

New Albany Planning Commission Agenda Wednesday, February 21, 2024 at 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: January 17, 2024

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:

FDP-122-2023 Final Development Plan

Final development plan to allow for a proposed development consisting of a multi-tenant building located generally at the northeast corner Smith's Mill Road and Forest Drive, within the Canini Trust Corp on a 2.607-acre site. (PID: 222-000347). Applicant: J. Carter Bean Architect LL, c/o Carter Bean

Motion of Acceptance of staff reports and related documents into the record for FDP-122-2023.

Motion of approval for application FDP-122-2023 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

VAR-123-2023 Variances

Variances to the number of active and operable doors, setback requirements, and drivethrough stacking spaces associated with a final development plan application for a proposed development consisting of a multi-tenant building located generally at the northeast corner Smith's Mill Road and Forest Drive, within the Canini Trust Corp on a 2.607-acre site. (PID: 222-000347).

Applicant: J. Carter Bean Architect LL, c/o Carter Bean

Motion of Acceptance of staff reports and related documents into the record for VAR-123-2023.

Motion of approval for application VAR-123-2023 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

CU-124-2023 Conditional Use

Request for a conditional use permit to operate two drive-through uses associated with a final development plan application for a proposed development consisting of a multitenant building located generally at the northeast corner Smith's Mill Road and Forest Drive, within the Canini Trust Corp on a 2.607-acre site. (PID: 222-000347).

Applicant: J. Carter Bean Architect LL, c/o Carter Bean

Motion of Acceptance of staff reports and related documents into the record for CU-124-2023.

Motion of approval for application CU-124-2023 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

VAR-007-2024 Variance

Variance to the city sign code chapter 1169.16(d) to allow a wall sign size to be 240 square feet where code permits a maximum of 75 square feet on the Axium 6 building at 10015 Innovation Campus Way (PID: 093-107478-00.001).

Applicant: PJP Holdings LLC c/o Chad Moorehead

Motion of Acceptance of staff reports and related documents into the record for VAR-007-2024.

Motion of approval for application VAR-007-2024 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

FDM-008-2024 Final Development Plan Modification

Modification to the approved final development plan for the New Albany Links subdivision driving range (PID: 222-002263).

Applicant: Lucas Bowersock, New Albany Driving Range

Motion of Acceptance of staff reports and related documents into the record for FDM-008-2024.

Motion of approval for application FDM-008-2024 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

VII. Other business

1. Annual Organizational Meeting

- Swear in new members
- o Elect Chairperson
- Elect Vice-Chairperson
- Elect Secretary
- o Appointment of Board of Zoning Appeals Representative
- Establish date, time, and location for 2024 regular meetings

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

- 2. Steering Committee Member Appointment: Triangle Focus Area Plan
- VIII. Poll members for comment
- IX. Adjournment



New Albany Planning Commission

Wednesday, January 17, 2024 Meeting Minutes - DRAFT

I. Call to order

The New Albany Planning Commission conducted a regular meeting on Wednesday, January 17, 2024 in the New Albany Village Hall. Chair Kirby called the meeting to order at 7:02 p.m. and asked to hear the roll.

II. Roll call

Those answering roll call:

Mr. Kirby, Chair	present
Mr. Wallace, Vice-Chair	present
Mr. Schell, Secretary	present
Ms. Briggs	present
Mr. Larsen	present
Council Member Wiltrout	present

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

Staff members present: Law Director Albrecht, Development Engineer Albright, Planner Cratic-Smith, Planning Manager Mayer, Deputy Clerk Madriguera.

III. Action on minutes: December 18, 2023.

Chair Kirby asked if there were any corrections to the minutes. Hearing none, he moved for approval of the December 18, 2023 meeting minutes. 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 December 18, 2023 meeting minutes were approved as submitted.

IV. Additions or corrections to agenda

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

Planning Manager Mayer responded that there was one correction. The applicant for the first four applications had requested that the applications be tabled until the regular commission meeting scheduled for March 18, 2024, or sooner subject to staff approval. He explained that work was ongoing on the applications and they may be ready prior to the March 18th meeting, however the request was for March 18th in order to ensure readiness.

Chair Kirby administered the oath to all present who would be addressing the commission. He further reminded everyone to silence their cell phones.

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

Chair Kirby asked if there was anyone present who wished to address the commission for an item not on the agenda. Hearing none, he addressed the first four cases on the agenda.

VI. Cases:

FDP-87-2023, FPL-88-2023, FPL-91-2023, FPL-92-2023

Chair Kirby stated that, as mentioned by staff, the applicant in the first four cases on the agenda, the Courtyards at Haines Creek, had requested that the cases be laid upon the table until the Planning Commission's regular meeting on March 18, 2024 or sooner. He further confirmed with Planning Manager Mayer that the tabling of all four of the applications could be accomplished with one motion.

Commissioner Wallace moved to table FDP-87-2023, and the three associated plats, FPL-88-2023, FPL-91-2023, and FPL-92-2023 to the regular meeting on March 18th or sooner, subject to staff approval and in accordance with notification requirements. Commissioner Larsen seconded the motion.

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

Upon roll call: Mr. Wallace yes, Mr. Larsen yes, Mr. Schell yes, Ms. Briggs yes, Mr. Kirby yes. Having five yes votes, the motion passed and FDP-87-2023, FPL-88-2023, FPL-91-2023, and FPL-92-2023 were laid upon the table until the March 18, 2024 regular meeting of the Planning Commission or sooner, subject to staff approval and in accordance with notification requirements.

Chair Kirby introduced VAR-89-2023 and asked to hear from staff.

VAR-89-2023 Variances

Variances to C.O. 1154.12(b)(3) to allow both outdoor storage and indoor storage of hazardous materials to encroach into the setback where code requires such material to be at least 200 feet from all property lines at 3195 Harrison Road (PID: 095-111732-00.000, 095-111564-00.000).

Applicant: Tuan Q. Luu with MDG Architecture Interiors on behalf of Rinchem Company LLC

Planning Manager Mayer noted that the application was heard at the prior meeting but tabled because the applicant was not present. Planning Manager Mayer delivered the staff report.

Commissioner Larsen asked what the building setback minimums were and what the setbacks for hazardous material were.

Planning Manager Mayer answered that the setback for any type of hazardous storage whether it be interior or exterior, and for buildings is 200-feet from the property line and he indicated it on the site plan.

Chair Kirby asked for comments from engineering.

Development Engineer Albright stated there were no comments from engineering.

Applicant Matt Jensen, Vice President of Rinchem's warehousing operations came to the lectern. Mr. Jensen apologized for not attending the commission meeting in December and explained that he thought that virtual attendance was sufficient. Mr. Jensen stated that Rinchem has been storing chemicals for 46 years and that they are the best and safest

company in the industry. It is shown from their safety and environmental records, compared to their competitors. He further explained that they support the manufacturing of semi-conductors by the safe storage and transportation of chemicals and that semi-conductors cannot be made without these chemicals. They are very confident about the safe storage of these chemicals, but transportation of the chemicals creates risk, which they minimize by locating closely to the semi-conductor manufacturing facility. When this property was selected it was the closest to the semi-conductor manufacturing facility.

Chair Kirby asked who owned the property to the north and to the east.

Planning Manager Mayer answered that he would look it up presently.

Mr. Jensen answered that he thought one of the owners was MBJ Holdings.

Commissioner Schell asked the applicant whether, when the land was purchased, they were aware of the setback requirement. He also asked whether other ways of organizing the layout of the property, more specifically whether there was an option where storage of the chemicals could be outside of the setback.

Mr. Jensen responded yes, they were aware of the setback requirement. When they purchased the property they initially thought that they could meet all of the setback requirements, but then learned that the drainage easement required space, and subsequently determined this organization was the best. He further explained that if Rinchem was just planning for the initial state and no potential expansion in New Albany, then the setbacks could be maintained. However, this organization contemplates long term plans as well as distance. They were trying to avoid having multiple locations in the city.

Commissioner Briggs confirmed that Rinchem's ultimate goal was to have a single facility.

Mr. Jensen agreed and stated this was phase one and they were unsure when the trigger point for phase two would be. It depended on how semiconductor manufacturing grows.

Council Member Wiltrout stated that one of the factors the commission is required to consider when reviewing an application for a variance is whether this property is unique, or whether the needs were unique, such that a variance is required. She asked Mr. Jensen what was unique about his situation.

Mr. Jensen replied that the ability to expand is critical. Other elements include how Rinchem builds facilities to optimize site circulation, iso container containment, how potential spillage and drainage is handled, and how chemicals are contained until they are transported. Regarding drainage and wastewater handling, he stated Rinchem always overbuilds and exceeds safety requirements to ensure they have sufficient containment for any type of spill.

Council Member Wiltrout thanked Mr. Jensen and stated that she had to believe that storage of chemicals was contemplated when the city established its TMD standards. She asked staff what the normal setbacks are for hazardous chemical storage.

Planning Manager Mayer responded that staff did not contemplated storage of chemicals until now, and TMD is the only land use category that allows for this type of hazardous use storage.

Council Member Wiltrout thanked staff and stated that she was glad Rinchem was here, and that New Albany is glad this industry is coming. She asked Mr. Jensen what other

options were considered and what was his vision for the present lot and whether the adjacent lot was considered.

Applicant Simone O'Halloran of MDG Architecture/Interiors explained that they focused on optimization of site in terms of truck circulation, and also Rinchem's operation when designing the layout of this site.

Commissioner Larsen asked whether they looked at an option where the chemicals are contained within the 200 feet.

Ms. O'Halloran responded yes, that was an initial consideration. They wanted to push everything as far away from the residences as possible, which is why it encroaches on the east, but wanted to be sure that there was sufficient room for trucks to circulate the site.

Commissioner Schell asked whether the applicants had investigated purchasing additional land.

Mr. Jensen responded that it was his understanding that additional land on the north and east sides is not available.

Planning Manager Mayer added that COI New Albany owned the property to the east, and MBJ Holdings owned the property to the north.

Commissioner Larsen stated that there must be a solution where outdoor storage of the hazardous waste stays within the setback and the building violates the setback.

Mr. Jensen responded that the four ISO containers will be 100% contained within a space and functionally, it is like a building. He added that Rinchem does not handle open air chemicals.

Commissioner Larsen continued that nothing is foolproof.

Mr. Jensen stated that this facility and the ISO containers would be built to a standard that is three times the standard required by law.

Commissioner Schell stated that he would be much more likely to vote for the building to encroach into the setback than for the chemicals to encroach into the setback.

Chair Kirby added that there is storage within the building as well and that counts.

Commissioner Schell remarked that the building is completely enclosed.

Chair Kirby added that the building is surrounded by a 10-foot concrete wall.

Mr. Jensen responded that he understood and stated that he wanted to emphasize that containment was the key to success with this facility; these are all packaged materials and there was constant training regarding handling spills.

Chair Kirby stated that in layman's terms this would be similar to beer delivery, the containers remained sealed at all times during delivery. He added that the facility looked great, the lot just looked too small.

Mr. Jensen replied that Chair Kirby's comparison to beer delivery was correct. He explained the location of the containers and how the containers moved through the facility. He further remarked that the drainage easement required space but there was nothing that could be done about that.

Commissioner Schell asked staff whether there had been any response from the property owners to the east or to the north.

Planning Manager Mayer responded that the property owners to the east and to the north have not responded, but staff has heard from the residential neighbors.

Chair Kirby recognized Aaron Underhill, Attorney for MBJ Holdings, the property to the north and asked whether Mr. Underhill was comfortable commenting on his client's view of the encroachment.

Mr. Underhill stated that he was present for another application and that he had not talked to his client about the subject property or the variance request so he did not know their view of the encroachment. Nonetheless, he remarked that he was reasonably confident that MBJ knew of the use when they sold the property to Rinchem. He further stated that he could make a phone call.

Chair Kirby continued that a statement of agreement or no objection from the owner of the property bordering the encroachment would be helpful. This case presented a spirit and intent problem with the *Duncan* criteria. It would be easier for the application to succeed if they knew whether the adjacent property owners agreed.

Commissioner Schell agreed. He stated that he applauded the applicant for getting this as far away from the residents as possible, but in accordance with Chair Kirby's observations, it would be helpful to hear from the adjacent property owners.

Commissioner Wallace asked the applicant to help the commission understand how this facility operates on a typical day.

Mr. Jensen explained that it is a logistics facility and one of the keys is consolidation. Rinchem facilitates consolidation of the materials and it facilitates transportation. Consolidation of the materials improves the impact on the environment. The property itself is organized for site circulation, the flow of the trucks and the containers through the facility. He further explained that if there is a spill it is contained on the loading dock. Because of the size and nature of the ISO containers, a gantry crane was required to pick them up and move them. He indicated the planned future phase of the warehouse facility.

Commissioner Wallace asked whether any hazardous materials were stored inside the warehouse.

Mr. Jensen replied yes, within the warehouse and the ISO containers. He explained that there are acids and bases, and none of the materials that are stored have carcinogens in them, so they would not introduce risk to the environment if they became airborne.

Commissioner Wallace observed that he was not sure whether there was much of a difference between 200 feet or 30 feet if the chemicals became airborne. He continued that the variance request was about as close to the property line as it could get. He continued that this request might be more palatable if there was a bit more distance from the property line - getting closer to the 200-foot setback.

Mr. Jensen replied that he understood the comment and explained that as the turns and access were tightened, the risk increased. The yard is designed to minimize risk.

Commissioner Wallace stated that he was not sure if the applicant planned to table this application tonight but the applicant's testimony about safety were not supported by

evidence in the record before the commission. It would be difficult for the commission to support this request which purports to rest on a safety record without evidence of that safety and the commission would like to see something.

Mr. Jensen responded that he appreciated the comment and that Rinchem's goal is to make everyone comfortable. He continued that he was happy to provide evidence of Rinchem's safety record. He hoping that the application would not be tabled tonight, but want everyone to be comfortable.

Council Member Wiltrout stated that she would be interested in knowing whether Rinchem's other facilities had similar setbacks, and whether any were within 35-feet.

Mr. Jensen replied that most of their sites comply with local requirements, but he did not know off the top of his head whether any were within 35-feet.

Chair Kirby asked for other questions from the commission. Hearing none, he opened the public hearing.

Paul Weinberger, 106 Aruba Ave., Johnstown, approached the lectern. He stated that commented on this application at the December 18, 2023 Planning Commission hearing. At that hearing he provided a list of question (see Appendix). He asked whether those questions were provided to Rinchem.

The applicant nodded in assent.

Mr. Weinberger stated that he was concerned that very few of his questions were addressed by Rinchem tonight. He asked how the 200-foot setback was developed, what the purpose of the 200-foot setback was, and whether it considers the storage of chemicals.

Planning Manager Mayer explained that when researching and drafting this chapter of the code, staff surveyed what the commission and council had typically imposed upon more intense commercial uses, and determined that 200-feet was appropriate. He stated that setbacks in New Albany were larger. He continued that regarding the 200-foot setback for the TMD (technology manufacturing district), that it also included mounding and screening requirements that applied to all manufacturing facilities in New Albany.

Mr. Weinberger asked whether the transport of chemicals was considered, whether neighboring residential wells were considered, and also asked about the holding ponds, and whether there would be annual tests to detect containment.

Mr. Jensen responded that the focus was about containment within the facility. The warehouse and ISO yards have controls in place, as does the holding pond. The ISO yard is not roofed facility. Before anything is released into the holding pond, it is tested. It is tested again prior to being released into waste water.

Commissioner Wallace asked to describe the worst-case scenario, for example if the liquid in a container leaks from the container. What would the protocol be for containment, whether there was a succeeding basin to catch and clean liquids, and asked about the rain and the snow.

Mr. Jensen explained the protocols for handling and subsequent testing in the event of a spill or leak. Rinchem has contracted with an emergency response team – they have a 30-minute response time and they are trained specifically for spill clean-up. Prior to anything being released, it would be tested.

Mr. Weinberger asked if there was something in the holding pond to prevent leeching.

Mr. Jensen explained that the pond is lined with an impermeable material to prevent leeching.

Mr. Weinberger continued that one of his concerns was with the containers. Ohio has high winds, and in the event a container is dropped or came off of its base, it was unclear how far the chemicals could travel either through the air, the water, or on the land.

Chair Kirby asked whether the applicant had a Tornado F rating for the facility, and whether there was a category storm rating and protocol.

Mr. Jensen responded that he would provide it. He further stated that he had lived in Taiwan and when the weather was intense the containers were down-stacked to consider the stronger winds and that operations become minimized during inclement weather.

Mr. Weinberger stated that he understood about the facility, but was concerned about the containers that were outside. He explained that he is concerned about them being dropped and spilling, or picked up by high winds and spilling. He asked how will mitigation be validated before the fact. Rinchem was asked to provide all complaints and litigation proceedings but that information has not been provided. Rinchem was asked to provide a list and the MSDS for each chemical but that information has not been provided. He recalled that he was advised to test his water, but how does he know what to test for without knowing what is being stored. Without the safety record, the safety protocols cannot be measured. Further data needs to be provided regarding what the safe distance for storage is. It also remains clear what happens to these chemicals over time, their degradations rates. There are many sites around Intel that are still for sale. Why place a storage facility closer to residents than to Intel? Are Intel lives more valuable than the lives of the adjacent residents? Doesn't efficient operation allow for closer storage? Intel is good for everybody, except certain residents, but why can't Rinchem relocate to a lot closer to Intel?

Chair Kirby thanked Mr. Weinberger and stated that under current zoning, the applicant has the right to use their property in this way. This application sought a variance that would permit encroachment into the setback, had they had a smaller facility they would not need permission from this body.

Council Member Wiltrout commented that when the setback was established it was done with the understanding that handling these types of chemicals may be required.

Mr. Weinberger responded that the information was incomplete because it is not clear what chemicals will be there, there is no list.

Planning Manager Mayer responded that this was the largest setback in the city, because of the potential that comes with storing hazardous material.

Mr. Weinberger responded that the reality is that there is so much land. This lot is insufficient and he wondered how much is the company saving.

Chair Kirby stated that he suspected the application would be tabled and requested that Mr. Weinberger would continue with his list. He stated that if he recalled correctly, the applicant had stated under oath that the chemicals stored were not harmful. He further asked Mr. Weinberger if the clerk could make a copy of the list of questions and provide it to the applicant at tonight's meeting.

Mr. Weinberger responded of course, he suggested that he give his list to staff so Rinchem could have a copy. He submitted his questions to the deputy clerk.

Thereafter Deputy Clerk Madriguera copied the list and provided copies to the applicants. The list is included in the Appendix.

Mr. Weinberger continued that the question was whether this variance would put the future owners at risk.

Commissioner Schell responded that all concerned were worried about safety, but the commission's review was limited to the variance.

Chair Kirby added that that was why it was important to hear from the adjacent property owners.

Mr. Weinberger thanked the commission and stated he looked forward to the applicant's responses to his questions.

Scott Driscoll, 156 Bermuda Drive Johnstown, approached the lectern. Mr. Driscoll indicated the location of his property on the site map. He observed that Rinchem was attempting to push the chemicals away from his house, but he was concerned that reorganization would result in the chemicals being stored closer to his home. He stated that he had the same concerns as Mr. Weinberger.

Chair Kirby asked if there were other members of the public present. Hearing none, he advised the applicant that he had the right to proceed to a vote on the application. He further confirmed that the applicant would agree to the tabling of this application until the Planning Commission meeting on Wednesday, February 21, 2024.

Mr. Jensen stated that he wished to clarify for the record that the reason that Rinchem has not provided a list of lawsuits was because there were none. Rinchem has not been found at fault in environmental litigation. He further stated that he would provide information regarding the chemicals and the safety record.

Commissioner Wallace stated that the best way to proceed from here, rather than the commission hearing responses to each question, would be for Rinchem to meet with the residents and provide the responses and have needed discussions.

Mr. Jensen agreed.

Chair Kirby moved to accept the staff reports and related documents including the written testimony of Mr. Weinberger into the record for VAR-89-2023. Commissioner Schell 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. Schell yes, Ms. Briggs yes, Mr. Larsen yes, Mr. Wallace yes. Having five yes votes, the motion passed and the staff reports and related documents including the written testimony of Mr. Weinberger were accepted into the record for VAR-89-2023.

Commissioner Schell moved to table VAR-89-2023 until the regular Planning Commission meeting on Wednesday, February 21, 2024. 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, VAR-89-2023 was laid upon the table until Wednesday, February 21, 2024.

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

VAR-104-2023 Variances

Variances to the Reserve at New Albany PUD text and plat to allow a home extension to encroach into the rear setback and conservation easement, and to allow a paver patio to encroach into a conservation easement at 7823 Calverton Square (PID: 222-001816). Applicant: The Columbus Architectural Studio on behalf of Thad and Susanne Perry

Planning Manager Mayer delivered the staff report. He explained the two separate variances. The first is a request to retain the existing patio, the second is to allow a cover to be constructed on the patio. He stated that the homeowners' association has approved the patio and that the commission should consider each variance on their own merits.

Chair Kirby asked if there were any comments from engineering.

Development Engineer Albright said there were no engineering comments.

Chair Kirby asked to hear from the applicant.

Applicant Brenda Parker, architect for the project, reminded the commission that the project does not seek to enlarge the footprint of the patio. She explained that the reason the existing patio encroached 4-feet into the conservation easement was due to the large chimney. Because the chimney took up a lot of space, more room was needed for furniture.

Joe Ciminello, Reserve at New Albany Architectural Review Board (ARB) member, spoke to the conservation area. He stated that about 10 years ago the city came out and staked the conservation area and it was known then that the patio encroached into the conservation area. He stated that these property owners have the support of the home owners' association (HOA) and arb. He further stated that the neighboring property owners support the application and that this application maintains the spirit and intent of the conservation area.

Commissioner Schell noted that Mr. Ciminello mentioned the architectural review board and asked whether the homeowners' association was separate or whether they were the same entity.

Mr. Ciminello responded that they are the same. For that reason, only architectural review board approval is required.

Applicants, Thad and Suzanne Perry, property owners. The Perry's stated that they bought the home in August 2023 moved in in September 2023. They explained that they love the outdoors and enjoy spending time in nature and did not intend to disturb the environment or their neighbors. They stated that did not know the process and had no knowledge of the prior owners' activities. The plot layout was not presented until after closing, so they were unaware of the conservation easement text. They further stated that they have no working knowledge of the records of the city but they knew through records and discussions with neighbors that the patio has been in place for 15 years. The Reserve

started in '94 and theirs is the third house. As professionals they were aware of data and filing deadlines. They continued that their hope was that, based on the permits and the drawings put forward, that the commission will approve this request. Having a cover on the patio will greatly reduce the insects. They continued that as they age, it takes longer for them to heal from insect bites. They added that it was their understanding that neighbors had submitted letters of support, and as Mr. Ciminello had stated, they now had the support of the hoa and arb. They thanked the commission for its consideration.

Chair Kirby thanked the applicants. He complimented Mr. Ciminello for drafting one the stronger conservation easements in New Albany, and remarked further that it was his understanding that the text prohibited mowing and removal of the understory. He requested that note F be read.

Planning Manager Mayer read note F, which provides:

Note "F" - Conservation Areas: No structure or building shall be placed upon, in or under areas designated "Conversation Area" [sic] hereon, nor shall any work be performed thereon which would alter the natural state of such areas or damage any of the trees or vegetation thereon provided, however (1) that there shall be such construction areas as may be required for the installation, operation and maintenance of utility and drainage facilities for the development as the developer may deem necessary for efficient development and (2) that within such areas in lots 10, 11, 18 and 19, such construction areas shall be replanted and revegetated with a minimum 30 - 2 inch to 4 inch hardwood trees. Such maintenance within said "Conservation Area" shall occur only in easement areas designated on this plat unless otherwise approved by the Village of New Albany Engineer. Areas disturbed by such maintenance shall be restored as nearly as practical to their original condition. Notwithstanding the foregoing, trees and/or vegetation which are dead or diseased may be removed therefrom.

Chair Kirby thanked Planning Manager Mayer and stated, that the dead trees could be removed but everything else must remain as wooded as possible.

Ms. Perry submitted a photo (see Appendix) in order to demonstrate how green the area is. She indicated the area of the lawn and explained that it is minimal. She further stated that they would love trees and would commit in writing to adding trees and that they cannot see their neighbors houses in the summer. She stated that she and her husband are outdoor people and the patio covering would improve our quality of life because we would be less bitten by bugs

Commissioner Schell thanked the Perrys for securing the approval of the neighbors and for asking Mr. Ciminello to appear in support of the application.

Chair Kirby asked for further questions from the commission. Hearing none, he asked if anyone from the public was present to comment on the application. Hearing none, he stated that the variance requests would be voted on separately. The existing patio would be VAR-104-2023A and the cover would be VAR-104-2023B.

Chair Kirby moved to admit the staff reports and related documents into the record for VAR-104-2023. 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. Schell yes, Ms. Briggs yes, Mr. Larsen yes. Having five yes votes, the staff reports and related documents were admitted into the record.

Commissioner Briggs moved for approval of VAR-104-2023A, for retention of the existing patio, based on the findings and subject to any conditions in the staff report, subject to staff approval. Commissioner Schell 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: Ms. Briggs yes, Mr. Schell yes, Mr. Wallace yes, Mr. Kirby yes, Mr. Larsen yes. Having five yes votes, the A section of VAR-104-2023 to permit retention of the existing patio was approved.

Chair Kirby explained that he voted yes because the Perrys did not install the existing patio. It was installed two owners ago which is a long way to fix someone else's mistake. He further found that the patio encroachment was not egregious.

Commissioners Wallace and Larsen concurred.

Commissioner Briggs moved for approval of VAR-104-2023 B for the screened porch to encroach into the conservation easement. Commissioner Schell seconded the motion.

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

Commissioner Larsen commented that the existing fireplace pushed the existing encroachment even further into the conservation area.

Ms. Parker clarified that the it would not be pushed further into the conservation area; the existing grill would be replaced with a fireplace but the foot print would not be enlarged.

Chair Kirby asked to hear the roll.

Upon roll call: Ms. Briggs yes, Mr. Schell yes, Mr. Wallace no, Mr. Larsen no, Mr. Kirby no. Having two yes votes and three no votes, the motion to permit a build a screened in porch over the existing patio failed.

Chair Kirby explained that he voted no because, unlike the existing patio encroachment, this was within the current owner's control. The request did not meet the *Duncan* criteria. Although the porch does not intrude as much as the pavers, anything growing at the edge of the pavers will have a canopy impact to the porch.

Commissioner Wallace echoed Chair Kirby's findings and added that he did not want to set a precedent.

Commissioner Larsen agreed with Chair Kirby and Commissioner Wallace and further found that there was an alternate solution that could be reached that would meet all standards.

Chair Kirby agreed and stated that a flatter and narrower porch would still fit.

Mr. Ciminello commented that he understood the first vote but did not understand the logic of the second vote. Going vertical would not prevent trees from being planted. He continued that the [the Reserve's] Architectural Review Board reviewed this extensively and determined the porch was not an encroachment because there would not be natural trees there. He reiterated that this would be a metal roof without heating or cooling, and that it matches the architectural standards of the neighborhood.

Chair Kirby explained that it constitutes a new intrusion in the easement and it does not meet the intent of the text.

Planning Manager Mayer stated that unlike most variances, this PUD text provided for Council's review of the commission's decision on variances. The commission's recommendations would be considered by council.

Chair Kirby thanked staff and the applicants and encouraged them to make their case before council.

Chair Kirby called a recess at 8:50 p.m.

Chair Kirby called the meeting to order at 9:01 p.m. and asked to hear the staff report for ZC-125-2023.

ZC-125-2023 Rezoning

Rezoning 9.89+/- acres to allow for the continued use and operation of the existing garden center business and residential uses associated with Oakland Nursery LLC at 5211 and 5155 Johnstown Road (PID: 222-000297 and 220-001952). Applicant: Oakland Nursery LLC, c/o Aaron L. Underhill, Esq.

Planner Cratic-Smith delivered the staff report.

Chair Kirby asked to hear from engineering.

Development Engineer provided the engineering comments.

Chair Kirby asked to hear from the applicant.

Applicant Aaron Underhill, attorney representing Oakland Nursery explained that the home has been in the city for some time, but the retail operation is in Plain Township. He stated that when the owners approached him about adding parking, he suggested that they resolve the jurisdictional issue. To that end, the annexation will be effective soon. He stated that this zoning text has been drafted to maintain the beauty and fun of Oakland without letting it become a huge garden center. The home is used for employees who have traveled to work at Oakland and that Oakland has committed to screening for the neighbors. He concluded that he was happy to answer any questions.

Commissioner Schell asked whether the township supported the annexation, noting that they would lose the tax revenues.

Mr. Underhill responded that they did not contact him and that there is a long-standing annexation agreement. He speculated that they may not have liked it but considering the expense they were not going to fight it.

Commissioner Larsen noted that in the Strategic Plan this was residential and asked whether the Strategic Plan would need to be updated in order to reflect this.

Planning Manager Mayer responded that the Strategic Plan recommends future land uses when land is redeveloped but it is silent on annexation of existing business. If this property was redeveloped in the future, the Strategic Plan recommends it become residential.

Chair Kirby asked staff to point out the location Rocky Fork Creek.

Planning Manager Mayer indicated the location of the Rocky Fork Creek on the site plan and stated that it was on the backside of the property and under Thompson Road.

Chair Kirby stated that it was troubling that this was made in perpetuity and asked about the requirements for the riparian corridor.

Planning Manager Mayer responded that it was the typical 50 feet on each side of the creek from the centerline of the stream.

Chair Kirby observed that meant, for the applicant, that there would not be much room because of the riparian corridor.

Mr. Underhill responded that was exactly right and for that reason, he has advised Oakland to call him first if they want to make changes that would encroach into the riparian corridor.

Chair Kirby stated that he was fine with it as it is but it would be limiting. He wanted to be sure that the applicant was clear on that issue. He noted the existence of leisure trail on the north side of Thompson Road asked whether there was any thought to a trail on the south side of Thompson Road.

Planning Manager Mayer responded yes. Staff has asked for dedication on the south side. The parking has been situated to accommodate the setback and corridor treatment on Johnstown Road. The installation of trail would be required if and when improvements happen on that side of the property.

Chair Kirby confirmed that the trail on the north side would remain and asked Mr. Underhill whether he objected to the south side dedication.

Mr. Underhill responded no, they had no objection to the dedication but noted that it would reduce their usable space but were willing to comply with the setbacks.

Commissioner Wallace asked for staff's reaction to alleviating the tree requirements in the parking lots. He observed that the parking lot could look like a big asphalt area and asked about the addition of islands.

Planning Manager Mayer responded that staff considered that issue and concluded no islands would be reasonable at this site because there are landscaping materials that are for sale and present on the site.

Commissioner Wallace thanked Planning Manager Mayer and asked whether the parking in this area (around the house) would be for customers or for employees at the house.

Applicant Mark Riener for Oakland Nursery, responded that the parking would be mainly for employees except when it gets busy, during that time it would be for customers. He added that, regarding the parking lot and landscaped islands, Oakland needed a parking lot without islands in order to accommodate large delivery trucks. He explained that islands make the parking lot difficult to navigate for large trucks, and large trucks damage the islands. Commissioner Larsen asked about the ingress and egress of deliveries.

Mr. Reiner explained that the trucks come in on Thompson Rd. and exit on 62. He added that ingress for trucks from 62 was a nightmare.

Chair Kirby noted that there was a residential neighbor to the west and further south, and asked the applicant whether he would object to a removable sign indicating that area around the residence was employee parking only. This would reduce headlight spill on to the neighbor's property.

Mr. Reiner considered this and responded that he had no objection, provided the sign was removable during busy times.

Planning Manager Mayer added that installation of evergreens on that border and around the corner was a condition of approval.

Chair Kirby noted it was condition one and asked the applicant whether he had any objection to that condition.

Mr. Reiner responded that he had no objection. He added that Oakland has been dealing with the neighbors for 15 years and were willing to do whatever made them happy.

Chair Kirby noted there was agreement on Thompson Road that it keeps the original setback lines relative to right of way, even if the right of way moves. So, the setback lines would remain where they were even if the right of way moves.

Mr. Underhill responded that was right, essentially it was drafted that the existing conditions would remain even if the right of way moved. He wanted it to be considered legally conforming because if there was a casualty event he wanted to be able to replace what was there.

Chair Kirby stated ok, so we get both the right of way and we don't have to worry about the lanes moving and that was his third condition and the fourth was the employee parking signage.

Commissioner Larsen noted that the text said the house could store materials or be used as a residence.

Mr. Reiner clarified that there is a large nice barn to the north, there is a house that is a residence and it was his intent that the storage is limited to the barn.

Mr. Underhill stated that the text could clarify that there is no exterior storage.

Commissioner Wallace stated that Roman III E stated that storage on the residential property be restricted to the garage or the existing barn. The commission could add a condition referencing that text.

Mr. Underhill agreed to the condition.

Chair Kirby asked if there were any further questions or if anyone was present from the public who wished to comment on the application. Hearing none he moved to accept the staff reports and related documents into the record for ZC-125-2023. 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. Schell yes, Ms. Briggs 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-125-2023.

Chair Kirby moved for approval of application ZC-125-2023 based on the findings in the staff report with the conditions in the staff report, subject to staff approval, and with the following additional conditions:

3. right of way on Thompson Road for future leisure trail be dedicated maintaining existing setback lines;

4. movable signage for employee parking behind the house whenever possible; and

5. III E of the text, storage on the residential property shall be restricted to in the garage or the existing barn.

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, Ms. Briggs yes, Mr. Larsen yes, Mr. Schell yes. Having five yes votes, the motion passed and ZC-125-2023 was approved.

The commission wished the applicants good luck.

Chair Kirby introduced VAR-126-2023 and asked to hear from staff.

VAR-126-2023 Variances

Variance to the C.O. 1171.07 to allow 76.45+/- square yard of artificial turfgrass in the rear yard at 7113 Armscote End (PID: 222-004851).

Applicant: Marc Aubry, Greenscape Landscape Co.

Planner Cratic-Smith delivered the staff report.

Chair Kirby asked if there were comments from engineering.

Development Engineer Albright responded that there were not.

Chair Kirby asked staff whether installation of pavers would require a variance or whether the applicant could just pull a permit.

Planning Manager Mayer responded that they could pull a permit and install pavers.

Commissioner Wallace noted the property line and asked whether the rest of the grass was living.

Planning Manager Mayer answered yes, and indicated the location of the golf course. He also held up a sample of the product.

Chair Kirby asked whether the artificial turfgrass was permeable.

Applicant Marc Aubry of Greenscape Landscape Co., answered yes and noted the small holes in the product.

Commissioner Briggs asked staff whether this product was used at any other location in New Albany.

Planning Manager Mayer answered that the other area he knew of was the Courtyard at New Albany. He was not exactly sure whether it was used in other areas but it was possible that he was missing something. He mentioned that there are some putting greens, but those do not require permits because those were not the actual landscaping.

Council Member Wiltrout recalled discussions during consideration of the Courtyard at New Albany about allowing turfgrass in the yards. The discussions included maintenance and pet usage.

Chair Kirby agreed and recalled the same.

Mr. Aubry responded that he had not done work in New Albany, but he knew that there were Epcon communities that use it.

Commissioner Wallace asked if staff knew what other communities were doing and how they dealt with artificial turf issues. He noted that this application presented a small area for usage and asked how small was too big and when would usage of turfgrass become a big deal for New Albany.

Planning Manager Mayer responded that he was sure that Council Member Wiltrout's recollection was correct and that there was another location in New Albany that used this product. He continued that staff has not researched other communities but he knew turfgrass was growing in popularity for use outside residential homes. He noted that he had heard that it was easier to clean after dog usage.

Commissioner Wallace thanked Planning Manager Mayer and observed that it seemed that there were other benefits, for example if the living grass died, but wondered how the artificial turf would be monitored and enforced over time. He stated that this seemed to be a variance now that will lead to a code change.

Planning Manager Mayer responded that in this case staff would keep the variance request on file. He continued that items that break down or deterioration of the product over time are the city's mechanism for requiring replacement of the product. He also noted the existence of the property maintenance code and further that the city was subject to county storm water drainage standards and maintenance of a certain percentage of living plants.

Chair Kirby stated that the city has existing limits on pavers in the back and front yards. This presents an alternative to pavers that looks better.

Planning Manager Mayer responded that he was not sure if this was the same as pavers in terms of setbacks and lot coverage amounts. These would examined on a case by case basis.

Chair Kirby continued that the commission would like to be consistent with variance applications.

Commissioner Wallace noted that when the commission approved the application for Epcon, the commission was making the rules. A request for a variance was asking to change the rules, and this request did not meet the requirements, as established in *Duncan*, for such a change. He further observed that the property owner could install pavers.

Planning Manager Mayer responded yes, the Epcon application was a zoning text modification because it was across everyone's backyard but this application met a lot of the same rules as Epcon.

Chair Kirby stated it was a good idea but it did not meet *Duncan*. He asked to hear from the applicant.

Mr. Aubry explained that his client has gone through a lot and the city has put a lot of work into reviewing this issue. He stated that his company had taken over this job from someone else and the zoning inspector has visited the property many times. He stated that the zoning code language is ambiguous because it specifically prohibits artificial plants but it is silent about artificial grass. He noted that the proposed area is removed from the property so the it could have been characterized as a putting green.

Commissioner Larsen asked whether it was visible from the golf course and whether there were plantings and screening around it.

Commissioner Briggs asked what kind of fence was there.

Mr. Aubry responded that the golf course was lower than this area, and further that there were plantings all around it. The pool fence met the code requirement of four feet. He continued that the product looked like natural grass, that unlike natural grass, this product would not wither with pool water. There was planting on the outside of the fence.

Commissioner Schell asked why not use natural grass.

Mr. Aubry explained that whole area was raised up, it was gravel filled and as a result it was difficult to water. He added that the pool water would damage the grass, and was not connected to any natural grass. The plants did not require as much water as plants.

Commissioner Wallace asked why not install pavers.

Applicant and property owner Mr. Carmen thanked the commission for their consideration. He answered that he did not want to hardscape that area and explained that he has two small children and a third child that he and his wife are expecting to be born in ten weeks. He continued that this was their forever home. He noted the layout of the property which includes a drainage easement and a steep drop-off. He stated that as a result, there is not much outside area for play. Ebrington is one of the few communities that does not have green space. He continued that with three children under the age of four he wanted to have a soft spot for them to play, but it would be difficult to cultivate natural grass on this area. He continued that his property was not visible to anyone and that this would be a great benefit to his family. He thanked the commission again and thanked city staff.

Chair Kirby asked for further questions from the commission and asked whether there was anyone present who wished to speak on the application.

Hearing none, Chair Kirby moved for acceptance of the staff reports and related documents into the record for VAR-126-2023. Commissioner Wallace seconded the motion.

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

Upon roll call: Mr. Kirby yes, Mr. Wallace yes, Mr. Larsen yes, Mr. Schell yes, Ms. Briggs yes. Having five yes votes, the motion passed and the documents were admitted into the record.

Chair Kirby moved for approval of VAR-126-2023 based on the findings in the staff report. He noted there were no conditions listed in the staff report, but the turfgrass should be restricted to the amount of area shown in the staff report. Commissioner Larsen seconded the motion.

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

Upon roll call: Mr. Kirby yes, Mr. Larsen yes, Mr. Wallace no, Mr. Schell yes, Ms. Briggs yes. Having four yes votes and one no vote, the motion passed.

Commissioner Wallace explained that he voted no because he did not think this application met the *Duncan* factors. The property can be used without this variance.

Chair Kirby explained that he voted yes because this was a minimal area, it was in the backyard, that it could have been covered with pavers, and real grass would die due to the nature and slope of this property.

Commissioner Larsen agreed with Chair Kirby and noted that the visibility of the turfgrass was almost none.

Mr. Aubry offered additional remarks supporting his view that this is preferable to pavers, or a putting green, and that it should be considered as such or in the same way a playground would be considered.

The commission wished the applicant good luck.

Mr. Carmen thanked the commission for their consideration and for their approval.

VII. Other business

Chair Kirby asked if there was any other business to come before the commission.

Planning Manager Mayer answered there was not.

VIII. Poll members for comment

Chair Kirby polled the members for comment.

The members wished all present a happy new year.

IX. Adjournment

Chair Kirby adjourned the January 17, 2024 meeting of the New Albany Planning Commission at 10:00 p.m.

Submitted by Deputy Clerk Madriguera, Esq.

Appendix FDP-87-2023, FPL-88-2023, FPL-91-2023, FPL-92-2023 Tabling Memo Records of Action VAR-89-2023 Staff Report 24 0117 PC Minutes – DRAFT Testimony of Mr. Weinberger Record of Action VAR-104-2023 Staff Report Ms. Perry's photo of the property Record of Action ZC-125-2023 Staff Report Record of Action VAR-126-2023 Staff Report Record of Action



Planning Commission Staff Report January 17, 2023 Meeting

COURTYARDS AT HAINES CREEK SUBDIVISION FINAL DEVELOPMENT PLAN & PRELIMINARY PLATS

LOCATION:	Generally located at the northwest corner of the intersection at Central College Road and Jug Street Rd NW (PIDs: 222-005156, 222-005157, 222-005158, 222-005159).
APPLICANT:	EC New Vision Ohio LLC, c/o Aaron L. Underhill, Esq.
REQUEST:	Final Development Plan & Preliminary Plats
ZONING:	Courtyards at Haines Creek I-PUD Zoning District
STRATEGIC PLAN:	Residential District
APPLICATION:	FDP-87-2023 (and all three associated Plats FPL-88-2023, FPL-91-2023, and FPL-92-2023)

Staff report completed by Chelsea Nichols, Planner.

I. REQUEST

The applicant requests that the Courtyards at Haines Creek final development plan and all associated plat applications be tabled to the February 21, 2024 Planning Commission meeting. The applicant indicates they are currently working on making changes to their plans and request extra time to finalize their revised proposal.

II. ACTION

Move to table final development plan application **FDP-87-2023**, and all three associated plats **FPL-88-2023**, **FPL-91-2023**, and **FPL-92-2023**, to the Wednesday, February 21, 2024 regular planning commission meeting.

Approximate Site Location:



Source: ArcGIS



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.



Decision and Record of Action

Tuesday, January 18, 2024

The New Albany Planning Commission took the following action on 1/17/2024 .

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 March 18, 2024 regular meeting, or sooner.

Commission Vote: Motion Table, 5-0

Result: FDP-87-2023 was Tabled to the March 18, 2024 regular meeting, or sooner, by a vote of 5-0.

Recorded in the Official Journal this January 18, 2024.

Condition(s) of Approval:

N/A

Staff Certification:

Chelsea Nichols

Chelsea Nichols Planner



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Thank you.



Decision and Record of Action

Tuesday, January 18, 2024

The New Albany Planning Commission took the following action on 1/17/2024.

Final Development Plan

Location: Central College Road

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

Application: FPL-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 March 18, 2024 regular meeting, or sooner.

Commission Vote: Motion Table, 5-0

Result: FPL-88-2023 was Tabled to the March 18, 2024 regular meeting, or sooner, by a vote of 5-0.

Recorded in the Official Journal this January 18, 2024.

Condition(s) of Approval:

N/A

Staff Certification:

Chelsea Nichols

Chelsea Nichols Planner



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Thank you.



Decision and Record of Action

Tuesday, January 18, 2024

The New Albany Planning Commission took the following action on 1/17/2024.

Final Development Plan

Location: Central College Road

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

Application: FPL-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 March 18, 2024 regular meeting, or sooner.

Commission Vote: Motion Table, 5-0

Result: FPL-91-2023 was Tabled to the March 18, 2024 regular meeting, or sooner, by a vote of 5-0.

Recorded in the Official Journal this January 18, 2024.

Condition(s) of Approval:

N/A

Staff Certification:

Chelsea Nichols

Chelsea Nichols Planner



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

Thank you.



Decision and Record of Action

Tuesday, January 18, 2024

The New Albany Planning Commission took the following action on 1/17/2024.

Final Development Plan

Location: Central College Road

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

Application: FPL-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 March 18, 2024 regular meeting, or sooner.

Commission Vote: Motion Table, 5-0

Result: FPL-92-2023 was Tabled to the March 18, 2024 regular meeting, or sooner, by a vote of 5-0.

Recorded in the Official Journal this January 18, 2024.

Condition(s) of Approval:

N/A

Staff Certification:

Chelsea Nichols

Chelsea Nichols Planner



RINCHEM HAZARDOUS MATERIAL SETBACK VARIANCE

LOCATION: APPLICANT:	3195 Harrison Road (PID: 095-111732-00.000, 095-111564-00.000) Tuan Q. Luu with MDG Architecture Interiors on behalf of Rinchem Company LLC
REQUEST:	Variances to C.O. 1154.12(b)(3) to allow both outdoor storage and indoor storage of hazardous materials to encroach into the setback where code requires such material to be at least 200 feet from all property lines
ZONING:	Technology Manufacturing District (TMD)
STRATEGIC PLAN: APPLICATION:	Employment Center VAR-89-2023

Review based on: Application materials received on September 15, October 20 and November 1, 2023.

Staff report prepared by Chelsea Nichols, Planner.

I. REQUEST AND BACKGROUND

The applicant requests a variance to allow the storage of hazardous material to be setback less than the required 200 feet minimum for the current and future phases of the development. The current phase (phase one) includes the indoor storage of hazardous material setback 88' from the eastern property line and outdoor storage setback 35' from the northern property line and 30' feet from the eastern property line.

The Planning Commission reviewed and tabled this application at the November 2023 meeting due to the applicant not being present at the meeting. The applicant's proposal, requested variance, and the associated materials are unchanged.

The proposed project would support chemical storage and distribution for Intel's semiconductor manufacturing campus in New Albany.

ISO tank containers comply with the International Standard Organization (ISO) standards. They are suitable for transporting both hazardous and non-hazardous bulk liquids. ISO containers are made with stainless steel and housed inside a protective layer.

II. SITE DESCRIPTION & USE

The 29.8-acre property is located on the north side of Harrison Road NW; which is generally west of the intersection at Harrison Road NW and Clover Valley Road NW, within Licking County. The property is surrounded by vacant TMD zoned land to the north, south and east. The site is also adjacent to vacant L-GE zoned property to the southwest and residential properties to the west.

III. ASSESSMENT

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

Criteria

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

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

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

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

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

III. EVALUATION

Variances to C.O. 1154.12(b)(3) to allow both outdoor storage and indoor storage of hazardous materials to encroach into the setback where code requires such material to be at least 200 feet from all property lines.

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

- 1. The city's Technology Manufacturing District (TMD) acknowledges that due to the nature of the permitted uses in the TMD, hazardous waste and materials storage and processing is anticipated. When such storage and/or processing are desired the following code requirements apply (chapter 1154.12(b)):
 - a. The nature of the storage and processing shall be described in a detailed written statement that shall be submitted as part of an application for a Planning and Design Permit. This statement also shall provide details regarding the safety measures and protocols that are proposed to prevent the migration of any hazardous materials outside of designated containment areas and procedures that

will be implemented upon the occurrence of an event that does or has the potential to damage the environment, persons, or property. This information shall be provided so that relevant City departments and public safety providers will have notice of the presence of these storage and processing operations.

- The applicant states the phase one ISO yard containing hazardous materials is proposed 30' from the east property line and 35' from the north property line, screened by a 10' CMU wall at those property lines. An 8' tall chain link fence meets the CMU wall at both ends, wrapping the rest of the project area for phase one, ensuring the entirety of the development is screened.
- The ISO yard is separated into six individual, fully contained spill containment basins with sensors. The ISO yard does not meet the hazardous storage setback of 200' from the north or east property lines, but provides screening and protection in-lieu of separation.
- b. All such storage and/or processing shall comply in all respects with state and federal law and regulations, and shall not be undertaken until such time as all necessary state and federal permits are received and copies of the same are provided to the City.
 - The materials being stored are received in multiple containers approved by the US Department of Transportation.
 - The interior storage of hazardous materials is to be compliant with the current local, state and federal building and fire codes. This project will utilize H-3 occupancy for the flammable storage area and H-4 for the corrosive storage material. The construction type for the building is IA, the exterior walls will be 3-hour rated. The building will be fully equipped with building and in-rack sprinkler system compliant with current fire code and per NFPA13.
- c. <u>No such storage and/or processing shall occur within the greater of (A) two</u> <u>hundred (200) feet of any perimeter boundary of a parcel that is not under</u> <u>common ownership and (B) an otherwise applicable minimum building setback.</u> <u>The applicant proposes the following setbacks:</u>
 - Northern proposed setback for the outdoor storage: 35 feet [does not meet code, variance requested]
 - Eastern proposed setback for the outdoor storage: 30 feet [does not meet code, variance requested]
 - Eastern proposed setback for the building containing indoor storage: 88 feet [does not meet code, variance requested]
 - Southern proposed setback for building containing indoor storage: 235+/feet [meets code]
 - Western proposed setback for building (phase two) containing indoor storage: 593+/- feet [meets code]
 - Western proposed setback for outdoor storage (phase two): 397+/- feet [meets code]
- d. If such storage or processing is undertaken outside of a structure, then all exterior areas where these activities are occurring shall be surrounded by a masonry wall that is at least ten (10) feet in height, but only if they are wholly or partially visible in whole or in part from a public street right-of-way. Building facades may be used to meet this requirement. Any gates or doors shall include enhanced security features to ensure that unauthorized individuals cannot gain access to the area.
 - The applicant proposes to surround the outdoor storage a 10' CMU wall at those property lines.
- 2. The variance request may be substantial. The large setbacks are due to the potentially significant impact on life, property, and the environment. The Planning Commission should take into consideration the safety precautions the company is installing onsite and the distances to neighboring properties. The adjacent properties include residential to the

west, and undeveloped properties to the north, east, and south that is also zoned TMD. Setback requirements are met to the west and south. The setback requirements are not met to the north and east.

