



**TROY CITY COUNCIL
COMMITTEE MEETING
COUNCIL CHAMBERS, CITY HALL
100 S. Market Street, Troy, Ohio**

MONDAY, AUGUST 11, 2025, 6:00 PM

Law & Ordinance Committee

(Whidden [Chm.], Marshall, Twiss)

1. Provide a recommendation to Council regarding Ordinance No. O-22-2025, Rezone 3 parcels on Wilson Road from County A-2 to a City Planned Development – Residential (PD-R); Approve General Plan for the Eagles Landing Subdivision PD-R.
2. Provide a recommendation to Council regarding joining the City of Columbus in filing an amicus brief with the Ohio Supreme Court in the case of City of North Canton v. CF Homes LLC related to property maintenance requirements. Consideration of emergency legislation is requested as the brief is due on or before September 10.

Streets & Sidewalks Committee

(Phillips [Chm.], Schilling, Westfall)

1. Provide a recommendation to Council regarding the final consent legislation provided by the Ohio Department of Transportation (ODOT) related to ODOT making safety improvements to the I-75 and SR 41 Interchange and constructing pedestrian facilities on SR 41, including the payment of \$67,261 for the current estimate of the City funding share of the project. consideration of emergency legislation is requested in accordance with the ODOT format and to meet the timing for return of all documents and the City's payment.

Other Committees/Items may be added.

8-8-2025

Cc: Council
Mayor
Mr. Titterington, Mr. Kerber
Mr. Frigge, Departments, Media

LAW & ORDINANCE COMMITTEE

ORDINANCE No. 0-22-2025

Dwyer Legal Blank, Inc.

AN ORDINANCE CHANGING THE ZONING OF PARCELS D08-107838, D08-107842, AND D08-107844, A TOTAL OF 86.88 ACRES IN THE CITY OF TROY, OHIO FROM THE MIAMI COUNTY ZONING OF A-2, GENERAL AGRICULTURE, TO A PLANNED DEVELOPMENT – RESIDENTIAL (PD-R) AND APPROVING THE GENERAL PLAN OF THE EAGLES LANDING SUBDIVISION PLANNED DEVELOPMENT – RESIDENTIAL (PD-R)

WHEREAS, a request for a zoning change was presented to the Planning Commission of the City of Troy, Ohio, to rezone 86.88 Acres, Parcels D08-107838, D08-107842, and D08-107844 which are a portion of the land known as the ELC, LLC and Pour Annexation, located on Wilson Road in the City of Troy, Ohio; and

WHEREAS, the Planning Commission of the City of Troy, Ohio, has reviewed the plan and recommended approval of the zoning change and the General Plan of the Eagles Landing Subdivision Planned Development – Residential (PD-R); and

WHEREAS, at least thirty days notice of the public hearing of said change has been provided by a newspaper of general circulation.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Troy, Ohio as follows:

SECTION I: That the zoning of 86.88 Acres, Parcels D08-107838, D08-107842, and D08-107844 which are a portion of the land known as the ELC, LLC and Pour Annexation, located on Wilson Road in the City of Troy, Ohio, is changed from the Miami County Zoning of A-2, General Agriculture, to a Planned Development – Residential (PD-R).

SECTION II: That the General Plan of the Eagles Landing Subdivision Planned Development – Residential (PD-R) is approved, as attached hereto as Exhibit A.

SECTION III: That this Ordinance shall be effective at the earliest date allowed by law.

