

A regular meeting of the Troy Planning Commission was held Wednesday, April 22, 2020, at 3:30 p.m. Attendance was remote by Zoom. Members participating: Kappers, Titterington, Wolke, Oda, McGarry, and Ehrlich; Staff attending: Zoning Inspector Watson and Development Director Davis. Commission Chairman Alan Kappers chaired the meeting.

The Minutes of the March 25 meeting were approved upon motion of Mr. Titterington, seconded by Mrs. Ehrlich.

HISTORIC DISTRICT APPLICATION FOR 126 S. PLUM STREET FOR THE INSTALLATION OF FENCING (INSTALLING A BLACK WROUGHT IRON STYLE FENCE ALONG THE PROPERTY LINE, REPLACING THE EXISTING WOOD PRIVACY FENCE WITH A NEW VINYL FENCE); OWNER/APPLICANT: MATTHEW DENIUS AND AMANDA FELTNER. Staff reported: zoning is R-5, Single-family Residential District; house was built around 1911; it is not on the National Registry; application is to install a 4.5 feet tall black vinyl, wrought iron style fence along the property line and remove an interior, older wood privacy fence and replace with a new white vinyl fence; and staff recommends approval based on the findings of

- The proposed fence modifications meet the City of Troy requirements; and
- The proposed modifications will not detract from the historic integrity of the building or surrounding properties.

In response to Mr. McGarry, it was stated that the fence is made of reinforced vinyl spans with aluminum posts. In response to Mr. Kappers, it was stated that there are no issues with setback for the fence, that all are met, and the fence can go to the property line.

A motion was made by Mr. Wolke, seconded by Mr. McGarry, that the historic district application for 126 S. Plum Street as submitted based on the findings of staff that:

- The proposed fence modifications meet the City of Troy requirements; and
- The proposed modifications will not detract from the historic integrity of the building or surrounding properties.

MOTION PASSED, UNANIMOUS VOTE

HISTORIC DISTRICT APPLICATION, 110 E. CANAL STREET, FOR DEMOLITION OF THE VACANT STRUCTURE. OWNER/APPLICANT: CITY OF TROY. Staff reported: property is zoned B-3, Central Business District and is located on the southeast corner of E. Canal Street and S. Walnut Street; the building is not on the National Register of Historic Places; the property was purchased by the City of Troy on November 25, 2019 with the intent of using the property to construct a new fire station to replace Fire Station 1 on Race Drive; previous uses were cold storage and warehousing, with a couple of residential apartments on the second floor added recently; existing structure was built in the early 1900's with several modern modifications to the building that has diminished the historical significance; it is in some disrepair as it's been vacant since 2018 with little to no activity to improve the structure over the past several years; the City's contractor is working to provide the extent of any hazardous waste or materials are on site (possibly some asbestos and lead paint); and the design engineering contractor has provided a letter reviewing the deficiencies of the existing building to be reused as a fire station and the cost associated.

STANDARDS REGARDING DEMOLITION IN THE HISTORIC DISTRICT

Codified Ordinance Section 1143.22(f)(10) requires that demolition permits shall not be issued unless accompanied by an approved certificate of appropriateness and a certificate of appropriateness may only be approved if clear evidence that two or more of the following conditions exist:

- I) The structure has incurred extensive damage to its basic structural elements such as the roof, walls, and foundation requiring substantial reconstruction and presenting an immediate danger to the public safety as declared by the Chief Building Official.
- II) The structure is listed as non-qualifying or is not consistent with other structures in the historic district in terms of historic character, architectural style, construction material, height, setback or mass.
- III) The square foot cost of meeting the minimum building code would exceed the square foot market value of similarly used and improved structures in the historic district.
- IV) The structure is contributing and has been declared a public nuisance and its removal will not adversely affect the architectural or historic integrity of the streetscape.

In considering the application against the standards, staff reports:

- I) In absence of the Chief Building Officials declaration, the structure is not an immediate danger to the public, there for not meeting this standard for demolition.
- II) The second standard has been met as the existing structure doesn't provide any architectural benefit to the surrounding area. It is not the original building to the Troy downtown area though constructed in early 1900's. There are no features to the building that make it unique, other than the mass of the building. The building has been modified with newer, non-historically appropriate materials or treatments. Over the years the lack of maintenance to the building has allowed the wood windows, stone lintels, brick and mortar to be in various stages of disrepair, unsalvageable or cost prohibitive to repair and needs replaced.
- III) The third standard has been met, as it requires the square foot cost of meeting the minimum building code would exceed the square foot market value of similarly structures in the historic district. After researching the recent property transactions of similar sized properties and structures in the historic district. It was determined that the average cost per square foot is thirty-nine dollars per square foot in market value. Given the existing structure has some defects and multiple key deficiencies in meeting the minimum building code requirements, staff contacted the design firm for the project to estimate the cost to reuse the current structure. Per the letter by KZF Design (Attached) the threshold was placed at forty dollars per square foot. That average cost exceeds the market value due to the deficiencies and upgrades required for the current building to meet the minimum building code requirements and not including any other costs upfitting for the proposed use.
- IV) The fourth standard requires the structure to be declared a public nuisance with no adverse impact on the historic integrity of the streetscape. The fourth standard has not been met due to the property has not been deemed a public nuisance. However, the removal of this structure would not adversely affect the integrity of the streetscape given this is the only building in the block. The reuse plan will upgrade the site to provide a more complete use of the block.

