



AGENDA - TROY PLANNING COMMISSION MEETING
WEDNESDAY, MARCH 26, 2025, 3:30 P.M.
CITY HALL, COUNCIL CHAMBERS

1. Roll Call
2. Minutes - Feb. 12, 2025
3. Rezoning Application - 191 Commerce Center Boulevard, a Portion of Parcel No. D08-105472, from R-4, Single-Family Residence District, and OC-1, Office-Commercial District, to M-2, Light Industrial District
Owner - Komyo America Co., Inc.
Applicant - Craig E. Sweeney, 40 N. Main Street, Suite 1700, Dayton, OH
-Commission to determine whether or not to hold a public hearing
-Commission to provide a recommendation to Council
4. Note that Annie Shoemaker requested Council to permit residents to keep chickens. She was advised that her request would be forwarded to the Planning Commission as the request would be a matter of zoning.
5. Adjourn

Next Meeting -- April 9, 2025

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

February 12, 2025

A regular meeting of the Troy Planning Commission was held in Council Chambers, City Hall on Wednesday, February 12, 2025 at 3:30 p.m. with Chairman James McGarry presiding. ATTENDING: Members – McGarry, Oda, Westmeyer, Erlich, Wolke, and Titterington; Development Staff – Eidemiller, Bruner and Burgei; and Development Director Davis.

APPROVAL OF MINUTES: Upon motion of Mr. Titterington, seconded by Mrs. Ehrlich, the minutes of the Jan. 22, 2025, meeting were approved by unanimous voice vote.

HISTORIC DISTRICT APPLICATION, CERTIFICATE OF APPROPRIATENESS, 15 S. MARKET STREET, REVIEW OF PAINTED STOREFRONT, OWNER/APPLICANT – TECUMSEH OF OHIO LLC, BETH KERBER.

Mr. Eidemiller commented that the applicant is not proceeding with any additional request for the Commission; so the Commission is to review the "lagoon" color; staff is providing the Commission with paint color swatches, an analysis is included with the staff report, and the report is:

"BACKGROUND:

The applicant and owner, Tecumseh of Troy LLC, is requesting the Planning Commission to review a painted storefront at the property located at 15 S. Market Street. The Ohio Historic Inventory form (OHI) describes this building as a three-story commercial building with three (3) or more bays. Contributing features include the size and placement within the plane of the commercial streetscape. Previous alterations were to cover the original characteristics of the building until the owner removed all of the metal that was hiding the original characteristics. At the June 12, 2024 Planning Commission meeting, the Planning Commission approved the request for the adjacent storefront to be painted Sherwin Williams SW 6480 Lagoon. During painting, the contractor accidentally painted both storefronts at 13 and 15 S. Market Street. This is what led to this request.

PROPOSAL:

Alteration #1: 15 S. Market Street storefront painted SW 6480 Lagoon.

Before



After



STAFF ANALYSIS: (Staff analysis can be seen below in red following each section):

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 except the next door building.**
- B. Historically unpainted surfaces should not be painted. Historically painted surfaces should remain painted. **The storefront was previously painted.**
- 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.**

RECOMMENDATION:

Staff recommends that if the color of the storefront is darker to match the upper window trim of the paint colors that exist, it would be more aesthetically pleasing however, the proposed color does comply with Section 2.6 of the Design Manual as outlined above."

Staff passed around a color swatch of "SW 6480 lagoon"; and indicated some level of preference as to the color painted would be up to the Commission, with staff stating it would look better if painted to match the upper dark green trim.

Mr. Titterington stated there seemed to be some contradiction in the staff report as the report noted there would be some concentration of colors if the painted color is approved, and asked for clarification. Mr. Eidemiller stated there would be some concentration if this color is approved, with the concentration being with the adjacent building, which has the same owner, but is a separate building. He noted that the painting should not look like one storefront, but should look like two storefronts.

In response to Mr. Titterington for more clarification as to paint swatches and what was approved, Mr. Davis stated that the swatch of Lagoon was the approved color for 13; it was accidentally painted onto 15 S. Market; when the swatch is held against the building it looks more like the color that is now the second floor trim of 15; in the 6-24-2024 Commission packet the colors look similar.

