

A regular meeting of the Troy Planning Commission was held remotely Wednesday, May 27, 2020, at 3:30 p.m. Attendance was remote by Zoom. Members participating: Kappers, Titterington, Westmeyer, Wolke, Oda, McGarry, and Ehrlich; Staff attending: Zoning Inspector Watson, Development Director Davis, Assistant Development Director Harris. Commission Vice-Chairman chaired the meeting until Mr. Kappers came on-line at approximately 3:40 pm, and then he chaired the meeting from that point.

The Minutes of the April 22 meeting were approved upon motion of Mr. Wolke, seconded by Mrs. Ehrlich.

PETITION FOR ALLEY VACATION, WEST OF 124 ASH STREET AND 130 ½ ASH STREET. Staff reported that the Petition is related to 14' wide unimproved alley which is only an alley of record; there are no utilities within the alley area; any easements will be retained; abutting owners of City of Troy and Lincoln Community Center petitioned for the vacation; this is related to the Lincoln Community Center new expansion construction project, which is starting; and staff recommends approval as approving the request will not adversely impact any of the neighbors.

A motion was made by Mr. Wolke, seconded by Mrs. Ehrlich, to recommend to City Council that the petition for the alley vacation west of 125 and 130 ½ Ash Street be approved as requested.

MOTION PASSED, UNANIMOUS VOTE

HISTORIC DISTRICT APPLICATION, 24 S. SHORT STREET FOR REPLACEMENT OF EXISTING VINYL SIDING ON THE PRIMARY STRUCTURE, REAR ACCESSORY STRUCTURE, AND TRIM FOR WINDOWS, FASCIA AND SOFFITS. OWNER – ADAM AND LESLIE BUZON. APPLICANT IS DOUG FAY, ARMOUR ROOFING AND RESTORATION. Staff reported: zoning is R-5, Single-Family Residential; house was constructed around 1919 and is not on the Historical Register; proposed is a fiber-cement siding (Hardiboard) and trim for the windows, fascia and soffits to replace existing vinyl siding and trim that currently; proposed color for the main body of the home, 8 feet high, batten styled in Bungalow Beige (SW7511); remainder Gale Force (SW7605); shutters, trim, soffit, fascia and gutters to be installed in the color Steely Grey (SW7664); for the accessory building the colors will be reverse, with the siding being the Gale Force color, with trim in Bungalow Beige, and gutters in the Steely Grey; and staff recommends approval based on the findings of:

- The proposed alterations are in keeping with the historic nature of the district.
- The proposed style of the building product is a more appropriate style than the existing vinyl siding
- The alteration does not alter any of the historical or architectural features of the property.

A motion was made by Mayor Oda, seconded by Mrs. Ehrlich, to approve the historic district application as submitted for 24 S. Short Street, for the exact colors and materials set forth in the application, and based on the findings of staff that:

- The proposed alterations are in keeping with the historic nature of the district.
- The proposed style of the building product is a more appropriate style than the existing vinyl siding
- The alteration does not alter any of the historical or architectural features of the property.

MOTION PASSED, UNANIMOUS VOTE

HISTORIC DISTRICT APPLICATION, 302 W. FRANKLIN STREET, REPLACEMENT OF VINYL SIDING AND TRIM WITH NEW VINYL SIDING AND TRIM. OWNER – BRAD AND MORGAN HEMMICK. APPLICANT – DOUG FAY, ARMOUR ROOFING AND RESTORATION. Staff reported: zoning is R-5, Single Family Residential; construction date is 1869, but has had later alterations; the porch on the north side may be partly original; it is not on the historic register; exterior has been covered with vinyl siding and the windows and trim in aluminum wrap; colors proposed are for the main body of the house is Seagrass color, with trim, corners, soffit and fascia will be in the color Grey Flannel, and gable ends of the roof the application is requesting Harbor Stone color, using a shake style vinyl siding, and staff recommends approval based on the findings of:

- The proposed alterations will not adversely affect the streetscape
- The structure was already negatively altered with vinyl siding and the replacement will provide needed maintenance for the structure
- The alteration will not alter any of the architectural features of the property.

A motion was made by Mr. Wolke, seconded by Mayor Oda, to approve the historic district application as submitted for 302 W. Franklin Street, for the exact colors and materials set forth in the application, and based on the findings of staff that:

- The proposed alterations will not adversely affect the streetscape,
- The structure was already negatively altered with vinyl siding and the replacement will provide needed maintenance for the structure,
- The alteration will not alter any of the architectural features of the property.