- 3. The "spirit and intent" of the zoning requirement is to create separation between the hazardous material stored on-site and neighboring uses. The applicant proposes to construct a 10-foot-tall concrete masonry wall around the portions of the site where the setback encroachment is proposed in order to create a physical and visual separation.
- 4. There does not appear to be special conditions or circumstances that exist which are peculiar to the land or structure involved which are not also applicable to other lands or structures in the same zoning district.
- 5. It appears that the problem could be solved in some other manner other than the granting of a variance request. There are undeveloped properties to the north and east where additional land may be purchased and phases could be altered to initially store the hazardous material 200 feet away from the property lines.
- 6. The Planning Commission should consider if granting the variances will 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.
- 7. Granting the variance would not adversely affect the delivery of government services.

IV. RECOMMENDATION

The TMD zoning code contemplates and permits hazardous material to be stored outside within this portion of the business park. Due to the potential hazards of chemical storage, the codified ordinances require a minimum 200-foot setback from property lines regardless of the neighboring use. The large setback is intended to reduce the risks and protect neighboring properties from adverse health effects and physical hazards such as spills that can harm people and property.

V. ACTION

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

Move to approve application VAR-89-2023 (conditions of approval may be added).



Approximate Site Location:

New Albany PC Mr. Weinberger's puestions 1/17/24

Ouestions:

- 1) Is the 200' setback applied to all businesses in the Technology Manufacturing District?
- 2) What is the purpose of the 200" setback?
- 3) Does the setback take into account chemical safety?
- 4) Was there a study or investigation done for the distance each chemical and/or particles can travel in the air (tornado/high winds), by water seepage or soil spread?

 Ine an (communication)

 5)

 What is Rinechem doing to ensure our wells are not being communication?

 Will Rinechem conduct annual tests to ensure there is no contamination?

 Will Rinechem conduct annual tests to ensure there is no contamination?
 - 5) What is Rinechem doing to ensure our wells are not being contaminated?

 - 8) Will variances be locked in or can other variances be requested?
 - \checkmark 9) Please provide the Material Safety Data Sheet for all chemicals to be stored.
 - 10) Without a variance how many acres would it have been necessary to purchase in order to achieve
 - Rinchem's objectives stated in the documents provided:
 - a) to not cause a disorder to necessary site circulation,
 - b) to not cause inefficient truck movement and site operations,
 - c) for materials to be out of view,
 - d) allow sufficient shielding to the public from hazardous material storage, and
 - e) protect the other Technology Manufacturing District companies' personnel?
 - 11. Why was sufficient property not purchased to avoid the need for a variance? How much money did the purchase of a smaller parcel save Rinchem Company?
 - 12. Other than the wall and fence mentioned in the documents provided, what shielding materials/barriers will be used to keep the warehouse and ISO yard as out of view of the residential neighborhood?
 - 13. Can Rinchem Company can build a smaller building and have a smaller yard while increasing operating efficiencies and improving configurations to avoid the need for a variance.
 - 14. There are undeveloped properties to the north and east where additional land may be purchased and phases could be altered to initially store the hazardous material 200 feet away from the property lines. Can Rinchem Company move their location to where they can meet the setback requirements, do their civic and social responsibility to protect residential housing and people in the Technology Manufacturing District to ensure the public interest is served (Factors considered).
 - 15. Has Rinchem evaluated and determined how having a chemical storage facility next to a residential housing development will affect the values of the existing homes?
 - 16. Rinchem Company is requested to provide all environmental litigation, findings, court rulings, complaints (this includes but is not limited to civil, legal and otherwise) worldwide against Rinchem Company. Specifically noting where Rinchem Company is purported to be at fault. Without this the detriment to the public welfare (Factors considered) cannot be determined.
 - 17. To further determine any detriment to the public welfare, it is requested that Rinchem Company provide a list of all chemicals it anticipates storing at the New Albany, Ohio location.
 - 18. Why is a chemical storage facility closer to a residential development than to the manufacturer for which it is storing chemicals?
 - 19. Why would the chemical storage facility not be next to Intel?
 - 20. Having the chemical storage facility closer to a residential development than to the manufacturer puts the residents at greater risk than Intel personnel. Are the lives of Intel personnel more valuable than the residents who have lived here for more than twenty years?
 - 21. Is saving a few hundred thousand dollars worth the risk to health and lives of people?

Rinchem LLC – Summary Version

It appears that Rinchem Company anticipated applying for a variance when they bought the land so they could purchase a smaller parcel and save money. They have several locations all over the world, as such, they should be experts at selecting sites and planning for their operations.

Without a variance how many acres would it have been necessary to purchase in order to achieve Rinchem's objectives stated in the documents provided:

- 1. to not cause a disorder to necessary site circulation,
- 2. to not cause inefficient truck movement and site operations,
- 3. for materials to be out of view,
- 4. allow sufficient shielding to the public from hazardous material storage, and
- 5. protect the other Technology Manufacturing District companies' personnel?

Why was sufficient property not purchased to avoid the need for a variance? How much money did the purchase of a smaller parcel save Rinchem Company?

Other than the wall and fence mentioned in the documents provided, what shielding materials/barriers will be used to keep the warehouse and ISO yard as out of view of the residential neighborhood?

Public interest (Factors considered) is not served if the variance is granted because it may adversely affect the safety of persons residing or working in the vicinity of the proposed development due to situating chemicals closer to people and facilities outside of Rinchem Company. Since chemicals will be closer to people outside of Rinchem Company it may be materially detrimental to the public welfare (Factors considered), or injurious (Factors considered) to private property in the vicinity.

Rinchem Company states "substantial justice would be done to the property-owner:" This is not a valid argument by Rinchem Company. It is reasonable to expect that Rinchem Company should have had knowledge of the zoning restriction and set back requirements (Factors considered). This variance issue was created by Rinchem Company and New Albany Company, with thousands of acres available, they chose a location next to residential housing and purchasing an undersized parcel to save money. The special conditions and circumstances are a result from the action of the applicant (factors to consider).

The problem can be solved by some manner other than the granting of a variance (Factors considered). Rinchem Company can build a smaller building and have a smaller yard while increasing operating efficiencies and improving configurations to avoid the need for a variance. This will allow a reasonable return and a beneficial use of the property without the variance (Factors considered). This will also allow the essential character of the neighborhood not to be substantially altered (Factors considered).

As stated in the PC 23 1120 Rinchem Hazardous Storage Setback Variance V-89-2023, section III. EVALUATION, 5: "It appears that the problem could be solved in some other manner other than the granting of a variance request. There are undeveloped properties to the north and east where additional land may be purchased and phases could be altered to initially store the hazardous material 200 feet away from the property lines."

The proposed use and variance will not preserve the "spirit and intent" of the zoning requirement (Factors considered) because having a chemical storage facility next to a residential development creates substantial unnecessary risks to the community (Factors considered). A "substantial justice" is not done (Factors considered), in fact a substantial injustice is created by allowing the variance and by Rinchem Company trying to save money at the expense of the residential community and workers in the Technology Manufacturing District.

Stating "will not diminish the values of surrounding properties," is an incomplete statement by Rinchem Company. They have no mention of how having a chemical storage facility next to a residential housing development will affect the values of the existing homes.

Granting a variance from 200' to 88' and 35' is substantial (Factors considered). The interest of the public (Factors considered) is best served when chemicals are as far away as possible from people.

Rinchem Company is requested to provide all environmental litigation, findings, court rulings, complaints (this includes but is not limited to civil, legal and otherwise) worldwide against Rinchem Company. Specifically noting where Rinchem Company is purported to be at fault. Without this the detriment to the public welfare (Factors considered) cannot be determined. To further determine any detriment to the public welfare, it is requested that Rinchem Company provide a list of all chemicals it anticipates storing at the New Albany, Ohio location.

The problem can be solved by some manner other than the granting of a variance (Factors considered). Rinchem Company should consider moving their location to where they can meet the setback requirements, do their civic and social responsibility to protect residential housing and people in the Technology Manufacturing District to ensure the public interest is served (Factors considered).

In Chandler AZ the chemical storage facility is approximately one mile from residential housing and 3.5 miles approximately from Intel. In New Albany Ohio the chemical storage facility is approximately 400' to 800' or approximately a tenth of a mile from residential housing and approximately 2 miles from Intel.

Studies have been shown that the chemicals used in the manufacturing process carry many health hazards. Some chemicals are known carcinogens, cause reproductive problems, etc. How many cancer cases, reproductive problems and deaths have to occur before proper action is taken?

- Why is a chemical storage facility closer to a residential development than to the manufacturer for which it is storing chemicals?
- This puts the residents at greater risk than Intel personnel.
- Why would the chemical storage facility not be next to Intel?
- Are the lives of Intel personnel more valuable than the residents who have lived here for more than twenty years?
- Is saving a few hundred thousand dollars worth the risk to health and lives of people?



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

Dear MDG Architecture,

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.



Decision and Record of Action

Tuesday, January 18, 2024

The New Albany Planning Commission took the following action on 1/17/2024.

Variance

Location: 3195 Harrison Road Applicant: MDG Architecture

Application: PLVARI20230089
 Request: Variance to allow the storage of hazardous material to be setback less than the required 200 feet minimum for the current and future phases of the development.
 Motion: To table

Commission Vote: Application tabled to the February 21, 2024 meeting

Result: Variance, PLVARI20230089 was tabled, by a vote of 5-0. Recorded in the Official Journal

this Tuesday, January 18, 2023.

Condition(s) of Approval: N/A

Staff Certification: Chelsea Nichols

Chelsea Nichols Planner



7823 CALVERTON SQUARE CONSERVATION AREA VARIANCE

LOCATION: APPLICANT: REQUEST:	 7823 Calverton Square (PID: 222-001816) The Columbus Architectural Studio c/o Thad and Susanne Perry (A) Variance to the subdivision plat to allow an open paver patio to encroach a platted conservation area by 9 feet (B) Variance to the Reserve at New Albany PUD section 26.04.01 and the subdivision plat to allow a screened porch home addition to encroach into the minimum rear yard setback and a platted conservation area by 4 feet
ZONING:	Reserve at New Albany I-PUD
STRATEGIC PLAN:	Residential
APPLICATION:	VAR-104-2023

Review based on: Application materials received on December 15, 2023.

Staff report prepared by Stephen Mayer, Planning Manager.

I. REQUEST AND BACKGROUND

The applicant requests two variances. The first is to allow an existing paver patio to remain that is partially located within the conservation area. And the second request is to allow the construction of a home addition to encroach within the building setback and conservation area in the rear yard. The home addition is a screened-in porch located over the existing paver patio. During the city staff initial review of the application, it was discovered the paver patio is encroaching into a conservation area. The city staff couldn't locate any historically issued variances or permits for the paver patio so the applicant has added a request to allow it to remain as constructed.

At their November 21, 2023 meeting, the Planning Commission tabled this application to allow the applicant to submit the proposal to their subdivision HOA prior to the Planning Commission taking final action on the variances. The applicant has submitted a written approval from the homeowner's association for the paver patio and building addition. The city staff has received several emails from neighbors in support of the variances. There are no changes to the plans since the last meeting.

Section 18 of the Reserve at New Albany PUD text states that variances may be requested of the Planning Commission but must be approved by the city council. <u>Accordingly, the Planning Commission is review and make a recommendation to city council regarding the variance requests.</u>

II. SITE DESCRIPTION & USE

The 0.4-acre property is located in the Reserve at New Albany subdivision and contains a single-family residential home that was built in 1997. The property is surrounded by single family residential homes on all sides of the property.

III. ASSESSMENT

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

Criteria

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

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

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

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

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

III. EVALUATION

(A) <u>Variance to the subdivision plat to allow an open paver patio to encroach a platted</u> <u>conservation area by 9 feet</u>

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

1. The applicant is requesting a variance to allow an open paver patio to encroach 9 feet into a conservation area located on the back of the property. There is a 30 foot conservation area which prohibits any structure or building from being constructed within it and is established by a subdivision plat note.

NOTE "F" - CONSERVATION AREAS: No structure or building shall be placed upon, in or under areas designated "Conversation Area" hereon, nor shall any work be performed thereon which would alter the natural state of such areas or damage any of the trees or vegetation thereon provided, however, 1) that there shall be such construction areas as may be required for the installation, operation and maintenance of utility and drainage facilities for the development as the developer may deem necessary for efficient development and 2) that within such areas in lots 10, 11, 18 and 19, such construction areas shall be replanted and re-vegetated with a minimum 30 - 2 inch to 4 Inch hardwood trees. Such maintenance within said "Conservation Area" shall occur only in easement areas designated on this plat unless otherwise approved by the Village of New Albany Engineer. Areas disturbed by such maintenance shall be restored as nearly as practical to their original condition. Not withstanding the foregoing, trees and/or vagetation which are dead or diseased may be removed therefrom.

- 2. The codified ordinance section 1105.02(bbb) defines a structure as "anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground, including, among other things, walls, buildings, and patios. 'Structure' does not include fences."
- 3. That the special conditions and circumstances do not result from the action of the applicant. There is currently a paver patio constructed within the conservation easement. Based on aerial imagery, it appears the patio was constructed sometime between 1997 and 2000. The city staff could not locate any permits or variances associated with the paver patio. Therefore, a variance is required to allow the paver patio to remain within the conservation easement. The current property owners and applicant, Thad and Susanne Perry, purchased the property in 2023.
- 4. The variance does not appear to be substantial. This is a long-standing existing condition. The patio encroachment is very minor compared to the overall conservation area on the lot. The conservation area is 6,737 square feet, equating to 38.7% of the overall lot area. The area of the paver patio encroaching to the conservation easement is 279 square feet. The 279 square feet encroachment area is 4.1% of the conservation area on the lot.
- 5. The variance request appears to meet the spirit and intent of the zoning requirement. The Reserve at New Albany PUD text allows for open porches and patios to encroach into the required yard if a minimum distance of 20 feet is maintained to any rear lot line. The existing patio meets this requirement. Additionally, allowing the patio to remain will not alter or negatively impact any of the existing trees within the conservation area.
- 6. 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.
- 7. Granting the variance would not adversely affect the delivery of government services. There are no easements or public utilities located within the rear of the property.
- (B) Variance to the Reserve at New Albany PUD section 26.04.01 and the subdivision plat to allow a screened-in porch (home addition) to encroach into the minimum rear yard setback and a platted conservation area by 4 feet The following should be considered in the board's decision:
- 1. There are two zoning regulatory restrictions located within the rear of the property:
 - The first is a minimum 30 foot rear yard building setback. This is the standard building setback applicable to the entire residential subdivision.
 - The second is a 30 foot conservation area which prohibits any structure or building from being constructed within it established by a subdivision plat note. The conservation area is located on the rear of lots within the western half of the

subdivision.

- 2. The applicant is requesting a variance to allow a screened-in porch to encroach into both the minimum rear yard building setback and a platted conservation area by 4 feet. The screened in porch is considered a home addition since it is attached to the primary home.
- 3. The variance request does not appear to be substantial. The property is 0.4 acres (17,424 square feet). The conservation area is 6,737 square feet, equating to 38.7% of the overall lot area. The screened in porch is 457 square feet in size and 124 square feet of it is encroaching into the building setback and conservation areas. The 124 square feet encroachment area is 1.8% of the conservation area on the lot.
- 4. It appears the problem can be solved by some manner other than the granting of a variance. The existing house is located 3.5 feet from the rear yard setback line and conservation area so there is buildable space behind the home. The applicant could reduce the size of the screened in porch by 4 feet, and utilize the 3.5 feet of buildable space, and not need a variance.
- 5. There doesn't appear to be special conditions and circumstances that 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. Section 25.06 states "conservation areas will be designated in the rear of lots six (6) through thirteen (13) and sixteen (16) through twenty-four (24) in order to conserve the existing trees. The care of these areas will fall to each owner of a lot containing a conservation area. The subject property is lot 21 so the properties on both sides of it have the same conservation area.
- 6. 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.
- 7. Granting the variance would not adversely affect the delivery of government services. There are no easements or public utilities located within the rear of the property.

IV. SUMMARY

The applicant is requesting two variances with this application and the board should consider each on their own merits. The first is to allow an existing condition that they inherited from a previous owner to remain. The second variance is for a building addition on a portion of the existing paver patio space.

The existing paver patio within the backyard is an existing condition requiring a variance since there is no evidence of it being permitted. The patio area is surrounded by landscaping and allowing it to remain will not alter the spirit and intent of the conservation area which is to preserve trees.

The addition of the screened in porch is located on the existing paver patio that is partially located within a conservation easement. Therefore, allowing the home addition will not negatively any trees or other natural vegetation within the conservation area. The home addition is also encroaching into the required rear yard building setback but it does not appear to be substantial.

V. ACTION

Should the Planning Commission find that the application has sufficient basis for recommending approval, the following motions are appropriate:

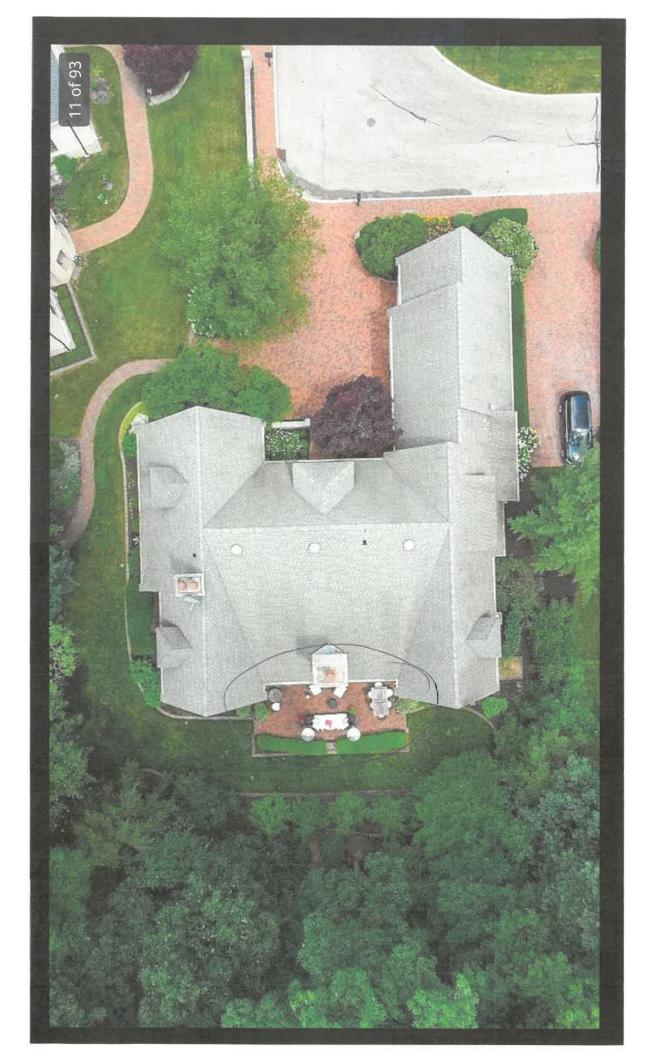
Move to recommend approval of application VAR-104-2023 variance A to allow the existing open paver patio to encroach a platted conservation area by 9 feet (conditions of approval may be added).

Move to recommend approval of application VAR-104-2023 variance B to allow a screened porch home addition to encroach into the minimum rear yard setback and a platted conservation area by 4 feet (conditions of approval may be added).

Approximate Site Location:



Source: NearMap





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

Dear The Columbus Architectural Studio,

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.



Decision and Record of Action

Thursday, January 18, 2024

The New Albany Planning Commission took the following action on 01/18/2024.

Variance

Location: 7823 CALVERTON SQ Applicant: The Columbus Architectural Studio

Application: VAR-2023-0104

Request	: (A) Variand	te to the subdivision plat to allow an open paver patio to	
	encroach a	platted conservation area by 9 feet.	
	(B) Varianc	te to the Reserve at New Albany PUD section 26.04.01 and	
	the subdivis	sion plat to allow a screened porch home addition to encroach	
	into the mir	imum rear yard setback and a platted conservation area by 4	
	feet.		
Motion	: To recomm	end approval for Variances (A) and (B) to city council.	
Commission	Vote: (A)	Motion to recommend approval of Variance (A) to the subdivision plat to allow	
	an o	open paver patio to encroach a platted conservation area by 9 feet (vote) passed	
	5-0		
	(B)	Motion to recommend approval of Variance (B) to the Reserve at New Albany	
	PU	D section 26.04.01 and the subdivision plat to allow a screened porch home	
	addition to encroach into the minimum rear yard setback and a platted		
	con	servation area by 4 feet failed 2-3.	
Result:	Application	VAR-2023-0104 Variance (A) motion to recommend approval passed by a	
	vote of 5-0,	and VAR-2023-0104 Variance (B) motion to recommend approval failed by a	
	vote of 2-3.		

Recorded in the Official Journal this January 18, 2024.

Condition(s) of Approval: N/A.

Staff Certification:

Sierra Cratic-Smith

Sierra Cratic-Smith Planner



Planning Commission Staff Report January 17, 2024 Meeting

OAKLAND NURSERY ZONING DISTRICT REZONING

LOCATION:	5211 and 5155 Johnstown Road (PID: 222-000297 and 220-001952)
REQUEST:	Re-Zoning
ZONING:	From R-2 (Low Density Single Family Residential District) & AG
	(Agriculture District) to I-PUD Planned Unit Development
STRATEGIC PLAN:	Parks & Green Space / Residential
APPLICATION:	ZC-125-2023
APPLICANT:	Ohio LLC, c/o Aaron Underhill, Esq.

Review based on: Application materials received December 15, 2023.

Staff report completed by Sierra Cratic-Smith, Planner

I. REQUEST AND BACKGROUND

The applicant requests a review for the rezoning of 9.88+/- acres. The request proposes to create a new zoning text for an area known as the "Oakland Nursery Zoning District" by zoning the area to Infill Planned Unit Development (I-PUD) from R-2 (Low Density Single Family Residential District) & AG (Agriculture District).

The rezoning proposes to allow for the continued operation of the existing garden center business and allows accessory uses such as product storage, employee parking, and housing seasonal staff in a neighboring residential home the business has purchased. Since the site is already substantially developed the applicant proposes to include the review of a parking lot expansion in conjunction with and as part of this rezoning application. The applicant proposes development standards that allow for the continued use and development pattern of the existing commercial business.

II. SITE DESCRIPTION & USE

Both sites are currently located along Johnstown Road/ US State Route 62. The site is located at the southwest corner of Johnstown Road and Thompson Road. The primary property is developed with a garden center on 8.407 acres of land and the residential property, adjacent to the garden center, stands on 1.485 acres of land.

The properties are adjacent to township residential and religious uses to the west. There are also religious uses and residential across the street along Johnstown Road and a residential subdivision across the street along Thompson Road.

III. PLAN REVIEW

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

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

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

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

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

A. Engage New Albany Strategic Plan

The 2020 Engage New Albany strategic plan designates the area as the 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 Retail 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 site is located within the Engage New Albany strategic plan's residential future land use district but contains a long-standing garden center business. The rezoning proposes to allow the continued operation of the existing garden center and allow for accessory uses such as product storage, employee parking, and housing seasonal staff in an adjacent residential home that the business has purchased.
- 2. The proposed zoning text permits the following uses:
 - a) Lawn & garden centers.
 - b) Greenhouses.
 - c) Retail sales of plants, trees, bushes, shrubbery and similar living organisms.
 - d) Retail sales of lawn and garden supplies and equipment, interior and exterior home décor, and related goods.
 - e) One single family home as an accessory use to any permitted use, restricted to housing for employees of the owner or operator of the permitted use. Interior storage of supplies, materials, and goods associated with another permitted use shall be permitted with the home, but exterior storage of such items shall be prohibited.
 - f) Exterior storage of plants, trees, bushes, shrubbery and other similar living organisms available for sale.
 - g) Outdoor displays of goods for sale.
 - h) Accessory structures for the storage of inventory, supplies, and equipment.
 - i) Temporary outdoor festivals and events intended to draw customers to the primary uses on the site.
 - j) Farmer's markets, when operating in conjunction with and during the hours of operation of another permitted use.
- 3. The proposed zoning text includes limitations on special event uses. The following limitations shall apply:
 - a) Temporary outdoor festivals and farmer's markets will operate in conjunction with and during the hours of operation of another permitted use.
 - b) Temporary signage shall only be permitted during October and December for the calendar year and will be reviewed administratively by city staff.
- 4. The zoning text establishes the following setbacks listed in the table below. Minimum setback requirements are being provided to apply to any new construction or development within this zoning district

SETBACKS	
Johnstown Road	The minimum setback from the right-of-way
	shall be 25 feet for pavement and 50 feet for
	buildings.
Thompson Road	The minimum setback from the right-of-way
	shall be 25 feet for pavement and 75 feet for
	buildings.
Southern & Western Boundaries	The minimum setback from the western
	perimeter boundary line of this zoning
	district shall be 25 feet for pavement and 60
	feet for buildings.
Internal Boundaries	Setbacks along all internal property
	boundaries between adjoining parcels within
	this zoning district shall be zero for all
	buildings and pavement.

5. The site contains an existing channelized tributary to the Rocky Fork Creek. In order to match the existing development pattern the zoning text contains a provision that allows for existing structures, storage areas, and improved areas (including but not limited to paved, unpaved, and gravel areas) to be exempt from any required setbacks of the Codified Ordinances from streams or creeks or relating to riparian corridors. However, any new construction or modifications to existing improvements shall be required to comply with the city riparian corridor requirements.

C. Access, Loading, Parking

- 1. The single-family home shall provide for vehicular parking within a two-car garage and may provide for parking of at least two additional cars in the driveway just for employees.
- 2. The garden center business currently has two curb cuts: one on Johnstown Road and one on Thompson Road. The residential building contains its own curb cut on Johnstown Road. There are no additional curb cuts proposed or contemplated in the zoning text. Additional curb cuts will be evaluated with future development proposals.
- 3. The residential driveway shall be permitted to serve only the existing home on the site and access to other uses or improvements on the site from this driveway is prohibited.
- 4. The zoning text exempts the parking lot expansion from providing the typical parking lot islands and trees. This is consistent with the existing parking lot pattern. However, the spirit and intent of the landscaping code requirement appear to be met due to the nature of the business and the significant amount of landscaping on the site. However, it is required to provide the typical shrubs for headlight screening from the surrounding properties.
- 5. This application includes the review of a parking lot expansion in conjunction with and as part of this rezoning application since the site is already substantially developed. The parking lot expansion is on the residential home's property and is located beside and behind the home. There is an addition of 78 parking spaces for a total of 118 spaces.
 - a. The parking lot expansion appears to be appropriately designed and located since it is behind the residential home and matches the current pavement setback that exists today along Johnstown Road.
 - b. The code requires one parking space per 200 square feet of gross floor area for retail uses. According to the Franklin County Auditor, the garden center contains a total 12,357 +\- feet of retail space resulting in a minimum of 81 parking spaces being required. With the addition of 78 parking spaces, there area total of 118 spaces, which exceeds the minimum requirement of 81 spaces.
 - c. The parking lot spaces and drive aisles meet all of the dimensional requirements found in the city parking code.
 - d. There is no parking lot lighting proposed to be added.
 - e. The applicant has submitted a truck turning study indicating that deliveries and emergency vehicles can navigate the site. The parking lot expansion is designed around this turning study to ensure there are no changes to the navigability of the site.
- 6. There is already an existing leisure trail along Johnstown Road so no additional trail is required as part of this parking lot expansion.

D. Architectural Standards

- 1. The proposed rezoning text is silent on architectural standards; therefore, the city's Design Guidelines & Requirements apply to this zoning district.
- 2. The zoning text requires that no individual building or structure in this zoning district shall exceed 8,000 square feet of gross floor area.

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

1. The zoning text includes a landscaping and buffer requirement along the portion of the boundary of this zoning district that is shared with the residential property. (PID 220-001797) This includes the western property line and the area extending from the

southernmost point of that shared boundary line on the west to the right-of-way of Johnstown Road on the east.

- a. Within the pavement setbacks of this area, the text requires plantings that achieve an opaqueness of seventy-five percent (75%) during full foliage and attain ten (10) feet in height within five (5) years of planting.
- b. As part of the parking lot expansion, the applicant has provided a landscape plan that includes 15 Green Giant trees along the portion of the western property line where there is no existing landscaping. The applicant indicates that the remainder of the boundary line contains existing landscaping that meets this code requirement.
- 2. Along all other perimeter boundary lines of this zoning district which are shared with parcels outside of this Zoning District, based on the existence of mature trees and vegetation near those lines either within the zoning district or on adjacent parcels, significant buffering exists and therefore Codified Ordinances Section 1171.05(c) does not apply.
- 3. The applicant is installing 5 new street trees along Johnstown Road where the parking lot expansion is located.
- 4. The landscape also proposed shrubs along the driveway of the residential home with other landscaping treatments in the front yard in order to keep the residential character of the home.
- 5. The landscape plan includes shrubs along Johnstown Road where the parking lot expansion is located to provide for headlight screening.
- 6. The city landscape architect has reviewed and approved the proposed landscaping plan. The city landscape architect recommends that additional shrubs be provided along the southern terminus (behind the residential home) of the parking lot drive aisle to provide for additional headlight screening. Staff recommends a condition of approval that this landscaping be added (condition #1).

F. Lighting & Signage

- 1. No lighting will be added to the new addition of the parking lot.
- 2. The proposed zoning text states the existing signage within the zoning district shall remain. However, temporary ground signs such as vertical banners and streamers shall be permitted for one consecutive 14-day period in both October and December of each calendar year as part of special business events.
- 3. All new signage shall comply to the requirements of the Codified Ordinances unless otherwise approved by the Planning Commission as part of the final development plan.

D. Other Considerations

- 1. The proposed zoning text states that any modifications or additions to improve the site within the zoning district in accordance with the Revised Parking Plan and the Revised Landscape Plan does not require a final development plan and shall be reviewed administratively by city staff. All other future expansions require a final development plan to be reviewed and approved by the Planning Commission.
- 2. All new utilities in this zoning district shall be installed underground.

IV. ENGINEER'S COMMENTS

The City Engineer, E.P. Ferris reviewed the proposed rezoning application and provided the following comments. <u>Staff recommends a condition of approval that the comments of the city engineer are addressed and incorporated into the zoning text as appropriate, subject to staff approval (condition #2).</u>

- 1) Add flood routing, contour and spot elevation data to the revised site plan showing that all drainage associated with the proposed additional parking will be directed toward the existing basin and away from adjoining parcels.
- 2) Provide a revised SW Report showing that the existing basin meets all water quantity and quality control requirements outlined in Code Section 1181 Stormwater Management and Runoff Control.

3) Where not already provided please provide legal descriptions and exhibits that dedicate 40' of r/w or easements as measured from the Thompson Road centerline and 45' of r/w as measured from the Johnstown Road centerline along all parcel frontages. Along Thompson Road provide an additional 10 feet of right-of-way and a 10-foot streetscape and utility easement in order to meet the strategic plan recommendations. These dedications are consistent with the Strategic Plan and previous r/w dedications for projects located in this area.

IV. SUMMARY

The rezoning application allows for the continued operation of the existing garden center business and ensures it is consistent with the spirit and intent of the city codified ordinances and strategic plan standards. Oakland Nursery is an established, long-standing business within the community and this rezoning supports its continued growth by expanding the parking lot and allowing for accessory uses such as product storage, employee parking, and housing seasonal staff in an adjacent residential home purchased by the business owner. Although the use of residential home is changing to commercial, the exterior of the home will be preserved to keep the residential character of the Johnstown Road corridor.

V. ACTION Suggested Motion for ZC-125-2023:

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

Move to approve application ZC-125-2023 based on the findings in the staff report subject to the following conditions.

- 1. Additional shrubs be provided along the southern terminus (behind the residential home) of the parking lot drive aisle to provide for additional headlight screening, subject to staff approval.
- 2. The comments of the city engineer shall be addressed and incorporated into the zoning text as appropriate, subject to staff approval.

Approximate Site Location:



Source: Near Map



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

Dear Ohio LLC, c/o Aaron Underhill Esq.

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.



Decision and Record of Action

Monday, January 22, 2024

The New Albany Planning Commission took the following action on 01/17/2024 .

Rezoning

Location: 5155 JOHNSTOWN RD Applicant: Ohio LLC, c/o Aaron Underhill Esq.

Application: ZC-2023-0125

- **Request:** To create a new zoning text for an area known as the "Oakland Nursery Zoning District" by zoning the area to Infill Planned Unit Development (I-PUD) from R-2 (Low Density Single Family Residential District) & AG (Agriculture District).
- **Motion:** Move to approve application ZC-125-2023 based on the findings in the staff report subject to conditions.

Commission Vote: Motion Approved with Conditions, 5-0.

Result: Rezoning, ZV-2023-0125 was Approved with Conditions, by a vote of 5-0.

Recorded in the Official Journal this January 18, 2024.

Condition(s) of Approval:

- 1. Additional shrubs be provided along the southern terminus (behind the residential home) of the parking lot drive aisle to provide for additional headlight screening, subject to staff approval.
- 2. The comments of the city engineer shall be addressed and incorporated into the zoning text as appropriate, subject to staff approval.
- 3. Insert into the zoning text, movable signage indicating Employee Parking Only behind the house whenever possible.
- 4. That storage on the residential property as discussed in Section III E be restricted to inside the garage or the existing barn.
- 5. The dedication of right of way on Thompson Road, maintaining the setbacks.

Staff Certification:

Sierra Cratic-Smith

Sierra Cratic-Smith Planner



Planning Commission Staff Report January 17, 2024 Meeting

7113 ARMSCOTE END ARTIFICIAL LANDSCAPE VARIANCE

LOCATION:	7113 Armscote End (PID: 222-004851-00)	
APPLICANT:	Alison & Jesse Carmen	
REQUEST:	Variance to City Codified Ordinance Chapter 1171.07 to allow for artificial turfgrass.	
ZONING:	Comprehensive Planned Unit Development: West Nine 2 Subarea C	
STRATEGIC PLAN:	Residential	
APPLICATION:	VAR-126-2023	

Review based on: Application materials received on December 15, 2023.

Staff report prepared by Sierra Cratic-Smith, Planner

I. REQUEST AND BACKGROUND

The applicant requests a variance to allow the limited use of artificial turfgrass, about 76.4+/square yards, within a fenced in pool area at 7113 Armscote End (PID: 222-004851). The current text is silent on prohibited landscape materials therefore C.O. 1171.07 applies which states artificial plants are prohibited and that all landscape materials shall be living plants for the landscaping material requirements for planting such as grass and ground cover, trees, and shrubs and hedges. The applicant requests a variance to allow for artificial turf around a pool instead of natural grass.

II. SITE DESCRIPTION & USE

The property is 0.74 acres in size and contains a single-family home. The lot is located in the New Albany Country Club Ebrington (West Nine) subdivision. The surrounding properties are located within the same subdivision and contain residential uses.

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.

PC 24 0117 7113 Armscote End Artificial Landscaping VAR-126-2023

- 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

Variance to allow the limited use of artificial turfgrass, about 76.4+/- square yards, within a fenced in pool area.

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

- 1. The city landscaping chapter 1171.07 states artificial plants are prohibited and that all landscape materials shall be living plants for the landscaping material requirements for planting such as grass and ground cover, trees, and shrubs and hedges. The applicant requests a variance to allow for artificial turf around a pool instead of natural grass.
- 2. This variance does not appear to be substantial because of the limited size of the request. The 76.4+/- square yards is a minor portion of the lot. The parcel is about 3,605+/- square yards. This equates to about 2% of the entire lot.
- 3. It does not appear the essential character of the neighborhood would be substantially altered if the variance is approved. The site has a significant change in grade that results in a tiered patio design. As a result, the artificial turf is separated from the ground and is raised above the natural landscape so it's at the same grade as the pool. The artificial turf is located just in the immediate proximity of the pool. The applicant states that natural grass would wither and decay from the pool water and pet use; however, the artificial turfgrass will sustain under these harsh conditions.
- 4. In addition, there are a significant number of shrubs, installed around the pool and artificial turf and screen its view from offsite properties. The limited use and screening appear to result in zero or very limited view from properties. The artificial turf is in the rear yard where it is adjacent to the golf course and not other residential properties.

- 5. This variance preserves the spirit and intent of the zoning requirement because the artificial turf appears visibly the same and is used the same way as natural turf grass. The applicant has provided a sample showing its aesthetic quality.
- 6. This variance does not negatively impact the delivery of government services.
- 7. This problem can be solved by some manner other than the granting of the variance. It appears that installing natural landscape could be installed.
- 8. The city staff could not find any other variances approved for residential turf grass historically. However, artificial turfgrass is permitted for amenities such as putting greens in residential areas. And the zoning at the Courtyards at New Albany subdivision allows for artificial turf grass around the community pool in a similar layout as this request.
- 9. This variance will not adversely affect the health and safety of persons residing or working in the vicinity of the proposed project.

IV. SUMMARY

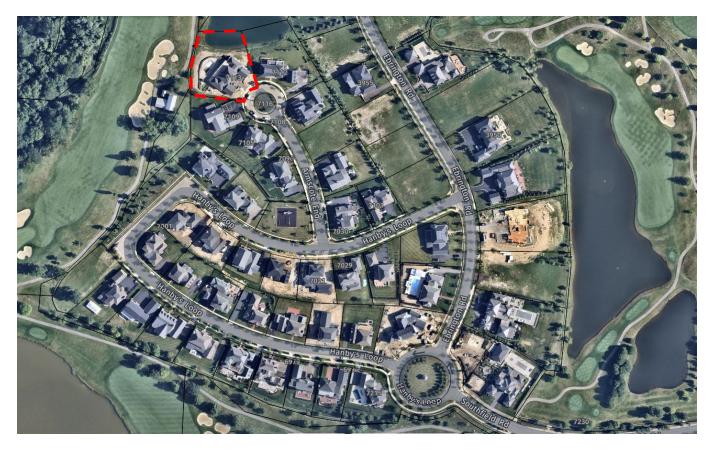
To summarize, the variance does not appear to be substantial considering the small area of artificial turfgrass requested when compared to the overall property and the significant amount of screening surrounding the artificial turf. The applicant requests the variance in order to provide more greenscape to the property instead of paving the area. They state that since it is such a small size and difficult to access, that the artificial turf is necessary to provide an alternative to hardscape.

V. ACTION

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

Move to approve application VAR-126-2023 based on the findings in the staff report (conditions of approval may be added)

Approximate Site Location:



Source: NearMap



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

Dear Greenscapes Landscape Co. Inc.,

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.



Decision and Record of Action

Thursday, January 18, 2024

The New Albany Planning Commission took the following action on 01/17/2024.

Variance

Location: 7113 Armscote End, Unit:63 Applicant: Greenscapes Landscape Co. Inc.,

Application: PLVARI20230126Request: To allow 76.45 square yards of artificial turf in the rear yard.Motion: To approve

Commission Vote: Motion Approved, 4, 1

Result: Variance, PLVARI20230126 was Approved, by a vote of 4, 1.

Recorded in the Official Journal this January 18, 2024

Condition(s) of Approval: N/A

Staff Certification:

Sierra Cratic-Smith

Sierra Cratic-Smith Planner



Planning Commission Staff Report February 21, 2024 Meeting

SMITH'S MILL LOT 14 FINAL DEVELOPMENT PLAN

LOCATION:	Located generally at the northeast corner of Smith's Mill Road and Forest Drive (PID: 222-000347)
APPLICANT:	J. Carter Bean Architect LLC, c/o Carter Bean
REQUEST:	Final Development Plan
ZONING:	Infill Planned Unit Development (I-PUD): Canini Trust Corp, subarea 8a
STRATEGIC PLAN:	Retail
APPLICATION:	FDP-122-2023

Review based on: Application materials received December 15, 2023 and January 23, 2024. *Staff report prepared by Chelsea Nichols, Planner*

I. REQUEST AND BACKGROUND

The application is for a final development plan for a proposed multi-tenant building located generally at the northeast corner Smith's Mill Road and Forest Drive, within the Canini Trust Corp. One of the multiple tenants is a restaurant with a drive-through and another is a bank with a drive-through. The remainder of the tenants are unknown at this time.

The zoning text allows Office buildings and the permitted uses contained in the Codified Ordinances of the Village of New Albany, OCD Office Campus District, Section 1144.02 and C-2, Commercial District, Section 1147.02, and the conditional uses contained in Section 1147.02, which includes restaurants and banks with drive-through facilities. <u>The applicant has applied for a conditional use to be heard by the Planning Commission at tonight's meeting under case CU-124-2023</u>.

The applicant is also applying for three variances related to this final development plan under application VAR-123-2023. Information and evaluation of the variance requests are under a separate staff report.

II. SITE DESCRIPTION & USE

The site is generally located on the northeast corner of Smith's Mill Road and Forest within the Canini Trust Corp site. The site is 2.38 acres and is currently undeveloped. Some of the existing surrounding uses include Home2Suites, Turkey Hill gas station, as well as Dairy Queen which also has a drive-through facility. In addition, both Wendy's (with a drive-through) and Valvoline are two nearby sites that are currently under construction and were approved in 2023.

III. EVALUATION

Staff's review is based on New Albany plans and studies, zoning text, zoning regulations. Primary concerns and issues have been indicated below, with needed action or recommended action in <u>underlined text</u>. Planning Commission's review authority is found under Chapter 1159.

The Commission should consider, at a minimum, the following (per Section 1159.08):

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

It is also important to evaluate the PUD portion based on the purpose and intent. Per Section 1159.02, PUD's are intended to:

- a. Ensure that future growth and development occurs in general accordance with the Strategic Plan;
- b. Minimize adverse impacts of development on the environment by preserving native vegetation, wetlands and protected animal species to the greatest extent possible
- *c. Increase and promote the use of pedestrian paths, bicycle routes and other non-vehicular modes of transportation;*
- d. Result in a desirable environment with more amenities than would be possible through the strict application of the minimum commitment to standards of a standard zoning district;
- e. Provide for an efficient use of land, and public resources, resulting in co-location of harmonious uses to share facilities and services and a logical network of utilities and streets, thereby lowering public and private development costs;
- *f.* Foster the safe, efficient and economic use of land, transportation, public facilities and services;
- g. Encourage concentrated land use patterns which decrease the length of automobile travel, encourage public transportation, allow trip consolidation and encourage pedestrian circulation between land uses;
- *h.* Enhance the appearance of the land through preservation of natural features, the provision of underground utilities, where possible, and the provision of recreation areas and open space in excess of existing standards;
- *i.* Avoid the inappropriate development of lands and provide for adequate drainage and reduction of flood damage;

- *j.* Ensure a more rational and compatible relationship between residential and non-residential uses for the mutual benefit of all;
- k. Provide an environment of stable character compatible with surrounding areas; and
- *I. Provide for innovations in land development, especially for affordable housing and infill development.*

Engage New Albany Strategic Plan Recommendations

The Engage New Albany Strategic Plan recommends the following development standards for the Neighborhood Retail future 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. Retail building entrances should connect with the pedestrian network and promote connectivity through the site.
- 5. Integrate outdoor spaces for food related businesses.

A. Use, Site and Layout

- 1. The applicant proposes to develop an 15,128 sq. ft. mixed use retail building containing multiple tenants; including a restaurant with a drive-through on the north end and a bank with a drive-through on the south end. The remaining spaces within the multi-tenant building would also be retail. The existing total site size is 2.607-acres. Both restaurants and banks with drive-through facilities are a conditional use within this zoning district and the applicant has applied for this conditional use to be heard by the Planning Commission at tonight's meeting under case CU-124-2023.
- 2. The applicant is not proposing a full-service drive-through with menu boards or order kiosk. The restaurant drive-through is proposed for pick-up of pre-ordered food only. The applicant states that this shall have a lower intensity of use and customers will not be waiting for food to be prepared. In addition, the applicant is not proposing a full-service retail banking facility. The applicant expects a total of 3-5 customers per day (both inside and at the drive-through).
- 3. The proposed use is appropriate given the proximity of this site to State Route 161 and the surrounding commercial development surrounding this site. Some of the existing surrounding uses include Home2Suites, Turkey Hill gas station, as well as Dairy Queen which also has a drive-through facility. In addition, both Wendy's (with a drive-through) and Valvoline are two nearby sites that are currently under construction and were approved in 2023.
- 4. Zoning text section 8a.01(7) requires that the total lot coverage, which includes areas of pavement and building, to not exceed 80%. The plan meets this required with a proposed 49.7%.

Road	Requirement	Proposed
Smith's Mill Road	50-foot building and pavement setback	112+/- foot pavement [meets code]
		<u>140+/- building [meets code]</u>
Forest Drive	30-foot building and pavement setback	 15+/- foot pavement [[<u>a variance has</u> <u>been requested under application</u> <u>VAR-15-2023</u>] 49+/- foot building [meets code]
Rear Yard	0-foot building and pavement setback	5-foot pavement [meets code]

5. The zoning text section 8a.01 requires the following setbacks:

		111+/- foot building [meets code]
Woodcrest Way	20-foot building and pavement	30+/- foot pavement [meets code]
		43+/- foot building [meets code]

B. Access, Loading, Parking

- 1. The site is accessed from four curb cuts:
 - a. Two proposed full access curb cuts along Woodcrest Way;
 - b. One existing full access, shared curb cut on Forest Drive;
 - c. A second right-in only, proposed along Forest Drive.
- 2. The zoning text encourages shared access drives between sites by allowing for zero pavement setbacks and by including a provision stating that where appropriate shared access and joint parking agreements between adjacent parcels may be required by the Village Development Director. Historically, the city staff and Planning Commission have encouraged shared curb cuts and connecting drive aisles between sites. The proposed site does establish a drive aisle for shared access to the existing development site to the east.
- 3. The building is surrounded by a patio and retention basin to the west, the parking lot to the east, a drive-through lane to the north, a second drive-through lane to the south. The drive-throughs appear to be appropriately positioned on the site where it does not interfere with traffic on the rest of the site and will not cause traffic to back up onto public roads.
- 4. Codified Ordinance 1167, retail shopping centers are required per code to have one parking space for each 200 square feet of gross floor area, plus one for each three persons allowed under maximum occupancy in any theater or place of assembly. Based on the provided information, it appears as though the site is required to provide 76 spaces. The plan exceeds the required parking minimum with 84 spaces.
- 5. Additionally, the city parking code requires a minimum number of stacking spaces in the drive through lane must be provided. The required number of drive-through stacking spaces for a restaurant with drive-through must equal 25% of the total required parking spaces for the drive-through tenant space. The required number of drive-through stacking spaces for a bank with drive-through must equal 80% of the total required parking spaces for the drive-through tenant space.
 - a) The proposed restaurant with drive-through is 2,421 square feet, which would require 9 stacking spaces. The plan provides 7 stacking spaces for the restaurant drive-through. The applicant has requested a variance related to this under application VAR-123-2023. Information and evaluation of the variance request is under a separate staff report.
 - b) The proposed bank with drive-through is 2,720 square feet, which would require 11 stacking spaces. The plan provides four stacking spaces. The applicant has requested a variance related to this under application VAR-123-2023. Information and evaluation of the variance request is under a separate staff report.
- 6. Per C.O. 1167.03(a), the minimum parking space dimensions required are 9 feet wide and 19 feet long. The application meets this requirement.
- 7. Per C.O. 1167.03(a) the minimum maneuvering lane width size is 22 feet for this development type. The application meets this requirement.
- 8. Per C.O. 1165.06(a)(1), a 5-foot-wide concrete sidewalk is required to be installed along the Forest Drive site frontage. The application meets this requirement.

C. Architectural Standards

- 1. The purpose of the New Albany Design Guidelines and Requirements is to help ensure that the New Albany community enjoys the highest possible quality of architectural design.
- 2. The zoning text contains architectural standards and regulated by Section 6 of the Design Guidelines and Requirements (Commercial outside the Village Center).

- 3. The zoning text states that the maximum building height within this zoning district shall not exceed 35 feet. The proposed building height is 25' 4", therefore this requirement is being met.
- 4. The applicant is proposing to use brick for the majority of the building. The proposal also includes metal canopies and Hardi-plank for the trim. The zoning text permits the use of these materials such as brick, pre-cast stone, wood, glass and other synthetic materials are permitted as long as they are used appropriately. The design of the building and use of materials is appropriate and consistent with other buildings in the immediate area.
- 5. Zoning text section 8a.03(1) states that all visible elevations of a building shall receive similar treatment in style, materials and design so that no visible side is of a lesser visual character than any other. The applicant is accomplishing this requirement by utilizing four-sided architecture.
- 6. DGR Section 6(I)(A)(12) states that buildings shall have operable and active front doors along all public and private roads. The applicant is not providing an active and operable door along Woodcrest Way (private drive) and Forest Drive (public street) and a variance has been requested related to this under application VAR-123-2023. Information and evaluation of the variance request is under a separate staff report.
- 7. Zoning text section 8a.05(3) requires that trash receptacles and exterior storage areas be fully screened from public roads. The applicant is meeting this requirement by providing a dumpster enclosure and landscaping around three sides of the enclosure.
- 8. C.O. 1171.05(b) also states that all trash and garbage container systems must be screened. The applicant proposes to install a dumpster enclosure thereby meeting this requirement.
- 9. A roof plan was submitted and demonstrates that all rooftop mechanical equipment will be fully screened from all public roads.
- 10. Zoning text section 8a.03(3)(b) states that if a flat roof is used, strong cornice lines must be integrated and the applicant is meeting this.

