

**PLANNING COMMISSION MINUTES
OCTOBER 12, 2022**



TYPE: Regular Meeting
PLACE: 4th Floor, City Building, One Donham Plaza
TIME: 6:00 P.M.

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

STAFF PRESENT: James Metz, City Planner

OTHERS PRESENT: Jeff Flaherty, Steve Martin, Lenny Robinson, Jim Ratty, Susan Miller, Dave Plank, Becky Griffith, Timothy Schmale, Megan Schmale, Kenneth Grant, Misha Ghani, Dr. Jerry Rogers, Brenda Joseph, Vicki Staley, Carol Lange, and Courtney Killin.

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 September 14th, 2022 meeting minutes and asked if there were any needed changes. A motion was made by Mr. Loukinas and seconded by Mr. Cornwall to approve the September 14th, 2022 meeting minutes as submitted. The motion for the approval was carried unanimously through roll call.

PUBLIC HEARING:

PRELIMINARY DEVELOPMENT PLAN – 642 MILLER ROAD

Mr. Moore introduced the case as a request by applicant National Land Partners, on behalf of the property owner Knapke Brothers for Preliminary Development Plan approval for a new subdivision that proposes 224 detached single-family homes with public streets. The properties are located at Parcel ID: Q6511072000005. Per the Butler County Auditor, the properties are a total of 95.5020 acres. 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. The project will also require review by the Middletown City Council.

Mr. Moore asked if there was a staff report. Mr. Metz presented the case using a PowerPoint presentation showing the site plan and describing the change in the site development standards from R-1 to the proposed plan. 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. Moore moved to open the public hearing.

Jeff Flaherty stated his name and address for the record and then explained the applicant's vision, challenges, and expectations at 642 Miller road.

Mr. Moore stated concern for the commission and many of the folks in the room is that they're proposing 224 homes with only one entrance into the development. Mr. Moore asked if the applicant could explain more in detail about that challenge. Mr. Flaherty stated that it's a topographic challenge. The homes to the north are 30 or 40 feet lower and the necessary grade would have to be more than what is allowed by the City Code.

Mr. Daniel asked what will the average square footage of a house to be. Mr. Flaherty stated 48ft by 48ft which is approximately 2,300ft and is typical in mid-range neighborhoods.

Mr. Daniel asked what is the price range that you are shooting for? Mr. Flaherty stated that's a question for his client. Mr. Moore stated the client would need to be sworn in. Steve Martin was sworn in. Mr. Martin stated that he works at National Land Partners and that they develop properties all over the country. Mr. Martin stated that he works with lots of national and regional buildings and they haven't finalized who the builders will be for the site yet.

Mr. Daniel asked Mr. Martin if he had an idea of the price before proposing 224 homes on the site. Mr. Martin stated that he did not.

Mr. Moore asked if there has been any discussion with the City at all about a potential traffic study or at any other option to get in and out of the development. Mr. Flaherty stated that a traffic impact study has not been required at this point yet but if they were to complete one you wouldn't notice a huge number of differences in peak am and peak pm rates.

Mr. Moore asked if there was anyone else wishing to speak in favor of the project. Hearing none, Mr. Moore asked if there was anyone who would like to speak in opposition.

Steve Price was sworn in. Mr. Price stated he had the same concerns about access in and out of one road as well as two questions or concerns. Mr. Price asked if it would be split between Franklin City Schools and Middletown City Schools. Mr. Moore stated he believes it is all Middletown City Schools. Mr. Price stated he would still state his concern that Franklin City Schools in the past have had an issue where development is in Franklin City Schools and that it's not in the Middletown City School district. His second concern is that he would love to have an engineer come out from Middletown and look at this. But it appears to be an effective engineering study that wasn't done about water pressure created by the retention pond because he lives with a stream that runs past his house that comes directly from that retention pond. The day that that retention pond was finished and started draining in there was the day that the side of my Hill started road eroding.

Lenny Robinson was sworn in. Mr. Robinson stated that he is an industrial, commercial real estate broker and developer that's been doing this for 42 years. He has experience in residential and he has been retained by the surrounding property owners to discuss this project. He worked with the previous city manager, Doug Adkins on the housing study, and the Planning Commission received a copy of that. Mr. Robinson discussed the loss of citizens within the City of Middletown and he also discusses the increase in lower-income housing that

has occurred. Mr. Robinson discusses the development standards for the R-1 and how that is different from the proposed construction.

Mr. Moore asked if there is anyone else. Jim Ratty is sworn in. Mr. Ratty stated that he doesn't want to be redundant and speak about the traffic issues but one thing that was spoken about is the construction traffic and he mentions the safety aspect of this as there is an increase of 400% of homes in that area all funneled through Miller Road. He also believes it will have a negative impact on the current homes' property values.

