



## **New Albany Planning Commission**

Amended Informal Meeting Minutes Monday, April 3, 2023

### **I. Call to order**

The New Albany Planning Commission held an informal meeting in the Village Hall on Monday, April 3, 2023.

Chair Kirby called the meeting to order at 7:04 p.m. He thanked the commission for handling the prior meeting in his absence.

### **II. Roll call**

Those answering roll call:

Mr. Kirby	present
Mr. Wallace	present
Ms. Briggs	present
Mr. Larsen	present
Mr. Schell	present
Council Member Brisk	present

Having 5 voting members present the commission had a quorum to transact business.

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

### **III. Action on minutes: March 20, 2023**

Commission Member Wallace moved to approve the March 20, 2023 meeting minutes as submitted. Commission Member Briggs seconded the motion.

Upon roll call: Mr. Wallace, yes; Ms. Briggs, yes; Mr. Larsen, abstain and noted that he was not present on March 20th; Mr. Schell, yes; Mr. Kirby, abstain and noted that he was not present on March 20th. Having 3 yes votes and 2 abstentions, the March 20, 2023 meeting minutes were approved as submitted.

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

Chair Kirby administered the oath to all present who planned to speak regarding an application on the agenda and stated that now would be a good time to silence phones.

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

There was no response.

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

Chair Kirby asked whether there were any visitors who wished to speak on items not on the agenda.

There was no response.

### **VI. Cases:**

### **ZC-17-2023 Rezoning**

Request to rezone 26.2+/- acres located on a portion of 13312 Jug Street Road from Limited General Employment (L-GE) of an area known as Jug Street North Zoning District to Limited General Employment (L-GE) for an area to be known as the Harrison Road Triangle Zoning District (PID: a portion of 095-111756-00.000).

**Applicant: MJB Holdings LLC, c/o Aaron Underhill, Esq.**

Planner Nichols delivered the staff report.

Chair Kirby asked for comments from engineering.

Engineer Walther delivered the engineering staff report.

Chair Kirby asked to hear from the applicant.

Tom Rubey from New Albany Company spoke in support of the application. He recalled that tonight's application was a revision of an application that he requested the commission to table in early March. The revised application provides greater protection for the riparian corridor and the adjacent wetlands.

Chair Kirby asked whether the conditional use application (CU-18-2023) should be heard concurrently with this application or following this application.

Planner Nichols answered that she had prepared a separate staff report for the conditional use application but could deliver the report now if the commission wished.

Chair Kirby asked whether the commission had a preference.

Commission Member Wallace stated that he preferred to consider this application first.

Commission Member Wallace asked about the language in the staff report on page 4 regarding the stream corridor protection zone. He stated that the 50 feet standard on either side of the stream was unfamiliar to him.

Mr. Rubey stated that his understanding was that the text would give them flexibility for 25 – 50 feet.

Commission Member Wallace stated he wanted to be sure that the flexibility Mr. Rubey sought was provided for in the text because as written, the staff report did not give flexibility for less than 50 feet.

Commission Member Larsen stated that he had the same understanding of the text.

Planning Manager Mayer stated that the code requires 25 feet and that staff is fine with 25 feet in this application.

Commission Member Wallace asked about the various setbacks and building height restrictions in the application noting that it imposed more restrictive standards than required by code.

Mr. Rubey stated that the height restrictions were based upon prior representations and discussions with the residents of the adjacent Bermuda residential subdivision.

Commission Member Wallace confirmed that the applicant, New Albany Company, was the current owner of some of the residences in the Bermuda subdivision. He further stated that once

May 1, 2023  
Amendment  
requested &  
Approved

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the commission approved the more restrictive standards those standards would exist after the current tenants vacated the residences.

May 1, 2023  
Amendment  
requested &  
approved.  
(20)

Mr. Rubey and Mr. Underhill responded that yes, the New Albany Company had purchased some of the homes in the Bermuda residential subdivision. They stated that they nonetheless wanted to be respectful of their earlier representations, and wanted to safeguard their integrity and reputation in the community.

Commission Member Wallace acknowledged their efforts and continued that perhaps the same end could be accomplished with an informal agreement.

Commission Member Briggs asked whether the residents in the homes were renters now and how many homes there were.

May 1, 2023  
Amendment  
requested &  
approved.  
(20)

Mr. Rubey responded that New Albany Company now owned at least 7 homes, some have the original owners as tenants, some do not. there are 32 homes in the subdivision and New Albany Company owns them all. He further stated that in some cases, the homes are rented by former owners.

Commission Member Larsen asked staff whether private ownership of the homes would change anything regarding the setbacks.

Planning Manager Mayer responded that application came into being when the residences were individually owned and the application as currently proposed continues to impose more restrictive requirements than required by code and further that staff is supportive of the application regardless of the ownership of the properties.

Commission Member Larsen asked staff to clarify the area where manufacturing was prohibited and permitted as indicated on page 3 of the staff report.

Planner Nichols explained that area proposed for rezoning was currently a sub-area of the larger Jug Street North Zoning District which prohibited manufacturing.

Chair Kirby moved for acceptance of staff reports and related documents into the record for ZC-17-2023. Commission Member Larsen seconded the motion.

Chair Kirby asked for discussion on the motion.

There was no response.

Upon roll call: Mr. Kirby, yes; Mr. Larsen, yes; Mr. Schell, yes; Ms. Briggs, yes; Mr. Wallace, yes. Having 5 yes votes; 0 no votes; and 0 abstentions, the staff reports and related documents were accepted into the record.

Vice Chair Wallace moved to approve application ZC-17-2023 based on the findings in the staff report with the following condition: That the city engineer's comments be addressed at the time of engineering permits, subject to staff approval; Exhibit A (provided to the applicant) contains the recorded plat for Horizon Court which is now under construction. Engineering staff concurs with the applicant's recommendation to provide right-of-way and easements in accordance with what has already been platted.

And with the following edit to the zoning text: That language regarding the 100-foot stream corridor protection zone be changed to indicate that the center line of the stream can vary but it must be no less than 25 feet on one side.

