



Council Minutes – Regular Meeting

July 18, 2023

CALL TO ORDER:

Mayor Spalding called to order the New Albany City Council Meeting of July 18, 2023 at 6:30 p.m. at the New Albany Village Hall, 99 West Main Street, New Albany, Ohio. Staff attending were City Manager Joseph Stefanov, Law Director Benjamin Albrecht, Finance Director Bethany Staats, Administrative Services, Director Adrienne Joly, Police Chief Greg Jones, Public Service Director Mike Barker, Development Director Jennifer Chrysler, Planning Manager Steve Mayer, Engineering Manager Cara Denny, Planner Chelsea Nichols, Clerk of Council Jennifer Mason, and Chief Marketing Officer Josh Poland.

Mayor Spalding led the assemblage in the Pledge of Allegiance.

ROLL CALL:

The following Mayor/Council Members answered Roll Call:

Mayor Sloan Spalding	P
CM Marlene Brisk	P
CM Michael Durik	P
CM Chip Fellows	A
CM Kasey Kist	A
CM Matt Shull	P
CM Andrea Wiltrout	P

Clerk Mason reported Council Member Fellows was absent due to work travel and requested to be excused and Council Member Kist was absent due to travel and requested to be excused. Mayor Spalding moved to excuse Council Members Fellows and Kist. Council Member Shull seconded and council voted with 5 yes votes to excuse Council Members Fellows and Kist from the meeting.

Mayor Spalding wished Council Member Wiltrout a happy birthday.

ACTION ON MINUTES:

Council adopted the 7/5/2023 regular meeting minutes by consensus.

ADDITIONS OR CORRECTIONS TO THE AGENDA:

Clerk Mason stated that the board and commission term renewals had been addressed and, unless council wished it, she no longer needed the scheduled executive session. Mayor Spalding moved to remove the executive session, item 17 on the agenda. Council Member Shull seconded and council voted with 5 yes votes to remove the executive session.

HEARING OF VISITORS:

Matt McFadden, 7073 Maynard Place East, stated that the Planning Commission discussed the Central College Redevelopment Framework plan. He didn't get a chance to speak at the meeting. He asked and Planning Manager Steve Mayer answered that the current Discover site was zoned as Office Campus

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District, which allowed for office and datacenter-type uses. Mr. McFadden asked and Manager Mayer confirmed that, if someone wanted to build residential there, they would have to go through the entire rezoning process. Mr. McFadden asked and Mayor Spalding confirmed that the hamlet was defined geographically and any application of hamlet standards would have to go through another process. Mr. McFadden asked and Manager Mayer replied that “commercial mixed-use” was in the city’s strategic plan as a future land use category. Commercial mixed-used was a broad mixture of traditional office park uses, like office, datacenter, warehousing, and manufacturing, plus a retail component added in. So, office uses combined with retail and personal service uses. Commercial mixed-used did not include residential uses.

BOARDS AND COMMISSIONS:

PLANNING COMMISSION: Council Member Brisk reported PC approved the Babbitt Road East zoning district rezoning the area from AG to L-GE. Council was hearing the related annexation on this agenda. The PC approved the Ganton/Beech Northwest zoning district rezoning the area from AG to I-PUD. Neighboring uses and zoning districts were L-GE. The PC approved the Beech Interchange Southwest zoning district rezoning the property from Office Campus District to I-PUD. The PC approved a pergola material and set back variance for a residence on Eastcross Drive. The owner’s initial application was approved accidentally, the pergola was built, and then the mistake was discovered. The PC stated that they likely would not have approved the variances but for this situation. The PC approved a deck variance for a residence on Harper Lane that would partially encroach on a utility easement. As with similar applications, this was approved with conditions, including that the resident sign a hold-harmless agreement in case the utility required them to pull the deck up. The PC approved a code change for electronic display signs and outdoor advertising. It was approved with proper screening, landscaping, and illumination controls. The PC heard a proposal to amend the city’s strategic plan for the old Discover site. The site had been purchased by an LLC holding company. The city wanted to be clear about what was envisioned for that site. PC voted 4-1 in favor of staff’s recommended changes. Council Member Brisk passed around the recommendation.

PARKS AND TRAILS ADVISORY BOARD: No report.

ARCHITECTURAL REVIEW BOARD: Council Member Wiltrout reported that the ARB approved 2 signs, 1 a projecting sign, at 108 North High Street, the future location of a nail salon. Given the location, the business was hard to see from the road.

BOARD OF ZONING APPEALS: No meeting.

SUSTAINABILITY ADVISORY BOARD: No meeting.

IDEA IMPLEMENTATION PANEL: Council Member Wiltrout stated the IDEA Panel monthly meeting was canceled for members to attend the ‘Appy Hour at the Heit Center. Council Member Brisk reported that representatives from local government, including the township, the fire department, the police department, and board and commission members were present to answer attendees’ questions and talk about getting involved. There was a generous buffet and good turnout. The Panel recapped the Juneteenth program.



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CEMETERY RESTORATION ADVISORY BOARD: Clerk Mason reported that the CRAB was taking a field trip to Wagner Cemetery next Tuesday at 3:30 pm to see the restoration in progress and council was invited.

PUBLIC RECORDS COMMISSION: No meeting.

CORRESPONDENCE AND COMMUNICATION:

NONE

SECOND READING AND PUBLIC HEARING OF ORDINANCES:

ORDINANCE O-82-2023

Mayor Spalding read by title AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1 ANNEXATION OF 62.6+/- ACRES FROM PLAIN TOWNSHIP, FRANKLIN COUNTY TO THE CITY OF NEW ALBANY.

City Manager Stefanov stated this was the city's standard Expedited Type 1 annexation. The city entered into an annexation agreement with Plain Township in 2008. The land was on the east side of Babbitt Road and contiguous to New Albany city limits. This would become an extension of the business park. There was a road maintenance agreement (RMA) for Babbitt Road based on the county engineer's interpretation of the Ohio Revised Code at that time. The city would maintain the indicated sections of Babbitt Road.

Mayor Spalding opened the Public Hearing. Hearing no comments or questions from the public, he closed the Public Hearing.

Mayor Spalding moved to adopt the ordinance. Council Member Wilttrout seconded and council voted with 5 yes votes to approve Ordinance O-82-2023.

ORDINANCE O-83-2023

Mayor Spalding read by title AN ORDINANCE TO ACCEPT WATER LINE, SANITARY SEWER, STREET AND STORM SEWER IMPROVEMENTS AND APPURTENANCES THERETO FOR HORIZON COURT, AS REQUESTED BY LINCOLN PROPERTY COMPANY.

Engineering Manager Cara Denny stated this ordinance accepted waterline, sanitary sewer, street and storm sewer improvements, and appurtenances for Horizon Court. The developer submitted a 2-year maintenance bond, an engineering inspection fee deposit, and a 5-year settlement bond. With adoption, the city would accept approximately 2,600 feet of public street, fire hydrants, and associated sanitary sewer, storm sewer, and water lines.

Mayor Spalding thanked the developer for working with the city to make adjustments along the way.

Mayor Spalding opened the Public Hearing. Hearing no comments or questions from the public, he closed the Public Hearing.

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Council Member Shull moved to adopt the ordinance. Council Member Brisk seconded and council voted with 5 yes votes to approve Ordinance O-83-2023.

ORDINANCE O-84-2023

Mayor Spalding read by title AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 63.5 +/- ACRES OF LAND GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION AT CENTRAL COLLEGE ROAD AND JUG STREET ROAD FOR AN AREA TO BE KNOWN AS THE “COURTYARDS AT HAINES CREEK ZONING DISTRICT” FROM ITS CURRENT ZONING OF AGRICULTURAL (AG) TO “I-PUD” INFILL-PLANNED UNIT DEVELOPMENT AS REQUESTED BY EC NEW VISION OHIO LLC, C/O AARON L. UNDERHILL, ESQ.

Planning Manager Steve Mayer referenced the more detailed presentation at the first reading. The proposal was for 151 units that were 90% age restricted. Since the last council meeting, staff had received some questions and noted some revisions that still needed to be made to the text.

Staff was requesting council to consider updates to be added by floor motion. (1) Staff asked that roof-mounted solar panels be permitted provided that they were south facing and not visible from the front of the home. This was needed to match the Planning Commission’s (PC) approval. Solar panels were permitted on the rear and side of homes if they were south-facing. (2) Staff asked for a fix to a clerical error. The zoning text in code section VI(F)(4)(b) was incorrectly referenced. The regulation was accurate, but the code section reference needed to be fixed. (3) Staff noted that residents were asking for more restrictions on what was allowed in rear yards.

Manager Mayer expounded on item (3) by stating that setbacks referred to distances from buildings, in this case, the residential home. Staff had been receiving questions about what else was allowed in setbacks. A screened in porch was attached to and considered to be an extension of a home. Therefore, a porch would be subject to the same building setback as the rest of the house. Air conditioner (AC) units and generators were typically allowed in rear yards. This zoning text prohibited those to be located within stormwater and drainage easements. AC units and generators could be located in the rear yard, but not if an easement was there. The Final Development Plan (FDP) would specify where the drainage and utility easements would be located. Neighbors would be notified of the FDP review and associated public hearing at Village Hall. Storage buildings and other accessory units were not allowed in utility easements and came with their own setbacks. Staff prepared a supplemental Q&A memo (attached) which was distributed to council, the applicant, and some residents. Manager Mayer offered copies to anyone present. The Q&A included information about setbacks and answered more questions about items allowed in rear yards. Staff was presenting tonight on what city code and the zoning text allowed currently. Residents were asking for additional considerations.

Mayor Spalding asked and Manager Mayer confirmed, along the western property line, there was a 50-foot building setback and, within that, the first 30 feet were a tree preservation zone. The intent for the remaining

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20-foot area behind the homes was to run utilities. What utilities went in would be determined with the FDP and Final Plat which went before the PC.

Aaron Underhill, attorney for applicant, presented the attached slides. He stated this was a rapidly developing, transitional area, with a variety of uses. Mr. Underhill was involved in the annexation of the property 3-4 years prior for the Homewood corporation. Utilities were not available then. Now, utilities would be available. Age-restricted residential was seen as a preferred use, with an alternative of 1 unit per acre with values that wouldn't financially harm the school district. The Engage New Albany strategic plan more recently made those same recommendations. This proposal considered schools, traffic, utilities consumption, and surrounding context. The proposal was for an age-restricted community; 90% of the units required at least 1 individual to be 55 years of age or older. Also, in that 90% of units, no one could be 21 years old or younger. This was more protection for schools. This was the same restriction as at the Courtyards at New Albany project.

Mr. Underhill stated that each unit had a private, fenced-in side patio, similar to other Epcon products. There were numerous amenities. Mr. Underhill expected to hear from neighbors about the density. Density was a number, but intensity measured impact. This project was at 2.3 units per acre for a total of 151 units. The city had a policy of 3 units per acre for 100% age-restricted product if other standards were met. This project was well below that maximum. This was less density than the Courtyards Epcon project at 3 units per acre. Nottingham Trace was at 2.67 units per acre for 240 homes. The alternative would be 63 single-family homes at 1 unit per acre. He recalled an upscale project in Grove City where they ran a trip generation comparison. They showed more daily trips from a lower density single-family project versus the higher density age-restricted project - fewer daily trips and fewer trips during peak hours. He described the school impact analysis. This project was not likely not to attract students. The average anticipated home value was \$575,000, yielding over \$1.4 million in school tax revenue, more than the revenue generated by 3 Discover Card buildings, with little cost of educating students.

Mr. Underhill described the plan evolution. The new plan removed a north-south street as requested by staff due to a conservation area. The entrance changed. Minimum building setbacks increased. Leisure trails were added. A road connection was moved to the west should the property next door develop.

Mr. Underhill cited several meetings with neighbors in May. Out of those, setbacks increased to 50 feet, and tree preservation zones were established. The developer agreed to submit an arborist report before construction regarding perimeter boundaries and which trees could be saved. They agreed to meet with neighbors after the report and before submission of the FDP. The developer agreed to supplement buffers, as needed.

Regarding the changed zoning text, they agreed to remove the ability to encroach into rear yard with decks, patios, and screen porches. They never intended to do that and the language was a carry-over from an unrelated text. Regarding age-restricted vs single-family subdivisions, they ran into issues with open space and park land calculations. He believed open space was calculated based on the 1 unit per acre formula. 20% of the total gross area of the project was supposed to set aside as open space which was privately owned and maintained. 2,400 square feet per unit of parkland was also required to be dedicated to the city.

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Applying those numbers to a single-family subdivision – it was typically easy to meet those requirements. Here, they were short 3 acres, but that didn't mean too little green area. The stormwater management ponds weren't counted, which addition would take them over 40%. The Courtyards at New Albany were 5.4 acres short. They paid a fee-in-lieu which was to be used by the city in conjunction with the metro parks. They planned to do the same with this project, at an appraised value of \$43,000 per acre.

Mr. Underhill described the community plan including a club house with amenities. Nearly all of the homes had side yard living. Some were a front-loaded product. There was also a "lane" product to avoid many driveway curb cuts on heavily traveled roads.

Council Member Durik asked and Jason Coffee, Vice President, Land Development, Epcon Communities, 500 Stonehenge Parkway, Dublin, Ohio, answered that, along the western boundary, the homes were side loads with courtyards to the side. There were privacy fences along the back of the home that provided screening for the outdoor living areas.

Mayor Spalding asked and Mr. Coffee replied there were 6-foot privacy fences. They had a 4-foot metal fences, also. The homes were connected by the privacy fence along the back of the building structure. Mr. Underhill stated, behind the back façade, there were 20 feet for utilities, then the 30-foot preservation zone, for a total of 50 feet. Mr. Underhill provided a concept drawing to council which demonstrated the rear fencing element.

Council Member Durik asked and Mr. Coffee replied, on the east side, the homes from lot 63 back, there was a large retention basin, therefore, they weren't planning the same treatments. Although, the homes were built the same, someone may want the lower metal fencing because there was more distance from the back of home and the retention basin. Mayor Spalding viewed the retention basin as part of the development process. He asked and Mr. Coffee confirmed that that was a wetland.

Mayor Spalding asked Mr. Underhill answered the applicant was agreeable to all 14 the conditions set by the PC. Some were addressed in the zoning text, some would be in the FDP.

Council Member Brisk asked about the straight line of fencing along the west side and the density that neighbors to west would face. Was a way to create break? This was not fully addressed at the PC meeting. Mr. Underhill stated the applicant was willing to provide breaks, something like every 5-6 homes. They were open to that still. The applicant thought that was right thing to do, break it up, maybe add a landscaping element to break it up visually.

Mayor Spalding asked and Mr. Coffee replied that the land behind the privacy fence would be addressed in the FDP. They showed tree preservation area. The arborist was coming out and they'd committed to additional plantings. They knew there would be utility work back there. Anything back there would be maintained by the home owners association (HOA). He expected some combination of grass, plantings, landscape, and natural trees. They wanted low maintenance and to leave as much natural as possible – they had an interest in trying to make that happen.

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Mayor Spalding asked who would pay for the utility extension. Mr. Underhill stated they were still in negotiations. They anticipated they would be largely covering those. There was a formula that allowed for some relief. They would want to know, same as the city, before they filed the FDP. They were not looking for any special breaks.

Mayor Spalding opened the Public Hearing.

