


New Albany Planning Commission
September 19, 2022 Minutes

Planning Commission met in regular session in the Council Chambers at Village Hall, 99 W. Main Street and was called to order by Planning Commission Chair Mr. Neil Kirby at 7:01 p.m.

Those answering roll call:

Mr. Neil Kirby, Chair	Present
Mr. David Wallace	Present, arrived 7:02 p.m.
Mr. Hans Schell	Present
Ms. Sarah Briggs	Present
Mr. Bruce Larsen	Present
Mr. Matt Shull (Council liaison)	Present

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

(Mr. Wallace entered the meeting at 7:02 p.m.)

Mr. Kirby asked if there were any corrections to the August 15, 2022 meeting minutes.

Ms. Briggs noted that she was not present for the August 15, 2022 meeting but had been marked as "Present" on the minutes.

Moved by Mr. Schell to approve the August 15, 2022 meeting minutes as modified by Ms. Briggs' comment, seconded by Mr. Larsen. Upon roll call: Mr. Schell, yea; Mr. Larsen, yea; Ms. Briggs, yea; Mr. Wallace, yea; Mr. Kirby, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

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

Mr. Christian stated yes, staff wanted to remove the discussion on the waiver code modifications from the Other Business section as they were currently being worked on.

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.)

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: 222-004860).

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

Ms. Nichols presented the staff report. Ms. Nichols noted an updated letter had been printed and provided to PC members at this time due to the correction of a typo.

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

Mr. Herskowitz stated Engineering recommended that forty (40) feet of the right-of-way be dedicated adjacent to the proposed development. Mr. Herskowitz stated studies were currently being conducted to determine if any wetlands would be impacted and the applicant committed to provide that information. Mr. Herskowitz stated Engineering wanted to have the reserves encompassed by drainage easements and, in addition to other things, primarily intersection sight distance triangles at the curb cut on Central College Road to make sure motorists' views are not impeded on turns.

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

Mr. Aaron Underhill, Underhill & Hodge for Maletz Builders, stated the property would have a total of nine (9) custom homes, each costing approximately \$1.2 million. Mr. Underhill noted the school impact would be minor and be a net positive for the City with only a few students likely.

Mr. Kirby asked if the applicant had any conflicts with the conditions from Engineering or staff reports.

Mr. Underhill stated no.

Mr. Kirby asked staff if they wanted the amount for the additional parkland to be subject to staff approval.

Ms. Nichols stated the amount was based on a cost of \$40,000/acre.

Mr. Kirby stated so they were good with that number.

Ms. Nichols stated yes.

Mr. Kirby noted this was rezoned to limited R4 although some of the paperwork stated R3.

Ms. Nichols stated R4 was correct.

Mr. Kirby asked if down casting lighting would be a problem.

Mr. Underhill stated no.

Mr. Kirby stated okay and asked if there would be street lighting either at the Central College Road intersection or internally.

Mr. Underhill stated he imagined at the intersections and noted they would need to adhere to Code.

Mr. Kirby asked if they would have sufficient safety measures for low drop off at the pond.

Mr. Underhill stated yes but did not know if that would be a concern so they would be studying that.

Mr. Kirby asked if it was expected to be wet most of the year or only during storms.

Mr. Andrew Maletz, Maletz Builders, stated it would be wet.

Mr. Kirby stated it was a wet pond and asked if there would not be space for any dry pond.

Mr. Maletz stated there did not appear to be.

Mr. Kirby asked if five (5) feet was the new sidewalk number.

Mr. Mayer stated yes.

Mr. Kirby stated that in the buffer the applicant would be keeping trees of a certain size and up and could trim the dead ones, and asked if there were any other rules for that zone.

Ms. Nichols stated yes, they would keep trees above a certain size and trim dead ones, and there were restrictions on what could be installed in the thirty (30) foot buffer zone.

Mr. Kirby asked if the residents could seed it with grass and mow it.

Ms. Nichols stated correct.

Mr. Kirby asked if was not to be a natural preservation zone.

Ms. Nichols stated correct.

Mr. Underhill stated correct. Mr. Underhill noted that certain trees they had initially believed to be in the zone were found not to be.

Mr. Kirby asked if there was an expectation they would be adding trees to that zone.

Mr. Maletz stated they would try to preserve as many trees as possible, but they suspected that in the center and green spaces they would add additional trees.

Mr. Kirby stated okay and asked staff if they wanted a commitment to that or if that was sufficient.

Mr. Mayer stated they believed it was sufficient.

Mr. Kirby stated he wanted to compliment the applicant on the details provided in the application.

Mr. Schell asked if there had been any thought to having age restricted homes to avoid any school impact.

Mr. Underhill stated such homes often had issues with their administration with the homeowner's association and could be cost prohibitive given the size here.

Mr. Schell asked if this would be too small to get a letter from the schools.

Mr. Underhill stated they could try to get a letter of support.

Mr. Schell asked if this was just too small.

Mr. Underhill stated yes, they might not even engage in this.

Mr. Schell stated it was a big win financially.

Mr. Underhill stated right.

Ms. Briggs asked to have the presentation show the applicant's newly provided renderings and asked if these were meant to be front drives.

Mr. Maletz stated yes.

Ms. Briggs asked staff to show the site plans and stated there was at least one property on the corner and a couple others. Ms. Briggs asked how many homes were currently near the property.

Mr. Maletz stated there were a total of seven (7) parcels to the left.

Mr. Underhill stated they were all under different ownership.

Ms. Briggs stated she was thinking of the road connection.

Mr. Underhill stated that was one of the reasons they were not building it right now.

Ms. Briggs stated that would also then bring in a different traffic situation.

Mr. Kirby asked if any members of the public wanted to provide comments.

Mr. Joe Laszlo, Summersweet Drive, stated he and neighbors had discussed this development. Mr. Laszlo stated he had noticed in the presentation there was an area that was labeled with the phrase existing trees to be conserved and asked if that was an accurate representation of the trees that would be preserved.

Mr. Maletz stated they had conducted a tree survey and had identified trees over an eight (8) inch caliper. Mr. Maletz stated that in any of the green space areas that represented the extent of the trees that met criteria and would remain. Mr. Maletz pointed out areas on the presentation where that was the case. Mr. Maletz stated that on individual parcels they had identified the trees so they could be considered for house placement. Mr. Maletz noted that if any trees would be in the center of a lot it may need to be removed but they were looking to preserve trees on the lots and in the thirty (30) foot buffer zone.

Mr. Laszlo stated that Lot 6, on the northeast corner of the development, had a tree on it that was over 100 years old and it was not clear if it was in the buffer zone.

