



**PLANNING COMMISSION MINUTES  
JUNE 8, 2022**



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

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

STAFF PRESENT: Devra Wells, Assistant Development Services Director  
James Metz, City Planner  
Monica Nenni, Councilwoman

OTHERS PRESENT: Dino Kanelus, Mark Quinn, Kyle Nolard, Jim Papakirk, Martin Salmons, Sam Lenigher, Thomas Frederick Phillips, and Jay Lice

**CALL TO ORDER**

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

**APPROVAL OF PREVIOUS MEETING MINUTES**

Mr. Loukinas introduced the approval of the February 9, 2022 meeting minutes and asked if there were any needed changes. A motion was made by Mr. Langhorne and seconded by Mr. Daniel to approve the February 9, 2022 meeting minutes as submitted. The motion for the approval was carried unanimously through roll call.

**APPROVAL OF PREVIOUS MEETING MINUTES**

Mr. Loukinas introduced the approval of the March 9, 2022 meeting minutes and asked if there were any needed changes. A motion was made by Mr. Langhorne and seconded by Mr. Loukinas to approve the March 9, 2022 meeting minutes as submitted. The motion for approval was carried unanimously through roll call.

**APPOINTMENT OF HISTORIC COMMISSION LIASION**

Mr. Emrick briefly explained why he needed to rescind from his position as the Historic Commission liaison. Mr. Metz explained that either Mr. Loukinas or Mr. Daniel could take the role of Historic Commission liaison and allow the additional spot to be filled by an outside applicant or for them to elect a new liaison from within Planning Commission. Mr. Loukinas nominated Mr. Cornwall. The motion for approval was carried unanimously through roll call.

**PUBLIC HEARING:**

**ZONE CHANGE/MAP AMENDMENT - 5013 LEFFERSON**

Mr. Loukinas introduced the case as a zone change request by applicant Dennis Beatty on behalf of the property owner, R&R Takhar Oil LLC, to rezone the property located at 5013 Lefferson Road (Parcel ID: Q6542108000020) Middletown, OH 45044, from R-3 Medium-

Density Residential Zoning District to B-2 Community Business Zoning District. Mr. Loukinas asked if there was a staff report. Mr. Metz presented the case using a PowerPoint presentation. Mr. Metz read the review criteria for a zone change/map amendment for the Planning Commission, and Mr. Metz ended his presentation and noted the applicant was present.

Mr. Loukinas moved to open the public hearing.

Martin Salmons stated his name and address for the record then asked portion of the lot was to be rezoned. Mr. Metz stated it was only the eastern portion of the lot.

Sam Lennigher stated his name and address for the record then stated his discontent with the development of a gas station and parking lot across the street from his house.

Josh Liles from Apex Engineering stated his name and address for the record. Josh stated only a portion of the site is needed for the development of the gas station and the remainder was going to remain a buffer.

After not seeing anyone else, Mr. Loukinas ended the public hearing.

A Planning Commission member stated that they can not justify rezoning the whole lot.

Ms. Wells stated that the lot could be split and only a portion of it rezoned as the other portion would be a buildable lot within the R-3 standards.

Mr. Liles shares a plan that illustrates what Ms. Wells spoke on detailing the lot being split into two parcels and only having a portion of it rezoned.

Mr. Loukinas made a motion to approve the zone change with the modification that the parcel be split into two parcels and for the western most parcel to remain zoned R-3 and to be a buildable lot. Mr. Nenni seconded the motion. The motion was approved unanimously through roll.

**PUBLIC HEARING:**  
**PRELIMINARY DEVELOPMENT PLAN – THE ATTICUS**

Mr. Loukinas introduced the case as a preliminary development plan by applicant Calibre Engineering, on behalf of the property owners S Broadway Development LLC & Paradigm Development Group LLC, for Preliminary Development Plan approval for an apartment development that proposes ten (10) twenty-four (24) unit residential buildings, clubhouse, pool, outdoor recreational area, and dog park to be constructed on a portion (12.6 acres) of the property located at parcels 07032760170 and 07032760180. If approved, as a part of the Planned Development process, the property would be rezoned to “PD Planned Development District” to acknowledge there is a development plan associated with the property. Mr. Loukinas asked if there was a staff report. Mr. Metz presented the case using a PowerPoint presentation. Mr. Metz read the review criteria for a preliminary development plan for the Planning Commission, and Mr. Metz ended

his presentation and noted the applicant was present.

Mr. Loukinas moved to open the public hearing.

Thomas Frederick Phillips stated his name and address for the record. asked the applicant if there are any developments that they have completed in or near Middletown, if the rent will be subsidized, and what is the rationale from changing the zoning from what it currently is to a planned development.

Art Hardin stated his name and address for the record. Mr. Hardin presented his own powerpoint detailing the intent of the design and the need for the preliminary development plan to be approved.

Mr. Loukinas asks about the rent for the apartments. Mr. Hardin states they are struggling with that right now as construction costs and the time it will take before tenants are able to be moved in.

Mr. Loukinas asks if there is anyone that wishes to speak on the project. Hearing none. Mr. Loukinas closes the public hearing.

Mr. Loukinas asks if Staff has a recommendation. Mr. Metz states staff recommends denial of the preliminary development plan for The Atticus.

Mr. Kanelos approaches the dais to speak. Mr. Loukinas reopens the public hearing and Mr. Kanelos states his name and address for the record. Mr. Kanelos states his reasoning for wanting to sell the property and that his opinion of the benefits of this development.

