



AGENDA - TROY PLANNING COMMISSION MEETING
WEDNESDAY, MARCH 9, 2022, 3:30 P.M.
CITY HALL, COUNCIL CHAMBERS

1. Roll Call
2. Minutes - 2-23-2022
3. 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.
 - A. Application to have the Downtown/Riverfront Overlay (DR-O) District applied to this property
 - No action can be taken at this meeting
 - The application will go onto the March 23 agenda for a required Public Hearing and decision by the Troy Planning Commission/recommendation to Council

3-5-2022

Note Next Meeting -- March 23, 2022

Note to Commission members:

If you will not be attending, please email or call Sue.

A regular meeting of the Troy Planning Commission was held in Council Chambers, City Hall on Wednesday, February 23, 2022 at 3:30 PM with Chairman Alan Kappers presiding. ATTENDING: Members – Titterington, Ehrlich, McGarry, Wolke, Oda, Kappers and Westmeyer; Development Director Davis; and Zoning Inspectors Eidemiller and Bruner.

APPROVAL OF MINUTES: Upon motion of Mr. McGarry, seconded by Mr. Westmeyer, the minutes of the January 26, 2022 meeting were approved by unanimous roll call vote.

HISTORIC DISTRICT APPLICATION FOR 2 E. MAIN STREET FOR THE INSTALLATION OF OUTDOOR SEATING:
OWNER/APPLICANT: CONNOR HAREN/HAREN'S MARKET. Staff reported: property is zoned B-3 Central Business District and is located on the southeast corner of the public square; the Planning Commission previously approved this request on April 22, 2020; as the work was not performed in a time frame, a new application is required; building is on the National Register for Historic Places; the entrance to the original bank was on the north side facing E. Main Street; during a later renovation the entrance was altered and replaced with display windows; a canopy and the new entrance were installed along the west side wall; this application is to install a black railing to create an outdoor seating area for the patrons of the business Haren's Market; the proposed railing will allow for 9' 7" of pedestrian maneuverability; and staff recommends approval based on the findings of:

- The proposed seating and design meet the City of Troy requirements;
- The proposed modifications will not detract from the historic integrity of the building;
- The proposed modifications are temporary in nature and may be removed without harming the historic building.

DISCUSSION:

Mr. McGarry commented that 9'7" of walkway remaining if the fencing were installed should seem sufficient, but with the space taken for the trees and tree grates, those obstacles make it difficult for pedestrians.

Mr. Kappers concurred, noting that it is not possible for two people to walk side by side in some areas where outdoor seating already exists, and commented that often items attached to the fencing, such as flower baskets, further extend into the pedestrian areas and make walking on the sidewalk difficult.

The Mayor suggested that trimming the tree branches to provide walking space under the trees helps, with Mr. Kappers commenting that most of the trees downtown have not been trimmed so that people can walk under them.

Mr. Westmeyer commented that he likes to see seating outside.

Mr. Titterington and Mr. McGarry commented that requiring the fencing to extend 1' less from the building than proposed may alleviate some concerns about pedestrians not having sufficient room to walk on the sidewalks after fencing is installed.

Staff commented that the application is for fencing that extends 11' 8" from the building.

DECISION:

A motion was made by Mrs. Ehrlich, seconded by Mr. Titterington, to approve the historic district application for 2 E. Main Street based on the exact materials and colors stated within the application with the condition that the depth of the fence railing extend into the right-of-way no more than ten feet, eight inches from the building, providing one additional foot for pedestrian movement than was stated in the application.

MOTION PASSED, UNANIMOUS VOTE

ADDITIONAL DISCUSSION: Mr. Titterington commented that another building owner had asked about being able to place tables outside a fenced outdoor seating area from time to time, when it would be nice to have more seating. Mr. Titterington commented that he may consider such requests on a case by case basis and perhaps for special events.

REZONING OF 1125 WASHINGTON ROAD (IL 11463 AND 11464) FROM THE COUNTY ZONING OF A-1, DOMESTIC AGRICULTURE, AND A-2, GENERAL AGRICULTURE, TO THE CITY ZONING OF R-4, SINGLE FAMILY RESIDENTIAL DISTRICT:
OWNER/APPLICANT: STRAYER FARMS, INC. Staff reported:

"A request by Strayer Farms Inc for the Planning Commission to consider the rezoning of 1125 Washington Road, Inlot 11463 (5.0 Acres) and Inlot 11464 (3.13 Acres) from County Zoning of A-1 Domestic Agriculture and A-2 General Agriculture to R-4 Single Family Residential District. The properties are located on Washington Road north of W Stanfield Road and south of New Castle Drive.