Mr. Maletz stated he was not sure which one Mr. Laszlo was referencing, but there were some trees there that were quite large and noted which he thought would remain but said he could not say about some others.

Mr. Laszlo asked if he could agree to preserve one of the older trees to the dripline.

Mr. Maletz stated that was the typical way to preserve trees and ensure their longevity.

Mr. Laszlo asked if the whole perimeter to the dripline could be preserved.

Mr. Maletz stated he had no objection to that.

Mr. Laszlo stated he appreciated that.

Mr. Kirby asked if there would be snow fencing at construction to keep equipment operators out of the buffer.

Mr. Maletz stated yes, he expected protection would be along the property line and buffer zone.

Mr. Kirby asked if a snow fence would be used.

Mr. Maletz stated he would defer to the City on this issue.

Mr. Kirby stated he had seen run over silt fencing as some developers did not like it but, snow fencing could be used to help preserve a lot.

Mr. Maletz stated he would defer to what the necessary requirements were on that.

Mr. Kirby asked if staff was fine with that.

Mr. Mayer stated yes.

Mr. James Price, 6811 Summersweet Drive, stated he and his family were early purchasers in their subdivision and had selected their lot because of the vegetation. Mr. Price provided photos to the PC of a tree he could see from his home which he believed to be over 100 years old and stated he hoped it would be preserved.

Mr. Schell asked if the tree Mr. Price referred to was one of the two shown on the presentation.

Mr. Price stated it was at the far end, or the one on the northeast corner.

Mr. Maletz stated he thought it was right at the edge.

Mr. Schell asked Mr. Maletz if those would not be disturbed.

Mr. Maletz stated he would be willing to preserve those.

Mr. Kirby stated it would be an easy selling point to have that in the backyard.

Mr. Maletz stated absolutely.

Mr. Price stated thank you, they were valuable trees and would add to the value of the home.

Mr. Wallace asked if there was anything in the text that would prevent the homeowners from cutting or removing trees on their lots once they purchased the property.

Mr. Underhill stated only in the buffer zone, but if they wanted to condition that the tree would be saved they could add that to the text.

Mr. Wallace stated it would be good to find a way to prevent new owners from removing the trees and that could prevent future issues coming before the PC.

Mr. Kirk Smith, 6830 Central College Road, stated he thought this was awesome. Mr. Smith said he worried about left turns into the site as it was an actively used path and noted he encouraged the use of stop signs for the pedestrian path or something else as it could be dangerous. Mr. Smith asked if school density studies were not required.

Mr. Kirby stated a school impact statement was required and had been met. Mr. Kirby stated the payment by the new homeowners in the community would overpay due to the number of homes and expected number of children that would enter the school system.

Mr. Smith asked what the net number was.

Mr. Underhill stated they typically used a .8 factor in communities such as this, so about 7.2 children.

Mr. Kirby stated it was net plus five (5) or so, given the existing homes.

Mr. Smith asked when this would start construction and when it would be completed.

Mr. Maletz stated they would hope to start construction by the end of 2022 but more likely by about early 2023.

Mr. Smith asked if the fencing would be white horse fence.

Mr. Maletz stated it would be white horse fencing along Central College from west to east edges.

Mr. Kirby asked if it would be at the right-of-way line.

Mr. Maletz stated he believed it would be at the right-of-way line.

Mr. Mayer stated it typically ran just behind the right-of-way line.

Mr. Smith stated he was excited about this and wished Mr. Maletz good luck.

Mr. Kirby asked if the bike path stop signs would be a City issue.

Mr. Mayer stated yes, it would be part of the street plans.

Mr. Shull stated he believed it might be good to do a traffic study there as development on Central College occurs and he thought this might be the time to begin looking at something like that.

Mr. Kirby asked what the distance was from the community entrance to the intersection on S.R. 605 and Central College Road.

Ms. Nichols stated she had not measured.

Mr. Mayer stated it was approximately 770 feet.

Mr. Kirby asked what the speed limit was.

Mr. Smith stated 45 mph.

Mr. Kirby stated they were then not that tight on this issue. Mr. Kirby asked if other members of the public had any comments. (No response.)

Mr. Shull asked staff about installing the ten (10) foot stub street and asked if there was a way to change the language so it indicated it was intended to be extended so it was really well known by buyers.

Mr. Mayer stated they could amend that language.

Ms. Nichols stated the developer had committed to installing a sign where the pavement ended indicating the extension would happen.

Mr. Kirby asked if that could be part of the land purchase agreement to the first buyer.

Mr. Underhill stated it could be done.

Mr. Kirby stated he only asked that it be in the first sale.

Moved by Mr. Kirby to accept the staff reports and related documents into the record for ZC-82-2022 with the correction to R4 from R3, seconded by Ms. Briggs. Upon roll call: Mr. Kirby, yea; Ms. Briggs, yea; Mr. Larsen, yea; Mr. Schell, yea; Mr. Wallace, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

Moved by Mr. Kirby to approve ZC-82-2022 based on the findings in the staff report with the conditions listed in the staff report and the following additional conditions:

1. The city engineer comments must be addressed at the time of engineering permits, subject to staff approval;
 2. Lights would be down cast;
 3. Snow fence so that it will be visible, as opposed to silt fence, to protect the protected trees and buffer zone;
 4. The particular trees identified in the PC meeting that are not in the buffer zone will be marked as saved;
 5. The street plan will include stop signs for pedestrians crossing the entranceway;
 6. Disclosure on the street extension as part of the land sales;
 7. The applicant will work with the City Traffic Engineer to do a traffic analysis to determine if a full traffic study is warranted;
- seconded by Mr. Larsen. Upon roll call: Mr. Kirby, yea; Mr. Larsen, yea; Ms. Briggs, yea; Mr. Schell, yea; Mr. Wallace, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

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 4680 Ganton Parkway (PID: 094-107106-00).

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

Ms. Nichols presented the staff report.

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

Mr. Herskowitz stated Engineering believed there was a typo on the zoning exhibited. Mr. Herskowitz said it was not a 39-foot right-of-way to the center line but a fifty (50) foot right-of-

way, as that was established when Ganton Parkway was dedicated. Mr. Herskowitz stated Engineering would recommended, with curb cuts, that an intersection sight distance analysis be conducted to determine if there were any motorist view issues.

Mr. Kirby asked if the applicant had any comments.

Mr. Underhill, attorney for MBJ Holdings, stated the permanent location would be in Jersey Township but the zoning process was rather slow and they needed a temporary solution for what they hoped would be less than three (3) years' time. Mr. Underhill stated they asked for the full time just in case it was needed.

