



## Planning Commission

### Meeting Minutes

May 24, 2017

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 7:05 p.m.

Neil Kirby	Present
Brad Shockey	Absent
David Wallace	Present
Kasey Kist	Present
Hans Schell	Present
Sloan Spalding (council liaison)	Present

Staff members present: Stephen Mayer, Planner; Jackie Russell, Clerk; Jennifer Chrysler; Development Director; Ed Ferris, Engineer; Mitch Banchefsky, City Attorney and Pam Hickok, Clerk.

Mr. Kirby asked for any changes or corrections to the agenda.

Mr. Mayer stated none.

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

Mr. Kirby's invited the public to speak on non-agenda related items and received no response.

Moved by Mr. Wallace, seconded by Mr. Kist to accept the staff reports and related documents in to the record. Upon roll call vote: Mr. Kirby, yea; Mr. Wallace, yea; Mr. Kist, yea; Mr. Schell, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

### **ZC-23-2017 Zoning Change**

**Rezoning 310.15 +/- acres from Limited Office Campus District (L-OCD) to Limited General Employment (L-GE) for an area known as the Winding Hollow Zoning District generally located at the southeast corner of Dublin-Granville Road and Babbitt Road (PID: 220-002011, 220-00034-, 220-000470, 094-106404-03.00, 082-106842-00.000, 082-106494-00.000, 082-108192-00.000, 082-108198-00.000, and 082-106494-00.002).**

**Applicant: City of New Albany**

### **CU-24-2017 Conditional Use**

**Conditional Use for manufacturing and production on 310.15 ± acre area of land known as the Winding Hollow Zoning District generally located at the southeast corner of Dublin-Granville Road and Babbitt Road (PID: 220-002011, 220-00034-, 220-000470, 094-106404-03.00, 082-106842-00.000, 082-106494-00.000, 082-108192-00.000, 082-108198-00.000, and 082-106494-00.002).**

**Applicant: City of New Albany**

Mr. Stephen Mayer presented the staff report for ZC-23-2017 and CU-24-2017.

Mr. Kirby asked if Rocky Fork Blacklick Accord had any conditions on the approval.

Mr. Mayer stated no and continued with the staff reports.

Mr. Ed Ferris stated no comments.

Mr. Mayer stated we have learned from the past and another item we have added in the text is the requirement of roof top screening.

Mr. Kirby asked if mounding is the right idea instead of a larger setback with woods. In looking at this and the standards that are expected from the West Licking Accord. Is any of this property in Licking County?

Mr. Mayer showed the county line on the map. We believe the mounding is correct because it exists on Babbitt Road and to maintain the consistency and character we would want to extend the mound to the south.

Mr. Kirby asked if the West Licking County Accord would hear this case.

Mr. Mayer stated no, this West Licking County Accord area is just outside of this area.

Mr. Kirby asked if it started at Mink Road.

Ms. Jennifer Chrysler explained the area of the West Licking County Accord is in the Growth corridor beyond the existing corporate boundaries of New Albany; just east of Beech, almost to Harrison and that tiny strip between west of Harrison to Mink.

Mr. Kirby stated that this is seen as rural and to be seamless. We don't have standards yet for West Licking although we have heard about large setbacks on the road. Are there things that are different here than what we expect in the West Licking area?

Mr. Mayer stated yes, this area is slightly different given the commercial zonings. Western Licking County we have talked about keeping the heritage of

each entity. I think the heritage for New Albany is different than you will see for Jersey Township.

Mr. Kirby asked what the zoning is on the north side of Dublin Granville Road.

Mr. Mayer stated that it is all right of ways from SR 161 and Dublin Granville Road except for one small corner near the interchange for SR 161 and Beech.

Mr. Kirby asked if the other setbacks apply for the property.

Mr. Mayer stated that I believe it's the same owner and we have kept the same setbacks for consistency.

Mr. Schell asked what the screening look would like for the roof tops.

Mr. Mayer stated that one thing we have learned in the business park is that we don't have the screening location in place. We have heard from residents that they can hear noise from the units on the roof tops. What we have added that the text states that they will be completely screened on all four sides to block views, aesthetics, and for sound. We have allowed for flexibility in design with the goal of blocking it.

Mr. Kirby asked if we need to approve conditions with the underlying land owner.

Mr. Mayer stated that the owner has a representative present.

Mr. Banchefsky stated yes.

Mr. Aaron Underhill representing the land owner stated that we have been consulted with staff and agree with what they are trying to accomplish here and in full support. We are here to talk about any conditions.

Mr. Kirby asked that the road that may be there but is not required. Is the language in the text enough to require the road?

Mr. Mayer stated yes we are comfortable with the language in the text, it does require that when development occurs that traffic will be analyzed and approved by the City Traffic engineer. We have additional requirements in our Codified Ordinances and our Strategic Plan which outlines the recommendation for the amount of right of way to be dedicated.

Mr. Underhill stated that the text we talk about tonight, we talk about taking an equal amount of right of way from each property owner which happens to be MBJ Holdings on both sides.

Mr. Tom Rubey, New Albany Company, stated that it goes further than just the right of way. As we go through the traffic analysis there will be an agreement between the city and the land owner as relates to the cost for the infrastructure and how that is paid and dedications.

Mr. Kirby stated that cost aside, you agree with the road being mandated when traffic calls for it.

Mr. Rubey stated yes. The cost is part of on-going negotiations between the land owner and the city.

Mr. Kirby stated that Babbitt Road is small with a low speed limit and Dublin Granville is not much bigger and this is kind of like the new Walton Parkway type road. We want the traffic dumping onto Beech Road and keep it off of Babbitt Road.

Ms. Chrysler stated that we have plans and are almost ready to start construction on an upgrade to Beech Road. We believe that Beech Road is the main north/south connector road and where we want to carry the most amount of traffic. Some of the preliminary traffic studies have shown that is the Beech should be that road. We have approved a plan that is about 95% done by EMH&T that will from the interchange to Worthington Road add striping and a median; Beech Road will become a five lane section almost to Morse Road and then tapering down to three lanes before Morse Road. That road should be under construction by the end of the year with about a 9-12 month construction. That will allow us to create an internal road network on this site that will potentially allow us to turn our back to the Babbitt Road with respects to development so that we can have most of the traffic flowing out to Beech Road.

Mr. Kirby stated that I'm hearing that the designs will be putting new traffic on the new road to Beech.

