Chandler and I live at 43 Mound Avenue. And I do live on the river side and I can hear the music, I can see the music, I can see the establishment, and I congratulated them last month on a good job and what they're doing. However, my concern is obviously the music and the loudness of it.

Mr. Chandler: I'm not against music. We've had music being played in the streets since 1870. And this is one of the instruments that was played by the Shumard band. The next concern I have is the noise level that you've all talked about, and I appreciate that. And I can hear it just as clear as anybody else because I'm right above the hill, about 90 feet up and 90 feet away. I've never complained. I understand music is what it's all about.

Mr. Chandler: My second concern though is the reason I brought these. Is the level and the sound that everybody else has expressed their concerns. And I do too. But again, it's not been a problem for me. I have gone to bed before on a Saturday night at 10 o'clock and felt the bass in my house. Not the music. But you can feel that every once in a while, which is fine.

Mr. Chandler: My concern is, just like many of them have, and I address this to Pam and the city, what do we do? I mean how do we draw the line? How do we know? Do the neighbors need to get a meter reader like you had and check it at the same time? I'm willing to do that up and down, over the hill, across the river, anywhere you want to do that. So, I guess my question is basically do we have something legally in the City of Milford, which I know the ordinances that we have discussed are not very clear.

Mr. Chandler: But as a citizen, if my neighbor were to play his music with his loud stereo one night and I didn't like it, I may call the police. They'll show up and he'll turn it down. What happens if he were to do this four, five nights a week? I don't expect that. I appreciate what their concerns are and the curtains that they talked about. But the bottom line is, I guess, where do we draw the line? Out on the street it says I can only go 25 miles an hour. So where is it in Milford that we can say, "If I got my meter reader here, can I record that?" And I volunteer to do that. And I don't want to do that. That's not what I want to do.

Mr. Chandler: But it seems like in any other business you're going to grow unless we draw the line, it's going to be stretched. And I can understand that. But together we got to come up with a compromise and solve the noise issue. And that's basically my third question was, where do we draw the line?

Mr. Chandler: And then finishing up, I worked at Camargo Country Club for 30 years and they have the same curtains that we're talking about here. You pull up and down. It is going to be very hot in there because they have a pavilion out back. I've pulled them up and down many times. It gets very warm in there if you don't have some form of air conditioning. It gets very cold in there in the winter if you don't have some form of heat. I can't judge the music level, but they don't completely close.

Mr. Chandler: And then the other concern I had was you have blockage on the first floor facing the river on Route 50. What about us folks up on Mound Avenue? I didn't notice there was any kind of blockage there except a curtain. So, thank you very much and appreciate it.

Ms. McKnight: Thank you very much, Mr. Chandler.

Ms. Ivy Hodges: Hi. My name is Ivy Hodges. I live at 5963 Castlewood Crossing. I've been living in Milford for almost 25 years. I will say that I love Milford and I challenge anybody to love it as much as I do. I think Milford is a wonderful city. I think we just have a beautiful town. Love the history. And I will tell you when I first moved here almost 25 years ago, I wanted to leave because Milford was declining. There were hardly any places for a young person to go. There were hardly any places for a young person to go and eat, hang out, drink in Old Milford. And I'm sure anybody that's lived here as long as I have can attest to that.

Ms. Hodges: I can remember there was antique shops and there was boutiques and retailers. But there wasn't much of a place for people to go and hangout and enjoy. And what I see since Little Miami has come, I see people coming to Milford that would have never come to Milford otherwise. I know from friends that have come to Milford to check out Little Miami, they're like, "Wow. This is a great town. I love this town. I love the shops. I don't know that I ever would have come here if it wasn't for this brewery."

Ms. Hodges: So, I just want to say that we love the brewery. We love what Dan and Joe have done for Milford. I'm just going to say that from a younger person's standpoint, this is bringing business to Milford. This is bringing money into Milford. This is helping support Milford shops, Milford residents, Milford taxes, and it's very, very important. And when you start stifling them from being able to do what they have to do to bring in business and compete with all the other breweries, there are about 50 other breweries in the greater Cincinnati area, you have to compete and you have to have a reason for people to want to come in. And good beer is a reason, great atmosphere is a reason, a great town is a reason, and having live music is a reason.

Ms. Hodges: So, I think that as long as Dan and Jo can address everybody's concerns with the noise, I think people have to understand they have a business and they have to attract people. And if they don't have live music, they're not going to attract people. I remember when MJ's was here, that is now closed, and before that it

was Latitudes, and that place was packed when they had live music. And that live music was good. And that live music brought people into old Milford when all the shops were closed for the day so that people could come and enjoy some nice night life and enjoy the music. And that is exactly what Dan and Jo have brought to Milford.

Ms. Hodges:

The only other place you can go to Old Milford right now and listen to live music is Chappy's. That's the only other place. So, if you stifle this live music, I think it's going to hurt Milford. I think it's going to hurt our bringing people in to visit. I love Milford and I really hope that somehow or other this can get resolved. And I really hope that we can continue to support Dan and Jo and the wonderful town that we live in. Because I tell you, to me Milford is number one in all of Cincinnati. When I first moved here, I didn't think that. I did not think that. Because there wasn't much to do for a younger person in Milford.

Ms. Hodges:

But now we are coming into our own. Not only do we have all the history that all the residents that have lived here for generations love and are very attached to. But we're also bringing new people in. We're bringing people in and this is becoming a city that people want to move to and people want to live in. So, let's just be careful how much we stifle that. Because I hate to see that happen to Milford. Milford's wonderful. Thanks.

Ms. McKnight:

Thank you.

Mr. John Mills:

My name is John Mills. I live on 3206 Water Street in the apartments. They're loud. At night, try to watch television, you can hear the words to the music and everything. We're not trying to eliminate the music. What we're trying to do is get a building that will hold the music inside. Not only the music, but they're talking about between 100 to 150 more people sitting outside, which is going to create a noise also. If they build a permanent structure on the first floor and then put the deck on the second floor, and people can sit outside, enjoy the scenery, put big windows in, it eliminates the problem. And it would look a lot better than what they're offering to do.

Mr. Mills:

Maybe it costs a little more but in the long run it's going to make people a lot happier than listening to all the noise that they're creating. We just moved here in October and if I'd have known then what I know now, I wouldn't have moved to Milford. It's crazy because it's just too loud and also, if you're going to have 150 more people and that's going to be more traffic and sometimes at night when some of the people leave, they're making a lot of noise with squealing tires and everything else. Why can't they just build a permanent fixture on the bottom, put the deck in on the second floor, everybody would be happy. Thank you.

Ms. McKnight:

Thank you Mr. Mills.

Mr. Jeff Corcoran:

My name is Jeff Corcoran. I'm, like some of the others, I'm not a resident of Milford. I'm actually from Goshen. At one time I was a resident of Milford. I owned a business, the fountain business in the downtown area. I was one of the members of the old Milford Merchants' Association, which tried desperately to bring businesses into Milford to make Milford the kind of community that you have going for you right now. Businesses were frequently boarded up. It was a struggle. Milford has done some things over the last 25 years to make it probably

without question the finest community in Clermont County, rivaled only in the immediate area by Loveland, which is one of the most happening places I've been in in the entire area. My wife and I always marvel when we go through Loveland. They just opened a facility which has a deck up on the third floor that overlooks the downtown area. And I have to say, whatever you're doing, you're doing well.

Mr. Corcoran:

I should also mention that I was Mayor of Madeira. And we would have bent over backwards to have a successful business come into Madeira like this brewery. I don't know of another business in the Milford area that is as successful as the Little Miami Brewery, as far as a retail establishment goes. It's a multi-million-dollar business. I go in that place. Dale and I grew up together by the way. One of the reasons I am here is because I'm an attorney and I'm close friends with Dale Roe. We grew up together trying to make Milford special. And Dale stuck around and invested in the community and everything he does, he does right.

Mr. Corcoran:

But, in any event, we go in to the brewery frequent and I'm amazed by the fact that there are families in there, all the time. Little kids, eating pizza and people drinking beer. This whole idea of the noise, I can appreciate what everybody's saying and everybody has a different idea about the noise. And it's not going to be solved unless Mayor, your Council establishes a noise ordinance, and then nobody's got a beef. These are the rules. You accelerate, or you make more noise than the rules allow, you can be cited to court. Nobody would have a beef then. If Loveland has an ordinance it's already in place. It shouldn't take much for you and your council to take a look at that ordinance, fashion it any way you want to fit your needs, but then you've solved the problem. Because everything I've heard tonight is about noise. I think there's one or two criticisms about the architecture of the facility. You're going to argue about whether a two-inch panel should be a four-inch panel. That goes on endlessly as you all know.

Mr. Corcoran:

My recommendation to you is keep doing what you're doing. You're doing a great job. But allow that facility to expand, put a noise ordinance in place, which you can get done in the next six, seven, eight weeks, if you're moving quickly. And then let the chips fall where they may. Then he's got the burden of meeting those criteria established by your council as far as noise. That would be my suggestion. What a great business you have and what a great job you all have been doing. Thank you.

Ms. McKnight:

Thank you Mr. Corcoran.

Mr. Rezayat:

Sorry may I have a second chance. [inaudible 01:04:34] was referred to as far as a two inch versus a four inch? Again, this is what I've done for 34 years. The issue is not the two-inch versus the four-inch. You can use different material and get that. What I'm trying to say is that you cannot have any - sound travels like a spherical wave. And you can't just put some panel behind the band and think you've taken care of the problem. You have to make sure there are no nooks and crannies from which the sound can escape. So, this notion that we're going to have something over here and maybe something over there. All I'm trying to tell you is, it's not going to work, because sound is going to travel through the ground, through the roof, and through the windows. And unless they are going to have it everywhere, that's not going to work.

