1. January 19, 2021 Agenda

Documents:

20210119.PDF

1.I. January 19, 2021 Workbook

Documents:

01-19-2021 WORKBOOK.PDF
EXECUTIVE SESSION – 5:00 PM – CONFERENCE ROOM 2C – SECOND FLOOR CITY BUILDING
Under the authority of O.R.C. 121.22 (G) (1) To consider the appointment of a public official.

CITY COUNCIL BUSINESS MEETING – 5:30 PM – COUNCIL CHAMBERS – LOWER LEVEL

MOMENT OF MEDITATION/PLEDGE OF ALLEGIANCE TO THE FLAG/ROLL CALL

Public Hearing: Map Amendment Case: A request by property owner Jacquelyn Phillips for a map amendment to rezone the property located at 812 South Main Street, Middletown, OH 45044 (Parcel ID: Q6521012000065) from R-4 Attached Residential Zoning District to R-3 Medium Density Zoning District with a Historic District Overlay (R-3-HD). The City Historic Commission recommended approval to the City Council for the property to be included in the South Main Street Historic District. The property is a total of approximately 0.21 acres. Planning Commission’s recommendation for the rezoning will be forwarded to City Council for final review and decision.

Public Hearing: Map Amendment Case: A request by property owners Phillip Brad and Debbie Childers for a map amendment to rezone the properties located at 500, 502, and 504 The Alameda, Middletown, OH 45044 (Parcel IDS: Q6541010000014, Q6541010000013, and Q6541010000012) from R-3 Medium Density Zoning District to R-3 Medium Density Zoning District with the HD Historic District Overlay (R-3-HD). The property is a total of approximately 0.51 acres. The Historic Commission recommended approval of the expansion of the Highlands Historic District to include these properties to the City Council. The Planning Commission’s recommendation for the rezoning will be forwarded to City Council for final review and decision.

Public Hearing: Map Amendment Case: A request by property owner John H. Smith for a map amendment to rezone the property located near the intersection of Bexley and Ellen Drive, Middletown, OH 45044 (Parcel ID: Q6531045000107) from B-1 Neighborhood Business Zoning District to R-3 Medium Density Zoning District. The property is a total of approximately 0.30 acres. The Planning Commission’s recommendation for the rezoning will be forwarded to City Council for final review and decision.

CITIZEN COMMENTS

COUNCIL COMMENTS

CITY MANAGER REPORTS

CONSENT AGENDA. Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote of consent. There will be no separate discussion of these items. If discussion is desired, that item will be removed and considered separately.

(a) Confirm the following personnel appointments: Walker Ashcraft to the position of Corrections Officer in the Department of Public Safety, Division of Police; and Jennifer Stout to the position of Senior Account Clerk in the Department of Finance, Division of Water and Sewer Administration.

(b) Confirm the promotional appointments of Seth Adams to the position of Fire Apparatus Operator in the Department of Public Safety, Division of Fire.

(c) Confirm the reinstatement of Alexis Manning to the position of Corrections Officer in the Department of Public Safety, Division of Police.

(d) Receive and file Oaths of Office for Kendahl Bowles, Austin Renner, Sarah Valentin

(e) Confirm the following Board and Commission Appointments:
MOTION AGENDA

(a) To authorize a professional services contract in an amount not-to-exceed $185,000 with Jacobs Engineering to develop an asset management plan for the City as well as meet compliance requirements under the America’s Water Infrastructure Act (AWIA).

(b) To request approval to purchase the following items totaling $191,083.52 off the ODAS Contract for a new fire medic and associated equipment:
   - Medix fire medic from Penn Care, of Niles, OH, in the amount of $155,136.50
   - Power Cot and Chair from Stryker, of Chicago, IL in the amount of $23,058.73
   - Graphics package from DanCo Lettering, of Dayton, OH in the amount of $1,988.00
   - Camera recording system from Pro-Vision, of Byron Center, MI in the amount of $2,713.00
   - Thermal Image Camera from Vogelpohl Fire Equipment, of Erlanger, KY in the amount of $8,187.29

LEGISLATION


2. Ordinance No. O2021-05, an ordinance consenting to the appointment of the Board of Directors of the Middletown Port Authority by the Mayor of the City of Middletown, Ohio and declaring an emergency.

3. Resolution No. R2021-01, a resolution requesting the Auditor of Butler County to advance to the Treasurer of the City of Middletown, Ohio, taxes assessed and collected for and on behalf of the City of Middletown, Ohio and declaring an emergency. (No action requested until February 2, 2021.)

4. Resolution No. R2021-02, a final resolution authorizing the City Manager to enter a contract with the State of Ohio, Department of Transportation for the 2021 Urban Paving Program to resurface Verity Parkway (S.R. 73) between Germantown Road and the northern corporation limit and declaring an emergency. (No action requested until February 2, 2021.)

5. Ordinance No. O2021-06, an ordinance establishing a procedure for and authorizing extension of contracts for grounds maintenance for 2021 and declaring an emergency. (No action requested until February 2, 2021.)

6. Ordinance No. O2021-07, an ordinance changing the zoning classification for the parcel located at 812 South Main Street from R-4 (Attached Residential District) to R-3-HD (Medium Density Residential District – Historic District Overlay). (First Reading)

7. Ordinance No. O2021-08, an ordinance changing the zoning classification for the parcels located at 500, 502 & 504 The Alameda from R-3 (Medium Density Residential District) to R-3-HD (Medium Density Residential District – Historic District Overlay). (First Reading)

8. Ordinance No. O2021-09, an ordinance changing the zoning classification for a parcel located at the intersection of Jefferson Road and Spring Grove Lane from B-1 (Neighborhood Business District) to R-3 (Medium Density Residential District). (First Reading)

EXECUTIVE SESSION

Under the authority of O.R.C. 121.22 (G) (4) Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment.
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(d) Receive and file Oaths of Office for Kendahl Bowles, Austin Renner, Sarah Valentin

(e) Confirm the following Board and Commission Appointments:
MIDDLETOWN CITY COUNCIL AGENDA
TUESDAY, January 19, 2021

MOTION AGENDA
(a) To authorize a professional services contract in an amount not-to-exceed $185,000 with Jacobs Engineering to develop an asset management plan for the City as well as meet compliance requirements under the America’s Water Infrastructure Act (AWIA).
(b) To request approval to purchase the following items totaling $191,083.52 off the ODAS Contract for a new fire medic and associated equipment:
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EXECUTIVE SESSION
Under the authority of O.R.C. 121.22 (G) (4) Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment.
EXECUTIVE SESSION
PUBLIC HEARING
January 4, 2021

TO: City Council

ATTN: Amy Schenck, Clerk of Council

FROM: Ashley Combs, Planning Director
       Amnette Accurso, Historic Property Specialist

SUBJECT: Map Amendment Request
          812 South Main Street, Middletown, Ohio 45044

PROPERTY ADDRESS:
812 South Main Street, Middletown, OH 45044

APPLICANT/OWNER:
Jacquelyn Phillips

REQUEST:
Map Amendment Case: A request by property owner Jacquelyn Phillips for a map amendment to rezone the property located at 812 South Main Street, Middletown, OH 45044 (Parcel ID: Q65210120000065) from R-4 Attached Residential Zoning District to R-3 Medium Density Zoning District with a Historic District Overlay (R-3-HD). The City Historic Commission recommended approval to the City Council for the property to be included in the South Main Street Historic District. The property is a total of approximately 0.21 acres.

STAFF ANALYSIS:
The property owner requests to add 812 South Main Street, located just south of her home located at 808 South Main Street, to the South Main Historic District. The property owner is working with a licensed surveyor and has applied for a lot consolidation. This is being done so she may build an addition onto her existing home located at 808 South Main Street. Rezoning the property located at 812 South Main Street to R-3 Residential is so that the base zoning district matches the parcel on which her home is located once the lot consolidation is finalized.

On October 15, 2020 the Middletown Historic Commission voted to recommend to the Middletown City Council the local historic landmark designation of the property located at 812 South Main Street, Middletown, OH 45044 to be added to the City’s South Main Street Historic District. The City Council voted to approve the South Main Street Expansion on November 17, 2020. The historic designation became effective on December 18, 2020.

A map amendment (zone change) is a requirement of the historic designation process. Planning Commission’s recommendation for the rezoning is forwarded to City Council for final review and decision. The Planning Commission recommended approval of the map amendment request at their regular meeting held on December 9, 2020.
Per the Middletown Development Code, public notice was provided to all owners within 200 feet of the properties and notice was published in the Middletown Journal. No comments were received regarding the proposal.

**PROPERTY HISTORY:**
The house at 808 South Main Street is an 1875 Victorian style, two-story, wood frame, typical farmhouse. The roof is cross gabled, the structure is small and narrow, and generally plain. It exhibits fine detailing, however, in the decorative brackets, trim and fish-scale shakes at the eaves of the front gable, above the second floor. There is a band of fish-scale shakes above the first-floor level, both of contrasting colors from that of the main exterior walls. The porch is “L” shaped, and complements the upper gable; it has beautifully painted columns and spindles which gives it a distinctive appearance from the street. The porch gable is also decorated with a sunburst, fronted by a contrasting decorative piece. The house is unique within the South Main Historic District in size, scale and design. It is the southernmost house in the district on the west side of South Main Street.

**HISTORIC DESIGNATION APPROVAL:**
The City of Middletown’s Planning & Zoning Department staff recommended approval of the expansion of the South Main Historic District to include 812 South Main Street. Planning staff recommended approval because the property owner gave consent and confirmed that she would be consolidating the property with her existing property located at 812 South Main Street. The property located at 812 South Main Street is already historically designated and included in the South Main Historic District. Planning staff also recommended approval of the expansion as it will add to the preservation of the existing home’s style and character and that the designation followed the criteria outlined in 1212.02 Designation of a Historic Landmark or Historic District.

Documents Used to Make Recommendation:
- Application/Supporting Documents Submitted by Property Owner
- South Main Street Historic Homes Inventory
- Middletown Historic Preservation Plan
- Middletown Development Code

Meeting notices were sent to all property owners within the South Main Street Historic District and no objections or comments have been received for the proposed expansion.

**MASTER PLAN:**
Per the City of Middletown’s Master Plan, the property is located in the “Urban Core Development Opportunity” and is identified as “neighborhood preserve and enhance”. Please see attached City Master Plan excerpt and map.

It is important to note that the City’s Master Plan was adopted in 2005 and per the American Planner’s Association a Master Plan should be updated every 5 years to ensure goals are being met and to set new goals. The Master Plan update is anticipated to be adopted first quarter 2021.

**PROPERTY HISTORY:**
The property owns to parcels of land that are adjoining. The property that is owned at 808 South Main Street is already historically designated and a part of the South Main Street
Historic District. The property owner is having an addition built onto the existing home located at 808 South Main Street. The home addition will be built and cross on to the adjoining lot, parcel Q6521012000065, also known as 812 South Main Street. The applicant is currently working with a surveyor for a lot consolidation.

The home located at 808 South Main Street is an 1875 Victorian style, two-story, wood frame, typical farmhouse. The roof is cross gabled, the structure is small and narrow, and generally plain. It exhibits fine detailing, however, in the decorative brackets, trim and fish-scale shakes at the eaves of the front gable, above the second floor. There is a band of fish-scale shakes above the first-floor level, both of contrasting colors from that of the main exterior walls. The porch is “L” shaped, and complements the upper gable; it has beautifully painted columns and spindles which gives it a distinctive appearance from the street. The porch gable is also decorated with a sunburst, fronted by a contrasting decorative piece. The house is unique within the South Main Historic District in size, scale and design. It is the southernmost house in the district on the west side of South Main Street.

At their meeting held on October 15, 2020, the Historic Commission approved the home addition due to it complementing the existing home’s historic architecture.

OTHER DEPARTMENT COMMENTS:
No department comments have been received at this time for the proposed zone change.

MAP AMENDMENT PROCESS:
Map Amendment Review Procedure
(1) Application
(2) Staff Review and Staff Report
(3) Planning Commission Review and Recommendation
(4) City Council Review and Decision

(b) Review Criteria
Recommendations and decisions on map amendment applications shall be based on consideration of the following review criteria. Not all criteria may be applicable in each case, and each case shall be determined on its own facts.

(1) The proposed amendment is consistent with the master plan, other adopted City plans, and the stated purposes of this code;

(2) The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions;

(3) The proposed amendment will promote the public health, safety, and general welfare;

(4) The proposed amendment, if amending the zoning map, is consistent with the stated purpose of the proposed zoning district;

(5) The proposed amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated; and/or
(6) The proposed amendment is not likely to result in significant adverse impacts upon other property in the vicinity of the subject lot.

PER MIDDLETOWN DEVELOPMENT CODE 1212.02 DESIGNATION OF A HISTORIC LANDMARK OR HISTORIC DISTRICT

A. Proposals to designate or expand historic districts or designate historic landmarks may be initiated by the Historic Commission, a property owner or by motion of Planning Commission or City Council. Proposals initiated by property owners, Planning Commission or Council shall be referred to the Historic Commission for recommendation and initiation of the formal designation process.

B. Proposals to designate or expand a historic district shall be submitted with a rezoning application as well as the information listed below. Proposals to designate a historic landmark shall include, at a minimum, the following additional information:

1. Evidence of property owner interest in landmark designation or location within the proposed historic district.
2. A boundary description.
3. An inventory of historic resources.
4. A description of the architectural and historical significance of properties within the proposed boundaries, including photo documentation of unique elements and those that are stereotypical of the architectural style.
5. A map or description of existing zoning.
   a. In considering any area, place, structure, work of art or similar object in the City as a historic site or historic district, the Historic Commission shall apply the following criteria:
      1. The structure or site or area’s character, value, or significance as part of the development of the City, the State, or the United States;
      2. Its location as a site or area of a significant historic event;
      3. Its identification with a person who significantly contributed to the development of the City;
      4. Its embodiment of distinguishing characteristics of an architectural style or type;
      5. Its exemplification of the cultural, economic, social or political heritage of the City;
      6. Its relationship to other distinctive areas or structures designated for preservation;
      7. Its unique location or singular physical characteristic representing an established and familiar feature of the City; and
      8. Its inclusion of prehistoric and/or historic archaeological sites or other important representations of previous cultures.

C. Designation Procedure
   The previously named entities, individuals, or Historic Commission shall have the authority to propose designations of any area, place, structure, work of art, or similar object in the City as a historic site or historic district. The following shall be the procedure for the formal designation of such places or areas.

   Step 1 - Development Code Administrator Recommendation Required
   1. The Historic Commission shall advise the Development Code Administrator of the
proposed designation and secure from the Development Code Administrator a recommendation with respect to the relationship of the proposed designation to the Master Plan of the City and any applicable Historic Preservation Plan.

2. The Development Code Administrator shall give an opinion as to the effect of the proposed designation upon the surrounding neighborhood and an opinion and recommendation as to any other planning consideration which may be relevant to the proposed designation, together with a recommendation of approval, rejection, or modification of the proposed designation.

3. Such recommendation shall be submitted in written form by the Historic Commission, along with its recommendation concerning the proposed designation.

4. The Historic Commission shall make a decision whether to proceed with the designation review based on the recommendation of the Development Code Administrator.

Step 2 – Notification

If the Historic Commission decides to proceed with designation, the Development Code Administrator shall notify the owner of all properties under consideration for designation. For the purpose of designation or expansion of a group or district, notice shall be published on the City’s webpage and shall be mailed or otherwise distributed to each owner of real property located within such group or district. Whenever possible, the Historic Commission shall secure the owner’s written consent for submittal of the proposed designation, together with its recommendation of findings of fact.

A. The Historic Commission shall make a recommendation concerning the designation of the property to the City Council. Once the proposal to establish or expand a preservation district or to designate an individual property or structure as a historic landmark has been reviewed, the Historic Commission shall schedule a public hearing. The public hearing shall not be more than thirty (30) calendar days after such a proposal is submitted. Notice of the public hearing shall be given according to the following:

i. The Historic Commission shall give the owner(s) not less than fourteen (14) calendar days' written notice of the date, time and place of such hearing.

ii. Notice of the public hearing shall be given to at least one (1) or more newspapers of general circulation in the City. The notice shall be published at least ten (10) calendar days before the date of the hearing.

iii. Notices shall include the time and place of the public hearing, a summary of the proposal and a statement that opportunity to be heard will be afforded to any person interested. Failure of delivery of such notice shall not invalidate any such amendment. The original application, all comments and additional considerations presented at the public hearing, and the recommendation of the Historic Commission shall be forwarded to the City Council for its consideration.

Step 3 – Historic Commission Public Hearing

B. The Historic Commission shall conduct the public hearing as provided and shall provide an opportunity for all interested parties to express their opinions.

C. The Historic Commission shall determine if any or all of the criteria listed in Section 1212.02 have been met.

D. The Commission shall then make a recommendation regarding the proposed
designation, in writing, within 30 days after the initial hearing date and shall notify the owner or any person having a legal interest in such property, as well as other interested parties who request a copy.

E. The Historic Commission shall state in its recommendation findings of fact that constitute the basis for its decision and shall transmit such recommendation concerning the proposed designation to the Middletown City Council.

Step 4 – Consideration by City Council

A. The City Council shall give due consideration to the findings and recommendations of the Historic Commission, input provided by the persons participating in the public hearing before the Historic Commission, in addition to the recommendation of the Development Code Administrator, in making its determination with respect to the proposed designation of any areas, places, structures, works of art or similar objects as historic sites or historic districts.

B. The City Council may, at its discretion, hold public hearings on any such proposed designation, whether such designation is proposed with the consent of the owner or after public hearings before the Historic Commission. The City Council may then designate by ordinance areas, places, structures, works of art, or similar objects as historic sites or historic districts.

Step 5 – Notification of Designation

Within 14 days, the Historic Commission shall notify the Chief Building Official of the official designation. The Commission shall also send, by certified mail, a certified copy of the designation ordinance to the owner and any person having a legal interest in any properties involved in the designation.

Step 6 – Record of Designation

The Historic Commission shall direct the Law Director to cause a record of such designation to be filed with the applicable county recorder.

ATTACHMENTS:
Application and supporting documents submitted by applicant, property photos, zoning map, and City Master Plan excerpt and map.

ALTERNATIVES:
None

FINANCIAL IMPACT:
None

EMERGENCY/NON-EMERGENCY:
Non-Emergency
HISTORIC LANDMARK DESIGNATION APPLICATION

Historic Landmark requests require legal notice to be provided 14 days prior to meeting date. Landmark status approval is required by the City of Middletown Historic Commission & City Council.

To check if your property is located in a historic district, historically designated, or for more information regarding the City’s historic districts/landmarks, please visit our City website at: https://www.cityofmiddletown.org/194/Planning-Zoning

LANDMARK DESIGNATIONS ARE REVIEWED ACCORDING TO CHAPTER 1212 OF THE MIDDLETOWN DEVELOPMENT CODE

APPLICATION DATE: 10/7/2020

PROPERTY ADDRESS: 806 S. Main

APPLICANT ADDRESS: Same as above

OWNER ADDRESS:

APPLICANT NAME(S): [Handwritten]

OWNER NAME(S): [Handwritten]

APPLICANT PHONE NUMBER: 513 571-3496

OWNER'S PHONE NUMBER: Same

PROPERTY DESCRIPTION: (See Historic Commission Review Criteria Below)

1875 Victorian - see additional info attached.

Please attach the following:
- Property Photos
- Description of Historic Significance

Please be advised if the designation is approved by the Historic Commission and City Council, a copy of legal description & property deed will be required by the County for recording purposes.

