

**PLANNING COMMISSION MINUTES OF August 9, 2023**  
**6:00 PM 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, August 9, 2023, at Council Chambers, 745 Center Street, Milford, OH 45150.

**Roll Call:** Ms. McKnight called the Planning Commission meeting to order at 6:00 PM. Other members present were Mr. Brumleve, Ms. Evans, Mr. Wenstrup, and Mr. Price.

**Staff:** Ms. Celsor, Planning and Community Development Coordinator.

**Visitors:** Annie Juergensen, 578 Main Street; Ben Dariano, 7007 Discovery Blvd., Dublin, OH; Brian Doll, 7143 E. Kemper Rd., Cincinnati, OH; Kara Schubler; Margaret Linsky.

**Minutes Approval:**

Mr. Brumleve made a motion to approve the June 14, 2023 minutes, seconded by Mr. Wenstrup. Motion carried 5-0.

**SITE 23-07 Uplift Medical Cannabis Dispensary, 401 Rivers Edge, Site Plan Review**

Ms. Celsor read the staff report into the record:

**Project:** Uplift Medical Cannabis Dispensary

**Location:** 401 Rivers Edge Drive

**Property Owner:** Parkway Properties, LTD  
7143 East Kemper Road  
Cincinnati, OH 45249

**Applicant:** Brian Doll  
7143 East Kemper Road  
Cincinnati, OH 45249

**Acreage:** 1.24 Acres

**Tax Parcel Id:** 210736.121

**Zoning:** B-3, General Business District, PD, Planned Development

**Use:** Medical Marijuana Dispensary

**ADJACENT LAND USE AND ZONING**

North: Vacant

East: Cracker Barrel

West: Texas Roadhouse

South: I-275 (Union Township)

**BACKGROUND**

On July 13, 2022 Planning Commission approved an application for Site Plan Review to construct a 2,825 sq. ft. medical marijuana dispensary. A building permit was issued for the new building on October 10, 2022. The final inspection for permit was completed on April 12, 2023.

**ANALYSIS**

Brian Doll, applicant, is requesting approval to expand the parking lot at Uplift Medical Cannabis Dispensary due to increased demand for parking. The 2,825 sq. ft. building is on 1.24 acres located at 401 Rivers Edge in between

Texas Roadhouse and Cracker Barrel. The tax parcel id is 210736.121. The parcel is zoned B-3, General Business District, PD, Planned Development.

A net of twenty-six new parking spaces are being proposed for a total of forty-five parking spaces. Four new trees are proposed, and two trees are proposed to be relocated. Additional shrubs/bushes are being proposed along the front of the parking lot and on the side of the building,

#### Site Plan

The dimensions of the parking stalls and aisles are consistent with the parking specifications outlined in section 1187.07 of the zoning code.

#### Landscaping

The total landscaping required for parking lots is 22 sq. ft. per parking space. Landscaping is to include one canopy tree for each ten parking spaces and should include 6 shrubs for every 10 parking spaces. All parking stalls are to be within 125 feet of landscaped area. The applicant meets or exceeds the required parking lot landscaping.

#### Lighting

The Zoning Ordinance specifies that all outdoor lighting shall not exceed 0.5 footcandles at the property line. The applicant meets this requirement.

#### **STAFF RECOMMENDATION**

Staff recommends approval of this request.

Ms. McKnight: Thanks Christine. Any questions regarding staff report from planning commission?

No? Okay. Who's here to represent the applicant this evening? Would you please come forward? Like I said, state your name and address for the record.

Mr. Doll: Hi, my name is Brian Doll with Cincinnati United Contractors representing Uplift and I'm at 7143 East Kemper Road, Cincinnati, Ohio 45249. So there's increased demand on the parking and we just recently built this and as soon as we built it looks like they needed more parking. The parking originally stopped right here. There's a dashed line that shows where we're going to be cutting the curb and so we're going to basically be taking a drive aisle and going in front of the building and then curving around on the side. So all from here, all the way down to here is all new pavement. From this entrance right here in the middle, from that concrete walk all the way down to that is new concrete walk.

There is landscaping here, but we're basically transferring this landscape island and the tree to be a parking landscape island. There also is an island or some landscaping here, we're going to transfer that tree from here to here in this new landscape island. We are basically transferring an existing handicap spot that we had here and now we're going to have one here, so we'll have a total of three right now. Then we went ahead and screened the entire parking with a row of burning bushes for the right of way as well as four new trees. And then we also have perennials and other landscaping that's mirrored around this building here that's going to be similar to what's currently here. With that, I can answer any questions you may have.

Ms. McKnight: So you mentioned increased demand. Clearly it looks like the building was positioned on the property with an eye toward potential either building expansion or parking lot expansion if needed to be. Can you talk a little bit about what this demand is? I mean, I went by today and half the spaces were empty, but I'm sure a 10 minute or a five minute stop one day doesn't a story tell. So can you tell us the story about the increased demand?

