

New Albany Planning Commission Agenda

Monday, September 19, 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 the city website at https://newalbanyohio.org/answers/streaming-meetings/

- I. Call To Order
- II. Roll Call
- **III.** Action of Minutes: August 15, 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-82-2022 Rezoning

Request to rezone 8.83 acres located at 6700, 6770, 6800 Central College Road from Agricultural (AG) to Limited Suburban Single-Family Residential District (L-R-4) for an area to be known as the Alden Woods Zoning District to permit a subdivision consisting of nine new single-family lots (PID: 222-001997, 222-001998 and 222-00199).

Applicant: Underhill & Hodge LLC, c/o Aaron Underhill Esq.

Motion of Acceptance of staff reports and related documents into the record for ZC-82-2022.

Motion of approval for application ZC-82-2022 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

CU-101-2022 Conditional Use

Request for a conditional use permit to operate an industrial manufacturing and assembly conditional use to allow the operation of a concrete batch plant located at 8680 Ganton Parkway (PID: 094-107106-00).

Applicant: Underhill & Hodge LLC, c/o Aaron Underhill Esq.

Motion of Acceptance of staff reports and related documents into the record for CU-101-2022.

Motion of approval for application CU-101-2022 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

ZC-102-2022 Rezoning

Request to rezone 509.17 acres located at Johnstown-Utica Road and Beech Road from Agricultural (AG) to Limited General Employment District (L-GE) for an area to be known as the Business and Commerce Zoning District (PIDs: 037-111408-00.000, 037-111408-00.002, 037-111876-00.000, 037-111882-00.000, 037-111648-00.000, 037-111870-00.000, 037-111864-00.000, 037-111408-00.003, 037-111350-00.000, 037-111408-00.004, 037-112740-00.000, 037-111390-00.000, 037-111708-00.001, 037-111708-00.000, 037-112020-00.000, 037-111366-00.000, 037-111876-00.001, 037-112248-00.000, 037-111870-00.001). **Applicant: Underhill & Hodge LLC, c/o Aaron Underhill Esq.**

Motion of Acceptance of staff reports and related documents into the record for ZC-102-2022.

Motion of approval for application ZC-102-2022 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

VAR-103-2022 Variance

Variance request to allow installation of a fence within a drainage easement of the Ebrington Recorded Plat located at 6988 Hanby's Loop (PID: 222-00483600). Applicant: Ryan and Ashely Deal

Motion of Acceptance of staff reports and related documents into the record for VAR-103-2022.

Motion of approval for application VAR-103-2022 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

ZC-105-2022 Rezoning

Request to rezone 18.3 acres located at 12525 Jug Street from Agricultural (AG) to Infill Planned Unit Development (I-PUD) for an area to be known as the Clover Valley Zoning District (PID: 037-112056-00).

Applicant: Underhill & Hodge LLC, c/o Aaron Underhill Esq.

Motion of Acceptance of staff reports and related documents into the record for ZC-105-2022.

Motion of approval for application ZC-105-2022 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

CU-106-2022 Conditional Use

Request for a conditional use permit to operate an industrial manufacturing and assembly conditional use to allow for the operation of a concrete batch plant located at 3210 Horizon Court (PID:095-111759-00).

Applicant: Pepper Construction Company and Lincoln Properties Company

Motion of Acceptance of staff reports and related documents into the record for CU-106-2022.

Motion of approval for application CU-106-2022 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

FPL-109-2022 Preliminary and Final Plat

Preliminary and Final Plat for the dedication of Clover Valley Road, Jug Street Road and Mink Street (PIDs: 095-112188-00.000, 095-112188-00.001, 095-111948-00.000, 095-112080-02.000, 095-112080-00.000, 037-112056-00.001).

Applicant: City of New Albany

Motion of Acceptance of staff reports and related documents into the record for FPL-109-2022.

Motion of approval for application FPL-109-2022 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

FPL-110-2022 Preliminary and Final Plat

Preliminary and Final Plat for the dedication of Clover Valley Road, Harrison Road and Jug Street Road (PIDs: 095-111756-00.000, 095-111732-00.000, 095-112620-00.000, 095-111978-00.000, 095-111732-00.003, 095-112200-00.004, 095-112200-00.000, 095-111564-00.000). Applicant: City of New Albany

Motion of Acceptance of staff reports and related documents into the record for FPL-110-2022.

Motion of approval for application FPL-110-2022 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

VIII. Other Business

Review and recommendation to City Council regarding updates to C.O. Section 1113.11 (regarding waiver criteria).

- 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 7:01 p.m.

Those answering roll call:

Mr. Neil Kirby, Chair	Present
Mr. David Wallace	Present
Mr. Hans Schell	Present
Ms. Sarah Briggs	Present
Mr. Bruce Larsen	Present
Ms. Andrea Wiltrout (Council liaison)	Present

Staff members present: Chelsea Nichols, Planner; Stephen Mayer, Development Services Coordinator; Jay Herskowitz, City Engineer for Mr. Ferris; Benjamin Albrecht, Interim City Attorney; and Josie Taylor, Clerk.

Mr. Kirby asked if there were any corrections to the April 18, 2022, June 6, 2022, and June 20, 2022 minutes.

Mr. Larsen noted that he was not present for the June 6, 2022 meeting but was mistakenly marked as "Present" on the minutes.

Mr. Wallace noted that on page ten (10) of the June 6, 2022 minutes his comment should only state that he referred to the numeral three.

Mr. Kirby noted that during the June 6, 2022 meeting he had mistakenly dropped a decimal place in a mental calculation and the resulting numbers he had stated of "15 to 16" should be noted on the minutes to be "150 to 160," instead. Mr. Kirby also asked that his arrival time on the June 20, 2022 meeting minutes be indicated in the discussion to clarity when he joined the meeting.

Moved by Mr. Wallace to approve the April 18, 2022 and June 20, 2022 meeting minutes as modified by Mr. Kirby's comments regarding his arrival time for the June 20, 2022 meeting minutes, seconded by Mr. Kirby. Upon roll call: Mr. Wallace, yea; Mr. Kirby, yea; Mr. Schell, yea; Mr. Larsen, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

Moved by Mr. Wallace to approve the June 6, 2022 meeting minutes, as modified by the comments of Mr. Larsen, Mr. Wallace, and Mr. Kirby, seconded by Mr. Kirby. Upon roll call: Mr. Wallace, yea; Mr. Kirby, yea; Mr. Schell, yea; Mr. Larsen, abstain. Yea, 3; Nay, 0; Abstain, 1. Motion passed by a 3-0-1 vote.

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

Mr. Mayer stated none from staff.

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

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

FDM-81-2022 Final Development Plan Modification Final development plan modification to allow for a building expansion and site modifications on 2.06 acres located at 5161 Forest Drive (PID: 222-004860). Applicant: Carter Bean Architect LLC, c/o Carter Bean

Ms. Nichols presented the staff report.

Mr. Kirby asked if there were any Engineering comments on this application.

Mr. Herskowitz stated that due to the right-in/right-out trees would need to be relocated and Engineering requested that the applicant coordinate with the City Arborist on that and to ensure that sight distance is not impeded.

Mr. Kirby asked if the applicant wanted to provide comments on this application.

Mr. Carter Bean, Bean Architects, discussed the application and the site. Mr. Bean noted that parking was an issue at the location, with many parking in the drop off lane, due to enrollment almost tripling. Mr. Bean also noted that the roof screening would almost disappear if a lighter color, rather than a darker color, were used for it. Mr. Bean stated a lighter color would help blend more easily into a gray Ohio sky and not draw attention to itself.

Mr. Kirby asked if that meant he was camouflaging the roof screening against the sky rather than the building.

Mr. Bean stated right.

Mr. Kirby asked what lighting effect was simulated on the presentation because lighting would be important as to whether this worked or not. Mr. Kirby asked if the net lighting effect that was simulated here was for a partly cloudy day or if the building and roof shown were lit in the same way.

Mr. Bean stated the two were lit the same.

Mr. Kirby asked if that reflected a sun which created hard or delineated shadows or a cloudy day with softer shadows.

Mr. Bean stated they were pretty distinct shadows. Mr. Bean stated he felt the question was how much of a direct ray versus ambient lighting was being shown.

Mr. Kirby noted he was an amateur photographer and asked what type of day was being modeled. Mr. Kirby noted that while pictures did not lie, pictures could be used to lie.

Mr. Bean stated he was not sure what the settings had been.

Mr. Kirby stated okay.

Mr. Schell asked if once the screening was up its color could be changed.

Mr. Bean stated it could be changed. Mr. Bean stated everything was based on the original building.

Mr. Schell said he had asked about the screening.

Mr. Bean stated no, the screening was pre-finished and what had been used on the original building was an off white or almond color, not white, to mask the brick. Mr. Bean said the brick could not be seen.

Mr. Kirby stated unless one was in the hotel next door.

Mr. Bean stated, yes, or the hotel.

Mr. Larsen asked if the applicant was proposing using the building color for screening.

Mr. Bean stated yes.

Mr. Larsen stated he agreed with Mr. Bean on the lighter color and asked if he was proposing that the screening be the same, or similar, color to the existing building.

Mr. Bean said yes.

Mr. Larsen said that made more sense as it would disappear more.

Mr. Bean stated he would hate to see a dark line across the top of the additions.

Mr. Wallace stated he was skeptical that the parents now parking in the drop off lane would use the extra parking spaces and thought the parking issues might be exacerbated. Mr. Wallace asked why the building would have only a second floor in the new additions, why not have both a first and second floor across the entire, larger building and match the characteristics of the existing building.

Mr. Bean stated that was due to the need for parking.

Mr. Wallace asked if it was only for parking.

Mr. Bean stated yes, having a first floor there would block parking spots and drive aisles.

Mr. Larsen asked if the applicant needed the seven (7) spaces as the text said the current parking was adequate.

Mr. Bean stated yes, they would like the additional spaces.

Mr. Larsen asked if there could be two (2) stories on just one (1) side of the building, hold parking flat from where it is today, and also maintain the current architectural style.

Mr. Bean stated the owner wanted the studios to correlate to the ages of students using that side of the building.

Mr. Larsen stated it was then also about the use of the building.

Mr. Bean stated yes. Mr. Bean said the additions were designed to make the whole look like a repurposed, industrial building.

Mr. Kirby asked what the height under the additions would be.

Mr. Bean stated it would be roughly twelve (12) feet, but the grade climbed up toward the northeast corner, which was also why the right-in/right-out was on the southeast corner, to allow for rescue vehicles if needed. Mr. Carter noted the fire department had been okay with this.

Mr. Kirby stated okay, that was where he was going with his question, as at twelve (12) feet there was a truck hazard. Mr. Kirby asked if it went over the drive aisles.

Mr. Bean yes.

Mr. Kirby asked if clearance markers would be placed anywhere.

Mr. Bean stated they would have signage where vehicles would be inbound from the shared curb cut with the hotel.

Mr. Kirby asked if they would have narrow posts so as to have less intrusion into the parking spaces.

Mr. Bean stated they would have a two (2) foot by two (2) foot concrete base to protect the columns.

Mr. Kirby asked how high up the concrete base went.

Mr. Bean stated thirty (30) inches.

Mr. Wallace asked if the current pictures did not show the wider support structures that were talked about.

Mr. Bean asked if he referred to that recommended by the City Architect.

Mr. Wallace asked if the width was only at the base, not all the way up.

Mr. Bean stated right.

Mr. Wallace asked if originally the columns had been narrow all the way down.

Mr. Bean stated no.

Mr. Kirby asked if staff wanted a post that was wider where it met the floor of the addition.

Mr. Mayer stated it was the steel column itself, not the concrete base or foundation.

Mr. Wallace asked Mr. Mayer to show him.

Mr. Mayer stated that the City Architect had wanted the columns to be doubled or wider and illustrated this on the presentation.

Mr. Wallace asked if the presentation showed what was wanted or what was originally proposed.

Mr. Mayer stated it showed what had been originally proposed.

Mr. Wallace asked what it would look like if this was approved and the applicant agreed with the staff conditions.

Mr. Bean stated it would either have a double column, meaning two (2) columns, or, as an alternative, they could use the two (2) foot by two (2) foot concrete and take it all the way up to support the columns. Mr. Bean stated he did not think that would look as good.

Mr. Wallace stated that a couple of approaches could be taken to satisfy staff's concern.

Mr. Bean stated yes.

Mr. Wallace stated he assumed Mr. Bean would accept staff's condition.

Mr. Bean stated yes, if enforced.

Mr. Kirby stated the larger columns might change the aesthetic and make it look less inviting and more like a parking garage.

Mr. Wallace stated he was not a fan of this.

Mr. Kirby asked if the applicant was going for an open area that would allow better sight and be safe to park.

Mr. Bean stated yes.

Mr. Wallace stated he meant no disrespect, but he felt this was something he had been seeing for a couple of years, people trying to put more stuff on less property. Mr. Wallace stated this was an issue, although he did want to support a successful business.

Mr. Bean stated he understood and noted he had spoken with the owner regarding other properties, but the owner loved this building.

Mr. Wallace stated it was a beautiful building but he was not sure about this.

Mr. Schell stated his daughter had been a student at the school prior to the pandemic and even then, parking was difficult. Mr. Schell said that two (2) stories on both sides would not work well and people would have trouble getting around or parking. Mr. Schell said he also felt that seven (7) more spaces might not be enough going forward and additional parking solutions would be needed.

Mr. Larsen stated there might be other options, such as adding another column that would then be more symmetrical and look more stable or if they did a two (2) story addition on only one side.

Mr. Kirby stated that would intrude into the drive aisle.

Mr. Larsen stated it would not with the additional entrance.

Mr. Bean stated they would lose all of the parking on the eastern end of the building.

Mr. Larsen stated they would lose that area, but could then build it into the treed area shown on the presentation.

Mr. Kirby stated the footprint of the new additions appeared to be eating into part of the drive aisle and a two (2) story design would not permit drivers to get under it.

Mr. Larsen stated he believed his suggestion would create a separate parking area rather than having to drive through the same space.

Mr. Bean stated they would lose eleven (11) spaces.

Mr. Larsen stated they would lose eleven (11) spaces but showed on the presentation screen where twelve (12) spaces could be added and then an additional spot also, so they would still be plus two (2) spaces.

Mr. Bean stated no, there were now proposed an additional seven (7) spaces and that option would lose all of those spaces

Mr. Larsen stated he believed that would lose three (3) spaces, perhaps.

Mr. Bean stated that would be a net loss of five (5) spaces he thought.

Mr. Larsen stated it was hard to get those in there, going to Mr. Wallace's point on this issue.

Mr. Shull stated the report indicated that the two (2) columns looked spindly in comparison to the building and defied the laws of physics. Mr. Shull asked if the building was structurally sound or was it just due to the look of the design.

Mr. Mayer stated it was more of a look and the City Architect felt there should be more columns.

Mr. Kirby asked how far apart the columns were.

Mr. Bean stated roughly 24 feet.

Mr. Kirby stated it was close then to the thirty (30) feet on center industrial buildings normally used.

Mr. Shull asked if the columns, with some type of connection, such as those used on elevated railways in Chicago, could be an alternative that was more substantial while keeping to only one (1) column.

Mr. Bean stated also the door swings for cars.

Mr. Shull stated yes, exactly.

Mr. Mayer stated there were many designs that could be used to address the cantilever.

Mr. Wallace asked if they could add a third floor.

Mr. Bean stated they had discussed that but the footing and columns were not there for a third floor.

Mr. Wallace asked if it could be retrofitted.

Mr. Bean stated it would not be cost effective.

Mr. Wallace stated it was cost prohibitive.

Mr. Carter stated it would also shut down the business.

Mr. Wallace asked what the square footage of the original building was.

Mr. Bean stated 18,756 square feet and then each addition added another 3,000 square feet, so an additional 6,000 square feet.

Mr. Wallace asked what was the square footage of the top floor.

Mr. Bean stated 9,000 square feet. 22 0815 DRAFT PC Minutes Mr. Wallace stated okay.

Mr. Kirby stated one could look at the building and divide it into thirds with each floor then having 3,000 square feet and then two (2) more 3,000 square foot areas on the ends. Mr. Kirby noted he did not have a problem with the architecture.

Mr. Larsen stated he also liked the architecture.

Mr. Bean asked if the PC had seen the architectural justifications.

Ms. Nichols stated that had been included in the packet.

Mr. Larsen stated he struggled with the floating feeling of it.

Mr. Kirby stated that if the column that was near to the existing building could be further out ...

Mr. Larsen stated they might take one column here but added a second here

Mr. Bean asked it that was three (3) columns.

Mr. Kirby asked if three (3) columns were even needed if the existing column on the building line would be pulled and then cantilevered it the same way Mr. Bean was already doing it.

Mr. Bean stated interesting.

Mr. Kirby stated Mr. Bean could then have windows hanging over the edge with two columns in the middle.

Mr. Bean stated that was a good thought.

Mr. Kirby stated they would be symmetric and load bearing.

Mr. Bean stated he liked it.

Mr. Wallace asked which column he was discussing.

Mr. Kirby stated that if one of the columns, which was currently hidden was moved, it would remove the floating feeling.

Mr. Wallace stated he was bothered by there not being a column toward the edge of the building due to the need for the drive aisles.

Mr. Bean stated the columns were the same size, twelve by fourteen (12x14), and they could cantilever in both directions.

Mr. Larsen stated that would work.

Mr. Kirby asked if the columns did not change in size, but changed in visibility, such as if they were not all gray, could they use color alone for visual impact so the columns would be noticeable.

Mr. Mayer stated he would need to defer to the City Architect to determine if color met with the spirit and intent of what he wanted.

Mr. Kirby stated only just a bit of color difference might work. Mr. Kirby asked if the outer columns were flush with the outer edge.

Mr. Bean stated yes.

Mr. Kirby asked if they were not in the shadow of the building and were lit.

Mr. Bean stated yes.

Mr. Kirby stated they were then in full sunlight and only the inner columns would go away.

Ms. Nichols stated that the condition in the staff report was not only to use double columns but also for another design to lessen the building floating and had been left open ended for another solution. Ms. Nichols stated that if the PC wanted another solution it was open to work with the City Architect.

Mr. Larsen stated he was concerned if might be too open ended the way it was worded and he would not be comfortable. Mr. Larsen stated he preferred Mr. Kirby's suggestion.

Mr. Wallace stated he felt the approval should have fairly specific guidelines for where the PC thought the design should go.

Mr. Kirby asked Mr. Schell how he felt about moving the columns out.

Mr. Schell stated he was okay with that. Mr. Schell stated he felt this was a good way to help keep a successful business in New Albany.

Mr. Kirby asked PC members their opinions on the building screening colors.

Mr. Larsen stated he preferred a lighter color, such as the applicant had suggested, a light gray.

Mr. Kirby asked if others had comments on the color of the screening for the rooftop mechanicals.

Mr. Wallace stated none, only to make sure to add that the approval of staff or City Architect is added to any condition.

Mr. Kirby asked the applicant if he would prefer the PC vote or table this matter.

Mr. Bean asked if he could hear what the conditions were being revised to be.

Mr. Kirby stated the screening would be a lighter color subject to staff approval, the two (2) story design would bring out the inner columns to make a balanced pair of columns that were visible and would be subject to the approval of the City's Architect. Mr. Kirby asked what would happen if the City and the applicant could not agree.

Mr. Mayer stated it would go back before the PC.

Mr. Kirby stated okay.

Mr. Shell asked if there were two (2) other conditions.

Mr. Kirby noted those were part of the engineering comments, which was then the third condition. Mr. Kirby asked if the applicant had any problems with the Engineering comments.

Moved by Mr. Kirby to accept the staff reports and related documents into the record for FDM-81-2022, seconded by Mr. Larsen. Upon roll call: Mr. Kirby, yea; Mr. Larsen, yea; Mr. Schell, yea; Mr. Wallace, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

Moved by Mr. Kirby to approve FDM-81-2022 based on the findings in the staff report with the conditions listed in the staff report as modified by the following three conditions: 1. Screening of the roof top mechanicals will be in a lighter color subject to staff approval (which includes the approval of the City Architect);

2. The inner columns under the additions would be brought out to be even so there would be a balance of the columns that were roughly one window in on each side, subject to staff approval (which includes the approval of the City Architect);

3. Applicant shall comply with engineering comments in the staff report,

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

Mr. Wallace stated he voted no because this was another case where too much was being done on a property which required the PC to sacrifice good design for functional purposes.

Mr. Bean stated the applicant that was listed on the staff report was wrong and he wanted to note that.

Ms. Nichols stated thank you.

Other Business

Mr. Kirby asked if there was any other business.

Mr. Mayer stated no. Mr. Mayer introduced Ms. Nichols as a new City Planner to the PC.

Poll Members for Comment

(No response.)

Mr. Kirby adjourned the meeting at 7:58 p.m.

Submitted by Josie Taylor.

APPENDIX



Planning Commission Staff Report August 15, 2022 Meeting

NEW ALBANY BALLET FINAL DEVELOPMENT PLAN MODIFICATION

LOCATION:	5161 Forest Drive (PID: 222-000347).
APPLICANT:	J. Carter Bean Architect LLC
REQUEST:	Final development plan modification to allow for a building expansion and site
	modifications on 2.06 acres.
ZONING:	Infill Planned Unit Development (I-PUD) Canini Trust Corp subarea 8a
STRATEGIC PLAN:	Neighborhood Retail District
APPLICATION:	FDM-81-2022

Review based on: Application materials received on July 18, 2022 and August 1, 2022

Staff report prepared by Chelsea Nichols, Planner

I. REQUEST AND BACKGROUND

The applicant requests review and approval of a final development plan modification to allow for a 6,636 square foot expansion to the New Albany Ballet Company. The site is located within Subarea 8a of the Canini-Trust Corp I-PUD. The Planning Commission reviewed and approved the final development plan for this site at their July 20, 2015 meeting (FDP-43-2015).

II. SITE DESCRIPTION

The site encompasses approximately 2.06 acres located south of the Marriott Hotel, and generally east of Dairy Queen. The land also includes an existing retention basin for stormwater which was improved as part of the Woodcrest Way extension construction.

III. EVALUATION

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

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

- (a) That the proposed development is consistent in all respects with the purpose, intent and applicable standards of the Zoning Code;
- (b) That the proposed development is in general conformity with the Strategic Plan/Rocky Fork-Blacklick Accord or portion thereof as it may apply;
- (c) That the proposed development advances the general welfare of the Municipality;
- (d) That the benefits, improved arrangement and design of the proposed development justify the deviation from standard development requirements included in the Zoning Ordinance;
- (e) Various types of land or building proposed in the project;

- (f) Where applicable, the relationship of buildings and structures to each other and to such other facilities as are appropriate with regard to land area; proposed density may not violate any contractual agreement contained in any utility contract then in effect;
- (g) Traffic and circulation systems within the proposed project as well as its appropriateness to existing facilities in the surrounding area;
- (h) Building heights of all structures with regard to their visual impact on adjacent facilities;
- (i) Front, side and rear yard definitions and uses where they occur at the development periphery;
- (j) Gross commercial building area;
- (k) Area ratios and designation of the land surfaces to which they apply;
- (1) Spaces between buildings and open areas;
- (m) Width of streets in the project;
- (n) Setbacks from streets;
- (*o*) *Off-street parking and loading standards;*
- (p) The order in which development will likely proceed in complex, multi-use, multi- phase developments;
- (q) The potential impact of the proposed plan on the student population of the local school district(s);
- (r) The Ohio Environmental Protection Agency's 401 permit, and/or isolated wetland permit (if required);
- (s) The U.S. Army Corps of Engineers 404 permit, or nationwide permit (if required).

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

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

Engage New Albany Strategic Plan Recommendations

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

1. Parking areas should promote pedestrians by including walkways and landscaping to enhance visual aspects of the development.

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

A. Use, Site and Layout

- 1. The site contains an existing 18,256 square foot ballet studio. Access to the site is from Forest Drive and Woodcrest Way. The building's primary façade faces south to a private drive.
- 2. The proposal includes an approximate 6,000 square foot expansion to the building, installation of 7 new parking spaces, and the creation of one new right-in curb-cut.
- 3. The proposed setbacks on the site plan are what exists today and they will remain unchanged with the exception of the pavement being added for the new curb-cut.

B. Access, Loading, Parking

Parking

- 1. <u>A ballet dance studio is not included in the city's parking code schedule of uses</u>. Therefore, per <u>C.O. 1167.05(f) the Planning Commission shall determine the number of parking spaces required</u> for any use not mentioned in this section for properties located outside of the Village Center area.
- 2. The existing site includes 58 parking spaces (56 total with 2 loading spaces). The Planning Commission previously approved this based upon the studio owner's experience in her previous facility and the operational aspect of this use.
- 3. At the time of the original final development plan approval, there had been around 600 students. At the height of operation, there had been less than 18 employees. The number of students had been expected to grow by 150-200 students.
- 4. Over the past two years, enrollment for the facility has more than doubled. Even with the larger numbers, the amount of existing parking spaces has been sufficient, according to the applicant. However, the applicant stated that due to vehicles queuing in the drop-off area rather than utilizing parking spaces, backups sometimes occur, which disrupts circulation.
- 5. To resolve this circulation issue, the applicant is proposing to remove the drop-off area and replace it with 12 new, head-in parking spaces. This, in conjunction with the reconfiguring of parking fields on the east and west ends of the building, will result in a net gain of 7 parking spaces. Staff is supportive of the request to add parking as the facility will need additional spaces once the drop-off area is removed since patrons of the site utilized the existing drop-off area as parking rather than for its original intent.

Circulation

- 1. The building is centered on the north side of the site and surrounded by the parking lot, followed by the retention pond to the south. The parking area to the west of the building, along Forest Drive, currently has a dead end.
- 2. The site is currently accessed from two entry drives; a shared curb-cut with the Marriott off of Forest Drive and a curb-cut off of Woodcrest Way. The current request includes the installation of an additional curb cut. The applicant proposes a new right-out curb-cut on Forest Drive to create a more direct path of circulation through the site from west to east. The (two) existing curb-cuts shall remain unchanged. The City's traffic engineer reviewed site circulation and has no issues. However, they have asked that the applicant provide site distance triangles at the proposed curb cut to ensure motorist view is not obstructed.

C. <u>Architectural Standards</u>

1. The original intent of the building design is to appear as a repurposed warehouse. The existing structure incorporates white brick as the primary material, with a cast stone base. The overall

height of the building is 32.5 feet. The existing building features four-sided architecture to provide visual interest to all sides of the building. The existing building uses a variety of techniques to break up the overall mass of the building and provide visual interest to the façade via decorative pilasters and traditional brick corbeling.

- 2. The proposed additions, one on each end, are approximately 39.5' x 88' for a total of 3,318 square feet apiece. This would add approximately 6,636 square feet to the existing 18,256 square foot building.
- 3. As required by the zoning text, the architect has submitted a letter explaining the significant architectural features of the proposed additions to the building. For the additions, the applicant is proposing to expand upon the detailing of the modern entry element of the building. To be consistent with the original building, the proposed roofs would be flat with straight parapets. The material is to be steel and fiber cement panel with trim details. Most of the addition is solid due to the interior use of the space. The applicant intends to pattern the end walls using fiber cement paneling and trim, which are the primary finish materials for the additions. For the window, fenestration, the applicant proposes to use an aluminum storefront system with muntins to match the existing.
- 4. As proposed, the application meets the Architectural Standards in section 8a.03 of the zoning text, with the exception of 8a.03(1) (Architectural Style) which requires styles to be based on traditional American styles including Georgian, Colonial, Federal and Classical Revival, Barn, or Vernacular forms that reinforce a common historic architectural vocabulary, <u>unless otherwise approved by the Planning Commission.</u>
 - a) The city architect states Industrial architecture is an American style of architecture, but one that is not specifically noted in the guidelines due to its nearly inclusive urban locations. The city architect is supportive of the industrial design. He notes that if an addition cannot be indistinguishable from the original, then creating a completely different (but complementary) aesthetic is the proper move. A more rigid industrial aesthetic is definitely complementary to a warehouse type of structure, and suits the addition well.
- 5. <u>Each wing addition is held up by 8 steel columns.</u> The applicant states the narrow columns are purposefully designed in such a way that it would allow for the additions to look like they are "floating".
 - a) The city architect states that the columns holding up the second story additions look spindly relative to the big mass of the floating second floor. The visual mass of a secondfloor industrial addition appearing as if it defines the laws of physics is something that seems untraditional.
 - b) The city architect recommends that the steel columns be enlarged or the use of double columns be incorporated to offset the floating appearance. He suggests the new columns align with the existing columns and be placed 16" center-to-center to create a comfortable distance and visual separation between the two. He believes this would still allow the intended concept of a second story repurposed industrial warehouse design.
- 6. Staff recommends a condition of approval requiring <u>the use of double columns</u> or another design to lessen the appearance of the building "floating" subject to the city architect approval.
- 7. New rooftop mechanical equipment on the additions will be screened by louvered metal panels painted to match the color of the brick on the existing building and attached to the rooftop units so there are no roof penetrations. Should the Planning Commission approve the application, staff recommends a condition of approval that the screening for the new rooftop mechanical equipment on the additions be painted to match the color used for the building additions as opposed to the color of the brick on the existing building.

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

1. Per zoning text 8c.04(4)(a) parking lots shall be screened from rights-of-way within a minimum 36-inch-high evergreen landscape hedge or wall. The landscape plan shows a 36" shrub to screen

the parking lot from all the public and private roads adjacent to the site. While the installation of the new curb-cut will require an adjustment of the existing junipers, this standard will still be met with the new landscape plan.

- 2. Codified Ordinance 1171.06(a)(3) requires one tree per 10 parking spaces. There are 58 parking spaces provided, thereby requiring six trees. The PUD zoning text 8c.04(6) requires these trees be at least 2.5 inches in caliper at installation. The originally approved plan included 6 parking lot trees. While 3 existing trees are proposed to be relocated as part of this proposal, this does not change the number of parking lot trees on the plan. This standard will still be met with the new landscape plan.
- 3. With the exception of the removal of one street tree, which will not cause the landscape plan to be deficient, all other areas of the landscape plan remain unchanged and all aspects of Codified Ordinance 1171.05 are to be met.

E. Lighting & Signage

- 1. The proposal does not include new signage.
- 2. The existing site includes standard gooseneck light fixtures within the parking area. As required by the zoning text, the light fixtures do not exceed 20 feet in height. The light fixtures are a cutoff light fixture and consistent with neighboring properties.
- 3. The applicant proposes light fixtures on the new additions and has submitted a photometric plan which shows lighting levels are at or near zero at the property lines. The new light fixtures are cans beneath the additions, which shine directly down and do not trespass.

G. Other Considerations

IV. ENGINEER'S COMMENTS

The City Engineer has reviewed the referenced plan in accordance with the engineering related requirements of Code Section 1159.07 and provided the following comment(s):

- 1. Provide site distance triangles at the proposed RI/RO curb cut. Please ensure that motorist view is not obstructed.
- 2. Coordinate tree removal and relocations with the City Arborist.
- 3. The City's Traffic Engineer reviewed site circulation and has no issues.
- 4. We will evaluate construction details related to the proposed RI/RO curb cut and ADA requirements once detailed construction plans become available.

The engineering comments can also be found under a separate cover from the consulting City Engineer, E.P. Ferris & Associates.

VI. RECOMMENDATION

Staff recommends approval of the application as proposed. The development plan modification is consistent with the purpose, intent and standards of the zoning code and applicable I-PUD development text (Subarea 8a of the Canini-Trust Corp). The use is not changing and is appropriate for the site. While industrial architecture is not specifically noted in the guidelines due to its nearly inclusive urban locations, it is an American style of architecture. The existing building is very successfully designed warehouse and incorporates white brick as the primary material, with a cast stone base. The use of steel and glass for this expansion is complementary and appropriate given the architectural style. While this design is a clear departure from the norm, the city architect comments that the final design respects the existing structure while creating a unique vocabulary, and this should be a very positive thing for New Albany. Architectural Standards in section 8a.03 of the zoning text calls out the importance of historically accurate design. Based on the comments of the city architect, staff recommends lessening the visual weight of the entire second floor floating in space by adding or modifying the columns supporting the addition to ensure

the repurposed industrial warehouse design intent is accomplished.

VII. ACTION

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

Move to approve final development plan application **FDM-81-2022** with the following conditions:

- 1. That the screening for the new rooftop mechanical equipment on the additions be painted to match the color to be used for the building additions as opposed to the color of the brick on the existing building.
- 2. The use of double columns or another design to lessen the appearance of the building "floating" is required, subject to the city architect approval.

Approximate Site Location:



Source: Google Earth



Planning Commission Staff Report September 19, 2022 Meeting

ALDEN WOODS ZONING DISTRICT ZONING AMENDMENT

LOCATION:	6700, 6770, 6800 Central College Road (PID: 222-001997, 222-
	001998 and 222-00199).
APPLICANT:	Underhill & Hodge LLC, c/o Aaron Underhill, Esq.
REQUEST:	Zoning Amendment
ZONING:	Agricultural (AG) to Limited Suburban Single-Family Residential
	District (L-R-4)
STRATEGIC PLAN:	Residential District
APPLICATION:	ZC-82-2022

Review based on: Application materials received on August 9, 2022 *Staff report completed by Chelsea Nichols, Planner.*

I. REQUEST AND BACKGROUND

The applicant requests review and recommendation to city Council to rezone 8.83+/- acres from Agricultural (AG) to Limited Suburban Single-Family Residential District (L-R-4). The proposed zoning will permit the creation of a new residential subdivision consisting of nine (9) single family lots. The zoning area will be known as the "Alden Woods Zoning District."

