

A regular meeting of the Troy Planning Commission was held in Council Chambers, City Hall, Wednesday, March 13, 2024, at 3:30 p.m. with Chairman James McGarry presiding. ATTENDING: Members – McGarry, Ehrlich, Emerick, Westmeyer, Titterington and Wolke; Development Staff – Long, Eidemiller, and Bruner; and Development Director Davis.

APPROVAL OF MINUTES: Upon motion of Mr. Emerick, seconded by Mrs. Ehrlich, the minutes of February 28, 2024, meeting were approved by unanimous voice vote.

PROPOSED AMENDMENTS THE ZONING CODE REGARDING PERMITTED USES WITHIN THE DOWNTOWN RIVERFRONT OVERLAY (DR-O) DISTRICT.

Take From the Table: A motion was made by Mr. Titterington, seconded by Mr. Wolke, to Take From the Table consideration of amendments to the Zoning Code regarding certain permitted uses within the Downtown Riverfront Overlay (DR-O) District.

MOTION ADOPTED BY UNANIMOUS ROLL CALL VOTE

Staff reported that City Council adopted a moratorium on specific uses in the Downtown Riverfront Overlay (DR-O) by Ordinance No. O-44-2023 to allow staff to perform analysis on the uses in the DR-O; the DR-O encompasses twelve (12) zoning districts: the PD Planned Development District, Wellhead Operation District, A-R Agricultural Residential District, R-5 Single Family Residential District, the R-6 Two Family Residential District, the R-7 Multiple Family Residential District, OR-1 Office Residence District, OC-1 Office Commercial District, B-1 Local Retail District, B-2 General Business District, B-3 Central Business District, and the M-2 Light Industrial District. The report further noted:

“PROPOSAL:

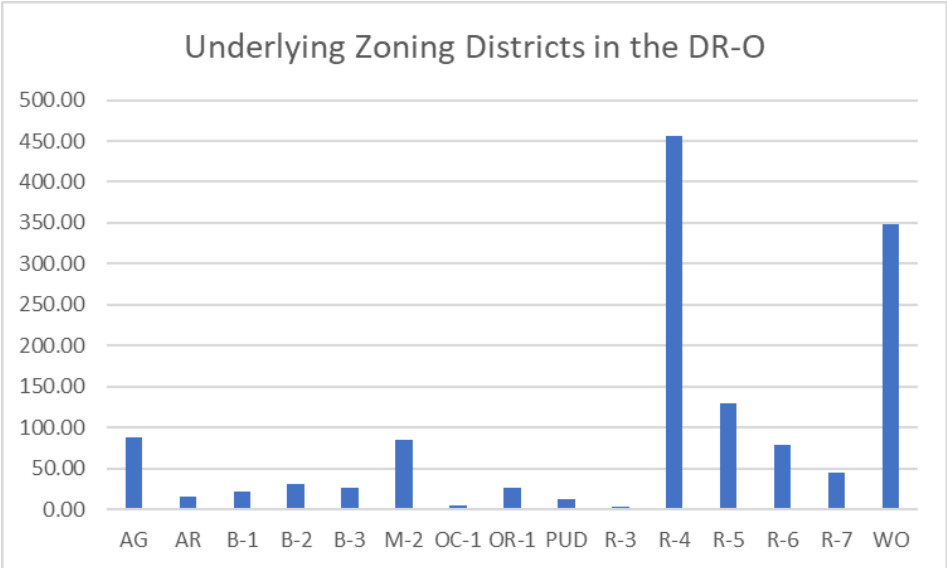
Staff Analysis: When analyzing the twelve (12) zoning districts as a whole, it was determined that there are undesirable uses that are currently permitted by right in the DR-O. The B-1 Local Retail District and the B-2 General Business District represent only 3.8% or about 52.58 acres of the entire acreage of the DR-O and reflect one of the main business support areas to the downtown. The intent of the DR-O is intended to permit alteration and adaptive reuse of existing buildings, and redevelopment of vacant lands, in accordance with a coordinated plan which can be designed with greater flexibility, and consequently, more creative and imaginative redevelopment of this closely built and oldest area of Troy. Many of the permitted uses in the underlying districts do not support the stated intent of the DR-O. Additionally, these uses do not meet today’s design standards of the Historic Preservation Overlay as well as safe maneuverability of vehicles per the Construction Standards.

Alteration #1: Changes to 1143.13, 1143.14, and 1143.18

Planning Staff are proposing to add an additional permitted uses list for properties that are located in the DR-O with the underlying zoning of B-1 Local Retail District, B-2, General Business District, and the M-2 Light Industrial District. Additionally, Staff is proposing to modify the B-3 Central Business District permitted uses. Please see Exhibit A for a principally permitted uses table for a comparison of the existing and proposed uses in the DR-O.