Mr. Doll: Yeah, so it kind of goes in waves, but basically day one, the parking lot was completely filled up and then they were having to park elsewhere and then walking to the building. The building can't support that many people, so people are just waiting in their car in order to be able to get in because there's just not enough room in the waiting room. So they're basically waiting in the queue, if you will, in order to get in there. So some people travel together with some people and some just travel individually, so it's kind of hard to get a good idea of the amount of people in one

car, but our clients felt that this would satisfy the demand, the peak demand anyway when it comes.

Ms. Evans: I know there's certain requirements that you have to have landscaping wise, but sometimes I feel like less is more just because other places in town I feel like they've put in all these bushes and then they don't get maintained. So then they're just overgrown and it looks worse. I think if we didn't have as many to start with, so I don't know. The whole row across the front, I just keep thinking like, okay, they're okay as long as they're maintained and trimmed.

Mr. Doll: Yeah, I don't disagree with you on that point. Yeah, basically I was going strict based upon on your zoning code.

Ms. Evans: Just make sure they're maintained. Like, along Kroger, CVS, I mean, think of other places in town where they put them all in, but then now they're tripled in size and no one cuts them back and maintains them, it looks worse than it does.

Mr. Doll: Just so you know, my company owns this and we maintain our properties pretty well.

Mr. Wenstrup: So you've got people that can't get in the building, so they're waiting outside. Is there any reason, I don't know if this is possible, but can you have a drive up window at a marijuana dispensary?

Mr. Doll: I believe. Don't quote me on this in particular, but something in my memory says that they wanted to but they couldn't because of certain state regulations. There's something to do with state regulations that they're not allowed to do that.

Ms. McKnight: Any discussion on the site plan review request?

Mr. Price: Just a side note, is the maintenance of the landscaping something that's enforceable through some other code?

Ms. Celsor: Yes, there is a property maintenance code and we do enforce that with overgrown bushes. Sometimes it's a little hard to say what is that point where they're too overgrown, but definitely if they project into a sidewalk or cause a problem with a line of sight or just look really, really bad.

Ms. McKnight: Okay, well is anyone prepared to make a motion regarding the site plan review request?

Mr. Brumleve: I would like to so move for approval.

Mr. Wenstrup: Second.

**The Planning Commission voted 5-0 to approve the application for Site Plan Review for 401 River's Edge.**

**SITE 23-08 Baker Heating and Cooling, 24 Main Street, Minor Building Improvement**

Ms. Celsor read the staff report into the record:

**Project:** Baker Seaman Minor Building Improvements

**Location:** 24 Main Street

**Applicant and  
Property Owner:** Greg Seaman, Baker Seaman LLC  
24 Main Street  
Milford, OH 45150

**Acreage:** .093 acres

**Tax Parcel Id:** 210709.011B

**Zoning:** MRD, Milford River District

**Existing Use:** Baker Heating & Cooling

## **ADJACENT LAND USE AND ZONING**

*All surrounding property is zoned MRD, Milford River District.*

### **Minor Building Improvements**

Greg Seaman, applicant, is requesting permission to replace siding on the garage located at 24 Main Street with vinyl siding to match the main building at 24 Main Street. The property is zoned MRD, Milford River District. Modifications to facades visible from any public right-of-way in the Milford River District require approval by the Planning Commission.

Section 1167.11(B)(6) of Milford's Zoning Ordinance states that vinyl siding is specifically not permitted in this zoning district. However, in 2021 the City approved a business incentive rebate for replacing the siding on the main building with vinyl siding. Staff believes that using vinyl siding in this case is appropriate because it will match the main building.

### **STAFF RECOMMENDATION**

Staff recommends approval of the Minor Building Improvements.

Ms. McKnight: Any questions regarding the staff report? Okay, who's representing Baker this evening?

Ms. Schubler: Hi, my name's Kara Schubler. I'm here for 24 Main Street Baker Heating and Cooling or Baker Seaman, LLC. We are just requesting to make the siding on the garage match the siding on the main building so that it's more cohesive and a little more up to date with more modern looking as opposed to the '70s color that it is right now. So we want them to match.

Ms. Evans: So the blue will become tan, or basically like that brown?

Ms. Schubler: It's like a gray.

Mr. Brumleve: Greige.

Ms. Schubler: Yeah, it's gray. Would not be baby blue anymore.

The original building was just concrete blocks so it didn't have siding. So back in 2021 there was that incentive for them to put the siding on and at that time there was only permission to do the main building.

Mr. Wenstrup: So the siding on there's only a couple years old?

Ms. Schubler: Yes, it's very new.

Ms. Evans: I think it'll look nice to match.

Ms. McKnight: Yeah, I agree.

Mr. Brumleve: Yeah, and I mean it's a background building. For it to match the rest of the facility only makes sense.

Ms. McKnight: Is there anybody willing to make a motion?

Mr. Wenstrup: Motion.

Mr. Brumleve: Second.

