

New Albany Planning Commission Agenda

Monday, July 17, 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: June 19, 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-58-2023 Rezoning

Request to rezone 78.16+/- acres located at 5708, 6760, 5782, 0 and a portion of 6140 Babbitt Rd in Franklin County from Agricultural (AG) and Limited General Employment District (L-GE) to Limited General Employment District (L-GE) for an area to be known as the Babbitt East Zoning District (PIDs: 220-000446, 220-000190, 220-000178, 220-002045, 220-002075, and a portion of 222-004864).

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

Motion of Acceptance of staff reports and related documents into the record for ZC-58-2023.

Motion of approval for application ZC-58-2023 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

ZC-62-2023 Rezoning

Request to rezone 11.4+/- acres located at 435, 1043 and 1063 Beech Road SW in Licking County from Agricultural (AG) and General Employment District (GE) to Infill Planned Development (I-PUD) for an area to be known as the Ganton/Beech Northwest Zoning District (PIDs: 094-106590-00.000, 094-107748, and a portion of 094-107106-00.001).

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

Motion of Acceptance of staff reports and related documents into the record for ZC-62-2023.

Motion of approval for application ZC-62-2023 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

ZC-63-2023 Rezoning

Request to rezone 12.8+/- acres located at 14461 Worthington Rd, 0 Worthington Rd, and 0 Beech Road SW in Licking County from Office Campus District (OCD) to Infill Planned Development (I-PUD) for an area to be known as the Beech Interchange Southwest Zoning District (PIDs: 094-106836-00.000, 094-108390-00.000 and 094-109458-00.000).

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

Motion of Acceptance of staff reports and related documents into the record for ZC-63-2023.

Motion of approval for application ZC-63-2023 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

VAR-65-2023 Variance

Variances to codified ordinance 1165.04(b)(1) to allow a pergola to be aluminum metal and to encroach 2.5 feet into the side yard setback at 7830 Eastcross Drive (PID: 222-004933).

Applicant: The City of New Albany

Motion of acceptance of staff reports and related documents into the record for - VAR-65-2023.

Motion of approval for application VAR-65-2023 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

VAR-66-2023 Variance

Variance to codified ordinance 1165.04(b)(3)(C) to allow a deck to encroach 30 inches into a utility easement at 6867 Harper Lane (PID: 222-004663).

Applicant: Traci Moore

Motion of acceptance of staff reports and related documents into the record for - VAR-66-2023.

Motion of approval for application VAR-66-2023 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

VII. Other business

- Review and Recommendation to City Council of updates to the Display Signs and Outdoor Advertising section of the New Albany Codified Ordinances to permit and provide development standards for electronic/digital drive thru menu board signs.
- Engage New Albany Strategic Plan Central College Redevelopment Framework Plan

VIII. Poll members for comment

IX. Adjournment



New Albany Planning Commission

DRAFT Meeting Minutes Monday, June 19, 2023

I. Call to order

The New Albany Planning Commission met in regular session on June 19, 2023 in Council Chambers of the New Albany Village Hall. Chair Kirby called the meeting to order at 7:04 p.m.

II. Roll call

Those answering roll call:

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

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

Staff members present: Law Director Ben Albrecht, Planner II Chris Christian, Planner Chelsea Nichols, Planning Manager Steve Mayer, Engineering Manager Cara Denny, Engineer Dave Samuelson, Deputy Clerk Christina Madriguera.

III. Action on minutes: May 15, 2023

Chair Kirby asked if there were any additions or corrections to the minutes of the May 15, 2023 meeting.

Hearing none, Commissioner Wallace moved to approve the May 15, 2023 meeting minutes as submitted. Commissioner Larsen seconded the motion.

Chair Kirby asked if there was any discussion on the motion. Hearing none, he asked to hear the roll.

Upon roll call: Mr. Wallace, yes; Mr. Larsen, yes; Mr. Schell, yes; Ms. Briggs, yes; Mr. Kirby, yes. Having 5 yes votes, the May 15, 2023 meeting minutes were approved as submitted.

1. Additions or corrections to agenda

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

Planner Nichols answered none from staff.

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

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

Chair Kirby asked whether anyone in the room wanted to be heard for an item not on the agenda. Hearing no response, he observed that it seemed likely that all those present wished to be heard on the rezoning application.

VI. Case:

ZC-07-2023 Rezoning and Preliminary Development Plan

Rezoning of 63.5+/- acres from Agricultural (AG) to Infill-Planned Unit Development (I-PUD) generally located at the northwest corner of the intersection at Central College Road and Jug Street Rd NW for an area to be known as the "Courtyards at Haines Creek Zoning District" (PIDs:222-005156, 222-005157, 222-005158, 222-005159).

Applicant: EC New Vision Ohio LLC, c/o Aaron L. Underhill, Esq.

Chair Kirby provided an explanation of how the commission hears cases and explained how the public hearing would be conducted. He asked that members of the public please address comments and concerns to the commission. He further explained that if the application is favorably recommended by the commission, its next stop is the city council.

Chair Kirby asked to hear the staff report.

Planner Nichols noted that the projector was not working but the presentation would be visible on the big screen behind her. Planner Nichols delivered the staff report.

Chair Kirby asked for comments from engineering.

Engineering Manager Denny delivered the engineering staff report.

Chair Kirby asked to hear from the applicant.

Aaron Underhill, attorney on behalf of the applicant, stated he was present with several professionals who had worked on the application. He discussed the history of the project. He referenced his slide presentation and stated that the homes would be in the mid 500's, would be for empty-nesters, would offer universal lawn care, and featured side outdoor living. He stated that the applicant believes residential use is appropriate in this location but recognized that there were people who disagreed with them. He remarked that density and intensity are 2 different things. A community of empty-nesters means decreased intensity which means decreased utility consumption, and about ½ of the traffic volume. The age restrictions at The Courtyard New He stated that the Rocky Fork Blacklick Accord (RFBA) had Albany were working. recommended approval of this application and he was pleased to see only one condition in the staff report. He discussed the 90% age restriction; and stated that these homes offer side-yard living which is less practical for families with children. He explained that they had worked through many issues while the application was pending before the RFBA and made changes including: repositioning of leisure paths, rearranged street connections, and setbacks that were in excess of R-3 straight zoning.

Chair Kirby mentioned that they were at about 7 to the acre on the minimums.

Mr. Underhill responded and asked – not 3?

Chair Kirby responded that they were at 53-feet wide and 115-feet deep and about 7 of them went into 40.

Mr. Underhill acknowledged Chair Kirby's comment and calculation. He continued with the slide presentation and provided an explanation of the setbacks, buffering, and tree preservation

zones. He stated that this would be a highly-amenitized community with pickle ball courts, a pool, and a clubhouse. He displayed renderings of the types of homes that would be offered noting that these homes would have more color than the homes at Courtyard at New Albany.

Chair Kirby asked Mr. Underhill whether he agreed with the engineering comments.

Mr. Underhill responded yes, that he was fine with the condition.

Chair Kirby stated that the application was short on the open space and parkland dedication.

Mr. Underhill agreed and stated that the application was about 3-acres short and that a fee in lieu of the dedication would be paid.

Commissioner Schell asked what the formula for the fee in lieu was and what would be paid to the city.

Mr. Underhill responded that the fee is \$42,000.00 per acre based upon an appraised value.

Chair Kirby asked whether that number was staying current.

Planning Manager Mayer responded that it was calculated using a very recent appraisal and was current figure.

Chair Kirby stated that he had a couple or 3 comments. First, he noted the tree row going east/west located 1/3 way down from the north and observed that it was a rear yard lot line from where the fence row sits and asked whether those trees would be retained.

Linda Menerey, Senior Planner at EMH&T on behalf of the applicant responded that the fence row goes through street 8 and there is a conservation zone to the north and, although they had tried to rearrange the layout to save that tree row, it was not likely that the tree row could be retained.

Chair Kirby indicated a row of houses and asked whether that row of houses could be shifted to save the tree row.

Ms. Menerey responded that drainage - a storm easement, was needed there, she also explained that the pond to the northwest was leaking so extra care needed to be taken when shifting the row of houses.

Chair Kirby asked staff whether rear-yard drainage was required there.

Planning Manager Mayer responded that the drainage does not have to be in the rear-yard, although it typically is, but storm water run-off must be planned for, collected, and stored off-site.

Chair Kirby responded, that, in other words the tree row cannot be saved because of drainage and alignment.

Mr. Underhill stated that was correct and added that there was a commitment to have an arborist study the existing trees on the western property line and would similarly commit to a study on the eastern property line and would agree to that condition.

Chair Kirby asked about the north.

Mr. Underhill responded that the north was already a tree preservation zone.

Chair Kirby asked how deep it was.

Mr. Underhill responded that the entire zone was 250+ feet and they had no plans to disturb that area. He further stated that the condition was that an arborist would study the trees on the east side, north of Jug. The same language that applied to the western side would apply to the eastern side.

Chair Kirby remarked that his understanding from staff was that the street trees would be doubled.

Ms. Menerey responded that she believed that was for the north/south.

Chair Kirby clarified that it was from the main entrance from Central College Road going north, it would be yard trees matching the street trees.

Planner Nichols added that the trees on the main road will be on either side of the path in addition to the yard trees in the front yard.

Chair Kirby asked whether the north/south road had any driveways on one side or both sides.

Ms. Menerey responded that there will be no driveways on the west side because those are lane homes. There would be green spaces on the east side.

Chair Kirby noted then, that those blocks would be about 230 feet long. He stated that he has been bicycling in various areas, including the other Epcon property, and has observed tighter street tree spacing in neighborhoods with driveways. He requested that tighter tree spacing be used, despite the fact that it was possible to plant the trees further apart. He noted that the tighter spacing used in areas such as Byington and Pickett Place really softens the density.

Ms. Menerey asked whether he was only referring to blocks with lane homes.

Chair Kirby responded that he was referring to wherever street trees were required.

Jason Coffee, Epcon 500 Stoneridge PKWY, responded that the development team would need to think that through but he did not think it would be a problem to go from 30 feet apart to 25 feet apart.

Chair Kirby restated that the condition would be that the tree spacing used in the areas where there were driveways would be the same tree spacing in the areas where there were no driveways.

Commissioner Briggs asked, regarding the homes on the west side with no driveways, whether there would be garages.

Ms. Menerey responded that the garages will be behind those homes.

Commissioner Briggs continued by asking whether it would be similar to Windsor.

Ms. Menerey responded yes.

Chair Kirby noted that due to the side-yard concept there were no windows parallel to a neighboring side-yard. The result was a lot of siding, and he asked whether the applicant would commit that the end of a row would not be a blank elevation.

Mr. Coffee answered yes, and explained that the architecture will be enhanced at the end of the row so there will not be a blank wall at the end of a row. Courtyards will face out at the end of the row.

Chair Kirby clarified that he would take architecture detail at the end of a row but not landscaping, and further stated that was one of the mistakes made with a prior application.

Chair Kirby asked whether the dog park would intrude on the preservation zone in the north.

Mr. Underhill responded that it would not, the tree preservation zone was there.

Chair Kirby asked how extensive the tree row was on the north.

Ms. Menerey responded that the canopy extends out 25-30 feet and they were comfortable committing to 30-foot preservation.

Chair Kirby asked for other questions from the commissioners.

Commissioner Larsen asked about the percentage of open space, he noted that he knew it was above 20%, but was wondering about the percentage of open space compared to built space.

Ms. Menerey responded that the code does not permit inclusion of the pond in the calculation. She continued that the percentage was probably over 35% at the site overall, but the calculation made it look like the percentage was small. Epcon projects were challenging because there were more units and they were closer together so the calculation made it look like there was not enough open space but there was actually a lot. She pointed out that there would be no living in the rear and there were no swing-sets so it looked more like a conservation area.

Commissioner Larsen asked for the location of the homes that would not be age-restricted.

Mr. Underhill responded that those homes would be dispersed throughout the development, the development will not be segregated.

Commissioner Larsen pointed out that traditionally .85 was used to calculate student count and noted that in this application .15 was used to calculate student count for the homes that are not age-restricted, and .05 was used to calculate the student count for homes that are age-restricted. He asked how those numbers were selected and observed that it seemed like 0 should have been used for the non-age restricted homes.

Mr. Underhill responded that they probably should have used 0, and in arriving at a calculation for the non-age restricted homes .15 was their best guess.

Commissioner Wallace asked whether the age restriction would be built into the individual deeds.

Mr. Underhill responded yes, there will be a declaration that the development is age-restricted and the declaration will be referenced in the deed and noted in the chain of title. It is intended to put everyone on notice, so if there are 15 homes with kids, then the 16th home is out of luck. The same unit will not remain restricted, or unrestricted.

Chair Kirby continued by observing that it [the restricted or un-restricted status] is pooled and does not run with the individual lot.

Mr. Underhill responded that was correct, unit purchasers and sellers would be at the mercy of what was going on in the community at that time.

Commissioner Wallace stated he was unclear how the city would enforce the restriction because which homes were age-restricted and which homes were not age-restricted would shift, and asked Law Director Albrecht how it would be enforced.

Law Director Albrecht stated that generally, the HOA would be sure that the purchaser is compliant and keep track of the records.

Commissioner Wallace observed that the age-restriction was also a zoning requirement, so the city could have an enforcement role.

Planning Manager Mayer agreed and stated that the city would have enforcement authority, that this would be a belt and suspenders approach. There would be a restriction in the deed there would be enforcement via the zoning code. Tracking would be the obligation of the developer and the HOA via annual reporting requirements. And if the city comes to believe the developer or HOA is not meeting reporting requirements, the city can request and review the reports for compliance with the age-restrictions.

Chair Kirby recapped, that if one of the houses qualifies as not age restricted and then a student living in the home graduates, they could lose the unrestricted status because the status does not run with the property. This is by use, not by rights to the land.

Commissioner Wallace stated that what he was hearing was that a certain number of homes could be sold to persons under the age of 55, but they would be deed restricted from having children.

Planner Nichols clarified that the 21+ age restriction only applied to the 90% age-restricted units (requiring at least one resident over the age of 55) only, the remaining 10% of the units had no age restriction at all.

Planning Manager Mayer stated that was correct.

Chair Kirby stated that the age-restriction does not run with the land, it is pooled

Planner Nichols responded, correct, this is similar to Nottingham (but theirs is 80/20).

Council Member Brisk noted that it was similar to Pulte.

Planning Manager Mayer stated that the deed restriction always floats and it is up to the HOA to track the demographics.

Mr. Underhill added that there is a significant penalty for violations and with non-compliance with reporting requirements.

Commissioner Briggs confirmed that the initial responsibility for compliance was on the developer and then it would transfer to the HOA.

Mr. Underhill stated that was correct.

Commissioner Schell appreciated the depth of the school impact study and noted that it was obviously a big win for the schools, he then asked about the side living and whether the commission could anticipate variance requests.

Mr. Underhill responded that they had not had one thus far.

Commissioner Wallace noted that the text regarding garage doors specified that they must have the appearance of individual bay doors but the renderings of the garage doors did not appear to match the text and wanted to be sure that they would at final development.

Planning Manager Mayer responded that as part of the submittal requirements for rezoning was to show general design and intent but by the time of final development a detailed plan to match the text would be presented.

Commissioner Larsen noted that it was similar to the Courtyard at New Albany, they appear like double wide doors, but are single doors.

Planning Manager Mayer stated that was correct and further noted that the garage doors would not be white noting that darker doors appeared to fade into the architecture.

Commissioner Wallace asked staff about the 87.5% score on the RFBA scorecard and asked which points were not met.

Planner Nichols responded that she would look those up and report back.

Planning Manager Mayer recalled that most of the lost points were due to architecture. Like the New Albany City Code, the RFBA called for traditional 4-sided architecture and the structures proposed here were 2-sided architecture. He further stated that in some respects such as tree lawns, the RFBA has more restrictive requirements than city code.

Commissioner Wallace thanked staff.

Council Member Brisk asked whether there are city code requirements for the width and depth of the alley ways and drive ways. She specified that she was asking because the alleys require a 10 point turn to get into the garages at Windsor. And she did not want that to happen here with this development.

Planner Nichols stated that she would look at Windsor and compare it to these proposed dimensions and that the commission could make sufficient width and depth a condition of approval.

Council Member Brisk asked Chair Kirby whether the commission would add that condition tonight.

Chair Kirby asked for a rear-yard setback number, because that would also help.

Mr. Underhill stated that for the lane homes they can make sure that two cars can be parked in the rear driveway and be sure that there is at least one car length in the driveway and asked whether that would take care of it.

Council Member Brisk clarified that would be on the alley side and indicated that she thought so [that it would take care of it]. She restated that there would be a car length between the garage and the alley, and that would absolutely take care of it. She further noted that many of the rear driveways in Windsor were the length of a car's width.

Chair Kirby noted that current text prohibited uplighting on the exterior and asked whether the text could simply prohibit uplighting.

Mr. Underhill answered yes.

Chair Kirby noted that the language regarding skylights was the same language that was typically used. He noted the close proximity of the homes and asked whether the skylight language could be altered to state that they cannot be seen from the front.

(inaudible response from podium)

Chair Kirby asked whether the same treatment could be applied to the text for solar panels, that solar is south-facing not front is permitted.

Commissioner Wallace clarified that the text would be altered to specify that instead of "on the rears of homes," the language would specify that solar panels would be permitted to be installed on the roof provided they are south-facing, not on the front roof.

Chair Kirby any other comments from the commission, hearing none he opened the public hearing.

Planner Nichols called Tamara Davies to the podium.

Tamara Davies, 8200 Central College Road. Ms. Davies referred to her slide presentation. She explained that her intent was a no vote on the development. Ms. Davies' slide presentation included specific code provisions and she explained how they applied to this application. More specifically she stated that this does not meet current zoning requirements; it is inconsistent with New Albany's zoning ordinances; and the deed restrictions do not appear to meet the reasonable accommodation provisions for HUD. She stated that she and her neighbors feel as though they are being run over by the bull dozer of Engage New Albany Strategic Plan's progress. This development is out of character with surrounding properties and will adversely affect her property which is prohibited by the ordinances of New Albany. It will not preserve native trees and wildlife. She further stated that this development proposes visual pollution and she considers the homes to be attached to each other through use of fencing with the result being a lengthy wall of homes that will abut her property. She noted that the wildlife in the area will no longer be able to cross to adjacent property and explained her view of the increase in traffic as a result of this She discussed potential conflicts with Federal rules regarding reasonable development. accommodations that must be afforded to disabled persons. She asked what would happen to the deed restrictions when they are found to be discriminatory. She noted that the text stated that the restrictions exist to the extent permitted by law. She also displayed a quote from the abstract of the January 2023 article, Familial-Status Discrimination: A New Frontier in Fair Housing Act <u>Litigation</u> from Yale Law Journal stating: "A key provision in the Fair Housing Act (FHA) – the Housing for Older Persons Act (HOPA) exemption – has allowed municipalities to weaponize senior housing to discriminate against families, obstruct affordable housing, and perpetuate race and class segregation." She posed the question, whether an affordable housing development was proposed for a similar plot of land, would this planning commission approve it with the same concessions?

Chair Kirby clarified that if one resident is 55+ then other residents can be between 21 - 55.

M. Underhill responded that was correct.

Chair Kirby continued, this means a caregiver can be younger than 55.

Mr. Underhill stated that was correct, that was the law.

Commissioner Wallace followed that the federal law ensures that caregivers can assist persons living in an age-restricted community and the Federal law overrides the local zoning text.

Chair Kirby asked for the next speaker.

Planner Nichols called Mr. Carifa, 8154 Central College Road.

Commissioner Wallace then remarked that the quote from the abstract might be saying was that more 55+ developments decrease available space for affordable housing. This illustrates an issue that New Albany is struggling with.

Chair Kirby agreed and added that the price points in New Albany continue to climb and he frequently wonders where our firefighters live.

Ms. Davies returned to the podium and added that her intent was to question whether an affordable housing coalition that purchased a tract, would you afford them the same concessions as this developer. If not, you could subject yourselves to litigation.

Chair Kirby asked about the density of Keswick.

Planning Manager Mayer answered that he did not know offhand.

Chair Kirby observed that New Albany has places with higher density and attached homes but New Albany does not have affordable anything.

Al Carifa, 8154 Central College Road. Mr. Carifa stated that he lives next door to the Davies and Ms. Davies' remarks spoke for themselves, she did a great job. He stated that he would like to know what kind of houses will be built on the west side.

Jason Coffee, applicant on behalf of Epcon, answered that the homes would range from 1400-4000 square feet and there were 5 models in the zoning packet. The buyer would be able to choose from the models in the packet.

Mr. Carifa then asked whether the Davies had been given the necessary setbacks.

Mr. Underhill responded that they have given 50 feet which is in excess of what is required.

Commissioner Wallace confirmed whether Mr. Coffee had stated that there could be 4,000 square foot homes.

Mr. Coffee responded yes, that they had added a model with a wider lot and a second story. He noted that there are differing views of the definition of downsizing.

Mr. Carifa stated that the Davies' home is 7,000 square feet and his is 3,200 square feet, and he was concerned about the impact this development would have on his property values. He further noted that other neighbors were upset about the impact this development would have on the wildlife.

Planner Nichols then called Richard Otten to the podium.

Richard Otten, 8383 Clouse Road. Mr. Otten explained that his wife's family goes back 200 years on the property and he has lived there for 26 years. They are very familiar with this land. He noted that there are conservation areas and it is very important that this remain a wild life corridor. He stated that putting a fence across the creek will obstruct the wildlife and that it was

also a dangerous place for children to play unsupervised. He stated that there is an antique barn on the property, and 14 years ago contacted Mr. Whitney (a barn consultant), who said it would be well-worth saving. He stated he was willing to have it moved on to his property and may still be interested but he understands the plan is to knock the barn down. He was unsure whether it was still movable and urged preservation of this historical structure. He stated that Jim Lynch from Franklin County Health Department told Homewood that this property was too wet to be developed and that every spring the houses will be underwater. Mr. Otten stated that is why Homewood did not build on the property in 14 years and instead sold it to Epcon. Now Epcon wants to build on it. He described the remediation efforts of an adjacent landowner to make the adjacent land farmable. He cautioned that prior to construction of a high-density development at this location, the commission and the developer should be aware that there will be a lot of water. He continued that, although he was not sure how much space would be needed, it did not appear there was sufficient width for fire trucks.

Chair Kirby noted the issue and asked whether the applicant could respond to the issue presently.

Trish Brown, EMH&T on behalf of the applicant, responded that the streets all meet the minimum width required for firetrucks.

Mr. Otten responded that was great, it was good to hear that adequate space was available for firetrucks, emergency vehicles, and school buses. He noted that the applicant was requesting an I-PUD zoning classification and observed that such a classification was out of character with the surrounding area, even considering the local development in the area. He also observed that he found it hard to believe that retired people would want to live in New Albany. The taxes are very high because the schools are great. There is nothing in this area that is reachable without a car and this is next to a swamp. It just did not make business sense to him. Finally, he asked what would happens if the houses don't sell

Chair Kirby confirmed that this land was currently zoned agricultural which has a minimum lot size of 5 acres and owning 60+ acres for 12 houses and could present an infrastructure nightmare because they could be running pipes everywhere for not many houses, and without restrictions. The I-PUD zoning gives the city a lot more knobs to twist and a lot more language to access than the straight zoning. The developers are fond of it because it established standards.

Mr. Otten responded that he was surprised that there are not many I-PUD areas in New Albany and further stated that it seemed that the trend was to bypass existing zoning rules.

Chair Kirby responded that it was a question of what the developer wanted to accomplish, straight zoning did not provide for residential over retail. The I-PUD provided standards for mixed-use.

Commissioner Wallace asked whether there been any discussion about trying to save the old barn.

Mr. Coffee stated that they were amenable to having it moved.

Commissioner Briggs made an additional point that it looked like there were 3 other structures on the southeast corner.

Mr. Otten stated that the barn was the only structure.

Commissioner Briggs noted that the text stated there were 3 other structures.

Mr. Coffee responded that if there were other structures, they were amenable to them being moved and they were happy to have discussions.

Chair Kirby asked staff to float it to other parts of the Development Department whether they would consider placing the structure(s) at the Taylor property.

Planning Manager Mayer responded that staff would be are happy to have discussions about that. His sense was that Taylor Farm was planned out, but staff would be happy to have the discussion.

Commissioner Wallace added that he thought it was worth saving these older pieces of New Albany.

Chair Kirby commented that 8 x 8s like that were not common. He then asked about drainage in the north and also asked whether there would be any basements.

Mr. Coffee responded that they were a slab developer, on a site like this there would be a handful of basements if conditions allowed; they could do basements and do them well and while they would not preclude basements in this development it was more than likely that these would be slab homes.

Chair Kirby urged him to go and count sump pumps in Ealy Crossing and Fenway as a cautionary tale. He has heard of as many as 6 sumps in one basement.

Mr. Coffee responded that these would by dry enough to support basements but typically their buyers do not want basements

Chair Kirby asked whether there would be sufficient drainage and whether the tiles were going to be a problem.

Ms. Brown stated that when development comes through typically the tiles are removed because they are putting in storm sewers in the streets and rear yards and the water will be routed to new retention basins with an outlet to the appropriate stream.

Chair Kirby asked whether there was a reasonable tile survey of the property.

Ms. Brown answered that they had gone through as many as existed but they were few and far between for those tile records but they were cognizant of them

Chair Kirby stated, as a public service announcement for all the neighbors, to record their current drainage situation because Ohio law precludes a developer from changing adjacent property drainage, but a baseline must be established in order to measure change. He further encouraged residents of the township to get their water tested.

Chair Kirby asked for the next speaker.

Planner Nichols called Catherine Saveson to the podium.

Catherine Saveson, 8383 Clouse Road. Ms. Saveson stated that her property is directly north of the subject property. She asked what would happen if the properties are not sold to persons 55+ could the developer then sell to residents younger than 55?

Chair Kirby answered that a whole new meeting, with neighbor notice requirements, would take place, in order to change the zoning and it would also have to go to council.

Ms. Saveson raised environmental concerns such as the sign on the road warning of flooding at Haines Creek.

Planning Manager Mayer responded that as part of the subdivision improvement requirements, Central College up to Jug Street Road will have to be improved, and will have to be assessed for proper drainage pursuant to staff approval, and further that the City of New Albany adopts Columbus' stormwater management requirements.

Mr. Coffee added that they will perform all improvements as required and it will be part of the final development plan.

Mr. Underhill stated that in the long run there is the thought that the bend will be smoothed out as part of a future project, that they will take care of any conditions today. The Strategic Plan calls for the bend to be smoothed out so in the longer run it will be a much bigger improvement.

Ms. Saveson continued that she was concerned about lawn chemical run off on the north property line. She stated she would like assurances that there would be a no spray no fertilizer zone.

Chair Kirby asked Mr. Underhill what the size of the preservation zone was.

Mr. Underhill responded it was 30-feet and that they would prefer to fertilize the grass.

Chair Kirby responded that Ohio gets plenty of water, so why would fertilizer be needed.

Mr. Coffee responded that typically their residents liked to see lawn areas, and even in a natural area there is an engineering component to making sure there is a drainage swale there so we need grass that lives, survives, and thrives there. To have no spraying there would be a problem.

Chair Kirby asked whether mowing would accomplish that.

Mr. Coffee answered that mowing would keep that down but you need a healthy lawn, and there is a difference between grass and weeds – in appearance. He continued that he did not know what the spray limits were or what the details would be.

Chair Kirby noted he had no issue with the dense part of the development but the preservation zone and dog park would not have perfect turf grass and it seemed as though growth could be controlled with mowing.

Mr. Coffee agreed and stated that they have tried to "low-mow" with other properties, with mixed reviews from residents regarding appearance.

Ms. Saveson suggested native prairie plantings instead of grass.

Mr. Coffee responded that he was not a plant expert, that the area was set aside as a preservation zone but drainage was paramount in this area.

Ms. Brown added that they would need more detail on what the prairie plantings would be.

Planning Manager Mayer stated that his recommendation was to address this issue at the final development hearing. Neighbor notice letters will be sent out prior to the final development plan hearing by the commission. He further noted that the Parks and Trails Advisory Board will also review this issue and they can help steer the parties on what the correct planting should be.

Mr. Coffee added that the correct swale must be there and beyond that they are happy to investigate a no-spray zone.

Ms. Saveson then requested that the commission consider requiring the application to comply with the full parkland requirement. She stated that it will make it a better development, and noted that as currently planned there is nothing that the residents can reach on foot. She stated that she was very happy about the green space on the northern border and appreciated the preservation of the tree line. She continued that she was interested in increasing the tree screenings and would like evergreens to be planted in order to block headlights towards her property.

Chair Kirby asked staff what the typical screening/opacity requirements were.

Planning Manager Mayer answered that where a commercial property abuts a residential property there is a 75% opacity requirement; for parking lots there is no opacity screening but a 3 ½ foot hedge is required. He further stated that this can be evaluated at final development.

Chair Kirby noted that there were two corners where headlights could sweep in.

Planning Manager Mayer agreed and stated that this would be evaluated at final development.

Chair Kirby asked the applicant whether there would be language to address screening at the northern border at final development.

Mr. Underhill responded that they will commit to increased screening at final development.

Ms. Saveson continued that there are several waterways on the property and wanted to understand how sediment will be controlled.

Chair Kirby responded that it was a 2-part thing and requested that staff give the city's phone number for reporting mud. He explained that sediment control is complaint driven and enforcement based.

Planner II Christian stated that the number is 614-939-2254.

Planning Manager Mayer continued that that number is the city's main line for the development department. The city has sediment and erosion control provisions, and developers are subject to mitigation measures when they are developing a property that is larger than 1 acre. He further explained that the city has engineering consultants who develop erosion control plans and also regularly go out and inspect for compliance.

Chair Kirby asked whether the commission could mandate a truck wash as part of the plan.

Planning Manager Mayer clarified that Chair Kirby was referring to wheel washing and continued that he would turn that to the applicant, and noted that it was a regular part of development and was mandated by need.

Ms. Saveson then encouraged to everyone in the room to call the number if they saw mud.

Planner Nichols called Michelle Weber to the podium.

Michelle Weber, 8337 Clouse Road. Ms. Weber stated that she moved to New Albany in 2005 for the lifestyle. The look and feel of the way they live on Clouse Road is rural. She stated that this giant property is very dense does not match anything else or the way they live on Clouse Road. [As it exists today] the entire property is native plants and the developer does not even know what those are which is really disappointing. She stated that she wants to keep everything exactly how it is.

Planner Nichols called Becky Burgess to the podium.

Becky Burgess, 8065 Clouse Road. Ms. Burgess addressed the commission about the people who would be living in these homes. She stated that this group would be pretty active; they like to cycle and walk, but all the land around this project is private. The roads are not conducive to cycling because they are busy with construction trucks. She stated that this is not a quiet area; the traffic noise and construction is an existing and ongoing problem with the development of Intel. She further stated that this will be an isolated community and it would be better suited to an area with more amenities. Columbus is inundated with 55+ communities and there are vacancies. The prospective residents deserve more than they are going to get. She also discussed safety. She has horses and has worked with area property owners to finance a fence to prevent access to the horses, but kids are attracted to horses. She was also concerned about the wetlands and the wetland ponds, this is an open and protected area, but it is not a safe play area for children. Safety must be the number one priority.

Planner Nichols called Ray Burgess to the podium.

Ray Burgess, 8065 Clouse Road. Mr. Burgess discussed the location. He stated that this property is not fit for the location. Pursuant to New Albany's codified ordinances, the commission was charged with considering the fitness of the proposed development with the surrounding area. This proposed development had no relationship and is out of place with the surrounding area. The surrounding area is large lots with homes, many of the neighbors are single family homes with lot sized 1-10 acres. He further provided details of the wildlife in the area including coyotes and stated that many different types of wildlife are fleeing because of Intel. Mr. Burgess also circulated pictures of the surrounding area.

Chair Kirby asked whether the commission could keep the pictures for inclusion in the record.

Ms. Burgess returned to the podium and stated that there were two horse farms and a new property owner who rescues horses. Ms. Burgess was not sure how many horses the new property owner had. Ms. Burgess stated that she rides a lot in these areas, and it was important for the commission to know that this is not a compatible development.

Planner Nichols called Ronald Davies to the podium.

Ron Davies, 8200 Central College Road. Mr. Davies referred to his slide presentation. He explained that he lives on the western border of the subject property. He stated that the property is surrounded by Plain Twp. and that this property is an island. It creates roads and trails to nowhere. He stated that the Rocky Fork Blacklick Accord Implementation Panel took 2 meetings to consider this application and resulted in a 5-3 recommendation, which is a slim recommendation. The meeting minutes indicate that the primary concern was density. This application is reliant on density exceptions from the Engage New Albany Strategic Plan, which is an aspirational document, not code. He stated that currently there is no water to the site, and it is unclear who would be paying for the provision of water. New Albany's standard is that the city cannot pay for the water to be brought to a site. He wondered whether Intel money or Federal money would be used to bring water to the site. He further stated that the I-PUD zoning classification is being used to circumvent residential zoning code requirements and the result will be continuous requests for waivers and arbitrariness in planning decisions.

Chair Kirby asked whether there was an answer to the question of who will be paying for the water.

Engineering Manager Denny answered that a water line will be installed down Central College Road for the purpose of creating redundancy, to connect dead ends, and to maintain pressure and capacity, and at the current time the city is evaluating who will be paying for it.

Mr. Davies stated that this is an isolated site and should be required to meet the criteria of an isolated site under Section 7 of the Design Guidelines, which includes that the site is at least 75% screened from public roads and adjacent properties. In addition to requiring the project to meet isolated site criteria Mr. Davies stated that he would like a tree preservation zone on the west side of the property. He noted that as currently written the text refers to protection zones on the south, southeast, east, north, and northwest but not on the west. A lot of trees would be lost with this development, the arborist review was helpful but there were multiple instances in the text where retention was permissive. He further noted that the text refers to rear yard setbacks but there are no rear yards.

Kirby called a 10-minute recess at 9:35 p.m.

Kirby called the commission to order at 9:49 p.m.

Mr. Davies resumed his presentation. He stated that this project proposed a ¼ mile uninterrupted strip of homes and may be the longest stretch of homes in New Albany. He requested that the ¼ mile wall of houses be changed. He also stated that the draft plan would require a significant elimination of trees. He presented a changes desired slide which included the following: treat the site as an isolated site per Engage New Albany; 100' tree preservation zone on western border; reduce density to 1 dwelling unit per acre; increase age restriction to 100%; maintain more trees along Central College (in order to avoid the barren appearance similar to Tidewater); reconsider the restriction on homes backing on to open space, this would keep the open space where it needs to be and it would ensure that the applicant meets the parkland requirement; he also mentioned consideration of an option for homes on Central College to tie into the development's water/sewer.

Planner Nichols called Paul Mason to the podium.

Paul Mason, 8293 Central College Road. Mr. Mason noted that today was his birthday.

The commission wished him a happy birthday.

Mr. Mason explained that he lives on the south side of the property. The old barn referenced earlier in the evening is directly across from his driveway. He stated that this development will result in an increase in traffic. He acknowledged that it would be less traffic than traditional single-family homes, but nonetheless it would be more traffic. He also stated that the barn is home to turkey vultures which are federally protected birds.

Chair Kirby whether Mr. Mason was amenable to screening and noted that it would need to be placed on his property.

Mr. Mason answered that he was amenable but was unsure how that could be done. He noted that he would be able to see the clubhouse and parking lot from his bedroom.

Mr. Underhill stated that they were committed to working with Mr. Mason to be sure there would be adequate screening.

Planning Manager Mayer added that the existing parking lot screening requirements were present in the text.

Chair Kirby asked whether there was anyone else from the public who wished to speak.

Commissioner Larsen noted that Epcon's properties typically had a 15-foot rear lot and asked what the applicant's thoughts were on establishing a 30-foot wide tree preservation zone on the western boundary at the tree line.

Mr. Coffee responded that they have increased the setback from 20-feet to 50-feet, and have hired an arborist to determine which trees can be saved. He further stated that they needed to solve for drainage in that area.

Chair Kirby remarked that the applicant had gone from 20-feet to 50-feet, and added the arborist review language. And he asked whether the first 30-feet of trees could be fully protected and the remaining 20-feet subject to review.

Mr. Coffee remarked that normally they would have the 20-feet worked out, but added that the drainage and grading in that area was not yet understood, so they did not know how everything would fit.

Commissioner Larsen remarked that they would be able to figure it out if the property line was 30 feet closer to the east or west.

Commissioner Briggs clarified that what the Chair and Commissioner Larsen were saying was that if the applicant only owned 20 feet, and not the additional 30-feet, they would be able to figure out how to make that work.

Mr. Coffee responded that unfortunately they did not have complete information at this time. Until the tree survey was completed, they would not know, but their intention was that the more trees they could save, the better.

Chair Kirby asked staff whether it would be feasible for tree removal in the first 30-feet subject to engineering staff approval on the Village side, that way if there was a way to save the first 30-feet, they would.

Planning Manager Mayer responded that similar language regulating tree removal in preservation zones has been used in other subdivisions. There are a variety of language models available.

Chair Kirby continued and asked whether a reasonable condition would be to make tree removal in the first 30-feet subject to engineering review and approval (on the west), and that the trees in next 20-feet should be saved.

Mr. Coffee stated that it was reasonable, the first 30 feet on the west was subject to staff approval and that the rest should be saved if possible.

Commissioner Wallace asked whether establishing a tree preservation zone on the west would impact the ability to employ screening.

Planning Manager Mayer responded that canopy cover could hinder new growth depending on the age of the wooded area and the new plantings, but staff has worked with landscape architects and consultants to sort through those issues.

Chair Kirby remarked that if it was a natural preservation zone the understory would remain.

Commissioner Wallace continued that that was his question, whether the commission was making a tree preservation zone or whether the commission was ensuring a commitment to preserve trees because it struck him that there is a difference.

Chair Kirby responded that he was going to have the condition say that they leave the understory in the first 30-feet which gives natural screening, if it is there.

Commissioner Wallace asked whether Mr. Underhill would be willing to commit to discuss screening on the western border as well.

Mr. Underhill responded yes.

Chair Kirby remarked that it would be his 12th condition.

Commissioner Wallace responded that he stopped counting at 11.

Commissioner Larsen stated that the 1200-foot row of houses seemed excessive. It seemed like there should be some limitation. It did not feel like the right community fit and wanted to open that up.

Chair Kirby noted there were limitations on block lengths in the Village Center.

Planning Manager Mayer responded that was correct, there were limits on block lengths in the Village Center, but there were no limitations in other residential areas.

Commissioner Larsen agreed and noted that the apartments in the Village Center have limits and forced breaks, and so does the Hamlet, but this development has more of a commercial feel not residential. He thought breaks were important visually.

Planning Manager Mayer responded that he was not sure what the longest stretch was. And, as far as design, staff did not see this as an issue, he further noted that it does not present traffic concerns.

Commissioner Larsen remarked that he was not concerned about traffic, but he found this to be out of character for the area and that it was longer than Courtyards at New Albany.

Chair Kirby asked staff whether, if the west stub connector was in the middle of the row, was there a preference for it to be that far north or could the stub to the west be a break.

Planning Manager Mayer explained the stub location was in part of the overall circulation plan for the division, that moving the west stub connector would thwart connectivity to the north, as planned it sets up right of way for connectivity for the future. He continued that he did not foresee an issue if an additional connector was added.

Chair Kirby stated that the developer would not lose any units if the break was traded and so that it was in the middle of the row.

Planning Manager Mayer responded that the only thing was that it would connect to a different private property on the north today.

Chair Kirby remarked that his experience with the Clouse Road residents was that there was zero appetite for connectivity. He further remarked that the south road could actually be the swapped with the same result. He stated that it would give one break for free, with no loss of houses.

Mr. Underhill responded that he was unsure how the breaks could be accomplished without losing a home.

Chair Kirby explained how the break would work.

Ms. Menerey remarked that the only problem with that was that it would be creating 2 corner lots. And corner lots required additional space, so it was unclear where the additional space on the row would come from without removing a house.

Chair Kirby asked what the width of the corner lots was.

Ms. Menerey responded 68-feet and acknowledged that it seemed like an easy task to move the connection, but it presented challenges.

Commissioner Schell asked whether all of this effort was to achieve one break.

Planning Manager Mayer added that even if there was a break, that did not necessarily mean it would be a controlled break as far as traffic went.

Chair Kirby stated the break is visual more than for traffic.

Commissioner Larsen agreed, the break was intended to be visual.

Commissioner Schell asked why the commission was going to such an effort to get one break.

Chair Kirby responded because the row was really, really long.

Commissioner Schell continued and questioned whether the break would be substantial enough to make a difference.

Mr. Underhill responded that he had another idea. There are 23 lots proposed in this row, perhaps they could supplement plantings so that there will be enhanced landscaping and screening for Mr. Davies' property.

Commissioner Larsen remarked that that solution would not address the front side, the houses are very similar in appearance and the run from the front is too long. Loss of 1 or 2 houses in order to accommodate a break would greatly improve the community appearance.

Planning Manager Mayer wonder whether prior to final development, landscape and streetscape planners can design another streetscape amenity to provide a visual break and improve the appearance.

Chair Kirby remarked that lot trees and the street trees go a long way to accomplish that. He noted that Pickett Place and Head of Pond were good examples.

Mr. Coffee responded that they had a 6-foot privacy fence, and that they also have decorative fencing and would be willing to use that in order to break up the back. He further noted that the homes are of varying depths.

Commissioner Schell stated that he would rather not give up the connectivity.

Chair Kirby asked staff to comment on the isolated sites comment and whether the subject meets the definition.

Planning Manager Mayer responded the Design Guidelines and Requirements are the city's architectural requirements and they have various requirements depending on the location of the site. Isolated sites are an existing condition that have a 75% opacity existing today. It is not a requirement. It is not a created condition, but if the condition exists and the building cannot be seen from the street or by neighbors then you do not have to use New Albany's traditional American architectural style.

Commissioner Wallace asked whether this site met the standard that Planning Manager Mayer just described.

Planning Manager Mayer answered no, it does not because the condition is assessed on a parcel by parcel basis. When the lots in this application are developed all of the homes will be visible to each other and from the street.

Chair Kirby noted a signal from a member of the public indicating he wished to address the commission.

Jeff Lewis, attorney representing Ron and Tamara Davies. He stated that the Davies had this matter well in hand, and he further remarked that he typically represents developers. He stated that this zoning would dictate its own regulation, rather than a straight zoning text. He remarked that this application does not meet the parkland requirement, and he suggested the removal of 8 homes in order to gain another 40 feet of setback. He stated the removal of 8 homes as suggested would improve the project, would remedy the parkland shortfall, would improve his clients' view, and would ameliorate many of the concerns presented in the testimony offered during the public hearing.

Chair Kirby invited applicant rebuttal.

Mr. Underhill stated that they were not trying to play games and they needed this many units to make the development work, they would continue to be as flexible as possible.

Hearing no further comments, Chair Kirby moved for acceptance of the staff reports and related documents into the record for ZC-07-2023. Commissioner Wallace seconded the motion.

Chair Kirby asked if there was any discussion on the motion. Hearing none, he asked to hear the roll.

