



AGENDA - TROY PLANNING COMMISSION MEETING
WEDNESDAY, APRIL 9, 2025, 3:30 P.M.
CITY HALL, COUNCIL CHAMBERS

1. Roll Call
2. Minutes - March 26, 2025
3. Historic District Application - Certificate of Appropriateness, 13-15 S. Market Street, for exterior alterations
Owner/Applicant - Beth Kerber
-Commission to make decision.
4. Other
5. Adjourn

Next Meeting -- April 23, 2025

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 26, 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 Mrs. Ehrlich, seconded by Mr. Westmeyer, the minutes of the February 12, 2025, meeting were approved by unanimous voice vote.

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, NORTH OF MCKAIG ROAD; OWNER - KOMYO AMERICA CO., INC.; APPLICANT – CRAIG E. SWEENEY, 40 N. MAIN STREET, SUITE 1700, DAYTON, OH. Staff reported: 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; and the property is bounded by interstate 75 to the east. Staff noted that the property has multiple zoning districts on the same lot. The majority of the lot is currently zoned M-2 Light Industrial District.

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 are 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.*

Due to the straightforward 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 did not recommend a public hearing before the Planning Commission is warranted.

Staff's opinion is 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 recommend 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:

- 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 rezoning is consistent with the City's Comprehensive Plan

DISCUSSION. Mr. McGarry asked how the current zoning came to be, with staff suggesting it may have been as a buffer.

PUBLIC HEARING. A motion was made by Mr. Titterington, seconded by Mrs. Ehrlich, that the Planning Commission does not hold a public hearing on the rezoning application for 191 Commerce Center Blvd., noting that Council will hold a public hearing.

MOTION ADOPTED, UNANIMOUS ROLL CALL VOTE

RECOMMENDATION. A motion was made by Mayor Oda, seconded by Mr. Westmeyer, that the Planning Commission recommends to Troy City Council the application to rezone 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, be approved 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 proposed rezoning is consistent with the City's Comprehensive Plan

MOTION ADOPTED, UNANIMOUS ROLL CALL VOTE

OTHER: Annie Shoemaker, 263 Elmwood Dr., Troy, Ohio, asked the Commission to recommend to Troy City Council that residents be permitted to raise chickens in the City limits. She commented that this has been allowed by the City of Piqua, and discussed benefits, including that fresh eggs have more nutrients; people can share food with neighbors; they can be used as educational tool for children; chickens are more noisy or smelly than keeping a dog in a yard; a roster is not required for chickens to lay eggs; and she does not think many people would actually raise chickens. In response to Mrs. Ehrlich, Ms. Shoemaker indicated she did not know of requirements to identify and deal with bird flu. The Commission did not provide a response to Ms. Shoemaker.

There being no further business, the meeting adjourned at 3:45 p.m. upon motion of Mr. Titterington, seconded by Mayor Oda, and approved by a unanimous voice vote.

Respectfully submitted,

Chairman

Secretary

MEMORANDUM

TO: City of Troy Planning Commission Members

FROM: Austin Eidemiller, Planning & Zoning Manager

DATE: April 3, 2025

SUBJECT: Certificate of Appropriateness – 13-15 S. Market Street

BACKGROUND:

The applicant and owner, Tecumseh of Troy LLC, is requesting the Planning Commission to review multiple alterations at the properties located at 13 and 15 S. Market Street. This applicant had previously applied for and received a COA for 13 S. Market Street that contained various conditions, none of which were met within the six (6) month expiration date.

A COA for 15 S. Market Street was denied on August 14, 2024. However, work was done to the storefront in November without a COA. This current request to the Planning Commission is an intent to rectify those issues. A copy of the previous minutes and report can be found as Exhibit A.

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 had covered the original characteristics of the building until the owner removed all of the metal that was hiding the original characteristics.

On March 28, 2025, the Owner met with City Staff regarding the expiration and potential future enforcement action that is pending related to both buildings. Staff discussed with the owner that the paint color that was painted on both buildings was the incorrect color from the SW 6480 Lagoon color that was approved by the Planning Commission only for 13 S. Market Street. The Owner agreed that a mistake was made by the painter selecting the wrong color and confirmed that 15 S. Market Street should have never been painted at that time (See Exhibit B for Existing Conditions).

PROPOSAL: 13 S. Market Street:

The Applicant is requesting that the first-floor storefront remain painted SW 0075 Holiday Turquoise. The application mentions that the awnings above the upper floor windows are currently in production that were previously approved on June 12, 2024 (see Exhibit C). The storefront modification that includes the doorway installation is pending contractor scheduling. The front awning is pending installation due to unforeseen expenses.

PROPOSAL: 15 S. Market Street:

The Applicant is requesting that the first-floor storefront on 15 S. Market Street (south side of building) be painted SW 6480 Lagoon. The application mentions that the third-floor north and south side walls will be painted the current tan color, and the three (3) boarded windows will receive a permanent window covering.

