

MINUTES
Wyoming Planning Commission
June 7, 2021

The Wyoming Planning Commission met in regular session on June 7, 2021 remotely via the Zoom online video conferencing platform. Jon B. Boss called the meeting to order at 7:00 p.m. Attendance was as follows:

MEMBERS:

Jon B. Boss, Chair
Phyllis Bossin
Al Delgado
Dan Johnson
Ethan Pagliaro

STAFF:

Megan Statt Blake, Community Development Director
Tana B. Pyles, Community Development Specialist
Emily Supinger, City Solicitor
Debby Martin, Executive Assistant
Dennis Brown, Fire Chief

APPLICANTS:

Ron Wehtje, *Hearts of Stearns* Bed & Breakfast Applicant
Allison Yeager, *Hearts of Stearns* Bed & Breakfast Applicant
Mary Sweet, *Wyoming Vines LLC* Applicant
Thom Kuykendall, *Wyoming Vines LLC* Applicant

OTHERS:

Identified via Zoom profile names:

| | | |
|-------------------|-----------------|-----------------|
| Beth Roeseler | Ian Smith | Mike D'Agostino |
| Carol Beeson | Jan Franke | Noni's iPhone |
| Cathy Ramstetter | jcobey@ctks.com | Sara's iPhone |
| Elise Rubinstein | Jerry Williams | Susan Colton |
| Ellen | Jim O'Reilly | Tory Pearman |
| Emilie Copeland | Kay Landers | Wise |
| D'Agostino | kristinegreen | 15134418958 |
| Frances G. Pepper | marlenejewett | Scott |
| Grant Hoffman | Michael Cooper | Allen |

Approval of May 3, 2021 Meeting Minutes

Mr. Pagliaro moved to approve the minutes as written. Ms. Bossin seconded the motion. By voice vote, all voted yes, the motion carried.

Citizen Participation

No citizens had comments regarding items not otherwise on the agenda.

Business

Review of a Revised Special Use Application in accordance with Chapter 1197 of the Wyoming Codified Ordinances for *Hearts of Stearns Bed & Breakfast Establishment at 333 Oliver Road*: Mr. Boss thanked those attending and explained the order of the meeting, noting that the Bed and Breakfast Application for 333 Oliver Road does not include a request to become an event venue, nor is the Planning Commission considering such a request. The application being considered tonight is the revised application that was submitted on May 21, 2021 and citizen participation will be included during discussion of that agenda item. Staff will first provide a review of the revised application, then the applicant will present, and the Commissioners will continue their review and discussion, including a portion for citizen participation. The Commission may take action on the application this evening, or may request certain changes by the applicant before recommending approval or disapproval of the proposed Bed and Breakfast Establishment.

Ms. Statt Blake provided an administrative background and perspective on the Special Use Permit Application as follows:

PURPOSE

This report is intended to amend and restate the staff report dated April 26, 2021 in order to provide the Planning Commission with the administrative background and perspective on the revised Special Use Permit application for the Bed and Breakfast Establishment referenced above. It is also intended to serve as the City Manager's reporting mechanism to satisfy the requirements of Sections §1197.03 and 1197.04 of the Codified Ordinances of Wyoming, Ohio (Code), which detail the Bed and Breakfast application and review process.

BACKGROUND

§1197.03 (a) of the Code requires the submission of an application by the Resident Owners interested in operating a Bed and Breakfast Establishment within the City of Wyoming. The enclosed application meets the submission requirements of §1197.04 and addresses the approval criteria of §1197.06, as detailed below.

As required by §1197.03 (b) of the Code, Ms. Statt Blake visited the property on behalf of the City Manager. No violations of the building, sanitation, or fire laws that are administered by the City or Hamilton County were observed, and the building itself appears to be well-suited for the proposed use. Architectural changes to the property for bed and breakfast use will be subject to review and inspection by the Hamilton County Department of Building Inspections and the Wyoming Fire Department to ensure compliance with the applicable codes, rules, and other regulations.

Property owners within 200 feet of 333 Oliver Road were notified of the revised application and the time, date and location of the June 7, 2021 Planning Commission meeting (§1197.03(b) (C)).

CRITERIA FOR APPROVAL

There are nineteen distinct criteria for approval provided in §1197.06(a)-(s). Staff has found that the application either *complies* (12), is *expected to comply* (5), or *requires waiver* (2) from said criteria as follows:

- (a) *Complies*. The subject property, 333 Oliver Road, is zoned AAA Single-Family Residence, with a Reduced Density Residential Overlay Plan which allows for the existing residence to be utilized as a bed and breakfast, provided that a special use permit for such use is obtained.
- (b) *Expected to comply*. The residential appearance of the exterior of the building will be unchanged. There are landscaping improvements, a rear parking area, and Fire Department access improvements planned. Per the Reduced Density Residential Overlay Plan in place for 333 Oliver Road, as memorialized in the Deed of Acceptance dated September 28, 2020, all exterior modifications to the single-family residence, carriage house, and any significant changes to the grounds of the estate, including, but not limited to, the addition of accessory buildings, pools, or fences, must be approved by City Council following review and recommendation by the Historical Preservation Commission and Architectural Review Board. City Council shall not approve any changes to the grounds if such change will adversely impact the historical integrity of the estate as a whole.
- (c) *Complies*. No alterations to the premises are proposed that would prohibit immediate reuse as a single-family residence.
- (d) *Expected to comply*. Sufficient parking is proposed to be added at the rear of the residence, which is in addition to the existing driveway and carriage house parking. Up to five non-resident vehicles are anticipated to be parked in the rear Guest Parking area at any given time.
- (e) *Waiver required*. The applicant proposes five Non-Resident Guest Rooms/Suites, which exceeds the maximum number of three guest rooms permitted in §1197.06(e).
- (f) *Complies*. Dedicated Bathrooms are provided for each of the Non-Resident Guest Rooms.
- (g) *Complies*. At least one Household Bathroom is provided in addition to the Dedicated Bathrooms.
- (h) *Complies*. The property is maintained in accordance with the applicable provisions of Chapter 1357 of the Code (Property Maintenance Code).
- (i) *Expected to comply*. It is not anticipated that operation of this Bed and Breakfast Establishment will unreasonably increase pedestrian, vehicular traffic or parking in excess of what is normally present in the immediate vicinity of 333 Oliver Road.

