

A regular meeting of the Troy Planning Commission was held in Council Chambers, City Hall on Wednesday, November 9, 2022, at 3:30 PM with Chairman Alan Kappers presiding. ATTENDING: Members – Kappers, Wolke, Oda, Titterington, Westmeyer, Ehrlich, and McGarry; Development Staff – Eidemiller, Bruner, Russell and Development Director Davis.

APPROVAL OF MINUTES: Upon motion of Mr. McGarry, seconded by Mr. Ehrlich, the minutes of the October 26, 2022 meeting were approved by unanimous roll call vote.

HISTORIC DISTRICT APPLICATION, 14 N. MARKET STREET, FOR REPLACEMENT OF SEVEN FIRST FLOOR WINDOWS/SASHES AND REPAINTING WINDOW FRAMES AND SASHES; OWNER - ROBIN MCGRATH; APPLICANT - RICK MEYERS, COUNTRYSIDE NORTH. The staff report noted: property is zoned B-3, Central Business District; the owner provided written approval of the application; building is not on the National Register of Historic Places; proposed windows are Pella, Direct Set, insulated, no grid windows; window sash will be painted to match current exterior color; and staff recommends approval based on the findings that:

- The windows are appropriate in design, scale and color to the building
- The replacement windows are similar in likeness to the current windows

A motion was made by Mr. Titterington, seconded by Mr. Wolke, to approve all elements of the historic district application for 14 N. Market St. as submitted, for the exact windows stated in the application and the window sash color matching the existing exterior color, and based on the findings of staff that:

- The windows are appropriate in design, scale and color to the building
- The replacement windows are similar in likeness to the current windows

MOTION PASSED, UNANIMOUS VOTE

HISTORIC DISTRICT APPLICATION, 125 S. MARKET STREET, FOR A BUILDING SIGN; OWNER - WADE WESTFALL; APPLICANT – LORI ANGEL-YORK. The staff report noted: property is zoned B-3, Central Business District; property owner provided written approval of the application; building is not on the National Register of Historic Places; this multi-tenant commercial building is permitted to have a total of 45 square feet of wall signage with each tenant permitted 22.5 square feet; proposed sign measures 3' x 5' for a total of 15 square feet and is described as a single sided aluminum panel with digital print covered with a clear laminate; sign colors consist of Green (#PMS 3415C) and Lavender (#PMS 7676C) printing on a White background; there are also accompanying window graphics that have been administratively reviewed as they are a minor alteration; and staff recommends approval based on the finding that:

- The signage is appropriate in design, scale and color to the building
- The signage meets City of Troy sign code requirements

A motion was made by Mrs. Ehrlich, seconded by Mayor Oda, to approve the sign application for 125 S. Market St. as submitted, based on the exact materials and colors stated in the application, and based on the findings of staff that:

- The signage is appropriate in design, scale and color to the building
- The signage meets City of Troy sign code requirements

MOTION PASSED, UNANIMOUS VOTE

HISTORIC DISTRICT APPLICATION, 101-105 E. MAIN STREET, FOR REPLACEMENT OF ROOF SHINGLES; OWNER/APPLICANT – TROY REDMEN LODGE IORM, TONQUAS 222. The staff report noted: property is zoned B-3, Central Business District; building is on the National Register; the OHI form states this building as a three-story brick commercial building in the High Victorian Italianate style. It has stone and cast iron storefronts with prism glass transoms and recessed entrances; building currently has a three-tab asphalt shingle roof covering that is brown in color; request is for replacement shingles with Certainteed Grand Manor Luxury Shingles that are Colonial Slate in color; the shingles will also have a red diamond feature added to create an additional dimension; and staff recommends approval based on the finding that the shingles are appropriate in design, scale and color to the building.

A motion was made by Mayor Oda, seconded by Mr. Westmeyer, to approve the application to replace the roof shingles on the building at 101-105 E. Main Street based on the exact manufacture/style/colors as set forth in the application, and based on the findings of staff that the shingles are appropriate in design, scale and color to the building.

