



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

**MONDAY, JUNE 12, 2023, 6:00 PM**

**Community & Economic Development Committee**

**(Schilling [Chm.], Pierce, Snee)**

1. Provide a recommendation to Council regarding the recommendation of the Troy Planning Commission regarding Ordinance No. O-28-2023, rezone 58.093 acres at 3054 W. SR 55 from County Zoning of A-2, General Agriculture District to the City Zoning of R-5, Single-Family Residence District
2. Provide a recommendation to Council regarding extending the moratorium on self-storage facilities by another 90 days, to Nov. 3, 2023

**Finance Committee**

**(Severt [Chm.], Phillips, Rozell)**

1. Provide a recommendation to Council regarding amending the Fee Schedule to establish a \$5 fee for larger refuse collection totes

**Streets & Sidewalks Committee**

**(Phillips [Chm.], Pierce, Snee)**

1. Provide a recommendation to Council regarding authorizing the Director of Public Service and Safety to advertise for bids and enter into a contract for the 2023 Sidewalk Replacement Program in an amount not to exceed \$310,000
2. Provide a recommendation to Council regarding the West Main Street Improvement Project to authorize the Director of Law and the Director of Public Service and Safety to file necessary paperwork for the appropriation of the following parcel;
  - 0.075 acres for a temporary easement of the 0.9141 acre Parcel D08-099900, in the name of McDonald's Real Estate Company.Based on the need to proceed with the appropriations process immediately to meet the timeline to receive funding, consideration of emergency legislation is requested

Other Committees/Items may be added.

6-9-2023

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

COMMUNITY &  
ECONOMIC DEVELOPMENT  
COMMITTEE

ORDINANCE No. O-28-2023

Dayton Legal Blank, Inc.

**AN ORDINANCE CHANGING THE ZONING OF 58.093  
ACRES OF INLOT 11550, PARCEL NUMBER D08-107388  
IN THE CITY OF TROY, OHIO, FROM THE MIAMI  
COUNTY ZONING OF A-2, GENERAL AGRICULTURE, TO  
THE CITY ZONING OF R-5, SINGLE FAMILY RESIDENCE  
DISTRICT**

**WHEREAS**, a request for a zoning change was presented to the Planning Commission of the City of Troy, Ohio to rezone 58.093 Acres of Inlot 11550, Parcel Number D08-107388, located at 3054 West SR 55, Troy, Ohio, from the County zoning of A-2, General Agriculture, to the City zoning of R-5, Single-Family 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 58.093 Acres of Inlot 11550, Parcel Number D08-107388, located at 3054 West SR 55, Troy, Ohio, as shown in the legal description attached hereto as Exhibit A and made a part hereof, is hereby changed from the County zoning of A-2, General Agriculture, to the City zoning of R-5, Single-Family Residential District.

**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

EXHIBIT A

**PARCEL 4 DESCRIPTION**

**Containing 58.093 Acres**

Situate in Section 36, Town 7, Range 5 East, in the Township of Concord, County of Miami and State of Ohio, and being 58.093 acres out of a 101.961 acre tract, conveyed to Ann Huegel and Charles E. Isern, as recorded in Instrument #2014OR-12378 of the Miami County, Ohio Records, more particularly described as follows:

**BEGINNING** at the southeast corner of the southeast quarter of section 36, and being a point on the centerline of Nashville Road, and the southeast corner of a tract of land conveyed to Kurt D. and Debbie S. Weikert, as recorded in Deed Book 614-681, and the northeast corner of a tract of land conveyed to Peter J. and Judy N. Zelnick, as recorded in Deed Book 592-474, and on the west line of a tract of land conveyed to J. Randolph Mott and Joseph Camer, Co-Trustee, as recorded in Deed Book 787-633;

Thence with the south line of said southeast quarter of section 36, and with the northerly line of said Peter J. and Judy N. Zelnick tract, North 89° 54' 45" West, a distance of 221.68 feet (passing a found 5/8 inch Iron Pin with no cap found at 28.20 feet) to the **TRUE POINT OF BEGINNING**;

Thence with said south line of the southeast quarter of section 36, and said north line of Peter J. and Judy N. Zelnick tract, and in part with the north line of a tract of land conveyed to Keith E. and Traci L. Kropp, as recorded in Instrument #2019OR-05856, North 89° 54' 45" West, a distance of 1433.55 feet to a set Iron Pin at the southeast corner of a tract of land conveyed to Charles Edward Isern and Ann Louise Huegel, as recorded in Instrument #2012OR-08834;

Thence with the east line of said Charles Edward Isern and Ann Louise Huegel tract, North 00° 00' 36" West, a distance of 1198.12 feet (passing a set Iron Pin found at 1165.02 feet) to a set Mag Nail on the centerline of said State Route 55;

Thence with said centerline of State Route 55, North 64° 59' 41" East, a distance of 1821.02 feet to a set Mag Nail at the centerline intersection of Nashville Road and State Route 55, and on the east line of the southeast quarter of section 36;

Thence with said centerline of Nashville Road, and said east line of the southeast quarter of section 36, and with the west line of Inlots 9253 through 9256 of Pamela Subdivision Section 1, as recorded in Record Plat Book 10, Page 18, South 00° 08' 54" East, a distance of 1570.74 feet to a set Mag Nail on the northeast corner of the aforementioned lands of Kurt D. and Debbie S. Weikert tract;

