

A regular meeting of the Troy Planning Commission was held Wednesday, June 12, 2019, at 3:30 p.m. in Council Chambers, second floor, City Hall, with Chairman Alan Kappers presiding. Other Members Present: Wolke, McGarry, Beamish, Titterington, and Mahan; Zoning Inspectors Brandon and Watson; and Assistant Development Directors Davis and Harris.

The minutes of the May 22, 2019, meeting were approved upon motion of Mrs. Mahan, second by Mr. McGarry.

DOWNTOWN RIVERFRONT OVERLAY (DR-O) APPLICATION, FOR A THROUGH LOT WITH ADDRESSES OF 619 LINCOLN AVENUE AND 532 GRANT STREET: OWNE4R MVP 619 LINCOLN INC.: APPLICANT MVP 619 LINCOLN INC. BY GREG TAYLOR. Staff provided a report that:

“BACKGROUND:

The applicant and property owner, Greg Taylor, of MVP 619 Lincoln Inc., is requesting the Planning Commission to review the proposed uses for the building at 619 Lincoln Ave. / 532 Grant St., using the Downtown/ Riverfront Overlay District.

DISCUSSION:

The applicant is proposing a mixed-use plan for the existing building at the property of 619 Lincoln Ave. / 532 Grant St. The property is currently zoned M-2 Light Industrial District, is a 0.772 acre property with a 25,614 square foot multi-story building, located between Grant Street, Lincoln Street and the Railroad. □

The proposal is to allow for a select mix of uses from the current permitted uses of the current M-2 Light Industrial District, and some selected from the B-2 General Business District. The applicant's plan for the building is to attract artists, photographers, pottery and other similar artistic businesses on the second and third floors. While keeping the first floor for general business uses that complement each other.

After review by city staff, the property meets the existing underlying district as a legal non-conforming building, with the current permitted uses as stated in M-2 Light Industrial Zoning. The proposed list of uses have been reviewed, amended by staff and agreed upon by the applicant. In addition to the uses the applicant has contacted the adjoining residential property owners to the North and will install screening to provide a buffer. All other aspects of the project do meet the requirements of the Zoning Code and have been reviewed by the Development, Engineering, Fire and Utilities Departments.

Using the DR-O process outlined in the Zoning Code, the proposed list of uses will need to be approved by the Planning Commission (through the DR-O process) for the property at 532 Grant Street to continue forward as mixed use.

As stated in section 1143.25(q)(1)(c) of City of Troy Zoning Code, Planning Commission shall review all DR-O applications and shall grant, modify, or deny/and or recommend the denial, or modifications of such application based upon the following criteria:

1. To prevent hazards to the health and safety of the public and of all occupants of the improved real property.□
2. To assure adequate light, air, and convenience of access for all properties.□
3. To promote the delivery of public services such as utilities, streets, refuse collection, emergency medical services, fire and police protection.
4. To provide for creatively designed single-use and mixed-use Planned Developments, and to preserve their character and vitality through ongoing regulatory supervision.
5. To assure, through an appropriate site plan review that the general, district and supplementary regulations of this Zoning Code are being followed in the design of each new site improvement or redevelopment.
6. To minimize adverse effects on traffic safety caused by development and certain land uses.
7. To minimize adverse effects on the environment resulting from development and certain land uses.
8. To facilitate the efficient and economical development and use of land and public facilities.
9. To allocate to each site development, rather than to the public, the maximum feasible portion of the infrastructure and operating costs which arise as a result of that development.
10. To fairly balance the interest of property owners and occupants in continuing their nonconforming land uses against the community interest in achieving full compliance with this Zoning Code.
11. To protect floodways and flood plains from development which increases the general risk of flooding or puts occupants of the development at risk.
12. To preserve and enhance property values.
13. To protect public and private water supplies, both in quality and quantity.
14. To promote the economic vitality of business and industry.
15. To direct particular land uses to the parcels of land best suited for them physically and in terms of access to highways and public services.
16. To enhance the predictability and profitability of private investments made in the City.
17. To continuously improve the aesthetic character of all parts of the City.

