

New Albany Planning Commission Agenda (Amended)

Monday, March 21, 2022 7:00pm

Members of the public must attend the meeting in-person to participate and provide comment at New Albany Village Hall at 99 West Main Street. The meeting will be streamed for viewing purposes only via Zoom Webinar. There is no public participation via the Zoom Webinar.

Join this meeting on your computer, tablet or smartphone.

https://us02web.zoom.us/j/87350659045 Or dial in using your phone: 646-558-8656 Access Code/ Webinar ID: 873-5065-9045

Information and directions for logging into this meeting can be found at www.newalbanyohio.org

- I. Call To Order
- II. Roll Call
- **III.** Action of Minutes: February 7, 2022
- IV. Additions or Corrections to Agenda

Swear in All Witnesses/Applicants/Staff whom plan to speak regarding an application on tonight's agenda. "Do you swear to tell the truth and nothing but the truth".

- V. Hearing of Visitors for Items Not on Tonight's Agenda
- VII. Cases:

ZC-28-2022 Zoning Amendment

Rezoning of 51.8+/- acres, known as the Canini Trust Corp zoning district, from Infill Planned Unit Development (I-PUD) to Infill Planned Unit Development (I-PUD) to remove a minimum office space requirement (PIDs: 222-004964, 222-004965, 222-004887, 222004353, 222-004340, 222-00347, 222-005173, 222-004746, 222-005166 and 222-004736).

Applicant: City of New Albany

Motion of Acceptance of staff reports and related documents into the record for - ZC-28-2022.

Motion of approval for application ZC-28-2022 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

ZC-21-2022 Zoning Amendment

Rezoning of 2.204+/- acres within the Canini Trust Corp from Infill Planned Unit Development (I-PUD) to Infill Planned Unit Development (I-PUD) to expand the permitted retail uses in the zoning district (PID: 222-000347).

Applicant: Aaron Underhill, Esq.

Motion of Acceptance of staff reports and related documents into the record for -

Motion of approval for application ZC-21-2022 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

VIII. Other Business

• Annual Organizational Meeting

- Swear in new members
- o Elect Chairperson
- o Elect Vice-Chairperson
- Elect Secretary
- o Establish date, time, and location for 2022 regular meetings

*Standard Rules of Procedure for New Albany Boards and Commissions states attendance of all current serving members of the Commission/Board is encouraged, and three consecutive absences by any member or four absences in any year shall be considered a forfeiture of the membership to the Commission/Board. The forfeiture would occur regardless of the reason for the absences. Attendance would be defined as presence during the hearing and consideration of all applications before that Commission/Board at that meeting. The chairperson would then notify the Clerk of Council so that she can inform Council that a new appointment needs to be made.

• Executive Session pursuant to New Albany Charter Section 4.03(E) for economic development purposes.

IX. Poll members for comment

X. Adjournment



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 7:04 p.m.

Those answering roll call:

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

Staff members present: Chris Christian, Planner; Benjamin Albrecht, Interim City Attorney; and Josie Taylor, Clerk.

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

Mr. Christian stated none from staff.

Mr. Kirby asked if there were any persons wishing to speak to the Planning Commission (hereafter, "PC") on items not on tonight's Agenda. (No response.)

Other Business

Review and recommendation to City Council regarding updates to the Office District (O), Office Campus District (OCD) and General Employment District (GE) to add secondary school and higher education uses as a conditional use

Mr. Christian presented the updates and discussed the reasons for the changes.

Mr. Kirby asked why these uses were not already in the zoning classes. Mr. Kirby stated he would like some guidance as to when this use would not be appropriate.

Mr. Christian stated he was not sure why it had not been included originally, but noted they had a specific section of code where it was limited. Mr. Christian stated the intention was to spread out these uses in the business park, as needed, so it may have been an oversight.

Mr. Kirby asked if they belonged there natively, then why was it not a traditional use rather than a permitted use.

Mr. Christian stated he believed there may have been outside considerations such as traffic or whether the use was appropriate given the location in the business park, etc.

Mr. Kirby stated okay. Mr. Kirby stated he wanted to better understand the guidance regarding these prior to a developer asking for this conditional use and the PC then needing to approve or deny it.

Mr. Christian stated he believed it would fall back to the conditional use criteria now used.

Mr. Kirby stated okay.

- Mr. Wallace stated the language spoke of secondary but not primary schools and asked what was the reason for this.
- Mr. Christian asked if he meant why were primary schools excluded.
- Mr. Wallace stated yes, why not primary schools.
- Mr. Christian stated he was not sure, but thought the need was to provide educational opportunities in the business park, such as for technical and vocational schools, and primary schools were felt not to be appropriate.
- Mr. Kirby stated this would be work force development and they would not be old enough to work.
- Mr. Christian stated that did not mean a future primary school was not possible. Mr. Christian stated it was just not included as part of this conditional use.
- Mr. Wallace stated that if it was work force related, then sixth (6th) grade was too young to be included, so he did not understand the distinction as it seemed odd.
- Mr. Schell asked whether there was language on housing that could permit future dorms.
- Mr. Christian stated it could be proposed in the future through a different process, such as a PUD application, but not through this process.
- Ms. Briggs noted that on page 7 the housing or sleeping of students was mentioned.
- Mr. Christian stated that the type of school that would allow dorms was not part of this process.
- Mr. Schell asked if such a use would need to go before the PC.
- Mr. Christian stated yes, that would be a different use.
- Mr. Wallace asked what the process would be for private school, K through 12, and asked how they would get the primary school in.
- Mr. Christian stated they would need to file a rezoning application.
- Mr. Wallace asked if a variance would be needed.
- Mr. Christian stated they did not allow variances in that case.

Moved by Mr. Kirby to accept the staff reports and related documents into the record for recommendations to City Council regarding updates to the Office District, Office Campus District, and General Employment District, 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 Ms. Briggs to recommend approval of the recommendations to City Council regarding updates to the Office District, Office Campus District, and General Employment District, to City Council, seconded by Mr. Schell. Upon roll call: Ms. Briggs, yea; Mr. Schell, yea; Mr. Wallace, yea; Mr. Kirby, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

Appointment of Board of Zoning Appeals representative

Mr. Kirby stated it may be preferable to wait until the new PC member joined before voting on this.

Mr. Schell stated he would be fine with voting now or later.

Mr. Christian stated it was a quorum issue and there was a meeting later this month.

Mr. Schell stated he would be happy to do it.

Moved by Mr. Kirby to appoint Mr. Schell as the interim PC representative to the Board of Zoning Appeals until the issue was revisited at the regularly scheduled April 2022 PC meeting, seconded by Mr. Wallace. Upon roll call: Mr. Kirby, yea; Mr. Wallace, yea; Mr. Schell, yea; Ms. Briggs, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

Poll Members for Comment

None.

Mr. Kirby adjourned the meeting at 7:14 p.m.

Submitted by Josie Taylor.





Planning Commission Staff Report March 21, 2022 Meeting

CANINI TRUST CORP OFFICE REQUIREMENT ZONING AMENDMENT

LOCATION: Canini Trust Corp Zoning District (PIDs: 222-004964, 222-004965, 222-

004887, 222004353, 222-004340, 222-000347, 222-005173, 222-

004746, 222-005166 and 222-004736)

APPLICANT: City of New Albany REQUEST: Zoning Amendment

ZONING: Infill Planned Unit Development (I-PUD) to Infill Planned Unit

Development (I-PUD)

STRATEGIC PLAN: Retail

APPLICATION: ZC-28-2022

Staff report completed by Chris Christian, Planner

I. REQUEST AND BACKGROUND

The applicant requests review and recommendation to the New Albany City Council to rezone 51.8+/- acres to Infill Planned Unit Development (I-PUD) from Infill Planned Unit Development (I-PUD). The proposed zoning removes an existing requirement in the zoning text that requires a minimum 176,000 sq. ft. of office space be developed in the zoning district. There are no other proposed changes or additions to the existing Canini Trust Corp zoning text.

The Planning Commission reviewed and approved the Canini Trust Corp zoning district on June 5, 2006 (ZC-6-2006).

The Rocky Fork-Blacklick Accord is scheduled to review the application on March 17, 2022.

II. SITE DESCRIPTION & USE

The Canini Trust Corp zoning district is located generally south of US-62, west of Kitzmiller Road and north of Smith's Mill Road. The site is zoned to allow a mix of retail, commercial and office uses to support the New Albany Business Park area and the established residential population throughout the area. Some of the existing uses in the district include Dairy Queen, Turkey Hill and the New Albany Ballet Company. Of the original 51.8+/- acres, only 12+/- acres remain undeveloped.

III. PLAN REVIEW

Planning Commission's review authority of the zoning amendment application is found under C.O. Sections 1107.02. Upon review of the proposed amendment to the zoning map, the Commission is to make recommendation to City Council. Staff's review is based on City plans and studies, zoning text, and zoning regulations. Primary concerns and issues have been indicated below, with needed action or recommended action in <u>underlined text</u>.

A. New Albany Strategic Plan

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

- 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.

B. Use, Site, and Layout

- 1. The Canini Trust Corp as a whole is zoned to allow a mix of retail, commercial and office uses to support the New Albany Business Park area, and the established residential population throughout the city.
- 2. The zoning district was established in 2006, when the New Albany Business Park was still in its infancy. At the time of rezoning, there was a big box development proposed for the site, however, the city desired to create neighborhood scaled development within the zoning district. In order to accomplish this, the city partnered with the developer to rezone the property to create a mixture of office and retail uses. In order to ensure the success of the retail area, a minimum office space requirement was put into the text so that employees would be created to support the neighborhood retail. Since the growth of the business park, there has been a demand for additional retail uses within this zoning district and in the immediate area. Through the success of the business park, more employees have been created to support additional retail in the city.
- 3. While the zoning change removes this minimum office space requirement, it does not eliminate office space as a permitted use therefore it can still be developed in the zoning district if desired.
- 4. The economic impact of the COVID-19 pandemic is still ongoing. The New Albany submarket saw an office vacancy increase to 19 percent due to a larger tenant subleasing their office space. Overall, there is simply less of a demand for office space in central Ohio at the moment, but showing signs of recovery. Based on these current economic facts and the limited allowable retail space in New Albany, requiring additional office space to be developed within this zoning district is not necessary from a current or future market standpoint.
- 5. There are no other proposed changes to the existing Canini Trust Corp zoning district standards.

C. Access, Loading, Parking

1. There are no other proposed changes to the existing Canini Trust Corp zoning district standards.

D. Architectural Standards

1. There are no other proposed changes to the existing Canini Trust Corp zoning district standards.

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

1. There are no other proposed changes to the existing Canini Trust Corp zoning district standards.

F. Lighting & Utilities

1. There are no other proposed changes to the existing Canini Trust Corp zoning district standards.

G. Signage

1. There are no other proposed changes to the existing Canini Trust Corp zoning district standards.

IV. ENGINEER'S COMMENTS

The City Engineer, E.P. Ferris does not have any comments on the proposed rezoning.

V. RECOMMENDATION

Basis for Approval:

Staff recommends approval of the rezoning application provided that the Planning Commission finds the proposal meets sufficient basis of approval.

VI. ACTION

Suggested Motion for ZC-28-2022 (Conditions of approval may be added):

Move to recommend approval to Council of the rezoning application ZC-28-2022.



Source: Google Earth

Permit #	
Board	
Mtg. Date	



Community Development Planning Application

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	5150, 5095, 5211, 5220, 0, & 5216 Forest Drive; 9880, 5161, & 0 Johnstown Rd.; 0 Forest Rd.; Site Address 10102 Woodcrest Way; & 7320 Smith's Mill Rd., New Albany, OH 43054								
	Parcel Numbers_ Please see attached list of subject property owners and parcel numbers.								
	Acres 51.9 +/- Acres # of lots created								
	Choose Application Type	Circ	cle all Details that Apply						
	□ □ Appeal		ere un Detuns that ripply						
	□□Certificate of Appropriateness								
u	□□Conditional Use								
tio	□□Development Plan	Preliminary Final	Comprehensive Amendment						
ma	□□Plat	Preliminary Final							
0 LI	□□Lot Changes	Combination Split	Adjustment						
mf	□□Minor Commercial Subdivision	г ,	C						
3£]	□□Vacation □□Variance	Easement	Street						
jec	□□Extension Request								
Project Information	□XZoning	Amendment (rezoning	Text Modification						
		est to rezone the subject property from I-PUD to I-PUD to							
	Description of Request: Request to rezone the subject property from I-PUD to I-PUD to								
	eliminate a requirement for a minimum amount of office development on the subject property.								
				_					
				_					
	Property Owner's Name: Please see attached list of subject property owners.								
	Address:								
			Fax:						
ts	Email:								
Contacts									
0m(Applicant's Name: City of	New Albany							
C	Address: 99 West Main S								
	City, State, Zip: New Albany, OH 43054								
	Phone number: <u>614-939-2254</u>		Fax:						
	Email: cchristian@newa	albanyohio.org							
	Site visits to the property by City of N	Jew Albany representative	es are essential to process this application	_					
	Site visits to the property by City of New Albany representatives are essential to process this application. The Owner/Applicant, as signed below, hereby authorizes Village of New Albany representatives,								
e	employees and appointed and elected officials to visit, photograph and post a notice on the property								
ur		that the information here	within and attached to this application is						
กลt	true, correct and complete.								
Signature	D								
S	By: Signature of Owner		Date:						
	Signature of Owner Signature of Applicant By:	ity of New Al	Bany Date: 3-10-2022						
	Signature of rippineant	my of wew xxe	Date						

