



Planning Commission

Meeting Minutes

January 20, 2016

7:00 p.m.

New Albany Planning Commission met in regular session in the Council Chambers of Village Hall, 99 W Main Street and was called to order by Planning Commission Chair Neil Kirby by at 7:07 p.m.

Sloan Spalding (council liaison)	Present
Neil Kirby	Present
Brad Shockey	Absent
David Wallace	Present
Marlene Brisk	Present
Trudy Bartley	Absent

Staff members present: Adrienne Joly, Deputy Director; Stephen Mayer, Planner; Mitch Banchevsky, City Attorney and Pam Hickok, Clerk.

Wallace moved to approve November 16, 2015 meeting minutes, seconded by Brisk. Upon roll call vote: Ms. Brisk, yea; Mr. Wallace, yea; Mr. Kirby, yea. Yea, 3; Nay, 0; Abstain, 0. Motion passed by a 3-0 vote.

Kirby moved to approve as amended December 7, 2015 meeting minutes, seconded by Wallace. Upon roll call vote: Ms. Brisk, yea; Mr. Wallace, yea; Mr. Kirby, yea. Yea, 3; Nay, 0; Abstain, 0. Motion passed by a 3-0 vote.

Mr. Kirby asked for any changes or corrections to the agenda. He stated that the two items that are requesting to be tabled will be heard first. We will be moving the zoning change before the conditional use.

Mr. Mayer stated no other changes.

Mr. Kirby swore to truth those wishing to speak before the Commission.

Mr. Craig Srba, 6837 E. Walnut Street, wants to discuss a nuisance noise issue at PharmaForce. At the last meeting I attended on the noise issue, some members of the board discussed that Pharmaforce should not have been located where it was and he wanted to know why some members believed that.

Mr. Wallace stated that he didn't have the minutes in front of him but from his recollection the discussion was that the use was approved but we weren't aware that the noise would be what it has become. I believe we stated that it was an issue that we could not have anticipated at the time. We wanted staff to determine if a noise ordinance or some other mechanism could prevent this from happening in the future.

Mr. Srba asked if anything has been put into place.

Ms. Adrienne Joly stated that we have looked into changes to a noise ordinance, some sound studies and consulted with a sound engineer. The Planning Commission decided that the proposed ordinance wasn't the best vehicle now we are considering noise at the rezoning stage. We believe that it will be more effective to have some language in the zoning text.

Mr. Srba asked if it is for the new companies.

Ms. Joly stated that it would be for new companies.

Mr. Srba asked staff to project the pictures he provided. He stated that PharmaForce has a nitrogen powered turbine. That is basically like a small jet airplane has. It runs 24/7 and produces two types of noise; a low rumbling noise that is all of the time and a high frequency ring that is cyclic. These run 24/7, unlike traffic, screaming kids those noises all subside sometime during the day. The building design is projecting the noise to the north and east. We are 2000ft away from this building and it's a nuisance to us. If they were to install some kind of reflector on the back side to direct the noise to the south it wouldn't be a problem for us. Whatever noise suppression system they have for that turbine is not working. I reached out to PharmaForce after meeting him at the last meeting because he said he wanted to work the issue out. I sent email every day for a week. They stated that they monitor their own noise and believe that they are within the limits and that there is no problem. I am requesting assistance to ask them to address the issue. See if there is a simple solution that would direct the noise upwards.

Mr. Kirby stated that we appreciate you being here so we know what to look for on the next new building. We don't have much administrative power and we don't have the ability to reach out.

Mr. Srba stated that there is a maximum noise but does anyone follow up with that.

Mr. Kirby stated that a lot of good faith and not much checking until someone has a problem. We can check the zoning and any limitation text.

Ms. Joly stated that we have a contact with PharmaForce that we can provide you to explore the situation.

Mr. Kirby's invited the public to speak on non-agenda related items.

Wallace moved to accept the staff reports and related documents in to the record, seconded by Brisk. Upon roll call vote: Ms. Brisk, yea; Mr. Wallace, yea; Mr. Kirby, yea. Yea, 3; Nay, 0; Abstain, 0. Motion passed by a 3-0 vote.

FDP-112-2015 Final Development Plan

Final Development Plan for the Walton Offices I on 4.2 +/- acres generally located east of New Albany-Conduit Road and north of Walton Parkway (PID: 222-003430 and 222-004465).

Applicant: The Daimler Group

Mr. Mayer stated that the applicant is making some changes to the applications and is requesting to table for one month.

Kirby moved to table until the February 17, 2016 meeting, seconded by Wallace. Upon roll call vote: Ms. Brisk, yea; Mr. Wallace, yea; Mr. Kirby, yea. Yea, 3; Nay, 0; Abstain, 0. Motion passed by a 3-0 vote.

V-02-2016 Variance

Variances from the New Albany Company C-PUD development text Subarea 7C: Business Campus (Oak Grove - West) as they relate to landscaping and mounding requirements, parking lot landscaping area, and pavement side yard setbacks for the development of Walton Offices I on 4.2 +/- acres generally located east of New Albany-Conduit Road and north of Walton Parkway (PID: 222-003430 and 222-004465).

Applicant: The Daimler Group

Kirby moved to table until the February 17, 2016 meeting, seconded by Wallace. Upon roll call vote: Ms. Brisk, yea; Mr. Wallace, yea; Mr. Kirby, yea. Yea, 3; Nay, 0; Abstain, 0. Motion passed by a 3-0 vote.

V-81-2015 Variance

Variance to Codified Ordinance Chapter 1173.02(e) to the fencing requirements for a private swimming pool at 6958 Lambton Park (PID: 222-004457).

Applicant: Ronald R. Petroff Esq.

Mr. Stephen Mayer presented the staff report.

Mr. Leo Ruberto stated that at the last meeting I was asked for some historical data as related to statistics for swimming pool fences versus pool covers. (presentation attached) I am not planning on reviewing all the information that we have already seen. I will be introducing information on statistics on drownings and incidents with safety type, fence shortcomings, swimming pool code that complies with ASTM F1346 with natural topography in lieu of a fence barrier. This pool cover controls will be inside the house under a lock code and key. There is documented information out there that shows the fences are not as safe as pool covers. The fence is more of a psychological barrier rather than being an actual barrier. Historically fences have been used to keep animals, children and prisoner within confines of a particular area. Fences are the way it has always been done. The fact remains that documented information is

available that shows fences are not foolproof and are not as safe as pool covers. I would ask if that answers the questions that were asked at the last meeting. I think this property is unique. I don't have a neighbor within many hundred feet, a brick wall that is 10' tall along SR 62 and mounding with landscaping and a perimeter fence surrounding the property. This cover provides much more protection than the fence.

Ms. Brisk stated that she is listening and hears a good argument for a change in the ordinance. What I need to focus tonight is why I should make an exception for your property. Maybe the City needs to review the pool code section. While the ordinance stands today why should we make an exception? I hear the unique characteristics to your property but I still have concerns that... You could have known about this requirement when you purchased the property.

Mr. Roberto stated that he disagrees with that. There are three properties in Edgemont section and the one doesn't have a fence. There are also properties in the Farms without fences. Many other variances have been approved. I only researched and brought information to you because you asked.