Mr. Moore swears in Susan Miller. Ms. Miller states that she is proud to live in Middletown and that this development having one entryway is her big concern. The number of children at Miller Ridge would be a big concern. She asked what if they have an active shooter. Ms. Miller states her nephew is a sergeant at Middletown and he would not be able to get to that school if the roads were active at that time. She asked what if there was a bomb and whatever you call those people who detonate bombs. She reiterates that you couldn't get to the school because you can't move because of traffic. She also asked what if there was a fire. Ms. Miller states that her daughter lives in Renaissance in a cul-de-sac and a couple of years ago there was a fire and it was a scary time. Ms. Miller continues discussing her safety concerns that the proposed plan could potentially add to.

Dave Plank is sworn in. Mr. Plank stated that he's an engineer and that the plan shows there will be 224 new homes but that's not correct because you have to add the already existing homes in which is another 26 for Riverchase Road and at that point you're talking about 250 new people now which is more than the 224 homes the developer is discussing on adding.

Becky Griffith is sworn in. Ms. Griffith stated she has lived on that street for 36 years and it was just an old country road. Ms. Griffith discusses her safety concerns that the proposed plan could add to which includes vehicles driving down her road like "Nascar-fast".

Timothy Schmale was sworn in. Mr. Schmale stated that he would like it to be on the record that we did not receive a letter. And we did not see the notice. In the paper, our neighbor Becky had to bring this to our attention. It is very disappointing being the last 150 acres between this proposed subdivision and the woods we were not informed of this. But here we are. Thanks, to everybody who has voiced your concerns, we share many of these concerns. Some of our concerns, though, are a little different. As we're the last sandwich between Riviera and the woods, where Marshall was proposed to come through and where Miller road ends. We fear that we will be condemned to many more houses that are just like this to ever-increasing density and size restrictions. All for the sake of as many homes as possible on the square footage. That's a lot it. The builder testified that he had no idea what the price point for these homes was but he also said it'd be about 2300 square feet. Well, anybody with Google can find out the average price per square foot is \$222 per square foot right now. That was from a Rocket Mortgage article on September 29. I did that while we were sitting here which would make each of these homes \$510,000. I'd like to know how they're going to pitch 12 feet between each house for half a million dollars. Because for my money that doesn't compute, not at all. So my wife Megan is the third generation that has lived on this land. And my son who is very bravely standing to the side here Lucas is the fourth generation and we hope that there is a fifth and perhaps the sixth because we would like our children to grow up in the land that my

wife grew up in on the land that her mother grew up from a young child on. It's unfortunate that her mother could not be here today. She's struggling with some health issues. But her concerns are our own. It's also unfortunate that her grandmother, my child's ggreat-grandmother Audrey Shroff cannot be here today she lives down in Arbor point with many of her neighbors. She is struggling with health issues as well but her concerns mirror our own.

Megan Schmale was sworn in. Ms. Schmale stated as a teacher in the district, I teach here in Middletown. The schools are overflowing owing, they just build add-ons to Rosa Parks to overflow from some of the existing schools. Miller Ridge isn't going to handle another large amount of students, there's just not the space. Right now for that many homes. I have to laugh. I've been chuckling the entire time, that nice little green space. I don't know if anybody has actually hiked that green space, that green spaces, the Grand Canyon, 12 foot 1620 foot ravines. So when they pitch green space, know that they can't build there, or they would have, they would have put homes there if they could have. But that ravine is so significant, that there is no way to build. So know that though it looks good on paper, they would have built there if they could have. So speaking on behalf of schroff acres as well, we keep talking about Arbor point. And Riverbend in Yes, those are the two immediate, but we have to look at the homes down in Shroff acres, they are going to be just as impacted. Even though obviously none of them got letters like us. Nobody have that because they're not 200 feet from the property line. But to be honest, they are going to have just as much of an impact with traffic as everything else. So that whole 200 foot is not reflective of what's going in. If you want your neighbors to know about what's going into Middletown, you need to expand that the timbers the woods, because this is a huge I'm gonna put nicely eyesore on the city of Middletown. This is not the vision. As Lenny said, this is not the vision. So it is in your hands to decide what you want out of this city, and how you want to see the city grow and develop and prosper. What kind of people do you want to continue bringing into the city? What kind of students do I want to continue having, and to build the district to make it a great an even greater district. I'm proud to work in Middletown. And I want to continue that. And I want to make sure the families we bring in are also going to be proud to be here. On the on the point of safety. Several years back, a little boy named cane was hit and killed. Right there. Now granted, that person wasn't turning into the neighborhood. From my knowledge, that person wasn't turning in. But a 10-year-old boy was struck dead at that corner right there. We have that many more cars. 500 cars coming in and out a day, though. Yes. If you are going to work from home. Let's face it. This is Middletown. We have a lot of people commuting. Miller Ridge Elementary is backed up halfway down. Breiel tried to get into Miller road at 830 in the morning, I would know I'm at school, but out of my driveway. Yeah, so the school traffic is already backed up halfway down. Breiel. So moot point there. But last thing I want to talk on behalf of my grandmother Audrey Shroff, who, again is that 4822 and 4811. See other 8688 acres, which is adjoining to us. She was promised, and probably not by any of you. But because the moratorium on the build was many years ago, we've had many, many people interested in our plots of land, but we have been told by the city over and over and over that there will be no new development, which is why the original that wasn't purchased or developed because there was a moratorium on building an order to deal with the wastewater system. So what happened to that? I understood somebody said a 10-year and it's up. But again, the people that are impacted the most we're never told the people that would have that were never informed of that. So is that sewer system still an issue? Because that's still in the air. You know, again, I'm just gonna say that the safety of those around the

