

New Albany Planning Commission Agenda Monday, April 3, 2023 7:00pm

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

- I. Call to order
- II. Roll call
- **III.** Action on minutes: March 20, 2023
- IV. Additions or corrections to agenda Administration of the oath to all witnesses/applicants/staff who plan to speak regarding an application on tonight's agenda. "Do you swear to tell the truth and nothing but the truth."

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

VI. Cases:

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

Motion of acceptance of staff reports and related documents into the record for ZC-17-2023.

Motion of approval for application ZC-17-2023 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

CU-18-2023 Conditional Use

Request for a conditional use permit to operate an industrial manufacturing and assembly conditional use to allow the operation of a concrete batch plant located 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.

Motion of acceptance of staff reports and related documents into the record for CU-18-2023.

Motion of approval for application CU-18-2023 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

VII. Other business

Annual Organizational Meeting

Swear in new members Elect Chairperson Elect Vice-Chairperson Elect Secretary Appointment of Board of Zoning Appeals Representative Establish date, time, and location for 2023 regular meetings

VIII. Poll members for comment

IX. Adjournment



New Albany Planning Commission Agenda

Monday, March 20, 2023 7:00pm

I. Call to order

The New Albany Planning Commission met on March 20, 2023 at the New Albany Village Hall. Vice Chair Wallace called the meeting to order at 7:03 p.m.

II. Roll call

Those answering roll call:

	1 /
Mr. Kirby	absent
Mr. Wallace	present
Ms. Briggs	present
Mr. Larsen	absent
Mr. Schell	present
Council Member Brisk	absent
Council Member Shull	present

With 3 members present, the Planning Commission had a quorum to conduct business.

Staff present: Law Director Ben Albrecht; Public Service Director Mike Barker; Planner II Chris Christian; Planner Sierra Cratic-Smith; Administrative Director Adrienne Joly; Planning Manager Steve Mayer; Deputy Clerk Christina Madriguera.

III. Action on minutes: March 6, 2023

Vice Chair Wallace asked if the members had read the minutes of the March 6th meeting and whether there were any changes to the minutes as presented.

Commission Member Schell moved for approval of the minutes from the March 6th meeting. Commission Member Briggs seconded the motion.

Upon roll call: Mr. Schell, yes; Ms. Briggs, yes; Mr. Wallace, yes. Having 3 votes in favor and 0 votes in opposition and 0 abstentions, the March 6, 2023 meeting minutes were approved as submitted.

IV. Additions or corrections to agenda

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

Staff answered that there were not.

Vice Chair Wallace administered the oath to all who would be addressing the commission.

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

Vice Chair Wallace asked if there was anyone present who wished to address the commission on an item not on the agenda.

There was no response.

23 0320 PC DRAFT meeting minutes

Vice Chair Wallace asked that everyone please silence any noise-making devices.

VI. Cases:

VAR-27-2023 Variance

Variance to the city floodplain ordinance for the development of a new building located at Taylor Farm park (PID: 222-005165). Applicant: The city of New Albany

This application seeks a variance from Section 1155.04(e). Section 1155.04(e) sets forth the flood protection requirements for new construction and substantial improvements to existing nonresidential structures. The city seeks a variance from these code requirements in order to do 2 things. To construct a new restroom facility on fill placed above the 100-year flood elevation, but below the Flood Protection Elevation (FPE) (100-yr flood elevation + 2 feet) and without dry-proofing measures. And, to substantially improve the existing chicken house and barn. Both structures would be placed on fill to an elevation above the 100-year flood elevation, but below the FPE required by 1155.04, and without dry-proofing measures.

Planner Christian introduced Administrative Director Adrienne Joly and EMHT Consultant Miles Hebert both of whom would deliver the staff report and respond to questions from the commission.

Director Joly stated that in all of her experience presenting applications, this application was the most technical. Staff had worked through each of the Duncan and code factors when drafting this variance application. She explained that the Taylor Farm property is 98 acres in the western gateway of New Albany on Dublin-Granville Road. The city bought the property in 2021 to turn it into a park. The property includes of three areas of wetlands which are in various stages of forestation development. Phase I of the project included construction of trails and plantings and that over 22,000 trees have already been planted. Development of the restroom facility and improvements to the chicken house and barn as well as the development of additional paths are in Phase II of the project. She explained that 81% of the property is with the 100-year floodplain and that even after the park is developed the city will have added 53 acres of compensatory floodplain storage to the property. She further explained that in addition to limits imposed by the floodplain, there are many well-intentioned encumbrances, regulatory covenants and deed restrictions, on this site that limit what can and cannot be done to develop this property. She explained the layout of the homestead property and stated that in terms of this variance application, it was not practical to consider the floodplain code for the new restroom building without considering the code's application to the existing structures.

Mr. Hebert, a certified floodplain expert, explained the technical aspects of the variance request. He stated that use as a park is the highest and best use of this property. He stated that the encumbrances and the fact that most of the property is within a floodplain presented challenges. He presented an overview of the audit he undertook to understand what variances would be needed. The park itself, regardless of the amenities in it, is a permissible use under the regulatory and deed restrictions. He stated that there is a 105% compensatory floodplain storage requirement and a notarization requirement (documents attesting to the fact that the floodplain is maintained).

Vice Chair Wallace asked what the overall purpose of the code requirement was that the city was seeking a you are seeking a variance from.

Mr. Hebert stated that the purpose was protection of assets from flood.

Vice Chair Wallace asked what was meant by dry floodproofing.

Mr. Hebert stated that the term meant that structures beneath or partially below the FPE are water-tight.

Commission Member Schell confirmed that in this case the current structures do not currently meet that requirement and that fact necessitated the variance request.

Mr. Hebert responded, correct. Some meet the requirement but not all of them.

Vice Chair Wallace referenced page 3, subsection 5 of the staff report. That section said there would not be dry floodproofed, and then asked what the difference between the FPE standard (in 1155.04) and the 100-year flood elevation in conformance with the National Flood Insurance Program standard (NFIP).

Mr. Hebert explained that the city's FPE standard requires the floor to be 2 ft above the 100-year floor elevation or dry-proofed below. The 100-year flood elevation in conformance with the NFIP is the national standard.

Vice Chair Wallace then asked for a clarification of the language on page 3 in section 7, the language stating that additional fill would be required.

Mr. Hebert read the section and clarified that on line 2 the language should say, "...additional excavation must occur..." rather than "... additional fill must be placed..." He further stated that a slide later in his presentation would provide a helpful graphic and he would be sure to slow down and reference this point when that slide was reached.

Vice Chair Wallace responded that that would be great and invited Mr. Hebert to continue.

Vice Chair Wallace also asked whether the code could be viewed as a building protection code.

Mr. Hebert responded yes, but it also protects natural features.

Vice Chair Wallace stated, but for our purposes tonight it is to protect buildings and to get them above the 100-year flood elevation.

Mr. Hebert agreed and reiterated that the buildings involved in this application, both existing and proposed, would then be above the 100-year floodplain and the compensatory storage location would be lower that it is currently.

Vice Chair Wallace asked, regarding the term compensatory storage, what was being compensated for.

Mr. Hebert responded that what was being compensated for was the amount of fill that was used. The code requires developers to return to the floodplain 105% for the fill used.

Council Member Shull asked whether the dirt would be used from the site and further remarked that there was a lot of dirt across the street that could be used to supplement the compensatory storage.

Mr. Hebert stated that the dirt used was depended on the quality of the dirt.

Director Joly stated that the plan was to use fill from within the site.

Vice Chair Wallace stated that he might be getting ahead of the presentation but it seemed like the objective was to raise the construction line.

Mr. Hebert stated that compensatory storage is adding floodplain to an area that wants to be floodplain. This property has a very broad floodplain, although parts of it will be filled in there will still be more floodplain than is there now and that the 100-year flood elevation would be set at 957, which was their standard.

Vice Chair Wallace asked what was meant by the term "cut" as used on the No-Rise Requirement slide.

Mr. Hebert responded that it meant digging/excavation. He further explained that some excavation would occur in the Stream Corridor Protection Zone.

Vice Chair Wallace asked whether it made a difference that there was historical significance to the buildings, such as the chicken coop and barn.

Vice Chair Wallace asked why the floor height could not be increased 2 more feet and whether the buildings would be on the ground (the site plan drawings depicted the buildings on piers with no ground apparent).

Mr. Hebert stated that the hardship with raising it 2 more feet was that more fill would be required. He confirmed that the buildings were on the ground, but the earth was transparent in the site plan for ease of explanation.

Council Member Shull noted that there was a discrepancy between numbers used on the slides and sought clarification.

Mr. Hebert clarified the Restroom Facilities slide contained a typographical error and the correct numbers were 957 and 959.

Vice Chair Wallace clarified for the record that there was a typographical error on the Restroom Facilities slide. The correct numbers were used on the previous slide (No-Rise Requirement slide).

Mr. Hebert further stated that the proposal includes the usage of flood resistant materials such as stone and the usage of vents to decrease hydrostatic pressure. He explained that was because the structures were not dry-proofed and because the proposal does not include a flood-proofed door. He further explained that dry, flood-proofed doors require maintenance.

Vice Chair Wallace observed that what was missing was the water-proof door and usage of a water-proof door would obviate the need for vents.

Mr. Hebert agreed.

Commission Member Briggs recalled that Mr. Hebert said the chicken coop would be refurbished and asked whether there were elements of the chicken coop in this structure.

Mr. Hebert said that there were.

Commission Member Briggs asked whether the storage shed would have a door and whether it would be a storage shed for the community.

Commission Member Schell confirmed that the chicken coop would also have hydrostatic vents.

Director Joly said that the shed would have a door and would be a storage shed for community and that it would have water and electricity, but it would only serve as a storage space. She stated that essentially the chicken coop will need to be raised 2 feet and the new buildings will need to be constructed 2 feet above where the ground currently sits. She explained that the city was trying to balance between creating a usable and safe space for the public with maintaining the natural environment.

Mr. Hebert stated that the presentation did not include a slide for the barn, but the barn required similar treatment and the variance request included the barn.

Council Member Shull asked how confident the applicant was that the barn could be raised 2 feet.

Public Service Director Barker stated that he had met onsite with the contractor and the contractor did not indicate any concern.

Vice Chair Wallace observed that the label of garden shed also referred to the chicken house and asked whether it was the existing chicken house.

Director Joly responded in the affirmative, the existing chicken house will become the storage shed.

Commission Member Schell stated that he dealt with Federal regulatory agencies frequently in his professional life and wondered what would happen with the main house.

Director Joly replied that a full audit of the main house has not yet been conducted but she suspected that such an audit would expose regulatory challenges.

Commission Member Schell stated that much of the information presented tonight would assist the commission with future decisions.

Director Joly agreed and added that there were many variables to consider.

Commission Member Briggs asked whether the timeline for making decisions about the house would be about 3 years.

Director Joly responded in the affirmative and explained that staff would begin exploring the possibilities for the house this year but the funding and final decisions are 2 to 3 years out.

Vice Chair Wallace asked about the flood door and the feasibility of installing the door.

Mr. Hebert summarized the hardships involved and explained that the flood door was not a traditional door, that it needed to be closed manually which necessitated consistent monitoring, and that it required regular maintenance.

Vice Chair Wallace confirmed that, in Mr. Hebert's professional opinion, the flood door was not the best option.

Vice Chair Wallace asked Law Director Albrecht whether there were additional code factors that needed to be met in addition to the *Duncan* factors.

Law Director Albrecht responded that he did not know that the code factors needed to be met, but that they needed to be considered along the way.

Commission Member Schell stated that this application was well done.

Commission Member Briggs agreed.

Vice Chair Wallace asked whether there were other questions.

There was no response.