Ms. Brisk stated that she asked at the last meeting to come back and show me why I should look at your property more like the variances have been approved. We have not approved a variance on the Edgemont property. She asked staff to clarify the homes with variances.

Ms. Adrienne Joly stated that two homes in the Farms have variances approved by the Board of Zoning Appeals. The three other homes that were identified by Mr. Roberto did not have approved variances. Those three properties without approved variances currently are in zoning enforcement.

Mr. Roberto asked why the Farms variances were approved.

Ms. Joly stated that in the staff report it noted proximity and access were big factors for the Board of Zoning Appeals.

Mr. Roberto stated that proximity, someone would have to walk across a private country club to access...

Mr. Kirby stated that you live next to the busiest road in New Albany that is not a highway.

Mr. Roberto stated with an eight foot brick wall along Johnstown Road. The Farms doesn't have an eight foot brick wall; they have horse fence.

Ms. Brisk stated that you don't have an 8' brick wall that covers the entire perimeter of the property, just a portion of the side of your property.

Mr. Kirby stated that the proximity is different.

Mr. Wallace stated that I asked for some statistics showing that a pool cover is as safe as a fence. I am seeing information that is anecdotal that suggest that fences are not 100% safe. I did not see any information showing me that pool covers are as good as a fence. Please show me in your presentation if I missed it.

Mr. Roberto stated that 2012 ISPSC states that in the code that a pool cover with the ASTM rating on natural topography is acceptable in lieu of fence. The building code says that.

Mr. Banchefsky stated that we have had many references to these codes. Ohio is controlled by the Residential Building Code and swimming pools are not covered, the authority is left to the local jurisdiction.

Mr. Kirby stated that it could be an advisory...

Mr. Wallace stated that when I read code section 305.1; I understood it to mean that if a house is a barrier they need to have a pool cover. Do you have information evaluating the safety of the pool covers.

Mr. Roberto stated that I was referred to that code by the Chief Building Official of Columbus. Maybe my best option is wait until May after Columbus adopts the change. Then in lieu of a fence... I already have a fence which is difficult for anyone to say...

Ms. Brisk stated that you don't have the fence that is defined in code.

Mr. Roberto stated that the Farms doesn't either.

Mr. Wallace stated that they received a variance.

Mr. Roberto stated that it is still guarded by the same fence that I have. The general protecting fencing structure is the exact same.

Mr. Kirby asked if you want to table this application.

Mr. Spalding asked about the pool shape.

Mr. Roberto stated that was an old drawing the pool was revised and approved as a rectangular shaped pool. He requested to not vote tonight and to table the application to do more research. You would like to see...

Mr. Kirby stated that if the City of New Albany changed the code you don't need a variance. Changes in Columbus don't affect your need for a variance but may be used as evidence.

Mr. Roberto stated that you keep looking for local precedent when I mention the International code. Is bringing you something from Columbus enough to substantiate an argument for approved variance.

Mr. Kirby stated that it may be presented but it needs to be decided locally.

Ms. Brisk stated that I am looking at criteria that I have always been told to look at. Could you have known about the requirement before you purchased the lot? Is there a simple way to do it without a variance? To me this is a fence, it is not that big of a deal. Many people all over New Albany that are required to do things that they don't want to do. As long as the ordinance is in place our job is to make sure there is a really good reason to approve a variance. If you couldn't do a pool without the variance, not just because you don't want a fence. The few places that variances were approved were in the Farms. The Farms is a different community and situation related to traffic, visibility and other reasons. Columbus can change their ordinance but that will not change it for me.

Mr. Roberto stated that bottom line is that I should have known when I bought the house that I would need to put two fences in.

Mr. Kirby stated a five foot fence.

Mr. Roberto asked if he could put a five foot fence along his property line to meet the requirement.

Ms. Joly stated that I don't want to say without seeing a plan but I don't believe that there are any location requirements.

Mr. Roberto stated that he will put the fence up.

Mr. Wallace stated that you may have a feeling of how we feel but if you want to table so that you have a full board or look at other options.

Audience member asked how long can it be tabled.

Mr. Kirby stated about three months.

Mr. Roberto asked for a three month table for April.

Mr. Banchefsky stated that if you are looking for a legislative change it will take some time but three months will probably be adequate.

Mr. Kirby asked for any public comment and received no response.

Kirby moved to table the application until regular meeting in three months, seconded by Wallace. Upon roll call vote: Ms. Brisk, yea; Mr. Wallace, yea; Mr. Kirby, yea. Yea, 3; Nay, 0; Abstain, 0. Motion passed by a 3-0 vote.

Wallace stated that I think it is fair to table when we don't have a full board.

ZC-01-2016 Zoning Change

Rezoning 35.45 +/- acres from Agricultural (AG) to Limited General Employment (L-GE) for an area to be known as Beech Road West located at 2241 and 2265 Beech Road, generally located west of Beech Road, south of Faith-Full Family Fellowship, Inc, and north of AEP Ohio Transmission Co (PID: 035-106530-00.000, 035-107928-00.000, 037-112122-00.000, 037-111504.00.000, and 093-107262-00.000).

Applicant: MBJ Holdings c/o Underhill Yaross LLC

CU-110-2015 Conditional Use

Conditional Use for manufacturing and production for 35.45 +/- acres located within the Beech Road West zoning district generally located west of Beech Road, south of Faith-Full Family Fellowship, Inc, and north of AEP Ohio Transmission Co (PID: 035-106530-00.000, 035-107928-00.000, 037-112122-00.000, 037-111504.00.000, and 093-107262-00.000).

Applicant: MBJ Holdings LLC c/o Aaron Underhill Esq.

Mr. Stephen Mayer presented the staff report for ZC-01-2016.

Mr. Kirby asked if we have an equivalent standard for screening for noise.

Ms. Joly stated that we don't have an equivalent in the code.

Mr. Mayer stated that with materials similar to the building...

Ms. Joly stated that most of what we see is a solid surface.

Mr. Kirby stated that we require screening for dumpsters and roof top units from view; noise should be the same requirement. The condition for screening should block the view and noise.

Mr. Wallace stated that should we state that the condition is best practice for sound mitigation with staff approval.

Mr. Kirby stated that intent is clear.

Mr. Mayer presented the staff report for CU-110-2015.

Mr. Aaron Underhill, 8000 Walton Parkway, representing the applicant. The zoning change is a cleanup item and we didn't want an additional zoning text for a small area. No changes to the zoning text. The intent was always to have

manufacturing and we found out that it was a conditional use. So we are asking for a blanket conditional use to match the area across the street.

Mr. Kirby stated that Innovation will come west into this property. Could you describe for the residents.

Mr. Underhill provided the surrounding neighbors and explained the larger setback from the residential.

Mr. Ron Farber, Faith Life Church, stated that he has two questions. In the May 4th the zoning went from AG to GE.

Mr. Mayer stated that it is L-GE, what you saw may have been a typo.

Mr. Farber asked about screening in the zoning text.

Ms. Joly stated that it defaults to landscaping code. That states if you are adjacent to a zoning district that allows residential use is a permitted use then it requires a 50ft setback and 75% opacity. I think the zoning district for the church is business but we will need to verify that.

Mr. Tom Rubey stated that the original commitments made at the zoning will continue.