Mr. Kirby asked if there was any conflict with the Engineering comments.

Mr. Underhill stated no and said they would correct the exhibit on the right-of-way. Mr. Underhill stated they preferred a right-out but would agree to the condition.

Mr. Kirby asked if MBJ Holdings currently owned the property.

Mr. Underhill stated yes.

Mr. Kirby asked if MBJ Holdings would retain ownership throughout the conditional use period.

Mr. Underhill stated yes.

Mr. Kirby asked if, given the current ownership of the current site, did Mr. Underhill believe the current agreements with the applicant would not inhibit reselling the land when they were done.

Mr. Underhill stated they had a lease pending for the site with significant restoration provisions.

Mr. Kirby stated thank you.

Mr. Wallace stated he had not seen commitments to keep this site clean and visually appealing from adjacent roadways and sightlines and asked if the applicant would agree to that as well.

Mr. Underhill stated yes.

Mr. Wallace asked if they could amend the second condition to add that it was until what would occur in Jersey Township occurred, whichever happened earlier.

Mr. Underhill stated sure.

Mr. Larsen asked if, when the site was abandoned, what protections there were that it would be cleaned up and left in good condition versus just piles of rock there.

Mr. Tom Rubey, New Albany Company, stated that as the property owner they were motivated to clean it up after a use such as this and to have the site be marketable for a permanent use. Mr. Rubey stated they were not concerned there would be any issue with this.

Mr. Larsen stated he just wanted to be sure there was guarantee and said he would like to add that as a condition.

Mr. Kirby stated they had experience flipping this type of land and presumed they would be okay, but they could discuss what the condition would be.

Mr. Larsen stated he did not disagree but he wanted the protection. Mr. Larsen asked what noise levels the site would have.

Mr. Underhill stated it would be similar to what it was now and there had not been any noise complaints about it

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

Moved by Mr. Kirby to accept the staff reports and related documents into the record for CU-101-2022, seconded by Ms. Briggs. Upon roll call: Mr. Kirby, yea; Ms. Briggs, yea; Mr. Wallace, yea; Mr. Schell, yea; Mr. Larsen, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

Moved by Mr. Wallace to approve CU-101-2022 based on the findings in the staff report with the conditions listed in the staff report with condition 2 in the staff report amended to "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; or until the permanent site in Jersey Township is available, whichever occurs first" and the following additional conditions:

7. The conditions from the prior site approval, to keep the site visually appealing from adjacent roadways and sightlines, are retained on this site;

8. The land be restored to a saleable condition at the termination;

seconded by Mr. Schell. Upon roll call: Mr. Wallace, yea; Mr. Schell, yea; Ms. Briggs, yea; Mr. Larsen, yea; Mr. Kirby, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

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 Technology Zoning District (PID: 222-004860).

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

Ms. Nichols presented the staff report.

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

Mr. Herskowitz stated Engineering recommended that any private roads be built to public road standards and the Applicant commit to conduct an environmental evaluation to determine if there were any wetland impacts.

Mr. Shull asked Ms. Nichols if 85 feet was the maximum height as he thought it was 65 feet.

Ms. Nichols stated the staff report and applicant both stated 85 feet and noted that a typical LGE did not require a height maximum so establishing an 85-foot maximum height was stricter than normal.

Mr. Shull stated thank you.

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

Mr. Underhill, for MBJ Holdings, stated this was part of the larger annexation agreement with Jersey Township for Intel and, with the LGE standards here, should have the same uses as the business park has had to date.

Mr. Kirby asked if there were any conflicts with Engineering.

Mr. Underhill stated no.

Mr. Kirby asked if there would be private roads here.

Mr. Rubey stated they did not anticipate having them, but wanted the flexibility just in case they were needed.

Mr. Kirby asked staff if it would be okay for private roads to be subject to staff approval.

Mr. Mayer stated yes and noted staff normally preferred public streets.

Mr. Rubey stated there were several roadway extensions from the Strategic Plan and Walnut was the only one that would impact this site. Mr. Rubey stated they were working on a traffic analysis with staff and the City Traffic Engineer.

Mr. Kirby stated that if they were erring please err to connect it with Beech.

Mr. Rubey stated he agreed.

Mr. Schell asked if there was any chance they would want to change this to TMD later on.

Mr. Rubey stated no, their objective was to have a more pared list of uses at this location.

Mr. Schell stated okay.

Mr. Underhill stated they had believed TMD was not appropriate here, mostly due to the proximity of the larger project. Mr. Underhill stated that he could see some situations in the future where they might tack on to the TMD if it made sense, but he did not envision that for this site.

Mr. Schell stated there were nine (9) existing homes and asked if children in those homes were in the school district.

Mr. Rubey stated the homes were occupied but they were not sure.

Mr. Schell asked if the students would be pulled out and then put back in.

Mr. Rubey stated the homes were outside New Albany schools.

Mr. Kirby stated the issue still remained.

Mr. Schell stated they were pulling children out of some districts.

Mr. Rubey and Mr. Underhill stated right.

Mr. Kirby asked staff if they recalled the issues they had discussed regarding tweaks to the LGE language.

Mr. Mayer stated he believed there had been a discussion on updating the text to allow for solar panels.

Mr. Kirby asked if staff could work with the developer to see if any of that was mutually agreeable language.

Mr. Mayer stated okay.

Mr. Kirby asked if the annexation failed at the county level then having the PC rezone it would have no effect.

Mr. Mayer stated it would have no effect and, when it went to City Council, the annexation would be placed before the rezoning.

Mr. Underhill stated that with annexations there were two (2) points of decision, one with the county, which had already approved this, and the other with City Council, which still needed to decide.

Mr. Kirby stated he was just tracking if a condition would be needed. Mr. Kirby asked if members of the public had any comments.

Mr. Jim Zaminsky, 8200 Clouse Road, stated his property butted up to the Licking County property line. Mr. Zaminsky stated the Strategic Plan noted a road extension from along the county line from Jug to Walnut. Mr. Zaminsky stated in most places that did not mention an extension of Clouse but several pages showed a potential future expansion of Clouse that would go through a forever wetland. Mr. Zaminsky asked what the future road plan was as it appeared to be in conflict.

Mr. Rubey stated they knew more today than when the Strategic Plan had been originally established and the wetland had been brought to their attention. Mr. Rubey stated there were several questions that still needed to be answered as they reviewed the roads and site on a regional basis. Mr. Rubey stated he believed that a road was precluded in that area.

Mr. Mayer stated there were deed restrictions on the land and it appeared it contained a perpetual condition on it that would not allow development and that is why the Strategic Plan did not show a connection there with roadways.

