

**PLANNING COMMISSION MINUTES
August 9, 2023**



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

MEMBERS: Sam Cornwall Todd Moore Will Parsons
PRESENT: John Langhorne Roger Daniel
 Greg Emrick Paul Nenni

STAFF PRESENT: James Metz, City Planner

OTHERS PRESENT: Mike Taylor

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 July 12th, 2023 meeting minutes and asked if there were any needed changes. A motion was made by Mr. Langhorne and seconded by Mr. Cornwall to approve the meeting minutes as submitted. The motion was approved with Mr. Nenni and Mr. Parsons abstaining.

APPOINTMENT OF VICE CHAIRMAN

Mr. Metz introduced the need to replace the Vice Chairman of the Planning Commission and asked if there was anyone interested. Mr. Emrick made a motion to appoint Mr. Nenni as Vice Chairman and seconded by Mr. Langhorne. Mr. Nenni agreed and the motion was approved unanimously through roll.

PUBLIC HEARING:

CONDITONAL USE – 6730 ROOSEVELT

Mr. Moore introduced the case as a request by applicant Mike Taylor with Pinnacle Architects on behalf of Adam Kushnir for approval of a Conditional Use for the property located at 6730 Roosevelt Avenue. The property is zoned B-2: Community Business District. The Conditional Use requested is to allow for the drive-through audio equipment to be installed within the front yard where the Middletown Development Code states drive-through windows, drive-through signage (See Section 1220.08(g).), or any audio equipment located in the front yard shall only be permitted with approval as a conditional use.

Mr. Moore asked if there was a staff report. Mr. Metz presented the case using a PowerPoint presentation showing the site plan, describing what is allowed currently within the zoning district, and that the applicant would like the zone change to accommodate his intended use of the property.

Mr. Metz read the review criteria for Conditional Use for the Planning Commission: Decisions on a conditional use application shall be based on consideration of the following review criteria. All conditional uses shall be subject to review under the criteria of this section, as applicable, and may be subject to additional use-specific standards.

- (1) The proposed conditional use is established as an allowed conditional use in the applicable zoning district;
- (2) The proposed use is consistent with the spirit, purpose and intent of the master plan and the general purpose of this code;
- (3) The proposed use complies with any use-specific standards as may be established for the use;
- (4) Any building or structure constructed, reconstructed, or altered as part of a conditional use in a residential zoning district shall, to the maximum extent feasible, maintain the exterior appearance of residential buildings of the type otherwise permitted and shall have suitable landscaping, screening, and fencing wherever deemed necessary by the Planning Commission;
- (5) The proposed use will comply with all applicable development standards, except as specifically altered by the Planning Commission in the approved conditional use;
- (6) The proposed use will be harmonious with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area;
- (7) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
- (8) The circulation on and access to the property shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
- (9) The design of the buildings, structures, and site will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance;
- (10) The proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district; and
- (11) Wherever no specific areas, frontage, height, or setback requirements are specified in provision for a specific conditional uses, then such use shall be subject to the site development standards for the applicable zoning district.

Additional Criteria and Conditions

- (1) The Planning Commission shall be authorized to waive or modify requirements that apply to the conditional use as may be necessary to achieve compatible development with adjacent land areas as well as in the interest of the community in general where the Planning Commission finds that such waiver or modification will further the protection of the general welfare, protect individual property rights, and ensure that the conditional use will meet the intent and purposes of this code.
- (2) The Planning Commission may also impose additional conditions, guarantees, and safeguards as it deems necessary to protect the general welfare and individual property rights, and to ensure that the conditional use will meet the intent and purposes of this code.

Mr. Metz showed the Future Land Use Map from the 2022 Comprehensive Plan that indicated the property is within the Regional Mixed-Use Interest Area.

Mr. Metz ended his presentation and noted the applicant was present.

Mr. Moore moved to open the public hearing. Mr. Taylor was sworn in. Mr. Taylor discussed the new development of the Starbucks, the strengths and challenges of this location, the previous approval of variances granted by the Board of Zoning Appeals, and how they intend to operate at this location.

Mr. Moore asked if anyone else would like to speak for or against the application. Hearing none, Mr. Moore closed the public hearing.

Mr. Moore asked for a staff recommendation. Mr. Metz stated that the development committee has recommended approval of the Conditional Use application as submitted.

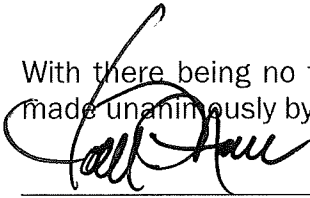
Mr. Moore asked if they had a motion. Mr. Emrick made a motion to approve the application as submitted. Mr. Nenni seconded the motion. The motion was approved through roll call.

- Sam Cornwall – Voted to Approve
- Roger Daniel – Voted to Approve
- Paul Nenni – Voted to Approve
- Todd Moore – Voted to Approve
- John Langhorne – Voted to Approve
- Greg Emrick – Voted to Approve

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 06:22 PM



Todd Moore, Chairman



James Metz, City Planner

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