Vice Chair Wallace made a motion to accept the staff report, noting that one of the slides had a typographical error, and related documents into the record for VAR-27-2023. Commission Member Briggs seconded the motion.

Upon roll call: Mr. Wallace, yes; Ms. Briggs, yes; Mr. Schell, yes. Having 3 votes in favor; 0 votes in opposition; and 0 abstentions, the documents were accepted into the record.

Vice Chair Wallace made a motion for approval of application VAR-27-2023 based on the findings in the staff report, subject to staff approval. Vice Chair Wallace noted that there were no conditions listed in the staff report. Commission Member Schell seconded the motion.

Upon roll call: Mr. Wallace, yes; Mr. Schell, yes; Ms. Briggs, yes. Having 3 votes in favor; 0 votes in opposition; and 0 abstentions, the variance application was approved.

Vice Chair Wallace stated that this is a variance request, and he generally looks askance at them and rarely votes in favor of variance requests. This variance request, however, is unique. He found that the *Duncan* factors have been met, and the usage of the property would diminish greatly if this variance was denied and the case has been made this variance should be approved.

Director Joly thanked the commission.

The commission thanked her and wished her luck.

Vice Chair Wallace further stated that it was his hope that usage of the chicken house as a storage shed did not take away from the historical value of the structure.

VAR-29-2023 Variance

Variance to Section 5(A) of the Edgemont Subarea 1B zoning text to allow a private swimming pool to be located in the side yard at 6984 Lambton Park (PID: 222-004129-00).

Applicant: Hidden Creek Landscaping

Planner Cratic-Smith delivered the staff report.

Vice Chair Wallace asked how many lots were included in the Edgemont subdivision.

Planning Manager Mayer stated that it includes the three lots north of Lambton Park Road and all of the lots in Waterston.

Vice Chair Wallace asked whether it was possible that additional lots across Lambton Park could be sold.

Planning Manager Mayer said yes. New Albany Company owns those lots and noted that the lots are estate sized.

Vice Chair Wallace asked whether the rear yard requirement/side yard restriction has greater applicability to smaller lots and is not necessarily for the estate-sized lots.

Planning Manager Mayer responded that was fair to say.

Commission Member Schell asked whether there was a pool in the neighboring house and whether a variance was required.

Planning Manager Mayer responded that it was but it was located in the rear lot so it did not need a variance, but they did need a variance for the fence.

Vice Chair Wallace asked to hear from the applicant.

Mike Crommes, applicant and landscape architect with Hidden Creek Pools, thanked Planner Cratic-Smith for her report. He explained that he had installed the pool at the adjacent property and also that he built the wall along SR 62. He explained the topography of the subject property and the need for this application for variance.

Vice Chair Wallace asked whether there was anything in the packet to show what the 6-ft brick wall surrounding the pool would look like.

Mr. Crommes indicated that there was.

Planning Manager Mayer stated that it would be similar in height and design to the brick wall that is along SR 62.

Vice Chair Wallace asked whether, based on the grading behind the house and zoning code requirements, the pool could be installed behind the house.

Mr. Crommes answered yes with the addition of a retaining wall toward the golf course and stairs toward the house.

Vice Chair Wallace asked whether that would incur additional costs.

Mr. Crommes answered yes, the construction of any kind of wall would incur additional costs.

Commission Member Schell asked how well screened with trees the bottom portion of the house was.

Mr. Crommes responded that the screening, with the fencing and landscaping, will essentially cover it from view.

Commission Member Schell then asked whether it would be screened if it was placed in the rear yard.

Mr. Crommes responded that there were not, there were a few straggly things.

Vice Chair Wallace asked whether the applicant had spoken to the neighbors to the west. Vice Chair Wallace administered the oath to the property owner.

Mr. Bevis, applicant and property owner, responded that he has spoken to the neighbors and they support this installation. He also responded that, regarding the back installation, that his property is very close to the first tee on the east side of the golf course. As a result, his property is in a frequent slice landing area and he anticipates that golf balls will frequently land in the rear yard. We respect golfers and we do not want golf balls in our pool and we do not want to annoy the golfers. He further stated that the side yard location was a safer location for his family, considering the steepness of the north and west sides of the property.

Commission Member Schell asked whether the neighbors notified and whether any calls had been received.

Planning Manager Mayer stated yes, neighbor letters were sent out. He further stated that no calls had been received.

Commission Member Briggs asked whether there was a total of 5 neighbors.

Planning Manager Mayer stated yes, there were 5 neighbors.

Vice Chair Wallace made a motion to accept the staff reports and related documents into the record for VAR-29-2023. Commission Member Briggs seconded the motion.

Upon roll call: Mr. Wallace, yes; Ms. Briggs, yes; Mr. Schell, yes. Having 3 votes in favor; 0 votes in opposition; and 0 abstentions, the staff reports and related documents were accepted into the record.

Vice Chair Wallace made a motion to approve application VAR-29-2023 based on the findings in the staff report, subject to staff approval. Vice Chair Wallace noted that there were no conditions listed in the staff report. Commission Member Briggs seconded the motion.

Upon roll call: Mr. Wallace, yes; Ms. Briggs, yes; Mr. Schell, yes. Having 3 votes in favor; 0 votes in opposition; and 0 abstentions, the application was approved.

Vice Chair Wallace stated that he voted yes because the size of the estate makes it unique, the adjacent landowner support, and because of the testimony of the applicant architect and the applicant property owner. He further explained that his yes vote was due to the fact that the pool would be completely screened, and that positioning the pool in the side yard was a better location than in the rear yard which faced the golf course. He further stated that this application was unique and did not set a precedent.

Commission Member Schell stated that he concurred with Vice-Chair Wallace's reasoning, and further remarked that this property and application were unique, the pool would be completely screened if positioned in the side yard, and the commission's approval of this variance did not set a precedent.

FPL-30-2023 Preliminary and Final Plat

Preliminary and Final plat for the dedication of Third Street, Main Street, Market Street, Granville Street and High Street (222-000329, 222-000312, 222-000563, 222-000300, 222-000572, 222-000167, 222-000224, 222-000169, 222-000316, 222-000770, 222-000153, 222-000055, 222-000025, 222-000015, 222-000096, 222-000003, 222-001670, 222-000016, 222-000012, 222-000035, 222-000063, 222-000036). Applicant: The city of New Albany

Planner Christian delivered the staff report and stated that he and Public Service Director Barker were available to answer any questions.

Commission Member Schell asked for an explanation of the plan for the intersection of Market St. and SR 605.

Planner Christian explained that a roundabout would be constructed at Market St and SR 605.

Public Service Director Barker further explained that the intersection of Main St. and High St. (SR 62 and Dublin Granville Road) is a primary source of congestion but the surrounding property precludes widening the road. The application proposes to establish an alternate route – creating a bypass and reducing the volume of traffic that reaches the intersection of Main and High. The area will be redesigned so the through movement will be via Third which will be extended all the way to Market St. This proposal was derived from the Engage New Albany study.

Vice Chair Wallace stated that the new intersection appeared to look like a T-shaped intersection and further asked what will the feel of the extended road would be.

Public Service Director Barker agreed, he further stated that staff was very proud of the feel of Third Street, but the brick that is there today will not hold up under the increased traffic conditions that would result from this project.

Vice Chair Wallace confirmed that it would not be a boulevard.

Public Service Director Barker stated no, that it would be a 2-lane road, it will be more of a Fodor Rd type of road with a parallel parking on either side, a tree median, and stormwater basin.

Vice Chair Wallace asked whether Village Hall Road would be extended.

Public Service Director Barker stated there were no plans to extend Village Hall Road.

Commission Member Briggs noted the red indications on the site map and asked whether there would be changes to Reynoldsburg New Albany Road.

Public Service Director Barker responded that that was a great question. He continued that there would be a slight jog installed as would typically happen prior to a roundabout.

Commission Member Briggs thanked Public Service Director Barker. She further noted that Neil was not present to comment and it seemed like the intersection would be tight considering the existing properties, however she acknowledged that staff were the experts and she was confident they would figure it all out. She further clarified that it would remain possible to make a left turn from Third Street on to SR 62.

Public Service Director Barker stated that yes, it would still be possible to make a left turn, but with the timing of the lights, it would not be in the motorists' interest to make a left at that location.

Vice Chair Wallace wanted to clarify there was enough right of way to accomplish the objectives stated in this application.

Public Service Director Barker responded that this plat does not represent everything that would be needed. Staff is working with the Methodist church and private property owners in order to acquire the needed space.

Commission Member Briggs confirmed that the intersection was a 2-way stop, and further asked about the timeline.

Public Service Director Barker responded that yes, it was a 2-way stop. He further responded that bidding will occur in the next one to two months. The project needed to be timed around the Indiana bat restriction on felling trees in the summer. He also explained that the project would proceed in phases.

Vice Chair Wallace asked whether staff had an estimate on whether travel on the new or existing road would be faster from south of the Village Center.

Public Service Director Barker responded that he did not have specific timing but he thought the new road would be faster. The existing roundabout working in conjunction with the new roundabout at Market and SR 605 will make all traffic move more quickly.

Commission Member Briggs asked about the residences on Third Street.

Public Service Director Barker stated that they are rentals owned by the New Albany Company and temporary accommodations would be made for residents that would be impacted by this project.

Vice Chair Wallace confirmed that Public Service Director Barker's report constituted the engineering report for this application. He noted there was no one present in the audience to speak on this application, and asked if the commission had any other questions.

There was no response.

Vice Chair Wallace made a motion for acceptance of staff reports and related documents into the record for FPL-30-2023. Commission Member Schell seconded the motion.

Upon roll call: Mr. Wallace, yes; Mr. Schell, yes; Ms. Briggs, yes. Having 3 votes in favor; 0 votes in opposition; and 0 abstentions, the staff reports and related documents were accepted into the record.

Commission Member Briggs made a motion for approval of application FPL-30-2023 based on the findings in the staff report, subject to staff approval. Commission Member Briggs noted that there were no conditions listed in the staff report. Commission Member Wallace seconded the motion.

Upon roll call: Ms. Briggs, yes; Mr. Wallace, yes; Mr. Schell, yes. Having 3 votes in favor; 0 votes in opposition; and 0 abstentions, the application was approved.

VII. Other business

1. Annual Organizational Meeting

- Swear in new members
- Elect Chairperson
- Elect Vice-Chairperson
- o Elect Secretary
- o Appointment of Board of Zoning Appeals Representative

o Establish date, time, and location for 2023 regular meetings

*Attendance is defined as in-person presence during the hearing and consideration of applications without a conflict of interest before that commission/board at that meeting. Attendance of all current serving members of the commission/board is encouraged, and three (3) consecutive absences by any member or four (4) absences in any 12-month period shall be considered a forfeiture of the membership to the commission/board. The forfeiture would occur regardless of the reason for the absences. The applicable department designee would then notify the clerk of council so that they can inform council that a new appointment needs to be made.

Vice Chair Wallace noted that only 3 of the 5 commission members were present and stated that the organizational meeting would be more appropriately conducted when more commission members were present.

Planning Manager Mayer stated that the organization meeting could be held at the April 3, 2023 meeting.

Vice Chair Wallace made a motion to table the annual organizational meeting until the April 3, 2023 meeting. Commission Member Briggs seconded the motion.

Upon roll call: Mr. Wallace, yes; Mr. Schell, yes; Ms. Briggs, yes. Having 3 votes in favor; 0 votes in opposition; and 0 abstentions, the annual organization meeting was tabled until the April 3, 2023 commission meeting.

VIII. Poll members for comment

Vice Chair Wallace asked if there were comments from the commission members.

There was no response.

IX. Adjourn

Without objection the meeting adjourned at 8:57 p.m.

