



Informal Planning Commission

Meeting Minutes

May 6, 2019

7:00 p.m.

Planning Commission met in regular session in the Council Chambers at Village Hall, 99 W. Main Street and was called to order by Planning Commission Chair Mr. Neil Kirby at 7:13 p.m.

Those answering roll call:

Mr. Neil Kirby, Chair	Present
Mr. Brad Shockey	Present
Mr. David Wallace	Present
Mr. Hans Schell	Present
Ms. Andrea Wilttrout	Present
Mr. Sloan Spalding (council liason)	Present
Mr. Matt Shull	Guest

Staff members present: Steven Mayer, Development Services Coordinator; Chris Christian, Planner; Mitch Banchefsky, City Attorney; Ed Ferris, City Engineer; and Josie Taylor, Clerk

Mr. Kirby asked for any corrections to the April 15, 2019 meeting minutes. (No response).

Moved by Mr. Wallace, seconded by Ms. Wilttrout to approve the April 15, 2019 meeting minutes as submitted. Upon roll call: Mr. Wallace, yea; Ms. Wilttrout, yea; Mr. Schell, yea; Mr. Shockey, Abstain; Kirby, yea. Yea, 4; Nay, 0; Abstain, 1. Motion passed by a 4-0-1 vote.

Mr. Kirby asked for any corrections or additions to the Agenda.

Mr. Mayer replied there were none from staff.

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

Mr. Kirby requested all present silence their phones.

Mr. Kirby invited the public to speak on any non-agenda items. (No response).

There were no cases to hear.

Other Business

**Reconsideration of application for 7030 Hanby's Loop V-23-2019
Motion to reconsider variance application request to allow a fireplace to encroach the
required side yard setback at 7030 Hanby's Loop (222-004847-00).**

Mr. Mayer explained this variance request had been heard at the prior Planning Commission meeting on April 15, 2019. Due to the complexity of the roll call at that meeting it was unclear if the motion had passed or been denied before the meeting ended.

Mr. Banchefsky also indicated that there had been confusion at the prior meeting regarding the voting and the applicant may not have been aware of the ability to table the variance request, which applicants are normally advised of at the meeting.

Mr. Kirby asked if the determination was that the variance request had been denied.

Mr. Banchefsky indicated it had been denied, but the vote this evening was to have the variance request reconsidered at a later date.

Mr. Kirby and Mr. Wallace indicated they are in agreement with their prior votes to deny the variance request.

Moved by Mr. Wallace, to approve reconsideration of V-23-2019 at a future date, seconded by Mr. Schell. Upon roll call: Mr. Wallace, no; Mr. Schell, yea; Ms. Wiltrout, yea; Mr. Shockey, yes; Kirby, no. Yea, 3; Nay, 2; Abstain, 0. Motion passed by a 3-2 vote.

Zoning Change Informal Review

Rezoning of 484.4 acres from Agricultural(AG) to Limited General Employment (L-GE) for an area located to the north of and adjacent to Jug Street, to the east of and adjacent to Beech Road, to the south of Miller Road and to the west of Clover Valley Road for an area to be known as the “Jug Street North Zoning District.”

Mr. Mayer indicated tonight would be an informational hearing for the applicant to share information and to introduce it the Planning Commission and to have the Planning Commission and the public ask questions and provide comments regarding the zoning change. Mr. Mayer indicated the Planning Commission would conduct its formal review of the zoning change at its May 20, 2019 meeting at 7PM. At that time the Planning Commission will make a recommendation to City Council which will then review the zoning application in approximately June.

Mr. Mayer indicated public comments had previously indicated traffic and speeding concerns and stated the police department in the City of New Albany had increased enforcement, and Licking County Sheriff's Office was considering increasing enforcement, in the Jug Street and Beech Road intersection in their jurisdiction.

As there is no known or pending development at this time for the land, tonight's discussion relates only to its rezoning. Once a known development arises, then a traffic study will be conducted both during construction and when construction has finished.

He noted that, based on development, improvements to Jug Street will include with wider lanes and bike lanes will be added on each side of the street. Part of road improvement

will also include improvement of ditches to manage storm water on the site and what flows to the street.

Mr. Kirby asked if there was any engineering discussion at this time.

Staff replied no.

Mr. Kirby asked for the applicant to speak.

Mr. Aaron Underhill, the attorney for the applicant, MBJ Holdings LLC, introduced the parcel to be rezoned. Mr. Underhill indicated the benefit of infrastructure development and commercial development to the communities, schools, and tax base.

