

A regular meeting of the Troy Planning Commission was held in Council Chambers, City Hall on Wednesday, May 24, 2023 at 3:30 p.m. with Chairman Alan Kappers presiding. ATTENDING: Members – Oda, Kappers, Westmeyer, Ehrlich, Wolke and Titterington; Development Staff – Eidemiller, Long, Bruner, and Development Director Davis.

APPROVAL OF MINUTES: Upon motion of Mr. Westmeyer, seconded by Mrs. Ehrlich, the minutes of the May 10, 2023 meeting were approved by unanimous roll call vote.

INSTALLATION OF ROOF MOUNTED SOLAR PANELS FACING THE PUBLIC RIGHT-OF-WAY, 1415 SUSSEX ROAD; OWNER JACOB & CARLOTTA OPPERMAN; APPLICANT: POWER UP RENEWABLE ENERGY, INC., BY TIMOTHY SHIFFLET. The staff report noted: the property is zoned R-4, Single-Family Residential District; Section 1151.14 (f)(2) of the City of Troy Zoning Code states the following: “Roof mounted systems shall be located so not to be visible from the public right of way fronting the property except as otherwise approved by Planning Commission.” The home faces south on an interior lot between Norwich Road and Sussex Road; as the proposed solar panels would be located on front right corner of the roof facing Sussex Road, approval of the Commission is requested; Chapter 13, Visioning, of the current Comprehensive Plan under the heading of Neighborhoods and Housing goal #7 states the following: “As technology changes, energy efficiency and renewable energy continue to be important topics in new construction and renovations projects. Similar to other established goals (see Community Facilities and Services, goal 4); the city shall encourage new construction and renovation to take advantage of the “green movement” to support energy efficiency and renewable energy uses. These alternative energy sources can be implemented during new construction phases, in-fill projects, as well as, home renovation projects.” Staff recommends approval for the installation of roof mounted solar panels, based on the following:

- The solar panels meet all requirements of the Zoning Code.
- The solar panels meet goal #7 of Chapter 13, Visioning, of the current Comprehensive Plan.

Staff confirmed that the installation would be on the south side of the roof, and flat on the roof (not angled). The Commission was provided with an owner authorization form as the application was submitted by the contractor. A member of staff stated he had talked to some of the neighbors and no one he spoke with stated any objection.

Mr. Kappers suggested that for future applications for solar panels, staff canvas the immediate neighbors, including those across the street, and ask them to sign a form that they understand the neighbor plans to install solar panels and if they have any objection, but that the neighbors do not have approval rights. Mr. Titterington stated that current neighbors may not have concerns, but new neighbors may. Mr. Kappers commented that new neighbors would know the panels were located. It was discussed that asking for neighbor opinions may be fine to have additional information, but that the Commission should not base the decision on those opinions as there is no requirement in the code to obtain comments. The final comment was that there be a notification form to the neighbors and opinion requested, but that the form indicate the decision of the Commission would not be predicated on that opinion.

Mr. Wolke commented that it almost seems that the Comprehensive Plan mandates approval. Mr. Titterington suggested that staff provide some guidance on these applications. Staff noted that ground mounted panels have specific requirements for screening. There was some discussion about if solar panels were required to be on the back of houses, but it was then noted that location could be specific to each structure to maximize sunlight, such as there is more sunlight facing south. Staff indicated applicants are advised that location to the back of the house is preferred, but this applicant did not want a back location.

A motion was made by Mr. Wolke, seconded by Mrs. Ehrlich, to approve the application for the installation of roof mounted solar panels facing the public Right-of-Way at 1415 Sussex Road as submitted, based on the findings of staff that:

- The solar panels meet all requirements of the Zoning Code.
- The solar panels meet goal #7 of Chapter 13, Visioning, of the current Comprehensive Plan.

MOTION PASSED, UNANIMOUS ROLL CALL VOTE

INSTALLATION OF ROOF MOUNTED SOLAR PANELS FACING THE PUBLIC RIGHT-OF-WAY, 385 W. ROSS ST.; OWNER: ROBIN & RICHARD ROSENQUIST; APPLICANT: POWER UP RENEWABLE ENERGY, INC., BY TIMOTHY SHIFFLET. The staff report noted: property is zoned R-5, Single-Family Residential District; Section 1151.14 (f)(2) of the City of Troy Zoning Code states the following: “Roof mounted systems shall be located so not to be visible from the public right of way fronting the property except as otherwise approved by Planning Commission.” The home faces southeast on an interior lot between Vincent Avenue and W Ross Street; as the proposed solar panels would be located on front side of the roof facing W Ross Street, approval of the Commission is requested; Chapter 13, Visioning, of the current Comprehensive Plan under the heading of Neighborhoods and Housing goal #7 states the following: “As technology changes, energy efficiency and renewable energy continue to be important topics in new construction and renovations projects. Similar to other established goals (see Community Facilities and Services, goal 4); the city shall encourage new construction and renovation to take advantage of the “green movement” to support energy efficiency and renewable energy uses. These alternative energy sources can be implemented during new construction phases, in-fill projects, as well as, home renovation projects.” Staff recommends approval for the installation of roof mounted solar panels, based on the following:

- The solar panels meet all requirements of the Zoning Code.
- The solar panels meet goal #7 of Chapter 13, Visioning, of the current Comprehensive Plan.