- (j) *Complies.* Ron Wehtje and Allison Yeager will be the Resident Owners (property owners) and will live on the premises. Should the sale of the property not be executed to Mr. Wehtje and Ms. Yeager, the Special Use Permit would be void. Any subsequent interested parties would be required to file a new application.
- (k) *Complies.* This operation will only employ the Resident Owners initially, and according to §1197.06(k) is permitted to employ one other individual not residing on the premises.
- (l) *Waiver required.* The bed and breakfast would have at most ten Non-Resident Guests at any one time, which exceeds the limit of five Non-Resident Guests permitted in §1197.06(l).
- (m) *Complies.* Stays for any individual Non-Resident guest will be limited to 28 days in any consecutive twelve-month period.
- (n) *Complies.* Meals will not be provided other than to the Resident Owner(s), Resident Family Members, Resident Guests, and the friends and family thereof, and to the Non-Resident Guests.
- (o) *Complies.* Non-Resident Guest meals are intended to be breakfast only.
- (p) *Complies.* Non-Resident Guests will not be permitted to use the Household Kitchen.
- (q) *Expected to comply.* The establishment, maintenance or operation of the Bed and Breakfast Establishment will not be detrimental to nor a danger to the public health, safety, morals, comfort, or general welfare.
- (r) *Expected to comply.* The establishment, maintenance or operation of the Bed and Breakfast Establishment will not be injurious to the use and enjoyment to other property in the immediate vicinity for purposes already permitted and it should not substantially diminish or impair property values in the neighborhood.
- (s) *Complies.* No retail sales will occur on the premises.

ADDITIONAL CONSIDERATIONS

In accordance with §1197.03(b), the Fire Department, Police Department, and Water Works Department have reviewed the revised proposal and offered the following comments:

Fire Department

Fire Chief Dennis Brown reviewed the revised application and previously visited the property and affirmed the following findings:

1. A Type 1 commercial kitchen hood suppression system tied into the alarm system will be needed. [Ohio Fire Code (OFC) 609.2]
2. An access road shall be provided within 150 feet of all portions of the building. [OFC 503.1.1]
3. Access roads need to be a minimum of 20 feet wide. [OFC 503.2.1]
4. For aerial access, the access road should be a minimum of 26 feet wide adjacent to the building. [OFC Appendix D, 105.2]
5. The road shall run parallel to one side of the building and be greater than 15 feet but not more than 30 feet from the building. [OFC Appendix D, 105.3]

6. The proposed front gate must be at least 20 feet wide. [OFC Appendix D, 103.5]
7. The access road grade must allow fire apparatus access. [OFC 503.2.7]
8. The access road must allow angles of approach and departure for fire apparatus. [OFC 503.2.7]
9. If the access road is dead-end, turn-around must be provided. [OFC 503.2.5]

Police Department

Police Chief Rusty Herzog reviewed the revised application and has no concerns.

Water Works Department

Water Works Director Mike Lippert reiterated his previous recommendation that the applicant investigate whether the size of the water service line is sufficient for increased occupancy. Any increase in impervious area will be reviewed for compliance with the City's Storm Water Management Plan.

REVISIONS TO THE PREVIOUS APPLICATION

Mr. Wehtje thanked the Members for allowing them to return to the Commission with the revised presentation. He reviewed the items that have been changed to the Special Use Application since the last meeting via a PowerPoint presentation. The changes include the following: reduced the bedroom limit from ten to five; reduced the guest limit from twenty to ten; restricted the exit from the property onto Glenway Avenue with a locked gate, to only be used by resident owners and emergency vehicles; revised the parking plan to have parking spaces surround a traffic circle behind the mansion, eliminating the need to add a gravel access road along the east and south borders of the property.

The revised site plan was shared and the proposed changes were described in more detail. Mr. Wehtje added that if a fence were to be erected it will be decorative in nature. The gate across the driveway that leads out to Glenway Avenue would be kept locked except for private use or for the use of emergency vehicles. A bypass lane was added to the site plan in front of the portico to allow for a fire truck to access the opposite side of the building, since the portico is not an adequate height. The revised parking area is much smaller than shown in the previous application and is proposed as a simple circle in the back of the building.

Revisions to the first floor plan are minimal and will include some office space for the business operation. On the second floor, the extra set of stairs to the third floor have been removed since the reduced number of guest rooms no longer require it.

Based on reports from Building Code Expert, Gregory Nicholls, AIA from the Preview Group and Wyoming Fire Chief Dennis Brown, the following improvements are being planned:

Safety Improvements:

1. The main drive will be a minimum of 20' wide for fire trucks, some portions 26' wide for aerial fire apparatus.
2. A new drive will go around the main portico at the front door to provide for fire truck access to the whole building.
3. The proposed entrance and exit gates in the perimeter fence will have a minimum width opening of 20'.
4. The exit to Glenway Avenue will be locked, and only used by the resident owner or emergency vehicles.
5. The guest parking area behind the mansion will be built near the south property line, around a circular drive that will be designed to accommodate the turning radius of the City of Wyoming fire trucks, allowing them to respond to a car fire and then be able to safely exit back onto Oliver Road.
6. A Type 1 commercial kitchen hood suppression system that is tied into the fire alarm system will be installed in the kitchen where breakfast for the guests will be prepared.
7. Addressable alarm system will be installed with detectors in each bedroom, near each bedroom and on every level of the house, utilizing photo electric and ionization technologies, and must have 24-hour monitoring and battery backup.

