

A regular meeting of the Troy Planning Commission was held Wednesday, January 9, 2019, at 3:30 p.m. in Council Chambers, second floor, City Hall, with Vice-Chairman James McGarry presiding. Members Present: Beamish, Snee, Titterington, Wolke and Mahan; Zoning Inspectors Brandon and Watson; and Assistant Development Director Davis.

REORGANIZATION: Upon motion of Mr. Wolke, seconded by Mrs. Mahan, by unanimous roll call vote, Mr. Kappers was elected Chairman. Upon motion of Mr. Wolke, seconded by Mr. Titterington, by unanimous roll call vote, Mr. McGarry was elected Vice-Chairman.

The minutes of the December 12, 2018, meeting were approved.

HISTORIC DISTRICT APPLICATION, 5 E. MAIN STREET FOR SIGN FOR ReU JUICERY, OWNER - MATT ERWIN; APPLICANT – AMBER SOWERS. The staff report (attached to original minutes) noted: zoning is B-3, Central Business District; building is on the National Historic Register; applicant is to install signage on both windows with a smaller logo and hours on the entry door; total amount of signage requested is 15 square feet; building is permitted signage of a maximum of 29.25 square feet; sign material to be vinyl and consist on only one color – white; and staff recommends approved based on proposed sign will meet all City of Troy sign code requirements and will not detract from the historic integrity of the building. Samples were not provided.

A motion was made by Mayor Beamish, seconded by Mrs. Mahan, to approve the Historic District Application for 5 E. Main Street as submitted in the proposed material and color as provided in the application, and based on the findings of staff that:

- The proposed sign will meet all City of Troy sign code requirements; and
- The proposed sign will not detract from the historic integrity of the building.

MOTION PASSED, UNANIMOUS VOTE

HISTORIC DISTRICT APPLICATION, 101 E. WATER STREET FOR FENCE MODIFICATIONS; OWNER/APPLICANT - KYLE THOMPSON. The staff report (attached to original minutes) noted: zoning is B-7, Multiple Family Residential District; building is not on the National Historic Register; applicant is proposing modifications to a previously installed fence that did not receive a permit, Commission approval and does not currently meet the Troy Zoning, Historic or Fence ordinances; proposed modifications are to correct the installed 6 foot privacy fence along the Walnut Street front yard; after multiple discussions with the applicant they are requesting approval to cut the 6 foot fence to the required 42 inches in height, remove every other board to be of open-style design, with a proposed finish stain of Royal Mahogany. Staff noted that this section of fence is the only modification being requested, the other existing fence sections on the property will remain the same. Staff recommended approval based on the proposed modifications to the fence will meet City of Troy requirements and the proposed modifications will not detract from the historic integrity of the building.

In response to Mr. Wolke, it was clarified that where this fence is placed is considered front yard and with the lot being a corner lot, can have the front fenced but not to the height installed. Regarding the “open style fence”, it was stated that is a zoning code requirement for a front yard fence.

A motion was made by Mr. Titterington, seconded by Mrs. Snee, to approve the Historic District Application for the fence modifications at 101 E Water Street as submitted (cut the 6 foot fence to the required 42 inches in height, remove every other board to be of open-style design, with a proposed finish stain of Royal Mahogany), and based on the findings of staff that:

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

MOTION PASSED, UNANIMOUS VOTE

REZONING APPLICATION FOR 44 PETERS ROAD (PARCEL D08-104346) FROM M-2, LIGHT INDUSTRIAL DISTRICT, TO A PLANNED DEVELOPMENT; OWNER/APPLICANT - JASON MARKO (U-STOR-IT). Staff noted: property and business owner Jason Marko requests a zoning amendment for a Planned Development on 44 Peters Road (Parcel D08-104346), which consists of 1.117 acres and is located on the south side of Peters Road; applicant’s stated intention is to construct a second separate building of self-storage units; the M-2 zoning does not permit two principle structures so the owner has requested the rezoning to a Planned Development; surrounding area contains a mix of developed properties, Residential to the northwest, Commercial to the east and south, and Industrial uses to the west; if the PD is approved the M-2 zoning requirements would need to be followed. Details include:

PROPOSAL:

Layout: The layout includes the current existing building measuring 5,200 square feet of gross floor area located to the north portion of the property. The proposed development contains a new 30 ft. by 220 ft. building, for a total of 6,600 square feet, with vehicular access around the proposed building and additional paved area for outdoor storage to the south. There will be a green space in the southwest portion maintained for drainage and additional landscaping along the east and south property lines shown in Exhibit D-4.

