

A regular meeting of the Troy Planning Commission was held Wednesday, March 11, 2020, at 3:30 p.m. in Council Chambers, second floor, City Hall, with Chairman Alan Kappers presiding. Others present: Members: Titterington, Ehrlich, Wolke, and Westmeyer; Zoning Inspector Watson; Assistant Development Director Harris; and Development Director Davis.

The Minutes were corrected to show that Mr. Taylor is the applicant for the DR-O, but is not the owner of 25 S. Plum Street. Upon motion of Mr. Titterington, seconded by Mr. Westmeyer, the minutes of the Feb. 26, 2020 meeting were approved as corrected.

APPLICATION TO HAVE THE DOWNTOWN/RIVERFRONT OVERLAY (DR-O) DISTRICT APPLIED TO 0.05 ACRE PARCEL WITH A 4,212 SQUARE FOOT MULTI-STORY BUILDING AT 25 S. PLUM STREET (BETWEEN W. MAIN STREET AND W. FRANKLIN STREET) TO ALLOW RESIDENTIAL USAGE ON ALL FLOORS OF THE BUILDING. THE CURRENT B-3 CENTRAL BUSINESS DISTRICT, ZONING PERMITS RESIDENTIAL USES ON THE SECOND FLOOR AND ABOVE. THE DR-O DISTRICT WOULD ALLOW FOR A RESIDENTIAL USE ON THE FIRST FLOOR AS WELL; APPLICANT: MVP 619 LINCOLN INC. (GREG TAYLOR). Staff reported as follows:

*At the February 26, 2020 Planning Commission meeting, the first reading of the requested Downtown Riverfront Overlay (DR-O) District to allow for residential use on all floor levels for the property of 25 S. Plum St. The applicant is proposing for the property of 25 S. Plum St., to use the existing building for residential use. The property is zoned B-3 Central Business District, consisting of 0.05-acre with a 4,212 square foot multi-story building. Located on S. Plum St. between W. Main St. and W. Franklin St.

After review by city staff, the property currently meets the existing underlying district as a legal non-conforming lot. All other aspects of the project meet the requirements of the Zoning Code.

The intent of the Downtown/Riverfront Overlay District is to be applied when the conventional zoning requirements are inappropriate or the underlying zoning district is unduly restrictive or prevents the reuse of buildings or properties in downtown Troy. The property at 25 S. Plum Street, zoned B-3 Central Business District currently allows for residential use on second story and above. The reuse of the property as residential would be less intense than the allowed business uses. The property is restricted due to the limited size of the lot, the design and elevated front entrance of the building.

As stated in section 1143.25(q)(1)(c) of City of Troy Zoning Code, Planning Commission shall review all DR-O applications and shall grant, modify, or deny/and or recommend the denial, or modifications of such application based upon the following criteria:

1. To prevent hazards to the health and safety of the public and of all occupants of the improved real property.
2. To assure adequate light, air, and convenience of access for all properties.
3. To promote the delivery of public services such as utilities, streets, refuse collection, emergency medical services, fire and police protection.
4. To provide for creatively designed single-use and mixed-use Planned Developments, and to preserve their character and vitality through ongoing regulatory supervision.
5. To assure, through an appropriate site plan review that the general, district and supplementary regulations of this Zoning Code are being followed in the design of each new site improvement or redevelopment.
6. To minimize adverse effects on traffic safety caused by development and certain land uses.
7. To minimize adverse effects on the environment resulting from development and certain land uses.
8. To facilitate the efficient and economical development and use of land and public facilities.
9. To allocate to each site development, rather than to the public, the maximum feasible portion of the infrastructure and operating costs which arise as a result of that development.
10. To fairly balance the interest of property owners and occupants in continuing their nonconforming land uses against the community interest in achieving full compliance with this Zoning Code.
11. To protect floodways and flood plains from development which increases the general risk of flooding or puts occupants of the development at risk.
12. To preserve and enhance property values.
13. To protect public and private water supplies, both in quality and quantity.
14. To promote the economic vitality of business and industry.
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.
16. To enhance the predictability and profitability of private investments made in the City.
17. To continuously improve the aesthetic character of all parts of the City.

Utilizing the criteria intended to justify a DR-O application; you will find the proposed project will have a minimal effect on the environment and neighborhood, as this property is an existing property, reusing the existing structure, parking is on-street and a portion of the property used for residential is currently permitted by right. The proposed use will allow for an overall less intensive use, promoting more in-fill residential space in the downtown, and re-using an existing, vacant property. The proposal also compliments the goals of the Comprehensive Plan and MKSK Riverfront Study.

Recommendation:

The Planning Commission may take the following action upon review of the application: approve, modify or disapprove those items listed as modifications.

Staff recommends the Planning Commission makes a formal recommendation to the City Council since the DR-O process of a mandatory public hearing has been met. The next step is the Clerk of Council will forward the recommendation to the President of Council and City Council. In the event that the City Council takes no action within five business days of the filing of the Planning Commission's recommendation, the recommendation of the Planning Commission shall be adopted and become final. "

PUBLIC HEARING: At 3:31 p.m. Mr. Kappers declared open the public hearing on the DR-O application. Mr. Taylor commented that the residential use would not require installing an elevator; there is no level first floor access as one must go up 6' or down 6' to access the first two floors. In response to Mr. Kappers, Mr. Taylor the ivy on the back of the building will be removed; it is not known if there is damage due to the ivy but some areas will be tuckedpointed. There being no other comments, at 3:35 pm, Mr. Kappers declared the public hearing closed.

RECOMMENDATION: A motion was made by Mr. Wolke, seconded by Mrs. Ehrlich, that the Troy Planning Commission has reviewed the application to apply the Downtown/Riverfront Overlay District to the property located at 25 S. Plum 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 of 25 S. Plum Street (Inlot 6134, Parcel No. DO8-001937) be approved as submitted. **MOTION PASSED, UNANIMOUS VOTE**

Staff commented that unless Council determines to consider this application within five working days of it being transmitted to Council, the decision of the Planning Commission is considered final.

REPLAT OF INLOTS 10951 AND 10952, RESERVE AT WASHINGTON SUBDIVISION SECTION ONE, FOR ADDITIONAL STORM AND DRAINAGE EASEMENTS.

Staff reported that the Reserve at Washington Subdivision is located along Washington Road. Council approved the development's right-of-way dedication and easements in March 2019. As a part of that development, storm sewer and drainage easements were dedicated along the north and east sides of the lots created. When the storm sewer infrastructure improvements began, it was determined that the existing infrastructure was not where originally designed to be located and planned. Relocation was required to tie the improvements into the existing infrastructure. Due to the relocation, the storm sewer and drainage easement areas require expansion. To expand the easement areas, the County has requested this be done by a replat. The Commission was advised that a Council Committee had met on this, as the Committee met regarding easement dedication, and was advised that the Commission would be recommending on the replat.

A motion was made by Mr. Wolke, seconded by Mr. Westmeyer, to recommend to Troy City Council that the replat the Reserve at Washington Subdivision, Section One, be approved as submitted. **MOTION PASSED UNANIMOUS VOTE**

There being no further business, the meeting adjourned at 3:37 p.m.

Respectfully submitted,

_____ Chairman

_____ Secretary