



New Albany Planning Commission Agenda
Monday, December 18, 2023 7:00 p.m.

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: December 4, 2023

IV. Additions or corrections to agenda

Administration of 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:

VAR-116-2023 Variance

Variance to the Woodhaven zoning text to allow two 8-foot wide single bay garage doors where the text requires a minimum width of 9-feet at 7275 Steeplechase Lane N (PID: 222-005343).

Applicant: Bob Webb Woodhaven, LLC c/o Kirk Denyes

Motion of acceptance of staff reports and related documents into the record for VAR-116-2023.

Motion of approval for application VAR-116-2023 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

VII. Other business

VIII. Poll members for comment

IX. Adjournment



New Albany Planning Commission
DRAFT Meeting Minutes
Monday, December 4, 2023 7:00 p.m.

I. Call to order

The New Albany Planning Commission held a regular meeting on December 4, 2023 in the New Albany Village Hall. Chair Kirby called the meeting to order at 7:02 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 Wiltout	present

Staff members present: Law Director Albrecht, Development Engineer Albright, Planner II Christian, Planning Manager Mayer, Planner Nichols, Deputy Clerk Madriguera.

III. Action on minutes:

Chair Kirby stated that the schedule was marked none, but noted that November 20, 2023 meeting minutes had been distributed and asked if there were any corrections to the minutes.

Commissioner Wallace stated he had one correction. In the third sentence of the eighth paragraph of page ten, the word "commission" should have been the word "city." Deputy Clerk Madriguera noted the correction.

Chair Kirby asked if there were any further corrections. Hearing none, he moved for approval of the November 20, 2023 minutes as amended. 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; Mr. Larsen abstain; Ms. Briggs abstain. Having three yes votes, the motion passed and the November 20, 2023 meeting minutes were approved as amended.

IV. Additions or corrections to agenda

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

Planner Nichols responded yes, the city had a request to table.

Planning Manager Mayer explained that the applicant for Haines Creek, which involved FDP-87-2023, FPL-88-2023, FPL-91-2023, and FPL-92-2023 had requested to table the applications until the January 17, 2024 meeting so that they could study further grading of the site. He stated that city staff was supportive of the tabling request.

Chair Kirby stated that when the commission reached those applications on the agenda, the tabling would be considered.

Chair Kirby administered the oath to all present who wished to address the commission. He further advised everyone that now would be a good time to silence all cell phones.

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

Chair Kirby, noting that the Haines Creek items would not be on tonight's agenda, asked if anyone was present who wished to address the commission for items not on the agenda.

Jim Rufo, 9175 Lee Hall Court. Mr. Rufo told the commission that he was present at the last meeting because he wanted to speak regarding Haines Creek, and he was likewise present at this meeting for the same reason he but understood that those applications were to be tabled at tonight's meeting. He stated that he only wanted to speak if the developer was present to hear his remarks. Because the developer was not present, he thanked the commission and stated he would return in January when the applications would be considered.

Joel Topolosky, on 6244 Calloway Square West in the Nottingham Trace community. Mr. Topolosky stated that he wanted to address the commission on two main topics. He wanted to find out more about the zoning at New Albany Condit Road and New Albany East. He also wanted to raise concerns he had with the infrastructure in his community, Nottingham Trace, which is one of the first age-restricted communities in the area. He explained that his concerns which included: lack of cross walks, stop signs and speed limit signs are not visible, an intersection that should be an east cross/west cross at Schleppi Road should be a four-way stop, and the speed limit on Schleppi Road between Walnut and the city limits. He explained that it is a county road and the limit is an unmarked 55mph. He and other residents have been reaching out to county and state officials in order to get a survey so that the limit can be reduced to 35 mph. He further explained that they were successful in getting a sign that says 25 mph ahead, but another sign was needed. The fact that there is no stop at the east/west cross would become significant when construction for the roundabout began and traffic was detoured through the Nottingham Trace community. He continued that the community center is too small to accommodate the number of residents, and this fact is evident when the homeowners' association (hoa) holds a meeting because it is very crowded. He stated that if the Fire Marshall had been there, the meeting would have been shut down. He continued that all of the homes planned for the community had not yet been completed. He stated that if the amount of homes planned for the development had been considered by the commission, two community centers would have been built. He stated that he has tried to get meetings with the commission members; he has met with the city's zoning officer and the building inspector and virtually nothing has happened; and he was also present to learn more about the community on tonight's agenda.

Chair Kirby confirmed with staff that the community is complete with sidewalks.

Planning Manager Mayer responded that sidewalks are either installed with the roads or on a house by house basis as the homes were completed. In this community he believed the sidewalks were being installed as the homes were brought on line. He continued that the leisure trails are installed as part of the parks and trails infrastructure.

Chair Kirby continued that the issue here was not the sidewalks, but getting across the street to the sidewalk. He asked whether a traffic study had been performed and whether the intersections warranted a four-way stop and whether a four-way stop was able to be installed. He also asked whether the city has square footage standards for community centers.

Planning Manager Mayer responded that he would be happy to check with the city engineer and follow up with Mr. Topolosky. He further responded that the city code does not require or regulate the construction of community centers. He explained that the city has parkland requirements but does not require the provision of amenities beyond that.

Chair Kirby thanked Planning Manager Mayer and noted that he understood that the city did not require or regulate community centers. Then he asked whether there could be a best practice based on d/u, or that it not be exceed limits of the Fire Marshall

Mr. Topolosky continued they were assuming it would be something less than two people per home. He also stated that being a 55+ community, the community center should be equipped with an AED, noting the existence of pickleball and other sports courts. He further stated that if it senior apartments an AED would be required. He further stated that it is a 55+ community and there was a prohibition on residents under the age of 19. This language had exempted the developer from building a playground. As a result, visiting grandchildren had no place to play. He stated that he was not suggesting there should be a full-size playground, but there should be something small to keep the kids from playing in the street.

Chair Kirby noted that it was Council's role to mandate such suggestions, but asked staff about the feasibility of including these suggestions as best practices for how to develop this housing product moving forward, and in particular, that crosswalks should be planned as part of the circulation plan similar to right of way.

Planning Manager Mayer responded that he would talk to the city's traffic engineer and gather additional information and present his findings to the commission.

Chair Kirby added that if this is a case of lessons learned, that he would like to integrate these lessons moving forward. He also stated that somewhere there must be a number for the appropriate square footage for community centers based upon programming.

Commissioner Wallace commented that he was unsure whether the commission should be in the business of mandating the size of community centers or the number of pickleball courts, particularly without a detailed analysis. The issues raised are the opinion of one resident and while they may be shared by other residents, many of these issues should be addressed by the hoa. The commission has consistently been committed to bringing the best possible product, and responding to Mr. Topolosky he said that the commission heard his concerns, but was leary about mandating such matters, and that they should be validated by research.

Commissioner Schell added provision of the AED and the playground were not issues for the commission, they were issues for the developer and hoa to address.

Chair Kirby stated the standard for parkland/open space per d/u either onsite or elsewhere in New Albany. He asked whether the community had met its parkland requirement.

Planning Manager Mayer answered yes, he believed this community had met their parkland and open space requirement on site. They city imposed minimum infrastructure

requirements to the parkland, but did not require the provision of a top lot playground. And further that the code left the provision of amenities open-ended for the developer.

Commissioner Schell confirmed that parkland was distinct from playground.

Council Member Wiltout confirmed with Planning Manager Mayer that there is no prohibition of top lot playgrounds. She thanked Mr. Topolosky and that she would pass along the concerns to Council – especially the detour. She felt they could get ahead of the issue and recalled that she had met with him previously, that he had given her a tour of the community, and that some issues had been resolved. She thanked him again and said that these issues will be worked on as well.

Chair Kirby thanked Mr. Topolosky and stated that the next item on the agenda was cases.

Chair Kirby moved to table FDP-87-2023.

Commissioner Wallace called for a point of order. He asked whether the applications could be tabled with one motion, or whether the applications needed to be tabled separately.

Planning Manager Mayer responded that the applications could be tabled with one motion.

Chair Kirby moved to table FDP-87-2023, FPL-88-2023, FPL-91-2023, and FPL-92-2023. Commissioner Wallace seconded the motion.

Chair Kirby asked whether there was any discussion on the motion.

Law Director Albrecht asked whether January 17th was included in the motion.

Chair Kirby stated until the regular January meeting.

Commissioner Wallace accepted the amendment.

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

Upon roll call: Mr. Kirby yes; Mr. Wallace yes; Mr. Schell yes; Mr. Larsen yes; Ms. Briggs yes. Having five yes votes, the motion passed and the applications were tabled until the January 17, 2024 meeting.

Ron Davies, 8200 Central College Road. Approached the lectern and stated that he did not realize the Hearing of visitors for items not on tonight's agenda portion of the meeting had closed.

Chair Kirby invited Mr. Davies to proceed.

Mr. Davies raised a question for future consideration. He continued that his understanding was that a traffic study was done on Central College Road in January or February of last year and he believed that the traffic study needed to be redone. The recent traffic patterns are substantially higher and faster, particularly at 6:30 a.m., 7:30 a.m. He also suggested the installation of a roundabout at the intersection of Central College, Kitsmiller and 62. He state that this was becoming a dangerous intersection. The frequency of auto violations had grown demonstrably. He stated that there was an

accident on Thanksgiving, and officers told him that they had ceased citing people. He noted that New Albany had recently received a Federal grant of \$101 million dollars for infrastructure and other improvements and suggested that a roundabout be added to that template.

Chair Kirby thanked Mr. Davies and stated that his proposals needed to go to the city council first for consideration because the commission would not see anything until someone proposes to do something to it.

Council Member Wiltout confirmed with Planning Manager Mayer that as development continues traffic review was ongoing. She stated that council is committed to making improvements and has met with residents and the residents have shared their desire to have a roundabout at that intersection.

Jeffrey Lynn Courtyards at Central College and SR 605. He stated that he would be remiss if he did not advise the commission that some of these intersections are getting extremely dangerous, for example the intersection of Walnut and Bevelhymer. He stated that he had witnessed three accidents there. This intersection is highly concerning and more so than the city council is aware of. He acknowledged that it is the Franklin County jurisdiction and has been in contact with those officials. He recognized that it was tricky due to the overlapping jurisdiction, but eventually he thought that a roundabout should be added there as well. He shared the concerns raised by the others at the meeting and stated that consideration needed to be given to safety, the school buses and children who bike.

Council Member Wiltout agreed and responded that the city council certainly is aware of that intersection, and consideration of a roundabout was part of capital projects and she was prepared to vote for it the next evening with the budget. She asked whether New Albany had the right of ways at that intersection. She further stated that she had almost gotten into an accident at that intersection last summer. She wished there were bike paths to everywhere in the community but New Albany does not have the right of ways necessary; she stated that city council is aggressively looking at it. The bulk of the capital project funds were dedicated to ways to make it safer in his area of the city.

Mr. Lynn thanked Council Member Wiltout and further responded that he was not sure what prevented a temporary fix for the intersection, he noted that a four-way stop or dangerous intersection ahead signage would be helpful, and that it is almost impossible to cross Walnut because the traffic was so fast.

Council Member Wiltout responded that she understood and asked whether the city had the jurisdiction to change the stopping patterns at that intersection.

Planning Manager Mayer responded that the city traffic engineer has to evaluate the intersection for number of cars, accidents, traffic speed, and several data points. The improvements are dictated by those data points. He stated that the city engineer has done a conceptual design for a roundabout at that intersection to study the alignment and to see where future right of way is needed and it is being studied and considered for a future project.

Council Member Wiltout continued that Mr. Lynn's suggestion was a good one – why can't we just put a stop sign there now, temporarily. At this point and it is unclear whether it is better to have one transition or two, but it was a good question.

Mr. Lynn stated that he hoped the installation of a roundabout was the solution.

Council Member Wiltout stated she would do everything she could to help that along.

Planning Manager Mayer added that he would be happy to discuss it further and to coordinate a discussion with the traffic engineer as well and gave Mr. Lynn his card.

Chair Kirby stated that city council meets on the first and third Tuesdays of the month. He continued there are many constraints and factors involved in changing the speed limit and traffic patterns on roads, some of which were in place to prevent the establishment of speed traps.

Council Member Wiltout agreed and reiterated that New Albany was prohibited from unilaterally changing the speed limit, but work on this issue was ongoing and underway.

Chair Kirby stated that the next item on the agenda was ZC-107-2023, and asked to hear from staff.

VI. Cases:

ZC-107-2023 Rezoning

Request to rezone 12.737 acres located at 7270 New Albany Condit Road in Franklin County from Infill Planned Development (I-PUD) to Limited General Employment (L-GE) for an area to be known as the North City Business Zoning District (PIDs: 222-005258 and 222-005259).

Applicant: The New Albany Company, LLC c/o Aaron L. Underhill, Esq.

Planner Nichols delivered the staff report.

Chair Kirby asked to hear from engineering.

Engineer Albright delivered the engineering report.

Applicant Aaron Underhill, 8000 Walton Parkway, attorney on behalf of the owner. He acknowledged that the commission had granted a conditional use on the NACOT site for the expansion of the Cornerstone Academy. He explained that this was a situation where the economy has driven a business decision. A couple of years ago it was thought that Cornerstone would relocate its middle and high school students to this site, however this site has become very attractive for other uses. Further, the school has decided to remain and purchase their temporary location and to improve some vacant land owned by the New Albany Company in order to meet their needs. This would be in exchange for the New Albany Company reacquiring the subject property. Thus, he was requesting to revert to the former zoning classification of L-GE. He stated that he agreed with all of the conditions but requested language that would permit less than a full traffic study, subject to the engineer's approval. He noted that this was a lesser use than a data center. He explained that they were willing to perform the full study if the engineer required it, however he was requesting flexibility because he suspected that the circumstances here warranted something less than a full study.

Chair Kirby asked what was developed directly west.

Mr. Underhill responded not directly west and he believed the next building was the Aetna building, and then American Regents, and to the north was the future neighborhood commercial use associated with Nottingham Trace, and to the northwest contained a park.

Engineer Albright stated that the green field to the west would soon be developed into a data center, and it was about to be permitted.

Chair Kirby stated that he presumed Mr. Underhill wanted to keep the parcels clearly separated.

Mr. Underhill responded yes.

Commissioner Wallace clarified the location of the data center. He also clarified the location of the future commercial development associated with Nottingham.

Mr. Underhill said yes and explained that the existing zoning of I-PUD for Nottingham allows for neighborhood oriented commercial uses. Those would be presented to the commission in a final development plan but they allowed for coffee shops, restaurants, dry cleaners, etc.

Commissioner Wallace asked where the park ended and the commercial development area began.

Mr. Underhill indicated the location on the site plan – a rectangular area with an access drive.

Commissioner Wallace asked for the timing of the installation of the leisure trail along SR 605.

Mr. Underhill responded that installation typically be with development. There is not a time as of yet but it will likely go in at the time of development.

Commissioner Wallace asked whether there was any reason to have it installed sooner, and further asked about access from the south for Nottingham residents who would like to bike or walk.

Planning Manager Mayer responded that in this case it was a limitation text. Generally, the code requires it to be installed at the time of development. He explained that it is usually installed in sections. He further explained that he did not know if there was a connection; he indicated some of the surrounding properties which are privately owned to the center line of the road which would limit trail installation and access.

Chair Kirby asked how much right of way was on the east side of 605, and further asked how many curb cuts there would be.

Planning Manager Mayer responded that they had been annexed into the city but were still privately owned to the center line of the road. He further explained that the amount of curb cuts is determined in conjunction with the engineering analysis.

Chair Kirby continued that reason he asked was given the 55-mph speed limit on 605, not having a curb cut would make sense. He further stated that one of the reasons that paths were not required early was because curb cuts and construction traffic can tear them up. If it is known now, that there will not be curb cuts on 605 then the paths can go in early.

Planner Nichols responded that the zoning text states the number, locations and spacing of curb cuts along public rights-of-way shall be determined and approved at the time a certificate of appropriateness is issued for a project in this zoning district, which is during the permitting process for L-GE. Because this is an L-GE it, it will not come back to the commission. When the traffic analysis is submitted, the number of curb cuts will be specified and approved.

Commissioner Larsen asked Mr. Underhill why he was seeking to waive the traffic impact study.

Mr. Underhill explained that his request would still be subject to staff approval, he was seeking flexibility in the language because he was not sure a full study was required in every instance. He stated that there is a difference between a data center with 20 employees and an office with hundreds of employees. He was not requesting to be able to waive it himself, he was requesting that the language be flexible to allow the traffic engineer to approve whether a full study was required.

Commissioner Larsen stated that he was hesitant to waive it considering the houses that will be developed in that area, and the existing traffic concerns.

Planning Manager Mayer added that it was something that was put into every zoning text. If stated that making the level of study subject to the discretion of the engineer was typical and would provide site-specific flexibility.

Commissioner Wallace pointed out that right now the Engineer Memo states that a traffic study will be required, and asked what kind of language should be included to make it sufficiently flexible.

Planner Nichols responded that the language in the staff report may be sufficient because it states the comments of the city engineer shall be addressed and incorporated into the zoning text as appropriate subject to staff approval.

Commissioner Wallace thanked Planner Nichols and responded that was a great point, and stated that the commission could add language to the first condition that the traffic study is subject to staff approval.

Chair Kirby asked Engineer Albright why the language in the Engineering Memo was mandatory.

Engineer Albright responded that as Planner Nichols had said, the memo was in would be subject to staff approval as stated in the staff report.

Chair Kirby continued, and asked, looking into the future whether a traffic study could be required in the event of redevelopment.

Planning Manager Mayer responded that he thought the city would be well within its rights to request a new traffic study in the event of future uses.

Commissioner Wallace asked Mr. Underhill whether he was comfortable with that language.

Mr. Underhill indicated he was comfortable with that language being added to the condition.

Commissioner Wallace asked for clarification regarding the stream corridor protection zone, the language stated that it was the intent that a similar protection zone would be provided by the property owners located north of the stream.

Planning Manager Mayer explained that the idea with the riparian corridor is that it is 100-feet and it is typically centered to provide 50-feet on both sides, the code allows it to shift but it should be within the range.

Mr. Underhill added that the idea was that 50 feet should be provided on both sides.

Chair Kirby stated that the commission has been picky about that in the past because the code does not have a minimum figure. He further asked staff if it was pinned down here.

Planning Manager Mayer responded yes, it is here. The staff report indicates that it has to be at least 50 feet southward from the center line of the stream.

Commissioner Wallace asked Planner Nichols about the third condition that required building color palettes to be as simple and unobtrusive as possible and that buildings should avoid overly bright or jarring colors. That language seemed somewhat vague and wondered how the commission could tighten the language up.

Planner Nichols responded that this language was suggested by staff because it has been recently incorporated in other recent L-GE rezoning applications.

Planning Manager Mayer added that architecture in and of itself is subjective and suggested the addition of a clause that would make it subject to the city architect's review.

Commissioner Wallace asked Mr. Underhill whether he was comfortable with amending condition three in that way.

Mr. Underhill responded yes, he was comfortable as long as it was modeled after previously imposed language.

Commissioner Wallace stated that he was trying to remember how the commission addressed the usage of solar panels in prior applications. Here he noted that the text exempts the solar panels from screening. He asked whether there should be some restriction placed on the visibility of solar panels from 605, understanding that they had to be positioned for southern-facing exposure.

Planning Manager Mayer responded that was a great question. Staff had made presentations to the boards regarding solar panels, and research to support code recommendations was ongoing. Currently there are no code requirements or restrictions regarding their usage. HOA's have language for residential. Leaving it silent here we are giving the developer full discretion which has been successful in the business park.

Mr. Underhill stated that in the L-GE text, the usage of solar panels is generally permitted. He continued that they would be subject to future legislation, they could not write themselves out of language that does not yet exist.

Law Director Albrecht agreed and stated that future legislation would apply. And that this text could include "as appropriate" to capture it.

Commissioner Wallace continued that the language [on page 3 of the zoning text, V. C.5] presently states that solar panels are excluded from requirements for screening. He suggested that maybe the commission could add language.

Mr. Underhill stated that language could be added stating unless subsequent changes to the codified ordinances otherwise permit.

