



New Albany Planning Commission
October 16, 2023 Meeting Minutes - Approved

I. Call to order

The New Albany Planning Commission held a regular meeting on Monday, October 16, 2023 in the New Albany Village Hall. Chair Kirby called the meeting to order at 7:06 p.m., and asked to hear the roll.

II. Roll call

Those answering roll call:

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

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

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

III. Action on minutes: September 18, 2023

Chair Kirby asked whether there were any corrections to the minutes from the meeting on September 18, 2023.

Hearing none, Commissioner Wallace moved for approval of the September 18, 2023 meeting minutes as submitted. Commissioner Briggs seconded the motion.

Chair Kirby asked for discussion on the motion. Hearing none, he asked to hear the roll.

Upon roll call: Mr. Wallace yes; Ms. Briggs yes; Mr. Larsen abstain; Mr. Kirby yes; Mr. Schell yes. Having four votes in favor, the September 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.

Planner Nichols said yes. She stated that, as the commission had read in the staff report, the application for Haines Creek was incomplete. As a result, the applicant has requested that their applications scheduled for consideration and public hearing on tonight's agenda, FDP-87-2023, FPL-88-2023, FPL-91-2023, FPL-92-2023, be tabled until the November 20, 2023 meeting.

Chair Kirby asked staff to compare the staff report to the minutes from the meeting approving the initial development plan. He recalled that there was quite a bit of discussion regarding the spacing of the street trees, and that the commission imposed a condition requiring tighter spacing of the trees. He observed that the staff report for the final development plan did not seem to incorporate that condition.

Planer Nichols stated that she would check on that.

Chair Kirby asked whether the applications could be tabled with one motion, or whether the applications needed to be tabled individually.

Planning Manager Mayer replied that they could all be tabled together.

Chair Kirby moved to table the final development plan and three final plats, FDP-87-2023, FPL-88-2023, FPL-91-2023, and FPL-92-2023, until the November 20, 2023 meeting. 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; Mr. Larsen yes; Mr. Wallace yes; Ms. Briggs yes. Having five yes votes the applications were laid upon the table until the November 20, 2023 meeting.

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

Chair Kirby asked whether there were any visitors present who wished to address the commission for an item that was not on tonight's agenda.

Jim Rufo, 9175 Lee Hall Court. Mr. Rufo stated that he lives in the Tidewater community and he was concerned about the Haines Creek development along the Jug Road intersection.

Chair Kirby asked Mr. Rufo to pause briefly. Chair Kirby then administered the oath to all present who would be addressing the commission.

Mr. Rufo stated that he had two main concerns about the development. First was the street traffic. The intersection of Central College Road and Jug Road is a tight turn. The amount of large dump trucks and semi-tractor trailers has increased as the result of Intel construction. The dump trucks move quickly, and there have been semis that have turned around and, in the process, they have destroyed lamp posts and grass. He stated that he did not feel this location was suited for a 151-home development because it could increase traffic by 300 more cars. He was interested to know whether a road study has been conducted. He also noted the recent uptick in crime. He had heard that this development was supposed to connect to Tidewater via McClellan but was not sure and would like to understand more about that. He saw no indication for sidewalks or trails. He continued that his first ask was for a redesign of Central College and Jug Road, and that the redesign should include, at a minimum, sidewalks and turn lanes and bike lanes. This would promote the healthy lifestyle of New Albany. His second ask was for a No Truck sign on Central College east of 62. The other main concern was the park space. He explained that Tidewater does not have any park space and now this development was being proposed without providing sufficient space. And the fee in lieu of the park space was not the fair market value of the land. His ask here was that the developer be made to follow the strategic plan and comply with parkland and open space requirements, and to provide sidewalks along Central College.

Chair Kirby responded that city staff is available to go over the fine details of the issues he raised. He continued that he believed that there were paths and sidewalks along Central College Road.

Planning Manager Mayer confirmed that was correct.

Chair Kirby continued, regarding the portions of frontage with no sidewalks, that those portions of land are private property not owned by the city. Until and unless the city is granted the land, it cannot install a path or sidewalk. The city's goal is that all new developments have sidewalks/paths. Thus, he explained that now there are multiple fragments of paths that lead nowhere but as the city is granted land and with new development the fragments will connect. Chair Kirby speculated that fair market value of the land for the fee in lieu was the reason these applications were tabled. He encouraged Mr. Rufo to chat with staff and elected officials regarding the acquisition of green space for Tidewater; and on the issue of connecting with Tidewater he explained that the plan is to connect with the next lot over and to minimize curb cuts. He added that city staff could speak to the issue of adding sidewalks across private property, but nothing would happen until the city was granted permission on the land.

Planning Manager Mayer gave Mr. Rufo his card.

Aaron Underhill, 8000 Walton Parkway, applicant in the Haines Creek applications approached the lectern. He apologized for the inconvenience and let the commission know that he could not attend the meeting on November 20, 2023, however he was able to attend on December 4, 2023. He requested that the commission reconsider their decision to table the applications until November 20, 2023 and further requested that the applications be tabled until the December 4, 2023 meeting.

Chair Kirby asked Law Director Albrecht whether Mr. Underhill had provided new information that was unavailable to the commission at the time of their initial consideration of the motion to table. Law Director Albrecht replied yes.

Chair Kirby asked whether there were any other visitors present who wished to speak on an item not on tonight's agenda, including items laid upon the table.

Hearing none, Chair Kirby moved to reconsider the commission's decision to table the Haines Creek applications, FDP-87-2023, FPL-88-2023, FPL-91-2023, FPL-93-2023, until the November 20, 2023 meeting. 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. Kirby yes; Mr. Larsen yes; Mr. Schell yes; Mr. Wallace yes; Ms. Briggs. Having five yes votes, the motion for reconsideration was granted.

Commissioner Wallace moved to table the Haines Creek applications, FDP-87-2023, FPL-88-2023, FPL-91-2023, FPL-93-2023, until the December 4, 2023 meeting. Commissioner Briggs seconded the motion.

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

Upon roll call: Mr. Wallace yes; Ms. Briggs yes; Mr. Kirby yes; Mr. Larsen yes; Mr. Schell yes. Having five yes votes, the Haines Creek applications were laid upon the table until the meeting on December 4, 2023.

VI. Cases:

FDP-84-2023 Final Development Plan Amendment

Final development plan amendment to allow for site circulation modifications to a previously approved carry-out food and beverage establishment with a drive-through

facility on approximately 2+/- acres located immediately north of Johnstown Road and generally south of the intersection at Bevelhymer Road and Walton Parkway (PID: 222-004463).

Applicant: Prime AE Group, c/o Steve Fox

Planner Nichols delivered the staff report. As part of the staff presentation Planner Nichols also stated that one thing not brought up in the written staff report is the need for a cross-access easement along the new two-way drive. Staff recommends that the planning commission require this cross-access easement.

Chair Kirby confirmed that staff was requesting a third condition, a cross access easement, that was not in the staff report.

Planner Nichols stated yes.

Chair Kirby asked to hear from engineering.

Development Engineer Albright delivered the engineering report.

Commissioner Wallace clarified that the staff report had a five-foot shortening distance that was not present in the engineering memo. He wanted to clarify that the condition should specify five feet. He further noted that the condition in the staff report regarding the southern curb cut did not include the use of signage prohibiting U-turns from the north drive aisle as stated in the engineering comments.

Planner Nichols answered yes and stated she would include those items in the Record of Action.

Chair Kirby asked to hear from the applicant.

Applicant Steve Fox, Civil Engineer 8415 Pulsar Place 43230, spoke in support of the application and explained that the modifications were intended to improve circulation and that he agreed with the conditions in the staff report. He stated that at this time they were uncertain about what would happen with the property to the north.

Commissioner Schell asked Mr. Fox whether he owned both parcels.

Mr. Fox replied that it was actually one parcel, but it may be split in the future. He further stated that in the event the lot was split, they had no problem providing the cross-access easement.

Chair Kirby requested that staff note that in order to be sure that the cross easement is added as a condition of approval of an application for the lot split.

Planning Manager Mayer replied that it was a good idea to make that a condition of approval, and that staff will work with the applicant.

Chair Kirby asked who was responsible for the maintenance on the shared private drives, and asked whether it was monetarily split.

Mr. Fox replied that he thought it was pro-rated among the property owners.

Greg Munster, the owner of the Wealth Center at 9835 Johnstown Road, stated that he was not sure about that. He stated that he is concerned about the maintenance of the private drives in this area and was hopeful that the business park will take over the

maintenance; he has reached out the NACO and they are considering it. The traffic has changed, the ingress and egress has changed and he was concerned about the cost of plowing and maintenance. He further noted an area on the site plan that he thought would include more trees for screening.

Applicant and property owner Tom Brigdon, 387 Livingston Avenue 43215, explained that they have always and will continue to maintain the southern road.

Mr. Munster explained that what he was actually saying was that he thought it was time for the business park to take over maintenance. And, the southern road was not the area he was expressing concern about, he was concerned about the increase in traffic from Walton Parkway and maintenance of the northern and eastern private drives. This was a maturing business area and needed to be treated as such.

Commissioner Schell noted that Mr. Munster mentioned that he had contacted the New Albany Company (NACO), and asked what their response was.

Mr. Munster responded that NACO thought it made sense, but nothing was put in writing. He further noted that there are other areas further north that are maintained by the business park.

Commissioner Schell asked whether he was currently spending money on maintenance.

Mr. Munster responded that he has spent money from time to time when it needed plowing, but the roads are old and through traffic load is increasing. In addition, there is construction traffic, which happens, but he does not feel he should have to pay for it.

Commissioner Schell responded that from one business owner to another, whether Mr. Munster would agree that the increase in traffic increased the visibility of his business, which was not horrible.

Mr. Munster agreed that in the longer term it would be beneficial.

Commissioner Briggs asked Law Director Albrecht whether he had a comment.

Law Director Albrecht stated that making the private road a city road is not within the jurisdiction of what the commission would be deciding tonight. The commission could hear the concerns but he wanted to be clear about the role of the commission.

Chair Kirby replied that reasonable conditions on the property being considered are within the purview of the commission and asked whether Mr. Fox would be willing for the two-way driveway to be a public right of way.

Mr. Fox responded that he could not commit to that because it is jointly owned property and there are restrictions on the property.

Chair Kirby asked staff how close the two-lane drive way was to meeting the construction standards for a public right of way.

Planning Manager Mayer replied that the city standards per the Strategic Plan for a public street included connectivity, street typology – the street scape and trees, and construction standards. He was unsure whether this would meet those criteria but stated that New Albany has private streets serving as secondary streets in retail areas. He continued that private streets serve an important role for connectivity. He stated that he would research

the issue but did not believe it was built to public right of way standards, based on its character and location.

Development Engineer Albright agreed with Planning Manager Mayer. He was not sure but speculated that it does not meet public right of way standards.

Chair Kirby responded that for the applicants' purposes and for the neighbor's purposes it was possible that this was not desirable as a public street and it was not built to the standard of a public street. Thus, it was not unlikely that it would remain a private road. He also noted that the city's batting average on this issue was not perfect, it was working out well around the hotels, but not as well around Keswick. For staff, he added, that the commission's objective was to plan for roads that work and to minimize tension among the owners.

Chair Kirby asked for further questions from the commission and the public.

Mr. Munster stated that he would like to revisit the green space. He continued that he recalled seeing a rendering with more green space.

Mr. Fox stated that perhaps there was less green space because he had to include more parking.

Mr. Munster then asked the applicant whether he would be opposed to adding trees to his property.

Planner Nichols then stated that the existing approved landscape plan had trees and shrubs on the east side.

Chair Kirby asked for further questions and comments. Hearing none, Chair Kirby stated that he heard three conditions. One was the basic cross access easement, another was about the sign prohibiting U-turns, and no lot split without a cross-access easement to the new lot.

Commissioner Briggs asked whether a condition confirming the trees needed to be added.

Planner Nichols confirmed that the trees were present in the existing and approved landscape plan.

Chair Kirby moved to admit the staff reports and related documents into the record for FDP-84-2023. Commissioner Wallace seconded the motion.

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

Upon roll call: Mr. Kirby yes; Mr. Wallace yes; Mr. Larsen yes; Ms. Briggs yes; Mr. Schell yes. Having five affirmative votes, the staff reports and related documents were admitted into the record.

Commissioner Wallace moved to approval the amendment to FDP-84-2023 subject to the two conditions listed in the staff report including the commentary regarding the specifics of the engineer's comments, subject to staff approval, and the following additional conditions:

3. that cross-access easements be required and documented, subject to staff approval; and that there would be no lot split without cross-access easement to the new parcel.

Commissioner Larsen seconded the motion.

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

Upon roll call: Mr. Wallace yes; Mr. Larsen yes; Mr. Schell yes; Ms. Briggs yes; Mr. Kirby yes. Having five yes votes, FDP-84-2023 was approved subject to the stated conditions.

The commission wished the applicant good luck.

Chair Kirby noted that the Epcon applications included a lot of underlined text and he requested that the underlined text include a reference to the corresponding condition. These markers would help with wayfinding through the conditions and the underlined text.

ZC-90-2023 Rezoning

Request to rezone 84.736 acres located at 2650 Harrison Road in Licking County from Agricultural (AG) to Limited General Employment (L-GE) for an area to be known as the Jug Street South Expansion Zoning District (PID: 037-112110-00.000, 037-111930-00.000, 037-112044-00.001, 037-112044-00.003, 037-112044-01.000, 037-112044-03.000, 037-112044-02.000, 037-112044-00.002, 037-112044-00.009, 037-112044-00.004, 037-112044-00.005, 037-112044-00.000, 037-112044-00.008, 037-112044-00.007, 037-112044-00.005, 037-112050-00.001).

Applicant: Jackson B. Reynolds, III

Planner Nichols delivered the staff report.

Chair Kirby asked for comments from engineering.

Development Engineer Albright stated that engineering had no comments.

Chair Kirby asked to hear from the applicant.

Applicant Jackson Reynolds, III, attorney with Smith and Hale. He stated that he had been working in this area for quite some time. He thanked staff and stated that his client had one small request, and that was regarding condition #2. He requested that the words, “as possible” be removed from the condition. He explained that the applicant wanted to remove the subjective context from the sentence.

Chair Kirby confirmed that staff was agreeable to this. Chair Kirby further confirmed with Mr. Reynolds that this proposed text matched adjacent texts.

Commissioner Wallace stated he was not sure if it removed all of the subjective context as the terms “simple and unobtrusive” were subjective and remained. He further noted that some texts imposed a 65-foot height restriction, and asked whether the building height of 85-feet here was agreeable to staff.

Planner Nichols responded that there was no concern with the 85-foot building height. She explained that the 65-foot height maximum was imposed on properties that were adjacent to residential uses. Staff had agreed to the 85-foot height here because there are no adjacent residential uses.

Commissioner Larsen noted that in item #6, that there would be an exception for transmission lines to not be underground, and asked why.

Chair Kirby responded that the reason was because the utility lines were so big. He further remarked that he believed that transmission was a term of art.

Commissioner Wallace stated that as long as the condition was clear.

Planning Manager Mayer explained that staff had no concerns with this, and explained that transmission poles are required for the larger lines like these. Distribution poles were used for the smaller poles along the street.

Chair Kirby asked if there were any further questions from the commission. Hearing none, he moved to admit the staff reports and related documents into the record for ZC-90-2023. 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; Ms. Briggs yes; Mr. Larsen yes; Mr. Schell yes. Having five yes votes, the staff reports and related documents were admitted into the record.

Chair Kirby asked whether there was anyone present from the public who wished to comment.

Hearing none, Commissioner Schell moved to recommend approval of ZC-90-2023 based on the findings in the staff report with the six conditions in the staff report, as modified by removing the words “as possible” from condition #2. Commissioner Briggs 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. Schell yes; Ms. Briggs yes; Mr. Kirby yes; Mr. Larsen yes; Mr. Wallace yes. Having five yes votes, ZC-90-2023 the zoning change was approved with the conditions in the staff report as amended by the commission.

The commission wished the applicant good luck.

FPL-94-2023 Final Plat

Final plat for Briscoe Parkway public street dedication and easements phase 1 located between Horizon Court and Harrison Road in Licking County.

Applicant: City of New Albany

Planning Manager Mayer delivered the staff report for FPL-94-2023 final plat for Briscoe Parkway phase 1, and FPL-95-2023 final plat for Briscoe Parkway phase 2, in a single presentation.

Chair Kirby asked for comments from engineering.

Development Engineer Albright replied that there were no comments from engineering.

Chair Kirby asked if there were any questions from the commission or from the public. Hearing none, he moved to admit the documents and related staff reports into the record for FPL-94-2023. 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. Wallace yes; Mr. Schell yes; Ms. Briggs yes. Having five yes votes, the staff reports and related documents were admitted into the record.

Commissioner Briggs moved to approve of FPL-84-2023 based on the findings in the staff report with the conditions in the staff report, and noted there were no conditions here, subject to staff approval. Chair Kirby 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. Kirby yes; Mr. Schell yes; Mr. Wallace yes; Mr. Wallace yes. Having five yes votes the final plat for phase 1 of Briscoe Parkway was approved.

FPL-95-2023 Final Plat

Final plat for Briscoe Parkway public street dedication and easements phase 2 located between Harrison Road and Clover Valley Road in Licking County.

Applicant: City of New Albany

Chair Kirby asked whether there were any additional comments from staff on FPL-95-2023.

Planning Manager Mayer stated that there were none from staff. Development Engineer Albright stated there were no engineering comments.

Chair Kirby moved to admit the staff reports and related documents into the record for FPL-95-2023. 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; Ms. Briggs yes; Mr. Larsen yes; Mr. Schell yes. Having five yes votes, the staff reports and related documents were admitted into the record.

Chair Kirby moved for approval of FPL-95-2023 based on the findings in the staff report and noted there were no conditions in the staff report, subject to staff approval. 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, phase 2 of Briscoe Parkway was approved.