Adopted: _____
President of Council

Approved: _____

Attest: _____
Clerk of Council Mayor



MEMORANDUM

TO: Mr. Rozell, President, Troy City Council

FROM: Sue Knight, for the Troy Planning Commission

DATE: July 17, 2025

SUBJECT: **REPORT OF THE PLANNING COMMISSION ON THE REZONING AND GENERAL PLAN FOR THE EAGLES LANDING SUBDIVISION PLANNED DEVELOPMENT – RESIDENTIAL (PD-R); A 86.88 ACRE AREA LOCATED ON WILSON ROAD SOUTH OF SR 718 AND WEST OF THE STONEBRIDGE MEADOWS SUBDIVISION, FROM THE COUNTY ZONING OF A-2, GENERAL AGRICULTURE, TO A PLANNED DEVELOPMENT – RESIDENTIAL (PD-R). THE GENERAL PLAN APPROVAL IS THE FIRST STEP OF THE PLANNED DEVELOPMENT PROCESS.**

On June 25, 2025, the Troy Planning Commission considered the rezoning of 86.88 acres located on Wilson Road south of State Route 718 and west of the Stonebridge Meadows Subdivision. There are three parcels (D08-107838, D08-107842, and D08-107844) which are a portion of the land known as the ELC, LLC and Pour Annexation, and will be known as the Eagles Landing Subdivision Planned Development – Residential (PD-R). The property owner is ELC, LLC and the applicant is Frank Harlow. The proposed change is from the County zoning classification of A-2, General Agriculture, to a City of Troy Planned Development- Residential (PD-R). The rezoning/General Plan approval is the first step of the Planned Development process.

The proposed layout includes a variety of housing options with lots that range from 9,000 square feet to 13,000 square feet. The proposal is for the Residential Planned Development to be completed in six phases, with each phase having approximately 41 lots.

The Planning Commission determined not to hold a public hearing on this rezoning application, noting that Council will hold a public hearing.

By unanimous vote, the Troy Planning Commission recommends to Troy City Council that Parcels D08-107838, D08-107842, and D08-10784, which consists of 86.88 acres, located on Wilson Road south of State Route 718 and west of the Stonebridge Meadows Subdivision, known as the Eagles Landing Subdivision Planned Development – Residential (PD-R) be rezoned from the County zoning classification of A-2, General Agriculture, to a City of Troy Planned Development- Residential (PD-R), and recommends approval of the General Plan, based on the findings of staff that:

- The PD request complies with comprehensive plan future land use
- The PD complies with the General Plan requirements of Zoning Code 1145.16.

Attached is a copy of the information reviewed by the Commission. This request is forwarded herewith to Council for consideration. The Public Hearing before Council on the proposed rezoning has been set for the August 4, 2025, meeting of Council.

encl.



MEMORANDUM

TO: City of Troy Planning Commission Members

FROM: Austin Eidemiller, Planning & Zoning Manager

DATE: June 18, 2025

SUBJECT: Planned Development Request – Eagles Landing – General Plan

DISCUSSION:

The applicant Frank Harlow requests a zoning amendment for a Planned Development on Wilson Rd (Parcel ID's: D08-107838, D08107842, and D08-107844 which consists of 86.88 acres and is located on Wilson Road south of State Route 718 and west of the Stonebridge Meadows Subdivision. The proposed development consists of a variety of lot dimensions of which led to this Planned Development request.

The established zoning on this property is City Administered County Zoning due to annexation. The property is currently undeveloped and being used for agricultural purposes. The surrounding zoning districts include: City zoning of Planned Unit Development at Stonebridge Meadows to the east, County zoning of A-2, General Agriculture to the north, south, and west. See attached Zoning Map

This request for Planned Development zoning with submittal of the General Plan is the first step of the approval process. Each phase of development will require a Final Development Plan and Record Plan in order to create the lots to be sold and to dedicate the streets and public utilities. 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 layout includes a variety of housing options with lots that range from 9,000 square feet to 13,000 square feet. The lot area breakdowns are as follows:

- (68) 60'x150' Single family, detached lots.
- (104) 70' x 130' Single Family, detached lots.
- (39) 100'x130' Single Family, zero lot line attached (2 Unit).

Roadways: Access to this development will be provided by two connections to Wilson Rd. One collector street will align with Heatherstone Drive in the Stonebridge Meadows subdivision. The internal roadway system consists of two (2) cul-de-sacs.