The total 8.13 acres has a proposed use of a residential subdivision. The surrounding zoning districts include the R-4 Single Family Residential District to the east, R-3 Single Family Residential to the north, County zoning of A-1 Domestic Agriculture to the south, and County zoning of A-2 General Agriculture to the west. Please see attached Zoning Map.

DISCUSSION by staff

Chapter 1143.07 of the Zoning Code describes the proposed R-4 Zoning District as "designed to accommodate single-family dwellings on lots with areas of at least nine thousand (9,000) 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. The Comprehensive Plan describes the R-4 District as medium to high density."

The Comprehensive Plan's Future Land Use Map displays this area as future residential uses.

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 proposed rezoning is not made necessary because of changing conditions in the affected area. The proposed use will not have any adverse effects in the area and is similar to the residential uses that currently exist.

(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 with adjacent properties in the immediate vicinity. The R-4 Single Family Residential District exists in the immediate vicinity to the east.

(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 will be reviewed and provided during the subdivision review process.

(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 the subject property, there is no available vacant land for development with the R-4 zoning classification as the adjacent R-3 and R-4 districts are a part of active subdivisions.

(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 did not recommend that the Commission hold a public hearing and recommended approval of the rezoning as submitted to be recommended to City Council based on the findings that:

- o The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code; and
- o The proposed rezoning is consistent with the surrounding zoning districts; and
- o The use is consistent with permitted uses in the R-4 district; and
- o The proposed rezoning is consistent with the City of Troy Comprehensive Plan.

DISCUSSION: Mr. Wolke commented that he had asked school officials about any concerns with the addition of residential properties/increased enrollment, but understood no concern has been expressed at this time.

Public Hearing:

A motion was made by Mr. Titterington, seconded by Mrs. Ehrlich, that the Planning Commission not hold a public hearing on the rezoning of 1125 Washington Road, Inlots 11463 and 11464 from the County Zoning of A-1 Domestic Agriculture and Agriculture and A-2 General Agriculture to the City zoning of R-4, Single Family Residential District. **MOTION PASSED, UNANIMOUS VOTE**

RECOMMENDATION TO COUNCIL:

A motion was made by Mr. Wolke, seconded by Mayor Oda, that the Troy Planning Commission recommends to Troy City Council that the rezoning of 1125 Washington Road, Inlots 11463 and 11464 from the County Zoning of A-1 Domestic Agriculture and Agriculture and A-2 General Agriculture to the City zoning of R-4, Single Family Residential District, as submitted and based on the findings of staff that:

- o The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code; and
- o The proposed rezoning is consistent with the surrounding zoning districts; and
- o The use is consistent with permitted uses in the R-4 district; and
- o The proposed rezoning is consistent with the City of Troy Comprehensive Plan. **MOTION PASSED, UNANIMOUS VOTE**

THE VILLAGES OF CONCORD PRELIMINARY PLAN SINGLE FAMILY, NOTATION TO BE PLACED ON PLAT: Mr. Davis advised that with the litigation going on regarding the Villages of Concord plat, the Director of Law asks that the Commission approve the following notation on the Preliminary Plan for the Villages of Concord "See Miami County Common Pleas Case No. 2019-CV00495." Mr. Kappers commented that he did not see any issue with the notation as it would only tell someone where to find the case. A motion was made by Mr. Wolke, seconded by Mr. Titterington, that the following wording be placed on the Villages of Concord Preliminary Plan Single Family plat as requested: "See Miami County Common Pleas Case No. 2019-CV00495." **MOTION PASSED, UNANIMOUS VOTE**

There being no further business, the meeting adjourned at 3:49 p.m. upon motion of Mr. Westmeyer, seconded by Mayor Oda, and approved by unanimous voice vote.

