


New Albany Planning Commission
January 19, 2022 Minutes

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 7:03 p.m.

Those answering roll call:

Mr. Neil Kirby, Chair	Present
Mr. David Wallace	Present
Mr. Hans Schell	Present
Ms. Sarah Briggs	Present
Mr. Matt Shull (Council liaison)	Present

Staff members present: Steven Mayer, Development Services Coordinator; Jay Herskowitz for Ed Ferris, City Engineer; Benjamin Albrecht, Interim Law Director; and Josie Taylor, Clerk.

Moved by Mr. Wallace to approve the December 20, 2021 meeting minutes, seconded by Ms. Briggs. Upon roll call: Mr. Wallace, yea; Ms. Briggs, yea; Mr. Schell, yea; Mr. Kirby, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

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

Mr. Mayer stated none from staff.

Mr. Kirby swore all who would be speaking before the Planning Commission (hereafter, "PC") this evening to tell the truth and nothing but the truth.

Mr. Kirby asked if there were any persons wishing to speak on items not on tonight's Agenda. (No response.)

FPL-132-2021 Final Plat

Final plat for the dedication of public right-of-way for Horizon Court which will be generally located north of Jug Street, east of Beech Road and west of Harrison Road in Licking County (095-111756-00.000).

Applicant: LPC Midwest LLC

Mr. Mayer presented the staff reports for FPL-132-2021 and VAR-133-2021.

Mr. Kirby asked if there were Engineering comments.

Mr. Herkowitz stated procedural matters, such as showing cross access and drainage easements more clearly and the need for documentation of there being no wetland or Ohio Environment Protection Agency issues, were needed.

Mr. Kirby stated thank you. Mr. Kirby asked to hear from the applicant.

Mr. Tom Rubey, New Albany Company, stated they agreed with all of the conditions from staff and engineering and stated this was a conceptual plan. Mr. Rubey stated individual lots may later be developed. Mr. Rubey stated they did not intend to have public streets developed and they would have shared access between parcels. Mr. Rubey stated a regional storm water retention basin would be built offsite for these properties.

Mr. Zack Grabijas, Project Manager, LPC Midwest LLC, discussed the company's history, business, and current projects.

Mr. Schell asked what the vision was, did it involve more industrial, office, etc.

Mr. Grabijas stated it was industrial and mission critical.

Mr. Schell stated he knew this was conceptual, but asked if the development on the end would have a separate entrance.

Mr. Grabijas stated each of the potential properties would have their own entrance.

Mr. Schell asked if they might have larger users and not parcel it out.

Mr. Grabijas stated correct.

Mr. Kirby asked why use private roads, what were the advantages.

Mr. Rubey stated that all at this time was conceptual and there was no intention to build networks of public roads here. Mr. Rubey stated parking lots would have access to all for employee and engineering services, but the roads would not be like those in a subdivision.

Mr. Grabijas stated public roads usually needed more room and they would lose a lot of land if they were put in place.

Mr. Kirby asked if they would be big enough to fit a fire truck.

Mr. Grabijas stated yes.

Mr. Kirby asked if it would be big enough for two vehicles driving in opposite directions to drive by one another.

Mr. Grabijas stated yes.

Mr. Kirby asked if they would be built to the standard of a residential street that did not have parking on both sides.

Mr. Rubey stated the width and dimension would need to meet the requirements of emergency services but there would not be curbs or gutters.

Mr. Kirby asked if the roads would be the same size as those of a residential street.

Mr. Rubey stated yes.

Mr. Kirby asked what the minimum street width of a residential road was.

Mr. Herskowitz stated 26 feet.

Mr. Kirby asked if emergency services vehicles could then go down them.

Mr. Rubey stated yes.

Mr. Kirby stated that some of the relief provided by this was that there was no automatic setback from a right-of-way.

Mr. Rubey stated yes.

Mr. Kirby asked if the New Albany Company owned the land.

Mr. Rubey stated correct.

Mr. Kirby asked if they also owned the land to the north of that, which followed Beech Road.

Mr. Rubey stated correct.

Mr. Kirby asked if there would be future connectivity to the parcel on the west of this, facing Jug Street.

Mr. Rubey stated not to the west, but perhaps to the east.

Mr. Kirby asked if this parcel was not looking to connect to Beech Road.

Mr. Rubey stated correct. Mr. Rubey stated there would be a curb cuts on Jug Street and for emergency access, but not beyond.

Mr. Kirby stated that as the New Albany Company owned both to the east and west, they were not denying access to anyone.

Mr. Rubey stated correct.

Mr. Kirby stated it did relieve them from the setbacks based on right-of-way.

Mr. Rubey stated there were setback and preservation requirements that had previously been made which were reflected on the site plan.

Mr. Kirby stated the variance for a cul-de-sac this long did not appear supportable without additional access points. Mr. Kirby asked if there were enforceable conditions that would prevent having an overlong cul-de-sac.

Mr. Rubey stated he did not know but they could draft a condition and put it on record for appropriate private streets to meet City requirements for safety.

Mr. Kirby asked if they would extend private access connectivity as they went.

Mr. Rubey stated that, if from the north, then they might have permanent or temporary access points.

Mr. Kirby stated right. Mr. Kirby stated a condition should never have more than 1,000 feet without a second access point.

Mr. Rubey stated, or it should be agreeable to City emergency services and have plans acceptable to them.

Mr. Kirby asked why not 1,000 feet if it was Code.

Mr. Rubey stated that made sense for residential lots, but thought those who provided emergency services had a better understanding of what their access needed to be.

Mr. Kirby stated they might disagree on that.

Mr. Wallace stated he was not fond of the straight shot layout of this road and asked if any consideration had been given to some type of undulation or curve for the road.

Mr. Rubey stated the basis for the design of this parcel was truck traffic that would use the cul-de-sac bulb and employees and others would use secondary access.

Mr. Kirby asked what the width of pavement was on the new road.

Mr. Herskowitz stated 26 feet.

Mr. Kirby asked what the width of Jug Street was.

Mr. Mayer stated it was currently between 22 to 24 feet.

Mr. Kirby asked if it were the same width as Jug Street, than it would be similar to other roads.

Mr. Wallace stated maybe, but they had an opportunity to put a bend in this road and asked if there had been any consideration to adding a curve, such as there was on Smiths Mill Road.