Thence with the north line of said Kurt D. and Debbie S. Weikert tract, South 89° 26' 52" West, a distance of 224.83 feet (passing a found 1 inch Iron Pipe found at 29.31 feet) to a found 1 inch Iron Pipe at the northwest corner of said Kurt D. and Debbie S. Weikert tract;

Thence with the west line of said Kurt D. and Debbie S. Weikert tract, South 00° 36' 08" East, a distance of 397.19 feet to the **TRUE POINT OF BEGINNING**;

Containing **58.093 total acres** more or less, and subject to all covenants, restrictions, reservations and easements contained in any instrument of record pertaining to the above described tract of land.

All Iron Pins called to be set are 5/8" x 30" Iron Rebars with a cap stamped "CESO INC".

Bearings based upon the Ohio North State Plane Coordinate System (NAD 83). Coordinates scaled to ground at Latitude N40°00'51.28096", Longitude W84°15'34.75168" at a height of 798.426 feet, with a ground scale factor of 1.00004189878668, based on an actual field survey performed by CESO Inc. in September of 2022.

CESO, Inc.

Sean T Brooks, PS  
Registered Surveyor No. 8828

Date:





## TROY PLANNING COMMISSION

### MEMORANDUM

**TO:** Mr. Lutz President, Troy City Council  
**FROM:** Sue Knight, for the Troy Planning Commission  
**DATE:** May 6, 2023  
**SUBJECT:** **PROPOSED REZONING - 58.093 ACRE PORTION OF THE ISERN-HUEGEL ANNEXATION FROM THE COUNTY ZONING OF A-2, GENERAL AGRICULTURE, TO THE CITY ZONING OF R-5, SINGLE FAMILY RESIDENCE DISTRICT**

On April 26, 2023, the Troy Planning Commission considered the rezoning 58.093 acres of the property known as the Isern-Huegel Annexation from the County zoning of A-2, General Agriculture, to the City Zoning of R-5, Single-Family Residence District. The area proposed to be rezoned is part of Parcel D08-107388, located on West Market Street, west of Nashville Road, with an address of 3054 West SR 55. The property owners are Ann Huegel and Charles Isern; the applicant is DDC Management, LLC.

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

By a vote of six to one, the Troy Planning Commission recommends to Troy City Council that 58.093 acres of the property known as the Isern-Huegel Annexation (part of Parcel D08-107388, located on West Market Street, west of Nashville Road, with an address of 3054 West SR 55) re rezoned from the County zoning of A-2, General Agriculture, to the City Zoning of R-5, Single-Family Residence District, based on 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;
- The use is consistent with permitted uses in the R-5 district.

The no vote was cast by Mr. Kappers.

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 June 5 meeting of Council.

encl.

**MEMORANDUM**

**TO:** City of Troy Planning Commission Members

**FROM:** Taylor Bruner, Zoning Inspector

**DATE:** April 26, 2023

**SUBJECT:** Huegel Isern Annexation – Rezoning Request

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**BACKGROUND:**

A request by Kirk Ridder, DDC Management LLC, for the planning commission to consider the rezoning of W. Market Street, Parcel ID: C06-043000, Part Inlot 11550 (58.093 acres) from City Administered County Zoning to R-5 Single Family Residential. The property is located on W. Market Street west of Nashville Road (Edgewater Subdivision). The property is currently zoned City Administered County Zoning due to annexation (O-4-2023).

The land is currently used as agriculture and located west of the Edgewater Subdivision. The surrounding zoning districts include: R-4 Single Family, Planned Unit Development, and R-2 Single Family Residential to the east. County Zoning of A-2 General Agriculture is present to the west, north, and south. Please see attached Zoning Map.

**DISCUSSION:**

The Zoning Code describes the proposed R-5 zoning district as “designed to accommodate single-family dwellings on lots with areas of at least six thousand (6,000) 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-5 District as high density”.

The Comprehensive Plan’s Future Land Use Map (Figure 14-5) displays this property as future industrial with a Neighborhood Commercial portion on the realigned Nashville/Wilson Road. However, it is important to note that the Comprehensive Plan was adopted in 2005 and is currently in the process of being updated. The Comprehensive Plan states “General residential is indicated south of Swailes Road and Nashville Road because of existing residential development and poor access to major roads or to I-75, these areas are most suitable for residential development to commensurate with City housing needs..”

A copy of Figure 14-5 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.

*(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 residential uses that currently exist to the north and east.

*(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 to the east in the Kensington Subdivision and northeast in the Edgewater Subdivision.

*(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 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 unavailable vacant land for development with the R-5 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.

**PUBLIC HEARING:**

Due to the straight forward nature of the rezoning request, the compliance with the intent of the Zoning Code, 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:**

It is staff's opinion that the proposed rezoning will achieve the desired development. However, the Comprehensive Plan identifies this area as future industrial, future residential is referenced directly to the north and south of the referenced property. Due to the age of the 2005 Comprehensive Plan future industrial development is not warranted based on the current surrounding uses. Additionally, the Comprehensive Plan does not clearly define the boundaries of the future industrial development. The intent of the R-5 zoning district is to be mapped for selected areas of which will develop in the future. The Zoning Code also has transitional districts that are intended to be used as a buffer between residential and industrial districts.