I acknowledge that the information provided is true/correct to the best of my knowledge.

[Handwritten Signature]

Date: 10/7/2020

(property owner’s signature)

Date
South Main Historic District Created by 01979-99
Beginning at a point at the northeast corner of the intersection of South Main Street and Yankee Road; thence southward along the eastern right-of-way of Yankee Road to a point at the intersection of the extended southern lot line of Lot #1076; thence westward along the extended lot line of Lot #1076 to a point along the eastern lot line of lot #1090; thence southward along the eastern (rear) lot lines of Lots #1090, 1089, 1088; thence westward along the southern lot line of Lot #1088 to the intersection of the rear (eastern) property lines of #317 (Pt. Lot 1086) and #321 (Pt. Lot 1085) South Main Street; thence southward along said property line extended to the southern right-of-way of Fourth Avenue to the eastern right-of-way of South Main Street to the northern right-of-way line of Fifth Avenue; thence eastward along the northern right-of-way of an alley east of and parallel to South Main Street; thence southward along the western right-of-way, crossing Sixth Avenue, to the intersection of the extended southern lot line of Lot #819; thence westward along the southern lot line of Lot 819 to the eastern right-of-way of South Main Street; thence southward along the eastern right-of-way of South Main Street to the intersection of the extended southern lot line of Lot #6172; thence westward along the extended southern lot line of Lot #6172 to the eastern right-of-way of an alley west of and parallel to South Main Street; thence northward along the eastern right-of-way of the alley, crossing Seventh Avenue, to the northern right-of-way of Sixth Avenue; thence westward along the northern right-of-way of Sixth Avenue to the intersection of the western (rear) property line of 514 South Main Street; thence northward along the rear property lines of 512, 510, 508, 502, 404, and 400 South Main Street to the southern right-of-way of Fourth Avenue to the intersection of the extended western (rear) property line of 320 South Main Street; thence northward along the rear property lines of 320, 314, 308, 306, 300 and extending in a straight line northward to the southern property line of 218 South Main Street; thence westward and northward following the rear property lines of #218, 214, 210, and 206 South Main Street to the southern right-of-way of Second Avenue; thence eastward along the southern right-of-way of Second Avenue to the extended eastern right-of-way of an alley west of and parallel to South Main street; thence northward along the eastern right-of-way of an alley west of and parallel to South Main street; thence northward along the eastern right-of-way of the alley crossing First Avenue, the northern property line of #34 South Main Street; thence eastward along the northern property line of #34 South Main Street, to the eastern right-of-way of South Main Street; thence southward along the eastern right-of-way to the northern lot line of Lot #19; thence eastward along the northern lot line of Lot #19 extended to western right-of-way line of Wall Alley; thence southward along the western right-of-way of Wall Alley to the northern right-of-way of First Avenue to the extended eastern property line of #1012 First Avenue; thence southward to the northern property line of #107 South Main street; and eastward along the northern property line of #107 South Main Street to the westerly right-of-way of Wall Alley; thence southward along the western right-of-way of Wall Alley to the northern right-of-way of Second Avenue; thence westward along the northern right-of-way of Second Avenue to the extended eastern property line of #1006 Second Avenue; thence southward, westward and northward along the property lines of #1006 Second Avenue to the southern property line of #201 South Main street; thence westward along the southern property line of #210 South Main Street to the eastern right-of-way of South Main street; thence southward along the eastern right-of-way of South Main Street to the place of beginning.

South Main Historic District Expansion Created by 01981-85
Beginning at a point on the eastern right-of-way of South Main Street at the northwest corner of Lot #820; thence eastward along the north property line of Lot #820 to the northeast corner of Lot #820; thence southward along the eastern property line of Lot #820 and continuing approximately 22 feet along the rear of Part Lot #821; thence westward approximately 35 feet along the south property line of Part Lot #821; thence southward approximately 125 feet along a line parallel to South Main Street; thence westward approximately 5 feet along a line parallel to Eighth Avenue to the intersection of the eastern property line of Lot # 1061; thence southward along the eastern property line of Lot # 1061 to the northern right-of-way of Eighth Avenue; thence westward along the northern right-of-way of Eighth Avenue extended to the western right-of-way South Main Street; thence southward along the western right-of-way of South Main Street to the southeast corner of Lot # 1472; thence westward along the southern property line of Lot # 1472 to the southwest corner of Lot # 1472; thence northward along the western property lines of Lots #1472, #6168, #6169, #6170 and #6171 to the northwest corner of Lot # 6171; thence eastward along the northern property line of Lot # 6171 extended to the eastern right-of-way of South Main Street; thence northward along the eastern right-of-way of South Main Street to the point of beginning.

St. Paul's United Church of Christ Historic Site Created by 01981-119

South 43 feet of Lot # 82, North ½ of Lot # 83, as the same is known and designated on the recorded plat of the City of Middletown, Butler County, Ohio.

*Full South Main Street Historical Homes Inventory on file in Planning & Zoning Department.
812 S Main Street- Expansion of South Main Historic District

10/13/2020, 9:40:13 AM

0 0.01 0.1 0.01 0.03 mi

792.0x612.0
MAP 15 URBAN CORE DEVELOPMENT OPPORTUNITY AREA

Mixed Use Corridors
- Concentrate retail, including restaurants, on ground floors in designated areas along Central and Verville.
- Mixed retail should be directed at key intersections first to create a critical mass of businesses needed to increase street level activity.
- Office and residential uses are appropriate on upper stories to strengthen the retail market.
- Support creation of work-live units, lofts and studios as a means to build an arts cluster in the downtown.

Mixed Use Residential
- A transition zone between higher-density mixed-use commercial corridors and predominantly residential neighborhoods.
- Supports an electric and dynamic mix of higher density residential, office, and institutional uses.
- Limited small scale retail is supported provided that it does not adversely impact the residential quality of life.

Downtown Design
- Strengthen as a premiere urban location by continued improvement of facades and streetscapes.
- Plant street trees and add additional pedestrian amenities such as plazas, benches, and trashcans.
- Support additional artwork and murals in downtown.
- Allow outdoor seating for restaurants.
- Prepare downtown design standards and revise the zoning code to permit a wider variety of mixed-use scenarios.

Brownfield Redevelopment
- Several brownfield properties are located in or close to downtown.
- These blighting influences must be removed before any long-term reutilization effort can succeed.
- Brownfield properties are labeled as “Development Opportunities” on the map.
- These same areas are planned as mixed use residential but the market will likely dictate the eventual use.

Historic Center
- Several architecturally significant buildings exist that are worthy of preservation.
- Public offices, performing arts, fine arts, and parks are concentrated in downtown environs.
- A concerted marketing effort is needed to attract a wider range of businesses and people.

Connections to Great Miami River
- Reconnect downtown neighborhoods to the Great Miami River via paths and lighted promenades.
- Restore the canal to a greenway connecting Smith Park, Downtown and the River.
- Market the restored canal, canal museum, and train depot.
- Build new neighborhoods between downtown and river to increase population and market demand for downtown goods and services. New residential shall be two story to look over the flood wall and frame the planned open space leading from the river to the downtown. Roof decks and look outs would add interest.

Legend
- Future Land Use
  - Mixed Use Residential
  - Mixed Use Commercial
  - Institutional/Office
  - Industrial
  - Business Park
  - Neighborhood Preserve & Enhance
  - Redevelopment Opportunity

Image Enhancement
- Major Streetscape Improvement
- Minor Streetscape Improvement
- Boulevard Treatment
- Gateway Buffer
- Existing Improvement
- Proposed Bikeway
- Canal

CITY OF MIDDLETOWN MASTER PLAN

[Map of the City of Middletown with various areas marked for development and landscape features]
**Urban Core Neighborhood Development Opportunity Area**

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

However, downtown and its environs offer what many suburban communities lack. Downtown still has a cluster of performing arts, fine arts, parks, pedestrian-friendly streets and public facilities such as the award-winning Middletown Public Library. In recent years, downtown business owners formed the Downtown Alliance, a nonprofit organization with the mission to foster downtown revitalization. The City has taken its own steps to revitalize the area by removing the enclosed mall structure and opening Central Avenue for vehicular access. The City has also made façade and streetscape improvements and developed a small park. In order to create a viable, healthy downtown, the city and its partners will take further steps to revitalize the area by encouraging the preservation and renovation of historic buildings, and ensuring that new development blends with the architecture and character of the surrounding area. Downtown may not return to its former glory but, with time and incremental improvements, downtown will become a healthy neighborhood and business district with a strong concentration of recreation and arts amenities.

- **Future Land Use.** Mixed Use Commercial is planned along Central and Verity as shown on Map 15. Retail activity should be concentrated within this defined location. Residential uses are desired on upper floors of downtown commercial buildings. “Mixed Use Residential” is planned as a transition between Commercial Mixed Use and predominately single family residential neighborhoods located adjacent to downtown. Residential and offices uses are appropriate in existing buildings. Smaller-scale retail may be appropriate if adequate parking facilities are available and if the retail activity does not detract from the neighborhood.
• **Key Development Strategy.** The area has traditionally been home to commercial, residential, and even industrial uses. Mixed use development is encouraged vertically in multi-story structures and horizontally across the landscape to re-establish vibrancy and increase the commercial viability of the area.

Increased residential will provide customers to downtown businesses and bring life to the downtown throughout more hours of the day. Accordingly, a wide range of housing options are appropriate in the downtown including new market-rate townhomes, lofts, work-live units, and studios. Development of work-live units, lofts, and studios should be strongly considered to attract artists to downtown Middletown. This strategy could capitalize on downtown’s existing strengths characterized by Beau Verre, Middletown Arts Center, Sorg Theater Company, downtown murals, etc.

• **Zoning.** Downtown is zoned CBD Central Business District. The CBD has four variations classified as CED-1, CBD-2, CBD-3 and CBD-4 each with a unique set of use restrictions based on what appears to be defined sub-districts of downtown. This arrangement should be closely reviewed to see if amendments are necessary. To encourage the restoration and adaptive reuse of old buildings, land use regulations should be tailored to provide greater allowance of mixed uses including residential above first floors without the encumbrance of a conditional use permit.

To encourage sensitive renovation and infill development, the City could establish design guidelines, adopt setback and height requirements that reflect the traditional development patterns in the area, and create a pedestrian friendly streetscape by offering collective parking lots at strategic locations.

• **Capital Improvements**

  • **Canal Greenway.** Restore the canal bed to create an interpretive and interactive historic attraction. Turn the restored canal into an urban greenway that connects Smith Park to the Great Miami River through downtown. Other means of providing linkages between the downtown and river need to be explored.

  • **Utilities.** Engineering analysis performed as part of this Master Plan indicates that the downtown environs have the oldest and some cases undersized water and sanitary sewer infrastructure. As mentioned in the brownfield redevelopment strategies, the city may be called upon to improve utility services in the downtown to accommodate new growth on brownfield sites.

  • **Bike Path.** A cross-town bike path is planned to connect the Renaissance Development Opportunity Area to downtown via SR 122 and Central Avenue. Though the exact path alignment is not known, a logical routing through the downtown needs to be identified and should ultimately end at the bike path located along the river.

  • **Streetscape.** Though many positive improvements have been made, continued improvement to the downtown streetscape is needed to strengthen downtown’s sense of place and attractiveness.
PUBLIC HEARING
January 4, 2021

TO: City Council

ATTN: Amy Schenck, Clerk of Council

FROM: Ashley Combs, Planning Director
Annette Accurso, Historic Property Specialist

SUBJECT: Map Amendment Request
500, 502, and 504 the Alameda, Middletown, OH 45044

PROPERTY ADDRESS:
500, 502, and 504 the Alameda, Middletown, OH 45044

APPLICANTS/OWNERS:
Phillip Brad and Debbie Childers

REQUEST:
A request by property owners Phillip Brad and Debbie Childers for a map amendment to rezone the properties located at 500, 502, and 504 The Alameda, Middletown, OH 45044 (Parcel IDs: Q6541010000014, Q6541010000013, and Q6541010000012) from R-3 Medium Density Zoning District to R-3 Medium Density Zoning District with the HD Historic District Overlay (R-3-HD). The properties are a total of approximately 0.51 acres.

STAFF ANALYSIS:
The property owners, Phillip Brad and Debbie Childers, requested that their properties be historically designated by the Middletown Historic Commission and added to the Highlands Historic District. On September 17, 2020 the Middletown Historic Commission voted to recommend to the Middletown City Council the local historic landmark designation of the properties located at 500, 502, and 504 The Alameda, Middletown, OH 45044 to be added to the City’s Highlands Historic District. The City Council voted to approve the Highlands Historic Expansion on November 17, 2020. The historic designation became effective on December 18, 2020.

A map amendment (zone change) is a requirement of the historic designation process. Once Planning Commission reviews the map amendment, the recommendation is forwarded to City Council for final review and decision. The Planning Commission recommended approval of the map amendment request at their regular meeting held on December 9, 2020.

Per the Middletown Development Code, public notice was provided to all owners within 200 feet of the properties and notice was published in the Middletown Journal. No comments were received regarding the proposal.

PROPERTY HISTORY:
The property was originally known as the John Happensberger House, and is one of the oldest properties on The Alameda, and in the neighborhood. The land was owned by Simon
Goldman, and records indicate the builder, John Happersberger was born about 1854 in Germany. Upon his immigration to the United States, he married and had four children. Mr. Happersberger was a well-known jeweler and owned a (jewelry) store in Middletown. On April 8, 1893, John assumed lots 2832-2833 from Simon and son Charles Goldman for $1000. The property consisted of three lots where building began shortly after. Attached is the application submitted by owners.

HISTORIC DESIGNATION APPROVAL:
Planning & Zoning Department staff recommended approval of the expansion of the Highlands Historic District to include the properties located 500, 502, and 504 The Alameda due to the property owners giving their consent to be included in the Highlands Historic District and the historical narrative and evidence that was submitted by the property owners. Planning staff agreed that the supporting documents identify the properties historical significance in context with the existing Highlands Historic District and it was an appropriate addition. Planning staff also recommended approval of the expansion due to the designation meeting the criteria outlined in 1212.02 Designation of a Historic Landmark or Historic District.

Documents Used to Make Recommendation:
- Application/Supporting Documents Submitted by Property Owner
- Highlands Historic Homes Inventory
- Middletown Historic Preservation Plan
- Middletown Development Code

Meeting notices were sent to all property owners within the South Main Street Historic District and no objections or comments have been received for the proposed expansion.

MASTER PLAN:
The 2005 Master Plan identifies this property as a part of the “Midd Central Development Area” and the plan indicates to preserve and enhance this neighborhood. Please see attached City Master Plan excerpt and map.

It is important to note that the City's Master Plan was adopted in 2005 and per the American Planner’s Association a Master Plan should be updated every 5 years to ensure goals are being met and to set new goals. The Master Plan update is anticipated to be adopted first quarter 2021.

OTHER DEPARTMENT COMMENTS:
No department comments have been received at this time for the proposed zone change.

MAP AMENDMENT PROCESS:
Map Amendment Review Procedure
(1) Application
(2) Staff Review and Staff Report
(3) Planning Commission Review and Recommendation
(4) City Council Review and Decision
(a) Review Criteria

Recommendations and decisions on map amendment applications shall be based on consideration of the following review criteria. Not all criteria may be applicable in each case, and each case shall be determined on its own facts.

(1) The proposed amendment is consistent with the master plan, other adopted City plans, and the stated purposes of this code;

(2) The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions;

(3) The proposed amendment will promote the public health, safety, and general welfare;

(4) The proposed amendment, if amending the zoning map, is consistent with the stated purpose of the proposed zoning district;

(5) The proposed amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated; and/or

(6) The proposed amendment is not likely to result in significant adverse impacts upon other property in the vicinity of the subject lot.

Notice Requirements:
For rezonings that include 10 or fewer properties owned by different property owners, written notice shall be sent to all owners of property within 200 feet from the boundary of all properties subject to the rezoning application. The notice shall be required a minimum of 14 days before the initial public hearing of Planning Commission and City Council. Published notice required a minimum of 30 days before the initial public hearing of Planning Commission and City Council.

PER MIDDLETOWN DEVELOPMENT CODE 1212.02 DESIGNATION OF A HISTORIC LANDMARK OR HISTORIC DISTRICT

A. Proposals to designate or expand historic districts or designate historic landmarks may be initiated by the Historic Commission, a property owner or by motion of Planning Commission or City Council. Proposals initiated by property owners, Planning Commission or Council shall be referred to the Historic Commission for recommendation and initiation of the formal designation process.

B. Proposals to designate or expand a historic district shall be submitted with a rezoning application as well as the information listed below. Proposals to designate a historic landmark shall include, at a minimum, the following additional information:

1. Evidence of property owner interest in landmark designation or location within the proposed historic district.
2. A boundary description.
3. An inventory of historic resources.
4. A description of the architectural and historical significance of properties within the proposed boundaries, including photo documentation of unique elements and also
those that are stereotypical of the architectural style.
5. A map or description of existing zoning.
   a. In considering any area, place, structure, work of art or similar object in the City as a
      historic site or historic district, the Historic Commission shall apply the following
      criteria:
1. The structure or site or area’s character, value, or significance as part of the
   development of the City, the State, or the United States;
2. Its location as a site or area of a significant historic event;
3. Its identification with a person who significantly contributed to the development of the
   City;
4. Its embodiment of distinguishing characteristics of an architectural style or type;
5. Its exemplification of the cultural, economic, social or political heritage of the City;
6. Its relationship to other distinctive areas or structures designated for preservation;
7. Its unique location or singular physical characteristic representing an established and
   familiar feature of the City; and
8. Its inclusion of prehistoric and/or historic archaeological sites or other important
   representations of previous cultures.

C. Designation Procedure
   The previously named entities, individuals, or Historic Commission shall have the
   authority to propose designations of any area, place, structure, work of art, or similar
   object in the City as a historic site or historic district. The following shall be the
   procedure for the formal designation of such places or areas.

   Step 1 – Development Code Administrator Recommendation Required
1. The Historic Commission shall advise the Development Code Administrator of the
   proposed designation and secure from the Development Code Administrator a
   recommendation with respect to the relationship of the proposed designation to the
   Master Plan of the City and any applicable Historic Preservation Plan.
2. The Development Code Administrator shall give an opinion as to the effect of the
   proposed designation upon the surrounding neighborhood and an opinion and
   recommendation as to any other planning consideration which may be relevant to the
   proposed designation, together with a recommendation of approval, rejection, or
   modification of the proposed designation.
3. Such recommendation shall be submitted in written form by the Historic Commission,
   along with its recommendation concerning the proposed designation.
4. The Historic Commission shall make a decision whether to proceed with the
   designation review based on the recommendation of the Development Code
   Administrator.

