

A regular meeting of the Troy Planning Commission was held remotely Wednesday, June 24, 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. Mr. Kappers, Chairman, chaired the meeting.

AMENDING MINUTES OF JUNE 10 MINUTES. Three corrections were discussed regarding the demolition application of 126 S. Cherry Street:

1. The proper term is Certificate of Appropriateness.
2. Mr. Kappers noted that he and Mr. McGraw have an interest in are two bicycles in Florid and not also a property.
3. The wording of the motion did not include a reference to the findings of staff.

A motion was made by Mr. Kappers, seconded by Mr. Titterington to amend the minutes of the June 10, 2020 minutes regarding 126 S. Cherry Street to read as follows:

On page 3, under Discussion and the comments of Mr. Kappers, the minutes should reflect: "...shared interest in two bicycles in Florida."

The motion is to read as follows:

"A motion was made by Mr. Westmeyer, seconded by Mr. Wolke, to approve a Certificate of Appropriateness for the demolition application of 126 S. Cherry Street as submitted." and to delete any reference that the motion included the report of staff as that was not included in Mr. Westmeyer's motion.

MOTION TO AMEND MINUTES APPROVED BY UNANIMOUS ROLL CALL VOTE"

Mr. Kappers asked if staff will be monitoring items such as the removal of asbestos and lead based paint from 126 S. Cherry Street, with Mr. Davis advising that staff will provide some follow up during the demolition.

**HISTORIC DISTRICT APPLICATION FOR 25 S. PLUM STREET, FOR EXTERIOR RENOVATIONS AND MODIFICATIONS, INCLUDING: BLOCK IN SEVERAL WINDOW OPENINGS AND A DOOR OPENING; REPLACE EXISTING WINDOWS WITH WHITE VINYL WINDOWS; PAINTING OF ENTIRE BUILDING; ADDITION OF TWO NEW AIR CONDITIONING UNITS ON THE REAR PORTION AND REPLACING THE ONE UNIT WHERE IT IS CURRENTLY LOCATED, SCREENING WITH SHRUBS; INSTALLING OF LETTERS FOR THE ADDRESS "25 S. PLUM STREET" WHERE A SIGN HAD BEEN LOCATED; OWNER/APPLICANT: MVP 618 LINCOLN.** Staff reported: zoning is B-3, Central Business District; property was constructed in 1910 and is not on the National Register; application is for:

-To block in several window openings and a door opening around the façade of the building. This is a part of the building conversion to apartments.

-Replacement of the existing modern, bronze vinyl windows with new, white vinyl windows. This includes removing the lower level glass block windows with white vinyl egress windows.

-Painting of the entire building with using the following Sherwin William colors. The walls being painted in (SW9163) Tin Lizzie, the trim to match the proposed windows with (SW7005) Pure White, and the entry doors in (SW 2839) Roycroft Copper Red.

-Addition of two new air conditioning units on the rear portion, replacing the one unit where it currently is located. The units will be screened with shrubs installed by the applicant.

-Installation of Brushed Aluminum, stud mounted 6-inch letters for the address "25 Plum Street" in the current sign location for the previous businesses. This panel is 3 feet by 4 feet making a total size of 12 square feet.

Staff recommends approval based on the findings of:

- The proposed alterations are in keeping with the historic nature of the district.
- The proposed modifications are appropriate for the building and will maintain the visual relationship of the streetscape.
- The alterations do not alter any of the historical or architectural features of the property.

It was noted that the lower windows facing neighboring properties and to the rear will be closed. It was stated that the closed in windows will be a matching block or veneer that matches the masonry wall to the extent possible.

A motion was made by Mr. Wolke, seconded by Mrs. Ehrlich, to approve the historic district application for 25 S. Plum Street as submitted, based on the exact materials and colors as shown in the application, and that the door and windows to be closed in be in a matching block or veneer to match the masonry walls of the building, and based on the findings of staff of:

- The proposed alterations are in keeping with the historic nature of the district.
- The proposed modifications are appropriate for the building and will maintain the visual relationship of the streetscape.
- The alterations do not alter any of the historical or architectural features of the property.