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

Chair Kirby, Commissioner Wallace, the other commissioners and staff discussed and reviewed the list of conditions.

There was discussion regarding inclusion of a condition regarding wheel washing for construction trucks. However, the commission did not include this condition because, the applicant, Mr. Underhill, stated that such a condition was unusual with a residential application.

Chair Kirby asked whether staff was clear on the conditions. At staff request, Chair Kirby read the following conditions into the record:

1. Condition listed in the staff report.

- 2. That the east side has the same Tree Preservation Zone and arborist review, and especially the north of Jug Street Road to the lot line section.

 Commissioner Wallace added that it was VI regarding the arborist.
- 3. That there be 24-feet of spacing between the trees, even where there is room for it to be more. Not dictated by the driveways
- 4. That no blank wall faces out, at the end of a row.
- 5. That the rear driveways for lane homes, the parking apron between the garage and the lane is at least 18-20 feet long suitable for parking 2 cars side by side.
- 6. There will be no uplighting.
- 7. That use of solar is permitted provided it is south-facing and not on the front.
- 8. That use of skylights is permitted provided they are not visible from the front.
- 9. That there will be no fencing on the east lot line in the northeast corner.
- 10. That the barn can be moved.
- 11. Language about the northern boundary final development plan concerning chemical free and prairie grass north of the swale.
- 12. North and west border screening at final development plan.
- 13. That use of decorative fencing is permitted in the rear of the residences.
- 14. The first 30-feet on the west, any tree removal is subject to staff approval, leave the understory if there is one present and add any necessary screening.

Commissioner Wallace moved, and Commissioner Briggs seconded the motion, for approval of application ZC-07-2023 based on the findings in the staff report with the forgoing conditions, subject to staff approval.

Chair Kirby asked whether there was any discussion on the motion. Hearing none, he asked to hear the roll.

Upon roll call: Mr. Wallace, yes; Ms. Briggs, yes; Mr. Larsen, no; Mr. Kirby, no; Mr. Schell, yes. Having 3 yes votes; 2 no votes; and 0 abstentions, application ZC-07-2023 was approved.

Chair Kirby stated that it did not meet the criteria. He stated that this is a great plan but it is in the wrong spot. He explained that he voted no because, considering the adjacent land use under Codified Ordinance Chapter 1111.06(a) and the adjacent zoning under Codified Ordinance 1111.06 (d), he did not find that this change was appropriate for this location.

Commissioner Larsen agreed with Chair Kirby's explanation. He praised the plan and the applicant but he did not find that this change was appropriate for this location considering the adjacent land use under Codified Ordinance 1111.06(a) and the adjacent land use under Codified Ordinance 1111.06(d).

Chair Kirby stated that he looked forward to reviewing a great final development plan.

Chair Kirby and the commission wished the applicant good luck.

VII. Other business

Drive-thru Menu Board Sign Code Workshop

Planning Manager Mayer introduced Planner II Christian and stated that this was just a workshop and would be brief. This presentation would consist of initial findings in anticipation of code updates.

Planner II Christian delivered the staff report.

Commissioner Wallace asked how screening would be handled.

Planner II Christian responded that screening would still be handled on a case by case basis.

Planning Manager Mayer added that the commission would still have the authority to impose additional screening requirements, if needed.

Commissioner Larsen remarked that these cases would not come before the commission because they are permitted.

Planning Manager Mayer responded that was correct.

Chair Kirby remarked that it was an issue to communicate to permit seekers, that they could anticipate a condition requiring additional screening.

Commissioner Wallace added that could be a reason to add screening to the code, because the commission would likely require additional in each case.

VIII. Poll members for comment

Chair Kirby polled the members for comment.

Commissioner Wallace stated that this was one of the longer meetings, but by no means the longest.

The commissioners wished each other and staff a good night.

IX. Adjournment

Having no further business, Chair Kirby adjourned the meeting at 11:06 p.m.

Submitted by Christina Madriguera, Esq., Deputy Clerk

Appendix

ZC-07-2023

Staff Report Record of Action



Planning Commission Staff Report June 19, 2023 Meeting

COURTYARDS AT HAINES CREEK ZONING DISTRICT ZONING AMENDMENT

LOCATION: Generally located at the northwest corner of the intersection at Central

College Road and Jug Street Rd NW for an area to be known as the "Courtyards at Haines Creek Zoning District" (PIDs: 222-005156, 222-

005157, 222-005158, 222-005159).

APPLICANT: EC New Vision Ohio LLC, c/o Aaron L. Underhill, Esq.

REQUEST: Zoning Amendment

ZONING: Agricultural (AG) to Infill-Planned Unit Development (I-PUD)

STRATEGIC PLAN: Residential District

APPLICATION: ZC-07-2023

Review based on: Application materials received on May 25, 2023.

Staff report completed by Chelsea Nichols, Planner.

I. REQUEST AND BACKGROUND

The applicant requests review and recommendation to city council to rezone 63.5+/- acres from Agricultural (AG) to Infill-Planned Unit Development (I-PUD). The proposed zoning permits 136 age-restricted and 15 non-age restricted lots within a new residential subdivision. The zoning area is known as the "Courtyards at Haines Creek Zoning District." The proposed zoning text is essentially the same as the approved zoning text for the existing Courtyards at New Albany subdivision.

On May 18, 2023, the Rocky-Fork Blacklick Accord Panel recommended approval of the application. The application met 87.5% of the Accord Town Residential land use district development standards.

The rezoning and preliminary development plan are scheduled to be heard by city council as an ordinance with an anticipated first reading on July 5, 2023 and second reading on July 18, 2023. Once the rezoning application has been approved by city council, the application must return to the Planning Commission with a final development plan application due to the Infill-Planned Unit Development (I-PUD) zoning classification.

II. SITE DESCRIPTION & USE

The 63.5+/- acre zoning area is located in Franklin County and is made up of four properties. There is one existing barn located on one of the properties. The site is generally located at the northwest corner of the intersection at Central College Road and Jug Street Rd NW. The site is located immediately west of the Licking County line and immediately, north of Agricultural zoned and residentially used properties, and there are unincorporated residentially zoned and used properties to the west and north of the site.

III. PLAN REVIEW

Planning Commission's review authority of the zoning amendment application is found under C.O. Chapters 1107.02 and 1159.09. Upon review of the proposed amendment to the zoning map, the Commission is to make recommendation to City Council. Staff's review is based on city plans

and studies, proposed zoning text, and the codified ordinances. Primary concerns and issues have been indicated below, with needed action or recommended action in underlined text.

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

- (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).

<u>Per Codified Ordinance Chapter 1159.08</u> the basis for approval of a preliminary development plan in an I-PUD shall be:

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

A. Engage New Albany Strategic Plan

The site is located within the Residential District future land use district. The Engage New Albany Strategic Plan lists the following development standards for the Residential District:

- Organically shaped stormwater management ponds and areas should be incorporated into the overall design as natural features and assets to the community.
- Houses should front onto public open spaces and not back onto public parks or roads.
- All or adequate amounts of open space and parkland is strongly encouraged to be provided on-site.

- A hierarchy of open spaces is encouraged. Each development should have at least one open space located near the center of the development. Typically, neighborhood parks range from a half an acre to 5 acres. Multiple greens may be necessary in large developments to provide centrally located greens.
- Adequate amounts of open space and parkland are encouraged to be provided on site.
- Rear or side loaded garages are encouraged. When a garage faces the street, the front façade of the garage should be set back from the front facade of the house.
- Any proposed residential development outside of the Village Center shall have a base density of 1 dwelling unit per gross acre in order to preserve and protect the community's natural resources and support the overall land conservation goals of the community. A transfer of residential density can be used to achieve a gross density of 1 dwelling unit per acre.
- Private streets are at odds with many of the community's planning principles such as: interconnectivity, a hierarchy of street typologies and a connected community. To achieve these principles, streets within residential developments must be public.

The Engage New Albany Strategic Plan recommends the following standards as prerequisites for all development proposals in New Albany:

- Development should meet setback recommendations contained in strategic plan.
- Streets must be public and not gated. Cul-de-sacs are strongly discouraged.
- Parks and open spaces should be provided, publicly dedicated and meet the quantity requirements established in the city's subdivision regulations (i.e. 20% gross open space and 2,400 sf of parkland dedication for each lot).
 - All or adequate amounts of open space and parkland is strongly encouraged to be provided on-site. If it cannot be provided on-site, purchasing and publicly dedicating land to expand the Rocky Fork Metro Park or park space for the Joint Parks District is an acceptable alternative.
- The New Albany Design Guidelines & Requirements for residential development must be met.
- Quality streetscape elements, including an amenity zone, street trees, and sidewalks or leisure
- Trails and sidewalks should be provided on both sides of all public streets.
- Homes should front streets, parks and open spaces.
- A residential density of 1 dwelling unit (du) per acre is required for single-family residential and a density of 3 du per acre for age restricted housing.
 - Higher density may be allowed if additional land is purchased and deed restricted. This type of density "offset" ensures that the gross density of the community will not be greater than 1 unit per acre. Any land purchased for use as an offset, should be within the NAPLS district or within the metro park zone.
 - o 3 du/acre is only acceptable if 100% age restricted. Otherwise, the federal regulations and criteria for subdivisions to qualify as age-restricted must be accounted for when calculating density (i.e. 80% age restricted and 20% non-age restricted).
 - o Age restriction must be recorded as a deed restriction and included as a requirement in the subdivision's zoning text.

B. Use, Site and Layout

- 1. The proposed zoning is Infill-Planned Unit Development (I-PUD) that permits the development of a new 151 lot, age-restricted residential subdivision.
- 2. The Engage New Albany strategic plan residential land use district states that the gross density is 1 dwelling unit per acre for traditional single-family and up to 3 units per acre if the development is 100% age restricted.
 - This zoning district proposes 90% of the units to have occupants who are 55 years of age or older.
 - The applicant further agrees that the community shall not permit permanent residents within the 90% age-restricted units who are under the age of 21.

- With 151 units, that permits 136 age restricted and 15 non-age restricted lots within the subdivision on 63.5 gross acres. This equals out to be 2.38 units per acre which meets the strategic plan density recommendations.
- 3. A school impact statement has been submitted. The applicant estimates that 0.05 students per unit will be generated in 90% of the homes that are age-restricted and that 0.15 students per unit will be generated in the 10% of the homes that are not age-restricted for a total of 9 students. Based on an assumed 9 students generated, the applicant has projected this development to have a net positive financial impact on the school district.
- 4. The zoning district is made up of one subarea that is approximately 63.5 acres and permits the following uses:
 - O Single-family detached homes, subject to the age restriction requirements detailed in the text:
 - o Publicly or privately-owned parks and open spaces;
 - One private amenities center/clubhouse, which may include a fitness center, gathering spaces, and/or other recreational and social facilities, amenities, and improvements serving only the residents living in this zoning district; and
 - Residential model homes and temporary sales offices that are subject to a conditional use approval by the Planning Commission.
- 5. Section IV requires homes within this subarea shall be age restricted in accordance with the Fair Housing Act and the HOPA Exemption so that a minimum of 90% of the homes shall be required to have at least one occupant that is age 55 or older. The applicant further agree that the community shall not permit permanent residents within the 90% age-restricted units who are under the age of 21 to the extent permitted by law. Prior to being issued a temporary or permanent certificate of occupancy for the first home in this subarea, the applicant/developer shall deliver written and legally binding documentation to the City to provide confirmation that the project legally complies with the Act and the HOPA Exemption. Failure to comply with the Act and/or the HOPA Exemption shall constitute a zoning violation that is enforceable by the City.
- 6. The text requires the applicant/developer shall provide evidence to the city that it has recorded a written restriction requiring the property may only be developed and operated in accordance with the requirements listed above. Prior to recording the restriction, the text requires the applicant/developer to deliver a draft copy of the restriction to the city's law director for reasonable review and confirmation. These requirements are consistent with other age-restricted subdivisions in New Albany.
- 7. The zoning text establishes the following setbacks listed in the table below.

SETBACKS	
Central College Road and Jug Street Rd NW	100-foot building and pavement setback from
(Engage New Albany strategic plan	the edge of the right-of-way, except homes
recommends 100-foot setback)	and other improvements on Lots 71 and 72
	shall be permitted within this setback.
Front Yard	20 feet, except for the Lane Homes facing
	Street 9, which shall have a minimum front
	yard setback of 15 feet.
Side Yard	5 feet
Rear Yard	50 feet for lots with rear boundary lines
	which also serve as the eastern and western
	perimeter boundary of this zoning district, 15
	feet for all other lots.

8. The Engage New Albany Strategic Plan identifies Central College Road and Jug Street Road NW as "Business Park Traditional" roadways and recommends a 100-foot setback. The applicant is meeting this recommendation by providing a 100-foot setback from these roadways (with the exception of lots 71 and 72 which are located at the bend of Jug

- Street). This large setback is appropriate as it is sensitive to the rural character of the roadways and general area.
- 9. The zoning text states that all homes are not to back onto open space and reserve areas. The preliminary development plan demonstrates this requirement, meeting an important development standard of the Engage New Albany Strategic Plan.

C. Access, Loading, Parking

- 1. The primary access points to the site are from Central College Road and Jug Street Road NW in the general locations shown on the provided preliminary development plan. Prior to the issuance of the first building permit for any structure to be built in this zoning district the applicant shall dedicate right-of-way to the city for a distance that extends 40 feet from the centerlines of Central College Road and Jug Street Road NW.
- 2. Right-of-way shall be dedicated for the future extension of two streets to the western boundary line of this zoning district, as shown on the preliminary development plan. The developer shall be required to construct the extension for a distance of 10 feet from its westernmost intersection. Signage shall be installed at the end of the 10-foot stubs which indicate that these streets may be extended in the future as a through street,
- 3. The text requires all internal streets to be dedicated as public streets and built to city standards. The right-of-way for these internal streets is required to be 50 feet with 26-foot pavement widths, measured from front of curb to front of curb. The right-of-way for Lanes shall be a minimum of 20 feet with a minimum of 16 feet of pavement. The proposed north-south Street shall have right-of-way of 60 feet in width. These requirements match those found in the city's subdivision regulations.
- 4. The text requires a 5-foot-wide public sidewalk to be constructed within the right-of-way on each internal subdivision street (other than the North-South Street, the south side of Street 2, and the north side of Street 8), in the general locations shown in the preliminary development plan.
- 5. The text requires 8-foot-wide, asphalt leisure trails to be installed along the north side of Central College Road, the west side of Jug Street rights-of-way, along the side of the North-South Street north to the intersection with Street 5 and 8, and along the north side of Street 8.
- 6. Additional paths and sidewalks through the development and open spaces are shown on the preliminary development plan. Details shall be presented for review with a final development plan and finalized at the time of final engineering.
- 7. The text requires all homes to have a minimum of 2 off-street parking spaces on their driveways in addition to a minimum of 2 parking spaces within the garage.

D. Architectural Standards

- 1. The New Albany Design Guidelines and Requirements (DGRs) ensure neighborhoods sustain their quality and vibrancy over time. These guidelines have been developed by New Albany to ensure that the community enjoys the highest possible quality of architectural design that has made the community successful thus far.
- 2. The PUD text states this development is not be required to strictly adhere to the City's Design Guidelines and Requirements (DGRs) and its Codified Ordinances. The text says the intent is to meet the spirit and purpose of the DGRs and the Codified Ordinances by replicating the architectural styles of the DGRs while allowing for deviations to accommodate home designs that serve the active adult segment of the home buying market.
- 3. The developer is designing homes for a certain age group whose form and function does not meet the architectural standards of the city's DGRs. The city's goals are to enhance some design elements of the proposed homes to help create quality neighborhoods that hold value over time. A streetscape goal for the project includes layering of features, intersection treatments, street trees, on lot landscaping, and front porches to mitigate the visual impact of the proposed double bay garage doors, that don't meet city's strategic plan standards, on the streetscape.

- 4. The text says the design intent of this neighborhood is to borrow from the tradition of the summer retreat camps popular in the 1990's. Examples include the Oak Bluffs Meeting Camp on Martha's Vineyard and Lakeside Ohio. These camps were a collection of small cottages around a central meeting house and green. The text says the proposed architecture aesthetic is consistent with the character of New Albany by referencing the "rectangular form houses." The homes in this community are simple forms, generally rectangular in shape.
- 5. The text requires all homes shall be a minimum of 1.5 stories or 1.5 stories in appearance from the front elevation thereby meeting one of the New Albany Strategic Plan's development standards recommendations that all houses should be a minimum of 1.5 stories in appearance and a maximum of three stories.
- 6. The New Albany Strategic Plan's development standards recommendation is that rear and side loaded garages are encouraged. When a garage faces the street, the front façade of the garage must be setback from the front façade of the house. In addition, the maximum width of a garage door facing the street is ten feet. The PUD text allows garages to face the street with double-bay garage doors. The text states garages must be setback at least 2 feet, 8 inches from the front façade of the home. However, the text defines the front façade as the forward-most plane of a front porch. The text requires all homes must have a front porch that is at least 90 square feet. These are the same design requirements as the existing Epcon development, Courtyards at New Albany.
- 7. The text permits brick, brick veneer, and cementitious/ composite siding. Vinyl siding is prohibited. The text requires exterior wall finish materials must be used to complete massing elements. Each exterior façade of a home shall utilize one primary material and that material shall be used on all elevations of that home.
- 8. The text states exposed concrete foundation walls shall be prohibited and, unless otherwise approved as part of a final development plan, shall be covered by (a) brick or brick veneer or (b) an extension of the primary building façade materials to the surrounding grade.
- 9. The city Design Guidelines and Requirements requires four-sided architecture. The proposed housing project offers side, courtyard living space instead of traditional rearyard living space. In order to accommodate a private courtyard space on the side of homes, the neighboring property's side elevation is left blank without windows or doors. In an effort to meet the intent of the DGRs the PUD text prohibits blank façades and contains a definition and criteria for what four-sided architecture shall constitute in this neighborhood.
- 10. The PUD text allows for these blank façades only when adjacent to another side yard. The text requires any side elevation of a home that faces a public street on a corner lot and any side elevation of a home that is adjacent to open space or parkland shall include two or more windows plus at least one of the design elements from the following list. These design elements all appear to be appropriate architectural elements since they add visual interest to the exterior of the home.
 - Cornices above windows
 - Shutters which appear to be open and appear to be operable and mounted on appropriate shutter hardware (hinges and shutter dogs);
 - Closed shutters that appear to completely cover one or more windows, although no window shall be required to be installed behind such shutters;
 - Doors;
 - Bay windows or bay elements;
 - Chimney; or
 - Decorative louvers.
- 11. Similarly, the PUD text requires the rear elevation of each home shall be articulated with a minimum of at least two of the design elements from the same list. These design elements all appear to be appropriate architectural elements since they add visual interest to the exterior of the home.
 - Doors:
 - Porches;

- Two or more windows (bay windows count as a window);
- Bay windows or bay elements;
- Chimney;
- Decorative louvers;
- Shutters which appear to be open and appear to be operable and mounted on appropriate shutter hardware (hinges and shutter dogs);
- Closed shutters that appear to be completely cover one or more windows, although no window shall be required to be installed behind such stutters.
- 12. The text allows roofs to be of natural slate wood shake or wood shingle, an architectural grade fiberglass asphalt shingle, or standing seam. Metal standing seam shall be permitted as roof material only on porches.
- 13. Solar panels are permitted to be installed on roofs on the rears of homes that face southward, provided they are not visible from a public street.
- 14. Per the zoning text requirements, the applicant has provided architectural elevations and renderings. More detailed architectural elevations and/or renderings shall be submitted for approval by the Planning Commission as part of the final development plan.

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

- 1. New Albany's Codified Ordinance requires that 2,400 square feet per home be dedicated as park land and 20% of the total acreage in the subdivision shall be dedicated as open space. For this development the total required park land and open space is 21.01 acres. The applicant is providing multiple reserve areas that consists of either open space or parkland, totaling 17.48 acres. Per C.O. 1187.16 wet and dry stormwater basins shall not be considered open space.
 - a. The proposal does not meet the Codified Ordinance requirements. The applicant commits to provide for an equivalent contribution toward the city's parkland and open space amenities through the purchase and dedication to the city or Franklin County Metro Parks of undeveloped land located elsewhere in the New Albany Plain Local School District, or alternatively by making an equivalent monetary contribution to the City for the purpose of funding other parkland development, leisure path, and/or other recreational programs or plans. This form and the amount of such contribution shall be approved as part of a final development plan for this zoning district.
- 2. The zoning text states ownership and maintenance of the parkland and open space areas which are shown on the preliminary development plan shall be defined and approved with the final development plan.
- 3. The PUD text states "due to the nature of this subarea as an age-restricted community, it shall be exempt from the requirement of Section 1185.15(c)(6) that would otherwise require all residences to be located within 1,200 feet of playground equipment."
- 4. The strategic plan states that homes do not back onto open spaces or public roads. The applicant is meeting these recommendations by prohibiting homes from backing onto open space and providing open space around existing natural features.
- 5. Street trees shall be required on both sides of internal public streets, except that this requirement shall not apply to the sides of streets which abut parks or reserve areas (the planting requirements, if any, for these areas shall be approved as part of the relevant final development plan). Trees shall be a minimum of 2 ½ inches in caliper at installation and shall be spaced at an average distance of 30 feet on center, except that a double row of trees shall be provided along the proposed North-South Street. These trees may be grouped, provided the quantity is equivalent to 1 tree per 30 feet or fraction thereof.
- 6. The zoning text commits to a Tree Preservation Zone which applies for a minimum distance of 100 feet from the right-of-way of Central College Road and Jug Street Road NW in Reserve A, in areas to the south of the intersection of Jug Street Road NW and a new public street connecting it to the new subdivision. The tree preservation zone shall also apply within the northwest corner of the zoning district and covering the tree line along the north property line of Reserve C.

- 7. The zoning text commits to buffering along the western perimeter boundary. Along with the landscaping plan that is filed as part of a final development plan, the applicant shall submit a report from a certified arborist. The report shall detail the conditions of existing trees within the minimum required rear yard setbacks on lots of homes that back to the western perimeter boundary line. The arborist's report will also detail the anticipated need to remove trees within that area in order to accommodate development, preserve the health of trees, and/or to ensure the safety of residents of homes that are to be constructed on those lots.
 - a. The landscape plan shall identify which trees are to be preserved based on the report and shall provide for the planting of replacement trees, landscaping, and/or other improvements to provide buffering between new homes and adjacent property to the west which is outside of this zoning district.
 - b. New trees and landscaping may be planted on the adjacent parcel to achieve the buffering objective if permission is obtained from the owners of such parcel.
 - c. The applicant shall share the arborist's report with the adjacent property owners and/or its authorized representatives on or before the date when the final development plan is filed with the City, and shall meet with the property owners (if they are willing) prior to the Planning Commission's hearing on the final development plan.

F. Lighting & Signage

- 1. No signage is proposed at this time. The text states signage shall be reviewed by the Planning Commission with the final development plan.
- 2. Each home must have coach lights on the garage. Uplighting of the exterior of a home shall be prohibited.
- 3. Security lighting, when used, shall be of a motion sensor type.
- 4. Light poles within parking lot areas near the clubhouse shall not exceed 18 feet in height, 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.

IV. ENGINEER'S COMMENTS

The City Engineer has no further comments on this submittal other than those provided relating to the Traffic Access Study. <u>Staff recommends a condition of approval requiring all the City Engineer's Traffic Access Study comments are complied with and subject to staff approval.</u> The engineering comments can also be found under the separate cover from the consulting City Engineer, E.P. Ferris & Associates.

V. SUMMARY

The proposed use is appropriate for this location within the city as it is sensitive to the existing character of this portion of the city by preserving trees along the primary streets and edges of the subdivision. The street network, landscaping, and layout are desirable from a site planning perspective. The application includes many of the same amenities that have been successfully implemented in Epcon's Courtyards at New Albany subdivision. Overall, the Courtyards at New Albany has been successful and this proposal builds on that by committing to providing a historical color palette that will add more character to the subdivision. In addition, the zoning text and preliminary development plan provide a strong pedestrian network of trails and sidewalks to allow for future connections to neighboring site.

The Engage New Albany Strategic Plan Residential land use district states that the gross density is 1 dwelling unit per acre for traditional single-family homes and up to 3 units per acre if the development is 100% age restricted. This zoning district proposes 90% of the units to have occupants who are 55 years of age or older. The applicant further agrees that the community shall not permit permanent residents within the 90% age-restricted units who are under the age of 21.

Although the proposal is not meeting the open space requirements on site, it does commit to make an equivalent contribution through the purchase and dedication to the city or Franklin County Metro Parks of undeveloped land located elsewhere in the New Albany Plain Local School District, or alternatively by making an equivalent monetary contribution to the city for the purpose of funding other parkland development, leisure path, and/or other recreational programs or plans. This request will be evaluated by city council.

The subdivision is well designed through multiple connections to the primary streets and future street stubs if development should occur to the west and north. While the street network and layout is desirable from a site planning perspective, and shouldn't be overlooked, departing from the traditional American architectural style is a big consideration. The developer is designing homes for a certain age group whose form and function do not meet the architectural standards of the city's DGRs and has therefore exempted the residential subdivision from the city's codified architectural requirements known as the DGRs. The city staff does not want this departure to become the norm. In order to address these concerns, the applicant has committed to requiring every home be at least 1.5 stories, include a front porch, and use quality building materials such as brick and cementitious/composite material.

VI. ACTION

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

Move to approve application ZC-07-2023 based on the findings in the staff report with the following condition:

1) That all the City Engineer's Traffic Access Study comments are complied with at the time of the final development plan, subject to staff approval:



Source: Provided by applicant via EMH&T



Community Development Department

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

Dear Aaron Underhill,

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

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

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

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

Thank you.



Community Development Department

Decision and Record of Action

Tuesday, June 20, 2023

The New Albany Planning Commission took the following action on 06/19/2023.

Zoning Amendment

Location: 8306 CENTRAL COLLEGE RD8390 CENTRAL COLLEGE RD

Applicant: Aaron Underhill, Esq.

Application: PLZC20230007

Request: Review and recommendation to city council to rezone 63.5 acres from AG to I-PUD to

permit a new 151 lot age-restricted residential subdivision.

Motion: Move ti approve application ZC-07-2023 based on the finidngs in the staff report, with

conditions.

Commission Vote: Motion to Reccomend Approval with Conditions

Result: Zoning Amendment, PLZC20230007, Approval Reccomended with Conditions, by a vote of

3-2.

Recorded in the Official Journal this Tuesday, June 20, 2023.

Condition(s) of Approval:

- 1. That all the City Engineer's Traffic Access Study comments are complied with at the time of the final development plan, subject to staff approval;
- 2. That the language in section IV.H. (Buffering) of the currently proposed zoning text be updated to also include a portion of the eastern property line for a length subject to staff approval;
- 3. That section VIII.C of the currently proposed zoning text be revised so that street trees shall be spaced at an average distance of 24 feet on center, as opposed to 30 feet on center;
- 4. That section IX.C.3. of the currently proposed zoning text be revised so that blank facades shall be prohibited on all units;
- 5. That the currently proposed zoning text be updated so that rear driveways for lane homes shall be sufficiently wide to accommodate 2 cars and have sufficient length to accommodate 1 car length, subject to staff approval;
- 6. That uplighting shall be prohibited;
- 7. That section IX.C.3.g. if the currently proposed zoning text be updated to stated solar panels shall be permitted to be installed on south-facing roofs on the rear of homes;
- 8. That the currently proposed zoning text be updated to state that the use of skylights are permitted, provided they are not visible from the front;
- 9. That the currently proposed zoning text be updated to state fencing shall not be permitted on the northeast corner;

- 10. That the existing barn may be moved;
- 11. That the currently proposed zoning text be updated to state a chemical free zone be provided along the northern boundary line. This zone shall also provide for prairie grass;
- 12. That the landscape plan, provided at the time of the final development plan, include increased screening along the northern and western property lines;
- 13. That the currently proposed zoning text be updated to include language stating the use of decorative fencing is to be permitted in the rear of the homes; and
- 14. That the currently proposed zoning text be updated to include language which stated the understory within the first 30 feet of the 50-foot setback along the western property line should remain, and removal of trees is subject to staff approval.

Staff Certification:

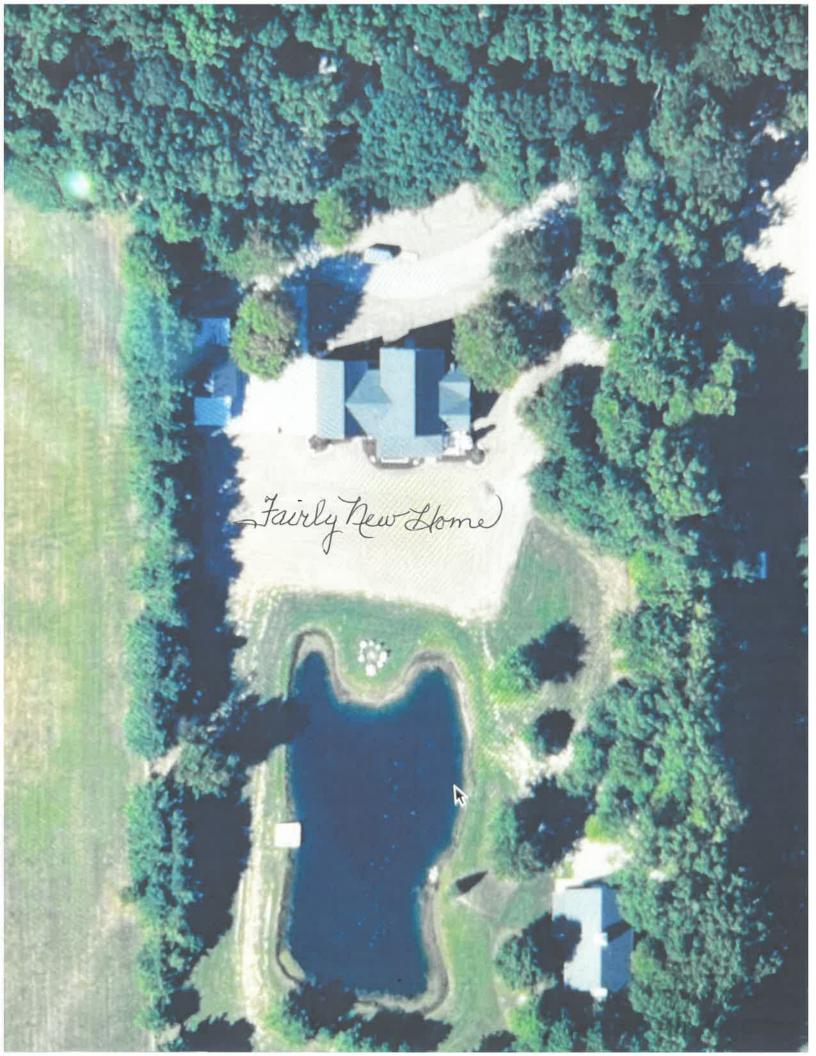
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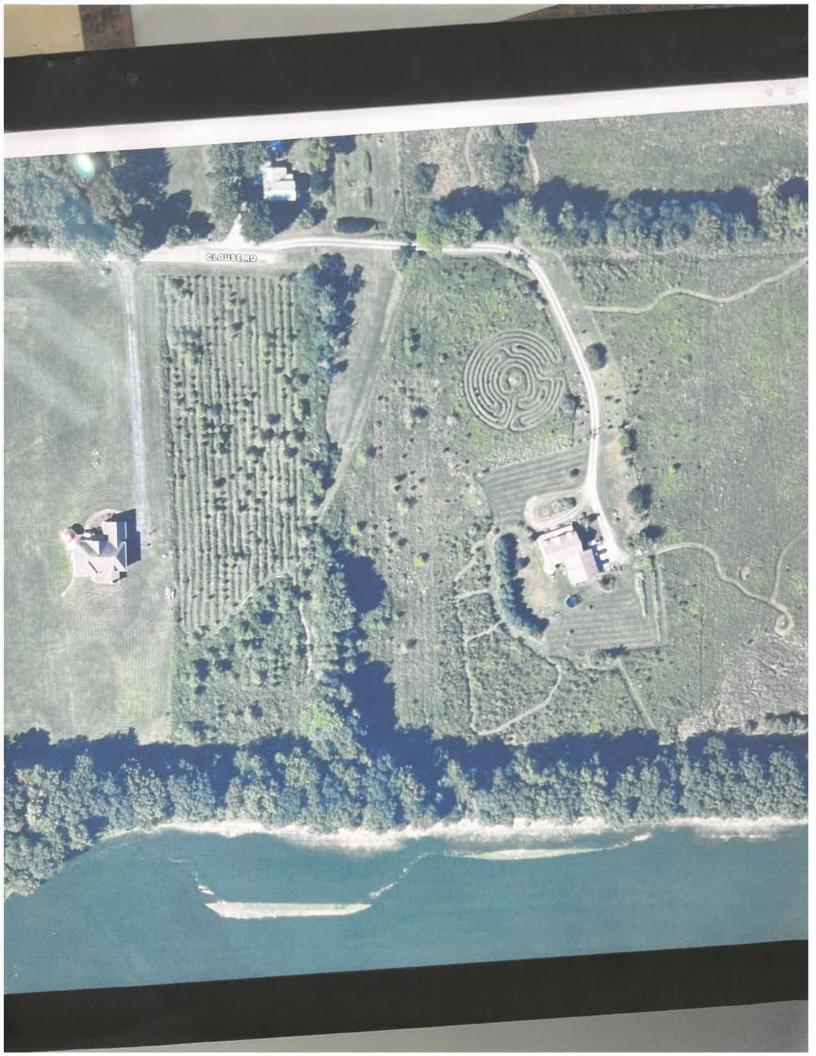
Planner













Planning Commission Staff Report July 17, 2023 Meeting

BABBITT EAST ZONING DISTRICT ZONING AMENDMENT

LOCATION: Located at 5708, 5760, 5782, 0 and a portion of 6140 Babbitt Rd for an

area to be known as Babbitt East Zoning District (PIDs: 220-000446, 220-000190, 220-000178, 220-002045, 220-002075, and a portion of

222-004864).

REQUEST: Zoning Amendment

ZONING: AG (Agricultural) and L-GE (Limited General Employment District) to

L-GE (Limited General Employment District)

STRATEGIC PLAN: Mixed Use APPLICATION: ZC-58-2023

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

Review based on: Application materials received May 19, 2023 and July 10, 2023.

Staff report completed by Chelsea Nichols, Planner

I. REQUEST AND BACKGROUND

The applicant requests review for the rezoning of 78.16+/- acres. The request proposes to create a new limitation text for the area known as the "Babbitt East Zoning District" by zoning the area to Limited General Employment (L-GE) from Agriculture (AG) and Limited General Employment (L-GE). The proposed rezoning serves as an expansion of the New Albany International Business Park. The Rocky Fork-Blacklick Accord reviewed and recommended approval of the application on June 15, 2023.

The proposed zoning is a limitation text. A limitation text can only establish more restrictive requirements than the zoning code. The Limited General Employment District permits office, data center, manufacturing & production, warehouse & distribution, and research & production uses. The text contains the same list of permitted, conditional, and prohibited uses as other similar zoning districts that are also zoned Limited General Employment (L-GE). This rezoning serves to extend the same or similar zoning and development standards to the property as currently applies to much of the developed and undeveloped land in its general vicinity.

II. SITE DESCRIPTION & USE

The overall site consists of five parcels and is located within Franklin County. The site is located on the east side of Babbitt Road. Four of the subject parcels are currently being annexed into the city. The annexation petition was submitted on May 2, 2023. Its first reading at city council was on July 5, 2023 and its second reading is scheduled for July 18, 2023.

The site is comprised of farm fields and residential homes. The neighboring uses and zoning districts include L-GE and unincorporated agricultural and residential.

III. PLAN REVIEW

Planning Commission's review authority of the zoning amendment application is found under C.O. Chapters 1107.02. Upon review of the proposed amendment to the zoning map, the

Commission is to make recommendation to city council. Staff's review is based on city plans and studies, proposed zoning text, and the codified ordinances. Primary concerns and issues have been indicated below, with needed action or recommended action in underlined text.

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

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

A. Engage New Albany Strategic Plan

The 2020 Engage New Albany strategic plan designates the area as the Mixed-Use future land use category. However, given the proposed rezoning, staff has evaluated this proposal against the Employment Center standards. The strategic plan lists the following development standards for the Employment Center land use category:

- 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 landscaping in an appealing manner.
- 8. Any periphery security should integrate with the 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. 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 2020 Engage New Albany strategic plan designates the area as the Mixed-Use future land use category. However, given the proposed rezoning, staff has evaluated this proposal against the Employment Center standards. Office and commercial uses are a component of the mixed-use category. The strategic plan intent for the mixed use within this area is to have employment center uses but allow for incorporation of retail and residential uses if appropriate. The proposed uses are consistent with the zoning in the surrounding area.
- 3. Due to the proximity of this site to Ganton Parkway, State Route 161/Beech Road interchange, and its location adjacent to other Limited General Employment (L-GE) zoned land in the existing New Albany International Business Park to the north and east, the site appears to be most appropriate for the proposed type of development.
- 4. The limitation text contains the same list of permitted, conditional, and prohibited uses as other similar zoning districts that are also zoned L-GE. The text allows office, data center, manufacturing & production, warehouse & distribution, and research & production uses. Personal service and retail product sales and services are only allowed as accessory uses to a permitted use in this subarea.
- 5. Conditional uses include industrial manufacturing & assembly, car fleet and truck fleet parking, and limited educational industries.

- 6. Prohibited uses include industrial product sales and services, mini-warehouses, vehicle services, radio/television broadcast facilities, off-premise signs and sexually oriented business.
- 7. The proposed L-GE text requires the following setbacks:
 - Babbitt Road: There shall be a minimum building setback of 200 feet from the right-of-way of the Babbitt Road. There shall be a minimum pavement setback of 100 feet from the Babbitt Road right-of-way.
 - o Perimeter Boundaries: Minimum pavement setback of 25 feet and a minimum building setback of 100 feet.
 - The proposed setback meets other similarly zoned parcels in the surrounding area and exceeds standard building setbacks from city code.

C. Access, Loading, Parking

- Vehicular access shall be provided to and from this zoning district along Ganton Parkway. An access point along Babbitt Road shall be permitted only for use by emergency vehicles. Regular vehicular access and construction vehicles access shall not be permitted to and from Babbitt Road, except temporary vehicular access shall be permitted if access to and from Ganton Parkway is unavailable due to its repair or maintenance, as confirmed by City staff.
- 2. Parking and loading will be provided per code requirements (Chapter 1167) and will be evaluated at the time of development for each individual site.
- 3. Zoning text section V.C proposes to dedicate the following right-of-way:
 - The developer shall dedicate property to the City as right-of-way for a distance of 30 feet as measured from the centerline of Babbitt Road. The developer shall grant easements to the City which are adjacent to the aforementioned 30-foot right-of-way, not to exceed 25 feet in width on either side, to provide for the installation and maintenance of streetscape improvements, public utility lines, and leisure paths.
- 4. An 8-foot-wide asphalt leisure trail is required to be installed along the Babbitt Road frontage of the site. Buildings should be sited in relationship to each other to provide convenient pedestrian connections between each building, to parking, and to any other civic or public uses within convenient walking distances.

D. Architectural Standards

- 1. The proposed rezoning implements many of the same standards and limitations set forth in the New Albany Architectural Design Guidelines and Requirements and neighboring commercial zoning districts.
- 2. The same architectural requirements as the existing business park areas directly to the north and east are proposed.
- 3. The zoning text section IV.A. permits 65-foot-tall buildings, subject to Section 1165.03 of the Codified Ordinances. The General Employment district does not typically have a height limitation. In fact, L-GE districts, that do implement a height restriction usually allow up to 85-foot tall buildings. By creating a height requirement of 65 feet, the text is still being more restrictive than the standard district requirements and proves to be sensitive to the existing adjacent residential uses.
- 4. The city 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 business park, which ensures the quality and consistent design of these buildings throughout this portion of the business park.
- 5. Section IV.E.6 of the zoning text requires complete screening of all roof-mounted equipment on all four sides of the building using materials that are consistent and harmonious with the building's façade and character. The text indicates that the screening

is provided to screen equipment from off-site view but also to buffer sound generated by the equipment.

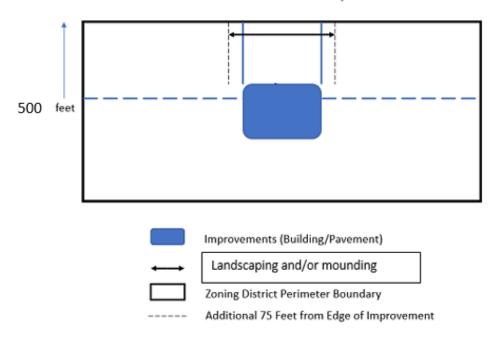
D. Parkland, Buffering, Landscaping, Open Space, Screening

- 1. Maximum lot coverage for this subarea is 75%, which is the same requirement as the surrounding L-GE zoning districts.
- 2. 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.
- 3. For perimeter boundaries which abut properties containing existing residential uses or has a zoning classification which permits the development of residential uses that are not owned by the developer a minimum six (6) foot high mound shall be installed along the property line and shall include 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 10 feet above ground level.
 - a. These mounds shall be installed within the minimum pavement setback area as required by this zoning text and may encroach on the abutting property if that owner agrees with the mound's installation on his/her property.
 - b. The plan for these areas must be reviewed and approved by the City's Landscape Architect.
- 4. 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. Master Landscape Standards Plan:
 - a. Unless a landscape and signage standards plan is developed for this specific area and approved by the Planning Commission, the City of New Albany Business Campus South Beech Road South Landscape Standards Master Plan which was previously created for the Beech Road corridor and approved by the Planning Commission on June 5, 2017 shall apply to the Babbitt Road frontage in this Zoning District.

6. Babbitt Road:

- a. Landscaping and mounding within the minimum required pavement setback along Babbitt Road shall be coordinated and consistent throughout this Zoning District and surrounding areas.
- b. A street tree row shall be established along Beech Road and shall contain one (1) tree for every thirty (30) feet of road frontage. Trees may be grouped or regularly spaced. Street trees shall be located within the right-of-way. Minimum street tree size at installation shall be three (3) caliper inches. This requirement may be waived in areas where existing vegetation occurs or in areas subject to overhead electric transmission lines, subject to approval of the City Landscape Architect.
- 7. In recognition of the significant amount of land area and the lengths of the perimeter boundaries contained within this Zoning District, for all portions of the Zoning District where there is required landscaping as contemplated in Section VI.B above, it may be installed in phases. For each phase of development in the Zoning District, such required landscaping and/or mounding shall be installed when it is anticipated (as provided in plans associated with relevant permits) that buildings, paved parking areas, or aboveground equipment or utility infrastructure, once constructed within that phase, will be located within 500 feet of the relevant perimeter boundary line. At a minimum for each phase, this landscaping shall be installed along the portion of the relevant perimeter boundary line of the Zoning District between two points which are determined by extending two straight lines from the perimeter boundary line of the Zoning District to the furthest distance on each side where planned improvements are to be constructed in that phase, and then adjusting those lines so that they are an additional distance of 150 apart. The following illustration is being provided as an example of this requirement:

Perimeter Boundary



E. Lighting & Signage

- No signage is proposed at this time. Per the text all signage shall conform to the standards set forth in the District Framework & Landscape Design Standards for the Beech Road North District as adopted by the City and Chapter 1169 of the Codified Ordinances of the City of New Albany.
- 2. All lighting shall be cut-off type fixtures and down cast. Parking lot lighting shall be from a controlled source in order to minimize light spilling beyond the boundaries of the site.
- 3. The maximum height of light poles is 30 feet.
- 4. The zoning text requires lighting details to be included in the landscape plan which is subject to review and approval by the City Landscape Architect.

