

A regular meeting of the Troy Planning Commission was held remotely on Wednesday, February 24, 2021, with Chairman, Mr. Kappers presiding. The following also attended: Members – Kappers, Titterington, Wolke, Oda, McGarry, Westmeyer, and Ehrlich; Staff attending: Development Director Davis, Zoning Inspectors Robert Watson and Austin Eidemiller, and Assistant Development Director Harris.

MINUTES OF FEBRUARY 10, 2021 MEETING. Minutes were approved upon motion of Mrs. Ehrlich, second by Mr. Titterington.

HISTORIC DISTRICT APPLICATION – DEMOLITION OF 112-118 W. MAIN STREET, OWNER/APPLICANT 116 W MAIN LLC – RANDY KIMMEL. A motion was made by Mr. Wolke, seconded by Mr. Titterington, to remove this item from the Table. Motion passed by unanimous roll call vote. Mr. Harris provided a staff report that noted:

- “On October 14, 2020, the Planning Commission reviewed the demolition request from applicant and owner Randy Kimmel regarding 112-118 W. Main Street. After providing background and discussion of the Standards for Demolition for Removal of the Troy Zoning Code, city staff had found that 2 of the 4 criteria were met for Planning Commission to consider demolition. Staff concluded with recommending demolition and acceptance of a surface parking lot reuse plan. Planning Commission tabled the request to allow interested parties to contact the Commission before the next held meeting, for staff to provide information to the neighbors, and to find out a representative of the structural engineer and building inspector to attend. The complete October 14, 2020 staff report is attached to the original minutes.
- On October 28, 2020, the Planning Commission removed the application from the table. The Commission noted that they had received a large number of emails. City staff indicated the property owner’s structural engineer would do a more in depth analysis and the city would engage a second firm, Wolpert, to provide a peer review. At the request of the applicant, the Commission tabled the application and discussed the process for a future meeting where the applicant and the opposition would each present their case. Commission unanimously passed a motion that stated the presentations would start with the applicant given five minutes and then the primary opposition given five minutes to present. Then both the applicant and the opposition would have three minutes each for two other presenters.
- On December 23, 2020, the application remained tabled at the request of the applicant. Chairman Kappers noted that each member of the Commission should have received a copy of the Wolpert peer review of the Tri-Tech Engineering report regarding the building, and suggested that they review the report.

DISCUSSION:

Staff and the Troy Development Council spent a significant amount of time with the property owner to evaluate two options in addition to the demolition application.

Option A. With the building being available for sale, the Troy Development Council (TDC) attempted to purchase the building contingent upon more detailed estimates as well as securing financing to make the necessary repairs to stabilize the building. TDC also factored in the exterior façade repairs and first floor interior renovations for tenant occupancy. Ultimately TDC was unable to obtain the financial commitments required to meet the basic cost estimates for the improvements, making the option to purchase and repair cost infeasible. Cost estimates for first floor occupancy level renovations were approximately two million above the stabilization costs.

Option B. The property owner considered a large loan from the city that would have funded basic structural repairs to stabilize the building. However, the building owner was unable to secure future first floor tenants, which are needed to make a proforma work to fund the renovation costs and is a condition by the City for a loan.

Option C. The original request of the applicant to demolish the building with the proposed parking lot reuse plan, as well as any alternate reuse plans that may be more palatable.

Although the Miami County Chief Building Official orders changed slightly, two of the four standards remain valid for the demolition and certificate of appropriateness request as it did October 14, 2020. The only changes were the timeline for unsafe conditions to be resolved before the structure can be occupied and the elimination of the condition to raze if not resolved within 60 days.

Staff received in the month of November from the State Historic Preservation Office, a letter indicating that the property appears to qualify for nomination to the National Register of Historic Places as a contributing resource.

RECOMMENDATION:

With the updates provided and various options considered since October 14th, staff recommends denying the application as submitted, due to the owner arguing for adopting a less than desirable reuse plan.

The demolition permit with the approved certificate of appropriateness does require a rescue plan with definite plans for reuse of the site (Section 1143.22(10)(2)&(3)). With the immediate order to repair or raze the structure eliminated, staff believes the rescue plan to reuse the site as a surface lot is inadequate and does not “mitigate any adverse effects of the proposed removal upon the property, the streetscape, and the historic district.” Specifically, while this structure cannot cost effectively be saved, the property owner should resubmit with a rescue plan that replaces the current building with a similar structure acceptable to the Commission. It is staff’s opinion that razing the structure and not replacing it will leave an obvious gap in the streetscape.

Planning Commission should require a rescue plan that meets all the requirements of the above section, with new construction that would meet the Architectural Design Standards as a condition to demolition.”

Staff advised that the applicant sent an email prior to the meeting asking that any public dialogue be delayed until the Commission meeting of March 24 to give the owner time to consider options.

A motion was made by Mr. Titterington, seconded by Mayor Oda, to table the application regarding the demolition of 112-118 West Main Street to the meeting of March 24, 2021, as requested. **MOTION PASSED, UNANIMOUS VOTE**

Mr. Kappers asked that staff consult those scheduled to speak on this application to be prepared to do so on March 24 based on the procedures previously determined.