Utilities: This development will be served by existing City water and sewer lines. Stormwater calculations will be provided and reviewed prior to requesting the Final Development Plan. The development will include a lift station for the sanitary sewer.

Recreation and Open Space: The proposed development proposes 17.19 acres of open space. The open space will include a basketball court, playground, clubhouse and pool, and pickleball courts. The development complies with the 10% open space requirement.

Protective Covenants: Staff will require the Protective Covenants and Restrictions be provided during the Final Record Plat submittal of this development. The Final Record Plat does require Planning Commission and City Council Approval.

Comprehensive Plan Compliance: The Comprehensive Plan indicates this area to be used for future residential. The proposed uses of the property will follow the Comprehensive Plan. Please see attached Future Land Use Map.

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 is for future residential uses and this request is in compliance with the Comprehensive Plan.
- (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. A variety of housing options is a stated goal of the Comprehensive Plan. The Planned Development is necessary to achieve the variety of housing options.
- (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 as residential uses are present in the vicinity.
- (4) The General Plan is carefully designed to support surrounding streets, utilities and other public improvements; The General Plan supports surrounding streets and utilities. Stormwater calculations will be provided as apart of the Final Development Plan.
- (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; This request achieves this as a variety of housing options is a stated goal of the Comprehensive Plan. Additionally, it complies with the Future Land Use Map.
- (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 property currently has existing water, sanitary, and storm water controls in place. The development will provide a lift station to service the site.
- (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. The PD is exceeding Zoning Code requirements with additional open space amenities as well as complying with the Comprehensive Plan.

- (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 with the additional storage locations.*
- (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 (v) "To provide for thorough, efficient and lawful Code administration."*

(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. Residential uses surround this Planned Development.

(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.

(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, if any, that make a substantial part of such vacant land unavailable for development.

The property is not surrounded by available vacant land inside the City Limits.

(F) Whether the proposed amendment would correct an error in the application of this Zoning Code as applied to the subject property.

The proposed amendment would not correct an error in the application of this Zoning Code.

PUBLIC HEARING:

Due to the straight forward nature of the rezoning request, the compatibility of the proposed zoning matching the zoning of surrounding properties, and the fact that City Council is required to hold a public hearing if the request proceeds on, staff does not feel that a public hearing before the Planning Commission is warranted.

RECOMMENDATION:

It is recommended that Planning Commission make a positive recommendation to City Council regarding this Planned Development application, based on the following:

- The PD request complies with comprehensive plan future land use, and;
- The PD complies with the General Plan requirements of Zoning Code 1145.16.



Troy Development Department
102 S. Market St.
Troy, OH 45373
937.339.9481

APPLICATION FOR A PLANNED DEVELOPMENT

An application for a Planned Development located at S Wilson Rd

being lot number(s) D08 - 107838
- 107842
- 107844 (Parcel Identification Number) (Street Address) PUD
(Proposed Zoning Classification)

OWNER

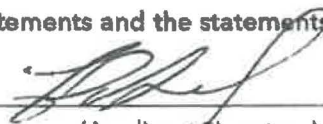
APPLICANT

Name ELC, LLC
Address 701 N Market St
City Troy
State OH
Zip Code 45373
Phone No. 937-339-9944
Fax No. 937-339-0050
Email frank@harlowbuilders.com
evan@harlowbuilders.com

Name Frank Harlow
Address 701 N Market St
City Troy
State OH
Zip Code 45373
Phone No. 937-603-0513
Fax No. N/A
Email frank@harlowbuilders.com
evan@harlowbuilders.com

The applicant is the Owner / Developer of the property, which is subject to this application.
(State the interest of the applicant)

I hereby depose and say that the above statements and the statements contained in all the exhibits prepared by me and transmitted herewith are true.