Bed & Breakfast Operating Plan

The daily operations will be run by Ms. Yeager. She will be responsible for guest reservations, check in/out, breakfast preparation, morning coffee bar, evening happy hour, and nightly turndown service.

The daily finances will be run by Mr. Wehtje. He will be responsible for financial accounting, monthly and annual financial statements, banking, taxes, budgeting, and payroll.

One additional staff member may be employed for housekeeping and laundry services in the future if the need arises.

Impact on Surrounding Neighborhood: Traffic

The current daily traffic volume on Oliver Road is estimated to be over 1,000 trips with a significant portion allocated to trips to Hilltop School. With the assumption that a maximum of five guest cars will each make three to four trips per day, the increase of 20 trips per day will not be a noticeable change.

The exit from the property onto Glenway Avenue will be restricted with a locked gate, to only be used by resident owners and emergency vehicles.

The revised parking plan will eliminate the need to add a gravel access road along the east and south borders of the property.

Impact on Surrounding Neighborhood: Noise

Mr. Wehtje and Ms. Yeager, resident owners, will actively monitor guests for excessive noise and take appropriate action when necessary to ensure that they are always respectful of the neighbors.

Impact on Surrounding Neighborhood: Privacy

The Mansion sits far back from both Oliver Road and Glenway Avenue on over 5.5 acres of grounds. This large amount of space surrounding the building makes it highly unlikely that guests will ever encroach or trespass on any adjacent neighbor's property while staying at Hearts of Stearns.

Bed & Breakfast Sign

The *Hearts of Stearns* Bed & Breakfast sign will be mounted on one of the stone pillars at the main entrance gate to the property from Oliver Road. Chapter 1331 allows for a 12"x12" sign but the applicants are requesting approval of a larger 18"x18" sign that is easier to read. The mockup provided is meant to be an example of the aesthetic but the final sign may vary from the version shown.

Mr. Boss asked clarification with regard to the proposed gate on Glenway Avenue. He asked Mr. Wehtje that if the fence is not permitted, would a gate would still be installed. Mr. Wehtje explained that because of the safety factor of not having people drive down the narrow road, they believe that the gate should still be installed regardless of the fence approval. This detail was left out of the revised plan until the status of a fence approval is obtained.

Ms. Bossin asked if the fence is something that the Planning Commission is reviewing this evening. She is not in favor of a decorative fence along Oliver Road. Ms. Statt Blake explained that the Planning Commission can make recommendations and within that it can cover any aspects of the proposal that it wishes City Council to recognize. If there is a waiver that the Members wish to recommend be part of its recommendation there can be a directive from the Planning Commission that the enclosed fence is or is not recommended. Ms. Bossin commented that she likes the revised plan taking the non-resident guest rooms down to five. She also likes that Glenway Avenue will not be accessible to guests as she believes this will be a good safety feature. Her biggest objection right now is regarding the decorative fence on Oliver Road.

Ms. Statt Blake clarified that if the Planning Commission were to agree to an 18x18 sign versus a 12x12 sign, this would need to be approved through a waiver, which was left out of the initial report to the Members.

Mr. Johnson stated that he likes the smaller number of non-resident guest rooms, given the character of the home and the size of the grounds he is amenable to five rooms rather

than three rooms which the Code allows. He questioned why the Code states a five guest limit with three rooms available versus a ten guest limit unless one room was expected to be occupied by a single person. Ms. Statt Blake stated that she has not found anything in her research indicating why those numbers were chosen in the legislation. Mr. Johnson asked clarification as to what the Planning Commission's recommendations should be on and whether it includes the fence and sign verses other boards/commissions. He stated that those elements that are not specifically part of the bed and breakfast operation such as the fence, the pond, and the signage, and should be handled by whatever body would normally review those types of improvements.

Ms. Statt Blake explained that in talking about a residential feel, and changes to the residential appearance of the property, she feels that these elements are appropriate to cover in a recommendation about the bed and breakfast, should the Planning Commission wish to. In addition to that, distinct improvements that require a zoning certificate on their own would go through a standard City of Wyoming zoning review and that is when the Board of Zoning Appeals would be involved if a perimeter fence were to be pursued, following the waiver of requirements outlined in Chapter 1197. If there is a waiver to specific bed and breakfast provisions, Planning Commission can recommend that waiver to City Council under the umbrella of the bed and breakfast zoning review.

Other things that are not specifically referenced in the bed and breakfast regulations would run through the standard process applying to both the property and the city at large, meaning the 19 criteria covered in Chapter 1197.06 (a) through (s), would be part of Planning Commission's written recommendation. Moreover, if there are additional items the Planning Commission wants to call out as part of its recommendation regarding the residential appearance, the Commission has that ability, under the provisions of Chapter 1197. That does not mean that those would not also subsequently or simultaneously run through the typical zoning review, and includes if there are any changes to the site erecting a fence, installing a water feature, then this is no longer part of the scope but erecting a detached garage, for example, all of those would have to be reviewed for zoning compliance under the broader Zoning Code. Additionally, because of the special overlay on the Stearns property those would also have to be reviewed by the Historic Preservation Commission and Architectural Review Board and ultimately be approved by City Council specific to the historic aspect.

Mr. Johnson stated that he does not have any strong opinion on the proposed fence. As for the proposed gate on Glenway Avenue, if there is no fence then there should be a condition in the recommended approval of a gate across the driveway. He believes that the size of the sign should not be expanded beyond what the Code allows for. Additionally, Mr. Johnson stated that he would prefer that the Special Use Permit be reviewed every six months rather than once a year.

Mr. Johnson expressed concern with the latest parking area design and that it is too large for what would be needed. Although it is the back of the property, it is the front of a public property space that gets a lot of use. He would like to be sure that it does not negatively impact the park and the roadway.

