



New Albany Planning Commission
Monday, June 3, 2024 Meeting Minutes - Approved

I. Call to order

The New Albany Planning Commission held an informal meeting on Monday June 3, 2024 in the New Albany Village Hall.

II. Roll call

Those answering roll call:

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

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

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

III. Action on minutes:

Chair Kirby asked if there were any corrections to the May 6, 2024 meeting minutes.

Chair Kirby noted there was a typo and he also had a question. On page three, in a comment attributed to him that the word “that” should be the word “this.” He further noted that in that same series of comments, Law Director Albrecht indicated he would look into whether the minor residential subdivision could be required to join a community authority or home owners’ association, and asked whether he had done so. Law Director Albrecht and Planner II Christian responded yes they had and in this case, it was not an applicable issue because the community reinvestment agreement has expired.

Commissioner Wallace also noted that in comments attributed to him on page six there was an extra “that.”

Hearing no further corrections, Commissioner Wallace moved for approval of the May 6, 2024 meeting minutes as corrected. Chair Kirby seconded the motion, and asked whether there was any discussion on the motion. Hearing none, he asked to hear the roll.

Upon roll call: Mr. Wallace yes, Mr. Kirby yes, Mr. Schell yes, Mr. Larsen yes. Having four yes votes, the motion passed and the May 6, 2024 meeting minutes were approved as corrected.

Chair Kirby asked if there were any corrections to the May 20, 2024 meeting minutes.

Commissioner Wallace had the following corrections: on page three in the middle of the page the word versus was misspelled, and the word iphone was misspelled; page five the word report was misspelled; page seven in the comments attributed to Commissioner Wallace the language should be corrected to state, “because what he thought he was hearing...”

Hearing no further corrections, Commissioner Wallace moved for approval of the May 20, 2024 minutes as corrected. 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, Mr. Kirby yes. Having four yes votes, the motion passed and the May 20, 2024 meeting minutes were approved as corrected.

IV. Additions or corrections to the agenda

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

Planning Manager Mayer answered none from staff.

Chair Kirby administered the oath to all present who planned to speak regarding an application on the agenda. He further advised all present that now would be a good time to silence cell phones.

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

Chair Kirby asked whether there were any visitors present who wished to speak on an item not on the agenda.

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

VI. Cases:

FDP-22-2024 Final Development Plan

Final development plan to allow for construction of a 2,600 square foot Panda Express restaurant with drive-through on 1.332 acres located generally near the southeast corner of US-62 and Smiths Mill Road (PID: 222-005377).

Applicant: Panda Restaurant Group, c/o Josh Hibbits

Planner II Christian presented the three applications, FDP-22-2024, CU-24-2024, and VAR-25-2024 related to the Panda Express in a single presentation.

Commissioner Schell asked for clarification of the flow and circulation around the restaurant.

Planner II Christian responded that he would let the applicant speak to that.

Chair Kirby asked to hear from the applicant.

Applicant Mike McPherson explained this was a one-two drive through configuration. A single entry into the drive through, it would remain a single lane when traffic was light. When the restaurant was busy, they would use two lanes, and during maximum business they would also supplement drive-through service with workers circulating on foot. Mr. McPherson thanked staff and stated that they have no issue with extending the landscaping on drive-through lane, but they were requesting flexibility regarding the turn lane on Woodcrest Way. The curb being pulled back on Woodcrest Way was intentional so that drivers would have extra swing room.

Chair Kirby asked whether that was one of the conditions of approval.

Planner II Christian responded yes and explained that the city's landscape architect had recommended that the curb cut at the drive-through entrance be reduced and the island and greenery be expanded into the driveway.

Chair Kirby noted that it is condition 1C.

Planner II Christian agreed.

Mr. McPherson stated that he would ask for flexibility for us to work with staff on that particular condition. And the final item was that he would request flexibility to work with staff on the door on the front. They are willing to come up with a design that is acceptable to staff.

Chair Kirby noted that this is part B of the variance, and addressed the Johnstown Road elevation, and could be made subject to staff approval.

Mr. McPherson stated that he had read all of the conditions and had no issues other than the requests for flexibility.

Chair Kirby noted that no one from the public was present to address the commission on the application and asked for questions from the commission.

Commissioner Larsen asked whether are there any concerns that parking will decrease with adjustment of the drive aisle.

Mr. McPherson responded no, there was room to pull forward and wait for food if needed and that there could be parking in the front of the restaurant. He further noted that the credit union needs to agree to move the drive.

Commissioner Wallace noted for staff and for the applicant, when the engineer comments are cross-referenced with the staff report on page 8, it is unclear whether they lined up. But it may not be a big deal if the applicant agrees to all of the engineer's comments on page 8.

Mr. McPherson confirmed that he had a copy of the engineer's comments and he had no problem with any of the comments.

Commissioner Wallace clarified that the commission only needed to vote on Variance B, not A, and there are two aspects to B. Thus it seemed that the commission should vote on the two subparts separately.

Chair Kirby noted that B discussed the active and operable front doors. Thus Woodcrest Way gets the variance and the applicant will work with staff on the active and operable door and design features on Johnstown Road. Johnstown Road would be subject to staff approval.

Planning Manager Mayer recommended a motion for approval for both but the Johnstown Road would be subject to staff approval.

Chair Kirby asked for other questions and comments.

Commissioner Wallace stated he had no further questions.

Chair Kirby asked whether the commission needed to specify dependency of the applications. He noted that usually it was the variances but here there was not the normal strong tie.

Planning Manager Mayer responded that normally the commission would take separate votes.

Chair Kirby moved for acceptance of the staff reports and related documents into the record for FDP-22-2024. 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. Wallace yes, Mr. Schell yes. Having four yes votes, the motion passed and the staff reports and related documents were accepted into the record for FDP-22-2024.

Chair Kirby moved to approve FDP-22-2024 based on the findings in the staff report and subject to the conditions listed in the staff report with the following modifications, subject to staff approval:

- 1C has to be worked with staff
- Condition 6 is expanded to include all engineering comments on page 8.

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, Mr. Schell yes. Having four yes votes, the motion passed and FDP-22-2024 was approved subject to conditions.

CU-24-2024 Conditional Use

Request for a conditional use permit to operate a drive-through use associated with a Panda Express restaurant located generally near the southeast corner of US-62 and Smiths Mill Road (PID: 222-005377).

Applicant: Panda Restaurant Group, c/o Josh Hibbits

Chair Kirby moved to admit the staff reports and related documents into the record for CU-24-2024. 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. Schell yes, Mr. Wallace yes. Having four yes votes, the motion passed and the staff reports and related documents were admitted into the record for CU-24-2024.

Commissioner Wallace moved for approval of CU-24-2024 based on the findings in the staff report with the single condition listed in the staff report, subject to staff approval. Commissioner Schell seconded the motion.

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

Upon roll call: Mr. Wallace yes, Mr. Schell yes, Mr. Kirby yes, Mr. Larsen yes. Having four yes votes, the motion passed and CU-24-2024 was approved with the condition as listed in the staff report.

VAR-25-2024 Variances

Variances to the number of active and operable doors and signage associated with a final development plan application for a Panda Express development generally near the southeast corner of US-62 and Smith’s Mill Road (PID: 222-005377).

Applicant: Panda Restaurant Group, c/o Josh Hibbits

Chair Kirby moved to accept the staff reports and related documents into the record for VAR-25-2024. 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. Kirby yes, Mr. Larsen yes, Mr. Wallace yes, Mr. Schell yes. Having four yes votes, the motion passed and the staff reports and related documents were admitted into the record for VAR-25-2024.

Chair Kirby moved for approval of VAR-25-2024(B), this does not include part (A), noting that the variance applies to Woodcrest Way and may apply to Johnstown Road with a clear sensitivity to the Johnstown Road elevation. 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. Having four yes votes, the motion passed and VAR-25-2024(B) was approved noting that it applies to Woodcrest Way and may apply to Johnstown Road subject to staff approval with a clear sensitivity to the Johnstown Road elevation.

The commission wished the applicant good luck.

VII. Other business

1. City Code Amendment: Infrastructure Acceptance and C.O. 1187 Subdivision Regulations

Planning Manager Mayer stated that there were no substantive changes since the first presentation. He recapped the presentation from the May 6, 2024 meeting. This was a change to how infrastructure is accepted.

Commissioner Larsen asked about minimum of 150 of street frontage, but could not find it in the text.

Planning Manager Mayer explained that those regulations would be on a lot by lot basis and would be found in the zoning text for that specific parcel.

Chair Kirby added that those regulations are built into the zoning development standards.

Planning Manager Mayer agreed and added that the city was adding a new tool for property owners to split their lots.

Commissioner Wallace made comments about the language. In the definition section, the last clause states that it does not involve new or widening or the extension of a new street. But when the language was separated, it became confusing. Same thing with the definition of subdivision, it suffers from the same lack of clarity. When we get to 1187.23, widening is missing, and asked whether it should be there for consistency.

Planning Manager Mayer responded that those were great comments. The city wanted to include that it does not involve the creation of new streets, however staff would remove the language referring to widening.

Commissioner Wallace further noted that in 1187.03 on approval of preliminary plat, the red lines were slightly in a different color and wondered about the deletion and why it was deleted.

Planner II Christian responded that there was no significance to the difference in colors. Several staff members were working on this project.

Commissioner Wallace said, okay, that he just wanted to be sure it had no significance. Next he noted a couple of references to subdivider and wondered whether subdivider should be included in the definition section.

Planning Manager Mayer staff would certainly take a look at a definition of subdivider, and add a condition.

Commissioner Wallace added that another way to look at it is “A person looking to subdivide...”

Commissioner Schell moved for approval of 1187 subject to Commissioner Wallace’s concern about defining subdivider and the other concerns raised by Commissioner Wallace. 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. Schell yes, Mr. Wallace yes, Mr. Larsen yes, Mr. Kirby yes. Having four votes the motion passed subject to the concerns as raised by Commissioner Wallace.

2. Urban Center Code Amendment: Parkland and Open Space Requirements

Planner II Christian delivered the staff report. The word “amenitized” has been replaced with the word programmed.

Planning Manager Mayer added that staff did not view this as a code change but rather a code clarifier to be sure that the intent is clear.

Commissioner Larsen noted that section 1.1.5 specified 1200 feet of open space or parkland wondered whether a minimum size for programming should be included.

Chair Kirby stated that he thought the sizes are on the map and this provided more flexibility.

Planning Manager Mayer agreed that leaving it open provided staff greater flexibility.

Commissioner Wallace stated having looked at this language, should we include language specifying that it should be programmed for the needs of the residents, and wondered whether the city as a whole should be included.

Planning Manager Mayer agreed that such an inclusion made sense.

Commissioner Wallace moved for adoption of the Urban Center Code Amendment with the modification that, “and the city as a whole” should be inserted after the word “residents.” 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: Mr. Wallace yes, Mr. Kirby yes, Mr. Schell yes, Mr. Larsen yes. Having four yes votes the amendment was adopted as modified.

VIII. Poll members for comment and Adjournment

Chair Kirby polled the members for comment.

Planner II Christian updated the commission on the US-62 Interchange Program.

Having no further business, Chair Kirby adjourned the June 3, 2024 New Albany Planning Commission meeting at 7:58 p.m.

Submitted by Deputy Clerk Madriguera, Esq.

Appendix

FDP-22-2024

Staff Report

Record of Action

CU-24-2024

Staff Report

Record of Action

VAR-25-2024(B)

Staff Report

Record of Action

Community Development Department Memo Re: Chapter 1187 Subdivision Process and Minor Residential Subdivision Updates.

Community Development Department Memo Re: Urban Center Code Amendment: Village Center and Parkland Open Space Requirements.



**Planning Commission Staff Report
June 3, 2024 Meeting**

**PANDA EXPRESS
FINAL DEVELOPMENT PLAN**

LOCATION: Located generally at the southeast corner of Smith’s Mill Road and Johnstown Road (US-62) (PID: 222-005377)
APPLICANT: Panda Restaurant Group, c/o Josh Hibbits
REQUEST: Final Development Plan
ZONING: Infill Planned Unit Development (I-PUD): Canini Trust Corp, subarea 8a
STRATEGIC PLAN: Retail
APPLICATION: FDP-22-2024

Review based on: Application materials received April 19, 2024 and May 10, 2024

Staff report prepared by Sierra Saumenig, Planner

I. REQUEST AND BACKGROUND

The application is for a final development plan for a proposed Panda Express located at the southeast corner of Smith’s Mill Road and Johnstown Road, within the Canini Trust Corp. The development includes a fast food restaurant with two drive-throughs on a 1.36-acre site.

The zoning text allows Office buildings and the permitted uses contained in the Codified Ordinances of the Village of New Albany, OCD Office Campus District, Section 1144.02 and C-2, Commercial District, Section 1147.02, and the conditional uses contained in Section 1147.02, which includes restaurants and banks with drive-through facilities. The applicant has applied for a conditional use to be heard by the Planning Commission at tonight’s meeting under case CU-24-2024 for the drive-through.

The applicant is also applying for two variances related to this final development plan under application VAR-25-2024. Information and evaluation of the variance requests are under a separate staff report.

II. SITE DESCRIPTION & USE

The 1.36-acre site is located at the southeast corner of Smith’s Mill Road and Johnstown Road, within the Canini Trust Corp. Some of the existing surrounding uses include Home2Suites, Turkey Hill gas station, as well as Dunkin’ Donuts which also has a drive-through facility.

III. EVALUATION

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

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

- a. *That the proposed development is consistent in all respects with the purpose, intent and applicable standards of the Zoning Code;*
- b. *That the proposed development is in general conformity with the Strategic Plan/Rocky Fork-Blacklick Accord or portion thereof as it may apply;*

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

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

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

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

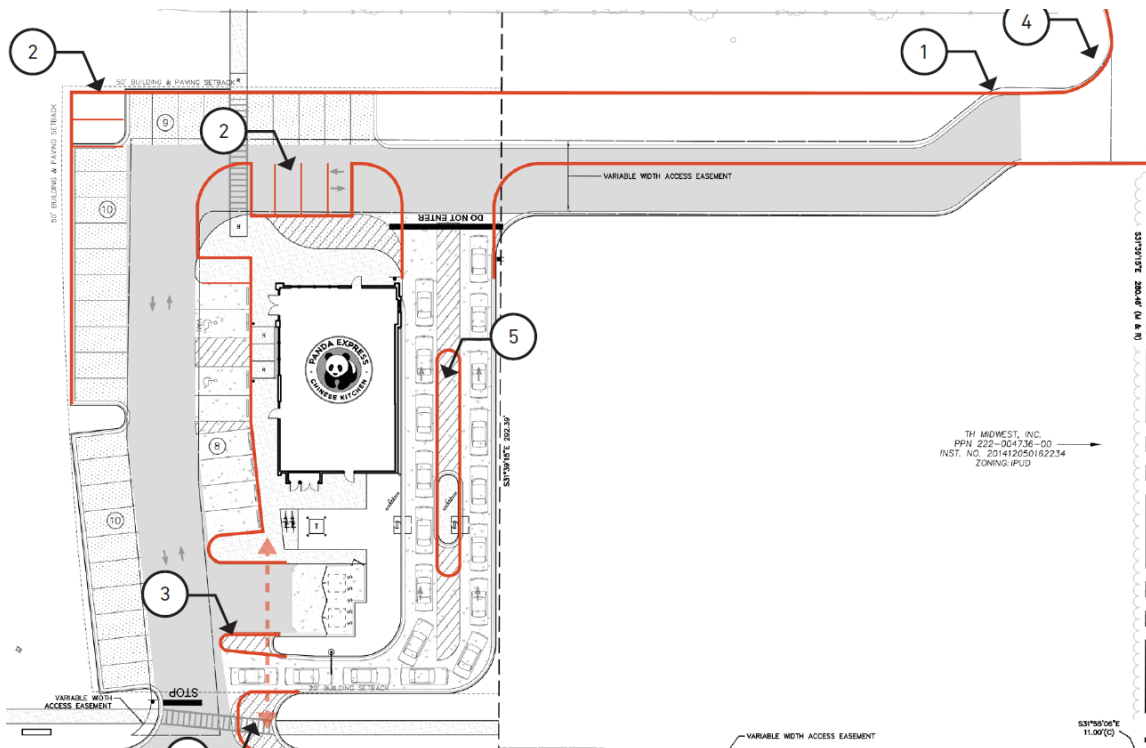
A. Use, Site and Layout

1. The applicant proposes to develop a 2,600 sq. ft. Panda Express restaurant with two drive-through lanes. The existing total site size is 1.36-acres.
2. Drive-throughs associated with restaurant facilities are a conditional use within this zoning district and the applicant has applied for this conditional use to be heard by the Planning Commission at tonight’s meeting under case CU-24-2024.
3. The proposed use is appropriate given the proximity of this site to State Route 161 and the surrounding commercial development surrounding this site. Some of the existing surrounding uses include Home2Suites, Turkey Hill gas station, as well as Dunkin’ Donuts which also has a drive-through facility.
4. The City Landscape Architect evaluated the proposed drive-through and recommends that the applicant extend the drive-through lane median to reduce pavement and extend the landscaping planting zone. Staff recommends this is a conditional of approval.
5. Zoning text section 8a.01(7) requires that the total lot coverage, which includes areas of pavement and building, to not exceed 80%. The plan meets this requirement with a proposed 40.14% lot coverage amount.
6. The zoning text section 8a.01 requires the following setbacks:

Road	Requirement	Proposed
Smith’s Mill Road	50-foot building and pavement setback	50+/- foot pavement [meets code] <u>111+/- building [meets code]</u>
Woodcrest Way	20-foot building pavement setback	20+/- foot pavement [meets code]
Johnstown Road	50-foot building and pavement	50+/- foot pavement [meets code] 110+/- foot building [meets code]
Rear Yard	0-foot building and pavement setback	5-foot pavement [meets code] 107+/- foot building [meets code]

B. Access, Loading, Parking

1. The site is accessed from two proposed curb cuts:
 - a. One full access along Woodcrest Way;
 - b. One existing full access, shared curb cut on Johnstown Road;
 - o The shared drive alignment is skewed. The City Landscape Architect has reviewed the proposed alignment of the shared drive to the north and recommends that the developer realign the access drive adjacent to Johnstown Road to remove the bend/skew to create a consistent transition from the existing drive at the neighboring parcel as depicted below by the “1” circle. Staff recommends this is a condition of approval.



