

New Albany Planning Commission

July 17, 2023 Approved Meeting Minutes

I. Call to order.

The New Albany Planning Commission conducted a regular meeting on Monday, July 17, 2023, in the New Albany Village Hall. Chair Kirby called the meeting to order at 7:03 p.m.

II. Those answering roll call:

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

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

Staff members present: Legal Counsel David Moser, Planner II Chris Christian, Planner Sierra Cratic-Smith, Engineering Manager Cara Denny, Planner Chelsea Nichols, Deputy Clerk Christina Madriguera.

III. Action on minutes: June 19, 2023

Chair Kirby stated he had a correction to page 2 of the minutes. In his statement on page 2, it states "they were at 53-feet wide and 115 -feet deep, and about 7 of them went into 40". The number 7 was actually 7.1 and the number 40 should have been 40,000 square feet (because 43,560 feet are in an acre). Chair Kirby shared his written notes with the clerk so that she could write the numbers on her hard copy.

Chair Kirby also stated that the June 20, 2023 Record of Action had been updated and the current version was before the commission.

Commissioner Wallace asked legal counsel whether the commission should make a motion to supplement the record with the updated version of the Record of Action.

Counsel Mosier replied that a motion to supplement the record was not necessary because the correct version was before the commission.

Chair Kirby moved to approve the minutes of the June 19, 2023 meeting as corrected. Commissioner Briggs seconded the motion.

Upon roll call: Mr. Kirby yes; Ms. Briggs yes; Mr. Wallace yes; Mr. Schell yes; Mr. Larsen yes. Having five yes votes, the June 19, 2023 meeting minutes were approved as corrected.

IV. Additions or corrections to agenda.

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

Hearing none from staff, Chair Kirby administered the oath to all wishing to address the commission.

Chair Kirby reminded everyone to silence their devices.

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

Chair Kirby asked whether there was anyone present who wished to address the commission for an item not on the agenda.

Hearing none, Chair Kirby asked staff to present the first case.

VI. Cases:

ZC-58-2023 Rezoning

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

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

Planner Nichols delivered the staff report.

Chair Kirby asked for comments from engineering.

Engineering Manager Denny responded that there were no engineering comments.

Chair Kirby asked to hear from the applicant.

Applicant Aaron Underhill with Underhill & Hodge at 8000 Walton Parkway in New Albany. Mr. Underhill explained that he was cognizant that neighbors were present. He explained the application, the setbacks and opacity provisions; the ingress and egress to the site which would be on Ganton PKWY, and stated that access from Babbitt Road would be limited to emergency vehicles only; he stated that they saw no need to exceed a 65-foot building height limit for this site.

Chair Kirby asked for the location of the placement of the mound.

Mr. Underhill stated that there would be a mound along Babbitt Road because the intervening right of way would be ignored in terms of adjacency to residential.

Chair Kirby continued there is 100-foot minimum setback, and noted that there would be another 100-foot setback for the building

Mr. Underhill responded 200.

Chair Kirby asked whether there was any reason not to put the mound 100-feet back. And observed that next to the street the mound would look like a wall on the edge of the road.

Applicant Tom Rubey with New Albany Company, responded that the Google site had a similar condition with fencing and street trees. He explained that the intent with this site was to have a similar look. He thought it was a great observation and asked that a condition be structured so that the applicant could work with staff regarding placement of the mound.

Chair Kirby stated that the mound could meander along the property.

Mr. Rubey agreed and noted the location of a tree preservation zone to the east and that the county line was on the eastern boundary. He noted adjacent property that was being marketed and that all of this property was within the New Albany Plain Local School District

Chair Kirby confirmed that the condition that the mounding is not fixed to the right of way would be agreeable.

Mr. Rubey responded, as long as the language provided that the applicant could work with staff on the placement.

Chair Kirby agreed and further thanked the applicants for the prohibition of access (for regular traffic) on Babbitt Road, and asked for other questions from the commission.

Commissioner Schell asked the applicant what the vision was for the site, whether single or multiple users were anticipated.

Mr. Underhill responded that based on the size of the site he thought there could be a single user with multiple buildings.

Commissioner Schell continued and asked whether it could be a business campus of some sort.

Mr. Underhill responded affirmatively.

Mr. Rubey responded that their objective was that it would be a single user with multiple buildings.

Commissioner Larsen confirmed that there would be no entry from Babbitt Road.

Mr. Underhill responded that was correct, no entry other than emergency vehicles.

Chair Kirby stated there was a similar situation with A&F from Central College Road, and it appears to have been relaxed and wondered whether there was a way to keep that from happening here.

Mr. Rubey responded that the A&F zoning was 25-years ago and there were many factors involved in the restrictions on access at that time. He did not see any similarities with this site and noted that this site is significantly larger.

Commissioner Briggs asked staff what the timing was for the Ganton PKWY extension.

Engineering Manager Denny responded that staff was completing the analysis for the alignment.

Commissioner Larsen asked staff how the RFBA voted on this application.

Planner Nichols responded that the RFBA unanimously recommended the application.

Chair Kirby opened the public hearing.

Tom Ribski, 5920 Babbitt Road, on the east side of Babbitt. He is a long-time resident of Plain Township, 37-years. He was on the Plain Township Planning Commission, on the RFBA, and had been a Plain Township Trustee. He stated that he understood development, he commended the New Albany Company on the proposal, and had a few comments and questions. Residents on Babbitt Road would like to maintain the rural character. He remarked that green space was critical and they are glad to maintain the green space and setbacks. He would like the zoning text

to address the light. The light coming off of the existing sites on Babbitt Road is substantial. He noted that a lot of the lighting comes from wall packs on the buildings and would like to have those limited; and further recommended that the color of the lighting be softer. He also requested increased screening at development rather than in five-years because it is during development that screening is needed most.

Chair Kirby responded that the reason is that the only screening that will be tall enough at development is arbor vitae and pines. He explained that it takes five years for the understory and deciduous screening to become established.

Mr. Ribski remarked that that meant that the developer was allowed to have less than 75% screening for five-years.

Chair Kirby answered affirmatively and asked whether staff had a comment.

Planner Nichols responded that the screening included mounding would be present at development and then the plantings would need to reach 75% opacity in five-years.

Mr. Ribski asked whether the rendering on the site plan was an accurate depiction of the orientation of Ganton PKWY.

Engineering Manager Denny responded that the rendering was a depiction, that the final plans regarding the orientation of the Ganton PKWY were not yet complete.

Mr. Ribski glad to hear that there will be no regular access via Babbitt Road and noted that there were various measurements from the centerline of the road.

Chair Kirby advised all present that they should get their well tested before development began in order to establish a baseline for determining whether development changed their water. He further advised the applicants to offer increased screening and buffers to the neighbors.

Mr. Ribski noted that QTS was at the top of the rezoning map and whether QTS Consulting was the prospective occupant.

Mr. Rubey replied that the occupant had not yet been determined.

Mr. Ribski continued that his view was that there were issues here that could be massaged, and perhaps a PUD zoning would be more appropriate.

Chair Kirby responded that the limitation text here was a near approximation of PUD text, and further changes could be requested at council's review.

Mr. Rubey offered the following responses to Mr. Ribski's questions: regarding the lighting, they would commit to wall packs also being 100% cutoff light fixtures and would be limited in number to the extent feasible; regarding screening and the 75% opacity, they would rather not do planting and would like to work with the city's landscape architect to come up with a plan sooner rather than later; regarding QTS, there is nothing that they could announce now, they have been working with a number of folks and there have not been any commitments.

Chair Kirby asked whether uplighting could be eliminated for the whole property.

Mr. Rubey replied there could be no uplighting on the buildings but could not commit to no uplighting property-wide considering safety and site circulation.

Chair Kirby stated that code requires submission of a conforming light plan and lighting must be fixed if the limits are exceeded.

Commissioner Schell thanked Mr. Rubey for his service to New Albany.

Planner Nichols stated that the annexation for the four properties would be heard by council at their July 18, 2023 meeting, but the rezoning, if approved by the commission, will not be heard until August 1st.

Ronald Farber, 5596 Babbitt Road which is the property to the south. He asked what the intent of the 8-foot leisure trail was and whether it was to install just a section.

Planner Nichols answered that the installation of the trail was required by the City of New Albany and would be along Babbitt Road along the construction site only.

Chair Kirby remarked that initially it will be a trail to nowhere, but eventually it will become a trail to everywhere.

Mr. Farber asked whether water and sewer would be served by public utilities.

Chair Kirby answered yes. He further remarked that for folks considering an annexation request into the city, he believed they could request connection if they were located within 200 feet of the line. He asked staff whether there was a ballpark idea of where sanitary and sewer will go.

Engineering Manager Denny replied that she did not have that information.

Commissioner Wallace noted that Mr. Underhill had stated earlier that the toothbrush piece is just for the roadway and he asked how the screening for the road was going to work.

Mr. Underhill clarified that he did not intend to imply that there would not be room for anything else, their intent was to also accommodate a private drive and he was sure there would be screening there.

Chair Kirby noted that west of the site plan was zoned residential or rural residential, actually AG but a residential use.

Mr. Underhill responded that he believed the mounding requirement was for buildings.

Mr. Rubey responded that the vehicular access will be on the length of the drive and there would not be buildings visible. There were no screening requirements for the access drive; the code requirements for screening the neighbors will be related to the site plan.

Chair Kirby stated that in the winter headlights will spill. He noted there is no screening requirement for the access drive, and asked whether the site plan will address screening on the access drive.

Mr. Rubey responded that they would seek ways to minimize lights on the private drive.

Commission Wallace stated that the condition will be that positioning of the access drive will minimize headlight spillover.

Julie De Iullo, 5900 Babbitt which is the property to the north of the subject property. When the Country Club was built, retention ponds were installed but it is not unusual to see a lot of storm water collecting there. She asked what the stormwater management plan included.

Chair Kirby responded that, although it may be a little late now because the spring rains had passed, he would strongly suggest that she record the amount of water she currently had because, by law, the developer was not allowed to change a neighboring property owner's drainage, for better or worse.

Ms. De Iullo noted that she did not enjoy the amount of floodwater that she currently had, and noted that the bridges on Babbitt would probably need to be changed.

Chair Kirby stated within their own site they are required to have storm water retention and asked legal counsel whether a neighbor could consent to changing drainage.

Legal Counsel Moser responded that he did not know off of the top of his head, and that storm water agreements were varied.

Chair Kirby moved to accept the staff reports and related documents into the record for ZC-58-2023. Commissioner Larsen seconded the motion.

