



Troy Zoom is inviting you to a scheduled Zoom meeting.

Topic: Troy City Council Special Meeting and Committee Meeting  
Time: June 22, 2020 05:00 PM Eastern Time (US and Canada)

Troy Zoom is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/89067977246>

Meeting ID: 890 6797 7246

Please note the following:

1. City Hall will be closed to the public during these meetings
2. The meetings may be televised live on the City's Facebook page (subject to the technological capability)
3. The public can submit questions or comments on any item in advance of the meeting by submitting them to <https://www.troyohio.gov/FormCenter/City-Council-6/Email-All-Council-Members-47>. Questions or comments are to be submitted no later than noon, the day of the meeting

Notes for Committee Members:

1. Committee Members should be un-muted (unless there are background noises that would be picked up on audio)
2. Everyone else is asked to stay muted unless called upon
3. Please be aware that once you join the meeting you are on video

NOTICE OF SPECIAL MEETING  
OF THE  
CITY COUNCIL

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Mr. Allen, Mr. Phillips, Mr. Rozell, Mr. Schilling, Mr. Schweser,  
Mr. Severt, Mrs. Snee, Mr. Terwilliger, Mr. Twiss, Mr. Lutz

*You are hereby notified that there will be a special meeting of the City Council of The City of Troy, Ohio, at the Council Chamber in said city, on MONDAY the 22<sup>nd</sup> day of June, 2020 at 5:00 PM. for the purpose of considering the appointments of the Mayor to the Human Relations Commission, to be approved by a motion, second, and roll call vote of Council.*

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This meeting is called by Council President Lutz pursuant to Rule XXV of the Troy City Council Rules for procedure.

*Signed by us as duly elected and qualified members of the City Council of the City of Troy, Ohio, this \_\_\_\_\_ day of June, 2020.*

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AGENDA, TROY CITY COUNCIL  
**SPECIAL MEETING**  
MONDAY, JUNE 22, 5:00 pm

ROLL CALL

(by motion, second, roll call vote)

READING AND ACKNOWLEDGEMENT OF NOTICE OF SPECIAL MEETING OF TROY CITY COUNCIL

COMMITTEE REPORTS

Personnel Committee:

Mayor's appointments to the Human Relations Commission

Motion, second, roll call vote

ADJOURN



**TROY CITY COUNCIL  
COMMITTEE MEETING  
MONDAY, JUNE 22, 2020  
MEETING AGENDA**

**Community & Economic Development Committee (Snee [Chm.], Rozell, Twiss)**

1. Provide a recommendation to Council regarding Ordinance No. O-31-2020, Rezone Parcels D08026290, D08-026300 (6 N. Madison) R-6 to OC-1

6-19-2020

cc: Mayor  
Mr. Titterington  
Mr. Kerber, Mr. Frigge, Department Heads, media

**ORDINANCE No.** 0-31-2020

Dayton Legal Blank, Inc.

**AN ORDINANCE CHANGING THE ZONING OF PARCEL NUMBERS D08-026290 AND D08-026300 IN THE CITY OF TROY, OHIO FROM THE ZONING CLASSIFICATION OF R-6, TWO-FAMILY RESIDENTIAL DISTRICT, TO OC-1, OFFICE COMMERCIAL DISTRICT**

**WHEREAS**, a request for zoning change was presented to the Planning Commission of the City of Troy, Ohio to rezone Parcel Numbers D08-026290 and D08-026300, located at 6 North Madison Street, from the zoning classification of R-6, Two-family Residential District, to the zoning classification of OC-1, Office Commercial District; and

**WHEREAS**, the Planning Commission of the City of Troy, Ohio, has reviewed the plan and recommended approval, and

**WHEREAS**, at least thirty days notice of the public hearing of said change has been provided in a newspaper of general circulation,

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Troy, Ohio as follows:

**SECTION I:** That the zoning of Parcel Numbers D08-026290 and D08-026300, located at 6 North Madison Street, Troy, Ohio, from the zoning classification of R-6, Two-family Residential District, to the zoning classification of OC-1, Office Commercial District, be approved.