HISTORIC DISTRICT APPLICATION – 214 W. MAIN STREET, FENCE MODIFICATION AND REPOSITIONING THE SILO; OWNER – ROOSTER LAND COMPANY, LLC; APPLICATION – MOELLER BREW BARN. The staff report noted that the zoning is B-2, General Business District, the structure is not on the National Register of Historic Places, it was originally constructed as a church, but has had other uses in recent years; applicant wants to move the previously approved silo further east and directly behind the Brew Barn; extend the 4' high plank wood fencing 22' along the rear property line; and add a 12' sliding gate on the 6' high wood privacy fence; and staff recommends approval based on the findings of:

- Proposed alteration does not detract from the historic integrity of the building,
- Modifications are temporary, do not attach to the historic portion of the site, and can be removed or altered in the future,
- Proposed materials and colors are in keeping with the existing colors of the building and existing fencing.

Discussion by Commission. In response to Mr. Titterington, staff advised that the sliding gate is lockable.

Mr. Kappers asked if notice is provided to neighboring property owners regarding Historic District applications, with staff commenting that such notice is not a requirement.

A motion was made by Mr. Wolke, seconded by Mr. Westmeyer, to approve the Historic District Application for 214 West Main Street as submitted, and based on the findings of staff that:

- Proposed alteration does not detract from the historic integrity of the building,
- Modifications are temporary, do not attach to the historic portion of the site, and can be removed or altered in the future,
- Proposed materials and colors are in keeping with the existing colors of the building and existing fencing.

MOTION PASSED, UNANIMOUS VOTE

HISTORIC DISTRICT APPLICATION – 224 S. MARKET STREET, FOR TWO WALL SIGNS; OWNER – INNISFREE, LLC; APPLICANT, KEVIN BEHR OF BEHR DESIGN, LLC. The staff report noted: the original structure dates from 1929, a later addition from the 1970s; the multi-tenant building is allowed 32 square feet of signage total; there are no signs on the building at this time; this application is for two 16 square feet signs to be located on the front of the building on the wall left of the main entrance; material will be a black metal cabinet with aluminum recessed letters; there will be low voltage LED lights inside to illuminate the back end of the wall to create a halo effect with no lighting emitting from the sign face itself; and staff recommends approval based on the findings of:

- Proposed sign will meet all City of Troy sign code requirements,
- Proposed sign compliments the existing colors of the building.

Discussion by Commission. In response to questions regarding the type of lighting requested, staff noted this is the first application for this type of sign; the sign is not internally lit as the lighting is back lighting; and staff has no objection to the proposed sign as it not to be placed on the original structure, but on the 1970s era addition;

A motion was made by Mr. Westmeyer, seconded by Mrs. Ehrlich, to approve the Historic District Application for 224 as submitted, based on the exact materials and colors in the application, and based on the findings of staff that:

- Proposed sign will meet all City of Troy sign code requirements,
- Proposed sign compliments the existing colors of the building.

MOTION PASSED, UNANIMOUS VOTE

HISTORIC DISTRICT APPLICATION – 22 E. FRANKLIN STREET (KNOWN AS THE TRINITY EPISCOPAL CHURCH) FOR EXTERIOR ALTERATIONS TO INCLUDE: PAINTING, REPLACEMENT OF DOORS, ROOF REPLACEMENT, REPLACE BASEMENT WINDOWS ON WEST SIDE AND BLOCK OFF SOUTHWEST AND EASTSIDE BASEMENT WINDOWS, CHANGES TO THE REAL BUMP-OUT STRUCTURE, SIDING REPLACEMENT, REMOVE AND REPLACE CONCRETE ENTRY FOR THE EAST END ENTRANCE BUMP-OUT STRUCTURE, REPLACE STORM WINDOWS, AND INSTALL LIGHTING OVER THE REAR COURTYARD; OWNER/APPLICANT – HISTORIC TROY, LLC – SCOTT STRAYER. It was commented that the building is commonly referred to as the Trinity Episcopal Church, but has not been used as a church for some years and recently used as an education center associated with the Family Abuse Shelter, which is located next door. The current owner plans to use the property as a reception-meeting type venue. The Staff Report noted; structure was built in 1835 with a Gothic Revival style architecture; many of the defining features still exist; the building is not listed on the National Register; and the application has several elements, which are:

Paint:

- The applicant proposes to paint the walls and trim "Valspar White." This will include the new siding proposed for the bump out entries/exit.
- A "Silver Mine" solid deck stain color is proposed for the new decking construction itemized below.

Doors:

- Replace existing double front wood doors with double 60" fiberglass insulated doors with ¼ lite glass with a Chestnut Mahogany color.
- Replace side door and install a rear door with 36" ¾ lite glass in Chestnut Mahogany color doors. All doors by Feather River.

Roof:

- Replace single layer black asphalt shingle with a lightweight burnished slate color metal roofing.

Basement Windows:

- Replace westside deteriorated wood basement windows that are subgrade with vinyl picture windows.
- Remove the southwest and eastside windows and block off the openings and cover with stucco to match exterior.

Rear Bump out Structure:

- Remove concrete steps and entry door. Replace with siding (See Siding).
- On the southside create opening and install door (noted above)
- Install decking, stairs and railing for exit. Handrail aluminum Matte Bronze by VersaRail; stairs and decking to be pressure treated lumber with a solid stain (color noted above).

