

CITY PLANNING COMMISSION MINUTES
May 10, 2017



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

MEMBERS Mike Friedman Paul Nenni Joanne Mejias
PRESENT: David McCauley-Myers Gary Gross John Langhorne

STAFF Ashley Combs, City Planner Jeff Green, Zoning Administrator
PRESENT: City Council Representative, Mayor Larry Mulligan

OTHERS Chad Duren Robert Curry Andrew Cross Chuck Springmyer
PRESENT: Ed Richter Patrick Hill Frank Goode Marilyn Goode
Rita Sabo Regina Shultz Bill Schultz Todd Cunningham
Nick Greene Richard Haces Beverly Calhoun

Chairwoman Joanne Mejias called the meeting to order at 6:00 pm and the roll was called. Todd Moore had an excused absence.

Mr. Friedman led in the Pledge of Allegiance.

Mr. Larry Mulligan arrived to the meeting at 6:01 pm.

APPROVAL OF MEETING MINUTES – APRIL 12, 2017

Ms. Mejias introduced the acceptance of the minutes for the April 12, 2017 Planning Commission meeting and asked for any amendments. With no discussion, a motion was made by David McCauley-Myers and seconded by John Langhorne to approve the April 12, 2017 meeting minutes. The motion was approved unanimously. Gary Gross and Joanne Mejias abstained from voting.

PUBLIC HEARING – DEVELOPMENT PLAN #2-17, KETTERING HEALTH NETWORK

Ms. Mejias introduced the case as a request by applicant Chad Duren, on behalf of Kettering Medical, for Development Plan approval to construct a new 65,000 sq. ft. medical and emergency facility that will contain both medical offices and clinical services. The applicant requests variances as well as combined preliminary and final development plan approval. The property is located at 6147 West State Route 122, Middletown, Ohio 45005.

Mr. Gary Gross recused himself from the case due to a business relationship.

Ms. Combs presented that case using a PowerPoint. She noted the property background stating that previously this property was the former location of the Reyton Inn hotel that closed in 2014. The hotel was demolished in late 2016. Ms. Combs displayed the location map and stated that this property is located in close proximity to Interstate 75. Ms. Combs showed a zoning map and stated that the property is located in the BCH Business Center Hub zoning district and surrounded by BCH Business Center Hub zoning to the east (CVS and vacant property), BCR Business Center Residential zoning to the south (Grace Baptist Church), BCH Business Center Hub zoning to the

west (Interstate I-75), and BCI Business Center Interstate to the north (BP Gas Station). Ms. Combs showed an aerial map of the property and noted that the site is 13.677 acres in size. Ms. Combs showed current photographs of the site looking East on the Site, looking along State Route 122, looking North on the site, and looking West toward Interstate 75.

Ms. Combs explained the project background and that Kettering Health Network proposes to be up and running by 2018. The applicant is requesting approval of combined preliminary and final Development Plan approval.

Per the applicant the development is located on the southeast portion of the property (close to State Route 122 and I-75 Interchange due to the following reasons:

1. Access to this site and the existing CVS store is provided via existing public roads, specifically Union Road and the adjacent service road and there are no current plans to modify the existing roadway network.
2. Existing creeks run along the site's northern and southern edge. Dicks' Creek is adjacent to State Route 122 and there is another creek that runs along the southern edge. There is significant topography associated with both creeks along with the FEMA regulated flood plain. As indicated on the development plan, the footprint of this project has been designed so there are no impacts to the existing creeks and the associated flood plain.

Ms. Combs stated that the primary building elevations are proposed to be visible from Interstate 75 (northwest elevation) and State Route 122 (northeast elevation). The southeast elevation will have limited visibility from Union Road. The southwest elevation will have limited visibility as it is screened from the adjacent property by vegetation along the creek and wetlands located on the southern portion of the site.

Ms. Combs revealed a color rendering of the proposed building and noted that the elevation would be visible from Interstate 75. Ms. Combs displayed the proposed color site plan.

