

New Albany Planning Commission Agenda

Monday, December 19, 2022 7:00pm

Members of the public must attend the meeting in-person to participate and provide comment at New Albany Village Hall, 99 West Main Street. The meeting will be streamed for viewing purposes only via the city website at https://newalbanyohio.org/answers/streaming-meetings/

- I. Call to Order
- II. Roll Call
- **III.** Action of Minutes: November 7, 2022 and November 21, 2022
- IV. Additions or Corrections to Agenda

Swear in all witnesses/applicants/staff whom plan to speak regarding an application on tonight's agenda. "Do you swear to tell the truth and nothing but the truth."

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

ARB-134-2022 Certificate of Appropriateness

Certificate of Appropriateness for a new outdoor storage screening plan located at 3450 Horizon Court (PID: 095-111756-00.010).

Applicant: Lincoln Property Company

Motion of Acceptance of staff reports and related documents into the record for ZC-134-2022.

Motion of approval for application ZC-134-2022 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

ZC-135-2022 Rezoning

Request to rezone 403.02 acres located in Licking County from Agricultural (AG) to Technology Manufacturing District (TMD) (PIDs: 037-111570-01.000, 037-112212-00.005, 037-112212-00.000, 037-111762-00.002, 037-111576-00.001, 037-111762-00.000, 037-112218-00.000, 037-112158-00.000, 037-1122158-00.001, 037-112212-00.004, 037-112212-00.001, 037-112212-00.002, 037-112212-00.002, 037-112212-00.003, 037-112212-00.003, 037-112200-00.001, 037-111636-01.000, 037-111636-00.000, 037-111636-00.000, 037-112068-00.000, 037-111936-00.000, and 037-111936-00.003).

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

Motion of Acceptance of staff reports and related documents into the record for ZC-135-2022.

Motion of approval for application ZC-135-2022 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

- VII. Other Business
- VIII. Poll members for comment
- IX. Adjournment



Planning Commission met in regular session in the Council Chambers at Village Hall, 99 W. Main Street and was called to order by Planning Commission Chair Mr. Neil Kirby at 7:04 p.m.

Those answering roll call:

Mr. Neil Kirby, Chair	Present
Mr. David Wallace	Present
Mr. Hans Schell	Present
Ms. Sarah Briggs	Present
Mr. Bruce Larsen	Present
Mr. Michael Durik (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; Christina Madriguera, Deputy Clerk of Council; and Josie Taylor, Clerk.

Moved by Mr. Wallace to table the October 17, 2022 meeting minutes to the next regularly scheduled Planning Commission meeting, seconded by Ms. Briggs. Upon roll call: Mr. Wallace, yea; Ms. Briggs, yea; Mr. Larsen, yea; Mr. Schell, 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 none from staff.

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

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

ZC-104-2022 Rezoning Request to rezone 32.6+/- acres located at the southwest and southeast corners of New Albany Condit Road and Central College Road from Residential Estate District (R-1) to Infill Planned Unit Development (I-PUD) for an area to be known as the Hamlet at Sugar Run Zoning District to permit a mixed use development (PID: 222-000675, 222-000685, 222-000686, 222-000670, 222-000676, 222-000678, 222-000313, 222-000664, 222-000671, 222-000672, 222-000654, 222-000669, 222-000549, 222-000668, 222-001167, 222-000688, 222-000375, 222-000314, 222-000673, and 222-000376).

Applicant: Nona Master Development LLC, Attn: Yaromir Steiner and Bryan Stone c/o Aaron Underhill, Esq.

Mr. Christian presented the staff report.

Mr. Kirby asked for the comments from Engineering.

Mr. Herskowitz stated Sugar Run, a Federal Emergency Management Agency (hereafter "FEMA") floodplain, was within the project area and Code required that a stream corridor protection plan be established. Mr. Herskowitz stated that protection plans were normally wider than the FEMA floodplain and noted that no fill should be permitted within the stream corridor

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protection zone. Mr. Herskowitz stated Engineering concurred with the application's recommendations for the fifty (50) foot right of way from the center line of Central College Road and the forty (40) foot right of way from the centerline of SR 605. Mr. Herskowitz stated that if a future turn lane were required off of SR 605 to turn right onto Central College Road, then up to 55 feet of right of way may be needed. Mr. Herskowitz said all comments from the traffic engineer should be addressed.

Members of the public asked if speakers could speak more loudly.

Mr. Herskowitz provided his comments again.

Mr. Kirby asked the applicant to comment.

Mr. Aaron Underhill, Underhill & Hodge for the applicant, discussed the history and design of the hamlet and this project. Mr. Underhill noted they had worked to meet the City's requirements and Strategic Plan. Mr. Underhill stated the applicant had hired the consultant used by school districts for student impact projections and had found this project would yield 28 students to up to 52 students. Mr. Underhill stated the homes in this project would be about \$650,000 which was in line with recent nearby sales.

Mr. Kirby provided a description of the PC and comment process to the public at the meeting. Mr. Kirby asked if the applicant had any issues with the conditions in the staff report.

Mr. Underhill stated no.

Mr. Kirby asked if the communication from Police Chief Jones could be in writing.

Mr. Underhill stated it was written and had been provided to the PC.

Mr. Kirby stated he had not seen it.

Ms. Briggs stated she had not seen it.

Mr. Christian distributed copies of the letter to the PC and the applicant and placed extras at the back of the room for the public.

Mr. Kirby stated thank you.

Mr. Wallace stated the first time this had been reviewed a financial analysis of the benefit to the schools had been provided but that was not provided at this time. Mr. Wallace asked the applicant to comment on that.

Mr. Underhill stated that given the school capacity concerns within the community the developer had focused on the number of students this project would generate. Mr. Underhill stated there might be some more students with this project now but, given the home values and the commercial development in the hamlet, this would more than pay for itself and offer a significant positive.

Mr. Schell asked if there was a letter or communication from the superintendent regarding the project.

Mr. Underhill stated the applicant had met with the school superintendent and treasurer.

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Mr. Justin Leyda, Steiner & Associates, stated they had met with the superintendent and treasurer and there had been no objections but a letter had not been submitted this time.

Mr. Schell stated a letter would be preferred.

Mr. Leyda stated he could request one.

Mr. Schell asked if subarea 5 of the hamlet opted for single family homes would that factor into the projected 52 student total.

Mr. Underhill stated yes, that 52 would be if there were single family homes there.

Mr. Leyda stated the information they provided with the 52 students had assumed single family homes would be in that subarea.

Ms. Briggs asked if the addition of single-family homes in that subarea would get them to the 52 students versus the 28 students.

Mr. Leyda stated correct.

Ms. Briggs asked what the 37 number also used in the discussion had referenced.

Mr. Leyda stated they had run different calculations based on varying yield factors. Mr. Leyda stated the new yield factors from the school's consultant found 37 and the old yield factors used in the prior proposal found 52.

Ms. Briggs stated thank you.

Mr. Larsen stated the City's numbers limited themselves to the New Albany City limits but the school district went beyond that. Mr. Larsen asked if the applicant's analysis had focused on the City limits or the school district.

Mr. Leyda stated they had looked at more than just the school district. Mr. Leyda said they had looked at the New Albany school district and portions of Gahanna.

Mr. Larsen stated great and reiterated he would like to have a letter from the school district.

Mr. Leyda stated they would request it.

Mr. Wallace stated there were some typos in the text that needed to be worked out. Mr. Wallace stated that pages 29-33 discussed types of signs and included a discussion of subarea 1. Mr. Wallace stated he believed some verbiage was missing in that area and pointed out the second sentence about multi-tenants seemed to have missing information.

Mr. Underhill stated he believed there was a period there instead of a comma.

Mr. Wallace stated they should note that areas of the text needed to be cleaned up and they could work with staff on that.

Mr. Underhill stated sure, okay.

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Mr. Wallace said it also stated "relating to" and he believed it should be "sized in relation to" the architectural design.

Mr. Underhill stated okay.

Mr. Larsen noted the prior development site had a larger civic green space that was central to the community but the current site plan had the green space almost hidden within the development. Mr. Larsen said it did not feel like a part of the community. Mr. Larsen stated the plan with the green was not community friendly and asked that it be looked at again.

Mr. Leyda stated they had mimicked the form and plan created by the City plan which had emphasized terminating views into buildings and having streets lined with buildings.

Mr. Larsen stated the City had said that was just an example and did not need to be followed. Mr. Larsen suggested they think outside the box on this.

Mr. Leyda stated they could work to evolve the design and layout during the final development plan (hereafter, "FDP").

Mr. Larsen stated it could be something to consider in the preliminary plan before going down that far.

(Applause from audience members.)

Mr. Underhill stated okay.

Mr. Kirby stated that pages 20-21 discussed the riparian corridor landscape and asked what would happen to the riparian corridor, particularly to the understory, was there a plan.

Mr. Leyda stated the intent was to clean up any invasive species, leave it native where they could, and then add paths.

Mr. Kirby asked if they would leave the native understory.

Mr. Leyda stated if they could.

Mr. Kirby stated he was pleased to hear it and wanted to make the distinction between a manicured park and a natural area.

Mr. Leyda stated they were looking for more of a natural park setting.

Ms. Briggs asked if subarea 5 would also have park trails there.

Mr. Leyda asked if she meant subarea 4.

Ms. Briggs stated yes, subarea 4, which would go east of SR 605. Ms. Briggs asked if there would be separate trails also on the east side of SR 605.

Mr. Underhill stated correct.

Mr. Kirby stated page 27 talked about mulched paths.

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- Mr. Leyda stated correct.
- Mr. Kirby asked if this was part of the flood plain
- Mr. Leyda stated some of it was.
- Mr. Kirby asked if was a good idea to have mulch in a flood plain.
- Mr. Leyda stated they were open to other options.
- Mr. Kirby stated mulch and floods were not a good mix and asked staff if they agreed.
- Mr. Mayer stated the leisure trail master plan recommended an eight (8) foot wide asphalt leisure trail along stream corridors. Mr. Mayer stated staff's recommendation would be that the base trail be a paved asphalt trail.
- Mr. Kirby asked if there was any problem with a narrower path.
- Mr. Mayer stated not necessarily.
- Mr. Kirby stated the trail should be effective and preferably not paved. Mr. Kirby asked the applicant to revisit the use of mulch. Mr. Kirby asked if staff was okay with that being subject to staff approval.
- Mr. Mayer stated yes.
- Mr. Kirby stated that on pages 14 and 18 it did not seem that box trucks were properly discussed. Mr. Kirby asked if by "off-road" vehicles they referred to motorized vehicles that were not highway legal but did not mean box trucks. Mr. Kirby said he believed they specifically wanted to prohibit box trucks being parked in front of units.
- Mr. Underhill stated yes.
- Mr. Kirby stated they could revisit that here and possible elsewhere. Mr. Kirby stated the language clean up should be subject to staff approval. Mr. Kirby stated page 32 dealing with appeals, spoke of the zoning offers as a "him" and for many years it had not be a male.
- Mr. Underhill stated that was fine.
- Mr. Wallace stated the gender references needed to be cleaned up.
- Mr. Kirby asked if there was 100 feet of width on the riparian corridor.
- Mr. Leyda stated the plan showed185.
- Mr. Kirby stated interesting, he thought it had been 100 feet.
- Mr. Mayer stated multiple layers of regulations applied to Sugar Run. Mr. Mayer stated the City's base Code has a riparian corridor calling for preservation and a typical 100 feet. Mr. Mayer stated the City also had a flood plain ordinance which limited certain types of development and the applicant had also added a stream corridor protection zone.

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Mr. Kirby asked if that was where the 185 came from.

Mr. Mayer stated yes.

Mr. Kirby stated there had been differentiation between the larger and smaller streams with Blacklick and Rocky Fork at 150 with Sugar Run and Rose Run at less.

Mr. Mayer stated he believed it depended on many factors.

Mr. Kirby stated that at 185 it was as large as that for Blacklick and Rocky Fork.

Mr. Mayer stated yes.

Mr. Kirby stated nice job.

Mr. Leyda stated he remembered this concern from the prior proposal.

Mr. Kirby asked about street names for way finding, particularly for the townhomes if they were not facing Central College Road or SR 605, such as those is subarea 2 without a street or road in front of them.

Mr. Mayer stated the City could work with the fire department to create street names for drives to help identify them for visitors and emergency vehicles.

Mr. Kirby stated the City of Savannah was built around squares and this area could have a square as an example.

Mr. Mayer agreed.

Mr. Kirby asked if there would be residential over retail permitted in the transition zone.

Mr. Leyda stated it would be allowed although it was not shown on the plan.

Mr. Kirby asked if this had been part of the unit calculations.

Mr. Leyda said it was not included.

Mr. Kirby stated it was allowed but not accounted for.

Mr. Leyda stated if they did then the forty (40) flats could shift over to a different location.

Ms. Briggs stated page 4 related to alleys and private drives and asked if all streets would be public except for some in subarea 3 that would be private drives.

Mr. Underhill stated it was around the parking lots in the more commercial areas with the drive aisles and the others would be public.

Ms. Briggs stated thank you.

Mr. Underhill stated they would show that on the FDP.

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Ms. Briggs asked if the area on subarea 1 was part of the discussion between connections to Taco Bell and the Huntington Bank.

Mr. Underhill stated yes.

Ms. Briggs stated thank you.

Mr. Schell asked if there had been any discussions with the fire department.

Mr. Leyda stated yes.

Mr. Schell asked what the discussion and result had been.

Mr. Leyda stated they had modified the plan to provide a secondary means of egress for emergency vehicles if needed.

Mr. Kirby asked if this was in the text.

Mr. Underhill stated he believed it had been called out in subarea 3.

Mr. Christian stated it was on page 20.

Mr. Kirby asked when they would know to pull the trigger on that.

Mr. Christian stated that would be at the FDP stage.

Mr. Kirby asked if they would be speaking with the police and fire departments to have a determination when at the FDP.

Mr. Underhill stated he believed it would be required, as it usually was.

Mr. Leyda stated it just varied to where it would be located.

Mr. Kirby asked if any of the private drives bordered the edge of the development. Mr. Kirby showed one he was looking at on the presentation and asked if that was public.

Mr. Underhill asked if that was the one east/west or that (pointing to a spot on the presentation).

Mr. Kirby stated the east/west one that went to the private drive on the corner.

Mr. Underhill stated it was intended to be public and stated they would need to get some private owners to agree.

Mr. Kirby stated okay, thank you, and noted that the biggest part of the problem with private drives the PC had seen were those with different ownership where owners disagreed. Mr. Kirby stated that having it public to the edge meant the onus was on the other side as to whether it would connect.

Mr. Underhill stated right.

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Mr. Schell stated that while the applicant had noted the market for senior living had cooled, he noted that, if the market changed, senior living had increased emergency service runs. Mr. Schell asked if that issue had been discussed with the fire department.

Mr. Leyda stated he did not believe it had.

Mr. Schell asked if that could shift at any time.

Mr. Leyda stated it could, but now they were trending toward the residential option.

Mr. Schell stated thank you.

Mr. Mayer stated it would be finalized as part of the FDP.

Mr. Underhill stated they would have another level of engineering, public safety, etc., and would go through it all again at that point.

Mr. Schell stated okay.

Mr. Larsen asked whether SR 605 or Central College Road was the more major artery.

Mr. Herskowitz stated he believed SR 605 was considered more rural and Central College Road was more of a minor arterial.

Mr. Larsen stated it looked like the major entrance to this site was on SR 605 and asked if that was where it would be preferred, as that was more rural.

Mr. Herskowitz stated he believed that was correct.

Mr. Larsen stated the traffic study, on page 4, showed different unit counts than those shown on the proposed plan and stated it would be good to get an updated traffic study that mirrored the proposal.

Mr. Leyda stated yes and said that had assumed a more conservative number of single family to the south.

Mr. Larsen stated it had 32 single family there versus the six (6) shown.

Mr. Leyda stated total units was the same, just the distribution within the 188 differed.

Mr. Larsen asked to be sure the PC looked at the worst case on that. Mr. Larsen stated the prior City Council meetings on this had a lot of comments about the sense of community and scale. Mr. Larsen stated building height on primary streets was forty (40) feet and 250 feet in could be up to fifty (50) feet. Mr. Larsen stated Keswick, which this was said to be similar to, did not have the number of stories specified in the text. Mr. Larsen stated he would like to see a number in the text, such as once there were two (2) stories the facade would have a break. Mr. Larsen stated that as written now they might be able to get three (3) stories.

Mr. Leyda stated he believed the DGRs restricted that.

Mr. Larsen stated in the text the PC had it showed nothing that restricted it.

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Mr. Kirby stated sloped roofs were required in the text.

Mr. Wallace stated the DGRs were incorporated in the text.

Mr. Kirby stated some of the text included sloped roofs for some of the subareas.

Mr. Underhill stated that to the extent they had not called it out they would default to the DGRs.

Mr. Larsen stated okay.

Mr. Kirby asked staff if they wanted to add to this.

Mr. Mayer stated that was accurate, that anything that was silent in the PUD text would fall to the City Code requirements which was the DGRs.

Mr. Larsen stated the DGRs said three (3) stories and he wanted to avoid a three-story vertical surface.

Mr. Mayer stated that would be reviewed with the FDP.

Mr. Larsen stated okay, they would look at that on the FDP.

Mr. Kirby stated on subarea 2E(5), on page fourteen (14) it stated roofs shall be sloped.

Mr. Durik stated page 26 of the traffic study showed traffic increases of 30% to 70% on Central College Road and SR 605 and asked if that was accurate.

Mr. Kirby asked what did the numbers mean.

Mr. Dave Samuelson, City traffic engineer, stated he had not looked at the percentage growth and had looked at a comparison of the prior study. Mr. Samuelson stated that if he were given a few minutes he could calculate a percentage growth of the development to what currently existed.

Mr. Kirby stated that would be welcomed.

Mr. Durik stated he was not concerned with the prior presentation relative to this. Mr. Durik stated he was concerned about what this would be relative to current traffic and what kind of growth could be anticipated.

Mr. Samuelson asked if Mr. Durik wanted that information for the intersection of SR 605 and Central College Road.

Mr. Durik stated in the intersection and across the development. Mr. Durik stated south of there, where the entry points were onto SR 605, and their impact there versus at the intersection.

Mr. Samuelson stated he would get the percentage at Central College Road at the Discover site, SR 605 at Central College Road, and also down at Snider Loop.

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Mr. Durik stated that was fine, a good starting point. Mr. Durik stated that the school numbers varied from 28 to 52 depending on what would be done in subarea 5. Mr. Durik asked if there had been any consideration regarding the southern portion of subarea 5 or the eastern portion of SR 605 being a 55 and older community.

Mr. Leyda stated they did not plan for that as a deed restriction of any sort, but were looking at a product type geared toward a 55 plus customer.

Mr. Durik asked if there was a reason not to make it a 55 and older community.

Mr. Underhill stated the administrative costs at this size was difficult to do.

Mr. Durik stated he disagreed, but would not argue it.

Mr. Underhill stated okay.

Mr. Durik stated that regarding the comments of creeks and natural versus manicured, he thought the standard expected would be reminiscent of what Rose Run was at this time.

Mr. Kirby asked which Rose Run.

Mr. Durik stated the Rose Run in the center of town.

Mr. Kirby stated the natural understory had been removed there.

Mr. Durik stated his point of view was that the City would be looking at something more like that.

Mr. Kirby stated it was about the community will regarding how parks were wanted. Mr. Kirby stated whether they wanted an actual natural feature or a park for the people. Mr. Kirby noted that if wildlife was wanted then the understory was critical.

Mr. Durik stated that as they got into architectural and others those things would come to bear. Mr. Durik stated some flats would be sold and others rented and asked what were the flat price points for rental.

Mr. Leyda stated in the \$2500/month range.

Mr. Durik asked about square feet.

Mr. Leyda stated they were probably in the 900 to 1,100 square foot range.

Mr. Durik asked how that compared to the town apartments in terms of rental rate per square foot.

Mr. Mayer stated he did not believe they had that data to compare at this time.

Mr. Leyda stated product of that type was generally at \$2.00 per square foot or higher at this time with some now at \$2.40 per foot.

Mr. Durik stated he was trying to understand what was meant by upscale here.

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Mr. Leyda stated that from a quality perspective Market and Main were equal.

Mr. Samuelson stated that in the a.m. and p.m. the percentage increase would be basically the same. Mr. Samuelson stated that at Central College Road at the Discover site the site traffic added roughly 5% to current volumes. Mr. Samuelson said that on Central College Road and SR 605 the site also added roughly 5% or maybe a little less. Mr. Samuelson stated that at SR 605 on Snider Loop it was about a 7% increase in both a.m. and p.m.

Mr. Kirby stated thank you and called for a ten (10) minute break at 8:32 p.m.

(Meeting restarted at 8:42 p.m.)

Ms. Paula Renker stated she had lived in New Albany for seventeen (17) years, initially in the Windsor community and the initial assumption in Windsor was there would not be any children, but it had many now. Ms. Renker stated that over half of homes now had one (1) or two (2) children and noted statistics may not provide full information. Ms. Renker said the number of exits in this community seemed too low for the number of units and it seemed crowded. Ms. Renker asked how the courtyards and trails would be maintained on this site with rentals and such, would there be an HOA.

Mr. Underhill stated yes, there would be an HOA for all owners and on rental properties the owners of the rentals would be required to be in the HOA.

Mr. Kirby asked if trails outside of the right of way would be maintained by the HOA.

Mr. Underhill stated yes.

Mr. Kirby asked if trails in the right of way would be a Village issue.

Mr. Mayer stated no, those were typically maintained by HOAs or the private developer.

Mr. Kirby asked if that was in the text.

Mr. Mayer said it was in the City Code.

Mr. Kirby asked if there was a conflict with that.

Mr. Underhill stated no and noted that most developments were members of the master association of New Albany which took care of the rights of way and likely would do so here while this site's HOA would care for anything internal.

Mr. Doug Burnip, 6969 Doran Drive in Cedar Brook, appreciated the City had designed standards for hamlets, but said if there were two (2) approved hamlets then they needed to be done right.

Mr. Kirby stated only one (1) hamlet area currently existed.

Mr. Burnip stated it was more important then. Mr. Burnip said they had to go beyond just meeting the standards. Mr. Burnip stated this looked very cookie cutter and did not take advantage of the site and the design seemed to be missing. Mr. Burnip stated that current traffic on SR 605 in the morning meant that during school hours drivers got stuck for some time and this development would worsen it.

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Ms. Courtney Bloech stated she lived at Wentworth Crossing, and said she had many concerns with this development and it would not benefit New Albany residents. Ms. Bloech stated the new condo development near downtown was near a space that could fit a similar development to this and it made sense to continue filling in the downtown area with similar condos, flats, and retail. Ms. Bloech said lots of downtown areas had not been filled. Ms. Bloech stated she doubted this would ever be self sustaining. Ms. Bloech said a transient community of this size also brought crime, as nearby similar communities have shown. Ms. Bloech stated residents come to New Albany due to schools and safety and this site would remove safety from its nearby residents. Ms. Bloech noted this type of community was not being entertained on the south side of SR 161 and noted the City was not protecting both sides of New Albany equally. Ms. Bloech stated the Main Street condos started at \$1.5 million but these started at half that amount. Ms. Bloech stated this was creating an economic divide in New Albany and asked that the rezoning be declined.

Ms. Caroline Solt, 5430 Snider Loop, stated she was on the Enclave's HOA Board of Trustees and she and her neighbors were vehemently opposed to this development. Ms. Solt stated this development conflicted with their property values and stated they were concerned with subarea 5. Ms. Solt stated subarea 5 was fluid and they did not know what it would be and asked that if something needed to be approved, not to approve subarea 5 until there was a true plan.

Ms. Jennifer Deibel, 5350 Snider Loop, asked about the New Albany letter dated October 25 about the traffic impact summary on page three (3). Ms. Deibel stated the recommendations indicated SR 605 needed to be widened to three (3) lanes to add left hand turn lanes and asked if SR 605 would be widened from Walton to Central College Road.

Mr. Mayer stated yes, Central College to Walton Parkway would be widened to three (3) lanes with a left hand turn into the intersections.

Mr. Kirby asked if that would be all the way down.

Mr. Mayer stated till Walton Parkway.

Mr. Samuelson stated he had recommended the entire length of SR 605 have three (3) lanes.

Ms. Deibel said that earlier it had been mentioned that forty (40) feet from the center line on SR 605 was needed but 55 feet were needed if there was a right turn lane. Ms. Deibel asked if 55 feet would be needed if there were three (3) lanes all the way down.

Mr. Samuelson stated that for three (3) lanes they recommended forty (40) feet from each side of the road. Mr. Samuelson said that at Central College Road, where a future north bound right turn lane may be needed, they thought they would need 55 feet on one side of the road.

Ms. Deibel said thank you and noted page three (3) discussed the need to coordinate with the City and the applicant on the final design of the intersection of SR 605 and Snider Loop for left hand turn concerns. Ms. Deibel asked if at that location a roundabout, a light, or only a left turn lane was being considered.

Mr. Mayer stated a roundabout or light were not warranted so it would be a stop sign going east/west. Mr. Mayer stated that as part of the FDP they would review the lining up of the medians of Snider Loop and the new development for left hand turns.

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Ms. Deibel said subarea 5 was still fluid and said the site plat provided showed 24 townhomes in the subarea and it was hard to imagine what 55 units would look like. Ms. Deibel stated more facts regarding subarea 5 were needed before this could be approved. Ms. Deibel stated that subareas 4, A and B, were listed as including restrooms, recreation courts, etc. and asked where the restrooms and courts would be located.

Mr. Underhill stated that might be public park land and not up to the applicant and that would be decided at the time of the FDP.

Mr. Kirby asked if that would be outside the 100-foot zone riparian corridor.

Mr. Underhill stated right, but he said that was intended for a public park.

Mr. Schell asked Mr. Underhill to address the concerns about subarea 5.

Mr. Underhill stated they doubted 55 townhomes would be possible and stated they could reduce the number of units by some degree but wanted to leave options open and events in the City of Columbus nearby would also impact this.

Ms. Deibel stated that in subarea 4 the document listed thru trucks, food trucks, and open markets. Ms. Deibel said there did not seem to be an access road for food trucks and stated it was hard to know how they would be used. Ms. Deibel stated the unknowns with the Ohio Health property provided additional reasons to table subarea 5 until they knew more.

Mr. Underhill stated food trucks would likely be in the central green and would not be there all the time.

Mr. Kirby stated their text restricted them to having ground power there.

Mr. Underhill stated they did not want generators.

Mr. Kirk Smith, 6830 Central College Road, stated he would ask the PC to reject this rezoning. Mr. Smith stated this properly was correctly zoned at this time as an R1 that would allow some 36 units to go in which would have less impact on schools. Mr. Smith stated this asked for an additional 160 "density bomb" units in this area. Mr. Smith stated this development was not supported by Engage New Albany and had too many unknowns, such as Ohio Health, with it. Mr. Smith stated there was too much to be determined in subarea 5 and it should not be approved. Mr. Smith asked why bring this to New Albany when units across the street sat empty. Mr. Smith stated a recent approval had included a discussion of saving trees and now this was not being discussed. Mr. Smith stated that in a prior meeting with Mr. Steiner he had been adamant about needing 400 units for economic viability and asked why this would survive now with 188 units. Mr. Smith stated he encouraged the PC not to rezone this site.

Mr. Kirby asked Mr. Underhill to speak on the economic impact on the schools of 36 units under R1 compared to this site as proposed.

Mr. Underhill stated they were the same for student generation and financially would be a net positive of hundreds of thousands of dollars from this proposed option

Mr. Wallace asked if more than 36 homes could end up being put in the site.

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Mr. Underhill stated it would require rezoning, as zoned today it would be 36 single family homes.

Mr. Wallace stated someone could come in with another rezoning application and get more than 36 homes.

Mr. Underhill stated right.

Mr. Kirby stated that today they could apply for permits for 36 homes, aside from road platting.

Mr. Underhill stated right. Mr. Underhill stated Intel would make a big difference here in terms of commercial viability.

Mr. Kirby said that something like this hamlet had been envisioned for New Albany for about 25 years.

Mr. Matt McFadden, 7073 Maynard Place East, stated this did not meet the Engage New Albany Strategic Plan and he echoed Mr. Smith's views. Mr. McFadden stated New Albany residents wanted dining and parks and leisure but not density. Mr. McFadden said that south of this was the one school in New Albany and SR 605 was the road everyone north of SR 161 must take to get to the school. Mr. McFadden stated that the documents he read said it would add 225 trips per day. Mr. McFadden said there were three (3), at most four (4), exits from this development and most exited onto SR 605. Mr. McFadden stated this would add more traffic on an already busy road on which kids rode their bikes or walked to school and was a major concern. Mr. McFadden asked if Snider Loop met the requirements for a light.

Mr. Kirby asked if that could be checked if it was near having the required warrants.

Mr. Samuelson stated no.

Mr. Kirby stated that on SR 605 they needed to work with the Ohio Department of Transportation (hereafter, "ODOT") and at this time they did not find a signal was needed.

Mr. McFadden stated that during the prior project, in a meeting with Mr. Steiner, profit had been noted as an important factor. Mr. McFadden said he wondered if, given inflation and New Albany standards, could this still be built to New Albany standards and meet Steiner & Associate's profit margins. Mr. McFadden said the City center was still not fully built out. Mr. McFadden stated he had an issue with 188 or 195 units going up here as that would be 135 students per the average student per dwelling figures, not the 28, 37, or 52 mentioned for this.

Mr. Kirby stated the answer was that most New Albany homes were single family detached homes and those that were not had a different school kid load per unit. Mr. Kirby stated this proposal used that fact to say lots of units here would not mean lots of school kids.

Mr. McFadden stated he agreed they exploited the counts.

Mr. Kirby stated the numbers were from the school.

Mr. McFadden said this was zoned R1 and that zoning was good. Mr. McFadden stated 40% of New Albany lived north of SR 161 and had one road to the school. Mr. McFadden stated this was not a location to experiment with.

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Ms. Tricia Segnini, 7267 New Albany Links Drive, asked how large the Civic Green would be.

Mr. Leyda stated they did not know.

Ms. Segnini asked if would be an acre or two (2).

Mr. Leyda stated it would not be an acre and said that a point of reference would be the new park in Easton, in the extension zone, as this would be about the same size.

Ms. Nancy Alexander, 7347 New Albany Links Drive, stated she was concerned about rezoning this land. Ms. Alexander stated the schools and the low density were a draw for New Albany. Ms. Alexander stated this rezoning would change all that. Ms. Alexander stated New Albany was trying to add more congestion in an already busy part of town by adding more homes and apartments that would draw more children regardless of what the study said. Ms. Alexander asked if the applicant guaranteed \$650,000 or higher or was that only projected.

Mr. Kirby stated that they normally undershot on values.

Mr. Wallace stated Ealy Crossing had indicated \$500,000 homes but they were more than that. Mr. Wallace asked if there would be apartments here as he heard there would not be, except for the flats.

Mr. Underhill stated some flats could be sold or rented and forty (40) would be the maximum.

Mr. Wallace asked if flats were considered multi-family.

Mr. Underhill stated some were and would be in a unit together. Mr. Underhill stated townhomes would also be multifamily but units were for sale and their comps would be Keswick and Richmond Square.

Ms. Alexander asked how much of the 25% allocated for green space would be unusable.

Mr. Underhill stated most was in subarea 4 but there were pockets throughout that were hard to quantify.

Mr. Kirby asked if, at a minimum, all would be path accessible.

Mr. Underhill stated right.

Ms. Briggs stated 4.4 acres.

Ms. Alexander stated usable green space was wanted in an area developed like this. Ms. Alexander stated classrooms were full now and an influx of students placed a strain on New Albany students and they would need new schools. Ms. Alexander asked if that would mean students would still be on one campus, would they be in pods as new schools were built, how would this be handled.

Mr. Kirby stated they normally asked developers to talk to the school district on impact and predictions.

Mr. Leyda stated the school had stated they had adequate capacity for this and had supported the earlier proposal which had a higher number of units.

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Ms. Alexander asked if that was based on a potential of no more than 55 new students coming in.

Mr. Leyda stated correct.

Ms. Alexander stated that was an unguaranteed projection. Ms. Alexander said that even with the traffic projections of 5% to 7% on SR 605 that would be too much and it was not safe now. Ms. Alexander stated Market Square was still unfilled and noted New Albany did not need more. Ms. Alexander asked that the site not be rezoned as people did not want more congestion or the rezoning.

