

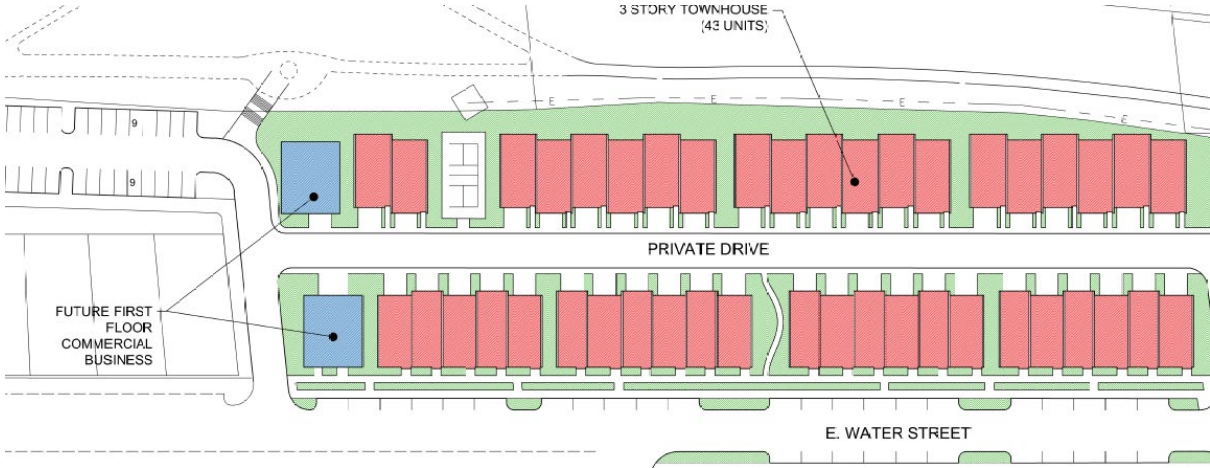
A regular meeting of the Troy Planning Commission was held in Council Chambers, City Hall on Wednesday, July 9, 2025 at 3:30 p.m. with Chairman James McGarry presiding. ATTENDING: Members – Westmeyer, McGarry, Emerick, Wolke, Ehrlich, and Oda; Development Staff – Eidemiller, Bruner, and Burgei.

APPROVAL OF MINUTES: Upon motion of Mrs. Ehrlich, seconded by Mayor Oda, the minutes of the June 25, 2025, meeting were approved by unanimous voice vote.

DOWNTOWN/RIVERFRONT OVERLAY (DR-O) DISTRICT APPLICATION, 518 E. WATER STREET, TO ALLOW FOR 43 SINGLE-FAMILY AND TWO COMMERCIAL MIXED-USE BUILDINGS ON THE WEST SIDE OF THE SITE. THIS WOULD BE AN EXCEPTION TO ZONING CODE SECTIONS 1143.11 (F) (2) AND (4) - FIRST READING; OWNER - EAST TROY DEVELOPMENT LLC; APPLICANT - SAM O'NEAL, S.M. O'NEAL CONSTRUCTION. Staff reported:

“INTRODUCTION:
The applicant, Sam O'Neal, on behalf of the owner East Troy Development LLC, requests the Planning Commission to review a Downtown Riverfront Overlay (DR-O) application at the property located at 518 E. Water Street. The property is zoned OR-1, Office-Residential District.

