

PLANNING COMMISSION MINUTES
MARCH 10, 2021



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

MEMBERS PRESENT: John Langhorne Todd Moore Jeremy Loukinas
Paul Nenni Roger Daniel Gary Gross
David McCauley-Myers

STAFF PRESENT: Ashley Combs, Planning Director
Devra Wells, Zoning Administrator
Joe Mulligan, Councilman

OTHERS PRESENT: Ron Spaulding Dennis Beatty Gina Gehm

CALL TO ORDER

Vice Chairman Todd Moore called the meeting to order at 6:00 pm and the roll was called by Ms. Combs. Mr. Moore led the Planning Commission in the Pledge of Alliance. Ms. Combs stated that Councilman Joe Mulligan was present for the meeting.

APPROVAL OF PREVIOUS MEETING MINUTES

Mr. Moore introduced the approval of the February 10, 2021 meeting minutes and asked if there were any needed changes. A motion was made by Mr. Nenni and seconded by Mr. Daniel to approve the February 10, 2021 meeting minutes as submitted. The motion for the approval passed unanimously through roll call.

PUBLIC HEARING:

DEVELOPMENT PLAN AMENDMENT #2-21 - 3805 ROOSEVELT BOULEVARD

Ms. Moore introduced the request for amended Development Plan approval for the Wilson-Schramm-Spaulding Funeral Home property located at 3805 Roosevelt Boulevard, Middletown, OH 45044. The amendment is to allow for the construction of a 1,452 sq. ft. garage addition that will be used by the funeral home as a mortuary cooler and human cremation unit.

Ashley Combs, Planning Director, presented the case using a PowerPoint presentation.

Ms. Combs displayed property photos showing the proposed building addition location.

Ms. Combs displayed the zoning map and explained the surrounding zoning designations.

Ms. Combs explained that per the Middletown Development Code, Chapter 1226: Review Authority and Procedures, 1226.04: Planned Development District Review, any change to a Development Plan is required to be reviewed and approved by the City Planning Commission since the proposal will be changing the size of the existing building footprint.

Ms. Combs noted that per City records, the funeral home property is a part of a Planned Development that was originally approved by the City Planning Commission on October 27, 1971.

Ms. Combs stated that per the Middletown Development Code, the uses of cremation and mortuary are consistent with the "Funeral Homes and Mortuaries" use category and are principally permitted. She showed an additional photo of the rear of the existing building.

Ms. Combs displayed a site plan of the proposed addition.

Ms. Combs read the setback requirements for the R-4 Zoning District for nonresidential uses:
Front Yard: 30 feet
Side Yards: 6 feet
Rear Yard: 30 feet.

Ms. Combs stated that per the site plan submitted, the addition will meet the setbacks:
Front Yard: Does not Apply
Side yard: 91 feet
Rear yard: 114 feet

Ms. Combs added that the addition will not be taller than one story and will meet the maximum height requirement of 40 feet.

Ms. Combs displayed elevation plans showing the existing structure and proposed addition.

Ms. Combs explained that per the Middletown Development Code, Chapter 1210: Architectural Standards, 1210.04 Design Standards for Nonresidential Development: All building facades are required to be constructed of the following materials: Stone, brick, wood, stucco, cultured stone, cement board, ceramic tile, ceramic block, or exterior insulation finish system (E.I.F.S.).

Ms. Combs stated that per the building elevation plans submitted, the proposed addition will use brick to match the existing funeral home façade.

Ms. Combs explained that per the Middletown Development Code, Chapter 1226: Review Authority and Procedures, public notices were provided to all property owners within 200 feet of the subject property. Public notice was also published in the Middletown Journal per Chapter 208 Public Meetings of the City of Middletown Code of Ordinances, and State law.

Ms. Combs stated that no comments had been received for the proposal.