Ms. Katie Tebbutt, 7353 Dean Farm Road, stated that with 188 units, two (2) cars per unit, that would be about 360 parking spaces and more for visitors and those going to the commercial sites. Ms. Tebbutt asked how they would handle parking.

Mr. Leyda stated there would be two (2) car garages for homes and townhomes, along with driveways, and there would be about 300 spaces on surface lots and should be adequate.

Ms. Tebbutt noted there was a roundabout at the Country Club area which seemed to have less traffic than SR 605 and Central College Road and asked why there would be a roundabout there but not here.

Mr. Kirby asked if they could place a roundabout here without permission from ODOT.

Mr. Mayer stated he believed they could but that was based on the amount of warrants and other applicable factors. Mr. Mayer stated they looked into this and, based on traffic and traffic flow here, it was not warranted.

Ms. Tebbutt asked why the developer was permitted to come in at 29% or so green space when the requirement was 25%.

Mr. Underhill stated they were exceeding the minimum of 25% and were doing between 28% and 30%.

Mr. Kirby stated the applicant was exceeding 2400 square feet per domestic unit.

Mr. Underhill stated there was a different set of rules for the hamlet. Mr. Underhill stated the 25% was a mix of open space and park land.

Mr. Kirby stated in lieu of the per unit.

Mr. Underhill stated that's right.

Mr. Samuelson stated the City now had control of SR 605 as the Village was now a City.

Mr. Kirby stated it was then up to the warrants.

Mr. Samuelson stated yes, and noted there was a design issue with putting a roundabout there due to a commercial drive in the area.

Mr. Kirby asked if the design issue created was for CVG.

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Mr. Samuelson stated he believed that was the name.

Ms. Segnini stated they had asked about this before but had been told it was a 'no' due to ODOT, but if there was a chance, please leave room for a roundabout on SR 605 and Central College Road.

Mr. Kirby asked staff if they had the right of way.

Mr. Mayer stated he did not think the City did, but they would monitor these intersections for needed improvements.

Ms. Segnini asked if they should leave room for that regardless of what is built there.

Mr. Mayer stated the right of way today was for a signal at the intersection of SR 605 and Snider Loop but not for a roundabout.

Mr. Wallace asked how much more right of way would be needed for a roundabout.

Mr. Mayer stated a lot of factors were involved, including speed limits and this needed to be studied by an engineer for a radius determination.

Mr. Kirby stated they needed a footprint like what US 62 and Greensward had.

Mr. Leyda stated they were happy to commit the right of way for a roundabout, as long as they got credit for the open space.

Mr. Underhill noted that would cut into their open space somewhat, so they wanted to have that recognized.

Mr. Kirby asked if the right of way would be given, if requested, at a future date.

Mr. Underhill stated correct, but in the meantime, it would count as open space and park land.

Mr. Kirby stated okay and asked staff if they were okay with the amount of right of way they had on the east side of SR 605 at Snider Loop to put a roundabout there.

Mr. Mayer stated he believed so and said the only condition of approval they would recommend would be for additional right of way for a future right lane on SR 605 to turn right onto Central College Road.

Mr. Jim Lipnos, 7019 Dean Farm Road, stated he was excited about this at the other end of 161 as it was within walking distance for him. Mr. Lipnos stated he was happy to see that when the City was bringing in some 3,000 jobs at an average income of \$135,000 the city was also providing homes for them and it would be good if some of the homes hit that target price. Mr. Lipnos said he thought the rentals would be good. Mr. Lipnos stated he was in favor of it.

Mr. Alex Lowry, 7377 Dean Farm Road, asked for an updated drawing showing the turn lane on SR 605 and asked if, when that was pushed out, would it increase the density of the project.

Mr. Kirby stated it would not increase any of the densities as that was already factored in.

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Mr. Lowry asked why the drawing was not up to date.

Mr. Mayer stated that would occur at the FDP stage. Mr. Mayer stated density was based on gross acreage of the property as of today.

Mr. Lowry asked which days was the traffic study done and was it done on days with no school.

Mr. Samuelson stated it had been done on September 27th, a Tuesday, and it had been cloudy with temperatures in the forty (40) to low sixties (60s).

Mr. Lowry asked if traffic studies like this were normally done on one day.

Mr. Samuelson stated that for traffic impact studies they typically collected data on days considered to be representative.

Mr. Lowry stated that as Market Square had not flourished and other shopping centers also had empty buildings, this would just make it harder to fill those. Mr. Lowry stated it should stay R1.

Mr. Kirby stated that the New Albany Company owned most of the Market Square land not yet sold and also owned this site and said this would not be a problem for the Village Center. Mr. Kirby stated this was hearsay, but was said in a public meeting and could be on the record.

Mr. Lowry stated he did not doubt that opinion, but the buildings remained empty and school class sizes were very large. Mr. Lowry stated flats or apartments would bring a lot of students.

Ms. Char Steelman, 6840 Cedar Brook Glen, stated she appreciated they had decreased the density but this was not a mini Easton and noted Mr. Steiner had said that was what he was trying to create here. Ms. Steelman said all were concerned about density, building heights that were still not clear, confusion about multi-family, the flats, and apartments. Ms. Steelman said she was not concerned about the quality of tenants but about the density of this area and what it would bring to this intersection. Ms. Steelman stated this was the last area of New Albany, north of SR 161, that was still R1 and she did not think this project was supported by those in the area and it should not be rezoned.

Mr. Kirby stated R1 was the least protective of that green corridor and, aside from the floodplain, an R1 development could strip all of that.

Ms. Steelman stated she agreed with that and she lived on Sugar Run and was very protective of it. Ms. Steelman asked if they needed to give access to every natural feature in the City. Ms. Steelman stated human impact did not need to occur.

Mr. David Gerhardt, 6908 Central College Road, stated he and his wife were a half mile east of the hamlet. Mr. Gerhardt asked that a larger print of the development be put on the screen. Mr. Gerhardt asked if the area shown on the left of the screen, just above the townhomes, was the park. Mr. Gerhardt pointed out the area on the screen.

Mr. Christian stated yes.

Mr. Gerhardt asked how many acres that was.

Mr. Christian stated that subarea in general was about 4.4 acres.

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Mr. Gerhardt asked if that included the road and everything.

Mr. Christian stated that included that subarea which was a boundary drawn, generally, around the creek area, so did not include the road.

Mr. Gerhardt stated that did seem to qualify as a park. Mr. Gerhardt said if this was approved the City would be lowering its standards. Mr. Gerhardt stated that given that SR 161 comes to a stop and cars then take Central College Road now, what did the impact studies say about this increase when Amazon and Intel traffic were added. Mr. Gerhard stated traffic had now doubled and was a racetrack on Central College Road and it had a lot of bus stops.

Mr. Kirby asked if Mr. Samuelson had a response to that.

Mr. Samuelson stated traffic varied by morning to afternoon and he was focusing on SR 605 south of Walton. Mr. Samuelson stated that in the morning it added 48 cars and 54 cars in the afternoon. Mr. Samuelson stated that on New Albany Road East it added roughly forty (40) cars both morning and afternoon.

Mr. Wallace asked for the hours in those ranges.

Mr. Samuelson stated morning was 7:30 a.m. to 8:30 a.m. and afternoon was 5:00 p.m. to 6:00 p.m.

Mr. Gerhardt stated he was talking east/west, say the traffic coming from Johnstown, for drivers who needed to cut through there when the freeway had slowed down as well as those coming from Mink.

Mr. Samuelson stated that was what he had discussed with the percentage traffic.

Mr. Gerhardt stated that impact studies would not help here because of the problems on SR 161 and Intel. Mr. Gerhardt stated this was lowering New Albany standards. Mr. Gerhardt stated he had heard another would be added on US 62 and Central College Road.

Mr. Kirby stated no, the original plan had two of these types of hamlets but now there was only this one here.

Mr. Gerhardt asked if they could guarantee that this project, which did not fit New Albany, would never happen again.

Mr. Kirby stated that had been one of his questions, how did they know this was the place for it, and staff and City Council said this would be the only one and this was the only location for it.

Mr. Lowry asked what year the traffic study done on September 27th was from.

Mr. Samuelson stated it had been on September 27, 2022, about six (6) weeks ago.

Mr. Lowry stated it would have been nice if that had not been on the day after a three (3) day weekend. Mr. Lowry stated another study needed to be done as that was not truly representative of the traffic.

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Ms. Kelley Simpson, Wentworth Crossing, 6850 Wardell Loop, stated she had been in the community for 25 years and seen the changes. Ms. Simpson stated Central College Road was parallel to SR 161 and was used as a back-up highway when SR 161 was jammed. Ms. Simpson said this was a problem she reported five (5) years ago to PC members but had been told the traffic study said it was fine. Ms. Simpson said she had been on that road and it was filled with traffic. Ms. Simpson stated 200 residences, with 1.5 to two (2) cars each, would add 400 cars in an area already crazy busy with many accidents on Central College Road and SR 605. Ms. Simpson noted what would be added at the Discover site would also affect this and she disagreed with the traffic study. Ms. Simpson stated she was also worried about increases in crime due to adding more people and the flats and asked that this not be allowed to be built.

Ms. Maria Nader, 6941 New Albany Condit Road, stated that at Central College Road and SR 605, where her home is near, homes in the area have been hit by traffic. Ms. Nader said traffic was more than forty (40) cars in the morning or night. Ms. Nader stated New Albany was unique and education was a top priority. Ms. Nader stated 35 to 52 students was not accurate and the classrooms were already very dense and that harmed education. Ms. Nader stated this would serve to attract crime and the traffic on SR 605 was heavy now. Ms. Nader said that adding homes meant adding bus stops that would make this a constant mess and it was already a mess. Ms. Nader noted there were also issues with rain and the water table here. Ms. Nader said this could be a great thing but its density, the crime it would attract, and the school impact would change what New Albany was.

Mr. Christian stated those were all the speaker cards he had.

Mr. Smith stated the request was to deny this. Mr. Smith asked staff if, as an R1 stood today, for there to be more than one (1) house per acre there would need to be an economic offset payment made by the developer to the City.

Mr. Mayer stated that for re-zonings, they evaluated the density and at this time, with current zoning, it was one (1) house per 40,000 square feet, so over one (1) unit per acre based on the Zoning Code.

Mr. Smith said that changing it to what was being proposed today would be an economic gift to the developer because, under the hamlet proposal, the developer would not need to pay an economic offset payment to the City.

Mr. Mayer stated that if it met the density recommendations in the Strategic Plan no offset payment would be needed, as with any development.

Mr. Smith stated the City had just had the developer that was developing nine (9) units on Central College Road pay an economic offset of about \$10,000 because the developer was just barely under one (1) per acre. Mr. Smith stated he just wanted this to be sure to be fair and equitable to all developers.

Mr. Schell asked Mr. Samuelson to address the concern with the traffic study done following a three (3) day weekend.

Mr. Samuelson stated he would have to look at it again. Mr. Samuelson said that given it was on a Tuesday and school was in session, issues to consider were the morning peak and the afternoon peak. Mr. Samuelson said they had found the morning peak had less impact on the roadway conditions and the afternoon peak was the more critical time frame, the commuter

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peak. Mr. Samuelson said that given these factors, he felt the volumes identified accurately reflected current conditions.

Ms. Simpson asked if that would be on just SR 605 and not Central College Road.

Mr. Samuelson stated the mornings when school was in session also had lesser impact and the afternoon school peak of 2:30 pm. to 3:30 p.m. also had 40% less traffic than during the commuter peak. Mr. Samuelson stated as the school afternoon peak was lower than the commuter peak, there was no need to redo the evaluation.

Mr. Kirby stated the commuter traffic was greater than the school traffic at the busiest hour.

Mr. Samuelson stated correct and the development also had less traffic during the school afternoon peak when compared to the commuter afternoon peak.

Mr. Wallace asked if the highest numbers the study generated were used in the afternoon.

Mr. Samuelson stated yes.

Ann Gunzenhaeuser, 5051 Notting Hill, stated there were three (3) schools, each with different start and end times, and asked if the study encompassed all of those times.

Mr. Samuelson stated while there might be an increase in school traffic that was more than offset by the decline in commuter traffic as the morning wore on.

Mr. Gerhardt stated there did not appear to be an impact study for Central College Road and without one this should not be voted on.

Mr. Durik stated the Discover building was essentially empty now but when occupied it would add significantly to the volume of traffic that the study observed.

Mr. Samuelson stated the City had requested an addendum to the study to include an assumption that Discover was in business there. Mr. Samuelson stated they had used the typical density of a call center and added that to the Central College Road and SR 605 intersection traffic and the results showed the same conclusions.

Ms. Bloech stated that once they returned to two (2) different school start times that would add 33% more traffic and this would only get worse.

Mr. Kirby thanked staff for getting the school numbers.

Mr. McFadden stated that when discussing start times this was about SR 605 that went to the primary and intermediate schools. Mr. McFadden said the busy time for that road was not at 7:30 a.m., but at 9:00 a.m. and at 4:00p.m.

Mr. Kirby asked if the study had observed through the whole day.

Mr. Samuelson stated yes, the whole day had been observed.

Mr. Kirby stated so they did look at that.

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Mr. Larsen stated he thought they had said the hours were from 7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 5:00 p.m.

Mr. Samuelson stated he would have to relook at that. Mr. Samuelson stated the study showed that the afternoon school peak on SR 605 was 40% less than the afternoon commuter peak.

Ms. Nader asked how many in the audience were affected by traffic on SR 605 and said the road was dangerous and congested and had numerous accidents.

Mr. Larson asked if on Central College Road it would be 55 feet from the center line to the curb or the entire width of the road.

Mr. Kirby stated be believed Central College Road had enough room and would only be restriped.

Mr. Mayer stated Central College Road would only be restriped and SR 605 required widening where it was not already three (3) lanes.

Mr. Larsen asked what would be the width of the new road.

Mr. Mayer stated it would follow typical road sections, with travel lanes at eleven (11) to twelve (12) feet and turn lanes of ten (10) to twelve (12) feet. Mr. Mayer stated this would return as part of the FDP and the traffic engineer would then evaluate it to make sure it met standards.

Mr. Larsen asked what the approximate width would be, from curb to curb.

Mr. Mayer stated there would not be a curb to keep a rural feel, but would be about 36 feet of pavement without shoulders.

Mr. Larsen stated thank you.

Mr. Steve Siegel, 7190 Sumption Drive, stated the commercial component here appeared to be very unknown as to what it would be. Mr. Siegel said Market Street was still not a 100% success. Mr. Siegel asked why the rush to approve this with Market Street still not well. Mr. Siegel stated this was a great developer but there was no need to rush through this and more needed to be known.

Mr. Kirby asked about a potential reduction in subarea 5 of the number of townhomes.

Mr. Underhill stated 35 townhomes.

Mr. Kirby stated thank you.

Moved by Mr. Kirby to accept the staff reports and related documents into the record, including the email and documents provided to the PC, such as the police letter, for ZC-104-2022, seconded by Mr. Wallace. Upon roll call: Mr. Kirby, yea; Mr. Wallace, yea; Mr. Schell, yea; Ms. Briggs, yea; Mr. Larsen, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

Mr. Kirby asked if rooftop screening requirements could exempt solar panels.

Mr. Christian stated yes.

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Mr. Kirby stated the developer had nodded yes.

Moved by Mr. Wallace to approve ZC-104-2022 based on the findings in the staff report with the four (4) conditions listed in the staff report and the following additional conditions:

- 5. There be flexibility with regard to the location, width, and constant makeup of the leisure trails, subject to staff approval;
- 6. Typographical and other errors in the text, including gender references, shall be corrected, subject to staff approval;
- 7. A commitment to emergency access in subarea 3 to Central College Road;
- 8. Understory will be maintained in subarea 4, where possible, subject to staff approval;
- 9. The number of townhouses located in subarea 5 be limited to 35;
- 10. The right of way needed for a roundabout on Snider Loop will be provided if requested;
- 11. Roof top solar panels are exempted from screening requirements to the extent that functionality is not impacted.

Mr. Underhill stated they wanted to be clear they had committed to the right of way for a roundabout as long as it was counted as open space and parkland in the mean time.

Mr. Kirby stated yes.

seconded by Ms. Briggs.

Mr. Larsen noted they had asked for a letter from the school but that had not been added as a condition.

Mr. Underhill stated he could not guarantee for another party, but could provide their prior letter, when they had a lot more density, and Dr. Sawyers had said the development would benefit the district with additional funding and a limited increase in students.

- Mr. Wallace stated he believe the applicant would not agree to that condition.
- Mr. Underhill stated he could not speak for Dr. Sawyers getting a letter out.
- Mr. Wallace stated he was not inclined to amend the motion to include that.
- Mr. Albrecht stated nothing was said about requiring a letter from the school.
- Mr. Kirby stated it was optional, it would require agreement by the applicant.
- Mr. Albrecht stated yes.
- Mr. Underhill stated they would try but could not guarantee.

Upon roll call: Mr. Wallace, yea; Ms. Briggs, yea; Mr. Larsen, no; Mr. Schell, no; Mr. Kirby, yea. Yea, 3; Nay, 2; Abstain, 0. Motion passed by a 3-2 vote.

Mr. Larsen stated this location should be community oriented and he felt the open space here did not invite others to go in and the civic green was too small.

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Mr. Schell said he commended the changes that were brought forth but he had concerns with not knowing where the school stood. Mr. Schell said he was concerned with the traffic and the traffic study.

Mr. Kirby said it had been difficult to vote yes, but City Council had handed this to the PC and it was now handed back to City Council.

Other Business

Poll Members for Comment

(No response.)

Mr. Kirby adjourned the meeting at 10:39 p.m.

Submitted by Josie Taylor.

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APPENDIX

Documents accepted into the record:

Staff Report Letter from New Albany Police Department Written Public Responses

Record of action

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Planning Commission Staff Report November 7, 2022 Meeting

HAMLET AT SUGAR RUN ZONING AMENDMENT

LOCATION: 32.6+/- acres located at the southwest and southeast corners of New Albany

Condit Road and Central College Road from Residential Estate District (R-1) to Infill Planned Unit Development (I-PUD) for an area to be known as the Hamlet at Sugar Run Zoning District to permit a mixed use development (PID: 222-000675, 222-000685, 222-000686, 222-000670, 222-000676, 222-000678, 222-000313, 222-000664, 222-000671, 222-000672, 222-000654, 222-000669, 222-000549, 222-000668, 222-001167, 222-000688, 222-000375, 222-000314,

222-000673, and 222-000376).

APPLICANT: NoNA Master Development LLC; Attn: Yaromir Steiner and Bryan Stone c/o

Aaron Underhill, Esq.

REQUEST: Zoning Amendment

ZONING: R-1 to Infill-Planned Unit Development (I-PUD)
STRATEGIC PLAN: Employment Center and Hamlet Focus Area

APPLICATION: ZC-104-2022

Review based on: Application materials received on October 26, 2022.

Staff report completed by Chris Christian, Planner.

I. REQUEST AND BACKGROUND

The applicant requests review and recommendation to City Council to rezone 32.6+/- acres from R-1 to Infill-Planned Unit Development (I-PUD). The zoning area will be known as the "Hamlet at Sugar Run Zoning District". The applicant's intent is to create a hamlet development as recommended in the Engage New Albany Strategic Plan, containing a mixture of residential, commercial, retail, parkland and open space land uses on the site.

On September 15, 2022, the Rocky-Fork Blacklick Accord Panel recommended approval of the application. The application met 90% of the Accord Town Mixed Use land use district development standards.

The Engage New Albany Strategic Plan was adopted on March 16, 2021. It included the hamlet development concept which introduced walkable retail and commercial uses that are integrated with residential uses. On April 20, 2021, a rezoning application was submitted for a hamlet development. City council reviewed and denied the application on October 5, 2021 since the codified ordinances only contemplated and contain regulations at that time for traditional single-family residential subdivisions outside of the Village Center. The city council directed the staff to further study the general hamlet concept and update the city codified ordinances for hamlet development standards. In July 2022 the Engage New Albany strategic plan was amended and adopted with these standards that include, but are not limited to density, parkland, open space, and building heights. In order to ensure city code requirements were consistent with the updated strategic plan hamlet development standards, the following sections of code were updated:

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Chapter 1157 – ARD Architectural Review Overlay District

• This section of code was updated to require the Architectural Review Board to review and make a recommendation to the Planning Commission for a hamlet final development plan.

<u>Chapter 1165 – General Development Standards</u>

• Prior to this code update, there were no specific parkland and open space requirements for a hamlet development. The code update requires a hamlet development to include a dedication of 25% of the gross development area to parkland and open space as recommended in the proposed strategic plan hamlet development standards. Based on the desired form of a hamlet development, the code contemplates and allows for different types of parkland amenities that may be provided in a hamlet development including but not limited to plazas and courtyards.

New Albany Design Guidelines and Requirements Section: Residential Outside Village Center

• The section of the Design Guidelines and Requirements (DGRs) was updated to provide a definition for multi-family development products. The update simply states that the existing multi-family DGR requirements apply to all non-single family detached residential development products.

If the rezoning application is approved by City Council, the application must return to the Planning Commission with a final development plan application due to the Infill-Planned Unit Development (I-PUD) zoning classification.

Chapter 1159 of the city's Codified Ordinances (Planned Unit Development District) permits the use of more flexible land use regulations and provides flexible design and development standards in order to facilitate the most advantageous land development techniques. Planned Unit Development zoning is often used to establish district designations for uses that are harmonious with the general area and the Strategic Plan. The objective of a Planned Unit Development zoning is to encourage ingenuity, imagination and design efforts to produce development that maintains the overall land use intensity and open space objectives of the city code and the Strategic Plan while departing from the strict application of dimensional standards found in traditional zoning districts.

II. SITE DESCRIPTION & USE

The 32.6+/- acre zoning area is located in Franklin County and is made up of 20 properties, some of which are vacant land and the others contain single family homes. This section of the Central College Road corridor and specifically this intersection serves as a transition between denser retail, residential and commercial development uses on the west side of 605 to more traditional residential land uses on the east side. Some examples of this include the original sections of the New Albany Business Park with the Discover campus to the north, multi-family residential development and retail development to the west in Columbus and traditional single-family residential development to the east in New Albany.

III. PLAN REVIEW

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

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

- (a) Adjacent land use.
- (b) The relationship of topography to the use intended or to its implications.
- (c) Access, traffic flow.

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- (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).

<u>Per Codified Ordinance Chapter 1159.08 the basis for approval of a Preliminary Development Plan in an I-PUD shall be:</u>

- (a) That the proposed development is consistent in all respects with the purpose, intent and applicable standards of the Zoning Code;
- (b) That the proposed development is in general conformity with the Strategic Plan or portion thereof as it may apply;
- (c) That the proposed development advances the general welfare of the Municipality;
- (d) That the benefits, improved arrangement and design of the proposed development justify the deviation from standard development requirements included in the Zoning Ordinance;
- (e) Various types of land or building proposed in the project;
- (f) Where applicable, the relationship of buildings and structures to each other and to such other facilities as are appropriate with regard to land area; proposed density of dwelling units may not violate any contractual agreement contained in any utility contract then in effect;
- (g) Traffic and circulation systems within the proposed project as well as its appropriateness to existing facilities in the surrounding area;
- (h) Building heights of all structures with regard to their visual impact on adjacent facilities;
- (i) Front, side and rear yard definitions and uses where they occur at the development periphery;
- (j) Gross commercial building area;
- (k) Area ratios and designation of the land surfaces to which they apply;
- (1) Spaces between buildings and open areas;
- (m) Width of streets in the project;
- (n) Setbacks from streets:
- (o) Off-street parking and loading standards;
- (p) The order in which development will likely proceed in complex, multi-use, multi-phase developments;
- (q) The potential impact of the proposed plan on the student population of the local school district(s):
- (r) The Ohio Environmental Protection Agency's 401 permit, and/or isolated wetland permit (if required);
- (s) The U.S. Army Corps of Engineers 404 permit, or nationwide permit (if required).

A. Engage New Albany Strategic Plan

The site is located within the Employment Center base future land use district. In addition to providing future land use districts, the Engage New Albany Strategic Plan also includes focus areas to demonstrate how the recommendations outlined in the other sections of the strategic plan can be applied in the built environment. The Hamlet Focus Area identifies this exact site as the ideal location for a hamlet development in the city. The strategic plan is a guiding policy document which contains recommendations for future development, including recommended development standards for a hamlet development. In addition to these recommendations, the codified ordinances contain requirements for hamlet developments.

The planning team prepared and city council adopted recommended development standards to serve as a framework to guide the design of hamlet development and to provide tools for city council and other city boards and commissions to evaluate a hamlet proposal. These development standards build upon the original development standards found in the Engage New Albany Strategic Plan by adding recommendations for residential density, commercial to residential space ratios, and building heights.

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The plan lists the following recommended development standards for hamlets. Beneath each standard is a summary of how it is being met in the zoning text. These development standards will continue to be evaluated if the zoning change is approved with the final development plan and final plat submittals. If approved, the applicant must return to the Planning Commission for review and approval of a final development plan application.

- 1. The gross density of a hamlet development is not to exceed six (6) dwelling units per acre.
 - O Zoning text section II(B) states that the maximum density is 6 units per gross acre.
- 2. A hamlet development should be comprised of about 75% developed land to 25% parks and open space.
 - O Zoning text section II(B) states that a minimum of 25% of the total area of the zoning district must be set aside as open space or dedicated parkland.
- 3. A hamlet development should include a civic green space open to the public located near the center of the development.
 - O Zoning text section II(B) states that a Central Green shall be provided in Subarea 1 and 2 which to provide a central point for recreation, social gatherings and activity.
- 4. A hamlet development should include a ratio of approximately 200 square feet of commercial uses for every 1 dwelling unit to ensure a vibrant mixed-use development. Commercial uses include administrative, business, and professional offices; retail stores; restaurants; hotels; and personal services. Drive thru businesses should be limited within the site in order to preserve the pedestrian-oriented character of a hamlet. Any commercial uses located south of the Sugar Run stream corridor may not count toward this ratio.
 - O Zoning text section II(A) states that a minimum of 200 sq. ft. of commercial development must be provided for every 1 residential dwelling unit and excludes commercial uses south of Sugar Run. In addition, the zoning text limits drive-thrus to banks, pharmacies or pick up windows for coffee shops.
- 5. Commercial uses must include some mixed-use commercial located around the civic green.
 - The permitted uses of subarea 1 and 2, located around the civic green, will allow for mixed use commercial development to be developed in this area. More detailed plans for the future uses of the site will be presented during a final development plan application.
- 6. Ground floor and commercial uses in a hamlet should be complementary in nature with other uses on-site to encourage activity throughout the day, rather than at peak times.
 - The list of permitted uses of subarea 1 and 2, located around the civic green, will allow for mixed use commercial development to be developed in this area. More detailed plans for the future uses of the site will be presented during a final development plan application.
- 7. Buildings may not be taller than 50 feet in height around the civic green, at least 250 feet from Central College Road and SR 605/New Albany-Condit Road, nor taller than 40 feet at the perimeter.
 - The zoning text commits to meeting this recommendation within each subarea.
- 8. Public streets within a hamlet should be lined by buildings, with exceptions for limited drives, public spaces, and properly screened parking.
 - The preliminary development plan illustrates the building layout to accomplish this recommendation and C.O. 1171.06(b) requires parking lots to be screened from public streets, residential areas and open space.
- 9. Garages should face the rear of lots. No garage doors may face primary streets.
 - Garages are required to be located at the rear of a unit throughout the zoning district.
 Additionally, the preliminary development plan demonstrates that no garages face primary streets.
- 10. Parking must be integrated throughout the site through on-street parking on public streets, surface parking located behind primary buildings, limited surface parking located beside

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primary buildings, and structured parking. Surface parking lots must be properly screened from the street.

The preliminary development plan illustrates the building layout to accomplish this recommendation and C.O. 1171.06(b) requires parking lots to be screened from public streets, residential areas and open space.

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- 11. Drive locations should be kept to a minimum and the placement of buildings should encourage pedestrian activity.
 - The preliminary development plan illustrates the building layout to accomplish this
 recommendation and will continue to be evaluated with future final development plan
 submittals, if the zoning change request is approved.
- 12. Anyone seeking to build a hamlet development must submit a parking model to demonstrate sufficient parking is provided for the mix of residents, employees, and visitors to the site; shared parking among complementary uses is strongly encouraged on the site and the installation of excess parking is discouraged. If the tenants of the hamlet significantly change or is the use mix changes, the developer must resubmit the parking model to city zoning staff for review.
 - The zoning text requires a parking model to be submitted with the final development plan for subareas 1, 2 and 4 where a mix of uses are permitted to be developed.
- 13. A hamlet development proposal must include an overall master plan for the area showing how it fits together appropriately in terms of connectivity, site layout, uses, and aesthetics.
 - Oue to the I-PUD zoning classification, the applicant is required to provide this information as part of this application in the form of a preliminary development plan.
- 14. A hamlet development is expected to go through the Planned Unit Development (PUD) rezoning process. The city's Architectural Review Board (ARB) should review final development plans.
 - This recommendation is met as the I-PUD zoning classification is what is being proposed. C.O. 1157.06 requires final development plans for this area to be reviewed by the city ARB and PC.
- 15. A hamlet development proposal must reference the applicable chapters of the New Albany Design Guidelines & Requirements (DGRs).
 - o The zoning text refers to the applicability of the DGRs for the entire zoning district.

B. Use, Site and Layout

- 1. The site is located at the southwest and southeast corners of the New Albany Condit Road and Central College Road intersection. These site boundaries match those identified in the Engage New Albany Strategic Plan as an ideal location for a hamlet development. The plan envisions a hamlet to be comprised of a mixture of residential, commercial and residential uses to create a vibrant, pedestrian oriented development.
- 2. The proposed zoning district is Infill-Planned Unit Development (I-PUD) that permits the construction of a hamlet style of development as envisioned in the strategic plan. The zoning text permits a variety of commercial, retail, assisted senior living facility uses and residential (flats, townhomes and a single family) uses. These permitted uses are broken up into 5 different subareas and illustrated on the preliminary development plan. The epicenter of the zoning district is located within subareas 1 and 2 allowing a diversity of uses centered around a civic green space at the center of the development, accomplishing one of the Hamlet development standards found in the strategic plan.
- 3. The table below provides a high-level overview of the uses permitted in each subarea. All non-residential uses proposed in the text are only permitted to be located on the west side of New Albany Condit Road.

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Subarea	Acreage	Permitted Uses	Conditional Uses	Notes
1	5+/- acres	General Business Commercial District Uses found in the C-3 General Business District (C.O. 1147.02) which permits office, general retail stores, personal service uses such as restaurants, banks, and beauty shops.	Conditional uses permitted in C.O. 1149.03	Prohibited uses include funeral services, self-service laundries, and gasoline service stations or retail convenience stores selling gasoline as an ancillary use and carryout food and beverage establishments with drive-thru
2	10.5+/- acres	Single family attached or detached townhomes and single family detached homes. Attached or detached townhome units are permitted to be configured as flats. No more than 20% of the units in this subarea are allowed to be configured as flats and no more than 20% of the units may be detached, single family homes.	Model home or leasing office and home occupations	facilities. The permitted uses of Subarea 1 are allowed to be operated within a limited area of Subarea 2 in an area identified as the "Transition Zone" on the preliminary development plan
3	5.25+/- acres	Single attached townhomes and single family detached homes.	Model home or leasing office and home occupations	No more than 45 units are permitted to be developed in this subarea and no more than 10 of them may be detached, single family homes.
4	4.4+/- acres	Parkland/Open space, recreation facilities, outdoor markets, food		All athletic and playground or similar lighting

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		trucks and outdoor performance areas.		is required to be turned off by 10pm.
5	7.4+/- acres	Senior Living Facility Uses and supportive uses Maximum of 55 single family, attached townhomes if no senior living uses are developed	Administrative, business, professional and medical offices as described in C.O. 1143.02(a, b and c)	The preliminary development plan shows townhomes being developed in this subarea. The zoning texts allows
		Maximum of 25 detached, single family homes if no senior living facilities are developed	Daycares and preschools	alternative, permitted uses to be developed on the site and determined at the time of a final development plan application.