2. The zoning text encourages shared access drives between sites by allowing for zero pavement setbacks and by including a provision stating that where appropriate shared access and joint parking agreements between adjacent parcels may be required by the Village Development Director. Historically, the city staff and Planning Commission have encouraged shared curb cuts and connecting drive aisles between sites. The proposed site does establish a drive aisle for shared access with the property to the east of the site.
 - o The City Landscape Architect, in addition to realigning the shared drive, also recommends that the proposed parking be realigned to follow the building and pavement setback with the shifted access drive, and accommodate minimum parking requirements. Staff recommends this is a condition of approval.
3. The building is surrounded by the parking lot, two drive-through lanes and internal drive aisles. The drive-through appears to be appropriately positioned on the site where it does not interfere with traffic on the rest of the site and will not cause traffic to back up onto public roads.
4. Codified Ordinance 1167.05(d)(4) requires a minimum of one parking space for every 75 square feet of restaurant floor area space. The building is 2,600 square feet in size therefore 35 parking spaces are required and the applicant meets this requirement with 37 proposed spaces.
5. Additionally, the city parking code requires a minimum number of stacking spaces in the drive thru lane must be provided. The required number of drive-through stacking spaces must equal 25% of the total required parking spaces for the drive-through tenant space. Based on this calculation, 9 stacking spaces total must be provided and the applicant exceeds this requirement by providing 19.
6. Per C.O. 1167.03(a), the minimum parking space dimensions required are 9 feet wide and 19 feet long and this requirement is met.
7. Per C.O. 1167.03(a) the minimum maneuvering lane width size is 22 feet for this development type and this requirement is met.
8. A 5-foot-wide concrete sidewalk is not required to be installed along the Woodcrest Way site frontage per the Woodcrest Way Extension plans. However, staff recommends a sidewalk connection from the Smith’s Mill road leisure trail to the site’s proposed curb cut.

C. Architectural Standards

1. The purpose of the New Albany Design Guidelines and Requirements is to help ensure that the New Albany community enjoys the highest possible quality of architectural design.
2. The zoning text contains architectural standards and is regulated by Section 6 of the Design Guidelines and Requirements (Commercial outside the Village Center).
3. The zoning text states that the maximum building height within this zoning district shall not exceed 45 feet. The proposed building height is 22.5 feet; therefore, this requirement is being met.
4. The applicant proposes to use brick for the majority of the building. The proposal also includes stucco and smooth limestone for the trim. The zoning text permits the use of these materials such as brick, pre-cast stone, wood, glass and other synthetic materials are permitted as long as they are used appropriately. The design of the building and use of materials is appropriate and consistent with other buildings in the immediate area.
5. Zoning text section 8a.03(1) states that all visible elevations of a building shall receive similar treatment in style, materials and design so that no visible side is of a lesser visual character than any other. The applicant is accomplishing this requirement by utilizing four-sided architecture.
6. DGR Section 6(I)(A)(12) states that buildings shall have operable and active front doors along all public and private roads. The applicant is not providing an active and operable door along Woodcrest Way (private drive) and Johnstown Road frontages. A variance has been requested related to this under application VAR-25-2024. Information and evaluation of the variance request is under a separate staff report.
7. Zoning text section 8a.05(3) requires that trash receptacles and exterior storage areas be fully screened from public roads. The applicant meets this requirement by providing a dumpster enclosure and landscaping around three sides of the enclosure.
8. C.O. 1171.05(b) also states that all trash and garbage container systems must be screened. The applicant proposes to install a dumpster enclosure thereby meeting this requirement.
9. A roof plan was submitted and demonstrates that all rooftop mechanical equipment will be fully screened from all public roads.
10. Zoning text section 8a.03(3)(b) states that if a flat roof is used, strong cornice lines must be integrated and the applicant is meeting this.

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

2. Parking Lot Landscaping Requirement:
 - Codified Ordinance 1171.06(a)(3) requires one tree per 10 parking spaces. The applicant is providing 37 parking spaces thereby requiring four trees. The plan meets this requirement.
 - Per zoning text 8a.04(4)(a), parking lots shall be screened from rights-of-way with a minimum 36-inch-high evergreen landscape hedge or wall. The landscape plan meets this requirement with the proposed 36-inch-high evergreen landscape hedge.
3. General Site Landscaping Requirement:
 - Codified Ordinance 1171(5)(e) requires parking lots over 20,000 square feet to have a minimum of one tree per 5,000 square feet of ground coverage and a total tree planting equal to 10.5 in tree trunk size for every 2,000 square feet of ground coverage. The applicant states that the parking lot is approximately 23,375 sq. ft and the building is approximately 2,600 sq. ft, requiring 5 trees at 11.5" total caliber (CAL). The applicant proposes to provide 5 trees at 11.5" total CAL, meeting the requirement.
4. Street Tree Landscaping Requirement:
 - The zoning text section 8a.04(2) requires street trees to be planted along Smith's Mill Road and Johnstown Road at a rate of one tree for every 30 feet. There are existing street trees along both of these roadways and the applicant proposes to install additional trees to meet this requirement.
 - The applicant is required to install trees along Woodcrest Way per the approved Woodcrest Way final development plan (FDP-69-2014). The Woodcrest Way final

development plan requires the trees along private drives to be red sunset maple. This requirement is met.

- The Woodcrest Way final development plan requires the site plan and landscape plan to include a 5' wide tree lawn on the outside of the 5' wide sidewalk along Woodcrest Way. The plan meets this requirement.
5. US 62/Johnstown Road Buffer Landscaping Requirement:
 - Zoning text section 8a.04(5) requires that there be a minimum of eight (8) deciduous or ornamental trees per 100 lineal feet planted throughout the setback areas along Smith's Mill Road and Forest Drive. The proposed landscape plan shows 15 trees required for Smith's Mill Road and the plan meets this requirement. Additionally, 22 trees are required for Johnstown Road and the plan meets this requirement.
 6. The zoning text requires a minimum of 8% interior parking lot landscaping on the site. The landscape plan meets this requirement.
 7. The applicant proposes to use ornamental trees for buffer trees that are required per code. The plan also proposes that the buffer ornamental trees be planted at 2.5" CAL. This requirement is met.
 8. The City Landscape Architect has reviewed the referenced plan in accordance with the landscaping requirements found in the New Albany Codified Ordinances and zoning text and provides the following comments. Staff recommends a condition of approval that all City Landscape Architect's comments are met at the time of engineering permits, subject to staff approval. The City Landscape Architect's comments are:
 - Update the planting legend and labels to properly reflect proposed plan material. Current plan symbols misrepresent deciduous shrubs along parking lot to be perennial grass.
 - Extend use of evergreen shrub, 36" in height, to screen drive-through.
 - Increase density of perennial grass at drive-through entrance.
 - Remove the use of rock beds along the drive-through and extend plant bed and material along the drive-through lanes to match existing condition present in other sites within New Albany.
 - Remove use of rock beds at edge of pavements and replace with lawn or mulched planting beds where applicable.
 - Include planting in proposed curb extensions.
 - Realign trees along Johnstown Road and Woodcrest Way as marked. Placement to be evenly spaces and aligned along both sections.
 - Replace use of Bald Cypress (*Taxodium Distichum*) along the parking lot with a deciduous shade tree. Recommend use of one of the following: *Liriodendron tulipifera*, *Nyssa sylvatica*, *Platanus x. acerfolia*, *Gymnocladus dioicus*. Tree placement should adhere to tree grouping standards.

E. Lighting & Signage

1. The applicant has submitted a photometric plan that shows the max foot-candles is 19.9:1 just at the rear of the building near the service entrance and the site has zero or near zero foot candles at the property lines.
2. Zoning text section 8a.05(e) and (f) requires all parking lot and private driveway light poles to be cut-off and downcast, not exceed 20 feet in height, painted New Albany Green and the use the same fixture that has been used at Dairy Queen and throughout the Canini Trust Corp. The applicant commits to meeting these requirements.
3. As part of this final development plan application, the applicant has submitted a sign plan for the site.

Wall Signs

Zoning text section 8a.06(3)(i) permits one wall mounted sign per retail tenant on each elevation of the building that fronts or sides on a public or private road. The proposed building faces three public streets or private drives, therefore permitting a maximum of three wall signs on the building. One square foot of sign face is permitted per each lineal

foot of the building, not to exceed 80 square feet in size. The applicant proposes the following wall signs.

Smith's Mill Road Elevation Wall Sign

- a. Area: 36 sq. ft. [meets code]
- b. Lettering Height: 5" tall [meet code, 24-inch maximum required]
- c. Location: one on the Smith's Mill building elevation [meets code]
- d. Lighting: non-illuminated [meets code]
- e. Relief: The signage plan does not indicate the thickness of the wall sign but the sign plan notes that the sign vendor will meet this criterion for final installation.
- f. Color: maximum of 3 colors [meets code]
- g. Materials: metal [meets code]

Johnstown Road Elevation Wall Sign

- a. Area: 34 sq. ft. per sign [meets code]
- b. Lettering Height: 24" tall [meet code, 24-inch maximum required]
- c. Location: on the Johnstown Road building elevation [meets code]
- d. Lighting: non-illumination [meets code]
- e. Relief: 3" [meets code, code minimum of 1-inch relief required]
- f. Color: maximum of 3 colors [meets code]
- g. Materials: metal [meets code]

Drive-Through Elevation Wall Sign

- a. Area: 36 sq. ft. [meets code]
- b. Lettering Height: 5" tall [meet code, 24-inch maximum required]
- c. Location: one on the drive-through elevation [does not meet code and a variance has been submitted under VAR-24-2024]
- d. Lighting: non-illuminated [meets code]
- e. Relief: The signage plan does not indicate the thickness of the wall sign but the sign plan notes that the sign vendor will meet this criterion for final installation.
- f. Color: maximum of 3 colors [meets code]
- g. Materials: metal [meets code]

4. The applicant proposes to install four drive-through menu board signs which is permitted per C.O. 1169.11(c). Two of the signs are 28 sq. ft while the two ordering board signs are 3.28 sq. ft. The maximum size permitted is 32 sq. ft. All four signs meet this requirement. The applicant proposes canopy art to go on the underside of the drive-through order canopies. C.O. 1169.12(b)(4) states that multiple sign types should avoid repeated functionality. Based on this requirement, city staff recommends a condition of approval that these be eliminated to avoid over-signing the site.
5. The applicant proposes to install one 11.5 tall "clearance" bar near the drive-through. The clearance bar does not contain any signage or a company logo.
6. The applicant proposes to install two monument signs on the site. The proposed monument sign along Smith's Mill Road is a multi-tenant sign while the monument sign along Johnstown Road is a single tenant sign. Both signs meet code however, staff recommends a condition of approval that both signs be multi-tenant and the sign fronting Johnstown Road should be relocated to be in the middle of the Panda Express site and the adjacent property.
7. The applicant proposes two directional ground mounted signs on site that will read "Do Not Enter" and "Thank You". They do not contain any product information or a company logo. The zoning text permits entry and exit signs on site but shall be limited to 3' in height and a maximum area of 3 sq. ft. The proposed directional signs are 3' in height but are 6 sq. ft. in size. A variance was not requested for the size of the directional signs. Staff recommends a condition of approval that the signs square footage be revised to meet the text standards.

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. Add the signature block shown on this exhibit and accompanying monumentation notes to the cover sheer of the referenced FDP.
2. Add a major flood routing arrow to the legend and show major flood routing in plan view.
3. In accordance with COC/DOSD requirement, revise the main line sanitary sewer diameter to 8 inches. Label this sewer as "Private".
4. Revise the data shown at the existing sanitary sewer connection point on sheet C05 in accordance with Exhibit B.
5. Please add a site distance triangle to sheet C06 at the stop bar and ensure that proposed landscaping features do not impede motorist view.
6. Please have a Professional Surveyor licensed in the state of Ohio stamp and seal the ALTA survey.
7. Obtain Community Development Department approval of the photometrics plan. The Max/Min uniformity ratio of almost 50:1 is much higher then we typically see.
8. Provide a fire truck turning analysis using the template for the 48' Plain Township fire truck.
9. We will evaluate storm water management, sanitary sewer collection and roadway construction related details once detailed construction plans become available

V. SUMMARY

The proposal meets many of the goals of the Engage New Albany Strategic Plan such as providing pedestrian access along roadways and into the site, as well as utilizing high quality building materials that are consistent with other buildings in the immediate area. The proposed development is in an appropriate location given the context of the surrounding area and will serve as an amenity for the New Albany Business Park.

V. ACTION

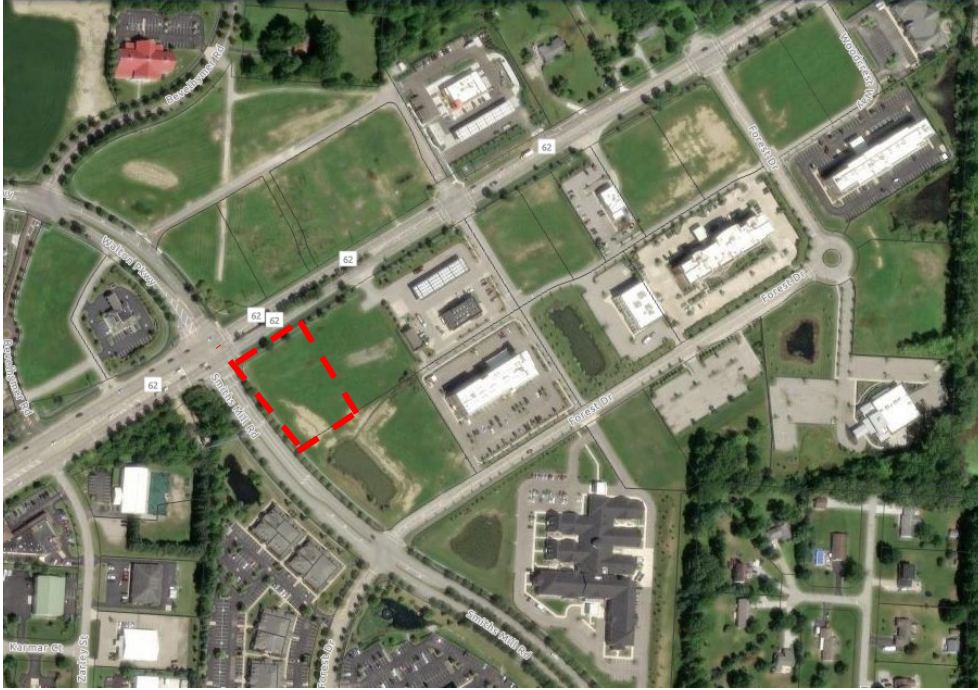
Should the Planning Commission find that the application has sufficient basis for approval, the following motions would be appropriate:

Move to approve final development plan application **FDP-22-2024**, subject to the following conditions:

1. The City Landscape Architect's comments must be addressed, subject to staff approval;
 - a. Realign the access drive adjacent to Johnstown Road to create a consistent transition from the existing drive at the neighboring parcel.
 - b. Realign the proposed parking to following the building and pavement setback with the shifted access drive, and accommodate minimum parking requirements.
 - c. Reevaluate curb alignment at the drive-through entrance and minimum pavement and striping conditions where possible.
 - d. Extend the drive-through lane median to reduce pavement and extent landscaping planting zone.
 - e. Update the planning legend and labels to properly reflect proposed plan material. Current plan symbols misrepresent deciduous shrubs along parking lot to be perennial grass.
 - f. Extend use of evergreen shrub, 36" in height, to screen of drive-through.
 - g. Increase density of perennial grass at drive-through entrance.
 - h. Remove the use of rock beds along the drive-through and extend plant bed and material along the drive-through lanes to match existing condition present in other sites within New Albany.

- i. Remove use of rock beds at edge of pavements and replace with lawn or mulched planting beds where applicable.
 - j. Include planting in proposed curb extensions.
 - k. Realign trees along Johnstown Road and Woodcrest Way as marked. Placement to be evenly spaces and aligned along both sections.
 - l. Replace use of Bald Cypress (*Taxodium Distichum*) along the parking lot with a deciduous shade tree. Recommend use of one of the following: *Liriodendron tulipifera*, *Nyssa sylvatica*, *Platanus x. acerfolia*, *Gymnocladus dioicus*. Tree placement should adhere to tree grouping standards.
2. That a sidewalk connection from the Smith's Mill road leisure trail to the site's proposed curb cut is installed.
 3. That the proposed canopy art on the underside of the drive-through order canopy be eliminated to avoid "over-signing."
 4. That both monument signs be multi-tenant and the sign fronting Johnstown Road should be relocated to be in the middle of the Panda Express site and the adjacent property.
 5. That the proposed directional ground mounted signs that read "Do Not Enter" and "Thank You" be revised to be 3 sq. ft.
 6. The City Engineer's comments must be addressed, subject to staff approval;
 - o Refer to Exhibit A. Revise the referenced FDP to include the signature block provided with Exhibit A and add the Monumentation note block and other note blocks highlighted on this exhibit.
 - o Identify cross access easement requirements with the parcel located to the east.
 - o Refer to Exhibit B. Add this fire truck template to sheet C3.1 and revise the turning radius analysis accordingly.
 - o Add a site distance triangle at the Woodcrest Way curb cut and adjust all landscape features so as not to obstruct motorist view.
 - o We will evaluate storm water management, water distribution, sanitary sewer collection and roadway construction related details once construction plans become available.

Approximate Site Location:



Source: Nearmap

Development Review

project name Panda Express
 prepared for City of New Albany
 date May 16, 2024
 date received April 29, 2024

COMMENTS

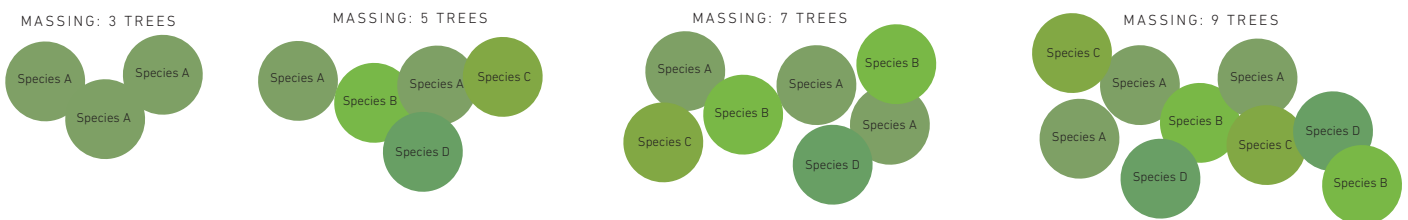
Site Plan

1. Realign the access drive adjacent Johnstown Road to create a consistent transition from the existing drive at the neighboring parcel. See diagram.
2. Realign the proposed parking to follow the building and pavement setback with the shifted access drive, and accommodate minimum parking requirements. See diagram.
3. Reevaluate curb alignment at drive-through entrance. Minimize pavement and striping conditions where possible. See diagram.
4. Consider a safe pedestrian connection into the site from the proposed sidewalk along Woodcrest Way. Recommend considering a future pedestrian connection from the drive at Johnstown Road to connect with the adjacent parcel.
5. Extend the drive-through lane median to reduce pavement and extend landscape planting zone. See diagram.

