

A regular meeting of the Troy Planning Commission was held Wednesday, January 22, 2020, at 3:30 p.m. in Council Chambers, second floor, City Hall, with Vice-Chairman James A. McGarry presiding. Others present: Members: Oda, Titterington, Wolke, Ehrlich, and Westmeyer; Zoning Inspectors Watson and Brandon; Assistant Development Director Harris.

Upon motion of Mr. Titterington, seconded by Mr. Westmeyer, the minutes of the January 8, 2020 meeting were approved.

**HISTORIC DISTRICT APPLICATION, FOR THREE SIGNS - A WALL SIGN AND TWO SIGNS ABOVE WINDOWS, AND TO REFACE AN EXISTING WALL SIGN AT 233 S. MARKET STREET, AND TO INSTALL GOOSENECK LIGHTS ABOVE THE WINDOWNS ON THE FRONT OF THE BUILDING; OWNER – SOLUTIONS REAL ESTATE INVESTMENTS, LLC, JIM AND JUDY KASTER; APPLICANT KEVIN AND JENNIFER SMITH, ARK HOUSE CO.** The applicant was not present. Staff reported: the OHI form describes this building as a two-story vernacular commercial building with a gable roof over half the building and a flat roof over the remaining half; all trim and windows look original; three storefronts survive in close to original form; building is currently painted a light grey with white trim around the windows, black awnings and accessories, and black metal work on the second story; the block in which this building resides, in the Historic District, consists of the following: an automotive repair shop, a beverage drive-thru, and a parking lot; it seems that both buildings have gone through renovations in the past that have resulted in the possible loss of historic architecture; application is for a total of 21 square feet for all three signs, with 25 square feet permitted; material of the signs is PVC; will be a black background with white lettering; and staff recommends approval based on the findings of:

- The proposed signs are a color that complements the existing colors found on the building;
- The buildings in the same block have been altered in the past and have no character defining features;
- The proposed signs and lighting will not alter the look of the building, and will not alter the look of the street block as a whole.

A motion was made by Mr. Wolke, seconded by Mrs. Ehrlich, to approve the historic district application for 233 S. Market Street as submitted, based on the colors and materials stated in the application, and based on the findings of staff that:

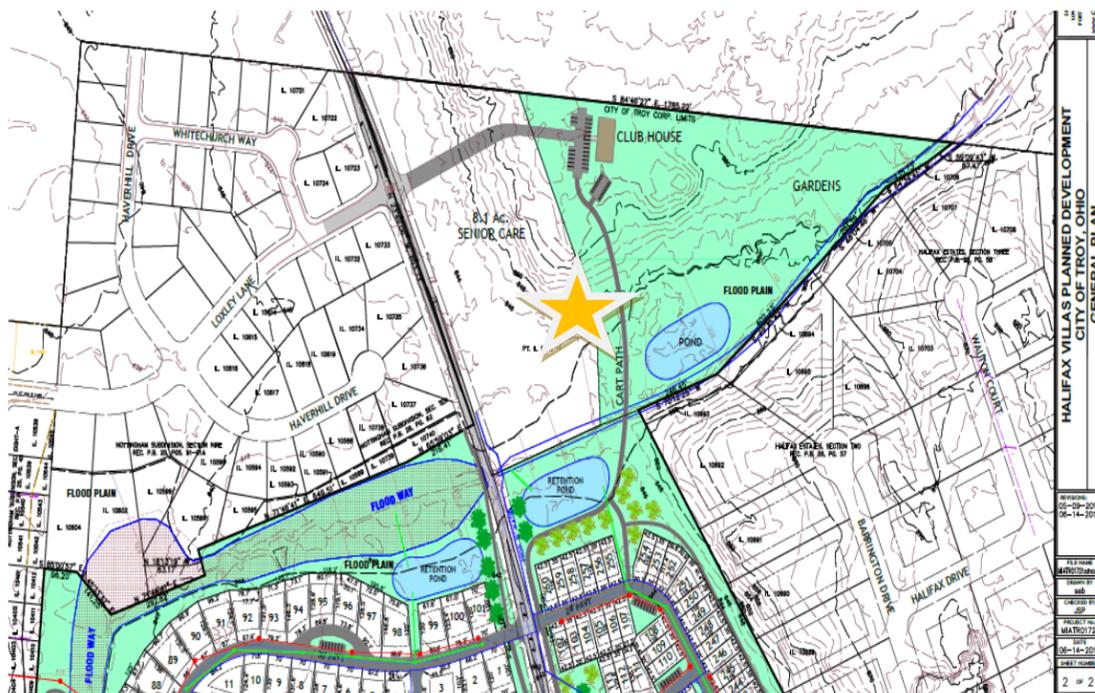
- The proposed signs are a color that complements the existing colors found on the building;
- The buildings in the same block have been altered in the past and have no character defining features;
- The proposed signs and lighting will not alter the look of the building, and will not alter the look of the street block as a whole.