Michelle Weber, 8337 Clouse Rd, they lived on the northern boundary of the proposed development. It would literally be in her back yard. They had lived on Clouse since 2005. They bought the property, built the house, and raised their family there because it was rural. The entire development would ruin their lifestyle – the way they lived, raised their family, enjoyed their peace and quiet, leisure time, family time. This was not a good idea for New Albany or Plain Township. This was not what they wanted for where they were living. She was asking council to say no to this entire development. It was a disaster, would destroy wildlife. This was a wonderful place to be. They were adjacent the federal preserve. They wanted it to stay exactly how it was. It was beautiful, lush, and made of Ohio plants. A development like this would ruin all of it. As a homeowner, tax payer, someone who loved living in the area, she encouraged council not to vote for this.

Mayor Spalding asked and Ms. Weber answered that she did not know if the site was owned by the developer when she moved there. The land had been farmed. It was growing food for the community and country - not vacant.

Mayor Spalding asked about the setback from the proposed roadway to the northern boundary. Ms. Weber stated it was 250 feet to their property line.

David Jones, 8337 Clouse Road, stated this was a horrible idea. He'd heard this was a "transitional zone." This was his home. He had wonderful neighbors, but he could hear every word they were saying from his house. Words carried out in the country. When he heard about this, he got sick to his stomach. Every person he talked to on Clouse Road and Jug street, anyone out in their yard, every single person who lived in that area agreed this was horrible and would destroy their way of life. They had a hawk's nest in their yard, turkeys, a lot of wildlife that was indigenous to the area. He was afraid to see it go away if this development occurred. People were adamantly against this. He didn't call it development, it was destruction. He could see having houses there with acres of land, but this was not the rural lifestyle they signed up for. There were so many different rules – the developer could get an exception for this – they didn't have to have the sidewalk or park. Mr. Jones didn't think there should be any exceptions. They should have to follow every rule. This seemed half-baked. He'd heard they would "figure it out." It was a total mess, a "soup sandwich." It was going to change everyone who lived in the area and wanted a rural lifestyle – to be destroyed.

Mayor Spalding asked if there was another development Mr. Jones would support. Mr. Jones responded 5- to 10-acre individual family homes. Mr. Jones's residence was on over 5 acres. He couldn't hit neighbors with a golf ball. He couldn't see his neighbors' house. He saw wildlife, but not a house when walked outdoors. That was what he had become accustomed to. He moved away from a highway because he couldn't sleep. He had great hearing and could hear his neighbors talk. He was sure 151 houses in his backyard – he would be hearing stuff all the time and not able to sleep.

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Paul Mason, 8293 Central College Road, stated his wife was in attendance with him. This was their 4th meeting on this project. His name was listed in Mr. Underhill’s presentation. There was some communication – which was a pretty quick meeting overall. Their big worry was with headlights and similar. They were on Central College Road. 1 of the 2 entrances was directly across from their driveway. Mr. Underhill and Epcon had agreed to so do some screening on his [Mr. Mason’s] property. He hadn’t talked to them since the 31st. They had not communicated to him or either neighbor on both sides. He wanted to make sure that was still being considered. Also, there was an old barn across the street. He’d learned there was a turkey vulture on the top floor. These were federally protected migratory birds. Moving the birds or the nest was hard to do without a permit. He wanted to know if the developer had made any progress about those things.

Council Member Brisk recalled the PC meeting where the applicant stated they’d be willing to move the barn to another location. Mr. Underhill agreed. Mr. Coffee agreed there was something protected there – there were guidelines on who could take care of that appropriately – whether it was moved or if something else happened with the barn.

Council Member Brisk asked and Mr. Underhill confirmed that, yes, agreements were made regarding screening and the entrance. The applicant was on the record with commitments and that hadn’t changed. In order to solve Mr. Mason’s concern, it was better to do it on his property because the headlights would be past the applicant’s property. Council Member Brisk asked and Mr. Underhill answered he didn’t believe that was a condition of passage at the PC meeting. Council Member Brisk asked and Mayor Spalding agreed that it should be made a condition.

Mr. Mason recalled people saying they didn’t want this development. He went through New Albany’s website. He saw the updated New Albany Silicone Valley site showing 7-8 new pictures of a gigantic Intel chip manufacturing plant. He was curious about it. Mr. Underhill’s presentation showed Google, Microsoft, and Intel that would be 3 miles from this location. He didn’t think any of the neighbors thought this would be agricultural farmland for the foreseeable future. Things were growing fast. Knowing this vast investment, this Intel plant going in opening in 2025 – Mr. Mason didn’t know how long it took to build 151 homes. How did this project fit into any of those businesses, this 55+ community? The \$1.5 million in additional revenue seemed small compared to some of the bigger things New Albany had been doing in recent years. Things were moving fast and it was scaring neighbors who were also concerned with Intel plant. It was hitting everyone from all sides. They were going through a lot of construction along this road. It didn’t feel like now was the right time. In previous meetings, it was “the density [was] too much.” He appreciated it was not the maximum that they could do but, at the same time, were we thinking far enough into the future? 5 years from now, when Intel was open, where were those jobs going? Regarding the kind of development, he would like – he’d like a Tidewater-type of community which would be around for a long time and more fit the character of the rest of the neighborhood.

Mr. Coffee stated, for 151 homes, they were estimating a 4-5-year build-out. It would take 6-8 months to get all the underground in.

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Mayor Spalding recalled the \$1.4-\$1.5 million tax revenue was for the schools. Many of the city's recent economic development partners were not in the city's school district. The city was cognitive that any development it had the right to influence, where it had an impact on schools, the city was sensitive to that. If this development was done as 1 acre single-family residential, it would produce over 50 students. Historically, these age-restricted products had not added a lot of students and had provided some revenue to the schools. There was still a lot of demand in the community- folks who were empty nesters who had raised their families in New Albany and who want to stay in New Albany – there was nowhere for them to go. Whether this was the right spot was a fair question.

Mr. Mason stated that these homes were lovely-looking inside and out. Both of his parents had recently retired. This seemed like a great spot for them. He was sure the demand was there. Could we just wait? Do we need this? This piece of land was spectacular, wide open, had cool features. He'd heard in previous meetings, "it could be worse." Maybe the city would need 5 houses per acre in the future. Whatever got decided and went in there now was going to stay for a long time. When he heard there was additional stress on the school district – that sounded like a good thing. City schools were top notch. That seemed like something to address – how do we build an education program up to keep top rated schools?

Tamara Davies, 8200 Central College Road., asked Mr. Underhill if the trips shown on his slide were projections or counts.

Mr. Underhill responded those were actual numbers based on traffic counts at a Grove City location. Epcon had their own traffic study for this project that was approved by the engineer.

Ms. Davies said her husband told her she was always coming and going and they were in that age category. She didn't know how the developer got fewer comings and goings just because they were older. This was advertised as an active adult community. She expected just as many trips as a regular neighborhood - gym, hobbies, friends, medical appointments, store, shopping. She did not agree that Courtyards at New Albany was a "pretty good project."

Ms. Davies presented the attached slides. She was there for a no vote on the Epcon development because it did not meet current ordinances and other issues.

Mayor Spalding noted this was a zoning ordinance, not the Final Development Plan (FDP).

Ms. Davies stated the land surrounding the proposed development, both in New Albany and Plain Township and on the Licking County side, had all single-family homes on over an acre of land. According to the city's code of ordinances, Title I, Zoning Administration, 1103.02, the proposed development did not meet this standard of protecting the character of the area. According to 1133.02, the development did not meet the standards of establishing the residential districts at densities consistent with that which existed within the respective area. The ordinance discouraged large concentrations of intensive development where intensity would be inconsistent with character of the area. According to 1159.04, the proposed location of any of the uses would not adversely affect adjacent property. Clearly, the number of people at the council meeting indicated they were concerned that the development would adversely impact them. According to

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1171.01, Landscaping, it stated that the further purpose of that section was to encourage the preservation and replacement of major trees and to encourage the effective use of landscaping between land uses to minimize visual pollution. Ms. Davies displayed pictures of the current property and described trees that would be taken down and replaced. She described the connected homes. AC units were sitting out. That could also be generators. The connected houses were a wall that ran 1,200 feet down the property line. That wall would prohibit wildlife from traversing the property. She described wildlife visible and audible from her deck. Animals would be negatively impacted by the density and not making across to their normal habitat. She pointed out visual pollution. Ms. Davies stated the Engage New Albany strategic plan said any proposed residential development outside the Village Center shall have a base density of 1 dwelling unit per gross acre in order to preserve and protect the community's natural resources. The strategic plan recommended empty nester housing in the Village Center walkable to amenities.

Ms. Davies stated the development was considered to have a net positive financial impact on the schools. This was not guaranteed. She described the reasons the Housing for Older Persons Act (HOPA) could be found unconstitutional and illegal. There were no longer requirements for significant services in HOPA communities. Now, the only requirement was that they exclude families with children. She saw no reasonable government purpose here. There were court cases, and in some, the HOA gave in and let the kids stay. She thought they were afraid to go to the supreme court. She described a 1977 case where the court determined a right of an extended family to live together. Ms. Davies asked what would happen if HOPA became unconstitutional. There were hundreds of these 55+ units in New Albany. All would be open to families. These were not made for families, but students came from the Market & Main apartments. Some of the homes in this project could go up to 4 bedrooms. At the stated price range, these would be some of the cheaper homes in New Albany. There would be families there. There would be no place for those kids to play.

Richard Otten, 8383 Clouse Road, stated his property was adjacent to his immediately to the north. His wife's family went back 200 years on this land. He was married on the land and lived there starting 26 years ago. They raised their family here. They planned living there indefinitely, next to the nature preserve they built. Trees grew faster as they got older. Many of the trees being destroyed for this development were over 100 years old. It would take 100 years for new trees to be able to consume the same amount of carbon dioxide and build comparable root structures. This assumed the replanted trees weren't short with narrow root structures that didn't interfere with sidewalks and didn't drop leaves or seed pods on front lawns. Last week, the highest average global temperature the world had ever seen was reported. Mr. Otten described high temperatures and heatwaves around the world and the results of these waves, including crop damage, wildfires, and poor air quality. Trees were nature's air conditioner and purifier. It would take 100 years for new trees to achieve the same effect as trees there now. Mr. Otten described the location of their 17 acres of mitigated wetland and the 30+ acre federally-protected woodland, prairie, and wetland mix. The water and drainage flowed down to Blacklick Creek. It was also a wildlife corridor between the pond and the creek. The Tidewater development had to do setbacks and special things to preserve that corridor. It was important to plant prairie grasses. The roots on sod only went 1-2 inches deep. In Plain Township, the soil was hard packed clay which water didn't penetrate. If one put sod down, the water would run away. Prairie plants could go 10-12 feet down, brake up the clay, and absorb water. Grasses were important for pollinators. Around the world, there was a significant pollinator collapse which endangered food supply for

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the human race. Anything to help pollinators was good. If the development had to go in, it should use prairie grasses as much as possible and not be sprayed to protect pollinators. Mr. Otten described recent massive flooding events in the country and internationally. Mr. Otten stated we couldn't save the world, but we could try to save as many trees and do what we could with the land we controlled. We could not make the world any worse. When trees got to 100 years old, many had roots pushing deep into the clay and firmament, helping to protect from flooding. It was important to consider these things. Mr. Otten couldn't imagine this development being there in 100 years. Datacenters had an average lifespan of 10-20 years. He pointed to the abandoned Discover site. What type of plantings should we be thinking of – when our kids' kids are in high school? We can't save anything, but we can try not to make it worse. Granting the exception to not having enough greenspace and to cut down beautiful old trees was horrifying to him.

Mayor Spalding asked and Mr. Otten answered that farmland was not helping the situation. Ideally, we would turn the land into a protected conservation land like the adjacent properties. If we couldn't do that, then we should do the next best thing. When Homewood bought the property in the late 2000s, Franklin County walked the property with the developers and told them they couldn't develop the plot because it was too wet. The farmers went in the next year and put in drainage tiles every 100 yards, a crazy amount. Homewood sold the land 15 years later to Epcon. Mr. Otten expected Epcon would put in lots of drainage tiles and take all the water accumulating on the surface and shunt it somewhere else.

Mayor Spalding stated New Albany tried to be responsible about its stormwater management. There were 2 proposed stormwater basins. Mayor Spalding asked and Mr. Otten agreed the land was currently farm field, with areas of trees and a tree line. Some of the trees were 80-100 feet tall and some probably dated back to when the area was first farmed. Mr. Otten understood there was a commitment and he hoped those trees would be preserved.

Catherine Saveson, 8383 Clouse Road, submitted the attached letter which was put together with input from the neighbors on Central College and Clouse Roads. She asked those who came out in support of letter to stand up. Ms. Saveson stated some points of the letter were already covered, so she wouldn't read the whole letter aloud. She read sections and reiterated points. She stated the development didn't fit the character of the rural residential neighborhood. This was not a straight zoning change. It barely passed Rocky Fork Blacklick Accord (RFBA) with a vote of 5-3 and barely passed the PC with a vote of 3-2. The development would be an island surrounded by land on all sides. There was no walkability, it didn't connect by walking trails. It precluded New Albany from taking a holistic view of this area, an opportunity to provide protected green areas for future generations. Developments with density higher than 1 unit per acre should be in the city center. It was not clear how water would be supplied to the property. The project would destroy 8 acres of wetlands and disrupt local animal species. This didn't meet the parkland requirement on site. Drainage and water problems were already mentioned. There were concerns for the 15 non-age restricted homes not having access to a playground. The adjacent wetland pond – kids were curious – there was concern kids would get into trouble with a deep pond. There were concerns about herbicides and pesticides on the adjacent wetlands. The suggestion to add prairie plants along the northern border was a way to have a no spray zone. Native plants wouldn't need to be sprayed. They could be mowed once per year. Neighbors were concerned about car impacts and noise. This would be an isolated site.

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Ms. Saveson stated some proposals to improve the development included increasing the natural buffer on the west and east borders to 100 feet. Consider removing some units for more buffer space. Waive restriction on homes not backing up to open space. She understood that New Albany ordinance specified this. These homes had that fence behind them, residents couldn't expand yards into that territory anyway. They wanted to see the development fit the natural features on the spot. They wanted to see the full parkland amount required. They wanted to reduce the density to 1 unit per acre, which would be a better fit. She already mentioned the spray chemicals, the prairie plants, and tree plantings. There was concern for neighbors across Central College to make sure they had completely opaque privacy screening. If that barn was removed, the timing of turkey vulture nesting needed to be considered. The letter was signed and supported by 20 neighbors.

Mayor Spalding asked if Ms. Saveson was aware of conversations by neighbors around leisure trail connections. Ms. Davies answered that no one had asked about leisure trails. *<additional statement inaudible>* Mayor Spalding recalled there being dedicated land next to Tidewater - trying to complete that leisure trail corridor – he didn't know where conversations stood. Manager Mayer responded he didn't believe staff had any additional conversations or studies for leisure trail east of 5 Points along Central College. Leisure trail either happened as part of a development process since it was a code requirement or it could be studied, if there were short gaps, in order to make those connections in the future. No feasibility studies had been done by staff. Mayor Spalding recalled that Tidewater had leisure trail along Central College which terminated east of the Tidewater subdivision

An unidentified person stated it was by his property line. He had no interest in extending the leisure trail.

Ron Davies, 8200 Central College Road, presented the attached slides. He stated the site was isolated. It was surrounded on 3 sides by Plain Township. The only touch point with New Albany was on the road. Tidewater was to the west. People were frequently ticketed for making illegal turns on that road. They had talked with Abercrombie and Fitch (A&F) about traffic. From his insurance experience, it was kind of a dangerous intersection. His understanding of the zoning text was there were no tree protection zones to the east and west. The language talked about the north, northwest, and the south, but there was no reference to a tree protection zone in the current text for the east and west. Section H had more on buffering.