Mr. Kirby stated that had been the intent when that was done.

Mr. Rubey stated there had been thought to straighten out Central College and Jug to make it a more efficient east to west connector road.

Mr. Zaminsky asked if the county line road would happen.

Mr. Rubey stated they did not know if it would happen. Mr. Rubey said it would depend on the permitted land uses that occurred and the traffic generated from that.

Mr. Zaminsky stated that U.S. 62 and Walnut was a dangerous location now and if traffic were increased there it would make it worse. Mr. Zaminsky asked if a traffic circle would be added.

Mr. Rubey stated something would have to be done there if use increased as it was not safe now.

Mr. Kirby noted that was a U.S. highway, so there were others in the mix.

Mr. Zaminsky asked if, south of Beech Road, there were any light pollution considerations.

Mr. Kirby asked staff if down cast lighting was standard in the current LGE language.

Mr. Mayer stated it was not the standard language but he believed the limitation text stated all parking lots and private driveway lighting shall be cut off type fixtures and down cast and minimized to not spill over the site's boundaries and light fixtures should be no more than thirty (30) feet in height.

Mr. Zaminsky stated thank you.

Mr. Kirby asked if anyone else wished to speak on this. (No response.)

Moved by Mr. Kirby to accept the staff reports and related documents into the record for ZC-102-2022, seconded by Mr. Larsen. Upon roll call: Mr. Kirby, yea; Mr. Larsen, yea; Mr. Wallace, yea; Mr. Schell, yea; Ms. Briggs, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

Moved by Mr. Kirby to approve ZC-102-2022 based on the findings in the staff report with the conditions listed in the staff report and the following additional conditions:

1. That the city engineer's comments be addressed at the time of engineering permits, subject to staff approval.
 2. Private roads shall be subject to staff approval;
 3. Language modifications, particularly those pertaining to solar, shall be worked on with staff;
- seconded by Mr. Wallace. Upon roll call: Mr. Kirby, yea; Mr. Wallace, yea; Mr. Larsen, yea; Ms. Briggs, yea; Mr. Schell, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

Mr. Kirby called for a five (5) minute break.

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

Ms. Cratic-Smith presented the staff report.

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

Mr. Herskowitz stated Engineering supported the staff's recommendation on this.

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

Mr. Ryan Deal, 6988 Hanby's Loop, stated he purchased this lot as it was the largest available. Mr. Deal stated he had been aware of the easement but did know that meant a fence could not be built and there were fences there now. Mr. Deal stated he was trying to regain as much land as he could and fifteen (15) feet was a lot of space.

Mr. Kirby asked Mr. Albrecht if it was a reasonable layman's view to say that developers were not allowed to change neighbors' drainage.

Mr. Albrecht stated that was correct.

Mr. Kirby stated that in large flood events obstructions in the waterways were a serious issue. Mr. Kirby stated it appeared this swale was an emergency waterway for floods.

Mr. Schell asked if the fence could be in front of the zone or outside the zone.

Mr. Deal stated he did not know, he had not been told it was fifteen (15) feet and he had his neighbors' support.

Mr. Schell stated exceptions would create precedents.

Mr. Deal stated there was a fence at the rear of his lot.

Mr. Larsen asked if that fence was also in an easement.

Ms. Cratic-Smith stated yes.

Mr. Mayer stated that property was currently under Code enforcement and they were working with that neighbor on this issue.

Mr. Wallace stated the PC needed to be careful with granting variances due to precedents being established. Mr. Wallace stated there were also legal requirements that needed to be met to grant a variance and, in this situation, the requirements were not met and he would need to vote no due to this reason.

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

Moved by Mr. Kirby to accept the staff reports and related documents into the record for VAR-103-2022, seconded by Ms. Briggs. Upon roll call: Mr. Kirby, yea; Ms. Briggs, yea; Mr. Wallace, yea; Mr. Schell, yea; Mr. Larsen, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

Moved by Mr. Wallace to approve VAR-103-2022 based on the findings in the staff report with the conditions listed in the staff report, seconded by Mr. Kirby. Upon roll call: Mr. Wallace, no; Mr. Kirby, no; Mr. Larsen, no; Ms. Briggs, no; Mr. Schell, no. Yea, 0; Nay, 5; Abstain, 0. Motion failed by a 0-5 vote.

Mr. Kirby stated this did not meet the Duncan criteria, this would affect neighbors, all properties had this condition, and this would affect health and safety as well. Mr. Kirby stated he found it to be substantial.

Mr. Wallace stated he voted no for these same reasons and that this not only failed the Duncan factors but the drainage and water flow issues were serious and also counseled against granting this variance.

Mr. Schell stated he was sorry and they were aware the applicant had made a major investment.

Mr. Deal asked how far back could the fence be built.

Mr. Kirby stated he believed if it were placed outside the easement it should be fine.

Mr. Mayer stated it would be buildable anywhere outside the rear easement.

Mr. Wallace noted that unfortunately, a developer's or builder's failure to state this information would not excuse this action.

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.

Mr. Christian presented the staff report.

Mr. Kirby asked if the pavement setback did not include the access drive but did include things that would come off the access drive.

Mr. Christian stated that was correct.

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

Mr. Herskowitz stated the applicants had agreed to complete the environmental assessment to determine wetland impacts, if any, and to build any private roads to public road standards.

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

Mr. Underhill stated this was driven by the Clover Valley Road extension and the need for connectivity. Mr. Underhill stated this business was very nicely done and they wanted to help it continue to operate. Mr. Underhill discussed zoning and uses in the area.

Mr. Kirby asked if the two MBJ Holdings properties, one on Jug Street and one south of that, were zoned agricultural.

Mr. Underhill stated at the time of annexation, if accepted, they would be zoned agricultural but would then be reviewed to be zoned LGE.

Mr. Kirby indicated he was asking about the property to the east, not this one.

Mr. Underhill stated they were already zoned LGE.

Mr. Kirby asked if the I-PUD text matched those properties.

Mr. Underhill stated that was correct.

Mr. Larsen asked if the remaining part of this, which was not part of this parcel, was pre-approved or would it need to come back.

Mr. Underhill stated that was coming up as a final plat application.

Mr. Rubey stated the Clover Valley extension was now possible and was the reason for this.

Mr. Larsen asked if this was the last piece.

Mr. Rubey stated this was the last piece.

Mr. Kirby asked if there were any locked parcel rules as one area, subarea A, appeared it would be landlocked.

Mr. Mayer stated yes, there were frontage requirements and in order for this to be developed it would have to be combined with another lot that would have frontage on the future Clover Valley extension.

Mr. Underhill stated that they would need to have this immediately combined with the adjacent property.