Uses: The proposed use for the Planned Development will be for a self-storage facility with outdoor storage as permitted in the M-2 zoning district. Other uses may be allowed as permitted in the M-2 Light Industrial zoning district.

Parking: The development contains three parking spaces. The parking area currently has one driveway access onto Peters Road. The proposed parking area meets the zoning code requirements for the number of parking spaces.

Parks & Recreation Facilities: This planned development does not propose any common open space or recreational facilities.

Traffic: The developer provided that at other currently owned storage facilities that only 1-2 vehicles per week access the sites. Higher usage would generally be one per day.

Utilities: This development will be served by existing City water and sewer lines. The plan seeks to mitigate storm water control by utilizing the existing storm sewer system on the property by installing a new section of storm sewer line. Since the project is disturbing less than an acre there is no requirement for a detention basin.

Protective Covenants: Given this site is currently being used for the same use. The applicant doesn’t have a need for any extra covenants or restrictions on the property. There are existing easements for the sewer and storm water utilities located on the property. Please see Exhibit D-6 for discussion of covenants, grants, easements and restrictions.

Modifications: There are no needed modifications from the Zoning code requirements for this development outside of the proposed two principle buildings on the lot.

Comprehensive Plan Compliance: The Troy Comprehensive Plan indicates the proposed area to be developed as commercial and industrial use according to the Future Land Use Map. The property is currently used as an industrial use and this expansion would be in compliance with the comprehensive plan.

GENERAL PLANS STANDARDS:

Section 1145.16 of the Zoning Code requires that Planning Commission review the proposed General Plan and may recommend the General Plan to City Council if it determines that the plan satisfies, at a minimum, all of the following criteria:

- (1) The General Plan should follow to the maximum extent practicable the Comprehensive Plan for the City, taking into account current facts and circumstances; **The Troy Comprehensive Plan states as an economic development goal to capture the ability for local businesses to expand. The Comprehensive plan has the area as existing industrial and commercial use.**
- (2) An exemption to conventional zoning is justified because the Comprehensive Plan for the City can be more faithfully and reliably implemented by the use of PD zoning; **the exemption to conventional zoning is justified. The Comprehensive plan promotes industrial development. The proposed PD will allow the expansion of an existing use and use of the remaining property.**
- (3) The General Plan is compatible with the location, topographic and other characteristics of the site and will bear a beneficial relationship with surrounding land uses in terms of noise, smoke, dust, debris, or other nuisances; **The Plan is compatible with these characteristics.**
- (4) The General Plan is carefully designed to support surrounding streets, utilities and other public improvements; **The Plan is designed to have minimal impact on the surrounding streets and utilities.**
- (5) The General Plan represents an efficient and economic use of the land in view of the community’s need for a balance of land uses; **The property is currently utilized as an industrial property, for the permitted use of self-storage units. The expansion of an existing use is in keeping with the ordinance and Comprehensive Plan.**
- (6) All public streets, utilities and services necessary to carry out the General Plan are available to the site, or will be extended or improved by the developer and/or City in time to permit the development to be properly served; **The infrastructure is currently on-site and will be maintained by existing easements.**

- (7) Exception from conventional zoning is warranted by design goals or other criteria and/or the need to provide a variety of development opportunities within the community; **An exemption is warranted from regular zoning. The PD proposes to provide the ability to expand the current permitted uses, while maintaining clear access to the utility infrastructure on the property.**
- (8) The design of the development protects natural assets such as streams, wood lots, steep terrain, and other critical environments in the City; **Not applicable in this request.**
- (9) Taken as a whole the development of the proposed PD will have a positive effect on the health, safety, and general welfare of the City; **The proposed PD will allow the continued use to be expanded and should have no negative impact on the health, safety or welfare of the City.**
- (10) The General Plan appears capable of being implemented by a Final Development Plan which meets all requirements of this Section. **The General Plan is capable of implementation by a Final Development Plan.**

ZONING CODE:

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 rezoning would be consistent with the following sections of the Zoning Code:

1131.02 (e) "To separate incompatible land uses and cluster compatible and mutually supportive land uses."

1131.02 (g) "To provide for creatively designed single-use and mixed-use Planned Developments, and to preserve their character and vitality through ongoing regulatory supervision."

1131.02 (k) "To facilitate the efficient and economical development and use of land and public facilities."

1131.02 (q) "To promote the economic vitality of business and industry."

(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.

