



Community Development Department

Planning Application

Case # 20-60-2022
Board _____
Mtg. Date _____

Project Information

Site Address Smiths Mill Road, New Albany, OH 43054

Parcel Numbers A portion of 093-107046-00.000

Acres 25.120 +/- Acres

of lots created _____

Choose Application Type

Circle all Details that Apply

- | | | | | |
|---|-----------------------------|-------|-------------------|-----------|
| <input type="checkbox"/> Appeal | | | | |
| <input type="checkbox"/> Certificate of Appropriateness | | | | |
| <input type="checkbox"/> Conditional Use | | | | |
| <input type="checkbox"/> Development Plan | Preliminary | Final | Comprehensive | Amendment |
| <input type="checkbox"/> Plat | Preliminary | Final | | |
| <input type="checkbox"/> Lot Changes | Combination | Split | Adjustment | |
| <input type="checkbox"/> Minor Commercial Subdivision | | | | |
| <input type="checkbox"/> Vacation | Easement | | Street | |
| <input type="checkbox"/> Variance | | | | |
| <input type="checkbox"/> Extension Request | | | | |
| <input checked="" type="checkbox"/> Zoning | <u>Amendment (rezoning)</u> | | Text Modification | |

Description of Request: To rezone the subject property from I-PUD, Infill Planned Unit Development, to L-GE, Limited General Employment.

Contacts

Property Owner's Name: MBJ Holdings LLC, c/o Aaron L. Underhill, Esq.

Address: Underhill & Hodge LLC, 8000 Walton Parkway, Suite 260

City, State, Zip: New Albany, Ohio 43054

Phone number: 614.335.9320

Fax: 614.335.9329

Email: aaron@uhlfirm.com

Applicant's Name: MBJ Holdings LLC, c/o Aaron L. Underhill, Esq.

Address: Underhill & Hodge LLC, 8000 Walton Parkway, Suite 260

City, State, Zip: New Albany, Ohio 43054

Phone number: 614.335.9320

Fax: 614.335.9329

Email: aaron@uhlfirm.com

Signature

Site visits to the property by City of New Albany representatives are essential to process this application. The Owner/Applicant, as signed below, hereby authorizes Village of New Albany representatives, employees and appointed and elected officials to visit, photograph and post a notice on the property described in this application. I certify that the information here within and attached to this application is true, correct and complete.

Signature of Owner

By:

Aaron L. Underhill, attorney for owner

Date:

5-20-2022

Signature of Applicant

By:

Aaron L. Underhill, attorney for applicant

Date:

5-20-2022

APPLICANT:

MBJ Holdings LLC
c/o Aaron L. Underhill
Underhill & Hodge LLC
8000 Walton Parkway, Suite 260
New Albany, OH 43054

PROPERTY OWNER:

MBJ Holdings LLC
8000 Walton Parkway, Suite 120
New Albany, OH 43054

ATTORNEY:

Aaron L. Underhill, Esq.
Underhill & Hodge LLC
8000 Walton Parkway, Suite 260
New Albany, OH 43054

SURROUNDING PROPERTY OWNERS:

Columbus Southern Power Company
Ohio Power Company
P.O. Box 16428
Columbus, OH 43216

AEP Ohio Transmission
Company, Inc.
1 Riverside Plaza
Columbus, OH 43215

Thirty-One Real Estate LLC
1010 Jackson Hole Dr., Suite 100
Blacklick, OH 43004

Distribution Land Company LLC
3 Limited Parkway
Columbus, OH 43230

Amgen, Inc.
2202 West Shore Blvd., Ste. 650-3A
Tampa, FL 33607

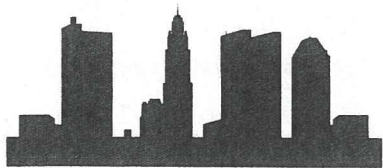
Richard and Edna Grindley
4541 Ravine Drive
Westerville, OH 43081

