



**TROY CITY COUNCIL
COMMITTEE MEETING
COUNCIL CHAMBERS, CITY HALL
100 S. Market Street, Troy, Ohio**

MONDAY, JUNE 27, 2022, 6:00 PM

Community & Economic Development Committee

(Schilling [Chm.], Pierce, Snee)

1. Provide a recommendation to Council regarding Ordinance No. O-31-2022, Rezoning of 408 & 410 N Elm Street (Parcels D08-250712 & D08-250710) from R-6, Two-Family Residential District, to OR-1, Office Residential District.
2. Provide a recommendation to Council regarding moratorium of 60 days commencing July 15, 2022 on the acceptance of new applications for certificates of appropriateness to allow demolitions (except immediate demolitions related to public safety concerns) in the City of Troy Historic Preservation Overlay District. Consideration of emergency legislation is requested so that there is no break in the time period of the moratorium.

Safety & Health Committee

(Twiss [Chm.], Marshall, Whidden)

1. Provide a recommendation to Council regarding authorizing the Director of Public Service and Safety to execute a Memorandum of Understanding (MOU) with the FOP, OLC Troy Police Officers Association regarding lateral transfers and establishing a Police Recruit position and amend the Salary Ordinance for that bargaining unit to establish the Police Recruit position. So that the MOU can be executed without delay and the wage established, consideration of emergency legislation is requested.

6-24-2022

cc: Mayor
Mr. Titterington
Mr. Kerber
Mr. Frigge, Departments, Media

**COMMUNITY &
ECONOMIC
DEVELOPMENT
COMMITTEE**

1st 6-6
24th 6-20

①

ORDINANCE No. 0-31-2022

Dayton Legal Blank, Inc.

**AN ORDINANCE CHANGING THE ZONING OF
PARCEL NUMBERS D08-250712 AND D08-250710
IN THE CITY OF TROY, OHIO FROM R-6, TWO-
FAMILY RESIDENTIAL DISTRICT, TO OR-1, OFFICE
RESIDENTIAL DISTRICT**

WHEREAS, a request for a zoning change was presented to the Planning Commission of the City of Troy, Ohio to rezone Parcel Number D08-250712 (408 North Elm Street) and Parcel Number D08-250710 (410 North Elm Street) from R-6, Two-Family Residential District, to OR-1, Office Residential District; and

WHEREAS, the Planning Commission of the City of Troy, Ohio, has reviewed the plan and recommended approval; and

WHEREAS, at least thirty days notice of the public hearing of said change has been provided in a newspaper of general circulation.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Troy, Ohio as follows:

SECTION I: That the zoning of Parcel Number D08-250712 (408 North Elm Street) and Parcel Number D08-250710 (410 North Elm Street) from R-6, Two-Family Residential District, to OR-1, Office Residential District, be approved.

SECTION II: That this Ordinance shall be effective at the earliest date allowed by law.

Adopted: _____

President of Council

Approved: _____

Attest: _____

Clerk of Council

Mayor



TROY PLANNING COMMISSION

MEMORANDUM

TO: Mr. Lutz President, Troy City Council
FROM: Sue Knight, for the Troy Planning Commission
DATE: May 18, 2022
SUBJECT: **PROPOSED REZONING - 408 N. ELM STREET (PARCEL D08-250712) AND 410 N. ELM STREET (PARCEL D08-250710) FROM R-6, TWO-FAMILY RESIDENTIAL DISTRICT, TO OR-1, OFFICE RESIDENTIAL DISTRICT**

On May 11, 2022, the Troy Planning Commission considered the rezoning of 408 N. Elm Street (Parcel D08-250712) and 410 N. Elm Street (Parcel D08-250710) from R-6, Two-Family Residential District, to OR-1, Office Residential District. The property owner is We Love Birthday Parties, with the application submitted by Shelly Calvert, Executive Director. The applicant indicated that the proposed use is office space for the nonprofit organization, We Love Birthday Parties, as well as offering monthly birthday parties.

The Planning Commission determined not to hold a public hearing on this rezoning application.

By unanimous vote, the Troy Planning Commission recommends to Troy City Council that 408 N. Elm Street (Parcel D08-250712) and 410 N. Elm Street (Parcel D08-250710) be rezoned from R-6, Two-Family Residential District, to OR-1, Office Residential District, based on the findings of staff that:

- 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 while acting as a transition from the commercial districts to the residential properties;
- The use is consistent with permitted uses in the OR-1; and
- The proposed rezoning is consistent with the City of Troy Comprehensive Plan.

Attached is a copy of the information reviewed by the Commission. This request is forwarded herewith to Council for consideration.

The Public Hearing before Council has been set for the January 18 meeting of Council.

encl.

MEMORANDUM

TO: City of Troy Planning Commission Members

FROM: Austin Eidemiller, Planning and Zoning Manager

DATE: May 11, 2022

SUBJECT: Map Amendment (Rezoning) Request – 408 & 410 N. Elm Street (Parcel ID: D08-250710 & D08-250712)

BACKGROUND:

A request by Shelly Calvert, on behalf of We Love Birthday Parties LLC, for the Planning Commission to consider the rezoning of 408 N. Elm Street and 410 N. Elm Street, Parcel ID: D08-250710 and D08-250712, from R-6 Two-Family Residential to OR-1 Office Residential District. The properties are located on N. Elm Street south of Atlantic Street and North of Fountain Street.

The total 0.26 acres has a proposed use of office and open space for birthday party rentals. The surrounding zoning districts include the B-2 General Business District to the north and east and R-6 Two-Family Residential to the south and west. Please see attached Zoning Map.