   Step 2 – Notification
If the Historic Commission decides to proceed with designation, the Development Code
Administrator shall notify the owner of all properties under consideration for
designation. For the purpose of designation or expansion of a group or district, notice
shall be published on the City’s webpage and shall be mailed or otherwise distributed
to each owner of real property located within such group or district. Whenever
possible, the Historic Commission shall secure the owner’s written consent for
submittal of the proposed designation, together with its recommendation of findings of
fact.

A. The Historic Commission shall make a recommendation concerning the designation of the property to the City Council. Once the proposal to establish or expand a preservation district or to designate an individual property or structure as a historic landmark has been reviewed, the Historic Commission shall schedule a public hearing. The public hearing shall not be more than thirty (30) calendar days after such a proposal is submitted. Notice of the public hearing shall be given according to the following:

i. The Historic Commission shall give the owner(s) not less than fourteen (14) calendar days' written notice of the date, time and place of such hearing.

ii. Notice of the public hearing shall be given to at least one (1) or more newspapers of general circulation in the City. The notice shall be published at least ten (10) calendar days before the date of the hearing.

iii. Notices shall include the time and place of the public hearing, a summary of the proposal and a statement that opportunity to be heard will be afforded to any person interested. Failure of delivery of such notice shall not invalidate any such amendment. The original application, all comments and additional considerations presented at the public hearing, and the recommendation of the Historic Commission shall be forwarded to the City Council for its consideration.

Step 3 - Historic Commission Public Hearing

B. The Historic Commission shall conduct the public hearing as provided and shall provide an opportunity for all interested parties to express their opinions.

C. The Historic Commission shall determine if any or all of the criteria listed in Section 1212.02 have been met.

D. The Commission shall then make a recommendation regarding the proposed designation, in writing, within 30 days after the initial hearing date and shall notify the owner or any person having a legal interest in such property, as well as other interested parties who request a copy.

E. The Historic Commission shall state in its recommendation findings of fact that constitute the basis for its decision and shall transmit such recommendation concerning the proposed designation to the Middletown City Council.

Step 4 - Consideration by City Council

A. The City Council shall give due consideration to the findings and recommendations of the Historic Commission, input provided by the persons participating in the public hearing before the Historic Commission, in addition to the recommendation of the Development Code Administrator, in making its determination with respect to the proposed designation of any areas, places, structures, works of art or similar objects as historic sites or historic districts.

B. The City Council may, at its discretion, hold public hearings on any such proposed designation, whether such designation is proposed with the consent of the owner or after public hearings before the Historic Commission. The City Council may then designate by ordinance areas, places, structures, works of art, or similar objects as historic sites or historic districts.
Step 5 – Notification of Designation
Within 14 days, the Historic Commission shall notify the Chief Building Official of the official designation. The Commission shall also send, by certified mail, a certified copy of the designation ordinance to the owner and any person having a legal interest in any properties involved in the designation.

Step 6 – Record of Designation
The Historic Commission shall direct the Law Director to cause a record of such designation to be filed with the applicable county recorder.

ATTACHMENTS:
Application and supporting documents submitted by applicant, property photos, zoning map, and City Master Plan excerpt and map.

ALTERNATIVES:
None

FINANCIAL IMPACT:
None

EMERGENCY/NCN-EMERGENCY:
Non-Emergency
MIDDLETOWN CITY PLANNING COMMISSION
MAP AMENDMENT (ZONE CHANGE) APPLICATION

PROJECT NAME: PHILIP B. CHILDERS & DEBBIE A. CHILDERS

PROPERTY ADDRESS(ES): 500, 502, 504 THE ALAMEDA

ADDRESS(ES):

PARCEL NUMBERS: 06541010000014 06541010000013 06541010000012 TOTAL

ACRES: .51

EXISTING ZONING DISTRICT: PROPOSED ZONING DISTRICT:

CURRENT USES: RESIDENTIAL PROPOSED USES:

REASON FOR ZONE CHANGE REQUEST:

THE HISTORIC COMMISSION RECOMMENDED EXPANSION OF THE HIGHLANDS HISTORICAL DISTRICT

PHILIP B. CHILDERS DEBBIE A. CHILDERS

PETITIONER'S NAME

PETITIONER'S ADDRESS

PETITIONER'S CONTACT NUMBER: 513-464-0886

EMAIL: PCHILDERS@FRANKLENCITYSCHOOLS.COM

Map Amendment Application
REQUIRED APPLICATION ATTACHMENTS:
1. Survey of property proposed for map amendment (electronic copy or 24in X 36in size)
2. The names and addresses of all property owners located within 200 feet of property
3. $500 processing fee for each property (cash/checks made payable to the City of Middletown)

All applicants must have a pre-meeting with staff before submission of application.

REVIEW CRITERIA:
Per the Middletown Development Code recommendations and decisions on map amendment applications shall be based on consideration of the following review criteria. However, not all criteria may be applicable in each case and cases shall be determined on its own facts.

(1) The proposed amendment is consistent with the master plan, other adopted City plans, and the stated purposes of this code;
(2) The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions;
(3) The proposed amendment will promote the public health, safety, and general welfare;
(4) The proposed amendment, if amending the zoning map, is consistent with the stated purpose of the proposed zoning district;
(5) The proposed amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated; and/or
(6) The proposed amendment is not likely to result in significant adverse impacts upon other property in the vicinity of the subject lot.

MAP AMENDMENT PROCESS (4-6 Months):
Step 1 – Application
A. For amendments that are not initiated by the Planning Commission or City Council, the applicant shall submit an application in accordance with Section 1226.02, and with the provisions of this section.
B. Amendments Initiated by City Council shall be referred to the Planning Commission for review.

Step 2 – Staff Review and Staff Report
A. Upon determination that a text or zoning map amendment application is complete, the Development Code Administrator shall schedule the review of the application at the next available Planning Commission meeting.
B. Prior to the Planning Commission hearing for the text or map amendment, the Development Code Administrator shall review the application and prepare a staff report.

Step 3 – Planning Commission Review and Recommendation

Map Amendment Application
A. The Planning Commission shall hold a public hearing on the code text or map amendment at its next regularly scheduled meeting or at a special meeting after the application is determined to be complete, subject to the submittal deadlines established by the Development Code Administrator.

B. Notification of the public hearing shall be provided in accordance with Section 1226.02(l).

C. In reviewing the application, the Planning Commission shall at a minimum, consider the staff report from the Development Code Administrator and the review criteria of this section.

D. Within a reasonable amount of time from the close of the public hearing, the Planning Commission shall make a recommendation to City Council on the application. In making its recommendation, the Planning Commission may recommend approval, approval with some modification, or denial of the application.

**Step 4 – City Council Review and Decision**

A. Following receipt of the recommendation from the Planning Commission, City Council shall set a time for a public hearing on the proposed amendment.

B. Notification of the public hearing shall be provided in accordance with Section 1226.02(l).

C. City Council shall review a text or zoning map amendment application during a public hearing. In reviewing the application, City Council shall at a minimum, consider the staff report from the Development Code Administrator, recommendation from Planning Commission, and the review criteria of this section.

D. City Council shall adopt, adopt with some modification, or deny the recommendation of the Planning Commission. City Council shall not alter or make a decision that varies from the Planning Commission without a majority vote of City Council.

FOR DEPARTMENTAL USE ONLY:

Zone Change Case No. _______ Accepted By: ___________________________ Date:

________________________

Map Amendment Application
Photos of home located at 500 The Alameda

Original home designs submitted by the owner (above).
Interior of the home submitted by the owner (below).
MAP OF HIGHLANDS HISTORIC DISTRICT:

Property locations proposed for inclusion in Highlands Historic District
Architectural Styles and Significance
The Highlands District contains a rich variety of architectural styles that were commonly built in the United States during the time in which the neighborhood developed. Most of the older homes were custom designed by skilled architects and were constructed using the best materials and craftsmanship available at the time. The Highlands developed at a fairly slow pace over a long span of time which accounts for the variety of styles.

Only two structures (300 and 301 The Alameda) were constructed prior to 1900 in the Queen Anne Victorian style. Unfortunately both homes have been significantly modified over the years and have lost key Queen Anne architectural features. Original decorative trim has been removed and original siding covered at 300 The Alameda. Fire damage to 301 the Alameda prompted a remodeling to a colonial revival style that while not original, is considered to be historically correct for the time period of the remodeling.

The most common architectural style in the District is a form of Craftsman architecture which is typified by wide overhang on low pitched roofs. These homes were constructed mostly between 1900 and 1920. The examples of Craftsman have several variations that include the “Bungalow”, “Four Square”, and “Mission”. One of the most prominent homes in the District at 7 Alameda Circle is an interesting blend of Craftsman and French Country Revival architecture.

The general styles of homes constructed in the 1920s and 1930s represented imitations of “Revivals” of older American and European styles. These include “Georgian Revival”, “Colonial Revival”, “Tudor Revival”, “French Country Revival”, “Dutch Colonial Revival” and “Classical Revival” (aka “Neoclassical”) The home at 401 The Alameda is an unusual blend of Craftsman and Classic Revival styles. The district has several excellent examples of Tudor homes which typically have a combination of half-timbered designs on stucco or brick with steeply pitched slate roofs.

After the World War II years, much of the construction in the Highlands could be characterized as “infill development”. Most homes were of styles found in newer, massed produced subdivisions with some notable exceptions. The homes at 2704 Central, 2800 Superior, and 303 The Alameda, while constructed in the 1950s, reflect the high quality and architectural individuality of many of the Revival style homes of the 1920s.

Five infill homes were constructed in the mid-1970s on what was previously the rear yard of the home at 7 Alameda Circle. While they are obviously not a part of the historic character of the neighborhood, they are two story and mostly brick sided which helps them to blend with the surrounding homes. The newest home in the highlands was constructed in 2002 on a lot that was previously part of the rear yard of the home at 2700 Superior. During the 1950s and 1960s several single-floor ranch style homes were constructed in a style typical of newer development of that time.

The Episcopal Church of the Ascension located at the corner of McKnight and McGee is the largest and only non-residential structure in the District and serves as a major architectural anchor for the District. The Church was constructed in 1928 in the English Tudor style and
500 The Alameda—Expansion of Highlands Historic District

[Map Image]
500 The Alameda
John Happersberger House
Circa 1893

500 The Alameda is one of the oldest properties on The Alameda and in the neighborhood. The land was owned by Mr. Simon Goldman, a dry goods businessman, local entrepreneur and wealthy gentleman of the time period. Records indicate the builder, John Happersberger was born about 1854 in Germany. He immigrated to the United States in 1871 where he met his Wife Caroline. They were married in 1879 and had four children, Carl, John and two daughters, Emma and Thurnelda. In 1881, Mr. Happersberger had a jewelry and watch store in Lima, Ohio where he was an expert watchmaker. He also had a jewelry store here in town and was a well known jeweller. On April 8, 1893, John Happersberger assumed lots 2832-2833 from Simon Goldman and his son Charles T. Goldman (Original Builder of 301 The Alameda) for the cost of $1,000. The property consists of three lots where building started shortly after and eventually the lots were re-numbered. The out building (garage) was built in 1900, the same year the property was sold on January 17, 1900 to Wm. Caldwell.

Historical Facts:

- According to documents, John Happersberger was required to erect a two-story dwelling house that must have a minimum five rooms and a cellar.
- The house must be worth at least $2,000.
- The house had to be at least 35' from The Alameda and 15' from Lexington Ave.
- The house had to be completed within two years of purchase date.
- Sherman Ave was originally named Lexington Ave.
- February 4, 1894, John Happersberger was labeled "A Wealthy Citizen" in the Cincinnati Enquirer.
- Charles R. Hook owned the residence from September 30, 1909 until 1920. This was during the time that the Hook Mansion was being built.
- Charles T. Goldman and Minnie S. Goldman owned the residence after Mr. Hook. Mr. Goldman sold the property to W.A. Smith Jr. on July 26, 1929.

Home Facts:

The home has three stories which includes a finished third story loft that has eight windows, its own heating and cooling system and a whole house attic fan. The gross living area is 3,373 sq.ft. The construction is wood and beam, in which the wood was covered with aluminum siding in the early 1970's when the addition was put on the back of the house. The home has a total of 10 rooms, 4 bedrooms, 2 full baths, a Butler's Pantry/Bar area and four season enclosed porch. The basement has the original stone foundation which has been waterproofed, a wine cellar, a canning room (now a Bourbon cellar), the old coal room, along with one of two laundry locations in the home.

When the home was originally built and surrounded by tobacco fields and a greenhouse, the home had a large front porch across the front, 3 fireplaces on the main house and a small back porch on the rear of the home. The front southeast fireplace was removed during a renovation project as
well as the front main door and a window. The cellar door was on the back of the home at the southwest corner noted in the pictures.

For more information about 500 The Alameda, contact bchilders@franklincityschools.com

Thank You for visiting The Highlands Historical District and Neighborhood!

Brad and Debbie Childers
**Vision.** Midd Central’s healthy neighborhoods will remain vibrant and attractive. Notable characteristics of this area include pedestrian-friendly streets, parks, and neighborhood-oriented businesses that include a sustainable mix of retail, retail services, professional office, and restaurants. The future loss of two long-standing neighborhood anchors, Roosevelt School and Middletown Regional Hospital, are viewed as development opportunities that will be acted upon in the shortest time period practical. Such action will maintain property owner confidence in their neighborhood.

**Future Land Use.** Future land use designations shown on Map 17 are limited to three small areas being the Middletown Regional Hospital campus, Roosevelt School and the Sutphin/Central vicinity. All three of these areas are planned as Mixed Use. The hospital and school grounds are planned as Mixed Use Residential. Mixed Use Residential places a primary focus on the construction of new residential units mixed with supportive office and small-scale retail. The planned Mixed Use Commercial designation supports the traditional urban development pattern and healthy node of neighborhood businesses located near the intersection of Central and Sutphin.

**Key Development Strategy.** The loss of Middletown Regional Hospital and Roosevelt School will most likely have a negative impact on the surrounding neighborhoods. For this reason, it is essential that these properties are properly maintained in the interim while new users are identified. More important, a reuse strategy needs to be formulated and implemented within a relatively short period of time. Vacant property at these once active sites will deteriorate property owner confidence. All viable reuse alternatives need to be explored. Elderly housing, single-family residential, and medical office reuse were all discussed as desirable outcomes at the hospital site at Steering Committee meetings.

The Central/Sutphin vicinity has the ingredients to become a premier traditional neighborhood business district that attracts residents from all over the city. Characteristic of successful neighborhood business districts, this area contains a traditional street pattern lined with trees and on-street parking; buildings located close to the street; pedestrian activity, and quaint restaurants, offices and retail stores. The city can bolster this asset by concentrating code enforcement, housing rehabilitation, and homeownership resources in adjacent neighborhoods.

**Zoning Recommendations.** Mixed use, infill design standards are needed to provide guidance on the implementation of the Master Plan Mixed Use Commercial land use recommendation at Sutphin and Central. New development must be compatible with the architecture, scale, and
intensity of existing uses located in the neighborhood. Roosevelt School is zoned D-2 Low Density Residential, which allows institutional, education, public parks and recreation, and single family residential on 13,000 square foot lots. The hospital campus is zoned P-3 Hospital District. The P-3 district permits medical office and single family residential on 30,000 square foot lots or 13,000 square foot lots with conditional use approval. The D-2 and P-3 zoning may be appropriate depending upon the reuse strategy. However, planned developments will likely be the most appropriate to facilitate redevelopment at both sites.

- **Capital Improvements.** The most direct route from Interstate 75 to downtown follows Roosevelt and Grand Avenue to Sutphin Street and Central Avenue. Widening Sutphin and Grand and/or re-configuring the intersections of Sutphin/Central and Sutphin/Grand would improve the capacity and functionality of this route and improve access to downtown. This recommendation will be difficult to implement given the probable need for additional right-of-way and the close proximity of existing structures next to the roadway.

Streetscape improvements are needed to better define the Central/Sutphin neighborhood business district. Pedestrian amenities should be offered including small plazas, benches, trash cans and decorative street lighting.

Bike lanes are planned in the existing Central Avenue roadway. Bike lanes will provide a cross town connector dedicated for the preferential use of bicyclists. Bicycle facilities are envisioned to eventually connect downtown and the Great Miami River to Towne Mall and the Renaissance Development Opportunity Area.
PUBLIC HEARING
January 4, 2021

TO: City Council

ATTN: Amy Schenck, Clerk of Council

FROM: Ashley Combs, Planning Director

SUBJECT: Map Amendment Request
Property located near the intersection of Bexley Drive and Ellen Drive, Middletown, OH 45042

PROPERTY ADDRESS:
Property near the intersection of Bexley Drive and Ellen Drive, Middletown, OH 45042
Parcel ID: Q6531045000107

APPLICANT:
Dennis R. Beatty
1900 First Avenue
Middletown, OH 45044

OWNER:
John H. Smith
2124 Jackson Lane
Middletown, OH 45044

REQUEST:
Map Amendment Case: A request by property owner John H. Smith for a map amendment to rezone the property located near the intersection of Bexley and Ellen Drive, Middletown, OH 45044 (Parcel ID: Q6531045000107) from B-1 Neighborhood Business Zoning District to R-3 Medium Density Zoning District. The property is a total of approximately 0.30 acres. The Planning Commission’s recommendation for the rezoning will be forwarded to City Council for final review and decision.

STAFF ANALYSIS:
The Planning Commission recommended approval of the proposed map amendment at their regular meeting held on December 9, 2020. The Planning Commission recommended approval of the map amendment due to request meeting the map amendment review criteria outlined in the Middletown Development Code. The Commission agreed that single family housing is a need in the City and they gave their support for the infill housing project.

On November 18, 2020, the City Board of Zoning Appeals approved a variance for the property to be granted a minimum lot area reduction of 1,636 square feet from the Middletown Development Code requirement of 13,000 sq. ft for the R-3 Residential Zoning District. The Board of Zoning Appeal’s approval was made contingent upon the Planning Commission and City Council’s approval of the map amendment request.

The surrounding properties have the following uses and zoning designations:
- North: B-1 Neighborhood Business District
- East: B-1 Neighborhood Business District
- South: R-3 Medium Density Residential District
- West: R-3 Medium Density Residential District
Per the applicant, the proposed map amendment is due to the current market does not support the development of a new commercial business at the property in reference. The future proposed residential dwelling is needed in the Middletown community and will increase the value of the lot and surrounding properties. The applicant specified that the home built on the property would meet the Site Development Standards and Architectural Standards of the Middletown Development Code.

Per the Middletown 2005 Master Plan, the property is located in the Hook Field Development Opportunity Area and is identified as “neighborhood preserve and enhance.” The proposed map amendment would not cause spot zoning and would be consistent with the R-3 Residential Zoning District located to the South and West of the property. Attached is the Hook Field Development Opportunity map.

Per the Middletown Development Code notice requirement, public notice was provided to all owners within 200 feet of the properties and notice was published in the Middletown Journal. No comments have been received regarding the proposal.

OTHER DEPARTMENT COMMENTS:
No department comments have been received at this time for the proposed zone change.

MAP AMENDMENT PROCESS:
Map Amendment Review Procedure

(1) Application
(2) Staff Review and Staff Report
(3) Planning Commission Review and Recommendation
(4) City Council Review and Decision

Review Criteria
Recommendations and decisions on map amendment applications shall be based on consideration of the following review criteria. Not all criteria may be applicable in each case, and each case shall be determined on its own facts.

