



AGENDA - TROY PLANNING COMMISSION MEETING
WEDNESDAY, APRIL 12, 2023, 3:30 P.M.
CITY HALL, COUNCIL CHAMBERS

1. Roll Call
2. Minutes - March 22, 2023
3. Vacation of Right-of-Way: 0.0408 acre piece of property at the southwest corner of the intersection of W. Main Street and S. Stanfield Road.
-Commission to make a recommendation to Council

Next Meeting -- April 26, 2023

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, March 22, 2023 at 3:30 p.m. with Chairman Alan Kappers presiding. ATTENDING: Members – Wolke, Ehrlich, Oda, Kappers, Westmeyer, McGarry and Titterington; Development Staff – Eldemiller, Long, Bruner, and Development Director Davis.

APPROVAL OF MINUTES: Upon motion of Mr. Titterington, seconded by Mayor Oda, the minutes of the March 8, 2023 meeting were approved by unanimous roll call vote.

HISTORIC DISTRICT APPLICATION, CERTIFICATE OF APPROPRIATENESS FOR 9 N. MARKET STREET: REPAINTING OF STOREFRONT AWNING: OWNER - LUIS FUENTES; APPLICANT - RACHEL BROWN. Staff reported: The property is located in the B-3 Central Business District; Ohio Historic Inventory (OHI) form identifies this as a three-story building with Italianate elements, stone steps and double bracketed cornice; the storefront was altered in 1960; application is to completely repaint the fabric storefront awning from its current color to Tomcat Black (#8006-12G); the applicant will be using acrylic paint that is water resistant; staff will ensure that the awning is repainted in a workmanlike manner; the applicant will not include a sign as part of the painting; and staff recommends approval based on the findings that:

- The contributing features as referenced on the OHI form are being maintained
- Similar paint color to the one proposed is found throughout the historic district

A motion was made by Mr. Titterington, seconded by Mrs. Ehrlich, that the Planning Commission approve a Certificate of Appropriateness for the application for 9 N. Market Street, based on the paint color to be Tomcat Black (#8006-12G) in an acrylic paint that is water resistant, and based on the findings of staff that:

- The contributing features as referenced on the OHI form are being maintained
- Similar paint color to the one proposed is found throughout the historic district

MOTION PASSED, UNANIMOUS ROLL CALL VOTE

HISTORIC DISTRICT APPLICATION, CERTIFICATE OF APPROPRIATENESS FOR 121 S. MARKET STREET: PAINTING AND ADDING SHUTTERS ON THE SIDES OF BOTH WINDOWS: OWNER - WADE WESTFALL/GRANT WESTFALL; APPLICANT - FOUR SONS DEVELOPMENT, LLC. Staff reported: Grant Westfall with Four Sons Development, LLC is requesting a Certificate of Appropriateness from the Planning Commission to consider the alteration of paint and a shutter installation at the property located at 121 S. Market Street; property is zoned B-3, Central Business District; the Ohio Historic Inventory (OHI) form describes the building as two-story commercial building with gable roof in downtown commercial core area; the building is not listed on the National Register of Historic Places and the front façade has previously been altered; applicant is proposing to use Winchester Grey (SW 2849) as the primary building color; the main body of the building, including the siding, will be painted the Winchester Grey; trim accent Tricorn Black (SW 6258); shutters are proposed to be added on the sides of both windows and painted Rookwood Red (SW 2802); and staff recommends approval based on the findings of:

- The proposed paint will not detract from the historic integrity of the building and streetscape
- Similar paint colors can be found in other areas of the district
- The contributing features referenced on the OHI form are still visible
- The paint complies with the Design Manual.

DISCUSSION. Mr. Titterington commented that from the colors provided in the packet to the Commission, it is hard to see what the actual color requested is. It was commented that because of colors not being clear as copies are made, the Commission has previously had actual color chips presented at the meeting, and that staff should have those color chips available at future meetings for all applications. Staff noted that the applicant has asked for some flexibility with the paint color on some areas of the building as the paint contractor has asked to see if the initial painting looks to be too much black and it may then be better to bring some red into the store front for dimension, but the main color is to be gray, the north side of the bottom half facing the parking lot will be Winchester Gray, the trim will be Tricorn Black, the shutters red, and the applicant is asking for flexibility for the areas to be painted black. Mr. Kappers noted that the flexibility was not stated in the staff report and the Commission has not previously considered applications that are wishy-washy on the paint colors for specific areas. Staff suggested that Brian Brothers, the paint contractor be permitted to make a determination as requested only to see if all the area proposed to be black was too stark, with the understanding that only the colors proposed of Winchester Grey (SW 2849), Tricorn Black (SW 6258); and Rookwood Red (SW 2802) will be used on the building.