Ms. Combs noted that the application and plans were provided to all City Departments to review and the following comment was received from the City Engineering Department: The construction plans need to comply with the Engineering Manual of Design (Grading, Storm Water, Utilities, Erosion Control, Traffic, etc.).

Ms. Combs displayed the following review criteria to be used by the Planning Commission:
Chapter 1226: Review Authority and Procedures
1226.04: Planned Development District Review

(1) Major Change

B. Changes that require the approval of only the Planning Commission include, but are not limited to, the following:

- i. Changes in the plans relative to the size and arrangement of buildings, the layout of streets or circulation patterns, the size, configuration and location of common open space, and changes in any approved elements of the PD that may affect adjacent property owners; and
- ii. Amendments to the conditions that were attached to the original PD approval.

Ms. Combs concluded her staff report and pointed out the applicant was in attendance.

Mr. Moore asked if there were questions for staff before opening the public hearing. Hearing none, Mr. Moore opened the public hearing.

Mr. Moore invited anyone who wanted to speak in favor of the project to come forward. Seeing none, Mr. Moore invited anyone to come forward who was in opposition of the request. Seeing none, Mr. Moore closed the public hearing and asked for staff recommendation.

Ms. Combs stated that based on the staff report provided and compliance with the Review Criteria outlined in the Middletown Development Code for a Development Plan Amendment, staff recommends APPROVAL of Development Plan Amendment Case #2-21 for approval for the Wilson-Schramm-Spaulling Funeral Home to construct a 1,452 sq. ft. addition at the property located at 3805 Roosevelt Boulevard, Middletown, OH 45044 with the following condition: Engineering Department comments are met.

Mr. Moore asked if there was a motion by the Planning Commission. Mr. Daniel made a motion to accept staff's recommendation to approve the request. Mr. Nenni seconded the motion for approval. The motion for approval carried unanimously through Planning Commission roll call.

PUBLIC HEARING:

CONDITIONAL USE CASE #2-21 – GROUP HOME – HOLLY’S EDGE

Ms. Moore introduced the request by applicant Partnerships for Housing, on behalf of the owner Abilities First Foundation INC, for conditional use approval to allow for the construction of a building that will have four one-bedroom units to be leased by individuals with developmental disabilities. The property is located in R-3 Medium Density Zoning where a group care home facility is a conditional use. The property is located near the intersection of Regent Drive and Holly Avenue (Parcel ID: Q6541027000019) and is approximately 1.14 acres.

Ms. Combs displayed property photos and noted the property is currently vacant.

Ms. Combs displayed the zoning map and explained the surrounding zoning designations. She stated to the North: Creekview Elementary School (R-3 Zoning District), East: Single Family

Residential Homes (R-3 Zoning District), West: Messiah Lutheran Church (R-3 Zoning District), and South: Single Family Residential Homes (R-3 Zoning District).

Ms. Combs explained that per the City Zoning Map, the subject property is zoned R-3 Medium Density Zoning District. Per the Middletown Development Code Table 1204-3: Principally Permitted Uses, the use of a group home and group living (use category) are classified as "conditional uses" in the R-3 Zoning District.

Ms. Combs explained the history of the project and stated that property owner, Abilities First, had a similar request that was approved by the Planning Commission in October 2016 for a family care home for up to 8 individuals with developmental disabilities that required 24-hour care with the following conditions: 1. The City Architecture Review Board will review the exterior of the home to ensure it meets Architectural Standards outlined in Chapter 1225 of the Planning and Zoning Ordinance. 2. Lot Split be completed before January 1, 2017.

Ms. Combs noted that the lot split was completed by the deadline; however, the project never started and became void after 12 months due to no construction.

Ms. Combs explained that per the applicant, Partnerships for Housing currently has the property under contract to be purchased from Abilities First contingent on the approval of the conditional use.

Ms. Combs displayed a photo of the surrounding single-family homes.

Ms. Combs displayed photos of examples of projects by Partnerships for Housing.

