

A regular meeting of the Troy Planning Commission was held in Council Chambers, City Hall on Wednesday, June 8, 2022, at 3:30 PM with Chairman Alan Kappers presiding. ATTENDING: Members – Wolke, Kappers, McGarry, Ehrlich; Zoning Inspectors Long and Bruner; and Development Director Davis.

APPROVAL OF MINUTES: Upon motion of Mr. Wolke, seconded by Mrs. Ehrlich, the minutes of the May 25, 2022 meeting were approved as amended by unanimous roll call vote.

HISTORIC DISTRICT APPLICATION, 201 E WATER STREET, OVERFIELD TAVERN, EXTERIOR ALTERATION/REPAIRS: REMOVAL AND REPLACEMENT OF 8 LOGS ON THE SECOND STORY; “DUTCHMAN REPAIRS” OF SEVERAL LOGS ON THE FIRST STORY. Staff reported: the hand-hewn log cabin built in 1808; it had been used as a tavern, courthouse, Masonic lodge, and now a museum; building is on the National Register of Historic Places, and has been recognized as an Ohio Historic Landmark. The report further noted:

“between 1995 and 2000, the Overfield Tavern underwent major restorations, which includes the installation of poplar siding that was subsequently painted red, and the painting of hewn logs with white latex paint, along with several interior modifications. The Overfield Tavern Museum conducted an Architectural Assessment Report in 2019. The assessment report identified an accelerated rate of deterioration of the poplar siding located on the west elevation (S. Mulberry Street). Continued exposure of the hewn logs located on the south and east elevation has led to extensive dry rot, that has made the building susceptible to insect damage and birds. Phase one of the revitalization efforts have been completed with the replacement of the wood shingled roof to an imitation wood shingle known as Envirosake that was previously approved by the Planning Commission in February of 2020.

On the August 25, 2021 Planning Commission Meeting, the applicant requested the review of the temporary exterior alterations to the building that included the removal of the poplar siding on the west façade along S. Mulberry Street and partial removal of the white latex paint on the front façade (Water Street) and east façades. The request was made to provide more accessibility to the structural engineer for a full inspection known as Phase 2a of the project. The request was approved with the following conditions:

- Overfield Tavern Museum will provide an update of the findings from the structural engineer by December 21st, 2021.
- This approval is not permitting the final design or material replacement of any elements of the building, rather to provide access for the structural engineer to conduct a complete structural inspection.
- The removal of the white latex paint is conducted using the gentlest method possible, following the Secretary of Interior Standards for the Treatment of Historic Properties.

In October 2021, Midwest Maintenance Inc. removed the existing new-growth poplar siding on the west elevation facing Mulberry Street and the coating of white latex paint on the south elevation facing Water street, revealing the extent of the damage to the log walls. The structural engineer assessed the extent of the damage identifying which logs will need repaired or replaced.

The west elevation logs that were protected by the wood siding are in relatively good condition with minimal repairs needed. The south and east elevations that were covered in latex paint need substantial repairs, including replacement logs.

At the April 13, 2022 Planning Commission meeting, the Planning Commission approved the request for removal and replacement of the second story ledge log and first-story sill logs, exterior repair and replacement logs, and foundation repairs on the south elevation (facing Water Street) with the following conditions:

1. The exterior repairs and foundation work are reviewed and approved by the Miami County Department of Development.
2. The chinking and daubing mortar repairs and replacement will include historically appropriate mixtures;
3. The Sidewalk replacement will be in accordance with the Engineering Department Construction standards, following a final inspection of the concrete work.”

Chris Manning, Executive Director of the Overfield Tavern, is requesting the Planning Commission to consider the exterior alterations/repair of the Overfield Tavern east elevation. The request is for the removal and replacement of eight (8) logs on the second story and dutchman repairs of several logs on the first story.

The replacement logs will consist of old-growth oak and poplar beams recovered from historic barns in the region. These logs will be of the same species as existing and properly seasoned on site prior to installation. Additionally, the logs will be hand-hewn and over 100 years old as they have superior quality and durability over modern farm-raised wood and represent similar tooling techniques as the existing logs. The logs will be rechinked and daubed with an appropriate mortar mix. The “dutchman repairs” also known as “piecing-in” are also being requested. This technique involves the cutting of rotten areas of the wood and stabilization of the adjacent logs, ultimately installing replacement seasoned wood with the similar grain style. These techniques are in conformance with the Secretary of Interior Standards for the Treatment of Historic Properties and the National Park Service Preservation Brief: “The Preservation and Repair of Historic Log Buildings”.

The west elevation repairs (facing Mulberry Street) will occur at a later date and will be brought before the Planning Commission. Staff recommended approval of the application with the following conditions:

1. Exterior repairs are reviewed and approved by the Miami County Department of Development.
2. Chinking and daubing mortar repairs and replacement will include historically appropriate mixtures.”

A motion was made by Mrs. Ehrlich, seconded by Mr. Wolke, to approve the application for 201 E. Water Street as submitted for the exterior alteration/repairs of removal and replacement of 8 logs on the second story; “dutchman repairs” of several logs on the first story with the conditions as recommended by staff that:

1. Exterior repairs are reviewed and approved by the Miami County Department of Development.
2. Chinking and daubing mortar repairs and replacement will include historically appropriate mixtures.