Mr. Kirby stated that anyone seeking copies of the slides presented by Mr. Underhill could contact staff for a copy.

Mr. Underhill indicated the rezoning and development, whose future use is currently unknown, can affect traffic, although the extent of the impact is not yet known. The proposal is to complete a traffic study as uses arise to determine if lane widening or other traffic controls are needed. Funding for the improvements may be public or a combined public/private action.

Mr. Underhill indicated setbacks would be from 50 feet to 185 feet from the center line on Beech Road. On Jug Street it is 200 from the center line. Pavement setbacks are being increased to 100 feet. Screening of the potential developments through landscaping and plantings will be used, as has been done in prior development sites nearby. He also indicated this area has a 51 acre preservation zone and wetlands. Mr. Underhill noted that the slides presented provided only a hypothetical development, not a known one, and the final development of the area could alter from that presented.

Mr. Rob Milligan, the Director of the Environmental Department of EMH&T, Inc., stated the parcel was currently being reviewed by several federal and state environmental authorities, including the Army Corp. of Engineers (ACE) and the Ohio EPA (OEPA). Both ACE and the OEPA, he indicated, provide public notice and also provide the public the ability to comment. Mr. Milligan indicated the parcel had both an onsite and offsite mitigation plan. The wetlands in the parcel are being preserved and will be enhanced. Blacklick Creek which runs through this property, that part of the creek on the northwest side will be restored and made part of a conservation easement which is being offered to the City of New Albany.

Mr. Wallace asked what Mr. Milligan meant by "mitigation."

Mr. Milligan replied that state and federal law require that a mitigation occur any time a wetland is impacted. The mitigation refers to a process where a ratio value, between 1 to 2.5, is assigned, based on the quality and size of the wetland, and that ratio is then used to require the party affecting the wetland to create wetland. For example, for every acre of

wetland impacted, the party would create 1 or up to 2.5 acres of wetlands. While credits could be purchased to address the mitigation, an onsite mitigation is preferred for this parcel.

Mr. Underhill stated a meeting with homeowners, to let them know what to expect on the parcel, is planned for Monday, May 13 at 6PM, with the location to be determined. All who provided their contact information on the sign-in sheet will be notified via email.

Mr. Todd Cunningham, civil engineer EMH&T, stated the preservation area was needed for drainage and flooding control, including basins to store and drain water to control water flow and improve flooding. Site surface materials are also to be evaluated for their use in drainage and flooding control.

Mr. Underhill stated that regardless of development a positive economic impact would occur. Abatements and TIFFs would occur, but revenue sharing agreement between the City of New Albany and the Johnstown Monroe School District resulted in \$655,000 during 2018 being paid to Johnstown Monroe and once this site is developed that amount should grow. He noted that depending on the use of the parcel income tax increases would be positive for the city. Mr. Underhill noted that this property was subject to a New Community Authority District created in 2014 of 9.75 mils, so for every \$100 million dollars in value created that would generate about \$340,000 plus in yearly revenue to be put toward infrastructure improvement.

Mr. Kirby asked if traffic commitments could be written into the zoning text so that all developers could be aware, ahead of time, what improvements are expected from them rather than have a situation where each individual developer's commitments differ and one developer could hypothetically affect the development needs of another.

Mr. Underhill indicated that was possible and he would work with staff on that.

Mr. Kirby asked if agricultural zoning requirements also included residential zoning requirements.

Mr. Underhill stated it did.

Mr. Kirby stated that the setbacks indicted by Mr. Underhill as residential would also apply to areas marked agricultural.

Mr. Underhill stated that was correct.

Mr. Kirby asked if neighbors would see drainage changes and reduced flooding, particularly Blacklick?

Mr. Cunningham replied yes.

Mr. Shockey asked whether that meant the property owners south of the intersection of Jug Street and Beech Road would have less flooding because the waters would be contained on the development site?

Mr. Cunningham said that was correct.

Mr. Kirby asked if the neighbors on the north, near Blacklick, would see benefits?

Mr. Cunningham stated that was correct.

Mr. Wallace stated this was measured against a 100 year storm/flood mark, and asked if in the past few years the 100 year mark had been met?

Mr. Cunningham replied that according to the data it has not, but a 25 to 50 year storm/flood event had been seen.

Mr. Shockey asked if tax abatements apply to the improvements made on a property but not to the land value?