Mr. Rezayat: And getting back to the young lady. We moved here to the area in 1991. So, if my math is correct, we've lived here 28 years. She says she lives here 25 years. I would love to have known you guys a lot more, but this is the first time I see any one of you. We've lived here 28 years, there has been restaurants that have had music. She mentioned several of them. We never came to complain. We love the fact that they are being successful. I would wish them the best success. I want them to grow, do whatever they want to do, as long as they are not a nuisance to me. I want to live in peace. I want to be able to stay in my house and not hear their music. That's all we are here to talk about. The issue is not their success or bringing business for Milford. We love the fact that Milford is being successful. But they can do it without being a nuisance to the rest of us. That's the whole argument here. Thank you again.

Ms. McKnight: Thank you. Anyone else wants to make any comments or ask any questions?

Ms. McKnight: Would the applicant like to come back up and address any other questions and concerns that were raised?

Mr. Lynch: Thanks again. We hear, and we understand it's about the noise. We will manage the noise. I am totally in agreement with Mr. Corcoran's suggestion of a sound ordinance. We are totally in agreement. I actually did research. Loveland has a very good ordinance. The decibel readings make sense to us. It's the downtown that's closest to us that's most like Milford. They're doing good things in Loveland. We think that sound ordinance - here's what it does. Because there's a lot of exaggerations that have taken place that deal with sound levels and walls shaking that I think would define clearly for us as business owners what the rules are. We need clear black and white sound ordinance decibel readings that would allow us to play by the rules. We want to play by the rules. We want you guys to build your houses, your hillside homes. We want that all to happen. We're here today to say we will manage the sound as a business owner.

Mr. Lynch: The tent was temporary. When we started this business, we needed some opportunity to see how the space was used. We had never done this before. This was a new venture for us. We had to see what, how the space was used and see what the crowds were like. We wouldn't have put this kind of structure up a year ago. There's no way. We didn't know what the volume of customers - over 140,000 visitors have visited the brewery in one year. And to bring good numbers of people to Milford. We want to play by the rules. We are going to manage the sound. We are not going to be a nuisance.

Mr. Brenner: [crosstalk 01:08:42] this summer also

Mr. Lynch: Oh yeah.

Mr. Brenner: [inaudible 01:08:44] put those panels up in the summer. We open the garage door.

Mr. Lynch: And air conditioning flows from the inside. The way the tent is air conditioned now, we open the garage door, which is inside the tent. The air flows into the room. The sound suppression panels will work. We've hired a consultant company that indicates these panels hanging will knock down the sound. The

decibel readings that we took were within the range of what Loveland calls acceptable. I don't know what else we can do.

Mr. Brenner: Add more along the side.

Mr. Lynch: If we have to add more, if we to make - in order for this to work, if we have to make all of this, all of these panels all the way around, we'll do that. Because that's how important music is to us. Music is a brewery attraction. It's a huge part of our business. On Friday and Saturday night if we don't have music, it's a huge, huge issue for us. Music is part of the brewery scene in Cincinnati. It's what people come out and visit us for. And they do come from all over as was pointed out. It's an important part of our business. And it's - as I said, we will manage the sound. We hear it loud and clear. We're not ignoring any of the speakers that came up today. We are - the last thing we want to be viewed as is a nuisance.

Mr. Lynch: And the point of the structure and why it's not just a brick box on the end of the building is because the structure has to be changeable with the seasons. People want to have open air feel. They want the outdoors. They want to view the river. They want to be out by the fire pit. It's not as simple as putting up an ugly, another brick box with a few windows. That's not the solution. A lot of thought went into this. We looked at breweries all over the country and some of the finest bars across the country that have structure like these, rooftops and open-air atmospheres. I was on Nantucket Island this summer and the best bars had rollable side enclosures that went up and down and they had music on the inside. They were at hotels where people were sleeping at night. They managed it with panels and enclosures. We didn't dream up this solution. With Mark and KBA Architects' help, we designed a solution that fits what our clientele has said they want. They want an open-air atmosphere in the summer, nice -

Mr. Brenner: One of the biggest assets to the brewery is the open air views.

Mr. Lynch: The river view.

Mr. Brenner: No other brewery has anything like that in the city.

Mr. Lynch: The river view, this will be a destination attraction for the city and for Cincinnati as far as breweries. The comment, the feedback we've received have been overwhelmingly positive. Hundreds of people have said it's a great concept. It's being copied by other breweries. Braxton in fact in Covington yesterday just released that they're investing \$5 million in a rooftop bar, live music, things like that. There're hotels, there's apartments all around that area. It's - I just think that the sound issue has gotten exaggerated. I think we need clear guidance as to what sound levels are. And then we need to be held accountable to you as a business owner to follow those rules.

Mr. Brenner: And we intend on -

Mr. Lynch: And we intend to manage the sound. That's what our main focus is, is to manage the sound. We think the structure's awesome. It's got a mix of different materials that look good. It's exciting. It's going to create excitement for the visitors. That's all.

Mr. Brenner: I think when people pull into Milford, we intend for them to [inaudible 01:12:42] and people to say "wow." We want to make them look really, really [inaudible 01:12:44].

Mr. Lynch: It doesn't take much creativity to throw a brick box on the back end of that building and call it an addition. That's not what that space - that's not what is best used for that space. There's beautiful river there. There's a view. It's [crosstalk 01:13:00] -

Mr. Lynch: It changes with the seasons. It needs to be a space that changes with the seasons. And the best bars and the best restaurants across the country that have this kind of structure, it works. It's very, very attractive. And it creates excitement for the visitors. And like I said, the last thing we want to do is be labeled a nuisance. And the tent was temporary, and we knew that. And we had to figure out how the space was used. As I said, we've never done this before. It was the first time we'd done it. We needed to see how it was used, and we never intended the tent to be permanent.

Mr. Lynch: The structure's got a concrete floor. The sound is going to be bounced back - it's not going to go through the concrete. And we're going to have an audio seal blanket that's going to blanket the rest of that sound and knock the decibel readings down below acceptable levels. If we were playing by Loveland's rules, this would be, these levels would not be viewed as a nuisance. They have 55 decibels up until 10 o'clock, 50 up until 11 o'clock. The readings I took up on Park during the live music. Granted, I wasn't inside their home, I was at the end of their driveway. But we took readings that were 48. We took a reading of 54 out at the Riverwalk. If you consider these panels are going to reduce, per the manufacturer and the audio engineer that we're working with, this is going to knock down 25 to 50 percent of that. You can see a reduction of between five and 10 decibels.

Mr. Lynch: We know this is going to work. And here's what we're here to say. If it doesn't, we want to be held accountable. And we will tell you we'll manage the sound. We promise. That's the commitment you have from us.

Mr. Albrecht: I do have a question as far as the usage of the venue. Obviously, you came to town and we're going to put a brewery in. Which I mean, this is great. Do you consider yourself right now a brewery or an open-air music venue?

Mr. Brenner: A brewery.

Mr. Lynch: A brewery. We're a brewery that has live music.

Mr. Albrecht: I understand. And is there a difference in your mind between live music and amplified music?

Mr. Lynch: I mean, I think live music is amplified most of the time. There's some -

Mr. Brenner: We had both.

Mr. Lynch: We've had both.

Mr. Brenner: We've had a lot more solo and acoustic acts inside, usually on the weekends we'll have one. Maybe on Saturday night. That's when we have the amplified music. In particularly December since that was our anniversary month. We had a little bit more -

Mr. Lynch: We had a little bit more than we -

Mr. Albrecht: Look, I'm not trying to be cantankerous, right? But we're in the middle of a community, and we have neighbors, and we want to be good neighbors. And they want to be good customers. And I think we all just want to get along, right? And yes, Council could easily consider a decibel reading. And you guys have all said here right now and said, "oh you went up to somebody's neighbor's house with a decibel meter and saw it was 54." Whereas other persons are like "I'll take mine around." Well who's going to police that? Those are questions Council is going to throw out when we start discussing options for stricter ordinances.

Mr. Albrecht: The best kind of ordinance is one that goes in a file drawer and never has to be enforced, right. At least in my opinion. So, from ... we've had some conversations, some emails back and forth in response to citizens' complaints. And the thing that I haven't ... honestly, I haven't seen, is turning down the volume right now since you have no acoustics at all to stop it right now. So, you're not managing the noise as we speak. In all honestly.

Mr. Albrecht: Look, I love expansion. I like the look, I like the concept. But the reason I'm asking these questions is because I'd really like to know, where is this band going to be? Is it going to be out on the patio? Is it still going to be back in your other building with music flowing out to that patio? What's the intent of building the patio? The other concern I really have is still the looks of, what this will finally look like when you put those panels around and then you line them with an insulated blanket, which is what this, they actually call them exterior sound blankets.

Mr. Albrecht: So those are some questions I have for you. You can answer them or you can take it for what it's worth.

Mr. Brenner: The panels were only like I said, will only be up during when we have bands. The isinglass will be more attractive. They'll be up in the winter and will have windows which you can look out. I don't want anyone to think these panels are going to stay up permanently or anything like that.

Mr. Albrecht: They're still going to be visible.

Mr. Lynch: Couple hours.

Mr. Albrecht: When you're driving down the middle of our nice neighborhood, you're going to look in there and you're going to see panels. Not going to see panels, you're going to see a blanket. You're going to see a solid blanket in about 30 to 40 percent of your area, rather than - and you have gentlemen up on Mound questioning like.

Mr. Brenner: We plan on putting up some cypress trees to soften the view so it will be partially obstructed by the -

Mr. Lynch: The panels we were going to order, Mayor, they were going to be black in color, so they're not going to stand out looking like a mattress as was mentioned. They were going to be black behind an enclosure that would be gray or black in color that would not be visible. It wouldn't look bad.

Mr. Lynch: The music, to your question about that. The duos, the single acts and duos play inside of our taproom. The only thing on -

Mr. Albrecht: Let me ask you a question just so I'm that ... because I've heard different answers to this question. So, for the record I would like to know. So, when do you play music now?