Law Director Albrecht and the commission discussed possible wording in order to be clear that future codified ordinances regarding solar panels would apply – that the

exclusion from screening would be subject to any current or future code sections regarding solar panels. This would be added to the zoning text at V.C.5

Chair Kirby noted for a lot of facilities having visible solar is an incentive to future businesses.

Chair Kirby opened the public hearing.

Mr. Topolosky approached the lectern and said that the information to the north regarding the property to the north on SR 605 was vague. That is township property, not City of New Albany. He discussed issues regarding the construction of the roundabout at Walnut and 605. There was discussion regarding whether it should be one or two lanes. The rectangular property at Nottingham and 605 was listed as residential on the auditor's website, and was shown as 505 or 550 which he was not able to get a complete definition of, but he thought it had something to do with the adjacent tower. He further observed that that was the reason for the L-shaped pond. Further there was a minimum amount of acreage required. The question was whether they were trying to convert the property from residential to commercial.

Chair Kirby explained that the auditor's website does not match the municipality's classification of the property. He asked staff whether Nottingham was PUD.

Planner Nichols responded yes.

Chair Kirby explained that the auditor's classification was distinct from the city's zoning classification.

Planning Manager Mayer added that the auditor's website contains the classification of property and location of property for tax purposes but the city's zoning map contains the usage designations.

Mr. Topolosky stated that the road was owned by the county, so it was the county that would need to change the speed limit. He further pointed out the boundaries of New Albany and Plain Township.

Planning Manager Mayer explained that despite the location of the surrounding property, SR 605 is a county road and has not been annexed into New Albany, which was unusual but did happen from time to time. The county would have jurisdiction over 605.

Chair Kirby added that the state would have concurrent jurisdiction over 605 because it is a state highway.

Mr. Topolosky further explained that the path goes to Walnut and then it stops. There is no path along the rectangle.

Chair Kirby added a point of clarification that there is no path there, yet. The vision of the city and of the commission was to install paths to nowhere that would eventually connect and become paths to everywhere.

Planning Manager Mayer added that the path stopped because it was the boundary of the city.

Mr. Topolosky asked whether there was any provision in the design for more retention ponds.

Chair Kirby explained that when the application comes back for approval of the final development plan, it must include a plan for stormwater management.

Commissioner Wallace added that when development happens, it will not come back to the commission. He asked whether there is a way to get public notice and input on the location of the retention pond.

Planning Manager Mayer responded that because this is not a PUD there will not be notice to neighbors, but the plans are on the website and will be updated regularly on the website. He further invited anyone interested in the development to call the city. There are planners in the office who would be happy to explain what is going on.

Chair Kirby asked if there were other members of the public who wished to comment.

Hearing none, he asked if there were other comments from members of the commission.

Hearing none, Chair Kirby moved to accept the staff reports and related documents into the record for ZC-107-2023. Commissioner Briggs seconded the motion.

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

Upon roll call: Mr. Kirby yes; Ms. Briggs yes; Mr. Wallace yes; Mr. Schell yes; Mr. Larsen yes. Having five yes votes, the motion passed and the staff reports and related documents were admitted to the record for ZC-107-2023.

Chair Kirby asked for a motion on the merits.

Commissioner Wallace moved to recommend approval of application ZC-107-2023 based on the findings in the staff report and subject to the three conditions in the staff report amended, and added to, as follows:

- In condition 1., the Engineer's comments with reference to the traffic study are subject to staff approval.
- The addition of Condition 4., The zoning text § V(C)5 the exclusion from screening is subject to future code sections governing solar panels.
- In condition 3., the language regarding the usage of colors that are overly bright is subject to the city architect review.

Commissioner Briggs seconded the motion.

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. Schell yes; Mr. Larsen yes; Mr. Kirby yes. Having five yes votes the motion passed and ZC-107-2023 was favorably recommended to Council with the conditions as specified by Commissioner Wallace.

Chair Kirby called a five-minute recess at 8:25 p.m.

Chair Kirby called the meeting to order at 8:30 p.m. He introduced the next case and asked to hear the staff report.

ZC-110-2023 Rezoning

Request to rezone 5.23 acres located on three parcels located at 6734 through 6800 Bevelhymer Road in Franklin County from Residential (R-1) to Infill Planned Development (I-PUD) for an area to be known as the Walton Farms Zoning District (PIDs: 222-000619, 222-000620, 222-000621).

Applicant: Stephen Butler

Planner Nichols delivered the staff report.

Chair Kirby asked for comments from engineering.

Engineer Albright delivered the engineering report.

Chair Kirby asked to hear from the applicant.

Applicant Stephen Butler, on behalf of the owner. He further stated that the owner was present in the audience. He stated that he has worked with staff over a number of months, and that he feels the application will be a benefit to the community. The neighborhood street would be placed in the rear on the east side. He explained the site plan and stated that most of the details were tied down and they fully intend to meet all engineering requirements and conditions imposed in the staff report.

Chair Kirby confirmed that Mr. Butler was okay with the five conditions in the staff report and asked if there were sidewalks on the eastern road.

Mr. Butler responded yes there would be a sidewalk there.

Chair Kirby asked about the access on the northern boundary, and whether at the moment the new road would end at the northern boundary.

Mr. Butler said yes, that was the proposal as the result of working with staff, but there would be access once the future road is constructed when that happened one of the curb cuts would be eliminated.

Chair Kirby continued that that led to his real question which was whether the northern edge going west, the future road (northern east-west road) was on any part of the subject property.

Planning Manager Mayer responded no. It would come in as part of future northern development. He explained that was why the road was shown stubbed. Presently there will be two curb cuts on Bevelhymer but if and when development occurs one of the curb cuts on Bevelhymer will be eliminated. There will be one access point from Bevelhymer and one access point from the northern east-west public street. This was derived from the general alignment plan in the Strategic Plan.

Chair Kirby stated he was leery about making a problem for someone else. He wondered whether the northern road would be installed in the future, and noted that, as drawn the area to the north was residential. He asked why the road was not positioned on the subject property so it could be installed now.

Planning Manager Mayer responded that was a great question. And it came down to alignment and need. He continued that when staff looked at the alignment, it determined that a road to the north was not needed at this time, adding a stub to the future east-west road is sufficient. Roadways are installed in pieces. Based on staff review, it was determined that the northern road was not necessary today. He further stated that based

on the traffic study and the current proposed usage the best solution was to provide access via north/south rather than east/west. He also stated that the road way on the east maintains the character of Bevelhymer Road. Maintaining the character of Bevelhymer was an overarching concern. Here, the setbacks would be maintained and no widening would be required.

Chair Kirby asked whether a condition of approval that would require provision of at least some right of way if and when development occurs to the north.

Planning Manager Mayer responded that was a great question. He thought that a condition requiring provision of right of way was not necessary, but perhaps an additional easement and noted that easements had been used in other cases. It was typical in the business park for property owners to provide an easement outside of the right of way.

Council Member Wiltout confirmed with Planning Manager Mayer that the city did not need any further right of way for this application.

Planning Manager Mayer answered that was correct.

Commissioner Wallace stated that when Planner Nichols presented she noted that the black line was the commercial development but that was not what the map showed. It seemed to that the orange space on the site map that seemed like they would want to drift up to the proposed north road stub. The other thing he thought was suggested was that this went against the Strategic Plan. He stated that it did not trouble him specifically at this point but it did trouble him philosophically.

Planning Manager Mayer agreed and explained that historically staff has kept to the goals in the Strategic Plan, and that is the reason why this particular slide was included in the presentation. In this case, staff found it reasonable to allow this use. Staff does not want to allow for retail creep but it makes sense to allow for some limited retail – doc in the box, low traffic and low intensity retail usage adjacent to the residential corridor, based on reasonableness and context.

Commissioner Wallace stated that obviously the Strategic Plan is a prediction, and things change. This did not trouble him because it made sense and there should be more access from the north, but it did deviate philosophically.

Chair Kirby noted the white dashed line road. The terminus of that for Bevelhymer allows for transition from less intense uses to more intense uses. It provides a step-down so residents are not living behind the Aldi. The road provides a border and stays the rural residential

Planning Manager Mayer responded that one of the things staff is examining the possibility of doing a focus area study in 2024 for the remaining triangle of land. Staff felt comfortable with this application but felt that more study was needed for the rest of the area.

Commissioner Schell thanked Planning Manager Mayer and stated that he appreciated the study because he was primarily concerned with that exact issue – the commission being presented with application after application that undermined the Strategic Plan.

Commissioner Larsen asked if Bevelhymer Road would remain a two-lane road.

Planning Manager Mayer explained that per the Strategic Plan, it should remain the rural typology and feel, so Bevelhymmer will remain a two-lane road but additional access roads will be added to intersect with it so as to disperse traffic.

Commissioner Larsen continued that his concern was that is a very narrow road, the striping is right at the edge and it is already dangerous. It does not seem as though it could handle more traffic.

Planning Manager Mayer noted that was a great point, and explained the road will not be widened but it will be improved and a shoulder added.

Council Member Wilttrout asked about the uses. She understood some of the low-intensity uses named, but questioned inclusion of a swim-school as a low-intensity use. She stated that she had been in a swim school parking lot and it was quite intense.

Planning Manager Mayer responded that he would let the applicant speak to that and added that staff examining the number of cars and there were fewer vehicular trips.

Council Member Wilttrout continued that the swim-schools she had been to had classes scheduled every 30 minutes with six to eight kids in each class. There was constant turn over.

Planner Nichols agreed, she stated that the applicant could correct her if she is wrong but it was noted in conversations with the applicant that they anticipate the swim school's peak hours would be when the adjacent uses, like a medical office or daycare center, were closed.

Mr. Butler concurred and stated that the swim students would be in school during peak hours of the office buildings.

Council Member Wilttrout stated that not all of the kids going to swim school are school-aged.

Planning Manager Mayer added that parking requirements are established for uses, and if a swim school is planned, the applicant will have to meet parking requirements.

Mr. Butler answered that there is not a swim school planned at this time.

Planning Manager Mayer added that the commission will review parking when it considers the final development plan.

Chair Kirby asked whether the uses were governed by the parking requirements.

Planning Manager Mayer responded yes, parking would be reviewed and final development. The applicant needs to meet and continue to meet their parking standards. The commission would also look at shared parking for this area.

Commissioner Wallace asked whether, when final development comes, can they come in pieces or does it all have to come at once.

Planning Manager Mayer responded that they could come in pieces, they can phase however they would like.

Chair Kirby asked whether this was rezoning or preliminary development as well.

Planning Manager Mayer responded that this is preliminary and rezoning. He further stated that there would be a final development plan as well.

Commissioner Larsen asked about the road to the east, whether it was a future road.

Planning Manager Mayer responded that the applicant could install the road in phases but the right of way dedication must be complete at development. The final development plan will determine the phasing.

Commissioner Larsen stated that he would want to encourage traffic from away from Bevelhymer and he does not think two curb cuts are needed on Bevelhymer. He noted that traffic on Bevelhymer is already substantial. He continued that he would like a condition to that effect.

There was discussion about the access and traffic flow into the development, and the issues and considerations surrounding installing two curb cuts on Bevelhymer and the construction of the road to the east which would be stubbed to the north, and then removing one of the curb cuts on Bevelhymer when the future road to the north was constructed.

Commissioner Larsen reiterated his concern that he did not think two curb cuts on Bevelhymer Road were warranted.

Chair Kirby asked staff whether, if some right-of-way is dedicated to the northern road, how much leeway would they have to the north before they hit a setback limit.

Planning Manager Mayer stated that staff contemplated that and he believed there was a lesser set back in that area because it was a residential road. Planner Nichols added it was 25-feet. He continued that this meets code as currently drafted, but it will be finalized at final development when the placement of the building has been determined.

Chair Kirby stated, okay, they have got more than 25-feet now and continued that his objective was to present the minimum pain possible to the applicant tonight, and determine the best placement for the future road to the north was on a portion of his property.

Mr. Butler responded that the property to the north was a 50 to 60-foot sliver which would be sufficient for the right of way. He was not sure whether Chair Kirby was asking for additional right of way dedication there, and given the space and the code requirements, it made sense that the road would go into that strip.

Chair Kirby answered that they would start with an easement noting further that there was not 50 spare feet.

Applicant Ehab Eskander, the property owner. He stated that when they first started this project they were only looking to the Primrose School, and plans have evolved since then. The property to the north was a 50-foot sliver. They had already dedicated the property to the right. This is the easiest transitional use for this property. It didn't make sense for the northern road to be on this property. He explained that the second curb cut was needed for northern access and circulation, and he was hoping that if nothing else changes it can be put into effect.

Chair Kirby asked staff and the commission whether it was relatively certain the road to the north would be constructed or whether the commission should make provision for it, knowing that it cannot be forced. The track record for getting the roads is not perfect.

Commissioner Larsen stated that he thought provision should be made here.

Planning Manager Mayer stated that the commission's track record for getting roads was good, and he further stated that not requiring the road now allows for flexibility. The development patterns for the transitional area, the area to the north, or to the east is not yet known.

Chair Kirby stated that he trusted that concerns regarding drawing the line between commercial land use and rural residential were taken seriously. The road provides a clear boundary.

Council Member Wiltrout stated that it was still unclear whether the area to the east would be included.

Chair Kirby answered that that area gets strongly fought over but even if someone wants to fill it in, it is locked.

Planning Manager Mayer added that is something we will have to do a focus area plan on and those are good questions.

Chair Kirby added that this also may be a good update for the strategic plan. He asked for further questions.

Commissioner Wallace stated that street trees were 1 for every 30 feet but the text they had just approved required 4 per 100 which is 1 for 25, and wondered how much flexibility there was. He acknowledged that there were different areas and requirements.

Planning Manager Mayer responded stated that he thought the 4 per 100 was for additional buffer trees in addition to street trees, and that there are different standards for street trees and buffer trees. Staff will fact check this, but it is typical in the business park to have different standards for the street trees and buffer trees behind the horse fence.

Planner Nichols responded that the buffer here is 6 trees per 100-feet between the building and Bevelhymer.

Commissioner Wallace stated that the text did not mention the eastern road. He continued that he had some concerns about the text and thought the language could be tighter. He mentioned the tree distances, the calipers of the trees to be planted, and that there was no reference to where the measurement would be from. He noted that the prior approval was with an applicant who had a lot of experience drafting zoning text. Nonetheless he had some concerns about this language. He acknowledged that he did not have the opportunity to compare this text with text used by Canini and perhaps this text was similar.

Planner Nichols said yes, and responded that this text is similar to the Walton/ 62 text, the applicant used that text as a model.

Planning Manager Mayer responded that he was correct that there were differences and one of the goals here was to maintain the rural character of Bevelhymer Road. He also explained that this is a PUD text, so the applicant can propose a lesser standard with slightly smaller trees in a greater quantity.

Commissioner Wallace stated that there will be another opportunity to review these issues as part of the final development.

Planning Manager Mayer responded absolutely and further noted that if the zoning text is silent on a particular issue, the city code will apply.

Commissioner Larsen stated that he did not think the timing of the installation of the road to the east had been solidified.

Chair Kirby responded that the new road goes in on day one.

Mr. Butler agreed that it goes in on day one.

Commissioner Wallace stated that he thought it was the dedication that would happen on day one.

Planning Manager Mayer clarified that staff was looking for the dedication but would clarify with the applicant the construction phasing of the right of way.

Commissioner Larsen stated that a condition should be added so it is clear.

Commissioner Schell stated he was concerned about the parking and traffic that would accompany a swim school.

Mr. Butler responded that as of now, a swim school is not planned. He explained that when it was considered, he thought that shared parking would be available and also that the swim school would be used during the time when kids were not in school.

Council Member Wiltrout responded kids that are not yet in school will be using the swim school during the day, there would be overlapping use, and she worried that the parking lot would be overloaded.

Chair Kirby asked whether the applicant would agree to provide the projected usage of parking relevant during particular hours of the day.

Mr. Butler stated that the busiest time for the use of the swim school was in the evening and he further agreed to the condition.

Council Member Wiltrout asked staff to think about this mindfully. She noted that it could get granular but to consider the number of change-overs and use, the number of cars, and the timing.

Planning Manager Mayer responded yes and requested that it be added to the text that information needs to be provided for the commission's review at final development.

Commissioner Wallace noted for staff that the text provided that the ground mounted lighting shall be shielded by landscaping and he suggested that it be made subject to staff approval.

Planning Manager Mayer responded sure, absolutely.

Chair Kirby added that he is not a fan of up lighting, even for signs. He continued that even for signs, the lighting could end up in the eyes of oncoming traffic. It would be preferable to have lighting on the top that only washes down on the sign. Ground mounted lighting should light the subject only. He asked the applicant how fond of up lighting he was.

Mr. Eskander responded that he was not a fan of up lighting for signs, and further that signs would be backlit.

Commissioner Wallace stated the condition could provide that any up lighting is subject to staff approval.

Commissioner Wallace stated in the sign section, F2, the language provided that it should conform with 2013 standards. He asked whether anything had changed since then.

Planning Manager Mayer responded no, those were the current standards and were used by Turkey Hill and Dairy Queen. He further noted that maintaining consistency of signage standards over time eased wayfinding.

Chair Kirby asked whether downlighting was prohibited here, and noted that there were places where it was prohibited.

Planning Manager Mayer answered no, downlighting was permitted here. And further that lighting could certainly be reviewed by the commission at final development.

Commissioner Wallace and Chair Kirby stated that the condition could provide that all lighting is subject to staff approval.

Commissioner Larsen asked about language on page 7 in condition 5, regarding bicycle parking. There appeared to be missing text.

Planner Nichols explained that the text was not clear, and condition 5 sought to have the applicant update the text to clarify that bicycle parking was to be provided per building.

Chair Kirby asked if there were further questions from the commission. Hearing none, he opened the public hearing.

Debbie Klein, 6856 Bevelhymer Road. She stated that she was born and raised here and she lives right next to the subject property. She has seen a lot of development and this one did not work for her. This space is a gateway and this development is being squeezed in. The road is minimal at best. She stated that Bevelhymer will not remain residential if more development is added. This land is a gateway from 62 to the residential area. One of the things she has always loved about New Albany Council is to keep residents first. This particular area is not even a ½ mile from Central College and this will add to our problems. Based on the rhetoric here tonight the people don't know with this one and we need to know that we know. She stated that she was supportive of much of the development, but not this one. The traffic from Intel is not helping us. We cannot minimize the fact of what is happening here. If we open this up it will flood like a creek with too much stream in it. She encouraged everyone to drive up and look at the property, there is not a lot of space here. This is too much right now and there is not enough space. She stated that she wanted them to do the spare road but that it was not going to happen because it's just too busy. She thanked the commission and asked them to remember that is a gateway to residential.

Commissioner Briggs thanked Ms. Klein for coming in, she noted that the hearing had been lengthy and that she [Ms. Klein] had waited for a long time. Then she asked for the location of her home.

Ms. Klein explained where she lived.

Council Member Wilttrout added her thanks and explained that this is just the first step and it is a concept. Next it will be considered by Council. It will then return to the commission for consideration of the details in the final development plan. She stated that she did not want Ms. Klein to think that this was the end of the process, there was time.

Ms. Klein responded that she understood and added that the Aldi has added a lot of pressure to this area.

Jeff Lane 6850 Bevelhymer Road, just north of the flag lot. He asked the commission to push back on this development and to uphold the Strategic Plan. He stated that Bevelhymer Road is a drag race as it is. He further stated that there are easements on the northern property that were in place in the 1960s when the homes were built. He explained that he has an easement on the south end of his property. He stated that the area for the daycare is just a stone's throw from his home and he was not looking forward to the noise. He continued that he does not want future development to the north and he did not believe other residents wanted it either. Regarding the focus area study of the triangle area, he believed that the area should remain as it is. The Strategic Plan has maintained those areas as residential. He noted that he would reserve some comments for future discussions. He thanked the commission for the opportunity to speak.

Chair Kirby thanked Mr. Lane, and told him that Council is the ultimate arbiter of zoning.

Commissioner Briggs thanked him for coming in and waiting until almost 10:00 p.m. so that he could comment on this application.

Chair Kirby asked the applicant whether he had easements.

Mr. Eskander responded that he did not discover any easements that would impede them and that they did an Alta survey.

Chair Kirby responded that, any easement on your property is yours and is in favor of you.

Mr. Eskander responded correct.

Commissioner Larsen asked staff whether there was an easement north of the property.

