



## Planning Commission

### Meeting Minutes

October 21, 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 7:06 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 Wiltrout	Present
Mr. Sloan Spalding (council liason)	Present

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 and Mr. Wallace provided corrections for the September 16, 2019 Planning Commission minutes.

Ms. Taylor stated she would make the indicated corrections.

Moved by Mr. Wallace, seconded by Mr. Schell to approve the September 16, 2019 meeting minutes as corrected. Upon roll call: Mr. Wallace, yea; Mr. Schell, yea; Mr. Shockey, abstain; Mr. Kirby, yea; Ms. Wiltrout, yea. Yea, 4; Nay, 0; Abstain, 1. Motion passed by a 4 - 0 - 1 vote.

Mr. Kirby asked if there were any additions or corrections to the agenda.

Mr. Christian replied none from staff.

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

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

#### **ZC-71-2019 Zoning Change**

**Rezoning of 16.02 acres from Infill Planned Unit Development (I-PUD) to Infill Planned Unit Development (I-PUD) for an area to be known as the Northwest Beech Interchange zoning district, generally located at the corner of Smith's Mill Road and Beech Road (PID: 093-106512-00.000).**

**Applicant: MBJ Holdings LLC c/o Aaron Underhill**

Mr. Shockey stated he recused himself from this application.

Mr. Christian presented the staff report.

Mr. Kirby asked if there was engineering on this application.

Mr. Ferris replied no engineering.

Mr. Tom Rubey, with the New Albany Company, presented for the applicant. Mr. Rubey noted that commercial retail development would not be permitted in the westernmost, blue area, as seen on the presentation. Mr. Rubey added that as these parcels required secondary review the applicant would return as soon as they had something concrete to review.

Ms. Wilttrout asked what would be in sub areas 1-C and 1-B?

Mr. Rubey said they were geared toward service oriented uses, such as restaurants, maybe a gas station, or hotel.

Ms. Wilttrout asked if sub area 1-A would have retail businesses.

Mr. Rubey stated subareas 1-A and 1-B had the same uses.

Ms. Wilttrout asked if Mr. Rubey was taking out 1-C from that mix.

Mr. Rubey stated correct, 1-C was going back to the same underlying zoning that was in subarea 2.

Mr. Schell asked if the height for the hotels was at 65 feet.

Mr. Rubey stated they were slightly lower than 65 feet, perhaps 58 feet or 59 feet.

Mr. Schell asked if Mr. Rubey saw an issue for hotels coming in and requesting to be 70 feet.

Mr. Rubey replied no.

Mr. Schell asked if this was all subarea 2.

Mr. Rubey stated subarea 2 was earmarked for office type development.

Mr. Schell asked if they might want to get more retail in that area.

Mr. Rubey stated not here.

Mr. Sloane stated the commitment on the gateway feature indicated land would be provided and asked if that would be through an easement.

Mr. Rubey stated he did not know what it would end up being; that was to be determined.

Mr. Wallace asked if the private road lined up with that spot.

Mr. Rubey stated the private road included an extension off Beech Road and then followed the southern property and then connected back to Smith's Mill Road.

Mr. Wallace asked if Mr. Rubey was anticipating retail on the west and east sides of the road at least on the northern part, but not necessarily along the southern part.

Mr. Rubey stated correct.

Mr. Kirby asked Mr. Rubey if he agreed this was a shifting of things, not a re-write.

Mr. Rubey stated the only re-write was subarea 1-C.

Ms. Wiltrout asked if Mr. Rubey had an issue with staff's conditions.

Mr. Rubey stated no.

Moved by Ms. Wiltrout to accept the staff report and related documents into the record for FDP-71-2019, seconded by Mr. Kirby. Upon roll call vote: Ms. Wiltrout, yea; Mr. Kirby, yea; Mr. Shockey, abstain; Mr. Wallace, yea; Mr. Schell, yea. Yea, 4; Nay, 0; Abstain, 1. Motion passed by a 4 - 0 - 1 vote.

Moved by Ms. Wiltrout to approve FDP-71-2019 based on the findings in the staff report with the conditions listed in the staff report, seconded by Mr. Schell. Upon roll call: Ms. Wiltrout, yea; Mr. Schell, yea; Mr. Wallace, yea; Mr. Shockey, abstain; Mr. Kirby, yea. Yea, 4; Nay, 0; Abstain, 1. Motion passed by a 4 - 0 - 1 vote.

#### **FDP-72-2019 Final Development Plan**

**Final development plan application for 16.02 acres for an area generally located at the corner of Smith's Mill Road and Beech Road (PID: 093-106512-00.000).**

**Applicant: MBJ Holdings LLC c/o Aaron Underhill**

Mr. Christian presented the staff report.

Mr. Kirby asked about engineering on the application.

Mr. Ferris stated the work, as proposed, encroached on a limited access right-of-way, so before approval could be given, district 5 would need to provide approval to build or modify the left turn lane into the site.

Mr. Kirby stated okay.

Mr. Rubey noted this would be built to public specs as a private drive. Mr. Rubey stated at some future point it may revert to being a public drive.

Mr. Kirby asked how far south of the intersection with Smith's Mill Road would the Beech Road entrance be located.

Mr. Rubey stated he did not know.

Mr. Kirby asked if ODOT (Ohio Department of Transportation) said no, then what could be done.

Mr. Rubey stated then he would move it farther to the north.

Mr. Kirby asked if there would be sight distance issues to the north or south and drive times, etc.

Mr. Rubey stated that drove the existing location of the curb cut and conversations with ODOT suggested they would approve it. Mr. Rubey added that if ODOT said no, then the applicant's and the city's traffic engineers would need to review it and the applicant would return to the Planning Commission.

Mr. Kirby asked if this was a 45 MPH piece of road.

Mr. Rubey stated it might be 45 MPH, adding that speed was one of the considerations involved here.

Mr. Kirby asked if there were any problems with the conditions as stated in the staff report.

Mr. Rubey stated not as amended, no.

Mr. Kirby asked if it was condition 2 that was modified.

Mr. Mayer stated correct.

Mr. Shockey recused himself from this application.

Moved by Mr. Kirby to accept the staff report and related documents into the record for FDP-72-2019, seconded by Mr. Wallace. Upon roll call vote: Mr. Kirby, yea; Mr. Wallace, yea; Mr. Schell, yea; Ms. Wiltrout, yea; Mr. Shockey, abstain. Yea, 4; Nay, 0; Abstain, 1. Motion passed by a 4 - 0 -1 vote.

Moved by Mr. Schell to approve FDP-72-2019 based on the findings in the staff report and subject to the revised conditions in the staff report (as shown in the PowerPoint), seconded by Ms. Wiltrout. Upon roll call: Mr. Schell, yea; Ms. Wiltrout, yea; Mr. Wallace, yea; Mr. Kirby, yea; Mr. Shockey, abstain. Yea, 4; Nay, 0; Abstain, 1. Motion passed by a 4 - 0 -1 vote.

**VAR-75-2019 Variance**

**Variance to Ealy Crossing I-PUD zoning text section VI(b) to not require a minimum of one approved yard light near the sidewalk at the front entry of the home at 16 S. Ealy Crossing (PID: 222-004155-00) and 19 S. Ealy Crossing (PID: 222-004143-00).**

**Applicant: Jacob and Stephanie Worley & Mark and Cindy DeBellis**

Mr. Christian presented the staff report.

Mr. Jacob Worley and Mr. Mark DeBellis, applicants, stated they agreed with the staff presentation and wanted to be consistent with others in the neighborhood.

Mr. Kirby asked if the variance required the lights to be gas lights or if any lights would do.

Mr. Mayer stated he believed the neighborhood standard was gas lighting and he believed they were matching what was existing, but said that could be made a condition.

Mr. Kirby asked Mr. Mayer what he thought the condition was.

Mr. Mayer stated Mr. Kirby was asking if gas lighting was a condition of approval.

Mr. Kirby replied yes, saying his preference was that it not be mandated in this document.

Mr. Mayer stated staff agreed.

Mr. Kirby confirmed that as presented the plans did not require a gas light.

Mr. Mayer stated correct.

Ms. Wiltrout asked if a plan was submitted as a proposed plan and was then approved, did that mean the plans submitted would be installed or should the Planning Commission make it a condition, for example here, that the lamps noted in the plans would get installed.

Mr. Mayer stated that was a great condition for the extra surety.

Mr. Wallace noted that created a conflict with Mr. Kirby's point.

Ms. Wiltrout asked how that had been previously resolved.