A motion was made by Mr. Titterington, seconded by Mr. Wolke, that the Planning Commission approve a Certificate of Appropriateness for 121 S. Market Street based on the application submitted, only for the exact paint colors stated in the application - Winchester Grey (SW 2849), Tricorn Black (SW 6258), Rookwood Red (SW 2802), and to allow Brian Brothers to supervise the project and have the flexibility to adjust the areas stated to be painted Tricorn Black if Brian Brothers determines that the amount of Tricorn Black paint needs to be moderated, only on 121 S. Market Street, and based on the findings of staff that:

- The proposed paint will not detract from the historic integrity of the building and streetscape
- Similar paint colors can be found in other areas of the district
- The contributing features referenced on the OHI form are still visible
- The paint complies with the Design Manual

MOTION PASSED, UNANIMOUS ROLL CALL VOTE

HISTORIC DISTRICT APPLICATION, CERTIFICATE OF APPROPRIATENESS FOR 123 S. MARKET STREET: PAINTING AND WINDOW INSTALLATION: OWNER - WADE WESTFALL/GRANT WESTFALL; APPLICANT - FOUR SONS DEVELOPMENT, LLC. Staff reported: Grant Westfall with Four Sons Development, LLC is requesting a Certificate of Appropriateness for the alteration of paint and window installation; zoning is B-3, Central Business District; the Ohio Historic Inventory (OHI) form describes the building as two-story commercial storefront with a gable roof and two dorms facing the street; application is to replace the storefront glass with the same dimensions as existing; metal window trim will be painted in Tricorn Black (SW 6258); entry doors will be replaced with a single pane door with the metal painted Tricorn Black to match the storefront glass; the entry doors are not contributing features per the OHI form; primary building color to be Downing Stone (SW 2821); accent trim Light French Grey (SW0055); and staff recommends approval based on the findings that:

- The proposed paint will not detract from the historic integrity of the building and streetscape
- Similar paint colors can be found in other areas of the district
- The contributing features referenced on the OHI form are still visible
- The paint complies with the Design Manual.

A motion was made by Mr. Wolke, seconded by Mrs. Ehrlich, that the Planning Commission approve a Certificate of Appropriateness for 123 S. Market Street based on the application as submitted, the exact paint colors stated in the application – Tricorn Black (SW 6258), Downing Stone (SW 2821), Light French Grey (SW0055); and based on the findings of staff that:

- The proposed paint will not detract from the historic integrity of the building and streetscape
- Similar paint colors can be found in other areas of the district
- The contributing features referenced on the OHI form are still visible
- The paint complies with the Design Manual

MOTION PASSED, UNANIMOUS ROLL CALL VOTE

HISTORIC DISTRICT APPLICATION, CERTIFICATE OF APPROPRIATENESS FOR 125-127 S. MARKET STREET: PAINTING, WINDOW INSTALLATION, REFRAMING OF STOREFRONT, REPLACE THREE UPSTAIRS WINDOWS, ADDITION OF SHUTTERS, ADDITION OF FLOWER BOXES: OWNER - WADE WESTFALL/GRANT WESTFALL; APPLICANT - FOUR SONS DEVELOPMENT, LLC. Staff reported: Four Sons Development, LLC is requesting a Certificate of Appropriateness for paint, window installation, and reframing of the storefront; zoning is B-3, Central Business District; there is no OHI form on file for the property; application is to replace the three upstairs windows with black 6 over 6 divided grills Atrium double hung windows; existing windows are not original, however, the 6 over 6 divided grills will match the existing and compliment the adjacent second story windows; paint the upper brick Gray Roycroft Pewter (SW2848); first floor will be painted Light French Gray (SW 0055); accent color on the lower area will be Studio Blue Green (SW0047); shutters to be added to both sides of the second story windows and painted Tricom Black (SW6258); reframe the sign backing with hardbacker; a reworked trim piece will be added to separate the storefront from the second story brick; flower boxes will be added on the storefront sills; the flower boxes will not project into the public right-of-way; the applicant provided information related to signage, including the sign mounting hardware, and lighting that are not to be considered part of this application, but must be submitted to the Commission for approval prior to installation; and staff recommends approval of the application for the proposed paint, window replacement, window boxes, and storefront reframing with the condition that the signage including the sign mounting hardware and the lights are reviewed by the Planning Commission prior to installation, with the recommendation based on the findings of staff that:

- The proposed paint will not detract from the historic integrity of the building and streetscape
- Similar paint colors can be found in other areas of the district
- The storefront openings will remain intact
- The alterations comply with the Design Manual.