Mr. Kirby stated okay.

Mr. Schell asked who owned the lot next to it.

Mr. Underhill stated MJB Holdings was the owner.

Mr. Kirby asked if anyone from the public had any questions or comments. (No response.)

Moved by Mr. Kirby to accept the staff reports and related documents into the record for ZC-105-2022, seconded by Mr. Larsen. Upon roll call: Mr. Kirby, yea; Mr. Larsen, yea; Mr. Schell, yea; Ms. Briggs, yea; Mr. Wallace, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

Moved by Mr. Schell to approve ZC-105-2022 based on the findings in the staff report with the two (2) conditions listed in the staff report, seconded by Ms. Briggs. Upon roll call: Mr. Schell, yea; Ms. Briggs, yea; Mr. Wallace, yea; Mr. Kirby, yea; Mr. Larsen, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

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:095-111756-00).

Applicant: Pepper Construction Company and Lincoln Properties Company

Mr. Christian presented the staff report.

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

Mr. Herskowitz stated there were no comments.

Mr. Zack Grabijas, Lincoln Property Company, stated Brian Lensink of Pepper Construction Company was also present. Mr. Grabijas stated concrete supplies they needed were not available for them to meet the schedule they had committed to with the City. Mr. Grabijas stated that in order to meet that schedule they needed to have a batch plant on the site. Mr. Grabijas stated that at the end of Phase 1 they would remove the batch plant, clean up, and landscape the site.

Mr. Schell stated this terminated on June 31, 2023, which was not a lot of time.

Mr. Grabijas stated right, that was their construction timeline and why they were using this to meet that.

Mr. Schell asked if that was enough time.

Mr. Grabijas stated yes for Phase 1 completion, there was a potential Phase 2 and they might return later, but they hoped to hold to this timeline.

Ms. Briggs asked if Phase 2 would be in two (2) years, four (4) years, etc.

Mr. Grabijas stated that was unknown, but likely in one (1) to two (2) years.

Mr. Larsen asked if, at the end, they would leave the site in saleable condition.

Mr. Grabijas stated yes.

Mr. Kirby stated he had conditions of visually appealing and restore when done.

Mr. Grabijas asked to clarify about visually appealing as they would likely have dirt mounds when constructing.

Mr. Kirby stated the mounds would help hide the site.

Mr. Grabijas stated okay.

Mr. Kirby asked if this would be for general use for others.

Mr. Grabijas stated it was only for them, not for private sale or other projects.

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

Moved by Mr. Kirby to accept the staff reports and related documents into the record for CU-106-2022, seconded by Mr. Larsen. Upon roll call: Mr. Kirby, yea; Mr. Larsen, yea; Mr. Wallace, yea; Ms. Briggs, yea; Mr. Schell, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

Moved by Mr. Kirby to approve CU-106-2022 based on the findings in the staff report with the three (3) conditions listed in the staff report and the following two (2) conditions:

4. Maintain the site in a visually appealing manner;

5. Restore the site to saleable condition when done;

seconded by Ms. Briggs. Upon roll call: Mr. Kirby, yea; Ms. Briggs, yea; Mr. Larsen, yea; Mr. Schell, yea; Mr. Wallace, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

FPL-109-2022 Preliminary and Final Plat

Preliminary and Final Plat for the dedication of Clover Valley Road, Jug Street Road and Mink Street (PID: 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

Mr. Christian presented the staff report for both FPL-109-2022 and FPL-110-2022.

Mr. Kirby asked if on the roads where they intersected a certain amount of frontage, new right-of-way was also being dedicated, particularly on Jug.

Mr. Christian stated that was correct.

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

Mr. Herskowitz stated Engineering agreed with the proposed right-of-way. Mr. Herskowitz stated there were some missing instrument numbers they would like it to be clarified and they wanted to know whether the proposal was accepted by resolution or ordinance. Mr. Herskowitz stated §1186.06 required EPA and Army Corp of Engineers requirements to be identified.

Mr. Kirby stated thank you and said he presumed the City was the applicant.

Mr. Mayer stated yes and he believed those permits were already in place as part of the construction.

Mr. Wallace noted these roads were fairly straight and asked if any speed curves would be needed.

Mr. Mayer stated they expected to add curb cuts and the speed limit he believed was 35 miles per hour. Mr. Mayer stated it had been reviewed by the City Traffic Engineer and New Albany Police Department and there were no current concerns but if any arose they would coordinate with the police department to manage that.

Ms. Briggs asked how many lanes there would be on the Clover Valley extension.

Mr. Mayer stated three (3) lanes, with a center turn lane.

Ms. Briggs stated thank you.

Moved by Mr. Kirby to accept the staff reports and related documents into the record for FPL-109-2022, seconded by Mr. Schell. Upon roll call: Mr. Kirby, yea; Mr. Schell, yea; Mr. Wallace, yea; Ms. Briggs, yea; Mr. Larsen, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

Moved by Ms. Briggs to approve FPL-109-2022 based on the findings in the staff report with the condition listed in the staff report, seconded by Mr. Larsen. Upon roll call: Ms. Briggs, yea; Mr. Larsen, yea; Mr. Kirby, yea; Mr. Wallace, yea; Mr. Schell, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

FPL-110-2022 Preliminary and Final Plat

Preliminary and Final Plat for the dedication of Clover Valley Road, Harrison Road and Jug Street Road (PID: 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

Moved by Mr. Kirby to accept the staff reports and related documents into the record for preliminary and final plat FPL-110-2022, seconded by Ms. Briggs. Upon roll call: Mr. Kirby, yea; Ms. Briggs, yea; Mr. Larsen, yea; Mr. Schell, yea; Mr. Wallace, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

Moved by Mr. Larsen to approve preliminary and final plat FPL-110-2022 based on the findings in the staff report with the condition listed in the staff report, seconded by Mr. Schell. Upon roll call: Mr.

Larsen, yea; Mr. Schell, yea; Ms. Briggs, yea; Mr. Wallace, yea; Mr. Kirby, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

Other Business

Poll Members for Comment

Mr. Wallace welcomed Ms. Cratic-Smith.

Mr. Kirby adjourned the meeting at 9:21 p.m.

Submitted by Josie Taylor.

APPENDIX



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 222-001999).
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 underlined text.

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

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

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

1. 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 newly-constructed 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 Lots 1 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.
8. The 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. 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 recommends a condition of approval that the city engineer comments be addressed at the time of engineering permits, subject to staff approval

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.