Taylor Bruner  
Zoning Inspector  
taylor.bruner@troyohio.gov

Staff is recommending that the Planning Commission recommend approval of the proposed rezoning from City Administered County Zoning to R-5 Single-Family Residential, based on the following:

1. The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code; and
2. The proposed rezoning is consistent with the surrounding zoning districts; and
3. The use is consistent with permitted uses in the R-5 district.

# Zoning Map

00-1

Wooden Lane

Arbor Lane

Parkview Drive

Parklawn Court

## Pond View Drive

Edgewater Drive

Shady Tree Drive

Wilson Road

State Route 55

Manor Court

W. Market Street

Fieldbrook Court

Kenton Way

Worthington Drive

Southside Drive

Renwick Way

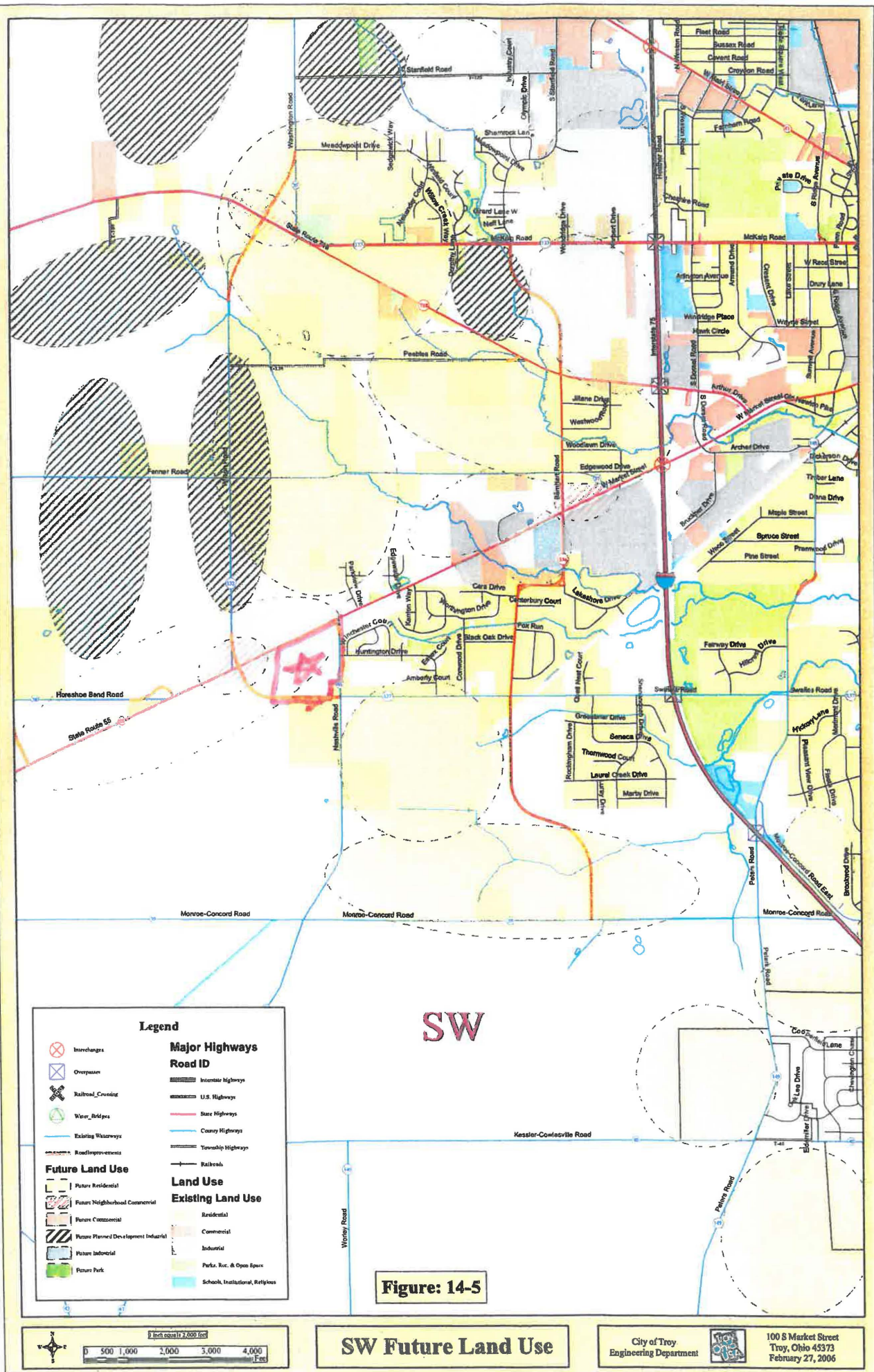
Huntington Drive

Chatham Drive

Edinburgh Drive

**Swales Road**

NORTH



Scheduled Planning Commission Meeting  
(Held every 2<sup>nd</sup> and 4<sup>th</sup> Wednesday of the month at 3:30 p.m.)