VII. Other business

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

Planning Manager Mayer answered no.

VIII. Poll members for comment

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

IX. Adjournment

Having no further business, Chair Kirby adjourned the October 16, 2023 New Albany Planning Commission meeting at 8:04 p.m.

Submitted by: Deputy Clerk Madriguera, Esq.

Appendix

FDP-84-2023

Staff Report

Record of Action

FDP-87-2023

Record of Action

FPL-88-2023

Record of Action

FPL-91-2023

Record of Action

FPL-92-2023

Record of Action

ZC-90-2023

Staff Report

Record of Action

FPL-94-2023

Staff Report

Record of Action

FPL-95-2023

Staff Report

Record of Action



Planning Commission Staff Report October 16, 2023 Meeting

CHIPOTLE FINAL DEVELOPMENT PLAN AMENDMENT

LOCATION: Located immediately north of Johnstown Road and generally south of the intersection at Bevelhymer Road and Walton Parkway (PID: 222-004463).

APPLICANT: Prime AE Group, c/o Steve Fox

REQUEST: Final Development Plan Amendment

ZONING: Infill Planned Unit Development (IPUD), Subarea 7D-Section 2: Business Park (South Oak Grove – Retail)

STRATEGIC PLAN: Retail

APPLICATION: FDP-84-2023

Review based on: Application materials received September 29, 2023.

Staff report prepared by Chelsea Nichols, Planner

I. REQUEST AND BACKGROUND

The applicant requests review and approval of a final development plan amendment to allow for revisions to the previously approved Chipotle circulation pattern. The proposed revisions include:

1. Adding a second full access curb cut on the east side of the site, and
2. Modifying the previously approved northwestern right-out only curb cut to a full access curb cut.

The rest of the site and the entire building is unchanged.

The Planning Commission reviewed and approved the final development plan for this site at their October 17, 2022 meeting (FDP-115-2022).

II. SITE DESCRIPTION & USE

The site and building are currently under construction. The site is located immediately north of Johnstown Road and generally south of the intersection at Bevelhymer Road and Walton Parkway within Subarea 7D-Section 2: Business Park (South Oak Grove – Retail).

The lot is approximately 2 acres in size and can accommodate an additional development. The Chipotle is located on the southern portion of the lot and a separate future development could be located on the northern portion of the lot. Currently, there are no plans to split the lot into two. However, the current proposal does contemplate theoretical property lines for when the larger 2-acre lot is split into two. Once that lot split happens in the future, the Chipotle site would become approximately 1 acre at that time. The review of this application is based on the potential future lot split and a site size of 1 acre.

III. EVALUATION

The 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 underlined text. Planning Commission's review authority is found under Chapter 1159. The property owners within 200 feet of the property in question have been notified.

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
- l. Provide for innovations in land development, especially for affordable housing and infill development.

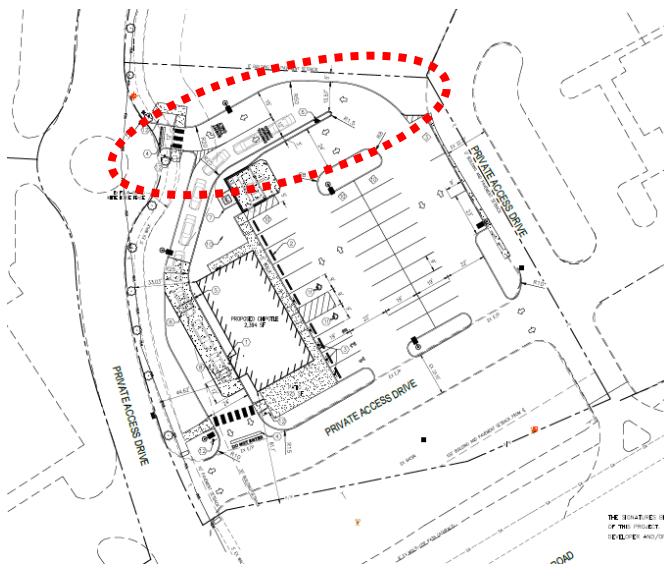
Engage New Albany Strategic Plan Recommendations

The Engage New Albany Strategic Plan lists the following development standards for the Neighborhood Retail future land use category:

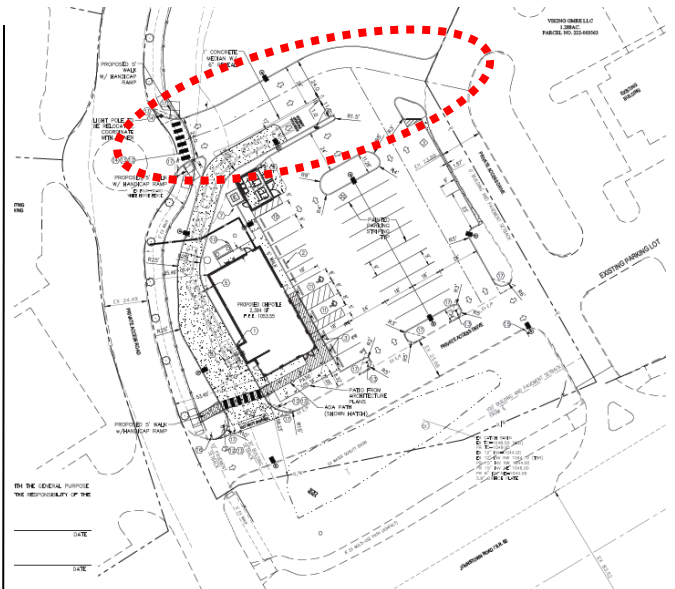
1. Parking areas should promote pedestrians by including walkways and landscaping to enhance visual aspects of the development.
2. Combined curb cuts and cross access easements are encouraged.
3. Curb cuts on primary streets should be minimized and well-organized connections should be created within 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 site is currently under construction for a 2,394 sq. ft. Chipotle restaurant with a drive-thru on approximately 1 acre. The Chipotle has a dine-in option but focuses primarily on to-go orders. The drive-thru lane is pick-up only and not a conventional, full-service drive-thru with a menu or order board.
2. The proposed revisions include:
 - a. Adding a second full-access curb cut on the east side of the site along a shared private drive aisle; and
 - b. Modifying the previously approved northwestern right-out only curb cut to a full access curb cut at an existing traffic circle on a private drive.
3. The rest of the site and the entire building is unchanged. The proposed lot coverage is unchanged. The proposed setbacks remain unchanged with the exception of the pavement being added for the new curb-cut and the revised curb-cut.



Previously approved site plan:



Proposed site plan:

B. Access, Loading, Parking

1. The drive aisle on the northern side of the site is modified to accommodate two-way traffic. This access point allows traffic to enter and exit on the private access drive shared with the Wealth Center. The applicant states that by allowing for two-way traffic north of the Chipotle building, in-lieu of one-way, it improves potential connections and access to the vacant area on the north side of the parcel. In order to provide appropriate circulation on-site with the new bidirectional traffic flow, the drive aisle:
 - a. Adds a second full-access curb cut on the east side of the site.
 - b. Changes the right-out only curb cut to a full access curb cut at the private traffic circle.
2. The applicant has updated the drive-through to include a concrete curb on one side to assist with traffic circulation.
 - a. The city traffic engineer recommends a condition of approval requiring the shortening of the southern curb of the drive-through approximately five (5) feet in order to help cars turn into drive-thru from the parking lot. This encourages vehicles to enter from the parking lot and not from the drive aisle from the traffic circle. The city staff recommends a condition of approval that the southern curb is shortened and use of signage prohibiting U-turns from the north drive aisle be subject to the city traffic engineer's approval.
3. The development utilizes the same shared private drives on the west and eastern sides of the site.
4. The zoning text encourages shared access drives between sites by allowing for zero pavement setbacks and by including a provision stating that cross access easements between developments within Section 2 shall be provided. Historically the city staff and Planning Commission have encouraged shared curb cuts and connecting drive aisles between commercial sites.

C. Architectural Standards

There are no proposed changes to the architecture. The previously approved architecture is included in the packet material for reference.

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

There are no proposed changes to the landscaping.

E. Lighting & Signage

There are no proposed changes to the lighting or to the signage. The previously approved signage is included in the packet material.

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. Staff recommends a condition of approval that the comments of the city engineer are addressed, subject to staff approval.

1. Refer to Exhibit A. Add the Monumentation Note to sheet C-1.
2. Refer to Exhibit B. Shorten the length of the curb where indicated to facilitate turning movements for those wishing to utilize the drive thru lane.
3. Refer to sheet C-3. Add site distance triangles at all curb cuts and ensure that landscaping, fencing, etc. does not impede motorist view.

V. SUMMARY

The proposed final development plan amendment improves the circulation onsite by converting the one-way drive aisle to two-way traffic. The drive-through stacking, pedestrian connections and parking lot configuration remains unchanged. The revisions to the site plan are simply to improve the vehicular circulation by adding an additional curb cut to the east and traffic flow.

The proposed plan amendment allows for flexibility in the design and location of the future development on the northern portion of the lot. The number and location of curb cuts connecting this site to the north will be evaluated with future applications.

VI. ACTION

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

Move to approve final development plan amendment FDP-84-2023 with the following conditions:

1. That the comments of the city engineer are address, subject to staff approval; and
2. That the southern curb is shortened and use of signage prohibiting U-turns from the north drive aisle be subject to the city traffic engineer's approval.

Approximate Site Location:



Source: nearmap



Community Development Department

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

Dear Prime AE Group, c/o Steve Fox

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

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

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

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

Thank you.



Community Development Department

Decision and Record of Action

Tuesday, October 17, 2023

The New Albany Planning Commission took the following action on Monday, October 16, 2023 .

Final Development Plan Modification

Location: 10087 Johnstown Rd.

Applicant: Prime AE Group, c/o Steve Fox

Application: PLFDM20230084

Request: Final Development plan amendment to allow for revisions to the previously approved Chipotle circulation pattern.

Motion: To approve with conditions

Commission Vote: Motion to approve with conditions, 5-0

Result: Final Development Plan Amendment, PLFDM20230084 was approved with conditions, by a vote of 5-0.

Recorded in the Official Journal this Tuesday, October 17, 2023.

Condition(s) of Approval:

- 1) That the engineering comments in the engineering review memo dated October 2, 2023 be addressed;
- 2) That the southern curb for the drive-through is shortened by 5' and use of signage prohibiting U-turns from the north drive aisle be required, subject to the city engineer's approval; and
- 3) That a cross-access easement for the new two-way drive aisle be provided and recorded prior to the submittal of any lot split applications.

Staff Certification:

Chelsea Nichols

Chelsea Nichols
Planner



**Planning Commission Staff Report
October 16, 2023 Meeting**

**COURTYARDS AT HAINES CREEK SUBDIVISION
FINAL DEVELOPMENT PLAN**

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
ZONING:	Courtyards at Haines Creek I-PUD Zoning District
STRATEGIC PLAN:	Residential District
APPLICATION:	FDP-87-2023

Review based on: Application materials received September 15, 2023 and October 2, 2023.

Staff report completed by Chelsea Nichols, Planner.

I. REQUEST AND BACKGROUND

The application is for a final development plan for a new 151 lot age-restricted subdivision known as “Courtyards at Haines Creek”. There are three combined preliminary and final plat applications for the property on the agenda. However, they will be evaluated under separate staff reports: FPL-88-2021, FPL-91-2023, and FPL-92-2023.

The Planning Commission reviewed the zoning change and preliminary development plan for the property on June 20, 2023 (ZC-07-2023) and the zoning change was adopted by city council on July 18, 2023 (O-84-2023). The final development plan application is generally consistent with the approved preliminary development plan. The subdivision zoning text requires 90% of the homes be age-restricted resulting in 136 age-restricted and 15 non-age-restricted homes.

During the rezoning hearing, the city council approved it with a requirement that the applicant “to perhaps relocate up to four units shown on the preliminary development plan” near the adjacent neighbor along the western boundary line to provide additional tree preservation. Those four homes have been relocated to the northern area of the site and back onto Reserve C.

The Parks and Trails Advisory Board (PTAB) reviewed the proposed development at their October 2, 2023 meeting and recommended approval with conditions. The PTAB placed the following conditions of approval on the application:

1. That the open space amenities shall be installed and included as part of the overall subdivision infrastructure improvements (e.g. streets, utilities, etc.);
2. That the final alignment of the leisure path shall be subject to staff approval;
3. Increase the open space with consideration of the wetland on the adjacent property to the north; and
4. Review the 42k fee in-lieu payment or purchase land within close proximity to the development.

In addition, at the Parks and Trails Advisory Board meeting, the applicant verbally committed to sliding lots 152-155 west to allow pedestrian access at the northeast corner. The Planning Commission will evaluate the lot location as part of this Final Development Plan application.

Staff recommends a condition of approval that the lots on the plat match the lots on the final development plan.

II. SITE DESCRIPTION & USE

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

III. PLAN REVIEW

Staff's review is based on New Albany plans and studies, zoning text, and zoning regulations. Primary concerns and issues have been indicated below, with needed action or recommended action in underlined text. Planning Commission's review authority is found under Chapter 1159. The property owners within 200 feet of the property in question have been notified.

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

That the proposed development is consistent in all respects with the purpose, intent and applicable standards of the Zoning Code;

- (a) That the proposed development is in general conformity with the Strategic Plan/Rocky Fork-Blacklick Accord or portion thereof as it may apply;*
- (b) That the proposed development advances the general welfare of the Municipality;*
- (c) That the benefits, improved arrangement and design of the proposed development justify the deviation from standard development requirements included in the Zoning Ordinance;*
- (d) Various types of land or building proposed in the project;*
- (e) 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;*
- (f) Traffic and circulation systems within the proposed project as well as its appropriateness to existing facilities in the surrounding area;*
- (g) Building heights of all structures with regard to their visual impact on adjacent facilities;*
- (h) Front, side and rear yard definitions and uses where they occur at the development periphery;*
- (i) Gross commercial building area;*
- (j) Area ratios and designation of the land surfaces to which they apply;*
- (k) Spaces between buildings and open areas;*
- (l) Width of streets in the project;*
- (m) Setbacks from streets;*
- (n) Off-street parking and loading standards;*
- (o) The order in which development will likely proceed in complex, multi-use, multi- phase developments;*
- (p) The potential impact of the proposed plan on the student population of the local school district(s);*
- (q) The Ohio Environmental Protection Agency's 401 permit, and/or isolated wetland permit (if required);*
- (r) 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*
- l. *Provide for innovations in land development, especially for affordable housing and infill development.*

A. Engage New Albany Strategic Plan

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

- Organically shaped stormwater management ponds and areas should be incorporated into the overall design as natural features and assets to the community.
- Houses should front onto public open spaces and not back onto public parks or streets.
- All or adequate amounts of open space and parkland is strongly encouraged to be provided on-site.
- A hierarchy of open spaces is encouraged. Each development should have at least one open space located near the center of the development. Typically, neighborhood parks range from a half an acre to 5 acres. Multiple greens may be necessary in large developments to provide centrally located greens.
- Adequate amounts of open space and parkland are encouraged to be provided on site.
- Rear or side loaded garages are encouraged. When a garage faces the street, the front façade of the garage should be set back from the front facade of the house.
- Any proposed residential development outside of the Village Center shall have a base density of 1 dwelling unit per gross acre in order to preserve and protect the community's natural resources and support the overall land conservation goals of the community. A transfer of residential density can be used to achieve a gross density of 1 dwelling unit per acre.
- Private streets are at odds with many of the community's planning principles such as: interconnectivity, a hierarchy of street typologies and a connected community. To achieve these principles, streets within residential developments must be public.

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

- Development should meet setback recommendations contained in strategic plan.
- Streets must be public and not gated. Cul-de-sacs are strongly discouraged.
- Parks and open spaces should be provided, publicly dedicated and meet the quantity requirements established in the city's subdivision regulations (i.e. 20% gross open space and 2,400 sf of parkland dedication for each lot).

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

B. Use, Site and Layout

1. The property is zoned I-PUD under the Courtyards at Haines Creek PUD text.
2. The zoning text section VI(A) permits a maximum of 151 lots in the age-restricted subdivision named “Courtyards at Haines Creek.”
3. The subdivision consists of 136 age-restricted and 15 non-age-restricted homes on approximately 63.5+/- acres. Furthermore, the text prohibits any permanent resident within the age-restricted units to be under the age of 21, to the extent permitted by law.
4. The final development plan is generally consistent with the preliminary development plan that was approved as part of the zoning change application (ZC-07-2023).
5. The text requires that prior to the issuance of the first building permit for construction of a home in this zoning district, the applicant/developer shall provide evidence to the city that it has recorded a written restriction requiring the property may only be developed and operated in accordance with the age restriction requirements listed above. Prior to recording the restriction, the text requires the applicant/developer to deliver a draft copy of the restriction to the city’s law director for reasonable review and confirmation. These requirements are consistent with other age-restricted subdivisions in New Albany.
6. Zoning text section VI(D) states that the minimum lot width at the building line shall be 52 feet. All of the proposed lots are meeting these requirements.
7. The city’s design consultant, MKSK, provided the following comments related to the location of the four relocated homes:
 - a. As the applicant verbally committed during the PTAB meeting, center the four relocated parcels within Haines Creek and Lourdes Drive, providing access to a leisure path on either side for increased public green space. Staff recommends a condition of approval that the city’s design consultant comments be addressed, subject to staff approval.
8. Zoning text section VI(F) requires the following setbacks:

SETBACKS	
Central College Road and Jug Street Rd NW (Engage New Albany strategic plan recommends 100-foot setback)	100-foot building and pavement setback from the edge of the right-of-way, except homes and other improvements on Lots 71 and 72 shall be permitted within this setback.

Front Yard	20 feet, except for the Lane Homes facing Defiance Drive which shall have a minimum front yard setback of 15 feet.
Side Yard	5 feet
Rear Yard	50 feet for lots with rear boundary lines which also serve as the eastern and western perimeter boundary of this zoning district, 15 feet for all other lots.