With the creation of the Downtown/Riverfront Overlay District, the intent is for the district to be applied when the conventional zoning requirements are inappropriate or the underlying zoning district is unduly restrictive or prevents the reuse of buildings or properties in downtown Troy. The property at 619 Lincoln Ave. / 532 Grant Street, zoned M-2 Light Industrial allows for intense uses by right, not generally suited for close placement to residential zonings. This being an existing site with the current zoning of M-2 Light Industrial in relation to the neighborhood, the less intensive mix of uses is a more appropriate fit for this property. This property was noted in the 2017 MKSK Riverfront study as a potential property for re-use and mixed-use under the 2 to 5 year plan. No other major changes to the building or site are planned at this time.

Utilizing the criteria intended to justify a DR-O application; you will find the proposed project will have a minimal effect on the environment and neighborhood, as this property is an existing property, with a structure, parking lot and current industrial zoning district with uses permitted by right. The proposed uses will allow for a mixed-use property with less intensive uses, promoting a better balance between this property and the surrounding area. The City's comprehensive Plan states that its Economic Development Goal #4 is to "use or reuse vacant or underutilized commercial and industrial structures." This property has been vacant and underutilized for several years until the applicant purchased the property in 2018. Based on the above criteria this project will promote the use of the land, and the economic vitality of business and industry in the area."

PUBLIC HEARING: Mr. Kappers declared open a public hearing on the DR-O application. No comments were made, and Mr. Kappers declared the public hearing closed.

RECOMMENDATION: A motion was made by Mayor Beamish, seconded by Mr. McGarry, that the Troy Planning Commission has reviewed the application to apply the Downtown/Riverfront Overlay District to the property located at 619 Lincoln Avenue/532 Grant Street; that the Commission finds that the criteria under which the Planning Commission shall review said applications, as set forth in Section 1143.25(q) (1) (c) of the Zoning Code, is met by this application and, therefore, the Troy Planning Commission formally recommends that the application to apply the Downtown/Riverfront Overlay District to the property of 619 Lincoln Avenue/532 Grant Street be approved as submitted. MOTION PASSED, UNANIMOUS VOTE

HISTORIC DISTRICT APPLICATION, 16 N. MARKET STREET, FOR A WINDOW SIGN; OWNER – JACK AND SAUNDRA BASTAIN; APPLICANT DAWNA ELKO, BERKSHIRE HATHAWAY COMMERCIAL REALTY. Staff reported: property is zoned B-3, Central Business District; this store front is permitted to have 27 square feet of window/wall signage and the application is for 11 square feet; sign will be constructed of vinyl lettering in the color black and will be installed on clear glass; and staff recommends approval based on the findings of:

- The proposed sign will meet all City of Troy sign code requirements; and
- The proposed sign will be in proportion to the overall window area;
- The proposed sign will not be substantially covering a character defining feature of the building.

A motion was made by Mr. Wolke, seconded by Mayor Beamish, to approve the application for 16 N. Market Street as submitted, based on the color and material stated, and based on the findings of staff that:

- The proposed sign will meet all City of Troy sign code requirements; and
- The proposed sign will be in proportion to the overall window area;
- The proposed sign will not be substantially covering a character defining feature of the building. MOTION PASSED, UNANIMOUS VOTE

HISTORIC DISTRICT APPLICATION, 121 S. MULBERRY; OWNER/APPLICANT – TIM AND SUSAN BROWN. The applicants were present and provided sample materials. Staff reported: the applicant has several elements; the property is zoned R-7, Multi-Family Residential, and was built around 1900; applicant requests seven alterations to the building – remove one of the two front doors, center the existing front door and add two sidelights; paint the wood trim of the house; repair and paint the wood scallops on the gables of the house; remove the existing aluminum siding between the first and second floors, and install vinyl fish scale; re-side the whole house; replace the garage roof; and replace the second story balustrade.

