

A regular meeting of the Troy Planning Commission was held in Council Chambers, City Hall on Wednesday, October 25, 2023, at 3:30 p.m. with Chairman James McGarry presiding. ATTENDING: Members – McGarry, Emerick, Westmeyer, Ehrlich, Oda, Wolke, and Titterington; Development Staff – Eidemiller, Long and Bruner; Development Director – Tim Davis

APPROVAL OF MINUTES: Upon motion of Mrs. Ehrlich, seconded by Mr. Titterington, the minutes of the October 11, 2023 meeting were approved by unanimous voice vote.

REZONING APPLICATION, SWANK ANNEXATION, 2980 W. FENNER ROAD, IL 11560, IL 11561, AND IL 11562, FROM CITY ADMINISTERED COUNTY ZONING OF A-2, GENERAL AGRICULTURE, TO THE CITY ZONING OF R-4, SINGLE FAMILY RESIDENCE DISTRICT WITH A MINIMUM LOT SIZE OF 9,000 SQUARE FEET, OWNER/APPLICANT – MONTE SWANK.

Staff reported that this application was considered at the September 11 meeting and recommended; however, discrepancies were later found (the DO number was stated incorrectly, the acreage was not correctly stated, and the current County zoning was not stated correctly) in the application, and the Director of Law determined that the application must be started over. Staff reported: Owner, Monte Swank, has requested the City zoning of his annexed property at 2980 W. Fenner Road, Inlot 11560 (20.017 Acres), Inlot 11561 (22.931 Acres), and Inlot 11562 (10.007 Acres); properties are located on Fenner Road north of the Edgewater Subdivision; they are currently zoned City Administered County Zoning due to annexation (O-12-2023); the land is currently used as agriculture and located north of the Edgewater Subdivision; surrounding zoning districts include: R-4 Single Family to the south, County zoning of A-1 Domestic Agriculture to the east, and County Zoning of A-2 and A-1 to the north.

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 describes the R-4 District as medium to high density.” The Comprehensive Plan’s Future Land Use Map displays this property as future 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 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 south.

(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 south in the Kensington Subdivision and the Edgewater 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 referenced 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-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.

PUBLIC HEARING:

Due to the straightforward nature of the rezoning request, the compliance with the intent of the Zoning Code and 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 development. Staff is recommending that the Planning Commission recommend approval of the proposed rezoning from City Administered County Zoning to R-4 Single-Family Residential, based on the following:

1. The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code
2. The proposed rezoning is consistent with the surrounding zoning districts
3. The proposed rezoning complies with the Comprehensive Plan Future Land Use.

PUBLIC HEARING: A motion was made by Mr. Titterington, seconded by Mayor Oda, that the Planning Commission not hold a public hearing on the proposed rezoning, as recommended by staff. **MOTION ADOPTED, UNANIMOUS ROLL CALL VOTE**

RECOMMENDATION: A motion was made by Mr. Westmeyer, seconded by Mrs. Ehrlich, that the Troy Planning Commission recommends to Troy City Council that the property at 2980 W. Fenner Road, consisting of Inlot 11560 (20.017 acres), Inlot 11561 (22.931 acres), and Inlot 11562 (10.007 acres) be rezoned from the County Zoning of A-2, General Agriculture, to the City zoning of R-4, Single Family Residence District, as submitted and based on the findings of staff that:

- o The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code
- o The proposed rezoning is consistent with the surrounding zoning districts
- o The proposed rezoning complies with the Comprehensive Plan Future Land Use. **MOTION ADOPTED, UNANIMOUS ROLL CALL VOTE**

REZONING APPLICATION, 1304 W. MAIN STREET, FROM R-4, SINGLE-FAMILY RESIDENCE DISTRICT TO OR-1, OFFICE-RESIDENCE DISTRICT; PROPERTY OWNER/APPLICANT – FOUR SONS DEVELOPMENT, LLC.

Staff reported: The property is located on W. Main Street east of South Lane; applicant wishes to relocate a professional office to the subject property; property is currently used as a single-family dwelling; surrounding zoning districts include OC-1 Office-Commercial District to the west and R-4 Single Family Residential surrounding the property. 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 14-3) displays this property in between existing residential and commercial uses. A copy of Figure 14-3 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 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. Commercial 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.