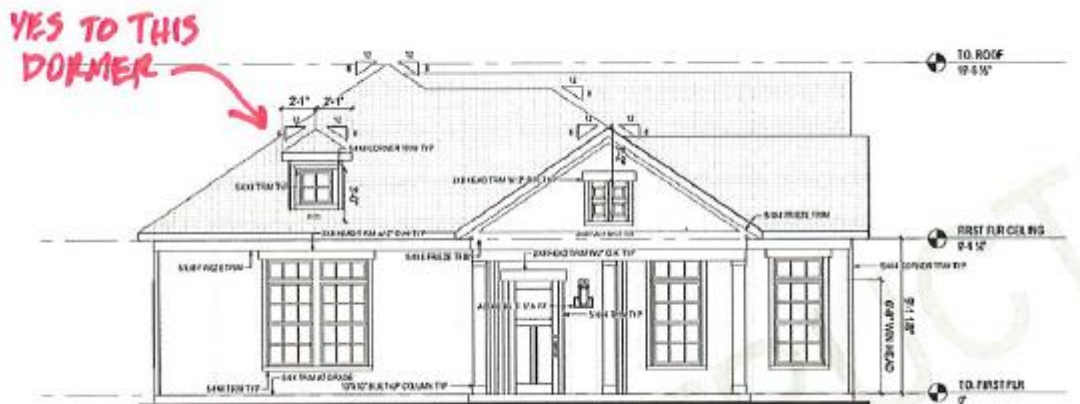
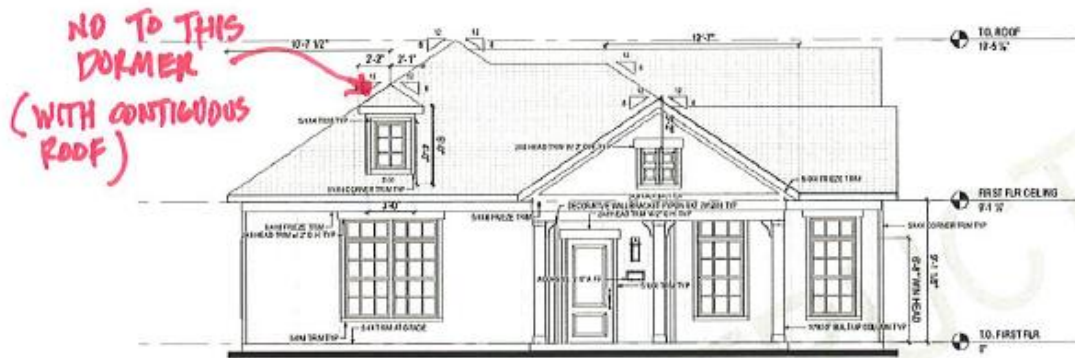
All of the setbacks required in the zoning text are accurately shown on the final development plan. The setbacks for individual homes will be reviewed and approved with each new residential building permit application.

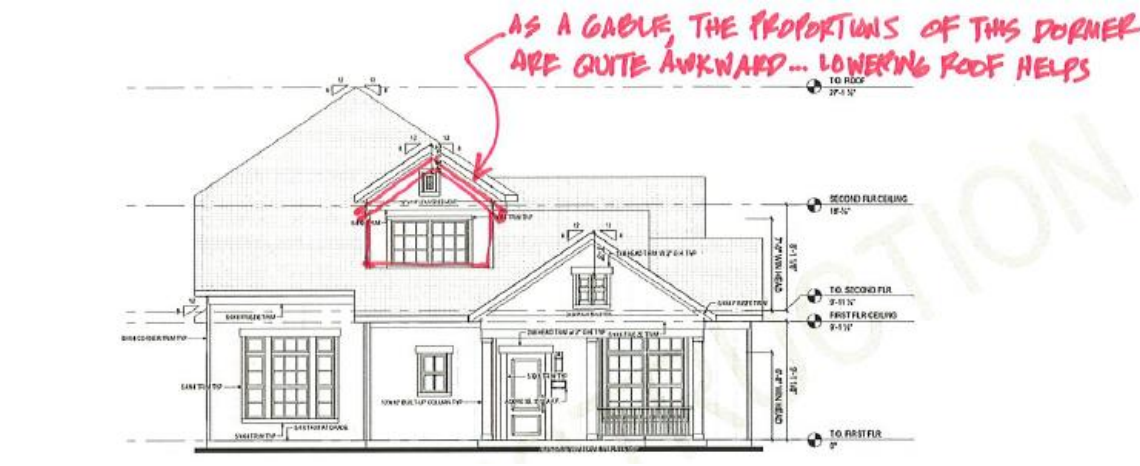
C. Access, Loading, Parking

1. The primary access points into the subdivision are from Central College Road and Jug Street Road NW in the locations shown on the final development plan. Per zoning text requirements and the submitted plats, the applicant is dedicating right-of-way to the city for a distance that extends 40 feet from the centerlines of Central College Road and Jug Street Road NW.
2. Zoning text section VII(E) requires the right-of-way to be dedicated for the future extension of two streets to the western boundary line of the subdivision. The final development plan shows the construction of the extension for a distance of 10 feet from its westernmost intersection. Signage is also proposed to be installed at the end of the 10-foot stubs which indicate that these streets may be extended in the future as a through street. The city staff recommends a condition of approval that the sign be shown on the plans at the time of permitting, subject to staff approval.
3. Zoning text section VII(E) also requires all internal streets to be dedicated as public streets and built to city standards. The right-of-way for these internal streets is required to be 50 feet with 26-foot pavement widths, measured from front of curb to front of curb. The right-of-way for alleys shall be a minimum of 20 feet with a minimum of 16 feet of pavement. The proposed north-south street shall have a right-of-way of 60 feet in width. These requirements match those found in the city's subdivision regulations.
4. Zoning text section VII(F) requires a 5-foot-wide, concrete public sidewalk to be constructed within the right-of-way on each internal subdivision street (other than Haines Creek Drive, the south side of Cedarville Drive, and the north side of Heidelberg Drive where leisure trail is required). This requirement is being met.
5. Zoning text section VII(G) requires 8-foot-wide, asphalt leisure trails to be installed along the north side of Central College Road, the west side of Jug Street rights-of-way, along both sides of Haines Creek Drive to the intersection with Heidelberg Drive, and along both sides of Heidelberg Drive that goes westward. This requirement is being met.
6. A leisure trail with a minimum width of 8 feet is proposed along the south side of the pond in Reserve "A," and along Central College Road. The city is coordinating street improvements with the Franklin County engineer. The path running along the south side of the pond in Reserve A provides a meaningful alternative leisure trail connection from Haines Creek Drive to Jug Street Road, rather than running along the street frontage which may require more tree removal. The city recommends a condition of approval that the installation of the leisure path along Central College Road be subject to staff approval.
7. Zoning text section VII(A) requires all homes to have a minimum of 2 off-street parking spaces on their driveways in addition to a minimum of 2 parking spaces within the garage. This appears to be met and will be reviewed and approved as part of each new residential building permit.
8. Per code section 1167.05(f), the Planning Commission shall determine the number of parking spaces required for the club house as it is a use not mentioned in the code. The applicant proposes 23 designated parking spaces for the club house.

D. Architectural Standards

1. The Architectural standards have been approved as part of the PUD rezoning. The PUD text states the design of the neighborhood borrows from the tradition of summer retreat camps like Lakeside Ohio and Oak Bluffs Meeting Camp on Martha's Vineyard. These camps were a collection of small cottages around a central meeting house and green. The architectural aesthetic is consistent with the character of New Albany by referencing the "rectangular form houses." The homes in this community are simple forms, generally rectangular in shape.
9. The text requires all homes to be a minimum of 1.5 stories or 1.5 stories in appearance from the front elevation thereby meeting one of the New Albany Strategic Plan's development standards recommendations that all houses should be a minimum of 1.5 stories in appearance and a maximum of three stories. This appears to be met and will be reviewed and approved as part of each new residential building permit.
1. The text requires the final development plan submittal includes detailed architectural elevations and/or renderings and must incorporate additional architectural details including roof plans; garage door design/colors; dormer details; entablature; and shutter specifications; columns, cornice and pediment details; window specifications; louver details, brickmould profile. These architectural plans are to create a baseline set of architectural requirements and guidelines from which each home design will be based. These details are included in the submitted home elevations and have been reviewed by the city architect. The city architect has the following comments:
 - a. The city architect recommends eliminating the horizontally proportioned window grids from the home designs from Dean Wenz's office. The city staff recommend a condition of approval be that the plans be updated at the time of permitting to meet this recommendation of eliminating of the horizontally proportioned grids.
 - b. The city architect provided a marked sheet indicating suggested revisions to the Lane Homes, specifically with regard to the proposed dormers





The city staff recommends a condition of approval that all applicable home elevations are updated at the time of permitting to meet the city architect's recommendations for the dormers.

2. Exterior paint colors for siding, doors, shutters, fascias, cornices, soffits and miscellaneous trim have been submitted. Zoning text section XI(A)(2) states garage doors that are white in color shall only be used in the circumstance when white is the primary exterior color of the individual home. The architectural sheets include white garage doors on houses with non-white colored exteriors. The city staff recommends a condition of approval that the plans be revised at the time of permitting as needed to meet this garage door color requirement.
3. Zoning text section IX(C)(3)(i) requires shutters to have appropriate shutter hardware (hinges and shutter dogs.) The city staff recommends a condition of approval that the final shutter hardware is provided on all homes and their design be subject to staff approval.
4. The text states where the courtyard condition is present and is not screened from the view, a decorative fence shall be installed and may extend past the building setback line to provide screening of the courtyard area from the right-of-way. A combination of landscaping and fencing may also be used to achieve the same screening objective, but solid fences shall be prohibited to provide this screening. This appears to be met on the final development plan.
5. The text further states that where the courtyard conditions are adjacent to open space, a decorative fence and landscaping may be installed between the lot line and the courtyard to provide screening. Screening shall have a minimum opacity of 75% to a height of feet. The applicant has submitted an aluminum decorative fencing design and an exhibit indicating the areas where this treatment will occur throughout the subdivision. Staff is supportive of only aluminum fencing to be used in areas along public right-of-way or open space.
6. The zoning text requires on corner lots, the street on which the front façade of a home is required to be located shall be identified as part of the final development plan submittal. This has been submitted and the proposed orientations all appear to be appropriate.
7. Zoning text section IX(C)(2) states that exposed concrete foundation walls shall be prohibited unless otherwise approved as part of the final development plan. It appears as though exposed concrete foundations are not being proposed as part of this final development plan. Individual homes will be reviewed and approved as part of each new residential building permit.

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

1. Per C.O. 1159.07, detailed landscaping plans must be provided for all areas of the final development plan. The landscape plan must include the proposed landscape for all

- reserve areas and street lawns. The applicant submitted a detailed master landscape plan for the subdivision.
2. Per the zoning text, street trees shall be required on both sides of internal public streets where homes are present. Street trees shall be a minimum of 2 ½ inches in caliper at installation and shall be spaced at an average distance of 30 feet on center, except that a double row of trees shall be provided along the Haines Creek Drive. These trees may be grouped, provided the quantity is equivalent to 1 tree per 30 feet or fraction thereof.
 3. The zoning requires the developer to work in good faith with the owner of property to the south of Central College Road that is directly across to the street from the subdivision entrance to establish a screening plan and install landscaping at the developer's expense. The applicant proposes to install nine (9) spruce trees in front of the Mason property to screen the front of the home.
 4. The zoning text commits to a Tree Preservation Zone which applies to the following areas of the subdivision:
 - a. For a minimum distance of 100 feet from the right-of-way of Central College Road and Jug Street Road NW in Reserve A;
 - b. In areas to the south of the intersection of Jug Street Road NW and a new public street connecting it to the new subdivision;
 - c. Within the northwest corner of the zoning district and covering the tree line along the north property line of Reserve C; and
 - d. Within a distance of 30 feet from the rear property line on any lots where a minimum rear yard setback of 50 feet is required. Trees shall be preserved in accordance with the recommendations of a certified arborist and subject to staff approval.
 - e. The city code does not permit the removal of trees with the 100-year floodplain and stream riparian corridor. The city landscape architect recommends the developer provide a clear plan boundary for tree removal limits outside of those zones if additional trees are to be removed. The developer should preserve the maximum number of established groupings of trees present on the site.
 - f. The city's landscape architect recommends a condition of approval that the developer utilizes fencing around tree drip lines for proper protection along all tree preservation zones, subject to staff approval.
 5. New Albany's Codified Ordinance requires that 2,400 square feet per home be dedicated as parkland and 20% of the total acreage in the subdivision shall be dedicated as open space. The zoning text states ownership and maintenance of the parkland and open space areas which are shown on the preliminary development plan shall be defined and approved with the final development plan.
 - a. For this development the total minimum, required parkland and open space is 21.01 acres.
 - b. The applicant is providing multiple reserve areas (A-K) that consists of either open space or parkland, totaling 17.66 acres. Per C.O. 1187.16 wet and dry stormwater basins shall not be considered parkland or open space.
 - c. Therefore, the proposal does not meet the Codified Ordinance requirements since there is a 3.35-acre deficit in parkland. The developer is requesting to waive the appraisal requirement and use the \$42,000 per acre value that was established by the most recent appraisal the city completed in September 2022. This results in a total fee payment of \$140,700.00.
 - d. Per codified ordinance chapter 1159.07(3)(X) the city Planning Commission must review:
 - i. The amount and location of open space and parkland required to be provided on-site and
 - ii. The dollar amount of the fee payment based upon an appraisal completed by the applicant as required by 1165.10(d) if less than the required 21.01 acres is provided on-site.
 - e. The city staff determined the applicant cannot request a deviation from the procedural requirements of the codified ordinances. Therefore, the applicant

must complete and submit an appraisal as required in Chapter 1165.10(d) outlined above.

- f. This appraisal must be completed prior to the Planning Commission taking final action on the final development plan. The application can have a full hearing, including public input, but staff recommends the application be tabled until the appraisal is completed and submitted.

Reserves:

1. The PUD text states “due to the nature of this subarea as an age-restricted community, it shall be exempt from the requirement of Section 1185.15(c)(6) that would otherwise require all residences to be located within 1,200 feet of playground equipment.”
2. Reserves A, B, C & J: These are the perimeter areas providing tree preservation and buffering.
 - a. Reserve A consists of a large basin, wetlands, preservation of trees, a stream, a pavilion and leisure trail. Reserve A also shows grading for the basin proposed within the 100-year floodplain. The city floodplain regulations (C.O. Section 1154.02 and 1154.04) do not allow for any modifications to this area. The city staff recommends a condition of approval requiring the basin and grading to be revised to meet code requirements or a variance can be requested.
 - b. Reserve B consists of the preservation of trees.
 - c. Reserve C consists of a basin, stream, tree preservation zone, and a drainage swale connecting the stream to an off-site wetland located to the east. The developer is required to provide natural grasses in this area. No artificial pesticides and fertilizers are permitted in this area.
 - i. During the rezoning hearing, the city council directed the applicant to perhaps relocate up to four units that were previously along the western boundary to provide additional tree preservation. Those four homes have since been relocated to the northern area of the site and back onto Reserve C. Where those lots were previously located is now Reserve J. The PTAB recommended that the applicant review increasing open space with consideration of the wetlands on the adjacent property to the east. The Planning Commission should evaluate the appropriateness of the four relocated lots along reserve C.
 - d. Reserve J provides tree preservation. The natural vegetation will be untouched. The city landscape architect recommends the applicant provide a site plan that shows how the reserve's green space will be used as an amenity for the community (i.e. seating, paths, etc.). Staff recommends a condition of approval that the city landscape architect's comments are addressed, subject to staff approval.
 - e. The city's landscape architect provided the following comments related to the basins that are also attached in the packets as a memo:
 - i. Revise basins to increase undulation in grade and create a more naturalized form Basins should not exceed 6:1 slope.
 - ii. Increase planting adjacent storm water basins. Trees should be planted in randomized spacing and species in groups of 3 to 9 trees. See diagram.
 - iii. Densely plant trees along swale. Trees should be planted in randomized spacing and species in groups of 3 to 9 trees. See diagram.
 - iv. The city staff recommends a condition of approval that the city landscape architect's comments are addressed, subject to staff approval.
3. Reserves D, E, F, and G: These areas are located along the eastern side of Haines Creek Drive and provide a landscaping buffer between the homes and the public street.
4. Reserve H: This is the community amenity area which consists of a club house with pool, a community garden, a bocce court, and pickleball courts.
5. Reserve I and Reserve K: These areas will be used as greenspace upfront but serves as future street extensions if and when development occurs to the west.

