



**TROY CITY COUNCIL
COMMITTEE MEETING
COUNCIL CHAMBERS, CITY HALL
100 S. Market Street, Troy, Ohio**

MONDAY, AUGUST 12, 2024, 6:00 PM

Finance Committee

(Severt [Chm.], Schilling, Westfall)

1. Provide a recommendation to Council regarding authorizing the Director of Public Service and Safety to amend the Construction Management at Risk (CMAR) Pre-construction and Construction Services Agreement with Peterson Construction Company of Wapakoneta, Ohio to perform construction services for the Valve Replacement Project at the Water Treatment Plant (WTP) at a cost not to exceed \$1,357,151.

Law & Ordinance Committee

(Whidden [Chm.], Marshall, Twiss)

1. Provide a recommendation to Council regarding Ordinance No. O-28-2024, rezoning Parcel Numbers D08-101816 & D08-006000, Located at or Near at 518 E. Water St. from M-2, Light Industrial District, to OR-1, Office-Residence. This rezoning has been recommended by the Troy Planning Commission.

8-12-2024

Cc: Council
Mayor
Mr. Titterington, Mr. Kerber
Mr. Frigge, Departments, Media

FINANCE COMMITTEE

MEMORANDUM

TO: Mr. Rozell, President of Council

FROM: Patrick E. J. Titterington, Director of Public Service and Safety 

DATE: August 8, 2024

SUBJECT: **AUTHORIZE CMAR PRE-CONSTRUCTION & CONSTRUCTION SERVICES AGREEMENT WITH PETERSON CONSTRUCTION COMPANY FOR THE WATER TREATMENT PLANT VALVE REPLACEMENT PROJECT**

RECOMMENDATION:

That Council authorizes the Director of Public Service and Safety to accept the Guaranteed Maximum Price (GMP) from the Construction Management at Risk (CMAR) Pre-construction and Construction Services Agreement with Peterson Construction Company of Wapakoneta, Ohio to perform construction services for the Valve Replacement Project at the Water Treatment Plant (WTP) at a cost not to exceed \$1,357,151.

BACKGROUND:

The Valve Replacement Project was precipitated by the 2022 filter media cleaning in which acid escaped through leaking valves on the filters. This low pH water entered the clearwell and in an attempt to isolate the water, valves were operated to bypass the clearwell. Once the situation was corrected the valves were operated back to their original position, but the extensions broke before the end was reached. These 48" valves are approximately 35 feet deep and has ground water infiltration that must be handled safely. Due to the depth of excavation, the size of the valves and the ground water in the area, it was decided this project would benefit utilizing the Ohio Revised Code Construction Management at Risk (CMAR) process to reduce time and costs associated with the project. The project includes installation of dewatering wells to allow excavation and operation of valves in the yard to bypass the clearwell for the duration of the project. Replacement of valves and piping in the clearwell vault to allow isolation of inner clearwell, outer clearwell and bypassing of the clearwell. Valves in the yard will then be eliminated and excavation area restored. The anticipated substantial completion for this project is September 2025. The approval for the pre-construction and construction services was the first step in the CMAR process as was authorized for \$250,000 by Resolution R-4-2024. The GMP as required in the CMAR process has been submitted for construction in the amount of \$1,336,751. Pre-construction services were \$20,400, bringing the entire total project amount to \$1,357,151. This total amount already includes the \$250,000 previously authorized. The additional amount requested for the project is \$1,107,151. While this project was originally estimated at \$1,000,000, sufficient funds are available in the Water Fund.

REQUESTED ACTION:

It would be appreciated if you would assign to a Committee of Council authorizing the Director of Public Service and Safety to amend the Construction Management at Risk (CMAR) Pre-construction and Construction Services Agreement with Peterson Construction Company of Wapakoneta, Ohio to perform construction services for the Valve Replacement Project at the Water Treatment Plant (WTP) at a cost not to exceed \$1,357,151.



**LAW & ORDINANCE
COMMITTEE**

ORDINANCE No. O-28-2024

Dayton Legal Blank, Inc.