On August 18, 2022, the Rocky-Fork Blacklick Accord Panel recommended approval of the application. The application met 93% of the Accord Town Residential land use district development standards. The associated rezoning is scheduled to be heard by City Council as an ordinance with an anticipated first reading on October 4th and second reading on October 18th.

Chapter 1160 of the city's Codified Ordinances (Limited Overlay District) was established to address situations where the underlying straight zoning district is overly broad in terms of permitted or conditional uses or where increasing one or more of the minimum development standards or adding conditions for items not covered in the underlying zoning would be appropriate. The use of this district, which is voluntary on the part of the applicant, is designed to address situations where special circumstances or conditions exist as to a particular parcel of land that do not generally apply to other parcels within the same underlying zoning districts. The intent is to provide an alternative to a Planned Unit Development District where the applicant is seeking to limit the uses or increase the minimum development standards as set forth in code. All standards of the underlying zoning district shall be applicable unless specifically superseded by the Limited Overlay District text contained within the ordinance establishing such a zoning district for any particular real estate parcel within the city.

II. SITE DESCRIPTION & USE

The 8.83+/- acre zoning area is located in Franklin County and is made up of three properties. Each lot contains a single-family home. The site is located on the north side of Central College Road. The site is located generally east of New Albany Condit Road, generally west of the Wentworth Crossing subdivision, and generally south of the Courtyards at New Albany subdivision.

III. PLAN REVIEW

Planning Commission's review authority of the zoning amendment application is found under C.O. Chapters 1107.02 and 1160.02. 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, proposed zoning text, and the codified ordinances. Primary concerns and issues have been indicated below, with needed action or recommended action in <u>underlined text</u>.

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

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

A. Engage New Albany Strategic Plan

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

- Organically shaped stormwater management ponds and areas should be incorporated into the overall design as natural features and assets to the community.
- Houses should front onto public open spaces and not back onto public parks or roads.
- All or adequate amounts of open space and parkland is strongly encouraged to be provided on-site.
- A hierarchy of open spaces is encouraged. Each development should have at least one open space located near the center of the development. Typically, neighborhood parks range from a half an acre to 5 acres. Multiple greens may be necessary in large developments to provide centrally located greens.
- Adequate amounts of open space and parkland are encouraged to be provided on site.
- Rear or side loaded garages are encouraged. When a garage faces the street, the front façade of the garage should be set back from the front facade of the house.
- Any proposed residential development outside of the Village Center shall have a base density of 1 dwelling unit per gross acre in order to preserve and protect the community's natural resources and support the overall land conservation goals of the community. A transfer of residential density can be used to achieve a gross density of 1 dwelling unit per acre.
- Private streets are at odds with many of the community's planning principles such as: interconnectivity, a hierarchy of street typologies and a connected community. To achieve these principles, streets within residential developments must be public.

The Engage New Albany Strategic Plan recommends the following standards as prerequisites for all development proposals in New Albany:

- Development should meet setback recommendations contained in strategic plan.
- Streets must be public and not gated. Cul-de-sacs are strongly discouraged.
- Parks and open spaces should be provided, publicly dedicated and meet the quantity requirements established in the city's subdivision regulations (i.e. 20% gross open space and 2,400 sf of parkland dedication for each lot).
 - All or adequate amounts of open space and parkland is strongly encouraged to be provided on-site. If it cannot be provided on-site, purchasing and publicly dedicating land to expand the Rocky Fork Metro Park or park space for the Joint Parks District is an acceptable alternative.

- The New Albany Design Guidelines & Requirements for residential development must be met.
- Quality streetscape elements, including an amenity zone, street trees, and sidewalks or leisure trails, and should be provided on both sides of all public streets.
- Homes should front streets, parks and open spaces.
- A residential density of 1 dwelling unit (du) per acre is required for single-family residential and a density of 3 du per acre for age restricted housing.
 - Higher density may be allowed if additional land is purchased and deed restricted. This type of density "offset" ensures that the gross density of the community will not be greater than 1 unit per acre. Any land purchased for use as an offset, should be within the NAPLS district or within the metro park zone.

B. Use, Site and Layout

- The proposed zoning text is Limited Suburban Single-Family Residential District (L-R-4) that will permit the development of a new 9 lot residential subdivision.
- 2. The Engage New Albany Strategic Plan Residential land use district states that the gross density is 1 dwelling unit per acre and up to 3 units per acre if the development is 100% age restricted.
 - The applicant proposes a maximum of 9 units on 8.83 acres (gross acreage before right-of-way dedications) resulting in a density of 1.02 units per acre.
- 3. The applicant proposes to offset their density by paying a fee-in-lieu to the city towards land acquisition within the Metro Park Growth Area in the amount of \$6,800 (\$40,000 fee payment per acre as proposed) which will be reviewed by City Council.
- 4. A school impact statement was submitted with the application. The applicant uses a 0.8 student-per-home ratio for traditional single-family units. The existing homes on the subject property can be expected to house 2 students (3 existing homes x 0.8 students = 2.4 total students). The total number of students estimated to be generated with the proposed subdivision is 7 (9 homes x 0.8 = 7.2 total students). Based on this estimation, the applicant projects that this development will have a net positive financial impact on the school district.
- 5. The zoning district is made up of one subarea and permits uses contained in the Codified Ordinances of the City of New Albany, R-4, Permitted uses include but are not limited to the following:
 - One-family, detached single-family homes;
 - Publicly owned and privately-maintained parks, playgrounds and open spaces;
 - Religious exercise facilities and related uses; and
 - Any use or structure specified as an accessory use in the R-1 District.
- 6. Conditional uses include:
 - Golf courses and/or country clubs, provided a development plan showing location of all facilities is submitted and approved by the Planning Commission;
 - Privately-owned parks and recreation areas;
 - Public schools offering general educational courses and having no rooms regularly used for housing or sleeping of students, providing they occupy an amount of acreage that meets or exceeds state standards; and
- 7. Residential model homes and temporary lot sales offices. These are newlyconstructed homes or temporary structures placed in a newly-constructed subdivision and used by a homebuilder or developer to display home styles and lot availability in a subdivision to promote the sale of new housing units. The model home or sales office may be staffed and furnished. The zoning text states that development of property in this zoning district must follow the setback, lot and area regulations contained within Chapter 1133 (R-4 District) and other applicable requirements of the Codified Ordinances of the City of New Albany.
- 8. The Engage New Albany Strategic Plan identifies Central College Road as a "Village Traditional" roadway and recommends a 185-foot setback. The applicant is meeting and exceeding this recommendation by providing a minimum pavement (other than the new

public street to be constructed) and building setback of 200 feet as measured from the northern edge of the right-of-way for Central College Road. The existing leisure trail shall remain within this setback. Stormwater basins, landscaping, and an entry features/subdivision signage shall be permitted within this setback and is to be determined at the time of the Final Plat. Homes shall not be permitted to back on Central College Road.

C. Access, Loading, Parking

- 1. A curbed public street shall be constructed northward into the development from Central College Road and shall have a loop configuration. The final plat for the subdivision shall provide for the dedication to the City of 50 feet of right-of-way to provide for the future extension of the new public street westward from the loop street to the western boundary line of this proposed subdivision.
- 2. The developer of this zoning district shall be required to construct the extension for a distance of 10 feet from the western edge of pavement of the loop street. A sign shall be installed at the end of this 10-foot stub which indicates that it may be extended in the future as a through street. The design of such signage shall be subject to staff approval.
- 3. The text requires all internal streets to be dedicated as public streets and built to city standards. The right-of-way for these internal streets are required to 50 feet with 26-foot pavement widths, measured from front of curb to front of curb. These requirements match those found in the city's subdivision regulations.
- 4. The text requires the developer to dedicate 40 feet of right-of-way from the centerline of Central College Road.
- 5. The text requires a 5-foot-wide public sidewalk to be constructed along internal streets as shown on the proposed site plan.
- 6. The text requires all homes to have a minimum of 2 off street parking spaces on their driveways in addition to parking within a garage and permits on street parking as well.

D. Architectural Standards

- 1. The New Albany Design Guidelines and Requirements (DGRs) ensure neighborhoods will sustain their quality and vibrancy over time. These guidelines have been developed by New Albany to ensure that the community enjoys the highest possible quality of architectural design that has made the community successful thus far. The text states that the design of each home in this zoning district shall be specific to the individual owner and/or builder, provided that all homes shall meet the relevant requirements of the city's Design Guidelines and Requirements (DGRs).
- 2. The material to be used are those listed as approved in the DGRs by right, such as wood and brick. Hardie board material is permitted only if approved separately by the New Albany Architectural Review Board.
- 3. The homes to be constructed on Lot 1 and Lot 9 shall be designed to incorporate one or more unifying architectural elements in order to create a sense of arrival to the neighborhood. If city staff and the applicant are unable to agree on the final unifying design element(s) for the homes on Lots1 and Lot 9, the applicant and/or city staff shall be permitted to present design options to the Planning Commission for administrative review and approval.

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

1. The zoning text states that a buffer zone shall be provided for a distance of 30 feet from all perimeter boundaries of the site which are not adjacent to Central College Road. The text states street trees shall be required on the north side of Central College Road and on both sides of the new internal public street. Trees are to be a minimum of three (3) inches in caliper and shall be spaced at a maximum distance of thirty (30) feet on center on the new public street. In addition to street trees, there shall be landscaping buffer provided at the rate of four (4) trees per one hundred (100) linear feet along Central College Road.

2.

- 3. Trees shall also be provided in Open Space Area A around the pond that will be located in that reserve at the rate of four (4) trees per one hundred (100) linear feet of pond perimeter. Trees may be grouped, provided that the minimum quantity requirements are met. These requirements may be waived in areas where existing trees are being preserved. All tree plantings shall be reviewed for approval by the city's Landscape Architect.
- 4. The Engage New Albany Strategic Plan requires all homes to be accessed from a public road and not back onto open space and reserve areas. The proposed site plan demonstrates this requirement, meeting this important development standard.
- 5. The strategic plan states that a hierarchy of open spaces is encouraged, that each development should have at least one open space located near the center of the development. The applicant is providing three reserve areas that will consist of either open space or parkland. Reserve area C will be located in the center of the development
- 6. C.O. 1187.15(c)(6) requires all residences to be located within 1,200 feet of playground equipment. The applicant has committed to including playground equipment within Reserve C.
- 7. New Albany's Codified Ordinance requires that 2,400 square feet per home be dedicated as park land and 20% of the total acreage in the subdivision shall be dedicated as open space. For this development the total required park land and open space is 2.26 acres. As mentioned above, the applicant is providing three reserve areas that will consist of either open space or parkland, totaling 2.39 acres. Per C.O. 1187.16 wet and dry stormwater basins shall not be considered open space. The proposed amounts meet the Codified Ordinance requirements and the applicant is exceeding the required amount of open space dedication.
- The text states that a buffer zone shall be provided for a distance of 30 feet from all 8. perimeter boundaries of the site which are not adjacent to Central College Road. Within the buffer zones, existing trees of one caliper inch or more in diameter as measured three feet above grade shall be maintained. No structures, pavement, patios, decks, pools, playsets, or other permanent improvements shall be permitted in the buffer zone, except a fence along rear lot lines may be permitted in accordance with the Codified Ordinances. Understory may be removed within the tree preservation and such area may be grassed or remain in its natural condition. In addition, a tree preservation plan accompanies this text and identifies trees within other portions of the development that will be preserved and not removed. Notwithstanding the foregoing, trees within the buffer zone or which are designated as being protected in the tree preservation plan may be trimmed, cut, or removed if they are diseased, dead, or of a noxious species or if they present a threat of danger to persons or property. The installation, operation and maintenance of utility and drainage facilities for the development shall be permitted. Such maintenance within said buffer areas shall occur only in easement areas designated on the plat unless otherwise approved by the city engineer. The owner of each lot shall maintain the portion of the buffer area that falls within the limits of their lots.

F. Lighting & Signage

- 1. The text states each house shall have a minimum of one (1) approved yard light near the sidewalk at the front entry and one wall mounted porch light at the front door. Lamp locations shall be consistent from house to house. All yard lights shall have a photocell light sensor. Security lighting, when used, shall be of a motion sensor type.
- 2. An entry feature/subdivision signage shall be permitted within this setback and is to be determined by staff as part of the subdivision infrastructure improvements (engineering plans). A sign shall be installed at the end of this 10-foot stub which indicates that it may be extended in the future as a through street. The design of such signage shall be subject to staff approval.

IV. ENGINEER'S COMMENTS

The city Engineer has reviewed the referenced plan in accordance with the engineering related requirements of Code Section 1159.07(b)(3) and provided the following comments. Staff

- 1. Revise the plan to show a 40' r/w dedication as measured from the road centerline along Central College Road (note: this item has been satisfied since the engineering comment was issued to the applicant).
- 2. In accordance with Code Section 1159.07(2), Sections J. and K., provide verification that all Ohio EPA and Army Corps of Engineers permitting requirements have been met.
- **3.** Conduct an AutoTURN analysis to ensure that all of the turning radii are sufficiently sized for firetruck maneuvers.
- 4. Provide drainage easements that encompass Open Space A and all proposed storm sewer that lies outside of proposed r/w.
- 5. Ensure that proposed landscape features at the intersection with Central College Road do not impact Intersection site distance.
- 6. We recommend that the plan be revised to make it clearer that existing trees shall be conserved along the west, north and east subdivision boundaries.

V. RECOMMENDATION

Basis for Approval:

Staff recommends approval of the proposed rezoning application. The proposed use is appropriate for this location within the city as it is located in the Engage New Albany Residential future land use district and is sensitive to the existing rural character of this portion of the city along Central College Road. The proposed use is appropriate for this location within the city as it is sensitive to the existing character of this portion of the city. The street network, setbacks, open space and layout are desirable from a site planning perspective. The applicant meets many of the planning principles that are important to the city of New Albany including not backing homes onto open space, and maintaining the rural character of existing roadways. Additionally, the application includes many of the same development standards that have made more recent subdivisions successful including providing meaningful open space and pedestrian connectivity. While the applicant exceeds the density by proposing 1.02 units per acre, they are providing many other positive elements that meet the plan's key principles, strategies, general development standards, and district development standards. In addition, the applicant has proposed making the fee-in-lieu payment for the density offset that will be reviewed by New Albany city council.

The proposed rezoning accomplishes the following city code considerations found in C.O. 1111.06:

- 1. The zoning amendment will result in a more comprehensive planned redevelopment of the area and will ensure compatibility between uses in the immediate area (1111.06(a)).
- 2. The proposed zoning classification is consistent with other adjacent zoning districts (1111.06(b)).
- 3. The zoning amendment application is an appropriate application for the request (1111.06(e)).
- 4. The overall effect of the development advances and benefits the general welfare of the community (1111.06(f)).

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

VI. ACTION Suggested Motion for ZC-15-2021:

To recommend approval to city council of zoning amendment application ZC-82-2021 based on the findings in the staff report with the following condition.

1. The city engineer comments must be addressed at the time of engineering permits, subject to staff approval.

Approximate Site Location:





401.60-140 August 4, 2022

To: Christopher Christian Planner

From: Matt Ferris, P.E., P.S., City Engineer By: Jay M. Herskowitz, P.E., BCEE Re: Alden Woods Subdivision Prelim. Development Plan

We reviewed the referenced submittal in accordance with Code Section 1159.07 (2). Our review comments are as follows:

- 1) Revise the plan to show a 40' r/w dedication as measured from the road centerline along Central College Road.
- 2) In accordance with Code Section 1159.07(2), Sections J. and K., provide verification that all Ohio EPA and Army Corps of Engineers permitting requirements have been met.
- Conduct an AutoTURN analysis to ensure that all of the turning radii are sufficiently sized for firetruck maneuvers.
- 4) Provide drainage easements that encompass Open Space A and all proposed storm sewer that lies outside of proposed r/w.
- 5) Ensure that proposed landscape features at the intersection with Central College Road do not impact Intersection site distance.
- 6) We recommend that the plan be revised to make it clearer that existing trees shall be conserved along the west, north and east subdivision boundaries.

MEF/JH

CC: Chelsea Nichols, Planner Dave Samuelson, P.E., Traffic Engineer





Permit #	
Board	
Mtg. Date	



Community Development Planning Application

	Site Address 6700, 6770 and 6800 Central College Road, New Albany, OH 43054				
	Parcel Numbers 222-001997, 222-001998 and 222-001999				
	Acres 8.83 +/- Acres # of lots created				
Project Information	Choose Application Type Appeal Certificate of Appropriateness Conditional Use Development Plan Plat Lot Changes Minor Commercial Subdivision Vacation Variance Extension Request XZoning	Preliminary Preliminary Combination Easement Amendment (re to rezone the s sisting of nine (Final Final Split ezoning)	Il Details that Comprehens Adjustment Street Text Modifie Derty from AG amily homes.	ive Amendment
Contacts	Property Owner's Name: Central Address: P.O. Box 1063 City, State, Zip: New Albany, OH 4 Phone number: Email: Applicant's Name: Central Address: Underhill & Hodge City, State, Zip: New Albany, OH 43054 Phone number: 614.335.9320 Email:	13054 College Develo LLC, 8000 Wa	poment LLC	Fax: C, c/o Aaron L ay, Suite 260	Underhill, Esq.
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. By: Signature of Owner Signature of Applicant By: Aaron L. Underhill, Attorney for Oxfner Aaron L. Underhill, Attorney for Applicant Date: The Date: The Date:				

STATEMENT IN SUPPORT OF REZONING

APPLICATION FOR ALDEN WOODS (L-R-

4 DISTRICT)

Codified Ordinances Section 1111.03(c) - Written statement of the existing use and zoning district.

The subject property consists of 8.54+/- acres contained on three parcels. These parcels each contain older homes that are reflective of the rural character of the area at the time when they were constructed. The site is presently zoned AG, Agricultural.

Codified Ordinances Section 1111.03(d) - Written statement of the proposed use and zoning district.

The proposed rezoning will accommodate the development of small singlefamily residential subdivision consisting of homes anticipated to be valued at \$1.2 million or more on average. Using the R-4 zoning district standards of the Codified Ordinances as a baseline for the development standards in this district, the applicant is also committing to certain more stringent standards in a zoning limitation text.

Codified Ordinances Section 1111.03(g) - Statement as to how the proposed amendments will impact adjacent and proximate properties.

The proposed amendment to the zoning map will provide many positive impacts for the surrounding area. The development will be complimentary to other existing residential subdivisions in the area, such as Wentworth Crossing to the east. In addition, it will provide for stormwater management on these parcels which is absent under current built conditions. A tree preservation zone is being provided for a distance of 30 feet from the northern, eastern, and western perimeter boundaries of the zoning district in order to buffer the neighborhood from adjacent sites.



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

P: 614.335.9321 F: 614.335.9329 aaron@uhlawfirm.com

July 18, 2022

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

RE: School Impact of Zoning of 8.83+/- acres located at 6700, 6770 and 6800 Central College Road, New Albany, OH 43054

Dear Chris:

Central College Development LLC owns certain real property (the "<u>Property</u>") located as described above and known as Franklin County Auditor Parcel Numbers 222-001997, 222-001998 and 2212-001999. This letter accompanies an application to rezone the Property from the AG, Agricultural District, to the L-R-4 Limited Single-Family Residential District. The purpose of this letter is to analyze the impact of this rezoning on the New Albany-Plain Local School District (NAPLSD).

There are three existing homes on the Property. One is valued by the Franklin County Auditor at \$257,500, a second is valued at \$284,400, and the third home is valued at \$278,700. In total, the three subject parcels are valued at \$820,600. The existing homes will be removed from the site. Once developed in accordance with the proposed rezoning, the properties that are the subject of will include nine new homes with an estimated average value of \$1,200,000 each. The new development would be valued at an estimated \$10,800,000 in total.

As of the date of this letter, the Auditor's records indicate that the three existing homes generate \$12,752 in annual tax revenue for the New Albany Plain Local School District. The redevelopment of the site is estimated to generate \$164,287¹ in annual tax revenues for the district.

Historically, the City has assumed that 0.8 students will be generated per home. So, the existing homes on the subject property can be expected to house 2 students (3 homes x 0.8 students = 2.4 total students), while the new development would house 7 students (9 homes x 0.8 students = 7.2 total students). According to the NAPLSD website, the total cost to educate one student in the

¹ <u>https://apps.franklincountyauditor.com/Calc/TaxEstimate</u>. According to County Auditor, 60.72% of real estate taxes are distributable to NAPLSD.

district is presently $11,419^2$, and the local share of that cost is 85.7%, or 9,786 annually per student.

The local cost to educate students from the existing three homes on the property is \$19,572, while the NAPLSD receives revenue from those homes in the amount of \$12,752. This means that the site, operating "as-is", yields an annual deficit to the school district of \$6,820.

On the other hand, students from the proposed new development will have a local annual cost to educate of \$68,502. The schools will realize tax revenues from these homes in the amount of \$164,287. This produces an annual revenue surplus of \$95,785. In total, the rezoning of the property and development thereof is estimated to result in a net positive revenue change to the NAPLSD of \$102,605.

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,

The L. Undelill

Aaron L. Underhill Attorney for the Applicant

² <u>https://www.napls.us/Page/1696</u>



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

P: 614.335.9321 F: 614.335.9329 aaron@uhlawfirm.com

August 9, 2022

City of New Albany Attn: Christopher Christian 99 W. Main Street New Albany, OH 43054

Re: Proposal of Fee-In-Lieu Payment Toward Metro Park Land Acquisition For Alden Woods Zoning District

Dear Mr. Christian:

Central College Development ("CCD") is the applicant on the I-PUD zoning amendment application submitted to the City of New Albany, which proposes to rezone 8.83 +/- acres of real property located to the north of and adjacent to Central College Road and generally to the east of State Route 605 (the "Application"). The Application proposes a residential community to be named "Alden Woods," consisting of nine (9) traditional single-family homes and twenty-two (22) age-restricted single-family homes.

As currently proposed, Alden Woods will have a total density of 1.02 dwelling units ("du") per acre. This exceeds the residential density set forth in the *Engage New Albany Strategic Plan* (2020) ("Strategic Plan"), which recommends a maximum of one (1) du per acre for traditional single-family homes. However, greater than the recommended density may be permitted at the development site through the purchase and deed restriction of additional land meeting specified criteria, referred to as a density "offset." Applying the foregoing density recommendations to the Alden Woods Application's 8.83 gross acres, proposed number and allocation of single-family and age restricted homes, the density "offset" for the Alden Woods development would require the purchase of an additional 0.17 acres of land.

In line with the recent discussions between CCD representatives and members of New Albany's planning and development staff, in-lieu of CCD itself purchasing and restricting the density "offset" land, we request the City of New Albany consider and permit CCD to make a one-time payment of Six Thousand Eight Hundred Dollars (\$6,800.00) to New Albany (or to Metro Parks if so decided) (the "Fee-in-Lieu Payment"). The proposed Fee-in-Lieu Payment was arrived at by multiplying the required acreage for the density "offset" land (0.17 acres) by \$40,000.00, the per acre average land acquisition cost for undeveloped/unimproved land within the Metro Park growth area. We believe the Fee-in-Lieu Payment, if approved, will benefit all parties involved, meet the spirit and intent of the Strategic Plan and provide additional flexibility to the City of New Albany and the Metro Parks.

Thank you for your attention to and consideration of this request. Please let us know should you have any questions or require additional information at this time.

Sincerely,

ann L. Thidulill

Aaron L. Underhill



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MUST BE CALLED DIRECTLY

T PI O THE STREET STREE	Uppe Net Abary Rd E Work Abary Rd E Ward Abary Rd E W	MALETZ
St Sugar Run Heaton Pkoy	Central College Rd	ARCHITECTURE + BUILD
	NORTH SCALE	
		ENGINEERING 130 E Chestnut Street - Suite 401 Columbus, OH 43215 (614) 556-4272 www.osborn-eng.com
	IG INFORMATION 6700, 6770 & 6800 CENTRAL COLLEGE	NEW SINGLE FAMILY
ADDRESS	RD	DEVELOPMENT
PARCEL NO. OWNER/DEVELOPER	222-001997, 222-00198 & 222-001999 CENTRAL COLLEGE DEVELOPMENT LLC	NEW ALBANY, OH
UWINER/DEVELOPER	P.O BOX 1063	
	NEW ALBANY, OH 43054	
ZONING CLASSIFICATION/ DISTRICT	RESIDENTIAL	
ZONING CLASSIFICATION/ DISTRICT		
OF ADJACENT PARCELS	RESIDENTIAL	ALDEN
HEIGHT DISTRICT	H-35	
COMMERCIAL OVERLAY	N/A	WOODS
TOTAL SITE AREA (AC)	8.83	SUBDIVISION
FLOOD INSURANCE RATE MAP NUMBER (FIRM)	39049C0206K	
MOST RECENT EFFECTIVE DATE OF	0/17/0000	
FIRM	6/17/2008	
BASE FLOOD ELEVATION (DFE)	ZONE X	
FRONT BUILDING SETBACK	30'-0"	
REAR BUILDING SETBACK SIDE BUILDING SETBACK	30'-0"	
MAXIMUM BUILDING HEIGHT	35'-0"	
BUILDING HEIGHT	TBD	
NO. OF DWELLING UNITS	9	
PROPOSED REFUSE SERVICE	MUNICIPAL	
SITE DATA 1		
TOTAL NET SITE A	i	
TOTAL NET SITE A	· · · ·	TAGISSUEDDATEAPSP7/28/22
PRE-DEVELOPED IMPERVIO		
POST-DEVELOPED IMPERVIO		
MAXIMUM LOT COVER	RAGE (%) 30	
TOTAL LOT COVER	RAGE (%) 15	
GROSS AREA D		
ROW DEDICA		
AFTER ROW DEDICA		
	X	
	PRELIMINARY NOTFOR CONSTRUCTION	Unless otherwise stated in Contract, The Osborn Engineering Company retains copyright ownership. Instruments of Service may only be
	PREL CONS	used for the purpose described in the
	10TFOIL	Contract. The Osborn Engineering Company may grant specific usage
	N°C	rights under license, and / or may transfer copyright ownership /
		assignment in writing. Reproduction, re-use or re-distribution of Instruments
		of Service is prohibited.
		DRAWN BY ABJ CHECKED BY WMD
	INDEX OF SHEETS	CLIENT PROJ NO.
		OSBORN PROJ NO. J20211542.000
	C-001 TITLE SHEET	
	C-002 TREE MAP	TITLE SHEET
	C-100 SITE LAYOUT PLAN	
C-300 SITE UTILITY PLAN		
		DRAWING NO.
		C-001
	6	



4



11 PRELIMINARY II

ABBREVIATION LEGEND: EX - EXISTING C/L - CENTER LINE R/W - RIGHT OF WAY P/L - PROPERTY LINE FFE - FINISH FLOOR ELEVATION OHE - OVERHEAD ELECTRIC SS - SANITARY SEWER CS - COMBINED SEWER UGE - UNDERGROUND ELECTRIC WM - WATERMAIN WC - WATER CONNECTION SD - STORM SEWER G - GAS MH - MANHOLE TC - TOP OF CASTING




GRAPHIC SCALE



1 inch = 40 ft.

SITE LAYOUT LEGEND

PROPOSED 50' X 50' BUILDING PAD

PROPOSED ASPHALT PAVEMENT

PROPOSED CONCRETE PAVEMENT

EXISTING TREES TO BE CONSERVED

$\langle \# \rangle$ SITE LAYOUT PLAN CODED NOTES:

- 1. PROPOSED SIDEWALK
- 2. PROPOSED ROADWAY
- 3. PROPOSED ROADWAY ENTRANCE
- 4. PROPOSED CURB & GUTTER
- 5. PROPOSED TREE LAWN
- 6. FUTURE THROUGH STREET SIGN

1 PRELIMINARY

ABBREVIATION LEGEND:

EX - EXISTING C/L - CENTER LINE R/W - RIGHT OF WAY P/L - PROPERTY LINE FFE - FINISH FLOOR ELEVATION OHE - OVERHEAD ELECTRIC SS - SANITARY SEWER CS - COMBINED SEWER UGE - UNDERGROUND ELECTRIC WM - WATERMAIN WC - WATER CONNECTION SD - STORM SEWER G - GAS MH - MANHOLE TC - TOP OF CASTING



C-100





ALDEN WOODS SUBDIVISION		
ISSUED PSP	DATE 7/28/22	
ess otherwise stated in Contract, e Osborn Engineering Company retains copyright ownership. truments of Service may only be d for the purpose described in the ontract. The Osborn Engineering mpany may grant specific usage ghts under license, and / or may transfer copyright ownership / ignment in writing. Reproduction, se or re-distribution of Instruments of Service is prohibited.		
AWN BY ECKED BY ENT PROJ NO. BORN PROJ NO. J20211	ABJ WMD 542.000	
SITE UTILITY PLAN		
drawing no.		

NEW

NEW ALBANY, OH

AFFIDAVIT OF FACTS

I, Aaron L. Underhill, in my capacity as attorney for the applicant listed on the zoning application pertaining to 8.83+/- acres known as Franklin County Parcel Numbers 222-001997, 222-001998 and 222-001999, being first duly sworn, do hereby state and depose the following:

That accompanying this affidavit is a list of all property owners located within two hundred (200) feet of the parcel(s) that are the subject of the application and their addresses as appearing on the Franklin County Auditor's current tax list; and

That said list is based solely on the records of the Office of the Auditor of Franklin County, Ohio, as provided on its website on or about the date of this affidavit.

Further Affiant sayeth not.

By:

Aaron L. Underhill Attorney, Underhill & Hodge LLC

STATE OF OHIO COUNTY OF FRANKLIN SS.

The foregoing instrument was acknowledged before me on the day of August 2022, by Aaron L. Underhill, who acknowledged the foregoing signature to be his voluntary act and deed.

My Commission Expires: 1-11-2020



KIMBERLY R. GRAYSON Notary Public, State of Ohio My Commission Expires 01-11-2026

APPLICANT:

PROPERTY OWNER:

ATTORNEY:

SURROUNDING PROPERTY OWNERS:

James and Nancy Price 6811 Summersweet Drive New Albany, OH 43054

Shawn Alexander and Jack Jones 6805 Summersweet Drive New Albany, OH 43054

Larry and Beverly Kohn 6799 Summersweet Drive New Albany, OH 43054

Sherman and Bonnie Everett 6793 Summersweet Drive New Albany, OH 43054

Sandra Sorensen 6787 Summersweet Drive New Albany, OH 43054

Enclave at New Albany Homeowners' Association, Inc. P.O. Box 395 Grove City, OH 43123 Central College Development LLC P.O. Box 1063 New Albany, OH 43054

Central College Development LLC P.O. Box 1063 New Albany, OH 43054

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

James and Linda Hinkle 6815 Summersweet Drive New Albany, OH 43054

Susan and Dennis Koehler 6809 Summersweet Drive New Albany, OH 43054

Richard and Patricia Gibson 6803 Summersweet Drive New Albany, OH 43054

Charlene Allen, Tr. 6797 Summersweet Drive New Albany, OH 43054

Richard and Dora Theiss 6791 Summersweet Drive New Albany, OH 43054

Douglas and Sharon Kodak, Trustees 6785 Summersweet Drive New Albany, OH 43054

Svetlana Akulicheva and Michael Hoban 5530 Steele Court New Albany, OH 43054 Joseph Laszlo and Holly Love 6813 Summersweet Drive New Albany, OH 43054

Kenneth and Paula Renker 6807 Summersweet Drive New Albany, OH 43054

Sherill and Irene Mullins 6801 Summersweet Drive New Albany, OH 43054

Colette Hughes, Tr. 6795 Summersweet Drive New Albany, OH 43054

Andrew Cawthon and Richard Owens 6789 Summersweet Drive New Albany, OH 43054

City of New Albany 99 West Main Street New Albany, OH 43054

Robert and Roseanne Verst 5772 Buckeye Parkway Grove City, OH 43123 Ibrahima Dioum 5531 Steele Court New Albany, OH 43054

Christopher Jourdan and Lindsay Robards 6818 Central College Road New Albany, OH 43054

Jerry and Shirley Minturn 6801 Central College Road New Albany, OH 43054 Larry Piper 6690 Central College Road New Albany, OH 43054

Kirk Smith and Wendy Knodel 6830 Central College Road New Albany, OH 43054

Chadd and Leeanne Green 7191 Sumption Drive New Albany, OH 43054 Frederick Myers and Judy Doran 6696 Central College Road New Albany, OH 43054

Michael Weber 6827 Central College Road New Albany, OH 43054

Nancy Dillispie 6781 Central College Road New Albany, OH 43054

ALDEN WOODS ZONING DISTRICT

L-R-4, LIMITED SINGLE FAMILY RESIDENTIAL

ZONING LIMITATION TEXT

August 9, 2022

I. <u>Introduction:</u> The real property that is the subject of this limitation text consists of 8.83+/- acres located to the north side of and adjacent to Central College Road and generally to east of New Albany-Condit Road. The Wentworth Crossing single-family subdivision is located to the east, and the Courtyards at New Albany empty nester community is to the north. This text provides development limitations which meet or exceed the requirements of the Codified Ordinances of the City of New Albany and will facilitate the construction of a new residential subdivision consisting of 9 lots.

