

A regular meeting of the Troy Planning Commission was held in Council Chambers, City Hall on Wednesday, December 14, 2022, at 3:30 PM with Chairman Alan Kappers presiding. ATTENDING: Members – Kappers, Wolke, Ehrlich, Titterington; Development Staff – Eidemiller and Development Director Davis.

APPROVAL OF MINUTES: Upon motion of Mr. Titterington, seconded by Mrs. Ehrlich, the minutes of the November 9, 2022 meeting were approved by unanimous roll call vote.

DR-O APPLICATION, 702 W. FRANKLIN STREET, ROBERT WIDULE APPLICANT/PROPERTY OWNER: This application was received by the Commission at the November 9 meeting. Staff reported:

“BACKGROUND:

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 (see exhibit A). 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. “

DISCUSSION: Mr. Kappers commented that he continues to view the DR-O process as a way to get around someone asking for a variance; for this application, it seems the small amount of setback is pretty dramatic; and he asked if the DR-O application is denied, could the applicant request a variance.

-Mr. Eidemiller commented that this is not a way around a variance application but a process for a unique development process to be accomplished.

-Mr. Titterington commented that the DR-O process addresses unique PD type projects that are smaller than one acre, and provides a more expedited PD process; such a process was recommended in the Downtown/Riverfront Study; it provides more flexibility for some developments; and provides for an expedited process for Council review.

PUBLIC HEARING: At 3:32 p.m. Mr. Kappers declared the public hearing open.

-Rhonda Harger, 215 Ash Street and also the owner of 205 Ash Street, stated she did not see the need for the DR-O application; this is currently a nice green lot; the look will be too dense for the neighborhood; there is limited on-street parking and with the narrow street, cars have been hit; there is not enough place for a garage or shed and, without storage, lots will become junky; the area does not support the stated price point; out of state landlords do not take care of rental properties; the lot should be developed as one single-family lot and not hacked into three lots.

-Staff advised that each structure has a driveway to park two cars; there is area for a shed; lack of maintenance would be addressed through property maintenance requirements; and the lot width is the same as across the street.

-Robert Widule, applicant, also owner of 2 & 5 N. Market Street, he now lives in Salt Lake City as his wife is in the Air Force; he and his family plan to return to Troy when his wife retires from the Air Force and that is why he wants to invest in the community; the setbacks of the proposed development are equal to those across the street and should fit in with the neighborhood; he believes the price point is appropriate as it is within the median price house in Troy; the price will address workforce housing issues with quality and affordable housing in the community; and he plans to construct and then sell each structure, not have them as rental units, even though it is not a huge profitable project.

-There being no further comments, Mr. Kappers declared the public hearing closed at 3:45 p.m.

DISCUSSION:

-Mrs. Ehrlich stated she applauded affordable housing, but stated concerns that the lot looks too small to squeeze in three houses, there is no guarantee that houses would be purchased for the price point, and it may be that the area could be more attractive for rentals.

-Mr. Kappers stated that the setback is very small.

-Mr. Wolke commented that the rising interest rate could impact the sale of the homes. He further noted that with only four members present, four concurring votes are required for approval, and that from the comments it may be that the Commission members are not in concurrence, and asked about the recourse of the applicant if the application is not approved. Mr. Davis commented that if the Commission did not support the application, it would not go forward to Council, but the applicant could submit a new application.

-Mr. Kappers commented that the applicant could request tabling

MOTION TO TABLE: A motion was made by Mr. Wolke, seconded by Mr. Titterington, to table the DR-O application for 702 W. Franklin Street until the next meeting. Vote: Yes – Titterington, Ehrlich, Wolke; No – Kappers. MOTION FAILED

Mr. Kappers (as the person casting the minority vote) made a motion that the motion to table the application be reconsidered. Motion seconded by Mr. Titterington. MOTION TO TABLE PASSED, UNANIMOUS ROLL CALL VOTE.

Mr. Widule stated that he had no objection to waiting on the Commission’s action should the Commission determine not to meet until January.

