

ORDINANCE NO. OR10-24

AN ORDINANCE BY THE TROTWOOD CITY COUNCIL ACCEPTING THE RECOMMENDATION FROM THE TROTWOOD PLANNING COMMISSION TO APPROVE A FINAL PLANNED UNIT DEVELOPMENT, WITH CONDITIONS, FOR PHASE TWO OF THE GATED PROPERTIES INDUSTRIAL PARK CONSISTING OF ONE 234,840 SQUARE FOOT BUILDING ON APPROXIMATELY 31.342 ACRES OF LAND KNOWN AS 6214 WOLF CREEK PIKE, PARCEL NO. H33 00417 0077, IN A LIGHT INDUSTRIAL 2 (L-I-2) ZONING DISTRICT.

WHEREAS, the owner, Gated Properties Global LLC, submitted a Preliminary Planned Unit Development (“PUD”) Application for a proposed PUD to be located on approximately 46.37 acres of vacant land, Parcel Nos. H33 00417 0002, H33 00417 0066, and H33 00417 0008, for an industrial park which shall be situated at the southwest corner of Wolf Creek Pike and Olive Road in a Light Industrial 2 (L-I-2) Zoning District; and

WHEREAS, City Council approved the Preliminary PUD Application with conditions on March 7, 2022 via Ordinance No. OR02-22; and

WHEREAS, after the adoption of Ordinance No. OR02-22, the Trotwood Community Improvement Corporation had Parcel Nos. H33 00417 0002, H33 00417 0066, and H33 00417 0008 combined into one lot and then subsequently split into two new lots, which lots are now identified as H33 00417 0077 and H33 00417 0078; and

WHEREAS, Applicant Ferguson Construction submitted a Final PUD Application for Phase Two of the industrial park, which would consist of one 234,840 square foot building on approximately 31.342 acres of land known as 6214 Wolf Creek Pike, Parcel; No. H33 00417 0077, in a Light Industrial 2 (L-I-2) Zoning District; and

WHEREAS, after giving due notice according to law, and pursuant to Section 1140.08 of the Trotwood Codes of Ordinances, the Planning Commission held a public hearing on May 28, 2024 and following the public hearing, the Planning Commission voted to recommend approval of the Final PUD Application, subject to the following conditions and variances:

1. Proposal shall be subject to final civil site plan approval by the Planning and Zoning Administrator, City Engineer, and Fire Marshal. This shall include all required right-of-way improvements such as street widening, curb and gutter, sidewalks, and anything else required by the City Engineer. These improvements shall be completed prior to the issuance of a Certificate of Occupancy;
2. Updated traffic study shall be submitted to the City Engineer for review and any required right-of-way improvements be made. These improvements shall be completed prior to the issuance of a Certificate of Occupancy;

3. Payment in lieu of shall be made to the City of Trotwood for the purchase and placement of 48 large trees, consistent with TCO 1175.13 Plant List A, with the goal of placing these trees in key areas around the city;
4. A variance from Section 1181.05 of the Code to allow 178 parking spaces as shown on the provided site plan;
5. A variance from Section 1189.06(a) of the Code to allow an outdoor area to be screened by a combination of a 6-foot chain-link fence and the proposed landscaping; and
6. A variance from Section 1113.10(b) of the Code to allow a total of 3 curb cuts, as proposed in the provided site plan.

WHEREAS, the submittal by Ferguson Construction details the plans for the industrial building it intends to build on approximately 31.342 acres of land known as 6214 Wolf Creek Pike. Documents that accompanied the Final PUD application included a Site Plan (Doc. No. C-1.0); Landscape Plan (Doc No. L-1.1); Property Landscape Plan (Doc. No. L-2.1); and Renderings (Doc. No. A-8.1); and

WHEREAS, City Council has reviewed the standards and requirements set forth in Chapter 1140 (“Planned Unit Development (PUD)”) and all other applicable provisions of the Trotwood Codified Ordinances as it relates to this Final PUD Application; and

WHEREAS, City Council finds that the facts submitted with the application and presented at the public hearing held on January 25, 2024, along with any amendments, modifications, or supplementary conditions, satisfy the standards and criteria for PUD approval as set forth in Chapter 1140 of the Trotwood Planning and Zoning Code; and

WHEREAS, City Council, having fully considered this matter, intends to adopt the recommendation of the Planning Commission regarding approval of the Final PUD Application Phase One with the conditions described herein.