Mr. Kirby asked if the church will be treated as a residential property in regards to setbacks and screening.

Mr. Farber stated that the church should have the same consideration as residential as noted in the previous minutes.

Ms. Joly stated that we should verify the zoning with Jersey Township.

Mr. Wallace stated that I looked at the limitation text that was attached; is that the whole text?

Mr. Mayer stated that it should be the whole text.

Mr. Wallace stated that I don't see a screening or landscaping requirement and the minute's state that Mr. Underhill would update the text.

Mr. Mayer stated that it would revert back to the zoning code.

Wallace moved to recommend approval to Council of ZC-01-2016 subject to the following condition:

1. The text requires the complete screening, as a barrier to sound as well as view, of all roof-mounted equipment and appurtenances shall be required on all four sides of the building with materials that are consistent and harmonious with the building's façade

and character. , seconded by Brisk. Upon roll call vote: Ms. Brisk, yea; Mr. Wallace, yea; Mr. Kirby, yea. Yea, 3; Nay, 0; Abstain, 0. Motion passed by a 3-0 vote.

Wallace moved to approve CU-110-2015 subject to the condition that the approval of individual site plans for manufacturing and production users are subject to staff approval, seconded by Kirby. Upon roll call vote: Ms. Brisk, yea; Mr. Wallace, yea; Mr. Kirby, yea. Yea, 3; Nay, 0; Abstain, 0. Motion passed by a 3-0 vote.

CU-111-2015 Conditional Use

Conditional Use for manufacturing and production for 178+/- acres located within the Harrison East zoning district generally located at the southeast corner of Jug Street and Harrison Road (PID: 037-112074-00.000, 037-112074-00.001, 037-112074-00.003, 037-112074-00.004, 037-112626-00.000, 037-112632-00.000, and 035-106422-00.000).

Applicant: MBJ Holdings LLC c/o Aaron Underhill Esq.

Mr. Stephen Mayer presented the staff report.

Mr. Tom Rubey, New Albany Company, stated that no modifications to the commitments made with the preservations zones, setbacks, screening, etc. Everything we described as possible scenarios were similar to the properties to the west. This is a housekeeping measure to make sure that the zoning entitlements are consistent with the properties to the west.

Mr. Steve Bender, 12852 Jug Street, stated that he saw a letter that referred to credits for wetlands. Are you getting rid of wetlands?

Mr. Rubey stated that it is on the same track as last time. The plan has not been finally endorsed by the OEPA but it has not changed.

Mr. Bender stated that he doesn't want to have noise issues.

Mr. Kirby stated that he added a note about a noise conditions.

Mr. Bender stated he doesn't care what goes there but he doesn't want to hear or see it. I want to know what happened to New Albany standards. If you pass Beech Road the standards are gone. New Albany is starting to look like Columbus. I don't want New Albany to turn into Columbus with a lot of vacant buildings. If you have these building with the New Albany standards you will keep the building full.

Ms. Joly stated that the standards are important to the long term viability. New Albany has designed a new landscape plan for the storm water ponds on Beech

Road. We intend to implement that in phases. This rezoning includes the condition related to the screening of mechanicals on the roof ...

Mr. Bender stated that if you do screening you need to use evergreens or a material that is there all of the time.

Mr. Rubey stated that he agrees with the issue of noise. I want to work with staff to come up with a noise standard that will work.

Mr. Kirby stated that we screen dumpsters from view and we should screen generators for noise.

Mr. Tom Bryan, 13191 Jug Street, asked what are we going to do about traffic and the consistent trucks backing up and beeping. I'm not worried about the AC noise but the trucks and traffic noise is different.

Mr. Bruce Barron, 12910 Jug Street, asked about the traffic it was going to be directed to the south. How much traffic, how will it be directed.

Ms. Joly stated that we will have the restrictions that include a no left turn from east bound Innovation Way to North bound Harrison and will be marked as a no truck zone.

Mr. Barron asked to get a copy of everything.

Ms. Gwen Bando, 13094 Jug Road, asked if they are going to widen Jug Road.

Ms. Joly stated that Licking County has a project along Jug Street east of Beech. Bill Lozier with Licking County engineer would have more information on that project. A condition of approval is a traffic study at the time of development.

Ms. Bando asked if there will be any entrances to the business on Jug.

Ms. Joly stated that it is undetermined at this time. We will receive site plans as they are ready to develop each site.

Mr. Kirby asked if we could have the road plats have the same notifications as zoning changes.

Ms. Joly stated that we will see what we can do.

Mr. Bryan asked when my taxes will be increased.

Mr. Kirby stated that if you are not in New Albany your taxes won't change.

Mr. Bryan asked what the development plan is on Jug Street.

Ms. Joly stated that we have a strategic plan based on the area that we can provide water and sewer which calls for office campus or business uses. Annexing into New Albany is done by the request of the property owner.

Mr. Barron asked if we are annexed into New Albany then we pay New Albany taxes.

Ms. Joly stated that if you petition to be annexed into New Albany that is when your taxes would change.

Mr. Barron stated that he doesn't think anyone has petition to be annexed into New Albany and township just gave it away.

Mr. Kirby stated that the historic way to be annex was if a majority of the neighbors wanted annexed then you were annexed. That is not how most of these annexation are done. The expedited annexation process requires 100% of the property owners to agree to be annexed.

Wallace moved to approve CU-111-2015 subject to the following conditions:

1. Approval of individual site plans for manufacturing and production users are subject to staff approval
2. Screening will address sound as well as view, seconded by Brisk. Upon roll call vote: Ms. Brisk, yea; Mr. Wallace, yea; Mr. Kirby, yea. Yea, 3; Nay, 0; Abstain, 0. Motion passed by a 3-0 vote.

With no further business, Mr. Kirby polled members for comment and hearing none, adjourned the meeting at 8:37 p.m.

APPENDIX



Planning Commission Staff Report January 20, 2016 Meeting

6958 LAMBTON PARK POOL FENCE VARIANCE

LOCATION: 6958 Lambton Park (PID: 222-004457)
APPLICANT: Ronald Petroff, Esq.
REQUEST: Variance to Codified Ordinance Chapter 1173.02(e) to the fencing requirements for a private swimming pool
STRATEGIC PLAN: Rural Estate Residential District
ZONING: C-PUD (1998 NACO C-PUD, Subarea 1b: Edgemont)
APPLICATION: V-81-2015

Review based on: Application materials received August 25, 2015 and January 7, 2016.

Staff report prepared by Stephen Mayer, Community Development Planner.

I. REQUEST AND BACKGROUND

This application was originally heard by the Planning Commission on September 21, 2015. The Planning Commission tabled this application on September 21; October 19, 2015 and November 16, 2015 at the request of the applicant. Since the November 16, 2015 meeting, staff has received the following submittal from the applicant:

An updated the pool variance presentation using the information provided by David Daniel. In the Power Point, the applicant referenced an appendix which are being sent out electronically due to the number of pages in the documents. The applicant states the most notable updates include slides 17-28 where they:

1. Introduce swimming pool incident statistics;
2. Set the premise that drownings are more often than not a result of improper supervision and protection within the pool area;
3. Provide incident reports due to fence barrier shortcomings;
4. Introduce the 2012 International Swimming Pool and Spa Code model that regulates minimum requirements for design, construction, alteration, repair and maintenance of swimming pools;
 - a. Shows the acceptable use of powered safety covers that comply with ASTM F 1346-91 safety standards and natural topography in lieu of fence barriers;

The city law director had advised that the Planning Commission must evaluate this application exclusively based upon the provisions and criteria generally set forth in the

City Zoning Code as relates to variances (Chapter 1113), and the specific provisions contained within Section 1173.02(e) regarding private swimming pool fences.