Submitted by Christina Madriguera, Deputy Clerk.

Appendix

VAR-27-2023 Staff Report Record of Action VAR-29-2023 Staff Report Record of Action FPL-30-2023 Staff Report Record of Action



Planning Commission Staff Report March 20, 2023 Meeting

TAYLOR FARM PARK FLOODPLAIN VARIANCE

LOCATION: APPLICANT: REQUEST:	 Taylor Farm Park (PID: 222-005165) City of New Albany (A) Variance to C.O. 1154.04(e)(2) to allow a new restroom facility, existing barn and chicken house to be placed at an elevation that is not 2 feet above the "base flood elevation" and not include dry flood proofing measures as required by city code.
ZONING:	Agricultural (AG)
STRATEGIC PLAN:	Parks and Green Space
APPLICATION:	VAR-27-2023

Review based on: Application materials received on February 23, 2023.

Staff report prepared by Chris Christian, Planner II.

I. REQUEST AND BACKGROUND

The applicant requests the following variance as part of the Taylor Farm Park improvement project.

(A) Variance to C.O. 1154.04(e)(2) to allow a new restroom facility, existing barn and chicken house to be placed at an elevation that is not 2 feet above the "base flood elevation" and not include dry flood proofing measures as required by city code.

II. SITE DESCRIPTION & USE

Taylor Farm Park is located on the far western corporate boundary that is shared with the city of Columbus along Dublin Granville Road. The site contains an existing historic home, summer kitchen, garage, chicken house, barn and parking lot. The Rocky Fork Creek runs along the western property line of the site.

III. EVALUATION

The application complies with the submittal requirements in C.O. 1113.03, and is considered complete. The property owners within 200 feet of the property in question have been notified.

Criteria

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

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

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

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

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

Considerations and Basis for Decision

(A) Variance to C.O. 1154.04(e)(2) to allow a new restroom facility, existing barn and chicken house to be placed at an elevation that is not 2 feet above the "base flood elevation" and not include dry flood proofing measures as required by city code.

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

- 1. The proposed and existing buildings are located on a nearly 100-acre tract of land being developed as the Taylor Farm Park. Historically, the site had been used as a farm dating back to the 1800s and contains several existing buildings. The Rocky Fork Creek runs along the western boundary of the site. The 100-year floodplain of the creek takes up a large amount of ground on the site, limiting the type and intensity of development that may occur. There are several layers of regulations related to the floodplain on the site including those found in the Flood Damage Reduction section of New Albany city code (C.O. 1155).
- 2. The city's intent for the property is to preserve the existing character of the site, paying homage to the rural character of New Albany while adding amenities to the site so it can be used as a city park. The city hired consultants to evaluate the state of the existing structures and to study the existing character of the creek corridor to accomplish the intent of the project while protecting and preserving these integral elements of the site. The city wishes to restore the existing barn and chicken house as well as add a new restroom facility to support the park. In order to accomplish this, a variance is necessary and further described below. EMH&T, the city floodplain consultant for the project, submitted a floodplain model, report and additional supporting documents for the variance request. This information is included in the staff report evaluation and the meeting packet.

- 3. C.O. 1154.04(e)(2) requires nonresidential structures to be elevated to or above the flood protection elevation. C.O. 1155 defines the flood protection elevation (FPE) as the base flood elevation plus two feet of freeboard. The base flood elevation means the area having a one percent chance of being equaled or exceeded in any given year. The base flood elevation may also be referred to as the one percent chance annual flood or one-hundred (100) year flood.
- 4. In addition, the code requires nonresidential structures to be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water. The applicant is requesting a variance to eliminate these requirements for the new restroom facility, existing barn and chicken house.
- 5. The variance request does not appear to be substantial. While the new and existing buildings will not be elevated to the FPE nor contain dry proofing measures, the structures will be elevated to be above the 100-year flood elevation in conformance with the National Flood Insurance Program (NFIP), consistent with federal regulations. In addition, the proposed and existing buildings are meeting all other regulations and requirements of the city flood plain code and will not increase the Rocky Fork flood elevation levels.
- 6. It does not appear that the essential character of the neighborhood will be altered if the variance request is granted. The intent of this city project is to preserve the character of the property, paying homage to the rural character of New Albany while allowing the site to serve as a city park. The restoration of these existing structures and addition of the restroom facility contribute to this goal.
- 7. If the variance is not granted and the buildings are required to be raised to the FPE, additional fill must be placed within the floodplain for compensatory storage. As demonstrated in the submittal materials, there is little additional area adjacent to the creek to provide such storage. Additional area could be provided however it would require additional disturbance to the creek corridor including removing existing vegetation. These efforts would compromise the existing character of the area and not meet the intent of the project.
- 8. It appears that there are special conditions and circumstances that do not result from action of the applicant and justify the variance request. The existing code regulations do not consider historic buildings which are desired to be restored or ancillary restroom facilities designed to complement and support a public park. The existing and proposed buildings are considered to be "nonresidential structures" which may also include more substantial development such as office buildings, retail buildings or another commercial use.
- 9. The regulations within this section only appear to consider buildings where there may be a larger number of people using them, on a more frequent basis, and are meant to provide additional protection in these circumstances. The existing and proposed buildings on the site are ancillary in nature and will not be used for frequent or regular human habitation. In addition, if a 100-year flood even occurs on the property the city has control to close the buildings if necessary.
- 10. It does not appear that the variance would adversely affect the delivery of government services, affect the health and safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.

C.O. 1155.05(c) states that in addition to the criteria for granting variances set forth in C.O. 1113, a variance to the city's floodplain regulations shall only be issued upon:

1. A showing of good and sufficient cause.

The proposed and existing buildings meet all other requirements of the city floodplain code with the exception of this variance request. The buildings will be elevated to meet the minimum NFIP regulations, above the 100-year flood elevation as demonstrated below:

- a. 100-year flood elevation at proposed building location: EL 957.0
- b. Lowest adjacent grade to proposed building: EL 957.02
- c. Finished floor elevation of proposed building: EL 957.50
- 2. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
 - a. Elevating the new and existing buildings to be a minimum of 2 feet above the 100year floodplain elevation could require up to 1,750 additional cubic yards of fill within the floodplain, requiring additional excavation of 1,837.50 cubic yards for compensatory storage. The current grading plan indicated there is little additional area adjacent to the Rocky Fork Creek to provide excavation for additional compensatory storage, within the project limits.
 - b. Elevating the proposed buildings to the FPE by utilizing ramps and/or stairs in-lieu of additional fill would impact the ability to provide equal, intuitive, and convenient access to and between the proposed building, existing buildings, and the community gardens. Along with impacts to accessibility, additional ramps and stairs would be incompatible with the characteristics of the existing rural character and agrarian aesthetic of the buildings and site.
 - c. Dry flood proofing the proposed restroom building and the existing structures would require the use of a flood gate closure of doors to these buildings. A typical flood gate door closure would require mobilization and installation of the closure in advance of a flood event, then removal of the closure to reestablish use of the facility. In addition, these materials would need to be stored nearby and periodic test closures would be required. The door gate closures would eventually need to be replaced. The additional flood damage reduction benefits to the buildings beyond what is currently proposed and described under item is minimal.
- 3. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
 - a. A detailed floodplain model has been prepared to represent the proposed grading associated with the project, including the fill and excavation for compensatory storage. Attached is a separate report documenting the outcome of that modeling, which has determined the proposed project will not increase 100-year flood elevations along Rocky Fork Creek. This information is included in the meeting packet.
- 4. A determination that the structure or other development is protected by methods to minimize flood damages.
 - a. The exterior walls of the restroom facility and the existing buildings will be constructed from Concrete Masonry Units, or similar, to an elevation above the FPE. These walls will be designed to withstand hydrostatic and hydrodynamic loading in the rare instance there is a flood exceeding a 100-year event.
 - b. Water and sewer services located within the restroom facility will be elevated above the FPE or will be sealed to be water-tight where below the FPE.
 - c. The termination of electrical services within the restroom facility will be elevated above the FPE.
 - d. Flood vents will be provided in the walls of the restroom facility and the existing structures to allow for the free movement of flood waters into and out of the building and reduce the hydrostatic and hydrodynamic loading to the buildings. The flood 220 Taylor Farm Park Flood plain Variance VAP 27, 2023

vents will be designed in accordance with Code Section 1155.04 (d)(7) C., or otherwise meet minimum NFIP standards.

- 5. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - a. The proposed improvements will be designed and constructed in compliance with the city flood code, with the only exception of the proposed restroom facility and the substantial improvement of the chicken house and barn structure not meeting the FPE requirement. These buildings will be flood protected in conformance with minimum NFIP requirements and additional flood resistance measures will be applied above the 100-year flood elevation. As such, the requested variance is the minimum necessary given the documented hardships.

Plus these other conditions for variances found in C.O. 1155.05(d):

- 1. Variances shall not be issued within any designated floodway if any increase in flood levels during the case flood discharge would result.
 - a. The proposed project will not increase 100-year flood elevations along Rocky Fork Creek as demonstrated in a model and associated report which are included in the meeting packet.
- 2. Generally, variances may be issued for substantial improvements to be erected on a lot of one-half (1.5) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases beyond one-half (1.5) acre, the technical justification required for issuing the variance increases.
 - a. A substantial, 263 page report has been completed for the project which and used as the basis for justification of the variance request. This report is included in the meeting packet and concludes that the project will not increase the Rocky Fork flood elevation levels.
- 3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
 - a. While the existing and proposed buildings will not be placed at or above the flood protection elevation, they are to be placed above the 100-year flood elevation meeting the minimum National Flood Insurance Program requirements and federal regulations.

III. SUMMARY

The intent of Taylor Farm Park is to preserve and protect the existing character of the nearly 100acre tract of land while allowing the site to be used as a public park, providing a benefit to the community. The city is meeting the goals of the project by hiring outside consultants to evaluate the condition of the existing buildings on the site, restoring them and adding a small restroom facility to support the park while being sensitive to the large floodplain on the property.

The variance request meets the intent of the project. While the existing and proposed buildings will not be elevated to the FPE or include dry proofing measures, the improvements meet all other city flood code regulations, are not to be used for regular human habitation and will not increase the flood elevation, therefore the variance is not substantial. Elevating the structures to meet this requirement would necessitate additional fill to be placed along the Rocky Fork Creek. In order to provide this fill, additional area around the creek would need to be excavated and disturb the existing natural, heavily vegetated stream corridor compromising the intent of the project.

IV. ACTION

Should the Planning Commission find that the application has sufficient basis for approval, the following motion would be appropriate (The Planning Commission can make one motion for all variances or separate motions for each variance request):

Move to approve application VAR-27-2023.

Approximate Site Location:



Source: NearMap



Community Development Department

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

Dear City of New Albany,

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, March 21, 2023

The New Albany Planning Commission took the following action on 03/20/2023 .

Variance

Location: PID: 222-005165 Applicant: City of New Albany

Application: PLVARI20230027

Request: Variance to C.O. 1154.04(e)(2) to allow a new restroom facility, existing barn and chicken house to be placed at an elevation that is not 2 feet above the "base flood elevation" and not include dry flood proofing measures as required by city code.Motion: Move to approve

Commission Vote: Motion Approved, 3-0

Result: Variance, PLVARI20230027 was Approved, by a vote of 3-0.

Recorded in the Official Journal this March 21, 2023

Condition(s) of Approval: None.