Planning Manager Mayer answered that staff was not aware of any easements north of the property. He further asked whether Mr. Lane shared his driveway.

Mr. Lane responded no, he did not share a driveway and his research from the county and auditor indicated that the driveway was only the width of what a road would be so any kind of buffer would require an easement on his property. He further mentioned a gas easement.

Chair Kirby asked whether there were any other questions or comments. Hearing none, he moved to admit the staff reports and related documents into the record for ZC-110-2023. Commissioner Wallace seconded the motion.

Chair Kirby asked whether 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. Larsen yes; Ms. Briggs yes; Mr. Schell. Having five yes votes, the motion passed and the staff reports and related documents were admitted into the record for ZC-110-2023.

Chair Kirby asked whether there was a motion on the merits.

Chair Kirby moved for approval of zoning change ZC-110-2023 based on the findings in the staff report and subject to the conditions 1 – 4 as stated in the staff report and the following amendment to condition 5 and the following additional conditions:

- In condition 5., that the condition shall be updated require the zoning text to specify that the bicycle parking is per building.

And the following additional conditions:

- Condition 6., The installation of the new east road in the first phase.
- Condition 7., That parking usage and the timing of usage, and additional information as required as part of the final development plan, especially for parking with sensitivity to timing of usage.
- Condition 8., All lighting shall be subject to staff approval and review, with the goal of minimizing spill for up-lighting and that downlighting is permitted.

Commissioner Wallace confirmed that the applicant agreed with the conditions as stated.

Mr. Butler stated they had no objection.

Commissioner Wallace seconded the motion. Chair Kirby asked whether there was any discussion on the motion.

Deputy Clerk Madriguera asked that the condition 7 be read again for her benefit.

Chair Kirby recited Condition 7., that additional information will be required at final development especially pertaining to parking and the timing of parking lot uses with an eye to compatible uses. He asked whether there was any further discussion on the motion.

Hearing none, he asked to hear the roll.

Upon roll call: Mr. Kirby yes; Mr. Wallace yes; Ms. Briggs no; Mr. Schell yes; Mr. Larsen no. Having three yes votes, the motion passed subject to the conditions as stated above and ZC-110-2023 was favorably recommended to Council.

Commissioner Briggs explained that she voted no because she believes this area should not be rezoned. It should retain its residential zoning classification instead becoming I-PUD.

Commissioner Larsen explained that he voted no because rezoning would add to the existing traffic concerns at Bevelhymer Road, which should remain a rural road and should not have two curb cuts. He further explained that the applicant had not adequately addressed parking. And this application did not adequately maintain the character of the neighborhood.

Chair Kirby stated that Council should note that this almost did not pass and that it was a difficult case for him as well.

The commission wished the applicant good luck

Chair Kirby introduced the next case and asked to hear from staff.

***FPL-114-2023 Preliminary and Final Plat**

Preliminary and final plat for phase 5 of the Nottingham Trace subdivision which includes 42 lots on 9.001 +/- acres (PID: 222-005265).

Applicant: EMH&T c/o Curtis Prill

*In the process of drafting the Record of Action following the December 4, 2023 meeting, it was discovered that the correct case number is FPL-113-2023. The Record of Action issued on December 5, 2023 lists the correct case number, FPL-113-2023. However, because the movants used FPL-114-2023 at the meeting, the minutes will remain consistent with what was actually said at the December 4, 2023 meeting.

Planner II Christian delivered the staff reports for both Nottingham Trace applications with one presentation.

Chair Kirby asked if there were comments from engineering.

Development Engineer Albright delivered the engineering report.

Chair Kirby asked if the applicant had any comments.

Applicant Curtiss Prill stated he was available for questions and had nothing to add.

Commissioner Larsen asked for an overview of the density for all 6 phases.

Planner II Christian responded that the development was a total of 240 lots and on the overall acreage, it was about 2.4 du/acre. He added that the land was zoned to allow for the development of these last two phases.

Commissioner Larsen asked whether this was an 80/20 age-restricted development.

Planner II Christian responded yes, 80 % of the units must have 55+ residents and there is no restriction on the other units.

Commissioner Larsen noted that there could be a school impact.

Planning Manager Mayer answered yes, and explained that this was one of the first age-restricted areas and was first approved in 2015. Since then there have been 100% age-restricted developments, but in line with the Federal standards.

Chair Kirby asked whether there was any further discussion. Hearing none, he moved to accept the staff reports and related documents into the record for FPL-114-2023. Commissioner Briggs seconded the motion.

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

Upon roll call: Mr. Kirby yea; Ms. Briggs yes; Mr. Wallace yes; Mr. Schell yes; Mr. Larsen yes.

Having five yes votes, the motion passed and the staff reports and related documents were admitted to the record.

Commissioner Schell moved for approval of FPL-114-2023 with the two conditions noted in the staff report. Commissioner Briggs seconded the motion.

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

Upon roll call: Mr. Schell yes; Ms. Briggs yes; Mr. Kirby yes; Mr. Wallace yes; Mr. Larsen yes. Having five yes votes the motion passed and the application was approved.

***FPL-115-2023 Preliminary and Final Plat**

Preliminary and final plat for phase 6 of the Nottingham Trace subdivision which includes 44 lots on 9.430 +/- acres (PID: 222-004443).

Applicant: EMH&T c/o Curtis Prill

*In the process of drafting the Record of Action following the December 4, 2023 meeting, it was discovered that the correct case number is FPL-114-2023. The Record of Action issued on December 5, 2023 lists the correct case number, FPL-114-2023. However, because the movants used FPL-115-2023 at the meeting, the minutes will remain consistent with what was actually said at the December 4, 2023 meeting.

Chair Kirby moved to accept the staff reports and related documents into the record for FPL-115-2023. Commissioner Briggs seconded the motion.

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

Upon roll call: Mr. Kirby yea; Ms. Briggs yes; Mr. Wallace yes; Mr. Schell yes; Mr. Larsen yes.

Having five yes votes, the motion passed and the staff reports and related documents were admitted to the record.

Commissioner Schell moved for approval of FPL-115-2023 with the two conditions noted in the staff report. Commissioner Briggs seconded the motion.

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

Upon roll call: Mr. Schell yes; Ms. Briggs yes; Mr. Larsen yes; Mr. Kirby yes; Mr. Wallace yes. Having five yes votes the motion passed and the application was approved.

VII. Other business

Chair Kirby asked if there was any other business.

Planning Manager Mayer stated none from staff.

VIII. Poll members for comment

Chair Kirby polled the members for comment. None of the members had a comment.

IX. Adjournment

Having no further business, Chair Kirby adjourned the December 4, 2023 meeting of the New Albany Planning Commission at 10:05 p.m.

Submitted by Deputy Clerk Madriguera, Esq.

Appendix

FDP-87-2023

Record of Action

FPL-88-2023

Record of Action

FPL-91-2023

Record of Action

FPL-92-2023

Record of Action

ZC-107-2023

Staff Report

Record of Action

ZC-110-2023

Staff Report

Record of Action

FPL-113-2023 [FPL-114-2023]

Staff Report

Record of Action

FPL-114-2023 [FPL-115-2023]

Staff Report

Record of Action



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, December 5, 2023

The New Albany Planning Commission took the following action on 12/04/2023 .

Final Development Plan

Location: Central College Rd

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

Application: FDP-87-2023

Request: Final development plan review and approval of 151 lot, age-restricted residential housing development on 63.5+/- acres for the subdivision known as the Courtyards at Haines Creek located at 8390 and 8306 Central College Road in Franklin County.

Motion: To table FDP-87-2023 until the January 17, 2024 regular meeting.

Commission Vote: Motion Table, 5-0

Result: FDP-87-2023 was Tabled to the January 17, 2024 Rnformal meeting, by a vote of 5-0.

Recorded in the Official Journal this December 5, 2023

Condition(s) of Approval:

N/A

Staff Certification:

Chelsea Nichols
Planner



Community Development Department

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Community Development Department

Decision and Record of Action

Tuesday, December 5, 2023

The New Albany Planning Commission took the following action on 12/04/2023 .

Final Development Plan

Location: Central College Road

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

Application: FDP-88-2023

Request: Preliminary and final plat for phase one of Courtyards at Haines Creek located at 8390 and 8306 Central College Road in Franklin County.

Motion: To table FPL-88-2023 to the January 17, 2024 regular meeting.

Commission Vote: Motion Table, 5-0

Result: FPL-88-2023 was Tabled to the January 17th regular meeting, by a vote of 5-0.

Recorded in the Official Journal this December 4, 2023

Condition(s) of Approval:

N/A

Staff Certification:

Chelsea Nichols
Planner



Community Development Department

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Thank you.



Community Development Department

Decision and Record of Action

Tuesday, December 5, 2023

The New Albany Planning Commission took the following action on 12/04/2023 .

Final Development Plan

Location: Central College Road

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

Application: FDP-91-2023

Request: Preliminary and final plat for phase two of Courtyards at Haines Creek located at 8390 and 8306 Central College Road in Franklin County.

Motion: To table FPL-91-2023 to the January 17, 2024 regular meeting.

Commission Vote: Motion Table, 5-0

Result: FPL-91-2023 was Tabled to the January 17, 2024 regular meeting, by a vote of 5-0.

Recorded in the Official Journal this December 5, 2023

Condition(s) of Approval:

N/A

Staff Certification:

Chelsea Nichols
Planner



Community Development Department

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Thank you.



Community Development Department

Decision and Record of Action

Tuesday, December 5, 2023

The New Albany Planning Commission took the following action on 12/04/2023 .

Final Development Plan

Location: Central College Road

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

Application: FDP-92-2023

Request: Preliminary and final plat for phase three of Courtyards at Haines Creek located at 8390 and 8306 Central College Road in Franklin County.

Motion: To table FPL-92-2023 to the January 17, 2024 regular meeting.

Commission Vote: Motion Table, 5-0

Result: FPL-92-2023 was Tabled to the January 17, 2024 regular meeting, by a vote of 5-0.

Recorded in the Official Journal this December 5, 2023

Condition(s) of Approval:

N/A

Staff Certification:

Chelsea Nichols
Planner



**Planning Commission Staff Report
December 4, 2023 Meeting**

**NORTH CITY BUSINESS ZONING DISTRICT
ZONING AMENDMENT**

LOCATION: 7270 New Albany Condit Road (PIDs: 222-005258 and 222-005259)
APPLICANT: The New Albany Company, LLC c/o Aaron L. Underhill, Esq.
REQUEST: Zoning Amendment
ZONING: I-PUD Infill Planned Development to L-GE Limited General
Employment
STRATEGIC PLAN: Employment Center
APPLICATION: ZC-107-2023

Review based on: Application materials received October 20, 2023 and November 6, 2023.

Staff report completed by Chelsea Nichols, Planner.

I. REQUEST AND BACKGROUND

The applicant requests a review and recommendation to rezone approximately 12.737 acres. The request creates a new limitation text for the area known as the “North City Business Zoning District” by zoning the area to Limited General Employment (L-GE). The proposed rezoning facilitates the development of uses found throughout the New Albany International Business Park.

In 2021, this property was approved with an I-PUD zoning designation (Cornerstone Academy I-PUD District) to facilitate the development and operation of a public charter school campus for Cornerstone Academy. After that rezoning was approved, Cornerstone entered into a lease with the owner of an existing building located at 7525 West Campus Road, formerly known as NACOT I. The intent was to provide a temporary location for Cornerstone High School until such time as the new campus could be developed on the property that is the subject of this application. However, the use of the building was a great fit for the school, and Cornerstone Academy has now determined that it would like to remain on that site permanently and also acquire an adjacent building and other improved and unimproved real property to develop its campus at that other location. As part of that plan, Cornerstone Academy is acquiring an undeveloped parcel that is owned by NACO in exchange for the transfer of the property within this Zoning District to NACO. NACO seeks to rezone the property it is acquiring into the L-GE zoning classification, which was the zoning of the property before the approval of the Cornerstone Academy I-PUD.

The site is located in the Engage New Albany strategic plan’s Employment Center future land use district. The zoning district meets the recommended use and development standards found in the Engage New Albany strategic plan. 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 extends the same or similar zoning and development standards to this property as currently apply to its neighboring commercially zoned property in the general vicinity.

This application is solely for rezoning the site. The Rocky Fork-Blacklick Accord reviewed and recommended approval of the application on November 16, 2023 by a 9-0 vote.

II. SITE DESCRIPTION & USE

The overall site consists of 2 parcels and is located within Franklin County. The site is located to the northwest of and adjacent to the intersection of New Albany-Condit Road and New Albany Road East. The property is presently undeveloped and is generally bisected from southwest to northeast by a 110-foot wide gas line easement.

Neighboring uses and zoning districts include Office Campus District, Limited General Employment, Agriculture, and Infill Planned Unit Development. The site does not directly abut any residential parcels; however, there is a home located in the agricultural zoned property located immediately to the northeast of the site across New Albany-Condit Road. Subarea “B” of the Nottingham Trace subdivision is located on the north side of the property. This subarea is slated for commercial development at a later date. Reserve “C” of the Nottingham Trace subdivision is located diagonally to the northwest of the site and includes 23.7 acres of parkland.

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 a recommendation to City Council. The property owners within 200 feet of the property in question have been notified.

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

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

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

A. New Albany Strategic Plan

The Engage New Albany 2020 strategic plan lists the following development standards for the Employment Center:

- 1. No freeway/pole signs are allowed.
- 2. Heavy landscaping is necessary to buffer these uses from adjacent residential areas [a landscaping plan can be submitted at a later date].
- 3. Plan office buildings within context of the area, not just the site, including building heights within development parcels.
- 4. All office developments are encouraged to employ shared parking or be designed to accommodate it.
- 5. All office developments should plan for regional stormwater management.
- 6. All associated mechanical operations should be concealed from the public right-of-way and screened architecturally or with landscape in an appealing manner.
- 7. Any periphery security should integrate with the existing landscape and maintain and enhance the character of the road corridor.
- 8. Combined curb cuts and cross-access easements are encouraged.
- 9. The use of materials, colors, and texture to break up large-scale facades is required.
- 10. Maximum building height is 80’.
- 11. Streetscape Roadway Character Classification is Business Park for New Albany Road East and Business Park Transitional for New Albany-Condit Road (see Table 1, below).
- 12. Parking should be located in rear of building and shared parking.

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 applicant proposes the same development standards from nearby L-GE zoning districts within the New Albany International Business Park. Due to the proximity of this site to adjacent commercially zoned land in the existing business park, the site appears to be appropriate for commercial development.
3. This district has the same list of permitted, conditional, and prohibited General Employment uses as the neighboring L-GE zoning districts.
 - The limitation text allows for general office activities, data centers, warehouse & distribution, manufacturing and production, and research & production uses. Personal service and retail product sales and services are only allowed as accessory uses to a permitted use in this zoning district.
 - Conditional uses include industrial manufacturing and assembly, car fleet/truck fleet parking, and limited educational institutions.
 - Prohibited uses include industrial product sales and services, mini-warehouses, off-premises signs, vehicle services, radio/television broadcast facilities, and sexually oriented businesses.
4. The text establishes the following setbacks:
 - There shall be a minimum pavement and building setback of 125 feet from the right-of-way of New Albany-Condit Road and New Albany Road East.
 - There shall be a minimum pavement and building setback of 25 feet from all perimeter boundaries of this zoning district that are not adjacent to a public right-of-way.
 - There shall be a zero-setback requirement for pavement and buildings from property lines that are interior to this zoning district (i.e., those property lines which are not perimeter boundary lines).
5. The text contains the same provision for elimination of setbacks for building and pavement when this zoning district and any adjacent parcel located outside of this zoning district come under common ownership, are zoned to allow compatible non-residential uses, and are combined into a single parcel.
6. The primary challenge of the site is the location of the 110' gas easement which runs diagonally from the northeast to southwest corner of the site and bisects the site. No development can occur in this easement, other than access drives which must cross the easement precisely at 90 degrees. This easement, along with the large 125' building and pavement setbacks, limit the size and type of development that can occur on this site.
7. The standards incorporated into the zoning text are compatible with the surrounding area. The proposed zoning text will allow development to occur that will utilize the space available for development and leaves the remainder open for landscaping and green space.

C. Access, Loading, Parking

1. The zoning text states that the number, locations and spacing of curb cuts along public rights-of-way shall be determined and approved at the time that a certificate of appropriateness is issued for a project in this zoning district.
2. The proposed text requires right-of-way to be dedicated to the city for a distance of 50 feet as measured from the centerline of New Albany-Condit Road and for a distance of 50 feet as measured from the centerline of New Albany Road East.
 - The city engineer comments that this amount of right-of-way is already provided along New Albany Road East but an additional 10 feet of public right-of-way is needed to be dedicated along New Albany-Condit Road where 50 feet is not already provided. Staff recommends a condition of approval that all city engineer's comments be addressed, subject to staff approval (condition #1).
3. In addition to right-of-way amounts, the city staff is recommending a condition of approval that the text be revised to require the property owner to grant easements

adjacent to the right-of-way in order to install and maintain streetscape improvements and/or utilities. The proposed right-of-way widths and easement requirements are to be sufficient to accommodate the city street capital improvement projects (condition #2).

4. Parking is required be provided per code requirements (Chapter 1167) and will be evaluated at the time of development of the site.
5. An existing asphalt leisure trail with a width of 8 feet has been constructed along the zoning district's frontage along New Albany Road East. An asphalt leisure trail with a width of 8 feet shall be constructed by the applicant/developer along the zoning district's frontage on New Albany-Condit Road. This leisure trail shall be constructed to connect to the existing leisure trail that is located along the site's frontage on New Albany Road East.

D. Architectural Standards

6. The proposed rezoning implements many of the same standards and limitations set forth in the New Albany Architectural Design Guidelines and Requirements (Chapter 1157). However, the city Design Guidelines and Requirements (DGRs) do not provide architectural standards for warehouse and distribution type of 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. This limitation text contains specific design requirements for uses not governed by the DGRs as those in other subareas of the business park, which ensures the quality design of these buildings throughout this portion of the business park.
7. The zoning text section V.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. However, there are other L-GE districts that do implement a height restriction usually allowing up to 85-foot tall buildings. There are some L-GE districts that require a height maximum of 65 feet when adjacent to residential uses.
8. Section I.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.
9. The city staff recommends a condition of approval that the zoning text be updated to require building color palettes be as simple and unobtrusive as possible and that buildings shall avoid overly bright or jarring colors. The addition of this language will ensure constancy within the business park as this language has been established for other zoning districts where L-GE uses are also permitted (condition #3).

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

1. Maximum lot coverage for this zoning district is 75%. This matches what has been established for other zoning districts where L-GE uses are also permitted
2. The proposed zoning text states reasonable and good faith efforts will be made to preserve existing trees and tree rows occurring within perimeter and stream setbacks in this subarea. 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. The zoning text requires a landscape treatment consisting of an average of 10 trees per 100 lineal feet of road frontage shall be installed and maintained along New Albany-Condit Road and New Albany Road East within a distance of 55 feet from the right-of-way, unless otherwise prohibited by an existing gas line easement that runs through the property. These trees shall consist of a mix of deciduous and evergreen species that are native to Ohio, with the locations, number, and spacing to be reviewed as part of a plan at the time of permitting.
4. Mounds shall be installed where possible, subject to the city landscape architect, and trees shall be installed on a mound that has a slope not to exceed 6:1 on the side facing the public street. The mound shall be a minimum of 3 feet and a maximum of 12 feet in

- height, and its design shall be reviewed as part of a final development plan. Seventy percent of required trees shall be planted on the street side of the mound, and no trees shall be located within the upper quartile crest of the mound.
5. A four-board white horse fence has been installed along the zoning district's frontage along New Albany Road East. A four-board white horse fence shall be installed along the zoning district's frontage on New Albany-Condit Road. The existing four-board white horse fence along New Albany Road East shall remain.
 6. The zoning text requires a Stream Corridor Protection Zone to be provided along the stream that generally runs east-west along the northern boundary line of this Zoning District. It shall be a minimum of 50 feet in width as measured southward from the centerline of the stream, it being the intent that a similar protection zone shall be provided by the property owners located to the north of the stream. Within the Stream Corridor Protection Zone, no improvements shall be permitted other than landscaping, and an asphalt leisure path running east-west with a location to be approved by City staff. Such leisure path shall connect to New Albany-Condit Road on the east and shall stub to the existing off-site public park to the northwest of this Zoning District.
 7. Existing street trees along New Albany Road East shall remain and be maintained. Street trees shall be installed on New Albany-Condit Road at the rate of 4 trees per 100 linear feet. Street trees shall be a minimum of 3 inches in caliper at installation.
 8. The zoning text requires all new utilities that are installed in this zoning district be located underground.