II. <u>Zoning Designation</u>: L-R-4, Limited Single-Family Residential District (Chapter 1133 of the Codified Ordinances of the City of New Albany)

III. <u>Permitted Uses:</u> Uses in this zoning district shall include the permitted and conditional uses contained and described in the Codified Ordinances of the City of New Albany, R-4, Sections 1133.02. 1133.03, and 1133.04, provided that conditional uses are approved in accordance with Codified Ordinances Chapter 1115, Conditional Uses.

IV. <u>Density</u>: A maximum of nine (9) single family homes shall be permitted to be constructed within this zoning district.

V. <u>Development Standards</u>: Development of property in this zoning district shall be undertaken in accordance with Chapter 1133 and other applicable requirements of the Codified Ordinances of the City of New Albany, unless otherwise provided herein.

VI. <u>Central College Road Setback:</u> There shall be a minimum pavement (other than the new public street to be constructed) and building setback of 200 feet as measured from the northern edge of the right-of-way for Central College Road. An existing leisure trail shall remain within this setback. Stormwater basins, landscaping, and an entry features/subdivision signage shall be permitted within this setback and is to be determined by staff as part of the subdivision infrastructure improvements (engineering plans). Homes shall not be permitted to back toward Central College Road.

VII. <u>Site Plan:</u> This zoning district shall be developed in accordance with the site plan that is attached hereto as <u>Exhibit A</u> with regard to lot, parkland and open space locations, and street locations and sizes. Modifications to the plan shall be permitted to reflect final engineering of the site, provided that such modifications do not materially alter the site plan, as determined by City staff.

VIII. <u>Parking</u>: All homes are to have a minimum of 2 off-street parking spaces on their driveways, in addition to parking within a garage. Parking is also permitted on the new public

street.

IX. <u>Architecture:</u> The design of each home in this zoning district shall be specific to the individual owner and/or builder, provided that all homes shall meet the relevant requirements of the City's Design Guidelines and Requirements (DGRs). The material to be used are those listed as approved in the DGRs by right, such as wood and brick. Hardie board material is permitted only if approved separately by the New Albany Architectural Review Board. The homes to be constructed on Lot 1 and Lot 9 shall be designed to incorporate one or more unifying architectural elements in order to create a sense of arrival to the neighborhood. If City staff and the applicant are unable to agree on the final unifying design element(s) for the homes on Lots1 and Lot 9, the applicant and/or City staff shall be permitted to present design options to the Planning Commission for administrative review and approval.

X. <u>Parkland and Open Space; Tree Preservation:</u>

A. <u>Requirements:</u> The Codified Ordinances require that, in a new residential subdivision, a parkland dedication of 2,400 square feet per home will be made to the City. In addition, it requires that 20% of the total acreage in the subdivision shall be privately owned and maintained common open space. These requirements as they apply to this zoning district are as follows:

2,400 SF parkland per unit x 9 units = 21,600 SF of parkland to be dedicated (0.496 acres)

20% open space x 8.83 acres = 1.766 acres

Total required parkland and open space = 0.496 acres + 1.766 acres = 2.262 acres

The applicant is providing three reserves in its site plan, totaling 2.39+/- acres.

B. <u>Locations:</u> The locations of reserves in this zoning district shall be as follows:

1. <u>Reserve A:</u> Open Space Area A is located in the southwestern portion of the zoning district and consists of 0.57+/- acres. This open space shall be dedicated to the City as parkland but shall be maintained by a homeowner's association for this subdivision ("<u>HOA</u>").

2. <u>Reserve B:</u> Open Space Area B is located in the southeastern portion of the zoning district and consists of 1.43+/- acres. This open space shall be dedicated to the City as parkland and shall be maintained by the HOA.

3. <u>Reserve C:</u> Open Space Area C is centrally located in the zoning district and consists of 0.39+/- acres. This open space shall be dedicated to the City as parkland and shall be maintained by the HOA. Open Space Area C shall provide a playground with features and a design which are approved by the City's

Landscape Architect.

Buffer Zone: A buffer zone shall be provided for a distance of 30 feet C. from all perimeter boundaries of the site which are not adjacent to Central College Road. Within the buffer zones, existing trees of one caliper inch or more in diameter as measured three feet above grade shall be maintained. No structures, pavement, patios, decks, pools, playsets, or other permanent improvements shall be permitted in the buffer zone, except a fence along rear lot lines may be permitted in accordance with the Codified Ordinances. Understory may be removed within the tree preservation and such area may be grassed or remain in its natural condition. In addition, a tree preservation plan accompanies this text and identifies trees within other portions of the development that will be preserved and not removed. Notwithstanding the foregoing, trees within the buffer zone or which are designated as being protected in the tree preservation plan may be trimmed, cut, or removed if they are diseased, dead, or of a noxious species or if they present a threat of danger to persons or property. The installation, operation and maintenance of utility and drainage facilities for the development shall be permitted. Such maintenance within said buffer areas shall occur only in easement areas designated on the plat unless otherwise approved by the city engineer. The owner of each lot shall maintain the portion of the buffer area that falls within the limits of their lots.

XI. <u>Public Street:</u>

A. <u>Central College Road</u>: Right-of-way shall be dedicated to the City for a distance of forty (40) feet from the centerline of Central College Road.

B. <u>New Street:</u> A curbed public street shall be constructed northward into the zoning district from Central College Road and shall have a loop configuration. The right-of-way for this street shall be 50 feet in width, and pavement shall be 26 feet in width, measured from front-of-curb to front-of-curb. The final plat for the subdivision also shall provide (as shown on the site plan in <u>Exhibit A</u>) for the dedication to the City of 50 feet of right-of-way to provide for the future extension of the new public street westward from the loop street to the western boundary line of this zoning district. In recognition that this street extension may never be necessary (or will be necessary only with the redevelopment of property located to the west), the developer of this zoning district shall be required to construct the extension for a distance of 10 feet from the western edge of pavement of the loop street. A sign shall be installed at the end of this 10-foot stub which indicates that it may be extended in the future as a through street. The design of such signage shall be subject to staff approval.

C. <u>Public Sidewalk:</u> A public sidewalk shall be located within the right-ofway of the new public street to be constructed in this zoning district. A sidewalk shall not be required within the public street right-of-way that is adjacent to Reserve B. Sidewalks shall be 5 feet in width and shall be constructed of concrete.

2. <u>Trees:</u> The following requirements may be waived in areas where existing trees are being preserved. Trees may be grouped, provided that the minimum quantity

requirements are met. All tree plantings be reviewed and approved by the City's Landscape Architect.

- a. Street trees shall be required on the north side of Central College Road and on both sides of the new internal public street to be constructed in this zoning district. Street trees are to be a minimum of three (3) inches in caliper. and shall be spaced at a maximum distance of thirty (30) feet on center on the new public street.
- b. In addition to street trees there shall be landscaping buffer provided at the rate of four (4) trees per one hundred (100) linear feet along Central College Road.
- c. Trees also shall be provided around the stormwater basins that will be located in reserves at the rate of four (4) trees per one hundred (100) linear feet of pond perimeter.

3. <u>Horse Fence:</u> A four-board horse fence shall be installed along the rightof-way of Central College Road to the north of the existing bike path along the entirety of the zoning district's frontage on Central College Road where the new public street and associated improvements are not located.

XIV. Lighting:

A. <u>Exterior Lights:</u> Each house shall have a minimum of one (1) approved yard light near the sidewalk at the front entry and one wall mounted porch light at the front door. Lamp locations shall be consistent from house to house. All yard lights shall have a photocell light sensor.

B. <u>Security Lighting:</u> Security lighting, when used, shall be of a motion sensor type.

XV. <u>Utilities:</u> All new utilities shall be placed underground.

XVI. <u>Mailboxes:</u> If permitted by federal postal regulations, each residence shall be required to install a standard mailbox along the front of its lot, and such mailboxes shall be uniform in appearance. If federal postal regulations instead require mailboxes to be located in a single location, a cluster mailbox shall be provided within Open Space Area C.

XVII. <u>HOA</u>: A forced and funded homeowners' association shall be created in order to provide for the maintenance and upkeep of open spaces, parkland, and other areas and subjects of common interest for the owners of residential lots within this zoning district.



Planning Commission Staff Report September 19, 2021 Meeting

SAVKO BATCH PLANT CONDITIONAL USE

8680 Ganton Parkway (PIDs: portions of 094-107106-00.00) MBJ Holdings LLC c/o Aaron Underhill
Conditional Use
L-GE Limited General Employment District (Business Park East,
Subarea 1)
Employment Center
CU-101-2022

Review based on: Application materials received August 22, 2022 and September 2, 2022 *Staff report completed by Chelsea Nichols, Planner*

I. REQUEST AND BACKGROUND

The applicant requests approval for a conditional use application to allow the temporary use of a concrete batch plant on 12.2+/- acres within the Business Park East, subarea 1 L-GE zoning district.

On March 15, 2021, the Planning Commission reviewed proposed changes to C.O. 1153 (General Employment District) and recommended approval to City Council. The proposed code changes created an industrial manufacturing and assembly use that is a conditional use in the General Employment District. This concrete batch plant use falls under the industrial manufacturing and assembly use category therefore a conditional use review and approval is necessary.

On September 27, 2021, a conditional use application was approved by the Planning Commission (CU-85-2021) for the current Savko site and allows for the continued operation of the batch plant at that location until September 20, 2026. The current Savko site is in contract to be sold later this year, therefore, the batch plant needs to be relocated. The proposed batch plant will be constructed at the relocated site.

A permanent location has been identified for the batch plant that is located just outside of New Albany in Jersey Township. However, the applicant states that amount of time it will take to pursue and obtain necessary zoning approvals for the permanent site, and to develop it as a permanent location for the batch plant, has created a need to temporarily relocate the batch plant to the proposed property. Therefore, the owner and applicant request the approval of a temporary conditional use to allow for the operation of the batch plant on the lot in question until October 31, 2025.

II. SITE DESCRIPTION & USE

The overall 12.2 +/- acre development site is located generally to the east-northeast of the intersection of Beech Road and Ganton Parkway East in Licking County. The site is zoned L-GE, is currently undeveloped and mostly surrounded by commercially zoned properties also located within Business Park East, with the exception of one lot that is zoned Agricultural District (AG). The wooded site that is located to the west and north does contain a rental home but is owned by

PC 22 0919 Savko Batch Plant Conditional Use CU-101-2022

the same property owner as this application site. This wooded property to the north is within a conservation easement. The two lots that are currently zoned AG are currently vacant and are owned by the same property owner as this application site.

The use includes the outdoor storage of materials such as (but not necessarily limited to) stone, sand, and gravel. These materials are used to produce and manufacture concrete and cement on the site. More specifically, roller-compacted concrete is produced and a gravity silo cement operation is present. The latter of which produces poured-in-place concrete.

The applicant would like to allow for the operation of a trailer for public and private users. No sales are made from the batch plant, nor from the trailer, and the general public is not solicited nor permitted to visit the site for any purchases.

In requesting the conditional use, the applicant has provided a site plan that demonstrates the intended layout of the Batch Plant's operations. Except for the comments within the applicant's conditional use statement, the layout may be adjusted to meet operational or engineering needs, provided that applicable zoning standards and requirements are met.

III. EVALUATION

The general standards for conditional uses are contained in Codified Ordinance Section 1115.03. The Planning Commission shall not approve a conditional use unless it shall in each specific case, make specific findings of fact directly based on the particular evidence presented to it, that support conclusions that such use at the proposed location meets all of the following requirements:

- (a) The proposed use will be harmonious with and in accordance with the general objectives, or with any specific objective or purpose of the Zoning Ordinance.
 - The applicant proposes a temporary concrete batch plant at the site to be in operation until October 31, 2025. The concrete batch plant has been in operation since 2017 at the current Savko site when it was issued temporary approval under "essential services" CO 2205 & 1127 as it was tied to a public infrastructure project for the construction of Innovation Campus Way from Harrison to Mink Street. Since then, it has been used for a combination of public and private development projects in the business campus. For instance, it has produced for immediate delivery the materials that were used to improve Beech Road to the south of State Route 161, and for use in the construction of Ganton Parkway East and Ganton Parkway West as well as Innovation Campus Way West. On the private side, materials have been supplied to various major private projects in the city.
 - The city does benefit from this in that it significantly reduces travel distance for large trucks for tasks such as concrete pours and other work. This means there are less trucks driving through the city in order to get to the projects.
 - Additionally, as the New Albany International Business Park continues to evolve, the city will continue to require the availability of easily accessible concrete to be used in future roadway improvements. Having the batch plant, even if only temporarily, within the city of New Albany ensures just-in-time delivery of this critical building material.
 - The limitation text associated with the rezoning of the property places additional requirements above the General Employment (GE) District requirements for the development of the property. These requirements further ensure that the character of the area is preserved and enhanced by future development.
 - The limitation text establishes setbacks that are more stringent than the minimum GE requirements.
 - Per the text, there is a required 25' setback for buildings and pavement along Ganton Parkway. The proposal states there shall be a minimum pavement setback of 50 feet and a minimum building setback of 100 feet from the right-of-way of Ganton Parkway. The Batch Plant and any raw materials (stone, sand, gravel, etc.) shall be located no closer than 100 feet from the public street right-of-way. This is substantially

in excess of the minimum pavement and building setback of 25 feet that applies to the property per the applicable zoning text.

- A 100-ft wide buffer zone is provided from the western and northern boundaries of the property. Within these areas, no improvements shall be permitted, and no operations relating to the batch plant shall occur. A sediment swale with a construction fence shall be installed and maintained adjacent to the eastern and southern boundary lines of the buffer zone, with the exception that the swale may be located off of the boundary line in the northwest portion of the property, as generally shown on the site plan.
- A detention pond shall be located in the northeastern portion of the property, located in the general area shown on the site plan, with the final location and configuration to be determined with final engineering approvals.
- One full-service vehicular access point shall be provided on Ganton Parkway East, on the eastern portion of the property. It is to align with an existing full-service access point across the street.
- One or more-wheel wash stations shall be provided within the property at vehicular exit points and shall be required to be used by trucks which are exiting the property. The operator of the batch plant shall clean and sweep Ganton Parkway between its intersection with Beech Road, and its intersection with Worthington Road, each day while the batch plant is operating. They shall perform this task to the extent that any dirt or debris is present on the street due to traffic traveling to or from the Property.
- (b) The proposed use will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
 - The proposed use complements the manufacturing and production, warehouse, data center and distribution uses, which are permitted uses within the overall area. The proposed use is appropriate in the context of the surrounding uses, development patterns, and will contribute to the overall success of the Business Park.
 - Additional design guidelines for manufacturing facilities contained in the zoning text further ensures their compatibility with the character of the area. The same architectural requirements as the surrounding commercial areas are required.
- (c) The use will not be hazardous to existing or future neighboring uses.
 - The use is subject to Codified Ordinance Section 1153.06 which requires that no land or structure within the GE District shall be used or occupied in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable impact on any land which is located in any other zoning district.
 - The applicant, as part of the conditional use statement, has stated that the effects of noise, glare, odor, light, and vibration on adjoining properties is not anticipated to present any untoward or problematic compatibility challenges with adjacent properties.
- The batch plant's location provides convenient access to construction materials and efficiency for delivery. Easy access to and from State Route 161 for trucks is good for the local environment by providing short routes to and from the highway. The location allows for traffic coming to and from the site to remain on local, city streets. This results in less travel and trips on township and other streets outside of the business park.
- (d) The area will be adequately served by essential public facilities and services such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
 - The City has made significant investments in the improvement of Beech Road and the construction of Ganton Parkway. Given the Property's proximity to nearby

development sites, as well as the Beech Road interchange on State Route 161, the batch plant location will ensure efficient passage of vehicles.

- The nature of the uses is such that they do not require the use of public water or sanitary sewer services.
- The proposed industrial manufacturing and assembly use will produce no new students for the Licking Heights School District.
- (e) The proposed use will not be detrimental to the economic welfare of the community.
 - The proposed industrial manufacturing and assembly use generates income tax for the city with its jobs.
 - The establishment of the original batch plant at its current site has also contributed to the city securing several impactful economic development projects with quick construction timelines such as Facebook, Google, and Amazon. To maintain a competitive advantage over other locations, and because speed is one of the most important factors when a company is under construction, the continued operation and relocation of the batch plan, even though it is temporary in nature, has a positive benefit to the city's economic development goals and indirectly aids its fiscal strength.
- (f) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
 - The use will be subject to Codified Ordinance Section 1153.06 which requires that no land or structure within the GE District shall be used or occupied in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable impact on any land which is located in any other zoning district. The city only received a complaint regarding mud on Worthington Road when the batch plant first established in 2017. The city has no other documented complaints regarding its operation since 2017.
- (g) Vehicular approaches to the property shall be so designated as not to create interference with traffic on surrounding public streets or roads.
 - The applicant requests a right-out only onto Ganton Parkway in addition to a full access curb cut. Staff recommends the right-out only exit is eliminated and that the site is limited to the full access curb cut, subject to staff approval.
 - The infrastructure in this portion of the city is designed to accommodate the traffic associated with commercial uses.
 - There is no reason to believe that that traffic generated by this use will have any greater impact than traffic for permitted users in the GE district.
 - Due to the proximity of this site to the State Route 161, and its location adjacent to commercially zoned land in the existing business park to the east, south and west, the site appears to be appropriate for manufacturing and production uses, especially as this is temporary in nature.

IV. ENGINEER'S COMMENTS

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

- 1. Please refer to Exhibit A (attached). Exhibit A shows that 50' of public r/w was dedicated as part of the Ganton Parkway roadway construction project. We recommend that the applicant revise their zoning exhibit, at the time of their building permit submittal, to reflect the existing 50' of r/w along the Ganton Parkway frontage.
- 2. We recommend that only one curb cut be constructed with this conditional use and that site distance analysis be conducted to determine if turning movements may be safely conducted.

V. RECOMMENDATION

Basis for Approval:

Staff recommends approval provided that the Planning Commission finds the proposal meets sufficient basis for approval. The overall proposal appears to be consistent with the code requirements for conditional uses and meets the development standards and recommendations contained in the Engage New Albany Strategic Plan and the New Albany Economic Development Strategic Plan. The proposed industrial manufacturing and assembly use is consistent with the character of the immediately surrounding area. Additionally, this provides a direct benefit to the city for capital improvement projects for infrastructure and private developments. The site is strategically located where vehicles coming to and from the site can utilize the local business park streets and is close to State Route 161. And while it is proposed to be a temporary conditional use, it helps the city achieve the goals and recommendations in the New Albany Economic Development Strategic Plan by supporting additional attracting and encouraging continued growth within the business park. The operation of the proposed batch plant is to cease on October 31, 2025. Therefore, the Planning Commission will have the opportunity to re-evaluate this use in the future to determine its continued appropriateness and necessity.

VI. ACTION Suggested Motion for CU-101-2022:

To approve conditional use application CU-101-2022 to allow for industrial manufacturing and assembly use for a concrete batch plant based on the findings in the staff report with the following conditions (additional conditions may be added):

- **1.** The batch plant on Worthington Road is discontinued once this currently proposed batch plant is up and running.
- 2. That this currently proposed batch plant only be in operation until October 31, 2025; or another conditional use is submitted to extend its use past this date.
- 3. When in use, the road shall be cleaned daily;
- 4. Wheel wash is required for existing trucks; and
- 5. That the city engineer's comments be addressed at the time of engineering permits, subject to staff approval.
- 6. Only one curb cut be constructed with this conditional use and that site distance analysis be conducted to determine if turning movements may be safely conducted, subject to staff approval.

Approximate Site Location:



Source: nearmap



401.61-139 September 9, 2022

To: Chelsea Nichols City Planner

From: Matt Ferris, P.E., P.S., City Engineer By: Jay M. Herskowitz, P.E., BCEE Concrete Batch Plant Conditional Use

Our review comments are as follows:

- 1) Please refer to Exhibit A (attached). Exhibit A shows that 50' of public r/w was dedicated as part of the Ganton Parkway roadway construction project. We recommend that the applicant revise their zoning exhibit, at the time of their building permit submittal, to reflect the existing 50' of r/w along the Ganton Parkway frontage.
- We recommend that only one curb cut be constructed with this conditional use and that site distance analysis be conducted to determine if turning movements may be safely conducted.

MEF/JH

(attachment)

CC: Steve Mayer, Planning Manager







Community Development Department Planning Application

Case #	
Board	
Mtg. Date	

	Site Address 8680 Ganton Parkway, New Albany, OH 43054				
	Parcel Numbers Portion of 094-107106-00.000				
	Acres 12.2 +/- Acres	# of lots cr	eated		
Project Information	Choose Application Type Appeal Certificate of Appropriateness Conditional Use Development Plan Plat Lot Changes Minor Commercial Subdivision Vacation Variance Extension Request Zoning	Preliminary Preliminary Combination Easement	Circle all Final Final Split	Details that App Comprehensive Adjustment Street Text Modificatio	Amendment
	Description of Request: <u>An "indust</u> operation of a concrete batch plant and p	trial manufacturing			
cts	Property Owner's Name:MBJ HoldAddress:Underhill & Hodge LLC, 8City, State, Zip:New Albany, OH 430Phone number:614.335.9320Email:aaron@uhlawfirm.com	000 Walton Parkv	ron L. Unde vay, Suite 20	rhill 60 Fax: <u>614.33</u>	5.9329
Contacts	Applicant's Name:MBJ HoldAddress:Underhill & Hodge LCity, State, Zip:New Albany, OH 430Phone number:614.335.9320Email:aaron@uhlawfirm.com	LC, 8000 Walton			5.9329
Signature	Signature of Applicant By:	as signed below, ointed and elect this application	hereby au ted officials I certify the complete Fer	thorizes Village o to visit, photogra hat the information Date	f New Albany oph and post a

Conditional Use Statement

12.2+/- Acres Located Within the Business Park East Zoning District

The property owner, MBJ Holdings, LLC ("<u>MBJ</u>"), and the applicant, N.M. Savko & Sons, Inc. ("<u>Savko</u>"), request approval of a conditional use to allow the temporary operation of an "industrial manufacturing and assembly" use on 12.2+/- acres of real property (the "<u>Property</u>") located generally to the east-northeast of the intersection of Beech Road and Ganton Parkway East in the City of New Albany, Licking County. The Property is currently undeveloped and is zoned in the L-GE, Limited General Employment District classification in what is known as Subarea 1 of the Business Park East Zoning District. The zoning limitation text that applies to the Property allows for the review and approval of conditional uses that are set forth in Section 1153.02 of the Codified Ordinances.

Since 2017 and pursuant to an agreement with MBJ, Savko has operated a "batch plant" and RCC pug mill (together, the "<u>Batch Plant</u>") on 14.5+/- acres of real property located to the northeast of the Property and on the south side of Worthington Road (the "<u>Current Savko Site</u>"). The City originally issued a permit to allow the operation of the Batch Plant on the Current Savko Site on a temporary basis. In 2021, the City's zoning code was amended to provide a new use category -- "industrial manufacturing and assembly" -- as a conditional use in the GE, General Employment and LI, Limited Industrial zoning classifications. The Batch Plant was deemed to fall into this use category. On September 27, 2021, a conditional use application was approved by the Planning Commission for the Current Savko Site and allows for the continued operation of the Batch Plant at that location until September 20, 2026.

The Current Savko Site is now in contract to be sold to VanTrust Real Estate later this year for the development of a warehousing and distribution facility. Therefore, the Batch Plant needs to be relocated in short order. A permanent location has been identified for the Batch Plant on real property that is located just outside of the City in Jersey Township, as illustrated in <u>Exhibit A</u>. However, the amount of time that it will take to pursue and obtain necessary zoning approvals for the permanent site and to develop it as a permanent location for the Batch Plant have created a need to temporarily relocate the Batch Plant to the Property. The owner and applicant hereby request the approval of a conditional use to allow for the operation of the Batch Plant on the Property until October 31, 2025. It is Savko's intent to cease operation of the Batch Plant on the Property at an earlier date, if approval of a zoning and preparation of a permanent site will allow. However, the request to have the conditional use permit expire on October 31, 2025 is intended to ensure that there is more than adequate time to obtain the zoning and perform site preparation date for the conditional use of the Property.

The Batch Plant has operated on the Current Savko Site without incident and in accordance with all zoning and operational requirements of the City since 2017. The use includes the outdoor storage of materials such as (but not necessarily limited to) stone, sand, and gravel. These materials are used to produce and manufacture concrete and cement on the site. More specifically, roller-compacted concrete is produced and a gravity silo cement operation is

present, the latter of which produces poured-in-place concrete. The Batch Plant has served and continues to serve both public and private purposes. For instance, it has produced for immediate delivery the materials that were used to improve Beech Road to the south of State Route 161, and for use in the construction of Ganton Parkway East and Ganton Parkway West as well as Innovation Campus Way West. On the private side, materials have been supplied to various major projects in the City, including the Facebook data center campus.

In the past, an office trailer has been present on the site to house the City's construction management consultants. The applicant would like to allow the operation of such a trailer for public and private users. No sales are made from the Batch Plant nor from the trailer, and the general public is not solicited nor permitted to visit the site for any purchases.

In requesting the conditional use, the applicant has provided a site plan that demonstrates the intended layout of the Batch Plant's operations. Except for the following commitments, the layout may be adjusted to meet operational or engineering needs, provided that applicable zoning standards and requirements are met:

1) <u>Buffer Zone</u>: A 100-ft wide buffer zone shall be provided as measured from the western and northern boundaries of the Property. Within these areas, no improvements shall permitted and no operations relating to the Batch Plant shall occur. A sediment swale with a construction fence shall be installed and maintained adjacent to the eastern and southern boundary lines of the buffer zone, with the exception that said swale may be located off of this boundary line in the northwest portion of the Property, as generally shown on the site plan.

2) <u>Detention</u>: A detention pond shall be provided in the northeastern portion of the Property, in the general location set forth in the site plan, with the final location and configuration to be determined with final engineering approvals.

3) <u>Access</u>: One full-service vehicular access point shall be provided on Ganton Parkway East in the eastern portion of the Property, to align with a full service access point existing across the street. A vehicular access point with only right-out access from the Property to Ganton Parkway East shall be provided in the southwestern portion of the Property. The right-out access shall be removed by the applicant or property owner within 30 days after the Batch Plant ceases to operate on the Property.

4) <u>Truck and Street Cleaning</u>: One or more wheel wash stations shall be provided within the Property at vehicular exit points and shall be required to be used by trucks which are exiting the Property. The operator of the Batch Plant shall clean and sweep Ganton Parkway between its intersection with Beech Road and its intersection with Worthington Road, each day while the Batch Plant is operating and to the extent any dirt or debris is present on the street due to traffic traveling to or from the Property. 5) <u>Setbacks</u>: There shall be a minimum pavement setback of 50 feet and a minimum building setback of 100 feet from the right-of-way of Ganton Parkway. The Batch Plant and any raw materials (stone, sand, gravel, etc.) shall be located no closer than 100 feet from the public street right-of-way. This is substantially in excess of the minimum pavement and building setback of 25 feet that applies to the property per the applicable zoning text.

Codified Ordinances Section 1153.03(a)(3) further describes industrial manufacturing and assembly uses as follows:

"A. <u>Characteristics</u>. Firms are involved in heavy manufacturing, processing, fabrication, packaging, or assembly of goods for industrial or construction industries. Raw, secondary, or partially completed materials may be used. Goods are generally not displayed or sold onsite. Relatively few customers come to the manufacturing site.

B. <u>Accessory activities</u>. Accessory activities may include administrative offices, cafeterias, employee recreational facilities, warehouse, storage yards, outlets, and caretaker's quarters. Retail outlets as an accessory to industrial manufacturing and assembly plants shall be treated as retail product sales and service.

C. Examples of heavy industrial manufacturing and assembly include, but are not limited to, metal stamping; pressing and buffing; tool and die shops; machine, sheet metal and welding shops; construction related and building material manufacturing (including milling, planning and joining); vehicle and/or vehicle part manufacturing and fabrication; construction equipment and/or construction equipment part manufacturing; recycling or creation of materials, textiles, lumber, paper, rubber, batteries, etc."

As described earlier, the temporary Batch Plant will continue to provide for the manufacturing and production of materials used in the construction industry for both public and private projects. Raw materials are used in such production, such as stone, sand, and gravel. No goods are displayed on the site, and no customers come to the Property. Storage of materials is part of the operation.

Section 1115.03 of the Codified Ordinances provides that the Planning Commission is to approve a conditional use if it meets all of the following requirements in bold below. The applicants have provided support for the use's conformance with such requirements following each of them.

(a) The proposed use will be harmonious with and in accordance with the general objectives, or with any specific objective or purpose of the Zoning Ordinance.

The zoning limitation text associated with the approved zoning of the Property provides requirements for the use of the Property over and above that which are required by the Zoning Ordinance. In addition, other commitments are being made with this application which exceed the requirements of the Zoning Ordinance and the limitation text. For instance, the limitation text requires a minimum pavement and building setback of 50 feet from all perimeter boundaries of a development site which do not abut a public street. This

application commits to a 100-foot minimum setback and buffer zone from such perimeter boundaries. In addition, this application commits to a minimum pavement setback of 50 feet and a minimum building setback of 75 feet from the right-of-way of Ganton Parkway, well above the 25-foot minimum for both setbacks that is required by the text.

(b) The proposed use will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.

The existing and future character of the area includes major data center developments to the south (Facebook and Google), and the Batch Plant on the Current Savko Site to the northeast. An Amazon distribution and fulfillment center is found to the west near the intersection of Ganton Parkway and Beech Road. Several undeveloped properties remain in the area which are zoned for major employment uses. Therefore, the conditional use fits well with the character of the area.

(c) The use will not be hazardous to existing or future neighboring uses.

A Batch Plant has been operated on the Current Savko Site since 2017. It has not presented any concerns or incidents with neighboring properties. The production from the Batch Plant is not one that includes potential pollutants or combustible materials and does not emit noxious odors. Noise has not proven to be an issue with the use, mainly because it is not located in close proximity to many residential uses. The Property is located even further from residential uses than the Current Savko Site. The location of the Property near the State Route 161 Expressway also means that noise created by high-speed traffic tends to prevail over noise create by the Batch Plant use.

(d) The area will be adequately served by essential public facilities and services such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

The City has already made significant investments in the improvement of Beech Road and the construction of Ganton Parkway. Given the Property's proximity to nearby development sites, as well as the Beech Road interchange on State Route 161, the Batch Plant is perfectly situated to ensure efficient passage of vehicles. The nature of the uses is such that they do not require the use of public water or sanitary sewer services. There is no negative impact on schools, as the uses generate no residents and add value to the Property, which in turn yields real estate tax revenue to the school district. The uses do not have any more likelihood of criminal activity than any existing use in the general vicinity.

(e) The proposed use will not be detrimental to the economic welfare of the community.

The proposed conditional use has been and will continue to be a clear economic benefit to the community. The existence of the use within the Business Park provides the City with opportunities for savings on public works projects by having materials from the area's major contractors at the ready. The presence of the Batch Plant also proves to be attractive to new development in the area, as it provides convenient access to construction materials and efficiency as to delivery. Easy access to and from State Route 161 for trucks is good for the local environment by providing short routes to and from the highway system without the need for sustained usage of the local street system.

(f) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

The conditional use will be subject to Codified Ordinances Section 1153.06, which requires that no land or structure within the GE district shall be used or occupied in such a manner as to create any dangerous, injurious, noxious or otherwise objectionable impact on any land which is located in any other zoning district.

(g) Vehicular approaches to the property shall be so designated as not to create interference with traffic on surrounding public streets or roads.

The proposed site plan commits to a single full service vehicular access point on Ganton Parkway East across from and aligned with another full movement access point across the street. A secondary right-out access point in the southwestern portion of the Property will funnel vehicular traffic westward toward Beech Road and easy access to the highway system. Such access points conform with sound traffic management practices.

AFFIDAVIT OF FACTS

I, Aaron L. Underhill, in my capacity as attorney for the applicant listed on the conditional use application pertaining to 12.2+/- acres known as a portion of Licking County Parcel Number 094-107106-00.000, being first duly sworn, do hereby state and depose the following:

That accompanying this affidavit is a list of all property owners located within two hundred (200) feet of the parcel(s) that are the subject of the application and their addresses as appearing on the Franklin County Auditor's current tax list; and

That said list is based solely on the records of the Office of the Auditor of Licking County, Ohio, as provided on its website on or about the date of this affidavit.

Further Affiant sayeth not.

By:

Aaron L. Underhill Attorney, Underhill & Hodge LLC

STATE OF OHIO COUNTY OF FRANKLIN SS.

The foregoing instrument was acknowledged before me on the day of August 2022, by Aaron L. Underhill, who acknowledged the foregoing signature to be his voluntary act and deed.