State of Ohio
1980 W. Broad St., 3rd Floor
Columbus, OH 43223

Thirty-One Real Estate LLC
3425 Morse Crossing
Columbus, OH 43219

Sajid Chaudhry
224 Florence Avenue
Granger, IN 46530

New Albany Duchess LLC
1935 James Parkway
Heath, OH 43056



Underhill & Hodge LLC
ATTORNEYS & COUNSELORS AT LAW

Aaron L. Underhill
8000 Walton Parkway, Suite 260
New Albany, Ohio 43054

P: 614.335.9321
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aaron@uhlfirm.com

May 20, 2022

Chris Christian
Development Service Manager
City of New Albany
99 West Main Street
New Albany, Ohio 43054

RE: School Impact of Zoning of 25.120+/- acres located to the east of Babbitt Road, south of and adjacent to Smith's Mill Road, to the north of and adjacent to S.R. 161 and to the west of and adjacent to Beech Road NW in New Albany, Ohio (the "Property")

Dear Chris:

This letter accompanies an application to rezone the Property from an I-PUD designation to a L-GE designation. The property consists of 25.120+/- acres located in the Licking Heights Local School District. The purpose of this letter is to analyze the impact of this zoning on this school district.

As this rezoning will not allow for residential development and instead adds only commercial uses, it will result in no new financial burdens on the school district and provide a new revenue source for them.

The obvious positive financial impact of developing the Property alleviates the need to undertake a detailed analysis of the impact the development would have on the local school district. In general terms, the rezoning will permit the development of the Property with non-residential uses, which will provide the school with a substantial financial benefit. This zoning will add significant value to the land and will provide the means to provide additional value by way of improvements.

The applicant is pleased to bring forth this application and looks forward to working with the City. Please let me know if you have any questions.

Sincerely,

Aaron L. Underhill
Attorney for the Applicant

ZONING DISTRICT

Information concerning specific Code requirements for rezoning submittal by MBJ Holdings, LLC

Per C.O. 1111.03(g), a statement as to how the proposed zoning amendment will impact adjacent and proximate properties.

Response: The proposed zoning amendment will have no impact on adjacent and proximate properties. Permitted uses in this new zoning district be the same as those permitted immediately prior to its approval with the addition of certain uses allowed under L-GE, Limited General Employment. This will result in only a slight difference between development which is permitted to occur under the present zoning versus this proposed zoning.

Per C.O. 1111.03(i), any deed restrictions, easements, covenants and encumbrances to be imposed to control the use, development and maintenance of the area to be rezoned.

Response: Upon the completion of the zoning for this property and prior to selling the property to any third party, the property will be made subject to The New Albany Business Park CCRs and will become part of The New Albany Business Park Association. In addition, a separate set of covenants, conditions, restrictions, and easements will be executed and recorded prior to development to provide easements for cross access, utilities, and other matters and to set forth maintenance responsibilities for property owners within this zoning district.

Per C.O. 1159.07(b)(2)(F) The schedule of site development, construction of structures and associated facilities. Such schedule shall include the proposed use or reuse of existing features such as topography, streets, easements and natural areas.

Response: Development of the site will begin based upon market conditions.

Per C.O. 1159.07(b)(2)(J) Verification that an application, if required, has been submitted to the Ohio Environmental Protection Agency in compliance with Section 401 of the Clean Water Act in which anyone who wishes to discharge dredged or fill material into waters of the United States must obtain a Water Quality Certification Permit from the Ohio Environmental Protection Agency. In the case of an isolated wetland either a general state or individual state isolated wetland permit must be obtained from the Ohio Environmental Protection Agency (Sections 6111.021. - 6111.024 of House Bill 231).

Response: No such applications/permits are required.

Per C.O. 1159.07(b)(2)(K) Verification that an application, if required, has been submitted to the U.S. Army Corps of Engineers, in compliance with Section 404 of the Clean Water Act in which anyone who wishes to discharge dredged or fill material into waters of the United States must obtain either a nationwide or individual permit from the U.S. Army Corps of Engineers.