**The Planning Commission voted 5-0 to approve the application for Minor Building Improvements for 24 Main Street.**

### **SITE 23-09 Walmart, 201 Chamber Drive, Design Review**

Ms. Celsor read the staff report into the record:

**Project:** Walmart Design Review

**Location:** 201 Chamber Drive

**Applicant** Ben Dariano  
7007 Discovery Blvd.  
Dublin, OH 43017

**Property Owner:** Walmart Inc.  
PO Box 8050  
MS 0555  
Bentonville, AR 72716-0555

**Acreage:** 34.617 Acres

**Tax Parcel Id:** 210736.105

**Zoning:** B-3, General Business District, PD, Planned Development

**Existing Use:** Walmart

**ADJACENT LAND USE AND ZONING**

*North: L-I, Light Industrial; and I, Institutional (East Fork of the Little Miami River)*

*East: B-3 PD General Business with Planned Development Overlay*

*West: L-I, Light Industrial*

*South: L-I, Light Industrial; and railroad right-of-way*

**Design Review**

Ben Dariano is requesting to re-paint the building façade, with large areas of “Walmart Blue” as part of a signage and remodel update. The property is zoned B-3 PD. Staff is deferring this request to Planning Commission.

The Walmart Planned Development specifies architectural standards which include color palette. “Colors to be in the neutral to earth tone color range and to be coordinated throughout the development.” Most of the colors proposed for the façade are neutral with the exception of the “Walmart Blue” which is proposed in five locations on the front of the building, two locations on the right side of the building, and two locations on the left side of the building.

**STAFF RECOMMENDATION**

Staff recommends approval with the condition that the “Walmart Blue” color be reduced to only signage areas on the front of the building to include: the blue proposed around the star logo; reduced areas of blue around “Grocery”, “Home & Pharmacy”, and “Outdoor” in horizontal strips behind the lettering and extending to the edges of the “medium brown” below.

Ms. McKnight: Any questions for staff regarding the recommendation of the report?

Ms. Evans: When she says the edges, so you're saying not to have the blue come down the sides? Is that what you're looking at?

Ms. Celsor: Yeah.

Ms. Evans: And this, only behind the wording?

Ms. Celsor: Yeah, basically a strip behind the letters.

Mr. Wenstrup: They're asking for fairly significant blue fields on both sides and three places on the front. As staff is saying, just paint the banner and... Okay. And that's because our ordinance calls for earthy kind of coloring?

Ms. Celsor: Correct.

Ben Dariano: My name is Ben Dariano, WD Partners, 7007 Discovery Boulevard, Dublin, Ohio 43017. As Christine noted, we are requesting a color change to the facade of the store. We are willing to work with staff to reduce some of the areas in the front facade to rectangles around the wording, but we would like to keep the color changes for the auto center and the pharmacy for customer

way finding. It helps them find some of those areas a little bit better, with the white lettering pops much better against the blue versus the neutral tones. Walmart is proposing to paint the store as part of their brand standard to align everything nationwide to match everywhere they go.

As I know, we are willing to reduce behind those three signs of the front, the grocery, home and pharmacy and outdoor. And we would like to request to keep the blue for the pharmacy drive-thru and the auto center, and also as part of this project, we're proposing to reduce the signage on the front of the building by nearly a hundred square feet and that signage is being added for the pharmacy drive-thru and also for the auto center pickup for customer way finding for services offered.

Ms. McKnight: Well, and if I'm reading your plans correctly, you're proposing to move the signage from the sign band it's on currently. The new signage would be placed above that.

Mr. Dariano: Yes, we are going to move up. I think it's with how the anchoring is on the edifice for the new signs, but painting it works a little better.

Ms. McKnight: So in all of those locations the sign would be placed above where it is today?

Mr. Dariano: Yes.

Ms. McKnight: Okay.

Mr. Brumleve: Can you tell me about the blue porticoes on the front of the building? Is that a consistent, is that arrangement of blue and on the porticoes like that as I see illustrated in your drawing consistent with a corporate design suggestion?

Mr. Dariano: Yes. So the current prototypical design we have, the blue as shown on here is pretty much Walmart's standard nationwide. It does vary based on store to store on the exterior materials we have. For example, we have some buildings in other parts of the country that are fully brick or stucco and we are not allowed to paint those and it doesn't hold. But the color scheme, yes, it's prototypical for Walmart corporate branding.

Mr. Brumleve: And the way the porticoes blue legs come down to approximately nearly to ground level, is that consistent with a standard?

Mr. Dariano: Yes.

Mr. Brumleve: Okay, thank you.

Ben Dariano: But as I know, we're willing to work with staff to reduce it to a rectangular band around those signs, then come up with an earth tone to have a little bit less blue in the front facade.

Mr. Wenstrup: The center sign, I'm sorry I don't have a picture on my phone, but the very center sign with the asterisk, star or whatever you have.

Mr. Dariano: The main sign.

Mr. Wenstrup: Is that the same size as the one that's there or is it different?

