

PLANNING COMMISSION MINUTES OF July 13, 2022
6:03 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, July 13, 2022, at Council Chambers, 745 Center Street, Milford, OH 45150.

Roll Call: Ms. McKnight called the Planning Commission meeting to order at 6:03 PM. Other members present were John Brumleve and Mr. Wenstrup. The Commission made a motion to excuse Lisa Evans and Brad Price. The motion carried 3-0.

Staff: Ms. Celsor, Planning and Comm. Dev. Coordinator; Mike Minniear, Law Director

Visitors: George Martin, 1466 US 50; Marty Martin, 1466 US 50; Chance Truemper, 7143 E. Kemper Rd; Jennifer Stuhlreyer, 8130 Kugler Mill; Mr. Fleig, 312 Main St; Mr. Doll, 7143 E. Kemper Rd; Mr. Redmon, 308 Main St.

Minutes Approval:

The Commission deferred approval of the June 8, 2022 minutes because a quorum was not present of those who were present at the June meeting.

SITE 22-05 Milford Medical Marijuana Dispensary, 401 Rivers Edge, Site Plan Review.

Ms. Celsor read the Staff Report into the record:

Project: Milford Medical Marijuana Dispensary

Location: 401 Rivers Edge Drive

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

Applicant: Mr. 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)

ANALYSIS

Mr. Doll, applicant, is requesting approval to construct a 2,825 sq. ft. medical marijuana dispensary. The subject site is a vacant 1.24 acre parcel 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. On June 15, 2021, Council passed an ordinance permitting retail medical marijuana dispensaries. On June 21, 2022, Council amended the ordinance limiting the number of permitted medical marijuana dispensaries to one. A retail medical marijuana dispensary is considered a clinic use. Clinics are a permitted use in this district.

Site Plan

The site plan is located on sheet 1. The applicant appears to meet minimum lot area, lot width, and setback requirements in the B-3 district. Access to the site is off Rivers Edge Drive. The applicant is providing 19 parking spaces which should be adequate based on anticipated number of customers and employees. The dumpster is to be screened with a minimum 6' high opaque wall composed of material to match the building architecture.

The Fire Department requires that a new fire hydrant be located on the property. Fire hydrant is to meet city specifications and be visible at all times. Fire Department also requires a Knox Box.

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.

Elevations

The building materials consist of stucco and cultured stone. The Rivers Edge Design guidelines specify that building color palette should be neutral or earth tones. Plans indicate the earth tone colors will be used.

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 with the following conditions:

1. City approval is contingent on review and approval by the City Engineer and any other applicable local, state, and federal agencies.
2. Provide detail showing how dumpster will be screened.
3. Fire Hydrant to meet city specifications.
4. Fire Hydrant to be visible and accessible at all times. (Consider this when landscaping)
5. Knox Box Required, must meet city requirements. Contact Fire Dept. for details.

Ms. McKnight: Thank you. Does Planning Commission have any questions for staff?

Mr. Brumleve: This one's administrative, and that is once colors are eventually chosen, is that simply handled at the administrative level since they've already stated earth tones for now? It doesn't have to come back before us when colors are picked.

Ms. Celsor: No, it doesn't need to.

Mr. Brumleve: If they are within that range.

Ms. McKnight: The applicant, please come forward to the podium. State your name and address for the record.

Mr. Doll: Good evening. My name is Mr. Doll with Cincinnati United Contractors representing Parkway Properties, 7143 East Kemper Road, Cincinnati Ohio 45249. Ms. Celsor did a great job at the staff report and including all the things that this project has. I would like to add a couple things. We did discuss a possible fire hydrant in our pre-meeting, but then I followed up with the fire inspector later to ask what those requirements would be for the fire hydrant, and he told me that so an additional fire hydrant will not be required due to two that are in each end of the property. So, that's why we're not showing a fire hydrant right there, because there's two on each end of the property.

There's one on the corner right here by Cracker Barrel, and there's another one down here over by Texas Roadhouse. So, because those two, it was Phil Nause.

Ms. McKnight: I have a question. You've detailed the parking lot and the building landscaping very well, but what will be the nature of the rest of the site, mowed lawn?

Mr. Doll: Yeah. So, the rest of which you see that is not hatched in a particular color is all going to be the natural mowed lawn.

Ms. McKnight: Okay.

Mr. Wenstrup: I was wondering about that too. Because of future development or does the applicant own the property or is it leased?

Mr. Doll: Yeah, it's a related entity. Yes. So, Parkway Properties is a related entity to Cincinnati United Contractors.

Mr. Wenstrup: Parkway Properties owns the property?

Mr. Doll: Yes. So, it's possible that this could be a lease where we own the building and then lease it back to the client or they could purchase it. We haven't got to that agreement yet.

Mr. Brumleve: Has the client been named?

Mr. Doll: We're not sure exactly of the client's name yet.

