

A regular meeting of the Troy Planning Commission was held in Council Chambers, City Hall on Wednesday, July 13, 2022, at 3:30 PM with Chairman Alan Kappers presiding. ATTENDING: Members – Wolke, Kappers, Oda, Titterington, Westmeyer, McGarry, Ehrlich; Zoning Inspectors Eidemiller and Bruner; and Development Director Davis.

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

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

The staff recommendation stated:

“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 provided 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. On July 5, 2022 Council extended the moratorium for an additional 60 days to continue the recommendations to the Troy Planning Commission and City Council.

At the June 22, 2022 Planning Commission meeting, the Planning Commission tabled the recommendation of the Zoning Code changes to allow for all members of the Planning Commission to be present.

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.*

REQUESTED ACTION:

Staff recommends that the Planning Commission provide a positive recommendation to City Council."

DISCUSSION:

Staff commented that a clarification had been made to Section 1143.22 (r) the appeals section.

Mr. Kappers noted that comments were made at the Public Hearing not related to the proposed amendments, but regarding increasing the number of the Commission members and including some criteria for Commission members, and asked if any member wished to address those comments.

Mayor Oda stated she was not at the meeting, but watched the recording, noted there were no comments on the proposed amendments and felt the Commission should move forward on that; regarding membership numbers, does not support any suggested change in membership, compliments are received regarding how well buildings are maintained, downtown occupancy remains at nearly 100%, downtown Troy is a desirable place to be, the Commission and staff work with property owners as well as related agencies, the Commission has and will bring in experts on issues when necessary; she believes the discord is related to the proposed demolition of the old IOOF building, the Commission's recommendation on that demolition application followed the zoning code, alternate solutions were sought for the building but proposed purchasers did not want to follow through, the need the re-establish a Board of Architectural Review (BAR) is unfounded and that board has not existed for decades, and she believes the Planning Commission members are diligent in carrying out their responsibilities.

RECOMMENDATION:

A motion was made by Mayor Oda, seconded by Mr. Westmeyer, that the Troy Planning Commission recommends to Troy City Council that the proposed Zoning Code amendments to the Historic Preservation Overlay District (HP-O) and Procedures for Zoning Appeals be adopted. In making the recommendation, the Commission finds the following as stipulated by the Codified Ordinances of the City of Troy, Ohio (Section 1139.06), this recommendation responds to the following:

(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 will they 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.

MOTION PASSED, UNANIMOUS VOTE

HISTORIC DISTRICT APPLICATION, 210 E. WATER STREET, INSTALLATION OF A 6' TALL PRIVACY FENCE ALONG THE NORTH LOT LINE AND A 6' TALL CHAIN LINK FENCE NEAR THE WEST AND SOUTH LOT LINES; OWNER/APPLICANT MARK WHITE FOR BLINDS BY MARK.

The staff report noted: Property is zoned M-2 Light Industrial District; structure is not on the National Register of Historic Places; it was built by William Hayner in 1899 and sold to the Hayner Distilling Co. the same year; the fence was installed without Planning Commission approval or a fence permit issued by the Development Department; the City of Troy Fence Code permits fences with a maximum height of 8' in industrial zoning districts however are subject to the additional design standards of the Historic District; the Zoning Code 1143.22(f)(9) Standards for Site Improvements "Fences of wrought iron, stone or wood are

encouraged. Privacy fence shall not exceed six (6) feet in height and shall generally be restricted to side and rear yards. Box, chicken wire, chain link and wire fences shall not be allowed.”; the requested chain link does not meet the Zoning Code requirement.; and staff recommends the fence installation application be denied based on the fact that the fence does not meet the standards for site improvements in the HPO per Zoning Code 1143.22 (f) (9).

The applicant and his legal counsel, Joseph Fulker, were in attendance.

DISCUSSION.

Mr. Wolke noted that the petitioner has requested the Commission grant an application that would violate the City’s Ordinances.