Staff further advised that in addition to meeting two of the four criteria as stated, the ordinance section 1143.22(12) gives criteria for unusual and compelling circumstances which the applicant believes they meet based on:

- 1) The property has little or no significant historic and architectural significance. This property is a plain brick building that's been modified with modern materials that diminish the significance of the overall historical nature of the structure.
- 2) This property cannot be reasonably maintained in a manner consistent with the pertinent architectural standards and guidelines due to the lack of prior care and maintenance of the structure.
- 3) No reasonable means of saving the structure due to the cost associated with the possible remediation required, repairs and upgrades needed to reuse the structure for the intended use.

REUSE PLAN:

Related to a Reuse Plan, staff advised that the applicant has submitted a reuse plan that mitigates any adverse effects of the proposed removal upon the property, the streetscape, and the historic district through:

The reuse plan is to construct a new fire station that will complement the surrounding area and neighborhood while meeting the needs of the City Fire Department to provide service to the city. Any further plans for development will be required to come before the Planning Commission for a Historic Review.

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 same.

Staff recommended approval based on the findings of:

- o The property meets the criteria listed in the Historic Preservation Overlay District, Section 1143.22(f)(10) demolition standards;
- o The applicant has provided criteria to be unusual and compelling circumstances per Section 1149.22(f)(12)
- o The property is not listed on the National Register;
- o The proposed demolition will not negatively impact the historic or architectural significance or integrity of the block, surrounding area or streetscape;
- o The property has little or no significant historical or architectural value;
- o A reuse plan has been submitted.

DISCUSSION. Mr. Kappers asked for clarification as to if the provisions of Section 1143.22(12) can be used if two of the four provisions of Section 1143.22(f)(10) cannot be met. It was stated that two of the four provisions of Section 1143.22(f)(10) must be met for demolition, and the provisions of 1143.22(12) can be stated as additional provisions/reasons thereto but, in no case, in place of. Mr. Kappers stated his concerns with staff's comments regarding provision two and does not see why the building is not consistent with other nearby structures. Mr. Watson advised that staff is not saying it is not historic based on prior use, but with the adjacent properties, the size of this structure, the many modifications, and while the arched windows remain, with this being a four-story brick building there are no historic or unique features that can be noted other than the arched windows and nothing that matches other buildings in the near area. Mr. McGarry and Mr. Kappers discussed the deterioration of the building, with Mr. McGarry commented that his reference to deterioration is to the deterioration of the historic features over the years and not the building itself. Mr. Davis noted that the City cannot justify demolition by neglect as a reason to recommend approval, that the value of the building and the cost of appropriate repairs must be taken into consideration; with this building, staff has determined that the changes over the decades stripped it of this historic architectural feature. Mrs. Ehrlich stated she understood the building to be historic with the relationship to the history of the Sunshade Company in Troy, but does not consider it an historic structure. Mr. Watson commented that when owned by Sunshade, the building was only one story. It was commented that the owner prior to the City found the cost of renovations/required improvements to be too excessive to attempt. There was discussion that Mr. Titterington, as signer of the application for the City and the Mayor, based on her position, would abstain.

A motion was made by Mr. McGarry, seconded by Mrs. Ehrlich, to approve the Certificate of Appropriateness for the Historic District Application for the demolition of the structure at 110 E. Canal Street as submitted, based on the findings of staff that:

- o The property meets the criteria listed in the Historic Preservation Overlay District, Section 1143.22(f)(10) demolition standards;
- o The applicant has provided criteria to be unusual and compelling circumstances per Section 1149.22(f)(12)
- o The property is not listed on the National Register;
- o The proposed demolition will not negatively impact the historic or architectural significance or integrity of the block, surrounding area or streetscape;
- o The property has little or no significant historical or architectural value;
- o A reuse plan has been submitted.

VOTE – Yes – Kappers, Wolke, McGarry, Westmeyer and Ehrlich; Abstain – Oda and Titterington. MOTION PASSED

HISTORIC DISTRICT APPLICATION, 2 E. MAIN STREET (HAREN'S MARKET) FOR INSTALLATION OF OUTDOOR

SEATING; OWNER – CHACRES LLC; APPLICANT – MIKE TWISS, MT STUDIO. Staff reported: property is zoned B-3 Central Business District is located on the southeast corner of the public square; the building has had renovations; it is listed on the National Register for Historic Places; current owner wishes to:

- Install a black metal awning that covers from the building out to the extent of the seating area.
- Installing a black fence to create an outdoor seating area for the patrons of the business Haren's Market.
- Install matching black tables, chairs and planter boxes.