- 4. The Engage New Albany Strategic Plan recommends a gross density of 6 dwelling units per acre for the hamlet development. The proposal meets this recommendation as 188 residential units are proposed to be developed on 32.6 acres (gross acreage) resulting in a density of 5.76 units per acre. Additionally, the zoning text states that a maximum of 6 residential units may be developed per gross acre.
- 5. The strategic plan recommends that a hamlet development should include a ratio of approximately 200 square feet of commercial uses for every 1 dwelling unit to ensure a vibrant mixed-use development is achieved. The zoning text commits to meeting this recommendation and the preliminary development plan exceeds the recommendation by showing 253 square feet of commercial space for every one residential unit developed.
- 6. A school impact statement was submitted with the application as required by City Code Section 1111.03(h). A student impact statement includes a yield factor for each housing type proposed to be developed on the site at the time of the rezoning application.
- 7. On October 18, 2022, the city staff met with the New Albany Plain Local School District to obtain actual student enrollment numbers for each housing type within the city corporate boundary. The student population numbers are for the 2022-2023 school year. The city staff obtained student population for all flats and townhomes, select single family subdivisions and the total number of students within the city corporate boundary. The number of housing units is from city permitting data.
- 8. A comparison of submitted student yield ratios and the actual enrollment information is provided below. The zoning text states that a maximum of 6 residential units per gross acre may be developed on the site. The preliminary development plan currently shows 188 total units being developed on the site (40 flats, 142 townhomes and 6 single family homes) for with a total density of 5.8 units per acre. The zoning text allows the total number of each different housing type to be finalized at the time of a final development plan application within the restrictions outlined in the use table above and at a max overall density of 6 units per acre. Based on this flexibility, the applicant estimates that the development could generate up to 37-52 students.

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9. The city staff compares the breakdown of housing units as currently shown on the submitted preliminary development plan:

Housing Type	Number of Units	Developer's	City Data
	Proposed	Student Yield	Student Yield
		Factor	Factor
Flats	40	0.102 students	0.149 students
		per housing unit	per housing unit
		x 40 units= 4.08	x 40 units= 5.96
		students	students
Townhomes	142	0.146 students	0.122 students
		per housing unit	per housing unit
		x 142 units=	x 142 units=
		20.73 students	17.32 students
Single Family	6	0.499 students	0.832 students
		per housing unit	per housing unit
		x 6 units= 2.99	x 6 units= 4.99
		students	students
Total Number of		28 students	28 students
Students			

- 10. While the submitted ratios for each housing type differ slightly between actual student enrollment numbers obtained from the school district, the overall student impact is the same.
- 11. The Engage New Albany Strategic Plan states that alternate street typologies and reduced setbacks may be appropriate in mixed use environments. The text provides a 65-foot building and pavement setback from the centerline of Central College Road and New Albany Condit Road. The text contains a variety of other internal and perimeter boundary setbacks that take into consideration adjacent uses to provide an appropriate setback from those boundaries. There are minimal interior setbacks to ensure that a cohesive development is achieved where pedestrian connectivity between subareas is encouraged. The proposed setbacks are appropriate based on the desired development pattern of a hamlet and meet the recommendations of the strategic plan.
- 12. The zoning text states that all development within this area must be accessed from a public road. The text commits to providing right-of-way for Central College Road, New Albany Condit Road and all new roads in the development. The city engineer recommends additional right-of-way in addition to what the text requires. See section IV Engineer's Comments for additional details. The zoning text states contains varying lot coverage requirements between 70% and up to 90% based on each subarea. The proposed lot coverage amounts appear appropriate due to the desired compact form of development and since the open space and parkland requirements are met.

C. Access, Loading, Parking

- 1. The zoning district is located at the southwest and southeast corners of the Central College Road and State Route 605 intersection. As proposed, the zoning district is accessed via 4 new curb cuts along these corridors. The applicant also proposes to connect into an existing private drive in Columbus where several commercial users exist such as Huntington Bank and Taco Bell, if approved by those property owners. The text requires all new major roads and alleys within the zoning district to be dedicated as public streets. There are provisions in the texts which would allow for some drives to be privately owned where there are parking lots and associated drive aisles.
- 2. The zoning text states that the final alignments and designs of public streets, public alleys and any private drives shall be reviewed as part of a final development plan or final plat application.

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A traffic impact study (TIS) was submitted to the city as part of the rezoning application. The city traffic engineer reviewed and approved the results of the study with recommendations. A summary of the traffic study, warranted improvements and recommendations of the city traffic engineer is included below.

Background & Traffic Generation

- New traffic data was collected during the school day in September 2022 and used for the study. The 2021 traffic study used data from 2019. In comparison, the traffic volumes generated from the 2022 are lower than the data from the early study. The city traffic engineer states that the lower volumes are a result of the closure of the nearby Discover facility, employees continuing to work remotely and new roadways/improvements in the area which have impacted traffic flow patterns.
 - The new study assumes that the Discover site will be reused as a general office facility and accounts for it in the results.
- Compared to the 2021 traffic study, the proposed development generates 40% less traffic during the morning commuter peak hour. Morning commuter peak hour is measured between the hours of 7:30am and 8:30am.
- Compared to the 2021 traffic study, the proposed development generates 24% less traffic during the evening commuter peak hour. Evening commuter peak hour is measured between the hours of 5:00pm and 6:00pm.
- The study notes that the proposed development would have its greatest traffic impact during normal commuter peaks as listed above, and a lesser impact during school peak periods. Specifically, the study notes that there is 40% less traffic along State Route 605 during the school afternoon peak times compared to the volumes during the evening commuter peak hour. No additional roadway improvements are warranted nor recommended in the traffic study related to school peak periods and the city traffic engineer concurs with this result.

Recommended Roadway Improvements

The study recommends the following left turn lane roadway improvements and the city traffic engineer agrees. These improvements are consistent with the 2021 traffic study however, the length of the turn lanes has been reduced due to the lower site trips.

- Left hand turn lanes are needed on State Route 605 for site access points 3/4 and 5 as shown in the image below. State Route 605 will need to be widened to 3 lanes in order to accomplish these improvements.
- A westbound left turn lane is needed at access point 2 along Central College Road as shown in the image below. The existing pavement will need to be restriped in order to accomplish this improvement.

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Figure 2 – Location of the Proposed Development (Yellow), Site Drives, and Study Intersections

If the Planning Commission should approve this application, staff recommends a condition of approval that the recommendations of the city traffic engineer are met, subject to staff approval. The City Traffic Engineer recommendations are:

- Provide left turn lanes in the locations identified above.
- State Route 605 will need to be widened to 3 lanes in order to accommodate the installation of the left-hand turn lanes.
- Coordination between the city and the applicant is needed regarding the final design at the
 intersection of State Route 605 and Snider Loop, to address any left-hand turn concerns. Final
 design of intersections is typically provided at the time of a final development plan
 application. The city will continue to monitor this intersection to determine if other traffic
 control measures or design features need to be considered in the future after construction is
 completed.
- In conjunction with the development, the city will determine the steps for potentially lowering the speed limit to 35 MPH along, State Route 605 between Central College Road and Walton Parkway.
- Additional right-of-way be dedicated by the developer on the east side of the Central College/605 intersection in order to accommodate a potential northbound right turn lane onto Central College Road.
- The developer must install a northbound, right turn lane onto Central College Road at a length recommended by a traffic impact study and approved by the city traffic engineer. The installation of this turn lane may be avoided if the applicant re-runs the traffic impact study showing the Discover Campus being used as a call center and the study shows that the turn lane is not needed.
- 3. The text requires 8-foot-wide, asphalt leisure trails to be installed along both Central College Road and New Albany Condit Road. The text commits to providing additional leisure trail and sidewalk

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- connections throughout the zoning district which place a high priority on walking and bicycling, meeting an important strategic plan recommendation for this development type.
- 4. The text permits the development of a new public street n subarea 5, along the southern boundary of the zoning text that includes the installation of a 5-foot sidewalk to be installed on the north side of it. In order to be consistent with the Engage New Albany Strategic Plan roadway character classifications, the Leisure Trail Master Plan and city code requirements, a condition of approval may be added stating that the text be revised to require sidewalk to be installed on both sides of this road, should the Planning Commission approve the application.
- 5. The text commits to providing a comprehensive shared parking model as part of a final development plan application in Subareas 1, 2 and 4. Parking needs for Subarea 4 shall be provided within Subarea 1. On street parking is permitted throughout the zoning district. The text states that the model must analyze the hourly and peak demands for commercial, office, parkland, and residential uses based on shared parking principles and ratios and must be reviewed and approved by the Planning Commission. Providing a shared parking model meets a recommended development standard found in the Engage New Albany Strategic Plan in order to balance the need for parking and providing a pedestrian oriented environment.
- 6. The hamlet development standard that recommends a shared parking model be submitted and also recommends that it be resubmitted for staff review if the mix of uses changes substantially in the development.
- 7. The text contains specific, minimum parking space ratios for certain uses as follows.
 - A minimum, two-car garage must be provided within each residential unit in Subarea 3.
 - Within Subarea 5, a minimum of 3 off street parking spaces must be provided for each residential unit. At least two of these required spaces must be provided within an enclosed garage and the other may be provided in the driveway or a shared parking lot if it is a townhome.
 - On street parking is permitted throughout the zoning district.
 - Assisted living facilities, in Subarea 5, are required to provide one parking space per employee on the largest shift, plus 0.5 for each unit in the building.
 - Memory care facilities and skilled nursing facilities, in Subarea 5, are required to provide
 one parking space per employee on the largest shift, plus one space per every 10 beds in the
 facility.

D. Architectural Standards

- 1. The New Albany Design Guidelines and Requirements (DGRs) ensure residential and commercial development both 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 DGRs will be applied to all subareas unless waivers are granted at the time of a final development plan application with the following exceptions. The city DGRs contain regulations for residential and commercial buildings.
 - The DGRs state that the width residential garage doors are not permitted to be wider than 9 feet. The zoning text states that these doors may be wider than 9 feet only if they face an alley. Since alleys are not primary roadways, this exception is appropriate.
 - The DGRs require active and operable doors to be installed along all public streets. The applicant is meeting this requirement with the exception of subarea 1 where single tenant buildings are not required to have one along Central College Road. The text does require building facades facing Central College Road to include an architectural feature that encourages pedestrian connectivity, meeting the spirit and intent of the DGR requirement.
- 2. For all subareas, the text commits to meeting or exceeding the architectural standards of New Albany. Additionally, the text commits to 360-degree design for all buildings in the zoning district, meeting an important goal of the city. More detailed architectural designs/renderings are

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- required to be reviewed and approved as part of future final development plan applications by the city Architectural Review Board and Planning Commission.
- 3. The hamlet development standards recommend that buildings, within a hamlet, should not be taller than 50 feet in height around the civic green, at least 250 feet from Central College Road and SR 605/New Albany-Condit Road, nor taller than 40 feet at the perimeter. These recommendations are met within each subarea of the zoning district.
- 4. The text permits the use of the following building materials and prohibits exposed concrete foundations and the use of vinyl as a building material.
 - Brick and brick veneer
 - Cementitious or composite siding
 - Metal panels, EIFS, wood and aluminum are permitted as trim or accent elements.
- 5. The text requires rooftop screening for sight and sound within Subareas 1 and 5. Should be the Planning Commission approve the application, staff recommends a condition of approval be added requiring the text be revised to require screening for all rooftop and ground mounted equipment for all subareas within the zoning district.

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

- 1. The Engage New Albany Strategic Plan emphasizes the importance of providing greenspace and promoting sustainability by protecting, preserving and enhancing natural features in these mixed-use areas. The hamlet development standards from the strategic plan recommends a minimum of 25% of the total developable area of a hamlet be dedicated as parkland/open space. City code section 1165.10(a)(3) also requires 25% of gross developed land within a hamlet to be dedicated as parkland/open space. The zoning text commits to meeting this requirement. As shown on the preliminary development plan, the applicant proposes to exceed this requirement by providing 28-30% of the total site area as open space. The zoning text requires a parks and open space plan to be provided and reviewed by the Planning Commission at the time of a final development plan application.
- 2. The zoning district is bisected by the Sugar Run Creek. The applicant proposes to activate parkland/open space around Sugar Run Creek to serve as an organizational element of the development and the text allows the applicant to install trails, benches and other amenities within this area to make it attraction for the entire New Albany community.
- 3. The texts states that areas determined as parkland at the time of final development plan shall be owned by the city. Areas identified as open space at the time of final development plan may be publicly or privately owned. Maintenance obligations for parkland and open space shall be determined at the time of a final development plan application.
- 4. The text commits to providing 3-inch caliper street trees along all public, primary streets at an average rate of 30 feet on center. The applicant commits to providing a master perimeter and streetscape plan as part of a final development plan application. Additionally, the applicant is also required to meet the minimum interior parking lot landscape requirements of city code and submit landscape plans with each final development plan application for review by the city landscape architect.
- 5. The text contains screening requirements for dumpsters, loading and service areas that is consistent with city code.
- 6. The zoning text exempts the applicant from providing the internal landscaping buffering requirements between dissimilar uses as required by C.O. 1171.05 which is appropriate due to the mixed-use development pattern of the zoning district.

F. Utilities, Lighting & Signage

- 1. The text requires all utilities to be installed underground.
- 2. The text states that all security lighting be motion sensor type.
- 3. The text states that parking lighting shall not exceed 18 feet in height, that fully shielded cut off type fixtures be used and be consistent throughout the zoning district.

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- 4. The text requires standard New Albany street regulatory signage to be used and that any entry feature signage be subject to review and approval at the time of a final development plan application.
- 5. The text requires a master sign plan to be submitted in conjunction with the fist final development plan for one or more subareas and where this sign plan is silent, the city sign code regulations will apply.

G. Other Considerations

- 1. As recommended in the strategic plan for hamlet areas and required by city code section 1157.07, the zoning text requires the Architectural Review Board (ARB) to review final development plan applications and provide a recommendation to the Planning Commission.
- 2. The zoning text states that deviations from the development standards of the text shall be heard by the Planning Commission as waivers rather than a variance application.

IV. ENGINEER'S COMMENTS

The City Engineer has reviewed the referenced plan in accordance with the engineering related requirements of Code Section 1159.07(b)(3) and provided the following comments. <u>If the Planning Commission should approve the application, staff recommends the conditions of approval may be added stating that the City Engineer comments be addressed, subject to staff approval.</u>

- 1. Sugar Run is a FEMA studied stream (Map No. 39049C0180). We recommend that the Stream Corridor Protection Zone (SCPZ) width be established in accordance with Chapter 1155 Flood Damage Reduction.
- 2. Consistent with the Engage New Albany plan, we recommend that 50' of r/w as measured from road centerline be dedicated along Central College Road.
- 3. Consistent with the Engage New Albany plan, we recommend that 40' of r/w as measured from road centerline be dedicated along the west side of SR 605 and 55' of r/w be dedicated along the east side to accommodate a potential north bound turning lane.

V. SUMMARY

The Engage New Albany Strategic Plan envisions the concept of a hamlet at this site. This concept was included in the strategic plan based on public feedback the city collected from residents during the 2021 strategic planning process. Residents cited a lack of local dining and retail options as the city's second greatest weakness and one of the top areas where the city should focus their efforts in the future. Additionally, residents expressed interest in adding a diversity of housing options to ensure that New Albany is a life-span community.

The goals and objectives for a hamlet is to create a walkable, mixed use master planned environment that is connected into surrounding neighborhoods and integrated into open space networks. The proposal meets or commits to meeting all of the recommended hamlet development standards found in the Engage New Albany Strategic Plan.

The applicant submitted a traffic impact study (TIS) which has been reviewed and approved, with recommendations, by the city traffic engineer. The study concludes that minimal improvements are warranted to Central College Road and State Route 605 to accommodate the development. The site layout provides appropriate circulation in order to disperse traffic while maintaining the character of the hamlet as envision in the strategic plan.

If the zoning change application is approved by New Albany city council, the applicant is required to submit a final development plan application prior to construction. Final development plan applications for a hamlet area are required to be reviewed by the Architectural Review Board (ARB) who makes a recommendation to the Planning Commission (PC). The PC takes final action on the application and any associated waivers that are also applied for at that time. Per city code, final development plans

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require neighbors within 200 feet of the subject property be notified of the meetings. Members of the public can participate in these meetings and provide input to each board. Final development plans are required include detailed site plans, street designs, landscaping, parkland and open space designs, building architecture, size and number of units, engineering plans, and more to ensure the commits of the zoning text are met.

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

- 1. The zoning amendment results in a more comprehensive planned redevelopment of the area and ensures compatibility between uses in the immediate area (1111.06(a)).
- 2. The proposed zoning classification permits consistent uses found within 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)).

VI. ACTION

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

Move to recommend approval to city council of zoning amendment application ZC-104-2022 based on the findings in the staff report with the following conditions.

- 1. The city traffic engineer's comments must be addressed, subject to staff approval.
- 2. The city engineer's comments must be addressed, subject to staff approval.
- 3. The text must be revised to require screening for all rooftop and ground mounted equipment for all subareas within the zoning district.
- 4. The text must be revised to require sidewalk to be installed on both sides of the "southern road"



Source: NearMap

22 1107 DRAFT PC Minutes Page 39 of 65

NEW ALBANY

POLICE

October 20, 2022

Attn: Laura Wedekind Steiner + Associates 4016 Townsfair Way, Suite 201 Columbus, OH 43219

Ms. Wedekind,

Thank you for the information you provided regarding The Hamlet at Sugar Run development proposal. I understand that this new development proposal reduces the residential density maximums from 11.2 units/gross acre overall (340 units) as proposed in 2021 to 5.7 units/gross acre overall (188 units). Also, the multi-family density has been reduced from 280 units proposed in 2021 to 40 units in the current proposal.

During our meeting, you produced a memo that I wrote in August 2021 in which I responded to a question from a member of our city council. The council member wanted to know what impact the 2021 proposed development might have on crime in the city. In the memo, I analyzed the impact of two higher-density developments (Market Street Apartments and Redwood development/Wolcott Manor) on police services. You asked if I could provide a similar updated analysis of crime statistics considering the revised density numbers in the new proposal. I attached the August 2021 memo for reference.

In comparing the development's original 2021 plan (NONA) to the new development plan (The Hamlet at Sugar Run) it appears that the density and the number of units have been significantly reduced. A statistical comparison of the proposed Hamlet at Sugar Run to the same two higher-density developments that were used in last year's comparison along with the Keswick Townhomes is as follows:

Police Department Total Calls for Service (CFS) from 8/19/21 to 10/18/22 - 4,291

- Apartments at Market Street
 - 26 units per acre / 122 units
 - 36 CFS from 8/19/21 to 10/18/22 (Examples: Suspicious Person, 911 Hang up, and Noise Complaint)
 - 6 Police Reports Taken (Examples: Domestics, Theft, and Threats/Harassment)
- Wolcott Manor/Redwood Development
 - 4.9 units per acre / 103 units

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NEW ALBANY

POLICE

- 24 CFS from 8/19/21 to 10/18/22 (Examples: Alarm Drops, Suspicious Person, Suicide Attempt, and Investigate Complaint)
 - 4 Police Reports Taken (Examples: Domestics, Theft, and Investigate Complaint)
- Note: 55 and older development
- Keswick Townhomes (This development was not part of the August 2021 analysis)
 - 8.09 units per acre / 45 units
 - 29 CFS from 8/19/21 to 10/18/22 (Examples: Alarm Drops, Disturbances, Lockouts)
 - o 5 Police Reports Taken (Examples: Burglary, Theft, Threats/Harassment)
- Hamlet at Sugar Run (Proposed Development)
 - 5.7 units per acre / 188 units Residential Density
 - 40 units Multi-family Density

After reviewing this past year's calls for service and the related reports, I conclude the apartments on Market Street, Wolcott Manor, and the Keswick Townhomes do not require a disproportionate amount of police resources and are not a source of or a focus of criminal activity. Based on the information provided during our meeting regarding the residential and commercial development plans for the Hamlet at Sugar Run, there is no indication that this development will substantially differ statistically from the referenced existing developments if built.

Greg Jones Chief of Police

50 Village Hall Road • P.O. Box 271 • New Albany, Ohio 43054 • 614.855.1234 • Fax 614.855.2885 • newalbanyohio.org

From:

Christopher Christian

Sent:

Monday, November 7, 2022 5:23 PM

To:

Christina Madriguera

Cc:

Chelsea Nichols

Subject:

FW: Serious concerns about the rezoning proposal for the Hamlets at Sugar Run

Chris Christian

Planner II he/him/his



phone 614.939,2254 direct 614.939,2253



newalbanyohio.org

From: Bruce Larsen

brucenirene1@icloud.com>

Sent: Monday, November 7, 2022 5:10 PM

To: Christopher Christian < cchristian@newalbanyohio.org>

Subject: Fwd: Serious concerns about the rezoning proposal for the Hamlets at Sugar Run

FYI - Another email about the Hamlet received today.

Begin forwarded message:

From: Lisa Messner < lmessner@mslawgroup.com>

Subject: Serious concerns about the rezoning proposal for the Hamlets at Sugar Run

Date: Nov 7, 2022 at 5:04 PM

To: "sarahbriggs3@gmail.com" <sarahbriggs3@gmail.com>, "brucenirene1@icloud.com"

< brucenirene1@icloud.com >, "hans@hansschell.com" < hans@hansschell.com >,

"maplewoodtechnical@outlook.com" < maplewoodtechnical@outlook.com >,

"wallace@carpenterlipps.com" < wallace@carpenterlipps.com>, "mshull@newalbanyohio.org"

<mshull@newalbanyohio.org>

Dear Regional Planning Commission Members:

I am writing to express my serious concerns about rezoning proposal for the Hamlets at Sugar Run. I am writing to pass along my concerns prior to your meeting on Monday, November 7, 2022 at which time I understand you will develop a recommendation to pass onto to our City Council.

I have been a resident of New Albany for over 20 years. I lived in the Albany Park subdivision from 2022 to 2014. I've lived in the New Albany Links subdivision since that time. I am a Partner at a majority woman owned Law Firm with offices located in New Albany, and have worked with this Firm for over seven years. As a long term resident/business of New Albany, I am committed to the community and the excellence of its school district and the overall safety of the community.

From my perspective, the proposed Hamlet will bring way too many students to the school district with roughly 190 units. This will push our schools over capacity. This is just common sense. Any study that suggests otherwise lacks credibility.

Equally important is the impact on traffic it will have in the area. My sons are 11 and 12 are they ride their bikes to school functions and the sports in which they participate at the school. This stretch of a bike ride will no longer be safe for them with the increased traffic in the area. New Albany is committed to being healthy and offering bike/walking trails to support this initiative. Approval of an unsafe traffic pattern that limits the use of our trails undercuts community values of health and being active.

I am also concern about an increase in crime. A large amount of crime in the apartments/townhomes occur in the LC. We've seen an increase in crime in our own community – we do not need to add to that issue and increase the need for police and undercut the safety of our community.

Your focus is on the two corners on the East and West sides South of Central College. Are these concerns about the North side of Central College? Has the developer addressed this? We know that the Discover building has been purchased.

I also have concerns about new businesses entering New Albany when Market Street is not at full capacity. We've seen much business turnover the last few years. This new development may also adversely impact existing businesses in New Albany.

Thank you for taking the time to consider my thoughts as a committed and voting resident of New Albany.

Best Regards,

Lisa Messner



Partner & Litigation Director | Mac Murray & Shuster LLP 6525 West Campus Oval, Suite 210, New Albany, Ohio 43054 P: 614.939.9955 D: 614.289.5695

lmessner@mslawgroup.com | mslawgroup.com



Confidential Communication: This document contains confidential legal counsel or advice and may not be disclosed or provided to third parties. If it has been received in error, please reply to advise the sender of the error and then immediately delete this message.

From:

Jennifer Mason

Sent:

Monday, November 7, 2022 2:02 PM

To:

Council All; Joseph Stefanov

Cc:

Jennifer Chrysler; Stephen Mayer; Christina Madriguera; Chelsea Nichols; Christina

Madriquera

Subject:

Email from Anne Buckner - FW: Central College/605 Proposed Development-Opposed:

Good Afternoon Council and Joe,

Below please find the email from Anne Buckner to the <u>council@newalbanyohio.org</u> address opposing the Hamlet at Sugar Run.

If I can be of any further assistance, please let me know.

Cc: J. Chrysler

- S. Mayer
- C. Christian
- C. Nichols
- C. Madriguera

Jennifer H. Mason Clerk of Council she/her/hers



phone 614.939.2244 fax 614.855.0082



newalbanyohio.org

From: Anne Buckner <anneb@hlwcpas.com> Sent: Monday, November 7, 2022 1:51 PM

To: Jennifer Mason < jmason@newalbanyohio.org>

Subject: Central College/605 Proposed Development-Opposed:

Dear New Albany City Council:

I know there is a vote happening soon on this proposed Steiner development. But as a nearby resident, I am *opposed* to a development of this size and use.

One main concern is the area is bordered on the corner of a single lane road (605) and Central College, which are 2 very heavily travelled roads, especially now with the Intel development happening NE and the developments NE on 605. Which brings another topic up of safety on 605. There is a very tricky intersection (605/Walnut St intercept) very close to this development which has been neglected by New Albany. There recently was a fatal car crash there and others before

that. Additional development along 605 would add even more issues to this throughfare and it is neglectful for the city to continue *commercial* development in a troublesome area without first fixing the existing problem. Adding more commercial development is unfair and negligent to existing neighborhoods and scalability needs to be taken into consideration.

Another question is why this development is such a breakaway from the original Strategic Plan for New Albany? The building height is higher, density is higher, the setbacks are less, why is this such a departure? It seems like the northwest side of the City receives the brunt of development that is the exception to the Strategic Plan. All the commercial and retail development is trending toward this NW side of the City and I have not seen any road improvements, land retention or existing residential concerns addressed. It seems like the City is making departures from the original New Albany model, by inventing this concept of a "Hamlet" so it can drive development unabated and outside the widely touted Strategic Plan.

Also, with the proposed housing located in the New Albany schools, there will be an influx of added students. Regardless of what the developer predicts, with apartments (the proposed 1–3-bedroom units are for families) and multi- family units, families with kids will move in. This will overcrowd the already dense system. Class sizes are maxing out, 26-28 in one class. As it is, the high school does not have enough room to seat all the students at lunch.

These are the main issues with the project, along with smaller problems. I think many residents of the nearby subdivisions are in agreement that this plan is not the best for this location. I know our HOA has voiced their opposition as well. Please take into consideration the opinion of many longtime residents over the voice of a developer that does not have the long-term vision that New Albany should expect. Thank you very much for your time.

Thank you, Anne Buckner 8770 Belworth Sq. New Albany, OH 43054 614.323.8442

From:

Christopher Christian

Sent:

Monday, November 7, 2022 1:52 PM

To:

Christina Madriguera

Subject:

FW: The Hamlet at Sugar Run....why do we need this?

FYI.

Chris Christian Planner II he/him/his

ENEW ALBANY COMMUNITY CONNECTS US

phone 614.939.2254 direct 614.939.2253



newalbanyohio.org

From: Bruce Larsen <brucenirene1@icloud.com> Sent: Monday, November 7, 2022 1:02 PM

To: Christopher Christian < cchristian@newalbanyohio.org> Subject: Fwd: The Hamlet at Sugar Run....why do we need this?

FYI

Begin forwarded message:

From: Wendy Flowers < wflower27@gmail.com>

Subject: The Hamlet at Sugar Run....why do we need this?

Date: Nov 7, 2022 at 12:31 PM

To: Sarah Briggs < sarahbriggs 3@gmail.com >, brucenirene1@icloud.com, hans@hansschell.com,

maplewoodtechnical@outlook.com, wallace@carpenterlipps.com, Matt Shull

<mshull@newalbanyohio.org>

Dear Region Planning Commission Members,

I cannot attend the meeting this evening due to a school event for our children but wanted my voice to be heard.

I have lived in New Albany most of my adult life. When my husband and I first got married we lived in the apartments at Sugar Run. We moved away from New Albany to Dublin, Olentangy and then Polaris, but when we had kids and started to look for schools and a strong sense of community, the choice was

clear; we moved back to New Albany. We love New Albany because it is a community with great schools, amazing support, we feel safe and it is beautiful.

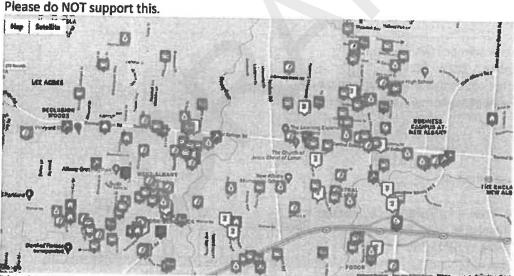
When we first heard about the Hamlet being proposed we were confused as Market Street is not yet fully developed and the spaces that are there are not even filled as well as why is there a need for apartments when there are HUNDREDS within a 5 mile radius and more being built.

The developer previously stated New Albany should be a place where people live their entire lives. In reality, it already is. My 2 nieces live in apartments in the LC and are about 3 minutes from our house. They are both looking to buy homes in this area. My mom lives in a condo 10 minutes from us. Are they in New Albany proper, no, however they have all said they don't need to live in New Albany proper. But in New Albany proper, there are already apartments at Market Street as well as over 55 communities. Why do we need to add more?

As for adding businesses, why not build up Market Street and make it the heart of New Albany. The homes north of 161 are no further from the Market Street area as those living at Morse and 62.

And then there is the concern for crime. When there is more density, the fact is, there is more crime. The surrounding apartment complexes have had ~170 crimes reported in the last 52 weeks. You can view the data for yourself at https://communitycrimemap.com/map. Do we want this for New Albany?

I understand we need to progress and I am not against improving the community but I do not see how this will provide anything but congestion and issues for traffic, our schools, our police and fire departments, etc.



Thank you, Wendy Flowers

From:

Christopher Christian

Sent:

Monday, November 7, 2022 10:57 AM

To:

Christina Madriguera

Cc:

Stephen Mayer, Chelsea Nichols FW: Planning Committee Letter

Subject: Attachments:

City Council Letter phase 2.docx

Christina,

Can you please include these responses in the record for the PC meeting tonight?

Thank you,

Chris Christian

Planner II he/him/his

ENEW ALBANY

phone 614.939.2254 direct 614.939.2253



newalbanyohio.org

From: Bruce Larsen <bru>
Sent: Monday, November 7, 2022 10:47 AM

To: Christopher Christian < cchristian@newalbanyohio.org>

Subject: Fwd: Planning Committee Letter

FYI - received this weekend

Begin forwarded message:

From: tammie cramer < tam.cram@gmail.com > Subject: Fwd: Planning Committee Letter

Date: Nov 6, 2022 at 3:32 PM

To: "sarahbriggs3@gmail.com" <sarahbriggs3@gmail.com>, brucenirene1@icloud.com, hans@hansschell.co, maplewoodtehnical@outlook.com, "wallace@carpenterlipps.com"

<wallace@carpenterlipps.com>

----- Forwarded message ------

From: kerry cramer < thebookdr@yahoo.com >

Date: Sun, Nov 6, 2022 at 3:11 PM Subject: Planning Committee Letter

To: tam.cram@gmail.com <tam.cram@gmail.com>



To Whom It May Concern...

My wife and I are definitely still opposed to the proposed development originally referred to as NoNA or the "hamlet", in its revised form. As residence of the 55+ community of the Links, we are deeply concerned with what is happening to the original vision for New Albany

I taught in the New Albany Schools through all of the transitions and new construction and I can say with certainty that the added student population was grossly underestimated at several step along the way, causing eventual overcrowding, outrageous class sizes, and forcing the schools to play catch-up with facilities for classrooms and parking. And that was with a group of planners having the best interests of the schools in mind.

Now, when those numbers have begun to level off, is NoNA set to add more students into this mix in their misnamed "hamlet", so-called to generate a feeling of country serenity, for an overcrowded, high density neighborhood.

The originally imagined "hamlet," besides knowingly overburdening the schools, wanted to ignore the current regulations concerning height limits (which should not be considered by the foot, but by the level [3-4 stories instead of 2]), and required green space (8 instead of 38 acres).

Is that all still true?

Per acre population restrictions (6 instead of 1.5) is still 4X the density allowable under current regulations. There was a reason why the housing was kept at lower density in the original vision.

This apparently still doesn't address the potential increase in crime that inevitably follows low income (which becomes transient) housing.

The only positive I see in this entire debacle is added bicycle and walking paths. Although that is a nice benefit, with the added traffic congestion causing concerns for cyclists and pedestrians, it is hardly worth the trade-offs.