Ms. Combs explained the proposal. She stated that Partnerships for Housing proposes to construct 4 one-bedroom units on the subject property to be leased by individuals with developmental disabilities. The units will be developed with accessibility features and a fire suppression system. The project is developed through a Community Capital Assistance grant from the Ohio Department of Developmental Disabilities. Similar developed facilities are currently in Hamilton County.

Ms. Combs noted that Partnerships for Housing has 61 sites in Butler County and solely houses individuals with developmental disabilities referred by Butler County Board of Developmental Disabilities. Each of their tenants have support provides that assist with daily living activities and deliver services appropriate to the tenant's needs. These are not licensed settings but supportive settings for the tenants to live in the community.

Ms. Combs explained that per the Middletown Development Code, a "Group Home" is defined as: Any residential facility meant as a permanent residence for persons, licensed by the State of Ohio, designed to allow not more than sixteen (16) persons, needing specialized care, counseling, ongoing medical treatment or supervision to live in the same building or complex of buildings and engage in some congregate living activity in a non-institutional environment as regulated by the Ohio Revised Code.

Ms. Combs stated that Per the Middletown Development Code a Residential Facility is defined

as a home or facility, regulated by the Ohio Revised Code, in which a mentally retarded or developmentally disabled person resides, except the home of a relative or legal guardian in which a mentally retarded or developmentally disabled person resides, a relief care home certified under Section 5126.05 of the Ohio Revised Code, a county home or district home operated pursuant to Chapter 5155 of the Ohio Revised Code, or a dwelling in which the only mentally retarded or developmentally disabled residents are in an independent living arrangement or are being provided supported living.

Ms. Combs displayed the site plan submitted with the proposal.

Ms. Combs stated the required R-3 Zoning District Setbacks and Standards:

Front Yard: 35 feet

Rear Yard: 40 feet

Side Yards: 7 feet

Minimum Lot Area: 13,000 Sq. Ft.

Maximum Building Height: 35 feet

Livable Floor Area: 500 square ft.

Ms. Combs explained that per the Middletown Development Code, Chapter 1218: Parking, Access, and Mobility, Table 1218-1 Number of Off-Street Parking Space Requirements, the parking space requirement for Group Homes requires "One space per two beds". The site plan shows that the facility will provide 9 parking spaces and will meet the City parking requirement.

Ms. Combs stated that per the Middletown Development Code, Chapter 1216: Landscaping and Buffering, 1216.06: Landscape Buffering Requirements, Multi-family dwellings and uses in the Group Living Use Category are required to use "Buffer Type C" when located next to residentially zoned property.

Ms. Combs displayed the two elevation options submitted for the group home.

Ms. Combs explained that per the Middletown Development Code, Chapter 1210: Architectural Standards, 1210.03 Design Standards for Residential Buildings, all building facades shall be constructed of: Stone, brick, wood, stucco, cultured stone, cement board, ceramic tile, ceramic block, or exterior insulation finish system (E.I.F.S.).

Ms. Combs stated that the first façade option was for cement board siding exterior. She explained the elevation renderings submitted propose the use of both cement board and brick building materials on the "front" of the building that would be facing along Holly Avenue. Cement board material would also be featured on the west elevation.

Ms. Combs stated the second option proposed brick & vinyl siding exterior: The elevation renderings submitted propose the use of both vinyl and brick materials. The South elevation "front" of the building would feature predominately vinyl and elements of brick. The North "rear" of the building be entirely vinyl materials. The side elevations would feature both brick and vinyl.

Ms. Combs stated that the facility rendering #1 would meet the City's architecture review standards.

Ms. Combs explained that per the Middletown Development Code, Chapter 1226: Review Authority and Procedures, public notices were provided to all property owners contiguous and directly across the street or public right-of-way of the subject property.