ZONING DESCRIPTION 51.9 ACRES

Situated in the State of Ohio, County of Franklin, Village of New Albany, lying in Lot 23, Quarter Township 1 and Lot 24, Quarter Township 4, Township 2, Range 16, United States Military District, being part of the remainders of those tract conveyed to Banc Ohio National Bank, Trustee of record in Official Record 4073E17 and conveyed to The New Albany Company of record in Official Record 14614H10, Instrument Numbers 199810150263210, and 199907290192602, and described as follows:

Beginning at the intersection of the east line of that 1.945 acre tract conveyed to The New Albany Company of record in Official Record 14614H10 with the south right-of-way line of Johnstown Road;

thence with the east line of said New Albany Company tracts, the following courses:

South 05° 26' 41" West, 278.36 feet;

South 03° 14' 44" West, 1347.12 feet to the north line of Plain View Country Estates of record in Plat Book 50, Page 27;

thence North 86° 34' 54" West, with said north line, 684.85 feet;

thence with the east line of said New Albany Company tracts, the following courses:

South 60° 11' 45" West, 59.72 feet;

South 03° 20' 58" West, 620.60 feet;

South 46° 24' 12" East, 159.32 feet;

South 14° 20' 07" West, 228.39 feet to the north right-of-way line of Smith Mills Road as shown in Plat Book 95, Page 91;

thence with said north right-of-way line, the following courses:

with the arc of a curve to the left, having a central angle of 39° 21' 13", a radius of 1445.00 feet, an arc length of 992.50 feet, and a chord that bears North 42° 19' 04" West, a chord distance of 973.11 feet;

with the arc of a curve to the right, having a central angle of 30° 05' 02", a radius of 1489.00 feet, an arc length of 781.82 feet, and a chord that bears North 46° 57' 09" West, a chord distance of 772.87 feet;

North 31° 54' 37" West, 39.46 feet;

with the arc of a curve to the right, having a central angle of 86° 16' 12", a radius of 40.00 feet, an arc length of 60.23 feet, and a chord that bears North 11° 13' 29" East, a chord distance of 54.70 feet to said south right-of-way line;

thence with said south right-of-way line, the following courses:

North 58° 20' 45" East, 559.34 feet;

with the arc of a curve to the right, having a central angle of 01° 51' 00", a radius of 5679.65 feet, an arc length of 183.40 feet, and a chord that bears North 59° 16' 15" East, a chord distance of 183.39 feet;

ZONING DESCRIPTION SUBAREA 8 51.9 ACRES -2-

North 60° 11' 45" East, 975.39 feet;

with the arc of a curve to the left, having a central angle of 07° 28' 21", a radius of 1016.20 feet, an arc length of 132.53 feet, and a chord that bears North 56° 25' 07" East, a chord distance of 132.44 feet;

North 52° 39' 45" East, 53.11 feet;

North 85° 58' 15" West, 9.33 feet;

North 59° 27' 26" East, 490.34 feet to the Point of Beginning and containing 51.9 acres, more or less.

All references are to the records of the Recorder's Office, Franklin County, Ohio.

This description is for zoning purposes only and not to be used for property transfer.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

SG/Aug06 51 9 ac zn 61302

ZONING DESCRIPTION SUBAREA 8a 21.9 ACRES

Situated in the State of Ohio, County of Franklin, Village of New Albany, lying in Lot 23, Quarter Township 1 and Lot 24, Quarter Township 4, Township 2, Range 16, United States Military District, being part of the remainder of the tract conveyed to Banc Ohio National Bank, Trustee by deed of record in Official Record 4073E17, part of the 3.041 acre tract conveyed to Banc Ohio National Bank, Trustee by deed of record in Instrument Number 200109210218516, part of the original 16.948 acre tract conveyed to The New Albany Company LLC by deed of record in Instrument Number 199810150263210, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning for Reference, at the southeasterly corner of the 0.646 acre tract conveyed to The New Albany Company LLC by deed of record in Instrument Number 200109210218512, in the north line of "Plain View Country Estates", a subdivision of record in Plat Book 50, Page 27;

Thence North 03° 14' 44" East, 887.14 feet, with the easterly line of said 0.646 and original 16.948 acre tracts, to a point;

Thence South 58° 05' 22" West, a distance of 433.58 feet, across said original 16.948 acre tract, to the TRUE POINT OF BEGINNING;

Thence across said original 16.948 acre tract and said Banc Ohio National Bank, Trustee tracts, the following courses and distances:

South 58° 05' 22" West, 1375.00 feet, to a point of curvature;

With the arc of said curve to the left, having a central angle of 22° 23' 55", a radius of 175.00 feet, an arc length of 68.41 feet, and a chord that bears South 46° 53' 24" West, a chord distance of 67.98 feet, to a point on a curve in the northerly right-of-way line of Smith's Mill Road as shown in Plat Book 95, Page 91;

With the arc of said curve to the right, having a central angle of 22° 32' 06", a radius of 1489.00 feet, an arc distance of 585.64 feet, and a chord that bears North 43° 10' 41" West, a chord distance of 581.87 feet, to a point of tangency;

North 31° 54' 37" West, 39.46 feet, to a point of curvature;

With the arc of said curve to the right, having a central angle of 86° 16' 12", a radius of 40.00 feet, an arc length of 60.23 feet, and a chord that bears North 11°13' 29" East, a chord distance of 54.70 feet, to the intersection of said northerly right-of-way line and the southerly right-of-way line of Johnstown Road;

thence with said southerly right-of-way line, the following courses and distances:

North 58° 20' 45" East, 559.34 feet, to a point of curvature;

With the arc of said curve to the right, having a central angle of 01° 51' 00", a radius of 5679.65 feet, an arc length of 183.40 feet, and a chord that bears North 59° 16' 15" East, a chord distance of 183.39 feet, to a point of tangency;

ZONING DESCRIPTION SUBAREA 8a 21.9 ACRES -2-

North 60° 11' 45" East, 775.82 feet, to a point;

Thence South 31° 54' 38" East, 602.02 feet, across said original 16.948 acre tract, to the TRUE POINT OF BEGINNING and containing 21.9 acres, more or less.

This description is for zoning purposes only and not to be used for property transfer.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

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ZONING DESCRIPTION SUBAREA 8b 21.1 ACRES

Situated in the State of Ohio, County of Franklin, Village of New Albany, lying in Lot 23, Quarter Township 1 and Lot 24, Quarter Township 4, Township 2, Range 16, United States Military District, being part of the remainder of the tract conveyed to Banc Ohio National Bank, Trustee by deed of record in Official Record 4073E17, part of the 3.041 acre tract conveyed to Banc Ohio National Bank, Trustee by deed of record in Instrument Number 200109210218516, part of the original 16.948 and original 17.996 acre tracts conveyed to The New Albany Company LLC by deed of record in Instrument Number 199810150263210, all of the 0.646 acre tract conveyed to The New Albany Company LLC by deed of record in Instrument Number 200109210218512, and part of the tract conveyed to The New Albany Company LLC by deed of record in Instrument Number 199907290192602, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

BEGINNING at the southeasterly corner of said 0.646 acre tract, in the north line of "Plain View Country Estates", a subdivision of record in Plat Book 50, Page 27;

Thence North 86° 34' 54" West, 684.85 feet, with the southerly lines of said 0.646 acre tract and said Banc Ohio National Bank, Trustee tract (O.R. 4073E17), to a point;

Thence South 60° 11' 45" West, 59.72 feet, with a southerly line of said Banc Ohio National Bank, Trustee tract (O.R. 4073E17), to the northeasterly corner of the remainder of said original 17.996 acre tract;

Thence South 03° 20' 58" West, 620.60 feet, with the easterly line of the remainder of said original 17.996 acre tract, to a point;

Thence South 46° 24' 12" East, 159.32 feet, with the northeasterly lines of the remainder of said original 17.996 acre tract and said The New Albany Company LLC tract (199907290192602), to a point;

Thence South 14° 20' 07" West, 228.39 feet, across said The New Albany Company LLC tract (199907290192602), to a point on a curve in the northerly right-of-way line of Smith's Mill Road as shown in Plat Book 95, Page 91;

Thence with said northerly right-of-way line, the following courses and distances:

With the arc of said curve to the left, having a central angle of 39° 21' 13", a radius of 1445.00 feet, an arc length of 992.50 feet, and a chord that bears North 42° 19' 04" West, a chord distance of 973.11 feet to a point of reverse curvature;

With the arc of said curve to the right, having a central angle of 07° 32' 56", a radius of 1489.00 feet, an arc length of 196.18 feet, and a chord that bears North 58° 13' 12" West, a chord distance of 196.04 feet, to a point;

ZONING DESCRIPTION SUBAREA 8b 21.1 ACRES -2-

Thence across said Banc Ohio National Bank, Trustee tract (4073E17), said 3.041 acre tract, and the remainder of said original 16.948 acre tract, the following courses and distances:

With the arc of a curve to the right, having a central angle of 22° 23' 55", a radius of 175.00 feet, an arc length of 68.41 feet, and a chord that bears North 46° 53' 24" East, a chord distance of 67.98 feet;

North 58° 05' 22" East, 1808.58 feet, to a point in the easterly line of said original 16.948 acre tract;

Thence South 03° 14' 44" West, 887.14 feet, with said easterly line, to the POINT OF BEGINNING and containing 21.1 acres, more or less.

This description is for zoning purposes only and not to be used for property transfer.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

SG/Aug06 21_1 ac zn 61302

ZONING DESCRIPTION SUBAREA 8c 8.9 ACRES

Situated in the State of Ohio, County of Franklin, Village of New Albany, lying in Lot 23, Quarter Township 1, Township 2, Range 16, United States Military District, being part of the original 16.948 acre tract conveyed to The New Albany Company LLC by deed of record in Instrument Number 199810150263210, and part of the 1.945 acre tract conveyed to The New Albany Company LLC by deeds of record in Official Record 14614H10 and Instrument Number 199811120289607, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

BEGINNING at the intersection of the east line of said 1.945 acre tract with the south right-of-way line of Johnstown Road;

Thence with the east line of said 1.945 and original 16.948 acre tracts, the following courses and distances:

South 05° 26' 41" West, 278.36 feet, to a point;

South 03° 14' 44" West, 459.98 feet, to a point;

Thence South 58° 05' 22" West, 433.58 feet, across said original 16.948 acre tract, to a point;

Thence North 31° 54' 38" West, 602.02 feet, continuing across said original 16.948 acre tract, to a point in the southerly right-of-way line of said Johnstown Road;

Thence with said southerly right-of-way line, the following courses and distances:

North 60° 11' 45" East, 199.57 feet, to a point of curvature;

with the arc of said curve to the left, having a central angle of 07° 28' 21", a radius of 1016.20 feet, an arc length of 132.53 feet, and a chord that bears North 56° 25' 07" East, a chord distance of 132.44 feet, to a point of tangency;

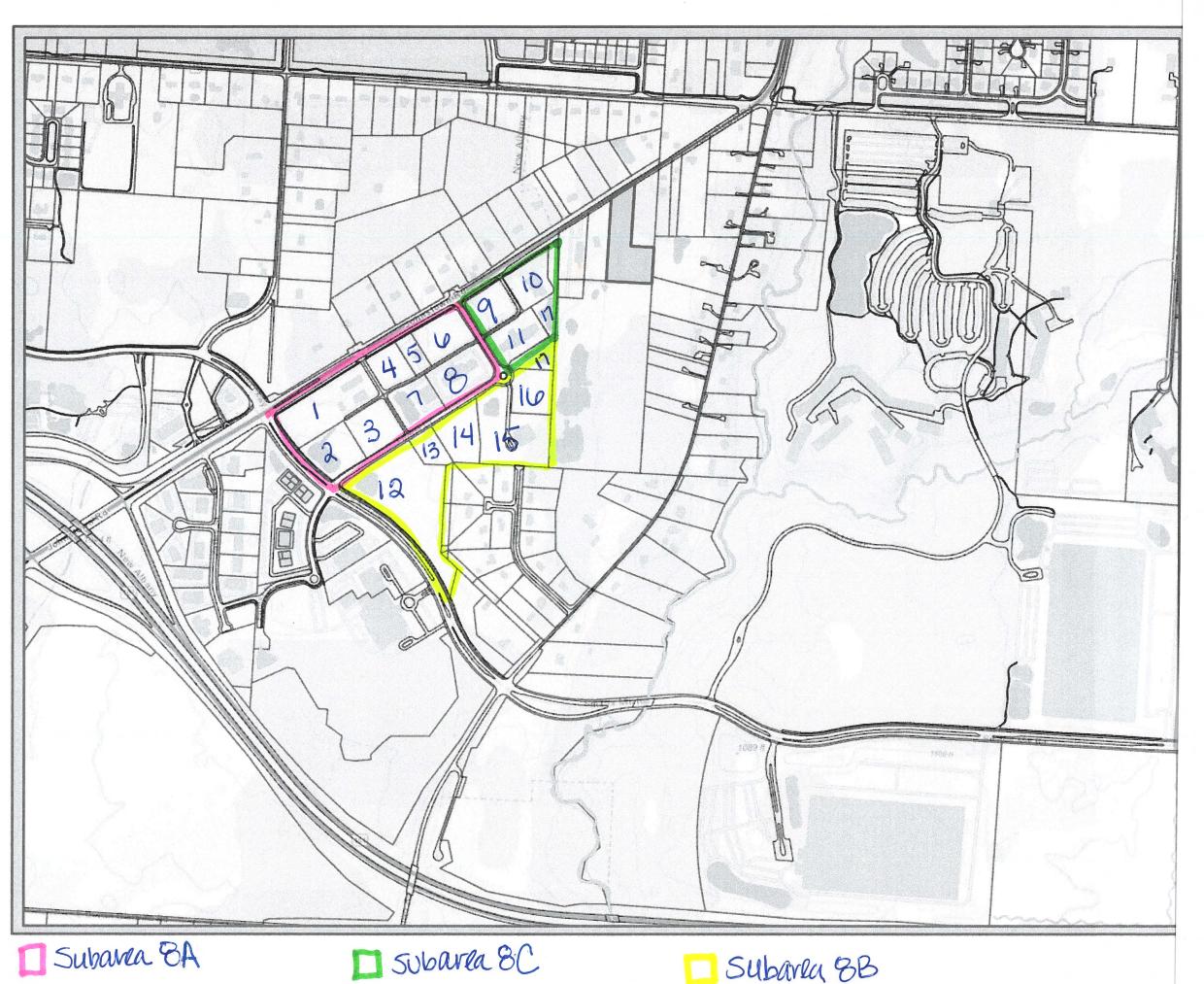
North 52° 39' 45" East, 53.11 feet, to a point;

North 85° 58' 15" West, 9.33 feet, to a point;

North 59° 27' 26" East, 490.34 feet to the POINT OF BEGINNING and containing 8.9 acres, more or less.