F. Other Considerations

1. The property owner has submitted a school impact statement which states the proposed L-GE zoning will add significant value to the land and proposes the means to provide additional value by way of improvements.

IV. ENGINEER'S COMMENTS

The City Engineer has no comments on this submittal.

IV. SUMMARY

The limitation text provides for stricter limitations in use and design than the straight General Employment zoning districts and retains or improves upon many of the requirements found in adjacent existing zoning texts. Due to the proximity of this site to Ganton Parkway, State Route 161/Beech Road interchange, and its location adjacent to other Limited General Employment (L-GE) zoned land in the existing New Albany International Business Park to the north and east, the site appears to be most appropriate for the proposed type of commercial development.

It appears that the proposed zoning text meets or exceeds a majority of the development standards found in the Engage New Albany Strategic Plan. The requirements of the zoning text consider the existing residential nature of the surrounding area and include different landscape restrictions to remain sensitive to those existing uses.

1. The large scale of the rezoning will result in a more comprehensive planned redevelopment of the area and will ensure compatibility between uses (1111.06(a)).

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

V. ACTION

Suggested Motion for ZC-58-2023:

Should the Planning Commission find that the application has sufficient basis for approval, the following motion would be appropriate (conditions may be added):

Move to approve application ZC-58-2023 based on the findings in the staff report.

Approximate Site Location:



Permit #	
Board	
Mtg. Date	



Community Development Planning Application

	Site Address 5708, 5760, 5782, 0 and a portion of 6140 Babbitt Road, New Albany, OH 43054					
	Parcel Numbers 220-000446, 220-000190, 220-000178, 220-002045, 220-002075 & a portion of 222-004864					
	Acres 78.16+/- Acres # of lots created					
	Choose Application Type		Circle a	ll Details that Apply		
Project Information	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	Preliminary Preliminary	Final Final	Comprehensive Amendment		
orn	□□Lot Changes	Combination	Split	Adjustment		
nf	□□Minor Commercial Subdivision					
it I	□□Vacation □□Variance	Easement		Street		
jec	□□Extension Request					
Pro	□XZoning	Amendment (re	zoning)	Text Modification		
	Description of Request: To rezor General Employment to L-GE, Limi	ne the subject prited General Emp	operty fror ployment.	m AG, Agricultural and L-GE, Limited		
	Property Owner's Name: MBJ Holdings LLC, c/o Aaron L. Underhill, Esq.					
	Address: 8000 Walton Parkway, Suite 260 City, State, Zip: New Albany, OH 43054					
	Phone number: 614.335.9320	43034		Fax: 614.335.9329		
200	Email: aaron@uhlawfirm.c	om		1 ax. 014.000.0020		
et	Applicant's Name: MBJ Holdings LLC, c/o Aaron L. Underhill, Esq.					
Contacts						
Ü		arkway, Suite 26		muemili, Esq.		
	City, State, Zip: New Albany, OF					
	Phone number: 614.335.9320			Fax: 614.335.9329		
	Email:aaron@uhlawfirm.com	<u>m</u>				
Signature	Signature of Owner Aaron L. Underfill, Attorney for Owner Date: 5/15/2023					
	Signature of Applicant By: Aaron L. Und	derhill, Attorney for Applicar	0-0	Date: <u>5/15/2023</u>		

ZONING DESCRIPTION OF 78.8 ACRES

Situated in the State of Ohio, County of Franklin, City of New Albany, located in Section 16, Township 2, Range 15, United States Military District, located in Quarter Township 4, Township 2, Range 16, being out of that 15 acre tract conveyed as Parcel II, that 7.7 acre tract conveyed as Parcel III, and that 39.937 acre tract conveyed as Parcel III and IV to MBJ Holdings, LLC by deed of record in Instrument Number 202303170025796, all of that 0.500 acre tract conveyed to Stephen J. Majchrowski by deed of record in Instrument Number 200302250054863, and part of that 177.497 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201808070105494 (all references refer to the records of the Recorder's Office, Licking County, Ohio) and being described as follows:

Beginning, for reference, at the centerline intersection of Babbitt Road with East Dublin Granville Road;

Thence South 03° 35' 33" West, with the centerline of said Babbitt Road, a distance of 2718.22 to a point at the northwesterly corner of said 15 acre tract, being the TRUE POINT OF BEGINNING;

Thence South 86° 23' 36" East, with the northerly line of said 15 acre tract, a distance of 1352.80 feet to a point in the westerly line of said 177.497 acre tract;

Thence with the westerly line of said 177.497 acre tract, the following courses and distances:

North 03° 37′ 39″ East, a distance of 482.81 feet to a point;

North 03° 40' 49" East, a distance of 100.00 feet to a point; and

North 86° 23' 36" West, a distance of 28.29 feet to a point;

Thence across said 177.497 acre tract, the following courses and distances:

North 03° 37′ 16″ East, a distance of 860.86 feet to a point;

South 86° 22' 44" East, a distance of 100.00 feet to a point;

South 03° 37' 16" West, a distance of 574.84 feet to a point;

South 17° 53' 41" East, a distance of 253.86 feet to a point;

South 03° 41' 11" West, a distance of 149.92 feet to a point;

South 03° 38' 01" West, a distance of 776.61 feet to a point;

South 41° 09' 57" East, a distance of 798.87 feet to a point; and

South 86° 15' 59" East, a distance of 623.14 feet to a point in the easterly line of said 177.497 acre tract, the line common to said Franklin County and Licking County.

Thence South 03° 44' 01" West, with the easterly line of said 177.497 acre tract, said County line, a distance of 400.00 feet to a point;

Thence North 86° 15' 59" West, with the southerly line of the remainder of said 177.497 acre tract, a distance of 707.42 feet to a point in the westerly line of said 39.937 acre tract;

ZONING DESCRIPTION OF 78.8 ACRES

2

Thence South 02° 00' 53" West, with the westerly line of said 39.937 acre tract, a distance of 491.90 feet to a point;

Thence North 86° 05' 24" West, with a southerly line of said 39.937 acre tract, a distance of 1227.00 feet to point;

Thence North 03° 31' 53" East, with a westerly line of said 39.937 acre tract, a distance of 354.04 feet to point;

Thence North 86° 07' 12" West, with a southerly line of said 39.937 acre tract, a distance of 780.01 feet to a point in the centerline of said Babbitt Road, being the southwesterly corner of said 39.937 acre tract;

Thence with the westerly line of said 39.937 acre tract, the following courses and distances:

North 03° 31′ 54″ East, with the centerline of said Babbitt Road, a distance of 172.46 feet to a point;

South 86° 28' 06" East, a distance of 35.00 feet to a point;

North 03° 31' 54" East, a distance of 250.00 feet to point;

North 86° 28' 06" West, a distance of 35.00 feet to a point; and

North 03° 31' 54" East, with the centerline of said Babbitt Road, a distance of 236.94 feet to point;

Thence North 03° 35' 33" East, with the centerline of said Babbitt Road, the westerly line of said 7.7 acre tract, 15 acre tract, 0.500 acre tract, a distance of 728.90 feet to the TRUE POINT OF BEGINNING, containing 78.8 acres, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

HLK: td 78_8 ac 20230403-VS-ZONE-01

BABBITT ROAD ZONING DISTRICT

Information concerning specific Code requirements for rezoning submittal by MBJ Holdings LLC

Per C.O. 1111.03(g), a statement as to how the proposed zoning amendment will impact adjacent and proximate properties.

<u>Response:</u> The Babbitt Road District consists of 78.16 +/- acres located to the east of and adjacent to Babbitt Road in New Albany, Ohio. The property is currently zoned AG, Agricultural. This rezoning would update the development standards for the property and would allow for commercial development, thus positioning the land to accommodate uses and development consistent with others in the Business Park.

Per C.O. 1111.03(i), any deed restrictions, easements, covenants and encumbrances to be imposed to control the use, development and maintenance of the area to be rezoned.

<u>Response:</u> Upon the completion of the zoning for this property and prior to selling the property to any third party, the property will be made subject to The New Albany Business Park CCRs and will become part of The New Albany Business Park Association.

Per C.O. 1159.07(b)(2)(F) The schedule of site development, construction of structures and associated facilities. Such schedule shall include the proposed use or reuse of existing features such as topography, streets, easements and natural areas.

<u>Response</u>: This rezoning will allow the property to become immediately marketable. Given demand for land with this zoning classification, it is expected to draw strong interest for development.

Per C.O. 1159.07(b)(2)(J) Verification that an application, if required, has been submitted to the Ohio Environmental Protection Agency in compliance with Section 401 of the Clean Water Act in which anyone who wishes to discharge dredged or fill material into waters of the United States must obtain a Water Quality Certification Permit from the Ohio Environmental Protection Agency. In the case of an isolated wetland either a general state or individual state isolated wetland permit must be obtained from the Ohio Environmental Protection Agency (Sections 6111.021. - 6111.024 of House Bill 231).

<u>Response:</u> The applicant is in the process of studying the Property with respect to this requirement. At the time that an application for a certificate of zoning compliance or an application for a building permit is filed with the City of New Albany, the applicant shall provide evidence of the submittal of such an application if it is necessary.

Per C.O. 1159.07(b)(2)(K) Verification that an application, if required, has been submitted to the U.S. Army Corps of Engineers, in compliance with Section 404 of the Clean Water Act in which anyone who wishes to discharge dredged or fill material into waters of the United States must obtain either a nationwide or individual permit from the U.S. Army Corps of Engineers.

<u>Response:</u> The applicant is in the process of studying the Property with respect to this requirement. At the time that an application for a certificate of zoning compliance or an application for a building permit is filed with the City of New Albany, the applicant shall provide evidence of the submittal of such an application if it is necessary.

AFFIDAVIT OF FACTS

I, Aaron L. Underhill, in my capacity as attorney for the applicant listed on the zoning application pertaining to 78.16+/- acres known as Franklin County Parcel Numbers 220-000446, 220-000190, 220-000178, 220-002045, 220-002075 and a portion of 222-004864, being first duly sworn, do hereby state and depose the following:

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

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

Further Affiant sayeth not.

Aaron L. Underhill

Attorney, Underhill & Hodge LLC

STATE OF OHIO COUNTY OF FRANKLIN SS.

The foregoing instrument was acknowledged before me on the day of May of 2023, by Aaron L. Underhill, who acknowledged the foregoing signature to be his voluntary act and deed.

Notary Public

KIMBERLY R. GRAYSON Notary Public, State of Ohio My Commission Expires 01-11-2026

My Commission Expires: |-||

1-11-2026

APPLICANT:

MBJ Holdings LLC 8000 Walton Parkway, Suite 120

New Albany, OH 43054

PROPERTY OWNER(S):

MBJ Holdings LLC 8000 Walton Parkway, Suite 120 New Albany, OH 43054 Stephen J. Majchrowski 5782 Babbitt Road New Albany, OH 43054

ATTORNEY:

Aaron L. Underhill Underhill & Hodge LLC 8000 Walton Parkway, Suite 260

New Albany, OH 43054

SURROUNDING PROPERTY OWNERS:

Juliana Diullo, Tr. or current occupant 5900 Babbitt Road New Albany, OH 43054 Alice R. Farber or current occupant 5608 Babbitt Road New Albany, OH 43054

Ronald and Cynthia Farber or current occupant 5596 Babbitt Road New Albany, OH 43054

Grace Doran 8680 Schoolhouse Place Maineville, OH 45039 Stacy Morgan or current occupant 5607 Babbitt Road New Albany, OH 43054

4522 Holdings LLC or current occupant 4522 Kitzmiller Road New Albany, OH 43054 Russell Smith or current occupant 5701 Babbitt Road New Albany, OH 43054 John Gabalski or current occupant 5711 Babbitt Road New Albany, OH 43054

Walter and Lois Doran or current occupant 7884 Morse Road New Albany, OH 43054 Douglas and Demetra Mutchler or current occupant 5853 Babbitt Road New Albany, OH 43054 Kim and Emily Doran or current occupant 5771 Babbitt Road New Albany, OH 43054

The New Albany Company LLC 8000 Walton Parkway, Suite 120 New Albany, OH 43054 AEP Ohio Transmission Company 1 Riverside Plaza Columbus, OH 43215 Joseph and Judith Sicilian or current occupant 5980 Babbitt Road New Albany, OH 43054

Greg Rybski, Tr. or current occupant 5920 Babbitt Road New Albany, OH 43054 Jon Severt or current occupant 5586 Babbitt Road New Albany, OH 43054 Harold and Jane Pearson or current occupant 5597 Babbitt Road New Albany, OH 43054

Thomas Marlow and Brittnee Doran or current occupant 6161 Babbitt Road New Albany, OH 43054 Chad Michael Jensen or current occupant 6171 Babbitt Road New Albany, OH 43054

Amgen, Inc. 2202 W. Shore Blvd., Suite 650-3A Tampa, FL 33607

Dirk and Molly Stevens or current occupant 6111 Babbitt Road New Albany, OH 43054	John and Cynthia Coleman or current occupant 6145 Babbitt Road New Albany, OH 43054	



Aaron L. Underhill 8000 Walton Parkway, Suite 260 New Albany, Ohio 43054

P: 614.335.9321 F: 614.335.9329 aaron@uhlawfirm.com

May 15, 2023

Chris Christian
City of New Albany
99 West Main Street
New Albany, Ohio 43054

RE: School Impact of Zoning of 78.16+/- acres located at 5708, 5760, 5782, 0 and a portion of 6140 Babbitt Road in New Albany, Ohio (the "Property")

Dear Chris:

This letter accompanies an application to rezone a portion of the Property from AG, Agricultural and L-GE, Limited General Employment to an L-GE, Limited General Employment designation to expand the permitted and conditional uses which are allowed to be developed and operated thereon. The property is located in the New Albany-Plain Local School District. The purpose of this letter is to analyze the impact of this zoning on this school district.

This rezoning will allow the development of commercial uses on the Property, and will not allow for residential development. In addition, three homes will be removed from the Property. Therefore, it will result in no new financial burdens on the school district and will continue to provide an opportunity for new and substantial revenue sources.

The obvious positive financial impact of developing the Property with non-residential uses eliminates the need to undertake a detailed analysis of the impact the development would have on the local school district. In general terms, the rezoning will permit the development of the Property with non-residential uses, which will provide the school with a substantial financial benefit. This zoning will add significant value to the land and will provide the means to provide additional value by way of improvements.

The applicant is pleased to bring forth this application and looks forward to working with the City. Please let me know if you have any questions.

Sincerely,

Aaron L. Underhill

Attorney for the Applicant

L. Thad 1.00

BABBITT EAST ZONING DISTRICT

LIMITATION (L-GE) TEXT

JULY 10, 2023

The Babbitt East Zoning District (hereinafter, the "Zoning District") consists of 78.16+/- acres located to the east of and adjacent to Babbitt Road, to the south of and partially adjacent to the extension of Ganton Parkway westward, and to the west of and partially adjacent to the Franklin County-Licking County boundary line. This rezoning serves to extend the same or similar zoning and development standards to property being annexed to the City as currently apply to developed and undeveloped land to its east.

- I. Zoning Designation: L-GE, Limited General Employment District
- II. <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:
 - A. Industrial product sales (See Section 1153.03(a)(1));
 - B. Industrial service (See Section 1153.03(a)(2));
 - C. Mini-warehouses (See Section 1153.03(a)(4)(c)). For purposes of clarification, this prohibition only applies to such facilities that are made available for rental to the general public;
 - D. 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;
 - E. Vehicle services (See Section 1153.03(b)(4));
 - F. Radio/television broadcast facilities (See Section 1153.03(c)(1));
 - G. Sexually-oriented businesses (See Section 1153.03(c)(3)); and
 - H. Off-premises signs (See Section 1153.03(c)(2)).

III. Lot and Setback Commitments:

A. <u>Lot Coverage</u>: There shall be a maximum lot coverage in this Zoning District of 75%.

B. Setbacks:

1. <u>Babbitt Road</u>: There shall be a minimum pavement setback of 100 feet and a minimum building setback of 200 feet from the right-of-way of Babbitt Road as measured after the required dedication of right-of-way for that street has been completed. Security fencing may encroach into the minimum building setback but in no event shall be located less than 100

feet from the Babbitt Road right-of-way.

- 2. <u>Ganton Parkway:</u> Improvements within the portion of the Zoning District extending from the planned westward extension of Ganton Parkway on the north to the northern property line of the Zoning District which runs generally perpendicular to Babbitt Road shall be limited to a paved access drive and a small security building with related parking. Any security structure and related parking shall be subject to a minimum pavement and building setback of 125 feet from the right-of-way of the Ganton Parkway extension.
- 3. <u>Perimeter Boundaries:</u> There shall be a minimum pavement and building setback of 25 feet from all perimeter boundaries for which another setback requirement is not provided in this text, except that the minimum pavement and building setback shall be 100 feet from any such perimeter boundary that is adjacent to property where residential uses are permitted.
- 4. <u>Elimination of Setbacks</u>: In the event that a parcel located within this Zoning District and an adjacent parcel located within or 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. Section 1153.04(g) of the Codified Ordinances also shall apply to this Zoning District.

IV. Architectural Standards:

- A. <u>Building Height:</u> The maximum building height for structures in this Zoning District shall be 65 feet, subject to Section 1165.03 of the Codified Ordinances.
- B. <u>Service and Loading Areas:</u> Service areas and loading areas shall be screened in accordance with the Codified Ordinances.

C. Building Design:

- 1. Building designs shall not mix architectural elements or ornamentation from different styles.
- 2. Buildings shall be required to employ a comparable use of materials on all elevations.
- 3. The number, location, spacing, and shapes of windows and door openings shall be carefully considered. Primary entrances to buildings

shall be made sufficiently prominent that they can be easily identified from a distance.

- 4. 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.
- 5. All elevations of a building that are visible from a public right-of-way shall receive similar treatment in terms of style, materials, and design so that such elevations are not of a lesser visual character than any other.
- 6. 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.
- 7. 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.
- 8. 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. Accessory structures, generators, storage tanks, trash receptacles or any other similar improvement must be located behind a building façade that does not front on a public right-of-way.

D. Building Form:

- 1. All building elevations shall be designed to be compatible with each other and to reflect a consistent design approach.
- 2. 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.

E. Materials:

- 1. 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, and contemporary materials such as, but not limited to, aluminum, metal, glass, stucco, or cementitious fiberboard (e.g., hardiplank or equivalent) shall be permitted on buildings not employing traditional styles. Architectural precast concrete panels and/or poured-in-place concrete tilt-up panels shall be permitted. The use of reflective or mirrored glass shall be prohibited.
- 2. Prefabricated metal buildings and untreated masonry block structures 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.
- 3. Generally, the quantity of materials selected for a building shall be minimized.
- 4. 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.
- 5. Additional Standards for Uses Not Governed by DGRs: 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 data centers, 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, 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 consider the following, which are intended to set a level of expectation for the quality of design:

- a. 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 considering the unique nature of the use(s) that will be found therein.
- b. 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.
- c. 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.
- d. 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.
- e. 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.
- 6. <u>Roof-Mounted Equipment:</u> Complete screening of all roof-mounted equipment shall be required on all four sides of buildings with materials that are consistent and harmonious with the building's façade and character. Such screening shall be provided in order to screen the equipment from off-site view and to buffer sound generated by such equipment.
- V. Access, Parking, Site Circulation, and Traffic Commitments:
 - A. Vehicular Access: Vehicular access shall be provided to and from this Zoning

District along Ganton Parkway. An access point along Babbitt Road shall be permitted only for use by emergency vehicles. Regular vehicular access and construction vehicles access shall not be permitted to and from Babbitt Road, except temporary vehicular access shall be permitted if access to and from Ganton Parkway is unavailable due to its repair or maintenance, as confirmed by City staff.

- B. <u>Parking and Loading:</u> Parking and loading spaces shall be provided for each use per Chapter 1167 of the Codified Ordinances of the City of New Albany.
- C. <u>Right-of-Way:</u> The developer shall dedicate property to the City as right-of-way for a distance of 30 feet as measured from the centerline of Babbitt Road. The developer shall grant easements to the City which are adjacent to the aforementioned 30-foot right-of-way, not to exceed 25 feet in width on either side, to provide for the installation and maintenance of streetscape improvements, public utility lines, and leisure paths.
- VI. <u>Buffering</u>, <u>Landscaping</u>, <u>Open Space</u>, <u>and Screening</u>: A landscaping plan shall be approved as part of the City's review of a certificate of appropriateness application for each portion of this Zoning District that is proposed for development. The following landscaping requirements shall apply to this Zoning District:
- 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. Landscaping Required Adjacent to Residential Uses: For those perimeter boundaries which abut properties containing existing residential uses or, as determined at the time that an application is filed for a building permit ("Building Permit") in this Zoning District, has a zoning classification which permits the development and operation of residential uses thereon that are not owned by the developer (any real property meeting either of the foregoing criteria to be referred to herein as "Residential Property"), a minimum six (6) foot high mound shall be installed along the property line and shall include 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 10 feet above ground level. These mounds shall be installed within the minimum pavement setback area as required by this zoning text and may encroach on the abutting property if that owner agrees with the mound's installation on his/her property. The plan for these areas must be reviewed and approved by the City's Landscape Architect. For purposes of determining which properties qualify as a Residential Property hereunder, if two properties have an intervening public street rightof-way between them, they shall still be considered abutting.

If there are existing trees within this perimeter area and the City Landscape Architect recommends preservation of them then 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,

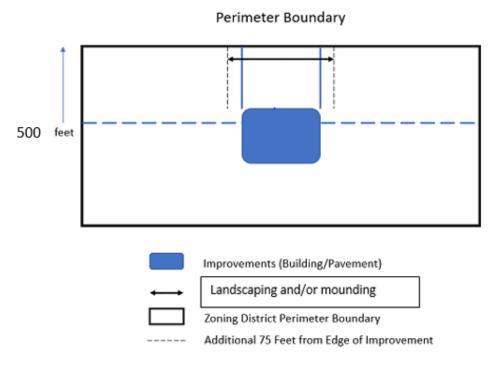
additional landscaping materials (i.e., deciduous trees, evergreens or bushes) shall be planted along those perimeter boundary areas to meet the 75% opacity requirement. The plan for these areas must be reviewed and approved by the City's Landscape Architect.

- C. <u>Fencing:</u> A standard New Albany white four-board horse fence may (but shall not be required to) be provided within the public rights-of-way of Babbitt Road and Ganton Parkway.
- D. <u>Stormwater Management:</u> Wet and dry stormwater basins shall conform to the standards set forth in Section 1171.08 of the Codified Ordinances of the City of New Albany.
- E. <u>Street Trees:</u> A street tree row shall be established along Babbitt Road and Ganton Parkway and shall contain one (1) tree for every thirty (30) feet of road frontage. Trees may be grouped or regularly spaced. Street trees shall be located within the right-of-way. Minimum street tree size at installation shall be three (3) caliper inches. This requirement may be waived in areas where existing vegetation occurs or in areas subject to overhead electric transmission lines, subject to approval of the City Landscape Architect.
- F. <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.
- G. <u>Pedestrian Circulation:</u> An 8-foot-wide asphalt leisure trail is required to be installed along the Babbitt Road frontage of the site. Buildings should be sited in relationship to each other to provide convenient pedestrian connections between each building, to parking, and to any other civic or public uses within convenient walking distances.
- H. Minimum On-Site Tree Sizes: Unless otherwise set forth herein, minimum tree size at installation shall be no less than two and one half (2 ½) inches in caliper for shade trees, six (6) feet in height for evergreen trees, two (2) inches in caliper for ornamental trees, and thirty (30) inches in height for shrubs. Caliper shall be measured six (6) inches above grade.
- I. All street trees that are not installed prior to infrastructure acceptance shall be bonded to guarantee installation.
- J. <u>Phasing of Screening:</u> In recognition of the significant amount of land area and the lengths of the perimeter boundaries contained within this Zoning District, for all portions of the Zoning District where there is required landscaping and/or mounding as contemplated in Section VI.B above, it may be installed in phases. For each phase of development in the Zoning District, such required landscaping and/or mounding shall be

installed when it is anticipated (as provided in plans associated with relevant permits) that buildings, paved parking areas, or aboveground equipment or utility infrastructure, once constructed within that phase, will be located within 500 feet of the relevant perimeter boundary line. At a minimum for each phase, this landscaping and/or mounding shall be installed along the portion of the relevant perimeter boundary line of the Zoning District between two points which are determined by extending two straight lines from the perimeter boundary line of the Zoning District to the furthest distance on each side where planned improvements are to be constructed in that phase, and then adjusting those lines so that they are an additional distance of 150 apart. The following illustration is being provided as an example of this requirement:

K. <u>Master Landscape Standards Plan:</u> Unless a landscape and signage standards plan is developed for this specific area and approved by the Planning Commission, the City of New Albany Business Campus South – Beech Road South Landscape Standards Master Plan which was previously created for the Beech Road corridor and approved by the Planning Commission on June 5, 2017 shall apply to the Babbitt Road frontage in this Zoning District. New landscaping and mounding installed within the pavement setback along Babbitt Road shall be coordinated and consistent throughout the length of the Zoning District's frontage and surrounding areas on that street.

L. <u>Babbitt Road</u>: Landscaping and mounding within the minimum required pavement setback along Babbitt Road shall be coordinated and consistent throughout this Zoning District and surrounding areas.



VII. Lighting:

A. 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. Exterior outdoor light fixtures shall be the same or substantially similar in style and color.

- B. 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.
- C. Lighting details shall be included in the landscape plan which is subject to review and approval by the City Landscape Architect.
- D. 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.
- E. No permanent colored lights or neon lights shall be used on the exterior of any building.
- F. All other lighting on the site shall be in accordance with City Code. Street lighting must meet the City standards and specifications.
 - G. Solar Panels may be incorporated and installed as appropriate.
 - H. Security lighting, when used, shall be of a "motion sensor" type.
 - I. Ground mounted lighting shall be shielded and landscaped.

VIII. <u>Signage</u>: All signage shall conform to the standards set forth in the District Framework & Landscape Design Standards for the Beech Road North District as adopted by the City and Chapter 1169 of the Codified Ordinances of the City of New Albany.

IX. Utilities: All new utilities shall be installed underground.



Planning Commission Staff Report July 17, 2023 Meeting

GANTON/BEECH NORTHWEST ZONING DISTRICT ZONING AMENDMENT

LOCATION: 11.4 +/- acres located at 435, 1043 and 1063 Beech Road SW in Licking

County (PIDs: 094-106590-00.000, 094-107748, and a portion of 094-

107106-00.001).

APPLICANT: MBJ Holdings LLC c/o Aaron L Underhill

REQUEST: Zoning Change

ZONING: Agricultural (AG) and General Employment (GE) to Infill Planned Unit

Development (I-PUD)

STRATEGIC PLAN: Mixed-Use APPLICATION: ZC-62-2023

Review based on: Application materials received on June 1, 2023 and July 10, 2023.

Staff report completed by Chelsea Nichols, Planner

I. REQUEST AND BACKGROUND

The applicant requests review for the rezoning of 11.4+/- acres. The request proposes to create a new zoning district to be known as the "Ganton/Beech Northwest Zoning District" by zoning the area to Infill Planned Unit Development (I-PUD) from Agricultural (AG) and General Employment (GE).

The proposed zoning text contains the same list of permitted, conditional, and prohibited uses as other similar zoning districts, such as Beech Crossing Zoning District, which is located generally to the north of this site and is zoned Infill Planned Unit Development (I-PUD). This rezoning serves to extend the same or similar zoning standards to this property as currently applies to Beech Crossing Zoning District. This zoning district would facilitate the development of service, retail, restaurant, and gasoline service station uses to serve employees within and visitors to the New Albany International Business Park, as well as others traveling along State Route 161.

II. SITE DESCRIPTION & USE

The overall site consists of three parcels located within Licking County. The zoning district is generally located at the northeast corner of Beech Road and Ganton Parkway. The neighboring uses and zoning districts include L-GE. The site is currently undeveloped.

III. PLAN REVIEW

Planning Commission's review authority of the zoning amendment application is found under C.O. Chapters 1107.02 and 1159.10. 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>.

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

- (a) Adjacent land use.
- (b) The relationship of topography to the use intended or to its implications.

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

A. Engage New Albany Strategic Plan

The 2020 Engage New Albany strategic plan designates the area as the Mixed-Use future land use category. The strategic plan lists the following development standards for the Employment Center land use category:

- 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 landscaping in an appealing manner.
- 8. Any periphery security should integrate with the 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. Use, Site and Layout

- 1. The proposed text permits uses set forth in the C-3, Highway Business District. Permitted uses include a mix of administrative, business and professional offices uses and retail stores and personal service uses. In addition, gasoline and diesel fueling stations with convenience stores and other accessory uses, vehicle charging stations, and restaurants or banks with drive-throughs.
- 2. In addition, the following uses shall be prohibited:
 - a. Self-service laundries
 - b. Funeral services
 - c. Automobile sales
 - d. Motor vehicle sales and service (combined) establishments
 - e. Commercial recreational facilities
 - f. Carry out food and beverage establishments with drive-thru facilities. To clarify, this prohibited use is intended to include uses such as drive-thru and carry-out beer and wine sales and is not intended to apply to restaurants with drive-throughs.
- 3. In this zoning district, the term "gasoline service station" shall include, but not be limited to, service stations selling gasoline, diesel, and/or any other fuel for trucks and/or passenger vehicles, and/or offering charging stations for electric vehicles." Special provisions outlined in the zoning text for gasoline and diesel service stations include:
 - a. Sections 1165.08(a) through (d) of the Codified Ordinances shall not apply.
 - b. Such uses shall be permitted to serve the commercial trucking industry in addition to regular (non-truck) motorists, but the overnight parking of trucks shall be prohibited.
 - c. Showers and bathing facilities serving truck drivers or others shall be prohibited.
 - d. No lodging shall be permitted as part of the use.
- 4. Due to the proximity of this site to the State Route 161 interchange and its location adjacent to commercially zoned land in the existing Licking County business park to the north, the site appears to be appropriate for retail and commercial development.

- 5. The proposed L-GE text requires the following setbacks:
 - a. Beech Road and Ganton Parkway: There shall be a minimum pavement setback and minimum building setback of 50 feet from the right-of-way of the Beech Road and Ganton Parkway.
 - b. Eastern and Northern perimeter boundaries: There shall be a minimum pavement setback and a minimum building setback of 25 feet from each of the eastern and northern perimeter boundaries of this Zoning District.
 - c. Internal parcel lines: There shall be a zero-setback requirement for pavement and a minimum building setback of 10 feet from internal parcel lines within this zoning district.
 - d. Canopies: Canopies over fuel pumps as part of a gasoline service station use may encroach into minimum building setback.

C. Access, Loading, Parking

- 1. One vehicular access point shall be permitted along Beech Road with full turn movements. An additional vehicular access point on Beech Road and/or a vehicular access point on Ganton Parkway shall be permitted only if supported by a traffic impact study approved by the city engineer. Final locations of the proposed access points will be reviewed for approval as part of the first final development plan that is filed for this zoning district.
- 2. Internally within the Zoning District, private roadways and/or drives shall be utilized to provide vehicular circulation, with locations and specifications for the same to be reviewed and approved as part of one or more final development plans.
- 3. In conjunction with the filing of the first final development plan for this Zoning District, a traffic study shall be filed by the applicant unless the city engineer requires less than a full study as determined prior to the filing of the final development plan application.
- 4. Parking will be provided per the city's parking code requirements (Chapter 1167).
- 5. An 8-foot-wide leisure trail exists along both Beech Road and Ganton Parkway. No additional leisure trails are required to be constructed. A 5-foot wide concrete sidewalk shall be provided on both sides of all roadways internal to the zoning district.
- 6. The text also requires an internal pedestrian circulation system be created within the zoning district. Every development shall be required to connect into the internal pedestrian circulation system either by direct connection to a leisure trail or sidewalk, subject to review and approval at the time of a Final Development Plan application. The zoning text requires that a 5-foot wide sidewalk must be installed along the full length of the building along any façade featuring a customer entrance along any façade abutting public parking areas. Such walkways may be omitted to accommodate drive-through lanes, where necessary or desirable to reduce or eliminate conflict between pedestrian and vehicular traffic, as approved as part of a final development plan.
- 7. Each parcel within this Zoning District shall have frontage on a public street, provided, however, that a parcel shall not be required to have vehicular access to and from the public street on which it fronts directly on its site if that parcel has the right to vehicular and utilities access to and from Beech Road and/or Ganton Parkway by and through one or more recorded instruments providing perpetual easements in favor of the parcel for these purposes.
- 8. No additional right-of-way dedications for Ganton Parkway shall be required. Additional right-of-way shall be dedicated to the city along Beech Road to match the width of right-of-way for that street which exists to the north of the zoning district. The actual amount and width of right-of-way to be dedicated to the city along Beech Road shall be reviewed for approval as part of a final development plan.

D. Architectural Standards

1. The proposed architectural standards are consistent with existing I-PUD districts that permit retail and commercial, such as Beech Crossing.

- 2. The proposed rezoning implements many of the same standards and limitations set forth in the New Albany Architectural Design Guidelines and Requirements and neighboring commercial zoning districts.
- 3. The zoning text section E.2. permits buildings to be a minimum of one (1) story and a maximum of two (2) stories, except that hotels and office buildings may exceed two stories and are permitted to be a maximum of 65 feet in height. Architectural elements such as parapets, cupolas, mechanical screening or similar features may exceed these maximum building heights.
- 4. Section E.3. permits exterior materials such as Hardi Plank or its equivalent, brick, stone, cultured stone, metal, EIFS and composite material (except vinyl). Exterior wall finish materials must be used to complete massing elements.
- 5. Section E.7. 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. Maximum lot coverage for this subarea is 80%, which is the same requirement as existing I-PUD districts that permit retail and commercial, such as Beech Crossing.
- 2. Standard tree preservation practices will be in place to preserve and protect trees that are to remain on site during all phases of construction, including the installation of snow fencing at the drip line.
- 3. Within the minimum required pavement setback along Beech Road and Ganton Road, landscaping shall be coordinated and consistent throughout. The following also shall be provided:
 - a. A four-board white horse fence shall be required along the street frontages. The final location will be determined as part of a final development plan.
 - b. A landscaped area shall be required behind the fence and within the required pavement setbacks. This buffer shall consist of deciduous shade trees planted at a rate equal to six (6) trees or more for every 100 lineal feet of street frontage. Such trees may be equally spaced or randomly grouped and shall be of species which are native to Central Ohio. No single species shall be used for more than one-third of the trees required by this paragraph. Minimum sizes for trees required to be planted pursuant to this paragraph shall be two (2) or three (3) caliper inches, provided that no more than 50% of these trees shall be two (2) inches in caliper.
 - c. A landscape buffer to screen parking areas shall be located within the pavement setback along all public rights-of-way. This buffer may contain landscape material, mounding, or a combination of both and shall have a minimum height of 3.5 feet at installation and a minimum opacity of 75% within 3 years of installation.
- 4. Street trees already exist along Beech Road and Ganton Parkway. No additional street tree plantings shall be required. Street trees that interfere with approved vehicular access points may be removed and relocated in coordination with the city arborist. A street tree row shall be established along private roads and shall contain one (1) tree for every thirty (30) feet of street frontage.
- 5. 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 tree areas). Parking lots shall be designed to accommodate parking lot islands with tree(s) at the end of parking aisles. Parking areas should be designed to foster pedestrian connectivity by accommodating the required pedestrian connections/walkways and provide landscaping to enhance visual aspects of the development. Particular attention shall be given to quantity or plan material and size of parking lot landscape islands closest to buildings.

E. Lighting & Signage

1. No signage is proposed at this time. Signage for all uses in this Zoning District shall comply with relevant provisions of the Codified Ordinances unless a master signage plan that

provides alterative standards is provided for review and approval by the Planning Commission as part of a final development plan. In the event of a conflict between an approved master sign plan and the relevant provision of the Codified Ordinances, the approved master sign plan shall govern. One wall mounted sign per tenant shall be permitted on each elevation of the building that fronts or sides on a public or private road, but parking lot drive aisles shall not be construed as a private road. Retail tenants are permitted one sandwich board sign, not to exceed six (6) square feet in area, per side. The signs may be placed on the sidewalk in front of the appropriate tenant space, but may not be sited in a location that interferes with vehicular sight distance.

- 2. 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.
- 3. 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. All parking lot light poles shall be black or New Albany green and constructed of metal. Light poles shall not exceed thirty (30) feet in height.
- 4. Landscape uplighting from a concealed source shall not be permitted.
- 5. No permanent colored lights or neon lights shall be used on the exterior of any building.
- 6. All new electrical utilities that are installed in this Zoning District shall be located underground.
- 7. All other lighting on the site shall be in accordance with City Code. Street lighting must meet the City Standards and Specifications.

IV. ENGINEER'S COMMENTS

The City Engineer, E.P. Ferris reviewed the proposed rezoning application and provided the following comments. <u>Staff recommends a condition of approval that the comments of the city engineer are addressed and incorporated into the zoning text as appropriate, subject to staff approval.</u>

- Exhibit A (see attached) is excerpted from the Beech Road construction plans. This
 roadway was built in 2018. If not already provided, we recommend that the applicant
 dedicate at least 50' of r/w from the Beech Road centerline to stay consistent with what
 has previously been provided in this area with final amount determined at FDP as
 required by the text.
- 2) We recommend that the Traffic Study provided analyzes trip generation, intersection capacity analysis and turn lane requirements. The study area should extend from the SR 161 Ramps located north of Worthington Road to the proposed signalized intersection located south of Ganton Parkway at the Beech Road Fulfillment Center (CMH-7). Staff will provide recommendations regarding site access once study results are made available.
- 3) Staff will review OEPA and ACOE permitting requirements after the applicant has completed an environmental assessment.

V. SUMMARY

This zoning district would facilitate the development of service, retail, restaurant, and gasoline service station uses to serve employees within, and visitors to, the New Albany International Business Park, as well as others traveling along State Route 161. The proposed zoning text contains the same list of permitted, conditional, and prohibited uses as other similar zoning districts, such as Beech Crossing Zoning District, which is located generally to the north of this site. The proposed text is appropriate given the type of retail and commercial mixture of uses that are envisioned for this area in the 2020 Engage New Albany Strategic Plan.

V. ACTION

Suggested Motion for ZC-62-2023:

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

Move to approve application $\mathbb{Z}C$ -62-2023, based on the findings in the staff report, with the following condition:

1. The comments of the city engineer shall be addressed and incorporated into the zoning text as appropriate, subject to staff approval.

Approximate site Location:



Source: ArcMap

City of New Albany

99 West Main Street New Albany, Ohio 43054



401.60-148 July 5, 2023

To: Chelsea Nichols

Planner

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

By: Jay M. Herskowitz, P.E., BCEE

Re: Ganton/Beech NE Zoning District

We have the following review comments regarding this rezoning application:

- 1) Exhibit A (see attached) is excerpted from the Beech Road construction plans. This roadway was built in 2018. If not already provided, we recommend that the applicant dedicate at least 50' of r/w from the Beech Road centerline to stay consistent with what has previously been provided in this area.
- 2) We recommend that a Traffic Study be provided that analyzes trip generation, intersection capacity analysis and turn lane requirements. The study area should extend from the SR 161 Ramps located north of Worthington Road to the proposed signalized intersection located south of Ganton Parkway at the Beech Road Fulfillment Center (CMH-7). Staff will provide recommendations regarding site access once study results are made available.
- 3) Staff will review OEPA and ACOE permitting requirements after the applicant has completed an environmental assessment.

MEF/JH

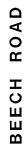
(attachments)

CC: Cara Denny, Engineering Manager

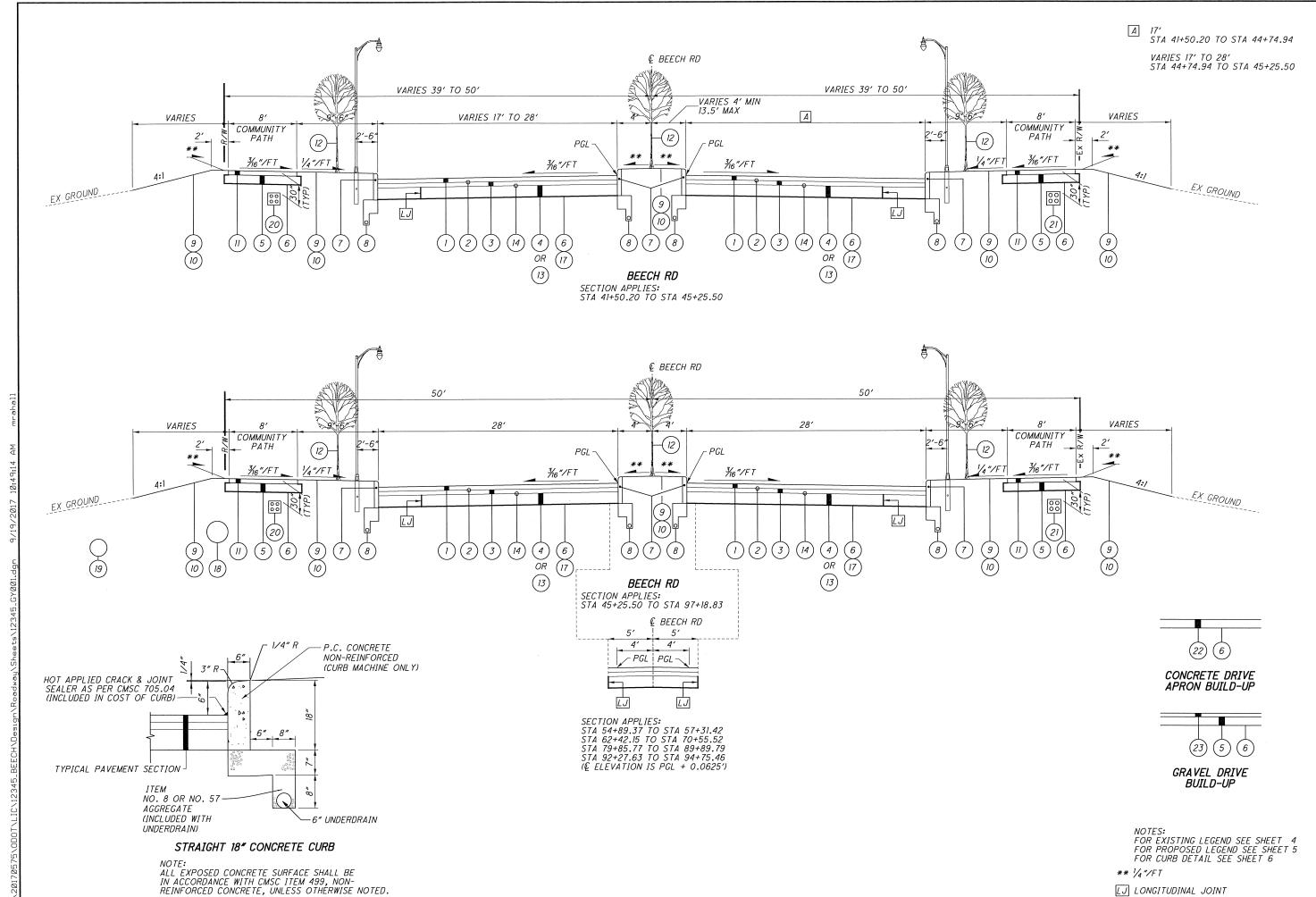












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Permit #	
Board	
Mtg. Date	

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JUN	01 20	023	

Community Development Planning Application

	Site Address 435, 1043 and 1063 Beech Road SW, New Albany, OH 43054				
	Parcel Numbers 094-106590-00.000, 094-	-107748-00.000 and	a portion of 0	94-107106-00.001	11
	Acres 11.4 +/- Acres	# of lots cre	ated		
Project Information	Choose Application Type Appeal Certificate of Appropriateness Conditional Use Development Plan Plat Lot Changes Minor Commercial Subdivision Vacation Variance Extension Request	Preliminary Preliminary Combination Easement	Circle al Final Final Split	Comprehensive Adjustment Street	Amendment
Pro	□XZoning	Amendment (re:	zoning)	Text Modification	
	Description of Request: To rezon Employment Districts to I-PUD, Infill preliminary development plan. Property Owner's Name: MBJ Ho	Planned Develo	ppment and	d approve an associ	d GE, General ated
	Address: 8000 Walton Parkway				
S.	City, State, Zip: Phone number: Email: New Albany, OH 614.335.9320 aaron@uhlawfirm.cc			Fax: 614.335.	9329
Contacts				nderhill Fax: <u>614.335.</u>	9329
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. By: Aaropt Underhill Autorney for Applicant Date: 5/31/2023				

AFFIDAVIT OF FACTS

I, Aaron L. Underhill, in my capacity as attorney for the applicant listed on the zoning application pertaining to 11.4+/- acres known as Licking County Parcel Numbers 094-106590-00.000, 094-107748-00.000 and a portion of 094-107106-00.00, being first duly sworn, do hereby state and depose the following:

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

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

Further Affiant sayeth not.