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

SECTION I:

City Council hereby accepts the recommendation from the Trotwood Planning Commission and approves the Final PUD Plans for Phase Two submitted by Ferguson Construction, which includes the following documents: Site Plan (Doc. No. C-1.0); Landscape Plan (Doc No. L-1.1); Property Landscape Plan (Doc. No. L-2.1); and Renderings (Doc. No. A-8.1). This final PUD approval is for an industrial building to be built on approximately 31.342 acres of land, Parcel No. H33 00417 0077, situated at the southwest corner of Wolf Creek Pike and Olive Road in a Light Industrial 2 (L-I-2) Zoning District.

SECTION II:

The approval of this Final PUD for Phase Two is predicated upon the following conditions and variances:

1. Proposal shall be subject to final civil site plan approval by the Planning and Zoning Administrator, City Engineer, and Fire Marshal. This shall include all required right-of-way improvements such as street widening, curb and gutter, sidewalks, and anything else required by the City Engineer. These improvements shall be completed prior to the issuance of a Certificate of Occupancy;
2. Updated traffic study shall be submitted to the City Engineer for review and any required right-of-way improvements be made. These improvements shall be completed prior to the issuance of a Certificate of Occupancy;
3. Payment in lieu shall be made to the City of Trotwood for the purchase and placement of 48 large trees, consistent with TCO 1175.13 Plant List A, with the goal of placing these trees in key areas around the city;
4. A variance from TCO 1181.05 to allow 178 parking spaces as shown on the provided site plan;
5. A variance from TCO 1189.06(a) to allow an outdoor area to be screened by a combination of a 6-foot chain-link fence and the proposed landscaping; and
6. A variance from TCO 1113.10(b) to allow a total of 3 curb cuts, as proposed in the provided site plan.

SECTION III:

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 IV:

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

Passed this 18th day of June, 2024.

TROTWOOD, OHIO 45426


3035 OLIVE ROAD

CITY OF TROTWOOD

ATTEST:


KARA B. LANDIS
CLERK OF COUNCIL

APPROVED:


YVETTE F. PAGE
MAYOR


TYNA R. BROWN
VICE-MAYOR

CERTIFICATE OF RECORDING OFFICER

I, the undersigned, hereby certify that the foregoing is a true and correct copy of Ordinance No. **OR10-24** adopted by the Trotwood City Council at a special meeting held on the **18th** day of **June, 2024**, and that I am duly authorized to execute this certificate.

Signed this _____ day of _____, _____.

KARA B. LANDIS
CLERK OF COUNCIL



City of Trotwood Planning Commission

3035 Olive Road, Trotwood, Ohio 45426

Phone: (937) 854-7227 • Fax (937) 854-0574 • Website: www.trotwood.org

**FINAL PUD STAFF REPORT
(May 28, 2024 Meeting)**

Docket No. / Project Title: PL-2024-12 (Final PUD Phase II Gated Properties)

Staff: Tyler Hauck

Applicant: Dan Weaver, Ferguson Construction

Property Size: 31.34 Acres

Current Zoning: PUD (Planned Unit Development)

Location: 6206 Wolf Creek Pike, in the City of Trotwood

Background Summary:

The applicant has indicated that the proposed Final PUD application is for the purpose of allowing an industrial user with a focus on manufacturing to construct a 234,840 square foot industrial building and associated site features necessary for its use.

Key Issue Summary:

The following key issue(s) currently do not meet the Zoning Ordinance requirements and should be considered and discussed with the Planning Commission in the course of their decision-making process:

1. The road improvements are currently not shown on the site plan. These will need to be shown on the plans before final approval from staff and must be completed prior to the building being used. TCO 1115.06, 1115.07, 1115.08, 1115.09
2. The amount of parking spaces provided does not meet the Zoning Ordinance requirement. TCO 1181.05
3. The applicant is proposing outdoor storage that is not screened with a 6-foot 100% opaque fence as the code would require. They are instead proposing a 6-foot chain link fence that is screened by landscaping. TCO 1189.06
4. The applicant is proposing 3 curb cuts, where the Zoning Ordinance limits properties to 2 curb cuts. TCO 1113.10(b)
5. The proposed plan is missing a total of 48 trees they are required to plant. The Commission should decide if the landscape plan is sufficient, if they need to plant the additional 48 trees on site, or provide a payment in lieu of in order for the city to plant 48 trees somewhere throughout the City at its discretion.

Preliminary Staff Recommendation:

Staff recommends a favorable recommendation to City Council, with the following conditions:

- Subject to final civil plan approval by the Planning & Zoning Administrator, City Engineer, and Fire Marshal. This shall include all required right-of-way improvements

such as street widening, curb and gutter, sidewalks, etc.. These improvements shall be completed prior to the issuance of a Certificate of Occupancy.

