

A regular meeting of the Troy Planning Commission was held remotely on Wednesday, October 28, 2020, at 3:30 p.m., with Chairman Alan Kappers presiding. Members attending – Titterington, Wolke, Oda, McGarry, Westmeyer, and Ehrlich; Staff attending: Development Director Davis, Assistant Development Director Harris, Zoning Inspector Robert Watson, and City Engineer J. Rhoades.

MINUTES OF OCTOBER 14 MEETING. Minutes were approved upon motion of Mr. Wolke, second by Mrs. Ehrlich.

**HISTORIC DISTRICT APPLICATION – DEMOLITION OF 112-118 W. MAIN STREET, OWNER/APPLICANT 116 W MAIN LLC – RANDY KIMMEL.**

**REMOVED FROM TABLE:** A motion was made by Mr. Wolke, seconded by Mr. Westmeyer, to remove the application from the table.

**MOTION APPROVED, UNANIMOUS VOTE**

**DISCUSSION:** Mr. Kappers commented that Commission members had received a large number of emails regarding this application. Commission members indicated they had had time to review the emails.

Mr. Wolke asked for any update from the City related to the demolition. Mr. Davis indicated that the City was seeking an additional structural analysis from Woolpert, and a report may be received by November 6. Mr. Titterington noted that an entity opposed to the demolition had provided a review, but had not had access to the building to do a structural analysis. Mr. Davis commented that the County Building Inspector would attend the next meeting if the structural report is received and he can review it. Mr. McGarry asked about the Building Inspectors' findings and what would be acceptable as far as a "resolution", including if the Commission approving a plan to retain the building would serve as the "resolution". Mr. Titterington stated he understands the resolution would have to be demolition or something that shows the start of improving the building. Mr. McGarry noted that a business is still operating in the building, which appears to be in opposition to the Building Inspector's order, with Mr. Davis advising that the inspector was not aware of the business still operating as no one was there when the building was checked, but the business is being order to vacate.

**TABLE:** A motion was made by Mr. Wolke, seconded by Mr. McGarry, to table the demolition application for 112-118 W. Main Street until the next meeting.

**MOTION PASSED, UNANIMOUS VOTE**

Mr. Kappers noted that the time frame for submitting comments ended at noon, October 27, and he asked that no other comments be provided unless they were substantive and not just an opinion.

Regarding process for the next meeting, it was discussed that for a prior demolition application proponents and opponents each were permitted three presenters, the primary presenters given five minutes each and the two secondary each given three minutes. Mr. Wolke suggested that process again be followed; that the proponents and opponents select their presenters; if the opponents cannot select their own presenters; then the primary opposing presenter be Jeremy Tomb, and the two secondary Ben Sutherly and Andrea Keller. The presentations would start with the applicant's primary presenter, then the opponent's primary presenter, and the three minute presenters likewise alternating. The Commission determined that the County Building Inspector would speak prior to the presentations and the time for any questions of the Building Inspector not be deducted from the time frame of the presenters. If a Woolpert representative attends the next meeting, that representative would also speak prior to the presentations of the applicant and opposition. It was indicated that as the meeting will be via Zoom, anyone who wishes to submit comments, submit those to the applicant or one of the persons noted as presenters. Mr. Kappers asked that the names of the presenters be provided to the Commission no less than 48 hours prior to the next meeting, that notice of the process be provided to the applicant and the opposers, and that presenters use their time wisely and not repeat information the Commission has received.

Evanthia Owen indicated that she did support limiting comments for a previous application or this one. Mr. Kappers commented that the Commission members carefully consider all the information they are provided.

**MOTION ON PROCESS:** A motion was made by Mr. Wolke, seconded by Mr. McGarry, that the presentations start with the applicant for five minutes, the primary opposition presenter for five minutes, and alternating three minutes each for the other two presenters for the applicant and opposition.

**MOTION PASSED, UNANIMOUS VOTE**

**HISTORIC DISTRICT APPLICATION – 102 S. OXFORD STREET, EXTERIOR REPAINTING; OWNER/APPLICANT – RICHARD STEINEMAN.** The staff report noted: the structure is a two-story residence; zoning is R-5, Single Family Residential District; structure was moved from the courthouse block before 1884, and around 1920 placed on this location after the canal was filled in; property is not listed on the National Register of Historic Places; for the repainting plan, the main body of the house is metal siding now painted in a faded blue color to be painted Courtyard (SW6440); windows and trim are to be painted in the color Greek Villa (SW 7551); the fascia, gutters and shutters that were white repainted in Gray Silt (SW 220959); the shutters of the house are a composite material painted black to be also painted Gray Silt (SW220959); and staff recommends approval for both the proposed exterior paint scheme and shingles, based on the following:

- The proposed colors will not detract from the historic integrity of the building;
- The proposed colors will create a positive impact on the building;
- The proposed color scheme fits well with the surrounding character of the Historic District.