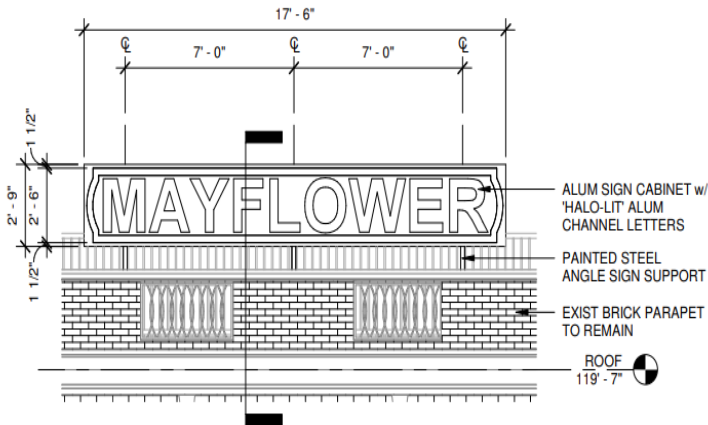
DOWNTOWN/RIVERFRONT OVERLAY (DR-O) DISTRICT APPLICATION FOR 9 – 11 W. MAIN STREET - FIRST READING:

OWNER: WESLEY MARTIN; APPLICANT: ANDREW CIRCLE. Staff reported:

“The applicant Andrew Circle on behalf of the owner Wesley Martin, is requesting the Planning Commission to review a proposed roof sign using the Downtown/ Riverfront Overlay District. The property is located in the B-3 Central District.

DISCUSSION:

The proposal is to permit 17.5' x 2.5' roof sign at the building located 9-11 W. Main Street. The sign will be used to identify the building itself, not the tenants or businesses. In the 1920's through the 1930's the Mayflower had a sign with similar proportions, sizes, and fonts with exposed neon tubing. The sign will have a halo lighting component that will light up the background of the sign. The light will not shine directly through the individual letters.



Below in **red** identifies the variation or compliance with Sign Code 749.11 (I):
(I) Roof Signs. Roof signs, shall be in accordance with the following provisions:
(1) Integration within Roof Design. Roof signs shall be designed as an integral or essentially integral part of a normal roof structure and shall not extend vertically above the highest portion of the roof. **The submitted sign does not meet this requirement. The sign will extend above the roofline of the building.**
(2) The sign area of roof signs shall be counted towards the maximum sign area allowed for building signs. **The application will meet this requirement.**

- 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 surrounding district while recreating the historic sign that was present in the 1920's and 30's. Additionally, the proposed application meets item 12., 14., and 17 above. The proposed sign will further improve the aesthetic character of the district, while adding dimension and characteristics to the public square that currently exist. The MKSK Troy Downtown Riverfront Strategic Development Study 2-5 Year goal is to recruit and attract amenities and anchors. The submitted application meets this requirement as a significant contributing building to the historic district is the Mayflower building. By permitting this sign, the sign will further act as an amenity that is brought back to life that hasn't existed since the 30's.

NEXT STEPS:

This is the first step in the DR-O process which is the first reading of the proposal to the Planning Commission. A second reading (required hearing) will be held at the next scheduled Planning Commission meeting. The second reading will provide an opportunity for public input on the project. Planning Commission can only act after the second hearing as required by the DR-O process and a decision will be requested by the Planning Commission at the second meeting."

DISCUSSION: In response to questions, Mr. Circle commented that information has been sent to the County Building Department for approval, and the signage has been engineered for wind loads and other structural items.

NEXT MEETING: A motion was made by Mrs. Ehrlich, seconded by Mr. Titterington, that the Commission not meet on December 28.

MOTION PASSED, UNANIMOUS ROLL CALL VOTE

DESIGN STANDARDS: Staff provided members with a copy of the Historic Preservation Overlay Design Manual Update, and asked that the Commission be prepared to discuss the document at the next meeting.

There being no further business, the meeting adjourned at 3:59 p.m. upon motion of Mrs. Ehrlich, seconded by Mr. Titterington, and approved by unanimous voice vote.

Respectfully submitted,

_____Chairman

_____Secretary

Public Hearing: At 3:31 p.m. Chairman Kappers declared open the Public Hearing on the DR-O application, related to the variations from the R-6 zoning for the development proposed for 702 W. Franklin St. There were no comments in this regard and at 3:32 p.m., Mr. Kappers declared this public hearing closed.

Recommendation to City Council Regarding the DR-O Application:

A motion was made by Mayor Oda, seconded by Mr. Westmeyer, that the Troy Planning Commission has reviewed the application to apply the Downtown/Riverfront Overlay District to the property located at 702 W. Franklin 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 702 W, S. Market Street, be approved as submitted related to the variations from the R-6 zoning related to the development of the parcel.

MOTION PASSED, UNANIMOUS VOTE