Mr. Mayer provided a review of prior actions.

Mr. Wallace stated they needed to decide how to approach that.

Ms. Wiltrout stated she liked the placement but did not care what kind of light it would be.

Mr. Kirby stated they were good to go then, saying they could add that the placement shown for 19 was mandated for the variance.

Ms. Wiltrout stated yes.

Mr. Schell asked the applicant if he was okay with that.

Mr. DeBellis stated yes, adding it would be gas as that was the household preference.

Moved by Mr. Kirby to accept the staff report and related documents into the record for VAR-75-2019, seconded by Ms. Wiltrout. Upon roll call vote: Mr. Kirby, yea; Ms. Wiltrout, yea; Mr. Schell, yea; Mr. Wallace, yea; Mr. Shockey, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5 - 0 vote.

Mr. Wallace noted he normally voted against variances but, given the history on this and substantial compliance, he would vote yes.

Moved by Ms. Wiltrout to approve VAR-75-2019 based on the findings in the staff report with the conditions in the staff report, and subject to the condition that the placement of the lights be the same as in the plan submitted by the applicant, seconded by Mr. Kirby. Upon roll call vote: Ms. Wiltrout, yea; Mr. Kirby, yea; Mr. Shockey, yea; Mr. Wallace, yea; Mr. Schell, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5- 0 vote.

#### **VAR-76-2019 Variance**

**Variance to 1998 NACO C-PUD Subarea 7C: Business Campus (Oak Grove West) section 7c.06(7)(q) to allow a wall sign to be installed along the 161 expressway building frontage where the zoning text does not allow for the Feazel corporate office located at 7895 Walton Parkway (PID: 222-000391-00).**

**Applicant: Jacob and Stephanie Worley & Mark and Cindy DeBellis**

Mr. Christian presented the staff report.

Mr. Kirby asked if this was for A on what was marked A, B, C, D signs on the document.

Mr. Christian replied correct.

Mr. Kirby asked if there was enough elevation that people could see this from the freeway.

Mr. Todd Sandler, for the applicant, replied he hoped so.

Mr. Mayer stated he thought there were breaks in the landscaping that would permit views of the building and sign from SR-161.

Mr. Kirby swore Mr. Sandler to the truth.

Mr. Sandler thanked staff for their assistance and discussed the application.

Mr. Kirby asked staff for comment on the prohibition this was asking relief from.

Mr. Mayer stated the variance was to allow this sign to be located along SR-161, on which it was now prohibited. Mr. Mayer stated this sign matched the intent of the text, saying it was meant to keep from over-signing the area.

Mr. Kirby asked if the text referenced was from an ordinance or zoning text for the property.

Mr. Mayer replied it was zoning text for the property, the PUD text.

Mr. Kirby asked if there were, for example, another Water's Edge along SR-161, when that was zoned they could fix this from the beginning.

Mr. Mayer stated yes, adding that was part of the 1998 PUD, so that was why variances for signage existed.

Mr. Kirby noted they could get out of the variance business by zoning differently.

Mr. Mayer stated that was correct, adding that as far as signage the only thing prohibited were the large, highway signs, billboards.

Mr. Sandler stated they were doing everything they could to comply with requests.

Mr. Wallace noted he was concerned the sign would not be visible.

Mr. Shockey stated it was very visible from SR-605.

Mr. Sandler stated they might also do some additional tree clearing.

Mr. Kirby asked if the zoning text had the standard tree preservation language in it.

Mr. Mayer stated he believed the 1998 PUD might encourage tree preservation but did not think it was required.

Mr. Schell asked if the applicant was okay with the lighting agreed upon with the staff.

Mr. Sandler stated yes.

Moved by Mr. Kirby to accept the staff report and related documents into the record for VAR-76-2019, seconded by Mr. Schell. Upon roll call vote: Mr. Kirby, yea; Mr. Schell, yea; Ms. Wiltrout, yea; Mr. Wallace, yea; Mr. Shockey, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5 - 0 vote.

Mr. Schell complimented the applicant on the building design.

Mr. Wallace noted he normally voted no on variances but, due to variances previously provided other buildings along SR-161 and the fact the sign met code and was appropriately sized, he voted yes.

Mr. Kirby stated he concurred with that.

Moved by Mr. Schell to approve VAR-76-2019 based on the findings in the staff report with the conditions in the staff report, seconded by Ms. Wiltrout. Upon roll call vote: Mr. Schell, yea; Ms. Wiltrout, yea; Mr. Kirby, yea; Mr. Wallace, yea; Mr. Shockey, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5- 0 vote.

### **ZC-77-2019 Zoning Change**

**Rezoning of 1.2 acres from Agricultural (AG) to Limited General Employment (L-GE) located at 3180 Beech Road (PID: 037-111618-04.000).**

**Applicant: MBJ Holdings LLC c/o Aaron Underhill**

Mr. Christian presented the staff report.

Mr. Kirby asked if there was engineering on this.

Mr. Ferris stated there were no comments.

Mr. David Hodge, of Underhill & Hodge, attorney for the applicant, stated this rezoning was in accordance with prior zoning.

Mr. Wallace asked if this was in contract and if it had closed.

Mr. Hodge stated it was in contract but he did not believe it had closed.

Mr. Shockey recused himself from this application.

Moved by Mr. Kirby to accept the staff report and related documents into the record for ZC-77-2019, seconded by Ms. Wiltrout. Upon roll call vote: Mr. Kirby, yea; Ms. Wiltrout, yea; Mr. Schell, yea; Mr. Shockey, abstain; Mr. Wallace, yea. Yea, 4; Nay, 0; Abstain, 1. Motion passed by a 4 - 0 - 1 vote.

Moved by Ms. Wiltrout to approve ZC-77-2019 based on the findings in the staff report subject to the conditions in the staff report, seconded by Mr. Wallace. Upon roll call vote: Ms. Wiltrout, yea; Mr. Wallace, yea; Mr. Schell, yea; Mr. Kirby, yea; Mr. Shockey, abstain. Yea, 4; Nay, 0; Abstain, 1. Motion passed by a 4- 0 -1 vote.

### **Other Business**

#### **2019 Strategic Plan Update**



Mr. Mayer discussed progress and activities to date as well as actions planned in the future.

Mr. Schell noted there were many sustainability actions New Albany was engaged in he had not been aware of previously.

Mr. Mayer indicated there were a significant number of sustainability projects or initiatives the city was involved in.

Mr. Christian noted there had been 2,200 website visits to the Strategic Plan page that had been launched on June 7, 2019. Mr. Christian added there was also a digital learning lab on the website that provided resources regarding things like sustainability, urban design, density, and other information.

Mr. Mayer stated they were open to ideas for additional content to include on the website.

Mr. Wallace asked Mr. Banchefsky for an update on the status of last month's vote on the cell tower and whether the written decision went out and whether the thirty (30) appeal period had expired.

Mr. Banchefsky stated a record of action went out and he thought the thirty (30) day period, conservatively, would be on Friday, October 25, 2019.

Mr. Wallace asked if the thirty (30) days ran from the point where it was filed by the city or received by the applicant.

Mr. Banchefsky stated it was the date mailed by the city.

Mr. Kirby asked if there was any word of other activity there.

Mr. Mayer stated the only other activity was that they had withdrawn their variance applications scheduled to be heard by the Board of Zoning Appeals.

Mr. Shockey asked if they had made contact with the city about an alternate location.

Mr. Mayer stated there were no other updates besides the withdrawal of the variances.

With no further business, Mr. Kirby polled members for comment and hearing none, adjourned the meeting at 8:10 p.m.

Submitted by Josie Taylor.



## APPENDIX

### Planning Commission Staff Report October 21, 2019 Meeting

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#### NORTHWEST BEECH INTERCHANGE ZONING DISTRICT ZONING AMENDMENT

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LOCATION: Northwest quadrants of the Smith's Mill Road and Beech Road intersection (PID: 093-106512-00.000)  
APPLICANT: MBJ Holdings LLC c/o Aaron L Underhill  
REQUEST: Zoning Amendment  
ZONING: I-PUD Infill Planned Unit Development to I-PUD Infill Planned Unit Development  
APPLICATION: ZC-71-2019

Review based on: Application materials received on September 6, September 23, October 4 and October 14, 2019

*Staff report completed by Chris Christian, Planner*

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

The applicant requests review and recommendation to City Council to rezone 16.62+/- acres to Infill Planned Unit Development (I-PUD) from Infill Planned Unit Development (I-PUD).