Mr. Lynch: Okay. Wednesday, we have a single act that will play in the taproom. They end at 10 o'clock. We'll have a single act on Thursday that plays in the taproom. And then on Friday, and occasionally on Saturday -

Mr. Lynch: Friday's, Friday's in the taproom. And then Saturday we'll have a band play on the patio which is currently, obviously, covered by a tent.

Mr. Lynch: [inaudible 01:20:16] Yeah, Tuesday. Tuesday, we have a trivia and a game night.

Mr. Albrecht: So, let me just throw this out there. What's wrong with turning down the volume.

Mr. Lynch: Nothing.

Mr. Brenner: We've instructed some of the bands to actually do that.

Mr. Albrecht: But I'm even talking about when you're playing the games. Look, I go there too and I hear this stuff go on. I'm just curious like if you're really going to manage the sound. Why aren't you managing it now? [crosstalk 01:20:40]

Mr. Lynch: We could do that, yes. Yeah, we can turn - that's - it can be turned down.

Mr. Albrecht: I'm not trying to be cantankerous. I love you. I think you guys are awesome. I love the business that you bring. But this is not about the business that you bring in here. This is about you coming to us with a structure, and I'm the only one talking but, you come to us with a structure to look at and say, okay this is what we're going to build. But we might also have panels that look like this, might have acoustical things that look like this. I think that's hard for me to say okay without seeing those things. Just throwing it out there.

Mr. Albrecht: And I also am concerned about the noise management, and the responsibility that we all have. I don't care what business you are. If we had jackhammers running all day long. If the city had jackhammers running all day long or at night, nobody would be happy campers in here. And they'd all be coming to Council saying why you running your jackhammers at night, right? Music's not jackhammers but it's a fact, noise is noise. So, I'm just throwing things out there for questions and just want to see, other than you're telling us you're committed. I mean I have personally emailed you and said "hey, turn the volume down" and it hasn't really happened. So, I'm concerned about that. I mean, need more assurance that this building would hold the noise and that we don't have a nuisance. Whether it's 50 decibels or 70, if you're up on your deck, up on Park Avenue or on Mound, they

shouldn't have to hear that all day long. I can hear Steak & Lube from my house as well at times. Right? But I wouldn't want to hear words.

Mr. Albrecht: My whole point is that it's a concern, it's a legitimate concern, and as a community we want to work with you and you want to work with us to solve it, not just to mask it. So that's what I'm wondering. Sorry.

Mr. Wenstrup: So, this additional vibrance in the community, comes with all kinds of stuff. Being vibrant means there's more people. Being more people, there's more sound. I worked in a nightclub when I was in college, worked my way through college and I know every DJ or every live band. And every quarter hour they're cranking it a little louder. So, one of the things is managing the sound within the space. I've been in spaces where I can't even hear myself talk to the guy next to me. And music just kind of does that, I don't know why. So maybe that's one management thing.

Mr. Wenstrup: I have another advantage in that if I take these out, I'm not going to hear your music. I walk my dogs every night. I go down Cleveland, over, down Mound. And I've heard, I don't wear these when I walk my dog, and I don't really hear it. I mean I've heard it maybe twice. And a matter of fact, I've heard it cut off, and I've looked at my watch and it's pretty much on time. And I think those things ... neighbors want to know what can we count on from you. And these guys are your neighbors too. So, if you can say you can manage the sound, what happens if -

Mr. Wenstrup: We don't want to say, okay, this building design's great. You put a lot of money into a design that doesn't manage the sound, and we're saying, now you got to do more. We want to get it right the first time and help you get it right the first time. So, all these neighbors still love you, like to drink beer, their windows aren't shaking, and there's some unfortunate geography in being down across a river valley. Because I'm over on Cleveland, and like I said, my wife has never complained about the sound, and her hearing's pretty good. I never complained about the sound. I don't know if you hear, for example, Frontier Days, up on that side of that hill. But that's part of what's going on.

Mr. Wenstrup: This isn't about limiting you or abandoning you. It's about putting in an ordinance that works or putting in an agreement that works for everybody. And there is something that works for everybody. You don't have to have loud music to enjoy beer. You just have to have music. I mean, that's my belief. If I wanted to go to a rock concert, I go to a rock concert. I'd be doing something else other than beer probably. Like this.

Mr. Wenstrup: [crosstalk 01:25:21] I think we had a really good dialogue about this. And I want to say that I would want to believe that we could take each other for our word. If he says "I'm getting 80 decibels at my house, the windows are shaking, it rocked so much it jumped me out of bed!" I say, "That's a problem." I'm not going to assume that person's disingenuous. I'm not going to assume you're disingenuous when you say, "hey, we've researched these panels and they say a three-inch panel will lower the sound." If we did do an ordinance, and this is my last comment, the one you've been looking for, we have a light ordinance that says it can only be so many candle watts from a certain distance of a building.

Ms. Holbrook: Foot-candles at the property line.

Mr. Wenstrup: And we could do something similar with sound. So obviously in the adjacent area it might be a little louder. But as it gets out, we want an assurance. And then as we measure that sound, you can get a measure of that sound inside your building and you'll know what to manage, because you can say hey, I've seen the decibels inside our building we've got to crank it down, because we know if it goes louder than that it exceeds the limit.

Mr. Lynch: Exactly.

Mr. Wenstrup: Cold weather, clear weather, leaves off the trees, wind blowing the right direction, I can hear the damn fireworks with these out. From Riverfront when a game, when they win, I can hear those fireworks. So there some unfortunate things there. But I think you know they want to manage it, please assume that they're going to be genuine and trust them until you give them reason not to. Until they give you reason not to. If you have any solutions, if you're an expert in this sort of thing, and you know it won't work - where'd he go? I'm talking to you, and you know it won't work. Don't tell me it won't work, tell me what will work! That's all I'm asking. We've got a lot of bright people in this room.

Mr. Rezayat: [inaudible 01:27:17] put the panels all around, against the windows, on the ceiling, and on the floor.

Mr. Wenstrup: And close the nooks and crannies.

Mr. Rezayat: And then don't open your door. Because every time you open the door, that sound is going to come out. That's not practical. That's all I'm saying.

Mr. Wenstrup: Thanks guys. Thank you.

Mr. Chandler: Just the facts, I'm looking at two empty easels there, and I'm just wondering. How you can vote on something when we haven't even seen these curtains or the panels? Usually when you have a building being built, you'll bring in certain samples and we haven't seen any samples. So, it's just hearsay. It's kind of like a mystery without any clues.

Ms. McKnight: What I'm hearing is, a community that likes the brewery. And likes the positive impact that it's had on the city of Milford. And that's all good. That's good for all of us in this room. My challenge though is, when I look at what's being proposed, and I think about it being a brewery, and I think about a nice fall afternoon or a summer evening sitting on that second level and looking at the river and I think, that's very nice. Or even sitting on the first level on a hot summer afternoon, and watching people go by on their canoes and kayaks. If I'm not out there in the canoe or kayak, it would be really fun to be up drinking a beer. And so, I think as a brewery, what you're proposing is a wonderful addition. I get that it's going to be a pretty unique thing for the greater Cincinnati area. But as a music venue, I don't think it's a great addition. And I have concerns about what the sound's going to do.

Ms. McKnight: I heard you say several times that you don't want to be a nuisance, and I understand we have pretty vague language in our code that doesn't give us a lot to

hang our hat on. But I've heard a lot of people say, you're a nuisance. So, to echo what the Mayor was saying, if people are perceiving it to be a nuisance today, again without black and white rules to go by, and even as I say black and white rules it's very difficult with a sound ordinance to have that black and white definition. It's, build it tomorrow and put everybody in there and enjoy it as an addition to your tap room and your brewery. But if having rock and roll on multiple nights a week is critical, then I think it needs to be rethought or more information or something that, it gives us a better feeling going forward about how this will be managed.

Mr. Pelle:

Yeah, I have to say, like everybody here I'll qualify it by saying we love the brewery. I mean, who doesn't? I mean it was probably the easiest decision this Planning Commission has ever made in its history, to say yes. I mean that's not the issue. That's not the issue at all. But I, being quite frank, I'm just not convinced by your arguments. I'm just not. When this many neighbors, plus the number I've heard from, tell me that it's a problem, having worked in public relations for a good chunk of my career, it's a problem. Perception is reality. So, I think it's a mistake to think and say that it's an exaggeration. And I do find that a bit condescending. It's a problem.

Mr. Pelle:

The other issue is a bit of credibility, not you as businessmen, not you as people. But the original intent, spoken at that meeting even, was we might have music and if we do it's acoustic, and there's been a lot of scope creep around that. Fine. I get it. If I was a brewery and I had that space, I'd want to do music too. But that does penetrate into your credibility of when someone says then later, after this problem has been creeping along and not being managed, saying I will manage it, it's hard for me to believe that because there's no evidence to support that.

Mr. Pelle:

So, I think those are two issues you need to address somehow. And going by what these two have said, I haven't seen enough in your presentation, there's not enough to give me, I want to see a way for you to address those, that that's really going to happen, not that I will manage it. And I'm not, I'm just not seeing that or I don't understand the materials enough. I don't understand the look. I think I need more in that presentation and just convince me. I want to be convinced. But I think there's some inherent issues that you want to address first before I could say yes.

Mr. Albrecht:

We have options, right?

Ms. McKnight:

We have options. Obviously, we could vote to approve their request. We could vote, deny their request. We need justification for both approval or a denial. Or we could vote to table our decision or continue the meeting in progress to get additional information that we could use to inform our decision making at a future date.