1. The proposed amendment is consistent with the master plan, other adopted City plans, and the stated purposes of this code;

2. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions;

3. The proposed amendment will promote the public health, safety, and general welfare;

4. The proposed amendment, if amending the zoning map, is consistent with the stated purpose of the proposed zoning district;

5. The proposed amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated; and/or

6. The proposed amendment is not likely to result in significant adverse impacts upon other property in the vicinity of the subject lot.
Notice Requirements:
For rezonings that include 10 or fewer properties owned by different property owners, written notice shall be sent to all owners of property within 200 feet from the boundary of all properties subject to the rezoning application. The notice shall be required a minimum of 14 days before the initial public hearing of Planning Commission and City Council. Published notice required a minimum of 30 days before the initial public hearing of Planning Commission and City Council.

ATTACHMENTS:
Application and supporting documents submitted by applicant, property photos, zoning map, and City Master Plan excerpt and map.

ALTERNATIVES:
None

FINANCIAL IMPACT:
None

EMERGENCY/NON-EMERGENCY:
Non-Emergency
MIDDLETOWN CITY PLANNING COMMISSION
MAP AMENDMENT (ZONE CHANGE) APPLICATION

PROJECT NAME: **Spicer House**

PROPERTY ADDRESS(ES): ________________________________

ADDRESS(ES): **ELLEN DRIVE**

PARCEL NUMBERS: 0631045000107 TOTAL ACRES: 0.26

EXISTING ZONING DISTRICT: **B-1** PROPOSED ZONING DISTRICT: **R-3**

CURRENT USES: **COMMERCIAL** PROPOSED USES: **RESIDENTIAL - SINGLE FAMILY**

REASON FOR ZONE CHANGE REQUEST: **Build House**

PETITIONER'S NAME: **John J. Smith** PETITIONER'S ADDRESS: **2124 Jackson Ln.**

PETITIONER'S CONTACT NUMBER: **313-336-6573** EMAIL: **jsmith@infallible.net**

REQUIRED APPLICATION ATTACHMENTS:
1. Survey of property proposed for map amendment (electronic copy or 24in X 36in size)
2. The names and addresses of all property owners located within 200 feet of property
3. $500 processing fee for each property (cash/checks made payable to the City of Middletown)

All applicants must have a pre-meeting with staff before submission of application.

Map Amendment Application
Looking at the property from Ellen Drive

Looking at property from the intersection of Bexley and Ellen Drive
**Hook Field Development Opportunity Area**

- **Vision.** Hook Field Municipal Airport will be redeveloped with modern air-side accessibilities amenities to complement and fully benefit from the longest general aviation runway located in southwest Ohio. Demand for airport facilities and services will create the need for a modern aeropark located on and/or adjacent to airport grounds. Additional retail, restaurant, and office support uses will be needed to service airport-related activity.

- **Future Land Use.** Hook Field is planned as Airport and supports aviation-related uses and facilities such as maintenance hangars, corporate jet hangers, T-hangers, etc. Industrial land uses are planned east and west of the airport grounds.

- **Key Development Strategy.** Hook Field must be maximized as an economic development asset. Airport facilities are currently underutilized given the runway length and capacity. Modernization efforts are needed to enhance Hook Field’s image in the aviation industry and to attract additional fixed-base aircraft. The mobile home park located east of the airport is designated as a development opportunity for new industrial development. This mobile home park contains numerous vacancies and nuisance properties. It is also currently zoned as I-1 Industrial Park District. The old municipal landfill site north of Carmody Drive is also planned as a future industrial park location. Funds to mitigate the property for industrial development should be expended only after demand warrants additional industrial acreage in this area. Additional development strategies found in Chapter 6 of the Hook Field Economic Development Plan should be considered.

- **Zoning Recommendations.** The airport and adjacent properties identified as development opportunities are appropriately zoned as I-1 Industrial Park District.

- **Capital Improvements.**
  - **Airport facilities.** The airport itself requires on-going capital improvements to meet FAA standards. From a more practical perspective, new airport facilities are needed to modernize Hook Field.
  - **Airport Gateway.** A new, high-quality Hook Field entry sign is needed at the Germantown entrance to improve airport branding and visibility.
  - **Airport Service Road.** A full length service road is needed to connect the Germantown and Smith Park entrances.
  - **Wilbraham.** Cul-de-sac Wilbraham Road to eliminate airport traffic through the adjacent neighborhood.
CITIZEN COMMENTS
COUNCIL COMMENTS
CITY MANAGER REPORTS
CONSENT
AGENDA
January 11, 2021

TO: James Palenick, City Manager

FROM: Kay Sauer, Human Resources Specialist

SUBJECT: APPOINTMENT – CORRECTIONS OFFICER

We are recommending the conditional appointment of WALKER ASHCRAFT to the position of Corrections Officer in the Department of Public Safety, Division of Police. Mr. Ashcraft was selected from the eligibility list as a result of Civil Service testing procedures. He will fill the vacancy created by the resignation of Jessi Lovejoy.

Mr. Ashcraft will be assigned to Range PO4, Probationary Step which provides a salary of $1,342.20 bi-weekly, $34,897.20 annually. The appointment is conditional on the candidate passing the required medical evaluation.

/me

c: Amy Schenck, Clerk of Council
    Susan Cohen, Administrative Services Director
    David Birk, Police Chief
    Human Resources
    Finance (Payroll)

ccmtg 1/19/2021

CORRECTIONS OFFICER
Authorized Strength – 11
Current Staff Level – 9
January 11, 2021

TO: James Palenick, City Manager
FROM: Kay Sauer, Human Resources Specialist
SUBJECT: APPOINTMENT – SENIOR ACCOUNT CLERK

We are recommending the conditional appointment of JENNIFER STOUT to the position of Senior Account Clerk in the Department of Finance, Division of Water and Sewer Administration. Ms. Stout was selected from the eligibility list as a result of Civil Service testing procedures. She will fill the vacancy created by the transfer of Rebecca Lawrence to City Tax.

Ms. Stout will be assigned to Range 234, Step A which provides a salary of $1,389.32 bi-weekly and $36,122.32 annually. The appointment is conditional on the candidate passing the required medical evaluation.

c: Amy Schenck, Clerk of Council
   Susan Cohen, Administrative Services Director
   Jake Burton, Finance Director
   Human Resources
   Finance (Payroll)
   file

cmtg1/19/21

Finance/Water & Sewer Administration
Authorized Strength - 9
Current Staff Level - 8
ADMINISTRATIVE SERVICES DEPARTMENT
Human Resources

January 6, 2020

TO: James Palenick, City Manager
FROM: Kay Sauer, Human Resources Specialist
SUBJECT: PROMOTIONAL APPOINTMENT – FIRE APPARATUS OPERATOR

We are recommending the promotional appointment of SETH ADAMS to the position of Fire Apparatus Operator in the Department of Public Safety, Division of Fire. Mr. Adams was selected from the eligibility list as a result of Civil Service testing procedures. He will fill the vacancy created by the anticipated retirement of Timothy Kinsworthy. The effective date of the promotion is January 23, 2021.

/ks

c: Amy Schenck, Clerk of Council
    Paul Lolli, Fire Chief
    Susan Cohen, Administrative Services Director
    Human Resources
    Finance (Payroll)
    file

cmtg1/19/21

**Fire Apparatus Operator**
Authorized Strength - 12
Current Staff Level – 11 (includes anticipated retirement of Timothy Kinsworthy)
TO: James Palenick, City Manager
FROM: Kay Sauer, Human Resources Specialist

SUBJECT: REINSTATEMENT – CORRECTIONS OFFICER

We are recommending the reinstatement of ALEXIS MANNING to the position of Corrections Officer in the Department of Public Safety, Division of Police. Ms. Manning was employed as a Corrections Officer in the department from June 24, 2019 to August 30, 2020. Chief Birk approved the reinstatement. She will fill the vacancy created by the termination of Nicholas Cundiff.

Ms. Manning will be assigned to Range PO-4, Step A, which provides a salary of $1,405.36 bi-weekly, $36,539.36 annually. The reinstatement is conditional upon the candidate successfully passing the required medical evaluation.

/ks

c: Amy Schenck, Clerk of Council
    David Birk, Police Chief
    Susan Cohen, Administrative Services Director
    Human Resources
    Finance (Payroll)
    file

ccmtg1/19/2021

CORRECTIONS OFFICER
Authorized Strength: 11
Current Staff Level: 9
OATH OF OFFICE

I, Kendani Bowes, do solemnly swear that I will support the Constitution and laws of the United States and of the State of Ohio, and the Charter and Ordinances of the City of Middletown; that I will not make or authorize expenditures of public money other than for adequate consideration and efficient service; and that I will in all respects faithfully discharge the duties of my employment or office for the City of Middletown, Butler / Warren Counties, Ohio.

[Signature]

[Position]

Sworn to before me and subscribed in my presence this 4th day of January, 2021.

[Notary Public Seal]

Julie A. Owley, Notary Public

[Notary Public Stamp]
OATH OF OFFICE

I, Austin Parmer, do solemnly swear

that I will support the Constitution and laws of the United States and of the State of Ohio, and the Charter and Ordinances of the City of Middletown; that I will not make or authorize expenditures of public money other than for adequate consideration and efficient service; and that I will in all respects faithfully discharge the duties of my employment or office for the City of Middletown, Butler / Warren Counties, Ohio.

Signature

Position

Sworn to before me and subscribed in my presence this 4th day of January, 2021.

Julie A. Owens, Notary Public
OATH OF OFFICE

I, Sarah M. Valentin, do solemnly swear that I will support the Constitution and laws of the United States and of the State of Ohio, and the Charter and Ordinances of the City of Middletown; that I will not make or authorize expenditures of public money other than for adequate consideration and efficient service; and that I will in all respects faithfully discharge the duties of my employment or office for the City of Middletown, Butler / Warren Counties, Ohio.

Signature

Code Enforcement Officer

Position

Sworn to before me and subscribed in my presence this 4th day of January, 2021.

Notary Public

Julie A. Owsley

Notary Public

1/18/2023
MOTION ITEM
January 6, 2021

TO: Jim Palenick, City Manager

FROM: Scott Tadych, Public Works and Utilities Director

PREPARED BY: Nakita Lancaster, Assistant Public Works and Utilities Director

**PURPOSE**

To authorize a professional services contract with Jacobs Engineering to develop an asset management plan for the City as well as meet compliance requirements under the America’s Water Infrastructure Act (AWIA).

**BACKGROUND AND FINDINGS**

The City of Middletown is under requirements through the State of Ohio’s Asset Management Rules for Public Water Systems (PWS). The Asset Management rules are detailed in the Ohio Administrative Code (OAC) sections 3745-81-02, 3745-87-01 through 3745-87-05, 3745-92-02, 3745-92-03, and 3745-92-05. The Ohio EPA asset management program is designed to provide a tool to better manage, operate, and maintain public water systems. Asset management requirements are outlined in OAC 3745-87: Asset Management Program. The Asset Management Program requirements include a written asset management plan.

The America’s Water Infrastructure Act (AWIA) of 2018 was designed to improve drinking water and water quality, deepen infrastructure investments, and enhance public health. The AWIA provisions are the most far-reaching changes to the Safe Drinking Water Act since the 1996 Amendments, with over 30 mandated programs. AWIA requires an RRA for communities serving less than 50,000 people by June 30, 2021. AWIA also requires an ERP within 6 months after submittal of the RRA with the latest date by December 31, 2021.

**ALTERNATIVES**

1. **Middletown could self-perform the work.** Given the regulatory requirements and associated deadlines for compliance, it is unlikely that the City would have adequate resources to complete these tasks without the support of their consultants.

2. **Middletown could issue a Request for Proposals (RFP) to encourage competition among**
**consulting firms.** Jacobs Engineering is the consulting firm that is most familiar with the City’s Water Treatment Plant and Distribution System. Given their existing knowledge of the City’s water system, it is expected that they will be the most efficient and well qualified to complete these assessments and develop the associated plans for compliance.

**FINANCIAL IMPACT**

This professional services contact is in an amount not-to-exceed $185,000. Funds are appropriated in the 2021 Water Capital Reserve Fund (494) for this project.

**EMERGENCY/NON-EMERGENCY**

Motion Agenda
January 8, 2021

TO: Jim Palenick, City Manager
FROM: Samantha Zimmerman, Purchasing Agent

PURPOSE

To request approval to purchase the following items totaling $191,083.52 off the ODAS Contract for a new fire medic and associated equipment:

- Medix fire medic from Penn Care, of Niles, OH, in the amount of $155,136.50
- Power Cot and Chair from Stryker, of Chicago, IL in the amount of $23,058.73
- Graphics package from DanCo Lettering, of Dayton, OH in the amount of $1,988.00
- Camera recording system from Pro-Vision, of Byron Center, MI in the amount of $2,713.00
- Thermal Image Camera from Vogelpohl Fire Equipment, of Erlanger, KY in the amount of $8,187.29

BACKGROUND and FINDINGS

The Division of Fire has a medic that has reached the end of its useful life and needs replaced. The medic units run 24 hours a day and they get worn out quickly. The Fire 20 year plan calls for a new medic unit in 2021. The old medic (M84) is worn out; it has met the City’s 15-point replacement schedule and is 36 months past replacement date. The old medic will be sold through GovDeals.

The medic is available through the state cooperative purchasing program, so bidding is not necessary.

ALTERNATIVES

The alternative is to not purchase the new medic and continue to rely on mutual aid, especially when these aging medic units are down for repair.

FINANCIAL IMPACT

Funds have been appropriated in the 2021 budget for this purchase.

EMERGENCY/NON EMERGENCY

Motion agenda
cc: Jacob Burton, Finance Director
    Paul Lolli, Fire Chief
    Stephen Ludwig, Fire Deputy Chief
    Jamison Verdin, Fire Captain
    David Hoerst, Fire Captain
    Rex Hoit, Garage Superintendent
LEGISLATION
ITEM 1
ORDINANCE NO. O2021-04

AN ORDINANCE AMENDING THE PAY AND BENEFITS ORDINANCES, ORDINANCE NO. O2020-69 AND ORDINANCE NO. O2020-70 AND DECLARING AN EMERGENCY.

BE IT ORDAINED, by the City Council of the City of Middletown, Butler/Warren Counties, Ohio that:

Section 1

The following job classifications are hereby added to Section 1(C) of Ordinance No. O2020-69 and Ordinance No. O2020-70, both adopted November 17, 2020:

<table>
<thead>
<tr>
<th>Pay Ranges</th>
<th>O2020-69</th>
<th>O2020-70</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assistant Public Works Superintendent/Safety Officer</td>
<td>178</td>
<td>264</td>
</tr>
<tr>
<td>Permit Specialist</td>
<td>184</td>
<td>246</td>
</tr>
</tbody>
</table>

Section 2

Exhibit A to Ordinance No. O2020-69 and Exhibit B to Ordinance No. O2020-70 (both Exhibits are identical) which contain the list of exempt, supervisory, unclassified and classified positions of the City is also hereby amended as follows:

Table of Exempt (E), Supervisory (S), Unclassified (UC) & Classified (C) Positions

<table>
<thead>
<tr>
<th>Job Classifications</th>
<th>E</th>
<th>S</th>
<th>UC</th>
<th>C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assistant Public Works Superintendent/Safety Officer</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Permit Specialist</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

Section 3

Section 16 of Ordinance No. O2020-69 and Ordinance No. O2020-70 shall be amended as follows to add section (K):

(K) In the event of a public health pandemic declaration, the City Manager may, at their sole discretion, award exempt employees of the Middletown Board of Health cash bonus payments to those who are working over and above their regular work week without overtime compensation. Cash bonus payments may not exceed five percent (5%) of an exempt employee’s annual salary.
Section 4

This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare, to wit: to allow the amendments to be effective upon approval, and shall be in full force and effect from the date of its adoption.

___________________________
Nicole Condrey, Mayor

Adopted:____________

Attest:_________________________
Clerk of City Council

H:\law\leg2021 Leg\O Amend 2021 PBOs – Added Positions pa provisions
DATE: December 22, 2020

TO: Jim Palenick, City Manager

FROM: Susan Cohen, Administrative Services Director

PURPOSE

To request Council approval to amend the 2021 Pay and Benefits Ordinances, O2020-69 and O2020-70 to add the position of Permit Specialist, remove Safety Officer from the Assistant Public Works Superintendent position, and provide for a cash bonus to exempt employees of the Health Dept. during a public health pandemic declaration.

BACKGROUND AND FINDINGS

Each fall, Council passes the Pay and Benefits Ordinances for the next calendar year. These ordinances establish the pay ranges for each position. Occasionally after initial passage there are updates that are recommended to address the shifting roles and responsibilities of personnel. Staff is asking for three updates for 2021.

First, the Public Works Department currently has a position titled “Assistant Public Works Superintendent/Safety Officer.” Beginning in 2021, the department would like to utilize a second assistant public works superintendent. This would provide one employee to work as a safety officer and one to focus on training, allowing a better division of work. To do this, staff is recommending changing the job title only for “Assistant Public Works Superintendent/Safety Officer” to “Assistant Public Works Superintendent.” Division between training specialist and safety specialist would be done by management. There are no changes to salary or other job classification.

Second, for 2021, staff has been working on a solution to streamline and improve the process for citizens to apply for permits from the City. Staff is asking to create the customer service position of “Permit Specialist”. This position will initially be in the Administrative Services Department, but will work directly with Building Maintenance, Planning, Zoning and Engineering. The Permit Specialist will be the first point of contact for citizens navigating the permitting process. Currently, multiple employees in the City are responsible for permits depending on which type of permit is needed. By having one public point of contact, we are hoping to make this process more customer friendly and help ease work loads of multiple departments. We are recommending this position be placed in Range 184/246.

Third, during 2020, the Staff in the Health Department has worked tirelessly to address the COVID 19 pandemic. This public health situation has required all employees to work extensively to address the needs of the public. Some employees in the department have been compensated with
overtime payments for hours worked, however, exempt employees are not eligible for overtime. Staff recommends amending the PBO to allow the city manager to grant financial bonuses of up to 5% of an exempt employee’s base salary in recognition of their hours worked without overtime pay.

**ALTERNATIVES**

Maintain current pay and benefits.

**FINANCIAL IMPACT**

The Assistant Public Works Superintendent position name change has no financial impact. The position of Permit Specialist will be budget neutral. The departments will be splitting the cost of the position and other hiring planned for 2021 will be suspended in favor of moving forward with this position. The bonus payments, if paid at top percentage will be $15,000 or less of unappropriated funds.