These proposed changes would not affect the majority of the districts that represent the DR-O with no changes being proposed in the residential districts that make up 52% or about 711.5 acres of the DR-O. A full breakdown of the Zoning District acreage in the DR-O can be seen below:

Zoning Districts	Acreage
AG	87.67
AR	14.79
B-1	21.48
B-2	31.17
B-3	25.45
M-2	85.11
OC-1	4.67
OR-1	25.81
PUD	11.96
R-3	3.16
R-4	456.68
R-5	129.00
R-6	78.61
R-7	43.93
WO	348.29
Grand Total	1367.75



The B-1 District has about 21.48 acres in the DR-O. Outside the DR-O, the B-1 District has an additional 13.75 acres located outside of the DR-O. The B-2 district has about 31.17 acres inside the DR-O with about 333 acres located outside the DR-O. The M-2 District has 85.11 acres inside the DR-O with an additional 1,544 acres located outside of the DR-O.

Alteration #2: Changes to 1143.15 (b) Principal Permitted Uses

Planning Staff is proposing to remove the following uses from the B-3 Central Business District:

1. Automobile accessories – retail sales, including incidental installation.
2. Dry cleaning and laundromats.
3. Electrical appliance repair.
4. Nursing homes.
5. Paint, glass and wallpaper – retail sales.
6. Railroad Stations – Passenger
7. Repair Part – Retail Sales
8. Rescue Missions
9. Rooming Houses

Staff Analysis: Many of the above listed uses are not clearly defined by section 1133.02 Definitions of the Zoning Code and are similar to other listed permitted uses in the district. Please see exhibit B for a full list of permitted uses in the B-3 Central Business District.

RECOMMENDATION: Staff Recommends that the Planning Commission provide a positive recommendation to City Council for the proposed Zoning Code Changes as a result of the analysis of undesirable uses in the DR-O.”

Discussion: Mr. Wolke stated he understands that some uses are recommended to be removed because they are inappropriate and others because they are redundant; this was confirmed by staff.

Mr. Titterington commented that he understood one reason this was tabled was to make sure he and the Mayor had had time to review the recommendation and provide any comments, as both were absent at the previous meeting. Mr. Titterington commented that both he and the Mayor had reviewed the recommended changes and neither had any concerns.

Public Hearing: A motion was made by Mr. Wolke, seconded by Mrs. Ehrlich, that the Commission not hold a public hearing on the proposed amendment to the Zoning Code Section 1143.15(b) to remove certain Principal Permitted Uses from the B-3 Central Business District, with the Commission noting that Council must hold a public hearing.

MOTION ADOPTED BY UNANIMOUS ROLL CALL VOTE

Recommendation: A motion was made by Mr. Titterington, seconded by Mr. Wolke, to recommend to Troy City Council that Zoning Code Sections 1143.13, 1143.14, and 1143.18 be amended to include a revised additional permitted uses list for properties that are located in the DR-O with the underlying zoning of B-1 Local Retail District, B-2 General Business District, and the M-2 Light Industrial District based on the revised list attached to the staff report, and that Section 1143.15(b) Principal Permitted Uses in the B-3 Central Business District to remove the following uses:

1. Automobile accessories – retail sales, including incidental installation.
2. Dry cleaning and laundromats.
3. Electrical appliance repair.
4. Nursing homes.
5. Paint, glass and wallpaper – retail sales.
6. Railroad Stations – Passenger
7. Repair Part – Retail Sales
8. Rescue Missions
9. Rooming Houses

MOTION ADOPTED, UNANIMOUS ROLL CALL VOTE

PRELIMINARY PLAN APPLICATION, THE RESERVES AT CLIFF OAKS SUBDIVISION, LOCATED ALONG FENNER ROAD; PARCELS D08-107396, D08-107410, AND D08-107400 OWNER – MONTE SWANK; APPLICANT – CHOICE ONE ENGINEERING BY JEFF PUTHOFF. Staff reported: City Council approved the rezoning on this parcel from City Administered County Zoning to Troy Zoning of R-4, Single-Family Residential District (minimum lot size of 9,000 square feet) by Ordinance No. O-51-2023; owner is creating a new subdivision named The Reserves at Cliff Oaks; the submitted Preliminary Plan is the first step of the approval process; following the Commission approval of the Preliminary Plan, Final Plats will follow to create the lots and to dedicate the streets and public utilities and will require Council approval; and this development is anticipated to be in four phases. The staff report further noted:

“Uses & Layout: The proposed subdivision, which consists entirely of single-family homes, encompasses 58.798 acres and includes 136 buildable lots that range from .207 acres to .527 acres and will be developed in four-phases. The first phase will create 54 lots and the second phase will create 22 lots.