Mr. Dariano: That sign is actually being reduced by about 150 square feet. It's a totally different sign. Walmart is doing a larger logo with smaller wording is what they've done.

Mr. Wenstrup: So will you have to actually go above the exterior wall that's there to reach the height that that asterisk reaches at 12 feet?

Mr. Dariano: I think with the slight bump out they're doing, we're going up one foot six for the panel that's mounted on, which is still going to be lower than the pointed parts over the entrances.

Mr. Wenstrup: Can you say that again, please?

Mr. Dariano: So with the panel it is mounted on, it will go one foot six above the existing roof line there. And then that is also, that's still going to be slightly lower than the pointed portions above the other parts of the entrances.

Mr. Wenstrup: I believe I heard you say, and I'm going to ask again, do you feel in your opinion that you're more than capable of working with some of the recommendations that staff made in such a way as to... Or is this a corporate thing where they want it to look like this? I mean, they spent some time to draw it up, so I get it.

Mr. Dariano: This is the prototypical design we would like to have, but we're more than happy to work with staff to reduce it to the rectangular bands that they've recommended.

Mr. Wenstrup: Christine, do you think those adjustments are, without making huge changes, do you think there's a middle ground on this?

Ms. Celsor: That's really your call. I mean, what I was suggesting I felt was the middle ground. I understand maybe the need to have the blue on the sides to direct people to that exact location on the sides of the building, so that makes sense to me. So I feel what he was saying they were willing to do with what I recommended and then adding the sides is a reasonable middle ground, but that's certainly up for discussion.

Mr. Brumleve: I have an opinion and that is that I find the way that they've designed the color arrangement, the arrangement of color as I see depicted in the drawings to be acceptable. And I find it to be actually cohesive in the way that it wraps around each of the involved volumes of the building and brings the blue distant signage visual protocol down to the pedestrian entries, the three main pedestrian entries and keeps it elevated for vehicular approach such as the canopy and auto center entries. I think as arranged and as I see here in the drawing is I think actually acceptable, and not only acceptable but I think actually preferred in my opinion, over trying to modify it to break up the volumetric treatment of those three porticoes.

Ms. McKnight: So if you drive around southwest Ohio or anywhere else and see Walmarts, they all look similar but different based on local standards. And so like you mentioned you've got what kind of materials, when Walmart was doing their massive expansion, communities, some became very involved in fine-tuning the details of what the building was going to look like. And while maybe we weren't as nitpicky as some communities might've been, we went for the earth tones for a reason. I appreciate that the iconic color for Walmart, it's their color and that's what they want, that's what they want to be identified, I appreciate that. But while from a cohesive approach, I agree, but it's a lot of big, big fields. It's going to be a lot of blue.

Mr. Brumleve: I think that's a lot of blue on three relatively not significantly articulated volumes on the building. I looked at the building myself and I was kind of like, and I've encountered it as well, it's like I've parked one place and expected the entry to be there and it wasn't because there was not enough contrast or significance brought to the pedestrian entries. I think that, if you will, I call it a visual codification between the pedestrian entries and what is not a pedestrian entry on this building to be appropriate with blue using the signpost for that. To break up the volume or should say to break up the surface treatment of the volume I think is just, I don't know, the volume is I think is appropriate for it to have a cohesive approach over its entire surface in those three porticoes. I just think that they don't need to be broken down further. They're already not all that a huge, enormous component to the overall composition of the front of the building in my opinion.

Ms. McKnight: Before I came in this evening, I was going to propose, why don't you limit the blue to that area below where you're showing the blue, which currently has the sign band. So it would still wrap around the door, but it would be that the-

Ms. Evans: The blue would mark the door.

Ms. McKnight: Yeah, it would wrap around the door where it's kind of that... What color is that?

Ms. Evans: Yellow-ish?

Ms. McKnight: Yellow-ish pale...

Ms. Evans: You could still do the blue up, however high, a foot, whatever, and then over and down the blue. But this up here wouldn't all be blue. You could do a blue wrap around how they're currently showing it, but just not up to the peak. Maybe?

Mr. Price: So then Lois, your suggestion would be to leave the signage in the same physical position it is and just paint the background around it blue?

Ms. Evans: We could still move up probably if they wanted it to.

Ms. McKnight: Well I think it would pop better on the blue.

Mr. Price: Yeah, it wouldn't show it.

Mr. Dariano: Part of it is the white on the blue shows up much better as a contrast. Yeah.

Ms. McKnight: Yeah. I mean I get it. The white on that yellow, doesn't... Well, I get that.

Mr. Price: Yeah, I think I like that idea.

Mr. Wenstrup: And in this rendering, the cornice and cap or the eaves are painted that gray as well on the two to the right and on the drive-thru thing on the left and on the tire center.

Ms. Evans: Yeah, I'd be okay with the pharmacy and the tire center to be all blue.

Mr. Price: I think that does help people find those entrances.

Ms. McKnight: I like the taking down the big Walmart word and just putting... I think that looks-

Ms. Evans: The logo. Yeah.