Mr. Wenstrup:

Could we be clear, because I kind of agree with that to an extent, but I also know there's, two deadlines. There's a construction deadline and there's a give-these-people-peace-and-quiet deadline. So those are both important deadlines and for us to roll with this and just continue, can we be very specific what types of information we need from them, a trust with verification kind of a thing, can we be very specific and get that in a short timeline, and be able to address that to

come to a decision and have an actual vote? What would those specifics that we need be? Are we just kicking the can down the road?

Mr. Albrecht: I don't think we're try to kick the can down the road. What I have to see from material standpoint is exactly what you're get, what we're getting. If this is all it is, then we can vote yes or no on this. We could also put restrictions in there how they can use the property. And how they can use the addition. Right?

Mr. Bredemeier: Can I make a suggestion?

Ms. McKnight: Sure.

Mr. Bredemeier: This evening we're here to request an addition to the building, and I think the concerns we're hearing are the noise concerns which, to me, is something as Mr. Corcoran said, can we pull that out as a separate entity and review the building as proposed for zoning for the building to move forward or the deck to move forward and address the sound as a separate issue? [crosstalk 01:36:14] asking for-

Mr. Albrecht: Well I think it's more than just a structure. It's appropriate use, right?

Mr. Bredemeier: [crosstalk 01:36:19] But we're not changing the use. We're adding onto the existing building, the existing brewery. You're having [crosstalk 01:36:27], you're having complaints about the sound, and I understand that, but is that a product of the building and it being used as a brewery and tap house?

Ms. Holbrook: The original approval though was as a conditional use, and so I think really what's at question is the conditional use. So, to me, I mean I agree that you can place conditions if you want to go that route.

Ms. McKnight: For instance, we could consider the structure and put a condition that there's, no amplified sound anywhere, first or second floor. Building construction could go on.

Ms. Pelle: I'd just like to know what really is the sound. I mean, as this gentleman here was saying, I mean he's the scientist here. I want to know the science here. I want to know what, is it 54 as you said? Is it 50? Is it 48? Is it 70? And when is that happening? Because, for me, it's, regardless of what the materials are and everything else, I don't know what the standard is. I don't know what the basis is on what I'm judging the decision on.

Ms. Holbrook: I do wonder, I haven't looked at the Loveland ordinance, but whether council decides to go that route for an overall city decibel ordinance, I mean, would it make any sense at all to look at the Loveland ordinance and place a condition on this property for decibel ratings at the property line like we do with foot candles and lighting? And I don't know what that would be. I don't know, because then it also means we would, as a city, have to invest in a decibel meter. But that is a hard and fast way to regulate what they're doing. I don't know if that's possible, but I'm just throwing that out there.

Mr. Pelle: That's a possibility. I think because they need to know that too or else if, I mean, it's not just for the neighbors. It's for them. How do they comply with something

that they don't, they can't accurately measure? How do they make tweaks to the solution if we find out, oh, the solution didn't quite work? It got it down 15%, but our ordinance says this. You're right at, you're right there and they want to take it down. We just need some science here. I think. I don't have the information.

Mr. Wenstrup: I, in preparation, there's good information on what different noise levels make, and we can make that available to everyone. I think we want to consider approving the addition with, a temporary condition that we reduce the noise level. And the simplest way might just to not do amplified music till we get our head around it a little bit. However, let's suppose we could lower it to quiet suburb conversation at home, large electrical transformers at a hundred feet, which is 50 decibels, okay? If that's the case at the lot line, we have no way of knowing whether that's being amplified as it goes up that valley, or is it, I don't know how sound works. Do we have a, basically a hearing cone built by the geography that amplifies that toward these people?

Mr. Wenstrup: So, we going to have to be patient with each other to try to find a solution and we can come up with some parameters, but I don't think now's the time to come up with our decibel ordinances. Now is the time to ask them if you understand that you may be subject to some limitations on sound, and you want to go ahead and add to your building with that understanding, then we could vote on whether we want to do the building. And we can solve the residents' problem in the short term by cutting amplified music, and solve, being able to build a building and then say, hey, we're all in this together. You all want them to build the building. They all want it quiet. And so, build the building and then let's figure out together how to make it something we can all live with. That would be my recommendation. It might require compromises on both sides. It surely would.

Mr. Albrecht: The question I have [inaudible 01:41:09], are we creating an ordinance by putting those conditions [inaudible 01:41:11]? Is that an acceptable conditional use for us to pose?

Mr. Wenstrup: Good question.

Ms. McKnight: I'm not prepared to put decibels in anything tonight. I think as far as the use goes, we could limit the use within that structure tonight. And they could come back and ask for a modification to that at some point in the future.

Mr. Albrecht: That'd really give them the okay to move forward. I mean they could, just off of the top of my head, conditional uses I would look at would be exactly at no amplified music of any sort on either outside of that structure, outside the existing structure. And I'd also put the conditional use upon approval of what that exterior sound blanket's going to look like, because we can't see that today. I mean the structure itself, I'm okay with.

Ms. Holbrook: So, you would want them to come back with the material, the sound blanket material and the isinglass.

Mr. Albrecht: I'd be okay if they just leave it the way it is and they don't put any music out there, we can stay the way it is as far as I'm concerned. But if the conditional uses [inaudible 01:42:36] music out there, then you need to come back to us with the real plan so we can actually see the structure that they're going to end up with.

What we're going to be looking at as residents. I want to see it. Whether it be the drawing, just like you can see this. We can see this just fine. But I cannot make a decision of good conscience based upon simply two handouts, right, that we don't have. These are maybes.

Mr. Lynch: I was just going to say that that perfectly makes sense to me. No amplified music until we come back with samples of the enclosure and we understand that. That would be fine with us. And we [crosstalk 01:43:26]-

Ms. Holbrook: Does that include amplified game night?

Mr. Albrecht: Yeah, amplified [crosstalk 01:43:30] noise-

Ms. McKnight: Like any kind of amplified noise.

Mr. Lynch: [crosstalk 01:43:33] On the outdoor structure, you mean.

Mr. Albrecht: Yes. And I'd prefer to see even acoustical music being inside until you get a sound strategy that's acceptable to everybody.

Mr. Lynch: We can put all the sound and music inside, until we come back and make a presentation that's acceptable to the Planning Commission. That makes sense.

Ms. McKnight: My other issue then is more directed to you, Mr. Mayor.

Ms. McKnight: Will the city come up with some ordinance that would address the noise issue from a noise standard.

Speaker 17: When this was all happening, I've already finished initiating, at least in conversation, I've asked staff to do some research already. What we'd like to do is have that go before public services committee. The process would be to go through public services committee, have the committee decide if an ordinance is based upon staff's recommendations. So, we've already asked for that, and I know that they're already working on it. I'm looking at others, like Loveland or throughout the area, different ordinances that might fit within our ... Just because it works in Loveland doesn't necessarily mean it's going to work in Milford. I don't know if we can come up with that ordinance, but we have made a start but it's obviously very early stages.

Mr. Bredemeier: Okay. Can I make a request? If that's the direction that you're leaning, which I think everybody is in agreement with from the brewery, the one condition I would request is to approve the structure as is. Regardless of the sound, I think they do want the isinglass possibility, so if you could put that as a condition of approval, that we could submit the isinglass information as part of the final approval for the structure.

Ms. Holbrook: So, the isinglass comes back to planning commission?

Mr. Bredemeier: Correct. Well, or staff if it's a condition of this approval.

Ms. Holbrook: I believe Planning Commission wants to see it.

Mr. Albrecht: Yes, we want to see it.

Mr. Bredemeier: When I say isinglass, it is just the translucent panels like at Kenwood Country Club, not the sound barrier

Mr. Albrecht: We understand. I'm equally concerned about what that looks like.

Mr. Bredemeier: Right, right. And that's fine, and we want that to be a condition of the approval. Just wanted to know that we would like to-

Mr. Albrecht: Honestly, I was led to believe these were going to be rolling garage doors that would close that whole area off, and that's, obviously concepts have changed and that's fine. So, but that's why I'm concerned and we need to see it.

Mr. Bredemeier: Sure. And we're not in disagreement with that at all.

Mr. Albrecht: I can't vote for everybody [inaudible 01:46:21].

Mr. Lynch: Sure. I was just going to say we will, get samples of the materials. We'll bring those to the next Planning, we'll bring samples so we can see, touch it, feel it. We are totally in agreement. We understand that that's a stretch without those materials being here tonight. So, we fully understand that.

Mr. Wenstrup: If you do so and you have examples of these sound panels painted black behind that, if someone has photographs of that, from Nantucket or wherever, that would be helpful too, so we could get an idea of aesthetically how it would look. That would help a lot.

Mr. Lynch: We'll have sample brought in [inaudible 01:47:06] material-

Mr. Albrecht: Well, you have a great architect. He can draw you a picture. [inaudible 01:47:09], that's what we're asking for.

Ms. McKnight: So, in an effort, John, to be clear, I'm hearing the commission leaning toward approving the proposed structure, placing a condition that no amplified sound be permitted on either floor, either the deck or the patio, at this time, with the understanding being that Commission would entertain that possibility in the future.

Mr. Albrecht: How about amplified or acoustic in it, because I don't, if that thing's open the way it is, I think the music should be contained to the inside.

Ms. McKnight: All right, that's fine.

Mr. Albrecht: It's what we agreed to.

Ms. McKnight: I don't necessarily want to give the applicant the impression though that if they come back with examples that we'll say, oh okay, go for it with the amplification because I still think we need some standards for the public to understand what the limits are, and the applicant to understand what the limits are and, so that we have, frankly, more than their word that they'll manage it, that there will be a level they have to manage too, where there would be consequences. And that's not in their hands to do. That's more in the city's hands to do.

Mr. Albrecht: So how do we put this in wording? I'll leave that up to you.

Ms. McKnight: Work from staff's recommendation of modified recommendation number two from limit music, including speakers to the first-floor level to no music or amplified sound in the addition area.

Ms. Holbrook: I've got no amplified or acoustic sound be permitted on either floor. Is that the condition that you're adding?