F. Lighting & Signage

1. All signage shall conform to the standards set forth in Codified Ordinance Section 1169.
2. The text requires that 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. 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.
3. No permanent colored lights or neon lights shall be used on the exterior of any building. Security lighting shall be of a motion sensor type.
4. All other lighting on the site shall be in accordance with City Code. Street lighting must meet the City standards and specifications.
5. 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.

IV. ENGINEER'S COMMENTS

The City Engineer, E.P. Ferris reviewed the proposed rezoning application and provided the following comments. Staff recommends a condition of approval that the comments of the city engineer comments are addressed and incorporated into the zoning text as appropriate, subject to staff approval (condition #1).

1. A Traffic Impact Study will be required for review and approval once a development project is identified for this site.
2. The rezoning text states that 50' of public r/w as measured from road centerline will be provided along NA Road East and SR 605. This condition is already met along NA Road East. An additional 10' of public r/w will need to be dedicated along SR 605 where 50' is not already provided.

V. SUMMARY

This property had previously been zoned L-GE prior to the Cornerstone I-PUD rezoning. The proposed limitation text contains many of the same requirements as the previous L-GE text. It also contains a few improvements and clarifications learned from the Cornerstone rezoning regarding the gas easement and trail along the creek to the north of the site.

The limitation text provides for stricter limitations in use and design than the straight General Employment zoning districts and retains many of the requirements found in other existing and previously approved L-GE zoning texts. Due to the proximity of this location adjacent to commercially zoned land in the existing New Albany Business Park, the site appears to be appropriate for commercial development.

It appears that the proposed zoning text meets or exceeds a majority of the development standards found in both the Engage New Albany Strategic Plan.

1. The rezoning results 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 allows for the development of businesses that generate revenue for the school district while eliminating residential units having a positive impact on the school district (1111.06(h)).

VI. ACTION

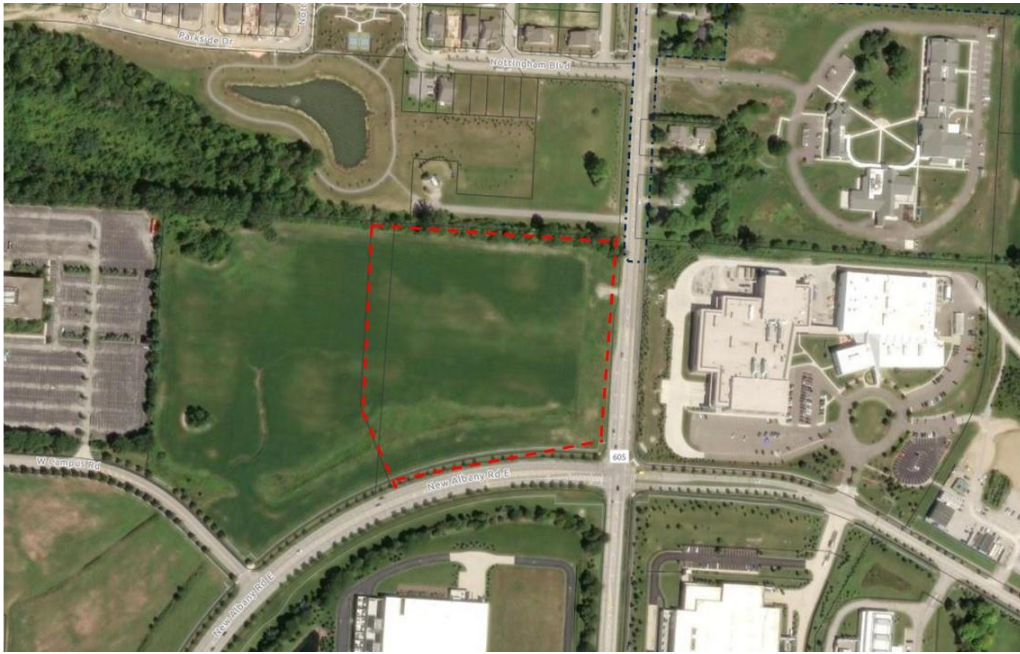
Suggested Motion for ZC-107-2023:

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

Move to recommend approval to city council of application ZC-107-2023, 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.
2. The text shall be revised to require the property owner to grant easements adjacent to the right-of-way in order to install and maintain streetscape improvements and/or utilities. The proposed right-of-way widths and easement requirements are to be sufficient enough to accommodate the city street capital improvement projects.
3. The zoning text be updated to require building color palettes be as simple and unobtrusive as possible and that buildings shall avoid overly bright or jarring colors.

Approximate Site Location:



Source: ArcGIS

401.60-149
November 8, 2023

To: Chelsea Nichols
City Planner

From: Matt Ferris, P.E., P.S., Consulting City Engineer
By: Jay M. Herskowitz, P.E., BCEE

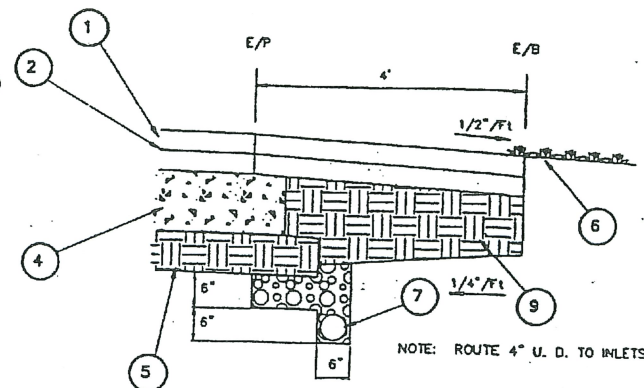
Re: Cornerstone -
Rezoning

Our review comments are as follows:

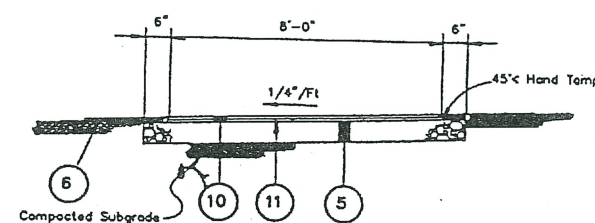
- 1) We will require a Traffic Impact Study for review and approval once a development project is identified for this site.
- 2) The rezoning text states that 50' of public r/w as measured from road centerline will be provided along NA Road East and SR 605. This condition is already met along NA Road East. An additional 10' of public r/w will need to be dedicated along SR 605 where 50' is not already provided.

MEF/JMH

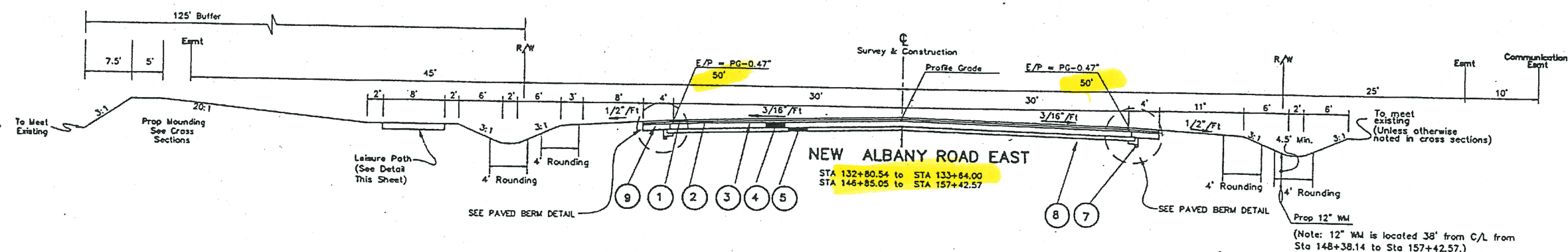
CC: Cara Denny, Engineering Manager
Josh Albright, Development Engineer
Dave Samuelson, P.E., Traffic Engineer



PAVED BERM DETAIL
NO SCALE



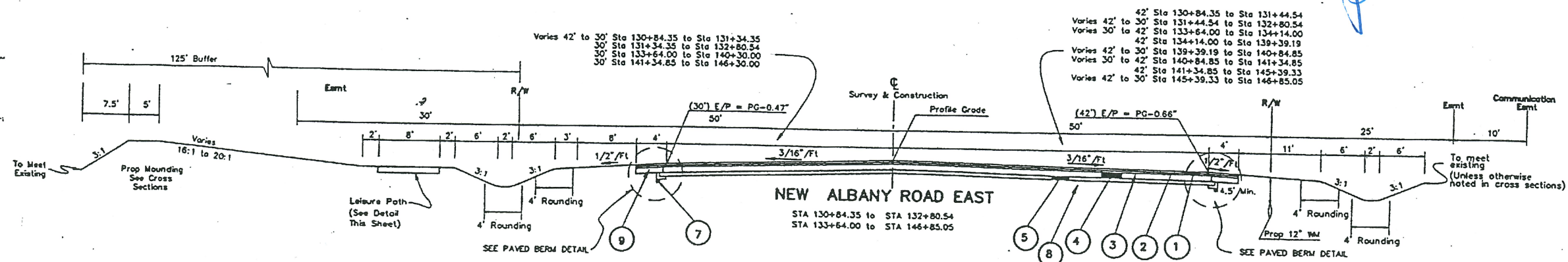
LEISURE PATH DETAIL
NO SCALE



PAVEMENT LEGEND

- 1 1 1/4" Hot-mixed, Hot-laid Asphalt Concrete, Item 404
- 2 1 1/4" Hot-mixed, Hot-laid Asphalt Concrete, Item 402
- 3 Bituminous Tack Coat, Item 407 Bituminous Material, 702.02 RC-70, RC-250 or 702.04 RS-1, RS-2 or MS-2. Applied at a Rate of 0.1 Gal. per Sq. Yd. and Cover Consisting of Crushed Gravel or Limestone Size No. 9.
- 4 8" Portland Cement Concrete Base - Arterial, Item 305
- 5 6" Aggregate Base, Item 304
- 6 Seeding and Mulching, Item 659
- 7 4" Pipe Underdrain, Item 605
- 8 Subgrade Compaction, Item 203
- 9 8" Aggregate Base, Item 304
- 10 2 1/2" Hot-Mixed, Hot-Laid Asphalt Concrete, Item 404 (To be applied in 2 courses.)
- 11 Bituminous Prime Coat, Item 408, 702.02, RC-250, MC-30, MC-70, or MC-250 (Applied at 0.25 gal per sq.yd.)

LN = 50' from Q
ALREADY provided



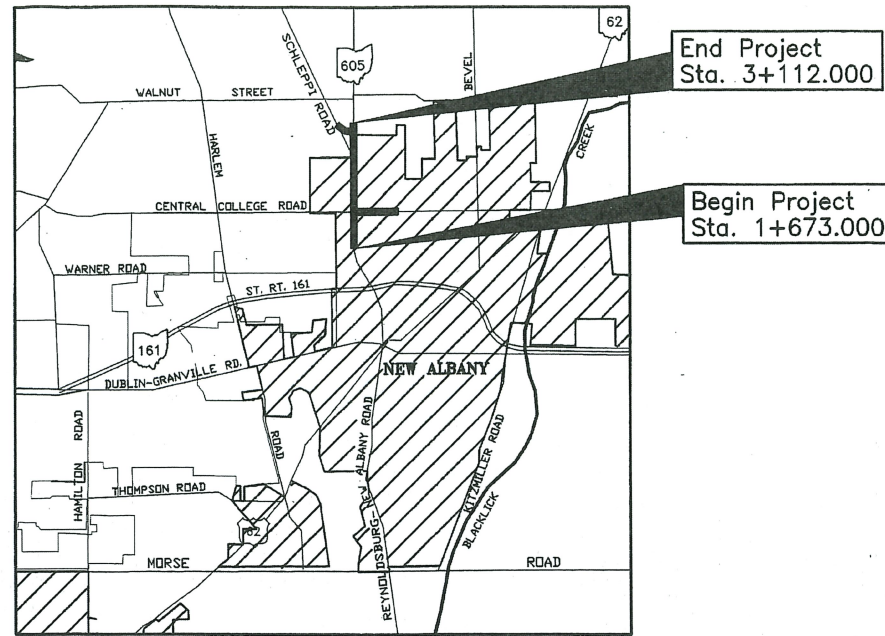
VILLAGE OF NEW ALBANY
STREET, STORM & WATER IMPROVEMNT
FOR

NEW ALBANY ROAD EAST
TYPICAL SECTIONS AND DETAILS

SCALE: NONE

APRIL, 1997

EVANS, MECHWART, HAIBLETON & TILTON, INC.



LOCATION MAP

LATITUDE: N40°06'10" LONGITUDE: W82°48'45"



PORTION TO BE IMPROVED	
DIVIDED HIGHWAYS	
STATE & U.S. ROUTES	
TOWNSHIP & COUNTY ROADS	
OTHER ROADS	


DESIGN DESIGNATION
(SEE SCHEMATIC PLAN, SHEET 2)

EARTH DISTURBED AREA SUMMARY
(CARRIED FROM SHEET 24)

PROJECT EARTH DISTURBED AREA = 3.969 HA
ESTIMATED CONTRACTOR EARTH DISTURBED AREA = 0.101 HA
NOTICE OF INTENT EARTH DISTURBED AREA = 4.070 HA

DESIGN EXCEPTIONS
NONE REQUIRED


UNDERGROUND UTILITIES



TWO WORKING DAYS
BEFORE YOU DIG

CALL 1-800-362-2764 (TOLL FREE)

OHIO UTILITIES PROTECTION SERVICE
NON-MEMBERS
MUST BE CALLED DIRECTLY



PLAN PREPARED BY
EVANS, MECHWART, HAMBLETON & TILTON, INC.
CONSULTING ENGINEERS & SURVEYORS
170 MILL STREET
GAHANNA, OHIO 43230

Seal		SUPPLEMENTAL PRINTS OF STANDARD CONSTRUCTION DRAWINGS										SUPPLEMENTAL SPECIFICATIONS	
		OHIO DEPARTMENT OF TRANSPORTATION											
BP-3.1	7-16-04	CB-1.2	7-19-02	HL-10.12	4-19-02	MT-97.11	4-19-02	TC-71.10	4-19-02	802	7-19-02		
BP-4.1	7-16-04	CB-2.1	7-19-02	HL-10.13	1-17-03	MT-99.20M	1-30-95	TC-81.20	1-16-04	832	4-17-04		
BP-5.1	7-28-00	HW-2.2	7-19-02	HL-20.11	4-19-02	MT-101.60	10-18-02	TC-82.10	4-19-02	833	2-12-03		
		I-1.2	7-19-02	HL-30.11	4-19-02	MT-105.10	10-18-02	TC-83.10	5-01-00	872	10-30-03		
GR-1.1	7-16-04	MH-1.1	7-19-02	HL-30.22	4-19-02	MT-105.11	10-18-02	TC-83.20	1-16-04	908	4-18-03		
GR-2.1	1-16-04	MH-1.2	7-19-02	HL-40.10	4-19-02	MT-120.00	3-01-00	TC-85.10	4-19-02				
GR-4.2	10-17-03			HL-60.11	1-16-04			TC-85.20	5-01-00				
GR-5.1	4-18-03	DM-1.1	7-18-03	HL-60.12	7-20-01	TC-21.20	1-19-01						
GR-5.2	1-16-04	DM-1.2	7-19-02	HL-60.31	7-20-01	TC-41.20	1-19-01					SPECIAL PROVISIONS	
GR-5.3	1-16-04	DM-3.1	7-19-02			TC-41.40	7-16-04						
		DM-4.3	7-19-02	MT-35.10	4-20-01	TC-42.20	7-16-04					NWP-14 9-20-99	
RM-4.2M	4-18-03	DM-4.4	7-19-02	MT-95.31	7-16-04	TC-52.10	4-20-01						
				MT-95.32	7-16-04	TC-65.10	10-19-01						
CB-1.1	7-19-02	HL-10.11	1-16-04	MT-97.10	4-19-02	TC-65.12	10-19-01						



Ronald S. Bonnette
10/13/2004
Date

STATE OF OHIO
DEPARTMENT OF TRANSPORTATION
FRA 605-0.96
VILLAGE OF NEW ALBANY
PLAIN TOWNSHIP
FRANKLIN COUNTY

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24 Varies from 101-150

PROJECT DESCRIPTION

THIS PROJECT CONSISTS OF WIDENING THE EXISTING PAVEMENT TO ADD A CENTER LEFT TURN LANE AND RIGHT TURN LANES AT TWO LOCATIONS.

THE LENGTH OF PROJECT IS 1.439 KILOMETERS WITH AN ADDITIONAL LENGTH OF 0.203 KILOMETERS OF WORK ALONG CENTRAL COLLEGE ROAD.

2002 SPECIFICATIONS

THE STANDARD SPECIFICATIONS OF THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION, INCLUDING CHANGES AND SUPPLEMENTAL SPECIFICATIONS LISTED IN THE PROPOSAL SHALL GOVERN THIS IMPROVEMENT.

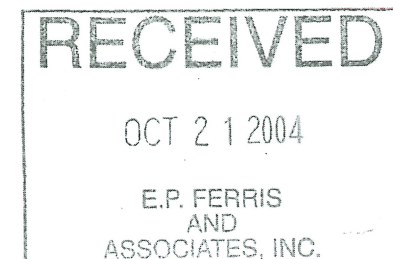
I HEREBY APPROVE THESE PLANS AND DECLARE THAT THE MAKING OF THIS IMPROVEMENT WILL NOT REQUIRE THE CLOSING TO TRAFFIC OF THE HIGHWAY AND THAT PROVISIONS FOR THE MAINTENANCE AND SAFETY OF TRAFFIC WILL BE AS SET FORTH ON THE PLANS AND ESTIMATES.

APPROVED _____
DATE _____ ADMINISTRATOR, CITY OF COLUMBUS
DIVISION OF WATER

APPROVED _____
DATE _____ DIRECTOR, DEPARTMENT OF
PUBLIC UTILITIES

APPROVED _____
DATE _____ DISTRICT DEPUTY DIRECTOR

APPROVED _____
DATE _____ DIRECTOR, DEPARTMENT OF
TRANSPORTATION



PLANS CERTIFIED BY:
NAME: _____ DATE: _____
DISTRICT 6
OHIO DEPT. OF TRANSPORTATION



REV.	DATE	DESCRIPTION

VILLAGE OF NEW ALBANY
FRANKLIN COUNTY
PLAIN TOWNSHIP
SEC.8, T.2, R.16, U.S.M.L.