Ms. Chrysler stated that is the goal for Beech to carry the traffic and to move it off of Babbitt Road. We will need to look at evaluate each plan and traffic analysis as it comes in but that is the goal.

Mr. Wallace asked why this wasn't this area zoned this way in 2015.

Mr. Mayer stated that lessons learned. When it was originally rezoned to Office Campus District, we envisioned a campus with office uses. What we have learned that having an office campus is not enough to attract the companies. The company want to have a variety of uses available. Working with Jobs Ohio what we have learned is that adding on to the menu of uses will help attract users to the site.

Mr. Wallace asked if the development vision for this area has changed.

Mr. Mayer stated that the goal was always a master planned campus that we believe is special due to the natural features and close to the business park. What the uses are may change but our overall intent and goal as a special place for a large user is the same.

Ms. Chrysler stated that uses like Pharmaforce, which is a great office use with some research and production. You would never know that they do research and production in that building. That is not permitted in OCD. When we thought about OCD, we aligned that with a certain vision and then realized when we were speaking with certain companies and want to build technology campus on this site and enjoy the natural amenities on this site. We realized that for certain uses for the research and technology didn't fit into OCD district. It's difficult to certify the site for corporate headquarter campus with the OCD zoning and then the actual classification for PharmaForce is manufacturing but you would never know that it's a manufacturing facility. I don't think we envision anything different than we originally did, we just found out that the limitations in the OCD zoning didn't allow us to accomplish the vision.

Mr. Kist asked if we envision single user or multiple users.

Mr. Mayer stated that ideally it would be a single user to ensure that we have a comprehensive campus development occurring but could be either.

Mr. Wallace stated that in the previous minutes it stated that we discussed drainage issues and comments that said that it would be looked at.

Mr. Rubey stated back when the property was zoned a few years ago, we had the Army Corp and the Ohio EPA on site to complete an analysis of the wetlands, floodplains and floodways. We had a plan and a user and were moving forward; then the user went away. The permits with the Army Corp and Ohio EPA were never finalized. We have all of the analysis and still valid, although they still need to come back out to make sure that the wetland didn't grow or shrink. Once that is complete we will take the next step and will deal with the problem areas, including broken field tile and drainage issues. Typically, we tie that to the development and at this time no development yet. We will take the step once it is certified and hopefully more successfully marketed and finalize the wetland identifications and permits.

Ms. Cynthia Coleman, 6145 Babbitt Road, stated that she has a few questions that I would like to understand. I would like to know if the analysis would include drainage onto other properties. I ask because there are other properties in the same vicinity, owned by the same company, that have broken field tiles and causing accumulation of water on my property. I just want to make sure that they are good neighbors.

Mr. Kirby stated that the general rule is that development can't change the

neighbor's drainage. If something has happened and a change has occurred they are supposed to keep that maintained. You could call the landowner or city staff.

Ms. Coleman confirmed that you could contact the city staff for something like that.

Mr. Kirby stated contact the land owner first and let them know that they have a problem. If that doesn't work you can contact city staff because that is a zoning violation.

Ms. Coleman stated that we are on well water. What type of monitoring would there be to make sure that the well is maintained or if something should occur, I'm not in a position to replace my well.

Mr. Kirby stated that what I did was have my well tested and certified before construction began. They are on the hook for changes made to your well. In the past these issues have been remedied although I haven't heard any problems recently.

Mr. Kist asked how much that cost.

Mr. Kirby stated it was a few hundred dollars and about and took about an hour.

Ms. Coleman stated that we have a large mound down Babbitt Road. Should I assume that there won't be an entrance on Babbitt?

Mr. Kirby stated that we can't deny them access from the right of way. That lawsuit has already been lost in Ohio.

Ms. Coleman asked if there is right of way there.

Mr. Kirby stated that they own to the right of way line of Babbitt Road. They have legal access to Babbitt. We can inspire them and convince them that it would be bad to go onto Babbitt Road, unneighborly and traffic would be bad, and the new road to Beech would be much better. Ask for confirmation from Mr. Banchefsky.

Mr. Banchefsky stated that they are entitled to legal access.

Mr. Kirby stated that unless we found a safety issue such as installing a driveway ten feet from the intersection, but only a few issues. The mounding is an indicator that they won't want an access.

Mr. Wallace stated that the golf course had an entrance there.

Ms. Coleman stated that it has been blocked off and a mound built.

Mr. Wallace asked what is the legal standard for justifying allowing access at a different point than what the land owner wants.

Mr. Mayer stated that what gives the city guidance on the location of business entrances is the thoroughfare plan. The improvements on Beech are from the Strategic Plan to handle the traffic. It identifies Babbitt as a rural road. Companies have the same needs and wants to some extent; make sure that employees can get in and out of the site conveniently and efficiently. The city is putting that in place with infrastructure along Beech Road and the future wishbone road.

Mr. Banchefsky stated that rezoning and development is a negotiation. Having the correct access point would be important to the city. In a campus this size the roads would go to where the parties agree and what I'm hearing is that the city would not be receptive to access point on Babbitt.

Mr. Rubey stated that this is our intent to have this one user, but do not have a user at this time. If we are able to do that and having access on Beech or the wishbone road is our objective because it directs the traffic to the main roads and interchange. I can't make the commitment because we don't know how this will be developed but our goal is to get Beech, Dublin Granville and the interchange.

Mr. Kirby stated that we may want fire access on Babbitt Road.

Ms. Coleman stated that this will change the dynamic of this area. I understand the we need to develop for the better of the entire community. What are the plans for the west side of Babbitt Road? Is there any immediate plans for that area?

Mr. Mayer stated that there are no immediate plans for it now. He used the map to show zoning and strategic plan. Many of the properties are still in the township.

Ms. Coleman asked if there is a timeline for development.

Mr. Mayer explained the process for annexation and rezoning and how the city uses the strategic plan.

Mr. Kirby stated that the landowners have to decide to sell, then needs annexed into New Albany which would become AG and then rezone.

Ms. Coleman stated that I am most concerned with manufacturing. How will that impact my property value, quality of life and if it does in a negative way will

I be compensated for that. Trying to understand why it's not being done comprehensively.

Mr. Kirby stated that that strategic plan doesn't give rights it's only a view if people want to make changes. You may see areas of the strategic plan that are different than how they are built now. For noise control, some comes from setbacks, use restrictions and platting. Will these come back for a development plan?