MOTION PASSED, UNANIMOUS VOTE

HISTORIC DISTRICT APPLICATION, 103 ½ W. MAIN STREET FOR ADDITION OF METAL FRAMED VINYL AWNING OVER THE SECOND FLOOR DECK ON THE N. WALNUT STREET SIDE OF THE BUILDING. OWNER – LODGE IORM 222. APPLICANT – DAVID ROSS IORM 222 PRESIDENT. Staff reported: The property, is zoned B-3, Central Business District; building was constructed in 1871, stone pillars, iron mullion columns and small light transoms; building is considered a significant contributor to the historic district and in the commercial core of the city; property is on the National Historic Registry; application is for the addition of a metal framed, vinyl awning over the second-floor deck on the N. Walnut St. side portion of the building; proposed awning is a vinyl material, in the 546 Stone Gray color to match the exterior color of the building; overall size will be 10 feet by 16 feet; awning will provide some coverage on the existing second floor deck and provide some protection to the entry door below on the first floor; the upper floors are used as the IORM – Redmen's lodge; and staff recommends approval based on the findings of:

- The proposed alterations are in keeping with the historic nature of the district.
- The proposed alteration is in keeping with the current building color.
- The alteration does not alter any of the historical or architectural features of the property.

A motion was made by Mayor Oda, seconded by Mr. Titterington; to approve the historic district application as submitted for 302 W. Franklin Street, for the exact colors and materials set forth in the application, and based on the findings of staff that:

- The proposed alterations are in keeping with the historic nature of the district.
- The proposed alteration is in keeping with the current building color.
- The alteration does not alter any of the historical or architectural features of the property.

MOTION PASSED, UNANIMOUS VOTE

HISTORIC DISTRICT APPLICATION 221 S. MAREKT STREET FOR THE INSTALLATION OF A WALL SIGN: OWNER – SOLUTIONS REAL ESTATE INVESTMENTS LLC – JIM AND JUDY KASTER; APPLICANT T&G HOWARD ENTERPRISES LLC – MERAKI: A SALON AND SPA. Staff reported: There are three storefronts survive in close to original form; property is not listed on the National Historic Registry; Commission denied a sign application for this property on Oct. 23, 2019; denial was based on the proposed white background of the sign did not appear appropriate based on the light gray color of the building; proposed sign is 15.75 square feet and is under the size allowed; proposed material is an aluminum composite to have a black background, white lettering and a Jalapeno colored strip to match the existing signage on the front; installation will be flush to the wall, on the north side wall, which faces their off-street parking; 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 complements the current colors of the building and the existing signage on the building;
- The proposed sign is cohesive with the existing elements of the building.

Mr. Kappers indicated he feels the proposed sign is more complimentary to the building colors.

A motion was made by Mr. McGarry, seconded by Mr. Westmeyer, to approve the historic district application as submitted for 221 S. Market Street, for the exact colors and materials set forth 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 complements the current colors of the building and the existing signage on the building;
- The proposed sign is cohesive with the existing elements of the building. **MOTION PASSED, UNANIMOUS VOTE**

REZONING APPLICATION FOR 1375 S. UNION STREET PARCEL NO. D08-106648 (6.1241 acres, 26,7458 sq. ft.) FROM THE COUNTY ZONING OF I-2 GENERAL INDUSTRIAL TO THE CITY ZONING OF M-3 GENERAL INDUSTRIAL DISTRICT. OWNER – J&B PROPERTIES OF TROY LLC; APPLICANT – STEVE BRUNS, CO-OWNER. Staff reported: this is a recently annexed vacant parcel; surrounding zonings are: County Zoning to the west of I-1, Light Industrial, south is County Zoning B-1, Highway Business, east is City of Troy M-2 Light Industrial, and north is City of Troy M-3 General Industrial District; proposed M-3 zoning is designed to accommodate a broad range of manufacturing, servicing and processing uses; zoning of the annexed parcel will allow for new business or expansion of the industrial sector in the City of Troy; the industrial zoning district will lend to accomplishing several goals in the comprehensive plan and the possibility to re-use an under-utilized, vacant property; the M-3 zoning designation will create viable industrial land to be utilized; regarding the criteria on which to base decisions staff reported:

(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 zoning district already exists to the north and the property was previously zoned Industrial while in the county.

(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 allowed in the zoning district are compatible and similar to the 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

and 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, if 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 M-3 zoning classification

(F) Whether the proposed amendment would correct an error in the application of this Zoning Code as applied to the subject property. This would not correct any errors in the application of the Zoning Code.

Staff did not recommend approval, and recommended that the Commission recommend of the rezoning application based of Parcel No. D08-106628 from the County Zoning of I-2, General Industrial, to City of Troy zoning of M-3 General Industrial District, based on the findings of:

- o The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code; and
- o Permitted uses in the proposed district are consistent with permitted uses in the surrounding area; and
- o The proposed rezoning is consistent with the City of Troy Comprehensive Plan.

PUBLIC HEARING: A motion was made by Mr. Wolke, seconded by Mrs. Ehrlich, that the Commission not hold a public hearing on the proposed rezoning of 1375 S. Union Street, Parcel D08-106648. **MOTION PASSED, UNANIMOUS VOTE**

RECOMMENDATION: A motion was made by Mr. McGarry, seconded by Mayor Oda, that the Planning Commission recommends to Troy City Council that the application to rezone 1375 S. Union Street, Parcel D08-106648, from the County Zoning of I-2, General Industrial District, to the City of Zoning of M-3, General Industrial District, be approved.