Mr. Brumleve: Okay.

Mr. Wenstrup: Have you established this type of facility before?

Mr. Doll: Us personally as a company?

Mr. Wenstrup: No. A medical marijuana dispensary. Have you built one before?

Mr. Doll: Oh, we have not built one before. No.

Mr. Wenstrup: Okay.

Mr. Doll: But, I can answer any other questions that you may have. I may know the answer.

Mr. Wenstrup: Well, are there any particular unique features of building this facility?

Mr. Doll: There are. Yeah, so security is paramount. So, when you go into this facility, you are in a waiting room and then this waiting room is not where the drugs are sold. You pass through what's called a man trap. So, one door closes behind you before the other one opens, and then once you go in there, you're in the dispensary. Now this dispensary doesn't have products that you can just pull off the shelf. They may have things for display, but then ultimately you say, "Okay, I want that." We have to also have to verify the fact that you actually have a medical marijuana license to buy, and then you go up to the counter and then they go back to a day room or the vault where the secure drugs are, get that product, and then give it across the counter and make the sale at the counter.

Mr. Wenstrup: Okay.

Mr. Doll: So, it's not like they can just pick it off a shelf.

Mr. Wenstrup: So, what I'm hearing is this is not a retail establishment. This is you're selling to people that will resell this as... Or will customers come in?

Mr. Doll: Yeah. So, customers come in, but they have to have a medical marijuana prescription. They have to have one from a doctor.

Mr. Wenstrup: Okay. Yes.

Mr. Doll: So, if they don't have it from a doctor, you can't go in.

Mr. Wenstrup: Okay. Al right. So, what sorts of things end up in the dumpster?

Mr. Doll: The things that end up in the dumpster are going to be non-medical marijuana related products, such as packaging and other things.

Mr. Brumleve: This is more akin to the operating model of a bank than anything else. Is that fair?

Mr. Doll: That's fair.

Mr. Brumleve: Okay.

Mr. Doll: That's a decent comparison.

Mr. Brumleve: Okay.

Mr. Doll: Yeah.

Ms. McKnight: Banker's hours? What are the hours of operations?

Mr. Doll: 9:00 AM to 9:00 PM.

Ms. McKnight: Okay.

Mr. Brumleve: Seven days a week?

Mr. Doll: Seven days a week, I believe. Is that correct, Chance?

Mr. Truemper: Yeah, that's correct.

Mr. Doll: Okay.

Mr. Minniear: Mr. Minniear city attorney. CUC is going to do the construction of the building. Is that correct?

Mr. Doll: Correct.

Mr. Minniear: Okay. So, typically that property down there, almost all those buildings have been built by CUC, correct?

Mr. Doll: Not all of them, which is-

Mr. Minniear: I didn't say all, I said most of or almost all.

Mr. Doll: Yeah. Most of them. Sure. Yeah.

Mr. Minniear: Okay, and typically the arrangement that CUC has had in the past, which doesn't mean it's going to apply to here is they build the constructability and then lease it out.

Mr. Doll: That's a possibility.

Mr. Minniear: Okay. Why would it not be the case?

Mr. Doll: In case the client wants to purchase the building and own the land and the building himself.

Mr. Brumleve: So, you're going to develop and then the client may elect to purchase?

Mr. Doll: That is possibility.

Mr. Minniear: Another thing I just wanted to say is basically generic information is that The City Council spent a lot of time discussing this, whether we are going to approve it, not approve it. So, it's been in the works for quite a while, and it's really not a question of whether you think medical marijuana is ethical or moral. It's legal, the City of Milford's made it legal. So, we're just here today to determine whether or not this building is in compliance with our zoning.

Mr. Doll: Fair enough.

Mr. Wenstrup: Am I correct, counselor, in that while states have approved medical marijuana, is it legal federally?

Mr. Minniear: Are you saying everywhere?

Mr. Wenstrup: No. Is there any federal government limitations on that?

Mr. Minniear: Oh, it's highly restrictive. It's very restrictive.

Mr. Wenstrup: Okay.

Mr. Minniear: Yeah. So, I've attended at least, for the last two years, seminars, half a day of which was discussing drugs, related drugs, and marijuana, medical marijuana, and it is very, very restricted by the state. Highly restricted.

Mr. Wenstrup: So, it's highly restricted by the state. Have we overlaid whatever those restrictive laws, covenants or whatever are on the staff recommendation?

Mr. Minniear: Yeah. They're applicable in Milford.

Mr. Wenstrup: Okay.

Mr. Wenstrup: Then the other thing I noticed is this type of facility has a lot of attempted break-ins. Does this create any additional burden on our police force anymore than a bank or a bakery would?

Mr. Minniear: Well, the police department's not permitted to take an issue on whether they are approved or not. But, in my conversations with Chief Mills, he has not indicated to me that it's going to be a problem. As a member of the staff, I just wanted to say that I firmly approve and support the recommendation of the staff. But, again, I don't know of any problem that the police chief has indicated to me.