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

- 1. Parking Lot Landscaping Requirement:
 - Codified Ordinance 1171.06(a)(3) requires one tree per 10 parking spaces. The applicant is providing 84 parking spaces thereby requiring 9 trees. The plan meets this requirement.
 - Per zoning text 8a.04(4)(a), parking lots shall be screened from rights-of-way with a minimum 36-inch-high evergreen landscape hedge or wall. The landscape plan meets this requirement with the proposed 36-inch-high evergreen landscape hedge.
- 2. General Site Landscaping Requirement:
 - Codified Ordinance 1171(5)(e) requires parking lots over 20,000 square feet to have a minimum of one tree per 5,000 square feet of ground coverage and a total tree planting equal to 10.5 in tree trunk size for every 2,000 square feet of ground coverage. The applicant states that the parking lot is approximately 33,000 sq ft and the building is approximately 16,000 sq aft, therefore requiring 10 trees at 17" total caliber (CAL). The applicant proposes to provide 10 trees at 20" total CAL. This is at a rate of 2" CAL per tree. However, code requires a minimum of 2.5" CAL per tree and while the landscape table reflects 2.5", the notes states 2.0". The city staff recommends a condition of approval that the plan meets the 2.5" CAL size requirement (condition #1.a).
- 3. Street Tree Landscaping Requirement:
 - The zoning text section 8a.04(2) requires that street trees must be planted along Smith's Mill Road at a rate of one tree for every 30 feet. The existing street trees meet this requirement.
 - The applicant is required to install trees along Woodcrest Way per the approved Woodcrest Way final development plan (FDP-69-2014). The Woodcrest Way final development plan requires the trees along private drives to be red sunset maple. This requirement is met.
 - The Woodcrest Way final development plan requires the site plan and landscape plan to include a 5' wide tree lawn on the outside of the 5' wide sidewalk along

Woodcrest Way. The plan meets this requirement and also provides the 5' wide sidewalk along Forest Drive.

- 4. US 62/Johnstown Road Buffer Landscaping Requirement:
 - Zoning text section 8a.04(5) requires that there be a minimum of eight (8) deciduous or ornamental trees per 100 lineal feet planted throughout the setback areas along Smith's Mill Road and Forest Drive. The proposed landscape plan groups both the requirements for Smith's Mill Road and Forest Drive together by stating 48 trees are required and 48 are provided. However, the requirements need to be separated and should be two separate requirements; one for Smith' Mill Road and a second for Forest Drive. The city staff recommends a condition of approval that this be updated as such to meet this standard (condition #1. b).
- 5. The zoning text requires a minimum of 8% interior parking lot landscaping on the site. The landscape plan meets this requirement.
- 6. The applicant's landscape plan proposes ornamental trees for buffer trees that are required per code. The plan also proposes that the buffer ornamental trees be planted at 1.5" CAL. However, code requires all buffer trees to be deciduous and to be 2.5" CAL. The city staff recommends a condition of approval that the applicant update the plan to meet code (condition #1.2).
- 7. The City Landscape Architect has reviewed the referenced plan in accordance with the landscaping requirements found in the New Albany Codified Ordinances and zoning text and provides the following comments. <u>Staff recommends a condition of approval that all City Landscape Architect's comments are met at the time of engineering permits, subject to staff approval (condition #1.c). The City Landscape Architect's comments are:</u>
 - <u>Shift street trees to continue proper spacing and rhythm along Forest Drive. See diagram.</u>
 - <u>Per American Standard for Nursery Stock, provide the 2.5</u>" caliper Taxodium distichum at a minimum 12' height at install.
 - <u>Replace use of Malus 'Spring Snow' with a deciduous shade tree. Recommend use of one of the following... Liriodendron tulipifera, Nyssa sylvatica, Platanus occidentalis, Gymnocladus dioicus. Resubmit updated plant list.</u>
 - <u>Utilize Malus 'Spring Snow' in place of Syringa reticulata. Resubmit updated plant</u> <u>list.</u>
 - Verify cultivar of Acer rubrum 'Red Sunset'. Resubmit updated plant list.

E. Lighting & Signage

- 1. The applicant has submitted a photometric plan that meets code.
- 2. Zoning text section 8a.05(e) and (f) requires all parking lot and private driveway light poles to be cut-off and downcast, not exceed 20 feet in height, painted New Albany Green and the use the same fixture that has been used at Dairy Queen and throughout the Canini Trust Corp. The application commits to meeting these requirements.
- 3. As part of this final development plan application, the applicant has submitted a preliminary sign plan for the site.

Wall Signs

Zoning text section 8a.06(3)(i) permits one wall mounted sign per retail tenant on each elevation of the building that fronts or sides on a public or private road. The proposed building faces three public streets or private drives. Therefore, three wall signs are permitted for each tenant. In addition, one square foot of sign face is permitted per each lineal foot of the building, not to exceed 80 square feet in size per sign. Signs along Smiths Mill Road are permitted to be up to 80 sq ft in size. The private drive (Woodcrest Way) signs are permitted to be up to 77 sq ft in size. The signs on Forest Drive are permitted to be up to 61 sq ft in size. The applicant proposes the following wall signs:

Woodcrest Way Elevation Wall Sign

- *a.* Area: 39 sq. ft. [meets code]
- *b.* Lettering Height: 24" tall [meet code, 24-inch maximum required]
- *c*. Location: one on the Woodcrest Way building elevation [meets code]
- *d*. Lighting: halo-illumination [meets code, external and halo permitted]
- *e*. Relief: 2-1/2" [meets code, code minimum of 1-inch relief required]
- f. Color: maximum of 3 colors [meets code, 4 colors permitted]
- g. Materials: metal [meets code]

Smith's Mill Elevation Wall Signs

- *a*. Area: 57 sq. ft. per sign [meets code]
- b. Lettering Height: 24" tall [meet code, 24-inch maximum required]
- c. Location: one per tenant along the Smith's Mill building elevation [meets code]
- *d*. Lighting: halo-illumination [meets code, external and halo permitted]
- *e*. Relief: 2-1/2" [meets code, code minimum of 1-inch relief required]
- f. Color: maximum of 3 colors [meets code, 4 colors permitted]
- g. Materials: metal [meets requirements of C.O. 1169.12(g)]

Parking Lot Elevation Wall Signs

- *a.* Area: 57 sq. ft. [meets code]
- b. Lettering Height: 24" tall [meet code, 24-inch maximum required]
- *c*. Location: one per tenant along the rear building elevation [meets code]
- *d*. Lighting: halo-illumination [meets code, external and halo permitted]
- *e*. Relief: 2-1/2" [meets code, code minimum of 1-inch relief required]
- f. Color: maximum of 3 colors [meets code, 4 colors permitted]
- g. Materials: metal [meets requirements of C.O. 1169.12(g)]

Final tenant signage will be reviewed and approved by the city staff at the time of permitting, as long as they meet code (condition #3).

IV. ENGINEER'S COMMENTS

The City Engineer has reviewed the application and provided the following comments. These comments can also be found in a separate memo attached to this staff report. <u>Staff recommends a condition of approval that the comments of the city engineer are addressed, subject to staff approval (condition #2).</u>

- 1. Have a professional surveyor licensed in the state of Ohio sign and seal the ALTA survey included with the submittal.
- 2. Add a major flood routing arrow to the legend and show major flood routing in plan view on sheet C500. Direct runoff away from public streets to the greatest extent practical.
- 3. Engineering staff recommends that the applicant commit to providing only low volume traffic uses where the proposed drive-thru is shown off of Forest Drive. Any other type of use will create back-up issues on Forest Drive.
- 4. Engineering staff will evaluate pavement markings/signage requirements, storm water management, fire protection, sanitary sewer collection and roadway construction related details once detailed construction plans become available

V. SUMMARY

The Planning Commission should evaluate the overall proposal based on the requirements in the Engage New Albany Strategic Plan, the Canini Trust Corp zoning text, and New Albany Design Guidelines and Requirements. The proposed development meets many of the Engage New Albany Strategic Plan development standards; including walkways and landscaping to enhance visual aspects of the development, integrating outdoor spaces for food related business, and designing building entrances that connect with a pedestrian network and promote connectivity.

The city architect has reviewed the proposal and is supportive of the building design. Overall, the building enhances this corridor within the city by proving an appropriately styled building. The building has a lot of the same design elements as other successful multi-tenant developments such as the New Albany Exchange. The building also evokes elements from Market Square with the traditional retail storefront. In addition, the building's proposed architecture matches the standards found within the zoning text and the New Albany's Design Guidelines and Requirements.

The site is well laid out. The city design consultant and city landscape architect have reviewed the plans and are supportive. The building is appropriately positioned on the site to address the primary street, even with the existing stormwater basin located in front, along Smith's Mill Road. The applicant positively activates the basin by locating the outdoor seating along it and Smith's Mill Road.

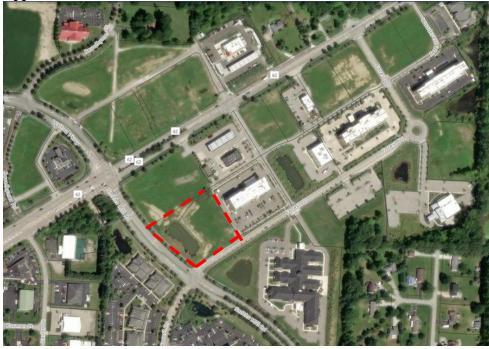
While the drive-throughs are fronting on a public and private street, they are appropriately designed as there are no menu boards. The conditions limiting its use in the conditional use application ensures the drive-through will not negatively impact the public street.

V. ACTION

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

Move to approve final development plan application **FDP-122-2023**, subject to the following conditions:

- 1. The landscape plan shall be updated to meet the following:
 - a. The minimum 2.5" CAL size requirement for all deciduous trees.
 - b. The buffer landscape requirements within setback areas along Smith's Mill Road and Forest Drive.
 - c. All City Landscape Architect's comments, subject to staff approval.
- 2. All city engineer's comments shall be addressed, subject to staff approval.
- 3. Final tenant signage will be reviewed and approved by the city staff at the time of permitting, as long as they meet code.



Approximate Site Location:

Source: ArcGIS

PC 24 0221 Smith's Mill Lot 14 FDP-122-2023



404,669-01 February 9, 2024

To: Chelsea Nichols City Planner

From: Matt Ferris, P.E., P.S. By: Jay M. Herskowitz, P.E., BCEE Re: Smiths Mill Lot 14 FDP Resubmittal

We reviewed the revised submittal in accordance with Code Sections 1159.07 (b)(3) FDP. Our review comments are as follows:

- 1. Have a professional surveyor licensed in the state of Ohio sign and seal the ALTA survey included with the submittal.
- 2. Add a major flood routing arrow to the legend and show major flood routing in plan view on sheet C500. Direct runoff away from public streets to the greatest extent practical.
- 3. We recommend that the applicant commit to providing only low volume traffic uses where the proposed drive-thru is shown off of Forest Drive. Any other type of use will create back-up issues on Forest Drive.
- 4. We will evaluate pavement markings/signage requirements, storm water management, fire protection, sanitary sewer collection and roadway construction related details once detailed construction plans become available

MEF/JMH

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





Permit #	
Board	
Mtg. Date	



Community Development Planning Application

	Site Address 10000 Johnstown Road (S	miths Mill Lot #1	4; new addres	s to be assigned durin	g engineering)						
	Parcel Numbers 222-000347										
	Acres 2.607 # of lots created 1 (existing lot)										
Project Information	Choose Application Type Choose Application Type Cartificate of Appropriateness Conditional Use Conditional Use Development Plan Delat Chonges Chinor Commercial Subdivision Vacation	Preliminary Preliminary Combination Easement	Circle al Final Final Split	Details that Apply Comprehensive Adjustment Street	Amendment						
Project	□□Variance □□Extension Request □□Zoning	Amendment (to construct a 15 ncial tenants. Sit	,128 square fo	Text Modification ot, one-story, mixed-us s include revisions to	existing stormwater						
Contacts	Property Owner's Name: Smith Mill Address: 8000 Walton Parkway, Suit City, State, Zip: New Albany, Ohio 43 Phone number: 614-939-8000 Email: jmcnally@newalbanycom Applicant's Name: Carter Bean / J. C Address: 4400 N. High St., City, State, Zip: Columbus, Ohio 4 Phone number: 614-595-2285 Email: carter@beanarch	054 pany.com arter Bean Archi Ste. 401 43214	tect LLC	Fax: Fax:							
Signature	Site visits to the property by City of Ne The Owner/Applicant, as signed below employees and appointed and elected o described in this application. I certify the true, correct and complete.	, hereby authori fficials to visit,	zes Village of photograph ar	New Albany represe nd post a notice on the	ntatives, e property application is :: $LZ(1523)$						

J. CARTER BEAN

fire CHITECT

December 15, 2023

Mr. Stephen Mayer **Community Development Department** 99 West Main Street P.O. Box 188 New Albany, Ohio 43054

Re: Smiths Mill Retail XXXX Forest Drive New Albany, Ohio 43054

Dear Mr. Mayer:

Per the Canini Trust Corp Subarea 8a.03(1), the following is our architectural explanation and justification explaining the significant architectural features of the proposed building additions and how it they relate to the existing structure.

Now that the Smiths Mill development has been significantly built out, common architectural characteristics have established a pattern of form and materiality throughout. Our proposal for this site is one that, we feel, holds true to that established architectural pattern.

The building is primarily brick on all four sides, with fiber cement accents. The two selected brick colors are consistent with multiple buildings in this development. The two colors have been applied to add visual interest and hierarchy to the massing. Furthermore, significant brick detailing has been included for visual interest and texture.

Given the nature and use of this multi-tenant building, it will be necessary to have flexibility to place roofmounted equipment for, both, HVAC and kitchen exhaust. Therefore, we are proposing a flat-roof building with strong cornice lines throughout. The parapets surrounding the flat roof have been designed with appropriate height, so as to screen all future roof-mounted equipment from surrounding view, at grade.

Through the use of generous storefront openings and metal canopies, each of the long building facades have excellent transparency and activity. The south façade, which faces Smith Mill Road, also incorporates a large, outdoor patio space for use by all tenants, overlooking the retention basin.

For the window fenestration, we propose the use of an aluminum storefront system to match the existing. 1" x 1" exterior muntins have been proposed in the transom lites of all storefronts.

We feel that the proposed design will, not only, provide the Owner with multi-tenant flexibility and functionality, but also complement the Smiths Mill development and City of New Albany as a whole..

Sincerely,

Carter Bean

ALTA/NSPS LAND TITLE SURVEY LOT 23, QUARTER TOWNSHIP 1, LOT 24, QUARTER TOWNSHIP 4, TOWNSHIP 2, RANGE 16 **UNITED STATES MILITARY DISTRICT** CITY OF NEW ALBANY, COUNTY OF FRANKLIN, STATE OF OHIO

DESCRIPTION FROM TITLE COMMITMENT No.: 8618

2.607 ACRES

Situated in the State of Ohio, County of Franklin, City of New Albany, located in Lot 23, Quarter Township 1, and Lot 24, Quarter Township 4, Township 2, Range 16, United States Military District, being all of the remainder of that 30.885 acre tract conveyed to Smith Mill Ventures LLC by deed of record in Instrument Number 20060817016292, (all references refer to the records of the Recorder's Office, Franklin County, Ohio) being more particularly described as follows:

Beginning, for reference, at a magnetic nail set at the centerline intersection of Johnstown Road (State Route 62) (variable width), as dedicated in Plat Book 27, Page 56 and Plat Book 34 Page 22, with Smith's Mill Road (90 feet wide), as dedicated in Plat Book 95, Page 91;

Thence South 31° 54' 37" East, with the centerline of said Smith's Mill Road, a distance if 129.78 feet to a point of curvature;

Thence continuing with the centerline of said Smith's Mill Road, with the arc of a curve to the left, having a central angle of 08° 31' 14", a radius of 1533.99 feet, an arc length of 228.12 feet, a chord bearing of South 36° 10' 14" East and a chord distance of 227.91 feet to a point;

Thence North 49° 34' 10" East, across the right-of-way of said Smith's Mill Road, a distance of 45.00 feet to an iron pin set in the northeasterly right-of-way thereof, at a westerly corner of the remainder of said 30.885 acre tract, at a southerly corner of that 1.332 acre tract conveyed to , by deed of record in Instrument being the TRUE POINT OF BEGINNING; Number

Thence with a northwesterly line of the remainder of said 30.885 acre tract, the southeasterly line of said 1.332 acre tract, with the arc of a curve to the right, having a central angle of 35° 42' 43", a radius of 36.00 feet, an arc length of 22.44 feet, a chord bearing of North 40° 13' 33" East and chord distance of 22.08 feet to an iron pin set at a point of tangency;

Thence North 58° 04' 54" East, with a northwesterly line of the remainder of said 30.885 acre tract, with the southeasterly line of said 1.332 acre tract, that 1.114 acre tract conveyed to by deed of record in Instrument Number , and that 2.564 acre tract conveyed to , by deed of record in Instrument , a distance of 373.42 feet to an iron pin set Number at the northerly corner of the remainder of said 30.885 acre tract and at the westerly corner of that 2.498 acre tract conveyed to Forest New Albany LP by deed of record in Instrument Number 201612160173729;

Thence South 31° 54' 38" East, with the northeasterly line of the remainder of said 30.885 acre tract and with the southwesterly line of said 2.498 acre tract, a distance of 318.66 feet to an iron pin set in the northerly right-of-way line of Forest Drive (width varies), as dedicated in Plat Book 114, Page 1;

Thence with the northerly right-of-way line of said Forest Drive, with the southeasterly line of the remainder of said 30.885 acre tract, the following courses and distances:

South 58° 05' 22" West, a distance of 2.58 feet to an iron pin set;

South 60° 57' 06" West, a distance of 100.12 feet to an iron pin set;

South 58° 05' 22" West, a distance of 128.33 feet to an iron pin set at a point of curvature;

with the arc of a curve to the left, having a central angle of 12° 41' 32", a radius of 202.91 feet, an arc length of 44.95 feet, a chord bearing of South 51° 44' 36" West and chord distance of 44.86 feet to a point of reverse curvature; and

with the arc of a curve to the right, having a central angle of 82° 47' 06", a radius of 40.00 feet, an arc length of 57.79 feet, a chord bearing of South 86° 47' 23" West and chord distance of 52.90 feet to an iron pin set on the arc of a curve in the northeasterly right-of-way line of said Smith's Mill Road;

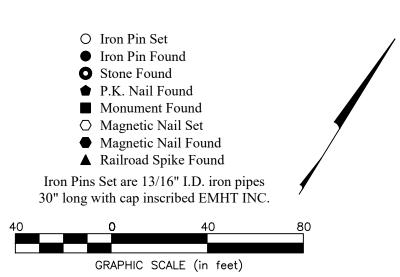
thence with the northeasterly right-of-way line of said Smith's Mill Road, the southwesterly line of the remainder of said 30.885 acre tract, with the arc of a curve to the right, having a central angle of 11° 23' 14", a radius of 1489.00 feet, an arc length of 295.93 feet, a chord bearing of North 46° 07' 28" West and chord distance of 295.44 feet to the TRUE POINT OF BEGINNING, containing 2.607 acres, more or less.

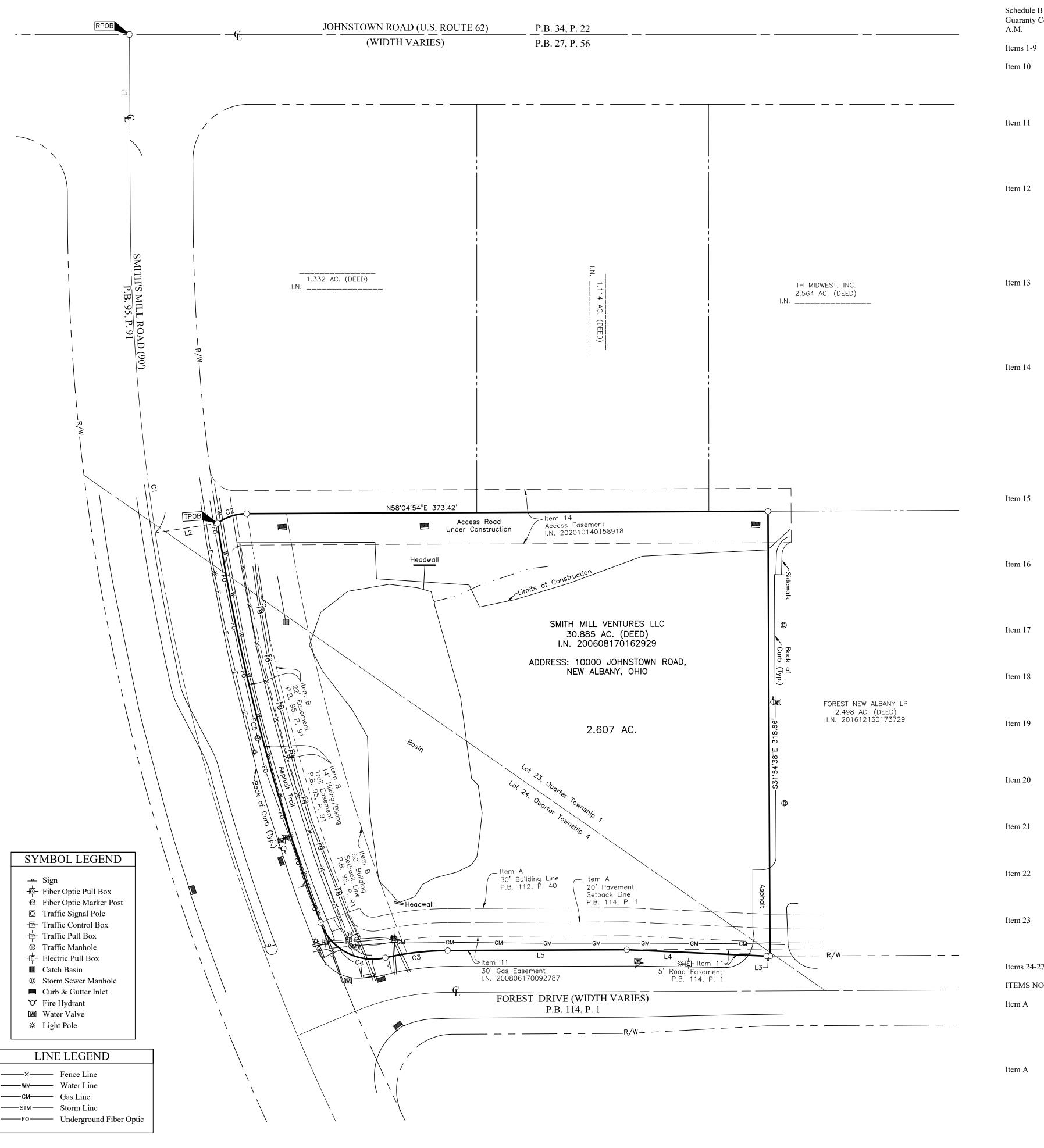
Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown hereon are based on North 58°05'22" East for the southeasterly right-of-way line of Forest Drive, of record in Plat Book 114, Page 1, Recorder's Office, Franklin County, Ohio.

This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey.





Schedule B Items from Title Commitment No. 8618 issued by Stewart Title Guaranty Company with an effective date of November 3, 2023 at 8:00

Items 1-9 NOT SURVEY RELATED ITEMS.

Building lines, easements and restrictions shown on the recorded plat/map of Hugh Subdivision as Plat Book 27, Page 56; as partially vacated in Miscellaneous Volume 169, Page 215. THE SUBJECT TRACT IS NOT LOCATED IN THE AREA DESCRIBED.

Building lines, easements and restrictions shown on the recorded plat/map of Forest Drive Dedication and Easements Section 2 Phase 1 as Plat Book 112, Page 40; as modified by the Affidavit in Aid of Title of record in Instrument 201703030029794. THE SUBJECT TRACT IS NOT LOCATED IN THE AREA DESCRIBED.

Declaration of Covenants and Restrictions for The New Albany Community Authority of record in Official Record 16999, Page C04; with the Ninth Supplemental Declaration of record in Official Record 21466, Page C20, as rerecorded in Official Record 21693, Page H19; with the Acceptance of Duties of record in Official Record 23377, Page F07; with the Designation of Successor Declarant of record in Instrument 1998102000268024. THE SUBJECT TRACT IS LOCATED IN THE AREA DESCRIBED.

Declaration of Covenants, Conditions, Restrictions and Easements for The New Albany Business Park of record in Instrument 200007030130348, as re-recorded in Instrument 200101100006699; as amended in Instrument 200308180260678; with the Twelfth Supplemental Declaration of record in Instrument 200609060177774. THE SUBJECT TRACT IS LOCATED IN THE AREA DESCRIBED.

Declaration of Covenants, Conditions, Restrictions and Easements for Smith Mill Ventures, LLC of record in Instrument 200801180009215; with the First Supplemental Declaration of record in Instrument 201303190045760, as corrected in Instrument 201501280011279; with the Second Supplemental Declaration of record in Instrument 201412050162233; with the Third Supplemental Declaration of record in Instrument 201703200037811; with the Fourth Supplemental Declaration of record in Instrument 202010140158918. THE SUBJECT TRACT IS LOCATED IN THE AREA DESCRIBED. THE ACCESS EASEMENT IS LOCATED ON THE SUBJECT TRACT AS SHOWN HEREON.

Easement granted to Columbus and Southern Ohio Electric Company, as more fully set forth in the document recorded as Deed Book 1755, Page 190. THE SUBJECT TRACT IS LOCATED IN THE AREA DESCRIBED; THERE IS NO POLE LINE WITHIN THE LIMITS OF THE SUBJECT TRACT.

Easement granted to Columbus and Southern Ohio Electric Company, as more fully set forth in the document recorded as Deed Book 1785, Page 163. THE SUBJECT TRACT IS LOCATED IN THE AREA DESCRIBED; THERE IS NO POLE LINE WITHIN THE LIMITS OF THE SUBJECT TRACT.

Easement granted to Columbus and Southern Ohio Electric Company, as more fully set forth in the document recorded as Deed Book 2030, Page 172. THE EASEMENT IS NOT LOCATED ON THE SUBJECT TRACT.

Memorandum of Agreement, including terms and conditions thereof as recorded in Instrument 199811170294968. THE SUBJECT TRACT IS LOCATED IN THE AREA DESCRIBED.

Item 19 Development Agreement, including terms and conditions thereof as recorded in Instrument 199908090202331; with the First Amendment of record in Instrument 201804110047519. THE SUBJECT TRACT IS NOT LOCATED IN THE AREA DESCRIBED.

Item 20 Deed of Easement granted to the Village of New Albany, as more fully set forth in the document recorded as Instrument 200711130196074. THE EASEMENT IS NOT LOCATED ON THE SUBJECT TRACT.

> Easement granted to Columbia Gas of Ohio, Inc., as more fully set forth in the document recorded as Instrument 200806100088936. THE GAS LINE EASEMENT IS NOT LOCATED ON THE SUBJECT TRACT.

Easement & Right of Way granted to Ohio Power, as more fully set forth in the document recorded as Instrument 201208060113180. THE ELECTRIC EASEMENT IS NOT LOCATED ON THE SUBJECT TRACT.

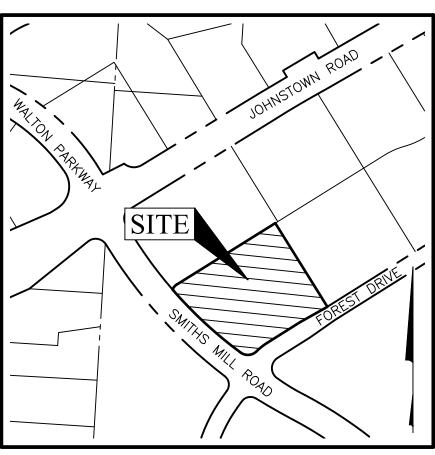
Declaration of Use Restriction of record in Instrument 201703200037814. THE SUBJECT TRACT IS LOCATED IN THE AREA DESCRIBED AS "RESTRICTED PROPERTY".

Items 24-27 NOT SURVEY RELATED ITEMS.

ITEMS NOT INCLUDED IN TITLE COMMITMENT:

Building lines, easements and restrictions shown on the recorded plat/map of Forest Drive Dedication and Easements Section 2 Phase 2 as Plat Book 114, Page 1. THE SUBJECT TRACT IS LOCATED IN THE AREA DESCRIBED; SETBACK LINES AND EASEMENTS ARE LOCATED ON THE SUBJECT TRACT AS SHOWN HEREON.

Building lines, easements and restrictions shown on the recorded plat/map of Smith's Mill road Dedication and Easements as Plat Book 95, Page 91. THE SUBJECT TRACT IS LOCATED IN THE AREA DESCRIBED; SETBACK LINES AND EASEMENTS ARE LOCATED ON THE SUBJECT TRACT AS SHOWN HEREON.



LOCATION MAP AND BACKGROUND DRAWING NOT TO SCALE

		LINE TABLE	-	LINE TABLE				
ſ	LINE	BEARING DISTANCE			LINE	BEARING	DISTANCE	
ſ	L1	S31°54'37"E 129.78'			L4	S60°57'06"W	100.12'	
ſ	L2	N49°34'10"E	45.00'		L5	S58°05'22"W	128.33'	
ſ	L3	S58°05'22"W	2.58'					

CURVE TARLE

	CURVE TABLE									
CURVE	DELTA	RADIUS	ARC	CH. BEARING	CH. DIST.					
C1	8 ° 31'14"	1533.99'	228.12'	S36°10'14"E	227.91'					
C2	35 ° 42'43"	36.00'	22.44'	N40°13'33"E	22.08'					
C3	12 ° 41'32"	202.91'	44.95'	S51°44'36"W	44.86'					
C4	82 ° 47'06"	40.00'	57.79'	S86°47'23"W	52.90'					
C5	11°23'14"	1489.00'	295.93'	N46°07'28"W	295.44'					

BASIS OF BEARINGS:

The bearings shown hereon are based on North 58°05'22" East for the southeasterly right-of-way line of Forest Drive, of record in Plat Book 114, Page 1, Recorder's Office, Franklin County, Ohio.

FEMA NOTE:

According to the Federal Emergency Management Agency's Flood Insurance Rate Map No. 39049C0208K (dated June 17, 2008), the subject tract shown hereon lies within Zone X (areas determined to be outside of the 0.2% annual chance floodplain). Any floodplain lines shown are georeferenced and are not based on actual field elevations.

UTILITY STATEMENT:

A Utility Marking and Plans request was submitted to OHIO811 on November 11, 2023. The utilities shown hereon have been located from field survey information. The surveyor makes no guarantee that the utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the utilities shown are in the exact location indicated, although she does certify that they are located as accurately as possible.

SURVEY NOTE:

This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey.

TABLE A OPTIONAL ITEM NOTES:

- 7. No buildings were observed on the subject tract at the time the fieldwork was conducted.
- 9. No parking striping was observed on the subject tract at the time the fieldwork was conducted.

CERTIFICATION: Commitment No. 8618

To: Smith Mill Center LLC, Smith Mill Ventures, LLC, Stewart Title Guaranty Company and RET Solutions, LLC:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 "Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys", jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 7(a), 8, 9 and 13 of Table A thereof. The fieldwork was completed on November 27, 2023.

DRAFT

Heather L. King Professional Surveyor No. 8307 hking@emh

ht.com	

	' <u>К</u> Л	Date:	Decembe	er 8,	2023	
			Scale:	1" = 40)'	
Evans, Mechwart, Hambleton & Tilton, Inc. Engineers • Surveyors • Planners • Scientists 5500 New Albany Road, Columbus, OH 43054		Job No:	2023-0	968		
Phone: 6		Toll Free: 888.775.3648 t.com	Sheet:	1	of	1
		RE	EVISIONS			
MARK	DATE	DESCRIPTION				

Date



SHEET INDEX							
SHEET # DWG # SHEET TITLE							
1	C000	COVER SHEET					
2	C200	SITE PLAN					
3	C201	SITE DISTANCE					
4	C202	SITE DISTANCE					
5	C500	UTILITY & GRADING PLAN					

NOTES

PERMITTED USES:

MIXED USE RETAIL/RESTAURANTS AND THE PERMITTED USES CONTAINED IN THE CODIFIED ORDINANCESOF THE CITY OF NEW ALBANY, IPUD INFILLED PLANNED UNIT DEVELOPMENT DISTRICT, SECTION 1159.02 AND THE CONDITIONAL USES CONTAINED IN SECTION 1159.04.

UNIT TYPES:

COMMERCIAL BUILDING TYPES SHALL COMPLY WITH THE DESIGN GUIDELINES OF THE DEVELOPMENT STANDARDS.

DEVELOPMENT STANDARDS:

UNLESS OTHERWISE SPECIFIED IN THE SUBMITTED DRAWINGS OR IN THIS WRITTEN TEXT THE DEVELOPMENT STANDARDS OF PART ELEVEN OF THE CODIFIED ORDINANCES OF THE CITY OF NEW ALBANY SHALL APPLY TO THIS SUBAREA.

BASIC DEVELOPMENT DEVELOPMENT STANDARDS ARE COMPILED REGARDING PROPOSED DENSITY, SITE ISSUES, TRAFFIC CIRCULATION, LANDSCAPE, AND ARCHITECTUAL STANDARDS. THESE COMPONENT STANDARDS ENSURE CONSISTENCY AND QUALITY THROUGHOUT THE PARCEL'S DEVELOPMENT.

FLOOD ZONE:

THE DEVELOPMENT AREA LIES IN FLOOD ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN) AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 39049C0208K (DATED JUNE 17, 2008)

STORM & GRADING:

THE PROPOSED SIT IMPROVEMENTS WILL INCORPORATE THE CITY'S STORMWATER MANAGEMENT POLICY AS WELL AS THE STATE'S POST-CONSTRUCTION REQUIREMENTS FOR WATER QUALITY. THE SITE LAYOUT INCORPORATES THE USE OF VARIOUS SUBSURFACE STORM PIPING TO ROUTE THE SITE RUNOFF INTO REGIONAL DETENTION BASINS FOR OVERALL DEVELOPMENT.

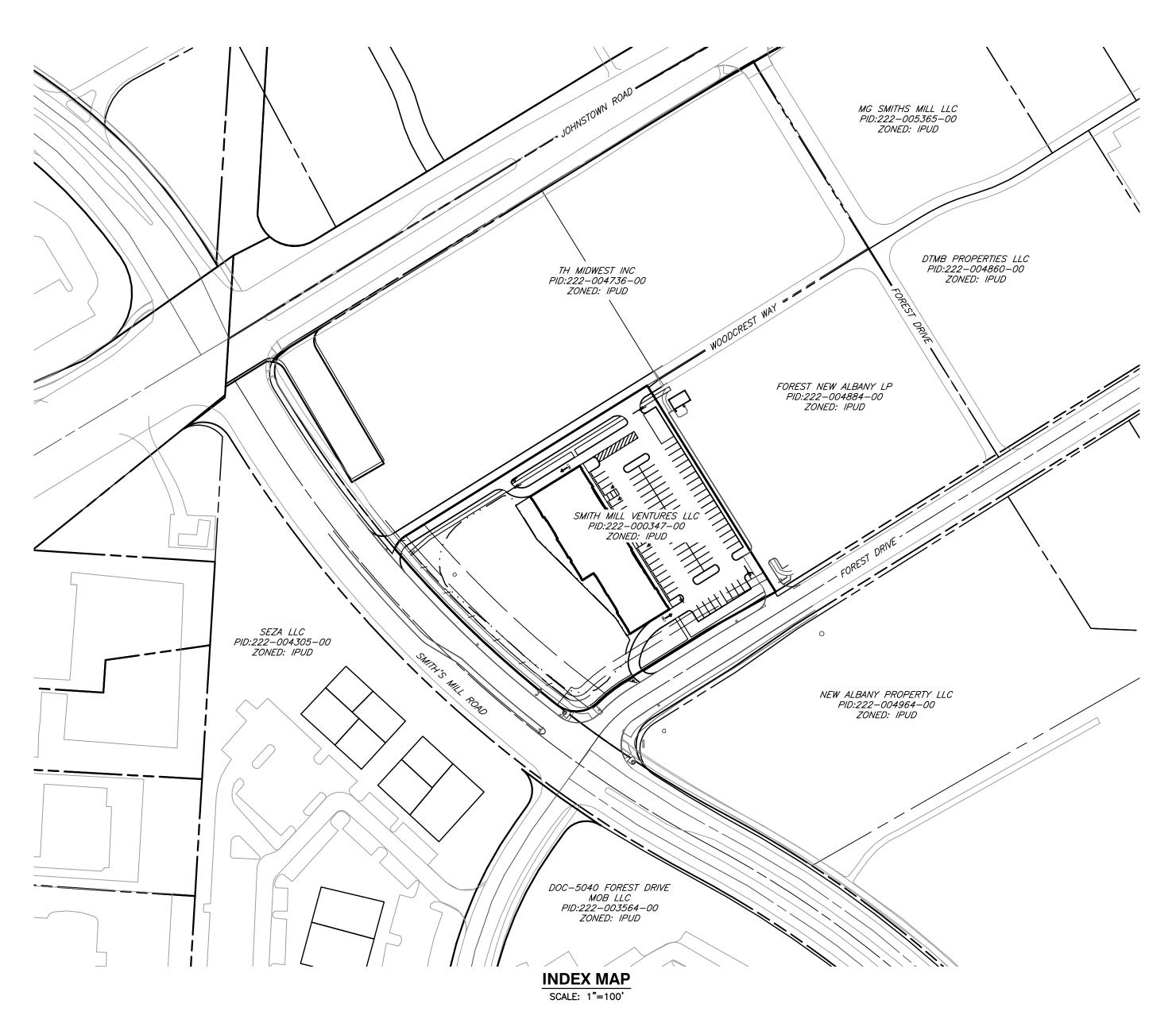
EROSION AND SEDIMENTATION CONTROL MEASURES WILL BE IMPLEMENTED AS A PART OF THE PROJECT DEVELOPMENT. INSTALLATION AND MAINTENANCE WILL BE IN ACCORDANCE WITH THE VILLAGE STANDARDS AND IN COMPLIANCE WITH OEPA NPDES GENERAL PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH SITE CONSTRUCTION ACTIVITY.

<u>SANITARY:</u>

AN EXISTING 8" SANITARY MAIN WILL BE USED TO SERVICE THE DEVELOPMENT. THE EXISTING MAIN WAS CONSTRUCTED WITH THE SANITARY SEWER IMPROVEMENTS FOR WOODCREST WAY EXTENSION

WATER:

AN EXISTING 12" WATERLINE ALONG FOREST DRIVE WILL BE USED TO SERVICE THE DEVELOPMENT.



ENGINEER/SURVEYOR 250 OLD WILSON BRIDGE ROAD, SUITE 250 WORTHINGTON, OHIO 43085 PHONE: (614) 540-6633 CONTACT: BRIAN BURKHART, PE EMAIL: BBURKHART@CECINC.COM

REFERENCES

- 1. EXISTING UTILITY INFORMATION SHOWN PER RECORDS.
- 2. BOUNDARY SURVEY & TOPO FROM A SURVEY COMPLETED BY CEC IN MAY 2023.

FINAL DEVELOPMENT PLAN **SMITHS MILL LOT #14**

CITY OF NEW ALBANY, FRANKLIN COUNTY, OHIO

2024

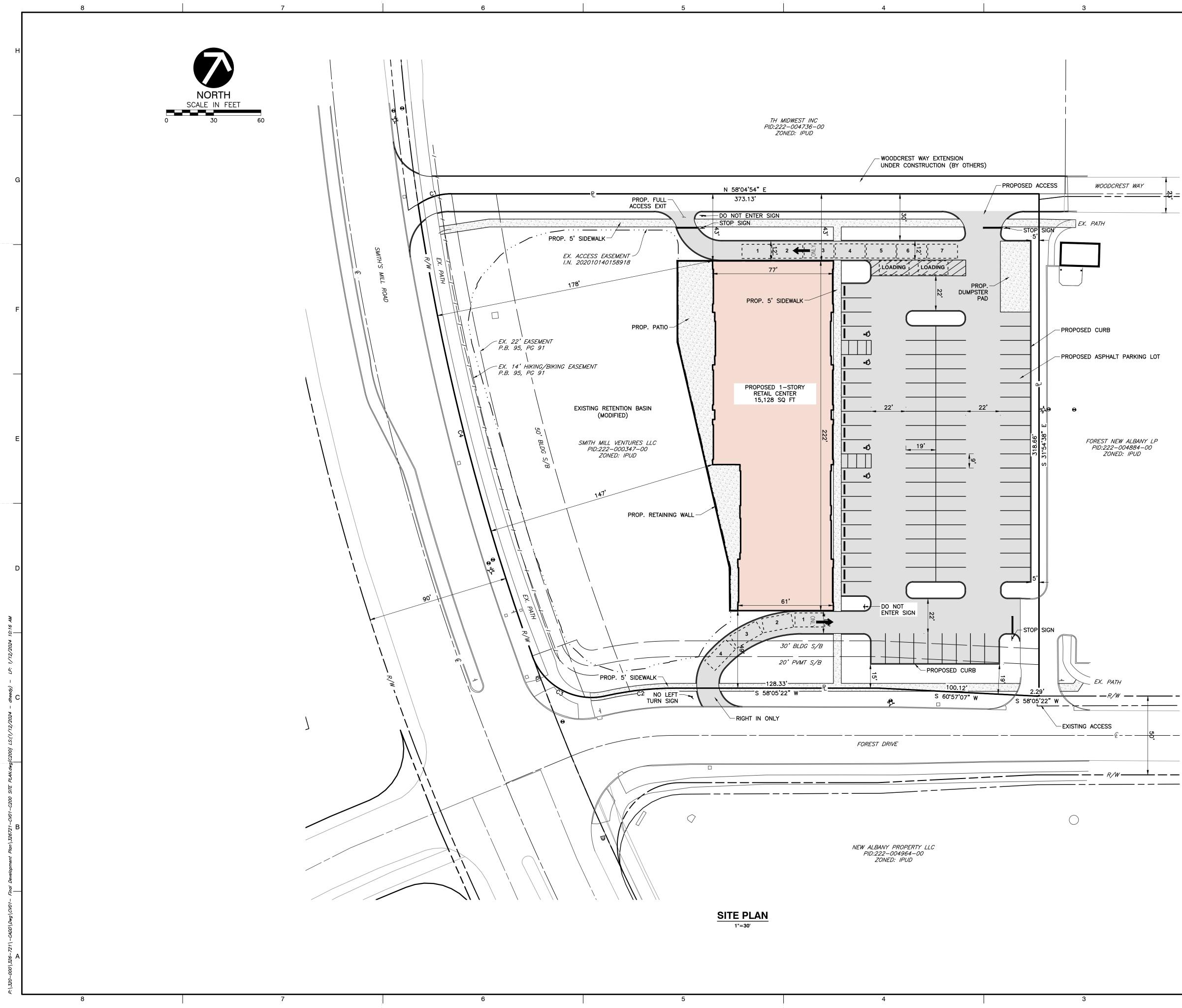
CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

DEVELOPER CANINI & ASSOCIATES, LTD. P.O. BOX 887 NEW ALBANY, OH 43054 CONTACT: LARRY CANINI EMAIL: LARRY@CANINIASSOCLTD.COM

OWNER SMITH MILL VENTURES LLC 8000 WALTON PARKWAY, SUITE 120 NEW ALBANY, OH 43054

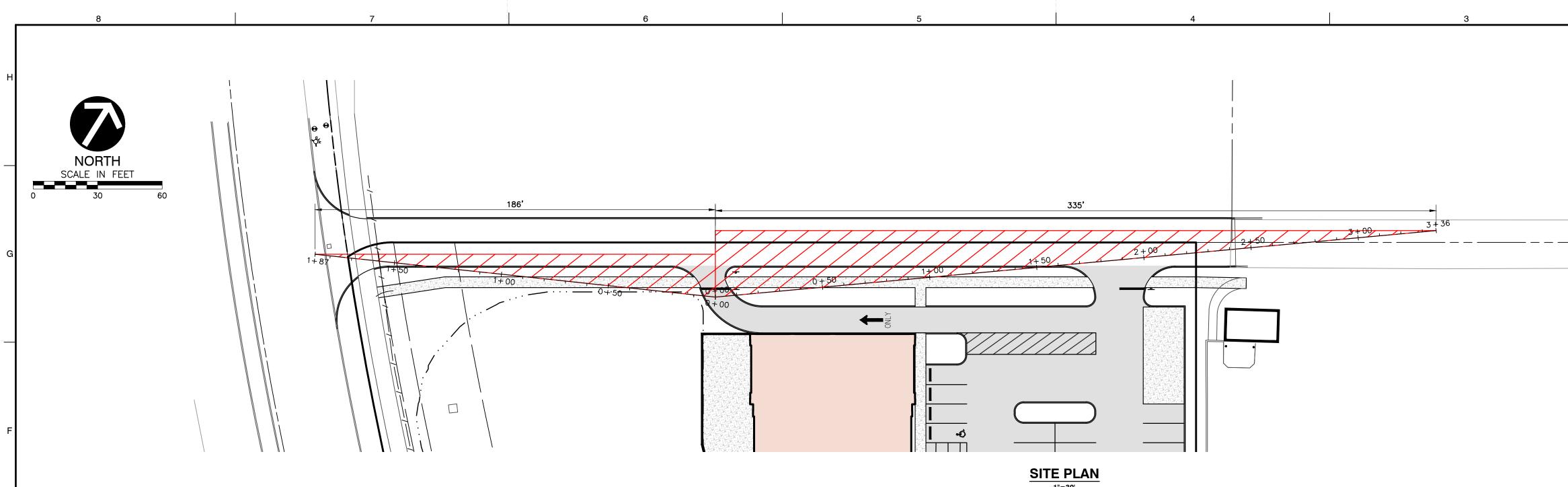
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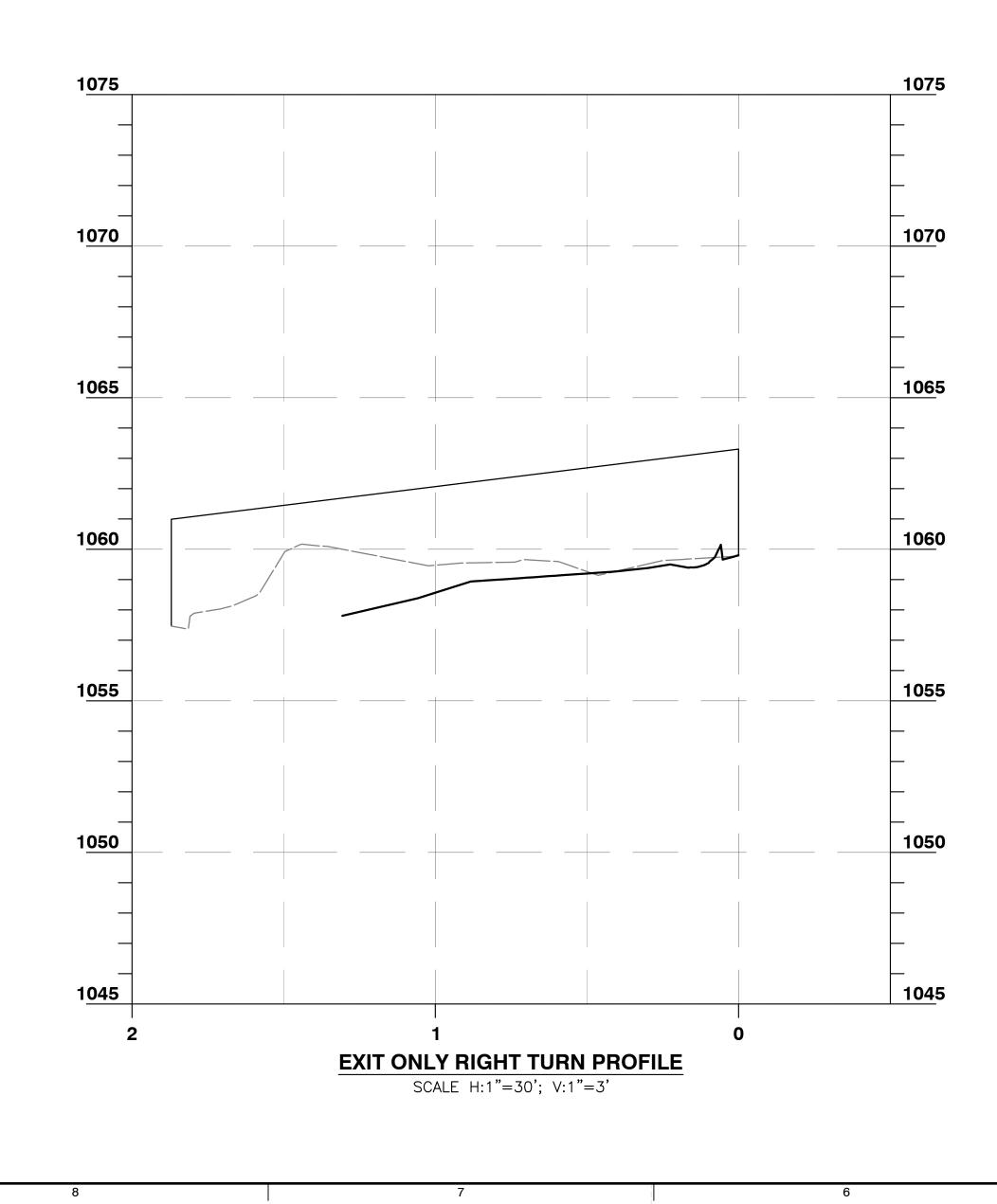
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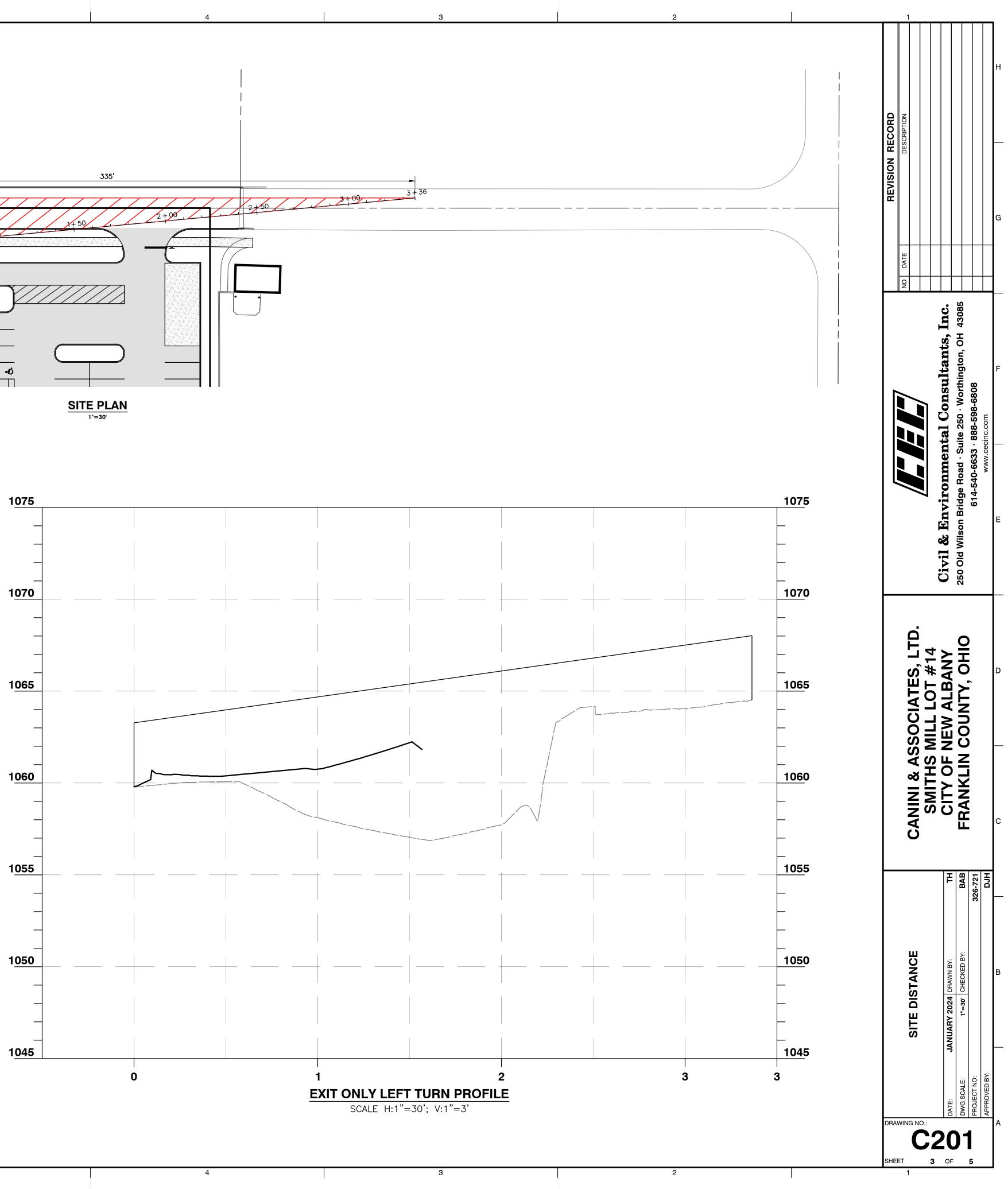