Staff Certification:

Chris Christian

Chris Christian Planner II



Planning Commission Staff Report March 20, 2023 Meeting

6984 LAMBTON PARK ROAD POOL LOCATION VARIANCE

LOCATION:	6984 Lambton Park (PID: 222-004129)
APPLICANT:	Hidden Creek Landscape, Michael L Crommes
REQUEST:	Variance
ZONING:	Comprehensive Planned Unit Development: Edgemont
STRATEGIC PLAN:	Residential
APPLICATION:	VAR-29-2023

Review based on: Application materials received on February 17, 2023

Staff report prepared by Sierra Cratic-Smith, Planner

I. REQUEST AND BACKGROUND

The applicant requests a variance to section 5(A) of the Edgemont Subarea 1-B(5)(a) zoning text to allow a private swimming pool to be located in the side yard at 6984 Lambton Park. The text states "all swimming pools/spas shall be located in the rear yard, within the building line of the site, completely enclosed by fencing and screened from adjoining properties."

II. SITE DESCRIPTION & USE

The property is 6.172 acres in size and contains a single-family home. The lot is located in the New Albany Country Club Edgemont subdivision. The house is one of three large lots along the north side of Lambton Park Road. The neighboring properties consist of the golf course to the north and single-family homes surrounding the rest of the property.

III. ASSESMENT

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

Criteria

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

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

- *1. Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without the variance.*
- 2. Whether the variance is substantial.

- 3. Whether the essential character of the neighborhood would be substantially altered or adjoining properties suffer a "substantial detriment."
- 4. Whether the variance would adversely affect the delivery of government services.
- 5. Whether the property owner purchased the property with knowledge of the zoning restriction.
- 6. Whether the problem can be solved by some manner other than the granting of a variance.
- 7. Whether the variance preserves the "spirit and intent" of the zoning requirement and whether "substantial justice" would be done by granting the variance.

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

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

IV. EVALUATION

A variance to Section 5(A) of the Edgemont Subarea 1-B zoning text to allow a private swimming pool to be located in the side yard.

- 1. Section 1-B(5)(a) of the zoning text requires "all swimming pools/spas shall be located in the rear yard, within the building line of the site, and completely enclosed by fencing and screened from adjoining properties." This variance requests to allow a private swimming pool to be located in the side yard.
- 2. The city codified ordinance permits pools to be located in the side yard. However, the Edgemont zoning text is more restrictive than the city typical standards. Therefore, the variance preserves the spirit and intent of the city pool regulations of locating pools in the same area as other accessory structures in the side and rear of principle structures.
- 3. This variance does not appear substantial considering the large size of the lot and its location in conjunction to the home. The lot is 6.172 acres large making this parcel one of the largest in the Country Club subdivision. Compared to the pool which is 20 feet by 50 feet in size which covers less than one percent of the lot. The pool is located 200 +/- feet from the northern property line and 152 +/- feet from the west property line. As a result, the pool is located at a much greater distance from the parcel lines and roads.
- 4. The character of the neighborhood would not be substantially alter considering the pool will be surrounded by a brick and mortar wall spanning of 6 feet in height to provide significant screening. Additionally, there is a double row of evergreen shrubs along the west property line providing screening.
- 5. There are special conditions that apply to this specific property due to the shape and topography of the lot. According to the site plan, this lot is shaped like a flag which creates a greater abundance of side yard space and less rear yard compared to a typical rectangular shaped lot. In addition, the rear yard contour lines are steeper on the north and northeast side of the property where the zoning requires the pool to be located. This steep geography

complicates construction of and access to the pool. However, the relocation of the pool allows for access and construction to connect easier to the home.

- 6. This variance would not adversely affect the delivery of government services.
- 7. The granting of this variance will not adversely affect the health and safety of persons residing or working in the vicinity.

V. SUMMARY

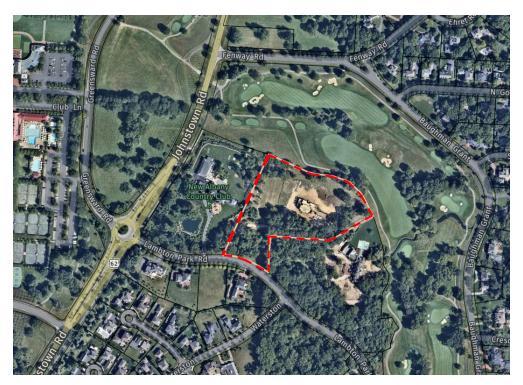
This variance is not substantial considering the size of the property at 6.172 acres which shows the pool being located over 200 feet from the northern property line and 152 feet from the west property line. Additionally, other conditions of the property like the topography prevents ease of accessibility and construction of the pool in the rear. This is because behind the home, the topography is significantly steeper north than it is on the west side of the property. Furthermore, the addition of the 6-foot brick wall to be constructed around the pool allows for significant screening and privacy. Therefore, the pool's proposed location seems to be reasonable due to the relative isolated location because of the screening and size of the lot.

VI. ACTION

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

Move to approve application VAR-29-2023 based on the findings in the staff report (conditions of approval may be added)

Approximate Site Location:



Source: NearMap



Community Development Department

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

Dear Harold & Natalie Bevis

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, March 21, 2023

The New Albany took the following action on .

Variance

Location: 6984 LAMBTON PARK RD Applicant: Hidden Creek Landscape, Michael Crommes

Application: PLVARI20230029
 Request: To section 5(A) of the Edgemont Subarea 1-B(5)(a) zoning text to allow a private swimming pool to be located in the side yard at 6984 Lambton Park.
 Motion: Approved

Commission Vote: Motion To Approve VAR20230029

Result: Variance, PLVARI20230029 was approved, by a vote of 3-0.

Recorded in the Official Journal this March 20, 2023

Condition(s) of Approval: N/A

Staff Certification:

Sierra Cratic-Smith Planner



Planning Commission Staff Report March 20, 2023 Meeting

MARKET STREET EAST EXTENSION PRELIMINARY AND FINAL PLAT

LOCATION:	Generally located southeast of the East Granville Street and South High Street Intersection
APPLICANT:	City of New Albany
REQUEST:	Preliminary and Final Plat
ZONING:	1998 Comprehensive Planned Unit Development (C-PUD) Subareas 2A
	(North Farms) and 2B (North Farms Cluster), Urban Center District
	(UCD), Community Facilities District (CF), Residential Estate District
	(R-1)
STRATEGIC PLAN:	Parks and Green Space within the Village Center Boundary
APPLICATION:	FPL-30-2023

Review based on: Application materials received February 9, 2023.

Staff report completed by Chris Christian, Planner II.

I. REQUEST AND BACKGROUND

The application is for a combined preliminary and final plat to dedicate right-of-way for the extension of Market Street to Third Street in the Village Center. This new public street extension is envisioned in the Engage New Albany Strategic Plan as a critical connection in the Village Center in order to disperse and convey traffic in the area, alleviating travel times and reducing congestion. In order to fully accommodate this new public street, right-of-way is also proposed to be dedicated along East Granville Street, South High Street, Third Street and Main Street.

II. SITE DESCRIPTION & USE

The majority of the proposed right-of-way dedication extends east from Market Street, which currently dead-ends at South High Street. The right-of-way continues east from New Albany Condit Road until it curves towards the north, and eventually intersects with East Granville Street. The property is located within multiple different zoning district and is currently vacant.

III. PLAN REVIEW

Planning Commission's review authority of the preliminary and final plat is found under C.O. Section 1187. Upon review of the final plat the Commission is to make recommendation to City Council. Staff's review is based on city plans and studies, zoning text, zoning regulations.

- This plat dedicates right-of-way to the City of New Albany for the extension of Market Street. The dedication extension consists of approximately 1,246+/- linear feet for a total of approximately 3.17+/- acres. There are no reserves being platted or lots being created within this new right-of-way extension.
- The plat dedicates 70' of right-of-way. The street extends through several zoning districts on land that is currently vacant. There are several proposed utility and drainage easements shown on the plat which vary in size.
- This new public street is identified as a minor arterial road typology in the Engage New Albany strategic plan. According the plan, this new road should be designed at a Village Center scale in order to accommodate traffic while maintaining the pedestrian oriented nature

of the Village Center. The proposed 70 feet of right-of-way is consistent with the 62-91 foot width recommendation in the Engage New Albany strategic plan.

IV. ENGINEER'S COMMENTS

The city engineer has reviewed the referenced plan in accordance with the engineering related requirements of Code Section 1159.07(b)(3) and provided no comments.

V. SUMMARY

Basis for Approval:

The proposed road plat is consistent with the goals and objectives found in the Engage New Albany strategic plan for this area. This road will serve as a critical connection within Village Center by assisting with the dispersal of traffic and alleviation of congestion.

VI. ACTION Suggested Motion for FPL-30-2023 (additional conditions may be added):

Move to approve FPL-30-2023.

Approximate Site Location:



Source: NearMap



Community Development Department

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

Dear City of New Albany,

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, March 21, 2023

The New Albany Planning Commission took the following action on 03/20/2023 .

Final Plat

Location: Generally located southeast of the East Granville Street and South High Street intersection. **Applicant:** City of New Albany,

Application: PLFPL20230030

 Request: Preliminary and Final plat for the dedication of Third Street, Main Street, Market Street, Granville Street and High Street (222-000329, 222-000312, 222-000563, 222-000300, 222-000572, 222-000167, 222-000224, 222-000169, 222-000316, 222-000770, 222-000153, 222-000055, 222-000225, 222-000015, 222-000096, 222-00003, 222-00003, 222-001670, 222-000016, 222-000012, 222-000035, 222-000063, 222-000036).

Motion: Move to approve

Commission Vote: Motion Approved, 3-0

Result: Final Plat, PLFPL20230030 was Approved, by a vote of 3-0.

Recorded in the Official Journal this March 21, 2023

Condition(s) of Approval: None.

Staff Certification:

Chris Christian

Chris Christian Planner II



Planning Commission Staff Report April 3, 2023 Meeting

HARRISON ROAD TRIANGLE ZONING DISTRICT ZONING AMENDMENT

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 400eet 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 <u>underlined text</u>.

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

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

A. New Albany Strategic Plan

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

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

B. Western Licking County Accord

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

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

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

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

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

C. Use, Site and Layout

- 1. The proposed zoning text is a limitation text. A limitation text can only establish more restrictive requirements than the zoning code.
- 2. The site is located in the Engage New Albany strategic plan Northeast Area addendum Employment Center land use. The majority of the site is also located in the Western Licking County Accord's Office/Transitional Agriculture district.
- 3. Due to the proximity of this site 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 General office activities, data centers, research & production uses, religious facilities, and park-and-ride facility	Existing Zoning (Jug Street North Zoning District) Permitted Use	Proposed Rezoning (Harrison Road Triangle Zoning District) Permitted Use
Manufacturing and production	Prohibited	 Prohibited north of the 400 foot use restriction line, Permitted south of the 400 use restriction line
Distribution	Prohibited	 Prohibited north of the 400 foot use restriction line unless it is an accessory use to a permitted use, Permitted south of the 400 use restriction line
Warehouse	Prohibited unless it is an accessory use to a permitted use	 Prohibited north of the 400 foot use restriction line unless it is an accessory use to a permitted use, Permitted south of the 400 use restriction line
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. <u>The only proposed change relating to access, loading and parking are for the new east-west road.</u> 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. <u>The same architectural requirements as the established Jug Street North Zoning District</u> 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.

