

A regular meeting of the Troy Planning Commission was held in Council Chambers, City Hall on Wednesday, June 22, 2022, at 3:30 PM with Chairman Alan Kappers presiding. ATTENDING: Members – Wolke, Kappers, Titterington, Westmeyer, McGarry, Ehrlich, and Acting Mayor William Lutz; Zoning Inspectors Eidemiller, Long and Bruner; and Development Director Davis.

APPROVAL OF MINUTES: Upon motion of Mrs. Ehrlich, seconded by Mr. McGarry, the minutes of the June 8, 2022 meeting were approved as amended by unanimous roll call vote.

HISTORIC DISTRICT APPLICATION, 101 PUBLIC SQUARE NW, EXTERIOR PAINTING AND BUILDING SIGN; OWNER/APPLICANT BAKERS LOCKSMITH, KYLE BAKER. Staff reported: property is zoned B-3 Central Business District; building was constructed in 1847 and is on the National Register of Historic Places; application is for building to be Grey (Functional Gray SW 7024), the window and door trim will be white (Pure White SW 7005) and the front entry doors and window sills will be painted black (Pepper Corn SW 7674); the requested sign is a 39" x 92" (24.8 Square Feet) building sign in the shape of a key; sign will be made of PVC and will be stud mounted; the existing cabinet will be removed with this request; colors will consist of Pure White SW 7005, Tarmac Green RGB:69, 128, 78, and Pepper Corn SW 7674; applicant will be requesting to add gooseneck lighting to the building sign at a future meeting; and staff recommends approval based on the findings of:

- The colors will compliment neighboring properties; and
- The colors do not cover any contributing features; and
- The sign colors will complement the building; and
- The colors and sign will not detract from the historic integrity of the streetscape.

A motion was made by Mr. McGarry, seconded by Mr. Westmeyer, to approve the application for 101 Public Square NW as submitted (exterior painting and sign) based on the exact sizes, materials and colors stated in the application, and based on the findings of:

- The colors will compliment neighboring properties;
- The colors do not cover any contributing features;
- The sign colors will complement the building;
- The colors and sign will not detract from the historic integrity of the streetscape

MOTION PASSED, UNANIMOUS VOTE

REZONING – SHERIDAN ANNEXATION, 1525 TROY-SIDNEY ROAD, FROM COUNTY ZONING OF R-1AAA, ONE-FAMILY RESIDENTIAL, TO THE CITY ZONING OF R-4, SINGLE-FAMILY RESIDENTIAL DISTRICT. Staff reported: this property was recently annexed to the City, it is further identified as Inlot 11513, Parcel ID: K31-003100, requested City zoning is R-4, Single-Family Residential District, minimum lot size of 9,000 square feet; the Comprehensive Plan describes the R-4 District as medium to high density; and Ordinance 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 for the site if it is rezoned.

(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 with the R-4 Single-Family Residential 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 did not recommend that the Commission hold a public hearing, and recommended approval based on the findings of:

- The property is currently being utilized as residential use;
- The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code;
- The proposed rezoning is consistent with the surrounding zoning districts;
- The proposed rezoning is consistent with the City of Troy Comprehensive Plan.

PUBLIC HEARING: A motion was made by Mr. Wolke, seconded by Mrs. Ehrlich, that the Commission not hold a public hearing on the rezoning of the Sheridan Annexation.

MOTION PASSED, UNANIMOUS VOTE

RECOMMENDATION TO COUNCIL: A motion was made by Mr. Titterington, seconded by Mrs. Ehrlich, that the Troy Planning Commission recommends to Troy City Council that the property known as the Sheridan Annexation, IL 11513, located at 1525 Troy-Sidney Road, be rezoned from the County Zoning of R-1AAA, One-Family Residential, to the City zoning of R-4, Single-family Residential District, based on the findings of staff that:

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

DEDICATION OF RIGHT-OF-WAY ALONG BARNHART ROAD AND FENNER ROAD, 1.1021 ACRES OF IL 10853; OWNER-APPLICANT, MOMENTUM CENTER PARK- SECTION ONE; BOARD OF MIAMI COUNTY COMMISSIONERS. Staff reported: property is located on the northwest corner of the intersection at West Market Street and Barnhart Road; right-of-way to be dedicated is 1.021 acres of Inlot 10853; replat is considered a minor subdivision and does not require Planning Commission nor City Council approval; however, the new replat will encompass two parcels and the creation of the proposed right-of-way known as One Stop Court; Council authorization is required to approve the dedication of right-of-way; and staff further recommends that approval includes that the escrow agreement is approved prior to the Commission forwarding the right-of-way dedication recommendation to Council.