Planting Plan

6. Update planting legend and labels to properly reflect proposed plant material. Current plan symbols misrepresent deciduous shrubs along parking lot to be perennial grass. Resubmit updated plant list. See diagram.
7. Extend use of evergreen shrub, 36" in height, to screen end of drive-through. See diagram.
8. Increase density of perennial grass at drive-through entrance. See diagram.
9. Remove the use of rock beds along the drive-through. Extend plant bed and material along the drive-through lanes to match existing conditions present in other sites within New Albany.
10. Remove use of rock beds at edge of pavements. Replace with lawn or mulched planting beds where applicable. See diagram.
11. Include planting in proposed curb extensions. See diagram.
12. Realign trees along Johnstown Road and Woodcrest Way as marked. Placement to be evenly spaced and aligned along both sections. See diagram.
13. Replace use of Bald Cypress (*Taxodium Distichum*) along the parking lot with a deciduous shade tree. Recommend use of one of the following... *Liriodendron tulipifera*, *Nyssa sylvatica*, *Platanus x. acerfolia*, *Gymnocladus dioicus*. Tree placement should adhere to tree grouping standards seen below. Resubmit updated plant list. See diagram.

Tree Grouping Standards

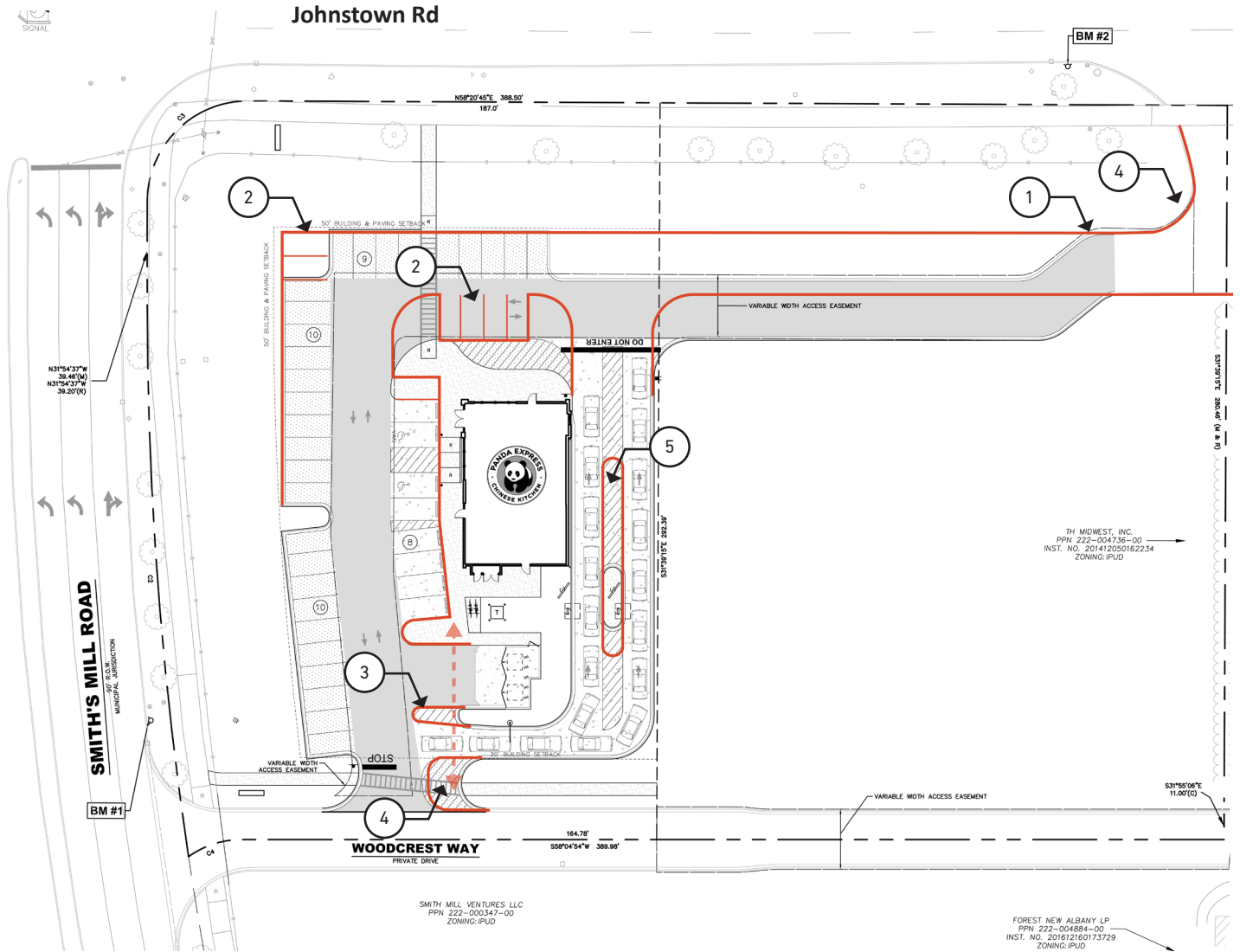


*NOTES:

The provided diagrams are for clarification and design intent purposes only. The diagram should be used to help illustrate the above comments. It is the responsibility of the design consultants to incorporate the above comments as it relates to the site and to adhere to all City requirements and subsequent code. The diagram may not be to scale.

Development Review

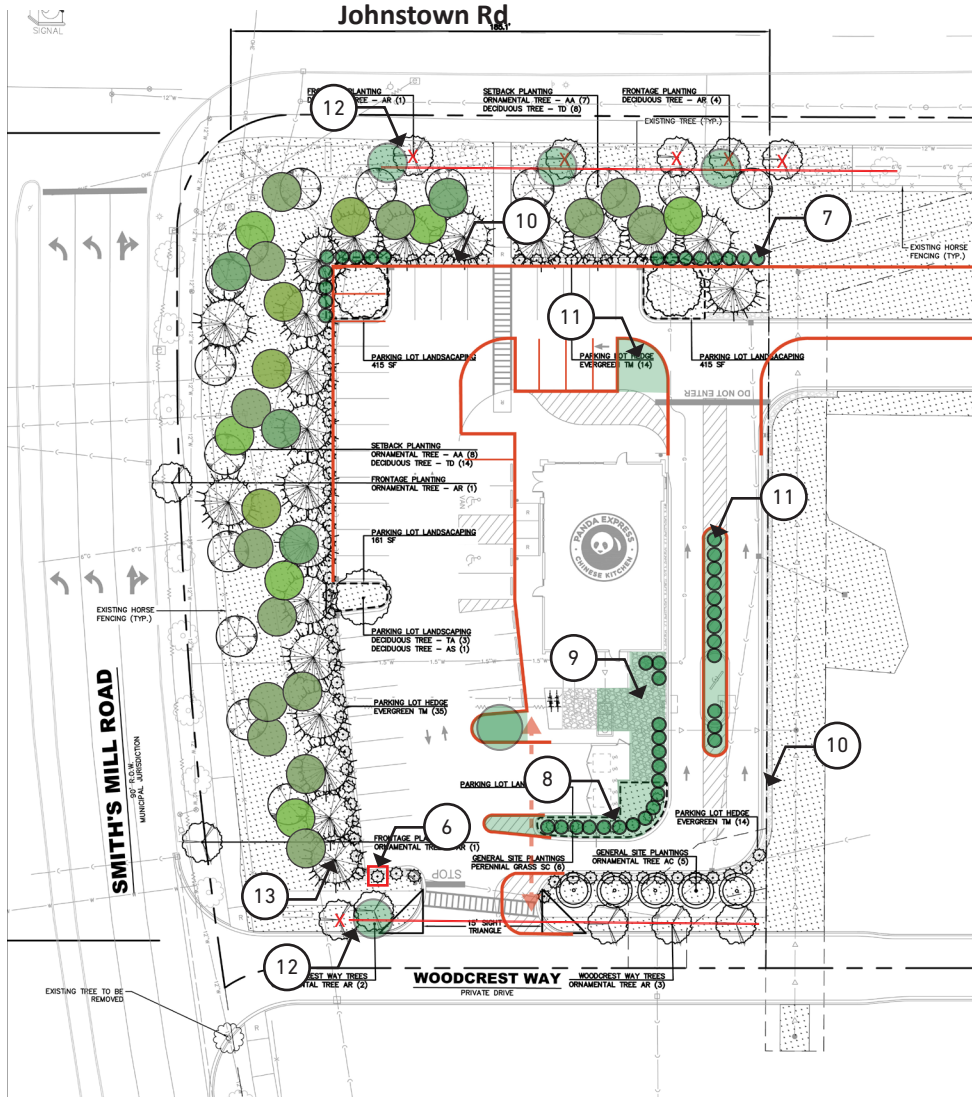
project name Panda Express
 prepared for City of New Albany
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Proposed Site Plan

Development Review

project name Panda Express
 prepared for City of New Albany
 date May 15, 2024
 date received April 29, 2024



Proposed Planting Plan

OPEN SPACE

PROVIDED OPEN SPACE	TOTAL SITE AREA	PERCENTAGE OPEN SPACE
38,737.13 SF	64,712.25 SF	59.56%

LANDSCAPE REQUIREMENTS SUMMARY

ITEM	QTY PROVIDED	QTY REQUIRED	FORMULA
STREET TREE REQUIREMENTS			
SMITH'S MILL RD TREES	7 TREES*	7 TREES	1 TREE/30 LF OF FRONTAGE (186 LF)
US-62 TREES	10 TREES**	10 TREES	1 TREE/30 LF OF FRONTAGE (277 LF)
*COUNT INCLUDES EXISTING TREES BETWEEN SIDEWALK AND ROAD			
SETBACK TREE REQUIREMENTS			
SMITH'S MILL RD TREES	15 TREES	15 TREES	8 TREES/100 LF OF FRONTAGE (185 LF)
US-62 TREES	22 TREES	22 TREES	8 TREES/100 LF OF FRONTAGE (277 LF)
GENERAL SITE LANDSCAPING			
TREES**	5 TREES	5 TREES	1 TREE/5,000 SF IMPERVIOUS AREA
**TOTAL TREE PLANTING EQUAL TO 11.5 INCHES OF TRUNK SIZE			
PARKING LOT LANDSCAPING			
LANDSCAPED AREA**	1,430 SF	1,012 SF	8 SF/100 SF PARKING AREA (12,654 SF)
TREES	4 TREES	4 TREES	1 TREE/10 PARKING SPACES
**MINIMUM SIZE OF LANDSCAPED AREA IS 350 SF AND MUST CONTAIN 1 DECIDUOUS CANOPY TREE PER 10 PARKING SPACES			

DECIDUOUS CANOPY TREE SCHEDULE

KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE	NOTES
AS	6	SUGAR MAPLE	ACER SACCHARUM	5" CAL.	B & B
TA	4	TILIA AMERICANA	AMERICAN LINDEN	5" CAL.	B & B

DECIDUOUS ORNAMENTAL TREE SCHEDULE

KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE	NOTES
AC	5	AMELANCHIER CANADENSIS	SHADBLOW SERVICEBERRY	2.5" CAL.	B & B
AR	12	ACER RUBRUM 'FRANKSRED'	RED SUNSET MAPLE	2.5" CAL.	B & B
AA	15	AMELANCHIER ARBOREA	COMMON SERVICEBERRY	2.5" CAL.	B & B

EVERGREEN TREE SCHEDULE

KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE	NOTES
TD	22	TAXODIUM DISTICHUM	BALD CYPRESS	2.5" CAL.	B & B

PERENNIAL GRASS SCHEDULE

KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE	NOTES
SC	6	SCOPAZACHYRIUM SCOPARIUM	LITTLE BLUE STEM	24"	B & B

EVERGREEN SHRUB SCHEDULE

KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE	NOTES
TM	63	TAXUS X MEDIA 'DENSIFORMIS'	DENSE VEW	36"	CONT*

*TO BE TOUCHING ON INSTALLATION

NOTES TO CONTRACTOR

- ALL DISEASED, DAMAGED, OR DEAD PLANTING MATERIALS SHALL BE REMOVED IN ACCORDANCE WITH STANDARDS OF THE CITY OF NEW ALBANY ZONING ORDINANCE.
- ALL PLANTS SHALL CONFORM TO THE CURRENT ISSUE OF THE AMERICAN STANDARD FOR NURSERY STOCK PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN AND SHALL HAVE PASSED INSPECTIONS REQUIRED UNDER STATE REGULATIONS.
- ALL LANDSCAPED AREAS SHALL BE COVERED BY GRASS OR OTHER LIVING GROUND COVER. GRASS AREAS SHALL BE PLANTED IN SPECIES NORMALLY GROWN AS PERMANENT LAWNS IN THE CITY OF STERLING HEIGHTS.
- PROVIDE SHREDDED HARDWOOD MULCH AROUND THE BASE OF ALL TREES.
- ALL TREE STAKING IN PARKING LOT ISLANDS SHALL BE REMOVED IN AREAS OPEN TO BUSINESS.
- SITE IRRIGATION TO BE PROVIDED FOR ALL PROPOSED LANDSCAPE IMPROVEMENT AREAS AND LAWN AREAS. CONTRACTOR TO COORDINATE DESIGN BUILD PLANS FOR IRRIGATION.

LEGEND

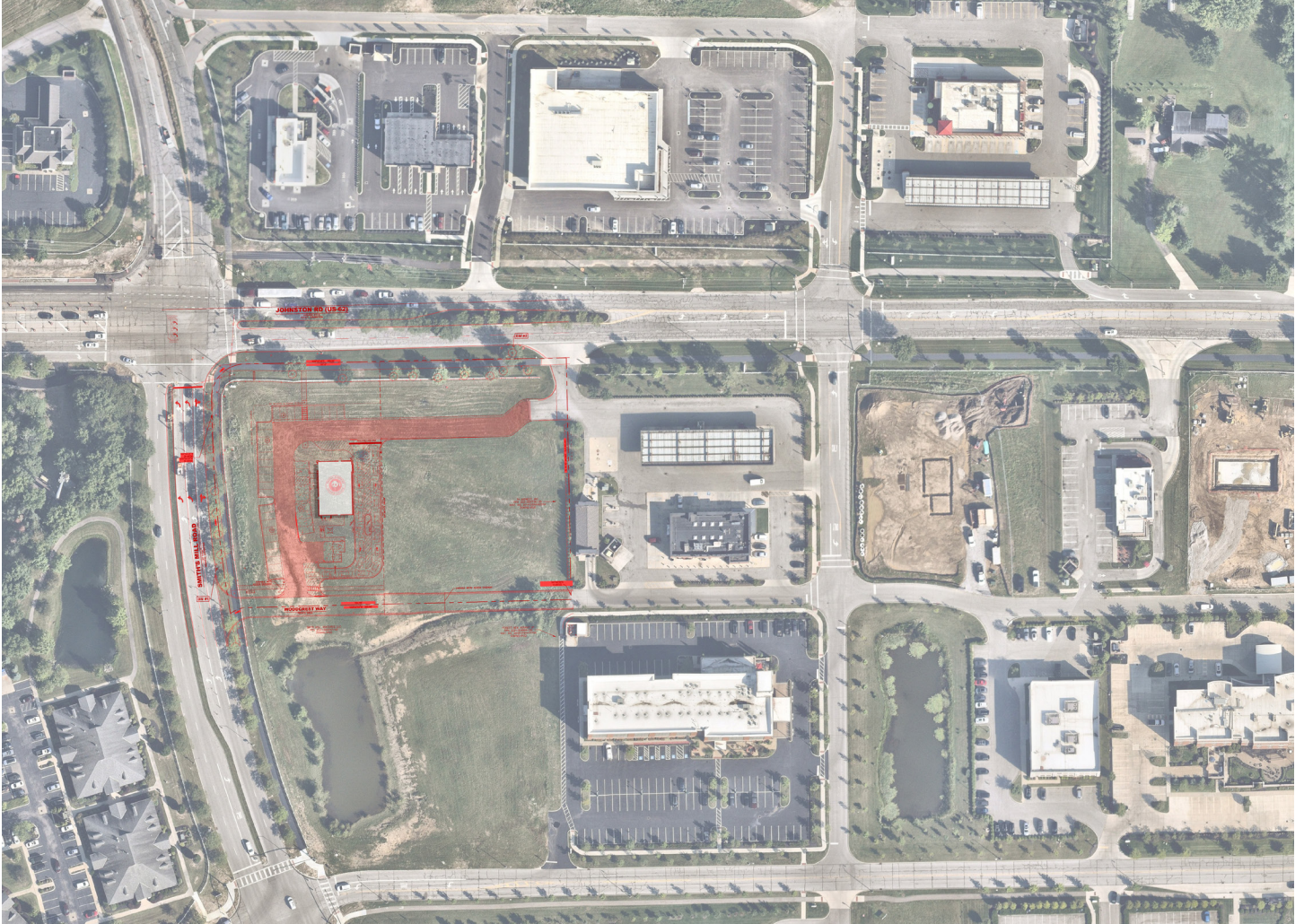
---	PROPERTY LINE
---	SANITARY SEWER
---	STORM SEWER
---	WATERMAIN
---	GAS
---	UNDERGROUND ELECTRIC
---	UNDERGROUND TELEPHONE
---	EXISTING HORSE FENCE
---	PROPOSED ROCK GARDEN
---	PROPOSED SOG
---	PROPOSED SEEDING
---	PERENNIAL FLOWERS
---	ANNUAL COLOR

(+)	DECIDUOUS TREE
(*)	ORNAMENTAL TREE
(*)	PERENNIAL GRASS
(*)	DECIDUOUS SHRUB

PLANT KEY
 PA (3) ← PLANT QUANTITY
 ← PLANT KEY (REFER TO SCHEDULE)

Development Review

project name Panda Express
prepared for City of New Albany
date May 15, 2024
date received April 29, 2024



Site Plan Overlay, as Proposed. Attached for reference.