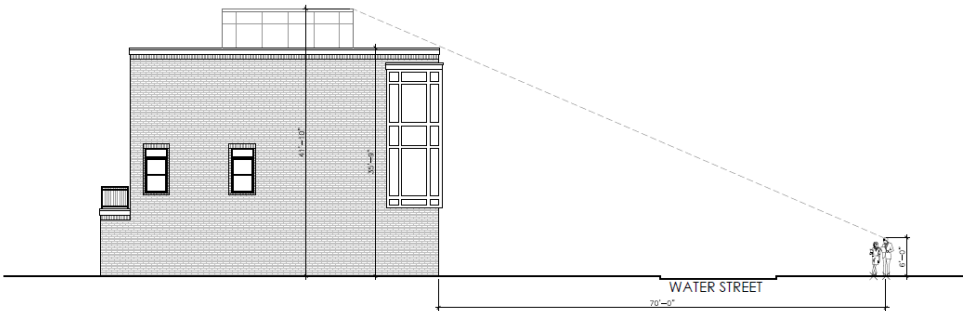
DISCUSSION (DR-O):
The applicant is requesting a DR-O review to allow forty-three (43) single-family townhome units with two (2) commercial mixed-use buildings on the west side of the site. The proposed buildings will be three-stories of livable floor space with the fourth floor being a rooftop patio that overlooks the Great Miami River. The livable floor space totals about 1,290 square feet per floor. The total acreage of the site includes four (4.2) acres.



Design Elements (facing Water Street). The front façade (facing Water Street) includes several façade variations with bump outs. The first-story includes brick and stone variations, wood trellis, awnings and canopies, and brick soldiers and lintels above the garage doors. The color palette includes Sherwin Williams Gauntlet Graw (SW 7019), Repose Gray (SW 7015), Iron Ore (SW 7069) Shoji White (SW 7042), Still Water (SW 6223), and Rosemary (SW 6187). See below graphic:



It is important to note that the rooftop components are minimally visible from the street. Please see below graphic that identifies viewing angles 70' across Water Street with a person at a height of six (6) feet.



Design Elements (facing riverfront). This rear elevation incorporates many of the design elements from the front façade. Brick is proposed on the first-floor that varies to the second-floor on the adjacent town homes. Brick soldier detail work separates the upper facades. The height is also stepped to create more variation between the townhomes. See below design graphic:



Amenities. The development includes a pickleball court adjacent to the riverfront with sidewalks that connect to the private drive. Additional sidewalk connections to the commercial structures to the west of the site and to the parking lot are also shown. Staff is in discussions with the developer on future river access near the northwest corner of the site.

Public Engagement. Staff presented the proposed plan on vision boards during the Troy Truck Yard Event on May 10, 2025. Staff received positive feedback from the attendees of this event. Additionally, a required public hearing will be held at our next regularly scheduled Planning Commission Meeting.

STAFF ANALYSIS:

Staff analysis can be seen following each section of the DR-O criteria, Bulk Regulations, and Comprehensive Plan in **bold**.

Zoning Code Deviations. The Zoning Code requirement that led to this request is the bulk regulations of the OR-1 Office Residential District. Zoning Code 1143.11 (f) bulk regulations (2) states a maximum structure height of forty (40) feet. Additionally, (4) states minimum side yard of ten (10) feet or half (1/2) the building height. **The application proposes a structure height of 41’ - 10”. The 1’ – 10” is justified with the unique characteristics of the levee height directly behind the site. Additionally, zero feet side yard setbacks are proposed. These are permitted deviations per Zoning Code 1143.25 (g) a. – h. of which states:**

“g) Bulk Regulations. Recognizing the long-existing mix of small and large lots in the Downtown Troy area and notwithstanding the requirements of the underlying conventional zoning districts, the Planning Commission and/or City Council may approve a DR-O site redevelopment plan as follows:

- a. Minimum lot size and dimensions less than required by the underlying conventional zoning district.
- b. Maximum building lot coverage of one hundred (100) percent for all areas under roof.
- c. Maximum lot coverage of one hundred (100) percent, including buildings, paved areas, and similar constructed elements.
- d. No minimum front yard and no minimum corner side yard requirements, except if such a yard is provided it shall have a minimum dimension of five (5) feet. Cornices, doors, windows, awnings,
- e. signs, canopies, and other similar projections shall not extend over any public right-of-way, unless separate street use approval is obtained from City Council.
- f. No minimum front yard and no minimum corner side yard requirements, except if such a yard is provided it shall have a minimum dimension of five (5) feet. Cornices, doors, windows, awnings,
- g. signs, canopies, and other similar projections shall not extend over any public right-of-way, unless separate street use approval is obtained from City Council.
- h. Minimum side yard of five (5) feet, unless adequate provision, acceptable to the Planning Commission and/or City Council, is made for future maintenance, such as a party wall, cross easements, etc.
- i. No minimum rear yard, if adequate provision, acceptable to the Planning Commission and/or City Council, is made for future maintenance (a party wall, cross easements, etc.) a minimum space of five (5) feet shall be provided if a wall contains doors and is adjacent to a public alley or other public right-of-way. If such a door is used for automobiles, adequate space and sight distances shall be provided for safe vehicle movement onto the right-of-way.”

Zoning Code 1143.25 Downtown Riverfront Overlay District (a) stated purpose: “It is intended to permit alteration and adaptive reuse of existing buildings, and redevelopment of vacant lands, in accordance with a coordinated plan which can be designed with greater flexibility, and consequently, more creative and imaginative redevelopment of this closely built and oldest area of Troy.” **The application meets the stated purpose of the DR-O. The application is a redevelopment of vacant land in accordance with a coordinated plan with greater flexibility. This development supports a creative and imaginative redevelopment of an old industrial riverfront property.**

Zoning Code 1143.25 (q) 1. C. (4) To provide for creatively designed single-use and mixed-use Planned Developments, and to preserve their character and vitality through ongoing regulatory supervision. **This creative mixed-use development supports the character of the riverfront. High quality materials are present with brick, stone, and engineered siding. The façades have many variations and design characteristics that preserve the character and vitality in Troy and the riverfront as outlined in the Discussion section of this report.**

Zoning Code 1143.25 (q) 1. C. (8) To facilitate the efficient and economical development and use of land and public facilities. **The application meets this requirement as it is efficiently redeveloping an old vacant industrial site. The site maximizes the potential of the site with forty-three (43) townhomes with zero side lot lines.**

Zoning Code 1143.25 (q) 1. C. (12) To preserve and enhance property values. **Property values will be enhanced with this redevelopment.**

Zoning Code 1143.25 (q) 1. C. (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. **The proposed development is on land best suited for this project physically as identified in the Comprehensive Plan and 2017 Downtown Riverfront Study.**

Zoning Code 1143.25 (q) 1. C. (16) To enhance the predictability and profitability of private investments made in the City. **Private investment in the downtown area, particularly with town homes, is encouraged by the 2017 Downtown Riverfront Study and the Comprehensive Plan.**

Zoning Code 1143.25 (q) 1. C. (17) To continuously improve the aesthetic character of all parts of the City. **The redevelopment of this property will improve the aesthetic character of the riverfront.**

Comprehensive Plan and 2017 Downtown Riverfront Study. The Planning Commission adopted the Comprehensive Plan in October of 2024. The Future Land Use map identifies this location as future trail-oriented development. Critical Path Strategy #5 states: “Continue to plan to use the City’s formal industrial areas near the Great Miami River and Downtown to create mixed-use and varied housing options.” This strategy also mentions that the time frame is years 1-3. The 2017 Downtown Riverfront Study identifies this property as future mixed use. The proposed development achieves both stated goals.”

PUBLIC HEARING: At 3:33 p.m. Mr. McGarry declared open a public hearing on this DR-O application. There being no comments, at 3:34 p.m. Mr. McGarry declared the public hearing closed. The secretary noted that the Commission had been provided a copy of an email from the Miami Conservancy District (MCD) (copy of email attached to original minute). In regard to the MCD comments, Mr. Eidemiller stated:

- 1. For the most part, the 15-foot clear zone already exists on the plan. It is only where the river bends that the clear zone may be less than 15 feet.
- 2. An easement would be a private matter between the property owner and the MCD. The property owner advised staff that he is willing to discuss this with the MCD.