Ms. Combs presented the staff analysis stating that Kettering Health Network facility proposes a facility that will be two stories tall and a total of 65,000 square feet in size. The first floor will feature an outpatient Emergency Department clinic and Imaging Center, along with a medical office building for physicians. The second floor of the building is planned as holding place for future growth of the facility. The plan also proposes to contain a single story 300 square foot utility structure, and a helipad for evacuation of patients needing higher levels of acute care. A loading zone is proposed behind the building and a landscaped berm will provided to screen it to the east.

Ms. Combs explained that the proposed use of a health clinic is a principally permitted in the BCH zoning district. Per the Planning and Zoning Ordinance a clinic is defined as, "A building used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons and those in need of medical or minor surgical attention, but who are not provided with room and board or kept overnight on the premises".

Ms. Combs noted that the primary building materials are masonry, glazing and architectural composite metal. The principal building elevation meets zoning code requirements for façade transparency and ground floor transparency. The glazing used on the facility will meet the planning and zoning ordinance requirement of a 30% transparency. She noted that the plan proposes a helipad to the rear of the building. Per the applicant the helicopter evacuation is anticipated to be limited to roughly once occurrence per month. The location of the helipad shown on the plan was

selected to balance proximity to the emergency department with clearance from the building and clearance from existing overhead power transmission and distribution lines. Kettering Health Network is working with the Med Flight providers to review the location in accordance with current FAA requirements.

Ms. Combs presented that Kettering Health Network is requesting the following variances:

1. Combined Preliminary & Final Development Plan approval. If approved any future modifications to the plan would be seen by the Planning Commission as either a “Minor” or “Major” amendment to the Development Plan.
2. Variance from Horizontal Scale Requirement of 30 feet. Vertical elements are incorporated throughout the façade in the form of vertical windows, material changes, and wall projections. The applicant requests that the requirement be increased to 60’ to account for the larger scale of the building. Per the Planning and Zoning Ordinance, “Building façades shall incorporate at least one vertical element, projection, or recess for every 30 feet of facade length. This requirement applies to all building façades in the BCI and BCH Districts”.
3. Variance from Architectural Metals requirement. Architectural Metals on the façade are included in the form of aluminum composite metal panels, and are used to accent the brick, stone and glazing materials used elsewhere on the building. These materials comprise roughly 20% of the total elevations. Rooftop mechanical units are proposed to be enclosed with screen walls comprised of architectural metal. The total area of metal panels excluding the mechanical screen walls is roughly 12%. The Northwest elevation uses 20.5% Metal, Southwest elevation uses 17.3% metal, Northeast elevation uses 27.2% metal, and the Southeast elevation uses 18.5% metal.

Ms. Combs stated that per the Planning and Zoning Ordinance all building façades that face a public street 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.). Architectural metal is permitted, provided that it occupies no more than 10% of the façade area and that all fasteners are concealed. Ms. Combs displayed a color rendering of the building that showed all elevations of the proposed building.

4. Sign Height & Size Variance: Due to the proximity of the site to Interstate 75 and State Route 122 and the emergency function of the facility, the applicant is requesting an increase of the allowable number, area and height for site signage. Sign details and locations for the five signs being requested are included on the development plan.
 - a. Two ground mounted signs addressing the service road intersection at the northwest corner of the site and to identify the north access road entrance.
 - b. A ground mounted sign located on the adjacent, Kettering Health Network owned, 4 acre lot with frontage on Union Road. This separate sign is needed to direct traffic from the East onto the site.
 - c. Two large signs highway oriented signs providing direct visibility from Interstate 75. These are sized to be visible from the highway accounting for the offset from the main traffic lanes due to the highway service ramps which are located immediately

adjacent to the western edge of the site. The highway signs are 50 ft. tall.

- d. Ground mounted sign at north east corner of the property located at the corner of State Route 122 and Interstate 75.

Ms. Combs noted that per the Planning and Zoning Ordinance the signage regulations for the BCH zoning district is for a building is one or two non-residential uses the maximum sign area permitted is 40 square feet and a maximum height of 5 feet. This property is visible from both the highway and has a large amount of frontage along I-75 and State Route 122.

Ms. Combs explained that the building proposes wall signage. Per the Planning and Zoning Ordinance wall the total sign area for a flat mounted wall sign shall not exceed one square foot for each lineal foot of wall width of the structure wall facing a public street or common parking area in a shopping group. Per the measurement taken using the GIS zoning map the property has over 2,000 ft. of road frontage.