Mr. Wenstrup: Thank you.

Mr. Minniear: I've personally spoken to them about it.

Ms. Celsor: Police department was also involved in the plan review and didn't have any comments.

Mr. Wenstrup: Thank you.

Mr. Minniear: Yeah. They're not allowed to comment on it.

Mr. Brumleve: Of interest to me is the lighting plan. I see the wall packs and the pole lighting.

Mr. Doll: Yeah.

Mr. Brumleve: Let's say, I'm not particularly worried about the pole lighting. I imagine that's probably full cutoff in nature. The wall packs sometimes can wind up not being full cutoff. Will they be full cutoff wall packs?

Mr. Doll: Yeah. They'll be full cut off wall packs and they really don't go out that far.

Mr. Brumleve: Yeah, see where the numbers attenuate.

Mr. Doll: Yeah. Yep.

Mr. Brumleve: But, I just want to make sure that we don't have a glare issue from the wall packs because they can sometimes be sub spec.

Mr. Doll: Yep. Understood.

Mr. Brumleve: Okay. Thank you.

Mr. Minniear: What's the signage going to be?

Mr. Doll: We don't have the signage at this point, since we don't know the entity that's going to be leasing or owning it.

Mr. Minniear: So, you haven't even worked on it yet?

Mr. Doll: No, but we will submit that to staff once we-

Mr. Minniear: Yeah, I know you didn't have to have it for this meeting, but I just wondered if you'd been working on it.

Mr. Doll: No, we have not.

Mr. Minniear: You could possibly share it with me at some point.

Mr. Doll: Yeah. We will when once we have it.

Ms. McKnight: So, it looks like all four elevations have some glass element, windows, doors, something. You've got the secure areas fenced with black vinyl chain link, and I'm sure we'll coordinate nicely with the earth tone color stone water table. So, you've made an attempt at having front facing elevations on all elevations because this building will be visible from the public right of way from all four sides.

Mr. Brumleve: Everywhere.

Ms. McKnight: So, that's good.

Mr. Brumleve: It is a building in around.

Mr. Wenstrup: Much like the U-Haul building where I had a concern that they might circumvent some of the sign. Ordinances by having big windows, they could stick signs in. You remember that? Yeah. That's my only concern is if they don't submit a sign thing, but they stick posters in the windows, it's the same thing, and I'd want to have that kind of restriction. I mean, obviously people will know it's a dispensary, but I don't want it to be a gaudy advertising venue, and apparently, we can restrict that because we have with the U-Haul people.

Mr. Minniear: Yeah, John that's for a future determination.

Mr. Wenstrup: Yeah. I'm just saying a lot of glass.

Ms. McKnight: Okay. Any other questions for the applicant at this time? Thank you.

Mr. Doll: All right. Thanks, ladies and gentlemen.

Ms. McKnight: Any questions or comments from anyone else in the audience this evening? Okay. Discussion by Planning Commission. This is a site plan review, so we're basically determining whether the site plan meets the requirements of the design code.

Mr. Brumleve: In light of the master plan, or excuse me, the comprehensive plan, if I got that, I'm not sure I'm using the correct word, but in light of the plan for the city, this seems to be

congruent with those intents and should it not be occupied for its initially proposed purpose, it seems like it's going to be applicable to other purposes as well. So, it's relatively of generic design. I find that to be non-offensive towards our master plan.

Mr. Wenstrup: Yeah. The only thing, and I have no reason to question what you said about the fire department, but I'd want that clarification of that fire hydrant obviously, and if those fire hydrants that are there are certainly visible and accessible at all times, and they feel it's not required, then I don't have a problem removing that number four or number three item. Then, what is a Knox Box? Anybody know?

Mr. Doll: A Knox Box is basically just a secured box that goes to the front of a building to where we can put all the keys to the building, and the fire department has a one key that can access that box to be able to get through the building to secure it.

Mr. Wenstrup: So, the compliance of that is not an issue?

Mr. Doll: That's not an issue. No.

Mr. Wenstrup: Okay. Let's just clarify the fire.

Mr. Doll: Yeah, sure.

Mr. Wenstrup: So, it's not on you.

Mr. Doll: Yeah. No, the Knox Box is no problem. We do it in every building.

Ms. Celsor: Would you want to amend conditions three and four to say if required by fire department?

Mr. Wenstrup: No, I'm sure the fire department will still want the Knox Box. But, number three, I meant to say, just clarify that it is or is not necessary to meet the requirements, because they told him it wasn't necessary to meet the requirement, and your research that it was.

Ms. McKnight: So, we can just add if required Milford Fire Department.

Mr. Wenstrup: Yeah.

Ms. McKnight: Okay.

Mr. Brumleve: I can make a motion.

Ms. McKnight: If you're prepared to make a motion, please do.