MOTION PASSED, UNANIMOUS ROLL CALL VOTE.

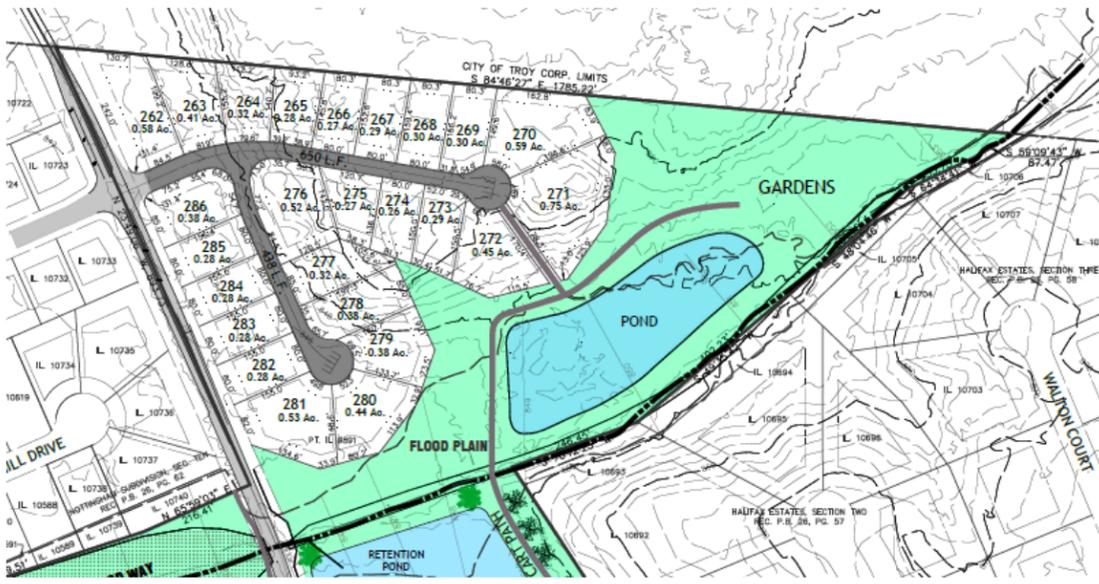
**HALIFAX VILLAS PLANNED DEVELOPMENT, MAJOR REVISIONS TO PHASE 2 OF THE GENERAL PLAN OF THE PLANNED DEVELOPMENT: RELOCATION OF THE CLUB HOUSE; EXPANDING THE BOUNDARY OF THE PLANNED DEVELOPMENT; REZONING OF AREA OF EXPANDED BOUNDARY FROM A-R, AGRICULTURAL RESIDENTIAL ZONING DISTRICT, TO A RESIDENTIAL PLANNED DEVELOPMENT (PD-R); OWNER/APPLICANT IS HALIFAX LAND COMPANY, FRANK HARLOW.** Staff reported: the General Plan of the Planned Development approved by City Council as Ordinance O-35-2018; the original Planned Development measured 107.171 acres and is surrounded by residential uses to the north, east and west of the property, with a mixture of residential and the county grange building to the south; the proposed Planned Development includes a revised Phase Two and adds a Phase Three to the development as follows:

**“Phase Two:**

Phase Two of the development does not include new land, which is located to the northeast of the Planned Development. This area is depicted with a yellow star as shown below.