- An updated traffic study be submitted to the City Engineer for review and any required right-of-way improvement be made. These improvements shall be completed prior to the issuance of a Certificate of Occupancy.
- A payment in lieu of be provided to the City of Trotwood for the purchase and placement of 48 large trees, consistent with TCO 1175.13 Plant List A.

Staff also recommends approval of the following variances:

1. A variance from TCO 1181.05 to allow 178 parking spaces instead of the 235 parking spaces required.
2. A variance from TCO 1189.06(a) to allow an outdoor area to be screened by a combination of a 6-foot chain-link fence and the proposed landscaping.
3. A variance from TCO 1113.10(b) to allow a total of 3 curb cuts, as proposed in the provided site plan.

Sample Motion:

Below is a sample motion that is provided to aid the Commission, but a Commission Member may also craft their own motion.

I make a motion that we send a favorable recommendation to City Council on PL-2024-12 with the following conditions:

- The first condition being that this proposal be subject to final civil site plan approval by the Planning & Zoning Administrator, City Engineer, and Fire Marshal. This shall include all required right-of-way improvements such as street widening, curb and gutter, sidewalks, and anything else required by the City Engineer. These improvements shall be completed prior to the issuance of a Certificate of Occupancy.
- The second condition being that an updated traffic study be submitted to the City Engineer for review and any required right-of-way improvements be made. These improvements shall be completed prior to the issuance of a Certificate of Occupancy.
- The third condition being that a payment in lieu of be provided to the City of Trotwood for the purchase and placement of 48 large trees, consistent with TCO 1175.13 Plant List A with the goal of placing these trees in key areas around the city.

In my motion I would also like to include the approval of the following variances:

1. A variance from TCO 1181.05 to allow 178 parking spaces as shown on the provided site plan.
2. A variance from TCO 1189.06(a) to allow an outdoor area to be screened by a combination of a 6-foot chain-link fence and the proposed landscaping.
3. A variance from TCO 1113.10(b) to allow a total of 3 curb cuts, as proposed in the provided site plan.

Planning Commission Options:

In reviewing a request for Final PUD, the Planning Commission may (1) move to forward a favorable recommendation to the City Council, (2) move to modify the Final, (3) move to deny the application, or (4) table the review to the next Planning Commission meeting. The Trotwood City Council makes all final decisions regarding Final PUDs recommended for approval.

Current Property Information:	
Land Use:	Vacant (Proposed Industrial Site)
Site Features:	Undeveloped, 6 Monarch Trees on-site
Special Circumstances:	90-foot gas easement that runs through a portion of the property
Vehicle Access:	Wolf Creek Pike – Minor Arterial

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	GB (General Business)	list primary land use(s)
South:	PUD (Planned Unit Development) L-I-2 (Light Industrial)	Undeveloped Land
East:	PUD (Planned Unit Development)	Gated Properties Phase I (Beontag)
West:	RSF-M (Residential Single-Family Medium Density)	Single-Family Residential Undeveloped Land

1999 Comprehensive Plan Consideration(s):

The Future Land Use Map indicates the future use of this property as Light Manufacturing.

The following Comprehensive Plan goal(s) and/or policy(ies) from 1999 may apply to this application:

1. To establish an attractive and unique “sense of place” and identity that will attract and promote quality development within Trotwood.
 - o Promote a landscape and buffering plan for public areas throughout commercial and industrial areas to promote a “sense of place”.
2. Protect and enhance the existing rural open spaces, agricultural farmland and natural areas within Trotwood.
 - o Guide new commercial, industrial, and residential development in and around existing developed areas with a particular focus on the reuse of vacant buildings.

3. Enhance the physical image of the City
 - Promote an integrated landscape and buffering plan for public areas through the commercial and industrial areas in the City while encouraging business owners to establish visually appealing amenities such as landscaping on private property.
4. Accelerate anticipated growth of industrial uses and areas within the City.
 - Utilize infrastructure as a tool to guide industrial growth rather than in response to demand.
 - Guide potential industrial development in the southeast sector of the City adjacent to the industrial areas established by the City of Dayton.
5. Establish a safe and efficient circulation system for vehicular and pedestrian traffic which improves access to retail, office, public/semi-public, industrial, and residential areas.
 - Ensure that all new development and redevelopment have adequate street facilities to handle anticipated traffic to ensure that each development does not cause or compound traffic congestion by requiring traffic impact studies as part of the review process for development.