DISCUSSION:

The subject properties have held a variety of uses, most recently occupied by the Courts of Praise Church, and has not been utilized as a residential structure. The flexible uses in the OR-1 Zoning District allow for the continued usage as a non-residential property while acting as a buffer for the existing residential properties to the adjacent commercial zoning district.

Chapter 1143.11 of the Zoning Code describes the proposed OR-1 Zoning District as “designed to accommodate a mixture of residential and office uses. Medium intensity residential and office uses are permitted with a lot area requirement of three thousand (3,000) square feet per dwelling unit. Residential and office uses may be mixed in the same building or structure. A variety of personal service uses which are compatible with the other uses of the "OR-1" Office-Residence District are permitted. This district is mapped along major thoroughfares, near hospitals and as a transitional area between commercial and residential uses.”

The Comprehensive Plan’s Future Land Use Map (Figure 14-2) displays this area as commercial and residential uses. A copy of Figure 14-1 has been attached to this report.

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 as this property acts as a transition from the commercial properties to the north, to the residential properties to the south.

(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 not made necessary because of changing conditions in the affected area. The proposed use will not have any adverse effects in the area and is similar to the low intensity commercial uses that currently exist.

(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 with adjacent properties in 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 request 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 OR-1 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.

PUBLIC HEARING:

Due to the straight forward nature of the rezoning request, the compliance with the City of Troy Comprehensive Plan, and the fact that City Council is required to hold a public hearing if the request proceeds on, staff does not feel that a public hearing before the Planning Commission is warranted.

RECOMMENDATION:

Staff suggests the Planning Commission provide a positive recommendation to City Council for the proposed rezoning from R-6 Two-Family Residential to OR-1 Office Residential District, based on the following:

- The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code; and
- The proposed rezoning is consistent with the surrounding zoning districts while acting as a transition from the commercial districts to the residential properties; and
- The use is consistent with permitted uses in the OR-1; and
- The proposed rezoning is consistent with the City of Troy Comprehensive Plan.

408-410 N ELM ST

Atlantic Street

Harrison Street

N Elm Street

Fountain Street

410

408



1 INCH = 100 FEET






E+ED

2

MEMORANDUM

TO: Mr. Lutz, President of Council

FROM: Patrick E. J. Titterington, Director of Public Service and Safety 

DATE: June 23, 2022

SUBJECT: **MORATORIUM RELATED TO ACCEPTANCE OF NEW APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS TO ALLOW DEMOLITION IN THE HISTORIC PRESERVATION OVERLAY DISTRICT**

RECOMMENDATION:

That Council authorizes the extension of Ordinance No. O-22-2022, a moratorium on the acceptance of new applications for certificates of appropriateness to allow demolitions in the City of Troy Historic Preservation Overlay District.

BACKGROUND:

On November 15, 2021 City Council adopted a moratorium of 180 days on the issuance of certificates of appropriateness to allow demolition or removal of an historic or contributing property (except immediate demolitions related to public safety concerns) in the City of Troy Historic Preservation Overlay District. That period was through May 14, 2022. The purpose was to allow staff to research and provide recommendations to Planning Commission and then to Council regarding any amendments to provisions.

As additional time was needed for staff work, in April Council adopted a new 60 day moratorium to commence May 15, 2022. That moratorium expires July 14, 2022.

At this time, Planning Commission is reviewing proposed amendments to the Ordinances regarding the Historic Preservation Overlay District, and it is anticipated that a recommendation will be forwarded to Council in the coming weeks. However, as that will be after the expiration of the current moratorium, and any amendments will require a public hearing by Council, it would be appropriate to extend the moratorium for a period that would commence July 15, 2022 for a 60-day period (ending September 13, 2022), or at such time as amending legislation is adopted, whichever date is earliest.

REQUESTED ACTION:

It would be appreciated if you would assign to a Committee of Council consideration of authorizing a moratorium extension of 60 days commencing July 15, 2022 on the acceptance of new applications for certificates of appropriateness to allow demolitions (except immediate demolitions related to public safety concerns) in the City of Troy Historic Preservation Overlay District as discussed herein. Consideration of emergency legislation is requested so that there is no break in the time period of the moratorium.



SAFETY & HEALTH COMMITTEE



MEMORANDUM

TO: Mr. Lutz, President of Council
FROM: Patrick E. J. Titterington, Director of Public Service and Safety
DATE: June 23, 2022
SUBJECT: **MOU WITH FOP, TROY POLICE OFFICERS, REGARDING LATERAL TRANSFERS AND ESTABLISHING POLICE RECRUIT POSITION**

RECOMMENDATION:

That Council authorizes the Director of Public Service and Safety to execute a Memorandum of Understanding (MOU) with the FOP, OLC (Troy Police Officers Association) regarding lateral transfers and establishing a Police Recruit position.

BACKGROUND:

In order to be more competitive in recruiting and hiring qualified police officers, the City has been meeting with representatives of the Police Officers bargaining unit and have reached agreement regarding:

1. Establishing a Police Recruit position for a candidate who has not yet received OPATA certification and needs to attend an academy or receive additional training to become OPATA certified. The 2022 rate for the position would be \$20.00 per hour, and candidates would be hired on a temporary basis as determined by the Director of Public Service and Safety.
2. Permit the Director of Public Service and Safety to establish the starting rate above the entry level pay for a Police Officer appointee in recognition of the appointee’s prior qualified service with another police agency, with such rate being less than the highest level police officer pay.

REQUESTED ACTION:

It would be appreciated if you would assign to a Committee of Council consideration of authorizing the Director of Public Service and Safety to execute a MOU with the FOP, OLC Troy Police Officers Association regarding lateral transfers and establishing a Police Recruit position and amend the Salary Ordinance for that bargaining unit to establish the Police Recruit position. So that the MOU can be executed without delay and the wage established, consideration of emergency legislation is requested.