Mr. Titterington stated that it seems that both buildings were not painted as represented as lagoon, but painted what looks like teal. Mr. Davis stated the application was for painting a blue color and the trim of the north building painted lagoon.

Mr. Titterington asked if everything on both buildings with the exception of the window trim on the south building was painted the wrong color. Mr. Davis stated "we think so". Mr. Eidemiller stated the only paint swatch provided to staff was identified as "SW 6480 lagoon".

Mayor Oda commented that the color swatch is not what is on the building.

Mr. Eidemiller stated he cannot verify that the color swatch was the actual color painted, but it does not look like it.

Mr. Titterington commented that the swatch color was what was approved, and the issue may now be that the owner may now have to repaint both buildings to get rid of the blue. He commented that another question is did the Commission approve the yellow/blue colors, as he does not recall seeing that combination.

Mr. Eidemiller stated he has the initial application, but it was noted that the blue in the packet does not appear what was painted; however, staff commented that what was in the packet was a xerox copy of a xerox copy and would not show the shade on the swatch. Mr. Titterington commented that is why the actual color swatch must be provided at the meeting to be viewed by the Commission.

Mr. Davis and Mr. Eidemiller commented that staff compared the color swatch to the paint on the building on the second floor of 13 S. Market and it appears to match the color in the approved application, and when they compared the lagoon swatch to the paint on the first floor of both buildings, the actual paint looks like a lighter blue than the swatch. Mr. Davis stated that he thinks the building was painted a different color swatch than the lagoon swatch.

Mrs. Ehrlich commented that the lagoon swatch looks like the trim paint on the second building (15 S. Market), which she thinks is very nice.

Mr. Westmeyer concurred that the swatch being viewed is darker than the colors actually painted; but he concurs that the yellow does seem to match what was approved.

Mr. Titterington commented that it still appears the blue on both buildings is not what was approved.

It was noted that the applicant was not in attendance, with Mr. Titterington commenting that it has been difficult to get an application or an appearance by the applicant over several months.

The Mayor stated her concern is that there are two separate buildings, and each should be painted different and the buildings should not have two matching upper floors. She stated she wants to see two buildings looking different. It was commented that the two buildings are not the same style or scale.

The Commission viewed the color swatch of the yellow color.

Mr. Westmeyer stated he was not okay with the southern building painted teal blue as it does not blend well with the second and third floor and questions that the teal color painted was approved and commented that he would not have approved the teal color that has been applied. He stated he is okay with the yellow or chartreuse color on the second floor of 13 S. Market Street, and he does not concur that the first floors of both buildings should be painted the same color.

Mrs. Ehrlich stated she does not believe the color painted is what she voted on as lagoon.

Staff commented that the paint company updates the color swatches every three months.

Regarding the color of the trim on the on the north building, Mrs. Ehrlich stated she believes that is what she approved for the building color.

Staff stated that the trim paint was not part of the application as it was matching like for like as maintenance.

MOTION:

Mr. Westmeyer moved to deny the historic district application for the painting of the storefront at 15 S. Market Street, and asked staff to talk to the applicant about what appears to be an incorrect color on the first floor of 15 S. Market Street. Motion seconded by Mayor Oda.

DISCUSSION:

-In response to Mr. McGarry, it was stated that the applicant could appeal to the BZA.

-Mr. Titterington commented that the applicant could provide the Commission with a color that could be approved, with the Mayor stating that the approved color would then have to be used.

-Mr. Eidemiller noted that the applicant has some other required work to be completed.

-Mr. Wolke suggested the applicant be advised that the Commission would be amenable to the approved paint colors.

VOTE: MOTION ADOPTED, UNANIMOUS ROLL CALL VOTE

Staff commented that the applicant will receive an official denial.

There being no further business, the meeting adjourned at 3:52 p.m. upon motion of Mr. Westmeyer, seconded by Mr. Titterington, and approved by unanimous voice vote.