MOTION PASSED, UNANIMOUS VOTE

**HISTORIC DISTRICT APPLICATION FOR 120 S. PLUM STREET, FOR PAINTING OF THE RESIDENCE, OWNER/APPLICANT PHILLIP AND CHRISTY BECCUE.** Staff reported: The property, is zoned R-5, Single Family Residential; residence was constructed in 1853, with Greek revival influence; property is not on the National Historic Registry; applicant is requesting the repainting of the shutters of the residence to the proposed color Goblin (PPG1040-7); they are currently a lighter green color and previously approved for Deep Emerald, a dark green; applicant has completed the maintenance and preservation work on the shutters and will paint the original wood shutters and existing vinyl shutter all the same color; and staff recommends approval based on the findings of:

- The proposed alterations are in keeping with the historic nature of the district.
- The proposed paint scheme is appropriate for the style of the building and will maintain the visual relationship of the streetscape.
- The alteration does not alter any of the historical or architectural features of the property.

A motion was made by Mr. Titterington, seconded by Mayor Oda, to approve the historic district application for 120 S. Plum Street as submitted, based on the exact materials and colors as shown in the application, and based on the findings of staff of:

- The proposed alterations are in keeping with the historic nature of the district.
- The proposed paint scheme is appropriate for the style of the building and will maintain the visual relationship of the streetscape.
- The alteration does not alter any of the historical or architectural features of the property.

MOTION PASSED, UNANIMOUS VOTE

**HISTORIC DISTRICT APPLICATION FOR 126 S. PLUM STREET, FOR INSTALLATION OF VINYL FENCING PANELS ALONG THE DRIVEWAY; OWNER/APPLICANT MATTHEW DENIUS AND AMANDA FELTNER.** Staff reported: property is zoned R-5, Single Family Residential and is located in the block of S. Plum Street between W. Canal Street and W. Franklin Street; the structure was built around 1911 and is not listed on the National Registry; this would add to the previously approved fence by installing additional panels along the driveway between the applicants' property and the neighbor of 130 S. Plum Street; the overgrown hedges will be removed and the fence installed; and staff recommends approval based on the findings of:

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

A motion was made by Mayor Oda, seconded by Mrs. Ehrlich, to approve the historic district application for 126 S. Plum Street as submitted, based on the exact materials and colors as shown in the application, and based on the findings of staff of:

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

MOTION PASSED, UNANIMOUS VOTE

**HISTORIC DISTRICT APPLICATION FOR 133-135 S. OXFORD STREET, FOR REPLACEMENT OF THE ROOF OF THE RESIDENCE; OWNER/APPLICANT VSF INVESTMENTS, LTD/D&S CONSTRUCTION.** Staff reported: property is zoned R-5, Single Family; property was constructed in 1910 and is not on the National Historic Registry; shingles are being replaced on the primary residence and garage due to damage from the storms on January 19<sup>th</sup>; request is to replace the existing shingled roof which is a gray colored diamond-cut style of asphalt shingle; there is a small, existing section that was replaced with green three-tab asphalt shingles previously; garage has regular three-tab asphalt shingles in a gray color; applicant is planning to use Owens Corning, Duration Shingles, an Architectural Asphalt Shingle in the color Estate Gray; applicant is also in the process of making other repairs due to storm damage with same color and like materials; 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 will maintain the visual relationship of the streetscape.
- 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. McGarry, to approve the historic district application for 126 S. Plum Street as submitted, based on the exact materials and colors as shown in the application, and based on the findings of staff of:

- The proposed alterations are in keeping with the historic nature of the district.
- The proposed style of the building product will maintain the visual relationship of the streetscape.
- The alteration does not alter any of the historical or architectural features of the property.

MOTION PASSED, UNANIMOUS VOTE

**REZONING APPLICATION, PT PARCEL C06-064830, WHICH CONSISTS OF 22.515 ACRES AND LOCATED BETWEEN SR 718 AND MCKAIG ROAD, GENERAL PLAN FOR THE REZONING FROM THE COUNTY ZONING OF A-2, GENERAL AGRICULTURAL DISTRICT TO A PLANNED DEVELOPMENT RESIDENTIAL (PD-R).** Staff reported: \* Redwood USA, LLC requests a zoning amendment for a Residential Planned Development on PT Parcel C06-064830, which consist of 22.515 acres and located between St. Rte. 718 and McKaig Road. The applicant's intention is to construct a private residential apartment neighborhood

There has not been an established city zoning on this property as it was recently annexed on May 4, 2020. The previous zoning classification under the county zoning was is A-2 General Agricultural district. The property is currently undeveloped and currently being used for agricultural purposes. The surrounding area contains residential uses to the north, and a mixture of residential and agricultural uses to the south, east and west.

Surrounding zoning includes: A-2 General Agriculture (Miami County) and R-1AAA, One Family Residential (Miami County), I-2 General Industrial (Miami County) to the north, R-1C, Single Family Residential (Miami County) to the south, and R-4 Single-Family (Troy) to the north.

