

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 7:05 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. Matt Shull (council liaison)	Present

(Mr. Kirby, Mr. Wallace, Mr. Shockey, Mr. Schell, and Ms. Wiltrout present via Zoom.com).

Staff members present: Steven Mayer, Development Services Coordinator(via Zoom.com); Chris Christian, Planner; Mitch Banchefsky, City Attorney (via Zoom.com; Jay Herskowitz for Ed Ferris, City Engineer (via Zoom.com); and Josie Taylor, Clerk (via Zoom.com).

Mr. Shull (prior to meeting start) and Mr. Wallace noted corrections to the February 17, 2021 Planning Commission (hereafter, "PC") meeting minutes.

Moved by Mr. Wallace, seconded by Ms. Wiltrout, to approve the February 17, 2021 meeting minutes, as corrected. Mr. Wallace, yea; Ms. Wiltrout, yea; Mr. Schell, yea; Mr. Shockey, yea; Mr. Kirby, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

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

Mr. Christian stated the order of the Agenda would be modified and the applications presented in the following order: ZC-19-2021; PDP-20-2021; PP-21-2021; Amendment to Codified Ordinance Chapter 1153; CU-7-2021; and CU-9-2021.

Mr. Kirby swore all who would be speaking before the PC this evening to tell the truth and nothing but the truth.

Mr. Tom Rubey and Mr. Aaron Underhill stated they would tell the truth and nothing but the truth.

Mr. Kirby discussed the procedures for guests wishing to speak to the PC.

Mr. Mayer noted the chat buttons and raise hand features on Zoom.com and explained how they could be used.

Mr. Christian indicated chat was not normally included as part of the meeting.

Mr. Mayer indicated there was a disclaimer to that effect.

#### **ZC-19-2021 Zoning Amendment**

#### Amendment to the 1998 NACO C-PUD Comprehensive Plan subarea boundaries 1.d and 1.g for a 4.17 +/-acre portion of a property generally located north and west of Lambton Park Road and south of Brandon Road (PID: 222-004458).

Applicant: The New Albany Company LLC c/o Aaron Underhill, Esq.

Mr. Christian presented the staff report.

Mr. Kirby stated that the only part of the map Mr. Christian was showing on the screen that was applicable to the zoning change was the area showing the boundary change. Mr. Kirby noted the layout of houses, however, may be presented as part of other applications. Mr. Kirby asked staff if they wanted t0 address the questions that were currently on chat from members of the public.

Mr. Mayer stated they could do that. Mr. Mayer asked Mr. Christian to show an aerial view of the area and discussed the location for this zoning change and the applications being proposed for it during this meeting. Mr. Mayer stated that currently the applicant would be able to add 88 units and this application was proposing 37 units.

Mr. Kirby asked if there were any Engineering comments on the zoning.

Mr. Jay Herskowitz, for the City Engineer, stated they had reviewed the re-zoning against the subdivision regulations and that it met the 1998 text. Mr. Herskowitz stated the fire department had commented on the application and he thought it was good.

Mr. Kirby asked for the Applicant.

Mr. Tom Rubey, with the New Albany Company, discussed what existed in the proposed rezoning area at this time. Mr. Rubey stated the boundary suggestion was to add 37 units, not the 88 currently permitted. Mr. Rubey also pointed out they were also working to amend and adjust golf course hole 5 east, running north/south to the east of the development parcel which could increase the boundary size of the parcel at the northeast area, so the 4.1 acres might increase to about 5 acres.

Mr. Kirby asked if they could hear the remaining two (2) applications that were related to this re-zoning application, a total of three (3) applications, at this time and then vote on each of the three individually.

Mr. Christian presented application PDP-20-2021 and PP-21-2021.

Mr. Kirby asked if Engineering had any additional comments on the additional applications.

Mr. Herskowitz stated they were good.

Mr. Kirby asked Mr. Christian if there was anything in the preliminary plat not covered when he had reviewed the preliminary development plan.

Mr. Christian stated no.

Mr. Kirby asked if the Applicant wanted to add comments.

Mr. Rubey stated they intended to meet all of the open space, right-of-way, and pavement width requirements, and others, to avoid getting variances on those standards. Mr. Rubey stated they might dip into their park bank and noted where storm water would be handled on site.

Mr. Aaron Underhill, attorney for the applicant, discussed the application, noting the number of homes and the types.

Mr. Rubey stated there were three (3) product types, 1.5 acre lots, 1/4 acre lots, and a section for cluster or empty nester homes. Mr. Rubey asked Mr. Christian to show an image Mr. Rubey indicated he had emailed to staff earlier today and had also sent to neighbors in the community.

Mr. Christian showed the image on screen.

Mr. Kirby asked if they would not get variances to the existing text when they brought the finals in.

Mr. Rubey stated he hoped no variances from the text would be needed.

Mr. Kirby asked if once the lots were laid out there would be anything keeping the owners from making full use of them.

Mr. Underhill stated the question went to the width and depth ratios, and setbacks to avoid future issues.

Mr. Rubey stated he thought the only thing that would be difficult would be the topography and the wetland due to the grade.

Mr. Kirby asked if that meant that if a pool or deck did not fit in a backyard then they were not meant to be there.

Mr. Rubey said they would have to rely on Engineering and City staff as they review this to determine if there were items, lots, or configurations that would create unique or difficult situations. Mr. Rubey stated he did not know of any at this time.

Mr. Underhill stated that one of the reasons the applicant asked for the boundary expansion was for that reason, to provide a bit more room.

Mr. Kirby stated good, because at the moment this property had no reason for any variance and it would be good to eliminate the likely causes of variances prior to finalization.

Mr. Rubey stated that they were creating a unique and special community and hoped to avoid variances, but there might still be variances due to design aesthetics.

Mr. Kirby noted Mr. Rubey indicated they wanted to use the existing ponds, and asked if there would be a problem with basements.

Mr. Rubey stated these were a series of questions they would need to ask and they needed to be mindful of issues such as this when building next to ponds or wetlands.

Mr. Underhill stated one of the reasons they were not presenting both a preliminary and final development plan at this time was that they wanted this to be reviewed for engineering issues.

Mr. Kirby asked where the nearest parks were.

Mr. Rubey stated there were two (2), one at Lambton Park and Brandon Road Park intersection and one at Head of Pond on the south. Mr. Rubey also noted there was another just to the west. Mr. Rubey stated there was no park with this development.

Ms. Wiltrout asked if there was an additional intersection south of Head of Pond.

Mr. Rubey stated Head of Pond and Baughman Grant to the north.

Ms. Wiltrout stated she understood there would be an additional intersection on the south part of this expansion on Head of Pond.

Mr. Rubey stated yes, Head of Pond to the south and Baughman Grant to the north.

Ms. Wiltrout stated she understood there was also a walking path that was heavily used in the neighborhood that might be disturbed as part of this development. Ms. Wiltrout asked what measures would be taken to preserve pedestrian traffic and the safety of those using the area.

Mr. Rubey stated the leisure path on the north side of Lambton Park Road, at Head of Pond, would be intersected by a road. Mr. Rubey stated the path being built with this neighborhood would intersect that existing leisure path on the west side of that new road. Mr. Rubey stated that what they had previously done in such situations, was to use pedestrian scale "Stop" signs so pedestrians or bike riders would know they were crossing a road with vehicles. Mr. Rubey noted there would also be a golf cart crossing to the north of that, similar to that on Greensward Road and Southfield Road. Mr. Rubey stated he believed the pedestrian "Stop" signs were an answer here.

Ms. Wiltrout asked about the need for two (2) entrances, noting that one (1) entry would cut down on pedestrian traffic flow.

Mr. Rubey stated he believed there were Code requirements that mandated the length of cul-desacs and the homes that could be served by one (1) entrance into or out of a neighborhood. Mr. Rubey noted his understanding was that the City's desire was for this to be a through connection.

Ms. Wiltrout stated she would love to hear the City's view on that.

Mr. Kirby noted that Baughman Grant had been meant to go through before it existed. Mr. Kirby stated 900 feet, approximately, was the number Mr. Rubey had been looking for on the cul-de-sac rule.

Mr. Rubey asked if there was a regulation to the number of lots as well.

Mr. Kirby stated he was not sure, adding that his 900 feet might also be wrong.

Mr. Rubey added that he did know that fire and police were always about multiple entrances and exits.

Mr. Mayer stated that also mirrored the recommendations of the Strategic Plan for more connections for pedestrians, traffic, and emergency services.

Mr. Schell asked about the school impact and why they had decreased from the 88 units to the 37 units.

Mr. Rubey stated the empty nester piece was only a small portion but the balance of the site was intended to be more traditional country club homes.

Mr. Underhill stated the decrease in the number of units was due to market preferences and left 51 units in the housing bank now. Mr. Underhill stated the school impact here, with homes between \$1.1 to \$3 million were estimated.

Mr. Rubey stated that was correct.

Mr. Underhill stated they estimated .8 children or students per unit, and that provided less than 37 children for the development. Mr. Underhill stated the break even to educate that number of students from a home, about thirty (30) children, was homes between \$550 to \$575 thousand dollars and these homes were about twice that value at least.

Mr. Rubey stated they took into account schools when they decreased to 37 units.

Mr. Schell stated thank you.

Mr. Wallace asked Mr. Rubey how many home sites were in Oxford.

Mr. Rubey stated there were thirty (30) exactly.

Mr. Wallace stated the number of home sites proposed here was close to what was in Oxford and that had only one (1) entrance.

Mr. Rubey stated that was correct, but noted that there were also two (2) separate, non-vehicular entrances. Mr. Rubey stated there was an emergency access through the park as well as a grass paver entrance.

Mr. Wallace asked if it did not look like there would be that opportunity for extra emergency access in this area.

Mr. Rubey stated they thought it important to have an actual paved road rather than what was done at Oxford.

Mr. Wallace stated there was a trade-off between having the vehicular connections and the safety issue Ms. Wiltrout had raised. Mr. Wallace stated he thought it was a valid point that, at least in the summer months with golf carts, the "Stop" signs could work to slow traffic down, but noted cars might not stop.

Mr. Rubey stated this was something they were concerned with. Mr. Rubey stated the pedestrian "Stop" signs had been used elsewhere and they had helped.