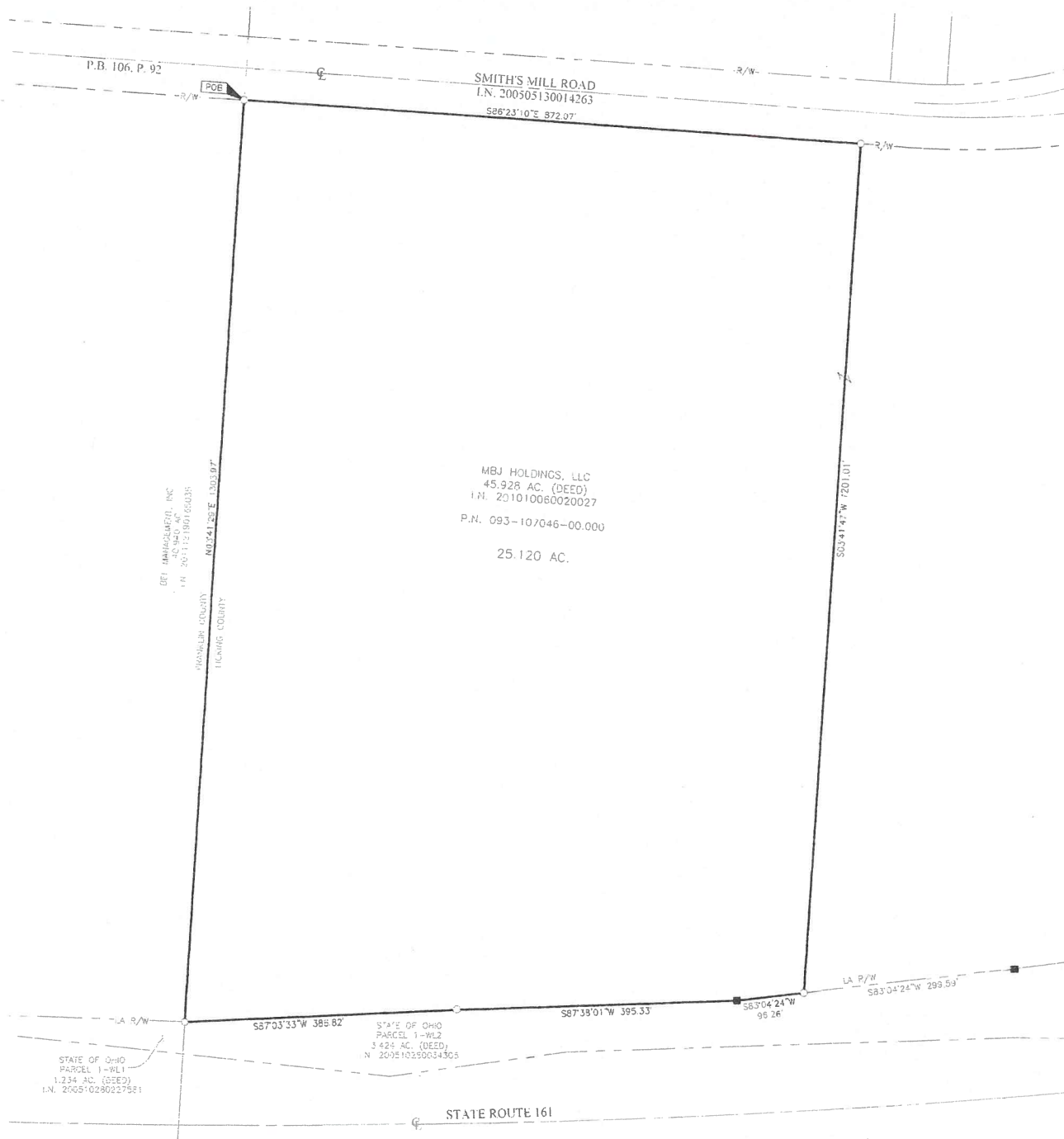
Response: No such applications/permits are required.