MOTION PASSED, UNANIMOUS VOTE

HISTORIC DISTRICT APPLICATION FOR THE CAROLINE, 5 S. MARKET STREET, FOR REPLACEMENT OF TEN WINDOWS ON THE GROUND FLOOR; OWNER-APPLICANT STEVEN SMITH. Staff reported: property is zoned B-3, Central Business District; building was constructed by W.H.H. Dye in 1871; property is on the National Register of Historic Places; on July 25, 2018, the Planning Commission unanimously approved the request to replace 20 third floor windows with a Windsor Window, Pinnacle Clad Direct Glaze Rectangle with 2” simulated checkrail and 7/8” tall putty SDL 3W3H above and below, measuring at 138 3/8” by 32 1/4” in the color of “Sandstone”; this request is for replacement of ten windows on the first floor with the same manufacturing and design as the previously approved third floor windows; the proposed window design is the Mueller Roofing Distributors “Pinnacle Clad Sandstone 7/8” Standard WDL with Inner Bar”; while this does not follow the Secretary of Interior Guidelines, Planning Commission previously approved matching windows on the third floor of this building; the applicant wishes to balance the first-floor windows with the previously approved third floor windows; and staff recommends approval of the ten (10) first-floor windows with the conditions the replacement will match the design and detail of the third-floor windows and a model window is provided at the meeting.

The applicant was present and provided a model of the window requested. Mr. Smith commented that he plans to request the update to windows on the second floor in the next 3-5 years and advised the Commission that the proposed windows for this application will mirror the look of the windows previously approved, and that the second floor windows will also mirror that same look.

A motion was made by Mr. Wolke, seconded by Mr. McGarry, that the Troy Planning Commission approve the application for the first floor window replacement at 5 S. Market Street based on the application submitted and the window sample shown to the Commission.

MOTION PASSED, UNANIMOUS VOTE

REZONING OF CANFERELLI ANNEXATION, A 2.0 ACRE PARCEL AT 1322 WASHINGTON ROAD, FROM THE COUNTY ZONING OF R-1AAA TO THE CITY ZONING OF R-3, SINGLE-FAMILY RESIDENTIAL DISTRICT. THIS IS TO APPLY A CITY ZONING TO A RECENTLY ANNEXED PROPERTY; OWNER/APPLICANT: NICHOLAS N. CANFERELLI. Staff reported: staff recommends that the recently annexed parcel, Inlot 11514, Parcel ID: D08-107130, be zoned R-3 Single-Family Residential District; the surrounding zoning districts include County zoning of R-1AAA One-Family Residential to the north, County zoning of A-2, General Agriculture to the south and west, and City zoning of R-3 Single-Family to the east. The staff report further noted:

“The Zoning Code describes the proposed R-3 Single-Family Residential District as “designed to accommodate single-family dwellings on lots with areas of at least fifteen thousand (15,000) 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-3 District as low to medium density. 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 but the adjoining City zoning of R-3 Single-Family Residential district exists to the east.

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 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 inside the city limits with the R-3 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 a public hearing as Council is required to hold a hearing and staff recommended that the parcel be rezoned from the County Zoning of R-1AAA One-Family to City Zoning of R-3 Single-Family Residential, based on the following:

- 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 Mrs. Ehrlich, seconded by Mr. McGarry, that the Planning Commission not hold a public hearing on the rezoning request.

MOTION PASSED, UNANIMOUS ROLL CALL VOTE

RECOMMENDATION TO COUNCIL:

A motion was made by Mr. Wolke, seconded by Mrs. Ehrlich, that the Troy Planning Commission recommends to Troy City Council that the property known as the Canferelli Annexation, Inlot 11514, Parcel ID: D08-107130, be rezoned from the County Zoning of R-1AAA to the City zoning of R-3, 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 ROLL CALL VOTE

DEDICATION OF 0.330 OF RIGHT-OF-WAY OF INLOT 7392 AT THE INTERSECTION OF S. DORSET ROAD AND ARTHUR ROAD; OWNER/APPLICANT: GREENVILLE FEDERAL. Staff noted that the request is to dedicate right-of-way along Arthur Road for the property at 1091 S. Dorset Road with a total of 0.330 acres of Inlot 7392 to be dedicated.

A motion was made by Mr. Wolke, seconded by Mr. McGarry, that the Troy Planning Commission recommends to Troy City Council the approval of the Replat of Inlot 7392 and the acceptance of the dedication of 0.330 acres along Arthur Road as right-of-way.

MOTION PASSED, UNANIMOUS ROLL CALL 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 approved 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. 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.

DISCUSSION: Mr. Kappers provided staff with some corrections and clarifications (on pages 1, 11, 15 and 20) and asked that they be included in the drafted provided the Commission for the next meeting. In regard to Penalty Section, staff advised that the Director of Law suggested that be removed from this Section and that penalties will be updated later.

PUBLIC HEARING:

A motion was made by Mr. Kappers, seconded by Mr. Wolke, that the Planning Commission hold a public hearing on the proposed Zoning Code changes to the Historic Preservation Overlay District.

MOTION PASSED, UNANIMOUS ROLL CALL VOTE

There being no further business, the meeting adjourned at 3:48 p.m. upon motion of Mrs. Ehrlich, seconded by Mr. Wolke, and approved by unanimous voice vote.

Respectfully submitted,

_____Chairman

_____Secretary