Mr. Underhill stated, to the extent it wasn't in the zoning text, it was a condition of approval and they had agreed to all of that. As a condition to be able to go ahead to the FDP, the text would have to be amended in its final form to reflect that. Yes, in short.

Mr. Davies referred to prior meeting minutes, from RFBA, PC, and past city council meetings, often there were comments from council members and commission members around "where is the community?" The community was out in force this evening. The RFBA meeting wouldn't have happened the way it did if not for mobilization that happened in a week. There were 2 RFBA meetings. There was a long PC meeting. Residents continued to learn about this development and the process. He understood 10-day notice statutes, but that was the minimum. This project had been in the works for 12 months. Finding out when they did about the RFBA meeting, it put the community in a situation where they had to respond on short notice. They were all amateurs, learning as they went.

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Mr. Davies stated the I-PUD created a lot of arbitrariness. Exceptions were made. Mr. Davies thought uniformity was important, otherwise it became arbitrary and susceptible to lawsuits, particularly if the HOPA law ever got changed and a lot of homes could have children.

Mr. Davies said the text, item V, talked about responsibilities of HOA. It read like the total list of responsibilities - it had 2 paragraphs. It didn't talk about tree preservation, gardening, all the commitments in the zoning text. After the last home was sold, what happened to the HOA? Mr. Davies recalled Mr. Topolosky's statement at the last council meeting - that Nottingham Trace was on its 3rd management company. It was still under development. The proposed community would have 15 floating non-age restricted homes. How would an HOA protect and monitor that? Seemed pretty intrusive. Mr. Davies asked council to think about the practicality over 3-10 years. Things happened, grandkids came, kids came back. Mr. Davies displayed a picture of the current Epcon development entrance area pond which he called not healthy looking. The proposed application had trees, but the pond would be visible from some sightlines. He didn't think this project was right to vote on at this point, same as the RFBA. There were many unknowns. This text was not final. Maybe this vote should be pushed off until the text was where council wanted it.

Mr. Davies displayed The Courtyards at New Albany. That area was not an island. This project didn't have those surroundings and amenities. It was surrounded by Plain Township. Was there an easement all along east and west side homes? The text talked about front and side yards. There was a lot of vocabulary around the rear yards. He wanted confirmation that the entire east and west homes would have easements behind them for drainage.

Mr. Underhill confirmed that was correct.

Mr. Davies displayed pictures of what he believed would and would not be allowed. He expressed concern about AC units, generators, and screened porches on the rear of homes.

Regarding rear yards, rear areas, they were under the impression that there were no rear yards - not with playgrounds and things like that. Screened porches were encouraged on the rear of the home – that was in the text. Regarding trees, Mr. Davies described 8 acres of trees. We're going to cut all of those trees today? Tomorrow? That was a lot of woods – all destructive of various ages. The trees bordered on this property could be over 100+ years old. What happened to trees and root systems when they were cut? He expressed concerns about drainage. Someone would dig in the ground to put drainage in. Mr. Davies had objected with staff and the plan a few times about the row of 22 homes. He thought it was the longest continuous stretch of homes in New Albany - ¼ mile straight shot. It was a wall. It was longer than the 17 homes at The Courtyards at New Albany. These homes should be broken up or moved – could take a few homes out of the middle. He understood the economics might be different for the developer, but they could make the decision on what that might be.

Mr. Davies cited section 7 of the planning guidelines. There were 2 pages with definitions of what was an isolated site. Mr. Davies continued to opine this was an isolated site. A&F was to the west. It was an isolated

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site and A&F did a phenomenal job isolating and protecting it, having opacity from the neighbors and roads. This was also an isolated site and he believed should be treated as such. He believed staff was interpreting, but it was not in the language - the plain reading of that guideline expressed it. The word “site” was throughout the text. It was important because the current plan did not show it meeting the opacity requirements of being an isolated site.

Regarding parkland, Mr. Davies thought it was odd that we could trade open space from over here to other side of town. That was not necessarily the case. He searched for where \$42,000 amount in the proposal came from. He found the number from a market valuation by someone before the Intel announcement. There was property value inflation. He searched for where, near the metro park, land was bought for that price. He found a piece of land from December of 2020 for \$1.56 million for 37 acres which equaled \$42,000 per acre. Intel was announced January of 2022. Prices went up. He couldn't find land for sale now at that price. Mr. Davies gave other examples. Land was expensive.

Mr. Davies stated the applicant was asking for a lot of waivers which he listed on a slide. The applicant was asking a lot of council in the face of strong community opposition.

Council Member Durik asked and City Manager Stefanov answered that the \$43,000 per acre was based on the price paid for the 73 acres at Bevelhymer Road and Walnut Street earlier this year.

Jeffrey M. Lewis, attorney for Mr. Davies, 495 S. High Street #400, Columbus, Ohio stated had represented major developers for 42 years. He understood the need to amortize land costs over as many units as possible. He was now advocating for 2 long-time New Albany residents with a lot at stake. With his client he had met Mr. Underhill on several occasions.

Regarding the 50-foot setback, Mr. Lewis demonstrated 50 feet from the council dais to the doorway. Master plans were an aspirational, feel good thing for residents. The city tried to assign points to aspirational things. City staff created a checklist and awarded points based on the subjective master plan. Regarding the ¼ mile of solid house backs, that was what his clients would be viewing. He guaranteed, even with the arborist, that one couldn't dig for utilities that close and not have an effect on a tree line. He wouldn't repeat every resident statement, but there were many iterations of this proposal that could be developed that hadn't been. He got that density was supposedly a deal-killer for developers, but he'd learned they could negotiate less at the end of proceedings. On the north side, the city's planning department didn't want backyards facing that way. He didn't see why the city couldn't break up the ¼ mile of house backs and put 8 lots on the other side of the northern street. That would achieve same density and break up ¼ mile of properties. Place them to the north. He didn't understand why it was against policy. He also suggested shifting the whole development towards Central College, creating a larger buffer zone behind, which would be more palatable to his clients. He understood engineering costs and the density “deal killer.” His client understood something would go here. The preliminary plan was not written in stone. Courts had held that a PUD was a rezoning and not subject to appeal, only referendum. However, there was case law saying the FDP was appealable. Based on what council had heard this evening, and his client's issues regarding the city's own standards – Mr. Lewis would represent the Davies on an appeal of the FDP that didn't meet all the standards raised at the meeting. He may be successful. He was not there to threaten litigation. He was there because

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no one should have to go through it if the plan was amended, made palatable, and cured of deficiencies. He was asking council to send the developer back to drawing board. It was in the developer's best interest to get along with the city and neighbors. He didn't say this as a litigation threat. That was not the point. The point was, if things were palatable and reasonable and done right the first time, we wouldn't have to go down that path and it would benefit everybody.

Mayor Spalding asked about the distance from the Davies home to property line - what building structure in Mr. Davies' property was the closest? Mr. Davies answered it was 45-50 feet to his barn.

Mayor Spalding restated Mr. Lewis's suggestion to move or eliminate some of the 23 homes on the western boundary to the north. Ms. Weber would not be happy with moving 8 homes there. Was there a number less than 8 homes that would break up the line? Mr. Davies answered that the density was high. Taking homes or deleting them was part of the negotiation process – to figure out what was there – include more about wildlife corridors and things like that. He indicated where water flowed to Tidewater. There was a lot of wildlife in area. He pointed out the protected wetlands.

Mr. Lewis stated, if they were able to see a different iteration of the plan, they could make a determination. Put it on the developer to come back and say, "what if we did this?" He had posed that to Mr. Underhill. Mr. Lewis understood that that was not in the cards.

Council Member Brisk asked about breaking up the façade. She agreed it was not easy to look at the wall.

Mr. Underhill stated the applicant would move as many units as city staff would allow up to the north, if that was what everybody wanted. They had been told time and again, "we typically don't back up to open space" - but there was an exception to every rule. They would do that.

Council Member Shull pointed to Street 8 and North-South Street. Was there something that could be done there that could keep the same number?

Someone in the audience commented, "drainage tiles."

Council Member Brisk asked if it was a question of profitability. Mr. Underhill stated they didn't typically play the game of negotiating down. One idea they had was – was it necessary to have the future right-of-way stubs going westward in both locations? Could they eliminate a home and place it where the future street stubs would be? They were willing to move to the north where Mr. Lewis indicated. Council Member Shull's suggestion was great, but would have drainage issues. They could put homes to the north where Mr. Lewis indicated. They had plans which showed situations like that and staff was not in support.

Council Member Wiltrot asked and Mr. Coffee answered that they could move 4 homes to the northern side. That would open up over 100 feet for 2 houses or 200 feet for 4 houses. They could leave that and create a transition area or preserve. They could focus on preserving trees there.

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Council Member Durik asked and Mr. Underhill answered the setback to the north was 250 feet from the front building line to the property line. Council Member Durik asked, if it was feasible to move homes there. Conceivably, the developer could come up some number that worked to create some buffer – not to replace the whole line – but to break it up in some manner. Mr. Underhill agreed. Council Member Durik stated, if that were doable, if they could modify that, that would be an accommodation to resolving some of these concerns.

Mr. Coffee stated this was floated around. Their homes were unique - decks and extended yards was not what their communities were about. The houses stopped at the courtyard. Their homes could back up to open space. The other component to consider would be to turn homes on their sides, making them long to thin, so there would be a side entry on the garage for those 4 homes. The courtyard could face out with screening or, more likely, face in, because of the architectural standards. When homes were side-on to a side street, the courtyard needed to be screened and landscaped. They had the architecture to cover that. They had talked a lot about options. They could add text to screen and cover AC units. Their focus would be more on the screening and landscaping - obscuring that look – the additional setback. Staff was not supportive of moving homes north. All of those things were on the table. They were open to compromise.

Council Member Shull recalled the current Epcon development where they broke up the front line of houses facing the pond with a path that led over to the amenities. How many houses were there in a row? He thought it was 7-8. It visually looked good.

Council Member Wilttrout preferred to prioritize the trees given the wildlife concerns.

Council Member Brisk suggested making the break where they could save the most trees.

Council Member Wilttrout thought there could be some sort of structure in the breaks. She was trying to determine where trees were now and where they could preserve the most.

Mr. Coffee stated there was discussion, before the engineering, of grading, transitions, and details from the engineering perspective. As far as the arborist - tree row, where they could save, what it was like. They didn't want to save dead trees or trees that would cause a problem in the future. If council would consider moving homes to the north property line, as part of the FPD - look at 4 together or spaced out or 2 and 2 – they would work with the neighbors to see what that would look like to them. They would be happy to work through that on the FDP.

Council Member Wilttrout asked and Director Chrysler stated there was always give and take when looking at the right planning principals to apply. The city had a long-standing history of encouraging projects to have open spaces that were accessible to the public. The city did have lots that backed on to open spaces in the community. The overall planning principal was to try to preserve, through preservation zones, those treed areas and, where there was open space, making sure enough open space was created so that there were natural amenities that could be there less disturbed. Staff would agree that the north area was very wet. There would be an engineering process – much of the property drained into Blacklick Creek – some significant concerns that would need to be engineered in that particular area to the north. It was a beautiful

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wetland area. Staff's recommendation was to protect that as much as possible and make sure the area was accessible to the public – these were all public roads – so that anybody could enjoy the area.

City Manager Stefanov asked and Mr. Coffee replied that the homes were “zero entry.” City Manager Stefanov asked the engineers - with zero entry home and with flood routing issues to the north – would that create a problem where a river would be running through someone's living room?

Patricia Brown, Project Manager at EMH&T, 5500 New Albany Road, stated the drainage concerns were on everyone's mind. They would have to engineer a swale that would go around the entire property from the north to the buildings. There was some fall from the east to the west, to the stream. They would have to take precautions if homes were placed in the northern area. It got a lot tighter, considering the commitments to save trees on the northern property line. They could make things happen.

Council Member Wiltrout asked if the cost of doing all of that was less or more than the cost of taking out 4 homes from the project?

Mr. Brown answered, in her professional opinion, drainage swales and earth work was more cost effective than pulling out lots. Mr. Coffee stated that their take was – there were details to work out. – but if they put home sideways on the north side, it would be only be 50-some feet set back. Drainage was going to be needed there anyway. The swale was going to go there. Maybe it was a better place to put 4 homes to ease some concerns.

Ms. Brown stated that homes put there should go lengthwise along the roadway, not be front-facing. They needed as much room as possible to the northern property line and she thought the neighbors in the back wanted to have a bigger buffer.

Council Member Durik noted the retention pond on the south side. Could some properties go there?

Ms. Brown replied, from a drainage perspective, that was one of lowest spots on the property. The site was tributary to the northwest corner and then the southeast corner. It wouldn't be desirable.

Council Member Shull asked and Ms. Brown replied that there were wetlands on the site. A formal delineation had not yet been submitted. Generally speaking, there were wetlands on farm fields or properties like this. That would be submitted to the Army Corps of Engineers to get the delineation and then all of that would have to go through any permitting or mitigation processes.

Mr. Lewis stated, on behalf of his client, he respectfully requested that they have several iterations on the AutoCAD to give ideas of what would be preferable to his client and others. They asked that the record be kept open. He had Mr. Davies comments and presentation and his brief. He could email those to the clerk and have those included in the record.

Mayor Spalding observed that the discussion was leaning more into the FDP. Director Chrysler agreed. A lot of these details would get worked out in the FDP process. Law Director Albrecht agreed it had gone further than zoning.

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Al Carifa, 8154 Central College, pointed out a man in the room who owned the property at end of 10.65 acres. Mr. Davies was to the far east. Mr. Carifa in the middle. John had a beautiful stable with horses. Mr. Carifa had a building with chickens, sheep, and goats. Mr. Carifa thanked City Manager Stefanov. Mr Carifa had lived for 30 years in New Albany – it had become a heaven for him. There was a discussion about who designed and built the Stefanov Circle roundabout. On the property, on the west side where Davies are – and also, their houses – Mr. Davies house was 7,300 square feet. Mr. Carifa had a ranch home of 2,900. John’s home was about 4,000 square feet. Mr. Carifa’s only problem – he asked for more square footage higher up. The developer had said they could build some 3,800 square feet home, too. The 1,200 square feet was too little.

Mr. Coffee stated up to 25% of the homes would be a minimum of 1,400 square feet.

Hearing no further questions or comments, Mayor Spalding closed public hearing.

Council Member Shull asked and City Manager Stefanov answered that Homewood purchased the land right after Tidewater was built in 2004 or 2005.

Mayor Spalding asked about breaking up the 23 homes on the west side – did that have to be part of zoning text or part of the FDP? He further asked about the applicant’s commitment to provide screening for AC units outside fenced enclosure along the property line to the east and west – would that be an amendment to the ordinance or part of the FDP?

Manager Mayer recommend that council add those to the zoning text, in addition to staff’s recommendations, to make sure it was clear on the record that those would be looked at in the FDP.

Mayor Spalding asked the applicant about tabling the matter. Mr. Underhill stated his strong preference would be to come up with a condition that would deal with this as part of the FDP. If council wasn’t comfortable with that, they would table. Mr. Underhill suggested conditions like: applicant will relocate at least 4 units on western boundary line to another location which may or may not back to open space.

Mr. Coffee added this would be better served at FDP because, even if we table, they wouldn’t have the detail to come back in 2 weeks. Engineering would dictate where best locations were to save trees.

