

**CITY PLANNING COMMISSION
MINUTES
NOVEMBER 9, 2016**

TYPE: Regular Meeting
PLACE: City Building, City Council Chamber
TIME: 6:30 P.M.

MEMBERS PRESENT: Mike Friedman Paul Nenni Ann Mort
Todd Moore Joanne Mejias David McCauley-Myers

STAFF PRESENT: Ashley Combs, City Planner Jeff Green, Zoning Administrator

OTHERS PRESENT: Joshua Laubach

Ms. Mejias called the meeting to order at 6:30 pm and the roll was called.

MINUTES

Ms. Mejias introduced the acceptance of the minutes for the October 12, 2016 regular meeting and asked for amendments. The board unanimously approved the October 12, 2016 minutes with no changes. Mr. McCauley-Myers abstained from the vote due to not being present at the meeting.

PUBLIC HEARING

#13-16, USE ADJUSTMENT CASE, MICROBREWERY OPERATIONS & TAPROOM

Ms. Mejias introduced the case as a request by applicant Joshua Laubach for Use Adjustment approval to allow for microbrewery operations and a taproom for the property located at 916 First Avenue, Middletown, Ohio, 45042. The property is located in the UCS Urban Core Support Zoning District where microbrewery operations and taprooms are not a permitted uses.

Ashley Combs (City Planner) and Jeff Green (Zoning Administrator) were sworn in.

Ms. Combs presented the case using a PowerPoint presentation.

Ms. Combs went over the project background stating that the applicant proposes a brewery and taproom. The properties are located at 916 First Avenue and the building has been previously used as a warehouse and storage. Please see attached photos of the property.

Ms. Combs presented that the applicant is the founder of Rolling Mill Brewery Company, LLC. The company will produce and locally distribute craft beer to Middletown and the surrounding communities. They specialize in a range of ale and lagers that are completely gluten free being produced without wheat, barley and rye while still using traditional brewing techniques. The building located on the property has the structural and size requirements needed to produce and package their beer and the room to allow for a taproom for tastings and tours. They wish to have their facility located in the City of Middletown, specifically downtown.

Ms. Combs presented a site plan and interior layout to the commission.

Ms. Combs explained that per the Planning and Zoning Ordinance breweries and taprooms are not a permitted use in the UCS Urban Core Support Zoning District. The UCS district provides areas for offices, institutional and residential uses that support UCC Urban Core Central Zoning District uses and provides a transition between the high-intensity UCC District and surrounding residential neighborhoods. The UCS District allows residential (including single family), some service, and office, institutional and recreational uses. Please see attached UC Urban Core chapter.

Ms. Combs noted that each unit will feature a 2 car garage and driveway. This meets the Planning and Zoning Ordinance standard that 2 parking spots are required per unit for four-bedroom multiple dwellings and single and two-family dwelling units.

Ms. Combs pointed out that breweries are an allowed uses in the I-1 Industrial Park District as food products. Examples of the allowed food products are: bakery goods, bottling, candy, canning, dairy products, light meat packing, but expressly excluding slaughterhouses, fish processing, vinegar, sauerkraut, pickle and yeast manufacturing and the rendering or refining of fats or oils. Taprooms (bars) are an allowed use in the UCC Urban Core District.

Ms. Combs noted that per the applicant, he will have a shared parking agreement with the property's current owner who owns the parking lot that is adjacent to the site across First Avenue. The parking lot provides 20-25 spaces. Per the Planning and Zoning Ordinance Chapter 1270: Off Street Parking and Loading: the amount of required parking spots for bars is 1 parking spot per 100 sq. ft. of public area plus 2 for each 3 employees. The required amount of parking for a manufacturing use is 3 parking spots for each 5 employees per shift. The amount of parking spots offered by the shared lot would more than meet the Planning and Zoning Ordinance parking requirement. Ms. Combs presented a parking map to the commission.

