

A regular meeting of the Troy Planning Commission was held Wednesday, June 27, 2018, at 3:30 p.m. in Council Chambers, second floor, City Hall, with Chairman Alan Kappers presiding. Members Present: Beamish, Wolke, Snee, Mahan and McGarry; Assistant Development Directors Harris and Davis; zoning inspector Robert Watson.

The minutes of the June 13, 2018 meeting were approved.

**HISTORIC DISTRICT APPLICATION, 121 E. Main Street, for a new wall sign reading Primal Forces:**

**Owner: Hatfield Properties LLC; Applicant: Michele Cremeans.** The staff report noted: zoning is B-3; building is on the National Register; requested wall sign is 4.5 square feet, with 125 square feet allowed for the building and 11.76 square feet for this tenant; sign is an aluminum metal sign, with a brushed aluminum background color, with black lettering for the business and owner's name and the logo a multi-colored design; and staff recommends approval based on the findings of staff that:

- The proposed sign will meet the City sign code requirements
- The proposed sign compliments the existing colors of the building

In response to Mr. Kappers, staff stated that the sign has not been installed.

A motion was made by Mr. Wolke, seconded by Mrs. Mahan to approve the wall sign application for 121 E. Main Street as submitted with the exact material and colors as shown in the application and based on the findings of staff that:

- The proposed sign will meet the City sign code requirements
- The proposed sign compliments the existing colors of the building. MOTION PASSED, UNANIMOUS VOTE

**DOWNTOWN RIVERFRONT OVERLAY (DR-O) DISTRICT APPLICATION, 180 E. RACE STREET, (PARCEL LESS**

**THAN ½ ACRE IN SIZE); OWNER/APPLICANT: PARTNERS IN HOPE, INC. BY JESSICA ECHOLS, EXECUTIVE DIRECTOR.**

The staff report noted:

The applicant is proposing the construction of a new two-story commercial building at the property of 180 E. Race Street. The property is zoned B-2 General Business District, a 0.21-acre vacant gravel lot, located at the Southwest corner of E. Race Street and S. Mulberry Street. □

The proposed building will serve as the primary location and offices for Partners in Hope Inc. They are a local non-profit agency that serves the community in providing services to those that need relief, educational tools, and resources, along with continued support and development. Partners in Hope have four full-time employees and one or two volunteers on site. Their operating hours are generally Monday through Thursday 9:00 a.m. to 4:30 p.m. and 9 a.m. to Noon on Friday. In addition to the regular hours, the facility will occasionally be utilized on Tuesday evenings from 5:30 p.m. to 8:00 p.m. for client educational purposes.

The exterior elevation of the building, seen on page A-3 of the architectural drawings, shows a two-story, residential styled building. The design and proposed construction of the property are by Keystone Builders. The exterior will be finished with a Light Blue-Gray, four-inch lap style vinyl siding. With a three-foot band of stone veneer with varying shades of blue, gray and black accents along the bottom of the front and two sides. The front gable, facing E. Race Street will have a decorative Cedar Shake shingle siding in a light gray color. The windows are a traditional six light by six light, double hung windows in white. The porch on the first and second floor will be accented with eight-inch columns with a traditional designed and manufactured railing all in white. The accent shutters will be around all windows in a medium blue color. The roof will be covered in a traditional thirty year, black, dimensional asphalt shingle with continuous ridge vents.

Shown on the grading plans the ground surfaces will consist of heavy duty and regular asphalt, concrete and landscaping materials. The landscape materials are detailed on the last page, with a grass lawn, planting mix consisting of perennials and bushes of varying sizes.

After the site plan review by city staff, it has been determined that this project does not meet several of the conventional zoning requirements in the underlying zoning district of B-2, which are itemized below. 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, below is a list of items that do not meet the standard zoning requirements of the B-2 General Business district and will need to be approved by the Planning Commission (through the DR-O process) for the project at 180 E. Race Street to continue forward.

