



## Planning Commission

### Meeting Minutes

May 21, 2018

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 7:04 p.m.

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

Staff members present: Stephen Mayer, Development Services Manager; Ed Ferris, City Engineer; Mitch Banchefsky, City Attorney and Pam Hickok, Clerk.

Mr. Wallace noted that the motion for case PDP/FDP-24-2018 was made as 25-2018. Not sure which is correct and asked Mitch on how to correct the motion.

Mr. Mitch Banchefsky stated that the minutes should be tabled to allow staff to review the audio and correct the minutes for further review.

Moved by Mr. Kirby, seconded by Mr. Wallace to table the April 16, 2018 minutes. Upon roll call vote: Mr. Kirby, yea Mr. Wallace, yea; Mr. Shockey, yea Mr. Schell, yea; Mr. Kist, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0.

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

Mr. Mayer stated no changes.

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

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

Mr. Kirby asked for a motion to accept the staff reports into the record.

Mr. Wallace stated that he attended the APA conference. One of the sessions discussed procedural items such as the swearing in of witnesses and who should be sworn in, should staff be sworn if they are presenting or making recommendations and whether and when staff reports should be entered into the record. Does that really include any handouts that we have received during the meeting? Do we need to re-examine these issues. Maybe it should be on a case by case basis at the end to include any items received during the case.

Mr. Banchefsky stated that there are merits both ways. In terms of documents that are presented during the discussion, those should be formally accepted into the record.

Mr. Kirby stated that in the minutes it is noted when additional items are accepted.

Mr. Banchefsky stated that not sure about staff being sworn but it wouldn't hurt.

Mr. Wallace stated that it was an interesting discussion and it could be different depending on the staff member's role. One legal case that was decided in court; the judge required a full hearing due to the unclear record of who was sworn in. This could be an unforeseen consequence. Some issues that came up during the conference but it also showed that our staff is doing a great job. But we should step back every once in a while to make sure that we are continuing to use best practices.

Moved by Mr. Kirby, seconded by Mr. Schell to accept into the record the staff reports and related documents. Upon roll call vote: Mr. Kirby, yea Mr. Wallace, yea; Mr. Shockey, yea Mr. Schell, yea; Mr. Kist, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0.

### **ZC-32-2018 Rezoning**

**Rezoning of 170 +/- acres from Agricultural (AG) to Limited General Employment (L-GE) for an area south of Jug St, east of Beech Road, and east of Evans Rd (PID: 222-000443, 222-002133, and 038-11376-00.000).**

**Applicant: PowerGrid LLC. C/o Jack Reynolds**

Mr. Stephen Mayer presented the staff report.

Mr. Ed Ferris provided engineering comments.

Mr. Jack Reynolds, Smith & Hale, introduced the members available for questions tonight including Michael Arhm with PowerGrid LLC and Amy Nagy with EMH&T. PowerGrid goes around US to find sites for development. Two of the pieces of this area were in the township and have the second reading at Council in a few weeks for annexation. As we started the process we spoke with Jennifer Chrysler and Steve Mayer to determine the appropriate zoning district, which we believe to be L-GE. We found that we were in compliance with the strategic plan and then starting working on the details such as setbacks and road connections. We have PowerGrid who is the developer, not the builder, so we are giving you the parameters to develop the property. We are marketing the property but what we are looking at tonight is to provide the parameters to ultimately come in for a building permit. What we did prepare and want to share with you is to shown the proposed landscape buffer (provided typical landscape buffer detail to board members). We have many items that will need to be discussed later as a result of this zoning change such as storm water, traffic study, etc. This is text that has been utilized in the past, we are not trying to recreate. We have preliminary plans for storm water detention to hopefully address some concerns of development. We don't know what kind of buildings or tenants and can't finalize any plans until we have a user.

Mr. Kirby stated that we received document from EMH&T dated 2/26/18 for the landscape buffer. It appears to conflict with the limitation text. This calls for 125' setback for buildings and the text says 100'.

Mr. Reynolds stated that this is for illustration purposes only, it should be 100 feet.

Mr. Kirby asked where this area borders residential and what the general drainage is.

Mr. Reynolds provided the board member a pre-development tributary map. Amy will tell you that there are tiles in the area, as well, which will need to be taken into account. Provided a post-development tributary map. This board and we understand that we must keep the drainage the same as existing.

Mr. Kirby stated that mounding will not happen until final development plan is approved.

Mr. Reynolds stated that everything would need to be studied before we receive any approvals.

Mr. Mayer stated that this is being rezoned to L-GE so this board will not have a second review. The storm water basin and site improvements will be reviewed by staff when submitted.