**SECTION II:** That this Ordinance shall be effective at the earliest date allowed by law.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

Attest: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor



## TROY PLANNING COMMISSION

### MEMORANDUM

**TO:** Mr. Lutz President, Troy City Council  
**FROM:** Sue Knight, for the Troy Planning Commission  
**DATE:** May 19, 2020  
**SUBJECT:** **PROPOSED REZONING PARCEL NUMBERS D08-026290 AND D08-026300, TOTAL OF 0.21 ACRES, WITH THE ADDRESS OF 6 NORTH MADISON STREET, FROM R-6, TWO-FAMILY RESIDENTIAL DISTRICT, TO OC-1, OFFICE COMMERCIAL DISTRICT**

On May 13, 2020, the Troy Planning Commission considered the rezoning of Parcel No. D08-026290 and vacant Parcel No. D08-026300, located at 6 N. Madison Street, a total area of 0.21 acres, from the zoning of R-6, Two-Family Residential District, to OC-1, Office Commercial District. The owner/applicant is Kelly Moler Larger. It was indicated that the intent is to continue to use the property as commercial; however, a commercial use is non-conforming for the R-6 zoning. Some commercial uses are conforming under the OC-1 zoning.

The Planning Commission determined not to hold a public hearing on this rezoning application.

By unanimous vote, the Troy Planning Commission recommends to Troy City Council that Parcel No. D08-026290 and vacant Parcel No. D08-026300, located at 6 N. Madison Street, be rezoned from R-6, Two-Family Residential District, to OC-1, Office Commercial District, based on the findings of staff of:

- The proposed OC-1 rezoning is consistent with the intent and purposes of the City of Troy Zoning Code; and
- The proposed rezoning creates the desired effect of a buffer district with the surrounding residential zoning districts; and
- The proposed use is consistent with permitted uses in the OC-1 district; and

Attached is a copy of the information reviewed by the Commission. This request is forwarded herewith to Council for consideration.

The Public Hearing before Council has been set for the June 15 meeting of Council.

encl.

<b>TO:</b>	Troy Planning Commission
<b>FROM:</b>	Planning Staff
<b>DATE:</b>	April 22, 2020
<b>SUBJECT:</b>	Rezoning: 6 N. Madison Street Lot D08-026290 & Lot D08-026300 (0.21 acre, 8,453 sq. ft.)
<b>OWNER:</b>	Kelly Moler Larger
<b>APPLICANT:</b>	Kelly Moler Larger

**BACKGROUND:**

Kelly Larger, has requested for Planning Commission to consider allowing the rezoning of 6 N. Madison Street, parcel D08-026290 and the vacant lot of D08-026300 (combined 0.21 ac.). Currently the property is zoned R-6 Two Family Residential, and the applicant requests that the zoning of the parcel be rezoned to OC-1 Office Commercial District.

The land, consisting of a combined 0.21 acres and 8,453 sq. ft. is currently developed with 1,250 square feet, building that was previously used as a commercial beauty salon. The other surrounding zoning districts are B-2 General Commercial District to the east and south, R-5 Single Family Residential to the west and southwest, and R-6 Two Family Residential to the north.

**DISCUSSION:**

The applicant cited the reasons for the proposed rezoning is to be able to use the property for a continued use of a beauty salon and other allowable uses as permitted in the OC-1 zoning district. (*Exhibit A*) The current building was constructed as a commercial building and has continued to be used in a commercial use since the nineteen seventies.

The Zoning Code describes the current R-6 zoning district as “designed to accommodate two-family dwellings on lots with areas of at least six thousand (6,000) square feet and not less than three thousand (3,000) square feet of lot area 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-6 District as high density.”