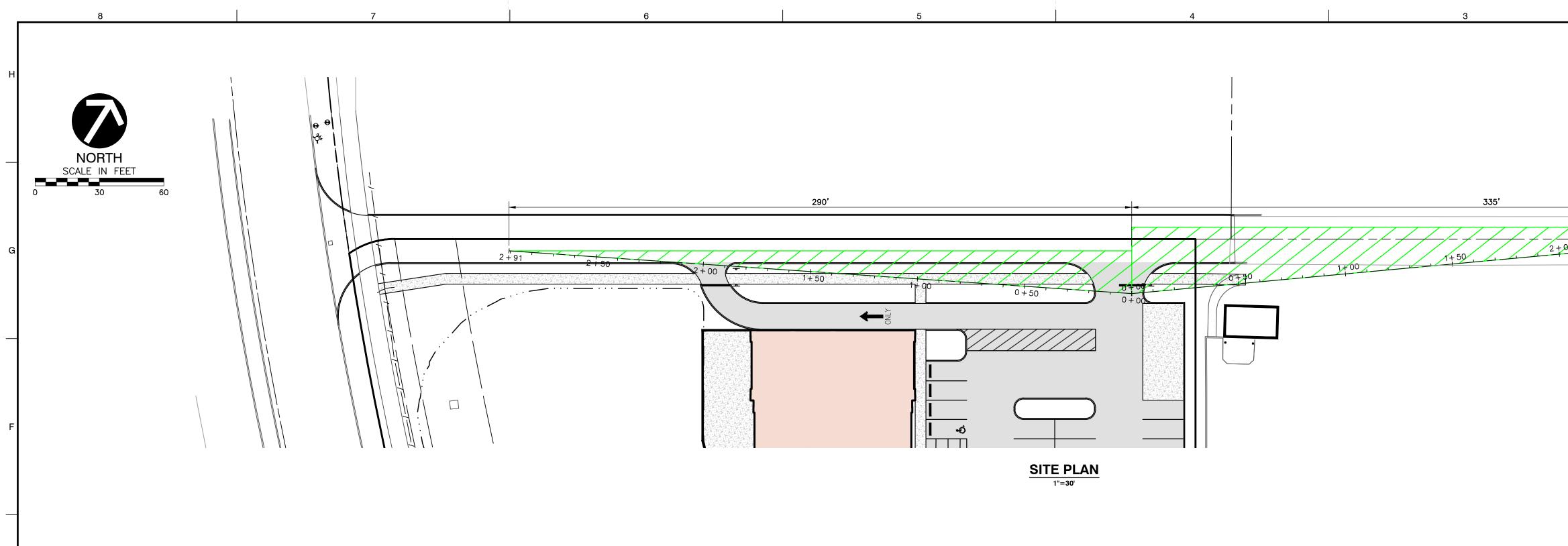
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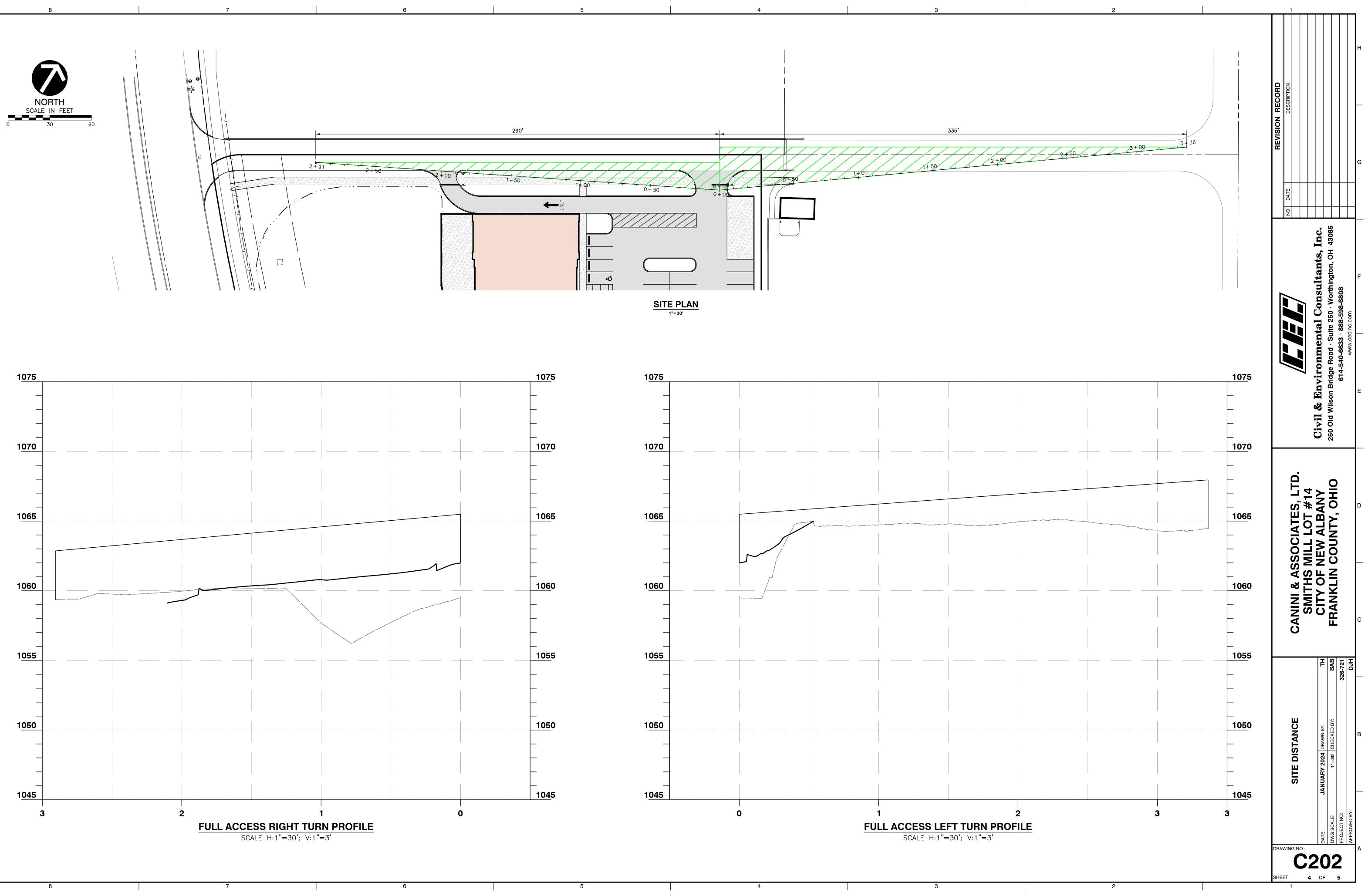
CURVE TABLE										
CURVE #	RADIUS	DELTA	LENGTH	CHL	СНВ					
C1	36.00' 35'42'50" 22.44' 22.08' N 40'13'29"									
C2	202.91'	12•41'32"	44.95'	44.86'	S 51°44'36" W					
C3	40.00'	82*47'06"	57.79 '	52.90'	S 86°47'23" W					
C4	1489.00'	11 ° 23'13"	295.92'	295.44'	N 46°07'27"W					

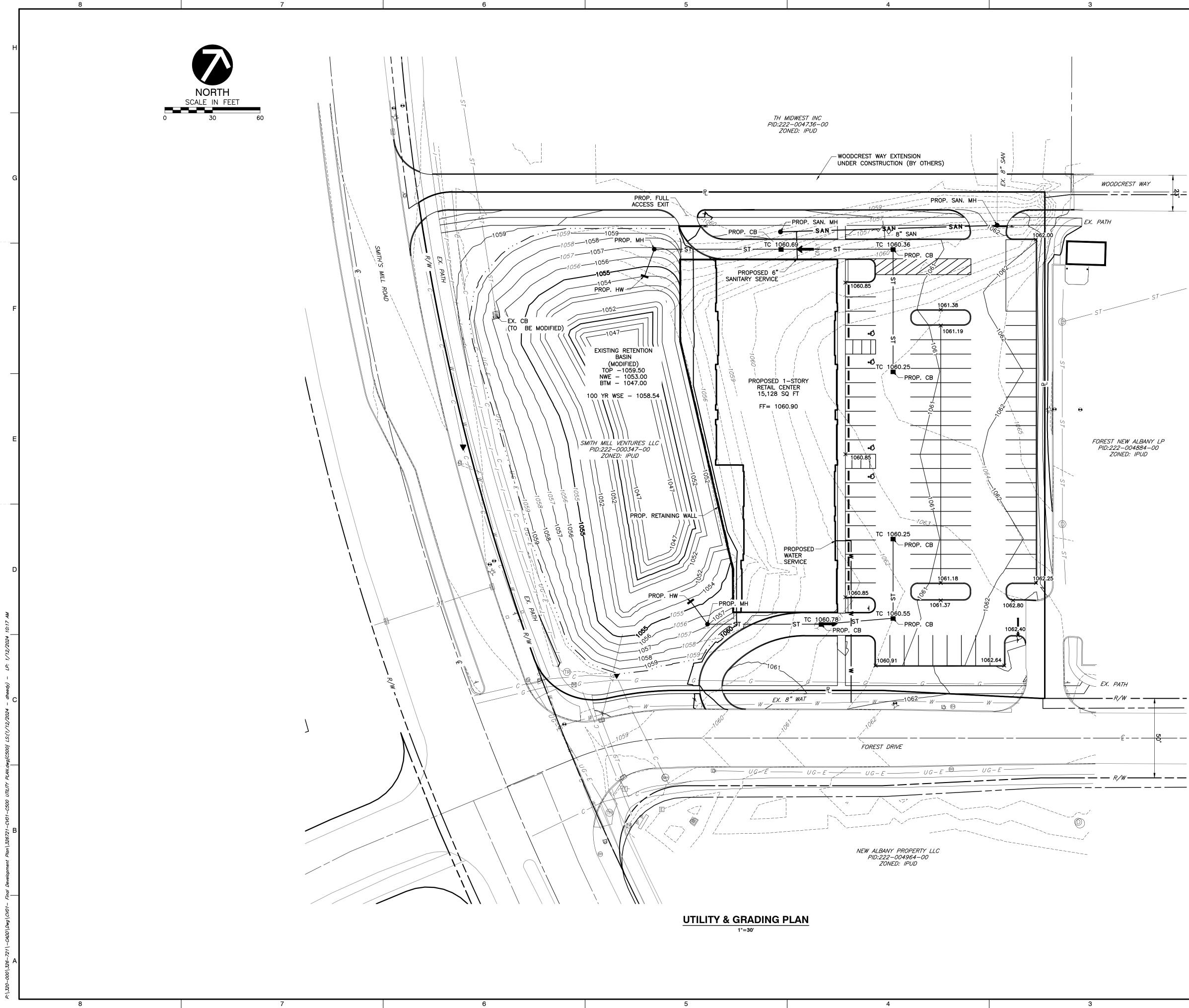








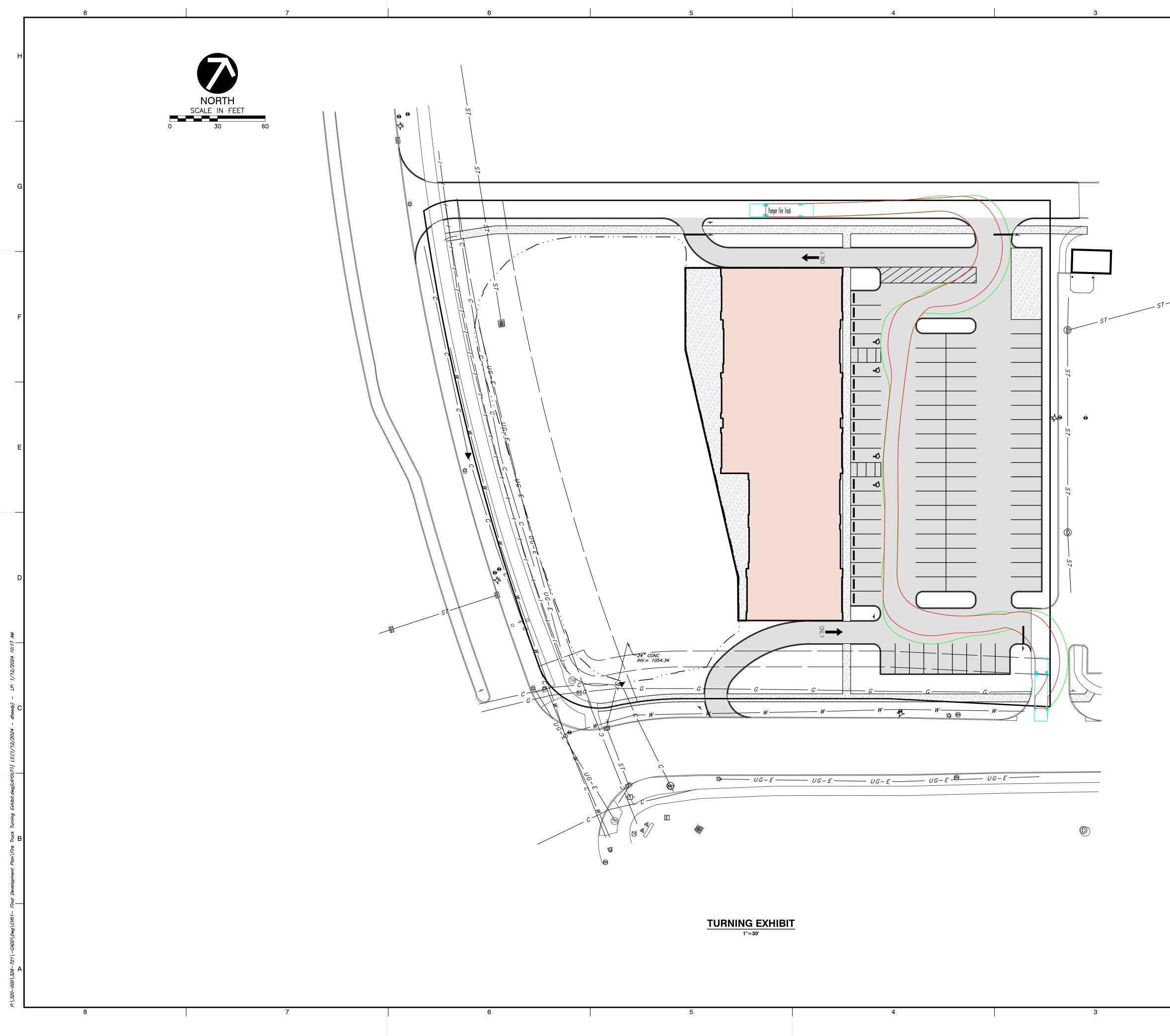




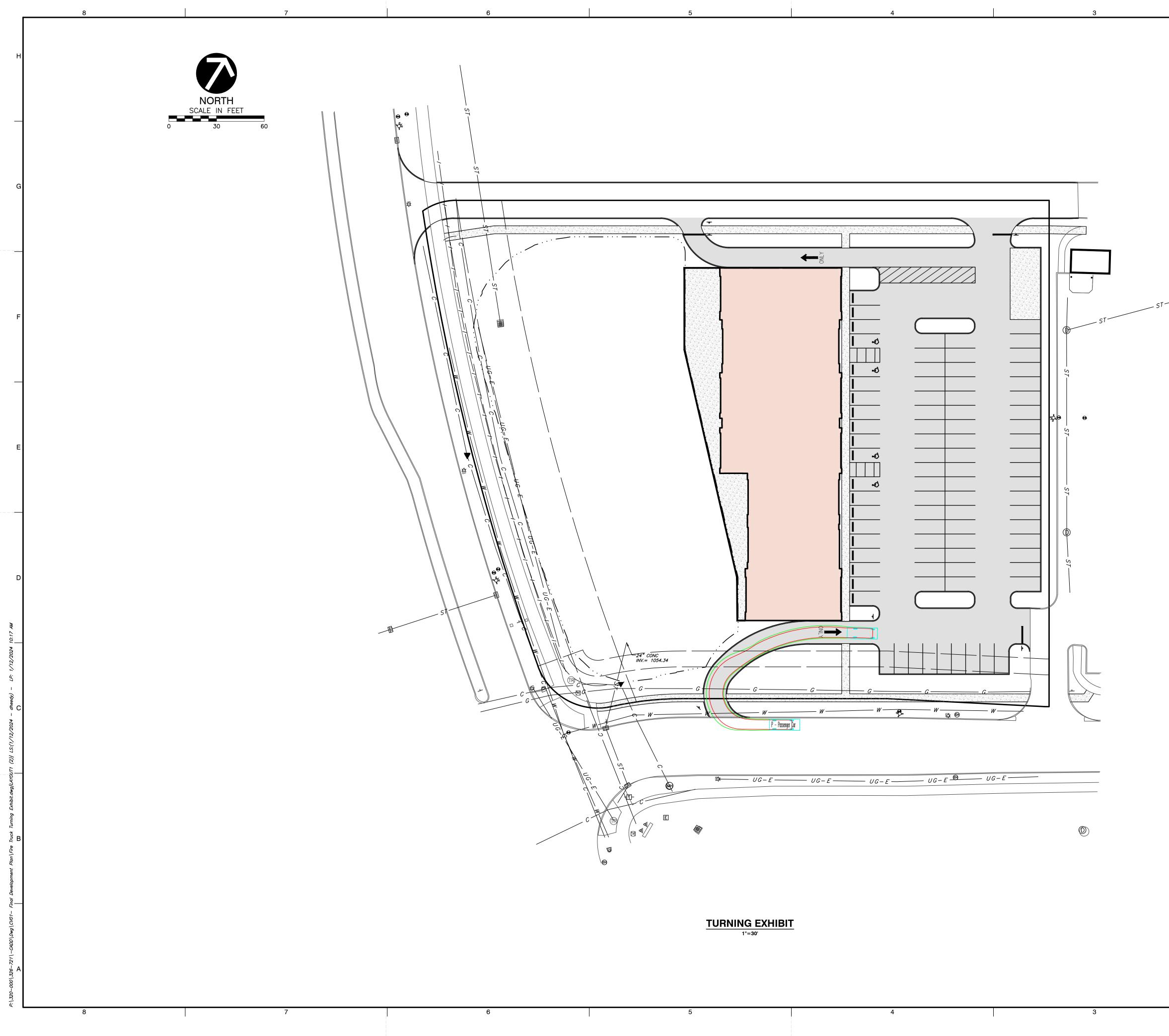
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LEGEND

MAJOR FLOOD ROUTING ARROW



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Symbol	Qty	Common	Plant Legend Botanical	Location	Size
Symbol	2	Amur Maackia	Maackia amurensis	Parking Lot Tree	2.5" ci
	12	Bald Cypress	Taxodium distichum	Buffer Tree	2.5" ca
*	5	Black Gum	Nyssa sylvatica	Site Tree	2.5" c
	31	Yuki Cherry Blossom Deutzia	Deutzia x	Landscape	3 gal.
*	40	Tortuga Juniper	Juniperus communis 'Tortuga'	Landscape	3 gal.
	8	Daylily	Hemerocallis sp.	Landscape	1 gal.
	9	Eastern Redbud	Cercis canadensis	Buffer Tree	1.5" c
*	23	Feather Reed Grass	Calamagrostis acutiflora	Landscape	2 gal
0	14	Spring Snow Crabapple	Malus 'Spring Snow'	BufferTree	1.5" c
業	9	Japanese Tree Lilac	Syringa reticulata	Buffer Tree	1.5" c
	5	Japanese Zelkova	Zelkova serrata 'Musashino'	Site Tree	2.5" c
*	47	Sea Green Juniper	Juniperus Chin. 'Sea Green'	Parking Screen	24"
	7	Princeton Sentry Ginkgo	Ginkgo biloba 'Princeton Sentry'	Parking Lot Tree	2.5" c
	28	Red Chokeberry	Aronia Low Scape Mound	Landscape	3 gal.
	20	Red Sunset Maple	Acer rubrum 'Red Sunset	Street Tree	2.5" c
	4	Swamp White Oak	Quercus bicolor	Buffer Tree	2.5" c
	11	Western Red Cedar	Thuja plicata	Dumpster Screen	5'

LANDSCAPE ZONING CODE REQUIREMENTS

1171.05(e)(2)- LANDSCAPING SCREENING. Between twenty thousand (20,000) and fifty thousand (50,000) square feet: A minimum of one tree for every five thousand (5,000) square feet of ground coverage and a total tree planting equal to ten (10) inches plus one-half inch in tree trunk size for every two thousand (2,000) square feet over twenty thousand (20,000) feet in ground coverage. Parking: 32,843 sq ft, Building: 15,458 sq ft: 48,301 sq ft coverage/5000 = 9.66 trees, 17" cal required 10 trees @ 2" cal provided, 20 total caliper inches provided

1171.06(a)(2)(3) - PARKING LOT LANDSCAPING. For each one hundred (100) square feet, or fraction thereof, of parking area, a minimum total of five (5) square feet of landscaped area shall be provided. Zoning text @ 8%

Parking: 32,843/100 = 328.43 x 5 = 1642 sq ft required or 32,843 x .08 = 2627 required 2700 sq ft landscape provided

Parking areas should contain a minimum of one deciduous canopy tree for every ten (10) parking spaces. 85 spaces/10 = 9 trees required 9 provided

Zoning 8a.04(4)(a)- PARKING LOT SCREENING Parking lot screening from rights of way Forest Drive and Woodcrest Way screening with Sea Green Juniper hedge spaced 4' o/c. Growth to 4-6'

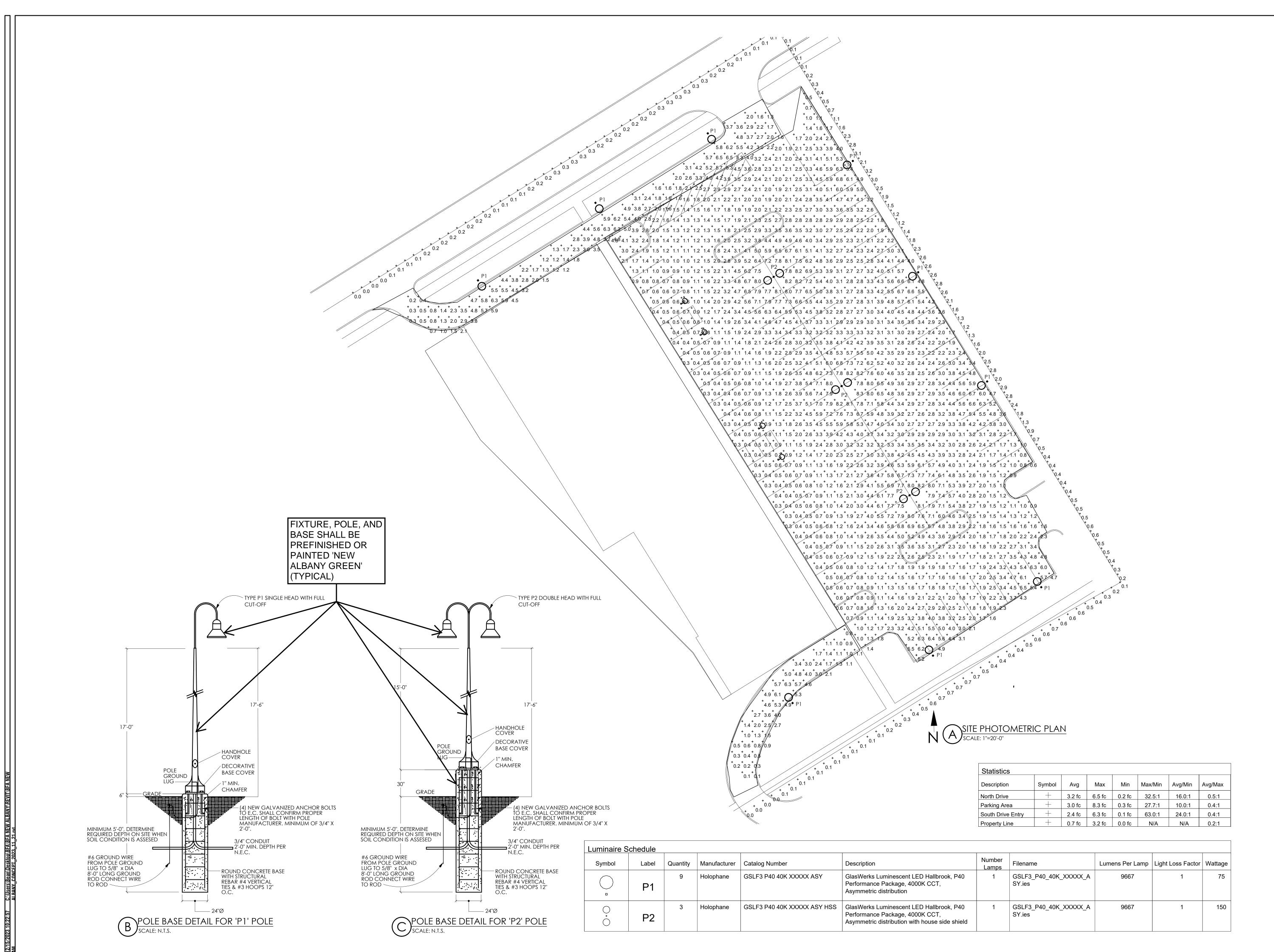
STREET TREE REQUIREMENT Street trees along Forest Drive: one tree per 30' minimum 30' o/c. 300' span, minimum 2.5" cal 10 trees @ 2.5" cal provided Street trees along Woodcrest Way per FDP-69-2014, Red Sunset Maples @ 30' o/c 10 Maples @ 2.5" cal provided

Zoning 8a.04(5) – BUFFER LANDSCAPE Eight deciduous or ornamental trees per 100 lineal feet in setback areas along Smith's Mill Road and Forest Drive 600 total lineal feet/ $100 = 8 \ge 6 = 48$ buffer trees required 48 trees provided

Zoning 8a.04(6)(7)(a) – GENERAL REQUIREMENTS Site Landscaping: Tree plantings shall be required within site parking and service areas. Trees shall be a minimum of 2 1/2 inches in caliper at installation. Minimum tree size shall be no less than 2 1/2 inch caliper for street and/or shade trees and 1 1/2 inch caliper for ornamental trees.

All trees planted @ 2.5" caliper for site parking, service, street and buffer shade trees. 1.5" caliper for buffer ornamental trees.

REVISION RECORD	DESCRIPTION	н
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	CANINI & ASSOCIATES, LTD. SMITHS MILL LOT #14 CITY OF NEW ALBANY FRANKLIN COUNTY, OHIO	D
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	LANDSCAPE PLAN	B



Statistics		1	1		1		
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min	Avg/Max
North Drive	+	3.2 fc	6.5 fc	0.2 fc	32.5:1	16.0:1	0.5:1
Parking Area	+	3.0 fc	8.3 fc	0.3 fc	27.7:1	10.0:1	0.4:1
South Drive Entry	+	2.4 fc	6.3 fc	0.1 fc	63.0:1	24.0:1	0.4:1
Property Line	+	0.7 fc	3.2 fc	0.0 fc	N/A	N/A	0.2:1

	Number Lamps	Filename	Lumens Per Lamp	Light Loss Factor	Wattage
P40	1	GSLF3_P40_40K_XXXXX_A SY.ies	9667	1	75
P40 shield	1	GSLF3_P40_40K_XXXXX_A SY.ies	9667	1	150

	TRIER DEF 00 110RI 12 401 01110 16 14 20 16 14 20 16 14 20		
SMITHS MILL LOT #14	XXXX FOREST DRIVE NEW ALBANY, OHIO 43054	CANINI & ASSOCIATES LTD	P.O. BOX 887, NEW ALBANY, OHIO 43054
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GELF3

GlasWerks[®] Luminescent LED Hallbrook[®] Extended



ALL SITE LIGHTING POLES AND FIXTURES SHALL BE PREFINISHED IN 'NEW ALBANY GREEN'



Catalog Number

Notes

Туре

General Description

The architectural luminaire consists of a flat LED optical assembly shielded by a decorative formed housing and a top mounted cast aluminum electrical assembly. The optical assembly is seamlessly integrated into the form factor for beautiful daytime appearance and exceptionally uniform lighting at night.

Optical Assembly

The optical assembly consists of an edgelit waveguide light engine for unmatched visual comfort. Light from the LED module is distributed by proprietary wave guide technology to maximize uniformity and minimize glare. Configurable with CCT options of 2700K, 3000K, and 4000K. CRI is 70 minimum. Available with asymmetric, symmetric, or pathway distributions.

Mounting Style

Optional mounting styles include Quick Lock Stem, NPT threads, and horizontal arm.

Quick Lock Stem Mounting style is compatible with the following leveling fitters:

- Boston Harbor Decorative Arm Fitter (BHDF)
- GlasWerks Decorative Arm Fitter (GWDF)
- West Liberty Decorative Arm Fitter (WLDF)

- Ball Style Decorative Fitter (BADF)

Electrical Assembly

The cast aluminum electrical housing has a smooth domed contour. A (3) station terminal block is provided to accept #14 through #2 size wire. The electrical housing is hinged with a tool-less latch to provide easy access to the gear assembly. The unitized electrical assembly, containing the electronic driver and other electrical components, plugs into the quick disconnect receptacle. The pendant mount version has a welded stem (Quick Lock Stem Mounting), which aides in installation speed. The arm mount version is provided with two U-bolts with washers and nuts and two leveling set screws that lock the housing to a 2 inch nominal (2-3/8" O.D.) horizontal arm and allow a $\pm 5^{\circ}$ degree adjustment from horizontal to the cover.

Electrical System

Programmable LED driver with 0-10V dimming. Optional DALI dimming. Driver life is rated to at least 100,000 hours. Luminaire surge protection rating of 20kV/10kA per ANSI/ IEEE C62.41.2.

Finish

The luminaire is finished with corrosion resistance super durable powder coat paint to ensure maximum durability. Finish is rated to 5,000 hours salt spray per ASTM B117.

Listing

The luminaire is CSA certified to US and Canadian standards. IP55 rated electrical chamber, IP66 rated LED optic chamber. 20kV/10kA extreme surge protection per ANSI/IEEE C136.2. Suitable for operation in ambient temperatures from -40° C to 40° C

DesignLights Consortium[®] (DLC) qualified product. Not all versions of this product may be DLC qualified. Please check the DLC Qualified Products List at www.designlights.org/ QPL to confirm which versions are qualified.

Buy American Act

This product is assembled in the USA and meets the Buy America(n) government procurement requirements under FAR, DFARS and DOT regulations. Please refer to <u>www.</u> <u>acuitybrands.com/resources/buy-american</u> for additional information.

Warranty

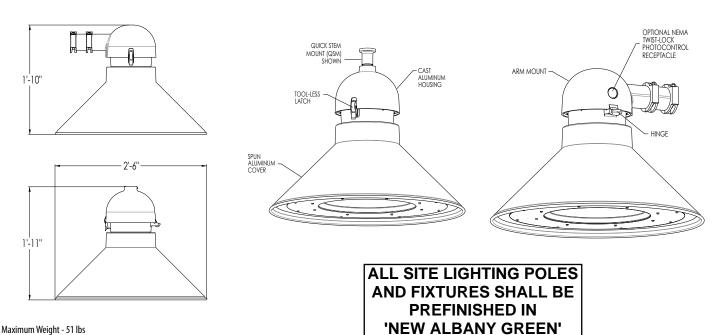
This is the only warranty provided and no other statements in this specification sheet create any warranty of any kind. All other express and implied warranties are disclaimed. Limited warranty located at: <u>www.acuitybrands.com/support/</u> <u>warranty/terms-and-conditions</u>

Note: Actual performance may differ as a result of end-user environment and application.

All values are design or typical values, measured under laboratory conditions at 25 °C.

Specifications subject to change without notice.

DIMENSIONAL DATA



ScuityBrands.

Maximum Effective Projected Area - 1.2 ft²

Holophane | One Lithonia Way, Conyers, GA 30012 | Phone: 866-HOLOPHANE | www.holophane.com | techsupportinf@acuitybrands.com © 2018-2023 Acuity Brands Lighting, Inc. All rights reserved. Rev. 06/29/23 Specifications subject to change without notice.



ORDERING INFORMATION

Example: GELF3 P30 40K MVOLT ASY QSM BK

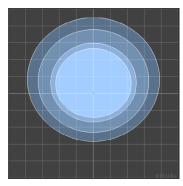
Cover Type	LED Lumen Package	Color Temperature	Voltage	Optics	Mounting Style	Finish Color	
GELF3 Hallbrook® Extended	P10P10 Performance PackageP20P20 Performance PackageP30P30 Performance PackageP40P40 Performance PackageP50P50 Performance PackageP60P60 Performance PackageP70P70 Performance PackageP80P80 Performance Package	27K 2700K, 70 CRI 30K 3000K, 70 CRI 40K 4000K, 70 CRI	MVOLT 120-277V HVOLT 347-480V	ASY Asymmetric SYM Symmetric PTH Pathway	ARM Horizontal Arm Mount NPT 1.5" NPT Thread QSM Quick Stem Mount	BK Black BZ Bronze GH Graphite GN Green GR Gray WH White	

Contro	l Options:	Prewire	Lead Options:
PR7	7 pin NEMA photocontrol receptacle	L03	3ft prewire leads
PR7E	7 pin NEMA photocontrol external	L10	10ft prewire leads
P34	Solid state long life photocontrol (347V)	L20	20ft prewire leads
P48	Solid state long life photocontrol (480V)	L25	25ft prewire leads
PCLL	DLL photocontrol	L30	30ft prewire leads
SH	Shorting cap		
AO	Adjustable Output Module	NEMA L	abel Options:
DALI	DALI dimming	NL1X1	1" x 1" NEMA label
WG	Wire guard (ships separately)	NL3X3	3" x 3" NEMA label
HSS	House side shield (ships separately)		

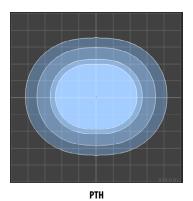
ALL SITE LIGHTING POLES AND FIXTURES SHALL BE PREFINISHED IN 'NEW ALBANY GREEN'

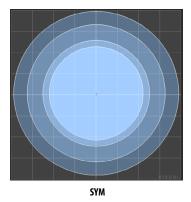
Accessories	Order as separate catalog number.
GBLF3HSS	House side shield
GBLF3WG	Wire quard

OPTICAL DISTRIBUTIONS



ASY







PERFORMANCE DATA

Lumen and Wattage Data

Luman Dadiana	Custom Wetters	Distribution	2700K	, 70 CRI	3000K	, 70 CRI	4000K	, 70 CRI
Lumen Package	System Wattage	Distribution	Lumens	LPW	Lumens	LPW	Lumens	LPW
		ASY	3,738	126	3,870	130	4,122	139
P10	30	SYM	3,860	130	3,995	134	4,256	143
		PTH	3,681	124	3,811	128	4,059	137
		ASY	6,143	121	6,359	125	6,774	134
P20	51	SYM	6,343	125	6,565	129	6,994	138
		PTH	6,049	119	6,262	123	6,671	132
		ASY	7,377	118	7,636	122	8,135	130
P30	0 62	SYM	7,617	122	7,884	126	8,399	135
		PTH	7,264	116	7,520	120	8,011	128
		ASY	8,767	116	9,075	121	9,668	128
P40	75	SYM	9,052	120	9,370	124	9,982	133
		PTH	8,633	115	8,937	119	9,520	126
		ASY	10,810	114	11,190	118	11,920	125
P50	95	SYM	11,161	117	11,553	121	12,308	129
		PTH	10,645	112	11,019	116	11,738	123
		ASY	12,781	108	13,230	112	14,094	119
P60	118	SYM	13,196	111	13,660	115	14,551	123
		PTH	12,586	106	13,028	110	13,878	117
		ASY	15,726	104	16,278	108	17,341	115
P70	151	SYM	16,236	108	16,807	111	17,904	119
		PTH	15,485	103	16,029	106	17,076	113
		ASY	17,544	101	18,161	105	19,346	112
P80	173	SYM	18,114	105	18,750	108	19,974	115
		PTH	17,276	100	17,883	103	19,050	110

OPTIONS MATRIX

					Lumen	Package				Volt	tage	Rece	ptacle	Photocontrol				Dimming Options	
		P10	P20	P30	P40	P50	P60	P70	P80	MVOLT	HVOLT	PR7	PR7E	PCLL	PCL3	PCL4	SH	AO	DALI
	P10		N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	RFD*
	P20	N		N	N	N	N	Ν	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	RFD*
	P30	N	N		N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	RFD*
Luman De des es	P40	N	N	N		Ν	N	Ν	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	RFD*
Lumen Package	P50	N	N	N	N		N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	RFD
	P60	N	N	N	N	N		N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	RFD
	P70	N	Ν	Ν	N	Ν	N		N	Y	Y	Y	Y	Y	Y	Y	Y	Y	RFD
	P80	N	N	N	N	Ν	Ν	N		Y	Y	Y	Y	Y	Y	Y	Y	Y	RFD
Valtara	MVOLT	Y	Y	Y	Y	Y	Y	Y	Y		N	Y	Y	Y	N	N	Y	Y	RFD
Voltage	HVOLT	Y	Y	Y	Y	Y	Y	Y	Y	N		Y	Y	N	Y	Y	Y	Y	Ν
Decentacle	PR7	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		N	Y	Y	Y	Y	Y	RFD
Receptacle	PR7E	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N		Y	Y	Y	Y	Y	RFD
	PCLL	Y	Y	Y	Y	Y	Y	Y	Y	Y	Ν	Y	Y		N	N	Ν	Y	RFD
Dhotocontrol	PCL3	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	N		N	N	Y	RFD
Photocontrol	PCL4	Y	Y	Y	Y	Y	Y	Y	Y	Ν	Y	Y	Y	Ν	N		N	Y	RFD
	SH	Ŷ	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Ν	N	N		Y	RFD
Dimming Ontions	AO	Ŷ	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		N
Dimming Options	DALI	RFD*	RFD*	RFD*	RFD*	RFD	RFD	RFD	RFD	RFD	Ν	RFD	RFD	RFD	RFD	RFD	RFD	N	

Y = combination is available

N = combination is available RFD = consult factory, additional information required RFD* = consult factory, additional information required, not CSA certified

HOLOPHANE LEADER IN LIGHTING SOLUTIONS

GlasWerks® Luminescent LED Hallbrook® Extended

LED Lumen Maintenance					
25,000 hours	36,000 hours	50,000 hours	60,000 hours	75,000 hours	100,000 hours
98%	96%	94%	93%	91%	88%

Lumen maintenance calculated according to TM-21 at 25°C ambient. Italicized values are extrapolated beyond the standard.

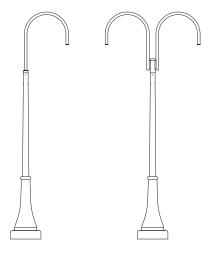
Adjustable Output (AO) Response				
AO Setting	% Lumen Output	% Wattage		
8	100%	100%		
7	94%	94%		
6	82%	81%		
5	70%	68%		
4	58%	56%		
3	46%	43%		
2	33%	31%		
1	21%	19%		

Luminaire Ambient Temperature Factor				
Ambient Temeprature	Relative Lumen Output			
0°C	1.03			
15°C	1.02			
20°C	1.01			
25°C	1.00			
30°C	0.99			
35°C	0.99			
40°C	0.98			



HLBK

Hallbrook Series Aluminum Pole Assembly



ALL SITE LIGHTING POLES AND FIXTURES SHALL BE PREFINISHED IN 'NEW ALBANY GREEN'

Catalog Number

Notes

Туре

SPECIFICATIONS

General Description

welded top and bottom.

aluminum allov.

Dimensions

plate.

centerline.

Mounting Style

Wiring Access

Finish

hole is provided for grounding.

This contemporary European style lighting post shall be aluminum construction, with a one piece spun shaft, and a single bishops crook mounting bracket, and a slender sweeping decorative clamshell base.

Materials

- The Post shaft shall be 6063 aluminum alloy, .188 wall thickness, heat treated to a T6 condition after welding.
- The anchor base shall be A356 cast aluminum alloy, heat treated to a T6 condition after welding.
 The base plate telescopes the shaft and is circumferentially

The clamshell base is sand cast of A356 copper free

The pole shall be X'-XX" in height with a 9.25" square base

The decorative clamshell base is 22" in diameter and 45" tall.

 The bishops crook bracket arm shall rise 44" above the pole top and form a 30" diameter arc from the center of

the vertical portion of the arm to the luminaire mount

The luminaire mounting end of the bracket arm shall be

The bracket arms are 1-1/2" schedule 80 pipe with optional Quick Lock Stem or 1.5NPT integrated into the end of the arm.

• The post is provided with a 3" by 5" nominal hand hole and

cover. A 3/8-16UNC tapped hole inside the shaft at the hand

Rigorous multi-stage pre-treating and painting process yields a finish that achieves a scribe creepage rating of 8 (per ASTM D1654) after over 5,000 hours exposure to salt

The anchor bolts are hot dipped galvanized.

• The shaft shall have a top diameter of 3.5".

approximately 21" above the top of the post.

ferentially ferentially • The post shall be provided with four 3/4" diameter by 15" long L-type anchor bolts to be installed on a 7.5 to 9.5" diameter bolt circle.

RAL finish options.

Resistant, 80% gloss.

Warranty

1-year limited warranty. This is the only warranty provided and no other statements in this specification sheet create any warranty of any kind. All other express and implied warranties are disclaimed. Complete warranty terms located at: www.acuitybrands.com/support/warranty/terms-andconditions

fog chamber (operated per ASTM B117) on standard and

RAL (RALxxxxSDCR) paint colors are Super Durable Corrosion

IMPORTANT INSTALLATION NOTES:

- Do not erect poles without having fixtures installed.
- Factory-supplied templates must be used when setting anchor bolts. Acuity Brands Lighting will not accept claim for incorrect anchorage placement due to failure to use factory template.
- If poles are stored outside, all protective wrapping must be removed immediately upon delivery to prevent finish damage.
- Acuity Brands Lighting is not responsible for the foundation design.

Note: Actual performance may differ as a result of end-user environment and application.

Fyample: HIRK 12 ALN 14 OSM RK GWRA512RK

Specifications subject to change without notice.

ORDERING INFORMATION

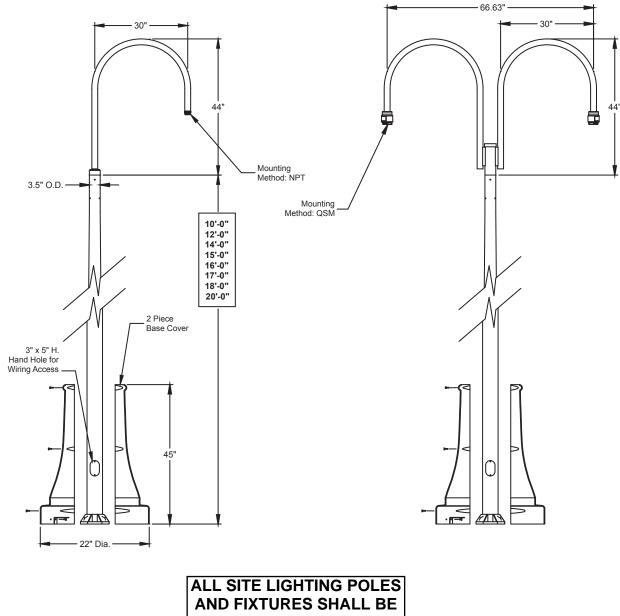
eries	Height	Material	Arm	Mounting Method	Finish	
HLBK Hallbrook Pole Series	10 10'-0" 12 12'-0" 14 14'-0" 15 15'-0" 16 16'-0" 17 17'-0" 18 18'-0" 20 20'-0"	ALN Aluminum	1A Single Arm Assembly 2A Twim Arm Assembly	NPT 1.5 NPT threaded pipe QSM Quick stem mount	BK BZ DB GH GN GR PP SL WH CMC CTBS RALxxxxSDCR	Black Bronze Dark Blue Graphite Green Gray Prime Painted Silver White Customer matching color Standard color to be selected RAL Super Durable Corrosion Resistant, 80% Gloss Paint, replace xxxx with RAL number.

Accessories GWBA512 XX Cast Alum Clamshell Decorative Base

CuityBrands.