Date Requested: March 8, 2023

Applicant(s) scheduled on the agenda will be notified

Office Use Only

Date Filed \_\_\_\_\_  
Accepted by \_\_\_\_\_  
Filing Fee Pd. \_\_\_\_\_  
Receipt # \_\_\_\_\_

APPLICATION IS DUE TWO (2) WEEKS PRIOR TO MEETING

## APPLICATION FOR ZONING AMENDMENT CITY OF TROY PLANNING COMMISSION

(MUST BE TYPED OR PRINTED LEGIBLY IN BLACK INK)

(READ SECTION 1139 OF THE ZONING CODE BEFORE COMPLETING APPLICATION)

An application for an amendment to the City of Troy, Ohio Zoning Code that would change the zoning classification for the property located at 3054 W SR 55 Troy, OH 45373 - To Be Subdivided

being lot number(s) C06-043000 - To Be Subdivided from A-2 - General Agriculture to R-5  
(Parcel Identification Number) (Street Address) (Existing Zoning Classification) (Proposed Zoning Classification)

### OWNER

Name ANN HUEGEL & CHARLES E ISERN/ Broker - Patrick Coleman  
Address 648 Gamewell Drive  
City Miamisburg  
State Ohio  
Zip Code 45342  
Phone No. 937-477-3746 (Owner's Broker)  
Fax No. N/A  
Email pcoleman174@gmail.com

### APPLICANT

Name DDC Management, LLC  
Address 3601 Rigby Rd. Suite 300  
City Miamisburg  
State Ohio  
Zip Code 45342  
Phone No. 937.421.8806  
Fax No. N/A  
Email kirk.ridder@ddcmgmt.com

The applicant is the Land Developer (Single Family Subdivision) of the property, which is subject to this application.  
(State the interest of the applicant)

### PLEASE PROVIDE THE FOLLOWING:

1. The reasons for seeking a change in the zoning classification or zoning text: Attach as **EXHIBIT "A"**.
2. The legal description of the land proposed to be reclassified: Attach as **EXHIBIT "B"**.
3. A site plan prepared by a registered engineer, surveyor or architect in duplicate drawn to such scale as to clearly show:
  - a. The actual dimensions of the subject property according to the recorded plat of such property, lot numbers, it's present zoning classification, existing and proposed uses: Attach as **EXHIBIT "C"**.
  - b. The present zoning classification of all surrounding lands located within two hundred and fifty (250) feet of the land proposed to be reclassified: Attach as **EXHIBIT "D"**.
  - c. A list (see example) of the names, addresses, and lot numbers of the owners of property within a radius of two hundred and fifty (250) feet from the parcel or parcels of land proposed to be reclassified: Attach as **EXHIBIT "E"**
    - i. Include one (1) copy of County Tax Maps
    - ii. Include two (2) sets of mailing labels
4. 2 complete sets (Exhibits A-E) reproducible in a format no larger than 11"x17"
5. Filing Fee of \$250.00 made payable to the City of Troy

I HEREBY DEPOSE AND SAY THAT THE ABOVE STATEMENTS AND THE STATEMENTS CONTAINED IN ALL THE EXHIBITS PREPARED BY ME AND TRANSMITTED HERewith ARE TRUE.

Kristi Riddler

(Applicant Signature)

Subscribed and sworn to before me this 26 day of January, 2023

My Commission Expires 09-13-2025  
(Month/Date/Year)

Jamie Melson



(For Office Use Only - Do Not Write Below This Line)

**REQUIRED DOCUMENTS:**

- |                          |            |                                                                                    |
|--------------------------|------------|------------------------------------------------------------------------------------|
| <input type="checkbox"/> | EXHIBIT A  | Reasons for Zoning Reclassification                                                |
| <input type="checkbox"/> | EXHIBIT B  | Legal Description                                                                  |
| <input type="checkbox"/> | EXHIBIT C  | Site Plan: lot dimensions, lot numbers, current zoning, existing and proposed uses |
| <input type="checkbox"/> | EXHIBIT D  | Site Map with Zoning & Owners within 250 feet of parcel                            |
| <input type="checkbox"/> | EXHIBIT E  | Property Owners List within 250 feet of parcel                                     |
| <input type="checkbox"/> | Labels     | Two (2) Sets of Mailing Labels of Property Owners                                  |
| <input type="checkbox"/> | Copies     | (1) Complete Sets in a reproducible format 11"x17"                                 |
| <input type="checkbox"/> | Map(s)     | One (1) County Tax Map(s)                                                          |
| <input type="checkbox"/> | Filing Fee | Check issued to City of Troy for \$250.00                                          |

Additional Documentation (List):

**PLANNING COMMISSION DISPOSITION:**

PUBLIC HEARING DATE

RECOMMENDATION TO CITY COUNCIL

**CITY COUNCIL DISPOSITION:**

1<sup>st</sup> Reading: 2<sup>nd</sup>: 3<sup>rd</sup>: PUBLIC HEARING DATE

COUNCIL COMMITTEE RECOMMENDATION

Approved: Denied: CITY COUNCIL ACTION

Ordinance Number:

Effective Date:

Revised 10/25/11

### **Exhibit A – Reasons for Zoning Reclassification**

DDC Management, LLC is requesting a zoning reclassification from A-2 - General Agriculture (Current Township Zoning) to R-5, to allow for a new, detached single-family residential subdivision. Located at the SW corner of OH-55 and Nashville Road, the property is approximately 58.09+/- acres and the current land use includes farming and a dilapidated barn. The surrounding land-use context includes large farming tracts to the west, north and south, and an existing residential subdivision to the east (Kensington Park).