Respectfully submitted,

Chairman

Secretary

MEMORANDUM

TO: City of Troy Planning Commission Members

FROM: Development Staff

DATE: March 9, 2022

SUBJECT: 110 Ash Street – Lincoln Community Center – DR-O Consideration

PROPOSAL:

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:

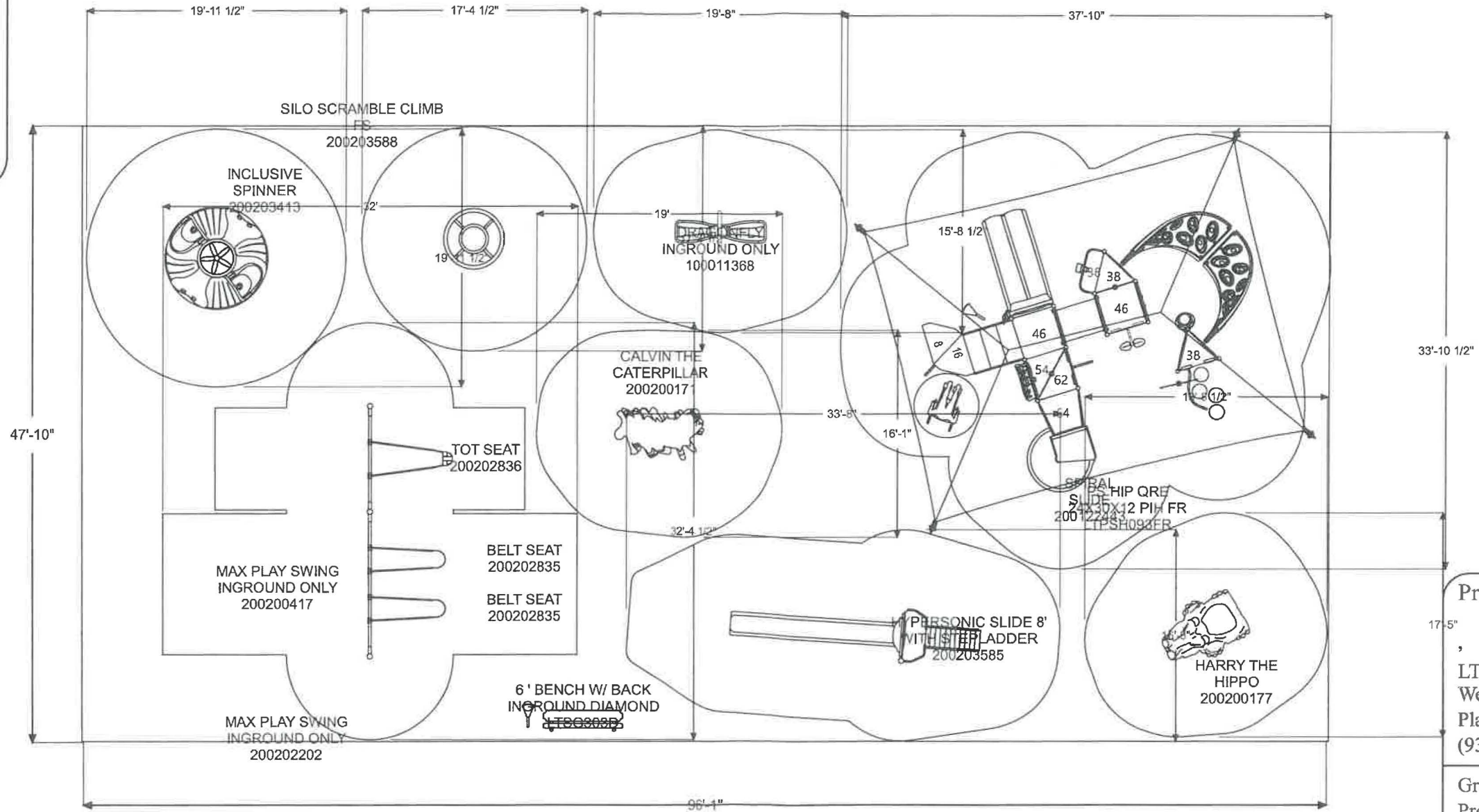
This is the first step in the DR-O process which is the first reading of the proposal to the Planning Commission. A second reading (required hearing) will be held at the next scheduled Planning Commission meeting. The second reading will provide an opportunity for public input on the project. Planning 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.