Respectfully submitted,

Chairman

Secretary

MEMORANDUM

TO: City of Troy Planning Commission Members

FROM: Austin Eidemiller, Planning & Zoning Manager

DATE: March 20, 2025

SUBJECT: 191 Commerce Center Boulevard – Rezoning Request

BACKGROUND:

A request by the applicant Craig Sweeney, on behalf of the owner Komyo America Co., Inc. for the Planning Commission to consider the rezoning of 191 Commerce Center Boulevard from R-4, Single Family Residential District, and the OC-1, Office-Commercial District to the M-2 Light Industrial District. The property is located on Commerce Center Boulevard north of McKaig Road.

The land is currently vacant. The surrounding zoning districts include the M-2 Light Industrial District to the north and west. The OC-1 Office Commercial District is present to the south. County zoning of R-1AAA, One Family Residential is present to the south. The property is bounded by interstate 75 to the east. It is important to note that the property has multiple zoning districts on the same lot. The majority of the lot is currently zoned M-2 Light Industrial District. See Exhibit A Zoning Map.

DISCUSSION:

The Zoning Code describes the proposed M-2 Light Industrial District as “Purpose. The “M-2” Light Industrial District is designed to provide for industrial uses, which can be operated in such a manner as to conform to the applicable performance standards specified in the district. These performance standards regulate such uses in order to prohibit congestion and for the protection of adjacent residential and business activities.”

The Comprehensive Plan’s Future Land Use Map displays this property as future light industrial land. 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.

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 industrial uses that currently exist to the north.

(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 industrial uses that currently exist to directly to the north. It is important to note that the property is currently zoned M-2 Light Industrial District with the R-4 Single Family Residential and the OC-1 Office Commercial District being present on the same lot.

(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 minimal vacant industrial land available for development. Only sixteen (16) acres of M-2 Light Industrial District is vacant in the immediate vicinity of the subject property.

(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:

It is staff's opinion that the proposed rezoning will achieve the desired M-2 Light Industrial District as identified in the City of Troy's Comprehensive Plan. Additionally, about 23 acres of the 29-acre tract is currently zoned M-2 Light Industrial District.

Staff is recommending that the Planning Commission recommend approval of the proposed rezoning from OC-1 Office Commercial District and the R-4 Single Family Residential District to the M-2 Light Industrial 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; and
- The proposed rezoning is consistent with the City of Troy Comprehensive Plan.