- 1- Building Setbacks – The proposed building will not meet the required front yard setback along S. Mulberry Street of 25 feet. The applicant is requesting an encroachment of 15 feet, a reduction of 10 feet from the required setback. Although not permitted in the B-2 zoning district, this request does comply with the average building setback allowance under residential districts. The design is consistent with the average setback of the properties along S. Mulberry Street.
- 2- Required Buffer yard – The proposed building will not meet the required 25-foot buffer yard for separation from B-2 zoning classifications and the property to the south listed as R-7 Multiple Family Residential zoning. The proposed building is to be located at 15 feet off the property line. The applicant is requesting a reduction of 10 feet for the required buffer. The applicant also intends to install a six-foot vinyl privacy fence along the south property line as noted on the plans.
- 3- Required Off-Street Parking – Section 1155.05– Based on the square footage calculation of the Zoning Code, the proposed building is required to provide nine regular spaces and one handicap space. The applicant is requesting to reduce that requirement by three spaces while providing six regular spaces and one handicap space. The applicant has explained they have a large demand from walk-ins rather than vehicle traffic and only has four full-time employees.
- 4- Off-Street Parking Location – Section 1155.07– The proposed site plan has three off-street parking spaces encroaching in the front yard setbacks along E. Race Street. Due to the lot size, the applicant is requesting that the proposed parking be allowed within the required setbacks to utilize the site more effectively and to provide the proposed off-street parking spaces.
- 5- Off-Street Parking Design Standards – Section 1155.08 – The proposed site plan does not allow for enough separation from the right-of-way along E. Race Street of the required ten feet. The applicant is requesting an encroachment into the required separation by seven feet to provide the designed number of spaces and have a three-foot separation. This proposed design on this small lot is allowing the applicant to provide enough off-street parking for their projected needs.

All other additional review items concerning the utility and engineering items have been addressed by Choice One Engineering. The site plans have been corrected and revised to reflect those changes.

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 180 E. Race Street, zoned B-2 General Business requires a minimum lot size of 40,000 square feet, a width of least one-hundred fifty feet and a length of one-hundred feet. The property is one-hundred twelve feet by eighty-two feet, for a total of 9,200 square feet. This is a 0.21-acre lot, having a 77% reduction in area from the required minimum lot size, making this a legal but non-conforming lot. The proposed use does require some reductions of the conventional B-2 zoning district requirements.

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 most of the standard zoning requirements have been met by the proposed development. This proposed development has taken into account the mix of existing commercial uses and the surrounding residential neighborhoods into the design of the site. This property's small lot size limits its reuse, staying as a vacant gravel lot or potentially a small residential property.

In accordance with the DR-O process, this application was introduced at this meeting. It will be on the next Planning Commission agenda for a required public hearing and consideration.

**KETTERING HEALTH NETWORK PLANNED DEVELOPMENT MINOR AMENDMENT; OWNER – TROY LAND HOLDINGS, LLC (KETTERING HEALTH NETWORK); APPLICANT – DANIS CONSTRUCTION.** The staff report noted: Council approved the final plan; the applicant wishes to expand the building to the east of the development; the proposed change has little effect on the development and increases the square footage of the building from 113,500 square feet to 144,740 square feet (map will be attached to original minutes); the proposed amendment is considered a minor change of the approved Final Development Plan and can be considered and approved by the Planning Commission; and staff recommends approval.

Mr. Kappers asked if staff has concerns with the shown set back, and was advised there are no concerns.

A motion was made by Mayor Beamish, seconded by Mrs. Snee, to approve the application for the minor amendment to the Kettering Health Network PD as submitted.