Siding Replacement:

- Remove imbricated siding located at the front entrance and the two bump out structures on the S. Walnut Street side.
- Replace siding with a 7" vinyl lap siding with a Cedar texture. Will be painted same color as the walls, "Valspar White" as previously noted under Paint.

Concrete Entry:

- Remove and replace concrete entry for the east end entrance bump out structure. The concrete will be slightly widened to accommodate ADA.

Storm Windows:

- Remove existing plexiglass storm windows and replace them with D Trac aluminum frame glass storm windows.

Courtyard:

- Install string LED lights over the rear courtyard, mounted on poles.

Staff recommended approval of the application based on the findings that the requested alterations and painting as the proposed work will not damage or negatively affect the original and historic qualities of the building referred to as the Trinity Episcopal Church.

Discussion by Commission. The courtyard lighting was discussed, with Commission Member asking if there was concern the lighting could be bright enough to bother the neighbors. The applicant clarified that the lighting (small strings of LED lighting) would only be used when the building was rented. The applicant stated two locations where similar lighting is now used: courtyard of Moeller Brew Barn and area to rear of Purebred Coffee. The applicant also commented that it will be necessary to install some posts to which lighting will be installed.

A motion was made by Mayor Oda, seconded by Mr. McGarry, to approve the Historic District application for 22 E. Franklin Street as submitted, for the exact design, materials and colors as contained in the application, with the understanding the outdoor lighting would not be used when the building is not rented, and based on the findings of staff that the requested alterations and painting as the proposed work will not damage or negatively affect the original and historic qualities of the building referred to as the Trinity Episcopal Church.

MOTION PASSED, UNANIMOUS VOTE

HISTORIC DISTRICT APPLICATION – 107 W. MAIN STREET (KNOWN AS THE MASONIC TEMPLE BUILDING) FOR EXTERIOR ALTERATIONS TO INCLUDE: CANOPY REMOVAL, SIGNAGE REMOVAL, REMOVAL OF BLOCK WALL FOR SECOND POINT OF EGRESS FROM REAR DRIVE, WINDOW REPLACEMENT FOR VARIOUS AREAS OF THE BUILDING, DOOR INSTALLATION ON W. MAIN AND N. CHERRY STREETS AND REPLACEMENT OF THREE EXISTING DOORS, GARAGE DOOR REPLACEMENT ON N. CHERRY STREET, INSTALLATION OF EXTERIOR LIGHTING ON W. MAIN AND N. CHERRY STREETS, WINDOW REPLACEMENTS ON THE SECOND FLOOR, REMOVAL OF MASONIC TEMPLE SYMBOLS FROM VARIOUS THIRD FLOOR LOCATIONS, AND PAINTING EXTERIOR AREAS OF THE BUILDING; OWNER/APPLICANT: 107 W. MAIN LLC – SAM O’NEAL.

Staff noted that the structure was built in 1904, is made of stucco and brick and is described in the Ohio Historic Index form as an eclectic style building and a major landmark for downtown Troy; contributing descriptive features include the Eclectic design with Egyptian Revival entrance at the southwest corner, and distinctive religious and Masonic ornamentation; the building is not listed on the National Register, and the applicant is requesting approval of the following alterations:

First Floor:

- Canopy Removal. The applicant requests to remove the awning that lays above the first-floor windows facing W. Main St. The canopy has deteriorated due to age and weather exposure.
- Signage Removal. The applicant requests to remove the Miami County Veterans Museum, Masonic Temple and the Home Comfort Gallery signage that currently exists on the south side of the building.
- Block Wall Removal. The applicant requests to raze the block wall erected by Miami County. The removal of the wall will allow for a second point of egress from the rear drive. Coordination with the County will be required.
- Window Replacement. The applicant requests to replace the storefront windows on both the south and east side (W. Main St. and N. Cherry St.) and replace with insulated glass (clear) with black aluminum framed windows made by TubeLite (See Attachment TubeLite Product Sheet). In addition, the applicant wishes to replace the 12 small single pane windows facing N. Cherry St. to match the first floor storefront.
- Door Installation. The applicant requests to create two new door entries with one to the south (W. Main St.) and the other on the east (N. Cherry St.) side. The doors will match the storefront windows which are made of the same product line of TubeLite. The three existing doors entries along W. Main St. will be replaced similarly.
- Garage Door Replacement. The applicant wishes to replace the existing garage door on the east (N. Cherry St.) side with a new Clopay Garage door with clear glass.
- Lighting. The applicant proposes to install ten black 18-inch cylinder outdoor lights on the walls facing both W. Main St. and N. Cherry St. as shown in the rendering.

Second Floor:

- Window Replacement. The applicant wishes to replace all 31 wood windows on the second story with double hung windows. The transoms above will remain. Made by Atrium Series 8300, the insulated glass and vinyl frame window will be black on the outside as indicated in the detailed window spec sheet submitted.

Third Floor:

- Masonic Temple Symbols Removal: The applicant requests to remove the Masonic Temple symbols and return them to the Masons. The locations of the various attached symbols are noted on the photo elevations.