Mr. Mayer stated one of the submittal requirements for the final development plan (hereafter, "FDP") included traffic signage as well as the association signs Mr. Rubey was mentioning. Mr. Mayer stated the City traffic engineer would be looking at those issues.

Mr. Shockey stated that many PC meetings were for variance requests for pools, decks, garages, accessory buildings, and such, and asked if the lots would be sized so the home footprint on the lots would allow for the additions of accessory structures.

Mr. Rubey asked Mr. Christian to bring up the preliminary plot on screen.

Mr. Christian put the image on the screen.

Mr. Rubey stated one of the next steps for them was to test these lots with house icons. Mr. Rubey stated the lots were generally no less than 100 feet wide with an average depth of about 160 feet. Mr. Rubey added that about 95% of the homes here backed onto the golf course and he expected there would be some type of requirement or language to identify where such pools or accessory structures would go or where they would not be permitted.

Mr. Shockey stated Mr. Wallace and others had asked about residents' awareness regarding the addition of potential accessory structures on their lots when they purchased them. Mr. Shockey noted many said they had not been aware, and Mr. Shockey asked Mr. Rubey if they could show buyers where on the lot such accessory structures would fit, so they were aware at the time of purchase.

Mr. Rubey stated he appreciated that.

Mr. Kirby asked to see the Google maps view of the site.

Mr. Christian showed the image on screen.

Mr. Kirby asked if the tree line to the south would be lost.

Mr. Rubey stated yes

Mr. Kirby stated okay. Mr. Kirby asked if the existing zoning text said anything about tree preservation.

Mr. Underhill stated he did not believe it did.

Mr. Rubey stated the tree row was fairly wide and a portion of it was on the golf course side, which would not be lost. Mr. Rubey stated the trees on the back of the lots were the ones they would likely lose due to required grading changes.

Mr. Kirby asked if they would show a clear delineation on the final plan so homeowners on that side of the site would see where they should not mow or if there would be a fence there.

Mr. Rubey stated the goal was to have the horse fencing located on the property line.

Mr. Kirby asked if any of the trees on the southwest could be retained as an entrance feature.

Mr. Rubey stated yes, that was the goal.

Mr. Kirby asked if the back side of the trees on the golf course side would provide some screening from Lambton Park, looking north.

Mr. Rubey stated that was correct. Mr. Rubey stated the amount of pedestrian traffic on that section of the leisure path was probably the highest in the country club district.

Mr. Kirby stated he biked there every morning during good weather.

Mr. Wallace stated that, in addition to the tree line mentioned by Mr. Kirby, the area between number 3 Green and number 4T was very heavily wooded where a road would go through. Mr. Wallace stated the PC wanted to hold the applicant to the commitment to keep as many trees as possible there.

Mr. Rubey stated some had to come down, but the alignment of the road would be determined based on tree preservation efforts.

Mr. Kirby asked if the design would maximize the existing trees in the south.

Mr. Rubey stated the alignment of the extension of Head of Pond Road would be determined based on optimum tree preservation efforts.

Mr. Kirby stated that was great for the road. Mr. Kirby asked if any of the area being redone was in the south, on the golf course side. Mr. Kirby noted a condition about retaining trees on the golf course side might not be possible, but it would be great for the development if the golf course did so.

Mr. Rubey stated the commitment Mr. Kirby was asking about was to preserve the trees that were actually between the rear property line of the southern lots and the golf cart path and was all on the golf course.

Mr. Kirby stated okay.

Mr. Rubey stated it was not in the development envelope.

Mr. Kirby stated he could not strictly require it, particularly if the golf course was not owned by the same entity as the development.

Mr. Rubey stated right.

Mr. Wallace asked staff if the vote on the preliminary development plan and then the plat locked in the Head of Pond Road connection.

Mr. Mayer stated he believed it did.

Mr. Kirby stated he believed plat meant laying out the streets and the lots.

Mr. Mayer stated yes.

Mr. Wallace asked if they had to approve the connection to Head of Pond.

Mr. Kirby stated the Village needed the connection.

Mr. Wallace stated the connection versus safety was up for debate.

Mr. Kirby stated having a richer network would unload all the roads.

21 0315 PC Minutes

Mr. Wallace stated he understood that was the argument for the connection, but there was also an argument to be made regarding safety concerns and the loss of trees, and maybe they could consider not approving.

Mr. Mayer stated that in regard to safety concerns, they would get additional design details as well as information regarding other items that would be taken into consideration at the time of the FDP, that would serve to calm traffic.

Mr. Kirby asked for any comments from the public.

Mr. Christian explained how the "raise hand" feature on Zoom.com worked and noted people could also place their names in the chat box if they wanted to speak to the PC. Mr. Christian stated those wishing to speak would be un-muted one-by-one.

Ms. Gloria Galloway, 4184 Baughman Grant Road, asked where the entrances would be located and what would be visible from Lambton Park and Baughman Grant homes.

Mr. Rubey stated Head of Pond Road could be expected to extend north for the southern entrance and from Baughman Grant, on the south side of the crescent, where Baughman Grant currently terminated, that would be the northern vehicular entrance point.

Ms. Galloway stated it would make the road up Baughman Grant more congested and maybe also Head of Pond as well, with an additional 37 homes. Ms. Galloway asked what would be visible from those vantage points, in terms of Baughman Grant and Lambton Park.

Mr. Rubey stated there would be an extension of the road, some type of gateway entry feature or sign, horse fencing, development name identification, street trees, leisure path, etc. and would be a simple connection of the road work.

Ms. Galloway stated thank you.

Ms. Sarah (no last name provided), a resident of the community, stated the Head of Pond extension was a highly traveled area and asked if there had been anything previously recorded that this road was intended to go through into this subdivision.

Mr. Rubey stated he believed that when the zoning text, when the parcel was originally zoned, had a discussion about the extension of Head of Pond and Baughman Grant, depending on the number of units to be built, but other than what was in the existing zoning there would not be anything at the county auditor's office.

Ms. Sarah stated the path from Brandon Road down Lambton Park Road was on a hill and pedestrian "Stop" signs there would not stop children on bicycles from entering the intersection. Ms. Sarah asked what the plan was, beside signage, to prevent accidents at that intersection on Head of Pond and Lambton Park, coming from Brandon Road.

Mr. Rubey stated the grading and design of that intersection would be critical. Mr. Rubey stated it would be reviewed by the City Engineer and endorsed in some fashion. Mr. Rubey noted other factors, such as sight lines, trees, etc., would be layered into this and they were normally part of a FDP and a final plat design.

Mr. Mayer stated that those who had received a neighbor notification letter for this evenings 'PC would also get one for the FDP.

Ms. Sarah stated that no one living on Head of Pond Road received notice, nor those on any of the cul-de-sacs off Head of Pond Road. Ms. Sarah stated there was a group of them, with small children, who were very concerned about this and there was already too much traffic there. Ms. Sarah also noted that Pembroke had only one (1) exit onto Lambton Park Road and also had more than 37 houses.

Mr. Mayer stated he could not speak to the considerations taken for Pembroke, but noted that it probably involved looking at design and a traffic analysis and said that additional connections normally served to disburse traffic. Mr. Mayer stated other factors, such as the design of the street, pavement, width, etc., would also be considered.

Mr. Kirby stated there were discussions when Pembroke and the cul-de-sacs on that side were put in about the advisability of that many cul-de-sacs.

Ms. Sarah asked what the next steps were for the Head of Pond Road extension, what studies would be needed.

Mr. Mayer stated the next application, as part of that FDP review, would have a notice sent to the neighbors within 200 feet but added that all could attend the public meeting. Mr. Mayer noted the information about meetings was on the website or members of the public could call staff and ask.

Ms. Sarah asked for contact information.

Mr. Mayer stated they would put the information in the chat section in Zoom.com.

Mr. Rubey stated he would make sure there was some type of blow up analysis that more clearly illustrated the proposed road alignment, grading, tree preservation, tree removal, so folks could more clearly understand the proposal and how the applicant was suggesting the intersection would be designed.

Mr. Sarah stated okay, thank you.

Mr. Rubey stated absolutely.

Mr. Shull asked those members of the public who were speaking to provide their names and addresses for the record.

Mr. Jess McCarter, 7692 Brandon Road, stated he had not been aware at the time of purchase that the end of Head of Pond and end of Baughman Grant Road were part of a developable property. Mr. McCarter stated he saw the logic in the road connections as well as what neighbors were saying about one entrance. Mr. McCarter asked why most of the four (4) plus acre rezoning from golf course to residential was the wetlands on the northeast corner. Mr. McCarter asked why that needed to change from golf course to residential if the goal was to preserve the wetlands.

Mr. Rubey stated the boundary of the golf course and this development parcel was established in 1998. Mr. Rubey stated that at that time the area of wetlands differed from what it was today. Mr. Rubey said the objective of the adjustment of the boundary line was to have something that

more accurately represented where the development would occur and where the wetland preservation area needed to occur.

Mr. McCarter stated that the presentation of the lots east of Edge of Woods, had one where the lots were close to the park area and one where there were more lots there, and asked if the applicant leaned more to one or the other and why.

Mr. Rubey stated the color illustration included in the mailer sent to folks from the applicant more clearly showed the direction of where the applicant believed this project would land, without homes on the east side of that brick road.

Mr. McCarter stated excellent.

Mr. Rubey stated the illustration showed a brick road but it might or might not be put in place, it was a goal.

Mr. McCarter stated he thought it set it apart. Mr. McCarter said he hoped traffic calming could be used to alleviate concerns for children and others using the paths and thought this might be a good project.

Mr. Kirby asked what the minimum width a two loan road with no parking could be. Mr. Kirby noted the first so many feet coming off of Head of Pond had no houses, and asked how narrow that could be and would it calm traffic to do so.

Mr. Mayer stated that was a great question and he could work with the applicant and Engineering to look at that.

Mr. Kirby stated that at entrance and exit points, without houses, narrowing made it less desirable as a cut through.

Mr. Rubey stated another tool they could use was a change in pavement, such as in Southfield Road, where asphalt turned to cobblestones.

Mr. Wiltrout stated it sounded nice.

Ms. Beth Goldstein, 7764 Pembroke Pass, stated she had not gotten any of the mailings, and asked for an overview of how this came about and how it would change property values for homes that bordered it.