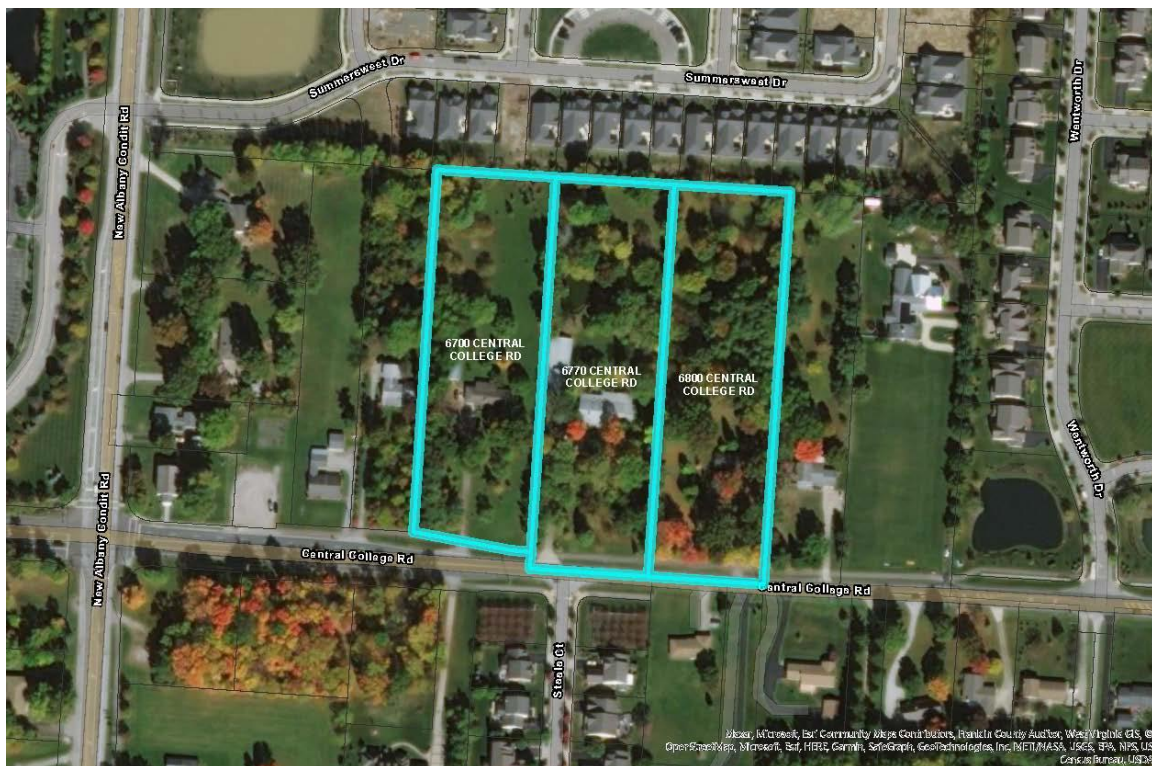
VI. ACTION

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:





**Planning Commission Staff Report
September 19, 2021 Meeting**

**SAVKO BATCH PLANT
CONDITIONAL USE**

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

Review based on: Application materials received August 22, 2022 and September 2, 2022

Staff report completed by Chelsea Nichols, Planner

II. 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 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 plant, 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. Staff recommends a condition of approval that the city engineer comments be addressed at the time of engineering permits, subject to staff approval.

7. 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.

8. 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



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

**BUSINESS AND COMMERCE ZONING DISTRICT
ZONING AMENDMENT**

LOCATION: 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, 037-112020-00.000, 037-111366-00.000, 037-111876-00.001, 037-112248-00.000, 037-111870-00.001)

REQUEST: 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

III. 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 underlined text.

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

- (i) Adjacent land use.
- (j) The relationship of topography to the use intended or to its implications.
- (k) Access, traffic flow.
- (l) Adjacent zoning.
- (m) The correctness of the application for the type of change requested.
- (n) The relationship of the use requested to the public health, safety, or general welfare.
- (o) The relationship of the area requested to the area to be used.
- (p) The impact of the proposed use on the local school district(s).

E. 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.

F. 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)

G. *Use, Site and Layout*

9. The proposed zoning text is a limitation text. A limitation text can only establish more restrictive requirements than the zoning code.
10. 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.
11. 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.
12. 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.
13. Conditional uses include industrial manufacturing & assembly, car fleet and truck fleet parking, and limited educational industries.
14. Prohibited uses include industrial product sales and services, mini-warehouses, vehicle services, radio/television broadcast facilities, off-premise signs and sexually oriented business.
15. 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.
16. 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.

H. Access, Loading, Parking

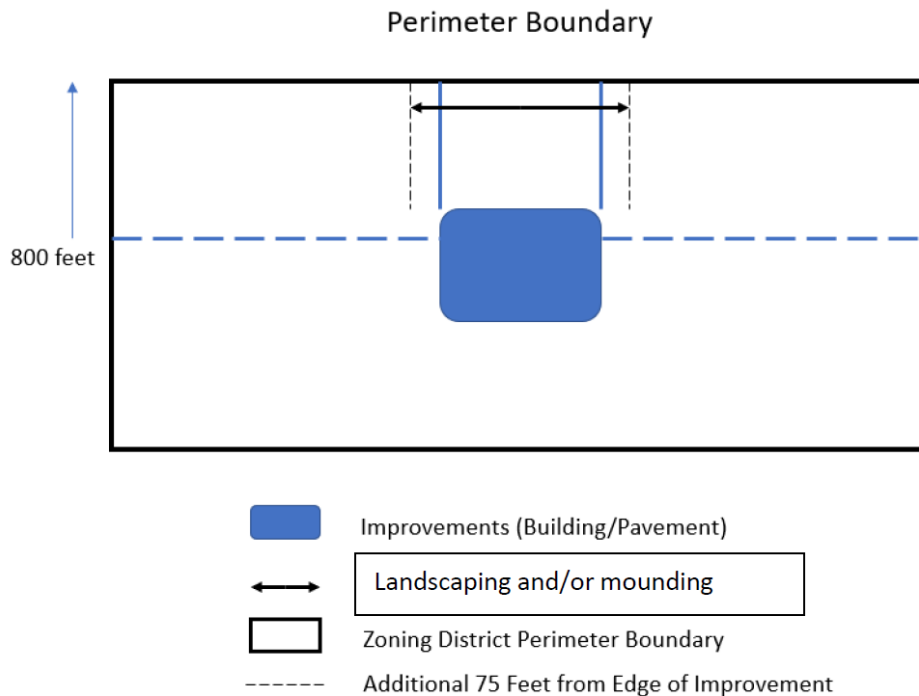
7. The text states the developer shall work with the City Manager, or their designee, to determine the need for appropriate timing and phasing of street improvements to serve this Zoning District. Subject to other provisions in this text, on public rights-of-way which exist on the date of this text the 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.
8. 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 Beech 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.