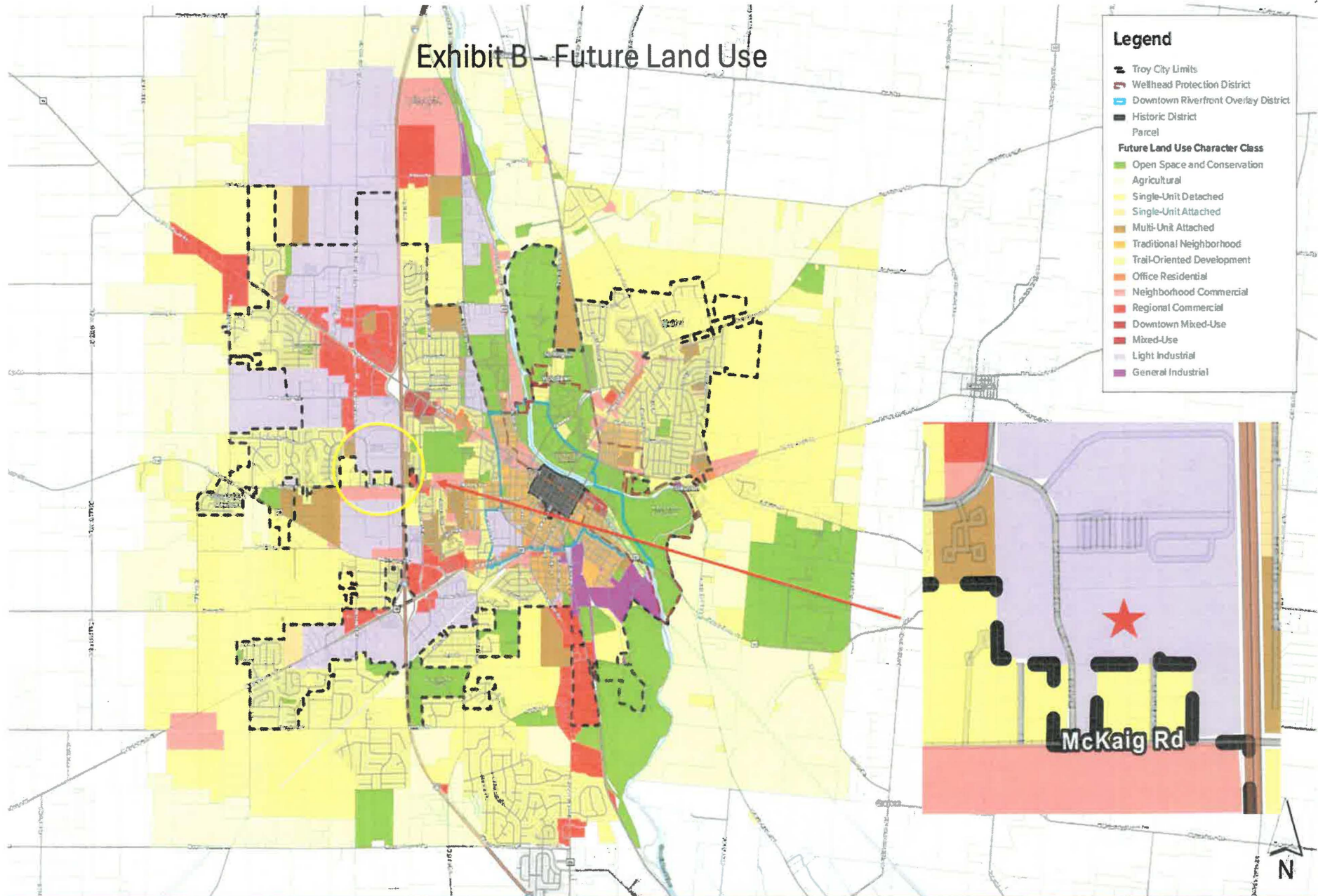
Exhibit A Zoning Map



Exhibit B – Future Land Use

Legend

- Troy City Limits
- Wellhead Protection District
- Downtown Riverfront Overlay District
- Historic District
- Parcel
- Future Land Use Character Class**
 - Open Space and Conservation
 - Agricultural
 - Single-Unit Detached
 - Single-Unit Attached
 - Multi-Unit Attached
 - Traditional Neighborhood
 - Trail-Oriented Development
 - Office Residential
 - Neighborhood Commercial
 - Regional Commercial
 - Downtown Mixed-Use
 - Mixed-Use
 - Light Industrial
 - General Industrial



250093

Scheduled Planning Commission Meeting
(Held every 2nd and 4th 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 191 Commerce Center Blvd., Troy, OH 45373

being lot number(s) D08-105472 from R-4 and OC-1 to M-2
(Parcel Identification Number) (Existing Zoning Classification) (Proposed Zoning Classification)

OWNER

Name Komyo America Co., Inc.
Address 11590 Township Road 298
City East Liberty, OH 43319
State OH
Zip Code 43319
Phone No. 8033221796
Fax No. _____
Email kris_anderson@na.honda.com

APPLICANT

Name Craig E. Sweeney
Address 40 N. Main St., Suite 1700
City Dayton
State OH
Zip Code 45373
Phone No. 9372456851
Fax No. _____
Email CESweeney@taftlaw.com

The applicant is the counsel for 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.

