

A regular meeting of the Troy Planning Commission was held in Council Chambers, City Hall on Wednesday, October 27, 2021 at 3:30 PM with Vice Chairman Mr. McGarry presiding. ATTENDING: Members – Titterington, Wolke, Oda, McGarry and Ehrlich; Staff – Development Director Davis, Zoning Inspector Bruner; and Engineering Technician Watson.

APPROVAL OF MINUTES: Upon motion of Mayor Oda, seconded by Mrs. Ehrlich, the minutes of the October 11, 2021 meeting were approved by unanimous vote.

HISTORIC DISTRICT APPLICATION, EXTERIOR PAINTING OF 301 PUBLIC SQ. SE, OWNER/APPLICANT DAVID FAIR OF DAVID FAIR ON THE SQUARE.

REMOVE FROM TABLE. Upon motion of Mr. Titterington, second by Mr. Wolke, the application was removed from the table by unanimous roll call vote.

STAFF RECOMMENDATION: Staff reported:

“David Fair, Owner of David Fair on the Square, is requesting a historic review from the Planning Commission to consider the exterior modification of paint on the building located at 301 Public Square SE. The property is zoned B-3, Central Business District.

The Ohio Historic Inventory (OHI) form describes the building as a three-story brick building with Italianate Commercial elements. The building was erected in 1904. Alterations include new transoms signboard, display windows, doors and replacement windows on the upper floors. The building is on the National Register. The SE Public Square streetscape includes three exposed brick facades located at 2 E. Main Street, 221 SE Public Square, and 301 Public Square SE.

DISCUSSION:

The applicant is proposing the exterior paint modifications with the following Sherwin Williams paint colors:

- a) Primary building color: Oakmoss (SW: 6180)
- b) Trim color: Relaxed Khaki (SW: 6149)
- c) Accent color: Enduring Bronze (SW 7005)

The front façade of the building had exposed brick on the second and third floors, however, was primed without Planning Commission approval. Staff notified the property owner to cease exterior activity until Planning Commission approval. Staff have also identified the presence of synthetic caulking in between the mortar joints. The Secretary of Interior Standards for the Treatment of Historic Properties state “applying paint or other coatings such as stucco to masonry that has been historically unpainted or uncoated to create a new appearance is not recommended; and repointing with a synthetic caulking compound is not recommended”.

At the previous Planning Commission meeting on Monday, October 11, 2021, the Planning Commission tabled the request and recommended that staff contact the State Historic Preservation Office (SHPO) for feedback on the request. SHPO stated that if the exposed brick façade has evidence of sandblasting, removal of the paint would be difficult if not impossible as the hard shell of the brick is removed during the sandblasting process, and often times soaks up more paint. The Ohio Historic Inventory Form (OHI) identifies the presence of sandblasting. SHPO also stated that in “lieu of a penalty” an option may be to require paint colors that are more compatible with the original brick façade.

Staff concurs with the Standards for Rehabilitation that applying paint or other coatings should not be applied to the original exposed brick, however, removing the paint is difficult and potentially impossible, and may do more damage to the brick facade with removal.

This application has been reviewed for compliance with all requirements of the Zoning Code except for the additional design standards imposed by the historic district regulations and has been found to comply with those requirements.

RECOMMENDATION:

Staff recommends approval of the proposed exterior paint modification, based on the following:

- The proposed modification protects the original brick façade where removing the paint may create more damage to the brick;
- The modification follows suggestions made by the State Historic Preservation Office. “

COMMISSION DISCUSSION: At Mr. Titterington’s request, staff explained discussions with the application – an application was submitted, staff then saw that paint and caulk work was done on about 25% of the building without the application being considered or approved; staff asked the work stop to see if the application was approved; after the application was tabled, staff so advised the owner; staff later found that work continued with about 75% of the building worked on; staff issued a stop work order.

It was noted that the painter worked at the instructions of the owner. Mr. Titterington noted that the owner appears to have totally ignored the instructions and defied orders to stop. It was also noted there is no penalty other than to perhaps take the owner to court, and that Council is considering an ordinance that doubles a fee for historic district work done without a permit issued but that will only double a \$25 fee. Commission members that the penalty is not much a deterrent.

The Commission noted that ordering removal of the paint and caulk may do more damage to the building based on the information in the staff report. Several Commission members noted they may not object to the paint scheme but do object to the owner proceeding to work when ordered not to do so.

A motion was made by Mayor Oda, seconded by Mr. Titterington, to approve the historic district application for 301 Public Square SE as submitted, for the exact colors and materials stated in the application, but asked that staff advise the applicant that the Commission is not pleased that the applicant proceeded both without obtaining the required permission and then defied orders to stop work. **MOTION PASSED, UNANIMOUS VOTE**

HISTORIC DISTRICT APPLICATION, WINDOW SIGN FOR 113-115 E. MAIN STREET, OWNER – PHYLLIS PRIMM (BY MARCIA RYAN); APPLICANT – BECKY PEURA. Staff advised that the building is zoned B-3 Central Business District; 49.5 square feet of signage is permitted; a 10.4 square foot sign is applied for, to be constructed of blue and white vinyl as submitted with the application; and staff recommends approval based on the findings that:

- The proposed sign complies Historic District Sign Code regulations.
- The proposed sign material and colors are currently used within the Historic District.

A motion was made by Mayor Oda, seconded by Mr. Wolke, to approve the historic district application for 113-115 E. Main Street as submitted for the colors and material submitted in the application, and based on the findings of staff that:

- The proposed sign complies Historic District Sign Code regulations.
- The proposed sign material and colors are currently used within the Historic District.

MOTION PASSED, UNANIMOUS VOTE

IN THE ABSENCE OF THE CHAIRMAN, AUTHORIZE A MEMBER OF THE PLANNING COMMISSION TO SIGN THE APPROVED PLAT REGARDING DEDICATION OF RIGHT-OF-WAY ALONG S. COUNTY ROAD 25A & DYE MILL ROAD. This plat/dedication of right of way was approved by the Commission on 9-8-2021, but was only recently presented to the Commission to be signed, and as Mr. McGarry is the representative of the applicant on the plat, he should not sign the plat on behalf of the Commission. A motion was made by Mrs. Ehrlich, seconded by Mr. Titterington that Mr. Wolke be designated to execute the plat document on behalf of the Commission in the absence of the Chairman. **MOTION PASSED, UNANIMOUS VOTE**

SUBDIVISION REGULATIONS UPDATE. It was noted that the Commission had received a draft of the proposed regulations, with it noted that the draft has been reviewed with the Planning Commission Chair. Mr. Wolke asked to receive a draft with legislative script to highlight all changes. The Commission was asked to review the draft and provide any questions to the City Engineer as soon as possible, with the Commission to consider a recommendation to Council at the last meeting in November or the first meeting in December.

There being no further business, the meeting adjourned at 4:09 p.m. upon motion of Mr. Wolke, seconded by Mrs. Ehrlich.

Respectfully submitted,

_____Chairman

_____Secretary