It should also be noted that residential construction in Ohio is subject to the Ohio Residential (building) Code, which does not regulate or private swimming pools. According, such regulations are left exclusively to local zoning codes, in this case Section 1173.02(e).

The Applicant has provided the Commission with references to related provisions from other codes. However, while the Commission is free to consider such information, any such codes which have not been formally adopted by the city, or mandated by State statute, are not binding on the City or the Planning Commission.

The applicant requests a variance from C.O. Section 1173.02(e) Private Swimming Pools relating to the requirement that any private swimming pool, or the property on which the pool is located, shall be enclosed by a wall or fence constructed so as to prevent uncontrolled access. The wall or fence shall not be less than five (5) feet in height, maintained in good condition, and affixed with an operable gate and lock.

The applicant proposes to construct an in-ground pool with a powered safety cover in lieu of the required enclosure (wall or fence).

Per the I-PUD zoning text variances shall be heard by the Planning Commission.

II. SITE DESCRIPTION & USE

The site is 6.512 acres with a single family home currently under construction. The lot is within the New Albany Country Club. The property is located at the northeast corner of Johnstown Road and Lambton Park Road. The house is one of three large lots along the north side of Lambton Park Road. The neighboring properties consist of the golf course to the north and single-family homes constructed to the south and east.

III. ASSESSMENT

The application complies with application submittal requirements in C.O. 1113.03, and is considered complete. The Property owners within 200 feet of the property in question have been notified.

Criteria

The standards for granting of a variance is set forth in the case of *Duncan v. Village of Middlefield*, 23 Ohio St.3d 83 (1986). The Board must examine the following factors when deciding whether to grant a landowner a variance:

All of the factors should be considered and no single factor is dispositive. The key to whether a variance should be granted to a property owner under the “practical difficulties” standard is whether the area zoning requirement, as applied to the property owner in question, is reasonable and practical.

1. *Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without the variance.*
2. *Whether the variance is substantial.*
3. *Whether the essential character of the neighborhood would be substantially altered or adjoining properties suffer a “substantial detriment.”*
4. *Whether the variance would adversely affect the delivery of government services.*
5. *Whether the property owner purchased the property with knowledge of the zoning restriction.*
6. *Whether the problem can be solved by some manner other than the granting of a variance.*
7. *Whether the variance preserves the “spirit and intent” of the zoning requirement and whether “substantial justice” would be done by granting the variance.*

Plus, the following criteria as established in the zoning code (Section 1113.06):

8. *That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district.*
9. *That a literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Zoning Ordinance.*
10. *That the special conditions and circumstances do not result from the action of the applicant.*
11. *That granting the variance requested will not confer on the applicant any special privilege that is denied by the Zoning Ordinance to other lands or structures in the same zoning district.*
12. *That granting the variance will not adversely affect the health and safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.*

IV. EVALUATION

Considerations and Basis for Decision

The following information in addition to application submittal information and meeting presentations and discussions should be considered in the Planning Commission’s decision for the requested variance:

- Codified Ordinance Section 1173.02(e) requires that any private swimming pool, or the property on which the pool is located, shall be enclosed by a wall or fence constructed so as to prevent uncontrolled access. The wall or fence shall not be less than five feet (or 60”) in height, maintained in good condition, and affixed with an operable gate and lock.
- The city’s pool and fence code does not prescribe any particular style or type of fence.
- The pool will be located at the rear of the home, between the house and the New Albany Country Club golf course to the north.
- The parcel has a 44” high 3-rail horse fence along the rear property line separating the house and golf course. There is also a tall brick wall and 54” four- rail horse fence constructed along Johnstown Road. The homeowner has

submitted landscape plans to install six foot high mounds with a substantial amount of trees to screen the property from Johnstown Road.

- The property to the east is currently vacant and contains several large tree masses.
- This parcel is one of the largest in the Country Club subdivision resulting in the pool being located a much greater distance from the parcel lines and roads. The pool is approximately 221 feet from the fence along Johnstown Road, 233 feet from the northern parcel line abutting the golf course, and 149 feet from the eastern property line.
- The applicant proposes to install an automatic pool safety cover, which can support 300 pounds. This is a similar pool cover the BZA approved in-lieu of a fence at 10 and 14 New Albany Farms. Pool covers are recognized by some building codes as an appropriate method to secure a pool. However the city has not adopted a code that allows the use of covers. The city's private swimming pool ordinance regulates the construction of private pools within the city and requires a 5-foot fence affixed with an operable gate and lock.
- The lot is larger than the majority of the parcels in and around the New Albany Country Club subdivision. This lot is approximately 6.5 acres while the vast majority of the lot sizes in the Country Club subdivision are under one acre.
- This is the first pool fence variance request heard by the Planning Commission. The Board of Zoning Appeals has heard four pool fence variance applications since 2007.
 - The BZA denied a variance to allow a pool cover for a residence on 15.6 acres in Illmington in 2007. The BZA cited safety and liability concerns as reasons for denying the variance request.
 - The BZA denied a variance to allow a pool cover in 2010 for a home on a 0.5 acre parcel in Fenway. The BZA cited safety and liability concerns as reasons for denying the variance request.
 - The BZA approved a variance to allow a pool cover in-lieu of a fence on May 28, 2014 for 14 New Albany Farms Road. The BZA stated the size of the property (19.9 acres) and proximity to other parcels creates special conditions and circumstances which are peculiar to the land that results in a general isolation from neighbors. The parcel at 14 New Albany Farms is one of the largest in the gated Farms subdivision resulting in the pool being located a much greater distance from the parcel lines and roads. For this reason the BZA approved the variance while stating some homes may be too close to each other for a pool cover.
 - The BZA approved a variance to allow a pool cover in-lieu of a fence on September 22, 2014 for 6 New Albany Farms Road. The BZA stated this lot having heavy woods on three sides of the property results in a general isolation from neighbors and being within the Farms community which is gated and has private streets creates special conditions and circumstances which are peculiar to the land.
- It does not appear the essential character of the neighborhood would be substantially altered or adjoining properties would suffer a "substantial detriment." The pool appears to be screened from the west by landscaping and fencing and to the south from the primary residence. There are some tree

masses to the north and east but it is unclear how much of them are on the applicant's property.

- It does not appear that granting the variance would adversely affect the delivery of government services.

V. RECOMMENDATION

The purpose of a variance hearing is to evaluate specific factors related to an applicant's request. Although this property is not located within the Farms community there are similarities between this property and the homes at 6 and 14 New Albany Farms. This lot is unique from other homes in the New Albany Country Club due to size and number of neighbors. The parcel is one of the largest in the New Albany Country Club and only has neighbors on two sides since it borders the country club and golf course. Staff believes these are factors related to this parcel that help to prevent uncontrolled access and therefore not adversely affect the public safety of those residing or working in the vicinity. This variance request does not appear to be unreasonable due to the relative isolated location because of the size of the lot and the proposed installation of an automatic pool safety cover. For these reasons staff recommends approval of this application.