General Notes:

Age Group

☐ 2-5yrs ☒ 5-12 yrs ☐ 2-12yrs ☐ 13+ yrs

1. The Americans with Disabilities Act (ADA) may require that you make your park and/or playground accessible when viewed in its entirety. Please consult your legal counsel to determine if the ADA applies to you.
2. For playground equipment to be considered accessible, accessible surfacing must be utilized in applicable areas.
3. Although a particular playground design may not meet the proposed Access Board Regulations in regards to the appropriate number of ground level events, the actual playground may be in compliance when considering existing play components.
4. All deck heights are measured from top of ground cover.
5. Fall absorbing ground cover is required under and around all play equipment.
6. The minimum recommended fall zone around the entire playstructure is shown. This zone is to be free of all tripping or collision hazards (i.e. roots, rocks, border material, etc.).
7. All post lengths are identified by text showing the post lengths, i.e. 96 represents a 96 inch post.
8. Not all equipment may be appropriate for all children. Supervision is required.



Project:

LTCPS rep:
Weston Sale
PlayCare Playground Specialists
(937) 335-8284

Ground Space: 89'-0" x 43'-0"
Protective Area: 96'-6" x 48'-0"

Drawn by: Weston Sale
Date: 1/27/2022
DWG Name: R0335_44588374198

LTCPS - Farmington
878 East Highway 60
Monett, Missouri 65708
Voice: 1-800-325-8828
Fax: 417-354-2273

Playground Layout Compliance:

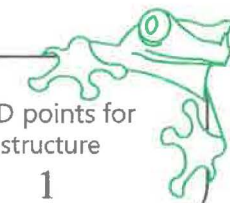
- ☒ ASTM F1487 - Playground Equipment for Public Use.
☒ CPSC Handbook for Public Playground Safety



The play components identified in this plan are IPEMA certified. The use and layout of these components conform to the requirements of ASTM F1487.

LEED points for this structure

1





APPLICATION FOR DOWNTOWN / RIVERFRONT OVERLAY DISTRICT

Date 01-24-2022

Applicant Lincoln Community Cntr Telephone No. 937-604-8845

Owner of Property Lincoln Community Center

Address of Project 130.5 Ash St

Contact Address (if different than Project Address) 1291 Archer Dr

Name of Architect/Engineer and/or Contractor Denlinger & Sons

Application for DR-O includes the following items (which do not meet standard zoning requirements):

- | | |
|---|---|
| ☐ Setbacks Requirements | ☐ Landscaping Requirements |
| ☐ Lot Size/Coverage Requirements | ☐ Open Space Requirements |
| ☐ Parking Requirements | ☐ Pedestrian/Bicycle Circulation |
| ☐ Signage Regulations | ☒ Other: <u>Accessory Use</u> |

ONE (1) COPY OF INFORMATION TO BE SUPPLIED BY APPLICANT:

- A complete description, in narrative form, of all uses proposed for the property, including expected employment levels, shift operating times, estimated frequency and volume of truck movements, the number and type of vehicles to be kept on the property for use in operations, a description of materials and general processes to be utilized, and all other pertinent facts relating to the proposed operation that are necessary to provide a true and complete understanding of the proposed use.
- A complete site plan, including locations, sizes and descriptions of all ground surfaces, impervious surfaces such as paving, buildings, and all other structures. The site plan shall also provide locations and details for all proposed and existing landscaping, utility connections and sizes, fire protection systems and access, details of exterior lighting fixtures and proposed illumination levels throughout the grounds, and details of other accessory uses and/or accessory structures on the grounds including but not limited to stormwater management facilities, trash enclosures, fences, and signs.
- A complete floor plan of the proposed and/or existing buildings and structures, showing the sizes and proposed specific uses of all rooms and areas; and showing the location and sizes of all windows, doors, and other openings in the walls.
- Complete elevation views of all exterior sides of all buildings and structures, showing details of construction and materials, windows and doors, exterior lighting fixtures, exterior equipment details and locations, all signs, and other details of exterior construction and proposed usage.



- e) Complete roof plans, showing its design and materials, and including the locations and details of any rooftop equipment, including, but not limited to process equipment, HVAC equipment, chimneys, and access or elevator enclosures.
- f) The Zoning Administrator may require the plan to be prepared and signed by a registered architect, engineer, surveyor or other licensed professional.
- g) The Planning Commission and/or City Council shall review any proposed declaration of restrictions and covenants.
- h) Any other information deemed necessary by the Planning Commission and/or City Council for it to complete its review of a submitted plan, including written permission from other governing entities as deemed appropriate.
- i) Two (2) sets of mailing labels of the owners of property abutting the applicant's property and owners of property directly across any street or alley.

