

**PLANNING COMMISSION MINUTES
MARCH 9, 2022**



TYPE: Regular Meeting
PLACE: City Council Chambers, City Building
TIME: 6:00 P.M.

MEMBERS	Sam Cornwall	John Langhorne	Greg Emrick
PRESENT:	Paul Nenni	Roger Daniel	Jeremy Loukinas
	Todd Moore		

STAFF PRESENT: Ashley Combs, Development Services Director
James Metz, City Planner
Monica Nenni, Councilwoman
Nicole Condrey, Mayor
Austin Musser, City Law Department

OTHERS PRESENT: Chris Lacy, Steve West, Aaron Wilson, Mark Michael, Chris Wheeler, Andy Brickler, Mike Baston, Michael Combs, Rick Lyons, Nick Selhorst, Matthew Armbruster, Sara Smith, Marty Kohler, Susan Smith, Marlene, Johnathon Krachenfels, Eric Russell, Rach Rutherford, Larry Mulligan, John Heyda, and Joshua Gunsher.

CALL TO ORDER

Todd Moore called the meeting to order at 6:00 pm and the roll was called by Mr. Metz. Mr. Moore led the Planning Commission in the Pledge of Alliance. Mr. Metz was sworn in by Mr. Moore to speak on the cases.

PUBLIC HEARING:

PRELIMINARY DEVELOPMENT PLAN – THE HILL

Mr. Moore introduced the case as a Preliminary Development Plan request by applicant DR Horton for approval of a new subdivision that proposes 53 single-family homes with public streets located at 105 McKnight drive and 3000 McGee Middletown, OH 45044.

James Metz, City Planner, presented the case using a PowerPoint presentation.

Mr. Metz explained that this is a continuation of a previous Planning Commission meeting held on February 9th, 2022 and that the applicant had submitted a two new site surveys detailing a reduction of homes from 53 to 50.

Mr. Metz read the history of the property and displayed the new site surveys with a brief explanation of the changes from the first site survey submitted and the two new additions. Mr. Metz displayed the previously submitted elevations as well as examples of homes the applicant had completed locally and submitted with the intention of being shown tonight.

Mr. Metz read the review criteria for the Preliminary Development Plan for the Planning Commission, stated that the city has not changed their approval since the previous meeting,

that the homes will need to be reviewed by the Architecture Review Board, and that City Council will review the development plan and map amendment at their next regular meeting held on April 19th.

Mr. Metz ended his presentation and noted the applicant was present.

Mr. Moore asked if the members of the Planning Commission have any questions for Mr. Metz.

Mr. Emrick asks if the geo testing was completed.

Mr. Metz stated he has not heard back from the applicant but that the applicant is here tonight and would be able to provide an update on that.

Mr. Moore states that he recognizes there is a lot of people at Planning Commission tonight and asks that everyone be respectful of the speakers. Mr. Moore then opens the public hearing and asks if anyone wishes to come and speak in favor of the proposed variance to please come forward.

Mr. Russell was sworn in and states his name and address as Eric Russell's 6682 Dickey.

Mr. Russell states that as a pastor of the church they've been working with the builder and I hope that the proposed changes demonstrate that they're trying to work as best as they can with the city. Mr. Russell continues by saying that he wanted to updated the status of how many homes in Middletown fall between the \$250,000 – \$300,000 price point. He indicated that there was only one home within the city limits while Franklin currently has five homes for that price.

Mr. Moore mentioned in the last hearing we didn't hear about whether the site was buildable. Mr. Moore states that this issue goes back to November 2015 involving Mr. Fishbaugh where he says that there's no solid ground. Mr. Moore asks since 2015 what has changed in this particular? Why now would you propose 53, as opposed to what we were asking for?

Mr. Russell stated that Mr. Fishbaugh did not complete any core samples and was acting on assumptions.

Mr. Moore swore in Jonathon Krachenfels. Mr. Krachenfels states his address as 116 Eaton. Mr. Krachenfels states that he lives in Middletown and drives to Columbus everyday for work. He chooses to live in Middletown because of his church community. Mr. Krachenfels states that although he did come here with a prepared statement he first wanted to ask why Mr. Moore asked Eric Russell a question that a pastor would not know and that it seemed liked as if Mr. Moore was setting him up. Mr. Krachenfels stated it did not seem contentious in any way, shape, or form but that he was asking a pastor something we wouldn't know the answer to.

Mr. Moore states that there is a number of questions that the Planning Commission has to ask for the record. Mr. Moore stated as an example Mr. Emrick asked about the geo study.

Mr. Moore swears in Rob Smith.