V. ACTION

Should the Planning Commission find that the application has sufficient basis for approval, the following motion would be appropriate:

Move to approve variance application V-81-2015 with the following condition of approval:

1. An automatic safety pool cover is installed.

Approximate Site Location:





Planning Commission Staff Report January 20, 2016 Meeting

BEECH ROAD WEST ZONING AMENDMENT

LOCATION: In Licking County west of Beech Road (PID: 035-106530, 035-107928, 037-112122, 037-111504 and 093-107262).
APPLICANT: MBJ Holdings c/o Underhill Yaross LLC
REQUEST: Zoning Amendment
ZONING: AG Agricultural and L-GE Limited General Employment to L-GE Limited General Employment
STRATEGIC PLAN: Office District
APPLICATION: ZC-01-2016

Review based on: Application materials received January 5, 2016.

Staff report completed by Stephen Mayer, Community Development Planner.

I. REQUEST AND BACKGROUND

The applicant requests review and recommendation to rezone 35.45 +/- acres. The applicant proposes to create a new limitation text in the New Albany Business Park. This area will be known as Beech Road West, and will be zoned Limited General Employment (L-GE). This text will replace the existing limitation text and add additional acreage.

A portion of this same site, 33.7 acres, was rezoned from AG Agricultural and L-GE Limited General Employment in May 2015 concurrently when the property was annexed into the city. A 1.046 acre piece of land within the right-of-way is being vacated by Licking County and transferred to the City of New Albany. New Albany proposes to vacate a portion of the right-of-way that is unneeded for road purposes. Upon vacation, it would be transferred to the adjacent private land owner, MBJ Holdings. In anticipation of the land transfer, MBJ Holdings has requested to rezone the 1.046 acre piece of land to match their existing property. Instead of rezoning just a small piece of land and create a new, separate limitation text, the applicant proposes to do a comprehensive rezoning.

The applicant is not proposing any changes to the existing limitation text, other than to add additional land to the text's area

This text contains the same list of permitted, conditional, and prohibited uses as Business Park East Innovation District Subareas, known as the Personal Care and Beauty Campus, where companies such as Anomatic, Accel, Axium, and Veepak are located.

II. SITE DESCRIPTION & USE

The New Albany City Council passed an ordinance to annex this site on April 21, 2015. The annexation became effective on May 22, 2015. The site is located within Licking County, north of state route 161, west of Beech Road. The neighboring uses and zoning districts include L-GE, Planned Unit Development (PUD) and unincorporated agricultural/residential. The site is undeveloped. 33.7 +/- acres was rezoned from AG Agricultural to L-GE Limited General Employment by the Planning Commission on May 4, 2015 (ZC-29-2015) and City Council on May 19, 2015 (O-18-2015).

III. PLAN REVIEW

Planning Commission's review authority of the zoning amendment application is found under C.O. Chapters 1107.02 and 1159.09. Upon review of the proposed amendment to the zoning map, the Commission is to make recommendation to City Council. Staff's review is based on city plans and studies, proposed zoning text, and the codified ordinances. Primary concerns and issues have been indicated below, with needed action or recommended action in underlined text.

Per Codified Ordinance Chapter 1111.06 in deciding on the change, the Planning Commission shall consider, among other things, the following elements of the case:

- (a) Adjacent land use.
- (b) The relationship of topography to the use intended or to its implications.
- (c) Access, traffic flow.
- (d) Adjacent zoning.
- (e) The correctness of the application for the type of change requested.
- (f) The relationship of the use requested to the public health, safety, or general welfare.
- (g) The relationship of the area requested to the area to be used.
- (h) The impact of the proposed use on the local school district(s).

A. New Albany Strategic Plan

The 2014 New Albany Strategic Plan lists the following development standards for the Office District:

1. Office buildings should not exceed five stories in height.
2. The design of office buildings should include four-sided architecture in order to address multiple frontages when present
3. On-Street parking is discouraged.
4. Primary parking should be located behind buildings and not between the primary street and the buildings.
5. Parking areas should be screened from view.
6. Loading areas should be designed so they are not visible from the public right-of-way, or adjacent properties.

7. Sidewalks/leisure trails should be placed along both sides of all public road frontage and setback 10 feet from the street.
8. Common open spaces or green are encouraged and should be framed by buildings to create a “campus like” environment.
9. Appropriate screening should be installed as a buffer between the office district and adjacent residential. If mounding is necessary to achieve this the “reverse slope” type with a gradual slope side toward the right-of-way is preferred.
10. Street trees should be provided at no greater a distance than 40 feet on center.
11. Individual uses should be limited in size, acreage, and maximum lot coverage.
12. No freeway/pole signs are allowed.
13. Heavy landscaping is necessary to buffer these uses from adjacent residential areas.
14. A 200 foot buffer should be provided along State Route 161.
15. Structures must use high quality building materials and incorporate detailed, four sided architecture.
16. When double fronting sites exist, office buildings should address both frontages.
17. Plan office buildings within the context of the area, not just the site, including building heights within development parcels.
18. Sites with multiple buildings should be well organized and clustered if possible.
19. All office developments should employ shared parking or be designed to accommodate it.
20. All office developments should plan for regional stormwater management.
21. Office developments should provide connections to the regional trail system.
22. Green building and site design practices are encouraged.
23. Innovative an iconic architecture is encouraged for office buildings.

B. Use, Site and Layout

1. The limitation text contains the following setbacks as previously approved by the Planning Commission and City Council:
 - a) Beech Road: There shall be a minimum building and pavement setback of 50 feet from the Beech Road right-of-way.
 - b) Other Public Roads: There shall be a minimum building and pavement setback of 25 feet from all other public rights-of-way in this subarea.
 - c) Perimeter Boundaries: There shall be a minimum building and pavement setback of 25 feet from any perimeter boundary of this subarea that is not adjacent to a public right-of-way.
 - d) The GE standard of no structure, service area or parking area in any GE District be located less than 50 feet from any district where residences are a permitted use will still apply.
2. This is the same list of permitted, conditional, and prohibited uses as the existing Beech Road West limitation text.
3. The proposed zoning text is a limitation text. A limitation text can only establish more restrictive requirements than the zoning code.
4. The limitation text will allow for general office activities, warehouse & distribution, off-premises signs, and research & production uses. Personal service and retail product sales and services are only allowed as accessory uses to a permitted use in this subarea.

5. Conditional uses include car fleet and truck fleet parking, and manufacturing and production. The applicant has submitted a separate conditional use application to allow manufacturing and production uses within this limitation text's boundaries.
6. Prohibited uses include industrial product sales and services, mini-warehouses, vehicle services, radio/television broadcast facilities, and sexually oriented business.
7. Due to the proximity of this site to the State Route 161 interchange and its location adjacent to commercially zoned land in the existing Licking County business park to the east, the site would appear to be most appropriate for commercial development.