Mr. Kirby stated that if you are adding a mound you could very easily change the drainage and water sheds.

Mr. Reynolds stated that we will direct it to a detention area.

Mr. Kirby stated that the price of the mound is that you may get changes in your drainage / sheet flow. It offers the neighbors a more informed decision on whether they want a mound or the existing tree row. Asked Mitch Banchefsky if we need a condition regarding the annexation.

Mr. Banchefsky stated that you don't need to because we can't zone if it is not annexed.

Mr. Shockey asked staff if page 1 in the staff report refers to mini-warehouses. What is that?

Mr. Mayer stated that it is the individual public storage units.

Mr. Shockey stated that in the last meeting we seem to have concerns with losing the small warehouse uses. So this would not prohibit a small warehouse space from developing. This could provide some opportunity for small office/warehouse uses.

Mr. Mayer stated that the larger warehouse users are permitted.

Mr. Shockey asked if there is a minimum size for a warehouse use.

Mr. Mayer stated the code doesn't provide a square footage but it does provide examples. The mini-warehouse are mini storage units that the public uses for temporary storage. I think the intent is the larger commercial warehouse type uses.

Mr. Shockey asked Mr. Reynolds if he understands his concern. I checked with staff and the setbacks along Central College Road for A&F is 100' setback for pavement and a very large building setback. I like the idea of 100' setback along Jug Street and Mink Street to keep the rural feel. The user may want a larger setback but the zoning text is the minimum standards. I will continue to push for larger setbacks on these roads. Jug Street is one of the roads that should be considered for the 100' pavement setback.

Mr. Kirby asked if under the Rocky Fork Blacklick Accord Central College has a 200' setback from centerline.

Mr. Mayer stated yes.

Mr. Kirby asked if Jug Street is different than Central College Road.

Mr. Mayer stated no, in the strategic plan they both have rural designations.

Mr. Kirby confirmed that it is one of the rural corridors that RFBA is supposed to preserve. Why are we at 100' setback when the rural corridor is 200' for Jug Street?

Mr. Mayer stated that we take into consideration many items including the strategic plan shows this area as a growth area. The RFBA is a policy document. We take into account the commitments are for mounding and landscaping which is above and beyond the accord document recommendation. What is consistent with the existing business park and where the business park could expand in the future?

Mr. Kirby confirmed that the RFBA did approve this application.

Mr. Mayer stated yes, they reviewed and approved it. They reviewed the Franklin county side but they saw the entire area.

Mr. Wallace stated that the screening and mounding that will be required will functionally one of the bigger setbacks because it fosters the rural corridor look.

Mr. Mayer stated that staff believes so, we take those type of factors into consideration. As the business park has grown so has the landscaping and the buffer setbacks as neighbors have been involved.

Mr. Shockey stated that part of Jug Street has been in front of this board before and received the 50'/100' setbacks.

Mr. Mayer stated correct, showed on the zoning map the areas of Jug that has the 50' pavement / 100' building setbacks.

Mr. Shockey asked what the AEP setbacks are.

Mr. Mayer stated that they are considered a public utility and are exempt from the setbacks.

Mr. Reynolds stated that the future land use plan shows the area north of Jug as possible commercial and we would want consistent setbacks for pavement and buildings.

Mr. Shockey asked if the setback is measured from the right of way.

Mr. Mayer stated correct, it has a 50' right-of-way.

Mr. Shockey will probably be 100' road.

Mr. Mayer stated that the city engineer would evaluate at the time of development.

Mr. Kirby stated that 100' building setback is from the right of way line or the property line whichever applies. So we have about 150' from centerline which is closer to the RFBA standards.

Mr. Mayer stated that it is 50' on this side of the road.

Mr. Kirby stated that Evans Road is not mentioned in the text.

Mr. Reynolds stated that only a small piece of the curve of Evans is bordering this property.

Mr. Kirby stated that the setbacks are not mentioned for Evans Road so what setback would apply.

Mr. Reynolds stated we have a 25' setback off of the edge of the cul-de-sac.

Mr. Kirby asked if there is buffer in the landscaping.

Mr. Reynolds stated that we included that as a landscaped area.

Mr. Mayer stated that it abuts the commercial A&F property.

Mr. Kirby asked if the mound was 3:1 slope.

Mr. Mayer stated that we have allowed that before between two private properties. We want the natural slope of 4:1 to 6:1 along the streets. We allow for the up to 3:1 on the

private development side to make sure that it fits in the setback areas. That is consistent with other approved landscape plans in the personal care and beauty campus.