Mr. Underhill stated that was correct.

Mr. Shockey asked if there was a revenue estimate available regarding the benefits the Johnstown Monroe School District might expect in this case versus the agricultural valuations currently in place?

Mr. Underhill stated that the process involved when agricultural land is developed requires the county to look back for a three (3) year period of time to pay a "recoupment charge" which is calculated as the tax value of the land if no farming had taken place and schools get approximately 60% with the remainder used for other social services. There will also be an increase in land values that will benefit the residents and help lower taxes.

Mr. Shockey asked if an understanding of what the taxation changes may be in the area?

Mr. Underhill stated he would need to do those calculations.

Mr. Schell asked if the benefits would go to the Johnstown Monroe School District alone?

Mr. Underhill indicated only the Johnstown Monroe School District would benefit from this development.

Mr. Bruce Basrun stated residents on Jug Street were concerned about the impacts on the quality of their well water and on flooding issues.

Mr. Cunningham replied that flooding east of Harrison Road would probably not be impacted, but the improvement the city has committed to when development occurs may.

Mr. Basrun stated development was currently occurring across the street from his property.

Mr. Cunningham indicated that development east of this parcel's preservation area is on hold but had it continued would have included the completion of a drainage outlet. Once development restarts, then the drainage outlet will also be included.

Mr. Kirby reminded Mr. Cunningham about the well water question.

Mr. Cunningham stated that if well water was compromised as a result of development, the developer was required to sink a deeper well and recompense the property owners.

Mr. Kirby suggested property owners may want to consider having their wells evaluated professionally to determine water flow and other factors so a base line idea of their wells prior to the start of construction could be established.

Mr. Cunningham stated wells below thirty (30) feet were not expected to be impacted by development on this parcel.

Mr. Basrun asked how far from the development area impacts may be felt.

Mr. Cunningham replied this could not be determined at this time because there were too many factors to consider, but an adverse impact could occur. Wells north of Blacklick Creek, he noted, would likely see fewer impacts.

Mr. Frank Debelius stated he was not looking forward to the visual and environmental impacts development on this parcel would have and asked if property owners, at their expense, should have the well benchmark established prior to development.

Mr. Kirby stated yes, it would be at owner's expense.

Mr. Debelius noted that traffic along was already a challenge and asked about the likelihood of potential road closures during development.

Mr. Mayer stated that at the present no improvements are planned for Beech Road and that he would need to research if the improvements known for Jug Street would require closures and let him know if Mr. Debelius provided his contact information.

Mr. Debelius asked about the impact on property values and asked for any scenarios where this development would add value to their property?

Mr. Kirby replied that a realtor would know best.

Mr. Debelius replied the realtor he had asked about the value improvements would provide replied there were none.

Mr. Debelius asked for confirmation that the Johnstown Monroe schools would get a benefit from development of this land.

Mr. Kirby replied that the tax base would change as soon as the property's zoning changes and that would increase the tax base with development providing a further increase and that would go to the Johnstown Monroe schools.

Mr. Basrun asked for confirmation that only the Monroe Johnstown School District would receive the benefits of the tax base from this property.

Mr. Underhill confirmed that was the case here.

Mr. Doug Hart, although not a resident subject to this zoning change, as the Chair of the Jersey Township Zoning Commission noted the rural character of the community was important to the community's residents and should be maintained. Tree stands and tree rows are defining characteristics of a rural area and asked that these be preserved as development goes forward.

Mr. Kirby noted page 6 of the presentation does discuss tree stands and tree rows.

Mr. Hart asked about efforts to block parking so that the rural character of the area is maintained for neighbors and those driving by the property.

Mr. Underhill replied that parking would be screened as per Code, though not blocked, but they would consider if blockage was possible.

Mr. Debelius asked about building height in a rural area and is concerned about 65 foot and 85 foot tall structures.

Mr. Kirby stated the setbacks for those properties was 300 feet.

Mr. Debelius replied that structures that tall would still disturb the rural look of the community.

Mr. David Petty state he was concerned about noise and lighting, as well as who will be the developer(s) that will occupy the area(s). Mr. Petty also commented that he felt the map used for the presentation by Mr. Underhill and Mr. Cunningham was not accurate regarding the water flow and lines. He also noted he had issues with clay and drainage and would like help to abate that issue.

Mr. Kirby stated that request should be made to the developer.

Mr. Underhill stated that could be brought up at the Monday, May 13th meeting where all experts would be available for discussion.