At full build-out, there is expected to be 194+/- new homes in the subdivision, resulting in a density of 3.34 units/acre. The amount of open space proposed is 12.14 acres (20.9%) and we are open to dedicating the open space, or a portion, to the City for public use.

Thank you for your consideration.

Sincerely,

Kirk Ridder  
Entitlement Project Manager  
DDC Management, LLC.

## EXHIBIT A

### PARCEL 4 DESCRIPTION

Containing 58.093 Acres

Situate in Section 36, Town 7, Range 5 East, in the Township of Concord, County of Miami and State of Ohio, and being 58.093 acres out of a 101.961 acre tract, conveyed to Ann Huegel and Charles E. Isern, as recorded in Instrument #2014OR-12378 of the Miami County, Ohio Records, more particularly described as follows:

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Bearings based upon the Ohio North State Plane Coordinate System (NAD 83). Coordinates scaled to ground at Latitude N40°00'51.28096", Longitude W84°15'34.75168" at a height of 798.426 feet, with a ground scale factor of 1.00004189878668, based on an actual field survey performed by CESO Inc. in September of 2022.

CESO, Inc.

Sean T Brooks, PS  
Registered Surveyor No. 8828

Date:





1000 N. 10th St., Suite 100  
Troy, NY 12182  
Phone: 518.261.1000 Fax: 518.261.1001



DDCM MANAGEMENT LLC.

TROY SITE

NARVILLE ROAD  
TROY, NY 12182

Revisions / Submissions

1 Description Date

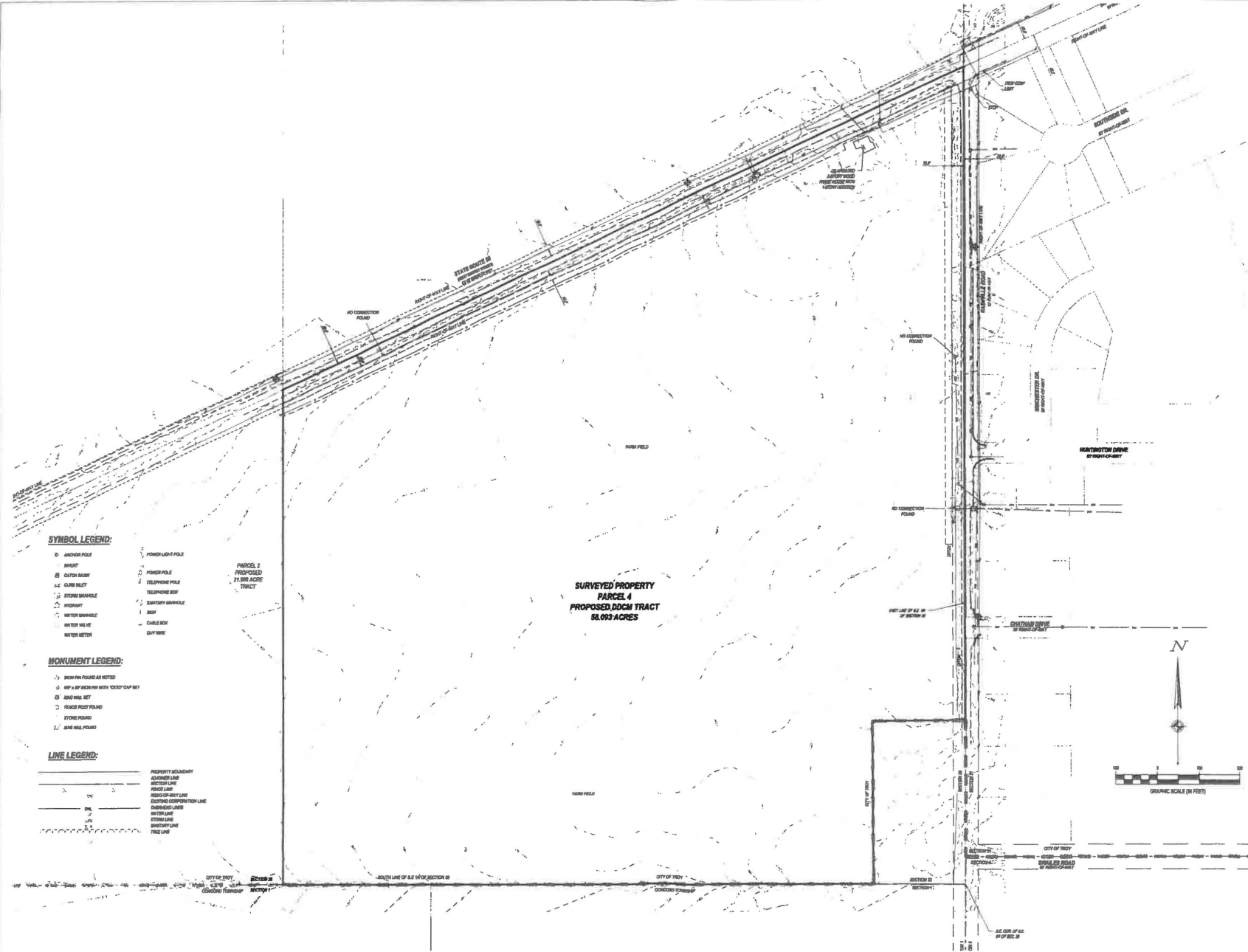
© 2022 CESO, INC.

