

**CITY PLANNING COMMISSION MINUTES**  
**March 14, 2018**



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

MEMBERS                    Mike Friedman                    John Langhorne                    Todd Moore  
PRESENT:                    Paul Nenni                    Joanne Mejias                    David McCauley-Myers

STAFF                    Rob Nicolls, City Engineer  
PRESENT:                    Mayor Larry Mulligan, Jr.

OTHERS  
PRESENT:                    Richard Cooper                    David Long                    Tim Carlson

Ms. Mejias called the meeting to order at 6:00 pm and the roll was called. Mr. Friedman led the Planning Commission in the Pledge of Alliance.

**APPROVAL OF PREVIOUS MEETING MINUTES**

Ms. Mejias introduced the acceptance of the January 10, 2018 meeting minutes and asked if there were any needed amendments. Ms. Mejias noted a few corrections to be made. A motion was made to approve the January 18, 2018 meeting minutes with the noted changes. The board unanimously approved the minutes with corrections.

**PUBLIC HEARING:**

**STREET VACATION CASE #1-18: PORTION OF EMERALD WAY**

Ms. Mejias introduced the case as a request by petitioner, Randy Wolfe with The Kleingers Group, on behalf of PAC Worldwide Corporation, for a portion of Emerald Way to be vacated adjacent to 3131 Cincinnati Dayton Road, Middletown, Ohio 45044. Per the Butler County Auditor the portion of street is surrounded by Parcel ID: Q6542059000036. The street vacation is a total of 0.431 acres and 155 feet long and 117 feet wide (cul-de-sac).

Ashley Combs (City Planner) presented the case.

Ms. Combs presented the staff report using a PowerPoint presentation.

Ms. Combs displayed a map of the property, property photo, and aerial map of the proposed street vacation.

Ms. Combs noted that if approved the portion of street will be vacated and consolidated with the surrounding properties owned by PAC Worldwide Corporation. She pointed out that the street vacation requires final review and approval by City Council.

Ms. Combs explained that Planning Commission's review criteria for a street vacation is that the vacation of the requested right of way should not be a detriment to the neighborhood or to emergency service access or utility providers once it is vacated.

Ms. Combs concluded her staff report presentation.

Chairman Joanne Mejias asked the commission if there were any questions for staff. With there being no questions for staff, Mejias opened the public hearing and asked for anyone to come forward that wanted to speak in favor of the project. Seeing none, she asked if there was anyone wanting to come forward to speak against the project. Seeing none, Ms. Mejias closed the public hearing.

Chairman Mejias asked if there were any other questions for staff. Seeing none, Ms. Mejias asked for staff recommendation.

Ms. Combs stated the staff recommended the following:

***Street Vacation Case #1-18: Emerald Way Staff Recommendation:***

Ms. Combs stated that planning staff recommends approval of the Street Vacation Case #1-18 got the portion of Emerald Way that is a total of 0.431 acres and 155 feet long and 117 feet wide (cul-de-sac). Ms. Combs added that the street vacation first reading will be heard at the April 17, 2018 City Council meeting.

Mr. Nenni made a motion to accept staff's recommendation to approve Street Vacation Case #1-18 based on staff's recommendation. Mr. McCauley-Myers seconded the motion. The motion was approved unanimously through roll call.

**PUBLIC HEARING:**

**FINAL DEVELOPMENT PLAN CASE #2-18: WAYNESDALE MEADOWS SUBDIVISION SECTION 5**

Ms. Mejias presented the request by applicant Dave Long, on behalf of Alum Cliff Industries, for Final Development Plan approval of Waynesdale Meadows Subdivision Section 5 for 23 residential lots on a total of 4.60 acres. The Preliminary Development Plan for Waynesdale Meadows Section 5 was approved has been approved by Planning Commission.

Ms. Combs presented the case with a PowerPoint presentation.

Ms. Combs displayed a map and pointed out the portion of City park property encroaching into the subdivision. She explained that she was unsure how this originally happened with the approval of the preliminary plan. She then displayed a side by side of the preliminary plan compared to the proposed final development plan. She pointed out that the Final Development Plan for Waynesdale Meadows Section 5 appears to meet the approved Preliminary Development Plan.

Ms. Combs explained that currently the applicant is working with the City of Middletown to purchase a piece of park property (approximately 0.14 acres) that is located within the subdivision plan. She pointed out that if the Final Development Plan is approved, the applicant will move forward with purchasing the piece of City land and will then proceed with a zone change request for the piece of park property to be rezoned from industrial to residential zoning. She noted that this section of Waynesdale Meadows was approved by the Planning Commission in 2002 with the condition that all Engineering Department requirements be met.

