

A regular meeting of the Troy Planning Commission was held Wednesday, June 13, 2018, at 3:30 p.m. in Council Chambers, second floor, City Hall, with Chairman Alan Kappers presiding. Other members Present: Beamish, Titterington, Wolke, Mahan and McGarry; Assistant Development Directors Harris and Davis; zoning inspectors Shannon Brandon and Robert Watson.

The minutes of the May 23, 2018 meeting were approved.

HISTORIC DISTRICT APPLICATION FOR 24 N. MARKET STREET FOR CHANGE OF TWO WINDOW SIGNS, ONE IN THE FRONT AND ONE ON THE SIDE; WORDING OF “YOUR FAMILY BANK” IS BEING CHANGED TO “YOUR FINANCIAL FUTURE”; OWNER: EFFICACY ENTERPRISES, LLC; APPLICANT: MATT MCCRAY. The staff report noted: property is zoned B-3, Central Business District; applicant is requesting to change signage of two windows due to a name change; 88.5 square feet of signage is permitted and 11.9 square feet of signage is divided between two windows; front window will be 6 square feet and the side window will have 5.9 square feet of lettering; colors will be the same white lettering and the logo being Apple Green PMS-361; material is vinyl graphic lettering; lettering will be printed and adhered to the glass of the first floor windows as shown; and staff recommends approval based on the findings of:

- The proposed sign will meet all City of Troy sign code requirements; and
- The proposed sign compliments the existing colors of the building.

Mr. Titterington commented that the one sign seems to be more of advertising than a sign. It was stated that is not being changed and was approved by the Commission in April.

In response to Mr. Kappers, it was stated the owner of the building signed the application. Mr. Kappers asked that applications signed by the owner be part of the information to the Commission.

A motion was made by Mr. Titterington, seconded by Mrs. Mahan, to approve the application for 24 N. Market as submitted, based on the material submitted in the application and the colors of white lettering and the logo being Apple Green PMS-361, and based on the findings of staff that:

- The proposed sign will meet all City of Troy sign code requirements; and
- The proposed sign compliments the existing colors of the building.

MOTION PASSED, UNANIMOUS VOTE

HISTORIC DISTRICT APPLICATION FOR 24 N. MARKET STREET FOR HISTORIC DISTRICT APPLICATION FOR 9-11 E. MAIN STREET (WASSERMAN BUILDING) FOR A NUMBER OF EXTERIOR RENOVATIONS; OWNER: ADM REAL ESTATE HOLDINGS, LLC; APPLICANT: GUSTAVO MENEZES, ADM REAL ESTATE HOLDINGS, LLC. The applicant was present. Staff submitted a report: the zoning is B-3, Central Business District; the building is on the National Register; the building was originally constructed in 1880 by John Wasserman; under the previous ownership, the building fell into disrepair and the roof collapsed under the weight of snow in 2007; the prior owner did remove and replace the roof to enclose the building envelope preventing further building damage; no other building modifications were done to repair or replace the architectural features along the upper portion of the building; the building has since been in this condition without further improvements to the building or the architectural features; applicant and his contractor have meet with staff about the renovations and maintenance plans for this building; plans include continued renovations and proper repairs and maintenance of the building; and for this application the work will primarily focus on the exterior and decorative features of the building. To discuss each element of the application:

- Installing a new frieze, including the fascia, soffit, corbels and trim work matching the existing, remaining trim and detail that is along the roof line of the building. Using materials such as Cellular PVC lumber for the fascia and trim detail. Polystyrene (EPS) foam for the corbels using the existing metal as a form for the replacements. Therefore, it will match the original corbel detail. The contractor has provided an example of the (EPS) foam material and a rendering of the elevation and detail of the proposed Corbel and Soffit panels. “Exhibit A” in the attached.
- Replacement of the existing square metal downspout along the East wall (S Walnut St), with a similar style, properly attached and mounted to the building.
- Applicant plans to power wash the front E. Main St facade using the gentlest means possible, to remove the existing paint. The applicant plans on repairing and tuck-pointing any mortar needed for general maintenance and repair.
- The Applicant plans for the E. Main St façade if after the washing and cleaning allows the brick to remain exposed. If the existing paint is not removed to a satisfactory level. The applicant has provided a color for approval to repaint the E. Main St façade with Sherwin William Historic Collection “Colonial Revival Grey – SW2832”. See provided “Exhibit B”
- Existing painted surfaces other than the above mentioned brick façade, which includes the storefronts, and concrete block portions on Walnut St, and the Alley are proposed to be cleaned and painted with Sherwin William Historic Collection “Colonial Revival Grey – SW2832”. “Exhibit B” in the attached.
- The Applicant is seeking approval for the painting of the decorative frieze along the roofline, window hoods and other decorative trim in the selected color, Sherwin Williams Historic Exterior Collection “Westchester Grey – SW2849”. “Exhibit B” in the attached.
- The Applicant is seeking approval for the windows and window trim after being cleaned and repaired to be painted in Sherwin Williams “High Reflective White – SW7757”. “Exhibit B” in the attached.