This application proposes to rezone a total of 16.62+/- acres along the west side of Beech Road, south of Smith's Mill Road for a new zoning district to be known as the Northwest Beech Interchange Zoning District. The 16.62 acres is comprised of all of subarea 1 and a portion of subarea 2 from the 72.25 zoning district known as the Beech/161 Northwest Quad Zoning District which was approved by the Planning Commission in January 2018.

The proposed text splits the zoning district into three new subareas: 1-A, 1-B and 1-C. In the existing text, retail and personal service uses included in the Highway Business District (C-3) uses were permitted throughout subarea 1. The proposed text limits those C-3 uses to only the new subarea 1-A thereby reducing the amount of land that may be developed with retail and personal service uses. Subareas 1-B and 1-C are limited to General Employment (GE) uses.

. The zoning district modifies a portion of the existing development standards related to setback requirements and hotel height requirements, and a private road.

A final development plan for the development of the private road system and related improvements including landscaping and sidewalk installation is on tonight's Planning Commission agenda and are evaluated under a separate staff report.

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

The site is located south of the Smith's Mill Road and west of the Beech Road intersection in Licking County. The neighboring uses and zoning districts include L-GE, I-PUD and state route 161 to the south. The site is undeveloped.

## **III. PLAN REVIEW**

Planning Commission's review authority of the zoning amendment application is found under C.O. Sections 1107.02. GE requirements are found under Chapter 1153, and C-3 requirements are found under Chapter 1149. 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, zoning text, and zoning regulations. Primary concerns and issues have been indicated below, with needed action or recommended action in underlined text.

### **A. New Albany Strategic Plan**

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

1. All development standards of the Office District and retail district shall still apply.
2. Parking areas should promote pedestrians by including walkways and landscaping to enhance visual aspects of the development.
3. When parking vastly exceeds minimum standards, it should be permeable or somehow mitigate its impact.
4. Combined curb cuts and cross access easements are encouraged.
5. Building architecture and design should complement and follow the standards set by previous retail developments in New Albany.
6. A 200 foot building and parking buffer should be provided along State Route 161.
7. Curb cuts on primary streets should be minimized and well organized connections should be created within and between all retail establishments. Combined curb cuts and cross access easements between parking are preferred between individual buildings.
8. Entrances to sites should respect existing road character and not disrupt the Green Corridors strategy objectives.
9. Walkways at least 8 feet in width should run the length of the building.
10. Green building and site design practices are encouraged.
11. Large retail building entrances should connect with pedestrian network and promote connectivity through the site.
12. Large retail establishments are encourages to contribute features that will encourage pedestrian activity and encourage pedestrian activity and enhance the space around the retail.

### **B. Use, Site and Layout**

1. *The proposed text rezones the entire portion of subarea 1 and a small area of subarea 2 within the existing Beech/161 Northwest Quad Zoning District.*
2. *The proposed text splits the zoning district into three new subareas: 1-A, 1-B and 1-C. In the previous existing text, retail and personal service uses included in the C-3 Highway*

*Business District (C-3) uses were permitted throughout subarea 1. The proposed text limits those C-3 uses to only the new subarea 1-A thereby reducing the amount of land that may be developed with C-3 retail and personal service uses. Subareas 1-B and 1-C are limited to General Employment (GE) uses.*

4. *The proposed text allows for a maximum of one gas station to be developed in subarea 1-A where the previous text did not have this provision.*
5. *Truck stops, travel centers, self-storage facilities and automobile sale uses are prohibited throughout the zoning district.*
6. The applicant is modifying the required setbacks established in the Beech/161 Northwest Quad Zoning Text and are listed as follows. Staff is supportive of the proposed modifications to the required minimum setbacks due to the type of development that is envisioned in this area which is smaller scale, vehicular oriented retail. Other retail centers within New Albany are typically placed closer to the street, and the proposed setbacks are similar to the Canini Trust Corp area and Shops at Walton Parkway.

<b>Street Name</b>	<b>Old Text</b>	<b>Proposed Text</b>	<b>Canini Trust Corp (For Comparison)</b>
State Route 161	125 foot building and pavement	125 foot building setback. Pavement setback varies, it follows the northern boundary of the existing gas line easement.	N/A
Beech Road	100 foot building 55 foot and pavement	75 foot building and 40 foot pavement	Johnstown Road—50 foot building and pavement
Smith's Mill	100 foot building and 55 pavement	75 foot building and 55 foot pavement	50 foot building and pavement
Private Drive	N/A	15 foot building and pavement	20 foot building and pavement

7. *The proposed zoning text retains a limitation on total acreage that can be utilized for retail uses in the Beech Road / Smith's Mill Road area. Currently, there are four existing subareas located in the Business Park East area zoned to allow retail uses Innovation Zoning District, Subareas B and C, Business Park East Zoning District Subarea 5,*

*Beech/161 Northwest Quad Zoning District totaling approximately 92 acres. It is the developer's intent to limit those existing subareas allowing retail and the newly proposed subareas to maximum of 92 acres. Once 92 acres have been developed with retail uses found in the C-3 and GE zoning district, the remainder of the land from all of these subareas can only allow non-retail General Employment (GE) zoning district uses listed in their respective zoning texts. This provision is consistent with the Beech/161 Northwest Quad Zoning District text and other zoning texts where retail is permitted.*

8. 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 north, the site appears to be appropriate for retail and commercial development.

### **C. Access, Loading, Parking**

1. The text allows for the creation of a private road within subarea 1-A. The text states the private road shall be paved to provide two way traffic and be built to public specifications. The road will be privately owned and maintained until the city provides a written request to the property owner to dedicate it to the city as public right-of-way. The right-of-way widths will vary depending on the section of road. The text commits to dedicate 42 feet of right-of-way off of Beech Road, with an additional 9 foot easement and the remainder of the right-of-way shall be 30 feet in width with an additional 10 foot easement. The city engineer has reviewed and is supportive of the proposed future right-of-way and easement widths.
2. The text retains the provisions for the site to be accessed with up to two right-in, right-out curb cuts off of Beech Road with additional turn movements only to be approved as part of a final development plan and supported by a traffic analysis.
3. The text also retains the provision for one additional access point on the south side of Smith's Mill Road.
  - a. The Beech/161 Northwest Quad Zoning District permits two full access points on the south side of Smith's Mill Road to align with the existing curb cuts into the western and eastern portions of the AEP site to the north.
  - b. The text also permits an additional access point similar to what is described under section C(3)(a) of the staff report. In order to reduce the number of permitted curb cuts along Smith's Mill Road, staff recommends a condition of approval that the zoning text be updated to reflect that there are a total of three permitted curb cuts along Smith's Mill Road between both the existing Beech/161 Northwest Quad Zoning District and this new Northwest Beech Interchange District.
4. According to the text, each internal parcel will have the ability to install one full movement curb cut onto the private road. Furthermore, the text allows up to two full movement curb cuts onto the private road for parcels with side and rear yards that are contiguous with the private road (i.e. corner lots), subject to review and approval at the time of final development plan.
5. Parking will be provided per the city's parking code requirements (Chapter 1167).
6. For retail uses there is language encouraging parking lot design with pedestrian circulation routes to provide a safe, convenient and efficient access for vehicles, pedestrians and bicyclists which is consistent with the Beech/161 Northwest Zoning District text.

7. An 8 foot wide leisure trail will be installed along both sides of Smith's Mill Road and along the western boundary of Beech Road which is consistent with the Beech/161 Northwest Zoning District text.
8. The zoning text requires that a 5 foot sidewalk be installed along both sides of the private road.

#### **D. Architectural Standards**

1. The previous height for C-3 uses was limited to a maximum of one and one half stories. The new text allows a maximum for these uses at two stories except for hotel uses which are permitted a maximum height of 65 feet.
2. There no other proposed changes to the architectural standards of the previous text. The proposed text retains existing architectural standards including complete for all ground and roof mounted mechanical equipment, prohibition of outdoor playground equipment and the prohibition of any prefabricated metal buildings and exposed concrete walls.

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

1. The text states that a landscape plan for the entirety of Beech Road and Smith's Mill Road shall be filed along with the first final development plan within subarea 1-A.
2. There are no changes to preservation commitments. The zoning text contains similar language regarding tree preservation as appeared in the zoning text for the Innovation District rezoning to the north, stating "reasonable and good faith efforts will be made to preserve existing trees and tree rows occurring within the setbacks in this subarea."
3. The proposed text retains a provision that encourages shared stormwater management for the entire district so individual sites such as outparcels do not been to have their own on-site basin.
4. The zoning text retains the requirement that street trees shall be installed along the private road in placed 1 for every 30 feet of road frontage as well as along the public roads. The zoning text states that a master landscape plan for all public roads in subarea 1-A shall be filed with the city concurrent with the first private site final development plan. Leisure trail, street trees and fencing are already installed along Beech Road.

