

A regular session of the Troy Planning Commission was held in Council Chambers, City Hall on Wednesday, July 8, 2026, at 3:30 p.m. with Vice-Chairman N. Lawrence Wolke presiding. ATTENDING: Members – Wolke, Titterington, Oda, Ehrlich, Westmeyer and Emerick; Development Staff – Eidemiller and Burgei; Development Director Tim Davis. Also attending were Council President Rozell and Council Members Westfall and Hickman.

A motion was made by Mr. Titterington, seconded by Mayor Oda, to approve the minutes of the June 24, 2026 regular meeting; motion approved by unanimous voice vote.

MINOR AMENDMENT TO THE AMENDED GENERAL PLAN OF THE TROY CHRISTIAN SCHOOLS EDUCATION AND PERFORMING ARTS FACILITY PLANNED DEVELOPMENT (PD-R) FOR 6' COMPOSITE PRIVACY FENCE TO BE INSTALLED ON THE PATIO OUTSIDE ERNST CAFÉ (SOUTH SIDE OF APAC); OWNER - ARBOGAST PERFORMING ARTS CENTER; APPLICANT –

WESTERN OHIO FENCE & SUPPLY. Staff reported: Arbogast Performing Arts Center (APAC) applied for a minor amendment to the General Plan of the Planned Development as approved by City Council (Ordinance No. O-43-2021). This requested minor amendment is for the installation of a 6-foot composite privacy fence, located on the patio outside of Ernst Café (south side of APAC). The applicant is proposing to install a total of 43 linear feet of fencing atop the existing 2-foot retaining wall, which necessitated this request. The primary purpose of the fence is to shield the patio area from high winds. This minor amendment may be approved by the Planning Commission without the submission of the revised general plan to City Council. Section 1145.17 of the City of Troy Zoning Code does not require a revised Final Development Plan to be submitted. Staff recommends approval. Staff clarified that this would just be a small fence section to shield the patio and would be mounted on concrete.

RECOMMENDATION OF THE COMMISSION: A motion was made by Mr. Westmeyer, seconded by Mayor Oda, to approve the minor amendment to the Amended General Plan of the Troy Christian Schools Education and Performing Arts Facility Planned Development (PD-R) for 6' composite privacy fence to be installed on the patio outside Ernst Café (south side of APAC) as submitted and based on the recommendation of staff.

MOTION ADOPTED, UNANIMOUS ROLL CALL VOTE

REZONING APPLICATION – 28 W. CANAL STREET, PARCEL DO8-011550) FROM B-3, CENTRAL BUSINESS DISTRICT, AND R-5, SINGLE-FAMILY RESIDENTIAL DISTRICT TO R-5, SINGLE-FAMILY RESIDENTIAL DISTRICT; OWNER/APPLICANT – HEATHER

STURGILL. Staff reported: the property is located west of S. Market Street and is currently used as a single-family dwelling; the property has two zoning districts; the application submitted the application at the request of the City so the parcel would have a single zoning district; surrounding zoning districts include the B-3 General Business district to the east, M-2 Light Industrial District and B-3 General Business district to the south and the R-5 Single Family Residential District to the west; and the Zoning Code describes the proposed R-5 zoning district as “designed to accommodate single-family dwellings on lots with areas of at least six thousand (6,000) square feet per dwelling unit. This district will be mapped to protect areas that now meet these minimum lot sizes and for comparable areas which will develop in the future.” In reviewing a rezoning proposal, Section 1139.07 outlines the criteria on which to base decisions. Staff analysis can be found in **Red** below:

(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 changing condition that led to this rezoning request is the property owner wishes to fix the split zoning issue on the property. The principal structure is split between two zoning districts, the B-3 Central Business District and the R-5 Single Family Residential District.

(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 to the west.

(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. Adequate utilities are being provided to the property in reference.

(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 for development with the R-5 zoning classification.

(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 a public hearing and staff recommended approval of the rezoning application based on the following:

- 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 R-5 Single Family Residential District.

RECOMMENDATION REGARDING PUBLIC HEARING: A motion was made by Mr. Titterington, seconded by Mrs. Ehrlich, that the Planning Commission does not hold a public hearing on the rezoning of DO8-011550 from R-3 and R-5 to R-5, noting that City Council will hold a public hearing.

MOTION ADOPTED, UNANIMOUS ROLL CALL VOTE

RECOMMENDATION OF THE COMMISSION: A motion was made by Mayor Oda, seconded by Mr. Emerick, that the Troy Planning Commission recommends to Troy City Council that 28 W. Canal Street, Parcel DO8-011550, be rezoned from B-3, Central Business District, and R-5, Single-Family Residential District, to R-5, Single-family Residential Distirct, as submitted and based on the findings of staff that:

- The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code
- The proposed rezoning is consistent with the surrounding zoning district
- The proposed use is consistent with permitted uses in the R-5 Single Family Residential District

MOTION ADOPTED, UNANIMOUS ROLL CALL VOTE

REVIEW OF DRAFT UNIFIED DEVELOPMENT CODE (UDC). Staff provided the following to discuss updates since the last meeting, which was discussed by staff:

- Principal Buildings (pg. 16). Add language in the draft UDC to ensure that agricultural buildings in the agricultural district associated with agricultural uses are considered principal structures and not accessory structures.
- Gateway Overlay District (pg. 32). This new chapter is intended to provide guidance to architects and designers when developing commercial property along major thoroughfares. Clarify language in the UDC by removing "and intersecting street" to ensure only properties that have frontage on main thoroughfares are included.
- Data Centers Use-Specific Standards (pgs. 45-46). Added language to strengthen the requirements for this use classification.
- Wireless Communication Facilities (pgs. 61, & 65-66). Language finalized by American Structurepoint to comply with federal law.
- Wind Energy System (pg. 73). The draft UDC does not allow wind facilities as an accessory use as determined by the Planning Commission.
- Beekeeping (pg. 77). Added "as determined by the DCA" to the end of the 1104(E)(6)U).
- Solar Energy System Accessory (pg. 80). Removed the first sentence in 1104(E)(22)(a)(7) that reads "Roof-mounted solar energy systems shall be placed only on the roof of a conforming structure."
- Nursery Parking (pg. 98). Clarified language to require one space per five hundred square feet of retail space and in the case of no retail space, require 10 parking spaces.
- Cross Access (pg. 207) Section 1105.04(G)(3) of the draft UDC allows for two or more adjoining properties to have cross access. Added language to cite traffic safety and traffic for cross access.
- Sign code (pg 124) Sign Code (pg. 124). Section 1105-05 - Removed the sign color provisions to comply with copyright laws.
- Sign Code (pg. 150). Fixed Table 1105-26, Temporary Signs, maximum duration from 30 days to 28 days in a calendar year which may be split into a maximum of four (4), seven (7) day increments.
- Sign Code (pg. 151). Altered Table 1105-27, Temporary Yard Signs, to allow 2 temporary yard signs on residential lots in the UC district.
- Completeness Review of Applications (pg. 206). This section highlights the process for which the Development Code Administrator determines whether an application is complete or not as determined by the Planning Commission.
- Staff Review following Completeness Review of Applications (Page 206). This section highlights the process by which the Development Code Administrator (DCA) proceeds with the various applications as determined by the Planning Commission.
- Inactive Applications (pg. 210). Process and procedures for when an application goes dormant and voiding procedures as determined by the Planning Commission.
- Planned Unit Developments (pg. 232). Outlined the process for Planned Unit Development.
- 1109-06(4)(b)(6) (pg. 233). Corrected the typo in referring to the Planning Commission as the Planning Board.
- Demolition by Neglect (pg. 252). Section 1109k(1)(b), added the language that was recommended
- Non-Conformities (pgs. 274-280). Merged the existing Zoning Code language into the draft UDC. New sections include:
 1. Zoning Permit requirements to prove that the nonconformity was legally established.
 2. Nonconforming Signs.
 3. Replat requirements for nonconforming lots.
 4. **Iconic Sign** exemptions for the downtown.
- Added Terminology. (pg. 290). Added additional terminology to the Fourth-Degree Misdemeanor classification to include "after proper notice."
- Definition (throughout UDC). Site Development Plan renamed Subdivision Development Plan and relocated in alphabetical order.
- Definition "Subdivision" (pg. 327). Updated the definition to match the ORC.

It was noted that the wording under “demolition by neglect” reflected concerns about interpreting the word “severe”. It was discussed that the iconic signs referred to those such as “K’s Hamburger Shop” with the Commission member suggesting there be a minimum time frame for those signs being up as part of the definition of being “iconic”.

Regarding gasoline stations, staff provided a map showing the location of the current stations and where land is located that would accommodate new gas stations. Regarding the wording in the UDC regarding gas stations and the size of building required to have a gas station as an accessory use, some Commission members indicated they could not support that wording and asked staff to come up with something more acceptable between the current stand along gas stations and what is now in the draft UDC. Mr. Westmeyer commented that legislation is now before Council to extend the current moratorium on gasoline stations and social service agencies to November 27, 2026. He indicated he believes the moratorium should be extended to allow the Commission time to complete the UDC review, recommend it to Council and for Council to complete its review process. A motion was made by Mr. Westmeyer, seconded by Mrs. Ehrlich, that Troy Council adopt Ordinance No. O-29-2026 to extend the moratorium on Automobile Fuel Dispensing Stations and Automobile Service Stations and Social Service Facilities for an additional 90 days, through November 27, 2026. Planning Commission recognizes the need for expedient review and is working towards a recommendation to City Council as soon as possible. In the meantime, Planning Commission requests that Council approve this ordinance to allow for thorough discussion. It should also be noted that City staff will be meeting with an interested gas station developer to discuss alternative language for the PC to consider.

Vote: Yes: Wolke, Ehrlich, Westmeyer, Oda and Titterington; No: Emerick. Motion Adopted

It was asked that the motion and the map showing gas station locations/available land be sent to the Council with copies to the Commission.

There being no further business, the meeting adjourned at 4:16 p.m. upon motion of Mrs. Ehrlich, seconded by Mr. Westmeyer, followed by unanimous voice vote.

Respectfully submitted,

_____Chairman

_____Secretary