Project Number: 781451  
Scale: 1" = 100'  
Drawn By: JJS  
Checked By: JJS  
Date: FEBRUARY 21 2023  
Issue: 0000

Drawing Title:  
EXHIBIT C  
EXISTING CONDITIONS

1

W:\PROJECTS\TROY\TROY\_1451\_Try\_CAD\CD\TROY\_1451\_Try\_CAD.dwg - 2/21/2023 - Steven Shellen



# PLAT OF SURVEY

LOT SPLIT  
LOTS 11549 & 11550  
CITY OF TROY, MIAMI COUNTY, OHIO

VOLUME 62 PAGE 3

MIAMI COUNTY ENGINEERS  
RECORD OF LAND SURVEYS

THE CITY OF TROY ENGINEER

THIS PLAT WAS INSPECTED AND APPROVED BY US THIS  
12TH DAY OF APRIL, 2023

## SURVEYORS NOTES:

1. NORTH AND BEARING SYSTEM BASED ON THE OHIO STATE PLANE - SOUTH, HAD IS AND UPON GPS OBSERVATIONS TAKEN BY CESO IN SEPTEMBER OF 2022, SCALED TO GROUND AT A LAT. 40°05'12.2800", LONG. 80°12'04.7015" AT A PROJECT HEIGHT OF 798.43 FEET AND A SCALE FACTOR OF 1.000419887866.
2. ALL DATA SOURCES, DOCUMENTS AND RECORDS SHOWN HEREON ARE ON FILE IN THE MIAMI COUNTY RECORDERS OFFICE LOCATED IN TROY, OHIO, UNLESS NOTED OTHERWISE.
3. SURVEY PREPARED FROM FIELDWORK PERFORMED IN SEPTEMBER OF 2022. ALL MEASUREMENTS SHOWN HEREON IS IN GOOD CONDITION UNLESS OTHERWISE NOTED.
4. OCCUPATION GENERALLY FITS THE BOUNDARY LINES AS SHOWN.

## LEGEND

- MONUMENT FOUND AS NOTED
- 9" x 3" ROD WITH "CESO" CAP SET
- ✂ MAG NAIL SET
- ✂ FENCE POST FOUND
- STONE FOUND
- ✂ MAG NAIL FOUND



## SURVEYORS CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAT OF SURVEY WAS PREPARED UNDER MY DIRECT SUPERVISION AND BASED ON AN ACTUAL FIELD SURVEY, COMPLETED IN SEPTEMBER OF 2022, AND WAS MADE IN ACCORDANCE WITH THE STATE OF OHIO MINIMUM STANDARDS FOR BOUNDARY SURVEYS, O.A.C. 4753-07.

DATE OF PLAT OR MAP: 09/20/22

DATE: 4-10-2023  
CESO PROFESSIONAL SURVEYOR # 8528

## PLAT OF SURVEY

LANDS OF HUEGEL AND ISERN

3004 & 3435 S.W. 55  
CITY OF TROY

SCALE: 1" = 200' DATE: 09/20/22

DESIGN: N/A  
DRAWN: RSL  
CHECKED: JCH

PREPARED BY:

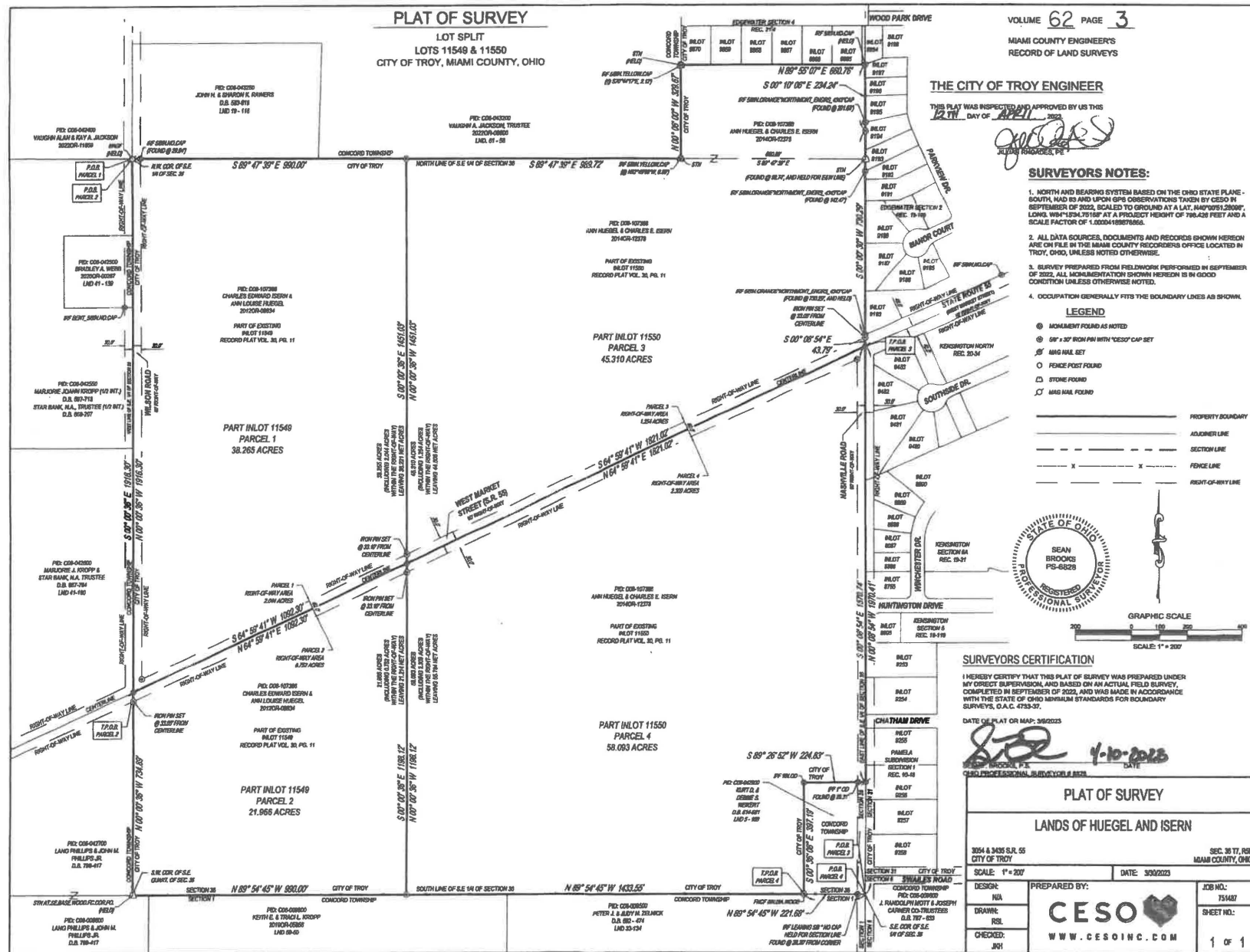
CESO  
WWW.CESONC.COM

JOB NO.:

75487

SHEET NO.:

1 of 1



## R-5 SINGLE-FAMILY RESIDENTIAL DISTRICT

- (a) Purpose. The "R-5" Single-Family Residence District is designed to accommodate single-family dwellings on lots with areas of at least six thousand (6,000) 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-5 District as high density.
- (b) Principal Permitted Uses Only those uses set forth below which continuously conform to all the requirements of divisions (d) through (f) of this section shall be permitted:
- ♣ Adult Family Home.
  - ♣ Churches, chapels, temples, synagogues.
  - ♣ Family Home.
  - ♣ Foster Family Home.
  - ♣ Public parks, playgrounds and community centers.
  - ♣ Public utility.
  - ♣ Schools – primary, intermediate and secondary – public or private.
  - ♣ Single family dwellings.



**MEMORANDUM**

**TO:** Mr. Lutz, President of Council

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

**DATE:** June 8, 2023

**SUBJECT:** **EXTENSION TO MORATORIUM ON SELF-STORAGE FACILITIES**

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**RECOMMENDATION:**

On February 6, 2023, Council adopted Ordinance No. O-2-2023, establishing a 180-day moratorium on Self-Storage Facilities. This was to allow time for City staff to conduct a comprehensive evaluation regarding appropriate land use regulations related to Self-Storage Facilities and provide a report regarding any proposed amendments to the Troy Planning Commission for recommendation to Council. This moratorium ends August 5, 2023. Staff is requesting that Council approve a 90-day extension to the moratorium to provide additional time for staff to finalize the evaluation of appropriate land use regulations.

**BACKGROUND:**

Since the approval of the moratorium, staff has received and has been reviewing legislation and regulations related to Self-Storage Facilities provided by other Ohio municipalities. A first draft of legislation has been prepared, which staff will need to review with the Director of Law prior to presenting information to the Planning Commission. Recognizing that the process will take extend beyond the existing moratorium, staff has requested that Council consider a 90-day extension to the moratorium, with would be through November 3, 2023.

**REQUESTED ACTION:**

It would be appreciated if you would assign to a committee of Council consideration of a 90-day extension to the moratorium regarding self-storage facilities approved by Ordinance No. O-2-2023.



# FINANCE COMMITTEE



Patrick E. J. Titterington  
Director of Public Service & Safety  
937-335-1725  
Patrick.titterington@troyohio.gov

## MEMORANDUM

TO: Mr. Lutz, President of Council  
FROM: Patrick E. J. Titterington, Director of Public Service and Safety  
DATE: June 9, 2023  
SUBJECT: **ADJUSTMENT TO FEE SCHEDULE RELATED TO LARGE REFUSE CART –  
ADDITIONAL INFORMATION**

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### RECOMMENDATION:

That Council authorizes an amendment to the fee schedule of \$5.00 per month, in addition to the per month refuse fee, for those addresses that request a 96-gallon refuse cart.