KIMBERLY R. GRAYSON Notary Public, State of Ohio My Commission Expires 01-11-2026

APPLICANT:

PROPERTY OWNER:

ATTORNEY:

SURROUNDING PROPERTY OWNERS:

Preylock New Albany LLC 1901 Avenue of the Stars, Suite 470 Los Angeles, CA 90067 MBJ Holdings LLC c/o Underhill & Hodge LLC 8000 Walton Parkway, Suite 260 New Albany, Ohio 43054

MBJ Holdings LLC 8000 Walton Parkway, Suite 120 New Albany, OH 43054

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

PJP Holdings LLC 9005 Smiths Mill Road New Albany, OH 43054

Amgen Inc. 2202 West Shore Blvd., Ste. 650-3A Tampa, FL 33607 Sidecat LLC 1601 Willow Park Road Menlo Park, CA 94025

Distribution Land Company LLC 3 Limited Parkway Columbus, OH 43230

APPLICANT:	MBJ Holdings LLC c/o Underhill & Hodge LLC 8000 Walton Parkway, Suite 260 New Albany, Ohio 43054	
PROPERTY OWNER:	MBJ Holdings LLC 8000 Walton Parkway, Suite 120 New Albany, OH 43054	
ATTORNEY:	Aaron L. Underhill Underhill & Hodge LLC 8000 Walton Parkway, Suite 260 New Albany, Ohio 43054	
SURROUNDING PROPERTY OWNERS:	PJP Holdings LLC 9005 Smiths Mill Road New Albany, OH 43054	Sidecat LLC 1601 Willow Park Road Menlo Park, CA 94025
Preylock New Albany LLC 1901 Avenue of the Stars, Suite 470 Los Angeles, CA 90067	Amgen Inc. 2202 West Shore Blvd., Ste. 650-3A Tampa, FL 33607	Distribution Land Company LLC 3 Limited Parkway Columbus, OH 43230

ZONING DESCRIPTION OF 12.2 ACRES

Situated in the State of Ohio, County of Licking, City of New Albany, lying in Section 16, Quarter Township 3, Township 2, Range 15 and being part of the remainder of that 51.281 acre tract conveyed to MBJ Holdings, LLC, by deed of record in Instrument Number 201708040016416 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at the centerline intersection of Beech Road and Ganton Parkway;

Thence South 86° 43' 42" East, with the centerline of said Ganton Parkway, a distance of 485.37 feet to a point;

Thence North 04° 09' 37" East, across said Ganton Parkway, a distance of 39.00 feet to a point in the northerly right-of-way line of said Ganton Parkway, being the TRUE POINT OF BEGINNING;

Thence North 04° 09' 37" East, with the westerly line of said remainder of that 51.281 acre tract, a distance of 614.07 feet to a point;

Thence South 86° 43' 42" East, with the northerly line of said remainder of that 51.281 acre tract and across said remainder of that 51.281 acre tract, a distance of 950.00 feet to a point;

Thence South 04° 09' 37" West, across said remainder of that 51.281 acre tract, a distance of 383.15 feet to a point on the arc of a curve;

Thence with the northerly right-of-way line of said Ganton Parkway, with the arc of a curve to the right, having a central angle of 35° 48' 03", a radius of 1222.00 feet, an arc length of 763.56 feet, a chord bearing of South 75° 22' 16" West and chord distance of 751.20 feet to a point of tangency;

Thence North 86° 43' 42" West, with said northerly right-of-way, a distance of 238.75 feet to the TRUE POINT OF BEGINNING, containing 12.2 acres, more or less.

This description was prepared from record information for zoning purposes only, and is NOT to be used for the transfer of real property.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

HLK:cjs 12_2 ac 20220007-VS-EXHB-ZONE-02 docx









Planning Commission Staff Report September 19, 2022 Meeting

BUSINESS AND COMMERCE ZONING DISTRICT ZONING AMENDMENT

LOCATION: REQUEST:	Located generally east of Johnstown Road, north and south of Miller Road, and on the west and east sides of Beech Road (PID: 037-111408-00.000, 037-111408-00.002, 037-111876-00.000, 037-111882-00.000, 037-111648-00.000, 037-111870-00.000, 037-111864-00.000, 037-111408-00.003, 037-111350-00.000, 037-111408-00.004, 037-112740-00.000, 037-111390-00.000, 037-111708-00.001, 037-111708-00.000, 037-1112020-00.000, 037-111366-00.000, 037-111876-00.001, 037-112248-00.000, 037-111870-00.001)
•	Zoning Amendment
ZONING:	AG Agricultural to L-GE Limited General Employment District
STRATEGIC PLAN:	Employment Center
APPLICATION:	ZC-102-2022
APPLICANT:	MBJ Holdings LLC, c/o Aaron Underhill, Esq.

Review based on: Application materials received August 19, 2022 and September 12, 2022. *Staff report completed by Chelsea Nichols, Planner*

I. REQUEST AND BACKGROUND

The applicant requests review for the rezoning of 509.17+/- acres. The request proposes to create a new limitation text for the area known as the "Business and Commerce Zoning District" and will be zoned Limited General Employment (L-GE). The proposed rezoning serves as an expansion of the New Albany International Business Park.

The proposed zoning district meets the recommended development standards found in the Engage New Albany strategic plan Northeast Area addendum Employment Center land use category and the Western Licking County Accord Office/Warehouse land use category by providing compatible general employment uses.

The text contains the same list of permitted, conditional, and prohibited uses as other similar zoning districts that are also zoned Limited General Employment (L-GE). This rezoning serves to extend the same or similar zoning and development standards to property being annexed to the City as currently apply to much of the developed and undeveloped land in its general vicinity.

II. SITE DESCRIPTION & USE

The overall site consists of nineteen parcels and is located within Licking County. The site is generally located southeast of the intersection of U.S. Route 62/Johnstown Road and Tippet Road in Licking County. Beech Road runs north-south, generally through the middle of the site. The subject parcels are currently being annexed into the city. The annexation petition was submitted on August 5, 2022 and is scheduled for its first reading at City Council on October 4, 2022.

The site is comprised of farm fields and residential homes. The neighboring uses and zoning districts include L-GE and unincorporated agricultural and residential.

III. PLAN REVIEW

Planning Commission's review authority of the zoning amendment application is found under C.O. Chapters 1107.02 and 1159.09. Upon review of the proposed amendment to the zoning map, the Commission is to make recommendation to City Council. Staff's review is based on city plans and studies, proposed zoning text, and the codified ordinances. Primary concerns and issues have been indicated below, with needed action or recommended action in <u>underlined text</u>.

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

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

A. New Albany Strategic Plan

The Engage New Albany strategic plan lists the following development standards for the Employment Center future land use district:

- 1. No freeway / pole signs are allowed.
- 2. Heavy landscaping is necessary to buffer these uses from adjacent residential areas.
- 3. Plan office buildings within context of the area, not just the site, including building heights within development parcels.
- 4. Sites with multiple buildings should be well organized and clustered if possible.
- 5. All office developments are encouraged to employ shared parking or be designed to accommodate it.
- 6. All office developments should plan for regional stormwater management.
- 7. All associated mechanical operations should be concealed from the public right-of-way and screened architecturally or with landscape in an appealing manner.
- 8. Any periphery security should integrate with the existing landscape and maintain and enhance the character of road corridor.
- 9. Combined curb cuts and cross-access easements are encouraged.
- 10. The use of materials, colors, and texture to break up large-scale facades is required.

B. Western Licking County Accord

The zoning district is located within the Western Licking County Accord's Office/Transitional Agriculture and Rural Residential/Agricultural future land use districts. The Western Licking County Accord states that if New Albany annexes land in this area and is able to provide water and sewer services, it would best serve the city of New Albany and Johnstown-Monroe School District as office development in the annexed area.

The accord's land use map is a point in time until any given area begins to develop or change. The proposed zoning meets the WLCA objectives as the proposed rezoning advances the employment center opportunities. The Accord's recommended development standards for the Office District include, but are not limited to:

- 1. Building should be oriented to the front of the primary public roadways. (pg. 68)
- 2. Office buildings should be set back from the primary street right-of-way a minimum of 50 feet to maintain a natural greenway as a visual amenity. (pg. 68)
- 3. Street trees should be provided on both sides of the street at a minimum of 40 feet on center. (pg. 68)
- 4. Where new development is adjacent to existing residences a buffer zone shall be created with a minimum width of 25 feet. Such screening within the buffer zone shall consist of natural vegetation planted no closer than 3 feet to any property line. Natural vegetation

shall have an opaqueness of 75% during full foliage and shall consist of a variety of deciduous and evergreen trees which attain 10 feet in height within 5 years of planting. (pg. 65)

- 5. Reasonable and good faith efforts shall be made to preserve existing trees and tree rows occurring in the planning area. (pg. 64)
- 6. To avoid spill-over lighting from commercial development to residential development. (pg. 66)
- 7. To avoid light pollution of the night sky. (pg. 66)
- 8. Outdoor light pole fixtures shall not exceed thirty (30) feet. (pg. 66)

C. Use, Site and Layout

- 1. The proposed zoning text is a limitation text. A limitation text can only establish more restrictive requirements than the zoning code.
- 2. The site is located in the Engage New Albany strategic plan Northeast Area addendum Employment Center land use. The majority of the site is also located in the Western Licking County Accord's Office/Transitional Agriculture district.
- 3. Due to the proximity of this site to State Route 62 and Beech Road, and its location adjacent to commercially zoned land in the existing New Albany International Business Park to the south, the site appears to be most appropriate for commercial development.
- 4. The limitation text will allow for manufacturing & production, general office activities, warehouse & distribution, data centers, and research & production uses. Personal service and retail product sales and services are only allowed as accessory uses to a permitted use in this subarea.
- 5. Conditional uses include industrial manufacturing & assembly, car fleet and truck fleet parking, and limited educational industries.
- 6. Prohibited uses include industrial product sales and services, mini-warehouses, vehicle services, radio/television broadcast facilities, off-premise signs and sexually oriented business.
- 7. The text contains the same list of permitted, conditional, and prohibited uses as other similar zoning districts that are also zoned Limited General Employment (L-GE), which includes the Jug Street North Zoning District.
- 8. The limitation text establishes more restrictive setback requirements than the development standards from surrounding L-GE limitation texts in the immediate vicinity. Zoning text section III.B. proposes the following setbacks:
 - U.S. Route 62: minimum pavement and building setback of 185 feet from the centerline of U.S. Route 62.
 - Meets the New Albany Strategic Plan recommendation of a 185-foot setback from centerline.
 - Beech Road: minimum 185-foot building and pavement setback from centerline.
 - Meets the New Albany Strategic Plan recommendation of a 185-foot setback from centerline.
 - Miller Road: a minimum pavement setback of 25 and building setback of 50 feet from right-of-way of Miller Road.
 - This is consistent with surrounding zoning districts.
 - Walnut Street Extension: Should an extension of Walnut Street be constructed eastward through this Zoning District as contemplated in Section V.A of this text, there shall be a minimum pavement setback of 50 feet and building setback of 100 feet from the right-of-way of that street extension.
 - Meets the New Albany Strategic Plan Northeast Area Addendum recommendation of 100-foot building setback from the right-of-way.
 - Perimeter Boundaries: minimum pavement and building setback of 25 feet from all perimeter boundaries for which another setback requirement is not provided in this text, except that the minimum pavement and building setback shall be 100 feet from any such perimeter boundary that is adjacent to property where residential uses are permitted.

• This is consistent with surrounding zoning districts.

D. Access, Loading, Parking

- 1. The text states the developer shall work with the City Manager, or their designee, to determine the need for appropriate timing and phasing of street improvements to serve this Zoning District. Subject to other provisions in this text, on public rights-of-way which exist on the date of this text the number, locations, and spacing of curb cuts shall be determined and approved by the City Manager, or their designee, in consultation with the developer at the time that a certificate of appropriateness is issued for a project in this Zoning District.
- 2. Parking will be provided per code requirements (Chapter 1167) and will be evaluated at the time of development for each individual site.
- Zoning text section V.C proposes to dedicate the following right-of-way below.
 - U.S. Route 62/Johnstown Road and Beach Road: The total right-of-way for U.S. Route 62/Johnstown Road and Beech Road shall be 100 feet. The developer shall dedicate right-of-way for U.S. Route 62/Johnstown Road and Beech Road to the City at a distance of 50 feet as measured from the existing centerline of U.S. Route 62/Johnstown Road and Beech Road.
 - Miller Road: The total right-of-way for Miller Road shall be 60 feet. The developer shall dedicate right-of-way for Miller Road to the City at a distance of 30 feet from the existing centerline of Miller Road.

E. Architectural Standards

- 1. The proposed rezoning implements many of the same standards and limitations set forth in the New Albany Architectural Design Guidelines and Requirements and neighboring commercial zoning districts.
- 2. The same architectural requirements as the existing Jug Street North Zoning District are proposed.
- 3. The zoning text section IV.A. permits 85-foot-tall buildings, subject to Section 1165.03 of the Codified Ordinances. The General Employment district does not typically have a height limitation. By creating a height requirement of 85 feet, the text is still being more restrictive than the standard district requirements.
- 4. The City's Design Guidelines and Requirements do not provide architectural standards for warehouse and distribution type facilities. Due to the inherent size and nature of these facilities, careful attention must be paid to their design to ensure they are appropriately integrated into the rest of the business park. The limitation text includes the same specific design requirements for uses not governed by the DGRs as those in the other subareas of the Licking County business park, which will ensure the quality and consistent design of these buildings throughout this portion of the business park.
- 5. Section IV.E.6 of the zoning text requires complete screening of all roof-mounted equipment on all four sides of the building using materials that are consistent and harmonious with the building's façade and character. The text indicates that the screening is provided to screen equipment from off-site view but also to buffer sound generated by the equipment.

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

1. Maximum lot coverage for this subarea is 75%, which is the same requirement as the surrounding L-GE zoning districts.

2. The following landscaping requirements apply to this Zoning District:

- 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.
- For those perimeter boundaries which abut residentially zoned and used properties (if two contiguous properties have an intervening public street right-of-way between them, they shall still be considered to be abutting) that are not owned by the developer, then the required landscaping and/or mounding (or some combination thereof)

within minimum required pavement setback areas shall be enhanced to provide an opacity of 75% on the date that is five (5) years after planting to a total height of 10 feet above ground level when viewed from off-site. Existing trees may be utilized to meet this opacity requirement.

- A street tree row shall be established along Beech Road and shall contain one (1) tree for every thirty (30) feet of road frontage. Trees may be grouped or regularly spaced. Street trees shall be located within the right-of-way. Minimum street tree size at installation shall be three (3) caliper inches. This requirement may be waived in areas where existing vegetation occurs or in areas subject to overhead electric transmission lines, subject to approval of the City Landscape Architect.
- There shall be no less than one (1) tree planted for every ten (10) parking spaces located therein. At least five percent (5%) of the vehicular use area shall be landscaped or green space (or treed areas). Parking lots shall be designed to accommodate parking lot islands with tree(s) at the end of parking aisles.
- An 8-foot-wide asphalt leisure trail is required to be installed along the Mink Street frontage of the site.
- Minimum tree size at installation shall be no less than two and one half (2 ¹/₂) inches in caliper for shade trees, six (6) feet in height for evergreen trees, two (2) inches in caliper for ornamental trees, and thirty (30) inches in height for shrubs. Caliper shall be measured six (6) inches above grade.
- In recognition of the significant amount of land area and the lengths of the perimeter boundaries contained within this Zoning District, for all portions of the Zoning District where there is required landscaping as contemplated in Section VI.B above, it may be installed in phases. For each phase of development in the Zoning District, such required landscaping and/or mounding shall be installed when it is anticipated (as provided in plans associated with relevant permits) that buildings, paved parking areas, or aboveground equipment or utility infrastructure, once constructed within that phase, will be located within 800 feet of the relevant perimeter boundary line. At a minimum for each phase, this landscaping shall be installed along the portion of the relevant perimeter boundary line of the Zoning District between two points which are determined by extending two straight lines from the perimeter boundary line of the Zoning District to the furthest distance on each side where planned improvements are to be constructed in that phase, and then adjusting those lines so that they are an additional distance of 150 apart. The following illustration is being provided as an example of this requirement:



Perimeter Boundary

- <u>Master Landscape Standards Plan:</u> Unless a landscape and signage standards plan is developed for this specific area and approved by the Planning Commission, the City of New Albany Business Campus South Beech Road South Landscape Standards Master Plan which was previously created for the Beech Road corridor and approved by the Planning Commission on June 5, 2017 shall apply to the Beech Road frontage in this Zoning District. New landscaping installed within the pavement setback along Beech Road shall be coordinated and consistent throughout the length of the Zoning District's frontage on that street.
 - Miller Road, Walnut Street, Beech Road, and U.S. Route 62:
 - Landscaping within the minimum required pavement setback along each of Miller Road, Beech Road, and U.S. Route 62 shall be coordinated and consistent throughout this Zoning District and surrounding areas. Stormwater and other similar non-building activities require the landscaping stated in this text be installed. The rural character of the land along road ways should be designed/maintained as contemplated in Beech Road South Landscape Standards Master Plan (or another applicable plan).
 - A landscape buffer shall be located within the required minimum pavement setback along each of Miller Road, Beech Road, and U.S. Route 62. The buffer shall be planted with a minimum quantity of eight (8) trees per 100 linear feet, in addition to street trees. Trees shall be randomly planted to create a naturalized appearance. Trees shall be of native species. Evergreen trees or shrubs shall not be permitted in the area between the buffer landscape and the edge of street pavement. For landscaping which is not used to meet zoning text, codified ordinance and street tree requirements, the minimum caliper of tree material may be reduced to 1" caliper to gain additional plant material. A four-board white horse fence may be located 1 foot from the edge of the right-of-way of each of these streets.
 - The landscape buffer may consist of mounding. Mounding, when used, shall be a maximum of 12 feet in height. Trees shall be planted on the mound with a minimum of 70% of the trees occurring on the street side. No trees shall be located within the upper quartile of the crest of the mound.

E. Lighting & Signage

- 1. No signage is proposed at this time. Per the text all signage shall meet the standards set forth in Codified Ordinance 1169 (City Sign Code).
- 2. All lighting shall be cut-off type fixtures and down cast. Parking lot lighting shall be from a controlled source in order to minimize light spilling beyond the boundaries of the site. This is a priority development goal of the Western Licking County Accord Plan (pg. 66).
- 3. The maximum height of light poles is 30 feet.
- 4. The zoning text requires lighting details to be included in the landscape plan which is subject to review and approval by the City Landscape Architect.

F. Other Considerations

1. The property owner has submitted a school impact statement which states the proposed L-GE zoning will result in fewer children in the Johnstown Monroe Local School District and add significant value to the land resulting in a substantial financial benefit to the school district.

IV. ENGINEER'S COMMENTS

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

- 1. When available, provide verification that all Ohio EPA and Army Corps of Engineers permitting requirements have been met.
- 2. We recommend that all proposed roads be constructed in accordance with public road standards.

IV. RECOMMENDATION

Basis for Approval:

The limitation text provides for stricter limitations in use and design than the straight General Employment zoning districts and retains or improves upon many of the requirements found in adjacent existing zoning texts. Due to the proximity of this site to the State Route 62 and Beech Road, and its location adjacent to commercially zoned land in the existing New Albany Business Park to the south, the site appears to be most appropriate for commercial development.

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

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

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

V. ACTION

Suggested Motions for ZC-102-2022:

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

Move to approve application ZC-102-2022 based on the findings in the staff report with the following condition:

1. That the city engineer's comments be addressed at the time of engineering permits, subject to staff approval.
Approximate Site Location:





401.60-142 September 9, 2022

To: Chelsea Nichols City Planner

From: Matt Ferris, P.E., P.S., City Engineer By: Jay M. Herskowitz, P.E., BCEE Re: Johnstown/Beech Rd. Rezoning

Our review comments are as follows:

- 1) When available, provide verification that all Ohio EPA and Army Corps of Engineers permitting requirements have been met.
- 2) We recommend that all proposed roads be constructed in accordance with public road standards.

MEF/JH

(attachment)

CC: Steve Mayer, Planning Manager





Permit #	
Board	
Mtg. Date	



Community Development Planning Application

	Site Address Johnstown-Utica Road/Beech Road		
	Parcel Numbers Please see attached list of property owners and parcel numbers Acres 509.17 +/- Acres # of lots created		
Project Information	Choose Application Type Circle all Details that Apply Appeal Certificate of Appropriateness Conditional Use Preliminary Development Plan Preliminary Plat Preliminary Lot Changes Combination Vacation Easement Vacation Easement Xoning Amendment (rezoning) Text Modification		
	Property Owner's Name: Please see attached list of property owners. Address:		
Contacts	Applicant's Name:MBJ Holdings LLC, c/o Aaron L. UnderhillAddress:8000 Walton Parkway, Suite 260City, State, Zip:New Albany, OH 43054Phone number:614.335.9230Email: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 L. Underbill, Attorney for Applicant Date: 8/19/2022 Date: 8/19/2022		

AFFIDAVIT OF FACTS

I, Aaron L. Underhill, in my capacity as attorney for the applicant listed on the zoning application pertaining to 509.17+/- acres known as Licking County Parcel Numbers 037-111408-00.000, 037-111408-00.002, 037-111876-00.000, 037-111882-00.000, 037-111648-00.000, 037-111870-00.000, 037-111864-00.000, 037-111408-00.003, 037-111350-00.000, 037-111408-00.004, 037-112740-00.000, 037-111390-00.000, 037-111708-00.001, 037-111708-00.000, 037-111876-00.001, 037-1112248-00.000, and 037-111870-00.001, being first duly sworn, do hereby state and depose the following:

That accompanying this affidavit is a list of all property owners located within two hundred (200) feet of the parcel(s) that are the subject of the application and their addresses as appearing on the Franklin County Auditor's current tax list; and

That said list is based solely on the records of the Office of the Auditor of Licking County, Ohio, as provided on its website on or about the date of this affidavit.

Further Affiant sayeth not.

By:

Aaron L. Underhill Attorney, Underhill & Hodge LLC

STATE OF OHIO COUNTY OF FRANKLIN SS.

The foregoing instrument was acknowledged before me on the day of <u>Hugust</u> 2022, by Aaron L. Underhill, who acknowledged the foregoing signature to be his voluntary act and deed.



KIMBERLY R. GRAYSON Notary Public, State of Ohio My Commission Expires 01-11-2026

Notary Public

My Commission Expires: 1-11-706

APPLICANT:

PROPERTY OWNER(S):

ATTORNEY:

SURROUNDING PROPERTY OWNERS:

Reddy Sridhar Thumma 4377 Oaks Shadow Drive New Albany, OH 43054

Hendren Century Farms Partnership 3925 Beech Road Johnstown, OH 43031

Dempsey and Nila Fry 14267 Johnstown-Utica Road Johnstown, OH 43031

Thomas and Deborah Eyer 14195 Johnstown-Utica Road Johnstown, OH 43031

Debora Tripp and Sharon Smart, Co-Trustees 4500 Beech Road Johnstown, OH 43031

Henry and Joyce Cook 13335 Miller Road NW Johnstown, OH 43031 MBJ Holdings LLC 8000 Walton Parkway, Suite 120 New Albany, OH 43054

Please see attached list of subject property owners

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

Olde Albany LLC 142 Granville Street Columbus, OH 43230

Joseph W. and Mildred B. Anderson P.O. Box 635 Johnstown, OH 43031

Christopher Scatena and Gina Faicco 14315 Johnstown-Utica Road Johnstown, OH 43031

Melissa and Stephen Sulich 14263 Johnstown-Utica Road Johnstown, OH 43031

Camille Clark and Daniel Silvers 14185 Johnstown-Utica Road Johnstown, OH 43031

Keith and Stacia Mainzer 675 Catalina Court Lindenhurst, IL 60046

Amazon Data Services Inc. P.O. Box 80416 Seattle, WA 98108 James E. Ziminski, Tr. 8200 Clouse Road New Albany, OH 43054

Charles and Ruth Ann Booher 3555 Beech Road Johnstown, OH 43031

Doris Stone, Trustee 8201 Dorr Street Toledo, OH 43617

Charles Cundiff 38777 State Route 56 New Plymouth, OH 45654

Carl and Sharon Hagelbarger 4495 Beech Road Johnstown, OH 43031

Hendren Farms Partnership 3925 Beech Road Johnstown, OH 43031

Carolyn Marie Browning 3715 Beech Road NW Johnstown, OH 43031

Subject Property Owners Rezoning of 509.17 +/- Acres

PARCEL NUMBER	OWNER NAME(S)	OWNER ADDRESS
037-111408-00.000, 037-	Hendren One LLC	3922 Beech Road NW
111408-00.002, 037-111876-		Johnstown, OH 43031
00.000, 037-111882-00.000,		
037-111648-00.000, 037-		
111870-00.000, 037-111864-		
00.000 and 037-111408-00.003		
037-111350-00.000	Fred H. Hendren	3925 Beech Road NW
		Johnstown, OH 43031
037-111408-00.004	Dustin A. and Shawna M.	4439 Beech Road NW
	Hendren	Johnstown, OH 43031
037-112740-00.000	Joanna Bennett, Co-Trustee of	4325 Beech Road NW
	the Roth Trust Agreement dated	Johnstown, OH 43031
	May 14, 2018 and David Walter	,
	Roth, Co-Trustee of the Roth	
	Trust Agreement dated May 14,	
	2018	
037-111390-00.000	James S. Thomson	4217 Beech Road NW
		Johnstown, OH 43031
037-111708-00.001	Larry Criner	4117 Beech Road NW
		Johnstown, OH 43031
037-111708-00.000	Nicole Criner	4117 Beech Road NW
		Johnstown, OH 43031
037-112020-00.000	Tracy G. Spence	4077 Beech Road NW
		Johnstown, OH 43031
037-111366-00.000	Ander Family Limited	P.O. Box 635
	Partnership	Johnstown, OH 43031
037-111876-00.001	Fred H. Hendren, Trustee of the	3925 Beech Road NW
	Fred H. Hendren Trust dated	Johnstown, OH 43031
	April 20, 1999 and Shirley E.	
	Hendren, Trustee of the Shirley	
	E. Hendren Trust dated April	
	20, 1999	
037-112248-00.000	Charles A. Wilson, Trustee of	13757 Miller Road
	the Charles R. Wilson Keystone	Johnstown, OH 43031
	Inheritance Trust dated May 5,	,
	2011	
037-111870-00.001	David A. and Ann M. Hendren	3922 Beech Road NW
		Johnstown, OH 43031

NEW ALBANY COMMERCE ZONING DISTRICT

Information concerning specific Code requirements for rezoning submittal by MBJ Holdings LLC

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 Property that is being zoned consists of 509.17+/- located generally to the southeast of the intersection of U.S. Route 62 and Tippet Road. Beech Road runs north-south through the site. At the time of this application, the property is in the process of being annexed to the City of New Albany from Jersey Township. Upon annexation, the City's Codified Ordinances provide that the property automatically will be given an AG, Agricultural District zoning classification.

The proposed zoning amendment will have little impact on adjacent and proximate properties and this zoning will permit the property to be developed consistent with the existing development pattern in the area. It will facilitate further expansion of the New Albany International Business Park using the same or substantially similar standards as apply to other properties 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 based on market conditions after approval of the accompanying rezoning application.

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.



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

P: 614.335.9321 F: 614.335.9329 aaron@uhlawfirm.com

August 19, 2022

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

RE: School Impact of Zoning of 509.17+/- located generally to the southeast of the intersection of U.S. Route 62 and Tippet Road in Licking County

Dear Chris:

MBJ Holdings, LLC owns or is in contract to acquire certain real property (the "<u>Property</u>") located as described above. This letter accompanies an application to rezone the Property from the AG, Agricultural District to the L-GE, Limited General Employment District. The purpose of this letter is to analyze the impact of this zoning on the Johnstown-Monroe Local School District.

This rezoning will allow commercial development on the Property as opposed to residential development. Once developed, nine homes will be removed from the site. 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,

L. Undel. 09

Aaron L. Underhill Attorney for the Applicant

$\begin{array}{c} \text{LEGAL DESCRIPTION} \\ \text{509.17} \pm \text{ ACRES} \end{array}$

Situated in the State of Ohio, County of Licking, Township of Jersey, in Lots 26, 27, 28, 37, 38 & 39, Quarter Township 2, Township 2, Range 15, United States Military Lands, being comprised of all of the following tracts of land. Those tracts conveyed as Tract One, Tract Two Parcel One, Tract Two Parcel Two, Tract Two Parcel Three, Tract Three First Parcel, Tract Three Second Parcel, Tract Three Third Parcel, Tract Three Fourth Parcel, Tract Three Fifth Parcel to Hendren One LLC by deed of record in Instrument Number 201304180009917, that 4.318 acre tract conveyed to Dustin A. Hendren and Shawna M. Hendren by deed of record in Instrument Number 201605020008414, that 1 acre tract conveyed to David Walter Roth and Joanna Bennett, Co-Trustees by deed of record in Instrument Number 201806110011768, that 0.50 acre tract conveyed to Fred H. Hendren by deed of record in Official Record 208, Page 669, that 10.108 acre tract conveyed to James S. Thomson by deed of record in Instrument Number 201405220009232, that 14.17 acre tract conveyed to Tracey G. Spence by deed of record in Official Record 288, Page 256, that 25 acre tract conveyed to Ander Family Limited Partnership by deed of record in Instrument Number 200001040000408, that 2.230 acre tract conveyed to Fred H. Hendren and Shirley E. Hendren, Trustees by deed of record in Instrument Number 201303280007948, that 2.635 acre tract conveyed to David A. Hendren and Ann M. Hendren by deed of record in Instrument Number 200006260020184, that 50 acre tract conveyed as Parcel Two to Charles A. Wilson and Daniel E. Wilson, Co-Trustees by deed of record in Instrument Number 201105190009421, and the subdivision entitled "Criner Addition to Jersey Township", of record in Instrument Number 201606090011804 (all references refer to the records of the Recorder's Office, Licking County, Ohio), and more particularly bounded and described as follows:

BEGINNING at the common corner of Lots 23, 24, 25 & 26, the southwesterly corner of that 24.4384 acre tract conveyed to Keith G. Mainzer and Stacia G. Mainzer by deed of record in Official Record 768, Page 536, the southeasterly corner of that 91.173 acre tract conveyed to Deborah Tripp and Sharon Smart, Co-Trustees by deed of record in Instrument Number 201104140007147, the northwesterly corner of that 41.666 acre tract conveyed to Hendren Farms Partnership by deed of record in Instrument Number 201105100008721;

Thence South 03° 27' 52" West, with the common line of Lots 23 & 26, 22 & 27, and 21 & 28, the westerly line of said 41.666 acre tract, and the westerly line of that 51.87 acre tract conveyed to HS & JA, LLC by deed of record in Instrument Number 201906130011619, a distance of 4310.17 feet to a northeasterly corner of that 476.757 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201912030026846, the existing City of New Albany corporation line, as established by Ordinance Number O-12-2019, of record in Instrument Number 201906210012317;

Thence North 86° 31' 53" West, with said corporation line, the northerly line of said 476.757 acre tract, and the northerly line of that 112.155 acre tract conveyed to Amazon Data Services, Inc. by deed of record in Instrument Number 202004200008702, a distance of 2758.08 feet to a point in the centerline of Beech Road;

Thence North 03° 17' 42" East, with said centerline, a distance of 594.33 feet to a the northeasterly corner of that 2.86 acre tract conveyed to Marie Carolyn Browning by deed of record in Instrument Number 202204150009447;

Thence North 86° 38' 51" West, with the northerly line of said 2.86 acre tract, the northerly line of that 16 acre tract conveyed to Charles F. Booher and Ruth Ann Booher by deed of record in Instrument Number 201904160006997, and the northerly line of that 18 acre tract conveyed to Charles F. Booher and Ruth Ann Booher by deed of record in Instrument Number 200003160008239, a distance of 2787.76 feet to a point in the easterly line of Franklin County;

LEGAL DESCRIPTION 509.17± ACRES

Thence North 03° 22' 05" East, with said County line, a distance of 3520.36 feet to a point in the centerline of Johnstown Road (U.S. 62);

Thence North 70° 25' 22" East, with said centerline, a distance of 467.21 feet to the southwesterly corner of that 4.7 acre tract conveyed as Tract Two Parcel One to Hendren One LLC by deed of record in Instrument Number 201304180009917;

Thence South 86° 44' 08" East, with the southerly line of said 4.7 acre tract, the southerly line of that 2.050 acre tract conveyed to Christopher M. Scatena and Gina Faicco by deed of record in Instrument Number 202107020019966, the southerly line of that 1.573 acre tract conveyed to Doris W. Stone, Trustee by deed of record in Instrument Number 201401160001051, the southerly line of that 1.797 acre tract conveyed to Dempsy Fry and Nila Fry by deed of record in Instrument Number 200312240060066, the southerly line of that 2.059 acre tract conveyed to Melissa Anne Sulich and Stephen C. Jacks by deed of record in Instrument Number 202105100013950, the southerly line of that 2.31 acre tract conveyed to Charles Cundiff by deed of record in Deed Book 811, Page 739, the southerly line of that 2.567 acre tract conveyed to Thomas E. Eyer and Deborah L. Eyer by deed of record in Instrument Number 199808310033256, the southerly line of that 3.754 acre tract conveyed to Camille Clark and Daniel Silvers by deed of record in Instrument Number 202104220011811, the southerly line of that 1.080 acre tract conveyed to Sharon Hagelbarger and Carl Hagelbarger by deed of record in Official Record 180, Page 737, and the southerly line of said 91.173 acre tract, a distance of 5123.62 feet to the POINT OF BEGINNING, containing 509.17 acres of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk Professional Surveyor No. 7865





Project Dragonfly - Annexation Documents / 20220601-VS-EXHB-ANNX-01

BUSINESS AND COMMERCE ZONING DISTRICT

LIMITATION (L-GE) TEXT

September 12, 2022

The Business and Commerce Zoning District (hereinafter, the "Zoning District") consists of 509.17+/- acres located to the southeast of the intersection of U.S. Route 62/Johnstown Road and Tippet Road in Licking County. Beech Road runs north-south generally through the middle of the site. This rezoning serves to extend the same or similar zoning and development standards to property being annexed to the City as currently apply to much of the developed and undeveloped land in its general vicinity.