Mr. Smith states that he wanted to thank staff for their report and stated that since he the last planning commission that he thinks there was a productive dialogue with the members of the historic district. Mr. Smith reiterates a few key differences from the initial proposed plan to the one currently before the planning commission. Mr. Smith also stated that the Geotech work is still being conducted and that if there is an issue they will remove their request.

Mr. Moore states that he appreciates the work that has been done to try to come up with a solution by accommodating the community members but asks if there is any feasible development with less homes. Mr. Moore continues with stating later on the agenda there is a text amendment discussion for changing the minimum livable area for infill lots and that the homes proposed are of similar size to the text amendment.

Mr. Smith states that they can't go below 50 and their development costs are large effects. Mr. Smith states that he said this at the last hearing, but he's trying his best not just in Middletown, but everywhere he goes to dispel the myth that small lots equal cheap, and there's a changing dynamic. There's a changing market, driving force out there that people are more interested in smaller lots now than they used to be. Mr. Smith also stated the homes will be between 1,600 and 2600sq ft.

Mr. Langhorne asked if these homes will be developer financed purchases or bank financed purchases.

Mr. Smith states that the homebuyers can finance through the bank or through DR Horton.

Mr. Langhorne states that one of his concerns is that with the developer financing they can alter the terms that sales are slow. You can lower the terms allow people that may not qualify for a bank loan to get in there.

Mr. Smith stated that it's a little out of his purview but he knows that DR Horton is regulated just like any other bank or financial institution.

Mr. Moore asks if there is anyone else wishing to speak in favor to please come forward.

Mr. Moore swears in Matthew Salyer.

Mr. Salyer states that he would likes to bring clarity to the Fishbaugh confusion. Mr. Salyer continues stating that when they purchased they building to renovate into a church they had hired Fishbaugh. They did not have Fishbaugh do anything outside of renovating the church.

Mr. Salyer states that he is fine with whatever the Planning Commission would like to do but he feels handcuffed. He could have made more money if the church pursued some of the earlier choices that were presented to them but the City asked him not to.

Mr. Salyer states he understands that change makes people anxious and that institutional trust is at an all-time low, people assume the worse, however, the church is simply trying to bring families back into the city and that they're trying to do the very thing that the economic development team asked them to do. They're trying to honor both the area that we're in the city's needs as well as our continued mission to help people in this community, and it's getting difficult.

Mr. Moore asks if there is anyone else wishing to speak in favor to please come forward. Mr. Moore states seeing none is there anyone else wishing to speak in opposition to please come forward.

Mr. Moore swears in James Pearce.

Mr. Pearce reads from a document he brings stating various section of the development code and discusses his opposition for the project. Mr. Pearce then states the political optics are difficult for outsiders to comprehend. Mr. Moon is a longtime member of the Oaks church and Monica Nenni is the Vice Mayor and related to a Planning Commission member.

Mr. Nenni addresses Mr. Pearce's concerns.

Mr. Pearce finishes with his comments from the document he provided council.

Mr. Moore swears in Ms. Nenni.

Ms. Nenni states that she would like to address the comments that were made about councilor Moon. That he intends to not be a part of any discussions regarding the DR. Horton development, that he recused himself, and that he will not influence council on their decision. Ms. Nenni stated that Mr. Nenni was on Planning Commission before she was elected to City Council and that she never participated in any vote to place him on the board. She believes it's an important clarification.

Mr. Moore asks if there is anyone else wishing to speak in denial.

Mr. Moore swears in Mrs. Pearce.

Mrs. Pearce apologizes for her outburst. Mrs. Pearce continues with her comment on why the proposed development should not take place.

Mr. Moore swears in Andy Brickler.

Mr. Brickler asks the community to please be considerate of each other and bring the tone down. He also continues to state that he is not here on behalf of the Highlands Historic District but as a citizen of Middletown. Mr. Brickler states that it should not be viewed as the Highlands versus The Oaks and that he intends to volunteer through the church's programs. Mr. Brickler asked to come to a solution with DR Horton and that he has been diligently working with them to come to a mutual agreement. Mr. Brickler stated that he wanted to go on the record for

saying Councilman Moon reached out to him and stated that he is going to abstain from voting. Mr. Brickler ends his comment with asking everyone not to get tied up in anger but to come to a solution that will work for both sides and to be professional. He thanks the Planning Commission for his time.

Mr. Moore swears in Chris Lacey.

Mr. Lacey states that the city needs to stop taking the path of least resistance and there are better building options that what is being proposed.

Mr. Moore swears in Michael Combs.

Mr. Combs states he's glad that the phase 1 and 2 were completed and that they no longer have to worry about toxic waste. He continues stating that the development does not meet the minimum requirements for single-family lots and compares the local lots nearby.

