

A regular meeting of the Troy Planning Commission was held in Council Chambers, City Hall on Wednesday, January 25, 2023 at 3:30 p.m. with Chairman Alan Kappers presiding. ATTENDING: Members – Kappers, Wolke, Ehrlich, Oda, Westmeyer, McGarry and Titterington; Development Staff – Eidemiller, Russell, Bruner; and Development Director Davis.

APPROVAL OF MINUTES: Upon motion of Mayor Oda, seconded by Mr. Westmeyer, the minutes of the January 11, 2022 meeting were approved by unanimous roll call vote.

DR-O APPLICATION, 702 W. FRANKLIN STREET, ROBERT WIDULE APPLICANT/PROPERTY OWNER: Upon motion of Mr. Titterington, seconded by Mrs. Ehrlich, followed by unanimous roll call vote, this item was removed from the table.

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. “

MOTION:

A motion was made by Mr. Titterington, second by Mr. Westmeyer, that the Troy Planning Commission has reviewed the revised 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. Franklin Street be approved.

MOTION PASSED, UNANIMOUS ROLL CALL VOTE

DEDICATION OF RIGHT-OF-WAY AND ACCEPTANCE OF 5' UTILITY EASEMENT, 1266 PETERS ROAD, IL 10574; OWNER/APPLICANT

MIKE HAWK OF HAWK HOMES LLC. Staff reported: This property is located along the west side of Peters Road between Dickerson Drive and Timber Lane. The right-of-way to be dedicated is 0.067 acres of Inlot 10574; the replat and potential future development of this lot led to this request for the dedication of additional right-of-way and acceptance of the utility easement along the front property line where the City has an existing waterline; the replat is considered an administrative item accepted by the City Engineer and does not require approval by the Planning Commission or City Council but Council approval is required for the acceptance of the right-of-way and the utility easement; and staff recommends approval.

A motion was made by Mayor Oda, seconded by Mr. McGarry, that the Planning Commission recommends to Troy City Council acceptance of 0.067 acres of Inlot 10574 as right-of-way and acceptance of a 5 foot utility easement.

MOTION PASSED, UNANIMOUS ROLL CALL VOTE

HISTORIC DISTRICT APPLICATION, CERTIFICATE OF APPROPRIATENESS, REPLACEMENT OF FOUR ATTIC DORMER WINDOWS

AT 235 S. MARKET STREET: OWNER/APPLICANT – JAMES KASTER. The applicant was present. Staff reported: property is zoned B-3, Central Business District; OHI form states this building as a two-story brick commercial building with a gable roof; building was constructed in 1880 and is not listed on the National Register of Historic Places; applicant wishes to remove existing windows in the attic dormers and replace them with Radiance Plus Model 4600 Double Hung Colonial grid windows. The windows will be double hung and have 6 divided grills that will match the existing window design; 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 design to the current windows.

A motion was made by Mr. Wolke, seconded by Mayor Oda, to approve the Certificate of Appropriateness for the window replacement application for 235 S. Market Street including the exact style/size/color of windows, 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 design to the current windows.

MOTION PASSED, UNANIMOUS ROLL CALL VOTE

