

February 26, 2020

A regular meeting of the Troy Planning Commission was held Wednesday, February 26, 2020, at 3:30 p.m. in Council Chambers, second floor, City Hall, with Chairman Alan Kappers presiding. Others present: Members: Oda, Titterington, Ehrlich, and Westmeyer; Zoning Inspectors Watson and Brandon; Assistant Development Director Harris.

Upon motion of Mr. Titterington, seconded by Mr. Westmeyer, the minutes of the Feb. 12, 2020 meeting were approved.

**HISTORIC DISTRICT APPLICATION, FOR 221 S. MARKET STREET, FOR INSTALLATION OF WALL SIGN ON THE NORTH SIDE OF THE BUILDING; OWNER – SOLUTIONS REAL ESTATE INVESTMENTS LLOC (JIM AND JUDY KASTER); APPLICANT – T&G HOWARD ENTERPRISES, LLC – MERAKI: A SALON AND SPA.** Staff reported – three storefronts survive in close to original form; windows look original; prior renovations have resulted in the possible loss of historic architecture; building is currently painted a light grey with white trim around the windows, black awnings and accessories, and black metal work on the second story; applicant is now proposing to install a wall sign on the north side of the building with material to be AlumaCorr, background color is white with black lettering with a thin yellow stripe; staff spoke with the applicant concerning the white background of the sign, and explained that the sign may have too much contrast in relation to the color of the building and the existing signs on the building, however, the applicant chose to stay with the white background and black lettering; and staff recommends denial of the application based on the findings of:

- The proposed sign is in contrast to the existing colors of the building and the existing signs on the building;
- The proposed sign is not cohesive with the existing elements of the building.

**DISCUSSION:** In response to Mr. Titterington, it was stated that the sign had actually been installed but has been removed as it was installed prior to the owner obtaining a permit. Mr. Titterington commented that he saw the sign when it was up and felt it was not an attractive option with the gray shade of the building. Ms. Ehrlich commented that it seems the contrast of the sign against the wall is stark. Mr. Harris asked if there is an option the Commission would consider, with responses of the color of the building or a black sign with white lettering.

A motion was made by Mr. Titterington, seconded by Ms. Ehrlich to deny the historic district application for 221 S. Market Street as submitted based on the findings of staff that:

- The proposed sign is in contrast to the existing colors of the building and the existing signs on the building;
- The proposed sign is not cohesive with the existing elements of the building.

Voting: Yes – Kappers, Titterington, Ehrlich, Westmeyer; No – Oda

**MOTION TO DENY APPLICATION PASSED**

**APPLICATION TO HAVE THE DOWNTOWN/RIVERFRONT OVERLAY (DR-O) DISTRICT APPLIED TO 0.05 ACRE PARCEL WITH A 4,212 SQUARE FOOT MULTI-STORY BUILDING AT 25 S. PLUM STREET (BETWEEN W. MAIN STREET AND W. FRANKLIN STREET) TO ALLOW RESIDENTIAL USAGE ON ALL FLOORS OF THE BUILDING. THE CURRENT B-3, CENTRAL BUSINESS DISTRICT, ZONING PERMITS RESIDENTIAL USES ON THE SECOND FLOOR AND ABOVE. THE DR-O DISTRICT WOULD ALLOW FOR A RESIDENTIAL USE ON THE FIRST FLOOR AS WELL; OWNER/APPLICANT: MVP 619 LINCOLN INC. (GREG TAYLOR).** Staff reported: “The applicant and property owner, Greg Taylor, of MVP 619 Lincoln Inc., is requesting the Planning Commission to review the proposed plan for the building at 25 S. Plum St., using the Downtown/ Riverfront Overlay District to allow for residential use on all floor levels.