I'm not certain what other concessions the City Council is expected to make, but we remain opposed to the hamlets as reimagined, just based on the increased school population, potential traffic problems, and low income housing, which will, as mentioned, attract transients and, eventually a higher crime rate. Again, very little information preceded the discussion of this volatile issue, which causes me to wonder...why?

Hm-m-m...

Sincerely

Dr. Kerry J. Cramer

From:

Christopher Christian

Sent:

Monday, November 7, 2022 10:58 AM

To:

Christina Madriguera

Cc:

Stephen Mayer; Chelsea Nichols

Subject:

FW: WHAT ARE YOU DOING TO OUR NEW ALBANY?

Attachments:

Vectornator.pdf

Christina.

Can you please include these responses in the record for the PC meeting tonight?

Thank you,

Chris Christian

Planner II he/him/his

ENEW ALBANY E

phone 614.939.2254 direct 614.939.2253



newalbanyohio.org

From: Bruce Larsen <brucenirene1@icloud.com>
Sent: Monday, November 7, 2022 10:46 AM

To: Christopher Christian <cchristian@newalbanyohio.org>
Subject: Fwd: WHAT ARE YOU DOING TO OUR NEW ALBANY?

FYI - received this weekend

Begin forwarded message:

From: Dean Jauchius < jauchius@me.com>

Subject: WHAT ARE YOU DOING TO OUR NEW ALBANY?

Date: Nov 6, 2022 at 2:26 PM

To: sarahbriggs3@gmail.com, brucenirene1@icloud.com, hans@hansschell.com,

maplewoodtechnical@outlook.com, wallace@carpenterlipps.com

SO, you've decided that the folks up north here should get

blocked from easily getting to our New Albany downtown by **TONS** of traffic back-ups due to:

- 1. LOTS of construction that will take FOREVER (all the electric lines and cable that will need moved).....
- 2. Then probably build a round-about.....
- 3. Then fill that property with a LOT of HIGH DENSITY residential units (compared to our present nice New Albany zoning low densities.....)
- 4. Then exceed our school system population AND budget......
- 5. Then need more police, fire/EMS demands......
- 6. Then have the GALL to tell US we need to increase our TAXES!..??.....

Ahhh, I get it. You're on the Steiner Drug. He's back and YOU may give in.

This is NOT why I moved to New Albany 18 years ago, but, it very well may be why I'd leave soon.

Dean Jauchius 6935 Camden Drive New Albany

22 1107 DRAFT PC Minutes Page 54 of 65

From:

Christopher Christian

Sent:

Monday, November 7, 2022 10:56 AM

To:

Christina Madriguera

Cc:

Stephen Mayer; Chelsea Nichols

Subject:

FW: "Hamlets"

Christina,

Can you please include these responses in the record for the PC meeting tonight?

Thank you,

Chris Christian Planner II he/him/his

ENEW ALBANY

phone 614.939.2254 direct 614.939.2253



newalbanyohio.org

From: Bruce Larsen <brucenirene1@icloud.com>
Sent: Monday, November 7, 2022 10:47 AM

To: Christopher Christian < cchristian@newalbanyohio.org>

Subject: Fwd: "Hamlets"

FYI - received this weekend

Begin forwarded message:

From: Bob Radigan < bradigan@me.com >

Subject: "Hamlets"

Date: Nov 6, 2022 at 4:05 PM

To: sarahbriggs3@gmail.com, brucenirene1@icloud.com, hans@hansschell.com,

maplewoodtechnical@outlook.com, wallace@carpenterlipps.com

My wife and I are opposed to the concept of "hamlets" in New Albany, especially set at 6 residences per acre. It's equally offensive, as we understand it, that it would apply only to the area in the Steiner & Associates "The Hamlet at Sugar Run" development. This appears to look like making zoning provisions for a particular developer. We are aware that the Discover property across the street is for sale. We fear that it may be acquired for a future expansion of "The Hamlet at Sugar Run".

We oppose any kind of high-density development like this. It is very much outside the character of our community and it will certainly lead to more traffic congestion, more crime, add to school enrollment, and increase our property taxes.

We are already concerned about the much higher crime rate in the high density developments at New Albany Road West & Central College less than 2 miles away from us. Adding another high-density development in between will make it worse.

We have seen in recent years how the city has encouraged apartment structures around Market Street without providing for adequate parking, especially for the businesses and the Heit Center. The city is encouraging higher population density and pedestrian-only access. This is not the New Albany in which we moved.

It is ludicrous to follow the advice of "professional" planners that create 10, 15, or 50 year plans like Insight2050. The history of such detailed urban planning efforts shows they never produce the expected results and often create major unintended consequences. We would not live in any of the proposed facilities. New Albany in the beginning had a simple concept for 1 residence per 1 acre and the encouragement of developing the business park. It should have stopped there. Many of us bought homes here because of that. "Hamlets" turn that upside down and expand high density housing. Being near such a development will reduce the value of our property.

The city conducts community surveys suggesting whimsical community amenities with beautiful descriptions without including any estimates of costs, increases in taxes, or other implications. People will always favor such things if they think they are free or don't affect them directly. They react very differently and negatively when implications of cost and impact are included, as you well know. *Engage New Albany* drew conclusions from a small numbers of citizens. The community response to NoNA was more indicative.

Was it coincidental that Yaromir Steiner served on the Engage New Albany steering committee and the sustainability subcommittee? Engage New Albany referred to Insight 2050 as a "foundational document". Was it coincidental that Yaromir Steiner was on the Executive Committee that created Insight 2050?

From:

Christopher Christian

Sent:

Monday, November 7, 2022 10:56 AM

To:

Christina Madriguera

Cc:

Stephen Mayer, Chelsea Nichols

Subject:

FW: Issues with The Hamlet at Sugar Run - Please do not support!

Christina,

Can you please include these responses in the record for the PC meeting tonight?

Thank you,

Chris Christian Planner II

he/him/his

ENEW ALBANY

phone 614.939.2254 direct 614.939.2253



newalbanyohio.org

From: Bruce Larsen

Sent: Monday, November 7, 2022 10:47 AM

To: Christopher Christian < cchristian@newalbanyohio.org>

Subject: Fwd: Issues with The Hamlet at Sugar Run - Please do not support!

FYI - received this today

Begin forwarded message:

From: Katie Tebbutt < katietebbs@gmail.com>

Subject: Issues with The Hamlet at Sugar Run - Please do not support!

Date: Nov 7, 2022 at 9:07 AM

To: Sarah Briggs < sarahbriggs 3@gmail.com >, brucenirene 1@icloud.com, hans@hansschell.com.

maplewoodtechnical@outlook.com, wallace@carpenterlipps.com, Matt Shull

<mshull@newalbanyohio.org>, Katie Tebbutt <katietebbs@gmail.com>

To the Regional Planning Commission Members,

I have several concerns about the rezoning proposal for the Hamlets at Sugar Run. I wanted to pass along my thoughts prior to the meeting on Monday, November 7th.

-32 acres with a density of 6 units/acre is WAY too dense!

-Why can't we just have it be all residential and split it up in 1 acre lots like you just approved a few miles down on Central College with the new 9 house development?

School Impact

-The hamlet will bring way too many students to the schools with roughly 190 units. We would be better off with only a small group of single family homes in this location to keep the numbers in the schools lower.

Traffic/Safety issues

- -Traffic is already backed up to this area during school drop off and pick ups, and this amount of traffic will only make things much worse!
- -There are so many accidents at this intersection aiready!
- -We don't want our children to have to cross these busy streets on the way to school each day!

Parking Issues

-The example had roughly 198 units. Assuming roughly 2 cars per unit (even for a married couple without kids), it ends up being about 400 cars in such a small area at a minimum, let alone if family/friends come to visit these residential units (holidays, weekends, etc.) and people drive over and park to go to the commercial locations. Will there even be enough parking to handle this amount of cars in such a small area without being a total nightmare and visually unappealing?

increase in crime

-There is a large amount of crime in the apartments/townhomes over in the LC. I am concerned if there are apartments/townhomes/flats in the hamlet that we might start to get the same issues closer to our own community since most of these people tend to be more transient and not completely invested in the community for the long term. Stop the Crime Creep!

Commercial/Retail locations to be vetted (Keep Commercial over by Market Street that isn't even full yet!)

-Can we guarantee that we would get retail locations that add value and allow our families to frequent them together, including restaurants, ice cream stores, coffee shops, boutiques, nail salons, etc. We don't want just office buildings, cleaners, etc. that add no additional value for places we can attend with our families.

-We DON'T want to compete with the village center locations. We DO need to have more restaurants in the Village Center, not putting in a hamlet and pulling away from the city center. Maybe we focus on increasing the density and mixed use of the village center instead?

Parking Issues

-The example had roughly 198 units. Assuming roughly 2 cars per unit (even for a married couple without kids), it ends up being about 400 cars in such a small area at a minimum, let alone if family/friends come to visit these residential units (holidays, weekends, etc.) and people drive over and park to go to the commercial locations. Will there even be enough parking to handle this amount of cars in such a small area without being a total nightmare and visually unappealing?

Ample park space needed, and not negotiated away for \$ (Money)

-I would like to guarantee that we will indeed get enough park space (at least 25% minimum if not more of the livable space) to go and visit with our families/friends if we are within biking or walking distance. I don't want the developer to have the ability to pay off the city to not include the park space that is desperately needed in this area if the hamlet is to be built.

-From what I have seen of the plans, the "park space" is just as little as the center area by Starbucks/the library...that adds no value to our community when each of our locations already has green space.

HOA?

-Will this be managed by an HOA to help control any visual elements within this community? Do we know if this is the case like we have in other subdivisions?

North side of Central College?

-We have focused on the two corners on the East and West sides South of Central College. What is going to happen on the North side of Central College? Do we need to be concerned about that as well at this point? Can we make sure that this won't expand and creep into that area?

Thank you for taking the time to review my thoughts above. If you have any questions, please let me know!

Katie Tebbutt

katietebbs@gmail.com

614-580-5771

From:

Christopher Christian

Sent:

Monday, November 7, 2022 10:55 AM

To:

Christina Madriguera

Cc: Subject:

Chelsea Nichols; Stephen Mayer

FW: Hamlets at Sugar Run

Christina,

Can you please include these responses in the record for the PC meeting tonight?

Thank you,

Chris Christian

Planner II he/him/his

ENEW ALBANY ECONNECTS US

phone 614.939.2254 direct 614.939,2253



newalbanyohio.org

From: Bruce Larsen <brucenirene1@icloud.com>
Sent: Monday, November 7, 2022 10:48 AM

To: Christopher Christian < cchristian@newalbanyohio.org>

Subject: Fwd: Hamlets at Sugar Run

FYI - received this today

Begin forwarded message:

From: Steve Cordova <stephen.cordova@earthlink.net>

Subject: Hamlets at Sugar Run Date: Nov 7, 2022 at 10:44 AM To: brucenirene1@icloud.com

We are unable to attend the Nov 7 council meeting but would like you to be aware that we are against the Hamlets at Sugar Run as currently proposed. Please do not approve this development as currently proposed.

Thanks

The Cordova's 6905 Keesee Circle

From:

Christopher Christian

Sent:

Friday, November 4, 2022 2:00 PM

To:

Stephen Mayer; Chelsea Nichols; Ben Albrecht; Christina Madriguera

Subject:

FW: Hamlet Development

FYI. See below.

Chris Christian Planner II he/him/his

ENEW ALBANY

phone 614.939.2254 direct 614.939.2253



newalbanyohio.org

From: Bruce Larsen

brucenirene1@icloud.com>

Sent: Friday, November 4, 2022 1:56 PM

To: Christopher Christian < cchristian@newalbanyohio.org>

Subject: Fwd: Hamlet Development

Good afternoon Chris,

I did receive this communication from a member of the community that I do not know. Sharing in case this needs to be included in any of the public documents.

Thanks

Bruce

Begin forwarded message:

From: cstenger@insight.rr.com Subject: Hamlet Development Date: Nov 4, 2022 at 12:38 PM

To: "'sarahbriggs3@gmail.com'" < sarahbriggs3@gmail.com >, "'brucenirene1@icloud.com'"

<brucenirene1@icloud.com>, "'hans@hansschell.com'" < hans@hansschell.com>, "'maplewoodtechnical@outlook.com" < maplewoodtechnical@outlook.com>,

"'wallace@carpenterlipps.com'" < wallace@carpenterlipps.com >

Dear Planning Commission Member

I am writing to you to deny the zoning change request for the :Hamlet" development.

I have lived in the New Albany Plain Township since 1985 and have see a lot of change. For the most part the city has done a pretty good job of controlling the growth, This proposal like the previous one, which was denied due to the residency numbers, need to stick to requirements of 1 residence to 1 acre. We are congested enough already and do not need more. So with this Email I am urging you to deny the proposal.

Thank You

Chuck Stenger





Community Development Department

RE: City of New Albany Board and Commission Record of Action

Dear NoNA Master Development LLC; Attn: Yaromir Steiner and Bryan Stone c/o Aaron Underhill, Esq.,

Attached is the Record of Action for your recent application that was heard by one of the City of New Albany Boards and Commissions. Please retain this document for your records.

This Record of Action does not constitute a permit or license to construct, demolish, occupy or make alterations to any land area or building. A building and/or zoning permit is required before any work can be performed. For more information on the permitting process, please contact the Community Development Department.

Additionally, if the Record of Action lists conditions of approval these conditions must be met prior to issuance of any zoning or building permits.

Please contact our office at (614) 939-2254 with any questions.

Thank you.



Community Development Department

Decision and Record of Action

Tuesday, November 08, 2022

The New Albany Planning Commission took the following action on 11/7/2022.

Zoning Amendment

Location: Parcel IDs: 222-000675, 222-000685, 222-000686, 222-000670, 222-000676,

222-000678, 222-000313, 222-000664, 222-000671, 222-000672, 222-000654, 222-000669, 222-000549, 222-000668, 222-001167, 222-000688, 222-000375,

222-000314, 222-000673, and 222-000376

Applicant: NoNA Master Development LLC; Attn: Yaromir Steiner and Bryan Stone c/o Aaron

Underhill, Esq.

Application: PLZC20220104

Request: Request to rezone 32.6+/- acres located at the southwest and southeast corners of New

Albany Condit Road and Central College Road from Residential Estate District (R-1) to Infill Planned Unit Development (I-PUD) for an area to be known as the Hamlet at Sugar Run Zoning District to permit a mixed use development (PID: 222-000675, 222-000685,

222-000686, 222-000670, 222-000676, 222-000678, 222-000313, 222-000664, 222-000671, 222-000672, 222-000654, 222-000669, 222-000549, 222-000668, 222-001167, 222-000688, 222-000375, 222-000314, 222-000673, and 222-000376).

Motion: Move to Reccomend Approval to City Council with Conditions

Commission Vote: Motion Approval Recommended, 3-2

Result: Zoning Amendment, PLZC20220104 was Approval Recommended, by a vote of 3-2.

Recorded in the Official Journal this November 08, 2022

Condition(s) of Approval:

1. The city traffic engineer's comments must be addressed, subject to staff approval.

2. The city engineer's comments must be addressed, subject to staff approval.

 The text must be revised to require screening for all rooftop and ground mounted equipment for all subareas within the zoning district. Solar panels or other similar equipment shall be exempt from this requirement to the extent that any such screening would compromise its functionality.

4. The text must be revised to require sidewalk to be installed on both sides of the "southern road"

5. The material and width of the trails provided within Subarea 4 is subject to staff approval.

6. The typographical errors identified in the zoning text must be addressed, subject to staff approval.

7. A committment must be added in the zoning text regarding providing emergency access to Central College Road in Subarea 3.

8. The native, non-invasive understory within Subarea 4 be preserved where possible subject to staff approval.

99 West Main Street • P.O. Box 188 • New Albany, Ohio 43054 • 614.855.3913 • Fax 939.2234

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9. The number of townhomes permitted to be developed in Subarea 5 must be reduced to 35.

10. Additional right-of-way must be provided at Snider Loop must be provided by the property owner, if requested by the city, to accommodate the installation of a roundabout at this intersection. The additional right-of-way dedicated to the City (if any) for a roundabout (i.e. over and above the right-of-way required to be dedicated in the absence of a roundabout) shall be credited toward the minimum open space and parkland requirements for the Zoning District.

Staff Certification:

Chris Christian

Chris Christian

Planner II



New Albany Planning Commission November 21, 2022 DRAFT Minutes

I. The New Albany Planning Commission met in regular session in the Council Chambers at Village Hall, 99 West Main Street, and was called to order by Planning Commission Chair Mr. Neil Kirby at 7:02 p.m.

II. Those answering roll call:

Mr. Neil Kirby, Chair	Present
Mr. David Wallace, Vice Chair	Present
Ms. Sarah Briggs	Absent
Mr. Bruce Larsen	Present
Mr. Hans Schell	Present
Mr. Matt Shull (Council Liaison)	Absent

Staff members present: Sierra Cratic-Smith, Planner; Steven Mayer, Planning Manager; Benjamin Albrecht, Law Director; Ryan Ohly, Engineering Manager; Josie Taylor, Clerk; Christina Madriguera, Deputy Clerk.

III. Vice Chair Wallace moved, seconded by CM Schell, to approve the October 17, 2022 minutes as submitted and to continue consideration of the November 7, 2022 minutes until the next regularly scheduled meeting of the Planning Commission (hereafter PC). Upon roll call Chair Kirby noted that procedurally the movant's name should be called first followed by the second then the names should proceed in random order: Mr. Wallace, yea; Mr. Kirby, yea; Mr. Larsen, yea; Mr. Schell, yea; Yea, 4; Nay, 0; Abstain, 0. The motion passed by a 4-0 vote.

IV. Chair Kirby asked and Planning Manager Mayer answered that there were no additions or corrections to the agenda.

Chair Kirby administered the oath to all who would be speaking on the agenda.

V. Chair Kirby asked and there was no response regarding whether there were any persons present who wished to speak to the PC on items not on the agenda.

VII. Cases:

VAR-103-2022 Variance Reconsideration

Reconsideration request following denial of an application for variance to allow the installation of a fence within a drainage easement at 6988 Hanby's Loop (PID: 222-00483600).

Applicant: Ryan and Ashely Deal

Planning Manager Mayer presented an overview on platting requirements and discussed the types of easements including easements in a major flood route. (concluded at 11:55 min)

Planner Cratic-Smith presented the staff report on VAR-103-2022 Variance Reconsideration, a request for reconsideration of the PC's denial of an application for variance to construct a black aluminum fence within the platted drainage easement. (concluded at 14:04)

Chair Kirby asked and Law Director Albrecht answered that there are many factors that would comprise a finding of liability on the part of the village/city, but if a variance application was approved by the PC with the knowledge of the potential for damage, such a claim against the village/city would be foreseeable.

Vice Chair Wallace asked and Planning Manager Mayer answered that only the one-page letter was submitted with the request for reconsideration and that a written request for reconsideration was all that was required. Planning Manager Mayer further clarified the city's request that if the PC granted the applicant's request for reconsideration based upon the criteria established in code, that the application be tabled so that a full staff report on the merits could be completed and neighbor letters could be distributed as required by code. Vice Chair Wallace clarified that he was examining whether the evidentiary standard for reconsideration has been met in this case, whether something had changed at the property, or whether there was new information that could not have been discovered in the exercise of reasonable diligence. He observed that he did not see anything in the packet to support a finding of either of the reconsideration criteria. (16:12) Planning Manager Mayer stated that there was no additional information that staff was aware of.

Commission Member Larsen asked and Planning Manager Mayer responded in the affirmative that if the applicant constructed a fence on their property (but outside of the easement) it would be permissible for the applicant to construct a gate allowing access to the easement. (17:19)

Chair Kirby asked to hear from the applicant.

Mr. Deal, the applicant, stated that since the last meeting he had observations. The first regarded security – requiring property owners to construct fences outside of the easement would result in a 26ft alleyway which would decrease security, a fence which included the entire property was much more secure. He offered a police report, dated October 20th, The applicant further stated that a neighboring property currently had a fence similar to the applicant's variance request, and that variance (for landscaping and fencing at 7029 Hanby's Loop) was approved in November 2020. He stated that construction on his house did not begin until May of 2021 and his understanding was that construction of a fence similar to the neighboring property would be permissible. He further noted that code enforcement proceedings on the existing fence on the neighboring property did not begin until 2022. And that the November 2020 approval by the city of the fence for the neighboring property demonstrated that the city's assertion in a prior meeting that the neighboring fence had not been approved, was incorrect. (20:47) Planning Manager Mayer responded that construction of a fence in the major flood route on the neighboring property was missed (by the city) but was nonetheless erroneous and must be removed because it goes beyond the bounds of what was permitted by law. He further stated that the city was working with that property owner to bring that property into alignment with code. (21:30)

Vice Chair Wallace and Planning Manager Mayer discussed the process for the preparation and approval of a site plan in general and for the site plan for the neighboring property in particular. Planning Manager Mayer stated that the drainage easement was missed, and that the fencing was not clearly marked, and that if those items had been caught the fence on the neighboring property would not have been approved. Commission Member Schell further clarified that there was no variance request for the neighboring property fencing, that construction of the fence was part of the construction site plan.

Chair Kirby asked and Planning Manager Mayer responded that it would be possible to update the code to require that easement lines were more clearly marked on site plans in order to avoid similar problems in the future. (25:54)

Mr. Deal continued that Hanby's Loop, the road, was also part of the major flood route and that cars are similar obstructions within the major flood route. Planning Manager Mayer explained that it was very typical for streets to contain major flood routes and that streets are designed with drainage and curb inlets to convey water away. Mr. Deal stated that the neighbors agreed to construction of a fence on his property, and that he did not wish to have alley behind his property. He averred his willingness to work with the city in order to retain as much of his property - the cost of which was substantial - as possible, and to maintain as much security as possible.

Commission Member Schell asked and Mr. Deal responded that the major flood route easement was not disclosed to him prior to or at the purchase of his property. (28:05) Mr. Deal reiterated that at the time he purchased his property, a fence existed on the neighboring property, that he did not have legal counsel at the closing of the purchase of the property, and the title company did not disclose the existence of the major flood route easement. (29:19)

Vice Chair Wallace raised that the evidence seemed insufficient to support reconsideration in this case, and following that, whether there was sufficient evidence for approval of the variance. He asked and Law Director Albrecht responded that there was not much guidance but commission members must weigh what was presented; granting the motion to reconsider was not a determination on the merits of the variance, but a decision to reconsider the merits.

Mr. Jay Halladay, 6976 Hanby's Loop, stated in response to Vice Chair Wallace, that the new evidence in support of the motion for reconsideration was the ongoing conflict about the existing fence, the approval by the city and the home owner's association, and who would bear financial responsibility for the substantial cost of necessary changes. (30:48). Vice Chair Wallace pointed out that Mr. Halladay's application for variance was distinguished from Mr. Deal's in that Mr. Deal's was requesting reconsideration rather than a request for consideration in the first instance. On reconsideration, the applicant must demonstrate that they could not have discovered the new evidence with the exercise of reasonable diligence. In this case, because the dispute over the existing fence was on-going at the time the application was filed, that standard was not being met. Law Director Albrecht stated that the September 19, 2022 staff report (regarding consideration of Mr. Deal's application in the first instance) indicated that the existing fence on the neighboring property was in code enforcement. (34:21)

Mr. Daniel Martin, 6972 Hanby's Loop, stated that he thought the new information was the fact that the fence on the neighboring property was approved by the city, Mr. Deal agreed with Mr. Martin and reiterated that the city's approval of the existing fence, rather than the code enforcement proceedings, was new evidence to support his application for reconsideration. The PC, Law Director Albrecht, and Mr. Deal discussed whether his application for reconsideration should proceed as scheduled on the agenda or be tabled until the other two applications, scheduled for consideration in the first instance, were considered.

Chair Kirby moved, and Vice Chair Wallace seconded, that the application for reconsideration be tabled until the end of the cases. Upon roll call: Chair Kirby yea; Vice Chair Wallace yea; Commission Member Larsen yea; Commission Member Schell yea. There were 4 yea votes; 0 nay votes; 0 abstentions. The motion passed 4-0. (42:13)

VAR-128-2022 Variance

Variance request to allow the fence and landscaping to remain within the drainage easement located at 6972 Hanby's Loop (PID: 222-004832).

Applicant: Daniel Martin

Planner Cratic-Smith delivered the staff report.

The applicant, Daniel Martin, 6972 Hanby's Loop, New Albany, stated that his application was submitted in coordination with the rest of the block. He remarked that the existing fence on neighboring property informed his decision to have a fence installed on his property when his home was being built, that it was also a basis for his application for a variance, as was the city's approval of the neighboring fence, and that the drainage easement infringed on his yard. Mr. Martin stated that construction of a fence outside of the easement would greatly decrease the size of his property and raised concerns for the safety of his family. He stated that all neighbors agreed to the existing fence in the easement and that he was willing to compromise. Commission Member Schell asked why Mr. Smith was safer with a fence farther away from the house; Mr. Martin acknowledged Commission Member Schell's point and stated that he desired a larger fenced in area. Chair Kirby asked and Mr. Martin answered that he (Mr. Martin) did not have legal counsel when he purchased the property. Commission Member Larsen asked and Mr. Martin answered that the builder that constructed his home was different than the builder who constructed the neighboring home. Chair Kirby asked and Mr. Martin answered that no permit had been issued for the construction of the fence. Chair Kirby remarked that the contractor or subcontractor, Hamilton Fencing, who built the fence was bound to comply with permitting regulations imposed by the city. Chair Kirby asked and Planning Manager Mayer answered that no permits were sought by Hamilton or issued by the city for construction of a fence on the applicant's property. Chair Kirby and Law Director Albrecht discussed contractual obligations of Hamilton Fencing and whether the city bore any responsibility for the construction of the fence within the easement here. Mr. Martin remarked that because he was still operating under the builder contract for his home he had engaged in robust discussions with the builder regarding the construction of the fence. Commission Member Schell asked and Planning Manager Mayer answered that Hamilton Fencing was a registered contractor in the city but he did not know the amount of jobs Hamilton performed and that each property owner (on Hanby's Loop) had a different fence contractor. (54:48) Vice Chair Wallace asked and Planning Manager Mayer answered that a permit was required for fencing, but not for landscaping. Commission Member Larsen remarked that if the fence was moved and a gate was installed, the applicant would still have access to the portion of his backyard that contained the easement. (58:36) Chelsea Martin, 6972 Hanby's Loop, applicant, remarked that installation of a gate and establishing a large alleyway behind their property, would not be safe for their young children.

Jay Holladay asked the PC whether, in terms of reconsideration, there was a legal requirement for the size of the easement and whether the easement could be made smaller. Chair Kirby, Law Director Albrecht, and Engineer Ohly responded that easements were recorded with the county recorder and the process of vacating an easement required multiple levels of review and approval by local and county officials, as well as compliance with notification and approval from neighbors, and further that it was unclear whether an agreement executed between current property owners would be enforceable against future property owners. (1:03) Mr. Holladay acknowledged the substantial amount of work involved then questioned whether these applications could be tabled so that the applicants could investigate other options. Chair Kirby noted that two engineering analyses had been performed and advised Mr. Holladay to use caution prior to procuring more analysis. Chair Kirby and Mr. Martin then discussed whether Mr. Martin would like his application tabled, and if so for what period of time. (1:07) The PC consulted staff and Planning Manager Mayer advised the PC that there were many considerations involved with tabling the application, that applications had been tabled for 1-3 months in the past. He further stated that if the application was not approved a redesign would not be precluded, and if the application was approved a redesign would not be needed. The PC discussed the impact of tabling the application verses approval or denial of the application, and noted that if the applicant intended to pursue a redesign of the drainage easement tabling of this application was of no value. (1:12) Commission Member Larsen clarified with Planning Manager Mayer that pursuit of a change via engineering is an administrative process through the city, further that there was no value to tabling this request. Professional engineering advice would be targeted at changing the platting and redesigning the easement. Mr. Deal stated that a redesign was of interest and that there was currently substantial foot traffic in the area behind the properties. Mr. Holladay then

asked the PC about the next steps were, procedurally, the time limits to appeal a denial, and about preservation of the issue. Vice Chair Wallace responded that denials were appealable to the court of common pleas within a certain time and discussed with Law Director Albrecht whether, if no appeal was filed, the PC decision was res judicata. Law Director Albrecht stated that the city could not give legal advice to the applicants, the relevant rules and the time to appeal were established in the code. (1:18) Mr. Holladay was also concerned about the accumulation of daily fines during the pendency of the appeal process or redesign study and consultation process as well as the complications with securing approval by each property owner. Planning Manager Mayer acknowledged the daily fine provisions and stated that the city typically works with property owners before enforcing the fine provisions. Commission Member Larsen stated that the biggest challenge to this variance was the fact that it involved a safety provision, the life and safety of the applicant and surrounding property owners, rather than easement for a utility. Commission Member Schell stated that, in addition this application was challenging because of the potential liability to the city.

Chair Kirby moved to accept the staff report and related documents for VAR-128-2022 into the record. Vice Chair Wallace seconded the motion and added a friendly amendment to include the landscaping materials from 7029 Hanby's Loop. Chair Kirby agreed to the amendment. (1:22) Upon roll call: Chair Kirby, yea; Vice Chair Wallace, yea; Commission Member Larsen, yea; Commission Member Schell, yes. Having 4 yea; 0 nay; 0 abstentions, the documents were accepted into the record 4-0.

Chair Kirby then asked for a motion on the application. Vice Chair Wallace moved for approval of VAR-128-2022 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval. Chair Kirby seconded the motion. (1:23) Chair Kirby asked and there was no discussion on the motion. Upon roll call: Vice Chair Wallace, no; Chair Kirby, no; Commission Member Larsen, no; Commission Member Schell, no. Have 0 yea; 4 nays; 0 abstentions, the motion failed 0-4.

Regarding his no vote, Chair Kirby referred to the factors in *Duncan v. Village of Middlefield*, 23 Ohio St.3d 83, (1986), and found that this application was a substantial variance and approval of this application would impose a substantial detriment to the 100-year drainage, the delivery of government services and on the neighboring properties, and that the problem this application proposed to solve could be solved by other means.

Regarding his no vote, Vice Chair Wallace agreed that this variance does not meet the *Duncan* requirements and also found that denial of this application was consistent with denial of a prior application and provided precedential value in the event the PC was faced with similar applications. Vice Chair Wallace and the PC members acknowledged the frustration of the applicant.

Regarding his no vote, Commission Member Larsen agreed with the findings of Chair Kirby and Vice Chair Wallace and added that approval of this variance would adversely affect the health and safety of neighboring properties.

Regarding his no vote, Commission Member Schell agreed with the findings made by the other commission members and acknowledged the challenge the applicant faced here but the task of the commission was to consider the application using stated criteria and there were too many safety concerns here.

VAR-129-2022 Variance

Variance request to allow the fence and landscaping constructed within a drainage easement for a major flood route to remain at 6976 Hanby's Loop (PID: 222-004833). (1:26)

Applicant: Jay Holladay

Planner Cratic-Smith delivered the staff report.

Mr. Holladay, the applicant, informed the PC that his application was different because the shape of his property was not rectangular, thus in order for him to comply with homeowner's association provisions that required fences to be rectangular, several mature evergreen trees would need to be removed from his property. (1:29) Compliance with HOA requirements and easement requirements would result in the loss of 2/3 of his property and removal or relocating the trees would cost thousand of dollars. Mr. Holladay stated that he contacted the home builder and the fence contractor and both affirmed that they had approval for the landscaping and fencing but neither could produce permits for the fence or landscaping; Mr. Holladay stated that he did not have legal counsel at the closing of his home. He stated that he had not made any changes to the landscaping since his purchase of the home and likewise the fence has been there without incident until recently and he was unsure how this arose. Chair Kirby stated that this was a hidden defect. Chair Kirby asked and Mr. Holladay answered that he was unsure how many levels of homeowner's associations existed in his neighborhood and that his property was part of the country club community. Chair Kirby stated that some alignment between the homeowner's associations and the property owners needed to take place regarding this easement and rules on fences. Chair Kirby asked and Planning Manager Mayer and Engineer Ohly answered that the trunk of the tree needed to be completely outside of the easement, a trunk that was slightly over the line impermissibly encroached on the easement, however boughs that do not touch the ground would not encroach on the easement. Planning Manager Mayer also stated that they had not yet field-verified which trees encroached on the easement, but would do so. (1:45) Mr. Holladay reiterated the significant cost of bringing this property into alignment with code, the PC acknowledged this difficult burden but approval of this application would exacerbate a known risk to health and safety.

