

# STAFF REPORT

August 10, 2020

**TO:** Mary McDonald, Honorable Mayor  
Members of Trotwood City Council

**FROM:** Jung-Han Chen,  
Planning and Development Director

**CASE #:** **PC Case #20-02:** Deletion of Chapter 1167, Titled C-R (Commercial Recreation) District and notation of C-R (Commercial Recreation) District from Trotwood Zoning Map, City of Trotwood, Applicant

## ***ZONING TEXT AMENDMENT***

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### **DESCRIPTION:**

This application is to remove Chapter 1167, Titled C-R (Commercial Recreation) District from the Trotwood Zoning Code, as well as removing the designation of such district from the official Trotwood Zoning Map.

### **DISCUSSION:**

The applicant is seeking to amend the Trotwood Zoning Code, by removing Chapter 1167 C-R (Commercial Recreation) District, of its entirety, from the Trotwood Zoning Code, as well as the label of C-R (Commercial Recreation) from the official Zoning Map.

The last tract of land that was zoned as C-R (Commercial Recreation) was the old Hara Arena site. That was the only site that had the classification of C-R in Trotwood. The old Hara Arena site went through the zoning map amendment process, PC-19-22, in 2019 to amend the zoning classification from C-R to L-I (light-Industrial) District with a PUD overlay. Trotwood City Council approved the zoning map amendment with the PUD of the old Hara Arena site at its March 2, 2020, regular meeting. Hence there is no site in Trotwood that is zoned commercial recreation.

The municipal corporation is divided into different zoning classifications to permit and restrict uses that could be established in each zoning district. It is important to note that the term “commercial recreation” is referring a use, as provided in the Trotwood Zoning Code Section 1123.02 “as any profit-making activity which is generally related to the entertainment fields such as motion picture theaters, carnivals, comedy clubs, theaters, amusement parks, and similar entertainment facilities.” The uses would have been allowed in the commercial recreation district would have also been permitted in general business or regional business district as well.

The need to have commercial, recreational district is not necessarily a must; should there large scale profit making activities related to amusement parks, movie theaters, and other for entertainment facilities have been proposed. There are other zoning districts that may accommodate such a proposal and do not need to have C-R classification. For instance, a movie theater is permitted in G-B (General Business)

and R-B (Regional Business) district. G-B and R-B also allow commercial recreation to be established as well. In essence, the Commercial Recreation only allows commercial recreation activities, while G-B and R-B would allow commercial recreation, as well as other business activities as well.

**STAFF RECOMMENDATION**

Staff is recommending the Commission to consider removing Chapter 1167, C-R (Commercial Recreation) District from the Trotwood Zoning Code, as well as from the Official Trotwood Zoning Map.

**PLANNING COMMISSION REVIEW AND APPROVAL ALTERNATIVES:**

The Commission had recommended the approval of this Zoning Code and Zoning Map amendment at its May 26, 2020 regular meeting.

**CITY COUNCIL REVIEW AND APPROVAL ALTERNATIVE:**

1. Move to make the specified findings under Chapter 1125 and **APPROVE** the request to remove Commercial Recreation District from Trotwood Zoning Code and Trotwood Zoning Map.
2. Move to **DENY** requested amendment.

**Attachments:** Trotwood Zoning Code Chapter 1125 Administration and Enforcement

### **1125.08 ZONING TEXT AND MAP AMENDMENTS.**

(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 or a person or other party holding a written option to purchase that property.

(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.

(c) 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.

(d) 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. 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 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.

(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.

(f) The recommendation of the Planning Commission shall be submitted to the Council and shall be accompanied by a report of findings, summary of hearings, and all data submitted with the application.

(g) Within forty-five days following receipt of a recommendation from the Planning Commission, Council shall schedule a public hearing. In doing so, Council shall publish a notice of public hearing in a newspaper of general circulation in Trotwood not less than ten 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.