Mr. Rubey stated the parcel was purchased by the New Albany Company early on and had always been identified as a development parcel since the golf course was built. Mr. Rubey stated that in 1998 a zoning entitlement was put on it that allowed them to have no more than 88 units on the parcel.

Ms. Goldstein stated she appreciated it. Ms. Goldstein asked if the process involved the public going to meetings and speaking or was there a place where she and others could see a master plan to avoid surprise when these types of developments occurred.

Mr. Mayer stated he would encourage residents to reach out to Mr. Christian or himself. Mr. Mayer stated New Albany was a master plan community, as a whole, and there were still some areas with room for growth. Mr. Mayer noted information regarding the community plans and

developments could be found on the City's website on the "City Plans" page or people could reach out to staff directly.

Ms. Goldstein stated she appreciated it and asked that the change in home values be considered in the master plan.

Mr. Kirby noted that at the end of the year the openings for Boards and Commissions appeared and that also kept residents plugged in.

Ms. Goldstein stated thank you.

Mr. Mayer stated Mayor Spalding was in attendance tonight and noted that City Council was scheduled to consider and adapt the City's new ten (10) year Strategic Plan at tomorrow evenings City Council meeting beginning at 6:30 p.m. and there was also a copy of the Strategic Plan on the City's website.

Ms. Goldstein stated thank you.

Mr. Michael Gibson, a resident, stated he would be affected by a change in home value. Mr. Gibson stated he lived several houses north of the Baughman Grant Road and Brandon Road intersection and asked how utilities, sewers, etc, would be affected by this development. Mr. Gibson also stated that traffic was another issue. Mr. Gibson said traffic was pretty bad now, people blew through "Stop" signs and the area was a nice little drag strip. Mr. Gibson asked if the added volume would make it worse. Mr. Gibson asked why realtors did not disclose this information if there was a plan for 88 homes when that was known.

Mr. Kirby asked if they knew where utilities were likely to run.

Mr. Rubey stated the utilities in the area that would service this parcel were built years ago and sized to accommodate this parcel's development to a higher density than they would be building. Mr. Rubey stated the utilities would be extended to the area but not upsized for it.

Mr. Gibson asked if Mr. Rubey knew where the utilities existed from.

Mr. Rubey stated the sanitary was currently west of Baughman Grant Road, on the golf course side, and would be extended south. Mr. Rubey stated it also existed on Lambton Park, so sanitary would come from both the north and south. Mr. Rubey stated water was also north and south. Mr. Rubey stated he did not know where private utilities, such as electric, cable, and gas, were located. Mr. Rubey stated that the traffic would change as a result of this development. Mr. Rubey added that he could not answer regarding realtor's obligations to inform folks regarding development.

Mr. Gibson asked what the time frame was for the development.

Mr. Rubey stated they would take the comments and try to return in one (1) or two (2) months with a final plat and FDP and would potentially be building over the summer and fall.

Mr. Gibson stated it would give him some time to sell his house.

Mr. Mayer noted Mr. Jeremy Cram had raised his hand on Zoom.com.

Mr. Cram, 3988 Farber Court, stated he thought two (2) entrances were fine. Mr. Cram stated that was a location where there would be 37 homes crossing a primary path. Mr. Cram stated he had seen pedestrian "Stop" signs, but noted proper crosswalks were needed and should be considered. Mr. Cram said there would be a lot of cars crossing what was one of the busiest sections of the leisure path. Mr. Cram asked why the northeast part of the wetland would be incorporated into the development. Mr. Cram asked if that would be transferred to the New Albany Country Club community and would this change the tax burden on the association. Mr. Cram asked why that transfer of ownership needed to take place.

Mr. Rubey stated the transfer from the golf course to this neighborhood was to add another layer of protection to this new portion of ground, now considered wetlands, that currently had no protection on it.

Mr. Rubey stated that in terms of ownership, it would be part of this neighborhood, but not something that the association would have to take on any increased responsibility, cost, or expenditure to maintain.

Mr. Cram asked about the property tax burden that would accrue to the association instead of to the country club.

Mr. Rubey stated he thought it would not be taxed in a different way.

Mr. Underhill stated there should not be any tax implications and, given what it was, a wetland, if there were any taxes, they would be minimal.

Mr. Cram stated thank you, and said crosswalks would be useful in the area.

Ms. Lynne Smith, 7809 Lambton Park Road, stated she knew this development would eventually be built and was glad to see they would be laying out for people what they could or could not build. Ms. Smith asked for an explanation of what needed to be approved or zoned about the lot in the southeast corner of the parcel as that was close to her property.

Mr. Rubey stated the issue with that lot was that the Code required lots to have a minimum of fifty (50) feet of frontage along a publicly dedicated road and this lot might have an issue.

Ms. Smith stated it was then not something where the lot would extend further out into the golf course, it was only about the front of the lot.

Mr. Rubey stated exactly.

Ms. Smith stated she would be looking into the back gardens on these lots and asked for requirements on the backyards in terms of fencing.

Mr. Rubey stated they were in the process of establishing standards for landscaping, fencing, pools, and architecture of the rear of the homes, that would be enforced by the association.

Ms. Smith asked, as they moved forward and people began building, would the people on Lambton Park or Brandon be notified as they were for this application.

Mr. Rubey stated no, they would not be as it was a different process.

Mr. Kirby asked if there was a certain backyard minimum setback.

Mr. Rubey stated yes.

Mr. Kirby asked if they could have backyard trees on the rear ten (10) feet.

Mr. Rubey stated that was what he was talking about in trying to establish a standard landscaping treatment for the rear properties around this site. Mr. Rubey stated he did not know yet what that would be.

Mr. Kirby stated he was thinking more of oak, beech, and maple rather than arbor vitae and white pine.

Mr. Rubey stated right, they were not aiming for arbor vitae.

Mr. Mayer noted a resident wanted to make an additional comment.

Ms. Galloway stated the homes on Baughman Grant Road, where she was, faced the golf course and asked if any consideration had been given to have the new homes being built face the golf course rather than their backyards.

Mr. Rubey stated yes, it had been looked at. Mr. Rubey stated there were two (2) areas where the homes would face the golf course. Mr. Rubey said the first two (2) or three (3) lots on the extension of Baughman Grant on the northern edge of the site and the homes that were on the cul-de-sac on the northeast corner of the site. Mr. Rubey stated the balance of homes would back into the golf course.

Mr. Galloway asked if they would have the white railing, horse fencing on the homes that backed up.

Mr. Rubey stated yes, absolutely there would be to distinguish the property boundary along the rear.

Ms. Galloway asked if there had been any consideration to extending the wetlands and making a park area in some area of that site rather than all residential.

Mr. Rubey stated yes, but what they wanted to do with the wetland was more than what they were permitted to do by the Army Corps. of Engineers and Ohio EPA.

Ms. Galloway stated she had not meant modifying the wetlands, she meant outside the wetlands, could they extend that to create more park area beside the wetlands rather than so much residential.

Mr. Rubey stated no.

Ms. Galloway asked what the next step was following this vote.

Mr. Mayer noted the boundary change was being heard by the PC, which would make a recommendation to the City Council, which would the review and hear that on dates yet to be determined. Mr. Mayer stated the other two (2) applications, the preliminary development plan and the preliminary plat, providing the initial layout of the subdivision, if approved by the PC this evening, would then have a final development plan and a final plat, which the PC would

review. Mr. Mayer stated the final plat would then be reviewed by the City Council at a future date.

Ms. Galloway stated thank you.

Ms. Sarah asked if a bridge or overpass, or something, could be used due to the volume of traffic. Ms. Sarah stated she agreed with Ms. Smith, and hoped they would return to having homes with similar types of architecture as the surrounding community.

Mr. Rubey stated he had heard that loud and clear.

Mr. Kirby called for a ten (10) minute break at this time.

Moved by Mr. Kirby to accept the staff reports and related documents into the record, including the mailing sent by Mr. Rubey to residents and the chat comments made as part of the Zoom.com meeting, for ZC-19-2021, seconded by Ms. Wiltrout. Upon roll call vote: Mr. Kirby, yea; Ms. Wiltrout, yea; Mr. Schell, yea; Mr. Shockey, yea; Mr. Wallace, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

Moved by Ms. Wiltrout to approve application ZC-19-2021 based on the findings in the staff report, with the conditions listed in the staff report, subject to staff approval, seconded by Mr. Wallace. Upon roll call: Ms. Wiltrout, yea; Mr. Wallace, yea; Mr. Shockey, yea; Mr. Schell, yea; Mr. Kirby, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

#### PDP-20-2021 Preliminary Development Plan

Preliminary development plan application for a 37-lot residential housing development on 30.1 acres for New Albany County Club Section 30, generally located north and west of Lambton Park Road and south of Brandon Road (PID: 222-004458). Applicant: The New Albany Company LLC c/o Aaron Underhill, Esq.

Moved by Mr. Kirby to accept the staff reports and related documents into the record, including the mailing sent by Mr. Rubey to residents and the chat comments made as part of the Zoom.com meeting, for PDP-20-2021, 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.

Moved by Mr. Kirby to approve application PDP-20-2021 based on the findings in the staff report, with the conditions listed in the staff report and an additional condition:

(8) Alignment of the Head of Pond extension will be based on preserving existing trees on the south and also grading, crossings, materials, street width, street materiality and signage;

subject to staff approval, seconded by Mr. Schell. Upon roll call: 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.

#### PP-21-2021 Preliminary Plat

Preliminary plat for 37 residential lots within the New Albany Country Club Section 30 subdivision generally located north and west of Lambton Park Road and south of Brandon Road (PID: 222-004458).

Applicant: The New Albany Company LLC c/o Aaron Underhill, Esq.