Mr. Fulker commented that Mr. White is the sole owner of this business; he understands that the Historic District Overlay Ordinances are to protect, promote the health, safety and general welfare of the public by the proper care of the buildings; Mr. White has met the intent of the Overlay District; the fencing is to protect the property from the neighboring properties, including a soup kitchen whose clients inappropriate use Mr. White’s property and were trespassing on Mr. White’s property; he removed an existing fence with an improved fence; he has cleaned up and improved the property for long-term use and improved property values; the fencing helps protect the warehousing use and provides safe and secure parking; the fence installer was to obtain permits but did not; this is the only industrial property in the historic district; if the property were not in the historic district, it appears that the industrial zoning would allow a fence; the zoning amendments just recommended would remove the prohibition against chain link fencing; and at a minimum a decision should be tabled until Council decides on the proposed Zoning Code-Historic District Overlay amendments.

Mr. White stated he was going to paint the fence black, he has spent a lot of money on the property, and it is unfortunate his contractor did not obtain permits.

Mr. Wolke commented he could sympathize with the applicant, but does not see how the Commission could vote to violate the Ordinance.

Mr. Titterington commented that as the fence has been installed in violation of current ordinances, any proposed amendments would not render an illegal action as grandfathered.

Mr. Davis and Mr. Eidemiller advised that under the design standards that will be established under the proposed zoning amendment recommended at this meeting, chain link fencing would still be prohibited in the Historic District.

Mr. Titterington discussed that this property is within that identified as the “riverfront area”, and the fencing installed would not complement the look and plan for this area; that there may be options to be considered, but he is not in favor of what was installed.

Mr. Kappers commented he is looking at this application as how it would have viewed it if the work had not already been done, he would ask if chain link fence was common to the time of the building construction, and he would comment that the fencing does not seem consistent with the work being done at the Overfield Tavern, a near neighbor to this property.

Mr. Fulker asked what controls the property -the industrial zoning (which would permit the fencing) or the Historic District Overlay District, with Mr. Kappers commenting that he understands it is the Historic District Overlay Zoning.

Mayor Oda asked for confirmation that the Overlay District controls, and was advise that is the case.

Mr. Fulker stated that in a phone call, Mr. Eidemiller advised Mr. Miller that staff would recommend approval if the fence were painted black. Mr. Eidemiller advised that staff would not have recommended such approval and when he spoke with Mr. Miller, that was not his final determination.

Mrs. Ehrlich stated she was sympathetic to why a fence was needed, but it is unfortunate one was installed that does not meet the code. Mr. Miller asked if members had seen the site. Some members noted they has specifically visited the location.

MOTION.

A motion was made by Mrs. Ehrlich, seconded by Mr. Westmeyer, to deny the application for 210 E. Water Street based on the findings of staff that the fence does not meet the standards for site improvements in the HP-O per Zoning Code 1143.22 (f) (9).

MOTION PASSED, UNANIMOUS VOTE

HISTORIC DISTRICT APPLICATION, 120/124 W. CANAL STREET, INSTALLATION OF 24 DOUBLE HUNG WINDOWS, REPLACEMENT OF FOUR DOORS, AND EXTERIOR LIGHTING; OWNER/APPLICANT: CANAL STREET HOLDINGS, LLC, SAM O’NEAL.

The staff report noted: Property is R-5 Single Family Residential District; prior to 2013, the original siding has been covered with gray vinyl siding; multiple windows have been replaced with vinyl on the rear of the property; windows on the west façade have been broken or otherwise damaged due to the overgrowth on the property; applicant is requesting the Planning Commission to consider the installation of a 24 double hung windows, 4 doors, and exterior lighting at the property located at 120/124 W. Canal Street; replacement windows will be Series 8300 2-Lite Slider windows and will match the design of the existing windows; replacement doors will be 4 Masonite HD steel Doors; and staff recommends approval based on the findings of:

- The replacements do not alter the contributing features listed on the OHI form, and;
- The proposed replacements do not detract from the historic integrity of the district.