Mr. Pagliaro asked if the third floor will be blocked off to guests. Mr. Wehtje stated that there is a stairway that goes from the second floor to the third floor which would not be blocked off. However, the third floor will not contain any rentable guest rooms and would be labeled as a private area. Mr. Pagliaro stated that he is in favor of the Glenway Avenue improvements.

Mr. Delgado questioned if there is a possibility of simply passing a recommendation for a bed and breakfast establishment without fence details or room/guest numbers, or sign design decisions. That a bed and breakfast establishment would be considered and if fencing or signage is included, then it would be reviewed separately.

Mr. Boss commented that he believes the Members can act on the two items that require a waiver, and in the resolution indicate that the Commission is not acting on the sign and fence which require submission of requests to other parts of the City. Ms. Statt Blake stated that would be an appropriate way of structuring a recommendation. Ms. Bossin asked if the Members would not be voting on the actual application, which includes those items, it would just be voting on whether it would grant a waiver to allow five rooms and ten guests even though the application includes those other items. Ms. Statt Blake explained that they would note that there is not a recommendation or a waiver being suggested for any other aspects, and by default require any other elements go through zoning approval or variances as established elsewhere in the Code.

Mr. Wehtje commented that the fence and other external improvements were only listed on the application because the application requirements stated that needed to be included even though not part of this approval process.

Ms. Statt Blake asked about the gate across the driveway on Glenway, and if a car pulled into the driveway and the gate was closed, are they able to turn back around. Mr. Wehtje stated that there will be enough of a skirt that a car could maneuver a three-point turn and go back out safely.

Persons wishing to comment on the application were provided an opportunity to address the Members. Their comments are as follows:

Scott Clark: He and his wife, Kelly live at 652 Glenway Avenue. They can see up to the side of the property. When he talked with others, people have said they are fine with a bed and breakfast because it beats the alternatives. He does not know what the alternatives are and

if they have been discussed since they were unable to make the last meeting. He asked if this is a historic structure that can ever be torn down. Mr. Boss stated that the Code requires an application and approval for demolition, and because it is a registered landmark it makes it more difficult to demolish the structure. Ms. Statt Blake added that Chapter 1336 of the Code provides the guidance if someone were to alter or propose to demolish a designated historic property that would have to go for a special approval which requires public hearing notification of neighbors and ultimately approval by City Council.

Scott Clark: He asked if it is possible that the property could be subdivided and additional structure be built. Ms. Statt Blake stated that the property is protected by a Reduced Density Overlay and it did get subdivided into two separate parcels; one containing the carriage house and one containing the main house. If it were proposed to be further subdivided it would require an amendment and she does not anticipate there being additional amendments to the overlay.

Scott Clark: In the revised proposal, it mentioned about an evening happy hour being hosted on the side porch, and from his vantage point, especially once the leaves come down, he can hear everything. He asked what conditions are going to be placed on how late that can go, how loud that can be, and will there be music being played on that side porch. Mr. Boss stated that if the Special Use Permit is abused in any way over the year including excessive noise, it would be recorded and City Council could take appropriate action when it is time to renew the permit. Mr. Wehtje stated that this was discussed earlier and that everything on the property would be done by 11:00 p.m. He reiterated that there will never be large crowds partying or getting rowdy. Mr. Wehtje and Ms. Yeager will be residents of the property and they will not allow the property to be a nuisance by actively monitoring the noise levels.

Scott Clark: He asked if the hosted happy hours be something that would potentially happen every night or would they be limited to certain nights of the week. Mr. Wehtje stated that the happy hour comment made referred to it being held inside and he is not sure how that was interpreted as being held outside or on the porch. If there were an evening happy hour it would likely be late afternoon and probably on the landing above the stairs on the second floor where all the bedrooms are located, not outside. Mr. Clark asked if there will be some kind of lighting in the parking area and, if so, what kind of lighting, how long will the lights be on, and will they be on all night long. Mr. Wehtje stated that he it will be low level landscape lighting to allow people to get to their car safety but nothing more beyond that. Mr. Clark had questions on the financial viability and the statement that they must achieve between 60 and 65% occupancy and some small event bookings to generate a return on the bed and breakfast. He asked since the scope has decreased significantly, if this is a financial venture that requires making a return or what happens there is not one? Mr. Wehtje stated that he believes the comments Mr. Clark saw were from the minutes and speculation about what occupancy might be. They would like it

to be a viable business that has a return but is not dependent upon that and will not need outside investors.

Jerry Williams: He asked about adding a condition to the approval of the special use permit, any zoning permit or any zoning changes, for having an event center in the future would be prohibited. Ms. Statt Blake stated that there is no zoning in place in Wyoming for an event venue in a residential district so there is not a possibility at this time. That is not to say that the Zoning Code could not change in the future, but there is no intention or plans amongst the current staff or Planning Commission to recommend that. The provisions of the special use permit apply specifically to the use that is being proposed and potentially allowed under our current Code.

Jerry Williams: Mr. Williams questioned that if by allowing this special use permit, does it take us down the path of the end game, or in the future, will they apply for those zoning changes. He asked that the City will not consider those zoning changes in the future as part of this approval. Ms. Supinger commented that there are multiple layers of protection on this property. Not only does the Zoning Code not provide for an event center in a residential district, but this property is also subject to the Overlay which very specifically limits the use of the property to single-family residential and potentially as a B&B and no other additional uses, no other additional subdivisions, other than what has already occurred. The number of things that would have to happen from a practical standpoint to use this property as an event center, it would have to be a very compelling case in her opinion. It does not seem like something that, practically speaking, would occur given, the protections that are on this property and the number of procedural steps and boards and City Council review that would that this would have to go through.