REQUIRED SIGNATURES

By signing this application, I acknowledge that I am authorized by the owner to make this application. I agree to allow City of Troy employees to enter the property in order to complete necessary inspections. I agree to conform to all applicable laws of the City

	Bart Denlinger	01-24-2022
Signature of Applicant:	Printed Name	Date

	Karen Boone President	01-24-2022
Signature of Property Owner*:	Printed Name of Property Owner:	Date

*A letter or email from Property owner granting permission for the DR-O request will suffice in-lieu-of signature

OFFICE USE ONLY

Date Filed: _____ Case #: _____
Date : _____

- e) Complete roof plans, showing its design and materials, and including the locations and details of any rooftop equipment, including, but not limited to process equipment, HVAC equipment, chimneys, and access or elevator enclosures.
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	Patrick E. J. Titterington	3/2/2022
Signature of Applicant:	Printed Name	Date

	Patrick E.J. Titterington	3/2/2022
Signature of Property Owner*:	Printed Name of Property Owner:	Date

*A letter or email from Property owner granting permission for the DR-O request will suffice in-lieu-of signature

OFFICE USE ONLY

Date Filed: _____ Case #: _____
 Date : _____

Lincoln Community Center

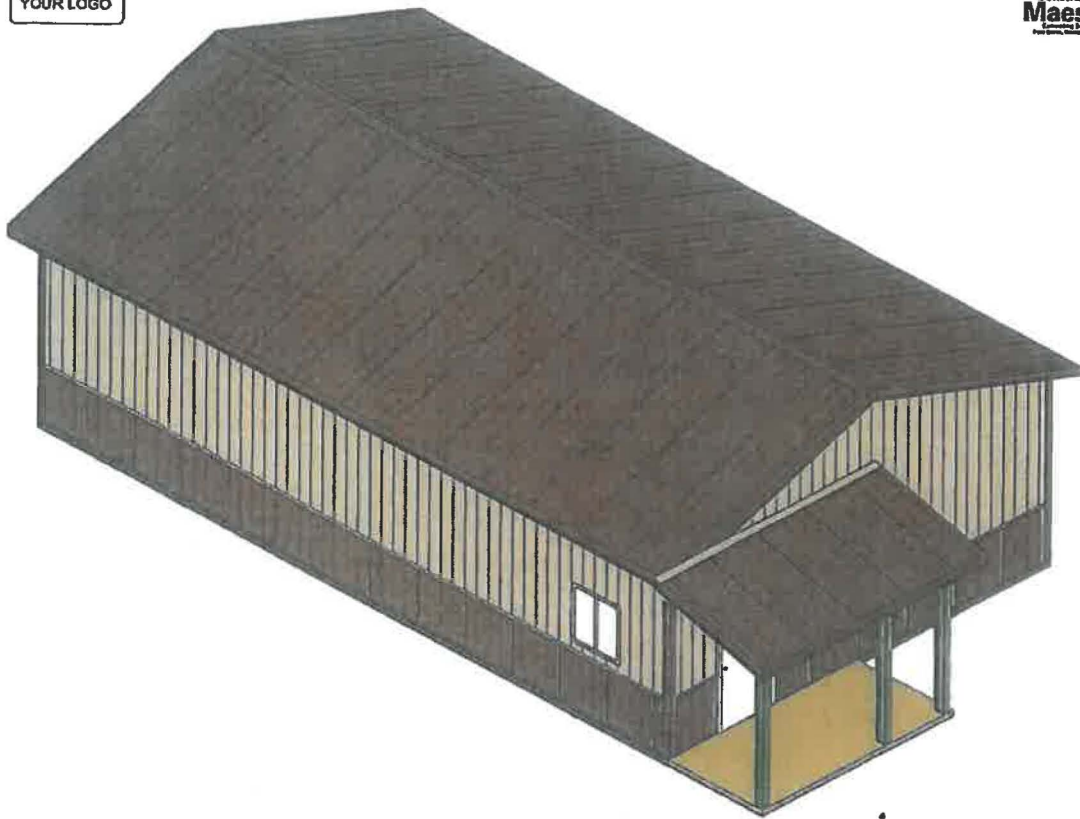
130.5 Ash St

Repurpose Plan

- Construction of a 24' x 40' accessory building to support the functions of the Lincoln Community Center
- Storage for LCC vans used for student transport
- Storage for seasonal recreational equipment
- Storage for supplies and equipment for the community gardens
- Install playground equipment and security fencing
- Construct raised planting beds for community gardens