SURVEY OF ACREAGE PARCEL

HALF SECTION 15, QUARTER TOWNSHIP 3, TOWNSHIP 2, RANGE 15

UNITED STATES MILITARY DISTRICT

CITY OF NEW ALBANY, COUNTY OF LICKING, STATE OF OHIO



BASIS OF BEARINGS:
 The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Beech Road, having a bearing of North 03°22'04" East, is designated the "basis of bearing" for this survey.

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

- = 5/8" REBAR WITH ALUM. CAP STAMPED "ODOT" FND
- = I.P. FND
- = I.P. SET
- = MAG. NAIL FND
- = MAG. NAIL SET
- ▲ = R.R. SPK FND
- = P.K. NAIL FND

I.P. Set are 13/16" I.D. iron pipes 30" long with cap inscribed EMHT INC

GRAPHIC SCALE (in feet)

100 0 100 200



By: *Heather L. King*
 Heather L. King
 Professional Surveyor No. 8307
 hking@emht.com

11/13/20
 Date

EMHT Evan, Mechwart, Hambleton & Tilton, Inc. Engineers • Surveyors • Planners • Scientists 5500 New Albany Road, Columbus, OH 43054 Phone: 614.775.4500 Fax: 614.775.3648 emht.com			Date: November 10, 2020
			Scale: 1" = 20'
Job No: 2020-0131			Sheet: 1 of 1
REVISIONS			
MARK	DATE	DESCRIPTION	

25.120 ACRES

Situated in the State of Ohio, County of Licking, City of New Albany, located in Half Section 15, Quarter Township 3, Township 2, Range 15, United States Military District, being out of that 45.928 acre tract as conveyed to MJB Holdings, LLC by deed of record in Instrument Number 201010060020027 (all references, refer to the records of the Recorder's Office, Licking County, Ohio) and being described as follows:

BEGINNING at an iron pin set at the intersection of the southerly right-of-way line of Smith's Mill Road, as dedicated in Instrument Number 200502130014263 with the Licking/Franklin County line, being the common corner of said 45.928 acre tract and that 40.940 acre tract as conveyed to BEF Management, Inc., by deed of record in Instrument Number 201112190165035 (Franklin County);

Thence South $86^{\circ} 23' 10''$ East, with the southerly right-of-way line of said Smith's Mill Road, the northerly line of said 45.928 acre tract, a distance of 872.07 feet to an iron pin set;

Thence South $03^{\circ} 41' 47''$ West, across said 45.928 acre tract, a distance of 1201.01 feet to an iron pin set in northerly limited access right-of-way line of State Route 161, being the line common to said 45.928 acre tract and that 3.424 acre tract conveyed as Parcel 1-WL2 to State of Ohio by deed of record in Instrument Number 200510280034305;

Thence with said northerly limited access right-of-way line, the line common to said 45.928 and 3.424 acre tracts, the following courses and distances:

South $83^{\circ} 04' 24''$ West, a distance of 96.26 feet to a 5/8 inch rebar with aluminum cap stamped "ODOT found;

South $87^{\circ} 38' 01''$ West, a distance of 395.33 feet to an iron pin set; and

South $87^{\circ} 03' 33''$ West, a distance of 386.82 feet to an iron pin set at the common corner of said 45.928 and 3.424 acre tracts, that 1.234 acre tract conveyed as Parcel 1-WL1 to State of Ohio by deed of record in Instrument Number 200510280227581, and said 40.940 acre tract, being in said County line;

Thence North $03^{\circ} 41' 29''$ East, with the line common to said 45.928 acre and 40.940 acre tracts, said County line, a distance of 1303.98 feet to the POINT OF BEGINNING, containing 25.120 acres, more or less.

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

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

The bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Beech Road, having a bearing of North $03^{\circ} 25' 04''$ East, is designated the "basis of bearing" for this survey.