Western Property Line:

1. The zoning text requires a buffering area to be located 50' from the property line along the western perimeter boundary. Along with the landscaping plan, the applicant is required to and has submitted a report from a certified arborist. The report details the conditions of existing trees within the minimum required 50-foot rear yard setbacks on lots of homes that back to the western perimeter boundary line.
 - a. The plan identifies which trees are to be preserved based on the report and provides for the planting of replacement trees, landscaping, and/or other improvements to provide buffering between new homes and adjacent property to the west which is outside of this zoning district.
 - b. New trees and landscaping may be planted on the adjacent parcel to achieve the buffering objective if permission is obtained from the owners of such parcel.
 - c. The applicant has indicated to staff that they had shared the arborist's report with the adjacent property owners before the date when the final development plan was filed with the City, and has scheduled a meeting with the property owners that will happen prior to the Planning Commission's hearing scheduled for October 16, 2023.
 - d. As part of the city staff's review of the tree study and west buffer landscape plan, the city arborist walked the site and examined the trees the applicant is proposing to remove within the 30' tree preservation area along the western property line. As a result, there were three trees the city arborist asked the applicant to consider preservation (trees 219, 303, and 351). The applicant has since updated the trees on the tree survey as trees to be preserved.
2. The plan proposes a retaining wall between the 30' tree preservation zone and the 50' rear yard setback. The applicant indicates that the retaining wall is due to the proposed grading for the purpose of saving trees. The applicant also indicates that in order to accommodate the same amount of grading within a smaller footprint of only 20', it is necessary to introduce a wall along the rear of the lots to make up for the elevation difference. They further indicate that to minimize the impacts to the existing trees, they designed the wall to be 8.5 feet away from the tree preservation zone to allow for as much room as possible for the roots to remain untouched. Therefore, the face of the wall will be setback 38.5 +/- feet to the rear property line. The wall then steps back towards the buildings to make up an elevation difference of 6-7 feet.
 - e. The city's landscape architect issued the following comments related to the wall:
 - i. If the proposed wall is deemed necessary after a thorough review of the grading plan, the developer should provide a minimum of three to five site condition sections for review. This should include a plan and details for the proposed site condition at the terminus of the wall along 'Reserve J'.
 - ii. If the proposed wall is deemed necessary, the use of natural stone is recommended. The developer should provide samples for review by the Landscape Architect.
 - iii. If the proposed wall is deemed necessary, update the planting plan to include a seed mix of native grasses for disturbed areas.
 - iv. Staff recommends a condition of approval that the city's design consultant comments be addressed, subject to staff approval.
5. AC unit screening is required along the western perimeter and lots 63-72 along the eastern perimeter of the subdivision to obscure their view to adjacent properties. The applicant proposes to screen each AC unit with eight (8) Karl Forester tall grass plants. S
6. The city landscape architect has reviewed the application and provided a comprehensive comment memo and diagram that are also enclosed in the packets as a separate memo. Staff recommends a condition of approval that the city landscape architect comments be addressed, subject to staff approval.

F. Lighting & Signage

1. The text states signage shall be reviewed by the Planning Commission with the final development plan. The applicant has provided this information. The city's landscape architect, has reviewed the signage and provided the following comments that are also attached in the packets as a memo:
 - a. Revise location and position of entry sign at Central College Road. Signs should match the typical residential placement within the horse fence, see image in separate comment memo. Staff recommends a condition of approval that the city landscape architect's comments be addressed, subject to staff approval.
10. Each home must have coach lights on the garage. This appears to be met and will be reviewed and approved as part of each new residential building permit. In addition, uplighting of the exterior of a home shall be prohibited. Security lighting, when used, shall be of a motion sensor type.
2. Light poles within parking lot areas near the clubhouse shall not exceed 18 feet in height, shall be cut-off type fixtures and be down cast. Parking lot lighting shall be from a controlled source in order to minimize light spilling beyond the boundaries of the site. These details were not provided as part of this application and will be reviewed at the time of permitting. The city recommends a condition of approval that all final lighting details be subject to staff approval.

IV. ENGINEER'S COMMENTS

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

1. Refer to Exhibit A. Please modify the Cover Sheet to show all signature blocks and notes shown on this Exhibit.
2. Please add a sheet to the Index of Drawings entitled Street Typical Sections.
3. Refer to Exhibit B. Add a sheet to the Index of Drawings entitled Turn Lane Improvements. Verify that the turn lane is in fact to be built "By Others".
4. Sheet 2 of 16. Notes indicate that the City of New Albany shall have some maintenance responsibility relative to the Reserves. This is consistent with the plat. The HOA maintains all reserves and only owns the reserve with the private club house.
5. Sheet 3 of 16. Delineate all Reserves that will be utilized for stormwater management as lying within Drainage Easements. Clearly show this on all sheets.
6. Sheet 3 of 16. Label the width of the Tree Preservation Zone at the north parcel boundary.
7. Sheet 5 of 16. Show the northern swale as lying within a Drainage Easement.
8. Sheet 7 of 16. Add site distance triangles at the curb cuts off of Central College Road and Jug Street. Remove landscaping and fencing that may impede motorist view.
9. Provide Fire Truck turning radius analysis.
10. "No Parking Signs" be added along curved sections of streets.
11. In accordance with code sections 1159.07 (b)(3) Z and AA, the applicant provide documentation indicating that all OEPA and ACOE permitting requirements have been obtained.
12. We will evaluate storm water management, sanitary sewer collection and roadway construction related details once construction plans become available.

V. SUMMARY

The city staff determined the applicant cannot request a deviation from the procedural requirements of the codified ordinances. Therefore, the applicant must complete and submit an appraisal as required by chapter 1165.10(d) prior to the Planning Commission taking final action on the application. The city staff recommends this application have a full hearing so neighbors can provide public comments and the applicant can receive feedback from the Planning Commission.

The final development plan is in conformity with the residential land use density recommendations of the Engage New Albany Strategic Plan and is consistent with the preliminary development plan design standards approved as part of the rezoning application.

The application includes many of the same community amenities that have been successfully implemented in Epcon's Courtyards at New Albany subdivision. Overall, the Courtyards at New Albany has been successful and this proposal builds on that by providing a historical color palette that adds more character to the subdivision. The street network, landscaping, and layout are desirable from a site planning perspective; however, the Planning Commission should evaluate the amount of on-site parkland and open space that is appropriate for this type of development.

VI. ACTION

Suggested Motion for FDP-87-2023:

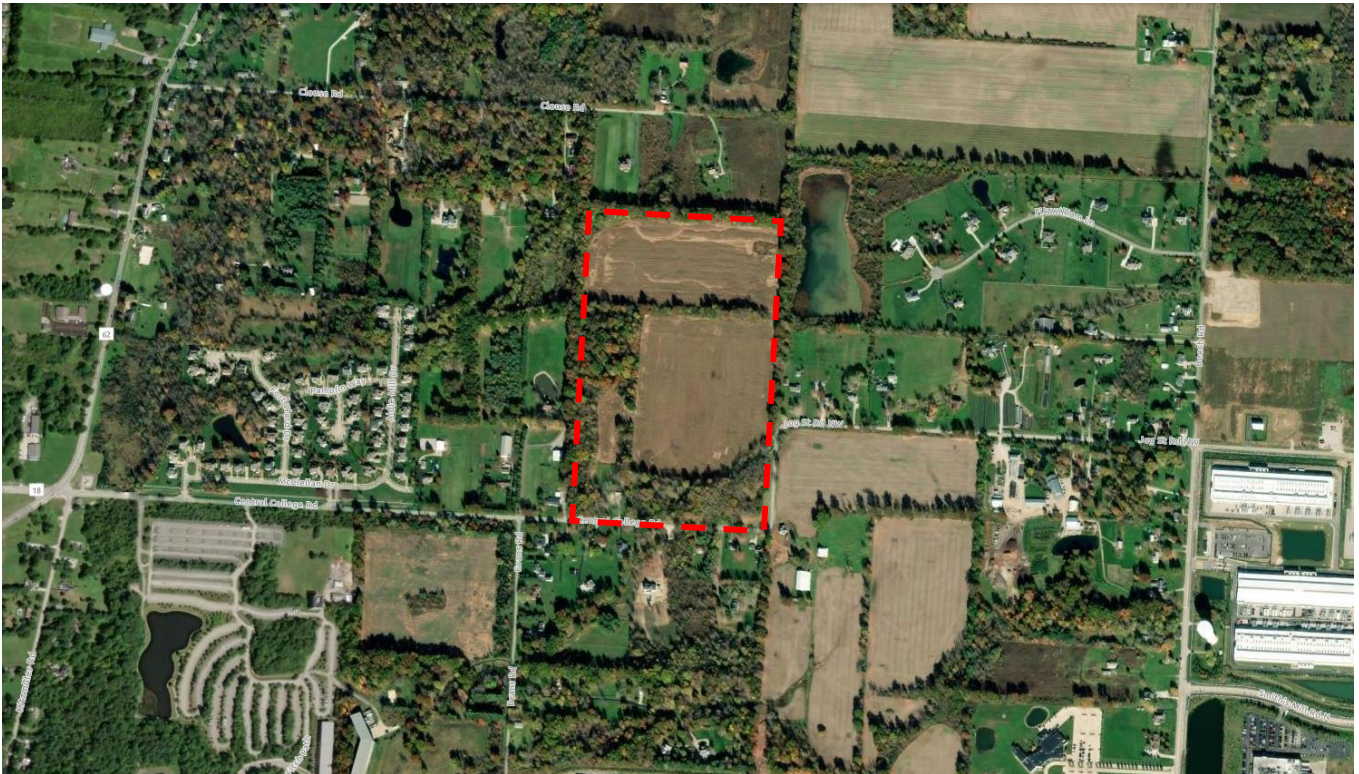
Move to table FDP-87-2023 until the regularly schedule meeting.

Based upon the current submittal, staff recommends the following conditions for the future hearing or that they are addressed prior to the next hearing date:

1. That lots on the plats match the lots on the final development plan;
2. Revise location and position of entry sign at Central College Road. Signs to match preexisting residential examples, see image in memo;
3. Signage is to be installed at the end of the 10-foot stubs which indicates that these streets may be extended in the future as a through street. The signage is to be shown on the plans at the time of permitted, subject to staff approval;
4. The installation of the leisure path along Central College Road be subject to staff approval;
5. The architectural plans be updated at the time of permitting to meet the city architect's recommendation of the following:
 - a. Eliminate the horizontally proportioned grids; and
 - b. Revise the dormers to reflect suggestions in the sketch provided.
6. The plans be revised at the time of permitting as needed to meet the garage door color requirements, subject to staff approval;
7. The final shutter hardware design be subject to staff approval;
8. The city floodplain regulations (C.O. Section 1154.02 and 1154.04) do not allow for any modifications to this area. The basin and grading plans shall be revised to meet code requirements or a variance can be requested;
9. The city landscape architect/design consultant comments outlined in the memo dated October 6, 2023 are addressed, subject to staff approval:
 - a. Review entire development grading plan, focusing on the improvement of the following items...
 - i. Storm Water Basins - revise basins to increase undulation in grade and create a more naturalized form. Basins should not exceed 6:1 slopes.
 - ii. Proposed Wall (west edge of site) - If deemed necessary after thorough review of grading plan, provide a minimum of three to five site condition sections for review. Include plan and details for proposed site condition at break in wall along 'Reserve J'. See diagram.
 - iii. If proposed wall is deemed necessary, the use of natural stone is recommended. Developer to provide samples for review by Landscape Architect.
 - b. Center the four relocated parcels within Haines Creek and Lourdes Drive, providing access to a leisure path on either side for increased public green space. See diagram.
 - c. Provide a site plan that shows how the reserve green space will be used as an amenity for the community (i.e. seating, paths, etc.). See diagram.

- d. Revise entry sign at Central College Road to match precedents in the neighborhood, see images for reference.
 - e. Review and submit proposed removal of existing tree stands to landscape architect. Provide clear plan boundary for tree removal limits. Preserve the maximum number of established groupings of trees present on the site. Submit tree protection plan. Utilize fencing around tree drip lines for proper protection.
 - f. Increase planting adjacent storm water basins. Trees should be planted in randomized spacing and species in groups of 3 to 9 trees. See diagram.
 - g. If proposed wall is deemed necessary, update planting plan to include a seed mix of native grasses for disturbed areas.
 - h. Densely plant trees along swale. Trees should be planted in randomized spacing and species in groups of 3 to 9 trees. See diagram.
10. The final lighting details are subject to staff approval; and
11. All of the city engineer comments be addressed, subject to staff approval.

Approximate Site Location:



Source: ArcGIS



Community Development Department

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

Dear Aaron Underhill,

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

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

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

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

Thank you.



Community Development Department

Decision and Record of Action

Tuesday, October 17, 2023

The New Albany Planning Commission took the following action on 10/16/2023 .

Final Development Plan

Location: FDP-87-2023

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

Commission Vote: Motion Table, 5-0

Result: FDP-87-2023 was Tabled to the December 4th Informal meeting, by a vote of 5-0.

Recorded in the Official Journal this October 16, 2023

Condition(s) of Approval:

N/A

Staff Certification:

Chelsea Nichols
Planner



**Planning Commission Staff Report
October 16, 2023 Meeting**

**COURTYARDS AT HAINES CREEK SUBDIVISION
FINAL DEVELOPMENT PLAN**

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
ZONING:	Courtyards at Haines Creek I-PUD Zoning District
STRATEGIC PLAN:	Residential District
APPLICATION:	FDP-87-2023

Review based on: Application materials received September 15, 2023 and October 2, 2023.

Staff report completed by Chelsea Nichols, Planner.

I. REQUEST AND BACKGROUND

The application is for a final development plan for a new 151 lot age-restricted subdivision known as “Courtyards at Haines Creek”. There are three combined preliminary and final plat applications for the property on the agenda. However, they will be evaluated under separate staff reports: FPL-88-2021, FPL-91-2023, and FPL-92-2023.

The Planning Commission reviewed the zoning change and preliminary development plan for the property on June 20, 2023 (ZC-07-2023) and the zoning change was adopted by city council on July 18, 2023 (O-84-2023). The final development plan application is generally consistent with the approved preliminary development plan. The subdivision zoning text requires 90% of the homes be age-restricted resulting in 136 age-restricted and 15 non-age-restricted homes.

During the rezoning hearing, the city council approved it with a requirement that the applicant “to perhaps relocate up to four units shown on the preliminary development plan” near the adjacent neighbor along the western boundary line to provide additional tree preservation. Those four homes have been relocated to the northern area of the site and back onto Reserve C.

The Parks and Trails Advisory Board (PTAB) reviewed the proposed development at their October 2, 2023 meeting and recommended approval with conditions. The PTAB placed the following conditions of approval on the application:

1. That the open space amenities shall be installed and included as part of the overall subdivision infrastructure improvements (e.g. streets, utilities, etc.);
2. That the final alignment of the leisure path shall be subject to staff approval;
3. Increase the open space with consideration of the wetland on the adjacent property to the north; and
4. Review the 42k fee in-lieu payment or purchase land within close proximity to the development.

In addition, at the Parks and Trails Advisory Board meeting, the applicant verbally committed to sliding lots 152-155 west to allow pedestrian access at the northeast corner. The Planning Commission will evaluate the lot location as part of this Final Development Plan application.

Staff recommends a condition of approval that the lots on the plat match the lots on the final development plan.

II. SITE DESCRIPTION & USE

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

III. PLAN REVIEW

Staff's review is based on New Albany plans and studies, zoning text, and zoning regulations. Primary concerns and issues have been indicated below, with needed action or recommended action in underlined text. Planning Commission's review authority is found under Chapter 1159. The property owners within 200 feet of the property in question have been notified.

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

That the proposed development is consistent in all respects with the purpose, intent and applicable standards of the Zoning Code;

- (a) That the proposed development is in general conformity with the Strategic Plan/Rocky Fork-Blacklick Accord or portion thereof as it may apply;*
- (b) That the proposed development advances the general welfare of the Municipality;*
- (c) That the benefits, improved arrangement and design of the proposed development justify the deviation from standard development requirements included in the Zoning Ordinance;*
- (d) Various types of land or building proposed in the project;*
- (e) 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;*
- (f) Traffic and circulation systems within the proposed project as well as its appropriateness to existing facilities in the surrounding area;*
- (g) Building heights of all structures with regard to their visual impact on adjacent facilities;*
- (h) Front, side and rear yard definitions and uses where they occur at the development periphery;*
- (i) Gross commercial building area;*
- (j) Area ratios and designation of the land surfaces to which they apply;*
- (k) Spaces between buildings and open areas;*
- (l) Width of streets in the project;*
- (m) Setbacks from streets;*
- (n) Off-street parking and loading standards;*
- (o) The order in which development will likely proceed in complex, multi-use, multi- phase developments;*
- (p) The potential impact of the proposed plan on the student population of the local school district(s);*
- (q) The Ohio Environmental Protection Agency's 401 permit, and/or isolated wetland permit (if required);*
- (r) 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*
- l. *Provide for innovations in land development, especially for affordable housing and infill development.*

A. Engage New Albany Strategic Plan

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

- Organically shaped stormwater management ponds and areas should be incorporated into the overall design as natural features and assets to the community.
- Houses should front onto public open spaces and not back onto public parks or streets.
- All or adequate amounts of open space and parkland is strongly encouraged to be provided on-site.
- A hierarchy of open spaces is encouraged. Each development should have at least one open space located near the center of the development. Typically, neighborhood parks range from a half an acre to 5 acres. Multiple greens may be necessary in large developments to provide centrally located greens.
- Adequate amounts of open space and parkland are encouraged to be provided on site.
- Rear or side loaded garages are encouraged. When a garage faces the street, the front façade of the garage should be set back from the front facade of the house.
- Any proposed residential development outside of the Village Center shall have a base density of 1 dwelling unit per gross acre in order to preserve and protect the community's natural resources and support the overall land conservation goals of the community. A transfer of residential density can be used to achieve a gross density of 1 dwelling unit per acre.
- Private streets are at odds with many of the community's planning principles such as: interconnectivity, a hierarchy of street typologies and a connected community. To achieve these principles, streets within residential developments must be public.

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

- Development should meet setback recommendations contained in strategic plan.
- Streets must be public and not gated. Cul-de-sacs are strongly discouraged.
- Parks and open spaces should be provided, publicly dedicated and meet the quantity requirements established in the city's subdivision regulations (i.e. 20% gross open space and 2,400 sf of parkland dedication for each lot).