**DISCUSSION:**

The applicant is proposing for the property of 25 S. Plum St., to use the existing building for residential use. The property is currently zoned B-3 Central Business District. This property is listed for sale, consists of 0.05-acre with a 4,212 square foot multi-story building. Located on S. Plum St, between W. Main St, and W. Franklin St, is currently vacant and was most recently used for various commercial uses.

In the B-3 District, residential use is permitted only on the second story and above. The proposal is to allow the property to be used for residential use on all floors. The applicant’s plan for the building is to renovate the interior of the building, creating four apartments. The floor plan and exterior elevations of the existing building have been attached to the meeting notice.

After review by city staff, the property currently meets the existing underlying district as a legal non-conforming lot. All other aspects of the project do meet the requirements of the Zoning Code and have been reviewed by the Development, Engineering, Fire and Utilities Departments.

Using the DR-O process outlined in the Zoning Code, the proposed use will need to be approved by the Planning Commission (through the DR-O process) for the property at 25 S. Plum Street to continue forward as residential use.

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.
4. To promote the delivery of public services such as utilities, streets, refuse collection, emergency medical services, fire and police protection.
5. To provide for creatively designed single-use and mixed-use Planned Developments, and to preserve their character and vitality through ongoing regulatory supervision.
6. 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.
7. To minimize adverse effects on traffic safety caused by development and certain land uses.
8. To minimize adverse effects on the environment resulting from development and certain land uses.
9. To facilitate the efficient and economical development and use of land and public facilities.
10. 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.
11. 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.
12. To protect floodways and flood plains from development which increases the general risk of flooding or puts occupants of the development at risk.
13. To preserve and enhance property values.
14. To protect public and private water supplies, both in quality and quantity.
15. To promote the economic vitality of business and industry.
16. 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.
17. To enhance the predictability and profitability of private investments made in the City.
18. To continuously improve the aesthetic character of all parts of the City.

With the creation of the Downtown/Riverfront Overlay District, the intent is for the district to be applied when the conventional zoning requirements are inappropriate or the underlying zoning district is unduly restrictive or prevents the reuse of buildings or properties in downtown Troy. The property at 25 S. Plum Street, zoned B-3 Central Business District allows for residential use on second story and above. The proposed reuse of the building as a residential use is less intense than commercial uses which this property was in the past. The applicant will come back to the Planning Commission for Historic Review once exterior modifications and materials are known.

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, as this property is an existing property, reusing the existing structure, parking is on-street and a portion of the property used for residential is permitted by right. The proposed use will allow for a less intensive use, promoting more in-fill residential space in the downtown, and re-using an existing, vacant property. The City's comprehensive Plan states that its Economic Development Goal #4 is to "use or reuse vacant or underutilized commercial and industrial structures." This property has been vacant and underutilized for the past couple years and is currently listed for sale. Based on the above criteria this project will promote the use of the land, and the economic vitality of business in the area. In addition, the MKSK Riverfront study also suggests in the Development Phase 0-2 years to have additional residential infill development. The study also mentions in the Market Summary section that the downtown of Troy is a great location to provide more housing options, which this application would accomplish both points."

It was noted that the first step in the DR-O process which is the notice of the application in the records of this meeting. At the next meeting a required public hearing will be held on the application for an opportunity for public input on the project, with the Commission then taking action at the next meeting, following the public hearing, as required by the DR-O process.

For the information of the newer members, it was stated that following the recommendation of the Commission at the next meeting with the hearing, the application is then forwarded to Council; Council has five days to consider the decision/recommendation of the Commission and determine if Council wishes to consider the DR-O application, if Council takes no action in that five-day period, the decision of the Commission is then final. It was noted that neighboring property owners will receive a letter advising of the application and hearing. Mr. Kappers noted that this process does not change the under-lying zoning, and that the DR-O process is less cumbersome and time taking for owners than the rezoning or variance processes.

There being no further business, the meeting adjourned at 3:52 p.m.

Respectfully submitted,

\_\_\_\_\_ Chairman

\_\_\_\_\_ Secretary