Mr. Moore swears in Marty Kohler,

Mr. Kohler states his concerns are more procedural than the actual merits of this project. Mr. Kohler states that since there are now two versions being proposed that the commission needs to select one to vote on and that he believes staff has created a procedural flaw by not scheduling the Architectural Review Board prior to this hearing.

Mr. Moore swears in John Heyda.

Mr. Heyda shares an artistic rendering of Hollywood land and states he does not believe the city has recovered from the Hollywood land deal. Mr. Heyda says there is plenty of two designs of what this project will look like but there aren't any three-dimensional renderings. This limits everyone to how close the homes will actually be. Mr. Heyda ends his comment by asking if the community can actually imagine what the subdivision actually looks like and what it would be like to live near it.

Mr. Moore swears in Peggy Trimble.

Ms. Trimble states that she's not actually against the development, the church or the home size and quality of the homes. She just actually believes that we need to come to a better solution to what goes into this land. She ends her comment asking the Planning Commission not to vote to approve of this plan.

Mr. Smith asks to say a few more things before the public hearing is closed.

Mr. Moore asks him to come to the dais.

Mr. Smith states that he appreciates the engagement from everybody. That he would like to make a few points. That although the historic district is very beautiful it is very small relative to the entire city. In comparison to the rest of the houses that have been sold in the area that the

historic district is the anomaly. Mr. Smith believes the homes built will be tremendously higher than the average sales price for the surrounding neighborhoods.

Mrs. Pearce states she has a right to be at the dais and will continue to defend her home. She states that this is not the right development.

Mr. Moore closes the public comment period and asks staff if their recommendation has changed. Mr. Metz says it has not.

Mr. Moore states that the Planning Commission needs to select one of the development plans to vote on.

Mr. Moore swears in Ashley Combs.

Ms. Combs states that the City made the review from the Architecture Review Board a condition before final approval.

Mr. Loukinas asks if there will be a HOA.

Mr. Smith states that this is the intention with the development. The HOA will be responsible for maintenance of the public space, signs, etc.

Mr. Cornwall asks if it's possible for only single-story homes to be on the side closest to Florence.

Mr. Smith says it is possible.

Mr. Moore states that despite earlier contention that he and fellow Planning Commission members go into deliberation knowing they must keep an open mind. He continues that his development is frowned upon by the folks within the community whether they are here or not. He also continues to state that decisions by planning commission have consequences, that elections have consequences, and that he's fairly convinced that there's going to be consequences from this. Mr. Moore ends his comment stating that he is very much against the plan and will be voting against it.

Mr. Loukinas states that he would echo a lot of what Mr. Moore said and that he would like to add that this decision is something they are making forever. Mr. Loukinas said he doesn't believe it would add enough value to the neighborhood and so he would not be voting to approve.

Mr. Moore asks the other members of the board if they would like to consider to approve of this proposal. They have heard from two members who will not vote to approve but that the members have the option to vote to approve with stipulations.

Mr. Emrick states he doesn't know what he would be voting on exactly.

Mr. Metz shows the three site plans that were provided by the applicant.

Mr. Moore states that the commission could choose one of the three and add any stipulations that they would like. Mr. Moore also asks staff about the process moving forward regarding the Architecture Review Board.

Ms. Wells stated that the Architecture Review Board will see this project before the Final Development Plan review conducted by Planning Commission.

Mr. Moore asks to confirm that Planning Commission will be seeing the project again before it's voted to be approved.

Ms. Wells states that the Planning Commission would see this again as this is only the preliminary development plan and that this would come before them again as a final development plan after City Council and Architecture Review Board.

Mr. Daniel states that he would recommend approval of the third plan which is the one with the largest buffer.

Mr. Emrick agrees with the buffer and states that the and correct size trees going in. They must be six-foot-tall and not saplings.

Mr. Moore states that if understands this correctly. There is a motion to approve the third plan with the mound, 6-foot-tall trees, and single story homes closest to Florence. Mr. Moore states that more stipulations can be added and that they can also be removed before the final development plan approval. Mr. Moore asks if there is there a motion to approve?

Mr. Daniel makes the motion to approve the third plan with the modifications previously listed.

Mr. Emrick seconds the motion. The motion passes with a 5-2 vote.

Mr. Moore explains to the citizens present about the process and that they will have another time to come and voice their views.

PUBLIC HEARING:
CONDITIONAL USE – 3029 YANKEE

Mr. Moore introduced the case as a conditional use request by Summit Academy for conditional use approval for a seventh through twelfth grade public school at the property located at 3029 Yankee Road.