Staff recommends approval based on the findings of

- The proposed alterations will not detract from the historic integrity of the building;
- The proposed alterations will provide much needed repairs and installment of the roof line frieze and decorative trim;
- The proposed colors are suitable with the surrounding character of the Historic District.

Mr. Titterington asked about the exposed brick, and it was commented that the Walnut Street side is now exposed brick and is to remain as exposed brick, but the Main Street side (now painted) will be painted if it becomes evident the exposed brick needs to be painted after it is pressure washed.

In response to Mr. McGarry, it was stated that there is no plan to sand blast the building, only to gently power wash it.

A motion was made by Mr. Wolke, seconded by Mayor Beamish, to approve the application for 9-11 E. Main Street as submitted, based on the materials and colors submitted in the application, and based on the findings of staff that:

- The proposed alterations will not detract from the historic integrity of the building;
- The proposed alterations will provide much needed repairs and installment of the roof line frieze and decorative trim;
- The proposed colors are suitable with the surrounding character of the Historic District.

MOTION PASSED, UNANIMOUS VOTE

REZONING APPLICATION FOR 33.3712 ACRES (RECENTLY ANNEXED) LOCATED ON WASHINGTON ROAD, FROM THE COUNTY ZONING OF A-2, GENERAL-AGRICULTURE, TO THE CITY ZONING OF R-3, SINGLE-FAMILY RESIDENTIAL DISTRICT; OWNER: BARBARA ERNST WILSON; APPLICANT: NOTTINGHAM DEVELOPMENT, INC. Staff

reported: The property location is east of Washington Road and west of the Fox Harbor subdivision.; currently being farmed, it was recently annexed; surrounding zoning districts includes City of Troy zoning of R-4 Single-Family Residential to the east, county zoning of R-1AAA One-Family Residential to the north and county zoning of A-2 General-Agricultural to the south and west of the parcel; the property is currently under contract to be sold to Nottingham Development, Inc.; proposed R-3 Single-Family zoning district requires a minimum lot to meet or exceed 15,000 square feet; County A-2 zoning has minimum lot size for this district is 10 acres; Comprehensive Plan describes the R-3 District as low to medium density; and 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 allowed uses in the R-3 Single-Family Residential district will not have any adverse effects in the area and is consistent with the residential zoning that exists to the west.

(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 permitted uses in the proposed R-3 Single-Family district best match the permitted uses that are currently allowed on the properties located in the immediate vicinity. The majority of the property surround Inlot 10797 is being used as single-family uses.

(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.

All utilities can be provided.

(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.

No vacant land with the R-3 Single Family Residential district exists in the vicinity of this parcel. The majority of the land surrounding this parcel has a county designation of A-2 General-Agricultural.

(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 the Commission hold a public hearing and recommended approval based on the findings of:

- o The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code and comprehensive plan; and
- o The proposed rezoning is consistent with similar zoning classifications and uses in the area.

Mr. Wolke asked about resolution of possible drainage issues for this land, and staff commented that any issues would be addressed at the time a plat would be submitted, after the property would be rezoned

PUBLIC HEARING. A motion was made by Mayor Beamish, seconded by Mr. Wolke, that the Planning Commission not hold a public hearing on the requested rezoning request. **MOTION PASSED, UNANIMOUS VOTE**

RECOMMENDATION. A motion was made by Mr. Wolke, seconded by Mrs. Mahan, that the Troy Planning Commission recommends to Troy City Council that the application for the rezoning of 33.3712 acres on Washington Road from the County zoning of A-R, General-Agriculture, to the City zoning of R-3, Single-Family Residential District, be approved as submitted and based on the findings of staff that:

- o The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code and comprehensive plan; and
- o The proposed rezoning is consistent with similar zoning classifications and uses in the area.