Aaron L. Underhill

Attorney, Underhill & Hodge LLC

STATE OF OHIO COUNTY OF FRANKLIN SS.

The foregoing instrument was acknowledged before me on the 3 day of 2023, by Aaron L. Underhill, who acknowledged the foregoing signature to be his voluntary act and deed.

A RIAL S

KIMBERLY R. GRAYSON Notary Public, State of Ohio My Commission Expires 01-11-2026 Notary Public

My Commission Expires:

APPLICANT:	MBJ Holdings LLC 8000 Walton Parkway, Suite 120 New Albany, OH 43054	
PROPERTY OWNER:	MBJ Holdings LLC 8000 Walton Parkway, Suite 120 New Albany, OH 43054	
ATTORNEY:	Aaron L. Underhill Underhill & Hodge LLC 8000 Walton Parkway, Suite 260 New Albany, OH 43054	
SURROUNDING PROPERTY OWNERS:	Sidecat LLC 1601 Willow Park Road Menlo Park, CA 94025	PJP Holdings LLC 9005 Smiths Mill Road New Albany, OH 43054
Amgen, Inc. 2202 West Shore Blvd., Suite 650-3A Tampa, FL 33607		



Aaron L. Underhill 8000 Walton Parkway, Suite 260 New Albany, Ohio 43054

P: 614.335.9321 F: 614.335.9329 aaron@uhlawfirm.com

May 31, 2023

Chris Christian City of New Albany 99 West Main Street New Albany, Ohio 43054

RE: School Impact of Zoning of 11.4+/- acres located to the south of Worthington Road, to the east of and adjacent to Beech Road SW and to the north of Ganton Parkway in New Albany, Ohio (the "Property")

Dear Chris:

This letter accompanies an application to rezone a portion of the Property from AG, Agricultural and a portion of the property from GE, General Employment designations to a new I-PUD designation to expand the permitted and conditional uses which are allowed to be developed and operated thereon. The property is located in the Licking Heights Local School District. The purpose of this letter is to analyze the impact of this zoning on this school district.

This rezoning will maintain and expand the commercial uses that are currently permitted on the Property, and will not allow for residential development. Therefore, it will result in no new financial burdens on the school district and will continue to provide an opportunity for new revenue sources.

The obvious positive financial impact of developing the Property with non-residential uses eliminates the need to undertake a detailed analysis of the impact the development would have on the local school district. In general terms, the rezoning will permit the development of the Property with non-residential uses, which will provide the school with a substantial financial benefit. This zoning will add significant value to the land and will provide the means to provide additional value by way of improvements.

The applicant is pleased to bring forth this application and looks forward to working with the City. Please let me know if you have any questions.

Sincerely,

Aaron L. Underhill

Attorney for the Applicant

L. Thude 1.00

GANTON/BEECH NORTHEAST ZONING DISTRICT

Information concerning specific Code requirements for rezoning submittal by MBJ Holdings LLC

Per C.O. 1111.03(g), a statement as to how the proposed zoning amendment will impact adjacent and proximate properties.

Response: The Ganton/Beech Northeast District consists of 11.4 +/- acres located to the south of Worthington Road, to the east of and adjacent to Beech Road SW and to the north of and adjacent to Ganton Parkway. A portion of the property is zoned AG, Agricultural and a portion is zoned L-GE, Limited General Employment. This rezoning would update the development standards for the property and would allow for commercial development, thus positioning the land to accommodate uses that will provide service, restaurant and retail uses for employees and visitors in the Business Park and to the traveling public.

Per C.O. 1111.03(i), any deed restrictions, easements, covenants and encumbrances to be imposed to control the use, development and maintenance of the area to be rezoned.

<u>Response:</u> Upon the completion of the zoning for this property and prior to selling the property to any third party, the property will be made subject to The New Albany Business Park CCRs and will become part of The New Albany Business Park Association.

Per C.O. 1159.07(b)(2)(F) The schedule of site development, construction of structures and associated facilities. Such schedule shall include the proposed use or reuse of existing features such as topography, streets, easements and natural areas.

<u>Response:</u> Development of the site will allow the property to become immediately marketable. With high demand in the market for these proposed uses, development is expected to commence in the near term.

Per C.O. 1159.07(b)(2)(J) Verification that an application, if required, has been submitted to the Ohio Environmental Protection Agency in compliance with Section 401 of the Clean Water Act in which anyone who wishes to discharge dredged or fill material into waters of the United States must obtain a Water Quality Certification Permit from the Ohio Environmental Protection Agency. In the case of an isolated wetland either a general state or individual state isolated wetland permit must be obtained from the Ohio Environmental Protection Agency (Sections 6111.021. - 6111.024 of House Bill 231).

<u>Response:</u> The applicant is in the process of studying the Property with respect to this requirement. At the time that an application for a certificate of zoning compliance or an application for a building permit is filed with the City of New Albany, the applicant shall provide evidence of the submittal of such an application if it is necessary.

Per C.O. 1159.07(b)(2)(K) Verification that an application, if required, has been submitted to the U.S. Army Corps of Engineers, in compliance with Section 404 of the Clean Water Act in which anyone who wishes to discharge dredged or fill material into waters of the United States must obtain either a nationwide or individual permit from the U.S. Army Corps of Engineers.

<u>Response:</u> The applicant is in the process of studying the Property with respect to this requirement. At the time that an application for a certificate of zoning compliance or an application for a building permit is filed with the City of New Albany, the applicant shall provide evidence of the submittal of such an application if it is necessary.

SUB AREA 18A 11.4 ACRES

Situated in the State of Ohio, County of Licking, City of New Albany, located in Section 16, Quarter Township 3, Township 2, Range 15, United States Military District, being all of that 5.123 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202010270028724, the remainder of that 1.555 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202009280025352, and part of that 22.10 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 200002110004512, (all references refer to the records of the Recorder's Office, Licking County, Ohio) being described as follows:

BEGINNING in the easterly right-of-way line of Beech Road NW, at the northwesterly corner of said 5.123 acre tract, the southwesterly corner of the remainder of that 7.838 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 200107180025705, the southeasterly corner of that 2.128 acre tract conveyed as Parcel No. 7-WDV2 to Board of Commissioners of Licking County, Ohio by deed of record in Instrument Number 200510280034302, and the northeasterly corner of that 0.853 acre tract conveyed as Parcel 30-WDV to Licking County by deed of record in Instrument Number 200511150036423;

Thence South 86° 28' 10" East, with the northerly line of said 5.123 acre tract, a distance of 382.77 feet to a point at the northeasterly corner of said 5.123 acre tract, in a westerly line of said 22.10 acre tract;

Thence South 03° 06' 50" West, with the easterly line of said 5.123 acre tract, a distance of 467.40 feet to a point;

Thence North 79° 39' 43" East, across said 22.10 acre tract, a distance of 29.36 feet to a point;

Thence South 04° 09' 37" West, across said 22.10 acre tract and with an easterly line of said 22.10 acre tract, a distance of 711.75 feet to a point in the northerly right-of-way line of Ganton Parkway (78'), as dedicated in Instrument Number 201711200025490;

Thence North 86° 43' 42" West, with the southerly line of said 22.10 acre tract, a distance of 428.77 feet to a point in the easterly right-of-way line of said Beech Road NW;

Thence with said easterly right-of-way line, the westerly line of the remainder of said 22.10 acre tract, the following courses and distances:

North 41° 32' 45" West, a distance of 37.96 feet to a point;

North 03° 08' 02" East, a distance of 121.91 feet to a point;

South 86° 53' 38" East, a distance of 4.72 feet to a point; and

North 14° 18' 49" East, a distance of 154.35 feet to a point;

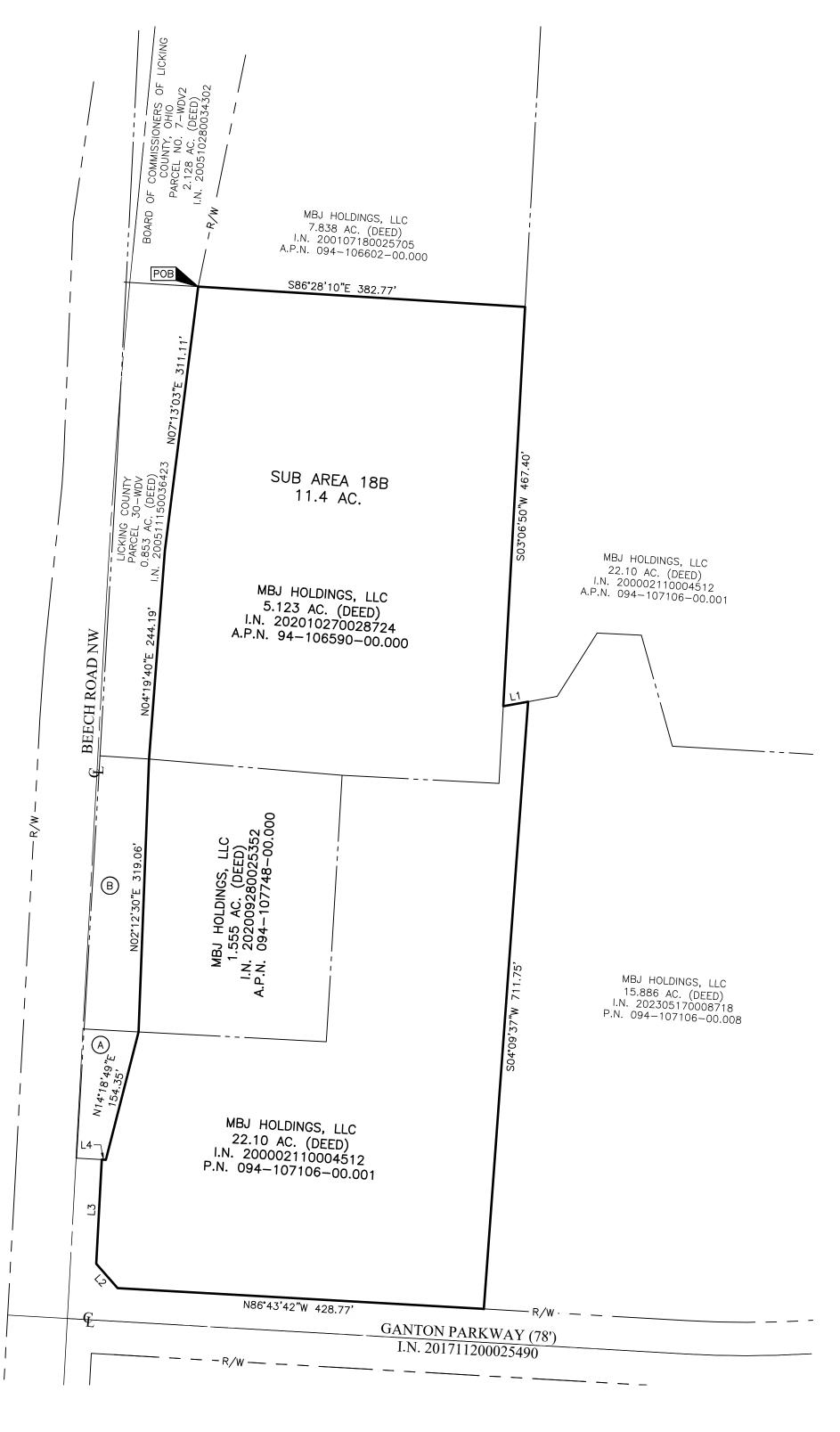
Thence North 02° 12' 30" East, with said easterly right-of-way line, the westerly line of the remainder of said 1.555 acre tract, a distance of 319.06 feet to a point;

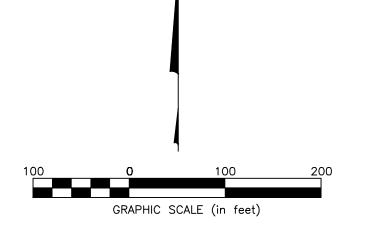
Thence North 04° 19' 40" East, with said easterly right-of-way line, the westerly line of said 5.123 acre tract, a distance of 244.19 feet to a point;

Thence North 07° 13' 03" East, with said easterly right-of-way line, the westerly line of said 5.123 acre tract, a distance of 311.11 feet to the POINT OF BEGINNING, containing 11.4 acres, more or less

EVANS, MECHWART, HAMBELTON & TILTON, INC.

ZONING EXHIBIT
SECTION 16, QUARTER TOWNSHIP 3, TOWNSHIP 2, RANGE 15
UNITED STATES MILITARY DISTRICT CITY OF NEW ALBANY, COUNTY OF LICKING, STATE OF OHIO





LINE TABLE		
LINE	BEARING	DISTANCE
L1	N79°39'43"E	29.36'
L2	N41°32'45"W	37.96'
L3	N03°08'02"E	121.91'
L4	S86°53'38"E	4.72'

BOARD OF COMMISSIONERS OF LICKING COUNTY, OHIO PARCEL NO. 7-WDV1 0.169 AC. (DEED) I.N. 200510280034302

BOARD OF LICKING COUNTY COMMISSIONERS PARCEL NO. 29-WDV 0.445 AC. (DEED) I.N. 200712120031620

Evans, Mechwart, Hambleton & Tilton, Inc. Engineers • Surveyors • Planners • Scientists 5500 New Albany Road, Columbus, OH 43054 Phone: 614.775.4500 Toll Free: 888.775.3648 emht.com			Date: March 29, 2023
			Scale: 1" = 100'
		• Planners • Scientists d, Columbus, OH 43054	Job No: 2023-0023
			Sheet: 1 of 1
		RE	EVISIONS
MARK	DATE	DESCRIPTION	

GANTON/BEECH NORTHEAST ZONING DISTRICT

INFILL PLANNED UNIT DEVELOPMENT (I-PUD) TEXT

July 5, 2023

- I. <u>INTRODUCTION:</u> The Ganton/Beech Northeast Zoning District (hereinafter, the "<u>Zoning District</u>") includes real property located to the northeast of and adjacent to the intersection of Ganton Parkway and Beech Road. It encompasses 11.4+/- acres which, prior to the approval of this text, is zoned in the L-GE, Limited General Employment District and the AG, Agricultural District under the City's Codified Ordinances. The purpose of this rezoning is to create a new I-PUD, Infill Planned Unit Development (I-PUD) District to facilitate the development of service, retail, restaurant, and gasoline service station uses to serve employees within and visitors to the New Albany International Business Park as well as others traveling along the State Route 161 corridor.
- II. <u>DEVELOPMENT STANDARDS:</u> Unless otherwise specified in the submitted drawings or in this written text, the development standards of Part Eleven of the Codified Ordinances of the City of New Albany shall apply to this Zoning District. Where there is a conflict between the provisions in this text and the Codified Ordinances, the provisions in this text shall govern. Basic development standards are compiled regarding matters such as but not limited to site layouts, traffic, circulation, landscaping, and architecture. These component standards ensure consistency and quality throughout the development.

A. Permitted Uses:

- 1. <u>C-3 Uses</u>: Permitted uses shall include those set forth in the Codified Ordinances of the City of New Albany, C-3, Highway Business District, Section 1149.02. In addition, gasoline and diesel fueling stations with convenience stores and other accessory uses, vehicle charging stations, and restaurants or banks with drive-throughs shall be permitted uses. The conditional uses listed in Section 1149.03 of the Codified Ordinances shall not be permitted uses or conditional uses in this Zoning District. In addition, the following uses shall be prohibited:
 - a. Self-service laundries
 - b. Funeral services
 - c. Automobile sales
 - d. Motor vehicle sales and service (combined) establishments
 - e. Commercial recreational facilities
 - f. Carry out food and beverage establishments with drive-thru facilities. To clarify, this prohibited use is intended to include uses such as

drive-thru and carry-out beer and wine sales and is not intended to apply to restaurants with drive-thrus.

- 2. <u>Special Provisions for Gasoline and Diesel Service Stations</u>: In this Zoning District, the term "gasoline service station" shall include, but not be limited to, service stations selling gasoline, diesel, and/or any other fuel for trucks and/or passenger vehicles, and/or offering charging stations for electric vehicles." This definition is intended to clarify and, if applicable, expand the meaning of the same term as defined in the Codified Ordinances, and shall not in any way restrict or limit that definition. With regard to gasoline service stations in this Zoning District:
 - a. Sections 1165.08(a) through (d) of the Codified Ordinances shall not apply.
 - b. Such uses shall be permitted to serve the commercial trucking industry in addition to regular (non-truck) motorists, but the overnight parking of trucks shall be prohibited.
 - c. Showers and bathing facilities serving truck drivers or others shall be prohibited.
 - d. No lodging shall be permitted as part of the use.

B. Vehicular Access:

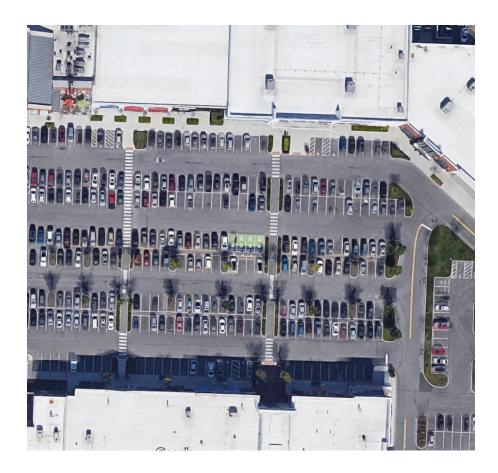
- 1. <u>Access Points</u>: One vehicular access point shall be permitted along Beech Road with full turn movements. An additional vehicular access point on Beech Road and/or a vehicular access point on Ganton Parkway shall be permitted only if supported by a traffic impact study approved by the City Engineer as contemplated in Section II.B.3 below. Final locations of proposed access points will be reviewed for approval as part of the first final development plan that is filed for this Zoning District.
- 2. <u>Internal Circulation</u>: Internally within the Zoning District, private roadways and/or drives shall be utilized to provide vehicular circulation, with locations and specifications for the same to be reviewed and approved as part of one or more final development plans. If more than one use/user or property owner is expected to be located or to own property within this Zoning District, then one or more declarations of reciprocal easements or reciprocal easement agreements shall be recorded against the real property within this Zoning District prior to the issuance of the first building permit in the Zoning District to provide for perpetual vehicular and pedestrian cross access easements, cross utility easements, and other easements which are necessary or desirable for efficient development. Maintenance of private drives and sidewalks internal to this Zoning District shall be the responsibility of the owners of property within this Zoning District. A copy of the relevant recorded instrument(s) as contemplated by this paragraph shall be

submitted to the City along with the first application for a building permit in this Zoning District.

- 3. <u>Traffic Analysis</u>: In conjunction with the filing of the first final development plan for this Zoning District, a traffic study shall be filed by the applicant unless the City Engineer requires less than a full study as determined prior to the filing of the final development plan application. The study or analysis which is approved along with that application shall apply to other developments within the Zoning District unless otherwise modified as part of a subsequent approved study or analysis as part of another approved final development plan. A memorandum of understanding detailing the scope of all required traffic studies/analyses shall be agreed upon by the City Engineer and the applicant prior to the filing of a final development plan application.
- 4. <u>Rights-of-Way</u>: No additional right-of-way dedication for Ganton Parkway shall be required. Additional right-of-way shall be dedicated to the City along Beech Road to match the width of right-of-way for that street which exists to the north of the Zoning District. The actual amount and width of right-of-way to be dedicated to the City along Beech Road shall be reviewed for approval as part of a final development plan.

C. <u>Pedestrian Access:</u>

- 1. <u>Leisure Trail:</u> An 8-foot wide leisure trail exists along both Beech Road and Ganton Parkway. No additional leisure trails are required to be constructed.
- 2. <u>Sidewalks</u>: A 5-foot wide concrete sidewalk shall be provided on both sides of all roadways internal to the zoning district.
- 3. <u>Internal Circulation</u>: An internal pedestrian circulation system of walkways shall be created so that a pedestrian using a sidewalk or leisure trail as described above can access 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. One example of a possible design that meets these requirements is depicted below, but other designs may be provided as determined on a development-by-development basis.



- 4. <u>Connections</u>: Every development shall be required to connect into the internal pedestrian circulation system either by direct connection to a leisure trail or sidewalk, subject to review and approval at the time of a Final Development Plan application.
- 5. <u>Along Buildings</u>: Walkways, no less than five (5) feet in width, shall be provided along the full length of the building along any façade featuring a customer entrance and along any façade abutting public parking areas. Such walkways may be omitted to accommodate drive-through lanes, where necessary or desirable to reduce or eliminate conflict between pedestrian and vehicular traffic, as approved as part of a final development plan.

D. <u>Setbacks; Lot Coverage:</u>

- 1. <u>Beech Road:</u> There shall be a minimum pavement setback and a minimum building setback of 50 feet from the Beech Road right-of-way.
- 2. <u>Ganton Parkway</u>: There shall be a minimum pavement setback and a minimum building setback of 50 feet from the right-of-way of Ganton Parkway.

- 3. <u>Eastern and Northern Perimeter Boundaries</u>: There shall be a minimum pavement setback and a minimum building setback of 25 feet from each of the eastern and northern perimeter boundaries of this Zoning District.
- 4. <u>Internal Parcel Lines</u>: There shall be a zero-setback requirement for pavement and a minimum building setback of 10 feet from internal parcel lines within this Zoning District.
- 5. <u>Canopies:</u> Canopies over fuel pumps as part of a gasoline service station use may encroach into minimum building setbacks.
- 6. <u>Lot Coverage</u>: There shall be a maximum lot coverage of 80% in this Zoning District, measured on a parcel-by-parcel basis.
- 7. <u>Public Street Frontage</u>: Each parcel within this Zoning District shall have frontage on a public street, provided, however, that a parcel shall not be required to have vehicular access to and from the public street on which it fronts directly on its site if that parcel has the right to vehicular and utilities access to and from Beech Road and/or Ganton Parkway by and through one or more recorded instruments providing perpetual easements in favor of the parcel for these purposes.
- **E.** <u>Architectural Standards</u>: Architectural requirements for buildings in this Zoning District will differ based upon the types and/or locations of intended uses for each building. Requirements for each building type are set forth below. The requirements of the City's Design Guidelines and Requirements ("<u>DGRs</u>") shall apply when a particular standard is not addressed in this text, unless a deviation from the DGRs are approved as part of a final development plan.
 - 1. <u>Style</u>: Buildings shall be designed with a comparable level of detail on all sides.
 - 2. <u>Height</u>: Buildings shall be a minimum of one (1) story and a maximum of two (2) stories, except that hotels and office buildings may exceed two stories and are permitted to be a maximum of 65 feet in height. Architectural elements such as parapets, cupolas, mechanical screening or similar features may exceed these maximum building heights.

3. <u>Materials</u>:

a. Cementitious products such as Hardi Plank or its equivalent, brick, stone, cultured stone, metal, EIFS and composite material (except vinyl) shall be used as exterior wall finish materials where appropriate. Exterior wall finish materials must be used to complete massing elements. The application of brick veneer to a single building façade shall be prohibited. Alternative building materials may be used subject to Architectural Review District approval (Chapter

- 1157), provided, however, that when Chapter 1157 requires review and action by the Architectural Review Board, said review and action instead shall be undertaken by the Planning Commission. Exterior wall finish materials must be used to complete massing elements.
- b. Prefabricated metal buildings, untreated masonry block structures, and buildings featuring poured concrete exterior walls are prohibited.
- c. Generally, the quantity of materials selected for a building shall be minimized.
- d. Loading docks are not required to have the same degree of finish as a main entry unless they are visible from an adjacent public street right-of-way.
- e. The same palette of exterior finishes and color shall be used on all sides of each building.
- 4. <u>Roof</u>: General roof massing shall incorporate pitched roofs. Flat roofs shall be permitted, but must integrate strong cornice lines. Acceptable roof materials include natural and synthetic slate, cedar shake, dimensional asphalt shingle, and standing seam metal. Roof elements shall be incorporated that emphasize and reduce the building scale at the building storefront such as, but not limited to, dormers, cupolas, roof spires, and hip and gable roofs.
 - a. <u>Gutters and Downspouts</u>: Sloped roofs shall be required to employ gutters and downspouts for drainage.
 - b. <u>Gutter Specifications</u>: Gutters shall be of a metal type and shall be painted to match fascias.
 - i. <u>Scuppers</u>: Scuppers may be used on the rear of a building with a parapet in lieu of interior drains. Scupper boxes on the rear of a building shall be painted to blend in with the exterior color or shall be of a manufactured metal of a color which complements the finished material to which it is affixed. Throughwall scuppers may be permitted where parapet walls are used. Overflow drains may be an open scupper through a parapet. An open scupper shall be detailed to minimize its appearance on the building elevation.
- 5. <u>Exterior Doors</u>: All exterior doors other than doors whose primary purpose is for the entry or exit of customers shall be made of a heavy gauge metal. Such doors shall be painted with a color that blends with the color of the exterior masonry on the elevation on which the door is located.

- 6. <u>Service and Loading Areas</u>: Service and loading areas shall be screened in accordance with the Codified Ordinances.
- 7. <u>Mechanical Equipment</u>: The following standards shall be required and shall be scaled according to the size of the individual tenant. These features may be scaled to a group of smaller side-by-side tenants when architecturally appropriate:
 - a. Complete screening of all roof-mounted equipment shall be required on all four sides of buildings with materials that are consistent and harmonious with the building's façade and character, but is not required to be the same material as the building's facade. Such screening shall be provided in order to screen the equipment from off-site view and sound generated by such equipment; and
 - b. Complete screening shall be required of all ground-mounted mechanical and other equipment at ground level by walls, fencing, or landscaping that is consistent and harmonious with the materials on and character of the nearest primary building. Such screening shall be provided in order to screen the equipment from off-site view and sound generated by such equipment.
- **F.** Parking: Parking and loading spaces shall be provided for each use per Section 1167 of the Codified Ordinances of the City of New Albany unless otherwise approved as part of a final development plan.
- **G.** <u>Buffering, Landscaping and Open Space</u>: The following landscaping requirements shall apply to this Zoning District
 - 1. <u>Tree Preservation</u>: Standard tree preservation practices will be in place to preserve and protect trees that are to remain on site during all phases of construction, including the installation of snow fencing at the drip line.
 - 2. <u>Treatment Along Beech Road and Ganton Parkway:</u> Within the minimum required pavement setback along Beech Road and Ganton Parkway, landscaping shall be coordinated and consistent throughout. The following also shall be provided:
 - (a) <u>Fence:</u> A four-board white horse fence shall be required along the street frontages. The final location will be determined as part of a final development plan.
 - (b) <u>Setback Landscaping:</u> A landscaped area shall be required behind the fence and within the required pavement setbacks. This buffer shall consist of

deciduous shade trees planted at a rate equal to six (6) trees or more for every 100 lineal feet of street frontage. Such trees may be equally spaced or randomly grouped and shall be of species which are native to Central Ohio. No single species shall be used for more than one-third of the trees required by this paragraph. Minimum sizes for trees required to be planted pursuant to this paragraph shall be two (2) or three (3) caliper inches, provided that no more than 50% of these trees shall be two (2) inches in caliper. The city landscape architect may approve deviations to the caliper requirements on a case-by-case basis.

- (c) <u>Screening of Parking:</u> A landscape buffer to screen parking areas shall be located within the pavement setback along all public rights-of-way. This buffer may contain landscape material, mounding, or a combination of both and shall have a minimum height of 3.5 feet at installation and a minimum opacity of 75% within 3 years of installation.
- 3. <u>Stormwater Basins</u>: Wet and dry stormwater basins shall conform to the standards set forth in Section 1171.08 of the Codified Ordinances unless other design solutions are found to be appropriate. Other design solutions may be appropriate if the City Landscape Architect finds that an alternative design, shape, and appearance is appropriate in particular relationship to streetscape and other site design considerations. One or more stormwater basins may be shared to serve some or all development within this Zoning District, so as to eliminate the need for each parcel to have its own on-site basin. Where shared stormwater basins are proposed, they shall be reviewed and approved by City staff without the requirement to be reviewed as part of a final development plan. Installation of stormwater basins shall include simultaneous installation of screening, buffering, and other aesthetic enhancements near the basins.
- 4. <u>Street Trees</u>: Street trees already exist along Beech Road and Ganton Parkway. No additional street tree plantings shall be required. Street trees that interfere with approved vehicular access points may be removed and relocated in coordination with the city arborist. A street tree row shall be established along private roads and shall contain one (1) tree for every thirty (30) feet of street frontage. Minimum street tree size at installation shall be three (3) caliper inches. The city landscape architect may approve deviations to the caliper requirements on a case-by-case basis.
- 5. Parking Areas: 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 tree areas). Parking lots shall be designed to accommodate parking lot islands with tree(s) at the end of parking aisles. Parking areas should be designed to foster pedestrian connectivity by accommodating the required pedestrian connections/walkways and provide landscaping

to enhance visual aspects of the development. Particular attention shall be given to quantity or plan material and size of parking lot landscape islands closest to buildings.

6. <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 ½) inches in caliper for deciduous 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. The city landscape architect may approve deviations to the caliper requirements on a case-by-case basis.

H. <u>Lighting</u>:

- 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 thirty (30) feet in height.
 - 4. Landscape uplighting from a concealed source shall not be permitted.
- 5. No permanent colored lights or neon lights shall be used on the exterior of any building.
- 6. All new electrical utilities that are installed in this Zoning District shall be located underground.
 - 7. All other lighting on the site shall be in accordance with City Code.
 - 8. Street lighting must meet the City Standards and Specifications.
- I. <u>Signage</u>: Signage for all uses in this Zoning District shall comply with relevant provisions of the Codified Ordinances unless a master signage plan that provides alterative standards is provided for review and approval by the Planning Commission as part of a final development plan. In the event of a conflict between an approved master sign plan and the relevant provision of the Codified Ordinances, the approved master sign plan shall govern. One wall mounted sign per tenant shall be permitted on each elevation of the building that fronts or sides on a public or private road, but parking lot drive aisles shall not be construed as a private road. Retail tenants are permitted one sandwich board sign, not to exceed six (6) square feet in

area, per side. The signs may be placed on the sidewalk in front of the appropriate tenant space, but may not be sited in a location that interferes with vehicular sight distance.

- **J.** <u>Utilities</u>: All new utilities shall be installed underground.
- **K.** <u>Phasing of Improvements</u>: Each phase of development in this Zoning District shall include an appropriate share of the proposed vehicular circulation system, landscaping and outdoor spaces, screening and other site and architectural amenities of the entire project. The extent of these improvements shall be determined for each phase of a specific project at the time of the project's final development plan approval, and may not be based solely upon a proportional or equal share of the entire site.

III. <u>GENERAL MATTERS:</u>

A. <u>Conditional Uses:</u> Any person owning or having an interest in property may file an application to use such property for one or more of the conditional uses provided for by City's Codified Ordinances Code or by this zoning text. Applications for conditional uses shall follow the procedure and comply with the requirements of Chapter 1115, Conditional Uses, of the Codified Ordinances of the City of New Albany.

B. Appeals and Variances:

1. Appeals:

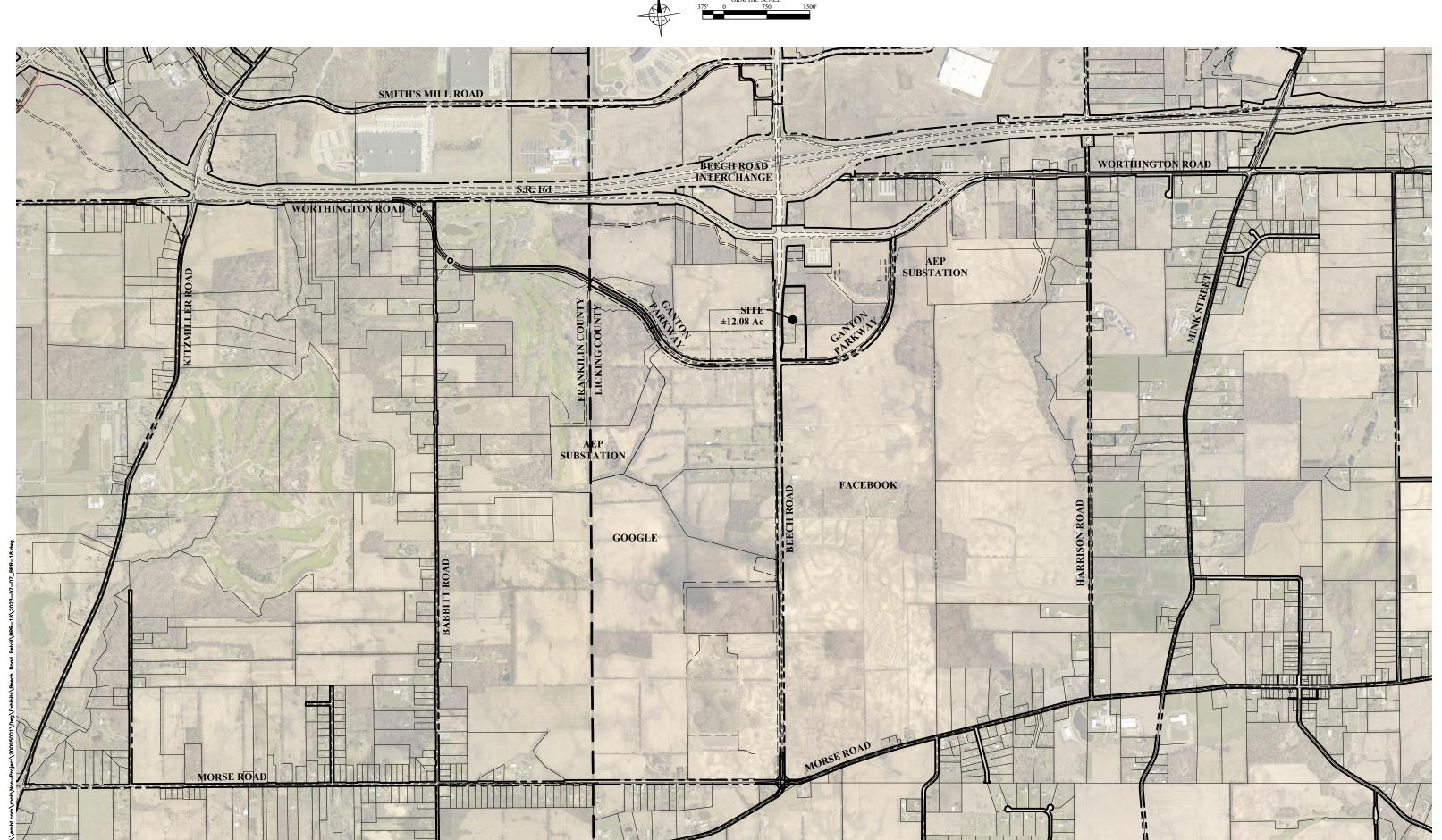
- a. <u>Taking of Appeals</u>: Appeals to the Board of Zoning Appeals concerning interpretation or administration of the text or the underlying zoning ordinance by the Zoning Officer or any other administrative official may be taken by any person aggrieved, including a tenant, or by a governmental officer, department, board, or bureau. Such appeal shall be taken within twenty days after the date of the decision by filing a notice of appeal specifying the grounds thereof with the officer from whom the appeal is taken and the Board of Zoning Appeals.
- b. <u>Imminent Peril:</u> An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Officer certifies to the Board of Zoning Appeals, after notice of appeal shall have been filed with him, that by reason of facts stated in the application a stay would, in his opinion, cause imminent peril to life or property. In such case, the proceeding shall not be stayed other than by a restraining order which may, on due cause shown, be granted by the Board of Zoning Appeals, after notice to the Zoning Officer or by judicial proceedings.
- 2. <u>Nature of Variance:</u> On a particular property, extraordinary circumstances may exist making a strict enforcement of the applicable development standards of the

PUD portion of this text or the Zoning Ordinance unreasonable and, therefore, the procedure for variance from development standards is provided to allow the flexibility necessary to adapt to changed or unusual conditions, both foreseen and unforeseen, under circumstances which do not ordinarily involve a change of the primary use of the land or structure permitted.

3. <u>Variance Process:</u> The procedures and requirements of Chapter 1113, Variances of the Codified Ordinances of the City of New Albany shall be followed in cases of appeals. The Planning Commission shall hear requests for variances in this zoning district. Any private road constructed within this zoning district shall not be subject to the regulations of the subdivision standards found with Codified Ordinances Chapter 1187.

