

A regular meeting of the Troy Planning Commission was held in Council Chambers, City Hall on Wednesday, December 8, 2021 at 3:30 PM with Chairman Alan Kappers presiding. ATTENDING: Members – Kappers, Titterington, Ehrlich, Oda, McGarry and Westmeyer – Development Director Davis, Zoning Inspectors Eidemiller and Bruner; City Engineer Rhoades.

APPROVAL OF MINUTES: Upon motion of Mr. Titterington, seconded by Mayor Oda, the minutes of the November 10, 2021 meeting were approved by unanimous vote.

HISTORIC DISTRICT APPLICATION, 224-226 S. MARKET STREET, FOR INSTALLATION OF A 2.6 SQUARE FOOT

BUILDING SIGN; OWNER - INNISFREE ENTERPRISES LLC; APPLICANT - MARK NICHOLS/RESIGNATION RECORDS. Staff reported: Parcel number is : D08-004860 property is zoned B-3, Central Business District; the property owner has provided approval of the application; building was constructed in 1929; this multi-tenant building is permitted to have a total of 100 square feet of building signage with each individual tenant calculated separately based on the frontage they occupy; : applicant is proposing to install a 2.6 square foot building sign measuring 21" x 18" or 2.6 square feet; sign will be constructed of a high-density urethane with colors of Black of Night (SW6993) and Extra White (SW7006); and staff recommends approval based on the findings of:

- The proposed sign will meet the City of Troy Sign Code requirements;
- The proposed sign will not detract from the historic integrity of the building and streetscape.

A motion was made by Mayor Oda, seconded by Mrs. Ehrlich, to approve the application for 224-226 S. Market Street as submitted, based on the high-density urethane material with colors of Black of Night (SW6993) and Extra White (SW7006) included in the application, and based on the findings of staff that:

- The proposed sign will meet the City of Troy Sign Code requirements;
- The proposed sign will not detract from the historic integrity of the building and streetscape.

MOTION PASSED, UNANIMOUS VOTE

HISTORIC DISTRICT APPLICATION, 24 NORTH SHORT STREET FOR A 14 SQUARE FOOT WALL SIGN; OWNER – PRIAM HOLDINGS LLC; APPLICANT – HUFFMAN, LANDIS, WEAKS & WALTERS CO. LPA. Staff reported: Parcel ID: D08-000260, the property is zoned OR-1, Office Residence District; building was constructed around 1880; building is permitted to have 100 square feet of signage; application is for a 48" x 42" (14 square feet) building sign; sign will be a sandblasted HDU with three dimensional letters; colors will be Black: Iron Ore SW7069, Gold: Brittlebush SW 6684, and Grey: Alpaca SW 7022; and staff recommends approval based on the findings of:

- The proposed sign will meet the City of Troy Sign Code requirements;
- The proposed sign will not detract from the historic integrity of the building and streetscape.

A motion was made by Mr. Titterington, seconded by Mr. Westmeyer, to approve the application for 24 N. Short Street as submitted, on the exact sign and color provided in the application of a sandblasted HDU with three dimensional letters; colors will be Black: Iron Ore SW7069, Gold: Brittlebush SW 6684, and Grey: Alpaca SW 7022, and based on the findings of staff that:

- The proposed sign will meet the City of Troy Sign Code requirements;
- The proposed sign will not detract from the historic integrity of the building and streetscape.

MOTION PASSED, UNANIMOUS VOTE

REZONING APPLICATION, INLOT 7392, PARCEL NO. D08-099763, LOCATED ON S. DORSET ROAD AT ARTHUR DRIVE, FROM M-2, LIGHT INDUSTRIAL DISTRICT, TO B-1, LOCAL RETAIL DISTRICT. OWNER - GREENVILLE FEDERAL; APPLICANT - PW CAMPBELL. Staff reported: A request by PW Campbell on behalf of Greenville Federal, property owner, has been submitted for a rezoning application for Inlot 7392, located on S. Dorset Road from M-2 Light Industrial District to B-1 Local Retail District.; the property is located on the northeast corner of the Arthur Drive/S. Dorset Road intersection and is adjacent to 84 Lumber (to the east), Beckstrom Orthodontics (to the north) and Stillwater/Crown (to the west); inlot 7392 consists of 2.484 acres and is currently undeveloped; the proposed use of a financial institution is a permitted use in the B-1 Local Retail District; and the surrounding zoning districts include the B-2 General Business District, M-2 Light Industrial District, and B-1 Local Retail District. Please see the attached map indicating the various surrounding zoning districts. The staff report further noted:

"Chapter 1143.13 of the Zoning Code describes the proposed B-1 Zoning District as "intended to permit the development of retail sales and personal services required to meet the day-to-day needs of an adjacent residential neighborhood. Stores, businesses and offices in this zone should be useful to the majority of the neighborhood residents, should be economically supportable by nearby population, and should not draw community-wide patronage. A grocery store or grocery store/drugstore combination is favored as the principal tenant in a local retail district..."

In general, the B-1 Local Retail District is intended for the grouping of small retail businesses and office uses which are relatively nuisance-free to the surrounding neighborhood.

The Comprehensive Plan's Future Land Use Map displays this area as existing commercial uses that exist to the east and south, industrial uses to the west, and neighboring residential uses to the north.

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 made necessary because of changing conditions in the affected area with the redevelopment of the Troy Business Park to the South, Kroger to the east, and a mixture of residential uses. to the north. The proposed use will not have any adverse effects in the area and is similar to the existing commercial district while complementing and serving the surrounding residential districts.