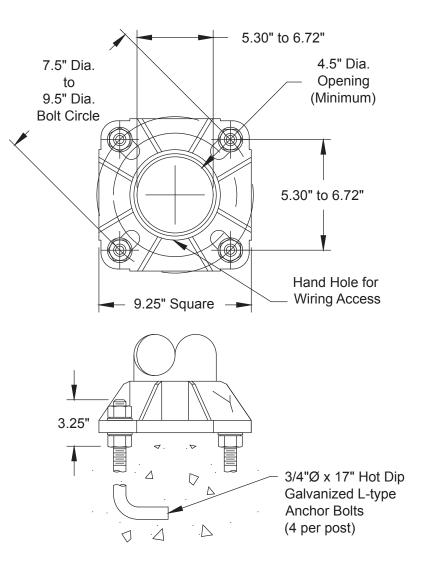
DIMENSIONAL DATA



AND FIXTURES SHALL BE PREFINISHED IN 'NEW ALBANY GREEN'

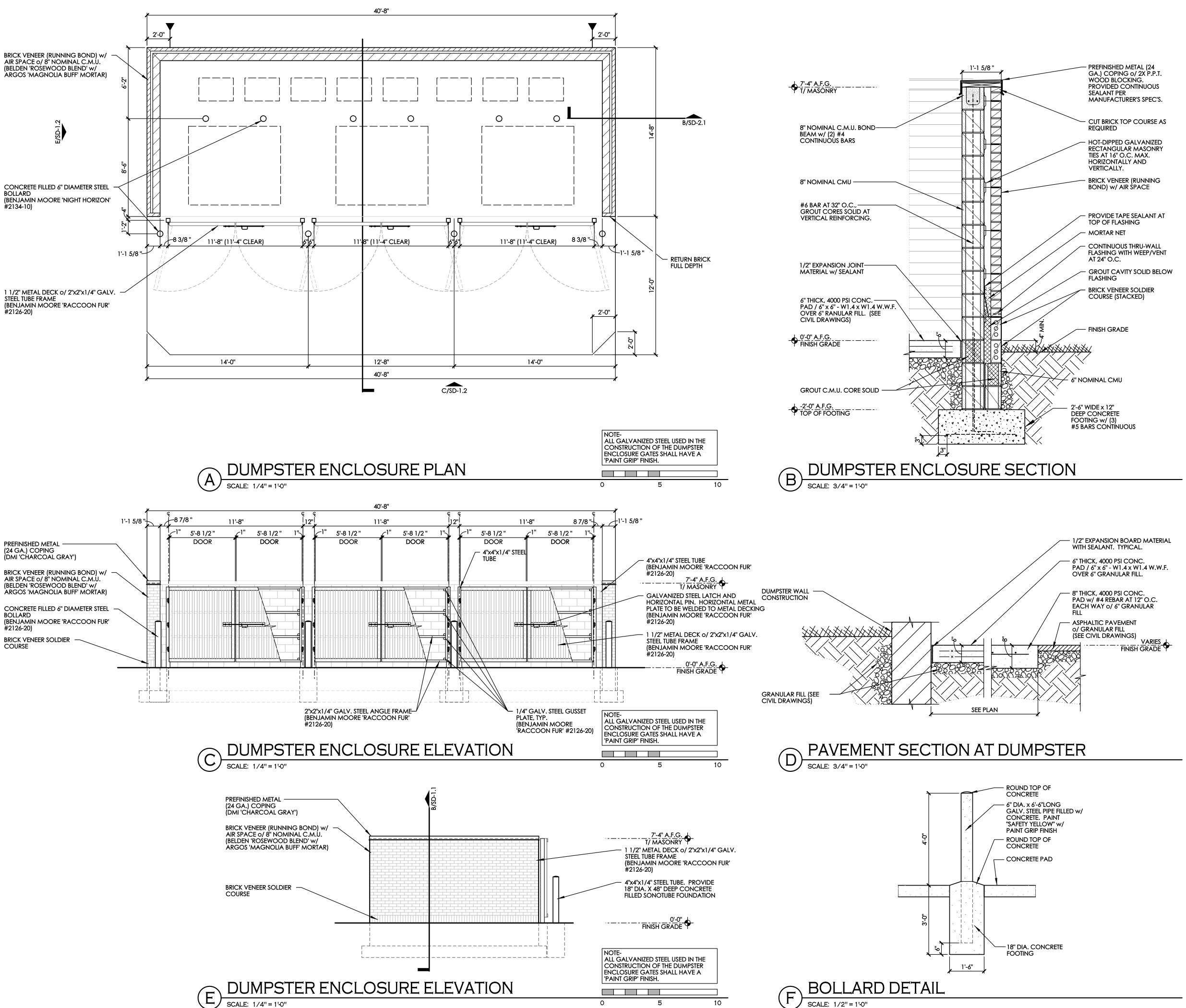


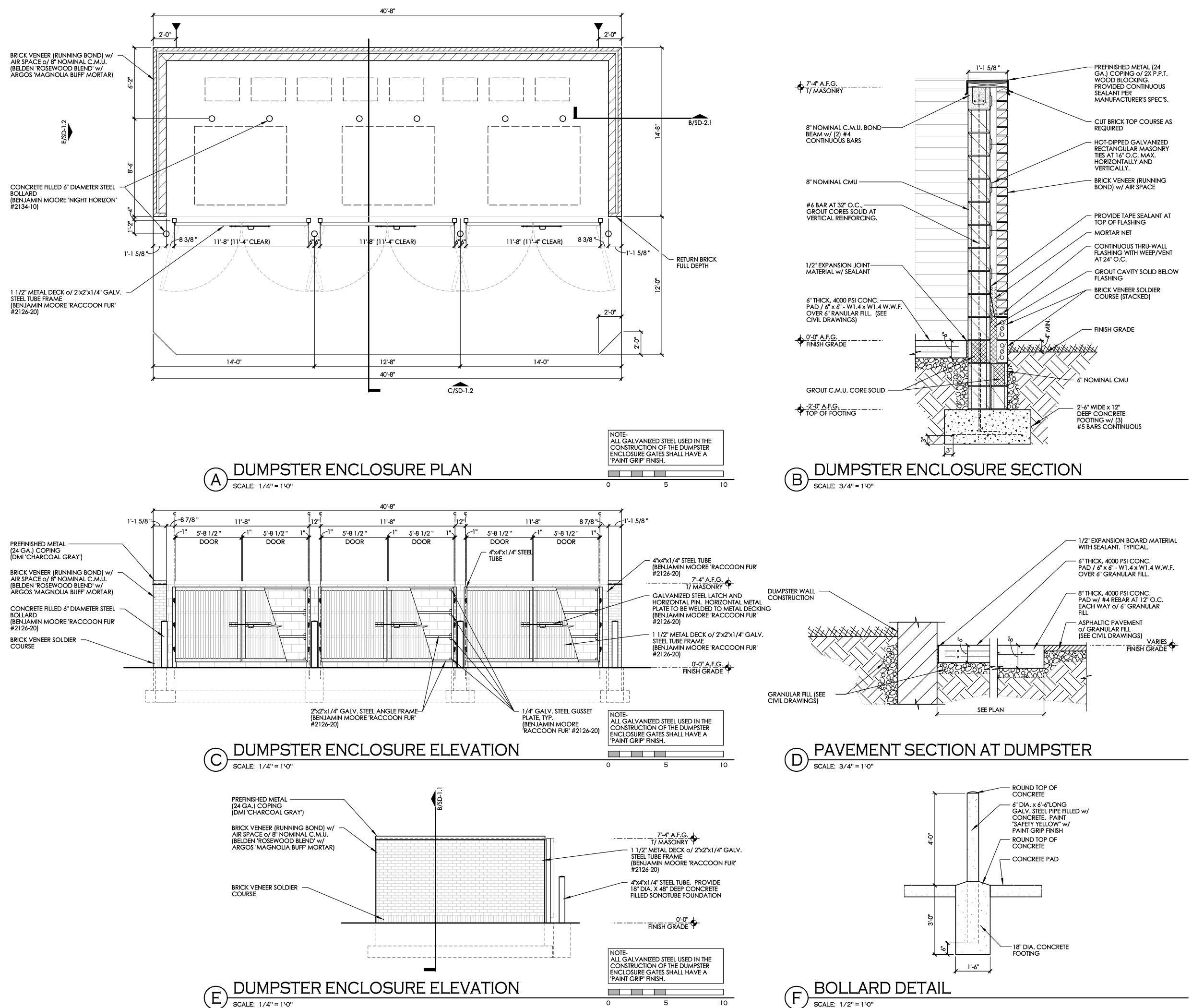
ANCHORAGE GUIDE

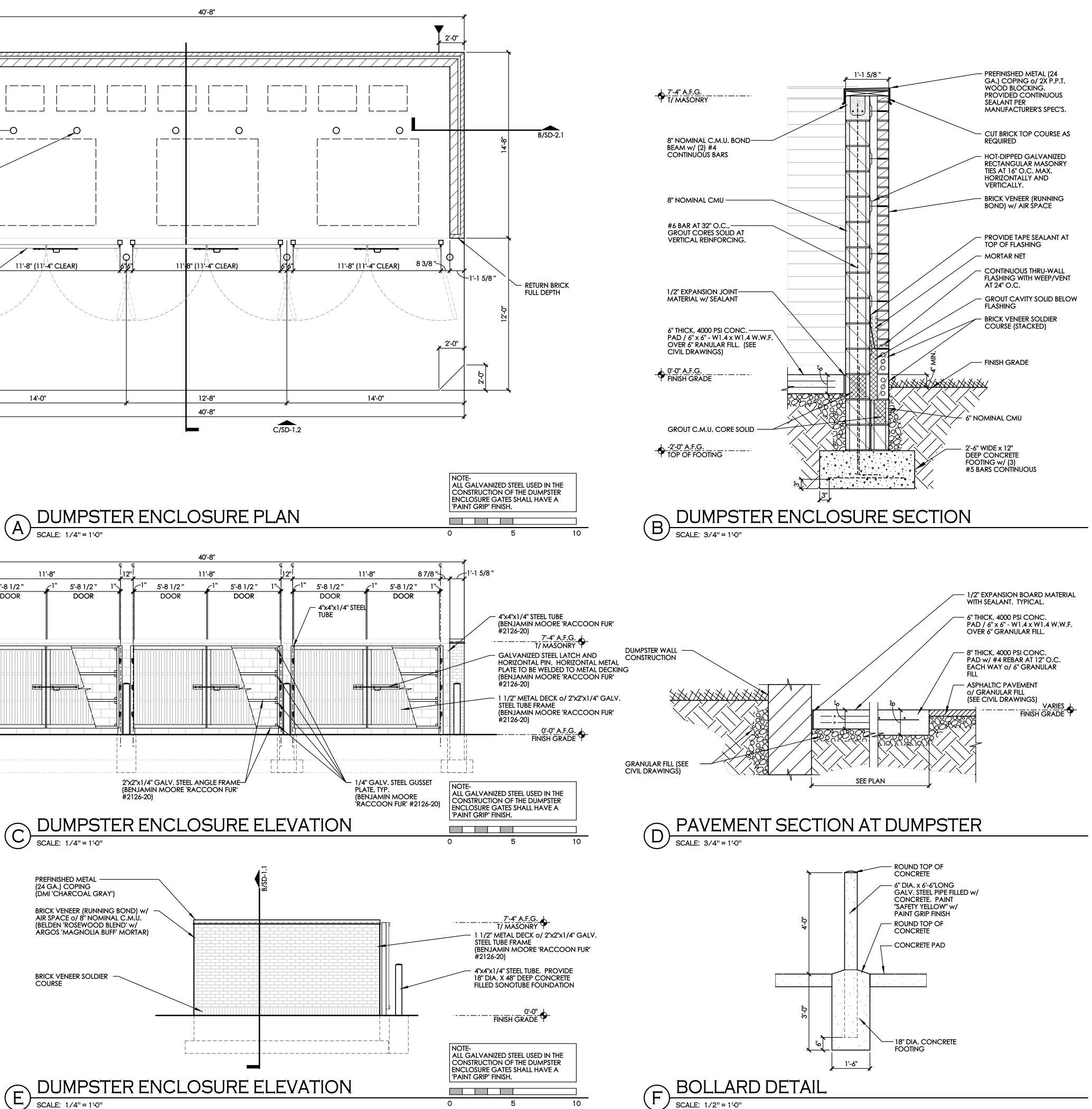


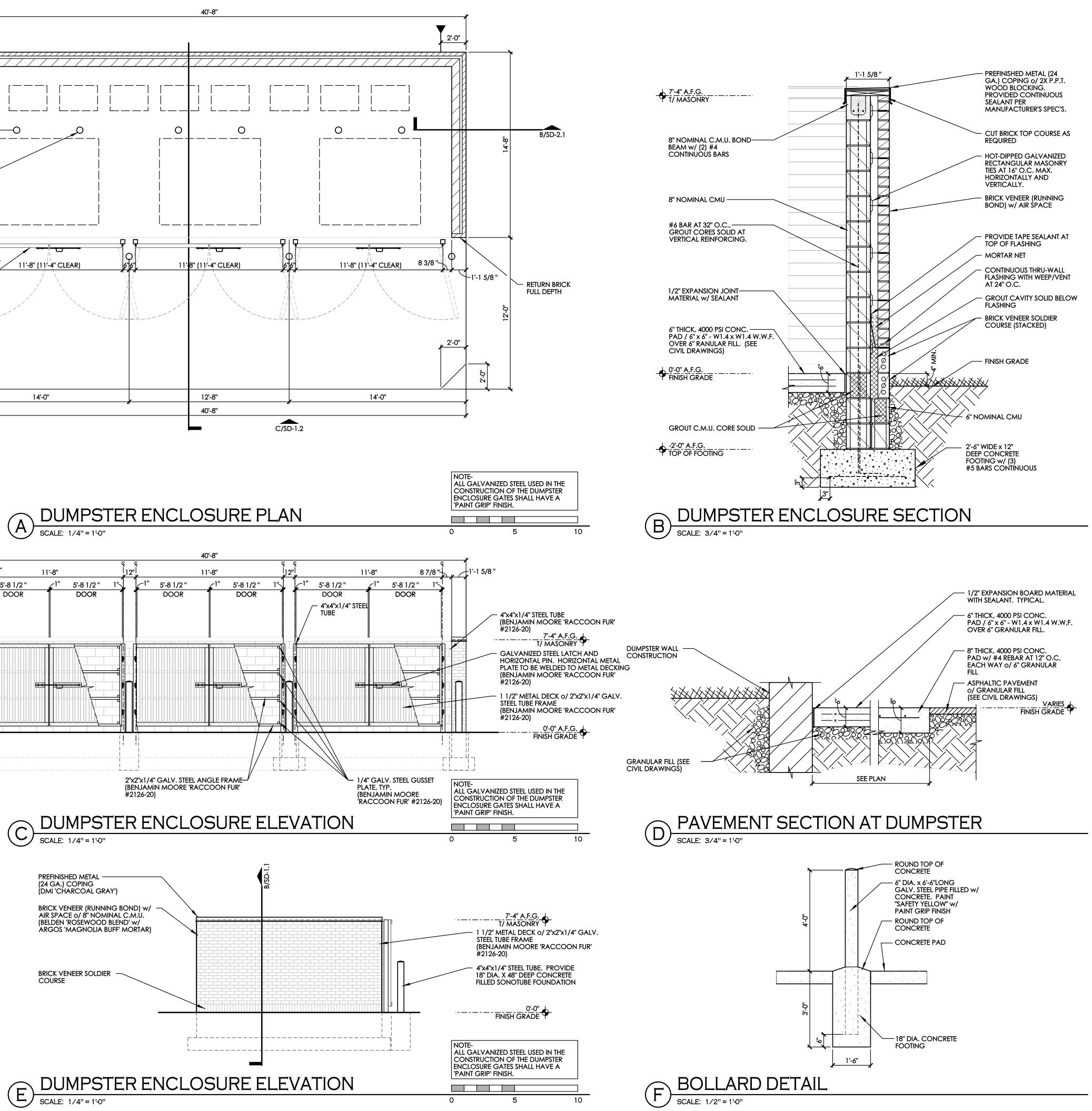
ALL SITE LIGHTING POLES AND FIXTURES SHALL BE PREFINISHED IN 'NEW ALBANY GREEN'

ScuityBrands.





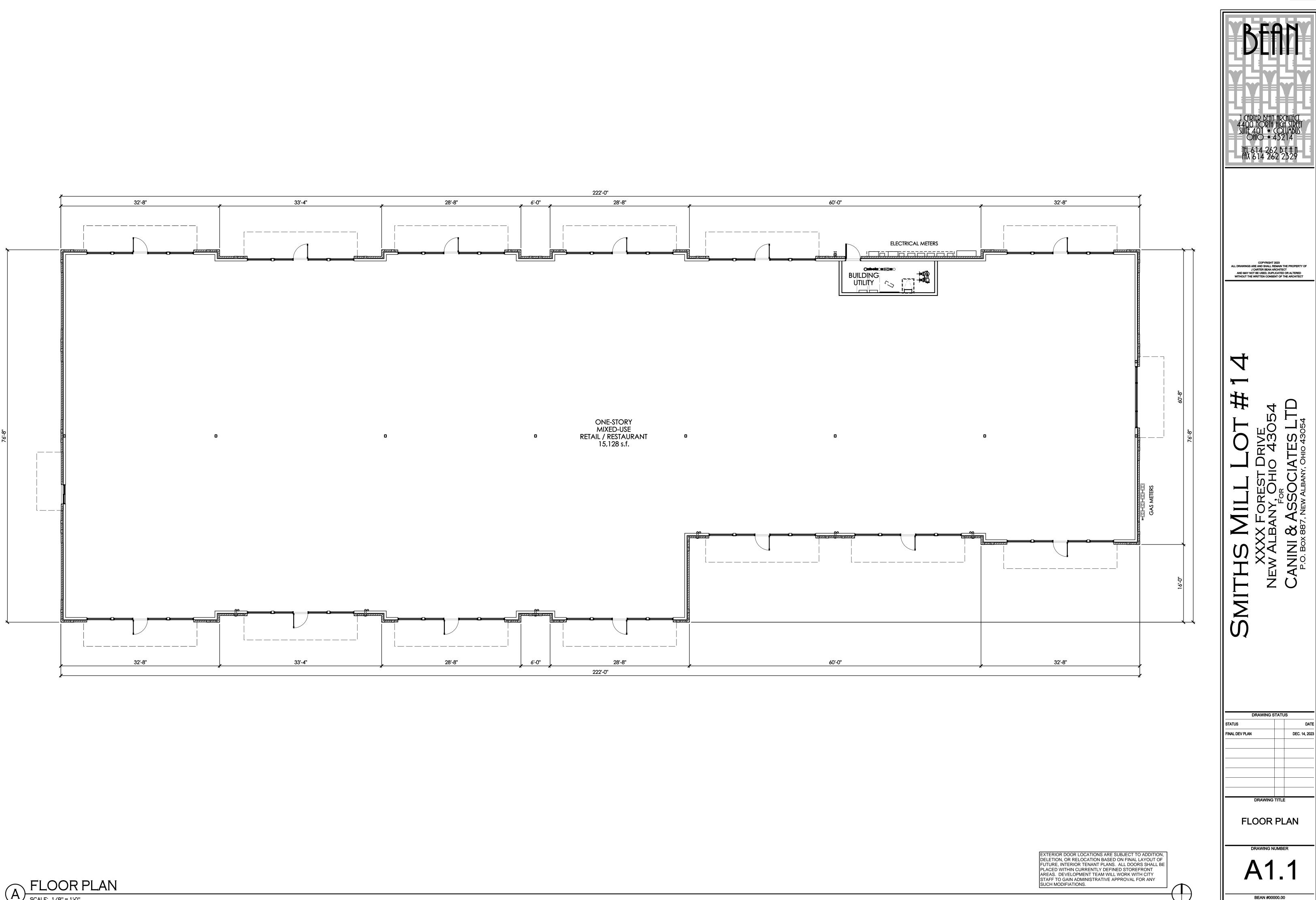




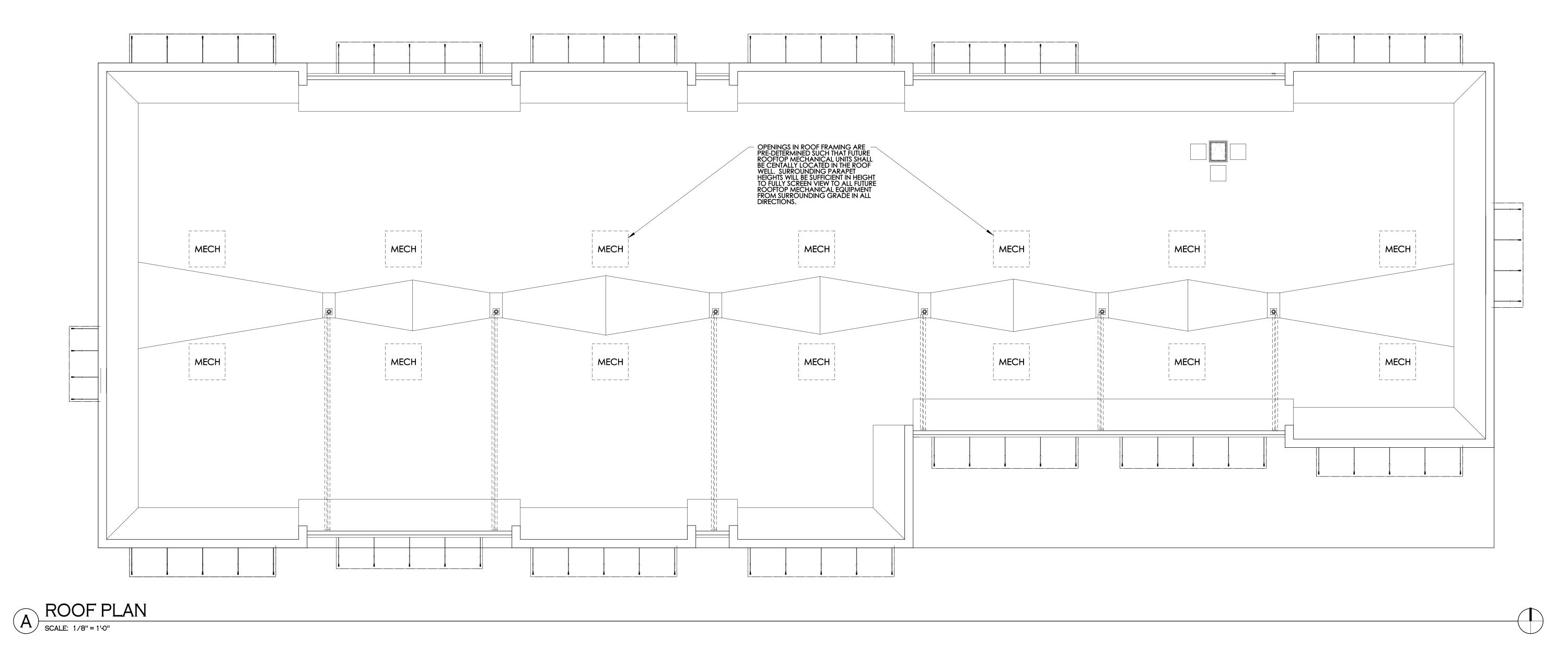


CARTER BEAN ARCHITEC 400 NORTH HIGH STR

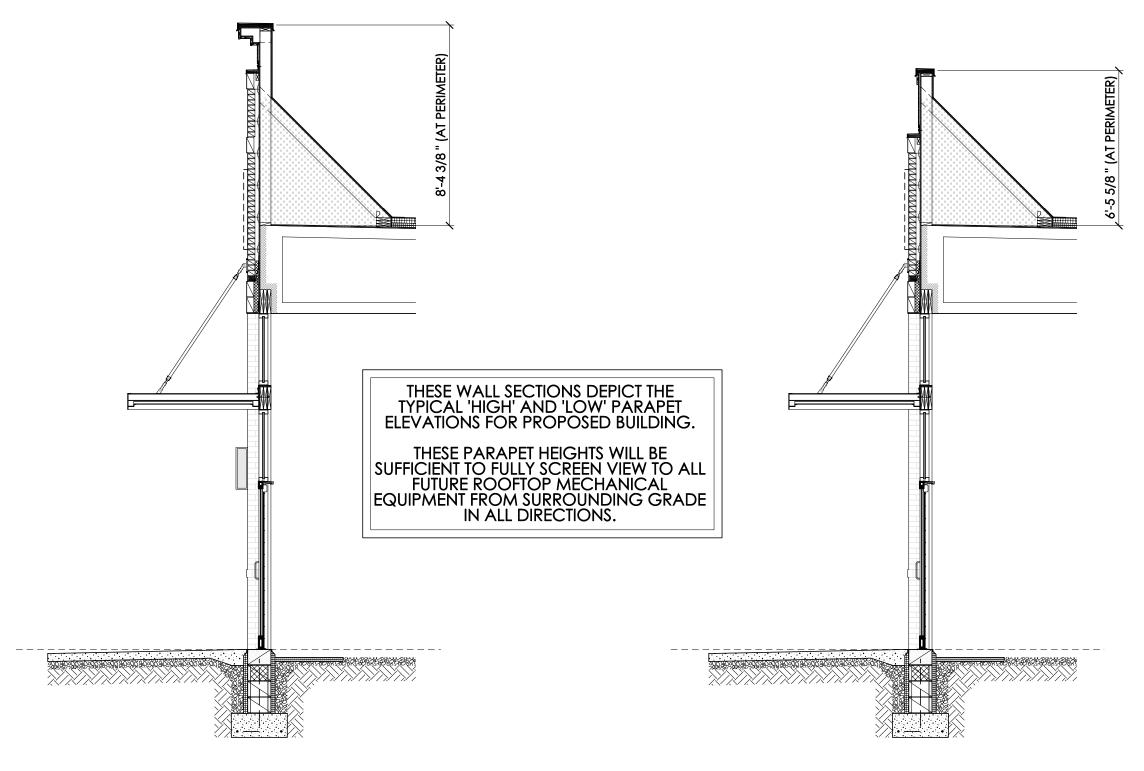
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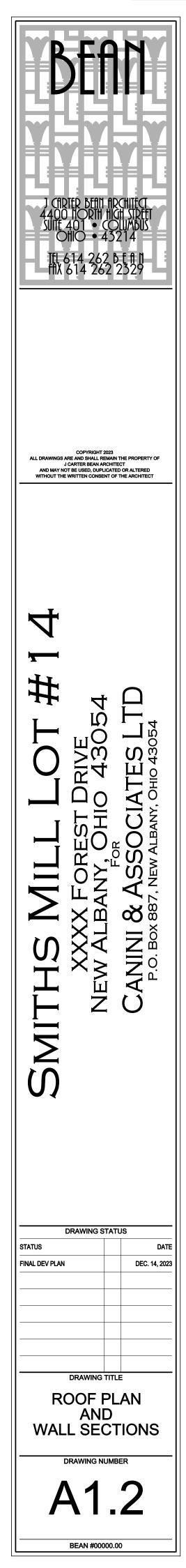














	FC-1 PT-1	
	— MA-2 —	МА-2
FC-1TENANT SIGN	FC-1TENANT SIGN	
◄ SF-1 →	A second and all the second and	SF-1

 		FC-1 PT-1	·			
MA-2			MA-2			
ANT SIGN	MA-1	FC-1TEN	ANT SIGN	MA-1 FC-1TE	NANT SIGN	
FC-1			FC-1		FC-1	
MC-1			MC-1		MC-1	
SF-1			SF-1		\$F-1	-
		A set of the set of th				

EXTERIOR FINISH KEY				
MARK	TYPE	NOTES		
FC-1	FIBER CEMENT - PANEL AND TRIM	JAMES HARDIE PANEL SIZE AND TRIM WIDTH VARIES (SMOOTH) BENJAMIN MOORE 'RACCOON FUR' #2126-20		
MA-1	MASONRY	BELDEN BRICK COLOR: 'PRINCESS BLEND' MORTAR COLOR: ARGOS 'MAGNOLIA BUFF'		
MA-2	MASONRY	BELDEN BRICK COLOR: 'ROSEWOOD BLEND' MORTAR COLOR: ARGOS 'MAGNOLIA BUFF'		
MC-1	METAL CANOPY	MAPES 10" TALL SUPER LUMIDECK W/ HANGER ROD SUPPORTS COLOR: 'CHARCOAL GRAY'		
SF-1	ALUMINUM STOREFRONT GLAZING AND FRAME	KAWNEER TRIFAB VG 451-T SERIES (OR ACCEPTABLE ALTERNATE) 2' x 4 1/2' FOR 1" INSULATED GLAZING COLOR: LINETEC 'CHARCOAL GRAY' LT605-70		

GENERAL NOTES

1. THE COLORS AND MATERIALS, AS SHOWN IN THIS FINAL DEVELOPMENT PLAN, MAY BE ADJUSTED SLIGHTLY, BASED ON SUPPLY SHORTAGES OR DELAYS. HOWEVER, FINAL SELECTIONS WILL BE SUBSTANTIALLY SIMILAR TO THE DESIGN INTENT SHOWN IN THIS FINAL DEVELOPMENT PLAN SUBMISSION. IF MODIFICATIONS ARE NECESSARY, DEVELOPMENT TEAM WILL WORK WITH DEVELOPMENT DEPARTMENT STAFF TO GAIN ADMINISTRATIVE APPROVAL FOR ANY SUCH MODIFICATIONS.

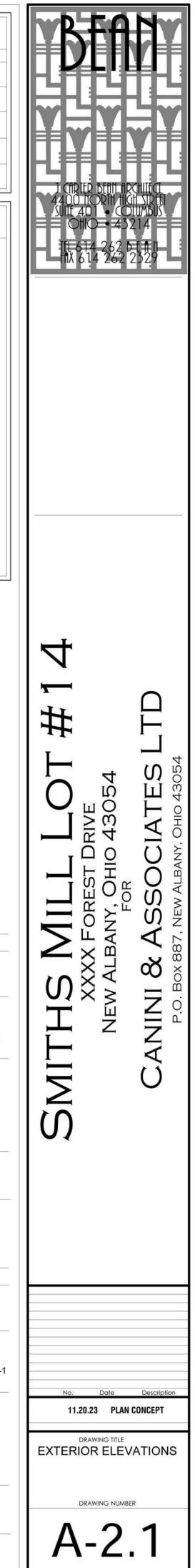
2. EXTERIOR DOOR LOCATIONS ARE SUBJECT TO ADDITION, DELETION, OR RELOCATION BASED ON FINAL LAYOUT OF FUTURE, INTERIOR TENANT PLANS. ALL DOORS SHALL BE PLACED WITHIN CURRENTLY DEFINED STOREFRONT AREAS. DEVELOPMENT TEAM WILL WORK WITH CITY STAFF TO GAIN ADMINISTRATIVE APPROVAL FOR ANY SUCH MODIFICATIONS.

3. TENANT SIGNAGE SHALL BE SUBMITTED FOR REVIEW, APPROVAL, AND PERMIT ON A TENANT-BY-TENANT BASIS. THE DESIGN OF ALL SIGNAGE SHALL CONFORM TO THE REQUIREMENTS OF THE APPROVED DEVELOPMENT TEXT AND CITY OF NEW ALBANY ZONING CODE. THESE ELEVATIONS SHOW THE GENERALLY INTENDED LOCATIONS FOR WALL-MOUNTED SIGNAGE TO COMPLIMENT BUILDING ARCHITECTURE. HOWEVER, THE LOCATIONS DEPICTED HEREIN SHALL NOT LIMIT THE ABILITY OF LANDLORD OR TENANTS TO INSTALL ADDITIONAL SIGNAGE, TO THE EXTENT ALLOWED BY CODE.

4. MECHANICAL ROOF WELLS HAVE BEEN DESIGNED WITH SUFFICIENT DEPTH TO FULLY SCREEN VIEW OF EQUIPMENT, FROM GRADE, IN ALL DIRECTIONS.

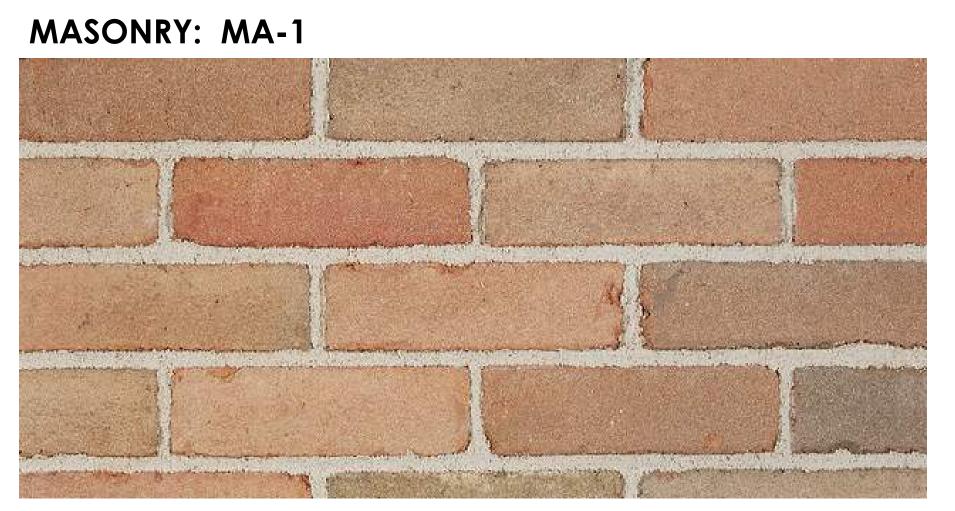






BEANProject Number

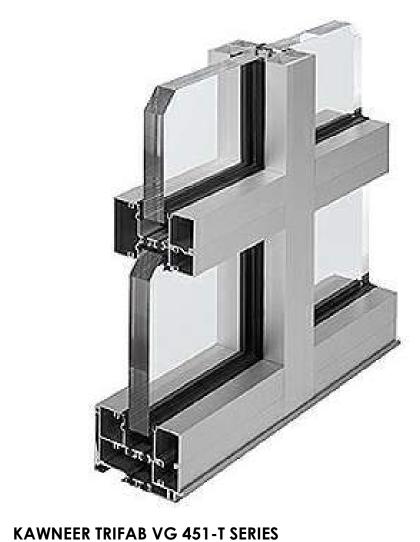
EXTERIOR MATERIALS



BELDEN BRICK COLOR: 'PRINCESS BLEND' TEXTURE: SANDMOLD MORTAR COLOR: ARGOS 'MAGNOLIA BUFF'

BELDEN BRICK COLOR: 'ROSEWOOD BLEND' TEXTURE: ANTIQUE COLONIAL MORTAR COLOR: ARGOS 'MAGNOLIA BUFF'

ALUMINUM STOREFRONT ENTRY: SF-1 METAL CANOPY: MC-1



LINETEC 'CHARCOAL GRAY' LT605-70



MANUFACTURER: MAPES **10" TALL SUPER LUMIDECK W/ HANGER ROD SUPPORTS**

SITE RETAINING WALL: RW-1





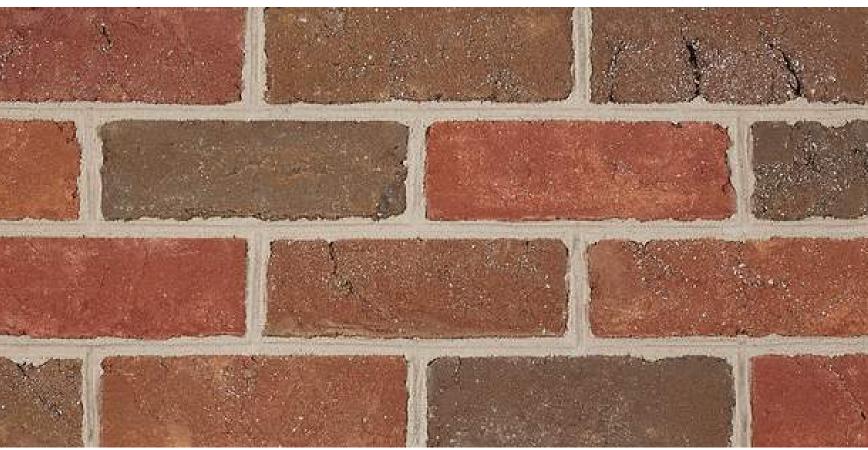
(OR ACCEPTABLE ALTERNATE)

2" x 4 1/2" FOR 1" INSULATED GLAZING

MANUFACTURER: NORWELL LIGHTING CAPTURE 1 LIGHT 21" MATTE BLACK OUTDOOR WALL LIGHT



MASONRY: MA-2





MANUFACTURER: JAMES HARDIE PANEL AND TRIM (SMOOTH)

PAINT: P-1 (CORNICE)

COLOR: CHARCOAL GRAY



BENJAMIN MOORE 'RACCOON FUR' #2126-20

#2148-30





PAINT: P-2 (SERVICE METERS)

BENJAMIN MOORE 'MILITARY TAN'

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TORRIER DEPENDENT ALCOLUMENT ALCO
SMITHS MILL LOT #14 XXX FOREST DRIVE NEW ALBANY, OHIO 43054 FOR CANINI & ASSOCIATES LTD P.O.BOX B87, NEW ALBANY, OHIO 43054
No. Date Description 11.20.23 PLAN CONCEPT DRAWING TITLE MATERIAL INDEX DRAWING NUMBER A O O

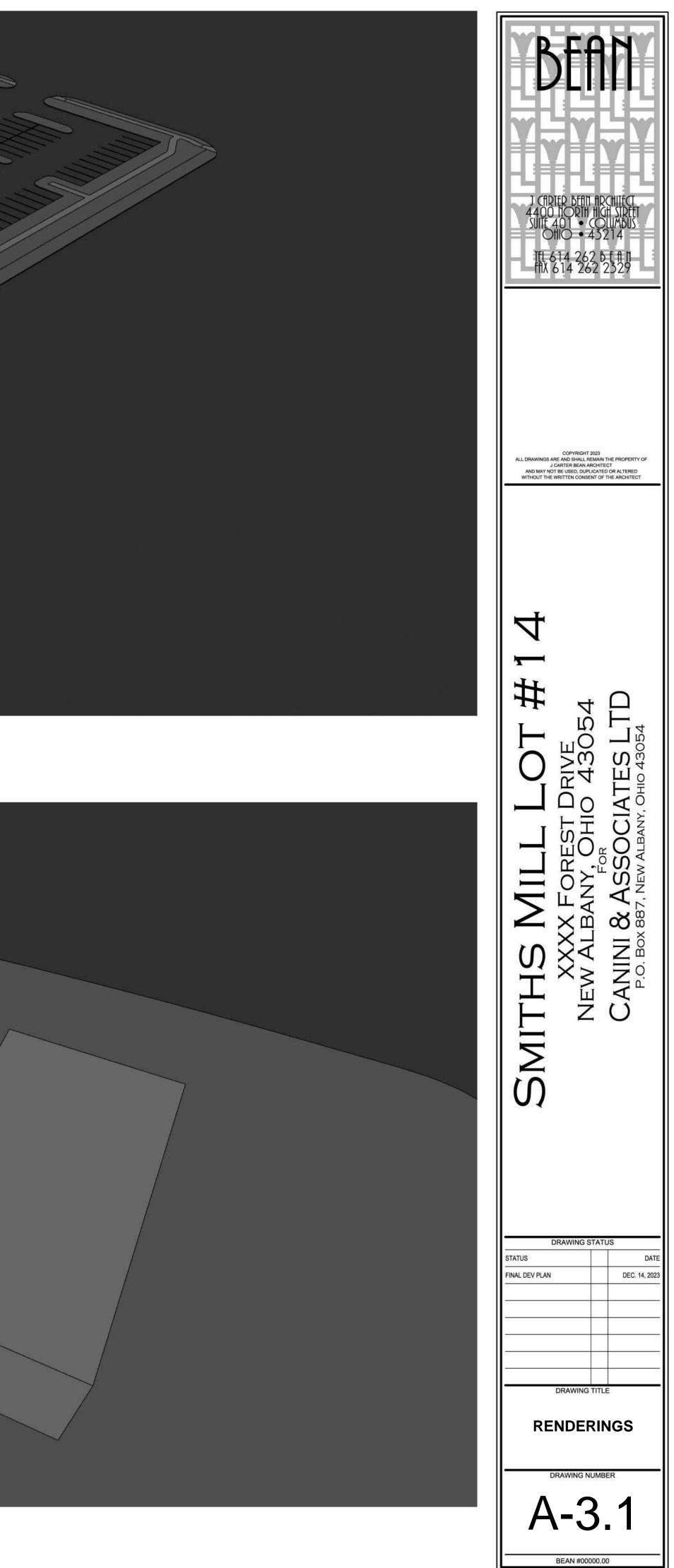
BEANProject Number

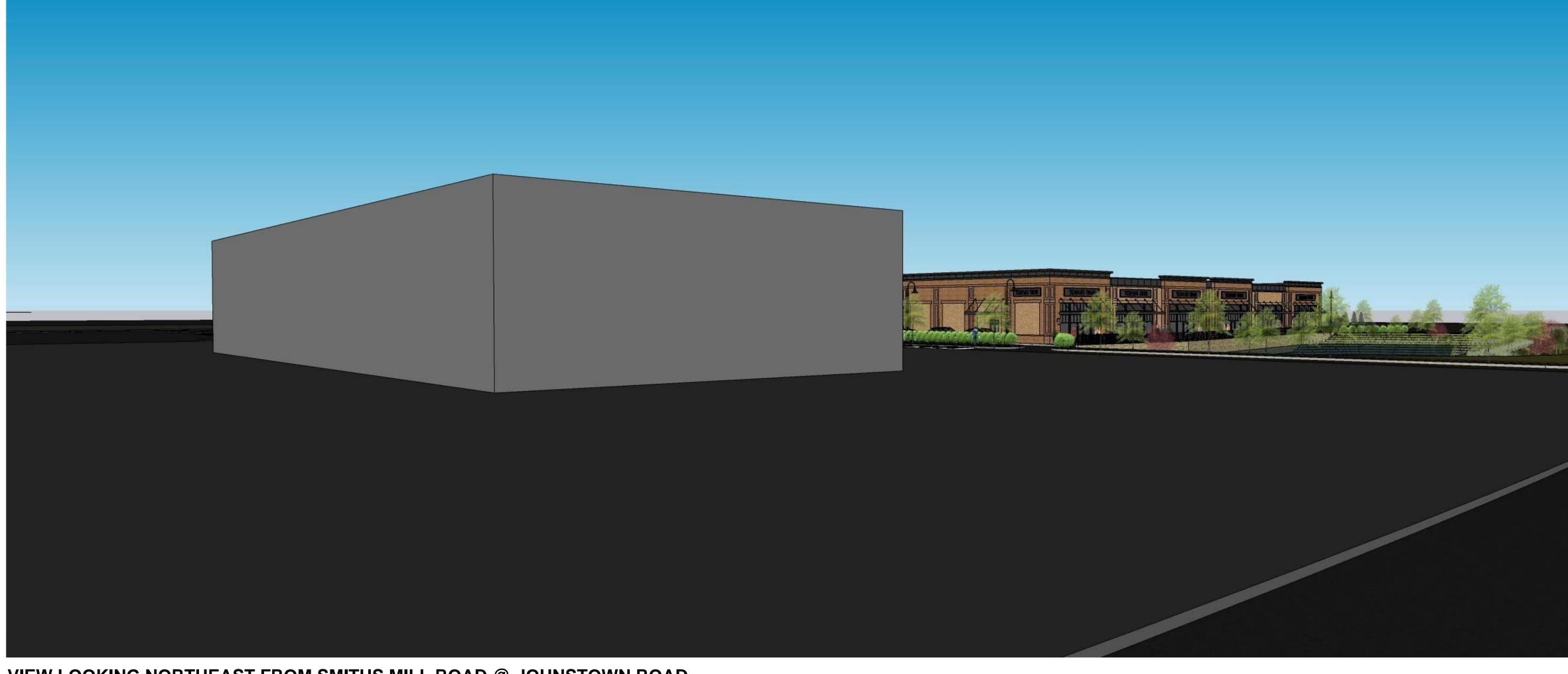


VIEW LOOKING NORTHWEST



VIEW LOOKING SOUTHEAST

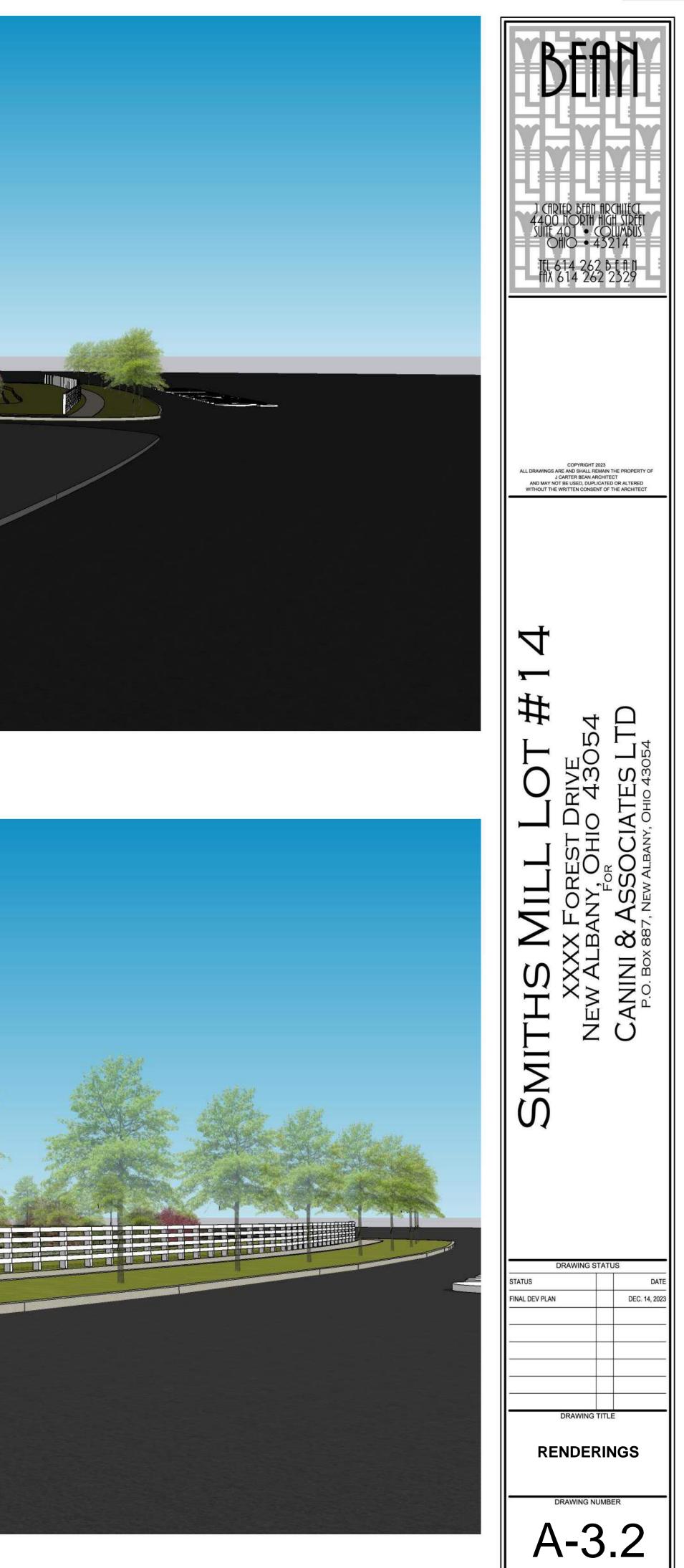




VIEW LOOKING NORTHEAST FROM SMITHS MILL ROAD @ JOHNSTOWN ROAD



VIEW LOOKING NORTHEAST FROM SMITHS MILL ROAD @ WOODCREST WAY



BEAN #00000.00



BEAN #00000.00



VIEW LOOKING NORTHWEST FROM SMITHS MILL ROAD @ FOREST DRIVE





VIEW LOOKING NORTHWEST

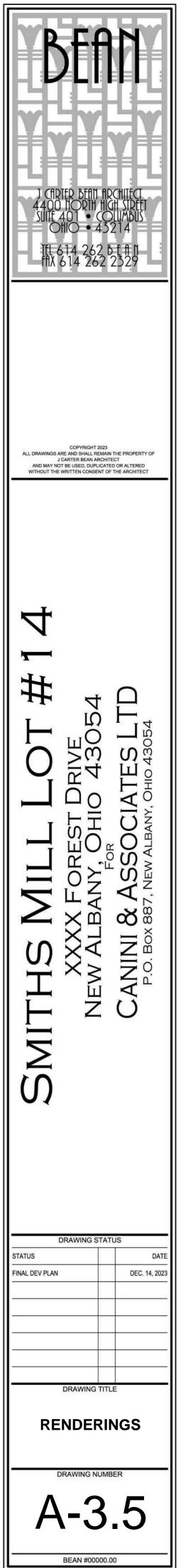
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BEAN #	¢00000.00



VIEW LOOKING SOUTHEAST FROM FOREST DRIVE



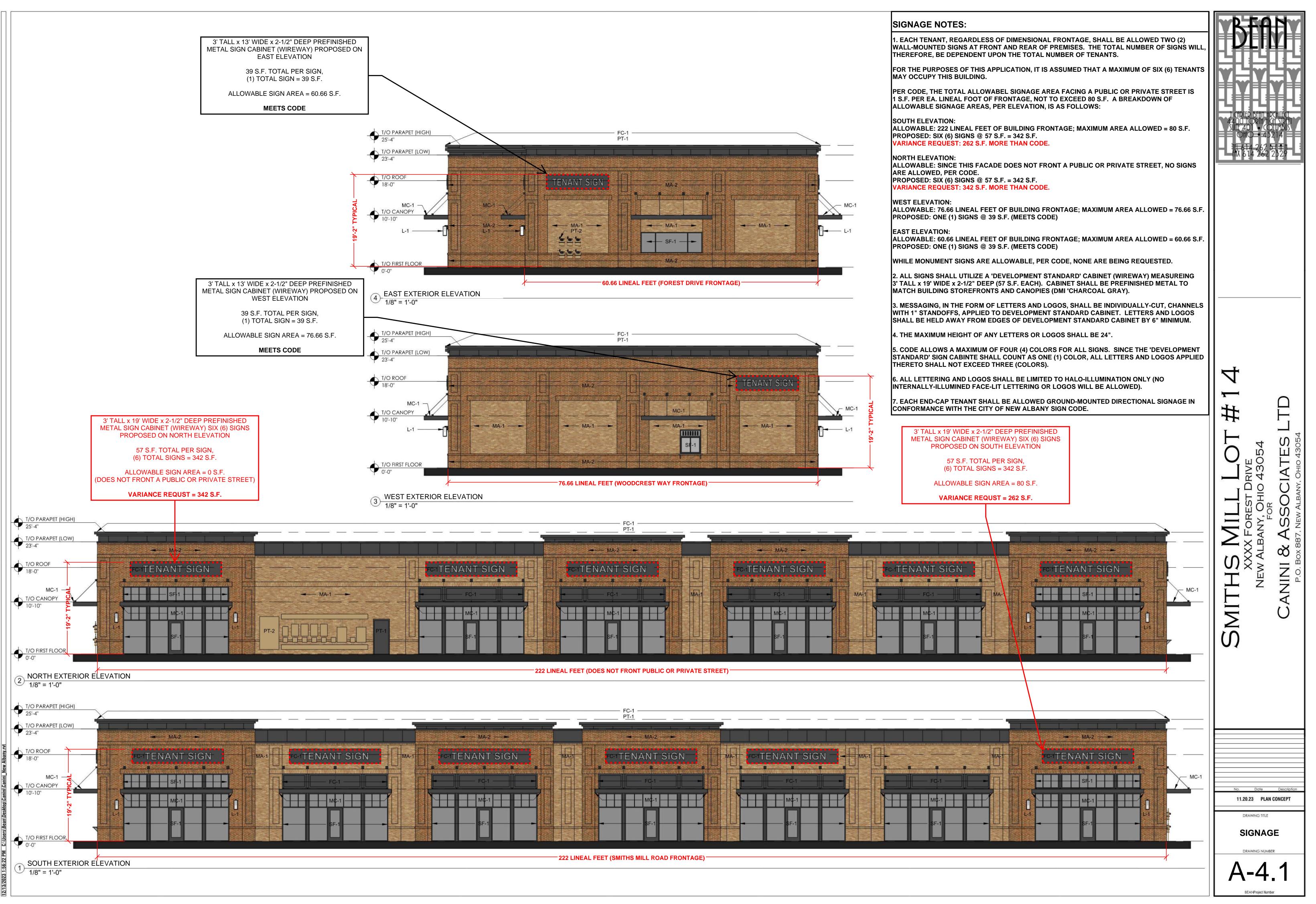
VIEW LOOKING SOUTHEAST







BEAN #00000.00





Planning Commission Staff Report February 21, 2024 Meeting

SMITH'S MILL LOT 14 VARIANCES

Located generally at the northeast corner of Smith's Mill Road and Forest Drive (PID: 222-000347)
J. Carter Bean Architect LLC, c/o Carter Bean
(A) Variance to Canini Trust Corp, I-PUD Text 8a.01(2) to allow for an encroachment into the 20' pavement setback along Forest Drive.
(B) Variance to DGR Section 6(I)(A)(12) to eliminate the requirement that there be active and operable doors on the Forest Drive and Woodcrest Way building elevations.
(C) Variance to C.O. 1167.07(d)(4) to allow for 7 stacking spaces in the restaurant drive-through when code requires 8.
(D) Variance to C.O. 1167.07(d)(6) to allow for 4 stacking spaces in the bank drive-through when code requires 11.
Infill Planned Unit Development (I-PUD): Canini Trust Corp, subarea 8a Retail VAR-123-2023

Review based on: Application materials received December 15, 2023 and January 23, 2024. *Staff report prepared by Chelsea Nichols, Planner*

I. REQUEST AND BACKGROUND

This application is for various variances related to a final development plan for a proposed development consisting of a multi-tenant building located generally at the northeast corner Smith's Mill Road and Forest Drive, within the Canini Trust Corp. One of the tenants is a restaurant with a drive-through and another is a bank with a drive-through.

