

A regular meeting of the Troy Planning Commission was held in Council Chambers, City Hall on Wednesday, October 26, 2022, at 3:30 PM with Vice-Chairman James McGarry presiding. ATTENDING: Members – Wolke, Oda, Titterington, Westmeyer, and McGarry; Development Staff – Eidemiller, Bruner, Russell and Development Director Davis.

APPROVAL OF MINUTES: Upon motion of Mr. Wolke, seconded by Mr. Westmeyer, the minutes of the September 28, 2022 meeting were approved by unanimous roll call vote.

HISTORIC DISTRICT APPLICATION, 101 W. MAIN STREET, FOR INSTALLATION OF TWO BUILDING SIGNS ON THE WALLS ABOVE THE WINDOWS - ONE ON W. MAIN STREET AND ONE ON N. CHERRY STREET; OWNER - 107 W MAIN ST LLC; APPLICANT -RYAN FRANCE, SELECT SIGNS. The staff reported: property is zoned B-3, Central Business District; building was built in 1904, is made of stucco and brick and is described in the Ohio Historic Index form as an eclectic style building and a major landmark for downtown Troy; contributing descriptive features include the Eclectic design with Egyptian Revival entrance at the southwest corner, and distinctive religious and Masonic ornamentation, building is not listed on the National Register of Historic Places; building is permitted a total of 100 square feet of building signage with this tenant permitted 66 sq. ft.; application is for two identical signs with the dimensions of 30" tall by 94" wide with a total depth of 3"; signs will be located on the southeast corner of the building facing both W. Main and N. Cherry Streets; applicant proposes the use of 5 different colors consisting of two shades of blue, two shades of green and white lettering (color mix shown on the application); application includes 2.96 sq.ft. of door signs in the same color palette; and staff recommends approval based on the findings of:

- The sign is appropriate in design, scale and color to the building;
- The sign meets City of Troy sign code requirements.

Discussion: In response to Mr. Titterington, staff advised that signage on both Cherry and Main Street is permitted as this is a corner lot.

In response to Mr. McGarry, staff advised that the business still intends to use outdoor furnishings as previously approved by the Commission.

A motion was made by Mr. Titterington, seconded by Mr. Wolke, to approve the historic district application for 101 W. Main Street as submitted, including the colors, and based on the findings of staff that:

- The sign is appropriate in design, scale and color to the building,
- The sign meets City of Troy sign code requirements.

MOTION PASSED, UNANIMOUS VOTE

HISTORIC DISTRICT APPLICATION, , 121-123 E. MAIN STREET (HATFIELD HOUSE), INSTALLATION OF 45 WINDOWS; PAINT WINDOW TRIM/SILLS/CORNICES/CORBLES; PAINT SIDE ENTRANCE CORNICE; PAINT ENTRANCE DOORS (OTHER THAN ORIGINAL SIDE ENTRANCE DOORS); PAINT THE VINYL ON THE ADDITION TO THE REAR OF THE STRUCTURE; PAINT DECK AND HANDRAILS; OWNER/APPLICANT: HOLDON LINGRELL Staff reported: OHI form lists this property as being a three-story brick vernacular commercial building built in 1841; contributing features include a bracketed cornice at the top with elaborate wood mold over the side entrance; the OHI form referenced this building as having 2/2 double hung windows but the windows have been altered since the completion of the OHI form; applicant is proposing replacement of all 45 windows with Silver Plus Series DH Windows; application also includes painting the window trim, sill, cornice and corbels Tricorn Black #HGSW1441; the side entrance cornice will be maintained in its current state and painted Tricorn Black #HGSW1441, as well as all entrance doors excepting the original side entrance door facing N. Mulberry St. (which entrance will be maintained as is); painting the red vinyl on the addition at the rear of the structure Tricorn Black #HGSW1441; and staff recommends approval of the entire application based on the findings of:

- The proposed changes do not detract from the historic integrity of the streetscape,
- The existing windows were an alteration to the 2/2 double hung windows as referenced in the OHI form,
- The paint colors exist on other structures within the HPO.

Discussion: Mayor Oda asked if the wood on the balcony would be replaced as it appears beat up in the photo. Mr. Lingrell advised that the wood is solid and has integrity so the exiting paint will be scraped off and it repainted in the black shade.

Mr. Titterington asked about the windows, with staff stating that while the windows have wood, they are single pane and are not original to the building, and the plan is to install vinyl windows.