Mr. Underhill suggested language: giving due consideration to the neighbor to the west and to maximize the preservation of trees along that line.

Council Member Brisk asked if there was still the condition about the landscaping breaking up the rest of the west side, to make sure that those homes would have both of those conditions.

Mr. Underhill stated they had made the commitment to the neighbors across the street.

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Mayor Spalding discussed a motion to include the staff Q&A, Mr. Lewis' brief, Ms. Davies' PowerPoint presentation, and Ms. Saveson's letter with signatures. Law Director Albrecht stated, to the extent they weren't already in the record, he recommended a motion to include them in the record.

Mayor Spalding recalled commitments including moving up to 4 units along the western boundary to an area otherwise within the development, to provide additional preservation of trees and protection to the western boundary, screening of HVAC and generators on east and west boundaries, clarification that the preservation zone on both the east and west boundaries was a 30-foot preservation zone, and providing additional screening to adjacent neighbors' lots on Central College across from both proposed entrance and exits to the development on those neighbor's sites.

Council Member Shull stated the utility piece would be worked out, but not necessarily as part of this. Mayor Spalding agreed the sewer and water connection would be a separate agreement between the applicant and the city. There would be some sort of development fee attached, probably to each parcel, that would help cover the cost of this service. The city would not bear that cost independently.

Mayor Spalding moved to amend Ordinance O-84-2023 to include the staff Q&A that was provided by Manager Mayer, to provide into the record Mr. Lewis' brief and attachments, Ms. Davies' PowerPoint presentation, and Ms. Saveson's letter with neighbor signatures. He additionally moved to amend the ordinance to include a requirement that additional screening be provided to the homes along Central College on the property owners' side of the street directly across from the proposed entrance and exits to the proposed development; that the applicant made a commitment to provide screening of all HVAC and generators on the east and west boundaries; that the preservation zone on the east and west boundary explicitly include a 30-foot tree preservation zone; and that the applicant committed during the approval of the zoning ordinance to work with the property owners to the west to perhaps relocate up to 4 units to provide additional tree preservation on the west boundary. Council Member Brisk seconded and council voted with 5 yes votes to amend the ordinance and provide into the record as stated in the motion. Motion passed.

Mayor Spalding moved to adopt the amended Ordinance O-84-2023. Council Member Durik seconded and council voted with 5 yes votes to adopt the Ordinance O-84-2023 as amended.

Becky Burgess, 8065 Clouse Road, stated they had been looking at the same map during many meetings. Nothing had changed on the map. They heard all these things were going to be included now. Before council made a decision, Mr. Burgess wanted everyone present to see the rendition of that map that showed exactly what was going on.

Mayor Spalding responded that the matter before council was just the zoning – whether or not it could be built. The developer still had an arduous process to go through for the FPD which included public input for that process. He expected a number of changes that Ms. Burgess would be able to see and comment on. The city would make sure the maps were shared there.

Ms. Burgess stated they should be able to see and comment on it.

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Manager Mayer stated this rezoning provided commitments for a future development. The text provided the framework and requirements. How the requirements were actually implemented and constructed in the future, what it would look like – that was the Final Development Plan (FDP) stage. FDPs were heard by the city’s Planning Commission (PC). The PC meeting was public. Neighbors within 200 feet of the subdivision would be notified of that public meeting at least 10 days prior to the meeting. At that time, full landscaping, additional architecture, additional site design, grading, stormwater, street improvements – the developer had to put all of those together, submit it, and then staff and the PC would evaluate those to make sure they were meeting the zoning text commitments approved as part of this rezoning.

Mr. Burgess stated she didn’t hear anything about garages. It was a problem before.

Mayor Spalding noted that Mr. Underhill displayed a map with some boxes in yellow and green that represented homes. Some of the homes were front-loaded, some rear-loaded units. If one drove through the current EPCON development, one could see both front- and rear-load garage examples.

Mr. Burgess asked, to break up that whole line of homes, would cul-de-sacs be possible, instead of them being all in a line? Mayor Spalding was not certain where a cul-de-sac would go. The city would look at road construction. The road network was pretty locked-in at this point. Council Member Durik stated cul-de-sacs were tight for fire trucks and first responders

Mayor Spalding asked Clerk Mason to share the submitted Speaker Cards with the Development Department to make sure they were notified of the upcoming public hearings, whether or not they were within the 200 feet.

Council took a recess at 9:25 pm.

Council resumed the meeting at 9:36 pm.

ORDINANCE O-85-2023

APPROPRIATION AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES DURING THE FISCAL YEAR ENDING DECEMBER 31, 2023

Mayor Spalding stated and Director Staats confirmed that staff was requesting that this ordinance be tabled.

Mayor Spalding moved to table Ordinance O-85-2023 until the next council meeting. Council Member Wilttrout seconded and council voted with 5 yes votes to table Ordinance O-85-2023 to the August 1, 2023 council meeting.

INTRODUCTION AND FIRST READING OF ORDINANCES:

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ORDINANCE O-86-2023

Mayor Spalding read by title AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF NEW ALBANY, OHIO TO PROVIDE NECESSARY AMENDMENTS TO CITY CODE SECTIONS 187.03, 187.04, 187.07, AND 187.08 REGARDING THE ESTABLISHMENT OF SPECIAL FUNDS; TO ADOPT AN INTERNAL CONTROL POLICY FOR THE MANDATORY DRUG FINE FUND REQUIRED BY OHIO REVISED CODE SECTION 2925.03(F)(2); AND FOR OTHER PURPOSES.

Director Staats stated this legislation updated the city code sections to establish the Indigent Drivers Alcohol Treatment fund, the Alcohol Enforcement and Education fund, the Law Enforcement Trust fund, and Mandatory Drug Fine fund. as required by the Ohio Revised Code (ORC). These funds had existed since code updates in the early 1990s. The ORC had been revised since then. This legislation would update the funds and their specific uses and would also help to clearly identify fund uses. In the past, the city hadn't spent from these funds because the usage language wasn't very clear. This legislation adopted the required internal control policy specific to the use of the Mandatory Drug Fine fund. That revenue would be allocated only to the New Albany Police Department to be used to pay the cost of complex cases, costs of training and providing technical expertise, local support for federal matching funds, purchase of special equipment, and/or other related purposes. Once adopted, the updated policy would be provided to both Franklin and Licking Counties who collected these fees to support their continued distribution to New Albany.

Mayor Spalding set the ordinance for second reading at the August 1, 2023 council meeting.

READING AND PUBLIC HEARING OF RESOLUTIONS:

RESOLUTION R-31-2023

Mayor Spalding read by title A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A COMMUNITY REIVESTMENT AREA AGREEMENT WITH RINCHEM COMPANY, LLC RELATED TO INCENTIVES AVAILABLE FOR PROJECT DEVELOPMENT IN THE OAK GROVE II COMMUNITY REINVESTMENT AREA.

Director Chrysler stated this legislation authorized the city manager to execute a community reinvestment area (CRA) agreement with Rinchem Company. This agreement provided for 100% real property tax abatement for 15 years. Rinchem was founded in Albuquerque in 1976 and was a provider of specialty chemical management, warehousing, and logistics. In New Albany, they were one of the first-tier suppliers for Intel. This project included the construction of a 120,000 square foot facility on 22 acres. Construction was expected to commence in January 2024 and be completed by of March 2025. Approximately 43 jobs would be created with an annual payroll beginning at \$3.5 million and increasing to \$10.6 million in year 3, once the project was operational. The benchmarks for compliance would be measured by the city's standard formula for manufacturing and warehouse. Rinchem Senior Vice President Troy Brown was present to answer questions.

Mr. Brown stated Rinchem had been in business 45 years, specializing in safe chemical management. They were Intel's first supplier in New Albany.

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Mayor Spalding commented on the company's wide reach. He looked forward to working with Mr. Brown and Rinchem. Council members further welcomed Mr. Brown and Rinchem.

Mayor Spalding opened the Public Hearing. Hearing no comments or questions from the public, he closed the Public Hearing.

Council Member Shull moved to adopt the resolution. Council Member Durik seconded and council voted with 5 yes votes to approve Resolution R-31-2023.

RESOLUTION R-32-2023

Mayor Spalding read by title A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LIMITED NOTICE TO PROCEED AGREEMENT WITH MESSER CONSTRUCTION FOR PHASE TWO OF THE TAYLOR FARM PARK PROJECT.

Director Joly updated council on phase 1 of the Taylor Farm Park project. The tentative completion date was end of the following week. Phase 2 included gardens, a storage building, and possible boardwalks. The majority of the work would be on the homestead portion related to the sanitary sewer and water extensions for a restroom facility. Much earth work and underground work needed to be done to extend sewer along Dublin-Granville Road. The city would bore under Rocky Fork to connect into an existing City of Columbus manhole. The city needed to do that now so it could build the community gardens on top. Phase 2 had been bid and the construction manager at risk (CMR) was preparing a guaranteed maximum price (GMP) amendment which would come before council, possibly on the August 15 agenda. CMR wanted to mobilize on the site within the next few weeks to complete the project in time for the 2024 community garden season. The Limited Notice To Proceed would allow the CMR to begin demolition, construction lay down area preparation, and other site mobilization items prior to execution of the GMP. This did not limit council's ability to determine which alternates were selected or the final cost of the project. This did not represent any additional cost to the project, it advanced a portion of the work to allow the CMR to keep the project on schedule.

Mayor Spalding opened the Public Hearing. Hearing no comments or questions from the public, he closed the Public Hearing.

Mayor Spalding moved to adopt the resolution. Council Member Wiltout seconded and council voted with 5 yes votes to approve Resolution R-32-2023.

REPORTS OF STANDING COMMITTEES:

- A. Safety Committee: No report.
- B. Public Utilities: No report.
- C. Service and Public Facilities Committee: No report.

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- D. Planning and Economic Development Committee: No report.
- E. Administration Committee: No report.
- F. Grants and Non-Profit Funding: No report.

REPORTS OF REPRESENTATIVES:

- A. Council Representative to MORPC: No meeting.
- B. Council Representative to Joint Parks and Recreation: No report.
- C. Council Representative to New Albany Plain Local Schools: No report.
- D. Council Representative to Plain Township: Council Member Durik reported the township considered zoning for a storage facility at 6202 Walnut Road, west of Schleppe Road. The matter was postponed to August 2. The developer made changes including added screening, fencing, and motion-activated low lighting. The township members wanted more time to consider the matter. Council Member Shull recalled a gas station on the site and asked if there were underground tanks. Council Member Durik stated it was a fuel depot of some sort. The developer could reclaim and build on the site, but if it were residential, they would have go through major work. The former use did not prevent the site from being storage facility

REPORTS OF CITY OFFICIALS:

- A. Mayor: Mayor Spalding, having missed the last council meeting, commented on the great 4th of July celebration. The festival was packed. Council ran out of candy on the parade route. He thanked everyone for their efforts, the police department, the public service department, and the public information office. Not a better day for small town American than the 4th of July.
- B. Clerk of Council: Clerk Mason confirmed with council that they would fill the vacant Rocky Fork Blacklick Accord seat via the usual process. She would be reaching out to council to schedule the Capital Projects Workshop in September.
- C. Finance Director: No report.
- D. City Manager: No report
- E. City Attorney: No report.

POLL FOR PUBLIC COMMENT:

NONE

July 18, 2023

POLL FOR COUNCIL COMMENT:

Council Member Shull reported on the pickleball courts grand opening. The event was well attended. The feedback was amazing. He gave kudos to city staff. Community Program Administrator Brooks scheduled the DJ and food trucks. Players would like to have a food trucks out there once a week. The public information office did a great job of promoting. WBNS Channel 10 and the Columbus Dispatch did stories. Potential tournaments were being discussed – 2 possible sponsors had volunteered. Council Members agreed the courts were installed quickly and turned out great.

OTHER BUSINESS:

Board and Commission Appointments

Mayor Spalding moved to reappoint the board members in the clerk of council's July 18, 2023 memo for the terms specified. Council Member Durik seconded and council voted with 5 yes votes to reappoint the board members per the attached memo for the terms specified.

ADJOURNMENT:

With no further comments and all scheduled matters attended to, Mayor Spalding moved and Council Member Shull seconded to adjourn the July 18, 2023 regular council meeting at 9:54 pm.

ATTEST:



Jennifer H. Mason, Clerk of Council



Sloan Spalding, Mayor

01 Aug 23
Date



To: Jennifer Chrysler, Director
From: Stephen Mayer, Planning Manager
Re: Courtyards at Haines Creek Rezoning Q&A
Date: June 29, 2023

The city has received several questions from residents about the rezoning for the Courtyards at Haines Creek. In typical fashion, the staff created a Q&A that will be shared with the residents and can also be included in the council legislative report.

Question: Is the community able to submit materials to the city council for consideration during the meeting?

Answer: A rezoning is heard by city council by ordinance which requires two readings. The first reading is an introduction and is scheduled during the July 5th city council meeting. There is no public comment during the first reading but public attendance is encouraged in order to hear about the rezoning. Public comment occurs during the second reading when council may take formal action on the application. The second reading and public hearing for this item is currently scheduled for the Tuesday, July 18th city council meeting.

During the second reading, attendees have the opportunity to comment publicly regarding agenda items so the city council can take that into consideration during their review. Interested parties who cannot attend, are welcome to submit a letter or email to the city through the development department. Communications will be shared with the city council at their meeting.

Question: What is an isolated site?

Answer: The isolated site criteria is a zoning regulation found in section 7 of the New Albany Design Guidelines and Requirements (DGRs). The DGRs are codified by reference and provide direction pertaining only to architecture, design, and material requirements for development projects in the city.

Section 7 of the DGRs was created for applicants who want to develop in an architectural style that is different from what is typically permitted. It exempts buildings on the site from the city architectural standards. In order to approve an alternative architectural form, the city staff must first determine if the site fits the isolated site criteria. An isolated site is visually isolated from all public streets and neighboring properties due to existing landscaping conditions or unique environmental features on the property. Additionally, the code states that this approval to build an alternative architectural style requires that,

when finished, the development on the site remains screened with at least 75% opacity as defined by the New Albany zoning ordinance from a public right-of-way or from an adjacent property. In order to receive approval for an architectural design that is different from what is typically permitted, the applicant must show that the site is an isolated site both before and after construction of buildings and individual sites. Simply stated, the code states that *if a site's existing conditions meet the screening requirements, then it doesn't have to meet the city architectural requirements.*

An example of an isolated site (and the primary reason Section 7 was created) is the corporate office campus for A&F. The building typologies and forms do not match the city's architectural requirements. The city was aware of the fact that the site was not fully developed at the time the DGRs were created, so a special section was created to help guide the review and permitting process for this campus. The city does not have other examples of an isolated site in the community.

Question: What are the regulations for not having homes back onto public parks and open space? Will this be reviewed by city council and does this cause the site to be deficient on public open space/parkland as well as create the 1/4-mile-long street block mentioned by neighbors?

Answer: Not backing homes onto public open space is a design goal that the community established in order to develop residential communities using traditional neighborhood design principles. The 2006 New Albany strategic plan residential development standards states "houses should front onto public open spaces and not back onto public parks or roads." Based on this recommended standard the city adopted the New Albany Design Guidelines and Requirements (DGRs) in September 2007, to provide architectural and site planning zoning requirements in addition to the codified ordinances. DGR sections 2 (inside Village Center) and 5 (outside Village Center) state "buildings should face onto open spaces and natural corridors. A road is often best used to create an edge along these spaces."