RECOMMENDATION:
Staff did not recommend a public hearing. Staff provided an opinion that 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. The Comprehensive Plan shows this area as existing residential and commercial uses and the requested rezoning will not deviate from the Comprehensive Plan.

Staff is recommending that the Planning Commission recommend approval of the proposed rezoning from R-4 Single Family Residential to OR-1 Office Residence District, based on the following:
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
The proposed rezoning is consistent with the City of Troy Comprehensive Plan.

DISCUSSION: Mr. Titterington asked about the proposed zoning and if it is recommended to be a transition and buffer district, with staff stating OR-1 permits residential use and if the proposed business use is not successful, the property could revert back to a residential use without a zoning change.

PUBLIC HEARING: A motion was made by Mr. Titterington, seconded by Mr. Wolke, that the Planning Commission not hold a public hearing on the proposed rezoning, as recommended by staff. **MOTION ADOPTED, UNANIMOUS ROLL CALL VOTE**

RECOMMENDATION: A motion was made by Mr. Wolke, seconded by Mr. Westmeyer, that the Troy Planning Commission recommends to Troy City Council that 1304 W. Main Street, Parcel No. D08-096100, be rezoned from R-4, Single-family Residential 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 use is consistent with permitted uses in the OR-1
 - The proposed rezoning is consistent with the City of Troy Comprehensive Plan
- MOTION ADOPTED, UNANIMOUS ROLL CALL VOTE**

OTHER: Representatives of the consultant, Structurepoint, discussed the update of the Comprehensive Plan. Comments were that the plan development should take about 12 months; it is the policy document used by the Commission and the BZA; it will be developed in three phases; there is a community survey to receive and gauge public input; the consultants will be meeting with as many groups as possible; the consultant will also be updating the Zoning Code; the goal is that the new plan will be easy to read and use for staff and the public; it seems that Troy has a lot of zoning districts and the consultant will be looking for ways to consolidate some of the districts; the consultant will be looking for possible ways to improve the process; and will recommend updates to State/Federal Law and case law.

Mr. Wolke asked how much the consultant will rely on current plan in development of the new. It was stated that the plan is to look at what can be built off of, update the data, look for overlaps. and there may be areas that are unchanged. Mr. Wolke stated his concern with diminishing industrial/commercial land as he believes industrial/commercial uses make a city money and residential uses cost a city. Mr. Wolke also expressed his hope that the plan not be written in platitudes, gibberish and buzz words, but be easily understood. Commission members and Will Harrelson (BZA member) participated in an exercise to help indicate their answers to questions about Troy. The consultant commented that similar presentations have been made to stakeholder groups over the past three days; additional meetings will take place; and many meetings will be held with the Commission. The Mayor commented that she has referred to the NE section of the City as a “bedroom community” as it has no amenity such as a grocery store, but that reference has bothered residents. The consultant commented that term usually applies to an entire community where everyone has to drive to another area for amenities, but they would not define Troy a bedroom community. It was suggested that area of a community could be a “bedroom area”. It was commented that a number of considerations go into attracting a retail company to locate in an area of a community and that at times a small retailer may be attracted but not a large retailer that has to look at co-locations with other large retailers that attract quantities of shoppers.

The consultant summarized what has been heard so far from the groups with whom they have met:
Positives – positive energy to live, work, play; downtown is a destination; regional draw; unique location (people want to be here); events and programing; high quality of life; parks and recreation.
Challenges – housing (missing middle housing); how to find attainable housing; what are options?; transportation (people getting to and from work); food access (number of people walking to convenience stores).

Mayor Oda asked for a definition of “attainable housing”. It was stated that would mean being able to pay for housing and have some money to save (discretionary funds) remaining.

Next steps for the consultant are to continue meeting with stakeholder groups, make some presentations such as to service organizations, be at upcoming community events (downtown Halloween celebration, Christmas Tree lighting) to engage with community members, try to encourage participation in the on-line survey including partnering with other organizations to be part of social media postings of those organizations, and start to develop areas of the plan.

There being no further business, the meeting adjourned at 5:05 p.m. upon motion of Mr. Wolke, seconded by Mr. Titterington, and approved by unanimous voice vote.

Respectfully submitted,

_____Chairman

_____Secretary