MOTION PASSED, UNANIMOUS VOTE

HISTORIC DISTRICT APPLICATION, 110-112 E. MAIN STREET, SECOND STORY WINDOW REPLACEMENTS, REAR ENTRY DOOR INSTALLATION, STOREFRONT WINDOW REPLACEMENT, PAINTING OF STOREFRONT AT 112 E. MAIN STREET; OWNER/APPLICANT: KIMMEL OHIO, LLC – RANDY KIMMEL. The staff report noted: property is zoned B-3, Central Business District; OHI form identifies a two-story commercial block building with 15 bays across the front with multiple storefronts; contributing features include: Corbelled and decorative brickwork on the façade, brick piers separating the bays, continuous stone lintels; some windows and a 1-story addition have been added to the rear; second story windows are proposed to be replaced with T1400 Thermal Screw Pline black double hung windows; two original windows over the entry door to the apartments will be maintained as well as the original entry door to the upstairs; storefront windows will be replaced to make them uniform on both storefronts; the original column is going to be maintained on the 110 E. Main Street storefront; the existing wood on the 112 E. Main Storefront will be painted tricorn black; the rear entry door will be replaced with the same door as installed on the storefront; and staff recommends approval based on the findings that:

- The contributing features as referenced on the OHI form are being maintained
- The window replacement will match the design of the existing windows
- The paint color currently exists on properties in the district

It was discussed that outdoor seating and signage are not part of this application.

A motion was made by Mr. Westmeyer, seconded by Mrs. Ehrlich, to approve the historic district application for 110-112 E. Main Street as submitted, including the exact materials, manufacturer, and colors stated in the application, and based on the findings of staff that:

- The contributing features as referenced on the OHI form are being maintained
- The window replacement will match the design of the existing windows
- The paint color currently exists on properties in the district

MOTION PASSED, UNANIMOUS VOTE

HISTORIC DISTRICT APPLICATION, 9-11 W. MAIN STREET, INSTALL A PUBLIC RESTROOM ACCESS, BUILDING ACCESS, NEW SIDEWALK, AND EAST WALL WITH A RAMP AT THE PROPERTY LOCATED AT 9 W. MAIN STREET; OWNER/APPLICANT: BUSTED BRICK REALTY GROUP. The staff report noted: property is zoned B-3 Central Business District; OHI form lists this property as a two-story brick commercial building with Neo Classical Revival elements built in 1859 by George Ziegenfelder; the OHI form mentions a façade featuring four 2nd floor bays with 12/12 windows within a round arched recess that have wrought iron balconies and keystone designs atop the arch; property is listed on the National Register of Historic Places; the Commission previously approved phase one of this request at the meeting on August 24, 2022; phase one included removal of the fabric awning, storefront modifications, west façade (facing N. Cherry Street) brick infill, window replacement and gooseneck lighting removal; this phase two application is to install a public restroom access, building access, new sidewalk, and east wall with a ramp at the property located at 9 W. Main Street; east wall will be constructed of brick and will total 5' 4" in height; applicant will match the mural on the outer wall portion; the existing mural will not be altered except the new door openings to provide access to the public restrooms and bar access; two powder coated steel canopies will be added above both access doors; a 5' wide sidewalk will be added outside of the wall to provide access from the public parking lot (S. Cherry Street) to the sidewalk on W. Main Street; two public restrooms will be included inside the building (south door access on Prouty Plaza); the applicant has received a 10' xxxxxxxxxxxxxezasement on Prouty Plaza; and staff recommends approval based on the findings that:

- The proposed alterations do not alter character defining features as referenced on the OHI form
- ADA access is being provided into the Mayflower
- The mural will remain intact, while recreating the mural on east wall using the same colors as existing

In response to Mr. Titterington, staff advised that a sign for the front of the building is not part of this application. Mr. Titterington stated he has talked with the family of the artist who created the mural on the building wall, they reviewed the plans, and are supportive of the project.

A motion was made by Mr. Westmeyer, seconded by Mayor Oda, to approve the historic district application for 9-11 W. Main Street as submitted, including the exact materials, manufacturer, and colors stated in the application, and based on the findings of staff that:

- The proposed alterations do not alter character defining features as referenced on the OHI form
- ADA access is being provided into the Mayflower
- The mural will remain intact, while recreating the mural on east wall using the same colors as existing

MOTION PASSED, UNANIMOUS VOTE

DR-O APPLICATION FOR 702 W. FRANKLIN STREET – FIRST READING; OWNER/APPLICANT: ROBERT WIDULE The staff report noted:

“The applicant and property owner, Robert Widule, is requesting the Planning Commission to review the proposed uses for the property located at 702 W. Franklin Street, using the Downtown/ Riverfront Overlay District. The property is located in the R-6 Two-Family Residential district.

