

A regular meeting of the Troy Planning Commission was held in Council Chambers, City Hall on Wednesday, February 23, 2022 at 3:30 PM with Chairman Alan Kappers presiding. ATTENDING: Members – Titterington, Ehrlich, McGarry, Wolke, Oda, Kappers and Westmeyer; Development Director Davis; and Zoning Inspectors Eidemiller and Bruner.

APPROVAL OF MINUTES: Upon motion of Mr. McGarry, seconded by Mr. Westmeyer, the minutes of the January 26, 2022 meeting were approved by unanimous roll call vote.

HISTORIC DISTRICT APPLICATION FOR 2 E. MAIN STREET FOR THE INSTALLATION OF OUTDOOR SEATING;

OWNER/APPLICANT: CONNOR HAREN/HAREN'S MARKET. Staff reported: property is zoned B-3 Central Business District and is located on the southeast corner of the public square; the Planning Commission previously approved this request on April 22, 2020; as the work was not performed in a time frame, a new application is required; building is on the National Register for Historic Places; the entrance to the original bank was on the north side facing E. Main Street; during a later renovation the entrance was altered and replaced with display windows; a canopy and the new entrance were installed along the west side wall; this application is to install a black railing to create an outdoor seating area for the patrons of the business Haren's Market; the proposed railing will allow for 9' 7" of pedestrian maneuverability; and staff recommends approval based on the findings of:

- The proposed seating and design meet the City of Troy requirements;
- The proposed modifications will not detract from the historic integrity of the building;
- The proposed modifications are temporary in nature and may be removed without harming the historic building.

DISCUSSION:

Mr. McGarry commented that 9'7" of walkway remaining if the fencing were installed should seem sufficient, but with the space taken for the trees and tree grates, those obstacles make it difficult for pedestrians.

Mr. Kappers concurred, noting that it is not possible for two people to walk side by side in some areas where outdoor seating already exists, and commented that often items attached to the fencing, such as flower baskets, further extend into the pedestrian areas and make walking on the sidewalk difficult.

The Mayor suggested that trimming the tree branches to provide walking space under the trees helps, with Mr. Kappers commenting that most of the trees downtown have not been trimmed so that people can walk under them.

Mr. Westmeyer commented that he likes to see seating outside.

Mr. Titterington and Mr. McGarry commented that requiring the fencing to extend 1' less from the building than proposed may alleviate some concerns about pedestrians not having sufficient room to walk on the sidewalks after fencing is installed.

Staff commented that the application is for fencing that extends 11' 8" from the building.

DECISION:

A motion was made by Mrs. Ehrlich, seconded by Mr. Titterington, to approve the historic district application for 2 E. Main Street based on the exact materials and colors stated within the application with the condition that the depth of the fence railing extend into the right-of-way no more than ten feet, eight inches from the building, providing one additional foot for pedestrian movement than was stated in the application.

MOTION PASSED, UNANIMOUS VOTE

ADDITIONAL DISCUSSION: Mr. Titterington commented that another building owner had asked about being able to place tables outside a fenced outdoor seating area from time to time, when it would be nice to have more seating. Mr. Titterington commented that he may consider such requests on a case by case basis and perhaps for special events.

REZONING OF 1125 WASHINGTON ROAD (IL 11463 AND 11464) FROM THE COUNTY ZONING OF A-1, DOMESTIC AGRICULTURE, AND A-2, GENERAL AGRICULTURE, TO THE CITY ZONING OF R-4, SINGLE FAMILY RESIDENTIAL DISTRICT;

OWNER/APPLICANT: STRAYER FARMS, INC. Staff reported:

"A request by Strayer Farms Inc for the Planning Commission to consider the rezoning of 1125 Washington Road, Inlot 11463 (5.0 Acres) and Inlot 11464 (3.13 Acres) from County Zoning of A-1 Domestic Agriculture and A-2 General Agriculture to R-4 Single Family Residential District. The properties are located on Washington Road north of W Stanfield Road and south of New Castle Drive.