I. Zoning Designation: L-GE, Limited General Employment District

II. <u>Permitted Uses</u>: The permitted and conditional uses contained and described in the Codified Ordinances of the City of New Albany, GE, General Employment District, Sections 1153.02 and 1153.03, provided that conditional uses are approved in accordance with Chapter 1115, Conditional Uses. The following uses from these code sections shall be prohibited:

- Industrial product sales (See Section 1153.03(a)(1)); A.
- Industrial service (See Section 1153.03(a)(2)); Β.

Mini-warehouses (See Section 1153.03(a)(4)(c)). For purposes of clarification, C. this prohibition only applies to such facilities that are made available for rental to the general public;

- D. Personal service (See Section 1153.03(b)(2)) and retail product sales and service (See Section 1153.03(b)(3)), except that such uses shall be allowed as accessory uses to a permitted use in this Zoning District;
- Vehicle services (See Section 1153.03(b)(4)); E.
- Radio/television broadcast facilities (See Section 1153.03(c)(1)); F.
- G. Sexually-oriented businesses (See Section 1153.03(c)(3)); and
- Off-premises signs (See Section 1153.03(c)(2)). H.

III. Lot and Setback Commitments:

A. Lot Coverage: There shall be a maximum lot coverage in this Zoning District of 75%.

B. Setbacks:

1. U.S. Route 62: There shall be a minimum pavement and building setback of 185 feet from the centerline of U.S. Route 62.

2. Beech Road: There shall be a minimum pavement and building setback of 185 feet from the centerline of Beech Road.

3. Miller Road: There shall be a minimum pavement setback of 25 and building setback of 50 feet from right-of-way of Miller Road.

4. Walnut Street Extension: Should an extension of Walnut Street be

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constructed eastward through this Zoning District as contemplated in Section V.A of this text, there shall be a minimum pavement setback of 50 and building setback of 100 feet from the right-of-way of that street extension.

5. <u>Perimeter Boundaries:</u> There shall be a minimum pavement and building setback of 25 feet from all perimeter boundaries for which another setback requirement is not provided in this text, except that the minimum pavement and building setback shall be 100 feet from any such perimeter boundary that is adjacent to property where residential uses are permitted.

6. <u>Elimination of Setbacks</u>: In the event that a parcel located within this Zoning District and an adjacent parcel located within or outside of this Zoning District (i) come under common ownership or control, (ii) are zoned to allow compatible non-residential uses, and (iii) are combined into a single parcel, then any minimum building, pavement, or landscaping setbacks set forth in this text as they apply to common property lines shall no longer apply with respect to these parcels. Section 1153.04(g) of the Codified Ordinances also shall apply to this Zoning District.

IV. Architectural Standards:

A. <u>Building Height:</u> The maximum building height for structures in this Zoning District shall be 85 feet, subject to Section 1165.03 of the Codified Ordinances.

B. <u>Service and Loading Areas:</u> Service areas and loading areas shall be screened in accordance with the Codified Ordinances.

C. Building Design:

1. Building designs shall not mix architectural elements or ornamentation from different styles.

2. Buildings shall be required to employ a comparable use of materials on all elevations.

3. The number, location, spacing, and shapes of windows and door openings shall be carefully considered. Primary entrances to buildings shall be made sufficiently prominent that they can be easily identified from a distance.

4. For office buildings and complexes, achieving a human or pedestrian scale is of less concern. When achieving such a scale is desired, it may be achieved by careful attention to width of facades, size and spacing of window and door openings, and floor to floor heights on exterior walls.

5. All elevations of a building that are visible from a public right-of-way shall receive similar treatment in terms of style, materials, and design so that such elevations are not of a lesser visual character than any other.

6. Use of elements such as shutters, cupolas, dormers, and roof balustrades shall be avoided in building designs that are not based on traditional American architectural styles. Such elements may be employed only when they are

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common elements of a specific style, and this style shall be replicated in its entirety. When shutters are employed, even if they are non-operable, they must be sized and mounted in a way that gives the appearance of operability.

7. Elements such as meter boxes, utility conduits, roof and wall projections such as vent and exhaust pipes, basement window enclosures, and trash containers shall be designed, located, or screened so as to minimize their visibility and visual impact from off-site. Solar energy systems shall be excluded from the requirements of this section.

8. Accessory or ancillary buildings, whether attached or detached, shall be of similar design, materials and construction as the nearest primary structure. Fenestration themes that employ windows, panels and piers that are consistent with the architectural vocabulary of the building are encouraged. Accessory structures, generators, storage tanks, trash receptacles or any other similar improvement must be located behind a building façade that does not front on a public right-of-way.

D. Building Form:

1. All building elevations shall be designed to be compatible with each other and to reflect a consistent design approach.

2. Gable or hip roofs shall be avoided unless a building design replicates a traditional American architectural style that employs such roof forms. In non-stylistic contemporary designs, low or flat roofs may be employed. Roof visibility shall be minimized.

E. Materials:

1. Exterior building materials shall be appropriate for contemporary suburban designs and shall avoid overly reflective surfaces. Traditional materials such as, but not limited to, wood, stone, brick, and concrete shall be permitted, and contemporary materials such as, but not limited to, aluminum, metal, glass, stucco, or cementitious fiberboard (e.g., hardiplank or equivalent) shall be permitted on buildings not employing traditional styles. Architectural precast concrete panels and/or poured-in-place concrete tilt-up panels shall be permitted. The use of reflective or mirrored glass shall be prohibited.

2. Prefabricated metal buildings and untreated masonry block structures are prohibited. Notwithstanding the foregoing, ancillary structures built and operated for the purpose of enclosing equipment and which are not occupied by tenants or persons on a regular basis may be constructed using pre-engineered metal.

3. Generally, the quantity of materials selected for a building shall be minimized.

4. Loading docks are not required to have the same degree of finish as a main entry unless they are visible from a public right-of-way.

5. <u>Additional Standards for Uses Not Governed by DGRs:</u> Buildings that are constructed to accommodate certain uses are not governed by the City's Design Guidelines and Requirements (DGRs). For example, buildings that are constructed for the operation of warehousing and/or distribution uses are not subject to the DGRs and can present challenges in meeting the community standard for architectural design. Such buildings are necessarily large and typically include long walls that together form a square or rectangular box. The goal for the development of buildings that are not subject to the DGRs is to balance the practical needs of these buildings with the desire to provide exterior designs that are attractive and complimentary to the architecture that will be found elsewhere in this Zoning District.

Architecture by its nature is a subjective medium, meaning that the adoption of strict objective standards in all instances may not provide the best means for achieving appropriate design. In recognition of this fact, the standards set forth herein provide guidelines and suggestions for designing buildings that are not subject to the DGRs in an effort to set expectations for the quality of architecture that will be expected for these structures. On the other hand, these standards are meant to allow for some flexibility to encourage innovative design provided that the spirit and intent of these provisions are met.

In conjunction with an application for a certificate of appropriateness for each building or structure in this Zoning District that is not subject to or governed by the DGRs, the applicant shall be required to submit to the City illustrations of the proposed exterior design of the building or structure for review and approval by the Design Review Committee contemplated in Section 1157.08(a)(1)(D) of the City Code. In designing such buildings, the user or applicant shall consider the following, which are intended to set a level of expectation for the quality of design:

a. Architectural design for all portions of a building or structure that are visible from a public right-of-way (excluding public rights-of-way whose primary purpose is to accommodate truck traffic or service loading areas) shall meet the community standard in terms of quality while considering the unique nature of the use(s) that will be found therein.

b. Uninterrupted blank wall facades shall be prohibited to the extent that they are visible from a public right-of-way. Design variations on long exterior walls shall be employed in order to create visual interest. Examples of such design variations include, but are not limited to, the use of offsets, recesses and/or projections, banding, windows, and/or reveals; scoring of building facades; color changes; texture or material changes; and variety in building height.

c. The use of one or more architectural or design elements may be used to soften the aesthetics of the building, such as but not limited to canopies, porticos, overhangs, arches, outdoor patios, community spaces, or similar devices.

d. Contemporary exterior designs, while not required, shall be encouraged in order to create architecture that does not look aged or dated even many years after the facility is built.

e. Landscaping and/or the use of existing vegetation shall be utilized where appropriate to enhance the aesthetics of the building and to lessen its visual impact when viewed from public rights-of-way.

6. <u>Roof-Mounted Equipment:</u> 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.

V. Access, Parking, Site Circulation, and Traffic Commitments:

A. <u>Vehicular Access</u>: The developer shall work with the City Manager or their designee to determine the need for appropriate timing and phasing of street improvements to serve this Zoning District. Subject to other provisions in this text, on public rights-of-way which exist on the date of this text the number, locations, and spacing of curbcuts shall be determined and approved by the City Manager or their designee in consultation with the developer at the time that a certificate of appropriateness is issued for a project in this Zoning District.

The applicant shall undertake a traffic analysis and provide a copy of the same to City staff to determine if an extension of Walnut Street eastward from its current terminus should be located within this Zoning District or if it would be more appropriately located outside of this Zoning District, based on generally accepted traffic engineering principles. The analysis also shall provide recommendations for the sizing of the right-of-way for the public street extension (which shall not exceed 80 feet in width) and the timing for its construction. The developer shall grant easements to the City which are adjacent to the aforementioned rights-of-way to the extent necessary to provide for the installation and maintenance of streetscape improvements. Should the traffic analysis conclude that the public street extension should run through this Zoning District, then the southern edge of the right-of-way for the street shall be at least partially contiguous with the southern boundary line of this Zoning District, with the goal being to maximize the amount of the southern edge of the right-of-way that is contiguous with the southern boundary of this Zoning District in order to minimize the impact on developable property. The City Manager or the City Manager's designee shall make the final determination to approve the conclusions of the traffic analysis. The necessary right-of-way for the street extension shall be dedicated by the relevant property owner(s).

B. <u>Parking and Loading</u>: Parking and loading spaces shall be provided for each use per Chapter 1167 of the Codified Ordinances of the City of New Albany.

C. <u>Rights-of-Way:</u> The total right-of-way for U.S. Route 62/Johnstown Road and Beech Road shall be 100 feet. The developer shall dedicate right-of-way for U.S. Route 62/Johnstown Road and Beech Road to the City at a distance of 50 feet as measured from the existing centerline of U.S. Route 62/Johnstown Road and Beech Road. The total right-of-way for Miller Road shall be 60 feet. The developer shall dedicate right-of-way for Miller Road to the City at a distance of 30 feet from the existing centerline of Miller Road. The developer shall grant easements to the City which are adjacent to the aforementioned rights-of-way to the extent necessary to provide for the installation and maintenance of streetscape improvements.

VI. <u>Buffering, Landscaping, Open Space, and Screening:</u> A landscaping plan shall be approved as part of the City's review of a certificate of appropriateness application for each portion of this Zoning District that is proposed for development. The following landscaping requirements shall apply to this Zoning District:

A. <u>Tree Preservation</u>: 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.

B. <u>Landscaping Required Adjacent to Residential Uses</u>: For those perimeter boundaries which abut residentially zoned and used properties (if two contiguous properties have an intervening public street right-of-way between them, they shall still be considered to be abutting) that are not owned by the developer, then the required landscaping and/or mounding (or some combination thereof) within minimum required pavement setback areas shall be enhanced to provide an opacity of 75% on the date that is five (5) years after planting to a total height of 10 feet above ground level when viewed from off-site. Existing trees may be utilized to meet this opacity requirement.

C. <u>Fencing</u>: A standard New Albany white four-board horse fence may (but shall not be required to) be provided within the public right-of-way.

D. <u>Stormwater Management:</u> Wet and dry stormwater basins shall conform to the standards set forth in Section 1171.08 of the Codified Ordinances of the City of New Albany.

E. <u>Street Trees:</u> A street tree row shall be established along Beech Road and shall contain one (1) tree for every thirty (30) feet of road frontage. Trees may be grouped or regularly spaced. Street trees shall be located within the right-of-way. Minimum street tree size at installation shall be three (3) caliper inches. This requirement may be waived in areas where existing vegetation occurs or in areas subject to overhead electric transmission lines, subject to approval of the City Landscape Architect.

F. <u>Parking Areas</u>: Within this Zoning District, there shall be no less than one (1) tree planted for every ten (10) parking spaces located therein. At least five percent (5%) of the vehicular use area shall be landscaped or green space (or treed areas). Parking lots shall be designed to accommodate parking lot islands with tree(s) at the end of parking aisles.

G. <u>Pedestrian Circulation:</u> An 8-foot-wide asphalt leisure trail is required to be installed along the Beach Street frontage of the site.

H. <u>Minimum On-Site Tree Sizes</u>: Unless otherwise set forth herein, minimum tree size at installation shall be no less than two and one half $(2\frac{1}{2})$ inches in caliper for shade trees, six (6) feet in height for evergreen trees, two (2) inches in caliper for ornamental trees, and thirty (30) inches in height for shrubs. Caliper shall be measured six (6) inches above grade.

I. All street trees that are not installed prior to infrastructure acceptance shall be bonded to guarantee installation.

J. <u>Phasing of Screening:</u> In recognition of the significant amount of land area and the lengths of the perimeter boundaries contained within this Zoning District, for all portions of the Zoning District where there is required landscaping and/or mounding as contemplated in Section VI.B above, it may be installed in phases. For each phase of development in the Zoning District, such required landscaping and/or mounding shall be installed when it is anticipated (as provided in plans associated with relevant permits) that buildings, paved parking areas, or

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aboveground equipment or utility infrastructure, once constructed within that phase, will be located within 800 feet of the relevant perimeter boundary line. At a minimum for each phase, this landscaping and/or mounding shall be installed along the portion of the relevant perimeter boundary line of the Zoning District between two points which are determined by extending two straight lines from the perimeter boundary line of the Zoning District to the furthest distance on each side where planned improvements are to be constructed in that phase, and then adjusting those lines so that they are an additional distance of 150 apart. The following illustration is being provided as an example of this requirement:



Perimeter Boundary

K. <u>Master Landscape Standards Plan:</u> Unless a landscape and signage standards plan is developed for this specific area and approved by the Planning Commission, the City of New Albany Business Campus South – Beech Road South Landscape Standards Master Plan which was previously created for the Beech Road corridor and approved by the Planning Commission on June 5, 2017 shall apply to the Beech Road frontage in this Zoning District. New landscaping installed within the pavement setback along Beech Road shall be coordinated and consistent throughout the length of the Zoning District's frontage on that street. Similarly, new landscaping installed within the pavement setback along Jug Street shall be coordinated and consistent throughout the length of the Zoning District's frontage on that street.

L. Miller Road, Walnut Street, Beech Road, and U.S. Route 62:

1. Landscaping within the minimum required pavement setback along each of Miller Road, Beech Road, and U.S. Route 62 shall be coordinated and consistent throughout this Zoning District and surrounding areas. Stormwater and other similar non-building activities require the landscaping stated in this text be installed. The rural character of the land along road ways should be designed/maintained as contemplated in Beech Road South Landscape Standards Master Plan (or other applicable plan).

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2. A landscape buffer shall be located within the required minimum pavement setback along each of Miller Road, Beech Road, and U.S. Route 62. The buffer shall be planted with a minimum quantity of eight (8) trees per 100 linear feet, in addition to street trees. Trees shall be randomly planted to create a naturalized appearance. Trees shall be of native species. Evergreen trees or shrubs shall not be permitted in the area between the buffer landscape and the edge of street pavement. For landscaping which is not used to meet zoning text, codified ordinance and street tree requirements, the minimum caliper of tree material may be reduced to 1" caliper to gain additional plant material. A four-board white horse fence may be located 1 foot from the edge of the right-of-way of each of these streets.

3. The landscape buffer may consist of mounding. Mounding, when used, shall be a maximum of 12 feet in height. Trees shall be planted on the mound with a minimum of 70% of the trees occurring on the street side. No trees shall be located within the upper quartile of the crest of the mound.

VII. Lighting:

A. All parking lot and private driveway lighting shall be cut-off type fixtures and down cast. Parking lot lighting shall be from a controlled source in order to minimize light spilling beyond the boundaries of the site.

B. All parking lot light poles shall be black or New Albany green and constructed of metal. Light poles shall not exceed 30 feet in height.

C. Lighting details shall be included in the landscape plan which is subject to review and approval by the City Landscape Architect.

D. Landscape uplighting from a concealed source shall be subject to staff approval. All uplighting fixtures must be screened by landscaping. Lighting details shall be included in the landscape plan which is subject to review and approval by the City Landscape Architect.

D. No permanent colored lights or neon lights shall be used on the exterior of any building.

E. All other lighting on the site shall be in accordance with City Code.

F. Street lighting must meet the City standards and specifications.

VIII. <u>Signage:</u> All signage shall conform to the standards set forth in Chapter 1169 of the Codified Ordinances of the City of New Albany.

IX. <u>Utilities</u>: All new utilities installed solely to serve this Zoning District shall be installed underground.



Planning Commission Staff Report September 19, 2022 Meeting

6988 HANBY'S LOOP FENCE LOCATION VARIANCE

LOCATION:	6988 Hanby's Loop (PID: 222-004836-00)
APPLICANT:	Ryan & Ashley Deal
REQUEST:	Variance to Ebrington Recorded Easement Plat
ZONING:	Comprehensive Planned Unit Development: West Nine 2 Subarea C
STRATEGIC PLAN:	Residential
APPLICATION:	VAR-103-2022

Review based on: Application materials received on August 25, 2022.

Staff report prepared by Sierra Cratic-Smith, Planner

I. REQUEST AND BACKGROUND

The applicant requests a variance to allow a fence to be constructed within a platted drainage easement. The subdivision plat established a drainage easement along the rear property for the conveyance of stormwater.

The Ebrington subdivision recorded plat states:

"Within those areas designated, "Drainage Easement" on this plat, an additional easement is hereby reserved for the purpose of constructing, operating, and maintaining major storm water drainage swales and/or other above ground storm water drainage facilities. No above grade structures, dams or other obstructions to the flow of storm water runoff are permitted within Drainage Easement areas as delineated on this plat unless approved by the New Albany Municipal Engineer. No building shall be constructed in any area over which easements are hereby reserved."

The city (municipal) engineer has review the request and is not supportive of the easement encroachment. Since the city engineer did not approve the request, the homeowner is seeking a variance.

II. SITE DESCRIPTION & USE

The property is 0.38 acres in size and contains a single-family home. The lot is located in the New Albany Country Club Ebrington (West Nine) subdivision. The surrounding properties are located within the same subdivision and contain residential uses.

III. ASSESMENT

The application complies with application submittal requirements in C.O. 1113.03, and is considered complete. In accordance with C.O. 1113.05(b), all property owners within 200 feet of the subject property in question have been notified of the request via mail.

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

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

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

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

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

IV. EVALUATION

(A) Variance to Ebrington Recorded Plat which states, "Within those areas designated, "Drainage Easement" on this plat, an additional easement is hereby reserved for the purpose of constructing, operating, and maintaining major storm water drainage swales and/or other above ground storm water drainage facilities. No above grade structures, dams or other obstructions to the flow of storm water runoff are permitted within Drainage Easement areas as delineated on this plat unless approved by the New Albany Municipal Engineer. No building shall be constructed in any area over which easements are hereby reserved."

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

1. The back 12 feet of the rear yard is encumbered with a drainage easement. The plat states, "within those areas designated, "Drainage Easement" on this plat, an additional easement is hereby reserved for the purpose of constructing, operating, and maintaining major storm water drainage swales and/or other above ground storm water drainage facilities. No above grade structures, dams or other obstructions to the flow of storm water runoff are permitted within Drainage Easement areas as delineated on this plat unless approved by the New Albany Municipal Engineer. No building shall be constructed in any area over which easements are hereby reserved."

- 2. The property owner requests a variance to allow for the construction of a fence within the entire 12-foot-wide drainage easement. The fence will be constructed along the side and rear property lines and within the drainage easement. There are no other easements on the property.
- 3. According to the approved engineering plans for the subdivision, this drainage easement runs along the rear property line of 14 homes along this section and provides stormwater drainage for the properties into two inlets as shown in the picture below.



Legend:

└□ Major Flood Route Direction

Inlets for Drainage

- 4. According to the approved engineering plans for the subdivision, this drainage easement has two types of drainage improvements. The first being a swale to drain surface rainwater from neighboring properties to catch basins. The second is a buried 12-inch storm sewer that runs down the rear of the property. This drainage easement also serves as the beginning of a major flood route for significant rain events.
- 5. A major flood route is designed to accommodate and convey stormwater from major rain events. The typical drainage improvements are engineered to meet the demands of minor storm events whereas major flood routes are designed for major and extraordinary storm events.
- 6. The engineering plans show that in major and extraordinary storm events, if the buried 12inch storm sewer were to fill up with water, the rear of these properties are graded to collect and convey the stormwater within the drainage easement, over the surface, to the roadway to the west.
- 7. If obstructions are located within the drainage easement, this could block the stormwater from getting to the catch basins, thereby prohibiting the drainage easement from functioning properly, as designed by the professional engineer who prepared the plans. Blocking would affect this and neighboring properties since the water could pond and run outside of the drainage easement.

- 8. This request appears to be substantial. The rear of the property is a major flood route. This flood route is used for rain and flood waters to drain properly in the rear of property owner's yards. The major flood route serves multiple properties within this section of the subdivision.
- 9. It appears the problem can be solved by some manner other than the granting of a variance considering the size of the lot. The easement is 12 feet in width. The back of the house is 64 feet from the rear property line. If the drainage easement cannot be built on, then there is 52 feet of buildable rear yard space. Although the size of lots in the area are slightly larger than this property, there appears to be sufficient space for a fence to be located outside the easement for safety and backyard amenities as desired by the homeowner.
- 10. It does not appear that there are special conditions and/or circumstances that are peculiar to the property that justify the variance request. The drainage easement in the rear yard is located within all of the lots (total of 14) within this block of the subdivision. Other homes within this vicinity with fences or other improvements within the drainage easement are currently in code enforcement.
- 11. Approving the variance may be injurious to private property or public improvements in the vicinity. The fence could prevent stormwater runoff from properly draining out of the area. The result would likely be additional standing water encroaching into properties than designed since there would not be proper drainage.
- 12. Granting the variance may adversely affect the delivery of government services. The city's engineering staff reviewed the application and determined that if debris or material is caught in the fence during a major rain event, it could block the stormwater from entering into the drainage inlets.

IV. RECOMMENDATION

The city staff does not recommend approval of the variance because this fence is located in a major flood route. In order to allow the drainage easement to function as designed, it is important that the fence is located outside of the easement. It's engineering design focuses on precautionary protection of the neighborhood. If obstructions are located within the drainage easement, this could block the stormwater from getting to the catch basins, thereby prohibiting the drainage easement from functioning properly.

V. ACTION

Should the Board of Zoning Appeals find that the application has sufficient basis for disapproval, finding the following motion is appropriate.

Move to approve application VAR-103-2022 based on the findings in the staff report (conditions of approval may be added)



Source: NearMap

Permit #	
Board	
Mtg. Date	



Community Development Planning Application

	Site Address 6988 Hanbys Loop New Albany Ohio 43054				
	Parcel Numbers 48				
	Acres <u>.34</u> # of lots created				
	Choose Application Type	ppeal			
Project Information	 Certificate of Appropriateness Conditional Use Development Plan Plat 	Preliminary Final Preliminary Final	Comprehensive Amendment		
	Lot Changes Minor Commercial Subdivision	Combination Split	Adjustment		
	 Vacation XVariance Extension Request 	Easement	Street		
Pr		Amendment (rezoning)	Text Modification		
	Description of Request: We are required at our property line. As the current required		tal an aluminum fence in our easement and closer/ om our property line.		
	Property Owner's Name: Ryan and Address: 6988 Hanbys Loop City, State, Zip: NEw Albany, OH 4309	Ashely Deal			
	Phone number: 6145490243		Fax:		
s	Email: ryandeal6@gmail.com	•	· · · · · · · · · · · · · · · · · · ·		
Contacts			•		
ont	Applicant's Name: Ryan and	Ashely Deal			
U	Address: 6988 Hanbys Loop				
	City, State, Zip: New Albany, OH 4305	4			
	Phone number: 6145490243 Email: ryandeal6@gmail.com		Fax:		
Signature	Site visits to the property by City of Ne The Owner/Applicant, as signed below employees and appointed and elected of described in this application. I certify t true, correct and complete.	, hereby authorizes Village of fficials to visit, photograph a	of New Albany representatives, and post a notice on the property		
Si	Signature of Owner Signature of Applicant	Darl,	Date: 08/15/2022 Date: 08/15/2022		

99 West Main Street • P.O. Box 188 • New Albany, Ohio 43054 • Phone 614.939.2254 • Fax 614.939.2234

To the City of New Albany,

We are submitting a Variance for approval to build a fence at or closer to our property line. We are doing so to recognize the full amount of our land that we purchased in 2020. After speaking with multiple professionals in the fencing and construction industry they saw no issue building in the easement as the aluminum fence we are having installed can easily still be built in a way that can allow the proper drainage in the property as the easement is designed to protect.

By not having the ability to build within 15 feet of our property line we are losing a substantial amount of property. The need for a fence is absolute, consdiering we have young children and a family dog, and also a future plan to instal a pool. By being held to the grounds of staying 15 feet away from our back property line and 7 feet away from our side property line, really diminishes the value of the property as it shrinks the footprint of the yard.

When purchasing the property we were not aware of the easement not allowing fence installation by 15ft in the rear and 7 ft on the sides. We were under the impression by our builder and others that building in the easement is allowed per New Albany. Also, when purchasing the home we were not under any impression that a fence could not be built on the property line and deifnitely not 15 ft from the rear property line or 7 ft from it's sides as we specifcally purchased this property for it's size and dimensions.

By granting this variance it will make the backyard more symetric to our neighbors and provide a better visual then if it were to come in a full 15 ft in the rear and 7 ft on the sides. Mowing and landscaping would be kept much better manicured as well to provide a better estetic to the neighborhood. Mowing on both sides of the fence will create difficulty and more likely create a less manicured appearnace.

If the variance is not granted then we will lose a substantial amount of property therefore lowering the overall value of our property. The request for such a variance is not of huge substance as we are aware that there is potential for the city to need to do work in the easement and are clear on the potential that our fence may need removed and then **reinstalled at our expense.** Also, we would be willing to install our fence as a large gate (that would never be visible to the naked eye) so if work is needed it can be easily accessed. We are not looking to put a structure just merely a fence that can easily provide drainage under it, and according to building professionals it is a type of fence that are built in drainage easements often.

Our neighborhood would be visually more symetric as our backyard neighbor has already agreed to share the back yard fence line and is planning to split the expense (Erik Zuika 7025 Hanbys Loop, 847-912-6456) Also we have discussed sharing the already built fence with Martha Plaza at 7029 Hanby's Loop. The ability to use our entire property line will only add to the character and ability to show symetry amongst the houses.

Understanding that filing a variance was the direction I was given by the City of New Albany, I am all for just having the ability to build the fence on my property line to realize the full size of my property. Just want to make sure I follow proper protocol. Ultimately, I just want our yard as large as possible as we have plans to eventually install a pool and would like our young children and family dog to enjoy the full potential of our property.

The variance will still allow government service to government services as there will still be access through our backyard and our neighbors back yard at 7025 and 7029 Hanbys loop. Also, we would be willing to have any fencing needed removed for any service needed and would work with the City to ensure things can be addressed as needed.

Ultimately the spirit and the intent of the vairance is to realize the full size of the property we purchased and to follow New Albany Guidelines in the shape size, shape, material and color. Being that our property is of a square shape and we can easily share already installed fencing on the back property line, it would only make sense to continue the same line of fence. If this is denied it would require us losing 100's of square feet of property that we purchased and were hoping to utilize and have a yard fenced in safety for our children and family pet.

This Variance provides no danger or risk to anyone, if anything it will provide greater safety to my family and our dog. There will be no adverse affects to anyone and we have the support of our neighbors whom we will be sharing the fence line with on our property.

Also the rules of the City do not match those of the ARC as our builder submitted our home plans to for approval and did have a fence included in the plans.

The overall variance approval will better our property by providing a larger backyard, it will also grant us the ability to have a better resell value by size of yard, ease of maintaining landscaping, and overall a more positive set up to the neighboring homes.

Thank you so much and we look forward to the review of the Variance.

Ryan Deal and Ashely Deal 6988 Hanbys Loop New Albany, OH 43054 614.549.0243



MALETZ POURED WALL # 10' FINISH FLOOR = 961.90 TOP OF FOUNDATION= 960.90 FINISH GRADE= 959.90 GARAGE PAD= 959.90 GASEMENT FLOOR= 951.23 TOP OF FOOTER= 950.90 DRIVE SLOPE DISTANCE= 22.38

LOT CALCULATIONS	
LOCATION	AREA S.F.
LOT	15180
HOUSE	3097
DRIVE	1197
APPROACH	151
WALK	433
500	274
LOT COV	20.40%
	and the second se

* STABILIZE CONSTRUCTION ENTRANCE.

LOT CALCULATIONS ARE FOR ESTIMATING PURPOSES ONLY AND SHOULD BE VERIFIED BY THE BUILDER OR CONTRACTOR.

THIS PROPERTY IS LOCATED IN FLOOD ZONE X MAP NO. 3804800204K. EFF. DATE: 8/17/08.

BUILDER TO INSTALL AND MAINTAIN EROSION CONTROL THROUGHOUT ALL PMASES OF CONSTRUCTION, PIELD MODIFICATIONS MAY BE NECESSARY. SCOTT D. WE HEREEPY CERTIFY THAT THE FOREGOING PLOT PLAN WAS PREPARED FROM INFORMATION PROMOED BY THE CLIENT AND DATA OBTAINED FROM ENGINEERED SUBDINISION PLANS, THIS PLOT PLAN IS TO BE USED BY THE CLIENT FOR THE SOLE PURPOSE OF OBTAINING A BUILDING PERMIT. THE USE OF THE PLOT PLAN FOR ANY OTHER USE IS STRICTLY PROHIBITED. GRUNDE S-8047 ONAL STRUCTURE 6 Scott D. Ireander arian



Planning Commission Staff Report September 19, 2022 Meeting

CLOVER VALLEY I-PUD ZONING DISTRICT ZONING AMENDMENT

LOCATION:	12525 Jug Street (PID: 037-112056-00.001)
APPLICANT:	MBJ Holdings LLC, c/o Aaron Underhill
REQUEST:	Zoning Amendment
ZONING:	Agricultural (AG) and Limited General Employment (L-GE) to Infill
	Planned Unit Development (I-PUD)
STRATEGIC PLAN:	Employment Center
APPLICATION:	ZC-105-2022

Review based on: Application materials received on September 12, 2022.

Staff report completed by Chris Christian, Planner II.

I. REQUEST AND BACKGROUND

The applicant requests review and recommendation to city council to rezone 18.3 +/- acres. The proposed zoning district is broken up into three different subareas. One of the subareas will allow an existing animal boarding and day care facility to remain as a permitted use, the others will allow for General Employment (GE) District uses to be developed as well as accommodate the construction of the Clover Valley Road extension.

The subareas that allow GE uses contain the same list of permitted, conditional, and prohibited General Employment uses as the existing Mink Street West L-GE zoning district, located directly east of this site. Other development standards of the text are almost identical to the surrounding L-GE zoning districts within the Licking County Business Park.

II. SITE DESCRIPTION & USE

The overall 18.3 +/- acre site consists of a single property located in Licking County. The site has frontage on Jug Street.

C.O. 1111.02 allows a change in zoning to be initiated by motion of Council, or by motion of the Planning Commission. The immediate neighboring zoning districts include the Harrison East L-GE zoning district to the west, the Mink Street West zoning district to the east as well as the Technology and Manufacturing zoning district (TMD) and unincorporated residential property to the north. The area to be rezoned currently contains an existing dog kennel/ animal daycare facility and the rest of the land is undeveloped.

III. PLAN REVIEW

Planning Commission's review authority of the zoning amendment application is found under C.O. Chapters 1107.02 and 1159.09. Upon review of the proposed amendment to the zoning map, the Commission is to make recommendation to City Council. Staff's review is based on city plans and studies, proposed zoning text, and the codified ordinances. Primary concerns and issues have been indicated below, with needed action or recommended action in <u>underlined text</u>.

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

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

A. New Albany Strategic Plan

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

- 1. No freeway/pole signs are allowed.
- 2. Heavy landscaping is necessary to buffer these uses from adjacent residential areas.
- 3. Plan office buildings within context of the area, not just the site, including building heights within development parcels.
- 4. Sites with multiple buildings should be well organized and clustered if possible.
- 5. All office developments are encouraged to employ shared parking or be designed to accommodate it.
- 6. All office developments should plan for regional stormwater management.
- 7. All associated mechanical operations should be concealed from the public right-of-way and screened architecturally or with landscape in an appealing manner.
- 8. Any periphery security should integrate with the existing landscape and maintain and enhance the character of the road corridor.
- 9. Combined curb cuts and cross-access easements are encouraged.
- 10. The use of materials, colors, and texture to break up large scale facades is required.