The strategic plan is the key policy guide for city council, boards, commissions, and staff as they evaluate land use, development, annexation, and infrastructure decisions. Accordingly, the 2020 Engage New Albany strategic plan contains principles of good residential subdivision design and recommends that the distinctive features of New Albany's best neighborhoods should be emulated in future development. One of the principles of good residential subdivision design is "houses should front onto public open spaces and never back onto public parks or roads" (page 60). This design principle and an evaluation of the subdivision's compliance is included in the council legislative report.

The subdivision includes a north/south street block, located on the western portion of the property, that is 1,280 feet in length (not including alley intersections) and 800 feet in length (between alley intersections). The city engineer and design consultants have reviewed the proposed public street network and have no concerns regarding the street lengths. The city subdivision regulations state:

The maximum length of blocks may not exceed one thousand eight hundred (1,800) feet; nor shall they be less than four hundred (400) feet in length. Where blocks are longer than nine hundred (900) feet, crosswalks or crosswalk easements not less than ten (10) feet in width

may be required near the center of the block, and Council may require that a sidewalk be constructed in accordance with the Municipal standards for sidewalk construction. (C.O. 1187.13(a))

The proposal meets codes requirements.

Question: The subdivision allows for 10% non-age restriction properties - 15 homes – to be constructed. How does the city and HOA monitor and enforce the age restrictions? How does this compare to the Woodhaven subdivision?

Answer: The Woodhaven zoning text and the Courtyards at Haines Creek zoning text both contain the same language with regard to the age-restricted and HOA component. Both zoning texts incorporate the requirements of the Housing for Older Persons Act as a local zoning requirement. The zonings also mandate the requirements be recorded as a deed restriction.

The Department of Housing and Urban Development (HUD) website contains the federal regulations, which include a section for verification of occupancy. According to the HUD website, in order to qualify, the developer or homeowner's association (HOA), has to be able to produce, in response to a complaint, verification of compliance through reliable surveys and affidavits. Updates for verifications have to take place at least every two years. Documentation is not required to be filed with the city or federal government, however, if the city desires to exercise its right to verify, it can request the age verification documentation to confirm the zoning requirements and deed restrictions are met. Since the age restriction is a zoning requirement, as established in the zoning text, non-compliance will result in a code violation and punishable under Section 1109.99 of the city codified ordinances.

Question: When is the zoning language final? What is reviewed after rezoning approvals?

Answer: The city council may take formal action after the second reading of the ordinance. Once a zoning text is approved, there is 30-day referendum period before it becomes effective and it is considered final. Standards such as uses, setbacks, density, street connectivity and layout are finalized with approval. However, after the rezoning approval there are items such as architecture and landscaping that require secondary review and approval by the city planning commission via a final development plan. The zoning text contains commitments and the final development plan is the review of the design and implementation of those commitments.

Question: Does the zoning allow a 6-foot encroachment into the setback behind their homes for things such as decks?

Answer: This section of the zoning text has been updated to no longer allow rear yard encroachments.

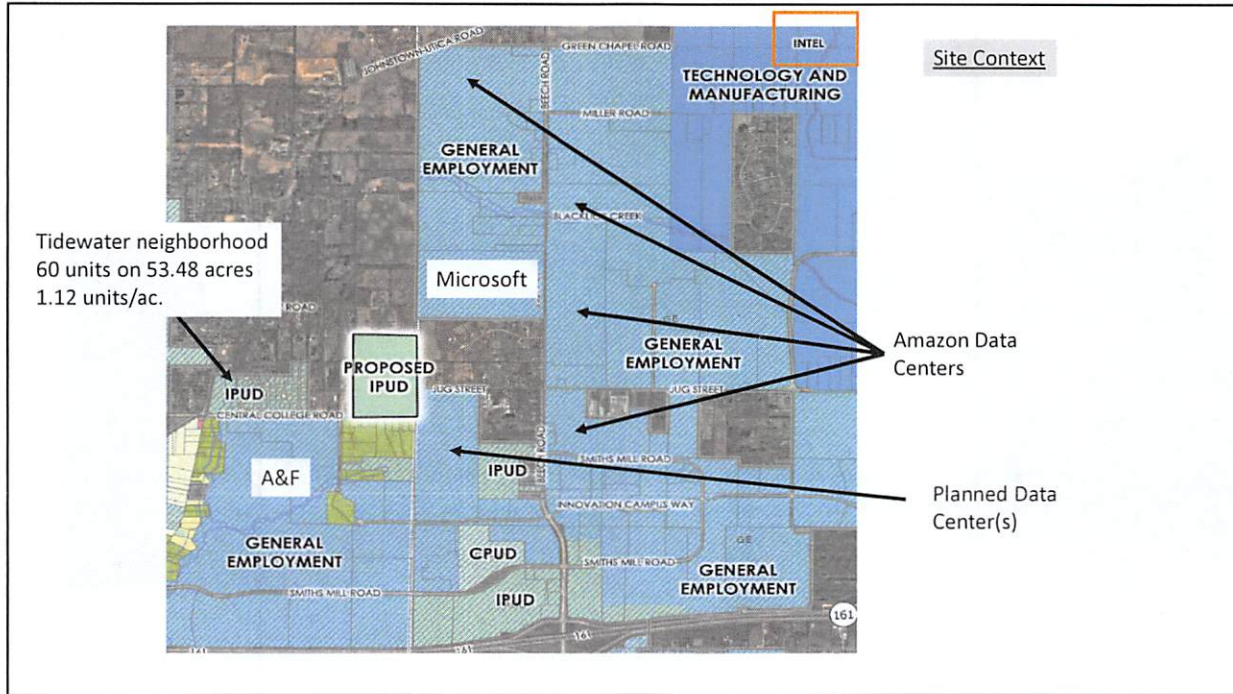
The updated zoning requirements and conditions of approval prohibit encroachments into the setback behind homes. The planning commission placed a condition of approval requiring the trees and understory within the first 30 feet of the 50-foot setback along the western property line is to remain undisturbed. Additionally, the zoning prohibits any type of encroachment in storm and drainage easements in the rear yard. During the planning commission meeting, the applicant indicated they intend to place a drainage easement in the remaining 20 feet of the 50-foot setback along the western property line.

Question: Is there a means to have the staff report - highlight such things as the 3 no votes from the Rocky Fork-Blacklick Accord (RFBA)? Highlight the 3 no votes from the Planning commissions and together the reasons for these 6 no votes?

Answer: While the planning commission received staff reports as part of their review materials, city council receives legislative reports. The legislative report is an evaluation and summary of the proposal. The legislative report for Courtyards at Haines Creek also includes details of both the RFBA and planning commission votes

Question: Will the planning commission's meeting minutes and complete recommendation with modifications be available before the city council meeting on July 5th?

Answer: The approved RFBA minutes, draft planning commission minutes, and planning commission record of action are available. Please contact the community development department to request copies. The legislative report also lists the 14 conditions of approval from the planning commission. The majority of the conditions have been addressed in the updated zoning text. The remaining conditions that are still outstanding are to be addressed at the time of the final development plan application. Adjacent neighbors located within 200 feet of the site will received notification for the final development plan hearing.



What is an appropriate use for this site?

- Annexed 3+ years ago
- Age-restricted residential preferred by City Council at that time, with SF residential at 1 unit/acre being an alternative, so long as schools were not harmed financially
- Engage New Albany Strategic Plan recommends 1 unit/acre traditional SF or (if 100% age-restricted) up to 3 units/acre residential

Considerations for type of residential:

- Schools
- Traffic
- Utilities consumption
- Surrounding context



Age-restricted in excess of minimum percentage required by law (90% vs. 80%)

Universal lawn maintenance

“Side outdoor living”

Numerous amenities

There is a difference between density and intensity

Density is a number but intensity measures impact

- Proposed development is 2.38 units/acre, for a total of 151 units
- Does not maximize allowable 3.0 units/acre

Courtyards at New Albany is 3.0 units/acre (105 homes), 100% age-restricted

Nottingham Trace is 2.67 units/acre (240 homes), 80% age-restricted



- Alternative would be 63 traditional single-family homes to reach 1 unit per acre

Case Study for Traffic: Treplus Communities Upscale 55+ Rental Community (Grove City)

Previously approved plan for the site allowed 45 traditional single-family homes

105 units were proposed in a rezoning application



MEMORANDUM

DATE: March 28, 2019
 TO: Steven W. Hicks, Director of Development, Treplus Communities
 FROM: Renu Raghava, PE, Hardik Shah, PE, PTOE
 RE: Trip Generation Analysis - Sugar Maple Commons, Grove City, OH
 CC: Shawn Goodwin, PE (American Structurepoint)

Introduction

A multi-family senior housing (attached) development has been proposed at the southwest of Hutton Road & Jackson Pike (SR 104) intersection in Grove City, OH. The proposed development to comprise of 105 senior living attached dwelling units per the proposed zoning. A trip generation analysis was conducted by American Structurepoint to compare the current zoning (45 single-family dwelling proposed zoning). The findings of this analysis are presented in this memorandum.

Trip Generation

The Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition was used to calculate the generated trips for the proposed development under current zoning and proposed zoning. The total generated trips were estimated for a typical weekday - daily (24-hour), AM peak hour and PM peak hour. No internal and pass-by trip reductions were applicable due to single land-use (residential). A summary of the trip generation is provided in Table 1.

Table 1 - Trip Generation Comparison

ID	Land Use / Zoning	Size	AM Peak Hour			PM Peak Hour			Weekday Daily		
			In	Out	Total	In	Out	Total	In	Out	Total
10	Single-Family Detached / C	45 DU	9	28	37	30	17	47	249	249	498
52	Senior Adult Housing - Attached / P	105 DU	7	14	21	15	12	27	198	198	396
Difference in Trips			-2	-14	-16	-15	-5	-20	-51	-51	-102

Conclusions

A review of the trip generation analysis indicates that under the proposed zoning, 102 fewer daily trips, 16 fewer AM peak hour trips and 20 fewer PM peak hour trips are anticipated to be generated by the multi-family senior housing.

*Age-restricted housing at 2 ½ times the density of traditional SF homes produced much less traffic

Conclusions

A review of the trip generation analysis indicates that under the proposed zoning, 102 fewer daily trips, 16 fewer AM peak hour trips and 20 fewer PM peak hour trips are anticipated to be generated by the multi-family senior housing.

Schools

Traditional Single-Family

63 units x 0.8 students/unit = 50 students

Proposed

151 units x 10% unrestricted units = 15 unrestricted units

Unrestricted units have same design as restricted units

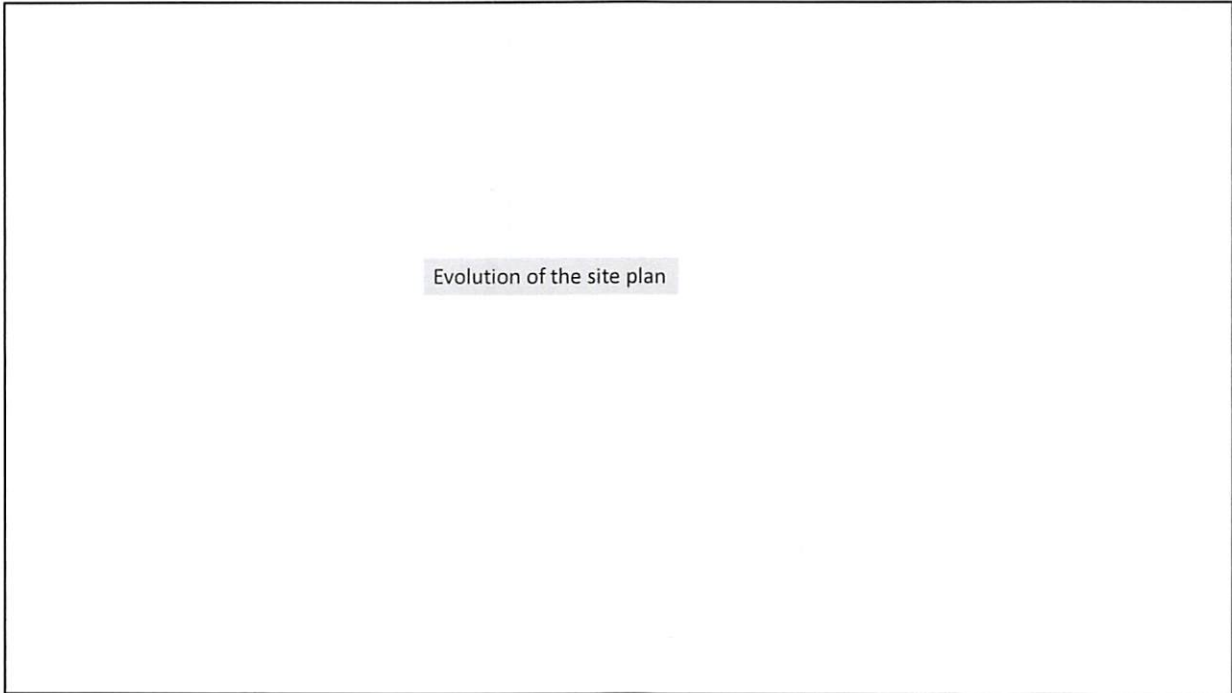
Even assuming 0.3 students/unit, this would yield 4 students

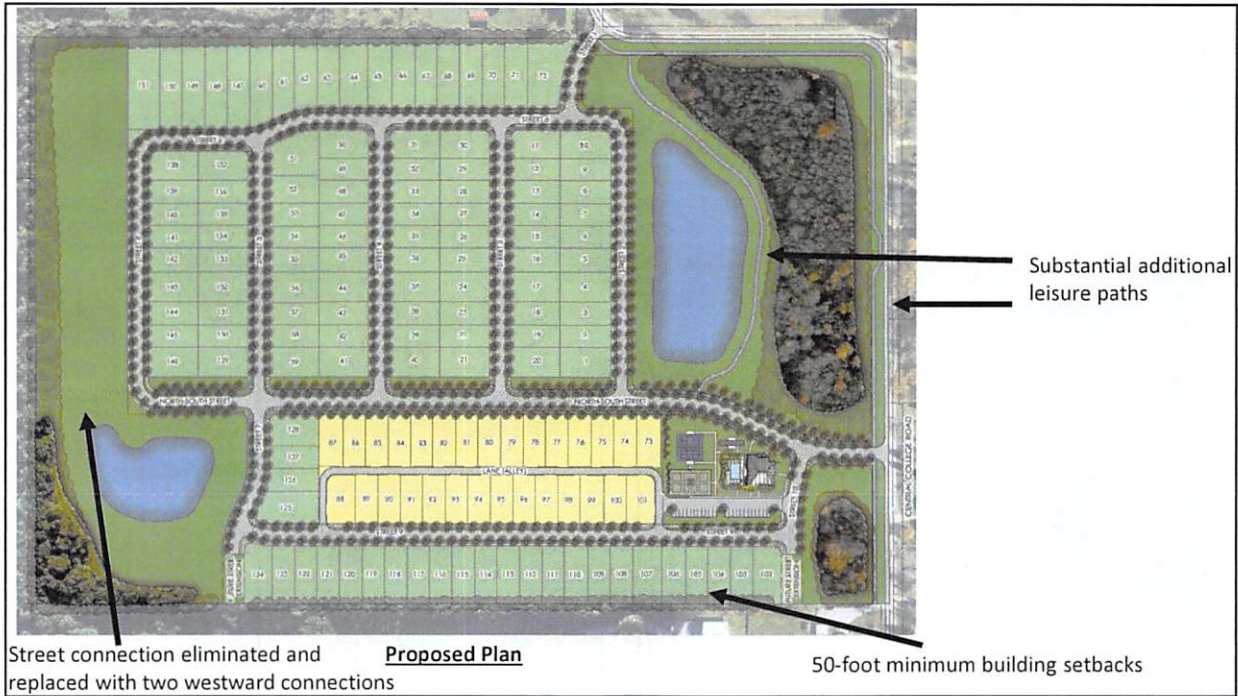
Average anticipated Epcor home value = \$575,000