**AN ORDINANCE CHANGING THE ZONING OF
PARCEL NUMBERS D08-101816 AND D08-006000,
LOCATED AT OR NEAR 518 E. WATER STREET, IN
THE CITY OF TROY, OHIO, FROM M-2, LIGHT
INDUSTRIAL DISTRICT, TO OR-1, OFFICE-
RESIDENCE DISTRICT**

WHEREAS, a request for a zoning change was presented to the Planning Commission of the City of Troy, Ohio to rezone Parcel Numbers D08-101816 and D08-006000, located at or near 518 E. Water Street in the City of Troy, Ohio, from M-2, Light Industrial District, to OR-1, Office-Residence District; and

WHEREAS, the Planning Commission of the City of Troy, Ohio, has reviewed the plan and recommended approval; and

WHEREAS, at least thirty days notice of the public hearing of said change has been provided in a newspaper of general circulation.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Troy, Ohio as follows:

SECTION I: That the zoning of Parcel Numbers D08-101816 and D08-006000, located at or near 518 E. Water Street in the City of Troy, Ohio, from M-2, Light Industrial District, to OR-1, Office-Residence District, be approved.

SECTION II: That this Ordinance shall be effective at the earliest date allowed by law.

Adopted: _____
President of Council

Approved: _____

Attest: _____
Clerk of Council Mayor



TROY PLANNING COMMISSION

MEMORANDUM

TO: Mr. Rozell, President, Troy City Council
FROM: Sue Knight, for the Troy Planning Commission
DATE: July 8, 2024
SUBJECT: **PROPOSED REZONING - PARCEL NUMBERS D08-101816 AND D08-006000, LOCATED AT OR NEAR 518 E. WATER STREET, FROM M-2, LIGHT INDUSTRIAL DISTRICT, TO OR-1, OFFICE-RESIDENCE**

On June 12, 2024, the Troy Planning Commission considered the rezoning of two parcels (Parcel Numbers D08-101816 and D08-006000) located at or near 518 E. Water Street, from M-2, Light Industrial District, to OR-1, Office-Residence District. This is the vacant property located east of N. Crawford Street, and is the former Spinnaker Coating location. The property owner is 518 Water LLC, and the applicant is East Troy Development, LLC.

The Planning Commission determined not to hold a public hearing on this rezoning application.

By unanimous vote, the Troy Planning Commission recommends to Troy City Council that Parcel Numbers D08-101816 and D08-006000, located at or near 518 E. Water Street, Troy, Ohio, be rezoned from M-2, Light Industrial District, to OR-1, Office-Residence District, based on the findings of staff that:

- The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code
- The proposed rezoning is consistent with the surrounding zoning districts
- The proposed use is consistent with permitted uses in the OR-1 District

Attached is a copy of the information reviewed by the Commission, as well as copies of the principal permitted uses of the current and proposed zoning districts. This request is forwarded herewith to Council for consideration.

The Public Hearing before Council has been set for the August 5, 2024, meeting of Council.

encl.

MEMORANDUM

TO: City of Troy Planning Commission Members
FROM: Austin Eidemiller, Planning & Zoning Manager
DATE: June 12, 2024
SUBJECT: 518 E. Water Street - Rezoning Request

BACKGROUND:

A request by the applicant, East Troy Development LLC for the Planning Commission to consider the rezoning of the property located at 518 E. Water Street from M-2, Light Industrial District, to OR-1, Office Residence District. The property is located on E. Water Street east of N. Crawford Street.

The land is currently vacant and was previously home to spinnaker coating. The surrounding zoning districts include the R-6 Two Family Residential to the south and west. The WO Wellhead Operation District is located directly to the north. Please see attached Exhibit A – Zoning Map.

DISCUSSION:

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 property as an existing industrial use surrounded by existing commercial to the west. A copy of Figure 14-2 has been attached to this report.

In reviewing a rezoning proposal, Section 1139.07 outlines the criteria on which to base decisions. Staff analysis can be found in **Red** below:

(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 changing condition that led to this rezoning request is the demolition of the Spinnaker Coating facility. The proposed zoning district will not have any adverse effects in the area. Commercial and residential uses exist to the west of the subject property.

(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 commercial uses that currently exist to the west.

(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 property in reference.

