

A regular meeting of the Troy Planning Commission was held in Council Chambers, City Hall on Wednesday, May 11, 2022 at 3:30 PM with Chairman Alan Kappers presiding. ATTENDING: Members – Titterington, Wolke, Oda, Kappers and Westmeyer; Zoning Inspectors Eidemiller, Long, and Bruner; Development Director Davis, and Development staff member Dunlap.

APPROVAL OF MINUTES: Upon motion of Mayor Oda, seconded by Mr. Titterington, the minutes of the April 27, 2022 meeting were approved as amended by unanimous roll call vote.

**REZONING APPLICATION, 408 AND 410 N. ELM STREET, FROM R-6, TWO-FAMILY RESIDENTIAL DISTRICT, TO OR-1, OFFICE RESIDENTIAL DISTRICT; OWNER/APPLICANT – WE LOVE BIRTHDAY PARTIES, LLC BY SHELLY CALVERT.** Staff reported:

“A request by Shelly Calvert, on behalf of We Love Birthday Parties LLC, for the Planning Commission to consider the rezoning of 408 N. Elm Street and 410 N. Elm Street, Parcel ID: D08-250710 and D08-250712, from R-6 Two-Family Residential to OR-1 Office Residential District. The properties are located on N. Elm Street south of Atlantic Street and North of Fountain Street.

The total 0.26 acres has a proposed use of office and open space for birthday party rentals. The surrounding zoning districts include the B-2 General Business District to the north and east and R-6 Two-Family Residential to the south and west. Please see attached Zoning Map.

**DISCUSSION:**

The subject properties have held a variety of uses, most recently occupied by the Courts of Praise Church, and has not been utilized as a residential structure. The flexible uses in the OR-1 Zoning District allow for the continued usage as a non-residential property while acting as a buffer for the existing residential properties to the adjacent commercial zoning district.

Chapter 1143.11 of the Zoning Code describes the proposed OR-1 Zoning District as “designed to accommodate a mixture of residential and office uses. Medium intensity residential and office uses are permitted with a lot area requirement of three thousand (3,000) square feet per dwelling unit. Residential and office uses may be mixed in the same building or structure. A variety of personal service uses which are compatible with the other uses of the "OR-1" Office-Residence District are permitted. This district is mapped along major thoroughfares, near hospitals and as a transitional area between commercial and residential uses.”

The Comprehensive Plan’s Future Land Use Map (Figure 14-2) displays this area as commercial and 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 as this property acts as a transition from the commercial properties to the north, to the residential properties to the south.

(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 low intensity commercial 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.

(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 request 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 OR-1 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 and recommended approval of the rezoning application as submitted 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 while acting as a transition from the commercial districts to the residential properties; and
- o The use is consistent with permitted uses in the OR-1; and
- o The proposed rezoning is consistent with the City of Troy Comprehensive Plan.”

Discussion: Mr. Wolke asked if this would be considered “spot zoning”. Staff commented that as the OR-1 is a transitional zoning (commercial to residential), this would not be considered spot zoning, and this type of transitional zoning is preferred.

Public Hearing: A motion was made by Mr. Wolke, seconded by Mr. Titterington, that the Troy Planning Commission not hold a public hearing on the rezoning application for 408 and 410 N. Elm Street. **MOTION PASSED, UNANIMOUS VOTE**

Recommendation:

A motion was made by Mr. Wolke, seconded by Mr. Westmeyer, that the Troy Planning Commission recommends to Troy City Council that 408 N. Elm Street (Parcel D08-250712) and 410 N. Elm Street (Parcel D08-250710) be rezoned from R-6, Two-Family Residential District, to OR-1, Office Residential District, 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 while acting as a transition from the commercial districts to the residential properties; and
- o The use is consistent with permitted uses in the OR-1; and
- o 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 3:35 p.m. upon motion of Mr. Westmeyer, seconded by Mr. Wolke, and approved by unanimous voice vote.

Respectfully submitted,

\_\_\_\_\_Chairman

\_\_\_\_\_Secretary