Ms. McKnight: ... that looks nice, I think, like that.

Ms. Evans: And the new sign will look nice, 'cause it was really, really faded.

Mr. Wenstrup: Question. The Walmart star sign, the asterisk, is that a lighted sign?

Ben Dariano: That is... Let me check page two. That sign is lit and then the pickup sign is lit. And those are the only two lit signs on the front facade. And currently it is lit, I do believe, as it stands, the main sign. So the new one will be lit, yes.

Mr. Wenstrup: And the lettering on those, which is currently white, will that change? I can't tell, it's so small, is that the safety yellow now?

Mr. Dariano: So the spark itself will be yellow and then the lettering is white. All the lettering is white and the spark is the only yellow on the signs.

Mr. Wenstrup: Got you. Thank you.

Ms. McKnight: Any thoughts on my idea?

Mr. Brumleve: I think that, I know that what goes into these kinds of packages is an amount of work that is completely non-trivial. And I also know that Walmart has at least become sensitive to community desires at large. I won't call it a capitulation to lowest common denominator, nor will I say that these are exceedingly high design ideals. It's somewhere in the middle, has to be. And because of the practice that is involved in trying to develop these kinds of things, I find the articulation of what's going on here and the approach to what's going on here, to be formally and tactically consistent. And that being said, I feel there's kind of a pick your battles thing going on here as far as I'm concerned, that is my feelings would not be hurt if this got revised. I also would say my feelings would not be hurt if it wasn't revised. With that, I kind of rest.

Ms. McKnight: Are you following my idea?

Mr. Dariano: I got you. I mean, so part of our logic is with the signs higher, with the blue background, you have a little better customer visibility for wayfinding and that's part of the logic. So ideally we would like to keep the signs higher with a blue-

Ms. Evans: So you'd rather do the staff recommendation and do a blue strip at the top?

Mr. Dariano: How it was both to Walmart, but usually the slightly higher with-

Mr. Price: Well you could leave the wording the way it is on here and run the band and drop it down around the exterior. You see what I'm saying? I mean just basically do that.

Ms. Evans: So the blue could be a two feet above it.

Mr. Price: Just do that with it. Leave the wording the way it is, leave that the way they propose it and just arc it in blue that way.

Ms. Evans: That's what I was thinking. I could be okay with that.

Mr. Price: I mean, that way you honor them wanting it to be taller and you kind of combine it with Lois's thought.

Ms. Evans: And I think that's kind of what staff was saying, to limit the blue, I think that's what... Yeah.



Mr. Price: Well, the staff was recommending that, which is kind of what I thought we did with Harbor Freight. They wanted that red.

Mr. Brumleve: The thing that was going on with Harbor Freight was that they wanted to just actually, they wanted to paint the building into a duck as opposed to dealing with it as a building. They wanted it to be a painted duck and they had these funny formal things that they were expressing, things that the building just was not. Here, I find that they're just simply articulating what the building already is.

Ms. Evans: So he's saying just cut this down, make it wrap around. I almost probably would like that better to still have that contrast around the doors of a different color. Not that yellow. I hate that yellow, but it's not on here, is it anymore? No, I don't think so.

Mr. Price: And I do think that helps in wayfinding.

Ms. Evans: It does.

Mr. Price: I mean just that band around it makes it that much clearer to see.

Ms. Evans: I like that, Brad.

Ms. McKnight: What do you do with... I'm looking at the panels. Are different sizes and on this one they're lower, so you're going to be painting-

Ms. Evans: Half the panel or the whole panel.

Ms. McKnight: Yeah. Half. No two thirds of the panel gets painted or one third of the panel gets painted. I think it-

Ms. Evans: I think when it's painted it would blend in. As long as these are all the same height all the way across.

Mr. Dariano: Usually as long as it's consistently across, you don't notice the differences between, because you go over to the blue.

Mr. Brumleve: I guess the only thing I would ask is whatever modifications you care to make that you give it some study for kind of a uniform codification of how the building is treated.

Ms. Evans: I'm okay with the pharmacy and the tire place.

Mr. Price: Yeah, I agree.

Ms. McKnight: All right, so where are we?

Ms. Evans: I like Brad's proposal, which is similar to staff.

Ms. McKnight: Okay.

Mr. Wenstrup: I'm sorry, you had said that this sign is smaller than the existing sign with the asterisk. The asterisk alone is, if I'm not, it looks like it's 12'8" by 10'8" and then you've got four feet or so, maybe five feet of, or maybe four feet of lettering underneath it. So it is taller than the existing sign, it's not as wide.

Mr. Dariano: It's definitely taller. So the current sign is... Let me look at what the book said. So our current sign is 298 square feet. It is significantly longer and the new sign is just taller. We've gone more towards a logo versus more work.