Commission Member Schell seconded the motion.

Chair Kirby asked for discussion on the motion.

There was no response.

Upon roll call: Mr. Wallace, yes; Mr. Schell, yes; Mr. Kirby, yes; Ms. Briggs, yes; Mr. Larsen, yes. Having 5 yes votes; 0 no votes; and 0 abstentions, application ZC-17-2023 was approved.

**CU-18-2023 Conditional Use**

Request for a conditional use permit to allow the temporary use of a concrete batch plant on 26.2 +/- acres within the business park, located on a portion of 13312 Jug Street Road (PID: a portion of 095-111756-00.000).

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

Planner Nichols delivered the staff report.

Chair Kirby noted that condition 4 in the staff report had the word “existing,” but it seemed like the word should have been “exiting.”

Planner Nichols agreed.

Chair Kirby asked for comments from engineering.

Engineer Walther delivered the engineering staff report.

Chair Kirby asked to hear from the applicant.

Mr. Rubey thanked Planner Nichols for her report and stated that he agreed with all of the conditions in the staff report.

Chair Kirby noted that this conditional use application did not seem to make sense without the approval of the prior rezoning application and asked staff whether she agreed.

Planner Nichols stated that she agreed.

Chair Kirby stated that the commission might include that as condition.

Commission Member Larsen asked the applicant what they he anticipated traffic would be like.

Mr. Rubey responded that we should have a better feel for that once the east/west road is added.

Commission Member Larsen agreed that it was difficult to forecast now.

Commission Member Briggs asked what the timing was for the east/west road.

Planning Manager Mayer responded that the preliminary plat will be presented to the commission at the next meeting with substantial completion be the end of next year.

Chair Kirby asked what the speed limit was on Harrison Rd.

Engineer Walther responded that it was 35 mph.

Chair Kirby asked what the speed limit of the new road would be and that he was concerned about the sight lines and that the intersection would crowd the curb cut.

Engineer Walther responded that it would be 35 mph and further stated that a 7-intersection traffic study was underway for this area.

Chair Kirby stated that it was difficult to tell how long the road is and thus difficult to discern where the curb cut should be. Chair Kirby stated that there is a danger that the southern little triangle is in danger of becoming undevelopable because it is too small.

Mr. Rubey agreed and further stated that it was difficult to forecast what this area would ultimately look like but the fact that there was a lot of open space surrounding the proposed batch plant was an advantage to placing it at this location.

Chair Kirby acknowledged that there may be more property area available and thus his concerns would be assuaged.

Planning Manager Mayer added that staff will be measuring site lines and evaluating right of way and traffic requirements as development of the batch plant continues.

Commission Member Schell stated that the northern parts could, potentially, be combined and then rezoning could be sought.

Commission Member Briggs asked what the timing on the operation of the batch plant was.

Mr. Rubey responded that timing was soon and noted that Savko has to vacate their current location in July.

Commission Member Briggs then confirmed Planning Manager Mayer's forecast that the east/west road would not be complete until the end of 2024.

Planning Manager Mayer agreed and added that the preliminary plat for the east/west road would come before the commission at the next meeting.

Commission Member Wallace asked whether there was a difference between an RCC plant and a regular plant.

Mr. Rubey stated that he was not certain but believed that with an RCC plant the material is more compacted.

Commission Member Wallace asked whether Mr. Rubey stated that he did not contemplate that the Bermuda subdivision to the north would ever be rezoned.

Mr. Rubey clarified which properties the applicant owned and that they did not include the northern properties.

Chair Kirby noted that no one from the public was in attendance at the hearing to speak on the application.

Chair Kirby moved to accept the staff reports and related documents into the record for CU-18-2023. Commission Member Larsen seconded the motion.

Chair Kirby asked for discussion on the motion.



There was no response.

Upon roll call: Mr. Kirby, yes; Mr. Larsen, yes; Ms. Briggs, yes; Mr. Wallace, yes; Mr. Schell, yes. Having 5 yes votes; 0 no votes; and 0 abstentions, the staff reports and related documents were accepted into the record.

Commission Member Larsen moved to approve application CU-18-2023 to allow for a temporary industrial manufacturing and assembly use for a concrete batch plant based on the findings in the staff report with the conditions listed in the staff report and the following corrected condition and additional condition.

- That the word “existing” be changed to “exiting” in condition 4.
- That approval of this application is subject to city council approval of the associated rezoning application (ZC-17-2023).

Commission Member Briggs seconded the motion.

Chair Kirby asked for discussion on the motion.

There was no response.

Upon roll call: Mr. Larsen, yes; Ms. Briggs, yes; Mr. Kirby, yes; Mr. Wallace, yes; Mr. Schell, yes. Having 5 yes votes; 0 no votes; and 0 abstentions, the application for conditional use was approved.

The commission wished the applicant good luck.

## **VII. Other business**

### **Annual Organizational Meeting**

Chair Kirby opened the annual organizational meeting.

#### **Chairperson**

Commission Member Wallace nominated Neil Kirby to serve as chair of the New Albany Planning Commission. Commission Member Schell seconded the nomination.

Chair Kirby asked if there were any other nominations.

There was no response.

Upon roll call: Mr. Wallace, yes; Mr. Schell, yes; Mr. Larsen, yes; Ms. Briggs, yes; Mr. Kirby, yes. Having 5 yes votes; 0 no votes; and 0 abstentions, Mr. Kirby was elected Chairperson of the New Albany Planning Commission.

#### **Vice-Chairperson**

Chair Kirby nominated David Wallace to serve as vice chair of the New Albany Planning Commission. Commission Member Briggs seconded the nomination.

Chair Kirby asked if there were any other nominations.

There was no response.

Upon roll call: Mr. Kirby, yes; Ms. Briggs, yes; Mr. Larsen, yes; Mr. Schell, yes; Mr. Wallace, yes. Have 5 yes votes; 0 no votes; and 0 abstentions, Mr. Wallace was elected vice chairperson of the New Albany Planning Commission.