Mr. Rubey stated it was designed to maximize efficiency and it was never meant to have a curve.

Mr. Kirby stated they had similar cul-de-sacs in the Beauty Campus and asked if any racing had occurred there.

Mr. Mayer stated he was not aware of any.

Mr. Wallace stated there was a difference there as there was another road that went around the Beauty Campus.

Mr. Kirby asked for speakers from the public.

Mr. Bob Carr, a member of the public, stated he was here regarding the rezoning hearing.

Mr. Mayer indicated the rezoning was heard by a different board.

Mr. Carr stated he had been present for the December 20th discussion on rezoning.

Mr. Mayer stated staff was still working with that applicant, but at this time they had verbally withdrawn their application.

Ms. Wendy Brown, 168 Bermuda, stated she and her family had just purchased their lot and stated she was concerned about the wetlands and the water that would be brought onto her property. Ms. Brown stated she was concerned for her well and flooding on her land. Ms. Brown stated she was also concerned about traffic on the streets and noted that two (2) semi trucks could not fit on Jug Street.

Mr. Kirby stated that without an owner's permission this development could not change water conditions on others' lands.

Ms. Brown stated there would now be fewer fields to absorb the water.

Mr. Kirby stated they were required not to alter the drainage on others' property.

Mr. Rubey stated there would be storm water management and there would be a large regional basin for storm water demands for what would be developed here.

Ms. Brown asked what would be put in place for the neighbors the project would back to.

Mr. Rubey stated there had previously been commitments made regarding that area and he could provide copies of that to Ms. Brown.

Ms. Brown stated she would want a copy of that.

Mr. Rubey stated he would be happy to provide a copy and this project would abide by those commitments.

Ms. Brown stated that when they had presented those things they did not have such a long cul-de-sac.

Mr. Rubey stated it was an iterative process and noted that Ms. Brown might also consider speaking with her township offices.

Ms. Brown stated they were in Jersey Township and did not know they needed to go to New Albany

Mr. Kirby asked where Blacklick creek ran on this.

Ms. Brown stated it ran through her front yard.

Mr. Rubey showed where the creek ran on the presentation.

Mr. Kirby stated that those on Ms. Brown's side of the creek could possibly cooperate on drainage changes, if they wished.

Mr. Rubey stated there were lots of water problems there and this was not an opportunity to de-water the area. Mr. Rubey stated there were lots of Army Corp of Engineer and Environmental Protection Agency regulations there as well as wetlands. Mr. Rubey stated he was happy to help but could not go beyond Code requirements to neither increase nor decrease water.

Mr. Kirby asked if not even with the neighbors' permission to do so.

Mr. Rubey stated he could not commit to that.

Mr. Kirby stated they could explore the opportunity to do so.

Mr. Rubey stated he would follow the City Engineer's requirements but would be happy to help if they could.

Mr. Kirby asked what, due to the fact that improvements on Jug Street would be based on semi truck traffic, did the traffic study indicate.

Mr. Mayer stated the study included Jug Street to Beech Road and considered the connections shown in the presentation. Mr. Mayer stated that unrelated to this, the City planned to improve Jug Street. Mr. Mayer stated the study found there was no need for additional lanes.

Mr. Kirby asked if that would be revisited at time of development.

Mr. Mayer stated yes.

Mr. Kirby stated Mr. and Ms. Brown should have their well tested now, in case there were any changes later.

Mr. Grabijas stated they did not plan on changing the water that was there now but would manage the new impact in the area.

Ms. Brown stated they currently had fields with corn and soy and when they were taken away, due to the building, it would be hard for it not to affect the water flow.

Mr. Shull stated he appreciated the public coming and to please obtain Mr. Mayer's contact information.

Moved by Mr. Wallace to accept the staff reports and related documents into the record for FPL-132-2021, seconded by Mr. Schell. Upon roll call: Mr. Wallace, yea; Mr. Schell, yea; Ms. Briggs, yea; Mr. Kirby, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

Moved by Ms. Briggs to approve FPL-132-2021 based on the findings in the staff report with the following conditions:

1. The variance application (VAR-133-2021) associated with this new roadway must be approved;
 2. The city engineer comments must be addressed, subject to staff approval;
 3. Explore drainage issues as directed by the City Engineer;
- seconded by Mr. Kirby. Upon roll call: Ms. Briggs, yea; Mr. Kirby, yea; Mr. Schell, yea; Mr. Wallace, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

VAR-133-2021 Variance

Variance to C.O. 1187.08(a)(5) to allow a cul-de-sac road to be 2,600+/-feet in length where city code allows a maximum length of 1,000 feetfor Horizon Court (095-111756-00.000).

Applicant: LPC Midwest LLC

Moved by Mr. Wallace to accept the staff reports and related documents into the record for VAR-133-2021, seconded by Ms. Briggs. Upon roll call: Mr. Wallace, yea; Ms. Briggs, yea; Mr. Schell, yea; Mr. Kirby, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

Moved by Mr. Kirby to approve VAR-133-2021 with the findings in the staff report with the conditions in the staff report and the following additional condition:

3. Review and approval of all building plans by City service professionals regarding the alternative connectivity being sufficient;

seconded by Ms. Briggs. Upon roll call: Mr. Kirby, yea; Ms. Briggs, yea; Mr. Schell, yea; Mr. Wallace, no. Yea, 3; Nay, 1; Abstain, 0. Motion passed by a 3-1 vote.

Mr. Wallace stated he was not fond of the road configuration and felt it did not meet the Duncan requirements.

FDP-1-2022 Final Development Plan

Final development plan for a new office building located in the Canini Trust Corp, south of Forest Drive and in between the COTA Park and Ride and the New Avenue senior living facility(PID: 222-004965).

Applicant: Advanced Civil Design, Inc c/o Ryan Fowler

Mr. Mayer presented the staff report.

Mr. Kirby asked Mr. Mayer regarding the comment about four-sided architecture and a condition about that.

Mr. Mayer stated the architecture was four-sided and the condition was for roof top equipment screening. Mr. Mayer stated there was also one condition about signage and, while none had been submitted yet, staff recommended it be subject to staff approval.

Mr. Kirby asked if they could solve the problem with COTA with signage.

Mr. Mayer stated they were exploring that with COTA.