This description is for zoning purposes only and not to be used for property transfer.

EVANS, MECHWART, HAMBLETON & TILTON, INC.



SUBAREA 8A

- 1. 222-004736 TH Midwest, Inc.
- 2. 222-000347 Smith Mill Ventures LLC
- 3. 222-004884 Forest New Albany LP
- 4. 222-000347 Smith Mill Ventures LLC
- 5. 222-004746 Ice Queens of Smiths Mill LLC
- 6. 222-000347 Smith Mill Ventures LLC
- 7. 222-004860 DTMB Properties LLC
- 8. 222-004476 New Albany Hotel

SUBAREA 8C

- 9. 222-000347 Smith Mill Ventures LLC
- 10. 222-004340 Tutor Time 123 LLC
- 11. 222-004560 Woodcrest New Albany, LLC

SUBAREA 8B

- 12. 222-004964 New Albany Healthcare Real Estate
- 13. 222-004965 Smith Mill Ventures LLC
- 14. 222-004643 Central Ohio Transit
- 15. 222-004887 Estate at New Albany Real Estate LLC
- 16. 222-004888 Smith Mill Ventures LLC
- 17. 222-004353 Smith Mill Ventures LLC

CANINI-TRUST CORP. I-PUD TEXT

June 5, 2006

Proposed Text Amendment March 10, 2022

INTRODUCTION

This site is divided into three subareas (8a, 8b, 8c) which incorporate a mix of uses, while providing a comprehensive development approach to the entire site. This rezoning eliminates the existing residential entitlements of 144 units, and commits to a minimum of 176,000 square feet of office development. This rezoning is a modification to the uses and development standards contained in Subareas 8a (Trust Corp. Retail) and 8e (Trust Corp. Mixed Use) of the Trust Corp. Subarea which are part of the original 1998 NACO PUD. Additionally, this rezoning modifies a portion of Subarea 8f (Trust Corp. Open Space of the 2002 NACO PUD rezoning Subareas 8g and 8f). The restriction limiting the time period during which Subareas 8a and 8e could be rezoned has expired and the applicant has the legal right to request a rezoning at this time.

SUBAREA 8a:

This property is located south of Johnstown Road (U.S. Route 62) and north of Smith Mill's Road. The site is ± 23.5 acres.

I. Permitted Uses

- 1. Office buildings and the permitted uses contained in the Codified Ordinances of the Village of New Albany, OCD Office Campus District, Section 1144.02 and the conditional uses contained in Section 1144.03, provided that the conditional uses comply with Chapter 1115.
- 2. Commercial buildings and the permitted uses contained in the Codified Ordinances of the Village of New Albany, C-2 General Business (Commercial) District, Section 1147.02 and the conditional uses contained in Section 1147.03, hotels and gasoline service stations which shall conform to the standards set forth in Section 1165.09.

II. Unit Types

Commercial building types shall comply with the design guidelines of the development standards in this text.

III. Development Standards

Unless otherwise specified in the submitted drawings or in this written text the development standards of Part Eleven of the Codified Ordinances of the Village of New Albany shall apply to this subarea.

Basic development standards are compiled regarding proposed density, site issues, traffic, circulation, landscape and architectural standards. These component standards ensure consistency and quality throughout the parcel's development.

8a.01 Construction, Density, Height, Lot and/or Setback Commitments

- 1. Setbacks from Smith's Mill Road shall be fifty feet for buildings and pavement.
- 2. Setbacks from Forest Drive shall be thirty feet for buildings and twenty feet for pavement.
- 3. Setback from Johnstown Road (US Route 62) shall be fifty feet for buildings and fifty feet for pavement.
- 4. Setback from any proposed private street shall be twenty feet for buildings and for pavement.
- 5. Side and rear yard setbacks along all other property boundaries between adjoining privately held parcels which are part of Subarea 8A shall be zero for pavement and buildings. These rear and side yard setbacks shall not apply to any driveway which is part of an internal access system.
- 6. Retail uses within this subarea shall not exceed 170,000 s.f. total.
 - a) Retail square footage shall include businesses as defined under Chapter 1147.02 (b) and (c) with the exception that it shall not include hotels, financial institutions, restaurants without drive- through facilities, gas stations and a car wash which are part of a gassales facility. Convenience stores with or without a gas station component are considered retail uses.
 - b) The maximum size of an individual tenant shall be 50,000 square feet except for a specialty grocery store which may be up to 80,000 square feet in size.
 - c) No one building shall exceed 80,000 square feet in area but mayhave multitenants or owners separated by fire wall(s).
 - d) The restrictions in items 6b and c above do not apply to hotel(s).
- 7. The total lot coverage, which includes all areas of pavement and building coverage, shall not exceed 80% of the total lot area.
- 8. Setback for any canopy for a gasoline service station shall match the building setback.
- 9. The maximum building height shall not exceed forty-five feet.
- 10. At least 176,000 square feet of building space shall be developed for office use in

total between Subareas 8a, 8b and 8c.

8a.02 Access. Loading, Parking and/or other Traffic Related Commitments

- 1. Forest Drive shall be sixty foot right-of-way and thirty-six feet for pavement tapering to fifty foot right-of-way and twenty-eight feet of pavement as shown on the preliminary development plan.
- 2. Pedestrian sidewalks and circulation shall be shown on the final development plan(s) as the subarea is developed.
- 3. Bicycle racks shall be provided within this subarea.
- 4. It is intended that within this subarea parking spaces will be shared between users to better meet parking quantity requirements. At the time of final development plan(s) review and approval, where appropriate shared access and joint parking agreements between adjacent parcels maybe required by the Village Development Director.

8a.03 Architectural Standards

- 1. Architectural Style: Building designs shall be consistent throughout the entire development. Styles should be based on traditional American styles including Georgian, Colonial, Federal and Classical Revival, Barn, or Vernacular forms that reinforce a common historic architectural vocabulary, unless otherwise approved by the Planning Commission. Explanation and justification for any building design shall be submitted with the final development plan. Buildings shall be designed to be seen from 360 degrees with the same caliber of finish on all facades/elevations.
- 2. <u>Architectural Massing</u>: Particular attention shall be given to traditional massing of the elements, the roof forms, the floor to ceiling heights, the window arrangements, proportions and relationship of each part of the building to the whole, as well as, the general symmetry.

3. Exterior Materials:

- a) Exterior wall finishes: Cementatious products such as Hardi Plank or its equivalent cementatious product, brick, wood siding, cultured stone and composition material may be used as exterior wall finish materials where appropriate. Exterior wall finish materials must be used to complete massing elements. The application of brick veneer to a single building facade is prohibited. Alternative building materials may be used subject to Architectural Review District approval procedure (Chapter 1157).
- b) Roofs: General roof massing shall incorporate pitched roofs. Flat roof shall be permitted, but must integrate strong cornice lines. Acceptable roof

- materials include natural and synthetic slate, cedar shake, dimensional asphalt shingle, and standing seam metal.
- c) Windows: True divided light and / or simulated divided light windows with exterior muntins are required where appropriate to the building style. The ground floors of commercial and retail uses may have appropriately scaled store front window systems that utilize large glass areas which are uninterrupted by divided lights. Window sizes and fenestration shall reinforce traditional examples and patterns.
- d) <u>Building Additions</u>: Whether attached or detached, shall be of similar or compatible design and materials.
- e) General Architectural Requirements:
 - 1. Poured concrete exterior walls are prohibited.
 - 2. Prefabricated metal buildings are prohibited.

4. Vehicular and Pedestrian Standards

a) Leisure trail, eight feet in width and constructed of asphalt, shall be extended along the east side of Johnstown Road (US Route 62) as the subarea is developed. An eight foot wide asphalt leisure trail exits along the north side of Smith's Mill Road.

5. Storage Standards:

a) Equipment Storage: Storage of all maintenance equipment shall be storage structures or well screened. Such items should not be visible from streets, common open spaces or adjacent developments. No materials, supplies, or equipment or products shall be stored or permitted to remain on any portion of the parcel outside the permitted structure.

8a.04 Buffering, Landscaping, Open Space and/or Screening Commitments

- 1. <u>Tree Preservation</u>: Reasonable and good faith efforts will be made to preserve existing trees and tree rows occurring within this subarea. Consideration will be given to laying out streets, lots, structures and parking areas to avoid the unnecessary destruction of these wooded areas. Additionally, standard tree preservation practices will be in place to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line.
- 2. <u>Street Trees</u>: Street trees shall be required along Johnstown Road (US Route 62), Smith's Mill Road and Forest Drive. Trees are to be a minimum of two and a half

inch caliper and shall be spaced at a minimum distance of thirty feet on center. Trees may be grouped, provided that the quantity is equivalent to 1 tree per thirty feet or fraction thereof. This requirement may be waived in areas where existing vegetation occurs. Street tree and signage locations shall be shown on the final development plan for review and approval.

3. Fences:

- a) A standard wood four rail horse fence shall be required along the Smith's Mill Road and Johnstown Road (U.S. 62). (Refer to fence detail in Section 4, Figure 1 of the General Development Standards/Exhibit A attached hereto).
- b) Temporary Fences: Fences used as temporary barriers during construction around vegetation must be sturdy, at least 3 feet tall, and easy to maintain. All temporary fences must be removed prior to the issuance of a certificate of occupancy.
- c) As appropriate, a standard wood four rail horse fence may be used within the development and may be located on the property line. Approval of such fence should be considered during the final development plan review.

4. <u>Parking lots</u>:

- a) Parking lots shall be screened from public rights-of-way with a minimum 36 in. high evergreen landscape hedge or wall.
- b) Interior parking lot planting shall comply with Section 1171.05(e) in the Codified Ordinance of the Village of New Albany unless otherwise stated herein.
- c) The required amount of interior landscaping shall be a minimum of eight percent (8%) of the total area of parking lot pavement. The landscape areas shall be arranged in such a manner so as to visually break up large expanses of pavement.
- 5. Perimeter Landscape Requirements: Throughout the setback areas along Johnstown Road (U.S. Route 62), Smith's Mill Road, and Forest Drive there shall be a minimum of eight trees per 100 lineal feet. These trees shall be either 2½ inch caliper deciduous shade trees, 1½ inch caliper ornamental trees, or a combination of both. These trees shall be placed within the setback areas in accordance with a landscape plan that will be submitted as a part of the Final Development Plan. These trees are in addition to the regular street tree requirement.
- 6. <u>Site Landscaping</u>: Tree plantings shall be required within site parking and service areas. Trees shall be a minimum of 2 1/2 inches in caliper at installation.

7. <u>General Requirements</u>:

- a) Minimum tree size shall be no less than 2 1/2 inch caliper for street and/or shade trees and 1 1/2 inch caliper for ornamental trees.
- 8. If landscaping is used to screen service areas, 90% opacity is required for all non-servicing sides and must be protected from service vehicles. Screening shall be 1 foot above height of structure to be screened but not less than 7 feet above finished grade.

8a.05 <u>Lighting, Outdoor Display Areas, Dumpsters and/or other Environmental Commitments</u>

1. <u>Lighting</u>:

- a) Landscape lighting shall be used to provide for safety and ingress and egress only. Fixture lamps shall be incandescent and shall be shielded by planting or other methods as approved by the Planning Commission.
- b) The street lighting along the Forest Drive extension shall be consistent with the fixture shown in Exhibit B attached to this text. Street lighting along Johnstown Road (U.S. Route 62) shall be located at intersections and shall be consistent with the fixture shown in Exhibit B attached to this text. Other light fixtures may be used subject to approval by the Village of New Albany Planning Commission.
- c) Flood lighting of buildings or landscaping is prohibited, except in areas required for employee security said flood lighting shall be controlled by motion sensors.
- d) External building lighting shall be limited to wall mounted sconces. No uplighting or washing of the building shall be permitted.
- e) All light poles shall be black or New Albany Green.
- f) Parking lot lighting shall be of a standard light source type and style and consistent throughout the subarea with a maximum height of 20 feet (including light fixture). All parking lot fixtures shall be cutoff style fixtures or goose neck style fixtures (Exhibit C).
- g) Building, pedestrian and landscape style lighting may be incandescent or metal halide.
- h) No permanent colored lights or neon lights shall be used on the exterior of the building.

- i) Landscape uplighting from a concealed source shall be permitted. All uplight fixtures must be screened by landscaping.
- 2. <u>Mechanical Equipment</u>: Any external mechanical equipment shall be screened from all public roads and/or adjacent properties with materials that are consistent with those used on the building. This would include any rooftop equipment, satellite dishes, as well as ground mounted mechanical equipment.
- 3. <u>Service Areas and Dumpsters</u>: All service areas including service roads, loading docks and exterior storage areas shall be totally screened from all public roads and/or adjacent properties with a physical wall or a combination of earth mound and evergreen plant material at a continuous height of 8 feet. Trash receptacles screening and storage areas shall be reviewed as part of the final development plan review process.