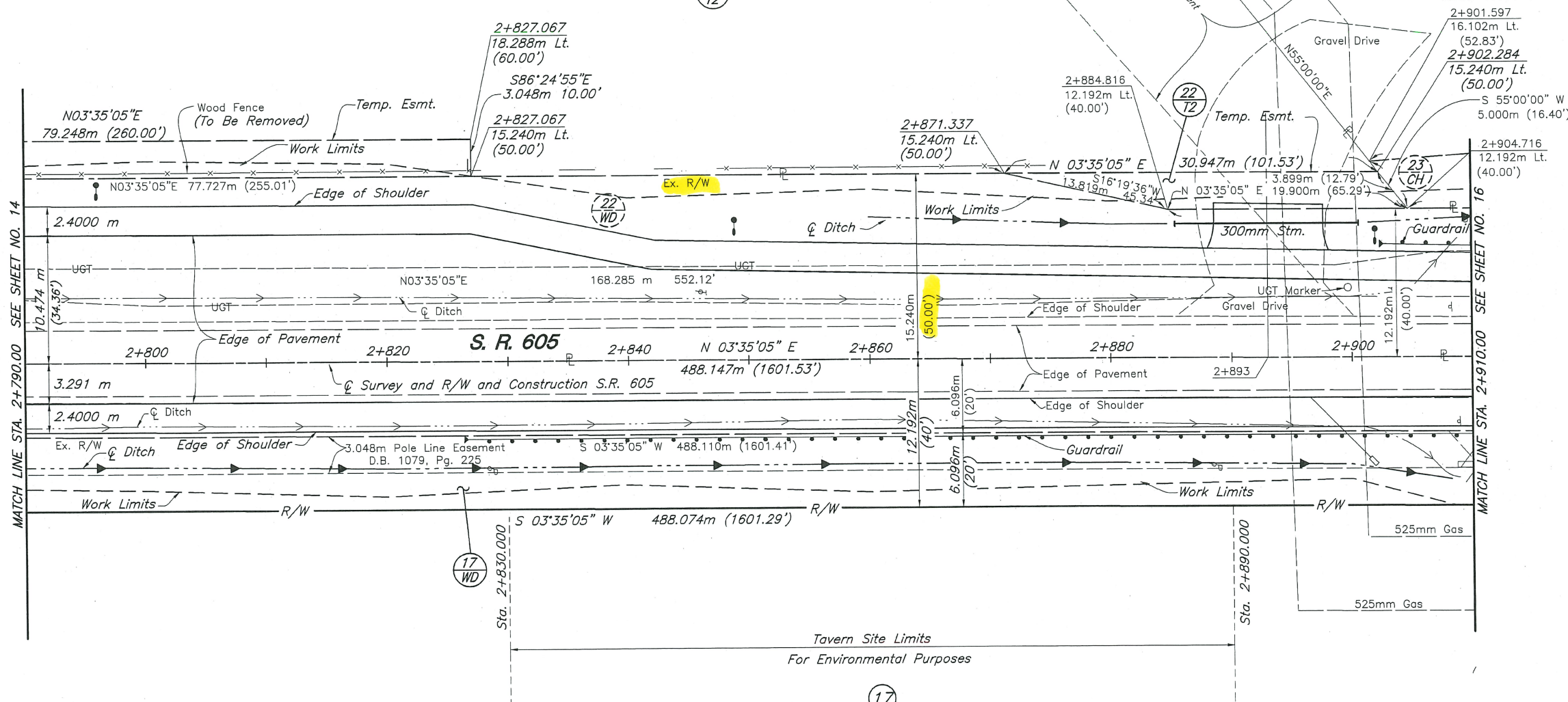
(22)
The New Albany Company LLC
Commerical

(22)
WD 0.286 Ha. (0.707 Ac.)
Instr.: 199908230213995

(22)
T.B.A. = 0.008 Ha. (0.020 Ac.)

(23)
Duke Realty Ohio
Commerical
(SEE SHEET 15)

(23)
CH 0.010 Ha. (0.026 Ac.)
Instr.: 199909170235579



(17)
The New Albany Company LLC
Agricultural
#7270
(See Sheet 5)

VILLAGE OF NEW ALBANY
FRANKLIN COUNTY
PLAIN TOWNSHIP
SEC.8, T.2, R.16, U.S.M.L.

NOTE:
The Existing Right of Way width was determined as established in the
County Commissioners Journal;
40' - New Albany-Condit Road to Schleppi Road - 1820 Vol. 5, Pg. 224
60' - Schleppi Road to Franklin County Line - 1838 Vol. 7, Pg. 187

REV.	DATE	DESCRIPTION

FRA 605-0 96

RIGHT OF WAY PLAN

R/W DESIGNER
RSB
R/W REVIEWER

HORIZONTAL

15/
11
11



R/W DESIGNER RSB	PID NO.
---------------------	---------

RIGHT OF WAY PLAN

FRA 605-0.96

	16	
		$\frac{1}{1}$



NOTE:
The Existing Right of Way width was determined as established in the
County Commissioners Journal;
40' - New Albany-Condit Road to Schleppi Road - 1820 Vol. 5, Pg. 224-
60' - Schleppi Road to Franklin County Line - 1838 Vol. 7, Pa. 187

SEE SURVEY COORDINATE TABLE SHEET 4

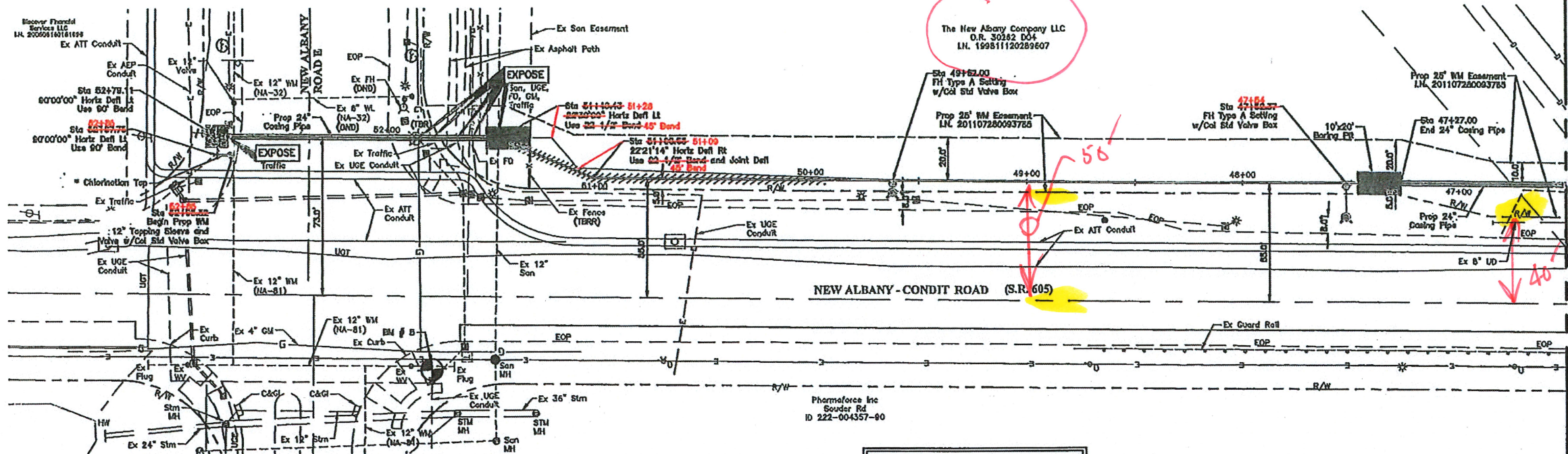
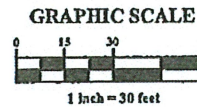


EXHIBIT BORE:

The Contractor shall be responsible to vacuum excavation and locate the existing utilities prior to completing the bore. The intent of this is to verify elevation of the existing utility. Surface features shall be carefully reformed. Cost of this effort shall be included in the prior Bld for Item 508.

EXPOSE EX UTILITY
CONTRACTOR TO EXPOSE DENOTED UTILITY TO VERIFY LOCATION AND ELEVATION PRIOR TO WATER MAIN INSTALLATION. NOTIFY DESIGN ENGINEER IMMEDIATELY IF CONFLICTS EXIST.

NOTES

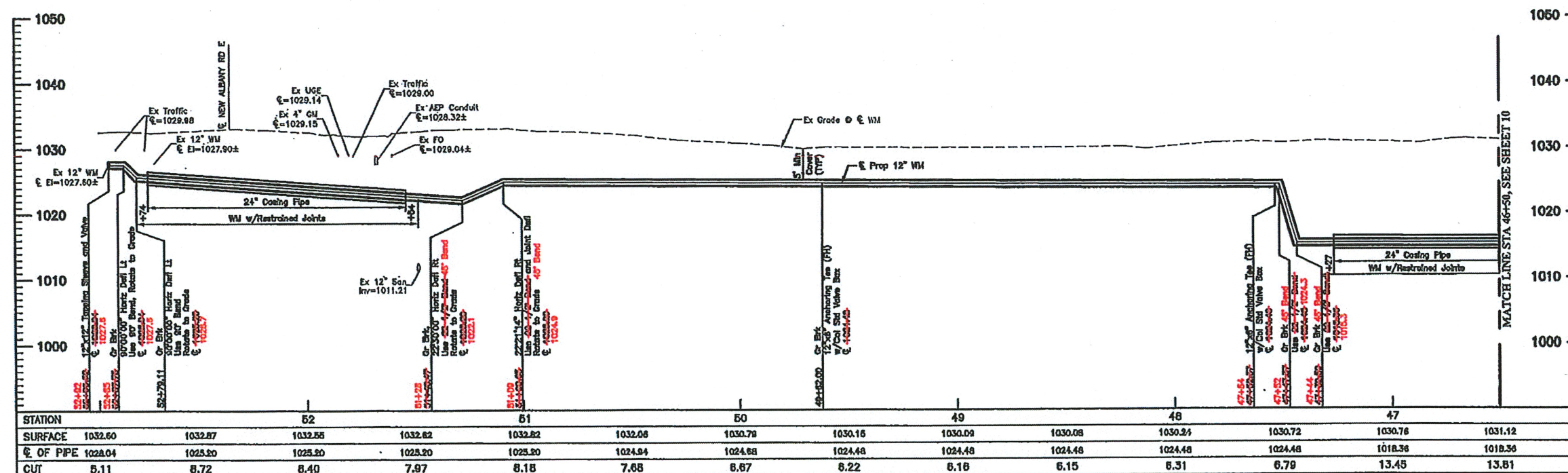
Where conflicts exist between the proposed water mains and gravity sewers, the water main shall be lowered. The Contractor shall expose all utilities in advance of laying proposed water mains per CISO Section 108.06. Payment for this work shall be included in the various water main items.

The Contractor is fully responsible for providing bedding to the extent sufficient to guarantee the operation of the pipe under both the test and design pressures.

Reference applicable City of Columbus Standard Construction Drawings L-8310, L-8311, L-8312, L-7001 for concrete bedding requirements.

Elevations shown in profile are centerline of pipe, cut depths are from surface to bottom of pipe.

* Contractor shall notify CDO/DOPW (Water) to appropriately size both Chlorination Taps and Temporary Blow-Offs. Locations shown are assumed. Coordinate with DOPW for exact location prior to installation.



REVISIONS

NO.	DATE	DESCRIPTION

CITY OF NEW ALBANY

RESEARCH AND INFORMATION DISTRICT

SOUDER ROAD 12" WATER MAIN EXTENSION

PLAN AND PROFILE

STA 46+50 TO 52+57.07

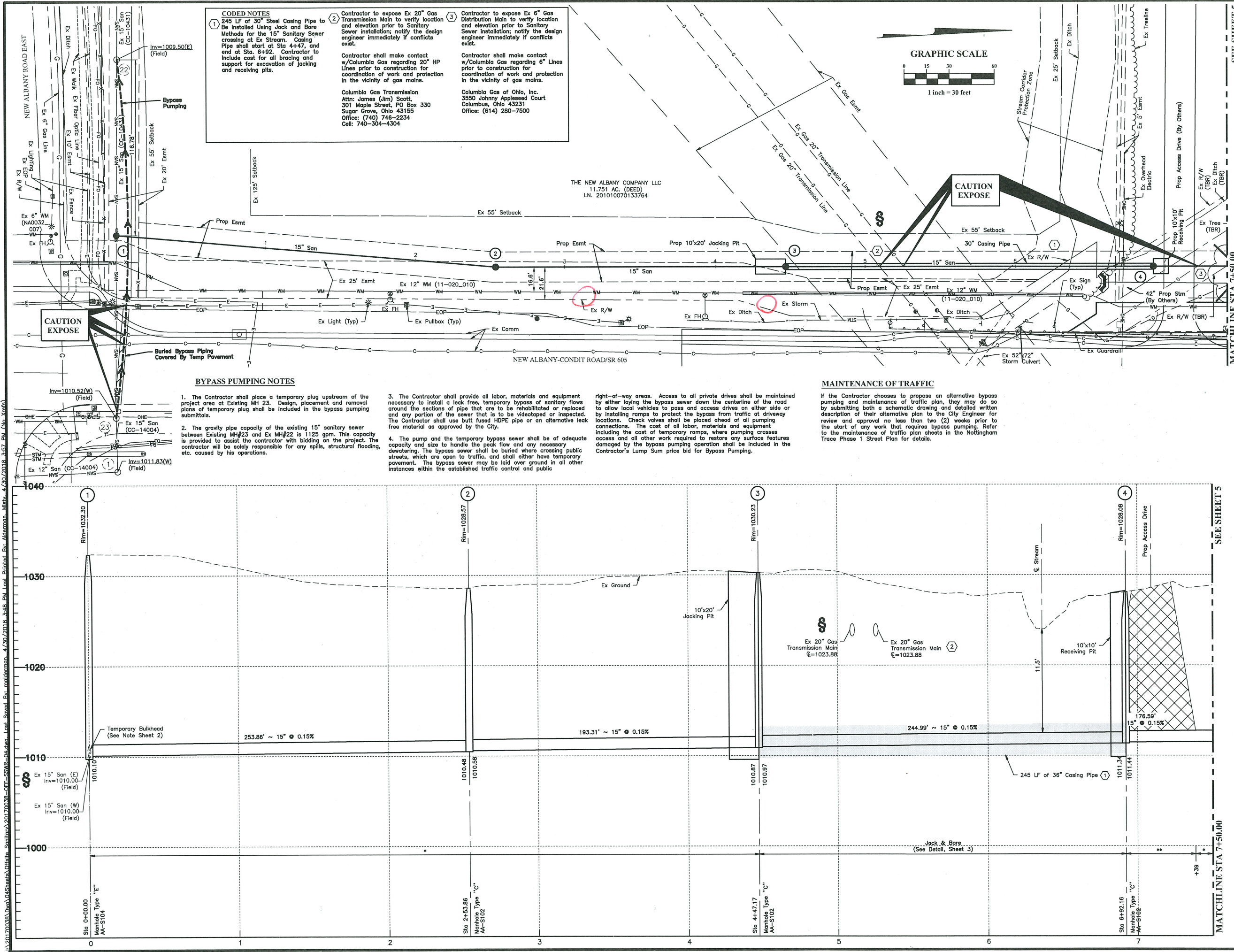
DATE
August 2011

SCALE
Horizontal: 1" = 30'
Vertical: 1" = 10'

JOB NO.
2010-0549

SHEET
11/14

AS-BUILT 02-09-12



CODED NOTES

1. 245 LF of 30" Steel Casing Pipe to be installed using Jack and Bore Methods for the 15" Sanitary Sewer crossing at Ex Stream. Casing Pipe shall start at Sta 4+47, and end at Sta. 6+92. Contractor to include cost for all bracing and support for excavation of jacking and receiving pits.

2. Contractor to expose Ex 20" Gas Transmission Main to verify location and elevation prior to Sanitary Sewer installation; notify the design engineer immediately if conflicts exist.

3. Contractor to expose Ex 6" Gas Distribution Main to verify location and elevation prior to Sanitary Sewer installation; notify the design engineer immediately if conflicts exist.

Contractor shall make contact w/Columbia Gas regarding 20" HP Lines prior to construction for coordination of work and protection in the vicinity of gas mains.

Columbia Gas Transmission
Attn: James (Jim) Scott,
301 Maple Street, PO Box 330
Sugar Grove, Ohio 43155
Office: (740) 746-2234
Cell: 740-304-4304

Columbia Gas of Ohio, Inc.
3550 Johnny Apples Court
Columbus, Ohio 43231
Office: (614) 280-7500

BYPASS PUMPING NOTES

- The Contractor shall place a temporary plug upstream of the project area at Existing MH 23. Design, placement and removal plans of temporary plug shall be included in the bypass pumping submittals.
- The gravity pipe capacity of the existing 15" sanitary sewer between Existing MH#23 and Ex MH#22 is 1125 gpm. This capacity is provided to assist the contractor with bidding on the project. The contractor will be solely responsible for any spills, structural flooding, etc. caused by his operations.
- The Contractor shall provide all labor, materials and equipment necessary to install a leak free, temporary bypass of sanitary flows around the sections of pipe that are to be rehabilitated or replaced and any portion of the sewer that is to be videotaped or inspected. The Contractor shall use butt fused HDPE pipe or an alternative leak free material as approved by the City.
- The pump and the temporary bypass sewer shall be of adequate capacity and size to handle the peak flow and any necessary dewatering. The bypass sewer shall be buried where crossing public streets, which are open to traffic, and shall either have temporary pavement. The bypass sewer may be laid over ground in all other instances within the established traffic control and public

right-of-way areas. Access to all private drives shall be maintained by either laying the bypass sewer down the centerline of the road to allow local vehicles to pass and access drives on either side or by installing ramps to protect the bypass from traffic at driveway locations. Check valves shall be placed ahead of all pumping connections. The cost of all labor, materials and equipment including the cost of temporary ramps, where pumping crosses access and all other work required to restore any surface features damaged by the bypass pumping operation shall be included in the Contractor's Lump Sum price bid for Bypass Pumping.

MAINTENANCE OF TRAFFIC

If the Contractor chooses to propose an alternative bypass pumping and maintenance of traffic plan, they may do so by submitting both a schematic drawing and detailed written description of their alternative plan to the City Engineer for review and approval no less than two (2) weeks prior to the start of any work that requires bypass pumping. Refer to the maintenance of traffic plan sheets in the Nottingham Trace Phase 1 Street Plan for details.

LEGEND

- SanServ San MH Proposed Sanitary Sewer
- Water Serv WM (BO) FH Watermain (BO)
- Stm MH Storm Sewer (BO)
- ExStm ExCB Existing Storm Sewer
- SanServ San ExMH Existing Sanitary Sewer
- ExWater Serv ExWM ExFH Existing Watermain
- Ex Gas Serv Existing Gas
- Existing Comm
- Existing Fiber Optic Line
- Existing Electric
- Existing Ditch
- Existing Utility Poles
- Existing Communication Pedestal
- EOP Edge of Pavement
- TBR To be removed
- Contractor to verify invert and location of existing utility before construction.

NOTE

The Contractor shall field verify the line and grade of all the existing manhole prior to the start of construction. Verification shall be performed sufficiently in advance of construction so that if the field verified information is in conflict with the proposed design, the Engineer can be contacted to coordinate any necessary plan revisions and associated approvals.

All backfill should be compacted to min. max. 95% of the surrounding ground unless otherwise noted.

* Compacted Backfill Per Item 911.
** Compacted Granular Material Per Item 912, (Type 1 only)
Denoted Thus:

All elevations on this plan are based on NAVD 1988 Datum, unless otherwise noted.

Backfill shall be placed in accordance with CMSC Item 901.17.

Pipe with watertight joints is to be used from structure to structure at all storm crossings with the sanitary; this applies to sanitary mains and laterals.

Contractor shall provide minimum 18" vertical clearance between all utility crossings.

Structure Coordinate Table And Sanitary Sewer Table Located On Sheet 3.

REVISIONS

MARK	DATE	DESCRIPTION

NOTTINGHAM TRACE OFFSITE SANITARY PLAN & PROFILE SHEET

EMHIT
Evans, Machynay, Hamblen & Iltis, Inc.
Engineers • Surveyors • Planners • Scientists
5500 New Albany Road, Columbus, OH 43254
Phone: 614-775-7300
emhit.com

DATE
APRIL 2018

SCALE
Horiz: 1" = 30'
Vert: 1" = 5'

JOB NO.
20170038

SHEET
4/7

CC-17904



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, December 05, 2023

The New Albany Planning Commission took the following action on 12/04/2023 .

Zoning Amendment

Location: 7270 NEW ALBANY CONDIT RD

Applicant: Aaron Underhill, Esq.

Application: PLZC20230107

Request: Rezoning

Motion: Move to Approve

Commission Vote: Motion Approved with Conditions

Result: Zoning Amendment, PLZC20230107 was Approved with Conditions, by a vote of 5-0.

Recorded in the Official Journal this

Condition(s) of Approval:

1. The comments of the city engineer shall be addressed and incorporated into the zoning text as appropriate, subject to staff approval, with particular reference to the traffic study.
2. The text shall be revised to require the property owner to grant easements adjacent to the right-of-way in order to install and maintain streetscape improvements and/or utilities. The proposed right-of-way widths and easement requirements are to be sufficient enough to accommodate the city street capital improvement projects.
3. The zoning text be updated to require building color palettes be as simple and unobtrusive as possible and that buildings shall avoid overly bright or jarring colors, subject to the city architect at the time of review.
4. The text (section V.C.5.) shall be updated to state Solar Panel are subject to current or future code sections.

