

A regular meeting of the Troy Planning Commission was held in Council Chambers, City Hall on Wednesday, March 23, 2022 at 3:39 PM with Chairman Alan Kappers presiding. (Meeting start delayed due to tornado warning.) ATTENDING: Members – Titterington, Ehrlich, Wolke, McGarry, Oda, Kappers and Westmeyer; Development Director Davis; Zoning Inspectors Eidemiller and Bruner.

APPROVAL OF MINUTES: Upon motion of Mr. Titterington, seconded by Mayor Oda, the minutes of the March 9, 2022 meeting were approved by unanimous roll call vote.

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

A. DR-O (DOWNTOWN RIVERFRONT-OVERLAY) District Application for 110 Ash Street.

Owner-Applicant – City of Troy and Lincoln Community Center.

-Public Hearing – related to use of side yard for location accessory structure.

Staff Report. The following was submitted:

“The Planning Commission held the first reading of the requested Downtown Riverfront Overlay (DR-O) at the March 9, 2022 meeting. 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.

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. “

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission makes a positive recommendation to the City Council. The next step is the Clerk of Council will forward the recommendation to the President of Council and City Council. In the event that the City Council takes no action within five business days of the filing of the Planning Commission's recommendation, the recommendation of the Planning Commission shall be adopted and become final.

Public Hearing: At 3:40 p.m. Chairman Kappers declared open the Public Hearing on the DR-O application, related to the use of the side yard to place accessory structures, which is not permitted under the existing zoning. The following commented:

-Lawrence Savage, representing Zion Baptist Church, 711 W. Franklin, spoke regarding the concern of the Zion Baptist Church regarding the use of the property.

At 3:41 p.m., Mr. Kappers recessed the meeting due to another tornado warning. The Commission returned to session at 4:02 p.m.

-Mr. Savage continued his comments that the church is concerned that if the plan does not require a fence to be placed around the playground equipment, the church may experience trespassing by persons wanting to enter the playground, have more vandalism and littering, and be liable by persons traversing church property to access the playground area. He commented that the church does not object to the playground or garden but asks that the fence be shown as part of the plan to alleviate concern that if it is not in the plan, it will not get placed.

-Karen Boone, President of the Lincoln Community Center Board, commented that the Center has arranged for a fence to be installed. She also noted that the Board discussed fencing the playground versus fencing the entire Center property as a completely fenced property may not appear welcoming.

-Mr. Davis commented that the application can be amended to include the requirement of the fence around the playground. Mr. Kappers indicated that the application is so amended.

-There being no further comments, at 4:13 p.m., Mr. Kappers declared the public hearing closed.

Recommendation to City Council Regarding the DR-O Application:

-It was noted that both Mr. Titterington and Mayor Oda will be abstaining from voting as the City is one of the applicants.

A motion was made by Mrs. Ehrlich, seconded by Mr. Westmeyer, that the Troy Planning Commission has reviewed the revised application to apply the Downtown/Riverfront Overlay District to the properties located at 110 and 130 ½ Ash Street; that the Commission finds that the criteria under which the Planning Commission shall review said applications, as set forth in Section 1143.25(q) (1) (c) of the Zoning Code, is met by this application and, therefore, the Troy Planning Commission formally recommends that the application to apply the Downtown/Riverfront Overlay District to the property of 110 Ash Street and 130 ½ Ash Street (Inlot 11384 and Part of Inlot 827) be approved as revised.

VOTE: YES – Kappers, Wolke, Westmeyer, Ehrlich and McGarry; ABSTAIN – Titterington and Oda

MOTION PASSED

REZONING APPLICATION – PARCEL D08-106932, IL 11400, CONSISTING OF 2.99 ACRES LOCATED ON BARNHART ROAD, FROM THE COUNTY ZONING OF A-2, GENERAL AGRICULTURE, TO THE CITY ZONING OF A-R, AGRICULTURAL-RESIDENTIAL DISTRICT. THIS PARCEL IS PART OF THE FERRYMAN-KERBER ANNEXATION; PROPERTY OWNER: GRANT AND ANNA KERBER; REZONING INITIATED BY CITY OF TROY TO APPLY A CITY ZONING TO AN ANNEXED PARCEL. Staff

reported:

“The City of Troy is requesting the Planning Commission to consider the rezoning of Parcel ID: D08-106932, that was annexed under Ordinance O-5-21. The property is currently zoned county zoning of A-2 General Agriculture. The City is requesting that the zoning district for this parcel be rezoned to A-R Agriculture Residential District (5 Acres).

