

**ORDINANCE NO. OR18-22**

**AN ORDINANCE BY THE TROTWOOD CITY COUNCIL ACCEPTING THE RECOMMENDATION FROM THE TROTWOOD PLANNING COMMISSION TO AMEND THE OFFICIAL ZONING MAP OF THE CITY AND THE CLASSIFICATION OF APPROXIMATELY 18.037 ACRES OF VACANT LAND LOCATED ON SHILOH SPRINGS ROAD, PARCEL NO. H33 02112 0178, FROM BUSINESS PARK (B-P) TO RESIDENTIAL MULTI-FAMILY HIGH DENSITY (RMF-H) TO ACCOMMODATE FUTURE RESIDENTIAL DEVELOPMENT.**

**WHEREAS**, Applicant Paul Amegatcher DBA Okinbia Investment Properties LLC, the owner of property situated on Shiloh Springs Road, Parcel No. H33 02112 0178, has applied for an Official Zoning Map amendment for this property to change the zoning for this parcel from Business Park (B-P) to Residential Multi-Family High Density (RMF-H) to accommodate future residential development; and

**WHEREAS**, City Council finds that the Planning Commission held a public hearing on February 22, 2022, in PC Case No. 22-03, in accordance with Section 1125.08 of the City of Trotwood Code of Ordinances, after timely notice of the same was duly served on all persons required to be notified by law; and

**WHEREAS**, the Planning Commission has recommended that City Council amend the Official Zoning Map of the City of Trotwood by reclassifying approximately 18.037 acres of the underlying zoning of the property situated on Shiloh Springs Road, Parcel No. H33 02112 0178, from Business Park (B-P) to Residential Multi-Family High Density (RMF-H); and

**WHEREAS**, City Council, after having fully considered this matter and having determined that the proposed Official Zoning Map amendment is in conformance with the Comprehensive Land Use Plan of the City and that said amendment will promote the general welfare of the City, hereby intends to adopt the recommendation from the Planning Commission regarding the Official Zoning Map amendment described above.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROTWOOD, STATE OF OHIO:**

**SECTION I:**

The Trotwood City Council accepts the Planning Commission’s recommendation and hereby amends the Official Zoning Map of the City by reclassifying approximately 18.037 acres of the underlying zoning of the property situated on Shiloh Springs Road, Parcel No. H33 02112 0178, from Business Park (B-P) to Residential Multi-Family High Density (RMF-H) as depicted on Exhibit “A” attached hereto and incorporated herein by reference.

TROTWOOD, OHIO 45426

3035 OLIVE ROAD

CITY OF TROTWOOD

**SECTION II:**

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including but not limited to Section 121.22 of the Ohio Revised Code.

**SECTION III:**

This Ordinance shall take effect at the earliest time allowed by law.

Passed this 4th day of April, 2022.

ATTEST:

APPROVED:

Kara B. Landis  
KARA B. LANDIS  
CLERK OF COUNCIL

Mary A. McDonald  
MARY A. McDONALD  
MAYOR

Yvette F. Page  
YVETTE F. PAGE  
VICE-MAYOR

**CERTIFICATE OF RECORDING OFFICER**

I, the undersigned, hereby certify that the foregoing is a true and correct copy of Ordinance No. **OR18-22** adopted by the Trotwood City Council at a regular scheduled meeting held on the **4th** day of **April, 2022**, and that I am duly authorized to execute this certificate.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
KARA B. LANDIS  
CLERK OF COUNCIL

# Exhibit "A"



## Legend

### Parcels



### Zoning


- A Agriculture
- RE Rural Estate
- RSF-L Residential Single Family - Low Density
- RSF-M Residential Single Family - Medium Density
- RSF-H Residential Single Family - High Density
- R2F Residential Two Family
- R4F Residential Four Family
- RMF-L Residential Multi-Family - Low Density
- RMF-H Residential Multi-Family - High Density
- CO-P Office Residential
- NB Neighborhood Business
- OT-S Old Town Business
- G-B General Business
- P-2 Regional Business
- BI Business-Industrial
- B-P Business Park
- L-1 Light Industrial 1
- L-2 Light Industrial 2
- P-O-S Park/Open Space
- MHP Mobile Home Park
- S-PUD Business PUD
- I-PUD Industrial PUD
- R-PUD Residential PUD
- SW Sycamore Woods State Park