This request for Planned Development zoning with submittal of the General Plan is the first step of the approval process. This development will require a Final Development Plan and Record Plan in order to create the development and to dedicate the public utilities (in this case, a single-phase development is proposed). Detailed engineering drawings will be required to be submitted for review and approval by the Development and Engineering staff. The Record Plan will be reviewed by Planning Commission who will make a recommendation to City Council. Council ultimately will have final approval of the Record plan.

**PROPOSAL:**

**Uses & Layout:** The proposed development will be completed in one phase. The development is only residential use with multiple principle structures with either four units or 6 units per structure in the development. This development consists of 138 total units that will be of a single-story design. The ratio of units per acre is 6 dwelling units per acre with the total parcel being 22.515 acres in size. The proposed development will be providing 5.2 acres of landscaped green space, including a walking path and a covered shelter next to the proposed retention pond.

**Roadways:** Access to this development will be provided by two connections. The first connection will be the primary entrance from State Route 718. The secondary entrance will be onto McKaig Road. The entrances to the development will be aligned to existing driveways on the respective right of ways as required by the Engineering Department. The internal roadway system consists of two primary streets and three connecting streets as shown in the attached General Plan. As this development is proposed as a private development, the streets will not meet the city standards for a public street. They will provide curb and gutter, sidewalks, and additional parking stalls for guest parking. No proposed Right-of-Way will be dedicated with this development. The City Engineer and Assistant Fire Chief have reviewed the street layout and have indicated they have no issues with the proposal. Maintenance of the private streets will be the responsibility of the property owner.

**Utilities:** This development will be served by city water and sewer lines. The plan seeks to mitigate storm water control by utilizing one retention ponds for the development. Maintenance of these private utilities and storm water control facilities will be the responsibility of the property owner.

**Parks & Recreation Facilities:** The developer is not proposing to provide any parkland within the subdivision. The development will only have a covered shelter at the retention pond connected with a walking path to the nearby parking areas. The site has been designed to provide 23% of the site or 5.2 acres total of green space, with the applicant prepared to pay fees-in-lieu of parkland, instead of providing the required 3% (.675 acres) as required by the Subdivision Regulations. The Zoning Code requires 10% of the entire acreage in the planned development to be used as open space. The proposed development has not met the open space requirement for a planned development as defined by the ordinance. Maintenance of the private property and pond will be the responsibility of the property owner.

**Protective Covenants:** The applicant doesn't propose a set of protective covenants as this is a private development, with on-site property management and company oversight of the property.

**Housing Values:** The applicant and developer are proposing an apartment neighborhood, and the units will not be for sale but an estimated lease price has been given at \$1,200- \$1,800 a month.

**Comprehensive Plan Compliance:** The Troy Comprehensive Plan indicates the proposed area to be developed as residential use according to the Future Land Use Map (Figure 14-5). Specifically, the Comprehensive Plan states:

"A mixture of residential units and densities under a Planned Development District is desired. Planned developments are encouraged as a flexible tool to meet the community's gross density needs, while providing a creative site development plan with a mix of housing types, densities, and values within individual developments."

"Future residential development should be commensurate with the changing needs of the Troy community, as reflected in the Comprehensive Plan. To achieve the City's desired housing diversity with various densities could also contribute to the housing goals of this 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 indicates the proposed area to be developed as residential use according to the Future Land Use Map.*
- (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 as the development will fill a need for this style of development inside the City.*
- (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 public improvements have been designed to meet city recommendations (water and sewer). The majority of the infrastructure will be privately owned and maintained.*
- (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 proposed use does fill a need in the market for this type of development. This development will be marketed to the empty nester that does not want to maintain a larger home and still want to reside inside a subdivision within the City Limits.*
- (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 public improvements (including turning lanes) will be installed to permit the development to be properly served.*
- (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 as this PD proposes to provide living facilities, to accommodate this trend of living style and type of development.*
- (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 create a positive effect on the community. A recent market study shows the need for senior living facilities, apartment style living and the ability to accommodate the need for alternative developments than traditional single-family dwellings.*
- (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 (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."*

(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. Abutting the north and south of the property are residential developments with similar uses as proposed.

(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 can and will be served by City water and sewer. All other public services can be provided with the proposed rezoning area.

(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 developed land to the north, a mix of agricultural and residential to the east, south and west. The only other land that holds the proposed PD zoning district designation with the vicinity is Stonebridge Meadows, which is a traditional single-family home and individual lot subdivision.