B. Use, Site and Layout

1. The proposed zoning district is broken up into 3 subareas. The Infill Planned Unit Development (I-PUD) zoning classification is meant to meant to provide flexibility in order to capture the unique division of permitted uses within the district. The text states that no final development plan applications are required to be filed or reviewed by the Planning Commission in this zoning district. This same provision of not requiring final development plans has been used in other parts of the International Business Park for L-GE uses.

Subarea	Existing Use	Proposed Underlying Zoning Classification
А	Undeveloped Land	Limited General
		Employment (L-GE)
В	Dog Kennel/ Animal	Agricultural (AG):
	Daycare	Only dog kennels, animal
		boarding and animal
		daycare services allowed.
С	Undeveloped Land	Limited General
		Employment (L-GE)

- 2. The intent of the proposed rezoning is to allow an existing dog kennel/ animal daycare facility to continue to operate while allowing certain portions of the property to be redeveloped commercial uses found in the immediate area.
- 3. The existing dog kennel/ animal daycare facility is located in subarea B. The zoning text states that only dog kennels, animal boarding and animal daycare facilities are permitted uses in this zoning district. The text allows these existing uses to remain, be considered conforming with the zoning code and any further development of the site be

subject to Agricultural (AG) zoning standards. No residential development is permitted on the site.

- 4. The applicant proposes the same development standards from nearby L-GE zoning districts within the Personal Care and Beauty Campus for the remaining subareas (A & C). The immediate neighboring zoning districts include the Harrison East L-GE zoning district to the west, the Mink Street West zoning district to the east as well as the Technology and Manufacturing zoning district (TMD) and unincorporated residential property to the north.
- 5. Subareas A & C has the same list of permitted, conditional, and prohibited General Employment uses as the neighboring Mink Street West zoning district to the west and the surrounding Personal Care and Beauty Campus. The Personal Care and Beauty Campus is where companies such as Anomatic, Accel, Axium, and Veepak are located.
- 6. The proposed zoning classification for subareas A &C is a limitation text. A limitation text can only establish more restrictive requirements than the zoning code.
- 7. The limitation text allows for general office activities, data centers, warehouse & distribution, manufacturing and production and research & production uses. Personal service and retail product sales and services are only allowed as accessory uses to a permitted use in this zoning district.
- 8. Conditional uses include car fleet and truck fleet parking, and industrial manufacturing and assembly.
- 9. Prohibited uses include industrial product sales and services, mini-warehouses, offpremises signs, vehicle services, radio/television broadcast facilities off-premises signs, and sexually oriented business.
- 10. The text establishes the following setbacks which are consistent with those established in surrounding zoning districts:

Perimeter Boundary	Pavement Setback	Building Setback
Jug Street (Subarea B)	0 feet	50 feet
Jug Street (Subarea C)	50 feet	100 feet
New Clover Valley	0	50 feet
Extension (Subarea B)		
New Clover Valley	25 feet	100 feet
Extension (Subareas A &		
C)		

- 11. <u>In order to achieve a consistent pavement setback along Jug Street and the new Clover</u> <u>Valley Road extension, staff recommends a condition of approval that the text be</u> <u>revised to require a 50 foot pavement setback along Jug Street and 25 feet along Clover</u> <u>Valley Road for any new pavement added within subarea B.</u>
- 12. For subareas A & C, the text contains the same provision for elimination of setbacks for building and pavement when this zoning district and any adjacent parcel located outside of this zoning district come under common ownership, are zoned to allow compatible non-residential uses, and are combined into a single parcel.
- 13. Due to the proximity of this site to the State Route 161 interchange and its location adjacent to commercially zoned and used land in the existing Licking County business park to the west and south, the site appears to be most appropriate for commercial development.

C. Access, Loading, Parking

- 1. For all subareas, the zoning text requires primary vehicular access to and from this zoning district to be from the new Clover Valley Road extension at such time it is constructed. No permanent curb cut access is permitted along Jug Street.
- The Clover Valley Road extension plat is on the September 19, 2022 Planning Commission agenda and will be evaluated under a separate staff report, FPL-109-2022. Based on the platted area, the new Clover Valley Road extension be located in Subarea C. There are no additional right-of-way dedication requirements included in the zoning text.

- 3. For all subareas, parking will be provided per code requirements (Chapter 1167) and will be evaluated at the time of development of the site.
- 4. C.O. 1165.06(b) requires an 8-foot-wide leisure trail to be installed all existing and future public streets.

D. Architectural Standards

- 1. The proposed architectural standards for Subareas A & C seeks to implement many of the same or improved standards and limitations set forth in the New Albany Architectural Design Guidelines and Requirements (Chapter 1157).
- 2. The proposed text states that the maximum building height in this zoning district is 65 feet which is consistent with other L-GE zoning districts in the immediate area.
- 3. The proposed text contains the same architectural requirements as surrounding business park zoning districts.
- 4. The City's Design Guidelines and Requirements do not provide architectural standards for warehouse and distribution type facilities. Due to the inherent size and nature of these facilities careful attention must be paid to their design to ensure they are appropriately integrated into the rest of the business park. This zoning text contains specific design requirements for uses not governed by the DGRs, which will ensure the quality design of these buildings.
- 5. The proposed text contains a requirement for complete, four-sided screening of all roofmounted equipment for sight and sound.
- 6. The proposed text requires all accessory structures, generators, storage tanks, trash receptacles or any other similar improvement to be located behind a building façade that that does not front onto a public road.

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

- 1. Maximum lot coverage for this subarea is 75% for subareas A & C which matches the surrounding L-GE zoning districts. Subarea B does not have a lot coverage limit.
- 2. Subarea A & C portions of the zoning text contains the same tree preservation language as the neighboring approved Mink Street West L-GE zoning text. The text states that standard tree preservation will be in place to preserve and protect trees during all phases of construction.
- 3. Street trees will be located an average of 1 tree for every 30 feet of road frontage along Mink Street, Jug Street as well as the new public road envisioned for the area. The trees may be grouped or regularly spaced to create a more natural appearance.
- 4. Minimum tree sizes and heights for on-site trees match the standards in the surrounding business districts.
- 5. The text requires the following landscape treatment along Mink Street and Jug Street which is consistent with the requirements of the Innovation East and Harrison West zoning district:
 - a. Within the required minimum pavement setbacks along Jug Street a minimum of ten (10) deciduous trees shall be installed for every 100 feet of frontage on the public right-of- way. Such trees shall be planted in random locations (i.e., not in rows). No more than 30% of such trees shall be of a single species.
 - b. Where existing healthy and mature trees are found within these pavement setbacks, such trees may be preserved in lieu of installing the trees described in this paragraph, provided that a similar amount of vegetation is being preserved when compared to that which would otherwise be required to be installed.
 - c. A standard New Albany white four-board horse fence may (but shall not be required to) be provided within the public right-of-way.
 - d. Mounding shall be permitted within minimum pavement setback areas from these rights-of-way but not required. When utilized, mounding shall have a minimum height of 3 feet and a maximum height of 12 feet. The slope of mounds shall not exceed 3:1 from the crest of the mound extending toward the private site, and shall not exceed a 6:1 slope from the crest of the mound extending toward the public right-of-way.

F. Lighting & Signage

- 1. All signage shall conform to the standards set forth in Codified Ordinance Section 1169.
- 2. For L-GE zoned areas, all lighting is required to be cut-off type fixtures and down cast to minimize light spilling beyond the boundaries of the site. Additionally, the maximum height is 30 feet.
- 3. For L-GE zoned areas, the zoning text requires landscape lighting details to be included in the landscape plan which is subject to review and approval by the City Landscape Architect.

IV. ENGINEER'S COMMENTS

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

- 1. When available, provide verification that all Ohio EPA and Army Corps of Engineers permitting requirements have been met.
- 2. We recommend that all proposed private roads be constructed in accordance with public road standards.

V. RECOMMENDATION

Basis for Approval:

The proposed rezoning is consistent with the principles of commercial development in the Engage New Albany Strategic Plan and the existing business park in Licking County. This unique zoning district allows an existing, successful business to remain in operation while allowing some portions of the site to be used for new commercial development, all of which contemplate the new Clover Valley Road extension to be built in the immediate area and within the district.

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

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

VI. ACTION Suggested Motion for ZC-105-2022:

To recommend approval to Council of Zoning Change application ZC-105-2022 with the following condition (Conditions of approval may be added).

- 1. The city engineer comments must be addressed, subject to staff approval.
- 2. The text be revised to require a 50 foot pavement setback along Jug Street and 25 feet along Clover Valley Road for any new pavement added within subarea B.

Approximate Site Location:




401.60-143 September 8, 2022

To: Chelsea Nichols City Planner

From: Matt Ferris, P.E., P.S., City Engineer By: Jay M. Herskowitz, P.E., BCEE Re: 12525 Jug Street Rezoning

Our review comments are as follows:

- 1) When available, provide verification that all Ohio EPA and Army Corps of Engineers permitting requirements have been met.
- 2) We recommend that all proposed private roads be constructed in accordance with public road standards.

MEF/JH

CC: Steve Mayer, Planning Manager





Permit # _	
Board	
Mtg. Date	



Community Development Planning Application

	Site Address 12525 Jug Street, Johnstown, OH 43031					
	Parcel Numbers 037-112056-00.001					
	Acres 18.3 +/- Acres	# of lots cr	eated			
Project Information	Choose Application Type Appeal Certificate of Appropriateness	all Details that Apply				
	Conditional Use Development Plan Plat Lot Changes Minor Commercial Subdivision Vacation	Preliminary Preliminary Combination	Final Final Split	Comprehensive Amendment Adjustment		
	□ Vacation □ Variance □ Extension Request □ X2oning	Easement Amendment (re	ezoning)	Street Text Modification		
	Description of Request: Request to rezone the property from	n AG, Agricultura	al to I-PU[D, Infill Planned Unit Development.		
	Property Owner's Name: <u>Nine Properties Limited, Kennel Club USA</u> Address: 12525 Jug Street					
S	City, State, Zip: <u>Johnstown, OH 4</u> Phone number: Email:	43031		Fax:		
Contacts	Applicant's Name: MBJ Holdings LLC, c/o Aaron L. Underhill Address: Underhill & Hodge LLC, 8000 Walton Parkway, Suite 260					
	City, State, Zip:New Albany, OH 430Phone number:614.335.9320Email:aaron@uhlawfirm.com			Fax: 614.335.9329		
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 L. Underhill, Attorney for Owner Aaron L. Underhill, Attorney for Applicant Date: 0-19-3037					



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

P: 614.335.9321 F: 614.335.9329 aaron@uhlawfirm.com

August 19, 2022

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

RE: School Impact of Zoning of 18.3+/- acres located at 12525 Jug Street in Johnstown, OH

Dear Chris:

MBJ Holdings, LLC owns or is in contract to acquire certain real property (the "<u>Property</u>") located as described above. This letter accompanies an application to rezone the Property from the AG, Agricultural District to the I-PUD, Infill Planned Unit Development District. The purpose of this letter is to analyze the impact of this zoning on the Johnstown-Monroe Local School District.

This rezoning will result in largely keeping the Property in its current condition with the exception that 5.6 +/- acres will be converted to allow certain GE, General Employment uses, which will result in a net positive for the school district. 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,

L. Thirds 1.00

Aaron L. Underhill Attorney for the Applicant

CLOVER VALLEY ZONING DISTRICT

Information concerning specific Code requirements for rezoning submittal by MBJ Holdings LLC

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

Response: The Property that is being zoned consists of 18.3+/- located to the south of and adjacent to the intersection of Jug Street and Clover Valley Road in Licking County. At the time of this application, 18.14 acres of the property is in the process of being annexed to the City of New Albany from Jersey Township. The balance of the property is already within the City, and is zoned L-GE, Limited General Employment. Upon annexation, the City's Codified Ordinances provide that the property automatically will be given an AG, Agricultural District zoning classification.

The proposed zoning amendment will have little impact on adjacent and proximate properties. The large majority of the site, consisting of 12.7 +/- acres which are centrally located, will allow for the continued operation of a dog kennel and boarding facility. The balance of the site will be zoned to allow L-GE uses with development standards that are consistent with other zoned property in the general vicinity. This zoning will also facilitate the extension of Clover Valley Road to the south/southeast from its current terminus at Jug Street.

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 this rezoning and prior to selling the property to any third party, the property contained within Subareas A and C will be made subject to a property owners' association. Subarea B will not be subjected to any new any deed restrictions, easements, covenants and encumbrances.

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 portions of the site to be zoned to permit L-GE uses will occur based on market demand. The balance of the site will continue to be operated with existing uses.

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.

APPLICANT:

MBJ Holdings LLC 8000 Walton Parkway, Suite 120 New Albany, OH 43054

Nine Properties Limited Kennel Club USA 12525 Jug Street Johnstown, OH 43031

PROPERTY OWNER:

ATTORNEY:

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

SURROUNDING PROPERTY OWNERS:

Robert and Deborah Carr 1350 Mink Road Pataskala, OH 43062

Rusmisel LLC 11950 Wildwood Lane Sunbury, OH 43074 Amazon Data Services, Inc. P.O. Box 80416 Seattle, WA 98108 MBJ Holdings LLC 8000 Walton Parkway, Suite 120 New Albany, OH 43054

ZONING EXHIBIT 12.7 ACRES

Situated in the State of Ohio, County of Licking, City of New Albany and Township of Jersey, in Lots 2 and 15, Quarter Township 2, Township 2, Range 15, United States Military District, being comprised of part of that 22.453 acre tract of land conveyed to Nine Properties Limited by deed of record in Instrument Number 200505250015574, and that 16.631 acre tract conveyed as Parcel II to MBJ Holdings, LLC, by deed of record in Instrument Number 202109080027199, (all references are to the records of the Recorder's Office, Licking County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at the northwesterly corner of said 22.453 acre tract, the northeasterly corner of that 104.589 acre tract conveyed to Amazon Data Services, Inc. by deed of record in Instrument Number 201911140025165, in the centerline of Jug Street Road;

Thence South 04° 24' 16" West, with the easterly line of said 104.589 acre tract, a distance of 30.00 feet to a point in the southerly right-of-way line of said Jug Street Road, the TRUE POINT OF BEGINNING for this description;

Thence the following courses and distances:

South 86° 36' 02" East, a distance of 208.42 feet to a point;

South 20° 12' 26" East, a distance of 123.46 feet to a point of curvature to the left;

With the arc of said curve, having a central angle of $09^{\circ} 31' 03''$, a radius of 940.00 feet, an arc length of 156.14 feet, a chord bearing of South 25° 06' 44'' East and chord distance of 155.96 feet to a point;

South 29° 52' 15" East, a distance of 676.19 feet to a point;

South 50° 55' 15" West, a distance of 674.30 feet to a point;

North 39° 22' 09" West, a distance of 329.87 feet to a point; and

North 04° 24' 16" East, a distance of 1028.91 feet to the TRUE POINT OF BEGINNING, containing 12.7 acres of land, more or less.

ZONING EXHIBIT 2.9 ACRES

Situated in the State of Ohio, County of Licking, City of New Albany, in Lots 2 and 15, Quarter Township 2, Township 2, Range 15, United States Military District, being part of that 22.453 acre tract of land conveyed to Nine Properties Limited by deed of record in Instrument Number 200505250015574, (all references are to the records of the Recorder's Office, Licking County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at the northeasterly corner of said 22.453 acre tract, the northwesterly corner of that 5.003 acre tract conveyed as Tract I to MBJ Holdings, LLC by deed of record in Instrument Number 202109080027199, in the centerline of Jug Street Road;

Thence South 03° 58' 03" West, with the westerly line of said 5.003 acre tract and the westerly line of that 16.631 acre tract conveyed as Tract II to MBJ Holdings, LLC by deed of record in Instrument Number 202109080027199, a distance of 941.43 feet to the TRUE POINT OF BEGINNING for this description;

Thence the following courses and distances:

South 03° 58' 03" West, a distance of 706.04 feet to a point;

North 39° 22' 09" West, a distance of 515.98 feet to a point; and

North 50° 55' 15" East, a distance of 484.55 feet to the TRUE POINT OF BEGINNING, containing 2.9 acres of land, more or less.

ZONING EXHIBIT 2.7 ACRES

Situated in the State of Ohio, County of Licking, City of New Albany, in Lots 2 and 15, Quarter Township 2, Township 2, Range 15, United States Military District, being part that 22.453 acre tract of land conveyed to Nine Properties Limited by deed of record in Instrument Number 200505250015574, (all references are to the records of the Recorder's Office, Licking County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at the northeasterly corner of said 22.453 acre tract, the northwesterly corner of that 5.003 acre tract conveyed as Tract I to MBJ Holdings, LLC by deed of record in Instrument Number 202109080027199, in the centerline of Jug Street Road;

Thence South 03° 58' 03" West, with the westerly line of said 5.003 acre tract, a distance of 30.00 feet to a point in the southerly right-of-way line of said Jug Street Road, the TRUE POINT OF BEGINNING for this description;

Thence the following courses and distances:

South 03° 58' 03" West, a distance of 605.06 feet to a point;

North 29° 52' 15" West, a distance of 427.17 feet to a point of curvature to the right;

With the arc of a curve to the right, having a central angle of 09° 31' 03", a radius of 940.00 feet, an arc length of 156.14 feet, a chord bearing of North 25° 06' 44" West and chord distance of 155.96 feet to a point;

North 20° 12' 26" West, a distance of 123.46 feet to a point; and

South 86° 14' 22" East, a distance of 364.23 feet to the TRUE POINT OF BEGINNING, containing 2.7 acres of land, more or less.







Kennel Club Property BNDY / 20220778-VS-EXHB-ZONE-01

CLOVER VALLEY ZONING DISTRICT

INFILL PLANNED UNIT DEVELOPMENT (I-PUD) TEXT

September 12, 2022

I. INTRODUCTION: The Clover Valley Zoning District (hereinafter, the "Zoning District") includes 18.3+/- acres of real property located immediately to the south of the intersection of Clover Valley Road and Jug Street. An annexation of 18.1+/- acres of the property from Jersey Township into the City of New Albany is being pursued, with a small portion of the Zoning District already being located in the City. This zoning application seeks to accomplish several goals:

A. To rezone 2.9+/- acres in the southern portion of the site to allow L-GE, Limited General Employment uses in accordance with this text. This acreage will be contained within Subarea A of this Zoning District and is intended to be combined with already-incorporated acreage located to the east and southeast in order to provide for a larger development site.

B. To rezone 12.7+/- acres consisting of the majority of the site to allow for the continued operation of a dog kennel. This acreage will be contained within Subarea B of this Zoning District

C. To rezone 2.7+/- acres in the northeastern portion of the site to allow L-GE, Limited General Employment uses in accordance with this text. This acreage within Subarea A of this Zoning District and is intended to be developed as part of or in conjunction with already-incorporated acreage located to the east.

D. To accommodate the future extension of Clover Valley Road southward through Subarea C, with the final location and specifications for this extension to be determined through the City's platting process.

II. <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 City of New Albany shall apply to this Zoning District. Where there is a conflict between the provisions in this text and the Codified Ordinances, the provisions in this text shall govern. Basic development standards are being provided regarding proposed density, site planning, traffic, circulation, landscaping, and architecture.

III. <u>SUBAREA A:</u> L-GE

A. <u>Location; Applicability:</u> Subarea A will be located in the southern portion of the site. It consists of 2.9+/- acres intended for development with Limited General Employment uses. The standards and requirements of this Section III shall apply to Subarea A.

B. <u>Permitted Uses:</u> Permitted and conditional uses in Subarea A shall include those set forth in the Codified Ordinances of the City of New Albany, GE General Employment District (Sections 1153.02 and 1153.03), provided that conditional uses are approved in accordance with Chapter 1115, Conditional Uses. The following uses shall be prohibited:

- 1. Industrial product sales (See Section 1153.03(a)(1));
- 2. Industrial service (See Section 1153.03(a)(2));
- 3. Mini-warehouses (See Section 1153.03(a)(4)(c)). For purposes of clarification, this prohibition only applies to such facilities that are made available for rental to the general public;
- 4. Personal service (See Section 1153.03(b)(2)) and retail product sales and service (See Section 1153.03(b)(3)), except that such uses shall be allowed as accessory uses to a permitted use;
- 5. Vehicle services (See Section 1153.03(b)(4));
- 6. Radio/television broadcast facilities (See Section 1153.03(c)(1));
- 7. Sexually-oriented businesses (See Section 1153.03(c)(3)); and
- 8. Off-premises signs (See Section 1153.03(c)(2)).

C. Lot and Setback Commitments:

- 1. <u>Lot Coverage</u>: There shall be a maximum lot coverage of 75%.
- 2. Setbacks:

a. <u>Perimeter Boundaries:</u> There shall be a minimum pavement and building setback of 25 feet from all perimeter boundaries for which another setback requirement is not provided in this text.

b. <u>Elimination of Setbacks:</u> In the event that a parcel located within this Zoning District and an adjacent parcel located within or outside of this Zoning District (i) come under common ownership or control, (ii) are zoned to allow compatible non-residential uses, and (iii) are combined into a single parcel, then any minimum building, pavement, or landscaping setbacks set forth in this text as they apply to common property lines shall no longer apply with respect to these parcels.

D. <u>Architectural Standards:</u>

1. <u>Building Height:</u> The maximum building height for structures shall be 65 feet, subject to Section 1165.03 of the Codified Ordinances.

- 2. <u>Service and Loading Areas</u>: Service areas and loading areas shall be screened in accordance with the Codified Ordinances.
- 3. <u>Building Design:</u>

a. Building designs shall not mix architectural elements or ornamentation from different styles.

b. Buildings shall be required to employ a comparable use of materials on all elevations.

c. The number, location, spacing, and shapes of windows and door openings shall be carefully considered. Primary entrances to buildings shall be made sufficiently prominent that they can be easily identified from a distance.

d. For office buildings and complexes, achieving a human or pedestrian scale is of less concern. When achieving such a scale is desired, it may be achieved by careful attention to width of facades, size and spacing of window and door openings, and floor to floor heights on exterior walls.

e. All elevations of a building that are visible from a public right-of-way shall receive similar treatment in terms of style, materials, and design so that such elevations are not of a lesser visual character than any other.

f. Use of elements such as shutters, cupolas, dormers, and roof balustrades shall be avoided in building designs that are not based on traditional American architectural styles. Such elements may be employed only when they are common elements of a specific style, and this style shall be replicated in its entirety. When shutters are employed, even if they are non-operable, they must be sized and mounted in a way that gives the appearance of operability.

g. Elements such as meter boxes, utility conduits, roof and wall projections such as vent and exhaust pipes, basement window enclosures, and trash containers shall be designed, located, or screened so as to minimize their visibility and visual impact from off-site. Solar energy systems shall be excluded from the requirements of this section.

h. Accessory or ancillary buildings, whether attached or detached, shall be of similar design, materials and construction as the nearest primary structure. Fenestration themes that employ windows, panels and piers that are consistent with the architectural vocabulary of the building are encouraged. Accessory structures, generators, storage tanks, trash receptacles or any other similar improvement must be located behind a building façade that does not front on a public right-of-way.

4. <u>Building Form:</u>

a. All building elevations shall be designed to be compatible with each other and to reflect a consistent design approach.

b. Gable or hip roofs shall be avoided unless a building design replicates a traditional American architectural style that employs such roof forms. In non-stylistic contemporary designs, low or flat roofs may be employed. Roof visibility shall be minimized.

5. <u>Materials:</u>

a. Exterior building materials shall be appropriate for contemporary suburban designs and shall avoid overly reflective surfaces. Traditional materials such as, but not limited to, wood, stone, brick, and concrete shall be permitted, and contemporary materials such as, but not limited to, aluminum, metal, glass, stucco, or cementitious fiberboard (e.g., hardiplank or equivalent) shall be permitted on buildings not employing traditional styles. Architectural precast concrete panels and/or poured-in-place concrete tilt-up panels shall be permitted. The use of reflective or mirrored glass shall be prohibited.

b. Prefabricated metal buildings and untreated masonry block structures are prohibited. Notwithstanding the foregoing, ancillary structures built and operated for the purpose of enclosing equipment and which are not occupied by tenants or persons on a regular basis may be constructed using pre-engineered metal.

c. Generally, the quantity of materials selected for a building shall be minimized.

d. Loading docks are not required to have the same degree of finish as a main entry unless they are visible from a public right-of-way.

6. <u>Additional Standards for Uses Not Governed by DGRs:</u> Buildings that are constructed to accommodate certain uses are not governed by the City's Design Guidelines and Requirements (DGRs). For example, buildings that are

constructed for the operation of warehousing and/or distribution uses are not subject to the DGRs and can present challenges in meeting the community standard for architectural design. Such buildings are necessarily large and typically include long walls that together form a square or rectangular box. The goal for the development of buildings that are not subject to the DGRs is to balance the practical needs of these buildings with the desire to provide exterior designs that are attractive and complimentary to the non-residential architecture for buildings that are located in the general vicinity of this Zoning District.

Architecture by its nature is a subjective medium, meaning that the adoption of strict objective standards in all instances may not provide the best means for achieving appropriate design. In recognition of this fact, the standards set forth herein provide guidelines and suggestions for designing buildings that are not subject to the DGRs in an effort to set expectations for the quality of architecture that will be expected for these structures. On the other hand, these standards are meant to allow for some flexibility to encourage innovative design provided that the spirit and intent of these provisions are met.

In conjunction with an application for a certificate of appropriateness for each building or structure in this Zoning District that is not subject to or governed by the DGRs, the applicant shall be required to submit to the City illustrations of the proposed exterior design of the building or structure for review and approval by the Design Review Committee contemplated in Section 1157.08(a)(1)(D) of the City Code. In designing such buildings, the user or applicant shall take into account the following, which are intended to set a level of expectation for the quality of design:

a. Architectural design for all portions of a building or structure that are visible from a public right-of-way (excluding public rights-of-way whose primary purpose is to accommodate truck traffic or service loading areas) shall meet the community standard in terms of quality while taking into account the unique nature of the use(s) that will be found therein.

b. Uninterrupted blank wall facades shall be prohibited to the extent that they are visible from a public right-of-way. Design variations on long exterior walls shall be employed in order to create visual interest. Examples of such design variations include, but are not limited to, the use of offsets, recesses and/or projections, banding, windows, and/or reveals; scoring of building facades; color changes; texture or material changes; and variety in building height.

c. The use of one or more architectural or design elements may be used to soften the aesthetics of the building, such as but not limited to canopies, porticos, overhangs, arches, outdoor patios, community spaces, or similar devices. d. Contemporary exterior designs, while not required, shall be encouraged in order to create architecture that does not look aged or dated even many years after the facility is built.

e. Landscaping and/or the use of existing vegetation shall be utilized where appropriate to enhance the aesthetics of the building and to lessen its visual impact when viewed from public rights-of-way.

7. <u>Roof-Mounted Equipment:</u> 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.

E. <u>Access, Parking, Site Circulation, and Traffic Commitments:</u>

1. <u>Access:</u> Vehicular access to and from Subarea A shall be provided using a street or drive extending through real property located to the east of and adjacent to Subarea A.

2. <u>Parking and Loading</u>: Parking and loading spaces shall be provided for each use per Chapter 1167 of the Codified Ordinances of the City of New Albany.

F. <u>Buffering, Landscaping, Open Space, and Screening</u>: A landscaping plan shall be reviewed as part of the City's review of a certificate of appropriateness application for this subarea. The following landscaping requirements shall apply to this subarea:

1. <u>Tree Preservation:</u> 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>Stormwater Management:</u> Wet and dry stormwater basins shall conform to the standards set forth in Section 1171.08 of the Codified Ordinances of the City of New Albany.

3. <u>Parking Areas</u>: Within this subarea, there shall be no less than one (1) tree planted for every ten (10) parking spaces located therein. At least five percent (5%) of the vehicular use area shall be landscaped or green space (or treed areas). Parking lots shall be designed to accommodate parking lot islands with tree(s) at the end of parking aisles.

4. <u>Minimum On-Site Tree Sizes:</u> Unless otherwise set forth herein, minimum tree size at installation shall be no less than two and one half $(2\frac{1}{2})$ inches in caliper for shade trees, six (6) feet in height for evergreen trees, two (2) inches in caliper for ornamental trees, and thirty (30) inches in height for shrubs. Caliper shall be measured six (6) inches above grade.

5. <u>Landscaping Along Shared Subarea Boundary Line</u>: Along the shared perimeter boundary line between Subarea A and Subarea B, landscaping and screening shall be provided within Subarea B as detailed in Section IV.E. of this text.

G. <u>Lighting:</u>

1. All parking lot and private driveway lighting shall be cut-off type fixtures and down cast. Parking lot lighting shall be from a controlled source in order to minimize light spilling beyond the boundaries of the site.

2. All parking lot lighting shall be of the same light source type and style.

3. All parking lot light poles shall be black or New Albany green and constructed of metal. Light poles shall not exceed 30 feet in height.

4. Lighting details shall be included in the landscape plan which is subject to review and approval by the City Landscape Architect.

5. No permanent colored lights or neon lights shall be used on the exterior of any building.

6. All other lighting on the site shall be in accordance with City Code.

7. Street lighting must meet the City standards and specifications.

H. <u>Signage:</u> All signage shall conform to the standards set forth in Chapter 1169 of the Codified Ordinances of the City of New Albany.

I. <u>Utilities</u>: All new utilities installed solely to serve this subarea shall be installed underground.

IV. <u>SUBAREA B:</u> AG

A. <u>Location; Applicability:</u> Subarea B will be located in the central portion of the site. It consists of 12.7+/- acres intended to accommodate an existing dog kennel business operation. The standards and requirements of this Section IV shall apply to Subarea B.

B. <u>Permitted Uses:</u> The only permitted uses in Subarea B shall be dog kennels, animal boarding, and animal day care services.

C. <u>Development Standards</u>: Except as otherwise provided herein, the existing improved conditions within Subarea B shall be permitted to remain and shall be considered to be in conformance with the Codified Ordinances, this zoning text, and the DGRs. Also except as provided herein, future modifications to, expansions or redevelopment of such improvements shall be undertaken in accordance with the requirements of the AG, Agricultural District unless a rezoning and/or relevant variances are approved.

D. <u>Access, Site Circulation, and Traffic Commitments</u>:

1. <u>Vehicular Access</u>: Vehicular access to and from this subarea shall initially occur from an existing private drive on Jug Street. This access point allows for full turning movements. At such time as the extension of Clover Valley Road is completed such that it is open for use by the general public, a vehicular access point shall be provided by the City on Clover Valley Road in a location approved by the City Manager or his designee. This new access point shall allow for full turning movements. Once the new access point on the Clover Valley Road extension is operational, the vehicular access point on Jug Street shall no longer be permitted to be utilized.

2. <u>Jug Street:</u> No additional right-of-way dedication shall be required for Jug Street from this subarea.

E. <u>Screening:</u> For the northeastern and southeastern perimeter boundaries of Subarea B, landscaping and/or mounding shall be installed within minimum required pavement setback areas to provide an opacity of 75% on the date that is 5 years after planting to a total height of 10 feet above ground level when viewed from off-site. Existing trees may be utilized to meet this opacity requirement. The owner of Subarea B agrees to this requirement in place of any similar screening, mounding, and/or buffering requirements that may be required off-site in adjacent zoning districts along these boundary lines to screen development in those zoning districts from Subarea B. The owner of Subarea B waives the requirement of off-site screening, mounding, and buffering on property that abuts its northeastern and southeastern boundary lines that may apply through zonings which apply to property located outside of this Zoning District.

V. <u>SUBAREA C:</u> L-GE

A. <u>Location; Applicability:</u> Subarea C will be located in the northeastern portion of the site. It consists of 2.7+/- acres intended for development with Limited General Employment uses. The standards and requirements of this Section V shall apply to Subarea C.

B. <u>Permitted Uses:</u> Permitted and conditional uses in Subarea C shall include those set forth in the Codified Ordinances of the City of New Albany, GE General Employment

District (Sections 1153.02 and 1153.03), provided that conditional uses are approved in accordance with Chapter 1115, Conditional Uses. The following uses shall be prohibited:

- 1. Industrial product sales (See Section 1153.03(a)(1));
- 2. Industrial service (See Section 1153.03(a)(2));
- 3. Mini-warehouses (See Section 1153.03(a)(4)(c)). For purposes of clarification, this prohibition only applies to such facilities that are made available for rental to the general public;
- 4. Personal service (See Section 1153.03(b)(2)) and retail product sales and service (See Section 1153.03(b)(3)), except that such uses shall be allowed as accessory uses to a permitted use;
- 5. Vehicle services (See Section 1153.03(b)(4));
- 6. Radio/television broadcast facilities (See Section 1153.03(c)(1));
- 7. Sexually-oriented businesses (See Section 1153.03(c)(3)); and
- 8. Off-premises signs (See Section 1153.03(c)(2)).

C. Access, Parking, Site Circulation, and Traffic Commitments:

1. <u>Extension of Clover Valley Road:</u> Clover Valley Road shall be extended through Subarea C southward from its current terminus at Jug Street and generally along the western boundary line of the subarea. The final location of and specifications for this street extension shall be approved as part of a final plat, and the timing of the construction of this improvement shall be coordinated between the City and the property owner. Right-of-way for this public street extension shall be dedicated to the City with a width that is determined in the final plat.