Mr. Wenstrup: I'll stop discussing and just say that I like the fact that you make the entrances more defined. I do think it's a tremendous amount of blue, but I wouldn't really care if it wasn't in our stuff to say we want earth tones. So reducing the blue makes sense to me, and if we find something that sounds like the reduction isn't too much of a big deal, I'm comfortable with that. So that's kind of where I'm at. There's a lot to be said for, a little bit goes a long way. All these things really shout out to, hey, while you're driving by, look we have a grocery, we have a home store and we've got an outdoor store here, take this exit. And do we want to bring more business to Milford? I think we do.

Ms. Evans: No, I don't think you can see this from the highway though.

Ms. McKnight: Yeah, you can't see that from the highway.

Ms. Evans: I like Brad's idea.

Ms. McKnight: All right. Brad, are you ready to make a motion?

Mr. Price: Are we motioning to have them request to alter this so we can see it again?

Ms. Evans: I think staff could-

Mr. Price: Or we would alter it and as long as they're willing to do that, approve that?

Ms. McKnight: Ask Christine, are you comfortable understanding what we're talking about, to take a look at what they provide?

Ms. Celsor: So I'll repeat what I think Brad was proposing. So I think on the front we're good with the Walmart logo as it is and then in the three main areas, reducing the blue so that it's a little bit above where the lettering is and goes down on either side. But then the part above the lettering would be an earth tone color.

Mr. Price: Correct.

Ms. Celsor: And we would leave the sides as they're proposed.

Mr. Price: Correct.

Mr. Dariano: And then keep the sign's locations as proposed and not have to move them?

Ms. McKnight: Correct.

Ms. Celsor: So I'm good with making sure the plans come back and look like that if that's what you'd like to approve tonight.

Ms. McKnight: Can I ask a question before we get to the motion then? Everybody's expressed their support of the signage at the pharmacy and the auto, but these caps at the left elevation... So up at the top, vestibule GM right elevation, there's just a blue field and then on the left elevation to the right of the pharmacy there's just a blue field that doesn't appear to have signage, it's just a blue field.

Ms. Evans: The side view?

Mr. Price: That would be a side view of one of these.

Ms. McKnight: It doesn't look like it projects that much in the picture, in the picture it's just maybe a foot and that's a lot more than that. Do you see where I'm talking about, John?

Mr. Brumleve: That's the side mass of one the of the central portico, I believe. That's the projection mass.

Ms. Evans: So you're talking about this little blue right here?

Ms. McKnight: Yeah. When we're not going up as high as the portico, then do we want this to be blue up as high as the top?

Mr. Price: You would carry the blue up... if it were visible to the same height as the blue on the front, you would wrap that, whatever that is.

Ms. McKnight: Okay. So over top of the window feature here, it would come across and-

Ms. Evans: It would wrap at the same length.

Ms. Celsor: Yeah, that's a good point. So then the left elevation would be slightly modified from what they're showing?

Ms. Evans: Yeah.

Mr. Price: Right. As would obviously that-

Mr. Dariano: This one's the grocery market. So it's the grocery market, right elevation. So it would be... So it would be equivalent. So we would cut the blue, the signs here, we'd cut like right here and wrap it with earth tones. Paint an earth tones instead of blue there.

Ms. McKnight: So this would all be blue here?

Mr. Dariano: This little strip would be blue, whatever the height is-

Ms. Evans: On the front of the sign.

Mr. Brumleve: I will have just one final comment. And that is just to articulate, this is not a capitulation that I'm making here. It's just more a matter that I find that the scheme as proposed is without ambiguity and I just think that we're turning some dials that don't need to be turned, in my opinion.

Mr. Price: I'm going to make the motion that we approve as we just discussed. I don't know that I could possibly go through the...

Ms. Evans: Second.

Ms. McKnight: Okay. Any further discussion?

Mr. Wenstrup: Can you articulate what that is, that we talked about that he wouldn't re-articulate?

Ms. Celsor: Yeah, it's the same as what I've recapped before with honing in on a few details on the side elevations, where the side elevations are a wrap-around of another signage, the blue would follow the line of the front.

Ms. McKnight: All right. We have a motion and a second to approve changes to the facade of the Walmart store at 201 Chamber Drive. All in favor say aye.

**The Planning Commission voted 4-0 to approve the application for Design Review for 201 Chamber Drive. Mr. Brumleve abstained.**

**SITE 23-10 Chez Renee, 233 Main Street, Minor Building Improvement**

Ms. Celsor read the staff report into the record:

**Project:** Chez Renee Minor Building Improvements

**Location:** 233 Main Street

**Applicant:** Laurent Degois  
Chez Renee  
233 Main Street  
Milford, OH 45150

**Property Owner:** E Paul Corp  
7324 Paddock Road  
Cincinnati OH 45216

**Acreage:** 0.123 Acres

**Tax Parcel Id:** 210710A038B

**Zoning:** MRD, Milford River District

**Existing Use:** Restaurant

**Proposed Use:** Restaurant Expansion

**ADJACENT LAND USE AND ZONING**

*All adjacent property is zoned MRD.*

**PROPOSAL**

Laurent Degois, Chez Renee French Bistro, proposes to add a patio to the building located at 233 Main Street. The parcel is zoned MRD, Milford River District. Modifications to the façade of the building which are visible from the public right of way and change the appearance of the building are subject to review by the Planning Commission. The applicant proposes to construct an approximately 650 square foot deck on the side of the building facing Locust Street.