C. Access, Loading, Parking

1. Detailed traffic access will be determined in consultation with City Staff as the site is developed.
2. Parking is provided per code requirements (Chapter 1167) and will be evaluated at the time of development for each individual site.
3. The text requires an internal pedestrian circulation system to be created so that a pedestrian using a public sidewalk or leisure trail along a public street can access the adjacent building through their parking lots with markings, crosswalks, etc.

D. Architectural Standards

1. The proposed rezoning seeks to implement many of the same or improved standards and limitations set forth in the New Albany Architectural Design Guidelines and Requirements (Chapter 1157).
2. The same architectural requirements as the existing Beech Road West limitation text.
3. The City's Design Guidelines and Requirements do not provide architectural standards for warehouse and distribution type facilities. Due to the inherent size and nature of these facilities careful attention must be paid to their design to ensure they are appropriately integrated into the rest of the business park. The limitation text includes specific design requirements for uses not governed by the DGRs, which will ensure the quality design of these buildings.
4. Staff recommends the complete screening of all roof-mounted equipment and appurtenances shall be required on all four sides of the building with materials that are consistent and harmonious with the building's façade and character. This will provide additional noise abatement to neighboring properties in addition to improved aesthetics.

D. Parkland, Buffering, Landscaping, Open Space, Screening

1. Maximum lot coverage for this subarea is 75%. There is no additional green space being provided within this subarea.
2. The proposed zoning contains similar language regarding tree preservation as appears in the zoning text for the existing Innovation District zoning text. Protected Trees shall be replaced on a tree-for-tree basis in accordance with a replacement plan that shall be subject to the approval of City staff.

3. Landscape treatment along Beech Road is consistent with the required landscaping along the east side of Beech Road.
4. Chapter 1171 of the New Albany Codified Ordinances will apply to this text. Chapter 1171 requires at least a 25' buffer with natural vegetation that has 75% opacity and a height of 10 feet within five years of planting.
5. Street trees will be located an average of 30 feet on center throughout the development.
6. Minimum tree sizes for on-site trees match the standards in the Innovation District.

E. Lighting & Signage

1. No signage is proposed at this time. Per the text all signage shall meet the standards set forth in Codified Ordinance 1169 (City Sign Code). ,
2. All lighting shall be cut-off type fixtures and down cast to minimize light spilling beyond the boundaries of the site. The maximum height is 30 feet.
3. The zoning text requires lighting details to be included in the landscape plan which is subject to review and approval by the City Landscape Architect.

IV. RECOMMENDATION

Basis for Approval:

The limitation text is identical to what the Planning Commission and City Council already approved. The applicant is just adding a small amount of acreage. The proposed rezoning is generally consistent with the principles of commercial development in the Strategic Plan and the existing business park in Licking County. Additional restrictions and commitments have been provided that are above what the base zoning code would require.

1. The large scale of the rezoning will result in a more comprehensive planned redevelopment of the area and will ensure compatibility between uses (1111.06(a)).
2. The L-GE rezoning application is an appropriate application for the request (1111.06(e)).
3. The overall effect of the development advances and benefits the general welfare of the community (1111.06(f)).
4. The proposed rezoning will allow for the development of businesses that will generate revenue for the school district while eliminating residential units having a positive impact on the school district (1111.06(h)).

Staff recommends approval provided that the Planning Commission finds the proposal meets sufficient basis for approval.

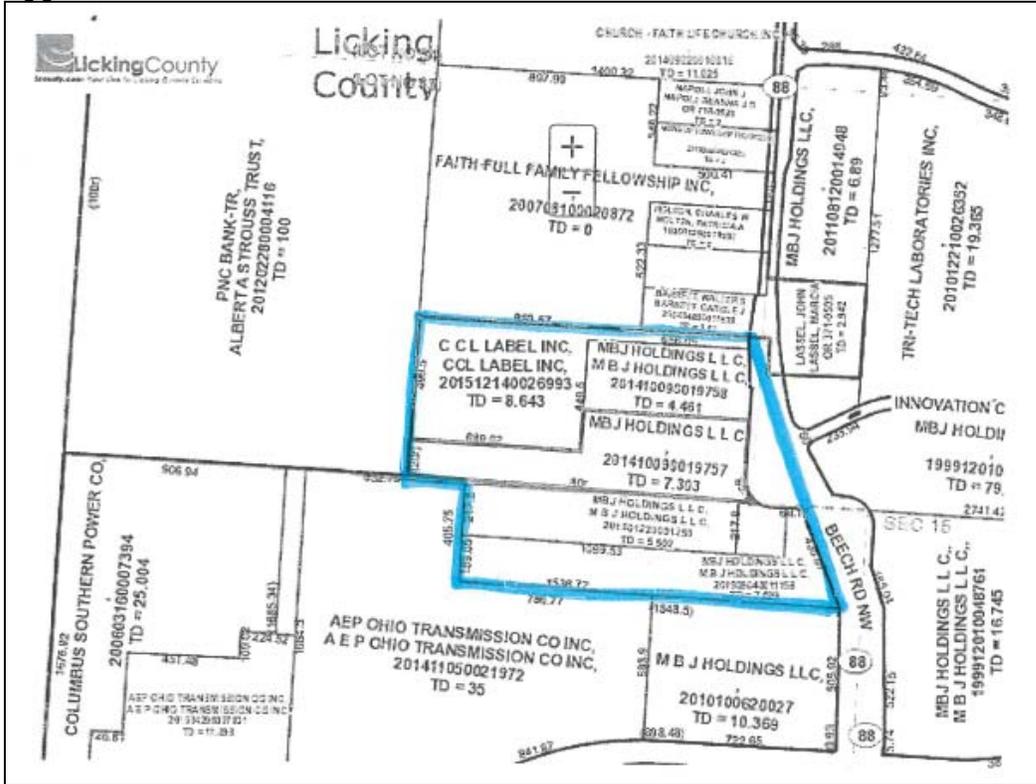
V. ACTION

Suggested Motion for ZC-01-2016:

To recommend approval to Council of Zoning Change application ZC-01-2016 (conditions may be added)

1. The text requires the complete screening of all roof-mounted equipment and appurtenances shall be required on all four sides of the building with materials that are consistent and harmonious with the building's façade and character.

Approximate Location:



Source: Applicant



Planning Commission Staff Report January 20, 2016 Meeting

BEECH ROAD WEST ZONING DISTRICT CONDITIONAL USE

LOCATION: In Licking County west of Beech Road (PID: 035-106530, 035-107928, 037-112122, 037-111504 and 093-107262).
APPLICANT: MBJ Holdings c/o Underhill Yaross LLC
REQUEST: Conditional Use for Manufacturing and Production
ZONING: L-GE Limited General Employment
STRATEGIC PLAN: Office District
APPLICATION: CU-110-2015

Review based on: Application materials received December 16, 2015.

Staff report completed by Stephen Mayer, Community Development Planner.

II. REQUEST AND BACKGROUND

The applicant requests approval for manufacturing and production as a conditional use within the Beech Road West zoning district. The district is zoned L-GE and the proposed conditional use will allow for the manufacturing, processing, fabrication, packaging, or assembly of goods. The conditional use is being requested in anticipation of potential users who wish to break ground this year. If approved, the conditional use will apply to the entire 33.7 acre zoning district.