COMMISSION RECOMMENDATION:

A motion was made by Mayor Oda, seconded by Mr. Westmeyer, that after consideration of the application/documentation submitted by the applicant, holding the required public hearing, and the report/recommendation of City staff, the following motion was approved by the Troy Planning Commission:

“That the Troy Planning Commission has reviewed the application to apply the Downtown/Riverfront Overlay District to the property located at 518 E Water Street; that the Commission finds that the criteria under which the Planning Commission shall review said applications, as set forth in Section 1143.25(q) (1) (c) of the Zoning Code, is met by this application and, therefore, the Troy Planning Commission formally recommends that the application to apply the Downtown/Riverfront Overlay District to the property at 518 E. Water Street be approved.” **MOTION ADOPTED, UNANIMOUS ROLL CALL VOTE**

HISTORIC DISTRICT APPLICATION, CERTIFICATE OF APPROPRIATENESS, 203 & 203 ½ S. MULBERRY STREET, EXTERIOR ALTERATIONS AND REPAIRS; OWNER/APPLICANT– BONNIE KINNEY. Staff reported that the applicant had submitted an email asking that this application be tabled. A motion was made by Mr. Emerick, seconded by Mrs. Ehrlich, that the Historic District Application for 203 and 203 ½ be tabled as requested by the applicant. **MOTION ADOPTED, UNANIMOUS ROLL CALL VOTE**

REZONING APPLICATION – SMITH ANNEXATION, LOCATED ON S. WILSON ROAD, FROM THE COUNTY ZONING OF A-2, GENERAL AGRICULTURE, TO CITY OF TROY R-4, SINGLE FAMILY RESIDENTIAL ZONING; OWNER - DAVID SMITH; APPLICANT – ATTORNEY ROB HARRELSON FOR DAVID SMITH. Staff reported: the property is located on S. Wilson Rd., Parcel ID: C06-043500 from City Administered County Zoning to R-4 Single Family Residential; it is further located on the southeast corner of Wilson Rd and Fenner Rd.; the property was annexed per Ordinance No. O-16-25; the land is currently used as agriculture; and the surrounding zoning districts include the R-4 Single Family Residential District to the east, County zoning of A-2, General Agriculture to the north, west, and south. Staff further reported:

“**DISCUSSION:** The Zoning Code describes the proposed R-4 zoning district as “designed to accommodate single-family dwellings on lots with areas of at least nine thousand (9,000) square feet per dwelling unit. This district will be mapped to protect areas that now meet these minimum lot sizes and for comparable areas which will develop in the future. The Comprehensive Plan describes the R-4 District as medium to high density.”

The Comprehensive Plan’s Future Land Use Map displays this property as Future Single Unit Attached. Please see Exhibit B – Future Land Use Map. 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 changing condition that led to this rezoning request is the development of the Reserve at Cliff Oaks Subdivision to the east and the annexation. The proposed zoning district will not have any adverse effects in the area. Residential uses exist to the east 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 residential uses that currently exist to the east with the Reserve at Cliff Oaks Subdivision.**

- (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 or will be 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 available vacant land for development with the R-4 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.

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 residential uses as outlined in the Future Land Use Map of the Comprehensive Plan and Zoning Code. Staff recommends the Planning Commission provide a positive recommendation to City Council for the proposed rezoning based upon the following:

- The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code and Comprehensive Plan; and
- The proposed rezoning is consistent with the surrounding zoning districts; and
- The proposed use is consistent with permitted uses in the R-4 Single Family Residential District.”

COMMISSION ACTION REGARDING PUBLIC HEARING.

A motion was made by Mr. Wolke, seconded by Mr. Ehrlich, that the Commission not hold a public hearing on the zoning of the Smith Annexation, with it noted that Council must hold a public hearing.

MOTION ADOPTED, UNANIMOUS ROLL CALL VOTE.