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

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

Commissioner Wallace moved for approval of application ZC-58-2023 based on the findings in the staff report and subject to the four conditions discussed during the meeting including:

- 1. The position of the mound is not fixed, it can be variable subject to staff approval;
- 2. There will be no uplighting on the buildings;
- 3. The applicant will work with the city's landscape architect to come up with increased screening at the southern property line and northern property line if requested; and
- 4. The access drive will be positioned to minimize light spillage.

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; Ms. Briggs yes; Mr. Larsen yes; Mr. Schell yes. Having five votes in favor, the application was approved subject to the conditions stated above.

ZC-62-2023 Rezoning

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

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

Planner Nichols delivered the staff report.

Chair Kirby asked for comments from engineering.

Engineering Manager Denny delivered the engineering staff report.

Chair Kirby asked to hear from the applicant.

Applicant Aaron Underhill of Underhill & Hodge located at 8000 Walton Parkway. He thanked Planner Nichols and explained that this rezoning and the next zoning application were intended to accommodate dining and retail establishments to serve the business park and also intended to limit vehicle traffic in New Albany.

Chair Kirby raised the issue of access and asked how many feet deep the property was on the Ganton Road side; roughly how much frontage would be on Ganton Road considering sight lines and minimum distances to intersections and right-in right-out.

Applicant Tom Rubey responded they would return with a final development plan which will include a detailed traffic analysis. More than 50-feet of right of way was provided when Ganton and Beech road were built and a traffic analysis was conducted in 2014. A traffic analysis will be conducted and presented at final development for this application.

Chair Kirby asked whether the applicants had any conflict with the engineering condition.

Mr. Underhill responded that the applicants had no conflict with engineering condition.

Chair Kirby asked whether uplighting could be eliminated.

Mr. Rubey remarked that the property was 350-feet deep, in response to Chair Kirby's earlier question. Regarding the uplighting he stated he was unsure about future signage and asked whether the condition could say there would be no uplighting on buildings or architecture.

Chair Kirby agreed.

Commissioner Schell referenced the school impact letter that was submitted with the application, and noted that this application involved commercial development so there would be no increase in student population. He asked the applicant to discuss the positive impact this will have on the schools.

Mr. Underhill responded this development will increase revenues from hotels, restaurants, and service establishments. He also remarked that revenues will increase as the result of the transfer from CAUV status - the land transfer alone will increase the value of the property and the amount of taxes collected. Increased revenues from food and services sales will result in substantial positive impacts on the schools.

Chair Kirby asked Mr. Underhill to take a shot at justifying the language in that allowed canopies over fuel pumps to encroach on building setbacks.

Mr. Underhill responded that the canopies would typically be located well in front of the building and in a parking area, and the language was likely a carryover from prior applications.

Mr. Rubey added that fuel canopies were a tricky element to deal with, they were unique and did not function as the face of a building for a number of reasons such as height and lighting.

Planner Nichols added that the language was similar to other commercial areas such as Beech Crossing.

Chair Kirby stated he was trying to avoid a variance and was also trying to tease out how much encroachment was actually needed.

Mr. Underhill remarked that they would agree to a condition that canopy may encroach, if approved, as part of the final development.

Commissioner Wallace asked for the nature of the zoning for the property north of the subject property and what was contemplated there because it might make more sense to put this closer to the road.

Mr. Underhill responded that the next road to the north was Worthington Road and S.R. 161 was after that, he continued that he thought the property to the north was zoned office campus district. He stated that they control that and they were not quite sure what the right thing would be with that property. He stated it was under consideration and he anticipated applications would be filed within the next six to 12 months.

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

Hearing no response, Chair Kirby moved for acceptance of the staff reports into the record for application ZC-62-2023. Commissioner Briggs seconded the motion.

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

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

Commissioner Schell moved for approval of application ZC-62-2023 based on the findings in the staff report and subject to the following conditions:

- 1. The comments of the city engineer shall be addressed and incorporated into the zoning text as appropriate and subject to staff approval;
- 2. No uplighting on buildings;
- 3. Regarding D5 canopy encroachments shall be subject to staff approval at final development.

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. Schell yes; Mr. Larsen yes; Mr. Kirby yes; Mr. Wallace yes; Ms. Briggs yes. Having five yes votes ZC-62-2023 was approved subject to the conditions stated above.

ZC-63-2023 Rezoning

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

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

Planner Nichols delivered the staff report.

Chair Kirby asked for comments from engineering.

Engineering Manager Denny delivered the comments from engineering.

Chair Kirby asked to hear from the applicant.

Applicant Aaron Underhill with Underhill & Hodge at 8000 Walton Parkway. He stated that the site is largely similar to the subject property in the prior rezoning application [ZC-62-2023], this property is well positioned to serve the public and the business park. There will be no access from Beech Road. All access will be from the south.

Chair Kirby asked whether he agreed with the engineering comments and whether he would agree with imposition of the same conditions as the prior application [ZC-62-2023].

Mr. Underhill responded that they had no conflict and would agree with imposition of the same conditions.

Commissioner Wallace asked about the cut-out property.

Mr. Underhill responded that they had been in negotiations with the property owner for acquisition of that property and despite repeated attempts, had not reached an agreement as to the value of the property.

Commissioner Briggs asked how the property was accessed by the owner, noting there is no roadway access.

Mr. Rubey responded that they have been aggressively negotiating for acquisition of the property and have not been able to agree on a price. Prior access was by an agreement with ODOT, but that agreement no longer exists. He further speculated that this would be resolved in the future.

Mr. Underhill explained that they have no legal obligation to allow access.

Chair Kirby asked if there were further questions or comments from the commission.

Hearing none he asked whether there was anyone from the public who wished to speak on the application.

Hearing none, Chair Kirby moved to accept the staff reports and related documents into the record for ZC-63-2023. Commissioner Briggs seconded he motion.

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

Hearing none, Chair Kirby asked to hear the roll.

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

Commissioner Schell moved for approval of ZC-63-2023 based on the findings in the staff report and the following conditions:

- 1. The comments of the city engineer shall be addressed and incorporated into the zoning text as appropriate and subject to staff approval;
- 2. No uplighting on buildings;
- 3. Regarding canopy encroachments, they shall be subject to staff approval at final development.

Commissioner Wallace seconded the motion.

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

Hearing none, Chair Kirby asked to hear the roll.

Upon roll call: Mr. Schell yes; Mr. Wallace yes; Ms. Briggs yes; Mr. Larsen yes; Mr. Kirby yes. Having five yes votes the application was approved subject to the conditions stated above.

VAR-65-2023 Variance

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

Applicant: The City of New Albany

Planner Cratic-Smith delivered the staff report.

Chair Kirby stated that this appeared to be a situation where the landowner did everything right and this variance is now required in order to correct the city's error. He further asked legal whether approval of this variance would set a precedent.

Planner II Christian answered that was correct, this was a city sponsored request in order to rectify an error made in the permit approval process.

Chair Kirby asked whether were any others like this in the neighborhood.

Planner II Christian answered that there were not.

Legal Counsel Moser responded that this decision is no more precedential than others made by the commission. This request was to correct the city's error and must be evaluated on the regular factors for every variance.

Commissioner Wallace confirmed that the city should not have approved this application.

Planner II Christian confirmed his understanding was correct.

Commissioner Wallace stated that if the commission makes it clear that this is a unique and highly unusual circumstance, the commission will not be setting a precedent for approval of similar pergolas in the neighborhood. He further asked where on the property the pergola could be properly situated.

Planner Cratic-Smith explained that according to code, the setbacks change based on the circumstance and the project. When a patio is uncovered it should be five feet from the sideline but when the patio is covered it should be 10-feet.

Commissioner Larsen stated that the setback of the house was seven and a half feet.

Planner Cratic-Smith stated that was correct.

Planner II Christian added that the house could actually be five feet from the property line.

Commissioner Wallace stated that the other alternative is that the city bears the cost of removing the pergola and put the homeowner back into their original position. How would the commission go about that – if the commission refused the variance, then the pergola would need to be removed.

Legal Counsel Moser answered that was correct. The commission could reflect that very clearly then the city would need to draft an agreement with the homeowner.

Chair Kirby stated that the Planning Commission has no authority to spend money.

Legal Counsel Moser stated that was correct, so the commission's desire would need to be made clear but an agreement between the city and the property owner would need to be reached.

Commissioner Wallace continued that if the city refuses, then the owner can sue the city for redress. Refusing the variance request here would send a message to the city to take greater care.

Legal Counsel Moser stated that was correct, there would be liability there.

Commissioner Schell observed that there is really no other option, it is either left in place or taken down.

Commissioner Wallace stated that has he understood it, to move it would block the door.

Applicant Steve D'Antonio stated that it would not work at all to move the pergola, it would block the light. Tearing down the pergola would come to great expense for the city. He respectfully requested approval of the variance. He observed that none of the neighbors were present to speak against the application. He stated that Planner Cratic-Smith did a great job putting this application together, that none of the workarounds were palatable to him and further requested that the commission note that this is an error on the part of the city and that is the only reason for approval of the variance.

Commissioner Briggs clarified with staff that no neighbors had complained, raised concerns or questions, regarding this construction.

Planner Cratic-Smith answered that that was correct.

Commissioner Briggs noted that she was the newest member of the commission and asked whether there have been other similar cases.

Planner II Christian said that the commission had not had a similar case, but the BZA had approved setback variances over the years.

Chair Kirby asked whether there was one on Harlem Road.

Planner II Christian recalled that there was one on Harlem Road involving a fence and that went before the BZA, and there might have been one prior to 2019. He further clarified that if this was a house instead of a pergola, that a variance would not be needed.

Chair Kirby asked whether there were further questions from the commission or the public on the application.

Hearing none he moved for acceptance of the staff reports and related documents into the record for VAR-65-2023. 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; Ms. Briggs yes; Mr. Wallace yes; Mr. Schell yes. Having five yes voted the staff reports and related documents were accepted into the record.

Commissioner Larsen moved for approval of VAR-65-2023 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval. Commissioner Briggs seconded the motion.

Chair Kirby asked for discussion on the motion.

Chair Kirby stated that he presumed that the movants wanted it to be made clear in the motion that this was not intended to set a precedent, the only goal was to correct the city's error during the permitting process.

The movants, Commissioner Larsen and Commissioner Briggs, agreed.

Chair Kirby asked to hear the roll.

