

A regular meeting of the Troy Planning Commission was held in Council Chambers, City Hall, Wednesday, June 12, 2024, at 3:30 p.m. with Chairman James McGarry presiding. ATTENDING: Members – McGarry, Emerick, Wolke and Titterington; Development Staff – R. Long; A. Eidemiller, T. Bruner, and Development Director Davis.

**APPROVAL OF MINUTES:** Upon motion of Mr. Emerick, seconded by Mr. Titterington, the minutes of May 22, 2024, meeting were approved by unanimous voice vote.

**HISTORIC DISTRICT APPLICATION - CERTIFICATE OF APPROPRIATENESS, 15 S. MARKET STREET, FOR EXTERIOR ALTERATIONS OF PAINTING BRICK FAÇADE, INSTALLATION OF CORRUGATED METAL FLOWER BOXES AND AWNINGS; TWO SPOTLIGHTS ON STOREFRONT; OWNER / APPLICANT - TECUMSEH OF TROY, LLC/ BETH KERBER.** Staff reported: zoning is B-3, Central Business District; OHI forms describe this building as a three-story commercial building with three or more bays; contributing features include the size and placement within the plane of the commercial streetscape; previous alterations covered the original characteristics of the building until the owner removed all of the metal that was hiding the original characteristics.

**PROPOSAL:**  
*Alteration #1:* Painted brick façade in Sherwin Williams SW 6991 Black Magic.  
*Alteration #2:* Installation of corrugated metal flower boxes and awnings.  
*Alteration #3:* Two spotlights added on both sides of the storefront.

**STAFF ANALYSIS:** (Staff analysis follows in red below):

**15 S. MARKET STREET**  
Proposals

Brick Façade Painted  
Sherwin Williams SW  
0073 Chartreuse.



**STAFF ANALYSIS:** (Staff analysis follows in red below):

*Design Manual:* 2.6 Paint Colors states: "Paint colors varied through history, not only with fashions, but also because of available materials. These colors often tie the architectural elements and details of a building together. If possible, research the history of the building and discover its original colors, particularly in the case of Victorian style structures which were often not white but a variety of colors and shades.

- A. A concentration of similar colors on the same block should be avoided. **There are no similar colors on this same block.**
- B. Historically unpainted surfaces should not be painted. Historically painted surfaces should remain painted. **The brick is unpainted. Character defining features are present on the building around the windows and "Thomson" sign. Staff does not recommend that this brick is painted due to these features.**
- C. Simpler buildings should have a simple color scheme. More ornate structures, such as larger Queen Anne styles, may incorporate three or more colors. **Two colors meet this requirement.**
- D. Matte, flat, or semi-gloss paint should be used. Avoid high gloss paint. **High-gloss paint is being avoided.**
- E. In all circumstances, avoid bright and obtrusive colors, such as neon or day-glow hues." **The colors are not bright or obtrusive.**

*Design Manual:* 2.11 Canopy and Awning:

- A. Fabric awnings are preferred and shall have a matte surface. **Metal awnings are being proposed and do not meet this requirement.**
- B. Avoid fixed, permanent canopies unless it can be documented through research that a building had one in the past or the canopy design is compatible with the original character of the building and the district. **The awnings are not compatible with the character of the building or district.**
- C. Each window or door should have its own awning, rather than a single full-width awning covering an entire façade. **Individual awnings are being proposed.**
- D. A traditional flat, sloped awning design should be used. Selection of open-end versus closed-end awnings should be historically based. **Flat sloped awnings are being proposed.**
- E. Awning color(s) should complement the building and be compatible with historically appropriate colors used on the building, but avoid overly ornate patterns and too many colors. A simple pattern using no more than two colors is preferred. **The awning style is not compatible with the building or the historic district. The color is rustic corrugated metal.**

*Design Manual:* 4.6 Lighting:

- A. Lighting should enhance the site and the building's design in a manner that is sensitive to surrounding properties. Light fixtures should be scaled appropriately based on the use and character of surrounding properties. **Although the lights appear to be sensitive to surrounding properties, not enough detail was submitted with the application to ensure this.**
- B. Light fixtures should be simple in design. Subdued, soft, warm lighting should be used. Avoid large, ornate light fixtures. **Not enough information was submitted to verify this.**

Staff recommended denial of the three proposed alterations based upon the following:

1. The brick is historically unpainted and includes character defining features. Brick soldiers and other bands exist around both the second and third story windows and the Thomson Sign at the top. The proposed paint will hide those features and otherwise detract from the historic integrity of the building, and;
2. The proposed awnings do not complement the building or streetscape; and are not fabric as required by the Design Manual, and;
3. Not enough detail on the lights is provided to ensure that the lights are simple in design, subdued, and warm lights.