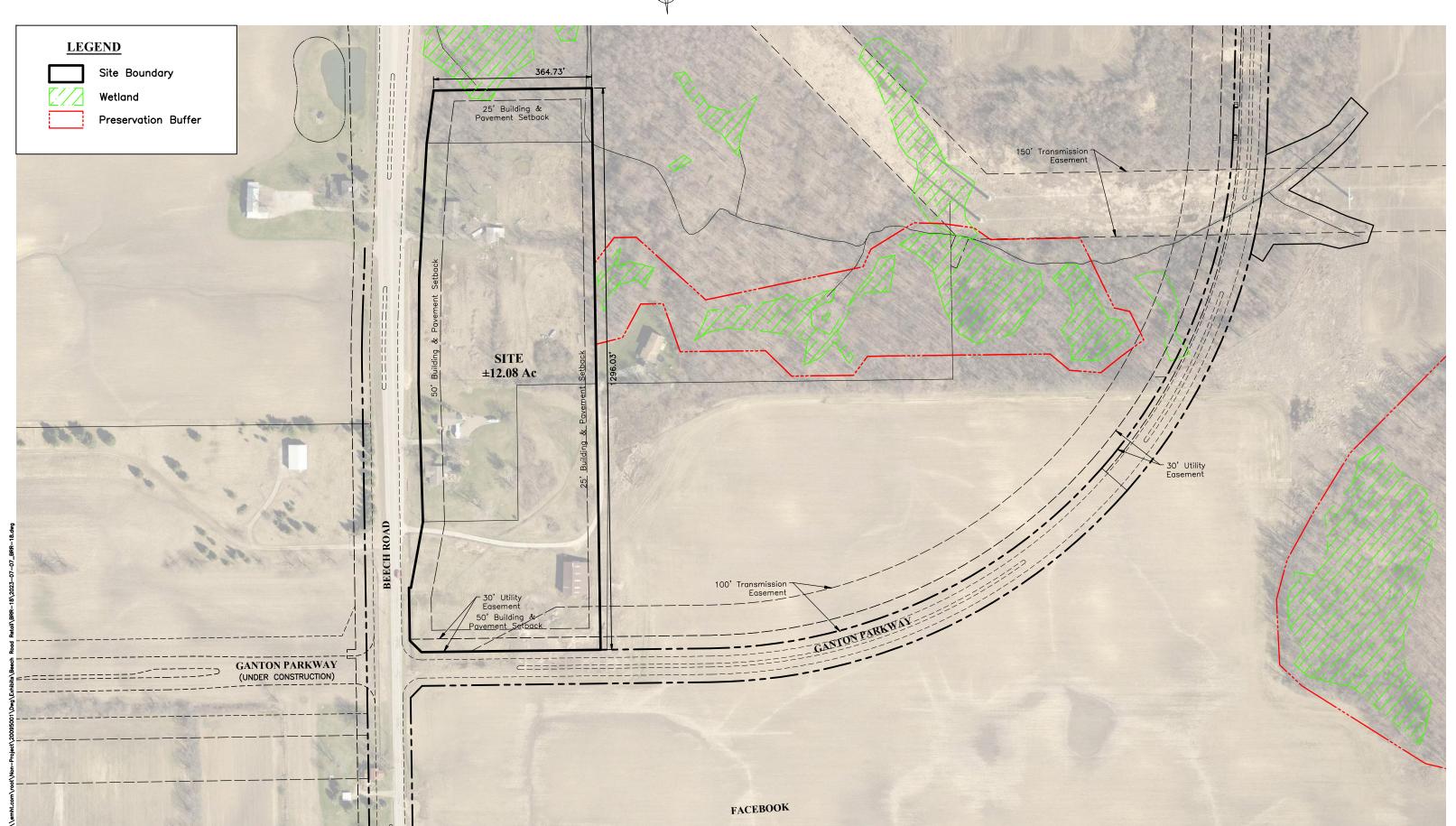
 $\frac{\text{BEECH ROAD SITE}}{\text{New Albany, Ohio}}$ Date: July 7, 2023

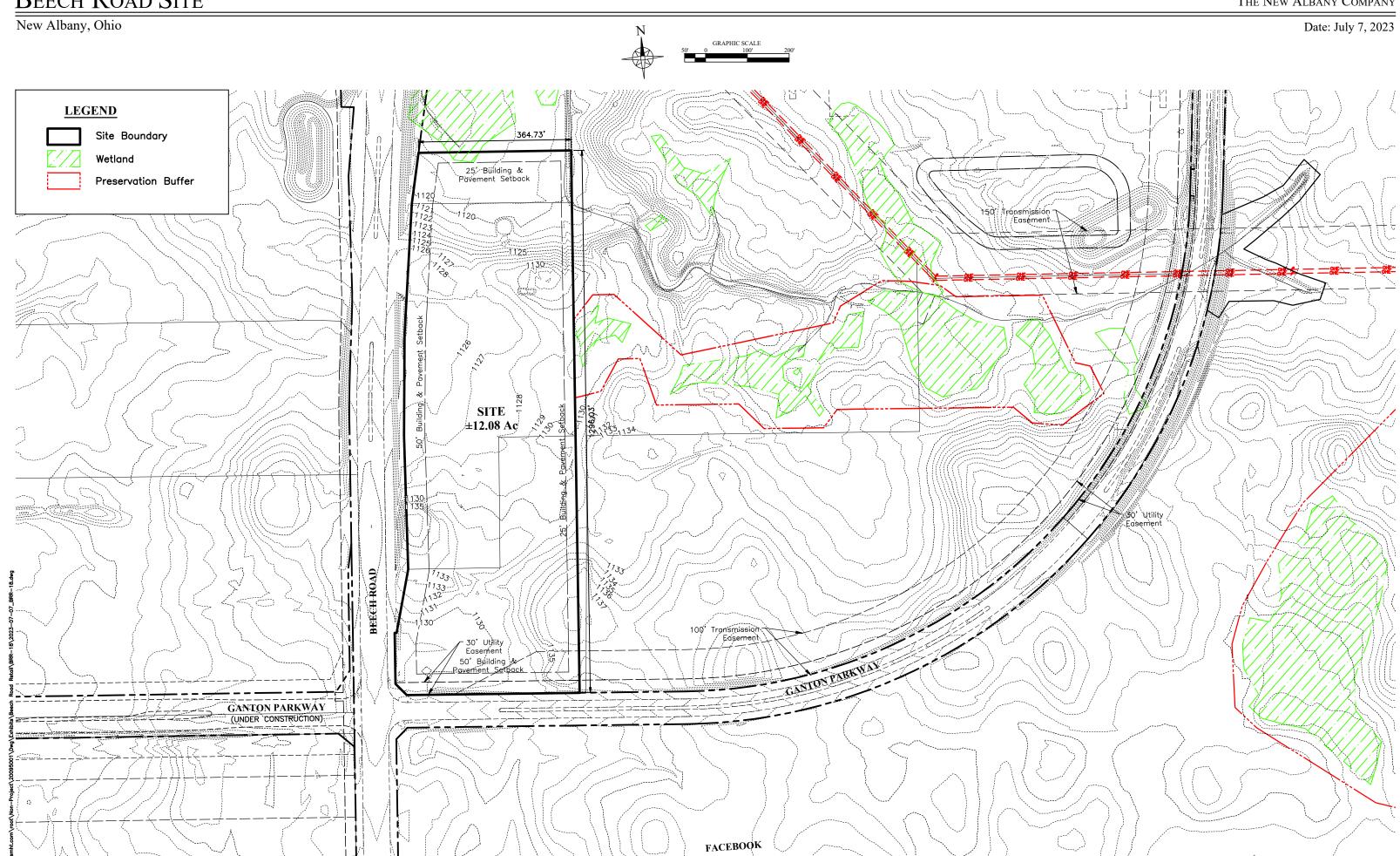


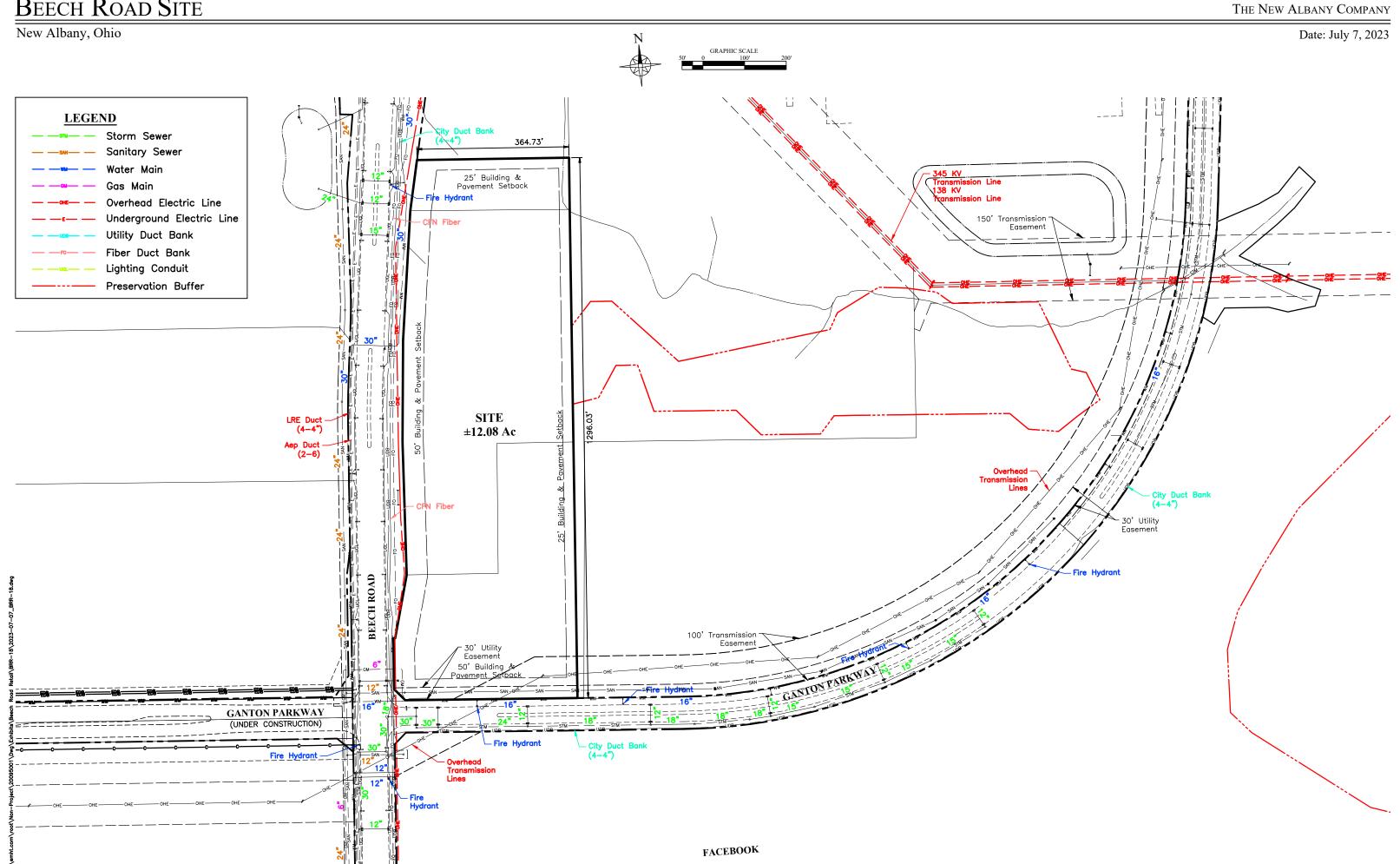


 $\frac{\text{BEECH ROAD SITE}}{\text{New Albany, Ohio}}$ Date: July 7, 2023











Planning Commission Staff Report July 17, 2023 Meeting

BEECH INTERCHNAGE SOUTHWEST ZONING DISTRICT ZONING AMENDMENT

LOCATION: 12.8 +/- acres located at 14461 Worthington Rd, 0 Worthington Rd, and

0 Beech Road SW in Licking County (PIDs: 094-106836-00.000, 094-

108390-00.000 and 094-109458-00.000).

APPLICANT: MBJ Holdings LLC c/o Aaron L Underhill

REQUEST: Zoning Change

ZONING: Office Campus District (OCD) to Infill Planned Development (I-PUD)

STRATEGIC PLAN: Mixed-Use APPLICATION: ZC-63-2023

Review based on: Application materials received on June 1, 2023 and July 10, 2023.

Staff report completed by Chelsea Nichols, Planner

I. REQUEST AND BACKGROUND

The applicant requests review for the rezoning of 12.8+/- acres. The request proposes to create a new zoning district to be known as the "Beech Interchange Southwest Zoning District" by zoning the area to Infill Planned Unit Development (I-PUD) from Office Campus District (OCD).

The proposed zoning text contains the same list of permitted, conditional, and prohibited uses as other similar zoning districts, such as Beech Crossing Zoning District, which is located directly to the north, on the other side of State Route 161, from this site. This rezoning serves to extend the same or similar zoning standards to this property as currently applies to Beech Crossing Zoning District. This zoning district would facilitate the development of service, retail, restaurant, and gasoline service station uses to serve employees within and visitors to the New Albany International Business Park, as well as others traveling along State Route 161.

II. SITE DESCRIPTION & USE

The overall site consists of three parcels located within Licking County. The zoning district is generally located to the southwest of and adjacent to State Route 161/Beech Road interchange. The neighboring uses and zoning districts include L-GE, L-OCD, I-PUD. The site is currently undeveloped.

III. PLAN REVIEW

Planning Commission's review authority of the zoning amendment application is found under C.O. Chapters 1107.02 and 1159.10. Upon review of the proposed amendment to the zoning map, the Commission is to make recommendation to city council. Staff's review is based on city plans and studies, proposed zoning text, and the codified ordinances. Primary concerns and issues have been indicated below, with needed action or recommended action in underlined text.

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

- (a) Adjacent land use.
- (b) The relationship of topography to the use intended or to its implications.

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

A. Engage New Albany Strategic Plan

The 2020 Engage New Albany strategic plan designates the area as the Mixed-Use future land use category. The strategic plan lists the following development standards for the Employment Center land use category:

- 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 landscaping in an appealing manner.
- 8. Any periphery security should integrate with the 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. Use, Site and Layout

- 1. The proposed text permits uses set forth in the C-3, Highway Business District. Permitted uses include a mix of administrative, business and professional offices uses and retail stores and personal service uses. In addition, gasoline and diesel fueling stations with convenience stores and other accessory uses, vehicle charging stations, and restaurants or banks with drive-throughs.
- 2. In addition, the following uses shall be prohibited:
 - a. Self-service laundries
 - b. Funeral services
 - c. Automobile sales
 - d. Motor vehicle sales and service (combined) establishments
 - e. Commercial recreational facilities
 - f. Carry out food and beverage establishments with drive-thru facilities. To clarify, this prohibited use is intended to include uses such as drive-thru and carry-out beer and wine sales and is not intended to apply to restaurants with drive-throughs.
- 3. In this zoning district, the term "gasoline service station" shall include, but not be limited to, service stations selling gasoline, diesel, and/or any other fuel for trucks and/or passenger vehicles, and/or offering charging stations for electric vehicles." Special provisions outlined in the zoning text for gasoline and diesel service stations include:
 - a. Sections 1165.08(a) through (d) of the Codified Ordinances shall not apply.
 - b. Such uses shall be permitted to serve the commercial trucking industry in addition to regular (non-truck) motorists, but the overnight parking of trucks shall be prohibited.
 - c. Showers and bathing facilities serving truck drivers or others shall be prohibited.
 - d. No lodging shall be permitted as part of the use.
- 4. Due to the proximity of this site to the State Route 161 interchange and its location adjacent to commercially zoned land in the existing Licking County business park to the north, the site appears to be appropriate for retail and commercial development.

- 5. The proposed L-GE text requires the following setbacks:
 - a. State Route 161 and Worthington Road: There shall be a minimum pavement setback of 25 and minimum building setback of 50 feet from the right-of-way of State Route 161 and from Worthington Road.
 - b. Beech Road: There shall be a minimum pavement setback and minimum building setback of 50 feet from the right-of-way of the Beech Road.
 - c. Western perimeter boundaries: There shall be a minimum pavement setback and a minimum building setback of 10 feet from each of the western perimeter boundaries of this Zoning District.
 - d. Internal parcel lines: There shall be a zero-setback requirement for pavement and a minimum building setback of 10 feet from internal parcel lines within this zoning district
 - e. Adjacent Parcel: There shall be a minimum pavement setback and a minimum building setback of 25 feet from the shared boundary lines of this Zoning District and the parcel of real property which is known on the effective date of this text as Licking County Auditor parcel number 082-107508-00.000, should that parcel and adjacent property within this Zoning District come under common ownership in the future, then a zero setback shall be required along shared boundary lines.
 - f. Canopies: Canopies over fuel pumps as part of a gasoline service station use may encroach into minimum building setback.

C. Access, Loading, Parking

- Vehicular access to and from this Zoning District shall be permitted only along Worthington Road. No vehicular access shall be permitted along Beech Road. The northern portion of the zoning district is bounded by the eastbound exit ramp from State Route 161 and no access is permitted.
- 2. Two vehicular access points shall be permitted along Worthington Road with full turn movements, provided that such access points are at least 500 feet apart. A third vehicular access point shall be permitted along Worthington Road, but only if it is restricted to right-in and right-out turning movements. Final locations of the proposed access points will be reviewed for approval as part of the first final development plan that is filed for this zoning district.
- 3. Internally within the Zoning District, private roadways and/or drives shall be utilized to provide vehicular circulation, with locations and specifications for the same to be reviewed and approved as part of one or more final development plans.
- 4. In conjunction with the filing of the first final development plan for this Zoning District, a traffic study shall be filed by the applicant unless the City Engineer requires less than a full study as determined prior to the filing of the final development plan application.
- 5. Prior to or in conjunction with the issuance of the first building permit for a structure in this Zoning District, right-of-way shall be dedicated to the City as necessary to extend 30 feet northward from the centerline of the right-of-way of Worthington Road.
- 6. Parking will be provided per the city's parking code requirements (Chapter 1167).
- 7. An 8-foot-wide leisure trail shall be provided along the Zoning District's frontage on Worthington Road and shall connect on the east with an existing leisure trail on Beech Road.
- 8. The text requires an internal pedestrian circulation system be created within the zoning district. The zoning text requires that a 5-foot wide sidewalk must be installed on both sides of all roadways internal to the zoning district.

D. Architectural Standards

1. The proposed architectural standards are consistent with existing I-PUD districts that permit retail and commercial, such as Beech Crossing.

- 2. The proposed rezoning implements many of the same standards and limitations set forth in the New Albany Architectural Design Guidelines and Requirements and neighboring commercial zoning districts.
- 3. The zoning text section E.2. permits buildings to be a minimum of one (1) story and a maximum of two (2) stories, except that hotels and office buildings may exceed two stories and are permitted to be a maximum of 65 feet in height. Architectural elements such as parapets, cupolas, mechanical screening or similar features may exceed these maximum building heights.
- 4. Section E.3. permits exterior materials such as Hardi Plank or its equivalent, brick, stone, cultured stone, metal, EIFS and composite material (except vinyl). Exterior wall finish materials must be used to complete massing elements.
- 5. Section E.7. 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. Maximum lot coverage for this subarea is 80%, which is the same requirement as existing I-PUD districts that permit retail and commercial, such as Beech Crossing.
- 2. Standard tree preservation practices will be in place to preserve and protect trees that are to remain on site during all phases of construction, including the installation of snow fencing at the drip line.
- 3. State Route 161 Treatment: A four-board white horse fence shall be required generally running parallel to State Route 161 along the perimeter of this Zoning District but outside of the right-of-way. Existing trees within the required minimum pavement setback from the State Route 161 right-of-way shall be preserved, except that trees may be removed in order to (a) install and provide for the maintenance of the required 4-board white horse fence, and/or (ii) remove invasive or noxious plant species or trees or which present a danger to persons or property.
 - a. The zoning text also requires that a minimum of 6 trees per 100 lineal feet must be installed within the required setback area along State Route 161.
- 4. Within the minimum required pavement setback along Beech Road and Worthington Road, landscaping shall be coordinated and consistent throughout. The following also shall be provided:
 - a. A four-board white horse fence shall be required along the street frontages. The final location will be determined as part of a final development plan.
 - b. A landscaped area shall be required behind the fence and within the required pavement setbacks. This buffer shall consist of deciduous shade trees planted at a rate equal to six (6) trees or more for every 100 lineal feet of street frontage. Such trees may be equally spaced or randomly grouped and shall be of species which are native to Central Ohio. No single species shall be used for more than one-third of the trees required by this paragraph. Minimum sizes for trees required to be planted pursuant to this paragraph shall be two (2) or three (3) caliper inches, provided that no more than 50% of these trees shall be two (2) inches in caliper.
 - c. A landscape buffer to screen parking areas shall be located within the pavement setback along all public rights-of-way. This buffer may contain landscape material, mounding, or a combination of both and shall have a minimum height of 3.5 feet at installation and a minimum opacity of 75% within 3 years of installation.
- 5. Street trees already exist along Beech Road. No additional street tree plantings shall be required. A street tree row shall be established along Worthington Road, all public streets (other than State Route 161) and private roads and shall contain one (1) tree for every thirty (30) feet of street frontage. Street trees along Worthington Road shall be installed along the entire street frontage when the first parcel develops in this Zoning District. Street trees shall be located a minimum of ten (10) feet from the edge of the right-of-way unless the City's Landscape Architect approves planting these trees closer to the right-of-way or within the right-of-way.

6. 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 tree areas). Parking lots shall be designed to accommodate parking lot islands with tree(s) at the end of parking aisles. Parking areas should be designed to foster pedestrian connectivity by accommodating the required pedestrian connections/walkways and provide landscaping to enhance visual aspects of the development. Particular attention shall be given to quantity or plan material and size of parking lot landscape islands closest to buildings.

E. Lighting & Signage

- 1. No signage is proposed at this time. Signage for all uses in this Zoning District shall comply with relevant provisions of the Codified Ordinances unless a master signage plan that provides alterative standards is provided for review and approval by the Planning Commission as part of a final development plan. In the event of a conflict between an approved master sign plan and the relevant provision of the Codified Ordinances, the approved master sign plan shall govern. One wall mounted sign per tenant shall be permitted on each elevation of the building that fronts or sides on a public or private road, but parking lot drive aisles shall not be construed as a private road. Retail tenants are permitted one sandwich board sign, not to exceed six (6) square feet in area, per side. The signs may be placed on the sidewalk in front of the appropriate tenant space, but may not be sited in a location that interferes with vehicular sight distance.
- 2. 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.
- 3. 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. All parking lot light poles shall be black or New Albany green and constructed of metal. Light poles shall not exceed thirty (30) feet in height.
- 4. Landscape uplighting from a concealed source shall not be permitted.
- 5. No permanent colored lights or neon lights shall be used on the exterior of any building.
- 6. All new electrical utilities that are installed in this Zoning District shall be located underground.
- 7. All other lighting on the site shall be in accordance with City Code. Street lighting must meet the City Standards and Specifications.

IV. ENGINEER'S COMMENTS

The City Engineer, E.P. Ferris reviewed the proposed rezoning application and provided the following comments. <u>Staff recommends a condition of approval that the comments of the city engineer are addressed and incorporated into the zoning text as appropriate, subject to staff approval.</u>

- 1) Sheet 3 of 12 of the text states that 30' of r/w shall be dedicated as measured from road centerline. Currently the r/w as measured from road centerline ranges from approximately 100' to 110' along the parcel frontage adjacent to Worthington Road. The text should be revised to reflect this.
- 2) We recommend that the Traffic Study provided analyzes trip generation, intersection capacity analysis and turn lane requirements. The study area should include all signalized intersections in the project area. Staff will provide recommendations regarding site access once study results are made available.
- 3) Staff will review OEPA and ACOE permitting requirements after the applicant has completed an environmental assessment.
- 4) We will evaluate storm water management, water distribution, sanitary sewer collection and roadway construction related details once construction plans become available.

V. SUMMARY

This zoning district would facilitate the development of service, retail, restaurant, and gasoline service station uses to serve employees within, and visitors to, the New Albany International Business Park, as well as others traveling along State Route 161. The proposed zoning text contains the same list of permitted, conditional, and prohibited uses as other similar zoning districts, such as Beech Crossing Zoning District, which is located generally to the north of this site. The proposed text is appropriate given the type of retail and commercial mixture of uses that are envisioned for this area in the 2020 Engage New Albany Strategic Plan.

V. ACTION

Suggested Motion for ZC-63-2023:

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

Move to approve application ZC-63-2023, based on the findings in the staff report, with the following conditions:

1. The comments of the city engineer shall be addressed and incorporated into the zoning text as appropriate, subject to staff approval.

Approximate site Location:



Source: ArcMap

City of New Albany

99 West Main Street New Albany, Ohio 43054



404.642-01 July 6, 2023

To: Chelsea Nichols City Planner

From: Matt Ferris, P.E., P.S. Re: Beech Interchange SW -

By: Jay M. Herskowitz, P.E., BCEE Rezoning/PDP

We reviewed the referenced submittal in accordance with Code Section 1159.07 (b)(2) PDP. Our review comments are as follows:

- 1) Sheet 3 of 12 of the text states that 30' of r/w shall be dedicated as measured from road centerline. Currently the r/w as measured from road centerline ranges from approximately 100' to 110' along the parcel frontage adjacent to Worthington Road. The text should be revised to reflect this.
- 2) We recommend that a Traffic Study be provided that analyzes trip generation, intersection capacity analysis and turn lane requirements. The study area should include all signalized intersections in the project area. Staff will provide recommendations regarding site access once study results are made available.
- 3) Staff will review OEPA and ACOE permitting requirements after the applicant has completed an environmental assessment.
- 4) We will evaluate storm water management, water distribution, sanitary sewer collection and roadway construction related details once construction plans become available.

MEF/JMH

cc: Cara Denny, Engineering Manager





Permit #	
Board	
Mtg. Date	





4:10Pm Community Development Planning Application

	Site Address 14461 Worthington Rd., 0 Worthington Road and 0 Beech Road SW, New Albany, OH 43054			
	Parcel Numbers 094-106836-00.000,	094-108390-00	.000 and 0	94-109458-00.000
	Acres 12.8 +/- Acres	# of lots cre	ated	
Project Information	Choose Application Type Appeal Certificate of Appropriateness Conditional Use XDevelopment Plan Plat Lot Changes Minor Commercial Subdivision Vacation Variance Extension Request XZoning Description of Request: To rezor to I-PUD, Infill Planned Development		Final Final Split zoning)	Comprehensive Amendment Adjustment Street Text Modification n the OCD, Office Campus District, ted preliminary development plan.
Contacts		y, Suite 260 43054 com oldings LLC, c/o arkway, Suite 26	Aaron L. U	Fax: 614.335.9329
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. By: Signature of Owner Signature of Applicant By: Aaron Londerhill, Attorney for Applicant Date: 5/31/2023 Date: 5/31/2023			

AFFIDAVIT OF FACTS

I, Aaron L. Underhill, in my capacity as attorney for the applicant listed on the zoning application pertaining to 12.8+/- acres known as Licking County Parcel Numbers 094-106836-00.000, 094-108390-00.000 and 094-109458-00.000, being first duly sworn, do hereby state and depose the following:

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

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

Further Affiant sayeth not.

Ву:___

Aaron L. Underhil

Attorney, Underhill & Hodge LLC

STATE OF OHIO COUNTY OF FRANKLIN SS.

The foregoing instrument was acknowledged before me on the 315 day of 2023, by Aaron L. Underhill, who acknowledged the foregoing signature to be his voluntary act and deed.

Notary Public

0

My Commission Expires:

KIMBERLY R. GRAYSON Notary Public, State of Ohio My Commission Expires 01-11-2026

APPLICANT:	MBJ Holdings LLC 8000 Walton Parkway, Suite 120 New Albany, OH 43054	
PROPERTY OWNER:	MBJ Holdings LLC 8000 Walton Parkway, Suite 120 New Albany, OH 43054	
ATTORNEY:	Aaron L. Underhill Underhill & Hodge LLC 8000 Walton Parkway, Suite 260 New Albany, OH 43054	
SURROUNDING PROPERTY OWNERS:	State of Ohio 1980 W. Broad Street, 3 rd Floor Columbus, OH 43223	Beech Road Land LLC 3430 Ohio Health Parkway Columbus, OH 43214
Amgen, Inc. 2202 West Shore Blvd., Suite 650-3A Tampa, FL 33607	Stone Hospitality LLC 224 Florence Avenue Granger, IN 46530	



Aaron L. Underhill 8000 Walton Parkway, Suite 260 New Albany, Ohio 43054

P: 614.335.9321 F: 614.335.9329 aaron@uhlawfirm.com

May 31, 2023

Chris Christian
City of New Albany
99 West Main Street
New Albany, Ohio 43054

RE: School Impact of Zoning of 12.8+/- acres located at 14461 Worthington Road, 0 Worthington Road and 0 Beech Road SW in New Albany, Ohio (the

"Property")

Dear Chris:

This letter accompanies an application to rezone the Property from an OCD designation to a new I-PUD designation to expand the permitted and conditional uses which are allowed to be developed and operated thereon. The property is located in the Licking Heights Local School District. The purpose of this letter is to analyze the impact of this zoning on this school district.

This rezoning will maintain and expand the commercial uses that are currently permitted on the Property, and will not allow for residential development. Therefore, it will result in no new financial burdens on the school district and will continue to provide an opportunity for new revenue sources.

The obvious positive financial impact of developing the Property with non-residential uses eliminates the need to undertake a detailed analysis of the impact the development would have on the local school district. In general terms, the rezoning will permit the development of the Property with non-residential uses, which will provide the school with a substantial financial benefit. This zoning will add significant value to the land and will provide the means to provide additional value by way of improvements.

The applicant is pleased to bring forth this application and looks forward to working with the City. Please let me know if you have any questions.

Sincerely,

Aaron L. Underhill

Attorney for the Applicant

L. Mude 1.00

BEECH INTERCHANGE SOUTHWEST ZONING DISTRICT

Information concerning specific Code requirements for rezoning submittal by MBJ Holdings LLC

Per C.O. 1111.03(g), a statement as to how the proposed zoning amendment will impact adjacent and proximate properties.

Response: The Beech Interchange Southwest Zoning District consists of 12.8+/- acres located to the north of and adjacent to Worthington Road, to the south of and adjacent to the State Route 161 eastbound exit ramp and west of and adjacent to Beech Road SW. It is currently zoned under the OCD, Office Campus District designation. This rezoning would update the development standards for the property and would allow for commercial development, thus positioning the land to accommodate uses that will provide service, restaurant and retail uses for employees and visitors in the Business Park and to the traveling public.

Per C.O. 1111.03(i), any deed restrictions, easements, covenants and encumbrances to be imposed to control the use, development and maintenance of the area to be rezoned.

<u>Response:</u> Upon the completion of the zoning for this property and prior to selling the property to any third party, the property will be made subject to The New Albany Business Park CCRs and will become part of The New Albany Business Park Association.

Per C.O. 1159.07(b)(2)(F) The schedule of site development, construction of structures and associated facilities. Such schedule shall include the proposed use or reuse of existing features such as topography, streets, easements and natural areas.

<u>Response:</u> Development of the site will allow the property to become immediately marketable. With high demand in the market for these proposed uses, development is expected to commence in the near term

Per C.O. 1159.07(b)(2)(J) Verification that an application, if required, has been submitted to the Ohio Environmental Protection Agency in compliance with Section 401 of the Clean Water Act in which anyone who wishes to discharge dredged or fill material into waters of the United States must obtain a Water Quality Certification Permit from the Ohio Environmental Protection Agency. In the case of an isolated wetland either a general state or individual state isolated wetland permit must be obtained from the Ohio Environmental Protection Agency (Sections 6111.021. - 6111.024 of House Bill 231).

<u>Response:</u> The applicant is in the process of studying the Property with respect to this requirement. At the time that an application for a certificate of zoning compliance or an application for a building permit is filed with the City of New Albany, the applicant shall provide evidence of the submittal of such an application if it is necessary.

Per C.O. 1159.07(b)(2)(K) Verification that an application, if required, has been submitted to the U.S. Army Corps of Engineers, in compliance with Section 404 of the Clean Water Act in which anyone who wishes to discharge dredged or fill material into waters of the United States must obtain either a nationwide or individual permit from the U.S. Army Corps of Engineers.

<u>Response:</u> The applicant is in the process of studying the Property with respect to this requirement. At the time that an application for a certificate of zoning compliance or an application for a building permit is filed with the City of New Albany, the applicant shall provide evidence of the submittal of such an application if it is necessary.

SUB AREA 5B 12.8 ACRES

Situated in the State of Ohio, County of Licking, City of New Albany, located in Section 16, Quarter Township 3, Township 2, Range 15, United States Military District, being all of the remainder of that 2.440 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 200203080009086, all off that 10.830 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201912060027204, and all of that 0.570 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201603220005481, (all references refer to the records of the Recorder's Office, Licking County, Ohio) being described as follows:

BEGINNING in the southerly limited access right-of-way line of State Route 161, at a northwesterly corner of the remainder of said 2.440 acre tract, at a northeasterly corner of the remainder of that 5.0212 acre tract conveyed to Edna Glee Grindley by deeds of record in Official Record 690, Page 35 and Instrument Number 202205130012037, the southeasterly corner of that 2.756 acre tract conveyed as Parcel 19-WL to State of Ohio by deed of record in Instrument Number 200703150006553, and the southwesterly corner of that 3.607 acre tract conveyed as Parcel 7-WL3 to State of Ohio, Department of Transportation by deed of record in Instrument Number 200510280034304;

Thence South 88° 14' 59" East, with said southerly limited access right-of-way line, the northerly line of the remainder of said 2.440 acre tract, a distance of 285.78 feet to a point in the westerly limited access right-of-way line of Beech Road NW;

Thence South 04° 36' 52" West, with said westerly limited access right-of-way line, the easterly line of the remainder of said 2.440 acre tract, a distance of 213.92 feet to a point at the common corner of the remainder of said 2.440 acre tract and said 10.830 acre tract;

Thence South 05° 35' 40" West, with said westerly limited access right-of-way line, an easterly line of said 10.830 acre tract, a distance of 245.12 feet to a point;

Thence South 09° 35' 48" West, with the westerly right-of-way line of said Beech Road NW, an easterly line of said 10.830 acre tract, a distance of 45.28 feet to a point in the northerly right-of-way line of Worthington Road NW;

Thence with said northerly right-of-way line, the southerly line of said 10.830 acre tract, the following courses and distances:

North 85° 56' 20" West, a distance of 437.76 feet to a point;

North 67° 17' 19" West, a distance of 209.44 feet to a point;

North 53° 44′ 54″ West, a distance of 354.20 feet to a point;

North 50° 18' 55" West, a distance of 354.04 feet to a point; and

North 59° 37' 51" West, a distance of 179.63 feet to the southerly common corner of said 10.830 and 0.570 acre tracts;

Thence North 68° 51' 47" West, with said northerly right-of-way line, the southerly line of said 0.570 acre tract, a distance of 155.26 feet to the southwesterly corner of said 0.570 acre tract;

Thence North 03° 38' 28" East, with the westerly line of said 0.570 acre tract, a distance of 144.33 feet to the northwesterly corner of said 0.570 acre tract, being in said southerly limited access right-of-way line;

SUB AREA 5B 12.8 ACRES

-2-

Thence South 86° 06' 16" East, with said southerly limited access right-of-way line, the northerly line of said 0.570 acre tract, a distance of 148.39 feet to a point at a northerly common corner of said 0.570 and 10.830 acre tracts;

Thence with said southerly limited access right-of-way line, the northerly line of said 10.830 acre tract, the following courses and distances:

South 87° 18' 47" East, a distance of 378.93 feet to a point;

South 68° 37' 45" East, a distance of 185.58 feet to a point; and

South 62° 38' 38" East, a distance of 202.82 feet to a point in the northeasterly corner of said 10.830 acre tract, the northwesterly corner of the remainder of said 5.0212 acre tract;

Thence South 03° 31' 43" West, with the line common to said 10.830 and 5.0212 acre tracts, a distance of 325.84 feet to a point;

Thence South 86° 51' 20" East, with the line common to said 10.830 and 5.0212 acre tracts, a distance of 369.61 feet to a point at the southerly common corner of said 2.440 and 5.0212 acre tracts;

Thence North 03° 37' 31" East, with the line common to said 2.440 and 5.0212 acre tracts, a distance of 206.90 feet to the POINT OF BEGINNING, containing 12.8 acres, more or less.

EVANS, MECHWART, HAMBELTON & TILTON, INC.

HLK: td 12_8 ac 20230023-VS-ZONE-03

BEECH INTERCHANGE SOUTHWEST ZONING DISTRICT

INFILL PLANNED UNIT DEVELOPMENT (I-PUD) TEXT

July 10, 2023

- INTRODUCTION: The Beech Interchange Southwest Zoning District (hereinafter, the "Zoning District") includes real property located to the southwest of and adjacent to the State Route 161/Beech Road interchange. It encompasses 12.8+/- acres which, prior to the approval of this text, is zoned in the L-OCD, Limited Office Campus District under the City's Codified Ordinances. The purpose of this rezoning is to create a new I-PUD, Infill Planned Unit Development (I-PUD) District to facilitate the development of service, retail, restaurant, and gasoline service station uses to serve employees within and visitors to the New Albany International Business Park as well as others traveling along the State Route 161 corridor.
- II. <u>DEVELOPMENT STANDARDS:</u> Unless otherwise specified in the submitted drawings or in this written text, the development standards of Part Eleven of the Codified Ordinances of the City of New Albany shall apply to this Zoning District. Where there is a conflict between the provisions in this text and the Codified Ordinances, the provisions in this text shall govern. Basic development standards are compiled regarding matters such as but not limited to site layouts, traffic, circulation, landscaping, and architecture. These component standards ensure consistency and quality throughout the development.

A. Permitted Uses:

- 1. <u>C-3 Uses</u>: Permitted uses shall include those set forth in the Codified Ordinances of the City of New Albany, C-3, Highway Business District, Section 1149.02. In addition, gasoline and diesel fueling stations with convenience stores and other accessory uses, vehicle charging stations, and restaurants or banks with drive-throughs shall be permitted uses. The conditional uses listed in Section 1149.03 of the Codified Ordinances shall not be permitted uses or conditional uses in this Zoning District. In addition, the following uses shall be prohibited:
 - a. Self-service laundries
 - b. Funeral services
 - c. Automobile sales
 - d. Motor vehicle sales and service (combined) establishments
 - e. Commercial recreational facilities
 - f. Carry out food and beverage establishments with drive-thru facilities. To clarify, this prohibited use is intended to include uses such as drive-thru and carry-out beer and wine sales and is not intended to apply to restaurants with drive-thrus.

- 2. <u>Special Provisions for Gasoline and Diesel Service Stations</u>: In this Zoning District, the term "gasoline service station" shall include, but not be limited to, service stations selling gasoline, diesel, and/or any other fuel for trucks and/or passenger vehicles, and/or offering charging stations for electric vehicles." This definition is intended to clarify and, if applicable, expand the meaning of the same term as defined in the Codified Ordinances, and shall not in any way restrict or limit that definition. With regard to gasoline service stations in this Zoning District:
 - a. Sections 1165.08(a) through (d) of the Codified Ordinances shall not apply.
 - b. Such uses shall be permitted to serve the commercial trucking industry in addition to regular (non-truck) motorists, but the overnight parking of trucks shall be prohibited.
 - c. Showers and bathing facilities serving truck drivers or others shall be prohibited.
 - d. No lodging shall be permitted as part of the use.

B. Vehicular Access:

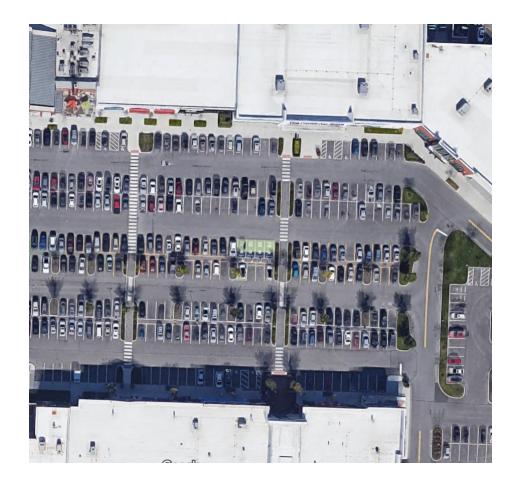
- 1. <u>Limitations</u>. Vehicular access to and from this Zoning District shall be permitted only along Worthington Road. No vehicular access shall be permitted along Beech Road. The northern portion of the Zoning District is bounded by the eastbound exit ramp from State Route 161 and no access is permitted.
- 2. <u>Access Points</u>: Two vehicular access points shall be permitted along Worthington Road with full turn movements, provided that such access points are at least 500 feet apart. A third vehicular access point shall be permitted along Worthington Road, but only if it is restricted to right-in and right-out turning movements. Final locations of the proposed access points will be reviewed for approval as part of the first final development plan that is filed for this Zoning District.
- 3. <u>Internal Circulation</u>: Internally within the Zoning District, private roadways and/or drives shall be utilized to provide vehicular circulation, with locations and specifications for the same to be reviewed and approved as part of one or more final development plans. If more than one use/user or property owner is expected to be located or to own property within this Zoning District, then one or more declarations of reciprocal easements or reciprocal easement agreements shall be recorded against the real property within this Zoning District prior to the issuance of the first building permit in the Zoning District to provide for perpetual vehicular and pedestrian cross access easements, cross utility easements, and other easements which are necessary or desirable for efficient

development. Maintenance of private drives and sidewalks internal to this Zoning District shall be the responsibility of the owners of property within this Zoning District. A copy of the relevant recorded instrument(s) as contemplated by this paragraph shall be submitted to the City along with the first application for a building permit in this Zoning District.

- 4. <u>Traffic Analysis</u>: In conjunction with the filing of the first final development plan for this Zoning District, a traffic study shall be filed by the applicant unless the City Engineer requires less than a full study as determined prior to the filing of the final development plan application. The study or analysis which is approved along with that application shall apply to other developments within the Zoning District unless otherwise modified as part of a subsequent approved study or analysis as part of another approved final development plan. A memorandum of understanding detailing the scope of all required traffic studies/analyses shall be agreed upon by the City Engineer and the applicant prior to the filing of a final development plan application.
- 5. <u>Worthington Road Right-of-Way</u>: Prior to or in conjunction with the issuance of the first building permit for a structure in this Zoning District, right-of-way shall be dedicated to the City as necessary to extend 30 feet northward from the centerline of the right-of-way of Worthington Road.

C. <u>Pedestrian Access:</u>

- 1. <u>Leisure Trail:</u> An 8-foot wide leisure trail shall be provided along the Zoning District's frontage on Worthington Road and shall connect on the east with an existing leisure trail on Beech Road. The leisure trail shall be installed no later than the date when the first certificate of occupancy is issued for a building within the Zoning District.
- 2. <u>Sidewalks</u>: A 5-foot wide concrete sidewalk shall be provided on both sides of all roadways internal to the zoning district.
- 3. <u>Internal Circulation</u>: An internal pedestrian circulation system of walkways shall be created so that a pedestrian using a sidewalk or leisure trail as described above can access 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. One example of a possible design that meets these requirements is depicted below, but other designs may be provided as determined on a development-by-development basis.



- 4. <u>Connections</u>: Every development shall be required to connect into the internal pedestrian circulation system either by direct connection to a leisure trail or sidewalk, subject to review and approval at the time of a Final Development Plan application.
- 5. <u>Along Buildings</u>: Walkways, no less than five (5) feet in width, shall be provided along the full length of the building along any façade featuring a customer entrance and along any façade abutting public parking areas. Such walkways may be omitted to accommodate drive-through lanes, where necessary or desirable to reduce or eliminate conflict between pedestrian and vehicular traffic, as approved as part of a final development plan.

D. Setbacks; Lot Coverage:

- 1. <u>State Route 161</u>: There shall be a minimum pavement setback of 25 feet and a minimum building setback of 50 feet from the right-of-way of State Route 161.
- 2. <u>Beech Road:</u> There shall be a minimum pavement setback and a minimum building setback of 50 feet from the Beech Road right-of-way.

- 3. <u>Worthington Road</u>: There shall be a minimum pavement setback of 25 feet and a minimum building setback of 50 feet from the right-of-way of Worthington Road.
- 4. <u>Western Perimeter Boundary</u>: There shall be a minimum pavement and building setback of 10 feet from the western perimeter boundary of this Zoning District.
- 5. <u>Internal Parcel Lines</u>: There shall be a zero-setback requirement for pavement and a minimum building setback of 10 feet from internal parcel lines within this Zoning District.
- 6. Adjacent Parcel: There shall be a minimum pavement setback and a minimum building setback of 25 feet from the shared boundary lines of this Zoning District and the parcel of real property which is known on the effective date of this text as Licking County Auditor parcel number 082-107508-00.000, should that parcel and adjacent property within this Zoning District come under common ownership in the future, then a zero setback shall be required along shared boundary lines.
- 7. <u>Canopies:</u> Canopies over fuel pumps as part of a gasoline service station use may encroach into minimum building setbacks.
- 8. <u>Lot Coverage</u>: There shall be a maximum lot coverage of 80% in this Zoning District, measured on a parcel-by-parcel basis.
- 9. <u>Public Street Frontage</u>: An individual parcel shall not be required to have public street frontage, or may have frontage on a public street right-of-way to which vehicular access is prohibited, if that parcel has the right to vehicular and utilities access to and from Worthington Road by and through one or more recorded instruments providing perpetual easements in favor of the parcel for these purposes.
- **E.** <u>Architectural Standards</u>: Architectural requirements for buildings in this Zoning District will differ based upon the types and/or locations of intended uses for each building. Requirements for each building type are set forth below. The requirements of the City's Design Guidelines and Requirements ("<u>DGRs</u>") shall apply when a particular standard is not addressed in this text, unless a deviation from the DGRs is approved herein or as part of a final development plan.
 - 1. Style: Buildings shall be designed with a comparable level of detail on all sides.
 - 2. <u>Height</u>: Buildings shall be a minimum of one (1) story and a maximum of two (2) stories, except that hotels and office buildings may exceed two stories and are

permitted to be a maximum of 65 feet in height. Architectural elements such as parapets, cupolas, mechanical screening or similar features may exceed these maximum building heights.

3. Materials:

- a. Cementitious products such as Hardi Plank or its equivalent, brick, stone, cultured stone, metal, EIFS and composite material (except vinyl) shall be used as exterior wall finish materials where appropriate. Exterior wall finish materials must be used to complete massing elements. The application of brick veneer to a single building façade shall be prohibited. Alternative building materials may be used subject to Architectural Review District approval (Chapter 1157), provided, however, that when Chapter 1157 requires review and action by the Architectural Review Board, said review and action instead shall be undertaken by the Planning Commission. Exterior wall finish materials must be used to complete massing elements.
- b. Prefabricated metal buildings, untreated masonry block structures, and buildings featuring poured concrete exterior walls are prohibited.
- c. Generally, the quantity of materials selected for a building shall be minimized.
- d. Loading docks are not required to have the same degree of finish as a main entry unless they are visible from an adjacent public street right-of-way.
- e. The same palette of exterior finishes and color shall be used on all sides of each building.
- 4. <u>Roof</u>: General roof massing shall incorporate pitched roofs. Flat roofs shall be permitted, but must integrate strong cornice lines. Acceptable roof materials include natural and synthetic slate, cedar shake, dimensional asphalt shingle, and standing seam metal. Roof elements shall be incorporated that emphasize and reduce the building scale at the building storefront such as, but not limited to, dormers, cupolas, roof spires, and hip and gable roofs.
 - a. <u>Gutters and Downspouts</u>: Sloped roofs shall be required to employ gutters and downspouts for drainage.
 - b. <u>Gutter Specifications</u>: Gutters shall be of a metal type and shall be painted to match fascias.