Mr. Kirby confirmed 3:1 slope on the internal side. What slope on the right of way side?

Mr. Mayer stated that 4:1 to 6:1 on the public row side. Between two private properties staff would agree to a 3:1 on both sides.

Mr. Kist stated that the exhibit shows 3:1 on both sides.

Mr. Kirby stated that again the handout does not match the zoning text. The zoning text would rule.

Mr. Reynolds stated that it is just illustrative.

Mr. Kirby asked for other board comments. (no response). Asked applicant for any conflicts with conditions.

Mr. Reynolds state no.

Mr. Kirby stated that the code states that no cul-de-sacs greater than 900 feet.

Mr. Mayer stated that he would need to research and confirm that. Right now there is no requirement or commitment in the zoning text that the street be extended to the length. The zoning text requires 50' right of way and additional easements along Innovation Campus Way. The applicant will need to come back for a final plat to dedicate the public right of way, so we can evaluate the road length at that time. It is also anticipated by staff that the condition that they enter into a right of way agreement will help mitigate and confirm where future streets will be in place.

Mr. Kirby stated that since we don't get a final development plan I want to make sure to address circulation tonight.

Mr. Jim Harris, attorney on behalf of Michael Sergakis, owns the property to the north and east of the proposed development. This is residential property, used for residential and agricultural purposes. He has some grave concerns about how this will be zoned and developed. A lot of this property is in the wetlands and/or in a flood zone. He has grave concerns about the additional concrete and drainage. I have spoke with Mr. Reynolds about performing hydrology studies. Within 10 feet of his southern boundary contains his sanitation system and well which provide water for the household, animals and crops. We would like some hydrology studies to be performed to show that it will not negatively affect his well or septic system.

Mr. Kirby stated that he would recommend to have the well professionally flow tested before any construction. Then if it changes you would have a clear case to take to the developer.

Mr. Harris stated that we want to prevent the problems. We are talking about minimum parameters and that is the concern; what will really happen. Mr. Sergakis had to build a bridge across the stream to access his property from Evans Road. Any change to the water may cause him to lose access to his property. All we are asking for is a proper hydrology study that will show the effect on his property including his sanitation, access to his property and possible flooding.

Mr. Kirby asked if EMH&T would like to comment.

Ms. Amy Nagy, EMH&T, stated that we don't have a detailed study. Without a development plan we are not able to site final locations of basin.

Mr. Shockey asked what a hydrology study is.

Ms. Nagy stated that we have talked about a study that would include a study of existing conditions, existing tiles, and then using the max lot coverage established by zoning. I can never discharge more than what is existing. I can do a master drainage plan but it would then be modified with each site as developed.

Mr. Shockey confirmed that you are able to complete a hydrology / drainage plan.

Ms. Nagy stated that she would call it a master storm water management plan.

Mr. Shockey asked when the appropriate time to complete that study is.

Ms. Nagy stated that we typically do it with the development plan. The pre-development flow rates will not change. The storm water flow is reviewed with every site as part of the engineering review.

Mr. Kirby confirmed that it is in the development process.

Mr. Mayer stated that there will not be a development plan for this board. The first step of the staff review is the engineering plan review.

Mr. Shockey asked if it would be appropriate to allow a meeting regarding the drainage with the neighbors, like a community meeting.

Mr. Mayer stated that it is an administrative process. We have never reached out to neighbors for the engineering process but the plans are public records and staff would be willing to sit down with neighbors for review. It is a very technical document and is reviewed by the city engineer.

Mr. Kirby asked if it is a public document when the review is complete.

Mr. Mayer stated that it is a public document as soon as it is received.

Mr. Kirby stated that we could notify the neighbor when the document is received.

Mr. Mayer stated that we have not done that before.

Mr. Kirby stated that we have added notifications when not required in the past.

Mr. Banchefsky stated that the property owner should submit an ongoing public records request. I have concern about putting the responsibility on staff.

Mr. Wallace asked if a public records request has an expiration date.

Mr. Banchefsky stated that it depends on how it is written.

Mr. Wallace stated that he agrees with not putting the responsibility on staff but if the records request has an expiration date the neighbor should be notified.

Mr. Schell asked how long a study would would take for this size property.

Ms. Nagy stated it depends on the level of detail but about 4-6 weeks. There are assumptions being made. The baseline is to use the zoning.

Mr. Wallace stated that it is not an issue related to the zoning. It is related to the development after the zoning is in place. I have a problem putting this on the applicant.

Ms. Nagy stated that we can establish pre-development rates can be done.

Mr. Kirby stated that it is not called for until ready for development.