#### **E. Lighting & Signage**

1. The proposed text retains the provision for a master sign plan, however this is only required for C-3 uses. The text also provides reference to the Turkey Hill gas station signage to be mimicked in this zoning district by gas station/convenience store uses.
2. No proposed changes to the lighting requirements. All parking lot and private driveway lighting shall be cut-off type fixtures and down cast. Parking lot lighting shall be from a controlled source in order to minimize light spilling beyond the boundaries of the site.

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

1. The proposed rezoning retains the Beech/161 Northwest Quad zoning text provision which allows L-GE uses to be processed and reviewed by city staff in the same manner as if they were not being developed within a planned unit development zoning district.

Any retail use development is required to be reviewed by the Planning Commission as part of a final development plan.

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

The City Engineer, E.P. Ferris reviewed the proposed rezoning application and provided no comments.

#### **V. RECOMMENDATION**

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

The proposed text revisions are appropriate given the type of retail and personal service development that is envisioned in this area, which is primarily auto oriented in nature. The proposed text limits retail type development to one subarea within the zoning district, concentrating this type of development on the corner of Smith's Mill Road and Beech Road where it is most desired. The proposed text provides flexibility in design by reducing the required setbacks to accommodate the desired development type, while establishing design parameters for the envisioned private road that meets the city standard for streetscape design. The proposed zoning requirements are consistent with other successful service oriented sites in New Albany.

Staff recommends approval provided that the Planning Commission finds the proposal meets sufficient basis for approval with the conditions of the approval listed below.

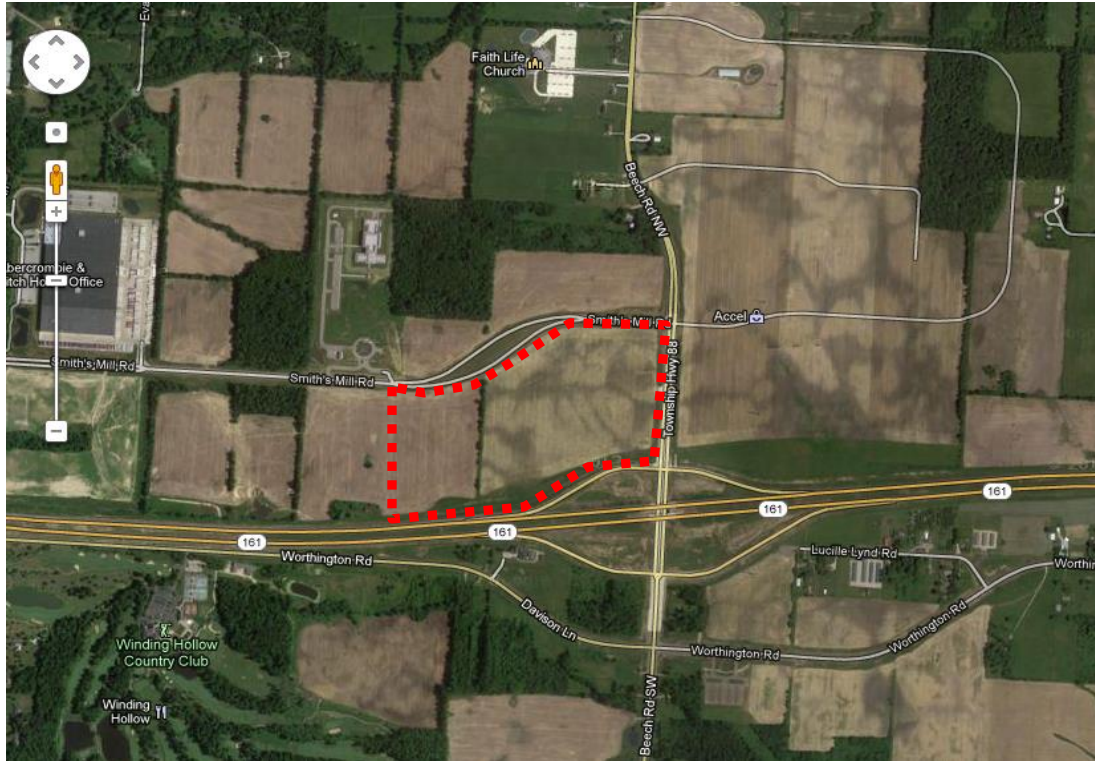
#### **VI. ACTION**

##### **Suggested Motion for ZC-71-2019:**

Move to recommend approval to Council of the rezoning application ZC-71-2019, subject to the following conditions:

1. The zoning text must be updated to reflect that there are a total of three permitted curb cuts along Smith's Mill Road between both the existing Beech/161 Northwest Quad Zoning District and this new Northwest Beech Interchange District.

##### **Approximate site Location:**



Source: Google Maps





## Planning Commission Staff Report October 21, 2019 Meeting

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### NORTHWEST BEECH INTERCHANGE PRIVATE ROAD FINAL DEVELOPMENT PLAN

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LOCATION: Generally located at the corner of Smith's Mill Road and Beech Road  
(PID: 093-106512-00.000)  
APPLICANT: MBJ Holdings LLC c/o Aaron Underhill  
REQUEST: Final Development Plan  
ZONING: Northwest Beech Interchange Zoning District I-PUD  
STRATEGIC PLAN: Retail Office Mix  
APPLICATION: FDP-72-2019

Review based on: Application materials received on September 6, September 23, October 4 and October 14, 2019

*Staff Report completed by Chris Christian, Planner*

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#### II. REQUEST AND BACKGROUND

The application is for a final development plan for the development of a private road, generally located at the northwest corner of Smith's Mill Road and Beech Road. The proposed road will initially be private, but the text requires the road be built to public street construction standards. The applicant has committed to submitting and executing a separate future right-of-way dedication agreement.

The zoning text allows for the creation of a paved, private road to provide two-way traffic within subarea 1-A of the zoning district. The zoning text states that the road shall be privately owned and upon written request of the city, shall be dedicated as a public street.

There is also a rezoning application on tonight's Planning Commission agenda for this area to establish the Northwest Beech Interchange zoning district.

#### III. SITE DESCRIPTION & USE

The site is located south of the Smith's Mill Road and west of the Beech Road intersection in Licking County. The neighboring uses and zoning districts include L-GE, I-PUD and state route 161 to the south. The site is undeveloped.

#### III. EVALUATION

Staff's review is based on New Albany plans and studies, zoning text, zoning regulations. Primary concerns and issues have been indicated below, with needed action or recommended

action in underlined text. Planning Commission's review authority is found under Chapter 1159.

The Commission should consider, at a minimum, the following (per Section 1159.08):

- a. *That the proposed development is consistent in all respects with the purpose, intent and applicable standards of the Zoning Code;*
- b. *That the proposed development is in general conformity with the Strategic Plan/Rocky Fork-Blacklick Accord or portion thereof as it may apply;*
- c. *That the proposed development advances the general welfare of the Municipality;*
- d. *That the benefits, improved arrangement and design of the proposed development justify the deviation from standard development requirements included in the Zoning Ordinance;*
- e. *Various types of land or building proposed in the project;*
- f. *Where applicable, the relationship of buildings and structures to each other and to such other facilities as are appropriate with regard to land area; proposed density may not violate any contractual agreement contained in any utility contract then in effect;*
- g. *Traffic and circulation systems within the proposed project as well as its appropriateness to existing facilities in the surrounding area;*
- h. *Building heights of all structures with regard to their visual impact on adjacent facilities;*
- i. *Front, side and rear yard definitions and uses where they occur at the development periphery;*
- j. *Gross commercial building area;*
- k. *Area ratios and designation of the land surfaces to which they apply;*
- l. *Spaces between buildings and open areas;*
- m. *Width of streets in the project;*
- n. *Setbacks from streets;*
- o. *Off-street parking and loading standards;*
- p. *The order in which development will likely proceed in complex, multi-use, multi- phase developments;*
- q. *The potential impact of the proposed plan on the student population of the local school district(s);*
- r. *The Ohio Environmental Protection Agency's 401 permit, and/or isolated wetland permit (if required);*
- s. *The U.S. Army Corps of Engineers 404 permit, or nationwide permit (if required).*