Staff did not recommend approval of the metal awning to cover the seating area based on the findings of:

- The proposed awning is not historically accurate for an early 1900's Neo-classical Revival styled building. Metal awnings were predominant through the 1950's-1980's.
- Based on the Secretary of the Interior, Preservation Brief 11: Preserving Historic Storefronts. *"Fixed aluminum awnings and awnings simulating mansard roofs and umbrellas are generally inappropriate for older commercial buildings. If awnings are added, choose those that are made from soft canvas or vinyl materials rather than wood or metal; be certain that they are installed without damaging the building or visually impairing distinctive architectural features."*
- Along with the Secretary of the Interior, Preservation Brief 44: The use of awnings on historic buildings. *"A new awning should be compatible with the features and characteristics of a historic building, as well as with neighboring buildings, or the historic district, if applicable."* and *"When selecting and installing a new awning, a number of other factors should be considered: shape, scale, massing, placement, signage, and color."*

Staff did recommend approval of the following elements of the application:

- The proposed fence design meets the City of Troy requirements;
- The proposed modifications will not detract from the historic integrity of the building;
- The proposed modifications are temporary in nature and may be removed with minimal repairs needed to the historic building.

DISCUSSION: Staff provided an optional application for an angular fabric awning, which staff stated would receive a recommendation for approval. It was clarified that the area is within the public right-of-way; Council amended the legislation regarding the use of public right-of-way for outdoor furnishings, establishing the application as an administrative matter rather than a matter of legislation requiring a lease with the City to use the right-of-way. It was noted that a rendition showed some seating in other areas, which are not part of this application and were only for artistic purposes. It was noted that the awning would not cover all of the seating area; the applicant may want to add umbrellas in the future for that part not covered, which would require another application.

A motion was made by Mr. McGarry, seconded by Mr. Westmeyer to approve the Historic District Application for 2 E. Main Street for Option 2 which would be for the fabric awning and in only the area of the application, based for the recommendation/findings of staff:

- The proposed fence design meets the City of Troy requirements;
- The proposed modifications will not detract from the historic integrity of the building;
- The proposed modifications are temporary in nature and may be removed with minimal repairs needed to the historic building.
- The fabric awning would be appropriate.

MOTION PASSED, UNANIMOUS VOTE

REZONING APPLICATION FOR 0.61 ACRE PARCEL WITH ADDRESS OF 430 KIRK LANE FROM R-4, SINGLE-FAMILY

RESIDENTIAL DISTRICT, TO OC-1, OFFICE COMMERCIAL DISTRICT, OWNER/APPLICANT: PHILLIP WRAY. Staff reported: the application is for parcel D08-057920 (0.61 ac.), the land, consisting of 26,572 sq. ft. is currently developed with 4,700 square feet, vacant building that was previously used as a commercial day care facility; surrounding zoning districts are B-2 General Commercial District to the north and west, and the R-4 Single Family Residential to the northeast and east; the applicant has reason for the proposed rezoning is to be able to use the property for an event venue and meeting space as permitted in the OC-1 zoning district; R-4 zoning is "designated to provide accommodate single-family dwellings on lots with areas of at least nine thousand (9,000) square feet per dwelling unit. This district is 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 a medium to high density."; 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." ; the City of Troy Comprehensive Plan, Economic Development Goal #8: Troy can re-establish local ownership in our business districts, and continue to allow us to promote on-going programs supported by the Development Department; new ownership of this property is local and accomplishes the Goal set forth in the comprehensive plan; the rezoning will allow a vacant building to be utilized once again; it will give the northeast area of the city another resource and continue the positive development in this area; rezoning would allow the owner to do more with the building than permitted in the residential zoning, with similar low intense uses than the surrounding area; the rezoning will act as a buffer from the general commercial activity along N. Market Street; and

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. Additionally, there is only one vacant lot of OC-1 zoning in City limits.

(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.

Staff indicated that the proposed rezoning is consistent with both the desired goals of the Comprehensive Plan and existing design of the property; provides a buffer between the general commercial district and the neighborhood; the building was built as a commercial structure, and having it occupied as a low intense commercial use is appropriate; and staff recommended approval of the rezoning based on the following:

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

PUBLIC HEARING: A motion was made by Mr. Wolke, seconded by Mrs. Ehrlich, to not hold a public hearing on this rezoning request.

MOTION PASSED, UNANIMOUS VOTE

RECOMMENDATION TO COUNCIL:

A motion was made by Mayor Oda, seconded by Mrs. Ehrlich, to recommend to Troy City Council that the 0.61 acre parcel, known as parcel D08-057920, with the address of 430 Kirk Lane, be rezoned from R-4, Single-Family Residential District, to OC-1, Office Commercial District, as requested 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; and
- o The proposed rezoning creates the desired effect of a buffer district with the surrounding zoning districts; and
- o Proposed use is consistent with permitted uses in the OC-1 district; and
- o The proposed rezoning is consistent with the City of Troy Comprehensive Plan.

MOTION PASSED, UNANIMOUS VOTE

There being no further business, the meeting adjourned at 4:10 p.m.

Respectfully submitted,

_____ Chairman

_____ Secretary