Upon roll call: Mr. Larsen yes; Ms. Briggs yes; Mr. Kirby yes; Mr. Wallace no; Mr. Schell yes. Having four yes votes and one no vote, VAR 65 2023 was approved.

Commissioner Wallace stated that he voted no because he believed there was an alternate approach in that the city should bear the cost for removal of the pergola that it improperly approved, and therefore he did not believe this variance request met the *Duncan* requirements.

Chair Kirby noted that this application did not meet the *Duncan* factors but the commission has approved variances like this in the past when the property owner would suffer a hardship.

Chair Kirby and the commission wished the applicant good luck.

VAR-66-2023 Variance

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

Applicant: Traci Moore

Planner Cratic-Smith delivered the staff report.

Chair Kirby stated that he wanted to discuss the prior case, VAR-65-2023. He wanted to discuss a condition that he had wanted to add to that variance, which was that the variance goes away if the pergola comes down. He asked legal whether the commission could reconsider the case.

Legal Counsel Moser stated that he believed it was too late to return to the prior case, since the vote had been taken and the variance was approved 4-1. He did not think the commission could go back and undo it.

Commissioner Wallace noted that the applicants had left and stated, for that reason he thought it would be unfair to reconsider the approval.

Chair Kirby agreed and the commissioners indicated agreement.

Chair Kirby returned the commission's attention to VAR-66-2023 and asked staff whether there were similar encroachments in this neighborhood.

Planner Cratic-Smith responded that there were and indicated existing encroachments on the site map. The existing encroachments had been properly approved administratively prior to the code change.

Commissioner Wallace clarified that prior to the code change, the city engineer was able to approve these types of requests administratively.

Planner II Christian added that the existing encroachments were not variances, the plat language allowed for them which was the reason they could be handled administratively.

Commissioner Wallace asked whether there was a difference from the city's perspective between drainage and utility easements.

Planner II Christian answered that Engineering Manager Denny could respond as well, but his understanding was that the city is stricter with drainage easements.

Engineering Manager Denny agreed and added that encroachment on drainage easements are not supported by engineering because encroachment affects flow. She further explained that utility easements are typically larger than what is actually required for the utility so encroachment may not interfere with access. In those cases, encroachment can be approved as long as a hold-harmless agreement is used.

Commissioner Wallace recalled a prior application involving encroachment into an easement and the staff report recommended denial of the application. He noted that this application had no such recommendation, that the staff report was supportive of the application as long as it included a hold harmless agreement.

Engineering Manager Denny responded that was correct, staff was supportive of this application as long as it included a hold harmless agreement.

Chair Kirby asked the applicant whether the footers could be moved out of the easement and still have enough strength to support the cantilever for the deck.

Applicant Michael Whitley of Three D Construction responded that it was possible and would require additional framing; it could be moved back another eight inches. The main thing was the sewer line, which was at the back of the property and they were not going to be anywhere near that.

Chair Kirby continued that he was trying to avoid impacts to the homeowner in case of unforeseen events or projects.

Applicant and property owner Traci Moore pointed out that the sanitary sewer line was 11-feet away.

Chair Kirby asked what the separation requirement between water and sewer.

Engineering Manager Denny replied that she believed it was 10-feet horizontally.

Chair Kirby responded that was pretty close and was a good reason to move the footer out from underneath the deck and closer to the house.

Commissioner Schell asked whether there would be additional costs with moving the footer.

Mr. Whitely responded that it would require additional framing.

Commissioner Wallace stated that the commission would include that as a condition of approval - that the footer be moved out of the easement.

The applicants agreed.

Commissioner Schell asked staff whether this was the first variance request since the code change in 2019.

Planner II Christian responded that the BZA has heard similar requests and that, generally speaking drainage requests have been denied, but there have been a few utility easement encroachment requests with a hold harmless agreement that have been approved.

Council Member Brisk recalled that she had reviewed a few cases that were approved with a hold harmless agreement.

Planner II Christian asked Legal Counsel Moser to talk about hold harmless agreements.

Legal Counsel Moser explained the function of the hold harmless agreement. The agreement clarifies that the city is not responsible for damage should the deck or a portion of the deck need to be removed to access the easement.

Chair Kirby asked about the language requiring screening. He asked whether it was at the footer level or at the cantilever level.

Planner Cratic-Smith responded that she believed it was to the cantilever.

Planner II Christian agreed and stated Planner Cratic-Smith was correct.

Mr. Whitley indicated the area on the site plan where there would be skirting.

Commissioner Wallace asked whether the homeowner agreed with the hold harmless and the conditions in the staff report.

Ms. Moore responded that she agreed and that she understood her obligations under the hold harmless agreement.

Chair Kirby asked whether anyone from the public had a comment. Hearing none, he asked whether anyone from the commission had a comment.

Commissioner Wallace stated that he thought he could count on one hand the variances he had approved in his 15-20 years on the commission. However, he continued, this request is unique in that there are existing and similar decks that were administratively permitted prior to the code change. He did not believe this set a city-wide precedent but acknowledged that there were many existing and similar decks.

Chair Kirby agreed with Commissioner Wallace's statement and further stated that he wanted that made clear in the record.

Chair Kirby moved for acceptance of staff reports and related documents into the record for VAR-66-2023. Commissioner Wallace seconded the motion.

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

Upon roll call: Mr. Kirby yes; Mr. Wallace yes; Mr. Schell yes; Ms. Briggs yes; Mr. Larsen yes. Having five yes votes the staff reports and related documents for VAR-66-2023 were accepted into the record.

Commissioner Briggs moved for approval of application VAR-66-2023 based on the findings in the staff report with the following conditions subject to staff approval:

- 1. The area underneath the deck must be screened in accordance with city code.
- 2. The homeowner enters into a hold harmless agreement specifying that the property owner, and not the city, is responsible for any damages to the deck in the event that a

public or private utility provider needs to access the easement area prior to the issuance of a building permit and any impacts to neighboring surface drainage must be the responsibility of the homeowner to address.

3. The footers will be moved to outside the easement.

Commissioner Schell seconded the motion.

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

Upon roll call: Ms. Briggs yes; Mr. Schell yes; Mr. Wallace yes; Mr. Larsen yes; Mr. Kirby yes. Having five yes votes the application was approved subject to the conditions stated above.

The commission wished the applicant good luck.

Chair Kirby called a 10-minute recess at 8:56 p.m.

Chair Kirby called the commission to order at 9:05 p.m. and asked staff to present the staff report for the review and recommendations to the code for electronic/digital drive through menu board signs.

VII. Other business

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

Planner II Christian delivered the staff report.

Commissioner Wallace clarified that the commission was not precluded from asking for additional landscaping. He further clarified that in the event a sign was visible from the right of way and was requesting a variance, the commission could discuss and impose conditions that would make the sign invisible from the right of way.

Planner II Christian answered that was correct. He further requested that the commission move to favorably recommend the proposed updates to council.

Chair Kirby asked whether there were any other thoughts or questions from the commission.

Commissioner Larsen remarked that, in thinking about the Wendy's situation that the commission recently reviewed, he was wondering whether there should there be language restricting the view from a residential type structure, such as a hotel.

Planner II Christian responded that that was not typically how it was structured, but certainly that was something to consider.

Commissioner Wallace asked for the definition of public right of way.

Planner II Christian stated that it was a right of way for the public to use, and does not apply to privately maintained roads such as the road behind Dairy Queen.

There was a general discussion of public rights of way, private drives, and screening.

Planner II Christian stated that the proposed updates would impose standards and restrictions on usage where currently there are none. For example, there is language that requires

electronic signs to be turned off when restaurants are closed, but there is no such language currently in the code.

Chair Kirby made a motion to accept the staff reports and related documents into the record. Commissioner Wallace seconded the motion.

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

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

Chair Kirby made a motion to recommend to council the adoption of the proposed changes to the display signs and outdoor advertising section of the code. Commissioner Briggs seconded the motion.

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

Upon roll call: Mr. Kirby yes; Ms. Briggs yes; Mr. Schell yes; Mr. Larsen yes; Mr. Wallace yes. Having five yes votes the commission recommended that council adopt the proposed changes to the display signs and outdoor advertising section of the code.

The commission thanked Planner II Christian for his work on the proposed changes.

Planner II Christian stated that the changes would review the changes on August 1st.

• Engage New Albany Strategic Plan Central College Redevelopment Framework Plan.

Planner Christian delivered the staff report.

Commissioner Wallace asked whether this could be characterized what we are doing tonight as an overlay of the existing strategic plan, in order to evaluate future applications for this site.

Planner II Christian responded that was correct. This Redevelopment Framework Plan is in order to provide tools in the event of redevelopment. It is not a development proposal.

Commissioner Larsen asked whether the goal was to update the Strategic Plan.

Planner II Christian stated that it was correct, it would be an amendment or addendum of the Strategic Plan.

Chair Kirby noted that the existing zoning text was drafted specifically for the Discover facility.

Planner II Christian answered that was correct.

At the conclusion of the staff report, Chair Kirby opened the discussion for questions from the commission.

Chair Kirby stated that the future plan how this site will interact with the hamlet next door. The hamlet is mixed use and contemplates some of the same uses as this facility and we need to be careful not to assassinate the hamlet.

Planner II Christian agreed and replied that any development will be fully considered.

Chair Kirby asked how the commercial site would be accessed and wondered whether people would drive and park in order to use these businesses.

Planner II Christian answered yes, they would drive or walk. He clarified that there would be no residential on the site.

Council Member Brisk agreed and reiterated that there is no residential. The concept was that residents from adjacent living would walk or drive over.

Chair Kirby stated that he wondered whether the office of the future was downstairs from the apartment of the future.

Commissioner Larsen remarked that once the hamlet is developed, there will be a large population.

Commissioner Wallace asked whether there was any thought to extending the hamlet north into this area.

Planner II Christian answered no, candidly, the hamlet is the hamlet.

Commissioner Wallace continued that, putting aside the politics, the hamlet was going in, so he wondered whether it would it make sense to extend residential north.

Planner II Christian stated that although residential might be missing, the city's first goal is to restore the income taxes lost at that site.

Chair Kirby added that a good example could be Bell Labs in Holmdel, NJ.

Council Member Brisk asked how many stories Discover is right now.

Planner II Christian answered two.

Commissioner Schell asked Planner II Christian how many employees were at Discover.

Planner II Christian answered it was a lot.

Commissioner Larsen observed that if the hamlet or residential was extended this way it would impact schools and traffic, so this proposed use is a better solution.

Planner II Christian stated that the current use as call center creates the most traffic.