No changes in the area have created this rezoning request.

(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 of the property is compatible with the other uses in the immediate vicinity. The proposed use is the current and permitted use on the property.

(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.

The proposed PD is currently served by City water and sewer. All other public services can be provided with the proposed rezoning.

(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.

The property is surrounded by various developed property uses. This property does have existing storm water and sanitary sewer utility lines running through portions of the property which is the reason for the proposed PD.

(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 recommended the Commission not hold a public hearing and recommended approval based on the findings that:

- The proposed development is a permitted use for the current zoning designation;
- The site will conform to existing code requirements for the M-2 Light Industrial District.
- The proposed PD is needed to allow for the additional placement of a principle structure due to existing conditions on the property.

The applicant was present.

PUBLIC HEARING: A motion was made by Mr. Wolke, seconded by Mrs. Snee, that the Commission not hold a public hearing on the proposed rezoning of 44 Peters Road from M-2 to a PD. **MOTION PASSED UNANIMOUS VOTE**

RECOMMENDATION: A motion was made by Mr. Titterington, seconded by Wolke, that the Troy Planning Commission recommends to Troy City Council that Parcel D08-104346 located at 44 Peters Road be rezoned from M-2, Light Industrial District, to an Industrial Planned Development as requested and based on the findings of staff that:

- The proposed development is a permitted use for the current zoning designation;
 - The site will conform to existing code requirements for the M-2 Light Industrial District.
 - The proposed PD is needed to allow for the additional placement of a principle structure due to existing conditions on the property.
- MOTION PASSED, UNANIMOUS VOTE**

PRELIMINARY PLAN FOR THE RESERVE AT WASHINGTON SUBDIVISION, LOCATED ON THE EAST SIDE OF WASHINGTON ROAD NEAR THE MCCURDY ROAD INTERSECTION; OWNER/APPLICANT – TROY LAND DEVELOPMENT, INC. BY JESSICA MINESINGER.

Staff reported: this will be a new single-family subdivision along Washington Road, parcel D08-106502 (33.371 ac.); the land is currently undeveloped and is located on the east side of Washington Road near the McCurdy Road intersection and is controlled by Troy Land Development, Inc. (Jessica Minesinger); the development is zoned R-3, Single-Family Residential (minimum lot size of 15,000 square feet) and will be known as The Reserve at Washington; details are:

Uses & Layout: The proposed subdivision, which consists entirely of single-family homes, encompasses 23.371 acres and includes 50 buildable lots that range from .344 acres to .796 acres and will be developed in a two-phases. The first phase will create 26 lots and the second phase will create 24 lots.

Roadways: Access to this development will be provided by two separate points. The west access point off of Washington Road will serve as the main entrance to the proposed subdivision. The second access point, located to the east of the proposed development, connects to the existing road named New Castle Drive. The internal roadway system consists of two cul-de-sacs (Chapel Drive & West Minster Place) which stem off the main road named New Castle Drive and a horseshoe road that also connects to New Castle Drive named Chapel Drive East and Chapel Drive West. The City Engineer and Assistant Fire Chief have reviewed the street layout and have indicated they have no issues with the proposal.

Utilities: This development will be served by city water and sewer lines. The plan seeks to mitigate storm water control by utilizing a retention area located in the southeast portion of the development. Maintenance of storm water control facilities (including drainage swales) will be the responsibility of the Homeowners Association.

Parkland: The developer is not proposing to provide any parkland within the subdivision and received a positive recommendation from the Park Board to pay fees-in-lieu-of parkland, instead of providing the required 3% (1 acre) as required by the Subdivision Regulations.

Easements: A landscape easement has been provided along Washington Road to prevent properties from having direct access. A storm water easement is proposed along the north and east boundary of the development with the southern boundary line bordered by the floodway. Easement areas are the responsibility of the Homeowners Association.

Housing Values: The applicant has estimated the costs of the single-family homes to be valued around \$325,000 to \$400,000.

Staff recommended approval.

Mr. McGarry asked about the landscape easement and was advised that the HOA would maintain that and the stormwater easement. Mr. Wolke asked about the main access, with staff advising that it would be off Washington and later connect to Fox Harbor.

A motion was made by Mayor Beamish, seconded by Mrs. Mahan, to approve the Preliminary Plan for The Reserve at Washington Subdivision as submitted. **MOTION PASSED, UNANIMOUS VOTE**

There being no further business, the meeting adjourned at 3:51 p.m.

Respectfully submitted,

_____ Chairman

_____ Secretary