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

B. Use, Site and Layout

1. The property is zoned I-PUD under the Courtyards at Haines Creek PUD text.
2. The zoning text section VI(A) permits a maximum of 151 lots in the age-restricted subdivision named “Courtyards at Haines Creek.”
3. The subdivision consists of 136 age-restricted and 15 non-age-restricted homes on approximately 63.5+/- acres. Furthermore, the text prohibits any permanent resident within the age-restricted units to be under the age of 21, to the extent permitted by law.
4. The final development plan is generally consistent with the preliminary development plan that was approved as part of the zoning change application (ZC-07-2023).
5. The text requires that prior to the issuance of the first building permit for construction of a home in this zoning district, the applicant/developer shall provide evidence to the city that it has recorded a written restriction requiring the property may only be developed and operated in accordance with the age restriction requirements listed above. Prior to recording the restriction, the text requires the applicant/developer to deliver a draft copy of the restriction to the city’s law director for reasonable review and confirmation. These requirements are consistent with other age-restricted subdivisions in New Albany.
6. Zoning text section VI(D) states that the minimum lot width at the building line shall be 52 feet. All of the proposed lots are meeting these requirements.
7. The city’s design consultant, MKSK, provided the following comments related to the location of the four relocated homes:
 - a. As the applicant verbally committed during the PTAB meeting, center the four relocated parcels within Haines Creek and Lourdes Drive, providing access to a leisure path on either side for increased public green space. Staff recommends a condition of approval that the city’s design consultant comments be addressed, subject to staff approval.
8. Zoning text section VI(F) requires the following setbacks:

SETBACKS	
Central College Road and Jug Street Rd NW (Engage New Albany strategic plan recommends 100-foot setback)	100-foot building and pavement setback from the edge of the right-of-way, except homes and other improvements on Lots 71 and 72 shall be permitted within this setback.

Front Yard	20 feet, except for the Lane Homes facing Defiance Drive which shall have a minimum front yard setback of 15 feet.
Side Yard	5 feet
Rear Yard	50 feet for lots with rear boundary lines which also serve as the eastern and western perimeter boundary of this zoning district, 15 feet for all other lots.

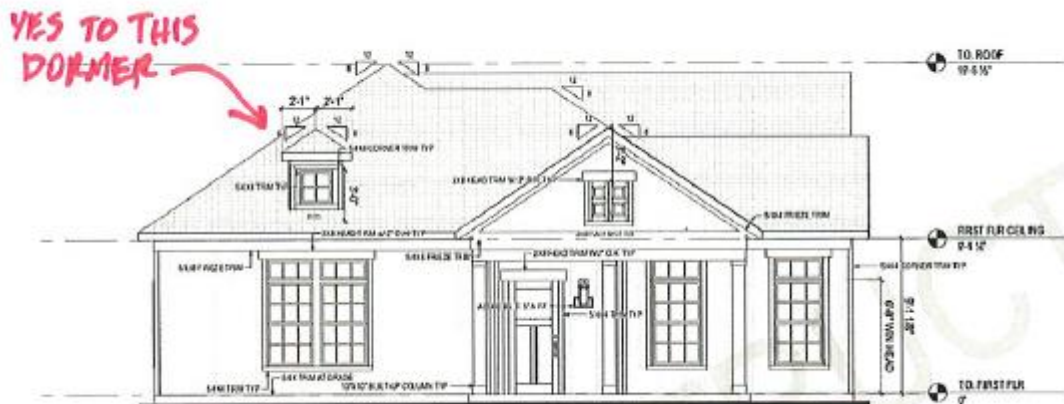
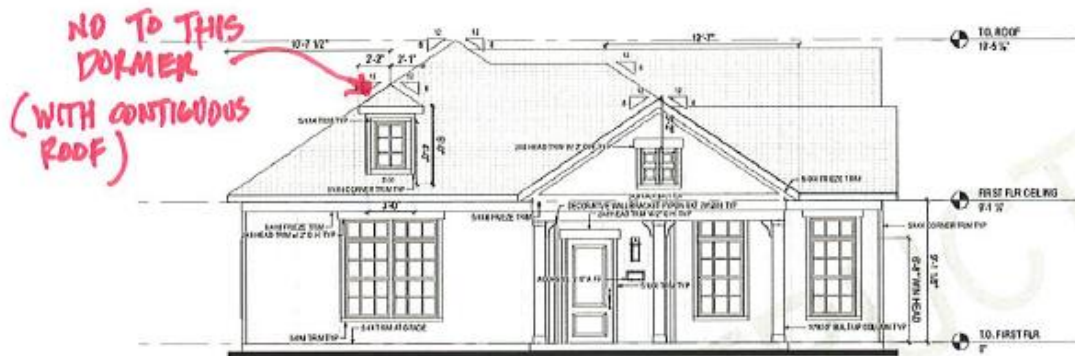
All of the setbacks required in the zoning text are accurately shown on the final development plan. The setbacks for individual homes will be reviewed and approved with each new residential building permit application.

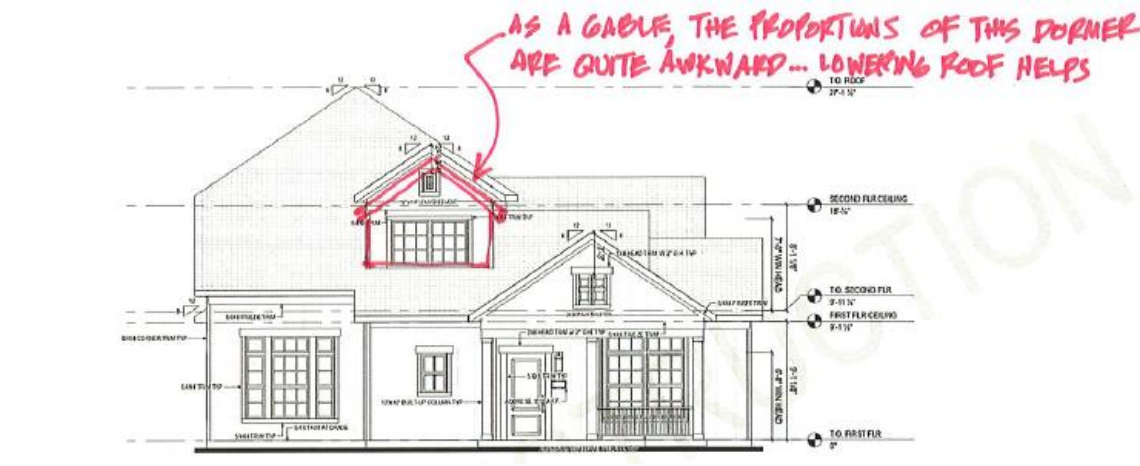
C. Access, Loading, Parking

1. The primary access points into the subdivision are from Central College Road and Jug Street Road NW in the locations shown on the final development plan. Per zoning text requirements and the submitted plats, the applicant is dedicating right-of-way to the city for a distance that extends 40 feet from the centerlines of Central College Road and Jug Street Road NW.
2. Zoning text section VII(E) requires the right-of-way to be dedicated for the future extension of two streets to the western boundary line of the subdivision. The final development plan shows the construction of the extension for a distance of 10 feet from its westernmost intersection. Signage is also proposed to be installed at the end of the 10-foot stubs which indicate that these streets may be extended in the future as a through street. The city staff recommends a condition of approval that the sign be shown on the plans at the time of permitting, subject to staff approval.
3. Zoning text section VII(E) also requires all internal streets to be dedicated as public streets and built to city standards. The right-of-way for these internal streets is required to be 50 feet with 26-foot pavement widths, measured from front of curb to front of curb. The right-of-way for alleys shall be a minimum of 20 feet with a minimum of 16 feet of pavement. The proposed north-south street shall have a right-of-way of 60 feet in width. These requirements match those found in the city's subdivision regulations.
4. Zoning text section VII(F) requires a 5-foot-wide, concrete public sidewalk to be constructed within the right-of-way on each internal subdivision street (other than Haines Creek Drive, the south side of Cedarville Drive, and the north side of Heidelberg Drive where leisure trail is required). This requirement is being met.
5. Zoning text section VII(G) requires 8-foot-wide, asphalt leisure trails to be installed along the north side of Central College Road, the west side of Jug Street rights-of-way, along both sides of Haines Creek Drive to the intersection with Heidelberg Drive, and along both sides of Heidelberg Drive that goes westward. This requirement is being met.
6. A leisure trail with a minimum width of 8 feet is proposed along the south side of the pond in Reserve "A," and along Central College Road. The city is coordinating street improvements with the Franklin County engineer. The path running along the south side of the pond in Reserve A provides a meaningful alternative leisure trail connection from Haines Creek Drive to Jug Street Road, rather than running along the street frontage which may require more tree removal. The city recommends a condition of approval that the installation of the leisure path along Central College Road be subject to staff approval.
7. Zoning text section VII(A) requires all homes to have a minimum of 2 off-street parking spaces on their driveways in addition to a minimum of 2 parking spaces within the garage. This appears to be met and will be reviewed and approved as part of each new residential building permit.
8. Per code section 1167.05(f), the Planning Commission shall determine the number of parking spaces required for the club house as it is a use not mentioned in the code. The applicant proposes 23 designated parking spaces for the club house.

D. Architectural Standards

1. The Architectural standards have been approved as part of the PUD rezoning. The PUD text states the design of the neighborhood borrows from the tradition of summer retreat camps like Lakeside Ohio and Oak Bluffs Meeting Camp on Martha's Vineyard. These camps were a collection of small cottages around a central meeting house and green. The architectural aesthetic is consistent with the character of New Albany by referencing the "rectangular form houses." The homes in this community are simple forms, generally rectangular in shape.
9. The text requires all homes to be a minimum of 1.5 stories or 1.5 stories in appearance from the front elevation thereby meeting one of the New Albany Strategic Plan's development standards recommendations that all houses should be a minimum of 1.5 stories in appearance and a maximum of three stories. This appears to be met and will be reviewed and approved as part of each new residential building permit.
1. The text requires the final development plan submittal includes detailed architectural elevations and/or renderings and must incorporate additional architectural details including roof plans; garage door design/colors; dormer details; entablature; and shutter specifications; columns, cornice and pediment details; window specifications; louver details, brickmould profile. These architectural plans are to create a baseline set of architectural requirements and guidelines from which each home design will be based. These details are included in the submitted home elevations and have been reviewed by the city architect. The city architect has the following comments:
 - a. The city architect recommends eliminating the horizontally proportioned window grids from the home designs from Dean Wenz's office. The city staff recommend a condition of approval be that the plans be updated at the time of permitting to meet this recommendation of eliminating of the horizontally proportioned grids.
 - b. The city architect provided a marked sheet indicating suggested revisions to the Lane Homes, specifically with regard to the proposed dormers





The city staff recommends a condition of approval that all applicable home elevations are updated at the time of permitting to meet the city architect's recommendations for the dormers.

2. Exterior paint colors for siding, doors, shutters, fascias, cornices, soffits and miscellaneous trim have been submitted. Zoning text section XI(A)(2) states garage doors that are white in color shall only be used in the circumstance when white is the primary exterior color of the individual home. The architectural sheets include white garage doors on houses with non-white colored exteriors. The city staff recommends a condition of approval that the plans be revised at the time of permitting as needed to meet this garage door color requirement.
3. Zoning text section IX(C)(3)(i) requires shutters to have appropriate shutter hardware (hinges and shutter dogs.) The city staff recommends a condition of approval that the final shutter hardware is provided on all homes and their design be subject to staff approval.
4. The text states where the courtyard condition is present and is not screened from the view, a decorative fence shall be installed and may extend past the building setback line to provide screening of the courtyard area from the right-of-way. A combination of landscaping and fencing may also be used to achieve the same screening objective, but solid fences shall be prohibited to provide this screening. This appears to be met on the final development plan.
5. The text further states that where the courtyard conditions are adjacent to open space, a decorative fence and landscaping may be installed between the lot line and the courtyard to provide screening. Screening shall have a minimum opacity of 75% to a height of feet. The applicant has submitted an aluminum decorative fencing design and an exhibit indicating the areas where this treatment will occur throughout the subdivision. Staff is supportive of only aluminum fencing to be used in areas along public right-of-way or open space.
6. The zoning text requires on corner lots, the street on which the front façade of a home is required to be located shall be identified as part of the final development plan submittal. This has been submitted and the proposed orientations all appear to be appropriate.
7. Zoning text section IX(C)(2) states that exposed concrete foundation walls shall be prohibited unless otherwise approved as part of the final development plan. It appears as though exposed concrete foundations are not being proposed as part of this final development plan. Individual homes will be reviewed and approved as part of each new residential building permit.

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

1. Per C.O. 1159.07, detailed landscaping plans must be provided for all areas of the final development plan. The landscape plan must include the proposed landscape for all

- reserve areas and street lawns. The applicant submitted a detailed master landscape plan for the subdivision.
2. Per the zoning text, street trees shall be required on both sides of internal public streets where homes are present. Street trees shall be a minimum of 2 ½ inches in caliper at installation and shall be spaced at an average distance of 30 feet on center, except that a double row of trees shall be provided along the Haines Creek Drive. These trees may be grouped, provided the quantity is equivalent to 1 tree per 30 feet or fraction thereof.
 3. The zoning requires the developer to work in good faith with the owner of property to the south of Central College Road that is directly across to the street from the subdivision entrance to establish a screening plan and install landscaping at the developer's expense. The applicant proposes to install nine (9) spruce trees in front of the Mason property to screen the front of the home.
 4. The zoning text commits to a Tree Preservation Zone which applies to the following areas of the subdivision:
 - a. For a minimum distance of 100 feet from the right-of-way of Central College Road and Jug Street Road NW in Reserve A;
 - b. In areas to the south of the intersection of Jug Street Road NW and a new public street connecting it to the new subdivision;
 - c. Within the northwest corner of the zoning district and covering the tree line along the north property line of Reserve C; and
 - d. Within a distance of 30 feet from the rear property line on any lots where a minimum rear yard setback of 50 feet is required. Trees shall be preserved in accordance with the recommendations of a certified arborist and subject to staff approval.
 - e. The city code does not permit the removal of trees with the 100-year floodplain and stream riparian corridor. The city landscape architect recommends the developer provide a clear plan boundary for tree removal limits outside of those zones if additional trees are to be removed. The developer should preserve the maximum number of established groupings of trees present on the site.
 - f. The city's landscape architect recommends a condition of approval that the developer utilizes fencing around tree drip lines for proper protection along all tree preservation zones, subject to staff approval.
 5. New Albany's Codified Ordinance requires that 2,400 square feet per home be dedicated as parkland and 20% of the total acreage in the subdivision shall be dedicated as open space. The zoning text states ownership and maintenance of the parkland and open space areas which are shown on the preliminary development plan shall be defined and approved with the final development plan.
 - a. For this development the total minimum, required parkland and open space is 21.01 acres.
 - b. The applicant is providing multiple reserve areas (A-K) that consists of either open space or parkland, totaling 17.66 acres. Per C.O. 1187.16 wet and dry stormwater basins shall not be considered parkland or open space.
 - c. Therefore, the proposal does not meet the Codified Ordinance requirements since there is a 3.35-acre deficit in parkland. The developer is requesting to waive the appraisal requirement and use the \$42,000 per acre value that was established by the most recent appraisal the city completed in September 2022. This results in a total fee payment of \$140,700.00.
 - d. Per codified ordinance chapter 1159.07(3)(X) the city Planning Commission must review:
 - i. The amount and location of open space and parkland required to be provided on-site and
 - ii. The dollar amount of the fee payment based upon an appraisal completed by the applicant as required by 1165.10(d) if less than the required 21.01 acres is provided on-site.
 - e. The city staff determined the applicant cannot request a deviation from the procedural requirements of the codified ordinances. Therefore, the applicant

must complete and submit an appraisal as required in Chapter 1165.10(d) outlined above.

- f. This appraisal must be completed prior to the Planning Commission taking final action on the final development plan. The application can have a full hearing, including public input, but staff recommends the application be tabled until the appraisal is completed and submitted.

Reserves:

1. The PUD text states “due to the nature of this subarea as an age-restricted community, it shall be exempt from the requirement of Section 1185.15(c)(6) that would otherwise require all residences to be located within 1,200 feet of playground equipment.”
2. Reserves A, B, C & J: These are the perimeter areas providing tree preservation and buffering.
 - a. Reserve A consists of a large basin, wetlands, preservation of trees, a stream, a pavilion and leisure trail. Reserve A also shows grading for the basin proposed within the 100-year floodplain. The city floodplain regulations (C.O. Section 1154.02 and 1154.04) do not allow for any modifications to this area. The city staff recommends a condition of approval requiring the basin and grading to be revised to meet code requirements or a variance can be requested.
 - b. Reserve B consists of the preservation of trees.
 - c. Reserve C consists of a basin, stream, tree preservation zone, and a drainage swale connecting the stream to an off-site wetland located to the east. The developer is required to provide natural grasses in this area. No artificial pesticides and fertilizers are permitted in this area.
 - i. During the rezoning hearing, the city council directed the applicant to perhaps relocate up to four units that were previously along the western boundary to provide additional tree preservation. Those four homes have since been relocated to the northern area of the site and back onto Reserve C. Where those lots were previously located is now Reserve J. The PTAB recommended that the applicant review increasing open space with consideration of the wetlands on the adjacent property to the east. The Planning Commission should evaluate the appropriateness of the four relocated lots along reserve C.
 - d. Reserve J provides tree preservation. The natural vegetation will be untouched. The city landscape architect recommends the applicant provide a site plan that shows how the reserve's green space will be used as an amenity for the community (i.e. seating, paths, etc.). Staff recommends a condition of approval that the city landscape architect's comments are addressed, subject to staff approval.
 - e. The city's landscape architect provided the following comments related to the basins that are also attached in the packets as a memo:
 - i. Revise basins to increase undulation in grade and create a more naturalized form Basins should not exceed 6:1 slope.
 - ii. Increase planting adjacent storm water basins. Trees should be planted in randomized spacing and species in groups of 3 to 9 trees. See diagram.
 - iii. Densely plant trees along swale. Trees should be planted in randomized spacing and species in groups of 3 to 9 trees. See diagram.
 - iv. The city staff recommends a condition of approval that the city landscape architect's comments are addressed, subject to staff approval.
3. Reserves D, E, F, and G: These areas are located along the eastern side of Haines Creek Drive and provide a landscaping buffer between the homes and the public street.
4. Reserve H: This is the community amenity area which consists of a club house with pool, a community garden, a bocce court, and pickleball courts.
5. Reserve I and Reserve K: These areas will be used as greenspace upfront but serves as future street extensions if and when development occurs to the west.