This yields \$1,437,250 annually in school tax revenue

This equates to revenue generated from three Discover Card buildings

Parcel ID: 222-002194-00 DISCOVER PROPERTIES LLC	Map Routing: 222-00731 -037-03 6500 NEW ALBANY EAST RD
TAX DISTRIBUTION	
Property Class	C - Commercial
Land Use	447 - OFFICE BLDG 1 & 2 STORIES
Tax District	222 - PLAIN TWP-NEW ALBANY CORP
School District	2503 - NEW ALBANY-PLAIN LSD
Township	PLAIN TWP
Vocational School	EASTLAND JVSD
City/Village	NEW ALBANY CORP
Library	COL & FRANKLIN COUNTY PUB LIB D
Other	NEW ALBANY-PLAIN INT. PARK DIST.
CURRENT YEAR DISTRIBUTION	
County	Amount Percentage
General Fund	11,065.62 1.41%
Children's Services	31,245.23 3.98%
Alcohol, Drug & Mental Health	18,606.59 2.37%
FCBDD	43,743.33 5.57%
Metro Parks	6,382.07 0.81%
Columbus Zoo	4,686.78 0.60%
Senior Options	10,935.82 1.39%
Columbus State	7,537.99 0.95%
School District	407,940.94 51.97%
School District (TIF)	66,243.61 8.44%
Township	57,666.49 7.35%
Township (TIF)	0.00 0.00%
Park District	32,340.14 4.12%
Vocational School	15,055.26 1.92%
Vocational School (TIF)	0.00 0.00%
City/Village	14,603.40 1.84%
City/Village (TIF)	43,422.63 5.53%
Library	17,535.25 2.23%
Net Annual Tax	785,011.54





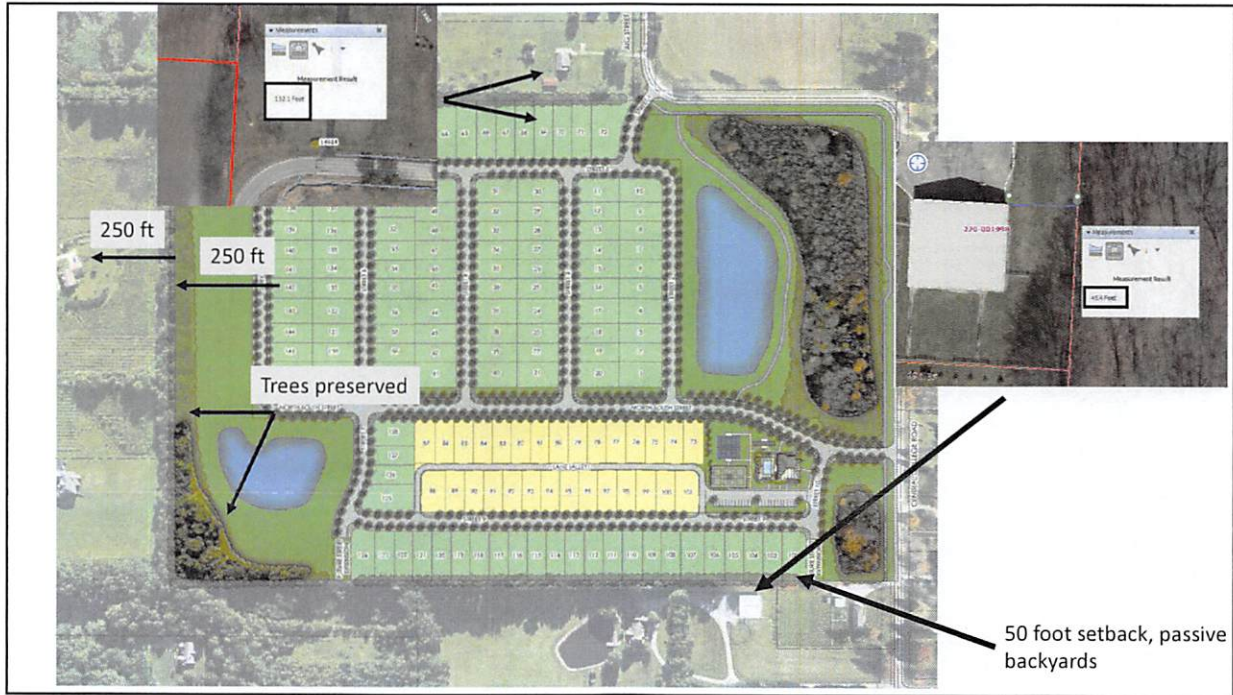
Neighbor meetings:

- Ron and Tamara Davies (neighbor to west) 5/3
- Michele Weber (neighbor to north) 5/8
- Central College neighbors to west (Al Cariffa and others, including Davies) 5/18
- Diana and Al McRobert (east) 5/26
- Paul Mason (across the street) 5/31

Resulting in:

- Increased setbacks along western and eastern boundary lines from 20 feet to 50 feet

G. **Tree Preservation Zones:** “Tree Preservation Zones” shall apply (1) for a minimum distance of 100 feet from the right-of-way of Central College Road and Jug Street in Reserve A, in areas to the south of the intersection of Jug Street and a new public street connecting it to the new subdivision, (2) within the northwest corner of the zoning district, and (3) covering the tree line along the north property line of Reserve C, all as generally shown on the



H. Buffering – Western and Eastern Perimeter Boundaries: Along with the landscaping plan that is filed as part of a final development plan, the applicant shall submit a report from a certified arborist to detail the conditions of existing trees within the minimum required rear yard setbacks on lots of homes that back to the western perimeter boundary line of the zoning district and along that portion of the eastern perimeter boundary of the zoning district that serve as the rear lot lines for homes on Lots 62 through 72 as numbered on the preliminary development plan. The report also shall detail the anticipated need to remove trees within these areas in order to accommodate development, preserve the health of trees, and/or to ensure the safety of residents of homes that are to be constructed on those lots. The landscape plan shall identify which trees will be preserved based on the report and shall provide for the planting of replacement trees, landscaping, and/or other improvements to provide additional buffering between new homes and adjacent property to the west which is outside of this zoning district, and shall provide that understory located within 30 feet of the western perimeter boundary line of the zoning district shall remain, provided that removal of understory associated with permitted removal of trees or understory that is of a noxious or invasive species shall be allowed. New trees and landscaping may be planted on the adjacent parcel to achieve the buffering objective if permission is obtained from the owners of such parcel. The applicant shall share the arborist's report with the adjacent property owners and/or their authorized representatives on or before the date when the final development plan is filed with the City, and shall meet with the property owners (if they are willing) prior to the Planning Commission's hearing on the final development plan. Removal of trees within the areas which are subject to the arborist's report shall be subject to staff approval.

I. Encroachments – Front and Rear Yards: Stoops, steps, and covered porches shall be permitted to encroach a maximum of 5 feet within the front yard setback line. They shall not be permitted to encroach within rights-of-way or easements. Decks, patios, and screened porches may encroach a maximum of 6 feet into the minimum required rear yard setback.



Development Central College & Jug

Davies

Intent – NO Vote on the Epcon development

**The development does not meet
current ordinances**

HOPA Act Issues

Protect & Orderly Development

New Albany Ohio Code Of Ordinances – TITLE ONE - ZONING ADMINISTRATION - 1103.02 Purpose

“to protect the character of the existing agricultural, residential, business, industrial, and institutional areas and to assure their orderly and beneficial development; to provide for the orderly growth and development of lands, and for the purpose of dividing the Municipality into various districts. “

This plot of land is currently agricultural and the surrounding property is rural residential. A high density development is out of place.

Consistent Densities

New Albany Ohio Code Of Ordinances - CHAPTER 1133 - R-2, R-3 AND R-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS -1133.02 – Purpose

“The districts are established to accommodate a variety of single-family residential housing environments, at densities **consistent** with that which exist in the respective area. The objective is to discourage large concentrations of intensive development in specific areas where such intensity would be **inconsistent with the existing** character of the area.”

PUD – Adjacent Property

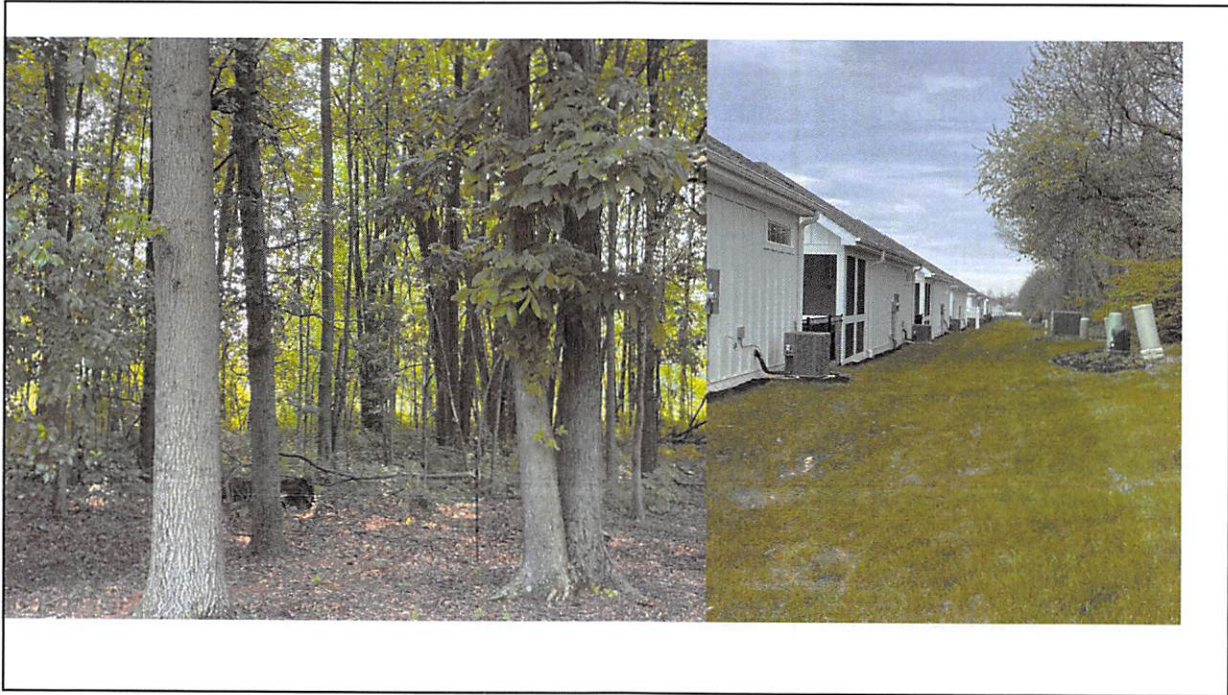
New Albany Ohio Code Of Ordinances - CHAPTER 1159 - PUD PLANNED UNIT DEVELOPMENT DISTRICT - 1159.04 - USES.

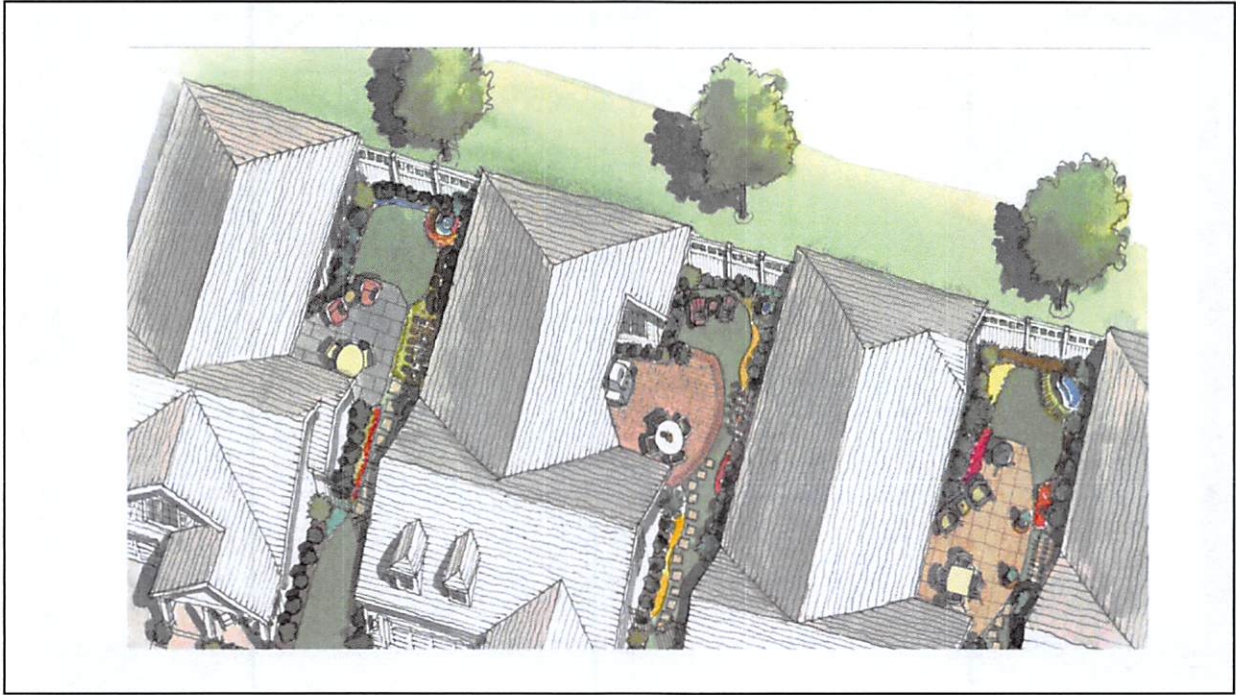
Within the Planned Unit Development (PUD) Zoning District, permitted uses shall include all uses allowable under the Zoning Code or a compatible combination of any or all of these uses provided the proposed location of any of the uses **will not adversely affect adjacent property** and/or public health, safety and general welfare.