A motion was made by Mrs. Ehrlich, seconded by Mr. Titterington, that the Troy Planning Commission approve the application for 120/124 W. Canal Street as submitted, based on the exact manufacturer, materials and colors as stated in the application, and based on the finding of staff that:

- The replacements do not alter the contributing features listed on the OHI form, and;
- The proposed replacements do not detract from the historic integrity of the district. **MOTION PASSED, UNANIMOUS VOTE**

REZONE 7.103 ACRES AT 2601 W. MAIN STREET (W. MAIN STREET WEST OF N. KINGS CHAPEL DRIVE) FROM M-2, LIGHT INDUSTRIAL DISTRICT, TO A PLANNED DEVELOPMENT – COMMERCIAL; TROY STORAGE AREA PLANNED DEVELOPMENT; CONSIDER GENERAL PLAN; OWNER/ APPLICANT IS PROFESSIONAL ASSOCIATES, INC.

The staff report noted:

“The applicant Professional Associates Inc., requests a zoning amendment for a Planned Development at 2601 W. Main Street which consists of 7.103 acres and is located on W. Main Street west of N. Kings Chapel Drive. The proposed development consists of multiple principal buildings (storage buildings) on the single lot which led to this Planned Development request. The property is located in the M-2 Light Industrial District.

PROPOSAL

Layout: The Proposed layout includes six total buildings totaling 75,050 square feet that are being proposed for storage units. One building will be climate controlled. The applicant is proposing 91 spaces to be used for outdoor storage or 81,827 square feet. Please see exhibit A.1 for the proposed layout.

Landscaping: A 25’ buffer strip is being provided along the west lot line in between the R-7 Zoning District and the requested PD. Three 6’ tall mounds with 12 Norway Spruce Trees will be in the buffer strip. The buffer strip follows the Zoning Code. Six (6) peripheral trees with complimentary shrubs are being provided for the employee/customer parking along W. Main Street. The trees will be spaced at 40’ increments. 97 Emerald Beauty Arborvitaes are being provided on the south lot line lot line to fully screen the remaining visible buildings and outdoor storage from W. Main Street. This request exceeds the interior parking requirements with 11,937 square feet of landscaping and 36 trees.

Parking: The proposed development will provide 16 employee/customer spaces along W. Main Street. This will exceed the Zoning Code Requirement of 1 space for each (2) employees based on the maximum working period. The employee parking lot will be setback 10' from the public right of way.

Traffic: The City Engineer has reviewed the preliminary plan and the traffic.

Utilities: This development will be served by existing City water and sewer lines. Stormwater calculations will be provided and reviewed prior to requesting the Final Development Plan.

Open Space: The proposed development currently does not meet the 10% open space requirement set forth by the Zoning Code.

Building Materials: The front façades of the buildings will be constructed of brick. The main office building will include a block base and cap with a brick body. The top of the main building will include aluminum decorative tube brackets. The main office building will have the most visibility from W. Main Street.

Signage: The sign package for this development will be brought before the Planning Commission as a part of the Final Development Plan review.

Comprehensive Plan Compliance: The Troy Comprehensive Plan indicates this area to be used for future industrial uses. The proposed uses of the property will follow the Comprehensive Plan. Please see Comprehensive Plan Future Land Use Map Figure 14-1.

GENERAL PLANS STANDARDS:
Section 1145.16 of the Zoning Code requires that Planning Commission review the proposed General Plan and may recommend the General Plan to City Council if it determines that the plan satisfies, at a minimum, all of the following criteria:

- (1) The General Plan should follow to the maximum extent practicable the Comprehensive Plan for the City, taking into account current facts and circumstances; **The Troy Comprehensive Plan indicates the proposed area is for future industrial uses and this request is in compliance with the comprehensive plan.**
- (2) An exemption to conventional zoning is justified because the Comprehensive Plan for the City can be more faithfully and reliably implemented by the use of PD zoning; **The exemption to conventional zoning is justified. The City of Troy Zoning Code does not permit more than one principal building on a property. This property will have six (6) principals storage buildings.**
- (3) The General Plan is compatible with the location, topographic and other characteristics of the site and will bear a beneficial relationship with surrounding land uses in terms of noise, smoke, dust, debris, or other nuisances; **The Plan is compatible with these characteristics as suitable mounding and additional landscaping has been provided to screen the adjacent residential districts and Visibility of W. Main Street.**
- (4) The General Plan is carefully designed to support surrounding streets, utilities and other public improvements; **The General Plan supports surrounding streets and utilities. Stormwater calculations will be provided as a part of the Final Development Plan.**
- (5) The General Plan represents an efficient and economic use of the land in view of the community's need for a balance of land uses; **The property at 2601 W. Main Street has been vacant under the previous ownership since at least 1998. While the proposed development is industrial, this provides a low intensity industrial use for the surrounding properties with minimal truck traffic.**
- (6) All public streets, utilities and services necessary to carry out the General Plan are available to the site, or will be extended or improved by the developer and/or City in time to permit the development to be properly served; **The property currently has existing water, sanitary, and storm-water controls in place.**
- (7) Exception from conventional zoning is warranted by design goals or other criteria and/or the need to provide a variety of development opportunities within the community; **An exemption is warranted from regular zoning. The PD is exceeding Zoning Code requirements with Building Façade design elements and additional landscaping.**
- (8) The design of the development protects natural assets such as streams, wood lots, steep terrain, and other critical environments in the City; **Not applicable in this request.**
- (9) Taken as a whole the development of the proposed PD will have a positive effect on the health, safety, and general welfare of the City; **The proposed PD will create a positive effect on the community with the additional storage locations.**
- (10) The General Plan appears capable of being implemented by a Final Development Plan which meets all requirements of this Section. **The General Plan is capable of implementation by a Final Development Plan.**

ZONING CODE:
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 rezoning would be consistent with the following sections of the Zoning Code:

- 1131.02 (g) "To provide for creatively designed single-use and mixed-use Planned Developments, and to preserve their character and vitality through ongoing regulatory supervision."
- 1131.02 (v) "To provide for thorough, efficient and lawful Code administration."

(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.
No changes in the area have created this rezoning request.

(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 of the property is compatible with the other uses in the immediate vicinity. Industrial uses surround this location to the north and 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.
The proposed PD can and will be served by City water and sewer. All other public services can be provided with the proposed rezoning.

(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, if any, that make a substantial part of such vacant land unavailable for development.
The property is surrounded by available vacant M-2 Light industrial land located to the east along N. Kings Chapel Drive. No special circumstances exist that would make the vacant land unavailable for development.

(F) Whether the proposed amendment would correct an error in the application of this Zoning Code as applied to the subject property.
The proposed amendment would not correct an error in the application of this Zoning Code."

Staff did not recommend the Commission hold a public hearing and recommended approval based on the findings of:

- The PD request complies with comprehensive plan future land use, and;
- The PD complies with the General Plan requirements of Zoning Code 1145.16.

DISCUSSION:
Mr. Wolke stated he would normally oppose turning industrial land into storage, but based on the configuration of this particular lot, he can support the application.
Staff noted that as this is a PD application, this will be reviewed by the Commission two additional times, and there will be more detail for the plan provided then.

PUBLIC HEARING:
A motion was made by Mr. Titterington, seconded by Mr. Wolke, that the Troy Planning Commission not hold a public hearing on the rezoning application to a Planned Development – Industrial for 2601 W. Main Street. **MOTION PASSED, UNANIMOUS VOTE**

RECOMMENDATION:
A motion was made by Mr. Westmeyer, seconded by Mayor Oda, that the Troy Planning recommends to Troy City Council that Inlot 8386, located at 2601 West Main Street, be rezoned from M-2, Light Industrial District, to a Planned Development – Industrial (PD-I), based on the findings of staff that:

- The Planned Development request complies with the Comprehensive Plan future land use for this area.
- The Planned Development complies with the General Plan requirements of the City of Troy Zoning Code Section 1145.16.

MOTION PASSED, UNANIMOUS VOTE

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

Respectfully submitted,

_____Chairman

_____Secretary