[Signature]

(Applicant Signature)

Subscribed and sworn to before me this 20th day of March, 2025



My Commission Expires

10/31/2028
(Month/Date/Year)

[Signature]

(Notary Public)

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

REQUIRED DOCUMENTS:

- | | | |
|-------------------------------------|------------|--|
| ☒ | EXHIBIT A | Reasons for Zoning Reclassification |
| ☒ | EXHIBIT B | Legal Description |
| ☒ | EXHIBIT C | Site Plan: lot dimensions, lot numbers, current zoning, existing and proposed uses |
| ☒ | EXHIBIT D | Site Map with Zoning & Owners within 250 feet of parcel |
| ☒ | EXHIBIT E | Property Owners List within 250 feet of parcel |
| ☒ | Labels | Two (2) Sets of Mailing Labels of Property Owners |
| ☒ | Copies | (1) Complete Sets in a reproducible format 11"x17" |
| ☒ | Map(s) | One (1) County Tax Map(s) |
| ☒ | 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:

1st Reading: _____ 2nd: _____ 3rd: _____ PUBLIC HEARING DATE

_____ COUNCIL COMMITTEE RECOMMENDATION

Approved: _____ Denied: _____ CITY COUNCIL ACTION

Ordinance Number: _____

Effective Date: _____

Revised 10/25/11

EXHIBIT A

APPLICATION FOR ZONING AMENDMENT CITY OF TROY PLANNING COMMISSION

Applicant KOMYO AMERICA CO., INC. ("Applicant") hereby requests a zoning reclassification for portions of Parcel No. D08-105472 (the "Subject Parcel") from R-4 and OC-1 to M-2. The requested reclassification is to facilitate the construction of an approximately 486,000 square feet industrial facility with adjoining office space (the "Facility"), substantially similar to that illustrated on the Site Plan with zoning map overlay attached as Exhibit C. The majority of the proposed Facility is located on those portions of the Subject Parcel is currently zoned as M-2, however portions of the Facility, surrounding storm water, and an entrance to the Facility is located on the southern-most portions of the Subject Parcel that are currently zoned as R-4 and OC-1.

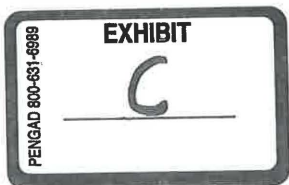
EXHIBIT B

LEGAL DESCRIPTION

Situate in the City of Troy, County of Miami and State of Ohio and being Inlot Number 9928 of the Consecutive Numbers of Lots on the Revised Plat of the said City of Troy, Ohio.