Mr. Kirby asked for Engineering comments.

Mr. Herskowitz stated they reviewed the final development plans and noted they needed to show monumentation at each corner of the property and where the property lines changed direction. Mr. Herskowitz stated they also needed written documentation from an environmental scientist indicating there were no wetland issues.

Mr. Kirby asked if the applicant had comments to provide.

Mr. Ryan Fowler, Advanced Civil Design, Inc., discussed the project and design. Mr. Fowler stated he could answer any civil related questions and stated COTA was a concern on their end due to a shared drive.

Mr. Kirby asked if the applicant agreed with all the conditions.

Mr. Fowler stated the signage had been removed.

Mr. Kirby asked if the submittal had no signage at all.

Mr. Mayer stated it did not.

Mr. Kirby asked if it would revert to the underlying Code and design guide requirements.

Mr. Mayer stated that if not, then the applicant would return to the PC just for the signage.

Mr. Kirby asked the applicant if that was acceptable.

Mr. Fowler stated yes.

Mr. Wallace asked if the first condition was still in effect.

Mr. Mayer stated yes.

Mr. Wallace asked if the approval needed in the first condition from the 'property owner,' referred to COTA.

Mr. Mayer stated it was COTA in this case.

Mr. Schell stated it was an office building and asked if it were medical.

Mr. Mayer stated the top half was for an optometry office and the other half was for medical or other lease.

Mr. Schell asked if there were any traffic concerns.

Mr. Mayer stated no.

Mr. Kirby asked if members of the public had any comments. (No response.)

Moved by Mr. Kirby to accept the staff reports and related documents into the record for FDP-1-2022, seconded by Ms. Briggs. Upon roll call: Mr. Kirby, yea; Ms. Briggs, yea; Mr. Schell, yea; Mr. Wallace, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

Moved by Mr. Schell to approve FDP-1-2022 based on the findings in the staff report, with the conditions listed in the staff report with the clarification to condition 1 that the term "property owner" refers to COTA and the following additional condition:

7. Signage is subject to staff approval;

seconded by Mr. Wallace. Upon roll call: Mr. Schell, yea; Mr. Wallace, yea; Ms. Briggs, yea; Mr. Kirby, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

Other Business

Planning and Zoning Code updates

Mr. Mayer discussed Planning and Zoning Code updates.

Mr. Kirby asked if a recommendation to City Council was needed.

Mr. Mayer stated they requested a recommendation to City Council.

Mr. Wallace stated there were several references to Village and Village staff and asked if they should be changed to City.

Mr. Mayer stated yes.

Mr. Wallace stated there was also §1127.02(E), where references to "Community Development Directors" should be changed to "Director."

Mr. Mayer stated thank you.

Moved by Mr. Kirby to accept the staff reports and related documents into the record for the Planning and Zoning Code updates, seconded by Ms. Briggs. Upon roll call: Mr. Kirby, yea; Ms. Briggs, yea; Mr. Schell, yea; Mr. Wallace, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

Moved by Mr. Wallace to recommend the Planning and Zoning Code updates to City Council, seconded by Mr. Schell. Upon roll call: Mr. Wallace, yea; Mr. Schell, yea; Ms. Briggs, yea; Mr. Kirby, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

Poll Members for Comment

Mr. Shull congratulated Mr. Wallace for an additional two (2) year term on the PC.

Mr. Wallace stated it was his pleasure to serve.

Mr. Kirby stated that, based on his opinion, the variance this evening had been unsupported per the Duncan factors without the conditions that were added.

Mr. Mayer stated he appreciated the feedback.

Mr. Wallace stated variances were not his favorite and were problematic.

Mr. Kirby adjourned the meeting at 8:28 p.m.

Submitted by Josie Taylor.

APPENDIX



Planning Commission Staff Report January 19, 2022 Meeting

HORIZON COURT PRELIMINARY AND FINAL PLAT

LOCATION: Generally located north of Jug Street, east of Beech Road and west of Harrison Road in Licking County (portion of PID: 095-111756-00.000).
APPLICANT: LPC Midwest LLC
REQUEST: Preliminary and Final Plat
ZONING: Limited General Employment (L-GE)
STRATEGIC PLAN: Employment Center
APPLICATION: FPL-132-2021

Review based on: Application materials received December 14, 2021 and January 3, 2022.

Staff report completed by Chris Christian, Planner.

I. REQUEST AND BACKGROUND

The application is for a combined preliminary and final plat for dedication of right-of-way for a new public road named, Horizon Court, in the Licking County portion of the New Albany Business Park.

The applicant also requests a variance to C.O. 1187.08(a)(5) to allow this cul-de-sac road to be 2,600+/- feet in length where city code allows a maximum length of 1,000 feet. The variance application is reviewed under a separate staff report (VAR-133-2021).

II. SITE DESCRIPTION & USE

The proposed plat area is located on a larger 365+/- acre undeveloped property, located in Licking County. The property is zoned L-GE and allows the same uses as the Personal Care and Beauty Park such as data center, manufacturing and production, office, distribution, and warehousing uses to be developed.

III. PLAN REVIEW

Planning Commission's review authority of the preliminary and final plat is found under C.O. Section 1187. Upon review of the final plat the Commission is to make recommendation to City Council. Staff's review is based on city plans and studies, zoning text, zoning regulations.

- This plat dedicates right-of-way to the City of New Albany for a new cul-de-sac road named Horizon Court. This new road will serve several commercial development sites that are planned to be built by the applicant.
- The Horizon Court dedication consists of approximately 2,620 +/- feet of new right-of-way north of Jug Street and east of Beech Road for a total of 3.77 acres.

- The proposed plat right-of-way width is designed to accommodate future traffic as a result of anticipated development in this area.
- There are no reserves being platted or lots being created within this new road extension.
- C.O. 1187.08(a)(5) requires a minimum cul-de-sac radius of 60 feet and the applicant is providing this amount. The applicant also proposes to dedicate a 10' water easement on the west side of the road and a 25' sanitary easement on the east side.
- While this roadway is not specifically envisioned in the Engage New Albany Strategic Plan, the 60 feet of right-of-way plus 35 feet of easements, totaling 95 feet, is consistent with the 67-115 foot recommendation in the strategic plan for a Business Park Roadway. This right-of-way width will allow for a typical 7.5-foot-wide tree lawn and 5-foot sidewalks to be provided on both sides of the road.