Chair Kirby moved to accept the staff report and related documents, including additional documents supplied, into the record for VAR-129-2022. Commission Member Schell seconded the motion. Upon roll call: Chair Kirby, yea; Commission Member Schell, yea; Vice Chair Wallace, yea; Commission Member Larsen, yea. Having 4 yeas; 0 nays; 0 abstentions, the motion passed 4-0.

Vice Chair Wallace moved to approve application VAR-129-2022 based on the findings in the staff report and with any conditions listed in the staff report, subject to staff approval. Commission Member Larsen seconded the motion. Upon roll call: Vice Chair Wallace, nay; Commission Member Larsen, nay; Commission Member Schell, nay; Chair Kirby, nay. Having 0 yeas, 4 nays; 0 abstentions, the motion failed 0-4.

Regarding their no votes, the PC incorporated by reference the reasons stated for their denial of VAR-128-2022, for their denial of VAR-129-2022. (1:50)

VAR-103-2022 Variance Reconsideration

Reconsideration request following denial of an application for variance to allow the installation of a fence within a drainage easement at 6988 Hanby's Loop (PID: 222-00483600).

Applicant: Ryan and Ashely Deal

Chair Kirby moved to accept the staff report and related documents into the record for VAR-103-2022, including the police report. Upon roll call: Chair Kirby, yea; Vice Chair Wallace, yea; Commission Member Larsen, yea; Commission Member Schell, yea. Having 4 yeas, 0 nays, 0 abstentions, the motion passed 4-0.

Vice Chair Wallace moved to hear reconsideration of application VAR-103-2022 based on the findings in the staff report and the applicant letter. Commission Member Larsen seconded the motion. Upon roll call Vice Chair Wallace, yea; Commission Member Larsen, yea. Vice Chair Wallace then sought clarification on the meaning of a yes vote, and, following some discussion with Law Director Albrecht and the PC,

stated that his yea vote was unintentional. Commission Member Larsen stated the same. Chair Kirby requested that roll call begin again.

Vice Chair Wallace moved to reconsider application VAR-103-2022 based on the findings in the staff report and the applicant letter. Mr. Deal, the applicant, asked, and Chair Kirby clarified that the PC's consideration was limited to whether the criteria for reconsideration of the denial had been met. The PC did not consider the merits of the application. Commission Member Larsen seconded the motion. Upon roll call: Vice Chair Wallace, nay; Commission Member Larsen, nay; Commission Member Schell, nay; Chair Kirby, nay. Having 0 yeas, 4 nays, 0 abstentions, the motion failed 0-4. (1:52)

Regarding his no vote, Vice Chair Wallace stated that this variance reconsideration request did not meet the standard for reconsideration.

Regarding his no vote, Commission Member Larsen agreed with Vice Chair Wallace's finding and stated that nothing would have changed the outcome for this application. There was no new, significant, material submitted.

Regarding his no vote, Commission Member Schell agreed with the findings made by Vice Chair Wallace.

Regarding his no vote, Chair Kirby also found that the materials submitted did not meet the standard for reconsideration. (1:56)

Mr. Deal then asked the PC about his appellate rights and was advised by the PC and staff to consult legal counsel and the New Albany Code of Ordinances. (1:57)

At 8:55 p.m., Chair Kirby called a ten-minute recess.

VII. Other Business

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

Planning Manager Mayer presented the staff report regarding the review and recommendation to City Council updates to the waiver criteria set forth in Section 1113.11. The proposed revisions would add to the criteria that staff and the Architectural Review Board used when evaluating a waiver request. Current code, site-specific constraints are the only physical conditions taken into consideration. The proposed code change would allow for building, structure or site-specific conditions to be considered with the intent of promoting consistency with other code provisions and clarity in this section of code.

Vice Chair Wallace asked why the language in option 3, that appeared to mirror the *Duncan* factors, was not included in option 2 and Planning Manager Mayer answered that staff reviewed that issue and concluded that adding those circumstances made the language too broad. Vice Chair Wallace asked whether this language would create any precedential value when reviewing Hamlet I-PUD questions in the future, and Planning Manager Mayer answered that this was the same language used in the hamlet I-PUD zoning text.

Vice Chair Wallace moved to recommend to council the updates to C.O. 1113.11. Commission Member Larsen seconded the motion. Upon roll call: Vice Chair Wallace, yea; Commission Member Larsen, yea; Chair Kirby, yea; Commission Member Schell, yea. Having 4 yeas; 0 nays; 0 abstentions, the motion passed 4-0. (2:08)

Vice Chair Wallace asked whether staff had any comment on the ongoing proceedings regarding the rezoning request to permit the development of a hamlet, which was approved at the prior PC meeting. Planning Manager Mayer replied that the rezoning request was introduced as an ordinance before City Council and had its first hearing. The second hearing would take place on December 6th, this hearing would include public comment and the council would act on the ordinance. He further stated, in response, that some public comment regarding school impact and traffic was made at the first hearing.

VIII. Poll members for comment No response.

IX. Adjournment Chair Kirby adjourned the meeting at 9:20 p.m.

Submitted by Christina Madriguera, Deputy Clerk.

APPENDIX

Staff reports and related documents received into the record:

VAR-103-2022

Staff Report on Fence Location Variance Reconsideration Request Applicant letter Police report

VAR-128-2022

Staff Report Applicant letter Landscaping materials for 7029 Hanby's Loop

VAR-129-2022

Staff Report Applicant letter and landscaping diagram

Planning Commission Decision and Record of Action

VAR-103-2022 – Reconsideration denied 0-4

VAR-128-2022 – **Variance denied 0-4**

VAR-129-2022 - Variance denied 0-4



Planning Commission Staff Report November 21, 2022 Meeting

6972 HANBY'S LOOP FENCE AND LANDSCAPING LOCATION VARIANCE

LOCATION: 6972 Hanby's Loop (PID: 222-004832-00)

APPLICANT: Daniel & Chelsea Martin

REQUEST: Variance to Ebrington Recorded Plat Drainage Easement

ZONING: Comprehensive Planned Unit Development: West Nine 2 Subarea C

STRATEGIC PLAN: Residential APPLICATION: VAR-128-2022

Review based on: Application materials received on October 21, 2022.

Staff report prepared by Sierra Cratic-Smith, Planner

I. REQUEST AND BACKGROUND

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

The Ebrington subdivision recorded plat states:

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

The city (municipal) engineer reviewed and denied the request to encroach into the easement. The city engineer denied the request because the drainage easement contains a major flood route. Since the city engineer did not approve the request, the homeowner is seeking a variance.

The application is a result of a zoning code violation. City staff visited the site and determined the landscaping and fence were constructed without a permit. The homeowner is requesting a variance in order to allow the landscaping and fencing to remain as built.

II. SITE DESCRIPTION & USE

The property is lot 44 on the recorded plat, 0.29 acres in size and contains a single-family home. The lot is located in the New Albany Country Club's Ebrington subdivision. The surrounding properties are located within the same subdivision and contain residential uses.

III. ASSESMENT

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

Criteria

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

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

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

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

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

IV. EVALUATION

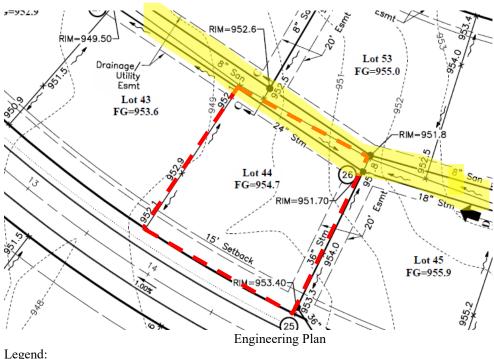
(A) Variance to Ebrington recorded plat to allow the installation of an aluminum black fence and tree landscaping where the plat requires, "No above grade structures, dams or other obstructions to the flow of storm water runoff are permitted within Drainage Easement areas."

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

1. The property's rear yard is encumbered with a drainage easement. The drainage easement varies in width from 11 feet along the west side of the rear lot line to 18 feet on the east side of the rear lot line. The plat states, "within those areas designated, "Drainage Easement" on this plat, an additional easement is hereby reserved for the purpose of

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

- 2. The property owner requests a variance to allow for the construction of an aluminum fence with vertical pickets and landscaping within the rear drainage easement of their property. The fence will be constructed along the side and rear property lines and within the drainage easement. The landscaping includes three trees located within the northeast corner of the property. There is a general utility easement on the eastside property line where the fencing and landscaping is permitted to be installed.
- 3. According to the approved engineering plans for the subdivision, this drainage easement runs along the rear property line of 14 homes along this section and provides stormwater drainage for the properties into an inlet as shown in the picture below.



- ← Major Flood Route Direction
- Inlets for Drainage
- <~~ Flood Path
- Drainage easement
- 4. According to the approved engineering plans for the subdivision, this drainage easement has two types of drainage improvements. The first being a swale to drain surface rainwater from neighboring properties to catch basins. The second is a buried 24-inch storm sewer that runs along the rear of the property. This drainage easement also serves as a major flood route for significant rain events.
- 5. A major flood route is designed to accommodate and convey stormwater from major rain events. The typical drainage improvements are engineered to meet the demands of minor storm events whereas major flood routes are designed for major and extraordinary storm
- 6. The engineering plans show that in major and extraordinary storm events, if the buried 24inch storm sewer were to fill up with water, the rear of these properties are graded to collect and convey the stormwater within the drainage easement, over the surface, to the roadway

- to the west. The rear of the property is graded for a flood routing channel that is approximately 14 feet wide and 1.5 feet deep.
- 7. If obstructions are located within the drainage easement, this could block the stormwater from flowing through the easement, as designed by the professional engineer who prepared the plans. As a result, blockage within the easement could result in ponding outside of the drainage area which will affect this and neighboring properties.
- 8. This request appears to be substantial. The rear of the property is a major flood route. This flood route is used for rain and flood waters to drain properly in the rear of property owner's yards. The major flood route serves multiple properties within this section of the subdivision.
- 9. It appears the problem can be solved by some manner other than the granting of a variance considering the size of the lot. The property's rear yard is encumbered with a drainage easement that varies in width from 11 feet along the west side of the rear to 18 feet on the east side of the rear yard. The back of the garage is about 25 feet from the rear property line. If the drainage easement cannot be built on, then there is 10-13+/- feet of buildable rear yard space behind the garage and 26-45+/-feet buildable rear yard space behind the house.
- 10. It does not appear that there are special conditions and/or circumstances that are peculiar to the property that justify the variance request. The drainage easement in the rear yard is located within all of the lots (total of 14) within this block of the subdivision. Other homes within this vicinity with fences or other improvements within the drainage easement are currently in code enforcement.
- 11. Approving the variance may be injurious to private property or public improvements in the vicinity. The fence could prevent stormwater runoff from properly draining out of the area. The result would likely be additional standing water encroaching into properties than designed since there would not be proper drainage.
- 12. Granting the variance may adversely affect the delivery of government services. The city's engineering staff reviewed the application and determined that if debris or material is caught in the fence during a major rain event, it could block the stormwater from entering into the drainage inlets.

IV. RECOMMENDATION

In order to allow the drainage easement to function as designed, it is important that the fence and landscape are located outside of the easement. The major flood route engineering design focuses on precautionary protection of the neighborhood. If obstructions are located within the drainage easement, this could block the stormwater from getting to the catch basins, thereby prohibiting the drainage easement from functioning properly. Historically the city staff and city boards and commission have not permitted encroachments into major flood routes. Approving this variance may be precedent setting since there do not appear any special conditions on the properties.

V. ACTION

Should the Planning Commission find that the application has sufficient basis for disapproval, finding the following motion is appropriate.

Move to approve application VAR-128-2022 based on the findings in the staff report (conditions of approval may be added)

Approximate Site Location:



Source: NearMap

Daniel Martin
6972 Hanbys Loop
New Albany, OH 43054
614-315-7977
Danmart@symelitejanitorial.com

City of New Albany Community Development 99 West Main Street PO Box 188 New Albany, OH 43054

10/21/22

To Whom It May Concern,

This letter is meant to serve as a narrative statement of the variance application for the property located at 6972 Hanbys Loop, New Albany, OH 43054.

The violations at issue involve the existence of a fence and landscaping within an easement, in the rear portion (backyard) of the property.

The current fence was installed by Hamilton Fencing through my builder Guzzo & Garner in April 2022. As part of the contracting agreement between Guzzo & Garner and Hamilton Fencing, Hamilton Fencing was responsible for acquiring all permits. Guzzo & Garner was responsible for having the fence approved through the ARC. Hamilton Fencing applied for a permit through the HOA, requiring several submissions and received approval. Guzzo & Garner also received approval through the ARC. Hamilton Fencing believed that HOA approval included city compliance. Thus, through discussions with Hamilton Fencing, HOA approval, and ARC approval, it was Guzzo & Garner and I's understanding that the appropriate permits were obtained before construction of the fence.

The bottom of the fence is above ground and slats are thin, so water flows freely through and under it, as well as the visual line of site. The fence adds considerable value to the property via beauty and safety/protection. The safety/protection aspect is important to me because I have a Wife and two kids that live in the residence. My kids are ages 4 and 2. Recently, there has been some questionable conduct happening in the neighborhood from non-residents that resulted in police being in our neighborhoods and I's backyards. I need this fence to keep my family safe. In addition, the fence is in coordination with other neighboring fences, adding consistency in beauty and character to the neighborhood. If needed to be removed, the fence is coated with aluminum, and could be deconstructed fairy quickly with proper equipment, however, this would come at a steep cost. The fence cost over \$10,000 and will require a similar amount to adjust it, in addition to reducing our backyard area to the point where it wouldn't be worth surrounding with a fence.

After discussion with several neighbors in the Ebrington community from door-to-door efforts and current relationships, several of the neighbors are wanting to construct a fence too. Hence, why several of the neighbors are in collective coordination with the efforts on this variance. Homes in the Ebrington community were purchased under the pretext that the HOA bylaws allowed fences. One of the original homes in the community has a fence and landscaping that was approved by the city and HOA, encouraging buyers that such is allowed and feasible. The city is now trying to revoke the permits of this property, issued years ago, putting the expense and hardship on the current homeowner to make the requested adjustments despite previous approval.

The existing easement within the Hanbys Loop portion of the Ebrington community, and its associated regulations, almost complete prohibit the establishment of fences. The neighbors and I are applying for reconsideration of the regulations to be more accommodating to the establishment of a yard where families, children, and pets can enjoy their facility lives with the protection of fencing, as intended when purchasing their homes. The safety of my family is of upmost important to me because of how much they mean to me. I know the same goes for my neighbors.

In regard to landscaping, the current landscaping was constructed by The Grounds Guys through my builder, Guzzo & Garner. The landscaping contains multiples trees and embedded rock scenery that are stunning. When we have visitors over, they are always impressed with our landscaping. All landscaping was constructed in compliance with ARC and HOA standards and provide needed private, safety, and protection to the yard. The landscaping was constructed in April 2022. Most of the landscaping lies within the easement lines by a matter of 1-3 feet and roughly 12-13 ft off the rear/shared property line. Any impedance of water draining is strictly subjective and subject to the bias of the surveyor. There has been no water drainage issues to date.

After speaking with our landscaping company, removing the landscaping will incur steep financial costs of roughly \$20,000-\$25,000. Constructing new landscaping, roughly 3 feet farther in from the property line will be a similar cost. As the homeowner, I would be responsible for these costs, which could be up to \$50,000, plus \$10,000 to remove the fence, for a total of \$60,000. This seems like a steep financial penalty when I all I am trying to do is protect my loved ones.

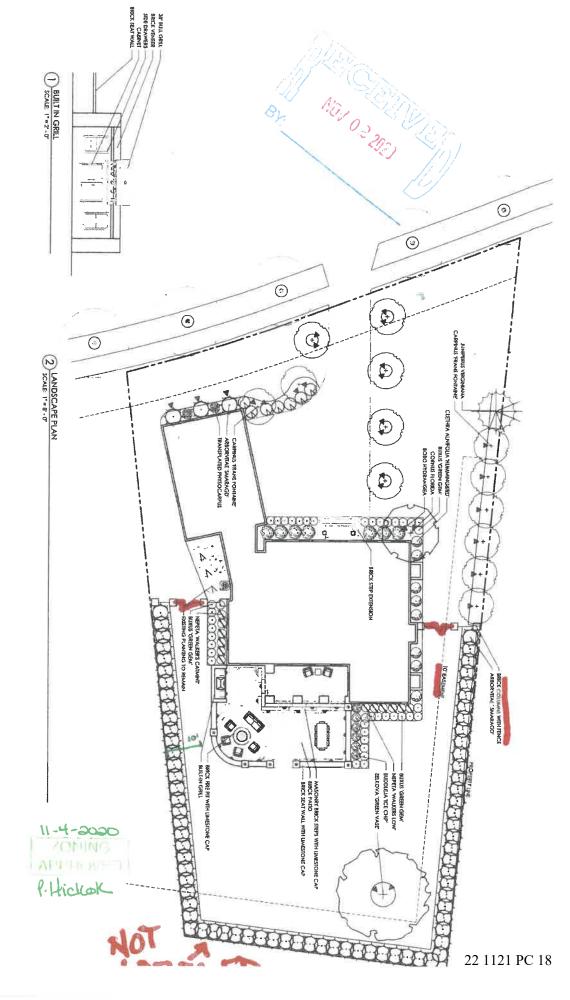
While I am applying for reconsideration of my own circumstances, I am also here in support of my neighbors who are also applying for similar interests in terms of the existence or establishment of a fence, and/or landscaping, along easement lines that will add beauty, safety, protection, and value to their property, and the Ebrington community, without risk of safety. Further, I feel the sporadic and untimely notice of these violations, and the associated demand, after years of previous existence in one of my neighbors' instances, has put a great hardship on the associated homeowners, and has created a distrust between homeowners and the city administration that is meant to serve and protect them. This is very un-New Albany like. This

community is supposed to come together and work together to solve problems/come to compromises and in this scenario that is not happening. We want to protect our families, hence, the need for a fence and we should be able to come to a solution/compromise to accomplish that goal.

Sincerely.

Dániel Martin, Esq., MBA

PLAZA RESIDENCE
PREPARED FOR: 7029 HANBY'S LOOP, NEW ALBANY, OH 43054





THE AND THE AN



· Fax (614) 939-2234

Here

7029 Hanbys Loop, New Albany OH 43054 (Lot 48) Jose A Plaza and Martha Orrantia

Permit #: REM-2020 - 0647

Hardscape

ONNG AFF WAED

Columns and walls

- 6 brick columns 20" x20"x28" tall with 22"x22"x 2.5" thick ilmestone cap. Conduit included for electrician to run wiring.
- approximately 53 linear ft of brick seating wall at 20" tall above patio height. Wall to be 12" thick with 14" wide limestone cap.
- footings to be dug below frost line (36" deep) and poured a minimum of 12" thick.

Mortared brick patio

- includes approximately 700 sq ft of mortared brick over reinforced concrete per plan.
- concrete will be reinforced through entire slab for longevity.
- bonding agent to be added to bed mortar

Steps around upper patio

- approximately 75 linear ft of risers and Ilmestone tread to create two steps up to upper patio
- caps to be 12"-14" limestone at 2.5" thick.

Fire pit.

- approximately 5' radius brick fire pit with limestone cap. Per plan
- lined with firebrick
- limestone cap on fire pit is susceptible to damage from heat and is not warranted.

Outdoor barbecue area

- Approximately 14ft wide by 7' tall
- includes full concrete footing and brick structure per plan.
- includes limestone or poured concrete countertop.
- Side Pillars

Pillars on side of the house

- 7 Masonry Pillars on footers.
- The fence columns would need to be at least 6' tall, 20" wide, and have 22" limestone caps.
- Fence black aluminum 5' ht

Lights.

- Under mount low voltage LED lights per plan. 20 total.
- 8 fixture lights (pillars and kitchen)

- 4 circuit totals
- 2 dedicated circuits by gas grill (protected GFCI)
- 1 dedicated circuit for exterior lighting
 - 1 dedicated circuit as "spare"

This project will require permits for:

Electrical

NIAC Mechanical

Plumbing

Other Grad



Planning Commission Staff Report November 21, 2022 Meeting

6976 HANBY'S LOOP FENCE & LANDSCAPING LOCATION VARIANCE

LOCATION: 6976 Hanby's Loop (PID: 222-004833-00)

APPLICANT: Jay Holladay & Kimberly Sperwer

REQUEST: Variance to Ebrington Recorded Plat Easement

ZONING: Comprehensive Planned Unit Development: West Nine 2 Subarea C

STRATEGIC PLAN: Residential APPLICATION: VAR-129-2022

Review based on: Application materials received on October 21, 2022.

Staff report prepared by Sierra Cratic-Smith, Planner

I. REQUEST AND BACKGROUND

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

The Ebrington subdivision recorded plat states:

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

The city (municipal) engineer has reviewed and denied the request to encroach into the easement. The city engineer denied the request because the drainage easement contains a major flood route. Since the city engineer did not approve the request, the homeowner is seeking a variance.

The application is a result of a zoning code violation. City staff visited the site and determined the landscaping and fence were constructed without a permit. The property owner submitted a building permit after notice of the violation. The city denied the permit since the built conditions are in violation of the platted restrictions. The homeowner is requesting a variance in order to allow the landscaping and fencing to remain as built.

II. SITE DESCRIPTION & USE

The property is lot 45 on the recorded plat, is 0.30 acres in size and contains a single-family home. The lot is located in the New Albany Country Club's Ebrington subdivision. The surrounding properties are located within the same subdivision and contain residential uses.

III. ASSESMENT

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

Criteria

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

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

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

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

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

IV. EVALUATION

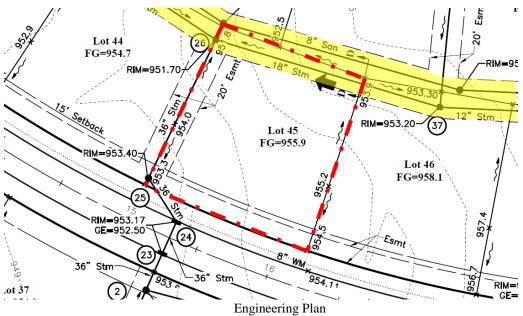
(A) Variance to the Ebrington recorded plat to allow the installation of an aluminum black fence and tree landscaping where the plat requires, "No above grade structures, dams or other obstructions to the flow of storm water runoff are permitted within Drainage Easement areas."

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

1. The property's rear yard is encumbered with a drainage easement. The drainage easement varies in width from 18 feet along the west side of the rear lot line to 12 feet on the east

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

- 2. The property owner requests a variance to allow for the construction of an aluminum fence with vertical pickets and landscaping within the rear drainage easement on their property. The fence will be constructed along the side and rear property lines and within the drainage easement. The landscaping includes six trees that are spread along the rear and east side of the property. There is a general utility easement on the west side property line where the fencing and landscaping is permitted to be installed.
 - a. The plot plan submitted by the applicant identifies two trees as being installed by the city. The city does not install trees or other landscaping on private property. The landscaping plans approved with the final development plan only show street trees, within the area between the street and sidewalk, were to be installed by the developer as part of the required infrastructure improvements.
- 3. According to the approved engineering plans for the subdivision, this drainage easement runs along the rear property line of 14 homes along this section and provides stormwater drainage for the properties into an inlets as shown in the picture below.



Lagand

- ← Major Flood Route Direction
- Inlets for Drainage
- <~~ Flood Path
- Drainage easement
- 4. According to the approved engineering plans for the subdivision, this drainage easement has two types of drainage improvements. The first being a swale to drain surface rainwater from neighboring properties to catch basins. The second is a buried 18-inch storm sewer that runs along the rear of the property. This drainage easement also serves as a major flood route for significant rain events.
- 5. A major flood route is designed to accommodate and convey stormwater from major rain events. The typical drainage improvements are engineered to meet the demands of minor

- storm events whereas major flood routes are designed for major and extraordinary storm events
- 6. The engineering plans show that in major and extraordinary storm events, if the buried 18-inch storm sewer were to fill up with water, the rear of these properties are graded to collect and convey the stormwater within the drainage easement, over the surface, to the roadway to the west. The rear of the property is graded for a flood routing channel that is approximately 13 feet wide and 1.5 feet deep.
- 7. If obstructions are located within the drainage easement, this could block the stormwater from flowing through the easement, as designed by the professional engineer who prepared the plans. As a result, blockage within the easement could result in ponding outside of the drainage area which will affect this and neighboring properties.
- 8. This request appears to be substantial. The rear of the property is a major flood route. This flood route is used for rain and flood waters to drain properly in the rear of property owner's yards. The major flood route serves multiple properties within this section of the subdivision.
- 9. It appears the problem can be solved by some manner other than the granting of a variance considering the size of the lot. The drainage easement varies in width from 18 feet along the west side of the rear lot line to 12 feet on the east side of the rear lot line. The back of the house is 63+/- feet from the rear property line. If the drainage easement cannot be built on, then there is an average of 49+/- feet of buildable rear yard space. There appears to be sufficient space for a fence to be located outside the easement for backyard amenities as desired by the homeowner.
- 10. It does not appear that there are special conditions and/or circumstances that are peculiar to the property that justify the variance request. The drainage easement in the rear yard is located within all of the lots (total of 14) within this block of the subdivision. Other homes within this vicinity with fences or other improvements within the drainage easement are currently in code enforcement.
- 11. Approving the variance may be injurious to private property or public improvements in the vicinity. The fence could prevent stormwater runoff from properly draining out of the area. The result would likely be additional standing water encroaching into properties than designed since there would not be proper drainage.
- 12. Granting the variance may adversely affect the delivery of government services. The city's engineering staff reviewed the application and determined that if debris or material is caught in the fence during a major rain event, it could block the stormwater from entering into the drainage inlets.

IV. RECOMMENDATION

In order to allow the drainage easement to function as designed, it is important that the fence and landscape are located outside of the easement. The major flood route engineering design focuses on precautionary protection of the neighborhood. If obstructions are located within the drainage easement, this could block the stormwater from getting to the catch basins, thereby prohibiting the drainage easement from functioning properly. Historically the city staff and city boards and commission have not permitted encroachments into major flood routes. Approving this variance may be precedent setting since there do not appear any special conditions on the properties.

V. ACTION

Should the Planning Commission find that the application has sufficient basis for disapproval, finding the following motion is appropriate.

Move to approve application VAR-129-2022 based on the findings in the staff report (conditions of approval may be added)

Approximate Site Location:



Source: NearMap

Jay Holladay 6976 Hanbys Loop New Albany, OH 43054 757-773-8340 jholladay85@gmail.com

City of New Albany Community Development Department 99 West Main Street PO'Box 188 New Albany, OH 43054

10/21/22

To Whom It May Concern,

This letter is meant to serve as the narrative statement of the variance application for the property at 69,76 Hanbys Loop, New Albany, OH 43054.

The violations at issue involve the existence of a fence and landscaping within an easement, in the rear portion (back yard) of the property.

The current fence was installed by Hamilton Fencing in August 2020. It has existed for over a year without complaint. As part of the contracting agreement, Hamilton Fencing was responsible for acquiring all permits. Hamilton Fencing applied for a permit through the HOA, requiring multiple submissions, before ultimately receiving approval. It was the understanding of Hamilton Fencing at that time that HOA approval included city compliance. Thus, through feedback from Hamilton Fencing, and HOA approval, it was my understanding as the homeowner that the appropriate permit was obtained before proceeding with construction.

The bottom of the fence is above ground and the slats are thin. Water flows freely through and under it, as well as the visual line of site. The fence adds value to the property via beauty and protection. The fence is in coordination with other neighboring fences, adding consistency in beauty and character to the neighborhood. If needed to be removed, the fence is coated aluminum, and could be deconstructed/cut fairly quickly with proper equipment. The cost of the fence was over 10 thousand dollars, and will require a similar amount to adjust it, in addition to reducing the yard to an area, arguably not worth surrounding.

Upon going door to door, it was found that all surrounding neighbors desire to have fences for their own yards, and are collectively in coordination with the effort of this variance. Homes in the Ebrington subdivision were purchased under the pretext that the HOA by-laws allowed fences. One of the original homes in the subdivision has a fence and landscaping that was approved by the city and HOA, encouraging buyers that such is allowed and feasible. The city is now trying to revoke the permits of this property, issued years ago, putting the expense and

hardship on the current homeowner to make the requested adjustments despite previous approval.

The existing easement within the Hanbys Loop portion of the Ebrington subdivision, and its associated regulations, almost completely prohibit the establishment of fences. I (We) are applying for reconsideration of the regulations to be more accommodating to the establishment of a yard where families, children, and pets can enjoy their daily lives with the protection of fencing, as intended when purchasing their homes.

In regards to landscaping, the existing landscaping was placed by the original builder (Weaver Custom Homes) in 2017. The landscaping involves multiple trees that are beautiful, in compliance with New Albany HOA standards, and provide privacy and protection to the yard. The landscaping has existed for almost 6 years, and has been unaltered by any previous owner. Most of this landscaping lies just within the easement lines by a matter of 1-3 feet, and roughly 12-13ft off of the rear/shared property line. Any impedance of water drainage is strictly subjective, and subject to the bias of the surveyor. To my knowledge as the homeowner, there has been no issues with water drainage to date. When called, Weaver Custom Homes claimed to have approval from city and HOA for the landscaping, however, this could not be found upon inquiry to the city.

After speaking with landscaping professionals, removing the landscaping will incur financial costs of roughly 10-15 thousand dollars. Replacing new landscaping, roughly 3 feet farther in from the property line, will be a similar cost. Upon conversation with the Weaver Custom Homes, they claim no liability, and that they are not responsible for any costs of the dispute. Thus, as the current homeowner, I am now required to take on these significant costs, estimated at roughly 30 thousand dollars, when I had nothing to do with any of its implementation, and purchased the home in good faith, unknowing of any potential violation, given its existence since the construction of the property in 2017.

While I am applying for reconsideration of my own circumstances, I am also here in support of my neighbors who are also applying for similar interests in terms of the existence or establishment of a fence, and/or landscaping, along easement lines that will add beauty, protection, privacy, and value to their property, and our neighborhood, without risk of safety. Further, I feel the sporadic and untimely notice of these violations, and the associated demands, after years of previous existence, has put a great hardship on the associated homeowners, and has created a distrust between homeowners, and the city administration that is meant to serve and protect them. I urge the city to reconsider these violations, and work with homeowners to establish a more suitable compromise to satisfy the needs and desires of all parties involved.

Regards,

Jay Holladay

DRIVE IN EASEMENT

I/WE HAVE RECEIVED A COPY OF THIS SURVEY AND FIND THE CONDITIONS ACCEPTABLE.

BUYER / OWNER

We hereby cersity that the foregoing MORTGAGE LOCATION SURVEY was prepared in accordance with Chapter 4733-36, Ohio Administrative Code, and is not a Boundary Survey pursuant to Chapter 4733-37, Ohio Administrative Code. This plat is prepared for mortgage toen and title purposes only and is not to be construed as having been prepared for the owner and is not to be used to erect fences or other structures. Easements shown on this plat were taken from the subdivision plat of record. Additional easements affecting this application.

S NI



Planning Commission Staff Report November 21, 2022 Meeting

6988 HANBY'S LOOP FENCE LOCATION VARIANCE RECONSIDERATION REQUEST

LOCATION: 6988 Hanby's Loop (PID: 222-004836-00)

APPLICANT: Ryan & Ashley Deal

REQUEST: Reconsider Variance to Ebrington Recorded Plat Easement

ZONING: Comprehensive Planned Unit Development: West Nine 2 Subarea C

STRATEGIC PLAN: Residential APPLICATION: VAR-103-2022

Review based on: Application materials received August 25, 2022 and October 28, 2022.

Staff report completed by Sierra Cratic-Smith, Planner

I. REQUEST AND BACKGROUND

The applicant requests a reconsideration of a variance application the Planning Commission reviewed and denied on September 19, 2022. The variance request was to allow for the construction of a fence within the entire 12-foot-wide drainage easement. The fence was proposed be constructed along the side and rear property lines and within the drainage easement. There are no other easements on the property. The subdivision plat established a drainage easement along the rear property for the conveyance of stormwater.