Ms. Combs presented the following staff comments:

Engineering Department:

The construction plans will need to meet current requirements of the Engineering Manual of

Design, ODOT specifications, etc.

Ms. Combs concluded her staff report presentation.

Ms. Mejias asked if the commission had any questions for staff.

Mr. Friedman asked if the homes built in this subdivision will be similar to those built around the property. Ms. Combs confirmed that they would be similar and there have been at least five home types that have been approved by the City's Architecture Review Board for the Waynesdale Meadows Subdivision.

Seeing no other questions for staff, Ms. Mejias asked if anyone was present to speak on behalf of the project. Seeing none, Ms. Mejias asked if there was anyone who would like to speak against the proposal. Seeing none, she closed the public hearing.

With no further discussion Ms. Mejias asked for staff recommendation.

**Final Development Plan Case #1-18: Waynesdale Meadows Section 5 Staff Recommendation:**

Ms. Combs presented that staff recommended approval of the Final Development Plan for Waynesdale Meadows Section 5 with the condition that all Engineering Department comments be met prior to construction.

Ms. Mejias asked for a motion.

Mr. Moore made a motion to accept staff's recommendation to approve Development Plan Case #1-18 for Waynesdale Meadows Subdivision Section 5 based on staff's reasons and condition. Mr. McCauley-Myers seconded the motion. The motion was approved unanimously through roll call.

**PUBLIC HEARING:**  
**MAP AMENDMENT CASE #1-18:**

Ms. Mejias presented the request for zone change approval by applicants Tim Carlson, Richard Cooper on behalf of U-Haul, and the City of Middletown for a total of seventeen (17) properties located along South Verity Parkway and Second Avenue at Parcel IDs: Q6521017000026, Q6521017000027, Q6521017000028, Q6521017000029, Q6521017000030, Q6521017000031, Q6521017000032, Q6521017000033, Q6521017000034, Q6521017000035, Q6521017000036, Q6521019000024, Q6521019000027, Q6521019000025, Q6521019000028, Q6521019000026, Q6521019000029, approximately a total of 2.53 acres per the Butler County Auditor from UCC (Urban Central Core) Zoning District to C-4 (General Commercial) Zoning District.

Ms. Combs pointed out that the zone change requests were made prior to the adoption of the new zoning code. The new code became effective on March 1, 2018. This application is required to be reviewed under the previous zoning code and zoning designations. She pointed out that under the new zoning code the C-4 General Commercial District has been renamed to B-3 General Business District.

Ms. Combs explained that the City of Middletown has been working with both Timothy Carlson and U-Haul to purchase the City owned properties that are located between their properties.

She noted that if the zone change is approved, U-Haul will proceed with purchasing Mr. Carlson's properties and the properties owned by the City of Middletown to expand their existing business. U-Haul also will consolidate all lots prior to development.

Ms. Combs showed a location map and explained the location of the parcels. She then displayed a zoning map and explained that per the City zoning map the property is bounded by UCC Urban Central Core (Dominguez Industrial Flooring) to the North, UCC Urban Central Core (Duke Energy) to the East, R-4 Residential (formerly D-3; Robinson Heating and Cooling & Residential) to the West, and I-2 Industrial & B-3 Commercial (formerly known as C-4 General Commercial District) to the South.

Ms. Combs said that an important part of a zone change is considering the uses that are opened up with a new zoning designation. She noted that the allowed uses in the proposed C-4 Zoning District (now known as B-3 Commercial District) include retail sales, vehicle rental of any kind, restaurants, hotels, colleges, carpenter shops, air-conditioning shops, plumbing shops, professional offices, wholesaling and storage facilities, etc.

Ms. Combs explained that the City of Middletown's Master Plan, the properties are located in the "Urban Core Opportunity Area". Per the Master Plan this area is a gateway into the Downtown. This opportunity area encourages a mixed use commercial development to re-establish vibrancy and increase the commercial viability of the area. She noted that the City's Master Plan was adopted in 2005 and noted that the plan should be updated every 5 years to ensure goals are being met and to set new goals. She pointed out that the City's Master Plan Update kicked off in late February 2018 and is expected to be adopted by the end of 2018/early 2019.

Ms. Combs explained that legal notice letters were sent to all property owners within 200 feet of the property regarding the zone change request and the following question/comment was received:

1) Daniel P. Duff:

This inquiry is concerning the U-Haul expansion. I own the apartment building at 229 Park Street and have parking at the rear of the building with access from the alley adjacent to the U-Haul property. My question is: Will the alley remain "as is" for the proposed U-Haul expansion? I have no other objections to the zoning change.