- i. <u>Scuppers</u>: Scuppers may be used on the rear of a building with a parapet in lieu of interior drains. Scupper boxes on the rear of a building shall be painted to blend in with the exterior color or shall be of a manufactured metal of a color which complements the finished material to which it is affixed. Throughwall scuppers may be permitted where parapet walls are used. Overflow drains may be an open scupper through a parapet. An open scupper shall be detailed to minimize its appearance on the building elevation.
- 5. <u>Exterior Doors</u>: All exterior doors other than doors whose primary purpose is for the entry or exit of customers shall be made of a heavy gauge metal. Such doors shall be painted with a color that blends with the color of the exterior masonry on the elevation on which the door is located.
- 6. <u>Service and Loading Areas</u>: Service and loading areas shall be screened in accordance with the Codified Ordinances.
- 7. <u>Mechanical Equipment</u>: The following standards shall be required and shall be scaled according to the size of the individual tenant. These features may be scaled to a group of smaller side-by-side tenants when architecturally appropriate:
 - a. Complete screening of all roof-mounted equipment shall be required on all four sides of buildings with materials that are consistent and harmonious with the building's façade and character, but is not required to be the same material as the building's facade. Such screening shall be provided in order to screen the equipment from off-site view and sound generated by such equipment. When the requirements of this subsection cannot be met due to State Route 161 being at a higher elevation than a building in this Zoning District, deviations with regard to the screening requirements from State Route 161 may be approved as part of a final development plan.
 - b. Complete screening shall be required of all ground-mounted mechanical and other equipment at ground level by walls, fencing, or landscaping that is consistent and harmonious with the materials on and character of the nearest primary building. Such screening shall be provided in order to screen the equipment from off-site view and sound generated by such equipment.
- 8. Buildings constructed within this Zoning District are exempt from the requirement of New Albany Design Guidelines Section 6 (I)(A)(1) which prohibits buildings from backing onto public rights-of-way, as it relates to the State Route 161 entrance ramp.

- **F.** Parking: Parking and loading spaces shall be provided for each use per Section 1167 of the Codified Ordinances of the City of New Albany unless otherwise approved as part of a final development plan.
- G. <u>Buffering</u>, <u>Landscaping</u> and <u>Open Space</u>: The following landscaping requirements shall apply to this Zoning District
 - 1. <u>Tree Preservation</u>: Standard tree preservation practices will be in place to preserve and protect trees that are to remain on site during all phases of construction, including the installation of snow fencing at the drip line.
 - 2. <u>SR 161 Treatment</u>: A four-board white horse fence shall be required generally running parallel to State Route 161 along the perimeter of this Zoning District but outside of the right-of-way. Existing trees within the required minimum pavement setback from the State Route 161 right-of-way shall be preserved, except that trees may be removed in order to (a) install and provide for the maintenance of the required 4-board white horse fence, and/or (ii) remove invasive or noxious plant species or trees or which present a danger to persons or property.
 - (a) A landscaped area shall be required behind the fence and within the required pavement setbacks. This buffer shall consist of deciduous shade trees planted at a rate equal to six (6) trees or more for every 100 lineal feet of street frontage. Such trees may be equally spaced or randomly grouped and shall be of species which are native to Central Ohio. No single species shall be used for more than one-third of the trees required by this paragraph. Minimum sizes for trees required to be planted pursuant to this paragraph shall be two (2) or three (3) caliper inches, provided that no more than 50% of these trees shall be two (2) inches in caliper. The city landscape architect may approve deviations to the caliper requirements on a case-by-case basis.
 - 3. <u>Treatment Along Beech Road and Worthington Road:</u> Within the minimum required pavement setback along Beech Road and Worthington Road, landscaping shall be coordinated and consistent throughout. The following also shall be provided:
 - (a) <u>Fence:</u> A four-board white horse fence shall be required along the street frontages. The final location will be determined as part of a final development plan.
 - (b) <u>Setback Landscaping:</u> A landscaped area shall be required behind the fence and within the required pavement setbacks. This buffer shall consist of deciduous shade trees planted at a rate equal to six (6) trees or more for every 100

lineal feet of street frontage. Such trees may be equally spaced or randomly grouped and shall be of species which are native to Central Ohio. No single species shall be used for more than one-third of the trees required by this paragraph. Minimum sizes for trees required to be planted pursuant to this paragraph shall be two (2) or three (3) caliper inches, provided that no more than 50% of these trees shall be two (2) inches in caliper. The city landscape architect may approve deviations to the caliper requirements on a case-by-case basis.

- (c) <u>Screening of Parking:</u> A landscape buffer to screen parking areas shall be located within the pavement setback along all public rights-of-way. This buffer may contain landscape material, mounding, or a combination of both and shall have a minimum height of 3.5 feet at installation and a minimum opacity of 75% within 3 years of installation.
- 4. <u>Stormwater Basins</u>: Wet and dry stormwater basins shall conform to the standards set forth in Section 1171.08 of the Codified Ordinances unless other design solutions are found to be appropriate. Other design solutions may be appropriate if the City Landscape Architect finds that an alternative design, shape, and appearance is appropriate in particular relationship to streetscape and other site design considerations. One or more stormwater basins may be shared to serve some or all development within this Zoning District, so as to eliminate the need for each parcel to have its own on-site basin. Where shared stormwater basins are proposed, they shall be reviewed and approved by City staff without the requirement to be reviewed as part of a final development plan. Installation of stormwater basins shall include simultaneous installation of screening, buffering, and other aesthetic enhancements near the basins.
- 5. <u>Street Trees</u>: Street trees already exist along Beech Road. No additional street tree plantings shall be required along that street. A street tree row shall be established along Worthington Road all public streets (other than State Route 161) and private roads and shall contain one (1) tree for every thirty (30) feet of street frontage. Street trees along Worthington Road shall be installed along the entire street frontage when the first parcel develops in this Zoning District. Street trees shall be located a minimum of ten (10) feet from the edge of the right-of-way unless the City's Landscape Architect approves planting these trees closer to the right-of-way or within the right-of-way. Minimum street tree size at installation shall be three (3) caliper inches. All street trees that are not installed prior to infrastructure acceptance shall be bonded to guarantee installation. The city landscape architect may approve deviations to the caliper requirements on a case-by-case basis.
- 6. <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 tree areas). Parking

lots shall be designed to accommodate parking lot islands with tree(s) at the end of parking aisles. Parking areas should be designed to foster pedestrian connectivity by accommodating the required pedestrian connections/walkways and provide landscaping to enhance visual aspects of the development. Particular attention shall be given to quantity or plan material and size of parking lot landscape islands closest to buildings.

7. <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 ½) inches in caliper for deciduous 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. The city landscape architect may approve deviations to the caliper requirements on a case-by-case basis.

H. <u>Lighting</u>:

- 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 thirty (30) feet in height.
 - 4. Landscape uplighting from a concealed source shall not be permitted.
- 5. No permanent colored lights or neon lights shall be used on the exterior of any building.
- 6. All new electrical utilities that are installed in this Zoning District shall be located underground.
 - 7. All other lighting on the site shall be in accordance with City Code.
 - 8. Street lighting must meet the City Standards and Specifications.
- I. <u>Signage</u>: Signage for all uses in this Zoning District shall comply with relevant provisions of the Codified Ordinances unless a master signage plan that provides alterative standards is provided for review and approval by the Planning Commission as part of a final development plan. In the event of a conflict between an approved master sign plan and the relevant provision of the Codified Ordinances, the approved master sign plan shall govern. One

wall mounted sign per tenant shall be permitted on each elevation of the building that fronts or sides on a public or private road, but parking lot drive aisles shall not be construed as a private road. Retail tenants are permitted one sandwich board sign, not to exceed six (6) square feet in area, per side. The signs may be placed on the sidewalk in front of the appropriate tenant space, but may not be sited in a location that interferes with vehicular sight distance.

- **J.** <u>Utilities</u>: All new utilities shall be installed underground.
- **K.** Phasing of Improvements: Each phase of development in this Zoning District shall include an appropriate share of the proposed vehicular circulation system, landscaping and outdoor spaces, screening and other site and architectural amenities of the entire project. The extent of these improvements shall be determined for each phase of a specific project at the time of the project's final development plan approval, and may not be based solely upon a proportional or equal share of the entire site.

III. GENERAL MATTERS:

A. <u>Conditional Uses:</u> Any person owning or having an interest in property may file an application to use such property for one or more of the conditional uses provided for by City's Codified Ordinances Code or by this zoning text. Applications for conditional uses shall follow the procedure and comply with the requirements of Chapter 1115, Conditional Uses, of the Codified Ordinances of the City of New Albany.

B. Appeals and Variances:

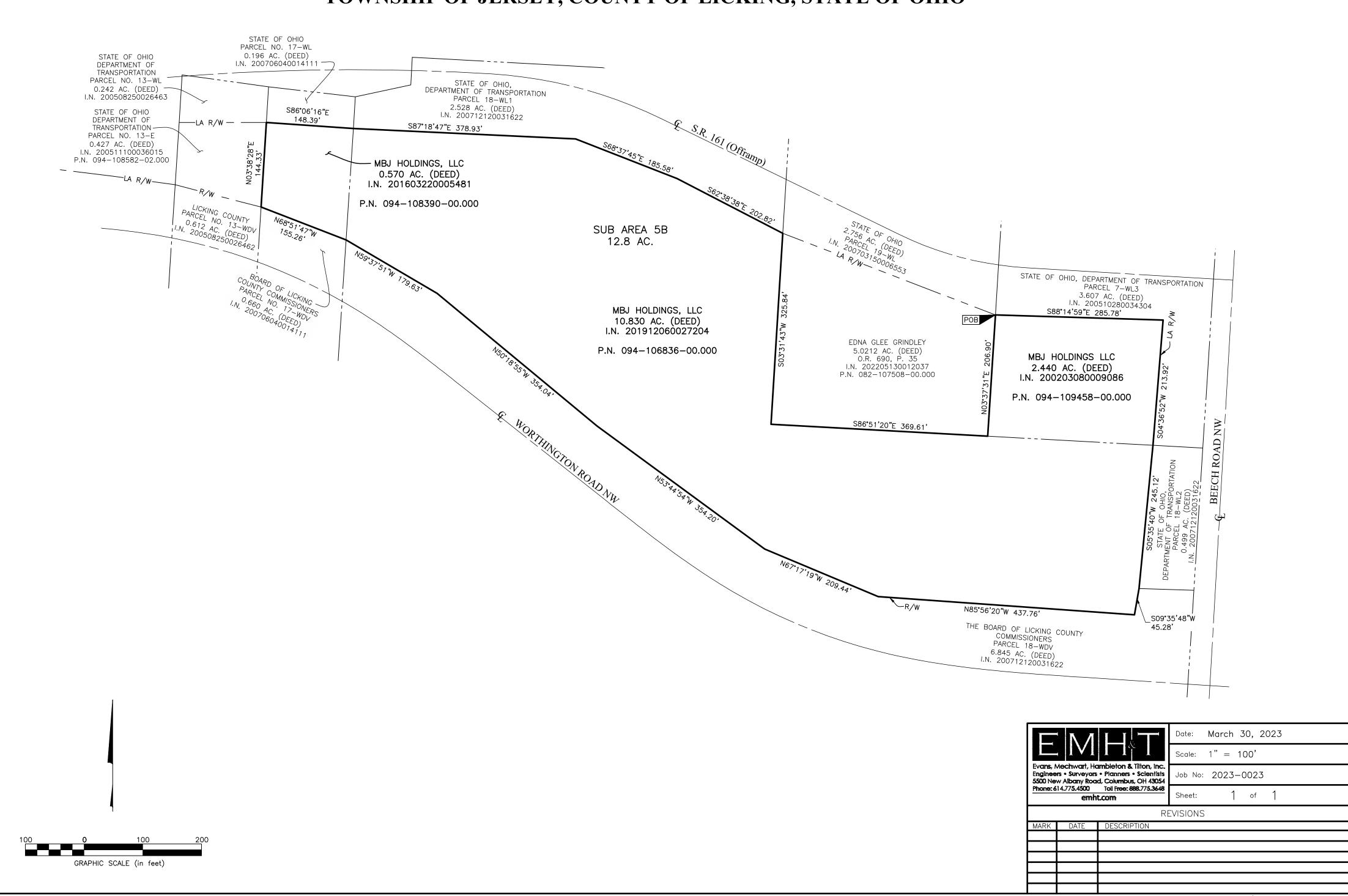
1. Appeals:

- a. <u>Taking of Appeals</u>: Appeals to the Board of Zoning Appeals concerning interpretation or administration of the text or the underlying zoning ordinance by the Zoning Officer or any other administrative official may be taken by any person aggrieved, including a tenant, or by a governmental officer, department, board, or bureau. Such appeal shall be taken within twenty days after the date of the decision by filing a notice of appeal specifying the grounds thereof with the officer from whom the appeal is taken and the Board of Zoning Appeals.
- b. <u>Imminent Peril:</u> An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Officer certifies to the Board of Zoning Appeals, after notice of appeal shall have been filed with him, that by reason of facts stated in the application a stay would, in his opinion, cause imminent peril to life or property. In such case, the proceeding shall not be stayed other than by a restraining order which may, on due cause shown, be granted by the Board of Zoning Appeals, after notice to the Zoning Officer or by judicial proceedings.

- 2. <u>Nature of Variance:</u> On a particular property, extraordinary circumstances may exist making a strict enforcement of the applicable development standards of the PUD portion of this text or the Zoning Ordinance unreasonable and, therefore, the procedure for variance from development standards is provided to allow the flexibility necessary to adapt to changed or unusual conditions, both foreseen and unforeseen, under circumstances which do not ordinarily involve a change of the primary use of the land or structure permitted.
- 3. <u>Variance Process:</u> The procedures and requirements of Chapter 1113, Variances of the Codified Ordinances of the City of New Albany shall be followed in cases of appeals. The Planning Commission shall hear requests for variances in this zoning district. Any private road constructed within this zoning district shall not be subject to the regulations of the subdivision standards found with Codified Ordinances Chapter 1187.

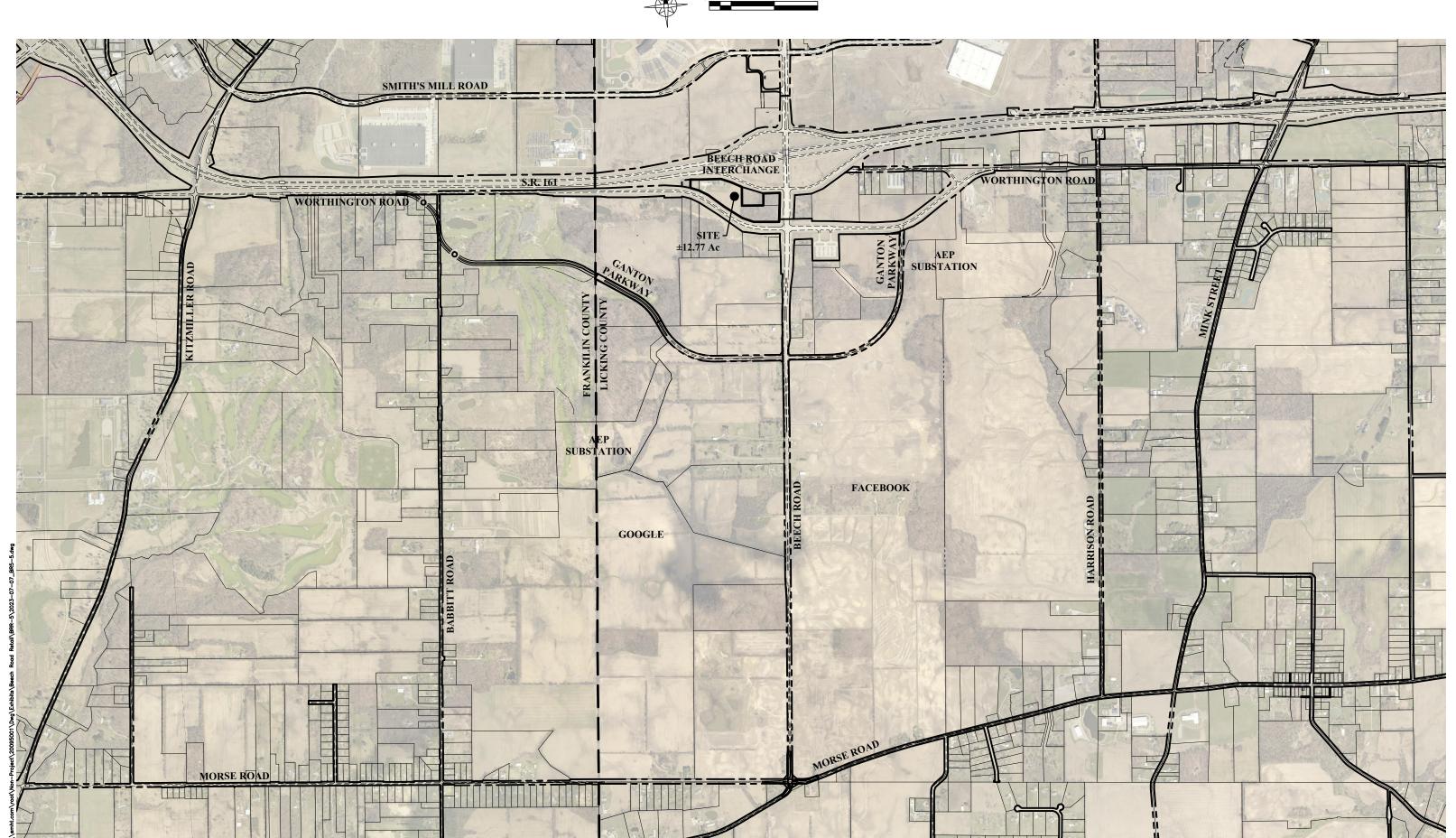
ZONING EXHIBIT

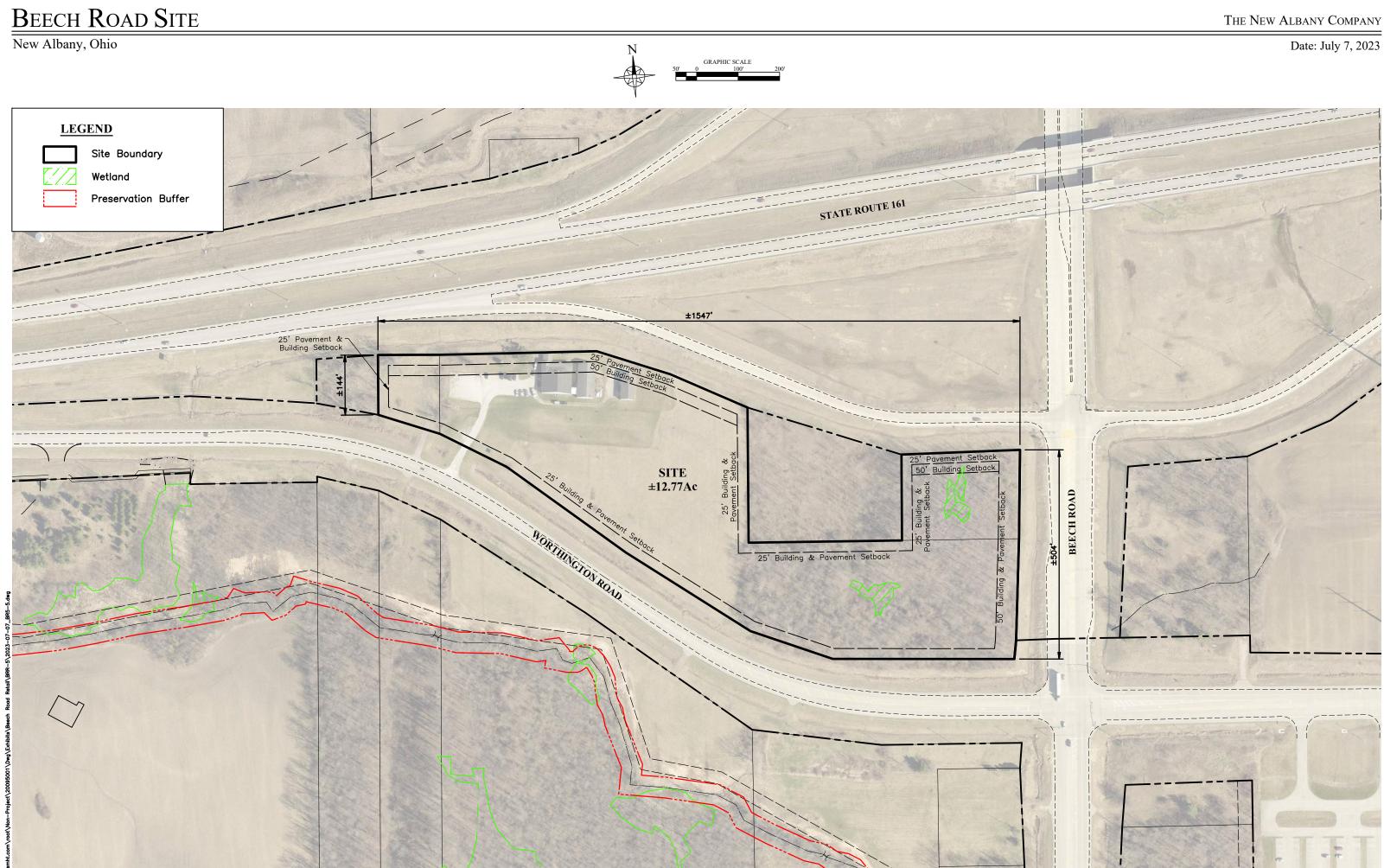
SECTION 16, QUARTER TOWNSHIP 3, TOWNSHIP 2, RANGE 15 UNITED STATES MILITARY DISTRICT TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

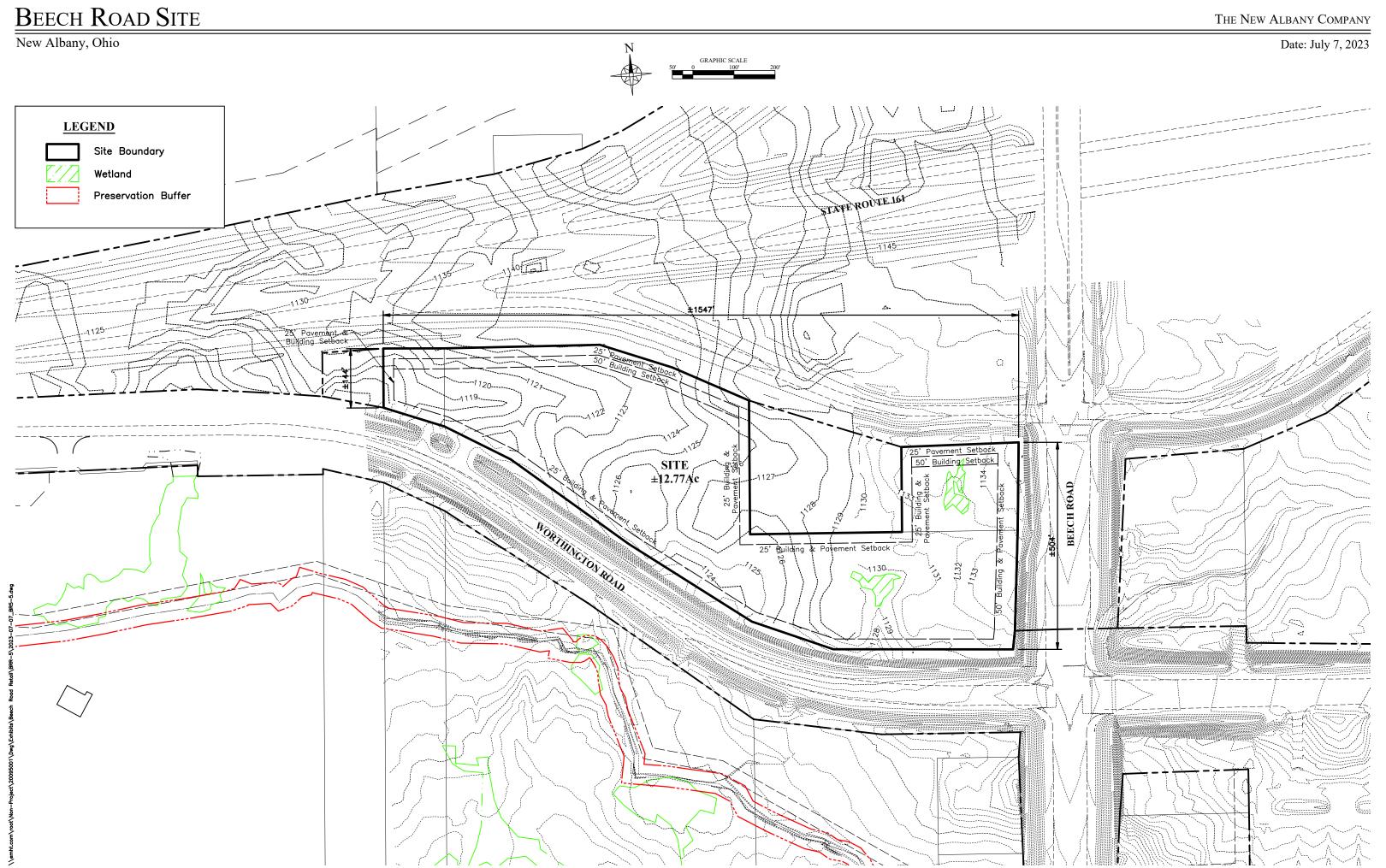


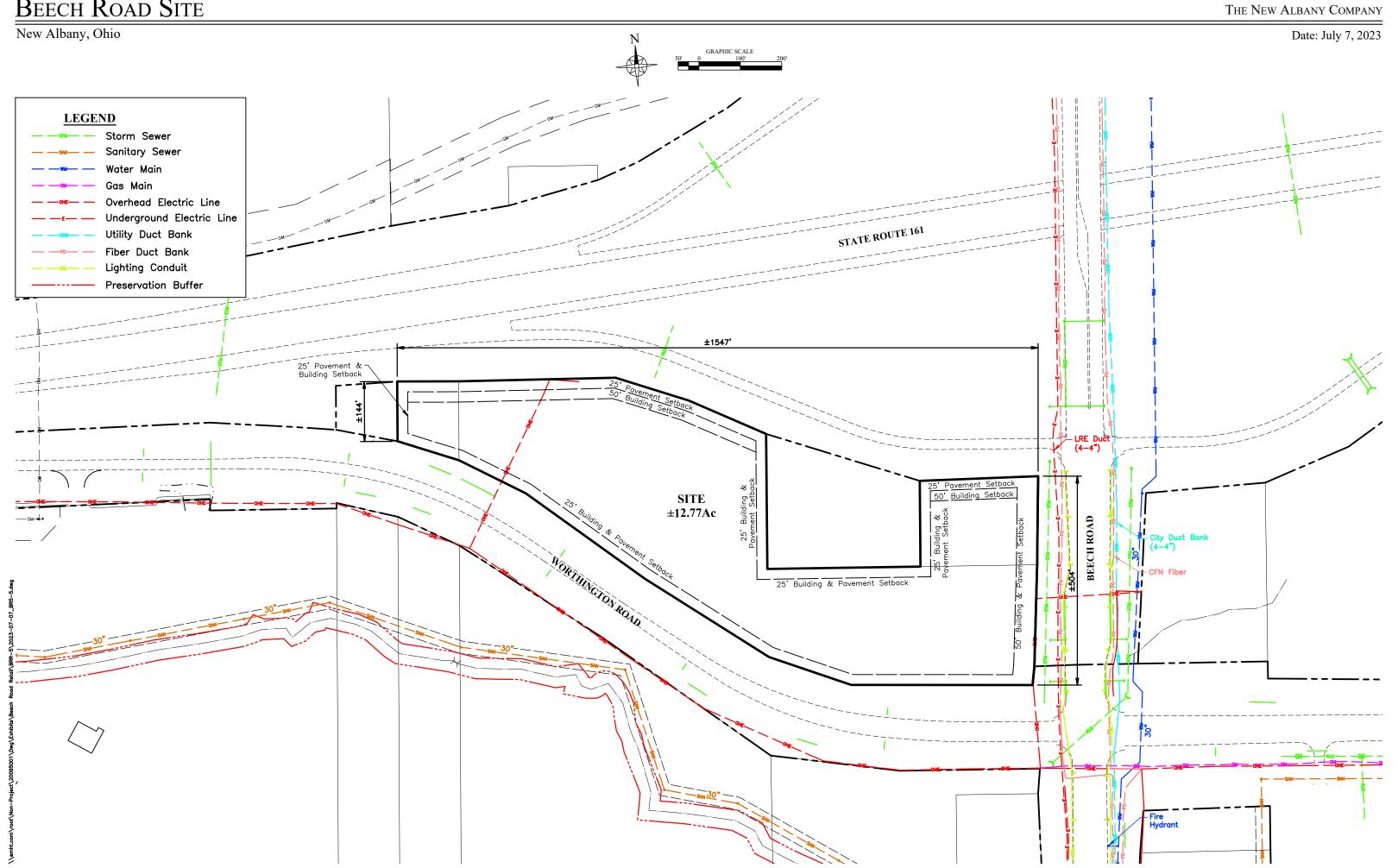
 $\frac{\text{BEECH ROAD SITE}}{\text{New Albany, Ohio}}$ Date: July 7, 2023













Planning Commission Staff Report July 17, 2023 Meeting

7830 EASTCROSS DRIVE PERGOLA MATERIAL & SETBACK VARIANCE

LOCATION: 7830 Eastcross Drive (PID: 222-004933)

APPLICANT: City of New Albany, Ohio

REQUEST: Variance to allow a pergola to be constructed of metal and encroach the

side yard setback by 2.5 feet.

ZONING: I-PUD (Planned Unit Development District)

STRATEGIC PLAN: Residential APPLICATION: VAR-65-2023

Review based on: Application materials received on June 2, 2023.

Staff report prepared by Sierra Cratic-Smith, Planner

I. REQUEST AND BACKGROUND

The applicant requests two variances:

- 1. To allow a pergola material to be an aluminum metal where city code ordinance Chapter 1165.04(b)(1) prohibits metal material for recreational amenities.
- 2. To allow a pergola to encroach two and a half feet into the 10-foot side yard setback (C.O. Chapter 1165.04(b)(3)(C)).

This is a city sponsored variance request to allow the material of a pergola to be an aluminum metal and to allow an encroachment of 2.5 feet into the side yard. Prior to this request, the property owner followed the appropriate submittal and permitting process. The city approved the permit and the property owner purchased and installed the pergola in accordance with the approved application. A review conducted by the city, several months after approving the property owner's permit, identified a mistake in the approval process. The city contacted the property owner who agreed to work with the city to submit this variance application.

II. SITE DESCRIPTION & USE

The property measures at 0.19 acres in size and contains a single-family home. This property is located within the Nottingham Trace subdivision and is zoned residential I-PUD. The Nottingham Trace subdivision is located West of State Route 605. The surrounding properties are residential on all sides.

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

The applicant requests two variances:

- 1. To allow a pergola material to be an aluminum metal where city code d ordinance Chapter 1165.04(b)(1) prohibits metal material for recreational amenities (C.O. Chapter 1165.04(b)(1)).
- 2. To allow a pergola to encroach two and a half feet into the 10-foot side yard setback (C.O. Chapter 1165.04(b)(3)(C)).

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

- 1. The applicant requests a variance to allow the pergola columns material to be an aluminum metal where city code prohibits metal material for recreational amenities except on roofs. The applicant requests to use a black aluminum for the pergola's columns. The second request is to allow it encroach two and a half feet into the 10-foot side yard setback.
- 2. The pergola is fully constructed. The variance requests are to allow the pergola to remain in its existing form and location.

- 3. The variances do not appear to alter the character of the neighborhood considering the surrounding landscape and general area of the lot. The home is generally located in a corner of the subdivision with the pergola located in the rear yard so there is no visibility from the public street. In addition, there is currently arborvitae landscape along both sides of the pergola. This buffer includes the neighbor's landscaping located on the left side covering the rear yard.
- 4. The variance does not appear to be substantial because the black aluminum is a very popular material in New Albany similarly seen as fencing materials. In addition, the metal finish is a matte finish and is not the typical metallic shiny color so it appears appropriate in design.
- 5. The variances preserve the "spirit and intent" of the zoning requirement and "substantial justice" would be done by granting the variance. The pergola is made of a matte, black aluminum which does not shine. Its thin columns create an inconspicuous appearance which results in the pergola blending into the background.
- 6. There are special conditions that create a uniqueness for the lot. There is an existing patio built in the rear of the home connected to the back door. The pergola is fastened on top of an existing concrete patio and matches its area.
- 7. Granting the variances 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.
- 8. Approving the variances will not adversely affect the delivery of government services.
- 9. The special conditions and circumstances do not result from the action of the applicant. The city approved the permit and the property owner purchased and installed the pergola in accordance with the approved application. A review conducted by the city several months after approving the property owner's permit and the after its installation identified a mistake in the approval process. The city contacted the property owner who agreed to work with the city to submit this variance application.
- 10. The setback request does not appear that it can be solved by some manner other than the granting of a variance. If the pergola were to be relocated, it would block the rear door and prevent its use. This setback encroachment is the minimum needed to clear the doorway. The house and the pergola are constructed the same distance from the side property line. If it was attached to the house, it would be meeting code requirements and the setback variance would not be necessary.

IV. SUMMARY

This variance is to allow the pergola columns' material to be an aluminum metal and to allow it encroach two and a half feet into the side yard setback. This variance is not significant because it is not visible to the public and has limited visibility from neighbors due to landscaping. In addition, the black aluminum material is a very popular material used in New Albany since it lacks shine blends/fades into the background. The spirit and intent of the material regulation is to ensure metallic and shiny metals are not utilized since it they would clash with the character of the community and materials used on the primary structure. This pergola material and color is extensively used for fencing in New Albany. The design and material is appropriate for the home and its location in the setback is necessitated in order to not block the back door.

V. ACTION

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

Move to approve application VAR-65-2023 based on the findings in the staff report (conditions of approval may be added).

Approximate Site Location:



Source: NearMap

Permit #	
Board	
Mtg. Date	



Community Development Planning Application

	Site Address 7830 Eastcross Dri	ve, New Albany, OH 430)54	
	Parcel Numbers 222-004993			
	Acres 0.19			
	Choose Application Type □ Appeal □ Certificate of Appropriateness	Circle a	all Details that Apply	
Project Information	□□Conditional Use □□Development Plan □□Plat □□Lot Changes □□Minor Commercial Subdivision	Preliminary Final Preliminary Final Combination Split	Comprehensive Amendment Adjustment	
ect Inf	□ X Vacation □□Variance	Easement	Street	
Proj	□□Extension Request □□Zoning	Amendment (rezoning)	Text Modification	
	Address: 7830 Eastcross Dr. City, State, Zip: New Albany,	and Stephen Diantonio rive OH 43054		
Email:				
	Phone number: Email:		Fax:	
Signature	The Owner/Applicant, as signed belo employees and appointed and elected	ow, hereby authorizes Village d officials to visit, photograph		

Background and Justification:

This is a city sponsored variance request to allow the material of a pergola to be an aluminum metal and to allow an encroachment of 2.5 feet into the side yard. Prior to this request, the property owner followed the appropriate submittal and permitting process. The city approved the permit and the property owner purchased and installed the pergola in accordance with the approved application. A review conducted by the city several months after approving the property owner's permit identified a mistake in the approval process. The city contacted the property owner who agreed to work with the city to submit this variance application. This project is located at 7830 Eastcross Drive, New Albany, OH within the Nottingham Trace subdivision.

The first request it to allow the pergola metal to be an aluminum metal which is not permitted except for roofs per city codified ordinance Chapter 1169.04(b)(1). Therefore, this variance would allow the columns to be aluminum not the entire structure. The home is generally located in the corner of the subdivision with the pergola located in the rear yard with no visibility from the public street. Also, the pergola is finished construction with a black aluminum finish. Black aluminum is a very popular material in New Albany similarly seen as fencing materials. In addition, the metal finish is a matte finish and is not the typical metallic shiny color so it appears appropriate in design. The thin columns create an inconspicuous appearance which results in the pergola blending into the background. Nor is it very visible for the neighbors because there is currently landscape along the right side of the home.

The second request is to allow the pergola to encroach four feet into 10 foot side yard setback which is not permitted per city codified ordinance Chapter 1169.04(b)(3)(C). The pergola is fastened on top of an existing concrete patio and aligns with the back door. Shifting it to meet the setback requirements results in the pergola column block the back door. This setback encroachment is the minimum needed to clear the doorway. This project should be approved by the planning commission because this pergola does not obstruct visibility, the location allows it to be more functional, and it is a popular material in the city.



S LANDMARK SURVEY GROUP, INCORPORATED

690 LAKEVIEW PLAZA BLVO. SUITE A, WORTHINGTON 0H.43085
PHONE: (614) 485-9000 WWW.LANDMARKSURVEY.COM

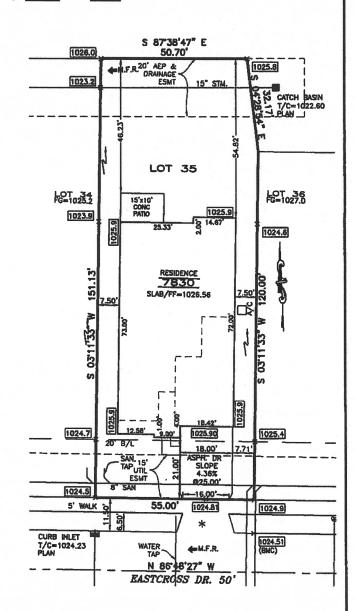
REVISIONS	DESCRIPTION
74 H 77	

ORDER	410	101	***	20
URUER	NU.		/3	.zu

DATE: 11/03/20

FORPULTE_HOMES	HOUSE STYLE ASCEND HR	COUNTY OF FRANKLIN	
LOT/SUBDIVISION LOT 35 / NOTTINGHAM TRAC	PHASE 1	CITY/TWP OF NEW ALBAY	NY
ADDRESS 7830 EASTCROSS DRIVE		SCALE 1"= 20' DRAWN BY: AEL	

MINIMUMS: DEFAULT R: 20' S: 5' BK: 124 PG: 16



* STABILIZE CONSTRUCTION ENTRANCE.

LOT CALCULATIONS ARE FOR ESTIMATING PURPOSES ONLY AND SHOULD BE VERIFIED BY THE BUILDER OR CONTRACTOR.

LOT CALC	ULATIONS
LOCATION	
(0)	8266 S.F.
ENUMBER 1	
DRIVE	
APPROACH	
SER WALK	
WALK	
	4999 S.F.
SOD S.Y.	
DRIVE S.Y.	
LOT AC	
LOT COV	
SAN LAT	15.2

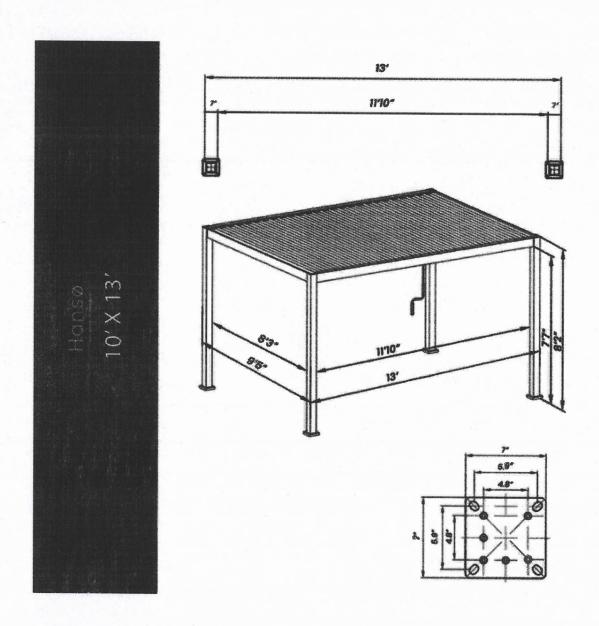
THIS PROPERTY IS LOCATED IN FLOOD ZONE X MAP NO. 39049C 0202K EFF. DATE: 6/17/08

BUILDER TO INSTALL AND MAINTAIN EROSION CONTROL THROUGHOUT ALL PHASES OF CONSTRUCTION, FIELD MODIFICATIONS MAY BE NECESSARY.

WE HEREBY CERTIFY THAT THE FOREGOING PLOT PLAN WAS PREPARED FROM REFORMATION PROVIDED BY THE CLIENT AND DATA GREANED FROM ENGINEERED SUBUNISION PLANS. THIS PLOT PLAN IS TO BE USED BY THE CUENT FOR THE SOLE PURPOSE OF DISTAINING A BUILDING PERMIT. THE USE OF THE PLOT PLAN FOR AMY OTHER USE IS STRICTLY PROHIBITED. PLOT PLAN WAS PREPARED FROM
MYCHAINTON PROVIDED BY THE CLIENT
AND DATA ORTHNED FROM ENGINEERED
SUBDINISION PLANS. THIS PLOT PLAN IS
TO BE USED BY THE CLIENT FOR THE
SCOTT TO BE USED BY THE CLIENT FOR THE
SOLE PURPOSE OF DETRINING A BUILDING
PERMIT. THE USE OF THE PLOT PLAN FOR
ANY OTHER USE IS STRICTLY PROMBITED.

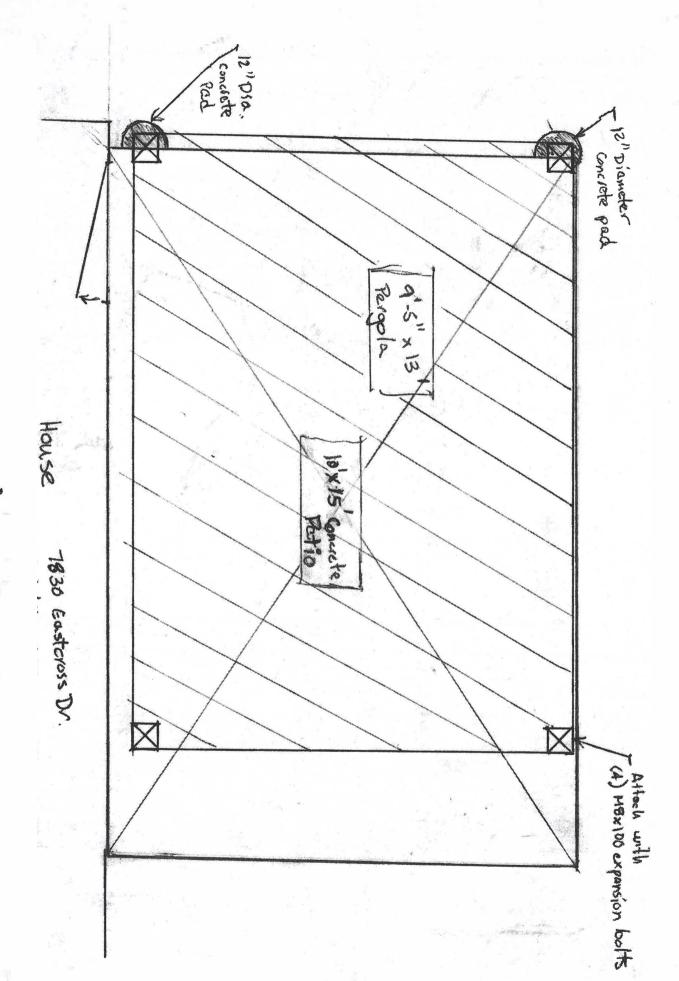
SCOTT D. GRUNDE, P.S.
REDISTRIBED SURVEYOR MO. 8847

Steve DiAntonio Permit Application 7830 Eastcross Drive New Albany, OH 43045 412-973-4312 steve.diantonio@gmail.com



Pergola weighs approximately 300 lb – 75lbs. load per column.