Mr. Brumleve: Okay. I'd like to make a motion to approve the request with the following conditions. Number one, with the minor amendment that the city engineer and the fire department and any other local state and federal agencies that will kind of basket the fire hydrant, should it come up again.

Ms. McKnight: Okay.

Mr. Brumleve: Let me see. Number two, remains. Number three and four strike, and number five remains.

Ms. McKnight: Okay.

Mr. Wenstrup: What did you say about number three and four?

Mr. Brumleve: Conditions number three and four to be struck because of the fire hydrant not being required by the fire department at this time.

Ms. McKnight: So, he just included the fire department in one, so-

Mr. Wenstrup: All right.

Ms. McKnight: ... kind of a catchall.

Ms. Celsor: I think that will cover it.

Ms. McKnight: Yep. Okay.

Mr. Wenstrup: Make a motion on a second.

Ms. McKnight: We have a motion and a second to approve the site plan for a Milford Medical Marijuana Dispensary at 401 Rivers Edge Drive subject to the three conditions as detailed in the motion. All in favor say aye.

Mr. Wenstrup: Aye.

Mr. Brumleve: Aye.

Ms. McKnight: Any opposed? Your site plan is approved. Just continue to work with staff on resolving those outstanding issues.

The Planning Commission voted 3-0 to approve the site plan for a Milford Medical Marijuana Dispensary at 401 Rivers Edge Drive subject to the three conditions as detailed in the motion.

SITE 22-06 312 Main Street, Minor Building Improvement

Ms. Celsor read the Staff Report into the record:

Project: 312 Main Street Minor Building Improvement

Location: 312 Main Street

Property Owners: Ash Patel
1824 W. Loveland Ave.
Loveland, OH 45140

Applicant/Agent: Mr. Fleig
State Farm
312 Main Street
Milford, OH 45150

Acreage: 0.2346Ac

Tax Parcel Id: 210710A045B

Zoning: MRD

Existing Use: Office

ADJACENT LAND USE AND ZONING

North: MRD Milford River District
East: R-3 Single Family Residential District
West: MRD Milford River District
South: MRD Milford River District

PROPOSAL

Mr. Fleig is proposing to replace the awning on the building located at 312-314 Main Street. The property is zoned MRD, Milford River District. New awnings in the Milford River District require approval by the Planning Commission.

ANALYSIS

Two businesses operate out of this building: Mr. Fleig, State Farm Insurance, and Elliot Werner, Coolest Toys on Earth. Elliot Warner received approval from the Planning Commission on May 9, 2018, for the Coolest Toys on Earth awning. The current proposal includes replacing the old awning with a new awning that would be split, representing both businesses.

STAFF RECOMMENDATION

Staff recommends approval of the Minor Building Improvements.

Mr. Wenstrup: Got anybody who wants to talk to us? I was going to ask that about just, well, why don't I just stop talking for a minute? I have a question. When Mr. Werner applied, there was some question as to whether we felt the term outlet. I think we talked about that, because it's made it sound like a stepchild of his business and nodding keeping with the more upward looking tone of downtown. Can we check that and see if at that time we had asked that he not used the word outlet, but just use the regular word.

Ms. Celsor: Yeah. I can check on that and make sure that it complies with whatever the approval was.

Mr. Wenstrup: Whatever we had approved of. I mean, we could approve it now the way it is, it's a different approval, but I think we had some discussion about it at that time. About the word outlet, and he has outlet on the front sign, but he doesn't have it on the little triangular side sign. So, for what it's worth.

Ms. Celsor: Yeah, that was previously approved. So, I would go with what... This is kind of confusing because it's showing both of them, but the Coolest Toys On Earth awning was already approved.

Mr. Brumleve: With the word outlet?

Ms. Celsor: I'd have to double check on that. I'll double check on it.

Mr. Wenstrup: Yeah. I just... That may have been an unsatisfactory decision on our part as far as the applicant, and they may be coming back and thinking... Well, so I just I'd like to know. But, other than that, I think it's great.

Ms. McKnight: Yep. Is there an applicant or would you please come forward then state your name and address for the record.

Mr. Fleig: Good evening. Mr. Fleig, at 312 Main Street in Milford.

Mr. Wenstrup: Thank you.

Ms. McKnight: Looks good.

Mr. Fleig: It will be updated.

Mr. Brumleve: Do you have any specific recommendation addressing Mr. Wenstrup's concern with regards to whether or not the word outlet was in or out of consideration?

Mr. Fleig: I do not have any comments to that.

Mr. Brumleve: Okay.

Ms. McKnight: I don't remember the discussion. So, I'm thinking I wasn't at that meeting.

Mr. Brumleve: We wouldn't want to be inadvertently provided and run around something that has already been kind of decided.