A motion was made by Mr. Westmeyer, seconded by Mrs. Ehrlich, that the Planning Commission approve a Certificate of Appropriateness for 125 – 127 S. Market Street based on the application as submitted for all elements except the signage including the sign mounting hardware and the lights, including the exact materials and paint colors stated in the application – Gray Roycroft Pewter (SW2848), Light French Gray (SW 0055), accent color of Studio Blue Green (SW0047), Tricom Black (SW6258); with the condition that the signage including the sign mounting hardware and the exterior lighting cannot be installed until an application for same has been submitted to and approved by the Planning Commission, and based on the findings of staff that:

- The proposed paint will not detract from the historic integrity of the building and streetscape
- Similar paint colors can be found in other areas of the district
- The storefront openings will remain intact
- The alterations comply with the Design Manual

MOTION PASSED, UNANIMOUS ROLL CALL VOTE

HISTORIC DISTRICT APPLICATION, CERTIFICATE OF APPROPRIATENESS FOR 15 S. OXFORD STREET: PAINTING (BRICK WILL NOT BE PAINTED): OWNER/APPLICANT - STEVEN & PAMELA SPERANZA. Staff reported: property is zoned B-2, General Business District. Ohio Historic Inventory (OHI) form describes the building as a single-story frame Bungalow High Style Residence; contributing features include low roof pitch, all porch elements from the base to the roof, and bargeboards on the gables; building is not listed on the National Register of Historic Places; application is to paint the trim, gutters, windows, and front columns Extra White (SW 7006); all sides of the house that are currently white will be painted Grey Cyberspace (SW 7076); the brick will remain unpainted; and staff recommends approval based on the findings that:

- The proposed paint will not detract from the historic integrity of the building and streetscape
- Similar paint colors can be found in other areas of the district
- The contributing features referenced on the OHI form are still visible
- The paint complies with the Design Manual.

A motion was made by Mr. Westmeyer, seconded by Mayor Oda, that the Planning Commission approve a Certificate of Appropriateness for 15 S. Oxford Street based as submitted, based on the exact paint colors stated in the application – Extra White (SW 7006) and Grey Cyberspace (SW 7076), and based on the findings of staff that:

- The proposed paint will not detract from the historic integrity of the building and streetscape
- Similar paint colors can be found in other areas of the district
- The contributing features referenced on the OHI form are still visible
- The paint complies with the Design Manual

MOTION PASSED, UNANIMOUS ROLL CALL VOTE

REZONING APPLICATION, 15 S. OXFORD STREET, FROM B-2, GENERAL BUSINESS DISTRICT, TO OR-1, OFFICE-RESIDENCE DISTRICT: OWNER/APPLICANT - STEVEN & PAMELA SPERANZA. Staff reported: the land is currently used as a single-family dwelling and is currently a legal non-conforming use in the B-2, General Business District; the B-2, General Business District permits residential uses on the second floor and above; the surrounding zoning districts include B-2 General Business to the north and east, R-5 Single-Family Residential District to the south, and R-6 Two-Family Residential District and B-2 General Business district to the west; 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 displays this property in between existing residential and commercial uses; in reviewing a rezoning proposal, Section 1139.07 outlines the criteria on which to base decisions. Staff analysis can be found in Red below:

(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 south and west. The property has been a legal non-conforming use for an extended period of time and was designed as a single-family dwelling. The Ohio Historic Inventory from 1997 identifies this property as "a single-story frame Bungalow High Style Residence and being a good example of a Bungalow from the peak of that designs popularity". A copy of the OHI form has been attached to this report.

(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 directly to the south and west.

(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 property in reference.

(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 OR-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 the Commission hold a public hearing as Council will do so if the request proceeds on. Staff recommended approval of the rezoning application based on the findings that:

- o The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code
- o The proposed rezoning is consistent with the surrounding zoning districts
- o The use is consistent with permitted uses in the OR-1 district
- o The proposed rezoning is consistent with the City of Troy Comprehensive Plan.