(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 OR-1 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.

PUBLIC HEARING:

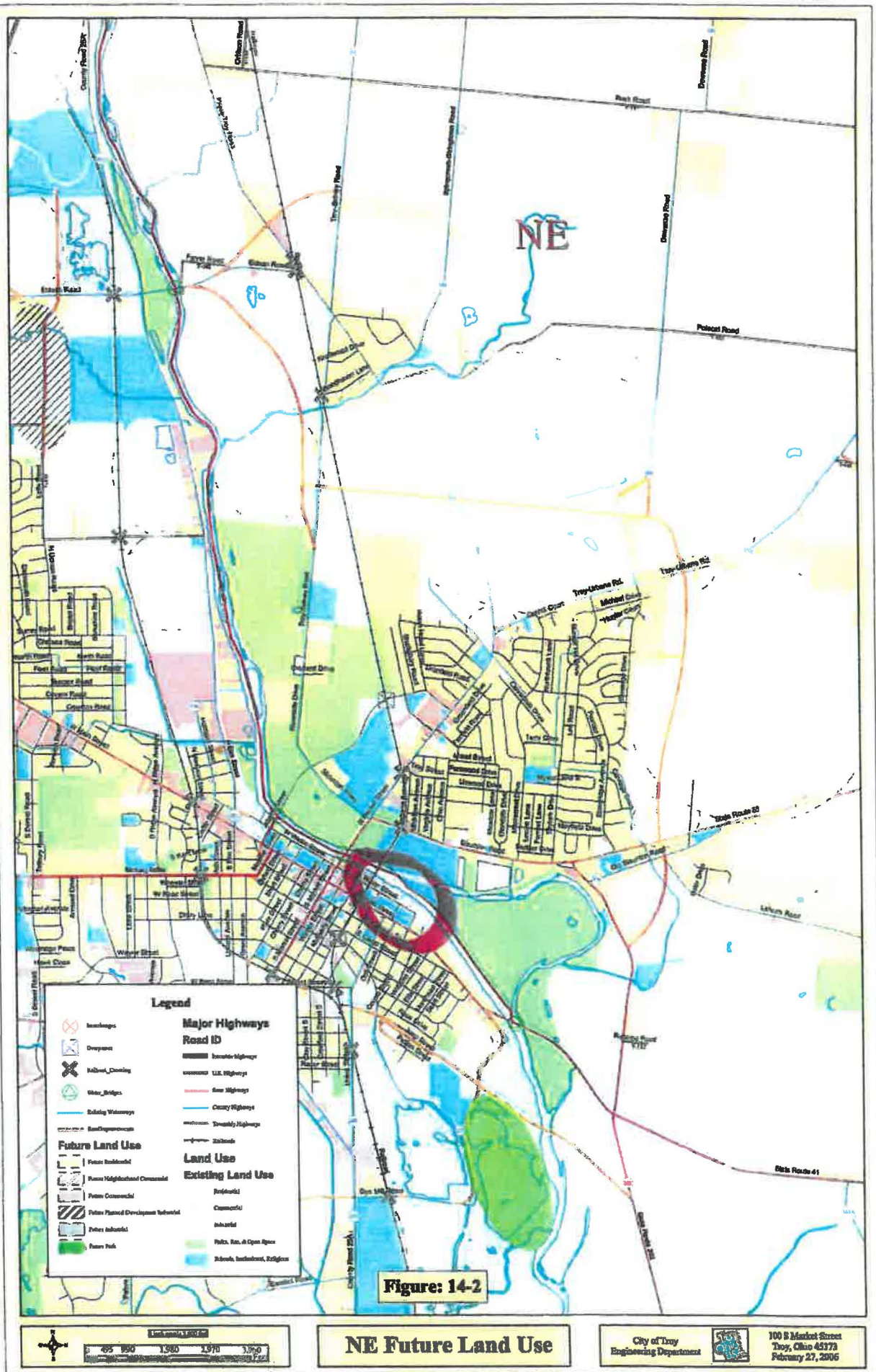
Due to the straight forward nature of the rezoning request, the compliance with the City of Troy Comprehensive Plan, and the fact that City Council is required to hold a public hearing if the request proceeds on, staff does not feel that a public hearing before the Planning Commission is warranted.