Mr. Wenstrup: Well, let's say it was not approved. Do we want to approve it? We could do that now. It's a different application, different time. Or do we have any objection to using the word outlet? The only person who's bringing that up is me, and the only reason I'm bringing it up is I think it makes it sound like a second- We're not good enough to be the real cool toys, we're an outlet. It's not really an outlet, it's a second store.

Ms. McKnight: Well, but if you've been in the main store and then you've been in this one, this is smaller store.

Mr. Wenstrup: Well, when the small store was the only store-

Ms. McKnight: It was the first store.

Mr. Wenstrup: ... they didn't call it an outlet.

Ms. McKnight: It was the first store. Yeah. I don't have an issue.

Mr. Wenstrup: Yeah. I know you don't. I know you don't. So, for what it's worth, we'll just have to let this man get on with his work. So, there's three of us here, let's call the question. Then if we want to put a motion on the table.

Ms. McKnight: Well, does anybody else want to comment on... Okay.

Mr. Brumleve: My only hesitancy at this point has to do with the fact that I don't want to go short circuit a process that's already been put in place. If there has been, to your memory.

Mr. Wenstrup: That's right. That's the only reason I bring it up. I mean, but this is a new day and a new time, and the very reasons that I objected to outlet in the beginning are even more well demonstrated now in the quality and the time and energy people are putting into their businesses, like you putting up an awning, putting up a painting, or putting up a painting, building buildings and restoring landmarks. Just to say that we've been the place that had outlets and we've been that place, and that word, while it's popular if you're somewhere between Cincinnati and Dayton off the side of the expressway, is pretty common, outlet. But, outlet for a downtown bustling business district just seems out of place and out of character with our plan. In my opinion, most humbly, on that.

Ms. McKnight: Do we want... We have a new opportunity to consider whether this is an issue or not.

Mr. Brumleve: Yeah. We're quibbling over a word here.

Ms. McKnight: Mm-hmm.

Mr. Brumleve: Well, maybe not quibbling, we're discussing the importance of a word.

Mr. Wenstrup: Absolutely.

Mr. Brumleve: So, okay. I think that it would be within the business owner's purview to call his business as he sees it, whether that be a bar or restaurant or-

Mr. Wenstrup: An outlet.

Mr. Brumleve: ... an outlet, or not. I mean, I don't think it actually, as much as I don't want an outlet in my city, it is only a word on the front of the building, and whether or not it's functionally that or not is really up to the business owner.

Ms. McKnight: He's not here this evening, but...

Mr. Wenstrup: Mr. Werner's not here.

Ms. McKnight: Right.

Mr. Brumleve: Yeah.

Ms. McKnight: But, it could be part of his branding that to distinguish with his customers that, "No, I have that in this store or I have it in the outlet."

Mr. Brumleve: Yeah. He's establishing his business outlet or not in the city and he can take...

Mr. Wenstrup: No, we're glad to have his business in the city.

Mr. Brumleve: Right.

Mr. Wenstrup: It's a wonderful store.

Mr. Brumleve: Outlet or not.

Ms. McKnight: Back to that motion. Is anyone prepared to make a motion?

Mr. Wenstrup: Yeah. I'll make a motion. I say, we let this man build a sign, and the only restriction is if we go back and we find that we restricted it not to say outlet, we don't want you to put outlet on it. Is that good with you?

Mr. Fleig: Well, my question is-

Ms. McKnight: He's not the owner.

Mr. Fleig: ... I'm not the applicant for the outlet.

Ms. McKnight: Yeah.

Mr. Brumleve: He isn't the owner.

Mr. Wenstrup: But, you're representing them here today. So, you can't say that. Is that what you're telling me? Then we can't approve them.

Mr. Brumleve: Well, you are the applicant as relates to redoing the awning.

Mr. Fleig: Correct.

Mr. Brumleve: So, that does fall on you.

Mr. Fleig: Okay. Fair enough.

Ms. McKnight: Well, yeah, we have a motion.

Mr. Wenstrup: So, my motion is we let this man build a sign with the caveat that says that if in fact in the past we have not allowed people to use the word or specifically the applicant, Elliot Werner, to use the term outlet that we stand by that until given good reason not to.

Ms. McKnight: Okay, we have a motion.

Mr. Wenstrup: That's my motion.

Ms. McKnight: Do we have a second?

Ms. Celsor: I want to add something, if you don't mind. I believe a building permit has already been submitted for the Coolest Toys signage.

Mr. Wenstrup: Yeah.

Ms. Celsor: I believe that's already been approved.

Mr. Wenstrup: For Coolest Toys?

Ms. Celsor: For Coolest Toys.

Mr. Wenstrup: Right. But, not outlet.

Mr. Brumleve: As outlet or not?

Ms. Celsor: Again, I don't remember. I would have to check the files on that, but I'm just concerned if it was already approved a certain way that now we can't change it.

Mr. Wenstrup: Is there a sense of urgency on this?

Ms. McKnight: So, whoa, whoa, whoa, wait, wait, wait, wait.