Ms. McKnight: I believe so.

Mr. Albrecht: Yes.

Ms. Shundich: I'm sorry. [inaudible 01:49:36], does that mean the entire building or just the new addition?

Ms. McKnight: The addition.

Ms. Shundich: So, it's [inaudible 01:49:42] there's no modification to the current [inaudible 01:49:44].

Mr. Albrecht: Yes, that's not under our perusal right now. We [crosstalk 01:49:49] can't, we can't, yeah, we don't have that authority even. That's not what we're considering right now.

Ms. Holbrook: Well, I just want to make sure I understand from staff's [crosstalk 01:50:14] perspective, the rock and roll music amplified can be played in the building now. You guys approve the structure, you're just saying the condition is that the amplified or acoustic music cannot be played under the patio, or on the patio underneath the decking.

Ms. McKnight: Right, because we're, that's all that we're considering this evening is this addition.

Ms. Holbrook: Okay.

Ms. McKnight: And under what conditions they can build this addition.

Ms. Holbrook: Okay, because that doesn't really help the noise that's traveling up the hillside. So would you, could you place a condition closing the garage door? If the band has to play in the existing structure ... You see what I'm saying?

Ms. McKnight: Yes.

Mr. Albrecht: Yes, that noise needs to stay contained in the building.

Mr. Albrecht: So, you can't circumvent the condition by just simply opening a garage door.

Ms. Holbrook: Would it be like no amplified or acoustic sound be permitted on either floor of the new patio slash deck area? And if amplified music is played in the existing structure, then the garage door has to be closed. I mean is that essentially what we're getting at?

Ms. McKnight: Think that's what we're getting at.

Ms. McKnight: Now as far as any future conditions, those would be considered at a future date when they come back, but I just wanted the applicant and the city to understand, at least from my perspective, what my expectations would be before I could consider changing that condition in any way, shape or form. But I don't think that has to be put in this approval. We don't know what the future might hold and what they'll come up with and what the city might come up with.

Mr. Albrecht: So, do we have the wording pretty solid the way we think it should be? I'm [crosstalk 01:52:54] comfortable with it.

Mr. Albrecht: I've just said, I was asking the panel if I felt like, if they felt like we have the wording the way we, that we were proposing this might come out. You want to read that?

Ms. Holbrook: You want me to read it again?

Ms. McKnight: Yes.

Ms. Holbrook: Make sure you guys hear this because then you'd have to honor it. So, the condition, they'd approve the structure with the condition that no amplified or acoustic sound be permitted on either floor of the new deck area, patio area. And if amplified sound is played within your existing structure, that you have to close the garage door.

Mr. Lynch: Understood.

Mr. Wenstrup: And that's in addition to the other recommendations, approval of city engineer and landscaping to soften and so forth.

Ms. Holbrook: Right, with the revised plan they came back with that additional landscaping.

Mr. Albrecht: Do we need a final conditional, for approval, for them to come back to approval on these other two items too?

Ms. Holbrook: Yes.

Ms. McKnight: I think actually just the isinglass, that they would, they would need to come back with drawings showing us what the isinglass would look like.

Ms. McKnight: Acoustic panels are related to additional sound they might generate, so they have to address that when and they are ready.

Ms. McKnight: I don't think that needs to be a condition on this. They want to, if I understand correctly, you want to include the isinglass-

Mr. Bredemeier: [crosstalk 01:54:45] As a condition of this approval. Then as far as the sound bats and that kind of thing, there's no sense in coming back until there is a sound ordinance in place.

Mr. Pelle: Makes sense.

Mr. Bredemeier: So, I guess in good faith, the brewery would probably ask, is there a process or a deadline for developing the sound ordinance?

Ms. McKnight: That's a good question, and we'll get to that. But I think, I think what I've heard the commission say is, they'd like a condition to this approval that you come back just with information on the isinglass as a part of this approval that we're doing. So come back at a later date with that.

Mr. Lynch: That makes good sense, and the isinglass is important obviously to make that space usable in the wintertime for heaters. So, the sound panels are a separate thing altogether. Makes sense that it's kept separate. We understand that.

Ms. Holbrook: I've got two conditions then, in addition with the what is already written on there, the city approval is contingent and we would have...

Mr. Pelle: And any approval of the condition of the amplified sound on the new deck patio, any amplified sound within the existing structure requires doors to be closed. And then the third being the, come back with the isinglass sample, information. So, there's those three. I would leave number three [inaudible 01:56:30]. I think that could be an important part of the aesthetic.

Ms. McKnight: We prepared to make a motion?

Mr. Pelle: I'll make a motion. Motion to agree with the staff recommendations with the following conditions. One, city approval is contingent on review and approval by the city engineer and any other applicable local, state and federal agency. Two, with the condition that no amplified sound in the new deck or patio area, the new structure, and any sound within the existing structure must be closed off with the doors, windows, et cetera. Number three, provide additional landscaping to soften the industrial look of the steel structure. And the fourth condition being, the applicant will come back with isinglass samples, drawings, information for us to review.

Ms. McKnight: Is there a second?

Mr. Albrecht: Second.

Ms. McKnight: Any additional discussion?

Mr. Albrecht: I'd like to make a comment, if I can.

Ms. McKnight: Sure.

Mr. Albrecht: I'd ask the applicants to think about their existing music and how it's could [inaudible 01:58:19] the next period of time until construction's done. And I ask you to turn down the volume, and make it palatable for the neighbors. And so, if that means you have to turn it way down, turn it way down. Please. Because we're trusting you to do that between now and while we do this. It's not a condition, but it's my request. So, thank you.

Mr. Lynch: Yes sir. [inaudible 01:58:46]-

Ms. McKnight: All right, we have a motion and a second to approve the Little Miami Brewing elevated deck with four conditions, as were read. All in favor, say aye.

Mr. Pelle: Aye.

Mr. Albrecht: Aye.

Mr. Wenstrup: Aye.

Ms. McKnight: Any opposed? Now, is everyone clear about what will happen with the construction of the new deck and what the conditions are? Now the applicant had a question regarding the Noise Ordinance. You mentioned a review by staff, going to public...

Mr. Albrecht: It would go to Public Service Committee. The committee will meet when staff asks us to meet, so that's not a set time. We periodically have business and pretty frequently for Public Service Committee. So, it would get on the Public Service Committee Agenda after the staff had their chance to do what they would recommend. Once it went to Public Service Committee, that gets pushed to council meeting. I don't know if we have to read that ordinance multiple times. If we came up with an ordinance, what would be the process? I don't know if you know that answer, either, at this point.

Ms. Holbrook: If it's a codified ordinance, then those are a lot easier than the zoning changes. I don't know if Mike has to read it a couple of times, but-

Mr. Albrecht: It may require multiple times, which would mean multiple meetings.

Speaker 23: Can I ask a question?

Ms. McKnight: Sure.

Speaker 23: Are you saying that, let's say they move forward and they decide to abandon their expansion. Would they still be permitted to play music the way they're doing it presently without any [inaudible 02:01:01]?

Mr. Albrecht: Yes because we don't have, Planning Commission does not have that authority to make an ordinance. Council would have to do that.

Speaker 23: What you're saying is City Council is going to move through with an ordinance no matter what, right? It's not-

Mr. Albrecht: I don't know if City Council is going to move through with an ordinance. I can't answer that. It has to go through a process and there's multiple people. All I've initiated is an investigation and suggested that the staff bring recommendation to Public Service Committee regarding a potential ordinance. There's nothing yet concrete, but we are investigating. Look, it's only been in the last 30 days that you guys have come to us with complaints of this nature, so we've started to do our due diligence. That due diligence isn't done overnight, but we are doing due diligence to try and come up with a way that protects the residents as well as the businesses as well as the city.

Speaker 24: It has been a long impact. It's been since October.

Mr. Albrecht: I don't think it's been October since you've brought it to me or council. Maybe to them.

Speaker 24: The other question is if they abandon, will you allow them to keep the tent that is there?

Mr. Albrecht: I can't answer that question, but the temporary tent was exactly that, temporary. It was with the condition that they were going to build a structure. Is that correct? Is that-

Mr. Lynch: Right.

Mr. Albrecht: There is a defined amount of time you can keep a tent out and I don't remember. Is it six months?

Ms. Holbrook: Six months with an extension.

Mr. Albrecht: They got an extension of six months because a year ago they came and said we have this concept. Can we keep the tent until then? That's why the tent is where it is.

Ms. McKnight: All right. We do have a couple other items on our agenda this evening. If you're planning on not staying for the other items, we ask that you leave. We'll take a five-minute break at (8:07PM).

Ms. McKnight: All right. We will re-open the meeting at 8:14. Let's do item six, which is Alma Granite equipment install. Pam, do you want to tell us about this?

Ms. Holbrook: Mr. Hamza operates a custom granite countertop company at 110 Wooster Pike. The city does not have a record of when the business was established in Milford. However, records show that a sign permit was issued in 2012 for the purpose of replacing their sign. I recall that the company had been in business for at least several years prior to 2012. Mr. Hamza purchased the property in 2016. Mr. Hamza approached staff in early December asking for information about what types of permits he would need to install a ten-ton traveling crane. He stated that he had purchased the crane from an overseas vendor and the crane was already on its way to his location. The crane is 11 meters, or 36 feet tall. The crane was purchased to help move granite back and forth from a staging area into the warehouse.

Ms. Holbrook: During our conversation, I explained to Mr. Hamza that this property was in the B2 Downtown Mixed-Use district and industrial type equipment would not be permitted outdoors. Mr. Hamza was persistent, but I explained I would not sign off on a permit application to install the equipment at this location. In order to provide an opportunity to have his case heard, I told him that we could discuss it at the January Planning Commission meeting. He has provided a photo of the equipment and a site plan. I do also have an aerial.