It is also important to evaluate the PUD portion based on the purpose and intent. Per Section 1159.02, PUD's are intended to:

- a. *Ensure that future growth and development occurs in general accordance with the Strategic Plan;*
- b. *Minimize adverse impacts of development on the environment by preserving native vegetation, wetlands and protected animal species to the greatest extent possible*
- c. *Increase and promote the use of pedestrian paths, bicycle routes and other non-vehicular modes of transportation;*
- d. *Result in a desirable environment with more amenities than would be possible through the strict application of the minimum commitment to standards of a standard zoning district;*
- e. *Provide for an efficient use of land, and public resources, resulting in co-location of harmonious uses to share facilities and services and a logical network of utilities and streets, thereby lowering public and private development costs;*
- f. *Foster the safe, efficient and economic use of land, transportation, public facilities and services;*
- g. *Encourage concentrated land use patterns which decrease the length of automobile travel, encourage public transportation, allow trip consolidation and encourage pedestrian circulation between land uses;*

- h. *Enhance the appearance of the land through preservation of natural features, the provision of underground utilities, where possible, and the provision of recreation areas and open space in excess of existing standards;*
- i. *Avoid the inappropriate development of lands and provide for adequate drainage and reduction of flood damage;*
- j. *Ensure a more rational and compatible relationship between residential and non-residential uses for the mutual benefit of all;*
- k. *Provide an environment of stable character compatible with surrounding areas; and*
- l. *Provide for innovations in land development, especially for affordable housing and infill development.*

■ **New Albany Strategic Plan**

- 1. This site is located in the Retail/ Office Mix district of the 2014 New Albany Strategic Plan. The development standards for this type of use include (but are not limited to):
  - a) Curb cuts on primary streets should be minimized and well organized connections should be created within and between all retail establishments.
  - b) Large retail building entrances should connect with the pedestrian network and promote connectivity through the site.
  - c) Entrances to sites should respect existing road character and not disrupt the Green Corridors strategy objectives.

■ **Use, Site and Layout**

- 1. This final development plan application is to develop a private road, generally located at the southwest corner of the Beech Road and Smith's Mill Road intersection. The development of a private road is permitted in the Northwest Beech Interchange zoning text. The private road will be established between the northwest corner of Smith's Mill Road, west of Beech Road and the southwest corner of Beech Road, north of State Route 161.
- 2. The final development plan area is 13.68 acres.
- 3. The private road will be accessed by a curb cut on Smith's Mill Road and a curb cut on Beech Road. The creation of this road sets up sites for future development within the zoning district and allows for the potential future western expansion of the road.
- 4. The zoning text states that the road shall be privately owned until, upon written request of the city, the property owner shall dedicate the private road as a public street. Staff recommends a condition of approval that a future right-of-way agreement is submitted prior to construction being permitted, subject to staff approval.
- 5. The road's design is meeting the requirements found in the zoning text. The right-of-way dedication shall be 42 feet wide along the road section that extends west from Beech Road and 30 feet wide for the section that extends south from Smith's Mill Road. The text also states that a 10 foot easement shall be established on each side of the private road that extends south from Smith's Mill and a 9 foot easement on both sides of the road that extends west from Beech Road. The final development plan reflects these zoning requirements.
- 6. sections

■ **Access, Loading, Parking**

- a. The applicant is proposing two access points for the private road from public streets. On Smith's Mill Road the applicant proposes a new curb cut off to allow for right-in, right out with left turn movements into the site. The applicant also proposes to use an existing curb cut off of Beech Road as right-in, right-out with left turn movements into the site as well.
  - The zoning text allows right-in, right-out turns by right and states additional turn movements at these curb cuts may be permitted at the time of a final development plan, if supported by a traffic analysis and approved by the City Traffic Engineer.
  - The applicant has submitted a traffic analysis that supports these additional left turn movements into the site. The City Traffic Engineer has reviewed and approved the proposal.
- b. Based on the traffic impact study submitted by the City Traffic Engineer recommends a right turn lane from southbound Beech Road be constructed when the private road is installed. The City Traffic Engineer comments this right turn lane provides for safer travel conditions at the intersection. City staff recommends a condition of approval requiring a right turn lane is installed along Beech Road with the private road improvements by the applicant, subject to the City Traffic Engineer's approval.
- c. The City Traffic Engineer also suggests future traffic impact studies be submitted with future private developments to determine if an additional right turning is warranted for vehicles traveling east on Smith's Mill Road at the Beech Road intersection. As additional development occurs west of Beech Road, along Smith's Mill Road, this additional right turn lane may be required as part of a future private development.
- d. The private road will be provided at varying widths through the area.
  - The proposed drive off of Beech Road will be 36 feet in width from face of curb to face of curb which is consistent with what is required in the zoning text.
  - The proposed drive off of Smith's Mill Road that will connect south to the Beech road portion of the private road is 24 feet from face of curb to face of curb. The road width meets the requirements found in the zoning text.
  - Each section of the proposed private road will have an 8 foot tree lawn and a 5 foot sidewalk on along both sides of the street that are within this zoning district.
- e. According to the final development plan, as each parcel develops, the individual property owner will be responsible for installing a 5 foot wide sidewalk, along their property line that abuts the private road. Additionally, leisure trail installation along Beech and Smith's Mill Road will be required per city code, as each site develops.

▪ **Architectural Standards**

1. There are no proposed building improvements as part of this final development.

▪ **Parkland, Buffering, Landscaping, Open Space, Screening**

1. As part of this final development plan, the applicant is proposing to install street trees along both sides of the private road. These trees will be installed every 30 feet on center and be at least two and a half inches in caliper at the time of installation which meets the requirements of the zoning code. Staff recommends a condition of approval that the type of street tree species be subject to staff approval.

- Lighting & Signage

1. No lighting or signage improvements were submitted as part of this final development plan.

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

The City Engineer reviewed the final development plan application and provided the following comments. Staff recommends a condition of approval that all of the comments of the City Engineer are addressed, subject to staff approval.

1. The Traffic Study addendum received in our office on September 30 is still under review. Written review comments will be provided by October 18, 2019.
2. Work proposed in Beech Road Limited Access Right-of-Way (LA/RW) will require ODOT approval. This work includes left turn lane improvements and construction of the south curb radii return.
3. If ODOT approval is not obtained where encroachments into LA/RW are proposed, the Beech Road curb cut will have to be moved.

#### **V. RECOMMENDATION**

Staff recommends approval of the final development application. The city traffic engineer has reviewed and approved the proposed additional turn movements onto the private road which are supported by a traffic study. The applicant is providing a privately owned street that is being built to public standards which includes street trees and sidewalks along all private road boundaries within the zoning district, as individual sites develop. The creation of the private road allows for development sites to be accessed off of the private road, rather than off of primary streets thereby accomplishing an important goal of the 2014 New Albany Strategic Plan. Overall, the application is consistent with the requirements of the zoning text

#### **V. ACTION**

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

Move to approve final development plan application **FDP-72-2019**, subject to the following conditions:

1. A future right-of-way dedication agreement is submitted prior to construction being permitted and is subject to staff approval.
2. A right turn lane must be installed along Beech Road with the private road improvements by the applicant, subject to the City Traffic Engineer's approval.
3. The final street tree species to be installed along the private road shall be subject to staff approval.
4. All the comments of the City Engineer must be addressed, subject to staff approval.

**Approximate Site Location:**



Source: Google Maps



**Planning Commission Staff Report  
October 21, 2019 Meeting**

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**YARD LAMP VARIANCE  
NACC 22 - 16 S. EALY CROSSING & 19 S. EALY CROSSING**

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LOCATION: 16 and 19 S. Ealy Crossing  
APPLICANT: Jacob and Stephanie Worley—16 South Ealy Crossing  
Mark and Cindy DeBellis—19 South Ealy Crossing  
REQUEST: Variance to Ealy Crossing I-PUD zoning text section VI(b) to not require a yard light be installed near the sidewalk at the front entry of the homes  
ZONING: I-PUD (Ealy Crossing)  
APPLICATION: V-75-19  
STRATEGIC PLAN: Village Center

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Review based on: Application materials received on September 17 and September 25, 2019

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*Staff Report Completed by Chris Christian, Planner*

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**IV. REQUEST AND BACKGROUND**

The applicants request a variance to the Ealy Crossing Zoning Text to not require a yard light be installed near the sidewalk at the front entry of the home. On March 19, 2018, the Planning Commission approved 23 variances to the same zoning text requirement in the Ealy Crossing subdivision. This staff report contains an evaluation of each home to the zoning text's requirements. The addresses being considered are:

- (A) 16 S. Ealy Crossing
- (B) 19 S. Ealy Crossing

There are 42 residential lots in the Ealy Crossing subdivision. 37 homes have either installed the required yard light or requested a variance from the Planning Commission and there are 5 vacant lots in the subdivision.