Ms. Combs presented colored renderings of the proposed signage and explained each of the signs and their proposed square footage (Ground Mounted Sign – 514 SF, Ground Mounted Sign at Entrance – 196 SF, Highway Sign – 737 SF. Ms. Combs showed a site plan and noted where each sign was proposed to be located.

5. Variance from Maximum 30' Setback Requirement due to Natural Constraint: BCH zoning requirements include a 30' maximum setback requirement, with a provision under code section 1253.04(c)(1) which allows it to be increased due to natural or man-made development constraints. In this case, Dick's Creek is a natural constraint and there are several existing utilities running along the edge of Dick's Creek in easements which are a man-made constraint. Ms. Combs displayed a map showing Dick's Creek highlighted.
6. Variance for Pedestrian Circulation Requirements (Sections 1253.04(e)(8)(A-D)).
 - a. Street Frontage: A sidewalk or bike path is required along all existing public roadway except for State Route 122. The primary street frontage for the property is along State Route 122. Per the Planning and Zoning Ordinance no facilities are required because the City intends to place sidewalks along State Route 122 as an assessment project under state law. No sidewalks are planned along the existing service drive as there is not existing infrastructure to provide a connection to and would be a dead end.
 - b. Greenways: For sites that abut or include portions of Dick's Creek, a continuous ten-foot wide, asphalt, multi-use path is required along the southeastern side of Dick's Creek. There are several constraints which present significant challenges to being able to construct a multi-use path adjacent to the section of Dick's Creek which runs along the site's northern edge. In this area, the channel is deeply incised with steep slopes along the banks. Construction of a path would involve grading and disturbance of area in the floodplain likely resulting in the need for federal floodplain and environmental permitting.
 - c. Internal Connections: The site design provides for internal connections between the main building entrance and the parking lot. A pedestrian amenity area has been provided adjacent to the main building entrance as required under section 1253(f)(4). Connections to public sidewalks, bike paths or greenways have not been provided as there are no existing facilities to connect to.

- d. Crossings: Pavement markings will be used to visually distinguish walkways from surrounding pavement.

Ms. Combs presented that the proposed plans have pedestrian amenities. She stated that the Planning and Zoning Ordinance requires pedestrian amenities of at least one square foot of pedestrian amenities per off-street parking space is required in the BCH District. Pedestrian amenities include outdoor pedestrian plazas with benches, outdoor dining, outdoor playground area, water features, clock towers, public art, or similar outdoor feature that provides an amenity and/or focal point for pedestrians. Pedestrian amenities should be placed in front of a building near the public sidewalk or near building entrances. Ms. Combs displayed the pedestrian amenities on the site plan and stated that the development plan submitted propose outdoor seating areas for employees, visitors, and patients. The total amount of pedestrian amenities required is 200 sq. ft. and the plans submitted exceed the requirement with 347 sq. ft. proposed.

Ms. Combs displayed the proposed parking layout. She stated that the total amount of parking spaces required for the project is 195 spaces. Per the Planning and Zoning Ordinance the total amount of parking spaces required is 3 parking spaces per exam room and 2 parking spaces per 3 employees. The development plan proposes 198 parking spaces which will exceed the required amount of parking spaces by 3 spaces.

Ms. Combs noted the proposed landscaping. She stated that per the Planning and Zoning Ordinance in order to enhance and soften the appearance of buildings, at least 50% of the area within 10 feet of all principal buildings shall consist of planted areas and contain a combination of trees, grass, flowers, shrubs, and other ground cover. Ms. Combs noted the total amount of landscaping proposed is 5,432 sq. ft. Per the Planning and Zoning Ordinance there must be 5% of landscaping for the total amount of paved area. The code also requires that 50% of the landscaping be located within 10 feet of the building. The plans submitted exceed the code requirements with proposing 7,854 sq. ft. of landscaping. The landscaping required is 20 trees and 40 shrubs and the plans show that 26 trees and 40 shrubs will be planted.