This property is located in the Gateway Industrial character area. The following Planning Principle(s) apply to this application:

1. Develop a quality light industrial campus / park whose uses are not objectionable in the surrounding areas.
2. Promote a more pleasing atmosphere through streetscape improvements.
3. Provide adequate infrastructure prior to intensive industrial development.

Planning Consideration(s):

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

1. The applicant is proposing a Final PUD site plan for an industrial user with a focus on manufacturing. The plan includes a 216,000 square foot building for industrial use and a 15,000 square foot portion of the building to be used as an office. It also includes a parking area with 178 total parking spaces, one curb cut for commercial vehicles, and two curb cuts for industrial truck traffic (one entrance and one exit).
2. The height of the proposed structure is 49 feet. Typically, the permitted height in this PUD is 40 feet, however TCO 1189.16(b) indicates that height requirements of the Zoning Ordinance shall not apply to structures where manufacturing process requires a greater height. The applicant has indicated that 49 feet is required due to the types of machinery that will be used in the building.
3. The Zoning Ordinance states that any proposed development is required to make road improvements along their frontage at the time of development and these improvements must be completed prior to occupancy of the building. The Trotwood Thoroughfare Plan identifies Wolf Creek Pike as a Minor Arterial Street. This means that the applicant would need to make the following improvements as a part of their development:
 - Street Widening, 2 lanes that are 12 feet each (currently there is 1 lane that is 11 feet)
 - Curb and Gutter to City specifications
 - An 8-foot tree lawn between the curb and proposed sidewalk
 - A 5-foot sidewalk

4. As a part of the Preliminary PUD, a traffic study is required to be submitted to the City Engineer. The applicant is aware of that and has engaged their engineer in completing that study. Once completed, the City Engineer will review it and determine if any additional improvements are necessary. This is in addition to the previously mentioned right-of-way improvements that the Zoning Ordinance requires.
5. The Zoning Ordinance states that for every 1000 square feet of building area, 1 parking space is required. For this proposed use, the Zoning Ordinance requires 235 parking spaces. The applicants have indicated that they do not expect any issues with the 178 parking spaces they have provided due to the number of staff and timing of shifts.
6. The Zoning Ordinance states that for any non-residential lot over 199 feet in frontage, a maximum of 2 curb cuts are permitted. The subject property has 650 feet of frontage and the applicants are proposing a total of 3 curb cuts. There is one curb cut in the middle of the property that will be used for employee and guest parking and one curb cut on each end of the property that will be used for semi-truck traffic. The curb cuts on the far ends will be used almost entirely for semi-truck traffic and are one-way to create an orderly flow of traffic.
7. The applicants do not predict a large amount of semi-truck traffic at this site. The site is primarily used for manufacturing and is not a distribution center. They did not specify and exact number of semi-trucks per day but did say they would not be parked at the site and would instead be either loading or unloading materials and then leaving the site.
8. The Zoning Ordinance states that any outdoor storage is required to be screened by a 6-foot 100% opaque fence, such as a wood fence. The applicants have proposed outdoor storage that is instead screened with a 6-foot-tall chain-link fence and landscaping that they believe should hide it from view. The outdoor storage is also located on the rear of the building and as such, it is very unlikely anyone from the public would be able to see the outdoor storage.
9. The applicant is proposing a landscape plan that does not meet the exact specifications of the Zoning Ordinance, but staff believes meets the intent of the Ordinance. The applicant is required to provide landscaping in the following areas:
 - Wolf Creek Pike Frontage – 19 Trees and 216 shrubs
 - Parking Lot Interior – 62 Trees
 - Monarch Tree Replacement – 75 Trees
10. The applicant is providing the following in key locations throughout the development
 - Wolf Creek Pike Frontage – 24 Trees and 87 Shrubs
 - Parking Lot Interior – 34 Trees and 138 Shrubs
 - Stormwater Detention Area Behind Building – 23 Trees
 - Bike Path – 27 Trees
11. Below are the totals of trees and shrubs provided versus what is required:
 - Provided – 108 Trees and 225 Shrubs
 - Required – 156 Trees and 216 Shrubs
12. Overall, the applicant is providing more landscaping than required in some areas and less than is required in others. However, staff believes this landscape plan to be a good alternative as to what is required, as it allows interior landscape islands to include shrubs instead of only trees. It also spreads out the landscaping more as opposed to concentrating it along the frontage. The applicant is proposing 48 less trees than what is required and staff believes that the best solution would be for the applicants to provide a payment in lieu of. This would cover the cost of the purchase and planting of those 48 trees. This payment would be made to

the City of Trotwood so that the City could, at its discretion, locate those 48 trees somewhere else in the city that might be in greater need. The Zoning Ordinance indicates this is permitted.