**II. EVALUATION**

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

***Criteria***

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

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

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

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

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

### **III.EVALUATION**

#### ***Considerations and Basis for Decision***

The following should be considered in the Commission’s decision:

##### **(A) 16 S. Ealy Crossing**

- a. The applicant requests a variance to the Ealy Crossing Zoning Text Section VI (b) to not require a minimum of one approved yard light be installed near the sidewalk at the front entry of the home.
- b. The spirit and intent of the zoning text requirement appears to be to illuminate the sidewalk. The light post’s location is required so there is general consistency between homes.
- c. Currently the home has two brick pillars with a gas lights at the sidewalk in front of the home directly adjacent to the sidewalk.
- d. The home also has a gas porch light.
- e. Staff believes the brick pillars with gas lights meet the spirit and intent of the zoning text since they provide light at the home’s entry and along the public sidewalk.



- f. The variance does not appear substantial since the current design meets the intent of the zoning text, by providing lighting at a clear entrance location.
- g. It appears that granting the variance will not adversely affect the delivery of government services and will not adversely affect the health and safety of visitors and people residing in the same neighborhood.

**(B) 19 S. Ealy Crossing**

- a. The applicant requests a variance to the Ealy Crossing Zoning Text Section VI (b) to not require a minimum of one approved yard light be installed near the sidewalk at the front entry of the home.
- b. The spirit and intent of the zoning text requirement appears to be to illuminate the sidewalk. The light post's location is required so there is general consistency between homes.
- c. The home is currently under construction. The approved plans show two brick pillars with gas lights at the driveway, directly adjacent to the sidewalk.
- d. Staff believes the brick pillars with gas lights meet the spirit and intent of the zoning text since they provide light at the home entry and along the public sidewalk.
- e. The variance does not appear substantial since the current design meets the intent of the zoning text, by providing lighting at a clear entrance location.
- f. It appears that granting the variance will not adversely affect the delivery of government services and will not adversely affect the health and safety of visitors and people residing in the same neighborhood.

#### **IV. RECOMMENDATION**

The Strategic Plan provides residential strategies to encourage high quality design and create established neighborhoods that will continue to be invested in over time. Both of these homes are custom homes in an urban environment and have exemplified innovative and high quality design, which appears to result in unique circumstances for the design and placement of lighting.

Staff interprets the front “yard light” as the wood post lamp that is typical for all of the sections of the New Albany Country Club. And whereas the typical sections of the New Albany Country Club include homes are large lot with larger setbacks from the street; Ealy Crossing allows homes to be built up to five feet from right-of-way where the sidewalk is located. Staff believes the spirit and intent of the zoning text is to provide additional illumination at the sidewalk, and even though these homes don't have the New Albany Country Club typical yard light near the sidewalk, they do have wall lights near the street that is in character with the unique, urban design of Ealy Crossing.

There are numerous homes within Ealy Crossing that don't have a yard light near the sidewalk but do provide lighting near sidewalk either from brick column columns or lighting on the building itself. Lamps on brick columns and structures are typical of the urban form and appear to meet the spirit and intent of the zoning requirement. By granting the variance it does not appear the essential character of the neighborhood would be substantially altered or

adjoining properties suffer a “substantial detriment.” For these reasons staff is supportive of the variance request for 16 S. Ealy Crossing and 19 S. Ealy Crossing.

## V. ACTION

In accordance with C.O. 1113.06, “Within thirty (30) days after the public hearing, the Planning Commission shall either approve, approve with supplementary conditions, or disapprove the request for appeal or variance.” If the approval is with supplementary conditions, they should be in accordance with C.O. Section 1113.04. The decision and action on the application by the Planning Commission is to be based on the code, application completeness, case standards established by the courts, and as applicable, consistency with village plans and studies.

**Should the Planning Commission find that the application has sufficient basis for approval, the following motion would be appropriate (conditions may be added):**

Move to approve variance application V-75-19.

General Site Location:



Source: Franklin County Auditor.



**Planning Commission Staff Report  
October 21, 2019 Meeting**

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**FEAZEL ROOFING CORPORATE OFFICE  
SIGN VARIANCE**

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LOCATION: 7895 Walton Parkway (PID: 222-000391-00)  
APPLICANT: Feazel Inc. c/o SignCom  
REQUEST: Variance to zoning text section 7c.06(7)(g) to allow a wall sign to be installed along the State Route 161 right-of-way frontage.  
ZONING: Comprehensive Planned Unit Development (C-PUD) – New Albany Company PUD; Subarea 7C: Business Campus (Oak Grove West)  
APPLICATION: V-76-2019

Review based on: Application materials received September 16 and October 3, 2019

Staff report prepared by Chris Christian, Planner.

**V. REQUEST AND BACKGROUND**

The applicant requests a variance to allow one wall sign to be installed along State Route 161. Zoning text section 7c.06(7)(g) prohibits signage along the New Albany Express right-of-way frontage.

In April 2018, the Planning Commission approved a final development plan and several variances for the Feazel Corporate Office site at the corner of Walton Parkway and State Route 605.

**II. EVALUATION**

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

***Criteria***

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

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

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

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

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

### **III. RECOMMENDATION**

#### **Considerations and Basis for Decision**

##### **(A) Variance to zoning text section 7c.06(7)(g) to allow a wall sign to be installed along the State Route 161 right-of-way frontage.**

The following should be considered in the Planning Commission’s decision:

1. The zoning text section 7c.06(7)(g) does not permit signage to be installed along the State Route 161 right-of-way frontage.
2. The applicant has submitted a sign package for the Feazel Corporate Office building which includes three wall signs. The wall signs are proposed to be installed along State Route 605, Walton Parkway, and State Route 161. The wall signs along State Route 605 and Walton Parkway are permitted. Only the State Route 161 wall sign requires a variance.
3. The applicant requests a variance in order to install a wall sign on the building along the State Route 161 right-of-way frontage with the following dimensions:
  - The zoning text permits a maximum area of 75 square feet based on the building’s frontage and allows one wall mounted sign per building frontage.
    - a. Area: 49.83 square feet [meets code].
    - b. Location: on the State Route 161 building frontage **[does not meet code, variance requested].**
    - c. Lighting: Halo illuminated with soft blue LEDs [meets code].

- d. Relief: 6 inches [meets code].
  - e. Colors: black (total of 1) [meets code].
  - f. Lettering Height: 23.75" [meets code]
4. The sign is appropriately sized and positioned in the context of the size of the building and in relation to the other proposed signage for the building.
  5. The Planning Commission has approved similar variance requests to allow signs along the State Route 161 right-of-way for the Water's Edge buildings (V-15-07, V-03-09). Therefore it does not appear that the essential character of the neighborhood will be substantially altered or adjoining properties will suffer a substantial detriment.
  6. Staff believes that the spirit and intent of the zoning requirement is to ensure that there is not an overabundance of signage along the State Route 161 frontage. Granting the variance will preserve this spirit and intent as the applicant is proposing one, appropriately scaled wall sign for their building.
  7. The variance does not appear to be substantial as there are other buildings, within close proximity that already have wall signs installed along State Route 161. The sign is well designed and is appropriately scaled for the building, meeting all other code requirements.
  8. It does not appear that the variance would adversely affect the delivery of government services, affect the health and safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.

In summary, staff supports the variance request to allow a wall sign to be installed along the State Route 161 right-of-way. The sign is appropriately scaled for the building and is consistent with other wall signs in the area. The Planning Commission has previously approved variance requests to allow signage along the State Route 161 right-of-way at the nearby Water's Edge buildings, therefore the variance does not appear to be substantial nor will it alter the essential character of the neighborhood.