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. The buildings will be separated in color from SW 0075 Holiday Turquoise and SW 6480 Lagoon.*
- B. Historically unpainted surfaces should not be painted. Historically painted surfaces should remain painted. *N/A 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.*

Zoning Code 1143.22 (o) Time Limit

- 1. A Certificate of Appropriateness shall remain valid for a period of six (6) months from the date of issuance. If such work is delayed for a period exceeding six (6) months, the COA shall automatically expire and any other zoning permits issued in conjunction with it shall become void.
- 2. The Planning Commission may grant extensions for major modifications, but shall not exceed, two (2) extensions of the period of validity of a COA, not to exceed six (6) months each, if such request by the owner is at least ten (10) days in advance of the expiration of the COA. A request for any extension shall set forth reasons for the delay.

RECOMMENDATION:

Staff recommends approval of the proposed paint on both buildings as it complies with section 2.6 of the Design Manual with the following conditions as seen in the rendering that was previously approved in June 12, 2024:

- 1. That the cloth awnings (first and third floor) on the 13 S. Market Street building be installed within six (6) months from the date of the issuance;
- 2. That the iron window grills are installed (13 S. Market Street side) within six (6) months from the date of issuance;
- 3. The storefront entry door (13 S. Market Street side) is installed within six (6) months from the date of issuance;
- 4. The third-floor north and south exterior side walls (15 S. Market Street side) are painted the exact same color within six (6) months from the date of issuance, and;
- 5. Permanent window coverings on the three (3) boarded window openings on the third floor (15 S. Market St) as approved by the Zoning Administrator within six (6) months from the date of issuance.

Upon approval of this COA by the Planning Commission, Staff would defer filing court action subject to the applicant meeting all conditions within the timeframes indicated in the recommendation above.

Exhibit A – Previous Staff Report and Minutes 13 S. Market Street

MEMORANDUM

TO: City of Troy Planning Commission Members

FROM: Austin Eidemiller, Planning & Zoning Manager

DATE: June 12, 2024

SUBJECT: Certificate of Appropriateness – 13 S. Market Street

BACKGROUND:

The applicant and owner, Tecumseh of Troy LLC, is requesting the Planning Commission to review multiple exterior alterations at the property located at 13 S. Market Street. The property is located in the B-3 Central Business District.

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 use to cover the original characteristics of the building until the previous owner removed all of the metal that was hiding the original characteristics.

PROPOSAL:

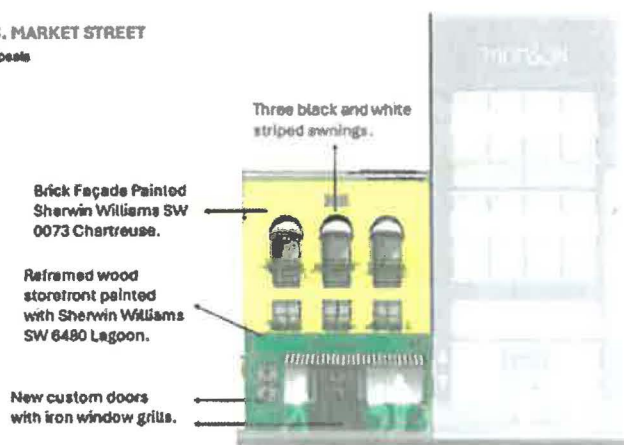
Alteration #1: Custom storefront casework that is painted with Sherwin Williams SW 6480 Lagoon.

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.

13 S. MARKET STREET
Proposals



100 South Market Street, Troy, OH 45373-7303

100 South Market Street, Troy, OH 45373-7303

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.*
- 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.*

RECOMMENDATION:

Staff recommends approval of the four proposed alterations due to compliance with the Design Manual as outlined above in red.

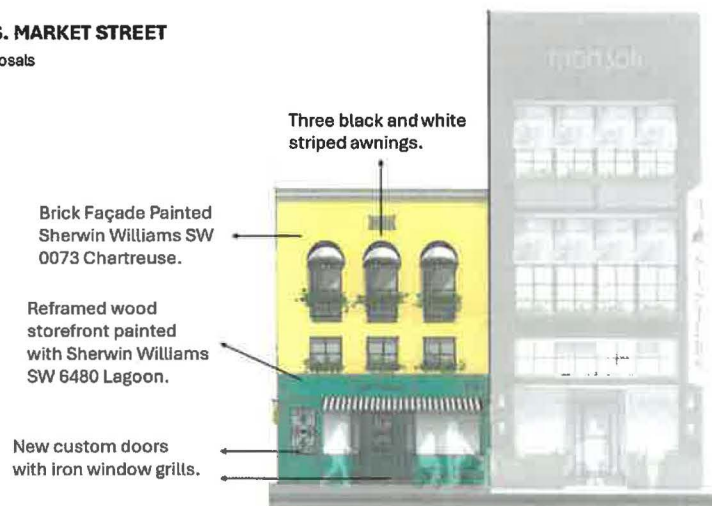
Exhibit A – Meeting Minutes 13 S. Market Street

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 WTECUMSEH 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.