The applicant cites crime, and fencing and landscaping being installed within the drainage easement at 7029 Hanby's Loop as reasons for reconsideration. The applicant's submittal can be found in a separate letter attached to this staff report.

The property at 7029 Hanby's Loop is one of the other homes in this vicinity with fences or other improvements within the drainage easement that are currently in code enforcement and was documented in the original September 19, 2022 staff report.

Per Codified Ordinance 159.06(c) (Reconsideration of Commission/Board Action) the Planning Commission may reconsider any action it has taken upon its own motion for good cause shown. Any action denying or disapproving an application, other than one involving an incomplete application, may be reconsidered no later than the second regular meeting after the original action from which reconsideration is being requested was taken, only if the applicant or its designee clearly demonstrates one of the following:

- 1. Circumstances affecting the subject property or item under consideration have substantially changed; or
- 2. New information is available that could not with reasonable diligence have been presented at a previous hearing.

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

 Move to reconsider variance application VAR-103-2022 pursuant to Codified Ordinance 159

If the motion passes, staff recommends that the board immediately table the application until the next regularly scheduled meeting date so that the surrounding neighbors can be notified of the hearing and staff can prepare staff report containing a full evaluation of the proposal.

II. SITE DESCRIPTION & USE

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

III. ASSESMENT

Criteria

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

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

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

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

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





Source: Google Maps

New Albany Planning Commission,

It is after living in the home for a month that I have realized that there are circumstances that have become realized and changed since the planning committee hearing on September 19, 2022.

Since that meeting I have realized that there are multiple reasons why it should be reconsidered by this commission to allow myself and the residence of Hanby's Loop to build fences and allow plantings within the drainage easement. The reasoning is that it is apparent that the city is restricting building within 13 feet on both sides of the property line, that will require a 26 foot alleyway between all of our homes when residence install their fences.

Since living in the home it has become apparent that crime is actually an issue in this neighborhood. With police presence within mere feet of my backyard with trespassing recorded on police record, I have come to realize that allowing an alleyway of 26 feet (the street of Hanbys loop is 24 feet wide) it is allowing an alleyway for potential unwanted foot traffic. Also, it is actually wider then the street of Hanbys loop. It is apparent that it needs to be revisited to lessen this easement and allow fences to be built within the current constraints.

It has also come to my attention that it has clearly been allowed for other neighbors to have approval to build in the easement. At 7029 Hanbys loop. In my last meeting it was shared by the city that the error was on the home owner. This is not entirely accurate. It is clear to me when reviewing the approval by the city that the residence at 7029 Hanbys loop were given approval by the city. If this was shared accurately in my hearing then I may have received a different answer.

I want to make no troubles with the city, I just want the ability to realize all or the majority of my property. It is also clear that I am not the only one who feels this way as I have every current resident and some future residence in approval and wanting to have the opportunity to build fences to realize their full property.

I hope the city can work with the residence of Hanbys loop to come up with a solution so we can all have fences to protect our families and property lines while not having a 26 foot wide alleyway in our backyards. This will look odd and to be quite honest it makes all of us scratch our heads why such a requirement was not better advertised in such a high end community.

I am willing to work with the city to come up with a solution to not lose 13 feet of my backyard and create a dangerous and unsightly 26 yard alleyway in my backyard that can introduce unwanted trespassers and unsightly greenspace that will be difficult and most likely not as well maintained.

I appreciate the city and committee and their efforts but I hope we can direct this towards working with the hardworking taxpayers who are residence of New Albany.

Regards,

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



POLICE

NEW ALBANY POLICE DEPARTMENT

FIELD CASE REPORT

CASE# 2022-00010673

	10/20/2022 2		ED INCIDENT TYPE		LOCATION OF	OCCURRENCE			
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REPORTING OFFICER	DATE	REVIEWED BY	
24 Ferguson	10/20/2022	Strahler, Joel D	10/21/2022

NEW ALBANY POLICE DEPARTMENT



FIELD CASE REPORT

CASE 2022-00010673

NARRATIVE

Officer Ferguson was dispatched to a disturbance involving a resident and a suspicious person going through garbage in the area of Hanby's Loop and Armscote End. Officers Goad and Klingler were dispatched as well. Officer Ferguson witnessed a vehicle matching the description of the suspicious vehicle leaving the area with one headlight out. Officer Ferguson called out the vehicle as it passed him. Officers Goad and Klingler, who were behind Officer Ferguson, initiated a traffic stop on the vehicle. Officer Ferguson turned around and went to the traffic stop. Officer Ferguson made a driver's side approach and witnessed bags of what appeared to be insulation and square wooden posts, approximately the size of railing spindles, connected with white plastic ties. The wood had pink paint on the ends. Officer Ferguson then left the traffic stop to make contact with the witness.

Officer Ferguson went to 7100 Armscote and spoke to the resident and her significant other, Michael Martinez. During this interaction, Martinez showed signs of impairment. The resident stated that they witnessed the suspect vehicle parked in the area move to a location which was later identified as 7021 Hanby's Loop. Martinez stated that he confronted the suspect. Martinez stated that the suspect told him that he was there to take trash from the dumpsters. Maritnez also stated that he did not witness the suspect removing any property. The resident at 7100 Armscote told Martinez to come in and then called police. Martinez did provide identification and a written statement.

Officer Ferguson then met up with Officer Pack and walked through the construction sites to try and locate a victim. Officers Pack and Ferguson checked dumpsters and the new builds. No material matching what was located was found in any dumpster. Officers Ferguson and Pack did locate wood, that matched what was found in the suspect vehicle, stacked in the garage of 7021 Hanby's Loop. Officer Pack took pictures and Officers Pack and Ferguson cleared.

Officer Ferguson went back to the stop and spoke to the suspect. The suspect stated that he had gotten the items from the trash. Officer Ferguson allowed the suspect to call for a ride on the cruiser phone from 66. Officer Ferguson gave a courtesy transport to the Sheetz on Dublin-Granville Road after Officer Goad issued the suspect his citations.

REPORTING OFFICER	DATE	REVIEWED BY	
24 Ferguson	10/20/2022	Strahler, Joel D	10/21/2022



NEW ALBANY POLICE DEPARTMENT

FIELD CASE REPORT

CASE# 2022-00010673

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Г		STATUTE/DESCRIPTION 2913.02A1						COUNTS	ATTEMPT/COMMIT
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SUBJECT	OOB AGE or AGE RANGE			ADDRESS (STREET, CITY, STATE, ZIP) 7021 Hanby's Loop New Albany, OH 43054					
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REPORTING OFFICER	DATE	REVIEWED BY	
46 Goad	10/19/2022	Strahler, Joel D	10/20/2022



REPORTING OFFICER

46 Goad

NEW ALBANY POLICE DEPARTMENT

FIELD CASE REPORT

CASE# 2022-00010673

	VEHICLES as INVOLVED								
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D VEHIC	2006	TYPEMAKEMODEL Chrysler	Town & Cou		Station Wagon				
INVOLVED VEHICLE		24 / OH	2A4GP54LX6R924255	rop color Red	Red				
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REVIEWED BY

Strahler, Joel D

10/19/2022

10/20/2022

NEW ALBANY POLICE DEPARTMENT

FIELD CASE REPORT

CASE# 2022-00010673

	GENERAL PROPERT	Υ					
PROPERTY CODE Evidence (Non IBF			\$.00				
OUANTITY/UNIT OF MEASURE 3 / Each TEM DESCRIPTION	PROPERTY TYPEICLASS 15 - Drugs/Narcotic Equipmt	SERIAL	COLOR				
TEM DESCRIPTION 1 glass meth pipe with I	red sleeve and 2 broken glass meth pipes						
PROPERTY CODE Evidence (Non IBR	R)		VALUE \$.00				
QUANTITY/JUNIT OF MEASURE 1 / Each TEM DESCRIPTION	PROPERTY TYPEICLASS 25 - Building Supplies						
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PORTING OFFICER 6 Goad	10/19/2022 REVIEWED BY Strahler,	Joel D	10/20/2022				



REPORTING OFFICER
46 Goad

NEW ALBANY POLICE DEPARTMENT

FIELD CASE REPORT

CASE# 2022-00010673

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REVIEWED BY

Strahler, Joel D

10/19/2022

10/20/2022

NEW ALBANY POLICE DEPARTMENT



FIELD CASE REPORT

CASE# 2022-00010673

NARRATIVE

On 10/20/22 in a fully marked cruiser, I Ofc. Goad was dispatched to the area of Armscote End and Hanby's Loop to investigate a complaint of an individual going the garbage. While en-route I was informed the individual had been going through construction sites and I received a description of the suspect, a white male with beard, and the vehicle, a red minivan. I arrived in the area and observed a red Chrysler minivan with a headlight out leaving the area. I activated my overhead emergency lights and conducted a traffic stop. I made a passenger side approach and made contact with the driver, identified as . I observed new construction material to include new insulation still in its packaging and bundled pieces of wood in the back of the vehicle. The vehicle was impounded, and new construction material was seized and was cited for driving under suspension, financial responsibility act suspension, and headlights required. was given a curtsy transport by Ofc. Ferguson, and all evidence seized was logged into New Albany evidence. Further investigation is needed.

REPORTING OFFICER	DATE	REVIEWED BY	
46 Goad	10/19/2022	Strahler, Joel D	10/20/2022



Community Development Department

RE: City of New Albany Board and Commission Record of Action

Dear Daniel & Chelsea Martin

Attached is the Record of Action for your recent application that was heard by one of the City of New Albany Boards and Commissions. Please retain this document for your records.

This Record of Action does not constitute a permit or license to construct, demolish, occupy or make alterations to any land area or building. A building and/or zoning permit is required before any work can be performed. For more information on the permitting process, please contact the Community Development Department.

Additionally, if the Record of Action lists conditions of approval these conditions must be met prior to issuance of any zoning or building permits.

Please contact our office at (614) 939-2254 with any questions.

Thank you.



Community Development Department

Decision and Record of Action

Tuesday, November 22, 2022

The New Albany took the following action on November 21, 2022.

Variance

Location: 6972 Hanby's Lp., Unit:44 **Applicant: Daniel & Chelsea Martin**

Application: PLVARI20220128

Request: Variance request to allow installation of a fence and landscaping within a drainage

easement located at 6972 Hanby's Loop (PID: 222-004832).

Motion: To approve

Commission Vote: Motion Disapproved, 0-4

Result: Variance, PLVARI20220128 was denied, by a vote of 0-4.

Recorded in the Official Journal this Tuesday, November 22, 2022

Condition(s) of Approval: NA

Staff Certification:

Sierra Cratic-Smith

Sierra Cratic-Smith

Planner



Community Development Department

RE: City of New Albany Board and Commission Record of Action

Dear Jay Holladay

Attached is the Record of Action for your recent application that was heard by one of the City of New Albany Boards and Commissions. Please retain this document for your records.

This Record of Action does not constitute a permit or license to construct, demolish, occupy or make alterations to any land area or building. A building and/or zoning permit is required before any work can be performed. For more information on the permitting process, please contact the Community Development Department.

Additionally, if the Record of Action lists conditions of approval these conditions must be met prior to issuance of any zoning or building permits.

Please contact our office at (614) 939-2254 with any questions.

Thank you.



Community Development Department

Decision and Record of Action

Tuesday, November 22, 2022

The New Albany took the following action on November 21, 2022.

Variance

Location: 6976 Hanby's Lp., Unit:45

Applicant: Jay Holladay

Application: PLVARI20220129

Request: Variance request to allow installation of a fence and landscaping within a drainage

easement located at 6976 Hanby's Loop (PID: 222-004832).

Motion: To approve

Commission Vote: Motion Disapproved, 0-4

Result: Variance, PLVARI20220129 was denied, by a vote of 0-4.

Recorded in the Official Journal this Tuesday, November 22nd, 2022

Condition(s) of Approval: N/A

Staff Certification:

Sierra Cratic-Smith

Sierra Cratic-Smith

Planner



Community Development Department

RE: City of New Albany Board and Commission Record of Action

Dear Ryan Deal

Attached is the Record of Action for your recent application that was heard by one of the City of New Albany Boards and Commissions. Please retain this document for your records.

This Record of Action does not constitute a permit or license to construct, demolish, occupy or make alterations to any land area or building. A building and/or zoning permit is required before any work can be performed. For more information on the permitting process, please contact the Community Development Department.

Additionally, if the Record of Action lists conditions of approval these conditions must be met prior to issuance of any zoning or building permits.

Please contact our office at (614) 939-2254 with any questions.

Thank you.



Community Development Department

Decision and Record of Action

Tuesday, November 22, 2022

The New Albany Planning Commission took the following action on November 21, 2022.

Variance

Location: 6988 Hanby's Lp., Unit:48

Applicant: Ryan Deal

Application: PLVARI20220103

Request: Reconsideration request for a variance request to allow the installation of a fence within a

drainage easement at 6988 Hanby's Loop (PID: 222-00483600).

Motion: To reconsider VAR-2022-103

Commission Vote: Motion Disapproved, 0-4

Result: Variance, PLVARI20220103 was denied, by a vote of 0-4.

Recorded in the Official Journal this November 21, 2022

Condition(s) of Approval:N/A

Staff Certification:

Sierra Cratic-Smith

Sierra Cratic-Smith

Planner



Planning Commission Staff Report December 19, 2022

3450 HORIZON COURT SCREENING PLAN CERTIFICATE OF APPROPRIATENESS

LOCATION: 3450 Horizon Court (PID: 095-111756-00.010)

APPLICANT: Lincoln Property Company REQUEST: Certificate of Appropriateness

ZONING: Limited General Employment (L-GE)

STRATEGIC PLAN: Employment Center APPLICATION: ARB-135-2022

Review based on: Application materials received on November 18, 2022 and December 2, 2022.

Staff report prepared by Chelsea Nichols, Planner

I. REQUEST AND BACKGROUND

The applicant requests review and approval of a screening plan for exterior storage at their warehouse building. A new tenant, Lansing Building Products, has requested to use a designated truck parking area as exterior storage. Per code section 1153.05(b), exterior storage shall not be permitted in the GE District, unless an acceptable plan for screening such storage is submitted to and approved by the Planning Commission.

II. SITE DESCRIPTION & USE

The 61.832-acre property is located in the Jug Street North, L-GE zoning district. The development consists of seven buildings and one substation. The tenant requesting the exterior storage will be located in one of the seven buildings within the development. This specific building is 177, 031 square feet. The area proposed for the exterior storage is approximately 32,000 square feet and located on the northwest portion of the site. The duration of the proposed outdoor storage and screening will be for as long as the tenant holds the lease. Should the Planning Commission approve the request, staff recommends a condition that the approval be tied to this specific tenant.

III. EVALUATION

A. Certificate of Appropriateness

Per C.O. Section 1157.09 Criteria for Evaluation of Application for Certificate of Design Appropriateness, the proposed plan for screening should be evaluated on these criteria:

- a. The compliance of the application with the Design Guidelines and Requirements and Codified Ordinances.
 - The tenant proposes to store empty pallets, siding, doors, windows, gutters, patio materials (not including sand/aggregate or other base materials), columns, trim, decking, roofing, storm windows and doors, and railing on the exterior of the property.
 - All materials proposed for storage are weather proof exterior building materials and will have no impact on rainwater runoff.
 - An 8' high chain-link vinyl fence is being proposed to screen the proposed storage area. The chain-link material will be black vinyl coated and the fence will have black slat screening. Along with the site plan, a fence specification sheet and a picture of the intended final look of the fence were included in the application materials. The red

rectangle on the site plan shows the outdoor storage area and proposed location of the fence

- b. The visual and functional components of the building and its site, including but not limited to landscape design and plant materials, lighting, vehicular and pedestrian circulation, and signage.
 - It does not appear the visual components of the site will be compromised. The tenant does not intend to stack above the proposed 8' tall fence, unless on the rare occasion due to supply chain issues. In addition, the proposed storage area is located at the rear of the property and adjacent to an industrial building, a conservation easement, a substation, and future data centers. Therefore, it does not appear the fence will be visible from public areas and streets.
 - The functional components of the site will not be compromised. The previously proposed speculative truck parking spaces in this area of the site are being removed to accommodate the outdoor storage. Even so, the site will still function properly. The property owner has submitted a plan revision to the city removing the proposed truck parking stripping and repurposing the pavement for this exterior storage area. The site will still have 45 truck and trailer parking spaces on site, which is exceeding the minimum number of loading spaces required per code.
- c. The distinguishing original qualities or character of a building, structure, site and/or its environment shall not be destroyed.
 - It does not appear that the original quality or character of the site will be destroyed or compromised as part of implementing the proposed screening plan for the outdoor storage.
- d. All buildings, structures and sites shall be recognized as products of their own time.
 - It appears that the applicant has located the outdoor storage area and designed the screening plan in a way that is appropriate to the design of the site.
- e. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be created with sensitivity.
 - It appears that the applicant has located the outdoor storage area and designed the screening plan in a way that is sensitive to the design of the site.
 - The proposed black vinyl coated chain-link fence style has been utilized successfully in other areas of the business park. The proposed fence will not be out of character.
- f. The surface cleaning of masonry structures shall be undertaken with methods designed to minimize damage to historic building materials.
 - Not Applicable.
- g. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the original structure would be unimpaired.
 - Not Applicable.

IV. SUMMARY

Per code section 1153.05(b), exterior storage shall not be permitted in the GE District, unless an acceptable plan for screening such storage is submitted to and approved by the Planning Commission. The applicant's screening plan for the exterior storage at their warehouse building consists of an eight-foot-tall chain-link fence which will be black vinyl coated and will have black slat screening. The fence will not be out of character as this same type of fencing has been utilized successfully in other areas of the business park.

V. ACTION

Should the Planning Commission find sufficient basis for approval, the following motion would be appropriate.

Suggested Motion for ARB-134-2022:

Move to approve Certificate of Appropriateness application ARB-134-2022 with the following condition:

1. The approval is tied to this specific tenant, Lansing Building Products.

Approximate Site Location:



Source: Near Map

City of New Albany

99 West Main Street New Albany, Ohio 43054



401.60-144

December 8, 2022

To: Chelsea Nichols

City Planner

From: Matt Ferris, P.E., P.S., Consulting City Engineer By:

Jay M. Herskowitz, P.E., BCEE

Re: TMD Rezoning

Our review comments are as follows:

- 1) When available, provide verification that all Ohio EPA and Army Corps of Engineers permitting requirements have been met.
- 2) We recommend that all proposed roads be constructed in accordance with public road standards.
- 3) Within the zoning district, we recommend that 40' of public r/w as measured from road centerline be dedicated for all collector streets and 50' of public r/w as measured from road centerline be dedicated for all arterial streets.

MEF/JMH

CC: Steve Mayer, Planning Manager





Permit #	
Board	
Mtg. Date	



Community Development Planning Application

100	Site Address 3450 Horizon Court New Albany, Ohio 43031-Building 10			
4	Parcel Numbers_ 095-111756-00.010			
1	Acres _ 61.832	es 61.832 # of lots created None		
		W OI TOIS CIEATED TOTO		
	Choose Application Type	Circle a	all Details that Apply	
Project Information	□□Appeal xxCertificate of Appropriateness □□Conditional Use □□Development Plan □□Plat □□Lot Changes □□Minor Commercial Subdivision □□Vacation □□Variance □□Extension Request □□Zoning Description of Request: Screen	Preliminary Final Preliminary Final Combination Split Easement Amendment (rezoning)	Comprehensive Amendment Adjustment Street Text Modification exterior storage for warehouse	
	Description of Request: Science	ening pian approvarior	exterior storage for wareflouse	
	Property Owner's Name: New Albany Data Center SPE, LLC			
	Address: P.O. Box 1920 City, State, Zip: Dallas, Texa			
	Phone number: Dallas. Tex		Fax: N/A	
ø	Email: Dreidy@lpc			
act				
Contacts	Applicant's Name: Lir	ncoln Property Company	V	
ŭ	Address: 120 N LaSa			
150	City, State, Zip: Chicago.			
	Phone number: 847-208-09 Email: 2013-09	15 ail som	Fax: N/A	
	Email: zgrabijas@gm	all.com		
Signature	Site visits to the property by City of New Albany representatives are essential to process this applicated. The Owner/Applicant, as signed below, hereby authorizes Village of New Albany representatives, employees and appointed and elected officials to visit, photograph and post a notice on the property described in this application. I certify that the information here within and attached to this application true, correct and complete.			
3 2	Signature of Owner	P. Sept. State State Control	Date: 11/16/2022	
Signature of Applicant Date: 1			Date:11.15.22	

Exterior Storage Screening Plan Narrative

Ownership of 3450 Horizon Ct, New Albany (Building 10) is applying for exterior storage screening plan approval from the City of New Albany. A tenant has requested to use a designated truck parking area as exterior storage. The area proposed for storage is approximately 32,000 sf and is shown on Exhibit A.

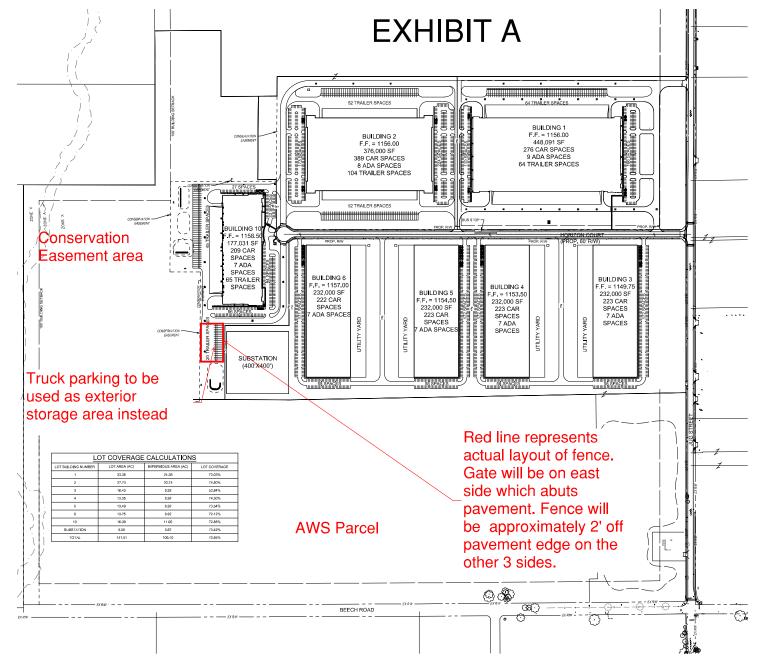
The tenant is Lansing Building Products, a national building materials supply company, and is proposing to store empty pallets, siding, doors, windows, gutters, patio materials (not including sand/aggregate or other base materials), columns, trim, decking, roofing, storm windows and doors, and railing. All materials proposed for storage are weather proof exterior building materials and will have no impact on rainwater runoff.

An 8' high black vinyl coated chain-link vinyl fence is being proposed to screen the proposed storage area. A spec of the fence is included with submittal as Exhibit B. Also included in this submittal is Exhibit C a picture of the intended final look. The tenant does not intend to stack above the 8' fence unless on the rare occasion due to supply chain issues they could stack siding up to 10' tall.

The proposed storage area is at the rear of the property, adjacent to an industrial building, conservation easement, substation, and future data centers. Due to these reasons, we feel is an ideal location for exterior storage and fits with the overall aesthetic of the area.

Converting the truck parking area to exterior storage will not have an impact on the overall site function. The building 10 site plan has additional truck parking North of the building. The truck parking North of the building is typical for a building of this size if a building of this size has truck parking at all. The additional truck parking that is being converted was above and beyond and LPC had previously amended the currently approved permit to remove this truck area and potentially add it back in the future if tenants showed interest.

LPC is requesting that the proposed outdoor screening and storage duration be for as long as the tenant Lansing Building Products holds a lease with building 10.



EXISTING LEGEND

SANITARY MANHOLE
 CATCH BASIN

-O- UTILITY POLE ← GUY WIRE ∮ LIGHT POLE

FENCE LINE
TREE LINE
G GAS LINE
UNDERGROUND ELECTRIC

UNDERGROUND CABLE

E OVERHEAD ELECTRIC

OVERHEAD UTILITY

OVERHEAD UTILITY

SANTARY SEWER





EXHIBIT B

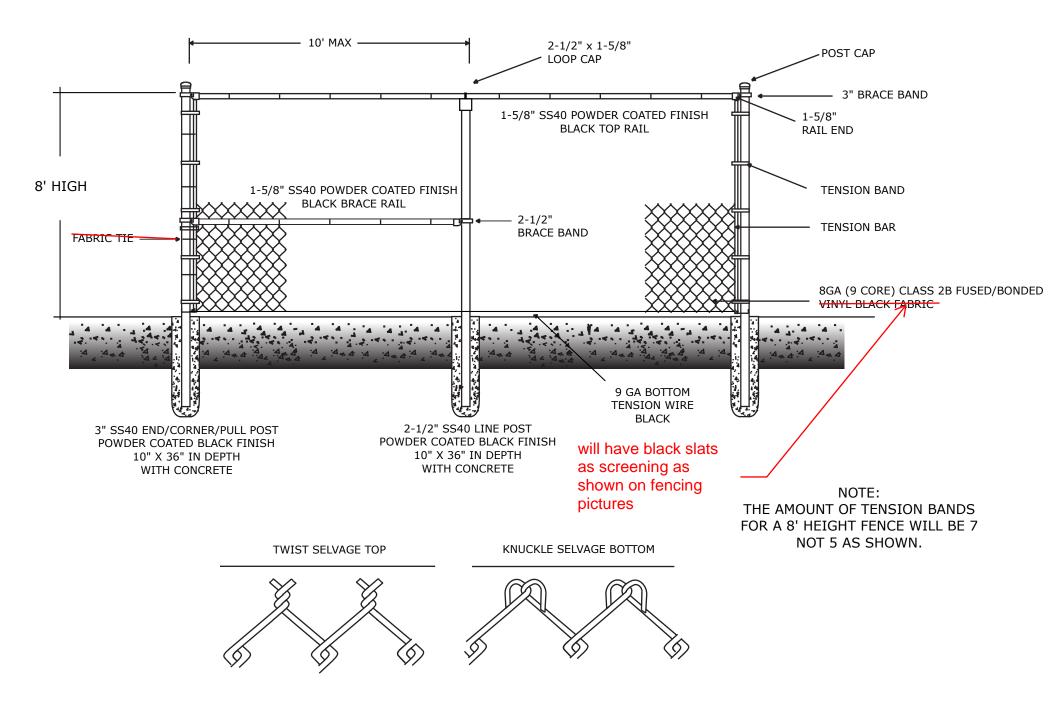


EXHIBIT C





Planning Commission Staff Report December 19, 2022 Meeting

TECHNOLOGY MANUFACTURING DISTRICT (TMD) ZONING AMENDMENT

LOCATION: 403.02+/- acres located within Licking County. See Appendix A for list

of county parcel identification numbers.

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

REQUEST: Zoning Amendment

ZONING: Agricultural (AG) to Technology Manufacturing District (TMD)

STRATEGIC PLAN: Employment Center

APPLICATION: ZC-135-2022

Review based on: Application materials received on November 17, 2022 and November 30, 2022.

Staff report completed by Chelsea Nichols, Planner

I. REQUEST AND BACKGROUND

The applicant requests review and recommendation to city council to rezone 403.02+/- acres from Agricultural (AG) to Technology Manufacturing District (TMD). The rezoning areas are four separate groups of parcels located within Licking County.

Per C.O. 1154.03, in order for property to be eligible to be classified with the TMD designation, it must be included within a zoning application pertaining to a minimum of five hundred (500) contiguous acres. Alternatively, a property will be so eligible if, when zoned with the TMD designation, its acreage plus the acreage contained within the continuous perimeter of contiguous property that is already zoned in the TMD classification together will equal at least five hundred (500) acres.

While the property being rezoned is less than 500 acres in size, each of the individual groups of parcels within it shares a boundary with adjacent property that is already zoned in the TMD classification. 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 addendum Employment Center land use and the Western Licking County Accord Office/Warehouse land use category by providing compatible general employment uses. The TMD retains or improves upon many of the requirements found in adjacent existing zoning texts.

C.O. 1111.02 (Amendments) allows a change in zoning to be initiated by motion of Council, or by motion of the Planning Commission. In accordance with C.O. 1111 neighbors within 200 feet of the subject property have been notified and rezoning signs have been installed on every property included in this application.

II. SITE DESCRIPTION & USE

The overall site consists of 25 parcels. The site is comprised of farm fields and residential homes.

- 15.03+/- acres located to the north of and adjacent to Jug Street, generally to the east of its intersection with Harrison Road;
- 312.86+/- acres extending from Green Chapel Road on the north southward past Miller Road, generally between Beech Road on the west and Clover Valley Road on the east;
- 61.26+/- acres located to the west of and adjacent to Mink Street and generally to the north of Jug Street; and
- 13.87+/- acres located to the south of and adjacent to Miller Road and generally to the west of Clover Valley Road.

These parcels are currently being annexed into the city. The annexation petition was submitted on October 31, 2022 and is scheduled for its first reading at city council on January 3, 2023 and second reading on January 17, 2023. The neighboring uses and zoning districts include TMD, 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. 1107.02. Upon review of the proposed amendment to the zoning map, the commission is to make recommendation to city council. Staff's review is based on city plans and studies, proposed zoning district, and the codified ordinances. Primary concerns and issues have been indicated below, with needed action or recommended action in underlined text.

<u>Per codified ordinance chapter 1111.06 in deciding on the change, the Planning Commission shall</u> 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 Engage New Albany strategic plan lists the following development standards for the Employment Center future land use district:

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

B. Western Licking County Accord

The zoning district is located within the Western Licking County Accord's Office/Warehouse, Office Campus/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. The TMD advances the employment center opportunities and protects rural corridors through large setbacks and the design guideline's landscaping and mounding requirements. The Accord's recommended development standards for the Office District include, but are not limited to:

- 1. Building should be oriented to the front of the primary public roadways. (pg. 68)
- 2. Office buildings should be set back from the primary street right-of-way a minimum of 50 feet to maintain a natural greenway as a visual amenity. (pg. 68)
- 3. Street trees should be provided on both sides of the street at a minimum of 40 feet on center. (pg. 68)
- 4. Where new development is adjacent to existing residences a buffer zone shall be created with a minimum width of 25 feet. Such screening within the buffer zone shall consist of natural vegetation planted no closer than 3 feet to any property line. Natural vegetation shall have an opaqueness of 75% during full foliage and shall consist of a variety of deciduous and evergreen trees which attain 10 feet in height within 5 years of planting. (pg. 65)
- 5. Reasonable and good faith efforts shall be made to preserve existing trees and tree rows occurring in the planning area. (pg. 64)
- 6. To avoid spill-over lighting from commercial development to residential development. (pg. 66)
- 7. To avoid light pollution of the night sky. (pg. 66)
- 8. Outdoor light pole fixtures shall not exceed thirty (30) feet. (pg. 66)

C. Use, Site, and Layout

- 1. The permitted uses include those allowed in the LI (Limited Industrial) District as well as park-and-ride facilities, off-site parking and parking structures, bulk storage tanks, essential services, water and wastewater treatment facilities, gas storage, electric switch yards like (sub-stations), concrete batch plants, solar panels, and truck cell phone lots.
- 2. With the exception of parking structures and gas storage, all of these uses currently exist within the business park.
- 3. The chapter identifies two types of developments: flagship and primary projects.
 - o A flagship project must be a minimum of 500 acres for a single project.
 - o Primary projects are intended to be the same scale and size as the existing manufacturing and distribution centers in the city.
 - Given that flagship projects will only be located on large sites with the large setbacks and enhanced mounding requirements, the code provides flexibility for parking, signage, and architecture.
- 4. The site is located in the Engage New Albany strategic plan's Employment Center land use district. This site is also located in the Western Licking County Accord's Office/Warehouse, Office Campus/Transitional Agriculture, and Rural Residential/Agricultural districts.
- 5. Due to the proximity of this site to the State Route 161/Beech Road and State Route 161/Mink Street interchanges 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.
- 6. The TMD zoning district establishes more restrictive setback requirements than the development standards from surrounding L-GE limitation texts in the immediate vicinity.
 - o Principal Arterial Street Setbacks & Mounding
 - The TMD contains a tiered setback requirement for principal arterial streets. The zoning allows for a reduction in the building and pavement setbacks if the

- heights of mounding are increased. These regulations are found in codified ordinance chapter 1154.07(d)(1).
- Minimum 300 feet for pavement and 500 feet for buildings with a mound that is a minimum of 6 feet and a maximum of 8 feet in height within the required minimum pavement setback.
- Minimum 200 feet pavement setback and 400 building setbacks with a mound that is a minimum of 10 feet in height and a maximum of 12 feet in height within the required minimum pavement setback.
- Minimum 100 feet pavement setback and 300 building setbacks with a mound that is a minimum of 13 feet and a maximum of 15 feet in height within the required minimum pavement setback.
- Accessory structures such as security facilities, gate houses, security checkpoints, solar panels, bus and shuttle transit stops, and related improvements may be located as close as 100 feet of the rights-of-way and can be located in front or behind the required mounding.
- o Major Collector Setbacks
 - Minimum 25 feet pavement and 50 feet building setbacks. These regulations are found in codified ordinance chapter 1154.07(d)(2).
- o Residential Buffering & Setback Requirements
 - Minimum 100-foot building and pavement setback from any district where residences are a permitted use. If a building will exceed 65 feet in height, the minimum required building setback is increased to 300 feet. These regulations are found in codified ordinance chapter 1154.07(f).
 - When a residential property is not adjacent to a Principal Arterial street, a minimum ten (10)-foot high mound is required to be installed along the property line.
 - In areas where existing tree stands or forested areas are present, the city Landscape Architect shall not require such mounding and landscaping where the height and opacity requirements can be met by preserving and/or supplementing the tree stands or forested areas.
- Outdoor storage areas for these items are not required to be screened if they are located so that they are not visible from a public street right-of-way or from ground level at a distance of 200 feet from any perimeter boundary line. Otherwise, such outdoor storage areas shall be fully screened to a height of 8 feet. Outdoor storage areas (whether screened or unscreened) shall comply with minimum setback requirements for pavement.