Moved by Mr. Wallace to accept the staff reports and related documents into the record, including the mailing sent by Mr. Rubey to residents and the chat comments made as part of the Zoom.com meeting, for PP-21-2021, seconded by Ms. Wiltrout. Upon roll call vote: Mr. Wallace, yea; Ms. Wiltrout, yea; Mr. Schell, yea; Mr. Shockey, yea; Mr. Kirby, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

Moved by Mr. Kirby to approve application PP-21-2021 based on the findings in the staff report, with the conditions listed in the staff report and an additional condition:

(8) Alignment of the Head of Pond extension will be based on preserving existing trees on the south and also grading, crossings, materials, street width, street materiality and signage; subject to staff approval, seconded by Ms. Wiltrout. Upon roll call: Mr. Kirby, yea; Ms. Wiltrout, yea;

Mr. Wallace, yea; Mr. Shockey, yea; Mr. Schell, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

#### **Other Business**

#### Amendment to Codified Ordinance Chapter 1153•

Mr. Mayer presented the amendment.

Mr. Kirby asked if this vote was for a recommendation to Council.

Mr. Mayer stated correct.

Mr. Wallace asked if it was fair to say that Mr. Mayer had stated the words used in the definitions had a kind of secondary meaning, at least within the planning community or the development community.

Mr. Mayer stated yes, he thought it was fair to say.

Mr. Wallace stated that in new industrial, manufacturing fabrication, for example, the word industrial struck him as vague, adding it was not a defined terms in the ordinance. Mr. Wallace stated he had the same point to make when looking at the characteristics in sub a, firms involved in heavy manufacturing. Mr. Wallace said the word heavy also appeared to be vague. Mr. Wallace stated that maybe, in connection with the examples, the word could be defined by examples showing what heavy meant, such as "examples of heavy manufacturing, ..." to tie it more together.

Mr. Mayer stated that was a great point.

Mr. Wallace stated in (c), on the second line, there was a typo, and noted the word planing, rather than planning, was meant.

Mr. Mayer stated yes.

Mr. Wallace stated that in the last line, he was not sure if the "etc." was in the right spot.

Mr. Mayer stated, yes, it was not in the right spot. Mr. Mayer asked if Mr. Wallace felt that the examples he had mentioned for "heavy" would be provided in addition to what was there now.

Mr. Wallace stated he would revise it to say "examples of heavy manufacturing, processing, fabrication, packaging, or assembly include" and then it would tie it a bit better together.

Ms. Wiltrout asked if the need to use examples would constrain the language.

Mr. Kirby stated he thought the examples were critical.

Mr. Schell stated he thought the intent was to capture more prospects which might later be weeded out. Mr. Schell stated he thought they were trying to avoid language that would be read as disqualifying prospects.

Ms. Wiltrout stated right, and asked how they could give examples without precluding projects.

Mr. Schell stated he did not think any specific examples would be wanted for this reason.

Ms. Wiltrout noted she also did not think the word heavy could stand on its own.

Mr. Wallace stated right, "heavy" did not mean anything, except in connection with the examples. Mr. Wallace noted that "industrial" was permitted in LI, so once they defined "industrial" it was a permitted use that could not be taken out.

Mr. Mayer stated that if the PC thought something should be a limited use, even in an LI district, that would be appropriate.

Mr. Wallace asked if he was correct that, based on this definition, someone could put a steel mill in Zarley if they purchased it all.

Mr. Kirby stated yes.

Mr. Wallace stated he did not believe that was wanted and then control would not be possible.

Mr. Mayer stated the concerns were valid.

Mr. Shockey stated that generally, in the commercial real estate world, warehousing and distribution were considered industrial uses.

Mr. Kirby asked if no LI were in Licking County.

Mr. Mayer stated that was right.

Mr. Kirby stated that if they wanted strict control over the heaviest uses then it ought to be conditional.

Mr. Shockey stated Zarley was industrial, warehousing with associated office.

Mr. Mayer stated that was exactly right and added that it had become a small business incubator for offices.

Mr. Kirby asked what if someone wanted to bring in 100 or fifty (50) acres of Licking County as LI.

Mr. Mayer stated that he thought if the PC wanted to use conditional uses that was a reasonable change.

Mr. Kirby asked Mr. Banchefsky if the PC was not under a compulsion to allow it.

Mr. Banchefsky stated banning a use could have a risk to it, but generally, if council had good reason and it was stated in the legislation, then it would hold up.

Mr. Kirby stated then, as a conditional use, they had full control over it.

Mr. Wallace stated there was the same sort of point under new 4, which was the use of the word "clean" or "advanced." Mr. Wallace stated he liked "advanced automotive" better than "clean," noting he did not really know what "clean" meant. Mr. Wallace stated under subsection b, that last phrase, "scientific research facilities, medical and dental," appeared to be sticking out in a weird way.

Mr. Mayer stated that was correct and they would work on that.

Mr. Kirby stated they should leave in "clean" as it showed the intent.

Mr. Wallace stated he would not take it out.

Ms. Wiltrout stated she thought "clean" had some meaning to applicants.

Mr. Mayer stated they had users today that had clean rooms and enclosed clean systems that manufactured things.

Mr. Kirby stated they needed to take a step back from that, as "clean rooms" involved some use of chemistry that might not be as clean as they would like it to be.

Moved by Mr. Wallace to accept the staff reports and related documents into the record, including the March 11, 2021 Memorandum, for Amendment to Codified Ordinance Chapter 1153, seconded by Mr. Kirby. Upon roll call vote: Mr. Wallace, yea; Mr. Kirby, yea; Mr. Shockey, yea; Mr. Schell, yea; Ms. Wiltrout, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

Moved by Mr. Kirby to recommend Amendment to Codified Ordinance Chapter 1153 based on the findings in the staff report, with the conditions listed in the staff report, with a request that industrial manufacturing and assembly be a conditional use in LI and the language be cleaned up as discussed, seconded by Mr. Wallace. Upon roll call: Mr. Kirby, yea; Mr. Wallace, yea; Ms. Wiltrout, yea; Mr. Schell, yea; Mr. Shockey, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

#### **CU-7-2021** Conditional Use

Conditional use application to allow manufacturing and production uses within the "The Mink Interchange Expansion Zoning District" located at 12746 Cobbs Road(PID: 035-107400-09.000). Applicant: MBJ Holdings LLC c/o Aaron Underhill, Esq.

Mr. Christian stated the applicant had requested that CU-7-2021 be tabled for one month.

Moved by Mr. Kirby to table CU-7-2021 until the April 2021 regularly scheduled PC meeting, seconded by Ms. Wiltrout. Upon roll call: 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.

#### CU-9-2021 Conditional Use

# Conditional use application to allow manufacturing and production uses within the "The Jug Street South Zoning District" located at 13607 and 13525 Jug Street (PIDs: 037-111498-00.000 and 037-11498-00.001).

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

Mr. Christian stated the applicant had requested that CU-9-2021 be tabled for one month.

Moved by Mr. Kirby to table CU-9-2021 until the April 2021 regularly scheduled PC meeting, seconded by Ms. Wiltrout. Upon roll call: 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.

#### **Annual Organizational Meeting**

Mr. Kirby noted there were no new members to swear in.

#### **Elect Chairperson**

Moved by Mr. Wallace, seconded by Ms. Wiltrout to nominate Mr. Kirby as Chairperson. Upon roll call: Mr. Wallace, yea; Ms. Wiltrout, yea; Mr. Schell, yea; Mr. Shockey, yea; Mr. Kirby, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5 - 0 vote.

#### **Elect Vice Chairperson**

Moved by Mr. Kirby, seconded by Ms. Wiltrout to nominate Mr. Wallace as Vice Chairperson. Upon roll call: Mr. Kirby, yea; Ms. Wiltrout, yea; Mr. Schell, yea; Mr. Shockey, yea; Mr. Wallace, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5 - 0 vote.

#### **Elect Secretary**

Moved by Ms. Wiltrout, seconded by Mr. Kirby to nominate Mr. Schell as Secretary. Upon roll call: 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.

#### Elect Liaison to Board of Zoning Appeals

Moved by Mr. Schell, seconded by Mr. Kirby to nominate Ms. Wiltrout as Liaison to the Board of Zoning Appeals. Upon roll call: Mr. Schell, yea; Mr. Kirby, yea; Mr. Wallace, yea; Mr. Shockey, yea; Ms. Wiltrout, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5 - 0 vote.

#### Establish date, time, and location for 2021 regular meetings

Moved by Mr. Kirby, seconded by Mr. Wallace to approve the continuation of the current schedule of meeting dates and times. Upon roll call: Mr. Kirby, yea; Mr. Wallace, yea; Mr. Shockey, yea; Ms. Wiltrout, yea; Mr. Schell, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5 - 0 vote.

#### **Poll Members for Comment**

Mr. Wiltrout stated it had been a good discussion.

Mr. Schell stated it was a good job.

Mr. Kirby adjourned the meeting at 10:43 p.m.

Submitted by Josie Taylor.

## APPENDIX



#### Planning Commission Staff Report March 15, 2021 Meeting

#### 1998 NACO COMPREHENSIVE PLANNED UNIT DEVELOPT SUBAREA BOUNDARY ZONING AMENDMENT

LOCATION:	A portion of a property generally located north and west of Lambton Park and south of Brandon Road (PID: 222-004458).
APPLICANT:	The New Albany Company LLC, c/o Aaron Underhill, Esq.
REQUEST:	Zoning Amendment
ZONING:	1998 NACO C-PUD
STRATEGIC PLAN:	Neighborhood Residential District
APPLICATION:	ZC-19-2021

Review based on: Application materials received February 16 and 26, 2021.

Staff report completed by Chris Christian, Planner.

#### I. REQUEST AND BACKGROUND

The applicant requests review and recommendation to amend the 1.d (Lambton Park Central Cluster) and 1.g (Golf Course) subarea boundaries of the 1998 NACO C-PUD Comprehensive Plan. Subarea 1.d allows for residential uses and subarea 1.g allows only for golf course uses. This application proposes to remove 4.17+/- acres from subarea 1.g and add it to subarea 1.d thereby expanding the boundary and area of subarea 1.d where residential uses are permitted.

This zoning amendment does not change the existing permitted uses, development standards or number of residential unit allowances under the existing 1998 NACO C-PUD 1.d zoning text.

The applicant also requests review and approval of preliminary development plan and preliminary plat applications associated with New Albany Country Club Section 30. These applications are reviewed under separate staff reports.

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

The 4.17+/- amendment area is part of a larger 105.34+/- acre property. A significant majority of the property contains portions of the New Albany Country Club golf course as well as some undeveloped land where residential uses are permitted to be developed. The surrounding land uses include the golf course and residentially zoned and used land.

