



## STAFF REPORT

### PLANNING & ZONING COMMISSION

Zoom Webinar (**VIRTUAL**)  
Wednesday, March 21, 2021  
7:00 P.M.

#### 1. AMENDMENT TO A FINAL DEVELOPMENT PLAN REVIEW

Applicant: Ill Mannered Brewing Co. c/o Brian Mathias  
Location: 38 Grace Dr.  
Zoning: PC – Planned Commercial District  
Request: Review and approval of a Minor Amendment to an Approved Development Plan for a proposed permanent patio addition.

Aerial Site Image: <https://g.page/illmanneredbeer?share>

#### Project Background

In 2017 City Council adopted Ordinance 2017-37, approving a Final Development Plan for DJCF Holdings LLC to construct a 3,000 square foot building on Grace Drive for Ill Mannered Brewing Company (IMBC).

IMBC has been operating outside only since June of 2020, as their indoor space is not compatible with COVID-19 restrictions for indoor seating. To accommodate more people and comply with social distancing regulations, the brewery gained approval from the City and the Ohio Department of Commerce to expand their outdoor patio space to help mitigate the impact of COVID-19.

#### Proposal Overview

The applicant is proposing to convert the temporary outdoor expansion into a permanent patio space south of the existing patio. Improvements include a new crushed stone patio expansion with fencing and landscaping, as well as a new deck on the east side of the building. No grade changes are to be made to the site.

#### Ordinance Review

In accordance with the requirements of codified ordinance 1143.11(r), once a final development plan for a planned district has been approved by Council, all subsequent substantial changes to that plan shall only be permitted by resubmission as a new substitute plan and repatriation of the procedures established in these sections. "Substantial change" for the purposes of this section shall mean any modification of an approved planned district development plan, as determined by the Zoning Administrator that results in:

1. Any increase in the number, or change in the type and/or mix of residences, and/or non-residential building area or land use;
2. Decrease in the approved minimum lot size, number of parking spaces to be provided, and/or trash storage areas;
3. Change in the approved location of land uses, land use subareas or sub-elements, streets, public or private parklands and other public facilities, and/or natural environmental preserves or scenic easements by more than thirty (30) feet;
4. Reduction in area of public and/or private parklands or other public facilities and/or natural environmental preserves or scenic easements;
5. Alteration of the basic geometry and/or operational characteristics of any element of the approved street pattern, parking facilities, service access, trash storage facilities, and/or system of pedestrian and/or equestrian paths that results in a change in operating characteristics or character;
6. Any circumstance below the minimum requirements established in this Zoning Ordinance or as required in the approval of a conditionally permitted use in a planned district.

#### Comprehensive Plan Consistency

This proposal is consistent with the Comprehensive Plan. The property at 38 Grace Drive is located in the "Mixed Use Village Center" land use type under the Comprehensive Plan. A variety of uses and activities are encouraged to support a vibrant, walkable village center in this area. Outdoor patio spaces are encouraged under the Development Guidelines. High quality materials and architectural detailing is critical to ensure that new development contributes to the village character.

## Staff Comments

### Planning / Zoning Comments:

- Building into the front setback is a safety concern with vehicular traffic coming around the bend of Grace Drive. Staff recommends the fence line and crushed stone surface do not extend beyond the front building line. Landscaping can be placed within the setback.
- The applicant needs to clarify whether the new patio and deck are ADA accessible.

### Engineering Comments:

- The catch basin directly east of the building is proposed to be covered by a deck. This catch basin does not accept any surface drainage directly and only serves as a junction point for pipes, therefore it could be modified if needed, but covering this catch basin poses future concerns for access.
- There is a designed swale that is intended to allow the parking lot to overflow and route to the detention basin. There is no possibility to eliminate this short of a redesign of the entire swale, which for our approval would require an Engineer's stamp.

### Architectural Advisor Comments:

- Verification needed to confirm the new fence will blend in stain color and design with the existing.
- Address concerns over how the grade will work for access the new patio.
- Explain whether the ground be built up to establish a flat space for the crushed stoned patio.
- Work with Engineering to address any impact on water runoff.
- Clarify whether additional lighting is proposed.

## Staff Recommendation

Staff recommends approval of the Minor Amendment to an Approved Development Plan with the following conditions:

1. Address comments and concerns in this report.
2. The catch basin remains accessible.
3. The function of the existing drainage swale is maintained.
4. The patio and fencing do not extend into the 25' front setback.
5. The final design is approved by Staff.