Frances G. Pepper: She is concerned about the gate at the bottom of the driveway on Glenway Avenue. If a fire truck should try to exit on to Glenway Avenue they have to turn right, and a car cannot turn left without backing up and going forward again. If they turn right, they would have to go around all the curves on Glenway Avenue and if they saw an opposing car coming, that car would have to back up and go into a driveway to let the fire truck go by. She believes exiting on Oliver Road would be far more conducive. As far as the gate, she supposes that in an emergency someone will have to rush down to open the gate, unless it is electric, because they would run over her property which is across from the gate.

Mr. Wehtje commented that what Ms. Pepper has brought up is true. He explained that he drives a Ford F-150 and he cannot turn left or right. Fire Chief Brown has indicated that if a fire truck needed to go past the portico to access the other end of the building for a fire it would be impossible for them to turn around. Their plan was not to leave the exit on the Glenway Avenue the way it is, and are going to back it up and turn it so that it comes on to Glenway Avenue parallel. With the appropriate easement, a vehicle can easily turn left or

right and not the way it is today. The idea was to make it aesthetically pleasing, nicer than today, but also make it a safe area where you could easily turn left. As for the gate, there would be an electronic code so the fire truck could be able to either put in a code or have a transmitter to open that gate.

Frances G. Pepper: If there is a gate with no fence then anyone can go around it. Mr. Wehtje commented that it would be best if there was a decorative wrought iron fence with a gate for those reasons. But if he cannot do a fence and still needs a gate for protection, it could be done with landscaping in a way.

Susan Colton: They live at 630 Liddle Lane, through the Stearns Woods, directly behind the property. She stated that in August of 2020, this property was approved for a three bedroom bed and breakfast according to a slide from the prospective buyers at their open house. What rationale and criteria will the Planning Commission use to consider this waiver for five bedrooms over the three bedrooms as other properties will use this criteria for requests in the future.

Bruce Colton: He asked what is the criteria for how the Planning Commission makes that decision. Mr. Boss commented that the criteria is spelled out, explained by the Community Development Director, in §1197 of the Code. There are other properties in Wyoming that are large enough but they would have to go through the same process.

Susan Colton: There have been certain times in this discussion when a question is asked, well why did we do this 10 years ago, and the answer is, I do not remember. Is there any way that the rationale can be referred to. Mr. Boss commented that that it not the case that we do not quite remember. The point was at that point in time, we do not recall the reason for the three bedroom requirement. It likely was if you go beyond three, additional county legislation and Codes have to be considered. If the limit is kept to three it is a matter of convenience and the people who were making the application at the time the legislation was being written, their property was such that they were requesting a three bedroom operation which is what they were approved for.

Bruce Colton: He added to Mr. Johnson's comment about having a parking lot right up against the woods and Mr. Wehtje has previously mentioned a fence. We have five strangers parking right next to the woods where we have kids running back and forth through there all the time unattended and he thinks there needs to be some separation. Ms. Colton added that a fence or some kind of barrier for safety would also help with lights, since they can see the Stearns Mansion in the winter from their home and do not want to see a lighted parking lot.

Jordan Pearman: Jordan and Tory Pearman live at 229 Oliver Road. He echoed Mr. Colton's concerns. He has a couple of kids who play in Stearns Woods all the time. For his family,

having a parking lot visible and 10 strangers within arm's reach of the edge of Stearns Woods is directly in opposition to §1197.06 (r) that it is injurious to the use of the adjacent property. He said they are talking about a very serious and large change to our residential neighborhood with things like happy hours which go until 11 o'clock at night and is completely unacceptable. He asked how the applicants will mitigate people using, have used alcohol or vaping outside where it is in full view of our Community. And lastly, he said the applicants stated they do not need a commercially viable bed and breakfast in order to purchase the home. Mr. Wehtje responded that he believes he has made it very clear, this is not a party place. It is a bed and breakfast, it will be a quiet location and will not be run recklessly.

Mr. Boss commented that the answer to the question is, if they were to sell alcohol that would require a special permit and that is not part of the consideration this evening. Ms. Statt Blake added that the situation would be as if anyone else had private guests at their home. The City's zoning mechanism does not regulate alcohol consumption by willing adults in a private residence like that.

Michael Cooper: He said he would like the Planning Commission to recommend that the fence is out of the question. The three bedroom or five bedrooms is fine but the fence should not be approved. The zoning regulations were put there for a reason, and to change the zoning to benefit one person at the detriment of all others is not right.

Mr. Boss thanked Mr. Cooper and stated that he heard an earlier comment made about a protective distance between the back of the parking lot and the Stearns Woods parking area. The Planning Commission can comment in its recommendation in the report to City Council, that these are additional issues and questions that were raised but Planning Commission does not have the authority to act on. Mr. Cooper clarified that he was against the perimeter fence and the folks over on Liddle Lane that had suggested a fence by the parking area, some kind of wooden fence which is a good idea.

Cathy Ramstetter: Ms. Ramstetter and her husband live at 629 Liddle Lane, and they submitted a letter of support representing several of our neighbors and friends. She proceeded to read the letter into the record:

Dear Members of the Wyoming Planning Commission, Wyoming Acting City Manager and Wyoming Council: We are near neighbors of the Stearns Mansion property. We are writing representing a collective group in support of the new owners, Ron Wehtje and Allison Yeager, and their request for a variance needed to allow for a 5-room, 10-occupant Bed & Breakfast. We attended the Planning Commission meeting on May 3, and some of us also visited the property on May 2, 2021, for the Open House. We have all reviewed the revised plan which was submitted by Allison and Ron on May 21, 2021. We are greatly appreciative of their response to our community's concerns and hold their ability to adapt their plan in

high regard. Based on this, as well as their invitation to neighbors and other stakeholders to meet with them to share concerns and support, we believe Ron and Allison are eager to be members of our community: They want to live here. They chose this home because they love its character and its history. For us, most importantly, we believe they will be good stewards; they want to preserve the house, the grounds, and the integrity of the place. The revised plan addresses concerns about impact to our neighborhood thoroughly; notably: limiting occupancy to a maximum of 10 guest(s) per night in the 5 guest rooms; providing parking behind the mansion, nestled within the tree line, so that guests' cars will not be visible to neighbors who live across the street or that are driving by; and actively monitoring outdoor guests for excessive noise...ensuring that visitors are always respectful of the neighbors who live nearby. Ron and Allison have done their research on what it would take to not only have a B&B, but more importantly, to live here. They consulted local experts in structural, historical and code requirements. They are eager to be not only the "new owners" but to be active community members. They know the requirements of the property covenants, and have the backing of the Landers family. We feel strongly that the necessary variance in code to permit the B&B expansion is in the best interest of our community, and the new owners will bring new life and love to this most-special of homes.