**MOTION PASSED, UNANIMOUS VOTE**

**REZONING APPLICATION FOR PART OF IL 9891, LOCATED ON BOTH SIDES OF PIQUA-TROY ROAD, NORTH OF TROY-URBANA ROAD, FROM A-R, AGRICULTURAL-RESIDENTIAL, AND OC-1, OFFICE-COMMERCIAL DISTRICT, TO A PLANNED DEVELOPMENT; OWNER: HALIFAX LAND COMPANY LLC (FRANK HARLOW); APPLICANT: FRANK HARLOW**

The staff reported noted:

"Frank Harlow requests a zoning amendment for a Planned Development on PT Inlot 9891 (Parcel R50-005200), which consist of 107.171 acres and located on the east and west side of Piqua-Troy Rd. The applicant's intention is to construct a private residential subdivision with a future area intended for an assisted living facility.

The established zoning on this property is A-R Agricultural Residential and OC-1 Office-Commercial zoning districts. The property is currently undeveloped and currently being used for agricultural purposes. The surrounding area contains residential uses to the north, east and west of the property, with a mixture of residential and the county grange building to the south.

Surrounding zoning includes: A-2 General Agriculture (Miami County) and R-3B Single-Family (Troy) to the north; and R-1 Single-Family (Troy) to the east, R-4 Single-Family (Troy) to the west, and R-4 Single-Family (Troy), R-1 Office Residential (Troy) and B-3 Neighborhood Business (Miami County) to the south.

This request for Planned Development zoning with submittal of the General Plan is the first step of the approval process. Each phase of development will require a Final Development Plan and Record Plan in order to create the lots to be sold and to dedicate the streets and public utilities (in this case, a two-phase development is proposed). Detailed engineering drawings will be required to be submitted for review and approval by the Development and Engineering staff. The Record Plan will be reviewed by Planning Commission who will make a recommendation to City Council. Council ultimately will have final approval of the Record plan.

**PROPOSAL:**

**Uses & Layout:** The proposed development will be completed in two phases. The first phase of the development is residential use with the only non-residential structure shown as a private club house which will be used by the residents of the development. All residential portions of the development will be completed in the first phase. The first phase of the development consists of 101 single-family residential lots which will be created on the west side of Piqua-Troy Road (50.858 acres). This equates to two units per acre. The east side of Piqua-Troy Road will consist of 159 zero lot line town homes (32.356 acres) which equates to 4.9 units per acre. The northeast corner of the development (19.438 acres) will consist of a private clubhouse (11.336 acres) and open space.

The second phase of the development will include a future site for an assisted living facility (8.1 acres). An amendment to the Planned Development will be required in the future to show the development of phase two.

**Roadways:** Access to this development will be provided by two connections to Piqua-Troy Road which are strategically aligned. The internal roadway system consists of five cul-de-sacs which are connected to three streets as shown in the attached General Plan. As this development is proposed as a private development, 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. The City Engineer and Assistant Fire Chief have reviewed the street layout and have indicated they have no issues with the proposal. 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 proposes a private clubhouse located in the northeast corner of the development which is intended to be used as open space and recreational opportunities. In addition, an extensive cart path and walkway are available for the enjoyment of the residents. The Zoning Code requires 10% of the entire acreage in the development to be used as open space. The proposed development has met the open space requirement for a planned development. Maintenance of the private clubhouse, open space, cart path and ponds will be the responsibility of the HOA.

**Protective Covenants:** Staff will require the Protective Covenants and Restrictions be provided during the at the Final Record Plat submittal of this development. The Final Record Plat does require Planning Commission and City Council Approval.

**Housing Values:** The applicant and developer have estimated the costs of the single-family homes to be valued at \$275,000 to \$350,000. The Zero Lot Line Town Homes are expected to be valued at \$175,000 to \$.

**Comprehensive Plan Compliance:** The Troy Comprehensive Plan indicates the proposed area to be developed as residential use according to the Future Land Use Map (Figure 14-2). Specifically, the Comprehensive Plan states:

"Future residential development should be commensurate with the changing needs of the Troy community, as reflected in the Comprehensive Plan. To achieve the City's desired housing diversity, a low-density designation of 2.18 units an acre, translating to a minimum of 20,000 square feet lots is needed. However, higher densities and housing diversity can be encouraged for the Northeast Sub-Area, if accomplished through a Planned Development District. A well-planned development incorporating mixed uses with various densities could also contribute to the housing goals of this Comprehensive Plan."