Mr. Mayer stated no, private development plans will be reviewed and approved by staff after this rezoning and conditional use approval. It's only planned unit developments that come back to this board for development plan review.

Mr. Kirby asked if this zoning and the Beech Road South touch.

Mr. Mayer stated no but very close and showed on the map.

Mr. Arlo Pikkarainen, 14617 Morse Road, asked how will this development change traffic on be Morse Road.

Mr. Mayer stated that we are not aware of any planned improvements to Morse Road at this time. The reason for that is the improvements to Beech Road and we want and feel that any traffic from these developers to go to the SR 161 interchange. We will get traffic analysis at the time of development. But with our improvements and the wishbone road, those are the types of improvements we see to get traffic to go north.

Mr. Pikkarainen confirmed that there are no plans to change Morse Road from two lanes to four lanes.

Mr. Mayer stated no plans to widen it that I'm aware of.

Mr. Pikkarainen asked if the city utilities will come to the south side of Morse Road.

Mr. Kirby stated that New Albany can't expand south of Morse Road with the current water and sewer contract.

Mr. Mayer stated that believes that is correct. Some of that is township and the majority is Pataskala. To get water and sewer you would need to annex into New Albany to be served. We have an agreement with Columbus that we won't serve other properties unless they are part of the City of New Albany.

Mr. Pikkarainen asked if there was any opportunity to annex into New Albany.

Mr. Mayer stated that I believe that our current water and sewer agreement would not allow that on the south side of Morse Road.



Mr. David Doran, 6161 Babbitt Road, stated that I believe that this will be the new Harlem Road, we have farms, The Golf Club and many high end homes that sit back behind the golf course. What I would like to see is the notch that sits out towards Babbitt to become a green space or buffer from the manufacturing. Manufacturing includes lots of options including a chemical company to a plant that has a lot of noise. The bigger buffer we have the better it will be. I understand the traffic pattern is supposed to be on Dublin Granville Road.

Mr. Kirby stated on Beech Road is where we want the traffic to go.

Mr. Doran continued that you're trying to. You also tried to put all the traffic onto Fodor Road and New Albany Road and now we have Harlem and Central College is really busy. It's growth of community and great. I would love to see a large company pick up all of it. But if the blue area is zoned the same as the green & red area why do you need that little notch on Babbitt to be zoned the same. Just back it off and give us some space unless the city thinking that corner is important for a company to take over that space. I understand frontage on roadway is important. I don't believe 200' setback is enough. If you have parking, you will have lights at night, which will light up my front yard at nighttime. I didn't buy in the country to have lights all night long. I've lived in the community since I was born and your trying to sell them a nice farm community but the more we can keep the green space the better. Babbitt Road has always been that way. I hope Beech Road is better when it's done. I can see in the near future, that traffic comes off of Morse Road goes down Babbitt and Beech. That's the traffic pattern, everyone is going north around New Albany to miss the New Albany traffic. It's going to continue. As we build more and more it's going to get worse. The people on Morse Road, if it's not three lanes from SR 605 and maybe roundabouts. If they decide to widen Babbitt Road, whose property will they take it from? Our properties are short in the front, houses close to the road. If anyone has right of way taken from them it should come from the huge field.

Mr. Kirby confirmed that the standard language about light spill on neighboring property.

Mr. Mayer stated that near zero light spillage at property lines and the text requires downcast lighting so you can't flood your site.

Mr. Doran asked if that is the same fixtures that Abercrombie uses. You can see the lights shining onto my uncle's property.

Mr. Kirby stated that use a light meter and you can get that fixed. It's in the zoning. The maximum height for the lighting fixtures is 30' and the setback is...

Mr. Mayer stated that 50' pavement setback and 100' building setback with mounding and landscaping with 75% opacity requirement.

Ms. Chrysler stated that the existing zoning is commercial. This text provides you additional screening requirements that are not required now.

Mr. Kirby asked if the Babbitt Road right of way dedication.

Mr. Mayer responded that there is a commitment in the text to provide right of way to the city along Babbitt.

Mr. Doran stated that during construction. Can we force the construction traffic on SR 161?

Mr. Mayer stated that we evaluate when a permit is reviewed. We work with the developer to minimize traffic for residences and mud on streets.

Ms. Chrysler stated that if it develops with one user it is easier for us to control construction access. If multiple users develop this site it creates a challenge because they required multiple access points. Our preference is one user, a great corporate campus and the utilization of the wetlands and trees and amenities. We can't control if the property is subdivided.

Mr. Doran asked if we can ask for a specific area to become a wetland.

Mr. Kirby stated that Ohio EPA and the Army Corp of Engineers make that determination.

Mr. Doran stated that wetlands can be created by that. We created a wetland in New Albany for the school. Can we have that area along Babbitt Road become a wetland to have the protection from the business?

Mr. Mayer stated that the city's goal and objectives are to preserve the existing wetlands and the environmentally sensitive areas.

Mr. Doran stated that I want to make sure that my goals mix with the city's goals. So as homeowners we know where we are at and how to move forward.

Mr. Kirby stated that because Babbitt Road is a short road and is not a major connector road. Looking at the all the different old road some have survived better than other; Kitzmiller Road has weathered fairly well. Hopefully we can pull that off with Babbitt Road.

Mr. Tom Marlow, 6161 Babbitt Road, stated that the vision hasn't change. If the manufacturing is approved what would stop the vision from changing and the residents being stuck with the noise and pollution of the traditional factory.

Mr. Mayer stated that we have two categories. This manufacturing use is more like advanced production such as biomedical or technology. The goal is to keep the campus type feel and what we have learned in working with other residents is providing things like the rooftop screening goes a long way with noise, setback and additional landscaping. We have worked with existing companies to add those where it is not required in addition to the larger setbacks and the mounding / landscaping required.

Mr. Marlow stated that to be clear, to be more traditional manufactory it would need a rezoned.

Mr. Mayer state yes, it is prohibited in this text and would need rezoning and neighbors would be notified.

Mr. Chad Jenson, 6171 Babbitt Road, asked how soon they could break ground.

Mr. Kirby stated that from here it needs to go to Council, 30 days waiting period for legislation, pulling permits, including Army Corp of Engineers and Ohio EPA. I would think that many are not started because they need a user before they can start many of these items.

Ms. Chrysler stated that if tomorrow someone signed, they could be under construction in 4-6 months. Realistically, October would be earliest but more likely spring of 2018.