Mr. Petty asked Mr. Underhill to send notice of the meeting date and time to him.

Mr. Underhill stated he would and also noted that if someone could not attend that meeting accommodations could be made for individuals.

A member of the public asked if copies of the presentation could be forwarded to community members present.

Mr. Mayer replied he could send a copy to all on the sign in sheet who provided an email address.

Mr. Petty stated the one hundred (100) foot setback across the northern line of the property is not enough and that the drawing did not accurately represent the land.

Mr. Tom Rubey stated further review and conversation with those in the community could be discussed.

Mr. Underhill stated that things that the Code requires are not necessarily noted in the presentation and said they must meet Code and if they do not they are stricter than Code requires.

Mr. Kirby stated that lighting and sound impact on surrounding properties were both regulated.

Mr. Petty asked about the electrical poles being installed.

Mr. Rubey indicated AEP has an existing easement that allows them to add or maintain electricity as needed.

Ms. Kathie Frost, Jersey Township Trustee, noted she was concerned about maintaining the rural character for the residents. Concerns include traffic, setbacks, screening, drainage, etc. She stated that setbacks were not large enough for a 65 foot or 85 foot tall structure. She did commend the Tidewater project for its screening and ability to maintain the rural character of the area surrounding it.

Mr. Cunningham noted that as far as drainage issues were concerned, to the degree that the property was part of the water stream, the impact would be improved.

Mr. Kirby asked if staff could provide the Tidewater screening requirements for comparison?

Mr. Mayer replied that could be obtained for the next meeting.

Mr. Michael Grenert, who noted that three homes on Fitzwilliam Lane had sold in last month, but stated he did not want to move. Mr. Grenert asked if the height of buildings could be limited, saying that 60 foot tall structures were not necessary for data centers or

distribution uses. Mr. Grenert also stated the lighting and noise should be appropriate for the community. Mr. Grenert noted that the screening used at Smith's Mill around the Abercrombie & Fitch warehouse was very good, with a three hundred (300) foot setback and mounding that made the warehouse almost disappear. Lastly, Mr. Grenert noted that the drawings showed the main entrance to be right across from Fitzwilliam Lane and requested it be moved from that location as deliveries would make more sense elsewhere.

Mr. Matt Bonito noted that Mr. Grenert had mentioned a lot of what he was going to speak about. Mr. Bonito asked if a property value study had been completed and questioned whether values would increase or decrease.

Mr. Shockey replied that values have increased.

Mr. Bonito noted that they moved to the community to be outside of New Albany yet de to development they are now surrounded on three (3) sided by New Albany and asked what would be next?

Mr. Shockey stated that was a good question and asked if there was any development planning down the road?

Mr. Mayer stated that the Planning Commission did not at this time have anything further public process to review following the re-zoning unless there would be a variance required or a new road was platted.

Mr. Shockey stated the text would dictate what would be developed and that development would need to follow the existing codes and zoning which city planning staff would review.

Mr. Rubey stated that further development on the lot would depend on the market place for this property. He stated that with this lot of approximately 450 acres the idea of public roads for the site was realistic, as were the possibilities of a single user or multiple users on the site which would then perhaps also need further public reviews for conditional uses or building heights.

Mr. Shockey asked if conditional uses would require public notice.

Mr. Mayer replied that conditional uses did have that requirement.

Mr. Shockey asked if prior to meetings board members could have maps showing adjoining residential properties and scale to compare with text and review screening, etc., for a better perspective on the area.

Mr. Kirby asked if the limitation text requirement for mounding could be re-written so that if an alternative method of screening was approved by neighbors may better fit the location, such as tree planting and other methods.

Mr. Rubey noted that he had heard statements this evening about maintaining tree rows and their importance to the community. Mr. Rubey noted he would present an aerial photograph of the area to the Monday, May 13 meeting to better show the screening that is in place.

Mr. Kirby noted that in terms of screening, the depth of the trees needed to block a site, versus mounding, would also need to be considered.

Mr. Bonito noted that the possibility of public roads had been noted earlier and this was a concern for him.

Mr. Rubey replied that perhaps a way to plan for this factor was possible, such as determining zoning required for truck entrances, and similar items.

Mr. Cunningham commented that the property value question should include consideration of whether a property was abutting or across from a specific development.

With no further business, Mr. Kirby polled members for comment and hearing none, adjourned the meeting at 9:13 p.m.

Submitted by Josie Taylor.