ITEM 1 - The residence currently has two doors, side-by-side, on the front of the house. The applicant is proposing to remove one of the doors permanently, center the remaining door opening in relation to the entry stairs and use the existing door equipment/hardware, and also install sidelights that will be clear glass. Staff recommends approval of the front door request, based on the findings of:

- The existing doors are not the same doors as described in the OHI form from 1997 and therefore are no longer a character defining feature;
- Centering the front door with the entry steps will give the front of the house symmetry;

A motion was made by Mayor Beamish, seconded by Mr. Titterington, to approve the application for the removal of one of two front doors, centering of the existing front door, and adding two clear glass sidelights, as submitted and based on any materials/colors viewed by the Commission and based on the findings of staff that:

- The existing doors are not the same doors as described in the OHI form from 1997 and therefore are no longer a character defining feature;
- Centering the front door with the entry steps will give the front of the house symmetry. MOTION PASSED, UNANIMOUS VOTE

ITEM 2 – Paint the existing wood trim on the house; colors of Courtyard SW6440, Cottage Cream SW7678, Sandbar SW7547, and Carriage Door SW7594; and staff recommends approval based on the findings of:

- The paint colors chosen are coordinated to work together;
- The house is in need of refreshing.

A motion was made by Mr. Wolke, seconded by Mr. McGarry, to approve the application to paint the existing wood trim on the house the colors of Courtyard SW6440, Cottage Cream SW7678, Sandbar SW7547, and Carriage Door SW7594 as submitted and as viewed by the Commission, and based on the findings of staff that:

- The paint colors chosen are coordinated to work together;
- The house is in need of refreshing.

MOTION PASSED, UNANIMOUS VOTE

ITEM 3 - Repair and paint the existing scallops on the gables the colors Courtyard SW6440, Carriage Door SW7594, and Cottage Cream SW7678; and staff recommends approval based on the findings of:

- The paint colors are the same colors used for the trim of the house;
- The scallops are in need of repair and need to be protected from the elements.

A motion was made by Mr. Titterington, seconded by Mrs. Mahan, to approve the application to repair and paint the existing wood trim on the house the colors of Courtyard SW6440, Carriage Door SW7594, and Cottage Cream SW7678 as submitted and as viewed by the Commission, and based on the findings of staff that:

- The paint colors are the same colors used for the trim of the house;
- The scallops are in need of repair and need to be protected from the elements.

MOTION PASSED, UNANIMOUS VOTE

ITEM 4 - Remove the existing aluminum siding between the first and second floor; cover the area with vinyl fish scale in the color Red Brick; and staff recommends approval based on the findings of:

- The color will coordinate with the trim of the house;
- The use of fish scale detailing is more historically accurate for a Queen Anne home than that of plain, aluminum siding.

A motion was made by Mayor Beamish, seconded by Mr. Wolke, to approve the application to remove the existing aluminum siding between the first and second floor; cover the area with vinyl fish scale in the color Red Brick as submitted and viewed by the Commission and based on the findings of staff that:

- The color will coordinate with the trim of the house;
- The use of fish scale detailing is more historically accurate for a Queen Anne home than that of plain, aluminum siding.

MOTION PASSED, UNANIMOUS VOTE

ITEM 5 - Replace the existing aluminum siding on the whole residence with vinyl, double 4 ½, Dutch lap, woodgrain siding in the color Sandtone and Classic Cream; and staff recommends approval based on the findings of:

- The existing aluminum siding has a very dated look about it;
- The new siding will continue with the homeowner's plan of refurbishing the outside of the home.

