



**AGENDA - TROY PLANNING COMMISSION MEETING**  
**WEDNESDAY, MAY 11, 2022, 3:30 P.M.**  
**CITY HALL, COUNCIL CHAMBERS**

1. Roll Call
2. Minutes - 4-27-2022
3. Rezoning Application, 408 and 410 N. Elm Street, Parcels D08-250710 and D08-250712, from R-6, Two-Family Residential District, to OR-1, Office-Residential District.  
Owner/Applicant: We Love Birthday Parties by Shelly Calvert  
-Commission to determine whether or not to hold a public hearing  
-Commission to make recommendation to Council
4. Other

Note            Next Meeting -- May 25, 2022

Note to Commission members:  
If you will not be attending, please email or call Sue.

A regular meeting of the Troy Planning Commission was held in Council Chambers, City Hall on Wednesday, April 27, 2022 at 3:30 PM with Chairman Alan Kappers presiding. ATTENDING: Members -- Titterington, Wolke, Oda, Kappers and Westmeyer; Zoning Inspectors Eidemiller and Bruner; and Development Director Davis.

APPROVAL OF MINUTES: Upon motion of Mr. Westmeyer, seconded by Mr. Titterington, the minutes of the April 13, 2022 meeting were approved as amended by unanimous roll call vote.

**DOWNTOWN/RIVERFRONT OVERLAY (DR-O) DISTRICT, 224 S. MARKET STREET, SUITE C, FOR PROJECTING SIGN – FIRST READING: OWNER – INNISFREE ENTERPRISES, LLC; APPLICANT – LEVEL MB CONSTRUCTION BY MIKE TWISS.**

Staff reported:

**PROPOSAL:**

A request by the applicant, Mike Twiss, Owner of Innisfree Enterprises LLC, for the installation of 7.5 square feet projecting sign at the property located at 224 S Market Street STE C, Parcel ID: D08-004860. The applicant is requesting the projecting sign using the Downtown Riverfront Overlay District. The property is located in the B-3, Central Business District.

The OHI form lists this property as a two-story brick commercial building with an Arts & Crafts, Mission High style and built in 1929. A well preserved and maintained building with original features intact. Including a symmetrical façade with a central entrance placed within a round arched recess. The property is not listed on the National Historic Register

**DISCUSSION:**

This multi-tenant building is permitted to have a total of 75 square feet of building signage with each individual tenant calculated separately based on the footage they occupy. The applicant is proposing to install a 7.5 Square Foot projecting sign using the DR-O. This sign measures 30" x 36" or 7.5 square feet. The sign will be constructed of 2" square tubular steel frame with a 2" thick logo etched into composite. The colors include Black, White, and Pantone 186 Red lettering.

The Sign Code permits a total of one projecting sign per principal structure resulting in the Downtown Riverfront Overlay request. Zoning Code 1143.25 (j) states: "The Planning Commission and/or City Council may consider more or less stringent signage requirements based upon the development while considering requirements from other sections of the Codified Ordinances of Troy, Ohio." With the creation of the Downtown/Riverfront Overlay District, the intent is for the district to be applied when the conventional zoning requirements are inappropriate or the underlying zoning district is unduly restrictive or prevents the reuse of buildings or properties in downtown Troy.

Utilizing the criteria intended to justify a DR-O application; you will find the proposed project will have a positive effect on the district as projecting signs encourage pedestrian scaled advertising/wayfinding along the streetscape. The MKSK study identifies the need for "pedestrian friendly environments" and the additional projecting sign achieves this intent.

This application has been reviewed for compliance with all requirements of the Zoning Code except for the additional design standards imposed by the historic district regulations and has been found to comply with those requirements.

**DR-O CRITERIA:**

As stated in section 1143.25 of City of Troy Zoning Code, Planning Commission shall review all DR-O applications and shall grant, modify, or deny/recommend the denial, or modifications of such application based upon the following criteria:

1. To prevent hazards to the health and safety of the public and of all occupants of improved real property.
2. To assure adequate light, air and convenience of access for all properties.
3. To promote the delivery of public services such as utilities, streets, refuse collection, emergency medical services, fire and police protection.
4. To provide for creatively designed single-use and mixed-use Planned Developments, and to preserve their character and vitality through ongoing regulatory supervision.
5. To assure, through an appropriate site plan review that the general, district and supplementary regulations of this Zoning Code are being followed in the design of each new site improvement or redevelopment.
6. To minimize adverse effects on traffic safety caused by development and certain land uses.
7. To minimize adverse effects on the environment resulting from development and certain land uses.
8. To facilitate the efficient and economical development and use of land and public facilities.
9. To allocate to each site development, rather than to the public, the maximum feasible portion of the infrastructure and operating costs which arise as a result of that development.
10. To fairly balance the interest of property owners and occupants in continuing their nonconforming land uses against the community interest in achieving full compliance with this Zoning Code.
11. To protect floodways and flood plains from development which increases the general risk of flooding or puts occupants of the development at risk.
12. To preserve and enhance property values.
13. To protect public and private water supplies, both in quality and quantity.
14. To promote the economic vitality of business and industry.
15. To direct particular land uses to the parcels of land best suited for them physically and in terms of access to highways and public services.
16. To enhance the predictability and profitability of private investments made in the City.
17. To continuously improve the aesthetic character of all parts of the City.

**STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission makes a positive recommendation to the City Council. The next step is the Clerk of Council will forward the recommendation to the President of Council and City Council. In the event that the City Council takes no action within five business days of the filing of the Planning Commission's recommendation, the recommendation of the Planning Commission shall be adopted and become final. This recommendation is due to:

- With the DR-O, the projecting sign encourages a pedestrian friendly environment as recommended in the Comprehensive Plan and;
- The projecting sign relates harmoniously to the exterior building material and color, while expressing a simple clear message."

**Public Hearing:** At 3:31 p.m. Chairman Kappers declared open the Public Hearing on the DR-O application, related to the installation of a second projecting sign. There were no comments in this regard and at 3:32 p.m., Mr. Kappers declared this public hearing closed.

**Recommendation to City Council Regarding the DR-O Application:**

A motion was made by Mayor Oda, seconded by Mr. Westmeyer, that the Troy Planning Commission has reviewed the revised application to apply the Downtown/Riverfront Overlay District to the property located at 224 S. Market Street, that the Commission finds that the criteria under which the Planning Commission shall review said applications, as set forth in Section 1143.25(q) (1) (c) of the Zoning Code, is met by this application and, therefore, the Troy Planning Commission formally recommends that the application to apply the Downtown/Riverfront Overlay District to the property of 224 S. Market Street, Parcel D08-004860, be approved as submitted related to the second projecting sign on the front of the building.

**MOTION PASSED, UNANIMOUS VOTE**

**HISTORIC DISTRICT APPLICATION FOR 115 S. MARKET STREET, INSTALLATION OF A NEW WALL SIGN; OWNER – ROBERT & HEATHER DAVEY; APPLICANT – THE CARR AGENCY, LLC.** Staff reported: property is zoned B-3, Central Business District; property owner has approved the application being submitted; building was originally built in 1911; building is not on the National Register of Historic Places; application is for sign measuring 3.25' x 10' or 32.5 square feet to be located in the sign space right above the storefront; allowable sign square footage is 33 square feet; sign material is 3mm ACM, with the sign colors being black, white, and red (RGB 152, 34, 40); sign will be mounted to the wall using 1.5-inch anchors; and staff recommends approval based on the findings of:

- The proposed sign does not detract for the historic integrity of the building or streetscape; and
- The proposed colors are consistent with the building and the existing sign to the south; and
- The sign meets the City of Troy Sign Code allowance.

A motion was made by Mr. Westmeyer, seconded by Mayor Oda, to approve the historic district application for 115 S. Market Street as submitted, based on the exact colors, design, size and materials as stated in the application, and based on the findings of staff that:

- The proposed sign does not detract for the historic integrity of the building or streetscape; and
- The proposed colors are consistent with the building and the existing sign to the south; and
- The sign meets the City of Troy Sign Code allowance.

**MOTION PASSED, UNANIMOUS VOTE**

**HISTORIC DISTRICT APPLICATION, PAINTED PIANO PROGRAM.** Similar to last year, six pianos have been painted by artists and will be placed in the downtown area from June 10 through August; it is recognized that after a while the pianos may not be as playable as at the beginning; this is more of a public arts program of the City and Troy Main Street; and the pianos will be covered and locked in the evening hours; this program was very popular last year and is an added downtown attraction; the locations will be generally as stated in the information provided. Mr. Westmeyer noted that last year Mrs. Ehrlich had concerns that the pianos would not fare well outdoors. Staff commented that while they will be covered at times, the elements will impact the playability of the pianos at some time, but that the program is a public arts program based on the painting of the pianos by local artists.