Mr. Kist stated that everything would be shown as potential.

Ms. Nagy stated that until you have a layout, do you have 1 building or 3 buildings; individual basins or campus basin.

Mr. Kirby asked if there are delineated wetlands.

Ms. Nagy showed on the map the wetland areas.

Mr. Kirby asked if we can have the large size plans or electronic copy that we can zoom in. These are hard to read.

Mr. Mayer stated that we can look into it and we can request that the applicant submit large size plans.

Mr. Wallace asked about the wetland to be removed.

Ms. Nagy stated that is our intent but no permits have been submitted.



Mr. Kirby asked if that is the .06 acre sized wetland.

Ms. Nagy stated yes.

Mr. Spalding asked if the farm on the existing 14 acres.

Mr. Harris stated that he owns 4 parcels, about 18 acres. He farms on one property, 3 residential properties and a large barn and large garage. His home sits about 25 ft. (shown on map) and his property is in the floodplain.

Mr. Kirby asked for any other concerns.

Mr. Harris stated that it is also ground water. This will be developed within 100 feet of his property. What is the ground water affect going to be on the quality of water? Adding pavement, buildings and vehicles will affect the ground water.

Mr. Kirby asked how deep the well is.

Mr. Harris stated that he didn't know the depth of the well. He received the notice last Wednesday and he is out of the country. Some of the other concerns includes the setbacks. The parameters could be 100' setback but within the setback is a 3:1 mound right up against his property. That is the only way it would fit.

Mr. Kirby asked if the gentle slope is also on the neighbor's side.

Mr. Mayer stated that we don't have any set standards between two private properties.

Mr. Kirby asked if he had a tree line.

Mr. Harris stated that he has an existing tree line on part of the property. There is a decent tree line but I believe he would like mounding. This allows for a 65' tall building within 100 feet of his house it will need to be mounded and protected. You protect your roadways better. What is proposed here is a 6 foot mound with trees that within five years will give 16 feet of opacity. That would hit is second story and you have a 65 foot building. This is the problem with parameters. Once the zoning is passed its permissible.

Mr. Spalding asked what the rear setback from his house to the property line.

Mr. Harris stated that he didn't know, because of notice he couldn't be here. My guess would be 25' from the southern property line.

Mr. Kirby asked if his house fronts Evans Road. His rear yard is many hundred feet but the side yard is about 50 feet. Used map to show.

Mr. Harris stated that we are not saying that it shouldn't be zoned but it needs more time to work with the neighbors. By the time a public records request occurs; it's done. I don't think anyone wants to get involved in anything more difficult. Can we put conditions on this, negotiate some conditions that are reasonable.

Mr. Spaulding asked if he would recommend any conditions.

Mr. Harris stated that it works better to work with the developer. I would recommend that a hydrology study before the zoning is done. I strongly suggest that the setback for pavement is 100' and building is 200'. Give him some space. Mounding be appropriate so that the three floors of building lights are not shining into his house. They are things that I think we could discuss with the developer and possibly work out. I know we already talked about Evans Road entry/connection and we were told that there won't be a connection.

Mr. Kirby stated that I can understand not having any commercial traffic on Evans Road. Would you object to emergency access road?

Mr. Harris stated that the A&F emergency access road is used on a daily basis by the employees. We understand that they will be developed all around them but give these residents some peace.

Mr. Carl McCullough, owner of Maple Manor Properties which is east of this property. We have greenhouses and production nursery. We would ask that we get the right setback as the road frontage. We have an existing tree row that is important to our business to help protect our nursery from weather. Our other concern is if we have a building within 25' of the tree lines. We have certified arborist on our staff and we have a tree within the property line that is over 200 years old. We want to preserve it. We are not opposed to the rezoning we just want the consideration. We have had an increase in water since Amazon started development.

Mr. Shockey stated that the text states a 50' pavement / 100' building setback.

Mr. McCullough stated that my understanding is that we could have a building within 25'.

Mr. Shockey stated that the text states that the perimeter boundaries which should be 50' for pavement and 100' for building.

Mr. Mayer stated that the 50' / 100' is where it is along residential for other properties it is 25'.

Mr. McCullough stated that they live on the property.

Mr. Kirby asked what his zoning is.

Mr. McCullough stated that they are zoned AG.

Mr. Kirby stated that AG allows for residential so this would qualify as a residential use. Mr. McCullough showed on the map his property line. He stated that he understands that development will occur and just wants some consideration.

Mr. Mayer stated that the intent was for true single family residence. Our understanding was that it was a commercially zoned and used property. He asked the neighbor for his idea was for setbacks.