The property is located on Barnhart Road north of Fenner Road. This property was annexed under Ordinance O-5-21. The annexation plat was in the packet. The surrounding zoning districts include County zoning of R-1AAA One Family Residential to the south and north, and County zoning of A-2, General Agriculture to the west.

DISCUSSION:

The Zoning Code describes the proposed A-R zoning district as “designated to provide for both agricultural and residential activity on large tracts and open land with a minimum of five (5) acres or greater of lot area per dwelling unit. This district will be mapped in undeveloped areas along existing roadways where there is minimal water and sewer service”.

The Comprehensive Plan for future land use map identifies this property as future residential. The majority of the adjacent property in this area is currently zoned County Zoning of A-2 General Agriculture of which is comparable to the City zoning of the A-R Agriculture Residential District.

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 proposed rezoning is consistent with the Zoning Code. Section 1131.02(o) & (r) state the purposes of the Zoning Code are to preserve and enhance property value, and direct particular land uses to the parcel of land best suited for them. The proposed rezoning request achieves these purposes.

(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. The rezoning is necessary due to the annexation. The proposed use will not have any adverse effects in the area and is similar to the residential uses that currently exist in the surrounding area.

(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 is compatible and similar to the residential and agricultural uses that currently exist in the surrounding area.

(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.

Adequate water can be provided to the referenced property. All other utilities will be reviewed upon any future development.

(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.

In the vicinity of these subject properties, there is no available vacant land inside the city limits with the A-R zoning classification that is suitable for development due to flood plain restrictions.

(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.

STAFF RECOMMENDATION:

Staff did not recommend a public hearing be held as Council is required to hold a public hearing and recommended that the proposed rezoning is consistent with the established surrounding areas, and the Comprehensive Plan which shows this area to be developed as residential. Staff is recommending that the Planning Commission recommend approval of the proposed rezoning from City Administered County Zoning to A-R, Agriculture-Residential, based on the following:

1. The properties are currently being utilized as an agricultural type of use;
2. The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code; and
3. The proposed rezoning is consistent with the surrounding zoning districts; and
4. The proposed rezoning is consistent with the City of Troy Comprehensive Plan.”

Discussion: In response to questions of the Commission, staff discussed how this annexed parcel and the other annexed parcels on the agenda are contiguous to the City.

Public Hearing: A motion was made by Mr. Wolke, seconded by Mr. Titterington, that the Troy Planning Commission not hold a public hearing on the rezoning application Parcel D08-106932, IL 11400. **MOTION PASSED, UNANIMOUS VOTE**

Recommendation:

A motion was made by Mr. Titterington, seconded by Mr. Wolke, that the Troy Planning Commission recommends to Troy City Council that Parcel D08-106932, IL 11400, a portion of the Ferryman-Kerber Annexation, consisting of 2.99 acres located on Barnhart Road, be rezoned from the County zoning of A-2, General Agriculture, to the City zoning of A-R, Agricultural-Residential District based on the findings of staff that:

1. The properties are currently being utilized as an agricultural type of use;
2. The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code; and
3. The proposed rezoning is consistent with the surrounding zoning districts; and
4. The proposed rezoning is consistent with the City of Troy Comprehensive Plan. **MOTION PASSED, UNANIMOUS VOTE**

REZONING APPLICATION – PARCEL D08-106934, IL 11401, CONSISTING OF 0.717 ACRES LOCATED AT 2077 FENNER ROAD, FROM THE COUNTY ZONING OF R-1AAA, ONE FAMILY RESIDENTIAL, TO THE CITY ZONING OF R-2, SINGLE-FAMILY RESIDENTIAL DISTRICT. THIS PARCEL IS PART OF THE FERRYMAN-KERBER ANNEXATION; PROPERTY OWNER: MONICA AND MICHAEL FERRYMAN; REZONING INITIATED BY CITY OF TROY TO APPLY A CITY ZONING TO AN ANNEXED PARCEL.