# TROTWOOD

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## MEMORANDUM

DATE: March 23, 2022  
TO: Mayor McDonald and City Council  
FROM: Quincy Pope, City Manager  
CC: Debbie McDonnell, Planning and Zoning Director   
SUBJECT: OR18-22; PC Case 22-03

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On Tuesday, February 22, 2022, the Trotwood Planning Commission held a Public Hearing on PC Case #22-03, which Staff Report is attached:

Approve a zoning amendment to change 0 Shiloh Springs Road, Parcel ID # H33 02112 0178, from a Business Park (BP) to a Residential Multi-Family High Density (RMF-H) zoning district to permit future residential development. Paul Amegatcher dba Okinbia Investment Properties LLC, applicant.

The Planning Commission voted to recommend that the zoning amendment be approved as requested.

PHONE 937-837-7771  
FAX 937-854-0574

TROTWOOD.ORG

3035 OLIVE ROAD  
TROTWOOD, OH 45426



# TROTWOOD

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## Trotwood Planning Commission

### Staff Report

**To:** Mr. Ernest Curry, Chairman,  
Planning Commission Members

**From:** Deborah McDonnell,  
Planning and Development Director

**Dated:** February 22, 2022

**PC Case #:** 22-03 Zoning Amendment to change 0 Shiloh Springs Road, Parcel ID # H33 02112 0178 from Business Park (BP) zoning district to a Residential Multi-Family High Density (RMF-H) zoning district to permit future residential development. Paul Amegatcher dba Okinbia Investment Properties LLC, Owner/Applicant.

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**DESCRIPTION:** Paul Amegatcher is seeking a Zoning Amendment to change 0 Shiloh Springs Road from Business Park to Residential Multi-Family High Density zoning district to permit multi-family residential development.

#### **SITE(S) AND AREA(S):**

The site is located on the south side of the first block of Shiloh Springs Road west of Wolfe Road. Primarily rectangular, it contains a small flag area along the southern perimeter connecting to Wolfe Road allowing for two access points to the site. The site was part of the initial zoning for the Turner Road Business Park outlined in the 1999 comprehensive plan that has not materialized. Surrounding zoning includes:

North	Light Industry I and Agriculture
East	Business PUD
East	(Connection to Wolf Rd) Harrison Township
South	Business Park
West	Residential Multi-Family – High Density

## **DISCUSSION:**

The properties along Shiloh Springs for approximately .57 miles are multi-family high density properties including: Shiloh apartments, Shiloh Villas, Cardinal One, Pacific ARC and ending with warehousing. The intended business park lacks progress. Lands to the north of the BP have transitioned into housing areas. Therefore, it does not seem logical that BP development would be encouraged to front onto Wolf Road so close to multi-family housing. The addition of this property to housing is keeping in line with changes along Shiloh Springs ending at the Township boarder.