MOTION PASSED, UNANIMOUS VOTE

HISTORIC DISTRICT APPLICATION FOR DEMOLITION OF HOUSE AND GARAGE AT 126 S. CHERRY STREET – CONSIDERATION OF MOTION TO RECONSIDER HISTORIC DISTRICT APPLICATION FOR THE DEMOLITION OF THE RESIDENTIAL AND GARAGE STRUCTURES LOCATED AT 126 SOUTH CHERRY STREET AND FURTHER TO ALLOW LIMITED COMMENTS BY INTERESTED PARTIES IN A MANNER ACCEPTABLE BY A MAJORITY OF THE TROY PLANNING COMMISSION.

The following motion was made by Mr. Wolke:

“Regarding the proposed demolition of 126 South Cherry Street, at our last meeting, I was concerned about the ability of the both sides to have a fair hearing. Therefore, I made a motion to indefinitely delay commission action. However, in fairness to all sides, I believe the Planning Commission should resume consideration of this issue. I view the process I’m proposing as a starting point for discussion and would welcome any amendments by members of the commission.

Therefore, I'd like to make a motion to include the issue of 126 South Cherry Street on our next agenda with the following procedures in effect:

- > The proponents and opponents to the demolition shall select a primary and up to two secondary representatives.
- > The primary representatives shall have a maximum of 5 minutes to present their positions.
- > Secondary representatives shall each be given a maximum of 3 minutes.
- > Presentations shall alternate, beginning with the opposition to demolition.
- > The commission may ask questions of either side in the issue. Questions and answers will not be deducted from their allotted time.
- > No time limits apply to city staff or members of the Planning Commission.
- > Proponent representatives shall be chosen by the First United Methodist Church.
- > If the opposition is unable to select representatives, the attorney for Evanthia Owen (William McGraw) shall be the primary representative and he shall select the two additional representatives.

If either side declines the procedure established by the commission, that side will not be given the opportunity to speak at the commission meeting.

Motion seconded by Mr. McGarry.

DISCUSSION.

Mr. Wolke stated his concern had been that presentations by the applicant/opponents were precluded with the remove meeting

Mr. Kappers asked Mr. Wolke indicated any aggregation of time as a part of his motion, and it was stated no aggregation was intended.

Mr. Titterington stated a concern that there had not been a presentation by the applicant; and that while staff reached a recommendation based on the Zoning Code, staff is not actually speaking for the applicant. He suggested that before any other alternating comments with time limits, that the applicant be permitted to give a 3-5 minute presentation on the reasons for the applications. Mr. Westmeyer stated he concurred with the comments of Mr. Titterington.

Mr. Kappers commented that he believed giving the applicant more time than proposed in Mr. Wolke's motion would be giving the applicant an unfair advantage. Mr. McGarry stated he felt that the overwhelming correspondence was from the opponents to the demolition, and suggested that if the applicant wishes to submit more information, the applicant can do so. Mrs. Ehrlich that she supported Mr. Wolke's motion and did not feel the applicant should be give additional time to comment.

Mr. Titterington called the question on the motion as made by Mr. Wolke.

MOTION PASSED BY UNANIMOUS VOTE.

Regarding Procedures – it was stated that staff will reach out to the applicant and those opposed to the demolition advising that the item will be on the next agenda and the procedures determined for comments. Mr. Kappers commented that it would be good to know in advance who will be speaking and if the speaker will be primary or secondary.

OTHER – ROOF REPLACEMENT 201 E MAIN STREET. Staff advised that the morning of May 27, it was found that without the owner making an application to replace the roof at 201 E Main Street, materials were delivered this morning with the contractor planning to replace the roof yet this week, with the owner concerned that the roof be replaced as there may be some leaks; the applicant intends to tint/coat the roof of the detached garage (which cannot be seen from Main Street but can be seen from Mulberry Street) and if the tint will not work on the garage, it would then be re-roofed to match the house. Staff has talked with the owner but not secured an application. Commission members indicated they were not familiar with a process of coating shingles. It was confirmed that the owner had not made an application or contacted the City. There was discussion regarding two items – that no application was submitted or materials submitted, putting the Commission in a difficult decision with the work to start May 28, even with possible leaks, and the ambiguity of not knowing if a coating will work to match the newer brown shingles or there would be a later application. Mr. Davis did comment that there was an emergency repair provision of the code that may be applicable. Mr. Kappers and Mr. Wolke commented that the risk of the applicant is that when the Commission reviews an application with the usual information, it could be the determination of the Commission that the work must be redone. Mr. Kappers stated he is not suggesting the owner does the repair without approval, noting that is something that sometimes takes place. The Commission asked that an application for this work be on the next Commission agenda.

There being no further business, the meeting adjourned at 4:15 p.m. following motion of Mr. Titterington, seconded by Mayor Oda.

Respectfully submitted,

Chairman

Secretary