The zoning text allows Office buildings and the permitted uses contained in the Codified Ordinances of the Village of New Albany, OCD Office Campus District, Section 1144.02 and C-2, Commercial District, Section 1147.02, and the conditional uses contained in Section 1147.02, which includes restaurants and banks with drive-through facilities. The applicant has applied for a conditional use to be heard by the Planning Commission at tonight's meeting under case CU-124-2023.

The applicant requests the following variances:

- (A) Variance to Canini Trust Corp, I-PUD Text 8a.01(2) to allow for an encroachment into the 20' pavement setback along Forest Drive.
- (B) Variance to DGR Section 6(I)(A)(12) to eliminate the requirement that there be active and operable doors on the Forest Drive and Woodcrest Way building elevations.
- (C) Variance to C.O. 1167.05(d)(4) to allow for 7 stacking spaces in the restaurant drivethrough when code requires 8.
- (D) Variance to C.O. 1167.05(d)(6) to allow for 4 stacking spaces in the bank drive-through when code requires 11.

II. SITE DESCRIPTION & USE

The site is generally located on the northeast corner of Smith's Mill Road and Forest within the Canini Trust Corp site. The site is 2.38 acres and is currently undeveloped. Some of the existing surrounding uses include Home2Suites, Turkey Hill gas station, as well as Dairy Queen which also has a drive-through facility. In addition, both Wendy's (with a drive-through) and Valvoline are two nearby sites that are currently under construction and were approved in 2023.

III. EVALUATION

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

Criteria

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

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

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

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

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

III. RECOMMENDATION

Considerations and Basis for Decision

(A) Variance to Canini Trust Corp, I-PUD Text 8a.01(2) to allow for an encroachment into the 20' pavement setback along Forest Drive.

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

- 1. The requested variance will reduce the required minimum pavement setback on a portion of the site adjacent to Forest Drive on the south side of the property from 20 feet to 15 feet.
- 2. The applicant states the variance would allow the parking spaces to align with the adjacent parking next door on the Home2Suites hotel site.
- 3. It does not appear that the essential character of the neighborhood would be altered if the variance request is granted. The applicant has aligned the parking spaces along Forest Drive with those on the adjacent site next door at the Home2Suites site in order to maintain a uniform streetscape. The Home2Suites site did not require a variance. The need for a variance on this site is because the Forest Drive right-of-way widens from 50 feet at the Home2Suites site to 65 feet at Smith's Mill Road.
- 4. The variance request does not appear to be substantial. The appropriate streetscape improvements are still installed even with the smaller setback. The applicant is installing street trees and shrubs to provide screening of the parking lot. In addition to the tree lawn for the street trees and there is a 5-foot-wide sidewalk proposed along Forest Drive
- 5. Historically, the Planning Commission has only approved encroachments into the pavement setbacks when all of the required streetscape amenities, such as sidewalk and tree lawn, can still be accommodated. The site plan does accommodate the tree lawn and sidewalk along Forest Drive.
- 6. The variance request meets the spirit and intent of the zoning text. The applicant is providing the approved streetscape at this site and has aligned the parking spaces along Forest Drive with those on the adjacent site next door to maintain a uniform streetscape.
- 7. The proposed variance appears to be appropriate for this public road. The applicant has demonstrated that the reduced setback still allows for installation of appropriate landscape to create the streetscape and prevent this road from appearing to be a parking lot drive aisle.
- 8. It does not appear that the variance would adversely affect the delivery of government services, affect the health and safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.

(B) Variance to DGR Section 6(I)(A)(12) to eliminate the requirement that there be active and operable doors on the Forest Drive and Woodcrest Way building elevations.

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

- 1. The applicant is requesting a variance to eliminate the requirement that buildings have operable and active front doors along all public and private roads. The building has three frontages; Smith's Mill Road, Forest Drive, and the private road named Woodcrest Way.
 - a. As proposed, the commercial building will have entrances to each tenant space along the Smith's Mill Road elevation and along the elevation facing the parking lot.
 - b. The elevations with no active door are along Forest Drive and the private road, Woodcrest Way. The lack of operable and active front doors along Forest Drive and Woodcrest Way are due to the drive-through windows.
- 2. As required by the zoning text, the building is designed with the same caliber of finish on all sides of the building using the same building materials.
- 3. The variance appears to preserve the "spirit and intent" of the zoning requirement. The intent of this requirement is to ensure that buildings maintain a presence on the street and do not contain blank or "empty" building elevations so their architectural vibrancy and interest on all sides of a building which is crucial in pedestrian oriented development.
 - a. This site and the overall Canini Trust Corp developments are auto-oriented by design therefore it does not appear that maintaining an entrance on every street is as important in this development scenario.

- b. All sides of the building are designed with the same caliber of finish using the same building materials so none of the elevations appear as a "lesser" side of the building.
- 4. While there isn't an active and operable door along the all road elevations, the applicant is providing strong architectural features and materials so the building adequately addresses the primary street (Smith's Mill Road) architecturally. The building is designed so the front door architectural elements such as the retail storefront windows fronts Smith's Mill Road. The Smith's Mill Road elevation of this building makes the entrance to the building easily identifiable.
- 5. It does not appear that the essential character of the neighborhood will be altered if the variance request is granted. This same variance request has been granted for other developments within the Canini Trust Corp along Woodcrest Way
- 6. It does not appear that the variance would adversely affect the delivery of government services, affect the health and safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.

(C) Variance to C.O. 1167.07(d)(4) to allow for 7 stacking spaces in the restaurant drivethrough when code requires 8.

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

- 1. The requested variance reduces the number of required stacking spaces from 8 stacking spaces to 7 stacking spaces near the northwest property line along Woodcrest Way.
- 2. The city parking code requires that a minimum number of stacking spaces in the drive through lane must be provided. The required number of drive-through stacking spaces for a restaurant with a drive-through must equal 25% of the total required parking spaces for the drive-through tenant space. The total required parking spaces are one for each 75 square feet of gross floor area. The proposed restaurant with a drive-through is 2,421 square feet, which requires 8 stacking spaces.
- 3. The variance does not appear to be substantial. The applicant is not proposing a fullservice drive-through with menu boards or an order kiosk. The restaurant drive-through is proposed for pick-up of pre-ordered food only. The applicant states that this shall have a lower intensity of use and customers will not be waiting for food to be prepared.
- 4. The variance appears to preserve the "spirit and intent" of the zoning requirement. The parking code is a "one size fits all" regulation and does not consider the functions or logistics of different drive-through types, especially new emerging types with no menu boards and online order pick-up only.
- 5. Drive-through facilities associated with a permitted use are conditional uses. The applicant has applied for a conditional use to be heard by the Planning Commission at tonight's meeting under case CU-124-2023. As part of the conditional use evaluation, the city staff recommends a condition of approval that the restaurant drive-through is only allowed for the pick-up of pre-ordered food. A full-service drive-through or food ordering is prohibited.
- 7. It does not appear that the variance would adversely affect the delivery of government services, affect the health and safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.
- 6. It does not appear that the essential character of the neighborhood will be altered if the variance request is granted.

(D) Variance to C.O. 1167(d)(6) to allow for 4 stacking spaces in the bank drive-through when code requires 11.

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

1. The requested variance would reduce the number of required stacking spaces from 11 to 4 stacking spaces near the southeast property line along Forest Drive. The required number of drive-through stacking spaces for a bank with a drive-through must equal 80% of the total required parking spaces for the drive-through tenant space. The total required

spaces are one for each 200 square feet of gross floor area. The proposed bank with a drive-through is 2,720 square feet, which requires 11 stacking spaces.

- 2. The variance does not appear to be substantial. The applicant is not proposing a fullservice retail banking facility. The applicant expects a total of 3-5 customers per day (both inside and at the drive-through). The variance appears to preserve the "spirit and intent" of the zoning requirement.
- 3. The parking code is a "one size fits all" regulation and does not consider the functions or logistics of different drive-through types. Drive-through facilities associated with a permitted use are conditional uses.
- 4. The applicant has applied for a conditional use to be heard by the Planning Commission at tonight's meeting under case CU-124-2023. As part of the conditional use evaluation, the city staff recommends a condition of approval that the bank drive-through is only permitted for low-volume traffic uses, comparable to 3-5 customers per day, subject to the city traffic engineer's review and approval.
- 8. It does not appear that the variance would adversely affect the delivery of government services, affect the health and safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.
- 5. It does not appear that the essential character of the neighborhood will be altered if the variance request is granted.

II. SUMMARY

Due to the auto-oriented nature of this zoning district, providing active and operable front doors on every elevation does not appear to be necessary, and the applicant is still providing a highquality designed building.

Ensuring consistent streetscape between sites along corridors is an important aspect of the New Albany community. It appears the appropriate streetscape improvements can still be accomplished with the smaller setback along the south side of the site. The site plan does accommodate the required 5-foot tree lawn and 5-foot sidewalk in order to match the surrounding sites. Historically the city boards and commissions have only approved encroachments into the pavement setbacks as long as there are no impacts to the streetscape elements (i.e. sidewalk, tree lawn, etc.).

While the number of stacking spaces for both the restaurant drive-through and bank drive-through are lower than what code requires, the variances do not appear to be substantial. The parking code is a "one size fits all" regulation and does not consider the functions or logistics of different drive-through types. In addition, the drive-throughs are conditional uses and conditions have been suggested as part of that application's review to ensure the shorter drive-through stacking functions properly.

Overall, even with the requested variances, the proposed development meets many of the Engage New Albany Strategic Plan development standards; including proving walkways and landscaping to enhance visual aspects of the development, integrating outdoor spaces for food related businesses, and designing building entrances that connect with a pedestrian network and promote connectivity.

V. ACTION

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

Move to approve application VAR-123-2023 (conditions may be added).

Approximate Site Location:



Source: Google Earth

Permit #	
Board	
Mtg. Date	



Community Development Planning Application

	Site Address 10000 Johnstown Road	d (Smiths Mill Lot #14; new address to be assigned during engineering)					
	Parcel Numbers 222-000347						
	Acres 2.607 # of lots created 1 (existing lot)						
	Choose Application Type	Circle all Details that Apply					
Project Information		Preliminary Final Comprehensive Amendment Preliminary Final Combination Split Adjustment Combination Split Adjustment Easement Street Amendment (rezoning) Text Modification Street Asst for four (4) variances related to Final Development Plan application story, mixed-use building and associated site improvements.					
Contacts	Address: 8000 Walton Parkway, S City, State, Zip: New Albany, Ohio Phone number: 614-939-8000 Email: jmcnally@newalbanyc Applicant's Name: Carter Bean / Address: Address: 4400 N. High S City, State, Zip: Columbus, Ol Phone number: 614-595-2285	Fax:					
Signature	The Owner/Applicant, as signed bel employees and appointed and elected	f New Albany representatives are essential to process this application. low, hereby authorizes Village of New Albany representatives, ed officials to visit, photograph and post a notice on the property fy that the information here within and attached to this application is MR B B D D D D D D D D D D D D D D D D D					

J. CARTER BEAN

fire c fi i t f c

January 18, 2023

Mr. Stephen Mayer Community Development Department 99 West Main Street P.O. Box 188 New Albany, Ohio 43054

Re: Smiths Mill Retail XXXX Forest Drive New Albany, Ohio 43054

Dear Mr. Mayer:

This letter is to formally request four (4) variances for the subject project, as related to our Final Development Plan application:

- 1. Canini Trust Corp Subarea 8a.01(2) requires a 30 foot building setback and a 20 foot pavement setback from Forest Drive.
 - a. We respectfully request a pavement setback variance, from 20'-0" to 15'-0", along Forest Drive to dimensionally allow for additional on-site parking spaces desired by the developer. In granting this variance, our proposed parking will align with that of Home2 Suites by Hilton, to the north. The reason for this deviation is that the right-of-way line for Forest Drive widens as it approaches Smiths Mill Road, thereby causing these aligned spaces to encroach.
- 2. Section 6(A)(12) of the City's Design Guidelines and Requirements requires that buildings have operable and active front doors along all public and private roads.
 - a. We respectfully request a variance from this requirement, such that no 'active and operable' doors face Forest Drive or Woodcrest Way. As planned, we are proposing drive-thru / pick-up lanes at each end of the building, fronting Forest Drive and Woodcrest Way. Since these are proposed to be vehicular paths, we would prefer to avoid pedestrian conflicts through the installation of active and operable doors at those locations.
- 3. Codified Ordinance 1167.07(d)(4) requires restaurants with drive-through facilities provide spaces in the drive-through lanes equal to 25 percent of the required number of parking spaces.
 - a. The proposed restaurant with drive-through is 2,421 square feet, which would require nine (9) stacking spaces [0.25 (2,421 / 75)].
 - b. Seven (7) stacking spaces have been provided, as this is not a full-service drive-through facility with menu board and order kiosk. The drive-through is proposed for pick-up of pre-ordered food only. Therefore, it shall have a lower intensity of use and customers will not be waiting for food to be prepared.
 - c. We respectfully request a variance from this requirement in the amount of two (2) stacking spaces.

- 4. Codified Ordinance 1167.07(d)(6) requires banks, savings and loans, and similar uses with drive-through facilities provide spaces in the drive-through lanes equal to 80 percent of the required number of parking spaces.
 - a. The proposed bank with drive-through is 2,720 square feet, which would require nine (11) stacking spaces [0.80 (2,720 / 200)].
 - Four (4) stacking spaces have been provided, as this is not a full-service retail banking facility. The Chairman & CEO of the proposed bank has stated that this facility will average a <u>total</u> of 3-5 customers per day (both inside and at drive-through).
 - c. We respectfully request a variance from this requirement in the amount of seven (7) stacking spaces.

Sincerely,

J. Carter Bean



Planning Commission Staff Report February 21, 2024 Meeting

SMITH'S MILL LOT 14 DRIVE-THRUS CONDITIONAL USE

LOCATION:	Located generally at the northeast corner of Smith's Mill Road and Forest Drive (PID: 222-000347)
APPLICANT:	J. Carter Bean Architect LLC, c/o Carter Bean
REQUEST:	Final Development Plan
ZONING:	Infill Planned Unit Development (I-PUD): Canini Trust Corp, subarea 8a
STRATEGIC PLAN:	Retail
APPLICATION:	CU-124-2023

Review based on: Application materials received December 15, 2023 and January 23, 2024. *Staff report prepared by Chelsea Nichols, Planner*

I. REQUEST AND BACKGROUND

The applicant requests approval of a conditional use to allow two drive-throughs to be developed as part of a new multi-tenant building located generally at the northeast corner Smith's Mill Road and Forest Drive, within the Canini Trust Corp. One drive-through is for a restaurant and the second is for a bank. The Canini Trust Corp (I-PUD) zoning text allows the C-2 General Business (Commercial) District which permits restaurant and bank uses. Drive-thru facilities associated with a permitted use are conditional uses.

This request is in conjunction with a final development plan (FDP-122-2023) and associated variances (VAR-123-2023) for the new multi-tenant building.

II. SITE DESCRIPTION & USE

The site is generally located on the northeast corner of Smith's Mill Road and Forest within the Canini Trust Corp site. The site is 2.38 acres and is currently undeveloped. Some of the existing surrounding uses include Home2Suites, Turkey Hill gas station, as well as Dairy Queen which also has a drive-through facility. In addition, both Wendy's (with a drive-through) and Valvoline are two nearby sites that are currently under construction and were approved in 2023.

III. EVALUATION

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

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

Uses:

The applicant proposes to develop an 15,128 sq. ft. mixed use retail building containing multiple tenants; including a restaurant with a drive-through on the north

end and a bank with a drive-through on the south end. The remaining spaces within the multi-tenant building will also be retail. Both restaurants and banks with drivethrough facilities are a conditional use within this zoning district.

- The Engage New Albany Strategic Plan identifies this area as the retail future land use area. The proposed use is appropriate based on its proximity to State Route 161, the New Albany Business Park and the surrounding uses. The site is located within the Canini Trust Corp which envisions this type of use.
- The building is surrounded by a patio and retention basin to the west, the parking lot to the east, a drive-through lane to the north, a second drive-through lane to the south. The drive-throughs appear to be appropriately positioned on the site where it does not interfere with traffic on the rest of the site and will not cause traffic to back up onto public roads.
- It does not appear that the proposed use drive-through uses will alter the character of the surrounding area. This area is zoned to allow retail and personal services uses such as restaurants and banks which typically have drive-through facilities. Additionally, the Planning Commission recently approved multiple drive throughs in the area for Popeyes, Wendy's, Dairy Queen, Sheets, and Dunkin Donuts developments which all included a drive-thru facility and are located near this proposed development. This subarea of the Canini Trust Corp also contains other caroriented businesses such as a Turkey Hill gas station and Valvoline oil change service

Architecture:

- The design of the commercial building and use of materials is appropriate and consistent with other buildings in the immediate area. The building is well designed architecturally and meets the majority of code requirements and DGR requirements.
- The drive through windows are located so they don't front the primary street: Smith's Mill Road. The drive-throughs are on the north and south elevations of the building facing Woodcrest Way and Forest Drive, and are appropriately designed by using the same building materials that are used on other elevations of the building.
- All of the mechanical equipment is located on the roof of the building and will be fully screened from the public rights-of-way as well as private roads.

Parking & Circulation:

• The Trust Corp site has a strong internal roadway network that supports car-oriented developments. The lot is surrounded by two public roads and one private road on three sides that allows traffic to and from the site to be dispersed. The road network consisting of Smith's Mill Road, Forest Drive, and Woodcrest Way provides multiple connections to public streets.

- The site is accessed from four curb cuts:
 - a. Two proposed full access curb cuts along Woodcrest Way;
 - b. One existing full access, shared curb cut on Forest Drive;
 - c. A second right-in only, proposed along Forest Drive.
- Codified Ordinance 1167, retail shopping centers are required per code to have one parking space for each 200 square feet of gross floor area, plus one for each three persons allowed under maximum occupancy in any theater or place of assembly. Based on the provided information, the site is required to provide 76 spaces. The plan exceeds the required parking minimum with 84 spaces.
- Additionally, the city parking code requires a minimum number of stacking spaces in the drive through lane must be provided.
 - Restaurants with drive-through facilities:
 - Restaurants with drive-through facilities are required to have one parking space for each 75 square feet of gross floor area. The required number of drive-through stacking spaces for a restaurant

with a drive-through must equal 25% of the total required parking spaces.

- <u>The proposed restaurant with drive-through is 2,421 square feet,</u> which requires 8 stacking spaces. The plan provides 7 stacking spaces for the restaurant drive-through. The applicant has requested a variance related to this under application VAR-123-2023. <u>Information and evaluation of the variance request is under a</u> separate staff report.
- The applicant is not proposing a full-service drive-through with menu boards or order kiosk. The restaurant drive-through is proposed for pick-up of pre-ordered food only. The applicant states that this shall have a lower intensity of use and customers will not be waiting for food to be prepared.
- <u>The city staff recommends a condition of approval that the restaurant</u> <u>drive-through is only allowed for the pick-up of pre-ordered food. A</u> <u>full-service drive-through or food ordering is prohibited (condition</u> <u>#1).</u>
- \circ Banks with drive-through facilities:
 - Banks with drive-through facilities are required to have one parking space for each 200 square feet of gross floor area. The required number of drive-through stacking spaces for a bank with drivethrough must equal 80% of the total required parking spaces.
 - The proposed bank with drive-through is 2,720 square feet, which requires 11 stacking spaces. The plan provides four stacking spaces. The applicant has requested a variance related to this under application VAR-123-2023. Information and evaluation of the variance request is under a separate staff report.
 - The city traffic engineer has reviewed the proposal and recommends that the applicant commit to providing only low volume traffic uses where the proposed drive-through is shown off of Forest Drive and states any other type of use will create back-up issues on Forest Drive.
 - Given this, the applicant is not proposing a full-service retail banking facility. The applicant expects a total of 3-5 customers per day (both inside and at the drive-through).
 - <u>The city staff recommends a condition of approval that the bank</u> drive-through is only permitted for low-volume traffic uses, comparable to 3-5 customers per day, subject to the city traffic engineer's review and approval (condition #2).

Landscaping:

- A landscape plan has been submitted with the final development plan application for this site. The City Landscape Architect's comments can be found in the final development plan staff report.
- (b) The proposed use will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
 - The proposed use is harmonious with the existing and intended character of the general vicinity and will not change the essential character of the area.
 - The proposed use is appropriate due to its proximity to the State Route 161 interchange and the New Albany Business Park.
 - This site is located within the Canini Trust Corp which envisions this type of use. There are existing restaurants with drive-thru facilities that are developed in this zoning district.

- (c) The use will not be hazardous to existing or future neighboring uses.
 - The use does not appear it will be hazardous to the existing or future neighboring uses. It appears that this an appropriate location for drive-thru facilities.
- (d) The area will be adequately served by essential public facilities and services such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
 - Sewer and water service are available in this location.
 - There is a planned city project for roadway improvements along US-62. These improvements include extending the leisure trail from the Windsor subdivision under the State Route 161 overpass all the way to the Smith's Mill Road and US-62 intersection which will encourage multi-modal transportation at this site.
 - Woodcrest Way was recently extended the length of the northern property line of this proposed development.
 - The proposed commercial development will produce no new students for the school district.
- (e) The proposed use will not be detrimental to the economic welfare of the community.
 - The proposed use will likely not be detrimental to the economic welfare in the city due to creation of jobs which generate income taxes and provide amenities for the business park.
- (f) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
 - It does not appear the site will involve operation that will be detrimental to adjacent uses. This area of the city is auto-oriented and is in close proximity to the State Route 161. US-62 is currently heavily traveled therefore it is reasonable to assume that this development will be frequently visited and serve as an important asset to those in the surrounding area.
- (g) Vehicular approaches to the property shall be so designated as not to create interference with traffic on surrounding public streets or roads.
 - The building is surrounded by the parking lot and internal drive aisle. The proposed drive-through lanes appear to be properly designed on the site so that the drive through traffic does not interfere with the traffic circulation on the rest of the site and will not cause traffic to back up onto public roads.

III. SUMMARY

The overall proposal is consistent with the code requirements for conditional uses. The proposed use is appropriate for the site based on the current zoning and the Engage New Albany Strategic Plan. Retail has historically been approached in a thoughtful and prescribed way that promotes a planned amount of land being dedicated to this use. Due to the close proximity of this site to State Route 161 and this portion of the business park, the drive-throughs are appropriate in this location.

The proposed use will not change the character of the US-62 corridor as there are existing restaurants with drive-through facilities within the Canini Trust Corp site and the other drive-through developments located along the street.

The drive-through lanes are in appropriate locations as it is oriented and will not interfere with traffic circulation on the rest of the site. The applicant is not proposing a full-service drive-through with menu board and order kiosk. The drive-through is proposed for pick-up of preordered food only. In addition, the applicant is not proposing a full-service retail banking facility. The lengths of the drive-throughs and circulation pattern for the site is appropriate given the proposed lower intensity of uses and number of anticipated customers.

24 0221 Smith's Mill Lot 14 Conditional Use CU-123-2023

Overall, even with the two drive-throughs, the proposed development meets many of the Engage New Albany Strategic Plan development standards; including proving walkways and landscaping to enhance visual aspects of the development, integrating outdoor spaces for food related businesses, and designing building entrances that connect with a pedestrian network and promote connectivity.

ACTION

The Commission shall approve, approve with supplementary conditions, or disapprove the application as presented. If the application is approved with supplementary conditions, the Planning Commission shall direct staff to issue a zoning permit listing the specific conditions listed by the Planning Commission for approval.

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

Move to approve application CU-123-2023 with the following conditions:

- 1. The restaurant drive-through is only allowed for the pick-up of pre-ordered food only. A fullservice drive-through or food ordering is prohibited.
- 2. The bank drive-through is only permitted for low-volume traffic uses, comparable to 3-5 customers per day, subject to the city traffic engineer's review and approval.

Approximate Site Location:

Source: Google Earth

Permit #	
Board	
Mtg. Date _	



Community Development Planning Application

	Site Address 10000 Johnstown Roa	ad (Smiths Mill Lot #14; new address to be assigned during engineering)					
	Parcel Numbers 222-000347						
	Acres 2.607 # of lots created 1 (existing lot)						
	Choose Application Type	Circle all Details that Apply					
Project Information	 Appeal Certificate of Appropriateness Conditional Use Development Plan Plat Lot Changes Minor Commercial Subdivision Vacation Variance Extension Request Zoning Description of Request: Request	Easement Street Amendment (rezoning) Text Modification est for Conditional Use to allow for two (2) drive-through facilities at					
Contacts	Address: 8000 Walton Parkway, City, State, Zip: New Albany, Ohi Phone number: 614-939-8000 Email: jmcnally@newalbany Applicant's Name: Carter Bean / Address: 4400 N. High City, State, Zip: Columbus, O Phone number: 614-595-2285	Fax:					
Signature	The Owner/Applicant, as signed be employees and appointed and elect	of New Albany representatives are essential to process this application. elow, hereby authorizes Village of New Albany representatives, ted officials to visit, photograph and post a notice on the property ify that the information here within and attached to this application is $M_{total} = \frac{ z _{15} _{23}}{Date: \frac{ z _{15} _{23}}{12/14/23}}$					

J. CARTER BEAT

fir R C HIITE C

January 18, 2023

Mr. Stephen Mayer **Community Development Department** 99 West Main Street P.O. Box 188 New Albany, Ohio 43054

Re: Smiths Mill Retail XXXX Forest Drive New Albany, Ohio 43054

Dear Mr. Mayer:

This letter is to formally request a Conditional Use approval to allow two (2) drive-through facilities at the subject development.

A legal description for the property has been included on the attached ALTA survey.

The existing site is currently undeveloped.

The present zoning district for the property is IPUD.

As per the submitted Final Development Plan, the proposed development consists of a 15,128 square foot, onestory, mixed-use building to accommodate retail, restaurant, and financial tenants, along with associated site improvements.

At each end of the proposed building, there will be a restaurant and bank, respectively. Neither of the proposed uses, with drive-throughs, will operate as 'full-service' drive-through establishments.

The restaurant drive-through will offer pick-up of pre-ordered food only. There will not be a menu board or order kiosk for drive-up, on-demand ordering. Since this is a pick-up window only, customers will arrive an queue, once they've received notification that their order is ready. As such, the provided off-street drive-through stacking area will be sufficient to accommodate the demand. Furthermore, the drive-through will be sufficiently screened with landscaping to reduce visibility from surrounding streets and properties.

The proposed bank is an investment branch, as opposed to a retail bank. Therefore, this facility is primarily an office for financial planning staff, as opposed to one that services the regular transactions of customers. The Chairman & CEO of this bank has indicated that their other, similar facilities in town only average three (3) to five (5) customer visits per day, which accounts for, both, interior and drive-through customer traffic. As such, the provided off-street drive-through stacking area will be sufficient to accommodate their low demand. Given the configuration of the proposed drive-through, any transactions that do occur will be done so by way of transaction window, not pneumatics. Furthermore, the drive-through will be sufficiently screened with landscaping to reduce visibility from surrounding streets and properties.

For your consideration as related to this Conditional Use request, please find site plan and landscape plans attached. Thank you.

Sincerely,

J. Carter Bean

Owner: TH Midwest INC

Address: 1014 Vine Street, 7th Floor, Cincinnati, Ohio 45202

Owner: Forest New Albany LP

Address: 1401 Spring Bank Drive, Building A Suite 8, Owensboro, Kentucky 4233

Owner: New Albany Property LLC

Address: 303 North Hurstbourne Parkway, Suite 200 C/O Trilogy Health Services, Louisville, Kentucky 40222

Owner: DOC-5040 Forest Drive MOB LLC

Address: 309 North Water Street, Suite 500, Milwaukee, Wisconsin 53202

Owner: 5121 Properties LLC

Address: 5121 Forest Drive, Suite D, New Albany, Ohio 43054

Owner: Bronzer Reality LLC

Address: 4459 Wooded Nook Drive, New Albany, Ohio 43054

Owner: See Smiley Properties LLC

Address: 730 MT Airyshire Boulevard, #A, Columbus Ohio 43235

Owner: John & Deborah Johnson

Address: 5121 Forest Drive, Suite A, New Albany, Ohio 43054

Owner: CHK Holdings LLC

Address: 6641 North High Street, Worthington, Ohio 43085

Owner: Skasko Enterprises LTD

Address: 5101 Forest Drive, Unit A, New Albany, Ohio 43054

ALTA/NSPS LAND TITLE SURVEY LOT 23, QUARTER TOWNSHIP 1, LOT 24, QUARTER TOWNSHIP 4, TOWNSHIP 2, RANGE 16 **UNITED STATES MILITARY DISTRICT** CITY OF NEW ALBANY, COUNTY OF FRANKLIN, STATE OF OHIO

DESCRIPTION FROM TITLE COMMITMENT No.: 8618

2.607 ACRES

Situated in the State of Ohio, County of Franklin, City of New Albany, located in Lot 23, Quarter Township 1, and Lot 24, Quarter Township 4, Township 2, Range 16, United States Military District, being all of the remainder of that 30.885 acre tract conveyed to Smith Mill Ventures LLC by deed of record in Instrument Number 20060817016292, (all references refer to the records of the Recorder's Office, Franklin County, Ohio) being more particularly described as follows:

Beginning, for reference, at a magnetic nail set at the centerline intersection of Johnstown Road (State Route 62) (variable width), as dedicated in Plat Book 27, Page 56 and Plat Book 34 Page 22, with Smith's Mill Road (90 feet wide), as dedicated in Plat Book 95, Page 91;

Thence South 31° 54' 37" East, with the centerline of said Smith's Mill Road, a distance if 129.78 feet to a point of curvature;

Thence continuing with the centerline of said Smith's Mill Road, with the arc of a curve to the left, having a central angle of 08° 31' 14", a radius of 1533.99 feet, an arc length of 228.12 feet, a chord bearing of South 36° 10' 14" East and a chord distance of 227.91 feet to a point;

Thence North 49° 34' 10" East, across the right-of-way of said Smith's Mill Road, a distance of 45.00 feet to an iron pin set in the northeasterly right-of-way thereof, at a westerly corner of the remainder of said 30.885 acre tract, at a southerly corner of that 1.332 acre tract conveyed to , by deed of record in Instrument being the TRUE POINT OF BEGINNING; Number

Thence with a northwesterly line of the remainder of said 30.885 acre tract, the southeasterly line of said 1.332 acre tract, with the arc of a curve to the right, having a central angle of 35° 42' 43", a radius of 36.00 feet, an arc length of 22.44 feet, a chord bearing of North 40° 13' 33" East and chord distance of 22.08 feet to an iron pin set at a point of tangency;

Thence North 58° 04' 54" East, with a northwesterly line of the remainder of said 30.885 acre tract, with the southeasterly line of said 1.332 acre tract, that 1.114 acre tract conveyed to by deed of record in Instrument Number , and that 2.564 acre tract conveyed to , by deed of record in Instrument , a distance of 373.42 feet to an iron pin set Number at the northerly corner of the remainder of said 30.885 acre tract and at the westerly corner of that 2.498 acre tract conveyed to Forest New Albany LP by deed of record in Instrument Number 201612160173729;

Thence South 31° 54' 38" East, with the northeasterly line of the remainder of said 30.885 acre tract and with the southwesterly line of said 2.498 acre tract, a distance of 318.66 feet to an iron pin set in the northerly right-of-way line of Forest Drive (width varies), as dedicated in Plat Book 114, Page 1;

Thence with the northerly right-of-way line of said Forest Drive, with the southeasterly line of the remainder of said 30.885 acre tract, the following courses and distances:

South 58° 05' 22" West, a distance of 2.58 feet to an iron pin set;

South 60° 57' 06" West, a distance of 100.12 feet to an iron pin set;

South 58° 05' 22" West, a distance of 128.33 feet to an iron pin set at a point of curvature;

with the arc of a curve to the left, having a central angle of 12° 41' 32", a radius of 202.91 feet, an arc length of 44.95 feet, a chord bearing of South 51° 44' 36" West and chord distance of 44.86 feet to a point of reverse curvature; and

with the arc of a curve to the right, having a central angle of 82° 47' 06", a radius of 40.00 feet, an arc length of 57.79 feet, a chord bearing of South 86° 47' 23" West and chord distance of 52.90 feet to an iron pin set on the arc of a curve in the northeasterly right-of-way line of said Smith's Mill Road;

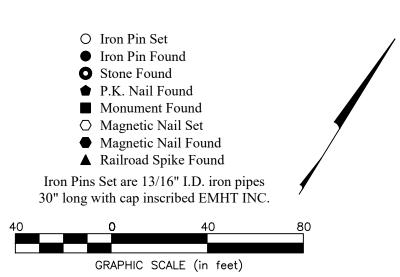
thence with the northeasterly right-of-way line of said Smith's Mill Road, the southwesterly line of the remainder of said 30.885 acre tract, with the arc of a curve to the right, having a central angle of 11° 23' 14", a radius of 1489.00 feet, an arc length of 295.93 feet, a chord bearing of North 46° 07' 28" West and chord distance of 295.44 feet to the TRUE POINT OF BEGINNING, containing 2.607 acres, more or less.

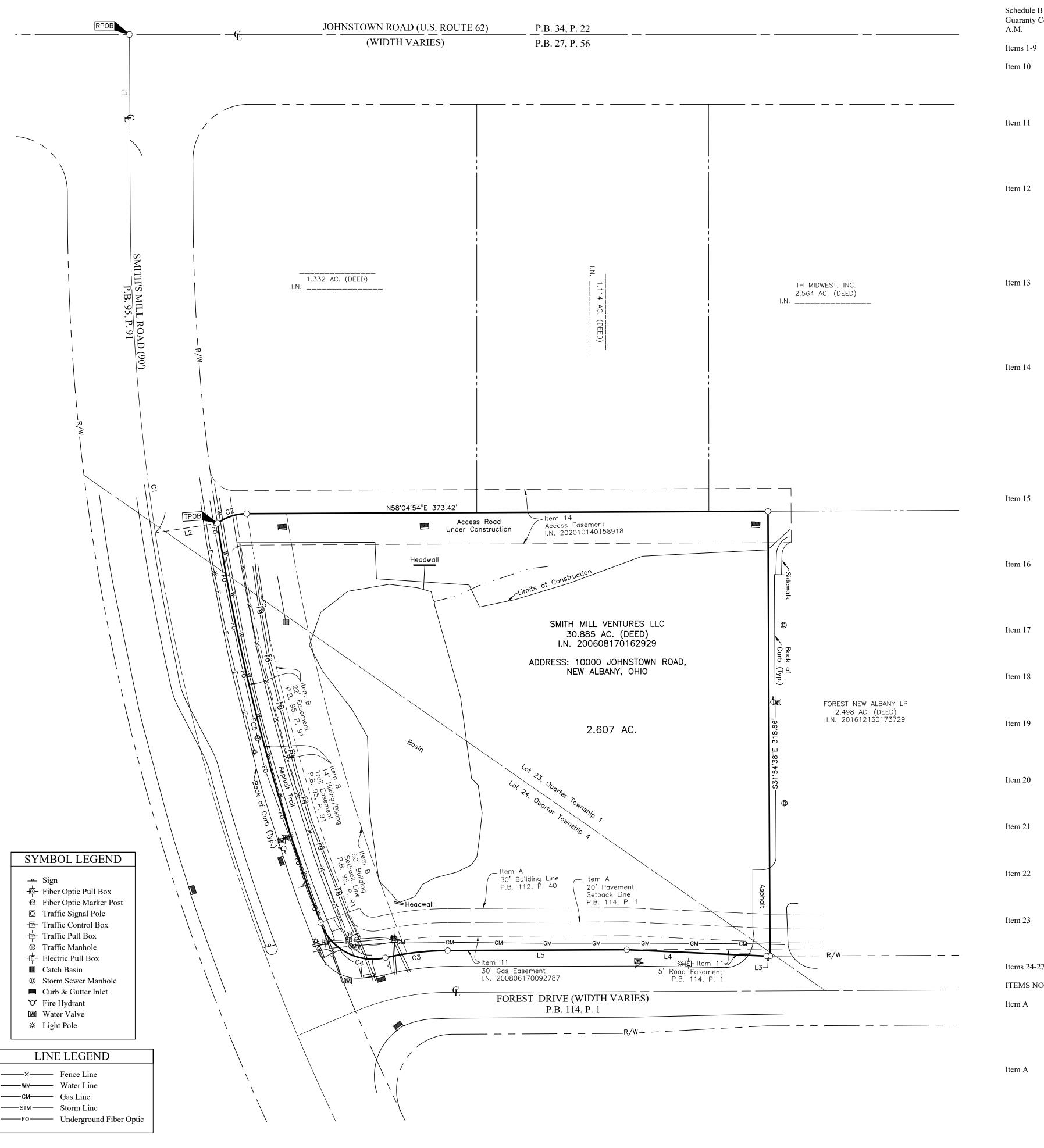
Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown hereon are based on North 58°05'22" East for the southeasterly right-of-way line of Forest Drive, of record in Plat Book 114, Page 1, Recorder's Office, Franklin County, Ohio.

This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey.





Schedule B Items from Title Commitment No. 8618 issued by Stewart Title Guaranty Company with an effective date of November 3, 2023 at 8:00

Items 1-9 NOT SURVEY RELATED ITEMS.

Building lines, easements and restrictions shown on the recorded plat/map of Hugh Subdivision as Plat Book 27, Page 56; as partially vacated in Miscellaneous Volume 169, Page 215. THE SUBJECT TRACT IS NOT LOCATED IN THE AREA DESCRIBED.

Building lines, easements and restrictions shown on the recorded plat/map of Forest Drive Dedication and Easements Section 2 Phase 1 as Plat Book 112, Page 40; as modified by the Affidavit in Aid of Title of record in Instrument 201703030029794. THE SUBJECT TRACT IS NOT LOCATED IN THE AREA DESCRIBED.

Declaration of Covenants and Restrictions for The New Albany Community Authority of record in Official Record 16999, Page C04; with the Ninth Supplemental Declaration of record in Official Record 21466, Page C20, as rerecorded in Official Record 21693, Page H19; with the Acceptance of Duties of record in Official Record 23377, Page F07; with the Designation of Successor Declarant of record in Instrument 1998102000268024. THE SUBJECT TRACT IS LOCATED IN THE AREA DESCRIBED.

Declaration of Covenants, Conditions, Restrictions and Easements for The New Albany Business Park of record in Instrument 200007030130348, as re-recorded in Instrument 200101100006699; as amended in Instrument 200308180260678; with the Twelfth Supplemental Declaration of record in Instrument 200609060177774. THE SUBJECT TRACT IS LOCATED IN THE AREA DESCRIBED.

Declaration of Covenants, Conditions, Restrictions and Easements for Smith Mill Ventures, LLC of record in Instrument 200801180009215; with the First Supplemental Declaration of record in Instrument 201303190045760, as corrected in Instrument 201501280011279; with the Second Supplemental Declaration of record in Instrument 201412050162233; with the Third Supplemental Declaration of record in Instrument 201703200037811; with the Fourth Supplemental Declaration of record in Instrument 202010140158918. THE SUBJECT TRACT IS LOCATED IN THE AREA DESCRIBED. THE ACCESS EASEMENT IS LOCATED ON THE SUBJECT TRACT AS SHOWN HEREON.

Easement granted to Columbus and Southern Ohio Electric Company, as more fully set forth in the document recorded as Deed Book 1755, Page 190. THE SUBJECT TRACT IS LOCATED IN THE AREA DESCRIBED; THERE IS NO POLE LINE WITHIN THE LIMITS OF THE SUBJECT TRACT.

Easement granted to Columbus and Southern Ohio Electric Company, as more fully set forth in the document recorded as Deed Book 1785, Page 163. THE SUBJECT TRACT IS LOCATED IN THE AREA DESCRIBED; THERE IS NO POLE LINE WITHIN THE LIMITS OF THE SUBJECT TRACT.

Easement granted to Columbus and Southern Ohio Electric Company, as more fully set forth in the document recorded as Deed Book 2030, Page 172. THE EASEMENT IS NOT LOCATED ON THE SUBJECT TRACT.

Memorandum of Agreement, including terms and conditions thereof as recorded in Instrument 199811170294968. THE SUBJECT TRACT IS LOCATED IN THE AREA DESCRIBED.

Item 19 Development Agreement, including terms and conditions thereof as recorded in Instrument 199908090202331; with the First Amendment of record in Instrument 201804110047519. THE SUBJECT TRACT IS NOT LOCATED IN THE AREA DESCRIBED.

Item 20 Deed of Easement granted to the Village of New Albany, as more fully set forth in the document recorded as Instrument 200711130196074. THE EASEMENT IS NOT LOCATED ON THE SUBJECT TRACT.

> Easement granted to Columbia Gas of Ohio, Inc., as more fully set forth in the document recorded as Instrument 200806100088936. THE GAS LINE EASEMENT IS NOT LOCATED ON THE SUBJECT TRACT.

Easement & Right of Way granted to Ohio Power, as more fully set forth in the document recorded as Instrument 201208060113180. THE ELECTRIC EASEMENT IS NOT LOCATED ON THE SUBJECT TRACT.

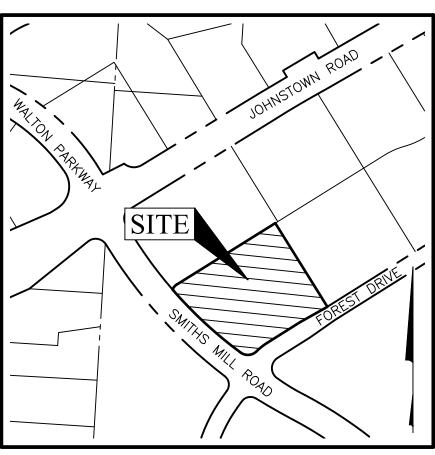
Declaration of Use Restriction of record in Instrument 201703200037814. THE SUBJECT TRACT IS LOCATED IN THE AREA DESCRIBED AS "RESTRICTED PROPERTY".

Items 24-27 NOT SURVEY RELATED ITEMS.

ITEMS NOT INCLUDED IN TITLE COMMITMENT:

Building lines, easements and restrictions shown on the recorded plat/map of Forest Drive Dedication and Easements Section 2 Phase 2 as Plat Book 114, Page 1. THE SUBJECT TRACT IS LOCATED IN THE AREA DESCRIBED; SETBACK LINES AND EASEMENTS ARE LOCATED ON THE SUBJECT TRACT AS SHOWN HEREON.

Building lines, easements and restrictions shown on the recorded plat/map of Smith's Mill road Dedication and Easements as Plat Book 95, Page 91. THE SUBJECT TRACT IS LOCATED IN THE AREA DESCRIBED; SETBACK LINES AND EASEMENTS ARE LOCATED ON THE SUBJECT TRACT AS SHOWN HEREON.



LOCATION MAP AND BACKGROUND DRAWING NOT TO SCALE

		LINE TABLE	-	LINE TABLE				
ſ	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE		
ſ	L1	S31°54'37"E	129.78'	L4	S60°57'06"W	100.12'		
ſ	L2	N49°34'10"E	45.00'	L5	S58°05'22"W	128.33'		
ſ	L3	S58°05'22"W	2.58'					

CURVE TARLE

	CURVE TABLE									
CURVE	DELTA	RADIUS	ARC	CH. BEARING	CH. DIST.					
C1	8 ° 31'14"	1533.99'	228.12'	S36°10'14"E	227.91'					
C2	35 ° 42'43"	36.00'	22.44'	N40°13'33"E	22.08'					
C3	12 ° 41'32"	202.91'	44.95'	S51°44'36"W	44.86'					
C4	82 ° 47'06"	40.00'	57.79'	S86°47'23"W	52.90'					
C5	11°23'14"	1489.00'	295.93'	N46°07'28"W	295.44'					

BASIS OF BEARINGS:

The bearings shown hereon are based on North 58°05'22" East for the southeasterly right-of-way line of Forest Drive, of record in Plat Book 114, Page 1, Recorder's Office, Franklin County, Ohio.

FEMA NOTE:

According to the Federal Emergency Management Agency's Flood Insurance Rate Map No. 39049C0208K (dated June 17, 2008), the subject tract shown hereon lies within Zone X (areas determined to be outside of the 0.2% annual chance floodplain). Any floodplain lines shown are georeferenced and are not based on actual field elevations.

UTILITY STATEMENT:

A Utility Marking and Plans request was submitted to OHIO811 on November 11, 2023. The utilities shown hereon have been located from field survey information. The surveyor makes no guarantee that the utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the utilities shown are in the exact location indicated, although she does certify that they are located as accurately as possible.

SURVEY NOTE:

This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey.

TABLE A OPTIONAL ITEM NOTES:

- 7. No buildings were observed on the subject tract at the time the fieldwork was conducted.
- 9. No parking striping was observed on the subject tract at the time the fieldwork was conducted.

CERTIFICATION: Commitment No. 8618

To: Smith Mill Center LLC, Smith Mill Ventures, LLC, Stewart Title Guaranty Company and RET Solutions, LLC:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 "Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys", jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 7(a), 8, 9 and 13 of Table A thereof. The fieldwork was completed on November 27, 2023.