Western Property Line:

1. The zoning text requires a buffering area to be located 50' from the property line along the western perimeter boundary. Along with the landscaping plan, the applicant is required to and has submitted a report from a certified arborist. The report details the conditions of existing trees within the minimum required 50-foot rear yard setbacks on lots of homes that back to the western perimeter boundary line.
 - a. The plan identifies which trees are to be preserved based on the report and provides for the planting of replacement trees, landscaping, and/or other improvements to provide buffering between new homes and adjacent property to the west which is outside of this zoning district.
 - b. New trees and landscaping may be planted on the adjacent parcel to achieve the buffering objective if permission is obtained from the owners of such parcel.
 - c. The applicant has indicated to staff that they had shared the arborist's report with the adjacent property owners before the date when the final development plan was filed with the City, and has scheduled a meeting with the property owners that will happen prior to the Planning Commission's hearing scheduled for October 16, 2023.
 - d. As part of the city staff's review of the tree study and west buffer landscape plan, the city arborist walked the site and examined the trees the applicant is proposing to remove within the 30' tree preservation area along the western property line. As a result, there were three trees the city arborist asked the applicant to consider preservation (trees 219, 303, and 351). The applicant has since updated the trees on the tree survey as trees to be preserved.
2. The plan proposes a retaining wall between the 30' tree preservation zone and the 50' rear yard setback. The applicant indicates that the retaining wall is due to the proposed grading for the purpose of saving trees. The applicant also indicates that in order to accommodate the same amount of grading within a smaller footprint of only 20', it is necessary to introduce a wall along the rear of the lots to make up for the elevation difference. They further indicate that to minimize the impacts to the existing trees, they designed the wall to be 8.5 feet away from the tree preservation zone to allow for as much room as possible for the roots to remain untouched. Therefore, the face of the wall will be setback 38.5 +/- feet to the rear property line. The wall then steps back towards the buildings to make up an elevation difference of 6-7 feet.
 - e. The city's landscape architect issued the following comments related to the wall:
 - i. If the proposed wall is deemed necessary after a thorough review of the grading plan, the developer should provide a minimum of three to five site condition sections for review. This should include a plan and details for the proposed site condition at the terminus of the wall along 'Reserve J'.
 - ii. If the proposed wall is deemed necessary, the use of natural stone is recommended. The developer should provide samples for review by the Landscape Architect.
 - iii. If the proposed wall is deemed necessary, update the planting plan to include a seed mix of native grasses for disturbed areas.
 - iv. Staff recommends a condition of approval that the city's design consultant comments be addressed, subject to staff approval.
5. AC unit screening is required along the western perimeter and lots 63-72 along the eastern perimeter of the subdivision to obscure their view to adjacent properties. The applicant proposes to screen each AC unit with eight (8) Karl Forester tall grass plants. S
6. The city landscape architect has reviewed the application and provided a comprehensive comment memo and diagram that are also enclosed in the packets as a separate memo. Staff recommends a condition of approval that the city landscape architect comments be addressed, subject to staff approval.

F. Lighting & Signage

1. The text states signage shall be reviewed by the Planning Commission with the final development plan. The applicant has provided this information. The city's landscape architect, has reviewed the signage and provided the following comments that are also attached in the packets as a memo:
 - a. Revise location and position of entry sign at Central College Road. Signs should match the typical residential placement within the horse fence, see image in separate comment memo. Staff recommends a condition of approval that the city landscape architect's comments be addressed, subject to staff approval.
10. Each home must have coach lights on the garage. This appears to be met and will be reviewed and approved as part of each new residential building permit. In addition, uplighting of the exterior of a home shall be prohibited. Security lighting, when used, shall be of a motion sensor type.
2. Light poles within parking lot areas near the clubhouse shall not exceed 18 feet in height, shall be cut-off type fixtures and be down cast. Parking lot lighting shall be from a controlled source in order to minimize light spilling beyond the boundaries of the site. These details were not provided as part of this application and will be reviewed at the time of permitting. The city recommends a condition of approval that all final lighting details be subject to staff approval.

IV. ENGINEER'S COMMENTS

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

1. Refer to Exhibit A. Please modify the Cover Sheet to show all signature blocks and notes shown on this Exhibit.
2. Please add a sheet to the Index of Drawings entitled Street Typical Sections.
3. Refer to Exhibit B. Add a sheet to the Index of Drawings entitled Turn Lane Improvements. Verify that the turn lane is in fact to be built "By Others".
4. Sheet 2 of 16. Notes indicate that the City of New Albany shall have some maintenance responsibility relative to the Reserves. This is consistent with the plat. The HOA maintains all reserves and only owns the reserve with the private club house.
5. Sheet 3 of 16. Delineate all Reserves that will be utilized for stormwater management as lying within Drainage Easements. Clearly show this on all sheets.
6. Sheet 3 of 16. Label the width of the Tree Preservation Zone at the north parcel boundary.
7. Sheet 5 of 16. Show the northern swale as lying within a Drainage Easement.
8. Sheet 7 of 16. Add site distance triangles at the curb cuts off of Central College Road and Jug Street. Remove landscaping and fencing that may impede motorist view.
9. Provide Fire Truck turning radius analysis.
10. "No Parking Signs" be added along curved sections of streets.
11. In accordance with code sections 1159.07 (b)(3) Z and AA, the applicant provide documentation indicating that all OEPA and ACOE permitting requirements have been obtained.
12. We will evaluate storm water management, sanitary sewer collection and roadway construction related details once construction plans become available.

V. SUMMARY

The city staff determined the applicant cannot request a deviation from the procedural requirements of the codified ordinances. Therefore, the applicant must complete and submit an appraisal as required by chapter 1165.10(d) prior to the Planning Commission taking final action on the application. The city staff recommends this application have a full hearing so neighbors can provide public comments and the applicant can receive feedback from the Planning Commission.

The final development plan is in conformity with the residential land use density recommendations of the Engage New Albany Strategic Plan and is consistent with the preliminary development plan design standards approved as part of the rezoning application.

The application includes many of the same community amenities that have been successfully implemented in Epcon's Courtyards at New Albany subdivision. Overall, the Courtyards at New Albany has been successful and this proposal builds on that by providing a historical color palette that adds more character to the subdivision. The street network, landscaping, and layout are desirable from a site planning perspective; however, the Planning Commission should evaluate the amount of on-site parkland and open space that is appropriate for this type of development.

VI. ACTION

Suggested Motion for FDP-87-2023:

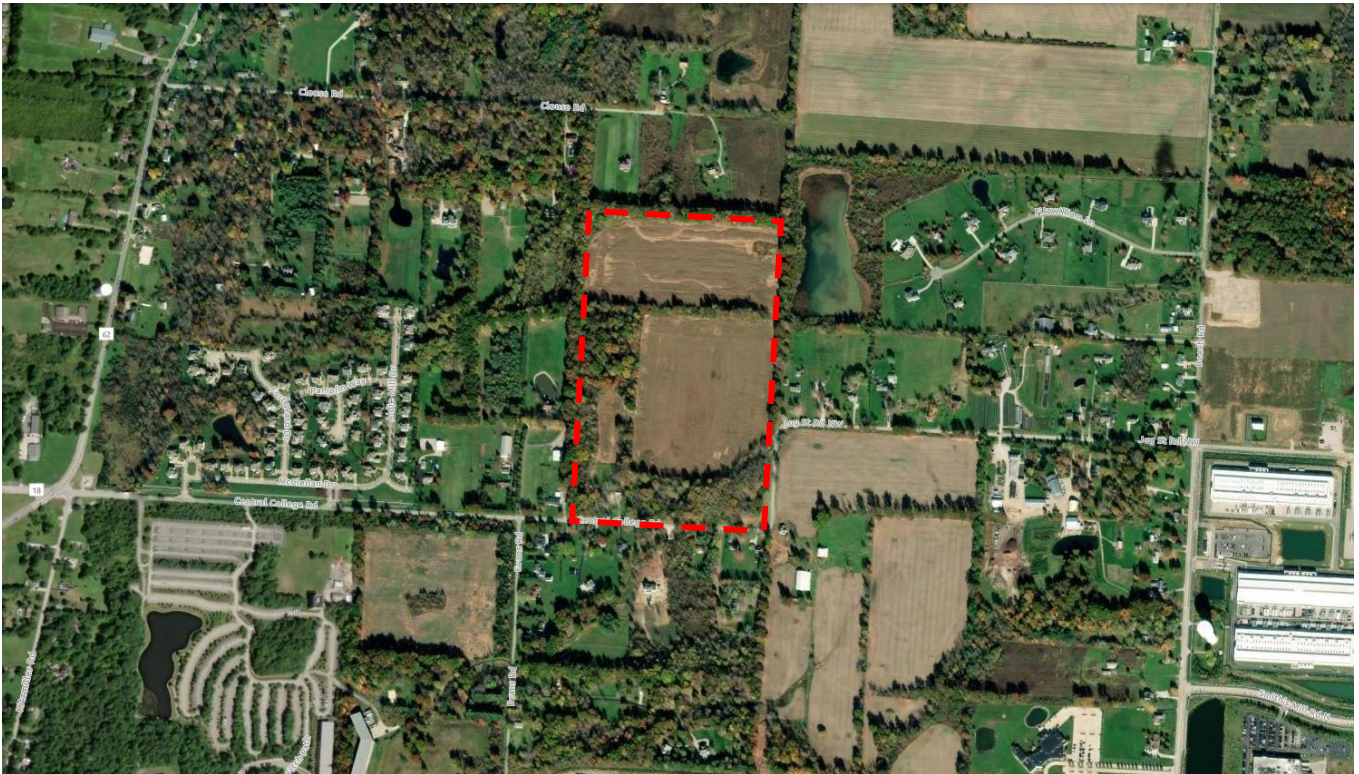
Move to table FDP-87-2023 until the regularly schedule meeting.

Based upon the current submittal, staff recommends the following conditions for the future hearing or that they are addressed prior to the next hearing date:

1. That lots on the plats match the lots on the final development plan;
2. Revise location and position of entry sign at Central College Road. Signs to match preexisting residential examples, see image in memo;
3. Signage is to be installed at the end of the 10-foot stubs which indicates that these streets may be extended in the future as a through street. The signage is to be shown on the plans at the time of permitted, subject to staff approval;
4. The installation of the leisure path along Central College Road be subject to staff approval;
5. The architectural plans be updated at the time of permitting to meet the city architect's recommendation of the following:
 - a. Eliminate the horizontally proportioned grids; and
 - b. Revise the dormers to reflect suggestions in the sketch provided.
6. The plans be revised at the time of permitting as needed to meet the garage door color requirements, subject to staff approval;
7. The final shutter hardware design be subject to staff approval;
8. The city floodplain regulations (C.O. Section 1154.02 and 1154.04) do not allow for any modifications to this area. The basin and grading plans shall be revised to meet code requirements or a variance can be requested;
9. The city landscape architect/design consultant comments outlined in the memo dated October 6, 2023 are addressed, subject to staff approval:
 - a. Review entire development grading plan, focusing on the improvement of the following items...
 - i. Storm Water Basins - revise basins to increase undulation in grade and create a more naturalized form. Basins should not exceed 6:1 slopes.
 - ii. Proposed Wall (west edge of site) - If deemed necessary after thorough review of grading plan, provide a minimum of three to five site condition sections for review. Include plan and details for proposed site condition at break in wall along 'Reserve J'. See diagram.
 - iii. If proposed wall is deemed necessary, the use of natural stone is recommended. Developer to provide samples for review by Landscape Architect.
 - b. Center the four relocated parcels within Haines Creek and Lourdes Drive, providing access to a leisure path on either side for increased public green space. See diagram.
 - c. Provide a site plan that shows how the reserve green space will be used as an amenity for the community (i.e. seating, paths, etc.). See diagram.

- d. Revise entry sign at Central College Road to match precedents in the neighborhood, see images for reference.
 - e. Review and submit proposed removal of existing tree stands to landscape architect. Provide clear plan boundary for tree removal limits. Preserve the maximum number of established groupings of trees present on the site. Submit tree protection plan. Utilize fencing around tree drip lines for proper protection.
 - f. Increase planting adjacent storm water basins. Trees should be planted in randomized spacing and species in groups of 3 to 9 trees. See diagram.
 - g. If proposed wall is deemed necessary, update planting plan to include a seed mix of native grasses for disturbed areas.
 - h. Densely plant trees along swale. Trees should be planted in randomized spacing and species in groups of 3 to 9 trees. See diagram.
10. The final lighting details are subject to staff approval; and
11. All of the city engineer comments be addressed, subject to staff approval.

Approximate Site Location:



Source: ArcGIS



Community Development Department

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

Dear Aaron Underhill,

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

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

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

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

Thank you.



Community Development Department

Decision and Record of Action

Tuesday, October 17, 2023

The New Albany Planning Commission took the following action on 10/16/2023 .

Final Development Plan

Location: FPL-88-2023

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

Application: FDP-88-2023

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

Motion: To table FPL-88-2023

Commission Vote: Motion Table, 5-0

Result: FPL-88-2023 was Tabled to the December 4th Informal meeting, by a vote of 5-0.

Recorded in the Official Journal this October 16, 2023

Condition(s) of Approval:

N/A

Staff Certification:

Chelsea Nichols
Planner



**Planning Commission Staff Report
October 16, 2023 Meeting**

**COURTYARDS AT HAINES CREEK SUBDIVISION
PHASE 2 PRELIMINARY AND FINAL PLAT**

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:	Preliminary and Final Plat
ZONING:	Courtyards at Haines Creek I-PUD Zoning District
STRATEGIC PLAN:	Residential District
APPLICATION:	FPL-91-2023

Review based on: Application materials received September 15, 2023 and October 2, 2023.

Staff report completed by Chelsea Nichols, Planner.

I. REQUEST AND BACKGROUND

This final plat application is for phase 2 of the Courtyards at Haines Creek subdivision. This phase includes 56 residential lots, four reserves (C1, F2, J, and K), and six new public streets on 18.990 acres.

The Planning Commission reviewed the zoning change and preliminary development plan for the property on June 20, 2023 (ZC-07-2023) and the zoning change was adopted by city council on July 18, 2023 (O-84-2023).

There is a related final development plan application on the October 16th Planning Commission agenda. This application is reviewed under a separate staff report (FDP-87-2023).

II. SITE DESCRIPTION & USE

The 63.5+/- acre subdivision is located in Franklin County. The site is generally located at the northwest corner of the intersection at Central College Road and Jug Street Rd NW. The site is located immediately west of the Licking County line and immediately, north of Agricultural zoned and residentially used properties, and there are unincorporated residentially zoned and used properties to the west and north of the site.

III. PLAN REVIEW

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

Residential Lots

- The final plat is consistent with the proposed Courtyards at Haines Creek final development plan. The plat shows 56 residential lots. The proposed lot layout and dimensions match what is shown on the final development plan and meet the requirements of the zoning text.
 - The final plat appropriately shows the lot widths to be at least 52 feet, as required by zoning text section VI(D).
 - The final plat appropriately shows the lot depths to be at least 115 feet, as required by zoning text section VI(E).

- The final plat appropriately shows the following front yard setbacks, as required by the zoning text section VI(F)(2):
 - A 15-foot setback for Lane Homes (lots 88-99).
 - A 20-foot setback for all other lots on the final plat.

Streets

- The plat creates six (6) new publicly dedicated streets totaling 3.504+/- acres. All of the new streets meet the right-of-way requirements in the zoning text:
 - Haines Creek Drive provides north-south access through the subdivision, with 60 feet of right-of-way.
 - Heidelberg Drive, is stubbed from this development to the west property line to provide for a future connection, with 50 feet of right-of-way.
 - Wooster Drive, with 50 feet of right-of-way.
 - Hiram Lane, a publicly dedicated alley, with 20 feet of right-of-way.
 - Marietta Drive, with 50 feet of right-of-way.
 - Lourdes Drive, with 50 feet of right-of-way.
- The utility easements are shown on the plat.
- Per the city's subdivision regulations, C.O. 1187.04, all new streets shall be named and shall be subject to the approval of the Planning Commission. The applicant proposes to utilize the names of private Ohio colleges as street names within the subdivision. Haines Creek Drive shares the same name as the subdivision.

Parkland, Open Space and Tree Preservation Areas

- This phase of the plat contains four (4) reserve areas shown as Reserves "C1", "F2", "J", and "K" on the plat with a total acreage of 5.848+/- acres.
 - According to the plat notes, Reserves "C1" and "F2", shall be owned by the City of New Albany and maintained by the homeowner's association in perpetuity for the purpose of open space and/or stormwater retention.
 - The zoning text states that in the area consisting of Reserve C1, the application of fertilizer or other lawn treatment chemicals shall be prohibited. Within this area, prairie grass shall be planted and maintained and the landscape plan shall provide for the planting of additional trees to increase buffering of the site from the properties to the north. The city staff recommends a condition of approval that the plat note includes these restrictions for this area.
 - The plat states Reserve "J" shall be owned by the City of New Albany and maintained by the homeowner's association in perpetuity for the purpose of open space and/or stormwater retention.
 - The plat states trees as shown on the Final Development Plan within Reserve "J" shall be preserved and subject to staff approval. Within this reserve, only the construction of paths/trails/sidewalks, underground utility lines and underground storm water management infrastructure shall be permitted.
 - The plat includes a 14-foot-wide general utility easement along Wooster Drive. A plat note requires healthy mature trees and understory vegetation to be preserved unless they conflict with the installation of permitted utility or storm water infrastructure. And, when trees are removed from the reserve due to utility installation, reasonable efforts shall be made to plant new trees in areas within the reserve. Trees shall not be required to be planted in easements and/or locations that may harm the health of preserved trees or unreasonably encroach into the rear yards of lots.
 - Trees and understory vegetation within the reserve may be trimmed, cut, or removed if they are diseased, dead, or of a noxious species or if they present a threat of danger to persons or property.
- The plat states Reserve "K" shall be owned by the City of New Albany and maintained by the homeowner's association until a public road is constructed within the reserve and is dedicated to the city as public right-of-way. The city staff recommends a condition of approval that the

plat note be updated to clarify that the city will maintain just the street, which is everything between and including the concrete curbs. Everything else outside of the curbs must be maintained by the HOA in perpetuity.

