



**New Albany Planning Commission**  
Monday, December 19, 2022 Meeting Minutes

**I. Call to order.**

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

**II. Roll call.**

Those answering roll call:

Mr. Kirby, Chair	present
Mr. Wallace, Vice Chair	present
Ms. Briggs	present
Mr. Larsen	present
Mr. Schell	present
Mr. Shull (council liaison)	present

Staff members present: Chelsea Nichols, Planner; Steve Mayer, Planning Manager; Will Walther, Engineer; Benjamin Albrecht, Law Director; Christina Madriguera, Deputy Clerk.

**III. Action on minutes.**

November 7, 2022 Minutes.

Chair Kirby noted two corrections on page 5 of the minutes, that the word, “offers,” should be “officers,” and that there should have been a space between “showed” and “185.” Without objection the changes were adopted.

Chair Kirby noted the differences in the format of the November 7<sup>th</sup> minutes and the November 21<sup>st</sup> minutes and asked the commission which format they preferred. The consensus of the commission was that the November 7<sup>th</sup> format was more useful and should continue to be used. Commission Member Schell moved to approve the minutes as amended from November 7<sup>th</sup>. Commission Member Briggs seconded the motion. Upon roll call: Commission Member Schell, yes; Commission Member Briggs, yes; Commission Member Larsen, yes; Vice Chair Wallace, yes; Chair Kirby, yes. Having 5 yes votes; 0 no votes; and 0 abstentions, the November 7<sup>th</sup> minutes were approved as amended.

November 21, 2022 Minutes.

Commission Member Larsen moved to approve the minutes from November 21<sup>st</sup>. Chair Kirby seconded the motion. Upon roll call: Commission Member Larsen, yes; Chair Kirby, yes; Vice Chair Wallace, yes; Commission Member Briggs, yes; Commission Member Schell, yes. Having 5 yes votes; 0 no votes; and 0 abstentions, the November 21<sup>st</sup> minutes were approved as submitted.

**IV. Additions or corrections to agenda.**

Chair Kirby asked whether there were additions or corrections to the agenda.

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Planner Nichols introduced Will Walther, Development Engineer, and let the commission know that he would provide engineering support to the commission moving forward. The commission thanked Planner Nichols and welcomed Development Engineer Walther.

#### **V. Hearing of visitors for items not on tonight's agenda.**

Chair Kirby asked if there were any visitors present who wished to address the commission on items not on the agenda. There was no response.

#### **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**

Planner Nichols delivered the staff report.

Chair Kirby noted that the engineering memo for ZC-135-2022 was included with the staff report for ARB-134-2022 and confirmed with staff that this was inadvertent.

Chair Kirby asked whether there were comments from engineering. Engineer Walther said there were no comments.

Chair Kirby then asked to hear from the applicant. The applicant, Zachary Grabijas, Project Manager, LPC Midwest LLC, thanked Planner Nichols for her report and stated that her report was an accurate and thorough summary of the application and explained the need for the exterior storage area and fencing.

Chair Kirby administered the oath to all present who wished to address the commission.

Chair Kirby noted that the staff report stated that sand/aggregate or other base materials would not be stored and asked whether that was accurate, particularly that sand and gravel would not be stored in this area.

Mr. Grabijas answered that the staff report was accurate, no materials that would cause erosion would be stored in this area.

Chair Kirby asked Mr. Grabijas whether he would agree to a condition specifically prohibiting materials in the applicant narrative, such as sand, from being stored.

Mr. Grabijas indicated that he would not object.

Commission Member Larsen observed that the staff report stated that hazardous materials would not be stored and asked the applicant about the storage of hazardous materials.

Mr. Grabijas answered that the report was correct, no hazardous materials would be stored.

Chair Kirby asked staff whether there were other provisions prohibiting storage of hazardous materials.

Planning Manager Mayer answered that he could not think of any at that time.

Chair Kirby asked about water proof materials and whether this would be a breeding ground for mosquitoes in the summer.

Mr. Grabijas answered that all materials would be weather treated building materials.

Chair Kirby followed that he was referring more specifically to the potential for pooling of water on, for example a door (that was water proof), stored in the area.

Mr. Grabijas responded that the intent was that materials would not sit in this area long enough for water to collect on them.

Chair Kirby asked whether the applicant whether he would agree to a specific condition to that effect.

Mr. Grabijas indicated that he would not object.

Commission Member Briggs asked about the gate on the east side and parking spaces, and whether there was any concern about spacing in that area.