#### **Secretary**

Commission Member Schell asked whether he was the current secretary.

Chair Kirby asked staff who the current secretary of the commission was.

Staff researched the issue and concluded that a secretary had not been elected in 2022.

Commission Member Schell indicated a willingness to serve.

There was discussion of the role and responsibilities of the secretary.

Commission Member Larsen also indicated a willingness to serve if needed.

Commission Member Briggs nominated Hans Schell to serve as secretary of the New Albany Planning Commission. Commission Member Wallace seconded the nomination.

Chair Kirby asked if there were any other nominations.

There was no response.

Upon roll call: Ms. Briggs, yes; Mr. Wallace, yes; Mr. Kirby, yes; Mr. Larsen, yes; Mr. Schell, yes. Having 5 yes votes; 0 no votes; and 0 abstentions, Mr. Schell was elected secretary of the New Albany Planning Commission.

#### **Board of Zoning Appeals representative**

Chair Kirby nominated Hans Schell to serve as the commission's representative on the Board of Zoning Appeals. Commission Member Briggs seconded the nomination.

Upon roll call: Mr. Kirby, yes; Ms. Briggs, yes; Mr. Wallace, yes; Mr. Larsen, yes; Mr. Schell, yes. Having 5 yes votes; 0 no votes; and 0 abstentions; Mr. Schell was elected to serve as the commission's representative on the Board of Zoning Appeals.

#### **2023 Meeting Schedule**

Chair Kirby moved to approve the 2023 meeting schedule recommended by staff. Commission Member Wallace seconded the motion.

Upon roll call: Mr. Kirby, yes; Mr. Wallace, yes; Ms. Briggs, yes; Mr. Larsen, yes; Mr. Schell, yes. Having 5 yes votes; 0 no votes; and 0 abstentions, the 2023 meeting schedule recommended by staff was approved.

### **VIII. Poll members for comment**

Chair Kirby asked whether any of the members had comments.

Commission Member Wallace noted the verbiage on the prior agenda indicating the attendance policy in particular the 4-absence forfeiture clause. He further noted that the commission met more frequently than any other board or commission and asked whether there was any flexibility in the attendance policy considering the commission's rigorous meeting schedule.

Law Director Albrecht responded that council would surely take the commission's rigorous meeting schedule into account in the event a member's attendance and membership on the commission was questioned.

**IX. Adjournment**

Having no further business, Chair Kirby adjourned the informal meeting of the commission at 7:45 p.m.

Submitted by Christina Madriguera, Deputy Clerk.

**Appendix**

**ZC-17-2023 Rezoning**

**Staff Report**

**Record of Action**

**CU-18-2023**

**Staff Report**

**Record of Action**





**Planning Commission Staff Report  
April 3, 2023 Meeting**

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**HARRISON ROAD TRIANGLE ZONING DISTRICT  
ZONING AMENDMENT**

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**LOCATION:** Located on a portion of 13312 Jug Street Road, adjacent to Harrison Road NW and generally to the north of Jug Street (PID: 095-111756-00.000)

**REQUEST:** Zoning Amendment

**ZONING:** Limited General Employment District (L-GE) to Limited General Employment District (L-GE)

**STRATEGIC PLAN:** Employment Center

**APPLICATION:** ZC-17-2023

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

Review based on: Application materials received March 13, 2023 and March 17, 2023.

*Staff report completed by Chelsea Nichols, Planner*

**I. REQUEST AND BACKGROUND**

The applicant requests review and approval of the rezoning of 26.2+/- acres. The request proposes to create a new limitation text for the area known as the “Harrison Road Triangle Zoning District” to be zoned Limited General Employment (L-GE). Since the previous rezoning of this property, the applicant has acquired the residential parcels immediately to the north, thereby creating new circumstances for consideration for the uses and development standards established in the adjacent business park within portions of the site.

The request includes the following changes from the existing L-GE zoning:

1. Adds industrial product sales as a conditional use;
2. Permits distribution and manufacturing as a primary use only for properties setback a minimum distance of 400 feet from the northern boundary line;
3. Adds a commitment to dedicate a maximum of 60 feet of right-of-way and streetscape and utility easements not to exceed 25 feet in width on either side to the city to accommodate the new east-west public street;
4. Allows a maximum building height of 65 feet for structures setback at least 400 feet from the northern property line and a maximum building height of 45 feet for any structure located within 400 feet of the northern boundary line;

**II. SITE DESCRIPTION & USE**

The overall site consists of a portion of one lot that is located within Licking County. The site is located west of Harrison Road NW and generally north of Jug Street Road. The first reading of the rezoning was heard by City Council on March 7, 2023. The second reading of the rezoning is scheduled to be heard by City Council on April 18, 2023.

The site is currently zoned Limited General Employment (L-GE) within an area known as the Jug Street North Zoning District, which consists of 484.8+/- acres. The neighboring uses to the north include residential properties. The residential properties immediately to the north that abut this site are owned by the applicant. The neighboring zoning districts include TMD to the east and L-GE to the south and west.

### **III. PLAN REVIEW**

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

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

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

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

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

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

#### **B. Western Licking County Accord**

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

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

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

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

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

### C. Use, Site and Layout

1. The proposed zoning text is a limitation text. A limitation text can only establish more restrictive requirements than the zoning code.
2. The site is located in the Engage New Albany strategic plan Northeast Area addendum Employment Center land use. The majority of the site is also located in the Western Licking County Accord's Office/Transitional Agriculture district.
3. Due to the proximity of this site between Beech Road and Mink Street, and its location adjacent to commercially zoned land in the existing New Albany International Business Park to the south, the site appears to be most appropriate for commercial development.
4. The text contains a more restrictive list of permitted, conditional, and prohibited uses as other typical zoning districts that are also zoned Limited General Employment (L-GE).
5. The limitation text establishes a 400 foot "use restriction line" from the north property line that abuts the Bermuda subdivision. This text retains the restriction that prohibits manufacturing and distribution uses north of this line.
  - The text proposes to allow manufacturing and distribution as permitted uses south of this line.
  - Below is a table that outlines the proposed permitted, conditional, and prohibited uses:

