

A regular meeting of the Troy Planning Commission was held Wednesday, January 10, 2018, at 3:30 p.m. in Council Chambers, second floor, City Hall. Members Present: Beamish, Wolke, Titterington, McGarry and Mahan; staff – Inspector S. Brandon; Assistant Development Director Davis; Development Director Dando; Law Director Grant Kerber.

NEW MEMBER: Mayor Beamish introduced new member Lynne Snee, appointed 1-1-2018 (fill vacancy created when Mr. Force resigned).

ELECTION OF OFFICERS: By unanimous vote, Mr. Kappers was elected Chairman and Mr. McGarry was elected Vice-Chairman. Mr. McGarry then conducted the meeting.

BOARD OF ZONING APPEALS APPOINTEE: By unanimous vote, Mr. Wolke was appointed as the Commission's appointee to the Board of Zoning Appeals.

The minutes of the December 27, 2017 meeting were approved.

DEDICATION OF RIGHT-OF-WAY BY KETTERING HEALTH NETWORK. Staff advised that as requested by the City, Kettering Health Network (KHN) has provided a plat to dedicate a total of 0.294 acres of additional right-of-way along the 600 block of West Main Street and the 700 block of West Water Street. This was submitted along with a replat that is considered a minor subdivision and can be processed by the City Engineer. The additional right-of-way will provide area for the City to consider placement of additional traffic control devices.

A motion was made by Mr. Titterington, seconded by Mr. Wolke that the Troy Planning Commission recommends to Troy City Council the dedication of 0.294 acres by KHN along the 600 block of West Main Street and the 700 block of West Water Street as shown on the replat.

MOTION PASSED. UNANIMOUS VOTE.

REZONING OF PART OF IL 9891 (8.015 ACRES) LOCATED NORTH OF FINSBURY ROAD, FROM A-R, AGRICULTURAL-RESIDENTIAL, TO R-3-B, SINGLE-FAMILY RESIDENTIAL DISTRICT; OWNER – HALIFAX LAND CO., LLC; APPLICANT – NOTTINGHAM DEVELOPMENT, INC. Staff reported (copy of report attached to original minutes) that: the application was submitted by Jessica Minesinger, President of Nottingham Development Inc.; property location is west of Piqua-Troy Road, north of Finsbury Lane and east of the Nottingham Subdivision (Sherwood Drive); land is currently being farmed; the Kidder Ditch creates the natural boundary on the eastside of the property going northwest; surrounding zoning districts include A-R Agricultural-Residential to the north, Office-Commercial Zoning (OC-1) to the east, and R-4 Single-Family Residential to the west and south of the parcel; area was annexed in 2004 with over 160 acres including land both west and east of Piqua-Troy Road and along Troy-Urbana Road; the large parcel has subsequently been rezoned and subdivided with Halifax and Nottingham residential developments; Nottingham subdivision is in its final phases of development north of the subject property; Nottingham Development, Inc. is now requesting a change in the zoning classification for this newly subdivided parcel of land in order to allow for residential use and "complete" the intended development with up to eleven new buildable lots; per the zoning code, the A-R zoning district is "designated to provide for both agricultural and residential activity on large tracts and open land with a minimum of five (5) acres or greater of lot per dwelling unit; this district is mapped in undeveloped areas along existing roadways where there is minimal water and sewer service"; R-3-B requires a minimum of 12,000 square feet per dwelling unit; the Comprehensive Plan supports the proposed rezoning; this district will be mapped for selected areas which will develop in the future; and regarding 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 allowed uses in the R-3-B Single Family Residential district will not have any adverse effects in the area and is consistent with the residential zoning that exists to the north, south and west.

(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 allowed uses in the proposed R-3-B Single Family district will match the permitted uses that are currently allowed on the properties located to the north, south and 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.

All utilities can be provided.

(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.

No vacant land with the R-3-B Single Family Residential district exists in the vicinity of this parcel.

(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 a public hearing, and recommended approval of the rezoning based on the findings of:

- o The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code and comprehensive plan; and
- o The proposed rezoning is consistent with similar zoning classifications in the area; and
- o The proposed rezoning logically completes the expected residential buildout of the Sherwood neighborhood.

Present for the applicant were Jessica Minesinger and Deborah Swan, Engineer.

Public Hearing: A motion was made by Wolke, seconded by Titterington, that the Planning Commission not hold a public hearing on the proposed rezoning of part of 9891 from AR to R-3-B.

MOTION PASSED. UNANIMOUS VOTE – COMMISSION WILL NOT HOLD A PUBLIC HEARING.

Recommendation on the Rezoning: A motion was made by Mr. Wolke, seconded by Mayor Beamish, that the Troy Planning Commission recommends to Troy City Council that 8.015 acres of part of IL 9891 be rezoned from AR, Agricultural Residential, to R-3-B, Single-family Residential 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 and comprehensive plan; and
- o The proposed rezoning is consistent with similar zoning classifications in the area; and
- o The proposed rezoning logically completes the expected residential buildout of the Sherwood neighborhood

MOTION PASSED. UNANIMOUS VOTE

DOWNTOWN/RIVERFRONT OVERLAY DISTRICT, ADDITION TO THE ZONING CODE. (Draft copy attached to original minutes.)

Remove from the Table. Upon motion of Mr. Titterington, seconded by Mr. Wolke, this item was removed from the table by unanimous roll call vote.

Mr. Dando commented that updates to the draft Ordinance are shown in red; the final description of the proposed Overlay District, which will need to match the map, will be finalized; the draft includes the Commission having the option to determine whether or not to hold a public hearing; applications would be considered at two Commission meetings at least – the first that is an acknowledgement of the application and the second that could include a public hearing and additional input; and there is a provision for notice to neighboring property owners.

Mr. Wolke noted that the draft still shows this as emergency legislation. Mr. Kerber advised that was inadvertently left in and that Council would not consider this addition to the Zoning Code for emergency legislation.

Public Hearing on Zoning Code Amendment. A motion was made by Mr. Titterington, seconded by Mrs. Mahan, that the Planning Commission would not hold a public hearing on this proposed amendment to the Zoning Code to include a Downtown/Riverfront Overlay District, as Council will be required to hold a hearing on an amendment to the Zoning Code.

MOTION PASSED, UNANIMOUS ROLL CALL VOTE, COMMISSION WILL NOT HOLD A PUBLIC HEARING ON AMENDING THE ZONING CODE TO ADD THE DISTRICT.

Mr. Wolke commented that he had a number of reservations regarding the proposed Ordinance; he had discussions with the City Administration, and believes that the new draft Ordinance represents a good faith effort to address those reservations.

Recommendation. A motion was made by Mr. Wolke, seconded by Mayor Beamish, that the Troy Planning Commission recommends to Troy City Council that Zoning Code of the City of Troy, Ohio should be amended to include a new section, 1143.25 Downtown/Riverfront Overlay District, and also amend Section 1141.01 to add the Downtown/Riverfront Overlay District title, but that the Planning Commission is not recommending that Council consider this amendment to the Zoning Code as an emergency measure. **MOTION PASSED, UNANIMOUS VOTE**

There being no further business, the meeting adjourned at 3:50 p.m.

Respectfully submitted,

_____Chairman

_____Secretary