It was noted that most of the painting had been accomplished without an application submitted, staff issued a stop work order until the Commission could consider the application.

A motion was made by Mayor Oda, seconded by Mr. McGarry, to approve the historic district application for 102 S. Oxford Street as submitted, for the exact colors and materials stated in the application and based on the finding of staff that:

- The proposed colors will not detract from the historic integrity of the building;
- The proposed colors will create a positive impact on the building;
- The proposed color scheme fits well with the surrounding character of the Historic District.

**MOTION PASSED, UNANIMOUS VOTE**

**REZONING FROM M-2, LIGHT INDUSTRIAL DISTRICT, TO B-3, CENTRAL BUSINESS DISTRICT, 212 S. MULBERRY ST, PARCEL D08-250517 (0.20 AC.), OWNER/APPLICANT CITY OF TROY.** The staff report noted: "parcel is located mid-block between E. Canal Street and E. Race Street, a through lot which connects to S. Walnut Street, and is a vacant parcel, surrounding zoning districts are all City of Troy zoning districts, M-2 Light Industrial to the south and southeast, B-2 General Business to the south, B-3 Central Business to the north and west, OR-1 Office-Residence to the north and R-7 Multi-Family Residential to the east and northeast; if rezoned this lot will be combined with 110 E. Canal Street, also owned by the City of Troy, the new location of a fire station. The Zoning Code describes the current B-3 Central Business zoning district as 'intended to accommodate office concentrations and the great variety of retail stores and related activities which occupy the prime area within the central business district, and which serve the entire metropolitan area. High intensity and large bulk development characterize the central business district area', and the B-3 Central Business district is the more appropriate designation for the proposed use and parcel." The report further noted:

“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 the changing conditions in the affected area. The rezoning will only serve in not creating a split zoning on a future single parcel. The proposed future use will not have any adverse effects in the area and is similar to the surrounding 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 other 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 already an existing property with the B-3 zoning district that this property will eventually be combined with. Creating a larger parcel to be redeveloped and not have a split zoning on one parcel.

*(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. Staff found that the proposed rezoning is consistent with both the desired future redevelopment mentioned in this report and the established surrounding areas, and staff 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
- o The proposed rezoning is consistent with the surrounding zoning districts; and
- o The proposed use is consistent with permitted uses in the B-3 district.

**PLANNING COMMISSION ACTION:**

**A. Public Hearing**

A motion was made by Mr. McGarry, seconded by Mrs. Ehrlich, that the Commission not hold a public hearing on the application to rezone 212 S. Mulberry Street.

VOTING: YES – Kappers, McGarry, Ehrlich, Oda, Wolke & Westmeyer; NO – None; ABSTAIN – Titterington (as the applicant for the rezoning). **MOTION PASSED.**

**B. Recommendation**

A motion was made by Mr. McGarry, seconded by Mr. Westmeyer, that the Troy Planning Commission recommends to Troy City Council that 212 S. Mulberry Street, Parcel No. D08-250517, be rezoned from M-2, Light Industrial District, to B-3, Central Business District, based on the findings of staff that:

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

VOTING: YES – Kappers, McGarry, Ehrlich, Oda, Wolke & Westmeyer; NO – None; ABSTAIN – Titterington (as the applicant for the rezoning). **MOTION PASSED.**

**REVIEW OF CITY BEAUTIFICATION COLOR PALATE/PLANTINGS FOR 2021:** The Commission is required to consider the proposed color palate and plantings proposed for the coming year. Photos of the plantings were provided. A motion was made by Mr. Kappers, seconded by Mayor Oda, to support the color palate as proposed by the City Beautification Committee for 2021.

**MOTION PASSED. UNANIMOUS VOTE**

**LOCATION OF FUTURE MEETINGS.** Starting with the first meeting in December, the Commission will start meeting in person at the Bravo Room, Hobart Arena, unless COVID-19 restrictions prohibit, and as long as the Bravo Room is available.

There being no further business, the meeting adjourned at 4:06 p.m. upon motion of Mr. Wolke, seconded by Mr. Westmeyer.

Respectfully submitted,

\_\_\_\_\_Chairman

\_\_\_\_\_Secretary