

**PLANNING COMMISSION MINUTES
AUGUST 10, 2022**



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

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

STAFF PRESENT: James Metz, City Planner
Monica Nenni, Councilwoman

OTHERS PRESENT: Kim Vu

CALL TO ORDER

Mr. 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.

APPROVAL OF PREVIOUS MEETING MINUTES

Mr. Moore introduced the approval of the June 8th, 2022 meeting minutes and asked if there were any needed changes. A motion was made by Mr. Loukinas and seconded by Mr. Nenni to approve the June 8th, 2022 meeting minutes as submitted. The motion for the approval was carried unanimously through roll call.

PUBLIC HEARING:
CONDITIONAL USE – 1821 S UNIVERSITY

Mr. Moore introduced the case as a request by applicant Kim Vu for Conditional Use approval for the property at 1821 South University as Automotive Sales and Leasing where the use of Automotive Sales and Leasing in the B-3 zoning district is approved by Conditional Use only. Mr. Moore asked if there was a staff report. Mr. Metz presented the case using a PowerPoint presentation. Mr. Metz read the review criteria for conditional use for the Planning Commission, and Mr. Metz ended his presentation and noted the applicant was present.

Mr. Moore moved to open the public hearing.

Ms. Vu stated her name and address for the record and then explained that her intended use of the building was to be a low-volume select line of Honda vehicles from the 80s and 90s.

Mr. Moore asked if there was anyone else wanting to speak in favor or opposition to the application. After not seeing anyone else, Mr. Moore ended the public hearing.

Mr. Loukinas made a motion to approve the conditional use application as submitted. Mr. Nenni seconded the motion. The motion was approved unanimously through roll.

PUBLIC HEARING:
TEXT AMENDMENT CASE #2-22
CHAPTER 1206: ACCESSORY AND TEMPORARY USE REGULATIONS

Mr. Moore introduced the case as consideration of text amendments to the Middletown Development Code pertaining to Chapter 1206 Accessory and Temporary Use Regulations. Planning Commission's recommendation of approval is being forwarded to City Council for final review and decision.

Mr. Metz stated the first request was for an amendment to Chapter 1206 Accessory and Temporary Use Regulations. Mr. Metz read that staff requests to remove language that states cover porches, attached decks, or decks more than three feet above grade need to meet the required setback. Mr. Metz explained that this text amendment was brought forth by the Board of Zoning Appeals. Mr. Metz concluded his staff report.

Mr. Moore asked if there were any questions for Mr. Metz prior to opening the public hearing. Seeing none, Mr. Moore opened the public hearing for the request. Mr. Moore invited anyone who wanted to speak for the project to come forward. Seeing none, Mr. Moore invited anyone forward to speak in opposition. Seeing none, Mr. Moore closed the public hearing.

There was a brief discussion between Planning Commission members. Mr. Metz explained what a rear yard setback is and explained that there are citizens in certain neighborhoods that are not able to build an attached deck as their house is on the rear yard setback.

Mr. Moore asked if Mr. Metz would like to have both text amendments reviewed at the same time or separately. Mr. Metz stated separately would be fine.

Mr. Moore asks for a motion. Mr. Nenni made a motion to approve the text amendment as submitted. Mr. Langhorne seconded the motion. The motion was approved through roll call.

Mr. Metz noted that the recommendation from Planning Commission would be forwarded to the City Council for final review and decision.

PUBLIC HEARING:
TEXT AMENDMENT CASE #3-22
CHAPTER 1204: ZONING DISTRICTS AND USE REGULATIONS

Mr. Moore introduced the case as consideration of text amendments to the Middletown Development Code pertaining to Chapter 1204 Zoning Districts and Use Regulations. Planning Commission's recommendation of approval is being forwarded to City Council for final review and decision.

Mr. Metz stated the first request was for an amendment to Chapter 1204 Zoning Districts and Use Regulations. Mr. Metz read that staff requests to add language that states massage

therapists must have a license issued by the Middletown Chief of Police per Ordinance 832 of the Codified Ordinances. Mr. Metz explained that this text amendment was brought forth by the staff to ensure that all establishments are in compliance with the requirement of both the Development Code and the Codified Ordinances. Mr. Metz stated that this does not need a vote but for consideration of the best place to make the change whether that is within Table 1204-3 or within the Permitted with Standards section.

Mr. Moore asked if there were any questions for Mr. Metz prior to opening the public hearing.

Mr. Nenni asked to confirm with Mr. Metz that the text amendment is already the regulation and that staff is just ensuring the Development Code matches the Codified Ordinances. Mr. Metz confirmed that this is correct. Ms. Nenni states City Council's reason for putting a moratorium and then later a requirement for the Chief of Police to approve massage therapists within the City. Ms. Nenni stated that Planning Commission could ask legal where is the best location for the text amendment but we could change both locations if desired.

Mr. Loukinas states that Planning Commission should vote on exactly what was brought before them. Mr. Nenni agreed.

Mr. Moore invited anyone who wanted to speak for the project to come forward. Seeing none, Mr. Moore invited anyone forward to speak in opposition. Seeing none, Mr. Moore closed the public hearing.

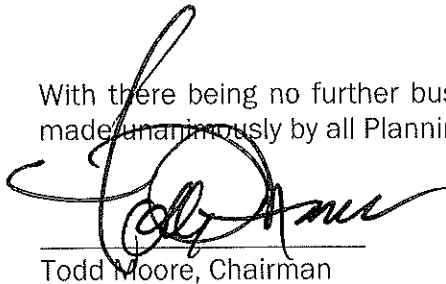
Mr. Moore asks for a motion. Mr. Loukinas made a motion to approve the text amendment as submitted. Mr. Nenni seconded the motion. The motion was approved through roll call.

Mr. Metz noted that the recommendation from Planning Commission would be forwarded to the City Council for final review and decision.

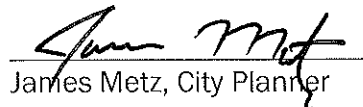
OLD/NEW BUSINESS:

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 06:46PM



Todd Moore, Chairman



James Metz, City Planner

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