Hanso web site: <u>hansohome.com</u>



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Planning Commission Staff Report July 17, 2023 Meeting

6867 HARPER LANE DECK VARIANCE

LOCATION: 6867 Harper Lane (PID: 222-004663)

APPLICANT: Traci Moore

REQUEST: Variance to codified ordinance 1165.04(b)(3)(B) to allow a deck to

encroach a platted easement.

ZONING: Wentworth Crossing

STRATEGIC PLAN: Residential APPLICATION: VAR-66-2021

Review based on: Application materials received on June 23, 2023

Staff report prepared by Sierra Cratic-Smith, Planner.

I. REQUEST AND BACKGROUND

Variance to codified ordinance 1165.04(b)(3)(B) to allow a deck to encroach 30 inches into a 40-foot utility easement located within the rear yard at 6867 Harper Lane.

II. SITE DESCRIPTION & USE

The property is 0.241-acre(s) large with a single-family residential home. It is within the Wentworth Crossing subdivision which is north of Central College Road. The home is surrounded by other single-family residential homes and neighbors the New Albany Links to the east.

III. ASSESSMENT

The application complies with application 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.

III. EVALUATION

Variance to C.O. 1165.04(b)(3)(b) to allow a deck to be located within a platted easement. The following should be considered in the Board's decision:

- 1. Codified Ordinance Section 1165.04(b)(3)(b) states that decks and other recreational amenities are not permitted to be constructed in an easement. According to the final plat for the subdivision, there is an existing 40-foot wide general utility easement that extends from the rear property line. According to the engineering plans for the subdivision, the easement contains an underground, public sanitary sewer line.
- 2. The applicant is requesting a variance to allow a deck to encroach 30 inches (approximately 2.5 feet) into the easement. The back of the house is about 44.46+/- feet from the rear property line. The easement is 40-foot-wide thereby leaving approximately 4.46 feet of buildable space.
- 3. The deck is 311 square feet in area (size). It extends 8.5 feet from the back of the house and is about 21.5 feet wide. The encroachment area is approximately 56.25 square feet.
- 4. In October 2019, modifications to section 1165 of the city's Codified Ordinances were approved by City Council. The modifications included adding provisions that decks, patios and other recreational amenities are not permitted to be installed in easements. By adding this prohibition, a property owner can now request a variance. Prior to the adoption of these code modifications city code was silent on easements, and decks and similar at-grade encroachments into easements where regulated only by plat notes which typically state encroachments could only be approved by the city engineer. Plat notes provide no other mechanism for relief via a public process. The intent of this requirement is to protect property owners and to add an extra level of review for these types of encroachment requests.
- 5. It does not appear the essential character of the neighborhood will be altered because there are other neighbors with recreational amenities such as decks and patios partially constructed within the easement. Each property has the same 40-foot-wide easement located in the rear yard and the encroachments of the existing patios/decks into the easement varies from 8 feet to 1 foot. Therefore, the proposed encroachment is similar to the existing encroachments and does not change the characteristics of the neighborhood.
- 6. The variance request does not appear to be substantial since the deck is installed directly

over the sewer line. The sanitary sewer is constructed approximately 11 feet away from the end of the deck so it appears it can be sufficiently accessed. If the city or another utility provider needs to access the easement, the deck may be taken down or partially removed in order to access utilities, and the property owner is responsible for the expense of replacing or repairing the structure. Staff recommends a condition of approval that the homeowner enter into a hold harmless agreement (or similar legal mechanism to be determined by the city engineer and/or attorney) specifying that the property owner, and not the city, is responsible for any damages to the deck in the event that a public or private utility provider needs to access the easement area prior to the issuance of a building permit and any impacts to neighboring surface drainage must is the responsibility of the homeowner to address.

- O The plans show multiple planter boxes around the deck. These applicant states these planter boxes are not affixed to the deck or ground. Since these are movable objects (not permanent) a variance for them is not required.
- 7. The variance request appears to meet the spirit and intent of the zoning requirement since the deck is cantilevered over the easement area. The deck's footing and foundations are constructed on the easement line in order to allow access to the ground underneath the deck.
- 8. Granting the variance does not adversely affect the delivery of government services since the deck is not constructed directly over the sanitary sewer line and provides access the ground beneath the deck via its cantilever design. The installation of the deck does not obstruct the operation of the sewer line.
- 9. It appears that granting the variance will not adversely affect the health and safety of persons residing in the vicinity.

IV. SUMMARY

While the applicant proposes to install a deck within an easement, it does not obstruct the public utility. The hold harmless agreement ensures that the applicant, and all future owners, are aware that the city is not responsible for any damages to the deck in the event that the easement area has to be accessed in the future and further ensures that the spirit and intent of the requirement is being met and the delivery of government services will not be negatively impacted.

V. ACTION

Should the Planning Commission find that the application has sufficient basis for approval, the following motion would be appropriate (conditions may be added):

Move to approve application VAR-66-2023 with the following conditions, subject to staff approval (conditions of approval may be added).

- 1. The area underneath the deck must be screened in accordance with city code.
- 2. The homeowner enters into a hold harmless agreement (or similar legal mechanism to be determined by the city engineer and/or attorney) specifying that the property owner, and not the city, is responsible for any damages to the deck in the event that a public or private utility provider needs to access the easement area prior to the issuance of a building permit and any impacts to neighboring surface drainage must is the responsibility of the homeowner to address.



Source: NearMap

Permit #	
Board	
Mtg. Date	



Community Development Planning Application

	Site Address 6967 Harper Lane - New Albany, OH. 43054 Parcel Numbers 222 - 004 - 663
	Acres
	Choose Application Type Circle all Details that Apply
Project Information	Conditional Use Comprehensive Amendment Comp
Pro	□□Zoning Amendment (rezoning) Text Modification
	Description of Request: This request is to allow a deck to encouncing 30" Past the casement
Contacts	Property Owner's Name: TYACI & TONY MOVE Address: 6967 Havney Lane City, State, Zip: New Albany, OH. 43054 Phone number: 614-323-6147 Email: TYACI 969 @ gmail. Com Applicant's Name: Michael Whitly Three & Construction LC Address: 340 Wall St. City, State, Zip: Centerburg, out. 43011 Phone number: 614-207-2019 Email: 3d, whitly e gmail. com
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. Signature of Owner Signature of Applicant Date: 41-23

Owner Name	MOORE ANTHONY C MOORE TRACI M	Prop. Class Land Use	R - Residential 510 - ONE-FAMILY DWLG ON PLA
Site Address	HARPER LN	Tax District Sch. District App Nbrhd	222 - PLAIN TWP-NEW ALBANY C 2508 - NEW ALBANY-PLAIN LSD 05104
LegalDescriptions	WENTWORTH CROSSING SECTION 2 LOT 31	CAUV Owner Occ Cred.	N Y
Owner Address	6867 HARPER LN NEW ALBANY OH 43054	Annual Taxes Taxes Paid	12,996.50 6,751.24
		Board of Revision CDQ	No

	Current Market Value			Taxable Value		
	Land	Improv	Total	Land	Improv	Total
BASE	\$23,800	\$0	\$23,800	\$8,330	\$0	\$8,330
TIF	\$91,200	\$383,500	\$474,700	\$31,920	\$134,230	\$166,150
Exempt	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$115,000	\$383,500	\$498,500	\$40,250	\$134,230	\$174,480
CAUV	\$0					

Sales					
Date	Grantor	Convey No.	Convey Typ	# Parcels	Sales Price
03/15/2016	MOORE ANTHONY C MOORE TRACI M	00004059	WD	1	487,059
02/12/2014	ROCKFORD HOMES INC	901577-M	QE	34	0
02/12/2014	ACKLIN KRISTINA BOYNTON	901576-M	GE	34	0
01/28/2014	ROCKFORD HOMES INC	PB77 PG019	PL	34	0

3728

Land

Lot Type Act Front Eff Front Eff Depth Acres

G1-GROSS G1-GROSS

Site Characteristics

Property Status Developed **Exccess Frontage No** 05104 Neighborhood **Alley** No **Elevation** Sidewalk No **Terrain Corner Lot** No Street/Road **Wooded Lot** No **Traffic Water Front** No Irregular Shape **View** No No

Building Data

Use Code 720 - TIF / CITY I **Rooms** 7 Level 1 1928 Style MULTI-LEVEL **Dining Rms** 1 Level 2 1400 **Exterior Wall Typ Bedrms** 1-WD/ALUM/VIN 4 Level 3+ **Year Built** 2015 **Family Rms** 1 0 Attic Year Remodeled **Full Baths** 3 Fin. Area Above Grd 3328 **Effective Year** 2015 **Half Baths** Fin. Area Below Grd 400

Stories 2.0 Basement FULL BASEMENT Fin. Area
Condition AVERAGE Unfin Area Sq Ft

Rec Room Sq Ft

Attic NO ATTIC
Heat/AC HEAT / CENTRA

Fixtures 15 Wood Fire 0 / 0 Garage Spaces 3

Improvements

Type Year Blt Eff Year Blt Condition Size Area

Permits

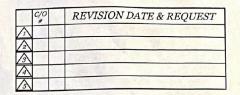
Date Est. Cost Description

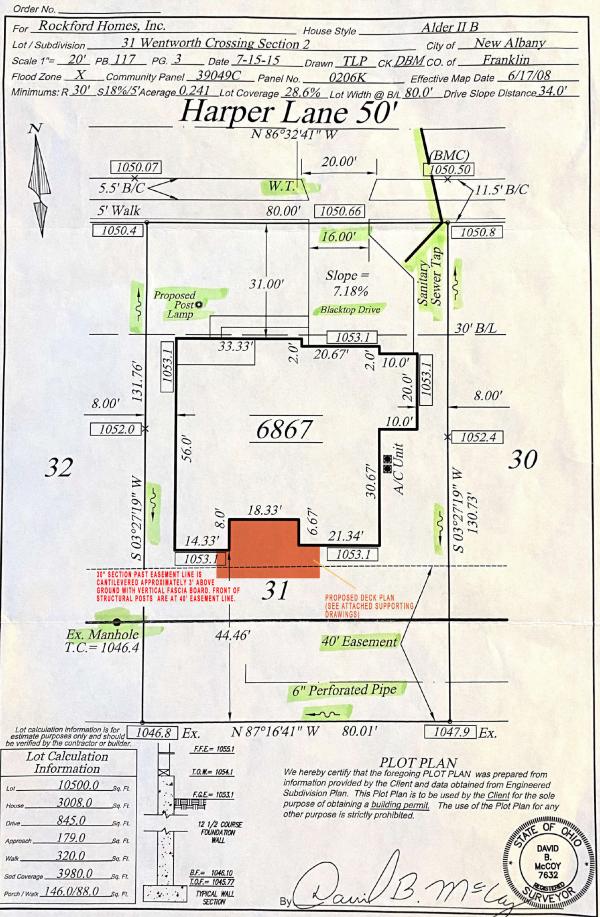
07/31/2015 \$ NEW DWLG

07/31/2015 \$ 483,000 NEW DWLG



Consulting Engineers & Surveyors
2550 Corporate Exchange Drive, Suite 10
Columbus Ohio 43231
Phone(614)885-2498 • Fax(614)885-2886



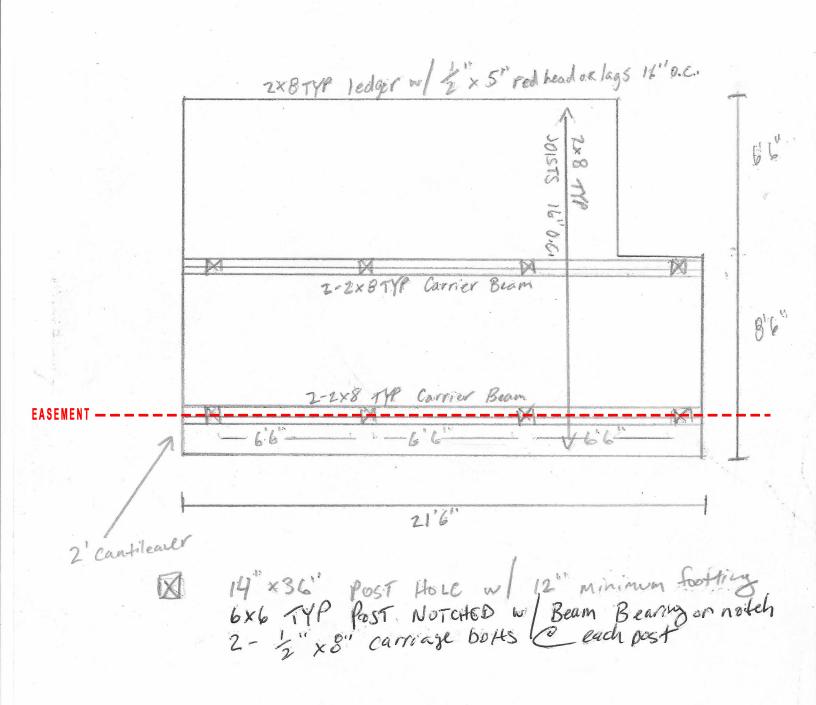


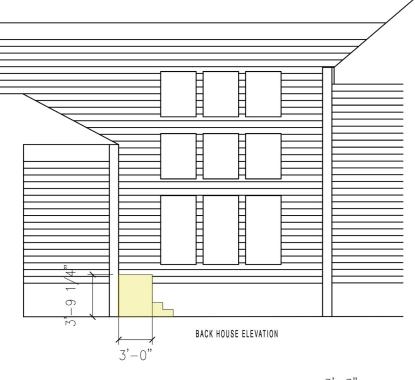


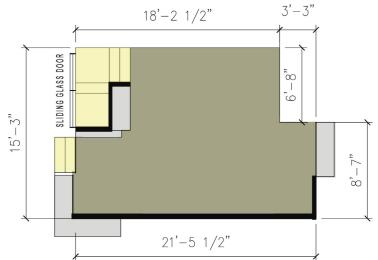
THREE D CONSTRUCTION

3d.whitley@gmail.com 614-207-2019 Moore 6867 Harper Lane

4=1



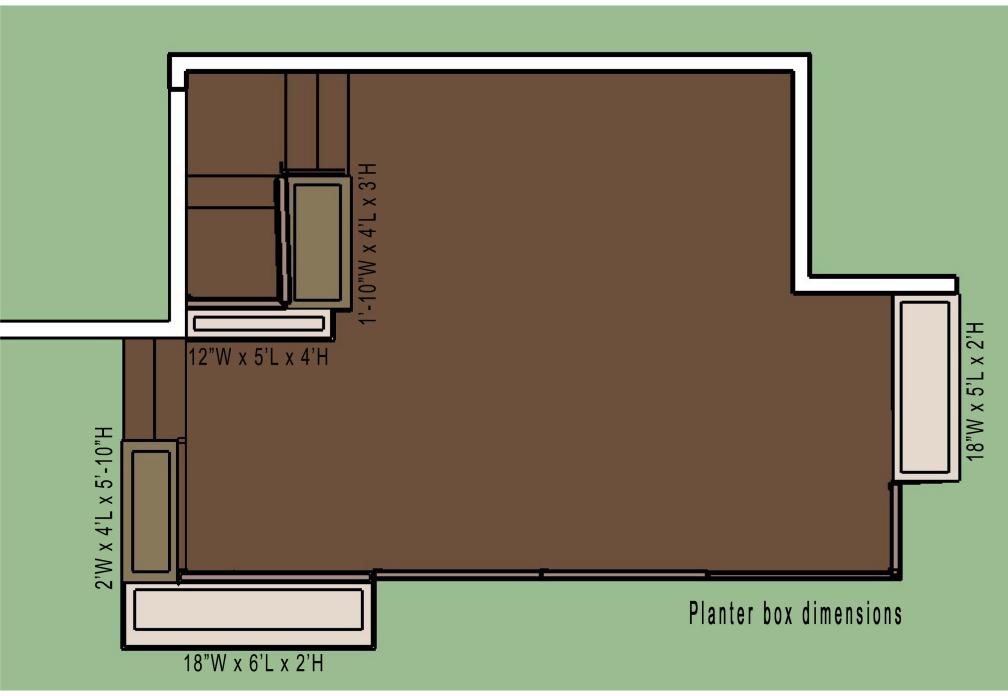


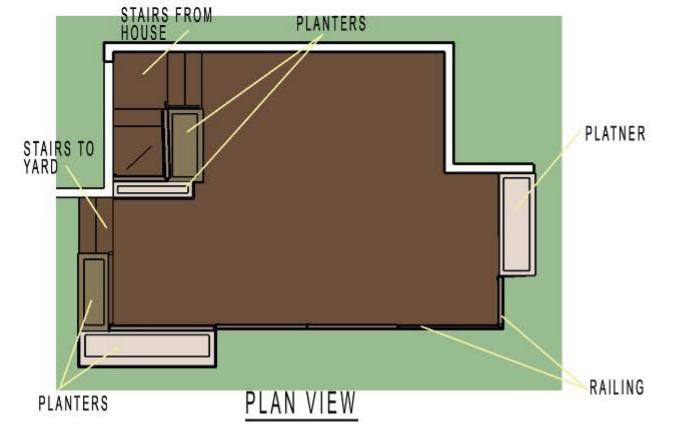


MOORE DECK - 6867 HARPER LANE - NEW ALBANY, OHIO



- 311 SQUARE FEET FOR DECK PLAN OUTLINE, NOT INCLUDING STAIRS ABOVE
- PLANTERS SHOWN IN PLAN IN LIGHT GRAY, BUILT WITH TIMBERTECH
- STAIRS SHOWN IN YELLOW, BUILT WITH TIMBERTECH
- RAILING SHOWN IN BLACK, APPROXIMATELY 34 LINEAL FEET, PRE-FABRICATED BY VIEWRAIL







FRONT VIEW





RIGHT VIEW



Light-colored planter boxes

TimberTech PRO (Legacy Collection) Whitewash Cedar 5.36" x .94"



Dark-colored planter boxes

TimberTech AZEK (Vintage Collection) Coastline 3.5" x 1"



Stairs/Deck/Fascia

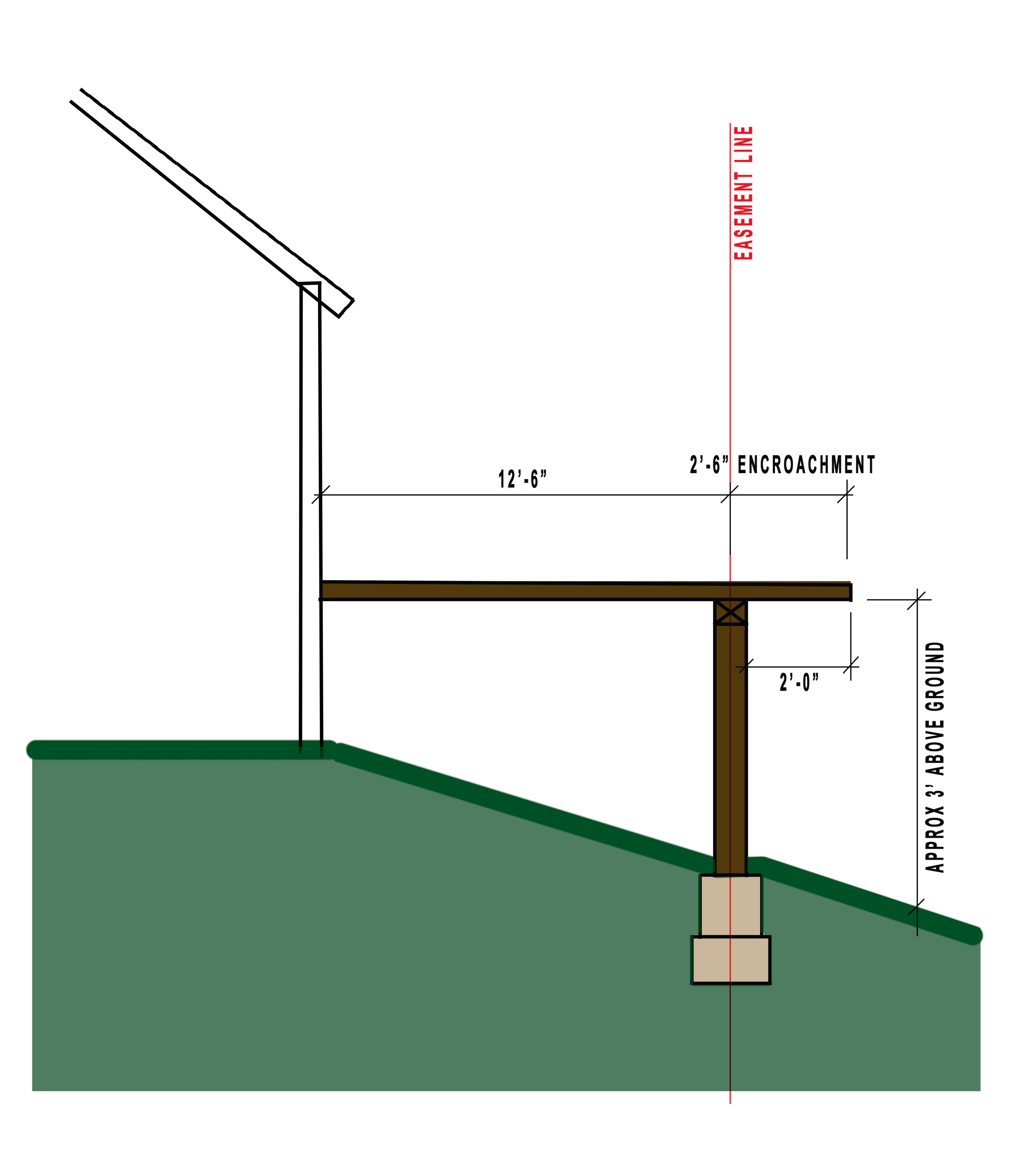
TimberTech EDGE (Prime+Collection) Dark Coicoa 5.36" x .94"



Railings

36" high, floor mount with foot cover, aluminum pre-fab cable railing (Speedboat Silver with wood-look handrail) by ViewRail







To: Planning Commission

From: Community Development Department

Re: City Sign Code Update: Digital/Electronic Menu Board Sign Regulations

Date: July 10, 2023

At the direction of the Planning Commission and City Council, the city staff prepared the attached updates to the city sign code. Proposed changes are indicated in red within the code section and are limited to pages 5 and 12. These updates are intended to permit and provide regulations for electronic/digital drive-thru menu board signs. The proposed code changes were presented informally to the Planning Commission during the June 19th meeting.

During the July 17th Planning Commission meeting, staff asks the board to review and make a formal recommendation to City Council to adopt these code changes. Please feel free to contact city staff if you have any questions.

CHAPTER 1169 DISPLAY SIGNS AND OUTDOOR ADVERTISING

1169.01 PURPOSE.

- (a) The purpose of these sign regulations is to ensure the proper development and regulation of signs. These regulations are intended to provide design regulations for sign types so that they may fit harmoniously with structures and their surroundings. It is the intent of these regulations to prevent signs from becoming a distraction or obstruction to the safe flow of pedestrian and vehicular traffic, to prevent signs from becoming a nuisance factor to adjacent properties or uses, to protect and encourage a healthful economic and business environment in the community, and thereby protect the general health, safety, and welfare of the community.
- (b) This chapter shall supersede all previous regulations regarding signs and shall be considered the requirements necessary for promotion of public safety, health, and general welfare through the regulation of signs.

(Ord. O-38-2010. Passed 12-7-10.)

1169.02 DEFINITIONS.

- (a) As used in this chapter, the following words or phrases shall have the meanings herein:
 - (1) "Abandoned sign" means a sign associated with an abandoned use, a sign that remains after the termination of the business, or a sign on its immediate premises not adequately maintained.
 - (2) "Address sign" means any street location identifier that integrates with the architecture of the building and is not standard to a typical address marker permitted by code. These address signs are usually larger in scale and meant to be highly visible beyond standard means.
 - (3) "Awning" means a non-rigid cloth or canvas hood or cover that projects from the wall of a building.
 - (4) "Banner" means a non-rigid cloth, plastic or canvas sign typically related to a special event or promotion. National flags, state flags, municipal flags or corporate flags shall not be considered banners.
 - (5) "Bench sign" means any sign painted on, located on, or attached to any part of the surface of a bench, seat, or chair placed on or adjacent to a public roadway.
 - (6) "Billboard" means an off-premises sign directing attention to a specific business, product, service, entertainment or other activity sold, offered, or conducted.
 - (7) "Blade" means a sign projecting from the face of the building and is oriented such so that it is vertical.
 - (8) "Building directory sign" means an exterior building mounted sign intended to provide the identity or name, whether through logo, type, graphics or other symbols, for two (2) or more uses within one building.
 - (9) "Building face" means one side of an exposed elevation.
 - (10) "Canopy" means a projection from a building made from any material, which is cantilevered, suspended or supported on columns intended only for shelter or ornamentation.

- (11) "Canvas blade" means a cloth or flexible material sign which is not limited by code for the time it is allowed to be displayed.
- (12) "Clearance Zone" means an area not obstructed by objects.
- (13) "Copy" means the lettering or graphics on the face of a sign.
- (14) "Deteriorated" means showing signs of rust, corrosion, exposed wiring, chipped paint or faces, cracked, broken, or missing faces, or loose materials
- (15) "Directional sign" means a sign which locates features within a lot or indicates points of ingress or egress for automobile traffic.
- (16) "Drive-thru/Menu board sign" means a sign which displays the goods and prices available from a business for customers in their automobile.
- (17) "Dual-post sign" means a sign which is supported on two (2) sides by posts that are attached to the ground.
- (18) "Electronic sign" means any sign, or portion of a sign, that displays an electronic image or video, which may or may not include text, where the rate of change is electronically programmed and can be modified by electronic processes. This definition includes television screens, plasma screens, digital screens, LED screens, video boards, holographic displays, and other similar media.
- (19) "Face change" means a change in colors, copy, graphics, or visual image that does not require the installation of a new or modified sign board.
- (20) "Flag" means any fabric or bunting containing distinctive colors, patterns or symbols used as a symbol of a government or political subdivision.
- (21) "Flashing" means a sign or graphic which in any manner, as a whole or in part, physically changes in light intensity or gives the appearance of such change.
- (22) "Freeway oriented business park sign" means a sign announcing general development opportunities in a business park and/or a sign welcoming a new business to the business park, which is located on property adjacent to a freeway, expressway or divided highway.
- (23) "Ground sign" means a sign supported by or suspended from posts, pillars, columns, or other structures and which is wholly independent of any building for support.
- (24) "Hanging sign" means a sign suspended from its top and attached to an architectural piece of a building.
- (25) "Interior sign" means a sign which is not in any manner physically attached to or painted on the glass or any structural component of the window but which is on the interior of the building or structure and is clearly visible through the window from the exterior of the premises.
- (26) "Identification" means the act of specifying the name, address, and number of a building, institution, or person or the activity carried on in the building or institution. "Joint identification sign" means a sign intended to provide the identity or name, for two (2) or more uses within one building or on one property or the name of the building or its address for property occupied by two (2) or more businesses.
- (27) "Monument sign" means a sign incorporated as part of an architectural feature, the base of which rests entirely on the ground and is wholly independent of any building for support.
- (28) "Mounting width" means the length available to suspend a hanging sign from.
- (29) "Moving sign" means any sign, all or any part of which physically moves or is animated so as to give the appearance of movement.

- (30) "Nonconforming sign" means any sign which does not meet the standards set forth in this code document and/or has become abandoned.
- (31) "Pennant" means a triangular shaped banner.
- (32) "Permanent subdivision identification sign" means those signage features specifically relating to the denotation of a major entrance or entrances to a subdivision.
- (33) "Permanent sign" means a sign intended to be erected or used or in fact which is used for a time period in excess of thirty (30) days, other than those temporary signs allowed a longer use period as specifically permitted in Section 1169.10.
- (34) "Political sign" is a sign having reference to a political official, candidate, question, issue or opinion".
- (35) "Portable sign" means a sign that is designed to be transported, however, it also includes a sign that was designed to be transported, but which has had its wheels removed, and a sign with a chassis or support constructed without wheels, designed to be transported by trailer, vehicle, or wheels; a portable sign also includes sidewalk signs.
- (36) "Post-top" means a sign board that is atop a single supporting post.
- (37) "Primary Entrance" means the entrance which faces the public right-of-way, public easement, or is clearly the identifiable way to which the general public would enter a building.
- (38) "Projecting" means a sign which extends outward perpendicular to the building face.
- (39) "Residential For Sale/For Lease Signs" means signs that indicate the sale, rental or lease of a particular structure or land area.
- (40) "Roof line" means the bottom-most portion of a roof that abuts or is adjacent to the supporting exterior walls of a building.
- (41) "Roof sign" means a sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building or eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof.
- (42) "Setback" means the distance from the property line and/or right-of-way line to the nearest part of the applicable building, structure or sign, measured perpendicularly to the property line and/or right-of-way line.
- (43) "Sidewalk sign" means a sign placed within the sidewalk and set out daily for the advertisement of products and services at an accompanying business.
- (44) "Sidewalk plaque" means a durable emblem, graphic, or lettering embedded into the sidewalk or a business entry outside of the public right-of-way.
- (45) "Sign" means any name, number, symbol, identification, description, display, illustration, object, graphic, sign structure, or part thereof, whether permanent or temporary, which is affixed to, painted on, represented directly or indirectly upon, or projected onto a building, structure, lot, or other device, whether mobile or affixed to the ground, and which directs attention to any object, product, place, activity, person, institution, organization, or business. This definition includes all signs visible from the right-of-way or adjacent property, including interior signs oriented towards the exterior facade of any building or structure. Signs erected by the local, state or federal government for the purposes of discharging any normal governmental function, such as traffic control or safety, are excluded from the regulations of this chapter.
- (46) "Sign board" means the area of a sign to which the lettering and graphics are applied.

- (47) "Sign relief means a measured dimension created by the materials used for a sign or the thickness of lettering applied to a building face or sign board.
- (48) "Single-post sign" means a sign which hangs from an armature that is attached to the ground and erected by one post.
- (49) "Streamer" means any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire, string or cord, usually in a series, designed to move in the wind. A streamer may have pennants and/or banners attached.
- (50) "Street frontage" means the total length or width of the side and or front of a building, or storefront that faces a principal improved public right-of-way, excluding any extension of a building wall beyond the building itself.
- (51) "Temporary sign" means a sign of a type described in Section 1169.10 intended to be used, or in fact used, for a time period not to exceed thirty (30) days in any calendar year unless otherwise specifically permitted in Section 1169.10.
- (52) "Trailer sign" means a sign that is attached to, supported by, or part of a structure which is designed to move on trailer wheels, skids, or other similar devices, or transported, pushed, or pulled by a motor vehicle.
- (53) "Wall plaque" means a small sign attached to the face of the building and typically is made of very durable materials (etched stone, cast metal) and is integrated with the architectural detailing of the building.
- (54) "Wall sign" means a sign attached to a building face, with the exposed face thereof in a plane parallel to the plane of the wall. Wall signs include painted murals, messages, graphics and other designs painted along with any letters or numerals mounted directly on buildings and any extensions thereon.
- (55) "Window sign" means a sign, graphic, poster, symbol or other identification that is physically affixed to or painted on the glass or other structural component of the window.

(Ord. O-38-2010. Passed 12-7-10.)

1169.03 SIGN APPROVAL PROCEDURES.

- (a) The following sign approval criteria shall be observed:
 - (1) All signs contained in Section 1169.11 (Special Signs), Section 1169.12 (Permanent Signs), and Section 1169.18 (By-Right Signs) require a sign permit issued by the Zoning Officer.
 - (2) Existing, conforming signs requiring a sign face change shall require a sign permit issued by the Zoning Officer.
 - (3) All new permanent signs within the Village Center Area require a certificate of appropriateness according to Section 1157.06 prior to the issuance of a sign permit.
 - (4) All signs contained in Section 1169.10 (Temporary Signs) require a temporary sign permit issued by the zoning officer.
- (b) <u>Application and Permit Procedure</u>. Application for a sign permit shall be made by the owner of the property upon which the sign is proposed, or his agent, on forms provided by the Community Development Department. The Department shall regulate and enforce the requirements of this chapter, and approve or disapprove all requests for sign permits. An application for a sign permit shall include the following information:

- (1) Name, address, and telephone number of the applicant and property owner if different from the applicant.
- (2) Scaled drawings, showing at a minimum:
 - A. The width of the building face or faces.
 - B. The design and layout of the proposed sign to scale, including the total area of the sign and the size, height, character, material specifications and color of letters, lines, and symbols.
 - C. Details of illumination, if applicable.
 - D. A scaled site plan of the proposed ground sign location showing the distance from the public right-of-way and relationship to access drives, parking areas and buildings or a face elevation of proposed signs on buildings showing the height and proportions of the signs.
 - E. The landscape plan for ground signs, if required.
- (3) Details and specifications for the construction and attachment of the sign.
- (4) Name, address and telephone number of the sign contractor or company.
- (5) Other information as may be required by the Community Development Department to ensure compliance with the provisions of this chapter.
- (6) Any required application fee.
- (c) <u>Variances and waivers</u>. Requests for deviations to the requirements of this chapter for properties located within the Village Center, as defined in the Village Center Strategic Plan, shall be considered to be waivers and shall be heard by the Architectural Review Board as set forth in Chapter 1113 of these Codified Ordinances. Requests for variances to the requirements of this chapter for properties located outside of the Village Center shall be heard by the Board of Zoning Appeals as set forth in Chapter 1113 of these Codified Ordinances.

(Ord. O-38-2010. Passed 12-7-10; Ord. O-8-2011. Passed 5-17-11.)

1169.04 PROHIBITED SIGNS.

The following signs or similar devices are prohibited: trailer signs, search lights, laser lights, pennants, streamers, spinners, balloons, bench signs, portable signs (except for sidewalk signs), roof signs, billboards, changeable copy (except for gasoline station price signs), flashing signs, projected images and animated signs, signs with moving or moveable parts, electronic signs (except for drive-through menu board signs), and any look-alike version of any of these prohibited sign types. Signs on vending machines, trash bins, or other devices serving any premises, shall be fully screened from view of any public right-of-way and adjoining property. Homemade lettered signs shall also be prohibited with the exception of sidewalk signs as long as they meet the requirements of Section 1169.10(i).

(Ord. O-38-2010. Passed 12-7-10.)

1169.05 PROHIBITED SIGN LOCATIONS.

Signs may not be installed in any of the following locations:

- (a) In any public easement, right-of-way, or no build zone, except publicly owned signs, such as traffic control signs and directional signs.
- (b) In any public park or other public property, without written authority of the owner of that property;

- (c) On any traffic control signs, construction signs, fences (without written permission from owner), utility poles, street signs, trees or other natural objects;
- (d) No sign shall be located so as to interfere with the safe movement of vehicles or pedestrians entering, leaving, or crossing a public right-of-way or private street;
- (e) On any property without the prior authorization of the owner of the property on which any sign is to be placed.

(Ord. O-38-2010. Passed 12-7-10.)

1169.06 MAINTENANCE.

- (a) All signs and components thereof shall be subject to the following conditions:
 - (1) The property owner shall be solely responsible for maintaining the appearance, safety and structural integrity of the sign at all times;
 - (2) Whenever a Community Development Department inspecting official finds a sign in need of repair, support, replacement, cleaning, repainting, or that other action is necessary to maintain reasonable and proper appearance or public safety, he or she shall issue an order to the owner allowing thirty (30) days to effect needed repairs, maintenance or action. If the inspecting official determines that the existing condition of the sign creates an immediate hazard to the health or safety of the general public, he or she shall issue an order to the owner requiring that the sign be removed immediately.
- (b) Failure of an owner to comply with the provisions listed above shall be cause for the inspecting official to order the permit issued for the sign void and issue an order for the sign to be removed. If the sign is not removed by the deadline established by the inspecting official, that official may cause the sign to be removed and the cost assessed to the property owner. If the property owner refuses to pay for removal of the sign, the cost of such removal shall be assessed to the property owner's real property tax assessment.

(Ord. O-38-2010. Passed 12-7-10.)

1169.07 NONCONFORMING SIGNS.

- (a) <u>Abandonment</u>. Use of an existing sign shall terminate and a sign will be considered abandoned when any of the following conditions exist:
 - (1) When the sign is associated with an abandoned use;
 - (2) When the sign remains after a business has ceased operations. A business has ceased operations if it is closed to the public for at least thirty (30) consecutive days, or the business has vacated site, whichever comes first;
 - (3) When the sign is not maintained or does not conform to the following:
 - A. All signs, together with all supports, braces, guys and anchors shall be kept in a proper state of repair;
 - B. Every sign and the immediately surrounding premises shall be maintained by the owner, or his agent, in a clean, sanitary and inoffensive condition, free from all obnoxious substances, rubbish and weeds.

Abandoned signs shall be removed by the property owner.

Upon determination by a Community Development Department inspecting official that a sign has been abandoned, but not removed, the inspecting official shall issue an order for its removal by the property owner within fifteen (15) days. Any abandoned sign still standing after fifteen (15) days following an order for removal may be removed by the Village at the property owner's expense. If the property owner refuses to reimburse the Village for removal of the sign, the cost of such removal, as determined by the Village Administrator, will be added to the owner's real property tax assessment.

- (b) Relocation or Replacement. A nonconforming sign shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this section. Should any replacement or relocation occur without being brought into compliance, the sign shall be existing illegally, and subject to the penalties as specified in Section 1169.99.
- (c) <u>Maintenance</u>. A nonconforming sign shall be maintained or repaired in accordance with the following provisions:
 - (1) The size and structural shape of the sign shall not be changed or altered. The copy may be changed provided the size and structural shape of the sign face is not altered.
 - (2) In case damage occurs to the sign to the extent that more than fifty percent (50%) of the replacement value is lost, the sign shall be removed within sixty (60) days. Any replacement sign must meet the requirements of this chapter.

(Ord. O-38-2010. Passed 12-7-10.)

1169.08 SIGN AREA AND OTHER MEASUREMENT CALCULATIONS.

For the purposes of this chapter, the measurement of sign area and other supporting measurements shall comply with the following standards:

- (a) Sign area shall include the face of all the display areas of the sign not including bracing, framing and structural supports of the sign, unless such support members are made part of the message or face of the sign or are determined by the Village Administrator's designee to be intended solely to make the sign more visible rather than serving any aesthetic or structural purpose.
- (b) For a sign that has two (2) display faces and is perpendicular to a public easement, right-of-way or lot line, the total area of the sign shall be determined by the total area of both sign faces unless otherwise specified. For spherical signs, the sphere shall be bisected by an imaginary line through the center of the sphere, and the surface area of the two (2) half spheres shall be counted as the sign face.
- (c) The area of the letters, numbers or emblems mounted on a building wall or wall extension shall be computed by enclosing such letters, numbers or emblems with an imaginary rectangle around the letters, numbers or emblems, and determining the area.
- (d) Measurement of Building Frontage. The frontage of a building shall be the width of the facade of the building, excluding any overhang or non-enclosed cover, that faces the principal street or contains the primary entrance, if a building is divided into units, the building unit frontage shall be the width of that unit, as measured from the party wall centerlines, on the frontage of the building.
- (e) Measurement of Lot Frontage. The frontage of a lot shall be the number of linear feet the lot abuts on the principal street. For structures and uses having no direct frontage on public roads, as within shopping centers, frontage shall be counted as the intersection of the building line onto adjacent drives or parking areas.
- (f) <u>Measurement of Ground Sign</u>. The height of ground signs shall be measured from the base of the sign at its point of attachment to the ground to its topmost element. However, if the support of a ground sign is

- attached to a wall or other man-made base, including a graded earth mound, the sign height shall be measured from the natural grade of the nearest street, drive or parking area.
- (g) <u>Measurement of Sign Location</u>. In determining the location of signs in relation to lot lines, distances shall be measured from the vertical projection of the lot line to the closest point on the sign.

(Ord. O-38-2010. Passed 12-7-10.)

1169.09 CUSTOMARY SIGNS.

The following special signs do not require a sign permit but are subject to the following standards:

(a) <u>Flags</u>. The flag or insignia of any nation, state, city or other political subdivision. Poles for such flags must be no more than thirty-five (35) feet in height as measured from established grade line to the top of the pole. The maximum size of such flags must be determined according to the following table:

POLE HEIGHT	MAXIMUM FLAG SIZE
35'	5' by 9'6"
30'	5' by 8'
25'	4' by 6'
20'	3' by 5'

- (b) <u>Corporate Flags</u>. Corporate Flags are exempt from this sign code subject to the following conditions:
 - (1) No more than one corporate flag may be flown per parcel of land;
 - (2) A corporate flag shall not be larger than three (3) feet in height and five (5) feet in length;
 - (3) The maximum height for a corporate flag on a separate pole shall be twenty (20) feet as measured from established grade line to top of the pole;
 - (4) Corporate flags may display only the name, corporation emblem and/or logo of a given corporation. Slogans and tag lines are not permitted.
- (c) <u>Standard Street Address Markers</u>. New and existing buildings shall have approved numbers, buildings numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of high with a minimum stroke width of one-half (0.5) inch. Addresses which exceed twenty-four (24) inches in height or four (4) square feet in area shall be considered address signs and shall require a sign permit.
- (d) <u>Government Signs</u>. Signs required or authorized for a public purpose by any law, statute or ordinance, including traffic control devices, provided that such signs contain no supplementary advertising.
- (e) <u>Public Information Signs</u>. Public information signs approved and installed by the Village, including "block watch", way-finding, public events and attractions, and other such signs.
- (f) <u>Historical Markers</u>. Signs which describe locations of historical importance and are administered by the Ohio Historical Markers Program.
- (g) Political Signs. Political signs may be erected and displayed with no limitation on time or duration subject to the following limitations: Such signs shall not exceed three (3) square feet in area and shall not exceed four (4) feet in height above the ground level. All political signs are an important and distinct medium of expression and are being regulated, not based on their content, but to the extent they become deteriorated and/or a safety issue. A political sign shall be removed when it becomes deteriorated, as defined in Section

- 1169.02, or when it is displayed in a non-compliant position. Such signs shall not be illuminated and shall not be located on any public property, street or right-of-way, nor shall such signs be attached to any utility pole, fence, traffic sign or other structure located upon public property, street or right-of-way.
- (h) Residential For Sale/For Lease Signs. Signs that indicate the sale or rental of a particular structure or land area, are limited in size to sixteen (16) square feet total and a maximum of eight (8) square feet per side, with one sign allowed per street front. Signs shall not exceed six (6) feet in height in all residential areas. Such sign may only be located on the property offered for sale or lease. Such signs shall not be located in a public right-of-way and shall not be illuminated. Such sign shall be removed not later than ten (10) days after the closing of the sale of the property or entering of a lease agreement.
- (i) <u>Garage/Yard Sale Signs</u>. A sign which advertises the sale of personal property such as a garage, yard, or moving sate sign provided that it is limited to one sign, not greater than four (4) square feet in size and is located only on the sale premises. Such sign shall be erected for a period not greater than three (3) consecutive days. Such signs shall not be located in public right-of-way. No property shall display a garage, yard, or moving sale sign for more than fifteen (15) days per year.
- (j) <u>Business Open/Close Signs</u>. A sign which indicates that a business is open is permitted for each business. The following criteria shall be met:
 - (1) Shall be no more than four (4) square feet in area;
 - (2) Shall only be placed within ground floor windows;
 - (3) Shall not be associated with any business names or logos;
 - (4) Shall only illuminate "open";
 - (5) If exposed lighting is used as an illumination method, the approval of the Architectural Review Board is required. The use of exposed lighting shall be appropriate to the design of the sign and location of the building.
- (k) <u>Business Hours</u>. Each business with operating hours shall be permitted to post them as necessary. Signs shall be limited to one and one-half square feet in area, not be associated with any business names or logos, and not be illuminated.