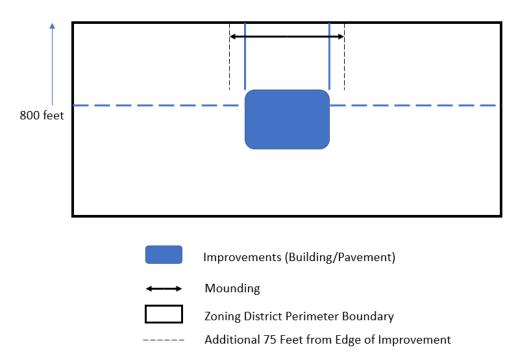
D. Parkland, Buffering, Landscaping, Open Space, Screening

- 1. <u>There are no proposed changes to the parkland, buffering, landscaping, open space, and screening requirements.</u>
- 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 ¹/₂) inches in caliper for shade trees, six (6) feet in height for evergreen trees, two (2) inches in caliper for ornamental trees, and thirty (30) inches in height for shrubs. Caliper shall be measured six (6) inches above grade.
- 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:

Perimeter Boundary



E. Lighting & Signage

- 1. <u>There are no proposed changes to the lighting and signage requirements.</u>
- 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. <u>Staff</u> recommends a condition of approval that the city engineer comments be addressed at the time of engineering permits, subject to staff approval.

- 1. 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 23 0403 Harrison Road Triangle Zoning District ZC-17-2023 7 of 8

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



401.60-146 February 21, 2023 (Updated 2.27.23)

To: Chelsea Nichols Planner

From: Matt Ferris, P.E., P.S., Consulting City Engineer By: Jay M. Herskowitz, P.E., BCEE Re: Harrison Rd. Triangle Zoning District

We have the following review comments regarding this rezoning application:

- 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.
- 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.

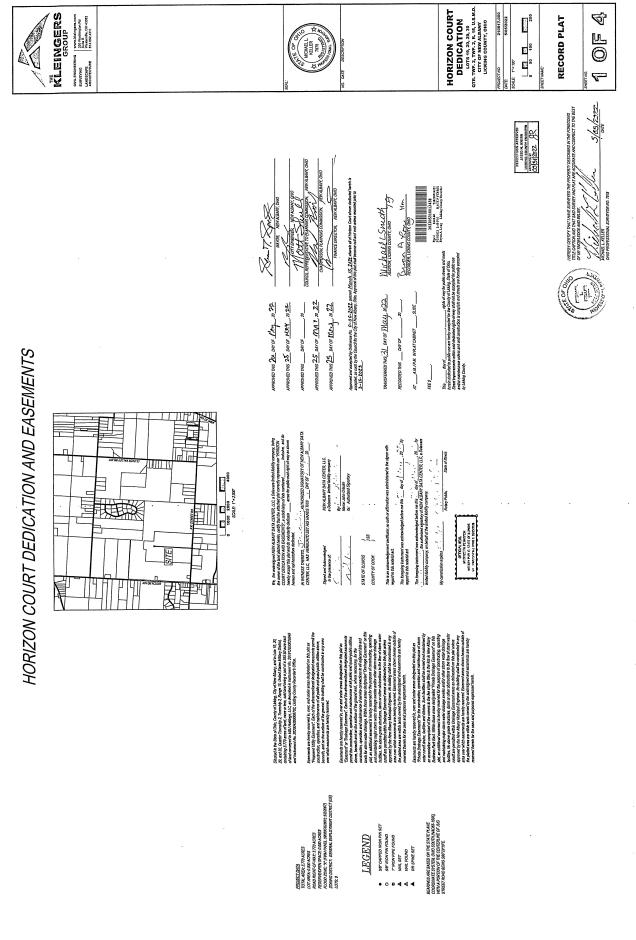
MEF/JH

(attachments)

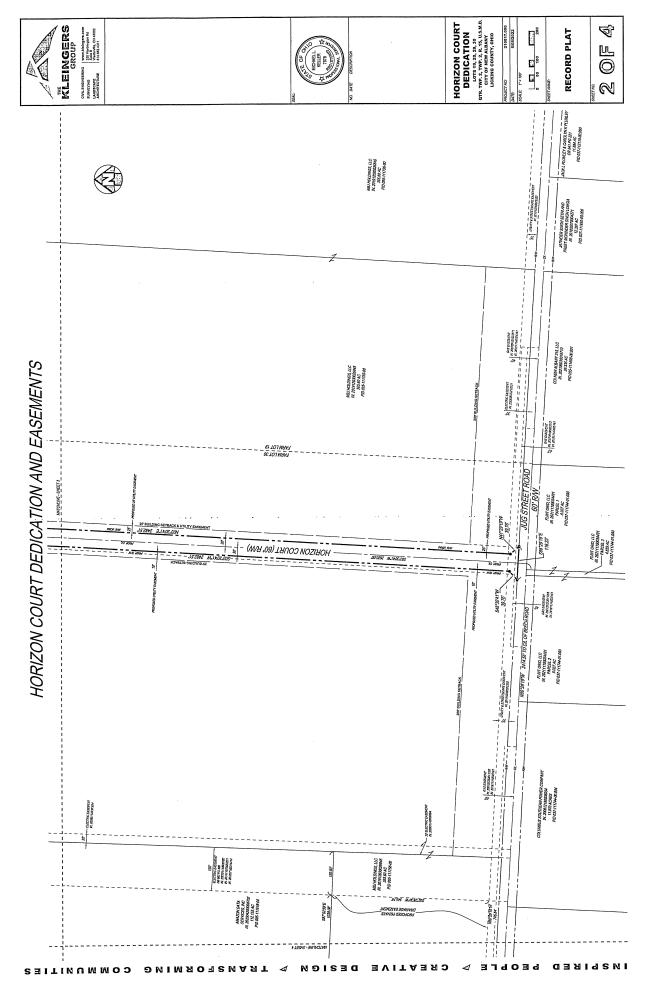
CC: Will Walther, Development Engineer



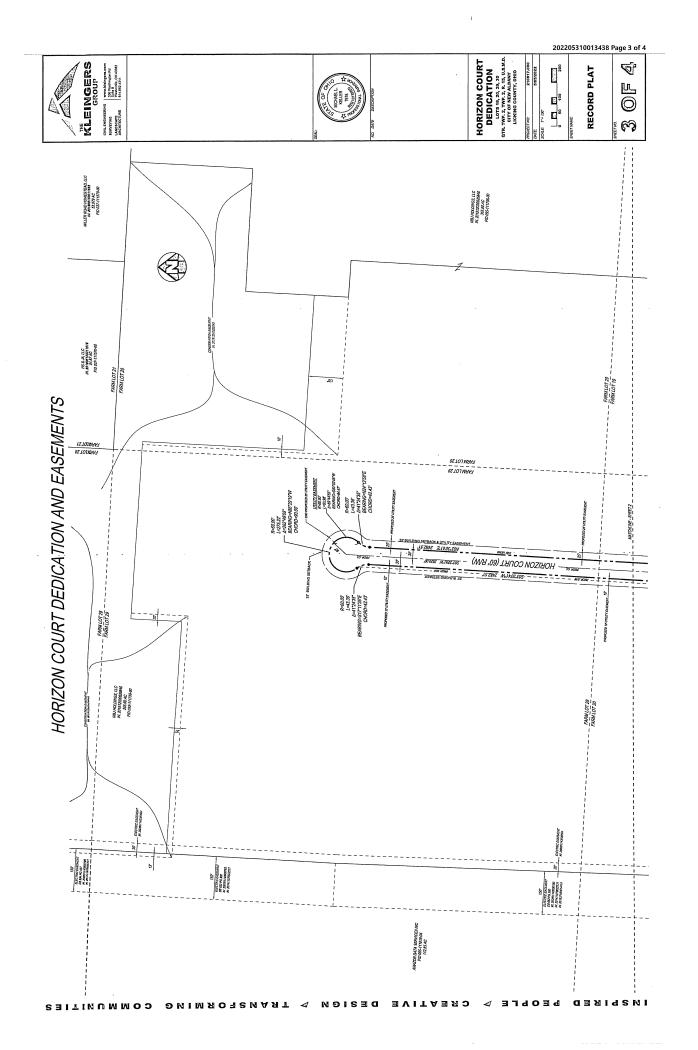


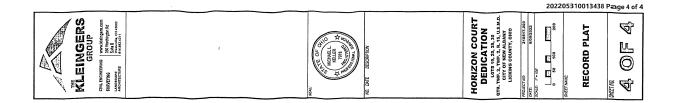


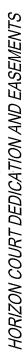
INSPIRED PEOPLE 🔊 CREATIVE DESIGN 🔊 TRANSFORMING COMMUNITIES

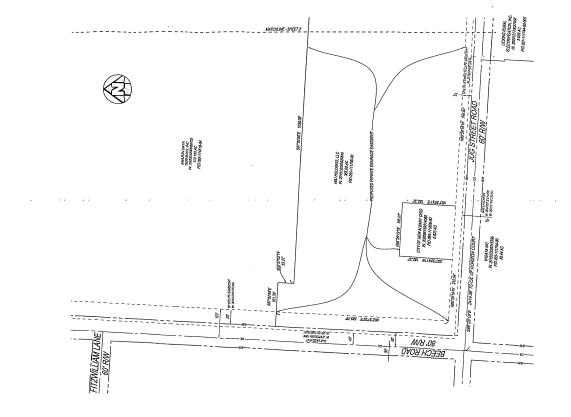


I









20-17-2023

Permit # _____ Board _____ Mtg. Date _____



Community Development Planning Application

	Site Address 13312 Jug Street Road, Johnstown, OH 43031					
Parcel Numbers A portion of 095-111756-00.000						
	Acres <u>26.2 +/- Acres</u> # of lots created					
	Choose Application Type	Circle all Details that Apply				
0 U	 Certificate of Appropriateness Conditional Use 					
Project Information	 Development Plan Plat Lot Changes 	Preliminary Preliminary Combination	Final Final Split	Comprehensive Adjustment	Amendment	
Info	Minor Commercial Subdivision Vacation	Easement	opin	Street		
oject.	 Variance Extension Request 					
Pr	□XZoning	Amendment (re	zoning)	Text Modification	1	
	Description of Request: A request to rezone the property from L-GE, Limited General Employment to L-GE, Limited General Employment for the purpose of allowing the operation of a concrete batch plant on the subject property.					
		ldings LLC, c/o Aaro		1		
	Address: Underhill & Hodge LLC, 8000 Walton Parkway, Suite 260 City, State, Zip: New Albany, OH 43054					
	Phone number: 614.335.9320			Fax: 614.33	5.9329	
Ś	Email: aaron@uhlawfirm.com					
Contacts						
ont	Applicant's Name: MBJ Ho	Idings LLC, c/o Aaro	n L. Underhil	1		
0	Address: Underhill & Hodge LI		kway, Suite 2	260		
	City, State, Zip: New Albany, OH 430 Phone number: 614.335.9320)54		Fax: 614.33	5 9329	
	Email: aaron@uhlawfirm.com			Pax	0.0020	
	Site visits to the property by City of New Albany representatives are essential to process this application. The Owner/Applicant, as signed below, hereby authorizes Village of New Albany representatives,					
э.	employees and appointed and elected officials to visit, photograph and post a notice on the property					
itur	described in this application. I certify that the information here within and attached to this application is true, correct and complete.					
Signature	By: M Z Mell					
	Signature of Owner Aaron L. Underfull Attorney for Owner Date: 2/3/2023 Signature of Applicant By: 2/3/2023					
	Signature of Applicant By: Date: 2/3/2023					

26.2 ACRES

Situated in the State of Ohio, County of Licking, City of New Albany, in Farm Lot 20, Quarter Township 2, Range 15, United States Military District, being part of that 476.757 acre tract of land conveyed to MBJ Holdings LLC by deed of record in Instrument Number 201912030026846 (all references refer to the records of the Recorder's Office, Licking County, Ohio) and more particularly bounded and described as follows:

BEGINNING at the common corner of Farm Lots 12, 13, 20 and 21, the northeasterly corner of said 476.757 acre tract, in the westerly line of that 128.851 acre tract conveyed to Robert A. Carr and Deborah B. Carr by deed of record in Instrument Number 201004060006281, the southeasterly corner of the subdivision entitled "Wagoner Farms Section 2", of record in Plat Book 16, Page 146;