USE	Existing Zoning (Jug Street North Zoning District)	Proposed Rezoning (Harrison Road Triangle Zoning District)
General office activities, data centers, research & production uses, religious facilities, and park-and-ride facility	Permitted Use	Permitted Use
Manufacturing and production	Prohibited	<ul style="list-style-type: none"> <li>• Prohibited north of the 400 foot use restriction line,</li> <li>• Permitted south of the 400 use restriction line</li> </ul>
Distribution	Prohibited	<ul style="list-style-type: none"> <li>• Prohibited north of the 400 foot use restriction line unless it is an accessory use to a permitted use,</li> <li>• Permitted south of the 400 use restriction line</li> </ul>
Warehouse	Prohibited unless it is an accessory use to a permitted use	<ul style="list-style-type: none"> <li>• Prohibited north of the 400 foot use restriction line unless it is an accessory use to a permitted use,</li> <li>• Permitted south of the 400 use restriction line</li> </ul>
Industrial product sales	Prohibited	Conditional Use

Industrial manufacturing & assembly, car fleet and truck fleet parking, and limited educational industries	Conditional Use	Conditional Use
Personal service and retail product sales and services	Accessory uses to a permitted use only.	Accessory uses to a permitted use only.
Industrial service, mini-warehouses, vehicle services, radio/television broadcast facilities, off-premise signs and sexually oriented business	Prohibited	Prohibited

6. Zoning text section D.2. proposes the following setbacks:
- Harrison Road NW: a minimum pavement setback of 25 and building setback of 50 feet from right-of-way of Harrison Road NW. This is consistent with surrounding zoning districts, including the existing Jug Street North Zoning District.
  - New east-west public street: a minimum pavement setback of 25 and building setback of 50 feet from right-of-way of the new east-west public street. This is consistent with surrounding zoning districts and the Jug Street North Zoning District.
  - Northern Boundary: 100 feet for pavement and buildings from the northern boundary line of this Zoning District. This is consistent with surrounding zoning districts and the Jug Street North Zoning District. However, setback requirements for warehousing and distribution uses are 400 feet from the northern boundary line.
  - Eastern Boundary: 100 feet for buildings and pavement from those portions of the eastern perimeter boundary line of this Zoning District which are located to the north of the anticipated future right-of-way for the planned new east-west public street. This is consistent with the Jug Street North Zoning District. However, the setback shall be 50 feet for buildings and 25 feet for pavement from all other portions of the eastern boundary line of this Zoning District. This is consistent with surrounding zoning districts.
  - Western Boundary: 25 feet for buildings and pavement. However, the setback will actually be larger at 50 feet given the existence of the overhead electric easement. This is consistent with surrounding zoning districts.
  - Stream Corridor Protection: There shall be a minimum 100-foot wide stream corridor protection zone covering the stream which is located within the eastern portion of this Zoning District. The amount of the stream corridor protection zone which is located on each side of the centerline of the stream may vary, provided that no less than 50 feet of this protection zone shall be located on either side of the stream.

#### **D. Access, Loading, Parking**

1. The only proposed change relating to access, loading and parking are for the new east-west road. Otherwise, the same access, loading and parking requirements as the established Jug Street North Zoning District are proposed.
  - A new public street generally running east-west through the southern portion of the Zoning District is anticipated to be constructed by the city at some time in the future. The developer proposed to dedicate a maximum of 60 feet of right-of-way to accommodate this public street
  - To the extent necessary, adjacent streetscape and utility easements are to not exceed 25 feet in width on either side.
  - The actual location and other specifications for the new public street shall be determined at the time of a final plat prepared by the city. Prior to the approval of the final plat, the developer shall locate uses and improvements within the Zoning District in a manner that does not encroach upon the anticipated future right-of-way as illustrated in the exhibit.

2. The text states to the extent street improvements are required, the developer shall work with the City Manager, or their designee, to determine the need for appropriate timing and phasing.
3. Subject to other provisions in this text, on public rights-of-way which exist on the date of this text the number, locations, and spacing of curb cuts shall be determined and approved by the City Manager, or their designee, in consultation with the developer at the time that a certificate of appropriateness is issued for a project in this Zoning District.
4. Parking and loading spaces will be provided for each use per code requirements (Chapter 1167) and will be evaluated at the time of development for each individual site.

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

1. The same architectural requirements as the established Jug Street North Zoning District are proposed. The proposed change relating to architecture is for building height.
  - The existing Jug Street North Zoning District permits a height maximum of 65 feet, except for building within the “Height Restriction Area” where it is limited to 45 feet. The height restriction area is the entire triangle piece of property proposed to be rezoned. The height restriction area was created to address adjacent properties within the subdivision to the north. Since that time, the applicant has purchased properties within that subdivision that are immediately adjacent to the subject property, which has prompted this zoning change.
  - The maximum building height in the area being rezoned is currently 45 feet.
  - The proposed zoning district states the maximum building height shall be 65 feet, except it shall be 45 feet when a structure is located within 400 feet of the northern boundary line. The is still a stricter requirement than what a straight GE zoning allows.
2. The City’s Design Guidelines and Requirements do not provide architectural standards for warehouse and distribution type facilities. Due to the inherent size and nature of these facilities, careful attention must be paid to their design to ensure they are appropriately integrated into the rest of the business park. The limitation text includes the same specific design requirements for uses not governed by the DGRs as those in the other subareas of the Licking County business park, which will ensure the quality and consistent design of these buildings throughout this portion of the business park.
3. Section E.3. of the zoning text requires complete screening of all roof-mounted equipment on all four sides of the building using materials that are consistent and harmonious with the building’s façade and character. The text indicates that the screening is provided to screen equipment from off-site view but also to buffer sound generated by the equipment.