## **FINDINGS**

**TCO Chapter 1125.08 Zoning Text & Map Amendments: (Ord. 45-08. Passed 12-15-08.)**

- (a) Amendment may be initiated by Council, the Planning Commission, Zoning Administrator, or by an application by one or more owners of property affected by the proposed amendment. The term "owner" shall mean the property owner, a person, or other party holding a written option to purchase that property.
  - *Map amendment initiated by property Owner*
- (b) An application for an amendment shall be accompanied by maps, drawings and data necessary to demonstrate the proposed amendment is in conformance with the Comprehensive Land Use Plan of the City, and that public necessity, convenience and general welfare require or permit the adoption of the proposed amendment.
  - *Applicant provided a map of the property showing zoning designations and metes and bounds description.*
- (b) The Zoning Administrator shall make a thorough investigation and analysis of an application for a zoning amendment, and shall afterwards prepare a written report, along with recommendations for submission to the Planning Commission.
  - *This is found in this staff report*
- (c) Within forty-five days of the receipt of an application for a zoning amendment, the Planning Commission shall hold a public hearing. In addition, the Commission shall publish a notice of public hearing in a newspaper of general circulation in Trotwood not less than ten (10) days prior to the date of such hearing, and shall be responsible for notifying, by mail, at least ten days in advance of such hearing, all property owners within 300 feet of the property in question.
  - *Application received January 27, 2022. Public hearing must be before March 13, 2022. The Planning Commission's regularly scheduled meetings are February 22 or March 22, 2022. Therefore, the request must be heard on February 22, 2022 or at a special meeting prior to March 13, 2022.*
  - *Notices were sent to surrounding property owners and posted according to TCO Section 10-8 on February 11, 2022, at least 10 days in advance.*

- (d) Additionally, at least 10 days before Public Hearing, an information sign shall be posted on any property being considered for rezoning. Said sign shall be posted by the application and shall state: "An application has been filed for rezoning of this property. For Information, call 937-854-7221." The signs may be borrowed from the Planning Department at Trotwood Government Center. Said sign must remain in place until the application has been approved or disapproved by City Council.
- *Signs were not available. They will be ordered for future projects.*
- (e) Within forty-five days of holding the public hearing, the Planning Commission may recommend that the application be granted as requested, or it may recommend a modification of the zoning amendment request, or it may recommend that the application not be approved.
- *The Planning Commission has until April 8, 2022 to make a decision. Future regularly scheduled meetings prior to this include April 26, 2022. A special meeting could be held if published 24 hours in advance.*

#### **STAFF RECOMMENDATION**

The applicant complied with the TCO 1125.08 except for the posting of the property. (This was not a part of prior practice and not requested of the applicant in this case. Staff will insure this practice is done in the future.) All timelines have or will be met as indicated above.

Staff recommends approval of rezoning the property from B-P to RMF-H Density and submitting your recommendation to City Council.

#### **PLANNING COMMISSION REVIEW AND APPROVAL ALTERNATIVES:**

The Commission's action could be:

1. Move to make the specified findings under Chapter 1125.08 Zoning Amendment and **APPROVE** the requested amendment
2. Move to **DENY** requested amendment
3. Move to **TABLE** the request for more Information.

#### **Attachments:**

1. Application for Zoning Amendment
2. Zoning Map along Shiloh Springs
3. Zoning Map showing Business Park along Turner Rd Connecting to Salem Ave.
4. Notice of public hearing
5. Certificate of postings
6. Property owner letter and list



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City of Trotwood, Ohio  
3035 Olive Road, Trotwood, Ohio 45426-2600

Department of Planning & Development  
Phone: (937) 854-7227 Fax: (937) 854-0574

## ZONING AMENDMENT APPLICATION

Date: 01/26/2022 FEE: \$300  
Map Amendment  Text Amendment\*  Official Filing Date \_\_\_\_\_

\*Requesting Amendment to Section \_\_\_\_\_

**APPLICANT:** Name: Paul Amegatcher dba Okinbia Investment Properties, llc Phone #: 937-238-5851  
Address: 7804 Country View Ln City Brookville State OH Zip 45309

**PROPERTY OWNER:** Name: OKinbia Investment Properties, llc Phone #: 937-238-5851  
Address: 7804 Country View Ln City Brookville State OH Zip 45309  
Paul@Okinbia.com

**MAP AMENDMENT:** RMF-H Residential Multi-Family High Density  
**ZONING:** Current B-P Business Park District Requested \_\_\_\_\_  
Total Area of Zoning Amendment Request 18.037 Acres Square Feet

### DESCRIPTION OF AMENDMENT (Complete as Applicable):

Address: Shiloh Springs Rd. Trotwood, OH 45426  
Subdivision Name: \_\_\_\_\_ Lot #: \_\_\_\_\_  
Book \_\_\_\_\_ Page \_\_\_\_\_ Parcel Number(s) H33 02112 0178  
Present Use: Vacant land Proposed Use: vacant land

**STATEMENT:** Explain the need for Amendment requested:

The current zoning for this property is B-P Business Park. We requesting the zoning be changed to RMF-H Residential Multi-Family - High Density. The RMF-H zoning is the highest and best use for the land. Changing the zoning to RMF-H will be consistent with the zoning for neighboring properties that border this property.