Mr. Jenson asked what the construction hours of work.

Mr. Mayer stated 7:00am - 7:30pm, Monday - Saturday.

Mr. Kirby stated that companies can have that waived for certain situations.

Mr. Jenson stated that he has been working in manufacturing warehouse for many years. Even the companies that don't do large scale manufacturing process. Every time you back up a trailer, you hear the truck for miles. It won't be the country any more, our quality of life will suffer.

Ms. Coleman stated that this small section of Babbitt Road has house close; asked if that is the only place where we have houses that close to this property.

Mr. Mayer showed a map and explained the different areas and believes that most areas are farm or residential down Babbitt.

Ms. Chrysler stated that the zoning is consistent with the blue area on the map so it would also impact the south side of Morse and west side of Babbitt Road. They don't have to be in the City for us to consider them residential close by.

Mr. Schell asked if the rezoning would impact traffic with how it is zoned now.

Mr. Mayer stated no, we believe the number of employees would be the same in either typical office use or the manufacturing/ production uses.

Mr. Wallace asked if the proposed text pretty much the same as the Beauty Campus text.

Mr. Mayer explained that they used the Beech Road Interchange text to the east as a base text and added some of the best practices from other texts. We added the newer elements from texts to this text.

Mr. Wallace stated that from the minutes from the 2015 meeting there was a lot of discussion about the environmental work and taking it back to its original state.

Mr. Underhill stated that we began the work but the work stopped when we lost the user. We are taking a step back to try to be a little reactionary to what they want to do. It will be a question of what the user brings to the table, how they situate their campus and we will continue down the same path.

Mr. Kirby asked if 50' building and pavement setback enough next to zonings that allow residential uses.

Mr. Wallace these setbacks seem more like business campus and not the natural habitat campus.

Mr. Kirby stated that they are only setback 50' on rear yard.

Mr. Wallace asked if going to 100' would be a problem.

Mr. Mayer stated that 50' setback is typical in the personal care and beauty park and other zonings within the southern portion. One of the things we picked up is the tree preservation and providing 75% opacity and allowing mounding.

Mr. Wallace stated that this is the only opportunity for these adjacent homeowners. Haven't in the past, we added a condition that required notification of neighbors when building permits were submitted.

Mr. Mayer stated that page 8 of 9 of the zoning text states that if there are existing trees within this perimeter area (setback area) and the desire among the parties is to preserve the existing trees then the mounding may be omitted and the existing trees may be utilized as existing screening. That was part of the conversation with Morse Road.

Mr. Kirby stated don't kill my tree row to put in a mound.

Mr. Wallace asked how the homeowner gets to have input in the decision.

Mr. Mayer stated that it is up to the developer to work with the neighbors.

Mr. Wallace stated parties is not defined. I want to make sure it includes the adjacent property owners.

Mr. Mayer stated that we as staff understand that is the intent. It is in the section that discusses the screening between the commercial and residential uses.

Mr. Kirby stated a condition that states "parties" include adjacent land owners. He stated that homeowners can ask for them to install screening on your property. This can be win-win situations. Ask who the contact for the property owner is.

Mr. Underhill stated that he would be the primary contact.

Mr. Joe Sicilian, 5980 Babbitt Road, asked if it will it look more like an office park or the beauty park. Will the building height change?

Mr. Mayer stated that the height requirement has not changed and is 65'.

Mr. Wallace stated that what is in the beauty park could go here but that is not the intent or vision. It is a different area but could happen under the zoning.

Mr. Underhill stated that we have a lot of land north of SR 161 that is set aside for continuation of the Beauty Park and would like to leave this open for something special.

Mr. Kirby stated that he has two conditions listed including village decides on additional road and designs are to put new traffic on new road towards Beech and the second is parties include adjacent land owners regarding screening options.

Mr. Wallace moved to recommend approval to Council ZC-23-2017 based on the findings in the staff report and subject to the following conditions:

1. Reference to parties in the text includes adjacent land owner regarding screening options.
  2. Village gets to make decision on road options regarding any new additional road that is constructed and designed to put the new traffic onto Beech, seconded by Mr. Kirby.
- Upon roll call vote: Mr. Kirby, yea; Mr. Wallace, yea; Mr. Kist, yea; Mr. Schell, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

Mr. Wallace stated that the one concern he had was that we are authorizing a conditional use in very general terms without a user in mind. It noted in the staff report that we have done that before. In my mind that was a different scenario, it was done in connection with expanding the beauty campus in an adjacent manor. This is different situation. Jennifer's comments clarified some

concerns but I'm troubled by approving uses without some sense of what the use would be.

Mr. Kirby asked if the conditional use would be heard by the planning commission.

Mr. Mayer stated that is tonight's hearing.

Ms. Chrysler stated that we had a user we would come to Planning Commission to ask for permission for the conditional use but would not be able to disclose the nature of the business. Typically that is done in the due diligence phase and they are trying to find out if they can even move forward with that site. We would not be able to make the next cut if we can't show that a use is permitted.

Mr. Wallace stated that some of the concerns from the residents have to do with what it is. It tells someone what it can't be but not specific to what it can be. We tell residents this is the opportunity for the adjacent land owners to speak on the use and concerns. We are doing this blindly without any information.

Ms. Chrysler stated that it would not be any different if we had a user. We would be coming forward with the same request but not able to disclose anything other than manufacturing and production. I think we would be in the same place no matter what period of time we are in. It's just whether we do it now or later. I don't think the circumstances would change. Asked Mr. Mayer to confirm that the area that is adjacent to this already has the conditional use approved.

Mr. Mayer stated that was correct.

Ms. Chrysler stated it's not just the Beauty Park but also the area south of Beech Road. I respect your comments and comfort level but I don't think the presentation would be different if we waited until we had a user.

Mr. Wallace stated that he view this as a unique property. I don't remember approving a broad conditional use.

Ms. Chrysler stated that she doesn't know what the vote was for the other approved areas. I understand the continuation on Innovation Campus way but it is also approved in Beech Road South.

Ms. Coleman stated that she is confused that we are giving a blank check to a group to bring in a company that may or may not be good for the neighbors. Why is their right more than my right? There should be some protections for the existing neighbors.

Mr. Banchefsky stated that there are, if the intrusions on your property reaches the point of being inverse condemnation, major negative effect you have legal

rights. Other than that if what is going on constitutes a nuisance, there are public and private nuisances you have legal rights there.