Ms. Combs explained the East End Master Plan. She stated that this property is considered to be a part of Middletown's East End. Per the East End Master Plan Middletown is to capture the growing demand for new office and commercial space and housing for the growing community that is beginning to connect Dayton and Cincinnati. The interchange at Interstate 75 is Middletown's front door. The East End/Renaissance Area is an outstanding stage for developing the upscale business and living environment.

Ms. Combs noted that the Master Plan considers this part of the "Renaissance Development Area". The land use strategy for Renaissance supports "Business Park" development along with limited ancillary support retail as a means to promote and conserve land for high quality office development. Office, research and development, healthcare and high-tech uses are planned in master-planned business parks to avoid the strip type of development that may diminish Renaissance's appearance as a premier business park location.

Ms. Combs said that the following comments were from the City Departments:

1. Economic Development Department: The Economic Development Department is supportive of the Kettering Health Network project as submitted. This project represents a \$30 million dollar investment in Middletown and the addition of 110 new jobs to the community. This

project has already cleaned up a vacant building formerly located on the property and will enhance our presence along I-75. It is a nice complement to the growth we are witnessing in the East End, joining the new AK Research and Innovation Center and the new BP gas station complex, also located along I-75. The variances that are requested for the project largely involve topographical items that any project would request due to the nature of the site. This is a good project for Middletown and is consistent with the East End plan and recent market study of the area.

2. Engineering Department:

- a. Traffic Impact Study is required. SR 122 & Access Road, SR 122 & Union, Union and Access Road. – As discussed in the pre-development meeting.
- b. Current erosion control/temporary seeding and mulching needs to be addressed at the site. – Erosion control plan has since been submitted and is under review.
- c. Parking Lot over sanitary sewer and utility easements, the city will not be responsible for restoration of any excavation required in the sanitary sewer or utility easement beyond granular structural backfill to grade.
- d. There are curb ramps at access road and SR 122, and sidewalk along CVS property. Engineering does not see any reason to eliminate the sidewalk requirement along the access road beginning at the northern property line and terminating with a curd ramp at the south side of the proposed southern driveway. There are existing curb ramps and cross walk at SR 122 and sidewalk along the east side of the access road.
- e. Verify overhead easement restrictions for Helipad location/access.
- f. Access to be maintained to overhead transmission tower.
- g. Full engineering review of the proposed construction plans will be required.

Ms. Combs noted that Planning Commission notice letters were sent to utility providers and all property owners within 200 feet of the property regarding the proposed Development Plan and no comments have received at this time.

Ms. Combs ended her staff report presentation.

Mr. Mejias opened the hearing for any public for or against the application the come down and speak.

Chad Duren, applicant, was sworn in and spoke in favor of the request.

Mr. Duren confirmed staff's presentation and stated he would be happy to answer any questions.

The Planning Commission discussed the different types of signs being requested. Mr. Duren confirmed the locations of the proposed signage and that the topography of the site also plays a role in the height requests for visibility of the signs from Interstate 75 and State Route 122.

The Planning Commission discussed the need for a sidewalk to be placed along the site since there are not currently sidewalks along State Route 122 due to a state law project. Ms. Combs noted that sidewalks could be revisited as a part of the Phase 2 development in the future.

With no one else wishing to speak on behalf of the project Ms. Mejias asked if there was anyone in attendance who wished to speak against the project.

Robert Curry was sworn in to speak against the request.

Mr. Curry stated that he saw legal issues with Kettering Health Network requesting a variance to combine the preliminary and final development plans. He suggested the City have their Law Department look into the request. He stated that he saw no justifications for the variances requested aside from wanting to request everything as large as possible due to having highway visibility. Mr. Curry also noted that the second floor of the facility has not yet been named for its future use and expressed concern that it would become a hospital for overnight patients and that it is not a permitted use under the current zoning of the property.

Seeing no one else to speak for or against the project, Ms. Mejias closed the public hearing.

Ms. Mejias asked if there was any discussion.

Ms. Mejias asked if staff had looked further into the combining of the preliminary and final development plan with the City Law Department. Ms. Combs confirmed that the Law Department had looking into the request and confirmed that it had been done for previous cases.