Ms. Combs read the following comment received:

I thank you for notified me about the planning. I not really happy about this. We weren't notified about the one house next door to us with individual disabilities housing for males. My concern is we have teenage daughter, plus we have to reminder the patient not to try and pet our dog plus he teases them, it a big problem every time he outside or opens windows

We don't need more patient to get on our nerves. We have been patience enough. I have nothing against the development disabilities people happy you are doing this for them but not behind us. Or you just build privacy fences between house. Thank you for notified us.

Ms. Combs noted that she forwarded the comment to the applicant. Ms. Combs stated that she forwarded the applicant's information to the neighbor so that they could work together.

Ms. Combs stated that the conditional use application was provided to all City Departments to review and the following comment was received from the Engineering Department: the construction plans need to comply with the Engineering Manual of Design (Grading, Storm Water, Utilities, Erosion Control, Traffic, etc.).

Ms. Combs explained that the Planning Commission shall make specific findings of fact relative to the following facility criteria:

1. Is licensed by the appropriate authority to provide such service within the State. If such licensing is not available, a certified affidavit stating so has been presented to document this statement;
2. Will be designed, constructed, operated, and maintained so that it is harmonious and will not change the essential character of the neighborhood;
3. Will not be hazardous or disturbing to existing neighborhood from the standpoint of noise, lights, or traffic generation;
4. Will be served adequately by essential public facilities and services (such as highways, streets, police and fire protection, drainage and schools); or that the agency responsible for the establishment will adequately provide any services;
5. Will not involve uses, activities of operation that will be detrimental to any persons, property, or the general welfare; and
6. Will have vehicular approaches to the property that will be designed as not to create an interference with traffic on surrounding public streets.

Ms. Combs concluded her staff report.

Mr. Moore asked if there were questions for staff before opening the public hearing. Hearing none, Mr. Moore opened the public hearing.

Mr. Moore invited anyone who wanted to speak in favor of the project to come forward.

Gina Gehm, applicant, came forward to speak for the project. Mr. Moore swore in Ms. Gehm. Ms. Gehm provided a presentation to Ms. Combs to display for the Planning Commission. Ms. Gehm explained the Partnerships for Housing organization. She stated that the organization is a 501c3. She then explained the elevations for the project and site plan.

The Planning Commission asked for clarification regarding licensing not being provided for the facility. Ms. Gehm explained that the State of Ohio no longer provides licensing since only a certain amount were granted. The Commission asked if she would be able to provide an affidavit stating that licensing was not required for the facility to operate. Ms. Gehm stated that she could get an affidavit.

Mr. Moore invited anyone to come forward who was in opposition of the request. Seeing none, Mr. Moore closed the public hearing and asked for staff recommendation.

Ms. Combs stated that based on the staff report provided and compliance with the Review Criteria for group homes outlined in the Middletown Development Code, staff recommends approval of Conditional Use Case #2-21 to allow for the construction of a building that will have four one-bedroom units to be leased by individuals with developmental disabilities at the property located at Parcel ID: Q6541027000019 with the following conditions:

1. That the plan meets the following Engineering Department comments: the construction plans need to comply with the Engineering Manual of Design (Grading, Storm Water, Utilities, Erosion Control, Traffic, etc.).
2. Façade Option #1 (using brick/hardy board) be used for the construction.
3. That an affidavit be submitted stating no licensing is required for the facility.


Mr. Moore asked if there was a motion by the Planning Commission. Mr. Loukinas made a motion to accept staff's recommendation to approve the request. Mr. Nenni seconded the motion for approval. The motion for approval carried unanimously through Planning Commission roll call.

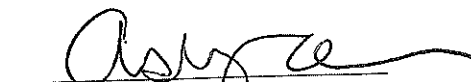
NEW/OLD BUSINESS

Zoning Administrator – Ms. Combs introduced Devra Wells to the Planning Commission. Ms. Wells stated that it was nice to meet everyone in person. The Planning Commission welcomed Ms. Wells and stated that they looked forward to working with her.

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 6:45 PM.


Gary Gross, Chairman


Ashley Combs, Planning Director

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