8a.06 Graphics and Signage Commitments

- 1. All signage shall conform to the standards set forth in Section 1169.08 of the Codified Ordinances of the Village of New Albany, unless otherwise stated below.
- 2. The development shall utilize standard Village of New Albany street, regulatory and directional signage. Entry and exit signs shall be limited to a maximum height of 3 feet and a maximum area of three square feet and shall be limited to parking control, traffic and directional information. Identification logo or name shall not be displayed on directional signage. Other signage may be used subject to approval by the Village of New Albany Planning Commission.
- 3. All ground mounted signage may be externally illuminated. No internally illuminated signage is permitted. Backlighting of individual letters on wall-mounted signage may be permitted subject to approval by the Planning Commission. Use of backlighting of individual letters should be used only where it is consistent with the architectural character of the building and the overall design theme.

Retail and Office Uses:

i. One wall mounted sign per retail tenant shall be permitted on each elevation of the building that fronts or sides on a public or private road (parking lot drive aisles shall not be construed as a private road). One (1) square foot of sign face per each lineal foot of building shall be allowed, not to exceed a maximum of 80 square feet. Signs attached to buildings shall be located no higher than the cornice of the building. When multiple tenants occupy a single building, the wall-mounted signage shall be coordinated in design, subject to Planning Commission approval.

- ii. Hanging signs are permitted. Hanging signs may protrude from the building façade or be mounted on a post or pole adjacent to the building. Hanging signs shall not exceed 10 square feet per sign face or 20 square feet if double-sided.
- iii. One ground mounted identification sign shall be permitted in front of each building (not each user) with frontage along a public road. The sign shall not exceed six (6) feet in height. The sign face shall be no greater than 40 square feet in area. The sign may be placed within the setback, but is ideally located on the horse fence on Johnstown Road
- 4. A multi-tenant building shall be permitted one ground mounted sign, which maybe located perpendicular to the street. The sign shall not exceed six (6) feet in height. Each sign face shall be no greater than 50 square feet in area. The sign may be placed within the setback
- 5. Construction signs (i.e. listing the project team) for each final development plan may be permitted for the duration of construction and shall not exceed 36 square feet in size and no taller than 8 feet in height.

6. <u>General Signage Criteria</u>

- a) Signs shall not be placed in a manner that interferes with safe vehicular traffic circulation. Location and character of all signs shall be included for review with the Final Development Plan.
- b) Ground mounted signs shall not be placed in "landscaped features". They shall be incorporated into the horse fence style and should appear to sit within an agrarian roadway corridor. Domestic landscaping treatments shall be avoided at the base of ground mounted signs.
- c) No signs shall be painted directly on the surface of any building, wall or fence. No wall murals shall be allowed.
- d) Each sign shall be permitted a maximum of three colors, excluding black and white.
- e) No roof signs nor parapet signs shall be permitted nor shall a sign extend higher than the building.
- f) No flashing, traveling, animated or intermittently illuminated signs shall be used. No banners, tethered balloons or pennants shall be used. Temporary interior window advertisements are prohibited.
- g) The following signs are not permitted as permanent signs:
 Banner or streamers; sidewalk or curb signs (sandwich or "A" type);

portable displays or mobile signs; gas filled devices; roof mounted signs; revolving or rotating signs; neon signs. Outdoor display signs shall be prohibited except for special sales promotion events not lasting longer than one week.

h) No internally lit signs shall be permitted.

8a.07 <u>Miscellaneous Commitments</u>

- 1. <u>Utilities</u>: All utility lines including water supply, sanitary water service, electricity, telephone and gas, and their connections or feeder line shall be placed underground. Meters, transformers, etc. may be placed above ground, but shall be clustered and screened from view. To the extent possible, utility line placement shall be sensitive to existing vegetation.
 - a) Pre-fabricated storage buildings are prohibited.

2) Appeals and Variances

- a) Appeals
 - i. <u>Taking of Appeals</u>: Appeals to the Board of Zoning Appeals concerning interpretation or administration of the text or the underlying zoning ordinance by the Zoning Inspector or any other administrative official may be taken by any person aggrieved, including a tenant, or by a governmental officer, department, board, or bureau. Such appeal shall be taken within twenty days after the date of the decision by filing a notice of appeal specifying the grounds thereof with the officer from whom the appeal is taken and the Board of Zoning Appeals.
 - ii. <u>Imminent Peril</u>: An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Officer certifies to the Board of Zoning Appeals, after notice of appeal shall have been filed with him, that by reason of facts stated in the application a stay would, in his opinion, cause imminent peril to life or property. In such case, the proceeding shall not be stayed other than by a restraining order which may, on due cause shown, be granted by the Board of Zoning Appeals, after notice to the Zoning Officer or by judicial proceedings.

b) Nature of Variance

On a particular property, extraordinary circumstances may exist making a strict enforcement of the applicable development standards of this PUD text or the Zoning Ordinance unreasonable and, therefore, the procedure for variance from development standards is provided to allow the

flexibility necessary to adapt to changed or unusual conditions, both foreseen and unforeseen, under circumstances which do not ordinarily involve a change of the primary use of the land or structure permitted.

c) Variance Process

The procedures and requirements of Chapter 1113, Appeals and Variances, of the Codified Ordinances of the Village of New Albany shall be followed in cases of appeals. The Planning Commission shall hear requests for variance.

SUBAREA 8b MIXED USE:

This subarea is located north of Smith's Mill Road and is generally east of Subareas 8a and 8c. This new subarea contains parts of Subarea 8a and 8f from the Trust site previous zoning. This site is \pm 28.3 acres.

I. Permitted Uses

- 1. Office buildings and the permitted uses contained in the Codified Ordinances of the Village of New Albany, OCD Office Campus District, Section 1144.02 and the conditional uses contained in Section 1144.03, provided that the conditional uses comply with Chapter 1115.
- 2. Health Care and Senior Citizen Housing uses contained in the Codified Ordinances of the Village of New Albany, CF Community Facilities District, Section 1151.02. Senior Citizen Housing is limited to "nursing home" as defined in Section 1105.02(gg) in the Codified Ordinances of the Village of New Albany.

II. Unit Types

This subarea offers a mixture of corporate office type buildings, health care and senior citizen housing. Offices within this subarea shall be of various square footages. Buildings within this subarea shall comply with the design guidelines of the development standards in this text.

III. <u>Development Standards</u>

Unless otherwise specified in the submitted drawings or in this written text the development standards of Part Eleven of the Codified Ordinances of the Village of New Albany shall apply to this subarea.

Basic development standards are compiled regarding proposed density, site issues, traffic, circulation, landscape and architectural standards. These component standards ensure consistency and quality throughout the parcel's development.

8b.01 Density, Height, Lot and/or Setback Commitments

- 1. Setback from Smith's Mill Road shall be fifty feet for building and twenty-five feet for pavement.
- 2. Setback from Forest Drive shall be thirty feet for buildings and twenty feet for pavement.
- 3. Setback from any proposed private street shall be twenty feet for buildings and pavement.
- 4. Side and rear yard setbacks along all other property boundaries between adjoining privately held parcels which are part of Subarea 8b shall be 0 for buildings and pavement. These rear and side yard setbacks shall not apply to any driveway which is part of an internal access.
- 5. Setback from Lots 1, 2, 4, 5, 6, 7, 8 and 9 of Plain View Country Estates for building and pavement shall be as shown on the submitted preliminary development plan.
- 6. The permitted maximum density within this subarea shall not exceed the ratio of $\pm 12,000$ gross square feet of building per net acre of site.
- 7. At least 176,000 square feet of building space for office use shall be developed in total between Subareas 8a, 8b and 8c.
- 8.7. The total lot coverage, which includes all areas of pavement and building coverage, shall not exceed 80% of the total lot area.
- 9.8. The maximum building height shall not exceed forty-five feet for all uses.
- 10.9. Setback from the Kitzmiller wetland park property line shall be twenty-five feet for building and pavement.

8b.02 Access. Loading, Parking and/or other Traffic related Commitments

- 1. "Senior housing" shall provide ¾ parking spaces per unit.
- 2. Forest Drive shall be sixty foot right-of-way and thirty-six feet for pavement tapering to fifty foot right-of-way and twenty-eight feet of pavement as shown on the preliminary development plan.
- 3. Bicycle racks shall be provided within the subarea.
- 4. It is intended that within this subarea parking spaces will be shared between users to better meet parking quantity requirements. At the time of final development

- plan(s) review and approval, where appropriate shared access and joint parking agreements between adjacent parcels maybe required by the Village Development Director.
- 5. A minimum of five (5) parking spaces shall be provided for wetland park and/or trail users. These parking spaces shall be located adjacent to the entrance to the wetland park and shall be labeled as such.

8b.03 Architectural Standards

- 1. Buildings shall be sited with the longest and/or most predominant building façade parallel to a major street unless otherwise approved by the Village of New Albany Planning Commission.
- 2. Buildings shall be designed to be seen from 360 degrees with the same caliber of finish on all facades/elevations. Building additions, whether attached or detached, shall be of similar design, materials, and construction. Building designs shall be consistent throughout the entire development. Explanation and justification for any building design shall be submitted with the final development plan.
- 3. Exterior wall finishes: Cementatius products such as Hardi Plank or its equivalent cementatious product, brick, wood siding, cultured stone, and composition materials are acceptable exterior wall finish materials. Exterior wall finish materials must be used to complete massing elements. The application of brick veneer to a single building façade is prohibited. Prefabricated metal or untreated masonry block buildings shall be prohibited. Alternative building materials may be used subject to Architectural Review District approval procedure.
- 4. Windows: Tinted glass shall be permitted, reflective or mirrored glass shall be prohibited. True divided light and / or simulated divided light windows with exterior muntins are required where appropriate to the building style. The ground floors of commercial and retail uses may have appropriately scaled store front window systems that utilize large glass areas which are uninterrupted by divided lights. Window sizes and fenestration shall reinforce traditional examples and patterns.
- 5. Earth tones, muted hues, and natural tones are permitted as a structures' basic color. Brighter hues are permitted only as an accent feature on building elements such as awnings, doors, and trim. A mixed color palette on a single building should be carefully selected so all colors harmonize with each other.
- 6. Roofs: General roof massing shall incorporate pitched roofs. Flat roofs shall be permitted, but must integrate strong cornice lines. Acceptable roof materials include natural and synthetic slate, cedar shake, dimensional asphalt shingles, and standing seam metal. Pitched, or mansard roofs shall be permitted. All rooftop screens must be consistent and harmonious to the building's facade and character.

7. <u>Building Additions</u>: Whether attached or detached, shall be of similar or compatible design and materials.

8. General Architectural Requirements:

- a) Poured concrete exterior walls are prohibited.
- b) Pre-fabricated metal buildings are prohibited.

9. Vehicular and Pedestrian Standards

a) Leisure trail, six feet in width and constructed of asphalt, shall be extended along the east/south side of Forest Drive as the Subarea is developed from Smith's Mill Road to Johnstown Road (U.S. Route 62); said six foot wide leisure trail shall also extend from Forest Drive to the Kitzmiller wetland park property line and from Forest Drive to the Plain View Country Estates Subdivision.

10. Storage Standards:

a) Equipment Storage: Storage of all maintenance equipment shall be storage structures or well screened. Such items should not be visible from streets, common open spaces or adjacent developments. No materials, supplies, or equipment or products shall be stored or permitted to remain on any portion of the parcel outside the permitted structure.

8b.04 Buffering, Landscaping, Open Space and/or Screening Commitments

- 1. <u>Tree Preservation</u>: Reasonable and good faith efforts will be made to preserve existing trees and tree rows occurring within this subarea Consideration will be given to laying out streets, lots, structures and parking areas to avoid the unnecessary destruction of these wooded areas. Additionally, standard tree preservation practices will be in place to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line.
- 2. <u>Street Trees</u>: Street trees shall be required along Johnstown Road (US Route 62), Smith's Mill Road, and Forest Drive and on both sides of any internal streets. Trees are to be a minimum of two and a half inch caliper and shall be spaced at a minimum distance of thirty feet on center. Trees may be grouped, provided that the quantity is equivalent to 1 tree per thirty feet or fraction thereof this requirement may be waived in areas where existing vegetation occurs. Street tree and signage locations shall be shown on the final development plan for review and approval.

3. Fences:

a) A standard wood four rail horse fence shall be required along the Smith's Mill Road (Refer to fence detail in Section 4, Figure 1 of the General

Development Standards/Exhibit A attached hereto).

- b) Temporary Fences: Fences used as temporary barriers during construction around vegetation must be sturdy, at least 3 feet tall, and easy to maintain. All temporary fences must be removed prior to the issuance of a certificate of occupancy.
- c) As appropriate, a standard wood four rail horse fence may be used within the development and may be located on the property line. Approval of such fence should be considered during the final development plan review.

4. <u>Parking lots:</u>

- a) Parking lots shall be screened from public rights-of-way with aminimum 36 inches high evergreen landscape hedge or wall.
- b) Interior parking lot plantings comply with Section 1171.05(e) in the Codified Ordinances of the Village of New Albany unless otherwise instated herein.
- c) The required amount of interior landscaping shall be a minimum of eight percent (8%) of the total area of parking lot pavement. The landscaped areas shall be arranged in such a manner so as to visuallybreak up large expanses of pavement.

5. <u>Perimeter Landscape Requirements:</u>

- a) Throughout the setback areas along Forest Drive there shall be a minimum of eight trees per 100 lineal feet. These trees shall be either 2½ inch caliper deciduous shade trees, 1½ inch caliper ornamental trees, or a combination of both. These trees shall be placed within the setback areas in accordance with a landscape planthat will be submitted as a part of the Final Development Plan. These trees are in addition to the regular street tree requirement.
- b) A mound and a minimum of 8 trees per 100 lineal feet will be provided within the proposed buffer area in Subarea B, abutting the Plain View subdivision on the eastern edge of the development site. This landscaping will be completed prior to final occupancy on eachfinal development plan.
- 6. <u>Site Landscaping</u>: Tree plantings shall be required within site parking and service areas. Trees shall be a minimum of 2 ½ inches in caliper at installation.