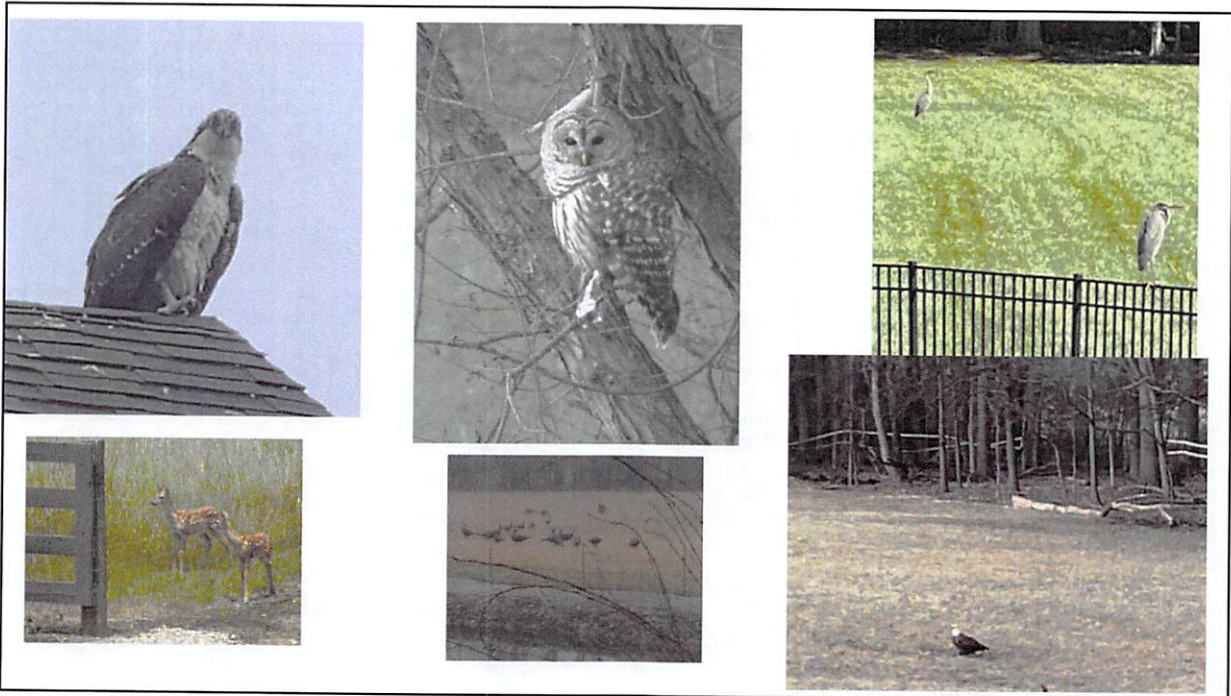
Major Trees & Visual Pollution

New Albany Ohio Code Of Ordinances - CHAPTER 1171 – LANDSCAPING – 1171.01 - PURPOSE.

The purpose of these landscaping, open space and natural feature requirements is to promote and protect the public health, safety and welfare through the preservation of the environment by recognizing the vital importance of tree growth, green space and sensitive environmental features in the ecological system. It is further the purpose of this section to specifically **encourage the preservation and replacement of major trees removed in the course of land development, and to encourage the effective utilization of landscaping as a buffer between particular land uses, and to minimize noise, air and/or visual pollution** and artificial light glare.









Outside Village Center - Density

Engage New Albany – Strategic Plan – Page 60 –Development Standards

“Any proposed residential development outside of the Village Center shall have a base density of 1 dwelling unit per gross acre in order to preserve and protect the community’s natural resources and support the overall land conservation goals of the community.”

Three units per acre is not mentioned on page 60.

Net positive financial impact on school district not guaranteed

COURTYARDS AT HAINES CREEK ZONING DISTRICT INFILL PLANNED UNIT DEVELOPMENT (I-PUD) ZONING TEXT

“Should the Act and/or the HOPA Exemption be amended at any time following the effective date of this zoning text so that it becomes illegal to market and operate this zoning district in accordance with the immediately preceding sentence, then this zoning district shall be permitted to be developed and operated in accordance with the amended law. (page 2)

De Facto Disparate Impact Familial Discrimination

- HOPA only constitutional if it serves a legitimate government purpose
- Is there any rational basis or reasonable governmental purpose to allow one group of citizens to discriminate against another group of citizens based on familial status?
- New Albany already has several hundred 55+ units developed or in process.
- Familial-Status Discrimination: A New Frontier in Fair Housing Act Litigation [The Yale Law Journal 2023]

July 18, 2023

New Albany City Council
Village Hall
99 W. Main Street
New Albany, Ohio 43054

Re: Rezoning ordinance O-84-2023
Courtyards at Haines Creek Zoning District

Dear Council Members,

We are the neighbors living adjacent to the proposed Courtyards at Haines Creek development. We would like to express our strong opposition to this ordinance as it currently stands. We have serious concerns about the impact this development will have on our community, and we urge you to vote against it.

We also offer suggestions for improving the proposal, which we believe would make it more palatable to the community. These changes would help the development better fit our peaceful rural neighborhood, and we urge you to consider them.

Reasons New Albany City Council should decline the Haines Creek rezoning proposal

1. Does not fit the character of the rural residential neighborhood
 - a. Adjacent properties are singles homes on 1 to 10 acre lots
 - b. For decades the plan for this area has been well documented through successive New Albany and Plain Township plans to be rural residential.
 - c. This density and neighborhood structure does not continue the neighborhood's appreciation for wildlife and its life patterns.
2. This is not a straight-forward zoning change,
 - a. Proposal barely passed Rocky Fork Accord after two meetings 5-3. These meetings happened without any notice to the community.
 - b. Proposal barely passed New Albany Planning Commission after more than a 4-hour meeting with a 3-2 vote. Planning commission added 14 conditions with numerous supplied by the commission and some by the community, but left many other items without motions or a vote.
3. This development will be an island – surrounded by land on all sides that is not part of New Albany, defeating Engage New Albany aspirations of contiguous development with connectedness. There is no walkability from this proposed neighborhood – except to walk on an ever-busier Central College road.
4. The development precludes forever, the ability of New Albany to take a holistic view of the area that already consists of Federally-protected wetlands as well as other conservation easements and rural land– that along with this land could be “visioned” into an area fitting the aspirations of Engage New Albany’s protected green areas for future generations to enjoy.

5. Developments with density greater than 1 unit per acre should be in the city center, not out in rural areas such as this.
6. There is no water to this property and no decision on how this will be accomplished – the vote on this zoning should not be held until there are decisions on the funding for extending the water lines. New Albany's consistent direction has been that developers pay for the water/utilities to the property.
7. The project destroys ~8 acres of woodlands while New Albany has numerous statements about preserving, protecting woodlands, natural features etc. Bird species observed in these woods include owls, herons, turkey vultures, osprey and bald eagles.
8. Increased traffic burden on Central College and its intersections with Rt 62 and Beech Rd. Today the traffic violations at Central College/Rt 62/Kitzmilller are routine.
9. Does not meet the parkland requirement onsite – any in lieu of payments or land elsewhere does not resolve the lack of open space/parkland on this site.
10. Drainage and water problems – the back portion of this property was drained by many tiles to enable farming. There is adjacent regular road flooding on Jug St. The city then is being asked to approve the zoning change with distinct and final zoning language without knowing there are solutions for drainage and water control across and through this property including sediment control and runoff impact on Blacklick Creek.
11. This project includes 15 non-age restricted homes without playground equipment (see I-PUD text with City waiving playground equipment requirement), back yards and now safety concerns for children living near the Saveson acres wetland pond just across the Licking county line.
12. Impact of lawn chemicals, herbicides, and pesticides on the adjacent conservation wetlands
13. Numerous car headlights impacting neighbors, particularly in winter.
14. Noise impact on neighbors.
15. Plain reading of Design and Guidelines, Section 7, Isolated Site – clearly defines this site as an Isolated Site requiring distinct screening requirements from roads and neighboring properties that are not included in I-PUD Zoning text.

Ways to improve the proposed development to make it more palatable to neighbors and the community:

1. Increase the natural buffer on West and East borders to 100 ft – not including expected 20 ft grass area for rear of properties
 - a. Remove at least one North-South row of lots (8 in total), to enable 100 ft buffer on West and East borders
 - b. To make this more palatable to applicant – waive restriction on homes not backing to open space.
 - i. The city is already looking at waiving a number of items for this project
 - ii. These homes do not have backyards and no encroachments are allowed per zoning text – so HOA can prevent encroachment and alleviate City's concern
 - iii. This would enable Applicant to meet parkland/open space requirement on site

2. Design the development to fit the natural features already present on the site. Rather than cutting trees to make space for more units, preserve as many trees as possible in the east-west tree line in the middle of the property, and along the borders. Minimize the destruction of wildlife habitat.
3. Require the full parkland allotment be present on the development.
4. Reduce the number of units overall to 1 unit per acre.
5. No spray (lawn chemicals, herbicides, pesticides) zone on North and Northeast border to protect adjacent conservation wetlands.
6. Prairie plants instead of manicured lawn along these borders, mow once per year.
7. Equivalent tree plantings along the perimeter of the property to the street tree requirements already agreed upon.
8. Completely opaque privacy screening across Central College Rd. to block car headlights exiting community from impacting neighbors.
9. Require neighborhood to be 100% age restricted – we see no feasible way for the HOA to truly monitor floating restrictions on 15 homes that are changing over time.
10. Do not create road stubs on West border – until access to the west is achieved. Leave the woods and natural environment in place – with signs for future road if desired.
11. Removal of the barn should be timed to not impact any active turkey vulture nests.

Thank you for your time and consideration.

Tamara & Ron Davies	8200 Central College Rd
Catherine Saveson & Rick Otten	8383 Clouse Rd.
Becky & Ray Burgess	8065 Clouse Rd.
Randy & Stacy Conley	8275 Central College Rd
John & Cindy Fike	8096 Central College Rd
David Jones & Michelle Weber	8337 Clouse Rd
Diana & Albert McRoberts	14624 Jug St Rd NW Johnstown, OH 43031
Doug & Christine Reader	8263 Clouse Rd.
Thomas E. Roberts II	Clouse Rd.
Marilyn Saveson	8370 Clouse Rd

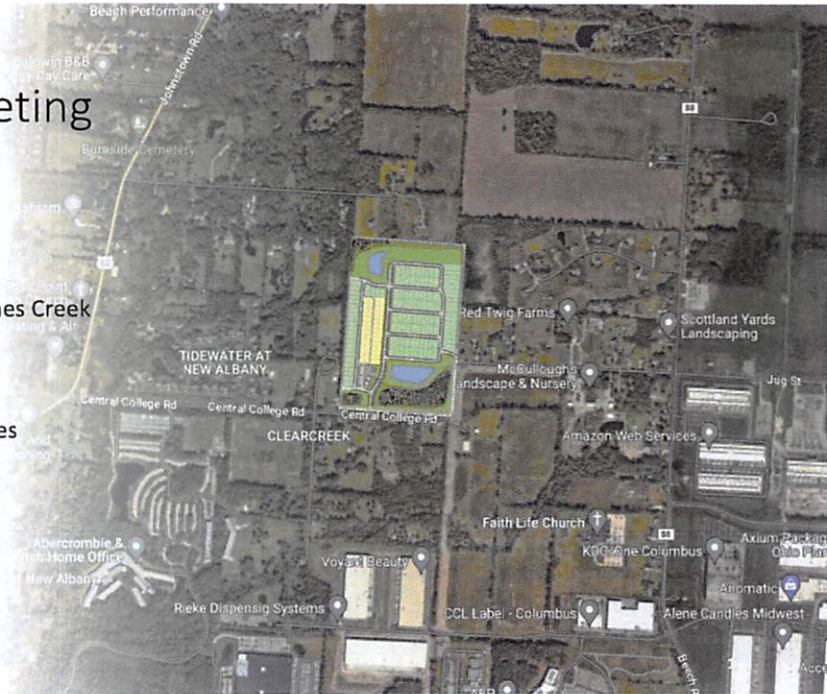
Al & Becky Carifa

8154 Central College Rd

City Council Meeting July 18, 2023

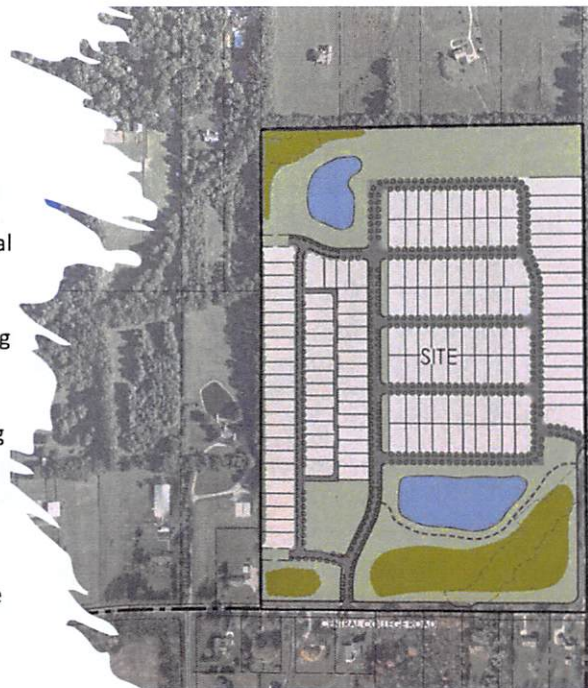
Regarding Courtyards at Haines Creek

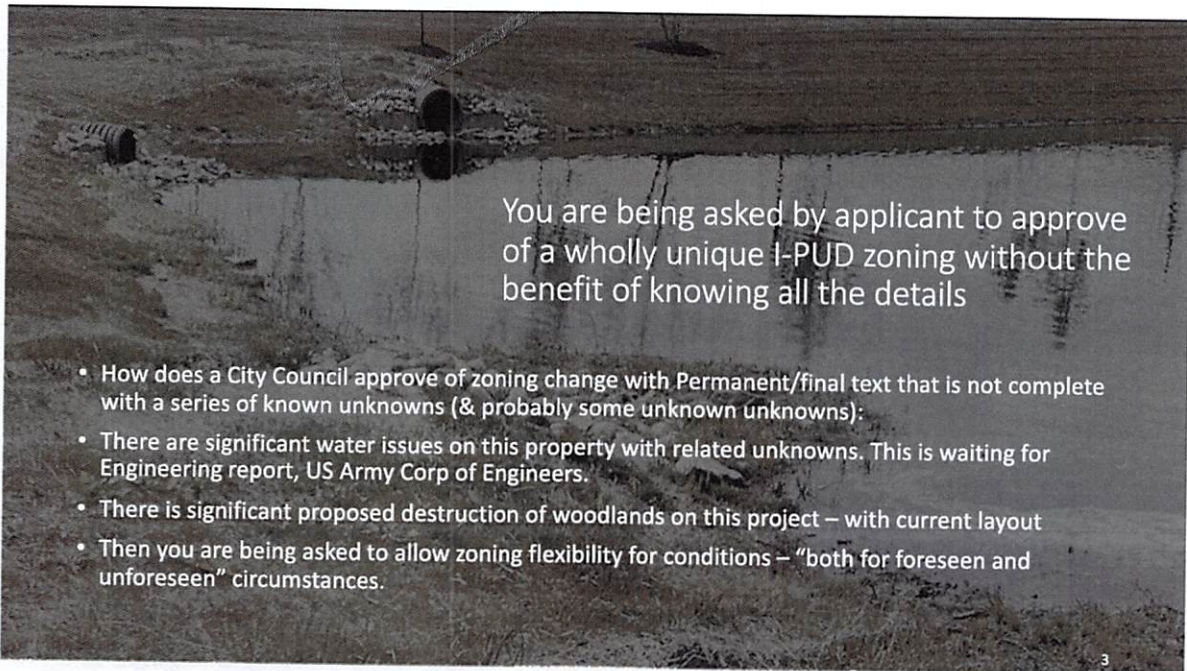
Submitted by Ronald H. Davies
8200 Central College Road



Courtyards at Haines Creek Zoning District Application

- This application is not a straightforward proposal
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- I-Pud zoning approach is circumventing the zoning code – creating an arbitrary approach over time.
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- The property is surrounded land by Plain Township/Licking County – this community will be an island.

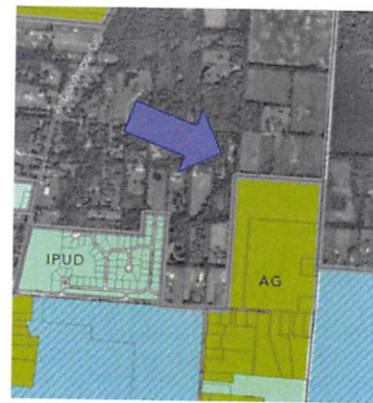




This Project Is Not Ripe For Approval – too many unknowns & unfinished Zoning text.