All Floors:

- Paint: The applicant has provided a color chart providing the locations for the four different colors proposed. All existing brick and stone will be cleaned and repaired as needed. See Color Chart Attachment. All exterior window framing on all elevations will be painted black, as indicated in the rendering submitted with application.

Staff noted that the application does include not the renderings provided related to business signage and the outdoor seating, as those items would be submitted when there is actual tenant information to submit and would be specific to such tenant(s).

Staff recommended approval based on the findings that the requested alterations will not damage or negatively affect the architectural quality of the building referred to as the Masonic Temple Building.

Discussion by Commission. With the building being known as the “Masonic Temple”, Mr. Titterington inquired about the removal of the Masonic symbols and how that might impact the future recognition of the structure. The applicant advised that there are some Masonic symbols that are part of the façade (particularly on the cornerstone by the alley and the upper area of the building) and those will remain to provide recognition and identification of the Masonic Temple in the future. It was stated that there is not a plaque giving the building history.

Mr. Kappers asked if staff had concerns about the “can lighting”, and it was indicated there are not concerns about those fitting into the historic district as they are not the primary lighting and only provide some illumination along the façade. It was also stated that the lighting is similar lights to that approved for a building on the Public Square now housing “Haren’s Market” and similar to those proposed for the construction of new Fire Station 1.

It was also noted that the banners owned by the City that had been on the Cherry Street side of the building and honored the Gentlemen of the Road Music Festival will be returned to the prior location once other exterior work is complete.

A motion was made by Mayor Oda, seconded by Mrs. Ehrlich, to approve the Historic District application for 107 West Main Street as submitted, based on the exact design, materials and colors submitted, and based on the findings of staff that that the requested alterations will not damage or negatively affect the architectural quality of the building referred to as the Masonic Temple Building.

MOTION PASSED, UNANIMOUS VOTE

REZONING REQUEST FOR 16 PARCELS THAT WERE INCLUDED IN THE RIVERSIDE DRIVE ANNEXATION, FROM THE CITY-ADMINISTERED COUNTY ZONING TO THE CITY ZONING OF R-4, SINGLE-FAMILY RESIDENTIAL DISTRICT; OWNERS: INDIVIDUAL PROPERTY OWNERS; APPLICANT: CITY OF TROY.

The staff report noted: The 16 parcels along Riverside Drive were annexed under Ordinance O-34-2019; all had had the County zoning of R-1AAA One Family Residential, and after annexation designated under City Administered County Zoning; on behalf of the owners, the city is requesting that the parcels be rezoned to R-4, Single-Family Residential District, with a minimum lot size of 9,000 square feet. Staff stated the proposed rezoning has been discussed with the property owners. Staff further noted that all but one parcel is currently developed with single-family residences and located on the west side of Riverside Drive, north of Troy Community Park; and the surrounding zoning district is City of Troy Zoning R-4. Staff stated the owners concurs with the proposed rezoning. The staff report noted:

“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.”

Since the majority of the properties are currently developed and used as single-family residential. The Comprehensive Plan for future land use keeps these properties listed as residential. The majority of the adjacent property in this area, within the city limits is currently zoned R-4 Single Family Residential.

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 rezoning is necessary due to the annexation of the properties. The proposed use will not have any adverse effects in the area and is similar to the residential uses that currently exist in the surrounding area.

(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 and similar to the residential uses that currently exist in the surrounding area.

(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.*

All utilities can and are being provided.

(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 these subject properties, there is no available vacant land inside the city limits with the R-4 zoning classification that is suitable for development due to flood plain restrictions.

(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, noting that Council is required to hold a public hearing, and staff recommended approval based on the findings of:

- o The properties are currently being utilized as single-family residential property
- 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 proposed rezoning is consistent with the City of Troy Comprehensive Plan.

Discussion by Commission. In response to a question, staff commented that all the properties are on the left side of the road, and the owners of the property agreed to the annexation when it was considered.

PLANNING COMMISSION ACTION:

Public Hearing

A motion was made by Mr. Wolke, seconded by Mr. Titterington, that the Commission not hold a public hearing on the application to rezone the 16 parcels on Riverside Drive.

MOTION PASSED, UNANIMOUS VOTE

Recommendation

A motion was made by Mr. Wolke, seconded by Mr. Titterington, that the Troy Planning Commission recommends to Troy City Council that the following 16 parcels on Riverside Drive be rezoned from City Administered County Zoning to R-4, Single Family Residence District, based on the findings of staff that:

- The properties are currently being utilized as single-family residential property
- The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code; and
- The proposed rezoning is consistent with the surrounding zoning districts; and
- The proposed rezoning is consistent with the City of Troy Comprehensive Plan:

PARCEL	INLOT NO.	Owner Name	Address
S51-001800	IL 11299	STEPHEN S. SCHMITZ	248 RIVERSIDE DR
S51-001700	IL 11298	JEFFREY A. FOX	238 RIVERSIDE DR
S51-001600	IL 11297	DENISE G. MILLER	218 RIVERSIDE DR
S51-001500	IL 11296	DENISE G. MILLER	RIVERSIDE DR
S51-001400	IL 11295	THOMAS A. BRANDENBURG	206 RIVERSIDE DR
S51-001200	IL 11293	CHARLES M. BOND TRUSTEE	180 RIVERSIDE DR
S51-001300	IL 11294	KATHIE HOLDEMAN	186 RIVERSIDE DR
S51-001100	IL 11292	RICHARD S. BORTON	162 RIVERSIDE DR
S51-001000	IL 11291	MARK J. WILLIAMS	154 RIVERSIDE DR
S51-000900	IL 11290	ALBERT R. MADER	148 RIVERSIDE DR
S51-000800	IL 11289	DONALD F. HETZLER	142 RIVERSIDE DR
S51-000700	IL 11288	JANET L. BRET LAND	136 RIVERSIDE DR
S51-000300	IL 11284	KEVIN S. ADKINS	102 RIVERSIDE DR
S51-000600	IL 11287	RUSSELL S. SOWRY	122 RIVERSIDE DR
S51-000500	IL 11286	MICHAEL K. LECATES	106 RIVERSIDE DR
S51-000400	IL 11285	MARY JANE HARROD	104 RIVERSIDE DR

MOTION PASSED, UNANIMOUS VOTE

REZONING REQUEST FOR ANNEXED PARCEL ALONG LYTLE ROAD, PARCEL NO. D08-106896, INLOT 11357, FROM CITY ADMINISTERED COUNTY ZONING TO THE CITY ZONING OF R-5, SINGLE-FAMILY RESIDENTIAL DISTRICT; OWNER - FIRST TROY CORP LLC; APPLICANT - CITY OF TROY. The staff report noted: this is Parcel D08-106896, Inlot 11357, annexed in 2016, the County zoning was A-2, currently City Administered County Zoning; and staff is recommended a zoning of R-5, Single-family Residential District.

The report further commented: "This parcel consisting of 55.8 acres, is currently vacant and located on the east side of Lytle Road, and north of the Mid-County Church of Christ property. The adjacent property zoning districts are City of Troy, R-5 Single-Family Residential District to the south. Around the north, east and west, is Miami County Zoning of A-2, General Agricultural with a few parcels of R-1AAA, One Family Residential to the north and south. Staff stated the owner concurs with the proposed rezoning. The staff report noted:

"DISCUSSION:

The Zoning Code describes the proposed R-5 Single-Family Residence District as "designed to accommodate single-family dwellings on lots with areas of at least six thousand (6,000) 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 majority of the properties to the south are currently developed with the primary use of single-family residential. The majority of the adjacent properties, not inside the city limits are being used as agricultural or single family residential. In the Comprehensive Plan, the Northwest Sub-Area Future Land Use the northwest area is noted as the primary industrial area for the city. This portion at Eldean Road and Lytle Road was to possibly be developed as Planned Development Industrial area with an interstate interchange proposed for Eldean Rd and I-70. Since the publication of the Comprehensive Plan, the interchange will not be installed at this location. The current growth trends, and best use of the property for this section around Lytle Road is residential.

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 rezoning is necessary due to the annexation of the properties. The proposed use will not have any adverse effects in the area and is similar to the residential uses that currently exist in the surrounding area.

(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 and similar to the residential uses that currently exist in the surrounding area.

(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.

All utilities can be provided.

(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 this subject property, the only vacant property is owned by the neighboring church. There is no other vacant land inside the city limits in the vicinity with the R-5 zoning classification that is suitable for development.

(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 the Commission hold a Public Hearing as Council is required to hold one, and recommended approval of the rezoning based on the findings of:

- o The adjacent properties to the south are currently being utilized as single-family and two-family residential property
- 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.

Discussion by Commission.

Mr. Wolke commented that most of the rezoning recommendations are for residential, and he asked if any of the properties should be considered as potential industrial sites, and that he strongly supports the City being able to bring in businesses.

Mr. Kappers stated he concurred with Mr. Wolke’s comment and asked about checking with the State to see if there was any change regarding an Interstate interchange at Eldean & I-75. Mr. Davis commented that the interchange idea was pursued twice with the State not supporting an interchange at the location as that would result in industrial traffic and vehicles on roads in the area that were not built to handle that traffic.

Mr. Titterington commented that while business and jobs remain the City’s number one priority, a challenge is finding adequate housing with the necessary density and affordability to attract workers. With the requirements not met for an interchange that would promote an industrial use for this land, staff has supported the R-5 zoning.

Staff further commented that the City has partnered with the Troy Development Council to contract for 73 acres of industrial property closer to an existing interchange, so the City is not abandoning the future development focus.

Mr. Wolke commented that he understands the argument about taking industrial traffic through the residential Westbrook neighborhood, and commented that it hard to enforce “no truck traffic” signage and requirements.

PLANNING COMMISSION ACTION:

Public Hearing

A motion was made by Mr. Titterington, seconded by Mrs. Ehrlich, that the Commission not hold a public hearing on the rezoning of Parcel D08-106896, from City Administered County Zoning to the City zoning of R-5, Single-Family Residential District.

MOTION PASSED, UNANIMOUS VOTE

Recommendation

A motion was made by Mr. Wolke, seconded by Mr. Titterington, that the Troy Planning Commission recommends to Troy City Council that Parcel D08-106896, Inlot 11357, located on Lytle Road, be rezoned from City Administered County Zoning of A-2 General Agricultural District, to the City zoning of R-5, Single-Family Residential District, as requested and based on the findings of staff that:

- The adjacent properties to the south are currently being utilized as single-family and two-family residential property
- The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code; and
- The proposed rezoning is consistent with the surrounding zoning districts.