Seeing no further discussion, Ms. Mejias asked for staff's recommendation. Ms. Combs stated that staff recommends approval of the combined preliminary and final development plan as submitted with the requested variance from Horizontal Scale Requirement of 30 feet, variance from Architectural Metals requirement, Variance for Sign Height/Size/Location, variance from Maximum 30' Setback Requirement due to Natural Constrain, and a variance for Pedestrian Circulation requirements.

Mr. Mejias asked if there was a motion. A motion was made by Paul Nenni and seconded by John Langhorne to approve staff's recommendation of approving the application as submitted with the requested variances. The motion was approved by the majority. Mr. Friedman abstained from voting. Mr. Gross recused himself from voting.

PUBLIC HEARING – USE ADJUSTMENT #3-17, 3120 PLYMOUTH AVENUE

Mr. Mejias introduced the case as a request by Anthony Williams for a use adjustment request by Anthony Williams to allow for mechanical work on motorized vehicles and detailed car washing. The property is located in the D-3 Residential Zoning District where automotive uses are not permitted. The property is located at 3120 Plymouth Avenue, Middletown, Ohio 45044. This application was tabled by the Planning Commission at the April 12, 2017 meeting due to needing additional information.

Ms. Combs presented that case using a PowerPoint. She pointed out that per the Butler County Auditor the existing building on the property was built in 1947 and the property is a total of 0.1791 acres and classified as a commercial automotive service garage. The building was constructed in 1947. She noted that the property is located at the southwest corner of Fernwood Street and Plymouth Avenue in the Mayfield neighborhood. The property is bordered by a single family residence to the south and a mixed residential and storage building to the west. The neighborhood was primarily developed in the 1920s through 1950s as part of Lemon Township and was annexed to the City of Middletown in 1966.

Ms. Combs displayed a location map, zoning map, and aerial map, and current and previous

photographs of the property.

Ms. Combs presented the property background. She explained that currently there is a car repair business operating without an approved Planning & Zoning Department or Building Inspections Department permits. A Planning & Zoning Department application was submitted and denied in August 2016 due to a prior use adjustment being approved for the property that was specifically only for motorcycle sales.

Ms. Combs explained the property has formerly had auto repair businesses, known as BA Automotive and Assured Automotive. She noted that in May of 1996 the Planning Commission approved a use adjustment for expansion the existing automotive repair business. The approval was subject to the following conditions: no outside repair of vehicles, and all repair work limited to normal business hours.

Ms. Combs said that in October 2014 the current property owner submitted a use adjustment application requesting to use the existing building on the property be approved for a used car and motorcycle sales business. She pointed out that the City Planning Commission heard the case and found that there were concerns regarding the potential noise levels and traffic generated by the business that could affect the surrounding residential neighborhood.

Ms. Combs stated that the Planning Commission approved the use adjustment case with several conditions: for the sales of motorcycles only, a maximum of 4 motorcycles, motorcycles would only be stored inside, parking of vehicles restricted to paved areas, parking must be 5 feet behind sidewalk, hours of operation 10am-6pm, size of the motorcycle engine, and no more than 4 customers allowed on the property at any given time.

Ms. Combs pointed out that at the April 12, 2017 Planning Commission meeting, this request was heard and tabled by Planning Commission requesting a parking plan and noting the following concerns:

1. Cars being parking on the streets and sidewalks
2. Work performed outside the enclosed building
3. Amount of vehicles parked on (and around) the property

Ms. Combs said that since the Planning Commission originally heard the request the previous month that planning staff received a complaint from a neighboring property owner who voiced their concern that cars are being parked all over the property and blocking visibility at the intersection of Plymouth Avenue and Fernwood Street. The property owner shared a photo of a car being worked on while parked along Plymouth Avenue in front of the stop sign that was taken April 29, 2017. Ms. Combs displayed the photograph for the commission that was taken April 29, 2017. Ms. Combs also showed pictures of the site during 2014, a picture taken April 4, 2017 showing many cars parked on the property and along the public right-of-way in front of the property, a picture taken May 4, 2017 that shows no cars parked along the street but the parking lot being filled with cars, a picture taken May 9, 2016 showing new parking lot striping to the property and cars removed (Ms. Combs noted that the cars are still in violation of being parked within five feet of the right-of-way).