IV. ENGINEER'S COMMENTS

The City Engineer has reviewed the referenced plan and provided the following comments. Staff recommends a condition of approval that the city engineer comments be addressed, subject to staff approval.

1. Provide more information on the plat regarding cross access easements that will accommodate emergency responders.
2. Obtain approval from the City of Columbus for the proposed 10' water line easement. Ensure that the easement is wide enough to maintain a minimum 7.5' offset from the water main and right-of-way and 20' offset from all building structures.
3. In accordance with code section 1187.06 (a)(2) show the angle and distance to the nearest street intersection.
4. Provide more information on the plat regarding the provision of utility easements to accommodate private utility providers (e.g., gas, telecom, electric, etc.).
5. In accordance with code sections 1187.06 (c)(1) and (2), provide written documentation indicating that Ohio EPA and Army Corps of Engineers permitting issues have been addressed.
6. Refer to Exhibit A. Reformat the plat in accordance with this exhibit including adding Horizon Court to the title block.
7. Show drainage easements on the plat associated with the regional basin. Provide the City's standard drainage easement note block on sheet 1 of the plat.
8. Label the instrument number for all existing easements shown on the plat.

V. RECOMMENDATION

Basis for Approval:

The proposed road plat is appropriate given the planned commercial development immediately adjacent to it. The Engage New Albany Strategic Plan does not envision a roadway connection in this area however, this road will serve as a connection to appropriately facilitate traffic within this development area and allow the immediate area to be commercially subdivided in order to expand the business park.

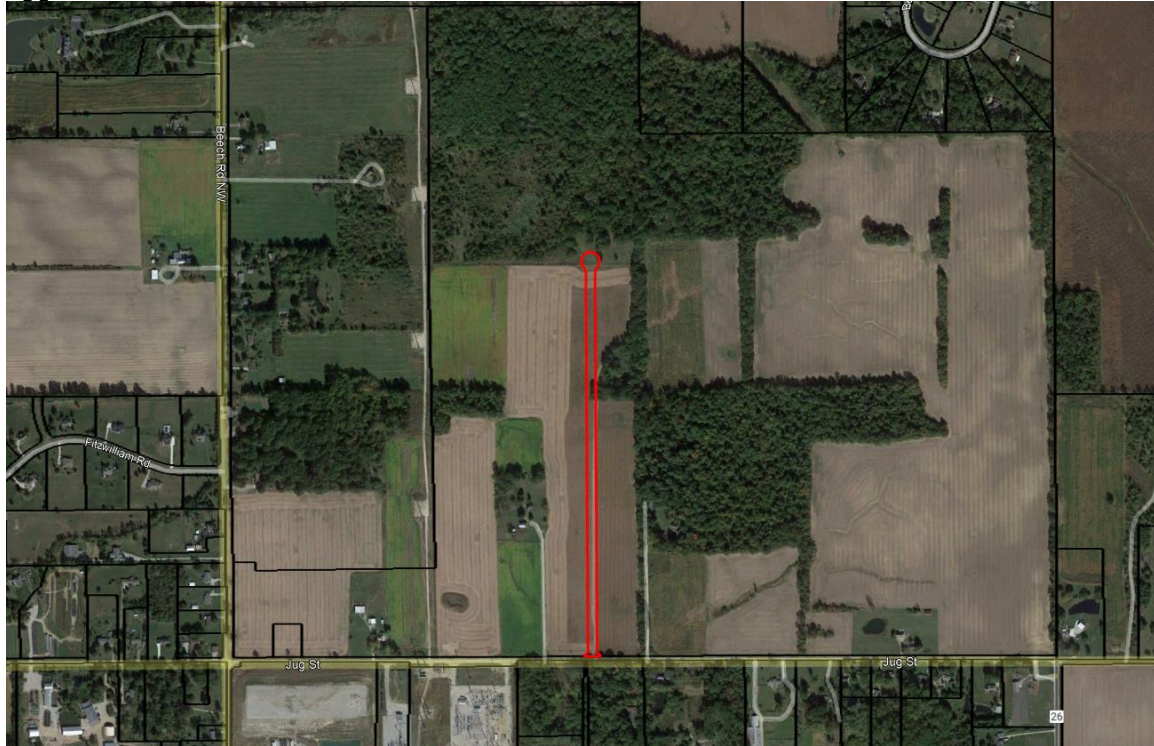
VI. ACTION

Suggested Motion for FPL-132-2021 (conditions may be added):


Move to approve FPL-132-2021 with the following condition:

1. The variance application (VAR-133-2021) associated with this new roadway must be approved.
2. The city engineer comments must be addressed, subject to staff approval.

Approximate Site Location:



Source: Google Earth


NEW ALBANY
COMMUNITY CONNECTS US
Planning Commission Staff Report
January 19, 2022 Meeting

**HORIZON COURT
VARIANCE**

LOCATION: Generally located north of Jug Street, east of Beech Road and west of Harrison Road in Licking County (portion of PID: 095-111756-00.000).
APPLICANT: LPC Midwest LLC
REQUEST: (A) Variance to C.O. 1187.08(a)(5) to allow a cul-de-sac public street to be 2,600+/- feet in length where city code allows a maximum length of 1,000 feet for Horizon Court.
ZONING: Limited General Employment (L-GE)
STRATEGIC PLAN: Employment Center
APPLICATION: VAR-133-2021

Review based on: Application materials received December 14, 2021 and January 3, 2022.

Staff report completed by Chris Christian, Planner.

II. REQUEST AND BACKGROUND

The applicant requests a variance to C.O. 1187.08(a)(5) to allow a new public, cul-de-sac street to be 2,600+/- feet in length where city code allows a maximum length of 1,000 feet for Horizon Court.

A preliminary and final plat application has also been filed (FPL-132-2021) which is reviewed under a separate staff report.

II. SITE DESCRIPTION & USE

The proposed plat area is located on a larger 365+/- acre property in Licking County and is currently vacant. The property is zoned L-GE and allows the same uses as the Personal Care and Beauty Park such as data center, office, distribution, and warehousing uses to be developed.