MOTION PASSED, UNANIMOUS VOTE

REZONING REQUEST FOR ANNEXED PARCEL, 1103 WASHINGTON ROAD, PARCEL D08-106898, IL 11364, FROM CITY ADMINISTERED COUNTY ZONING TO THE CITY ZONING OF R-4, SINGLE-FAMILY RESIDENTIAL DISTRICT; OWNER – GREGORY HEILERS; APPLICANT - CITY OF TROY.

The staff report noted: this parcel is 21.823 acres located on W. Stanfield Road and Washington Bend Court; the land is currently used as single family residential and located North of W Stanfield Road and West of the Fox Harbor Subdivision; surrounding zoning districts include the County Zoning of A-1 Domestic Agriculture, A-2 General Agriculture, and City of Troy Zoning R-4 Single Family Residential District, R-5 Single Family Residential District, and R-3 Single Family Residential District. The staff report noted:

“DISCUSSION:

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’s Future Land Use Map displays this property as future residential use. Specifically, in Chapter 14, under the Southwest Sub-Area, the Comprehensive Plan mentions future residential development with diverse densities.

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 and similar to the residential uses that currently exist to the immediate vicinity.

(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 are being provided to the reference property.

(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, the available vacant land to the north with the R-4 zoning classification is a part of the proposed Fox Harbor subdivision.

(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 indicated the property owner concurs with the rezoning.

Staff did not recommend the Commission hold a Public Hearing as Council is required to hold one, and recommended approval of the rezoning based on the findings of:

approval of the proposed rezoning from City Administered County Zoning to R-4 Single-Family Residential, based on the following:

- 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.

PLANNING COMMISSION ACTION:

Public Hearing

A motion was made by Mr. Titterington, seconded by Mrs. Ehrlich, that the Commission not hold a public hearing on the rezoning of Parcel D08-106898, IL 11364, from City Administered County Zoning to the City zoning of R-4, Single-Family Residential District.

MOTION PASSED, UNANIMOUS VOTE

Recommendation

A motion was made by Mr. Wolke, seconded by Mr. Titterington, that the Troy Planning Commission recommends to Troy City Council that Parcel D08-106898, Inlot 11364, 1103 Washington Road, be rezoned, from A-2, City Administered County Zoning of A-2 General Agricultural District, to the City zoning of R-4, Single-Family Residential District as requested and based on the findings of staff that:

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

MOTION PASSED, UNANIMOUS VOTE

REZONING FOR ANNEXED PARCEL AT 2900 MCKAIG ROAD, IL 10899, FROM CITY-ADMINISTERED COUNTY ZONING TO THE CITY ZONING OF R-3-B, SINGLE-FAMILY RESIDENTIAL DISTRICT; OWNER – CRAIG L. DUBOSE; APPLICANT – CITY OF TROY.

This is a parcel (Parcel ID: D08-106650, Inlot 10899) of 19.076 acres that has been annexed and now is under City Administered County Zoning, proposed to be rezoned to R-3-B, Single Family Residential. The land is currently used as single family residential and located East of the State Route 718 and McKaig Road interchange. The surrounding zoning districts include the R-3-B Single Family Residential District, R-4 Single Family Residential District, and County zoning A-2 General Agriculture and R-1AAA One Family Residential. Please see attached map indicating surrounding zoning districts. The Zoning Code describes the proposed zoning district as “designed to accommodate single-family dwellings on lots with areas of at least twelve thousand (12,000) square feet per dwelling unit.” The Comprehensive Plan’s Future Land Use Map (Figure 14-5) displays this property as future residential use. Specifically, in Chapter 14, under the Southwest Sub-Area, the Comprehensive Plan mentions future residential development with diverse densities. Staff advised that the property owner concurs with the proposed rezoning. The staff report noted:

“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 and similar to the residential uses that currently exist to the immediate vicinity.

(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 are being provided for the reference property.

(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-3-B zoning classification.

(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 the Commission hold a Public Hearing as Council is required to hold one, and recommended approval of the rezoning based on the findings of:

- 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-3-B district; and
- o The proposed rezoning is consistent with the City of Troy Comprehensive Plan.

PLANNING COMMISSION ACTION:

Public Hearing

A motion was made by Mayor Oda, seconded by Mrs. Ehrlich, that the Commission not hold a public hearing on the rezoning of Parcel D08-106650, IL 10899, at 2900 McKaig Road from City Administered County Zoning, to the City zoning of R-3-B, Single-Family Residential District.

MOTION PASSED, UNANIMOUS VOTE

Recommendation

A motion was made by Mr. Titterington, seconded by Mr. Westmeyer, that the Troy Planning Commission recommends to Troy City Council that Parcel D08-106650, IL 10899, at 2900 McKaig Road, be rezoned from City Administered County Zoning of R-1 AAA One Family Residential District, to the City zoning of R-3-B, Single-Family Residential District as requested and based on the findings of Staff that:

- The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code; and
- The proposed rezoning is consistent with the surrounding zoning districts; and
- The use is consistent with permitted uses in the R-3-B district; and
- The proposed rezoning is consistent with the City of Troy Comprehensive Plan.