Mr. Grabijas stated there was no concern.

Commission Member Briggs stated staff had mentioned there are other areas of the business park that have the black vinyl coated chain link fencing.

Planner Nichols responded in the affirmative by stating other properties have used the black vinyl coated chain link fencing but they might not include the same screening slats. Planning Manager Mayer further responded by stating chain link fencing has been used in the research information district for the utility yards of the data centers in that area. And while it is not chain link, AEP also uses black coated metal fencing for their substations throughout the business park.

Commission Member Larsen asked about the existing truck parking area and whether the storage area would be in that area and whether it would be paved.

Mr. Grabijas answered that the area was under construction but had been originally conceived as a truck parking area, and further stated that the entire 32,000 ft area was paved.

Commission Member Schell asked whether the area would be visible from the neighboring lot the east.

Mr. Grabijas answered that the conservation easement area was substantial and heavily wooded and would preclude visibility.

Chair Kirby asked staff whether the staff requested condition should be tied to this specific tenant or whether it should be tied to the type of business.

Planning Manager Mayer answered that the condition requested was that it be tied to this tenant but could do the same type of business if the commission viewed that as more prudent.

Chair Kirby followed that he was interested in discussing why one or the other would be used when the commission had the choice between the two.

Planning Manager Mayer explained that historically the commission has used both and has tied the condition to the type of use in order to end temporary type object. More recently the commission has tied the condition to the tenant, as was the case with the Zarley Industrial Park, but would be supportive to a condition tied to the type of use as well.

Chair Kirby asked the applicant whether he had a particular preference.

Mr. Grabijas stated that he did not.

Chair Kirby asked the commission whether they had a preference and the consensus was that this condition should remain tied to the tenant as recommended in the staff report.

Chair Kirby asked whether there was anyone from the public to speak on the issue. There was no response.

Chair Kirby moved to accept the staff reports and related documents into the record for ARB-134-2022. Commission Member Larsen seconded the motion and noted that the engineering memo for ZC-135-2022 should be excluded. Upon roll call: Chair Kirby, yes; Commission Member Larsen, yes; Vice Chair Wallace, yes; Commission Member Briggs, yes; Commission Member Schell, yes. Having 5 yes votes; 0 no votes; and 0 abstentions, the staff reports and related documents excluding the engineering memo for ZC-135-2022 were accepted into the record.

Commission Member Larsen moved to approve ARB-134-2022 based on the findings in the staff report with the condition listed in the staff report and additional conditions (listed below), subject to staff approval. Commission Member Briggs seconded the motion. Upon roll call: Commission Member Larsen, yes; Commission Member Briggs, yes; Vice Chair Wallace, yes; Chair Kirby, yes; Commission Member Schell, yes. Having 5 yes votes; 0 no votes; and 0 abstentions, the motion passed and ARB-134-2022 was approved with the following conditions, subject to staff approval:

1. The approval is tied to this specific tenant, Lansing Building Products;
2. That no hazardous materials be stored on the exterior of the site;
3. That the materials marked as not included in the applicant narrative, and in Staff Report III, A, a, such as sand, specifically be prohibited from exterior storage on site; and
4. That the length of time for storing materials be limited so as not to collect water.

### **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, 037-112212-00.0005, 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, 037-111636-01.00, 037-111636-00.000, 037-111636-02.00, 037-112068-00.000, 037-111936-00.000, and 037-111936-00.003).

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

Planner Nichols presented the staff report.

Chair Kirby asked for comments from engineering. Engineer Walther offered the following three comments and recommended that they be included as 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.

(3) Within the zoning district, we recommend that 40' of public right of way as measured from road centerline be dedicated for all collector streets and 50' of public right of way as measured from road centerline be dedicated for all arterial streets.

Commission Member Larsen confirmed that the engineering memo should be included.

Chair Kirby asked to hear from the applicant.

Aaron Underhill of Underhill & Hodge, counsel for the applicant, explained that this application was the ongoing effort to facilitate the Intel project.

Chair Kirby asked whether there were any conflicts with the staff report.

Mr. Underhill answered that there were not.

Chair Kirby stated that this request was identical with the zoning in the surrounding area of the business park and there are no differences between the TMD rezoning requested here and the surrounding TMD.

Mr. Underhill responded, correct.

Commission Member Larsen asked about the property along Mink and the notch that was carved out, and whether that would remain zoned as AG, and the context of that area.

Aaron Underhill and Tom Rubey, Development Director for The New Albany Company, stated that those properties were not owned by the applicant.