- Various tree preservation zones are shown on the final plat and comply with the tree preservation zone requirements of zoning text section VI(G).
- Typically, subdivision plats that include tree preservation zones, have a note that requires special markers be placed at each lot corner marking the edge of the Tree Preservation Area. The design of the markers shall be provided by the applicant and must be approved by the city. These markers must be installed prior to any infrastructure acceptance by the city. Historically, the signs are installed on every-other lot line so that there is one sign for each lot. Staff recommends a condition of approval that this note be added to the plat, that the developer supply the signs, the design be subject to staff approval and the markers are installed by the developer prior to any infrastructure acceptance by the city.
- C.O. 1187.04(d)(4) and (5) requires verification that an application, if required, has been submitted to the Ohio Environmental Protection Agency in compliance with Section 401 of the Clean Water Act and to the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. The applicant states that a delineation report is currently under review with the U.S. Army Corps of Engineers; however, the permits have not yet been issued. Staff requests evidence of any permits received from the Ohio Environmental Protection Agency as a condition of approval.
- The city codified ordinance 1159.11 states when a final plat is approved by Council, the owner shall file and record the same in the Office of the County Recorder within twelve (12) months unless such time is, for good cause shown, extended by resolution of Council. If not recorded within this time, the approval of Council shall become null and void.

IV. ENGINEER'S COMMENTS

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

1. Label all proposed developer easements such as water, storm and sanitary.
2. Provide more information regarding private utility easements.
3. Refer to Code Section 1187.06 (c) (1) and (2). Provide hard copy documentation indicating that all environmental permit requirements have been addressed.
4. Refer to Note J. Delete Preliminary Development plan and add Final Development Plan.

V. ACTION

Basis for Approval:

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

Suggested Motion for FPL-91-2023:

Move to approve final plat application FPL-91-2023 with the following conditions:

1. The zoning text states that in the area consisting of Reserve C1, the application of fertilizer or other lawn treatment chemicals shall be prohibited. Within this area, prairie grass shall be planted and maintained and the landscape plan shall provide for the planting of additional trees to increase buffering of the site from the properties to the north. The plat note shall be updated to include these restrictions for this area.
2. The plat note for Reserve "K" be updated to clarify that when the public road is constructed within the reserve and is dedicated to the city as public right-of-way, the city will maintain just the street, which is everything between and including the concrete curbs. Everything else outside of the curbs must be maintained by the HOA in perpetuity.

3. The plat be updated to include a note for the tree preservation zone signs. The developer shall supply the signs, the design be subject to staff approval, the signs are installed on every-other lot line so that there is one sign for each lot, and the markers are installed by the developer prior to any infrastructure acceptance by the city.
4. The applicant provides evidence of any applications filed with the U.S. Army Corps of Engineers or Ohio Environmental Protection Agency, as well as any associated permits that are issued.
5. The city engineer comments are addressed, subject to staff approval.
6. Approval of the final plat is contingent upon the approval of the final development plan for this development.

Approximate Site Location:



Source: ArcGIS



Community Development Department

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

Dear Aaron Underill,

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

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

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

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

Thank you.



Community Development Department

Decision and Record of Action

Tuesday, October 17, 2023

The New Albany Planning Commission took the following action on 10/16/2023 .

Final Development Plan

Location: FPL-91-2023

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

Application: FDP-91-2023

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

Motion: To table FPL-91-2023

Commission Vote: Motion Table, 5-0

Result: FPL-91-2023 was Tabled to the December 4th Informal meeting, by a vote of 5-0.

Recorded in the Official Journal this October 16, 2023

Condition(s) of Approval:

N/A

Staff Certification:

Chelsea Nichols
Planner



**Planning Commission Staff Report
October 16, 2023 Meeting**

**COURTYARDS AT HAINES CREEK SUBDIVISION
PHASE 3 PRELIMINARY AND FINAL PLAT**

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:	Preliminary and Final Plat
ZONING:	Courtyards at Haines Creek I-PUD Zoning District
STRATEGIC PLAN:	Residential District
APPLICATION:	FPL-92-2023

Review based on: Application materials received September 15, 2023 and October 2, 2023.

Staff report completed by Chelsea Nichols, Planner.

I. REQUEST AND BACKGROUND

This final plat application is for phase 3 of the Courtyards at Haines Creek subdivision. This phase includes 49 residential lots, three reserves (C2, D, and E), and four new public streets on 15.428 acres.

The Planning Commission reviewed the zoning change and preliminary development plan for the property on June 20, 2023 (ZC-07-2023) and the zoning change was adopted by city council on July 18, 2023 (O-84-2023).

There is a related final development plan application on the October 16th Planning Commission agenda. This application is reviewed under a separate staff report (FDP-87-2023).

II. SITE DESCRIPTION & USE

The 63.5+/- acre subdivision is located in Franklin County. The site is generally located at the northwest corner of the intersection at Central College Road and Jug Street Rd NW. The site is located immediately west of the Licking County line and immediately, north of Agricultural zoned and residentially used properties, and there are unincorporated residentially zoned and used properties to the west and north of the site.

III. PLAN REVIEW

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

Residential Lots

- At the Parks and Trails Advisory Board meeting on Monday, October 2, 2023, the applicant verbally committed to sliding lots 152-155 west to allow access at the northeast corner. The Planning Commission will evaluate the lot location as part of the Final Development Plan application. Staff recommends a condition of approval that the lots on this plat match the lots on the final development plan.

- The final plat is consistent with the proposed Courtyards at Haines Creek final development plan. The plat shows 49 residential lots. The proposed lot layout and dimensions match what is shown on the final development plan and meet the requirements of the zoning text.
 - The final plat appropriately shows the lot widths to be at least 52 feet, as required by zoning text section VI(D).
 - The final plat appropriately shows the lot depths to be at least 115 feet, as required by zoning text section VI(E).
 - The final plat appropriately shows the front yard setbacks to be 20 feet, as required by the zoning text section VI(F)(2):

Streets

- The plat creates four (4) new publicly dedicated streets totaling 1.298+/- acres. All of the new streets meet the right-of-way requirements in the zoning text:
 - Haines Creek Drive, with 60 feet of right-of-way.
 - Heidelberg Drive, is stubbed from this development to the west property line to provide for a future connection, with 50 feet of right-of-way.
 - Lourdes Drive, with 50 feet of right-of-way.
 - Defiance Drive, with 50 feet of right-of-way.
- The utility easements are shown on the plat.
- Per the city's subdivision regulations, C.O. 1187.04, all new streets shall be named and shall be subject to the approval of the Planning Commission. The applicant proposes to utilize the names of private Ohio colleges as street names within the subdivision. Haines Creek Drive shares the same name as the subdivision.

Parkland, Open Space and Tree Preservation Areas

- This phase of the plat contains three (3) reserve areas shown as Reserves "C2", "D", and "E" on the plat with a total acreage of 8.801+/- acres.
 - According to the plat notes, the reserves shall be owned by the City of New Albany and maintained by the homeowner's association in perpetuity for the purpose of open space and/or stormwater retention.
 - The zoning text states that in the area consisting of Reserve C2, the application of fertilizer or other lawn treatment chemicals shall be prohibited. Within this area, prairie grass shall be planted and maintained and the landscape plan shall provide for the planting of additional trees to increase buffering of the site from the properties to the north. The city staff recommends a condition of approval that the plat note includes these restrictions for this area.
- Various tree preservation zones are shown on the final plat and comply with the tree preservation zone requirements of zoning text section VI(G).
- Typically, subdivision plats that include tree preservation zones, have a note that requires special markers be placed at each lot corner marking the edge of the Tree Preservation Area. The design of the markers shall be provided by the applicant and must be approved by the city. These markers must be installed prior to any infrastructure acceptance by the city. Historically, the signs are installed on every-other lot line so that there is one sign for each lot. Staff recommends a condition of approval that this note be added to the plat, that the developer supply the signs, the design be subject to staff approval and the markers are installed by the developer prior to any infrastructure acceptance by the city.
- C.O. 1187.04(d)(4) and (5) requires verification that an application, if required, has been submitted to the Ohio Environmental Protection Agency in compliance with Section 401 of the Clean Water Act and to the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. The applicant states that a delineation report is currently under review with the U.S. Army Corps of Engineers; however, the permits have not yet been issued. Staff requests evidence of any permits received from the Ohio Environmental Protection Agency as a condition of approval.
- The city codified ordinance 1159.11 states when a final plat is approved by Council, the owner shall file and record the same in the Office of the County Recorder within twelve (12) months

unless such time is, for good cause shown, extended by resolution of Council. If not recorded within this time, the approval of Council shall become null and void.

IV. ENGINEER'S COMMENTS

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

1. Label all proposed developer easements such as water, storm and sanitary.
2. Provide more information regarding private utility easements.
3. Refer to Code Section 1187.06 (c) (1) and (2). Provide hard copy documentation indicating that all environmental permit requirements have been addressed.
4. Refer to Note I. Delete Preliminary Development plan and add Final Development Plan.

V. ACTION

Basis for Approval:

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

Suggested Motion for FPL-92-2023:

Move to approve final plat application FPL-92-2023 with the following conditions:

1. That the lots on this plat match the lots on the final development plan.
2. The zoning text states that in the area consisting of Reserve C1, the application of fertilizer or other lawn treatment chemicals shall be prohibited. Within this area, prairie grass shall be planted and maintained and the landscape plan shall provide for the planting of additional trees to increase buffering of the site from the properties to the north. The plat note shall be updated to include these restrictions for this area.
3. The plat be updated to include a note for the tree preservation zone signs. The developer shall supply the signs, the design be subject to staff approval, the signs are installed on every-other lot line so that there is one sign for each lot, and the markers are installed by the developer prior to any infrastructure acceptance by the city.
4. The applicant provides evidence of any applications filed with the U.S. Army Corps of Engineers or Ohio Environmental Protection Agency, as well as any associated permits that are issued.
5. The city engineer comments are addressed, subject to staff approval.
6. Approval of the final plat is contingent upon the approval of the final development plan for this development.

Approximate Site Location:



Source: ArcGIS



Community Development Department

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

Dear Aaron Underhill,

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

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

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

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

Thank you.



Community Development Department

Decision and Record of Action

Tuesday, October 17, 2023

The New Albany Planning Commission took the following action on 10/16/2023 .

Final Development Plan

Location: FPL-92-2023

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

Application: FDP-92-2023

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

Motion: To table FPL-92-2023

Commission Vote: Motion Table, 5-0

Result: FPL-92-2023 was Tabled to the December 4th Informal meeting, by a vote of 5-0.

Recorded in the Official Journal this October 16, 2023

Condition(s) of Approval:

N/A

Staff Certification:

Chelsea Nichols
Planner



**Planning Commission Staff Report
October 16, 2023 Meeting**

**JUG STREET SOUTH EXPANSION ZONING DISTRICT
ZONING AMENDMENT**

LOCATION: 2650 Harrison Road (PIDs: 037-112110-00.000, 037-111930-00.000, 037-112044-00.001, 037-112044-00.003, 037-112044-01.000, 037-112044-03.000, 037-112044-02.000, 037-112044-00.002, 037-112044-00.009, 037-112044-00.004, 037-112044-00.005, 037-112044-00.000, 037-112044-00.008, 037-112044-00.007, 037-112044-00.005, 037-112050-00.001)

APPLICANT: Jackson B. Reynolds, III

REQUEST: Zoning Amendment

ZONING: AG Agricultural to L-GE Limited General Employment

STRATEGIC PLAN: Employment Center

APPLICATION: ZC-90-2023

Review based on: Application materials received September 15, 2023 and October 6, 2023.

Staff report completed by Chelsea Nichols, Planner.

I. REQUEST AND BACKGROUND

The applicant requests a review and recommendation to rezone approximately 84.736 acres. The request creates a new limitation text for the area known as the “Jug Street South Expansion Zoning District” by zoning the area to Limited General Employment (L-GE). The proposed rezoning expands the New Albany International Business Park.

The zoning district meets the recommended use and development standards found in the Engage New Albany strategic plan Northeast Area addendum Employment Center land use category. The text contains the same list of permitted, conditional, and prohibited uses as other similar zoning districts that are also zoned Limited General Employment (L-GE). This rezoning extends the same or similar zoning and development standards to this property as currently apply to its neighboring commercially zoned property in the general vicinity.

II. SITE DESCRIPTION & USE

The overall site consists of 16 parcels and is located within Licking County. The site is located at the southwest corner of Jug Street St Rd SW and Harrison Rd NW. The subject parcels are currently being annexed into the city. The annexation petitions were submitted on June 23, 2023 and was heard for first and record readings at city council on September 5, 2023 and September 19, 2023. The 30-day referendum period expires on October 19, 2023.

There are no residentially zoned or used properties adjacent to this zoning district. The site is comprised of residential homes. The neighboring uses and zoning districts include L-GE and Technology Manufacturing District. The immediate neighboring zoning districts include the Harrison East L-GE zoning district to the east, the Harrison West and Business Park East Innovation L-GE zoning districts to the south, the Jug Street South L-GE zoning district to the west, the Jug Street North L-GE zoning district to the north, and the Technology Manufacturing zoning district to the northeast.

III. PLAN REVIEW

Planning Commission's review authority of the zoning amendment application is found under C.O. Chapters 1107.02 and 1159.09. Upon review of the proposed amendment to the zoning map, the Commission is to make recommendation to City Council. The property owners within 200 feet of the property in question have been notified.

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

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

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

A. New Albany Strategic Plan

The zoning district is located within the 2018 Western Licking County Accord's Office/Warehouse future land use district. The subject parcels are also located within the New Albany Planning Area. The 2022 Engage New Albany strategic plan lists the following development standards for the Employment Center future land use district:

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

B. Use, Site and Layout

1. The proposed zoning text is a limitation text. A limitation text can only establish more restrictive requirements than the zoning code.
2. The applicant proposes the same development standards from nearby L-GE zoning districts within the New Albany International Business Park. Due to the proximity of this site to the State Route 161 interchange and its location adjacent to commercially zoned and used land in the existing Licking County business park, the site appears to be most appropriate for commercial development.
3. This district has the same list of permitted, conditional, and prohibited General Employment uses as the neighboring L-GE zoning districts.
 - The limitation text allows for general office activities, data centers, warehouse & distribution, and research & production uses. Personal service and retail product sales and services are only allowed as accessory uses to a permitted use in this zoning district.

- Conditional uses industrial manufacturing and assembly, car fleet/truck fleet parking, and limited educational institutions.
 - Prohibited uses include industrial product sales and services, mini-warehouses, off-premises signs, vehicle services, radio/television broadcast facilities, and sexually oriented business.
4. The text establishes the following setbacks which are consistent with surrounding zoning districts where L-GE uses are also permitted:

Perimeter Boundary	Pavement Setback	Building Setback
Jug Street (Northern)	50 feet	100 feet
Harrison Road (Eastern)	50 feet	50 feet
Perimeter Boundaries (Western and Southern)	25 feet	25 feet
Southern Boundary	25 feet	25 feet
Other Public Rights-of-Way	25 feet	50 feet

- There are no residentially owned and used properties along the boundaries of this zoning district.
5. The text contains the same provision for elimination of setbacks for building and pavement when this zoning district and any adjacent parcel located outside of this zoning district come under common ownership, are zoned to allow compatible non-residential uses, and are combined into a single parcel.

C. Access, Loading, Parking

1. The zoning text states that the number, locations and spacing of curb cuts along public rights-of-way shall be determined and approved at the time that a certificate of appropriateness is issued for a project in this zoning district.
2. The proposed text requires 30 feet of right-of-way to be dedicated along Jug Street and 40 feet of right-of-way to be dedicated along Harrison Road, which is consistent with the surrounding zoning districts.
3. In addition to right-of-way amounts, the city staff is recommending a condition of approval that the text be revised to require the property owner to grant easements adjacent to the right-of-way in order to install and maintain streetscape improvements and/or utilities. The proposed right-of-way widths and easement requirements are sufficient to accommodate the city street capital improvement projects.
4. Parking is required be provided per code requirements (Chapter 1167) and will be evaluated at the time of development of the site.
5. The text requires an 8-foot-wide leisure trail to be installed along Jug Street and Harrison Road frontage of the site.

D. Architectural Standards

1. The proposed rezoning implements many of the same standards and limitations set forth in the New Albany Architectural Design Guidelines and Requirements (Chapter 1157).
2. The zoning text section IV.A. permits 85-foot-tall buildings, subject to Section 1165.03 of the Codified Ordinances. The General Employment district does not typically have a height limitation. However, there are other L-GE districts that do implement a height restriction usually allowing up to 85-foot tall buildings. There are some L-GE districts that require a height maximum of 65 feet when adjacent to residential uses. In this case, there are no residentially owned and used properties along the boundaries of this zoning district.
3. The City's Design Guidelines and Requirements do not provide architectural standards for warehouse and distribution type facilities. Due to the inherent size and nature of these facilities careful attention must be paid to their design to ensure they are appropriately integrated into the rest of the business park. This limitation text contains specific design requirements for uses not governed by the DGRs as those in other subareas of the Licking County business park, which ensures the quality design of these buildings throughout this portion of the business park.

4. Section IV.E.6 of the zoning text requires complete screening of all roof-mounted equipment on all four sides of the building using materials that are consistent and harmonious with the building's façade and character. The text indicates that the screening is provided to screen equipment from off-site view but also to buffer sound generated by the equipment.
5. The city staff recommends a condition of approval that the zoning text be updated to require building color palettes be as simple and unobtrusive as possible and that buildings shall avoid overly bright or jarring colors. The addition of this language will ensure constancy within the business park as this language has been established for surrounding zoning districts where L-GE uses are also permitted.