PUBLIC HEARING: A motion was made by Mr. Wolke, seconded by Mr. Titterington, that the Commission not hold a public hearing on the requested rezoning from B-2 to OR-1. **MOTION PASSED, UNANIMOUS ROLL CALL VOTE**

RECOMMENDATION: A motion was made by Mr. Wolke, seconded by Mayor Oda, that the Troy Planning Commission recommend that Troy City Council approve the application to rezone 15 S. Oxford Street from B-2, General Business District to OR-1, Office-Residence District as submitted, and 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
- o The proposed rezoning is consistent with the surrounding zoning districts
- o The use is consistent with permitted uses in the OR-1 district
- o The proposed rezoning is consistent with the City of Troy Comprehensive Plan

MOTION PASSED, UNANIMOUS ROLL CALL VOTE

There being no further business, the meeting adjourned at 3:57 p.m. upon motion of Mr. Titterington, seconded by Mrs. Ehrlich, and approved by unanimous voice vote.

Respectfully submitted,

Chairman

Secretary



Jillian A. Rhoades, P.E.
City Engineer
937-339-2641
jillian.rhoades@troyohio.gov

TO: PLANNING COMMISSION

FROM: Jillian Rhoades, PE, City Engineer

DATE: APRIL 12, 2023

SUBJECT: West Main Street and South Stanfield Road Right-of-Way Vacation

Attached is a copy of a vacation plat for a portion of the West Main Street and South Stanfield Road right-of-way. This request is for a right-of-way vacation of a 0.0408-acre piece located at the southwest corner of the intersection of West Main Street and South Stanfield Road. This is to allow 1908-1910 West Main Street to incorporate this portion into their property for proposed improvements. This is a revision to the previously submitted request heard by the Planning Commission on February 8th, 2023. After further discussion with the developer and staff, it was found that the Right-Of-Way need could be reduced.

The vacation of this small portion of South Stanfield Road will not adversely impact any of the neighbors or any future right-of-way needs at this intersection. The City does have existing buried infrastructure – a storm sewer crossing through the vacated portion of the Right-Of-Way. All easements shall remain in accordance with Chapter 723.041 of the Ohio Revised Code and as previously recorded and stated on this plat.

Staff requests that Planning Commission make a recommendation to City Council for this action. Staff is supportive of this vacation of the South Stanfield Road right-of-way as presented in the vacation plat.

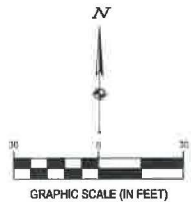
If you have any questions, please let me know.



SECTION 18, TOWN 5, RANGE 6
CITY OF TROY, MIAMI COUNTY, OHIO
BEING THE VACATION OF
0.0408 ACRES OF RIGHT-OF-WAY

VOLUME _____ PAGE _____
MIAMI COUNTY RECORDER'S PLAT RECORDS

VACATION BOUNDARY
PROPERTY LINE
ROAD CENTERLINE
IRON PIPE AS NOTED
IRON PIN AS NOTED
5/8"X30" IRON REBAR
SET WITH CISO INC. CAP
MAG NAIL AS NOTED



REC 21-136
REC 25-88

1. NORTH AND SOUTHERN SYSTEM BASED ON THE OHIO STATE PLANE - SOUTH, NAD 83 AND UPON GPS OBSERVATIONS TAKEN BY CESO IN AUGUST OF 2022, SCALED TO GROUND AT A LAT, N40°03'17.2823" S, LONG, W84°14'33.9186" AT A PROJECT HEIGHT OF 807.045 FEET AND A SCALE FACTOR OF 1.00053427187893.
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 AUGUST OF 2022. ALL MONUMENTATION SHOWN HEREON IS IN GOOD CONDITION UNLESS OTHERWISE NOTED.
4. OCCUPATION GENERALLY FITS THE BOUNDARY LINES AS SHOWN.

I HEREBY CERTIFY THAT THIS PLAT OF SURVEY WAS PREPARED UNDER MY DIRECT SUPERVISION, AND BASED ON AN ACTUAL FIELD SURVEY, COMPLETED IN AUGUST OF 2022, AND WAS MADE IN ACCORDANCE WITH THE STATE OF OHIO MINIMUM STANDARDS FOR BOUNDARY SURVEYS, O.A.C. 4733-37.