Commission Member Larsen followed that in the event ownership changed, those areas could come before the commission for rezoning at some time in the future.

Mr. Underhill and Mr. Rubey agreed.

Commission Member Briggs asked about the location of the property on Mink Street. Mr. Rubey clarified that it was north of Jug Street Road and south of Miller Road.

Commission Member Schell noted that this 400-acre rezoning request did not meet the 500 acre minimum required for a TMD rezoning request and clarified that the reason the commission was considering this request was because it was surrounded by property that had been zoned as TMD.

Mr. Underhill responded in the affirmative.

Commission Member Larsen further agreed and stated that if this was separate and was under 500 acres it would not qualify and the commission would have a different perspective, but because it is surrounded by TMD and because the properties were offered together the commission was hearing the rezoning request.

Chair Kirby asked whether the hatched area that appeared to be islanded on the map was a metro park.

Planning Manager Mayer answered that it was identified as metro park at the county line between Franklin and Licking counties.

Planner Nichols and Planning Manager Mayer then clarified that the area Chair Kirby was asking about was the existing residential area, the Bermuda Subdivision, and was not part of the city. It was hatched to indicate that the city believes the property's most efficient use would be as an employment district. If and when the property is annexed and rezoned, the recommendation was that it would be annexed and rezoned as one piece of property not as individual parcels.

Commission Member Larsen asked how that area was different than the area at the bottom.

Planning Manager Mayer answered that the area at the bottom was actually park zone, like golf courses and parks within the city.

Commission Member Schell asked Planning Manager Mayer how many properties were in the Bermuda Subdivision.

Mr. Rubey answered 36.

Chair Kirby asked whether there was anyone from the public who wished to speak on the application. There was no response.

Chair Kirby moved to accept the staff report and related documents into the record, and specifically noted that the engineering memo for ZC-135-2022 would be included. Commission Member Larsen seconded the motion. Upon roll call: Chair Kirby, yes; Commission member Larsen, yes; Commission Member Schell, yes; Commission Member Briggs, yes; Vice Chair Wallace, yes. Having 5 yes votes; 0 no votes; and 0 abstentions, the motion passed and the documents were accepted into the record.

Commission Member Briggs moved for approval of application ZC-135-2022 based on the findings with the conditions listed in the staff report, subject to staff approval. Commission Member Schell seconded the motion. Upon roll call: Commission Member Briggs, yes; Commission Member Larsen, yes; Chair Kirby, yes; Vice Chair Wallace, yes; Commission Member Larsen, yes. Having 5 yes votes; 0 no votes; 0 abstentions, the motion passed and ZC-135-2022 was approved with the following conditions, subject to staff approval:

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

3. Within the zoning district, 40' of public r/w as measured from road centerline shall be dedicated for all collector streets and 50' of public r/w as measured from road centerline be dedicated for all arterial streets.

**VII. Other business.**

Chair Kirby asked whether there was any other business to come before the committee. There was none.

**VIII. Poll members for comment.**

Chair Kirby polled the commission members for comment.

Vice Chair Wallace and the commission members wished everyone happy holidays.

Chair Kirby complimented the holiday lighting.

**IX. Adjournment.**

Chair Kirby adjourned the meeting at 7:42 p.m.

DRAFT Minutes prepared and submitted by Christina Madriguera, Deputy Clerk.

**Appendix**

**ARB-134-2022**

**Staff report and related documents received into the record  
Record of Action – Certificate of Appropriateness approved 5-0**

**ZC-135-2022**

**Staff report and related documents received into the record  
Record of Action – Zoning request approved 5-0**



**Planning Commission Staff Report  
December 19, 2022**

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**3450 HORIZON COURT SCREENING PLAN  
CERTIFICATE OF APPROPRIATENESS**

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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*

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**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



## Community Development Department

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

Dear Lincoln Properties Company,

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, December 20, 2022

The New Albany Planning Commission took the following action on 12/19/2022 .

#### Certificate of Appropriateness

**Location:** 3450 Horizon Ct.

**Applicant:** Lincoln Properties Company,

**Application:** PLARB20220134

**Request:** Certificate of Appropriateness for a new outdoor storage screening plan located at 3450 Horizon Court.

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

**Commission Vote:** Motion Approval with Conditions, 5-0

**Result:** Certificate of Appropriateness, PLARB20220134 was Approval with Conditions, by a vote of 5-0.

Recorded in the Official Journal this December 20, 2022

#### Condition(s) of Approval:

1. The approval is tied to this specific tenant, Lansing Building Products;
2. That no hazardous materials be stored on the exterior of the site;
3. That the materials marked as not included in the applicant narrative, such as sand, specifically be prohibited from the exterior storage on site; and
4. That the length of time for storing materials be limited so as not to collect water.