Sincerely,
Tony & Cathy Ramstetter, 629 Liddle Lane
Scott Williams & Mette Richter, 635 Liddle Lane
Greg & Sue Zenni, 638 Liddle Lane
Gerry & Sharon Daugherty, 623 Liddle Lane
Val Previs, 430 Reily Road
Ron & Robyn Cramer, 614 Liddle Lane
Chuck & Frannie Rogers, 41 Burns Avenue
Fred & Deanna Erny, 25 Ritchie Avenue

Ellen Kelly: Ms. Kelly lives at 635 Glenway and asked about the provisions of the Code requiring a certain percentage of time for the owners to be on site, if they have to be present in order to have guests or if the B&B is technically closed when they are not present. Ms. Statt Blake answered that a requirement of the special use permit is that the operation is run by resident owners. The property owners themselves are to operate the bed and breakfast. Ms. Kelly knows the owners intend to have a room on site but there are people in this community that have more than one residence. Ms. Statt Blake stated that the requirement is that the resident owners be present for the operation of the bed and breakfast so if they leave seasonally, then the bed and breakfast would not be operating at that time. Mr. Boss added that this will be their primary residence. Mr. Wehtje stated this will be their only residence and he plans to live there full time.

Chris Schunk: Chris and Angela Schunk said they are in support of the bed and breakfast. They have listened to a lot of discussion about the dangers and hazards that could be and

he thinks a lot of this is easily remedied. Additionally, he does not feel the dangers with having for kids playing in the woods near the bed and breakfast. This is a Community where hundreds of kids walk to school every day by themselves with strangers passing through all the time and does not think this operation adds any further danger. He believes that the noise will be very limited and the lights at night will not be any different than they already are, and he does not see a major change with the proposed layout. It almost feels the same for the from the road, it would certainly appear the same, and there is no drawback to adding a few more people staying the night in our Community. He hopes that they can move forward with a five bedroom bed and breakfast.

Jerry Williams: Mr. Williams said we are going to elevate the amount of people coming into our neighborhood it is not going to be one single family. It is going to elevate the amount of people in our Community that we just do not know so he does not want us to say that we are not increasing that or that the risk is not going up because they are.

Ms. Bossin commented that she believes it would be an appropriate time to entertain a motion. She prefaced that by stating she believes a bed and breakfast is in the interest of our community. She sees it being used for grandparents or other family members visiting for special occasions. She does not see people staying at the facility as part of a fraternity party and does not share these concerns. Ms. Bossin moved to approve the waivers of §1197.06 (e) and (l) which are the waivers of the number of non-resident guest rooms changing from 3 to 5 and the waiver dealing with the number of non-resident guests to most of being 10 at any one time. Ms. Bossin added that she is opposed to a perimeter fence although the review process for signage, fencing, and lighting, are administered by other boards and commissions. Mr. Delgado asked for clarification if the Planning Commission is to consider the fence and sign. Mr. Boss explained that the motion can only refer to the provisions of Chapter 1197 and that signage, fencing, and lighting will be dealt with by other entities. Mr. Johnson seconded the motion. By roll call vote, 5-0, all voted yes, the motion carried.

Mr. Delgado commented that there were a lot of good comments raised regarding the gate and fence, which will require a fair amount of consideration when they go for review.

Ms. Statt Blake reported that the next step in the process will be a written recommendation from the Planning Commission to City Council. This recommendation will be presented with a first reading a draft Ordinance to approve a Bed & Breakfast Special Use permit. City Council will then schedule a public hearing which will require a 30-day notice to the public. The public hearing is likely to be held at the July 19, 2021 City Council meeting. Residents within 200 feet of the property will receive a mailing from the City providing the details of the public hearing.

Councilmember Jim O'Reilly commented that although he cannot speak for all members of City Council, he wanted to commend the Planning Commission for their thorough and in-depth review. He also commended those who have spoken tonight and especially appreciates that Mr. Wehtje and Ms. Yeager have come out transparently to interact with many people with such detail.

Review of a Development Plan Exemption Application in accordance with Chapter 1133 of the Wyoming Codified Ordinances for Wyoming Vines, LLC, dba W Bar at 518 Wyoming Avenue:

Ms. Statt Blake provided the background. Mary Sweet is a Wyoming resident and the new owner of 518 Wyoming Avenue, located at the northwest corner of Wyoming Avenue and Van Roberts Place. The building is currently used as a storefront office space (Wyoming Wellness), with two residential apartments both behind and above the storefront. The property is located within the City's DORA (Designated Outdoor Refreshment Area).

Ms. Sweet is proposing to change the use of the building's storefront to an "upscale full bar with retail specialty wine, local beer, and limited food options for sale on premises and for carryout," as described in the Development Plan Exemption application submitted by Ms. Sweet. Such change of use requires review under Chapter 1133 of the Zoning Code (Development Plans). Staff is recommending that the proposal be reviewed as a Development Plan Exemption, with input from the Planning Commission, as provided in §1133.04 (Development Plan Exemption), and specifically guided by §1133.06(b)(2) A-C, which states in part that a Development Plan Exemption shall be approved if the following conditions are met:

- (a) The proposed use conforms with the objectives of the officially adopted Master Plan of the City;
- (b) The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety, morals, comfort or general welfare; and
- (c) The proposed use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish or impair property values in the neighborhood.