#### **IV. ACTION**

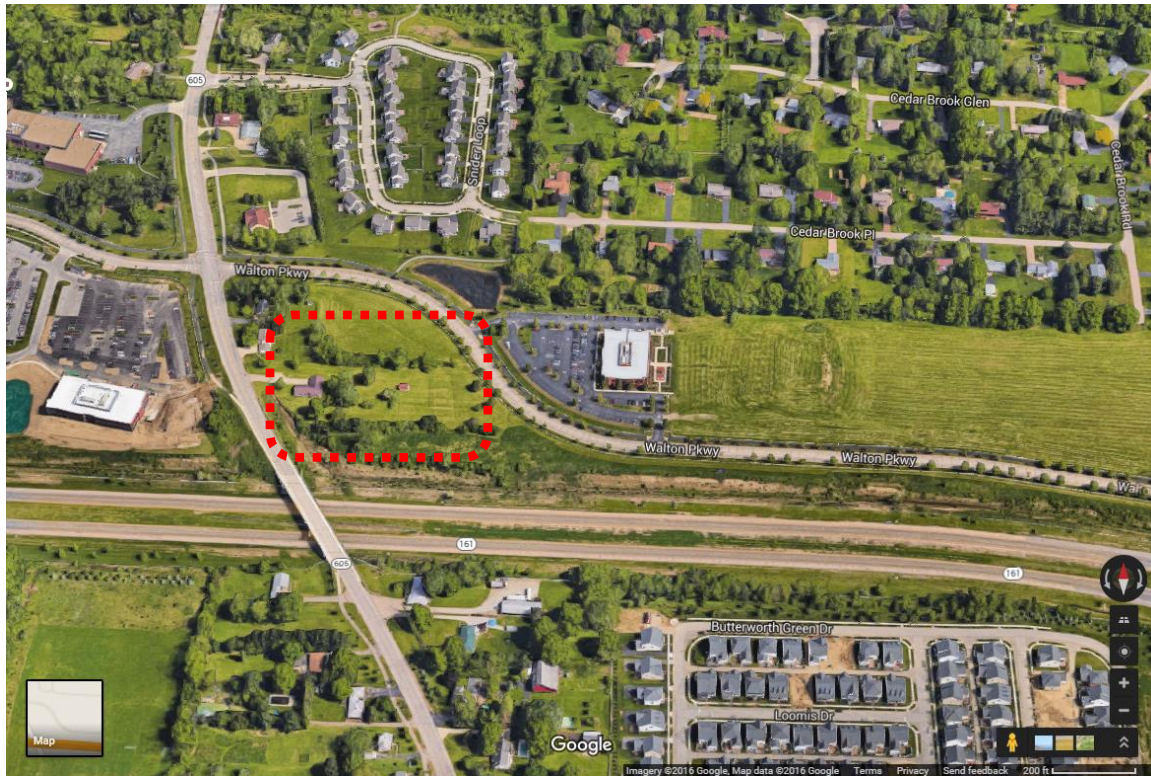
In accordance with C.O. 1113.06, "Within thirty (30) days after the public hearing, the Planning Commission shall either approve, approve with supplementary conditions, or disapprove the request for appeal or variance." If the approval is with supplementary conditions, they should be in accordance with C.O. Section 1113.04. The decision and action on the application by the Planning Commission is to be based on the code, application completeness, case standards established by the courts, and as applicable, consistency with village plans and studies.

**Should the Planning Commission find that the application has sufficient basis for approval, the following motion would be appropriate (conditions may be added):**

Move to approve variance application V-76-2019.

**Approximate Site Location:**





Source: Google Maps



**Planning Commission Staff Report  
October 21, 2019 Meeting**

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**JUG NORTH ZONING DISTRICT EXPANSION  
ZONING AMENDMENT**

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LOCATION: 3180 Beech Road (PID: 037-111618-04.000)  
REQUEST: Zoning Amendment  
ZONING: AG Agricultural to L-GE Limited General Employment  
STRATEGIC PLAN: Office Campus/Transitional Agriculture  
APPLICATION: ZC-77-2019  
APPLICANT: MBJ Holdings LLC, c/o Aaron Underhill, Esq.

Review based on: Application materials received on September 19, 2019

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*Staff report completed by Chris Christian, Planner*

**VI. REQUEST AND BACKGROUND**

The applicant proposes to rezone 1.2+/- acres to Limited General Employment (L-GE) to create a new limitation text for an area known as the “Jug Street North Zoning District Expansion”. The proposed limitation text matches the Strategic Plan’s recommended office campus/transitional agriculture and the Western Licking County Accord’s Office District land use categories by providing compatible general employment uses.

The text contains the same list of permitted, conditional, and prohibited uses as the Jug Street North Zoning District which was reviewed and approved by the Planning Commission on May 20, 2019.

**II. SITE DESCRIPTION & USE**

The overall site consists of one parcel and is located within Licking County. The site is generally located to the north of Jug Street, east of Beech Road and south of Miller Avenue. The annexation petition was filed on July 17, 2019 and is scheduled for its first reading at New Albany City Council on October 15, 2019 and second reading on November 5, 2019.

C.O. 1111.02 allows a change in zoning to be initiated by motion of Council, or by motion of the Planning Commission. The neighboring uses and zoning districts include L-GE to the north, east and south and unincorporated agricultural and residential uses to the west.

**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).

#### **E. Western Licking County Accord**

The proposed 1.2 acre rezoning is an expansion to the larger Jug Street North zoning district which is located within the Western Licking County Accord's Office and New Albany Strategic Plan Office Campus/Transitional Agriculture future land use districts. The Western Licking County Accord states that if New Albany annexes land in this area and is able to provide water and sewer services, it would best serve the city of New Albany and Johnstown-Monroe School District as office development in the annexed area. The Accord's recommended development standards for the Office District include, but are not limited to:

- 1. Building should be oriented to the front of the primary public roadways. (pg. 68)
- 2. Office buildings should be set back from the primary street right-of-way a minimum of 50 feet to maintain a natural greenway as a visual amenity. (pg. 68)
- 3. Street trees should be provided on both sides of the street at a minimum of 40 feet on center. (pg. 68)
- 4. Where new development is adjacent to existing residences a buffer zone shall be created with a minimum width of 25 feet. Such screening within the buffer zone shall consist of natural vegetation planted no closer than 3 feet to any property line. Natural vegetation shall have an opaqueness of 75% during full foliage and shall consist of a variety of deciduous and evergreen trees which attain 10 feet in height within 5 years of planting. (pg. 65)
- 5. Reasonable and good faith efforts shall be made to preserve existing trees and tree rows occurring in the planning area. (pg. 64)
- 6. To avoid spill-over lighting from commercial development to residential development. (pg. 66)
- 7. To avoid light pollution of the night sky. (pg. 66)
- 8. Outdoor light pole fixtures shall not exceed thirty (30) feet. (pg. 66)

#### **F. New Albany Strategic Plan**

The zoning district is located within the 2014 New Albany Strategic Plan's Office and Office Campus/Transitional Agriculture future land use districts.

The 2014 New Albany Strategic Plan lists the following development standards for the Office District and Office Campus/Transitional Agriculture:

- 2. Office buildings should not exceed five stories in height.



3. The design of office buildings should include four-sided architecture in order to address multiple frontages when present
4. On-Street parking is discouraged.
5. Primary parking should be located behind buildings and not between the primary street and the buildings.
6. Parking areas should be screened from view.
7. Loading areas should be designed so they are not visible from the public right-of-way, or adjacent properties.
8. Sidewalks/leisure trails should be placed along both sides of all public road frontage and setback 10 feet from the street.
9. Common open spaces or green are encouraged and should be framed by buildings to create a “campus like” environment.
10. 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.
11. Street trees should be provided at no greater a distance than 40 feet on center.
12. Individual uses should be limited in size, acreage, and maximum lot coverage.
13. No freeway/pole signs are allowed.
14. Heavy landscaping is necessary to buffer these uses from adjacent residential areas.
15. A 200 foot buffer should be provided along State Route 161.
16. Structures must use high quality building materials and incorporate detailed, four sided architecture.
17. When double fronting sites exist, office buildings should address both frontages.
18. Plan office buildings within the context of the area, not just the site, including building heights within development parcels.
19. Sites with multiple buildings should be well organized and clustered if possible.
20. All office developments should employ shared parking or be designed to accommodate it.
21. All office developments should plan for regional storm water management.
22. Office developments should provide connections to the regional trail system.
23. Green building and site design practices are encouraged.
24. Innovative an iconic architecture is encouraged for office buildings.