404.682-01
May 13, 2024

To: Christopher Christian
City Planner

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

Re: Panda Express FDP

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

1. Refer to Exhibit A (see attached). Add the signature block shown on this exhibit and accompanying monumentation notes to the cover sheer of the referenced FDP.
2. Please refer to sheet C04. Add a major flood routing arrow to the legend and show major flood routing in plan view.
3. Please refer to sheet C05. In accordance with COC/DOSD requirement, revise the main line sanitary sewer diameter to 8 inches. Label this sewer as "Private".
4. Refer to Exhibit B. Revise the data shown at the existing sanitary sewer connection point on sheet C05 in accordance with Exhibit B.
5. Please add a site distance triangle to sheet C06 at the stop bar and ensure that proposed landscaping features do not impede motorist view.
6. Please have a Professional Surveyor licensed in the state of Ohio stamp and seal the ALTA survey.
7. Obtain Community Development Department approval of the photometrics plan. The Max/Min uniformity ratio of almost 50:1 is much higher then we typically see.
8. Provide a fire truck turning analysis using the template for the 48' Plain Township fire truck.
9. We will evaluate storm water management, sanitary sewer collection and roadway construction related details once detailed construction plans become available

MEF/JMH

(attachments)

cc: Josh Albright, Development Engineer
Sierra Saumenig, Planner
Dave Samuelson, P.E., Traffic Engineer



Community Development Department

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

Dear Panda Restaurant Group,

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

Friday, June 07, 2024

The New Albany Planning Commission took the following action on 06/03/2024 .

Final Development Plan

Location: 9880 Johnstown Rd.

Applicant: Panda Restaurant Group,

Application: PLFDP20240022

Request: Final development plan to allow for construction of a 2,600 square foot Panda Express restaurant with drive-through on 1.332 acres located generally near the southeast corner of US-62 and Smiths Mill Road (PID: 222-005377).

Motion: Move to approve with conditions

Commission Vote: Motion Approved with Conditions, 4-0

Result: Final Development Plan, PLFDP20240022 was Approved with Conditions, by a vote of 4-0.

Recorded in the Official Journal this on June 3, 2024.

Condition(s) of Approval:

1. 1. The City Landscape Architect's comments must be addressed, subject to staff approval;
 - a. Realign the access drive adjacent to Johnstown Road to create a consistent transition from the existing drive at the neighboring parcel.
 - b. Realign the proposed parking to following the building and pavement setback with the shifted access drive, and accommodate minimum parking requirements.
 - c. Reevaluate curb alignment at the drive-through entrance and minimum pavement and striping conditions where possible.
 - d. Extend the drive-through lane median to reduce pavement and extent landscaping planting zone.
 - e. Update the planning legend and labels to properly reflect proposed plan material. Current plan symbols misrepresent deciduous shrubs along parking lot to be perennial grass.
 - f. Extend use of evergreen shrub, 36" in height, to screen of drive-through.
 - g. Increase density of perennial grass at drive-through entrance.
 - h. Remove the use of rock beds along the drive-through and extend plant bed and material along the drive-through lanes to match existing condition present in other sites within New Albany.
PC 24 0603 Panda Express FDP-22-2024 9 of 10
 - i. Remove use of rock beds at edge of pavements and replace with lawn or mulched planting beds where applicable.
 - j. Include planting in proposed curb extensions.
 - k. Realign trees along Johnstown Road and Woodcrest Way as marked. Placement to be evenly spaces and aligned along both sections.

1. Replace use of Bald Cypress (*Taxodium Distichum*) along the parking lot with a deciduous shade tree. Recommend use of one of the following: *Liriodendron tulipifera*, *Nyssa sylvatica*, *Platanus x. acerfolia*, *Gymnocladus dioica*. Tree placement should adhere to tree grouping standards.
2. That a sidewalk connection from the Smith's Mill road leisure trail to the site's proposed curb cut is installed.
3. That the proposed canopy art on the underside of the drive-through order canopy be eliminated to avoid "over-signing."
4. That both monument signs be multi-tenant and the sign fronting Johnstown Road should be relocated to be in the middle of the Panda Express site and the adjacent property.
5. That the proposed directional ground mounted signs that read "Do Not Enter" and "Thank You" be revised to be 3 sq. ft.
6. The City Engineer's comments must be addressed, subject to staff approval;
 - o Refer to Exhibit A. Revise the referenced FDP to include the signature block provided with Exhibit A and add the Monumentation note block and other note blocks highlighted on this exhibit.
 - o Identify cross access easement requirements with the parcel located to the east.
 - o Refer to Exhibit B. Add this fire truck template to sheet C3.1 and revise the turning radius analysis accordingly.
 - o Add a site distance triangle at the Woodcrest Way curb cut and adjust all landscape features so as not to obstruct motorist view.
 - o We will evaluate storm water management, water distribution, sanitary sewer collection and roadway construction related details once construction plans become available.
 - o Add the signature block shown on this exhibit and accompanying monumentation notes to the cover sheet of the referenced FDP.
 - o Add a major flood routing arrow to the legend and show major flood routing in plan view.
 - o In accordance with COC/DOSD requirement, revise the main line sanitary sewer diameter to 8 inches. Label this sewer as "Private".
 - o Revise the data shown at the existing sanitary sewer connection point on sheet C05 in accordance with Exhibit B.
 - o Please add a site distance triangle to sheet C06 at the stop bar and ensure that proposed landscaping features do not impede motorist view.
 - o Please have a Professional Surveyor licensed in the state of Ohio stamp and seal the ALTA survey.
 - o Obtain Community Development Department approval of the photometrics plan. The Max/Min uniformity ratio of almost 50:1 is much higher than we typically see.
 - o Provide a fire truck turning analysis using the template for the 48' Plain Township fire truck.
 - o We will evaluate storm water management, sanitary sewer collection and roadway construction related details once detailed construction plans become available

Staff Certification:

Chris Christian

Chris Christian
Planner II



**Planning Commission Staff Report
June 3, 2024 Meeting**

**PANDA EXPRESS DRIVE-THRU
CONDITIONAL USE**

LOCATION: Located generally at the southeast corner of Smith’s Mill Road and Johnstown Road (US-62) (PID: 222-005377)
APPLICANT: Panda Restaurant Group, c/o Josh Hibbits
REQUEST: Conditional Use
ZONING: Infill Planned Unit Development (I-PUD): Canini Trust Corp, subarea 8a
STRATEGIC PLAN: Retail
APPLICATION: CU-24-2024

Review based on: Application materials received April 19, 2024 and May 10, 2024

Staff report prepared by Sierra Saumenig, Planner

I. REQUEST AND BACKGROUND

The applicant requests approval of a conditional use to allow a two-lane drive-through to be developed as part of a Panda Express restaurant use. The Canini Trust Corp (I-PUD) zoning text allows the C-2 General Business (Commercial) District which permits restaurant uses. Drive-through facilities associated with a permitted use are conditional uses.

This request is in conjunction with a final development plan (FDP-22-2024) and associated variances (VAR-25-2024) for the Panda Express restaurant.

II. SITE DESCRIPTION & USE

The 1.36-acre site is generally located at the southeast corner of Smith’s Mill Road and Johnstown Road (US-62), within the Canini Trust Corp. Some of the existing surrounding uses include Home2Suites, Turkey Hill gas station, as well as Dunkin’ Donuts which also has a drive-through facility.

III. EVALUATION

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

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

Uses:

- The applicant proposes to develop a 2,600 sq. ft. Panda Express restaurant with a drive-through. The existing total site size is 1.36-acres. Restaurants with drive-through facilities are a conditional use within this zoning district.
- The Engage New Albany Strategic Plan identifies this area as the retail future land use area. The proposed use is appropriate based on its proximity to State Route 161,

the New Albany Business Park and the surrounding uses. The site is located within the Canini Trust Corp which envisions this type of use.

- The building is surrounded by the parking lot, two drive-through lanes and internal drive aisles. The drive-throughs appear to be appropriately positioned in the side yard of the site where it does not interfere with traffic on the rest of the site.
- It does not appear that the proposed use drive-through uses will alter the character of the surrounding area. This area is zoned to allow retail and personal services uses such as restaurants and banks which typically have drive-through facilities. Additionally, the Planning Commission recently approved multiple drive throughs in the area for Popeyes, Wendy's, Dairy Queen, Sheets, and Dunkin Donuts developments which all included a drive-through facility and are located near this proposed development. This subarea of the Canini Trust Corp also contains other car-oriented businesses such as a Turkey Hill gas station and Valvoline oil change service

Architecture:

- The design of the commercial building and use of materials is appropriate and consistent with other buildings in the immediate area. The building is well designed architecturally and meets the majority of code requirements and DGR requirements.
- The drive-through window is appropriately sized, designed, and is located so it doesn't front the primary streets: Smith's Mill Road and Johnstown Road. The drive-through is on the east elevation of the building facing the existing car wash and Turkey Hill gas station, and is appropriately designed by using the same building materials that are used on other elevations of the building.
- The overall height of the building is 22.5 feet which meets the 45-foot maximum height allowed by the zoning text.
- All of the mechanical equipment is located on the roof of the building and will be fully screened from the public rights-of-way as well as private roads.

Parking & Circulation:

- Per Codified Ordinance 1167.05(d)(4) requires a minimum of one parking space for every 75 square feet of restaurant floor area space. The building is 2,600 square feet in size therefore 35 parking spaces are required. The applicant is providing 37 parking spaces.
- Additionally, the city parking code requires a minimum number of stacking spaces in the drive through lane must be provided. The required number of drive-thru stacking spaces must equal 25% of the total required parking spaces for the drive-through tenant space. Based on this calculation, 9 stacking spaces total must be provided and the applicant is exceeding this requirement by providing 19.
- The building is surrounded by the parking lot, two drive-through lanes and internal drive aisles. The drive-through appears to be appropriately positioned on the site where it does not interfere with traffic on the rest of the site and will not cause traffic to back up onto public roads.
- The Trust Corp site has a strong internal roadway network that supports car-oriented developments. The lot is surrounded by public roads on two sides that allows traffic to and from the site to be dispersed. Additionally, the site fronts a private road to the south of the site. The public roads and private road network provide multiple connections to public streets.

Landscaping:

- A landscape plan has been submitted with the final development plan application for this site. The City Landscape Architect's comments can be found in the final development plan staff report.

- (b) *The proposed use will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.*
- The proposed use is harmonious with the existing and intended character of the general vicinity and will not change the essential character of the area.
 - The proposed use is appropriate due to its proximity to the State Route 161 interchange and the New Albany Business Park.
 - This site is located within the Canini Trust Corp which envisions this type of use. There are existing restaurants with drive-through facilities that are developed in this zoning district.
- (c) *The use will not be hazardous to existing or future neighboring uses.*
- The use does not appear it will be hazardous to the existing or future neighboring uses. It appears that this an appropriate location for a drive-through facility.
- (d) *The area will be adequately served by essential public facilities and services such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.*
- Sewer and water service are available in this location.
 - Woodcrest Way was recently extended the length of the southern property line of this proposed development.
 - The proposed commercial development will produce no new students for the school district.
- (e) *The proposed use will not be detrimental to the economic welfare of the community.*
- The proposed use does not appear to be detrimental to the economic welfare in the city due to the creation of jobs that generate income taxes and provide amenities for the business park.
- (f) *The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.*
- It does not appear the site will involve operations that will be detrimental to adjacent uses. This area of the city is auto-oriented and is in close proximity to the State Route 161. US-62 is currently heavily traveled therefore it is reasonable to assume that this development will be frequently visited and serve as an important asset to those in the surrounding area.
- (g) *Vehicular approaches to the property shall be so designated as not to create interference with traffic on surrounding public streets or roads.*
- The site is proposed to be accessed via two new curb cuts; one along Woodcrest Way and one proposed shared curb cut with the adjacent property.
 - The building is surrounded by the parking lot and internal drive aisle. The proposed drive-through lanes appear to be properly designed on the site so that the drive through traffic does not interfere with the traffic circulation on the rest of the site.

III. SUMMARY

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

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

The drive-through lanes are in appropriate locations given their orientation and the travel pattern appears to be appropriately designed so it will not interfere with traffic circulation on the rest of the site.

Overall, the proposed development meets many of the Engage New Albany Strategic Plan development standards; the drive-through still allows the site to include walkways and landscaping to enhance visual aspects of the development and building entrances that connect with a pedestrian network and promote connectivity.

ACTION

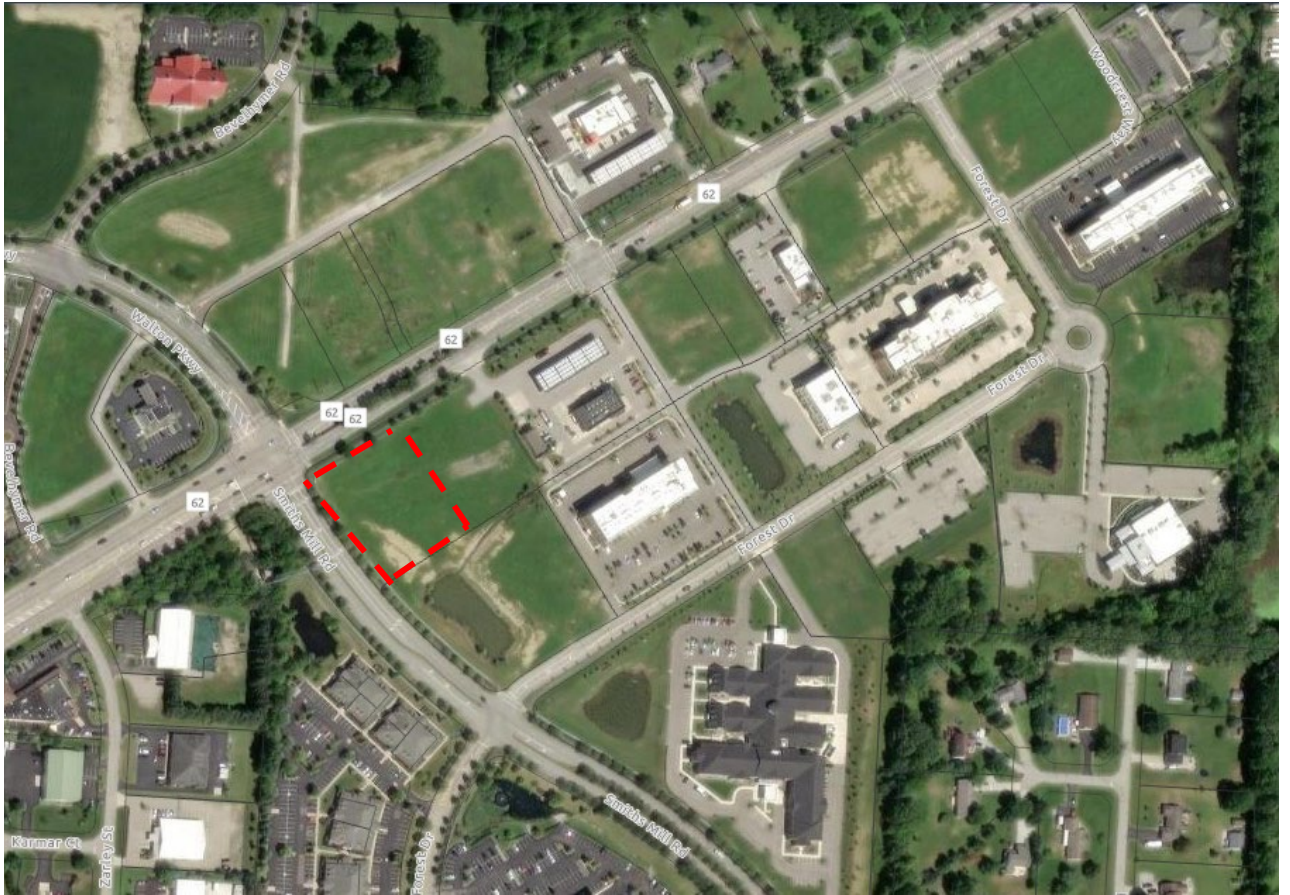
The Commission shall approve, approve with supplementary conditions, or disapprove the application as presented. If the application is approved with supplementary conditions, the Planning Commission shall direct staff to issue a zoning permit listing the specific conditions listed by the Planning Commission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

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

Move to approve application CU-24-2024 with the following conditions:

1. The conditional use permit will become void if or a different kind of business, other than a restaurant, occupies this tenant space.

Approximate Site Location:



Source: Nearmap



Community Development Department

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

Dear Panda Restaurant Group,

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

Friday, June 07, 2024

The New Albany Planning Commission took the following action on 06/03/2024 .

Conditional Use

Location: 9880 Johnstown Rd.

Applicant: Panda Restaurant Group,

Application: PLCU20240024

Request: Request for a conditional use permit to operate a drive-through use associated with a Panda Express restaurant located generally near the southeast corner of US-62 and Smiths Mill Road (PID: 222-005377).

Motion: Move to approve with conditions

Commission Vote: Motion Approved with Conditions, 4-0

Result: Conditional Use, PLCU20240024 was Approved with Conditions, by a vote of 4-0.

Recorded in the Official Journal this June 7, 2024

Condition(s) of Approval:

1. The conditional use permit will become void if or a different kind of business, other than a restaurant, occupies this tenant space.

Staff Certification:

Chris Christian

Chris Christian
Planner II



**Planning Commission Staff Report
June 3, 2024 Meeting**

**PANDA EXPRESS
VARIANCES**

LOCATION: Located generally at the southeast corner of Smith’s Mill Road and Johnstown Road (US-62) (PID: 222-005377)

APPLICANT: Panda Restaurant Group, c/o Josh Hibbits

REQUEST: (A) Variance to Canini PUD zoning text section 8a.06(3)(i) to allow a wall sign to be installed on the drive through elevation of the building where the zoning text does not allow a sign to be installed.
(B) Variance to C.O. 1157.01(Design Guidelines and Requirements Section 6(A)(12)) to eliminate the requirement for active and operable front doors on the Johnstown Road and Woodcrest Way building elevations.