Mr. McCullough stated that because of our greenhouses, I think that 150' we could live with.

Mr. Mayer stated that for other commercially operated properties I don't think we have done the same as the residential. I think we have done 50' / 50'.

Mr. Kirby stated that if they annexed into New Albany it would come in as agricultural, by default and we treat that as residential.

Mr. Shockey stated that it's not a residential property, it's a landscape company with a house.

Mr. Mayer stated that typically Council requires an agreement that requires them to rezone to an appropriate zoning district for the current uses.

Mr. McCullough stated that we had it zoned with the conditional use permit so we could run the business and we live there.

Mr. Kirby confirmed that he has an approved conditional use for the property.

Mr. Wallace stated that the zoning text D2 states that adjacent to property where residential use is permitted. So residential is permitted on this property so it falls into the larger setback.

Mr. McCullough stated that we use this for living, running our business and growing.

Mr. Kirby verified that the two small properties are residential.

Mr. McCullough stated yes, they are each 3 acre parcels.

Mr. Reynolds stated that it is zoned AG the use of the property is commercial operation.

Mr. Wallace stated that the text states residential use permitted and residential use is permitted on that property.

Neighbor stated that she is the farmhouse closest to the road. Are you talking about a building 50' from the road?

Mr. Corey Sheets, 14588 Jug Street, introduced his mother, Ms. Shirley Sheets, 14516 Jug Street, and assisted with communication.

Ms. Sheets stated that all the electric poles are on the north side and wants confirmation that nothing will disturb the electric.

Mr. Kirby stated that nothing will happen on the north side of Jug Street.

Ms. Sheets stated we have lived there for 45 years. I would like to see the hydrology test done as well.

Mr. Kirby stated that he had a road put in within 50 feet of my well. Have your well flow tested before development by a licensed professional. If you have problems after have it tested again and then you can take it to the developer.

Ms. Sheets asked that the last warehouse on Beech Road on the southwest side. That is not 50' from the road. It is right next to my other son's house. Will we run into the same problem?

Mr. Sheets stated that we have the same issues with water. We have creeks on both sides of Jug that combine further south. Jug/Central College area driveways get washed out. During the study you can look at this and hopefully we get some improvement.

Mr. Shockey stated that sometimes the water will improve for adjacent property owners.

Ms. Sheets asked if it has been taken into consideration that the Blacklick Creek runs all the way from Reynoldsburg to this area and crosses Jug Street twice. Will we do away with the creek?

Mr. Shockey stated that the applicants engineering firm will need to take that into consideration. That is all part of the normal engineering storm water management plan. They won't take your creek away.

Mr. Kirby stated that they can't change your drainage. If there is some agreement between two landowners they may be able to take more of your water. I would suggest that you get the business cards of the applicants so that you can work with them. Sometimes easy to do when early in the planning stages.

Mr. Mike Williams, 14554 Jug Street, that water goes down through multiple properties and you need cooperation from multiple property owner. Future land use plan, can I get a copy.

Mr. Kirby stated that nothing happens until you decide to or you sell the property.

Mr. Reynolds asked if we could talk about a compromise for that area. Could we agree to a 50' pavement and building setback? It is primarily a commercial operation.

Mr. Mayer stated that this text is copy and pasted from existing text. The intent was for it large setback to be along the residentially used properties.

Mr. Kirby stated that it is a residential use if it is not a zoning violation.

Mr. Mayer stated that the intent and the literal interpretation does not match because it was cut and pasted. When we as staff evaluated the application also thought that it was a commercial use. Historically we have had reduced setbacks between commercial properties.

Mr. Kirby asked if a month would be long enough to work on that issue.

Mr. Wallace stated that two lots to the south are truly residential. From my view the neighbor made a compelling case that his commercial use would have an adverse affect with the smaller setback.

Mr. Reynolds stated that he respects his operation but it is a commercial operation.

Mr. Kirby stated that the western sun is important to a commercial grower. Shade to them is detrimental. I'm willing to entertain a compromise.

Mr. Shockey stated that he agrees with Mr. Reynolds that it is not a residential property but the text states is clear and states where residential uses are permitted and AG zoned allows for residential. I think it needs to be re-written. I don't think it should be done at this meeting and it would provide a chance for you to meet with the neighbor. You could use the space for parking. Opportunity to come to some conclusion instead of forcing this thing through. I think you should also talk to the other gentleman on Evans Road and come back to use with an agree to disagree or an agreement.

Mr. Reynolds requested that they table the application for 30 days.

Discussion regarding table to date.