Ms. Combs pointed out that the property is located right outside the UCC Urban Core Central District where eating, drink and entertainment places are principally permitted uses. The Urban Core Central District is in place to support and enhance Downtown Middletown as mixed-use, high intensity urban district and a center of retail, service, entertainment, office, government and urban residence. The UCC District encourages pedestrian-oriented retail or eating, drinking and entertainment establishments on the ground floor and residential on upper floors of buildings, but also allows service, office, institutional and recreational uses. Please see attached zoning map.

Ms. Combs explained that the property is also located in the City's Historic South Main District. Any future exterior work done to the property would need to be reviewed and approved by the City's Historic Commission. Per the Planning and Zoning Ordinance no person shall carry out any exterior alteration, restoration, reconstruction, demolition, new construction or moving of a historic landmark or property within a historic district, nor shall any person make any material change in appearance of such property, its light fixtures, signs, awnings, windows, siding, roof, doors, shutters, sidewalks, fences, walls, retaining walls, steps, paving, or other exterior elements which affect the appearance and cohesiveness of the historic landmark or historic district, without first obtaining a certificate of appropriateness from the Historic Commission.

Ms. Combs noted that the City of Middletown's Master Plan labels the properties as "mixed use residential". "Mixed Use Residential" is planned as a transition between Commercial Mixed Use and predominately single family residential neighborhoods located adjacent to downtown. Residential and offices uses are appropriate in existing buildings. Smaller scale retail may be appropriate if adequate parking facilities are available and if the retail activity does not detract from

the neighborhood. The mixed use residential area is intended to be a transition zone between higher density mixed-use commercial corridors and predominately residential neighborhoods.

Ms. Combs addressed that per the Master Plan, the Urban Core Neighborhood Development Opportunity Area is the symbolic focal point of the City. Planned revitalization will increase community pride, enhance appreciation for the City's history, and contribute to the overall economic health of the community. For many years, however, the commercial and residential areas in and around downtown have experienced economic decline. As businesses and people moved away from the historic center, vacant retail and office space, neglected historic buildings, and poorly maintained housing have become prevalent. See attached Urban Core Neighborhood Development Opportunity Area map.

Ms. Combs pointed out that the City of Middletown is currently updating the Planning and Zoning Ordinance. The City is considering to allow breweries as a principally permitted use in the downtown UCC Urban Core Zoning District due to the unique identity of the downtown and business offerings that feature locally made goods. Staff believes that this is a good reuse of the building and will be a great addition to the businesses downtown to be a destination location for surrounding communities.

Ms. Combs reviewed that the Engineering Department had the following comments regarding the proposed development:

1. The Engineering Department may require a traffic impact study may be required depending on trips generated, access requirements, etc.

Ms. Combs reviewed the Criteria for a Use Adjustment.

The commission had no questions for staff.

Ms. Mejias opened the hearing for input from the public. Ms. Mejias asked if anyone was in attendance to speak in favor of the project.

Joshua Laubach, 220 Aberdeen Drive Middletown OH, the applicant, came forward to speak on behalf of the project.

Mr. McCauley-Myers asked what the goal volume of production would be achieved. Mr. Laubach stated that they would be conservative at first and estimate 1,000 barrels in their first year.

Ms. Mejias asked if the products would be stored on site. Mr. Laubach said that much of what they produce will be stored on site and ideally sold to local restaurants.

Mr. Friedman asked if grains would be used for the production since the product is proposed to be gluten free. Mr. Laubach said that the grains would be gluten free such as buckwheat and rice.

Ann Mort asked what type of production. Mr. Laubach answered that they would be brewing and producing growlers and kegs at first and eventually cans.

Mr. Friedman asked if everything would be contained on site. Mr. Laubach confirmed that products would be stored on site and only time that to be outside would be for local events.

Mr. McCauley-Myers asked how many people would be allowed and the hours of operation. Mr. Laubach stated that a maximum of 40 people would be allowed and the taprooms would be Tuesday to Saturday 2-11 pm.

Ms. Mort asked if there are other gluten free beers on the market. Mr. Laubach confirmed that there are, but a small percentage and none are sold locally.

Mr. Friedman asked what the fermentation period for production. Mr. Laubach said that the typical production is 21 days for ale and lagers are 2 to 3 months.