D. Mobility and Parking

- 1. The subject properties are served by an existing public street network that is being enhanced by a regional transportation improvement plan. Improvements to the transportation system are already being constructed to serve surrounding development. The TMD provisions of the code recognize that an expansion of the TMD zoning district would be likely. Likewise, the public infrastructure improvement plans for the area that include the subject properties are being scaled in a manner that considers that the likelihood that the City would see continued development and economic growth.
- 2. The city of New Albany hired a traffic engineer, Carpenter Marty, to complete a traffic study for the TMD zoning district last year. The traffic patterns are expected to change as a result of the new land use and the report provided an in-depth analysis of the expected traffic. The study assumes a full build out of the existing properties currently zoned TMD and provides a basis for infrastructure planning within this area, which includes roadway cross section recommendations. The study utilizes the city of New Albany's thoroughfare plan component within the strategic plan. The thoroughfare plan is developed in partnership with the Mid-Ohio Regional Planning Commission (MORPC) and is designed

- to a 30-year horizon. Carpenter Marty and city staff used this base data and worked with the Ohio Department of Transportation (ODOT) to perform the area traffic modeling with projected growth rates for final land use buildout for the entire business park. The traffic study recommendations for the TMD are consistent with the Engage New Albany strategic plan addendum's mobility chapter.
- 3. Chapter 1154.08 (k) requires the developer to dedicate the following right-of-way below. These dedication requirements match the recommendations found in the Engage New Albany strategic plan.
 - a. Principal Arterial Streets: Minimum of 100 feet of right-of-way. That may be reduced to a minimum of 80 feet if approved by the city engineer.
 - b. Major Collector Streets: Minimum of 100 feet of right-of-way. That may be reduced to a minimum of 80 feet if approved by the city engineer.
 - c. Other Public Streets: minimum of 60 feet of right-of-way.
 - d. City code requires the property owner to grant easements to the city which are adjacent to the rights-of-way to the minimum extent necessary to provide for the installation and maintenance of streetscape improvements and/or utilities.
- 4. Flagship projects do not have any requirement to provide a minimum or maximum amount of vehicular parking spaces or loading spaces. Drive aisles, parking space, and loading space quantity and dimensions shall conform to the standards set forth in the New Albany Technology Manufacturing District Landscape and Architecture Standards Plan found in figure 17B.
- 5. Primary projects shall conform to the standards set forth in Chapter 1167 (city parking code).

E. Architectural Standards

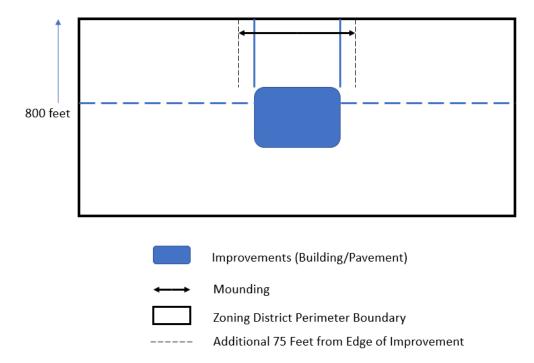
- 1. The TMD C.O. 1154.13 includes many of the same or improved architectural standards and requirements established from the General Employment limitation texts recently approved by the Planning Commission and city council in the surrounding business park.
- 2. C.O. 1154.13 (b) contains general regulations that apply to all primary projects. There are additional standards for non-office building developments such as manufacturing and warehouses facilities. These standards ensure all buildings and their exterior elevations are designed to be compatible with each other and to reflect a consistent design approach that match the rest of the New Albany business park.
- 3. Primary projects are required to provide complete screening of all roof-mounted equipment on all four sides of buildings with materials that are consistent and harmonious with the building's façade and character. This must screen equipment from off-site view and to buffer sound generated by such equipment. Solar energy systems are excluded from the requirements of this section.
- 4. Architectural requirements for flagship projects are located in the TMD Landscape Design Standards plan in Figure 20. Flagship projects are required to employ a comparable use of materials on all elevations. Façade colors are required to be coordinated and complement each other.
- 5. Flagship project's architectural designs for all portions of a building or structure that are visible from a public right-of-way (excluding public rights-of-way who primary purpose is to accommodate truck traffic or service loading areas) are required to meet the community standard in terms of quality while considering the unique nature of the use(s) of the structures.
- 6. Consistent with the city's Limited Employment (LI) and General Employment (GE) districts, the TMD does not have a height limitation for buildings.

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

1. The Technology Manufacturing District includes a landscape design standard plan. This plan is an extension of the TMD and is intended supplement and expand on the regulations found in codified ordinance 1154. This is the first and only zoning district to include a

- landscape design standard plan as a zoning requirement. The design standards plan includes street trees, mounding, stormwater basins, parking lot screening. This ensures the creation of a district greenway network with appropriately scaled and designed setbacks, mounding, and landscaping. The regulations are intended to preserve and refine the rural character of the district along the roadway corridors.
- 2. There is a maximum impervious parcel coverage of 85% on parcels containing flagship projects and 75% on parcels containing Primary projects. Primary projects have to follow the same enhanced landscape screening and mounding requirements as flagship project.
- 3. C.O. 1154.08 contains the residential buffering and setback requirements:
 - a. When a residential property is not adjacent to a Principal Arterial street, a minimum ten (10)-foot high mound is required to be installed along the property line. The mound shall consist of a mixture of deciduous trees, evergreens and bushes to provide an opacity of 75% on the date that is 5 years after planting to a total height of fourteen (14) feet above the top of the mound.
 - b. The mounding and landscape plan for these areas must be reviewed and approved by the city Landscape Architect.
 - c. In areas where existing tree stands or forested areas are present, the city Landscape Architect shall not require such mounding and landscaping where the height and opacity requirements can be met by preserving and/or supplementing the tree stands or forested areas.
- 4. Along the principle arterial streets, such as Mink Street and Green Chapel Road, the mounding is required to be landscaped in natural pattern. Figure 6 of the plan states trees should be planted on the front (street side) and top of the mound at a rate of 30 trees per 100 linear feet. Trees must be underplanted with native woodland shrubs in massing.
- 5. Development must comply with the provisions of Chapter 1155 (city floodplain ordinance) unless otherwise provided within the TMD. The TMD requires that all streams with a drainage area greater than fifty (50) acres and their riparian corridors shall be preserved. The corridor's setback width is a minimum of one hundred (100) feet, with at least twenty-five (25) feet on each side of the centerline of the stream. No pavement, structures, or other impermeable surfaces or improvements are permitted in riparian corridors, except for paved leisure trails, benches, and bridges. New vegetation is also allowed to be planted within these corridors.
- 6. The TMD requires that trees within wetlands are preserved through Tree Preservation Zones. These zones are established within areas that will be preserved pursuant to applicable federal and state permits and determinations once they are approved and issued by the Ohio EPA and the U.S. Army Corps of Engineers. These Tree Preservation Zones shall be maintained, protected, and preserved in accordance with such permits. If allowed under applicable permits, trees within Tree Preservation Zones may be removed if they present a potential danger to persons or property. Tree Preservation Zones do not include those areas where trees and/or wetland areas are allowed to be removed or filled by relevant permits. The final boundaries of the Tree Preservation Zones will be the same as the boundaries of the portions of the site that will be required to be preserved under applicable federal and state permits, as may be amended from time-to-time.
- 7. The required mounding and landscaping must be installed along the entirety of public street frontages and residential property lines abutting the TMD concurrent with building construction unless construction of multiple buildings is phased, in which case required mounding and landscaping may be installed in phases.

Perimeter Boundary



- 8. For each phase of development in the TMD, such required mounding and landscaping shall be installed when it is anticipated (as provided in plans associated with relevant permits) that buildings, paved parking areas, or above-ground equipment or utility infrastructure, once constructed within that phase, will be located within 800 feet of the relevant perimeter boundary line (e.g. street or residential property).
- 9. Parking lots are required to be screened from public streets by a wall, mound, or minimum 3.5-foot-tall evergreen hedge or similar landscaping.

G. Lighting & Signage

- 1. No light spillage onto properties which are adjacent to property which is zoned in the TMD classification shall be permitted from lighting sources within the TMD per codified ordinance 1154.16(e).
- 2. Codified ordinance 1154.16 (a) requires all parking lot and private drive lighting shall be cut-off type fixtures and down cast and be from a controlled source in order to minimize light spilling beyond the boundaries of the site.
- 3. Light poles shall not exceed 30 feet in height, except that light poles located within 300 feet of properties where residential uses exist or are permitted shall be no more than 18 feet in height per codified ordinance 1154.16(a).
- 4. Figure 14 of the landscape design standards plan contains signage requirements for street entrances to ensure consistency through the district and the surrounding business park. All other signage shall conform to the standards set forth in Chapter 1169 of the codified ordinances of the city of New Albany.

H. Other Considerations

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

IV. ENGINEER'S COMMENTS

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

- 1) When available, provide verification that all Ohio EPA and Army Corps of Engineers permitting requirements have been met.
- 2) We recommend that all proposed roads be constructed in accordance with public road standards.
- 3) Within the zoning district, we recommend that 40' of public r/w as measured from road centerline be dedicated for all collector streets and 50' of public r/w as measured from road centerline be dedicated for all arterial streets.

V. SUMMARY

The TMD takes the best practices from surrounding commercial areas and amplifies them. The TMD incorporates the best practices from the existing limitation texts and developments within the New Albany International Business Park and codifies those best practices. Moreover, it requires many of the larger "enhanced" setbacks, screening and mounding requirements recently approved within the Jug Street North Limitation text established from resident feedback at the Planning Commission and city council meetings.

The proposal matches the land use recommendations found in the Engage New Albany strategic plan addendum. The proposed zoning text meets the development standards found in both the Western Licking County Accord Plan and the Engage New Albany strategic plan. The requirements of the TMD zoning and landscape design standards plan consider the existing residential nature of the surrounding area by requiring larger setbacks, mounding and landscape restrictions to remain sensitive to those existing uses. The TMD advances the employment center opportunities and protects rural corridors through large setbacks and the design guideline's landscaping and mounding requirements as recommended in the WLCA.

The Planning Commission is to evaluate the appropriateness of this "straight" zoning district to the site. 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.
 - The large scale of the rezoning will result in a more comprehensive planned redevelopment of the area and will ensure compatibility between uses.
- (b) The relationship of topography to the use intended or to its implications.
 - The TMD includes heightened level of standards based on iterations of limitations texts from past zonings over the years.
- (c) Access, traffic flow.
 - The city of New Albany hired a traffic engineer, Carpenter Marty, to complete a traffic study for the Technology Manufacturing District (TMD) rezoning. The traffic study's recommendations for roadway improvements are consistent with the strategic plan's functional classification and can appropriately serve the zoning district.
- (d) Adjacent zoning.
 - The property is adjacent to commercially zoned property along portions of its southern and western boundaries. The remainder of the southern and western boundary's existing land uses are agricultural or residential, however, the Engage New Albany strategic plan recommends future Employment Center uses.
- (e) The correctness of the application for the type of change requested.
 - The applicant has submitted a complete and correct application for this zoning amendment.

- (f) The relationship of the use requested to the public health, safety, or general welfare.
 - The overall effect of the development advances and benefits the general welfare of the community.
 - The TMD ensures consistency and simplifies regulations that are favorable to the surrounding area.
 - Since this chapter permits the same uses established in the business park today plus some more industrial uses, it requires enhanced setbacks and mounding requirements compared to surrounding commercial zoning regulations.
- (g) The relationship of the area requested to the area to be used.
 - Due to the proximity of this site to the State Route 161/Beech Road and State Route 161/Mink Street interchanges, 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.
- (h) The impact of the proposed use on the local school district(s).
 - 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.

VI. ACTION

Suggested Motion for ZC-135-2022:

Move to recommend approval of the rezoning application ZC-135-2022 to city council with the following conditions:

- 1) When available, provide verification that all Ohio EPA and Army Corps of Engineers permitting requirements have been met;
- 2) We recommend that all proposed roads be constructed in accordance with public road standards; and
- 3) Within the zoning district, we recommend that 40' of public r/w as measured from road centerline be dedicated for all collector streets and 50' of public r/w as measured from road centerline be dedicated for all arterial streets.

Approximate Site Location:



Source: NearMap

APPENDIX A: List of county parcel identification numbers for subject properties

PIDs: 037-111570-01.000, 037-112212-00.005, 037-112212-00.000, 037-111762-00.002, 037-111576-00.001, 037-111762-00.000, 037-112218-00.000, 037-112158-00.000, 037-112158-00.001, 037-112212-00.004, 037-112212-00.001, 037-112212-00.003, 037-112212-00.002, 037-112212-00.000, 037-111576-00.000, 037-112200-00.002, 037-112200-00.003, 037-112200-00.001, 037-111636-01.000, 037-111636-00.000, 037-111636-02.000, 037-112068-00.000, 037-111936-00.000, and 037-111936-00.003

Permit #	
Board	
Mtg. Date	



Community Development Planning Application

Park.	Site Address Please see attached list of subject property addresses				
	Parcel Numbers Please see attached list of subject property parcel numbers				
	Acres 403.02 +/- Acres	# of lots crea	ited		
Project Information	Choose Application Type Appeal Certificate of Appropriateness Conditional Use Development Plan Plat Lot Changes Minor Commercial Subdivision Vacation Variance Extension Request XZoning Description of Request: Rezoning of the TMD, Technology Manufacturing District	Preliminary Combination Easement Amendment (rez	Final Final Split	Comprehensive Adjustment Street Text Modification AG, Agricultural Disc	Amendment
Contacts	Address: City, State, Zip: Phone number: Email:			Fax: 614.335.9	329
Signature	Signature of Applicant	v, hereby authorizes officials to visit, pho	Village of otograph an	New Albany represend post a notice on the	ntatives, property application is

SUBJECT PROPERTY PARCEL NUMBERS

COMBINED APPLICATION

MBJ HOLDINGS

 $037-111570-01.000, 037-112212-00.005, 037-112212-00.000, 037-111762-00.002, 037-111576-00.001, \\037-111762-00.000, 037-112218-00.000, 037-112158-00.000, 037-112158-00.001, 037-112212-00.004, \\037-112212-00.001, 037-112212-00.003, 037-112212-00.002, 037-111570-00.000, 037-111576-00.000, \\037-112200-00.002, 037-112200-00.003, 037-112200-00.001, 037-111636-01.000, 037-111636-00.000, \\037-111636-02.000, 037-112068-00.000, 037-111936-00.000, and 037-111936-00.003$

Subject Property Address List

13335 Miller Road, Johnstown, OH 43031	13194 Miller Road, Johnstown, OH 43031	
13050 Miller Road, Johnstown, OH 43031	13307 Miller Road, Johnstown, OH 43031	
13326 Miller Road, Johnstown, OH 43031	13270 Miller Road, Johnstown, OH 43031	
13212 Miller Road, Johnstown, OH 43031	13200 Miller Road, Johnstown, OH 43031	
13250 Miller Road, Johnstown, OH 43031	0 Miller Road, Johnstown, OH 43031	
0 Green Chapel Road, Johnstown, OH 43031	13275 Green Chapel Road, Johnstown, OH 43031	
13061 Green Chapel Road, Johnstown, OH 43031	12934 Jug Street Road, Johnstown, OH 43031	
12852 Jug Street Road, Johnstown, OH 43031	12910 Jug Street Road, Johnstown, OH 43031	
3089 Mink Street, Johnstown, OH 43031	3113 Mink Street, Johnstown, OH 43031	
3011 Mink Street, Johnstown, OH 43031	12743 Miller Road, Johnstown, OH 43031	
12741 Miller Road, Johnstown, OH 43031	12737 Miller Road, Johnstown, OH 43031	

AFFIDAVIT OF FACTS

I, Aaron L. Underhill, in my capacity as attorney for the applicant listed on the zoning application pertaining to 403.02+/- acres known as Licking County Parcel Numbers 037-111570-01.000, 037-112212-00.005, 037-112212-00.000, 037-111762-00.002, 037-111576-00.001, 037-111762-00.000, 037-112218-00.000, 037-112158-00.000, 037-112158-00.001, 037-112212-00.004, 037-112212-00.001, 037-112212-00.003, 037-112212-00.002, 037-112200-00.003, 037-112200-00.001, 037-111636-01.000, 037-111636-00.000, 037-111636-00.000, 037-111636-00.000, 037-111936-00.000, and 037-111936-00.003, being first duly sworn, do hereby state and depose the following:

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

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

By:

Further Affiant sayeth not.

Aaron L. Underhill

Attorney, Underhill & Hodge LLC

STATE OF OHIO COUNTY OF FRANKLIN SS.

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

Notary Public

and deed.

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

My Commission Expires:

APPLICANT:	MBJ Holdings LLC 8000 Walton Parkway, Suite 260 New Albany, OH 43054	
PROPERTY OWNER:	Please see list of subject property owners below	
ATTORNEY:	Aaron L. Underhill Underhill & Hodge LLC 8000 Walton Parkway, Suite 260 New Albany, OH 43054	
	Subject Property Owner(s) And Parcel Numbers 403.02 +/- Acres	
MBJ Holdings, LLC 8000 Walton Parkway, Suite 120 New Albany, Ohio 43054 PNs: 037-111570-01.000, 037-112212- 00.005, 037-112212-00.000 and 037-111576- 00.001	Keith G. and Stacia G. Mainzer 675 Catalina Court Lindenhurst, IL 60046 PN: 037-111762-00.002	Dennis and Jackie Dotson P.O. Box 564 Johnstown, OH 43031 PN: 037-111762-00.000
Daniel D. Potter, Trustee 13061 Green Chapel Road Johnstown, OH 43031 PN: 037-112218-00.000	Hendren Farms Partnership 3925 Beech Road Johnstown, OH 43031 PN: 037-112158-00.000	Michael A. Schoeff 13326 Miller Road Johnstown, OH 43031 PN: 037-112158-00.001
Sherri L. Mullins, Trustee 13270 Miller Road Johnstown, OH 43031 PN: 037-112212-00.004	Robert E. Haycook (TOD) 13212 Miller Road Johnstown, OH 43031 PN: 037-112212-00.001	Kevin M. and Shannon H. Crawford 13200 Miller Road Johnstown, OH 43031 PN: 037-112212-00.003
Arthur J. and Amy Louise Bull 13250 Miller Road NW Johnstown, OH 43031 PN: 037-112212-00.002	Henry S. Cook, Joyce A. Cook and HS & JA LLC 13335 Miller Road NW Johnstown, OH 43031 PN: 037-111570-00.000	Mary L. Cook and Miller Road Homestead LLC 3704 Clover Valley Road NW Johnstown, OH 43031 PN: 037-111576-00.000
MBJ Holdings, LLC 8000 Walton Parkway, Suite 120 New Albany, Ohio 43054 PN: 037-112200-00.002, 037-112200- 00.003 and 037-112200-00.001	Helen L. Campbell, Trustee 12741 Miller Road Johnstown, OH 43031 PN: 037-111636-00.000	Kenton L. and Mary P. Suver 12737 Miller Road Johnstown, OH 43031 PN: 037-111636-02.000
MBJ Holdings, LLC 8000 Walton Parkway, Suite 120 New Albany, Ohio 43054 PN: 037-112068-00.000	Louis R. and Linda S. Powell, Trustees 3113 Mink Street Johnstown, OH 43031 PN: 037-111936-00.000	Robert A. and Deborah B. Carr 1350 Mink Street SW Pataskala, OH 43062 PN: 037-111936-00.003

Michael F. and Erin M. Reilly 12743 Miller Road Johnstown, OH 43031 PN: 037-111636-01.000		
	Adjacent Property Owners Rezoning of 403.02 +/- Acres	
Beth Parsons, Trustee 13453 Green Chapel Road Johnstown, OH 43031 PN: 037-111762-00.001	Deborah Tripp and Sharon Smart, Co- Trustees 4500 Beech Road Johnstown, OH 43031 PN: 037-111954-00.000	Hendren One LLC 3922 Beech Road Johnstown, OH 43031 PN: 037-111648-00.000, 037-111870- 00.000, and 037-111864-00.000
Charles and Daniel Wilson, Co- Trustees 13757 Miller Road Johnstown, OH 43031 PN: 037-112248-00.000	New Albany Date Center SPE LLC 120 N. LaSalle St., Suite 2900 Chicago, IL 60602 PN: 095-111756-00.010	Jatinder Sethi and Mohinder Preet Longia Singh 6863 Whiteworth Drive New Albany, OH 43054 PN: 037-111930-00.000
Jack and Carolyn Plumley 13405 Jug Street New Albany, OH 43054 PN: 037-112110-00.000	Sean Clipner 13387 Jug Street New Albany, OH 43054 PN: 037-112542-00.000	Gary Allen Miller 13351 Jug Street New Albany, OH 43054 PN: 037-112044-01.000
Karin Bailey 13275 Jug Street New Albany, OH 43054 PN: 037-112044-02.000	Michael and Lora Dunfee 13313 Jug Street New Albany, OH 43054 PN: 037-112044-03.000 and 037- 112044-00.002	Amber Salsburey, Trustee 13191 Jug Street Rd. New Albany, OH 43054 PN: 037-112044-04.004
Toby Baker 2677 Harrison Road New Albany, OH 43054 PN: 037-112044-00.005	Jenifer Armentrout 160 Bermuda Drive Johnstown, OH 43031 PN: 037-112008-00.020	Paul and Dawn Scott 176 Bermuda Drive Johnstown, OH 43031 PN: 037-112008-00.023
Lonnie and Mary Trammell 213 Bermuda Drive Johnstown, OH 43031 PN: 037-112008-00.018	Adam and Connie McVay 192 Bermuda Drive Johnstown, OH 43031 PN: 037-112008-00.026	Douglas and Deborah Newman 188 Bermuda Drive Johnstown, OH 43031 PN: 037-112008-00.027
Mark Andrew and Andrea Berndt 208 Bermuda Drive Johnstown, OH 43031 PN: 037-112008-00.028	Loreen and Gary DesRosiers 216 Bermuda Drive Johnstown, OH 43031 PN: 037-112008-00.029	Steven and Kitti Blevins 234 Bermuda Drive Johnstown, OH 43031 PN: 037-112008-00.025 and 037- 112008-00.002
Michael and Kristi Matoszkia, Trustees 238 Bermuda Drive Johnstown, OH 43031 PN: 037-112008-00.000	Henry Cook and Steven Ripple 13209 Miller Road Johnstown, OH 43031 PN: 037-112008-00.001 and 037- 112008-01.000	Owen and Linda Strohschein 13185 Miller Road Johnstown, OH 43031 PN: 037-112008-00.005

Jason Daniel and Jannette Nicole Kacar 13041 Miller Road Johnstown, OH 43031 PN: 037-112008-00.004	Lisa Boyd 40 Bermuda Drive Johnstown, OH 43031 PN: 037-112008-00.003	Cheryl Bush, Trustee, Beverly Jean Bush, Cheryl Ann, Sharon Lynn and Lori Ellen Bu 12685 Green Chapel Road Johnstown, OH 43031 PN: 037-111486-00.000 and 095-111480- 00.000
Michael Smith 13010 Green Chapel Road Johnstown, OH 43031 PN: 052-175200-00.000	Jerry and Marianne Hursey 13046 Green Chapel Road Johnstown, OH 43031 PN: 052-173304-01.000	Clayton and Mia DeVries 13074 Green Chapel Road Johnstown, OH 43031 PN: 052-173304-00.000
Randy Piper, Trustee 13151 Johnstown-Utica Road Johnstown, OH 43031 PN: 052-173664-00.000 and 052- 173658-00.000	Matthew and Hope Link 5439 Mink Street Johnstown, OH 43031 PN: 052-173658-00.005	Geraldine Campbell 2983 Mink Street Johnstown, OH 43031 PN: 037-112026-00.001
Robert and Deborah Carr 1350 Mink Road Pataskala, OH 43062 PN: 095-111732-00.000 and 095- 112062-00.000	Amazon Data Services, Inc. P.O. Box 80416 Seattle, WA 98108 PN: 095-112074-00.000	New Albany Data Center SPE LLC 120 N. LaSalle St., Suite 2900 Chicago, IL 60602 PN: 095-111756-00.007
New Albany Data Center LLC 120 N. LaSalle St., Suite 2900 Chicago, IL 60602 PN: 095-111756-00.011	Chris and Colleen Anderson 12030 Jug Street Johnstown, OH 43031 PN: 037-111540-00.001	Mary Alice Foster, et al. 3356 Clover Valley Road Johnstown, OH 43031 PN: 095-111720-00.000
Intel Corporation 2200 Mission College Blvd., RNB 6-91 Santa Clara, CA 95054 PN: 095-111588-00.000	MCVGCM Holdings LLC 8000 Walton Parkway, Suite 120 New Albany, OH 43054 PN: 095-111588-00.004	Kay Currens 248 Village Drive Johnstown, OH 43031 PN: 037-112146-00.000
Thomas and Dianne Dauer 3198 Mink Street Johnstown, OH 43031 PN: 037-112140-02.000	Morris Kitsmiller P.O. Box 728 Johnstown, OH 43031 PN: 037-112140-01.000	Kenneth Boggs 3150 Mink Street Johnstown, OH 43031 PN: 037-112140-00.000
Michael and Christina Sadilek 3081 Mink Street Johnstown, OH 43031 PN: 037-111936-00.001	Anthony and Wendy Verdone 3103 Mink Street Johnstown, OH 43031 PN: 037-111936-00.002	Robert Myers 3082 Mink Street Johnstown, OH 43031 PN: 037-112152-00.006
Kitty Guinsler 3010 Mink Street Johnstown, OH 43031 PN: 037-112152-00.005, 037-112152- 00.009 and 037-112152-00.008	William and Sharon Slader 3000 Mink Street Johnstown, OH 43031 PN: 037-112152-00.003	Carl and Denice Culberson 2967 Mink Street Johnstown, OH 43031 PN: 037-112152-02.000
Cheryl Bush, Trustee, Beverly Jean Bush, Cheryl Ann, Sharon Lynn and Lori Ellen Bush 12685 Green Chapel Road Johnstown, OH 43031 PN: 037-111486-00.000	Jerry Bush 13128 Miller Road Johnstown, OH 43031 PN: 095-111486-00.001	MBJ Holdings LLC 8000 Walton Parkway, Suite 120 New Albany, OH 43054 PN: 095-111978-00.000 and 095- 111834-00.000



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

P: 614.335.9321 F: 614.335.9329 aaron@uhlawfirm.com

November 17, 2022

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

RE: School Impact of Zoning of 403.02+/- acres located generally to the west of

Clover Valley Road, east of Harrison Road and north of and adjacent to Jug

Street in Licking County

Dear Chris:

This letter accompanies an application to rezone the above referenced Property from the AG, Agricultural District to the TMD, Technology and Manufacturing District. The purpose of this letter is to analyze the impact of this zoning on the Johnstown-Monroe Local School District.

This rezoning will allow commercial development on the Property as opposed to residential development. Once developed, 22 homes will be removed from the site. The obvious positive financial impact of developing the Property alleviates the need to undertake a detailed analysis of the impact the development would have on the local school district. In general terms, the rezoning will permit the development of the Property with non-residential uses, which will provide the schools with a substantial financial benefit. This zoning will add significant value to the land and will provide the means to provide additional value by way of improvements.

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

Sincerely,

Aaron L. Underhill

Attorney for the Applicant

L. Thody 1.00

TECHNOLOGY MANUFACTURING DISTRICT (TMD) 403.02+/- Acres

General Narrative

The property that is the subject of this rezoning application includes a total of 403.02+/- acres. It consists of four separate groups of parcels which are being annexed to the City of New Albany:

- (1) 15.03+/- acres located to the north of and adjacent to Jug Street, generally to the east of its intersection with Harrison Road;
- (2) 312.86+/- acres extending from Green Chapel Road on the north southward past Miller Road, generally between Beech Road on the west and Clover Valley Road on the east;
- (3) 61.26+/- acres located to the west of and adjacent to Mink Street and generally to the north of Jug Street; and
- (4) 13.87+/- acres located to the south of and adjacent to Miller Road and generally to the west of Clover Valley Road.

This application requests that the TMD, Technology Manufacturing District classification (Codified Ordinances Chapter 1154) be applied to the property. Section 1154.03 provides, in part, that "[i]n order for property to be eligible to be classified with the TMD designation, it must be included within a zoning application pertaining to a minimum of five hundred (500) contiguous acres. Alternatively, a property will be so eligible if, when zoned with the TMD designation, its acreage plus the acreage contained within the continuous perimeter of contiguous property that is already zoned in the TMD classification together will equal at least five hundred (500) acres. Properties separated by a public right-of-way shall be considered to be contiguous for purposes of this provision." While the property being rezoned is less than 500 acres in size, each of the individual groups of parcels within it (which are being annexed) shares a boundary with adjacent property that is already zoned in the TMD classification. The 15.03+/- acres is surrounded on three sides by property that is zoned TMD, and the 13.87+/- acres is surrounded by TMD zonings on all four sides. Significant portions of the eastern boundary of the 312.86+/- acres are adjacent to property that is zoned TMD, and the 61.26+/- acres have a northern boundary that is contiguous with property in the TMD designation. Therefore, all of the property is eligible to be rezoned with the TMD designation.

The subject property is served by an existing public street network that is being enhanced by a regional transportation improvement plan driven by planning for the Intel project. Improvements to the transportation system are already being constructed to serve that project and surrounding development. The TMD provisions of the Codified Ordinances recognize that an expansion of the TMD zoning district that accommodated Intel and its supplier sites would be likely. Likewise, the public infrastructure improvement plans for the areas that include the subject property are being scaled in a manner that takes into account the likelihood that the City would see continued development and economic growth.

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

Per C.O. 1111.03(C), a statement of the existing use and zoning district.

The property that is the subject of this application is in the process of being annexed to the City. Upon annexation, it will be designated in the AG, Agricultural zoning classification per the Codified Ordinances. The property currently is being used for agricultural and residential purposes.

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

Response: The Property that is being zoned consists of 403.02+/- acres. At the time of this application, the property is in the process of being annexed to the City of New Albany from Jersey Township. Upon annexation, the City's Codified Ordinances provide that the property automatically will be given an AG, Agricultural District zoning classification.

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

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

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

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

<u>Response</u>: Development of the site will occur based on market conditions after approval of the accompanying rezoning application.

Per C.O. 1159.07(b)(2)(J) Verification that an application, if required, has been submitted to the Ohio Environmental Protection Agency in compliance with Section 401 of the Clean Water Act in which anyone who wishes to discharge dredged or fill material into waters of the United States must obtain a Water Quality Certification Permit from the Ohio Environmental Protection Agency. In the case of an isolated wetland either a general state or individual state isolated wetland permit must be obtained from the Ohio Environmental Protection Agency (Sections 6111.021. - 6111.024 of House Bill 231).