COMMISSION RECOMMENDATION TO COUNCIL.

A motion was made by Westmeyer, seconded by Mr. Wolke, that the Troy Planning Commission recommends to Troy City Council that the 57.679 acre parcel known as the Smith Annexation, Parcel C06-043500, located at the southeast corner of Wilson Road and Fenner Road, be rezoned from the City administered County Zoning of A-2, General Agriculture, to the City zoning of R-4, Single-family 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 and Comprehensive Plan
- The proposed rezoning is consistent with the surrounding zoning districts
- The proposed use is consistent with permitted uses in the R-4 Single Family Residential District.

MOTION ADOPTED, UNANIMOUS ROLL CALL VOTE

There being no further business, the meeting adjourned at 3:40 p.m., upon motion of Mayor Oda, seconded by Mr. Westmeyer, and approved by unanimous voice vote.

Respectfully submitted,

_____Chairman

_____Secretary

HISTORIC DISTRICT APPLICATION, CERTIFICATE OF APPROPRIATENESS, 203 & 203 ½ S. MULBERRY STREET, EXTERIOR ALTERATIONS AND REPAIRS; OWNER/APPLICANT– BONNIE KINNEY.

Staff reported: “ property is zoned R-7 Multi-Family Residential District; the Ohio Historic Inventory (OHI) form describes this property as a two-story brick and frame residence with Queen Anne elements, unusual brick first floor and frame second. the second-floor flares out at the top of the brick portion, contributing features include: round-end wood shingles; 2 dormers; 1/1 and ornate 1/1 windows; front porch, and alterations include a shed roof addition and stairs & porch added at the rear for second floor access; application is **for** alterations and repairs including replacement of deteriorated boards and new vinyl siding; the vinyl siding that is proposed will replace the fish-scale wood siding on the upper floors of the structure; proposed color is beige (sunny maize); and it is important to note that vinyl is present on the dormers, however it appears that this was altered without approval in between 2017-2021.

STAFF ANALYSIS (Design Manual): Staff analysis can be found following each ***bold*** Design Manual guideline below:

Section 2.1 C. If it is not practical to retain the original materials or features due to the condition, unavailability, safety, or energy efficiency of original materials, then quality, contemporary, substitute materials, when approved by the Board, should replicate the material being replaced in composition, design, color, texture, and other visual qualities. Contemporary materials may be used if it is demonstrated that they have the same quality and character as historic materials. **The new siding will not match the fish scaled siding. Staff reached out to the property owner about looking into an alternative to the traditional horizontal vinyl siding. The applicant responded with cost concerns. Per the OHI form, the fish scale siding is a listed contributing feature to the district. The proposal does not meet this guideline. Properties in the vicinity to the north have found vinyl options of the fish scaled siding that match the design characteristics of the contributing features.**

Section 2.3 A. Original wood siding should not be covered over. **The original wood siding proposed to be covered. The proposal does not meet these guidelines.**

Section 2.3 B. Wood siding should be used in one of the traditional forms as found on the building (e.g. shingle, board-and batten, shiplap, or beveled siding). **The new siding will not match the existing style. The proposal does not meet this guideline.**

STAFF RECOMMENDATION (Vinyl Siding):

Staff recommends denial of the proposed alteration based upon the following:

1. The proposed alteration will alter a contributing feature as referenced on the OHI Form, and;
2. The alteration does not comply with design manual section 2.1 and 2.3 as outlined above. “

DISCUSSION:

ACTION OF THE COMMISSION:

A motion was made by Mr seconded by Mr to deny the application for 203 and 203 ½ S. Mulberry Street as submitted based on the findings of staff that: 1. The proposed alteration will alter a contributing feature as referenced on the OHI Form, and;

2.The alteration does not comply with design manual section 2.1 and 2.3 as outlined above. “

MOTION ADOPTED, UNANIMOUS ROLL CALL VOTE