Staff Response: The alley (Coopers Alley) will remain as is if U-Haul is approved to expand, the access will not be affected.

Ms. Combs explained that planning staff believes that the requested zoning changes are appropriate given the proximity of existing C-4 zoned properties. The zone changes would not create spot zoning and would create a continuation of the existing C-4 commercial zoning district located south of the properties. If approved, the U-Haul business expansion would be a beneficial project for the City that would aesthetically enhance the South gateway into Downtown Middletown.

Ms. Combs noted that the Economic Development Department had the following comments regarding the zone change: The Economic Development Department is supportive of the zone change request as submitted. The City of Middletown has been working with Mr. Carlson and

Drew Case, on behalf of U-Haul, for the purchase of the City owned property located between their properties. If the zone change is approved, U-Haul will purchase all of the properties, including the properties owned by Mr. Carlson, to expand their existing business. As a part of purchasing the City owned properties, U-Haul will enter into a Development Agreement that will require additional development parameters such as landscaping. The zone change is consistent with the surrounding zoning districts and City's Master Plan. This is a good project that will enhance the South gateway into Downtown Middletown.

Ms. Combs concluded her staff report.

Ms. Mejias asked if the commission had any questions for staff. Seeing none, Ms. Mejias opened the public hearing and asked if anyone would like to speak for the project.

Richard Cooper (on behalf of U-Haul) was sworn in by Mr. Moore.

Mr. Cooper explained that he would be representing U-Haul at the meeting since Drew Case is out of town in Phoenix, Arizona to meet with U-Haul corporate. He said he would be happy to try to answer any questions from the commission and thanked them for their consideration of the proposed zone change.

Mr. McCauley-Myers asked the occupancy of the storage units at the existing U-Haul on the property. Mr. Cooper said that they are nearly 100% occupied.

Ms. Mejias asked if there if there would be another building for storage units once the property is purchased by U-Haul and developed. Mr. Cooper said that he could give specific answers about the future development of the property, but said there would be a desire to add storage at this site as well as clean it up with the current amount of vehicles rented out there.

With there being no other questions for Mr. Cooper, Ms. Mejias asked if anyone else would like to come forward and speak on behalf of the proposal.

Tim Carlson (applicant) was sworn in by Mr. Moore.

Mr. Carlson explained that he owns the property where the bicycle shop used to be. He noted that the bicycle shop was recently demolished due to being an eyesore and a safety hazard. He pointed out that the development of the properties by U-Haul would be a benefit to the City.

Seeing no one wishing to speak in favor of the project, Ms. Mejias asked if anyone would like to speak against the project. Seeing none, she closed the public hearing. With there not being any other questions or discussion of the proposal, she asked for staff's recommendation.

Ms. Combs stated that staff recommends approval of Map Amendment Case #1-18 the rezoning of the seventeen properties located along South Verity Parkway and Second Avenue at Parcel IDs: Q6521017000026, Q6521017000027, Q6521017000028, Q6521017000029, Q6521017000030, Q6521017000031, Q6521017000032, Q6521017000033, Q6521017000034, Q6521017000035, Q6521017000036, Q6521019000024, Q6521019000027, Q6521019000025, Q6521019000028, Q6521019000026, Q6521019000029, from UCC (Urban Central Core) Zoning District to C-4 (General Commercial) Zoning District. She noted that the map amendment will require final review and approval by City Council.

Ms. Mejias asked for a motion.

Mr. Langhorne made a motion to accept staff's recommendation to approve Map Amendment Case #1-18 for the rezoning of the seventeen properties identified to be rezoned from UCC (Urban Central Core) Zoning District to C-4 (General Commercial) Zoning District. Mr. Moore seconded the motion. The motion was approved unanimously through roll call.

**NEW/OLD BUSINESS**

Ms. Combs reminded the Planning Commission that the new Middletown Development Code became effective March 1, 2018. She gave everyone a hard copy of the code. Ms. Combs announced that the Next Planning Commission meeting will be held on Wednesday, April 11, 2018 if applications are received.

**ADJOURNMENT**

With no further business for Planning Commission, a motion was made and seconded to adjourn at 6:45 PM. The motion passed unanimously.

**MINUTES HAVE BEEN SIGNED FOR APPROVAL.**

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Joanne Mejias  
Chair

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Ashley N. Combs  
Secretary to Planning Commission