#### **III. PLAN REVIEW**

Planning Commission's review authority of the zoning amendment application is found under C.O. Chapters 1107.02 and 1159.09.

C.O. 1159.09 provides the procedure of approval of a Comprehensive Planned Unit Development (C-PUD). C.O. 1159.09(e) states that if a preliminary development plan requires revisions to portions of

the approved Comprehensive Plan, it must be amended and approved by the Planning Commission prior to consideration of a preliminary development plan.

C.O. 1159.09(b) states that at any time, the property owner may submit an amended Comprehensive Plan and the same procedures required for a rezoning application must be followed as described in C.O. 1111. The same code section states that amendment to the Comprehensive Plan is approved, it replaces the originally adopted Comprehensive Plan.

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 <u>underlined text</u>.

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

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

#### A. New Albany Strategic Plan

The site is located within the Neighborhood Residential District future land use district. 2014 New Albany Strategic Plan lists the following development standards for the Neighborhood Residential District:

- 1. Houses should front onto public open spaces and not back onto public parks or roads.
- 2. House should be a minimum of 1.5 stories in appearance and a maximum of three stories.
- 3. Rear and side loaded garages are encouraged. When a garage faces the street, the front façade of the garage must be setback from the front façade of the house.
- 4. The maximum width of a garage door facing the street is ten feet.
- 5. Open space should be sited to protect and enhance existing natural features and environmentally sensitive habitats.
- 6. Neighborhood open spaces and parks should be located within 1,200 feet of all houses. They should vary in size and be easily accessible to pedestrians.
- 7. Streets should have five-foot wide sidewalks on both sides of the street, other than in locations approved for eight-foot leisure trails.
- 8. Leisure trail connections must be established throughout.
- 9. Deciduous trees should be plated 30 feet on center.
- 10. Primary roads should be designed according to its designated corridor typology.
- 11. Sidewalks should be located on all internal subdivision streets and leisure trails located along all external roadway frontages with connections from sidewalks to the leisure trails.
- 12. Cul-de-sacs are discouraged in all developments and a multiplicity of connections should be made.

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

1. In order to accommodate New Albany Country Club, Section 30, the applicant requests to amend the boundaries of subareas 1.d and 1.g to by expanding the size of subarea 1.d so residential uses are permitted within this 4.17 acre area which is currently within the 1.g subarea.

- 2. This zoning amendment does not change the existing permitted uses, development standards or number of residential unit allowances under the existing 1998 NACO C-PUD 1.d zoning text.
- 3. Subarea 1.d (Lambton Park Central Cluster) is currently 25.93 acres in size and 1.g (Golf Course) subarea is currently 173.50 acres in size. This application for a subarea boundary amendment results in subarea 1.d (Lambton Park Central Cluster) being 30.103 acres and 1.g (Golf Course) being 169.33 acres.
- 4. The site is located within the New Albany Country Club and is surrounded by land used for the golf course as well as residentially zoned and used properties.
- 5. The existing subarea 1.d zoning text permits a maximum of 88 single family cluster detached and attached housing types to be developed in the subarea. Since this application doesn't modify the number of residential units permitted, it effectively lowers the residential density of the subarea.
- 6. The proposed expansion of the 1.d subarea to allow for residential uses is appropriate a due to the proximity of residentially zoned and used land in the immediate area.

#### C. Access, Loading, Parking

- 1. There are no proposed modifications to the access, loading, and parking requirements. This subarea contains the same or similar standards as the surrounding country club for standards such as a minimum of two off-street parking spaces, road widths and pavement sections.
- 2. Access, loading, and parking will be evaluated as part of the preliminary and final development plan applications.

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

- 1. There are no proposed modifications to the architectural requirements. The existing zoning text contains the same high-quality architectural standards that have made the New Albany Country Club neighborhoods so successful. Many of these existing standards were used to develop the New Albany Design Guidelines and Requirements.
- 2. Architecture will be evaluated as part of the final development plan application.

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

- 1. 1. There are no proposed modifications to the parkland, buffering, landscaping, open space, and screening requirements. The city subdivision regulations require parkland and open space to be provided as part of the construction of a new subdivision. The existing zoning text states that land must be dedicated as parks and open space within the subarea at the time of a preliminary development plan application.
- 2. Parkland, buffering, landscaping, open space, and screening requirements will be evaluated as part of the preliminary and final development plan applications.

#### E. Lighting & Signage

- 1. There are no proposed modifications to the lighting and signage requirements.
- 2. The existing text requires the developer to use the standard city street and regulatory signage, street lighting, and country club yard lights, and will be evaluated as part of the preliminary and final development plan applications. Other signage used for the subdivision is subject to review and approval of the Planning Commission.

#### IV. ENGINEER'S COMMENTS

The City Engineer has reviewed the referenced plan in accordance with the engineering related requirements of Code Section 1159.07(b)(3) and provided no comments.

### V. RECOMMENDATION

Basis for Approval:

21 0315 PC Minutes

Staff is supportive of the proposed zoning amendment application to amend the 1.d and 1.g subarea boundaries of the 1998 NACO C-PUD Comprehensive Plan subarea boundaries. The proposed amendment does not modify existing permitted uses, total number of residential units allowed or the development standards of the existing 1.d and 1.g subarea zoning texts. Instead, the applicant proposes only to expand the 1.d residential subarea boundary to include 4.17+/- acres of land that is currently located in subarea 1.g where the only the golf course use is permitted. By enlarging subarea 1.d the applicant proposes to reduce overall density. The expansion has very minimal impact to the golf course since the area of change is predominately unimproved.

Amending the subarea boundaries accommodates the development of a new section of the New Albany Country Club, Section 30 subject to the same development standards that are currently in place today. These existing standards meet the goals, objectives and recommendations of the 2014 New Albany Strategic Plan (and the draft Engage New Albany strategic plan) by providing high quality design and development standards that have contributed to the success of other New Albany neighborhoods. The residential use and development standards are still appropriate and desired within the New Albany Country Club and the city of New Albany.

The preliminary and final development plan applications as well as preliminary and final plat applications are still subject to the review and approval by the Planning Commission.

- 1. The zoning amendment will result in a more comprehensive planned redevelopment of the area and will ensure compatibility between uses (1111.06(a)).
- 2. The zoning amendment 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)).

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

#### VI. ACTION Suggested Motion for ZC-19-2021:

To recommend approval to city council of zoning amendment application ZC-19-2021 based on the findings in the staff report.

#### **Approximate Site Location:**





#### NEW ALBANY COUNTRY CLUB SECTION 30 PRELIMINARY DEVELOPMENT PLAN

LOCATION:	A portion of a property generally located north and west of Lambton Park and south of Brandon Road (PID: 222-004458).
APPLICANT:	The New Albany Company LLC, c/o Aaron Underhill, Esq.
REQUEST:	Preliminary Development Plan
ZONING:	1998 NACO C-PUD; subarea 1.d
STRATEGIC PLAN:	Neighborhood Residential District
APPLICATION:	PDP-20-2021

Review based on: Application materials received February 16 and 26, 2021.

Staff report completed by Chris Christian, Planner.

#### II. REQUEST AND BACKGROUND

The application is for a preliminary development plan for Section 30 of the New Albany Country Club. This new section includes 37 residential lots and three new roads. The applicant also requests review and approval of a preliminary plat application (PP-21-2021) that is evaluated under a separate staff report.

The property is zoned C-PUD. C.O. 1159.03 states the process in a C-PUD shall consist of a Comprehensive Plan which shall constitute the rezoning of the property; a Preliminary Development Plan which shall consist of more detailed plans for a subarea or subareas of the Comprehensive Plan; and a Final Development Plan which shall consist of a detailed development and engineering plans for a subarea or portion of a subarea. The applicant must return to the Planning Commission in the future for review and approval for final development plan and final plat applications.

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

The 30.1+/- acre development area is part of a larger 105.34+/- acre property. A majority of the 105. 34 acre property contains portions of the New Albany Country Club golf course as well as some undeveloped land where residential uses are permitted to be developed. The surrounding land uses include the golf course and residentially zoned and used land.

#### III. PLAN REVIEW

Staff's review is based on New Albany plans and studies, zoning text, and zoning regulations. Primary concerns and issues have been indicated below, with needed action or recommended action in <u>underlined text</u>. 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;
- (1) 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.*

#### E. New Albany Strategic Plan

The site is located within the Neighborhood Residential District future land use district. 2014 New Albany Strategic Plan lists the following development standards for the Neighborhood Residential District:

- 13. Houses should front onto public open spaces and not back onto public parks or roads.
- 14. House should be a minimum of 1.5 stories in appearance and a maximum of three stories.
- 15. Rear and side loaded garages are encouraged. When a garage faces the street, the front façade of the garage must be setback from the front façade of the house.
- 16. The maximum width of a garage door facing the street is ten feet.
- 17. Open space should be sited to protect and enhance existing natural features and environmentally sensitive habitats.
- 18. Neighborhood open spaces and parks should be located within 1,200 feet of all houses. They should vary in size and be easily accessible to pedestrians.
- 19. Streets should have five-foot wide sidewalks on both sides of the street, other than in locations approved for eight-foot leisure trails.
- 20. Leisure trail connections must be established throughout.
- 21. Deciduous trees should be plated 30 feet on center.
- 22. Primary roads should be designed according to its designated corridor typology.
- 23. Sidewalks should be located on all internal subdivision streets and leisure trails located along all external roadway frontages with connections from sidewalks to the leisure trails.
- 24. Cul-de-sacs are discouraged in all developments and a multiplicity of connections should be made.

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

- The applicant proposes to create a new section of the New Albany Country Club, Section 30 within the 1.d subarea (Lambton Park Central Cluster) of the 1998 NACO C-PUD Comprehensive Plan.
- 8. Zoning text section 1d.01(1) permits a maximum of 88 single family cluster detached and attached housing types to be developed in the subarea. The applicant proposes to develop 37 units within the subarea and deposit the remaining 51 permitted units into the 1998 NACO PUD housing bank on record with the city.
- 9. Zoning text section 1d.01(8) requires all lots to have frontage and access on a public and/or private right-of-way and this requirement is being met.
- 10. Zoning text section 1d.01(3) states that the minimum lot width at the building line shall be 50 feet. All of the proposed lots are meeting this requirement with the exception of lot 12. <u>Staff recommends a condition of approval that the plans be revised so that lot 12 has 50 feet of lot width at the right-of-way or a variance is applied for in conjunction with the final development plan application.</u>
- 11. Zoning text section 1d.01(9) states that reasonable and good faith efforts will be made to not back homes onto public rights-of-way and public parks. As proposed, this requirement is being met as the lots are situated to allow homes to front onto public rights-of-way. Ownership and maintenance obligations will be reviewed with the final development plan and final plat applications.
- 12. There are lots situated where homes may back onto the adjacent private, New Albany Country Club golf course and proposed privately owned reserve areas within the subdivision.