Mr. Wenstrup: Wait. I'm just asking him?

Ms. McKnight: I understand. I don't think we have a second. I have another comment I'd like to make before I ask for another motion. I believe, and I'm sorry I didn't think of this sooner, sometimes my planning brain works a little slower, but we're regulating content here by telling him what he can or can't put on his sign, and I don't think that's something that we have jurisdiction.

Mr. Wenstrup: Which speaks to my very first comment was we've had that discussion four years ago, and my understanding is we restricted that.

Ms. McKnight: But, I don't know that we could have four years ago because we can't-

Mr. Wenstrup: Well, we did it.

Ms. McKnight: Well, I don't know that we should. Doesn't make it right.

Mr. Wenstrup: Don't know that we should have.

Ms. McKnight: Yeah.

Mr. Wenstrup: Yeah. But, you don't know that we shouldn't either, is what you're saying.

Ms. McKnight: No, I'm saying...

Mr. Wenstrup: Why don't you say that he can put whatever he wants on the sign then? Right? That what you're saying?

Ms. McKnight: Well, yeah, we are very limited in regulating content. We can regulate size, we can regulate colors, but not content.

Mr. Wenstrup: Even if it doesn't align with the historic downtown River District?

Mr. Brumleve: With even we're an outlet, it is still a retail business establishment. So, that doesn't change its nature.

Mr. Wenstrup: We're discussing without a second.

Ms. McKnight: No, I said there was no second itself.

Mr. Wenstrup: Right, right. So, that-

Ms. McKnight: That motion's dead.

Mr. Wenstrup: Well, you didn't give me much time to get a second, but that's all right. So, anybody else prepared to make a motion?

Ms. McKnight: I'll make a motion. I can do that. That we approve the awning is submitted.

Mr. Brumleve: I second.

Mr. Wenstrup: I second.

Ms. McKnight: All in favor say aye.

Mr. Brumleve: Aye.

Ms. McKnight: Any opposed?

Mr. Wenstrup: I'm opposed.

Ms. McKnight: Okay. Well, then doesn't pass because we don't have three votes.

Mr. Wenstrup: It doesn't pass?

Ms. McKnight: Yeah. We have to have three votes to pass it.

Mr. Wenstrup: That's right. So, that motion didn't pass. So, I'm prepared to make a motion. We check the record and then give this man a speedy response, that outlet would require that you come back to get outlet, or if outlet isn't an issue, that you go ahead and build your sign, and that outlet is not incumbent on what we decided four years ago.

Mr. Brumleve: Well, in the nature of it being today's business, as opposed to four years ago's business, I don't feel as if we have... In light of the discussion that we've had about not regulating content; I can't second that on regulating the content.

Ms. McKnight: John, I think legally we're prohibited. It's been... Yeah, well.

Ms. Celsor: I can just add a little bit here of background.

Ms. McKnight: Please do.

Ms. Celsor: This was right around the time we were transitioning from Pam retiring, and she had communicated with Mr. Werner. I'm not sure why it took so long for him to move forward with the building permit, but she indicated to me, it had been approved by Planning Commission, and gave me the file with the plans, and that's what I used as a basis when I was reviewing the building permit application.

Ms. McKnight: Okay.

Ms. Celsor: I believe it did say outlet. I'd have to check on it to tell you for sure. But, I do know I checked it with what Pam gave me as the approved plans and that it was consistent with that. I'm pretty sure a permit has already been issued for it.

Ms. McKnight: Okay.

Mr. Wenstrup: Well, when permit's been issued, it doesn't need a new one.

Ms. McKnight: Well, that didn't include the insurance agency at the time. It just included the toy store.

Mr. Brumleve: What is your sense, Christine, with regards to whether we should be seeing this as a continuance or whether we should come to a decision this evening, can you opine on that, please?

Ms. Celsor: If you'd like to continue it, I can provide more information, if that would make you feel more comfortable making a decision.

Mr. Brumleve: Yeah. That only works at odds with his timeliness of getting his work done. So, do you have a recommendation in this particular case? Or can you opine as far as about the timeliness of this?

Mr. Fleig: Yeah, I'm in no rush. So, if we need more time, 60 days, 30, 90 days.

Ms. McKnight: 30 days would be enough.

Mr. Fleig: The only factor is weather. Once we get into a fall or winter ice, and obviously the work would have to be following year.

Mr. Brumleve: Would you be okay with indulging us a continuance?

Mr. Fleig: Sure.

Mr. Brumleve: Okay.

Mr. Wenstrup: I'd like to make a motion.

Ms. McKnight: Please.

Mr. Wenstrup: Okay. I motion that we approve the State Farm side of the sign as it's here, and the other side of the sign, as we did four years ago. Whether it was outlet or no outlet. That way we've addressed the question. Okay?

Ms. McKnight: All right.