This description is based on an actual field survey performed by or under the direct supervision of Heather L. King, Professional Surveyor Number 8307.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King 11/13/20
Heather L. King
Professional Surveyor No. 8307

BEECH CROSSING WEST ZONING DISTRICT

INFILL PLANNED UNIT DEVELOPMENT (I-PUD) TEXT

JUNE 7, 2022

A. INTRODUCTION: The Beech Crossing West Zoning District (hereinafter, the “Zoning District”) consists of 25.12+/- acres located to the south of and adjacent to Smith’s Mill Road, generally to the west of the Beech Road interchange on State Route 161. Prior to the approval of this rezoning, the property was part of the Beech Crossing Zoning District. This Zoning District will eliminate retail, restaurant, and service uses that were permitted on a limited portion of the property as well as CF, Community Facilities uses that were permitted on the entirety of the land, and will add warehousing and distribution uses as permitted uses on the property in addition to the other GE, General Employment uses that are permitted under the existing zoning.

B. DEVELOPMENT STANDARDS: Unless otherwise specified in the submitted drawings or in this written text, the development standards of Part Eleven of the Codified Ordinances of the City of New Albany shall apply to this subarea. Where there is a conflict between the provisions in this text and the Codified Ordinances, the provisions in this text shall govern. Basic development standards are compiled regarding proposed density, site issues, traffic, circulation, landscape and architecture. These component standards ensure consistency and quality throughout the development.

C. PERMITTED USES: Permitted and conditional uses shall include those set forth in the Codified Ordinances of the City of New Albany, GE General Employment District (Sections 1153.02 and 1153.03), provided that conditional uses are approved in accordance with Chapter 1115, Conditional Uses. The following uses shall be prohibited:

- (a) Industrial product sales (See Section 1153.03(a)(1))
- (b) Industrial service (See Section 1153.03(a)(2))
- (c) Mini-warehouses (See Section 1153.03(a)(4)(c))
- (d) Radio/television broadcast facilities (See Section 1153.03(c)(1))
- (e) Sexually-oriented businesses (See Section 1153.03(c)(3))
- (f) Off-premise signs (unless approved by the Planning Commission as a part of a master sign plan or final development plan)
- (g) Personal service (See Section 1153.03(b)(2) of the Codified Ordinances) and retail product sales and service (See Section 1153.03(b)(3) of the Codified Ordinances), except that such uses shall be allowed as accessory uses to a permitted use or as otherwise permitted and approved as a use permitted by Section II.A.3 below.
- (h) Wireless telecommunications facilities, except that such uses shall be permitted as an ancillary use as provided in Codified Ordinances Section 1179.04(c).

D. SETBACKS; LOT COVERAGE:

1. State Route 161: The minimum required pavement and building setback from the State Route 161 right-of-way shall be 125 feet.

2. Smith's Mill Road: There shall be minimum pavement setback of 55 feet and building setback of 100 feet as measured from the Smith's Mill Road right-of-way.
3. Western Perimeter Boundary: There shall be a minimum pavement and building setback of 25 feet and from the western perimeter boundary of this Zoning District.
4. Eastern Perimeter Boundary: There shall be a minimum pavement and building setback of 15 feet and from the eastern perimeter boundary of this Zoning District.
5. Elimination of Setbacks: In the event that a parcel located within this Zoning District and an adjacent parcel located within or outside of it (a) come under common ownership or control, (b) are zoned to allow compatible uses, and (c) are combined into a single parcel, then any minimum perimeter building or pavement setbacks set forth in this text shall no longer apply with respect to these parcels.
6. Lot Coverage: There shall be a maximum lot coverage of 80% in this Zoning District.

E. ARCHITECTURAL STANDARDS:

1. Building Height: The maximum building height for structures in this Zoning District shall be 65 feet, subject to Section 1165.03 of the Codified Ordinances.
2. Service and Loading Areas: Service areas and loading areas shall be screened in accordance with the Codified Ordinances.
3. Building Design:
 - a. Building designs shall not mix architectural elements or ornamentation from different styles.
 - b. Buildings shall be required to employ a comparable use of materials on all elevations.
 - c. The number, location, spacing, and shapes of windows and door openings shall be carefully considered. Primary entrances to buildings shall be made sufficiently prominent that they can be easily identified from a distance.
 - d. For office buildings and complexes, achieving a human or pedestrian scale is of less concern. When achieving such a scale is desired, it may be achieved by careful attention to width of facades, size and spacing of window and door openings, and floor to floor heights on exterior walls.
 - e. All elevations of a building that are visible from a public right-of-way shall receive similar treatment in terms of style, materials, and design so that such elevations are not of a lesser visual character than any other.
 - f. Use of elements such as shutters, cupolas, dormers, and roof balustrades shall be avoided in building designs that are not based on traditional American architectural

styles. Such elements may be employed only when they are common elements of a specific style, and this style shall be replicated in its entirety. When shutters are employed, even if they are non-operable, they must be sized and mounted in a way that gives the appearance of operability.