Perimeter Boundary	Required Setback
Front Yard	15 feet
Rear Yard	10 feet
Side Yard	10 feet for detached homes
	0 feet for attached homes

13. Zoning text section 1d.01(4) requires the following setbacks:

All of the proposed lots are meeting the minimum required setbacks.

#### G. Access, Loading, Parking

- 3. As proposed, the site is serviced using a new road created using an existing stub of Baughman Grant and one new curb cut on Lambton Park Road that aligns with Head of Pond Road.
  - a. Zoning text section 1d.02(2)(b) requires internal roads to be 26 feet wide from curb to curb with 50 feet of right-of-way to be provided. As proposed, 50 feet of right-of-way is provided however, this internal road is 22 feet wide from face of curb to face of curb which does not meet the zoning requirements. <u>Staff recommends a</u> condition of approval that the preliminary development plan be revised so that the internal road is 26 feet wide from face of curb or a variance must be applied for in conjunction with a final development plan application.
- 4. The subdivision include one cluster, cul-de-sac road on the northern portion of the site on the northern portion of the site and one loop road on the southeast portion of the site.
  - a. Zoning text section 1d.02(2)(a) requires cluster roads to be 22 feet wide from curb to curb with 40 feet of right-of-way to be provided. As proposed, the cluster road on the northern portion of the site is proposed to be 22 feet wide from face of curb to face of curb with 50 feet of right-of-way, meeting this requirement.
  - b. The loop road shown on the southeast portion of the site is proposed to be 20 feet wide from face of curb to face of curb with 23 feet of right of way.
    - i. The proposed street width matches the design of similar streets in the New Albany Country Club including Coldicott Leys in Ebrington which is a one-way street. <u>Staff recommends that the Planning Commission confirm</u> with the applicant if this road will allow one or two way traffic.
    - ii. <u>The proposed road matches the city subdivision regulation requiring 20</u> <u>feet of pavement for one-way streets.</u>
    - iii. <u>If it a proposed to be a two-way street staff recommends a condition of approval that the preliminary development plan be revised so that the cluster road is 22 feet wide from face of curb with 40 feet of right-of-way or a variance must be applied for in conjunction with a final development plan application.</u>
- 5. Zoning text section 1d.02(4) states that on street parking is prohibited on pavement widths of 22 feet and on curvilinear sections of roads measuring 26 feet. The location of street parking signs within the subdivision will be reviewed at the time of the final development plan application.
- 6. Zoning text section 1d.02(6) states that at the time of a preliminary development plan review, the developer shall perform a traffic impact study to determine the need for left turn lanes on both new subdivision streets and existing streets. The city traffic engineer has reviewed the application and state that due to the anticipated peak hour volumes for the number of homes within the subdivision, the need for a new traffic study is not warranted. Additional turning studies may be required at the time of the final development plan to ensure emergency and service vehicles can adequately and safely access and navigate the streets.

#### H. Architectural Standards

- 3. The existing zoning text contains the same high-quality architectural standards that have made the New Albany Country Club neighborhoods so successful. Many of these existing standards were used to develop the New Albany Design Guidelines and Requirements
  - a. The text allows windows to be of traditional themes, requires simulated or true divided light in double hung windows.
  - b. Brick, wood siding and composite material such as hardi-plank are permitted exterior building materials.

- c. The text prohibits double bay garage doors and individual garage doors cannot be wider than 9 feet.
- 4. Illustrative, architectural drawings demonstrating the design and character for the proposed development will be reviewed at the time of a final development plan application as required by C.O. 1159.07(b)(3)(P).

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

- 3. Detailed landscaping plans for the subdivision will be reviewed at the time of a final development plan application as required by C.O. 1159.07(b)(3)(O).
- 4. The city subdivision regulations require parkland and open space to be provided as part of the construction of a new subdivision. Zoning text section 1d.04(2) states that land must be dedicated as parks and open space within the subarea at the time of a preliminary development plan application.
- 5. C.O. 1187.15(a) requires 2,400 square feet of parkland to be dedicated per dwelling unit, as part of the development of a new subdivision. Additionally, C.O. 1187.16(a) requires 20% of the gross developed land area to be used as open space. The table below shows the required and proposed amounts of parkland and open space. As noted in the application materials, the applicant intends to offset their shortage of parkland by using the NACO parkland bank credits on record with the city. The amount of open space provided does not meet code requirements. The Parks and Trails Advisory Board will evaluate the proposed open space and parkland as part of the Final Development Plan submittal. <u>Staff recommends a condition of approval that the applicant revise the plan, apply for a variance at the time of final development plan, pay a fee-in-lieu or use the parkland/open space bank credits to offset the shortage of open space dedication.</u>

C.O. Requirement	Shown on PDP as	Required (acres)	Provided (acres)	Difference	Meets Code?
1187.16	Open Space	6.02	5.76	26	No
Open Space	A, B, C, D				
	and E				
1189.15	None	2.04	0	-2.04	No
Parkland	Proposed				
Dedication					
	Total	8.06	5.76	-2.3	

6. Zoning text section 1d.04(3) states that street trees must be installed on both sides of internal streets at an average rate of one tree every 30 feet. The trees must have a caliper of 2.5 inches. The applicant is meeting this requirement.

#### G. Lighting & Signage

- **3.** Zoning text section 1d.05(1)(b) requires the typical Village of New Albany gooseneck street lights to be utilized. The location and specifications street lights will be reviewed at the time of the final development plan application.
- 4. Zoning text section 1d.06 requires the developer to use the standard city street and regulatory signage. All proposed signage for the subdivision is subject to review and approval of the Planning Commission at the time of the final development plan application.

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

The City Engineer has reviewed the referenced plan in accordance with the engineering related requirements of Code Section 1159.07(b)(3) and provided the following comments. <u>Staff recommends a condition of approval that these comments be addressed, subject to staff approval.</u>

- The 1998 zoning text required that at the time of PDP review the applicant perform a Traffic Impact Study to determine if left turn lanes are required. The text at that time allowed for the development of 88 single family detached and/or attached units. The referenced PP/PDP modified what had been initially proposed to only 37 homes. Because of this we believe that a Traffic Impact Study is not required as anticipated peak hour traffic volumes have been significantly reduced.
- 2. We will evaluate storm water management, sanitary sewer collection and roadway construction related details once construction plans become available

#### V. RECOMMENDATION

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

Staff is supportive of the preliminary development plan as it is in general conformity with the Neighborhood Residential recommendations of the 2014 New Albany Strategic Plan. The site is unique as it is surrounded by the golf course on three sides and a wetland on the north side which warrant special design considerations. Even with these unique design challenges, the applicant has taken the steps to ensure this new development will complement the established character of the immediate area and will provide connectivity. Additional landscape, architecture and signage details will be reviewed as part of a future final development plan application for the subdivision.

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 PDP-20-2021:

Move to approve preliminary development plan application PDP-20-2021 based on the findings in the staff report with the following conditions.

- 1. ZC-19-2021 must be approved by city council.
- 2. The plans be revised so that lot 12 has 50 feet of lot width at the right-of-way or a variance is applied for in conjunction with the final development plan application.
- 3. The plans be revised so that the internal road is 26 feet wide from face of curb or a variance must be applied for in conjunction with a final development plan application.
- 4. The plans be revised so that the loop road is 22 feet wide from face of curb with 40 feet of right-of-way or a variance must be applied for in conjunction with a final development plan application if it is a two-way street.
- 5. The applicant must revise the plan, apply for a variance at the time of final development plan, pay a fee-in-lieu or use the parkland/open space bank credits to offset the shortage of open space dedication.
- 6. The city engineer comments must be addressed, subject to staff approval.
- 7. Additional turning studies may be required at the time of the final development plan to ensure emergency and service vehicles can adequately and safely access and navigate the streets, subject to staff approval.

### Approximate Site Location:



Source: Google Earth



#### NEW ALBANY COUNTRY CLUB SECTION 30 PRELIMINARY PLAT

LOCATION:	A portion of a property generally located north and west of Lambton Park and south of Brandon Road (PID: 222-004458).
APPLICANT:	The New Albany Company LLC, c/o Aaron Underhill, Esq.
REQUEST:	Preliminary Plat
ZONING:	1998 NACO C-PUD; subarea 1.d
STRATEGIC PLAN:	Neighborhood Residential District
APPLICATION:	PP-21-2021

Review based on: Application materials received February 16 and 26, 2021.

Staff report completed by Chris Christian, Planner.

#### III. REQUEST AND BACKGROUND

The application is for a preliminary plat for Section 30 of the New Albany Country Club. The plat includes 37 residential lots, 5 reserves and three new roads. The applicant must return to the Planning Commission in the future for review and approval of a final plat application.

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

The 30.1+/- acre development area is part of a larger 105.34+/- acre property. A significant majority of the property contains portions of the New Albany Country Club golf course as well as some undeveloped land where residential uses are permitted to be developed. The surrounding land uses include the golf course and residentially zoned and used land.

#### **III. PLAN REVIEW**

Planning Commission's review authority of the preliminary plat is found under C.O. Section 1187. The applicant must return to the Planning Commission for review and approval of a final plat. Primary concerns and issues have been indicated below, with needed action or recommended action in <u>underlined text</u>.

- The final plat is in compliance with the proposed New Albany Country Club Section 30 preliminary development plan. The plat shows 37 residential lots to be developed. The proposed lot layout and dimensions match what is shown on the preliminary development plan and meets the requirements of the zoning text.
- This phase of the plat contains five (5) reserve areas shown as reserves A, B, C, D, and E on the plat with a total acreage of 5.7. According to the plat notes, all of the proposed reserve areas will be used as open space for the subdivision. Ownership and maintenance obligations will be reviewed with the final development plan application. C.O. 1187.16(b) states that all publicly and privately owned parks and open space must be accessible by roadway or public access easement.
- The plat will create three (3) new publicly dedicated streets that are currently unnamed.