A motion was made by Mr. McGarry, seconded by Mrs. Ehrlich, that the Planning Commission recommends to Troy City Council acceptance of 1.021 acres of Inlot 10853 as public right-of-way as included in the replat known as Momentum Center Park -Section One, with the condition that the recommendation will not be forwarded to Troy City Council until the escrow agreement has been approved.

MOTION PASSED, UNANIMOUS VOTE

PROPOSED AMENDMENT TO THE ZONING CODE REGARDING THE HISTORIC PRESERVATION OVERLAY DISTRICT.

Staff provided the proposed code changes and provided information of:

“BACKGROUND AND DISCUSSION:

On November 15, 2021 City Council adopted a moratorium of 180 days on the issuance of certificates of appropriateness (COA) to allow demolition or removal of a historic or contributing property (except immediate demolitions related to public safety concerns) in the City of Troy Historic Preservation Overlay District.

On May 14, 2022 a new moratorium was provide so staff could continue to research ordinance provisions of Ohio Communities with historic downtowns, consult with legal counsel and appropriate state organizations, and make informed recommendations to the Troy Planning Commission and City Council. This moratorium will expire on July 14, 2022.

Attached you will find a red-lined version of the proposed changes to the Historic Preservation Overlay district and a clean version. Below is a summary of major proposed changes:

Section 1137.07, “Procedure For Appeals”. Update the appeals section to provide clarity regarding applicability, initiations and review criteria.

Section 1143.22(k), “HP-O District”. Define minor alterations and note this activity does not need a COA.

Section 1143.22(j), “HP-O District”. Explain when a COA is required and define the criteria for moving forward with an application.

Section 1143.22(l),(m) “HP-O District”. Describe the COA review by the Zoning Administrator and Planning Commission and define their responsibilities by project activity.

Section 1143.22(n), “HP-O District”. Introduce the process for a demolition Certificate of Appropriateness which cannot be considered unless the applicant meets strict and quantifiable evidence of economic hardship, which evidence must include multiple analyses, rehabilitation quotes and required financial guarantees.

Section 1143.22(e), “HP-O District”. Propose an HP-O Design Manual to provide a framework of guidelines to review for COA applications.

Section 1143.22(p), “HP-O District”. Designate criteria for demolition by neglect.

Eliminate separate penalty for this section and follow the penalty section for the Zoning Code.

When a proposed amendment would result in a change in the text of the Zoning Code but would not result in a change of zoning classification of any property on the zoning map, the report of the Planning Commission shall contain a statement as to the nature and effect of such amendment and determinations as to the following items:

(a) Whether such change is consistent with the intent and purpose of this Zoning Code. **The request change is consistent with the intent and purpose this Zoning Code. The intent of the Historic Preservation Overlay is to protect and promote the health, safety, and general welfare of the public through: Preservation and Enhancement of Architectural styles, historically significant districts, sites, and buildings; Enhance property values throughout the historic district.**

(b) Which areas are most likely to be directly affected by such change and in what way they will be affected.

The properties located in the Historic Preservation Overlay will be affected and preserved through the proposed changes.

(c) Whether the proposed amendment is made necessary because of changed or changing conditions in the areas of zoning districts affected or in the City generally, and, if so, the nature of such changed or changing conditions. **The American Planning Association recommends that Zoning Codes are reviewed and updated every five (5) years to comply with changes in planning law. These proposed changes achieve these purposes. “**

Discussion:

-Mr. Kappers suggested that item 6 on page 15 does not need a hyphen at the front. In response to Mr. Kappers, staff stated the changes requested at the June 8 meeting had been made.

-Mr. Kappers distributed a new document provided by Ben Sutherly and commented that other documents had been distributed by email.

-Mr. Kappers stated each speaker would have a 3 minute limit, speakers should not be redundant in their comments, and speakers should state the section of the proposed Ordinance he/she is speaking about.

Public Hearing: At 3:40 pm, Mr. Kappers declared open the public hearing on the proposed amendments to the Zoning Code.