g. Elements such as meter boxes, utility conduits, roof and wall projections such as vent and exhaust pipes, basement window enclosures, and trash containers shall be designed, located, or screened so as to minimize their visibility and visual impact from off-site. Solar energy systems shall be excluded from the requirements of this section.

h. Accessory or ancillary buildings, whether attached or detached, shall be of similar design, materials and construction as the nearest primary structure. Fenestration themes that employ windows, panels and piers that are consistent with the architectural vocabulary of the building are encouraged. Accessory structures, generators, storage tanks, trash receptacles or any other similar improvement must be located behind a building façade that does not front on a public right-of-way.

4. Building Form:

a. All building elevations shall be designed to be compatible with each other and to reflect a consistent design approach.

b. Gable or hip roofs shall be avoided unless a building design replicates a traditional American architectural style that employs such roof forms. In non-stylistic contemporary designs, low or flat roofs may be employed. Roof visibility shall be minimized.

5. Materials:

a. Exterior building materials shall be appropriate for contemporary suburban designs and shall avoid overly reflective surfaces. Traditional materials such as, but not limited to, wood, stone, brick, and concrete shall be permitted, and contemporary materials such as, but not limited to, aluminum, metal, glass, stucco, or cementitious fiberboard (e.g., hardiplank or equivalent) shall be permitted on buildings not employing traditional styles. Architectural precast concrete panels and/or poured-in-place concrete tilt-up panels shall be permitted. The use of reflective or mirrored glass shall be prohibited.

b. Prefabricated metal buildings and untreated masonry block structures are prohibited. Notwithstanding the foregoing, ancillary structures built and operated for the purpose of enclosing equipment and which are not occupied by tenants or persons on a regular basis may be constructed using pre-engineered metal.

c. Generally, the quantity of materials selected for a building shall be minimized.

d. Loading docks are not required to have the same degree of finish as a main entry unless they are visible from a public right-of-way.

e. Additional Standards for Uses Not Governed by DGRs: Buildings that are constructed to accommodate certain uses are not governed by the City's Design Guidelines and Requirements (DGRs). For example, buildings that are constructed for the operation of warehousing and/or distribution uses are not subject to the DGRs and can present

challenges in meeting the community standard for architectural design. Such buildings are necessarily large and typically include long walls that together form a square or rectangular box. The goal for the development of buildings that are not subject to the DGRs is to balance the practical needs of these buildings with the desire to provide exterior designs that are attractive and complimentary to the architecture that will be found elsewhere in this Zoning District.

Architecture by its nature is a subjective medium, meaning that the adoption of strict objective standards in all instances may not provide the best means for achieving appropriate design. In recognition of this fact, the standards set forth herein provide guidelines and suggestions for designing buildings that are not subject to the DGRs in an effort to set expectations for the quality of architecture that will be expected for these structures. On the other hand, these standards are meant to allow for some flexibility to encourage innovative design provided that the spirit and intent of these provisions are met.