A motion was made by Mr. Titterington, seconded by Mr. Wolke, to approve the application to replace the existing aluminum siding on the whole residence with vinyl, double 4 ½, Dutch lap, woodgrain siding in the color Sandtone and Classic Cream as submitted and viewed by the Commission; and based on the findings of staff that:

- The existing aluminum siding has a very dated look about it;
- The new siding will continue with the homeowner's plan of refurbishing the outside of the home.

MOTION PASSED, UNANIMOUS VOTE

ITEM 6 – Replace the existing shingles on the garage with CertainTeed shingles in the color Burnt Sienna; and staff recommends approval based on the findings of:

- The existing shingles are in need of replacement in order to prevent water damage;
- The color of the shingles will coordinate with the proposed colors of the home and trim.

A motion was made by Mayor Beamish, seconded by Mr. McGarry, to approve the application to replace the existing shingles on the garage with CertainTeed shingles in the color Burnt Sienna as submitted and viewed by the Commission, and based on the findings of staff that:

- The existing shingles are in need of replacement in order to prevent water damage;
- The color of the shingles will coordinate with the proposed colors of the home and trim.

MOTION PASSED, UNANIMOUS VOTE

ITEM 7 - remove the existing, plain balustrade on the second story, and replace it with a new, more decorative balustrade of wood; and staff recommends approval of the balustrade replacement, based on the findings of:

- The turned balusters are more fitting for Queen Anne architecture;
- The replacement of the straight, non-ornamental balusters of the existing balustrade will bring a more polished, finished look to the overall renovations.

A motion was made by Mr. Wolke, seconded by Mayor Beamish, to approve the application to remove the existing, plain balustrade on the second story, and replace it with a new, more decorative balustrade of wood as submitted and based on the photo viewed by the Commission, and based on the findings of staff that:

- The turned balusters are more fitting for Queen Anne architecture;
- The replacement of the straight, non-ornamental balusters of the existing balustrade will bring a more polished, finished look to the overall renovations.

MOTION PASSED, UNANIMOUS VOTE

HISTORIC DISTRICT APPLICATION, 210 W. MAIN STREET, FOR INSTALLATION OF SIGN ON BACK WALL; OWNER – DL LEGACY, LLC;

APPLICANT - DUNGAN & LEFEVRE. Staff reported: building was constructed in 1957, is not on the historic register, zoning is B-2, General Business District, sign would be on back wall facility facing the alley and would only be seen from the alley, building is permitted at total of 150 square feet of signage, existing signage is under 50 square feet, requested sign is 30.25 square feet, sign would be made of HDU with a wood grain texture with colors of Met Gold One Shot, SW 6994 Black of Night and White, and staff recommends approval based on the findings of:

- The proposed alteration does not detract from the historic integrity of the building;
- The proposed materials and colors are in keeping with the existing colors of the building.

Mr. Kappers commented that the applicant is his former employer and also noted that the sign is actually being moved from the applicant's former location in Piqua.

A motion was made by Mrs. Mahan, seconded by Mr. Wolke, to approve the application for 210 W. Main Street as submitted, based on the colors and material stated, and based on the findings of staff that:

- The proposed alteration does not detract from the historic integrity of the building;
- The proposed materials and colors are in keeping with the existing colors of the building.

MOTION PASSED, UNANIMOUS VOTE

HISTORIC DISTRICT APPLICATION, 214 W. MAIN STREET, FOR INSTALLATION OF A FENCE ALONG THE SIDE OF THE BUILDING TO

ESTABLISH AN OUTDOOR EATING AREA; OWNER – ROOSTER LAND COMPANY, LLC; APPLICATION – TABERNACLE BREWING CO., LLC. Staff reported: building had been used a church for a number of years and has now been sold; zoning is B-2, General Business District, and building is not listed on the National Historic Register; this would a black aluminum open-style fence along the side of the building creating an outdoor seating area; and staff recommends approval based on the findings of:

- The proposed alteration does not detract from the historic integrity of the building;
- The proposed materials and colors are in keeping with the existing colors of the building and meet the City fence regulations.