(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 recommends that Planning Commission provide a positive recommendation to City Council to approve this request for PD Planned

Development zoning subject to the following conditions on the General Plan:

- 1) That the applicant is given a positive recommendation from the Park Board for fees-in-lieu of parkland.
- 2) That a statement be placed on all plans indicating all streets, and utilities on the site will be private and maintained by the property owner; and
- 3) All roads names to be approved by the City Engineer;
- 4) Staff found that the proposed rezoning is found to be consistent with the intent and purposes of the City of Troy Zoning Code, Comprehensive Plan and with similar zoning classifications and uses in the area.
- 5) Staff did not recommend the Commission hold a public hearing."

DISCUSSION:

In response to Mr. Kappers, it was stated that recycling and refuse collection will be private. In response to the Mayor, it was stated that the development will maintain all the plantings. Mr. Wolke commented about the number of recent residential developments, noting that he sees residential development normally as an expense to the City and asked if the balance with development is being maintained. Mr. Titterington commented that this development, being rentals, should fill a housing need, and it is hoped that persons renting the units helps to fill a workforce need in Troy and the area, in turn supporting City income tax by being City residents. Mr. Kappers stated he concurs with Mr. Titterington that the City has a need for rental property. Mr. Kappers stated a concern that the development does not provide the 10% open space indicated by the Ordinances and is too dense. Mr. Davis commented that staff had discussed this and that is why the development will be providing fees-in-lieu of green space, that this will maximize the use of the land for apartment space. It does not impact any established housing districts around it based on current uses, so staff recommended the fees-in-lieu instead of the green space. Mr. Kappers asked about the adjacent 20 acres, with Mr. Davis stating that land is still under the ownership of the Troy Schools and not part of this development. Mr. Titterington, regarding open space, commented that this is not the only development that has provided in fees-in-lieu of some green space, which provides a balance. Staff noted that 23% (5.2 acres of the 22 acres) of the site will be green space around the buildings and the 30' buffer along the side. In response to Mr. Kappers, staff advised that about 1 acre of the 5.2 acres is the retention pond, which is calculated in the green space based on the City code. In response to Mrs. Ehrlich, staff advised that a traffic analysis has been provided and the developer will perform road improvements along McKaig Road requested by the City to address additional traffic. In response to the Mayor about some flooding on property to the west, staff noted that the site will be engineered to accept and mitigate storm water for this parcel, but it does not address concerns about the neighboring property. Staff noted that the property to the west has not had recent issues.

PUBLIC HEARING:

A motion was made by Mr. Titterington, seconded by Mayor Oda, that the Commission not hold a public hearing on the Planned Development Zoning recommendation. MOTION PASSED, UNANIMOUS VOTE

RECOMMENDATION:

A motion was made by Mayor Oda, seconded by Mr. Titterington, that the Troy Planning Commission recommends to Troy City Council that part of parcel no. C06-64830, located between SR 718 and McKaig Road, the PD General Plan be rezoned from the County Zoning of A-2, General Agricultural District to a City of Troy Planned Development - Residential (PD-R), based on the findings of staff that the proposed rezoning is found to be consistent with the intent and purposes of the City of Troy Zoning Code, Comprehensive Plan and with similar zoning classifications and uses in the area, with the following conditions noted on the General Plan:

- 1) That the applicant is given a positive recommendation from the Park Board for fees-in-lieu of parkland.
- 2) That a statement be placed on all plans indicating all streets, and utilities on the site will be private and maintained by the property owner; and
- 3) All roads names to be approved by the City Engineer;

VOTING: Yes: McGarry, Oda, Westmeyer, Wolke, Ehrlich, Titterington No: Kappers MOTION PASSED

OTHER: Mr. Kappers, noting that the Commission receives criticism for decisions on Historic District Applications, sometimes with the judgment based on a color favored, asked if the members believe that a historic district is applicable in the City of Troy, that a historic district is needed, and if members believe that the downtown is relying on the southwest historic district for its viability. Mr. Titterington commented that the "southwest historic district" is a neighborhood within the historic district, and commented that he thinks the historic district is a vital part of Troy and the City should continue to have a historic district designation. Mr. Wolke commented that he believes the historic district should be preserved. Mr. Wolke also recalled that a consultant had made a presentation on the subject and when asked to provide the Commission with an example of a community that "does it better" in analyzing historic district applications, was unable to do so. Mr. Kappers stated he only mentioned this for discussion.

There being no further business, the meeting adjourned at 4:19 p.m. following motion of Mr. Titterington, seconded by Mr. Wolke.

Respectfully submitted,

\_\_\_\_\_ Chairman

\_\_\_\_\_ Secretary