7. General Requirements:

- a. Minimum tree size shall be no less than 2 1/2 inches in caliper for street and or shade trees and 1 ½ inches in caliper for ornamental trees.
- 8. If landscaping is used to screen Service Areas, 90% opacity is required for all non-servicing sides and must be protected from service vehicles. Screening shall

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8b.05 <u>Lighting, Outdoor Display Areas, Dumpsters and/or other Environmental</u> Commitments

1. <u>Lighting</u>:

- a) The street lighting along the Forest Drive extension shall be consistent with the fixture shown in Exhibit B or C attached to this text. The style of street lights shall be consistent with existing street lights along 62. Other light fixtures may be used subject to approval by the Village of New Albany Planning Commission.
- b) Flood lighting of buildings or landscaping is prohibited, except in areas required for employee security. Said flood lighting shall be controlled by motion sensors.
- c) External building lighting shall be limited to wall mounted sconces. No uplighting or washing of the building shall be permitted.
- d) All light poles shall be black or New Albany Green with a maximum height of 20 feet (including light fixture).
- e) Parking lot lighting shall be of a standard light source type and consistent throughout the subarea with a maximum height of 20 feet (including light fixtures). All parking lot fixtures shall be cut-off style or goose neck style fixtures (Exhibit C).
- f) Building, pedestrian and landscape lighting may be incandescent or metal halide.
- g) No permanent colored lights or neon lights shall be used on the exterior of the building.
- h) Landscape uplighting for a concealed source shall be permitted. All uplight fixtures must be screened by landscaping.
- i) Landscape lighting shall be used to provide for safety and ingress and egress only. Fixture lamps shall be incandescent and shall be shielded by planting or other methods.
- 2. <u>Service Areas and Dumpsters</u>: All service areas including service roads, loading docks and exterior storage areas shall be totally screened from all public roads and/or adjacent properties with a physical wall or a combination of earth mound and evergreen plant material at a continuous height of 8 feet. Trash receptacles screening and storage areas shall be reviewed as part of the final development plan review process.

8b.06 Graphics and Signage Commitments

- 1. All signage shall conform to the standards set forth in Section 1169.08 of the Codified Ordinances of the Village of New Albany, unless otherwise stated below.
- 2. The development shall utilize standard Village of New Albany street and regulatory signage. Entry and exit signs shall be limited to a maximum height of three feet and a maximum area of three square feet and shall be limited to parking controls, traffic and directional information. Identification logo or name shall not be displayed on directional signage. Other signage may be used subject to approval by the Village of New Albany Planning Commission.
- 3. All ground mounted signage shall be externally illuminated. No internally illuminated signage is permitted. Backlighting of individual letters on wall mounted signage shall be permitted.

4. General Signage Criteria

- a) Signs shall not obscure architectural features of the building.
- b) No signs shall be painted directly on the surface of any building, wall or fence. No wall murals shall be allowed.
- c) No roof signs nor parapet signs shall be permitted nor shall a sign extend higher than the building.
- d) No flashing, traveling, animated or intermittently illuminated signs shall be used. No banners, tethered balloons or pennants shall be used. Temporary interior window advertisements are prohibited.
- e) The following signs are not permitted as permanent signs: Banner or streamers; sidewalk or curb signs (sandwich or "A" type); portable displays or mobile signs; gas filled devices; roof mounted signs; revolving or rotating signs; neon signs.
- f) Signage shall be limited to a maximum of three colors in addition to black and white.

5. Office / Health care and Senior citizens Housing Signage: General Signage Criteria

a) One primary wall mounted sign shall be permitted per building parcel with public right-of-way frontage. One square foot of sign face per each square

- foot of building shall be allowed, not to exceed a maximum of one hundred twenty square feet. Signs attached to buildings shall be located no higher than the cornice of the building. When multiple tenants occupy a single building, the wall mounted signage shall be coordinated in design.
- b) Identification signage within the perimeter area shall be limited to sixty square feet per sign face or one hundred twenty square feet if double sided, not to exceed eight feet in height. Signage shall be restricted to one sign per full service curb cut location.
- c) Each building tenant or user shall be permitted one (1) primary wall-mounted sign on both the front and rear facades of its building for purposes of identification. One (1) square foot of sign face per each lineal foot of building shall be allowed, not to exceed a maximum of eighty (80) square feet. A wall-mounted signage shall have a common background color.
- d) One ground mounted identification sign shall be permitted in front of each building with frontage along a public road. The sign shall not exceed six
 (6) feet in height. The sign face shall be no greater than 50 square feet in area. The sign may be placed within the setback.

8b.07 Miscellaneous Commitments

- 1. <u>Utilities</u>: All utility lines including water supply, sanitary water service, electricity, telephone and gas, and their connections or feeder lines shall be placed underground. Meters, transformers, etc., may be placed above ground, but shall be clustered and screened from view. To the extent possible, utility line placement shall be sensitive to existing vegetation. Utility easement location and width shall be determined at the Preliminary Development Plan stage.
- 2. Pre-fabricated storage buildings are prohibited.
- 3. Appeals and Variances
 - a) Appeals
 - i. <u>Taking of Appeals</u>: Appeals to the Board of Zoning Appeals concerning interpretation or administration of the text or the underlying zoning ordinance by the Zoning Inspector or any other administrative official may be taken by any person aggrieved, including a tenant, or by a governmental officer, department, board, or bureau. Such appeal shall be taken within twenty days after the date of the decision by filing a notice of appeal specifying the grounds thereof with the officer from whom the appeal is taken and the Board of Zoning Appeals.

ii. <u>Imminent Peril</u>: An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Officer certifies to the Board of Zoning Appeals, after notice of appeal shall have been filed with him, that by reason of facts stated in the application a stay would, in his opinion, cause imminent peril to life or property. In such case, the proceeding shall not be stayed other than by a restraining order which may, on due cause shown, be granted by the Board of Zoning Appeals, after notice to the Zoning Officer or by judicial proceedings.

b) Nature of Variance

On a particular property, extraordinary circumstances may exist making a strict enforcement of the applicable development standards of this PUD text or the Zoning Ordinance unreasonable and, therefore, the procedure for variance from development standards is provided to allow the flexibility necessary to adapt to changed or unusual conditions ,both foreseen and unforeseen, under circumstances which do not ordinarily involve a change of the primary use of the land or structure permitted.

c) Variance Process

The procedures and requirements of Chapter 1113, Appeals and Variances, of the Codified Ordinances of the Village of New Albany shall be followed in cases of appeals. The Planning Commission shall hear requests for variance.

SUBAREA 8c:

This property is located south of Johnstown Road (U.S. Route 62) and north of proposed Forest Drive.

I. Permitted Uses

- 1. Office buildings and the permitted uses contained in the Codified Ordinances of the Village of New Albany, OCD Office Campus District, Section 1144.02 and the conditional uses contained in Section 1144.03, excluding drive-thru facilities, provided that the conditional uses comply with Chapter 1115.
- 2. Daycare.
- 3. Financial institutions with drive-thru windows.
- 4. Restaurant(s), no drive-thru window.

II. <u>Unit Types</u>

Commercial buildings types shall comply with the design guidelines of the development

standards in this text.

III. Development Standards

Unless otherwise specified in the submitted drawings or in this written text the development standards of Part Eleven of the Codified Ordinances of the Village of New Albany shall apply to this subarea.

Basic development standards are compiled regarding proposed density, site issues, traffic, circulation, landscape and architectural standards. These component standards ensure consistency and quality throughout the parcel's development.

8c.01 Construction, Density, Height, Lot and/or Setback Commitments

- 1. Setbacks from Forest Drive shall be thirty feet for buildings and twenty feet for pavement.
- 2. Setback from Johnstown Road (U.S. Route 62) shall be seventy-five feet for buildings and feet for pavement. No parking spaces or pavement shall be permitted between the building(s) and Johnstown Road (U.S. Route 62).
- 3. Setback from any proposed private street shall be twenty feet for buildings and for pavement.
- 4. Side and rear yard setbacks along all other property boundaries between adjoining privately held parcels which are part of Subarea 8C shall be zero for pavement and buildings. These rear and side yard setbacks shall not apply to any drivewaywhich is part of an internal access system.
- 5. The total lot coverage, which includes all areas of pavement and building coverage, shall not exceed 80% of the total lot area.
- 6. The maximum building height shall not exceed forty-five feet.
- 7. At least 176,000 square feet of building space shall be developed for office use in total between Subarea 8a, 8b and 8c.

8c.02 Access, Loading, Parking and/or other Traffic Related Commitment

- 1. Forest Drive shall be sixty foot right-of-way and thirty-six feet for pavement tapering to fifty foot right-of-way and twenty-eight feet of pavement as shown on the preliminary development plan.
- 2. Pedestrian sidewalks and circulation shall be shown on the final development plan(s) as the subarea is developed.
- 3. Bicycle racks shall be provided within this subarea.

4. It is intended that within this subarea parking spaces will be shared between users to better meet parking quantity requirements. At the time of final development plan(s) review and approval, where appropriate shared access and joint parking agreements between adjacent parcels maybe required by the Village Development Director.

8c.03 Architectural Standards

- 1. Architectural Style: Building designs shall be consistent throughout the entire development. Styles should be based on traditional American styles including Georgian, Colonial, Federal and Classical Revival, Barn, or Vernacular forms that reinforce a common historic architectural vocabulary, unless otherwise approved by the Planning Commission. Explanation and justification for any building design shall be submitted with the final development plan. Buildings shall be designed to be seen from 360 degrees with the same caliber of finish on all facades/elevations.
- 2. <u>Architectural Massing</u>: Particular attention shall be given to traditional massing of the elements, the roof forms, the floor to ceiling heights, the window arrangements, proportions and relationship of each part of the building to the whole, as well as, the general symmetry.

3. Exterior Materials:

- a) Exterior wall finishes: Cementatious products such as Hardi Plank or its equivalent cementatious product, brick, wood siding, culture stone and composition material may be used as exterior wall finish materials where appropriate. Exterior wall finish materials must be used to complete massing elements. The application of brick veneer to a single building facade is prohibited. Alternative building materials may be used subject to Architectural Review District approval procedure. (Chapter 1157)
- b) Roofs: General roof massing shall incorporate pitched roofs. Flat roof shall be permitted, but must integrate strong cornice lines. Acceptable roof materials include natural and synthetic slate, cedar shake, dimensional asphalt shingle, and standing seam metal.
- c) Windows: True divided light and / or simulated divided light windows with exterior muntins are required where appropriate to the building style. The ground floors of commercial and retail uses may have appropriately scaled store front window systems that utilize large glass areas which are uninterrupted by divided lights. Window sizes and fenestration shall reinforce traditional examples and patterns.
- d) <u>Building Additions</u>: Whether attached or detached, shall be of similar or compatible design and materials.

e) General Architectural Requirements:

- 1) Poured concrete exterior walls are prohibited.
- 2) Prefabricated metal buildings are prohibited.

4. Vehicular and Pedestrian Standards

a) Leisure trail, eight feet in width and constructed of asphalt, shall be extended along the east side of Johnstown Road (US Route 62) as the subarea is developed. An six foot wide asphalt leisure trail shall be extended along the north side of Forest Drive to Johnstown Road (U.S. Route 62).

5. <u>Storage Standards</u>:

a) Equipment Storage: Storage of all maintenance equipment shall be storage structures or well screened. Such items should not be visible from streets, common open spaces or adjacent developments. No materials, supplies, or equipment or products shall be stored or permitted to remain on any portion of the parcel outside the permitted structure.

8c.04 Buffering, Landscaping, Open Space and/or Screening Commitments

- 1. <u>Tree Preservation</u>: Reasonable and good faith efforts will be made to preserve existing trees and tree rows occurring within this subarea. Consideration will be given to laying out streets, lots, structures and parking areas to avoid the unnecessary destruction of these wooded areas. Additionally, standard tree preservation practices will be in place to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line.
- 2. <u>Street Trees</u>: Street trees shall be required along Johnstown Road (U.S. Route 62). Trees are to be a minimum of two and a half inch caliper and shall be spaced at a minimum distance of thirty feet on center. Trees may be grouped, provided that the quantity is equivalent to 1 tree per thirty feet or fraction thereof. This requirement may be waived in areas where existing vegetation occurs. Street tree and signage locations shall be shown on the final development plan for review and approval.

3. Fences:

- a) A standard wood four rail horse fence shall be required along Johnstown Road (U.S. 62). (Refer to fence detail in Section 4, Figure 1 of the General Development Standards Exhibit A attached hereto).
- b) Temporary Fences: Fences used as temporary barriers during construction around vegetation must be sturdy, at least 3 feet tall, and easy to maintain.

- All temporary fences must be removed prior to the issuance of a certificate of occupancy.
- c) As appropriate, a standard wood four rail horse fence may be used within the development and may be located on the property line. Approval of such fence should be considered during the final development plan review.

4. <u>Parking Lots</u>:

- a) Parking lots shall be screened from public rights-of-way with a minimum 36 in. high evergreen landscape hedge or wall.
- b) Interior parking lot planting shall comply with Section 1171.05(e) in the Codified Ordinance of the Village of New Albany unless otherwise stated herein.
- c) The required amount of interior landscaping shall be a minimum of eight percent (8%) of the total area of parking lot pavement. The landscaping areas shall be arranged in such a manner so as to visually break up large expanses of pavement.
- 5. Perimeter Landscape Requirements: Throughout the setback areas along Johnstown Road (U.S. Route 62) and Forest Drive there shall be a minimum of eight trees per 100 lineal feet. These trees shall be either 2 ½ inch caliper deciduous shade trees, 1 1/2 inch caliper ornamental trees, or a combination of both. These trees shall be placed within the setback areas in accordance with a landscape plan that will be submitted as a part of the Final Development Plan. These trees are in addition to the regular street tree requirement.
- 6. <u>Site Landscaping: Tree plantings shall be required within site parking and service areas.</u> Trees shall be a minimum of 2 1/2 inches in caliper at installation. Interior parking lot planting shall comply with Section 1171.05(e) in the Codified Ordinances of the Village of New Albany.