Ms. McKnight: Pam, if you would just orient us with our aerial and the site plan.

Ms. Holbrook: The fire inspector and I, visited the site. Here's [inaudible 02:13:37] and then the driveway out of [inaudible 02:13:59], which actually runs all the way through to Longworth back here. What you see here, slabs of granite. Terrell Park over here. The way I see the site plan, is there would be a brace here, and this crane would, move the granite back and forth into the warehouse area.

Mr. Hamza: [inaudible 02:14:34].

Ms. Holbrook: There's no crane here?

Mr. Hamza: No. Just the line attached to the building.

Ms. McKnight: There's a brace on one side and it's attached to the building on the other. Then the crane would run between the building-

Mr. Hamza: It's moving-

Ms. Holbrook: It goes like this, right?

Mr. Hamza: No. Back and forth this way.

Mr. Pelle: Toward Wooster and toward Longworth.

Mr. Albrecht: Show us on the screen.

Mr. Pelle: I see. That's moving back and forth.

Mr. Ahmed Alobidi: My name is [inaudible 02:15:05]. I own the [inaudible 02:15:06] and am trying to help with this.

Mr. Pelle: Sure.

Mr. Alobidi: I have [inaudible 02:15:14] 25 years trying to get approval. Basically the crane is moving back and forth this way. [inaudible 02:15:34] sit here and basically going to sit right here, stay in here all the time. When they need to move back and forth [inaudible 02:15:44] granite and come back this way.

Mr. Albrecht: This is what you're going to see from the street, just like that, right?

Mr. Alobidi: [inaudible 02:15:54] spending \$125,000 of this crane just for safety because this is not safe the way they carry it now. Not really safe. They're using a forklift with some [inaudible 02:16:12] on it. There is a lot of records of accidents happened before. Some other things important by OSHA, which was [inaudible 02:16:21] US Department of Labor. [inaudible 02:16:26] use it the other way. What he wants to do given all this money [inaudible 02:16:39] safety goal [inaudible 02:16:40]. I have some paper. I'm sorry I didn't make more than one copy. It has the OSHA information.

Ms. Holbrook: Could you have him go up to the microphone?

Ms. McKnight: Yeah. I'm sorry. Would you stand at the microphone please and just state your name for the record?

Mr. Alobidi: Sure. My name is Ahmed Alobidi.

Ms. McKnight: You're going to need to spell that.

Mr. Alobidi: A-H-M-E-D. Last name A-L-O-B-I-D-I.

Ms. McKnight:

Thank you very much. I appreciate that.

Mr. Alobidi:

Thank you for giving us this opportunity to explain what we have. That's what's great about this country to be honest with you. That's how I teach my kids. Somebody can hear you. We don't have that in different places, and we appreciate that.

Mr. Alobidi:

Back to the subject of that crane. We promise you, we're not going to put any speaker on that. When he explained to me, basically he's a good business man because he started his business from basically very basic when he grew up. He well known in Milford, very well known. Now, today we are 6:00 p.m. We came at 6:00 p.m. There was a few people here, City of Milford. Three of them recognized him. One of them is the restaurant owner because he installed granite for them. The other person is his neighbor, which he came to him and told him I know you, thank you so much for stopping the noisy crane you used to carry, forklift, you used to carry [inaudible 02:18:28] at that time. He thanked him. I wish we were the first so I can use them for my presentation, but they're all gone now.

Mr. Alobidi:

Anyway, it was a noisy crane and when it backed up, especially if there was a delivery, it's a lot of noise. He stopped that. He's using now the forklift and then he decided to change the whole thing. He changed everything to that crane, which is he already sent \$45,000 to that company and he has a contract with them and has to pay them the rest of that. He's just stuck in the middle now. He needs that crane for safety matter and that is the main thing. This is the regulation from OSHA that is very specific about the crane. I'm really sorry I don't have just one copy. Would you like to pass it?

Mr. Pelle:

Yeah. We'll pass it along. Have you seen this?

Ms. Holbrook:

I haven't.

Mr. Alobidi:

I highlighted the main OSHA regulation, which is [inaudible 02:19:47]-

Mr. Pelle:

It says attached.

Mr. Alobidi:

Have to provide safety for the employee. Of course, granite is weighing between 500 to 600 pounds sometimes.

Mr. Hamza:

Each slab 1500 pounds. Each slab.

Mr. Alobidi:

1500 pounds.

Mr. Hamza:

When we have the container, the container like [inaudible 02:20:06] described. When we load by the forklift, it's too dangerous. We have a couple injuries from that. When I have OSHA, they say we have to have the forklift for safety. We cannot use the forklift all the time like that. That's why I don't know that we need a permit really. I am very excited to buy this crane. I went to Turkey, Istanbul, and I find it in the company and I bought it right away, \$125,000. I paid a down payment \$45,000. I have also that transfer of the money with the bank.

Mr. Hamza:

[inaudible 02:20:52] is good. We make a picture if you want.

Mr. Alobidi: [inaudible 02:21:11] bank statement if you'd like to see that shows [inaudible 02:21:16] to them. This is not a big deal.

Mr. Hamza: I know. It's not very important, whatever it was, but we need to be within [inaudible 02:21:27].

Mr. Alobidi: The actual crane that [inaudible 02:21:28] right picture is it. They sent us an updated picture. That's what it looks like.

Mr. Hamza: [inaudible 02:21:48] do it like that. Also, I told them it's still the crane [inaudible 02:21:52], but don't ship it yet. I told them to put in the crane [inaudible 02:21:57]. Welcome to the City of Milford. [inaudible 02:22:02].

Mr. Pelle: That's great.

Mr. Hamza: They make it like in the computer exactly look like that.

Mr. Pelle: Wow. Welcome to Milford.

Mr. Hamza: I can put this sign and leave it there. This exact crane.

Mr. Hamza: I'd like to [inaudible 02:22:27] in the front look nice, even in the back. Even in the back. In the back they have [inaudible 02:22:38].

Mr. Alobidi: They have rusty table in the back yard. He cover it with the granite.

Mr. Hamza: I covered [inaudible 02:22:47]. Show it to them.

Mr. Alobidi: I showed it.

Mr. Hamza: I like to look nice, even in the back, not in the front.

Mr. Alobidi: People complained before about-

Mr. Hamza: You can see it in the back. [crosstalk 02:22:59]

Mr. Alobidi: He put the granite from his self to have people-

Mr. Hamza: I see [inaudible 02:23:06] time, they eat. That's a lot of rust there. That's why I covered it. Sometimes my guys sit there.

Ms. McKnight: Nice.

Mr. Hamza: The two tables, as you can see. One here. One here.

Speaker 21: Are these at Terrell Park?

Mr. Hamza: Yeah, behind the-

Mr. Wenstrup: You're using Terrell Park for free advertising?

Mr. Alobidi: That's a really good one. That's one color. He has more.

Mr. Wenstrup: Good deeds come back to you.

Mr. Hamza: What I mean, I like to look the front of my shop, also the back of my shop nice.

Ms. McKnight: I think we understand what it is that you want to do.

Mr. Pelle: Definitely.

Ms. McKnight: Our dilemma is that our code doesn't allow you to do it. I don't know that this board can approve something that isn't permitted by this book.

Mr. Albrecht: I even look at, if he had come before he bought it, we would say no just because the-

Ms. Holbrook: Yes. If he had come and asked, can I do this, we would have said no.

Mr. Albrecht: Would you say, even if the code allowed it, and you were looking at aesthetics.

Ms. Holbrook: You mean in this zoning? It's not in the OMO. This is not OMO-

Mr. Albrecht: I see.

Ms. Holbrook: But it is the downtown mixed use. Aesthetics for me would be something that I would want to look at.

Mr. Albrecht: We can't change the code anyways.

Ms. Holbrook: No.

Ms. McKnight: Right.

Mr. Albrecht: What would be his recourse if he wanted it? He'd have to go to BZA?

Ms. Holbrook: He can appeal my decision to BZA. That is the recourse is to take it to BZA. They either uphold my decision or they turn it over.

Ms. McKnight: Which is different than them acting on a variance request because there's no variance.

Ms. Holbrook: It's an appeal of an interpretation.

Ms. McKnight: We're certainly sympathetic to the financial outlay that's been made, but I don't see that we have the authority to give him the approval that he's looking for. It's outside our jurisdiction.

Mr. Alobidi: I mean if there is any construction. Pardon me to ask this question. If there is any construction he's building or something, they don't have to have a crane? The code?

Ms. Holbrook: Equipment like this should be enclosed.

Mr. Alobidi: What I mean, I'm sorry, what I mean, if they are building a ten-floor building in Milford, you tell them you don't have to have a crane?

Mr. Albrecht: That would be a temporary use, construction use, not a permit like this. This is being permanently attached to a building.

Mr. Alobidi: Building could take ten years to finish. I will make him have it for ten years and move it. It's temporary.

Ms. McKnight: We don't have the authority to approve it.

Mr. Wenstrup: Even as a temporary.

Mr. Alobidi: I just asked the question. They said it's okay to have temporary, right, for building if they built a building.

Mr. Wenstrup: If they're building a building, there are building height restrictions in the community of Milford. You don't see many ten story buildings in Milford. If we're going to use the facts, let's use the facts.

Mr. Alobidi: You don't know what happen in the future. If somebody wants to build a hotel here-

Mr. Wenstrup: We've had people come before us who have made substantial investments without checking things out first. That's a real difficult position for us. The Mill Croft didn't get done because the guy bought a building before even going to look at it and before finding out whether the use that he wanted to do was approved. While that's unfortunate, in this case, that piece of property doesn't allow for that size of a crane. Had the dialogue been opened before, she would have said the same thing she said after the application was processed, but there is a process here that you can appeal.