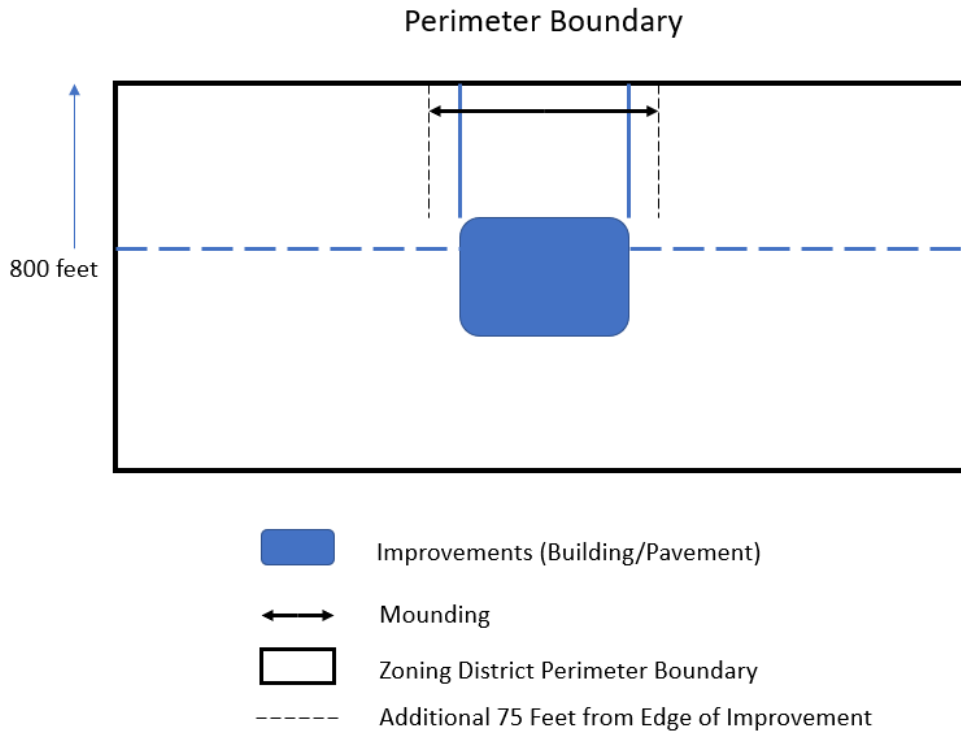
#### **D. Parkland, Buffering, Landscaping, Open Space, Screening**

1. There are no proposed changes to the parkland, buffering, landscaping, open space, and screening requirements.
2. Maximum lot coverage for this subarea is 75%, which is the same requirement as the surrounding L-GE zoning districts.
3. The following landscaping requirements apply to this Zoning District, which are the same requirements as the surrounding L-GE zoning districts, including Jug Street North Zoning District:
  - Standard tree preservation practices will be in place to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line.
  - A Buffer Area shall apply to the eastern boundary of this Zoning District and the extreme eastern portion of the northern boundary line of this Zoning District to include the minimum pavement setbacks, as illustrated in accompanying plan. Within the Buffer Area, the developer shall preserve existing healthy and mature trees and vegetation but shall be permitted to allow utilities to cross through these areas, provided, however, that the developer shall use good faith efforts to place utilities in a manner that minimizes the impact on healthy and mature trees. Trees that are in



good health and that are at least four (4) caliper inches in diameter at a height of three (3) feet above the ground shall be preserved where reasonably practical. Trees within Perimeter Preservation Area may be removed if they present a danger to persons or property.

- Screening by way of mounding and plantings shall be provided along the northern perimeter boundary of this Zoning District. Mounding shall be required at a minimum height of ten (10) feet with a landscape buffer on the mound which 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. Mounding installed pursuant to this paragraph shall be installed within the minimum pavement setback area as required by this zoning text. Utilities may cross through the area where mounding is required. The plan for this area must be reviewed and approved by the City's Landscape Architect.
- If there are existing trees within any perimeter area described in the immediately preceding paragraph, the mounding may be omitted and the existing trees may be utilized as the required screening. The requirement for 75% opacity 5 years after installation is still applicable with this alternative and, therefore, if necessary, additional landscaping materials (i.e., deciduous trees, evergreens or bushes) shall be planted along those perimeter boundary areas to meet the 75% opacity requirement. The plan for these areas must be reviewed and approved by the City's Landscape Architect.
- There shall be no less than one (1) tree planted for every ten (10) parking spaces located therein. At least five percent (5%) of the vehicular use area shall be landscaped or green space (or treed areas). Parking lots shall be designed to accommodate parking lot islands with tree(s) at the end of parking aisles.
- Minimum tree size at installation shall be no less than two and one half (2 ½) inches in caliper for shade trees, six (6) feet in height for evergreen trees, two (2) inches in caliper for ornamental trees, and thirty (30) inches in height for shrubs. Caliper shall be measured six (6) inches above grade.
- Required mounding and landscaping shall be installed along the northern boundary line of this Zoning District when it is anticipated (as provided in plans associated with relevant permits) that permanently located buildings, paved parking areas, or above-ground equipment or utility infrastructure will be located within the lesser of (a) the distance between the northern perimeter boundary line and the northern right-of-way of the east-west public street to be constructed by City through this Zoning District (as anticipated by City staff if no plat for this street has been recorded), or (b) 800 feet of the northern perimeter boundary line. At a minimum for each phase and when required, this mounding and landscaping shall be installed along the portion of the northern perimeter boundary line between two points which are determined by extending two straight lines from the northern perimeter boundary line to the furthest distance on each side where planned improvements are to be constructed in that phase, and then adjusting those lines so that they are an additional distance of 150 apart. The following illustration is being provided as an example of this requirement:



#### **E. Lighting & Signage**

1. There are no proposed changes to the lighting and signage requirements.
2. No signage is proposed at this time. Per the text all signage shall meet the standards set forth in Codified Ordinance 1169 (City Sign Code).
3. All lighting shall be cut-off type fixtures and down cast. Parking lot lighting shall be from a controlled source in order to minimize light spilling beyond the boundaries of the site. This is a priority development goal of the Western Licking County Accord Plan (pg. 66).
4. The maximum height of light poles is 30 feet, except that light poles located within 300 feet of properties where residential uses exist or are permitted shall be no higher than 18 feet in height.
5. The zoning text requires lighting details to be included in the landscape plan which is subject to review and approval by the City Landscape Architect.