Mr. Wenstrup: So, my motion is that we accept it with the provision that the previously approved signage from some time in the past. Let me make sure I say this right. The previous approved signage on the awning from May 9th, 2018 for Coolest Toys On Earth shall stay as it was then, and that yours shall be as it is illustrated here. Can I get a second for that?

Mr. Brumleve: I'll give you a second.

Mr. Wenstrup: Thank you.

Ms. McKnight: All in favor say aye.

Mr. Wenstrup: Aye.

Mr. Brumleve: Aye.

Ms. McKnight: Aye. Okay.

The Planning Commission voted 3-0 to approve the Minor Building Improvement at 312 Main Street.

SITE 22-08 1 Main Street, Minor Building Improvement

Ms. Celsor read the Staff Report into the record:

Project: 1 Main Minor Building Improvements

Location: 1 Main Street

Applicant: Jennifer Stuhlreyer
203 Mill Street
Milford, OH 45150

Owner: Jeff Henderson – One Main Gallery
1 Main Street
Milford, OH 45150

Acreage: 0.046 Acres

Tax Parcel Id: 210709.002C

Zoning: MRD Milford River District

Existing Use: Art Gallery

ADJACENT LAND USE AND ZONING

All adjacent property is zoned MRD

Minor Building Improvements

Jennifer Stuhlreyer, 203 Mill Street, requests permission to paint a mural on the side of the garage located at 1 Main Street. This type of work is considered a Minor Building Improvement and requires approval from the Planning Commission. The painted graphics provide visual interest to the building. Staff believes the request is in line with the Comprehensive Plans goal to make the downtown a destination.

STAFF RECOMMENDATION

Staff recommends approval of the Minor Building Improvements.

Ms. Stuhldreier: Jennifer Stuhldreier. 203 Mill Street.

Ms. McKnight: Anything you'd like to add about the request?

Ms. Stuhldreier: No, I didn't realize I needed to do this and I had kind of gotten ahead of myself and had planned on doing it earlier, so I'm glad that I realized I needed this before I made a big goop. The artist that I have found that I think you have a picture of it, she's going to go back to teaching soon, so it might get pushed back a little bit. So, that would be the only thing.

Ms. McKnight: Okay.

Ms. Stuhldreier: I was hoping to have it before we opened and I don't think that might probably not be the case.

Ms. McKnight: Okay.

Mr. Brumleve: What is your relationship to the building owner?

Ms. Stuhldreier: I'm his wife.

Mr. Brumleve: Okay.

Mr. Wenstrup: All right. I have a small picture of it. Could you kind of describe the elements of it?

Ms. Stuhldreier: Sure. So, what we were trying to do is pull some... My husband's very into history, and we've went through several different things on here. So, this is the old bridge that used to be, that we kind of steer out at. This is kind of the old bridge idea, and then just I really like the fact that we're on the water, so we had her pull a picture of how the river ran and if you can see the, well, the part that... So, do you understand where the wall is on the side of 1 Main? So, it's the big wall, and then if you're looking down from the top of our building, you can see the top of the building there, and that's where I just thought it would be nice to kind have something that continued.

Mr. Wenstrup: Well, what is that blue wavy thing? Just blue wavy things.

Ms. Stuhldreier: It's the river as well. Little Miami River.

Mr. Wenstrup: Okay.

Ms. Stuhldreier: Yeah.

Mr. Wenstrup: Then are there two bridges on there?

Ms. Stuhldreier: So, it's funny that you said that, because it's been a while since I've looked at this and I feel like we were doing something else on the top, not a double bridge. So, I'm going to go back and ask her about that.

Mr. Wenstrup: If you have any issue with it, let us know or whatever, but no, I think it's wonderful. I actually went down and went by all these sites this week and I can see why you'd want to paint that strip.

Ms. Stuhlreyer: Yeah.

Mr. Wenstrup: From up above, it just looked much nicer, and I think it'll be beautiful. The bridge looks like, in the drawing, looks like it sticks out past the edge of the building. Is that just the way it's drawn?

Ms. Stuhlreyer: So, it was going to wrap around a little bit on the front.

Mr. Wenstrup: Okay.

Ms. Stuhlreyer: Just a smidge.

Mr. Wenstrup: Okay.

Ms. Stuhlreyer: Because it's right where our door is. So, that was kind of what got us going. So, that was going to just wrap around little bit and we were going to paint the whole thing white first so that it looked nice.

Mr. Wenstrup: Is that wheat?

Ms. Stuhlreyer: So, the wheat, it is wheat. It's based on, it's kind of just talking about that this isn't a farming community from the past, and I heard you earlier. Did we not do wheat because I can change that to something else.

Ms. McKnight: No, I think it looks good.

Ms. McKnight: Any comments or questions? Okay, great. Thank you.

Ms. Stuhlreyer: Thank you.

Mr. Brumleve: I'd like to make a motion. I'd like to approve it as recommended.

Ms. McKnight: You second?