13. The applicant did conduct a tree survey and found a total of 6 Monarch Trees. Due to the site plan and size of the development, 5 of these are proposed to be removed. The applicant is required to plant an additional 75 trees, which were included in the previous landscaping calculations.
14. As a part of the Phase II development, the developer is required to dedicate a 15-foot bike path easement and construct an 8-foot-wide paved path within the easement. The developer is proposing to do that and it is shown on the landscape plan.
15. The applicants submitted a photometric plan and it has been reviewed. All proposed light fixtures in the form of light poles or wall packs are to be 90-degree cut-off fixtures. They are to point straight down and not cast light on other areas. The photometric plan indicates there will be no light pollution that goes beyond the property line.

Final PUD Decision Criteria:

A Final PUD approval can be granted when the following measures are satisfied:

- (a) The planned unit development complies with the purpose and intent of this Zoning Code;**

The proposed Final PUD complies with the purpose and intent of the zoning code, which is to provide requirements for an orderly development that will benefit the city and its residents.

- (b) The proposed development promotes the health, safety and general welfare of the present and future inhabitants of the city;**

The proposed development promotes the health, safety, and general welfare of the community as it will comply with the current regulations in place and will make the necessary road improvements.

- (c) The proposed zoning and the conditions and requirements incorporated within the ordinance approving the PUD zoning district provide for minimizing impacts on the surrounding development;**

The zoning in place has requirements which will limit the impact on surrounding areas, such as regulations for noise, light, and air pollution. It also includes factors such as road improvements which will help minimize those impacts.

- (d) The site will be accessible from current or planned public thoroughfares adequate to carry traffic which will be imposed upon them by the proposed development;**

The site will be accessed from Wolf Creek Pike, which is considered a Minor Arterial Street. With this, the applicants will need to make road improvements including lane widening, curb and gutter, and sidewalks. These improvements will be adequate for this development.

- (e) Potential impacts on public services and facilities can be mitigated by site and building design and the benefits which will accrue to the city and the public;**

These impacts to public services and facilities were addressed during the Preliminary PUD and no significant changes are being proposed that would further affect public services.

- (f) Existing and proposed utility services for the proposed residential population densities and nonresidential uses are or will be available to the project;**

Utilities are available in the area and are sufficient for the needs of this development. The applicant is working with all applicable parties.

- (g) The proposed development complies with applicable requirements and conditions of Section 1140.02; General Provisions Governing Planned Unit Developments.**

The proposed development complies with the requirements of Section 1140.02

- (h) Each individual section or subarea of the development, as well as the total development, can exist as a functionally independent environment. In the alternative and at the discretion of the city, adequate assurance has been provided by the applicant and to the satisfaction of the city that such objective will be achieved;**

This was already discussed and addressed in the Preliminary PUD of this site. No significant changes are being made and this site will function autonomously.

- (i) Any permitted, conditional, or accessory uses excluded from the specific proposed planned unit development are based upon findings in accordance with Section, 1140.19(b) PUD in a commercial district;**

This is a Final PUD and therefore the uses have already been determined. The proposed industrial use is a permitted use.

- (j) The planned unit development can be substantially completed within the time specified in the schedule of development submitted by the applicant.**

This project is very time sensitive and as such, there should be no issue with completion.

- (k) The remaining portion of the planned unit development complies with the purpose and intent of this Zoning Code;**

All aspects of the project either comply with the Zoning Code or the applicant is requesting a variance from Planning Commission.

- (l) A detailed traffic impact analysis, including all modes of transportation, prepared by a qualified professional engineer.**

An updated traffic study is being completed by the applicant and their qualified engineer. Once completed, it will be submitted for review to the City Engineer. This is an updated study from one that was completed in 2022 for Phase I.

- (m) Any additional description or information requested by the Planning Commission or Council during the preliminary plan approval process.**

Not applicable.

- (n) Detailed agreements, contracts, deed restrictions, and sureties that will be used to guarantee performance of the development during and after the construction.**

Not applicable.

Revisions	
#	Description

Copyright © 2024
 Ferguson Construction Company
 400 Canal Street
 Dayton, Ohio 45426
 www.ferguson-construction.com
 NOT FOR CONSTRUCTION

**NEW FACILITY FOR
 GATED DEVELOPMENT**
 MONTGOMERY COUNTY
 WOLF CREEK PIKE
 TROTWOOD, OHIO 45426



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Job Number 24-15159
 Date 5/9/24
 Drawn By JTS
 Checked By JWM

RENDERINGS
A-8.1