-Ben Sutherly 5474 E SR 41, Troy, President of Troy Historic Preservation Alliance (THPA) Board and President of the Board of the Overfield Tavern Museum, commended City Staff for proposing a Zoning Code draft that is more objective as to the standards for demolition and the Board thinks progress has been made on that front; THPA working with Troy Main Street and Troy Community Works performed an independent survey regarding best practices regarding considering demolitions and developed a proposal endorsed by the Troy Historic Preservation Alliance, Troy Main Street, Overfield Tavern Museum Board, and the Troy Historical Society Museum; regarding the City’s survey, it showed that most cities when considering significant changes regarding downtowns, persons with expertise in architecture or history are almost always involved, but Troy is an outlier in including persons with expertise; the proposal submitted by the non-profit organizations is that the Commission be increased by two seats – one held by an architect or professional engineer and the other held by a member of a non-profit group whose mission reflects historic preservation (i.e., Troy Main Street, Troy Community Works, Troy Historic Preservation Alliance);

-Lorraine Wyatt, 118 S. Walnut Street, Treasurer of the Troy Historic Preservation Alliance, - The City had a Board of Architectural Review (BAR) that grew out of persons concerned about what was happening about Troy’s older buildings; the BAR was established with the intent to prevent the loss of historically significant buildings and character defining features of the buildings and to help people add value to their buildings; it was made up of five members representing the City Beautification Committee, an architect, a resident of the historic district, a downtown business member, and a representative of the Troy Historic Society; reasons stating for disbanding the BAR have been from disinterest of members in attending the meetings to the City not wanting to take the counsel of the BAR; THPA is not asking that the BAR be reinstated, but that the Commission evolve to be inclusive of downtown stakeholders, which representation most communities have based on the City’s survey; Staff’s report of June 8 is that the size of the Planning Commission serves the City well, but the report does not define City - is that City Hall or the downtown community, which is not represented at all; communities surveyed have up to 15 members, so an increase would not be inconsistent with the survey results; and it is important the makeup of the Planning Commission reflect the community.

-Mark Stewart, 1286 Cheshire Road, Troy, member of the Troy Historic Preservation Alliance and Trustee of the Troy Historical Society – In 2000, the census required that the number of Council members increased from 7 to 9 members, so Troy has navigated an increase such as that requested in the past; the THPA was told by staff that an increase in the Planning Commission from seven to nine members would be unwieldy and that roll call would take too long; roll call at this meeting has been 12 seconds; THPA was told by staff that adding two members would be “stacking the deck”; however, the City survey shows most Commissions have membership that is greater and includes the representation suggested; the THPA is also willing to help the City update downtown building information, but the City cannot take an offer of assistance on one hand and not regard the THPA on the other hand.

-in response to Mr. Kappers, Mr. Davis commented that the downtown building update is one of the staff goals, and in an email the THPA did offer assistance.

-Todd Tweed, 3070 E SR 55 – Recently inherited a large farm that is in both Lostcreek and Elizabeth Townships; the property has a large very old barn that was damaged in a storm two months ago; the Elizabeth Township Historical Society supported the repair of the barn; and the work has been done by the insurance payment and his own funds; and he does not understand why the owner of the property on W. Main Street has not done the same.

-Mr. Kappers noted that the comments being made do not address the proposed amendment to the Zoning Code that is before the Commission and is the only subject of the public hearing, and he instructed speakers to address the subject of the public hearing

-Brad Boehringer, 105 Crestwood Drive, commented that the three minutes limit is an attempt to gag the hearing and proceeded to question Commission members about their backgrounds. Mr. Kappers instructed Mr. Boehringer that comments were to be regarding the proposed Zoning Code amendment, to not ask questions of the members, and not ask questions that are not related to the proposed amendment. Mr. Boehringer commented that he wanted to show that Commission Members do not have a vested interest in historic preservation and it is his opinion that all criteria in issuing a certificate of appropriateness for demolition be all that are in the Zoning Code and not just two of the criteria.

-Jessica Minesinger, owner of a downtown business and owner of a land development company, stated that she is not a member of THPA. She commented that she supports the request to add two more members to the Commission or at least have representation of an architect or someone with building and construction background as well as someone representing a downtown non-profit; to do so would go a long way for downtown businesses to feel there is transparency, accountability and representation for those who invest in and work downtown and deal with the challenges to downtown business owners.

-Mr. Titterington asked Mrs. Minesinger to clarify that she either supports increasing the number of members or at a minimum strengthen the qualification moving forward of the members of the Planning Commission. Mrs. Minesinger commented that in practicality at this point, the City would not want to boot anyone off, and she could see adding members that have those qualifications; she does not believe that would be cumbersome and it could be enlightening, and could go a long way in increasing the sense of accountability and representation for those who live, work and invest in downtown Troy.