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

1. Maximum lot coverage for this zoning district is 75%. This matches the surrounding zoning districts.
2. The proposed zoning text contains the same tree preservation language as the neighboring approved L-GE zoning texts. The text states that the developer of the property shall make a reasonable effort to preserve existing trees to provide a buffer from the public streets. Additionally, the text states that if reasonable efforts cannot be made to preserve existing trees, an additional 1 tree per 25 feet of road frontage must be provided in addition to the required street trees.
3. Beech Road North Landscape Plan: Landscaping for the Jug Street right of way shall adhere the guidelines found in the Beech Road North Landscape Plan as adopted by the City of New Albany. The city staff recommends a condition of approval that the text be updated to require the landscape standards in the plan to apply to both Jug Street and Harrison Road.
4. A street tree row shall be established along Jug Street and Harrison Road and shall contain one (1) tree for every thirty (30) feet of road frontage. Trees may be grouped or regularly spaced. Street trees shall be located within the right-of-way. Minimum street tree size at installation shall be three (3) caliper inches. This requirement may be waived in areas where existing vegetation occurs, subject to approval of the City Landscape Architect.
5. Minimum On-Site Tree Sizes: Unless otherwise set forth herein, minimum tree size at installation shall be no less than two and one half (2 ½) inches in caliper for shade trees, six (6) feet in height for evergreen trees, two (2) inches in caliper for ornamental trees, and thirty (30) inches in height for shrubs. Caliper shall be measured six (6) inches above grade.
6. The zoning text states the standard New Albany white four-board horse fence may (but shall not be required to) be provided within the public right-of-way. However, all of the neighboring site have the white horse fence. The city staff recommends a condition of approval that the text be revised to require the white four-board horse fence.
7. The zoning text states all security fencing shall be coordinated and consistent between sites. All security fencing shall be black decorative Ameristar fencing or black vinyl coated chain link fencing. The city staff recommends a condition of approval that the zoning text be revised to include "or similar subject to review and approval of the city landscape architect." The addition of this language will ensure constancy within the business park as this language has been established for surrounding zoning districts where L-GE uses are also permitted.
8. Utilities: The zoning text states that all new utilities installed solely to serve this zoning district shall be installed underground. The city staff recommends a condition of approval that the zoning text be updated to require an exception for transmission lines for electric. The addition of this language will ensure constancy within the business park as this language has been established for surrounding zoning districts where L-GE uses are also permitted.

F. Lighting & Signage

1. All signage shall conform to the standards set forth in Codified Ordinance Section 1169.
2. All lighting shall be cut-off type fixtures and down cast to minimize light spilling beyond the boundaries of the site. The maximum height is 30 feet.
3. The zoning text requires landscape lighting details to be included in the landscape plan which is subject to review and approval by the City Landscape Architect.

IV. ENGINEER'S COMMENTS

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

V. SUMMARY

The limitation text provides for stricter limitations in use and design than the straight General Employment zoning districts and retains many of the requirements found in adjacent existing zoning texts. Due to the proximity of this site to the State Route 161 interchange and its location adjacent to commercially zoned land in the existing New Albany Business Park, the site appears to be most appropriate for commercial development.

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

1. The rezoning results in a more comprehensive planned redevelopment of the area and will ensure compatibility between uses (1111.06(a)).
2. The L-GE rezoning application is an appropriate application for the request (1111.06(e)).
3. The overall effect of the development advances and benefits the general welfare of the community (1111.06(f)).
4. The proposed rezoning allows for the development of businesses that generate revenue for the school district while eliminating residential units having a positive impact on the school district (1111.06(h)).

VI. ACTION

Suggested Motion for ZC-90-2023:

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

Move to recommend approval to city council of application ZC-90-2023, based on the findings in the staff report, with the following conditions:

1. The zoning text be revised to require the property owner to grant easements adjacent to the right-of-way in order to install and maintain streetscape improvements and/or utilities. The proposed right-of-way widths and easement requirements are to be sufficient to accommodate the city street capital improvement projects;
2. The zoning text be revised to require building color palettes be as simple and unobtrusive as possible and that buildings shall avoid overly bright or jarring colors;
3. The zoning text be revised to require the Beech Road North Landscape Plan apply to both Jug Street and Harrison Road;
4. The zoning text be revised to state that a standard New Albany white four-board horse fence shall be required to be provided within the public right-of-way;
5. The zoning text be revised to state all security fencing shall be black decorative Ameristar fencing or black vinyl coated chain link fencing, or similar subject to review and approval of the city landscape architect; and
6. The zoning text be revised to state all new utilities, with the exception of transmission line for electric, installed solely to serve this zoning district shall be installed underground.

Approximate Site Location:



Source: Nearmap



Community Development Department

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

Dear Jackson B. Reynolds,

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

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

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

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

Thank you.



Community Development Department

Decision and Record of Action

Tuesday, October 17, 2023

The New Albany Planning Commission took the following action on Monday, October 16, 2023 .

Final Development Plan Modification

Location: 2650 Harrison Road

Applicant: Jackson B. Reynolds

Application: ZC-90-2023

Request: To rezone approximately 84.736 acres

Motion: To approve with conditions

Commission Vote: Motion to approve with conditions, 5-0

Result: Rezoning, ZC-90-2023, was approved with conditions, by a vote of 5-0.

Recorded in the Official Journal this Tuesday, October 17, 2023.

Condition(s) of Approval:
See attached page three
of three.

Staff Certification:

Chelsea Nichols

Chelsea Nichols
Planner



Community Development Department

Conditions of Approval

1. The zoning text be revised to require the property owner to grant easements adjacent to the right-of-way in order to install and maintain streetscape improvements and/or utilities.
2. The proposed right-of-way widths and easement requirements are to be sufficient to accommodate the city street capital improvement projects;
3. The zoning text be revised to require building color palettes be simple and unobtrusive and that buildings shall avoid overly bright or jarring colors;
4. The zoning text be revised to require the Beech Road North Landscape Plan apply to both Jug Street and Harrison Road;
5. The zoning text be revised to state that a standard New Albany white four-board horse fence shall be required to be provided within the public right-of-way;
6. The zoning text be revised to state all security fencing shall be black decorative Ameristar fencing or black vinyl coated chain link fencing, or similar subject to review and approval of the city landscape architect; and
7. The zoning text be revised to state all new utilities, with the exception of transmission line for electric, installed solely to serve this zoning district shall be installed underground.



**Planning Commission Staff Report
October 16, 2023 Meeting**

**BRISCOE PARKWAY PHASE 1
FINAL PLAT**

LOCATION: Generally located between Horizon Court and Harrison Road (PIDs: 095-111756-00.010, 095-111756-00.011, 095-111756-00.013, and 095-111756-00.000)

APPLICANT: City of New Albany

REQUEST: Final Plat

ZONING: Limited General Employment (L-GE) and Technology Manufacturing District (TMD)

STRATEGIC PLAN: Employment Center

APPLICATION: FPL-94-2023

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

Staff report completed by Stephen Mayer, Planning Manager

I. REQUEST AND BACKGROUND

The application is for a final plat for Briscoe Parkway public street dedication and easements phase 1 located between Horizon Court and Harrison Road in Licking County. This new street provides additional connections within the New Albany International Business Park for existing and future development sites.

The Planning Commission approved a preliminary plat (PP-43-2023) for this public street on April 17, 2023, with a condition that the road alignment be such that the 25-foot easement be 50 feet from the centerline of Blacklick Creek. The final plats meet the condition by providing a minimum of 50 feet of separation from the easement to the creek's centerline.

II. SITE DESCRIPTION & USE

The proposed right-of-way dedication connects Horizon Court to Harrison Road and ultimately Clover Valley Road. The property being dedicated and all of the adjacent property to the street is zoned L-GE permitting commercial uses such as office, distribution, manufacturing and production, and warehousing uses.

III. PLAN REVIEW

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

1. This plat dedicates right-of-way to the City of New Albany for phase 1 of a new public street named Briscoe Parkway. The dedication extension consists of approximately 3,033 +/- linear feet of a new public street totaling approximately 4.152 +/- acres. There are no reserves being platted or lots being created within this new right-of-way extension.
2. This is the first of two phases for a new 6,042 linear foot long east/west public street connecting Horizon Court, Harrison Road and Clover Valley Road in Licking County. The phase 2 final plat is also on the October 16, 2023 Planning Commission agenda.
3. The plat dedicates 60 feet of right-of-way. The plat includes a 25 foot wide utility and streetscape easement on both sides of the street.

4. The street extends through the Jug Street North zoning district, the proposed Harrison Road Triangle zoning district, and Technology Manufacturing zoning district.
5. Based on the roadway typologies in the immediate area, this proposed roadway is best classified as a Business Park road character classification as described in the Engage New Albany Strategic Plan. The new street is designed to accommodate heavier traffic traveling into the business park. The 60 feet of right-of-way, coupled with the proposed 25 foot wide easements on each side is consistent with a 67-foot to 115-foot range recommendation in the Engage New Albany Strategic Plan.

IV. ENGINEER'S COMMENTS

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

V. RECOMMENDATION

Basis for Approval:

The proposed street plat is consistent with the approved preliminary plat alignment and condition of approval. It meets the goals and objectives found in the Engage New Albany strategic plan for this area. One of the mobility goals within the Engage New Albany strategic plan is to maximize the connectivity and safety of New Albany's network. One of the plan's priorities is to distribute traffic throughout the roadway network. This street serves as an additional connection within the New Albany Business Park and provides access to existing and future development sites. This connection results in Horizon Court no longer being a cul-de-sac and connects that portion of the business park to the supplier park.

VI. ACTION

Suggested Motion for FPL-94-2023 (additional conditions may be added):

Move to recommend approval of application FPL-94-2023.

Approximate Street Location Shown in Red and Phase 1 Limits Outlined in Yellow:





Community Development Department

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

Dear Director Chrysler,

Attached is the Record of Action for your recent application that was heard by the New Albany Planning Commission. 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 permit and/or zoning permit is required before any work can be performed. For more information on the permitting process, please contact the Community Development Department.

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

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

Thank you.



Community Development Department

Decision and Record of Action

Tuesday, November 7, 2023

The New Albany Planning Commission took the following action on 10/16/2023.

Final Plat

Location: FPL-94-2023

Applicant: City of New Albany

Application: FPL-94-2023

Request: Final Plat for Briscoe Parkway public street dedication and easements phase I located between Horizon Court and Harrison Road in Licking County.

Motion: To approve.

Commission Vote: Motion Granted 5-0.

Result: Final Plat, FPL-94-2023, was granted by a vote of 5-0.

Recorded in the Official Journal this November 7, 2023.

Staff Certification:

Chris Christian

Chris Christian
Planner II



**Planning Commission Staff Report
October 16, 2023 Meeting**

**BRISCOE PARKWAY PHASE 2
FINAL PLAT**

LOCATION: Generally located between Horizon Court and Harrison Road (PIDs: 095-111756-00.010, 095-111756-00.011, 095-111756-00.013, and 095-111756-00.000)
APPLICANT: City of New Albany
REQUEST: Final Plat
ZONING: Limited General Employment (L-GE) and Technology Manufacturing District (TMD)
STRATEGIC PLAN: Employment Center
APPLICATION: FPL-94-2023

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

Staff report completed by Stephen Mayer, Planning Manager

I. REQUEST AND BACKGROUND

The application is for a final plat for Briscoe Parkway public street dedication and easements phase 2 located between Harrison Road and Clover Valley Road in Licking County. This new street provides additional connections within the New Albany International Business Park for existing and future development sites.

The Planning Commission approved a preliminary plat (PP-43-2023) for this public street on April 17, 2023, with a condition that the road alignment be such that the 25-foot easement be 50 feet from the centerline of Blacklick Creek. The final plats meet the condition by providing a minimum of 50 feet of separation from the easement to the creek's centerline.

II. SITE DESCRIPTION & USE

The proposed right-of-way dedication connects Harrison Road to Clover Valley Road. The property being dedicated and all of the adjacent property to the street is zoned L-GE and TMD permitting commercial uses such as office, distribution, manufacturing and production, and warehousing uses.

III. PLAN REVIEW

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

1. This plat dedicates right-of-way to the City of New Albany for phase 2 of a new public street named Briscoe Parkway. The dedication extension consists of approximately 3,009 +/- linear feet of a new public street totaling approximately 4.259 +/- acres. There are no reserves being platted or lots being created within this new right-of-way extension.
2. This is the second of two phases for a new 6,042 linearly foot long east/west public street connecting Horizon Court, Harrison Road and Clover Valley Road in Licking County. The phase 1 final plat is also on the October 16, 2023 Planning Commission agenda.
3. The plat dedicates 60 feet of right-of-way. The plat includes a 25 foot wide utility and streetscape easement on both sides of the street.

4. The street extends through the Jug Street North zoning district, the proposed Harrison Road Triangle zoning district, and Technology Manufacturing zoning district.
5. Based on the roadway typologies in the immediate area, this proposed roadway is best classified as a Business Park road character classification as described in the Engage New Albany Strategic Plan. The new street is designed to accommodate heavier traffic traveling into the business park. The 60 feet of right-of-way, coupled with the proposed 25 foot wide easements on each side is consistent with a 67-foot to 115-foot range recommendation in the Engage New Albany Strategic Plan.

IV. ENGINEER'S COMMENTS

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

V. RECOMMENDATION

Basis for Approval:

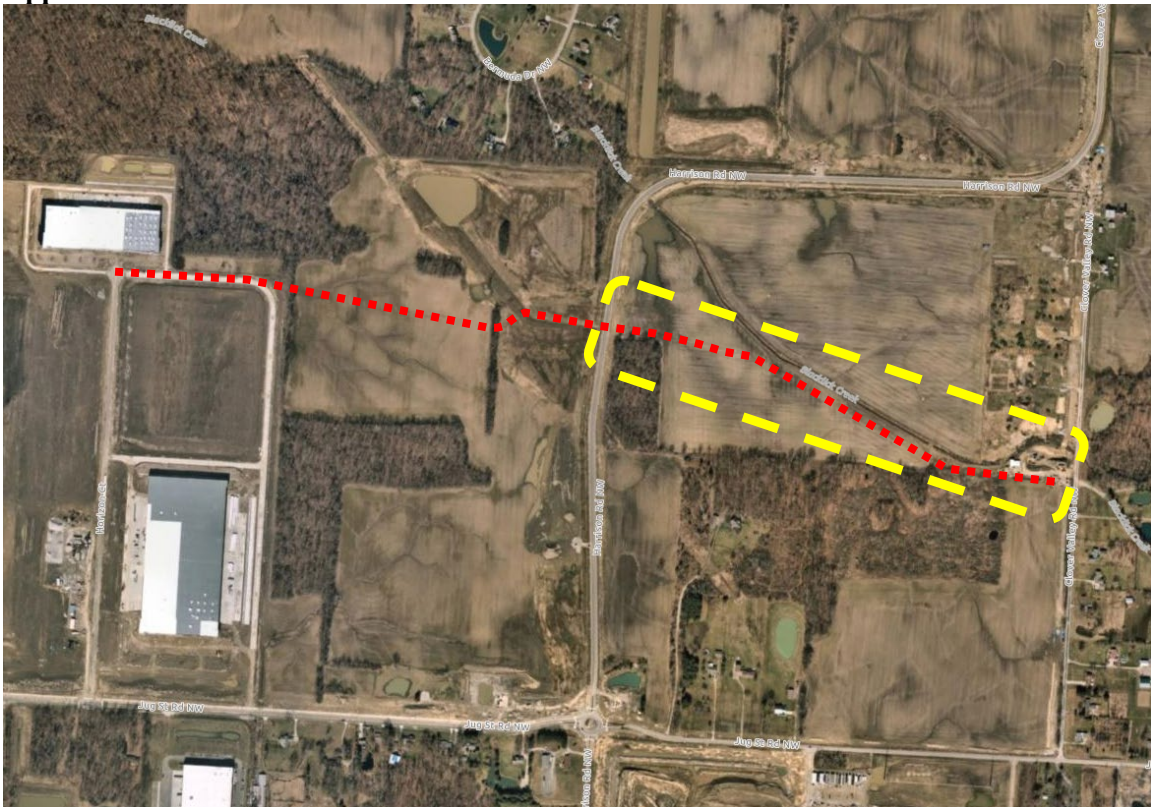
The proposed street plat is consistent with the approved preliminary plat alignment and condition of approval. It meets the goals and objectives found in the Engage New Albany strategic plan for this area. One of the mobility goals within the Engage New Albany strategic plan is to maximize the connectivity and safety of New Albany's network. One of the plan's priorities is to distribute traffic throughout the roadway network. This street serves as an additional connection within the New Albany Business Park and provides access to existing and future development sites. This connection results in Horizon Court no longer being a cul-de-sac and connects that portion of the business park to the supplier park.

VI. ACTION

Suggested Motion for FPL-95-2023 (additional conditions may be added):

Move to recommend approval of application FPL-95-2023.

Approximate Street Location Shown in Red and Phase 2 Limits Outlined in Yellow:





Community Development Department

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

Dear Director Chrysler,

Attached is the Record of Action for your recent application that was heard by the New Albany Planning Commission. 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 permit and/or zoning permit is required before any work can be performed. For more information on the permitting process, please contact the Community Development Department.

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

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

Thank you.



Community Development Department

Decision and Record of Action

Tuesday, November 7, 2023

The New Albany Planning Commission took the following action on 10/16/2023.

Final Plat

Location: FPL-95-2023

Applicant: City of New Albany

Application: FPL-95-2023

Request: Final Plat for Briscoe Parkway public street dedication and easements phase II located between Harrison Road and Clover Valley Road in Licking County.

Motion: To approve.

Commission Vote: Motion Granted 5-0.

Result: Final Plat, FPL-95-2023, was granted by a vote of 5-0.

Recorded in the Official Journal this November 7, 2023.

Staff Certification:

Chris Christian

Chris Christian
Planner II