Mr. Wallace stated that the problem comes from Ohio and most states laws, people who own property are allowed to use their property however they want to within the zoning restrictions and not creating nuisances or problematic to your neighbor. It becomes more of a negotiation between owners. That's why we have the public hearing so we can hear from each side.

Mr. Schell stated that staff is diligent when they vet the companies coming in. They are not going to allow a company that they have concerns with. I believe that there are hours of negotiations, hours of questions understanding the business, working with the land owner. I don't know that we are giving them a blank check; we still have staff to make sure that it's in the proper interest of everyone involved.

Ms. Chrysler stated that we turn away more opportunities than we respond to. We don't respond to any heavy industrial because that is not the nature of our community. That is one of the benefits of a master planned community. With respects to the comments made about not knowing specifically what uses within manufacturing category, we can tell you that it is not industrial sales, heavy industrial use. It narrows by the category to technology manufacturing and manufacturing as it relates to clean production. With the limited overlay text we have tried to put as much zoning protections as possible in place for the residents. We have 170 acres north of SR 161 that we think are more appropriate for typical industrial uses like the Beauty Park. We think this is a special area. Headquarters doesn't mean just office anymore. It means something like Pharmaforce and Abercrombie which has data center, office and warehousing. Those are the types of uses we are looking for.

Mr. Pikkarainen asked if the property owners will be notified of what kind of business is going to build next door.

Ms. Chrysler stated that we don't notify neighbors of the business coming in. Even if we came back at a later time with a conditional use application we would not have the company name.

Mr. Pikkarainen confirmed that there is no way to find out who is moving in next door.

Ms. Chrysler stated that we don't notify. But we have residents that visit us on a frequent basis to find out what's going on around them. We answer any questions that we have about the different prospects that we are working with. There is not a notification process.

Mr. Rubey stated that I believe that road plats and adjacent neighbors will be notified of the plat.

Mr. Pikkarainen asked if signs will be installed.

Mr. Mayer stated that signs are only used for rezoning applications.

Mr. Rubey stated that new public roads will be built that are required to be platted that dedicates the ground to the city and build the road.

Mr. Pikkarainen asked if he would be notified.

Mr. Kirby stated that anyone within 200' of a new plat would be notified by mail.

Mr. Wallace stated that if you are within 200' of where the road will be located you will be notified. You will also be notified under the condition of the zoning application if you are an adjacent land owner and there will be a discussion about the screening. Otherwise, you would need to contact the city occasionally to check status.

Mr. Kirby stated that you can also check this board agendas.

Mr. Wallace stated that we approved PharmaForce a several years ago. A neighbor came to us after that and complained about the noise. We asked staff to look at changing the noise ordinance, which turned out to be unfeasible. We also add the roof top screening language to zoning texts to correct the issue. That is our process that we go through. You get the benefit of the learned history,

Ms. Judy Sicilian, 5980 Babbitt Road, we live south of where New Albany Company owns. We had an agreement with Winding Hollow for a 50' buffer. Can we do that again? I think there were 3-4 neighbors that were part of this agreement.

Mr. Underhill stated that to the extent that there is an existing agreement that is recorded we couldn't change that would adhere to the agreements. In addition to the commitments we are making tonight.

Mr. Kirby moved to approve CU-24-2017 subject to the condition that approval of individual site plans for manufacturing and production users are subject to staff approval to confirm compliance with all applicable zoning requirements, seconded by Mr. Kist. Upon roll call vote: Mr. Kirby, yea; Mr. Wallace, yea; Mr. Kist, yea; Mr. Schell, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

**CU-25-2017 Conditional Use**

**Conditional Use for manufacturing and production for 321.28 ± acre area of land known as the Beech Road South Zoning District generally located on the west side of**



**Beech Road, south of State Route 161 and north of Morse Road (PID: 094-107502-00.000, 094-106860-00.000, 094-106860-0.001, 094-106404-06.000, 094-106404-02.000, 094-106932-01.000, 094-106860-00.002, 094-106860-00.004, 094-106404-05.000, 094-106404-02.001, 094-106860-00.003, 094-106404-04.000, and 094-106896-00.000)**

**Applicant: City of New Albany**

Mr. Mayer presented the staff report.

Mr. Ed Ferris stated no engineering comments.

Mr. Kirby stated that this is only the conditional use, we are not rezoning. Asked if the small section between to the two conditional use applications tonight already has this conditional use.

Mr. Mayer stated yes, and showed on the map all areas on the west side of Beech Road that allows this use.

Mr. Kirby stated that it allows for the integrated development over these zoning lines.

Mr. Mayer stated that was correct, the zoning texts were set up that way to allow for development occurring in different zoning text areas.

Mr. Tom Quinn, 14242 Morse Road, stated that he wants to know what will happen to the traffic. What you have done north of SR 161 has already created a Y, to a cross road and now a four way stop. What's next? Traffic in the morning, I can't get out of my driveway now. If you add more traffic to that, then what happens? You have semi and dump trucks coming down Clark State and Morse Road and trying to turn around. The stop sign out there is worthless, they drive through like it's not even there.

Mr. Kirby asked if the stop sign was in the village.

Mr. Quinn stated that New Albany oversees the stop sign. If there is an accident out there, you get the county, Pataskala, Gahanna, Sheriff and New Albany and then they figure out who it is.

Mr. Kirby asked if we officially know if it is ours or the counties.

Mr. Mayer stated that if it is on the North side I believe so, but I'm not sure where on the streets we annex to.

Ms. Chrysler stated that our council and city manager are very proactive working with other communities when we annex and do road maintenance agreements and traffic studies and analysis. We have not done an evaluation on Morse Road yet. We understand that with the Mink Road interchange and the

ability to get traffic to SR 161 and the improvements to Beech Road. We will studying that intersection next and working with the Licking County Engineer.

Mr. Kirby asked if we could look at that area for enforcement.

Ms. Chrysler stated that we can take a look at it. Asked for assistance from Sgt. Will.

Sgt. Will stated that we patrols the north stop sign on Beech and the roadway east of Beech.

Mr. Kirby stated that you could invite the sheriff to sit on your property / driveway to allow them to monitor traffic.

Sgt. Will stated that is how we met, I was sitting in his driveway waiting for the stop sign to be replaced.