MOTION PASSED, UNANIMOUS VOTE

REZONING APPLICATION FOR 1823 PETERS ROAD, FROM THE ZONING OF R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO THE CITY ZONING OF R-3, SINGLE-FAMILY RESIDENTIAL DISTRICT; OWNER: THOMAS E. AND PATRICIA A. ROBINSON; APPLICANT: BART DENLINGER. Staff reported: property is located at 1823 Peters Road, parcel D08-104502,

and consists of 24.9357 acres; current R-1 zoning requires minimum lot size of 40,000 square feet; proposed R-3 zoning has a minimum lot size of 15,000 square feet; surrounding zoning districts are all Miami County Zoning Districts of A-1 and A-2 Agriculture to R-1AAA One Family Residential and R-1A One Family Residential; the Comprehensive Plan's Future Land Use Map displays this property as future residential use; in accordance with the Thoroughfare Plan, many of the roadways are rural in nature and improvements are needed with some alignments to improve visibility and safety of the motoring public, but even without these improvements, any future residential development on this property can be handled by the current road network; and in reviewing the

criteria on which to base decisions staff found:

(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. Single family residences on 24 acres are not in high demand in this market. The proposed use will not have any adverse effects in the area and is similar to the residential uses that currently exist in the surrounding area.

(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 and similar to the residential uses that currently exist in the surrounding area.

(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.

All utilities can be provided.

(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 available vacant land with the R-3 zoning classification. Additionally there are no available vacant lots of R-3 Zoning in City limits.

(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 that the rezoning of 1823 Peters Road, parcel D08-104502, from R-1 to R-3 be approved as submitted and based on the findings that:

- o The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code; and
- o The proposed rezoning is consistent with the surrounding zoning districts; and
- o Proposed use is consistent with permitted uses in the R-3 district; and
- o The proposed rezoning is consistent with the City of Troy Comprehensive Plan.

Mr. McGarry asked if the proposed zoning is compatible with the zoning in the nearby Creekwood Subdivision. Staff commented that it is anticipated the lot size would be similar.

Mr. Kappers why the R-2 was not considered as the minimum lot sizes for that district would be closer to adjacent developments. Staff advised that was not proposed by the developer, but only one lot would be smaller than 20,000 square feet.

Mr. Titterington commented that the report would not usually include a discussion of a subdivision as that is not part of the rezoning and an owner cannot be held to such development. Staff commented that the developer wanted to show a comparison to the neighboring subdivision.

PUBLIC HEARING. A motion was made by Mr. Titterington, seconded by Mrs. Mahan, that the Planning Commission will not hold a public hearing on the rezoning request.

MOTION PASSED, UNANIMOUS VOTE

RECOMMENDATION. A motion was made by Mr. McGarry, seconded by Mayor Beamish, that the Troy Planning Commission recommends to Troy City Council that the application for the rezoning of 1823 Peters Road, Parcel Number D08-104502, from the zoning of R-1, Single-Family Residential District to R-3, Single-family Residential District be approved based on the findings of staff that:

- o The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code; and
- o The proposed rezoning is consistent with the surrounding zoning districts; and
- o Proposed use is consistent with permitted uses in the R-3 district; and
- o The proposed rezoning is consistent with the City of Troy Comprehensive Plan.

MOTION PASSED, UNANIMOUS VOTE

TABLED ITEM - Preliminary Plan – Villages of Concord, located south of Wayne Street and north of the Kroger

location. A motion was made by Mr. Kappers, seconded by Mr. Titterington, to remove from the table the preliminary plan of the Villages of Concord so the item could be discussed. **MOTION PASSED, UNANIMOUS VOTE, REMOVED FROM THE TABLE.**

As an update, Mr. Davis commented that staff has met with the developer and his attorney, who are now having discussions with the Director of Law. In response to Mr. Kappers, Mr. Davis stated that if the Commission denied the Preliminary Plan the developer would incur additional costs to refile.

A motion was made by Mr. Titterington, seconded by Mrs. Mahan, to again table the preliminary plan application for the Villages of Concord.

MOTION PASSED, UNANIMOUS VOTE

There being no further business, the meeting adjourned at 3:56 p.m.

Respectfully submitted,

_____ Chairman

_____ Secretary