A motion was made by Mayor Oda, seconded by Mr. Westmeyer, to approve all elements of the historic district application for 121-123 E. Main Street as submitted, with all repainting being in the color Tricorn Black #HGSW1441, and based on the findings of staff that:

- The proposed changes do not detract from the historic integrity of the streetscape
- The existing windows were an alteration to the 2/2 double hung windows as referenced in the OHI form
- The paint colors exist on other structures within the HPO.

MOTION PASSED, UNANIMOUS VOTE

CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION OF 206 S. MARKET STREET; OWNER - SHARE SPACE LLC; APPLICANT SCOTT STRAYER. Staff noted that this is the first demolition application under the new Ordinance provisions and submitted the following report:

"A request by Scott Strayer with Share Space LLC, for the Planning Commission to consider a demolition at 206 S. Market Street. The property is zoned B-3 Central Business District.

An Ohio Historic Inventory form has not been completed for the property in reference.

DISCUSSION:

City Council approved an update to section 1143.22 Historic Preservation Overlay Districts as per Ordinance O-42-2022 that became effective on October 6th, 2022. The applicant is proposing a demolition of the principal structure at 206 S. Market Street.

According to the Miami County Auditor's website, the building was constructed in 1967 with further improvements in 1974. The property was previously used as a former filling station/auto garage (Dutch's Service Inc.). The location closed in 2000 with a few short-term tenants until 2012.

The existing conditions do not meet the minimum housing standards as established by the City of Troy Property Maintenance Code. The property maintenance orders include the following violations:

- Section 302.1 Sanitation: All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.
- Section 302.9 Defacement of property: No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.
- 304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.
- 304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.
- 304.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
- 304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Rood drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

- 304.11 Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be structurally sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

The property is listed as a Class C site through the State Fire Marshall's Office. The City of Troy has received funding from the Ohio Department of Development through the Abandoned Gas Station Cleanup Grant. This grant will be used to complete a VAP Phase II PA, obtain a No Final Action (NFA) Letter, and demolition of the building and parking lot. The demolition will follow BUSTR'S process through the State Fire Marshall's Office in coordination with the Ohio Department of Development.

STAFF ANALYSIS:

Zoning Code 1143.22 (n) Certificate of Appropriateness – Demolition, Removal, or moving of a Structure (7) The Planning Commission shall only approve a COA for demolition if the application meets one of two conditions: 1) the application satisfies criterion A below; or, 2) the application satisfies criterion B and either C or D or both.

- A. The Planning Commission finds that the structure subject to the application is not historically significant or non-qualifying per Section 1143.22(m)(6), the Planning Commission shall state the basis for such determination and shall be required to make a formal determination that the proposed demolition, removal of an architectural feature, or movement of a structure will not harm or reduce the historical significance of the site on which it is located or the historic district as a whole.

When reviewing this standard, the proposed application meets the above criteria based on Zoning Code 1143.22 (m) (6) and will not harm or reduce the historical significance of the district. The applicant is not required to meet criteria B, C, or D. Please see staff analysis below in red:

The Planning Commission shall determine whether a structure or site is historically significant by meeting at least four (4) of the following criteria:

- i. Value as a reminder of the cultural or archaeological heritage of the city, state, or nation; **The property does not have value as a reminder of the cultural or archaeological heritage.**
- ii. Location as a site of a significant local, state, or national event; **The location is not a site of a significant local, state, or national event.**
- iii. Identification with a person or persons who significantly contributed to the development of the city, state, or nation; **There is no evidence or identification of a person(s) who significantly contributed to the development of the city, state, or nation.**
- iv. Identification as the work of a master builder, designer, or architect whose individual work has influenced the city, state, or nation; **There is no evidence that identifies the work of a master building, designer, or architect, whose work has influenced the city, state, or nation.**
- v. Value as a building that is recognized for the quality of its architecture and that it retains sufficient elements showing such architectural significance; **There is no value recognized for the quality of the architecture. The building has vinyl siding, three (3) large garage bays facing W. Canal Street, and Concrete block, and brick on the south elevation.**
- vi. Example of an architectural style or period; **The building does not present an example of an architectural style or period. Per the Miami County Auditor, the building was constructed in 1967 with further improvements in 1976.**
- vii. Contribution to the historical nature of the overall site; and/or The property does not contribute to the historical nature of the overall site. **The site is predominately asphalt with a small structure. The structure does not have any contributing features to the district.**
- viii. Character as a contributing element in the Historic Preservation Overlay District. **There is no character or contributing elements on the structure.**

REUSE PLAN:

The applicant has submitted a reuse plan that identifies grass by planting seed after demolition following BUSTR's requirements of the State Fire Marshall's office. Per Zoning Code 1143.22 (n) E, when a demolition is an acceptable loss, the Planning Commission has the authority to relax any of these requirements and may consider other appropriate reuse plans.