2. <u>Jug Street:</u> No additional right-of-way dedication shall be required for Jug Street from this subarea.

3. <u>Access</u>: Vehicular access to and from Subarea C shall be provided from the extension of Clover Valley Road southward and/or using a private road or drive extending through real property located to the east of and adjacent to Subarea C. The location and allowed turn movements for the access point along the extension of Clover Valley Road shall be approved by the City Manager or its designee. No vehicular access to and from Subarea C shall be permitted along Jug Street.

4. <u>Parking and Loading</u>: Parking and loading spaces shall be provided for each use per Chapter 1167 of the Codified Ordinances of the City of New Albany.

D. Lot and Setback Commitments:

1. <u>Lot Coverage</u>: There shall be a maximum lot coverage in this Zoning District of 75%.

E. <u>Setbacks:</u>

1. <u>Jug Street</u>: There shall be a minimum pavement setback of 50 feet and a minimum building setback of 100 feet from the Jug Street right-of-way.

2. <u>Clover Valley Road Extension</u>: There shall be a minimum pavement setback of 25 feet and a minimum building setback of 50 feet from the extension of Clover Valley Road.

3. <u>Perimeter Boundaries:</u> There shall be a minimum pavement and building setback of 25 feet from all perimeter boundaries for which another setback requirement is not provided in this text.

4. <u>Elimination of Setbacks</u>: In the event that a parcel located within this subarea and an adjacent parcel located within or outside of this subarea or Zoning District (i) come under common ownership or control, (ii) are zoned to allow compatible non-residential uses, and (iii) are combined into a single parcel, then any minimum building, pavement, or landscaping setbacks set forth in this text as they apply to common property lines shall no longer apply with respect to these parcels.

F. <u>Architectural Standards</u>:

1. <u>Building Height:</u> The maximum building height for structures shall be 65 feet, subject to Section 1165.03 of the Codified Ordinances.

2. <u>Service and Loading Areas</u>: Service areas and loading areas shall be screened in accordance with the Codified Ordinances.

3. Building Design:

a. Building designs shall not mix architectural elements or ornamentation from different styles.

b. Buildings shall be required to employ a comparable use of materials on all elevations.

c. The number, location, spacing, and shapes of windows and door openings shall be carefully considered. Primary entrances to buildings shall be made sufficiently prominent that they can be easily identified from a distance.

d. For office buildings and complexes, achieving a human or pedestrian scale is of less concern. When achieving such a scale is desired, it may be

achieved by careful attention to width of facades, size and spacing of window and door openings, and floor to floor heights on exterior walls.

e. All elevations of a building that are visible from a public right-of-way shall receive similar treatment in terms of style, materials, and design so that such elevations are not of a lesser visual character than any other.

f. Use of elements such as shutters, cupolas, dormers, and roof balustrades shall be avoided in building designs that are not based on traditional American architectural styles. Such elements may be employed only when they are common elements of a specific style, and this style shall be replicated in its entirety. When shutters are employed, even if they are non-operable, they must be sized and mounted in a way that gives the appearance of operability.

g. Elements such as meter boxes, utility conduits, roof and wall projections such as vent and exhaust pipes, basement window enclosures, and trash containers shall be designed, located, or screened so as to minimize their visibility and visual impact from off-site. Solar energy systems shall be excluded from the requirements of this section.

h. Accessory or ancillary buildings, whether attached or detached, shall be of similar design, materials and construction as the nearest primary structure. Fenestration themes that employ windows, panels and piers that are consistent with the architectural vocabulary of the building are encouraged. Accessory structures, generators, storage tanks, trash receptacles or any other similar improvement must be located behind a building façade that does not front on a public right-of-way.

4. Building Form:

a. All building elevations shall be designed to be compatible with each other and to reflect a consistent design approach.

b. Gable or hip roofs shall be avoided unless a building design replicates a traditional American architectural style that employs such roof forms. In non-stylistic contemporary designs, low or flat roofs may be employed. Roof visibility shall be minimized.

5. Materials:

a. Exterior building materials shall be appropriate for contemporary suburban designs and shall avoid overly reflective surfaces. Traditional materials such as, but not limited to, wood, stone, brick, and concrete shall be permitted, and contemporary materials such as, but not limited to, aluminum, metal, glass, stucco, or cementitious fiberboard (e.g., hardiplank or equivalent) shall be permitted on buildings not employing traditional styles. Architectural precast concrete panels and/or poured-inplace concrete tilt-up panels shall be permitted. The use of reflective or mirrored glass shall be prohibited.

b. Prefabricated metal buildings and untreated masonry block structures are prohibited. Notwithstanding the foregoing, ancillary structures built and operated for the purpose of enclosing equipment and which are not occupied by tenants or persons on a regular basis may be constructed using pre-engineered metal.

c. Generally, the quantity of materials selected for a building shall be minimized.

d. Loading docks are not required to have the same degree of finish as a main entry unless they are visible from a public right-of-way.

6. <u>Additional Standards for Uses Not Governed by DGRs</u>: Buildings that are constructed to accommodate certain uses are not governed by the City's Design Guidelines and Requirements (DGRs). For example, buildings that are constructed for the operation of warehousing and/or distribution uses are not subject to the DGRs and can present challenges in meeting the community standard for architectural design. Such buildings are necessarily large and typically include long walls that together form a square or rectangular box. The goal for the development of buildings that are not subject to the DGRs is to balance the practical needs of these buildings with the desire to provide exterior designs that are attractive and complimentary to the non-residential architecture for buildings that are located in the general vicinity of this Zoning District.

Architecture by its nature is a subjective medium, meaning that the adoption of strict objective standards in all instances may not provide the best means for achieving appropriate design. In recognition of this fact, the standards set forth herein provide guidelines and suggestions for designing buildings that are not subject to the DGRs in an effort to set expectations for the quality of architecture that will be expected for these structures. On the other hand, these standards are meant to allow for some flexibility to encourage innovative design provided that the spirit and intent of these provisions are met.

In conjunction with an application for a certificate of appropriateness for each building or structure in this Zoning District that is not subject to or governed by the DGRs, the applicant shall be required to submit to the City illustrations of the proposed exterior design of the building or structure for review and approval by the Design Review Committee contemplated in Section 1157.08(a)(1)(D) of the City

Code. In designing such buildings, the user or applicant shall take into account the following, which are intended to set a level of expectation for the quality of design:

a. Architectural design for all portions of a building or structure that are visible from a public right-of-way (excluding public rights-of-way whose primary purpose is to accommodate truck traffic or service loading areas) shall meet the community standard in terms of quality while taking into account the unique nature of the use(s) that will be found therein.

b. Uninterrupted blank wall facades shall be prohibited to the extent that they are visible from a public right-of-way. Design variations on long exterior walls shall be employed in order to create visual interest. Examples of such design variations include, but are not limited to, the use of offsets, recesses and/or projections, banding, windows, and/or reveals; scoring of building facades; color changes; texture or material changes; and variety in building height.

c. The use of one or more architectural or design elements may be used to soften the aesthetics of the building, such as but not limited to canopies, porticos, overhangs, arches, outdoor patios, community spaces, or similar devices.

d. Contemporary exterior designs, while not required, shall be encouraged in order to create architecture that does not look aged or dated even many years after the facility is built.

e. Landscaping and/or the use of existing vegetation shall be utilized where appropriate to enhance the aesthetics of the building and to lessen its visual impact when viewed from public rights-of-way.

7. <u>Roof-Mounted Equipment:</u> 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.

G. <u>Buffering, Landscaping, Open Space, and Screening</u>: A landscaping plan shall be reviewed as part of the City's review of a certificate of appropriateness application for this subarea. The following landscaping requirements shall apply to this subarea:

1. <u>Tree Preservation:</u> 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>Stormwater Management:</u> Wet and dry stormwater basins shall conform to the standards set forth in Section 1171.08 of the Codified Ordinances of the City of New Albany.

3. <u>Parking Areas:</u> Within this subarea, there shall be no less than one (1) tree planted for every ten (10) parking spaces located therein. At least five percent (5%) of the vehicular use area shall be landscaped or green space (or treed areas). Parking lots shall be designed to accommodate parking lot islands with tree(s) at the end of parking aisles.

4. <u>Minimum On-Site Tree Sizes:</u> Unless otherwise set forth herein, minimum tree size at installation shall be no less than two and one half $(2 \frac{1}{2})$ inches in caliper for shade trees, six (6) feet in height for evergreen trees, two (2) inches in caliper for ornamental trees, and thirty (30) inches in height for shrubs. Caliper shall be measured six (6) inches above grade.

5. <u>Landscaping Along Shared Subarea Boundary</u>: Along the shared perimeter boundary line between Subarea A and Subarea B, landscaping and screening shall be provided within Subarea B as detailed in Section IV.E. of this text.

H. <u>Landscaping Along Jug Street</u>: Landscaping within the minimum pavement setback along Jug Street shall be coordinated and consistent throughout this subarea and adjacent zoning districts. Landscaping within the minimum pavement setback shall be provided in accordance with the following standards:

1. A minimum of ten (10) deciduous trees shall be installed for every 100 feet of frontage on the public right-of-way. Such trees shall be planted in random locations (i.e., not in rows). No more than 30% of such trees shall be of a single species.

2. Where existing healthy and mature trees are found within these pavement setbacks, such trees may be preserved in lieu of installing the trees described in this paragraph, provided that a similar amount of vegetation is being preserved when compared to that which would otherwise be required to be installed.

3. Mounding shall be permitted but not required. When utilized, mounding shall have a minimum height of 3 feet and a maximum height of 12 feet. The slope of mounds shall not exceed 3:1 from the crest of the mound extending toward the private site, and shall not exceed a 6:1 slope from the crest of the mound extending toward the public right-of-way.

4. A standard New Albany white four-board horse fence may (but shall not be required to) be provided within the public right-of-way.

I. <u>Lighting:</u>

1. All parking lot and private driveway lighting shall be cut-off type fixtures and down cast. Parking lot lighting shall be from a controlled source in order to minimize light spilling beyond the boundaries of the site.

2. All parking lot lighting shall be of the same light source type and style.

3. All parking lot light poles shall be black or New Albany green and constructed of metal. Light poles shall not exceed 30 feet in height.

4. Lighting details shall be included in the landscape plan which is subject to review and approval by the City Landscape Architect.

5. No permanent colored lights or neon lights shall be used on the exterior of any building.

6. All other lighting on the site shall be in accordance with City Code.

7. Street lighting must meet the City standards and specifications.

J. <u>Signage:</u> All signage shall conform to the standards set forth in Chapter 1169 of the Codified Ordinances of the City of New Albany.

K. <u>Utilities</u>: All new utilities installed solely to serve this subarea shall be installed underground.

VI. <u>GENERAL MATTERS:</u>

A. <u>Development Review Procedure:</u> Due to the unique mix of uses and ownership that apply to this Zoning District, the I-PUD zoning designation is being utilized. The intent is to continue to accommodate the existence and operation of existing uses in Subarea B while at the same time facilitating the construction of the future extension of Clover Valley Road southward and subjecting relatively small portions of real property to the requirements of the L-GE, Limited General Employment standards of the Codified Ordinances in order to be compatible with zonings on adjacent properties to the east and southeast. Given these unique circumstances, no final development plans shall be required to be filed or reviewed by the Planning Commission in this Zoning District. All development or redevelopment proposals shall be reviewed as if the subject property were in the zoning classification from which permitted uses for a particular subarea are derived.

B. <u>Conditional Uses:</u> Any person owning or having an interest in property may file an application to use such property for one or more of the conditional uses provided for by City's Codified Ordinances Code or by this zoning text. Applications for conditional uses shall follow the procedure and comply with the requirements of Chapter 1115, Conditional Uses, of the Codified Ordinances of the City of New Albany. C. <u>Variance Process</u>: The procedures and requirements of Chapter 1113, Variances of the Codified Ordinances shall be followed in cases of appeals. The Planning Commission shall hear requests for variances in this Zoning District.

Clover Valley Zoning District Page 16 of 16



Planning Commission Staff Report September 19, 2022 Meeting

PROJECT LINCOLN BATCH PLANT CONDITIONAL USE

LOCATION:	3210 Horizon Court (PID: a portion of 095-111756-00)
APPLICANT:	Pepper Construction Company and Lincoln Properties Company
REQUEST:	Conditional Use
ZONING:	L-GE Limited General Employment District (Jug Street North)
STRATEGIC PLAN:	Employment Center
APPLICATION:	CU-106-2022

Review based on: Application materials received August 19, 2022 and September 1, 2022 Staff report completed by Chris Christian, Planner II

I. REQUEST AND BACKGROUND

The applicant requests approval for a conditional use application to allow the temporary use of a concrete batch plant on a portion of a 64+/- acre commercial development site within the Jug Street North L-GE zoning district. The applicant requests the conditional use be permitted on the site until June 2023.

On March 15, 2021, the Planning Commission reviewed proposed changes to C.O. 1153 (General Employment District) and recommended approval to City Council. The proposed code changes created an industrial manufacturing and assembly use that is a conditional use in the General Employment District. This concrete batch plant use falls under the industrial manufacturing and assembly use category therefore a conditional use review and approval is necessary.

II. SITE DESCRIPTION & USE

The proposed batch plant will be located on a 190 +/- acre development site under the ownership and construction of the applicant. The development site is located in the Licking County business park, generally northeast of the Beech Road and Jug Street intersection. The site is zoned L-GE, is currently under development and completely surrounded by commercially zoned properties. Access to the site is provided off of Horizon Court which was reviewed and approved by the Planning Commission earlier this year (FPL-132-2022).

The use includes the outdoor storage of materials such as (but not necessarily limited to) stone, sand, and gravel. These materials are used to produce and manufacture concrete and cement on the site. More specifically, roller-compacted concrete is produced and a gravity silo cement operation is present. The latter of which produces poured-in-place concrete. No sales are made from the batch plant, nor from the trailer, and the general public is not solicited nor permitted to visit the site for any purchases.

In requesting the conditional use, the applicant has provided a site plan that demonstrates the intended layout of the batch plan operations. Except for the comments within the applicant's conditional use statement, the layout may be adjusted to meet operational or engineering needs, provided that applicable zoning standards and requirements are met.

III. EVALUATION

The general standards for conditional uses are contained in Codified Ordinance Section 1115.03. The Planning Commission shall not approve a conditional use unless it shall in each specific case, make specific findings of fact directly based on the particular evidence presented to it, that support conclusions that such use at the proposed location meets all of the following requirements:

- (a) The proposed use will be harmonious with and in accordance with the general objectives, or with any specific objective or purpose of the Zoning Ordinance.
 - On January 19, 2022, The Planning Commission reviewed and approved a final plat and variance application to allow for the construction of Horizon Court (FPL-132-2021 and VAR-133-2021). This new roadway bisects the larger 190+/- acre development site on which the applicant proposes to install a concrete batch plant. The applicant proposes a temporary concrete batch plant at the site to be in operation until June 31, 2023. The applicant states that the batch plant will provide concrete for the construction of Horizon Court as well as phase 1 of their own private development project. This temporary batch plant is needed on the site due to a nationwide shortage of cement and subsequent rationing of local supply, according to the applicant.
 - The city does benefit from this in that it significantly reduces travel distance for large trucks for tasks such as concrete pours and other work. This means there are less trucks driving through the city in order to get to the projects. Additionally, the temporary use facilitates the construction of Horizon Court and allows the developer to meet the construction timeline commitments they have made to the city.
 - Access to the batch plant will be provided along Horizon Court. The applicant states that this curb cut access will be removed at the conclusion of the batch plant operation.
 - The limitation text associated with the rezoning of the property places additional requirements above the General Employment (GE) District requirements for the development of the property. These requirements further ensure that the character of the area is preserved and enhanced by future development. The proposed batch plant is meeting all setback requirements for the property. Additionally, mounding has been installed along Jug Street, as required by the zoning text, which will provide visual screening of the batch plant along major roadways.
 - The applicant commits to providing wheel wash stations for trucks exiting the batch plant, daily road cleaning as well as working with the city landscape architect to ensure the site is visually appealing from adjacent sites while in operation.
- (b) The proposed use will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
 - The proposed use complements the manufacturing and production, warehouse, data center and distribution uses, which are permitted uses within the overall area. The proposed use is appropriate in the context of the surrounding uses, development patterns, and will contribute to the overall success of the Business Park.
 - Additional design guidelines for manufacturing facilities contained in the zoning text further ensures their compatibility with the character of the area. The same architectural requirements as the surrounding commercial areas are required.
- (c) The use will not be hazardous to existing or future neighboring uses.
 - The use is subject to Codified Ordinance Section 1153.06 which requires that no land or structure within the GE District shall be used or occupied in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable impact on any land which is located in any other zoning district.
 - The applicant, as part of the conditional use statement, has stated that production from the batch plant is not one that includes potential pollutants or combustible materials and does not emit noxious odors. Additionally, the applicant states that

noise will be proven to not be an issue to any residential uses in the surrounding area due to the large setbacks from these properties. The nearest residentially zoned and used property is located more than 1,800 feet away from the proposed batch plant.

- The batch plant's location provides convenient access to construction materials and efficiency for delivery. Easy access to and from State Route 161 for trucks is good for the local environment by providing short routes to and from the highway. The location allows for traffic coming to and from the site to remain on site. This results in less travel and trips on township and other streets.
- (d) The area will be adequately served by essential public facilities and services such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
 - The city has and is making significant investments in the improvement of Beech Road and the widening of Jug Street. Given the Property's proximity to nearby development sites, as well as the Beech Road interchange on State Route 161, the batch plant location will ensure efficient passage of vehicles.
 - The nature of the uses is such that they do not require the use of public water or sanitary sewer services.
 - The proposed industrial manufacturing and assembly use will produce no new students for the Johnstown Monroe School District.
- (e) The proposed use will not be detrimental to the economic welfare of the community.
 - The proposed industrial manufacturing and assembly use generates income tax for the city with its jobs.
 - The establishment of this temporary batch plant allows the property owner to maintain the construction schedule agreed upon with the city. To maintain a competitive advantage over other locations, and because speed is one of the most important factors when a company is under construction, the continued operation and relocation of the batch plan, even though it is temporary in nature, has a positive benefit to the city's economic development goals and indirectly aids its fiscal strength.
- (f) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
 - The use will be subject to Codified Ordinance Section 1153.06 which requires that no land or structure within the GE District shall be used or occupied in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable impact on any land which is located in any other zoning district.
- (g) Vehicular approaches to the property shall be so designated as not to create interference with traffic on surrounding public streets or roads.
 - The infrastructure in this portion of the city is designed to accommodate the traffic associated with commercial uses.
 - There is no reason to believe that that traffic generated by this use will have any greater impact than traffic for permitted users in the GE district.
 - Due to the proximity of this site to the State Route 161, and its location adjacent to commercially zoned land in the existing business park to the east, south and west, the site appears to be appropriate for manufacturing and production uses, especially as this is temporary in nature.

IV. ENGINEER'S COMMENTS

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

V. RECOMMENDATION

Basis for Approval:

Staff recommends approval provided that the Planning Commission finds the proposal meets sufficient basis for approval. The overall proposal appears to be consistent with the code requirements for conditional uses and meets the development standards and recommendations contained in the Engage New Albany Strategic Plan and the New Albany Economic Development Strategic Plan. The proposed industrial manufacturing and assembly use is consistent with the character of the immediately surrounding area. The site is strategically located where vehicles coming to and from the site can utilize the local business park streets and is close to State Route 161. And while it is proposed to be a temporary conditional use, it helps the city achieve the goals and recommendations in the New Albany Economic Development Strategic Plan by supporting additional attracting and encouraging continued growth within the business park. The operation of the proposed batch plant is to cease on October 31, 2023.

VI. ACTION

Suggested Motion for CU-106-2022:

To approve conditional use application CU-106-2022 to allow for industrial manufacturing and assembly use for a concrete batch plant based on the findings in the staff report with the following conditions (additional conditions may be added):

- 1. The conditional use approval terminates on June 31, 2023 or another conditional use is submitted to extend its use past this date.
- 2. When in use, the public streets shall be cleaned daily;
- 3. Wheel wash is required for existing trucks;

Approximate Site Location:



Source: NearMap

Permit #	
Board	
Mtg. Date	



Community Development Planning Application

	Site Address 3210 Horizon Court	, New Albany,	OH 43031	L (Building 1 address)	
	Parcel Numbers PID 095-111756-00				
	Acres <u>64 +/-</u>	# of lots cr	eated		
	Choose Application Type		Circle a	all Details that Apply	
Project Information	 Appeal Certificate of Appropriateness Conditional Use Development Plan Plat Lot Changes Minor Commercial Subdivision Vacation Variance Extension Request Zoning Description of Request: <u>An "in allow for operation of a tempora</u>		facturing	Adjustment Street Text Modification and assembly" condit	ional use to
Contacts	Address:PO Box 1920City, State, Zip:Dallas, TX 75221Phone number:(312) 345-8772Email:mplatten@lpc.com	5185 Blazer Parkwa	ction Compa	Fax:	Properties Company
Signature		v, hereby authoriz officials to visit, p	tes Village o photograph on here with ER, LLC, company	of New Albany representa and post a notice on the pr	tives, roperty

Anneal			250.00	
Appeal Certificate of Appr	onriateness		250.00	
Connicate of Appr		wo family residential	100.00	
	_	sidential or commercial	300.00	
	ARB - Signage	sidential of commercial	75.00	
Conditional Use	ARD - Signage		600.00	
	Dualinging my DUD	on Communities and	000.00	
Development Plan	 Preliminary PUD of Planning fee 	First 10 acres	750.00	
	I failing fee	Each additional 5 acres or part thereof	50.00 / each	
	Engineering fee	1-25 lots	155.00 / each	
	Eligineering iee	Minimum fee	1000.00	
	En sin serie s for	26 - 50 lots	3875.00	
	Engineering fee			
	Б С	Each additional lot over 26	75.00 / each	
	Engineering fee	Over 51 lots	5750.00	
		Each additional lot over 51	50.00 / each	
Development Plan		F ' + 10	(50.00	
	Planning fee	First 10 acres	650.00	
		Each additional 5 acres or part thereof	50.00	
	Engineering fee	1-25 lots	155.00 /1	
	Engineering	(minimum fee \$1,000.00)	155.00 / each 3875.00	
	Engineering fee	26 – 50 lots		
		Each additional lot over 26	75.00 / each	
	Engineering fee	Over 51 lots	5750.00	
		Each additional lot over 51	50.00 / each	
Development Plan			300.00	
-	/ Text Amendment		600.00	
Plat – Road Prelim	•			
	Planning fee		350.00	
	Engineering fee	no lots on either side of street	1.00 / LF	
		lots on one side of street	.50 / LF	
		Minimum fee	1,000.00	
Plat – Road Final				
	Planning fee		350.00	
	Engineering fee	no lots on either side of street	1.00 / LF	
		lots on one side of street	.50 / LF	
		Minimum fee	1,000.00	
Plat – Subdivision	Preliminary		—	
	Planning		650.00	
		Plus each lot	50.00 / each	
	Engineering fee	1-25 lots	—	
		(minimum fee \$1,000.00)	155.00 / each	
	Engineering fee	26 – 50 lots	3875.00	
		Each lot over 26	75.00 / each	
	Engineering fee	Over 51 lots	5750.00	
		Each lot over 51	50.00 / each	

	Plat – Subdivision Final			
	Planning		650.00	
		Plus each lot	15.00 / each	
	Engineering fee	1-25 lots		
		(minimum fee \$1,000.00)	155.00 /each	
	Engineering fee	26-50 lots	3875.00	
		Each lot over 26	75.00 / each	
	Engineering fee	Over 51 lots	5750.00	
		Each lot over 51	50.00 / each	
	Lot Changes		200.00	
	Minor Commercial Subdivision		200.00	
	Vacation (Street or Easement)	1200.00		
	Variance			
	Non-single family, commerce	600.00		
	Single Family residence	250.00		
	In conjunction with Certification	100.00		
	Extension Request	0.00		
	Zoning			
	Rezoning - First	10 acres	700.00	
		Each additional 5 acres or part thereof	50.00 / each	
l	Rezoning to Roc	ky Fork Blacklick Accord	250.00	
I	Text Modificatio	n	600.00	
I	Easement Encroachment		800.00	

99 West Main Street • P.O. Box 188 • New Albany, Ohio 43054 • Phone 614.939.2254 • Fax 614.939.2234



Conditional Use Submittal Checklist

Applicant Name	Tyl	ler	Bool	k

Applicant Address 5185 Blazer Parkway Suite 101, Dublin, OH 43017

Phone Number (614) 546-8340

Required Item	Submitted?
1) Legal description of the property as recorded in the Franklin County Recorder's office.	1) Yes X No
2) Description of existing use.	2) Yes <u>×</u> No
3) Present zoning district.	3) Yes <u>×</u> No
4) Description of proposed conditional use.	4) Yes <u>×</u> No
5) A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic circulatoin, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Commission may require to determine if the proposed conditional use meets the intent and requirements of this Ordinance.	5) Yes <u>×</u> No
6) A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, light, fumes, and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district.	6) Yes <u>×</u> No
7) The names and addresses of all property owners within 200 feet, contiguous to, and directly across the street from the property, as appearing on the Franklin County Auditor's current tax list. The applicant shall also provide the addresses of all property within the above reference boundaries.	7) Yes <u>×</u> No
8) Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the deliberations of the Planning Commission.	8) Yes X No

Applicant Information
Conditional Use Statement

64 +/- Acres Located Within the Business Park East Zoning District

The applicants, namely Pepper Construction Company (General Contractor) (PCC) and Lincoln Property Company (Owner) (LPC) request approval of a conditional use to allow the continued operation of an "industrial manufacturing and assembly" use on 64 +/- acres of real property (the "Property") located to the North of and adjacent to Jug Street in the City of New Albany, Licking County. The Property is zoned in the L-GE, Limited General Employment District classification. The zoning limitation text that applies to the Property allows for the review and approval of conditional uses that are set forth in Section 1153.02 of the Codified Ordinances.

Existing use is determined by the Development Agreement between LPC and the City of New Albany, Ohio executed on March 9, 2022. LPC committed to the development of approximately 2,000,000 total square feet of commercial space to be used for distribution / warehouse and/or data center uses in multiple buildings on approximately 190 acres of land (Business Park). In Phase 1 of the development agreement LPC agreed to construct at least 400,00 square feet of commercial distribution / warehouse space by December 2023. LPC has contracted with PCC to complete Phase 1 as committed to in the development agreement. Phase 1 entails two distribution / warehouse buildings totaling approximately 620,000 square feet (not located on the Property), a privately constructed public roadway servicing the Business Park (Horizon Court), a detention basin, and mass grading of the remainder of the Business Park (including the Property). Phase 1 will be substantially complete in May 2023. LPC intends to develop the Property in Phase 3 of the development agreement by December 31, 2031.

The proposed temporary conditional use being requested is to utilize a batch plant in which to serve concrete for the work associated with Phase 1. Due to a nationwide shortage in cement the initial concrete supplier chosen for phase 1(one of the largest suppliers of the New Albany area) informed contractors of a rationing of concrete. The impact of this shortage would be a large delay to the project potentially extending into 2024 to complete Phase 1. PCC developed a solution as to not materially affect the construction schedule by finding another regional concrete supplier with a stockpile of cement. The only method to take delivery of this new supply was to assemble a batch plant on site with the new concrete supplier. It has been called to the property owner's attention that in order to construct and operate a batch plant on the Property, a conditional use approval is the appropriate mechanism to permit its use. This application seeks that approval. The applicant is requesting for the conditional use permit to operate the batch plant from September 2022 to June 2023.

The batch plant use will include the outdoor storage of materials such as (but not necessarily limited to) stone, sand, and gravel. These materials are used to produce and manufacture concrete and cement on the site. More specifically, a gravity silo cement operation is present which produces poured-in-place concrete. The batch plant will serve both public (Horizon Ct) and private purposes. It will produce the materials that are to be used for Phase 1 of the Business Park including the to be dedicated public roadway Horizon Ct.

No sales are made from the batch plant, and the general public is not solicited nor permitted to visit the site for any purchases.

Upon further investigation into past batch plants utilized in the area, LPC and PCC will perform the following: clean roads daily, provide wheel wash for exiting trucks, and continue discussions with the city landscape architect to keep the site cleaned and visually appealing from adjacent roadways / site lines. Mounding along the South edge of the property line will substantially screen the batch plant.

Earlier in 2021, Ordinance O-16-2021 was approved by City Council after receiving a recommendation for approval from the Planning Commission. That ordinance provided distinctions between "manufacturing and production uses" and "industrial manufacturing and assembly uses" in Section 1153.03 of the Codified Ordinances. Furthermore, the latter use types are deemed to be conditional (rather than permitted) uses in the GE district. See Codified Ordinances Section 1153.02.

Codified Ordinances Section 1153.03(a)(3) further describes industrial manufacturing and assembly uses as follows:

"A. Characteristics. Firms are involved in heavy manufacturing processing, fabrication, packaging, or assembly of goods for industrial or construction industries. Raw secondary, or partially completed materials may be used. Goods are generally not displayed or sold on-site. Relatively few customers come to the manufacturing site.

B. Accessory activities. Accessory activities may include administrative offices, cafeterias, employee recreational facilities, warehouse, storage yards, outlets, and caretaker's quarters. Retail outlets as an accessory to industrial manufacturing and assembly plants shall be treated as retail product sales and service.

C. Examples of heavy industrial manufacturing and assembly include, but are not limited to, metal stamping; pressing and buffing, tool and die shops; machine, sheet metal and welding shops; construction related and building material manufacturing (including milling, planning and joining); vehicle and/or vehicle part manufacturing and fabrication; construction equipment and/or construction equipment part manufacturing; recycling or creation of materials, textiles, lumber, paper, rubber, batteries, etc."

As described earlier, the batch plant will provide for the manufacturing and production of materials used in the construction industry for private projects. Raw materials are used in such production, such as stone, sand, and gravel. No goods are displayed on the site, and no customers come to the Property. Storage of materials is part of the operation.

Section 1115.03 of the Codified Ordinances provides that the Planning Commission is to approve a conditional use if it meets all of the following requirements in bold below. The applicants have provided support the use's conformance with such requirements following each of them.

(a) The proposed use will be harmonious with and in accordance with the general objectives, or with any specific objective or purpose of the Zoning Ordinance.

The use will comply with the Zoning Ordinance and will be reviewed by the New Albany Zoning, Engineering, and Building departments. The temporary nature of the use that coincides with Phase 1 construction of the Business Park and the fact that conditional use and Business Park will comply with the zoning ordinance allows for conformance with the general objective, any specific objective and purpose established by the City. Things such as the mounds along Jug St and setbacks are examples of measures that will be followed to satisfy the Zoning Ordinance. Numerous other requirements and standards are contained within the zoning limitation text which provide commitments that will result in development of the Property in a manner that meets or exceeds the requirements of the Zoning Ordinance.

(b) The proposed use will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.

The existing and future character of the area includes a substation and industrial buildings to the south of Jug St, planned data center development to the west of the Business Park, and planned industrial development to the east of the Business Park. To the North are residential properties but a large conservation easement area that Blacklick creek runs through provides a buffer between the properties. The proposed batch plant is also on the southern half of the Business Park providing even more distance from residential parcels. Therefore, the uses fit well with the character of the area.

(c) The use will not be hazardous to existing or future neighboring uses.

The production from the batch plant is not one that includes potential pollutants or combustible materials and does not emit noxious odors. Noise will be proven to not be an issue with the conditional use, mainly because they are not located in close proximity to residential uses.

(d) The area will be adequately served by essential public facilities and services such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

The City has already made significant investment in the improvement of Jug Street and the continued expansion up to Beech Road. Given the proximity to the Beech Road and Jug Street interchange, the batch plant is perfectly situated to ensure efficient passage of vehicles. A construction access road will be the only means of accessing the batch plant until Horizon Ct is complete. Once Horizon Ct is complete a dedicated curb cut will be created to service the plant. Both of these measures ensure that access to the batch plant is limited to the required personnel. The nature of the use is such that they do not require the use of public water or sanitary sewer services. There is no negative impact on schools, as the use generates no residents. Being that there are no permanent structures on the site, the fire risk is minimal. The uses do not have any more likelihood of criminal activity than any existing use in the general vicinity.

(e) The proposed use will not be detrimental to the economic welfare of the community.

The proposed conditional use will be a clear economic benefit to the community. It will allow LPC to maintain the schedule laid out in the development agreement with the City and provide additional jobs and tax revenue as agreed upon.

(f) The proposed use will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

The conditional use will be subject to Codified Ordinances Section 1153.06, which requires that no land or structure within the GE district shall be used or occupied in such a manner as to create any dangerous, injurious, noxious, or otherwise objectionable impact on any land which is located in any other zoning district.

(g) Vehicular approaches to the property shall be so designated as not to create interference with traffic on surrounding public streets or roads.

The conditional use access to and from Horizon Ct will be designated only for the batch plant and construction. No other traffic will be permitted to use the access. Due to the Business Park being under construction the entirety of the conditional use there will be no interference with traffic for the surrounding public streets and roads.