I. 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.

G. 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 ½) 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:



- Master Landscape Standards Plan: 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.
- 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.

H. 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.*

I. 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. Staff recommends a condition of approval that the city engineer comments be addressed at the time of engineering permits, subject to staff approval.

9. When available, provide verification that all Ohio EPA and Army Corps of Engineers permitting requirements have been met.
10. 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.

5. 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)).
6. The L-GE rezoning application is an appropriate application for the request (1111.06(e)).
7. The overall effect of the development advances and benefits the general welfare of the community (1111.06(f)).
8. 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:

- I. That the city engineer's comments be addressed at the time of engineering permits, subject to staff approval.**

Approximate Site Location:





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

**BUSINESS AND COMMERCE ZONING DISTRICT
ZONING AMENDMENT**

LOCATION: 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, 037-112020-00.000, 037-111366-00.000, 037-111876-00.001, 037-112248-00.000, 037-111870-00.001)

REQUEST: 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

IV. 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 underlined text.

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

- (q) Adjacent land use.
- (r) The relationship of topography to the use intended or to its implications.
- (s) Access, traffic flow.
- (t) Adjacent zoning.
- (u) The correctness of the application for the type of change requested.
- (v) The relationship of the use requested to the public health, safety, or general welfare.
- (w) The relationship of the area requested to the area to be used.
- (x) The impact of the proposed use on the local school district(s).

J. New Albany Strategic Plan

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

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

K. 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:

- 9. Building should be oriented to the front of the primary public roadways. (pg. 68)

10. 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)
11. Street trees should be provided on both sides of the street at a minimum of 40 feet on center. (pg. 68)
12. 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)
13. Reasonable and good faith efforts shall be made to preserve existing trees and tree rows occurring in the planning area. (pg. 64)
14. To avoid spill-over lighting from commercial development to residential development. (pg. 66)
15. To avoid light pollution of the night sky. (pg. 66)
16. Outdoor light pole fixtures shall not exceed thirty (30) feet. (pg. 66)

L. Use, Site and Layout

17. The proposed zoning text is a limitation text. A limitation text can only establish more restrictive requirements than the zoning code.
18. 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.
19. 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.
20. 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.
21. Conditional uses include industrial manufacturing & assembly, car fleet and truck fleet parking, and limited educational industries.
22. Prohibited uses include industrial product sales and services, mini-warehouses, vehicle services, radio/television broadcast facilities, off-premise signs and sexually oriented business.
23. 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.
24. 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.

M. Access, Loading, Parking

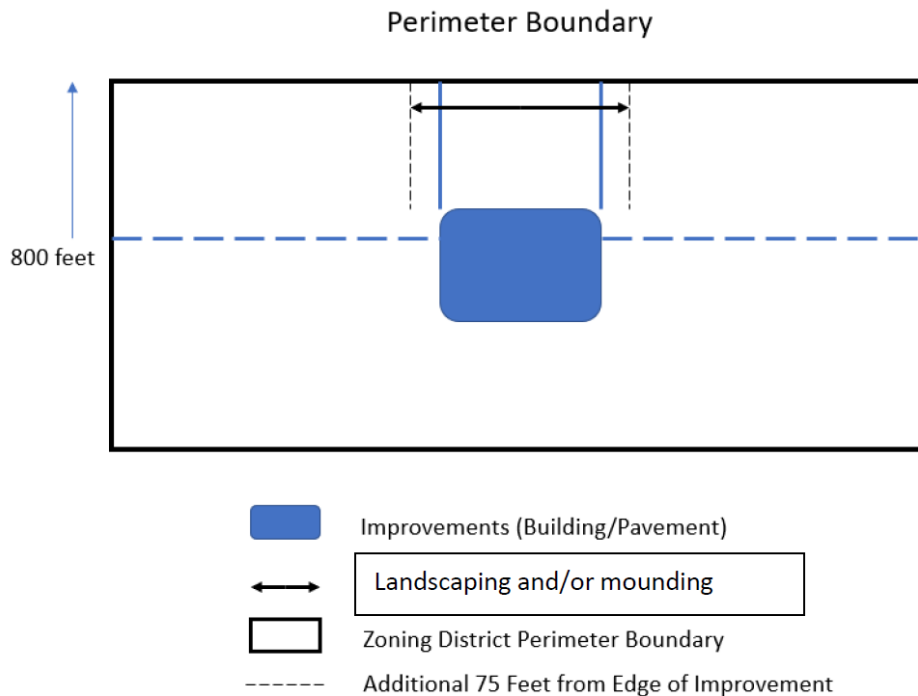
9. The text states the developer shall work with the City Manager, or their designee, to determine the need for appropriate timing and phasing of street improvements to serve this Zoning District. Subject to other provisions in this text, on public rights-of-way which exist on the date of this text the 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.
10. 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 Beech 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.

N. Architectural Standards

6. 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.
7. The same architectural requirements as the existing Jug Street North Zoning District are proposed.
8. 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.
9. 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.
10. 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.

J. 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 ½) 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:



- Master Landscape Standards Plan: 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.
- 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.

K. Lighting & Signage

5. 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).
6. *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).*
7. *The maximum height of light poles is 30 feet.*
8. *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.*

L. Other Considerations

2. 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. Staff recommends a condition of approval that the city engineer comments be addressed at the time of engineering permits, subject to staff approval.

11. When available, provide verification that all Ohio EPA and Army Corps of Engineers permitting requirements have been met.
12. 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.

9. 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)).
10. The L-GE rezoning application is an appropriate application for the request (1111.06(e)).
11. The overall effect of the development advances and benefits the general welfare of the community (1111.06(f)).
12. 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:

2. That the city engineer's comments be addressed at the time of engineering permits, subject to staff approval.

Approximate Site Location:




NEW ALBANY
COMMUNITY CONNECTS US
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.

V. 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 underlined text.

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

- (y) Adjacent land use.
- (z) The relationship of topography to the use intended or to its implications.
- (aa) Access, traffic flow.
- (bb) Adjacent zoning.
- (cc) The correctness of the application for the type of change requested.
- (dd) The relationship of the use requested to the public health, safety, or general welfare.
- (ee) The relationship of the area requested to the area to be used.
- (ff) The impact of the proposed use on the local school district(s).