There was discussion regarding the color of the panels, with staff commenting they are only aware of black panels; there was discussion that any guideline should discuss colors; there was discussion about the amount of roof area the panels cover as this application appears to cover much of the roof and how much roof coverage may be needed to maximize sun light based on the location of the house. Mr. Westmeyer noted that he is not a fan of the panels located to the front. Mrs. Ehrlich commented that there was considerable discussion regarding color, which is not addressed in the goals, but that the goal is stated to be “energy efficient” with people trying to do the right thing regarding energy. Staff suggested they provide some guidelines to be considered by the Commission at the next meeting, including color, roof area that may be covered, location on the roof, neighbor notification, and any other items discussed at the meeting.

A motion was made by Mr. Westmeyer, seconded by Mr. Titterington, to approve the application for the installation of roof mounted solar panels facing the public Right-of-Way at 385 W. Ross Street as submitted, based on the findings of staff that:

- The solar panels meet all requirements of the Zoning Code.
- The solar panels meet goal #7 of Chapter 13, Visioning, of the current Comprehensive Plan.

MOTION PASSED, UNANIMOUS ROLL CALL VOTE

REZONING APPLICATION, 1511 S. MARKET STREET AND 1551 S. MARKET STREET, FROM M-2, LIGHT INDUSTRIAL DISTRICT, TO B-2, GENERAL BUSINESS DISTRICT; LOCATED ON S. MARKET STREET SOUTH OF DYE MILL ROAD; OWNER: TROY STATION LLC; APPLICANT: MANDEEP SINGH. The staff report noted: the application is for 1511 S. Market Street, Parcel ID: D08-105875 (1.25 Acres) and 1551 S. Market Street, Parcel ID: D08-251110 (2.5 Acres) from the M-2 Light Industrial District to the B-2 General Business District; the land is currently vacant; surrounding zoning districts include the B-2 General Business District to the north, M-2 Light Industrial district to the east and south, and County Zoning of A-2 General Agriculture to the west; the Zoning Code describes the proposed B-2 zoning district as “intended to provide for the development of major retail shopping areas and centers outside the downtown area. These districts include much of the strip commercial property existing along the major streets of the City. The uses permitted are intended to accommodate the general retail consumer.” The Comprehensive Plan’s Future Land Use Map displays this property as existing schools, institutional, and religious uses with Future Industrial to the southeast of the subject properties; however, it is important to note that the Comprehensive Plan was adopted in 2005 and is currently in the process of being updated; the Comprehensive Plan mentions the physical constraints flood hazard areas to the east of the of the subject properties with the potential of recreational opportunities but does not provide much detail on future proposed uses; it is also important to note that the future industrial land use boundary is not clearly defined, rather just an oval drawn in the general vicinity to the east; it is staff’s opinion that the proposed B-2 district meets the intent of retail uses mapped along major thoroughfares. 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 will not have any adverse effects in the area and is similar to the retail uses that exist to the north of the referenced properties.

(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 with uses to the north of the referenced properties.

(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.

Adequate utilities can be provided to the reference property.

(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 unavailable vacant land for development with the B-2 zoning classification.

(F) Whether the proposed amendment would correct an error in the application of this Zoning Code as applied to the subject property.

Not applicable in this request.

Staff did not recommend a public hearing due to the straight forward nature of the rezoning request, and the fact that City Council is required to hold a public hearing. Staff recommended approval with the following notations and findings: “It is staff’s opinion that the proposed rezoning will achieve the desired development. However, the Comprehensive Plan identifies this area as future industrial, the Comprehensive Plan does not clearly define the boundaries of the future industrial development. The intent of the B-2 General Business District is to be mapped along major thoroughfares. Due to the age of the 2005 Comprehensive Plan future industrial development is not warranted based on the current surrounding uses. Staff recommended that the Planning Commission recommend approval of the proposed rezoning from the M-2 Light Industrial District to the B-2 General Business District, based on the following:

- The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code; and
- The proposed rezoning is consistent with the surrounding zoning districts to the north; and
- The use is consistent with permitted uses in the B-2 district.”

PUBLIC HEARING: A motion was made by Mr. Titterington, seconded by Mr. Westmeyer, that the Planning Commission not hold a public hearing on the rezoning of 1511 and 1551 S. Market Street.

MOTION PASSED, UNANIMOUS ROLL CALL VOTE

DISCUSSION: Mr. Wolke commented that he realizes that an update to the Comprehensive Plan is being planned, and hopes it will be more sensitive to preserving industrially zoned land. Mr. Titterington stated he did see how an airport fit with industrial development.

RECOMMENDATION: A motion was made by Mr. Wolke, seconded by Mrs. Ehrlich, that the Troy Planning Commission recommends to Troy City Council that 1511 S. Market Street, Parcel ID: D08-105875 (1.25 Acres) and 1551 S. Market Street, Parcel ID: D08-251110 (2.5 Acres) be rezoned from M-2 Light Industrial District, to B-2, General Business District, as submitted and based on the finding of staff that:

- The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code; and
- The proposed rezoning is consistent with the surrounding zoning districts to the north; and
- The use is consistent with permitted uses in the B-2 district.

MOTION PASSED, UNANIMOUS ROLL CALL VOTE

OTHER: Staff commented that discussions have started with potential Comprehensive Plan consultant for the update; once a consultant is selected, the process will take at least 18 months; the Mayor asked about slowing reviews down that do not conform to the Plan; Mr. Titterington noted that moratoriums cannot be imposed on all considerations; after the Comprehensive Plan update is approved, a zoning code update will be undertaken to have the zoning code match the comprehensive plan. It was stated that the zoning code process would take at least an additional five months.

There being no further business, the meeting adjourned at 3:56 p.m. upon motion of Mr. Westmeyer, seconded by Mr. Titterington, and approved by unanimous voice vote.

Respectfully submitted,

_____Chairman

_____Secretary