In conjunction with an application for a certificate of appropriateness for each building or structure in this Zoning District that is not subject to or governed by the DGRs, the applicant shall be required to submit to the City illustrations of the proposed exterior design of the building or structure for review and approval by the Design Review Committee contemplated in Section 1157.08(a)(1)(D) of the City Code. In designing such buildings, the user or applicant shall take into account the following, which are intended to set a level of expectation for the quality of design:

- i. Architectural design for all portions of a building or structure that are visible from a public right-of-way (excluding public rights-of-way whose primary purpose is to accommodate truck traffic or service loading areas) shall meet the community standard in terms of quality while taking into account the unique nature of the use(s) that will be found therein.
- ii. Uninterrupted blank wall facades shall be prohibited to the extent that they are visible from a public right-of-way. Design variations on long exterior walls shall be employed in order to create visual interest. Examples of such design variations include, but are not limited to, the use of offsets, recesses and/or projections, banding, windows, and/or reveals; scoring of building facades; color changes; texture or material changes; and variety in building height.
- iii. The use of one or more architectural or design elements may be used to soften the aesthetics of the building, such as but not limited to canopies, porticos, overhangs, arches, outdoor patios, community spaces, or similar devices.
- iv. Contemporary exterior designs, while not required, shall be encouraged in order to create architecture that does not look aged or dated even many years after the facility is built.
- v. Landscaping and/or the use of existing vegetation shall be utilized where appropriate to enhance the aesthetics of the building and to lessen its visual impact when viewed from public rights-of-way.

f. Roof-Mounted Equipment: Complete screening of all roof-mounted equipment shall be required on all four sides of buildings with materials that are consistent and harmonious with the building's façade and character. Such screening shall be provided in order to screen the equipment from off-site view and to buffer sound generated by such equipment.

F. ACCESS, PARKING, SITE CIRCULATION, AND TRAFFIC COMMITMENTS:

1. Access Points: The following vehicular access points to and from this Zoning District along Smith's Mill Road are retained from the existing Beech Crossing Zoning District text (ZC-102-2019).

- (a) A full movement access point on the south side of Smith's Mill Road at its intersection with the Outparcel Access Road.
- (b) Two other full movement access points along Smith's Mill Road, provided that each other these access points is spaced adequately from other access points to preserve traffic safety. Additional access points along Smith's Mill Road may be permitted if approved by the City based on a review of a traffic analysis provided by the applicant and which has been approved and accepted by the City Traffic Engineer.

2. Parking and Loading: Parking and loading spaces shall be provided for each use per Chapter 1167 of the Codified Ordinances of the City of New Albany.

G. BUFFERING, LANDSCAPING AND OPEN SPACE: The following landscaping requirements shall apply to this Zoning District

1. Tree Preservation: 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.

2. SR 161 Treatment: A gas line easement burdens the southeastern portion of the Zoning District along and near State Route 161, which is described in those instruments which are of record with the Office of the Recorder of Licking County, Ohio as Instrument Numbers 200806170014079 and 200906160013035 (the "Gas Line Easement"). 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 and Gas Line Easement. The landscaping plan for the Zoning District shall include plantings at the minimum rate of six (6) trees per 100 linear feet within the required minimum pavement setback from State Route 161 in all areas where existing trees are not preserved, except that as to portions of the State Route 161 frontage subject to the Gas Line Easement, such landscaping shall only be required to the extent it is permitted under the terms of the Gas Line Easement. Required trees may be grouped or spaced and existing trees may be used to meet the planting requirements. Trees planted pursuant to this paragraph 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 unless otherwise approved as part of a final development plan. Minimum sizes for trees required to be planted pursuant to this paragraph shall be two (2) caliper inches.

3. Treatment along Smith's Mill Road: Within the minimum required pavement setback along Smith's Mill Road, landscaping shall be coordinated and consistent throughout and with the required landscaping for the zoning district to the east of this Zoning District. The following also shall be provided:

a. A four-board white horse fence shall be required along the street frontage.

b. A landscaped area shall be required behind the fence and within the required pavement setback. 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.

4. Stormwater Basins: Wet and dry stormwater basins shall conform to the standards set forth in Section 1171.08 of the Codified Ordinances of the City of New Albany unless other design solutions are found to be appropriate. Other design solutions may be appropriate if the City Landscape Architect finds that an alternative design, shape, and appearance is appropriate in particular relationship to streetscape and other site design considerations. One or more stormwater basins located within the zoning district located to the east of and adjacent to this one may be shared to serve development within this Zoning District, or this Zoning District may include its own basin(s). Where shared stormwater basins are proposed, they shall be reviewed and approved by City staff and shall be memorialized in one or more easement agreements with other affected property owners which details maintenance and cost-sharing responsibilities of relevant parties.