- One internal public street that will connect the existing stub of Baughman Grant to a new curb cut on Lambton Park Road that aligns with Head of Pond with a pavement width of 22 feet and 50 feet of right-of-way.
- One new cul-de-sac public street on the north side of the development with a pavement width of 22 feet and 50 feet of right-of-way.
- One new one-way loop public street on the southeast side of the development with a pavement width of 20 feet and 23 feet of right-of-way.
- Proposed developer utility and proposed public utility easements are not required to be shown. These are reviewed as part of the final development plan.
- Per the city's subdivision regulations, C.O. 1187.04, all new streets shall be named and shall be subject to the approval of the Planning Commission. Staff recommends a condition of approval that final street names are determined with the final plat submittal.
- C.O. 1187.04(d)(4) and (5) requires verification that an application, if required, has been submitted to the Ohio Environmental Protection Agency in compliance with Section 401 of the Clean Water Act and to the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. Staff recommends a conditional of approval that this documentation be provided as part of a final plat application.

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

The City Engineer has reviewed the referenced plan in accordance with the engineering related requirements of Code Section 1159.07(b)(3) and provided the following comments. <u>Staff recommends</u> a condition of approval that these comments be addressed, subject to staff approval.

- 3. The 1998 zoning text required that at the time of PDP review the applicant perform a Traffic Impact Study to determine if left turn lanes are required. The text at that time allowed for the development of 88 single family detached and/or attached units. The referenced PP/PDP modified what had been initially proposed to only 37 homes. Because of this we believe that a Traffic Impact Study is not required as anticipated peak hour traffic volumes have been significantly reduced.
- 4. Existing Baughman Grant was platted with NACC Section 3 with 60' of public r/w and a pavement width of 27.5' in accordance with 1187.08 of the subdivision regulations. Proposed Baughman Grant as shown on the PDP does not meet this standard however the 1998 text permits r/w widths of 40' and pavement widths of 22'.
- 5. The subdivision regulations require that cul-de-sac streets be platted with 60' of r/w and 24' of pavement width. R/W and pavement widths for the cul-de-sac streets proposed on the PDP are 28' and 20' respectively. Although these widths are less then what is required by the subdivision regulations, cul-de-sac streets of the same dimensions have been previously approved as part of the NACC 28 subdivision (See Exhibit A attached) with the requirement that on-street parking be prohibited.
- 6. In accordance with code sections 1159.07 (b)(2) J and K, we recommend that the applicant provide documentation indicating that all OEPA and ACOE permitting requirements have been obtained.
- 7. We will evaluate storm water management, sanitary sewer collection and roadway construction related details once construction plans become available

V. RECOMMENDATION *Basis for Approval:* 

The preliminary plat is consistent with the preliminary development plan for the subdivision. The applicant will return to the Planning Commission for review and approval of a final plat application.

#### VI. ACTION Suggested Motion for PP-21-2021:

Move to approve preliminary plat application PP-21-2021 with the following conditions.

- 8. PDP-20-2021 must be approved by the Planning Commission.
- 9. Street names are determined with the final plat submittal.
- 10. The city engineer comments must be addressed, subject to staff approval.
- 11. Parkland and open space ownership and maintenance obligations are reviewed with the final development plan applications.
- 12. Verification that an application, if required, has been submitted to the Ohio Environmental Protection Agency in compliance with Section 401 of the Clean Water Act and to the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act be provided as part of a final plat application.

#### **Approximate Site Location:**



Source: Google Earth



#### Planning Commission Staff Report March 15, 2021 Meeting

#### MINK INTERCHANGE EXPANSION ZONING DISTRICT CONDITIONAL USE

LOCATION:	12746 Cobbs Road (PID: 035-107400-09.000)
APPLICANT:	MBJ Holdings LLC, c/o Aaron Underhill
REQUEST:	Zoning Amendment
ZONING:	L-GE Limited General Employment
STRATEGIC PLAN:	Office Campus
APPLICATION:	CU-7-2021

Review based on: Application materials received January 15, 2021

Staff report completed by Chris Christian, Planner

#### **IV. REQUEST AND BACKGROUND**

The applicant requests approval for manufacturing and production as a conditional use for 13.193+/acres within the proposed Mink Interchange Expansion L-GE zoning district. On February 17, 2021, the Planning Commission reviewed and recommended approval for the rezoning of the subject property from Agricultural (AG) to Limited General Employment (L-GE). The first reading of the rezoning ordinance is scheduled for its first reading at New Albany City Council on March 16, 2021, and second reading on April 6, 2021.

This conditional use application was tabled by the Planning Commission during the February 17, 2021 meeting at the request of the applicant. The proposed conditional use allows for the manufacturing, processing, fabrication, packaging, or assembly of goods. If approved, the conditional use will apply to the entire 13.193+/- acre zoning district.

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

The overall 13.193 +/- acre site consists of one parcel and is located in Licking County. The site has frontage on Cobbs Road and is generally located south of Innovation Campus Way, east of Harrison Road and west of Mink Street. An annexation petition was filed with the city on January 12, 2021 and is scheduled for its first reading at New Albany City Council on March 16, 2021, and second reading on April 6, 2021 along with the rezoning ordinance to rezone the property from Agricultural (AG) to Limited General Employment (L-GE).

The immediate neighboring zoning districts include the Harrison East L-GE zoning district to the north, the Mink Interchange I-PUD zoning district to the east and unincorporated residential located directly west of the site. The site currently contains a single-family home.

#### III. EVALUATION

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

specific findings of fact directly based on the particular evidence presented to it, that support conclusions that such use at the proposed location meets all of the following requirements:

- (a) The proposed use will be harmonious with and in accordance with the general objectives, or with any specific objective or purpose of the Zoning Ordinance.
  - The limitation text associated with the rezoning of the property places additional requirements above the General Employment (GE) District requirements on the development of the property. These requirements further ensure that the character of the area is preserved and enhanced by future development.
  - The Planning Commission has approved the same request for numerous other zoning districts on the north side of State Route 161. Manufacturing and production uses are permitted use in the following zoning districts: Harrison East, Harrison West, as well as Beech Road West and the adjacent Mink Interchange I-PUD zoning district to the east (CU-67-2016). The limitation text establishes setbacks that are more stringent than the minimum GE requirements.
    - The text requires a minimum and pavement setback of 90 feet from the Cobbs Road right-of-way.
    - There shall be a minimum building and pavement setback of 50 feet from the western boundary of this zoning district, where residential uses are currently permitted.
  - For perimeter boundaries that abut residentially owned and used properties, C.O. 1171.05(C) states that a landscape buffer must be established along property lines to achieve 75% opacity screening and 10 feet in height within 5 years of planting. This requirement is similar to other zoning texts within Licking County where residential uses are adjacent to commercially zoned and used properties.
  - Engineering and building permits have not been submitted and there is no known end user(s) for the site at this time. Site and building plans for proposed developments within this subarea will be approved on a user by user basis. Approval of these individual site plans should be subject to staff approval, as part of the approval of individual zoning & building permits.
  - The Planning Commission has approved similar conditional use applications for manufacturing and production uses in other zoning districts within the New Albany Business Park. This has enabled the city to land several economic development projects with quick construction timelines. To maintain a competitive advantage over other locations, upon approval of the conditional use application it will be exempt from time limitations of C.O. 1115.07. Because speed to market is one of the most important factors when a company is undertaking site selections, having the conditional use previously approved has a positive benefit to the city's economic development goals and fiscal strength.
- (b) The proposed use will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
  - The proposed use complements the office and distribution uses which are permitted uses within the overall area. The New Albany Business Park contains five industry clusters. This portion of the business park is planned for manufacturing, warehousing, and distribution uses. New Albany's Personal Care and Beauty Campus is the first of its kind in the country, and has attracted global industry leaders as a result of its ability to seamlessly integrate product manufacturing, labeling, packaging and distribution within a single campus.
  - Additional design guidelines for warehouse type manufacturing facilities contained in the zoning text further ensures their compatibility with the character of the area. The same architectural requirements as the surrounding commercial areas are required.

- 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 proposed zoning text for this property includes specific design requirements for uses not governed by the DGRs, which ensures the quality design of these buildings.
- (c) The use will not be hazardous to existing or future neighboring uses.
  - The use will be subject to Codified Ordinance Section 1153.06 which requires that no land or structure within the GE District shall be used or occupied in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable impact on any land which is located in any other zoning district.
- (d) The area will be adequately served by essential public facilities and services such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
  - This site is located north of Cobbs Road and generally south of Innovation Campus Way. This conditional use will not have any more impact on public facilities and services than will the uses that are permitted in the underlying zoning. Sewer and water service is available for extension in this location.
  - The proposed manufacturing and production use will produce no new students for the school district.
- (e) The proposed use will not be detrimental to the economic welfare of the community.
  - The proposed manufacturing and production uses will generate income tax for the City by the creation of new jobs.
- (f) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
  - The use will be subject to Codified Ordinance Section 1153.06 which requires that no land or structure within the GE District shall be used or occupied in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable impact on any land which is located in any other zoning district.
  - The zoning text requires the complete screening of roof-mounted equipment on all four sides of the building with materials that are consistent and harmonious with the building's façade and character for sound and views. This provides additional noise abatement to neighboring properties in addition to improved aesthetics.
- (g) Vehicular approaches to the property shall be so designated as not to create interference with traffic on surrounding public streets or roads.
  - The infrastructure in this portion of the city is designed to accommodate the traffic associated with commercial uses.
  - There is no reason to believe that that traffic generated by the manufacturing and production uses will have any greater impact than traffic for permitted users in the GE district.
  - Due to the proximity of this site to the State Route 161 interchange and its location adjacent to commercially zoned land in the existing business park to the north, south and west, the site appears to be most appropriate for manufacturing and production uses.