It is Staff's determination that the demolition of the principal structure at 206 S. Market Street is not historically significant based on Zoning Code 1143.22 (m) (6) and is otherwise an acceptable loss. The reuse plan is also in accordance with BUSTR's requirements as a part of the Ohio Department of Development's Abandoned Gas Station Cleanup Grant.



PUBLIC HEARING:

The Planning Commission is not required to hold a public hearing for historically insignificant structures per Zoning Code 1143.22 (n)(4).

This application has been reviewed for compliance with all requirements of the Zoning Code except for the additional design standards imposed by the historic district regulations and has been found to comply with those requirements.

RECOMMENDATION:

Staff recommends approval of the proposed demolition and reuse plan based on the following:

- The building has no historic significance per section 1143.22 (m) (6), and meets the standards for demolition per Zoning Code 1143.22 (n),
- The demolition is following BUSTR standards through the State Fire Marshall's office,
- The reuse plan is an acceptable loss per Zoning Code 1143.22 (E) and the reuse plan will not negatively impact the integrity of the historic district,
- The property has little or no significant historical or architectural value. "

Disucssion: Regarding the reuse plan of grass and seeding, staff recommended that the reuse requirements be relaxed for this site and noted

that should there be a later reuse plan, the owner is required to come before the Commission for approval prior to commencing.

Mr. Westmeyer asked about the grading of the property to manage any runoff on the adjacent property. Mr. Eidemiller stated that staff will assure there are no grading issues to impact adjacent properties.

In response to Mr. Wolke, staff confirmed that this application is a two-part consideration: first, determining to concur with staff's interpretation that the structure is not historically significant; and second, to approve the Certificate of Appropriateness.

Historical Significance: A motion was made by Mr. Wolke, seconded by Mr. Titterington, that the Commission agrees with the interpretation of staff that the structure located at 206 S. Market Street has little or no significant historical or architectural value.

MOTION PASSED, UNANIMOUS VOTE

Action of Commission: A motion was made by Mr. Westmeyer, that the Commission approves the Certificate of Appropriateness for the demolition of the structure at 206 S. Market Street, and approves the reuse plan as submitted in the application, noting that any further reuse plan must be submitted to and approved by the Commission in advance, based on the findings of staff that:

- The building has no historic significance per section 1143.22 (m) (6), and meets the standards for demolition per Zoning Code 1143.22 (n),
- The demolition is following BUSTR standards through the State Fire Marshall's office,
- The reuse plan is an acceptable loss per Zoning Code 1143.22 (E) and the reuse plan will not negatively impact the integrity of the historic district, and
- The property has little or no significant historical or architectural value.

MOTION PASSED, UNANIMOUS VOTE

Randy Kimmel asked about the Commission determining that grass and seeding is sufficient as a reuse plan. Mr. Wolke state that is true in this particular situation but not in every situation. Mr. Titterington commented that because of the declaration of the structure as historically insignificant, the reuse plan was relaxed.

Other:

Penalty Provisions: Staff noted that staff is still working on penalty provisions.

100 E Main Street: Information was provided to the Commission regarding the alteration on 100 E. Main Street that was approved by the Commission at a prior meeting. Staff recently approved a small alteration to that approved application. Due to years of water infiltration of the stone sill cap, the remaining exterior stone cap was left in very poor condition creating a safety concern for the general public that walk along the sidewalk. McMiller Masonry Company (and the property owner) requested that two offset layers of stone (instead of one, as approved) are necessary to prevent the water infiltration form reoccurring and damaging the stone cap again. The color and width will match the adjacent stone cap on the adjacent connected building. Due to the safety concerns and status of the parapet, the Contractor is continuing the work.

There being no further business, the meeting adjourned at 3:47 p.m. upon motion of Mr. Titterington, seconded by Mr. Westmeyer, and approved by unanimous voice vote.

Respectfully submitted,

_____Chairman

_____Secretary