Mr. Wallace moved to approve CU-25-2017 subject to the condition that approval of individual site plans for manufacturing and production users are subject to staff approval to confirm compliance with all applicable zoning requirements, seconded by Mr. Schell. Upon roll call vote: Mr. Kirby, yea; Mr. Wallace, yea; Mr. Kist, yea; Mr. Schell, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

Mr. Spalding thanked the members of the public for attending the meeting and sharing your concerns.

With no further business, Mr. Kirby polled members for comment and hearing none, adjourned the meeting at 9:08 p.m.

Submitted by Pam Hickok

# APPENDIX



## Planning Commission Staff Report May 24, 2017 Meeting

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### WINDING HOLLOW ZONING DISTRICT ZONING AMENDMENT

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LOCATION: Generally located to the south of and adjacent to Dublin-Granville Road, east of Babbitt Road, and to the west of Beech Road (PID: 220-002011, 220-00034-, 220-000470, 094-106404-03.00, 082-106842-00.000, 082-106494-00.000, 082-108192-00.000, 082-108198-00.000, and 082-106494-00.002).

APPLICANT: City of New Albany

REQUEST: Zoning Amendment

ZONING: L-OCD Limited Office Campus District to L-GE Limited General Employment

STRATEGIC PLAN: Office & Rural Residential Districts

APPLICATION: ZC-23-2017

Review based on: Application materials received May 10, 2017.

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*Staff report completed by Jackie Russell, Community Development Clerk.*

#### **I. REQUEST AND BACKGROUND**

The city requests review and recommendation to rezone 310.15 +/- acres. The request proposes to create a new limitation text for the area known as the “Winding Hollow Zoning District,” and will be zoned Limited General Employment (L-GE). The proposed limitation text meets the intent of the Strategic Plan’s mixed use office district land use category by providing compatible general employment uses. The application is scheduled for review by the Rocky Fork Blacklick Accord on May 23, 2017.

A conditional use for production and manufacturing within this subarea is being reviewed in conjunction with this application (CU-24-2017).

Rezoning to L-GE will provide greater opportunity to attract large corporate headquarters and technology parks since it allows for wider array of uses than the current OCD zoning. Rezoning to L-GE will maintain consistency with the surrounding zoning in the rest of the business park south of SR 161 as well. The limited overlay text provides for stricter limitations in use and design than typical

straight GE zoning districts, and retains or improves upon many of the requirements found in the existing zoning text. The request includes the following changes from the existing zoning limitation text:

1. Allow limited uses contained in the General Employment District. The existing Office Campus District zoning allows for office and data center uses. Rezoning to the proposed limited General Employment District will permit warehouse & distribution, off-premises signs, and research & production uses in addition to office and data center uses.
2. The maximum lot coverage changes from 70% to 75% (same as the surrounding L-GE zoning districts).
3. Enlarges setbacks from residential properties.
4. Building setbacks modified from 55 feet (OCD standard) to 100 feet along Babbitt Road and 50 feet along Dublin-Granville Road.
5. Adds additional guidelines and requirements regarding architecture, pedestrian connections between buildings and streets, and mounding requirements along roadways.

This new text contains the same list of permitted, conditional, and prohibited uses as other zoning district within the Personal Care and Beauty Campus, where companies such as Anomatic, Accel, Axium, and Veepak are located. Other development standards are almost identical to the surrounding subareas.

## **II. SITE DESCRIPTION & USE**

The Winding Hollow district was annexed into the city between April and September of 2015. This site was rezoned from AG Agricultural to L-OCD in October of 2015.

The site is located within both Franklin and Licking County, south of state route 161, west of Beech Road, and east of Babbitt Road. The neighboring uses and zoning districts include Agricultural (AG) and General Employment (GE). The site is comprised of the former Winding Hollow golf course and homes, barns, and farm fields.

## **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 proposed zoning text is a limitation text. A limitation text can only establish more restrictive requirements than the zoning code.

2. The site is predominately located in the 2014 New Albany Strategic Plan's Office Campus future land use district. A small portion of the property is located within the Rural Residential future land use district
3. The 2014 New Albany Strategic Plan's Future Land Use Map shows this area in the Existing Park/Open Space land use category, however, the underlying future land use is office.
4. Due to the proximity of this site to the State Route 161/Beech Road interchange and its location adjacent to commercially zoned land in the existing New Albany Business Park to the east, the site appears to be most appropriate for commercial development.
5. The limitation text uses the development standards from other L-GE limitation texts in the immediate vicinity and surrounding Business Park. The text proposes the following setbacks:
  - o Babbitt Road: minimum 50 foot pavement and 100 foot building setback from right-of-way. This matches the building setback from existing Business Park East limitation texts where residences are located across the street along Jugg Street and Harrison Road.
  - o Dublin-Granville Road: minimum building setback of 50 and minimum pavement setback of 25 feet from the right-of-way.
  - o Other public rights-of-way: minimum building setback of 50 and minimum pavement setback of 25 feet from the right-of-way.
  - o Perimeter Boundaries: 25 foot building and pavement setback from other commercially zoned properties. 50 foot building and pavement setback is proposed when adjacent to property with a zoning classification that permits residential uses.
6. This text contains same list of permitted, conditional, and prohibited uses as the Personal Care and Beauty Campus, where companies such as Anomatic, Accel, Axium, and Veepak are located.
7. The limitation text will allow for general office activities, warehouse & distribution, off-premises signs, data centers, 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.
8. Conditional uses include car fleet and truck fleet parking, and manufacturing and production.
9. Prohibited uses include industrial product sales and services, mini-warehouses, vehicle services, radio/television broadcast facilities, and sexually oriented business.
10. Due to the proximity of this site to the State Route 161/Beech Road interchange, and its location adjacent to commercially zoned land in the existing Licking County business park, the site appears 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 will be provided per code requirements (Chapter 1167) and will be evaluated at the time of development for each individual site.