**DISCUSSION.** Mr. McGarry commented that without design details of the awning, the corrugated flower boxes, the finish or appearance, it is difficult to evaluate the application, and he would like to see some form of awning detail, a 3D view or side view, to show comparison to other buildings in the downtown, and have samples of the materials to view.

Beth Kerber, 820 Barnhart Road, applicant, commented: this design was done in 2017 by an architectural student (Jess Nielsen) who studied the architectural design of other downtown buildings and provided a design to be true to historic preservation and the streetscape; Mrs. Kerber suggested a black stain (she showed the Commission a sample) rather than paint as the stain might allow the mortar to breathe; when the old awning and metal cover on the building were removed, it was found that some of the brick had been damaged; the metal awing would be made by Kerber Sheet Metal; the awning would be galvanized metal; metal has a life span of about 20 years and fabric only has about 5 years; and the awing will help screen the sun from the windows and help lower cooling costs.

Mr. Emerick asked about some form of border or detail around the brick soldiers, and Mrs. Kerber stated she could do that. Mr. Emerick commented that a metal awning would have sharp, hard edges that do not blend with the streetscape and metal would have some corrosion; he understands cloth fades, but it also has character and is seen all over the downtown. Mrs. Kerber commented that cloth awnings may be all over the downtown, but the awnings are in poor repair; she is willing to do hammered copper, which will weather; she believes the building is a more masculine and edgy building, and the metal is appropriate, but the metal awning can be rounded or softened; and since the design was prepared prior to the design standards being established, Mrs. Kerber suggested the standards should not apply.

Mrs. Kerber's daughter commented that at one time the entire front was clad in aluminum and asked why if that was okay at that time, what is the problem with the metal awing. Mr. McGarry noted that was several decades ago and cannot be revisited, and he did not see a benefit of going backwards.

Mrs. Kerber noted that the brick on both sides of the building was painted some years ago, and she is now asking to paint or stain the front brick; she further mentioned that she would like to see murals on the sides of the building.

Mr. Titterington commented that the Commission only has a quorum present; the Commission dealt with a situation where a property owner painted brick and continued with the painting even with a stop work order; and the Commission understands the damage that is done to unpainted brick once it is painted and has concern about painting brick. Mr. Titterington noted that in 2017 when the prior awning had to be removed due to the damage it was causing, the Commission's approval was an interim step, with it known repairs had to happen; for several reasons this application has been delayed in being submitted; demands on the Commission for review was one reason the design standards were established; those standards are the preferred, there can be variances, but the applicants and Commission need to be sensitive to the standards; the standards are now in place and need to be recognized; he concurs that cloth awnings are preferred but not required; he does not find the entire proposal objectionable, but he supports Mr. McGarry in asking for more detail and information, he would like to see alternatives to painting the brick, and suggested it might be preferable to table this application so that alternatives, detail and information could be provided and the application considered when additional members are present.

A motion was made by Mr. Titterington, seconded by Mr. Wolke, to table the application for 15 S. Market Street until the applicant could provide more detail regarding elements of the proposal (corrugated flower boxes, the finished appearance, 3D or side view of the awning, possible alternates to painting the brick, etc.) possibly present alternatives to painting the brick, and that this information could hopefully be considered at a meeting when more members could be present. MOTION TO TABLE ADOPTED, UNANIMOUS ROLL CALL VOTE.

**HISTORIC DISTRICT APPLICATION - CERTIFICATE OF APPROPRIATENESS, 13 S. MARKET STREET, FOR EXTERIOR ALTERATIONS OF PAINTING BRICK FAÇADE, REFRAMED WOOD AND STOREFRONT PAINTING, AWNINGS, NEW CUSTOM DOORS WITH IRON WINDOW GRILLS AND FLOWER BOXES; OWNER / APPLICANT - BETH KERBER W/TECUMSEH OF TROY, LLC.** Staff reported: zoning is B-3, Central Business District; OHI form describes this building as a three-story commercial building with three or more bays; contributing features include the size and placement within the plane of the commercial streetscape; previous alterations cover the original characteristics of the building until the previous owner removed all of the metal that was hiding the original characteristics; proposed alterations are:

*Alteration #1:* Custom storefront casework that is painted with Sherwin Williams SW 6480 Lagoon.

*Alteration #2:* Cloth awnings are proposed on the top three windows in the black and white colors.

*Alteration #3:* Brick façade painted with Sherwin Williams SW 0073 Chartreuse.

*Alteration #4:* Install iron window grills and iron flower boxes.



**STAFF ANALYSIS:** (Staff analysis follows in red below):

*Design Manual:* 2.6 Paint Colors states: "Paint colors varied through history, not only with fashions, but also because of available materials. These colors often tie the architectural elements and details of a building together. If possible, research the history of the building and discover its original colors, particularly in the case of Victorian style structures which were often not white but a variety of colors and shades.

