

A regular meeting of the Troy Planning Commission was held in Council Chambers, City Hall on Wednesday, March 9, 2022 at 3:30 PM with Chairman Alan Kappers presiding. ATTENDING: Members – Titterington, Ehrlich, Wolke, Oda, Kappers and Westmeyer; Development Director Davis; Zoning Inspectors Eidemiller and Bruner; and Mark Wendling recently appointed Assistant Director of Public Service & Safety.

APPROVAL OF MINUTES: Upon motion of Mayor Oda, seconded by Mr. Westmeyer, the minutes of the February 23, 2022 meeting were approved by unanimous roll call vote.

DOWNTOWN/RIVERFRONT OVERLAY (DR-O) DISTRICT, LINCOLN COMMUNITY CENTER, 110 ASH STREET – FIRST READING - OWNER: CITY OF TROY, OHIO; APPLICANT: CITY OF TROY AND LINCOLN COMMUNITY CENTER, INC. The staff reported:

“Lincoln Community Center is requesting the Planning Commission to review the accessory use in the side yard of the property located at 110 Ash Street, using the Downtown/Riverfront Overlay District. The property is currently zoned R-6, Two-Family Residential District. This DR-O consideration includes the property located at 130 ½ Ash Street that is pending a replat and transfer to the City of Troy.

DISCUSSION:

The applicant is proposing an outdoor playground and storage building at the property located at 110 Ash Street (including 130 ½ Ash Street). The property is currently zoned R-6, Two-Family Residential and is located on Ash Street between W. Franklin Street and Sherman Avenue.

The proposal is to allow for an outdoor playground area, storage building, and community garden area in the side yard. The playground will include the following equipment: “Inclusive spinner, Calvin the caterpillar, max play swing set, and harry the hippo” equipment. The proposed equipment follows the ASTM F1487 and CPSC Handbook for safety and public use. There will be four raised garden beds to the west of the proposed 24' x 40' storage building. The proposed site plan and equipment detail have been attached to this report.

The Zoning Code requires accessory uses and structures to be located in the rear yard. All other aspects of the project do meet the requirements of the Zoning Code. Using the DR-O process outlined in the Zoning Code, the proposed side yard location will need to be approved by the Planning Commission (through the DR-O process) for the property at 130 ½ Ash Street to continue forward.

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. Utilizing the criteria intended to justify a DR-O application; you will find the proposed project will have a positive effect on the environment and neighborhood, as the proposed uses of playground area, storage building, and garden area are customarily found in residential zoning districts. The proposed uses are located in the rear of the original building, however, are on the side of the new addition.

NEXT STEPS:

This is the first step in the DR-O process which is the first reading of the proposal to the Planning Commission. A second reading (required hearing) will be held at the next scheduled Planning Commission meeting. The second reading will provide an opportunity for public input on the project. Planning Commission can only take action after the second hearing as required by the DR-O process and a decision will be requested by the Planning Commission at the second meeting. “

As indicated by the staff report, at this meeting the application is only noted, no action can be taken, the Commission is required to hold a public hearing at the next meeting, and then to make a determination/provide a recommendation to Council.

DISCUSSION:

-Mr. Titterington commented that a few years ago the ownerships associated with the Lincoln Community Center (LCC) were rather convoluted, working with the Center’s Board and the Troy City Schools (as the schools had some property ownership), the property came under the ownership of the City with a lease agreement through the Community Improvement Corporation (CIC) that allowed the LCC Board to operate the Center. He further noted that the DR-O was determined to be best mechanism, as well as transparent, to include a separate parcel (130 ½ Ash) under the ownership of the City so that LCC can use the side yard to place some accessory structures related to the LCC operation.

-In response to Mr. Kappers, it was stated that the boundary of the DR-O does not include the entire City, but does include the area where LCC is located.

-In response to Mr. Wolke (who noted that Mr. Titterington, as signer of the application, will recuse himself from voting to avoid the appearance of a conflict), it was stated that staff will confirm with the Director of Law if it is necessary for the Mayor to also recuse herself.

There being no further business, the meeting adjourned at 3:37 p.m. upon motion of Mr. Westmeyer, seconded by Mayor Oda, and approved by unanimous voice vote.

Respectfully submitted,

_____Chairman

_____Secretary