Mr. Friedman asked if there is enough space for production. Mr. Laubach confirmed that there is enough space and a small space will be needed at first.

Mr. Friedman asked how the product would be packaged and would kegs be the primary container. Mr. Laubach said that the last stop is the conditioning tank before being put into growlers. He said that the distribution to will be also to kegs and when production is finally to the goal it will be put into cans and sold locally.

Mr. McCauley-Myers asked if there will be any odors. Mr. Laubach said that there will be a smell if you were to come into the building and that it will not be an impact. Ms. Mort said that the smells will be better than what you can currently smell.

Ms. Mejias asked that there will be canning in 3-5 years. Mr. Laubach said that is true if everything goes as planned. Ms. Mejias asked how often and what type of trucks. Mr. Laubach stated that the deliveries will be in box type trucks and deliveries will be initially a couple times a month and at the most 8-10 times a month. Ms. Mejias asked for smaller deliveries will there be a smaller truck. Mr. Laubach confirmed that is correct.

Mr. Friedman asked how long until there is probability. Mr. Laubach confirmed that it would be 3-4 years realistically. He said that other places are profitable in about 2 years and they want to be as realistic as possible. Mr. Friedman asked when customers will be allowed. Mr. Laubach confirmed that they will not have customers until they are set up.

Mr. Dempster came forward to speak for the project. He stated that he is the owner of Dempster Tire sales and he is in full support of the project and excited to see that type of business.

Nor further public wished to speak for or against the application.

Ms. Mejias asked for the staff recommendation.

Ms. Combs stated that staff recommends approval of #13-16 Use Adjustment for a microbrewery and taproom with the following conditions:

1. A parking agreement be submitted to the Planning and Zoning Department.
2. The two lots be consolidated.

Ms. Mejias asked for a motion. Mr. McCauley-Myers made a motion to approve the use adjustment with staff's comments. Ms. Mort seconded the motion. The motion was approved unanimously.

With no discussion regarding the request so a motion was made and seconded to approve the application as submitted with staff's conditions. Motion was approved unanimously through roll call.

CONFIRMATION OF PLANNING COMMISSION DECISION
CASE #11-6 PRELIMINARY PLAN – MANCHESTER MANOR SECTION 18

Ms. Mejias introduced this confirmation of a October 12, 2016 decision of Planning Commission regarding a request by applicant Fishbaugh Homes for Preliminary Development Plan approval for Manchester Manor, a multi-family home development that is located in the D-3 Zoning District. Per the Butler County Auditor the property is 8.7 acres. This Preliminary Development Plan will also require Final Development Plan approval by the Planning Commission prior to construction. The property is located near the intersection of Riverview Avenue and Tipperary Drive, Middletown, Ohio 45042 (Parcel ID Q6511071000005).

With no discussion regarding the request a motion was made by Ms. Mort and seconded by Mr. Friedman to approve the application as submitted with consideration of staff's comments. The motion was approved unanimously through roll call.

CONFIRMATION OF PLANNING COMMISSION DECISION
CASE #12-16 CONDITIONAL USE – ABILITIES FIRST

Ms. Mejias introduced this confirmation of a September 14, 2016 decision of Planning Commission regarding a request by applicant Abilities First for conditional use approval of a family care home for up to 8 individuals with developmental and intellectual disabilities that require 24-hour care for their health and safety. The property is located in D-2 Zoning where a family care home is allowed as a conditional use. This request also requires variance approval to allow for the family care home to be located within 500 ft. of an existing group care facility. Property address: 4715 Holly Avenue, Middletown, OH 45044 (Part of Parcel ID Q6541027000017).

With no discussion regarding the request so a motion was made by Mr. Friedman and seconded by Mr. Moore to approve the application as submitted with staff's recommendation of a lot split before January 2017. The motion was approved unanimously through roll call.

ADJOURNMENT

With no further business for Planning Commission, a motion was made and seconded to adjourn at 7:38 PM. The motion passed unanimously.

Joanne Mejias
Chair

Ashley N. Combs
Secretary to Planning Commission