Chair Kirby added that the roads were built to handle the traffic.

Commissioner Wallace asked whether offices and retail or residential created more traffic.

Planner II Christian answered that he was not sure, but call center usage would be the highest.

Commissioner Briggs stated that it depends on the kind of office it was. Due to the COVID effect, office work has changed so much, we cannot predict the future.

Council Member Brisk added that call centers squeeze a lot of people into their square footage. But executive offices present another scenario. It really depends on the occupant.

Commissioner Briggs also commented that call center work is a lot different now, many people work from home.

Council Member Brisk agreed and stated that prior to COVID, New Albany had a huge need for small office space. It is a different time.

Planner II Christian replied that was correct. Time in the office is reduced and the modern workspaces are highly amenitized.

Council Member Brisk recognized the potential for this to complement the hamlet.

Commissioner Larsen stated this is a lot about what the residents were asking for with the hamlet, and at that time the developer purported that the hamlet could not support businesses. And now it seems they are saying they could be supported.

Chair Kirby noted that many cubicles could fit inside the structure, and that would mean a lot of jobs at the site.

Planner II Christian agreed and stated that, as a reminder, that under the current zoning a call center business could start up right away at that site. Commissioner Wallace asked whether the Discover site was included in the traffic study for the hamlet.

Planner II Christian stated that Discover was out of business at the time the study was conducted but that it was an addendum to the study. He further stated that the city was nearing completion of an audit of the traffic study conducted for the hamlet.

Commissioner Wallace recalled that the traffic from the hamlet was not projected to be substantial, and neither was the school impact. This also would not have a negative impact on the schools. He further stated that the city has seen an influx of 55+, the new apartments at Market and Main, was there any sense from the city that there would be housing for young professionals and perhaps residents looking to down-size.

Planner II Christian stated he gets frequent calls from developers, but there is limited appetite from council and residents.

Commissioner Wallace stated that more housing made sense.

Chair Kirby commented about the existing space downtown, behind CVS, for housing. Housing placed there would be walkable to amenities downtown.

Council Member Brisk replied that she thinks that is the direction that council is headed. We do not want to overshadow downtown by developing other areas of town. Market Street will continue to be developed. Efforts are currently underway by NACO to get more liquor licenses for mixed use downtown.

Council Member Brisk asked Planner II Christian what he was seeking from the commission, because this site already permits commercial use.

Planner II Christian replied that he was asking for a site by site review and motion to recommend this as an addendum to the Northwest Focus Area.

Chair Kirby stated that this boils down to a heavy-on-employment recommendation. This is a lot of jobs and let's do it better document.

Commissioner Wallace asked whether their existing property in Columbus or New Albany that has this kind of use because he was trying to get a sense [of what the city had in mind].

Planner II Christian stated that there were not any examples he could think of at this scale. They looked at many case studies, a few of which were cited in the plan.

Chair Kirby opened the public hearing.

Amy Lane, a neighboring property owner who commercializes biotech since 2015. She stated that traffic is very important to her. Traffic from Walnut on to 605 is already dangerous, and New Albany has to get it right as the city grows. She works in patient-one healthcare. She works every day to save a limb and save a life. She stated that she already sees vehicular accidents on the roads surrounding the subject property and her home and she urged the commission to think very hard about adding vehicular and pedestrian traffic to this area. She requested the traffic study from Mayor Spalding and has not heard anything. She remarked that it is already scary and unsafe. She stated that she works in biotech so she understands the Silicon Heartland development and she thinks we need evolution, but she urged the commission to take care because the road is already very busy.

Planner II Christian responded that the Walnut/605 intersection is not controlled by the City of New Albany, it is controlled by the Franklin County Engineer's office. However, city staff is aware the Franklin County Engineer's Office has conducted studies of that intersection because that is a dangerous intersection. The city has assisted where needed because the city would like to see the situation at that intersection improved. More specifically the city would like the speed limit reduced at that intersection. He continued that when buildings are placed closer to the street, as will be the case with the hamlet, drivers tend to slow down. He also stated that this is an important, gateway intersection to the New Albany community.

Commissioner Larsen stated that this was probably a question better directed to MKSK. He had observed that the brochure sent out about the hamlet seemed to indicate more businesses than were approved by the commission and the city council.

Planner II Christian responded that he would check, but he thought it was the same.

Kirk Smith, 6830 Central College Road. He indicated the location of his residence on the site map. He stated that he had lost at the hamlet and that he and a group of residents was at the meeting in order to urge the commission and council to be very planful with this redevelopment framework. He was very disappointed at the suggestion of additional residential density into that space. He asked the commission to carefully consider any kind of additional density – whether dining, retail, or whatever. This does not match what was said a year ago.

Chair Kirby clarified nothing presented at the meeting suggested additional residential density.

Mr. Smith stated correct and continued that there were discussions of additional out-lying buildings in the parking area.

Council Member Brisk stated that she believed [the commission and council] had asked the question all along, whether that was already permitted by the current zoning text.

Planner II Christian answered that it was.

Council Member Brisk explained that [the commission and council] cannot take away what the landowner already has, that is not authority that [the commission and council] have. The staff is asking the commission to protect that area and is requesting a clearer definition of what can happen there. We cannot take away existing property owner rights.

Mr. Smith returned that [the commission and council] could grant additional and urged the commission to be planful as they proceed.

Ms. Lane stated that she is a property owner and she put this in the hands of the commission. She remarked that she knew that money wins and asked that the commission please be planful.

Tricia Segnini, 7267 Walnut Drive. She thanked the commission for hearing her questions and asked how many acres the site spanned.

Planner II Christian responded that it was 49-acres.

Ms. Segnini stated that the parking lot makes it bigger. She confirmed that residential is not planned. She remarked that the unknowns made surrounding residents nervous. She noted that some of the larger retail establishments, such as Wal-Mart, scared area residents. She stated that if a Cameron Mitchell restaurant was placed there, she would be delighted.

Planner II Christian thanked her and stated that a large, stand-alone retail establishment was not envisioned for that property and they could add that description.

Ms. Segnini thanked Planner II Christian and stated that would be great. She reiterated that the unknown was unnerving and if the residents knew what was planned they would feel a lot better.

Chair Kirby moved to accept the documents into the record for the Engage New Albany Strategic Plan Redevelopment Framework Plan. Commissioner Schell seconded the motion.

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

Upon roll call: Mr. Kirby yes; Mr. Schell yes; Ms. Briggs yes; Mr. Larsen yes; Mr. Wallace yes. Having five yes votes the documents were accepted into the record.

Commissioner Briggs moved to recommend the new Engage New Albany Strategic Plan Redevelopment Framework Plan to council with the changes discussed by staff at the meeting. Chair Kirby seconded the motion.

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

Upon roll call: Ms. Briggs yes; Mr. Kirby yes; Mr. Larsen no; Mr. Wallace yes; Mr. Schell yes. Having four yes votes and one no vote the Engage New Albany Strategic Plan Redevelopment Framework Plan was recommended to council.

Commissioner Larsen stated that he has learned a lot about this particular site that he liked the plan but was concerned about the traffic. He believed that traffic impacts were being minimized and that the traffic concerns should be addressed.

VIII. Poll members for comment

Chair Kirby polled the commission for comment. They all wished each other a good evening.

IX. Adjournment

Having no further business, Chair Kirby adjourned the meeting at 10:04 p.m.

Submitted by: Christina Madriguera, Esq., Deputy Clerk.

Appendix

ZC-58-2023

Staff Report

Record of Action

ZC-62-2023

Staff report

Record of Action

ZC-63-2023

Staff Report

Record of Action

VAR-65-2023

Staff Report

Record of Action

VAR-66-2023

Staff Report

Record of Action

Review and Recommendation to City Council of updates to the Display Signs and Outdoor Advertising section of the New Albany Codified Ordinances

Engage New Albany Strategic Plan Central College Redevelopment Framework Plan



Planning Commission Staff Report July 17, 2023 Meeting

BABBITT EAST ZONING DISTRICT ZONING AMENDMENT

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

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

222-004864).

REQUEST: Zoning Amendment

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

L-GE (Limited General Employment District)

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

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

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

Staff report completed by Chelsea Nichols, Planner

I. REQUEST AND BACKGROUND

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

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

II. SITE DESCRIPTION & USE

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

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

III. PLAN REVIEW

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

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

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

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

A. Engage New Albany Strategic Plan

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

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

B. Use, Site and Layout

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

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

C. Access, Loading, Parking

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

D. Architectural Standards

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

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

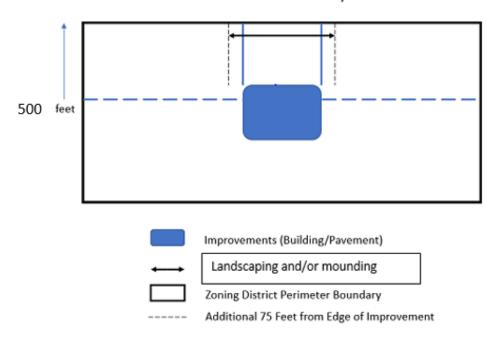
D. Parkland, Buffering, Landscaping, Open Space, Screening

- 1. Maximum lot coverage for this subarea is 75%, which is the same requirement as the surrounding L-GE zoning districts.
- 2. Standard tree preservation practices will be in place to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line.
- 3. For perimeter boundaries which abut properties containing existing residential uses or has a zoning classification which permits the development of residential uses that are not owned by the developer a minimum six (6) foot high mound shall be installed along the property line and shall include a landscape buffer on the mound which shall consist of a mixture of deciduous trees, evergreens and bushes to provide an opacity of 75% on the date that is 5 years after planting to a total height of 10 feet above ground level.
 - a. These mounds shall be installed within the minimum pavement setback area as required by this zoning text and may encroach on the abutting property if that owner agrees with the mound's installation on his/her property.
 - b. The plan for these areas must be reviewed and approved by the City's Landscape Architect.
- 4. There shall be no less than one (1) tree planted for every ten (10) parking spaces located therein. At least five percent (5%) of the vehicular use area shall be landscaped or green space (or treed areas). Parking lots shall be designed to accommodate parking lot islands with tree(s) at the end of parking aisles.
- 5. Master Landscape Standards Plan:
 - a. Unless a landscape and signage standards plan is developed for this specific area and approved by the Planning Commission, the City of New Albany Business Campus South Beech Road South Landscape Standards Master Plan which was previously created for the Beech Road corridor and approved by the Planning Commission on June 5, 2017 shall apply to the Babbitt Road frontage in this Zoning District.