YOUR LOGO

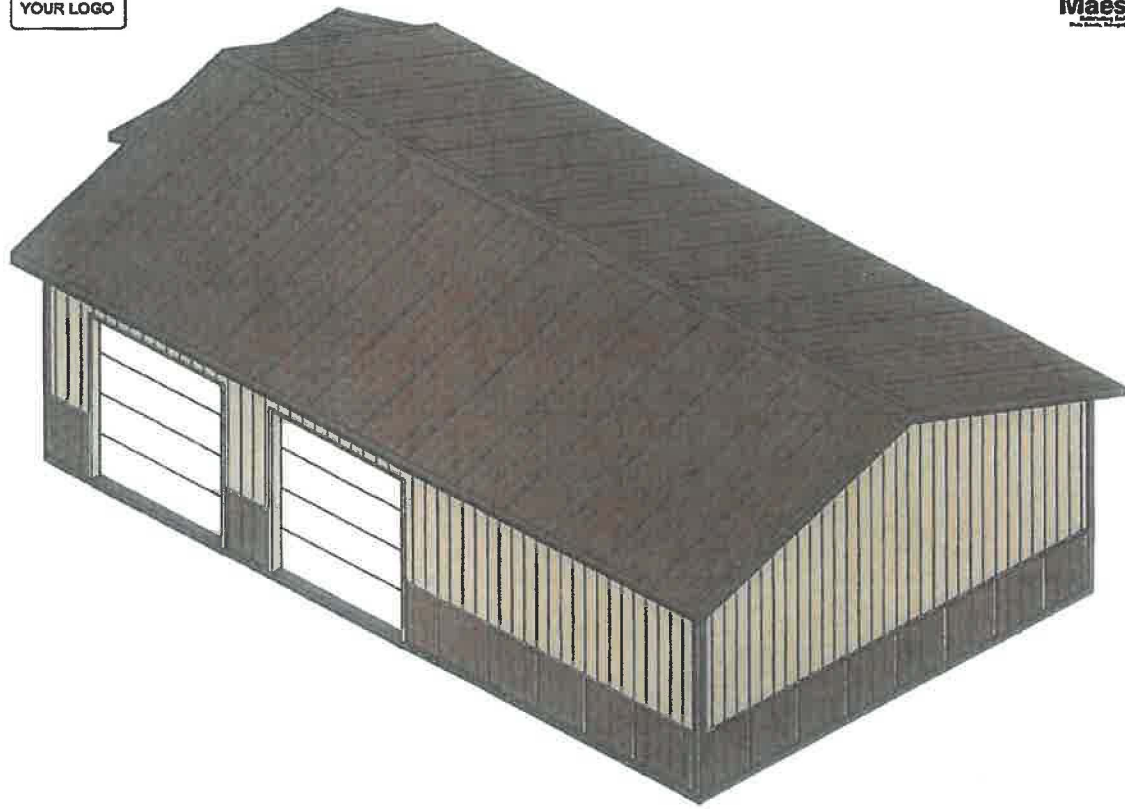
Construction
Maestro
A Superior Building
For Every Project Since 1984



"84 Troy 84 Troy
Estimate Number: 142
11/18/2021"

YOUR LOGO

Construction
Maestro
Building the Future
One Project at a Time



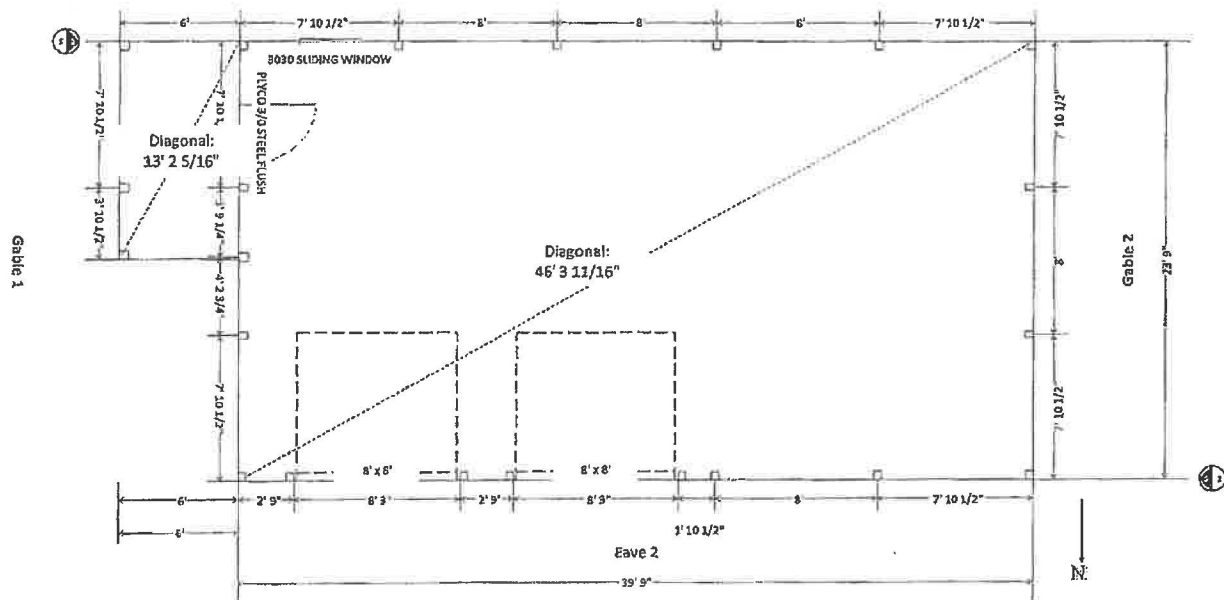
"64 Troy 64 Troy
Estimate Number: 142
11/18/2021"