In addition to the parameters set forth for Development Plan Exemptions in Chapter 1133 and the restrictions of the DORA, the proposed outdoor dining component will be reviewed in accordance with Chapter 1188 of the Zoning Code (Outdoor Dining).

Ms. Sweet was present and introduced herself and provided her background information. She presented a PowerPoint presentation with additional information and noted that the branding and some final décor decisions and food selections are still under development. The following information was covered in her presentation:

Architectural Plans – Outdoor

1. A Bruno 3 Gate Commercial Vertical Platform Lift will be installed on the east side of the building to meet the requirements of the American's with Disabilities Act and Hamilton County Building Code.
2. 750 lb. lifting capacity
3. The 3-gate lower enclosure system provides a full barrier at the lower landing with no access under the lift for maximum safety.
4. Keyed, constant pressure controls on platform with emergency stop switch and audio/visual alarm
5. Bottom platform safety panel
6. 42" high, solid, side platform walls
7. Top & bottom limit switches and final limit safety switch
8. 36" x 48" non-skid platform
9. Fixed Ramp (enclosed and 3-gate)
10. Reliable, quiet ACME screw-driven DC motor with full-time battery operation offers access even in a power outage
11. Additionally, there are tentative plans to place picnic tables on the south and east sides of the building for outdoor dining use, once a permit is issued.

Architectural Plans – Indoor

The windows on the south elevation of the building will be replaced with operable windows, with an overhead opening. The far left window will be openable as a pass-thru walk up window for bar-beverage service. The existing awning frame will remain, however new fabric will be installed. The existing door, metal handrail, and concrete entry steps will remain. The sample style images are Retro Modern 70s Minimalism. Color stock photos of samples of the proposed style were shared with the Members and it was noted that this area of detail is still to be determined.

Sample Menu Items

Ms. Sweet shared descriptions of proposed craft cocktails, beer and wine selections which will be available for carryout or consumption on premises. Light food bites will be available for carry out or consumption on premises as well. The food selection will be very small due to the size of the prep area. Ms. Sweet added that she has spoken to the owners and operators of Gabby's and Wyoming Meat Market and she has collected data on food and drink items at Wyoming Pastry Shop, Cowboy Cones, and Station to develop a carefully crafted menu of food and drinks that will augment the selections available in the Village. Her goal is to help contribute to a one-stop-shop model for patrons visiting the Village looking for art, jewelry, one-of-a-kind gifts and household items.

The hours of operation to start will be 4:00-11:00 p.m. Thursday and Friday, 11:00 a.m. to 11:00 p.m. Saturdays, and closed Sunday thru Wednesday except during certain events. In the future, a D6 liquor license may be acquired for Sunday sales as the market demands.

Professional Partnerships and Relationships

1. Brad Thomas of J. Thomas Hodges – Attorneys at law, specializing in the bar/restaurant business assisting in final liquor license approval.
2. Rod Sidley of Rod Sidley Architects - Building and change of use architect
3. Michael Stehlin of Hamilton County Building Dept. - Resource to navigate preparation and development of final building permits.
4. Charles Noble of Hamilton County Health Dept. Food service license inspector and resource during hard design phase
5. Pete White of White Design Studio - Logo, print, and web design partner
6. Sarah Eingle of MSA Design - Pending Interior Designer from the firm that brought to Cincinnati Salazar, Mita's, Goose and Elder, Cintas Center, and many more local and regional project designs.

Ms. Bossin commented that she is in favor of the proposal and believes that it is consistent with the Master Plan. She asked clarification as to the target opening date. Ms. Sweet stated that her anticipated opening will be October 1, 2021. The holidays will be a good indicator of what the demand may look like for the winter months to come. The impact of the takeout window may not be known until the next year.

Mr. Delgado asked for additional details of the takeout window and the rationale for it. Ms. Sweet stated that the property is already located in the DORA district and she would like to provide drinks easily to everyone whether they come inside of the building or if they are standing outside. The indoor space may accommodate up to 15 people at its maximum, which will be very intimate. During special events the inside space may not be able to accommodate the demand, and so the takeout window was created. She explained that if the takeout window is not approved for alcoholic beverage service, and people are required to come inside, purchase their drink, and take it back outside, the takeout window will still be available to use for soft drinks and food items instead. The intent is to help with the traffic flow and for profitability. It will fit within the model of what Cowboy Cones has been doing during the COVID shutdown.

Mr. Johnson commented that he does not have any questions and believes the proposal is attractive and a good idea and he looks forward to its opening.

Mr. Pagliaro asked if the building capacity of only 15-18 persons is a concern. Ms. Sweet explained that she has tried to purchase the building for approximately two years but was unable to come to a deal. She stated that the rent from the two apartment spaces covers the expenses of the building and the operation does not need to make a profit. This has been a dream of hers for a long time and she and her partner are in a place where they can financially open the business without it making a profit. If it pays for itself, that will be

great, after processing the business analytics she believes that the business will make some kind of profit if open three days a week.

Mr. Pagliaro asked what will become of the two apartments, if anything and the existing detached garage on Van Roberts Place. Ms. Sweet explained that the upper floor apartment is a large, one bedroom space and the lower/main level will remain an apartment for now, and if the business experiences large success, perhaps the space can be incorporated into the bar/lounge area as an upscale restaurant by removing the common wall that separates the two areas. In the purchase agreement with the owner, the use of the garage will remain with the owner who will then pay a monthly rent of \$250 to Ms. Sweet. This arrangement will continue indefinitely or until the owner retires which may be up to ten years.