Staff Certification:

Chelsea Nichols

Chelsea Nichols
Planner



**Planning Commission Staff Report
December 4, 2023 Meeting**

**WALTON FARMS ZONING DISTRICT
ZONING AMENDMENT**

LOCATION: 6734 through 6800 Bevelhymer Road (PIDs: 222-000619, 222-000620, 222-000621)
APPLICANT: Stephen Butler
REQUEST: Zoning Change
ZONING: Residential (R-1) to Infill Planned Unit Development (I-PUD)
STRATEGIC PLAN: Residential
APPLICATION: ZC-110-2023

Review based on: Application materials received on November 3, 2023 and November 21, 2023.

Staff report completed by Chelsea Nichols, Planner

I. REQUEST AND BACKGROUND

The applicant requests review and recommendation to the city council to rezone 5.23+/- acres to Infill Planned Unit Development (I-PUD) from Residential (R-1). This application proposes to rezone three parcels located northeast of the intersection of Bevelhymer Road and Walton Parkway, and north of the intersection of Walton Parkway and US-62, to create a new zoning district to be known as the Walton Farms Zoning District.

The proposed text allows for all uses within C-1, such as offices, personal services and retail, nursery schools and day care facilities, religious facilities, and veterinary offices (not including kennels). Swim schools shall also be permitted. This zoning district serves as a transitional area between the more intensive commercial uses to the south and the existing residential to the north.

This application is solely for rezoning the site. A preliminary site plan was submitted with this application but is subject to final review and approval as part of a final development plan application that will be evaluated by the Planning Commission at a later date.

The Rocky Fork-Blacklick Accord reviewed and recommended approval, with one condition, of the application on November 16, 2023 by a 9-0 vote. The condition of approval is that the applicant shall attempt to preserve existing trees.

II. SITE DESCRIPTION & USE

The zoning district is located on east side of Bevelhymer road, northeast of the intersection of Bevelhymer Road and Walton Parkway, and north of the intersection of Walton Parkway and US-62 in Franklin County. The neighboring uses and zoning districts include I-PUD to the south and west; as well as residential to the north, east and west. The site currently consists of three lots. The northern and southern most lots each contain one single-family home. The middle lot is undeveloped.

III. PLAN REVIEW

Planning Commission's review authority of the zoning amendment application is found under C.O. Sections 1107.02 and 1159. Upon review of the proposed amendment to the zoning map, the Commission is to make a recommendation to the city council. Staff's review is based on City

plans and studies, zoning text, and zoning regulations. 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 Residential future land use category. However, given the proposed rezoning, staff has evaluated this proposal against the Retail standards. The strategic plan lists the following development standards for the Employment Center land use category:

- 1. Parking areas should promote pedestrians by including walkways and landscaping to enhance visual aspects of the development.
- 2. Combined curb cuts and cross-access easements are encouraged.
- 3. Curb cuts on primary streets should be minimized and well-organized connections should be created within and between all retail establishments.
- 4. Combined curb cuts and cross-access easements between parking areas are preferred between individual buildings.
- 5. Retail building entrances should connect with pedestrian network and promote connectivity through the site.
- 6. Integrate outdoor spaces for food related businesses.

B. Use, Site and Layout

- 1. The proposed text rezones a total of 5.23+/- acres Residential (R-1) to Infill Planned Unit Development (I-PUD).
- 2. The 2020 Engage New Albany Strategic Plan designates the area as Residential future land use category. However, given the proposed rezoning, staff has evaluated this proposal against the Retail standards. The development's location is a transitional area between the more intensive commercial uses to the south and the existing residential to the north. In addition, the district allows commercial uses serving the regular day-to-day needs of nearby residents.
- 3. The proposed use is consistent with the zoning in the surrounding areas. Due to the proximity of this site to the State Route 161/Johnstown Road interchange and its location adjacent to commercially zoned land in Walton-62 I-PUD Zoning District, and other retail and restaurant uses within the Canini Trust Corp., the site is appropriate for retail development.
- 4. The proposed text allows for all uses within C-1, such as offices, personal services and retail, nursery schools and day care facilities, religious facilities, and veterinary offices (not including kennels). Swim schools shall also be permitted.
- 5. The following uses shall be prohibited in the development:
 - a. Billboards and other off-premises signs, subject to the regulations of Section 1169.08(e).
 - b. Armory.
 - c. Sexually Oriented Businesses.
 - d. Self-service laundries.
 - e. Commercial radio transmitting or television station and appurtenances.
 - f. Funeral Parlor.

- g. Gasoline service stations, or retail convenience stores selling gasoline as an ancillary activity.
 - h. Kennels.
 - i. Residential uses.
4. The applicant is proposing the following setbacks. All setbacks are measured from right-of-way unless otherwise noted.
- a. Bevelhymer Road: There shall be a minimum pavement setback of 45 feet and a minimum building setback of 50 feet from Bevelhymer Road right-of-way. Patios, porches, awnings, and similar architectural elements can encroach up to 5 feet into the building setbacks.
 - o The Engage New Albany Strategic Plan classifies this section of Bevelhymer Road as transitioning from rural roadway to business park roadway characteristics. Due to the proximity of adjacent commercially zoned and used properties, the street improvements in front of this site shall follow the recommended business park roadway characteristics found on page 106 of the strategic plan. The proposed setback within the zoning text accomplishes the plan's recommendations.
 - b. Perimeters: There shall be a minimum pavement setback of 10 feet and a minimum building setback of 25 feet from all perimeter boundary lines of this Zoning District.
 - o The neighborhood roadway characteristic must be achieved for the proposed road along the eastern boundary of the site. The proposed setbacks facilitate in achieving this.
 - c. Interior Boundaries: Setbacks along all internal property boundaries between adjoining parcels within this Zoning District shall be zero for all buildings and pavement unless otherwise specified in this text.
 - o This meets requirements of the Engage New Albany Strategic Plan as combined curb cuts and cross-access easements between parking areas are preferred between individual buildings.

C. Access, Loading, Parking

1. Vehicular access to the zoning district is provided from two full access curb cuts on Bevelhymer Road. However, the northern most access point is required be removed, if/when the future public road to the north and adjacent to the development is constructed. This meets standards of the Engage New Albany strategic plan as it calls for curb cuts on primary streets to be minimized and well-organized connections should be created within and between all retail establishments.
2. The developer shall dedicate right-of-way along Bevelhymer Road to the city of New Albany for a distance of 40 feet as measured from the centerline of Bevelhymer Road. The developer shall grant easements to the city of New Albany adjacent to the rights of way in order to install and maintain streetscape improvements and/or utilities. The proposed right-of-way width and easements are to be sufficient enough to accommodate the City street capital improvement projects. The City Engineer reviewed the public right-of-way commitments and has indicated that they are appropriate.
3. The text requires the construction of a new public street on the east side of the site. The proposed public road connects the existing street stub located to the south and a potential future road connection to the north. Per the zoning text, the developer shall dedicate 50 feet of right-of-way. Two full access curb cuts are proposed from this proposed public street.
4. The neighborhood roadway characteristic must be achieved for the proposed road along the eastern boundary of the site. This roadway characteristic is described in the Engage New Albany strategic plan. The following commitments are included for this roadway in the proposed zoning text for the site:
 - a. Fifty feet of right-of-way shall be provided;

- b. Within the right-of-way, a 6' tree lawn and 5' wide concrete sidewalk shall be provided on both sides of the road as development occurs; and
 - c. A 10-foot pavement and 25-foot building setback shall be provided as measured from the right-of-way line of this new roadway.
- 5. Vehicular circulation within the development generally shall be provided in accordance with the preliminary development plan that accompanies this text, with locations to be finalized at the time of final development plan approval. Internal drives may be provided as approved as part of a final development plan to provide efficiency of traffic movement within individual parcels.
- 6. Parking will be provided per the city's parking code requirements (Chapter 1167).
- 7. An 8-foot-wide asphalt leisure trail is required to be installed along the Bevelhymer Road frontage of the site.
- 8. A 5-foot wide concrete sidewalk shall be installed on the west side of the new public street and is to be constructed generally along or parallel to the drive as it runs along the rear boundary. The city staff recommends a condition of approval that the zoning text be updated to clarify this requirement (condition #4).
- 9. Individual parcels within the development shall establish at least one pedestrian connection to the sidewalk in some form, to be reviewed at the time of final development plan. Each building shall have a concrete sidewalk between its front façade and adjacent parking areas.
- 10. Per the zoning text, bicycle parking shall be provided on each parcel at the rate of one space per 2,500 square feet of gross building floor area located on that parcel, provided that in no circumstance shall any parcel be required to provide more than 10 bicycle parking spaces. The city staff recommends a condition of approval that the zoning text be updated to clarify that this requirement is per parcel and per each business within the development (condition #5).

D. Architectural Standards

- 1. The City's Design Guidelines and Requirements shall apply to this Zoning District. Any variation from the DGRs will require a variance application to be heard by the Planning Commission with a final development plan application.
- 2. The proposed zoning limits any single retail user space to 14,100 square feet of gross floor area of a building.
- 3. Buildings shall be designed to be seen from 360 degrees with the same caliber of finish on all facades/elevations.
- 4. The maximum building height (as measured per the Codified Ordinances) shall not exceed 35 feet. The maximum number of stories shall not exceed one and a half stories. This restriction on the number of stories is appropriate given this rezoning serves as a transitional area between the more intensive commercial uses to the south and the existing residential to the north.
- 5. The same palette of exterior finishes and color shall be used on all sides of a building. Brick, brick veneer, metal, cementitious products such as Hardiplank or its equivalent, wood, EIFS and composite material may be used as exterior wall finish materials where approved. Vinyl as an exterior material is prohibited. This is consistent with other I-PUD zoning districts in the area. This also meets city code and the city's DGRs.
- 6. The city's DGRs require an operable and active front door to be provided along all public roads.

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

- 1. There shall be a maximum impervious lot coverage of 80% in this zoning district, which is the same requirement as other nearby commercially zoned I-PUD zoning districts.
- 2. Deciduous street trees are required within the rights-of-way along Bevelhymer Road. Trees are to be a minimum of two-inch caliper and shall be provided at an average of 1 tree for every 30 linear feet of frontage on center.

3. Along the unnamed public road connection on the east side of the development, a double row of street trees shall be provided on the West side of the public road.
4. A four-board white horse fence shall be installed along Bevelhymer Road, except where vehicular or pedestrian access points for the development are provided. The white horse fence shall be extended along the entire frontage of Bevelhymer Road.
5. Any surface parking areas adjacent to Bevelhymer Road shall be screened from the respective rights-of-way with a minimum of a 30-inch tall continuous planting hedge, fence, wall or earth mound or any combination of the foregoing. The 30-inch height shall be measured from the adjacent parking area. This same screening shall apply to the new public street on the east side of the street. The city staff recommends a condition of approval that the text be updated to reflect such requirement (condition #3).
6. Within the required minimum pavement setback area along Bevelhymer Road, there shall be a minimum of 6 trees per 100 lineal feet.
7. The required amount of interior landscaping shall be a minimum of eight percent (8%) of the total area of parking lot pavement. The landscaping areas shall include both shrubs and parking lot trees as required by Codified Ordinance 1171.06(a)(3) and be arranged in such a manner so as to visually break up large expanses of pavement.
8. The applicant proposes a storm water basin on site. The city's landscape architect, MKSK, has reviewed the preliminary plan and their comments can be found on a separate memo that is attached. MKSK suggests a condition of approval that the applicant increase planting adjacent to the storm water basin. The tree should be planted in randomized spacing and species in groups of 3 to 9 trees (condition #1).

F. Lighting

1. All parking lot and private driveway lighting shall be cut-off type fixtures and down cast. Lighting along private drives internal to this subarea (if any) shall be presented for review and approval as part of a final development plan. Light poles within this subarea shall be black or New Albany green and constructed of metal. Parking lot lighting shall not exceed 18 feet in height. Parking lot lighting shall be from a controlled source in order to eliminate light spillage beyond the boundaries of the development. For any proposed development that is adjacent to property located outside of this Zoning District where residential uses exist or are permitted, a photometric plan demonstrating zero light spillage onto such properties shall be submitted for review and approval by the Planning Commission as part of a final development plan.
2. Landscape uplighting from a concealed source shall be permitted. Any ground lighting that is permitted shall be shielded and landscaped.
3. No permanent colored lights or neon lights shall be used on the exterior of any building. Security lighting, when used, shall be of a motion-sensor type. Exterior lighting fixtures shall be similar in appearance throughout this subarea.
4. All other lighting on the site shall be in accordance with the City's Codified Ordinances.

G. Signage

1. Permitted sizes, designs, colors, shapes, and other specifications for ground and building signs shall be consistent with the 2013 Trust Corp Signage Recommendations Plan which was approved by the City in 2013 for the real property located on the south side of U.S. Route 62/Johnstown Road. Any changes or deviations from that plan shall require the review and approval of the Planning Commission.
2. Two ground identification signs shall be permitted along each public street within this zoning district. One ground sign shall be permitted at each vehicular access point into this zoning district from a public street in order to identify users within this Zoning District. The ground signs shall be dual identification.
3. All signage shall conform to the standards set forth in Section 1169 of the Codified Ordinances.

IV. ENGINEER'S COMMENTS

The City Engineer, E.P. Ferris reviewed the proposed rezoning application and provided the following comments. 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 (condition #2).

1. Refer to sheet CP3. Per City Code, the proposed sanitary sewer shown on this sheet must be extended to the upper most limits of the development parcel and must be 10' offset from the existing public water line. We will further evaluate sanitary sewer collection to serve this development once detailed construction plans become available.
2. Refer to sheets C4-C5. Spot elevations along parcel lines (e.g., at 50' intervals) adjacent to the development project along with contour information outside of the development parcel boundary are required to evaluate surface drainage during the 100-year storm event and to determine if offsite drainage is impeded in any way.
3. Sheet 3 of 9 of the development text states that an additional 10' of public r/w will be dedicated along the parcel frontage which will result in a total dedication of 40' as measured from the road center line. This is consistent with the dedication provided with the Bevelhymer Church project located north of the proposed development site.
4. Refer to sheet L-1, Landscape Plan. Provide intersection site distance triangles at each of the proposed Bevelhymer Road curb cuts and remove obstructions that may impede motorist view.
5. In accordance with code sections 1159.07(b)(2) J. and K., provide documentation indicating that all Army Corps of Engineer and Ohio EPA requirements have been met.
6. We reviewed a Traffic Impact Study associated with this site dated April 27, 2023 and a revision to this study dated June 14, 2023. Our concerns regarding traffic circulation have been adequately addressed.
7. Photometric analysis and fire truck turning radius analysis will be required as the project moves forward.
8. We will further evaluate storm water management, water distribution, sanitary sewer collection and roadway construction related details once detailed construction plans become available.

V. SUMMARY

The proposed zoning text for the new retail district is appropriate due to the proximity of other commercial and residential uses, the proximity of the Johnstown Road and S.R. 161 interchange, and the continued growth of amenities for the City. The rezoning serves as a transition from commercial to residential by requiring lower building heights not to exceed one and a half stories and permitting only low-intensity retail uses. The development provides strong pedestrian and vehicular connectivity by extending the street and stubbing it for potential future connection. The applicant commits to removing the northern most curb cut from Bevelhymer Road if and when the property to the north or east is redevelopment.

The proposed permitted and conditional uses and development standards are consistent with existing I-PUD district in the area, as well as the Engage New Albany Strategic Plan's retail land use category. The proposal matches the recommendations found in the city's 2020 Engage New Albany Strategic Plan. Land that has direct access to the expressway should be designated for office or commercial use.

The proposed district not only places additional commercial uses near the U.S. 161/Johnstown Road interchange, it also allows retail uses serving the regular day-to-day needs of nearby residents. The land is a transitional area between the more intensive commercial uses to the south and the existing residential to the north.

VI. ACTION

Suggested Motion for ZC-110-2023:

Move to recommend approval to Council of the rezoning application ZC-110-2019, subject to the following conditions:

1. The applicant shall increase planting adjacent to the storm water basin. The tree should be planted in randomized spacing and species in groups of 3 to 9 trees.
2. The comments of the city engineer shall be addressed and incorporated into the zoning text as appropriate, subject to staff approval.
3. The zoning text shall be updated to require surface parking areas adjacent to the new public road to be screened from the respective rights-of-way with a minimum of a 30-inch tall continuous planting hedge.
4. The zoning text shall be revised to clarify the requirement that the A 5-foot wide concrete sidewalk is to be installed on the west side of the public drive and to be constructed generally along or parallel to the drive as it runs along the rear boundary.
5. The zoning text shall be updated to clarify that the bicycle parking

Approximate site Location:



Source: ArcGIS

404.663-01
November 8, 2023To: Chelsea Nichols
City PlannerFrom: Matt Ferris, P.E., P.S.
By: Jay M. Herskowitz, P.E., BCEERe: Walton Farms Rezoning
ZC-110-2023

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

1. Refer to sheet CP3. Per City Code, the proposed sanitary sewer shown on this sheet must be extended to the upper most limits of the development parcel and must be 10' offset from the existing public water line. We will further evaluate sanitary sewer collection to serve this development once detailed construction plans become available.
2. Refer to sheets C4-C5. Spot elevations along parcel lines (e.g., at 50' intervals) adjacent to the development project along with contour information outside of the development parcel boundary are required to evaluate surface drainage during the 100-year storm event and to determine if offsite drainage is impeded in any way.
3. Sheet 3 of 9 of the development text states that an additional 10' of public r/w will be dedicated along the parcel frontage which will result in a total dedication of 40' as measured from the road center line. This is consistent with the dedication provided with the Bevelhymer Church project located north of the proposed development site.
4. Refer to sheet L-1, Landscape Plan. Provide intersection site distance triangles at each of the proposed Bevelhymer Road curb cuts and remove obstructions that may impede motorist view.
5. In accordance with code sections 1159.07(b)(2) J. and K., provide documentation indicating that all Army Corps of Engineer and Ohio EPA requirements have been met.
6. We reviewed a Traffic Impact Study associated with this site dated April 27, 2023 and a revision to this study dated June 14, 2023. Our concerns regarding traffic circulation have been adequately addressed.
7. Photometric analysis and fire truck turning radius analysis will be required as the project moves forward.
8. We will further evaluate storm water management, water distribution, sanitary sewer collection and roadway construction related details once detailed construction plans become available.

MEF/JMH

cc: Cara Denny, Engineering Manager
Joshua Albright, Development Engineer
Dave Samuelson, P.E., Traffic Engineer



Community Development Department

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

Dear Stephen Butler,

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

Wednesday, December 06, 2023

The New Albany Planning Commission took the following action on 12/04/2023 .

Zoning Amendment

Location: 6734 BEVELHYMER RD

Applicant: Stephen Butler,

Application: PLZC20230110

Request: Rezoning

Motion: To approve with conditions.

Commission Vote: Motion Approval with Conditions

Result: Zoning Amendment, PLZC20230110 was Approval with Conditions, by a vote of 3-2.

Recorded in the Official Journal this Wednesday, December 6, 2023.

Condition(s) of Approval:

1. The applicant shall increase planting adjacent to the storm water basin. The tree should be planted in randomized spacing and species in groups of 3 to 9 trees.
2. The comments of the city engineer shall be addressed and incorporated into the zoning text as appropriate, subject to staff approval.
3. The zoning text shall be updated to require surface parking areas adjacent to the new public road to be screened from the respective rights-of-way with a minimum of a 30-inch tall continuous planting hedge.
4. The zoning text shall be revised to clarify the requirement that the A 5-foot wide concrete sidewalk is to be installed on the west side of the public drive and to be constructed generally along or parallel to the drive as it runs along the rear boundary.
5. The zoning text shall be updated to clarify that the bicycle parking is required per building.
6. The proposed east Road shall be constructed as part of the first phase.
7. Additional information required at the time of the final development plan pertaining to parking and the timing of parking lot usage with an eye towards compatible uses.
8. The zoning text shall be amended (Section II.E.3.c) to include "subject to staff approval."

Staff Certification:

Chelsea Nichols

Chelsea Nichols
Planner



**Planning Commission Staff Report
December 4, 2023 Meeting**

**NOTTINGHAM TRACE
PHASE 5 PRELIMINARY AND FINAL PLAT**

LOCATION:	Nottingham Trace subdivision, generally located west of State Route 605, south of Walnut Street and east of the Upper Albany subdivision (PIDs: 222-005265 and 222-004443).
APPLICANT:	EMH&T c/o Curtis Prill
REQUEST:	Preliminary and Final Plat
ZONING:	Nottingham Trace I-PUD Zoning District
STRATEGIC PLAN:	Residential District
APPLICATION:	FPL-114-2023

Review based on: Application materials received on November 13, 2023.