prosperity of the city and the vision for what you want Middletown to be in the next 50-100 years, you say your piece, no.

Kenneth Grant is sworn in. Mr. Grant discusses the issues he perceives with planning, sewage, and the possibility of homes dropping in value.

Misha Ghani was sworn in. Ms. Ghani discusses the issues she has faced currently at her property and highlights how in Arbor Pointe that every single one had to have their own private uplift station. Ms. Ghani stated that she shares in everyone else's concerns and that the city has a lot of low-cost housing and stated her concern about the gas line on the property.

Dr. Jerry Rogers was sworn in. Dr. Rogers stated his concerns have already been expressed and that he was troubled when this first started that the engineer and developer really had no answers. Dr. Rogers stated that the traffic already has caused a lot of issues and especially since he was the one who kneeled next to Cane who died he doesn't want to see that ever again. Dr. Rogers stated that there may be 448 new cars with this new development.

Brenda Joseph was sworn in. Ms. Joseph emphasizes that the public systems that assist her are already strained and that the new homes would increase the strain put on the public systems such as snow plowing and the school district.

Vicki Staley was sworn in. Ms. Staley stated that she would never have bought this house if she knew a development like this was a possibility. She also stated that there is a gas line that runs through her property and that they're not allowed to plant trees within 20 feet of the gas line and that's her biggest concern.

Carol Lange was sworn in. Ms. Lange reiterated the concerns shared by her neighbors.

Courtney Killin was sworn in. Ms. Killin stated her grandfather was Tom Blake and that he sat on City Council for a very long time. Ms. Killin stated that she lives in his house now. Ms. Killin retells the story of the young man who lost his life near that property. Ms. Killin recalled her memories at a neighbor's house. Ms. Killin also stated the safety issue is something to consider.

There was a speaker not sworn in that spoke from 7:22:24 until 7:24:05 pm.

Mr. Moore asked for a 10-minute break.

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. Moore asked if there was a staff recommendation. Mr. Flaherty asked the Planning Commission if they could withdraw their application. Mr. Moore stated that we have heard from the developer and if the staff has a recommendation. Mr. Metz stated that the Development Committee recommends denial of the application. Mr. Moore asked if the Commission would like to deliberate on the issue.

Mr. Moore asked about the limitation for a motion to continue. Mr. Metz stated he would like to speak to the legal department before giving a final answer on the limitations for a motion to continue.

Mr. Nenni stated that he is not for tabling the application. Mr. Moore agreed with Mr. Nenni. Mr. Cornwall stated that he has taken his daughter to Melbourne several times and the traffic is pretty terrible. Mr. Loukinas made a motion for denial. Mr. Daniel seconded the motion. The motion was approved unanimously through roll.

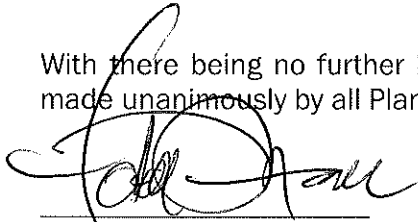
OLD/NEW BUSINESS:

Mr. Moore stated for new business that he wanted to address that several individuals mentioned they did not receive a letter for the development and asked if there is anything we can do to improve that. Mr. Metz stated that letters were sent to all contiguous neighbors and all properties within 200 feet, as well as another notice was also posted in the Journal as well as posted in the Journal and the City building.

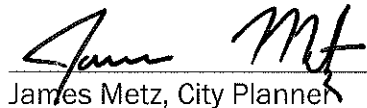
Mr. Moore stated that it's good that neighbors stay in communication with one another and it's the most important piece.

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 07:52 PM



Todd Moore, Chairman



James Metz, City Planner

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