**EMERGENCY/NON EMERGENCY**

Second Reading Emergency – action requested January 19, 2021
LEGISLATION
ITEM 2
ORDINANCE NO. O2021-05

AN ORDINANCE CONSENTING TO THE APPOINTMENT OF THE BOARD OF DIRECTORS OF THE MIDDLETOWN PORT AUTHORITY BY THE MAYOR OF THE CITY OF MIDDLETOWN, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ohio Revised Code (“R.C.”) Chapter 452 (the “Act”), including specifically R.C. 4582.22, a municipal corporation may, by ordinance, create a port authority which shall be a body corporate and politic, have the powers and jurisdiction enumerated in the Act, and have territorial limits coterminous with the territorial limits of the municipal corporation creating the port authority; and

WHEREAS, pursuant to R.C. 4582.27, a port authority created under R.C. 4582.22 by the exclusive action of a municipal corporation shall be governed by a board of directors, which board of directors shall consist of the number of members the municipal corporation considers necessary and which members shall be appointed by the mayor of such municipal corporation with the advice and consent of its council; and

WHEREAS, on January 5, 2021, the City Council of the City of Middletown, Ohio (“Council”) adopted Ordinance No. O2021-03 (the “Creation Ordinance”), which created the Middletown Port Authority to serve the City of Middletown, Ohio (the “City”) for purposes of enhancing, fostering, aiding, providing, or promoting, transportation, economic development, housing, recreation, education, government operations, culture, and research; and

WHEREAS, pursuant to the Act and with the advice of this Council, the Mayor of the City (the “Mayor”) has appointed Ken Cohen, Greg Martin, Jim Kleingers, Mike Stautberg, Tal Moon, Chris Xeil Lyons, and James M. Palenick (collectively, the “Appointees”) to serve on the Board of Directors of the Middletown Port Authority (the “Board”), which Appointees shall serve staggered terms on the Board; and

WHEREAS, a majority of the Appointees have been qualified electors of, or have had their businesses or places of employment in the City for a period of at least three (3) years next preceding their appointment by the Mayor, in accordance with R.C. 4582.27; and

WHEREAS, this Council desires to formally consent to the Mayor’s appointment of the Appointees to serve as members of the Board.

NOW THEREFORE BE IT ORDAINED, by the Council of the City of Middletown, Butler and Warren Counties, State of Ohio, that:

Section 1

This Council hereby consents to the Mayor’s appointment of Ken Cohen, Greg Martin, Jim Kleingers, Mike Stautberg, Tal Moon, Chris Xeil Lyons, and James M.
Palenick to serve on the Board of Directors of the Middletown Port Authority in accordance with the Act. All such members of the Board shall initially serve a term of two years; provided, however, that Tal Moon, Chris Xeil Lyons and James M. Palenick shall serve terms commencing on the effective date of this Ordinance and ending on December 31, 2021, and Ken Cohen, Greg Martin, Jim Kleingers, and Mike Stautberg shall serve terms commencing on the effective date of this Ordinance and ending on December 31, 2022.

Section 2

This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Ohio Revised Code Section 121.22.

Section 3

This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare, to wit: so that the City may timely proceed with the organization of the Middletown Port Authority to pursue its economic development goals and objectives as expediently as possible, and shall take effect and be in force from and after its adoption.

Nicole Condrey, Mayor

Adopted:_________

Attest:__________________________

Clerk of City Council
DATE: January 13, 2021

TO: Jim Palenick, City Manager

FROM: Chris Xeil Lyons, Economic Development Director
PREPARED BY: Alaina Geres, Economic Development Program Manager

**PURPOSE**
Requesting council to consent to the appointment of the Board of Directors of the Middletown Port Authority by the Mayor of the City of Middletown, Ohio.

**BACKGROUND AND FINDINGS**
The Middletown Port Authority was created at the 1/5/21 council meeting through legislation and a board needs to be created per ORC 4582.27.

**ALTERNATIVES**
Alternatively, council could not consent to the appointments.

**FINANCIAL IMPACTS**
Not applicable.

**EMERGENCY**
Requesting emergency so that the appointments take effect immediately and the board can meet as soon as possible to act on necessary items needed for the organization of the Middletown Port Authority.
LEGISLATION
ITEM 3
RESOLUTION NO. R2021-01

A RESOLUTION REQUESTING THE AUDITOR OF BUTLER COUNTY TO ADVANCE TO THE TREASURER OF THE CITY OF MIDDLETOWN, OHIO, TAXES ASSESSED AND COLLECTED FOR AND ON BEHALF OF THE CITY OF MIDDLETOWN, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code Section 321.34 provides that the City Council of an Ohio municipal corporation may request from the Butler County Auditor advance payment of tax funds assessed and collected for and on behalf of such municipal corporation; and

WHEREAS, the aforesaid statute requires that such request be made by a formal resolution and that such advance payment of tax funds be paid to the Treasurer of the municipal corporation;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Middletown, Butler/Warren Counties, Ohio that:

Section 1

In accordance with Ohio Revised Code Section 321.34, the Council of the City of Middletown, Ohio hereby requests that the Auditor of Butler County advance to the Treasurer of the City of Middletown, Ohio taxes assessed in 2020 for and on behalf of the City of Middletown and collected in 2021.

Section 2

This resolution is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare, to wit: in order to make the request prior to the first advanced payment dates, and shall be in full force and effect from the date of its adoption.

Nicole Condrey, Mayor

Adopted: ____________

Attest: ________________
Clerk of City Council
December 30, 2020

TO: Jim Palenick, City Manager

FROM: Jacob Burton, Finance Director

**Purpose**

Butler County collects property taxes on behalf of the City of Middletown. The collections are paid to the City in two installments during the year. The City has the option to pass a resolution requesting advance payment of property taxes which allows us to collect money sooner. This is a resolution that we pass each year.

**Background and Findings**

The Butler County Auditor’s office advised us that it is necessary to pass a formal resolution from each taxing district that would like to receive tax advances. This is to ensure compliance with ORC Section 321.34 (A)(1) which states:

"When the local authorities by resolution so request, the county auditor shall pay township fiscal officers, treasurers of municipal corporations, the treasurer of any board of education, and the treasurer of any other political subdivision or taxing district whose funds derived from taxes or other sources are payable by law to the county treasurer, any money that may be in the county treasury to the accounts of the local authorities, respectively, and lawfully applicable to the purpose of the current fiscal year in which the request is made."

**Alternatives**

The alternative would be to not pass a resolution which would mean the City would receive property tax revenue twice a year at the final settlement. Butler County would collect the funds and hold them until the final settlement date.

**Financial Impact**

The request for advances will allow the city of Middletown to earn interest on funds that belong to the City instead of waiting until the required distributions are submitted from the county.

**Emergency/Non Emergency**

2nd Reading Emergency legislation is requested at the February 2, 2021 Council meeting. Butler County anticipates that the first advance of property tax revenue will be paid in February. Passing this resolution by emergency will allow us to receive the first advance payment.
LEGISLATION
ITEM 4
RESOLUTION NO. R2021-02

A FINAL RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER A
CONTRACT WITH THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION
FOR THE 2021 URBAN PAVING PROGRAM TO RESURFACE VERITY PARKWAY
(S.R. 73) BETWEEN GERMANTOWN ROAD AND THE NORTHERN
CORPORATION LIMIT AND DECLARING AN EMERGENCY.

The following Final Resolution enacted by the City of Middletown, Ohio, hereinafter
referred to as the Legislative Authority/Local Public Agency or “LPA”, in the matter of
the stated described project.

WHEREAS, on December 15, 2020, the LPA enacted legislation proposing
cooperation with the Director of Transportation for the described project:

The project consists of resurfacing Verity Parkway (S.R. 73)
between Germantown Road and the northern Middletown
corporation limit, including pavement markings, lying within the
City of Middletown.

WHEREAS, the LPA shall cooperate with the Director of Transportation in the
above described project as follows:

The City agrees to assume and bear one hundred percent (100%)
of the entire cost of the improvement within the city limits, less the
amount of Federal-Aid funds set aside by the Director of
Transportation for the financing of this improvement from funds
allocated by the Federal Highway Administration, U.S. Department
of Transportation.

The share of the cost of the LPA is now estimated in the amount of Nine Hundred
Ninety-Six Thousand Nine Hundred Sixty-Eight and 00/100 Dollars ($996,968.00),
but said estimated amount is to be adjusted in order that the LPA’s ultimate share of
said improvement shall correspond with said percentages of actual costs when said
actual costs are determined; and

WHEREAS, The Director of Transportation has approved said legislation
proposing cooperation and has caused to be made plans and specifications and an
estimate of cost and expense for improving the above described highway and has
transmitted copies of the same to this legislative authority; and

WHEREAS, the LPA desires the Director of Transportation to proceed with the
aforesaid highway improvement.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of
Middletown, Butler/Warren Counties, Ohio, that:
Section 1

I. That the estimated sum of **Nine Hundred Ninety-Six Thousand Nine Hundred Sixty-Eight and 00/100 Dollars ($996,968.00)** has been previously appropriated for the improvement described above. The Finance Director is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from Federal funds.

II. That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.

III. That the LPA enter into a contract with the State, and that City Manager be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.

IV. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

Section 2

This is to certify that we have compared the foregoing copy of Resolution with the original record thereof, found in the record of proceedings of the LPA, and which Resolution was duly passed by the LPA on the 2nd day of February, 2021, and that the same is a true and correct copy of the record of said Resolution and the action of said LPA thereon.

Section 3

This resolution is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare, to wit: the need to meet state deadlines and assure the availability of federal funding, and shall take effect and be in force from and after its adoption.

Nicole Condrey, Mayor

Adopted: ________________

Attest: ________________

       Clerk of City Council
DATE January 6, 2021

TO: Jim Palenick, City Manager

FROM: Scott Tadych, Public Works and Utilities Director
Prepared by Rob Nicolls, City Engineer

PURPOSE

Authorize the City Manager to enter into a contract with the Ohio Department of Transportation (ODOT) for the 2021 Urban Paving Program.

BACKGROUND AND FINDINGS

This contract is for the City’s share of the 2021 ODOT Urban Paving Program. ODOT has programmed the resurfacing of Verity Parkway (State Route 73) from Germantown Rd. to the North City Limits and the City must pay a percentage of the construction costs. Construction is scheduled for the summer of 2021. Council recently passed the Preliminary Legislation R2020-91.

Prior to the ODOT project, the City is conducting a sidewalk, curb, and gutter project to correct defective concrete work and bring the handicap ramps up to current standards.

FINANCIAL IMPACTS

The City’s share of the project is $996,968.00 and will be funded by the 2021 General Capital fund (220).

EMERGENCY/NON EMERGENCY

Second Reading Emergency is requested to accommodate ODOT’s project scheduling.

ATTACHMENTS

ODOT Legislation
Vicinity Map
FINAL RESOLUTION

The following Final Resolution enacted by the City of Middletown, Ohio, hereinafter referred to as the Legislative Authority/Local Public Agency or "LPA", in the matter of the stated described project.

WHEREAS, on the 15th day of December, 2020, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

The project consists of resurfacing Verity Parkway (S.R. 73) between Germantown Road and the northern Middletown corporation limit, including pavement markings, lying within the City of Middletown; and

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within the city limits, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U. S. Department of Transportation.

The share of the cost of the LPA is now estimated in the amount of Nine Hundred Ninety-Six Thousand Nine Hundred Sixty-Eight and - - - - 00/100 Dollars, ($996,968.00), but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, The LPA desires the Director of Transportation to proceed with the aforesaid highway improvement.
NOW, THEREFORE, be it resolved:

I. That the estimated sum, of Nine Hundred Ninety-Six Thousand Nine Hundred Sixty-Eight and - - - 00/100 Dollars, ($996,968.00) is hereby appropriated for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from Federal funds.

II. That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.

III. That the LPA enter into a contract with the State, and that the City Manager be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.

IV. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

This is to certify that we have compared the foregoing copy of Resolution with the original record thereof, found in the record of the proceedings of the LPA, and which Resolution was duly passed by the LPA on the __________ day of ____________, 20___, and that the same is a true and correct copy of the record of said Resolution and the action of said LPA thereon.

We further certify that said Resolution and the action of said LPA thereon is recorded in the journal of said LPA in Volume __________, at Page __________, and under date of ________________________________, 20___.

__________________________________________________________________________
Legislative Authority of the
City of Middletown, Ohio

__________________________________________________________________________
City Manager

__________________________________________________________________________
(SEAL)
Clerk (Secretary Ex-Officio)
LEGISLATION
ITEM 5
ORDINANCE NO. O2021-06

AN ORDINANCE ESTABLISHING A PROCEDURE FOR AND AUTHORIZING EXTENSION OF CONTRACTS FOR GROUNDS MAINTENANCE FOR 2021 AND DECLARING AN EMERGENCY.

WHEREAS, City Council approved three year mowing contracts (for City-owned property, by Ordinance No. O2016-07, adopted on March 15, 2016, which included the option for a one-year extension; and

WHEREAS, the mowing contracts were subsequently amended by Ordinance No. O2017-06, adopted on February 21, 2017, and by Motion Agenda on February 20, 2018; and

WHEREAS, City Council has since approved two one-year extensions and various amendments to the agreement by Ordinance No. O2019-06, adopted February 19, 2019 and by Ordinance No. O2019-102, adopted January 7, 2020; and

WHEREAS, the vendors have agreed to the final one-year extension written in the original bid, therefore, staff recommends continuing the mowing contracts with Western & Co., Norvell’s Turf Management, Inc., and H.D. Lawn Care for 2021;

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Middletown, Butler/Warren Counties, Ohio that:

Section 1

The City Manager, on behalf of the City, without complying with the procedures of Chapter 735 of the Ohio Revised Code, is hereby authorized to extend the contracts for Western & Co., Norvell’s Turf Management, Inc., and H.D. Lawn Care in accordance with the quotes on file with the City Purchasing Agent. Any written extension shall be in a form subject to approval by the Law Director and City Manager.

Section 2

For said purposes, the Finance Director is authorized and directed to expend a sum not to exceed $350,515.00. Said amount shall be paid from the following funds in the approximate percentages and amounts in 2021

<table>
<thead>
<tr>
<th>Fund</th>
<th>Percentage</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>45%</td>
<td>$158,265.00</td>
</tr>
<tr>
<td>Stormwater Fund</td>
<td>49%</td>
<td>$170,875.00</td>
</tr>
<tr>
<td>Water Fund</td>
<td>6%</td>
<td>$21,375.00</td>
</tr>
</tbody>
</table>
Section 3

City Council hereby determines that the procedure to be followed in the award and execution of the aforesaid contract shall consist solely of the procedure set forth in the ordinance and the provision of Chapter 735 of the Ohio Revised Code shall not be applicable to said award and execution.

Section 4

It is hereby determined that the subject matter of this legislation is not of a general and permanent nature, does not provide for a public improvement, and does not assess a tax or payment.

Section 5

This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare, to wit: in order for the contracts to be in effect before the start of mowing season, and shall be in full force and effect from the date of its adoption.

Nicole Condrey, Mayor

Adopted: _____________

Attest: ___________________

Clerk of City Council
TO: Jim Palenick, City Manager  
FROM: Samantha Zimmerman, Purchasing Agent

**PURPOSE**
To request authorization to extend the current contract with three different companies for mowing of various city properties in 2021.

**BACKGROUND and FINDINGS**
In 2016, the City took bids for a three year contract (2016-2018). The City has various properties that need to be mowed throughout the mowing season that are bid every three years. This includes the City building, City parks, medians, as well as other City-owned properties. The bids were based on 25 cuts per year, although the number of cuts per year varies, depending on the weather and various other conditions. Western & Co. (Groups I, III, IV, & VI), Dailey’s Lawn & Landscaping (Group II), and Grounds Elite, LLC (Group V) were awarded the various groups.

In 2017, the contract was amended and select parcels from Western’s assigned groups were reassigned to Norvell’s Turf Management, Inc. and Grounds Elite, LLC.

In 2018, the contract was amended for Parcel #74 (Pioneer Cemetery). Per this amendment Grounds Elite, LLC was able to increase their price for that particular parcel.

In 2019, the first year extension, the contract was amended and parcels from Dailey’s Lawn & Landscaping were reassigned to Norvell’s Turf Management, Inc. and H.D. Lawn Care.

In 2020, the second year extension, the contract was amended and parcels from Grounds Elite, LLC were reassigned to H.D. Lawn Care.

Western & Co., Norvell’s Turf Management, Inc., and H.D. Lawn Care agreed to the final one-year extension written in the original bid.

The department is satisfied with the current contractors and all contractors have agreed to keep their prices the same for 2021.
ALTERNATIVES

The alternative would be to request bids or to reduce the number of cuttings, which would impact the overall appearance of the areas.

FINANCIAL IMPACT

The 2021 total for all projects is $350,515. The cost will be shared between three different funds as follows:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Percentage</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>45%</td>
<td>$158,265</td>
</tr>
<tr>
<td>Stormwater Fund</td>
<td>49%</td>
<td>$170,875</td>
</tr>
<tr>
<td>Water Fund</td>
<td>6%</td>
<td>$  21,375</td>
</tr>
</tbody>
</table>

RECOMMENDATION

It is recommended the contract be extended. The following is the total for each contractor for 2021:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Western &amp; Co.</td>
<td>$258,890</td>
</tr>
<tr>
<td>Norvell’s Turf Management, Inc.</td>
<td>$  10,375</td>
</tr>
<tr>
<td>H.D. Lawn Care</td>
<td>$  81,250</td>
</tr>
</tbody>
</table>

EMERGENCY/NON EMERGENCY

2nd reading emergency – A 2nd reading emergency is being requested in order for this contract to become effective before the start of the mowing season.

cc: Jacob Burton, Finance Director  
    Scott Tadych, Public Works and Utilities Director  
    Charlie Anderson, Public Works Superintendent
LEGISLATION
ITEM 6
ORDINANCE NO. O2021-07

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION FOR THE PARCEL LOCATED AT 812 SOUTH MAIN STREET FROM R-4 (ATTACHED RESIDENTIAL DISTRICT) TO R-3-HD (MEDIUM DENSITY RESIDENTIAL DISTRICT – HISTORIC DISTRICT OVERLAY).

WHEREAS, 812 South Main Street, also known as Butler County Parcel No. Q6521012000065, contains approximately 0.21 acres which is presently zoned R-4 (Attached Residential District); and

WHEREAS, the property owner petitioned for the parcel to be added to the South Main Historic District, which was approved by City Council in Ordinance No. O2020-73, adopted on November 17, 2020; and,

WHEREAS, the City Planning Commission conducted a public hearing to review the map amendment on December 9, 2020 after giving notice of the time and place of the hearing to all property owners within two hundred feet of the boundaries of the subject property and notice was published in the Journal News; and,

WHEREAS, the City Planning Commission has recommended that the request for rezone to R-3-HD (Medium Density Residential District – Historic District Overlay) be approved; and,

WHEREAS, the City Council held a public hearing on January 19, 2021, notice of such public hearing having been given in the Journal News at least 30 days prior to such hearing; and

WHEREAS, City Council hereby concurs in the recommendation of the City Planning Commission and agrees that the request substantially complies with the review criteria contained in the City Development Code for rezoning of property;

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Middletown, Butler/Warren Counties, Ohio that:

Section 1

The zoning classification for Butler County parcel numbers Q6521012000065 (also known as 812 South Main Street) which is presently zoned R-4 (Attached Residential District) is hereby changed to R-3-HD (Medium Density Residential District – Historic District Overlay). The area to be rezoned is more particularly shown in Exhibit “A”, attached hereto. Staff is directed to revise the zoning map for the City to reflect this change.
Section 2

This ordinance shall take effect and be in force from and after the earliest period allowed by law.