The total 8.13 acres has a proposed use of a residential subdivision. The surrounding zoning districts include the R-4 Single Family Residential District to the east, R-3 Single Family Residential to the north, County zoning of A-1 Domestic Agriculture to the south, and County zoning of A-2 General Agriculture to the west. Please see attached Zoning Map.

DISCUSSION by staff

Chapter 1143.07 of the Zoning Code describes the proposed R-4 Zoning District as "designed to accommodate single-family dwellings on lots with areas of at least nine thousand (9,000) square feet per dwelling unit. This district will be mapped to protect areas that now meet these minimum lot sizes and for comparable areas which will develop in the future. The Comprehensive Plan describes the R-4 District as medium to high density."

The Comprehensive Plan's Future Land Use Map displays this area as future residential uses.

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 proposed rezoning is consistent with the Zoning Code. Section 1131.02(o) & (r) state the purposes of the Zoning Code are to preserve and enhance property value, and direct particular land uses to the parcel of land best suited for them. The proposed rezoning request achieves these purposes.

(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.

The proposed rezoning is not made necessary because of changing conditions in the affected area. The proposed use will not have any adverse effects in the area and is similar to the residential uses that currently exist.

(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 is compatible with adjacent properties in the immediate vicinity. The R-4 Single Family Residential District exists in the immediate vicinity to the east.

(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.

Adequate utilities will be reviewed and provided during the subdivision review process.

(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.

In the vicinity of the subject property, there is no available vacant land for development with the R-4 zoning classification as the adjacent R-3 and R-4 districts are a part of active subdivisions.

(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 that the Commission hold a public hearing and recommended approval of the rezoning as submitted to be recommended to City Council based on the findings that:

- o The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code; and
- o The proposed rezoning is consistent with the surrounding zoning districts; and
- o The use is consistent with permitted uses in the R-4 district; and
- o The proposed rezoning is consistent with the City of Troy Comprehensive Plan.

DISCUSSION: Mr. Wolke commented that he had asked school officials about any concerns with the addition of residential properties/increased enrollment, but understood no concern has been expressed at this time.

Public Hearing:

A motion was made by Mr. Titterington, seconded by Mrs. Ehrlich, that the Planning Commission not hold a public hearing on the rezoning of 1125 Washington Road, Inlots 11463 and 11464 from the County Zoning of A-1 Domestic Agriculture and Agriculture and A-2 General Agriculture to the City zoning of R-4, Single Family Residential District. **MOTION PASSED, UNANIMOUS VOTE**

RECOMMENDATION TO COUNCIL:

A motion was made by Mr. Wolke, seconded by Mayor Oda, that the Troy Planning Commission recommends to Troy City Council that the rezoning of 1125 Washington Road, Inlots 11463 and 11464 from the County Zoning of A-1 Domestic Agriculture and Agriculture and A-2 General Agriculture to the City zoning of R-4, Single Family Residential District, as submitted and based on the findings of staff that:

- o The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code; and
- o The proposed rezoning is consistent with the surrounding zoning districts; and
- o The use is consistent with permitted uses in the R-4 district; and
- o The proposed rezoning is consistent with the City of Troy Comprehensive Plan. **MOTION PASSED, UNANIMOUS VOTE**

THE VILLAGES OF CONCORD PRELIMINARY PLAN SINGLE FAMILY, NOTATION TO BE PLACED ON PLAT:

Mr. Davis advised that with the litigation going on regarding the Villages of Concord plat, the Director of Law asks that the Commission approve the following notation on the Preliminary Plan for the Villages of Concord “See Miami County Common Pleas Case No. 2019-CV00495.” Mr. Kappers commented that he did not see any issue with the notation as it would only tell someone where to find the case. A motion was made by Mr. Wolke, seconded by Mr. Titterington, that the following wording be placed on the Villages of Concord Preliminary Plan Single Family plat as requested: “See Miami County Common Pleas Case No. 2019-CV00495.” **MOTION PASSED, UNANIMOUS VOTE**

There being no further business, the meeting adjourned at 3:49 p.m. upon motion of Mr. Westmeyer, seconded by Mayor Oda, and approved by unanimous voice vote.

Respectfully submitted,

_____Chairman

_____Secretary