DRAFT

Heather L. King Professional Surveyor No. 8307 hking@emh

ht.com	

		Date:	Decembe	er 8,	2023	
		Scale:	1" = 40)'		
Enginee	rs + Surveyors	ambleton & Tilton, Inc. • Planners • Scientists d, Columbus, OH 43054	Job No:	2023-0	968	
Phone: 6		Toll Free: 888.775.3648 t.com	Sheet:	1	of	1
		RE	EVISIONS			
MARK	DATE	DESCRIPTION				

Date



SHEET INDEX						
SHEET # DWG # SHEET TITLE						
1	C000	COVER SHEET				
2	C200	SITE PLAN				
3	C201	SITE DISTANCE				
4	C202	SITE DISTANCE				
5	C500	UTILITY & GRADING PLAN				

NOTES

PERMITTED USES:

MIXED USE RETAIL/RESTAURANTS AND THE PERMITTED USES CONTAINED IN THE CODIFIED ORDINANCESOF THE CITY OF NEW ALBANY, IPUD INFILLED PLANNED UNIT DEVELOPMENT DISTRICT, SECTION 1159.02 AND THE CONDITIONAL USES CONTAINED IN SECTION 1159.04.

UNIT TYPES:

COMMERCIAL BUILDING TYPES SHALL COMPLY WITH THE DESIGN GUIDELINES OF THE DEVELOPMENT STANDARDS.

DEVELOPMENT STANDARDS:

UNLESS OTHERWISE SPECIFIED IN THE SUBMITTED DRAWINGS OR IN THIS WRITTEN TEXT THE DEVELOPMENT STANDARDS OF PART ELEVEN OF THE CODIFIED ORDINANCES OF THE CITY OF NEW ALBANY SHALL APPLY TO THIS SUBAREA.

BASIC DEVELOPMENT DEVELOPMENT STANDARDS ARE COMPILED REGARDING PROPOSED DENSITY, SITE ISSUES, TRAFFIC CIRCULATION, LANDSCAPE, AND ARCHITECTUAL STANDARDS. THESE COMPONENT STANDARDS ENSURE CONSISTENCY AND QUALITY THROUGHOUT THE PARCEL'S DEVELOPMENT.

FLOOD ZONE:

THE DEVELOPMENT AREA LIES IN FLOOD ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN) AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 39049C0208K (DATED JUNE 17, 2008)

STORM & GRADING:

THE PROPOSED SIT IMPROVEMENTS WILL INCORPORATE THE CITY'S STORMWATER MANAGEMENT POLICY AS WELL AS THE STATE'S POST-CONSTRUCTION REQUIREMENTS FOR WATER QUALITY. THE SITE LAYOUT INCORPORATES THE USE OF VARIOUS SUBSURFACE STORM PIPING TO ROUTE THE SITE RUNOFF INTO REGIONAL DETENTION BASINS FOR OVERALL DEVELOPMENT.

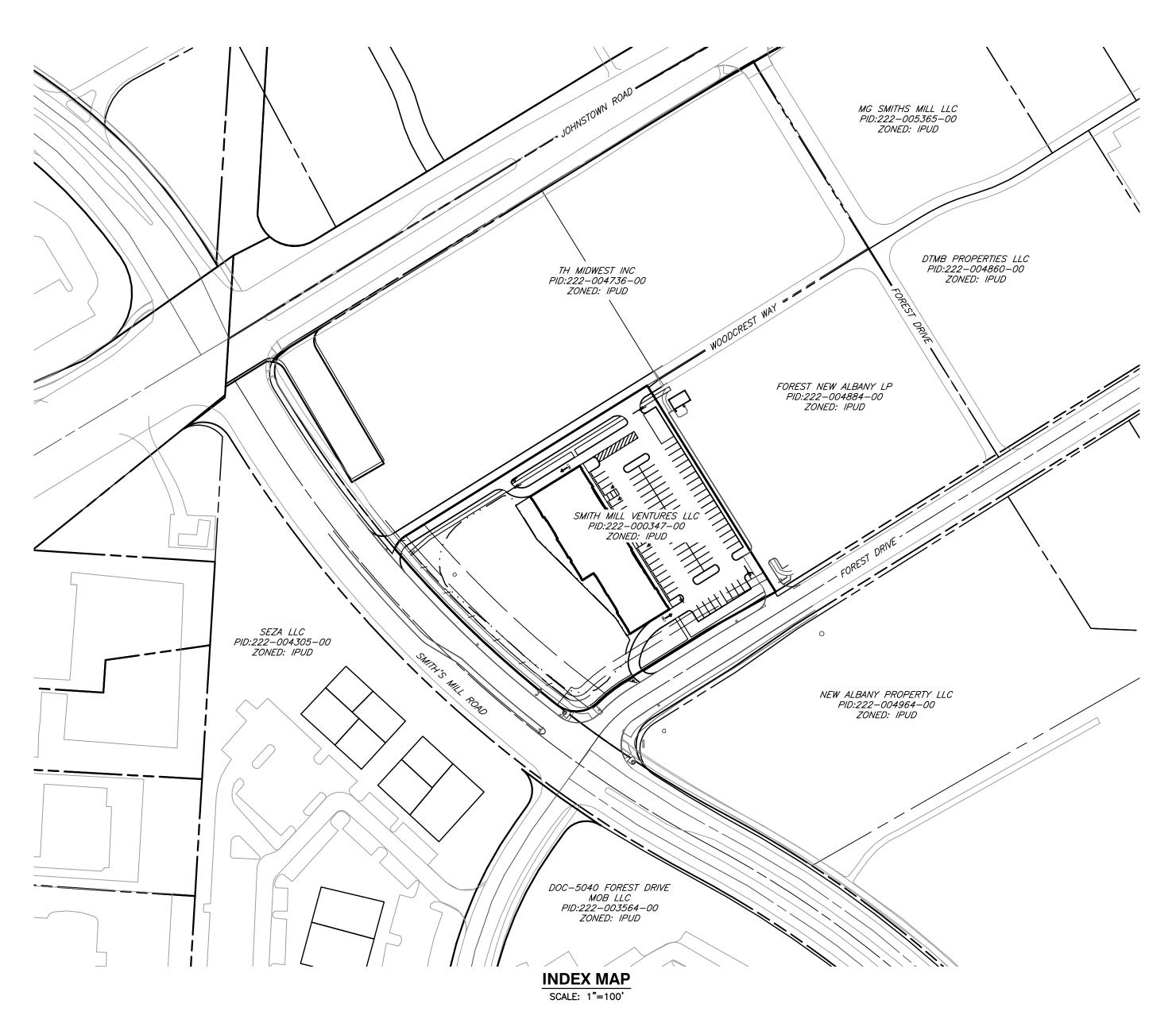
EROSION AND SEDIMENTATION CONTROL MEASURES WILL BE IMPLEMENTED AS A PART OF THE PROJECT DEVELOPMENT. INSTALLATION AND MAINTENANCE WILL BE IN ACCORDANCE WITH THE VILLAGE STANDARDS AND IN COMPLIANCE WITH OEPA NPDES GENERAL PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH SITE CONSTRUCTION ACTIVITY.

<u>SANITARY:</u>

AN EXISTING 8" SANITARY MAIN WILL BE USED TO SERVICE THE DEVELOPMENT. THE EXISTING MAIN WAS CONSTRUCTED WITH THE SANITARY SEWER IMPROVEMENTS FOR WOODCREST WAY EXTENSION

WATER:

AN EXISTING 12" WATERLINE ALONG FOREST DRIVE WILL BE USED TO SERVICE THE DEVELOPMENT.



ENGINEER/SURVEYOR 250 OLD WILSON BRIDGE ROAD, SUITE 250 WORTHINGTON, OHIO 43085 PHONE: (614) 540-6633 CONTACT: BRIAN BURKHART, PE EMAIL: BBURKHART@CECINC.COM

REFERENCES

- 1. EXISTING UTILITY INFORMATION SHOWN PER RECORDS.
- 2. BOUNDARY SURVEY & TOPO FROM A SURVEY COMPLETED BY CEC IN MAY 2023.

FINAL DEVELOPMENT PLAN **SMITHS MILL LOT #14**

CITY OF NEW ALBANY, FRANKLIN COUNTY, OHIO

2024

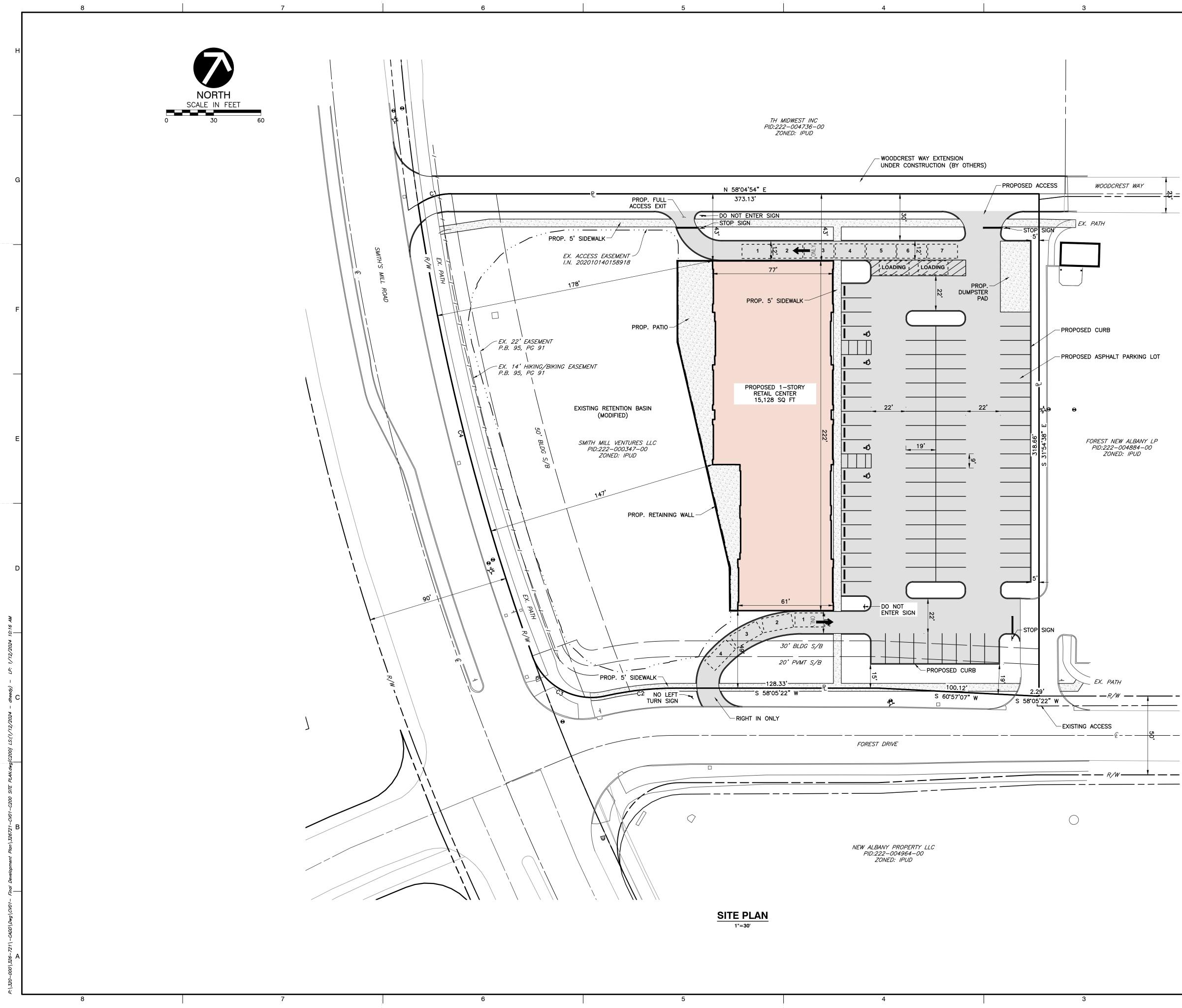
CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

DEVELOPER CANINI & ASSOCIATES, LTD. P.O. BOX 887 NEW ALBANY, OH 43054 CONTACT: LARRY CANINI EMAIL: LARRY@CANINIASSOCLTD.COM

OWNER SMITH MILL VENTURES LLC 8000 WALTON PARKWAY, SUITE 120 NEW ALBANY, OH 43054

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CURVE TABLE					
CURVE #	RADIUS	DELTA	LENGTH	CHL	СНВ
C1	36.00'	35*42'50"	22.44'	22.08'	N 40°13'29" E
C2	202.91'	12 ° 41'32"	44.95'	44.86'	S 51°44'36" W
C3	40.00'	82*47'06"	57.79 '	52.90'	S 86°47'23" W
C4	1489.00'	11 ° 23'13"	295.92'	295.44'	N 46°07'27"W



Symbol	Qty	Common	Plant Legend Botanical	Location	Size
Symbol	2	Amur Maackia	Maackia amurensis	Parking Lot Tree	2.5" ci
	12	Bald Cypress	Taxodium distichum	Buffer Tree	2.5" ca
*	5	Black Gum	Nyssa sylvatica	Site Tree	2.5" c
	31	Yuki Cherry Blossom Deutzia	Deutzia x	Landscape	3 gal.
*	40	Tortuga Juniper	Juniperus communis 'Tortuga'	Landscape	3 gal.
	8	Daylily	Hemerocallis sp.	Landscape	1 gal.
	9	Eastern Redbud	Cercis canadensis	Buffer Tree	1.5" c
*	23	Feather Reed Grass	Calamagrostis acutiflora	Landscape	2 gal
0	14	Spring Snow Crabapple	Malus 'Spring Snow'	BufferTree	1.5" c
業	9	Japanese Tree Lilac	Syringa reticulata	Buffer Tree	1.5" c
	5	Japanese Zelkova	Zelkova serrata 'Musashino'	Site Tree	2.5" c
*	47	Sea Green Juniper	Juniperus Chin. 'Sea Green'	Parking Screen	24"
	7	Princeton Sentry Ginkgo	Ginkgo biloba 'Princeton Sentry'	Parking Lot Tree	2.5" c
	28	Red Chokeberry	Aronia Low Scape Mound	Landscape	3 gal.
	20	Red Sunset Maple	Acer rubrum 'Red Sunset	Street Tree	2.5" c
	4	Swamp White Oak	Quercus bicolor	Buffer Tree	2.5" c
	11	Western Red Cedar	Thuja plicata	Dumpster Screen	5'

LANDSCAPE ZONING CODE REQUIREMENTS

1171.05(e)(2)- LANDSCAPING SCREENING. Between twenty thousand (20,000) and fifty thousand (50,000) square feet: A minimum of one tree for every five thousand (5,000) square feet of ground coverage and a total tree planting equal to ten (10) inches plus one-half inch in tree trunk size for every two thousand (2,000) square feet over twenty thousand (20,000) feet in ground coverage. Parking: 32,843 sq ft, Building: 15,458 sq ft: 48,301 sq ft coverage/5000 = 9.66 trees, 17" cal required 10 trees @ 2" cal provided, 20 total caliper inches provided

1171.06(a)(2)(3) - PARKING LOT LANDSCAPING. For each one hundred (100) square feet, or fraction thereof, of parking area, a minimum total of five (5) square feet of landscaped area shall be provided. Zoning text @ 8%

Parking: 32,843/100 = 328.43 x 5 = 1642 sq ft required or 32,843 x .08 = 2627 required 2700 sq ft landscape provided

Parking areas should contain a minimum of one deciduous canopy tree for every ten (10) parking spaces. 85 spaces/10 = 9 trees required 9 provided

Zoning 8a.04(4)(a)- PARKING LOT SCREENING Parking lot screening from rights of way Forest Drive and Woodcrest Way screening with Sea Green Juniper hedge spaced 4' o/c. Growth to 4-6'

STREET TREE REQUIREMENT Street trees along Forest Drive: one tree per 30' minimum 30' o/c. 300' span, minimum 2.5" cal 10 trees @ 2.5" cal provided Street trees along Woodcrest Way per FDP-69-2014, Red Sunset Maples @ 30' o/c 10 Maples @ 2.5" cal provided

Zoning 8a.04(5) – BUFFER LANDSCAPE Eight deciduous or ornamental trees per 100 lineal feet in setback areas along Smith's Mill Road and Forest Drive 600 total lineal feet/ $100 = 8 \ge 6 = 48$ buffer trees required 48 trees provided

Zoning 8a.04(6)(7)(a) – GENERAL REQUIREMENTS Site Landscaping: Tree plantings shall be required within site parking and service areas. Trees shall be a minimum of 2 1/2 inches in caliper at installation. Minimum tree size shall be no less than 2 1/2 inch caliper for street and/or shade trees and 1 1/2 inch caliper for ornamental trees.

All trees planted @ 2.5" caliper for site parking, service, street and buffer shade trees. 1.5" caliper for buffer ornamental trees.

REVISION RECORD	DESCRIPTION	н
	DATE 16 Jan '24	
		F
_		E
	CANINI & ASSOCIATES, LTD. SMITHS MILL LOT #14 CITY OF NEW ALBANY FRANKLIN COUNTY, OHIO	D
	CANINI & AS SMITHS CITY OF FRANKLIN	С
	LANDSCAPE PLAN	B



Planning Commission Staff Report February 21, 2024 Meeting

AXIUM 6 SIGN VARIANCE

LOCATION: APPLICANT:	10015 Innovation Campus Way (PID: 093-107478-00.001) Axium Packaging, LLC c/o Chad Moorehead
REQUEST:	Variance to C.O. 1169.16(d) to allow the size of a wall sign to be 205
ZONING:	square feet where code permits a maximum of 75 square feet Infilled Planned Unit Development (I-PUD)
STRATEGIC PLAN: APPLICATION:	Employment Center VAR-007-2024

Review based on: Application materials received January 19, 2024

Staff report prepared by Sierra Cratic-Smith, Planner

I. REQUEST AND BACKGROUND

The applicant requests the following variance related to a new sign package for the Axium 6 building located at the intersection of Mink Street and Innovation Campus Way. The city sign code allows a maximum size of 75 square feet per sign. The applicant requests to allow a new logo sign to be 205 square feet.

II. SITE DESCRIPTION & USE

The Axium Packaging Plant 6 building is located at the southwest corner intersection of Mink Street and Innovation Campus Way. The property is 22.4+/- acres. It is part of the New Albany Business Park within Licking County. There are several other businesses located north and south of the building. Several residential homes across Mink Street are outside of the city's jurisdiction.

III. EVALUATION

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

Criteria

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

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

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

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

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

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

III. ASSESSMENT

Considerations and Basis for Decision

A variance request to C.O. 1169.16(d) to allow the size of a wall sign to be 205 square feet where code permits a maximum of 75 square feet.

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

- 1. A variance request to C.O. 1169.16(d) to allow the size of a wall sign to be 205 square feet where code permits a maximum of 75 square feet.
- C.O. 1169.16(d) states that one wall sign, up to 75 sq.ft. in size is permitted to be installed per building frontage. The building has two frontages: Innovation Campus Way and Mink Street, therefore a total of two wall signs are allowed. The applicant proposes to install two wall signs. The two wall signs will both be mounted on one elevation facing State Route 161.
 - a. Sign 1: features the company name and logo. This first sign is 205 +/- square feet. This exceeds the maximum area requirement according to the city sign code and is what the Planning Commission is evaluating. The first sign will be 205 +/- square feet.
 - b. The second sign will be 34 +/- square feet. Sign 2: says "plant 6." This second sign is 34 +/- square feet. This sign meets all of the city sign code requirements.
- 3. The building is about 200 +/- feet from Mink Street and 580 feet from US State Route 161.
- 4. The applicant proposes to install larger wall area signs to identify the Axium 6 plants from other Axium warehouses located in the Business Park.
- 5. The spirit and intent of the zoning code is preserved because it ensures that the signs are appropriately scaled and designed for the building that they are located on. The city sign code requires signs "integrate with the building/site on which they are located and adjacent development in scale, design, and intensity. For example, large signs are best suited for buildings with larger massing." The proposed signs meet this intent as they are well designed

and appropriately scaled in relation to the large warehouse building thereby making the size appropriate in this case.

- 6. It does not appear that the essential character of the immediate area will be altered if the variance is granted. The site is located in the center of the New Albany Business Park and is completely surrounded by commercially zoned and the signs are faced away from the residential properties. In addition, the building maintains large setbacks from both public roads, minimizing their visual impact.
- 7. The granting of the variance will not confer on the applicant any special privileges because the city Board of Zoning Appeals (BZA) has approved similar variances. There have been a wide range of approvals for sign variances for size:
 - a. The largest variance sign size was approved by the board in April 2021. Amazon requested a wall sign at 297 square feet for a building at approximately 1,271 feet long and about 50 +/- feet in height. Therefore, the square foot for the façade is 63,550 square feet making the sign less than 1% of the façade.
 - b. The lowest sign size variances request was approved by the board in August 2023. Amgen requested a wall sign at 98 square feet for a building 540 feet long and 35 feet in height. The building façade's area is 18,900 square feet making the sign area about 1% of the façade's area.
- 8. The variance requests does not appear to be substantial because the sign is an appropriate size for the large warehouse façade.
 - a. The building frontage that the signs are located on is about 910 feet long and the building is 40 feet in height. The building façade's square footage is 36,400 making the signs less than 1% of the building facade.
 - b. Due to this large size, the proposed wall signs appear to be appropriately scaled in relation to the size of the building. If the applicant were to install wall signs that met code requirements, the signs would be under scaled and appear out of place on the larger building.
- 9. Granting the variance will not adversely affect the health, safety or general welfare of persons living in the immediate vicinity.
- 10. Granting the variance will not adversely affect the delivery of government services.

IV. SUMMARY

Even though the sign is larger than code allows it still appropriately integrates with the building/site on which it is located and the adjacent development in scale, design, and intensity. The larger sign does not create an appearance of competition between adjacent signs. Therefore the request does not appear to be substantial.

V. ACTION

Should the Planning Commission find that the application has sufficient basis for approval, the following motions would be appropriate. Conditions of approval may be added.

Move to approve application V-007-2024.

Approximate Site Location:



Source: NearMap

Permit #	
Board	
Mtg. Date	



Community Development Planning Application

	Site Address 10015 Innovation G		13054	
	Parcel Numbers 093-107478-00.	001		
	Acres22.4			
	Choose Application Type	e Circle all Details that Apply		
Project Information	on Plant 6 of its headqua	Easement Amendment (rezoning) ng proposes installation b arters in New Albany, as o	Comprehensive Amendment Adjustment Street Text Modification Duilding identification wall graphics depicted in the submitted exhibits. Med graphic area for the proposed	
Contacts	City, State, Zip: <u>New Albany</u> Phone number: Email: Applicant's Name: Ax	on Campus Way y, Ohio 43054 ium Packaging, LLC c/o (ns Mill Road North y, Ohio 43054	Fax:	
Signature	The Owner/Applicant, as signed be employees and appointed and elec- described in this application. I cen- true, correct and complete.	below, hereby authorizes Village octed officials to visit, photograph		

PROPERTY, APPLICANT, AND REQUEST

Site: 10015 Innovation Campus Way (Plant 6) 093-107478-00.001

Applicant: PJP HOLDINGS LLC 9005 SMITHS MILL RD N NEW ALBANY, OH 43054

Variance Request:

Section 1169.16(d) – The Applicant requests a variance to (1) increase the permitted number of wall signs on the south building frontage from 1 to 2 and (2) to increase the permitted graphic area on the south building frontage from 75 square feet 240 square feet for the combined graphic area of both signs.

APPLICANT:

PROPERTY OWNER:

ATTORNEY:

SURROUNDING PROPERTY OWNERS:

MBJ Holdings LLC 1818 Mink Street Johnstown, Ohio 43031 PID: 035-106440-00.002

State of Ohio 1693 Mink Street Johnstown, Ohio 43031 PID: 035-107790-00.000

MBJ Holdings LLC 12746 Cobbs Road Johnstown, Ohio 43031 PID: 093-107400-09.000 Axium Plastics, LLC 9005 Smiths Mill Road N. New Albany, OH 43054

PJP Holdings LLC 9005 Smiths Mille Road N. New Albany, OH 43054

Eric Zartman Underhill & Hodge LLC 8000 Walton Parkway, Suite 260 New Albany, Ohio 43054

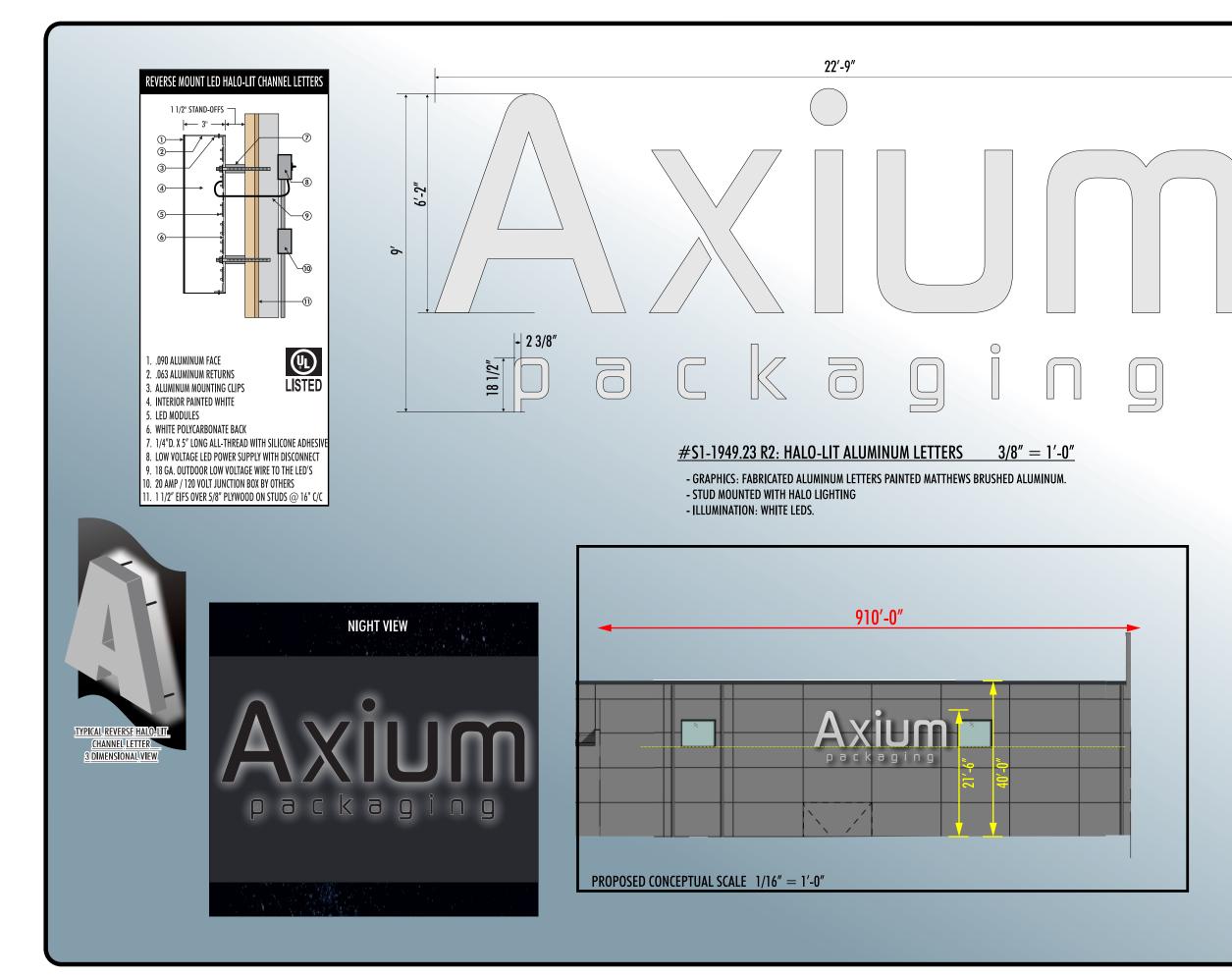
COI New Albany 525 LLC *No address listed on auditor PID: 093-107490-00.002

MBJ Holdings LLC 1810 Mink Street Johnstown, Ohio 43031 PID: 035-106440-00.001

Wilsons Lawncare & Landscaping 12676 Cobbs Road Johnstown, Ohio 43031 PID: 035-107400-10.003 MBJ Holdings LLC *No address listed on auditor PID: 093-107478-00.000

City of New Albany *No address listed on auditor PID: 035-107472-00.003

Mink Corner Holdings *No address listed on auditor PID: 093-107400-07.000





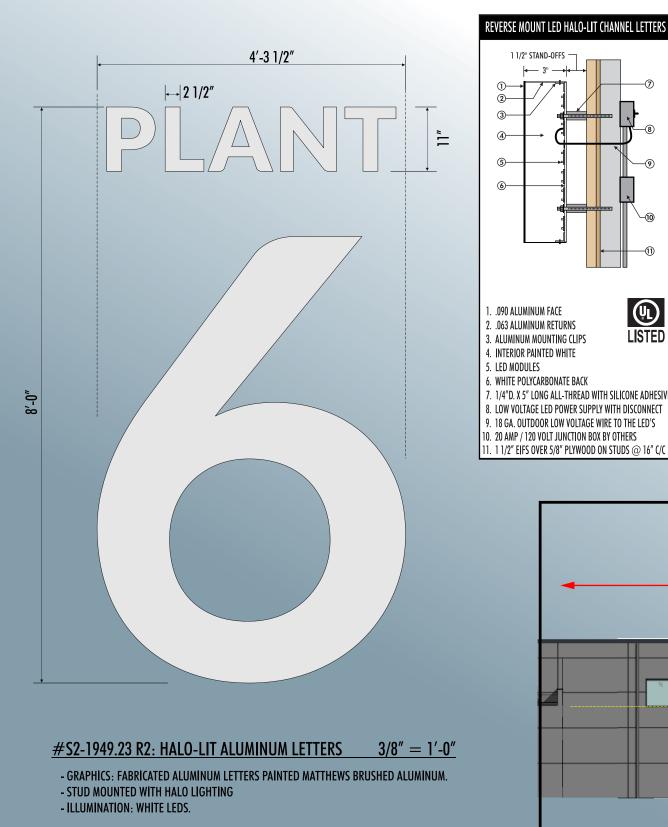
Proudly Serving Central Ohio Since 1954 1640 Harmon Ave, Columbus, Ohio, 43223 (614) 444-3333 (FAX) 444-3026 www.danitesign.com

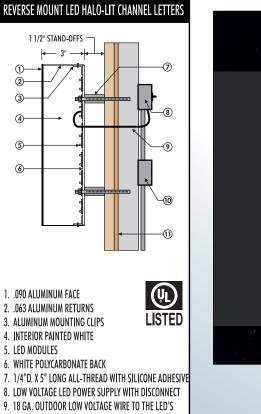
UL LISTED via STANDARD UL48 FILE NO:E60042 DaNITE SIGN CO. UL APPLIES TO ILLUMINATED SIGNS ONLY.

COLORS

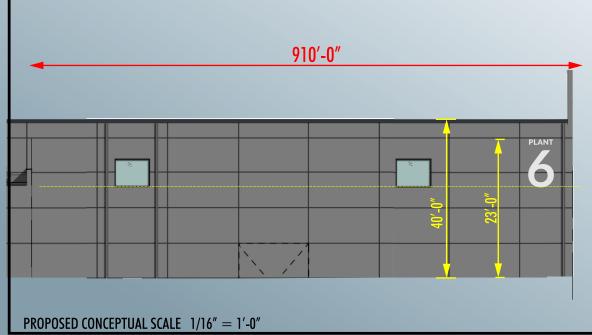
MATTHEWS BRUSHED ALUMINUM

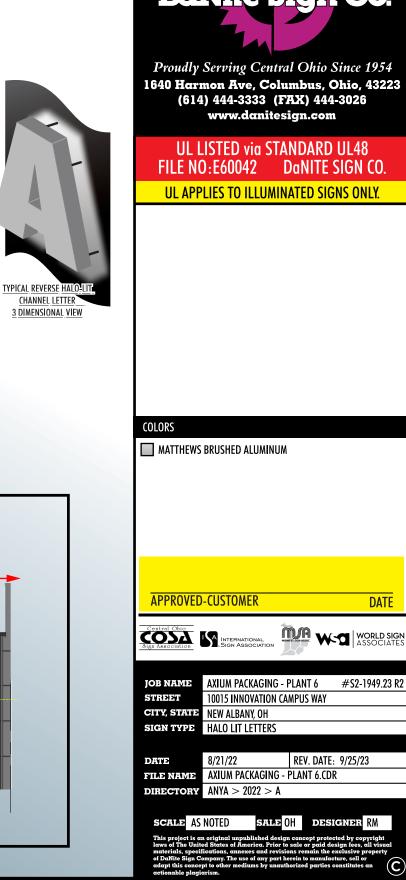
APPROVED	-CUSTOMER		DATE
Central Ohio COSA Bign Association	INTERNATIONAL SIGN ASSOCIATION		WORLD SIGN ASSOCIATES
JOB NAME	AXIUM PACKAGING	- PLANT 6	#S1-1949.23 R2
STREET	10015 INNOVATION	CAMPUS WAY	
CITY, STATE	NEW ALBANY, OH		
SIGN TYPE	HALO LIT LETTERS		
DATE	8/21/22	REV. DATE	: 9/25/23
FILE NAME	AXIUM PACKAGING	- PLANT 6.CD	R
DIRECTORY	ANYA > 2022 > A	١	
SCAME AS NOTED SALLE OH DESIGNER TK			
This project is an original unpublished design concept protected by copyright laws of The United States of America. Prior to sale or paid design fees, all visual materials, specifications, annexes and revisions remain the exclusive property of DaNite Sign Company. The use of any part herein to manufacture, sell or adapt this concept to other mediums by unauthorized parties constitutes an actionable plagiarism.			













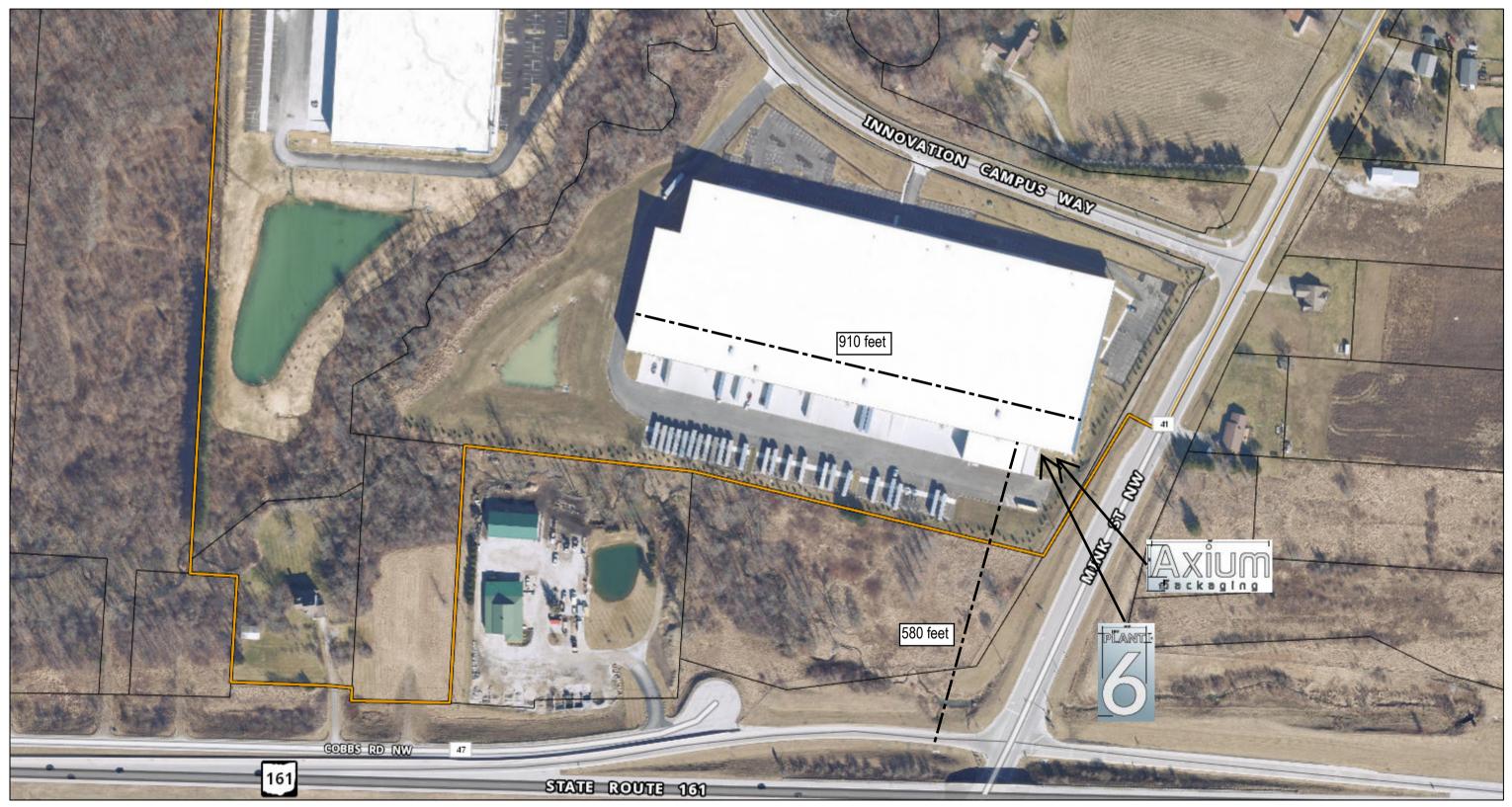
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DATE

#S2-1949.23 R2

OnTrac Property Map



January 18, 2024

Centerline Labels

Street Number Only ----Sales - 2024 - Sales - 2023 Owner Name & Acres

— Interstate/US/State Route

Other Road Type Driveway Interstates

Municipal Corporations

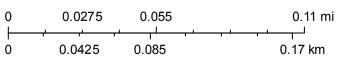
County Road

Township Road

- Jurisdictional Townships Ŧ
- ____
- Historical Townships Line
- == County Boundary
- ____ Ohio Counties
- ____ Ohio Boundary
- Parcels 2.2

- ÷4 Split Listed Hooks
- -- Tract Lines







SIGN 1 AND SIGN 2 - VIEWED FROM THE HIGHWAY

SCALE: 1/32'' = 1'-0''





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UL LISTED via STANDARD UL48 FILE NO:E60042 DaNITE SIGN CO. UL APPLIES TO ILLUMINATED SIGNS ONLY.

COLORS

MATTHEWS BRUSHED ALUMINUM

APPROVED	-CUSTOMER		DATE
Central Ohio COSA Bign Association			WORLD SIGN ASSOCIATES
JOB NAME	AXIUM PACKAGING - F	PLANT 6	#S1-1949.23-R2
STREET	10015 INNOVATION CA	MPUS WAY	
CITY, STATE	NEW ALBANY, OH		
SIGN TYPE	HIGHWAY RENDERING	;	
DATE	8/21/22	REV. DATE:	9/25/23
FILE NAME	AXIUM PACKAGING - I	PLANT 6.CDF	2
DIRECTORY	ANYA > 2022 > A		
SCALE AS	NOTED SAME O	H DESI	GINDR BY
This project is an original unpublished design concept protected by copyright laws of The United States of America. Prior to sale or paid design fees, all visual materials, specifications, annexes and revisions remain the exclusive property of DaNite Sign Company. The use of any part herein to manufacture, sell or adapt this concept to other mediums by unauthorized partice constitutes an			

NEW ALBANY

COMMUNITY DEVELOPMENT PLANNING APPLICATION

STATEMENT IN SUPPORT OF VARIANCE REQUEST

February 7, 2024

The Applicant Axium Packaging was established in 2011 and is one of the leading producers of high quality plastic packaging for personal-care, food, home, hygiene, and other products. The Applicant manufactures injection molded plastics and specializes in decorating technologies. It is headquartered in New Albany, Ohio and has locations spread all over United States and Canada.

Plant 6 of the Axium headquarters is located south-west of the intersection of Innovation Campus Way and Mink Street and north of State Route 161. The property is +/- 22.4 acres in area. The plant was constructed in 2021.

The Applicant seeks to install two wall signs on the south building frontage of Plant 6, as depicted in the submitted exhibits. The south building frontage is approximately 580 feet from State Route 161. The proposed wall signs include a 35 square foot "Plant 6" at a height of 23 feet and a 205 square foot "Axium Packaging" at a height of 21.5 feet. The proposed wall signs are reverse mounted LED halo lit channel letters.

These wall signs are important to the company's branding and to functionality between plants. The Applicant operates several plants within close proximity. The proposed graphics are not excessive or obnoxious but they will help ensure that the public, customers, and public services (such as fire and police) can easily distinguish between buildings that are otherwise indistinguishable.

To allow the wall signs as proposed, the Applicant respectfully requests the following variance:

1. Section 1169.16(d) – The Applicant requests a variance to increase the permitted graphic area of the "Axium Packaging" sign from 75 square feet 205 square feet.

In *Duncan v. Middlefield*, 491 N.E.2d 692 (Ohio 1986), the Ohio Supreme Court set forth the following, nonexclusive list of factors to be considered and weighed to determine whether a property owner has encountered practical difficulties in the use of property. New Albany likewise considers these factors upon consideration of a variance request. It is important to note that these factors are nonexclusive and also a balancing test. This means that other factors may be considered and that not every *Duncan* factor must be met to warrant the finding of a practical difficulty. The Applicant and this property suffer from many factors which warrant granting of the requested variance.

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

Granting the requested variance and permitting the proposed wall signs will allow the property to realize its maximum return. Wall signs serve two important functions. First, they identify buildings and assist wayfinding for the public, customers, and public services. With several plants in close proximity, it is important to distinguish plants as necessary to ensure functions are convenient and efficient. Second, wall signs serve as important advertising and branding. Axium is a proud member of the New Albany business community and it wants motorists along State Route to know that this is its home. Both of these factors contribute to ensuring the property may realize a return on Axium's investment.

- Whether the variance is substantial.

The requested variance is not substantial in context of the property and its existing development. The property is rather large with an area of +/- 22.4 acres in area. The wall signs are proposed to be placed on the south building frontage which is approximately 910 feet wide and approximately 580 feet set back from State Route 161. The proposed wall signs were intentionally designed to be proportionate with the large façade and setback and so that it may serve its purpose of building identification and branding. The code required maximum of 75 square feet may be appropriate for smaller buildings with smaller setbacks, but a single sign of that size would fail its essential purpose in context of this property. For that reason, the request to increase the permitted graphic area of the "Axium Packaging" sign from 75 square feet 205 square feet is not a substantial deviation.

- Whether the essential character of the neighborhood would be substantially altered or adjoining properties suffer a "substantial detriment."

The essential character of the neighborhood will not be substantially altered and adjoining properties will not suffer a substantial detriment. This plant and its neighbors are located within a commercial warehousing district. Many of the buildings are typical warehouses and wall signs are the primary manner to distinguish business from one another. However, it is significant to distinguish this property from the rest of the neighborhood. The proposed wall signs are directed toward State Route 161 and intended to identify the building from the highway. It is typical of business along highways to install signage with a size that is legible for motorists and that is what the requested variance will accomplish.

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

The requested variance will not adversely affect the delivery of government services. Indeed, the variance will allow the building to become more visible for the delivery of government services such as the police and fire departments.

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

The property owner is aware of the zoning restriction, however, weighing all of these *Duncan* factors warrant granting the requested variance.

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

The Applicant's predicament cannot be resolved by some other manner while still achieving the Applicant's desired aesthetic and building visibility.

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

The spirit and intent of the zoning requirements will be preserved because the requested variance is minor, it will not cause the neighborhood any detriment, and it will allow the Applicant to enjoy the same property rights as certain neighbors within this commercial industrial district.

The New Albany Board of Zoning Appeals also considers the following additional factors when granting a variance:

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.

The Applicant has a special condition and unique circumstance because it has several plants within the immediate vicinity. It is for this reason that visibility for each individual plant is critical for the safe and efficient operation of the business and also for the public attempting to locate the buildings. The requested variance significantly increases the individual buildings' identity from one another and from other similar buildings within the commercial industrial district.

However, as stated above, there are special circumstances peculiar to this specific plant. Plat 6 is located adjacent to State Route 161 and these wall signs are designed to be seen from that highway. The increased graphic area is necessary to achieve that goal. This is peculiar to this site because the property and the façade setback from State Route 161 are so large. Other sites within this commercial industrial district may have wall signs that are directed to Innovation Campus Way, for example, with much less of a setback and don't need increased graphic area to effectively identify those buildings.

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.

As discussed above, this building and its neighbors are located within a commercial warehousing district. Wall signs which are visible from the right-of-way are a regular means of building identification within the neighborhood. The Applicant's property is distinguishable from its neighbors because its proposed wall signs are set back a greater distance from the right-of-way which these wall signs are directed. Therefore, denial of the requested variances would deprive the Applicant of rights enjoyed by its neighbors in the same zoning district.

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

The variance is not requested to alleviate a condition that the Applicant caused. The Applicant submits this application with a proposal for graphics which achieve the desired aesthetic and visibility for the individual building.

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.

The requested variance will not confer on the Applicant a special privilege that is denied by the Zoning Ordinance to other lands or structures in the same zoning district because there are other structures in the same zoning district that enjoy the wall signs with increased graphic area.

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.

The requested variance will not adversely affect the health and safety of persons in the neighborhood nor be materially detrimental to public welfare because the requested variance will merely permit wall signs with increase graphic area. The wall signs were designed with a specific aesthetic that is attractive and functional without being obnoxious or detrimental to the public welfare.

CITY OF NEW ALBANY NO PLAT REQUIRED APPROVED		
	9-29-2020	
Signature	Date	
LS 2020	0077	

Exhibit A 22.400 ACRES

Situated in the State of Ohio, County of Licking, City of New Albany, lying in Sections 13 and 14, Quarter Township 3, Township 2, Range 15, United States Military District, and being part of that original 37.498 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201603300006016 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

BEGINNING at an iron pin set at the intersection of the southerly right-of-way line of Innovation Campus Way as shown in Instrument Number 201609200020361 (width varies) with the westerly rightof-way line of Mink Street (Country Road 41), being a northeasterly corner of the remainder of said original 37.498 acre tract;

Thence South 62° 12' 18" East, crossing said Mink Street, a distance of 30.00 feet to a mag nail set in the centerline thereof;

Thence South 27° 47' 42" West, with said centerline, a distance of 301.93 feet to a mag nail set at the northeasterly corner of that 0.576 acre tract conveyed as Parcel 84-WDV to Licking County by deed of record in Instrument Number 200503230008436;

Thence North 62° 17' 59" West, with the northerly line of said 0.576 acre tract, partially crossing said Mink Street and partially with said westerly right-of-way line, a distance of 72.90 feet to a 5/8 inch rebar with aluminum cap stamped "ODOT" found at the northwesterly corner of said 0.576 acre tract;

Thence South 31° 13' 30" West, with said westerly right-of-way line and the westerly line of said 0.576 acre tract, a distance of 326.32 feet to an iron pin set at the northwesterly corner of that 1.349 acre tract conveyed as Parcel 83-WDV to Licking County by deed of record in Instrument Number 200805160011422 and the northeasterly corner of that 4.686 acre tract conveyed as Parcel No. 29-WD to State of Ohio by deed of record in Instrument Number 201606060011502;

Thence North 76° 34' 23" West, with the northerly line of said 4.686 acre tract, a distance of 719.47 feet to an iron pin set at the northwesterly corner thereof and the northeasterly corner of that 4.882 acre tract conveyed to Wilsons Lawncare & Landscaping, LLC by deed of record in Instrument Number 201206060012508;

Thence North 83° 36' 23" West, with the northerly line of said 4.882 acre tract and that 8.328 acre tract conveyed to Mink Corner Holdings LLC by deed of record in Instrument Number 201406090010252, and a northerly line of that 14.510 acre tract conveyed to Edward L. Bright and Debbi S. Bright by deed of record in Official Record 318, Page 627, a distance of 678.00 feet to an iron pin set;

Thence North 02° 58' 27" East, with the easterly line of said 14.510 acre tract, a distance of 94.91 feet to a point, referenced by an iron pin set North 02° 58' 27" East, a distance of 50.00 feet;

Thence crossing said 37.498 acre tract, with the center (thread) of a stream, the following courses and distances:

North 59° 47' 50" East, a distance of 127.18 feet to a point;

North 03° 59' 14" West, a distance of 11.72 feet to a point;

North 28° 28' 23" West, a distance of 22.59 feet to a point;

North 49° 38' 33" East, a distance of 29.98 feet to a point;

North 84° 36' 00" East, a distance of 25.44 feet to a point;

North 23° 48' 42" East, a distance of 16.24 feet to a point;

North 13° 32' 01" West, a distance of 32.62 feet to a point;

North 34° 57' 43" East, a distance of 69.20 feet to a point;

North 71° 24' 24" East, a distance of 85.81 feet to a point;

North 46° 17' 15" East, a distance of 90.06 feet to a point;

202011050029864 Page 4 of 7

CITY OF NEW ALBANY NO PLAT REQUIRED APPROVED		
-	9.29-2020	
Signature	Date	
LS 2020	> 0077	

22.400 ACRES -2-

North 79° 30' 43" East, a distance of 57.16 feet to a point; North 23° 34' 03" East, a distance of 71.10 feet to a point; North 53° 03' 05" East, a distance of 32.66 feet to a point; North 24° 18' 15" East, a distance of 51.36 feet to a point; North 04° 21' 08" East, a distance of 53.78 feet to a point; North 54° 25' 01" East, a distance of 30.23 feet to a point; South 76° 04' 00" East, a distance of 29.51 feet to a point; South 78° 18' 45" East, a distance of 51.38 feet to a point; North 89° 16' 41" East, a distance of 42.34 feet to a point; North 42° 11' 35" East, a distance of 32.47 feet to a point; North 10° 22' 02" East, a distance of 28.39 feet to a point; North 21° 27' 42" West, a distance of 38.21 feet to a point; North 54° 27' 16" West, a distance of 49.36 feet to a point; North 02° 21' 22" West, a distance of 50.40 feet to a point; North 82° 24' 13" East, a distance of 51.96 feet to a point; South 66° 40' 21" East, a distance of 43.49 feet to a point; South 89° 49' 49" East, a distance of 31.12 feet to a point; North 63° 12' 30" East, a distance of 12.52 feet to a point; North 15° 45' 57" East, a distance of 11.68 feet to a point; and North 03° 00' 30" East, a distance of 34.16 feet to a point in said southerly right-of-way line; Thence with said southerly right-of-way line, the following courses and distances: North 80° 51' 51" East, a distance of 34.32 feet to an iron pin set at a point on the arc of a curve;

With the arc of a curve to the left, having a central angle of 34° 40' 40", a radius of 780.00 feet, an arc length of 472.09 feet, a chord bearing of South 52° 46' 19" East and chord distance of 464.92 feet to a permanent marker set at a point of tangency;

South 70° 06' 39" East, a distance of 597.01 feet to a permanent marker set; and

South 31° 48' 43" East, a distance of 53.89 feet to the POINT OF BEGINNING, containing 22.400 acres, more or less, of which 0.208 acre lies within the present roadway occupied of Mink Street.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

Permanent markers set, where indicated, are one (1) inch solid iron pins, thirty (30) inches long with an aluminum cap placed on the top stamped EMHT INC.