III. EVALUATION

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

Criteria

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

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

1. *Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without the variance.*

2. *Whether the variance is substantial.*
3. *Whether the essential character of the neighborhood would be substantially altered or adjoining properties suffer a “substantial detriment.”*
4. *Whether the variance would adversely affect the delivery of government services.*
5. *Whether the property owner purchased the property with knowledge of the zoning restriction.*
6. *Whether the problem can be solved by some manner other than the granting of a variance.*
7. *Whether the variance preserves the “spirit and intent” of the zoning requirement and whether “substantial justice” would be done by granting the variance.*

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

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

Considerations and Basis for Decision

(A) Variance to C.O. 1187.08(a)(5) to allow a cul-de-sac public street to be 2,600+/- feet in length where city code allows a maximum length of 1,000 feet for Horizon Court.

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

1. C.O. 1187.08(a)(5) states that no cul-de-sac shall exceed six hundred (600) feet in length unless lot widths exceed one hundred (100) feet at building setback lines, then the maximum length shall not exceed one thousand (1,000) feet. The applicant proposes to construct a 2,600+/- foot long public, cul-de-sac road as part of a new commercial development therefore a variance is required.
2. This proposed street is not envisioned in the Engage New Albany Strategic Plan however, it will serve several large, commercial development sites that are planned to be developed immediately adjacent to it. Please refer to Exhibit A for the conceptual site/internal roadway connectivity plan.
3. The intent of reducing the length of cul-de-sacs is three-fold. Limiting the length of cul-de-sacs encourages multiple roadway connections, minimizes roadway congestion at the access intersection and provides sufficient ease of access for emergency responders.
4. The city traffic engineer has reviewed the application (see comments below) and states that even though the proposed cul-de-sac is longer than what is permitted, the applicant is meeting the spirit and intent of requirement based on the conceptual site/internal roadway plan by providing multiple roadway connections via shared and connected private drives in order to both minimize traffic congestion and provide sufficient access for emergency responders.
5. It does not appear adjoining properties suffer a “substantial detriment” since minimal traffic congestion is expected at the cul-de-sac entrance. The applicant submitted a traffic impact study for the street and anticipated development along it. The study concludes there are no intersection improvements warranted at Jug Street based on the anticipated low traffic volumes from the buildout of the sites shown in exhibit A.
6. It does not appear that the essential character of the neighborhood would be altered if the variance request is granted. As stated, a traffic impact study has been submitted and approved by

the city traffic engineer. The length of the cul-de-sac as well as the additional connections to Jug Street were included in this study. Based on the anticipated low volume of traffic that will be generated at the development site, no intersection improvements are warranted anywhere in the immediate area as part of this project. Additionally, granting the variance does not change any of the permitted uses or other development standards for the site as the request only pertains to the length of the proposed public road. While granting the variance will allow them to build a longer road, it will not grant them any special privilege in terms of the type and intensity of uses that can be developed on the property.

7. It does not appear that the variance would adversely affect the delivery of government services, affect the health and safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity. The applicant is providing multiple connections along Jug Street into the development area which will allow sufficient access for emergency responders.
8. The applicant is providing multiple connections to distribute traffic throughout the road network in the immediate vicinity which accomplishes a recommendation in the Engage New Albany Strategic Plan. The plan also encourages cross-access easements be provided in between adjacent commercial sites. Staff recommends a condition of approval that private drive connections between sites and to Jug Street are provided as demonstrated in Exhibit A and that cross-access easements be recorded, subject to staff approval.
- 9.

IV. ENGINEER'S COMMENTS

The City Engineer has reviewed the variance and referenced plan and provided the following comments.

1. The September 28, 2021, Traffic Impact Study (TIS) for this development was reviewed and approved. The TIS evaluated two accesses for this development, the middle drive (public road) and the drive along the east edge of the site (private drive). The results of the TIS are as follows:
 - a. No intersection improvements are needed at either site access, or at any nearby intersections. Low delays and small backups are expected at each access.
 - b. The TIS assumed most development traffic was routed through the Jug/Beech intersection, and the rest to the east towards Clover Valley Road. A cursory review of the results indicates that even if all site traffic were routed through the Jug/Beech intersection, the conclusions would still not change.
 - c. The review recommended the Jug Street frontage be improved to meet typical City standards (such as shoulder/ditch improvements).
2. A 2,600-ft cul-de-sac is proposed for this development as a main access and designed as a public street. A second access (private) along the east frontage appears to provide a continuous alignment to the north that curves near the north end of the property and intersects with the cul-de-sac. An access drive is also proposed along the west side of the site but is not continuous. The result is the development plan shows an alternative route to/from the end of the cul-de-sac.
 - a. Maximum cul-de-sac lengths (without any alternative access routes) are typically required under Zoning Codes due to the following reasons:
 - i. Minimizing roadway congestion at the access intersection-
 1. For this development, though, minimal traffic congestion is expected at the cul-de-sac entrance.
 - ii. To encourage design of alternative routes-
 1. Although alternative public routes are typically preferred, the additional site driveways may be viewed as providing alternate routes.
 - iii. To minimize delays for emergency response (police, medical, fire)-

1. This is a critical item for cul-de-sac design for any development, to ensure emergency response times are minimized. For extended cul-de-sac lengths, providing an alternative access becomes a critical factor for ensuring public safety.
2. For the development plan, the access along the east frontage appears to be continuous and could provide an alternative emergency response route. The applicant notes that cross access easements between parcels will be provided. It is recommended cross access easements be required as part of the development approval.
3. It is recommended the applicant confirm that the east access driveway can serve as an unimpeded alternative route for emergency response.

V. RECOMMENDATION

Basis for Approval:

Staff recommends approval of the variance request. This cul-de-sac street will be designed to primarily accommodate truck traffic and minimize the truck traffic throughout the rest of the campus. While the city strategic plan discourages cul-de-sacs, this proposal appears reasonable given the proposed development pattern and interconnectivity between sites and multiple public streets.

The surrounding development pattern meets the spirit and intent of the requirement and accomplishes the recommendations of the Engage New Albany Strategic Plan. This intent and recommendations are in place to encourage multiple roadway connections to be provided in order to both minimize traffic congestion and provide sufficient access for emergency responders. These goals are accomplished with the longer cul-de-sac as multiple alternative roadway connections are being provided between private sites as well as to Jug Street which allows traffic to be dispersed throughout the development site.