Roadways: Access to this development will be provided by two separate points. The North access point off of Fenner Road will serve as the main entrance to the proposed subdivision. The remaining access point, located to the south of the proposed development, connects to the existing road named Parkview Drive. Road improvements have been required along Fenner Road (see sheet 2 for the location for the improvements). The City Engineer and Assistant Fire Chief have reviewed the street layout and have indicated they have no issues with the proposal.

Utilities: This development will be served by city water and sewer lines. The plan seeks to mitigate storm water control by utilizing two retention areas located in the northwest and southwest portion of the development. Maintenance of storm water control facilities (including drainage swales) will be the responsibility of the Homeowners Association.

Parkland: The developer is proposing to provide private open space within the subdivision (maintained by HOA) and received a unanimous positive recommendation from the Park Board.

Easements: A 40' utility easement is being provided on the east of the subdivision to provide the utilities to this subdivision. Easement areas are the responsibility of the Homeowners Association.”

Discussion: In response to Mr. McGarry, staff confirmed that the parkland plan had been reviewed and approved by the Board of Park Commissioners.

-Mr. Wolke asked if the development had been discussed with the Board of Education as development would result in increased school enrollment. Staff stated the development had been discussed with representatives of the Troy Schools with the representatives stating the schools can withstand the capacity.

Motion: A motion was made by Mr. Wolke, seconded by Mr. Titterington, that the Troy Planning Commission approves the Preliminary Plan of The Reserves at Cliff Oaks Subdivision as submitted as the plan is in accordance with the Zoning Code, Subdivision Regulations, and other engineering standards.

MOTION ADOPTED, UNANIMOUS ROLL CALL VOTE

FINAL PLAT AND DEDICATION OF RIGHT-OF-WAY FOR HALIFAX ESTATES, SECTION 7; LOCATED EAST OF PIQUA-TROY ROAD AND NORTH OF TROY-URBANA ROAD; OWNER/APPLICANT- HALIFAX LAND COMPANY, LLC BY FRANK D. HARLOW. Staff reported: Preliminary Plan for Halifax Estates was approved in 2014; Section 7 conforms to the approved Preliminary Plan; Section 7 encompasses a total of 28.171 acres with 20 building lots and one drainage lot; zoning is R-1 Single-Family Residential which has a minimum lot size of 40,000 square feet; lot sizes range from 0.919 acres (40,031 square feet) to 2.878 acres (125,365.68 square feet); dedication of 3.722 acres of public street Right-of-Way; roadway names are Lacewood Court, Halifax Drive, Windmill Court, and Maynard Lake Court; fees-in-lieu-of have been accepted by the Planning Commission and Park Board for this development and are being collected with each new housing permit; and staff recommends approval as Section 7 is in general accordance with the approved amended preliminary plan. The applicant was present and confirmed that this is the last section of the development.

Discussion: Mr. McGarry asked about the one large lot (125,365.68 square feet), with staff stating that lot is the drainage lot and will be maintained by the HOA.

-Mr. Wolke stated that he hopes purchasers are advised that development is in the Miami East School District as in the past purchasers have indicated they did not receive that information and there was some disappointment when some found they were not automatically in the Troy School District.

Recommendation: A motion was made by Mr. Westmeyer, seconded by Mrs. Ehrlich, that the Troy Planning Commission recommends that Troy City Council approves the Final Plat of the Halifax Estates Subdivision Section 7 as submitted as the Final Plat is in general conformance to the approved Preliminary Plan, with the condition requested by staff that the recommendation will not be forwarded to City Council until the developer completed the Escrow Agreement.

MOTION ADOPTED, UNANIMOUS ROLL CALL VOTE

FINAL DEVELOPMENT PLAN FOR THE HALIFAX VILLAS AND PATIO HOMES PLANNED DEVELOPMENT-RESIDENTIAL (PD-R) PHASE 2; LOCATED ON THE EAST SIDE OF NORTH MARKET STREET; OWNER/APPLICANT- HALIFAX LAND COMPANY, LLC BY FRANK D. HARLOW. Staff reported: The Planned Development process requires three steps for approval; first step is the General Plan, which was previously approved by Planning Commission and City Council; the second step is the Final Development Plan; the third step is the Record Plan; the Final Development Plan is in accordance with the approved General Plan; and staff recommended approval. Specifics of the Final Development Plan are:

Uses & Layout: This phase of the development will consist of 19.43 acres with 21 buildable lots. The ratio for this section will be 1.1 units per acre. 6.915 acres will be open space or 36%. None of the lots will have direct access to Piqua-Troy Road. A cart path will connect into the southern cul-de-sac and will connect to phase one of this development.