It was discussed that fencing is required to have alcohol outside the building, a replat is pending to exchange some land with the neighbor, the fence is to be placed on the property line based on the replat. Mr. Kappers stated concern that the approval is sought without the replat being approved and the fence would be over property lines based on current ownership, and having a fence across property lines is not permitted.

A motion was made by Mr. Kappers, seconded by Mr. Wolke, to approve the application for 214 W. Main Street as submitted, subject to the replat with the neighbor being completed prior to the fence installation and incorporated within the Planning Commission approval so that the replat shows the fence location not being across a property line, also based on the materials/color stated in the application, and based on the findings of staff that:

- The proposed alteration does not detract from the historic integrity of the building;
- The proposed materials and colors are in keeping with the existing colors of the building and meet the City fence regulations

MOTION PASSED, UNANIMOUS VOTE

FOX HARBOR SUBDIVISION, REVISED PRELIMINARY PLAN; OWNER – HARBOR WEST LAND COMPANY, LLC; APPLICANT – FRANK

HARLOW. Staff reported: the Preliminary plan was approved by the Commission in 2017; at the request of the Troy Development Council and the City of Troy, the applicant wishes to fill a void in the housing market by creating more dense lots in the southeast portion of the Fox Harbor Subdivision; the requested change is intended to create market rate homes which are lacking in the Troy housing market; the revised plan would reduce the lots from the equivalent of R-4 zoning lot sizes (9,000 square feet) to the equivalent of R-5 zoning lot sizes (6,000 square feet) resulting in increasing the lot number from 23 to 31; the affected lots are zoned R-5; the proposed lots would match the existing lot sizes in Kings Chapel (on Thornhill Drive) located immediately east of Fox Harbor; and staff recommends approval. The applicant was present.

A motion was made by Mr. Titterington, seconded by Mayor Beamish, to approve the revised Preliminary Plan for the Fox Harbor Subdivision as submitted.

MOTION PASSED, UNANIMOUS VOTE

REZONING APPLICATION, 700 S. DORSET ROAD, FROM R-5, SINGLE-FAMILY RESIDENTIAL, R-2, SINGLE-FAMILY RESIDENTIAL, AND M-2, LIGHT INDUSTRIAL DISTRICT, TO A RESIDENTIAL PLANNED DEVELOPMENT; OWNER - TROY CHRISTIAN SCHOOLS; APPLICANT - TROY CHRISTIAN SCHOOLS BY GARY WILBUR.

Staff reported: Troy Christian Schools requests a zoning amendment for a Planned Development at 700 S. Dorset Road which consists of 27.16 acres and is located on the west side of S. Dorset Road; the Planned Development area consists of four lots, parcels D08-250732, D08-048760, D08-250299, and D08-250296; currently, the development has two principal structures on parcel D08-250296, which is not permitted by the City of Troy Zoning Code. The applicant's intention is to bring the properties into compliance with the City of Troy Zoning Code, and to construct the Arbogast Performing Arts Center (APAC); intent is also to re-plat two smaller properties onto the larger property at 700 S. Dorset Road, and to leave the vacant lot to the south as it exists today; the established zoning on the four properties is R-5 Single-family Residential, R-2 Single-family Residential, and M-2 Light Industrial; the property has been previously developed and consists of K-12 classrooms, athletic field house, athletic stadium and track, athletic fields, gymnasiums, administrative offices, and a proposed performing arts center; property is bound by S. Dorset Road to the east, Interstate 75 to the west, and McKaig Road to the north.

PROPOSAL:

Layout: The proposed layout includes 128,275 square feet of existing buildings with a future proposal for a 6,000 square foot elementary addition. The layout also includes a proposed 26,500 square foot performing arts center. The layout displays parking areas to the north of the elementary, parking adjacent to the APAC, and east of the High School. The development will also contain the proposed vacation of Arlington Avenue which will include an ingress/egress easement. Landscaping will partially be established on the property, however, the required interior landscaping will not as explained in the letter from MT Studios, dated May 7, 2019, included in the packet.