### **Background**

On October 14, 2020, The Milford Planning Commission approved an application for this project. On May 19, 2021, a zoning certificate and a building permit were issued for the deck. The permit expired one year later without work commencing on the project.

On July 14, 2023 staff observed that work had started on the deck. Milford's Building Department, NIC, advised that a new building permit would be required. Section 1167.09 (D) of Milford's Zoning Code states that construction must begin within one year of zoning certificate issuance date or the zoning certificate becomes invalid.

### **Analysis**

Staff supports the idea of adding outdoor dining. The proposed deck is in keeping with the character of downtown Milford. The Fire Department will review the plans during the building permit plan review process.

### **STAFF RECOMMENDATION**

Staff recommends approval of the Minor Building Improvements with the following condition:

1. City approval is contingent on review and approval by the City Engineer and any other applicable local, state, and federal agencies.

Ms. McKnight: Thank you. Any questions for staff regarding the report?

Mr. Brumleve: To your knowledge, this is the same plan that was submitted a year and some odd ago, or has it been modified?

Ms. Celsor: So when the plan was reviewed by planning commission, there weren't a lot of specifics worked out at that point. The building permit was issued and what they're proposing now is the same as what the building permit was issued for.

Ms. Linsky: My name's Margaret Linsky. I reside at 721 Delta Avenue, Cincinnati, Ohio 45226. I'm here to represent Laurent Degois of Chez Renee French Bistro on 233 Main Street. As stated previously, a permit was issued in 2021. At that time, only a few months later, one of the owners had an illness, which was only recently recovered from, so plans were a little bit delayed while getting everything together and getting finances in order while that was going on. And I think everything was kind of stated, basically whether it be a renewal of the current permit and or just issuing a new permit, however that works for you guys.

Ms. Celsor: So since COVID, NIC has been flexible in doing renewals of permits, but there was not a renewal obtained for that original building permit, so that one has expired. So we do have a new application for a new building permit that will be required before any more work can be done on the deck. And if this gets approved tonight, we'll go ahead and continue the process. That usually takes about five to 15 business days to process it. So you will need a new building permit before any more work can be done on the deck.

Ms. Linsky: Okay. Excellent.

Mr. Brumleve: What is your relationship to the applicant?

Ms. Linsky: I've been employed since July, 2020.

Ms. Evans: Do you know, is the deck going to stay just the wood tone that it is? Are they going to paint it, stain it? Do you know?

Ms. Linsky: I am not sure. If that wasn't already in the plans, if anything, I would assume that it would probably stay wood, but I'd have to get confirmation from them on that, which I could get.

Mr. Wenstrup: I think that's an excellent question, because I know we have signage ordinances, and every window has a logo sign in that, and so it really shouldn't be that way because that's too much signage. And so when it comes to coloring the deck, I think we have to be very specific about that.

Ms. Evans: Christine, would they have to get that approved?

Mr. Wenstrup: Christine, if they wanted to seal the deck with anything other than a clear seal would they have to come back and ask for that?

Ms. Celsor: I mean, what I would recommend is if you would like with this approval, state that it should be natural wood tone or if you want to allow some flexibility, it might be-

Mr. Brumleve: I think it should come back before you, Christine, as to its compliance with the color code that we have.

Ms. Celsor: Okay.

Mr. Brumleve: And should it need to be anything outside that color code, then it's coming back to us anyway.

Ms. Celsor: Okay.

Ms. Evans: Yeah. As long as it meets the downtown code.

Ms. Celsor: So before, trying to think of when that would happen. Typically, any kind of approval like that would happen before the building permit goes to...

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Ms. Evans: They apply for the building permit, they'd have to just state on there what the color's going to be?

Ms. Celsor: Yeah, I'll ask for that information. That makes the most sense.

Ms. Evans: So we'll know. Because there's a color scheme for that zone downtown, it can only be certain colors.

Ms. Linsky: Sure.

Ms. Evans: I'd hate for them to start painting it and then...

Ms. Linsky: I would assume that if they weren't keeping with a natural wood color or finished stain or something that if anything, it would be more of the already existing building's color. But I'm certain that they would work with you guys if they could only do the natural wood, basically whatever it would take to get it done.

Mr. Brumleve: So that's going to need some attention.

Mr. Wenstrup: They have somewhat of a proclivity for teal and so that's why I bring it up because teal is one of the-

Mr. Brumleve: A little bit out of bounds. Yeah.

Ms. Celsor: I don't think an all teal deck would work very well.

Mr. Wenstrup: Well, just so you know, there are, and maybe for those who don't know, we can tell you there's colors that are going to require coming back to us and you really ought to.

Mr. Wenstrup: Are you able to expedite your application process to get the stuff into her relatively quickly?