(Applicant Signature)

Subscribed and sworn to before me this 17th day of June, 2025

My Commission Expires August 24, 2026



MARY K. LEWIS
Notary Public
State of Ohio
My Comm. Expires
August 24, 2026

Mary K Lewis
(Notary Public)

102 South Market Street, Troy, OH 45373-7303

Make it yours



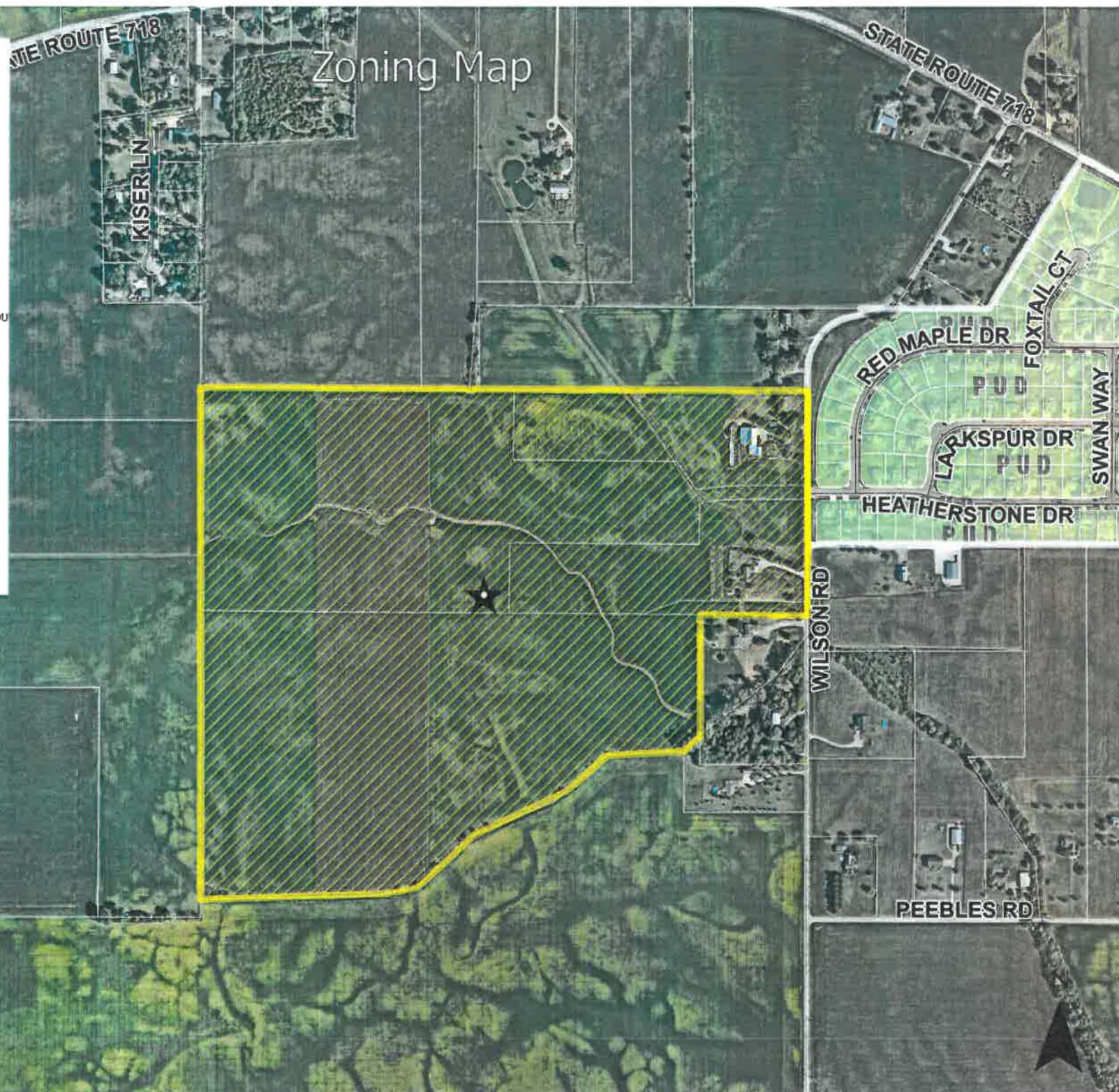
Zoning Map

Legend

Proposed Rezoning

Zones

- County Zoning (Outside Troy)
- Agriculture: 20 Acre Min.
- Agriculture-Residential: 5 Acre Min.
- R-1 Single Family Residential: 40,000 SqFt.
- R-2 Single Family Residential: 20,000 SqFt.
- R-3 Single Family Residential: 15,000 SqFt.
- R-3B Single Family Residential: 12,000 SqFt.
- R-4 Single Family Residential: 9,000 SqFt.
- R-5 Single Family Residential: 6,000 SqFt.
- R-6 Two Family Residential: 3,000 SqFt./DU
- R-7 Multiple Family Residential: 3,000 SqFt./DU
- OR-1 Office-Residential: 3,000 SqFt./DU
- OC-1 Office-Commercial District
- B-1 Local Retail District
- B-2 General Business District
- B-3 Central Business District
- B-4 Highway Service Business District
- M-1 Planned Industrial District
- M-2 Light Industrial District
- M-3 General Industrial District
- PUD Planned Unit Development