(Ord. O-38-2010. Passed 12-7-10.)

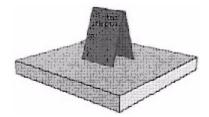
1169.10 TEMPORARY SIGNS.

Temporary signs shall require a temporary sign permit subject to the following standards:

- (a) <u>Business Event Signs</u>. A sign advertising a business event may not exceed a maximum of sixteen (16) square feet in area unless it is a sign covering all portions of an existing permitted sign. The sign must be located on the premises of the business event. No business shall display such sign for more than thirty (30) days and only three (3) business event signs are permitted per site per year. The date that the sign is first displayed shall be legibly marked on the sign.
- (b) <u>Temporary Window Signs</u>. Signs placed in first floor and storefront windows so as to be visible from the right-of-way, will be considered temporary. Temporary window signs are limited to a maximum of one per window, up to three (3) windows, not to exceed fifteen percent (15%) of the area of the windows in which they are placed. Typical uses for temporary window signs would be to promote limited-time events or retail sales. No business shall display such sign for more than forty-five (45) days.
- (c) <u>Commercial Construction Signs</u>.

- (1) Construction signs may be placed no sooner than sixty (60) days prior to construction and shall be removed within fourteen (14) days after construction is complete. One sign may be displayed for each frontage. Such sign(s) may identify the owner's name, the architect, the contractors, the financing arrangements, and the purpose for which the project is intended. No products or services may be advertised on construction signs.
- (2) Each sign shall be located only on the parcel of land being improved. No sign shall exceed thirty (30) square feet in total area and shall not extend more than seven (7) feet above the grade of the lot on which it is located. The sign shall not be located nearer the right-of-way line than five (5) feet, and on corner lots shall not be nearer the right-of-way line of either street than thirty (30) feet.
- (d) <u>Subdivision Construction Signs</u>. Signs advertising the sale of lots in an undeveloped subdivision may be erected and displayed in the subdivision. A permitted sign package for temporary subdivision construction signs may include a primary signs and additional story-board signs. All signs shall be removed at the expiration of three (3) years after its erection or when sixty percent (60%) of the lots fronting on the street which the sign faces have been built on and occupied as residences, whichever occurs first.
 - (1) One primary sign shall be permitted for each new subdivision street that intersects with the previously existing roadway grid. No sign shall be located within the intersection clearance zone. No sign shall be more than six (6) feet in height above the established grade of the abutting street. The sign shall not exceed thirty-six (36) square feet in area or display surface.
 - (2) Storyboard signs shall be permitted to display subdivision amenities. Graphics are not permitted on these signs. No sign shall be more than four (4) feet in height and exceed twelve (12) square feet in area or display surface. One sign is permitted for each seventy-five (75) feet of street frontage with a maximum number of three (3).
- (e) Residential Subdivision Model Home Signs. Signs advertising the model home of a builder in an undeveloped subdivision may be displayed provided that only one sign may be located on the property of a model home. No sign shall be located nearer than ten (10) feet (three (3) feet in the Village Center District) to any street right-of-way line. No sign shall exceed two (2) feet by three (3) feet in dimension or six square feet in area. No sign shall extend more than four (4) feet above the grade of the lot on which it is located. Such sign shall not be illuminated.
- (f) Community Event and Program Signs. Community events and programs which last for a time period of thirty (30) days or less and which are sponsored by nonprofit, public, educational, religious and charitable organizations may display up to four (4) signs, not to exceed a total area of twenty (20) square feet, for a period of thirty (30) days immediately preceding the commencement of the event. One sign may be located at the site of the event provided it does not exceed twenty (20) square feet in size. All off-site signs shall be placed at different sites and shall be removed not later than forty-eight (48) hours after the scheduled activity. Additional community event signage may be approved by the City as part of a special event permit.
- (g) Theater, Stadium, Sports Arena, Auditorium and Assembly Hall Banners. Theaters, stadiums, sports arenas, auditoriums and assembly halls may display building mounted banners to promote events and programs. Banners may not be used as an advertising medium for specific commercial products. Such banners must be artistic in nature and must be sized and designed appropriately for the building facade on which they are located.
- (h) <u>Freeway Oriented Business Park Signs</u>. Freeway Oriented Business Park signs are limited to a maximum of four (4) along the State Route 161 freeway frontage and subject to the following standards:
 - (1) The area of each sign shall not exceed two hundred twenty-five (225) square feet and is limited to a height of fifteen (15) feet.
 - (2) Such sign shall be incorporated into the design of the horse fence if one exists, and shall be located behind the right-of-way.

- (3) Illumination of the sign is prohibited.
- (4) The sign may not advertise the sale/lease of specific parcels.
- (5) Development opportunity signs may be displayed for a period of two (2) years in a single location and business welcome signs may be displayed for a period of sixty (60) days.
- (i) Commercial and Industrial For Sale/For Lease Signs. Signs indicating the sale, rental, or lease of commercial or industrial real estate is permitted and limited to sixteen (16) square feet in area and five (5) feet in height for lots with less than one hundred (100) feet of street frontage. For lots with street frontage of one hundred (100) feet or more a sign of thirty-six (36) square feet in area and eight (8) feet in height is permitted. For lots with greater than two hundred (200) feet with freeway frontage, an additional sign on the freeway frontage, limited to one hundred twenty (120) square feet and ten (10) feet in height, is permitted. Free-standing signs must be located so that they do not interfere with the safe movement of vehicular and pedestrian traffic and must be removed within ten (10) days after the sale, rental, or lease has occurred. Individual tenant spaces within a parcel are allowed a window or wall sign no larger than sixteen (16) square feet in area. Such sign may only be located on the property offered for sale or lease.
- (j) Residential For Sale/For Lease Signs. Signs that indicate the sale of a land area, in excess of five (5) acres for residential development or redevelopment are limited to sixteen (16) square feet in area and five (5) feet in height for lots with less than one hundred (100) feet of street frontage. For lots with street frontage of one hundred (100) feet or more a sign of thirty-six (36) square feet in area and eight (8) feet in height is permitted. Free-standing signs must be located so that they do not interfere with the safe movement of vehicular and pedestrian traffic and must be removed within ten (10) days after the sale has occurred. Such sign may only be located on the property offered for sale or lease.
- (k) <u>Sidewalk</u>. Sidewalks signs shall be designed according to the following diagram and standards:



- (1) Must be a durable weatherproof material such as painted wood, metal or plastic.
- (2) A-frame or hanging signs allowed, spinning or spring-mounted signs are prohibited.
- (3) May be located within the right-of-way with approval of the Community Development Department but must not obstruct pedestrian movement along public or private walkways.
- (4) Must be removed after business hours.
- (5) Content may change only on chalkboard, whiteboard, or applied vinyl lettering signs.
- (6) The following specifications shall apply:

SUB-	NUMBER OF	PERMITTED	MEASUREMENTS	ILLUMINATION
DISTRICT/	SIGNS	AREA		
CATEGORY				
Historic Core	One per business	8 s.f. maximum per side	Located within 10' of an entrance	Not permitted
Village Core	One per business	8 s.f. maximum per side	Located within 10' of an entrance	Not permitted
Core Residential	Not Permitted			

Village Residential	Not Permitted			
Campus	One per building	ne per building 8 s.f. maximum Located with		Not permitted
		per side	of an entrance	
Parks & Preservation	One per building	8 s.f. maximum	Located within 10'	Not permitted
		per side	of an entrance	
Commercial/Warehousing	One per business	8 s.f. maximum	Located within 10'	Not permitted
		per side	of an entrance	
Residential Subdivision	Not Permitted			
Retail	One per business	8 s.f. maximum	Located within 10'	Not permitted
		per side	of an entrance	
Institutional	One per building	8 s.f. maximum	Located within 10'	Not permitted
		per side	of an entrance	

(Ord. O-38-2010. Passed 12-7-10; Ord. O-8-2011. Passed 5-17-11.)

1169.11 SPECIAL SIGNS.

Signs limited to specific functions shall require a sign permit subject to the following standards:

- (a) <u>ATM Signs</u>. Signage for all ATMs (automated teller machines) shall be limited to one square foot of sign area and utilize no more than three (3) colors. ATM signage must have an opaque background. If the ATM contains a logo, it may be internally illuminated. In addition, monochromatic, non-illuminated logos of accepted credit systems (VISA, MasterCard, etc.) are limited to less than one square foot in area.
- (b) Automotive Fuel Station Signs. Automotive fuel stations are permitted two (2) name/logo combinations for each stand-alone pumping station. The area of the name and logo shall not exceed one and one half (1.5) square feet in area. Automotive fuel stations may display the following additional signs without the information contained thereon being treated as items of information: signs showing an affiliation with a motor club or signs indicating the acceptance of designated credit cards. The name/logo or additional information may not be illuminated. Matter appearing on gasoline pumps as purchased or installed shall not be considered a sign for the purposes of this Chapter.
- (c) <u>Drive-through, menu board signs</u>. A drive-through menu board sign is permitted only when all of the following conditions are fulfilled:
 - (1) The sign is located on the property to which it refers;
 - (2) The sign is not visible from the public right-of-way;
 - (3) The sign is single-face only and does not exceed thirty-two (32) square feet in size;
 - (4) The sign is not placed in front of the building setback line.
 - (5) Electronic drive-through, menu board signs are permitted and shall comply with the following requirements, in addition to the requirements listed above:
 - (a) The signs must be static and are not permitted to display any flashing, moving or animated graphics;
 - (b) An automatic dimmer, controlling the sign brightness, must be installed to ensure that the sign is not overly bright throughout the day;
 - (c) The sign must be turned off when the business is closed.

(d) <u>Home Occupation Signs</u>. Home occupation signs as regulated by Section 1165.09(d) shall be limited to one non-illuminated sign, not more than two (2) square feet, attached flat against the structure. Such sign shall contain no more than two (2) colors.

(Ord. O-38-2010. Passed 12-7-10.)

1169.12 PERMANENT SIGNS: GENERAL REQUIREMENTS

All permitted permanent signs shall be subject to the following requirements where applicable:

- (a) Context and Compatibility.
 - (1) Signs are consistent with the design/style of the building on which they are located. Signs integrate with the building/site on which they are located and adjacent development in scale, design, and intensity. For example, large signs are best suited for buildings with larger massing.
 - (2) Signs do not adversely impact existing and adjacent residential uses in mixed-use settings.
 - (3) Signs do not create an appearance of competition between adjacent signs. For example, all signs on a single building have similar scale, placement and proportion as to create harmony among all sign designs.
 - (4) Joint identification signs on a single sign face contain consistent or complementary fonts and colors for all tenants.
 - (5) Signs are appropriate to their settings. For example, a monument sign is not particularly suitable for a pedestrian-oriented retail environment.
- (b) Execution.
 - (1) Signs do not block portions of architectural detailing, windows, entries, or doorways.
 - (2) Sign materials are complementary to the building materials and are high quality and durable.
 - (3) Signs are well designed using unique materials and combinations, lighting concepts, and progressive forms.
 - (4) Multiple sign types should avoid repeated functionality. For example, a blade sign and a projecting sign that are both perpendicular to a building face have very similar visibility perspectives.
- (c) <u>Illumination</u>. Appropriate illumination methods shall be permitted within each sign type as indicated in Section 1169.16 through Section 1169.18 for permanent signs. The following illumination method standards shall apply:
 - (1) External. All external lighting sources shall be shielded. For energy conservation, all external light sources shall be LED, fluorescent, compact fluorescent lamps, gas-discharge lamps, or any other lighting technology that delivers fifty (50) or more lumens per watt. Light sources shall use a warm color temperate range of less than five thousand (5,000) Kelvin. Incandescent light sources are prohibited. Ground mounted fixtures shall not exceed a total height of one foot, including base. No mounting base shall exceed a height of four (4) inches from the ground level. All permanent ground-mounted fixtures for external illumination shall be fully landscaped and screened with living plant material to hide any visible fixtures. All shrubs, trees, turf, groundcovers, and other planting shall be well maintained, properly installed, weeded, mulched as needed and kept free of trash and other unsightly material and/or debris.
 - (2) <u>Internal</u>. All internal lighting sources shall be shielded behind semi-opaque acrylic lettering or graphics. Only individual lettering or graphics may be illuminated for signs greater than eight (8) square feet. For

- energy conservation, all internal light sources shall be fluorescent, compact fluorescent lamps, or other lighting technology that is equal or greater to in energy efficiency.
- (3) Exposed. Signs are prohibited from utilizing exposed neon, exposed LED or equivalent exposed light sources without express approval granted by the Architectural Review Board. The Architectural Review Board may only grant approval of signs utilizing exposed neon, exposed LED or equivalent light sources if the use of exposed lighting is appropriate to and consistent with the design and style of the building, the sign, the location of the building and the concerns expressed by the adjacent property owners. If approved, the light source may utilize a range of colors but must meet requirements of Section 1169.12(f) for maximum permitted number of colors. Other exposed light sources and signs with moving or changing words, shall be prohibited.
- (4) <u>Halo</u>. Light sources concealed behind lettering or graphics may utilize white or soft white light sources. The face of characters or graphics utilizing halo lighting shall not be illuminated. For energy conservation, all light sources shall be fluorescent, compact fluorescent lamps, or other lighting technology that is equal or greater to in energy efficiency.
- (d) <u>Joint identification signs</u>. Joint identification signs shall be limited to premises where there are two (2) or more business uses on one property. Any joint identification sign shall not exceed the maximum sign area and measurements for sign types identifying individual occupants.
- (e) <u>Continuity</u>. Signs and their location should be considered in relationship to their surrounding environment and, if seen as a single package of signs, should have a continuity of design. Sign continuity should be achieved for buildings or storefronts with matching architectural composition and detailing. The sign shall be in harmony with the buildings on the site and shall not detract from the appearance of the general neighborhood in which it is located.
- (f) <u>Color</u>. Signs with color shall be limited to four (4) colors. For the purposes of this section, black and white shall be considered colors.
 - (1) <u>Color gradation</u>. Gradation from different shades of one color is considered to be one color. Color gradation to a different color is considered to be two (2) colors.
 - (2) <u>Joint identification signs</u>. Joint identification signs consisting of multiple sign boards connected by chains or similar materials leaving visible space between sign boards shall be limited to four (4) colors per sign board.
- (g) <u>Materials</u>. Sign materials shall be of good quality, good durability and complementary to the building of which they become part. The following materials design criteria shall apply, unless otherwise noted.
 - (1) Nylon or other flexible synthetic materials are limited to only temporary banner signs.
 - (2) Any combination of these materials may be used for any permanent sign: wood, stone, brick, glass, metal, acrylic, PVC, medium/high density overlay board, Alumalite™, DiBond™, LusterBoard™ or other similar products.
 - (3) Canvas or other colorfast fabric materials for permanent signs shall only be utilized for canvas blade or awning signs.
 - (4) Signs shall not be manufactured of synthetic foams (exposed or encased).

(Ord. O-38-2010. Passed 12-7-10.)

1169.13 PERMANENT SIGNS: STANDARDS DEFINED.

The following shall be observed to define the number of permitted signs:

- (a) <u>Signs within the Village Center</u>. The number and types of permitted signs shall be regulated by the location of the signage within the Village Center District. Sub-districts are established and depicted in the Village Center Sign Code map, as adopted by reference, which has the following area designations:
 - (1) Historic Center.
 - (2) Village Core.
 - (3) Core Residential.
 - (4) Village Residential.
 - (5) Campus.
 - (6) Parks and Preservation

The Village Center Sign Code reference map shall be updated as necessary to reflect rezonings within the Village Center area.

- (b) <u>Signs outside the Village Center Area</u>. The number of permitted signs shall coincide with a land use category for which a permit is being applied. The land use categories are follows:
 - (1) Commercial and warehousing.
 - (2) Residential Subdivision.
 - (3) Retail.
 - (4) Institutional.
- (c) <u>Sign types</u>. The term "sign types" refers to a unique set of design standards and criteria for signage as listed in Sections 1169.16 through 1169.18. Each Village Center sub-district or use category outside of the Village Center is permitted a defined number of sign types. The number of permitted sign types may not necessarily correlate to a maximum number of individual signs, For example, the "window" sign type allows for the location of multiple signs in a business' storefront. The application of window signs constitutes as one permitted sign type. Not all sign types are permitted in designated sub-districts or use categories and is noted with each sign type.

(Ord. O-38-2010. Passed 12-7-10; Ord. O-08-2011. Passed 5-17-11.)



To: Planning Commission

From: Community Development Department

Re: Engage New Albany Strategic Plan: Central College Redevelopment Framework Plan

Date: July 10, 2023

The attached Central College Redevelopment Framework Plan provides recommendations and a framework for the former Discover Financial Services site to guide future redevelopment proposals. During the July 17th Planning Commission meeting, city staff will present this plan to the board. Staff asks the Planning Commission to make a formal recommendation to City Council to adopt this planning document. Please feel free to contact city staff if you have any questions.

Since the adoption of the Engage New Albany Strategic Plan in March of 2021, Discover Financial Services ceased call center and business office operations in the city. The city of New Albany has a history of being nimble by creating or updating plans to reflect present realities and market trends.

This plan incorporates a detailed understanding of the relationship of the former Discover site with the surrounding area, including proposed developments to the south and east of the site. These proposed developments have an impact on the recommendations put forth in this plan. Given the new understanding of the site and its context, this plan serves as a supplement to the Northwest Focus Area plan, which begins on p. 188 of the Engage New Albany Strategic Plan. The planning team for this project included city staff as well as the city landscape and urban design consultants, MKSK.

Based on a review of relevant literature and several case studies of similar developments in other communities, the planning team developed a list of goals for the redevelopment of the Discover site which is included on the right side of this page.

Goals for the Redevelopment of the Site:

- Reuse existing infrastructure;
- Reuse existing surface parking;
- Integrate existing stormwater retention ponds;
- Reinforce the intersection at Central College Road and SR 605/New Albany-Condit Road as a community node and gateway;
- Reimagine the site within the context of the Business Park to provide a vibrant, walkable, mixed-use, and amenitized environment to attract modern talent and companies to New Albany; and
- Integrate the site with the changing surrounding context.

Using these goals, several redevelopment scenarios were created and included in the plan. These scenarios imagine redevelopment of the site, including or excluding the existing office building. The purpose of this planning exercise is to determine potential land uses, building layouts, interior and exterior mobility connections, an open space network, and potential building re-use opportunities for the site. The scenarios provided in the plan do not represent a development proposal or final plan and are illustrative in nature.

The development scenarios informed the creation of the following development standards. These standards outline critical recommendations for redevelopment of the Discover site. These standards are intended to inform residents and landowners of the desired development pattern for the site.

CENTRAL COLLEGE REDEVELOPMENT

Development Standards

- a. Site redevelopment should be designed in a comprehensive manner and include an overall master plan for the site showing how it fits together with surrounding context appropriately in terms of mobility, site layout, uses, and aesthetics.
- b. If the existing office building remains, it should be mindfully incorporated with other infill development to create a cohesive, pedestrian-friendly site layout.
- c. Any redevelopment of the site beyond the existing use should go through the Planned Unit Development rezoning process.
- d. Only existing curb cut locations from Central College Road, New-Albany Condit Road, and New Albany Road East should be utilized, no new curb cut locations should be permitted.
- Existing internal drives should be utilized. If they are redesigned or realigned, private
 e. streets within the site should be designed to public street standards. On-street parking is recommended for internal streets.
- f. The placement of buildings should encourage pedestrian activity and building entrances should connect with the pedestrian network and promote connectivity through the site.
- g. Buildings may not be taller than 40 feet, including the roof-line.
 - Any commercial mixed-use or retail building on-site should include an active first floor,
- h. occupied by restaurants, shops, service businesses, and other similar uses that promote activity throughout the day.
- i. The use of materials, colors, and texture to break up large-scale facades is strongly encouraged.
- Redevelopment of the site is expected to propose an architectural style that is both distinctive and complementary to New Albany's character and brand.
- Parking must be integrated throughout the site through on-street parking, parking structure, k. surface parking located behind primary buildings, and limited surface parking located beside primary buildings. Surface parking lots must be properly screened from the street.
 - Anyone seeking to redevelop the site with new or additional uses and structures other than what currently exist must submit a parking model to demonstrate sufficient parking is provided for
- the mix of uses. Shared parking among complementary uses is strongly encouraged and the
 installation of excessive parking is discouraged. If the tenants significantly change or if the use
 mix changes, the developer must resubmit the parking model to city zoning staff for review.

ENGAGE NEW ALBANY

You're part of the plan

CENTRAL COLLEGE

Redevelopment Framework Plan

June 2023



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INTRODUCTION

PURPOSE

The city of New Albany has a history of being nimble and creating or updating plans to reflect present realities and trends. The city embarked on crafting this plan to provide recommendations and a framework for the potential redevelopment of the former Discover Financial Services site in northwest New Albany.

Additionally, this plan incorporates a more detailed understanding of the relationship of the former Discover site with the surrounding area, including proposed developments to the south and east of the site. One of these proposed developments is the New Albany Hamlet, which is proposed in the current version of the city's Strategic Plan, Engage New Albany. These proposed developments have an impact on the recommendations put forth in this plan. Given the new understanding of the site and its context, this plan also serves as a supplement to the Northwest Focus Area plan, which begins on p. 188 of Engage New Albany.

The following are several goals that this plan seeks to achieve through any proposed redevelopment of the former Discover site.

Goals for the Redevelopment of the Site:

- Reuse existing infrastructure;
- Reuse existing surface parking;
- Integrate existing stormwater retention ponds;
- Reinforce the intersection at Central College Road and SR 605/New Albany-Condit Road as a community node and gateway;
- Reimagine the site within the context of the Business Park to provide a vibrant, walkable, mixed-use, and amenitized environment to attract modern talent and companies to New Albany; and
- Integrate the site with the changing surrounding context.

PROCESS

The planning team for this work included staff from the city of New Albany as well as a team from MKSK. Beginning in January 2023, the planning team collaborated to plan for potential development scenarios for the former Discover site. These scenarios imagined redevelopment of the site, including or excluding the existing office building. The purpose of this planning exercise was to determine potential land uses, building layouts, interior and exterior mobility connections, an open space network, and potential building re-use opportunities for the site. These scenarios do not represent a development proposal or final plan and are illustrative in nature. These scenarios present two options for how the recommended development standards (see p. 20) could be applied to the site.

EXISTING CONDITIONS

The former Discover site lies at the northwest corner of the intersection of SR 605/New Albany-Condit Road and Central College Road, as shown in the diagram on the following page. The site, which is roughly 49 acres, is the former site of a Discover Financial Services call center. The Engage New Albany Strategic Plan, revised and adopted in 2022, depicted the former Discover site as a future significant opportunity for a "vibrant, more pedestrian-oriented node at this intersection."

The site is bounded to the north by a private access roadway, to the east by SR 605/ New Albany-Condit Road, to the south by Central College Road, and to the west by New Albany Road East. North of the site sits an active data center. To the east, in the city of New Albany, single family residential is the predominant use. Two age-restricted communities, Nottingham Trace and The Courtyards at New Albany, have been developed off of SR 605/New Albany Condit Road in the nearby vicinity. South of the former Discover site is an area identified in Engage New Albany as a hamlet. A development plan for this area, called the Hamlet at Sugar Run, is currently underway after City Council approved a rezoning request for the site. To the west, which is located within the city of Columbus, single family and multifamily residential uses comprise much of the developed land with a small node of retail at the intersection of New Albany Road East and Central College Road. The rest remains undeveloped land.

On-site, the former Discover Financial Services building remains. Constructed in 1998, the two-story office building spans 333,169 square feet of space. The building is outfitted with a full-service cafeteria, fitness center, outdoor spaces, and data center. The building is located in the center of the

site, surrounded by four pods of surface parking lots, totaling 2,501 parking spaces. An interior access road connects these parking lots and creates access to the main, public roads surrounding the site.

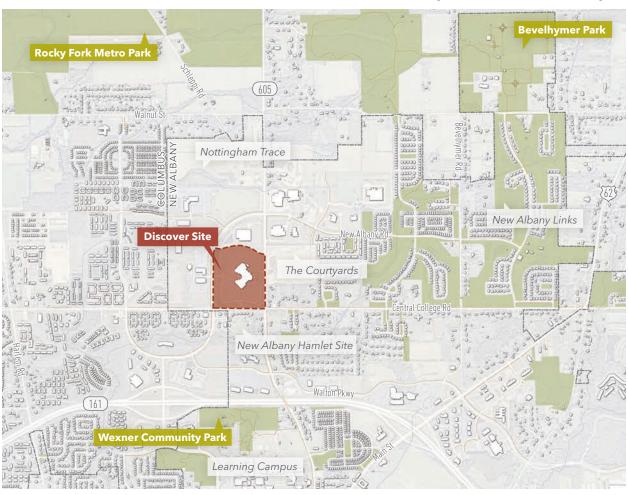
The diagrams on the following page illustrate the existing site conditions and context.







Existing Conditions and Context Diagram



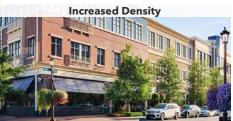


MOBILITY ZONE

In Engage New Albany, this area is identified as a future mobility zone. A mobility zone is a concept identified in Engage New Albany to provide a planning tool for the city to prioritize alternative and new mobility options. A mobility zone is defined as an area in which active and alternative modes of transportation are prioritized for future transportation improvements. Through targeted improvements to these mobility zones, vehicular traffic and congestion may be reduced, contributing to safer roadway travel for all modes. A mobility zone should include the following components or characteristics:

- Highly served by transit
 - » SmartRide
 - » COTA Park and Ride
- Well connected by bike facilities
 - » Velo Loop
 - » Bike lanes
 - » Bike docks & fix-it stations
- Buildings and sites designed to accommodate mobility
 - » Transit-facing front doors
 - » Alternative fuel charging stations
 - » Alternate street typologies and reduced setbacks in mixed-use and hamlet areas may be appropriate based on the pattern of development
- Multiple roadway connections
- Mix of uses to serve commuters
- Increased density
- Facilities intended to slow vehicular traffic and ensure pedestrian accessibility







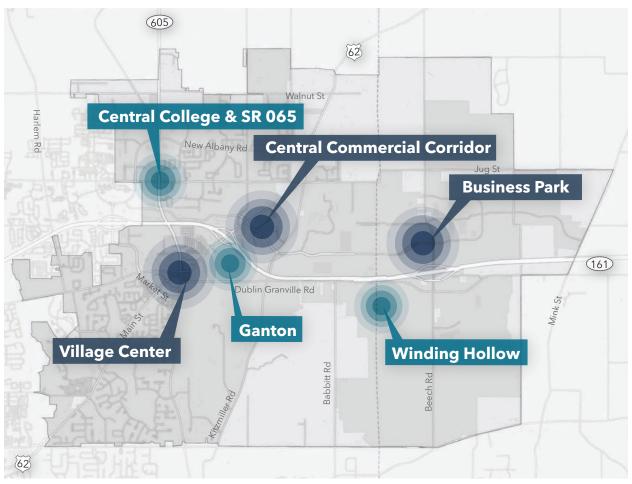








Engage New Albany Mobility Zone Locations



Legend





Future Mobility Zone



REDEVELOPMENT FRAMEWORK

The following pages outline a redevelopment framework for imagining and planning the future of the Discover site. This framework includes the land uses that are recommended for the site and the character of the public roadways surrounding the site. This section also includes two redevelopment scenario options that were developed to study site capacity and potential.

RECOMMENDED LAND USES

The Discover site is located within the New Albany Road District of the International Business Park. This is one of the original sections of the Business Park that began to develop about 25 years ago. Now, this area contains a mix of uses, including some employment uses, single family residential, and scattered undeveloped sites. The manner in which the Discover site was developed in the early 2000s is no longer conducive to the needs of the modern workforce, whose members desire to work in vibrant, walkable, mixed-use, and highly amenitized environments that promote wellness and that allow them to easily meet their daily needs. The redevelopment of the Discover site is an opportunity to reimagine this area of the Business Park to provide that type of setting to attract modern talent and companies to New Albany.

Engage New Albany envisioned the intersection of Central College Road and SR 605/New Albany-Condit Road as a mixed-use community node that would create a needed focal point in this part of New Albany to spatially organize the various neighborhoods and employment centers in this area. That vision is carried forward in this document and in the two development scenarios presented within.

In the future land use map, found in *Engage New Albany* (p. 52-53), the Discover site is identified as part of the Employment Center District. This site is also currently zoned Office Campus District (OCD). One option for the future of the site is for these regulations to remain in place and a new office user identified to occupy the site and existing building. Given the site's location, the proposed developments surrounding the site, and other adjacent land uses, a mix of employment-oriented land uses may be appropriate if the site were to be redeveloped. Potential land uses if the site is redeveloped include:

- Commercial corporate headquarters, data center, etc.
- Retail restaurants, service businesses, shops, fitness center, childcare, etc.
- Institutional government, medical, educational, workforce training facility
- Mixed-use Commercial buildings a mix of retail and commercial uses

CASE STUDIES

The following case studies depict two examples of large-scale building reuse and redevelopment into highly amenitized places that meet the needs of the modern workforce.







The Park | Berkeley Heights, NJ

What: The Park, a \$400 million, 185-acre mixed-use redevelopment of a former suburban office park

Where: Berkeley Heights, NJ

Entities Involved: Connell Company

- Former suburban office park being redeveloped for the 21st century workforce
- Scalable office floor plates across five office buildings, comprising 1.5 million square feet
- Indoor and outdoor recreation facilities, including 114,000 square foot fitness center and outdoor pool
- On-site primary care, behavior therapy, and physical therapy
- The Residences at The Park, 328 apartments
- Embassy Suites, 176-room hotel and 12,000 square feet of event and meeting space

The Continuum | Lake City, SC

What: The Continuum Regional Education, Workforce Development, and Technical Training Center

Where: Lake City, South Carolina

Entities Involved: The Darla Moore Foundation, Florence-Darlington Technical College, Francis Marion University

Details:

- Former big box store converted into state-of-the-art educational facility
- 13 partner high schools
- 7 high-tech classrooms
- 3 computer labs
- 3 distance learning classrooms
- Biology and chemistry labs
- 4 workforce development classrooms/labs
- Health sciences space
- Lecture hall that can be converted into event space





ROADWAY CHARACTER CLASSIFICATION

The diagram on the following page illustrates the character classifications for the roadways immediately adjacent to the Discover site. Roadway character classification is explained in greater detail in Engage New Albany, but is intended to define the ways in which existing and future roadway corridors can contribute to New Albany's aesthetics and help to further define the character of the community. This classification examines elements that are within the public right-of-way, such as on-street bike facilities; on-street parking; street edge conditions; and amenity zones, which are designated areas for streetscape elements, such as street lighting, furnishings, and street trees. Some elements of this classification system can extend beyond the right-of-way, like development setbacks, utilities, and access management.

The charts to the right show a description of the roadway characteristics for the roadways that bound the Discover site: Central College Road, New Albany Road East, and SR 605/New Albany-Condit Road. Based on the development patterns presented in this document, there is the potential for alternative roadway characteristics to be used for the sections of Central College Road and SR 605/New Albany-Condit Road that border the southeast portion of the site, as shown on the diagram on the following page.

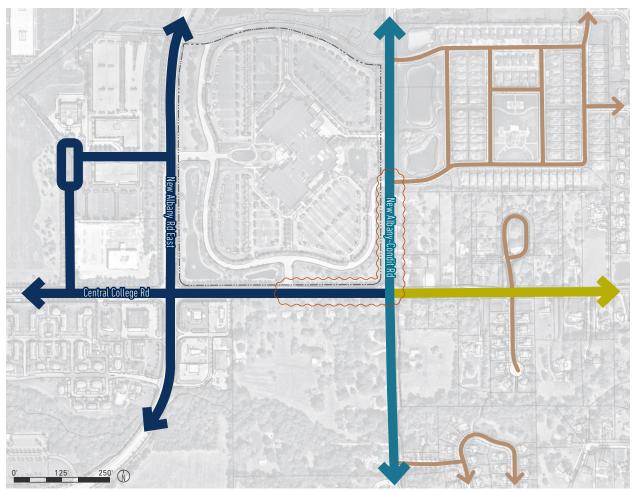
Business Park

New Albany's Business Park extends from west to east across the city, with more recent expansion south of SR 161 along the Beech Road corridor. With the anticipated continued growth of the Business Park and employment-based land uses, new roadways with this character classification will likely be built over the next several years. Business Park roadways typically have

Business Park Roadway Characteristics					
Street Pavement					
Drive Lane Width	11' (12' outside lanes)				
Turn Lane Width	11'-12'				
Total Number of Drive Lanes	2-4				
On-Street Bike Facility	Bike Lanes (5')				
On-Street Parking	No				
Access Management Priority	Medium				
Transit Accommodations	Yes				
Pavement Edge	Curb				
Total Pavement Width	35'-69'				
Streetscape/Amenities					
Trail/Sidewalk Width	8' trail min. on both sides of street*				
Trail/Sidewalk Material	Asphalt				
Amenity Zone	Tree lawn				
Amenity Zone Width	8'-15'				
Streetlights	Yes				
Underground Utility Priority	High				
Tree Spacing	30' on center				
Right-of-Way Fence	Yes				
C .I I D I DOW	50' min.				
Setbacks Beyond ROW	00 1111111				

Duringer Dayle Transitions	l Danders Charateristics
Street Pavement	I Roadway Characteristics
Drive Lane Width	11' (12' outside lanes)
	11 (12 outside laries)
Turn Lane Width	
Total Number of Drive Lanes	2-4
On-Street Bike Facility	Shared road
On-Street Parking	No
Access Management Priority	High
Transit Accommodations	Yes
Pavement Edge	Swale
Total Pavement Width	24'-58'
Streetscape/Amenities	
Trail/Sidewalk Width	8' trail min. on both sides of street*
Trail/Sidewalk Material	Asphalt
Amenity Zone	Natural buffer
Amenity Zone Width	15'-20' min.
Streetlights	No
Underground Utility Priority	Medium
Tree Spacing	30', irregular spacing
Right-of-Way Fence	Yes
Setbacks Beyond ROW	100′
Total Right-of-Way	70'-114'
#1 - t 1 t	· · · · · · · · · · · · · · · · · · ·

^{*} Leisure trail required on both sides of the street unless the street abuts SR 161 right-of-way.



employment-based uses on both sides of the street and carry employee, truck, and delivery traffic. These two- to four-lane roads have curbs, decorative street lighting, and should have leisure trails on both sides of the road. Most of the landscape is turf grass and trees, with natural tree stands preserved where practical. Parking is not fully screened from view but includes plantings. Setbacks along these roads beyond the right-of-way should be at least 50'.

Business Park Transitional

Business Park Transitional roadways are those where the long-term condition on at least one side of the road is likely to remain rural or residential. These roads, however, do still carry some through-traffic and traffic for the business park. These roads will have more narrow road shoulders and a ditch street edge condition. They should also have a leisure trail on the business park side of the street, along with white horse fence and significant naturalized plantings, with some mounding if necessary. Any parking areas should be properly screened.

Legend

Character Classification

Business Park Roadway •

Business Park Transitional Roadway

Village Traditional Roadway

Neighborhood Roadway

Potential Alternative Roadway Character

Discover Site Boundary



REDEVELOPMENT SCENARIOS

This plan contains recommendations for the potential redevelopment of the former Discover site and the recommended improvements to address the site, including land uses, roadways, and open space. The following pages illustrate and summarize two redevelopment scenarios and their main land uses, development patterns, and connection to surrounding area.

These redevelopment scenarios were developed to study site capacity. The following diagrams and plans are illustrative in nature and do not represent a development proposal or final plan.

Scenario Option A

Scenario Option A imagines the preservation of the existing building as office space, while also adding infill development to create a mix of uses and activity on this site. The existing office building is in good condition and has over 330,000 square feet of space suitable for adaptive reuse or a modern, amenitized office. See the case studies on p. 9 for examples of successful building reuse and re-purposing.

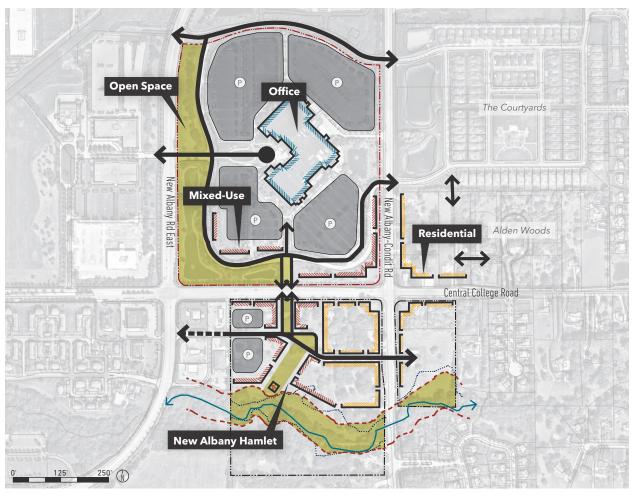
The proposed infill buildings are focused on the southern portion of the site, with the goal of creating a strong center of activity at the SR 605 and Central College Road intersection. With the proposed hamlet south of Central College and the potential for residential development at the northeast corner of the intersection, Option A ties into these surrounding potential developments with a pedestrian oriented southeast corner of the site. This southeast corner would have smaller setbacks, mirroring those of the hamlet, a set of mixed-use commercial buildings oriented toward the street and sidewalk, and a realigned interior roadway to allow for some on-street parking.







Central College Redevelopment Framework Diagram | Option A



Legend



Central College Redevelopment Plan Rendering | Option A











Scenario Option B

Scenario Option B evaluates the redevelopment potential of the site if the existing office building were to be demolished. This would open up the site for more new buildings. This scenario does utilize the existing infrastructure, like the roadway and open space network to frame the new development and to serve this new development.

Similar to Option A, this scenario envisions mixed-use commercial buildings with minimal setback on the southeast corner of the site to create a strong node of activity at the SR 605 and Central College Road intersection. With the removal of the existing building, this scenario also creates a strong core of commercial development surrounding a central green. Surface parking lots would be tucked between and behind these buildings to foster a pedestrian-friendly environment and to screen parking.

To the north, there is an opportunity to develop some larger buildings for commercial and office uses, including data centers. This development scenario creates a transition between the rest of the site and the other office uses in the Business Park to the north.

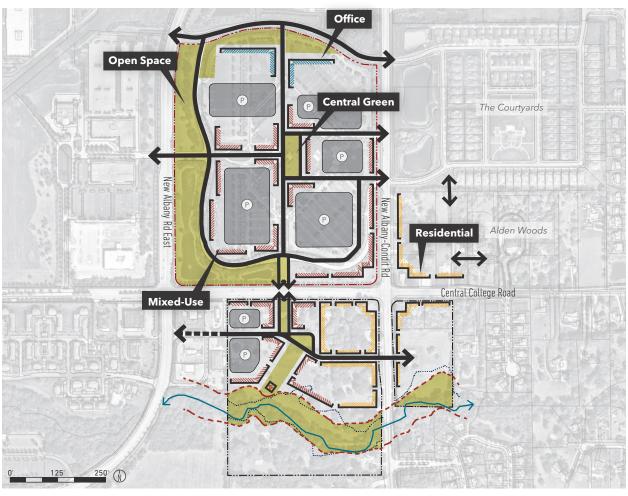
This development scenario would fit in with the other employment land uses in this section of the Business Park, while being mindful of the potential mixed-use neighborhood development pattern that could occur south of the site. A combination of medical office, retail, fitness centers, childcare centers, and educational uses, in addition to more traditional office space would serve all users in this area of the city.







Central College Redevelopment Framework Diagram | Option B



Legend



Central College Redevelopment Plan Rendering | Option B











DEVELOPMENT STANDARDS

The potential redevelopment scenarios informed the creation of the following development standards. These standards outline critical recommendations for redevelopment of the Discover site. These standards are intended to inform residents and landowners of the desired development pattern for the site.

CENTRAL COLLEGE REDEVELOPMENT

Development Standards

- Site redevelopment should be designed in a comprehensive manner and include an overall a. master plan for the site showing how it fits together with surrounding context appropriately in terms of mobility, site layout, uses, and aesthetics.
- b. If the existing office building remains, it should be mindfully incorporated with other infill development to create a cohesive, pedestrian-friendly site layout.
- c. Any redevelopment of the site beyond the existing use should go through the Planned Unit Development rezoning process.
- d. Only existing curb cut locations from Central College Road, New-Albany Condit Road, and New Albany Road East should be utilized, no new curb cut locations should be permitted.
- Existing internal drives should be utilized. If they are redesigned or realigned, private streets within the site should be designed to public street standards. On-street parking is recommended for internal streets.
- f. The placement of buildings should encourage pedestrian activity and building entrances should connect with the pedestrian network and promote connectivity through the site.
- g. Buildings may not be taller than 40 feet, including the roof-line.
- Any commercial mixed-use or retail building on-site should include an active first floor,
- h. occupied by restaurants, shops, service businesses, and other similar uses that promote activity throughout the day.
- i. The use of materials, colors, and texture to break up large-scale facades is strongly encouraged.
- Redevelopment of the site is expected to propose an architectural style that is both distinctive and complementary to New Albany's character and brand.
- Parking must be integrated throughout the site through on-street parking, parking structure, k. surface parking located behind primary buildings, and limited surface parking located beside primary buildings. Surface parking lots must be properly screened from the street.
 - Anyone seeking to redevelop the site with new or additional uses and structures other than what currently exist must submit a parking model to demonstrate sufficient parking is provided for
- I. the mix of uses. Shared parking among complementary uses is strongly encouraged and the installation of excessive parking is discouraged. If the tenants significantly change or if the use mix changes, the developer must resubmit the parking model to city zoning staff for review.