II. SITE DESCRIPTION & USE

The New Albany City Council passed an ordinance to annex this site on April 21, 2015. The annexation became effective on May 22, 2015. The site is located within Licking County, north of state route 161, west of Beech Road. The Planning Commission recommended approval of the L-GE zoning on May 4, 2015 (via ZC-29-2015) and City Council approved the zoning on May 19, 2015 (via O-18-2015).

The neighboring uses and zoning districts include L-GE, Planned Unit Development (PUD) and unincorporated agricultural/residential. The site consists of 33.07 +/- acres. The neighboring uses and zoning districts include L-GE and unincorporated agricultural/residential. The site undeveloped.

III. EVALUATION

The general standards for Conditional Uses are contained in Codified Ordinance Section 1115.03. The Planning Commission shall not approve a conditional use unless it shall in each specific case, make specific findings of fact directly based on the

particular evidence presented to it, that support conclusions that such use at the proposed location meets all of the following requirements:

- (a) *The proposed use will be harmonious with and in accordance with the general objectives, or with any specific objective or purpose of the Zoning Ordinance.*
- The limitation text associated with the rezoning of the property places additional requirements, above the general GE requirements, on the development of the property. These requirements further ensure that the character of the area is preserved and enhanced by future development.
 - The limitation text establishes a more stringent setback along Beech Road where a minimum building and pavement setback of 50 feet is required. Future internal roads shall have a minimum 25 feet building and pavement setback. Side and rear setbacks will follow the GE zoning district standard of 25 feet. The GE standard of no structure, service area or parking area in any GE District be located less than 50 feet from any district where residences are a permitted use will still apply.
 - Site plans for proposed developments within this subarea will be approved on a user by user basis. Approval of these individual site plans will be subject to staff approval, as part of the approval of individual zoning permits.
 - The Planning Commission approved the same request for 221 acres at Innovation Campus District Subarea A in July 2010 and 102 acres for the Innovation District Expansion subarea in September 2010.
- (b) *The proposed use will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.*
- The proposed use will complement the office and distribution uses which are permitted uses within the area. The New Albany business park consists of four clusters. The Personal Care and Beauty Campus is planned for manufacturing, warehousing, and distribution uses. New Albany's Personal Care and Beauty Campus is the first of its kind in the country, and has attracted global industry leaders as a result of its ability to seamlessly integrate product manufacturing, labeling, packaging and distribution within a single campus.
 - Additional design guidelines for warehouse type manufacturing facilities contained in the zoning text further ensure their compatibility with the character of the area. The same architectural requirements as the existing Innovation District subarea A and Expansion subarea are proposed.
 - The City's Design Guidelines and Requirements do not provide architectural standards for warehouse and distribution type facilities. Due to the inherent size and nature of these facilities careful attention must be paid to their design to ensure they are appropriately integrated into the rest of the business park. The Beech Road West zoning text includes specific design requirements for uses not governed by the DGRs, which ensures the quality design of these buildings.
- (c) *The use will not be hazardous to existing or future neighboring uses.*
- The use will be subject to Codified Ordinance Section 1153.06 which requires that no land or structure within the GE District shall be used or

occupied in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable impact on any land which is located in any other zoning district.

(d) *The area will be adequately served by essential public facilities and services such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.*

- The subarea is located adjacent to Beech Road, adjacent to the Beech Road/State Route 161 interchange. Additional roadways such as an extension of Innovation Campus Way West are being installed to serve these commercial properties.
- Sewer and water service is readily available for extension in this location.
- The proposed manufacturing and production use will produce no new students for the school district.

(e) *The proposed use will not be detrimental to the economic welfare of the community.*

- The proposed manufacturing and production uses will generate income tax for the city by the creation of new jobs.

(f) *The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.*

- The use will be subject to Codified Ordinance Section 1153.06 which requires that no land or structure within the GE District shall be used or occupied in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable impact on any land which is located in any other zoning district.
- The applicant, as part of the conditional use statement, has committed to attracting only users to the site that do not produce excessive amounts of traffic, noise, smoke, fumes, glare or odors.

(g) *Vehicular approaches to the property shall be so designated as not to create interference with traffic on surrounding public streets or roads.*

- The infrastructure in this portion of the city is being designed to accommodate the traffic associated with commercial uses. An extension of Innovation Campus Way, extending through this subarea, will provide a connection to the future Mink Road interchange and is being designed to handle truck traffic. Additionally, this new road extension provides vehicular traffic direct access to Beech interchange.
- There is no reason to believe that that traffic generated by the manufacturing and production uses will have any greater impact than traffic for permitted users in the GE district.
- Due to the proximity of this site to the State Route 161 interchange and its location adjacent to commercially zoned land in the existing Licking County business park to the east and south, the site appears to be most appropriate for manufacturing and production uses.

- Detailed traffic access will be determined in consultation with the City Engineer as the site is developed.

V. RECOMMENDATION

Basis for Approval:

The overall proposal appears to be consistent with the code requirements for conditional uses and meets the development standards and recommendations contained in the 2014 New Albany Strategic Plan and New Albany Economic Development Strategic Plan. The proposed manufacturing and production use will likely compliment the permitted uses within the subarea. New Albany has four distinct clusters of commerce within the overall business park. The Personal Care and Beauty Park cluster is the appropriate area for manufacturing, packaging and distribution. The Personal Care and Beauty Park contains infrastructure designed to accommodate the traffic associated with manufacturing and production uses and is strategically located close to State Route 161. This conditional use meets the recommendations in the New Albany Economic Development Strategic Plan by providing additional business type diversity, and attracting supply-chain industries.

The limitation text for this area establishes more restrictive regulations for development and therefore many of the city's strategic plan's office development standards are required to be implemented. The manufacturing and production uses must follow the same development standards as any other permitted use in this area. This conditional use meets the recommendations in the New Albany Economic Development Strategic Plan by providing additional business type diversity, and attracting supply-chain industries.

Staff recommends approval provided that the Planning Commission finds the proposal meets sufficient basis for approval.

VI. ACTION

Suggested Motion for CU-110-2015:

To recommend approval to Council of Zoning Change application CU-110-2015 (conditions may be added)

1. Approval of individual site plans for manufacturing and production users are subject to staff approval.



**Planning Commission Staff Report
January 20, 2016 Meeting**

**HARRISON EAST ZONING DISTRICT
CONDITIONAL USE**

LOCATION: 12933 Jug Street, 12965 Jug Street, 2500 Harrison Road, 2450 Harrison Road, and 2408 Harrison Road in Licking County east of Harrison Road and south of Jug Street (PID: 037-112074-00.000, 037-112074-00.001, 037-112074-00.003, 037-112074-00.004, 037-112626-00.000, 037-112632-00.000, 035-106422-00.000).

APPLICANT: MBJ Holdings c/o Underhill Yaross LLC

REQUEST: Conditional Use for Manufacturing and Production

ZONING: L-GE Limited General Employment

STRATEGIC PLAN: Office District

APPLICATION: CU-111-2015

Review based on: Application materials received December 16, 2015.

Staff report completed by Stephen Mayer, Community Development Planner.

III. REQUEST AND BACKGROUND

The applicant requests approval for manufacturing and production as a conditional use within the Harrison East zoning district. The district is zoned L-GE and the proposed conditional use will allow for the manufacturing, processing, fabrication, packaging, or assembly of goods. The conditional use is being requested in anticipation of a potential user who wishes to break ground on one of the sites in this subarea later this summer. If approved, the conditional use will apply to the entire 178 acres zoning district.