- WO Wellhead Operation District
- City Administered County Zoning
- Code Enforcement
- Point



Z:\Users\Katie.Morgan\My Documents\Projects\Choice One\Choice One Eagle's Landing.dwg 18-Jun-25 8:14 PM



SITE DATA:
TOTAL ACREAGE: 86.88 Ac.
OPEN SPACE: 17.191 Ac.
(68) 60'x150' SINGLE FAMILY, DETACHED
(104) 70'x130' SINGLE FAMILY, DETACHED
(33) 100'x130' SINGLE FAMILY, ZERO LOT
LINE ATTACHED (2 UNIT)
(78) UNITS

TOTAL UNITS: 250

SETBACKS:
FRONT: 30'
REAR: 30'
SIDE: 7' MIN., 15' TOTAL

- 60'x150' SINGLE FAMILY DETACHED
- 70'x130' SINGLE FAMILY DETACHED
- 100'x130' SINGLE FAMILY, ZERO LOT LINE ATTACHED (2 UNIT)
- WALKING PATH

HEATHERSTONE DRIVE, SOARING
EAGLE WAY, EAGLES CROSSING WAY
AND EAGLE DRIVE ARE 60' R/W
ALL OTHERS ARE 50' R/W

- NOTES:**
- SANITARY SERVICE WILL BE PROVIDED BY A NEW PUMP STATION THAT DISCHARGES TO THE EXISTING SANITARY AT HEATHERSTONE DRIVE
 - WATER SERVICE WILL BE PROVIDED BY TYPING INTO EXISTING WATER ON WILSON ROAD
 - STORM OUTLET WILL BE EXISTING CREEK



SCALE IN FEET
0 30 60 120

choice One
subdivisions

SHEET: 016 OF 010
LAYOUT: 016 OF 010
WWW.CHOICEONE.COM

**EAGLE'S LANDING
CITY OF TROY
SCHEMATIC PLAN**

REVISION:

FILE NAME	SCHEMATIC
DRAWING BY	JLN
CHECKED BY	JSP
PROJECT MGR	MA THOMPSON
DATE	06-18-2025
SHEET NUMBER	1 OF 2

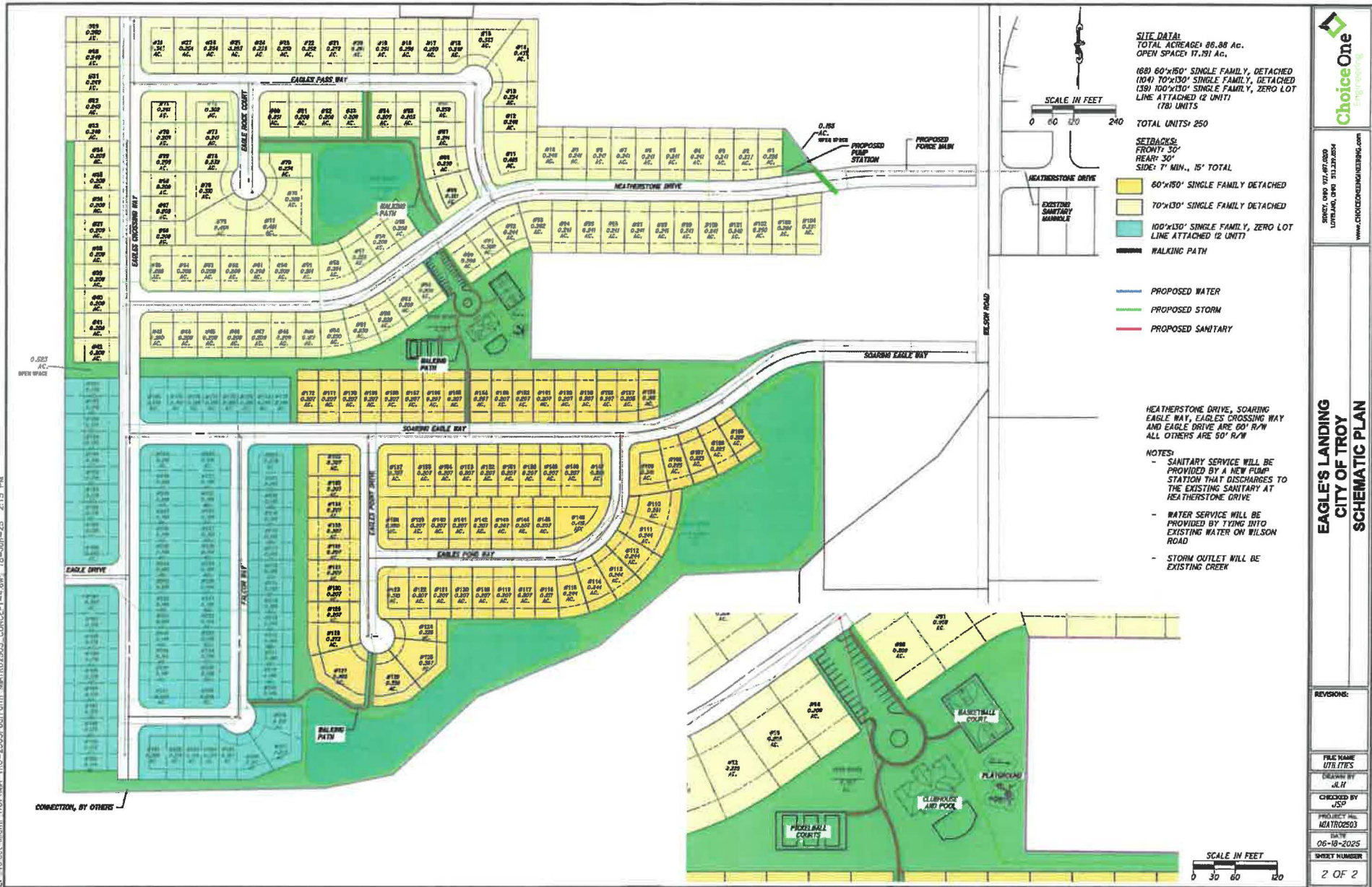


EXHIBIT A



MEMORANDUM

TO: Mr. Rozell, President of Council

FROM: Patrick E. J. Titterington 

DATE: August 6, 2025

SUBJECT: JOINING AMICUS BRIEF RELATED TO PROPERTY MAINTENANCE REQUIREMENTS

RECOMMENDATION:

That Council authorizes the City of Troy to join in filing a brief with the Ohio Supreme Court in the case of City of North Canton v. CF Homes LLC related to the City being able to obtain an administrative search warrant from a court to inspect property.