Uses: The proposed uses for the Planned Development include K-12 classrooms, athletic field house, athletic stadium and track, athletic fields, gymnasiums, administrative offices, and a proposed performing arts center.

Parking: The proposed development is required to have 380 spaces. The plans shows a total of 572 spaces will be provided. The proposed parking exceeds the zoning code requirements. The proposed parking lot on the north end of the property is 11.5' from the property line as opposed to the required 15'. Staff has no issue with the proposed 11.5' due to the topography of the area.

Parks & Recreation Facilities: The development has existing athletic fields, a running track, and playgrounds for the use of the students attending Troy Christian Schools.

Traffic: The City Engineer, Traffic Engineer, and project Architect are continuing to discuss the final traffic plan. The traffic plan will be finalized prior to the Final Development Plan submission.

Utilities: This development will be served by existing City water and sewer lines. The plan seeks to mitigate storm water control by utilizing the existing storm water infrastructure that is in place. Staff approves of the proposed utility plans.

Protective Covenants: No declaration of restrictions and covenants will be filed.

Open Space: The proposed development currently has athletic facilities, athletic fields, and playgrounds available for the use of the students and staff.

Building Height: The proposed building height of the APAC is 39'6" tall and the R-5 zoning district allows a maximum height of 40'. The height of the APAC is in compliance with the City of Troy Zoning Code.

Signage: The sign package for this development will be brought before the Planning Commission at a later date.

Comprehensive Plan Compliance: The Troy Comprehensive Plan indicates this area to be used for schools, institutions and religious uses. The proposed uses of the property will be in compliance with the Comprehensive Plan.

GENERAL PLANS STANDARDS:

Section 1145.16 of the Zoning Code requires that Planning Commission review the proposed General Plan and may recommend the General Plan to City Council if it determines that the plan satisfies, at a minimum, all of the following criteria:

- (1) The General Plan should follow to the maximum extent practicable the Comprehensive Plan for the City, taking into account current facts and circumstances; **The Troy Comprehensive Plan indicates the proposed area is for schools, institutions, and religious use. The land will continue to be in compliance with the Troy Comprehensive Plan.**
- (2) An exemption to conventional zoning is justified because the Comprehensive Plan for the City can be more faithfully and reliably implemented by the use of PD zoning; **The exemption to conventional zoning is justified. The City of Troy Zoning Code does not permit more than one principal building on a property. This property will have three (3) principal buildings – Troy Christian Elementary, Troy Christian High School, and APAC.**
- (3) The General Plan is compatible with the location, topographic and other characteristics of the site and will bear a beneficial relationship with surrounding land uses in terms of noise, smoke, dust, debris, or other nuisances; **The Plan is compatible with these characteristics.**
- (4) The General Plan is carefully designed to support surrounding streets, utilities and other public improvements; **Public improvement and infrastructure have been studied with this proposed use for this area. The proposed vacation of Arlington Avenue will allow for necessary traffic flow due to the addition of the APAC.**
- (5) The General Plan represents an efficient and economic use of the land in view of the community's need for a balance of land uses; **Yes. The development currently exists, although it is non-conforming. The proposed Planned Development will alleviate the non-conformity and will allow for the addition of the APAC, which will be a community oriented venue.**
- (6) All public streets, utilities and services necessary to carry out the General Plan are available to the site, or will be extended or improved by the developer and/or City in time to permit the development to be properly served; **the property currently has existing water, sanitary, and storm water controls in place.**
- (7) Exception from conventional zoning is warranted by design goals or other criteria and/or the need to provide a variety of development opportunities within the community; **an exemption is warranted from regular zoning. The PD proposes to bring the properties into compliance with the City of Troy Zoning Code.**
- (8) The design of the development protects natural assets such as streams, wood lots, steep terrain, and other critical environments in the City; **Not applicable in this request.**
- (9) Taken as a whole the development of the proposed PD will have a positive effect on the health, safety, and general welfare of the City; **the proposed PD will create a positive effect on the community with the addition of the APAC and the performances at the Center which will be available to the community.**
- (10) The General Plan appears capable of being implemented by a Final Development Plan which meets all requirements of this Section. **The General Plan is capable of implementation by a Final Development Plan.**