Staff report completed by Chris Christian, Planner II.

I. REQUEST AND BACKGROUND

This final plat application is for phase 5 of the Nottingham Trace subdivision. This phase includes 42 residential lots, one reserve and three public streets on 9.001 acres.

The site was zoned on April 17, 2017 (O-01-2017). The Planning Commission approved a final development plan application for the 240-lot subdivision during their meeting on June 19, 2017 (FDP-30-2017).

II. SITE DESCRIPTION & USE

The 9.001+/- acre site is to be incorporated into the existing Nottingham Trace subdivision which exists immediately adjacent to it. The subdivision is located in Franklin County and is zoned to allow a maximum of 240 residential lots. At least 80% of the units within the development must have at least one occupant aged 55 and older.

III. PLAN REVIEW

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

Residential Lots

- The final plat is consistent with the approved final development plan for the subdivision. The plat shows 42 residential lots. The proposed lot layout and dimensions match what is shown on the final development plan and meet the requirements of the zoning text.
 - The final plat appropriately shows the lot widths to be at least 50 feet at the building setback line, as required by zoning text section II(E)(4).
 - All lots shown on the final plat have an area of at least 6,000 sq. ft., as required by zoning text section II(E)(3).
 - The final plat appropriately shows the front yard setbacks to be 20 feet, as required by the zoning text section II(E)(5).

Streets

- The plat creates one new public dedicated street (Bailey Walk) and extends two existing streets. All of the new streets meet the right-of-way requirements in the zoning text:
 - Bullock Lane, with 50 feet of right-of-way.
 - Brinsley Lane, with 50 feet of right-of-way.
 - Bailey Walk, with 50 feet of right-of-way.
- The utility easements are shown on the plat.
- Per the city's subdivision regulations, C.O. 1187.04, all new streets shall be named and shall be subject to the approval of the Planning Commission. Bullock Lane and Brinsley Lane are existing streets that are to be extended with this development phase. Bailey Walk is a new public street and the name is consistent with what was shown on the approved final development plan. The meaning/significance of this street name is not known to city staff.

Parkland, Open Space and Tree Preservation Areas

- This phase of the plat contains one (1) new reserve shown as Reserve I on the plat with a total acreage of 0.880+/- acres.
 - According to the plat notes, the reserves shall be owned by the City of New Albany and maintained by the homeowner's association in perpetuity for the purpose of open space. Zoning text section II(G)(1) allows stormwater detention or retention ponds and related infrastructure, underground utility lines, leisure trails and landscaping to be installed in this reserve area.
- Note "H" on the final plat states that wood bollards must be placed along shared property lines where residential lots abut parkland and/or open space in order to provide a clear delineation between public and private spaces. This note is consistent with the requirements of other subdivisions in New Albany.
- C.O. 1187.04(d)(4) and (5) requires 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 and to the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. Staff requests evidence of any permits received from the Ohio Environmental Protection Agency or U.S. Army Corps of Engineers as a condition of approval (condition #1).
- The city codified ordinance 1159.11 states when a final plat is approved by Council, the owner shall file and record the same in the Office of the County Recorder within twelve (12) months unless such time is, for good cause shown, extended by resolution of Council. If not recorded within this time, the approval of the city council shall become null and void.

IV. ENGINEER'S COMMENTS

The City Engineer has reviewed the referenced plan in accordance with the engineering related requirements of Code Section 1159.07(b)(3) and provided the following comments. Staff recommends a condition of approval that these comments be addressed by the applicant, subject to staff approval (condition #2).

1. Sheet 2: Provide drainage easements on the east side of Lots 156-157.
2. Sheet 2: Provide the missing Instrument Number information adjacent to lots 172-181 when available.
3. Sheet 2: Make it clear on the plat that above grade structures are not permitted in proposed Utility Easements where public water, sanitary and other underground public utilities are to be located.
4. Provide a summary of review comments provided by the Franklin County Engineer's office.

V. ACTION

Basis for Approval:

The final plat is generally consistent with the final development plan and meets code requirements. Should the Planning Commission approve the application, the following motion would be appropriate.

Suggested Motion for FPL-114-2023:

Move to approve final plat application FPL-114-2023 with the following conditions:

1. The applicant must provide evidence of any applications filed with the U.S. Army Corps of Engineers or Ohio Environmental Protection Agency, as well as any associated permits that are issued.
2. The city engineer comments are addressed, subject to staff approval.

Approximate Site Location:



Source: NearMap

404.644-02
November 27, 2023

To: Christopher Christian
City Planner II

From: Matt Ferris, P.E., P.S.
By: Jay M. Herskowitz, P.E., BCEE

Re: Nottingham Trace
Final Plats
Phase 5 and Phase 6

We reviewed the referenced plats in accordance with Code Section 1187.06. Our review comments are as follows:

Phase 5

1. Sheet 2: Provide drainage easements on the east side of Lots 156-157.
2. Sheet 2: Provide the missing Instrument Number information adjacent to lots 172-181 when available.
3. Sheet 2: Make it clear on the plat that above grade structures are not permitted in proposed Utility Easements where public water, sanitary and other underground public utilities are to be located.
4. Provide a summary of review comments provided by the Franklin County Engineer's office.

Phase 6

5. Sheet 2: Provide the missing Plat Book information located in the note block located at the top right hand corner of the page.
6. Sheet 2: Make it clear on the plat that above grade structures are not permitted in proposed Utility Easements where public water, sanitary and other underground public utilities are to be located.
7. Provide a summary of review comments provided by the Franklin County Engineer's office.

MEF/JMH

cc: Josh Albright, Development Engineer
Chelsea Nichols, Planner
Cara Denny, Engineering Manager



Community Development Department

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

Dear EMH&T c/o Curtis Prill,

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

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

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

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

Thank you.



Community Development Department

Decision and Record of Action

Tuesday, December 05, 2023

The New Albany Planning Commission took the following action on 12/04/2023 .

Final Plat

Location: Nottingham Trace Subdivision

Applicant: EMH&T c/o Curtis Prill,

Application: PLFPL20230113

Request: Preliminary and final plat for phase 5 of the Nottingham Trace subdivision which includes 42 lots on 9.001 +/- acres (PID: 222-005265).

Motion: Move to approve with conditions

Commission Vote: Motion Approved with Conditions, 5-0

Result: Final Plat, PLFPL20230113 was Approved with Conditions, by a vote of 5-0.

Recorded in the Official Journal this December 05, 2023

Condition(s) of Approval:

1. The applicant must provide evidence of any applications filed with the U.S. Army Corps of Engineers or Ohio Environmental Protection Agency, as well as any associated permits that are issued.
2. The city engineer comments are addressed, subject to staff approval:
 1. Sheet 2: Provide drainage easements on the east side of Lots 156-157.
 2. Sheet 2: Provide the missing Instrument Number information adjacent to lots 172-181 when available.
 3. Sheet 2: Make it clear on the plat that above grade structures are not permitted in proposed Utility Easements where public water, sanitary and other underground public utilities are to be located.
 4. Provide a summary of review comments provided by the Franklin County Engineer's office.

Staff Certification:

Chris Christian

Chris Christian

Planner II



**Planning Commission Staff Report
December 4, 2023 Meeting**

**NOTTINGHAM TRACE
PHASE 6 PRELIMINARY AND FINAL PLAT**

LOCATION:	Nottingham Trace subdivision, generally located west of State Route 605, south of Walnut Street and east of the Upper Albany subdivision (PIDs: 222-005265 and 222-004443).
APPLICANT:	EMH&T c/o Curtis Prill
REQUEST:	Preliminary and Final Plat
ZONING:	Nottingham Trace I-PUD Zoning District
STRATEGIC PLAN:	Residential District
APPLICATION:	FPL-115-2023

Review based on: Application materials received on November 13, 2023.

Staff report completed by Chris Christian, Planner II.

I. REQUEST AND BACKGROUND

This final plat application is for the 6th and final phase of the Nottingham Trace subdivision. This phase includes 44 residential lots, one reserve and three public streets on 9.430 acres.

The site was zoned on April 17, 2017 (O-01-2017). The Planning Commission approved a final development plan application for the 240-lot subdivision during their meeting on June 19, 2017 (FDP-30-2017).

II. SITE DESCRIPTION & USE

The 9.430+/- acre site is to be incorporated into the existing Nottingham Trace subdivision which exists immediately adjacent to it. The subdivision is located in Franklin County and is zoned to allow a maximum of 240 residential lots. At least 80% of the units within the development must have at least one occupant aged 55 and older.

III. PLAN REVIEW

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

Residential Lots

- The final plat is consistent with the approved final development plan for the subdivision. The plat shows 44 residential lots. The proposed lot layout and dimensions match what is shown on the final development plan and meet the requirements of the zoning text.
 - The final plat appropriately shows the lot widths to be at least 50 feet at the building setback line, as required by zoning text section II(E)(4).
 - All lots shown on the final plat have an area of at least 6,000 sq. ft., as required by zoning text section II(E)(3).
 - The final plat appropriately shows the front yard setbacks to be 20 feet, as required by the zoning text section II(E)(5).

Streets

- The plat extends three existing, publicly dedicated streets. All of the new streets meet the right-of-way requirements in the zoning text:
 - Winterbek Avenue North, with 50 feet of right-of-way.
 - Linden Lane, with 50 feet of right-of-way.
 - Upper Albany Drive, with 50 feet of right-of-way.
- The utility easements are shown on the plat.
- Per the city's subdivision regulations, C.O. 1187.04, all new streets shall be named and shall be subject to the approval of the Planning Commission. All three streets are extensions of existing streets with previously approved names.

Parkland, Open Space and Tree Preservation Areas

- This phase of the plat contains one (1) new reserve shown as Reserve K on the plat with a total acreage of 0.751+/- acres.
 - According to the plat notes, the reserves shall be owned by the City of New Albany and maintained by the homeowner's association in perpetuity for the purpose of open space. Zoning text section II(G)(1) allows stormwater detention or retention ponds and related infrastructure, underground utility lines, leisure trails and landscaping to be installed in this reserve area.
- Note "H" on the final plat states that wood bollards must be placed along shared property lines where residential lots abut parkland and/or open space in order to provide a clear delineation between public and private spaces. This note is consistent with the requirements of other subdivisions in New Albany.
- C.O. 1187.04(d)(4) and (5) requires 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 and to the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. Staff requests evidence of any permits received from the Ohio Environmental Protection Agency or U.S. Army Corps of Engineers as a condition of approval (condition #1).
- The city codified ordinance 1159.11 states when a final plat is approved by Council, the owner shall file and record the same in the Office of the County Recorder within twelve (12) months unless such time is, for good cause shown, extended by resolution of Council. If not recorded within this time, the approval of the city council shall become null and void.

IV. ENGINEER'S COMMENTS

The City Engineer has reviewed the referenced plan in accordance with the engineering related requirements of Code Section 1159.07(b)(3) and provided the following comments. Staff recommends a condition of approval that these comments be addressed by the applicant, subject to staff approval (condition #2).

1. Sheet 2: Provide the missing Plat Book information located in the note block located at the top right hand corner of the page.
2. Sheet 2: Make it clear on the plat that above grade structures are not permitted in proposed Utility Easements where public water, sanitary and other underground public utilities are to be located.
3. Provide a summary of review comments provided by the Franklin County Engineer's office.

V. ACTION

Basis for Approval:

The final plat is generally consistent with the final development plan and meets code requirements. Should the Planning Commission approve the application, the following motion would be appropriate.

Suggested Motion for FPL-115-2023:

Move to approve final plat application FPL-115-2023 with the following conditions:

1. The applicant must provide evidence of any applications filed with the U.S. Army Corps of Engineers or Ohio Environmental Protection Agency, as well as any associated permits that are issued.
2. The city engineer comments are addressed, subject to staff approval.

Approximate Site Location:



Source: NearMap

404.644-02
November 27, 2023

To: Christopher Christian
City Planner II

From: Matt Ferris, P.E., P.S.
By: Jay M. Herskowitz, P.E., BCEE

Re: Nottingham Trace
Final Plats
Phase 5 and Phase 6

We reviewed the referenced plats in accordance with Code Section 1187.06. Our review comments are as follows:

Phase 5

1. Sheet 2: Provide drainage easements on the east side of Lots 156-157.
2. Sheet 2: Provide the missing Instrument Number information adjacent to lots 172-181 when available.
3. Sheet 2: Make it clear on the plat that above grade structures are not permitted in proposed Utility Easements where public water, sanitary and other underground public utilities are to be located.
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Chelsea Nichols, Planner
Cara Denny, Engineering Manager



Community Development Department

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

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

Thank you.



Community Development Department

Decision and Record of Action

Tuesday, December 05, 2023

The New Albany Planning Commission took the following action on 12/04/2023 .

Final Plat

Location: Nottingham Trace Subdivision

Applicant: EMH&T c/o Curtis Prill,

Application: PLFPL20230114

Request: Preliminary and final plat for phase 6 of the Nottingham Trace subdivision which includes 44 lots on 9.430 +/- acres (PID: 222-004443).

Motion: Move to approve with conditions

Commission Vote: Motion Approved with Conditions, 5-0

Result: Final Plat, PLFPL20230114 was Approved with Conditions, by a vote of 5-0.

Recorded in the Official Journal this December 05, 2023

Condition(s) of Approval:

1. The applicant must provide evidence of any applications filed with the U.S. Army Corps of Engineers or Ohio Environmental Protection Agency, as well as any associated permits that are issued.
2. The city engineer comments are addressed, subject to staff approval:
 1. Sheet 2: Provide the missing Plat Book information located in the note block located at the top right hand corner of the page.
 2. Sheet 2: Make it clear on the plat that above grade structures are not permitted in proposed Utility Easements where public water, sanitary and other underground public utilities are to be located.
 3. Provide a summary of review comments provided by the Franklin County Engineer's office.

Staff Certification:

Chris Christian

Chris Christian
Planner II



**Planning Commission Staff Report
December 18, 2023 Meeting**

**7275 STEEPLE CHASE LANE NORTH
GARAGE DOOR WIDTH VARIANCE**

LOCATION: 7275 Steeple Chase Lane North (PID: 222-005343)
APPLICANT: Bobb Webb Group c/o Kirk Denyes
REQUEST: Variance
ZONING: Woodhaven I-PUD Zoning District
STRATEGIC PLAN: Residential District
APPLICATION: VAR-116-2023

Review based on: Application materials received on November 21, 2023 and December 6, 2023.

Staff report prepared by Chelsea Nichols, Planner

I. REQUEST AND BACKGROUND

The applicant requests the following variance:

1. To allow two 8-foot wide single bay garage doors where the Woodhaven I-PUD zoning text (Section XI.A.3) requires a minimum width of 9 feet.

The Planning Commission reviewed and approved a conditional use request for a residential model home to be located on this lot within the Woodhaven subdivision at the November 20, 2023 meeting. The model home is currently under operation.

Prior to this current request, the home builder/property owner followed the appropriate submittal and permitting process. The city approved the permit and the property owner installed a double bay garage door under the approved application. A review conducted by the city, 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 in order to correct the garage design.

The applicant proposes to remove the existing double bay door and replace it with two single bay doors, which is required per the zoning text. However, since the garage is front loaded, Section XI.A.3 requires that the single bay doors be a minimum of 9 feet and a maximum of 10 feet wide. Due to the home being built, the owner is not able to install garage doors sized at a minimum of 9 feet. The applicant proposes and requests a variance to install two 8-foot wide single bay doors in place of the one double bay door.

II. SITE DESCRIPTION & USE

The Woodhaven subdivision is located at the southwest corner of Bevelhymer Road and Walnut Street. The site is located immediately east of the Upper Clarenton subdivision, generally south the Rocky Fork Metro Park and Bevelhymer Park. All of the public streets have been installed in the subdivision and there are several homes actively under construction.

The model home is located on lot 52 in the subdivision, addressed off of Steeple Chase Lane North. The model home is located close to the subdivision entrance when entering from Bevelhymer Road using Woodhaven Drive.

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 one variance:

1. **To allow two 8-foot wide single bay garage doors where the Woodhaven I-PUD zoning text (Section XI.A.3) requires a minimum width of 9 feet.**

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

1. The applicant requests a variance to the Woodhaven zoning text allow two 8-foot wide single bay garage doors where the text requires a minimum width of 9 feet.

2. The zoning text requires single bay doors on all the homes within the subdivision. The text also requires that front loaded garages are to be at least 9 feet wide. The model home is fully constructed. The existing door is a double bay door. The applicant proposes to remove the existing door and replace it with two single bay doors as required by code. However, the applicant proposes two 8-foot wide single bay doors. Each door would be 1 foot short of meeting the code requirement.
3. This particular house currently serves as the model home for the age-restricted product in the neighborhood. The applicant recognizes that it is important to replace the existing double door with two single doors so that buyers do not get mistaken and think that is an option for when considering feature of their new home. Granting this variance will likely decrease the chance of future variance requests to allow doublewide garage doors.
4. The variance does not appear to alter the character of the neighborhood. Replacing it with two single bay doors, even if they are each one foot short of meeting the width requirement, will allow the garage door to appear the same as all the other garage doors within the development.
5. The variance does not appear to be substantial. The garage doors will each be one foot short of meeting the width requirement. The proposed size still provides a functional garage door. In addition, with only being one foot off from the requirement, the idea is that the discrepancy will not be distinguishable.
6. The variance preserves the “spirit and intent” of the zoning requirement and “substantial justice” would be done by granting the variance. The intent of the requirement is to align the building design of the homes within this subdivision with requirements found in the city’s Design Guidelines and Requirements. The DGRs require single bay garage doors in accordance with traditional American architecture practice. Narrower garage doors, such as 8 foot, were common historically. Modern construction frequently offers 9-foot garage doors.
7. There are special conditions that create a uniqueness for the lot. However, 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 garage in accordance with the approved application. A review conducted by the city after approving the property owner's permit and 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.
8. The request does not appear that it can be solved by some manner other than the granting of a variance. The model home is already built. The garage doors must fit within the parameter of the existing structure due to the framing structure. In order to replace the double bay door with two single bay doors, the doors must be sized to fit within the existing garage space.
9. 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.
10. Approving the variances will not adversely affect the delivery of government services.

SUMMARY

Even though the proposed doors are narrower than modern doorways, departing from the traditional American architectural style by allowing the double bay garage doors is a big consideration. The functionality may be slightly limited with an 8-foot-wide garage door, but keeping the traditional American architectural form with the single bay doors helps ensure that the community enjoys the highest possible quality of architectural design. The applicant has taken care to create this design solution that meets the spirit and intent of city code and the Design Guidelines and Requirements.

V. ACTION

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

Move to approve application VAR-116-2023 based on the findings in the staff report (conditions of approval may be added).