### BACKGROUND:

To follow up from the Council Committee meeting on May 30, 2023, additional information is provided to assist Council in the discussion and decision regarding staff's request for an adjustment to the fees for a large refuse cart.

Currently, there are the following carts in use throughout the City:

- 48-gallon cart: 17 carts
- 65-gallon cart: 8,643 carts
- 96-gallon cart: 507 carts

If the requested fee is authorized, staff plans to notify residents with larger carts of the additional fee and provide them an opportunity to downsize their carts if they so choose. If residents opt to keep the larger cart, no action is necessary and the additional fee will be added. Staff estimates that the process will be fully implemented by October 1, 2023.

In that the refuse fee is part of the fee schedule approved by Council, we are asking that Council amend the fee schedule to provide for the \$5.00 per month fee for the 96-gallon refuse cart.

### REQUESTED ACTION:

It would be appreciated if you would assign to a Committee of Council considerations of amending the fee schedule to include a \$5.00 per month fee additional to the current \$17.50 per month refuse fee for those addresses that receive a 96-gallon refuse cart.



# **STREETS & SIDEWALKS COMMITTEE**



Patrick E. J. Titterington  
Director of Public Service &  
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937-335-1725  
Patrick.titterington@troyohio.gov

## MEMORANDUM

TO: Mr. Lutz, President of Council

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

DATE: June 6, 2023

SUBJECT: **BIDDING AUTHORIZATION – 2023 SIDEWALK REPAIR PROGRAM (PHASE 15)**

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### RECOMMENDATION:

That Council authorizes the Director of Public Service and Safety to advertise for bids and enter into a contract for the 2023 Sidewalk Repair Program (Phase 15) at a total cost not to exceed \$310,000.

### BACKGROUND

Following Council's approval of the Resolution of Necessity regarding the repair/replacement for Phase 15 of the Sidewalk Repair Program, property owners received notice that the City would contract for the permits not obtained by May 16, 2023. Of the 234 parcels in Phase 15, the owners of about 191 parcels did not obtain permits. Phase 15 has been identified as generally the entire neighborhood of Kings Chapel and Fox Harbor.

The City Engineer estimates that the current work to be performed under the City's contract will not exceed \$310,000. This exceeds the budgeted amount of \$300,000. The additional funds are available within the Capital Improvement Fund Budget (Fund 441). The project also includes replacing/establishing handicap ramps at intersections within the area.

### PROCEDURE FOR SIDEWALK PROGRAM

Following the bidding/contracting/completion of the sidewalk repair program, property owners may pay the City for their share of the project. For those that do not make payment, the work will be assessed to the taxes as necessary to be paid over a five-year period.

### REQUESTED ACTION

It would be appreciated if you would assign to a Committee of Council authorizing bidding for Phase 15 of the 2023 Sidewalk Repair Program at a total cost not to exceed \$310,000.





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Director of Public Service & Safety  
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## MEMORANDUM

**TO:** Mr. Lutz, President of Council  
**FROM:** Patrick E. J. Titterington, Director of Public Service and Safety  
**DATE:** JUNE 9, 2023  
**SUBJECT:** APPROPRIATION OF A PROPERTY FOR WEST MAIN STREET CORRIDOR IMPROVEMENTS PROJECT PHASE 2 (PID 110253)

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### RECOMMENDATION:

That Council authorizes the Director of Law and the Director of Public Service and Safety to file necessary paperwork for the appropriation of the following parcel:

- 0.075 acres for a temporary easement of the 0.9141 acre Parcel D08-099900, in the name of McDonald's Real Estate Company.

### BACKGROUND:

Federal funds are being received for the transportation improvements along West Main Street from Ridge Avenue to Interstate 75, with grant applications for the project authorized by Resolution No. R-47-2018. At Council's May 16, 2022 meeting, Council authorized acceptance of easements of properties along the corridor that are required for the West Main Street Improvements Project. The Phase 2 portion of the project involves obtaining easements from over 60 property owners. There is a single remaining outstanding parcel for which an agreement has not been reached or the appropriation process authorized.

In order to complete the proposed street improvements along West Main Street with federal funds, an easement from McDonald's Real Estate Company (Parcel 12-T) needs to be obtained. Since early 2022, the property owner has been sent by certified mail a notice of intent and good faith offer. Since then, several additional contact attempts have occurred with the property owner to negotiate the requested easement. Those contacts have not been successful.

To proceed with the project, the next step is authorizing the Director of Law and the Director of Public Service and Safety to commence the required proper public notification process and file appropriation of the parcel with the courts in order to meet the project's timeline of right-of-way acquisition and certification for the project to be bid in the Fall of 2023. Should an agreement with the owner of the above listed property be reached prior to Council considering legislation, the appropriation request for the property will be rescinded.

Staff has advised that this is the last property appropriation that will need to be requested for Phase 2.

### REQUESTED ACTION:

It would be appreciated if you would assign to a Committee of Council authorizing the Director of Law and the Director of Public Service and Safety to file necessary paperwork for the appropriation of the following parcel:

- 0.075 acres for a temporary easement of the 0.9141 acre Parcel D08-099900, in the name of McDonald's Real Estate Company.

Based on the need to proceed with the appropriation process immediately to meet the timeline to receive funding, consideration of emergency legislation is requested.