6. Babbitt Road:

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

Perimeter Boundary



E. Lighting & Signage

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

F. Other Considerations

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

IV. ENGINEER'S COMMENTS

The City Engineer has no comments on this submittal.

IV. SUMMARY

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

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

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

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

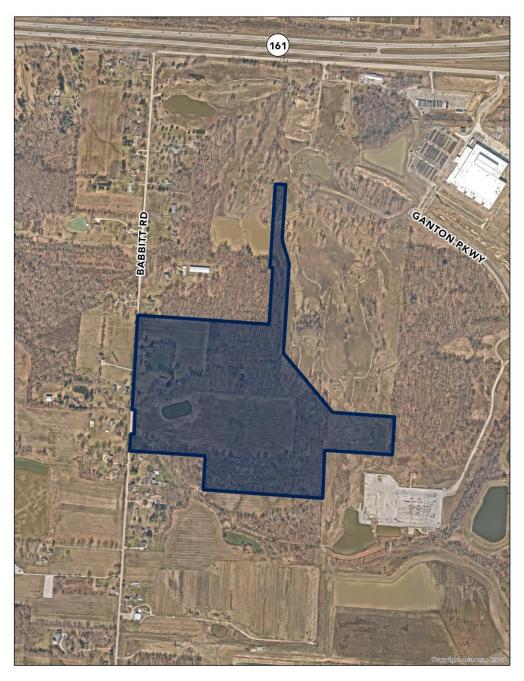
V. ACTION

Suggested Motion for ZC-58-2023:

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

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

Approximate Site Location:





Community Development Department

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

Dear Aaron Underhill,

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

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

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

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

Thank you.



Community Development Department

Decision and Record of Action

Tuesday, July 18, 2023

The New Albany Planning Commission took the following action on 07/17/2023.

Zoning Amendment

Location: 6140 Babbitt RD, 5760 BABBITT RD, 5782 BABBITT RD, 5708 BABBITT RD

Applicant: Aaron Underhill, Esq.

Application: PLZC20230058

Request: Review and recommendation to city council to rezone 78.16 acres to L-GE for

an area to be known as the Babbitt East Zoning District.

Motion: Move to approve application ZC-58-2023 based on the findings in the staff

report, with conditions.

Commission Vote: Motion Passed, 5-0

Result: The Planning Commission recommended approval of zoning amendment (PLZC20230058) to city council by a vote

of 5-0.

Recorded in the Official Journal this Tuesday, July 18, 2023.

Condition(s) of Approval:

- 1. The zoning text shall be updated to stated that the position of the mound along Babbitt Road within the front yard setback is not fixed, can be variable and its location be subject to staff approval.
- 2. The zoning text shall be updated to prohibit uplighting on buildings.
- 3. The application shall work with the city's landscape architect at the time of permitting to determine final landscaping to be installed within the southern and northern setbacks to provide for adequate screening for the adjacent neighbors.
- 4. The position of the access drive shall be and installed so as to minimize headlight spill over on adjacent properties to the west of the access drive.

Staff Certification:

Chelsea Nichols

Chelsea Nichols

Planner



Planning Commission Staff Report July 17, 2023 Meeting

GANTON/BEECH NORTHWEST ZONING DISTRICT ZONING AMENDMENT

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

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

107106-00.001).

APPLICANT: MBJ Holdings LLC c/o Aaron L Underhill

REQUEST: Zoning Change

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

Development (I-PUD)

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

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

Staff report completed by Chelsea Nichols, Planner

I. REQUEST AND BACKGROUND

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

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

II. SITE DESCRIPTION & USE

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

III. PLAN REVIEW

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

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

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

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

A. Engage New Albany Strategic Plan

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

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

B. Use, Site and Layout

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

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

C. Access, Loading, Parking

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

D. Architectural Standards

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

- 2. The proposed rezoning implements many of the same standards and limitations set forth in the New Albany Architectural Design Guidelines and Requirements and neighboring commercial zoning districts.
- 3. The zoning text section E.2. permits buildings to be a minimum of one (1) story and a maximum of two (2) stories, except that hotels and office buildings may exceed two stories and are permitted to be a maximum of 65 feet in height. Architectural elements such as parapets, cupolas, mechanical screening or similar features may exceed these maximum building heights.
- 4. Section E.3. permits exterior materials such as Hardi Plank or its equivalent, brick, stone, cultured stone, metal, EIFS and composite material (except vinyl). Exterior wall finish materials must be used to complete massing elements.
- 5. Section E.7. of the zoning text requires complete screening of all roof-mounted equipment on all four sides of the building using materials that are consistent and harmonious with the building's façade and character. The text indicates that the screening is provided to screen equipment from off-site view but also to buffer sound generated by the equipment.

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

- 1. Maximum lot coverage for this subarea is 80%, which is the same requirement as existing I-PUD districts that permit retail and commercial, such as Beech Crossing.
- 2. Standard tree preservation practices will be in place to preserve and protect trees that are to remain on site during all phases of construction, including the installation of snow fencing at the drip line.
- 3. Within the minimum required pavement setback along Beech Road and Ganton Road, landscaping shall be coordinated and consistent throughout. The following also shall be provided:
 - a. A four-board white horse fence shall be required along the street frontages. The final location will be determined as part of a final development plan.
 - b. A landscaped area shall be required behind the fence and within the required pavement setbacks. This buffer shall consist of deciduous shade trees planted at a rate equal to six (6) trees or more for every 100 lineal feet of street frontage. Such trees may be equally spaced or randomly grouped and shall be of species which are native to Central Ohio. No single species shall be used for more than one-third of the trees required by this paragraph. Minimum sizes for trees required to be planted pursuant to this paragraph shall be two (2) or three (3) caliper inches, provided that no more than 50% of these trees shall be two (2) inches in caliper.
 - c. A landscape buffer to screen parking areas shall be located within the pavement setback along all public rights-of-way. This buffer may contain landscape material, mounding, or a combination of both and shall have a minimum height of 3.5 feet at installation and a minimum opacity of 75% within 3 years of installation.
- 4. Street trees already exist along Beech Road and Ganton Parkway. No additional street tree plantings shall be required. Street trees that interfere with approved vehicular access points may be removed and relocated in coordination with the city arborist. A street tree row shall be established along private roads and shall contain one (1) tree for every thirty (30) feet of street frontage.
- 5. Within this zoning district, there shall be no less than one (1) tree planted for every ten (10) parking spaces located therein. At least five percent (5%) of the vehicular use area shall be landscaped or green space (or tree areas). Parking lots shall be designed to accommodate parking lot islands with tree(s) at the end of parking aisles. Parking areas should be designed to foster pedestrian connectivity by accommodating the required pedestrian connections/walkways and provide landscaping to enhance visual aspects of the development. Particular attention shall be given to quantity or plan material and size of parking lot landscape islands closest to buildings.

E. Lighting & Signage

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

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

- 2. All parking lot and private driveway lighting shall be cut-off type fixtures and down cast. Parking lot lighting shall be from a controlled source in order to minimize light spilling beyond the boundaries of the site.
- 3. All parking lot lighting shall be of the same light source type and style. Building, pedestrian, and landscape lighting may be incandescent or metal halide. All parking lot light poles shall be black or New Albany green and constructed of metal. Light poles shall not exceed thirty (30) feet in height.
- 4. Landscape uplighting from a concealed source shall not be permitted.
- 5. No permanent colored lights or neon lights shall be used on the exterior of any building.
- 6. All new electrical utilities that are installed in this Zoning District shall be located underground.
- 7. All other lighting on the site shall be in accordance with City Code. Street lighting must meet the City Standards and Specifications.

IV. ENGINEER'S COMMENTS

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

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

V. SUMMARY

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

V. ACTION

Suggested Motion for ZC-62-2023:

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

Move to approve application ZC-62-2023, based on the findings in the staff report, with the following condition:

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

Approximate site Location:



Source: ArcMap



Community Development Department

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

Dear Aaron Underhill,

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

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

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

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

Thank you.



Planning Commission Staff Report July 17, 2023 Meeting

BEECH INTERCHNAGE SOUTHWEST ZONING DISTRICT ZONING AMENDMENT

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

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

108390-00.000 and 094-109458-00.000).

APPLICANT: MBJ Holdings LLC c/o Aaron L Underhill

REQUEST: Zoning Change

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

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

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

Staff report completed by Chelsea Nichols, Planner

I. REQUEST AND BACKGROUND

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

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

II. SITE DESCRIPTION & USE

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

III. PLAN REVIEW

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

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

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

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

A. Engage New Albany Strategic Plan

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

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

B. Use, Site and Layout

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

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

C. Access, Loading, Parking

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

D. Architectural Standards

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

- 2. The proposed rezoning implements many of the same standards and limitations set forth in the New Albany Architectural Design Guidelines and Requirements and neighboring commercial zoning districts.
- 3. The zoning text section E.2. permits buildings to be a minimum of one (1) story and a maximum of two (2) stories, except that hotels and office buildings may exceed two stories and are permitted to be a maximum of 65 feet in height. Architectural elements such as parapets, cupolas, mechanical screening or similar features may exceed these maximum building heights.
- 4. Section E.3. permits exterior materials such as Hardi Plank or its equivalent, brick, stone, cultured stone, metal, EIFS and composite material (except vinyl). Exterior wall finish materials must be used to complete massing elements.
- 5. Section E.7. of the zoning text requires complete screening of all roof-mounted equipment on all four sides of the building using materials that are consistent and harmonious with the building's façade and character. The text indicates that the screening is provided to screen equipment from off-site view but also to buffer sound generated by the equipment.

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

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

6. Within this zoning district, there shall be no less than one (1) tree planted for every ten (10) parking spaces located therein. At least five percent (5%) of the vehicular use area shall be landscaped or green space (or tree areas). Parking lots shall be designed to accommodate parking lot islands with tree(s) at the end of parking aisles. Parking areas should be designed to foster pedestrian connectivity by accommodating the required pedestrian connections/walkways and provide landscaping to enhance visual aspects of the development. Particular attention shall be given to quantity or plan material and size of parking lot landscape islands closest to buildings.

E. Lighting & Signage

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

IV. ENGINEER'S COMMENTS

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

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

V. SUMMARY

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

V. ACTION

Suggested Motion for ZC-63-2023:

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

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

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

Approximate site Location:



Source: ArcMap



Decision and Record of Action

Tuesday, July 18, 2023

The New Albany Planning Commission took the following action on 07/17/2023.