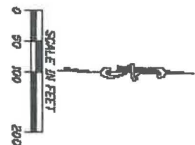
Parcel ID. No. D08-105472

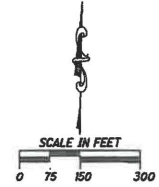
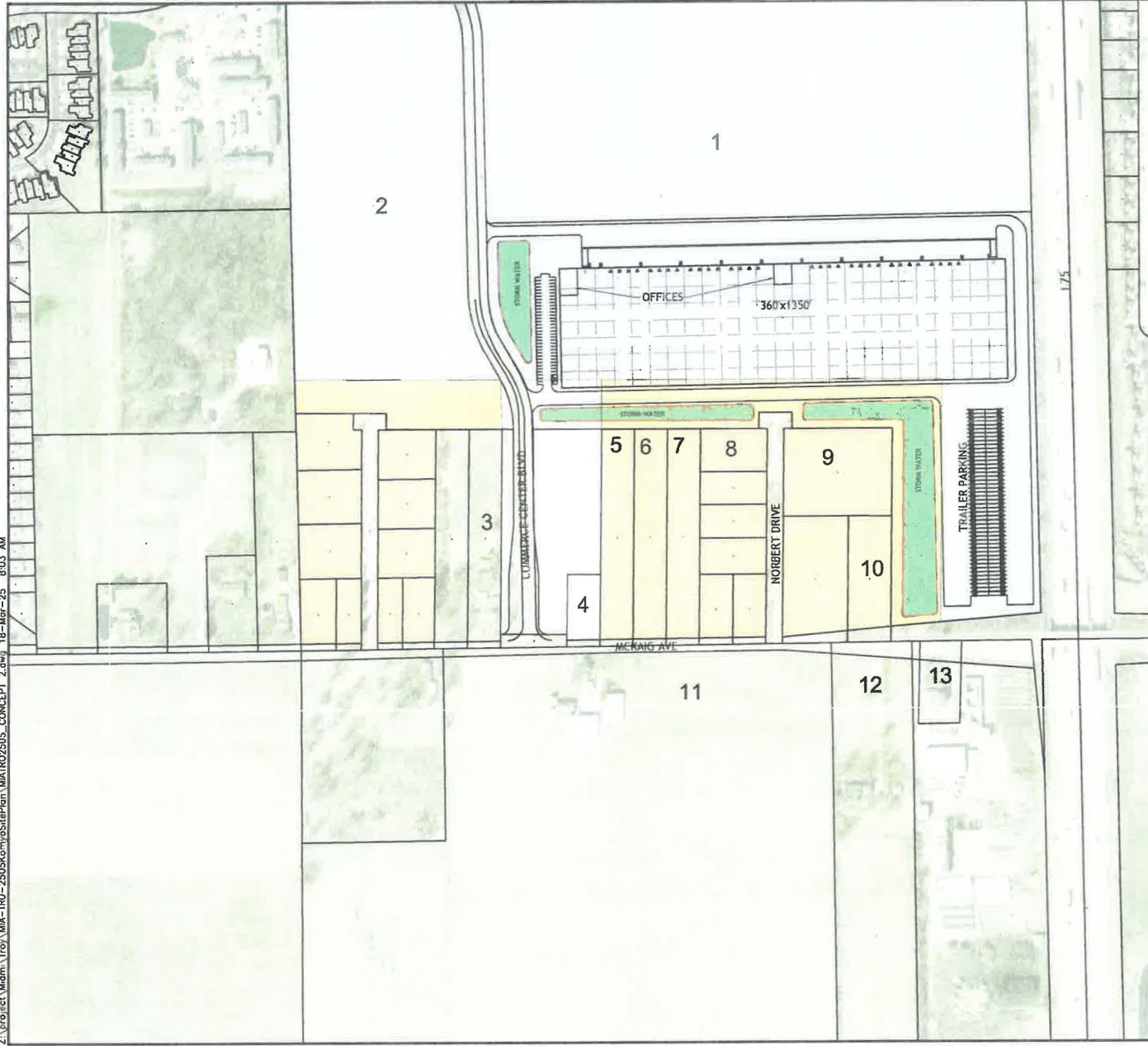
Instrument Reference: Titled in the name of Komyo America Co., Inc. a California corporation, via General Warranty Deed dated March 5, 2008, recorded on March 7, 2008 as Instrument No. 0483689 in the Official records of Miami County, Ohio



EXISTING ZONING

- M-2
- R-4
- OC-1
- R-1AAA





- EXISTING ZONING
- M-2
 - R-4
 - OC-1
 - R-1AAA



EXHIBIT E

ADJOINING PROPERTY OWNERS LIST

1. American Honda Motor Co., Inc., 151 Commerce Center Blvd., Troy, OH 45373
2. Favorite Farm Limited, 190 Commerce Center Blvd., Troy, OH 45373
3. Charles W. Hormell III and Donna M. Hormell, 1641 McKaig Road, Troy, OH 45373
4. Curtis P. and Susan A. Campbell, 1635 McKaig Road, Troy, OH 45373
5. MS & Leanna, 1633 McKaig Road, Troy, OH 45373
6. Mark S. and Sharon L. Pierson, 1631 McKaig Road W, Troy, OH 45373
7. Megan and Josh Gabel, 1629 McKaig Road W, Troy, OH 45373
8. David and Tracey Harvey, 100 N. Norbert Drive, Troy, OH 45373
9. William and Jenni Bolton, 85 Norbert Drive N, Troy, OH 45373
10. Bradley L. and Rachel Gordon, 1605 McKaig Road, Troy, OH 45373
11. TNT Properties of Miami County Ltd., 1636 McKaig Road, Troy, OH 45373
12. Roger J. and Katherine H. Fulker, 1616 McKaig Road, Troy, OH 45373
13. Sharon D. Chaney, 1610 McKaig Road, Troy, OH 45373

Miami County OH



3/20/2025, 9:51:29 AM

Parcels	C	Land Use	512	501	400	300	420	103
Parcel Class	E	510	520	499	429	650	403	453
R	I	511	599	401	680	447	330	
A		500						