Mr. Metz began his staff report by reading the conditional use proposal and the history of the property. Mr. Metz stated that the school would meet all of the requirements for the Zoning Department and needed approval as a conditional use based on the location of the proposal. Mr. Metz read the review criteria for a conditional use and noted the applicant was present.

Mr. Moore noted the commission had no questions for staff and opened up the public hearing.

Mr. Moore swore in Chris Wheeler.

Mr. Wheeler details what Summit Academy does and who it serves as well as explaining why they would like to relocate to this building.

Mr. Moore asked if a charter school still has to meet safety compliance and if they would do so in this new building.

Mr. Wheeler was asked if there is space for outdoor activities as it's noted that the whole lot is one big parking lot. Mr. Wheeler followed that up with stating the parking lot could be used as outdoor recreation as only one student drives to school.

Mr. Cornwall asks how the dynamics would work as the church still intends to use it for Sunday service.

Mr. Wheeler acknowledges that there are still some things that need to be worked out with the church such as the shared space.

Mr. Moore asks if there is anyone else looking to speak in favor of the conditional use. Mr. Moore asks if there is anyone who would like to speak in opposition to this plan to please come forward. Seeing none, Mr. Moore closed the public hearing and asks for Staff's recommendation.

Mr. Metz states that based on the staff report provided, staff recommends approval of the conditional use application.

Mr. Langhorne makes a motion to approve. Mr. Nenni seconds. The conditional use application is approved unanimously through roll.

OLD/NEW BUSINESS:

COMMUNITY REINVESTMENT AREA HOUSING COUNCIL

Ms. Combs states that the Planning Commission is now onto new business and that the economic development has some recommendations for the Community Reinvestment Area Housing Council. She asks Mr. Landhorne to speak on the matter as well.

Mr. Langhorne details the specifics of serving on the board.

Ms. Nenni stated that Berlina and Stephen were nominated to be added to this list because there is a requirement of minority representation on this board.

The Commission voted unanimously to nominate Berlina through roll.

Ms. Combs stated she would pass that information along.

TEXT AMENDMENT

Ms. Combs introduces the site development standards as there are two new commission members. The new site development standard that is proposed is a reduction from 1500 to 1200 square feet. Council is looking Planning Commission's feedback before initiating a text amendment.

Mr. Moore confirms that Planning Commission will not be voting on the text amendment but to discuss it.

Ms. Nenni mentions that this text amendment idea arose from the idea of attracting developers to the Oakland District.

Ms. Wells states that right now you can build a house on an infill lot if it's 50 feet wide, and it's 80 feet deep, as long as you build at least a 1500 square foot home. That's at least the minimum setback distance from the neighboring properties for the zoning district. Ms. Wells reiterates that site development alteration that they're talking about isn't going to be strictly for infill construction because it doesn't apply to infill construction.

Mr. Moore asks if we would be giving too broad of a tool to use when reducing livable area for homes without specifying a certain neighborhood, district, or reason.

Ms. Wells states that as far as square footage for single-family single-story homes that the minimum livable area is 1,500 square feet and with the administrative waiver of 10% that we could reduce the home to 1,350 square feet. That administrative waiver and reduction of livable area is not something that would need special review and could be granted internally. Mr. Moore asks if this reduction is solely for infill or all properties.

Ms. Wells states that it could be for all sites.

Mr. Moore stated he believed that to be too broad.

Ms. Wells states that's what City Council would like to know. This is added to understand what Planning Commissions thoughts were.

Ms. Nenni proposes the ideas of setting different development standards based on the zones.

Several Commission Members seemed interested in that and possibly creating a list of lots owned by the city needing to be redeveloped.

Ms. Combs states that we could create a list and have it to them soon.

VIDEO RECORDING

Ms. Nenni introduces filming the Planning Commission meetings and having them uploaded

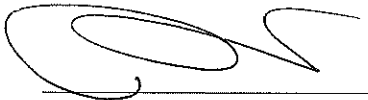
similarly to City Council.

Most Planning Commission members voiced a positive opinion on having the meetings recorded.

Ms. Nenni stated that this is a discussion that City Council has started and would like to talk to each board individually.

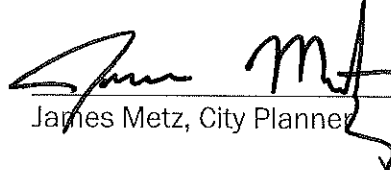
ADJOURNMENT

With there being no further business for the Planning Commission to discuss, a motion was made unanimously by all Planning Commission members to adjourn at 09:49PM



Todd Moore, Chairman

JEREMY LOULINAS



James Metz, City Planner

*The full meeting recording is available at the Planning & Zoning Department.