	CITY OF NEW ALBANY NO PLAT REQUIRED APPROVED	
		9-29-2000
	Signature	Date
5	LS 2020	0077

22.400 ACRES -3-

The bearings herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of Innovation Campus Way, having a bearing of South 70°06'39"East, is designated the "basis of bearing" for this description.

This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey.

"In Finn EVANS, MECHWART, HAMBLETON & TILTON, INC. BRANDON R. KING Aug. 25, 7020 PS-8772 Brandon R. King Date Professional Surveyor No. 8772 STER ONAL BRK 22_400 ac 20200798-VS-BNDY-01/dol

CV/A 17 1 JVED BY:

Exhibit B

Permitted Exceptions

- 1. Easement granted to Licking Rural Electrification, Inc., as more fully set forth in the document recorded as Deed Book 319 page 596.
- 2. Right of Way Easement granted to Licking Rural Electrification, Inc., as more fully set forth in the document recorded as Deed Book 680 page 264.
- 3. Easement granted to Sinclair Refining Company, as more fully set forth in the document recorded as Deed Book 353 page 139, as assigned to Pure Transportation Company of record in Deed Book 426 page 452, as further assigned to Ohio River Pipe Line Company of record in Deed Book 663 page 69 and partially released of record in Deed Book 735 page 588.
- 4. Easement & Right of Way granted to Licking Rural Electrification, Inc., as more fully set forth in the document recorded as Instrument 199912060049306.
- 5. Title to that portion of the property within the bounds of Mink Street (County Road 41).
- 6. Building lines, easements and restrictions shown on the recorded plat/map of Innovation Campus Way and Harrison Road Phase 2 Dedication and Easements as Instrument 201609200020361.
- 7. Pipeline Right of Way and Easement granted to National Gas & Oil Cooperative, as more fully set forth in the document recorded as Instrument 201610210023381.
- 8. Drainage Easement granted to the City of New Albany, Ohio, as more fully set forth in the document recorded as Instrument 201710160022189.
- 9. Conservation Easement Agreement granted to the City of New Albany, as more fully set forth in the document recorded as Instrument 201809170019394.
- 10. Reservations, restrictions, covenants, limitations, easements, assessments, and/or other conditions of record in Instrument 201603300006016.
- 11. Declaration of Covenants, Conditions, Restriction sand Easements for The New Albany Business Park East of record in Instrument 201409080017225, as amended and supplemented of record.
- 12. Declaration of Covenants, Restrictions and Agreements for The New Albany East Community Authority in the City of New Albany, Ohio of record in Instrument 201401070000343, as amended and supplemented of record.

- 13. Rights of the public and any governmental unit in any part of the land taken, deeded or used for road, street or highway purposes. Rights of way for drainage tiles, ditches, feeders, laterals, swales and underground drain tile or pipe, if any.
- 14. Any inaccuracy in the area, square footage, or acreage of land described in Exhibit A.
- 15. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Property, together with all rights, privileges, and immunities relating thereto.



Planning Commission Staff Report February 21, 2024 Meeting

NEW ALBANY LINKS DRIVING RANGE FINAL DEVELOPMENT PLAN MODIFICATION

LOCATION:	7100 New Albany Links Drive (PID: 222-002263)
REQUEST:	Final Development Plan Modification
ZONING:	Infilled Planned Unit Development (I-PUD)
STRATEGIC PLAN:	Parks & Green Space
APPLICATION:	FDM-008-2024
APPLICANT:	New Albany Links Golf Club, Lucas Bowersock

Review based on: Application materials received January 19, 2024. *Staff report completed by Sierra Cratic-Smith, Planner*

I. REQUEST AND BACKGROUND

The applicant requests a review and approval for the alterations made to the New Albany Links Driving Range final development plan.

The Planning Commission originally heard the final development plan in July 2009 for a new golf course facility and driving range. It was tabled to August because there were concerns for golf ball retention on US State Route 62 and the northern property line. In August 2009, the developer returned with the addition of landscape along the northern property line and black netting along the eastern property line. In addition, staff and the applicant found that the substantial amount of landscaping along the north and south property lines were efficient enough for golf ball control.

The owner has since changed the site landscaping by removing trees from the north and south property line. Since the existing conditions do not match the approved 2009 final development plan, and the property requests changes to the landscaping, a final development plan modification is required.

II. SITE DESCRIPTION & USE

The final development plan area includes just the portion of the existing golf course site that contains the driving range. It is located within the New Albany Links subdivision. The property has been developed with a driving range and is located east of the golf club on about 10 acres.

The site is located west along US State Route 62 (Johnstown Road). There is a church on the south side and a residential home on the north side of the driving range.

III. PLAN REVIEW

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

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

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

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

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

A. Engage New Albany Strategic Plan

The 2020 Engage New Albany strategic plan designates the area as the Parks & Green Space future land use category. The strategic plan lists the following development standards for the Parks & Green Space land use category:

- 1. Protect and improve the existing network of parks, natural open spaces, and stream corridors.
- 2. Provide for a high quality and diversified park system to meet the recreational needs and enhance the quality of life for all residents.
- 3. Engage with partners to create a regional park, open space, and trail system that benefits New Albany residents and businesses.

- 4. Create a continuous network of linear parks, paths, walks, and trails, and thereby enabling the public to travel by non-motorized modes throughout the New Albany community.
- 5. Create year-round recreational opportunities.

B. Use, Site and Layout

- 1. The site is located within the Engage New Albany strategic plan's park and green space future land use district.
- 2. The driving range currently has an existing cart parking area with 5 range targets. The site also has two fences, one along the east that is parallel to US State Route 62 (Johnstown Road). The second is a taller section of net at the southwest corner of the property. There is also a 30-foot no-mow area along the southern border of the property.
- 3. The New Albany Links I-PUD zoning texts states that the driving range's design shall be based on the National Golf Foundation standards.

C. Access, Loading, Parking

1. There are no changes to the access, loading or parking of the site.

D. Architectural Standards

1. There are no changes to the architecture or buildings on the site.

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

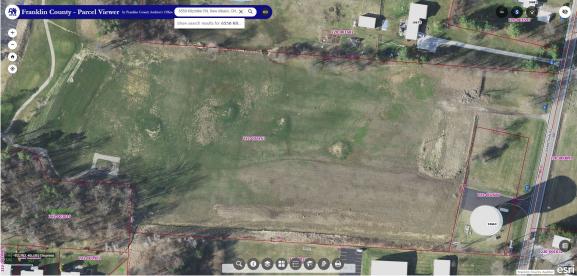
- 1. In early November, a neighbor reported to the city staff that golf balls were appearing in the side and rear of their property. During a code enforcement inspection, city staff found that the landscape on the property had been removed. Because there were significant changes to the approved final development plans from 2009, it needs to be re-evaluated by the Planning Commission.
- 2. In July of 2009, the planning commission tabled the original final development plan for the golf course and driving range due to concerns of golf ball control. Neighbors spoke of concerns for golf ball retention in the gaps of the landscape along the north, south, and east property lines.
- 3. In August of 2009, the applicant returned to meet the above concerns by adding additional landscape along the north and south property line. In addition, a net does span the east property line along Johnstown Road (US-62). The applicant and city staff noted there was significant buffering because of the existing landscape and trees along both the north and south property line. It was approved during the meeting because the commission found the amount of landscape buffer would be sufficient for golf ball control.

Property line	2009 Approval Requirements	2024 Proposal
Northern Property line (860 feet in length)	 Utilize existing trees and landscaping as a barrier. Add staggered deciduous trees within two gaps along tree line. Add black netting to existing horse rail fence (approx. 860 feet in length). 	• Utilize existing trees and landscaping as a barrier.
Southern Property line (800 feet in length to water tower)	 Utilize existing trees and landscaping as a barrier. Add staggered deciduous trees within one gap of the tree line. 30-foot-wide no-mow zone along property line. 	 30-foot-wide no-mow zone along property line. 150 ft long, 50 ft tall black net. Two mounds (one on each side of the netting). One being 72 feet in length with a max height of 5 feet. The second is 95 feet in length with a max height of 6 feet. Both

		have evergreen trees on top.
Eastern Property line (465 feet in length)	 Utilize existing trees and landscaping as a barrier. Add black four rail fence with black netting. 	 No landscaping or trees along the fence line. Fence (plans don't indicate if there is netting)

The applicant written narrative states the netting on the southern property line is 200 feet in length, however, the netting on site plan measures at a length of 150 feet. The city staff recommends that the Planning Commission verify with the applicant the length of the netting.

- 4. There are significant changes to the site and landscape (See Figures 1 & 2). Most of the landscape along the southern and eastern property line was removed. The property owner states the removal of landscape along the southern property line would enhance visibility for the players. To prevent golf balls from leaving the property, the applicant is proposing the following:
 - a. The owner now uses limited-flight golf balls to reduce the distance by 15%. <u>The city staff recommends this be a condition of approval (condition #1).</u>
 - b. A 200-foot-long, 50-foot-high net is installed along the 800 +/--foot-long southern property line. The city staff approved the net in January 2023.
 - c. Centering the range targets so they are equally spaced between the north and south property lines. <u>The city staff recommends this be a condition of approval (condition #2).</u>



August 2023 (Figure 1)



2009 (Figure 2)

F. Lighting & Signage

1. There are no changes or additions to the lighting or signage on the site.

IV. ENGINEER'S COMMENTS

There are no comments from engineering.

IV. SUMMARY

The final development plan modification is required because there is a change in the landscaping and the site conditions that the Planning Commission reviewed and approved in 2009. The Planning Commission originally approved this development because they found there was enough existing vegetation when supplemented with additional trees to provide an acceptable buffer to keep golf balls from leaving the property. To ensure golf balls didn't hit vehicles on the US 62, they required a fence with netting. Since then there have been significant changes to the landscaping which necessitates the Planning Commission's review of the new site plan that includes landscaping and buffers.

Since the landscaping buffer has substantially been removed, the applicant proposes alternate means of keeping golf balls on the range through a combination of netting along a portion of the southern border and limited flight balls. In addition, according to the applicant, relocating and centralizing the targets will also reduce the number of golf balls leaving the property.

V. ACTION

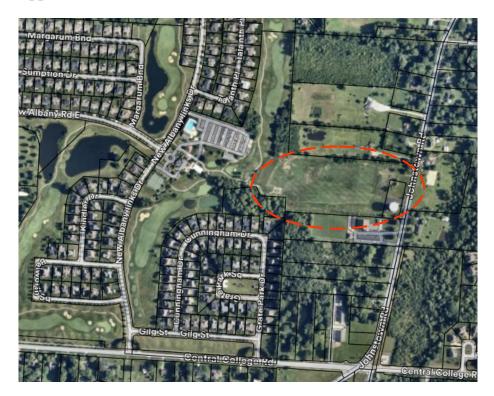
Suggested Motion for FDM-008-2024:

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

Move to approve application FDM-008-2024 based on the findings in the staff report subject to the following conditions:

- 1. The owner uses limited-flight golf balls.
- 2. The range targets are located so they are generally centered between the north and south property lines.

Approximate Site Location:



Source: Near Map

Planning Commission

STALLISHED 185

July 20, 2009 7:00 p.m. Meeting Minutes

New Albany Planning Commission met in regular session in the Council Chamber of Village Hall, 99 W Main Street and was called to order by Planning Commission Chair Neil Kirby at 7:03 p.m.

Colleen Briscoe (council liaison)	Present
Neil Kirby	Present
Dave Olmstead	Present
Brad Shockey	Present
David Demers	Present
David Wallace	Present

Staff members present: Michelle Murphy, Planner; Adrienne Joly, Planner; Jennifer Chrysler, Development Director; Ed Ferris, Engineer; Stephen Mayer, Community Development; Asim Z. Hague, Attorney; and Emmett Abella, Clerk.

Mr. Olmstead moved to adopt the minutes of the June 15, 2009 meeting, seconded by Mr. Demers. Upon roll call: Mr. Olmstead, yea; Mr. Demers, yea; Mr. Wallace, abstain; Mr. Shockey, yea; Mr. Kirby, abstain. Yea, 3; abstention, 2; nay 0. Motion carried by a 3-2-0 vote.

Ms. Joly reported that there were no corrections to the agenda.

Mr. Kirby swore to truth those wishing to speak before the Commission.

In response to Mr. Kirby's invitation to speak on non-agenda items, there were no questions or comments from the public.

Mr. Olmstead moved to accept the staff reports and related documents into the record, seconded by Mr. Wallace. Upon roll call vote: Mr. Olmstead, yea; Mr. Wallace, yea; Mr. Kirby, yea; Shockey, yea; and Mr. Demers, yea. Yea, 5; nay, none. Motion passed by a 5-0 vote.

Case

FDP-02-09 Final Development Plan

Final Development Plan for a proposed driving range and golf cart storage facility for the New Albany Links Golf Course.

Applicant: New Albany Links Golf Course



Planning Commission Staff Report July 20, 2009 Meeting

NEW ALBANY LINKS DRIVING RANGE AND GOLF CART FACILITY

LOCATION:	New Albany Links Golf Course, east of New Albany Links Drive, adjacent to Johnstown Road.
APPLICANT:	New Albany Links Golf Course Co. Ltd
REQUEST:	Final Development Plan
ZONING:	C-PUD (Commercial - Planned Unit Development)
APPLICATION:	FDP-02-09

I. REQUEST AND BACKGROUND

The application is for a final development plan for a new driving range and golf cart facility to serve the New Albany Links Golf Course. The final development plan area includes a portion of the existing golf course site and 10 acres of undeveloped property located adjacent to Johnstown Road. The golf cart facility consists of a 4000 square foot building that will be located south of the existing golf course parking lot and east of the existing club house. The final development plan covers areas located within the New Albany Links PUD.

The Village of New Albany's Architectural Review Board (ARB) reviewed a certificate of appropriateness application for the proposal on June 13, 2009. The ARB voted to approve the certificate of appropriateness for the driving range and golf cart storage facility.

II. SITE DESCRIPTION & USE

The site is located to the east of New Albany Links Drive. The driving range site is located within Reserve "A" of the New Albany Links as shown on the updated development plan and is part of the golf course. The proposed golf cart storage facility is located in reserve "B" of the original final development plan.

The property is zoned PUD under the New Albany Links Subdivision development text. The proposed driving range and golf cart storage facility are permitted uses within the development text. The final development plan site consists of a driving range, a golf cart storage building and paved paths.

III. PLAN REVIEW

Review is based on zoning text, and planning, subdivision and zoning regulations, including the design standards. Primary concerns and issues have been indicated below, with needed action or recommended action in <u>underlined text</u>.

Site and Layout

- The final development plan site consists of a portion of the existing golf course site and 10 acres of undeveloped property that lies to the east of the 1st hole of the golf course.
- 2. The golf cart storage building will be located within the interior of the golf course, between the existing parking lot and existing putting greens. There are no existing buildings located in close proximity to the proposed golf cart storage facility. The New Albany Links development text does not establish building location requirements for non-single family portions of the development.
- 3. No buildings are proposed as part of the driving range. The only improvements proposed will be a tee box and 8' asphalt cart path located on the westernmost portion of the site.
- 4. Asphalt paths will provide circulation and access between the clubhouse, golf course, golf cart storage building and the driving range. The proposed path is shown on a supplemental 11'x17' sheet in the application. <u>This must be added to the final development plan.</u>

Access, Loading, Parking

- 1. Vehicular access to both facilities is proposed to be from New Albany Links Drive.
- 2. The proposed driving range has frontage along Johnstown Road. An existing curb cut is shown on the submitted final development plan. <u>This should be</u> removed and sod planted in its place to prevent vehicles from accessing the driving range from Johnstown Road.
- 3. Pedestrian access will be from paved cart paths within the interior of the golf course.
- 4. No additional parking spaces are required by Chapter 1167 of the Codified Ordinances as the proposed facilities are accessory to the established golf course use on the site.

Architectural Standards

- 1. The golf cart storage building will be rectangular in size with a gable roof clad with dimensional asphalt shingles. Three dormers are present on the front elevation to give the appearance of a one and one-half story building as required by the Links development text. False, shuttered windows are located on both the front and rear elevations.
- 2. The golf cart storage building will be clad in vinyl lap siding, with a brick veneer base. The color of the siding will be "Country Beige" with "Clay" trim and shutters. Roof shingles will be "Colonial Slate." The brick veneer will be "Rose Full Range" color. Gutters and downspouts will be "Pebblestone Clay" in color. Two "Sandstone' colored garage doors and one door will provide access for golf carts and individuals
- 3. The overall appearance of the golf cart storage building will be consistent with the appearance of the existing development in the area and is appropriate for the function of the building.
- 4. This site is subject to Chapter 1157 (Architectural Review District) has been reviewed under these standards under the Certificate of Appropriateness application.

Buffering, Landscaping, Open Space, Screening

- 1. There is no landscaping proposed to be installed with the driving range or the golf cart storage building. However, the overall site is heavily landscaped with existing golf course plantings and mature trees.
- 2. No additional fencing and/or netting are proposed as part of the driving range. The applicant believes existing trees and vegetation along the driving range property lines will be adequate.

Lighting and Signage

1. No additional lighting or signage is proposed as part of this application.

III. ENGINEER'S COMMENTS

Under separate cover from the consulting Village Engineer, E.P. Ferris & Associates.

IV. RECOMMENDATION

The final development plan provides supportive uses to the existing New Albany Links golf course. The proposed uses are permitted by the New Albany Links Subdivision development text and are accessory to the golf course.

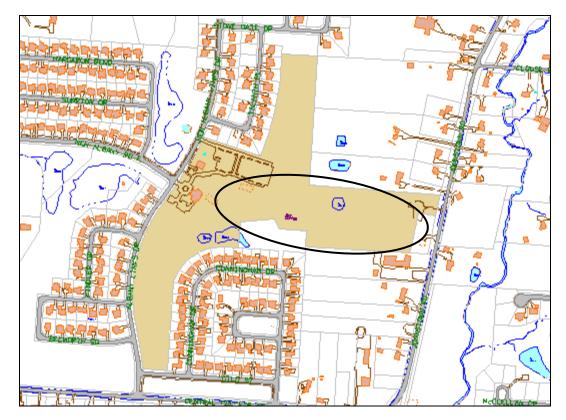
V. ACTION

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

Suggested Motion for FDP-02-09:

Move to approve final development plan application FDP-02-09

- 1. The existing curb cut along Johnstown Road to the proposed driving range should be removed and planted with sod to prevent vehicular access.
- 2. The proposed cart paths must be added to the Final Development Plan.
- 3. Address all the items in the memo from the Village Engineer dated July 8, 2009 to the satisfaction of the Village Engineer.



Source: Franklin County Auditor

Ms. Joly reported that there are two new facilities proposed as part of the New Albany Links Golf Course. A driving range and a building proposed to store golf carts located on a ten acre parcel located east of the golf course's first tee and west of Johnstown Road. Both are permitted uses under the New Albany Links Zoning Text. The ARB approved a Certificate of Appropriateness for the proposal on July 8, 2009. Ms. Joly said the proposed driving range is 155 yard by 336 yards. The 4,000 square foot storage building will be located south of the golf course's parking lot. Vehicular access from both facilities will be from New Albany Links Drive and pedestrian access is proposed via paved cart paths. The proposed driving range has frontage along Johnstown Road and the plans show an existing curb cut there, although the applicant has not proposed to use this for vehicular access. Staff feels the curb cut should be removed and replaced with sod. The applicant has not proposed additional landscaping, however, Ms. Joly stressed that the site does have plantings and mature trees. The only improvements associated with the driving range facility are going to be a tee box and an eight foot wide cart path on the westernmost portion of the site. The applicant has not proposed netting or fencing as part of the driving range, citing adequate existing vegetation and trees. The storage building will be rectangular in shape with the appearance of one and one half stories, in accordance with the zoning text. Staff feels this proposal provides supported uses for the golf course, has been designed in an appropriate manner, and recommends approval subject to the conditions listed in the staff report.

In response to Chairman Kirby's question regarding unresolved engineering issues, Mr. Ferris stated that he recommends:

- in accordance to the code, the symbols need to be shown on the FDP
- a letter indicating that the Corps of Engineers and OEPA approvals are in accordance with the code
- a written letter from the consultant indicating that the proposed project meets all requirements of the "After the Fact" permitting
- to show on FDP how access to the tee box/driving range is intended to be provided (not by vehicular means, but by golf cart only)
- that the FDP does not show how water or sanitary sewer service connections to the proposed golf cart storage facility will be made. The code requires that this information be provided
- will comment on the grading plan once the final engineering plans for the development occurs

Representing the applicant, Mr. Chuck Orth stated that he is a registered landscape architect. He reviewed points concerning the driving range and golf cart storage facility and reiterated many areas covered in Ms. Joly's report.

Mr. Chuck Orth explained further that the goal for the golf cart storage facility is to accommodate 80 golf carts. The golf carts are currently gas powered with the intent to eventually have electric carts. Mr. Orth presented renderings and distributed handouts of the driving range and golf cart building.

Upon invitation of the public and Board for comments or questions, Mr. Olmstead recalled that staff recommended the curb cut be removed, but Mr. Orth wanted to maintain it. Ms. Joly indicated that gating the curb cut would most likely fulfill staff's request for removal.

Mr. Olmstead stated that staff reported the natural screening was adequate buffering for the property owners, however, he noticed several gaps on the north side revealing signage and neighboring properties He is concerned about misguided golf balls terminating on neighboring properties or persons. A debate concerning driving skills, and adequate driving range distances followed.

In response to Mr. Olmstead's and Mr. Kirby's questions regarding landscape change subsequent to the FDP, Ms. Murphy pointed out if the change was extensive, approval must be granted by the Planning Commission.

Mr. Olmstead reiterated that he still has concerns with potential issues due to the lack of measures to restrict the flight of golf balls onto neighboring properties on Route 62.

Because the golf ball retention issues could not be resolved this evening, Mr. Demers suggested separating the driving range and golf cart barn for approval reasons.

In response to Mr. Olmstead's question regarding the Architectural Review Board's approval of the storage facility with dormers on one side only, Ms. Joly responded that the approval was based on the location and position of the golf cart facility in that the side with no dormers would not be visible by the public.

In response to Mr. Olmstead's concern of the use of vinyl siding on the upper portion of the golf barn, Ms. Joly stated that it is a permitted used in the Links Zoning Text.

Mr. Shockey indicated that if there is signage reading "Private Maintenance Access" and ample room to park and turn around by maintenance vehicles using the access gate over the curb cut, he is okay with it.

In response to Mr. Wallace's question regarding future removal of the curb cut, Mr. Orth said that the curb cut would be difficult to give up.

Moved by Mr. Olmstead to table **FDP-02-09** to the next regular Planning Commission meeting in August and ask that the applicant go back and speak with staff and the neighbors and work with them to come up with a plan that is acceptable to the neighbors and with staff to take care of the issue of access off 62, and also with potential issues of golf ball control. Seconded by Mr. Shockey. Upon discussion, Mr. Kirby indicated that hearing the commentary of the neighbors would be very helpful. Upon roll call: Mr. Olmstead, yea; Mr. Shockey, yea; Mr. Kirby, yea; Mr. Demers, yea; and Mr. Wallace, yea. Yea, 5; nay none. Motion to table **FDP-02-09** carried by a 5-0 vote.

Case V-08-09 Variance

7375 Stone Gate Drive Variance from the Codified Ordinance 1187.13(b)(9) to allow a driveway slope to exceed 8%. **Applicant**: Craig Tuckerman



Planning Commission Staff Report July 20, 2009 Meeting

DRIVEWAY SLOPE VARIANCE – 7375 STONE GATE DRIVE



Planning Commission August 17, 2009 7:00 p.m. Meeting Minutes

New Albany Planning Commission met in regular session in the Council Chamber of Village Hall, 99 W Main Street and was called to order by Planning Commission Chair Neil Kirby at 7:05 p.m.

Colleen Briscoe (council liaison)	Absent
Neil Kirby	Present
Dave Olmstead	Present
Brad Shockey	Present
David Demers	Absent
David Wallace	Present

Staff members present: Michelle Murphy, Planner; Adrienne Joly, Planner; Ed Ferris, Engineer; Asim Z. Haque, Attorney; and Emmett Abella, Clerk.

Mr. Olmstead corrected the spelling of Ms. Briscoe's name in paragraph four on page 19 of the July 20 meeting minutes.

Mr. Kirby corrected the spelling of Mr. Haque's name in paragraph three on page 1 of the July 20 minutes.

Mr. Kirby corrected the second paragraph (first full paragraph) on page 23 of the July 20 meeting. He did not invite the public to speak on non-agenda items.

With the above corrections, Mr. Olmstead moved to adopt the minutes of the July 20, 2009 meeting, seconded by Mr. Wallace. Upon roll call: Mr. Olmstead, yea; Mr. Wallace, yea; Mr. Kirby, yea; Mr. Shockey, yea. Yea, 4; nay, none. Motion carried by a 4-0 vote.

Ms. Joly reported that there were no corrections to the agenda.

Mr. Kirby swore to truth those wishing to speak before the Commission.

In response to Mr. Kirby's invitation to speak on non-agenda items, there were no questions or comments from the public.

Mr. Olmstead moved to accept the staff reports and related documents into the record, seconded by Mr. Wallace. Upon roll call vote: Mr. Olmstead, yea; Mr. Wallace, yea; Mr. Kirby, yea; Shockey, yea. Yea, 4; nay, none. Motion passed by a 4-0 vote.

Cases:

FDP-02-09 Final Development Plan

Final Development Plan for a proposed driving range and golf cart storage facility for the New Albany Links Golf Course. **Applicant:** New Albany Links Golf Course Ltd.



Planning Commission Staff Report August 17, 2009 Meeting

NEW ALBANY LINKS DRIVING RANGE AND GOLF CART FACILITY

LOCATION:	New Albany Links Golf Course, east of New Albany Links Drive, adjacent to Johnstown Road.
APPLICANT:	New Albany Links Golf Course Co. Ltd
REQUEST:	Final Development Plan
ZONING:	C-PUD (Commercial - Planned Unit Development)
APPLICATION:	FDP-02-09

I. REQUEST AND BACKGROUND

The application is for a final development plan for a new driving range and golf cart facility to serve the New Albany Links Golf Course. The final development plan area includes a portion of the existing golf course site and 10 acres of undeveloped property located adjacent to Johnstown Road. The golf cart facility consists of a 4000 square foot building that will be located south of the existing golf course parking lot and east of the existing club house. The final development plan covers areas located within the New Albany Links PUD.

The Village of New Albany's Architectural Review Board (ARB) reviewed a certificate of appropriateness application for the proposal on June 13, 2009. The ARB voted to approve the certificate of appropriateness for the driving range and golf cart storage facility.

The Planning Commission considered this item on July 20, 2009. The item was tabled to give the applicant additional time to work on access off Johnstown Road, and also on adding golf ball control measures. To address these concerns, the applicant proposes planting 20, 2-inch deciduous trees along gaps in the existing vegetation along the north and south property lines and a black, 4-rail fence with netting to be located 295 feet east of the tee box to prevent balls from bouncing onto Johnstown Road. Also, a gate has been added at the end of the driveway off Johnstown Road to prevent access by the public to the site.

II. SITE DESCRIPTION & USE

The site is located to the east of New Albany Links Drive. The driving range site is located within Reserve "A" of the New Albany Links as shown on the updated development plan and is part of the golf course. The proposed golf cart storage facility is located in reserve "B" of the original final development plan.

The property is zoned PUD under the New Albany Links Subdivision development text. The proposed driving range and golf cart storage facility are permitted uses within the development text. The final development plan site consists of a driving range, a golf cart storage building and paved paths.

III. PLAN REVIEW

Review is based on zoning text, and planning, subdivision and zoning regulations, including the design standards. Primary concerns and issues have been indicated below, with needed action or recommended action in <u>underlined text</u>.

Site and Layout

- The final development plan site consists of a portion of the existing golf course site and 10 acres of undeveloped property that lies to the east of the 1st hole of the golf course.
- 2. The golf cart storage building will be located within the interior of the golf course, between the existing parking lot and existing putting greens. There are no existing buildings located in close proximity to the proposed golf cart storage facility. The New Albany Links development text does not establish building location requirements for non-single family portions of the development.
- 3. No buildings are proposed as part of the driving range. Proposed improvements are a tee box, 8' asphalt cart path located on the westernmost portion of the site, 16, 2-inch caliper deciduous trees planted in a staggered pattern along gaps in existing vegetation at the north property line; 6, 2-inch caliper deciduous trees planted in a staggered pattern along a gap in the existing vegetation along the south property line; a black, 4-rail fencing with black netting located 295 yards east of the tee box and a gate setback from Johnstown Road to allow access for maintenance vehicles. This must be added to the final development plan.
- 4. Asphalt paths will provide circulation and access between the clubhouse, golf course, golf cart storage building and the driving range. The proposed path is shown on a supplemental 11'x17' sheet in the application. <u>This must be added to the final development plan.</u>

Access, Loading, Parking

- 1. Vehicular access to both facilities is proposed to be from New Albany Links Drive.
- 2. The proposed driving range has frontage along Johnstown Road. An existing curb cut and driveway are shown on the submitted final development plan. The applicant proposes to use this access point for maintenance vehicles. A gate will be constructed at the end of the driveway to prevent access by the public. <u>This must be added to the final development plan.</u>
- 3. Pedestrian access will be from paved cart paths within the interior of the golf course.
- 4. No additional parking spaces are required by Chapter 1167 of the Codified Ordinances as the proposed facilities are accessory to the established golf course use on the site.

Architectural Standards

- 1. The golf cart storage building will be rectangular in size with a gable roof clad with dimensional asphalt shingles. Three dormers are present on the front elevation to give the appearance of a one and one-half story building as required by the Links development text. False, shuttered windows are located on both the front and rear elevations.
- 2. The golf cart storage building will be clad in vinyl lap siding, with a brick veneer base. The color of the siding will be "Country Beige" with "Clay" trim and shutters. Roof shingles will be "Colonial Slate." The brick veneer will be "Rose Full Range" color. Gutters and downspouts will be "Pebblestone Clay" in color. Two "Sandstone' colored garage doors and one door will provide access for golf carts and individuals
- 3. The overall appearance of the golf cart storage building will be consistent with the appearance of the existing development in the area and is appropriate for the function of the building.
- 4. This site is subject to Chapter 1157 (Architectural Review District) has been reviewed under these standards under the Certificate of Appropriateness application.

Buffering, Landscaping, Open Space, Screening

- 1. The overall site is heavily landscaped with existing golf course plantings and mature trees.
- 2. The original submittal did not contain any new landscaping or fencing/netting. Ball control was an issue when the Planning Commission considered this application in July. The plans have been revised to include a total of 20, 2-inch deciduous trees planted in a staggered pattern within gaps in the existing vegetation along the north and south property lines. A black, four-rail fence with netting will be located 295 yards east of the tee box to prevent balls from rolling onto Johnstown Road.

Lighting and Signage

1. No additional lighting or signage is proposed as part of this application.

III. ENGINEER'S COMMENTS

Under separate cover from the consulting Village Engineer, E.P. Ferris & Associates.

IV. RECOMMENDATION

The final development plan provides supportive uses to the existing New Albany Links golf course. The proposed uses are permitted by the New Albany Links Subdivision development text and are accessory to the golf course.

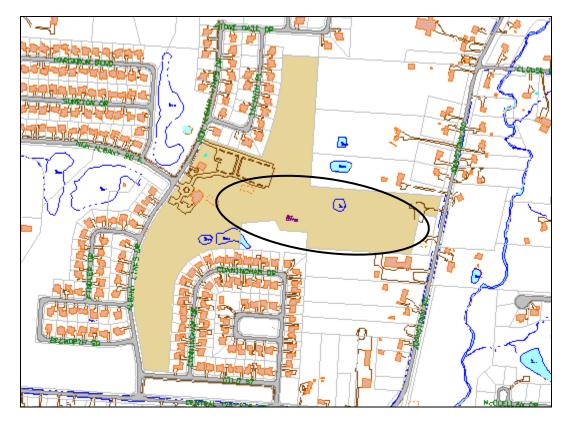
V. ACTION

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

Suggested Motion for FDP-02-09:

Move to approve final development plan application FDP-02-09

- 1. The proposed cart paths, fence and gate must be added to the Final Development Plan.
- 2. Address all the items in the memo from the Village Engineer dated July 8, 2009 to the satisfaction of the Village Engineer.



Source: Franklin County Auditor

Ms. Joly reported to the Commission that the case had been heard and tabled in July to allow the applicant time to work on ball control measures and to look at access off (State Route) 62. To address these issues the applicant has revised its plans and proposed planting a total of twenty, two-inch deciduous trees along gaps in the existing vegetation along the north and south property lines. The applicant has indicated that the typical size of these trees will be from 12 to 14 feet in height. Also, a black, four-rail fence with netting has been added to the plans. This fence will be set back approximately 124 feet west of (SR) 62 and is intended to prevent balls from bouncing or rolling onto the road (not to catch balls in flight). A gate has been added to the end of the driveway off Johnstown Road to prevent access by the public to the site. This is agreeable with staff. Ms. Joly noted that staff has spoken with Mr. Joiner, the neighbor to the north and provided him information about the status of this application. Staff believes this proposal provides supportive uses to the golf course and does recommend approval subject to the conditions listed on page 3 of the staff report.

In response to Mr. Kirby's question to the engineer regarding new issues, Mr. Ferris answered no.

Speaking on behalf of the New Albany Links Golf Club, Mr. Chuck Orth reviewed items with the help of visuals. He said most of the discussion during the last meeting pertained to the driving range. There were concerns about the open

gaps existing to the property to the north, Mr. Joiner's property and to the church to the south. He said they have addressed the issues and referred to photographs on the easel. Mr. Orth pointed out the area where the twenty mature trees will be planted as well as where the fence netting will be placed. Mr. Orth also talked about the addition of a gate at an existing access point.

Mr. Olmstead asked the applicant for another inch of caliber on the trees. He said 2 inch caliber is rather small. Typically street trees in the village are three inch.

Mr. Orth indicated that he would be agreeable to the request of increasing the caliber.

At the invitation from Mr. Kirby to the public, Mr. Elbert Joiner, 10605 Johnstown Road addressed the Commission. He said he has been watching the project for the past several months.

In response to Mr. Olmstead's question asking if he is opposed to or supportive of the project, Mr. Joiner stated that is right next door to the project but does not know what is going on and that no one had volunteered information regarding the project.

Mr. Olmstead briefly explained how the process works with zoning approval, development plan, and notification procedures.

Ms. Joly indicated that notices were mailed and that Mr. Joiner is on the mailing list.

Mr. Kirby suggested moving the case to the end of the meeting allowing Mr. Joiner to meet with Mr. Orth and staff in an adjoining conference room.

Discussion was held on water retention and drainage on Mr. Joiner's property.

Mr. Joiner stated that he would like to see the project stopped until the problem is corrected.

Mr. Wallace asked Mr. Joiner to explain the problem. Mr. Joiner again cited the drainage problem on his property and Mr. Wallace again indicated that the drainage issue was not before the Commission at this time. Mr. Wallace further explained that the issues of the day are proposed changes to the development plan.

Discussion continued on Mr. Joiner's drainage issue.

Mr. Olmstead moved to table **FDP-02-09 Final Development Plan** to the last item of regular business on this evening's agenda. Seconded by Mr. Kirby.

land, these small rezoning areas do not include that land, it isn't something that is required at this time, but will be installed with future developments. She also said there were a few minor housekeeping items such as labeling of subareas, adding a small portion of lot seven to the zoning exhibit that did not appear on the exhibit, verifying and making corrections on acreage, and some additional signature blocks were also added.

In response to Mr. Olmstead's question regarding sidewalk and/or leisure trail requirements to be built along Reserve C and Reserve A, Ms. Murphy said there were no requirements for Reserve C, however, there is a sidewalk proposed through Reserve A.

In response to Mr. Kirby's question regarding engineering comments, Mr. Ferris said that on the zoning text, page 8, number 7, paragraph b, four tenths of an acre should replace the wording of 0.45 acres. Subarea C wording should be revised to read Reserve C, and the words "traffic circle" should replace the word "roundabout."

Mr. Ferris added that in the final development plan he recommends that the site statistics that in the open space Reserve C be added which is the traffic circle.

Mr. Kirby stated to the applicant that he presumed he would be agreeable to a condition that is modification to the text that is to the satisfaction of staff because there are various clean up items that need to be taken care of. He also added that we have a sidewalk behind the cemetery in the Reserve from the roundabout.

Before responding to Mr. Kirby's above comment, Mr. Tom Rubey asked permission to make his presentation. He said he agreed with all of the engineer's comments, as well as the planners' comments particularly with the point about the language regarding the windows.

He added that there was some miscommunication about NAC commitment to leisure trails and parkland dedication. There is an asphalt path between lots 18 and 17. NAC is not requesting any type of waivers from sidewalks or leisure trail construction. There will be a trail that extends through this park area. The exact alignment has not yet been determined.

It was determined that there will be sidewalks in front of the houses below the circle on both sides and Mr. Olmstead pointed out an area and stated that there needs to be a connection back of to Leisure Trail.

Mr. Kirby said Straits Lane is expected to go in when the rest of the road goes in and it will stub at the lot line. Mr. Kirby said that the commitment he is looking for is at the lot line, where the road ends, somewhere it will end up on that same lot. Mr. Rubey said he does not know; he could not answer definitively. There will be sidewalks along both sides of all streets. "How the sidewalk condition is incorporated into the park, I don't know."

Mr. Kirby explained that he is saying that somehow a sidewalk will appear at the lot line.

Mr. Rubey said he understands and the other thing to keep in mind, (pointing out spots on the visual), said that the area is all part of the township cemetery. As this road continues there will be additional parkland dedication that occurs through there. So, how the sidewalk condition works with the park is very different than the way the sidewalk condition works with a single family lot. We are not trying to renege on our obligation, but you will not have a sidewalk separated by a tree lawn within that park.

Mr. Kirby stated that he was making the point that the road has to go through and eventually you will get a sidewalk through there, too. So, when development at the lot line goes south, it's ready.

Mr. Kirby continued with some detail questions. He said on the text, you are still calling them Street A and Street B. He questioned the nine foot fence, recalling a six foot agreement from the past. Mr. Rubey said it has to be nine feet to screen the white maintenance facility behind the township hall.

Mr. Rubey said he wants to put a four rail horse fence between the church property and the pond.

In response to Mr. Kirby's question of 80% coverage instead of 50%, Mr. Rubey stated he is not sure where the 50 percent came from. The 80 percent is impervious surface, not the footprint of the house.

In response to Mr. Kirby's question regarding the stricken language, Mr. Rubey said there is already a zoning code requirement for the width of the driveway at the apron at the right-of-way, so the language we had trumped that.

There was no response on Mr. Kirby's invitation of the public to speak on this case.

Moved by Mr. Olmstead, seconded by Mr. Kirby for a positive recommendation to council **ARB-09-09 Certificate of Appropriateness**, **ARB-10-09 Certificate of Appropriateness**, **ZC-02-09/PDP-02-09 Zoning Amendment**, **FDP-03-09 Final Development Plan**, and **ZM-02-09 Zoning Modification**, adding a condition for each case, a modification of text to the satisfaction of staff of each and the individual conditions under each of the items on page 7 of 8 and 8 of 8 in the Planning Commission staff report. Upon roll call: Mr. Olmstead, yea; Mr. Kirby,

yea; Mr. Shockey, yea; and Mr. Wallace, yea. Yea, 4, nay, none. Motion passed by a 4-0 vote.

Moved by Mr. Olmstead, seconded by Mr. Kirby to remove from the table **FDP-02-09.** Mr. Olmstead, yea; Mr. Kirby, yea; Mr. Wallace, yea; Mr. Shockey, yea. Yea, 4, nay, none. Motion carried by a 4-0 vote.

Upon invitation from Mr. Kirby, Mr. Orth stated that drainage and trees are the issues. Mr. Orth stated that he and the engineer with EMH&T will meet with Mr. Joiner next week to do some diversion to help with that situation. He said during the conference they discussed trees and whether that would be enough protection and those types of things. He said they are willing to do the 3-inch as was suggested earlier by Mr. Olmstead.

In response to Mr. Olmstead question asking Mr. Joiner if he is fine with this, Mr. Joiner responded, "sure."

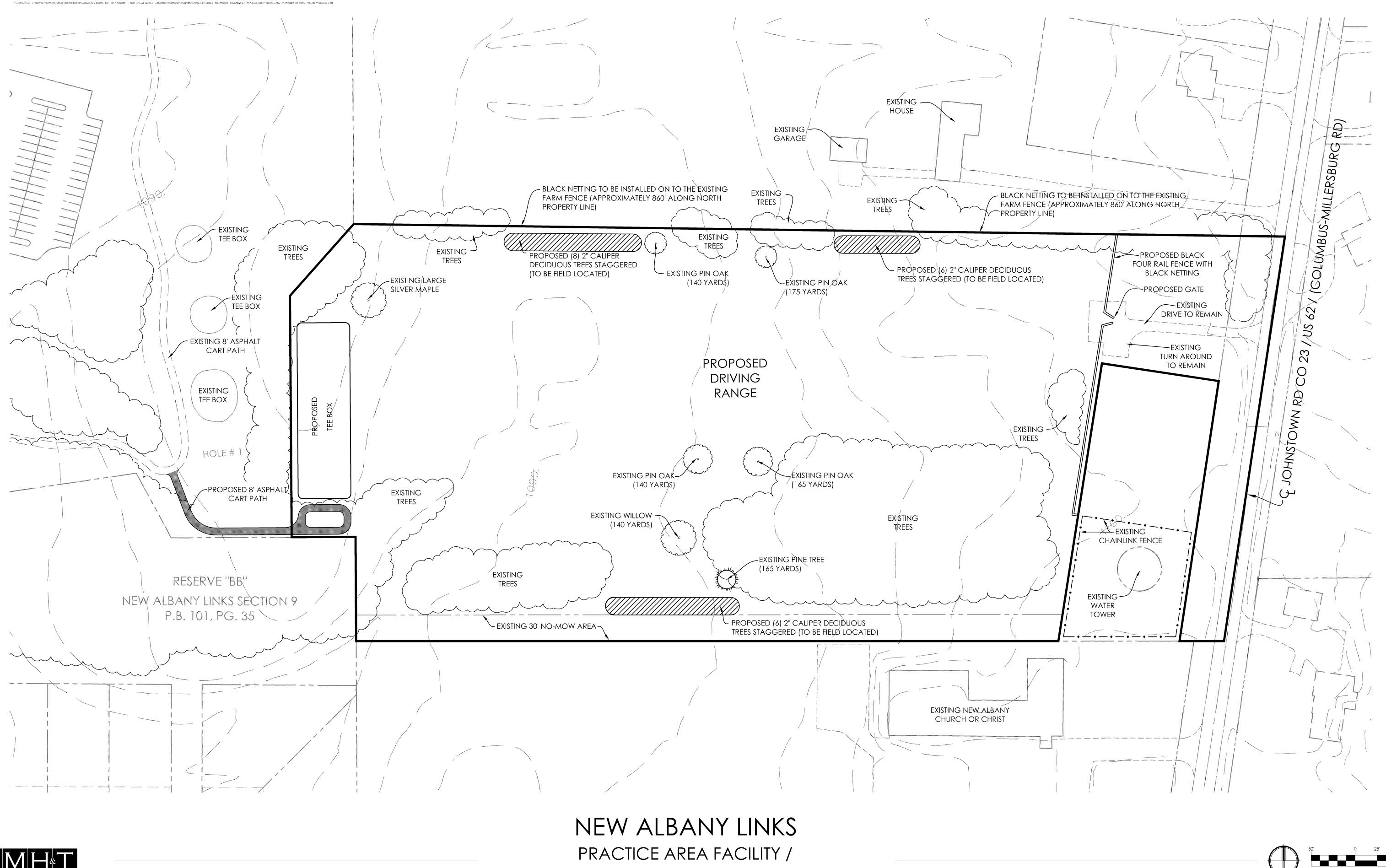
Moved by Mr. Olmstead, seconded by Mr. Wallace for adoption of **FDP-02-09 Final Development Plan** subject to the two conditions in the staff report and adding a third condition that a minimum of three inch caliber tree will be used instead of the two inch caliber tree as specified in the original document, and item four that the applicant will work with the adjoining neighbor to determine an appropriate height for the understory and no mow zone if necessary to contain the golf balls. Upon roll call: Mr. Olmstead, yea; Mr. Wallace, yea; Mr. Kirby, yea; Mr. Shockey, yea. Yea, 4; nay, none. Motion carried by a 4-0 vote.

When the chair polled members for comment, Mr. Wallace suggested that the Planning Commission should receive notice of meetings in a similar manner of the Architectural Review Board in the local newspaper.

Ms. Murphy said she would look into it.

Ms. Murphy also added that for the informal meeting in September, the PC will meet on Wednesday, September 9, in lieu of Monday, September 7, as it is a legal holiday. Also, instead of an informal meeting, there will be items on the agenda requiring voting action.

With no further business, Mr. Kirby adjourned the meeting at 8:10 p.m.





GOLF CART STORAGE FACILITY EXHIBIT

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					1"=	50'			
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Permit #	
Board	
Mtg. Date	



Community Development Planning Application

	Site Address 7100 New Albury Links Dr
	Parcel Numbers
	Acres # of lots created
Project Information	Choose Application Type Circle all Details that Apply Appeal Certificate of Appropriateness Conditional Use Preliminary Plat Preliminary Lot Changes Combination Minor Commercial Subdivision Combination Vacation Easement Extension Request Text Modification Zoning Amendment (rezoning) Description of Request: Whates Minor Strange Development
Contacts	Property Owner's Name: Atv Alfring Lines Colf (1.4 Address: 7100 New Attheny Lines Dr City, State, Zip: New Attheny 1014 43054 Phone number: 614 855 8532 Fax: Fax: Email: 150werzocke & Kemper Sports, com Address: SAME City, State, Zip: Fax: Phone number: SAME Address: SAME City, State, Zip: Fax: Phone number: Fax:
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 Mance

Narrative Statement on New Albany Links Golf Club Driving Range: 1/30/2024

Since KSM Columbus II assumed ownership of New Albany Links Golf Club on October 7th, 2022, a series of strategic updates have been implemented at our driving range to enhance both golfer experience and ensure the safety of our surrounding community.

One of the significant changes involved obtaining permitting from the city of New Albany to install a 200-foot-long, 50-foot-high net. This substantial net acts as a barrier, intercepting golf balls in flight and preventing them from venturing beyond our property lines. The net serves as a proactive measure to address concerns related to errant shots and reinforces our commitment to the safety of neighboring areas.

Additionally, we repositioned our range targets, moving them closer to the north side property line. This adjustment not only accommodates the installation of the protective net but also encourages golfers to focus their shots within the designated range area, reducing the likelihood of balls straying outside our confines.

To further guide golfers towards the intended target areas, we implemented a thoughtful landscaping strategy. A fairway cut has been meticulously mowed around the targets, enhancing visibility and providing a visual marker for players. Beyond these designated target zones, we've allowed the grass to grow longer, subtly signaling to golfers the boundaries of the intended hitting areas.

In June of 2023, we took another significant step by introducing limit flight golf balls. This new type of ball is designed to reduce its flight distance by 15% compared to the previous range balls. By incorporating these specialized golf balls into our range, we aim to keep the trajectory of shots more controlled, minimizing the risk of golf balls leaving our property and addressing any concerns related to distance.

It's important to note that, while these improvements were implemented under the current ownership, I cannot provide insights into any work carried out by the previous ownership group.

Overall, these changes reflect our ongoing commitment to the safety and enjoyment of both our golfers and the surrounding community, ensuring that the New Albany Links driving range remains a responsible and enjoyable destination for golf enthusiasts.



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FINAL DEVELOPMENT PLAN UPDATE

PREPARED FOR: New Albany Links Golf Course Co. Ltd. 7100 New Albany Links Dr New Albany, OH 43054

PREPARED BY:



JUNE 11, 2009
NOVEMBER 18, 2009
OCTOBER 15, 2021
JANUARY 11, 2024