O. 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.

P. Use, Site and Layout

25. The proposed zoning district is broken up into 3 subareas. The Infill Planned Unit Development (I-PUD) zoning classification is 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
A	Undeveloped Land	Limited General Employment (L-GE)
B	Dog Kennel/ Animal Daycare	Agricultural (AG): Only dog kennels, animal boarding and animal daycare services allowed.
C	Undeveloped Land	Limited General Employment (L-GE)

26. 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.

27. 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.
28. 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.
29. 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.
30. 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.
31. 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.
32. Conditional uses include car fleet and truck fleet parking, and industrial manufacturing and assembly.
33. Prohibited uses include industrial product sales and services, mini-warehouses, off-premises signs, vehicle services, radio/television broadcast facilities off-premises signs, and sexually oriented business.
34. 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 Extension (Subarea B)	0	50 feet
New Clover Valley Extension (Subareas A & C)	25 feet	100 feet

35. In order to achieve a consistent pavement setback along Jug Street and the new Clover Valley Road extension, staff recommends a condition of approval that 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.
36. 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.
37. 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.

Q. Access, Loading, Parking

11. 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.

12. 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.
13. For all subareas, parking will be provided per code requirements (Chapter 1167) and will be evaluated at the time of development of the site.
14. C.O. 1165.06(b) requires an 8-foot-wide leisure trail to be installed all existing and future public streets.

R. Architectural Standards

11. 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).
12. 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.
13. The proposed text contains the same architectural requirements as surrounding business park zoning districts.
14. 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.
15. The proposed text contains a requirement for complete, four-sided screening of all roof-mounted equipment for sight and sound.
16. 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.

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

9. 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.
10. 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.
11. 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.
12. Minimum tree sizes and heights for on-site trees match the standards in the surrounding business districts.
13. 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.

N. Lighting & Signage

9. *All signage shall conform to the standards set forth in Codified Ordinance Section 1169.*
10. *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.*
11. *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. Staff recommends a condition of approval that the city engineer comments are addressed, subject to staff approval.

13. When available, provide verification that all Ohio EPA and Army Corps of Engineers permitting requirements have been met.
14. 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.

13. The rezoning will result in a more comprehensive planned redevelopment of the area and will ensure compatibility between uses (1111.06(a)).
14. The I-PUD rezoning application is an appropriate application for the request (1111.06(e)).
15. The overall effect of the development advances and benefits the general welfare of the community (1111.06(f)).
16. 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:





**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

VI. 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.

IV. EVALUATION

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

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

- 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.

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

- The proposed use complements the 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.

(j) 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.
- (k) *The area will be adequately served by essential public facilities and services such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.*
- 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.
- (l) *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 plant, even though it is temporary in nature, has a positive benefit to the city's economic development goals and indirectly aids its fiscal strength.
- (m) *The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.*
- The use will be subject to Codified Ordinance Section 1153.06 which requires that no land or structure within the GE District shall be used or occupied in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable impact on any land which is located in any other zoning district.
- (n) *Vehicular approaches to the property shall be so designated as not to create interference with traffic on surrounding public streets or roads.*
- The infrastructure in this portion of the city is designed to accommodate the traffic associated with commercial uses.
 - There is no reason to believe that that traffic generated by 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):

7. The conditional use approval terminates on June 31, 2023 or another conditional use is submitted to extend its use past this date.
8. When in use, the public streets shall be cleaned daily;
9. Wheel wash is required for existing trucks;

Approximate Site Location:



Source: NearMap


NEW ALBANY
COMMUNITY CONNECTS US
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

VII. 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-of-south 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. Staff 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 section 1187.06 (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.

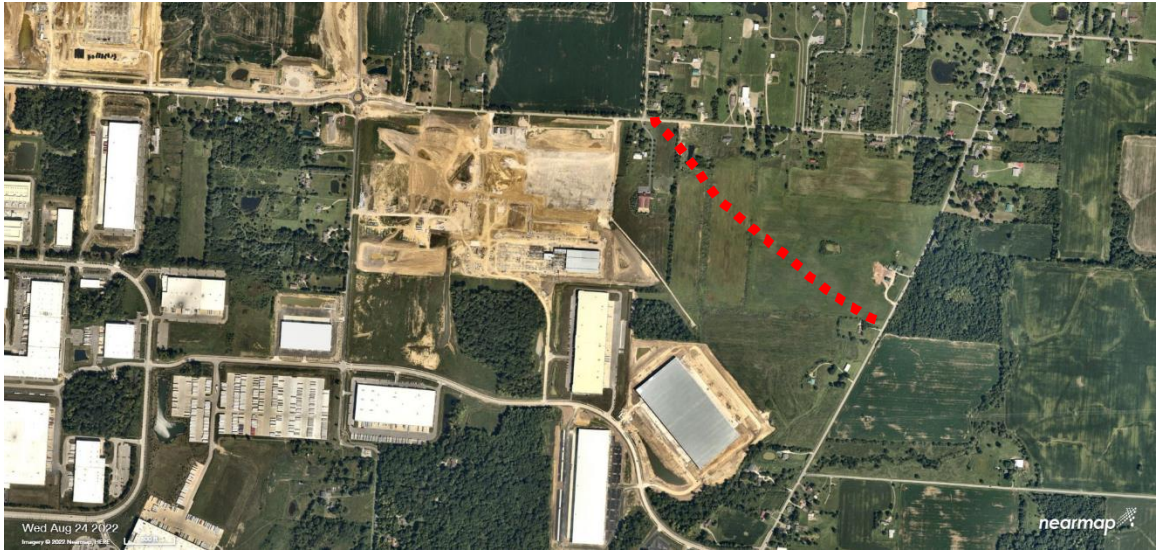
VI. ACTION

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:




NEW ALBANY
COMMUNITY CONNECTS US
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 Road
APPLICANT:	City of New Albany
REQUEST:	Preliminary and Final Plat
ZONING:	Limited General Employment (L-GE)
STRATEGIC PLAN:	Employment Center
APPLICATION:	FPL-110-2022

Review based on: Application materials received September 2, 2022.

Staff report completed by Chelsea Nichols, Planner.

VIII. 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-of-way north 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 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. Staff 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

9. 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.
10. 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.
11. Refer to the first note block at the top left-hand side of the sheet. Provide information where a blank space is currently shown.
12. Again, please refer to Exhibit A. Add the Easement and Drainage Easement note blocks shown on Exhibit A to the referenced plats.
13. In accordance with code section 1187.06 (c) provide written statements indicating that all OEPA and ACOE requirements have been met.

Plat Sheet 2

14. Show the Instrument Numbers for all easements referenced on this sheet.
15. 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:

2. That the city engineer's comments be addressed at the time of engineering permits, subject to staff approval.

Approximate Site Location:



Source: nearmap