Nicole Condrey, Mayor

1st Reading: January 19, 2021
2nd Reading:_________
Adopted:___________
Effective:___________

Attest: _______________________
Clerk of City Council
January 4, 2021

TO: City Council

ATTN: Amy Schenck, Clerk of Council

FROM: Ashley Combs, Planning Director
       Annette Accurso, Historic Property Specialist

SUBJECT: Map Amendment Request
          812 South Main Street, Middletown, Ohio 45044

PROPERTY ADDRESS:
812 South Main Street, Middletown, OH 45044

APPLICANT/OWNER:
Jacquelyn Phillips

REQUEST:
Map Amendment Case: A request by property owner Jacquelyn Phillips for a map amendment to rezone the property located at 812 South Main Street, Middletown, OH 45044 (Parcel ID: Q6521012000065) from R-4 Attached Residential Zoning District to R-3 Medium Density Zoning District with a Historic District Overlay (R-3-HD). The City Historic Commission recommended approval to the City Council for the property to be included in the South Main Street Historic District. The property is a total of approximately 0.21 acres.

STAFF ANALYSIS:
The property owner requests to add 812 South Main Street, located just south of her home located at 808 South Main Street, to the South Main Historic District. The property owner is working with a licensed surveyor and has applied for a lot consolidation. This is being done so she may build an addition onto her existing home located at 808 South Main Street. Rezoning the property located at 812 South Main Street to R-3 Residential is so that the base zoning district matches the parcel on which her home is located once the lot consolidation is finalized.

On October 15, 2020 the Middletown Historic Commission voted to recommend to the Middletown City Council the local historic landmark designation of the property located at 812 South Main Street, Middletown, OH 45044 to be added to the City's South Main Street Historic District. The City Council voted to approve the South Main Street Expansion on November 17, 2020. The historic designation became effective on December 18, 2020.

A map amendment (zone change) is a requirement of the historic designation process. Planning Commission’s recommendation for the rezoning is forwarded to City Council for final review and decision. The Planning Commission recommended approval of the map amendment request at their regular meeting held on December 9, 2020.
Per the Middletown Development Code, public notice was provided to all owners within 200 feet of the properties and notice was published in the Middletown Journal. No comments were received regarding the proposal.

**PROPERTY HISTORY:**
The house at 808 South Main Street is an 1875 Victorian style, two-story, wood frame, typical farmhouse. The roof is cross gabled, the structure is small and narrow, and generally plain. It exhibits fine detailing, however, in the decorative brackets, trim and fish-scale shakes at the eaves of the front gable, above the second floor. There is a band of fish-scale shakes above the first-floor level, both of contrasting colors from that of the main exterior walls. The porch is “L” shaped, and complements the upper gable; it has beautifully painted columns and spindles which gives it a distinctive appearance from the street. The porch gable is also decorated with a sunburst, fronted by a contrasting decorative piece. The house is unique within the South Main Historic District in size, scale and design. It is the southernmost house in the district on the west side of South Main Street.

**HISTORIC DESIGNATION APPROVAL:**
The City of Middletown’s Planning & Zoning Department staff recommended approval of the expansion of the South Main Historic District to include 812 South Main Street. Planning staff recommended approval because the property owner gave consent and confirmed that she would be consolidating the property with her existing property located at 812 South Main Street. The property located at 812 South Main Street is already historically designated and included in the South Main Historic District. Planning staff also recommended approval of the expansion as it will add to the preservation of the existing home’s style and character and that the designation followed the criteria outlined in 1212.02 Designation of a Historic Landmark or Historic District.

Documents Used to Make Recommendation:
- Application/Supporting Documents Submitted by Property Owner
- South Main Street Historic Homes Inventory
- Middletown Historic Preservation Plan
- Middletown Development Code

Meeting notices were sent to all property owners within the South Main Street Historic District and no objections or comments have been received for the proposed expansion.

**MASTER PLAN:**
Per the City of Middletown’s Master Plan, the property is located in the “Urban Core Development Opportunity” and is identified as “neighborhood preserve and enhance”. Please see attached City Master Plan excerpt and map.

It is important to note that the City’s Master Plan was adopted in 2005 and per the American Planner’s Association a Master Plan should be updated every 5 years to ensure goals are being met and to set new goals. The Master Plan update is anticipated to be adopted first quarter 2021.

**PROPERTY HISTORY:**
The property owns to parcels of land that are adjoining. The property that is owned at 808 South Main Street is already historically designated and a part of the South Main Street
Historic District. The property owner is having an addition built onto the existing home located at 808 South Main Street. The home addition will be built and cross on to the adjoining lot, parcel Q6521012000065, also known as 812 South Main Street. The applicant is currently working with a surveyor for a lot consolidation.

The home located at 808 South Main Street is an 1875 Victorian style, two-story, wood frame, typical farmhouse. The roof is cross gabled, the structure is small and narrow, and generally plain. It exhibits fine detailing, however, in the decorative brackets, trim and fish-scale shakes at the eaves of the front gable, above the second floor. There is a band of fish-scale shakes above the first-floor level, both of contrasting colors from that of the main exterior walls. The porch is “L” shaped, and complements the upper gable; it has beautifully painted columns and spindles which gives it a distinctive appearance from the street. The porch gable is also decorated with a sunburst, fronted by a contrasting decorative piece. The house is unique within the South Main Historic District in size, scale and design. It is the southernmost house in the district on the west side of South Main Street.

At their meeting held on October 15, 2020, the Historic Commission approved the home addition due to it complementing the existing home’s historic architecture.

OTHER DEPARTMENT COMMENTS:
No department comments have been received at this time for the proposed zone change.

MAP AMENDMENT PROCESS:
Map Amendment Review Procedure
(1) Application
(2) Staff Review and Staff Report
(3) Planning Commission Review and Recommendation
(4) City Council Review and Decision

(b) Review Criteria
Recommendations and decisions on map amendment applications shall be based on consideration of the following review criteria. Not all criteria may be applicable in each case, and each case shall be determined on its own facts.

(1) The proposed amendment is consistent with the master plan, other adopted City plans, and the stated purposes of this code;

(2) The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions;

(3) The proposed amendment will promote the public health, safety, and general welfare;

(4) The proposed amendment, if amending the zoning map, is consistent with the stated purpose of the proposed zoning district;

(5) The proposed amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated; and/or
(6) The proposed amendment is not likely to result in significant adverse impacts upon other property in the vicinity of the subject lot.

PER MIDDLETOWN DEVELOPMENT CODE 1212.02 DESIGNATION OF A HISTORIC LANDMARK OR HISTORIC DISTRICT

A. Proposals to designate or expand historic districts or designate historic landmarks may be initiated by the Historic Commission, a property owner or by motion of Planning Commission or City Council. Proposals initiated by property owners, Planning Commission or Council shall be referred to the Historic Commission for recommendation and initiation of the formal designation process.

B. Proposals to designate or expand a historic district shall be submitted with a rezoning application as well as the information listed below. Proposals to designate a historic landmark shall include, at a minimum, the following additional information:

1. Evidence of property owner interest in landmark designation or location within the proposed historic district.
2. A boundary description.
3. An inventory of historic resources.
4. A description of the architectural and historical significance of properties within the proposed boundaries, including photo documentation of unique elements and those that are stereotypical of the architectural style.
5. A map or description of existing zoning.
   a. In considering any area, place, structure, work of art or similar object in the City as a historic site or historic district, the Historic Commission shall apply the following criteria:
      1. The structure or site or area’s character, value, or significance as part of the development of the City, the State, or the United States;
      2. Its location as a site or area of a significant historic event;
      3. Its identification with a person who significantly contributed to the development of the City;
      4. Its embodiment of distinguishing characteristics of an architectural style or type;
      5. Its exemplification of the cultural, economic, social or political heritage of the City;
      6. Its relationship to other distinctive areas or structures designated for preservation;
      7. Its unique location or singular physical characteristic representing an established and familiar feature of the City; and
      8. Its inclusion of prehistoric and/or historic archaeological sites or other important representations of previous cultures.

C. Designation Procedure
   The previously named entities, individuals, or Historic Commission shall have the authority to propose designations of any area, place, structure, work of art, or similar object in the City as a historic site or historic district. The following shall be the procedure for the formal designation of such places or areas.

   **Step 1 - Development Code Administrator Recommendation Required**
   1. The Historic Commission shall advise the Development Code Administrator of the
proposed designation and secure from the Development Code Administrator a recommendation with respect to the relationship of the proposed designation to the Master Plan of the City and any applicable Historic Preservation Plan.

2. The Development Code Administrator shall give an opinion as to the effect of the proposed designation upon the surrounding neighborhood and an opinion and recommendation as to any other planning consideration which may be relevant to the proposed designation, together with a recommendation of approval, rejection, or modification of the proposed designation.

3. Such recommendation shall be submitted in written form by the Historic Commission, along with its recommendation concerning the proposed designation.

4. The Historic Commission shall make a decision whether to proceed with the designation review based on the recommendation of the Development Code Administrator.

Step 2 – Notification

If the Historic Commission decides to proceed with designation, the Development Code Administrator shall notify the owner of all properties under consideration for designation. For the purpose of designation or expansion of a group or district, notice shall be published on the City’s webpage and shall be mailed or otherwise distributed to each owner of real property located within such group or district. Whenever possible, the Historic Commission shall secure the owner’s written consent for submittal of the proposed designation, together with its recommendation of findings of fact.

A. The Historic Commission shall make a recommendation concerning the designation of the property to the City Council. Once the proposal to establish or expand a preservation district or to designate an individual property or structure as a historic landmark has been reviewed, the Historic Commission shall schedule a public hearing. The public hearing shall not be more than thirty (30) calendar days after such a proposal is submitted. Notice of the public hearing shall be given according to the following:

i. The Historic Commission shall give the owner(s) not less than fourteen (14) calendar days’ written notice of the date, time and place of such hearing.

ii. Notice of the public hearing shall be given to at least one (1) or more newspapers of general circulation in the City. The notice shall be published at least ten (10) calendar days before the date of the hearing.

iii. Notices shall include the time and place of the public hearing, a summary of the proposal and a statement that opportunity to be heard will be afforded to any person interested. Failure of delivery of such notice shall not invalidate any such amendment. The original application, all comments and additional considerations presented at the public hearing, and the recommendation of the Historic Commission shall be forwarded to the City Council for its consideration.

Step 3 – Historic Commission Public Hearing

B. The Historic Commission shall conduct the public hearing as provided and shall provide an opportunity for all interested parties to express their opinions.

C. The Historic Commission shall determine if any or all of the criteria listed in Section 1212.02 have been met.

D. The Commission shall then make a recommendation regarding the proposed
designation, in writing, within 30 days after the initial hearing date and shall notify the owner or any person having a legal interest in such property, as well as other interested parties who request a copy.

E. The Historic Commission shall state in its recommendation findings of fact that constitute the basis for its decision and shall transmit such recommendation concerning the proposed designation to the Middletown City Council.

**Step 4 – Consideration by City Council**

A. The City Council shall give due consideration to the findings and recommendations of the Historic Commission, input provided by the persons participating in the public hearing before the Historic Commission, in addition to the recommendation of the Development Code Administrator, in making its determination with respect to the proposed designation of any areas, places, structures, works of art or similar objects as historic sites or historic districts.

B. The City Council may, at its discretion, hold public hearings on any such proposed designation, whether such designation is proposed with the consent of the owner or after public hearings before the Historic Commission. The City Council may then designate by ordinance areas, places, structures, works of art, or similar objects as historic sites or historic districts.

**Step 5 – Notification of Designation**

Within 14 days, the Historic Commission shall notify the Chief Building Official of the official designation. The Commission shall also send, by certified mail, a certified copy of the designation ordinance to the owner and any person having a legal interest in any properties involved in the designation.

**Step 6 – Record of Designation**

The Historic Commission shall direct the Law Director to cause a record of such designation to be filed with the applicable county recorder.

**ATTACHMENTS:**

Application and supporting documents submitted by applicant, property photos, zoning map, and City Master Plan excerpt and map.

**ALTERNATIVES:**

None

**FINANCIAL IMPACT:**

None

**EMERGENCY/NON-EMERGENCY:**

Non-Emergency
HISTORIC LANDMARK DESIGNATION APPLICATION

Historic Landmark requests require legal notice to be provided 14 days prior to meeting date. Landmark status approval is required by the City of Middletown Historic Commission & City Council.

To check if your property is located in a historic district, historically designated, or for more information regarding the City's historic districts/landmarks, please visit our City website at: https://www.cityofmiddletown.org/194/Planning-Zoning

LANDMARK DESIGNATIONS ARE REVIEWED ACCORDING TO CHAPTER 1212 OF THE MIDDLETOWN DEVELOPMENT CODE

APPLICATION DATE: 10/7/2020

PROPERTY ADDRESS: 806 S. Main

APPLICANT ADDRESS: Same as above

OWNER ADDRESS: 

OWNER NAME(S): Joaquelyn Phillips

APPLICANT NAME(S): 

APPLICANT PHONE NUMBER: 513-571-3496

OWNER'S PHONE NUMBER: Same

PROPERTY DESCRIPTION: (See Historic Commission Review Criteria Below)
1875 Victorian - see additional info attach.

Please attach the following:
- Property Photos
- Description of Historic Significance

Please be advised if the designation is approved by the Historic Commission and City Council, a copy of legal description & property deed will be required by the County for recording purposes.

I acknowledge that the information provided is true/correct to the best of my knowledge.

Applicant Signature(s) 10/7/2020

Property Owner Signature(s) Date
South Main Historic District Created by 01979-99
Beginning at a point at the northeast corner of the intersection of South Main Street and Yankee Road; thence southward along the eastern right-of-way of Yankee Road to a point at the intersection of the extended southern lot line of Lot #1076; thence westward along the extended lot line of Lot #1076 to a point along the eastern lot line of lot #1090; thence southward along the eastern (rear) lot lines of Lots # 1090, 1089, 1088; thence westward along the southern lot line of Lot #1086 to the intersection of the rear (eastern) property lines of #317 (Pt. Lot 1086) and #321 (Pt. Lot 1085) South Main Street; thence southward along said property line extended to the southern right-of-way of Fourth Avenue to the eastern right-of-way of South Main Street to the northern right-of-way line of Fifth Avenue; thence eastward along the northern right-of-way of an alley east of and parallel to South Main Street; thence southward along the western right-of-way, crossing Sixth Avenue, to the intersection of the extended southern lot line of Lot #819; thence westward along the southern lot line of Lot 819 to the eastern right-of-way of South Main Street; thence southward along the eastern right-of-way of South Main Street to the intersection of the extended southern lot line of Lot #6172; thence westward along the extended southern lot line of Lot #6172 to the eastern right-of-way of an alley west of and parallel to South Main Street; thence northward along the eastern right-of-way of the alley, crossing Seventh Avenue, to the northern right-of-way of Sixth Avenue; thence westward along the northern right-of-way of Sixth Avenue to the intersection of the western (rear) property line of 514 South Main Street; thence northward along the rear property lines of 512, 510, 508, 502, 404, and 400 South Main Street to the southern right-of-way of Fourth Avenue to the intersection of the extended western (rear) property line of 320 South Main street; thence northward along the rear property lines of 320, 314, 308, 306, 300 and extending in a straight line northward to the southern property line of 218 South Main Street; thence westward and northward following the rear property lines of #218, 214, 210, and 206 South Main Street to the southern right-of-way of Second Avenue; thence eastward along the southern right-of-way of Second Avenue to the extended eastern right-of-way of an alley west of and parallel to South Main street; thence northward along the eastern right-of-way of an alley west of and parallel to South Main street; thence northward along the eastern right-of-way of the alley crossing First Avenue, the northern property line of #34 South Main Street; thence eastward along the northern property line of #34 South Main Street, to the eastern right-of-way of South Main Street; thence southward along the eastern right-of-way to the northern lot line of Lot #19; thence eastward along the northern lot line of Lot #19 extended to western right-of-way line of Wall Alley; thence southward along the western right-of-way of Wall Alley to the northern right-of-way of First Avenue to the extended eastern property line of #1012 First Avenue; thence southward to the northern property line of #107 South Main street; and eastward along the northern property line of #107 South Main Street to the westerly right-of-way of Wall Alley; thence southward along the western right-of-way of Wall Alley to the northern right-of-way of Second Avenue; thence westward along the northern right-of-way of Second Avenue to the extended eastern property line of #1006 Second Avenue; thence southward, westward and northward along the property lines of #1006 Second Avenue to the southern property line of #201 South Main street; thence westward along the southern property line of #210 South Main Street to the eastern right-of-way of South Main street; thence southward along the eastern right-of-way of South Main Street to the place of beginning.

South Main Historic District Expansion Created by 01981-85
Beginning at a point on the eastern right-of-way of South Main Street at the northwest corner of Lot #820; thence eastward along the north property line of Lot #820 to the northeast corner of Lot #820; thence southward along the eastern property line of Lot #820 and continuing approximately 22 feet along the rear of Part Lot #821; thence westward approximately 35 feet along the south property line of Part Lot #821; thence southward approximately 125 feet along a line parallel to South Main Street; thence westward approximately 65 feet along a line parallel to Eighth Avenue to the intersection of the eastern property line of Lot # 1061; thence southward along the eastern property line of Lot # 1061 to the northern right-of-way of Eighth Avenue; thence westward along the northern right-of-way of Eighth Avenue extended to the western right-of-way South Main Street; thence southward along the western right-of-way of South Main Street to the southeast corner of Lot # 1472; thence westward along the southern property line of Lot # 1472 to the southwest corner of Lot # 1472; thence northward along the western property lines of Lots #1472, #6168, #6169, #6170 and #6171 to the northwest corner of Lot # 6171; thence eastward along the northern property line of Lot # 6171 extended to the eastern right-of-way of South Main Street; thence northward along the eastern right-of-way of South Main Street to the point of beginning.

St. Paul's United Church of Christ Historic Site Created by 01981-119

South 43 feet of Lot # 82, North ½ of Lot # 83, as the same is known and designated on the recorded plat of the City of Middletown, Butler County, Ohio.

*Full South Main Street Historical Homes Inventory on file in Planning & Zoning Department.
Vision. The Urban Core Neighborhood Development Opportunity Area is the symbolic focal point of the City. Planned revitalization will increase community pride, enhance appreciation for the City’s history, and contribute to the overall economic health of the community. For many years, however, the commercial and residential areas in and around downtown have experienced economic decline. As businesses and people moved away from the historic center, vacant retail and office space, neglected historic buildings, and poorly maintained housing have become prevalent.

However, downtown and its environs offer what many suburban communities lack. Downtown still has a cluster of performing arts, fine arts, parks, pedestrian-friendly streets and public facilities such as the award-winning Middletown Public Library. In recent years, downtown business owners formed the Downtown Alliance, a nonprofit organization with the mission to foster downtown revitalization. The City has taken its own steps to revitalize the area by removing the enclosed mall structure and opening Central Avenue for vehicular access. The City has also made façade and streetscape improvements and developed a small park. In order to create a viable, healthy downtown, the city and its partners will take further steps to revitalize the area by encouraging the preservation and renovation of historic buildings, and ensuring that new development blends with the architecture and character of the surrounding area. Downtown may not return to its former glory but, with time and incremental improvements, downtown will become a healthy neighborhood and business district with a strong concentration of recreation and arts amenities.