Granting the variance will not alter the character of the immediate area. The city traffic engineer has approved a traffic impact study for the overall development that takes the length of the cul-de-sac and additional roadway connections into consideration. Based on the expected low number of traffic volumes expected to be generated, no intersection improvements are warranted in the immediate area as part of the development.

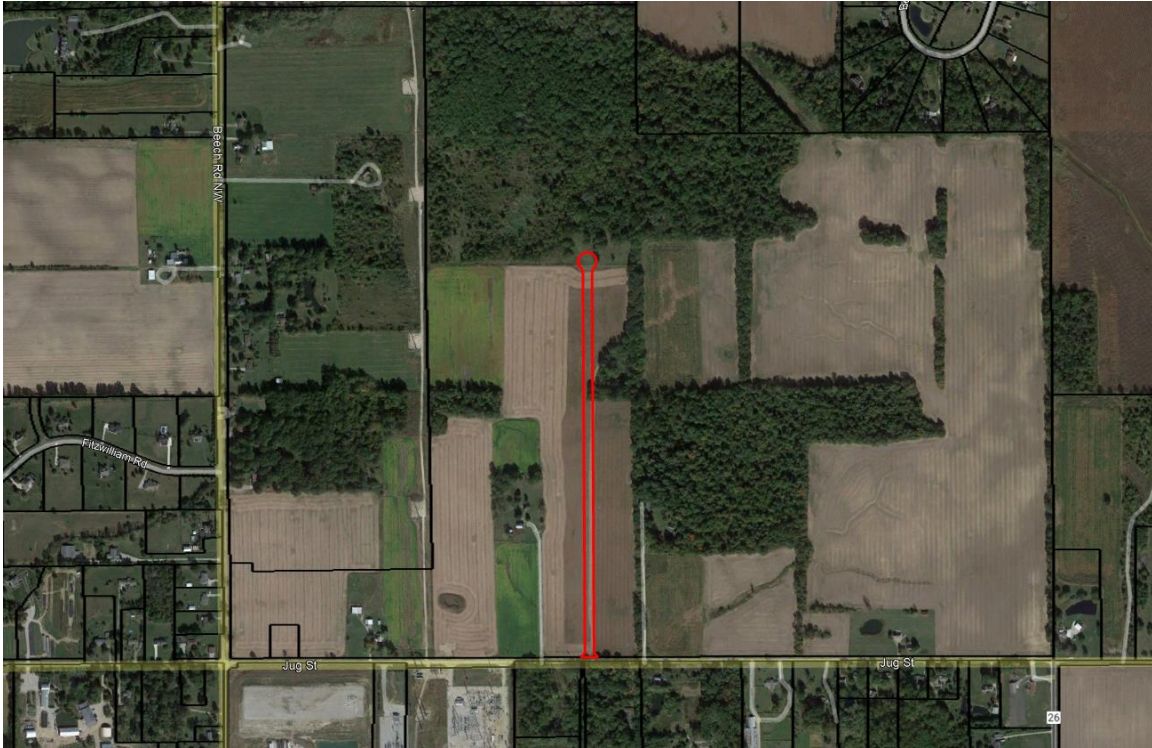
VI. ACTION

Suggested Motion for VAR-133-2021 (conditions may be added):

Move to approve VAR-133-2021 with the following conditions of approval:

3. The preliminary and final plat application (FPL-132-2021) must be approved.
4. Cross access easements must be recorded and the private drives must be provided between the proposed commercial sites and to Jug Street as demonstrated in Exhibit A, subject to staff approval.

Approximate Site Location:



Source: Google Earth



**Planning Commission Staff Report
January 19, 2022 Meeting**

**FOREST DRIVE OFFICE BUILDING
FINAL DEVELOPMENT PLAN**

LOCATION: Located in the Canini Trust Corp, south of Forest Drive
(PID: 222-004965)
APPLICANT: Advanced Civil Design, Inc c/o Ryan Fowler
REQUEST: Final Development Plan
ZONING: Infill Planned Unit Development (I-PUD): Canini Trust Corp, subarea 8b
STRATEGIC PLAN: Retail
APPLICATION: FDP-1-2022

Review based on: Application materials received December 17, 2021 and January 4, 2022.

Staff report prepared by Chris Christian, Planner

III. REQUEST AND BACKGROUND

This application is a final development plan for a proposed 9,240 sq. ft. office building located in the Canini Trust Corp, south of Forest Drive and in between the COTA Park and Ride and the New Avenue senior living facility.

IV. SITE DESCRIPTION & USE

The 1.14 acre undeveloped site is located in the Canini Trust Corp, south of Forest Drive and in between the COTA Park and Ride and the New Avenue senior living facility.

III. EVALUATION

Staff's review is based on New Albany plans and studies, zoning text, zoning regulations. Primary concerns and issues have been indicated below, with needed action or recommended action in underlined text. Planning Commission's review authority is found under Chapter 1159.

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

- (a) *That the proposed development is consistent in all respects with the purpose, intent and applicable standards of the Zoning Code;*
- (b) *That the proposed development is in general conformity with the Strategic Plan/Rocky Fork-Blacklick Accord or portion thereof as it may apply;*
- (c) *That the proposed development advances the general welfare of the Municipality;*
- (d) *That the benefits, improved arrangement and design of the proposed development justify the deviation from standard development requirements included in the Zoning Ordinance;*
- (e) *Various types of land or building proposed in the project;*
- (f) *Where applicable, the relationship of buildings and structures to each other and to such other facilities as are appropriate with regard to land area; proposed density may not violate any contractual agreement contained in any utility contract then in effect;*

- (g) *Traffic and circulation systems within the proposed project as well as its appropriateness to existing facilities in the surrounding area;*
- (h) *Building heights of all structures with regard to their visual impact on adjacent facilities;*
- (i) *Front, side and rear yard definitions and uses where they occur at the development periphery;*
- (j) *Gross commercial building area;*
- (k) *Area ratios and designation of the land surfaces to which they apply;*
- (l) *Spaces between buildings and open areas;*
- (m) *Width of streets in the project;*
- (n) *Setbacks from streets;*
- (o) *Off-street parking and loading standards;*
- (p) *The order in which development will likely proceed in complex, multi-use, multi- phase developments;*
- (q) *The potential impact of the proposed plan on the student population of the local school district(s);*
- (r) *The Ohio Environmental Protection Agency's 401 permit, and/or isolated wetland permit (if required);*
- (s) *The U.S. Army Corps of Engineers 404 permit, or nationwide permit (if required).*