DISCUSSION:

The proposal is to split into three separate lots to allow for Three Single-Family Dwellings. Single Family Dwellings are principally permitted in the R-6 district. The applicant’s desire is to provide market rate housing and infill development. The proposed homes would be two (2) bedrooms and two (2) bathrooms and total 1,240 square feet with nine (9) foot ceilings. The homes are projected to be priced in the mid \$200’s.

The homes would have the following setbacks: Front Yard 9’, Side Yard 5’, and a 15’ rear yard setback. Zoning Code 1143.09 (d) Lot Size Requirements requires that each separate zoning lot in the R-6 shall contain a minimum lot area of six thousand (6,000) square feet for single-family residences, and three thousand (3,000) square feet per unit for two-family residences. The applicant is requesting through the DR-O process to permit three (3) lots of about 2,317 square feet.

Below in red identifies the variation or compliance with the bulk regulations in the R-6 District: Zoning Code 1143.09 (f) Bulk Regulations all construction on any zoning lot in the “R-6” Two-family Residential district shall provide for:

- (1) Maximum building lot coverage of fifty (50) percent. **The proposed lot coverage is 53.8%**
- (2) Maximum structure height of forty (40) feet. **The height would meet this requirement.**
- (3) Minimum front yard of twenty-five (25) feet. **The proposed setback is 5’ and would not meet this requirement. The average block face is 8.58’ on W. Franklin Street. The average block face on the east side of Ash Street is about 8.4’. Exhibit A identifies the front yard setbacks on the surrounding properties.**
- (4) Minimum side yard of five (5) feet. **The side yard setback will meet this requirement to the principal structure.**
- (5) Minimum rear yard of twenty-five (25) feet. **The proposed rear yard setback is 15’.**

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. The variations to the front yard setback exist on both side of the block face and surrounding blocks. The single-family use is a permitted use by right per the Zoning Code. The City of Troy Comprehensive Plan Neighborhoods and House #1 is “the City will offer residents a wide-range of housing choices, providing many options for all types of people as they move through various stages of life”. Goal #2 is to “have a ratio of owner-occupied housing and rental housing that is equal to or better than the state and national statistics” and Goal #5 is “To eliminate poor housing conditions from further property decline and encourage infill, rehabilitation and restoration”. The proposed development achieves these three goals of the Comprehensive Plan.”

Staff noted that at the next meeting, the Commission will hold a required public hearing and then provide a recommendation to Council, and no action is to be taken at this meeting.

In response to Mr. Kappers, it was stated that adjacent property owners receive a letter advising them of the proposal and information about the public hearing. Mr. Kappers noted that this application is only for three residential lots, but asked about dedication of green space or payment in lieu of green space. Staff commented that provisions related to green space are not applicable to minor subdivisions with less than five lots. Mr. Kappers suggested staff consider a requirement of payment in lieu of green space for minor subdivisions as they add to the population and the funds could be used towards improvements of a nearby established park area.

CORRECTION TO ZONING CODE SECTION 1143.22 (m) (6) B. Staff reported that when the Zoning Code Update was recently adopted by Ordinance No. O-43-2022, there was an error in Section 1143.22 (m) (6) B that needs to be corrected. It reads: “B. For structures that the Planning Commission finds that are not historically significant, the Appeals Board may relax or waive the standards or guidelines found in this Chapter or Guidelines.” It should have read: “B. For structures that the Planning Commission finds that are not historically significant, the Planning Commission may relax or waive the standards or guidelines found in this Chapter or Guidelines.”

PUBLIC HEARING: A motion was made by Mr. Westmeyer, seconded by Mrs. Ehrlich, that the Planning Commission not hold a public hearing on this zoning code amendment.

MOTION PASSED, UNANIMOUS VOTE

RECOMMENDATION: A motion was made by Mr. Westmeyer, seconded by Mayor Oda, to recommend to Troy City Council that Zoning Code Section 1143.22 be (m) (6) B be amended to read “Planning Commission” instead of “Appeals Board”.

MOTION PASSED, UNANIMOUS VOTE

NEXT MEETING. The next meeting date would be the day before Thanksgiving; as there may not be a quorum to meet, and the DR-O applicant (above) agreeable to the next meeting being held December 14, the Commission determined not to meet November 23.

There being no further business, the meeting adjourned at 3:55 p.m. upon motion of Mr. Westmeyer, seconded by Mr. Titterington, and approved by unanimous voice vote.

Respectfully submitted,

_____Chairman

_____Secretary