There was inaudible discussion from 1:14:05 until 1:14:20.

Ms. Wells stated that there was a discussion between the City Manager, the Assistant City Manager, and the applicant that staff was hoping to have a larger commercial component to this development than what was originally designated and that they would support a higher number of residential units if they commercial space was increased.

There was inaudible discussion from 1:15:04 until 1:15:10.

Ms. Wells states that it was the consensus from the Development Committee and not necessarily the Planning and Development Staff. The wish from the Development Committee was to see a larger commercial component.

There was inaudible discussion from 1:15:24 until 1:16:48.

Sandy White asks if she can speak. Mr. Loukinas asks her to come down to the dais and to state her name and address. Ms. White states her name and address. Ms. White speaks in favor of the project. Mr. Loukinas closes the public hearing.

Mr. Loukinas asks if we have a motion. Mr. Emrick made a motion to approve. Mr. Nenni seconds the motion. The motion is approved unanimously through roll.

**PUBLIC HEARING:**  
**FINAL DEVELOPMENT PLAN – HERITAGE LANDING**

Mr. Loukinas introduced the case as a final development plan by applicant Etta Reed, on behalf of property owner Ravello Properties, for approval of a Final Development Plan to construct a total of 17 buildings with 86 attached single-family homes with private streets on the properties located along the Southside of Lefferson Road & along Audubon Drive, known as Parcels IDs: #07021020051, #0702102006 and #0702107003. The properties are a total of 18.5 acres. The project has received approval by the City Council for the Planned Development Map Amendment and Development Plan. Mr. Loukinas asked if there was a staff report. Mr. Metz presented the case using a PowerPoint presentation. Mr. Loukinas waived Mr. Metz from reading the review criteria for a final development plan for the Planning Commission, and Mr. Metz ended his presentation and noted the applicant was present.

Mr. Loukinas moved to open the public hearing. Mr. Cristo stated his name and address for the record and then detailed why the final development plan needed to come back for another approval which included moving several buildings and rearranging the number of units.

Mr. Emrick asks if Mr. Cristo plans on building with the same materials that he was originally approved to build with. Mr. Cristo confirms that he will and that there will be an HOA governing this area. Ms. Wells stated that any modification to a planned development has to come back to Planning Commission for approval.

Mr. Loukinas asks if we have any motions. Mr. Emrick made a motion to approve. Mr. Langhorne seconded that motion. The motion was approved unanimously through roll.

**PUBLIC HEARING:**  
**APPEAL – U-HAUL**

Mr. Loukinas introduced the case as a request for an appeal of a decision made by the City Architecture Review Board by applicant Randal Studer, with U-Haul. The appeal is in regard to the Architecture Review Board's decision to deny a request for constructing a building with a metal façade of the building located at the corner of 2nd Ave and S. Verity Parkway, Middletown, Ohio 45042. Mr. Loukinas asked if there was a staff report. Mr. Metz presented the case using a PowerPoint presentation. Mr. Metz read the review criteria for an appeal to the Planning Commission, and Mr. Metz ended his presentation and noted the applicant was present.

Mr. Loukinas moved to open the public hearing. Mark Quinn stated his name and address for the record. Mr. Quinn recalled the history of the development between the city and U-Haul. Ms. Wells reviewed the history of the project and added that the building material requirements which were referenced multiple times have been a part of the code since it was adopted in 2018 which took place before the contract was executed or before the Covid-19 pandemic.

Mr. Loukinas asked Ms. Wells why metal was taken out of the approved materials in the Development Code. Ms. Wells states she was not a part of the department at that time so she wouldn't be able to appropriately answer that.

Mr. Emrick states that the City of Middletown banning metal buildings is a little bit humorous as we are a metal-based city. Ms. Wells states that metal buildings are not banned through-out the city they're just not permitted within the B districts.

There was inaudible discussion from 2:04:25 until 2:05:38.

Mr. Loukinas stated there is a proliferation of storage units and buildings like this.

There was inaudible discussion from 2:05:53 until 2:07:05.

Mr. Loukinas stated that he would like to see the development be completed but it must meet the requirements. Mr. Loukinas states that the Architecture Review Board did deny the project.

There was inaudible discussion from 2:07:28 until 2:07:39.

Ms. Wells stated that the Architecture Review Board denied the variance and the applicant has the legal right to appeal that decision to the next highest body and in this case, it would be the Planning Commission. Mr. Emrick asked if we are going to decide to approve a variance for this building. Ms. Wells stated that the Planning Commission is supposed to decide whether or not to overturn the Architecture Review Board's decision to deny the variance.


Mr. Emrick stated that U-Haul has been a long-term business in town and that they're going to build something similar to what they already have. Mr. Loukinas stated that this building is right in the corridor to downtown, that the ARB denied the request for a reason, and that if there is such a demand as previously stated then why can't they build a nicer product. Mr. Cornwall states he does not believe he can rule against the ARB in this case.

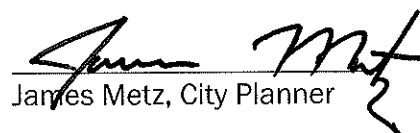
Mr. Loukinas made a motion to deny the appeal of the Architecture Review Boards decision. Mr. Nenni seconded them motion. The motion to deny was approved with a 5-1 decision through roll.

#### **OLD/NEW BUSINESS:**

#### **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 08:53PM

  
Jeremy Loukinas, Acting Chairman

  
James Metz, City Planner

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