RECOMMENDATION:

It is staff's opinion that the proposed rezoning will achieve the desired transitional district as discussed in the City of Troy's Comprehensive Plan and Zoning Code. The intent of the OR-1 is act as a transitional area between commercial and residential uses. It is important to note that the Comprehensive Plan just shows existing land uses for this area and does not provide any recommendation for future land uses for the property in reference. The City is currently in the process of updating its Comprehensive Plan. The draft version of the Future Land Use Map identifies this property as Trail-Oriented Development. The proposed district complies with the Future Land Use map.

Staff is recommending that the Planning Commission recommend approval of the proposed rezoning from M-2 Light Industrial District to OR-1 Office Residence District, 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 proposed use is consistent with permitted uses in the OR-1 district.



Scheduled Planning Commission Meeting
(Held every 2nd and 4th Wednesday of the month at 3:30 p.m.)

Date Requested: _____
Applicant(s) scheduled on the agenda will be notified

Office Use Only

Date Filed 5-22-24
Accepted by [Signature]
Filing Fee Pd. \$250
Receipt # 202410227

APPLICATION IS DUE TWO (2) WEEKS PRIOR TO MEETING

**APPLICATION FOR ZONING AMENDMENT
CITY OF TROY PLANNING COMMISSION**

(MUST BE TYPED OR PRINTED LEGIBLY IN BLACK INK)

(READ SECTION 1139 OF THE ZONING CODE BEFORE COMPLETING APPLICATION)

An application for an amendment to the City of Troy, Ohio Zoning Code that would change the zoning classification for the property located at 518 E. Water St.

being lot number(s) D08-101816/D08-006000 from M-2 to OR-1
(Parcel Identification Number) (Existing Zoning Classification) (Proposed Zoning Classification)

OWNER

Name 518 Water LLC
Address 4471 Southern Blvd.
City Kettering
State OH
Zip Code 45429
Phone No. 937-416-0881
Fax No. -
Email migearhardt@gmail.com

APPLICANT

Name East Troy Development, LLC
Address 9 W. Water St.
City Troy
State OH
Zip Code 45373
Phone No. 937-552-9400
Fax No. -
Email will@harrelsonllp.com

The applicant is the buyer of the property, which is subject to this application.
(State the interest of the applicant)

PLEASE PROVIDE THE FOLLOWING:

1. The reasons for seeking a change in the zoning classification or zoning text: Attach as **EXHIBIT "A"**.
2. The legal description of the land proposed to be reclassified: Attach as **EXHIBIT "B"**.
3. A site plan prepared by a registered engineer, surveyor or architect in duplicate drawn to such scale as to clearly show:
 - a. The actual dimensions of the subject property according to the recorded plat of such property, lot numbers, it's present zoning classification, existing and proposed uses: Attach as **EXHIBIT "C"**.
 - b. The present zoning classification of all surrounding lands located within two hundred and fifty (250) feet of the land proposed to be reclassified: Attach as **EXHIBIT "D"**.
 - c. A list (see example) of the names, addresses, and lot numbers of the owners of property within a radius of two hundred and fifty (250) feet from the parcel or parcels of land proposed to be reclassified: Attach as **EXHIBIT "E"**
 - i. Include one (1) copy of County Tax Maps
 - ii. Include two (2) sets of mailing labels
4. 2 complete sets (Exhibits A-E) reproducible in a format no larger than 11"x17"
5. Filing Fee of \$250.00 made payable to the City of Troy

I HEREBY DEPOSE AND SAY THAT THE ABOVE STATEMENTS AND THE STATEMENTS CONTAINED IN ALL THE EXHIBITS PREPARED BY ME AND TRANSMITTED HERewith ARE TRUE.