ZONING: Infill Planned Unit Development (I-PUD): Canini Trust Corp, subarea 8a

STRATEGIC PLAN: Retail

APPLICATION: VAR-25-2024

Review based on: Application materials received April 19, 2024 and May 10, 2024

Staff report prepared by Sierra Saumenig, Planner

I. REQUEST AND BACKGROUND

This application is for two variances related to a final development plan for a proposed Panda Express restaurant building with a drive-through located at the northeast corner of Smith’s Mill Road and Johnstown Road, within the Canini Trust Corp.

The applicant requests the following variances:

- (A) Variance to Canini PUD zoning text section 8a.06(3)(i) to allow a wall sign to be installed on the drive-through elevation of the building where the zoning text does not allow a sign to be installed.
- (B) Variance to C.O. 1157.01(Design Guidelines and Requirements Section 6(A)(12)) to eliminate the requirement for active and operable front doors on the Johnstown Road and Woodcrest Way building elevations.

II. SITE DESCRIPTION & USE

The 1.36-acre site is generally located at the southeast corner of Smith’s Mill Road and Johnstown Road (US-62), within the Canini Trust Corp. Some of the existing surrounding uses include Home2Suites, Turkey Hill gas station, as well as Dunkin’ Donuts.

The zoning text allows office buildings and the permitted uses contained in the Codified Ordinances of the Village of New Albany, OCD Office Campus District, Section 1144.02 and C-2, Commercial District, Section 1147.02, and the conditional uses contained in Section 1147.02, which includes restaurants and banks with drive-through facilities. The applicant has applied for a conditional use to be heard by the Planning Commission at tonight’s meeting under case CU-24-2024.

III. EVALUATION

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

Criteria

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

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

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

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

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

III. ASSESSMENT

Considerations and Basis for Decision

(A) Variance to Canini PUD zoning text section 8a.06(3)(i) to allow a wall sign to be installed on the drive-through elevation of the building where the zoning text does not allow a sign to be installed.

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

1. Canini PUD zoning text section 8a.06(3)(i) states wall mounted signage is limited to one wall mounted sign, no larger than 80 square feet (allowed 1 square foot of signage for linear foot of building frontage up to 80 feet), for each elevation that fronts a public or private street.
2. The applicant proposes to install three wall signs. Two wall signs are located on the Johnstown Road and Smith's Mill Road frontages, meeting the zoning text location requirements. The third wall sign is on the drive-through elevation of the building which does not front on a public or private street therefore, a variance is required.
3. The variance request does not appear to be substantial. The property has three road frontages and thus, three wall signs would meet the development text which the applicant is proposing. No wall sign is proposed on the Woodcrest Way elevation which is the rear of the building. Additionally, all three wall signs meet size requirements and appear to be appropriately scaled in relation to the size of the building.
4. The Planning Commission has approved similar variance requests to allow for a wall signs to be located not adjacent to a public or private street. The PC approved variances for Marriott Courtyard on August 20, 2012 (VAR-05-12) and Dairy Queen on May 18, 2015 (VAR-34-2015).
5. The variance request meets the spirit and intent of the zoning text. As mentioned, three wall signs are permitted for this property and the building is not "over-signed" with the proposed wall sign on the drive-through side.
6. It does not appear that the essential character of the neighborhood would be altered if the variance request is granted. The wall sign on the drive-through side is the same sign as on the Smith's Mill Road and would be located above the drive-through window. Any property within the Canini PUD that fronts on three streets would be permitted three wall signs which the applicant is requesting. Due to the Woodcrest Way frontage being the rear of the building, a wall sign here would not be appropriate.
7. Granting the variance will not adversely affect the health, safety or general welfare of persons living in the immediate vicinity.
8. Granting the variance will not adversely affect the delivery of government services.

(B) Variance to C.O. 1157.01(Design Guidelines and Requirements Section 6(A)(12)) to eliminate the requirement for active and operable front doors on the Johnstown Road and Woodcrest Way building elevations.

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

1. The applicant requests a variance to eliminate the requirement that buildings have operable and active front doors along all public and private roads. The building has three frontages: Smith's Mill Road (public street), Johnstown Road (public street), and Woodcrest Way (private road).
 - a. The commercial building has active doors on the Smith's Mill Road frontage but not on the Johnstown Road or Woodcrest Way frontages (only one of the three elevations meet the requirement).
2. As required by the zoning text, the building is designed with the same caliber of finish on all sides of the building using the same building materials.
3. The variance appears to preserve the "spirit and intent" of the zoning requirement for the Woodcrest Way frontage. Nearby developments including the Turkey Hill gas station and Dairy Queen also have service doors on the Woodcrest Way frontage and thus, the proposal is consistent with the surrounding area. However, the variance for a non-

operable door on the Johnstown Road frontage does not preserve the “spirit and intent” of the zoning requirement. The intent of this requirement is to ensure that buildings maintain a presence on the street and not contain blank or “empty” building elevations so there is architectural vibrancy and interest on all sides of a building. The applicant could retain the existing service door on the Johnstown Road frontage and also add an additional operable door to the elevation.

4. While there are not active and operable doors along the Johnstown Road and private road (Woodcrest Way) elevations, the applicant is providing strong architectural features and materials so the building adequately addresses each road architecturally. However, the Johnstown Road frontage is the front of the building and an operable door is necessary to adequately address Johnstown Road architecturally.
5. It does not appear that the essential character of the neighborhood will be altered if the variance request is granted for the Woodcrest Way frontage. Similar variances were granted for Turkey Hill, Sheetz and the other New Albany Duke and Duchess location on Johnstown Road.
6. It does appear that the essential character of the neighborhood will be alternated if the variance request is granted for the Johnstown Road frontage as other businesses have active and operable doors fronting the street.
7. It does not appear that the variances would adversely affect the delivery of government services, affect the health and safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.

II. SUMMARY

The variance request to allow a wall sign on the drive-through elevation whereas the zoning text states that a wall sign is permitted on building elevations that front or sides on public or private streets, is not substantial. The proposed Panda Express could have up to three wall signs so the wall sign along the drive-through elevation does not “over-sign” the building.

Due to the auto-oriented nature of this zoning district, providing active and operable front doors on every elevation does not appear to be necessary since there is a hierarchy of streets. The applicant is still providing a high-quality designed building. Therefore, the design and non-active doors along Woodcrest Way appear to be appropriate.

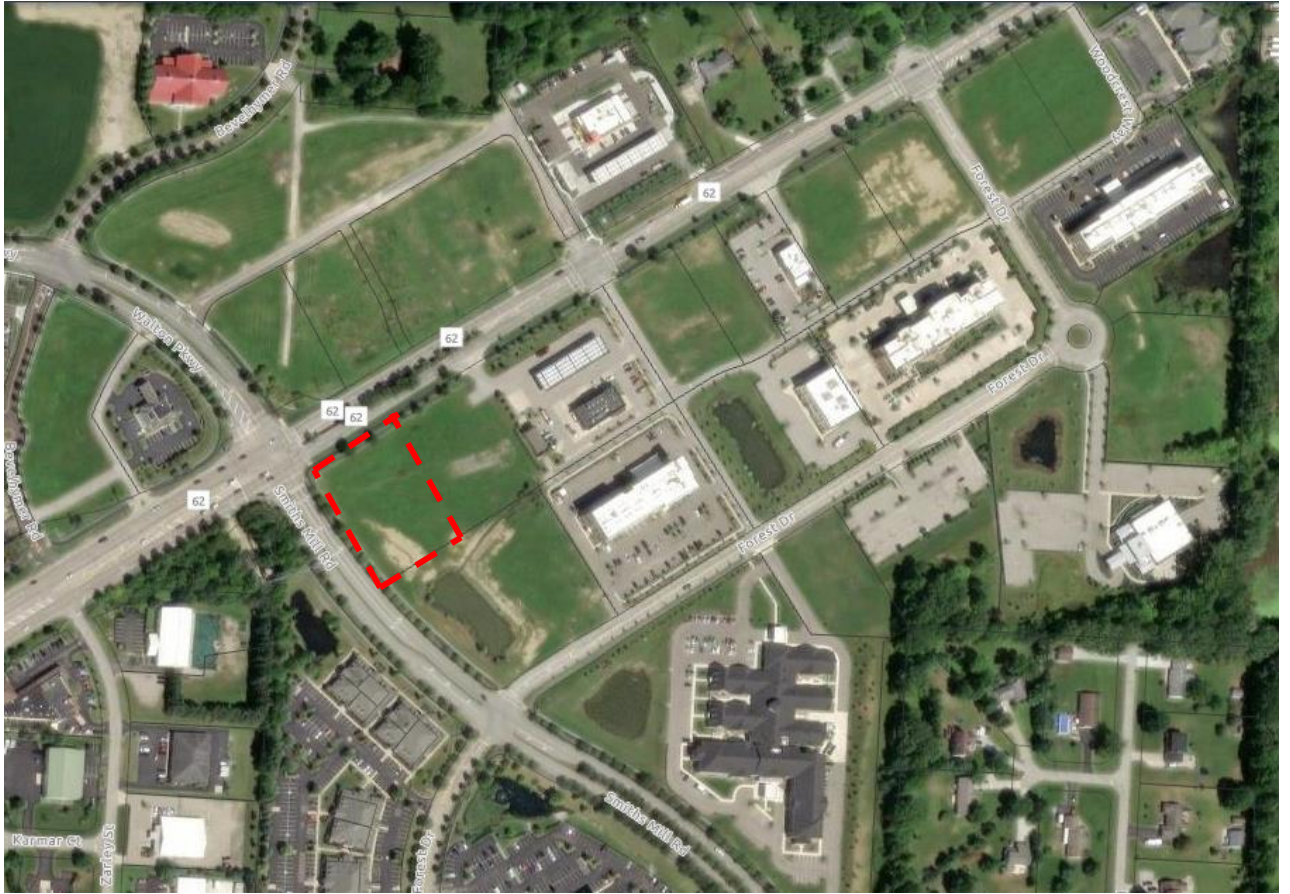
However, the applicant should provide an active and operable door along the Johnstown Road and Smith’s Mill Road street frontages as those since the property is located on a prominent corner and those are both the primary streets that the restaurant fronts. Not having an operable and active front along both Johnstown Road and Smith’s Mill Road does appear to be substantial as it will alter the surrounding area and cause inconsistency among the street frontage. Having businesses and homes front onto streets by providing operable and active doorways is a design hallmark of the city of New Albany. All of the other businesses along Smith’s Mill Road and Johnstown Road have an operable active front door that fronts those streets.

V. ACTION

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

Move to approve application VAR-25-2024 (conditions may be added)

Approximate Site Location:



Source: Nearmap



Community Development Department

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

Dear Panda Restaurant Group,

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

Friday, June 07, 2024

The New Albany Planning Commission took the following action on 05/20/2024 .

Variance

Location: 9880 Johnstown Rd.

Applicant: Panda Restaurant Group,

Application: PLVARI20240025

Request: Variances to the number of active and operable doors and signage associated with a final development plan application for a Panda Express development generally near the southeast corner of US-62 and Smiths Mill Road (PID: 222-005377).

Motion: Move to approve with conditions

Commission Vote: Motion Approved with Conditions, 4-0

Result: Variance, PLVARI20240025 was Approved with Conditions, by a vote of 4-0.

Recorded in the Official Journal this June 07, 2024

Condition(s) of Approval:

1. The architecture on the US-62 building elevation must be revised to sufficiently address the road, or an active and operable front door must be added to the elevation, subject to staff approval.

Staff Certification:

Chris Christian

Chris Christian
Planner II



To: Planning Commission
From: Community Development Department
Re: Chapter 1187 Subdivision Process and Minor Residential Subdivision Updates
Regulations
Date: May 20, 2024

The city staff proposes two updates to chapter 1187 of the codified ordinance (Subdivision Regulations). The updates include:

1. Adding minor residential subdivisions
2. Updating the process and procedures for subdivision to reflect current practices

During the May 20th Planning Commission meeting, staff asks the board to review and make a formal recommendation to the city council to adopt these code changes. Proposed changes are indicated in red within the code section and an unmarked version is also attached. Please feel free to contact city staff if you have any questions.

Minor Residential Subdivision:

At the direction of the city council, the city staff researched and are proposing adding minor residential subdivisions within the city. The city code defines a subdivision as the division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites, or lots, any one of which is less than five (5) acres for the purpose, whether immediate or future, of the transfer of ownership provided. The result is splitting smaller parcels is considered a subdivision which requires all of the same requirements as traditional subdivisions.

The update is necessary because the city subdivision regulations are overly burdensome to property owners who want to split their property into just a couple of lots. Chapter 1187 has a one-size-fits-all regulation so all “subdivisions” are treated the same. This means that a two-lot subdivision has the same requirements as a 200-lot subdivision for example. Since subdivisions have to be platted, it requires the hiring of an engineer which is costly. Additionally, subdivisions require parkland and open space dedication. Smaller subdivisions can’t provide parkland and open space that is meaningful to the overall community.

The city subdivision chapter already contains minor commercial subdivisions. The city staff has modeled the minor residential subdivisions after that code section. With the adoption of this proposed minor residential subdivision property owners will no longer be required to plat or provide the typical infrastructure requirements if less than five lots are being created and there no new public streets being created.

After a lot is split, the city code still requires street trees and leisure trail/sidewalks be constructed at the time of development. Those items are reviewed for compliance at the time of a building permit submittal.

Process and Procedure Updates:

The majority of this update is to ensure the required process and procedures for subdivisions reflect current city practices. Recently it has come to the city staff's attention that strict interpretation of the subdivision regulations results in a change in the approval process. This code update is necessary to ensure the city remains competitive in the commercial and residential markets.

The process and procedures contained in the city subdivision chapter haven't been updated or amended since their adoption in 1991. The city staff, technology, and construction methods have changed substantially since 1991 and accordingly, this proposal includes updates that reflect current best practices and technology. Examples of these changes include:

- Submittal requirements for engineering plans;
- The type of deposits required for pre and post construction;
- Clarifying the definition of a subdivision;
- Clarifying time frame requirements; and
- Optimizing acceptance practices.

The city staff proposes one change to the current overall development process. Currently, the city council is required to review and accept public infrastructure constructed by the developer via ordinance after it has been fully inspected and approved by the city staff in the field. The city staff proposes that infrastructure no longer requires a public hearing and the infrastructure can be accepted by the city engineer after it has been fully inspected and approved. The city staff commits to providing the city council with annual updates on the infrastructure installed and accepted within the city.

1187.01 DEFINITIONS.

The following words and phrases when used in this chapter shall have the meaning here described.

- (a) "Easement" means a grant by property owner(s) to another party or parties for a specific use of a described portion of property.
- (b) "Improvements" means street pavements, with or without curbs and/or gutters, sidewalks, water mains, sanitary and storm sewers, stormwater management facilities, erosion and sedimentation measures, grading and shaping, street lights, landscaping, screening and buffering and other related matters normally associated with the development of land into development sites.
- (c) "Lot" means a division of land and described on a recorded subdivision plat or recorded deed by metes and bounds description.
- (d) "Minor commercial subdivision" means a commercially zoned parcel, with an approved Final Development Plan or equivalent plan, with public road frontage, which does not involve the opening, widening or extension of a public street and does not involve more than five (5) lots after the original tract has been completely subdivided.
- (e) "Minor residential subdivision" means the division of any parcel of land into five (5) or fewer parcels, sites, or lots, any one of which is less than five (5) acres for the purpose, whether immediate or future, of residential use and does not involve new, widening or the extension of any public street.
- (e) "Plat" means a map of a subdivision described by accurate distances and bearings.
- (f) "Right-of-way" means the width between property lines of a street, roadway, easement.
- (g) "Subdivision" means the division of any parcel of land into more than five (5) parcels, sites, or lots, any one of which is less than five (5) acres for the purpose, whether immediate or future, of residential, commercial or industrial uses. This definition does not include:
 - The sale, exchange or boundary adjustment of existing properties where such action does not create additional building sites; and
 - The division or partition of land into parcels, sites, or lots more than five (5) where such action does not involve new, the extension of public streets; and means the division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites, or lots, any one of which is less than five (5) acres for the purpose, whether immediate or future, of the transfer of ownership provided, however, that the division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access, or the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempt. The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except for private streets serving industrial structures, the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.
 - The division or allocation of land as open spaces for common use by owners; or the division or allocation of land for the extension and maintenance of public sewer, water, storm drainage or other public facilities.
 - Minor commercial and residential subdivisions.

(Ord. 77-91. Passed 10-15-91; Ord. 08-2007. Passed 2-20-07; Ord. 31-2007. Passed 8-21-07.)

1187.02 REQUIRED IMPROVEMENTS.

The subdivider or developer of land shall provide and pay the entire cost of improvements to such land as follows:

- (a) Street improvements shall consist of grading the right-of-way for full width; construction of curbs or curbed gutters and pavement; construction of draining structures and appurtenances. Two (2) roof drain openings shall be provided in curb for each lot, or shall be machine cored by the builder.
- (b) Sanitary sewers, including mains, manholes, services and all appurtenances.
- (c) Water distribution system, including mains, services, valves, fire hydrants and all appurtenances.
- (d) Concrete sidewalks on both sides of street, except where Leisure Trails are required in accordance with the Village's Strategic Plan or as recommended by the Parks and Trails Advisory Board. Sidewalks shall be linked to external trails or sidewalks. Where special circumstances exist for sidewalk construction a fee in-lieu may be considered according to the procedure in Section 1187.18.
- (e) Leisure Trails in accordance with the Village's Strategic Plan or as recommended by the Parks and Trails Advisory Board. Trails shall be linked to external trails or sidewalks. Where special circumstances exist for trail construction a fee in-lieu may be considered according to the procedure in Section 1187.18.
- (f) Storm sewers, including manholes, inlets or catch basins, and all appurtenances, stormwater management features and facilities.
- (g) Landscaping, screening and buffering features, if required by these regulations or the Zoning Code.
- (h) Street lighting above public right-of-way which meets minimum illumination specifications approved by the Municipal Engineer. Light standards shall be approved by the Municipality.
- (i) Erosion and sedimentation control measures and practices.

All phases of the improvement shall be approved by the Municipal Engineer and shall be constructed in accordance with Municipal specifications and standards as approved by the Municipal Engineer.

(Ord. 77-91. Passed 10-15-91; Ord. 31-2007. Passed 8-21-07.)