APPLICANTS:

Pepper Construction Company 5158 Blazer Parkway, Suite 101 Dublin, OH 43017

Lincoln Property Company 120 N Lasalle, Suite 2900 Chicago, IL 60602

PROPERTY OWNER:

New Albany Data Center, LLC PO Box 1920 Dallas, TX 75221

ATTORNEY:

Jay Augustyn Ice Miller LLP 200 West Madison, Suite 3500 Chicago, IL 60606-3417

SURROUNDING PROPERTY

OWNERS: Amazon Data Services Inc. 410 Terry Ave N. Seattle, WA 98109

City of New Albany Ohio 99 West Main Street New Albany, OH 43054

MBJ Holdings LLC Underhill & Hodge LLC, 8000 Walton Parkway, Suite 260 New Albany, OH 43054

AEP Ohio Transmission Company, Inc. Riverside Plaza Columbus, OH 43215

CITY OF NEW NO PLAT REC APPROVED	ALBANY QUIRED
4	6-16-22
Signature	Date
15-202	92-0069

64.023 ACRE TRACT

Situated in the City of New Albany, County of Licking, State of Ohio, also being a part of Farm Lot 29 and Farm Lot 30, Quarter Township 2, Township 2, Range 15, United States Military Lands, also being a part of a 190.699 acre tract of land conveyed to New Albany Data Center, LLC, as described in Instrument Number 202205180012402; being more particularly described as follows:

Commencing at the intersection of the centerline of Jug Street Road (60' right-of-way) and the centerline of Beech Road (80' right-of-way); thence,

Along the centerline of Jug Street Road, South 86° 29' 19" East for a distance of 393.80' to a point; thence,

Along a line perpendicular to the centerline of Jug Street Road, *North 03° 30' 41" East for a distance of 30.00'* to an iron pin set, said point being on the northerly right-of-way line of Jug Street Road, said point also being a southwesterly corner of said 190.699 acre tract; said point also being a southeasterly corner of an original 476.757 acre tract of land conveyed to MBJ Holdings, LLC, as described in Instrument Number 201912030026846, said point being the TRUE POINT OF BEGINNING, and from said beginning point running thence,

Along a westerly line of said 190.699 acre tract, also being along an easterly line of said 476.757 acre tract, then along an easterly line of a 112.155 acre tract of land conveyed to Amazon Data Services, Inc, as described in Instrument Number 202004200008702, *North 02° 28' 30" East for a distance of 2566.80'* to an iron pin set at a common corner between said 190.699 acre tract and said 112.155 acre tract; thence,

Along a portion of a westerly line of said 190.699 acre tract, also being along a portion of an easterly line of said 112.155 acre tract, *North 03° 46' 40" East for a distance of 404.67'* to an iron pin set; thence,

Along a new division line through said 190.699 acre tract, **South 86° 29' 19" East for a distance of 477.63'** to an iron pin set; thence,

Along a new division line through said 190.699 acre tract, *South 03° 30' 41" West for a distance of 412.96'* to an iron pin set; thence,

Along a new division line through said 190.699 acre tract, **South 86° 29' 19" East for a distance of 536.19'** to an iron pin set, said point being on the westerly right-of-way line of Horizon Court (60' right-of-way); thence,

Along the westerly right-of-way line of Horizon Court, being a curve to the left, non-tangent to the previous, course having an *arc length of 9.72', a radius of 60.00', a central angle of 09° 17' 02", and a chord that bears South 33° 15' 23" East for a distance of 9.71'* to an iron pin set at a point of reverse curvature; thence,

Continuing along the westerly right-of-way line of Horizon Court, being a curve to the right having an *arc length of 43.36', a radius of 60.00', a central angle of 041° 24' 35", and a chord that bears South 17° 11' 36" East fora a distance of 42.43'* to an iron pin set at a point of tangency; thence,

Continuing along the westerly right-of-way line of Horizon Court, **South 03° 30' 41" West** for a distance of 2482.51' to an iron pin set; thence,

Along a transitional line between the westerly right-of-way line of Horizon Court and the northerly right-of-way line of Jug Street Road, *South 48° 30' 41" West for a distance of 39.76'* to an iron pin set, said point being on the northerly right-of-way line of Jug Street Road, said point also being on a southerly line of said 190.699 acre tract; thence,

CITY OF NEV NO PLAT REI APPROVED	V ALBANY QUIRED
	6-16-22
Signature	Date
LS-20	P000-660

Along the northerly right-of-way line of Jug Street Road, also being along a portion of a southerly line of said 190.699 acre tract, *North 86° 29' 19" West for a distance of 961.97'* to the point of beginning, containing 64.023 acres of land, more or less, of which 24.461 acres of land are located within Farm Lot 29, and 39.562 acres of land are located within Farm Lot 30, as determined by Michael L. Keller, Professional Surveyor, Ohio License No. 7978, based on a survey performed by The Kleingers Group in May, 2022.

Basis of bearings is the State Plane Coordinate System, Ohio South Zone (NAD83-1986), with a portion of the centerline of Jug Street Road being South 86° 29' 19" East.

Iron pins set are 5/8" diameter rebar, 30" in length, with plastic identifier caps stamped "THE KLEINGERS GROUP".

Subject to any easements, restrictions, covenants, ordinances, or agreements of record.



Michael L. Keller

6/09/2022 Date

Professional Surveyor, Ohio License No. 7978







HENDREN ONE LLC IN. 201307180009917 TRACT 3, PARCEL 1 50 AC PID 037-111864-00

<u>LEGEND</u>

- 5/8" CAPPED IRON PIN SET
- *5/8" IRON PIN FOUND 1" IRON PIPE FOUND*
- ◎ 1" IRON PI.
 ▲ NAIL SET
- ▲ NAIL FOUND
- RR SPIKE SET



ARCHITECTURE 614.882.4311

NO.	DATE	DESCRIPTION	
		W ALB	
	DA1	FA CEN	ITER,
		LLC	·
	LO	 ГS 19, 20, 28,	29, 30
QT		. 2, TWP. 2, R	
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	CIT Lice		BANY 7, OHIO
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155.00	PROPOSED SPOT ELEVATION
55.00 HP	PROPOSED HIGH POINT SPOT ELEVATION

CWO CONCRETE WASHOUT, SEE DETAIL





BY ERIE STRAYER CO. MG-12CP

- (1) AGGREGATE BIN 3 COMPARTMENT (PATT. A-111) 80 CU YD HEAPED CAPACITY
- (2) HINGED PARTITION EXTENSIONS (2 REQ'D)
- 3 12 CU YD AGGREGATE BATCHING SYSTEM W/ 3 INDIVIDUAL AGG BATCHERS
- (4) 4" FLOWMETER
- (5) ADJUSTABLE JACK STANDS (4 REQ'D)
- 6 48" INCLINED BATCH TRANSFER CONVEYOR 50'- 0" C, TO C, W/75 H.P. DRIVE
- 7 MOBILE CEMENT SILO 2 COMPT (PATT. C-11) SPLIT APPROX. 2/3 - 1/3 W/DOUBLE WALL PARTITION 715 BBL MAX CAPACITY
- (8) 16" DIA. DUST DUCT
- (9) 12 CU YD CEMENT BATCHER
- (10) SUPPORT SILLS (2 REQ'D)
- (1) MIXER CHARGING CHUTE
- (12) 12 CU YD ERIE TILT MIXER
- (13) MIXER TRAILER
- (4) PLANT MOTOR CONTROL PANEL (LOCATED IN CONTROL HOUSE)
- (5) AIR LOADING PIPING (8 REQ'D) 2-4" & 3-5" DIA IN LARGE COMP'T
- (16) HYDRAULIC POWER UNIT 2-4" & 1-5" DIA IN SMALL COMPT
- 17 LADDER W/ SAFETY CAGE FROM SILO LADDER ACCESS PLATFORM TO CEM SILO ROOF W/ACCESS TO BATCH PLATFORM
- 18 BATCH PLATFORM W/HANDRAILS
- (19 CEM ROOF HANDRAILS
- (20) 4 1/2 H.P. AERATION BLOWER
- (21) MIXER SUPPORT SECTION
- (22) PIVOTING MIXER DUST PLUG
- (23) 4000 GALLON WATER STORAGE TANK W/ 20 H.P. WATER PUMP
- 25 H.P. AIR COMPRESSOR W/ 120 GAL. TANK
- (28) LADDER TO MIXER TRAILER PLATFORM
- 20 AOGREGATE HANDLING PANEL
- (27) CONCRETE DIRECTIONAL CHUTE W/ 26" DIA. DISCHARGE OPENING
- 28 C & W RA-280 DUST COLLECTION SYSTEM FOR CEMENT SHO, CEMENT BATCHER & MIXER
- (29) COMPUTER CONTROL SYSTEM
- 30 MOISTURE PROBE (3 REQ'D)
- (31) LADDER FROM GRADE TO AGG MAINTENANCE PLATFORMS
- (32) PLANT MAINTENANCE PLATFORMS W/ HANDRAILS
- (33) PLANT OUTRIGGER SYSTEM W/ ADJUSTABLE JACKSTANDS
- 34 SILO LADDER ACCESS PLATFORM

ТТ		RIE ST	TDA	VED	<u> </u>			E	RIE STRA	YER CO.
							PLANT POWER	MOBILE GR	AVITY CENTRA	L MIX PAVING PLANT
		i Rudolph					460V - 3PH - 60HZ -		GENERAL ARRA	NGEMENT
		814) 456-7 ebalto: w				-3944	CONTROL POWER		MAR-ZAN	E, INC.
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4 F	NAS	9/2/2011	TLA	19/2/11		1 1		MG-84 27	1/6****	





Distance from Jug Street North Concrete Batch Plant to Nearest **Residential Properties**

Official Zoning Map

Disclaimer: This map is to be used for reference purposes only and the city of New Albany, Ohio is not responsible for any inaccuracies herein contained. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided. Please contact the Community Development Department for zoning verification.

11/2

2 Miles



Planning Commission Staff Report September 19, 2022 Meeting

CLOVER VALLEY ROAD EXTENSION PRELIMINARY AND FINAL PLAT

LOCATION:	Generally located west of Mink Street and south of Jug Street (PIDs: 095-112188-00.000, 095-112188-00.001, 095-111948-00.000, 095-112080-02.000, 095-112080-00.000 and 037-112056-00.001)
APPLICANT:	City of New Albany
REQUEST:	Preliminary and Final Plat
ZONING:	Limited General Employment (L-GE) and Infill Planned Unit
	Development (I-PUD)
STRATEGIC PLAN:	Employment Center
APPLICATION:	FPL-109-2022

Review based on: Application materials received September 2, 2022.

Staff report completed by Chris Christian, Planner II

I. REQUEST AND BACKGROUND

The application is for a combined preliminary and final plat to dedicate of right-of-way for the Clover Valley Road extension. This extension and connection are to facilitate additional connections within the New Albany International Business Park. The extension and connection will provide access to existing and new development sites in the future.

II. SITE DESCRIPTION & USE

The proposed right-of-way dedication extends northward from Mink Street, northwest up to Jug Street near its intersection with the existing portion of Clover Valley Road. The property is zoned or proposed to be zoned to allow GE uses such as those found in the Personal Care and Beauty Park such as office, distribution, and warehousing uses.

III. PLAN REVIEW

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

- This plat dedicates right-of-way to the City of New Albany for the extension of Harrison Road. The dedication extension consists of approximately 3,432 +/- linear feet of new right-ofsouth of Jug Street and west of Mink Street for a total of approximately 6.95+/- acres. There are no reserves being platted or lots being created within this new right-of-way extension.
- The plat dedicates 80' of right-of-way. The street extends through the Mink Street West L-GE and proposed Clover Valley I-PUD zoning districts. The plat does not include any new utility easements. Existing easements are reflected on the plat. The width of the easements on each side of the right-of-way is 25 feet. The necessary easements have been established and recorded via separate instruments as part of the public street construction project.
- The existing Clover Valley Road is identified as a minor collector road typology in the Engage New Albany strategic plan. This new road should be designed at a larger scale in order to accommodate heavier traffic traveling into the business park. The 80 feet of right-of-way, coupled with the existing 25' wide easements on each side is consistent with a 115-foot recommendation in the Engage New Albany Strategic Plan. The existing streetscape and

utility easements on both sides of the street were recorded via separate instruments to ensure all of the desired street improvements can be accommodated. The city is supportive of the 80 feet of right-of-way and the zoning requirements are being met.

IV. ENGINEER'S COMMENTS

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

Sheet 1

- 1. Verify that "Jug Street Road" should not be referred to as "Jug Street" in the title block and within all note blocks. The construction plans refer to Jug Street, not Jug Street Road.
- 2. Refer to a recently recorded plat in Licking County (see Exhibit A attached). This plat dedicated right-of-way via Ordinance, not Resolution. Verify that the "Approved and Accepted" note block references the correct document.
- 3. Refer to the first note block at the top left-hand side of the sheet. Provide information where a blank space is currently shown.
- 4. Again, please refer to Exhibit A. Add the Easement and Drainage Easement note blocks shown on Exhibit A to the referenced plats.
- 5. In accordance with code section1187.06 (c) provide written statements indicating that all OEPA and ACOE requirements have been met.

Sheet 2

- 6. Show the Instrument Numbers for all easements referenced on this sheet.
- 7. The construction plans show drainage basins adjacent to proposed road ways. Show these basins on the plat and designate these areas as drainage easements.
- 8. Label the right-of way as 80' total (40' to centerline).

V. RECOMMENDATION

Basis for Approval:

The proposed road plat is consistent with the goals and objectives found in the Engage New Albany strategic plan for this area. This road will serve as a critical connection within the New Albany Business Park and provide access for existing and new development sites in the future.

VI. ACTION

Suggested Motion for FPL-109-2022 (additional conditions may be added):

Move to approve FPL-109-2022 with the following condition:

1. That the city engineer's comments be addressed, subject to staff approval.

Approximate Site Location:



Permit # <u>FPL-109</u>-2032 Board <u>PC</u> Mtg. Date <u>919 22</u>



Community Development Planning Application

	Site Address
	Parcel Numbers See parcel numbers on page two of Plat.
	Acres (0.945 # of lots created
Project Information	Choose Application Type Circle all Details that Apply Appeal Certificate of Appropriateness Conditional Use Preliminary Development Plan Preliminary Plat Preliminary Combination Split Adjustment
et I	Vacation Easement Street
Projec	Extension Request Zoning Amendment (rezoning) Text Modification
	Description of Request: Preliminary and Final Plat for the Clover Valley, Jug Street Road and Mink Street dedication.
ts	Property Owner's Name: The New Albony Conpony MZT Holdings L4C Address: 8000 Walton Parkway City, State, Zip: New Albony, OH 43054 Phone number: Fax:
Contacts	Applicant's Name: City of New Albang Address: 99 W: Main Street City, State, Zip: New Albang, OH 43054 Phone number: Fax: Email: Fax:
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.
Sig	Signature of Applicant R Date: Date:

99 West Main Street • P.O. Box 188 • New Albany, Ohio 43054 • Phone 614.939.2254 • Fax 614.939.2234

CLOVER VALLEY ROAD, JUG STREET ROAD AND MINK STREET DEDICATION

Situated in the State of Ohio, County of Licking, City of New Albany, and in Lots 1 and 2, Quarter Township 2, Township 2, Range 15, United States Military Lands, containing 6.945 acres of land, more or less, said 6.945 acres being comprised of a part of each of those tracts of land conveyed to **MBJ HOLDINGS, LLC** by deeds of record in Instrument Numbers 202109080027199, 202110070030741, 202201240001908, 202202110003612, 202203220007099 , Recorder's Office, Licking County, Ohio. and

The undersigned, **MBJ HOLDINGS**, **LLC**, a Delaware limited liability company, by **BRENT B. BRADBURY**, Treasurer, owner of the lands platted herein, duly authorized in the premises, does hereby certify that this plat correctly represents its "**CLOVER VALLEY ROAD**, **JUG STREET ROAD AND MINK STREET DEDICATION**", does hereby accept this plat of same and dedicates to public use, as such, all of Clover Valley Road, Jug Street Road and Mink Street shown hereon and not heretofore dedicated.

In Witness Whereof, BRENT B. BRADBURY, Treasurer of MBJ HOLDINGS, LLC, has hereunto set his hand this ____ day of _____, 20___.

> Signed and Acknowledged In the presence of:

MBJ HOLDINGS, LLC

By BRENT B. BRADBURY, Tr Treasurer

State of Ohio

STATE OF OHIO COUNTY OF FRANKLIN ss:

Before me, a Notary Public in and for said State, personally appeared BRENT B. BRADBURY, Treasurer of MBJ HOLDINGS, LLC, who acknowledged the signing of the foregoing instrument to be his voluntary act and deed and the voluntary act and deed of said MBJ **HOLDINGS**, LLC for the uses and purposes expressed herein.

In Witness Thereof, I have hereunto set my hand and affixed my official seal this _____ day of _____, 20___.

My commission expires _____ Notary Public,

Approved this Day of 20	Mayor,	New Albany, Ohio
Approved this Day of 20	City Engineer, Ne	w Albany, Ohio
Approved this Day of 20	Council Representat Commission,	ive to Planning New Albany, Ohio
Approved this Day of 20	Chairperson, Planni	ng Commission, New Albany, Ohio
Approved this Day of 20	Finance Director,	New Albany, Ohio
Approved and accepted by Resolution wherein all of Clover Valley Road, Jug Stree accepted, as such, by the Council for the City become null and void unless recorded prior to	y of New Albany, Ohi	io. Approval of this pl
Transferred this day of, 20	Auditor,	Licking County, Ohio
Filed for record this day of ,		

Licking County, Ohio 20____at _____M. Fee \$_____ Recorder,

Instrument No.



NOT TO SCALE

SURVEY DATA:

BASIS OF BEARINGS: The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Jug Street Road, having a bearing of South 86°13' 09" East, is designated the "basis of bearings" for this plat.

SOURCE OF DATA: The sources of recorded survey data referenced in the plan and text of this plat are the records of the the Recorder's Office, Licking County, Ohio.

IRON PINS: Iron pins, where indicated hereon, unless otherwise noted, are to be set and are iron pipes, thirteen-sixteenths inch inside diameter, thirty inches long with a plastic plug placed in the top end bearing the initials EMHT INC.

PERMANENT MARKERS: Permanent markers, where indicated hereon, are to be one-inch diameter, thirty-inch long, solid iron pins, are to be set to monument the points indicated and are to be set with the top end flush with the surface of the ground and then capped with an aluminum cap stamped EMHT INC. Once installed, the top of the cap shall be marked (punched) to record the actual location of the point. These markers shall be set following the completion of the construction/installation of the street pavement and utilities and prior to the City of New Albany, Ohio's acceptance of these infrastructure improvements. The New Albany, Ohio, City Engineer shall be notified in writing when the markers are in place.

SURVEYED & PLATTED



We do hereby certify that we have surveyed the above premises, prepared the attached plat, and that said plat is correct. All dimensions are in feet and decimal parts thereof.

- O = Iron Pin (See Survey Data)
- \bullet = MAG Nail to be set

 \bigcirc = Permanent Marker (See Survey Data)

By

Professional Surveyor No. 7865

Date





- N60°40'59^{*}W 19.93'
- (E) N60°40'59"W 25.69'
- S73°57'01"W 133.50'



Line Type Legend	Line	Туре	Legend	
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-	
	——— Existing Property Line —— —— Existing R/W Line ———— Existing R/W Centerline ———— Existing Easement Line
	Subdivision Boundary Line
	Lot Line
	R/W Line
	,
	R/W Centerline
	Easement Line

		CU	RVE TABLE		
CURVE NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD DISTANCE
C1	21°36'13"	750.00'	282.79'	S 49°52'52" E	281.12'
C2	9 ° 12'30"	2000.00'	321.43'	S 34°28'30" E	321.09'
C3	9°31'03"	900.00'	149.50'	S 25°06'44" E	149.33'

NOTE "A" - ACREAGE BREAKDOWN: Clover Valley Road, Jug Street Road and Mink Street Dedication is out of the following Licking County Parcel Numbers:

Parcel Number 095-112188-00.000
Parcel Number 095-112188-00.001
Parcel Number 095-111948-00.000
Parcel Number 095-112080-02.000
Parcel Number 095-112080-00.000
Parcel Number 037-112056-00.001

0.962 Ac. 1.269 Ac. 0.682 Ac. 1.149 Ac. 1.197 Ac. 1.686 Ac.



CLOVER VALLEY ROAD, JUG STREET ROAD AND MINK STREET DEDICATION 20211277



Planning Commission Staff Report September 19, 2022 Meeting

HARRISON ROAD DEDICATION PRELIMINARY AND FINAL PLAT

LOCATION:Generally located north of Jug Street Road and west of Clover Valley
RoadAPPLICANT:City of New AlbanyREQUEST:Preliminary and Final PlatZONING:Limited General Employment (L-GE)STRATEGIC PLAN:Employment CenterAPPLICATION:FPL-110-2022

Review based on: Application materials received September 2, 2022.

Staff report completed by Chelsea Nichols, Planner.

I. REQUEST AND BACKGROUND

The application is for a combined preliminary and final plat to dedicate of right-of-way for Harrison Road. The Harrison Road extension and connection are to facilitate additional connections within the New Albany International Business Park. The extension and connection will provide access to existing and new development sites in the future.

The area to be platted is currently under construction for the new public street. The area is currently encumbered with highway easement and various utility easement.

II. SITE DESCRIPTION & USE

The proposed right-of-way dedication extends northward from Harrison Road, which currently dead-ends at Jug Street. The right-of-way continues north from Jug Street Road until it curves towards the east, and eventually intersects with Clover Valley Road. The property is zoned L-GE and allows the same uses as the Personal Care and Beauty Park such as office, distribution, and warehousing uses.

III. PLAN REVIEW

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

- This plat dedicates right-of-way to the City of New Albany for the extension of Harrison Road. The dedication extension consists of approximately 6,100+/- linear feet of new right-ofnorth of Jug Street Road and west of Clover Valley Road for a total of approximately 12.74+/acres. There are no reserves being platted or lots being created within this new right-of-way extension.
- The plat dedicates 80' of right-of-way. The street extends through the Jug Street North and Technology Manufacturing zoning districts. The plat does not include any new utility easements. Existing easements are reflected on the plat. The width of the easements on each side of the right-of-way is 25 feet. The necessary easements have been established and recorded via separate instruments as part of the public street construction project.
- The existing Harrison Road is identified as a minor collector road typology in the Engage New Albany strategic plan. Other roads in the northeast area of the city on the map in the strategic

plan are identified as major collector roads. The new road should be designed at a larger scale in order to accommodate heavier traffic traveling into the business park. The 80 feet of rightof-way, coupled with the existing 25' wide easements on each side is consistent with a 115foot recommendation in the Engage New Albany Strategic Plan. The existing streetscape and utility easements on both sides of the street were recorded via separate instruments to ensure all of the desired street improvements can be accommodated. The city is supportive of the 80 feet of right-of-way and the zoning requirements are being met.

IV. ENGINEER'S COMMENTS

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

Plat Sheet 1

- 1. Verify that "Jug Street Road" should not be referred to as "Jug Street" in the title block and within all note blocks. The construction plans refer to Jug Street, not Jug Street Road.
- 2. Refer to a recently recorded plat in Licking County (see Exhibit A attached). This plat dedicated right-of-way via Ordinance, not Resolution. Verify that the "Approved and Accepted" note block references the correct document.
- 3. Refer to the first note block at the top left-hand side of the sheet. Provide information where a blank space is currently shown.
- 4. Again, please refer to Exhibit A. Add the Easement and Drainage Easement note blocks shown on Exhibit A to the referenced plats.
- 5. In accordance with code section1187.06 (c) provide written statements indicating that all OEPA and ACOE requirements have been met.

Plat Sheet 2

- 6. Show the Instrument Numbers for all easements referenced on this sheet.
- 7. The construction plans show drainage basins adjacent to proposed road ways. Show these basins on the plat and designate these areas as drainage easements.

V. RECOMMENDATION

Basis for Approval:

The proposed road plat is consistent with the goals and objectives found in the Engage New Albany strategic plan for this area. This road will serve as a critical connection within the New Albany Business Park and provide access for existing and new development sites in the future.

VI. ACTION

Suggested Motion for FPL-110-2022 (additional conditions may be added):

Move to approve FPL-110-2022 with the following condition:

1. <u>That the city engineer's comments be addressed at the time of engineering permits,</u> <u>subject to staff approval.</u>

Approximate Site Location:



Source: nearmap



405.185-01 September 8, 2022

To: Chelsea Nichols City Planner

comments are as follows:

From: Matt Ferris. P.E., P.S.

Jay M. Herskowitz, P.E., BCEE

Re: Clover Valley Road Plats

We reviewed the referenced plat in accordance with Code Section 1187.06. Our review

Clover Valley Road, Harrison Road and Jug Street Dedication

Sheet 1

By:

- 1. Verify that "Jug Street Road" should not be referred to as "Jug Street" in the title block and within all note blocks. The construction plans refer to Jug Street, not Jug Street Road.
- 2. Refer to a recently recorded plat in Licking County (see Exhibit A attached). This plat dedicated right-of-way via Ordinance, not Resolution. Verify that the "Approved and Accepted" note block references the correct document.
- 3. Refer to the first note block at the top left hand side of the sheet. Provide information where a blank space is currently shown.
- 4. Again, please refer to Exhibit A. Add the Easement and Drainage Easement note blocks shown on Exhibit A to the referenced plats.
- 5. In accordance with code section1187.06 (c) provide written statements indicating that all OEPA and ACOE requirements have been met.

Sheet 2

- 6. Show the Instrument Numbers for all easements referenced on this sheet.
- 7. The construction plans show drainage basins adjacent to proposed road ways. Show these basins on the plat and designate these areas as drainage easements.

MEF/JMH

(attachment)

cc: Steve Mayer, Planning Manager









INGS ARE BASED ON THE STATE PLANE 3DINATE SYSTEM, OHIO SOUTH (NADO3-1906), A PORTION OF THE CENTERLINE OF JUG ET ROAD BEING SOG 2919'E. 518" CAPPED IRON PIN S 518" IRON PIN FOUND 1" IRON PIPE FOUND NAIL SET NAIL FOUND RR SPIKE SET LEGEND XRES AY: 3.770 ACRES ACE: 0.000 ACRES FIRM PANEL 30008C GENERAL EMPLOY wits are hareby received in, over and under areas i ent" or "Drainage Easement". Each of the aloreme the construction, operation and maintenance of all y beneath and on the surface of the ground and , wh claim, operation and maintenance of service come of storm water drainage of service come additional easement is hereby reserved for the pu-intaining major storm water drainage swates and/o . No above grade structures, dams or other obstru-re permitted within Drainage Easement areas as d of area are within lands owned by the undersigne of area are within lands owned by the undersigne of therein for the uses and purposes expressed her prainage Easements" for the construction, operation of therein, facilities and diches. Such facilities st claiton comprised of the owners to the fee simple is s Park East. Within those areas designated Thrica additional easement is hereby reserved for the pu-intaining major storm water drainage swates and/o its are hereby reserved in, over, and under areas designated on this plat as d Utility Easement". Each of the alcrementioned designated easements permit ion, operation, and maintenance of all public and quasi-public utilities above, and on the surface of the ground. No building shall be constructed in any area ch easements are hereby reserved. arye 15, United States Military District, id land being a part of a 365.60 acre tract cribed in Instrument No. 201912030026846 County Recorder's Office.





15, 2022, wherein all of Horizon Court shown dedicated his plat shall become null and void unless recorded prior to





8

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N N

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HORIZON COURT DEDICATION , 29, 30 , R. 15, U.S. ALBANY ALBANY 210617.000







COURT DEDICATION

Permit #____ Board Mtg. Date 919 22



Community Development Planning Application

Parcel Numbers Please see parcel numbers on page two of Plat.	
Choose Application Type Circle all Details that Apply Appeal Certificate of Appropriateness Conditional Use Development Plan Preliminary Final Combination Split Adjustment Minor Commercial Subdivision Vacation Easement Street Variance Extension Request Zoning Amendment (rezoning)	
Description of Request: <u>Preliminary and Final Plat for the</u> <u>Clover Valley Road, Harrison Road and Jug street</u> <u>Road dedrication</u> .	
Property Owner's Name: The New Hibony Conport Miss Holdings, Holdi	LL
Applicant's Name: City of New Albony Address: 99 W, Main Street City, State, Zip: New Albony, OH 43054 Phone number: Fax: Email: Fax:	
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	
	Circle all Details that Apply Combination Development Plan Preliminary Final Combination Split Adjustment Of Vacation Easement Street Vacation Combination Street Vacation Compon Most facation

99 West Main Street • P.O. Box 188 • New Albany, Ohio 43054 • Phone 614.939.2254 • Fax 614.939.2234

CLOVER VALLEY ROAD, HARRISON ROAD **AND JUG STREET ROAD DEDICATION**

Situated in the State of Ohio, County of Licking, City of New Albany, and in Lots 12, 13, 14, 19 and 20, Quarter Township 2, Township 2, Range 15, United States Military Lands, containing 12.741 acres of land, more or less, said 12.741 acres being comprised of a part of each of those tracts of land conveyed to **MBJ HOLDINGS**, **LLC** by deeds of record in Instrument Numbers 202206130014670, 202206060014020, 202206020013708, 202203040005579, 202202170004263, 202112010036587, 201912030026846 and , Recorder's Office, Licking County, Ohio.

The undersigned, **MBJ HOLDINGS, LLC**, a Delaware limited liability company, by **BRENT B. BRADBURY**, Treasurer, owner of the lands platted herein, duly authorized in the premises, does hereby certify that this plat correctly represents its "CLOVER VALLEY ROAD, HARRISON ROAD AND JUG STREET ROAD DEDICATION", does hereby accept this plat of same and dedicates to public use, as such, all of Clover Valley Road, Harrison Road and Jug Street Road shown hereon and not heretofore dedicated.

In Witness Whereof, BRENT B. BRADBURY, Treasurer of MBJ HOLDINGS, LLC, has hereunto set his hand this ____ day of _____, 20___.

Signed and Acknowledged In the presence of:

MBJ HOLDINGS, LLC

Bv BRENT B. BRADBURY, Treasurer

STATE OF OHIO COUNTY OF FRANKLIN ss:

Before me, a Notary Public in and for said State, personally appeared **BRENT B. BRADBURY**, Treasurer of **MBJ HOLDINGS**, LLC, who acknowledged the signing of the foregoing instrument to be his voluntary act and deed and the voluntary act and deed of said **MBJ HOLDINGS**, LLC for the uses and purposes expressed herein.

In Witness Thereof, I have hereunto set my hand and affixed my official seal this _____ day of _____, 20___.

My commission expires _____ Notary Public, State of Ohio

Approved this Day of 20	Mayor, New Albany, Ohio
Approved this Day of 20	City Engineer, New Albany, Ohio
Approved this Day of 20	Council Representative to Planning Commission,New Albany, Ohio
Approved this Day of 20	Chairperson, Planning Commission, New Albany, Ohio
Approved this Day of 20	Finance Director, New Albany, Ohio
	No, passed, 20, ad and Jug Street Road, shown dedicated hereon are of New Albany, Ohio. Approval of this plat shall , 20

Transferred this _____ day of _____, 20 Auditor, Licking County, Ohio

Filed for record this _____day of _____ M. Fee \$ 20 at Recorder,

Licking County, Ohio

Instrument No.



NOT TO SCALE

SURVEY DATA:

BASIS OF BEARINGS: The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Clover Valley Road, having a bearing of North 03°27'39" East, is designated the "basis of bearings" for this plat.

SOURCE OF DATA: The sources of recorded survey data referenced in the plan and text of this plat are the records of the the Recorder's Office, Licking County, Ohio.

IRON PINS: Iron pins, where indicated hereon, unless otherwise noted, are to be set and are iron pipes, thirteen-sixteenths inch inside diameter, thirty inches long with a plastic plug placed in the top end bearing the initials EMHT INC.

PERMANENT MARKERS: Permanent markers, where indicated hereon, are to be one-inch diameter, thirty-inch long, solid iron pins, are to be set to monument the points indicated and are to be set with the top end flush with the surface of the ground and then capped with an aluminum cap stamped EMHT INC. Once installed, the top of the cap shall be marked (punched) to record the actual location of the point. These markers shall be set following the completion of the construction/installation of the street pavement and utilities and prior to the City of New Albany, Ohio's acceptance of these infrastructure improvements. The New Albany, Ohio, City Engineer shall be notified in writing when the markers are in place.

SURVEYED & PLATTED BY
Evans, Mechwart, Hambleton & Tilton, Inc. Engineers • Surveyors • Planners • Scientists 5500 New Albany Road, Columbus, OH 43054 Phone: 614.775.4500 Toll Free: 88.775.3648
emht.com
We do hereby certify that we have surveyed the re premises, prepared the attached plat, and that plat is correct. All dimensions are in feet and mal parts thereof.

above pren said plat and decimal parts thereof.

- O = Iron Pin (See Survey Data)
- \bullet = MAG Nail to be set

 \bigcirc = Permanent Marker (See Survey Data)

By

Professional Surveyor No. 7865

Date



20211277/DWG/04SHEETS/PLAT/20211277-VS-PLAT-01.DWG plotted by MASTON, JOHN on 8/30/2022 12:18:10 PM last saved by JMASTON on 8/30/2022 9:26:57 AM