#### **F. Other Considerations**

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

#### **IV. ENGINEER'S COMMENTS**

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

1. Exhibit A (see attached) contains the recorded plat for Horizon Court which is now under construction. We concur with the applicant's recommendation to provide right-of-way and easements in accordance with what has already been platted.
2. In accordance with City Code Section 1155 – Flood Damage Reduction we recommend that the applicant conduct a hydrologic/hydraulic analysis to determine the 100-year flood plain limits for the stream located on the parcel being rezoned.

#### **IV. SUMMARY**

The proposed limitation text still provides for stricter limitations in use and design than adjacent limited General Employment zoning districts and retains the requirements found in

adjacent existing zoning texts. Due to the proximity of this site to Beech Road, and its location adjacent to commercially zoned land in the existing New Albany Business Park to the south, the site appears to be most appropriate for commercial development.

It appears that the proposed zoning text is meeting or exceeds a majority of the development standards found in both the Western Licking County Accord Plan and the Engage New Albany Strategic Plan.

1. The L-GE rezoning application is an appropriate application for the request (1111.06(e)).
2. The overall effect of the development advances and benefits the general welfare of the community (1111.06(f)).
3. The proposed rezoning will allow for the development of businesses that will generate revenue for the school district while eliminating residential units having a positive impact on the school district (1111.06(h)).

## V. ACTION

### **Suggested Motions for ZC-17-2023:**

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

**Move to approve application ZC-17-2023 based on the findings in the staff report with the following condition:**

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

### ***Approximate Site Location:***



**Source: NearMap**



## **Community Development Department**

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

Dear Aaron Underhill,

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, April 04, 2023

The New Albany Planning Commission took the following action on 04/03/2023 .

#### **Zoning Amendment**

**Location:** 13312 JUG STREET RD NW

**Applicant:** Aaron Underhill,

**Application:** PLZC20230017

**Request:** To rezone 26.2 acres located on a portion of 13312 Jug Street from L-GE of an area known as Jug Street North Zoning District to L-GE for an area to be known as the Harrison Road Triangle Zoning District

**Motion:** To approve

**Commission Vote:** Motion: Approval Recommended with one condition

**Result:** Zoning Amendment, PLZC20230017, was Approved with one condition, by a vote of 5-0.

Recorded in the Official Journal this Tuesday, April 4, 2023 **Condition(s) of Approval: 1) That the city engineer's comments be addressed at the time of engineering permits, subject to staff approval; Exhibit A (provided to the applicant) contains the recorded plat for Horizon Court which is now under construction. Engineering staff concurs with the applicant's recommendation to provide right-of-way and easements in accordance with what has already been platted.**

Staff Certification:

*Chelsea Nichols*  
Chelsea Nichols Planner





**Planning Commission Staff Report  
April 3, 2023 Meeting**

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**HARRISON ROAD TRIANGLE BATCH PLANT  
CONDITIONAL USE**

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**LOCATION:** Located on a portion of 13312 Jug Street Road, adjacent to Harrison Road NW and generally to the north of Jug Street (PID: 095-111756-00.000)  
**REQUEST:** Conditional Use  
**ZONING:** L-GE Limited General Employment District  
**STRATEGIC PLAN:** Employment Center  
**APPLICATION:** CU-18-2023  
**APPLICANT:** MBJ Holdings LLC, c/o Aaron Underhill, Esq.

Review based on: Application materials received March 13, 2023 and March 17, 2023.

*Staff report completed by Chelsea Nichols, Planner*

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**I. REQUEST AND BACKGROUND**

The applicant requests approval for a conditional use application to allow the temporary use of a concrete batch plant on 26.2+/- acres within the business park. The site is zoned L-GE and is subject to a rezoning application for an area to be known as Harrison Road Triangle Zoning District. This application is scheduled to be heard by the Planning Commission under application ZC-17-2023.

Industrial manufacturing and assembly uses are a conditional use in the General Employment District. Concrete batch plants fall under the industrial manufacturing and assembly use category therefore a conditional use approval is necessary.

On September 27, 2021, a conditional use application was approved by the Planning Commission (CU-85-2021) to allow for the continued operation of the batch plant at the former Savko site on Worthington Road until September 20, 2026.

That Savko site was later sold and on September 19, 2022 a conditional use application was approved by the Planning Commission (CU-101-2022) for the current Savko site. The batch plant at this location on Ganton Parkway is permitted until October 31, 2025. However, the batch plant needs to be relocated again.

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

**II. SITE DESCRIPTION & USE**

The overall 26.2+/- acre development site is located on a portion of 13312 Jug Street Road, adjacent to Harrison Road NW and generally to the north of Jug Street in Licking County. The

site is zoned L-GE, is currently undeveloped and mostly surrounded by commercially zoned properties also located within the business park, with the exception of the unincorporated residential lots to the north. These residential lots immediately adjacent to the north that abut this site are owned by the same property owner as this application site.

The proposed use will be restricted to a location at the southernmost portion of the site as shown on the plan. Per the text, residential uses are located to the north of the site and will be a minimum of 400 feet away from this use. In addition, at least a portion of the use will be required to be located to the south of a planned new public street that the City expects to build; which will generally run east-west through the southern portion of the zoning district, as generally illustrated in an exhibit that is part of this application.