Future Land Use. Mixed Use Commercial is planned along Central and Verity as shown on Map 15. Retail activity should be concentrated within this defined location. Residential uses are desired on upper floors of downtown commercial buildings. “Mixed Use Residential” is planned as a transition between Commercial Mixed Use and predominately single family residential neighborhoods located adjacent to downtown. Residential and offices uses are appropriate in existing buildings. Smaller-scale retail may be appropriate if adequate parking facilities are available and if the retail activity does not detract from the neighborhood.

Downtown is the symbolic focal point of the City. Planned revitalization will increase community pride, enhance appreciation for the City’s history, and contribute to the overall economic health of the community.
Key Development Strategy. The area has traditionally been home to commercial, residential, and even industrial uses. Mixed use development is encouraged vertically in multi-story structures and horizontally across the landscape to re-establish vibrancy and increase the commercial viability of the area.

Increased residential will provide customers to downtown businesses and bring life to the downtown throughout more hours of the day. Accordingly, a wide range of housing options are appropriate in the downtown including new market-rate townhomes, lofts, work-live units, and studios. Development of work-live units, lofts, and studios should be strongly considered to attract artists to downtown Middletown. This strategy could capitalize on downtown's existing strengths characterized by Beau Verre, Middletown Arts Center, Sorg Theater Company, downtown murals, etc.

Zoning. Downtown is zoned CBD Central Business District. The CBD has four variations classified as CED-1, CBD-2, CBD-3 and CBD-4 each with a unique set of use restrictions based on what appears to be defined sub-districts of downtown. This arrangement should be closely reviewed to see if amendments are necessary. To encourage the restoration and adaptive reuse of old buildings, land use regulations should be tailored to provide greater allowance of mixed uses including residential above first floors without the encumbrance of a conditional use permit.

To encourage sensitive renovation and infill development, the City could establish design guidelines, adopt setback and height requirements that reflect the traditional development patterns in the area, and create a pedestrian friendly streetscape by offering collective parking lots at strategic locations.

Capital Improvements

Canal Greenway. Restore the canal bed to create an interpretive and interactive historic attraction. Turn the restored canal into an urban greenway that connects Smith Park to the Great Miami River through downtown. Other means of providing linkages between the downtown and river need to be explored.

Utilities. Engineering analysis performed as part of this Master Plan indicates that the downtown environs have the oldest and some cases undersized water and sanitary sewer infrastructure. As mentioned in the brownfield redevelopment strategies, the city may be called upon to improve utility services in the downtown to accommodate new growth on brownfield sites.

Bike Path. A cross-town bike path is planned to connect the Renaissance Development Opportunity Area to downtown via SR 122 and Central Avenue. Though the exact path alignment is not known, a logical routing through the downtown needs to be identified and should ultimately end at the bike path located along the river.

Streetscape. Though many positive improvements have been made, continued improvement to the downtown streetscape is needed to strengthen downtown’s sense of place and attractiveness.
LEGISLATION
ITEM 7
ORDINANCE NO. O2021-08

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION FOR THE PARCELS LOCATED AT 500, 502 & 504 THE ALAMEDA FROM R-3 (MEDIUM DENSITY RESIDENTIAL DISTRICT) TO R-3-HD (MEDIUM DENSITY RESIDENTIAL DISTRICT – HISTORIC DISTRICT OVERLAY).

WHEREAS, 500, 502 and 504 The Alameda, also known as Butler County Parcel Nos. Q6541010000014, Q6541010000013 and Q6541010000012, contains approximately 0.51 acres which is presently zoned R-3 (Medium Density Residential District); and

WHEREAS, the property owners petitioned for the parcels to be added to the Highlands Historic District, which was approved by City Council in Ordinance No. O2020-72, adopted on November 17, 2020; and,

WHEREAS, the City Planning Commission conducted a public hearing to review the map amendment on December 9, 2020 after giving notice of the time and place of the hearing to all property owners within two hundred feet of the boundaries of the subject property and notice was published in the Journal News; and,

WHEREAS, the City Planning Commission has recommended that the request for rezone to R-3-HD (Medium Density Residential District – Historic District Overlay) be approved; and,

WHEREAS, the City Council held a public hearing on January 19, 2021, notice of such public hearing having been given in the Journal News at least 30 days prior to such hearing; and

WHEREAS, City Council hereby concurs in the recommendation of the City Planning Commission and agrees that the request substantially complies with the review criteria contained in the City Development Code for rezoning of property;

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Middletown, Butler/Warren Counties, Ohio that:

Section 1

The zoning classification for Butler County parcel numbers Q6541010000014, Q6541010000013 and Q6541010000012 (also known as 500, 502 and 504 The Alameda) which is presently zoned R-3 (Medium Density Residential District) is hereby changed to R-3-HD (Medium Density Residential District – Historic District Overlay). The area to be rezoned is more particularly shown in Exhibit "A", attached hereto. Staff is directed to revise the zoning map for the City to reflect this change.
Section 2

This ordinance shall take effect and be in force from and after the earliest period allowed by law.

Nicole Condrey, Mayor

1st Reading: January 19, 2021
2nd Reading: __________
Adopted: __________
Effective: __________

Attest: ____________________
Clerk of City Council

H:\Law\leg\2021 Leg\O Zone Change 500, 502 & 504 The Alameda
January 4, 2021

TO: City Council

ATTN: Amy Schenck, Clerk of Council

FROM: Ashley Combs, Planning Director
       Annette Accurso, Historic Property Specialist

SUBJECT: Map Amendment Request
          500, 502, and 504 the Alameda, Middletown, OH 45044

PROPERTY ADDRESS:
500, 502, and 504 the Alameda, Middletown, OH 45044

APPLICANTS/OWNERS:
Phillip Brad and Debbie Childers

REQUEST:
A request by property owners Phillip Brad and Debbie Childers for a map amendment to
rezone the properties located at 500, 502, and 504 The Alameda, Middletown, OH 45044
(Parcel IDs: Q6541010000014, Q6541010000013, and Q6541010000012) from R-3
Medium Density Zoning District to R-3 Medium Density Zoning District with the HD Historic
District Overlay (R-3-HD). The properties are a total of approximately 0.51 acres.

STAFF ANALYSIS:
The property owners, Phillip Brad and Debbie Childers, requested that their properties be
historically designated by the Middletown Historic Commission and added to the Highlands
Historic District. On September 17, 2020 the Middletown Historic Commission voted to
recommend to the Middletown City Council the local historic landmark designation of the
properties locatec at 500, 502, and 504 The Alameda, Middletown, OH 45044 to be added
to the City’s Highlands Historic District. The City Council voted to approve the Highlands
Historic Expansion on November 17, 2020. The historic designation became effective on

A map amendment (zone change) is a requirement of the historic designation process. Once
Planning Commission reviews the map amendment, the recommendation is forwarded to
City Council for final review and decision. The Planning Commission recommended approval
of the map amendment request at their regular meeting held on December 9, 2020.

Per the Middletown Development Code, public notice was provided to all owners within 200
feet of the properties and notice was published in the Middletown Journal. No comments
were received regarding the proposal.

PROPERTY HISTORY:
The property was originally known as the John Happersberger House, and is one of the
oldest properties on The Alameda, and in the neighborhood. The land was owned by Simon
Goldman, and records indicate the builder, John Happersberger was born about 1854 in Germany. Upon his immigration to the United States, he married and had four children. Mr. Happersberger was a well-known jeweler and owned a (jewelry) store in Middletown. On April 8, 1893, John assumed lots 2832-2833 from Simon and son Charles Goldman for $1000. The property consisted of three lots where building began shortly after. Attached is the application submitted by owners.

HISTORIC DESIGNATION APPROVAL:
Planning & Zoning Department staff recommended approval of the expansion of the Highlands Historic District to include the properties located 500, 502, and 504 The Alameda due to the property owners giving their consent to be included in the Highlands Historic District and the historical narrative and evidence that was submitted by the property owners. Planning staff agreed that the supporting documents identify the properties historical significance in context with the existing Highlands Historic District and it was an appropriate addition. Planning staff also recommended approval of the expansion due to the designation meeting the criteria outlined in 1212.02 Designation of a Historic Landmark or Historic District.

Documents Used to Make Recommendation:
- Application/Supporting Documents Submitted by Property Owner
- Highlands Historic Homes Inventory
- Middletown Historic Preservation Plan
- Middletown Development Code

Meeting notices were sent to all property owners within the South Main Street Historic District and no objections or comments have been received for the proposed expansion.

MASTER PLAN:
The 2005 Master Plan identifies this property as a part of the “Midd Central Development Area” and the plan indicates to preserve and enhance this neighborhood. Please see attached City Master Plan excerpt and map.

It is important to note that the City’s Master Plan was adopted in 2005 and per the American Planner’s Association a Master Plan should be updated every 5 years to ensure goals are being met and to set new goals. The Master Plan update is anticipated to be adopted first quarter 2021.

OTHER DEPARTMENT COMMENTS:
No department comments have been received at this time for the proposed zone change.

MAP AMENDMENT PROCESS:
Map Amendment Review Procedure
(1) Application
(2) Staff Review and Staff Report
(3) Planning Commission Review and Recommendation
(4) City Council Review and Decision
(a) Review Criteria

Recommendations and decisions on map amendment applications shall be based on consideration of the following review criteria. Not all criteria may be applicable in each case, and each case shall be determined on its own facts.

1. The proposed amendment is consistent with the master plan, other adopted City plans, and the stated purposes of this code;
2. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions;
3. The proposed amendment will promote the public health, safety, and general welfare;
4. The proposed amendment, if amending the zoning map, is consistent with the stated purpose of the proposed zoning district;
5. The proposed amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated; and/or
6. The proposed amendment is not likely to result in significant adverse impacts upon other property in the vicinity of the subject lot.

Notice Requirements:
For rezonings that include 10 or fewer properties owned by different property owners, written notice shall be sent to all owners of property within 200 feet from the boundary of all properties subject to the rezoning application. The notice shall be required a minimum of 14 days before the initial public hearing of Planning Commission and City Council. Published notice required a minimum of 30 days before the initial public hearing of Planning Commission and City Council.

PER MIDDLETOWN DEVELOPMENT CODE 1212.02 DESIGNATION OF A HISTORIC LANDMARK OR HISTORIC DISTRICT

A. Proposals to designate or expand historic districts or designate historic landmarks may be initiated by the Historic Commission, a property owner or by motion of Planning Commission or City Council. Proposals initiated by property owners, Planning Commission or Council shall be referred to the Historic Commission for recommendation and initiation of the formal designation process.

B. Proposals to designate or expand a historic district shall be submitted with a rezoning application as well as the information listed below. Proposals to designate a historic landmark shall include, at a minimum, the following additional information:

1. Evidence of property owner interest in landmark designation or location within the proposed historic district.
2. A boundary description.
3. An inventory of historic resources.
4. A description of the architectural and historical significance of properties within the proposed boundaries, including photo documentation of unique elements and also
those that are stereotypical of the architectural style.

5. A map or description of existing zoning.
   a. In considering any area, place, structure, work of art or similar object in the City as a historic site or historic district, the Historic Commission shall apply the following criteria:

1. The structure or site or area's character, value, or significance as part of the development of the City, the State, or the United States;

2. Its location as a site or area of a significant historic event;

3. Its identification with a person who significantly contributed to the development of the City;

4. Its embodiment of distinguishing characteristics of an architectural style or type;

5. Its exemplification of the cultural, economic, social or political heritage of the City;

6. Its relationship to other distinctive areas or structures designated for preservation;

7. Its unique location or singular physical characteristic representing an established and familiar feature of the City; and

8. Its inclusion of prehistoric and/or historic archaeological sites or other important representations of previous cultures.

C. Designation Procedure
   The previously named entities, individuals, or Historic Commission shall have the authority to propose designations of any area, place, structure, work of art, or similar object in the City as a historic site or historic district. The following shall be the procedure for the formal designation of such places or areas.

**Step 1 – Development Code Administrator Recommendation Required**

1. The Historic Commission shall advise the Development Code Administrator of the proposed designation and secure from the Development Code Administrator a recommendation with respect to the relationship of the proposed designation to the Master Plan of the City and any applicable Historic Preservation Plan.

2. The Development Code Administrator shall give an opinion as to the effect of the proposed designation upon the surrounding neighborhood and an opinion and recommendation as to any other planning consideration which may be relevant to the proposed designation, together with a recommendation of approval, rejection, or modification of the proposed designation.

3. Such recommendation shall be submitted in written form by the Historic Commission, along with its recommendation concerning the proposed designation.

4. The Historic Commission shall make a decision whether to proceed with the designation review based on the recommendation of the Development Code Administrator.

**Step 2 – Notification**

If the Historic Commission decides to proceed with designation, the Development Code Administrator shall notify the owner of all properties under consideration for designation. For the purpose of designation or expansion of a group or district, notice shall be published on the City’s webpage and shall be mailed or otherwise distributed to each owner of real property located within such group or district. Whenever possible, the Historic Commission shall secure the owner’s written consent for submittal of the proposed designation, together with its recommendation of findings of
fact.

A. The Historic Commission shall make a recommendation concerning the designation of the property to the City Council. Once the proposal to establish or expand a preservation district or to designate an individual property or structure as a historic landmark has been reviewed, the Historic Commission shall schedule a public hearing. The public hearing shall not be more than thirty (30) calendar days after such a proposal is submitted. Notice of the public hearing shall be given according to the following:

i. The Historic Commission shall give the owner(s) not less than fourteen (14) calendar days’ written notice of the date, time and place of such hearing.

ii. Notice of the public hearing shall be given to at least one (1) or more newspapers of general circulation in the City. The notice shall be published at least ten (10) calendar days before the date of the hearing.

iii. Notices shall include the time and place of the public hearing, a summary of the proposal and a statement that opportunity to be heard will be afforded to any person interested. Failure of delivery of such notice shall not invalidate any such amendment. The original application, all comments and additional considerations presented at the public hearing, and the recommendation of the Historic Commission shall be forwarded to the City Council for its consideration.

Step 3 - Historic Commission Public Hearing

B. The Historic Commission shall conduct the public hearing as provided and shall provide an opportunity for all interested parties to express their opinions.

C. The Historic Commission shall determine if any or all of the criteria listed in Section 1212.02 have been met.

D. The Commission shall then make a recommendation regarding the proposed designation, in writing, within 30 days after the initial hearing date and shall notify the owner or any person having a legal interest in such property, as well as other interested parties who request a copy.

E. The Historic Commission shall state in its recommendation findings of fact that constitute the basis for its decision and shall transmit such recommendation concerning the proposed designation to the Middletown City Council.

Step 4 - Consideration by City Council

A. The City Council shall give due consideration to the findings and recommendations of the Historic Commission, input provided by the persons participating in the public hearing before the Historic Commission, in addition to the recommendation of the Development Code Administrator, in making its determination with respect to the proposed designation of any areas, places, structures, works of art or similar objects as historic sites or historic districts.

B. The City Council may, at its discretion, hold public hearings on any such proposed designation, whether such designation is proposed with the consent of the owner or after public hearings before the Historic Commission. The City Council may then designate by ordinance areas, places, structures, works of art, or similar objects as historic sites or historic districts.
Step 5 – Notification of Designation
Within 14 days, the Historic Commission shall notify the Chief Building Official of the official designation. The Commission shall also send, by certified mail, a certified copy of the designation ordinance to the owner and any person having a legal interest in any properties involved in the designation.

Step 6 – Record of Designation
The Historic Commission shall direct the Law Director to cause a record of such designation to be filed with the applicable county recorder.

ATTACHMENTS:
Application and supporting documents submitted by applicant, property photos, zoning map, and City Master Plan excerpt and map.

ALTERNATIVES:
None

FINANCIAL IMPACT:
None

EMERGENCY/NCN-EMERGENCY:
Non-Emergency
**MIDDLETOWN CITY PLANNING COMMISSION MAP AMENDMENT (ZONE CHANGE) APPLICATION**

**PROJECT NAME:** Philip Brad & Debrae Anne Childers

**PROPERTY ADDRESS(ES):**

501, 502, 504 The Alameda

**ADDRESS(ES):**


**PARCEL NUMBERS:**

- 06541010000014
- 06541010000013
- 06541010000012

**TOTAL ACRES:** .51

**EXISTING ZONING DISTRICT:**

**PROPOSED ZONING DISTRICT:**

**CURRENT USES:** Residential

**PROPOSED USES:**

**REASON FOR ZONE CHANGE REQUEST:**

The Historic Commission recommended expansion of the Highlands Historical District.

Philip P. Childers

Debrae A. Childers

**PETITIONER'S NAME**

**PETITIONER'S ADDRESS**

**PETITIONER'S CONTACT NUMBER:** 513-464-0886

**EMAIL:** Dchilders@franklevcityschools.com

Map Amendment Application
REQUIRED APPLICATION ATTACHMENTS:
1. Survey of property proposed for map amendment (electronic copy or 24in X 36in size)
2. The names and addresses of all property owners located within 200 feet of property
3. $500 processing fee for each property (cash/checks made payable to the City of Middletown)

All applicants must have a pre-meeting with staff before submission of application.

REVIEW CRITERIA:
Per the Middletown Development Code recommendations and decisions on map amendment applications shall be based on consideration of the following review criteria. However, not all criteria may be applicable in each case and cases shall be determined on its own facts.

(1) The proposed amendment is consistent with the master plan, other adopted City plans, and the stated purposes of this code;
(2) The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions;
(3) The proposed amendment will promote the public health, safety, and general welfare;
(4) The proposed amendment, if amending the zoning map, is consistent with the stated purpose of the proposed zoning district;
(5) The proposed amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated; and/or
(6) The proposed amendment is not likely to result in significant adverse impacts upon other property in the vicinity of the subject lot.

MAP AMENDMENT PROCESS (4-6 Months):
Step 1 – Application
A. For amendments that are not initiated by the Planning Commission or City Council, the applicant shall submit an application in accordance with Section 1226.02, and with the provisions of this section.
B. Amendments Initiated by City Council shall be referred to the Planning Commission for review.

Step 2 – Staff Review and Staff Report
A. Upon determination that a text or zoning map amendment application is complete, the Development Code Administrator shall schedule the review of the application at the next available Planning Commission meeting.
B. Prior to the Planning Commission hearing for the text or map amendment, the Development Code Administrator shall review the application and prepare a staff report.

Step 3 – Planning Commission Review and Recommendation

Map Amendment Application
A. The Planning Commission shall hold a public hearing on the code text or map amendment at its next regularly scheduled meeting or at a special meeting after the application is determined to be complete, subject to the submittal deadlines established by the Development Code Administrator.
B. Notification of the public hearing shall be provided in accordance with Section 1226.02(l).
C. In reviewing the application, the Planning Commission shall at a minimum, consider the staff report from the Development Code Administrator and the review criteria of this section.
D. Within a reasonable amount of time from the close of the public hearing, the Planning Commission shall make a recommendation to City Council on the application. In making its recommendation, the Planning Commission may recommend approval, approval with some modification, or denial of the application.