Ms. Linsky: Certainly.

Mr. Wenstrup: Okay.

Ms. Celsor: Yeah. If you could let them know that we need to know the color proposed. And it can just be an email to me. That's fine.

Ms. Linsky: Perfect.

Ms. McKnight: Okay. Any other questions?

Mr. Wenstrup: Just another comment. If you're not going to ask for something that is not permitted, if you're not going to ask for an exception on color, I don't think that's a big deal, right? Or is it a big deal?

Mr. Brumleve: That's kind of what we already discussed, is if it's within the color code, then that's not a big deal. But if it's outside, then it has to come back.

Ms. McKnight: Right. And she'll make that call.

Ms. Linsky: Does the color code, I mean, obviously at some point they had to have gotten approval for that teal color.

Mr. Brumleve: That's leaning on precedent.

Ms. Evans: I don't think they did.

Mr. Brumleve: That's not part of the color... Precedent is not a part of that color code.

Mr. Wenstrup: There's two things that I personally as a planning person, I wasn't on planning when it was approved, but I have an issue. One, people turning windows into signs when we have a sign ordinance that reduces the size. We were very strict with the U-Haul people. They've got windows there, we're like, do not turn those into signs, do not put posters in those windows. You've put a screen in or they have put a screen in that is really a sign, so it looks more like a speakeasy than a wonderful family restaurant, to me. And they did it in teal, so that's why I'm trying to articulate that we really want to be careful here, because that is kind of going away that as a river district, we don't really want to go. And windows that are covered up, so I know you want privacy and it's a busy street, but when you put a sign on the window, even though it's a nice screen, it's kind of like doing an end run around the rule. So...

Ms. Linsky: Right.

Mr. Brumleve: Yeah. Those end runs around the rules or loopholes and stuff have come to our attention and are our concern. I have a question for you. This gets a little bit off the rails and you'll forgive me for doing so, but I do have a question as to eventual intent. Is it your intent to maintain the front sidewalk dining as is, as well? Or are you trying to substitute the back deck with... Or is there going to be a switchover?

Ms. Linsky: Mostly trying to substitute the back deck. There wouldn't be plans-

Mr. Brumleve: In lieu of the front dining.

Ms. Linsky: In lieu of the front. We don't have a lot of traffic at least that want to sit right out in that front area. It wouldn't be anything where, in lieu, instead of having that area in the front where if they got the approval for the back, where they would be trying to expand the actual restaurant in any way.

Mr. Brumleve: And to expand on Mr. Wenstrup's comments, I think that the screening and signage of your front windows goes a long way towards making those people out on the sidewalk feel like they're not a part of the restaurant.

Ms. Linsky: Right. Fair enough.

Mr. Price: I have a question. Are you actively building on the deck right now?

Ms. Linsky: We stopped once we received the notification. I think there might've just been a misunderstanding with a language barrier that it had since expired, but they ceased all work until this gets approved.

Mr. Price: Okay. I was unaware that there was any construction there and I walked down there today just to sort of orient myself to it. And there are pales with wood pieces, there are ladders that are still out, so it looks to me like somebody's building.

Ms. Evans: So maybe just a reminder to them that they can't do anything else.

Ms. Linsky: Absolutely.

Mr. Wenstrup: There are steps along the way in construction and things like that, but you'd really want to have the safety person or whatever come out and say, we've got this done, would you come and check it because you get this whole deck built and they go, well you got to change this and you'll have to dismantle the thing, that would be awful. And also you need to protect the work site from pedestrians who might wander in, their kids or whatever. So those are things that I'm familiar with, but not everybody's familiar with. If their permit was active and work started, there would've been a dialogue. So we want to reinvigorate that, have that dialogue. We want to partner with them to build a safe deck that's within the community standard.

Ms. Linsky: Absolutely.

Ms. McKnight: All right. Is anyone prepared to make a motion?

Mr. Price: I will. I make a motion that we approve subject to Christine getting the colors and making sure they're within the standard.

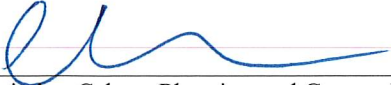
Mr. Brumleve: And of course the condition that's already listed.

Ms. Evans: Second.

Ms. McKnight: The motion and the second to approve the minor building improvements at 233 Main Street as recommended by staff with the additional condition that any color with the deck be communicated to staff to make a decision on. Okay. All in favor say aye.

**The Planning Commission voted 5-0 to approve the application for Minor Building Improvement for 233 Main Street.**

There being no further business or comments to come before the Planning Commission, Mr. Wenstrup made a motion to adjourn the meeting at 7:24 PM, seconded by Mr. Brumleve. Following a unanimous decision, the ayes carried.



Christine Celsor, Planning and Comm. Dev. Coordinator



Lois McKnight, Chair





CITY OF MILFORD  
PLANNING COMMISSION MEETING  
August 9, 2023 6:00 p.m.

## SIGN IN SHEET

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