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

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

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

### **III. EVALUATION**

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

- (a) *The proposed use will be harmonious with and in accordance with the general objectives, or with any specific objective or purpose of the Zoning Ordinance.*
  - The applicant proposes a temporary concrete batch plant at the site to be in operation until October 31, 2025.
  - The concrete batch plant has been in operation since 2017; first along Worthington Road and now at their current site on Ganton Parkway. It has been used for a combination of public and private development projects in the business campus. For instance, it has produced for immediate delivery the materials that were used to improve Beech Road to the south of State Route 161, and for use in the construction of Ganton Parkway East and Ganton Parkway West as well as Innovation Campus Way West. On the private side, materials have been supplied to various major private projects in the city.
  - The city does benefit from this in that it significantly reduces travel distance for large trucks for tasks such as concrete pours and other work. This means there are less trucks driving through the city in order to get to the projects.
  - Additionally, as the New Albany International Business Park continues to evolve, the city will continue to require the availability of easily accessible concrete to be used in future roadway improvements. Having the batch plant, even if only temporarily, within the city of New Albany ensures just-in-time delivery of this critical building material.
  - The limitation text associated with the rezoning of the property places additional requirements above the General Employment (GE) District requirements for the development of the property. These requirements further ensure that the character of the area is preserved and enhanced by future development.
  - The limitation text establishes setbacks that are more stringent than the minimum GE requirements.

- Per the proposed zoning text, there is a required 25' pavement and 50' building setback along Harrison Road and along the future east-west street.
    - It is unclear as to whether these setback requirements are met with the proposed site plan. While the raw materials storage can be located within the 50' building setback, the batch plants must be located outside of the 50' building setback. The city staff recommends a condition of approval that there be no batch plants within the building setback and no material storage within the pavement setback and easements.
    - Staff recommends a condition of approval that any material storage within the future right-of-way and utilities must be removed before city mobilization for construction of the future street. At that time, the materials storage must be out of the established right-of-way, easements, and setbacks related to this public street.
  - Per the proposed zoning text, there is a required 25' pavement and building setback from the western boundary. However, the city engineer recommends a condition of approval requiring the batch plant and material storage shall be located no closer than 50' from the western boundary due to an existing easement.
  - Per the proposed zoning text, there is a minimum of 400 feet setback from this use to residential uses that are located to the north of the site. This use is meeting that setback requirement as shown on the proposed site plan.
  - Vehicular access with full turning movements is proposed to and from Harrison Road NW only to the south of the planned future intersection of that street with the planned east-west public street to be constructed by the City in the future. At such time as the new public street is constructed and open for public use, the operator of the Batch Plant shall work with the City to determine if access is more safely provided from the new street instead of Harrison Road NW, and if this is the case, it will modify its access improvements accordingly. The city staff suggests that this be a condition of approval.
  - One or more-wheel wash stations shall be provided within the property at the vehicular exit point and shall be required to be used by trucks which are exiting the property. The operator of the batch plant shall clean and sweep Harrison Road NW each day while the batch plant is operating. They shall perform this task to the extent that any dirt or debris is present on the street due to traffic traveling to or from the Property.
- (b) *The proposed use will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.*
- The proposed use complements the manufacturing and production, warehouse, data center and distribution uses, which are permitted uses within the overall area. The proposed use is appropriate in the context of the surrounding uses, development patterns, and will contribute to the overall success of the Business Park.
  - Additional design guidelines for manufacturing facilities contained in the zoning text further ensures their compatibility with the character of the area. The same architectural requirements as the surrounding commercial areas are required.
- (c) *The use will not be hazardous to existing or future neighboring uses.*
- The use is subject to Codified Ordinance Section 1153.06 which requires that no land or structure within the GE District shall be used or occupied in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable impact on any land which is located in any other zoning district.
    - The applicant, as part of the conditional use statement, has stated that the effects of noise, glare, odor, light, and vibration on adjoining properties is not anticipated to present any untoward or problematic compatibility challenges with adjacent properties.

- The batch plant's location provides convenient access to construction materials and efficiency for delivery. Easy access to and from State Route 161 for trucks is good for the local environment by providing short routes to and from the highway. The location allows for traffic coming to and from the site to remain on local, city streets. This results in less travel and trips on township and other streets outside of the business park.
  - The site fronts onto the Harrison Road extension, which is the haul road used by Intel and the supplier park construction and delivery trucks. This road was constructed for this purpose and can handle the construction vehicle traffic that will be associated with the use.
- (d) *The area will be adequately served by essential public facilities and services such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.*
- The city has made significant investments in the improvement of Harrison Road NW. Given the Property's proximity to nearby development sites, as well as the Beech Road interchange on State Route 161, the batch plant location will ensure efficient passage of vehicles.
  - The nature of the uses is such that they do not require the use of public water or sanitary sewer services.
  - The proposed industrial manufacturing and assembly use will produce no new students for the Licking Heights School District.
- (e) *The proposed use will not be detrimental to the economic welfare of the community.*
- The proposed industrial manufacturing and assembly use generates income tax for the city with its jobs.
  - The establishment of the original batch plant at its former site has also contributed to the city securing several impactful economic development projects with quick construction timelines such as Facebook, Google, and Amazon. To maintain a competitive advantage over other locations, and because speed is one of the most important factors when a company is under construction, the continued operation and relocation of the batch plant, even though it is temporary in nature, has a positive benefit to the city's economic development goals and indirectly aids its fiscal strength.
- (f) *The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.*
- The use will be subject to Codified Ordinance Section 1153.06 which requires that no land or structure within the GE District shall be used or occupied in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable impact on any land which is located in any other zoning district. The city only received a complaint regarding mud on Worthington Road when the batch plant first established in 2017. The city has no other documented complaints regarding its operation since 2017.
- (g) *Vehicular approaches to the property shall be so designated as not to create interference with traffic on surrounding public streets or roads.*
- The applicant requests one full access curb cut along Harrison Road NW.
  - The infrastructure in this portion of the city is designed to accommodate the traffic associated with commercial uses and construction vehicles.
  - There is no reason to believe that that traffic generated by this use will have any greater impact than traffic for permitted users in the GE district.
  - Due to the proximity of this site to the State Route 161, and its location adjacent to commercially zoned land in the existing business park to the east, south and west, the

site appears to be appropriate for manufacturing and production uses, especially as this is temporary in nature.