Ms. Combs presented the staff analysis stating that the applicant is requesting a use adjustment to allow for mechanical work on motorized vehicles and detailed car washing. Historically this property has been used as an automotive repair business as well as for motorcycle sales. Per the Planning and Zoning Ordinance auto repair businesses and automotive uses are not permitted in the

D-3 Medium Density Dwelling District where the property is located. She noted that per the Planning and Zoning Ordinance section 1270.03 number of parking spaces required there shall be 2 parking spaces per service bay and 2 parking spaces per each 3 employees. Ms. Combs explained that per the screening requirements off-street parking lots for more than five vehicles shall be effectively screened on each side which adjoins or faces premises situated in any office or residential zoning district, by a fence of acceptable design, wall or compact evergreen hedge.

Ms. Combs stated that per the requirements for minimum distances and setbacks there shall be no parking lot for more than five cars located nearer than five feet from a public right-of-way or ten feet to any dwelling. Also it is required that in any residential zoning district no parking lot shall be located in any front yard or side yard facing any side street.

Ms. Combs noted that currently there are cars parked closer to than 5 feet to the public right-of-way. The prior auto repair business used a gravel area to the west of the building for auto storage, however this is mostly in-filled with grass. The area in front of the building and towards the intersection of Fernwood/Plymouth is paved. She explained that per the Planning and Zoning Ordinance for commercial uses all business, service, repair, processing or display, if not conducted wholly within a completely enclosed building, shall be enclosed by a solid fence or wall at least eight feet in height where such use is adjacent to any office or residential zoning district.

Ms. Combs stated that the hours of operation of any use in a Commercial Zoning District shall be prohibited from 11:00 p.m. to 6:00 a.m., if within 500 feet of any residential zoning district.

Ms. Combs added that the property will be required to get a permit through the Planning & Zoning Department and Building Department and be required to meet any City Ordinance requirements. Failing to get permits and meet the City Ordinance requirements results in violations.

Ms. Combs presented a parking plan that had been submitted by the applicant. She noted that planning staff worked with Apex Engineering, who created the parking plan, to revise the parking plan to include the “grassy area” to the east of the existing building. Ms. Combs displayed the revised parking plan that showed an available amount of 10 parking spaces. Ms. Combs noted that both parking plans would meet zoning requirements if followed.

Ms. Combs noted that the following comment was received from the Engineering Department: Per the City of Middletown General Offenses Code Section 452, no person shall stand or park a vehicle upon any roadway for the principal purpose of code, washing, polishing, cleaning, greasing, dismantling or repairing such vehicle, except making such repairs as will permit the vehicle to proceed. No person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or to comply with the provisions of this title, or while obeying the directions of a police officer or a traffic-control device, in any of the following places: on a sidewalk, in front of a public or private driveway; within an intersection; within ten feet of a fire hydrant; on a crosswalk; within 20 feet of a crosswalk at an intersection; within 30 feet of, and upon the approach to, any flashing beacon, stop sign, or traffic-control device.

Ms. Combs concluded PowerPoint presentation.

Ms. Mejias opened the hearing for any public for or against the application the come down and speak.

Patrick Hill, applicant, was sworn in and spoke on behalf of the project.

Mr. Hill explained that he was unaware that the use of a car repair shop was not allowed and apologized. He noted that the landlord of his property had never made him aware that the business would need a use adjustment before opening. He said that he would do whatever it took to remain in business at the property and asked commission for their help and suggestions to make things right with the property. Mr. Hill also thanked planning staff for their time, help, and honesty that the use adjustment process. Mr. Hill explained that the car repair shop does good work and does a lot of outreach to the surrounding community.

Ms. Mejias asked if there was anyone else in attendance to speak for the project. Seeing none she asked if anyone was present to speak against the project.

Frank Goode was sworn in to speak against the project.

Mr. Goode expressed his concerns for the property. He noted that there are site distance issues.

With no one else in attendance to speak for or against the project Ms. Mejias closed the public hearing.