II. SITE DESCRIPTION & USE

The site is located within Licking County, east of Harrison Road and south of Jug Street. The Planning Commission recommended approval of the L-GE zoning on October 19, 2015 (via ZC-69-2015) and City Council approved the zoning on November 3, 2015 (via O-33-2015).

The neighboring uses and zoning districts include L-GE, Planned Unit Development (PUD) and unincorporated agricultural/residential. The site consists of 178+/- acres and is currently undeveloped. Permitted uses within this area include research and production, warehouse and distribution, administrative and general office uses. The neighboring uses and zoning districts include L-GE and unincorporated agricultural/residential. The site undeveloped.

IV. EVALUATION

The general standards for Conditional Uses are contained in Codified Ordinance Section 1115.03. The Planning Commission shall not approve a conditional use unless it shall in each specific case, make specific findings of fact directly based on the particular evidence presented to it, that support conclusions that such use at the proposed location meets all of the following requirements:

- (h) *The proposed use will be harmonious with and in accordance with the general objectives, or with any specific objective or purpose of the Zoning Ordinance.*
 - The limitation text associated with the rezoning of the property places additional requirements, above the general GE requirements, on the development of the property. These requirements further ensure that the character of the area is preserved and enhanced by future development.
 - The limitation text establishes setbacks that are more stringent than the minimum GE requirements. The text requires a minimum pavement setback of 50 feet and a minimum building setback of 100 feet from the Jug Street right-of-way. There shall be a minimum pavement setback of 50 feet and a minimum building setback of 100 feet from the Harrison Road right-of-way for all locations to the north of the centerline of the intersection of Harrison Road and Innovation Campus Way. There shall be a minimum pavement setback of 25 feet and a minimum building setback of 50 feet from the Harrison Road right-of-way for all locations to the south of the centerline of the intersection of Harrison Road and Innovation Campus Way. There shall be a minimum building and pavement setback of 25 feet from any perimeter boundary of this subarea that is not adjacent to a public right-of-way, except that the minimum building and pavement setback from perimeter boundaries of this Zoning District that are adjacent to property with a zoning classification that permits residential uses shall be 50 feet.
 - Site plans for proposed developments within this subarea will be approved on a user by user basis. Approval of these individual site plans should be subject to staff approval, as part of the approval of individual zoning permits.
 - The Planning Commission approved the same request for 221 acres at Innovation Campus District Subarea A in July 2010 and 102 acres for the Innovation District Expansion subarea in September 2010.

- (i) *The proposed use will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.*
 - The proposed use will complement the office and distribution uses which are permitted uses within the overall area. The New Albany business park consists of four clusters. The Personal Care and Beauty Campus is planned for manufacturing, warehousing, and distribution uses. New Albany's Personal Care and Beauty Campus is the first of its kind in the country, and has attracted global industry leaders as a result of its ability to seamlessly integrate product manufacturing, labeling, packaging and distribution within a single campus.

- Additional design guidelines for warehouse type manufacturing facilities contained in the zoning text further ensure their compatibility with the character of the area. The same architectural requirements as the existing Innovation District subarea A and Expansion subarea are proposed.
 - The City’s Design Guidelines and Requirements do not provide architectural standards for warehouse and distribution type facilities. Due to the inherent size and nature of these facilities careful attention must be paid to their design to ensure they are appropriately integrated into the rest of the business park. The Harrison East zoning text includes specific design requirements for uses not governed by the DGRs, which ensures the quality design of these buildings.
- (j) *The use will not be hazardous to existing or future neighboring uses.*
- The use will be subject to Codified Ordinance Section 1153.06 which requires that no land or structure within the GE District shall be used or occupied in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable impact on any land which is located in any other zoning district.
- (k) *The area will be adequately served by essential public facilities and services such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.*
- The zoning district is located south of Jug Street and east of Harrison Road, near to the Beech Road/State Route 161 interchange and future Mink Road interchange. Additional roadways such as Innovation Campus Way are planned to serve these commercial properties.
 - The city of New Albany and city of Columbus updated their water and sewer agreement to include this area thereby making this area within the New Albany expansion area. Sewer and water service is readily available for extension in this location.
 - The proposed manufacturing and production use will produce no new students for the school district.
- (l) *The proposed use will not be detrimental to the economic welfare of the community.*
- The proposed manufacturing and production uses will generate income tax by the creation of new jobs.
- (m) *The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.*
- The use will be subject to Codified Ordinance Section 1153.06 which requires that no land or structure within the GE District shall be used or occupied in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable impact on any land which is located in any other zoning district.

- The applicant, as part of the conditional use statement, has committed to attracting only users to the site that do not produce excessive amounts of traffic, noise, smoke, fumes, glare or odors.
 - The zoning text requires complete screening of all roof-mounted equipment and appurtenances shall be required on all four sides of each building using materials that are consistent and harmonious with the building's façade and character. This provides additional noise abatement to neighboring properties in addition to improved aesthetics.
- (n) *Vehicular approaches to the property shall be so designated as not to create interference with traffic on surrounding public streets or roads.*
- The infrastructure in this portion of the city is being designed to accommodate the traffic associated with commercial uses.
 - There is no reason to believe that that traffic generated by the manufacturing and production uses will have any greater impact than traffic for permitted users in the GE district.
 - Due to the proximity of this site to the State Route 161 interchange and its location adjacent to commercially zoned land in the existing Licking County business park to the west, the site appears to be most appropriate for manufacturing and production uses. An extension of Innovation Campus Way, extending through this subarea, will provide a connection to the future Mink Road interchange that is being designed to separate vehicular and truck traffic.
 - Detailed traffic access will be determined in consultation with City Engineer as the site is developed.

V. RECOMMENDATION

Basis for Approval:

The overall proposal appears to be consistent with the code requirements for conditional uses and meets the development standards and recommendations contained in the 2014 New Albany Strategic Plan and New Albany Economic Development Strategic Plan. The proposed manufacturing and production use will likely compliment the permitted uses within the subarea. New Albany has four distinct clusters of commerce within the overall business park. The Personal Care and Beauty Park cluster is the appropriate area for manufacturing, packaging and distribution. The Personal Care and Beauty Park contains infrastructure designed to accommodate the traffic associated with manufacturing and production uses and is strategically located close to State Route 161. This conditional use meets the recommendations in the New Albany Economic Development Strategic Plan by providing additional business type diversity, and attracting supply-chain industries.

The limitation text for this area establishes more restrictive regulations for development and therefore many of the city's strategic plan's office development standards are required to be implemented. The manufacturing and production uses must follow the same development standards as any other permitted use in this area. This conditional use meets the recommendations in the New Albany Economic Development Strategic

Plan by providing additional business type diversity, and attracting supply-chain industries.

Staff recommends approval provided that the Planning Commission finds the proposal meets sufficient basis for approval.

VI. ACTION

Suggested Motion for CU-111-2015:

To recommend approval to Council of Zoning Change application CU-111-2015 (conditions may be added)

1. Approval of individual site plans for manufacturing and production users are subject to staff approval.