Ms. Holbrook: You can appeal my interpretation, which my interpretation is no this is not permitted in the downtown mixed use. I think we talked about that. This is an industrial piece of equipment that's outdoors on top of it. Are there areas in Milford where you could do something like this? Maybe in the light industry district if it was well screened, but this area here is a downtown mixed use. It's not an industrial area, and this type of equipment just wouldn't be permitted down here, but there are other areas in Milford where you might be able to do something like this. It's not temporary what you're proposing. It's a permanent equipment installation.

Mr. Alobidi: It's going to be used for a long time. A question is, if we have some fence in the front of it to cover it, is that going to help?

Mr. Albrecht: You couldn't build a 36-foot-tall fence.

Mr. Alobidi: Actually, the building is below the cranes.

Ms. Holbrook: It does sit below the street?

Mr. Alobidi: Way below. A fence here-

Mr. Pelle: This is a [inaudible 02:29:54] perspective.

Mr. Alobidi: Nobody can see it.

Ms. Holbrook: That's not, that picture is not-

Mr. Pelle: That picture is wrong.

Mr. Hamza: Also, I can keep the crane all the way like-

Ms. Holbrook: In order to screen that you'd need a pretty tall fence.

Mr. Hamza: But in the picture ...

Mr. Alobidi: No, no, this is not real picture, this is just Photo Shop.

Mr. Pelle: To make it look it like what it would look like.

Mr. Alobidi: It's 11-meter-high which is 32-foot-high, and the street ...Six foot high, let's say. So, he will build something to cover whatever he can to cover the view from the street. I told him build it from granite if you want it to make it look good.

Mr. Hamza: I can do whatever you say.

Mr. Albrecht: Everything you do, just build a building.

Mr. Wenstrup: As I look at the specs from Kren, who is the specifications, I'm kind of confused because there's a five and a ten-foot crane, or five and a ten-ton crane, excuse me. And you're buying a ten-ton crane, and it says traveling cranes one to ten tons, electric monorail portable cranes, double frame cranes which is ... then it says for closed area pre-fabricate and steel construction works at top of roof, double framed, electrical traveler crane. So, is this designed to be inside a building or outside a building?

Mr. Alobidi: Both.

Mr. Wenstrup: It's not clear in this ... I see it on the outside of a building. I assume they build different versions of this crane.

Mr. Pelle: It's showing it both ways, different sizes.

Mr. Alobidi: [crosstalk 02:32:02]

Mr. Wenstrup: Right, it's a double track with a boom. So this would allow you to move stuff around in your yard, but to bring it in the building, you'd have to ...[inaudible 02:32:39]

Mr. Alobidi: [crosstalk 02:32:39]

Mr. Wenstrup: Right, then how do you bring it in your building?

Mr. Hamza: I have a transportation cart.

Mr. Wenstrup: So, you can set it on a cart and hand wheel it in?

Mr. Alobidi: Yes.

Mr. Wenstrup: Then you can also use this crane to load it back on to a truck to ship it out once it's cut, or ... do you cut on that premises? Do you shape the counter tops at your location?

Mr. Hamza: Yeah, we fabricate.

Mr. Wenstrup: You fabricate. So basically, you got a 36-foot-tall crane, which is really three and a half stories if it's a ten-foot ceiling, and I got a feeling it's actually taller than that building, because I've been down to your place to buy stuff, and I think they've under drawn where the crane would be as far as height at that building.

Mr. Alobidi: It has to be not higher than the building, because the other side, if you want to stay, how to stay -

Mr. Wenstrup: No, no, I understand that, I just don't think this is drawn to scale. I think it was drawn after the fact, but that's just me. Let me ask you a question, I'm sorry. No matter what we talk about this, we're not the body to be addressing this for them.

Ms. Holbrook: No, no.

Mr. Wenstrup: We're trying to be helpful, but we can't give you a decision because we're not the correct authority.

Mr. Wenstrup: We can't give you a decision ...

Mr. Wenstrup: We can give you a decision, which would be a "no" from us, and then you'd have to appeal it.

Mr. Pelle: Yes, we're not authorized.

Mr. Albrecht: Because it doesn't meet the requirement for ... it's in the code.

Mr. Albrecht: Yeah, we just say no.

Mr. Wenstrup: We have to say no. We don't have much choice. So, if you really want to get to the next step, maybe we can help you do well there, but -

Mr. Pelle: Yeah, this does not allow us to say yes.

Ms. McKnight: Or allow anybody to say yes.

Mr. Pelle: It doesn't allow anybody to say ... yeah, it's just not in the code.

Mr. Alobidi: Even if we bring something -

Mr. Albrecht: You'd have to build a building around it. That has to be inside a building for that zone.

Mr. Pelle: To be contained.

Mr. Alobidi: How about one more on this side, one more in front.

Mr. Albrecht: Nope. It'd have to be a building.

Mr. Alobidi: Nobody can see it. [inaudible 02:35:06] because the code says it has to be inside the building.

Mr. Albrecht: Yep. Correct.

Mr. Hamza: If I build a building, I cover.

Mr. Albrecht: It'd have to be a complete building, all the way around it.

Mr. Hamza: Like a ... roof.

Ms. McKnight: We'd have to approve the building.

Mr. Albrecht: You have to approve the building. And this has to be inside it, and it would have to be approved as well, I assume by city engineers, right?

Ms. Holbrook: The first step, if you're going to do a building, is a site plan, and you would do elevations. We would bring that to Planning Commission, they would review that. If they approved it, then all of that would go to the building department for a building permit, so it would be a two-step process, first the building, these guys would look at your building, and then if they approved it, then you would get a building permit. But you're going to have to do a site plan, and elevations.

Mr. Hamza: If I want to cover it -

Ms. Holbrook: Cover it.

Mr. Hamza: Because I already lose it, I don't want to lose all the money like that. I have to continue building to cover it.

Mr. Pelle: Right.

Mr. Albrecht: Or find a location that allows you to keep it outside. I mean, that's an alternative. Just because you can't do it in this location, because this location is coded this way. It's a B2 code.

Ms. Holbrook: B2, Downtown Mixed Use. And in Milford, you would be looking at a light industry district. That would be a more appropriate place for that. I'm not sure if I'd still want to see that outside.

Ms. McKnight: It would still need to be in a building, but it could be inside an industrial building in the industrial district.

Mr. Hamza: So, you think I can ... [crosstalk 02:37:13]

Mr. Albrecht: You'd have to get an architect to draw you a building with that inside it and then bring it to Planning Commission.

Mr. Hamza: This is very quiet. It doesn't make a noise, it's very safety, [inaudible 02:37:39] almost like a regular crane when you drive the crane and the wheel, the same.

Mr. Hamza: I don't think even then I need a permit, if I don't, I don't order, right?

Ms. Holbrook: Unfortunately, it's the type of district it's in, It's a district for downtown type of activity. Not industrial activity.

Mr. Albrecht: Retail residential, there's actually residents in that area, somewhere.

Ms. Holbrook: There is.

Mr. Albrecht: There's a park right behind you.

Mr. Hamza: But it doesn't look bad. It looks very nice.

Mr. Albrecht: It's just the way the code's written. We can't change that zoning for you.

Mr. Alobidi: The 161, is that what it is?

Ms. Holbrook: B2 is Chapter 1155. City of Milford Zoning Ordinance.

Mr. Hamza: You cannot help me out?

Mr. Wenstrup: We're trying to help you out. There's nothing we can do.

Ms. McKnight: I'm afraid we can't give you the answer you're looking for.

Mr. Wenstrup: We're trying to help you know where you can go to get help. And his advice is number one, you can enclose it, but it's going to cost you money, and you still have to have that building approved. Okay? That's one choice. You can't put it out there in the open, the zoning won't permit it. Or you can find another piece of property within any industrial district that would allow it to be outside, and locate your building there. We don't want you to leave Milford, but you know.

Mr. Wenstrup: The point is, that piece of real estate is zoned in such a way where you can't stick a 36-foot outdoor crane on it by code. Just like I couldn't stick that crane in my front yard. And I couldn't stick my house in an industrial district.

Mr. Hamza: If I make it lower, I can call the company to make it lower.

Mr. Albrecht: No. You can't put an outside crane.

Mr. Wenstrup: It's because it's an outdoor crane that won't fit in that, but that's a very logical ... you're thinking like me. How can we resolve this? It's the outdoor crane part that's a problem.

Mr. Wenstrup: Yeah. Motion?

Mr. Albrecht: Make a motion?

Ms. Holbrook: Yes, I brought this forward to you guys to discuss, really.

Mr. Albrecht: So we don't need to vote?

Ms. Holbrook: No. No. Because in the end, it's really my interpretation of what's appropriate in the B2 district, so -

Mr. Pelle: I think their next step then is to see if they want to appeal or attend to one of those two options.

Ms. Holbrook: You could appeal.

Mr. Pelle: Those are the three choices, I think, in terms of direction.

Ms. Holbrook: Right.

Mr. Alobidi: [crosstalk 02:41:11]

Ms. Holbrook: Pardon me?

Ms. Holbrook: I will draft a letter stating my opinion and that letter will give you your options. You can appeal, you can build a building. Seems like there was a third -

Mr. Hamza: To cover it.

Ms. Holbrook: Build a building to cover it. Or relocate. So that's what my letter will say. And you can ... because my interpretation will be that this is an industrial piece of equipment that is not appropriate for use in the B2 district uncovered. And so, you can appeal that interpretation. I'm not exactly sure how I'd word it. So, you could say, "I don't agree with me," you don't agree with me. And you have the right then to take that to Board of Zoning Appeals and say we don't agree with Pam, we don't think she's right in her -

Mr. Alobidi: It's not you, it's the book.

Ms. Holbrook: I brought this here as a discussion to see if there were other answers. Any other ideas. The Board of Zoning Appeals will say, "Yes, we agree with Pam," or, "No, we don't."