Zoning Amendment

Location: 435, 1043 and 1063 Beech Rd SW

Applicant: Aaron Underhill, Esq.

Application: PLZC20230062

Request: Review and recommendation to city council to rezone 11.4 acres to I-PUD for

an area to be known as the Ganton/Beech Northwest Zoning District.

Motion: Move to approve application ZC-62-2023 based on the findings in the staff

report, with conditions.

Commission Vote: Motion Passed, 5-0

Result: The Planning Commission recommended approval of zoning amendment (PLZC20230062) to city council by a vote

of 5-0.

Recorded in the Official Journal this Tuesday, July 18, 2023.

Condition(s) of Approval:

- 1. The city engineer's comments shall be addressed and incorporated into the zoning text as appropriate, subject to staff approval.
- 2. The zoning text shall be updated to prohibit uplighting on the buildings.
- 3. The zoning text shall be updated to include language stating canopy encroachments shall be subject to staff approval at the time of the final development plan.

Staff Certification:

Chelsea Nichols

Chelsea Nichols

Planner



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

Dear Aaron Underhill,

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

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

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

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

Thank you.



Decision and Record of Action

Tuesday, July 18, 2023

The New Albany Planning Commission took the following action on 07/17/2023 .

Zoning Amendment

Location: 14461 Worthington Rd, 0 Worthington Rd, and 0 Beech Rd SW **Applicant:** Aaron Underhill, Esq.

Application: PLZC20230063

Request: Review and recommendation to city council to rezone 12.8 acres to I-PUD for

an area to be known as the Beech Interchange Southwest Zoning District.

Motion: Move to approve application ZC-63-2023 based on the findings in the staff

report, with conditions.

Commission Vote: Motion Passed, 5-0

Result: The Planning Commission recommended approval of zoning amendment (PLZC20230063) to city council by a vote

of 5-0.

Recorded in the Official Journal this Tuesday, July 18, 2023.

Condition(s) of Approval:

- 1. The city engineer's comments shall be addressed and incorporated into the zoning text as appropriate, subject to staff approval.
- 2. The zoning text shall be updated to prohibit uplighting on the buildings.
- 3. The zoning text shall be updated to include language stating canopy encroachments shall be subject to staff approval at the time of the final development plan.

Staff Certification:

Chelsea Nichols

Chelsea Nichols

Planner



Planning Commission Staff Report July 17, 2023 Meeting

7830 EASTCROSS DRIVE PERGOLA MATERIAL & SETBACK VARIANCE

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

APPLICANT: City of New Albany, Ohio

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

side yard setback by 2.5 feet.

ZONING: I-PUD (Planned Unit Development District)

STRATEGIC PLAN: Residential APPLICATION: VAR-65-2023

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

Staff report prepared by Sierra Cratic-Smith, Planner

I. REQUEST AND BACKGROUND

The applicant requests two variances:

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

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

II. SITE DESCRIPTION & USE

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

III. ASSESMENT

The application complies with application submittal requirements in C.O. 1113.03, and is considered complete. In accordance with C.O. 1113.05(b), all property owners within 200 feet of the subject property in question have been notified of the request via mail.

Criteria

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

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

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

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

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

IV. EVALUATION

The applicant requests two variances:

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

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

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

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

IV. SUMMARY

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

V. ACTION

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

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

Approximate Site Location:



Source: NearMap



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

Dear Steve Diantonio

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

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

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

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

Thank you.



Decision and Record of Action

Tuesday, July 18, 2023

The New Albany Planning Commission took the following action on 07/17/2023.

Variance

Location: 7830 Eastcross Dr., Unit:35 **Applicant:** The City of New Albany

Application: PLVARI20230065

Request: 1.To allow a pergola material to be an aluminum metal where city code d ordinance

Chapter 1165.04(b)(1) prohibits metal material for recreational amenities (C.O. Chapter

1165.04(b)(1)).

2. To allow a pergola to encroach two and a half feet into the 10-foot side yard setback

(C.O. Chapter 1165.04(b)(3)(C)).

Motion: To approve

Commission Vote: Motion Approved, 4-1

Result: Variance, PLVARI20230065 was Approved, by a vote of 4-1.

Recorded in the Official Journal this July 18, 2023

Condition(s) of Approval: N/A

Sierra Cratic-Smith

Staff Certification:

Sierra Cratic-Smith

Planner



Planning Commission Staff Report July 17, 2023 Meeting

6867 HARPER LANE DECK VARIANCE

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

APPLICANT: Traci Moore

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

encroach a platted easement.

ZONING: Wentworth Crossing

STRATEGIC PLAN: Residential APPLICATION: VAR-66-2021

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

Staff report prepared by Sierra Cratic-Smith, Planner.

I. REQUEST AND BACKGROUND

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

II. SITE DESCRIPTION & USE

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

III. ASSESSMENT

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

Criteria

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

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

- 1. Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without the variance.
- 2. Whether the variance is substantial.
- 3. Whether the essential character of the neighborhood would be substantially altered or adjoining properties suffer a "substantial detriment."
- 4. Whether the variance would adversely affect the delivery of government services.
- 5. Whether the property owner purchased the property with knowledge of the zoning restriction.

- 6. Whether the problem can be solved by some manner other than the granting of a variance.
- 7. Whether the variance preserves the "spirit and intent" of the zoning requirement and whether "substantial justice" would be done by granting the variance.

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

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

III. EVALUATION

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

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

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

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

IV. SUMMARY

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

V. ACTION

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

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

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



Source: NearMap

Please cross-reference Instrument #201603150030695

HOLD HARMLESS AGREEMENT REGARDING EASEMENT VARIANCE

THIS HOLD HAR	MLESS Agreement ("Agreement") is made and entered into as of the
day of	, 2023, by and between ANTHONY MOORE AND TRACI MOORE,
husband and wife ("Owner	s") of the property located at 6867 Harper Lane, New Albany Ohio 43054
(" Property ") and THE CI	TY OF NEW ALBANY, OHIO, an Ohio municipal corporation ("City").
Owners and City may be re	eferred to collectively herein as the "Parties".

RECITALS

WHEREAS, Owners' real property is located in the City of New Albany, County of Franklin and State of Ohio, commonly known as Franklin County tax parcel no. 222-004663 and also known as 6867 Harper Lane.

WHEREAS, the Owners requested and received approval of a variance from the New Albany Board of Zoning Appeals on July 17, 2023, to permit a variance to encroach 30 inches into a 40-foot utility easement located within the rear yard, for the addition of a deck on the rear of the house, as is more set forth and depicted as Exhibit A, attached hereto.

WHEREAS, as a condition of approval, the Owners were required to execute and have recorded with the Franklin County Recorder's Office a hold harmless agreement specifying that the current Owners and all future owners, and not the City, are fully responsible for any damages to the deck in the event that a public or private utility provider needs to access the utility easement area, and that any impacts to neighboring surface drainage is the responsibility of the Owners.

NOW THEREFORE, in consideration of the promises and conditions set forth herein, and for good and valuable consideration, the receipt of which is hereby acknowledged, and as a condition of approval of the requested easement encroachment variance by the New Albany Board of Zoning Appeals, the Parties hereby agree as follows:

1. The Owners, their heirs, successors and assigns, and all future Property owners shall be subject to this Agreement and shall hold the City harmless and be fully financially responsible for any damages to the deck in the event that a public or private utility provider needs access to the utility easement area located in the rear yard of the Owners' Property. The Owners, their heirs, successors

and assigns, and all future Property owners shall further hold the City harmless and be fully financially responsible for any impacts to neighboring surface drainage caused by the addition of the rear deck on the Property.

- 2. <u>Successors and Assigns</u>. The rights and obligations granted and created under this Agreement shall be deemed to run with the land and shall be binding upon and inure to the benefit of the heirs, legal representatives, successors, assigns and subsequent purchasers of and from the Owners.
- 3. <u>Severability</u>. If any provision of this Agreement is determined to be void and unenforceable by any court, that determination shall not affect the remaining provisions of this Agreement, which shall remain in full force and effect.
- 4. <u>Governing Law</u>. The terms of this Agreement shall be governed by and construed in accordance with the laws of the State of Ohio.
- 5. <u>Appurtenant; Run with Land</u>. The rights and responsibilities set forth in this Agreement shall constitute covenants running with the land.
- 6. <u>Obligation to Notify Subsequent Purchasers.</u> The Owners and all future owners shall, in addition to any disclosures included in title work that they provide to potential purchasers of the Property, provide such potential purchasers with a copy of this Agreement as part of the Residential Property Disclosure Form required pursuant to RC 5302.30 as currently exists or may be amended.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.

	OWNERS ANTHONY MOORE AND TRACI MOORE
	By: Print Name:
	By: Print Name:
STATE OF OHIO, COUNTY OF FRANKLIN, SS:	
The foregoing instrument was acknown 2023, by Anthony Moore and Traci Moore.	nowledged before me this day of
	Notary Public
	Commission Expires:

CITY OF NEW ALBANY, OHIO an Ohio municipal corporation

	Ву:
	Print Name:
	Its:
	
STATE OF OHIO,	
COUNTY OF FRANKLIN, SS:	
,	
The foregoing instrument was ac	knowledged before me this day of
	of the City of New Albany, Ohio.
	Notary Public
	rodary i dollo
	Commission Expires:



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

Dear Traci & Tony Moore

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

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

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

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

Thank you.



Decision and Record of Action

Tuesday, July 18, 2023

The New Albany Planning Commission took the following action on 07/17/2023.

Variance

Location: 6867 Harper Lane **Applicant: Traci & Tony Moore**

Application: PLVARI20230066

Request: Variance to codified ordinance 1165.04(b)(3)(B) to allow a deck to encroach a platted

easement. **Motion:** To approve

Commission Vote: Motion Approved with Conditions, 5-0

Result: Variance, PLVARI20230066 was Approved with Conditions, by a vote of 5-0.

Recorded in the Official Journal this July 18, 2023

Condition(s) of Approval:

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

Staff Certification:

Sierra Cratic-Smith

Sierra Cratic-Smith

Planner



To: Planning Commission

From: Community Development Department

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

Date: July 10, 2023

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

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

CHAPTER 1169 DISPLAY SIGNS AND OUTDOOR ADVERTISING

1169.01 PURPOSE.

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

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

1169.02 DEFINITIONS.

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

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

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

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

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

1169.03 SIGN APPROVAL PROCEDURES.

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

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

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

1169.04 PROHIBITED SIGNS.

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

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

1169.05 PROHIBITED SIGN LOCATIONS.

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

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

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

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

1169.06 MAINTENANCE.

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

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

1169.07 NONCONFORMING SIGNS.

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

Abandoned signs shall be removed by the property owner.