13 S. MARKET STREET
Proposals



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.**



DEVELOPMENT
DEPARTMENT

- 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.*
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- 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.

June 12, 2024 Page Three

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

Exhibit B - Existing Conditions

Before



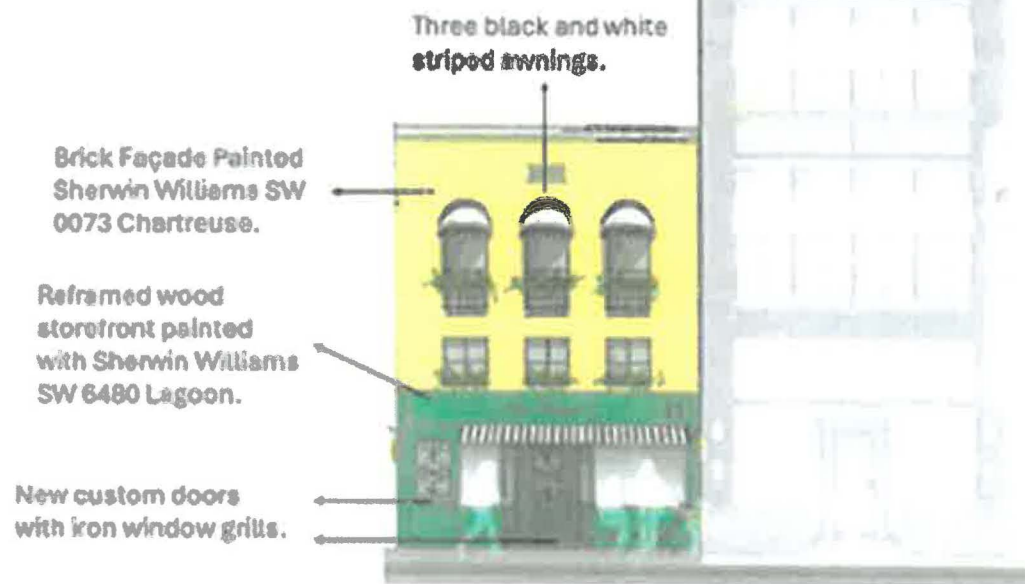
After



Exhibit C – Previous Approval Graphic for 13 S. Market St

13 S. MARKET STREET

Proposals





CITY OF TROY PLANNING COMMISSION
APPLICATION FOR HISTORICAL TROY ARCHITECTURAL DISTRICT

Date 3-28-25

Applicant Beth Kerber Telephone No. 937-477-6038

Owner of Property Beth Kerber Has the Owner been Notified? _____

Address of Project 132 15 S Market St.

Contact Address (if different than Project Address) _____

Name of Architect/Engineer and/or Contractor _____

Application for renovation to include the following:

☐

Alteration

☐

Construction

☐

Moving A Building

☒

Painting

☐

Repair

☐

Demolish - Principal Structure

☐

Demolish - Accessory Structure

☐

Other: _____

Will the work require use of the public right of way? (Blocking of sidewalk, parking spaces, etc?) ☐ Yes ☐ No ?

*If yes, a use of public space application is required

ONE (1) COPY OF INFORMATION TO BE SUPPLIED BY APPLICANT:

- (a) Site Plan drawn to scale shall be provided showing structure in question & its relationship to adjacent structures.
- (b) Description of proposed use, if different than existing use.
- (c) Plans illustrating the proposed structural or exterior changes, including changes in parking facilities, landscaping, screening, fences, signs and other relevant structures and fixtures, and relationship to surrounding structures.
- (d) Description and samples of materials proposed to be used in the project.
- (e) Paint samples for painting applications.
- (f) Any other photographs or illustrative visual aids and/or materials relevant to the project.
- (g) A written letter from the owner acknowledging the application, or a printed signature from the property owner on this form.
- (h) Application fee: \$25.00

*The Planning Commission meets on the second and fourth Wednesday of every month. Completed applications are due a minimum of two weeks prior to the requested meeting date.

SIGNATURE OF APPLICANT:

Beth Kerber

SIGNATURE OF PROPERTY OWNER:

BETH KERBER

PRINTED NAME OF PROPERTY OWNER:

OFFICE USE ONLY:

DATE FILED: _____

CASE #: _____

DATE OF MEETING: _____



13 Side approve the color currently on building Holiday Turquoise



-awning are currently being made for windows

-doorway install is waiting on contractor to get on schedule.

-front awning may take a few more month due to unforeseen expenses.

15 Side paint storefront the Lagoon color (previously approved for the B Side) will go with the window colors



3rd floor wall & window painted to ~~new~~ current color & covered w/ a more permanent covering (window)