A motion was made by Mayor Oda, seconded by Mr. Westmeyer, to approve the Painted Piano Program in the downtown area as requested.

**MOTION PASSED, UNANIMOUS VOTE**

**DISCUSSION REGARDING INFORMATION ALLOWED ON SIGNS.** Mr. Titterington commented that there had been social media postings about the Commission's decisions on sign applications at the prior meeting, specifically not including phone numbers, addresses, websites, and he noted that by motion on April 14, 2021, the Commission had voted not to allow such information on signs. Regarding the QR code that was approved, he confirmed that the QR code will be part of a future discussion on signage that staff will be providing to the Commission.

There being no further business, the meeting adjourned at 3:41 p.m. upon motion of Mr. Westmeyer, seconded by Mr. Wolke, and approved by unanimous voice vote.

Respectfully submitted,

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary



**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)

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**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:

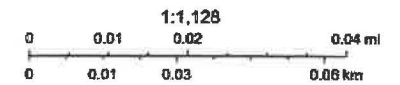
- The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code; and
- The proposed rezoning is consistent with the surrounding zoning districts while acting as a transition from the commercial districts to the residential properties; and
- The use is consistent with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

# Zoning Map



5/6/2022, 8:28:29 AM

|                              |                                             |                                                 |                                       |
|------------------------------|---------------------------------------------|-------------------------------------------------|---------------------------------------|
| Parcels                      | Agriculture-Residential: 5 Acre Min.        | R-6 Two Family Residential: 3,000 SqFt/2U       | B-4 Highway Service Business District |
| New Parcels                  | R-1 Single Family Residential: 40,000 SqFt  | R-7 Multiple Family Residential: 3,000 SqFt/2DU | M-1 Planned Industrial District       |
| City Limits                  | R-2 Single Family Residential: 20,000 SqFt  | OR-1 Office-Residential: 3,000 SqFt/2DU         | M-2 Light Industrial District         |
| Troy Streets                 | R-3 Single Family Residential: 15,000 SqFt  | OC-1 Office-Commercial District                 | M-3 General Industrial District       |
| County Zoning (Outside Troy) | R-3B Single Family Residential: 12,000 SqFt | B-1 Local Retail District                       | PUD Planned Unit Development          |
| Agriculture: 20 Acre Min.    | R-4 Single Family Residential: 9,000 SqFt   | B-2 General Business District                   | WO Wellhead Operation District        |
|                              | R-5 Single Family Residential: 6,000 SqFt   | B-3 Central Business District                   | City Administered County Zoning       |



City of Troy



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: \_\_\_\_\_  
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 410 N. ELM ST

(Street Address)

being lot number(s) D08-250710 from R6 to O-R

(Parcel Identification Number)

(Existing Zoning Classification)

(Proposed Zoning Classification)

D08-250712

**OWNER**

Name We Love BIRTHDAY PARTIES

Name Michelle (Shelly) Calvert

**APPLICANT**

Address 410 N. ELM ST

Address 410 N. ELM ST

City TROY

City TROY

State OH

State OH

Zip Code 45373

Zip Code 45373

Phone No. 937-524-3097

Phone No. 937-524-3097

Fax No. \_\_\_\_\_

Fax No. \_\_\_\_\_

Email Shelly@welovebirthdayparties.org

Email SAME

The applicant is the owner 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.

Michelle (Shelly) Calvert  
(Applicant Signature)

Subscribed and sworn to before me this 29<sup>th</sup> day of April, 2022, Miami County, OH

My Commission Expires March 30, 2026  
(Month/Date/Year)



Salome Hekate  
Notary Public, State of Ohio  
My Commission Expires:  
March 30, 2026

S. Hekate

(Notary Public)

(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



MEMO

Date: May 3, 2022

To: Troy, Ohio Zoning Commission  
Attn: Austin Eidemiller

From: Shelly Calvert  
Executive Director  
We Love Birthday Parties

Our nonprofit organization, We Love Birthday Parties, purchased the property at 410 N. Elm St., Troy, on January 15, 2022. Currently it is zoned RESIDENTIAL.

It is our desire to re-zone this property from RESIDENTIAL to OFFICE-RESIDENTIAL.

We plan to use this building for much needed office space for our growing nonprofit, as well as offering monthly birthday parties. Other intended uses fall under the OFFICE-RESIDENTIAL regulations.

We have four offices in this building. We intend to rent two of the offices to help bring in income (following proper occupancy procedures).

Thank you!