- A. A concentration of similar colors on the same block should be avoided. **There are no similar colors on this same block.**
- B. Historically unpainted surfaces should not be painted. Historically painted surfaces should remain painted. **This property has minimal character defining features. There is no evidence of brick soldiers, columns, bands, etc. on this building that would be affected or otherwise hidden by the paint.**
- C. Simpler buildings should have a simple color scheme. More ornate structures, such as larger Queen Anne styles, may incorporate three or more colors. **Two colors meet this requirement.**
- D. Matte, flat, or semi-gloss paint should be used. Avoid high gloss paint. **High-gloss paint is being avoided.**
- E. In all circumstances, avoid bright and obtrusive colors, such as neon or day-glow hues." **Although the colors are bright, the colors are not obtrusive. The lighter Chartreuse color is not considered a day-glo hue. Day-glo hues are colors that are so bright that they seem to glow during the day. The proposed colors do not appear to glow when reviewing the color swatches.**

*Design Manual:* 2.15 Commercial Storefront Design:

- A. Designs should be consistent with the historic storefront character, including window sizes and architectural features. **The original storefront has been altered. The proposed reframing will bring the storefront back to its original characteristics.**
- B. Storefronts should retain ornamentation and trim consistent with the historic architectural style of the building. **The storefront does not have any remaining characteristics.**
- C. Avoid "theme" restorations (e.g. Colonial, Bavarian, Art Deco, Post Modern, etc.) unless historically true to the building. **No major features from any theme are being added to the building.**
- D. Materials should be consistent with the historic architectural style of the building. Inappropriate designs and materials should be avoided such as diagonal wood siding, vinyl or aluminum siding, mansard roofs, and fixed metal canopies. **The proposed materials are appropriate for the style of the building.**
- E. Piers, columns, or pilasters that separate a storefront into distinctive bays shall be preserved. **No original columns, etc. appear to be remaining on the storefront.**
- F. The size of the storefront opening shall not be reduced. Transparency and scale are very important to storefronts and their relations to the remainder of the building. **The alterations will bring back the scale and size of the storefront.**

*Design Manual:* 2.11 Canopy and Awning:

- A. Fabric awnings are preferred and shall have a matte surface. **Fabric awnings are being proposed.**
- B. Avoid fixed, permanent canopies unless it can be documented through research that a building had one in the past or the canopy design is compatible with the original character of the building and the district. **Fixed permanent canopies are not being proposed.**
- C. Each window or door should have its own awning, rather than a single full-width awning covering an entire façade. **The upper floors have individual awnings being proposed.**
- D. A traditional flat, sloped awning design should be used. Selection of open-end versus closed-end awnings should be historically based. **Flat sloped awnings are being proposed.**
- E. Awning color(s) should complement the building and be compatible with historically appropriate colors used on the building, but avoid overly ornate patterns and too many colors. A simple pattern using no more than two colors is preferred. **The awning colors are compatible with the building. Two colors are being proposed.**

Staff recommends approval of the four proposed alterations due to compliance with the Design Manual.

**Discussion.**

In response to Mr. Titterington, Mrs. Keber commented that the plan is to have the illusion of two buildings; the awing is to be striped with colors to complement 15 S. Market Street; the iron work over the windows is to also tie in a relationship to 15 S. Market Street; if the application for 15 S. Market Street is not approved, she believes the plan for 13 S. Market Street would also work on its own; it is not known what is behind the wood, so the second floor windows are questionable until that is known; and she plans to put a door into the storefront of 13 S. Market Street..

In response to Mr. McGarry, Mrs. Kerber commented that she plans improvements to have second floor living.

A motion was made by Mr. Wolke, seconded by Mr. Titterington, that the Troy Planning Commission approves all elements of the Historic District Application, Certificate of Appropriateness for 13 S. Market Street as submitted, based on the exact materials and colors indicated for each element of the application, and based on the recommendation of staff that the proposed alteration complies with the Design Manual.

**MOTION ADOPTED BY UNANIMOUS ROLL CALL VOTE**

**REZONING APPLICATION, EAST TROY DEVELOPMENT LLC FOR PROPERTY AT 518 E. WATER STREET, FROM M-2, LIGHT INDUSTRIAL DISTRICT, TO OR-1, OFFICE-RESIDENCE DISTRICT; OWNER – 518 WATER LLC, 4471 SOUTHERN BLVD., KETTERING, OH; APPLICANT - EAST TROY DEVELOPMENT, LLC, 9 W. WATER STREET, TROY, OH.**

Staff reported: property is located on E. Water Street east of N. Crawford Street; the land is currently vacant and was previously home to spinnaker coating; surrounding zoning districts include the R-6 Two Family Residential to the south and west. The WO Wellhead Operation District is located directly to the north; 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”; and the Comprehensive Plan’s Future Land Use Map displays this property as an existing industrial use surrounded by existing commercial to the west.