Staff reported:

“The City of Troy is requesting the Planning Commission to consider the rezoning of 2077 Fenner Road, Parcel ID: D08-106934, that was annexed under Ordinance O-5-21. The property is currently zoned county zoning of R-1AAA One Family Residential, and after annexation designated under City Administered County Zoning. The City is requesting that the zoning district for this parcel be rezoned to R-2 Single-Family Residential (20,000 square feet).

The property is located on Fenner Road west of Barnhart Road. This property was annexed under Ordinance O-5-21. The surrounding zoning districts include M-2 Light Industrial District to the south, County zoning of R-1AAA One Family Residential to the east and west, and County zoning of A-2, General Agriculture to the north.

DISCUSSION:

The Zoning Code describes the proposed R-2 zoning district as “designed to accommodate single-family dwellings on lots with areas of at least twenty thousand (20,000) square feet per dwelling unit. This district will be mapped to protect areas that now meet these minimum lot sizes and for comparable areas which will develop in the future. Such areas will generally be located in neighborhoods with large lots and which warrant protection of the neighborhood's residential environment”.

The Comprehensive Plan for future land use map identifies this property as future residential. The majority of the adjacent property in this area is currently zoned County Zoning of R-1AAA of which is comparable to the City zoning of the R-2 Single Family Residential District.

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 proposed rezoning is consistent with the Zoning Code. Section 1131.02(o) & (r) state the purposes of the Zoning Code are to preserve and enhance property value, and direct particular land uses to the parcel of land best suited for them. The proposed rezoning request achieves these purposes.

(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. The rezoning is necessary due to the annexation. The proposed use will not have any adverse effects in the area and is similar to the residential uses that currently exist in the surrounding area.

(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 is compatible and similar to the residential uses that currently exist in the surrounding area.

(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.

Adequate utilities can be provided to the referenced property.

(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.

In the vicinity of these subject properties, there is no available vacant land inside the city limits with the R-2 zoning classification that is suitable for development due to flood plain restrictions.

(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.

STAFF RECOMMENDATION:

Staff did not recommend a public hearing be held as Council is required to hold a public hearing and recommended that the proposed rezoning is consistent with the established surrounding areas, and the Comprehensive Plan which shows this area to be developed as residential. Staff is recommending that the Planning Commission recommend approval of the proposed rezoning from City Administered County Zoning to R-2, Single-Family Residential, based on the following:

1. The property is currently being utilized as single-family residential property
2. The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code; and
3. The proposed rezoning is consistent with the surrounding zoning districts; and
4. The proposed rezoning is consistent with the City of Troy Comprehensive Plan.”

Public Hearing: A motion was made by Mr. Titterington, seconded by Mrs. Ehrlich, that the Troy Planning Commission not hold a public hearing on the rezoning application of for D08-106934, IL 11401. **MOTION PASSED, UNANIMOUS VOTE**

Recommendation:

A motion was made by Mayor Oda, seconded by Mr. Westmeyer, that the Troy Planning Commission recommends to Troy City Council that Parcel D08-106934, IL 11401, a portion of the Ferryman-Kerber Annexation, consisting of 0.717 acres located on Barnhart Road, be rezoned from the County zoning of R-1AAA, One-Family Residential, to the City zoning of R-2, Single-Family Residential District, based on the findings of staff that:

1. The property is currently being utilized as single-family residential property
2. The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code; and
3. The proposed rezoning is consistent with the surrounding zoning districts; and
4. The proposed rezoning is consistent with the City of Troy Comprehensive Plan. **MOTION PASSED, UNANIMOUS VOTE**

REZONING APPLICATION – REZONE IL 11465 AND PARCEL NO. C06-067350, THE 12.524 ACRES KNOWN AS THE BLACKMORE-HILL ANNEXATION FROM THE COUNTY ZONING OF A-2, GENERAL AGRICULTURE, TO THE CITY ZONING OF A-R, AGRICULTURAL-RESIDENTIAL DISTRICT; PROPERTY OWNERS: GRANT AND ANNA KERBER, 10.002 ACRES, 820 BARNHART ROAD, AND RONNIE AND DEANNA HILL, 2.522 ACRES, 826 BARNHART ROAD; REZONING INITIATED BY CITY OF TROY TO APPLY A CITY ZONING TO AN ANNEXED PARCEL. Staff reported:

“The City of Troy is requesting the Planning Commission to consider the rezoning of Inlot 11465 and Parcel ID: C06-067350, that was a part of the Blackmore Hill Annexation that was approved under Ordinance O-71-21. The property is currently zoned county zoning of A-2 General Agriculture. The City is requesting that the zoning district for these parcels be rezoned to A-R Agriculture Residential District.