Mr. Kirby moved to table until June 4<sup>th</sup> meeting , seconded by Mr. Kist. Upon roll call vote: Mr. Kirby, yea Mr. Wallace, yea; Mr. Shockey, yea Mr. Schell, yea; Mr. Kist, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0.

## **Other Business**

### **Modifications to Codified Ordinance 1153 Limited Industrial (LI) District & General Employment (GE) District**

Mr. Mayer presented the staff report.

Mr. Shockey asked if you can combine parcels that straddle county lines.

Mr. Mayer stated no. We have the same problem in different jurisdictions; township & city.

Mr. Wallace stated that after little "c" where it says cannot be combined into a single parcel due to the parcels being within. It seems to me that another word is needed such as "situated" or "located". Feel likes its missing a word. Then the key language it reads "shall no longer apply only where" (double negative). Should read "shall apply only" or "shall no longer apply" where they are abutting and matching.

Mr. Kirby said take out "only".

Mr. Wallace asked if something abut and not match. What does this mean?

Mr. Mayer stated that goes back to Mr. Kirby's comment from last meeting.

Mr. Kirby stated that it needs to be on the county line and abut.

Mr. Mayer where they abut on the county line (explained using the map).

Mr. Shockey stated use common boundary lines.

Mr. Kirby showed an example of why the wording is needed. (parcel with country line on two sides- corner)

Mr. Mayer read the updated language. It should read that where they abut on the county line.

Mr. Kirby agreed.

Mr. Mayer read the entire update for clarification - (g) Elimination of Setbacks: In the event that a parcel zoned GE or LI District and an adjacent parcel zoned GE or LI District (a) come under common ownership or control, and (b) are zoned to allow compatible non-residential uses, but (c) cannot be combined into a single parcel due to the parcels being situated within separate Ohio counties, then any minimum building, pavement, or landscaping setbacks set forth in this chapter shall no longer apply where these parcels' lot lines abut on Ohio county boundaries.

Mr. Wallace moved to approve modified C.O. 1153, seconded by Mr. Schell. Upon roll call vote: Mr. Kirby, yea; Mr. Wallace, yea; Mr. Shockey, yea; Mr. Kist, yea; Mr. Schell, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0.

Mr. Wallace stated that at the workshop we should discuss some of the changes that came to mind at the APA conference. I'll talk to Steve prior to meeting to add a discussion to the agenda. I attended another session about updating outdated zoning code and that was interesting because it talked about form based zoning and we seem to be ahead of the curve.

With no further business, Mr. Kirby polled members for comment and hearing none, adjourned the meeting at 9:45 p.m.

Submitted by Pam Hickok

# APPENDIX



## Planning Commission Staff Report May 21, 2018 Meeting

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### JUG ROAD AND INNOVATION CAMPUS WAY WEST ZONING AMENDMENT

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LOCATION: West of Beech Road, east of Evans Road, and south of Jug Street (PID: 220-000443, 222-002133, and 038-133760-00.00, ).  
APPLICANT: PowerGrid LLC c/o Jack Reynolds  
REQUEST: Zoning Amendment  
ZONING: AG Agricultural to L-GE Limited General Employment  
STRATEGIC PLAN: Office District  
APPLICATION: ZC-32-2018

Review based on: Application materials received May 2, 2018.

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*Staff report completed by: Jackie Russell, Development Services Coordinator.*

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

The applicant requests review and recommendation to rezone 170.18+/- acres. The applicant proposes to create a new limitation text in the New Albany Business Park. This area will be known as Jug Road and Innovation Campus Way West, and will be zoned Limited General Employment (L-GE). The proposed limitation text meets the intent of the Strategic Plan's office district land use category by providing compatible general employment uses.

This new text contains the same list of permitted, conditional, and prohibited uses as Harrison East Zoning District, Beech Road South, and Business Park East Innovation District Subareas, known as the Personal Care and Beauty Campus, where companies such as Anomatic, Accel, Axiom, and Veepak are located. Other development standards are almost identical to the surrounding subareas.