Roadways: Access to this development will be provided by on connection on N. Market Street that will align with Loxley Lane in the Nottingham Subdivision. As this development is private streets, the streets will not meet the city standards for a public street and will not be providing curbs or sidewalks. No proposed right-of-way will be dedicated with this development. Maintenance of the private streets will be the responsibility of the HOA.

Utilities: This development will be served by city water and sewer lines. The plan seeks to mitigate storm water control by utilizing seven retention ponds and two detention ponds throughout the development. In addition, two ponds (one to the north and one to the west) will be utilized to control storm water. Maintenance of these private storm water control facilities will be the responsibility of the HOA.

Parks & Recreation Facilities: This planned development has a clubhouse, and an extensive cart path and walkway in other phases of this development and has met the required 10% open space requirement of the Zoning Code.

Motion: A motion was made by Mr. Titterington, seconded by Mr. Westmeyer, that the Troy Planning Commission approves the Final Development Plan for the Halifax Villas and Patio Homes Planned Development-Residential (PD-R) Phase 2 as submitted as the Final Development Plan conforms to the approved General Plan.

MOTION ADOPTED, UNANIMOUS ROLL CALL VOTE

RECORD PLAN FOR THE HALIFAX VILLAS AND PATIO HOMES PLANNED DEVELOPMENT-RESIDENTIAL (PD-R) PHASE 2, LOCATED ON THE EAST SIDE OF NORTH MARKET STREET. OWNER/APPLICANT- HALIFAX LAND COMPANY, LLC BY FRANK D. HARLOW. Staff report noted that the Record Plan is the third step of approval for a Planned Development; the General Plan and Final Development Plan have been approved; this Record Plan conforms to both the General Plan and Final Development Plan; and staff supports the Commission recommending City Council approval of the Record Plan.

Recommendation: A motion was made by Mr. Westmeyer, seconded by Mr. Emerick, that the Troy Planning Commission recommends that Troy City Council approves the Record Plan for the Halifax Villas and Patio Homes Planned Development-Residential (PD-R) Phase 2 as submitted as the Record Plan conforms to the approved Final Development Plan and General Plan.

MOTION ADOPTED, UNANIMOUS ROLL CALL VOTE

MINOR AMENDMENT TO THE GENERAL PLAN OF THE TROY CHRISTIAN SCHOOLS EDUCATION AND PERFORMING ARTS FACILITY PLANNED DEVELOPMENT-RESIDENTIAL (PD-R), GENERALLY LOCATED AT 700 S. DORSET ROAD; THE MINOR AMENDMENT IS THE ADDITION OF A NEW TICKET BOOTH AND ARCHWAY ENTERING THE STADIUM; OWNER - TROY CHRISTIAN SCHOOLS; APPLICANT - MT STUDIOS BY MIKE TWISS. The General Plan of this PD-R was approved by City Council by Ordinance No. O-43-2021; the requested minor amendment is for the addition of a new ticket booth and archway entering the stadium to be used for admissions and ticket sales to sporting events held at the field; the ticket booth will be constructed using a splitface block, metal fascia, and a single slope metal standing seam roof; the size is approximately 107 square feet or 8' x 13'4"; the archway span will be 18' wide and include an overhead steel structure supported by splitface block pillars; the Troy Christian School's logo will also be incorporated into the design of the archway; the total height of the archway will measure 14'4"; the City has received a full set of plans; staff considers this to be a minor amendment that may be approved by the Planning Commission without the submission of the revised

General Plan to City Council in accordance with Section 1145.17 of the City's Zoning Code; and staff recommends approval of the minor amendment as requested as the amendment will not have any negative effects on the Planned Development or adjoining properties. Staff commented that the design of the sign is not part of this review; the sign structure is part of the review, but the actual design will be submitted for consideration at a later date.

Motion: A motion was made by Mr. Emerick, seconded by Mr. Titterington, that the Troy Planning Commission approves the minor amendment of the Troy Christian Schools Education and Performing Arts Facility Planned Development-Residential (PD-R) as submitted for the ticket booth and the archway structure, based on the findings of staff that the proposed minor amendment will not have any negative effects on the Planned Development or adjoining properties. **MOTION ADOPTED, UNANIMOUS ROLL CALL VOTE**

MINOR AMENDMENT TO THE RECORD PLAN OF THE TROY STORAGE PLANNED DEVELOPMENT-INDUSTRIAL PHASE 2 (PD-I), LOCATED AT 2601 W. MAIN STREET; OWNER/APPLICANT IS GEORGE MOORMAN; THE MINOR AMENDMENT IS TO THE PHASE BOUNDARY.