Ms. Mejias asked for staff's recommendation. Ms. Combs stated that staff has very strong concerns about the requested use, however, if Planning Commission decides to approve the request staff would like to the following conditions considered for approval:

1. Pave the area to the North of the building.
2. A maximum number of cars to be allowed on the property at any given time (the parking plan by Apex features 10 spots if the area to the North is paved). Staff recommends no more than 12 vehicles on the property at any time (10 parking spaces on the pavement and 2 in the bays) if the area to the north is to be paved.
3. A designated parking spot/area for a cars being detailed.
4. No on-street parking be permitted for employees and they be required to park on the property.
5. No cars for the business (customer or employee) be parked on the street.
6. If approved the parking plan be kept on file and enforced.
7. No junk motor vehicles be allowed on the property
8. No cars be for sale on the property.

The Planning Commission discussed the request and their options for approval and denial. The main concerns of the project were the amount of cars on the property, site distance safety issues, and the need for a parking plan to better understand how many cars the business could service. The commission decided that it would be best if they had more information about the project before making a decision.

A motion was to approve the use adjustment with the following conditions:

1. Only maximum of 10 cars are allowed on the property at any time.
2. The grassy area to the East of the building must be paved before cars are permitted to be parked on that area of the property.
3. A designated parking space for a car being detailed/washed.
4. No cars for the business (customer or employee) be parked on the street, they all must be parked on the property in designated spots.

5. No sales of automobiles is permitted on the property.
6. No junk motor vehicles (JMV) are permitted on property (JMV vehicles are ones that are not properly register, licensed, or cannot drive under its own power).
7. No vehicles are permitted to be parked within 5 feet of the public right-of-way (1270.04).
8. Traffic vision clearance must be met at the intersection of Fernwood Avenue and Plymouth Avenue. No cars or other objects can be located within 25 feet of the intersection (1224.15).
9. Parking plan be kept on file and enforced by Planning and Zoning Department.
10. 6 Month Trial Period. If the condition placed by the Planning Commission are not met they will revoke their approval. This Use Adjustment will be re-evaluated for full approval by the Planning Commission in November 2017.

Mr. Mejias asked if there was a motion. A motion was made and seconded to approve staff's recommendation of approving the application with staff's conditions and the additional conditions made by the commission. The motion was approved by the majority.

CONFIRMATION OF PLANNING COMMISSION DECISION:
CONDITIONAL USE #2-17, 4262 DIXIE HIGHWAY, TAMALA DISNEY

Ms. Mejias presented the case was approved by Planning Commission for applicant, Tamala Disney, that was approved for a family care home for up 8 persons to reside in the home at a time. The use of the property is for children and/or teen moms who are in the custody of Children Services/State of Ohio. Family Care homes are permitted as a conditional use in residential zoning districts and require review and approval by the City Planning Commission. The property is located at 4262 Dixie Highway, Middletown, Ohio 45042. With the approval was the condition that a parking plan be submitted and kept on file with the Planning and Zoning Department.

With no discussion Ms. Mejias asked for a motion. The confirmation of the planning commission's decision to approve Conditional Use Case #2-17 was approved unanimously.

CONFIRMATION OF PLANNING COMMISSION DECISION:
USE ADJUSTMENT CASE #3-17, 3120 PLYMOUTH AVENUE, ANTHONY WILLIAMS

Ms. Mejias presented the case was tabled by Planning Commission for a use adjustment request by applicant, Anthony Williams, to allow for mechanical work on motorized vehicles and detailed car washing. The property is located in the D-3 Residential Zoning District where automotive uses are not permitted. Previously the property has been approved for an automotive repair business as well as motorcycle sales. The property is located at 3120 Plymouth Avenue, Middletown, Ohio 45044. The request was tabled to be heard at May 10, 2017 Planning Commission meeting due to needing additional information for decision.

With no discussion Ms. Mejias asked for a motion. The confirmation of the planning commission's decision to table Use Adjustment Case #3-17 was approved unanimously through roll call.

ADJOURNMENT

With no further business for Planning Commission, a motion was made and seconded to adjourn at 7:45 pm. The motion passed unanimously.

Joanne Mejias
Chairwoman

Ashley N. Combs
Secretary to Planning Commission