Thence South 03° 57' 28" West, with the westerly line of said 128.851 acre tract, a distance of 162.98 feet to a point;

Thence South 03° 12' 17" West, the westerly line of said 128.851 acre tract, a distance of 189.68 feet to a point;

Thence crossing said 476.757 acre tract the following courses and distances:

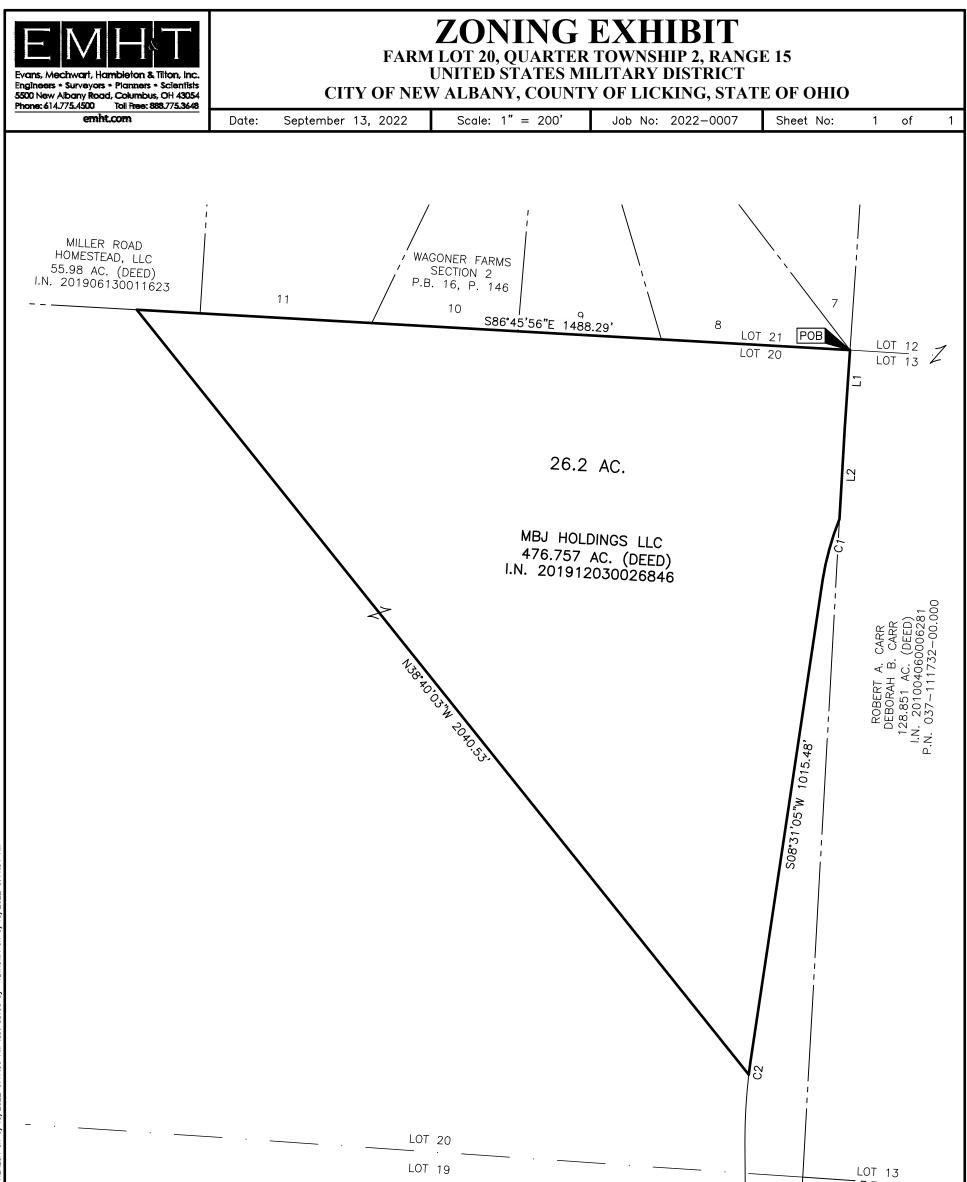
With the arc of a curve to the left, having a central angle of 13° 58' 19", a radius of 540.00 feet, an arc length of 131.68 feet, a chord bearing of South 15° 30' 15" West and chord distance of 131.36 feet to a point;

South 08° 31' 05" West, a distance of 1015.48 feet to a point;

With the arc of a curve to the left, having a central angle of $01^{\circ} 27' 07''$, a radius of 1052.00 feet, an arc length of 26.66 feet, a chord bearing of South $07^{\circ} 47' 31''$ West and chord distance of 26.66 feet to a point; and

North 38° 40' 03" West, a distance of 2040.53 feet to a point in the southerly line of that 55.98 acre tract conveyed to Miller Road Homestead, LLC by deed of record in Instrument Number 201906130011623;

Thence South 86° 45' 56" East, with the southerly line of said 55.98 acre tract and with the southerly line of said "Wagoner Farms Section 2", a distance of 1488.29 feet to the POINT OF BEGINNING, containing 26.2 acres of land, more or less.



LOT 19

LINE TABLE			
LINE BEARING		DISTANCE	
L1	S03°57'28"W	162.98'	
L2	S03°12'17"W	189.68'	

CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CH. BEARING	CH. DIST.
C1	13°58'19"	540.00'	131.68'	S15°30'15"W	131.36'
C2	1°27'07"	1052.00'	26.66'	S07°47'31"W	26.66'

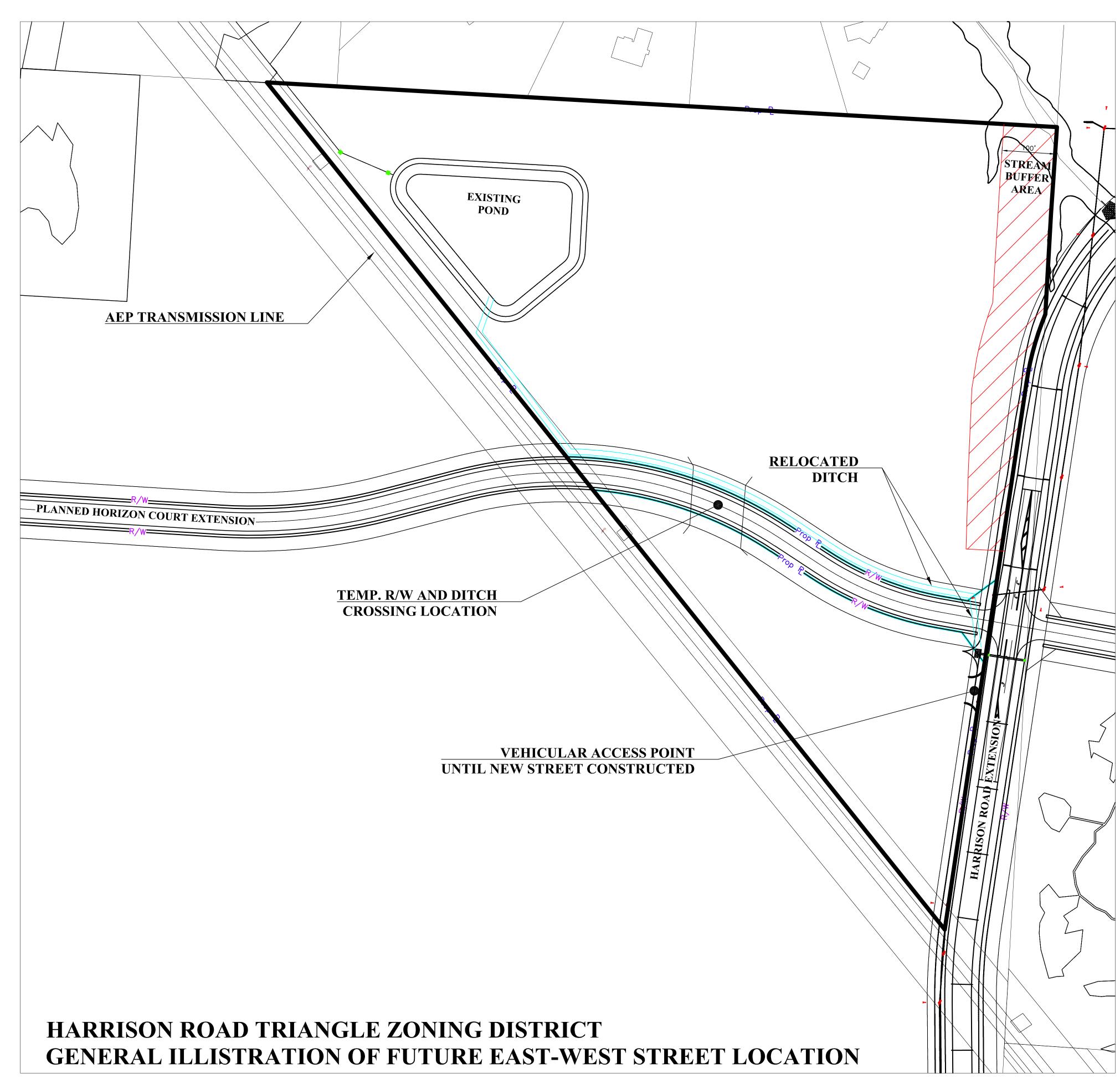


2022 NACO General Engineering Services / 20220007-VS-EXHB-ZONE-03

LOT 14



SCALE: 1:100



THE NEW ALBANY COMPANY TEMPORARY BATCH PLANT

03/17/2023

HARRISON ROAD TRIANGLE ZONING DISTRICT

LIMITATION (L-GE) TEXT

March 13, 2023

The Harrison Road Triangle Zoning District (hereinafter, the "Zoning District") consists of 26.2+/- acres located to the west of and adjacent to Harrison Road NW and generally to the north of Jug Street. At the time of this application, the subject property is located in the Jug Street North Zoning District, which consists of 484.8+/- acres. Development is occurring (or in the near future will be occurring) on most of the property that will remain subject to that zoning district. The development pattern within the Jug Street North Zoning District, when combined with the applicant's acquisition of a number of homes and parcels which abut the northern and eastern boundaries of this Zoning District, have created new circumstances where additional uses are appropriate within portions of the site.

This text sets forth standards for uses and development, with the objective being that development standards which are in place with the Jug Street North Zoning District largely will remain in place in this Zoning District. To the extent that a standard in this text conflicts with a standard that is provided in the City of New Albany's Codified Ordinances, the standard contained in this text shall govern. This Zoning District shall be governed by the relevant provisions of the City's Codified Ordinances to the extent that this text is silent on any particular matter.

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

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

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

Distribution and manufacturing uses shall be prohibited within a distance of 400 feet from the northern boundary line of this Zoning District, but shall be allowed elsewhere. Notwithstanding the foregoing, warehousing, distribution, and similar uses shall be permitted within this 400-foot

Harrison Road Triangle Zoning District Page 1 of 11 wide zone if they are ancillary or accessory to another permitted use (other than warehousing or distribution) that is located within this Zoning District. Warehousing and/or distribution uses that do not meet the requirements of the preceding sentence shall not be permitted within 400 feet of the northern boundary line of this Zoning District.

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

1. <u>Street Improvements:</u> To the extent street improvements are required, the developer shall work with the City Manager or its designee to determine the appropriate timing and phasing.

2. <u>Vehicular Access Points – Generally:</u> 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 his designee in consultation with the developer at the time that a certificate of appropriateness is issued for a project in this Zoning District.

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

4. <u>Traffic Analyses:</u> No traffic studies or analyses shall be required to be submitted to the City relating to this Zoning District given that improvements to Beech Road and Jug Street are being (or will be) constructed by the City and further given that Harrison Road NW has been constructed. All such improvements are adequate to serve this Zoning District.