Mr. Wenstrup: I will second.

Ms. McKnight: Motion second to approve the minor building improvement. All in favor say aye.

Mr. Brumleve: Aye.

Ms. McKnight: Aye. Excellent.

The Planning Commission voted 3-0 to approve the Minor Building Improvement at 1 Main Street.

SITE 22-09 308 Main Street, Minor Building Improvement

Ms. Celsor read the Staff Report into the record:

Project: 308 Main Minor Building Improvements

Location: 308 Main Street

Applicant: Mr. Redmon
308 Main Street
Milford, OH 45150

Owner: Mr. Redmon
833 Riverside Drive
Milford, OH 45150

Acreage: .1607 Acres

Tax Parcel Id: 210710A045A, 210710A042C

Zoning: MRD Milford River District

Existing Use: Mixed Use

ADJACENT LAND USE AND ZONING

North: Milford River District

East: R-3 Single Family Residential District

West: Milford River District

South: Milford River District

Minor Building Improvements

Mr. Redmon requests permission to paint a mural on the side of the building located at 308 Main Street. This type of work is considered a Minor Building Improvement and requires approval from the Planning Commission. Similar to other recently approved murals, the painted graphics provide visual interest to the building. The Harvest Market lettering is considered a wall sign and will be reviewed administratively as a sign permit.

STAFF RECOMMENDATION

Staff recommends approval of the Minor Building Improvements.

Mr. Brumleve: First off, compliments on pursuing a design that thinks big, looking at the whole canvas.
Thank you.

Mr. Redmon: Oh, thank you. Whole credit goes to my wife, Maureen.

Mr. Brumleve: That's nice. Nicely done.

Mr. Redmon: Yeah, she's not much of a public speaker, but yeah, this design is based on the artist, Betty Larkin. I don't know if you've heard her. She's internationally known for these kind of very simple geometric patterns and stuff. So, we took a lot of inspiration for that and we wanted a mural that wasn't really busy with, like the last mural, which is fine with said imagery or items, but more just kind of shapes and soft colors.

Ms. McKnight: Cool. I like it.

Mr. Brumleve: Looking forward to its execution.

Mr. Redmon: Yeah. We are working with local mural artist, John Vaselli. You may be familiar with some of his work since he probably had to get an approval. I don't know if he did, but he did the mural up on By Golly's. He did the new mural inside of All Hail The Biscuit. He just did an artist installation inside of Forager, a wood one. He lives on Water Street. He actually approached us.

Ms. McKnight: Oh, cool.

Mr. Redmon: Saying he was trying to build his mural portfolio. I believe he also did a Mexican restaurant that's there next to Jungle Jim's in Eastgate, that large mural of that scene.

Ms. McKnight: Cool.

Mr. Brumleve: Well, if the execution is anything congruent with what I see here in the pictorial, I'm really looking forward to it.

Mr. Wenstrup: As I backed out of your thing today, my eyes were at the same level as the stone walls, and I hadn't looked at this yet, but I thought it would be kind of cool if you had that stone wall so it was the same height and then some kind of mural above it. But, this is lovely. It kind of reminds me of Charley Harper without any critters in it.

Mr. Brumleve: Yeah. Yeah.

Mr. Redmon: I could see that. Yep.

Mr. Wenstrup: I think it's lovely.

Ms. McKnight: I agree.

Mr. Redmon: Now, we've been working on this last year and so it should be hopefully good. We'll see what the paint costs are now today compared to where they were when we started quoting last at the end of the fall.

Mr. Wenstrup: That's crazy. Okay.

Mr. Redmon: Thank you.

Mr. Wenstrup: I'm prepared to make a motion that we approve it as it is.

Mr. Brumleve: Second.

Ms. McKnight: We have motion second to approve the minor modification at 308 Main Street. All in favor say aye.

Mr. Brumleve: Aye.

Mr. Wenstrup: Aye.

Mr. Brumleve: Any opposed? No. Very good.

Ms. McKnight: Any other business to come before Planning Commission this evening?

Ms. Celsor: I have nothing.

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

Mr. Wenstrup: I move we adjourn.

Mr. Brumleve: Second.

Ms. McKnight: All in favor say aye.

Mr. Brumleve: Aye.

Ms. McKnight: Meeting adjourned at 6:58.



Planning and Community Development Coordinator



Ms. McKnight, Chairman

CITY OF MILFORD
 PLANNING COMMISSION MEETING
 July 13, 2022 6:00 p.m.

SIGN IN SHEET

NAME	ADDRESS
George Martin	1466 US 50, MILFORD, OH
Marty Martin	" " " "
Chance Truemper	7143 E. KEMPER RD. 45249
Jennifer Stuhreyer	8130 Kogler Mill 45243
Quintin Fleig	312 MAIN ST. MILFORD
Brian Doll	7143 E. KEMPER RD 45249
Ben Redman	308 Main Street Milford OH