Step 4 – City Council Review and Decision
A. Following receipt of the recommendation from the Planning Commission, City Council shall set a time for a public hearing on the proposed amendment.
B. Notification of the public hearing shall be provided in accordance with Section 1226.02(l).

C. City Council shall review a text or zoning map amendment application during a public hearing. In reviewing the application, City Council shall at a minimum, consider the staff report from the Development Code Administrator, recommendation from Planning Commission, and the review criteria of this section.
D. City Council shall adopt, adopt with some modification, or deny the recommendation of the Planning Commission. City Council shall not alter or make a decision that varies from the Planning Commission without a majority vote of City Council.

FOR DEPARTMENTAL USE ONLY:

Zone Change Case No. _______ Accepted By: ___________________________ Date:

_________________________  
Map Amendment Application
Photos of home located at 500 The Alameda

Original home designs submitted by the owner (above). Interior of the home submitted by the owner (below).
MAP OF HIGHLANDS HISTORIC DISTRICT:

Property locations proposed for inclusion in Highlands Historic District
Architectural Styles and Significance

The Highlands District contains a rich variety of architectural styles that were commonly built in the United States during the time in which the neighborhood developed. Most of the older homes were custom designed by skilled architects and were constructed using the best materials and craftsmanship available at the time. The Highlands developed at a fairly slow pace over a long span of time which accounts for the variety of styles.

Only two structures (300 and 301 The Alameda) were constructed prior to 1900 in the Queen Anne Victorian style. Unfortunately both homes have been significantly modified over the years and have lost key Queen Anne architectural features. Original decorative trim has been removed and original siding covered at 300 The Alameda. Fire damage to 301 the Alameda prompted a remodeling to a colonial revival style that while not original, is considered to be historically correct for the time period of the remodeling.

The most common architectural style in the District is a form of Craftsman architecture which is typified by wide overhang on low pitched roofs. These homes were constructed mostly between 1900 and 1920. The examples of Craftsman have several variations that include the “Bungalow”, “Four Square”, and “Mission”. One of the most prominent homes in the District at 7 Alameda Circle is an interesting blend of Craftsman and French Country Revival architecture.

The general styles of homes constructed in the 1920s and 1930s represented imitations of “Revivals” of older American and European styles. These include “Georgian Revival”, “Colonial Revival”, “Tudor Revival”, “French Country Revival”, “Dutch Colonial Revival” and “Classical Revival” (aka “Neoclassical”) The home at 401 The Alameda is an unusual blend of Craftsman and Classic Revival styles. The district has several examples of Tudor homes which typically have a combination of half-timbered designs on stucco or brick with steeply pitched slate roofs.

After the World War II years, much of the construction in the Highlands could be characterized as “infill development”. Most homes were of styles found in newer, massed produced subdivisions with some notable exceptions. The homes at 2704 Central, 2800 Superior, and 303 The Alameda, while constructed in the 1950s, reflect the high quality and architectural individuality of many of the Revival style homes of the 1920s.

Five infill homes were constructed in the mid-1970s on what was previously the rear yard of the home at 7 Alameda Circle. While they are obviously not a part of the historic character of the neighborhood, they are two story and mostly brick sided which helps them to blend with the surrounding homes. The newest home in the highlands was constructed in 2002 on a lot that was previously part of the rear yard of the home at 2700 Superior. During the 1950s and 1960s several single-floor ranch style homes were constructed in a style typical of newer development of that time.

The Episcopal Church of the Ascension located at the corner of McKnight and McGee is the largest and only non-residential structure in the District and serves as a major architectural anchor for the District. The Church was constructed in 1928 in the English Tudor style and
500 The Alameda
John Happersberger House
Circa 1893

500 The Alameda is one of the oldest properties on The Alameda and in the neighborhood. The land was owned by Mr. Simon Goldman, a dry goods businessman, local entrepreneur and wealthy gentleman of the time period. Records indicate the builder, John Happersberger was born about 1854 in Germany. He immigrated to the United States in 1871 where he met his wife Caroline. They were married in 1879 and had four children, Carl, John and two daughters, Emma and Thunelda. In 1881, Mr. Happersberger had a jewelry and watch store in Lima, Ohio where he was an expert watchmaker. He also had a jewelry store here in town and was a well known jeweller. On April 8, 1893, John Happersberger assumed lots 2832-2833 from Simon Goldman and his son Charles T. Goldman (Original Builder of 301 The Alameda) for the cost of $1,000. The property consists of three lots where building started shortly after and eventually the lots were re-numbered. The out building (garage) was built in 1900, the same year the property was sold on January 17, 1900 to Wm. Caldwell.

Historical Facts:
- According to documents, John Happersberger was required to erect a two-story dwelling house that must have a minimum five rooms and a cellar.
- The house must be worth at least $2,000.
- The house had to be at least 35' from The Alameda and 15' from Lexington Ave.
- The house had to be completed within two years of purchase date.
- Sherman Ave was originally named Lexington Ave.
- February 4, 1894, John Happersberger was labeled "A Wealthy Citizen" in the Cincinnati Enquirer.
- Charles R. Hook owned the residence from September 30, 1909 until 1920. This was during the time that the Hook Mansion was being built.
- Charles T. Goldman and Minnie S. Goldman owned the residence after Mr. Hook. Mr. Goldman sold the property to W.A. Smith Jr. on July 26, 1929.

Home Facts:
The home has three stories which includes a finished third story loft that has eight windows, its own heating and cooling system and a whole house attic fan. The gross living area is 3,373 sq.ft. The construction is wood and beam, in which the wood was covered with aluminum siding in the early 1970's when the addition was put on the back of the house. The home has a total of 10 rooms, 4 bedrooms, 2 full baths, a Butler's Pantry/Bar area and four season enclosed porch. The basement has the original stone foundation which has been waterproofed, a wine cellar, a canning room (now a Bourbon cellar), the old coal room, along with one of two laundry locations in the home.

When the home was originally built and surrounded by tobacco fields and a greenhouse, the home had a large front porch across the front, 3 fireplaces on the main house and a small back porch on the rear of the home. The front southeast fireplace was removed during a renovation project as
well as the front main door and a window. The cellar door was on the back of the home at the southwest corner noted in the pictures.

For more information about 500 The Alameda, contact bchilders@franklincityschools.com

Thank You for visiting The Highlands Historical District and Neighborhood!

Brad and Debbie Childers
PROPERTY LOCATION
**Vision.** Midd Central’s healthy neighborhoods will remain vibrant and attractive. Notable characteristics of this area include pedestrian-friendly streets, parks, and neighborhood-oriented businesses that include a sustainable mix of retail, retail services, professional office, and restaurants. The future loss of two long-standing neighborhood anchors, Roosevelt School and Middletown Regional Hospital, are viewed as development opportunities that will be acted upon in the shortest time period practical. Such action will maintain property owner confidence in their neighborhood.

**Future Land Use.** Future land use designations shown on Map 17 are limited to three small areas being the Middletown Regional Hospital campus, Roosevelt School and the Sutphin/Central vicinity. All three of these areas are planned as Mixed Use. The hospital and school grounds are planned as Mixed Use Residential. Mixed Use Residential places a primary focus on the construction of new residential units mixed with supportive office and small-scale retail. The planned Mixed Use Commercial designation supports the traditional urban development pattern and healthy node of neighborhood businesses located near the intersection of Central and Sutphin.

**Key Development Strategy.** The loss of Middletown Regional Hospital and Roosevelt School will most likely have a negative impact on the surrounding neighborhoods. For this reason, it is essential that these properties are properly maintained in the interim while new users are identified. More important, a reuse strategy needs to be formulated and implemented within a relatively short period of time. Vacant property at these once active sites will deteriorate property owner confidence. All viable reuse alternatives need to be explored. Elderly housing, single-family residential, and medical office reuse were all discussed as desirable outcomes at the hospital site at Steering Committee meetings.

The Central/Sutphin vicinity has the ingredients to become a premier traditional neighborhood business district that attracts residents from all over the city. Characteristic of successful neighborhood business districts, this area contains a traditional street pattern lined with trees and on-street parking; buildings located close to the street; pedestrian activity, and quaint restaurants, offices and retail stores. The city can bolster this asset by concentrating code enforcement, housing rehabilitation, and homeownership resources in adjacent neighborhoods.

**Zoning Recommendations.** Mixed use, infill design standards are needed to provide guidance on the implementation of the Master Plan Mixed Use Commercial land use recommendation at Sutphin and Central. New development must be compatible with the architecture, scale, and
intensity of existing uses located in the neighborhood. Roosevelt School is zoned D-2 Low Density Residential, which allows institutional, education, public parks and recreation, and single family residential on 13,000 square foot lots. The hospital campus is zoned P-3 Hospital District. The P-3 district permits medical office and single family residential on 30,000 square foot lots or 13,000 square foot lots with conditional use approval. The D-2 and P-3 zoning may be appropriate depending upon the reuse strategy. However, planned developments will likely be the most appropriate to facilitate redevelopment at both sites.

**Capital Improvements.** The most direct route from Interstate 75 to downtown follows Roosevelt and Grand Avenue to Sutphin Street and Central Avenue. Widening Sutphin and Grand and/or re-configuring the intersections of Sutphin/Central and Sutphin/Grand would improve the capacity and functionality of this route and improve access to downtown. This recommendation will be difficult to implement given the probable need for additional right-of-way and the close proximity of existing structures next to the roadway.

Streetscape improvements are needed to better define the Central/Sutphin neighborhood business district. Pedestrian amenities should be offered including small plazas, benches, trash cans and decorative street lighting.

Bike lanes are planned in the existing Central Avenue roadway. Bike lanes will provide a cross town connector dedicated for the preferential use of bicyclists. Bicycle facilities are envisioned to eventually connect downtown and the Great Miami River to Towne Mall and the Renaissance Development Opportunity Area.
LEGISLATION
ITEM 8
ORDINANCE NO. O2021-09

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION FOR A PARCEL LOCATED AT THE INTERSECTION OF LEFFERSON ROAD AND SPRING GROVE LANE FROM B-1 (NEIGHBORHOOD BUSINESS DISTRICT) TO R-3 (MEDIUM DENSITY RESIDENTIAL DISTRICT).

WHEREAS, Butler County parcel number Q6531045000107 contains approximately 0.30 acres located at the intersection of Ellen Drive and Bexley Drive which is presently zoned B-1 (Neighborhood Business District); and,

WHEREAS, the applicant, Dennis Beatty, on behalf of the property owner, has petitioned for the parcel to be rezoned to R-3 (Medium Density Residential District) so that the parcel can be used for infill housing; and,

WHEREAS, the City Planning Commission conducted a public hearing to review the map amendment on December 9, 2020 after giving notice of the time and place of the hearing to all property owners within two hundred feet of the boundaries of the subject property and notice was published in the Journal News; and,

WHEREAS, the City Planning Commission has recommended that the request for rezone to R-3 be approved; and,

WHEREAS, the City Council held a public hearing on January 19, 2021, notice of such public hearing having been given in the Journal News at least 30 days prior to such hearing; and

WHEREAS, City Council hereby concurs in the recommendation of the City Planning Commission and agrees that the request substantially complies with the review criteria contained in the City Development Code for rezoning of property;

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Middletown, Butler/Warren Counties, Ohio that:

Section 1

The zoning classification for Butler County parcel number Q6531045000107 which is presently zoned B-1 (Neighborhood Business District) is hereby changed to R-3 (Medium Density Residential District). The area to be rezoned is more particularly shown in Exhibit “A”, attached hereto. Staff is directed to revise the zoning map for the City to reflect this change.
Section 2

This ordinance shall take effect and be in force from and after the earliest period allowed by law.

Nicole Condrey, Mayor

1st Reading: January 19, 2021
2nd Reading:_________
Adopted:__________
Effective:__________

Attest: _______________________
      Clerk of City Council
January 4, 2021

TO: City Council

ATTN: Amy Schenck, Clerk of Council

FROM: Ashley Combs, Planning Director

SUBJECT: Map Amendment Request
Property located near the intersection of Bexley Drive and Ellen Drive, Middletown, OH 45042

PROPERTY ADDRESS:
Property near the intersection of Bexley Drive and Ellen Drive, Middletown, OH 45042
Parcel ID: Q6531045000107

APPLICANT:
Dennis R. Beatty
1900 First Avenue
Middletown, OH 45044

OWNER:
John H. Smith
2124 Jackson Lane
Middletown, OH 45044

REQUEST:
Map Amendment Case: A request by property owner John H. Smith for a map amendment to rezone the property located near the intersection of Bexley and Ellen Drive, Middletown, OH 45044 (Parcel ID: Q6531045000107) from B-1 Neighborhood Business Zoning District to R-3 Medium Density Zoning District. The property is a total of approximately 0.30 acres. The Planning Commission’s recommendation for the rezoning will be forwarded to City Council for final review and decision.

STAFF ANALYSIS:
The Planning Commission recommended approval of the proposed map amendment at their regular meeting held on December 9, 2020. The Planning Commission recommended approval of the map amendment due to request meeting the map amendment review criteria outlined in the Middletown Development Code. The Commission agreed that single family housing is a need in the City and they gave their support for the infill housing project.

On November 18, 2020, the City Board of Zoning Appeals approved a variance for the property to be granted a minimum lot area reduction of 1,636 square feet from the Middletown Development Code requirement of 13,000 sq. ft for the R-3 Residential Zoning District. The Board of Zoning Appeal’s approval was made contingent upon the Planning Commission and City Council’s approval of the map amendment request.

The surrounding properties have the following uses and zoning designations:
- North: B-1 Neighborhood Business District
- East: B-1 Neighborhood Business District
- South: R-3 Medium Density Residential District
- West: R-3 Medium Density Residential District
Per the applicant, the proposed map amendment is due to the current market does not support the development of a new commercial business at the property in reference. The future proposed residential dwelling is needed in the Middletown community and will increase the value of the lot and surrounding properties. The applicant specified that the home built on the property would meet the Site Development Standards and Architectural Standards of the Middletown Development Code.

Per the Middletown 2005 Master Plan, the property is located in the Hook Field Development Opportunity Area and is identified as “neighborhood preserve and enhance.” The proposed map amendment would not cause spot zoning and would be consistent with the R-3 Residential Zoning District located to the South and West of the property. Attached is the Hook Field Development Opportunity map.

Per the Middletown Development Code notice requirement, public notice was provided to all owners within 200 feet of the properties and notice was published in the Middletown Journal. No comments have been received regarding the proposal.

OTHER DEPARTMENT COMMENTS:
No department comments have been received at this time for the proposed zone change.

MAP AMENDMENT PROCESS:
Map Amendment Review Procedure
(1) Application
(2) Staff Review and Staff Report
(3) Planning Commission Review and Recommendation
(4) City Council Review and Decision

Review Criteria
Recommendations and decisions on map amendment applications shall be based on consideration of the following review criteria. Not all criteria may be applicable in each case, and each case shall be determined on its own facts.

1. The proposed amendment is consistent with the master plan, other adopted City plans, and the stated purposes of this code;
2. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions;
3. The proposed amendment will promote the public health, safety, and general welfare;
4. The proposed amendment, if amending the zoning map, is consistent with the stated purpose of the proposed zoning district;
5. The proposed amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated; and/or
6. The proposed amendment is not likely to result in significant adverse impacts upon other property in the vicinity of the subject lot.
Notice Requirements:
For rezonings that include 10 or fewer properties owned by different property owners, written notice shall be sent to all owners of property within 200 feet from the boundary of all properties subject to the rezoning application. The notice shall be required a minimum of 14 days before the initial public hearing of Planning Commission and City Council. Published notice required a minimum of 30 days before the initial public hearing of Planning Commission and City Council.

ATTACHMENTS:
Application and supporting documents submitted by applicant, property photos, zoning map, and City Master Plan excerpt and map.

ALTERNATIVES:
None

FINANCIAL IMPACT:
None

EMERGENCY/NON-EMERGENCY:
Non-Emergency
MIDDLETOWN CITY PLANNING COMMISSION
MAP AMENDMENT (ZONE CHANGE) APPLICATION

PROJECT NAME: **Spier House**

PROPERTY ADDRESS(ES): ____________

ADDRESS(ES): **ELLEN DRIVE**

PARCEL NUMBERS: 06531045000107 TOTAL ACRES: 0.26

EXISTING ZONING DISTRICT: **B-1** PROPOSED ZONING DISTRICT: **R-3**

CURRENT USES: **Residential** PROPOSED USES: **Residential - Single Family**

REASON FOR ZONE CHANGE REQUEST:

**Build House**

PETITIONER'S NAME: **John H. Smith** PETITIONER'S ADDRESS: 2124 Jackson Ln

PETITIONER'S CONTACT NUMBER: **513.676.6578** EMAIL: **jsmith@installed.net**

Petitioner's signature ___________ Date ___________

Property Owner's signature ___________ Date ___________

REQUIRED APPLICATION ATTACHMENTS:
1. Survey of property proposed for map amendment (electronic copy or 24in X 36in size)
2. The names and addresses of all property owners located within 200 feet of property
3. $500 processing fee for each property (cash/checks made payable to the City of Middletown)

All applicants must have a pre-meeting with staff before submission of application.

Map Amendment Application
Looking at the property from Ellen Drive

Looking at property from the intersection of Bexley and Ellen Drive
**Hook Field Development Opportunity Area**

- **Vision.** Hook Field Municipal Airport will be redeveloped with modern air-side accessible amenities to complement and fully benefit from the longest general aviation runway located in southwest Ohio. Demand for airport facilities and services will create the need for a modern aeropark located on and/or adjacent to airport grounds. Additional retail, restaurant, and office support uses will be needed to service airport-related activity.

- **Future Land Use.** Hook Field is planned as Airport and supports aviation-related uses and facilities such as maintenance hangars, corporate jet hangers, T-hangers, etc. Industrial land uses are planned east and west of the airport grounds.

- **Key Development Strategy.** Hook Field must be maximized as an economic development asset. Airport facilities are currently underutilized given the runway length and capacity. Modernization efforts are needed to enhance Hook Field’s image in the aviation industry and to attract additional fixed-base aircraft. The mobile home park located east of the airport is designated as a development opportunity for new industrial development. This mobile home park contains numerous vacancies and nuisance properties. It is also currently zoned as I-1 Industrial Park District. The old municipal landfill site north of Carmody Drive is also planned as a future industrial park location. Funds to mitigate the property for industrial development should be expended only after demand warrants additional industrial acreage in this area. Additional development strategies found in Chapter 6 of the Hook Field Economic Development Plan should be considered.

- **Zoning Recommendations.** The airport and adjacent properties identified as development opportunities are appropriately zoned as I-1 Industrial Park District.

- **Capital Improvements.**
  - **Airport Facilities.** The airport itself requires on-going capital improvements to meet FAA standards. From a more practical perspective, new airport facilities are needed to modernize Hook Field.
  - **Airport Gateway.** A new, high-quality Hook Field entry sign is needed at the Germantown entrance to improve airport branding and visibility.
  - **Airport Service Road.** A full length service road is needed to connect the Germantown and Smith Park entrances.
  - **Wilbraham.** Cul-de-sac Wilbraham Road to eliminate airport traffic through the adjacent neighborhood.
EXECUTIVE SESSION