5. <u>Dedication of Right-of-Way</u>: 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 shall dedicate a maximum of 60 feet of right-of-way to the City to accommodate this public street, together with, to the extent necessary, adjacent streetscape and utility easements not to exceed 25 feet in width on either side, in a location which shall be substantially consistent with that which is generally illustrated an exhibit which accompanies this text. The actual location and other specifications for the new public street shall be determined by and through the review and approval 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.

D. Lot and Setback Commitments:

- 1. Lot Coverage: There shall be a maximum lot coverage in this Zoning District of 75%.
- 2. Setbacks:

a. <u>Harrison Road NW:</u> There shall be a minimum building setback of 50 feet and a minimum pavement setback of 25 feet as measured from the edge of right-of-way of Harrison Road NW.

b. <u>New Public Street:</u> There shall be a minimum building setback of 50 feet and

a minimum pavement setback of 25 feet from the right-of-way of the new east-west public street.

c. <u>Perimeter Boundaries:</u> The following minimum setbacks shall apply from perimeter boundaries of this Zoning District which do not abut a public right-of-way, provided, however, that should a stream corridor protection zone as required by the Codified Ordinances overlap with one of these minimum setback areas, then the greater setback as between the stream corridor protection zone and the minimum required setback shall apply:

i. <u>Northern Boundary</u>: 100 feet for pavement and buildings from the northern boundary line of this Zoning District, but subject to the setback requirements for warehousing and distribution uses which are set forth in the last paragraph of Section B above.

ii. <u>Eastern Boundary</u>: 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. 50 feet for buildings and 25 feet for pavement from all other portions of the eastern boundary line of this Zoning District.

iii. Western Boundary: 25 feet for buildings and pavement.

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

E. Architectural Standards:

1. <u>Building Height:</u> The maximum building height in this Zoning District shall be 65 feet, except that the maximum building height shall be 45 feet for any structure located within 400 feet of the northern boundary line of this Zoning District.

2. <u>Service and Loading Areas</u>: Service areas and loading docks shall be screened to limit visibility from off-site.

3. <u>Building Design:</u>

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

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

elevations.

c. The number, location, spacing, and shapes of windows and door openings shall be carefully considered. Primary entrances shall be made sufficiently prominent that they can be easily identified from a distance, except on buildings where pedestrian traffic is expected to be minimal such as, but not necessarily limited to, data centers or warehouses, or in the context of multi-building projects where the visibility of building entrances may be obstructed.

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

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

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

g. Except as contemplated in Section E.5.b below, accessory or ancillary buildings, whether attached or detached, shall be of similar design, materials and construction as the nearest primary structure. Fenestration themes that employ windows, panels and piers that are consistent with the architectural vocabulary of the building are encouraged.

4. Building Form:

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

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

5. Materials:

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

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

c. Generally, the quantity of materials selected for a building shall be minimized. A single material selection for the independent building components of roof, wall and accents is permitted (i.e., Architectural Grade shingle roof with Brick Masonry wall and EIFS Cornice and Accents).

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

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

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

meant to allow for some flexibility to encourage innovative design provided that the spirit and intent of these provisions are met.

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

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

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

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

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

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

vi. HVAC, generators and similar equipment and associated gravel or concrete yards or pads shall be located subject to the minimum building setbacks.

3. <u>Roof-Mounted Equipment:</u> Screening of all roof-mounted equipment shall be required on all four sides of buildings using materials that are consistent and harmonious with the building's façade and character. Such screening shall be provided not only in order to screen the equipment from off-site view but also to buffer sound generated by such equipment. Parapets (among other architectural elements) may be used to provide screening. Where a building is screened from view outside of the Zoning District by a building located within this Zoning District, City staff may waive or reduce these screening requirements provided that the developer demonstrates adequate buffering of sound from off-site.

F. <u>Buffering, Preservation, Landscaping, and Screening</u>: The following landscaping requirements shall apply to this Zoning District:

1. <u>Buffering</u>: Buffering of uses and improvements from adjacent rights-of-way located outside of the Zoning District and from other property that is adjacent to this Zoning District shall be provided by means of tree preservation as well as mounding and plantings as detailed in this subsection.

a. <u>Tree Preservation</u>: Standard tree preservation practices will be in place to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line.

b. <u>Buffer Area:</u> A "<u>Buffer Area</u>" 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.

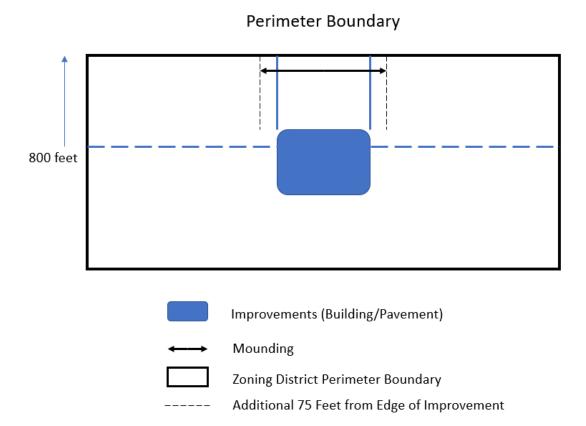
c. <u>Stream Corridor Protection</u>: There shall be a minimum 100-foot wide stream corridor protection zone covering the stream which is located within the eastern portion of this Zoning District. The amount of the stream corridor protection zone which is located on each side of the centerline of the stream may vary, provided that no less than 50 feet of this protection zone shall be located on either side of the stream.

2. <u>Screening</u>: 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.

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:



3. <u>Street Trees</u>: A street tree row shall be established along all publicly dedicated rightsof-way within or adjacent to this Zoning District and shall contain one (1) tree for every thirty (30) feet of road frontage. For the new east-west public street to be constructed within this Zoning District by the City, the City shall install these trees at the time when the street is constructed. Trees may be grouped or regularly spaced. Minimum street tree size at installation shall be three (3) caliper inches. This requirement may be waived in areas where existing vegetation occurs, subject to approval of the City Landscape Architect. All street trees that are not installed prior to infrastructure acceptance shall be bonded to guarantee installation.

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

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

6. <u>Pedestrian Circulation</u>: Unless they are part of a campus which for safety or security

reasons requires access by the public to be restricted, for buildings whose primary use is office, research and production, warehousing, or distribution, an internal pedestrian circulation system shall be created so that a pedestrian using a public sidewalk along a public street can access the adjacent buildings through their parking lots as delineated with markings, crosswalks, and/or different materials, directing foot traffic, where possible, away from primary access drives. The requirement in the preceding sentence shall apply only when one or more of these uses are the primary use(s) of a development parcel. Pedestrian connections shall be provided between parking lots and the front of buildings. A building shall be considered to have offices as its primary use when greater than 50% of its total square footage is occupied by office uses. The requirements of this paragraph shall not apply to any building with a main entrance which is located 500 feet or more from a public right-of-way.

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

8. All project landscape plans are subject to review and approval by the City Landscape Architect.

G. Lighting:

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

2. All parking lot lighting shall be of the same light source type and style. Building, pedestrian, and landscape lighting may be incandescent or metal halide.

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

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

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

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

7. Street lighting must meet the City Standards and Specifications.

8. No light spillage onto properties which are adjacent to this Zoning District shall be permitted from lighting sources within this Zoning District.

Harrison Road Triangle Zoning District Page 10 of 11 H. <u>Signage</u>: All signage shall conform to the standards set forth in Chapter 1169 of the Codified Ordinances of the City of New Albany.

I. <u>Utilities</u>: All utility lines in this Zoning District shall be installed underground.

Harrison Road Triangle Zoning District Page 11 of 11



Planning Commission Staff Report April 3, 2023 Meeting

HARRISON ROAD TRIANGLE BATCH PLANT CONDITIONAL USE

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*

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

PC 23 0403 Savko Batch Plant at Harrison Road Conditional Use CU-18-2023

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.
 - <u>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.</u>
- 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 pan.
- 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. <u>The city staff suggests that this be a condition of approval.</u>
- 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 plan, even though it is temporary in nature, has a positive benefit to the city's economic development goals and indirectly aids its fiscal strength.
- (f) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
 - The use will be subject to Codified Ordinance Section 1153.06 which requires that no land or structure within the GE District shall be used or occupied in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable impact on any land which is located in any other zoning district. The city only received a complaint regarding mud on Worthington Road when the batch plant first established in 2017. The city has no other documented complaints regarding its operation since 2017.
- (g) Vehicular approaches to the property shall be so designated as not to create interference with traffic on surrounding public streets or roads.
 - The applicant requests 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. <u>Staff</u> recommends a condition of approval that the city engineer comments be addressed at the time of engineering permits, subject to staff approval.

- 1. 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



401.61-41 March 21, 2023

To: Chelsea Nichols Planner

From: Matt Ferris, P.E., P.S., Consulting City Engineer By: Jay M. Herskowitz, P.E., BCEE Re: Conditional Use -Batch Plant Harrison Rd.

We have the following review comments regarding the conditional use application:

- We recommend that the approach off of Harrison Road be constructed using 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 review comments on the ditch crossing and ditch relocation when detailed engineering plans are made available for review.

MEF/JH

CC: Will Walther, Development Engineer





Permit #	
Board	
Mtg. Date	



Community Development Planning Application

	Site Address 13312 Jug Street Road, Johnstown, OH 43031					
	Parcel Numbers A portion of 095-111756-00.000 Acres 7.7 +/- Acres # of lots created					
	Choose Application Type	Circle all Details that Apply				
on	Certificate of Appropriateness					
Project Information	Development Plan Plat	Preliminary Preliminary	Final Final	Comprehensive	Amendment	
Infor	Lot Changes Minor Commercial Subdivision Vacation	Combination Easement	Split	Adjustment Street		
ject]	Variance	Easement		Street		
Pro		Amendment (re	zoning)	Text Modification		
	Description of Request: A request for a conditional use for the purpose of allowing the operation of a concrete batch plant on the subject property on a temporary basis.					
	Property Owner's Name: MBJ Holdings LLC, c/o Aaron L. Underhill Address: Underhill & Hodge LLC, 8000 Walton Parkway, Suite 260					
	City, State, Zip: New Albany, OH 43054					
	Phone number: 614.335.9320			Fax: <u>614.335</u>	.9329	
acts	Email: aaron@uhlawfirm.com					
Contacts		dings LLC, c/o Aaror				
	Address: Underhill & Hodge LL City, State, Zip: New Albany, OH 4303		way, Suite 20	60		
	Phone number: 614.335.9320			Fax: 614.335	.9329	
	Email: aaron@uhlawfirm.com					
	·		ē	<u>.</u>		
Signature	Site visits to the property by City of New Albany representatives are essential to process this application. The Owner/Applicant, as signed below, hereby authorizes Village of New Albany representatives, employees and appointed and elected officials to visit, photograph and post a notice on the property described in this application. I certify that the information here within and attached to this application is true, correct and complete.					
S	By: By: Aaron L. Und	Jennill, Attorney for Owner	1 /1	Dat	e: 2/3/2023	
	Signature of Applicant By:	Jerhill, Attorney for Applican	M	Dat	e: 2/3/2023	

Conditional Use Statement

Portion of Harrison Road Triangle Zoning District

March 13, 2023

The property owner/applicant, MBJ Holdings, LLC ("<u>MBJ</u>"), requests approval of a conditional use to allow the temporary operation of an "industrial manufacturing and assembly" use on a portion of 26.2+/- acres of real property (the "<u>Property</u>") located to the west of and adjacent to Harrison Road NW and generally to the north of Jug Street in the City of New Albany, Licking County. The Property is currently undeveloped and is zoned in the L-GE, Limited General Employment District classification as part of the Jug Street North Zoning District. A companion application to rezone the Property to a separate L-GE district is being considered in association with this conditional use request. The new zoning district will be called the Harrison Road Triangle Zoning District. The primary purpose of the rezoning request is to eliminate a prohibition in the current zoning on the operation of manufacturing uses on the Property. The applicant requests approval of the conditional use with the condition that such approval will not be effective unless and until the rezoning request is approved and becomes legally effective.