DATE OF PLAT OR MAP: 3/23/2023

SEAN T. BROOKS, P.S.
OHIO PROFESSIONAL SURVEYOR # 8826

DATE _____

FEE _____

MIAMI COUNTY RECORDER BY DEPUTY RECORDER

MIAMI COUNTY AUDITOR
APPROVED AND TRANSFERRED _____, 20____

MIAMI COUNTY AUDITOR BY DEPUTY AUDITOR

AT A MEETING OF THE CITY COUNCIL OF THE CITY OF TROY, OHIO, HELD
THIS _____ DAY OF _____, 20____, THIS PLAT WAS ACCEPTED
AND APPROVED BY ORDINANCE NUMBER _____

MAYOR

PRESIDENT OF COUNCIL

CLERK

AT A MEETING OF THE PLANNING COMMISSION OF THE CITY OF TROY, OHIO,
HELD THIS _____ DAY OF _____, 20____, THIS PLAT WAS
REVIEWED AND APPROVED.

CHAIRMAN _____ SECRETARY _____

SITUATED IN THE CITY OF TROY, MIAMI COUNTY, OHIO, SECTION 18, TOWN 5, RANGE 6, AND BEING PART OF STANFIELD ROAD AND WEST MAIN STREET (S.R. 41), AS RECORDED IN RECORD PLAT BOOK 21-136.

BEGINNING FOR REFERENCE, AT A FOUND 1" IRON PIPE STAMPED "ADVANCED 7881", AT THE SOUTHEAST CORNER OF INLOT 10583, AS SHOWN ON THE REPEAT OF INLOT 8740 MEJER PROPERTY, RECORDED IN RECORD PLAT BOOK 25-38, AND CONVEYED TO SOTERIA TROY II, LLC., AS RECORDED IN 2019CR-03759, AND ON THE WEST RIGHT-OF-WAY LINE OF STANFIELD ROAD (VARIABLE WIDTH RIGHT-OF-WAY), AS RECORDED IN SAID RECORD PLAT BOOK 21-136;

THENCE WITH THE EAST LINE OF SAID INLOT 10583, AND SAID WEST RIGHT-OF-WAY LINE OF STANFIELD ROAD, NORTH 00°31'17" WEST, A DISTANCE OF 117.84 FEET TO A POINT REFERENCED BY A FOUND 5/8" IRON PIN STAMPED "WOOLPERT" (FOUND AT S 72°09'40" EAST, A DISTANCE OF 0.11 FEET) AND BEING THE TRUE POINT OF BEGINNING:

THENCE CONTINUING WITH THE EASTERLY LINE OF SAID INLOT 10583, NORTH 29°54'28" WEST, A DISTANCE OF 151.10 FEET TO A FOUND 1" IRON PIPE STAMPED "ADVANCED 7661" AT THE SOUTHEAST CORNER OF INLOT 10562, AS RECORDED IN SAID RECORD PLAT BOOK 25-86;

THENCE ALONG A NEW RIGHT-OF-WAY LINE, THE FOLLOWING COURSES:

- NORTH 93°05' EAST, A DISTANCE OF 13.96 FEET TO A SET IRON PIN;
- SOUTH 28°47'21" EAST, A DISTANCE OF 105.13 FEET TO A SET IRON PIN;
- SOUTH 10°43'52" EAST, A DISTANCE OF 23.15 FEET TO A SET IRON PIN;
- SOUTH 09°47'20" EAST, A DISTANCE OF 24.84 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 0.0490 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 STRIP OF LAND, ALL IRON PINS CALLED TO BE SET ARE 5/8"X30" IRON REBAR WITH A CEO INC. CAP.

BEARINGS BASED UPON THE OHIO NORTH STATE PLANE COORDINATE SYSTEM (NAD 83).
COORDINATES SCALED TO GROUND AT LATITUDE N40°03'17.28235", LONGITUDE W84°14'30.86168" AT
A HEIGHT OF 807.045 FEET, WITH A GROUND SCALE FACTOR OF 1.00003427187093, BASED ON AN
ACTUAL FIELD SURVEY PERFORMED BY GCSO INC. IN AUGUST OF 2022.

BEING A VACATION OF 0.0408 ACRES OF PUBLIC RIGHT-OF-WAY
WITHIN STANFIELD ROAD AND WEST MAIN STREET (S.R. 41) AS
SHOWN ON REC 21-138 AND ADJOINING CITY LOT 10583.

STANFIELD ROAD

1910 W. MAIN ST.
CITY OF TROY

SEC. 18, T5, R6
MIAMI COUNTY, OHIO

SCALE: 1"=30'

DATE: 3/23/2023

DESIGN:

PREPARED BY:

NE

1

DRAWN:

ICE

CHECKED

JOB NO. :

761429-01

SHEET NO.:

	0767		