#### **IV. ENGINEER'S COMMENTS**

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

1. Engineering staff recommends that the approach off of Harrison Road be constructed using reinforced Class C Concrete and signage outside of R/W be installed notifying the public of truck traffic entering/exiting the site.
2. Refer to the Exhibit provided with the application. Revise the Exhibit to show the width of the existing AEP easement. Batch plant and material storage shall be located no closer than 50' from western boundary due to existing easement.
3. We will provide additional comments regarding stormwater management and runoff control when this information becomes available.

#### **V. SUMMARY**

The overall proposal appears to be consistent with the code requirements for conditional uses and meets the development standards and recommendations contained in the Engage New Albany Strategic Plan and the New Albany Economic Development Strategic Plan. The proposed industrial manufacturing and assembly use is consistent with the character of the immediately surrounding area. Additionally, this provides a direct benefit to the city for capital improvement projects for infrastructure and private developments. The site is strategically located where vehicles coming to and from the site can utilize the local business park streets.

The proposal is a temporary conditional use that helps the city achieve the goals and recommendations in the New Albany Economic Development Strategic Plan by supporting additional attracting and encouraging continued growth within the business park. The operation of the proposed batch plant is to cease on October 31, 2025. Therefore, the Planning Commission will have the opportunity to re-evaluate this use in the future to determine its continued appropriateness and necessity.

#### **VI. ACTION**

##### **Suggested Motion for CU-18-2023:**

**To approve conditional use application CU-18-2023 to allow for industrial manufacturing and assembly use for a concrete batch plant based on the findings in the staff report with the following conditions (additional conditions may be added):**

1. The batch plant on Ganton Parkway shall be discontinued once this currently proposed batch plant is up and running;
2. That this currently proposed batch plant only be in operation until October 31, 2025 or until the batch plant is able to be relocated in Jersey Township (or elsewhere off this site); whichever comes first, or another conditional use is submitted to extend its use past this date;
3. When in use, the road shall be cleaned daily;
4. Wheel wash is required for existing trucks;
5. That the city engineer's comments be addressed at the time of engineering permits, subject to staff approval;
  - a. The approach off of Harrison Road shall be constructed using reinforced Class C Concrete and signage outside of R/W be installed notifying the public of truck traffic entering/exiting the site;
  - b. Refer to the Exhibit provided with the application. Revise the Exhibit to show the width of the existing AEP easement. Batch plant and material storage shall be located no closer than 50' from western boundary due to existing easement.



- c. We will provide additional comments regarding stormwater management and runoff control when this information becomes available.
6. Only one curb cut is to be constructed with this conditional use; it shall be a full movement curb cut and a site distance analysis shall be conducted to determine if turning movements may be safely conducted, subject to staff approval;
7. The conditional use terminates if the current use changes;
8. There shall be no batch plants within the building setback and no material storage within the pavement setback and easements;
9. Material storage within future right-of-way and utilities must be removed before city mobilization for construction of the east-west street. The materials storage must also be out of the established right-of-way, easements, and setbacks related to this future east-west public street;
10. The land shall be restored to a similar condition as exists today once the batch plant terminates use of this site; and
11. At such time as the new public street is constructed and open for public use, the operator of the Batch Plant shall work with the City to determine if access is more safely provided from the new street instead of Harrison Road NW, and if this is the case, it will modify its access improvements accordingly.

**Approximate Site Location:**



**Source: nearmap**



## **Community Development Department**

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

Dear Aaron Underhill,

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, April 04, 2023

The New Albany Planning Commission took the following action on 04/03/2023 .

#### Conditional Use

**Location:** 13312 JUG STREET RD NW

**Applicant:** Aaron Underhill,

**Application:** PLCU20230018

**Request:** Conditional Use to allow the temporary use of a concrete batch plant on a portion of 13312 Jug Street Road.

**Motion:** To approved CU-18-2023 with conditions.

**Commission Vote:** Motion Approved

**Result:** Conditional Use, PLCU20230018 was Approved, by a vote of 5-0.

Recorded in the Official Journal this

**Condition(s) of Approval:** See page 3.

Staff Certification:

*Chelsea Nichols*

Chelsea Nichols  
Planner

1. The batch plant on Ganton Parkway shall be discontinued once this currently proposed batch plant is up and running;
2. That this currently proposed batch plant only be in operation until October 31, 2025 or until the batch plant is able to be relocated in Jersey Township (or elsewhere off this site); whichever comes first, or another conditional use is submitted to extend its use past this date;
3. When in use, the road shall be cleaned daily;
4. Wheel wash is required for exiting trucks;
5. That the city engineer's comments be addressed at the time of engineering permits, subject to staff approval;
  - a. The approach off of Harrison Road shall be constructed using reinforced Class C Concrete and signage outside of R/W be installed notifying the public of truck traffic entering/exiting the site;
  - b. Refer to the Exhibit provided with the application. Revise the Exhibit to show the width of the existing AEP easement. Batch plant and material storage shall be located no closer than 50' from western boundary due to existing easement.
  - c. Engineering staff will provide additional comments regarding stormwater management and runoff control when this information becomes available.
6. Only one curb cut is to be constructed with this conditional use; it shall be a full movement curb cut and a site distance analysis shall be conducted to determine if turning movements may be safely conducted, subject to staff approval;
7. The conditional use terminates if the current use changes;
8. There shall be no batch plants within the building setback and no material storage within the pavement setback and easements;
9. Material storage within future right-of-way and utilities must be removed before city mobilization for construction of the east-west street. The materials storage must also be out of the established right-of-way, easements, and setbacks related to this future east-west public street;
10. The land shall be restored to a similar condition as exists today once the batch plant terminates use of this site;
11. At such time as the new public street is constructed and open for public use, the operator of the Batch Plant shall work with the City to determine if access is more safely provided from the new street instead of Harrison Road NW, and if this is the case, it will modify its access improvements accordingly; and
12. Approval of this application is subject to city council approval of the associated rezoning application.