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

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

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

1169.08 SIGN AREA AND OTHER MEASUREMENT CALCULATIONS.

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

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

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

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

1169.09 CUSTOMARY SIGNS.

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

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

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

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

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

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

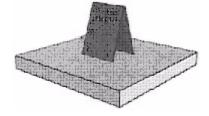
1169.10 TEMPORARY SIGNS.

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

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

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

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



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

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

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

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

1169.11 SPECIAL SIGNS.

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

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

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

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

1169.12 PERMANENT SIGNS: GENERAL REQUIREMENTS

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

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

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

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

1169.13 PERMANENT SIGNS: STANDARDS DEFINED.

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

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

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

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

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



To: Planning Commission

From: Community Development Department

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

Date: July 10, 2023

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

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

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

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

Goals for the Redevelopment of the Site:

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

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

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

CENTRAL COLLEGE REDEVELOPMENT

Development Standards

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

ENGAGE NEW ALBANY

You're part of the plan

CENTRAL COLLEGE

Redevelopment Framework Plan July 2023



CONTENTS

INTRODUCTION	3
Purpose	3
Process	3
EXISTING CONDITIONS	4
Mobility Zone	6
REDEVELOPMENT FRAMEWORK	8
Recommended Land Uses	8
Recommended Roadway Character Classification	9
Redevelopment Scenarios	12
Development Standards	20

INTRODUCTION

PURPOSE

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

Additionally, this plan incorporates a more detailed understanding of the relationship of the former Discover site with the surrounding area, including proposed developments to the south and east of the site. One of these proposed developments is the New Albany Hamlet, which is proposed in the current version of the city's Strategic Plan, Engage New Albany. These proposed developments have an impact on the recommendations put forth in this plan. Given the new understanding of the site and its context, this plan also serves as a supplement to the Northwest Focus Area plan, which begins on p. 188 of Engage New Albany.

The following are several goals that this plan seeks to achieve through any proposed redevelopment of the former Discover site.

Goals for the Redevelopment of the Site:

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

PROCESS

The planning team for this work included staff from the city of New Albany as well as a team from MKSK. Beginning in January 2023, the planning team collaborated to plan for potential development scenarios for the former Discover site. These scenarios imagined redevelopment of the site, including or excluding the existing office building. The purpose of this planning exercise was to determine potential land uses, building layouts, interior and exterior mobility connections, an open space network, and potential building re-use opportunities for the site. These scenarios do not represent a development proposal or final plan and are illustrative in nature. These scenarios present two options for how the recommended development standards (see p. 20) could be applied to the site.

EXISTING CONDITIONS

The former Discover site lies at the northwest corner of the intersection of SR 605/New Albany-Condit Road and Central College Road, as shown in the diagram on the following page. The site, which is roughly 49 acres, is the former site of a Discover Financial Services call center. The Engage New Albany Strategic Plan, revised and adopted in 2022, depicted the former Discover site as a future significant opportunity for a "vibrant, more pedestrian-oriented node at this intersection."

The site is bounded to the north by a private access roadway, to the east by SR 605/ New Albany-Condit Road, to the south by Central College Road, and to the west by New Albany Road East. North of the site sits an active data center. To the east, in the city of New Albany, single family residential is the predominant use. Two age-restricted communities, Nottingham Trace and The Courtyards at New Albany, have been developed off of SR 605/New Albany Condit Road in the nearby vicinity. South of the former Discover site is an area identified in Engage New Albany as a hamlet. A development plan for this area, called the Hamlet at Sugar Run, is currently underway after City Council approved a rezoning request for the site. To the west, which is located within the city of Columbus, single family and multifamily residential uses comprise much of the developed land with a small node of retail at the intersection of New Albany Road East and Central College Road. The rest remains undeveloped land.

On-site, the former Discover Financial Services building remains. Constructed in 1998, the two-story office building spans 333,169 square feet of space. The building is outfitted with a full-service cafeteria, fitness center, outdoor spaces, and data center. The building is located in the center of the

site, surrounded by four pods of surface parking lots, totaling 2,501 parking spaces. An interior access road connects these parking lots and creates access to the main, public roads surrounding the site.

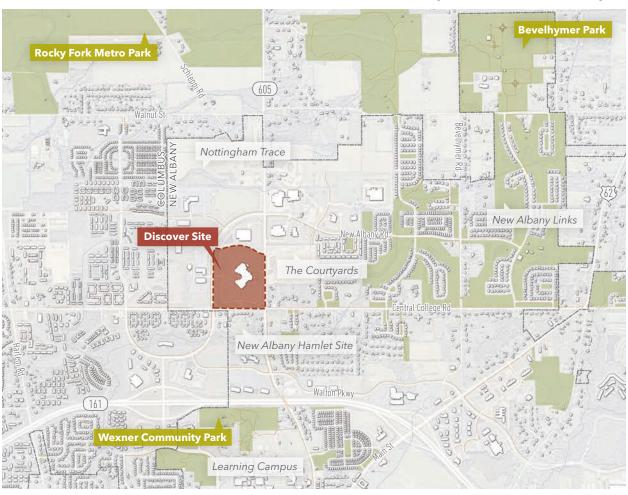
The diagrams on the following page illustrate the existing site conditions and context.







Existing Conditions and Context Diagram



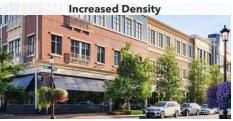


MOBILITY ZONE

In Engage New Albany, this area is identified as a future mobility zone. A mobility zone is a concept identified in Engage New Albany to provide a planning tool for the city to prioritize alternative and new mobility options. A mobility zone is defined as an area in which active and alternative modes of transportation are prioritized for future transportation improvements. Through targeted improvements to these mobility zones, vehicular traffic and congestion may be reduced, contributing to safer roadway travel for all modes. A mobility zone should include the following components or characteristics:

- Highly served by transit
 - » SmartRide
 - » COTA Park and Ride
- Well connected by bike facilities
 - » Velo Loop
 - » Bike lanes
 - » Bike docks & fix-it stations
- Buildings and sites designed to accommodate mobility
 - » Transit-facing front doors
 - » Alternative fuel charging stations
 - » Alternate street typologies and reduced setbacks in mixed-use and hamlet areas may be appropriate based on the pattern of development
- Multiple roadway connections
- Mix of uses to serve commuters
- Increased density
- Facilities intended to slow vehicular traffic and ensure pedestrian accessibility







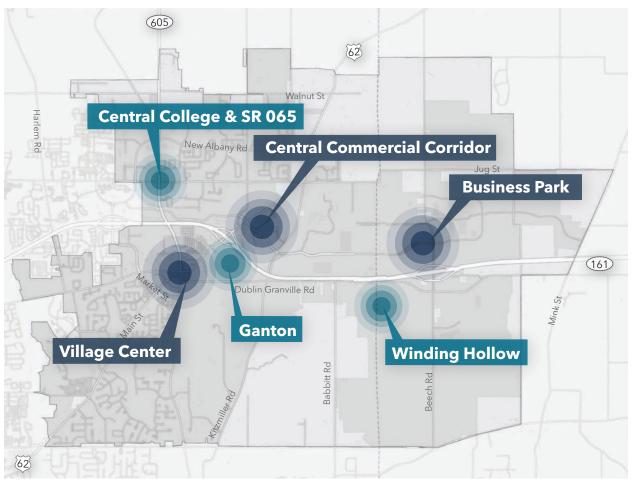








Engage New Albany Mobility Zone Locations



Legend





Future Mobility Zone



REDEVELOPMENT FRAMEWORK

The following pages outline a redevelopment framework for imagining and planning the future of the Discover site. This framework includes the land uses that are recommended for the site and the character of the public roadways surrounding the site. This section also includes two redevelopment scenario options that were developed to study site capacity and potential.

RECOMMENDED LAND USES

The Discover site is located within the New Albany Road District of the International Business Park. This is one of the original sections of the Business Park that began to develop about 25 years ago. Now, this area contains a mix of uses, including some employment uses, single family residential, and scattered undeveloped sites. The manner in which the Discover site was developed in the early 2000s is no longer conducive to the needs of the modern workforce, whose members desire to work in vibrant, walkable, mixed-use, and highly amenitized environments that promote wellness and that allow them to easily meet their daily needs. The redevelopment of the Discover site is an opportunity to reimagine this area of the Business Park to provide that type of setting to attract modern talent and companies to New Albany.

Engage New Albany envisioned the intersection of Central College Road and SR 605/ New Albany-Condit Road as a mixed-use community node that would create a needed focal point in this part of New Albany to spatially organize the various neighborhoods and employment centers in this area. That vision is carried forward in this document and in the two development scenarios presented within.

In the future land use map, found in *Engage New Albany* (p. 52-53), the Discover site is identified as part of the Employment Center District. This site is also currently zoned Office Campus District (OCD). One option for the future of the site is for these regulations to remain in place and a new office user identified to occupy the site and existing building. Given the site's location, the proposed developments surrounding the site, and other adjacent land uses, a mix of employment-oriented land uses may be appropriate if the site were to be redeveloped. Potential land uses if the site is redeveloped include:

- **Commercial** corporate headquarters, data center, etc.
- **Retail** restaurants, service businesses, shops, fitness center, childcare, etc.
- Institutional government, medical, educational, workforce training facility
- **Mixed-use Commercial** buildings a mix of retail and commercial uses

Retail land uses that are strongly discouraged for this site include big box stores, standalone drive thru businesses, gas stations, auto body shops, and other auto-oriented retail. Drive thru uses should only be permitted if they're connected to a mixed-use commercial building. These types of retail businesses are discouraged in order to create a pedestrian-oriented environment.

CASE STUDIES

The following case studies depict two examples of large-scale building reuse and redevelopment into highly amenitized places that meet the needs of the modern workforce.