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

- a. *Ensure that future growth and development occurs in general accordance with the Strategic Plan;*
- b. *Minimize adverse impacts of development on the environment by preserving native vegetation, wetlands and protected animal species to the greatest extent possible*
- c. *Increase and promote the use of pedestrian paths, bicycle routes and other non-vehicular modes of transportation;*
- d. *Result in a desirable environment with more amenities than would be possible through the strict application of the minimum commitment to standards of a standard zoning district;*
- e. *Provide for an efficient use of land, and public resources, resulting in co-location of harmonious uses to share facilities and services and a logical network of utilities and streets, thereby lowering public and private development costs;*
- f. *Foster the safe, efficient and economic use of land, transportation, public facilities and services;*
- g. *Encourage concentrated land use patterns which decrease the length of automobile travel, encourage public transportation, allow trip consolidation and encourage pedestrian circulation between land uses;*
- h. *Enhance the appearance of the land through preservation of natural features, the provision of underground utilities, where possible, and the provision of recreation areas and open space in excess of existing standards;*
- i. *Avoid the inappropriate development of lands and provide for adequate drainage and reduction of flood damage;*
- j. *Ensure a more rational and compatible relationship between residential and non-residential uses for the mutual benefit of all;*
- k. *Provide an environment of stable character compatible with surrounding areas; and*
- l. *Provide for innovations in land development, especially for affordable housing and infill development.*

Engage New Albany Strategic Plan Recommendations

The Engage New Albany Strategic Plan lists the following development standards for the Retail future land use category:

1. Parking areas should promote pedestrians by including walkways and landscaping to enhance visual aspects of the development.
2. Combined curb cuts and cross access easements are encouraged.

3. Curb cuts on primary streets should be minimized and well-organized connections should be created within and between all retail establishments.
4. Retail building entrances should connect with the pedestrian network and promote connectivity through the site.
5. Integrate outdoor spaces for food related businesses.

A. Use, Site and Layout

1. The applicant proposes to develop a 9,240 sq. ft. office building on a 1.14 acre site. The site is located within subarea 8b of the Canini Trust Corp zoning district where office uses are permitted to be developed.
2. The proposed use is appropriate given the proximity of this site to State Route 161 and the surrounding commercial development surrounding this site. Some of the surrounding uses include Home2Suites, the Turkey Hill gas station, convenience store and car wash as well as the New Avenue Senior Living Facility.
3. Zoning text section 8b.01(8) requires that the total lot coverage, which includes areas of pavement and building, to not exceed 80% and the applicant is meeting this requirement with 74.6% total lot coverage.
4. The zoning text section 8b.01 requires the following setbacks:

Road	Requirement	Proposed
Forest Drive (North)	20 foot pavement setback	25 foot pavement [meets code]
	30 foot building	70 foot building [meets code]
Western Property Line (Adjacent to COTA Park and Ride)	0 foot pavement	0+/- foot pavement [meets code]
	0 foot building setback	102+/- foot building [meets code]
Eastern Property Line (Adjacent to New Avenue Senior Living Facility)	0 foot pavement	4+/- foot pavement [meets code]
	0 foot building setback	60+/- foot building [meets code]
Southern Property Line	50 foot pavement	53+/- foot pavement [meets code]
	100 foot building setback	102+/- foot building [meets code]

5. The zoning text encourages shared access drives between sites by allowing for zero pavement setbacks. Historically, city staff and the Planning Commission have encouraged shared curb cuts and connecting drive aisles between sites. There is an existing drive aisle stubbed at the eastern boundary, along the Forest Drive frontage of the COTA Park and Ride site that aligns with the proposed drive aisle at this site. As proposed, the two drive aisles will not be connected. Staff is currently working with COTA to determine the appropriate legal mechanism to allow cross access if the drive aisles are connected. In order to accomplish the goals of the zoning text and maximize connectivity within this area, staff recommends a condition of approval that the two drive aisles be connected subject to staff approval.

B. Access, Loading, Parking

1. The site will be accessed via one curb cut on an existing driveway that was constructed as part of the adjacent New Avenue Senior Living Facility.
2. Codified Ordinance 1167.05(d)(17) requires a minimum of one parking space for every 250 square feet of gross floor area space. The building is 9,240 square feet in size therefore 37 parking spaces are required and the applicant is exceeding this requirement by providing 44.

3. Per C.O. 1167.03(a) the minimum parking space dimensions required are 9 feet wide and 19 feet long and the applicant is meeting this requirement.
4. Per C.O. 1167.03(a) the minimum maneuvering lane width size is 22 feet for this development type and this requirement is met.
5. According to C.O. 1167.06(b)(2) the applicant is not required to provide an off street loading space based on the size of the building.
6. Per the approved final development plan for the Forest Drive and the requirements of the zoning text, a 8 foot wide leisure trail is required to be provided along the Forest Drive site frontage and is met as there is an existing leisure in this location.

C. Architectural Standards

1. The purpose of the New Albany Design Guidelines and Requirements is to help ensure that the New Albany community enjoys the highest possible quality of architectural design.
2. The zoning text contains architectural standards and is also regulated by Section 6 of the Design Guidelines and Requirements (Commercial outside the Village Center).
3. The zoning text states that the maximum building height within this zoning district shall not exceed 35 feet. The proposed building height is approximately 21.4 +/- feet at its tallest, therefore this requirement is being met.
4. The applicant is proposing to use three variations of brick, stone and metal as building materials. The zoning text permits the use of these materials such as brick, pre-cast stone, wood, glass and other synthetic materials are permitted as long as they are used appropriately. The design of the building and use of materials is appropriate and consistent with other buildings in the immediate area.
5. Zoning text section 8b.03(2) states that all visible elevations of a building shall receive similar treatment in style, materials and design so that no visible side is of a lesser visual character than any other. The applicant is accomplishing this requirement by utilizing four-sided architecture.
6. DGR Section 6(I)(A)(12) states that buildings shall have operable and active front doors along all public and private roads. The applicant is exceeding this requirement by providing doors on all building elevations along with a sidewalk around the entire building.
7. C.O. 1171.05(b) states that all trash and garbage container systems must be screened. Based on the site plan, it appears that the trash container will be located in a screening system however these details were not submitted for review. Staff recommends a condition of approval that the trash container be fully screened from view.
8. A roof plan was not submitted as part the final development plan application. Staff recommends a condition of approval that all rooftop mechanical units be screened from adjacent properties for sight and sound in order to be consistent with the immediate area.
9. Zoning text section 8b.03(6) states that if a flat roof is used, strong cornice lines must be integrated and the applicant is meeting this.