MOTION PASSED, UNANIMOUS VOTE

REZONING REQUEST FOR ANNEXED PARCEL, 2765 MCKAIG ROAD, INLOTS 11365 AND 11366, PARCELS D08-106904 & D08-106906 FROM CITY ADMINISTERED COUNTY ZONING TO R-4 SINGLE FAMILY RESIDENTIAL DISTRICT; OWNER – LINDA F. ROCCO; APPLICANT – CITY OF TROY.

Staff noted: The land is currently used as single family residential and located West of Cartwright Court and East of Stonebridge Drive. The surrounding zoning districts include the R-3-B, Single Family Residential District, R-4 Single Family Residential District, and City Administered County Zoning. Staff commented that the property owner supports the rezoning. The staff report further noted:

“DISCUSSION:

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’s Future Land Use Map (Figure 14-5) displays this property as future residential use. Specifically, in Chapter 14, under the Southwest Sub-Area, the Comprehensive Plan mentions future residential development with diverse densities.

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 and similar to the residential uses that currently exist to the immediate vicinity.

(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 are being provided to the reference property.

(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.

(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 the Commission hold a Public Hearing as Council is required to hold one, and recommended approval of the rezoning based on the findings of:

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

PLANNING COMMISSION ACTION:

Public Hearing

A motion was made by Mrs. Ehrlich, seconded by Mr. Wolke, that the Commission not hold a public hearing on the rezoning of Inlots 11365 and 11366, Parcels D08-106904 & D08-106906 from City Administered County Zoning to R-4 Single Family Residential District.

MOTION PASSED, UNANIMOUS VOTE

Recommendation

A motion was made by Mr. Wolke, seconded by Mayor Oda, that the Troy Planning Commission recommends to Troy City Council that Inlots 11365 and 11366, Parcels D08-106904 & D08-106906, located at 2765 McKaig Road, be rezoned from City Administered County Zoning of R-1 AAA, One-Family Residential District, to the City zoning of R-4, Single Family Residential District, as requested and based on the findings of staff that:

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

MOTION PASSED, UNANIMOUS VOTE

REZONING REQUEST FOR ANNEXED PARCEL, 2811 SR 718, INLOT 11367, PARCEL D08-250735, FROM CITY ADMINISTERED COUNTY ZONING TO R-4 SINGLE FAMILY RESIDENTIAL DISTRICT; OWNER – TROY CITY SCHOOLS BOARD OF EDUCATION; APPLICANT – CITY OF TROY.

Staff noted: The property is located on State Route 718, East of the State Route 718 and McKaig Road interchange. The land is currently used as agricultural. The surrounding zoning districts include the R-3-B Single Family Residential District, R-4 Single Family Residential District, and Planned Unit Development, and County zoning A-2 General Agriculture. Please see attached map indicating surrounding zoning districts. Staff noted that the property owner supports the rezoning. The staff report noted:

“DISCUSSION:

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’s Future Land Use Map (Figure 14-5) displays this property as future residential use. Specifically, in Chapter 14, under the Southwest Sub-Area, the Comprehensive Plan mentions future residential development with diverse densities.

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 and similar to the residential uses that currently exist to the immediate vicinity.

(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 can be provided to the reference property.

(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.

(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 the Commission hold a Public Hearing as Council is required to hold one, and recommended approval of the rezoning based on the findings of:

- 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.

PLANNING COMMISSION ACTION:**Public Hearing**

A motion was made by Mr. Titterington, seconded by Mr. Westmeyer, that the Commission not hold a public hearing on the rezoning of 2811 SR 718, Inlot 11367, Parcel D08-250735, from City Administered County Zoning to R-4 Single-Family Residential District.

MOTION PASSED, UNANIMOUS VOTE

Recommendation

A motion was made by Mrs. Ehrlich, seconded by Mayor Westmeyer that the Troy Planning Commission recommends to Troy City Council that Inlot 11367, Parcel D08-250735, located at 2811 SR 718, be rezoned from City Administered County Zoning of A-2, General Agricultural District, to the City zoning of R-4, Single Family Residential District, as requested and based on the findings of staff that:

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

MOTION PASSED, UNANIMOUS VOTE

REZONING REQUEST FOR ANNEXED PARCEL OF CITY PROPERTY, 2.45 ACRES AT 554 STAUNTON ROAD, PARCEL K31-250010; FROM CITY ADMINISTERED COUNTY ZONING TO CITY WO, WELLHEAD OPERATION DISTRICT; OWNER/APPLICANT – CITY OF TROY.

Staff noted: The property is located at 554 Staunton Road, Parcel ID: K31-250010 (2.45 acres), was annexed in 2020; the surrounding zoning districts include the AR Agriculture Residential District, WO Wellhead Operation District, and R-5 Single Family Residential District. The report further stated:

“DISCUSSION:

The Zoning Code describes the proposed WO zoning district as “designed to safeguard the public health, safety, and welfare of citizens and institutions that are customers of the City water system by regulating land use and the storage, handling, use, or production of regulated substances within the zone of influence. The intent of this designation is to protect the community’s potable water supply against contamination. This district will be mapped on property owned or controlled and operated for existing and/or proposed public water supply wells, recharge lagoons, or other related groundwater supply facility”. The current use of the driving range has no adverse effects to the surrounding area or water supply.