Mr. Pagliaro asked clarification regarding the elevator and if there was an opportunity to add a wheelchair ramp instead. Ms. Sweet explained that she initially wanted to do a ramp because it would have been more cost effective but because of the angles and grading needed and the space on the side of the building, aesthetically a ramp was less appealing. Ms. Sweet added that the elevator will remain locked at all times. There will be a sign on the front door directing people to the side entrance and there will either be a doorbell to ring or a phone number to call to notify a staff member to go to the side entrance to assist someone. During business hours the elevator could be left unlocked so visitors can help themselves however, Ms. Sweet stated that she would prefer to keep it locked at all times to prevent misuse and vandalism.

Mr. Boss reminded the Members that the action they are being asked to take is either to approve or not approve, with or without conditions, the Development Plan Exemption if the following three conditions are met:

- (a) The proposed use conforms with the objectives of the officially adopted Master Plan of the City;
- (b) The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety, morals, comfort or general welfare; and
- (c) The proposed use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish or impair property values in the neighborhood.

Ms. Bossin moved to grant approval of the Development Plan Exemption application finding that all three of the conditions have been met. Mr. Pagliaro seconded the motion. Mr. Pagliaro commented that he is amazed that the businesses in the downtown business district are in cooperation with each other and in a small town such as this, it is important for the small businesses to be successful and he applauds the efforts. Mr. Delgado expressed concern with using the takeout window to provide alcohol. He would prefer that

the window be used for food and drinks only. Ms. Bossin stated that she feels that by not having the takeout window the interior of the building will be overwhelmed with people trying to get inside to buy a drink. She stated that she would prefer to keep her motion as stated. Mr. Delgado added that he did not believe the reason for the DORA was to walk up to a takeout window and buy a drink; he believes it was put in place for people to have a drink waiting on their reservation or when finished with dinner they can put their drink in a DORA cup and walk around with it. He would support the takeout window for special events. Mr. Boss asked clarification about patrons at Gabby's who are sitting outside and asked if when they are ordering food are they ordering drinks and it is brought out to them or do the patrons have to go inside the bar and order their drink and take it outside. Ms. Statt Blake stated that patrons sitting outside are waited on the same as if they were sitting outside and all food and beverages are brought to the patrons. With no further comments or questions, Ms. Bossin's motion and Mr. Pagliaro's second to the motion remains and after roll call vote, 4-1, with Mr. Delgado voting no, all other voting yes, the motion carried.

Review of Proposed Amendments to the Sign Code – Chapter 1331 of the Wyoming Codified Ordinances, Related to Temporary Signage: Ms. Statt Blake reported that in an effort to simplify and clarify existing language, and to further ensure content-neutrality within the City's temporary sign regulations, the City Solicitor has recommended the amendments shown in the draft Ordinance sent to the Members. Planning Commission was asked to review the proposed amendments and is being asked to provide a recommendation to City Council.

Ms. Statt Blake added that in constitutional matters related to signage our sign regulations should not be based on the content of the message. In the past we have typically looked at them as whether they are commercial or non-commercial signage and what is being proposed this evening is changes to the language to simplify our current temporary sign regulations. The draft changes to the Code were recently brought to the Committee of the Whole because the Sign Code has oversight from the Planning Commission, members are being asked to review the changes and recommend that City Council consider changes to the Sign Code provisions.

Ms. Supinger added that Courts have become stricter about sign codes from the position of if you have to read it to know what rules apply it probably does not pass constitutional muster. The goal of this was to ensure that City staff is able to enforce the Sign Code without any fear that it is potentially violating anyone first amendment rights. By removing some of this language and making the suggested clarifications the City's Code is on solid ground from a constitutional standpoint.

Mr. Johnson asked clarification with respect to a temporary sign and whether that means the sign is made from material meant to last for a short limited time as would believe it means it should be made from cardboard or paper not plastic that can last for five years.

Ms. Statt Blake explained that it is really more to differentiate it from a permanently mounted sign.

Mr. Johnson explained the reason for his question, there are many signs erected in the City now that are made from a corrugated plastic material instead of corrugated paper board, and they may continue to last for up to ten years but are certainly not meant to last but he believes they could. He asked why temporary signs are limited to four as he believes this is rather high. Ms. Statt Blake explained that the number was advised by the consultant who conducted a full review of the City's Sign Code perhaps 15 years ago. It seemed like an across the board reasonable number to not disenfranchised folks but keep it limited.

Mr. Johnson questioned the Code's mixed use of the term "lot" and "property" and "tract" because they can mean different things and appear to be used interchangeably. He would recommend that one term be selected and used consistently throughout. Sometimes in the Auditor's arena, lot and parcel are used differently. Ms. Supinger stated that she believes the wording can be changed to be consistent throughout the document.

Lastly, Mr. Johnson questioned the language regarding limiting the governmental and institutional uses of signs and why the City would limit its own ability to advertise something. Ms. Statt Blake stated that the Sign Code consultant felt that it was appropriate to have guidance for the community at large including how the City would place signage. Mr. Johnson commented that it appears that the government is limiting itself more severely than a private property owner. Ms. Supinger explained that the signs erected on government or institutional properties can be larger than a residential property and can be scaled better to the specific type of property. This would also apply to any other institutional use, not only government. She added that a church or school is considered an institutional use in this regard and they are allowed to have a 12 square foot single-sided sign but they would also be allowed to have smaller signs not to exceed the number provided.

Mr. Johnson moved to approve the proposed amendments with the caveat that the use of "lot", "property", and "tract" be changed to be consistently used throughout the Code as necessary. Ms. Bossin seconded the motion. By roll call vote, 5-0, all voted yes, the motion carried.

Miscellaneous

There were no miscellaneous items presented or discussed.

Excusal of Absent Members

All Members were present, there were none to excuse.

Adjourn

Mr. Johnson moved to adjourn the meeting. Ms. Bossin seconded the motion. By voice vote, all voted yes, the motion carried. The meeting adjourned at 9:45 p.m.

Respectfully submitted,

Debby Martin, Executive Assistant

Jon B. Boss, Chairman