Staff reported that the Record Plan for the Troy Storage Planned Development – Industrial (PD-I) was approved by Council by Ordinance No. O-11-2023; the Record Plan identifies multiple phases for this development; applicant is requesting a minor amendment to the Planned Development to permit a modification to Phase 2 of the Planned Development to encompass an addition to building C, and half of building D, and include the Outdoor storage area and access lanes, landscape islands, fencing and site lighting; staff has determined that this is a minor amendment that may be approved by the Planning Commission without the submission of a revised General Plan to City Council as permitted by Section 1145.17 of the City's Zoning Code, and does not require a revised Final Development Plan to be submitted; and staff recommends approval of the Minor Amendment to the General Plan as submitted

Motion: A motion was made by Mr. Titterington, seconded by Mrs. Ehrlich, that the Troy Planning Commission approves the minor amendment application of the Troy Storage Planned Development – Industrial (PD-I) as submitted for the phase boundary, and based on the recommendation of staff, and with the condition that the landscaping is installed as a part of the original Planned Development.

MOTION ADOPTED, UNANIMOUS ROLL CALL VOTE

MINOR AMENDMENT TO THE RECORD PLAN OF THE TROY STORAGE PLANNED DEVELOPMENT-INDUSTRIAL PHASE 2 (PD-I), LOCATED AT 2601 W. MAIN STREET; OWNER/APPLICANT IS GEORGE MOORMAN; THE MINOR AMENDMENT IS TO PERMIT ADDITIONAL SIGNAGE ON THE FRONT OF BUILDINGS A AND D.

Staff reported that the Record Plan for the Troy Storage Planned Development – Industrial (PD-I) was approved by Council by Ordinance No. O-11-2023; the Record Plan identifies multiple phases for this development; applicant is requesting additional signage on the front of building A and building D; building A would have 32 square feet of signage that reads the phone number for the development; building D would have 28 square feet of signage that identifies the web address of the development; minor amendments may be approved by the Planning Commission without the submission of the revised general plan to City Council as Section 1145.17 of the City of Troy Zoning Code does not require a revised Final Development Plan to be submitted; it is important to note that these signs were not a part of the original Planned Development request and, therefore, have been denied by Planning Staff.

Staff recommends that the minor amendment application for additional signage be denied based on the findings that the intent of the Sign Code is for the Principal Building to have signage. This development has multiple buildings; however, the main office building was already permitted signage with the original Planned Development.

Discussion: In response to Mr. McGarry, it was indicated that the applicant has no recourse if the Commission denies the application.
-In response to Mr. Wolke, staff stated it would have to be checked to determine if there is space on the main building for additional signage.
-In response to Mrs. Ehrlich, staff advised that the buildings fronts are on Main Street.
-In response to Mr. Emerick, staff stated that had this request been part of the original application, staff would have recommended the request be denied.

Motion: A motion was made by Mr. Titterington, seconded by Mr. Wolke, that the Troy Planning Commission denies the minor amendment for the Troy Storage Planned Development – Industrial (PD-I) for additional signage on the front of Buildings A and D, based on the recommendation of staff, with it noted that while this building has multiple buildings, the main office building has permitted signage approved as part of the original Planned Development.

MOTION ADOPTED, UNANIMOUS ROLL CALL VOTE, APPLICATION DENIED

OTHER: Mr. Titterington noted that there had been social media comment following the last meeting that he and Mayor Oda were deliberately absent so they would not have to vote on the Historic District application associated with the roof replacement at 112-118 W. Main Street. For the record, he stated that both he and Mayor Oda had schedule conflicts with the February 28 Planning Commission date based on being out of town for separate reasons, and their schedules had been established far in advance of knowing what may or may not be on the February 28 Commission agenda, and their absences had nothing to do with that agenda item.

Mr. Westmeyer also noted for the record that his absence on February 28 was due to a vacation that had also been scheduled well in advance of the Commission meeting.

Staff advised that the March 27 Commission meeting will include a Comprehensive Plan update, and the meeting will require additional time for that item.

There being no further business, the meeting adjourned at 3:55 p.m. upon motion of Mr. Titterington, seconded by Mr. Westmeyer, and approved by unanimous voice vote.

Respectfully submitted,

Chairman

Secretary