#### V. RECOMMENDATION

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

The overall proposal appears to be consistent with the code requirements for conditional uses and meets the development standards and recommendations contained in the 2014 New Albany Strategic Plan and the New Albany Economic Development Strategic Plan. The proposed manufacturing and production use complements the permitted uses within the zoning district. The New Albany Business Park contains infrastructure designed to accommodate the traffic associated with manufacturing and production uses and is strategically located close to State Route 161. The landscaping screening requirements found in C.O. 1171.05(c) applies to this property and will provide appropriate screening from nearby residentially owned and used properties in the immediate area, consistent with the landscape screening requirements in surrounding L-GE zoning texts. This conditional use meets the recommendations in the New Albany Economic Development Strategic Plan by providing additional business type diversity, and attracting supply-chain and technology industries and technology.

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

#### VI. ACTION Suggested Motion for CU-7-2021:

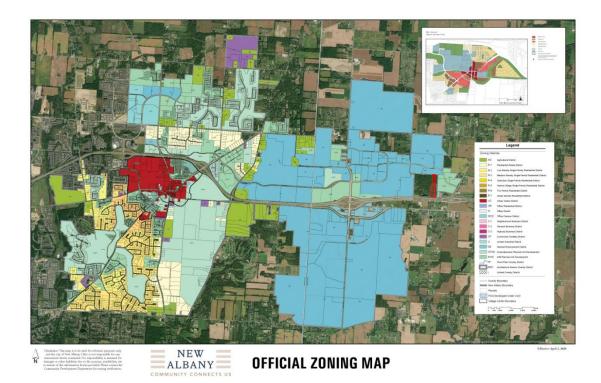
# To approve conditional use application CU-7-2021) based on the findings in the staff report with following condition of approval (conditions may be added)

- 1. Approval of individual site plans for manufacturing and production users are subject to staff approval to confirm compliance with all applicable zoning requirements.
- 2. The rezoning ordinance for this subject property is approved by City Council.



#### **Approximate Site Location:**

Zoning Map:





#### Planning Commission Staff Report March 15, 2021 Meeting

#### JUG STREET SOUTH ZONING DISTRICT CONDITIONAL USE

LOCATION:	13607 and 13525 Jug Street (PIDs: 037-111498-00.000 & 037-111498-00.001)
APPLICANT:	MBJ Holdings LLC, c/o Aaron Underhill
REQUEST:	Conditional Use
ZONING:	L-GE Limited General Employment
STRATEGIC PLAN:	Office Campus
APPLICATION:	CU-9-2021

Review based on: Application materials received January 15, 2021

Staff report completed by Chris Christian, Planner

#### V. REQUEST AND BACKGROUND

The applicant requests approval for manufacturing and production as a conditional use for 25.8+/acres within the Jug Street South L-GE zoning district. On February 17, 2021, the Planning Commission reviewed and recommended approval for the rezoning of the subject properties from Agricultural (AG) to Limited General Employment (L-GE). The first reading of the rezoning ordinance is scheduled for its first reading at New Albany City Council on March 16, 2021, and second reading on April 6, 2021.

This conditional use application was tabled by the Planning Commission during the February 17, 2021 meeting at the request of the applicant. The proposed conditional use allows for the manufacturing, processing, fabrication, packaging, or assembly of goods. If approved, the conditional use will apply to the entire 25.8+/- acre zoning district.

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

The overall 25.8 +/- acre site consists of one parcel and is located in Licking County. The site has frontage on Jug Street and is generally located south of Jug Street, west of Harrison Road and north of Innovation Campus Way. An annexation petition was filed with the city on January 12, 2021 and is scheduled for its first reading at New Albany City Council on March 16, 2021, and second reading on April 6, 2021 along with the rezoning ordinance to rezone the property from Agricultural (AG) to Limited General Employment (L-GE).

The immediate neighboring zoning districts include the Innovation L-GE zoning district to the west and south, the Jug Street North L-GE zoning district to the north, and unincorporated residential located directly east and west of the site. The site is made up of two residentially zoned properties.

#### **IV. EVALUATION**

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

specific findings of fact directly based on the particular evidence presented to it, that support conclusions that such use at the proposed location meets all of the following requirements:

- (*h*) The proposed use will be harmonious with and in accordance with the general objectives, or with any specific objective or purpose of the Zoning Ordinance.
  - The limitation text associated with the rezoning of the property places additional requirements above the General Employment (GE) District requirements on the development of the property. These requirements further ensure that the character of the area is preserved and enhanced by future development.
  - The Planning Commission has approved the same request for numerous other zoning districts on the north side of State Route 161. Manufacturing and production uses are permitted use in the following zoning districts: Harrison East, Harrison West, as well as Beech Road West and Innovation District Subarea A.
  - The limitation text establishes setbacks that are more stringent than the minimum GE requirements.
    - The text requires a minimum pavement setback of 50 feet and building setback of 100 feet from Jug Street right-of-way.
    - There is a minimum building and pavement setback of 50 feet from the east and west property lines of this zoning district, where residential uses are currently permitted.
  - The text also establishes screening for adjacent residential uses. A developer is required to install a landscape buffer along the eastern and western property lines, where residential uses are permitted, within the building and pavement setback to achieve 75% opacity landscape screening and 10 feet in height within 5 years of planting.
  - Engineering and building permits have not been submitted and there is no known end user(s) for the site at this time. Site and building plans for proposed developments within this subarea will be approved on a user by user basis. Approval of these individual site plans should be subject to staff approval, as part of the approval of individual zoning & building permits.
  - The Planning Commission has approved similar conditional use applications for manufacturing and production uses in other zoning districts within the New Albany Business Park. This has enabled the city to land several economic development projects with quick construction timelines. To maintain a competitive advantage over other locations, upon approval of the conditional use application it will be exempt from time limitations of C.O. 1115.07. Because speed to market is one of the most important factors when a company is undertaking site selections, having the conditional use previously approved has a positive benefit to the city's economic development goals and fiscal strength.
- (*i*) The proposed use will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
  - The proposed use complements the office and distribution uses which are permitted uses within the overall area. The New Albany Business Park contains five industry clusters. This portion of the business park is planned for manufacturing, warehousing, and distribution uses. New Albany's Personal Care and Beauty Campus is the first of its kind in the country, and has attracted global industry leaders as a result of its ability to seamlessly integrate product manufacturing, labeling, packaging and distribution within a single campus.
  - Additional design guidelines for warehouse type manufacturing facilities contained in the zoning text further ensures their compatibility with the character of the area. The same architectural requirements as the surrounding commercial areas are required.
  - 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 proposed zoning text for this property includes specific design requirements for uses not governed by the DGRs, which ensures the quality design of these buildings.

- (*j*) The use will not be hazardous to existing or future neighboring uses.
  - The use will be subject to Codified Ordinance Section 1153.06 which requires that no land or structure within the GE District shall be used or occupied in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable impact on any land which is located in any other zoning district.
- (k) The area will be adequately served by essential public facilities and services such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
  - This site is located south of Jug Street and generally north of Smith's Mill Road. This conditional use will not have any more impact on public facilities and services than will the uses that are permitted in the underlying zoning. Sewer and water service is available for extension in this location.
  - The proposed manufacturing and production use will produce no new students for the school district.
- (*l*) The proposed use will not be detrimental to the economic welfare of the community.
  - The proposed manufacturing and production uses will generate income tax for the City by the creation of new jobs.
- (m) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
  - The use will be subject to Codified Ordinance Section 1153.06 which requires that no land or structure within the GE District shall be used or occupied in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable impact on any land which is located in any other zoning district.
  - The zoning text requires the complete screening of roof-mounted equipment on all four sides of the building with materials that are consistent and harmonious with the building's façade and character for sound and views. This provides additional noise abatement to neighboring properties in addition to improved aesthetics.
- (n) Vehicular approaches to the property shall be so designated as not to create interference with traffic on surrounding public streets or roads.
  - The infrastructure in this portion of the city is designed to accommodate the traffic associated with commercial uses.
  - There is no reason to believe that that traffic generated by the manufacturing and production uses will have any greater impact than traffic for permitted users in the GE district.
  - Due to the proximity of this site to the State Route 161 interchange and its location adjacent to commercially zoned land in the existing business park to the east, south and west, the site appears to be most appropriate for manufacturing and production uses.

V. RECOMMENDATION Basis for Approval: The overall proposal appears to be consistent with the code requirements for conditional uses and meets the development standards and recommendations contained in the 2014 New Albany Strategic Plan and the New Albany Economic Development Strategic Plan. The proposed manufacturing and production use complement the permitted uses within the zoning district. The New Albany Business Park contains infrastructure designed to accommodate the traffic associated with manufacturing and production uses and is strategically located close to State Route 161. The zoning text requires greater separation and landscape screening requirement from residentially zoned properties than what would normally be required in a General Employment (GE) zoning district. This conditional use meets the recommendations in the New Albany Economic Development Strategic Plan by providing additional business type diversity, and attracting supply-chain and technology industries and technology.

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

#### VI. ACTION Suggested Motion for CU-9-2021:

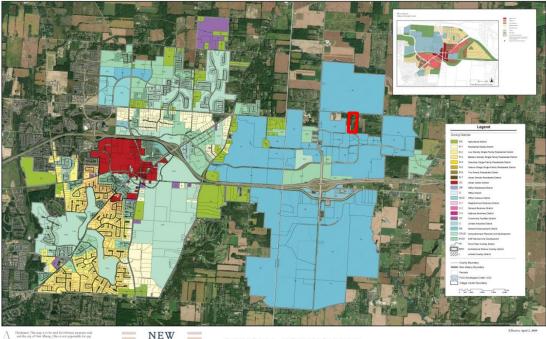
# To approve conditional use application CU-9-2021) based on the findings in the staff report with following conditions of approval (conditions may be added)

- 3. Approval of individual site plans for manufacturing and production users are subject to staff approval to confirm compliance with all applicable zoning requirements.
- 4. The rezoning ordinance for this subject property is approved by City Council.



#### Approximate Site Location:

# Zoning Map:



N Dockimer: The map is to be and for reference purposes only and the city of New Absets, Ohio is nor reportable for any interaction berrin contained. No responsibility is animal for langue or other labilities due to the accuracy, evailability, us ar mixer of the information hermin provided. Hence coasts of Community Development Department for noting verification. NEW ALBANY

**OFFICIAL ZONING MAP**