The Park | Berkeley Heights, NJ

What: The Park, a \$400 million, 185-acre mixed-use redevelopment of a former suburban office park

Where: Berkeley Heights, NJ

Entities Involved: Connell Company

- Former suburban office park being redeveloped for the 21st century workforce
- Scalable office floor plates across five office buildings, comprising 1.5 million square feet
- Indoor and outdoor recreation facilities, including 114,000 square foot fitness center and outdoor pool
- On-site primary care, behavior therapy, and physical therapy
- The Residences at The Park, 328 apartments
- Embassy Suites, 176-room hotel and 12,000 square feet of event and meeting space



The Continuum | Lake City, SC

What: The Continuum Regional Education, Workforce Development, and Technical Training Center

Where: Lake City, South Carolina

Entities Involved: The Darla Moore Foundation, Florence-Darlington Technical College, Francis Marion University

Details:

- Former big box store converted into state-of-the-art educational facility
- 13 partner high schools
- 7 high-tech classrooms
- 3 computer labs
- 3 distance learning classrooms
- Biology and chemistry labs
- 4 workforce development classrooms/labs
- Health sciences space
- Lecture hall that can be converted into event space





ROADWAY CHARACTER CLASSIFICATION

The diagram on the following page illustrates the character classifications for the roadways immediately adjacent to the Discover site. Roadway character classification is explained in greater detail in Engage New Albany, but is intended to define the ways in which existing and future roadway corridors can contribute to New Albany's aesthetics and help to further define the character of the community. This classification examines elements that are within the public right-of-way, such as on-street bike facilities; on-street parking; street edge conditions; and amenity zones, which are designated areas for streetscape elements, such as street lighting, furnishings, and street trees. Some elements of this classification system can extend beyond the right-of-way, like development setbacks, utilities, and access management.

The charts to the right show a description of the roadway characteristics for the roadways that bound the Discover site: Central College Road, New Albany Road East, and SR 605/New Albany-Condit Road. Based on the development patterns presented in this document, there is the potential for alternative roadway characteristics to be used for the sections of Central College Road and SR 605/New Albany-Condit Road that border the southeast portion of the site, as shown on the diagram on the following page.

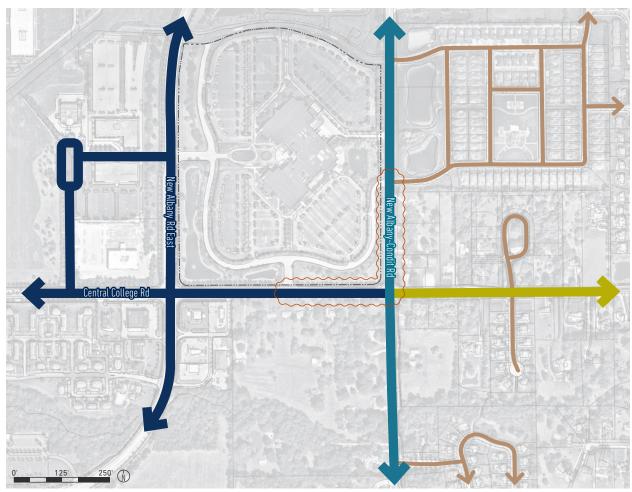
Business Park

New Albany's Business Park extends from west to east across the city, with more recent expansion south of SR 161 along the Beech Road corridor. With the anticipated continued growth of the Business Park and employment-based land uses, new roadways with this character classification will likely be built over the next several years. Business Park roadways typically have

Business Park Roadway Characteristics					
Street Pavement					
Drive Lane Width	11' (12' outside lanes)				
Turn Lane Width	11'-12'				
Total Number of Drive Lanes	2-4				
On-Street Bike Facility	Bike Lanes (5')				
On-Street Parking	No				
Access Management Priority	Medium				
Transit Accommodations	Yes				
Pavement Edge	Curb				
Total Pavement Width	35'-69'				
Streetscape/Amenities					
Trail/Sidewalk Width	8' trail min. on both sides of street*				
Trail/Sidewalk Material	Asphalt				
Amenity Zone	Tree lawn				
Amenity Zone Width	8'-15'				
Streetlights	Yes				
Underground Utility Priority	High				
Tree Spacing	30' on center				
Right-of-Way Fence	Yes				
Setbacks Beyond ROW	50' min.				
Setbacks beyond KOVV					

Duringer Dayle Transitions	l Danders Charateristics
Street Pavement	I Roadway Characteristics
Drive Lane Width	11' (12' outside lanes)
	11 (12 outside laries)
Turn Lane Width	
Total Number of Drive Lanes	2-4
On-Street Bike Facility	Shared road
On-Street Parking	No
Access Management Priority	High
Transit Accommodations	Yes
Pavement Edge	Swale
Total Pavement Width	24'-58'
Streetscape/Amenities	
Trail/Sidewalk Width	8' trail min. on both sides of street*
Trail/Sidewalk Material	Asphalt
Amenity Zone	Natural buffer
Amenity Zone Width	15'-20' min.
Streetlights	No
Underground Utility Priority	Medium
Tree Spacing	30', irregular spacing
Right-of-Way Fence	Yes
Setbacks Beyond ROW	100′
Total Right-of-Way	70'-114'
#1 - t 1 t	· · · · · · · · · · · · · · · · · · ·

^{*} Leisure trail required on both sides of the street unless the street abuts SR 161 right-of-way.



employment-based uses on both sides of the street and carry employee, truck, and delivery traffic. These two- to four-lane roads have curbs, decorative street lighting, and should have leisure trails on both sides of the road. Most of the landscape is turf grass and trees, with natural tree stands preserved where practical. Parking is not fully screened from view but includes plantings. Setbacks along these roads beyond the right-of-way should be at least 50'.

Business Park Transitional

Business Park Transitional roadways are those where the long-term condition on at least one side of the road is likely to remain rural or residential. These roads, however, do still carry some through-traffic and traffic for the business park. These roads will have more narrow road shoulders and a ditch street edge condition. They should also have a leisure trail on the business park side of the street, along with white horse fence and significant naturalized plantings, with some mounding if necessary. Any parking areas should be properly screened.

Legend

Character Classification

Business Park Roadway •

Business Park Transitional Roadway

Village Traditional Roadway

Neighborhood Roadway

Potential Alternative Roadway Character

Discover Site Boundary



REDEVELOPMENT SCENARIOS

This plan contains recommendations for the potential redevelopment of the former Discover site and the recommended improvements to address the site, including land uses, roadways, and open space. The following pages illustrate and summarize two redevelopment scenarios and their main land uses, development patterns, and connection to surrounding area.

These redevelopment scenarios were developed to study site capacity. The following diagrams and plans are illustrative in nature and do not represent a development proposal or final plan.

Scenario Option A

Scenario Option A imagines the preservation of the existing building as office space, while also adding infill development to create a mix of uses and activity on this site. The existing office building is in good condition and has over 330,000 square feet of space suitable for adaptive reuse or a modern, amenitized office. See the case studies on p. 9 for examples of successful building reuse and re-purposing.

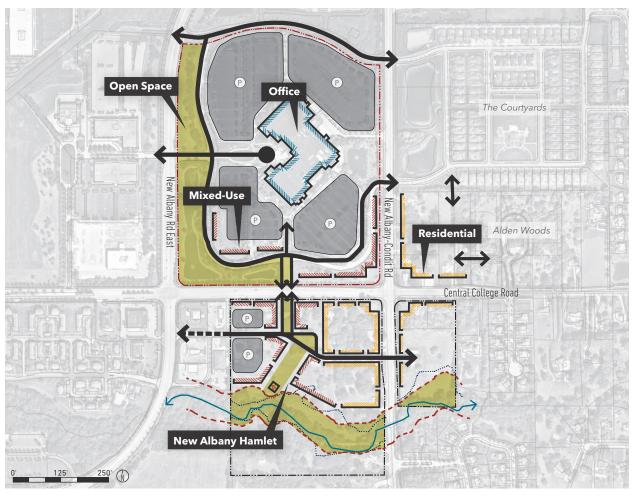
The proposed infill buildings are focused on the southern portion of the site, with the goal of creating a strong center of activity at the SR 605 and Central College Road intersection. With the proposed hamlet south of Central College and the potential for residential development at the northeast corner of the intersection, Option A ties into these surrounding potential developments with a pedestrian oriented southeast corner of the site. This southeast corner would have smaller setbacks, mirroring those of the hamlet, a set of mixed-use commercial buildings oriented toward the street and sidewalk, and a realigned interior roadway to allow for some on-street parking.







Central College Redevelopment Framework Diagram | Option A



Legend



Central College Redevelopment Plan Rendering | Option A











Scenario Option B

Scenario Option B evaluates the redevelopment potential of the site if the existing office building were to be demolished. This would open up the site for more new buildings. This scenario does utilize the existing infrastructure, like the roadway and open space network to frame the new development and to serve this new development.

Similar to Option A, this scenario envisions mixed-use commercial buildings with minimal setback on the southeast corner of the site to create a strong node of activity at the SR 605 and Central College Road intersection. With the removal of the existing building, this scenario also creates a strong core of commercial development surrounding a central green. Surface parking lots would be tucked between and behind these buildings to foster a pedestrian-friendly environment and to screen parking.

To the north, there is an opportunity to develop some larger buildings for commercial and office uses, including data centers. This development scenario creates a transition between the rest of the site and the other office uses in the Business Park to the north.

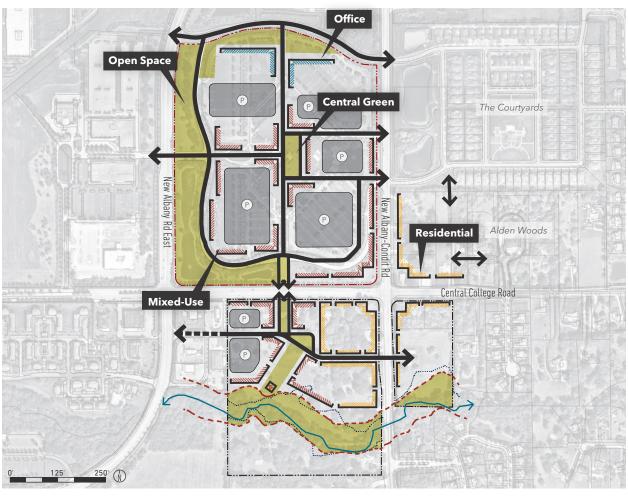
This development scenario would fit in with the other employment land uses in this section of the Business Park, while being mindful of the potential mixed-use neighborhood development pattern that could occur south of the site. A combination of medical office, retail, fitness centers, childcare centers, and educational uses, in addition to more traditional office space would serve all users in this area of the city.







Central College Redevelopment Framework Diagram | Option B



Legend



Central College Redevelopment Plan Rendering | Option B











DEVELOPMENT STANDARDS

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

CENTRAL COLLEGE REDEVELOPMENT

Development Standards

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