Subscribed and sworn to before me this 21 day of May, 2024

(Applicant Signature)

My Commission Expires 3/10/25
(Month/Date/Year)



MACY MILHEIM, Notary Public
In and for the State of Ohio
My Commission Expires March 10, 2025
Recorded in Miami County

Macy Milheim

(Notary Public)

(For Office Use Only - Do Not Write Below This Line)

REQUIRED DOCUMENTS:

- ☐ EXHIBIT A Reasons for Zoning Reclassification
- ☐ EXHIBIT B Legal Description
- ☐ EXHIBIT C Site Plan: lot dimensions, lot numbers, current zoning, existing and proposed uses
- ☐ EXHIBIT D Site Map with Zoning & Owners within 250 feet of parcel
- ☐ EXHIBIT E Property Owners List within 250 feet of parcel
- ☐ Labels Two (2) Sets of Mailing Labels of Property Owners
- ☐ Copies (1) Complete Sets in a reproducible format 11"x17"
- ☐ Map(s) One (1) County Tax Map(s)
- ☐ Filing Fee Check issued to City of Troy for \$250.00

Additional Documentation (List):

PLANNING COMMISSION DISPOSITION:

PUBLIC HEARING DATE

RECOMMENDATION TO CITY COUNCIL

CITY COUNCIL DISPOSITION:

1st Reading: 2nd: 3rd: PUBLIC HEARING DATE

COUNCIL COMMITTEE RECOMMENDATION

Approved: Denied: CITY COUNCIL ACTION

Ordinance Number:

Effective Date:

Revised 10/25/11

Exhibit A

Currently zoned as M-2, requesting to be rezoned to OR-1 to redevelop for mixed use.

Exhibit B

Legal Description:

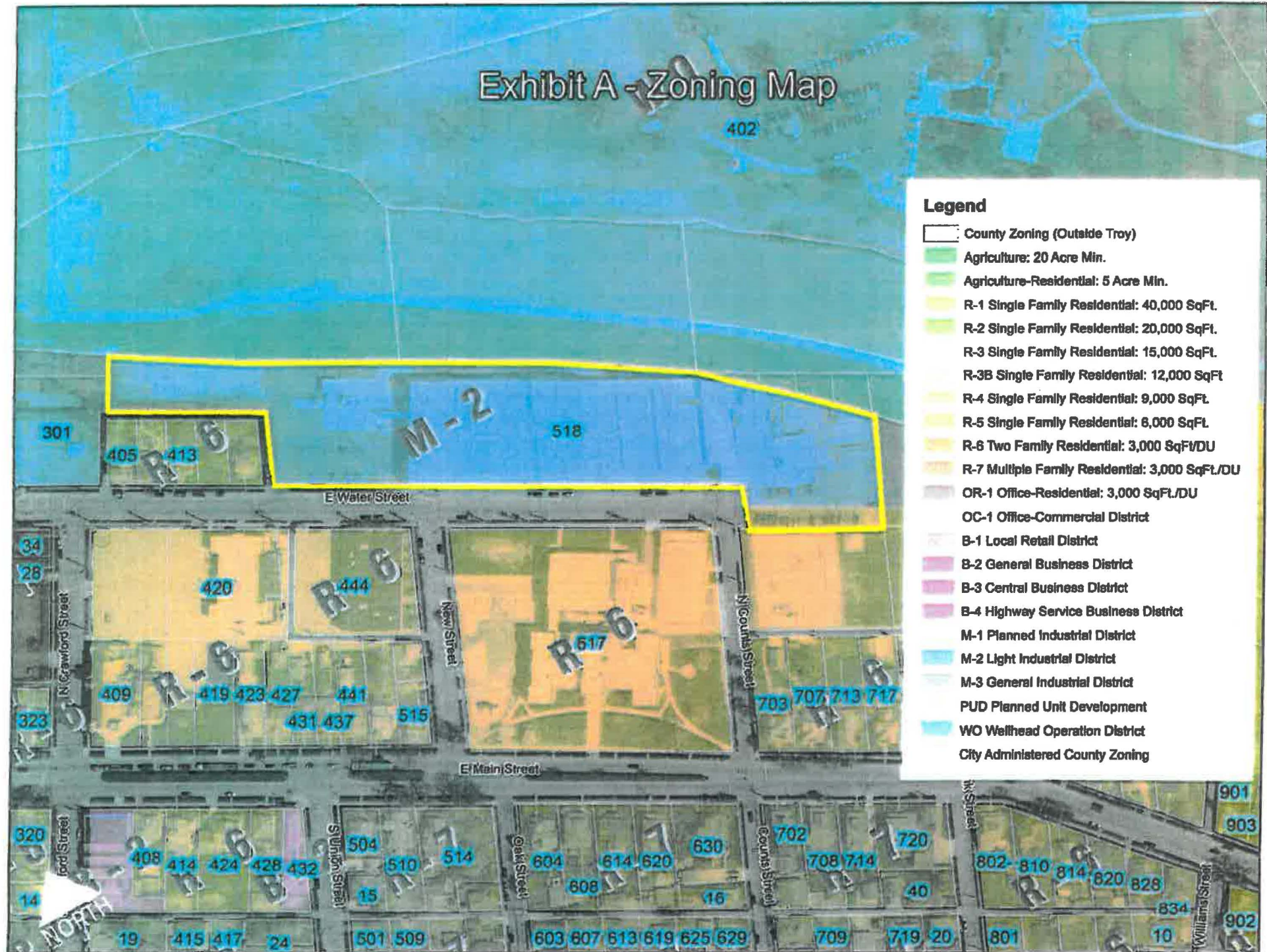
D08-101816

D08-006000

Exhibit A - Zoning Map

Legend

- County Zoning (Outside Troy)
- Agriculture: 20 Acre Min.
- Agriculture-Residential: 5 Acre Min.
- R-1 Single Family Residential: 40,000 SqFt.
- R-2 Single Family Residential: 20,000 SqFt.
- R-3 Single Family Residential: 15,000 SqFt.
- R-3B Single Family Residential: 12,000 SqFt.
- R-4 Single Family Residential: 9,000 SqFt.
- R-5 Single Family Residential: 6,000 SqFt.
- R-6 Two Family Residential: 3,000 SqFt/UDU
- R-7 Multiple Family Residential: 3,000 SqFt/UDU
- OR-1 Office-Residential: 3,000 SqFt/UDU
- OC-1 Office-Commercial District
- B-1 Local Retail District
- B-2 General Business District
- B-3 Central Business District
- B-4 Highway Service Business District
- M-1 Planned Industrial District
- M-2 Light Industrial District
- M-3 General Industrial District
- PUD Planned Unit Development
- WO Wellhead Operation District
- City Administered County Zoning



1143.18 M-2 LIGHT INDUSTRIAL DISTRICT

(a) Purpose. The "M-2" Light Industrial District is designed to provide for industrial uses, which can be operated in such a manner as to conform to the applicable performance standards specified in the district. These performance standards regulate such uses in order to prohibit congestion and for the protection of adjacent residential and business activities.