1187.03 ~~APPLICATION PLAN, PRELIMINARY PLAT PROCESS~~

~~a) Preliminary Plat: A preliminary plat may be submitted to the Planning Commission for review, subject to the regulations of this chapter. Approval of a preliminary plat application shall not be required prior to the approval of a final plat application. shall be~~

~~b) Preliminary Plat Contents~~

~~The subdivider shall submit an application to the City Manager's designee a minimum of 30 days prior to the meeting of the Planning Commission which the subdivider desires their application to be heard. If the City Manager's designee finds that the application is not complete and does not meet requirements of this section, they shall notify the applicant in writing of the deficiencies. The applicant may make the necessary additions and/or revisions. No hearing shall be held or action of approval taken by the Planning Commission until a complete application meeting all requirements of this section has been filed with and accepted by the City Manager's designee.~~

~~A subdivider or developer may submit a sketch, prepared by a registered engineer or surveyor, of the proposed subdivision to the Planning Commissioner for informed comments and suggestions. The preliminary plat shall contain the following:~~

-
- (1) Scale - Minimum of one inch equals one hundred (100) feet.
 - (2) The proposed name of the subdivision.
 - (3) Key map showing location within the Municipality.
 - (4) Names and addresses of owners, developers and the surveyor who developed the plat.
 - (5) Date of submission.
 - (6) North point.
 - (7) Signature block for applicant and applicant's engineer and surveyor.

The following existing conditions shall be shown:

- (8) Boundary lines and approximate acreage included.
- (9) Locations, widths and names of all existing or prior platted streets or alleys, railroad and utility rights-of-way, parks and public open spaces, community ownership association, permanent buildings and structures, all section and corporation lines within or adjacent to the tract.
- (10) Existing sewers, water mains, culverts and other underground facilities within the tract, indicating pipe size, elevations and grades (if readily available) and locations (if known or available).
- (11) Existing easements on subject acreage and easements within fifty (50) feet on adjacent subdivided plat. Proposed developer utility and proposed public utility easements are not expected to be shown.
- (12) Names of adjacent subdivisions and owners of adjoining parcels of unsubdivided land with deed book and page number or official record volume.
- (13) Boundary lines of adjacent tracts of unsubdivided and subdivided land, within one hundred (100) feet of boundary line.
- (14) Existing zoning or deed restrictions (if known) for subject and surrounding acreage.
- (15) Existing contours, with intervals of five (5) feet where the slope is greater than ten percent (10%) and two (2) feet where the slope is less than ten percent (10%).
- (16) Drainage channels, wooded areas, water courses and other significant physical features.
- (17) All elevations shall be based on sea level datum as determined by the U.S. Coast and Geodetic survey or the U.S. Geological Survey.
- (18) FEMA floodplain areas.

The following proposed conditions shall be shown:

- (19) Layout of streets and right-of-way widths.
- (20) Layout, numbers and dimensions of lots. Lots shall be numbered sequentially for each plat from one, or continue from the last number used on previous section in multiple phase developments.
- (21) Parcels of land intended to be dedicated or temporarily reserved for public use, and proposed method of maintenance and control of same.
- (22) Building setback lines shown graphically with dimensions or standards indicated in current Zoning Ordinance.
- (23) Names of new streets shall not duplicate names of any existing dedicated streets within the northeastern quadrant of Franklin County and/or its incorporated areas.

(24) New streets, which are extensions of or in alignment with existing streets, shall bear the names of the existing streets of which they are extensions, or with which they are in alignment.

(25) All new streets shall be named and shall be subject to the approval of the Planning Commission.

In addition to the aforementioned requirements, the developer shall submit a written statement which shall include:

(26) The impact, if any, of the proposed development on area drainage and other lands at lower elevations in the vicinity.

(27) Potential impact of this development on area traffic loads and fire protection capability.

(28) Potential impact of this development on the local school district(s).

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

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

c) Approval of Preliminary Plat

1) The Planning Commission review of a preliminary plat application shall be based on the requirements of this chapter.

2) After action by the Planning Commission on an application for preliminary plat approval, the City Manager's designee shall record the action taken. Copies of action taken shall be forwarded to the applicant.

~~The approval of a preliminary plat shall be effective for a period of twelve (12) months, or for such other time as approved by the Planning Commission.~~

3) No construction work on the proposed subdivision, including grading, shall be commenced until approval is received of a final plat. The subdivider shall not transfer any lot, parcel or tract therefrom before the final plat has been recorded.

~~1)~~

~~(Ord. 77-91. Passed 10-15-91; Ord. 31-2007. Passed 8-21-07.)~~

1187.04 PRELIMINARY PLAT.

~~The subdivider shall submit an application with a total of thirteen (13) copies of the preliminary plat to the Village Administrator's designee a minimum of fifteen (15) working days prior to the meeting of the Planning Commission at which the subdivider desires his application to be heard.~~

~~The Village Administrator's designee shall, within five (5) working days, review the application and plat for completeness and compliance with the requirements in this section. If he finds the application is complete and meets the requirements, he shall, at least five (5) working days prior to the meeting at which the plat will be heard, forward copies to the Municipal Engineer, Planner and Administrator for review and comment, and to all members of the Planning Commission. He shall also place one copy on file in the zoning office.~~

If the Village Administrator's designee finds that the application is not complete and does not meet requirements of this section, he shall notify the applicant in writing of the deficiencies. The applicant may make the necessary additions and/or revisions. No hearing shall be held or action of approval taken by the Planning Commission until a complete application meeting all requirements of this section has been filed with and accepted by the Village Administrator's designee.

(a) ~~The preliminary plat shall contain the following:~~

- ~~(1) Scale – Minimum of one inch equals one hundred (100) feet.~~
- ~~(2) The proposed name of the subdivision.~~
- ~~(3) Key map showing location within the Municipality.~~
- ~~(4) Names and addresses of owners, developers and the surveyor who developed the plat.~~
- ~~(5) Date of submission.~~
- ~~(6) North point.~~
- ~~(7) Signature block for applicant and applicant's engineer and surveyor.~~

(b) ~~The following existing conditions shall be shown:~~

- ~~(1) Boundary lines and approximate acreage included.~~
- ~~(2) Locations, widths and names of all existing or prior platted streets or alleys, railroad and utility rights-of-way, parks and public open spaces, community ownership association, permanent buildings and structures, all section and corporation lines within or adjacent to the tract.~~
- ~~(3) Existing sewers, water mains, culverts and other underground facilities within the tract, indicating pipe size, elevations and grades (if readily available) and locations (if known or available).~~
- ~~(4) Existing easements on subject acreage and easements within fifty (50) feet on adjacent subdivided plat. Proposed developer utility and proposed public utility easements are not expected to be shown.~~
- ~~(5) Names of adjacent subdivisions and owners of adjoining parcels of unsubdivided land with deed book and page number or official record volume.~~
- ~~(6) Boundary lines of adjacent tracts of unsubdivided and subdivided land, within one hundred (100) feet of boundary line.~~
- ~~(7) Existing zoning or deed restrictions (if known) for subject and surrounding acreage.~~
- ~~(8) Existing contours, with intervals of five (5) feet where the slope is greater than ten percent (10%) and two (2) feet where the slope is less than ten percent (10%).~~
- ~~(9) Drainage channels, wooded areas, water courses and other significant physical features.~~
- ~~(10) All elevations shall be based on sea level datum as determined by the U.S. Coast and Geodetic survey or the U.S. Geological Survey.~~
- ~~(11) FEMA floodplain areas.~~

(c) ~~The following proposed conditions shall be shown:~~

- ~~(1) Layout of streets and right-of-way widths.~~
- ~~(2) Layout, numbers and dimensions of lots. Lots shall be numbered sequentially for each plat from one, or continue from the last number used on previous section in multiple phase developments.~~
- ~~(3) Parcels of land intended to be dedicated or temporarily reserved for public use, and proposed method of maintenance and control of same.~~

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- ~~(4) Building setback lines shown graphically with dimensions or standards indicated in current Zoning Ordinance.~~
 - ~~(5) Names of new streets shall not duplicate names of any existing dedicated streets within the northeastern quadrant of Franklin County and/or its incorporated areas.~~
 - ~~(6) New streets, which are extensions of or in alignment with existing streets, shall bear the names of the existing streets of which they are extensions, or with which they are in alignment.~~
 - ~~(7) All new streets shall be named and shall be subject to the approval of the Planning Commission.~~
 - ~~(d) In addition to the aforementioned requirements, the developer shall submit a written statement which shall include:
 - ~~(1) The impact, if any, of the proposed development on area drainage and other lands at lower elevations in the vicinity.~~
 - ~~(2) Potential impact of this development on area traffic loads and fire protection capability.~~
 - ~~(3) Potential impact of this development on the local school district(s).~~
 - ~~(4) Verification that an application, if required, has been submitted to the Ohio Environmental Protection Agency in compliance with Section 401 of the Clean Water Act in which anyone who wishes to discharge dredged or fill material into waters of the United States must obtain a Water Quality Certification Permit from the Ohio Environmental Protection Agency. In the case of an isolated wetland, either a general state or individual state isolated wetland permit must be obtained from the Ohio Environmental Protection Agency (Sections 6111.021—6111.024 of House Bill 231).~~
 - ~~(5) Verification that an application, if required, has been submitted to the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act in which anyone who wishes to discharge dredged or fill material into waters of the United States must obtain either a nationwide or individual permit from the U.S. Army Corps of Engineers.~~~~

~~(Ord. 28-2004. Passed 6-15-04; Ord. 31-2007. Passed 8-21-07.)~~

1187.045 APPROVAL OF PRELIMINARY PLAT.FINAL PLAT PROCESS

After action by the Planning Commission on an application for preliminary plat approval, the Clerk of the Commission shall record the action taken as follows:

- ~~(a) If the application was approved, three (3) copies of the approved preliminary plat shall be stamped "Approved by Planning Commission in an official meeting held (date) with the following additional provisions: (list or attach the specific provisions or contingencies, if none so note)" and shall be signed by the Chairman or Clerk attesting to action taken.~~
- ~~(b) If application is disapproved, three (3) copies of the disapproved preliminary plat shall be stamped "Disapproved by the Planning Commission in an official meeting held (date) for the following reasons: (list or attach the specific reasons for denial)" and shall sign same attesting to action taken.~~

~~Two (2) copies of the signed preliminary plat shall be forwarded to the applicant and one copy retained in the permanent files in the zoning office.~~

~~The approval of a preliminary plat shall be effective for a period of twelve (12) months, or for such other time as approved by the Planning Commission.~~

- ~~(a)(Ord. 77-91. Passed 10-15-91; Ord. 31-2007. Passed 8-21-07.)~~

a) Final Plat: A final plat shall be submitted to the Planning Commission for review of subdivisions as defined in C.O. 1187.01(g).

b) Final Plat Contents

The subdivider shall submit an application to the City Manager's designee a minimum of 30 days prior to the meeting of the Planning Commission which the subdivider desires their application to be heard. If the City Manager's designee finds that the application is not complete and does not meet requirements of this section, they shall notify the applicant in writing of the deficiencies. The applicant may make the necessary additions and/or revisions. No hearing shall be held or action of approval taken by the Planning Commission until a complete application meeting all requirements of this section has been filed with and accepted by the City Manager's designee.

1187.06 FINAL PLAT.

~~The owner shall submit an application with a total of thirteen (13) copies of the final plat to the Village Administrator's designee at least fifteen (15) working days prior to the meeting of the Planning Commission at which the subdivider desires his application to be heard.~~

~~The Village Administrator's designee shall review the application and plat for completeness and compliance with the requirements in this section. If he finds the application is complete and meets the requirements, he shall forward copies to the Municipal Engineer, Planner and Administrator for review and comment, and to all members of the Planning Commission at least five (5) working days prior to the meeting at which the plat will be heard. He shall also place one copy on file in the zoning office.~~

~~If the Village Administrator's designee finds that the application is not complete and does not meet requirements of this section, he shall notify the applicant, who shall be allowed to make the necessary revisions. No hearing shall be held or action of approval taken by the Planning Commission until a complete application meeting all requirements of this section has been filed with and accepted by the Village Administrator's designee.~~

~~Action will be taken by the Commission and Council within thirty (30) days after acceptance of the final plat by the Village Administrator's designee. See Section 1187.07 for approval of the final plat. If not recorded in twelve (12) months, such approval of Council and the Commission shall become null and void.~~

~~(a) — The final plat shall contain the followingsubmitted shall contain the following:~~

- (1) Boundary of plat, based on an accurate distances and bearings.
- (2) Where the subdivision does not abut to an existing subdivision, the true angle and distance to the nearest street intersection, accurately described on the plat.
- (3) Municipal, Township, County or Section lines accurately tied to the lines of the subdivision by distances and angles.
- (4) Radii, arcs and chords, points of curvature and tangency. Central angles for all curvilinear streets and radius for all rounded corners.
- (5) All lot numbers and lines with accurate dimensions in decimals of a foot and bearings in degrees, minutes and seconds.
- (6) One inch iron pins, thirty (30) inches long, with plastic caps identifying the surveyor shall be placed at such locations that the subdivisions can be readily resurveyed. As a minimum, all extreme corners shall be monumented.
- (7) Accurate location, width of right-of-way and name of all streets or other public ways.
- (8) All proposed developer easements, such as water, sanitary and storm sewers shall be shown. All proposed public utility easements shall be shown if they are available.

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- (9) Minimum building setback lines along all streets and other public ways.
 - (10) Accurate outlines and delineation of all drainage easements, one hundred (100) year floodway routing, flood hazard areas and other watercourses contained within or contiguous to the plat boundaries.
 - (11) Accurate outlines of any areas to be dedicated or reserved for public use, with purposes indicated thereon, and of any areas to be reserved by deed covenant, for the common use of all property owners.
 - (12) Other information deemed necessary by the Municipal Engineer or the Planning Commission in order to fully describe any special conditions or circumstances affecting the proposed plat.
 - (13) If more than one sheet is required for the plat, an index map, at a smaller scale, showing all of the lots on one contiguous drawing shall be shown on the first sheet.

~~(b)~~—The final plat submittal shall also contain:

- ~~(141)~~ A certification by a registered surveyor that the plat represents a survey made by him and that the monuments shown exist as located, or will be set one foot below proposed grade prior to beginning of construction, and that all dimensional and geodetic details are correct. The plat shall be prepared in accordance with the minimum plat requirements as established by the Franklin County Engineer's Office.
- ~~(152)~~ A notarized certification by the owner/owners of the adoption of the plat and the dedication by them to public use of the streets and other public areas shown on the plat. No property should extend to center of rights-of-way.
- ~~(163)~~ Proper form for the approval of the Planning Commission, with space for signature of the Chairperson.
- ~~(174)~~ Space for approval by signature of the Mayor, Municipal Engineer, Council representative to Planning Commission and Finance Director. The signature of the Engineer shall be withheld until all easements are shown.
- ~~(185)~~ Proper form for approval and acceptance by the Council, showing resolution number.
- ~~(196)~~ Within ten (10) working days after the review comments have been transmitted to the developer, and the tracing (final plat drawing) has been revised to reflect the review comments, it shall be submitted to the Municipal Engineer for the permanent filing.

Any additions or changes to the plat shall be made in the Engineer's office unless otherwise authorized by the Engineer.

- ~~(207)~~ Space for transfer by the County Auditor and recording by the County Recorder. A statement as to the expiration date of the municipal approval shall be placed just ahead of the space provided for the County Auditor's signature.
 - ~~(218)~~ Application fees specified by separate ordinance.
 - ~~(229)~~ Copies of any and all proposed deed covenants, deeds of right-of-way and deeds of easement.
- ~~(c)~~—In addition to the aforementioned requirements, the developer shall submit a written statement which shall include:
- ~~(231)~~ Evidence that the Ohio Environmental Protection Agency has considered the applicant's application and granted such permit or determined that such permit is not applicable. If a permit was granted, four (4) copies shall be supplied by the owner to the Village Administrator's designee for distribution.
 - ~~(242)~~ Evidence that the U.S. Army Corps of Engineers has considered the applicant's application and granted such permit or determined that such permit is not applicable. If a permit was granted, four (4) copies shall be supplied by the owner to the Village Administrator's designee for distribution. After the tracing

(final plat drawing) has been revised to reflect the review comments, eight (8) copies showing all approvals, shall be supplied by the owner to the Finance Director for distribution.

c) Approval of Final Plat

- ~~1) After the tracing (final plat drawing) has been revised to reflect the review comments, four (4) copies showing all approvals, shall be supplied by the owner to the Village Administrator's designee for distribution.~~
- 1) The Planning Commission review of a final plat application shall be based on the requirements of this chapter and provide a recommended action to City Council, who shall take final action on such application.
- 2) After action by City Council on an application for final plat approval, the action shall be documented by the Clerk of Council. The final plat may be recorded with the County Recorder's office provided compliance is made with other provisions of this chapter, only after full approval by the City Engineer. The City Manager may only add or revise easements after City Council has approved a final plat.
- 3) The approval of a final plat shall be effective for a period of twelve (12) months, or for such other time as approved by City Council.
- 4) The subdivider shall not transfer any lot, parcel or tract therefrom before the final plat has been recorded. No construction work on the proposed subdivision, including grading, shall be commenced until approval is received of a final plat and an engineering permit has been approved, in accordance with C.O. 909.

~~The subdivider shall not transfer any lot, parcel or tract therefrom before the final plat has been recorded. No construction work on the proposed subdivision, including grading, shall be commenced until approval is received of the final plat and provided compliance is made with the other provisions of this chapter. Only easements may be added or revised on the final plat after approval, and only after approval by the Municipal Engineer.~~

~~All construction work and materials used in connection with public improvements in the area platted will conform to requirements of the Municipal Engineer and Municipal specifications and be inspected by the Engineer.~~

~~After all easements have been placed on the plat, and the plat has been approved and received Council acceptance, it shall be recorded by the Municipal Engineer.~~

~~The developer shall furnish two (2) checks, one for the County Auditor and one for the County Recorder. (Ord. 28-2004. Passed 6-15-04; Ord. 31-2007. Passed 8-21-07.)~~

1187.07 IMPROVEMENT GUARANTEES.

- (a) The subdivider or developer shall, prior to construction, deposit with the Finance Director a sum of money as prescribed by Chapter 909 to defray the cost of inspection and the engineering services provided and any expense incurred by the Municipality due to the installation of the improvements and review of the plat and plans. The subdivider and developer shall hold the Municipality free and harmless from any and all claims for damages of every nature arising or growing out of the construction of such improvements, and shall defend, at his/her own cost and expense, each and every suit or action brought against said Municipality by reason thereof, until the improvement has been accepted by the Municipality.
- (b) The City Engineer, shall accept infrastructure within the subdivision after its construction and the appropriate bonds have been provided, as prescribed by Chapter 909.