7. General Requirements:

- a) Minimum tree size shall be no less than 2 1/2 inch caliper for street and/or shade trees and 1 1/2 inch caliper for ornamental trees.
- 8. If landscaping is used to screen service areas, 90% opacity is required for all non-servicing sides and must be protected from service vehicles. Screening shall be 1 foot above height of structure to be screened but not less than 7 feet above finished grade.

8c.05 <u>Lighting, Outdoor Display Areas, Dumpsters and/or other Environmental Commitments</u>

1. Lighting:

- a) Landscape lighting shall be used to provide for safety and ingress and egress only. Fixture lamps shall be incandescent and shall be shielded by planting or other methods as approved by the Planning Commission.
- b) The street lighting along the Forest Drive extension shall be consistent with the fixture shown in Exhibit A attached to this text. Street lighting along Johntown Road (U.S. Route 62) shall be located at intersections and shall be consistent with the fixture shown in Exhibit B attached to this text. Other light fixtures may be used subject to approval by the Village of New Albany Planning Commission.
- c) Flood lighting of buildings or landscaping is prohibited, except in areas required for employee security said flood lighting shall be controlled by motion sensors.
- d) External building lighting shall be limited to wall mounted sconces. No uplighting or washing of the building shall be permitted.
- e) All light poles shall be black or New Albany Green.
- f) Parking lot lighting shall be of a standard light source type and style and consistent throughout the subarea with a maximum height of 20 feet (including light fixture). All parking lot fixtures shall be cut-off style or goose neck style fixtures (Exhibit C).
- g) Building, pedestrian and landscape lighting may be incandescent or metal halide.
- h) No permanent colored lights or neon lights shall be used on the exterior of the building.
- i) Landscape uplighting from a concealed source shall be permitted. All uplight fixtures must be screened by landscaping.
- 2. <u>Mechanical Equipment</u>: Any external mechanical equipment shall be screened from all public roads and/or adjacent properties with materials that are consistent with those used on the building. This would include any rooftop equipment, satellite dishes, as well as ground mounted mechanical equipment.
- 3. <u>Service Areas and Dumpsters</u>: All service areas including service roads, loading docks and exterior storage areas shall be totally screened from all public roads and/or adjacent properties with a physical wall or a combination of earth mound and evergreen plant material at a continuous height of 8 feet. Trash receptacles screening and storage areas shall be reviewed as part of the final development plan review process.

8c.06 Graphics and Signage Commitments

- 1. All signage shall conform to the standards set forth in Section 1169.08 of the Codified Ordinances of the Village of New Albany, unless otherwise stated below.
- 2. The development shall utilize standard Village of New Albany street, regulatory and directional signage. Entry and exit signs shall be limited to a maximum height of 3 feet and a maximum area of three square feet and shall be limited to parking control, traffic and directional information. Identification logo or name shall not be displayed on directional signage. Other signage may be used subject to approval by the Village of New Albany Planning Commission.
- 3. All ground mounted signage may be externally illuminated. No internally illuminated signage is permitted. Backlighting of individual letters on wall-mounted signage may be permitted subject to approval by the Planning Commission. Use of backlighting of individual letters should be used only where it is consistent with the architectural character of the building and the overall design theme.

Retail and Office Uses:

- i. One wall mounted sign per tenant shall be permitted on each elevation of the building that fronts or sides on a public or private road parking lot drive aisle shall not be construed as a private road. One (1) square foot of sign face per each lineal foot of building shall be allowed, not to exceed a maximum of 80 square feet. Signs attached to buildings shall be located no higher than the cornice of the building. When multiple tenants occupy a single building, the wall-mounted signage shall be coordinated in design subject to Planning Commission.
- ii. Hanging signs are permitted. Hanging signs may protrude from the building façade or be mounted on a post or pole adjacent to the building. Hanging signs shall not exceed 10 square feet per sign face or 20 square feet if double sided.
- iii. One ground mounted identification sign shall be permitted in front of each building (not each user) with frontage along a public road. The sign shall not exceed six (6) feet in height. The sign face shall be no greater than 40 square feet in area. The sign may be placed within the setback.
- 4. A multi-tenant building shall be permitted one ground mounted sign which may be located perpendicular to the street. The sign shall not exceed six (6) feet in height. Each sign face shall be no greater than 50 square feet in area. The sign may be placed within the setback, provided it does not interfere with minimum sigh distance clearance.
- 5. Construction signs (i.e. listing the project team) for each final development plan may be permitted for the duration of construction and shall not exceed 36 square

feet in size and no taller than 8 feet in height.

6. General Signage Criteria

- a) Signs shall not be placed in a manner that interferes with safe vehicular traffic circulation. Location and character of all signs shall be included for review with the Final Development Plan.
- b) Ground mounted signs shall not be placed in "landscaped features". They shall be incorporated into the horse fence style and should appear to sit within an agrarian roadway corridor. Domestic landscaping treatments shall be avoided at the base of ground mounted signs.
- c) No signs shall be painted directly on the surface of any building, wall or fence. No wall murals shall be allowed.
- d) Each sign shall be permitted a maximum of three colors, excluding black and white.
- e) No roof signs nor parapet signs shall be permitted nor shall a sign extend higher than the building.
- f) No flashing, traveling, animated or intermittently illuminated signs shall be used. No banners, tethered balloons or pennants shall be used. Temporary interior window advertisements are prohibited.
- g) The following signs are not permitted as permanent signs:
 Banner or streamers; sidewalk or curb signs (sandwich or "A" type);
 portable displays or mobile signs; gas filled devices; roof mounted signs;
 revolving or rotating signs; neon signs. Outdoor display signs shall be
 prohibited except for special sales promotion events not lasting longer than
 one week.
- h) No internally lit signs shall be permitted.

8c.07 Miscellaneous Commitments

- 1. <u>Utilities</u>: All utility lines including water supply, sanitary water service, electricity, telephone and gas, and their connections or feeder line shall be placed underground. Meters, transformers, etc. may be placed above ground, but shall be clustered and screened from view. To the extent possible, utility line placement shall be sensitive to existing vegetation.
 - a) Pre-fabricated storage buildings are prohibited.
- 2) Appeals and Variances

a) Appeals

- i. <u>Taking of Appeals</u>: Appeals to the Board of Zoning Appeals concerning interpretation or administration of the text or the underlying zoning ordinance by the Zoning Inspector or any other administrative official may be taken by any person aggrieved, including a tenant, or by a governmental officer, department, board, or bureau. Such appeal shall be taken within twenty days after the date of the decision by filing a notice of appeal specifying the grounds thereof with the officer from whom the appeal is taken and the Board of Zoning Appeals.
- ii. <u>Imminent Peril</u>: An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Officer certifies to the Board of Zoning Appeals, after notice of appeal shall have been filed with him, that by reason of facts stated in the application a stay would, in his opinion, cause imminent peril to life or property. In such case, the proceeding shall not be stayed other than by a restraining order which may, on due cause shown, be granted by the Board of Zoning Appeals, after notice to the Zoning Officer or by judicial proceedings.

b) Nature of Variance

On a particular property, extraordinary circumstances may exist making a strict enforcement of the applicable development standards of this PUD text or the Zoning Ordinance unreasonable and, therefore, the procedure for variance from development standards is provided to allow the flexibility necessary to adapt to changed or unusual conditions, both foreseen and unforeseen, under circumstances which do not ordinarily involve a change of the primary use of the land or structure permitted.

c) Variance Process

The procedures and requirements of Chapter 1113, Appeals and Variances, of the Codified Ordinances of the Village of New Albany shall be followed in cases of appeals. The Planning Commission shall hear requests for variance.



Planning Commission Staff Report March 21, 2022 Meeting

CANINI TRUST CORP SUBAREA 8D ZONING AMENDMENT

LOCATION: 2.204+/- acre site within the Canini Trust Corp (PID: 222-000347)

APPLICANT: Smith Mill Ventures LLC, c/o Aaron Underhill

REQUEST: Zoning Amendment

ZONING: Infill Planned Unit Development (I-PUD) to Infill Planned Unit

Development (I-PUD)

STRATEGIC PLAN: Retail

APPLICATION: ZC-21-2022

Review based on: Application materials received on March 10, 2022.

Staff report completed by Chris Christian, Planner

I. REQUEST AND BACKGROUND

The applicant requests review and recommendation to City Council to rezone 2.204+/- acres from Infill Planned Unit Development (I-PUD) to Infill Planned Unit Development (I-PUD) for a site located within the Canini Trust Corp zoning district. The proposal maintains the existing permitted uses and rezones a portion of the existing subarea 8C within the Canini Trust Corp to allow additional retail uses found in the C-3 District and an automated car wash to be developed on the site. Currently, subarea 8C only allows office uses and limited retail uses such as a daycare, financial institutions and restaurants without drive-thru windows.

The application is solely for rezoning of the site. Future development are subject to the review and approval of the Planning Commission as part of the final development plan application process where conformance with the established development standards will be ensured.

The Rocky Fork-Blacklick Accord is scheduled to review the application on March 17, 2022.

II. SITE DESCRIPTION & USE

The site is located on the southwest corner of US-62 and Forest Drive within the Canini Trust Corp zoning district. The site is 2.204+/- acres and is currently undeveloped and is bounded by US 62, Forest Drive and Woodcrest Way on all four sides.

III. PLAN REVIEW

Planning Commission's review authority of the zoning amendment application is found under C.O. Sections 1107.02. Upon review of the proposed amendment to the zoning map, the Commission is to make recommendation to City Council. Staff's review is based on City plans and studies, zoning text, and zoning regulations. Primary concerns and issues have been indicated below, with needed action or recommended action in underlined text.

A. New Albany Strategic Plan

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

- 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.

B. Use, Site, and Layout

- 1. The Canini Trust Corp as a whole is zoned to allow a mix of retail, commercial and office uses to support the New Albany Business Park area, and the established residential population throughout the city.
- 2. The zoning district was established in 2006, when the New Albany Business Park was still in its infancy. Originally, the area was zoned in order to allow most of the desired retail uses in a limited area, within subarea 8a and restaurants without drive-thrus in subarea 8c. Since the growth of the business park, there has been a demand for additional retail uses within this zoning district and in the immediate area.
- 3. The proposed text rezones 2.204+/- acres within the Canini Trust Corp zoning district that is currently in Subarea 8C to allow additional retail uses to be developed. The site is undeveloped.
- 4. The zoning text states that a maximum of two parcels can be created within this new subarea. The Planning Commission will review and approve final development plan applications for these individual sites to ensure they are in conformance with the development standards once an application is filed.
- 5. There are no changes to the development standards besides the addition of requiring a sidewalk to be built in this area. All of the other Canini Trust Corp zoning district development standards are not changed as part of this rezoning application.
- 6. Currently, the Subarea 8C zoning text allows the following uses:
 - Office buildings and the permitted uses of city code section 1144 (Office Campus District), excluding drive-thru facilities.
 - Daycares
 - Financial institutions with drive thru windows
 - Restaurants without drive-thru windows.
- 7. The proposed rezoning will allow the following uses to be developed on the site with a 10,000 sq.ft. area cap for each building in the zoning district. This requirement ensures that while an expanded amount of retail development will be allowed on the site, it will be of a neighborhood scale versus larger big box retail buildings.
- 8. The permitted and prohibited uses match those found in the adjacent Walton-62 zoning text that was approved by the Planning Commission.
- 9. The proposed permitted uses are:
 - An automated car wash
 - Select permitted uses found in codified ordinance chapter 1149 (C-3 Highway Business District) including:
 - Lumber and home improvement sales
 - Garden centers
 - Restaurants with drive-thru facilities
 - Religious exercise facilities and related uses
 - Administrative, business and professional offices
 - Retail stores primarily engaged in selling merchandise for personal or household consumption, and rendering services incidental to the sale of these goods:
 - Food and food products, consisting of: grocery, meat, fish, fruit or vegetable markets or combinations thereof, dairy or bakery products,

- specialty food stores such as candy or confectionery, and miscellaneous food stores which conform to the purpose of the General Business District
- General merchandise, consisting of: department stores, and limited price variety stores.
- Home furnishings, consisting of: furniture and equipment sales, radio, television, and music stores.
- Building material retail stores, not having outside storage of material, consisting of: plumbing and electrical supplies, paint, wall paper, upholstery, and interior decorating stores, and hardware stores.
- Apparel, consisting of: clothing, furnishings, and accessory items for men, women and children, custom tailor shops and combined apparel sales and personal service operations, and miscellaneous apparel and accessory stores.
- Similar retail stores, including: drug stores, florists, gift and novelty stores, books and newspapers, camera, photographic and optical goods, jewelry, and other retail stores which conform to the purpose and intent of the zoning district.
- Personal services, involving the care of the person and his/her personal effects, including consumer services generally involving the care and maintenance of tangible property or the provision of tangible services for personal consumption including:
 - Banks, savings and loans, and credit agencies, but not including establishments with drive-through facilities.
 - Barber and beauty shops.
 - Dry-cleaning establishments.
 - Human medical and dental clinics.
 - Radio, television, or small appliance repair.
 - Public and private parking areas.
 - On-premises duplication and reproduction facilities.
 - Equipment rental or leasing, not including outdoor storage of material.
- Business services engaged in the providing of services to business establishments on a fee or contract basis, consulting services, protective services, office equipment rental, lease or purchase, commercial research and development.
- 10. Administrative, business and professional offices The zoning text prohibits the following uses.
 - Motor vehicle and/or new and used car sales establishments
 - Billboards and other off-premises signs, subject to the regulations of Section 1169.08(e)
 - Armory
 - Adult bookstore, adult motion picture theater, or adults' only entertainment establishment.
 - Carry out food and beverage establishments with drive-thru facilities. To clarify, this prohibited use is intended to include uses such as drive-thru and carry-out beer and wine sales and is not intended to apply to restaurants with drive-thrus.
 - Self-service laundries
 - Commercial recreational facilities such as community and public swimming pools, skating rinks, bowling alleys, physical fitness centers
 - Commercial radio transmitting or television station and appurtenances
 - Funeral Parlor
 - Gasoline service stations, or retail convenience stores selling gasoline as an ancillary activity.
 - Hotels and Motels

C. Access, Loading, Parking

- 1. There are no changes to the existing Canini Trust Corp development standards beyond the requiring that a sidewalk be built in the subdistrict and connect into the existing leisure trail along US-62.
- 2. The zoning text also provides requirements for car wash circulation stating that a car wash use shall provide at least two drive aisles to allow for proper circulation. In addition, a third drive aisle is required to be provided to allow cars to exit the property. These standards will be reviewed at the time of a final development plan application.