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

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

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

LEGAL DESCRIPTION 312.86± ACRES

Situated in the State of Ohio, County of Licking, Township of Jersey, in Lots 21 - 24, Quarter Township 2, Township 2, Range 15, United States Military Lands, being comprised of all of the following tracts of land. That 53.97 acre tract conveyed to Miller Road Homestead. LLC by deed of record in Instrument Number 201906130011623, that 46,80 acre tract conveyed to HS & JA, LLC by deed of record in Instrument Number 201906130011619, that 5.07 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202204210009982, that 2.001 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202205180012411, that 5.010 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202207070016647, that 5.01 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202207070016648, that 5.01 acre tract conveyed to Arthur J. Bull and Amy Louise Bull by deed of record in Instrument Number 201806290013268, that 2.75 acre tract conveyed to Kevin M. Crawford and Shannon H. Crawford by deed of record in Instrument Number 201209280022440, that 30.05 acre tract conveyed to Robert E. Haycook by deed of record in Official Record 429, Page 382, that 5.01 acre tract conveyed to Sherri L. Mullins, Trustee of the Sherri L. Mullins Trust by deed of record in Instrument Number 200902200003325, that 11.000 acre tract conveyed to Matthew W. Gibson, Trustee of the Schoeff Legacy Trust by deed of record in Instrument Number 202209150022489, that 41.666 acre tract conveyed to Hendren Farms Partnership by deed of record in Instrument Number 201105100008721, that 24.4384 acre tract conveyed to Keith G. Mainzer and Stacia G. Mainzer by deed of record in Official Record 768, Page 536, that 44.4384 acre tract conveyed to Dennis Dotson and Jackie Dotson by deed of record in Official Record 683, Page 921, and that 50.0 acre tract conveyed to Daniel D. Potter, Trustee of the Daniel D. Potter Trust by deed of record in Instrument Number 202203160006679, (all references refer to the records of the Recorder's Office, Licking County, Ohio), and more particularly bounded and described as follows:

BEGINNING, at the southwesterly corner of the subdivision entitled "Wagoner Farms Section 2", of record in Plat Book 16, Page 146, in the northerly line of that 476.757 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201912030026846, in the existing City of New Albany corporation line, as established by Ordinance Number O-12-2019, of record in Instrument Number 201906210012317,

Thence North 86° 32' 09" West, with said northerly line, said corporation line, and the northerly line of that 61.832 acre tract conveyed to New Albany Data Center SPE, LLC by deed of record in Instrument Number 202207200017785, a distance of 1357.18 feet to a northeasterly corner of said 61.832 acre tract;

Thence North 03° 26' 29" East, with the easterly line of said 61.832 acre tract, said corporation line, the easterly line of that 50 acre tract conveyed as Tract Three, First Parcel to Hendren One LLC by deed of record in Instrument Number 201304180009917, the easterly line of that 47.365 acre tract conveyed as Tract Three, Second Parcel to Hendren One LLC by deed of record in Instrument Number 201304180009917, and the easterly line of that 50 acre tract conveyed to Charles A. Wilson and Daniel E. Wilson, Co-Trustees by deed of record in Instrument Number 201105190009421, a distance of 3483.17 feet to a point in the centerline of Miller Road;

Thence North 03° 26' 40" East, with the easterly line of that 100 acre tract conveyed as Tract One to Hendren One LLC by deed of record in Instrument Number 201304180009917, a distance of 1674.62 feet to the southeasterly corner of that 91.173 acre tract conveyed to Deborah Tripp and Sharon Smart, Co-Trustees by deed of record in Instrument Number 201104140007147;

LEGAL DESCRIPTION 312.86± ACRES

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Thence North 03° 35' 59" East, with the easterly line of said 91.173 acre tract, a distance of 886.70 feet to the southwesterly corner of that 10.003 acre tract conveyed to Robert A. Parsons and Beth A. Parsons, Trustees of the Parsons Trust by deed of record in Instrument Number 201703210005737;

Thence South 86° 54' 22" East, with the southerly line of said 10.003 acre tract, a distance of 526.18 feet to the southeasterly corner of said 10.003 acre tract;

Thence North 03° 02' 45" East, with the easterly line of said 10.003 acre tract, a distance of 833.79 feet to a point in the centerline of Green Chapel Road;

Thence South 86° 54' 44" East, with said centerline, a distance of 2228.03 feet to the northwesterly corner of that 47.874 acre tract conveyed to Cheryl A. Bush, Trustee of the Bush Keystone Inheritance Trust by deed of record in Instrument Number 201209100020565, and to Beverly Jean Bush, Cheryl Ann Bush, Sharon Lynn Bush, and Lori Ellen Bush by deed of record in Instrument Number 200601310002957, in the existing City of New Albany corporation line, as established by Ordinance Number 0-11-2022, of record in Instrument Number 202205120011951;

Thence South 03° 47' 39" West, with the westerly line of said 47.874 acre tract, said corporation line, and the westerly line of that 47.245 acre tract conveyed to Cheryl A. Bush, Trustee of the Bush Keystone Inheritance Trust by deed of record in Instrument Number 201209100020565, and to Beverly Jean Bush, Cheryl Ann Bush, Sharon Lynn Bush, and Lori Ellen Bush by deed of record in Instrument Number 200601310002957, a distance of 3413.94 feet to a point in the centerline of said Miller Road;

Thence North 86° 27' 47" West, with said centerline, a distance of 1365.69 feet to the northwesterly corner of that 4.591 acre tract conveyed as Parcel Two to Henry J. Cook and Steven P. Ripple by deed of record in Instrument Number 200112140045310;

Thence South 03° 33' 26" West, with the westerly line of said 4.591 acre tract, the westerly line of the subdivision entitled "Wagoner Farms Section 4 Phase 3", of record in Plat Book 17, Page 219, the westerly line of the subdivision entitled "Wagoner Farms Section 4 Phase 1", of record in Plat Book 16, Page 298, the westerly line of the subdivision entitled "Wagoner Farms Section 3", of record in Plat Book 16, Page 178, the westerly line of said "Wagoner Farms Section 2", a distance of 3484.15 feet to the POINT OF BEGINNING, containing 312.86 acres of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk Professional Surveyor No. 7865

PRE-APPROVAL
LICKING COUNTY ENGINEER

APPROVED CONDITIONAL
APPROVED BY:
DATE:

LEGAL DESCRIPTION 312.86± ACRES

-2-

Thence North 03° 35' 59" East, with the easterly line of said 91.173 acre tract, a distance of 886.70 feet to the southwesterly corner of that 10.003 acre tract conveyed to Robert A. Parsons and Beth A. Parsons, Trustees of the Parsons Trust by deed of record in Instrument Number 201703210005737;

Thence South 86° 54' 22" East, with the southerly line of said 10.003 acre tract, a distance of 526.18 feet to the southeasterly corner of said 10.003 acre tract;

Thence North 03° 02' 45" East, with the easterly line of said 10.003 acre tract, a distance of 833.79 feet to a point in the centerline of Green Chapel Road;

Thence South 86° 54' 44" East, with said centerline, a distance of 2228.03 feet to the northwesterly corner of that 47.874 acre tract conveyed to Cheryl A. Bush, Trustee of the Bush Keystone Inheritance Trust by deed of record in Instrument Number 201209100020565, and to Beverly Jean Bush, Cheryl Ann Bush, Sharon Lynn Bush, and Lori Ellen Bush by deed of record in Instrument Number 200601310002957, in the existing City of New Albany corporation line. as established by Ordinance Number O-11-2022, of record in Instrument Number 202205120011951;

Thence South 03° 47' 39" West, with the westerly line of said 47.874 acre tract, said corporation line, and the westerly line of that 47.245 acre tract conveyed to Cheryl A. Bush. Trustee of the Bush Keystone Inheritance Trust by deed of record in Instrument Number 201209100020565, and to Beverly Jean Bush, Cheryl Ann Bush, Sharon Lynn Bush, and Lori Ellen Bush by deed of record in Instrument Number 200601310002957, a distance of 3413.94 feet to a point in the centerline of said Miller Road;

Thence North 86° 27' 47" West, with said centerline, a distance of 1365.69 feet to the northwesterly corner of that 4.591 acre tract conveyed as Parcel Two to Henry J. Cook and Steven P. Ripple by deed of record in Instrument Number 200112140045310;

Thence South 03° 33' 26" West, with the westerly line of said 4.591 acre tract, the westerly line of the subdivision entitled "Wagoner Farms Section 4 Phase 3", of record in Plat Book 17, Page 219, the westerly line of the subdivision entitled "Wagoner Farms Section 4 Phase 1", of record in Plat Book 16, Page 298, the westerly line of the subdivision entitled "Wagoner Farms Section 3", of record in Plat Book 16, Page 178, the westerly line of said "Wagoner Farms Section 2", a distance of 3484.15 feet to the POINT OF BEGINNING, containing 312.86 acres of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk

mathera lik

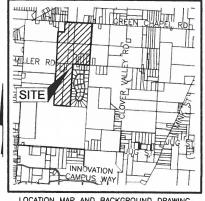
20 SEP 22

EOF

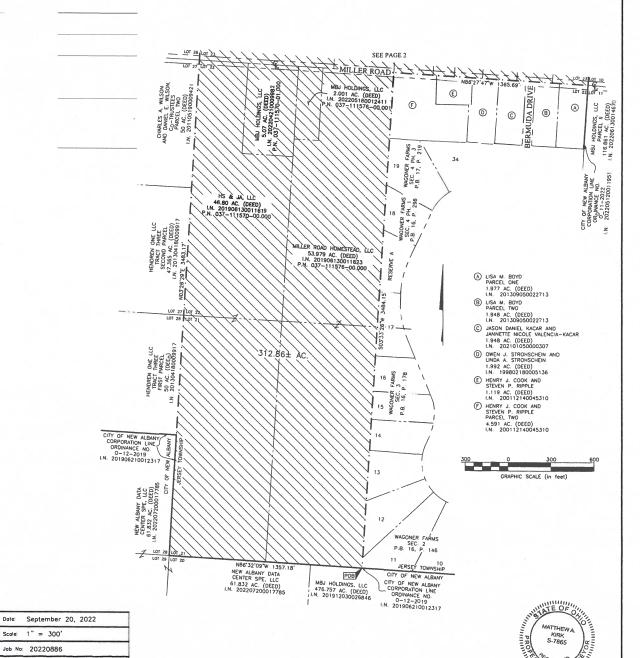
MATTHEWA KIRK S-7865

Professional Surveyor No. 7865

REZONING OF 312.86± ACRES



LOCATION MAP AND BACKGROUND DRAWING Not to Scale



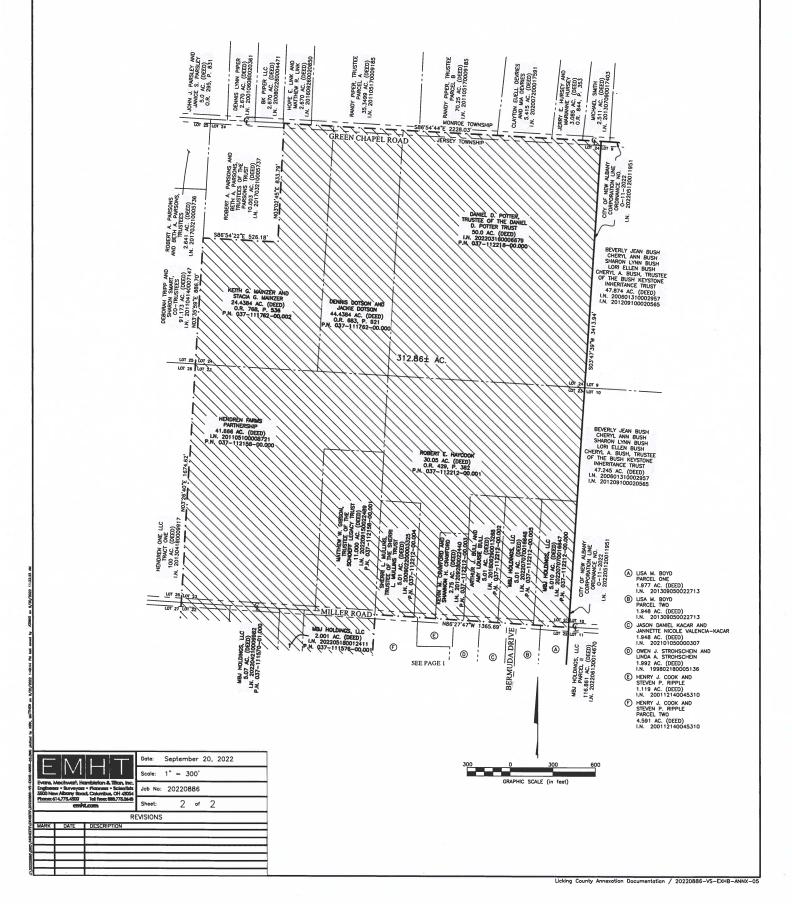
Date:

Scale:

1" = 300

20 50 22

REZONING OF 312.86± ACRES



LEGAL DESCRIPTION 13.87± ACRES

Situated in the State of Ohio, County of Licking, Township of Jersey, in Lot 11, Quarter Township 2, Township 2, Range 15, United States Military Lands, being comprised of all of that 4.846 acre tract conveyed to Michael F. Reilly and Erin M. Reilly by deed of record in Instrument Number 202007280018692, all of that 4.794 acre tract conveyed to Helen L. Campbell, Trustee of the Helen L. Campbell Trust by deed of record in Instrument Number 201507080013979, and all of that 4.309 acre tract conveyed to Kenton L. Suver and Mary Patricia Suver by deed of record in Official Record 673, Page 221, (all references refer to the records of the Recorder's Office, Licking County, Ohio), and more particularly bounded and described as follows:

Beginning, for reference, at the centerline intersection of Miller Road with Clover Valley Road;

Thence North 86° 29' 18" West, with the centerline of said Miller Road, a distance of 1449.96 feet to a northwesterly corner of that 116.861 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202206130014670, the existing City of New Albany corporation line, as established by Ordinance Number O-11-2022, of record in Instrument Number 202205120011951, the TRUE POINT OF BEGINNING for this description;

Thence with the boundary of said 116.861 acre tract and said corporation line, the following courses and distances:

South 01° 01' 05" West, a distance of 688.52 feet to a point;

North 87° 29' 49" West, a distance of 882.12 feet to a point; and

North 03° 38′ 13″ East, a distance of 706.71 feet to a point in the centerline of said Miller Road;

Thence South 86° 15' 55" East, with said centerline and said existing City of New Albany corporation line, a distance of 850.49 feet to the TRUE POINT OF BEGINNING, containing 13.87 acres of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk

15 SEP 22

Professional Surveyor No. 7865

MATTHEW KIRK S-7865 STEGISTERS AT THE OF O

LEGAL DESCRIPTION 13.87± ACRES

Situated in the State of Ohio, County of Licking, Township of Jersey, in Lot 11, Quarter Township 2, Township 2, Range 15, United States Military Lands, being comprised of all of that 4.846 acre tract conveyed to Michael F. Reilly and Erin M. Reilly by deed of record in Instrument Number 202007280018692, all of that 4.794 acre tract conveyed to Helen L. Campbell, Trustee of the Helen L. Campbell Trust by deed of record in Instrument Number 201507080013979, and all of that 4.309 acre tract conveyed to Kenton L. Suver and Mary Patricia Suver by deed of record in Official Record 673, Page 221, (all references refer to the records of the Recorder's Office, Licking County, Ohio), and more particularly bounded and described as follows:

Beginning, for reference, at the centerline intersection of Miller Road with Clover Valley Road;

Thence North 86° 29' 18" West, with the centerline of said Miller Road, a distance of 1449.96 feet to a northwesterly corner of that 116.861 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202206130014670, the existing City of New Albany corporation line, as established by Ordinance Number O-11-2022, of record in Instrument Number 202205120011951, the TRUE POINT OF BEGINNING for this description;

Thence with the boundary of said 116.861 acre tract and said corporation line, the following courses and distances:

South 01° 01' 05" West, a distance of 688.52 feet to a point;

North 87° 29' 49" West, a distance of 882.12 feet to a point; and

North 03° 38' 13" East, a distance of 706.71 feet to a point in the centerline of said Miller Road;

Thence South 86° 15' 55" East, with said centerline and said existing City of New Albany corporation line, a distance of 850.49 feet to the TRUE POINT OF BEGINNING, containing 13.87 acres of land, more or less.

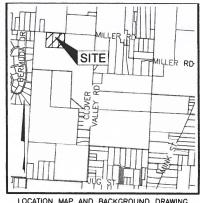
EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk Professional Surveyor No. 7865

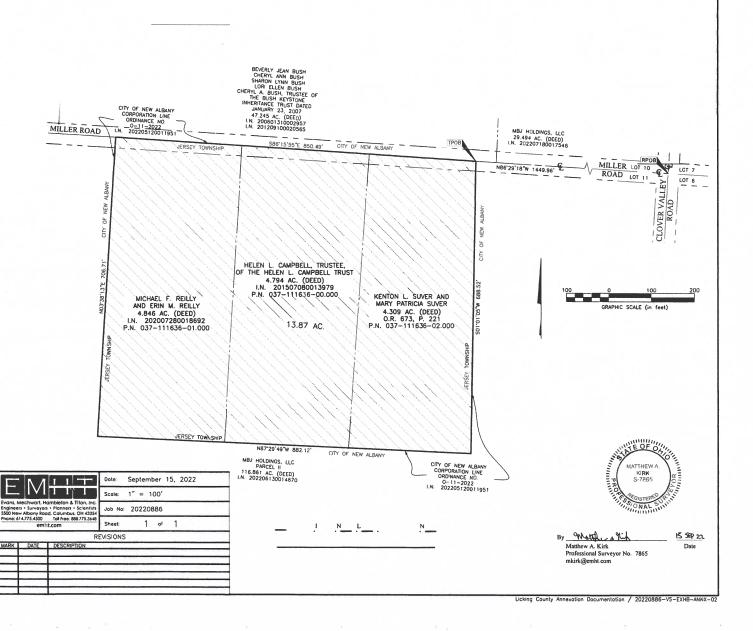
PRE-APPROVAL
LICKING COUNTY ENGINEER

APPROVED CONDITIONAL
APPROVED BY:
DATE:

REZONING OF 13.87± ACRES



LOCATION MAP AND BACKGROUND DRAWING
NOT TO SCALE



LEGAL DESCRIPTION 15.03± ACRES

Situated in the State of Ohio, County of Licking, Township of Jersey, in Lot 14, Quarter Township 2, Township 2, Range 15, United States Military Lands, being comprised of that 5.004 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202208120019793, that 5.004 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202208160020043, and that 5.004 acre tract conveyed to Jennifer L. Castle-Lust by deed of record in Instrument Number 202103050006796 (all references refer to the records of the Recorder's Office, Licking County, Ohio), and more particularly bounded and described as follows:

Beginning, for reference, at the centerline intersection of Jug Street Road and Harrison Road;

Thence South 86° 41' 20" East, with the centerline of said Jug Street Road, a distance of 537.95 feet to the southeasterly corner of that 31.878 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202206060014020, in the existing City of New Albany corporation line, as established by Ordinance Number O-11-2022, of record in Instrument Number 202205120011951, the TRUE POINT OF BEGINNING for this description;

Thence North 04° 02' 15" East, with the easterly line of said 31.878 acre tract and said corporation line, a distance of 872.48 feet to a point;

Thence South 86° 12' 17" East, with a southerly line of said 31.878 acre tract and said corporation line, a distance of 750.78 feet to a point in the westerly line of that 62.547 acre tract conveyed to Robert A. Carr and Deborah B. Carr by deed of record in Instrument Number 201909180019849;

Thence South 03° 51' 20" West, with said westerly line and said corporation line, a distance of 868.46 feet to a point in the centerline of said Jug Street Road, in the existing City of New Albany corporation line, as established by Ordinance Number O-31-2015, of record in Instrument Number 201601070000270;

Thence North 86° 30' 36" West, with said centerline and said corporation line, a distance of 753.56 feet to the TRUE POINT OF BEGINNING, containing 15.03 acres of land, more or less

EVANS, MECHWART, HAMBLETON & TILTON, INC.

15 SEP 22

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Matthew A. Kirk

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Professional Surveyor No. 7865

EXHIBIT "A" PROPOSED ANNEXATION OF 15.03± ACRES

FROM: JERSEY TOWNSHIP

TO: CITY OF NEW ALBANY

Situated in the State of Ohio, County of Licking, Township of Jersey, in Lot 14, Quarter Township 2, Township 2, Range 15, United States Military Lands, being comprised of that 5.004 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202208120019793, that 5.004 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202208160020043, and that 5.004 acre tract conveyed to Jennifer L. Castle-Lust by deed of record in Instrument Number 202103050006796 (all references refer to the records of the Recorder's Office, Licking County, Ohio), and more particularly bounded and described as follows:

Beginning, for reference, at the centerline intersection of Jug Street Road and Harrison Road;

Thence South 86° 41' 20" East, with the centerline of said Jug Street Road, a distance of 537.95 feet to the southeasterly corner of that 31.878 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202206060014020, in the existing City of New Albany corporation line, as established by Ordinance Number O-11-2022, of record in Instrument Number 202205120011951, the TRUE POINT OF BEGINNING for this description;

Thence North 04° 02' 15" East, with the easterly line of said 31.878 acre tract and said corporation line, a distance of 872.48 feet to a point;

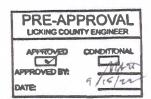
Thence South 86° 12' 17" East, with a southerly line of said 31.878 acre tract and said corporation line, a distance of 750.78 feet to a point in the westerly line of that 62.547 acre tract conveyed to Robert A. Carr and Deborah B. Carr by deed of record in Instrument Number 201909180019849;

Thence South 03° 51' 20" West, with said westerly line and said corporation line, a distance of 868.46 feet to a point in the centerline of said Jug Street Road, in the existing City of New Albany corporation line, as established by Ordinance Number O-31-2015, of record in Instrument Number 201601070000270;

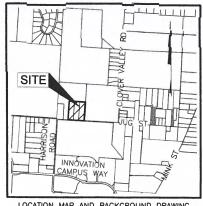
Thence North 86° 30' 36" West, with said centerline and said corporation line, a distance of 753.56 feet to the TRUE POINT OF BEGINNING, containing 15.03 acres of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

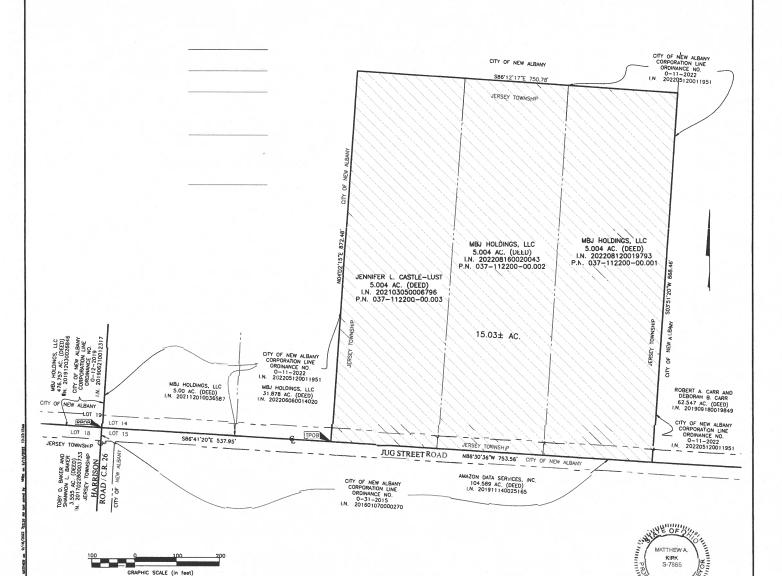
Matthew A. Kirk Professional Surveyor No. 7865



REZONING OF 15.03 +/- ACRES



LOCATION MAP AND BACKGROUND DRAWING



September 15, 2022

1" = 100'

Job No: 20220886 Sheet: REVISIONS

Matthew A. Kirk Professional Surveyor No. 7865

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Date

LEGAL DESCRIPTION 61.26± ACRES

Situated in the State of Ohio, County of Licking, Township of Jersey, in Lots 1, 10-12 & 15, Quarter Township 1, Township 2, Range 15, United States Military Lands, being comprised of all of the following tracts of land. That 13.912 acre tract conveyed to Robert A. Carr and Deborah B. Carr by deed of record in Instrument Number 201109230017882, that 11.865 acre tract conveyed to Louis R. Powell and Linda S. Powell, Trustees of the Powell Family Trust, by deed of record in Instrument Number 201706200012941, that 35.745 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202207200017782, and that 0.539 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 2022051000117 67, (all references refer to the records of the Recorder's Office, Licking County, Ohio), and more particularly bounded and described as follows:

Beginning, for reference, at the centerline intersection of Mink Street with Jug Street Road;

Thence North 24° 19' 48" East, with the centerline of said Mink Street, a distance of 504.77 feet to the northeasterly corner of that 5.179 acre tract conveyed to Geraldine M. Campbell by deed of record in Official Record 706, Page 82, the TRUE POINT OF BEGINNING for this description;

Thence North 86° 38' 49" West, with the northerly line of said 5.179 acre tract, a distance of 1021.31 feet to a point in the easterly line of that 6.440 acre tract conveyed to Chris A. Anderson and Colleen F. Anderson by deed of record in Instrument Number 201206010012102;

Thence North 02° 53' 04" East, with the easterly line of said 6.440 acre tract, the easterly line of that 111.82 acre tract conveyed to Mary Alice Foster, Alice M. Schlaegel, Judith A. Anderson, Susan K. Bishop, Nancy M. Loshbough, Thomas M. Foster, John C. Foster and Joseph D. Foster by deeds of record in Deed Book 577, Page 214, Official Record 207, Page 821, Instrument Numbers 201502120002686 and Instrument Number 201605130009477, and the existing City of New Albany corporation line, as established by Ordinance Number O-11-2022, of record in Instrument Number 202205120011951, a distance of 1920.63 feet to appoint in the southerly line of that 251.333 acre tract conveyed to MCVGCM Holdings LLC by deed of record in Instrument Number 202206210015330;

Thence South 87° 23' 13" East, with the southerly line of said 251.333 acre tract and said corporation line, a distance of 1746.36 feet to a point;

Thence North 05° 03' 09" East, with the easterly line of said 251.333 acre tract, an easterly line of that 237.574 acre tract conveyed to Intel Corporation by deed of record in Instrument Number 202207180017547, and said corporation line, a distance of 208.54 feet to a point;

Thence South 87° 59' 17" East, with a southerly line of said 237.574 acre tract and said corporation line, a distance of 168.13 feet to a point in the centerline of said Mink Street;

Thence with the centerline of said Mink Street the following courses and distances:

South 22° 34' 48" West, a distance of 366.21 feet to a point; and

South 24° 23' 13" West, a distance of 844.00 feet to the northeasterly corner of that 1.952 acre tract conveyed to Michael D. Sadilek and Christina K. Sadilek by deed of record in Instrument Number 201709150019732;

LEGAL DESCRIPTION 61.26± ACRES

-2-

Thence North 86° 51' 47" West, with the northerly line of said 1.952 acre tract, a distance of 589.76 feet to the northwesterly corner thereof;

Thence South 04° 06' 19" West, with the westerly line of said 1.952 acre tract and the westerly line of that 1.663 acre tract conveyed to Anthony Verdone and Wendy Verdone by deed of record in Instrument Number 200503100007065, a distance of 303.59 feet to the southwesterly corner thereof;

Thence South 86° 16' 17" East, with the southerly line of said 1.663 acre tract, a distance of 453.40 feet to a point in the centerline of said Mink Street;

Thence with the centerline of said Mink Street the following courses and distances:

South 27° 47' 52" West, a distance of 513.09 feet to a point; and

South 26° 54' 15" West, a distance of 268.46 feet to the TRUE POINT OF BEGINNING, containing 61.260 acres of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

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Matthew A. Kirk

Professional Surveyor No. 7865



PROPOSED ANNEXATION OF 61.26± ACRES

-2-

Thence North 86° 51' 47" West, with the northerly line of said 1.952 acre tract, a distance of 589.76 feet to the northwesterly corner thereof;

Thence South 04° 06' 19" West, with the westerly line of said 1.952 acre tract and the westerly line of that 1.663 acre tract conveyed to Anthony Verdone and Wendy Verdone by deed of record in Instrument Number 200503100007065, a distance of 303.59 feet to the southwesterly corner thereof;

Thence South 86° 16' 17'' East, with the southerly line of said 1.663 acre tract, a distance of 453.40 feet to a point in the centerline of said Mink Street;

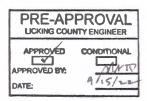
Thence with the centerline of said Mink Street the following courses and distances:

South 27° 47' 52" West, a distance of 513.09 feet to a point; and

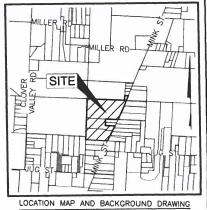
South 26° 54' 15" West, a distance of 268.46 feet to the TRUE POINT OF BEGINNING, containing 61.260 acres of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk Professional Surveyor No. 7865



REZONING OF 61.26± ACRES



NOT TO SCALE

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Matthew A. Kirk Professional Surveyor No. 7865 mkirk@emht.com

M SEP 22

CITY OF NEW ALBANY
CORPORATION LINE
ORDINANCE NO.
0-11-2022
I.N. 2022205120011951 MBJ HOLDINGS, LLC 0.539 AC. (DEED) I.N. 202205100011767 P.N. 037-112512-00.000 INTEL CORPORATION 237.574 AC. (DEED) I.N. 202207180017547 MCVGCM HOLDINGS LLC 251.333 AC. (DEED) I.N. 202206210015330 LOT 4 THOMAS W. DAUER AND DIANNE S. DAUER 5.50 AC. (DEED) I.N. 200808190018862 MBJ HOLDINGS, LLC 35.745 AC. (DEED) I.N. 202207200017782 P.N. 037-112068-00.000 5/ MORRIS A. KITSMILLER 7.860 AC. (DEED) I.N. 200407020024185 61.26± AC. KENNETH W. BOGGS 8.716 AC. (DEED) I.N. 202105070013656 MARY ALICE FOSTER
ALICE M. SCHLAEGEL
JUDITH A. ANDERSON
SUSAN K. BISHOP
NANCY M. LOSHBOUGH
THOMAS M. FOSTER
JOHN C. FOSTER
JOSEPH D. FOSTER
JO LOT 12 LOT 13/ LOT MICHAEL D. SADILEK AND CHRISTINA K. SADILEK 1.952 AC. (DEED) I.N. 201709150019732 LOUIS R. POWELL AND LINDA S. POWELL, TRUSTEES, OF THE POWELL FAMILY TRUST 11.865 AC. (DEED) I.N. 201706200012941 P.N. 037-111936-00.000 5.040 AC. (DEED) 0.R. 110, P. 531 ANTHONY VERDONE AND WENDY VERDONE 1.663 AC. (DEED) I.N. 200503100007065 S86'16'17"E 453.40' ROBERT MYERS 5.180 AC. (DEED) O.R. 220, P. 802 5 5.574 AC. (0EED)
5 1.N. 201012160025965 CITY OF NEW ALBANY
CORPORATION LINE
ORDINANCE NO.
0-11-2022
I.N. 202205120011951 KITTY I. GUINSLER 5.160 AC. (DEED) I.N. 201012160025965 LOT 12 LOT 13 ROBERT A. CARR AND DEBORAH B. CARR 13.912 AC. (DEED) I.N. 201109230017882 P.N. 037-111936-00.003 CHRIS A. ANDERSON AND COLLEEN F. ANDERSON 6.440 AC. (DEED) I.N. 201206010012102 WILLIAM N. SLADER AND SHARON A. SLADER 1.00 AC. (DEED) 4.035 AC. (DEED) 1.N. 201012160025965 0.R. 507 P. 126 N86'38'49"W 1021.31" GERALDINE M. CAMPBELL TPOB 5.179 AC. (DEED) O.R. 706, P. 82 CARL H. CULBERSON AND DENICE M. CULBERSON 4.999 AC. (DEED) I.N. 200805160011477 GRAPHIC SCALE (in feet) -JUG STREET ROAD

Date:

REVISIONS

DESCRIPTION

Job No: 20220886

September 14, 2022 1" = 100'