YOUR LOGO

POLE LAYOUT
Personal Use, 850 sq. ft.

Don't Just Build
Maestro
A Superior Building
1900 Street, Memphis, TN 38103

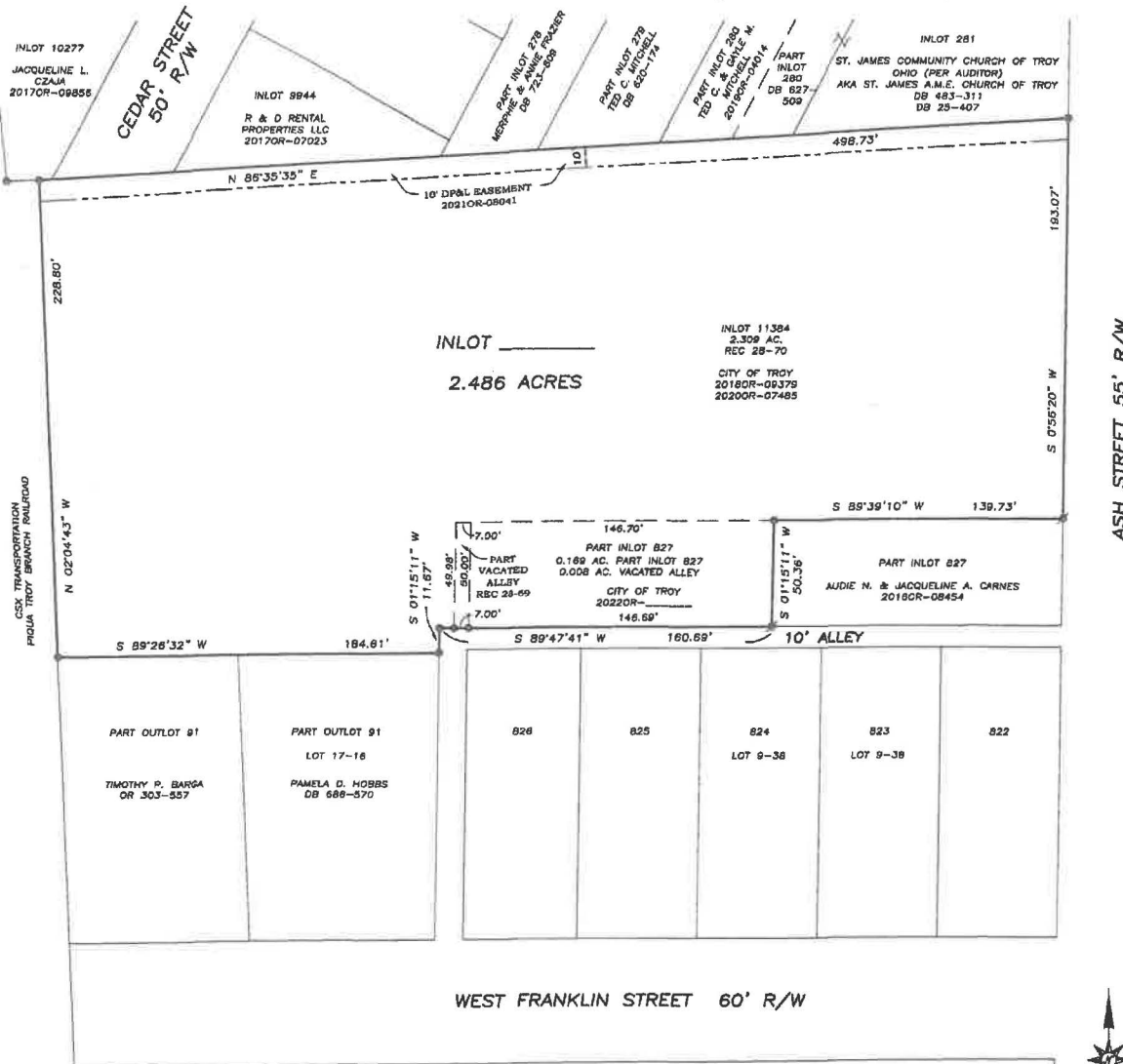
Eave 1



"B4 Troy B4 Troy
Estimate Number: 142
11/18/2021"

REPLAT OF PART INLOT 827, PART VACATED ALLEY & INLOT 11384 CITY OF TROY, MIAMI COUNTY, OHIO

VOLUME _____ PAGE _____
MIAMI COUNTY RECORDER'S RECORD OF PLATS



FEE \$ _____
MIAMI COUNTY RECORDER BY DEPUTY RECORDER
MIAMI COUNTY AUDITOR
APPROVED AND TRANSFERRED _____, 20____
MIAMI COUNTY AUDITOR BY DEPUTY AUDITOR

DESCRIPTION

BEING A REPLAT OF PART INLOT 827, PART VACATED ALLEY AND INLOT 11384, AS CONVEYED TO THE CITY OF TROY BY DEED RECORDED DOCUMENT NUMBER 20220R-_____, 20200R-07485, 20180R-09379, RECORD PLAT 28, PAGE 69, OF THE MIAMI COUNTY RECORDER'S RECORDS AND BEING LOCATED IN THE CITY OF TROY.

CONSENT TO REPLAT

WE, THE UNDERSIGNED, BEING ALL OF THE OWNERS AND LIEN HOLDERS OF THE PARCEL HEREIN REPLATTED, DO HEREBY CONSENT TO THE EXECUTION OF SAID REPLAT AS SHOWN HEREON.

OWNER: CITY OF TROY

AUTHORIZED SIGNATURE _____ TITLE _____

STATE OF OHIO, MIAMI COUNTY, SS:

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY CAME _____ ON BEHALF OF THE CITY OF TROY, WHO ACKNOWLEDGED THE SIGNING AND EXECUTION OF THE FOREGOING PLAT TO BE HIS VOLUNTARY ACT AND DEED. IN TESTIMONY WHEREOF, I HAVE SET MY HAND AND NOTORIAL SEAL ON THE DAY AND DATE ABOVE WRITTEN.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

CITY OF TROY

THIS RECORD PLAT REVIEWED AND APPROVED

THIS _____ DAY OF _____, 20____.

REFERENCES

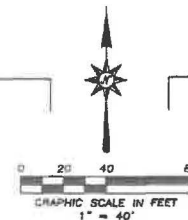
BASIS OF BEARING:
BEARINGS ARE BASED ON THE OHIO
DEPARTMENT OF TRANSPORTATION
V.R.S. NAD 83 (2011 ADJ.) OHIO
STATE PLANE SOUTH ZONE 3402

MIAMI COUNTY ENGINEER'S
RECORDS OF SURVEYS:
LOT SURVEY 9, PAGE 38
LOT SURVEY 17, PAGE 16
LAND SURVEY 61, PAGE 22

MIAMI COUNTY RECORDER'S
RECORDS:
PLAT BOOK 1, PAGE 343
PLAT BOOK 27, PAGE 27
PLAT BOOK 28, PAGE 69
PLAT BOOK 28, PAGE 70
DEEDS AS SHOWN HEREON

LEGEND

○ 5/8" CAPPED IRON PIN SET
● IRON PIN FOUND
✱ MAG NAIL FOUND



MARCH 2, 2022

REPLAT FOR LCCA INC.
IN MIAMI COUNTY, OHIO



NEIL E. TEAFORD
5260 TROY-URBANA ROAD
CASSTOWN, OHIO 45312
OHIO REGISTERED
PROFESSIONAL SURVEYOR # 7724