D. Architectural Standards

1. All of the existing Canini Trust Corp zoning district standards have been carried over within the proposed zoning text. No changes are proposed.

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

1. All of the existing Canini Trust Corp zoning district standards have been carried over within the proposed zoning text. No changes are proposed.

F. Lighting & Utilities

1. All of the existing Canini Trust Corp zoning district standards have been carried over within the proposed zoning text. No changes are proposed.

G. Signage

1. All of the existing Canini Trust Corp zoning district standards have been carried over within the proposed zoning text. No changes are proposed.

IV. ENGINEER'S COMMENTS

The City Engineer, E.P. Ferris does not have any comments on the proposed rezoning.

V. RECOMMENDATION

Basis for Approval:

Staff recommends approval of the rezoning application provided that the Planning Commission finds the proposal meets sufficient basis of approval. Additional retail uses at this site are appropriate as it is envisioned within the Engage New Albany Strategic Plan Retail future land use district. While the area where these uses can be developed is expanding, future development will be subject to the review and approval of the Planning Commission as part of the final development plan application process where conformance with the established development standards will be ensured. These development standards have contributed to the success of both the Canini Trust Corp and Walton-62 development areas, both of which contain retail/personal service type uses.

VI. ACTION

Suggested Motion for ZC-21-2022 (Conditions of approval may be added):

Move to recommend approval to Council of the rezoning application ZC-21-2022.

Approximate site Location:



Source: Google Earth

Permit #	
Board	
Mtg. Date	



Community Development Planning Application

	Site Address 5150 Forest Drive, New Albany, OH 43054			
	Parcel Numbers A portion of 222-000347			
	Acres <u>2.204 +/- Acres</u>	# of lots created		
Project Information	Choose Application Type Appeal Certificate of Appropriateness Conditional Use XDevelopment Plan Plat Det Changes Minor Commercial Subdivision Vacation Variance Extension Request XZoning Description of Request: Request to permit a drive-thru automated restaurant/retail uses on the sec	Preliminary Final Preliminary Final Combination Split Easement Amendment (rezoning)	Comprehensive Amendment Adjustment Street Text Modification subject property from I-PUD to I-PUD improvements on one lot, and	
Contacts	Property Owner's Name: Smith Mill Ventures LLC, c/o Aaron L. Underhill, Esq. Address: Underhill & Hodge LLC, 8000 Walton Parkway, Suite 260 City, State, Zip: New Albany, OH 43054 Phone number: 614.335.9320 Email: aaron@uhlawfirm.com Applicant's Name: Smith Mill Ventures LLC, c/o Aaron L. Underhill, Esq. Address: Underhill & Hodge LLC, 8000 Walton Parkway, Suite 260 City, State, Zip: New Albany, OH 43054 Phone number: 614.335.9320 Email: aaron@uhlawfirm.com			
Signature	Site visits to the property by City of New Albany representatives are essential to process this application. The Owner/Applicant, as signed below, hereby authorizes Village of New Albany representatives, employees and appointed and elected officials to visit, photograph and post a notice on the property described in this application. I certify that the information here within and attached to this application is true, correct and complete. Signature of Owner Signature of Applicant By: Aaron Underhill, Attaches for Applicant Date: 2/18/22 Date: 2			

APPLICANT:

Smith Mill Ventures LLC 8000 Walton Parkway, Suite 120 New Albany, OH 43054

PROPERTY OWNER:

Smith Mill Ventures LLC 8000 Walton Parkway, Suite 120 New Albany, OH 43054

ATTORNEY:

Aaron L. Underhill Underhill & Hodge LLC 8000 Walton Parkway, Suite 260 New Albany, OH 43054

SURROUNDING PROPERTY OWNERS:

MG Smiths Mill LLC 475 Metro Place South, Suite 450 Dublin, OH 43017 GOC RealCo LLC 3805 Edwards Road, Suite 680 Cincinnati, OH 45209

Sully Riz LLC 73 Wilson Blvd., Suite 103 Fisherville, VA 29939 Thomas and Donna Drake 10007 Johnstown Road New Albany, OH 43054 Mary Hursey 10015 Johnstown Road New Albany, OH 43054

The New Albany Company LLC 8000 Walton Parkway, Suite 120 New Albany, OH 43054 Bold Reach LLC P.O. Box 600 New Albany, OH 43054 Kurt Fulmer, Stacey Morris and Debra Fulmer 10101 Johnstown Road New Albany, OH 43054

TH Midwest, Inc. 1014 Vine Street, 7th Floor Cincinnati, OH 45202 New Albany Hotel Associates LLC 125 West Spring Street Oxford, OH 45056

Ice Queens of Smiths Mill LLC 7258 Waterson New Albany, OH 43054

DTMB Properties LLC 7208 Waterson New Albany, OH 43054 Forest New Albany LP 1401 Spring Bank Drive Building A, Suite 8 Owensboro, KY 42303 Central Ohio Mob Partners LLC 33 South 6th Street, Suite 4650 Minneapolis, MN 55402

Ronald Davis, Kent Miller and SBR Enterprises LLC 121 East 6th Avenue Lancaster, OH 43130

Woodcrest New Albany LP P.O. Box 21950 Owensboro, KY 43204 New Albany Healthcare Real Estate 8435 Keystone Crossing Boulevard Suite 140 Indianapolis, IN 46240

Skasko Enterprises Ltd. 5101 Forest Drive, Suite A New Albany, OH 43054 CHK Holdings LLC 6641 North High Street Worthington, OH 43085 John and Deborah Johnson 5101 Forest Drive, Suite A New Albany, OH 43054

See Smiley Properties LLC 730 Mt. Airyshire Blvd., Ste. A Columbus, OH 43235	Bonzer Reality LLC 4459 Wooded Nook Drive New Albany, OH 43054	Personal MD Concierge Services LLC 6966 New Albany Road East New Albany, OH 43054
>		
>		



Aaron L. Underhill 8000 Walton Parkway, Suite 260 New Albany, Ohio 43054

P: 614.335.9321 F: 614.335.9329 aaron@uhlawfirm.com

March 10, 2022

Chris Christian
Development Service Manager
City of New Albany
99 West Main Street
New Albany, Ohio 43054

RE: School Impact of Zoning of 2.204 +/- acres located generally to the south of and adjacent to Johnstown Road, to the east of and adjacent to Forest Drive and to the west of and adjacent to Woodcrest Way in New Albany, Ohio, by Smith Mill Ventures LLC

Dear Chris:

Smith Mill Ventures LLC owns certain real property (the "<u>Property</u>") located as described above. This letter accompanies its application to rezone the Property from I-PUD to I-PUD to permit a C-3 uses under the City's Codified Ordinances, with certain exceptions. The purpose of this letter is to analyze the impact of this zoning on the New Albany-Plain Local School District.

This rezoning will allow commercial development on the Property as opposed to residential development. The obvious positive financial impact of developing the Property alleviates the need to undertake a detailed analysis of the impact the development would have on the local school district. In general terms, the rezoning will permit the development of the Property with non-residential uses, which will provide the schools with a substantial financial benefit. This zoning will add significant value to the land and will provide the means to provide additional value by way of improvements.

The applicant is pleased to bring forth this application and looks forward to working with the City. Please let me know if you have any questions.

Sincerely,

Aaron L. Underhill

Attorney for the Applicant

L. Elnde 1.00

CANINI-TRUST CORP. SUBAREA 8d ZONING DISTRICT

Information concerning specific Code requirements for rezoning submittal

Per C.O. 1111.03(g), a statement as to how the proposed zoning amendment will impact adjacent and proximate properties.

<u>Response:</u> The proposed zoning amendment will have little impact on adjacent and proximate properties. The property immediately surrounding the subject property is zoned I-PUD allowing office and other uses and OCD and therefore this zoning will permit the property to be developed consistent with the existing development pattern in the area.

Per C.O. 1111.03(i), any deed restrictions, easements, covenants and encumbrances to be imposed to control the use, development and maintenance of the area to be rezoned.

<u>Response</u>: Upon the completion of the zoning for this property and prior to selling the property to any third party, the property will be made subject to a property owners' association.

Per C.O. 1159.07(b)(2)(F) The schedule of site development, construction of structures and associated facilities. Such schedule shall include the proposed use or reuse of existing features such as topography, streets, easements and natural areas.

<u>Response</u>: Development of the site will occur soon after approval of the accompanying rezoning application and a later final development plan.

Per C.O. 1159.07(b)(2)(J) 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 in which anyone who wishes to discharge dredged or fill material into waters of the United States must obtain a Water Quality Certification Permit from the Ohio Environmental Protection Agency. In the case of an isolated wetland either a general state or individual state isolated wetland permit must be obtained from the Ohio Environmental Protection Agency (Sections 6111.021. - 6111.024 of House Bill 231).

<u>Response:</u> The applicant is in the process of studying the Property with respect to this requirement. At the time that an application for a certificate of zoning compliance or an application for a building permit is filed with the City of New Albany, the applicant shall provide evidence of the results of its conclusions in this regard.

Per C.O. 1159.07(b)(2)(K) Verification that an application, if required, has been submitted to the U.S. Army Corps of Engineers, in compliance with Section 404 of the Clean Water Act in which anyone who wishes to discharge dredged or fill material into waters of the United States must obtain either a nationwide or individual permit from the U.S. Army Corps of Engineers.

<u>Response</u>: The applicant is in the process of studying the Property with respect to this requirement. At the time that an application for a certificate of zoning compliance or an application for a building permit is filed with the City of New Albany, the applicant shall provide evidence of the results of its conclusions in this regard.

CANINI-TRUST CORP. SUBAREA 8d

I-PUD TEXT

March 8, 2022

I. Introduction:

This rezoning concerns 2.2+/- acres of real property located to the east/southeast of the intersection of U.S. Route 62/Johnstown Road and Forest Drive. A private road known as Woodcrest Way frames the site on the south and east. The subject property is in an area that has seen significant development of commercial uses such as fuel stations, fast food restaurants, convenience retail and services, and hotels. This application will allow for the development of compatible uses and will facilitate the development and operation of a drive-thru automated car wash.

The Canini-Trust Corp. I-PUD was created in 2006 and was divided into three subareas (8a, 8b, and 8c). This rezoning application will rezone a limited portion of Subarea 8c (2.2+/-acres) to create a new Subarea 8d, leaving remaining acreage in Subarea 8c. The remainder of Subarea 8c will continue to be subject to the standards and requirements of a previously approved zoning text that is applicable thereto.

Unless otherwise specified in the submitted drawings or in this written text, the development standards of Part Eleven, Title Five of the Codified Ordinances of the City of New Albany ("Codified Ordinances") shall apply to Subarea 8d. In the event of a conflict between the standards contained in this text and those which are contained in the Codified Ordinances, this text shall govern. Where this text is silent on any standard, the standard contained in the Codified Ordinances shall be applied.

II. Uses:

- A. Permitted Uses: The following uses shall be permitted in Subarea 8d:
- 1. Permitted uses as provided in Codified Ordinances Section 1149.02, but excluding the following:
 - a. Motor vehicle and/or new and used car sales establishments
 - b. Billboards and other off-premises signs, subject to the regulations of Section 1169.08(e)
 - c. Armory
 - d. Adult bookstore, adult motion picture theater, or adults' only entertainment establishment.
 - e. Carry out food and beverage establishments with drive-thru facilities. To clarify, this prohibited use is intended to include uses such as drive-thru and carry-out beer and wine sales and is not intended to apply to restaurants with drive-thrus.

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- f. Self-service laundries
- g. Commercial recreational facilities such as community and public swimming pools, skating rinks, bowling alleys, physical fitness centers
- h. Commercial radio transmitting or television station and appurtenances
- i. Funeral Parlor
- j. Gasoline service stations, or retail convenience stores selling gasoline as an ancillary activity.
- k. Hotels and Motels
- 2. Drive-through automated car washes and related accessory uses such as, but not limited to, vacuums for cleaning of vehicle interiors and retail sales of automobile accessories and cleaning products (collectively, a "<u>Car Wash Use</u>"). A Car Wash Use shall not include any use which allows an individual to exit the vehicle to manually wash it, but shall allow individuals to exit a vehicle to clean the interiors of cars.