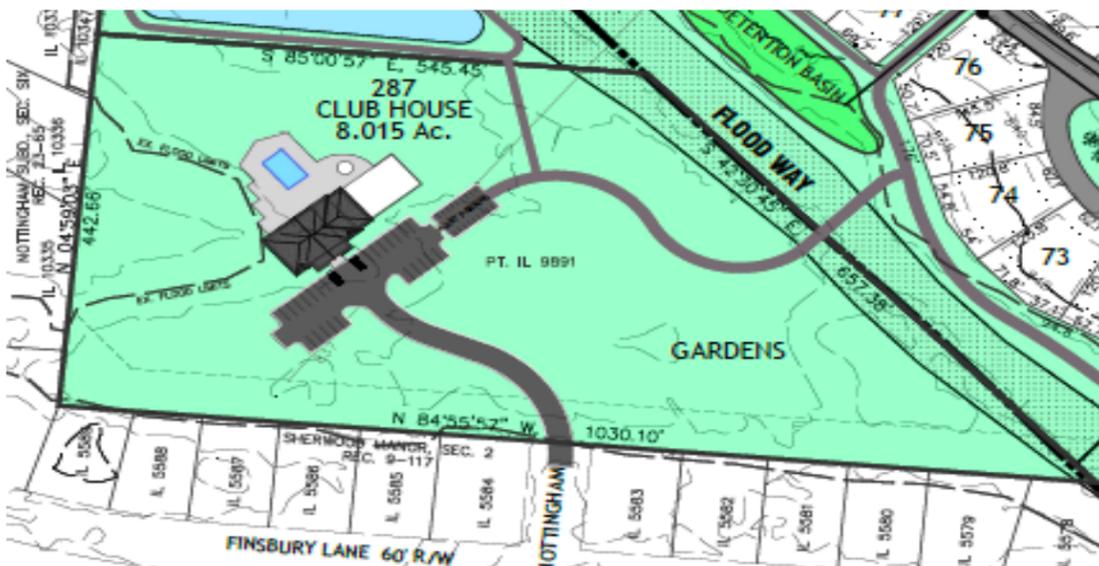
It is the intent of the applicant to develop Phase Two by replacing the area designated as Senior Care single-family lots and remove the Club House to the southwestern property as a separate PD. The Gardens would remain as originally planned. There is no change to the existing Planned Development in Phase One (located south of Phase Two) as established by Ordinance O-35-2018.



The proposed Phase Two replaces the area designated as Senior Care with 25 single-family lots that range from .27 acres (17,761 square feet) to .75 acres (32,670 square feet). The proposed lot sizes fall within the R-4 through R-2 zoning districts.

**Phase Three:**

The revised proposal does include new land into the Planned Development as a Phase Three, which requires a zoning amendment for a Planned Development on PT Inlot 9891 (Parcel R50-005200), which will consist of 8.015 acres and located on the west side of Piqua-Troy Rd. The applicant's intention is to construct a private clubhouse to serve the members of the Halifax Villas subdivision, which directly abuts this land. A map and site plan depicting the proposed layout of the property has been attached to this report.



The established zoning on this property is A-R Agricultural Residential zoning district. The Zoning Code describes the A-R zoning district as "designated to provide for both agricultural and residential activity on large tracts and open land with a minimum of five (5) acres or greater of lot per dwelling unit. This district is mapped in undeveloped areas along existing roadways where there is minimum water and sewer service."

The property is currently undeveloped and currently being used for agricultural purposes. The surrounding area contains residential uses to the north, east and west of the property, with a mixture of residential and the county grange building to the south.

Surrounding zoning includes: Planned Development zoning to the north and east with R-4 Single-Family to the south and west.