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) states 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 changing condition that led to this rezoning request is the demolition of the Spinnaker Coating facility. The proposed zoning district will not have any adverse effects in the area. Commercial and residential uses exist to the west of the subject property.
- (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 commercial uses that currently exist to the 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 a public hearing as Council will hold a public hearing. Regarding a recommendation, staff advised that: “It is staff’s opinion that the proposed rezoning will achieve the desired transitional district as discussed in the City of Troy’s Comprehensive Plan and Zoning Code. The intent of the OR-1 is act as a transitional area between commercial and residential uses. It is important to note that the Comprehensive Plan just shows existing land uses for this area and does not provide any recommendation for future land uses for the property in reference. The City is currently in the process of updating its Comprehensive Plan. The draft version of the Future Land Use Map identifies this property as Trail-Oriented Development. The proposed district complies with the Future Land Use map. Staff recommended approval based on the findings of:

- 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 proposed use is consistent with permitted uses in the OR-1 district. “

**PUBLIC HEARING:** A motion was made by Mr. Wolke, seconded by Mr. Emerick, that the Commission not hold a public hearing on this rezoning application.

**MOTION ADOPTED BY UNANIMOUS ROLL CALL VOTE**

**RECOMMENDATION:** A motion was made by Mr. Titterington, seconded by Mr. Wolke, to recommend to Troy City Council that that 518 E. Water Street, Troy, Ohio, Parcel Numbers D08-101816 and D08-006000, be rezoned from M-2, Light Industrial District, to OR-1, Office-Residence 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
- The proposed use is consistent with permitted uses in the OR-1 District

**MOTION ADOPTED BY UNANIMOUS ROLL CALL VOTE**

**HISTORIC DISTRICT APPLICATION - CERTIFICATE OF APPROPRIATENESS, 210 S. MARKET STREET FOR A WALL SIGN:**

**OWNER- MARKET STREET MANAGEMENT LLC; APPLICANT – BEHR DESIGN LLC.** Staff reported: zoning is B-3, Central Business District; an Ohio Historic Inventory (OHI) form does not exist for this property as this is a newly constructed building; sign is for LTA Insurance; sign will be constructed of aluminum measuring 2ft by 3ft (6sqft.); background will be Bronze in color with raised lettering in Brushed Aluminum; this sign will be identical in style to the adjacent sign currently on the building; the sign is in accordance with the Design Manual and Sign Code; and staff recommends approval based on the findings of:

- The proposed signage is in line with the Design Manual and the City of Troy Sign Code
- Similar signage currently exists within the Historic District

A motion was made by Mr. Wolke, seconded by Mr. Emerick, that the Troy Planning Commission approves the Historic District Application, Certificate of Appropriateness for 210 S. Market Street as submitted, based on the exact materials and colors indicated in the application; and based on the findings of staff that:

- The proposed signage is in line with the Design Manual and the City of Troy Sign Code
- Similar signage currently exists within the Historic District

**MOTION ADOPTED BY UNANIMOUS ROLL CALL VOTE**

**DOWNTOWN RIVERFRONT OVERLAY (DR-O) DISTRICT APPLICATION, 210 S. MARKT STREET; OWNER – MARKET STREET MANAGEMENT LLC; APPLICANT – BEHR DESIGN LLC.** Staff reported: zoning of the property is B-3, Central Business District; an Ohio Historic Inventory (OHI) form does not exist for this property as this is newly constructed building; this building is permitted to have a total of 80 square feet of building signage with each individual tenant calculated separately based on the frontage they occupy; the applicant is proposing to install a 4.2 Square Foot projecting sign using the DR-O; the sign for this application measures 30" x 20" or 4.2 square feet; sign will be constructed of 2" square tubular steel frame with a 2" thick logo etched into composite. The colors include Black and White, lettering; the Sign Code permits a total of one projecting sign per principal structure; the application for the Downtown Riverfront Overlay request is to allow a second projecting sign on the structure; 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"; the Downtown/Riverfront Overlay District 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, staff believed 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; the Section 1143.25 of City of Troy Zoning Code provides that the Planning Commission shall review all DR-O applications and shall grant, modify, or deny/and or 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.

In accordance with the zoning code, this is to be considered the first of the required two readings. Staff will provide a recommendation at the next meeting. Mr. Wolke commented that this seemed a rather de minimis application to require such a process, with Mr. Titterington noting, however, that the process is required by Ordinance for a second projecting sign to be permitted.

There being no further business, the meeting adjourned at 4:35 p.m. upon motion of Mr. Emerick, seconded by Mr. Titterington, and approved by unanimous voice vote.

Respectfully submitted,

\_\_\_\_\_Chairman  
  
\_\_\_\_\_Secretary