3. The proposal contains the same commitments as the existing text for future right-of-way and easement dedications. These commitments match the adjacent L-GE zoning to the east.
4. The text requires the developer shall dedicate property to the city or other relevant political subdivision as necessary to provide a maximum of 30 feet of right-of-way as measured from the centerline of Dublin-Granville Road/Worthington Road and a maximum of 30 feet of right-of-way as measured from the centerline of Babbitt Road. All other public streets constructed within this Zoning District shall have a right-of-way width that is appropriate for the character and anticipated usage of such streets. The text requires the developer shall grant easements to the City which are adjacent to the aforementioned rights-of-way to the extent necessary to provide for the installation and maintenance of streetscape improvements.
5. The 2014 New Albany Strategic Plan classifies several future streets within this zoning district as commercial collector typology. The 2014 New Albany Strategic Plan recommends between 85-107 feet of right-of-way be dedicated here.
6. 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 Personal Care and Beauty Campus are proposed.
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 Winding Hollow limitation text includes the same specific design requirements for uses not governed by the DGRs as those in the other subareas of the Licking County business park, which will ensure the quality and consistent design of these buildings throughout this portion of the business park.
4. The text requires complete screening of all roof-mounted equipment and appurtenances on all four sides of the each building with materials consistent and harmonious with the building’s façade and character. Such screening shall be provided in order to screen the equipment from off-site view and sound generated by such equipment.

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

1. Maximum lot coverage for this subarea is 75% (same as the surrounding L-GE zoning districts).
2. The proposal includes the same tree preservation commitments as other recently approved zoning texts in the area and retains the existing focus on tree

- preservation.
3. The proposal contains the same commitment to preserve trees in this perimeter buffer area as the existing text. The limitation text requires that within the Preservation Zones located within the minimum required perimeter setbacks not along a public right-of-way, the developer shall preserve existing healthy and mature trees and vegetation but shall be permitted to place utilities within or allow them to cross through these areas, provided, however, that the developer shall use good faith efforts to place utilities in a manner that minimizes the impact on healthy and mature trees. Trees that are in good health and that are at least four (4) caliper inches in diameter at a height of three (3) feet above the ground shall be preserved where reasonably practical. Trees within these areas may be removed if they present a danger to persons or property.
  4. The proposal contains the same commitment to preserve trees in the interior of the site as the existing text and is a similar approach that was used for a preservation area in the Personal Care and Beauty Campus. The text requires the final boundaries of the internal preservation areas shall be the same as the boundaries of the portions of the site that are required to be preserved under applicable federal and state laws and may be amended from time-to-time.
  5. The limitation text commits that prior to commencing development in a portion of the zoning district that contains a Preservation Area; the developer shall provide detailed legal descriptions of the Preservation Area to the Director of Community Development for record keeping and enforcement purposes.
  6. The General Employment District requires where it abuts any district where a residence is a permitted use landscaping in accordance with C.O. Section 1171.05 shall be provided. Chapter 1171 requires natural vegetation that has 75% opacity and a height of 10 feet within five years of planting.
  7. The proposal includes language that states site layout should avoid unnecessary destruction of wooded area unless they are diseased, interfere with utilizes, or are part of a development plan. Attempt should be made to preserve existing trees and tree rows. Areas not developed may remain in their natural state or may be used for agricultural purposes.
  8. Landscaping within the required minimum building and pavement setbacks along Dublin-Granville Road and Babbitt Road shall be provided in accordance with the following standards (same as the existing zoning district):
    - a. A minimum of seven (7) deciduous trees shall be installed for every 100 feet of frontage on the public right-of-way. Such trees shall be planted in random locations (i.e., not in rows). No more than 30% of such trees shall be of a single species.
    - b. Mounding shall be permitted but not required along Dublin-Granville Road. When utilized, mounding shall have a minimum height of 3 feet and a maximum height of 12 feet. The slope of mounds shall not exceed 3:1 from the crest of the mound extending toward the private site, and shall not exceed a 6:1 slope from the crest of the mound extending toward the public right-of-way.
    - c. Mounding is required where residences are across the street along Babbitt Road. A minimum six (6) foot high mound shall be installed



along the property line and shall include a landscape buffer on the mound which shall consist of a mixture of deciduous trees, evergreens and bushes to provide an opacity of 75% five years after planting to a total height of 10' above ground level. If there are existing trees within this perimeter area and the desire among the parties is to preserve the existing trees then the mounding may be omitted and the existing trees may be utilized as the required screening.

- d. A standard New Albany white four-board horse fence may (but shall not be required to) be provided within the public right-of-way.
9. Street trees will be located an average of 30 feet on center throughout the development.
10. Minimum tree sizes for on-site trees match the standards in the Personal Care and Beauty Park and the surrounding zoning districts.

#### **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.

#### **F. Other Considerations**

1. The property owner has submitted a school impact statement which states the proposed L-GE zoning will result in fewer children in the school district and add significant value to the land that will be a substantial financial benefit to the school district.

### **IV. ENGINEER'S COMMENTS**

1. The zoning text was under review by the City Engineer at the time of this staff report's publishing. Comments will be provided at the meeting.

### **V. RECOMMENDATION**

#### ***Basis for Approval:***

The proposed rezoning is generally consistent with the principles of commercial development in the Strategic Plan, the existing business park in Licking County and the criteria established in C.O. 111.06. . 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 zoning is consistent with adjacent properties in the city business park (1111.06(d)).
3. The L-GE rezoning application is an appropriate application for the request (1111.06(e)).

4. The overall effect of the development advances and benefits the general welfare of the community (1111.06(f)).
5. 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.

## **VI. ACTION**

### **Suggested Motion for ZC-23-2017:**

**To recommend approval to Council of Zoning Change application ZC-23-2017 based on the findings in the staff report with following condition of approval (conditions may be added).**



**Planning Commission Staff Report  
May 24, 2017 Meeting**

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**WINDING HOLLOW ZONING DISTRICT  
CONDITIONAL USE**

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**LOCATION:** Generally located at the southeast corner of Dublin-Granville Road and Babbitt Road (PID: 220-002011, 220-00034-, 220-000470, 094-106404-03.00, 082-106842-00.000, 082-106494-00.000, 082-108192-00.000, 082-108198-00.000, and 082-106494-00.002))

**APPLICANT:** The City of New Albany

**REQUEST:** Conditional Use for Manufacturing and Production

**ZONING:** L-OCD Limited Office Campus District but proposed to be rezoned to L-GE Limited General Employment

**STRATEGIC PLAN:** Office & Rural Residential District

**APPLICATION:** CU-24-2017

Review based on: Application materials received May 10, 2017.

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*Staff report completed by Jackie Russell, Community Development Clerk.*

**I. REQUEST AND BACKGROUND**

The applicant requests approval for manufacturing and production as a conditional use within the Winding Hollow zoning district. The district is proposed to be zoned L-GE and the proposed conditional use will allow for the manufacturing, processing, fabrication, packaging, or assembly of goods. If approved, the conditional use will apply to the entire 310.19 acre zoning district.