BACKGROUND:

The Director of Law has advised that The Ohio Municipal Attorney's Association has requested that its members join in filing a brief with the Ohio Supreme Court in the case of City of North Canton v. CF Homes LLC. Presently, this matter is pending in the Ohio Supreme Court. In this case, a landlord of residential property is challenging the City's ability to conduct inspections of rental residential real property. Presently, Ohio law permits a City to obtain an administrative search warrant from a court to inspect property. To legally obtain such a warrant, the City must demonstrate to the Court that there is a reasonable government interest justifying the intrusion on the property, then an administrative warrant may be issued allowing the inspection. The City is not required to present facts sufficient to establish probable cause that criminal conduct is likely to be uncovered by the search. This standard is consistent with federal constitutional law.

In this case, a landlord is asserting that the Ohio Constitution (as opposed to the U.S. Constitution) provides greater protections to it and that the Ohio Constitution requires the City to set forth facts supporting probable cause that criminal activity is likely to be uncovered with a search of the premises. Should the Ohio Supreme Court adopt such a position, this would make the enforcement of property maintenance requirements much more difficult. Oftentimes, many requirements are not punishable as criminal violations. Given this, the City would not be able to obtain an administrative warrant even if the conditions violated the law. Additionally, a City would be greatly limited in its ability to obtain an administrative search warrant when safety issues are suspected but not supported by probable cause of criminal activity.

The city of Columbus is filing an amicus brief in this important case and is seeking other municipalities to sign on to the amicus brief. The Ohio Municipal Attorneys Association (OMAA) has agreed to sign on. Mr. Kerber has recommended that Troy join. There is no cost to do so.

REQUESTED ACTION:

It would be appreciated if you would assign to a Committee of Council consideration of the City of Troy signing on to the amicus brief being filed by the City of Columbus. Consideration of emergency legislation is requested as the brief is due on or before September 10.

**STREETS &
SIDEWALKS
COMMITTEE**

MEMORANDUM

TO: Mr. Rozell, President of Council

FROM: Patrick E. J. Titterington 

DATE: August 4, 2025

SUBJECT: ODOT FINAL CONSENT LEGISLATION, SAFETY IMPROVEMENTS AT I-75 AND SR 41 INTERCHANGE; PAYMENT OF CITY SHARE OF PROJECT

RECOMMENDATION:

That the final consent legislation provided by the Ohio Department of Transportation (ODOT) related to ODOT making safety improvements to the I-75 and SR 41 Interchange and constructing pedestrian facilities on SR 41 is approved by Council.

BACKGROUND:

In June of 2024, legislation was adopted approving the consent legislation for ODOT performing safety improvements to the I-75 and SR 41 Interchange and constructing pedestrian facilities on SR 41. This project is defined by ODOT as improvement on SR 41 from the I-75 southbound exit ramp to Troy Town Drive, including a new turn lane, sidewalk, curb and gutter, curb ramps, traffic signal upgrades, drainage upgrades, and pavement markings. This project will include a new sidewalk on the north side of the bridge between the I-75 onramp northbound to Towne Park Blvd. This project is currently scheduled to be let by ODOT in late September.

This legislation includes the City paying a small share of the project, currently estimated at \$67,261. This amount is less than Troy's estimated share of \$93,500, which ODOT provided when the preliminary legislation was approved. ODOT's estimate for this project is just over \$4 Million. It is noted that Troy's cost share may have to be adjusted based on the final bids.

REQUESTED ACTION:

It would be appreciated if you would assign to a Committee of Council consideration of this final legislation requested by ODOT, including the payment of \$67,261. In accordance with the ODOT format and to meet the timing for return of all documents and the City's payment, consideration of emergency legislation is requested.