The proposed use has played an important role in recent development of the New Albany International Business Park. Since 2017 and pursuant to an agreement with MBJ, N.M. Savko & Sons, Inc. ("<u>Savko</u>") has operated a "batch plant" and RCC pug mill (together, the "<u>Batch</u> <u>Plant</u>") on 14.5+/- acres of real property located in the City on the south side of Worthington Road and generally to the east of its intersection with Ganton Parkway East (the "<u>Original Site</u>"). The City issued a permit to allow the operation of the Batch Plant on the Original Site on a temporary basis. In 2021, the City's zoning code was amended to provide a new use category --"industrial manufacturing and assembly" -- as a conditional use in the GE, General Employment and LI, Limited Industrial zoning classifications. The Batch Plant was deemed to fall into this use category. On September 27, 2021, a conditional use application was approved by the Planning Commission for the Original Site which allowed for the continued operation of the Batch Plant at that location until September 20, 2026.

The Original Site was sold in 2022 for the development of a warehousing and distribution facility. Therefore, an alternative location for the Batch Plant was needed. While the sale transaction for the Original Site was pending, a conditional use application to temporarily relocate the Batch Plant was filed for 12.2+/- acres of real property 8680 Ganton Parkway, located to the north of and adjacent to Ganton Parkway East and to the east of Beech Road (the "<u>Ganton Site</u>"). On September 19, 2022, the Planning Commission approved that conditional use request. Since that time, demand for development sites in the Business Park has remained very strong, and MBJ has is entering into a sale contract with a confidential user that will result in a significant development project on the Ganton Site. That transaction is set to close in the next few months. Once again, there is a need to relocate the Batch Plant.

A permanent location was previously identified for the Batch Plant on property located just outside of the City limits. For various reasons, that site is no longer seen as being viable for

this use. MBJ has identified other property outside of the City but near to it, and intends to begin pursuing relevant entitlements later this year. However, the amount of time that it will take to pursue and obtain necessary zoning approvals and to develop a permanent location for the Batch Plant have created a need to once again temporarily relocate the Batch Plant within the City.

MBJ hereby requests the approval of a conditional use to allow for the operation of the Batch Plant on the Property until October 31, 2025, the same date on which the conditional use for the Ganton Site was to expire. It is the applicant's desire to cease operation of the Batch Plant on the Property at an earlier date, if approval of a zoning and preparation of a permanent site will allow. The request to have the conditional use permit expire on October 31, 2025 is intended to ensure that there is more than adequate time to obtain the zoning and perform site preparation work on the permanent site while eliminating the need to ask for interim extensions of the expiration date for the conditional use of the Property. Any extension of the permitted time to operate the Batch Plant beyond October 31, 2025 would require the approval of a new conditional use application by the Planning Commission.

The applicant commits that the proposed Batch Plant on the Property and all storage or piling of materials will be restricted in that they shall be located not less than 400 feet from the northern boundary line of the proposed Harrison Road Triangle Zoning District. 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 that generally will run east-west through the southern portion of the zoning district, as generally illustrated in an exhibit that is part of this application.

The proposed use is appropriate for this location for a number of reasons. First, the Property is in the heart of the Business Park and provides for the convenient provision of materials for public and private construction projects. Second, the previous restrictions on manufacturing uses that were in place under the Jug Street North Zoning District are no longer necessary. MBJ has acquired ownership of former agricultural/residential land to the east and northeast, and the City has constructed Harrison Road NW to the east of the site, all since that zoning was approved. In addition, MBJ has purchased the four southernmost homes/lots in the residential subdivision to the north (which are most impacted by any activity on the Property) and controls other real property to the northwest. Significant development is occurring or is planned to occur in the near future in the balance of the Jug Street North Zoning District adjacent to the Property.

The Batch Plant has operated on the Original Site and/or the Ganton Site without incident and in accordance with all zoning and operational requirements of the City since 2017. The use includes the outdoor storage of materials such as (but not necessarily limited to) stone, sand, and gravel. These materials are used to produce and manufacture concrete and cement on-site. More specifically, roller-compacted concrete is produced and a gravity silo cement operation is present, the latter of which produces poured-in-place concrete. The Batch Plant has served and continues to serve both public and private purposes. For instance, it has produced, for immediate delivery, the materials that were used to improve Beech Road to the south of State Route 161, and for use in the construction of Ganton Parkway East and Ganton Parkway West as well as Innovation Campus Way West. On the private side, materials have been supplied to various major projects in the City, including the Meta/Facebook data center campus.

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

The requested conditional use will be subject to the development standards of the text that is being proposed in conjunction with the pending rezoning application to create the Harrison Road Triangle Zoning District. In addition, the applicant stipulates to the following additional requirements in associated with the proposed conditional use:

(a) The proposed Batch Plant on the Property and all storage or piling of materials shall be located 400 feet or more from the northern boundary line of the proposed Harrison Road Triangle Zoning District.

(b) Vehicular access with full turning movements shall be permitted 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.

(c) A wheel wash station shall be provided within the Property at any vehicular exit point onto the public street system and shall be required to be used by trucks which are exiting the Property.

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

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

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

C. Examples of heavy industrial manufacturing and assembly include, but are not limited to, metal stamping; pressing and buffing; tool and die shops; machine, sheet metal and welding shops; construction related and building material manufacturing (including milling, planning and joining); vehicle and/or vehicle part manufacturing and fabrication;

construction equipment and/or construction equipment part manufacturing; recycling or creation of materials, textiles, lumber, paper, rubber, batteries, etc."

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

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

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

The zoning limitation text associated with the existing and pending zonings of the Property provides requirements for the use of the Property over and above that which are required by the Zoning Ordinance. The use is consistent with other development types in the area, including a batch plant that has been approved for operation by another party on property to the west of this site.

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

The existing and future character of the area includes major data center developments, warehousing and distribution facilities, other manufacturing and production uses, and Intel and related future users. Residential uses are located to the north of the proposed Batch Plant site, but will be a minimum of 400 feet from this use. In addition, the residential lots which are located closest to the proposed use are now owned by the applicant. Therefore, the conditional use fits well with the character of the area.

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

A Batch Plant has been operated on the Original Site and/or the Ganton Site since 2017. It has not presented any concerns or incidents with neighboring properties. The production from the Batch Plant is not one that includes potential pollutants or combustible materials and does not emit noxious odors. The location of the Property near a number of significant ongoing or planned construction projects also means that any noise will be comparable to noise from construction activities.

(d) The area will be adequately served by essential public facilities and services such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services. The City has already made significant investments in the improvement of Beech Road and the construction of 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 is perfectly situated to ensure efficient passage of vehicles. The nature of the uses is such that they do not require the use of public water or sanitary sewer services. There is no negative impact on schools, as the uses generate no residents and add value to the Property, which in turn yields real estate tax revenue to the school district. The uses do not have any more likelihood of criminal activity than any existing use in the general vicinity.

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

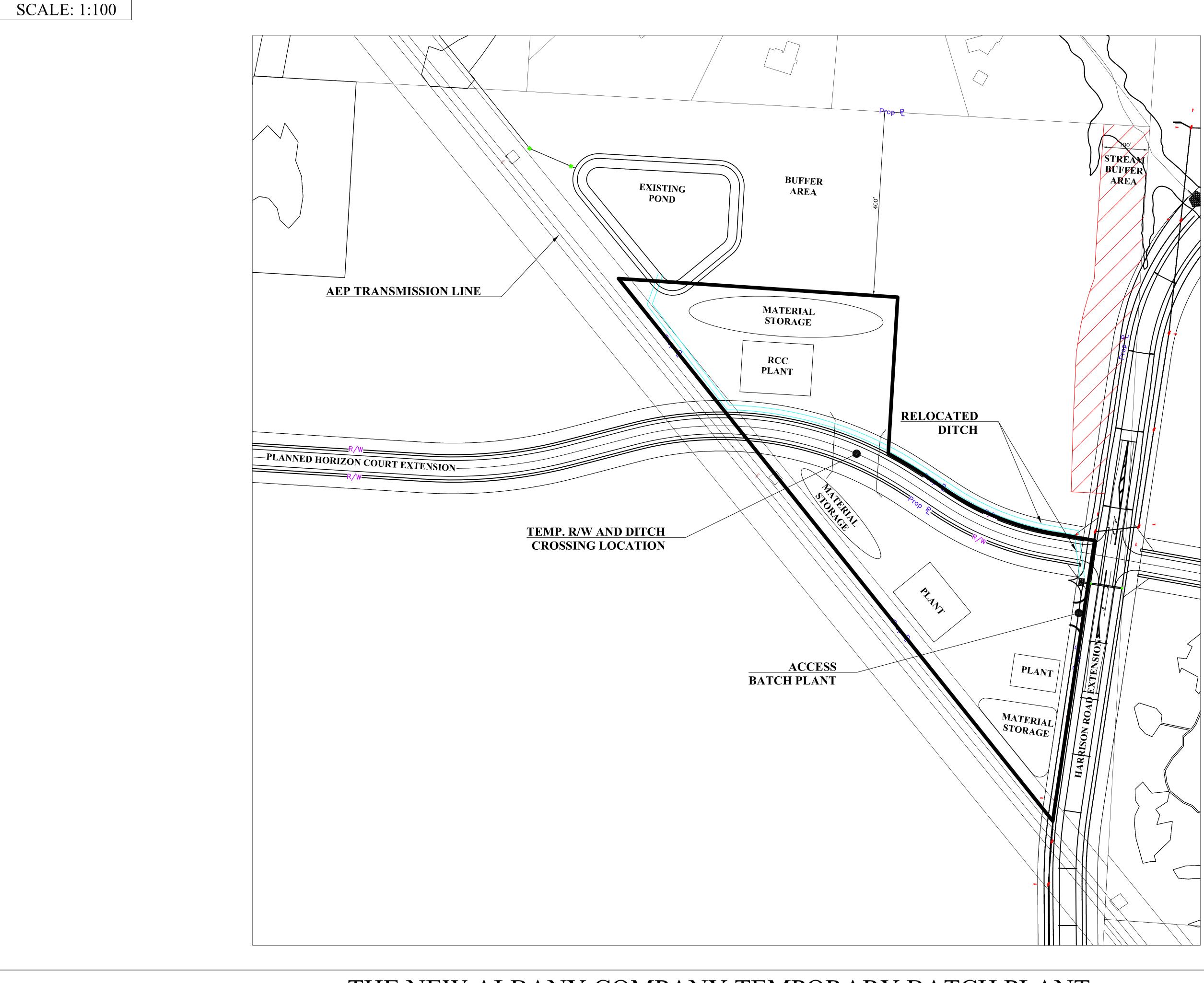
The proposed conditional use has been and will continue to be a clear economic benefit to the community. The existence of the use within the Business Park provides the City with opportunities for savings on public projects by having materials at the ready. The presence of the Batch Plant also proves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

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

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

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

A single point of vehicular ingress and egress shall be provided on Harrison Road NW as stipulated above. The applicant has committed to revisiting this access point at such time as the anticipated new street is constructed through this Zoning District in order to determine if a single point of ingress and egress to and from the new street is safer than the access along Harrison Road NW.



THE NEW ALBANY COMPANY TEMPORARY BATCH PLANT

03/17/2023