**II. SITE DESCRIPTION & USE**

The Winding Hollow district was annexed into the city between April and September of 2015. This site was rezoned from AG Agricultural to L-OCD in October of 2015. The site is located within both Franklin and Licking County, south of state route 161, west of Beech Road, and east of Babbitt Road. The neighboring uses and zoning districts include Agricultural (AG) and General Employment (GE). The site is comprised of the former Winding Hollow golf course and homes, barns, and farm fields.

**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 Planning Commission approved the same request for numerous other subareas on the north side of State Route 161 and the adjacent Beech Road Interchange District at the southwest corner of Beech Road and Dublin-Granville Road.
- 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 Babbitt Road right-of-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 to confirm compliance with all applicable zoning requirements.
- The Beech Road Interchange District at the southwest corner of Beech Road and Dublin-Granville Road received approval for the same request in September 2016. Allowing the manufacturing and production uses in this expansion district would allow both sites to be developed holistically.
- The Planning Commission has approved similar comprehensive conditional use applications for manufacturing and production uses in other subareas within Licking County. This has enabled the city to land several economic development projects with quick construction timelines. To maintain a competitive advantage over other locations, upon approval of the conditional use application it will be exempt from time limitations of C.O. 1115.07. Because speed to market is one of the most important factors when a company is undertaking site selections, having the conditional use previously approved has a positive benefit to the city's economic development goals and fiscal strength.

(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 overall area. The New Albany business park consists of four clusters. The portion of the business park 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 surrounding commercial areas 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 Winding Hollow 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.*

- This site is located adjacent to Babbitt Road, Dublin-Granville Road and near State Route 161. This conditional use will not have any more impact on public facilities and services than will the uses that are permitted in the underlying zoning. Sewer and water service is available for the 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 commits to allow uses on the site that do not produce excessive amounts of traffic, noise, smoke, fumes, glare or odors.

- The zoning text requires the complete screening of roof-mounted equipment on all four sides of the building with materials that are consistent and harmonious with the building's façade and character for sound and views. This will provide additional noise abatement to neighboring properties in addition to improved aesthetics.

(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.
- 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. The limitation text commits to provide additional right-of-way along major corridors to ensure there is adequate service.
- 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 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. The Business 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 and technology parks.

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.

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

## **VI. ACTION**

### **Suggested Motion for CU-24-2017:**

**To conditional use application CU-24-2017 based on the findings in the staff report with following condition of approval (conditions may be added)**

1. Approval of individual site plans for manufacturing and production users are subject to staff approval to confirm compliance with all applicable zoning requirements.



**Planning Commission Staff Report  
May 24, 2017 Meeting**

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**BEECH ROAD SOUTH ZONING DISTRICT  
CONDITIONAL USE**

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**LOCATION:** Generally located on the west side of Beech Road, south of State Route 161 and north of Morse Road (PID: 094-107502-00.000, 094-106860-00.000, 094-106860-0.001, 094-106404-06.000, 094-106404-02.000, 094-106932-01.000, 094-106860-00.002, 094106860-00.004, 094-106404-05.000, 094-106404-02.001, 094-106860-00.003, 094-106404-04.000, and 094-106896-00.000)-))

**APPLICANT:** The City of New Albany

**REQUEST:** Conditional Use for Manufacturing and Production

**ZONING:** L-GE Limited General Employment District

**STRATEGIC PLAN:** Office District

**APPLICATION:** CU-25-2017

Review based on: Application materials received May 10, 2017.

*Staff report completed by Jackie Russell, Community Development Clerk.*

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**II. REQUEST AND BACKGROUND**

The applicant requests approval for manufacturing and production as a conditional use within the Beech Road South 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. If approved, the conditional use will apply to the entire 321.28 +/- acre zoning district.

**II. SITE DESCRIPTION & USE**

The Beech Road South district was annexed into the city on April 21, 2015 via Ordinance O-15-2015. The site is located within Licking County, located on the east and west sides of Beech Road, south of State Route 161 and north of Morse Road. The neighboring uses and zoning districts include L-GE and unincorporated residential. The site itself is comprised of residential structures, farm fields, and a wetland mitigation bank.

**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 Planning Commission approved the same request for numerous other subareas on the north side of State Route 161 and the adjacent Beech Road Interchange District at the southwest corner of Beech Road and Dublin-Granville Road.
- The limitation text establishes setbacks that are more stringent than the minimum GE requirements. The text requires a minimum pavement and building setback of 100 feet from Morse Road right-of-way and a minimum pavement and building setback of 50 feet from the Beech Road Road right-of-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 to confirm compliance with all applicable zoning requirements.
- The Beech Road Interchange District at the southwest corner of Beech Road and Dublin-Granville Road received approval for the same request in September 2016. Allowing the manufacturing and production uses in this expansion district would allow both sites to be developed holistically.
- The Planning Commission has approved similar comprehensive conditional use applications for manufacturing and production uses in other subareas within Licking County. This has enabled the city to land several economic development projects with quick construction timelines. To maintain a competitive advantage over other locations, upon approval of the conditional use application it will be exempt from time limitations of C.O. 1115.07. Because speed to market is one of the most important factors when a company is undertaking site selections, having the conditional use previously approved has a positive benefit to the city's economic development goals and fiscal strength.

(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 portion of the business park 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 surrounding commercial areas 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 South 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.*

- This site is located adjacent to Beech Road and Morse Road. This conditional use will not have any more impact on public facilities and services than will the uses that are permitted in the underlying zoning. Sewer and water service is available for the 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 for the City 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 commits to allow uses on the site that do not produce excessive amounts of traffic, noise, smoke, fumes, glare or odors.

- The zoning text requires the complete screening of roof-mounted equipment on all four sides of the building with materials that are consistent and harmonious with the building's façade and character for sound and views. This will provide 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. The limitation text commits to provide additional right-of-way along major corridors to ensure there is adequate service.
  - 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 north, the site appears to be most appropriate for manufacturing and production uses.
  - 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. The Business 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 and technology parks.

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.

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

## **VI. ACTION**

### **Suggested Motion for CU-25-2017:**

**To approve conditional use application CU-25-2017 based on the findings in the staff report with following condition of approval (conditions may be added)**

1. Approval of individual site plans for manufacturing and production users are subject to staff approval to confirm compliance with all applicable zoning requirements.