

A regular meeting of the Troy Planning Commission was held in Council Chambers, City Hall on Wednesday, September 27, 2023, at 3:30 p.m. with Vice-Chairman Larry Wolke presiding. ATTENDING: Members – Ehrlich, Oda, Wolke, and Titterington; Development Staff – Eidemiller, Long and Bruner; Development Director – Tim Davis

APPROVAL OF MINUTES: Upon motion of Mr. Titterington, seconded by Mrs. Ehrlich, the minutes of the September 13, 2023 meeting were approved by unanimous voice vote.

DEDICATION OF RIGHT-OF-WAY ALONG 801 DYE MILL ROAD, CONAGRA PLAT, DEDICATION OF 0.769 ACRES OF RIGHT-OF-WAY OF IL 6209 AND PART OF IL 6210; APPLICANT – CHOICEONE ENGINEERING. Staff reported: the replat is considered a minor subdivision and does not require Planning Commission approval as Council will review the acceptance and dedication of the right-of-way; the replat is for three parcels along Dye Mill Road totaling 32.297 acres with all existing easements will remain as previously accepted and dedicated; the recent expansions of the ConAgra Foods facility which encompasses these three properties led to the required replat and request for additional right-of-way; and staff recommends that the Planning Commission make a positive recommendation to the City Council to dedicate 0.769 acres of Inlot 6209 and Part of Inlot 6210 as right-of-way.

A motion was made by Mayor Oda, seconded by Mr. Titterington, that the Troy Planning Commission approves the Conagra Plat And dedication of right-of-way and recommends approval and dedication of 0.769 acres of Inlot 6209 and Part Inlot 6210 as right-of-way as shown on the Conagra Plat.

MOTION ADOPTED, UNANIMOUS ROLL CALL VOTE

REZONING APPLICATION, SWANK ANNEXATION, 2980 W. FENNER ROAD, IL 11560, IL 11561, AND IL 11562, FROM CITY ADMINISTERED COUNTY ZONING OF A-1, DOMESTIC 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: Owner, Monte Swank, has requested the City zoning of his annexed property at 2980 W. Fenner Road, Inlot 11560 (20.017 Acres), Inlot 11561 (28.787 Acres), and Inlot 11562 (9.994 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. Please see exhibit A Zoning Map.

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 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-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; and
2. The proposed rezoning is consistent with the surrounding zoning districts; and
3. The proposed rezoning complies with the Comprehensive Plan Future Land Use.

PUBLIC HEARING: A motion was made by Mr. Titterington, seconded by Mrs. Ehrlich, 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 Mayor Oda, 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 (28.787 acres), and Inlot 11562 (9.994 acres) be rezoned from the County Zoning of A-1 Domestic Agriculture, to the City zoning of R-4, Single Family Residence District, as submitted 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;
- The proposed rezoning is consistent with the surrounding zoning districts;
- The proposed rezoning complies with the Comprehensive Plan Future Land Use.

MOTION ADOPTED, UNANIMOUS ROLL CALL VOTE

OTHER: Staff commented that the October 25 meeting should include a lengthy discussion regarding the update of the Comprehensive Plan. It was suggested that there not be other agenda items for this meeting.

There being no further business, the meeting adjourned at 3:38 p.m. upon motion of Mrs. Ehrlich, seconded by Mr. Titterington, and approved by unanimous voice vote.

Respectfully submitted,

_____Chairman

_____Secretary