The Zoning Code describes the proposed OC-1 zoning district as “designed to accommodate a mixture of office and commercial uses consisting of groupings of professional, research, executive, administrative, accounting, clerical, stenographic and similar uses. Residential development is not permitted in the district. This district is designed and intended to act as a buffer. This district is mapped along major thoroughfares, near hospitals, and as a transitional area between nonresidential and nonresidential uses.”

Attached to this report is a map showing the surrounding zoning districts and properties within a two hundred and fifty-foot radius of the land proposed to be reclassified. (*Exhibit D*)

The property has always been used as a commercial property, the previous tenant was a beauty salon and the new tenant is continuing that service. This rezoning will allow the property to be used in a conforming manner for the uses that have continued to operate on the property. The rezoning request would allow the owner to allow proper signage than what's permitted in the residential zoning. The OC-1 zoning allows similar low intense uses than the adjacent commercial area. The rezoning will act as a buffer from the general commercial activity along W. Main Street.

**In reviewing a rezoning proposal, Section 1139.07 outlines the criteria on which to base decisions:**

*(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 proposed rezoning is not made necessary because of changing conditions in the affected area. The proposed use should not have any adverse effects in the area and is similar to the previous use and the existing commercial uses that currently exist in the surrounding area.

*(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 uses that currently exist in the surrounding area.

*(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.*

All utilities can be provided.

*(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 with the OC-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.*

This would not correct any errors in the application of the Zoning Code.

**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 recommend a public hearing.

**RECOMMENDATION:**

It is staff's opinion that the proposed rezoning is consistent with the existing design of the property and surrounding properties. The proposed rezoning provides a buffer between the general commercial district and the neighborhood. The building was built as a commercial structure, and having it continued to be occupied as a low intense commercial use is appropriate.

Staff is recommending that the Planning Commission recommend approval of the proposed rezoning from R-6 Two Family Residential to OC-1 Office Commercial 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 creates the desired effect of a buffer district with the surrounding residential zoning districts; and
- The proposed use is consistent with permitted uses in the OC-1 district; and

Scheduled Planning Commission Meeting  
(Held every 2<sup>nd</sup> and 4<sup>th</sup> 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 Co N. Madison St.

(Street Address)

being lot number(s) D08-026290, D08-026300 from R6 to OC1  
(Parcel Identification Number) (Existing Zoning Classification) (Proposed Zoning Classification)

OWNER

Name Kelly Moler Langer  
Address 6655 W. Miami Shelby Rd.  
City Piqua  
State OH  
Zip Code 45356  
Phone No. 937-214-2326  
Fax No. —  
Email largerbm@aol.com  
The applicant is the owner of the property, which is subject to this application.  
(State the interest of the applicant)

APPLICANT

Name Kelly Moler Langer  
Address 6655 W. Miami Shelby Rd.  
City Piqua  
State OH  
Zip Code 45356  
Phone No. 937-214-2326  
Fax No. —  
Email largerbm@aol.com  
The applicant is 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 \$150.00 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.

Kelly Moler Lergen  
(Applicant Signature)

Subscribed and sworn to before me this 13<sup>th</sup> day of April, 2020

My Commission Expires April 11, 2021  
(Month/Date/Year)

Jamie Coleman  
(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 Electronic Set
  - Map(s) County Tax Map(s)
  - Filing Fee Check issued to City of Troy for \$150.00
- Additional Documentation (List):

**PLANNING COMMISSION DISPOSITION:**

\_\_\_\_\_ PUBLIC HEARING DATE  
 \_\_\_\_\_ RECOMMENDATION TO CITY COUNCIL

**CITY COUNCIL DISPOSITION:**

1<sup>st</sup> Reading: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ 3<sup>rd</sup>: \_\_\_\_\_ PUBLIC HEARING DATE  
 \_\_\_\_\_ COUNCIL COMMITTEE RECOMMENDATION  
 Approved: \_\_\_\_\_ Denied: \_\_\_\_\_ CITY COUNCIL ACTION  
 Ordinance Number: \_\_\_\_\_  
 Effective Date: \_\_\_\_\_