5. Minimum On-Site Tree Sizes: Unless otherwise set forth herein, minimum tree size at installation shall be no less than two and one half (2 ½) inches in caliper for deciduous trees, six (6) feet in height for evergreen trees, two (2) inches in caliper for ornamental trees, and thirty (30) inches in height for shrubs. Caliper shall be measured six (6) inches above grade.

H. LIGHTING:

1. 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.
2. 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.
3. 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. No permanent colored lights or neon lights shall be used on the exterior of any building.

5. All new electrical utilities that are installed in this Zoning District shall be located underground.
6. All other lighting on the site shall be in accordance with City Code.
7. Street lighting must meet the City Standards and Specifications.

I. SIGNAGE: All signage shall conform to the standards set forth in Chapter 1169 of the Codified Ordinances of the City of New Albany.

J. UTILITIES: All new utilities installed solely to serve this Zoning District shall be installed underground.

K. SILLO. An existing silo is located in this zoning district. The silo shall be allowed to remain on the site and replaced in the future in its current location and with its current dimensions, for the purpose of marketing the City and its business park(s).

L. GENERAL MATTERS:

1. **Development Review Procedure:** This I-PUD provides for the development and operation of uses and the application of development standards that are mostly compliant with the requirements of the GE, General Employment District under the City's Codified Ordinances, with limitations that apply to other properties with an L-GE, Limited General Employment District zoning classification in the City. Development proposals for the operation of any uses that are permitted under this zoning text but would not be permitted to be developed and operated in the GE, General Employment zoning classification of the City's Codified Ordinances will be subject to further review by the City's Planning Commission in accordance with relevant provisions of Chapter 1159 (Planned Unit Development) of the City's Codified Ordinances. In order to provide for similar procedural reviews of development proposals in this zoning district as apply to L-GE zoning classifications throughout the City, final development plan applications shall not be required to be filed with or reviewed by the Planning Commission in this zoning district. Development proposals for uses in this zoning district shall be reviewed by City staff in accordance with Chapter 1157 of the City's Codified Ordinances.
2. **Conditional Uses:** Any person owning or having an interest in property may file an application to use such property for one or more of the conditional uses provided for by City's Codified Ordinances Code or by this zoning text. Applications for conditional uses shall follow the procedure and comply with the requirements of Chapter 1115, Conditional Uses, of the Codified Ordinances of the City of New Albany.
3. **Appeals and Variances:**

a. Appeals:

- i. Taking of Appeals: Appeals to the Board of Zoning Appeals concerning interpretation or administration of the text or the underlying zoning ordinance by the Zoning Officer or any other administrative official may be taken by any person aggrieved, including a tenant, or by a governmental officer, department, board, or bureau. Such appeal shall be taken within twenty days after the date of the decision by filing a notice of appeal specifying the grounds thereof with the officer from whom the appeal is taken and the Board of Zoning Appeals.
 - ii. Imminent Peril: An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Officer certifies to the Board of Zoning Appeals, after notice of appeal shall have been filed with him, that by reason of facts stated in the application a stay would, in his opinion, cause imminent peril to life or property. In such case, the proceeding shall not be stayed other than by a restraining order which may, on due cause shown, be granted by the Board of Zoning Appeals, after notice to the Zoning Officer or by judicial proceedings.
- b. Nature of Variance: On a particular property, extraordinary circumstances may exist making a strict enforcement of the applicable development standards of this text or the Zoning Ordinance unreasonable and, therefore, the procedure for variance from development standards is provided to allow the flexibility necessary to adapt to changed or unusual conditions, both foreseen and unforeseen, under circumstances which do not ordinarily involve a change of the primary use of the land or structure permitted.
- c. Variance Process: The procedures and requirements of Chapter 1113, Variances of the Codified Ordinances of the City of New Albany shall be followed in cases of appeals. The Planning Commission shall hear requests for variances in this zoning district.