III. Development Standards

A. Lot Commitments:

- 1. <u>Number of Parcels:</u> A maximum of two parcels shall be permitted in this subarea.
- 2. <u>Minimum Parcel Size and Frontage</u>: Each parcel shall be a minimum of 0.75 acres in size and shall have a minimum of 100 feet of frontage on a public street.
- 3. <u>Limitation on Single Retail Users</u>: No single retail user in this Zoning District shall occupy more than 10,000 square feet of gross floor area of a building.
- 4. <u>Lot Coverage</u>: There shall be a maximum lot coverage of 75% in this subarea. Individual parcels may exceed this limitation provided that the overall lot coverage in this subarea does not exceed this percentage.

B. Minimum Setbacks:

- 1. <u>Johnstown Road</u>: There shall be a minimum pavement and building setback of 75 feet from the right-of-way of Johnstown Road (U.S. Route 62).
- 2. <u>Forest Drive</u>: There shall be a minimum pavement and building setback of 15 feet from the right-of-way of Forest Drive.
- 3. <u>Woodcrest Way:</u> There shall be a minimum pavement and building setback of 10 feet from the edge of pavement of the private road known as Woodcrest Way.

4. <u>Interior Boundaries</u>: There shall be no minimum required pavement or building setbacks along internal property boundary lines within this subarea.

C. Access, Loading, Parking and Other Traffic Commitments:

- 1. <u>Vehicular Parking</u>: Vehicular parking for each use shall be provided per Section 1167 of the Codified Ordinances unless otherwise approved as part of a final development plan. In the event that a particular use does not have a parking requirement defined by such section of the Codified Ordinances, the Planning Commission shall review and approve the amount of parking required for that use as part of a final development plan taking into account customary parking ratios for similar uses and/or data from the proposed user in support of the number of spaces being provided.
- 2. <u>Bicycle Parking</u>: Bicycle parking shall be provided on each parcel at the rate of one space per 2,500 square feet of gross building floor area located on that parcel, provided that this requirement shall not apply to a Car Wash Use.
- 3. <u>Vehicular Access</u>: Vehicular access to this subarea shall be provided from Forest Drive and Woodcrest Way. No direct vehicular access to or from the subarea shall be permitted along U.S. Route 62/Johnstown Road. Final locations of access points will be approved as part of a final development plan for each permitted use or approved conditional use in this subarea. At the time of a final development plan application, a traffic analysis may be required, at the discretion of the city traffic engineer, who shall be permitted to waive this requirement.
- 4. <u>Car Wash Circulation:</u> A Car Wash Use shall provide for at least two aisles to cue vehicles for entry into the interior car wash. A third drive aisle shall be provided which allows customers and visitors to bypass the other two drive aisles and exit the property. Where automobile interior vacuum parking spaces are located, at least two means of ingress/egress shall be provided.

5. Pedestrian Access:

- a. A paved leisure trail exists within the right-of-way of U.S. Route 62/Johnstown Road. For a parcel containing a use other than a Car Wash Use, at least one pedestrian connection from the leisure trail to a internal, private site sidewalk located near the building shall be provided in some form, to be reviewed and approved at the time of final development plan. If such connection crosses a parking area it should be striped. A building on a parcel that does not contain a Car Wash Use shall have a concrete sidewalk between each façade and adjacent parking areas.
- b. A 5-foot-wide sidewalk is required to be installed along Forest Drive and Woodcrest Way and connect into the existing leisure trail along US-62/Johnstown Road.

c. <u>Rights-of-Way</u>: No additional rights-of-way shall be required to be dedicated along U.S. Route 62/Johnstown Road or Forest Drive. Private site improvements, such as but not limited to, landscaping, leisure path, and signage shall take into consideration future right-of-way dedication, and existing or future easement locations in order to avoid conflicts associated with such easements and the future right turn lane for turning onto Walton Parkway as contemplated above.

D. Architectural Standards:

- 1. <u>Application of DGRs</u>: Except as otherwise set forth in this text, the City's Design Guidelines and Requirements shall apply to this subarea, provided, however, that deviations from them shall be permitted if approved as part of a separate variance application reviewed by Planning Commission in conjunction with a final development plan application.
- 2. <u>Style</u>: Buildings shall be designed to be seen from 360 degrees with the same caliber of finish on all facades/elevations. Building additions, whether attached or detached, shall be of similar design, materials, and construction. The style of architecture for a Car Wash Use shall be substantially similar to the images and illustrations which are approved as part of the preliminary development plan that accompanies this text.
- 3. <u>Height</u>: The maximum building height (as measured per the Codified Ordinances) shall not exceed 35 feet.
 - 4. <u>Features</u>: The following architectural features shall be required and shall be scaled according to the size of the individual tenant. These features may be scaled to a group of smaller side-by-side tenants when architecturally appropriate:
 - a. Roofs may be sloped or flat, provided that flat roofs utilize a heavy cornice;
 - b. Roof elements that emphasize and reduce the building scale at the building storefront such as, but not limited to, dormers, cupolas, roof spires, and hip and gable roofs;
 - c. Complete screening of all roof-mounted equipment shall be required on all four sides of buildings with materials that are consistent and harmonious with the building's façade and character. Such screening shall be provided in order to screen the equipment from off-site view and to buffer sound generated by such equipment; and
 - d. Complete screening of all ground-mounted mechanical and other equipment at ground level by walls, fencing, or landscaping that is consistent and harmonious with the materials on and character of the nearest primary building shall be required.

- 5. <u>Exterior Elevations</u>: All exterior elevations of each building shall be required to have the following characteristics:
 - a. <u>Consistency of Finish</u>: The same palette of exterior finishes and color shall be used on all sides of a building. Unfinished rear facades of buildings shall be prohibited.
 - b. <u>Exterior Wall Finish</u>: Brick, brick veneer, metal, cementitious products such as Hardiplank or its equivalent, wood, EIFS and composite material may be used as exterior wall finish materials where appropriate. Exterior wall finish materials must be used to complete massing elements. The application of brick or brick veneer to a single building façade is prohibited. Tinted glass shall be permitted, reflective or mirrored glass shall be prohibited.
 - c. <u>Roofs</u>: General roof massing shall incorporate pitched or flat roofs. If a flat roof is used, strong cornice lines must be integrated. Acceptable roof materials include dimensional asphalt shingles, natural and synthetic slate, cedar shake, and standing seam metal.
 - d. <u>Parapets</u>: Parapets shall use a classical cornice with molded shapes made of any of the following durable materials: stone, cast stone, architectural pre-cast concrete, gypsum fiber reinforced concrete, expanded insulation finish system (EIFS), or similar materials.
 - e. <u>Fascias</u>: Roof fascias shall be proportioned to the scale of the roof element and shall employ classical molding details such as crown molding. The same material shall be used for fascias and cornices.
 - f. <u>Gutters and Downspouts</u>: Sloped roofs shall be required to employ gutters and downspouts for drainage. All gutters shall be of a metal type and shall be painted to match fascias.
 - g. <u>Exterior Doors</u>: All exterior doors other than doors whose primary purpose is for the entry or exit of customers shall be made of a heavy gauge metal.
 - h. <u>Prefabricated Buildings:</u> Prefabricated metal buildings, untreated masonry block structures, and buildings featuring an exterior finish entirely of glass are prohibited.
- E. <u>Orientation of Car Wash Bay:</u> The vehicular entry point into a building containing a Car Wash Use shall be located in the rear of the building such that traffic will exit the building through the front.
- F. <u>Operable Doors</u>: For a Car Wash Use only, an operable pedestrian door shall be required to be provided in only one location on a side or rear elevation. For all other uses, an

operable door shall be required on the front elevation and on one side elevation.

- G. <u>Buffering, Landscaping, Open Space and Screening Commitments:</u>
- 1. <u>Street Trees</u>: Deciduous street trees exist along U.S. Route 62/Johnstown Road.
- 2. <u>Fencing</u>: A four-board white horse fence shall be provided along U.S. Route 62/Johnstown Road except where vehicular or pedestrian access points are provided.
- 3. <u>Screening of Parking</u>: Any surface parking areas adjacent to U.S Route 62/Johnstown Road shall be screened from the rights-of-way with a minimum of a 30-inch tall continuous planting hedge, wall or earth mound or any combination of the foregoing. The 30-inch height shall be measured from the adjacent parking area.
- 4. <u>Perimeter Landscape Requirements</u>: Throughout the setback areas along Johnstown Road (U.S. Route 62) and Walton Parkway there shall be a minimum

H. <u>Dumpsters, Lighting, Outdoor Display Areas and Other Environmental</u> Commitments

- 1. <u>Mechanical Equipment</u>: Any external mechanical equipment shall be screened at ground level from all adjacent public streets and from properties which are outside of but adjacent to this subarea with materials that are similar to or the same as used on the majority of the building, or with fencing or landscaping. Complete screening of all roof-mounted equipment shall be required on all four sides of buildings with materials that are consistent and harmonious with the building's façade and character. Such screening shall be provided in order to screen the equipment from off-site view and to buffer sound generated by such equipment. The screening of the mechanical equipment should be coordinated with the rest of the architecture so as to avoid being seen as an "add-on."
- 2. <u>Service Areas and Dumpsters</u>: All service areas (including, without limitation, loading docks) and dumpsters shall be fully screened from all public roads and from adjacent properties located outside of this Zoning District at ground level with walls, fencing, or landscaping. Walls shall be of the same materials used on the building walls and shall be complemented with landscaping. Exterior storage of materials, supplies, equipment, or products is prohibited.

3. Lighting:

a. <u>Parking Lots and Driveways</u>: All parking lot and private driveway lighting shall be cut-off type fixtures and down cast. Lighting along private Canini – Trust Corp. Subarea 8d I-PUD

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drives internal to this subarea (if any) shall be presented for review and approval as part of a final development plan. Light poles within this subarea shall be black or New Albany green and constructed of metal. Parking lot lighting shall not exceed 18 feet in height. Parking lot lighting shall be from a controlled source in order to eliminate light spillage beyond the boundaries of the site.

- b. <u>Ground-Mounted Lighting</u>: Landscape uplighting from a concealed source shall not be permitted. Any ground lighting that is permitted shall be shielded and landscaped.
- c. <u>Prohibited Lighting</u>: No permanent colored lights or neon lights shall be used on the exterior of any building.
- d. <u>Security Lighting</u>: Security lighting, when used, shall be of a motion-sensor type.
- e. <u>Consistent Appearance</u>: Exterior lighting fixtures shall be similar in appearance throughout this subarea. All exterior lighting mounted to a building shall be located on the first floor only. Uplighting of a building is prohibited.
- f. <u>Other Requirements</u>: All other lighting on the site shall be in accordance with the Codified Ordinances.

I. Graphics and Signage Commitments:

- 1. <u>Locations; Master Sign Plan</u>: Locations for ground signs and building signs will be unique to specific users and therefore shall be presented for review and approval as part of a final development plan. An applicant or property owner shall be permitted to submit a master sign plan for the entirety of this subarea with the first final development plan application submittal for this subarea.
- 2. <u>Specifications</u>: Permitted sizes, designs, colors, shapes, and other specifications for ground and building signs shall be consistent with the 2013 Trust Corp Signage Recommendations Plan which was approved by the City in 2013. Any changes to or deviations from that plan shall require the review and approval of the Planning Commission.
- 3. <u>Entry Signs</u>: An identification sign shall be permitted at each vehicular access point into this subarea from a public street in order to identify up to three (3) users within this subarea.

- 4. <u>Illumination</u>: Backlighting of individual letters on wall-mounted signage shall be permitted. Internally illuminated wall-mounted and ground-mounted signage shall be prohibited.
- 5. <u>Prohibited Signs</u>: No signs shall be painted directly on the surface of the building, wall or fence. No wall murals shall be allowed. No roof signs or parapet signs shall be permitted nor shall a sign extend higher than the roof of a building. No flashing, traveling animated or intermittently illuminated signs or banners, tethered balloons or pennants shall be used. Temporary interior window advertisements are prohibited. Gas station pricing signs shall not be permitted to be digital.

The following signs are not permitted as permanent signs: banner or streamers, sidewalk or curb signs (sandwich type), portable displays or mobile signs, gas filled devices, roof-mounted signs, revolving or rotating signs, and neon signs.

- 6. Other Requirements: All signage shall conform to the standards set forth in Section 1169 of the Codified Ordinances, unless otherwise stated above.
- J. <u>Utilities.</u> All new utilities in this subarea shall be installed underground.
- K. Appeals and Variances:

1. Appeals:

- a. <u>Taking of Appeals:</u> Appeals to the Board of Zoning Appeals concerning interpretation or administration of the text or the underlying zoning ordinance by the Zoning Officer or any other administrative official may be taken by any person aggrieved, including a tenant, or by a governmental officer, department, board, or bureau. Such appeal shall be taken within twenty days after the date of the decision by filing a notice of appeal specifying the grounds thereof with the officer from whom the appeal is taken and the Board of Zoning Appeals.
- b. <u>Imminent Peril:</u> An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Officer certifies to the Board of Zoning Appeals, after notice of appeal shall have been filed with them, that by reason of facts stated in the application a stay would, in their opinion, cause imminent peril to life or property. In such case, the proceeding shall not be stayed other than by a restraining order which may, on due cause shown, be granted by the Board of Zoning Appeals, after notice to the Zoning Officer or by judicial proceedings.

- 2. <u>Nature of Variance:</u> On a particular property, extraordinary circumstances may exist making a strict enforcement of the applicable development standards of the PUD portion of this text or the Zoning Ordinance unreasonable and, therefore, the procedure for variance from development standards is provided to allow the flexibility necessary to adapt to changed or unusual conditions, both foreseen and unforeseen, under circumstances which do not ordinarily involve a change of the primary use of the land or structure permitted.
- 3. <u>Variance Process:</u> The procedures and requirements of Chapter 1113, Variances of the Codified Ordinances of the City of New Albany shall be followed in cases of variances. The Planning Commission shall hear requests for variances in this subarea.