Mr. Hamza: My question if I go into work to cover it, make the work and everything, to cover the crane, I have to lower the crane, and to cover it to make it the height. So, do I [inaudible 02:42:59] in the future ... I don't want to work hard for to also to cover it, then you say no.

Mr. Pelle: Right, right.

Ms. Holbrook: Yes, I think it's 45 feet. A building can be 45 feet, but I would recommend if you want to consider a building, bring on an architect, and come into the office and we'll sit down ...you, me and the architect, and talk about what you can and can't do there. But yes, you could build a building high enough to cover it, I mean, I don't know if there's any overhead where you've got to be so much higher than this piece of equipment, but that would be something to do. So, if you want to hire an architect, come into the office, we'll sit down, and discuss. Once he draws up a plan, we bring it into these guys and they say yes or no. If you meet the ordinance, then it should be okay.

Mr. Hamza: Now you say yes or no, I know, like I said to you, like you say, we come to your office and we make everything, you think they say also no, why I start from the beginning?

Mr. Albrecht: We aren't likely to say no if you follow all the codes.

Mr. Pelle: If you follow the code, it should be -

Mr. Hamza: What if they say no?

Ms. Holbrook: The problem that you're going to have is you can't block that alley, that through way, the driveway that goes from Longworth to Wooster, so you're going to have to leave a drive open.

Mr. Hamza: Okay.

Ms. Holbrook: Okay. So that's an issue that I see.

Mr. Alobidi: You mean, this is drive? From here to here?

Ms. Holbrook: Yes. If you put a building in though, with this crane.

Mr. Hamza: You can put it from here to this area all the way to here.

Mr. Wenstrup: You're blocking the road that goes down there.

Ms. Holbrook: If you can build a building, enclose the crane, and not block that drive, then you should be in good shape.

Mr. Hamza: That drive to here [inaudible 02:45:11]

Ms. Holbrook: Well, the Fire Department told me that they want to see that whole drive open.

Mr. Wenstrup: all the way down.

Mr. Hamza: all the way down?

Mr. Pelle: So, they can get through if they need to.

Ms. Holbrook: So, the fire department, and that's a fire department issue. They want to be able -

Mr. Hamza: [inaudible 02:45:33]

Ms. Holbrook: If it works.

Mr. Pelle: You need an architect to tell you.

Ms. McKnight: I appreciate your questions, but these are really things that you could sort through with staff at a meeting.

Ms. Holbrook: With an architect.

Ms. McKnight: Maybe someone from the fire department could be there. And you could have those -

Mr. Hamza: You know what I ... like I said to you, I already paid the money for the crane. I want to continue to pay the money but I want to feel in the future we have agreement from you guys about that. You know what I mean?

Ms. McKnight: We can't agree to a building that we haven't seen. So, you're not going to get us to agree to that tonight.

Mr. Hamza: I'm going to do it like you want, but I'm sorry, I ask you now in the beginning, because I don't want to waste your time, waste my time, then in the end, oh, we don't need to cover it.

Mr. Albrecht: If you go meet with Pam and an architect, you won't have that issue.

Mr. Hamza: Okay.

Mr. Wenstrup: If you had met with Pam, you probably would not have bought a crane in the first place, or you would have realized that you had to put a roof over it and walls around it.

Mr. Albrecht: They'll tell you what you need to do.

Mr. Wenstrup: So, she's very good at knowing how to help you build within the code, and I have high confidence in that. If you paint it purple, I'll probably say, "I don't like purple." But I don't know what else you could do to screw it up.

Mr. Hamza: Thank you very much.

Mr. Albrecht: Good luck.

Mr. Wenstrup: Good luck.

Ms. McKnight: Good luck.

Ms. McKnight: Okay, we have one more item, the text amendment, we need to have a Public Hearing regarding a proposed amendment to the zoning code.

Ms. Holbrook: Yes. In October, the Milford First United Methodist approached staff about operating a child daycare center at their church location, 541 Main Street. Staff informed the church that the child daycare center use was not listed as a permitted or conditional use in the Institutional District. Staff discovered upon review of the zoning ordinance that child daycare centers were permitted in all zoning districts except for the Institutional District. It is unclear whether this omission was intentional or an oversight, but there doesn't appear to be a valid reason for not permitting this use in the Institutional District.

Ms. Holbrook: Staff directed the church to draft a letter outlining their request. At the November 14th, 2018 meeting, Planning Commission initiated a text amendment to add child daycare centers as conditional use in the Institutional District in accordance with Section 1133.01, Zoning ordinance amendments in the Milford Zoning Ordinance. The Public Hearing to review this request will be heard at the January 9th Planning Commission meeting.

Ms. Holbrook: Staff recommends the following changes to the ordinance: add child daycare centers as a conditional use, Item B to Section 1163.03; no change to the child daycare center definition; add Institutional District to 1195.05.I.1; change 1195.05.I.3. from Board of Zoning Appeals to Planning Commission; Delete the second paragraph in 1195.05.I.6; change 1195.05.I.8 from Board of Zoning appeals to Planning Commission; and fix the typo in 1195.05.I.10. The Milford Zoning Ordinance Zoning definition of child daycare centers closely matches the State of Ohio definition; therefore, staff does not recommend any changes. The church indicated they cannot meet 1195.05.I.7, which states outdoor play areas for children shall be permitted to the side and rear yards only. Outdoor play areas must be on the site of the daycare center. The church would like the city to consider allowing daycare play areas in the front yards since they are unable to meet the side and rear yard requirement.

Ms. Holbrook: The State of Ohio does not regulate the location of the outdoor play area; therefore, it becomes a zoning issue only. Staff would like to have a discussion about the pros and cons about changing this requirement and just to add, I met with Dean a couple of days ago, and apparently, they are not interested in putting a daycare, or a play area, in the front yard anyway. So, we can change that or we can leave it as it stands in the zoning ordinance. I did include several documents from Ohio Department of Job and Family Services for your reference. And I'd be happy to answer any questions here.

Ms. Holbrook: I have Dean from the church in case you had any questions in general. If Planning Commission recommends approval and City Council approves the text amendment, then the church would go through a conditional use process, so they'd be coming back to you for approval for child daycare as a conditional use. So that's how the flow would work.

Mr. Wenstrup: Any questions of staff?

Mr. Wenstrup: I'm sure this is consistent within many ... at least in my experience ... church organizations have daycare centers. And what you're saying is this seems to be an appropriate use. The question I have is are there individuals who have oversight on the operation? Do background checks on staff, make sure that it's clean, make sure that it's health ... all that stuff. That's done by somebody, isn't it?

Ms. Holbrook: That's all done through the state, isn't it? It's pretty heavily regulated.

Mr. Judkins: [inaudible 02:51:31]

Mr. Wenstrup: We're just one of many hoops you're jumping through.

Mr. Albrecht: And really, it's already allowed in other areas.

Ms. Holbrook: When you look at something like this, you think, I wonder why and was there a reason? Is there something I'm not aware of?

Mr. Pelle: I can't imagine, because you even have 'G.' religious places of worship, I don't know when that was exactly written, but who doesn't know that many religious places of worship have daycare centers. So, it's almost inclusive but it's not saying it.

Mr. Albrecht: So, the yards are not an issue right now?

Ms. Holbrook: No, they're looking at putting the play area in the back yard, in the back area.

Ms. McKnight: This is a Public Hearing, so I'll open the floor to the public. Anyone who has any questions or comments regarding this proposed text amendment want to step to the podium and state your name and address and your comment?

Ms. McKnight: Hearing no one, we'll close the public hearing. Any discussion regarding the amendment? If not, is anyone prepared to make a motion?

Mr. Pelle: I think the only question outstanding was do we want to say anything about being able to use something in the front? I don't know if that's necessary right now.

Mr. Albrecht: I'd rather have control of that anyway, let them go to us, look for permission, because you wouldn't want it on the front of a street.

Ms. Holbrook: Typically, you wouldn't. Especially if you look at the busy Main Street. The way this is worded in the ordinance, says, "Shall be permitted in the side and rear yards only." So, to me, that says you don't have the option of considering front yard.

Mr. Albrecht: I don't think it's an issue, if it's not an issue for them.

Mr. Pelle: Yes. Good point.

Mr. Albrecht: Does this match what the wording is for other places in our code? So you said it's permitted in other -

Ms. Holbrook: It is. It is.

Mr. Albrecht: So, we might as well keep it consistent anyway.

Ms. Holbrook: Right. If you were doing a child daycare in the B3 district, you would still have that same list of conditional uses. The definition would be exactly the same. It's just adding that use in the Institutional.

Mr. Albrecht: I wouldn't change it.

Mr. Pelle: So, the motion is to add child daycare center as a conditional use in the institutional district?

Ms. Holbrook: Yes, and the list of the seven changes.

Mr. Pelle: I'll make a motion to recommend the seven changes in the 1/4/2019 public hearing document as well as add child daycare center under conditional uses 1163.03 to the institutional district.

Ms. McKnight: We have a motion, is there a second?

Mr. Albrecht: Second.

Ms. McKnight: We have a motion and second.

Mr. Pelle: Yes.

Ms. McKnight: Yes

Mr. Albrecht: Yes.

Mr. Wenstrup: Yes.

Ms. Holbrook: It's actually scheduled to go to Council on the 22nd of January. It'll be the same presentation, just a little more formal. Council probably won't approve it that night, so maybe at their next meeting.

Ms. McKnight: And I want to thank you very much for your patience this evening. I'm so sorry, when we took things out of order, and everything, I had no idea that it would take that long.

Ms. McKnight: Alright, any other business to come before Planning Commission this evening?

Ms. Holbrook: No, that's it.

There being no further business or comments to come before the Planning Commission, Ms. McKnight made a motion to adjourn the meeting at 9:01 pm; seconded by Mr. Pelle. Following a unanimous decision, the ayes carried.


Assistant City Manager


Ms. McKnight