Applicant's Status: Owner Agent\*

\*If agent, submit Agent Form signed by Property Owner(s) endorsing application.

Contact Person: PAUL AMEGATCHER Phone #: 937-238-5851

I certify that all information and attachments to this application are true and correct to the best of my knowledge.

Applicant's Signature Paul Amegatcher

Planning Commission Case # PC 22-03

Payment Method: VISA Receipt #: 317244 Date: 1/27/22

Applications is \_\_\_\_\_ approved \_\_\_\_\_ not approved \_\_\_\_\_ / \_\_\_\_\_  
Planning & Zoning Administrator Date



## EXHIBIT "A"

Situated in the City of Trotwood, County of Montgomery, State of Ohio

Situate in Section 12, Town 4, Range 5 East, City of Trotwood, Montgomery County, Ohio, being part of the 63.990 acre tract conveyed by deed to Development Enterprises Shiloh by deed recorded in Microfiche Number 77-82C10 of the deed records of Montgomery County, Ohio and being a tract of land more particularly described as follows:

Beginning in the centerline of Shiloh Springs Road at the Northwest corner of Shiloh-Wolf Plat recorded in Plat Book 133, Page 8 of the plat records of said County, said corner being S 82°30'30" W a distance of 500.00 feet from the intersection of the said centerline and the centerline of Wolf Road, said corner also being the apparent Northeast corner of said Section 12; thence from said point of beginning S 05°47'28" E with the West line of said plat and the West line of the land conveyed to Mark T. and Patricia T. Stevens by deed recorded in MF#87-701A10 a distance of 935.00 feet to an iron pin found at the Southwest corner of said Stevens tract; thence N 82°30'30" E with the South line of said Stevens tract a distance of 500.00 feet (passing an iron pin found at 469.99 feet) to a P.K. nail found in the centerline of Wolf Road at the Southeast corner of said Stevens tract; thence S 05°47'28" E with said centerline a distance of 250.37 feet to a P.K. nail found at the Southeast corner of said Development Enterprises-Shiloh tract; thence S 84°27'30" W with the North line of the land conveyed to H. Wampler Fruit Farms, Inc. by deed recorded Deed Book 1806, Page 53 a distance of 1099.79 feet (passing an iron pin found at 30.00 feet) to an iron pin set; thence N 05°47'28" W with new division line through said Development Enterprises-Shiloh tract parallel with the West line of said Shiloh - Wolf Plat a distance of 1112.92 feet to an iron pin set on the South line of the land conveyed to the Board of County Commissioners of Montgomery County by deed recorded in D.B. 2422, Pg. 76; thence N 82°30'30" E with said South line a distance of 579.15 feet to an iron pin set at the Southeast corner of said tract; thence N 07°29'30" W with the West line of said tract a distance of 35.00 feet to the centerline of Shiloh Springs Road; thence N 82°30'30" E with said centerline a distance of 22.15 feet to the point of beginning, containing 18.262 acres of land, subject to all legal conditions, easements and rights-of-way of record. This description prepared by McDougall Associates based on a survey made by same. All iron pins set are 30" x 5/8" capped "McDougall Associates." Bearings are based the West line of said Shiloh-Wolf Plat.

Kirk P. Diehl. P.S. #7032.