Before the approval of the final plat, the subdivider or developer shall sign a developer's agreement and provide a two-year letter of credit (LC) acceptable to the Municipality guaranteeing the completion of all

improvements, including but not limited to streets, curbs, sidewalks, storm sewer mains and lines, sanitary sewer mains and lines, water main and lines, prior to the recording of the plat of the subject subdivision, or at such time as may be agreed to by Council. The LC shall be in an amount equal to the estimated cost of constructing the street, street-related and storm water control improvements and as approved by the Municipal Engineer. A maintenance bond in the amount of ten percent (10%) of the preliminary estimated or final construction costs shall be provided for a maintenance period of two (2) years, beginning with the date of acceptance of the subdivision and all its appurtenances by Council. A certified check in the amount of two and one-half percent (2.5%) of the initial inspection fee shall also be provided to the Village at the date of acceptance of the subdivision. This check will be applied toward the two-year maintenance inspection by the Village. An additional and separate maintenance bond in the amount of ten percent (10%) of said construction cost shall also be provided to address settlement related to the installation of storm sewer or sanitary sewer mains and lines in the front yard. This maintenance bond shall be provided for a maintenance period of five (5) years, beginning with the date of acceptance of the subdivision and all its appurtenances by Council. The Finance Director shall retain custody of the maintenance bond during that time period.

- ~~(b) The Engineer shall inspect the improvements prior to the expiration of the bond period. Upon his notification that there are no deficiencies, or that all deficiencies have been corrected to his satisfaction, the bond shall be released and the developer's guarantee shall be considered satisfied so long as all fees owed to the Municipality by the owner or developer are paid.~~
- ~~(c) The subdivider or developer shall, prior to construction, deposit with the Finance Director a sum of money as prescribed by Chapter 909 to defray the cost of inspection and the engineering services provided and any expense incurred by the Municipality due to the installation of the improvements and review of the plat and plans. The subdivider and developer shall hold the Municipality free and harmless from any and all claims for damages of every nature arising or growing out of the construction of such improvements, and shall defend, at his/her own cost and expense, each and every suit or action brought against said Municipality by reason thereof, until the improvement has been accepted by the Municipality.~~
- ~~(d) The subdivider or developer shall furnish to the Municipality at the time of commencing construction, proof of possession of liability insurance of not less than one million dollars (\$1,000,000.00) and property damage insurance of not less than three hundred thousand dollars (\$300,000.00).~~
- ~~(e) If any violation of, or non-compliance with, any of the provisions and stipulations of this chapter occurs, the Engineer or the Village Administrator's designee shall notify the Law Director of any violation. Before a stop work order is issued, the Law Director shall notify the developer of the violation. The developer has five (5) working days to correct any violations.~~

(Ord. 28-2004. Passed 6-15-04; Ord. 31-2007. Passed 8-21-07; Ord. 36-2008. Passed 10-21-08.)

1187.22 MINOR COMMERCIAL SUBDIVISIONS.

- (a) Notwithstanding anything to the contrary, approval without a plat of a minor commercial subdivision may be granted by the Community Development Director or designee if the proposed minor subdivision of a parcel of land meets all of the following conditions:
 - (1) A final development plan according to Chapter 1159 or an equivalent plan has been approved by ~~the Planning Commission~~ a city board or commission;
 - (2) The proposed subdivision is located along an existing public road, has frontage along a public street and involves no opening, widening or extension of any street;
 - (3) No more than five (5) lots are created after the original parcel has been completely subdivided;
 - (4) The proposed subdivision is not contrary to other subdivision, zoning, and other applicable regulations; and

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- (5) The property has been surveyed and a survey drawing, legal description of the property and other information as may be pertinent or required for appropriate action are submitted with the application.
 - (b) If approval is given under these provisions, the Community Development Director or designee shall, within ten (10) working days after submission, approve such proposed minor subdivision and, upon presentation of a conveyance for said parcel, shall stamp "Approved by New Albany; No Plat Required", and the authorized representative of the Commission shall sign the conveyance.

~~(c) — For the purpose of this section, "original parcel" means the parcel existing as of the effective date of this section of the Subdivision Regulations (February 20, 2007).~~

(Ord. 08-2007. Passed 2-20-07; Ord. 31-2007. Passed 8-21-07.)

1187.23 MINOR RESIDENTIAL SUBDIVISIONS.

- (a) Notwithstanding anything to the contrary, approval without a plat of a minor residential subdivision may be granted by the Community Development Director or designee if the proposed minor subdivision of a parcel of land meets all of the following conditions:
 - (1) The proposed subdivision is located along an existing public road, has frontage along a public street and involves no extension of any street;
 - (2) No more than five (5) lots are created after the original parcel has been completely subdivided;
 - (3) The proposed subdivision is not contrary to other subdivision, zoning, and other applicable regulations; and
 - (4) The property has been surveyed and a survey drawing, legal description of the property and other information as may be pertinent or required for appropriate action are submitted with the application.
- (b) If approval is given under these provisions, the Community Development Director or designee shall, within ten (10) working days after submission, approve such proposed minor subdivision and, upon presentation of a conveyance for said parcel, shall stamp "Approved by New Albany; No Plat Required", and the authorized representative of the Commission shall sign the conveyance.

1187.01 DEFINITIONS.

The following words and phrases when used in this chapter shall have the meaning here described.

- (a) "Easement" means a grant by property owner(s) to another party or parties for a specific use of a described portion of property.
- (b) "Improvements" means street pavements, with or without curbs and/or gutters, sidewalks, water mains, sanitary and storm sewers, stormwater management facilities, erosion and sedimentation measures, grading and shaping, street lights, landscaping, screening and buffering and other related matters normally associated with the development of land into development sites.
- (c) "Lot" means a division of land and described on a recorded subdivision plat or recorded deed by metes and bounds description.
- (d) "Minor commercial subdivision" means a commercially zoned parcel, with an approved Final Development Plan or equivalent plan, with public road frontage, which does not involve the opening, widening or extension of a public street and does not involve more than five (5) lots after the original tract has been completely subdivided.
- (e) "Minor residential subdivision" means the division of any parcel of land into five (5) or fewer parcels, sites, or lots, any one of which is less than five (5) acres for the purpose, whether immediate or future, of residential use and does not involve new, widening or the extension of any public street.
- (e) "Plat" means a map of a subdivision described by accurate distances and bearings.
- (f) "Right-of-way" means the width between property lines of a street, roadway, easement.
- (g) "Subdivision" means the division of any parcel of land into more than five (5) parcels, sites, or lots, any one of which is less than five (5) acres for the purpose, whether immediate or future, of residential, commercial or industrial uses. This definition does not include:
 - The sale, exchange or boundary adjustment of existing properties where such action does not create additional building sites; and
 - The division or partition of land into parcels, sites, or lots more than five (5) where such action does not involve new, the extension of public streets; and
 - The division or allocation of land as open spaces for common use by owners; or the division or allocation of land for the extension and maintenance of public sewer, water, storm drainage or other public facilities.
 - Minor commercial and residential subdivisions.

(Ord. 77-91. Passed 10-15-91; Ord. 08-2007. Passed 2-20-07; Ord. 31-2007. Passed 8-21-07.)

1187.02 REQUIRED IMPROVEMENTS.

The subdivider or developer of land shall provide and pay the entire cost of improvements to such land as follows:

- (a) Street improvements shall consist of grading the right- of-way for full width; construction of curbs or curbed gutters and pavement; construction of draining structures and appurtenances. Two (2) roof drain openings shall be provided in curb for each lot, or shall be machine cored by the builder.
- (b) Sanitary sewers, including mains, manholes, services and all appurtenances.

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- (c) Water distribution system, including mains, services, valves, fire hydrants and all appurtenances.
 - (d) Concrete sidewalks on both sides of street, except where Leisure Trails are required in accordance with the Village's Strategic Plan or as recommended by the Parks and Trails Advisory Board. Sidewalks shall be linked to external trails or sidewalks. Where special circumstances exist for sidewalk construction a fee in-lieu may be considered according to the procedure in Section 1187.18.
 - (e) Leisure Trails in accordance with the Village's Strategic Plan or as recommended by the Parks and Trails Advisory Board. Trails shall be linked to external trails or sidewalks. Where special circumstances exist for trail construction a fee in-lieu may be considered according to the procedure in Section 1187.18.
 - (f) Storm sewers, including manholes, inlets or catch basins, and all appurtenances, stormwater management features and facilities.
 - (g) Landscaping, screening and buffering features, if required by these regulations or the Zoning Code.
 - (h) Street lighting above public right-of-way which meets minimum illumination specifications approved by the Municipal Engineer. Light standards shall be approved by the Municipality.
 - (i) Erosion and sedimentation control measures and practices.

All phases of the improvement shall be approved by the Municipal Engineer and shall be constructed in accordance with Municipal specifications and standards as approved by the Municipal Engineer.

(Ord. 77-91. Passed 10-15-91; Ord. 31-2007. Passed 8-21-07.)

1187.03 PRELIMINARY PLAT PROCESS

a) Preliminary Plat: A preliminary plat may be submitted to the Planning Commission for review, subject to the regulations of this chapter. Approval of a preliminary plat application shall not be required prior to the approval of a final plat application.

b) Preliminary Plat Contents

The subdivider shall submit an application to the City Manager's designee a minimum of 30 days prior to the meeting of the Planning Commission which the subdivider desires their application to be heard. If the City Manager's designee finds that the application is not complete and does not meet requirements of this section, they shall notify the applicant in writing of the deficiencies. The applicant may make the necessary additions and/or revisions. No hearing shall be held or action of approval taken by the Planning Commission until a complete application meeting all requirements of this section has been filed with and accepted by the City Manager's designee.

The preliminary plat shall contain the following:

- (1) Scale - Minimum of one inch equals one hundred (100) feet.
- (2) The proposed name of the subdivision.
- (3) Key map showing location within the Municipality.
- (4) Names and addresses of owners, developers and the surveyor who developed the plat.
- (5) Date of submission.
- (6) North point.
- (7) Signature block for applicant and applicant's engineer and surveyor.

The following existing conditions shall be shown:

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- (8) Boundary lines and approximate acreage included.
 - (9) Locations, widths and names of all existing or prior platted streets or alleys, railroad and utility rights-of-way, parks and public open spaces, community ownership association, permanent buildings and structures, all section and corporation lines within or adjacent to the tract.
 - (10) Existing sewers, water mains, culverts and other underground facilities within the tract, indicating pipe size, elevations and grades (if readily available) and locations (if known or available).
 - (11) Existing easements on subject acreage and easements within fifty (50) feet on adjacent subdivided plat. Proposed developer utility and proposed public utility easements are not expected to be shown.
 - (12) Names of adjacent subdivisions and owners of adjoining parcels of unsubdivided land with deed book and page number or official record volume.
 - (13) Boundary lines of adjacent tracts of unsubdivided and subdivided land, within one hundred (100) feet of boundary line.
 - (14) Existing zoning or deed restrictions (if known) for subject and surrounding acreage.
 - (15) Existing contours, with intervals of five (5) feet where the slope is greater than ten percent (10%) and two (2) feet where the slope is less than ten percent (10%).
 - (16) Drainage channels, wooded areas, water courses and other significant physical features.
 - (17) All elevations shall be based on sea level datum as determined by the U.S. Coast and Geodetic survey or the U.S. Geological Survey.
 - (18) FEMA floodplain areas.

The following proposed conditions shall be shown:

- (19) Layout of streets and right-of-way widths.
- (20) Layout, numbers and dimensions of lots. Lots shall be numbered sequentially for each plat from one, or continue from the last number used on previous section in multiple phase developments.
- (21) Parcels of land intended to be dedicated or temporarily reserved for public use, and proposed method of maintenance and control of same.
- (22) Building setback lines shown graphically with dimensions or standards indicated in current Zoning Ordinance.
- (23) Names of new streets shall not duplicate names of any existing dedicated streets within the northeastern quadrant of Franklin County and/or its incorporated areas.
- (24) New streets, which are extensions of or in alignment with existing streets, shall bear the names of the existing streets of which they are extensions, or with which they are in alignment.
- (25) All new streets shall be named and shall be subject to the approval of the Planning Commission.

In addition to the aforementioned requirements, the developer shall submit a written statement which shall include:

- (26) The impact, if any, of the proposed development on area drainage and other lands at lower elevations in the vicinity.
- (27) Potential impact of this development on area traffic loads and fire protection capability.
- (28) Potential impact of this development on the local school district(s).

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- (29) Verification that an application, if required, has been submitted to the Ohio Environmental Protection Agency in compliance with Section 401 of the Clean Water Act in which anyone who wishes to discharge dredged or fill material into waters of the United States must obtain a Water Quality Certification Permit from the Ohio Environmental Protection Agency. In the case of an isolated wetland, either a general state or individual state isolated wetland permit must be obtained from the Ohio Environmental Protection Agency (Sections 6111.021 - 6111.024 of House Bill 231).
 - (30) Verification that an application, if required, has been submitted to the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act in which anyone who wishes to discharge dredged or fill material into waters of the United States must obtain either a nationwide or individual permit from the U.S. Army Corps of Engineers.

c) Approval of Preliminary Plat

- 1) The Planning Commission review of a preliminary plat application shall be based on the requirements of this chapter.
- 2) After action by the Planning Commission on an application for preliminary plat approval, the City Manager's designee shall record the action taken. Copies of action taken shall be forwarded to the applicant.
- 3) No construction work on the proposed subdivision, including grading, shall be commenced until approval is received of a final plat. The subdivider shall not transfer any lot, parcel or tract therefrom before the final plat has been recorded.

1187.04 FINAL PLAT PROCESS

- a) Final Plat: A final plat shall be submitted to the Planning Commission for review of subdivisions as defined in C.O. 1187.01(g).

b) Final Plat Contents

The subdivider shall submit an application to the City Manager's designee a minimum of 30 days prior to the meeting of the Planning Commission which the subdivider desires their application to be heard. If the City Manager's designee finds that the application is not complete and does not meet requirements of this section, they shall notify the applicant in writing of the deficiencies. The applicant may make the necessary additions and/or revisions. No hearing shall be held or action of approval taken by the Planning Commission until a complete application meeting all requirements of this section has been filed with and accepted by the City Manager's designee.

The final plat shall contain the following:

- (1) Boundary of plat, based on an accurate distances and bearings.
- (2) Where the subdivision does not abut to an existing subdivision, the true angle and distance to the nearest street intersection, accurately described on the plat.
- (3) Municipal, Township, County or Section lines accurately tied to the lines of the subdivision by distances and angles.
- (4) Radii, arcs and chords, points of curvature and tangency. Central angles for all curvilinear streets and radius for all rounded corners.
- (5) All lot numbers and lines with accurate dimensions in decimals of a foot and bearings in degrees, minutes and seconds.

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- (6) One inch iron pins, thirty (30) inches long, with plastic caps identifying the surveyor shall be placed at such locations that the subdivisions can be readily resurveyed. As a minimum, all extreme corners shall be monumented.
 - (7) Accurate location, width of right-of-way and name of all streets or other public ways.
 - (8) All proposed developer easements, such as water, sanitary and storm sewers shall be shown. All proposed public utility easements shall be shown if they are available.
 - (9) Minimum building setback lines along all streets and other public ways.
 - (10) Accurate outlines and delineation of all drainage easements, one hundred (100) year floodway routing, flood hazard areas and other watercourses contained within or contiguous to the plat boundaries.
 - (11) Accurate outlines of any areas to be dedicated or reserved for public use, with purposes indicated thereon, and of any areas to be reserved by deed covenant, for the common use of all property owners.
 - (12) Other information deemed necessary by the Municipal Engineer or the Planning Commission in order to fully describe any special conditions or circumstances affecting the proposed plat.
 - (13) If more than one sheet is required for the plat, an index map, at a smaller scale, showing all of the lots on one contiguous drawing shall be shown on the first sheet.

The final plat submittal shall also contain:

- (14) A certification by a registered surveyor that the plat represents a survey made by him and that the monuments shown exist as located, or will be set one foot below proposed grade prior to beginning of construction, and that all dimensional and geodetic details are correct. The plat shall be prepared in accordance with the minimum plat requirements as established by the Franklin County Engineer's Office.
- (15) A notarized certification by the owner/owners of the adoption of the plat and the dedication by them to public use of the streets and other public areas shown on the plat. No property should extend to center of rights-of-way.
- (16) Proper form for the approval of the Planning Commission, with space for signature of the Chairperson.
- (17) Space for approval by signature of the Mayor, Municipal Engineer, Council representative to Planning Commission and Finance Director. The signature of the Engineer shall be withheld until all easements are shown.
- (18) Proper form for approval and acceptance by the Council, showing resolution number.
- (19) Within ten (10) working days after the review comments have been transmitted to the developer, and the tracing (final plat drawing) has been revised to reflect the review comments, it shall be submitted to the Municipal Engineer for the permanent filing.

Any additions or changes to the plat shall be made in the Engineer's office unless otherwise authorized by the Engineer.
- (20) Space for transfer by the County Auditor and recording by the County Recorder. A statement as to the expiration date of the municipal approval shall be placed just ahead of the space provided for the County Auditor's signature.
- (21) Application fees specified by separate ordinance.
- (22) Copies of any and all proposed deed covenants, deeds of right-of-way and deeds of easement.

In addition to the aforementioned requirements, the developer shall submit a written statement which shall include:

- (23) Evidence that the Ohio Environmental Protection Agency has considered the applicant's application and granted such permit or determined that such permit is not applicable. If a permit was granted, four (4) copies shall be supplied by the owner to the Village Administrator's designee for distribution.
- (24) Evidence that the U.S. Army Corps of Engineers has considered the applicant's application and granted such permit or determined that such permit is not applicable. If a permit was granted, four (4) copies shall be supplied by the owner to the Village Administrator's designee for distribution. After the tracing (final plat drawing) has been revised to reflect the review comments, eight (8) copies showing all approvals, shall be supplied by the owner to the Finance Director for distribution.

c) Approval of Final Plat

- 1) The Planning Commission review of a final plat application shall be based on the requirements of this chapter and provide a recommended action to City Council, who shall take final action on such application.
- 2) After action by City Council on an application for final plat approval, the action shall be documented by the Clerk of Council. The final plat may be recorded with the County Recorder's office provided compliance is made with other provisions of this chapter, only after full approval by the City Engineer. The City Manager may only add or revise easements after City Council has approved a final plat.
- 3) The approval of a final plat shall be effective for a period of twelve (12) months, or for such other time as approved by City Council.
- 4) The subdivider shall not transfer any lot, parcel or tract therefrom before the final plat has been recorded. No construction work on the proposed subdivision, including grading, shall be commenced until approval is received of a final plat and an engineering permit has been approved, in accordance with C.O. 909.