Staff Certification:

*Chelsea Nichols*

Chelsea Nichols  
Planner



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

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**TECHNOLOGY MANUFACTURING DISTRICT (TMD)  
ZONING AMENDMENT**

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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.

Per codified ordinance chapter 1111.06 in deciding on the change, the Planning Commission shall consider, among other things, the following elements of the case:

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

#### **A. Engage New Albany Strategic Plan**

The 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.
  - A flagship project must be a minimum of 500 acres for a single project.
  - 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.
  - 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.
- Major Collector Setbacks
    - Minimum 25 feet pavement and 50 feet building setbacks. These regulations are found in codified ordinance chapter 1154.07(d)(2).
  - 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.
  - The TMD zoning allows for outdoor storage of materials, equipment, and supplies. 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).

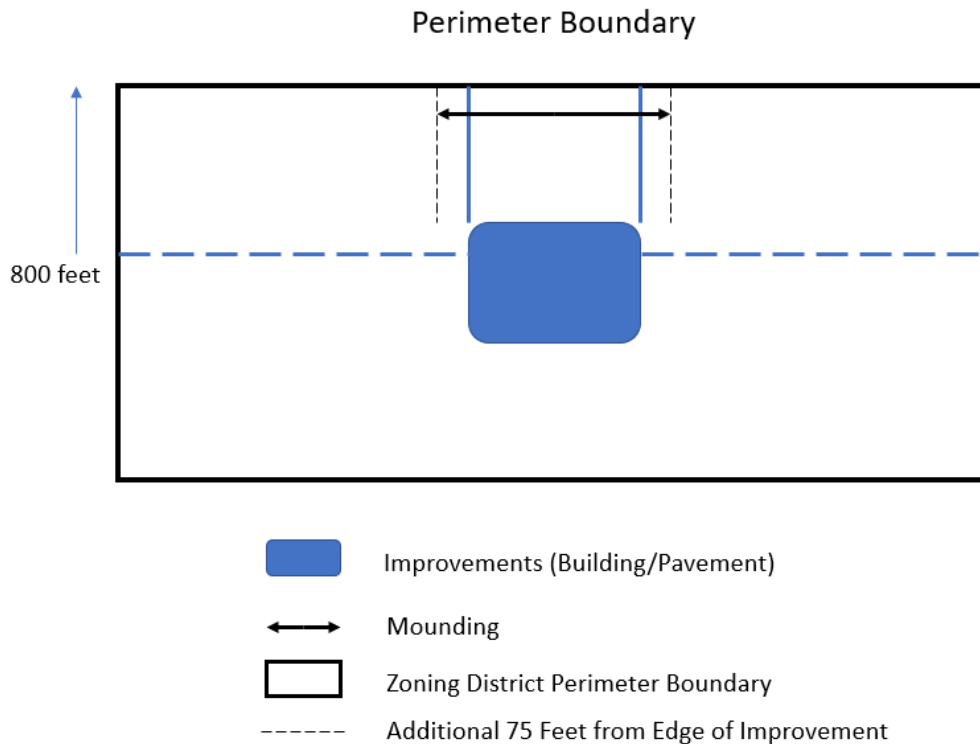
#### **E. Architectural Standards**

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.



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

- 1) When available, provide verification that all Ohio EPA and Army Corps of Engineers permitting requirements have been met.
- 2) We recommend that all proposed roads be constructed in accordance with public road standards.
- 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, 037-111570-00.000, 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



## **Community Development Department**

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

Dear Aaron Underhill, MBJ HOLDINGS LLC,

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, December 20, 2022

The New Albany Planning Commission took the following action on 12/19/2022 .

#### Zoning Amendment

**Location:**

**Applicant:** Aaron Underhill, MBJ HOLDINGS LLC,

**Application:** PLZC20220135

**Request:** Request to rezone 403.02 acres located in Licking County from Agricultural (AG) to Technology Manufacturing District (TMD).

**Motion:** 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.

**Commission Vote:** Motion Approval Recommended, 5-0

**Result:** Zoning Amendment, PLZC20220135 was Approval Recommended, by a vote of 5-0.

Recorded in the Official Journal this December 20, 2022

**Condition(s) of Approval:**

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

Staff Certification:

Chelsea Nichols  
Planner