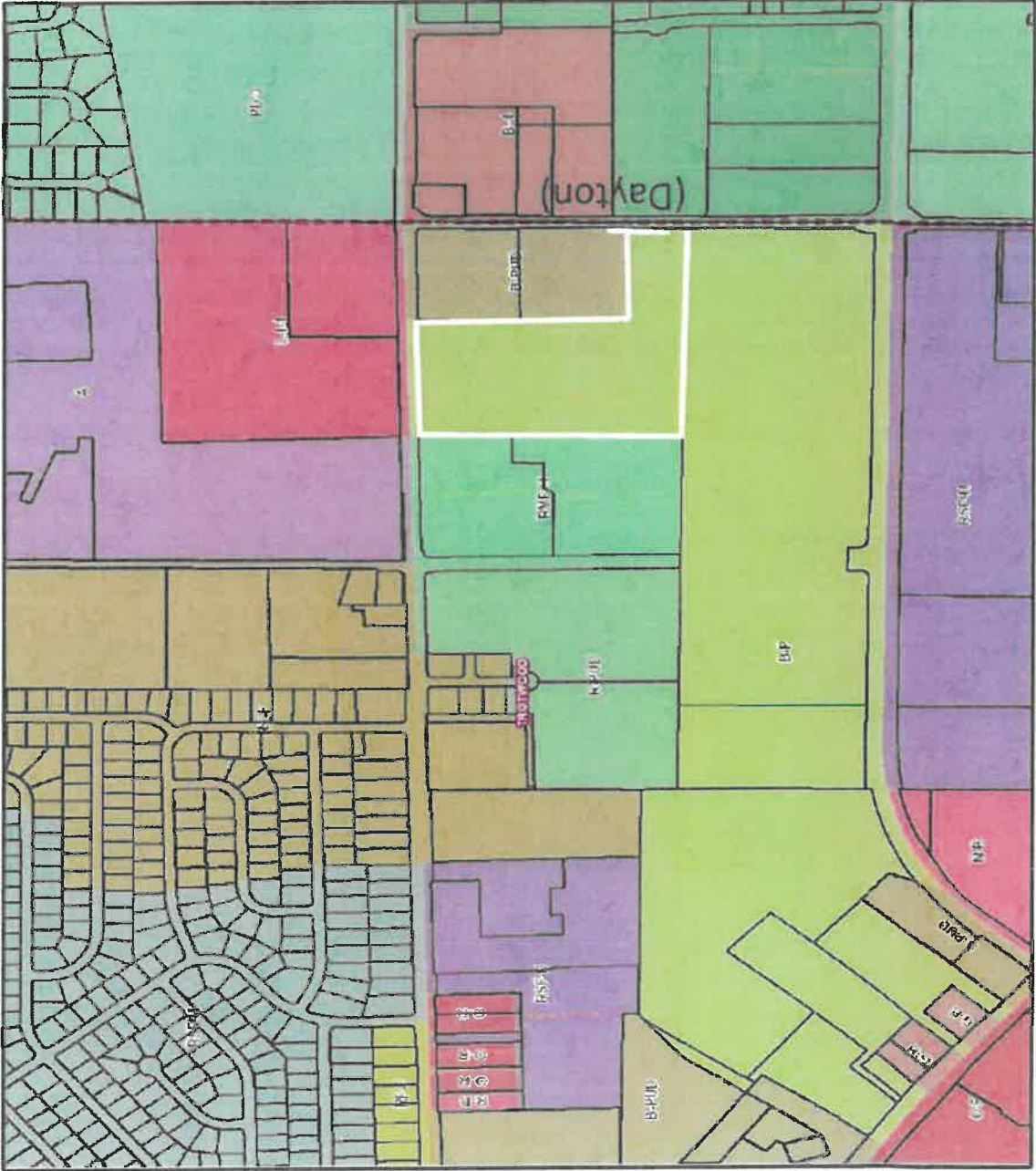
Parcel Number:  
Address:

H33 02112 0178  
Shiloh Springs Road, Dayton, Ohio 45415

Zoning Amendment to change 0 Shiloh Springs Road, ParID H33 02112 0178, from a Business Park (B-P) to a Residential Multifamily High Density (RMF-H) zoning classification



Zoning Districts surrounding 0 Shiloh Springs Road, ParID H33 021112 0178



**Legend**

- RMF-H Residential Multifamily High
- B-P Business Park
- L-I-1 Light Industrial 1
- B-PUD Business Planned Unit Development