(b) **Principal Permitted Uses.** Only those uses set forth below which continuously conform to all the requirements of divisions (d) through (f) of this section shall be permitted: ♣ Agricultural implement sales and service. ♣ Agricultural uses. ♣ Auction sales. ♣ Automobile fuel dispensing station. ♣ Automobile parking garages. ♣ Automobile parking lots. ♣ Automobile repair garages – including body work. ♣ Bakeries – wholesale sales. ♣ Beverage distributors and bottling plants. ♣ Bone, canvas, cellophane, clay, cloth, cork, feathers, felt – manufacturing, assembling, compounding, or treatment (or any combination of these processes). ♣ Building material sales and storage facilities. ♣ Carpentry shops. ♣ Cash advance businesses. ♣ Cement block and formed products manufacturing. ♣ Cold storage plants. ♣ Commercial greenhouses and nurseries. ♣ Contractor sales, storage and equipment yards. ♣ Crematoriums (pet and human). ♣ Dairy and food product processing and packaging. ♣ Driver training schools (trucks). ♣ Dry cleaning – commercial. ♣ Electrical and electronic products, components and equipment – manufacturing, assembling or repair. ♣ Equipment rental services, including cars, trucks and trailers. ♣ Exterminating services. ♣ Fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious stone or metal, sheet metal, shell, textiles, tobacco, wax, wire and wood, but not including as a principal operation, the manufacture of such substances. ♣ Food brokers – retail, wholesale and storage without processing. ♣ Frozen food lockers. ♣ Garden stores. ♣ Government buildings, structures, or premises used exclusively by federal, state, county, township, or municipal governments for public purposes, but not including work shops, warehouse, or open material storage. ♣ Government buildings, structures, or premises used exclusively by federal, state, county, township or municipal governments for public purposes, provided open storage areas are screened. ♣ Heating, A/C, electric and plumbing sales, service and repair. ♣ Liquid fuel, petroleum products, petroleum, and volatile oils – bulk storage stations in accordance with Section 1143.18(g) hereof. ♣ Machine shops, tool and die shops. ♣ Machinery and heavy equipment rental, sales and storage. ♣ Manufacturing, assembling or repair of medical, dental, optical and similar precision instruments or appliances. ♣ Meat processing and packaging, exclusive of slaughtering. ♣ Medical and dental laboratories. ♣ Metal products, excluding structural steel and foundry products or product from previously prepared materials – manufacturing, compounding, assembling or treatment (or any combination of these processes). ♣ Moving and storage companies. ♣ Musical instruments – manufacturing, assembling or repair. ♣ Novelties, toys and rubber products – manufacturing, assembling or repair. ♣ Pawn shops. ♣ Pharmaceutical products, including cosmetics, toiletries and perfumes, but excluding the manufacture of soap from raw materials or products previously prepared – manufacturing, compounding, assembling, or treatment (or any combination of these processes). ♣ Pool Halls. ♣ Printing, publishing, binding and typesetting plants. ♣ Private clubs. ♣ Public utility. ♣ Railroad stations, depots, train yards, classification yards and team tracks. ♣ Research and engineering laboratories. ♣ Sales offices and service centers. ♣ Sawing and planning mills. ♣ Sexually oriented business. ♣ Sign painting and manufacture. ♣ Stone products processing and manufacturing. ♣ Tattoo parlors. ♣ Truck fuel dispensing stations. ♣ Truck repair facility. ♣ Truck sales and service. ♣ Truck washing facility. ♣ Trucking and motor freight terminals. ♣ Watches and clocks, including clock operated devices – manufacturing, assembling or repair. ♣ Water filtration plants and pumping stations. ♣ Wholesale houses, warehouse and other storage facilities.

OR-1 OFFICE-RESIDENCE DISTRICT

(a) Purpose. The "OR-1" Office Residence District is 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 Updated 10/3/2022 71 major thoroughfares, near hospitals and as a transitional area between commercial and residential uses.

(b) Principal Permitted Uses Only those uses set forth below which continuously conform to all the requirements of divisions (d) through (f) of this section shall be permitted:

♣ Accountant's office. ♣ Adult Family Home. ♣ Adult Group Home. ♣ Architect's office. ♣ Art galleries and museums. ♣ Artist, sculptor and composer studios. ♣ Attorney's office. ♣ Automobile parking garages. ♣ Automobile parking lots. ♣ Banks and financial institutions. ♣ Barber and beauty shops. ♣ Bed and Breakfast. ♣ Day-care centers. ♣ Churches, chapels, temples, synagogues. ♣ Engineer's office. ♣ Family Home. ♣ Florists. ♣ Foster Family Home. ♣ Gift shops. ♣ Government buildings, structures, or premises used exclusively be federal, state, county, township, or municipal governments for public purposes, but not including work shops, warehouse, or open material storage. ♣ Group Home. ♣ Halfway House. ♣ Health studios and clubs. ♣ Insurance agent's office. ♣ Intermediate Care Home. ♣ Libraries. ♣ Medical and dental laboratories. ♣ Medical and dental office/clinic. ♣ Mortuaries and funeral parlors. ♣ Multiple-family dwelling. ♣ Newsstand-retail sales. ♣ Nursing homes. ♣ Photo studios. ♣ Professional Offices not otherwise mentioned. ♣ Public parks, playgrounds and community centers. ♣ Public utility. ♣ Real estate broker's office. ♣ Residential use on second story or above. ♣ Rooming houses. ♣ Schools – primary, intermediate and secondary – public or private. ♣ Seamstress and tailor. ♣ Single family dwellings. ♣ Social Care Home. ♣ Two-family dwellings.