ZONING CODE:

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 rezoning would be consistent with the following sections of the Zoning Code:

- 1131.02 (g) "To provide for creatively designed single-use and mixed-use Planned Developments, and to preserve their character and vitality through ongoing regulatory supervision."
- 1131.02 (v) "To provide for thorough, efficient and lawful Code administration."

(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.**

No changes in the area have created this rezoning request.

(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 of the property is compatible with the other uses in the immediate vicinity. Schools – public or private, are permitted within residential districts.

(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.**

The proposed PD can and will be served by City water and sewer. All other public services can be provided with the proposed rezoning.

(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.**

The property is not surrounded by vacant land with the current R-5, R-2, and M-2 zoning classifications.

(F) **Whether the proposed amendment would correct an error in the application of this Zoning Code as applied to the subject property.**

The proposed zoning amendment would correct a previous error in the application of the Zoning Code. Currently, the existing properties have more than one (1) principal building per lot. By approving the zoning amendment, the properties will be brought into compliance with the Zoning Code.

Staff recommend approval based on the findings of:

- The traffic plan is resolved prior to the submission of the Final Development Plan;
- The zoning amendment will bring the properties into compliance with the City of Troy Zoning Code;

DISCUSSION. In response to Mr. Kappers, it was commented that a PD does not pay fees in lieu of dedicated parkland. It was stated that the APAC building would be 39' and if there is an antenna on top of that, the antenna would be covered by another ordinance section and not be part of the PD. Mr. Kappers asked about the vacation of part of Arlington Avenue, as a vacation plat is part of the packet. Staff advised that the vacation is part of the PD (as far as the "bulb" of Arlington Avenue, but the vacation from Dorset Road to the bulb is not under consideration at this time, it may be in the future, but one property owner did not want to sign the vacation petition as he has a curb cut onto Arlington Avenue; thus, Troy Christian is not the owner of all abutting properties and there will be cross access easement provided. Mr. Kappers commented about the benefit of vacating all of Arlington Ave. so the City would have the cost of maintaining it.

PUBLIC HEARING:

A motion was made by Mr. Wolke, seconded by Mr. Titterington, that the Planning Commission not hold a public hearing the proposed rezoning of the Proposed rezoning of the four parcels of Troy Christian School, at 700 S. Dorset Road, from R-5, Single-family Residential, R-2, Single-family Residential, and M-2, Light Industrial District, to a Residential Planned Development.

MOTION TO NOT HOLD A PUBLIC HEARING PASSED BY UNANIMOUS ROLL CALL VOTE

RECOMMENDATION:

A motion was made by Mr. Titterington, seconded by Mr. Wolke, that the Troy Planning Commission recommends to Troy City Council that subject to the traffic plan being resolved prior to the applicant submitting the Final Development Plan that parcels D08-250732, D08-048760, D08-250299, and D08-250296, consisting of 27.16 acres generally located at 700 S. Dorset Road be rezoned from the zoning classifications of R-2, Single-family Residential District, R-5, Single-family Residential District, and M-2, Light Industrial District, to a Residential Planned Development (PD), based on the findings of staff that:

- The zoning amendment will bring the properties into compliance with the City of Troy Zoning Code.

MOTION PASSED, UNANIMOUS VOTE

There being no further business, the meeting adjourned at 4:11 p.m.

Respectfully submitted,

_____ Chairman

_____ Secretary