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

The overall site consists of three parcels and is located within both Franklin County and Licking County, west of Beech Road, east of Evans Road, and south of Jug Street. One of the



parcels has already been annexed into the city. The additional two parcels are currently undergoing the annexation process into the City; both are scheduled to have their second reading at city council on June 5<sup>th</sup>, 2018. The site .The neighboring uses and zoning districts include L-GE, Planned Unit Development (PUD) and unincorporated agricultural/residential. The site is comprised of homes 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. It appears the applicant has used the development standards from surrounding zoning districts:
  - Jug Street: Text proposes minimum 50 foot pavement setback and minimum 100 foot building setback from the right-of-way.
    - This matches other sections of the business park that are adjacent to Jug Street such as the Harrison East Zoning District.
  - Innovation Campus Way West: Text proposes minimum 25 foot pavement and building setback from the right-of-way.
    - This matches the nearby Business Park East Subarea A and the adjacent Beech Road West Zoning District standards.
  - New Public Streets: The text proposes a minimum of 25 foot building and pavement setback, from the right-of-way, for any new commercial public street. For any semi-rural new public street the minimum building and pavement setback will be 50 feet from the right-of-way.
    - The standards from the new commercial public street match the recent Beech Road West and Business Park East Subarea A zoning texts.
  - Perimeter Boundaries: The text proposes that the minimum pavement setback shall be 50 feet and a minimum building setback of 100 feet for any boundary that is adjacent to a residentially used property.
    - This standard matches other recent rezoning such as the Harrison East Zoning District and the Mink Interchange Zoning District and appears to be an appropriate perimeter boundary.
3. This is the same list of permitted, conditional, and prohibited uses as the majority of the New Albany International Business Park. These are also the uses found in the Personal Care and Beauty Campus, where companies such as Anomatic, Accel, Axium, and Veepak are located.
4. 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.

5. Conditional uses include car fleet and truck fleet parking, and manufacturing and production.
6. Prohibited uses include industrial product sales and services, mini-warehouses, personal service, 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. The text proposes to dedicate a minimum of 50 feet of right-of-way for Jug Street and the extension of Innovation Campus Way West.
2. The text also requires that 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 as guided by the City of New Albany 2014 Strategic Plan and determined by the aforementioned traffic study.
3. Detailed traffic access will be determined in consultation with City Staff as the site is developed.
4. Parking will be provided per code requirements (Chapter 1167) and will be evaluated at the time of development for each individual site.
5. 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.
6. To ensure the city can obtain right-of-way from the applicant through the property to allow for the future construction of a public street city staff recommends a condition of approval requiring a Right-of-Way Dedication Agreement is submitted and signed by the city manager as part of this rezoning application.

### **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 Innovation District subarea A, Business Park East, Beech Road South 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 zoning text includes specific design requirements for uses not governed by the DGRs, which will ensure the quality design of these buildings.
4. The text requires complete screening of all roof-mounted equipment shall be required on all four sides of buildings with materials that are 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 to attenuate sound generated by such equipment.

5. The maximum building height permitted is 65 feet. This matches all of the surrounding zoning districts in the Licking County portion of the New Albany business park.

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

1. Maximum lot coverage for this subarea is 75%.
2. The zoning text proposes to establish an internal preservation zone:
  - a. The internal preservation zones that are located outside of the minimum required perimeter pavement setbacks as shown on the Preservation Plan illustrate the land that has been or is anticipated to be preserved pursuant to applicable federal and state permits that have been issued or once they are approved and issued by the Ohio Environmental Protection Agency and the U.S. Army Corps of Engineers. The text states the Preservation Plan is being provided for illustrative purposes only, and the final boundaries of the Preservation Zones that are located outside of the minimum required perimeter pavement setbacks shall be the same as the boundaries of the portions of the site that will be required to be preserved under applicable federal and state permits, as may be amended from time-to-time.
  - b. The text includes the provision that stream corridor protection zones should be utilized as a site amenity and provide public access for leisure trail and linear park space.
  - c. The text is silent on setbacks along the stream corridors. Therefore C.O. 1171.03(c) applies which requires all streams with a drainage area greater than fifty acres and their riparian corridors shall be preserved. The corridor width shall be a minimum of 100 feet with at least twenty-five feet on each side of the centerline of the stream.
3. Landscaping is required within the minimum pavement setback along Jug Street and Innovation Campus Way West.
  - a. The buffer shall be planted with a minimum quantity of one tree per 25 feet, in addition to street trees. Trees shall be randomly planted to create a naturalized appearance. Trees shall be of native species. Evergreen trees or shrubs shall not be permitted in the area between the buffer landscape and the edge of street pavement. Section C.4 above, the fence may be located 1 foot from the edge of that easement. Where screening of parking areas is required along Beech Road, the buffer shall have a minimum height of 3.5 feet and a minimum opacity of 75%.
  - b. This buffer may consist of mounding not to exceed (no steeper than) a 6:1 ratio and tree plantings. Mounding, when used, shall be a minimum height of 3 feet and maximum of 12 feet. Trees a mix of ornamental, deciduous, evergreen and shrubs shall be planted on the mound with a minimum of 70% of the trees occurring on the street side. No trees shall be located within the upper quartile of the crest of the mound.
  - c. These landscaping requirements match the recent Beech Road South zoning text.
4. The zoning district proposes to require the similar landscape and mounding screening requirements from residences as required in in the recently approved Beech Road South Zoning District. The text states:

- a. For those perimeter boundaries which abut residentially zoned properties with frontage on either Beech Road or Morse Road (if two contiguous properties have an intervening public street right-of-way between them, they shall still be considered to be abutting), 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. These mounds shall be installed within the minimum pavement setback area as required by this zoning text and may encroach on the abutting property if that owner is in agreement with the mounds installation on his/her property. Prior to submitting a zoning permit which includes a landscape plan without a mound, the applicant will provide documentation from the adjacent property owner that the landscape plan is acceptable to them. The plan for these areas must be reviewed and approved by the City's Landscape Architect.
  - b. 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. The requirement for 75% opacity 5 years after installation is still applicable with this alternative and, therefore, if necessary, additional landscaping materials (i.e., deciduous trees, evergreens or bushes) shall be planted along those perimeter boundary areas to meet the 75% opacity requirement. The plan for these areas must be reviewed and approved by the City's Landscape Architect.
5. The proposed zoning text contains similar language regarding tree preservation as appears in the zoning text for the existing Innovation District, Business Park East, and Beech Road South zoning text.
  6. Street trees will be located in all publicly dedicated rights-of-way within or adjacent to this Zoning District and shall contain one tree for every thirty feet of road frontage. Trees may be grouped or regularly spaced. This requirement may be waived in areas where existing vegetation occurs, subject to the approval of the City Landscape Architect.

#### **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 applicant has submitted a school impact statement which states the proposed L-GE zoning is for commercial purposes, therefore no new students will be added into the school district. The schools should benefit from the rezoning as the property has been farmed for many years and in each county the property value will increase with the new use(s) and bring additional tax dollars for school purposes.

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

The City Engineer has reviewed the referenced plan in accordance with the engineering related requirements of Code Section 1159.07(b)(3) and provided the following comment(s):

- Based on how this area develops, we recommend that a Traffic Study be provided that analyzes the existing Innovation Campus Way West and Beech Road intersection prior to development occurring on the site. Time frames for signalization and/or additional turn lanes should be examined.

## **V. RECOMMENDATION**

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

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.

## **VI. ACTION**

### **Suggested Motion for ZC-32-2018:**

To recommend approval to Council of Zoning Change application ZC-32-2018 subject to the following conditions of approval (additional conditions may be added):

1. A Right-of-Way Dedication Agreement is submitted and signed by the city manager as part of this rezoning application.
2. City Engineer's comments shall be addressed to the satisfaction of the City Engineer.



## Memorandum

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TO: New Albany Planning Commission

FROM: New Albany Community Development Department

DATE: May 21, 2018

RE: Modifications to Codified Ordinance 1153 Limited Industrial (LI) District & General Employment (GE) District

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### Proposal:

Staff proposes the following code update:

1. To modify Codified Ordinance Chapter 1153 to permit the elimination of setback where lots cannot be combined due to county boundaries in both the Limited Industrial (LI) and General Employment (GE) zoning district

### Background & Evaluation:

As the Licking County portion of the New Albany business park has grown, and continues to grow, it is encompassing land that straddles both sides of the Franklin and Licking County boundary. Since property in each county is regulated by separate county auditors, it cannot be combined into a single parcel for development. However, properties covering multiple counties could be developed holistically since it is located within the city limits.

If a developer wants to develop a site or locate a building on a site that covers multiple counties, an interior property would exist since the parcels cannot be combined. Therefore, as the city code exists today, a variance to the interior lot line (where the county line is located) would be required to development the site comprehensively. By eliminating setbacks from interior lot lines that match county lines, it allows for a more desirable site plan for the property than requiring a setback variance to be evaluated from an interior lot within a comprehensive development.

Staff proposes the following addition to allow the elimination of setbacks along county lines:

(g) Elimination of Setbacks: In the event that a parcel zoned GE or LI District and an adjacent parcel zoned GE or LI District (a) come under common ownership or control, and (b) are zoned to allow compatible non-residential uses, but (c) cannot be combined into a single parcel due to the parcels being within separate Ohio counties, then any minimum building, pavement, or landscaping setbacks set forth in this chapter shall no longer apply only where these parcels' lot lines are abutting and matching Ohio county boundaries.

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

Move to recommend approval of the modifications to Codified Ordinance Chapter 1153 to allow the elimination of setbacks along Ohio county boundaries as presented.