These properties are located on Barnhart Road north of Fenner Road and were annexed under Ordinance O-71-21. The surrounding zoning districts include County zoning of R-1AAA One Family Residential to the south and north, and County zoning of A-2, General Agriculture to the west.

DISCUSSION:

The Zoning Code describes the proposed A-R zoning district as “designated to provide for both agricultural and residential activity on large tracts and open land with a minimum of five (5) acres or greater of lot area per dwelling unit. This district will be mapped in undeveloped areas along existing roadways where there is minimal water and sewer service”.

The Comprehensive Plan for future land use map identifies this property as future residential (Exhibit C). The majority of the adjacent property in this area is currently zoned County Zoning of A-2 General Agriculture of which is comparable to the City zoning of the A-R Agriculture Residential District.

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 proposed rezoning is consistent with the Zoning Code. Section 1131.02(o) & (r) state the purposes of the Zoning Code are to preserve and enhance property value, and direct particular land uses to the parcel of land best suited for them. The proposed rezoning request achieves these purposes.

(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. The rezoning is necessary due to the annexation. The proposed use will not have any adverse effects in the area and is similar to the residential and agricultural uses that currently exist in the surrounding area.

(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 is compatible and similar to the residential and agricultural uses that currently exist in the surrounding area.

(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.

Adequate water can be provided to the referenced property. Other utilities will be reviewed upon any future development.

(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.

In the vicinity of these subject properties, there is no available vacant land inside the city limits with the A-R zoning classification that is suitable for development.

(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.

STAFF RECOMMENDATION:

Staff recommended the Troy Planning Commission not hold a public hearing on the rezoning application as Council is required to hold a Public Hearing, and recommended that the Troy Planning Commission recommends to Troy City Council that the 12.524 Acre parcel of the Blackmore-Hill Annexation be rezoned from City Administered County Zoning of A-2, General Agriculture, to the City zoning of A-R, Agriculture-Residential, based on the findings of:

1. The properties are currently being utilized as an agricultural and residential type of uses;
2. The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code; and
3. The proposed rezoning is consistent with the surrounding zoning districts; and
4. The proposed rezoning is consistent with the City of Troy Comprehensive Plan. “

Public Hearing: A motion was made by Mr. Wolke, seconded by Mr. Westmeyer, that the Troy Planning Commission not hold a public hearing on the rezoning application of Inlot 11465 and Parcel ID: C06-067350, the property known as the Blackmore-Hill Annexation. **MOTION PASSED, UNANIMOUS VOTE**

Recommendation:

A motion was made by Mr. Westmeyer, seconded by Mrs. Ehrlich, that the Troy Planning Commission recommends to Troy City Council that Inlot 11465 and Inlot 1146, the 12.524 Acre property known as the Blackmore Hill Annexation, be rezoned from county zoning of A-2, General Agriculture, to the City zoning of A-R, Agriculture Residential District, based on the findings of staff that:

1. The properties are currently being utilized as an agricultural and residential type of uses;
2. The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code; and
3. The proposed rezoning is consistent with the surrounding zoning districts; and
4. The proposed rezoning is consistent with the City of Troy Comprehensive Plan. **MOTION PASSED, UNANIMOUS VOTE**

OTHER: Staff advised that the property at 213 East Main Street is having shingles replaced, like for like; that it was necessary to remove a collapsed canopy from the building; and a Historic District Application for this property, showing other planned work, will be included in the agenda of the next meeting.

There being no further business, the meeting adjourned at 4:22 p.m. upon motion of Mr. Westmeyer, seconded by Mayor Oda, and approved by unanimous voice vote.

Respectfully submitted,

_____Chairman

_____Secretary