The Comprehensive Plan’s Future Land Use Map (Figure 14-2) displays this area as future park land.

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 recreational 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 and similar to the recreational uses that currently exist to the immediate vicinity.

(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 are being provided to the reference property.

(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 WO zoning classification.

(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 the Commission hold a Public Hearing as Council is required to hold one, and recommended approval of the rezoning based on the findings of:

- 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 WO district; and
- o The proposed rezoning is consistent with the City of Troy Comprehensive Plan.

Discussion by Commission.

Mr. Kappers, noting the proximity of the parcel to the Miami Shores Golf Course and driving range, asked if the rezoning could have any impact on the golf course operations, and was told there would not be any impact, even though part of the driving range is within the annexed area being rezoned.

PLANNING COMMISSION ACTION:

Public Hearing

A motion was made by Mrs. Ehrlich, seconded by Mr. Wolke, that the Commission not hold a public hearing on the rezoning of Parcel K31-250010, located at 554 Staunton Road, from City Administered County Zoning to the City zoning of WO, Wellhead Operation District.

MOTION PASSED, UNANIMOUS VOTE

Recommendation

A motion was made by Mr. Wolke, seconded by Mrs. Ehrlich, that the Troy Planning Commission recommends to Troy City Council that the City-owned parcel of 2.554 acres located at 554 East Staunton Road, Parcel K31-250010, be rezoned from City Administered County Zoning to the City Zoning of WO, Wellhead Operation District, as requested and based on the findings of staff that:

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

MOTION PASSED, UNANIMOUS VOTE

REZONING REQUEST FOR ANNEXED PARCEL LOCATED OFF TROY-URBANA ROAD, PARCELS K30-042400 & K30-042407 FROM CITY ADMINISTERED COUNTY ZONING TO THE CITY ZONING OF R-3-B, SINGLE-FAMILY RESIDENTIAL DISTRICT; OWNER – LIBERTY LOT SALES, LLC; APPLICANT - CITY OF TROY.

The staff report noted: This is a parcel of 83.226 acres annexed in 2020 located on Troy-Urbana Road East of the Hunters Ridge Subdivision. The surrounding zoning districts include County Zoning of R-1AAA Single Family Residential A-2 General Agriculture, and City of Troy Zoning R-4 Single Family Residential District, R-5 Single Family Residential District, and R-3 Single Family Residential District. Please see attached map indicating surrounding zoning districts. Staff commented that the property owner supports the proposed rezoning. The staff report noted:

“DISCUSSION:

The Zoning Code describes the proposed R-3-B zoning district as “designed to accommodate single-family dwellings on lots with areas of at least twelve thousand (12,000) square feet per dwelling unit. This district will be mapped for selected areas which will develop in the future”.

The Comprehensive Plan’s Future Land Use Map (Figure 14-2) displays this property as future residential use. Specifically, in Chapter 14, under the Northeast Sub-Area, the Comprehensive Plan states “To achieve the City’s desired housing diversity, a low-density designation of 2.18 units an acre, translating to a minimum of 20,000 square feet lots is needed. However, higher densities and housing diversity can be encouraged for the Northeast Sub-Area”. The proposed R-3-B zoning district is less dense than the existing Hunters Ridge subdivision located in the R-4 Single Family Residential zoning designation to the West.

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 to the north and east.

(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 and similar to the residential uses that currently exist to the West in the Hunters Ridge subdivision.

(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 can be provided to the reference property.

(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 unavailable vacant land for development with the R-3-B zoning classification.

(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 the Commission hold a Public Hearing as Council is required to hold one, and recommended approval of the rezoning based on the findings of:

- 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-3-B district; and
- o The proposed rezoning is consistent with the City of Troy Comprehensive Plan.

PLANNING COMMISSION ACTION:

Public Hearing

A motion was made by Mr. Titterington, seconded by Mr. Westmeyer, that the Commission not hold a public hearing on the rezoning of Parcels K30-042400 & K30-042407, located off Troy-Urbana Road from City administered County zoning to the City zoning of R-3-B, Single-Family Residential District.

MOTION PASSED, UNANIMOUS VOTE

Recommendation

A motion was made by Mrs. Ehrlich, seconded by Mayor Westmeyer that the Troy Planning Commission recommends to Troy City Council that the 83.226 acres, Parcels K30-042400 & K30-042407, located off Troy-Urbana Road be rezoned from City Administered County Zoning of A-2, General Agricultural District, to the City zoning of R-3-B, Single Family Residential District, as requested and based on the findings of staff that:

- The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code; and
- The proposed rezoning is consistent with the surrounding zoning districts; and
- The use is consistent with permitted uses in the R-3-B district; and
- The proposed rezoning is consistent with the City of Troy Comprehensive Plan.

MOTION PASSED, UNANIMOUS VOTE

There being no further business, the meeting adjourned at 4:52 p.m. upon motion of Mr. Westmeyer, seconded by Mrs. Ehrlich.

Respectfully submitted,

_____Chairman

_____Secretary