Revised 10/25/11

# Exhibit A

Dear Zoning Commission,

April 13, 2020

My name is Kelly Moler Larger, as owner of the property at 6 North Madison, Troy, Ohio I am requesting that the property be rezoned as a Commercial Property. The property was purchased by my father in the early 1970's and was operated as the Moler Electric Service for 20 plus years. After my father retired from his business in the early 1990's the property was then rented to Barrie VanKirk who operated a beauty salon with massage services as Barrie's Beauty Salon, this lasted until November of 2019. Interior design updates were made to the building as much of the structure had not changed in nearly 27 years. The building was rented to Shannon Clark in January of 2020, her business will be a beauty salon known as Color Vibe Salon. Ms. Clark has been unable to open her business due the mandate of Governor Dewine.

It was my assumption when I bought the property that it was zoned commercial, since the property taxes were paid as a Commercial Property and the building had been operating as a business since my youth. When Shannon Clark applied for her occupancy permit, she was made aware that the property was zoned residential and informed me at that time.

Currently cosmetic improvements are being made to the exterior building that will enhance the overall "curb" appeal. A large parking lot is located in the exterior of the building which currently has new gravel allowing for ample parking for clients. With the current zoning Color Vibe Salon is limited on the signage to place on the exterior of the property. Being that the building sits a bit off of Main Street and lower than street level, Ms. Clark will not receive the visual advertisement that would encourage customers to her salon. By receiving proper commercial zoning, the business will be within requirements for adequate signage.

With the majority of properties on the Main St. corridor within the two-block area operating as commercial businesses it seems to make good sense for the City of Troy that the zoning to be converted to commercial.

In summary I would kindly ask the Zoning commission to consider the rezoning of 6 North Madison to a commercial property. I'm looking forward to being apart of the City of Troy business community.

Thank you for your cooperation on this issue.

  
Kelly Moler Larger

Exhibit B

TRANSFERRED  
In compliance with ORC 319.202  
MATTHEW W. GEARHARDT, Miami Co. Auditor  
*Matthew Gearhardt*  
JUL 23 2019

JESSICA A. LUPEK  
2019OR-08087  
PRESENTED FOR RECORD  
MIAMI COUNTY, TROY, OHIO  
07/24/2019 10:44:27 AM  
REFERENCES: 0  
RECORDING FEE 28.00  
PAGES: 1

6655  
DGE  
7-23-19  
NW 25

### GENERAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS THAT THOMAS F. MOLER and TAMMY L. MOLER, husband and wife, of Miami County, State of Ohio, for valuable consideration paid, grants with general warranty covenants to KELLY MOLER LARGER, her heirs and assigns forever, whose tax-mailing address is 6655 West Miami Shelby Road, Piqua, Ohio 45356, the following real property:

Situated in the State of Ohio, in the County of Miami and in the City of Troy, and being Inlots numbered Two Thousand Six Hundred Twenty-nine (2629), Two Thousand Six Hundred Thirty (2630), Two Thousand Six Hundred Thirty-one (2631) and Two Thousand Six Hundred Thirty-two (2632) in said City of Troy

Parcel No. D08-026290, D08-026300 and D08-026310

This deed is executed, acknowledged and delivered by the Grantors and accepted by the Grantees subject to all easements, restrictions and covenants of record, applicable building, zoning and use regulations, and Grantees assume and agree to pay the January, 2020 installment of taxes and assessments and thereafter.

Prior Instrument Reference: Volume 740, Page 692, Miami County Deed Records

Executed this 16th day of July, 2019.

*Thomas F. Moler*

THOMAS F. MOLER

*Tammy L. Moler*

TAMMY L. MOLER

State of Ohio,  
Miami County, ss:

Executed before me, a Notary Public, in and for said County and State, on the 16th day of July, 2019, by the above-named THOMAS F. MOLER and TAMMY L. MOLER, husband and wife, who represented to me to be said person, and who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed.



*Matthew Gearhardt*

# 6 N. Madison St – Surrounding Zoning Districts