This request for Planned Development zoning with submittal of the General Plan is the first step of the approval process. Each phase of development will require a Final Development Plan and Record Plan in order to create the lots to be sold and to dedicate the streets and public utilities (in this case, a one-phase development is proposed). Detailed engineering drawings will be required to be submitted for review and approval by the Development and Engineering staff. The Record Plan will be reviewed by Planning Commission who will make a recommendation to City Council. Council ultimately will have final approval of the Record plan.

**PROPOSAL:**

**Uses & Layout:** The proposed development will be completed in one phase. A private club house is proposed which will be used by the residents of the Halifax Villas development. The clubhouse will provide 28 regular parking spaces and 20 golf cart parking spaces. Access will be provided by way of Nottingham Road and golf carts can access the clubhouse by the connection around the pond or the connection to the cart path around the single-family residential lots. Maintenance of the facility will be the responsibility of the HOA.

**Utilities:** This development will be served by city water and sewer lines. Maintenance of these private utility lines will be the responsibility of the HOA.

**Parks & Recreation Facilities:** This planned development is a private clubhouse located southwest of the Halifax Villas and provides recreational opportunities for all residents of the Halifax Villas development. In addition to the outdoor swimming pool, an extensive cart path and walkway are available for the enjoyment of the residents. The Zoning Code requires 10% of the entire acreage in the development to be used as open space. The proposed development has met the open space requirement for a planned development. Maintenance of the private clubhouse, open space and cart path will be the responsibility of the HOA.

**Protective Covenants:** Staff will require the Protective Covenants and Restrictions be provided during the at the Final Record Plat submittal of this planned development. The Final Record Plat does require Planning Commission and City Council Approval.

**GENERAL PLANS STANDARDS:**

As this is a Major alteration to the approved Planned Development, Planning Commission is required to review the proposed General Plan and may recommend the General Plan to City Council if it determines that the plan satisfies, at a minimum, the following criteria:

- (1) The General Plan should follow to the maximum extent practicable the Comprehensive Plan for the City, taking into account current facts and circumstances; **The Troy Comprehensive Plan indicates the proposed area to be developed as residential use according to the Future Land Use Map.**
- (2) An exemption to conventional zoning is justified because the Comprehensive Plan for the City can be more faithfully and reliably implemented by the use of PD zoning; **The exemption to conventional zoning is justified as the development will fill a need for this style of development inside the City.**

- (3) The General Plan is compatible with the location, topographic and other characteristics of the site and will bear a beneficial relationship with surrounding land uses in terms of noise, smoke, dust, debris, or other nuisances; **The Plan is compatible with these characteristics.**
- (4) The General Plan is carefully designed to support surrounding streets, utilities and other public improvements; **The public improvements have been designed to meet city recommendations (water and sewer). The majority of the infrastructure (streets and storm water will be privately owned and maintained).**
- (5) The General Plan represents an efficient and economic use of the land in view of the community's need for a balance of land uses; **The proposed use does fill a need in the market for this type of development. This development will be marketed to the empty nester that does not want to maintain a larger home and still want to reside inside a subdivision within the City Limits.**
- (6) All public streets, utilities and services necessary to carry out the General Plan are available to the site, or will be extended or improved by the developer and/or City in time to permit the development to be properly served; **The public improvements (including turning lanes) will be installed to permit the development to be properly served.**
- (7) Exception from conventional zoning is warranted by design goals or other criteria and/or the need to provide a variety of development opportunities within the community; **An exemption is warranted from regular zoning as this PD proposes to provide living facilities, to accommodate the rate of aging citizens in Troy.**
- (8) The design of the development protects natural assets such as streams, wood lots, steep terrain, and other critical environments in the City; **Not applicable in this request.**
- (9) Taken as a whole the development of the proposed PD will have a positive effect on the health, safety, and general welfare of the City; **The proposed PD will create a positive effect on the community. A recent market study shows the need for senior living facilities to accommodate the rate of aging citizens.**
- (10) The General Plan appears capable of being implemented by a Final Development Plan which meets all requirements of this Section. **The General Plan is capable of implementation by a Final Development Plan.**