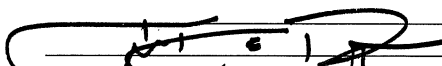
Approximate Site Location:



Source: ArcGIS



Community Development Planning Application

Project Information	Site Address <u>7275 STEEPLECHASE LANE^N/LOT 52 WOODHAVEN</u> Parcel Numbers <u>222-005343</u> Acres <u>.164</u> # of lots created <u>1</u>																																																												
	<table border="1"> <thead> <tr> <th>Choose Application Type</th> <th colspan="4">Circle all Details that Apply</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/> Appeal</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td><input type="checkbox"/> Certificate of Appropriateness</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td><input type="checkbox"/> Conditional Use</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td><input type="checkbox"/> Development Plan</td> <td>Preliminary</td> <td>Final</td> <td>Comprehensive</td> <td>Amendment</td> </tr> <tr> <td><input type="checkbox"/> Plat</td> <td>Preliminary</td> <td>Final</td> <td></td> <td></td> </tr> <tr> <td><input type="checkbox"/> Lot Changes</td> <td>Combination</td> <td>Split</td> <td>Adjustment</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Minor Commercial Subdivision</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td><input type="checkbox"/> Vacation</td> <td>Easement</td> <td></td> <td>Street</td> <td></td> </tr> <tr> <td><input checked="" type="checkbox"/> Variance</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td><input type="checkbox"/> Extension Request</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td><input type="checkbox"/> Zoning</td> <td>Amendment (rezoning)</td> <td></td> <td>Text Modification</td> <td></td> </tr> </tbody> </table>	Choose Application Type	Circle all Details that Apply				<input type="checkbox"/> Appeal					<input type="checkbox"/> Certificate of Appropriateness					<input type="checkbox"/> Conditional Use					<input type="checkbox"/> Development Plan	Preliminary	Final	Comprehensive	Amendment	<input type="checkbox"/> Plat	Preliminary	Final			<input type="checkbox"/> Lot Changes	Combination	Split	Adjustment		<input type="checkbox"/> Minor Commercial Subdivision					<input type="checkbox"/> Vacation	Easement		Street		<input checked="" type="checkbox"/> Variance					<input type="checkbox"/> Extension Request					<input type="checkbox"/> Zoning	Amendment (rezoning)		Text Modification	
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<input type="checkbox"/> Plat	Preliminary	Final																																																											
<input type="checkbox"/> Lot Changes	Combination	Split	Adjustment																																																										
<input type="checkbox"/> Minor Commercial Subdivision																																																													
<input type="checkbox"/> Vacation	Easement		Street																																																										
<input checked="" type="checkbox"/> Variance																																																													
<input type="checkbox"/> Extension Request																																																													
<input type="checkbox"/> Zoning	Amendment (rezoning)		Text Modification																																																										
Description of Request: <u>REMOVE EXIST. 16' WIDE GARAGE DR (NON COMPLIANT)</u> <u># INSTALL (2) 8' WIDE GARAGE DOOR. DEVELOPMENT THAT</u> <u>REQUIRE 9' MIN. THE GARAGE ON THIS EXISTING HOME IS</u> <u>TO NARROW FOR (2) 9' DOORS TO FIT.</u>																																																													
Contacts	Property Owner's Name: <u>BOB WEBB WOODHAVEN LLC</u> Address: <u>7662 NORTH CENTRAL DR</u> City, State, Zip: <u>LEWIS CENTER, OH 43035</u> Phone number: <u>(614) 419-2355</u> Fax: <u>N/A</u> Email: <u>Kirk.denyas</u>																																																												
	Applicant's Name: <u>KIRK E. DENYES</u> Address: <u>7662 NORTH CENTRAL DR</u> City, State, Zip: <u>LEWIS CENTER, OH 43035</u> Phone number: <u>(614) 419-2355</u> Fax: <u>N/A</u> Email: <u>Kirk.denyas@bobwebb.com</u>																																																												
Signature	Site visits to the property by City of New Albany representatives are essential to process this application. The Owner/Applicant, as signed below, hereby authorizes Village of New Albany representatives, employees and appointed and elected officials to visit, photograph and post a notice on the property described in this application. I certify that the information here within and attached to this application is true, correct and complete.																																																												
	Signature of Owner _____ Signature of Applicant <u></u> Date: <u>11/21/22</u>																																																												

We are requesting a Variance for Lot 52 Woodhaven, to Allow for 8'-0" wide Garage Doors on this Existing Home.

The Development Text Requires Minimum 9'-0" wide, Maximum 10'-0" Wide Garage Doors. This House was Mistakenly Submitted for Permit, Approved by Zoning Staff & Constructed with a 16' Wide Garage Door.

We want the House to Be as Close to Compliance as Possible. We propose to remove the Existing 16'-0" Wide Door and Replace it with two (2) 8'-0" Doors. The Existing Garage is too narrow to allow for two (2) 9'-0" wide Doors, as required by the Development Text. 8'-0 wide doors are the Industry Standard for Single Garage Doors. We have made sure that all the other Homes under Construction have the Code Compliant 9'-0" wide, 10'-0" wide Garage Doors.

I believe the Intent of this Section of the Development Text is to minimize the impact of the Garage Doors on the Overall House Elevation?

What We propose to do, will accomplish this.

LEGAL DESCRIPTION:

Being Lot 52 of Woodhaven Subdivision, situated in the State of Ohio, County of Franklin, City of New Albany, Half Section 17, Section 9, Quarter Township 1, Township 2, Range 16. United States Military Lands. As Recorded in Official Record, 04/28/2023 at the Recorder's Office, Franklin County, Instrument # 202304280040996. PB 132/Page 315

Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without the variance.

The Only Value of Property is as a Single-Family Home. Granting of the Variance will NOT affect this.

Whether the variance is substantial.

There is Minimal Expense to change Out the Single Door for Two (2) Separate Doors.

Whether the essential character of the neighborhood would be substantially altered, or adjoining properties suffer a “substantial detriment.”

The Character of the Community will be enhanced. The Grage Doors on this Home will Be much more like the Garage Doors on All the other Homes in the Development.

Whether the variance would adversely affect the delivery of government services.

It will Not.

Whether the property owner purchased the property with knowledge of the zoning restriction.

The Requirement for a Minimum 9’ wide/ Maximum 10’ wide Garage Door is in the Development Text. It was Missed by both the Builder and The Zoning Department when the 16’ wide Door was Submitted & Approved.

Whether the problem can be solved by some manner other than the granting of a variance.

It can Not. The Existing Garage is too Narrow to allow room for two (2) 9’-0” wide Doors.

Whether the variance preserves the “spirit and intent” of the zoning requirement and whether “substantial justice” would be done by granting the variance.

It would Be. The Requirement for Separate Garage doors would Be acheived

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.

There is None. This was an oversight in following the Development Text

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.

This Variance Will allow this Home to resemble the our Homes in the Development.

That the special conditions and circumstances do not result from the action of the applicant.

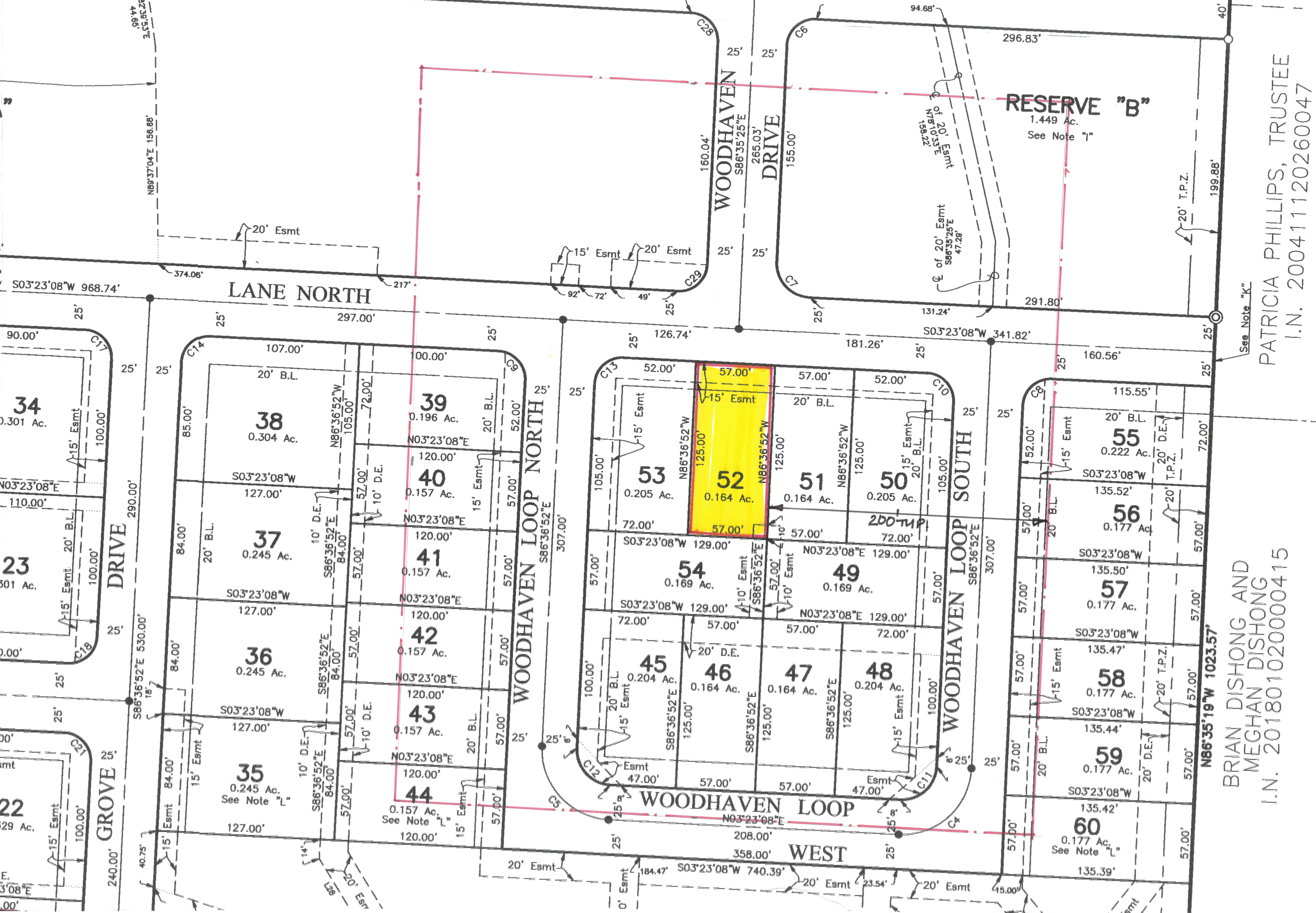
Both The Applicant & The Zoning Staff missed the Maximum 10' wide Garage Door Requirement in the Development Text. Granting The Variance Allowing 8'-0" wide Doors In Lieu of the required minimum 9' Wide Doors will allow this House to more Closely match the intent of the Development Text.

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.

Granting The Variance Will Allow This Home to more closely match the Other Homes in the Community

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.

It will Not.



PATRICIA PHILLIPS, TRUSTEE
I.N. 200411120260047

BRIAN DISHONG AND
MEGHAN DISHONG
I.N. 201801020000415



C. David Johnson

A. I. A.

ARCHITECT

"cottage to castle..."

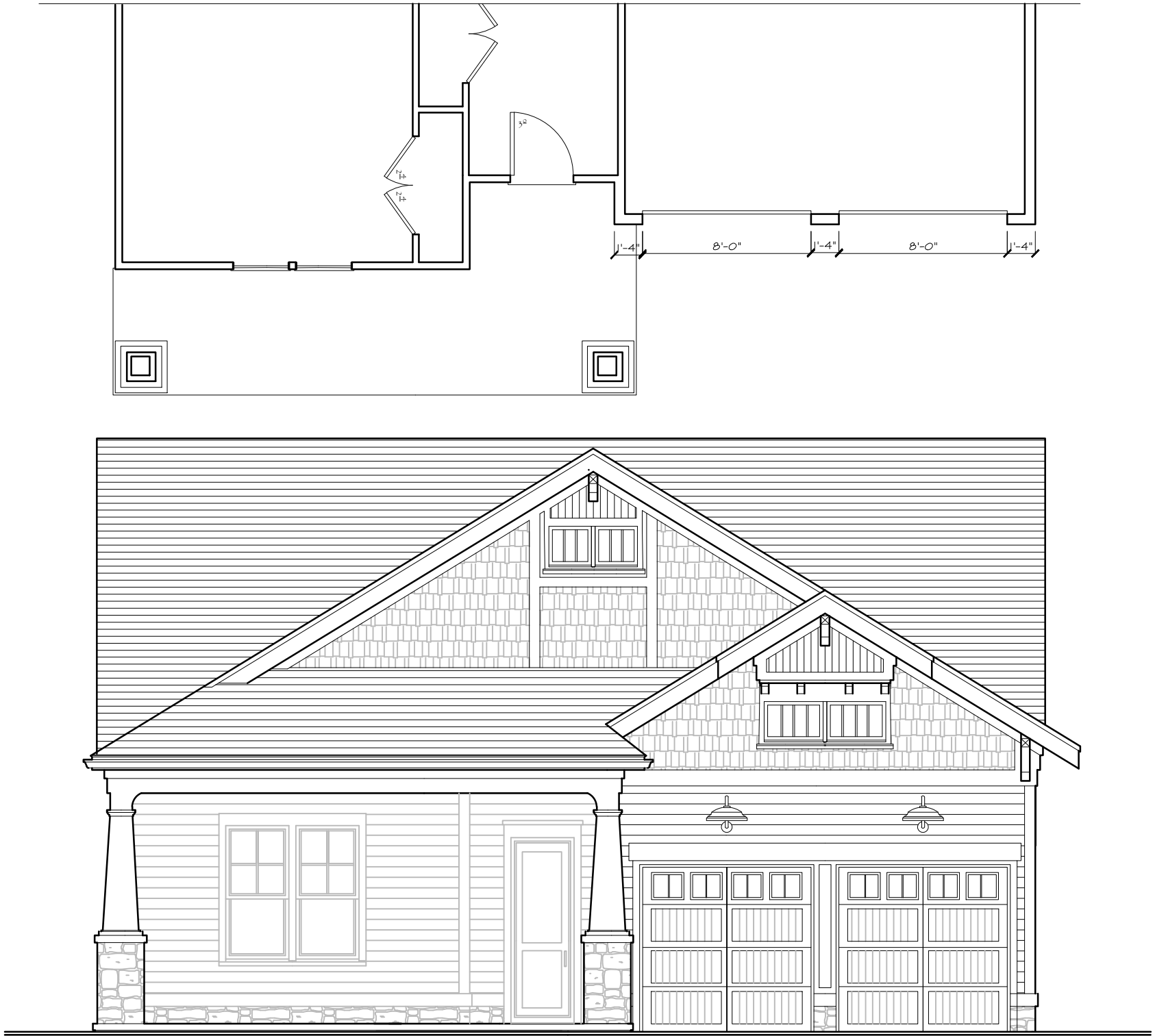
email: cdavidaia@aol.com

cell: 614-330-5266

studio: 8965 Coe Dr.

Plain City, Ohio 43064

Architectural Design, Land Planning
Renderings, New Build and Renovation



lot 52 Woodhaven



LANDMARK SURVEY GROUP, INCORPORATED

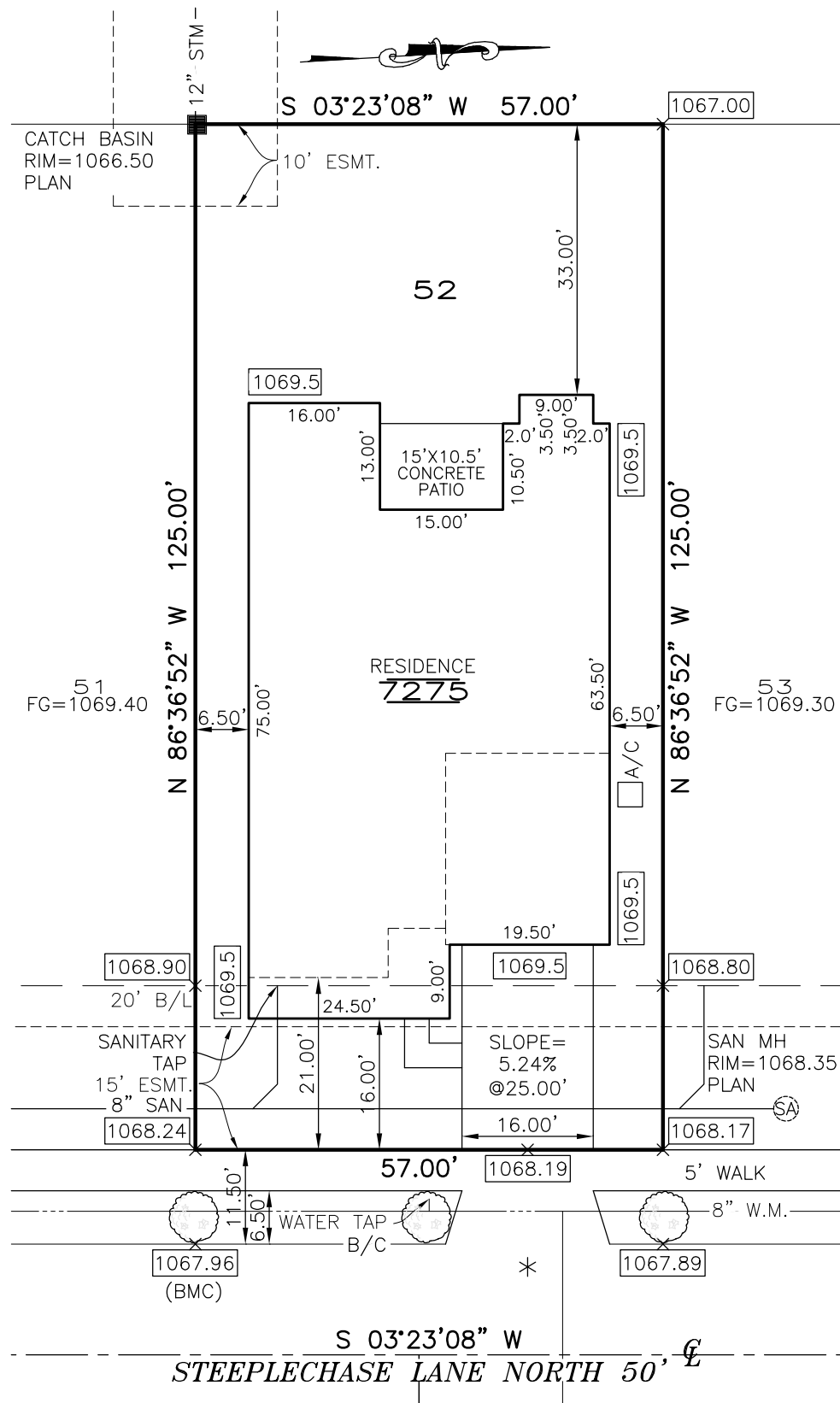
690 LAKEVIEW PLAZA BLVD, SUITE A, WORTHINGTON OH.43085
PHONE: (614) 485-9000 WWW.LANDMARKSURVEY.COM

REVISIONS	DESCRIPTION

ORDER NO. WHVN1-28

DATE: 12/19/22

FOR BOB WEBB HOUSE STYLE CUSTOM COUNTY OF FRANKLIN
LOT/SUBDIVISION 52 WOODHAVEN CITY/TWP OF NEW ALBANY
ADDRESS 7275 STEEPLECHASE LANE NORTH SCALE 1"= 20' DRAWN BY: AB
MINIMUMS: R: 25' S: 5' BK: UNREC. PG: UNREC.



ENGINEERING PLANS AND SUBDIVISION PLAT INFORMATION UNSIGNED AND MAY NOT BE COMPLETE. UNDERSIGNED IS NOT RESPONSIBLE FOR ANY CHANGES THAT MAY OCCUR ONCE PLANS ARE FINALIZED AND SIGNED.

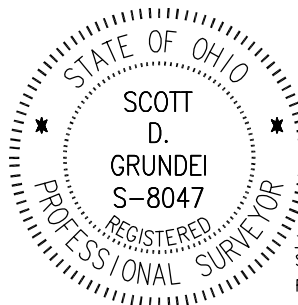
LOT CALCULATIONS ARE FOR ESTIMATING PURPOSES ONLY AND SHOULD BE VERIFIED BY THE BUILDER OR CONTRACTOR.

LOT CALCULATIONS	
LOCATION	S.F.
LOT	7125
HOUSE	2928
DRIVE	400
APPROACH	197
SER WALK	30
WALK	205
SOD	3837
LOT COVER.	41.09%

THIS PROPERTY IS LOCATED IN FLOOD ZONE X.
MAP NO. 39049C 0206K.
EFF. DATE: 06/17/2008.

* STABILIZE CONSTRUCTION ENTRANCE.

BOB WEBB SLAB FINISH FLOOR = 1070.17 FINISH GRADE= 1069.50 GARAGE PAD= 1069.50 TOP OF FOOTER= 1069.17 DRIVE SLOPE DISTANCE= 25.00
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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 INFORMATION PROVIDED BY THE CLIENT AND DATA OBTAINED FROM ENGINEERED SUBDIVISION PLANS. THIS PLOT PLAN IS TO BE USED BY THE CLIENT FOR THE SOLE PURPOSE OF OBTAINING A BUILDING PERMIT. THE USE OF THE PLOT PLAN FOR ANY OTHER USE IS STRICTLY PROHIBITED.

Scott D. Grunde 12/19/22
SCOTT D. GRUNDEI, P.S. DATE
REGISTERED SURVEYOR NO. 8047