1187.07 IMPROVEMENT GUARANTEES.

- (a) The subdivider or developer shall, prior to construction, deposit with the Finance Director a sum of money as prescribed by Chapter 909 to defray the cost of inspection and the engineering services provided and any expense incurred by the Municipality due to the installation of the improvements and review of the plat and plans. The subdivider and developer shall hold the Municipality free and harmless from any and all claims for damages of every nature arising or growing out of the construction of such improvements, and shall defend, at his/her own cost and expense, each and every suit or action brought against said Municipality by reason thereof, until the improvement has been accepted by the Municipality.
- (b) The City Engineer shall accept infrastructure within the subdivision after its construction and the appropriate bonds have been provided, as prescribed by Chapter 909.

(Ord. 28-2004. Passed 6-15-04; Ord. 31-2007. Passed 8-21-07; Ord. 36-2008. Passed 10-21-08.)

1187.22 MINOR COMMERCIAL SUBDIVISIONS.

- (a) Notwithstanding anything to the contrary, approval without a plat of a minor commercial subdivision may be granted by the Community Development Director or designee if the proposed minor subdivision of a parcel of land meets all of the following conditions:
 - (1) A final development plan according to Chapter 1159 or an equivalent plan has been approved by a city board or commission;

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- (2) The proposed subdivision is located along an existing public road, has frontage along a public street and involves no opening, widening or extension of any street;
 - (3) No more than five (5) lots are created after the original parcel has been completely subdivided;
 - (4) The proposed subdivision is not contrary to other subdivision, zoning, and other applicable regulations; and
 - (5) The property has been surveyed and a survey drawing, legal description of the property and other information as may be pertinent or required for appropriate action are submitted with the application.
- (b) If approval is given under these provisions, the Community Development Director or designee shall, within ten (10) working days after submission, approve such proposed minor subdivision and, upon presentation of a conveyance for said parcel, shall stamp "Approved by New Albany; No Plat Required", and the authorized representative of the Commission shall sign the conveyance.

(Ord. 08-2007. Passed 2-20-07; Ord. 31-2007. Passed 8-21-07.)

1187.23 MINOR RESIDENTIAL SUBDIVISIONS.

- (a) Notwithstanding anything to the contrary, approval without a plat of a minor residential subdivision may be granted by the Community Development Director or designee if the proposed minor subdivision of a parcel of land meets all of the following conditions:
- (1) The proposed subdivision is located along an existing public road, has frontage along a public street and involves no extension of any street;
 - (2) No more than five (5) lots are created after the original parcel has been completely subdivided;
 - (3) The proposed subdivision is not contrary to other subdivision, zoning, and other applicable regulations; and
 - (4) The property has been surveyed and a survey drawing, legal description of the property and other information as may be pertinent or required for appropriate action are submitted with the application.
- (b) If approval is given under these provisions, the Community Development Director or designee shall, within ten (10) working days after submission, approve such proposed minor subdivision and, upon presentation of a conveyance for said parcel, shall stamp "Approved by New Albany; No Plat Required", and the authorized representative of the Commission shall sign the conveyance.



TO: Planning Commission

FROM: Community Development Department

DATE: April 8, 2024

RE: Urban Center Code Amendment: Village Center Parkland and Open Space Requirements

Introduction

Attached are the proposed Urban Center Code amendments to expressly exempt properties in the Village Center from meeting the parkland and open space development standards (as described in C.O. 1165.10(1)).

It has been widely recognized that the Village Center should be developed in a style that promotes a traditional town center form. The success of the Village Center is directly linked to the success of the urban design decisions for future development projects. The goal and intent of the Urban Center Code (UCC) is to remove suburban design elements in the Village Center to accomplish the desired traditional urban form.

There is a discrepancy between the zoning sub-districts found in the UCC and the city code parkland and open space development standards for new residential development. Adherence to both the UCC zoning designations and the city code development standards for parkland and open space dedication compromises the ability to create the desired urban form in the Village Center.

This memo provides an overview of existing parkland and open space regulations and how they should be modified to achieve the future development pattern as envisioned in the Engage New Albany strategic plan for properties in the Village Center.

Parkland and Open Space Regulations

Types of Regulations

Construction within the city is controlled through two types of regulations: zoning districts and development standards. A zoning district is an area delineated on a zoning map for which uniform use rules are specified. A development standard is a regulation pertaining to the modification of land. Development standards examples include setbacks, lot coverage, building heights, landscaping, and parking regulations.

Traditional Zoning Outside Village Center

There are two types of zoning districts in the city of New Albany. The first is a traditional, Euclidian (use-based) type of zoning for land outside of the Village Center. Parkland and open space is not an established zoning district. For these Euclidian zoning districts, parkland and open space are provided through separate development standards found in chapter 1165 of the city

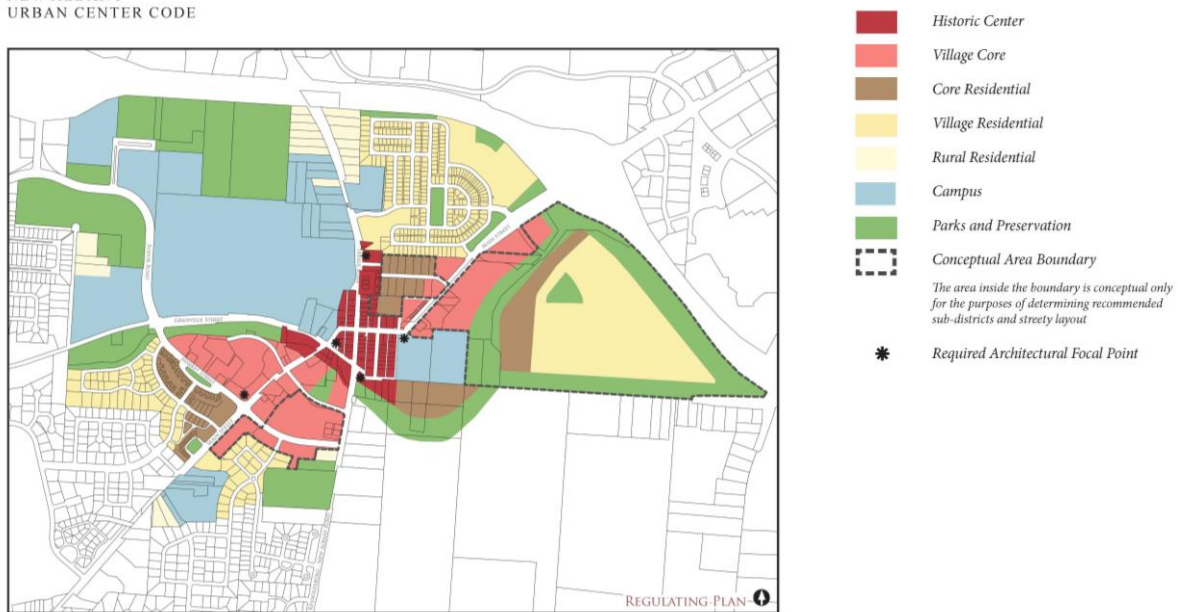
codified ordinances (C.O.). These standards are included in the table below and apply to all new residential developments in the city.

Development Type/Zoning	Parkland Dedication	Open Space Requirement
Residential “subdivisions” as defined in C.O. 1187.01(g)	2,400 sq. ft. per dwelling unit	In residential developments of two (2) acres or more, a minimum of twenty percent (20%) of the gross developed land area shall be common open space.

Urban Center Code Zoning Within the Village Center

The second type of zoning district in the city of New Albany is a form-based code, named the Urban Center Code (UCC), that is established only for land within the Village Center. The entire Village Center is zoned with different zoning districts from the UCC as shown in the graphic below. One of the UCC zoning districts is the Parks and Preservation (PP) District. The UCC only permits the development of government and recreational facilities, parks, and playgrounds within this district. The Parks and Preservation (PP) zoning district designates parkland and open space for the entire Village Center rather than relying on the development standards found in C.O. 1165.

NEW ALBANY
URBAN CENTER CODE



The Parks and Preservation (PP) zoning district serves the same purpose as C.O. 1165. However, the UCC does not expressly exempt the Village Center from the parkland and open space development standards found in C.O. 1165. Strict interpretation of city code results in requiring two parkland and open space regulations being applied within the Village Center (the first is the existing PP zoning district and the second is the development standard found in C.O. 1165). Adherence to both sets of regulations compromises the ability to create the desired urban form in the Village Center. The code needs to be updated so that a single parkland and open space regulation applies in the Village Center.

The city staff researched and determined that this code change is consistent with best practices.

Parkland and Open Space Best Practices

New Albany city code section 1165.10(a) states that the land required to be dedicated as part of new development shall be suitable for municipally owned and operated parks, recreation facilities, and open space. Every year, the city includes a breakdown of existing municipal land use categories as percentages in the city's annual report. Today, there are 1,132 acres of open space, parkland, and preserved areas in the city which is 9.54% of the total city area. Within the Village Center, there are 94 acres which is 13.4% of the total Village Center area. Private parks and open spaces, such as golf courses, are included in this calculation.

As noted in the Engage New Albany Strategic Plan, parks and open space are intrinsic to the character of New Albany and these spaces take many different forms, serving different purposes throughout the community. These spaces consist of formal greens, city parks, rural corridor setbacks, environmentally sensitive lands, and others. Existing green spaces in the city complement the development pattern in which they are located, including the Village Center. In a 2023 report, the National Recreation and Park Association (NRPA) states that the organization does not provide standards as every community is unique with its own set of desires and needs.

In a memo published by the American Planning Association, David Barth states that there are no national standards for the optimal number of parks and other recreational facilities provided in a community (Barth, 2016). The article identifies and describes the most common park and recreation Level of Service (LOS) metrics, including acres per capita. Barth recommends that communities only include lands that could have otherwise been developed, are publicly accessible, and are able to be used for recreation in their acreage LOS metric. However, the author recognizes that there is no standard answer for what lands should and should not be included in this metric (Barth, 2016).

If the existing land use numbers are applied to an acreage LOS metric, there are approximately 96 acres of parkland, open space, and preserved areas per 1,000 residents in the entire city. Within the Village Center, there are approximately 85 acres of the same type of space per 1,000 residents. Surveying 1,000 park and recreation agencies, the NRPA reports that the median parkland acreage provided in cities with a population of less than 20,000 people is 13 with an upper quartile of 21.1 acres (National Recreation and Park Association, 2023).

Conclusion

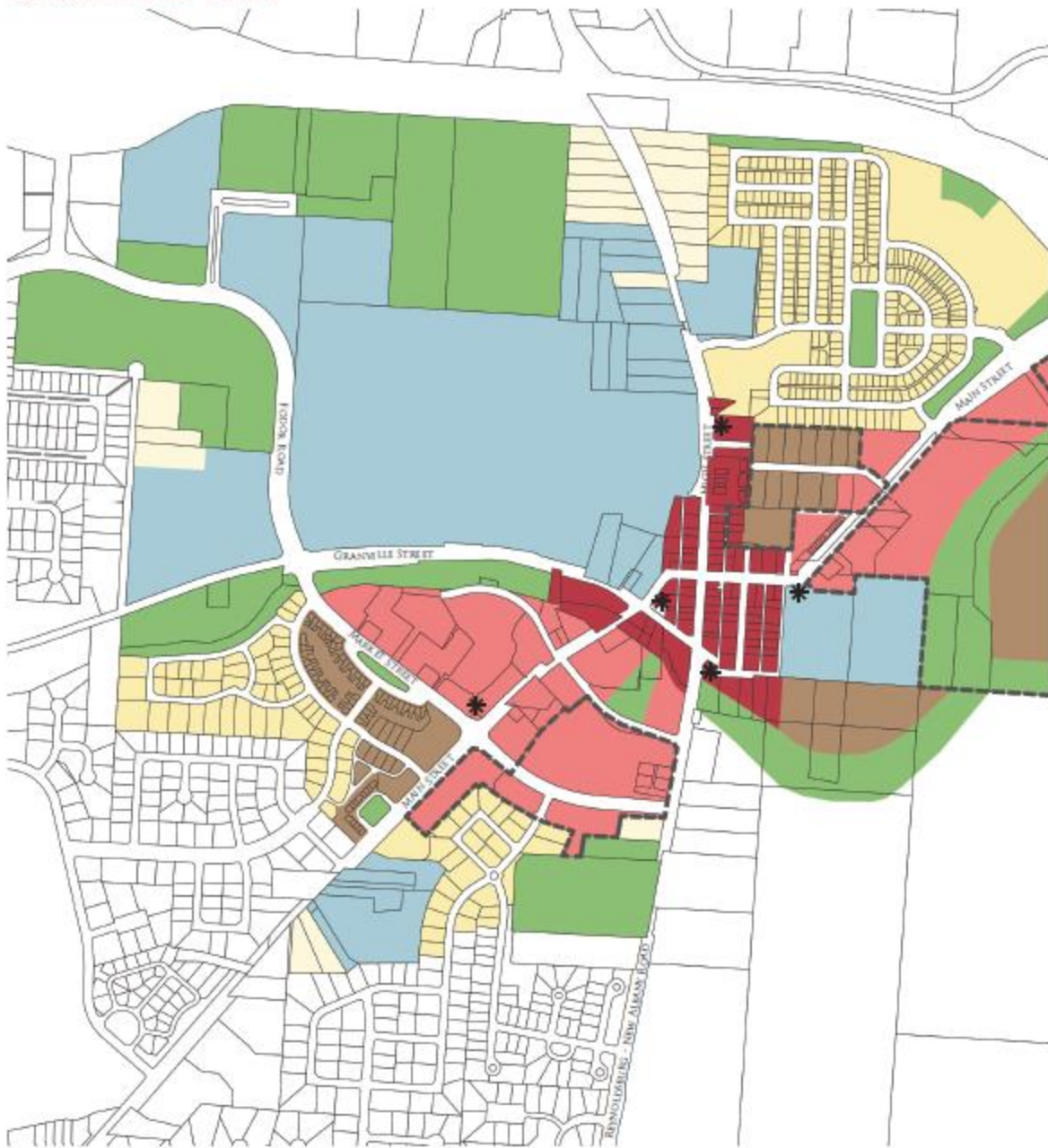
Parkland, open space, and preserved areas within the Village Center have historically been provided in a manner generally consistent with the regulating plan of the UCC. The intent of the UCC is to provide an appropriate arrangement of development that creates a vibrant, mixed-use district including a certain balance of greenspace and developed ground. This has resulted in an abundance of green spaces in the Village Center including key amenities such as Swickward Woods, Rose Run Park and the New Albany Wetland and Nature Preserve. Development in the Village Center is complimented by these greenspaces and when considered together, accomplishes the vision of the UCC.

To preserve the intent of the UCC and continue to promote cohesive development in the Village Center, the UCC should be modified so that properties in the Village Center are not required to meet the parkland and open space development standards (as described in C.O. 1165.10(1)).

Recommended Code Changes

The UCC should be updated to expressly exempt properties in the Village Center from meeting the parkland and open space development standards (as described in C.O. 1165.10(1)). The proposed modifications to the Urban Center Code are attached to this memo.

REGULATING PLAN





Street Standards Plan
 Refer to the Street Standards Plan for required and recommended street, alley, and building envelope standards.

1.1 Regulating Plan

- 1.1.1 The Regulating Plan divides the Urban Center District into sub-districts. These sub-districts identify areas of common building form based upon existing conditions and recommended future conditions from the Village Center Strategic Plan.
- 1.1.2 The sub-districts allocate the location of building forms, building frontages, and other development considerations to create the desired urban design standards for each.
- 1.1.3 The conceptual area boundary indicates a required arrangement of sub-districts and conceptual street layout for areas where the existing condition does not match the desired future building form or street layout. Modifications to sub-district boundaries can be made through the amendment process (Chapter 1111). Acceptable circumstances for modifications to the Regulating Plan would include the following:
 - a. modifications to the street standards plan
 - b. protection of natural features not previously identified
 - c. revisions to the Village Center Strategic Plan
- 1.1.4 Multiple locations within the Urban Center District have been identified as important visual termini. The locations should be seen as opportunities to highlight architectural interest through building orientation, unique massing, or frontage treatments. Refer to Section 3.3 for additional guidelines for required architectural focal points.
- 1.1.5 Some form of open space or parkland shall be provided within 1,200 linear feet of all new residential buildings. These spaces shall be programmed to meet the needs of residents in the surrounding area.

- Historic Center*
- Village Core*
- Core Residential*
- Village Residential*
- Rural Residential*
- Campus*
- Parks and Preservation*
- Conceptual Area Boundary*
- Required Architectural Focal Point*

the desired placement in a sub-district.

- 2.2.3 New building typologies shall be project specific and cannot be used for other development applications.

2.3 Wide Buildings

- 2.3.1 Buildings with lot widths that are longer than 300 feet should be sensitive to adjacent building patterns.
- 2.3.2 If a wide building is across from an existing set of buildings with significantly narrow lot widths, the wide building must mitigate the facade length by creating the appearance of smaller lot widths.
- 2.3.3 Wide buildings may implement vertical architectural elements to the building facade, changes in material, color, breaks in plane to the facade, or a varied roof line.

2.4 Reference Regulations

- 2.4.1 Unless otherwise specified in this document, the development standards of Part Eleven of the Codified Ordinances of New Albany shall apply.
- 2.4.2 Decks are permitted and shall be regulated by Codified Ordinance Chapter 1165.
- 2.4.3 Open-sided structures are permitted and shall be regulated by Codified Ordinance Chapter 1165.
- 2.4.4 Swimming pools shall be regulated by Codified Ordinance Chapter 1173.
- 2.4.5 Fencing and hedges shall be regulated by Codified Ordinance Chapter 1175.
- 2.4.6 Satellite antennas shall be regulated by Codified Ordinance Chapter 1177.
- 2.4.7 Wireless Telecommunication Facilities shall be regulated by Codified Ordinance Chapter 1179.
- 2.4.8 Properties located within the Regulating Plan boundary are not required to meet the Parkland and Open Space Dedication Requirements in Codified Ordinance Chapter 1165.