The Northeast Sub-Area does indicate Neighborhood Commercial uses at the intersection of Piqua-Troy and Troy-Urbana Roads. The Neighborhood Commercial District is intended to serve the daily needs of consumers in nearby neighborhoods and not compete unduly with the existing community service area at the Sherwood Plaza on North Market Street. However, it does state that this is based upon the needs of the City.

**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 to be developed as residential use according to the Future Land Use Map.**
- (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 as the development will fill a need for this style of development inside the City.**
- (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; **The public improvements have been designed to meet city recommendations (water and sewer). The majority of the infrastructure (streets and storm water will be privately owned and maintained).**
- (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; **The proposed use does fill a need in the market for this type of development. This development will be marketed to the empty nester that does not want to maintain a larger home and still want to reside inside a subdivision within the City Limits.**
- (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 public improvements (including turning lanes) will be installed to permit the development to be properly served.**
- (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 as this PD proposes to provide living facilities, to accommodate the rate of aging citizens in Troy.**
- (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. A recent market study shows the need for senior living facilities to accommodate the rate of aging citizens.**
- (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 (k) "To facilitate the efficient and economical development and use of land and public facilities."

(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. Abutting the eastern and western property lines are residential developments with the same uses as proposed.**

(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 area.**

(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 surrounded by developed land to the north, east, south and west that hold residential zoning districts. There is no other land that holds the proposed PD zoning district designation with the vicinity.**

(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 recommends that Planning Commission provide a positive recommendation to City Council to approve this request for PD Planned Development zoning as the proposed rezoning is found to be consistent with the intent and purposes of the City of Troy Zoning Code, Comprehensive Plan and with similar zoning classifications and uses in the area; subject to the following conditions on the General Plan:

1. That a statement be placed on all plans that no newly created lots will have direct access to Piqua-Troy Road; and
2. That a statement be placed on all plans indicating water and sanitary sewer will be public and the street and storm will be private; and
3. All roads be named be approved by the City Engineer; and
4. All cul-de-sacs remain "unfilled" as open pavement. "

#### Discussion:

In response to Mr. Wolke, it was stated that the refuse collection will be private and the developer will need to advise purchasers of that fact.

Mr. Kappers asked if the flood plain was deducted from the green space calculation, and was advised no because the green space exceeds the requirement.

Mr. Kappers asked about residents crossing Piqua Troy Road and staff noted that new legislation permits golf carts on low speed roads and permits golf carts to cross higher speed roads.

**PUBLIC HEARING:** A motion was made by Mr. Wolke, seconded by Mr. McGarry, that the Commission not hold a public hearing on the rezoning application for part of IL 9891. **MOTION PASSED, UNANIMOUS VOTE.**

**RECOMMENDATION.** A motion was made by Mayor Beamish, seconded by Mrs. Snee, that the Troy Planning Commission recommends to Troy City Council that part of IL 9891, located on both sides of Piqua-Troy Road, North of Troy-Urbana Road, be rezoned from A-R, Agricultural-Residential, and OC-1, Office-Commercial District, to a Planned Development, based on the findings of staff that the proposed rezoning is found to be consistent with the intent and purposes of the City of Troy Zoning Code, Comprehensive Plan and with similar zoning classifications and uses in the area, and subject to the conditions recommended by staff of:

- 1) That a statement be placed on all plans that no newly created lots will have direct access to Piqua-Troy Road; and
- 2) That a statement be placed on all plans indicating water and sanitary sewer will be public and the street and storm will be private; and
- 3) All roads be named be approved by the City Engineer; and
- 4) All cul-de-sacs remain "unfilled" as open pavement.

**MOTION PASSED, UNANIMOUS VOTE**

Regarding the tabled Villages of Concord, the item remained tabled.

There being no further business, the meeting adjourned at 3:54 p.m.

Respectfully submitted,

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Chairman

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Secretary