-Mr. Kappers asked Mr. Sutherly to discuss the information he had provided to the Commission by email and at this meeting. Mr. Sutherly stated that pages 2 and 3 were what had been emailed; he has now included the language from the ORC to show that having more than a seven-member Commission is permitted by the ORC.

-Mr. Kappers commented that a change in the Commission membership number/qualifications does not appear the proposed Zoning Code amendment provided by staff. Mr. Sutherly commented that the recommendation of the Commission will be presented to Council; the staff survey asked for information of membership numbers or criteria of other communities, so THPA believes that the Commission could consider the membership as well; that if this information were surveyed why did staff not present it; and since the Zoning Code change is being discussed due to the moratorium regarding Historic District demolitions, the time to discuss any membership changes should take place while these Zoning Code changes are considered.

-Mr. Lutz suggested that legislation to change the Planning Commission membership would not be a matter of Commission consideration, but of Council. Mr. Kappers concurred and commented it would not be part of a Commission recommendation as it was not before the Commission, and Mr. Sutherly may be better served to present the request of the THPA to Council. Mr. Sutherly commented that as staff surveyed cities regarding the makeup of Planning Commissions, Council may wish the Commission's input on the subject.

-Jeff Schilling, Member of Council, 591 Chartwell Court, asked if it would be appropriate for the Commission to make a recommendation to Council to say when it comes to some historic district applications, having a member of the board that is an architect or engineer or has a historic preservation background could be beneficial to the activities of the Commission.

Public Hearing Closed: At 4:04 Mr. Kappers declared the public hearing closed.

Discussion:

-Mr. Wolke commented that the Zoning Code draft refers to an overlay design manual, and he asked if staff will provide that manual or hire a consultant. Staff advised that the City is partnering with Troy Main Street, Inc. to draft a design manual to be submitted to the Commission for consideration.

-Mr. Wolke commented that he noted an inconsistency: Section 1139.07 (b) on page 1 limits those who can file an appeal, while on page 23, letter R, it reads "any person can appeal". Staff indicated that was revised from the draft provided to the Commission two weeks ago. Staff confirmed that the Commission had been provided with two drafts that were not exactly the same. Mr. Wolke noted that was not made known so that the information could be reviewed properly.

-Mr. Wolke noting that Mayor Oda was not present, commented that the Mayor's family had owned a downtown business for many years and the Mayor is the appointing authority, and he would appreciate the Mayor's input prior to finalizing a recommendation.

Motion: A motion was made by Mr. Wolke to move to the next meeting action by the Commission regarding the proposed amendments to the Zoning Code. Motion seconded by Mr. Westmeyer.

Discussion on Motion: Mr. Lutz asked about the impact of delaying a recommendation to July 13 on the moratorium on applications for demolitions within the Historic Preservation Overlay District, with Mr. Titterington noting that date will be just prior to the moratorium expiring.

Vote on Motion: Motion passed by unanimous roll call vote.

HISTORIC DISTRICT APPLICATION, 109-111 W. WATER STREET, EXTERIOR PAINT COLORS, OWNER/APPLICANT RANDY KIMMEL. Staff reported: property is zoned B-3 Central Business District; building was constructed in 1863; building is not on the National Register of Historic places; a similar paint scheme was approved 8-26-2015; application is for building to be white (Extra White SW 7006) window and door trim Black of Night SW 6993; front entry doors/window sills/awning Peppercorn SW 7674; building formerly known as The Brewery is currently painted grey and black; and staff recommends approval based on the findings of:

- The colors will compliment neighboring properties and the building;
- The colors do not cover any contributing features;
- The colors will not detract from the historic integrity of the streetscape.

DISCUSSION Mr. Titterington noted the building identification signage and asked if that is part of the application, with staff advising that the application before the commission is only related to the exterior painting and any signage would be a future application.

A motion was made by Mr. Westmeyer, seconded by Mrs. Ehrlich, to approve the exterior paint colors application for 109-111 W. Water Street as submitted based on the exact colors stated in the staff report for the exterior painting, and based on the findings of:

- The colors will compliment neighboring properties and the building;
- The colors do not cover any contributing features;
- The colors will not detract from the historic integrity of the streetscape.

MOTION PASSED, UNANIMOUS VOTE

There being no further business, the meeting adjourned at 4:13 p.m. upon motion of Mrs. Ehrlich, seconded by Mr. Wolke, and approved by unanimous voice vote.

Respectfully submitted,

_____Chairman

_____Secretary