**ZONING CODE:**

In reviewing a rezoning proposal, Section 1139.07 outlines the criteria on which to base decisions:

(A) *Whether the change in classification would be consistent with the intent and purpose of this Zoning Code.*

**The rezoning would be consistent with the following sections of the Zoning Code:**

1131.02 (g) **"To provide for creatively designed single-use and mixed-use Planned Developments, and to preserve their character and vitality through ongoing regulatory supervision."**

1131.02 (k) **"To facilitate the efficient and economical development and use of land and public facilities."**

(B) *Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions.*

**No changes in the area have created this rezoning request.**

(C) *Whether the uses that would be permitted on the property if it were reclassified would be compatible with the uses permitted on other property in the immediate vicinity.*

**The proposed use of the property is compatible with the other uses in the immediate vicinity as it serves the residential development that abuts the property.**

(D) *Whether adequate utility, sewer, and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on a property if it were reclassified.*

**The proposed PD can and will be served by City water and sewer.**

(E) *The amount of vacant land that currently has the same zoning classification as is proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances, in any, that make a substantial part of such vacant land unavailable for development.*

**The property is surrounded by developed land to the north, east, south and west that hold residential zoning districts. There is no other land that holds the proposed PD zoning district designation with the vicinity that provides recreational opportunities.**

(F) *Whether the proposed amendment would correct an error in the application of this Zoning Code as applied to the subject property.*

**Not applicable in this request. "**

Staff did not recommend a public hearing as Council will hold a hearing, and staff recommended that Planning Commission make a positive recommendation to City Council regarding this application, which includes a major modification to the Halifax Villas Planned Development and allows for the rezoning zoning of additional land to be designated as a Planned Development, based on the findings of:

1. The development and rezoning are found to be consistent with the intent and purposes of the City of Troy Zoning Code, Comprehensive Plan and is compatible with zoning classifications and uses in the area.

**DISCUSSION:**

Mr. Harlow commented that 90% of the PD is unchanged; he plans to move the club house and put in 25 single family lots where the club house had been shown; the club house will be just north of Finsbury Lane; it is recognized that neighbors previously objected to development in this area, however, it will not be houses and the clubhouse will be located as from the houses on Finsbury as possible. The Commission noted that residents will need to cross N. Market Street to access the club house, with Mr. Harlow noting that was the case no matter which side of N. Market Street the club house was located on. In response to Mr. Titterington, it was stated that the development will have a HOA to support the club house and private roadways. In regard to the mile-long cart path off of Finsbury Lane and Nottingham Road, Mrs. Oda questioned persons using those roads to get to the club house, with Mr. Harlow commenting that the club house is for residents of the development and invited guests and he believes this is no different from a driveway off a public street or people driving down those roads to get to any of the houses.

**PUBLIC HEARING:** A motion was made by Mr. Titterington, seconded by Mr. Wolke, that the Planning Commission not hold a public hearing on the major revisions to the General Plan of the Halifax Villas Planned Development.

**MOTION PASSED, UNANIMOUS VOTE, PLANNING COMMISSION NOT TO HOLD A PUBLIC HEARING**

**RECOMMENDATION:** A motion was made by Mr. Westmeyer, seconded by Mrs. Ehrlich that the Troy Planning Commission recommends to Troy City Council that the proposed major revisions to the General Plan of the Halifax Villas Planned Development be approved as submitted, which are:

- Relocate the club house from the Northeast Section of the Planned Development to the Southwest Section of the Planned Development;
- Expand the boundary of the initial Planned Development of 107.171 acres by adding an additional 8.015 acres to the Southwest Section of the Planned Development, for a total of 115.186 acres;
- Rezone the 8.015 acre area of expanded boundary from A-R, Agricultural Residential Zoning District, to a Residential Planned Development (PD-R). This expanded boundary is located in the Southwest Section of the Planned Development, north of Finsbury Lane with access off of Nottingham Road.

**MOTION PASSED, UNANIMOUS VOTE**

There being no further business, the meeting adjourned at 3:45 p.m.

Respectfully submitted,

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Chairman

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Secretary