(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 and commercial uses that currently exist to the immediate vicinity.

(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 are being provided to the reference property.

(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 B-1 zoning classification.

(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. Staff recommended that Planning Commission support the rezoning based on the findings of:

- 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 B-1 district; and
- o The proposed rezoning is consistent with the City of Troy Comprehensive Plan.

PUBLIC HEARING:

A motion was made by Mr. McGarry, seconded by Mrs. Ehrlich, that the Planning Commission not hold a public hearing on the application to rezone Inlot 7392, from M-2 Light Industrial District to B-1 Local Retail District.

MOTION PASSED, UNANIMOUS VOTE

DISCUSSION: Mr. Kappers asked if staff had concern that if the rezoning is approved the lumber yard would be the only area left under M-2 zoning, Staff indicated no concern as the lumber yard is an existing business and there is industrial use to the west.

RECOMMENDATION ON THE REZONING APPLICATION:

A motion was made by Mayor Oda, seconded by Mr. McGarry, that the Troy Planning Commission recommends to Troy City Council that Inlot 7392, Parcel Number D08-099763, located on S. Dorset Road at Arthur Drive, be rezoned from M-2, Light Industrial District, to B-1, Local Retail District, 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 B-1 district; and
- o The proposed rezoning is consistent with the City of Troy Comprehensive Plan. **MOTION PASSED, UNANIMOUS VOTE**

PROPOSED AMENDED SUBDIVISION REGULATIONS. Commissioners had received the proposed amended Subdivision Regulations previously for review. The amended document has been reviewed by the Director of Law and by Planning Commission Chairman Kappers. The City Engineer summarized the modifications to be:

1. The red chapter noted after each black chapter and title notes the existing chapter from which it originated. For example: 1111.01 Purpose. (was 1111.01(includes 1117.07) indicates the proposed Chapter 1111.01 Purpose originated from the existing 1111.01 and includes text from the existing 1117.01. *The final document will remove the reference to the old subdivision regulation chapter/paragraph.*
2. 1111.06 Definitions combined all definitions
 - a. Kept definition of Approval Authority and modified the definition of Authorized Agent to be the Director of Public Service and Safety or designee. The City Engineer would be his designee. The entire document was reworded to reference Authorized Agent and not City Engineer.
 - b. Clarified the "Easement" definition and combined references found throughout the existing regulations.
3. 1113.03 Time Limitations
 - a. Reworded the document to say that each section of a subdivision can take up to 2 years. Existing says ALL section of prelim plan need to be filed for final within 2 years, proposed EACH section
 - b. Modified the terms for placing top course to after 75% of houses are built versus 50% built.
4. 1113.07 Disclaimer of Liability
 - a. Provided clarification as to when the city accepts liability of the improvements.
5. 1113.09 Conformity, Completion and Maintenance Required.
 - a. The reference to public improvements added "(with sidewalks)" to clarify sidewalks are public improvements that are required to be included in a performance guarantee.
6. 1113.10 Penalty
 - a. Combined existing sections into a single chapter in the proposed regulation.
7. 1115.03 Review Fees and Recording Procedures for Minor Subdivisions
 - a. Modified to include approval and execution by City Council, Planning Commission and/or City Engineer, as applicable.
8. 1121.05 Non-City Utilities
 - a. Lighting options are further defined.
9. 1115.02 Information to be Contained in the Final Record Plat
 - a. Combined two existing sections presenting the same information.
 - b. Added cluster mailboxes in accordance with United States Postal Service
10. 1117.02 Preliminary Plan Requirements
 - a. Language inserted regarding the approval of developments in accordance with ORC Section 711.09.
11. 1123 Stormwater Management
 - a. Updated as required by Ohio EPA.
12. 1127 Construction Plans, Inspection and Final City Acceptance
 - a. Sorted and reorganized various sections into a new chapter
13. 1127.08 City Acceptance Requirements for Maintenance Guarantee and 1127.09 Final City Inspection and Acceptance
 - a. Combined acceptance into maintenance period and final subdivision section acceptance for clarification.
14. Construction standards were removed from the subdivision regulations. Examples are the following:
 - a. Appendix A Street Standards reiterated the City Construction Standards.
 - b. Proposed material and depth of water main was removed from the subdivision regulations because that can be found in construction standards.
 - c. Sidewalk standards have been changed to 5 feet due to ADA compliance.

DISCUSSION: It was explained that timing of how long the Commission has to approve a plat has been clarified to provide a developer with two options: 1 – The developer submits all work fully completed and in order, up front, with the Commission then having a 30 day period for consideration and action on a plat; or 2 – Developer files a completed preliminary plan, then completes all other required work later, with the application indicating that if the developer selects option 2, the 30 day period for action by the Commission is then waived.

Mr. Kappers asked if Mr. Wolke, who was absent, had submitted any concerns. Mr. Titterington stated that Mr. Wolke spoke with him and had a couple of questions, and then indicated he had no concerns with the document as proposed.

A motion was made by Mr. Westmeyer, seconded by Mayor Oda, that the Planning Commission recommends to Troy City Council that the proposed Amended Subdivision Regulations be adopted. **MOTION PASSED, UNANIMOUS VOTE**

NEXT MEETING: The next regular meeting would be December 22. Several members indicated they would be available to meet if there were agenda items.

There being no further business, the meeting adjourned at 3:41 p.m. upon motion of Mr. Westmeyer, seconded by Mr. Titterington.

Respectfully submitted,

Chairman

Secretary