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

1. Codified Ordinance 1171.06(a)(3) requires one tree per 10 parking spaces. The applicant is providing 44 parking spaces therefore requiring 4 trees and this requirement is met.
2. The zoning text section 8b.04(5)(a) requires that there be a minimum of eight (8) deciduous or ornamental trees per 100 lineal feet planted throughout the setback areas along Forest Drive. The site has approximately 159 feet of frontage along Forest Drive, requiring 13 trees to be installed and the applicant is exceeding this requirement by providing 14 trees.
3. The zoning text section 8b.04(5)(b) requires that there be a minimum of eight (8) deciduous or ornamental trees per 100 lineal feet planted on top of a mound within the setback area along the southern boundary of the site. The site has approximately 49 feet of frontage along this property line, requiring 4 trees to be installed on top of a mound and these requirements are met. The proposed mound is 5 feet tall which is similar in height of the mounds provided on adjacent sites.

4. Zoning text section 8b.04(2) requires that street trees must be planted along Forest Drive at a rate of one tree for every 30 feet. There is 150 feet of Forest Drive frontage therefore 5 street trees are required to be provided and this requirement is being met.
5. Per zoning text section 8b.04(4)(c) a minimum of 8% interior parking lot landscaping on the site. The applicant is meeting and exceeding this requirement by providing 15.2% interior parking landscaping on the site.
6. Per zoning text 8b.04(4)(a) parking lots shall be screened from rights-of-way within a minimum 36-inch-high evergreen landscape hedge or wall and this requirement is met.
7. The City Landscape Architect has reviewed the referenced plan in accordance with the landscaping requirements found in the New Albany Codified Ordinances and zoning text and provides the following comments. These comments can also be found in a separate memo attached to this staff report. Staff recommends all the City Landscape Architect's comments are met, subject to staff approval.
 1. Connect proposed drive to existing Park & Ride stub out. Adjust retaining wall as needed. See diagram.
 2. Provide a better pedestrian connection across the site from the leisure trail and align the walkway with the paving around/at the entrance of the building. Adjust parking and islands as needed. See diagram.
 3. Regrade the screening mound at the southwest corner of the site to provide better screening and appear more natural.
 4. Please provide all dumpster enclosure details to the city of New Albany for review.
 5. Tree species along the northern hedge and street trees should match the adjacent Park and Ride species.
 6. Replace all Magnolia with native, large deciduous shade trees.
 7. Replace the hedge row along Forest Dr with Sea Green Juniper. The proposed hedge should be aligned with Park & Ride's existing hedge. See diagram.
 8. Continue Sea Green Juniper hedge along the back of curb. Provide breaks in the hedge for tree plantings. See diagram.
 9. Provide random massings of large deciduous shade trees and evergreen trees on and around mound to provide additional screening from residents. Acceptable evergreen species include See diagram.
 10. Please provide a full planting plan with species and installation sizes to the city of New Albany for review.

E. Lighting & Signage

1. The applicant did not photometric plan and staff recommends a condition of approval that a photometric plan be submitted showing zero or near zero light spillage at the property lines.
2. Zoning text section 8b.05(d) and (e) requires all parking lot and private driveway light poles to be cut-off and downcast, not exceed 20 feet in height, painted New Albany Green and the use the same fixture that has been used at Dairy Queen and throughout the Canini Trust Corp. The applicant submitted a light fixture plan that verifies that these requirements will be met.
3. No building or site signage was submitted for review. Staff recommends a condition of approval that all building and site signage must meet city code, the Canini Trust Corp Sign Recommendations Plan and be subject to staff approval.

IV. ENGINEER'S COMMENTS

The City Engineer has reviewed the application and provided the following comments. These comments can also be found in a separate memo attached to this staff report. Staff recommends a condition of approval that the comments of the city engineer are addressed, subject to staff approval.

1. Refer to Exhibit A. Revise the order of the signatures shown on the referenced submittal to match the signature block as shown on Exhibit A. Add the Monumentation note shown on Exhibit A to the referenced submittal.
2. In accordance with code section 1159.07(3)(D.), revise the FDP to show monuments at each corner and at each change of direction along the parcel boundary.
3. In accordance with code sections 1159.07 (b)(2) J and K, we recommend that the applicant provide documentation from an Environmental Scientist indicating that all OEPA and ACOE permitting requirements have been obtained or are not applicable.
4. Provide more information on the FDP regarding access easements to adjoining properties.
5. Refer to Exhibit B. Label the instrument number shown on Exhibit B on the FDP.
6. We will evaluate storm water management, sanitary sewer collection and roadway construction related details once construction plans become available

V. RECOMMENDATION

Staff recommends approval of the final development plan provided that the Planning Commission finds the proposal meets sufficient basis for approval. The proposal is meeting many of the goals of the Engage New Albany Strategic Plan such as providing pedestrian access along roadways and into the site and utilizing high quality building materials by incorporating four-sided architecture. The proposed development is in an appropriate location given the context of the surrounding area and will serve as an amenity for the New Albany Business Park. The proposed building is well designed and is consistent with other buildings in the immediate area.

V. ACTION

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

Move to approve final development plan application **FDP-1-2022**, subject to the following conditions:

1. The drive aisle on this property must be connected to the drive aisle on the adjacent COTA Park and Ride subject to the approval of the property owner and staff.
2. The proposed trash container must be fully screened from view.
3. All rooftop mechanical units must be fully screened for sight and sound.
4. The City Landscape Architect's comments must be addressed, subject to staff approval.
5. A photometric plan must be submitted showing zero or near zero candle foot light intensity at the property lines.
6. The City Engineer's comments must be addressed, subject to staff approval.

Approximate Site Location:



Source: Google Earth