#### *G. 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 proposed rezoning is an expansion of the larger Jug Street North zoning district which is located in the 2014 New Albany Strategic Plan’s Office and Office Campus/Transitional Agriculture district. This site is also located in the Western Licking County Accord’s Office and the New Albany Strategic Plan Office Campus/Transitional Agriculture district.
3. The site is surrounded by the Jug Street North zoning district. Due to the proximity of this site to the State Route 161/Beech Road interchange and given the site is surrounded by the New Albany Business Park, it appears to be most appropriate for commercial development.
4. The limitation text will allow for the same general office activities, warehouse & distribution, data centers, and research & production uses as permitted in the Jug

Street North Zoning District. 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 which are the same conditional uses listed in the Jug Street North Zoning District text.
6. Prohibited uses include industrial product sales and services, mini-warehouses, vehicle services, radio/television broadcast facilities, off-premise signs and sexually oriented business.
7. This text contains the same list of permitted, conditional, and prohibited uses as Jug Street North Zoning Text which allows for uses such as Anomatic, Accel, Axiom, and Veepak are located, and the portion of the business park south of State Route 161 in Licking County.
8. The limitation text establishes the same, more restrictive setback requirements that are established in the Jug Street North Zoning District. Zoning text section D.2 proposes the following setbacks:
  - Beech Road: minimum 185 foot building and pavement setback from centerline.
    - Meets the New Albany Strategic Plan recommendation of a 185 foot setback from centerline.
    - The Western Licking County Accord does not provide setback recommendations for arterial roads like Beech Road. The text only provides setback recommendations for rural roads. The proposed 185 foot setback appears to be appropriate for Beech Road.
    - The text retains the original Jug Street North provision allowing for the elimination of setbacks in the event that a parcel located within this Zoning District and an adjacent parcel located outside of this Zoning District (i) come under common ownership or control, (ii) are zoned to allow compatible non-residential uses, and (iii) are combined into a single parcel.

#### **H. Access, Loading, Parking**

9. Detailed traffic access will be determined with City Staff as the site is developed. The text requires that in conjunction with the filing of an application with the City for a plat or private site development, a traffic study shall be filed by the applicant. Section C.4 of the zoning text creates a provision to allow the city to require an update to the traffic study as the zoning district develops.
10. Zoning text section C.5 proposes to dedicate the following right-of-way below which is consistent with what is provided in the original Jug Street North zoning text.
  - a. Beech Road: The total right-of-way for Beech Road shall be 100 feet. Right-of-way shall be dedicated to the City within this Zoning District to a width of 50 feet as measured from the centerline of Beech Road.
  - b. New Public Streets: Right-of-way will be the appropriate width for the anticipated character of the street as guided by the City of New Albany Strategic Plan.
11. Parking will be provided per code requirements (Chapter 1167) and will be evaluated at the time of development for each individual site.

12. Zoning text section F.6 requires an internal pedestrian circulation system to be created for buildings with the primary uses of office unless they are a part of a campus which for reasons of safety and security reasons requires access by the public to be restricted.

#### **I. Architectural Standards**

3. The proposed rezoning implements the same architectural requirements, standards and limitations set forth in the neighboring Jug Street North Zoning District commercial zoning districts
4. The zoning text section E.1 permits a maximum building height of 65 feet.
5. The City's Design Guidelines and Requirements do not provide architectural standards for warehouse and distribution type facilities. Due to the inherent size and nature of these facilities careful attention must be paid to their design to ensure they are appropriately integrated into the rest of the business park. The limitation text includes 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.
6. Section 5 of the zoning text requires complete screening of all roof-mounted equipment on all four sides of the building using materials that are consistent and harmonious with the building's façade and character. The text indicates that the screening is provided to screen equipment from off-site view but also to buffer sound generated by the equipment. The text allows parapets and other buildings within the district to provide this screening.
7. Section I of the zoning text allows above ground utilities but only in the following specific circumstances:
  - a. When ground mounted equipment/structure is located at least 200 feet from the centerline of any public right-of-way or the piping, cables, and/or conduits between a building and ground mounted equipment or structures are not visible from the public right-of-way.
  - b. Additionally, any connection installed for its entire length shall be at a height at its minimum function design height, which shall not exceed 125% of the ground mounted equipment or structure to which the connection is made.

#### ***F. Parkland, Buffering, Landscaping, Open Space, Screening***

5. Maximum lot coverage for this subarea is 75%, which is the same requirement as the surrounding L-GE zoning districts.
6. 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.
7. Screening for Beech Road is as follows:
  - a. a minimum eight (8) foot high mound shall be provided near the Beech Road public right-of-way which 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% on the date that is 5 years after planting to a total height of twelve (12) feet above the top of the mound.
8. Street trees are required to be located an average of 30 feet on center throughout the development.

#### **G. Lighting & Signage**

3. 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).
4. *The maximum height of light poles is 30 feet. However, light poles located within 300 feet of properties where residential uses exist or are permitted shall be no higher than 18 feet in height. This requirement is meeting one of the development goals of the Western Licking County Accord Plan pertaining to lighting. (pg. 66)*

*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.*

#### **H. 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 Johnstown Monroe Local School District and add significant value to the land resulting in a substantial financial benefit to the school district.

#### **IV. RECOMMENDATION**

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

The limitation text provides for stricter limitations in use and design than the straight General Employment zoning districts and is consistent with the Jug Street North zoning district text. Due to the proximity of this site to the State Route 161/Beech Road interchange and being surrounded by the existing Jug Street North zoning the site appears to be most appropriate for commercial development.

The proposed zoning text is meeting or exceeds a majority of the development standards found in both the Western Licking County Accord Plan and the 2014 New Albany Strategic Plan. The requirements of the zoning text take into account the existing residential nature of the surrounding area and include different height and landscape restrictions to remain sensitive to those existing uses.

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

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

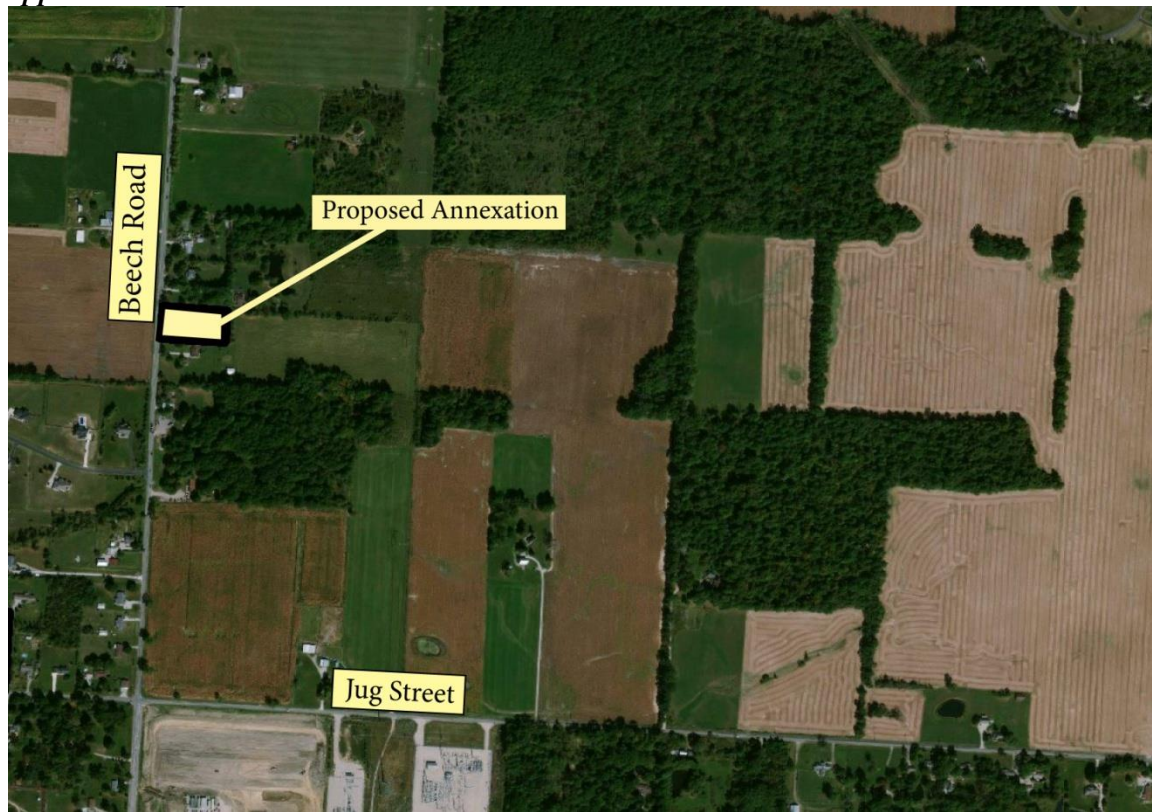
#### **V. ACTION**

##### **Suggested Motions for ZC-77-2019:**

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

**Move to approve application ZC-77-2019 based on the findings in the staff report (conditions may be added):**

*Approximate Site Location:*



Source: Google Maps