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Quick comparison to Applicant's past development

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- Borders major employment office to the West
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- New Albany has extensive language encouraging open space/parkland to be on site. Waiving this requirement creates arbitrariness in development decisions.
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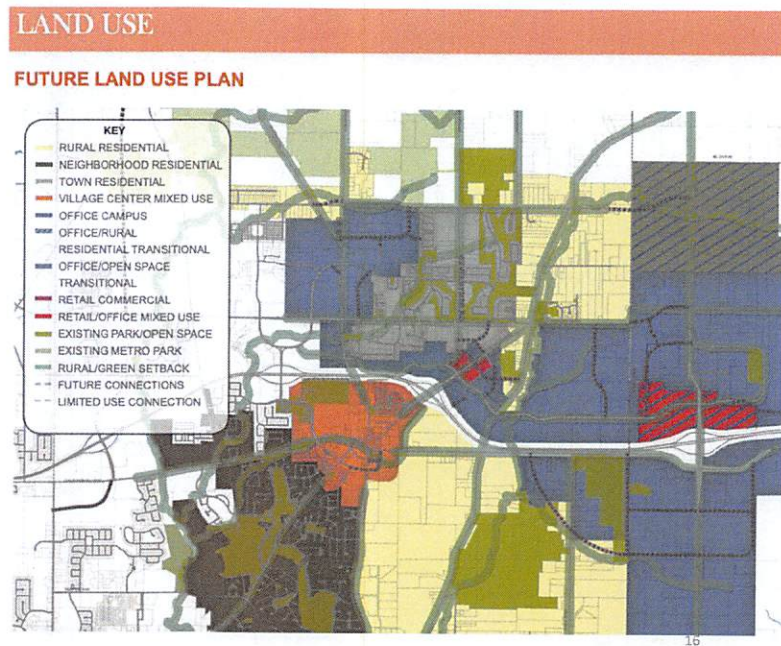


Appendix Slides

15

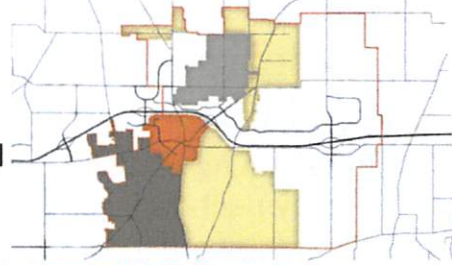
2014 Strategic Plan

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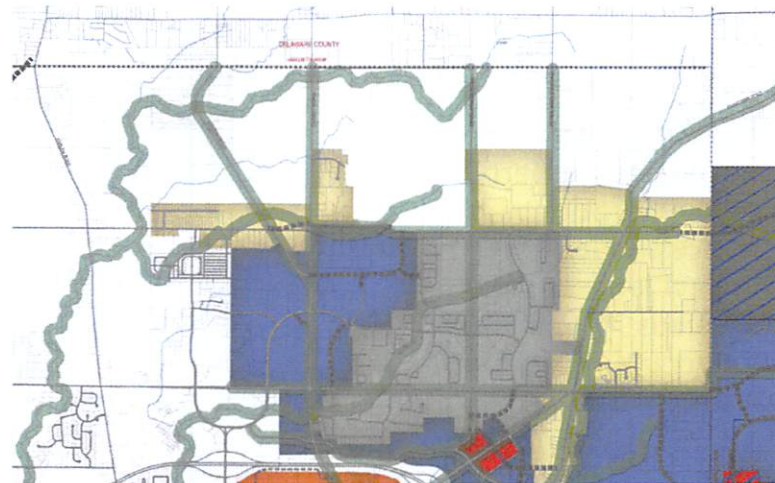
RESIDENTIAL DISTRICTS STRATEGY

- Preserve and contribute to the pastoral character of the community.
- Provide open spaces and other amenities.
- Utilize cluster development patterns.
- Encourage innovation and high quality design.
- Capitalize and protect natural features of a site.
- Use quality architecture and design.
- Create established neighborhoods that will continue to be invested in over time.
- With the exception of the Village Center, densities in residential areas may be reduced if appropriate.
- Consider alternative growth strategies to reduce the number of residential units in the outlying residential areas of the community.
- Allow aggregate density calculations within same planning district.
- Encourage higher density housing within the Village Center.⁷

2015 Strategic plan update

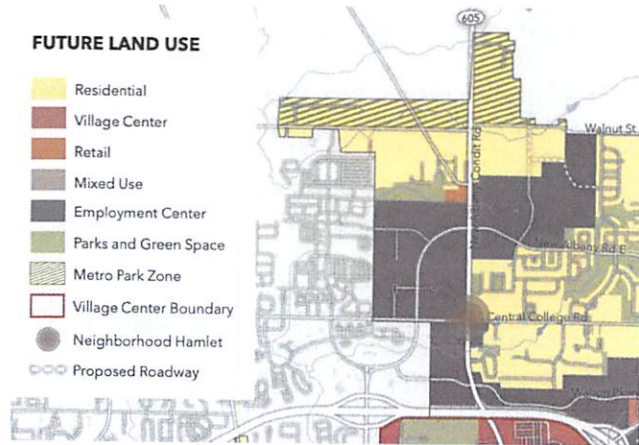
- Same rural residential designation of applicant’s property

FUTURE LAND USE PLAN



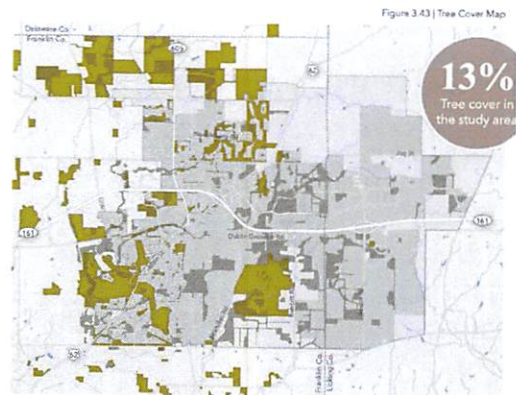
Future land used – for Court Yards at New Albany was designed to be Employment – Vs current site has always been rural residential

- Transitioning from Employment designation to dense residential is a different discussion
- Vs. Today's discussion
- Pg 51



Engage New Albany Page 145

- “city should investigate ways to encourage property owners to adopt native and low-impact landscapingversus monoculture lawns”



According to the Arbor Day Foundation, a mature tree absorbs 48 pounds of carbon dioxide per year. The city should plant trees in public rights-of-way, parks, and other green spaces to continue to expand the tree canopy, which currently covers 13% of the study area (see figure 3.43). The city should also work to control the spread of invasive plant and animal species.

Authority over green spaces on private property is limited, but the city should investigate ways to encourage property owners to adopt native and

low-impact landscaping practices to help decrease residential water usage. This could include an educational campaign about the benefits of native landscaping versus monoculture lawns or it could take the form of a water rebate program for property owners who implement low-impact landscaping.

Finally, along stream corridors, the city can partner with other community groups and organizations to start a creek clean-up volunteer program or event to keep the waterways free from pollution.



Purpose and Intent of PUD - code

1159.02 - PURPOSE AND INTENT.

The application of flexible and creative land use regulations to the development of land is often difficult or impossible within traditional zoning district standards. In order to permit the use of more flexible land use regulations and to facilitate use of the most advantageous techniques of land development, it is often necessary to establish a Planned Development District designation in which development is in harmony with the general purpose and intent of this Code and the Strategic Plan. The objective of a Planned Development District is to encourage ingenuity, imagination and design efforts on the part of builders, architects, site planners and developers, to produce development that is in keeping with overall land use intensity and open space objectives of this Code and the Strategic Plan, while departing from the strict application of the dimensional standards of the traditional Districts. Planned Development Districts are intended to allow design flexibility and provide performance standards that may

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

(Ord. 44-97, passed 12-16-97; Ord. 25-2007, passed 7-10-07)

Western Licking County Accord (WLCA)



GROWTH AND COMMUNITY IDENTITY

As growth occurs in the WLCA Accord area, land development controls must be in place in order to preserve the character of the area. But first, the character of the area must be clearly defined so that the following implementation strategies protect community identity in the study area:

- Identify and map existing characteristics of each jurisdiction.
- Guide land use within the study area according to a Future Land Use Map.
- Follow land use design standards created for the WLCA Accord.
- Update related plans and codes to respond to these features and reflect their efforts.
- Growth is managed by the local jurisdictions with a clear understanding of how community's defining characteristics, community identity will be reflected in new development; growth is not deleterious to the area's existing development that is maintained, the area's existing development that is enhanced or contributing to the study community density. Defining characteristics may include:
 - Development pattern and density.
 - Streetscape and treatment of road fringe.
 - Architectural style.
 - Historic structure, barns, farmhouses, and other defining building types.
 - Rural landscapes and trees.

PROTECT NATURAL FEATURES

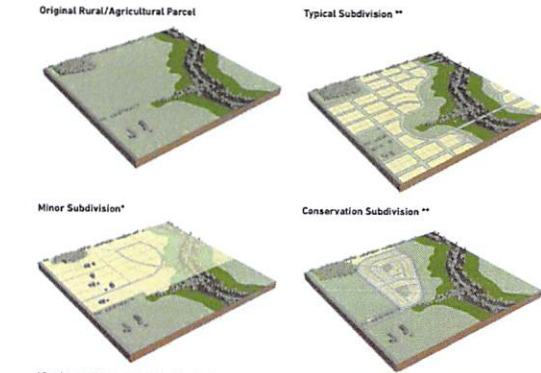
The natural and agrarian features of the WLCA Accord are the greatest contributor to its rural character. Protecting these features is paramount to the WLCA Accord. Thus, all six of the implementation strategies work to accomplish this objective, and recommend doing so in the following ways:

Tree stands, tree rows, fields, and stream corridors

The outstanding natural features of the accord area are its existing tree stands, tree rows, fields of crops and pasture, and stream corridors. Design standards and future planning efforts should include specific land control mechanisms to protect, enhance, and reflect these natural features.

38 **3 Manage & Focus Growth**
MANAGE & FOCUS RESIDENTIAL GROWTH

Implementing a strategy to control development patterns and location, even if central water and sewer is extended into the WLC Accord area, will ensure the study area can maintain its rural character in any growth scenario.



* Development that can occur with well and septic.

** Occurs only with central water and sewer service. ** These scenarios contain the same number of lots.

Conservation Subdivision

The WLC Accord recommends implementing standards for conservation subdivision design so the WLC Accord area is prepared in the case central water and sewer services are extended into the area. Even if this is unlikely within the next decade, having these mechanisms in place is an essential planning exercise to ensure the continued preservation of rural character in this area.

Along with the continued growth pressure in the region, housing preferences are changing. The population demographics that are and will demand housing during the next 20–30 years—baby boomers, millennials and the upcoming generation—tend to prefer smaller homes on smaller lots than was normal in the 1970s–1990s.

Conservation Subdivision regulations would fit this demand in the case that housing demand increases in the study area while protecting the rural character that current residents want to preserve. Standards should be written to encourage the preservation of contiguous open space and rural frontage along the road corridors, as illustrated by the map and diagram.

Benefits to a Conservation Subdivision



Expected residential market demand is for smaller lots in walkable neighborhoods with shared and connected community and natural amenities.

Growth management on rural parcels

The diagrams above show four scenarios of growth on a hypothetical farm parcel. A typical minor subdivision with well and septic-served lots will divide the land into large parcels, segment the rural corridor frontage and privatize open space. A typical subdivision with water and sewer connection will maximize

development and divide all buildable land into parcels, segment the rural corridor frontage, and privatize open space. A Conservation Subdivision with water and sewer connection enables the same number of lots to be created, but divides a smaller amount of land into smaller lots, thus preserving the rural corridor frontage and contiguous open space.

**BEFORE THE NEW ALBANY OHIO CITY COUNCIL
HEARING BRIEF OF RON AND TAMARA DAVIES**

*In Re Application of EC New Vision Ohio, LLC
Courtyards At Haines Creek
Case # O-84-2023*

Background

In January of 2023, EC New Vision Ohio, LLC (“Applicant”) submitted an application (“Application”) to rezone the property located at the northwestern quadrant of the intersection of Central College and Jug Roads (“Site”) from Agricultural District to I-PUD Pursuant to New Albany Zoning Code Chapter 1159. The Application also requested approval of a preliminary development plan for the site. Ron and Tamara Davies (the “Davies”) own the property immediately to the west of the Site (“House”).

Pursuant to the protocol required by the New Albany zoning code, the Applicant presented its Application to both the Rocky Fork – Black Lick Accord Implementation Panel as well as the New Albany Planning Commission. Both bodies approved of Applicant’s proposal by a scant one vote margin. The Davies appeared before both administrative bodies, and lodged objections to the Application for the reasons contained infra/below. This body will be considering the application at tonight’s public hearing, and the Davies (among other neighbors who will certainly appear) will likewise express their concerns relating to (among other issues) density, traffic, infrastructure, aesthetics, setbacks, et cetera.

Law

In the case of *Peachtree Development Co. v. Paul* (1981), 67 Ohio St.2d 345, the Ohio Supreme Court held that the creation of a PUD is a legislative act subject to referendum because the approval of the PUD was the functional equivalent of altering the zoning classification. In the

case of *State ex rel. Zonders v. Delaware Cty. Bd. of Elections* (1994), 69 Ohio St.3d 5, 13, the court reaffirmed its holding in *Peachtree*, but stated: “where specific property is already zoned as a PUD area, approval of subsequent development as being in compliance with the existing PUD standards is an administrative act which is not subject to referendum.” Several cases decided after *Zonders* have reaffirmed the proposition that while the initial act of rezoning a property is not subject to judicial review, the subsequent approval of development plans may in fact constitute the exercise of a quasi-judicial function, subject to judicial review pursuant to Chapter 2506 of the Ohio Revised Code. See, e.g., *State ex rel. Federle v. Warren County Board of Elections*, 156 Ohio St.3d 322 (2019); *Speedway Super Am., L.L.C. v. Granville Village Council*, 2003-Ohio-6951. But see *cf. Dittmer v. City of Lorain*, 2003-Ohio-2340; *State ex rel. Crossman Communities of Ohio, Inc. v. Greene Cty. Bd. of Elections* (1999), 87 Ohio St.3d 132.

New Albany Zoning Code section 1159.10(b) states, in pertinent part:

Adoption of the ordinance including the **Preliminary Development Plan shall constitute a rezoning of the property** included in the Preliminary Development Plan subject to the applicant's compliance with the provisions of subsections (c) through (f) hereof prior to the development or the construction of improvements contained in the preliminary plan.

Thus, like the circumstances noted in *Crossman*, supra, the New Albany City code contemplates that while approval of the Preliminary Development Plan is legislative in nature, and therefore not appealable, the approval of the Applicant’s Final Development Plan will be subject to appeal by the Davies. Therefore, in order to minimize the chances that Applicant’s Application is not the subject of prolonged litigation, the Davies would respectfully submit that it is important/crucial that this Council hold the applicant to the highest standards in developing a community that will be beneficial to not only the Davies, but the city as a whole. The Davies

further respectfully submit that this process will necessarily involve “sending Applicant back to the drawing board” to make some alterations to its preliminary plan.

Attached hereto for Council’s perusal is a Presentation that will be made at this evening’s hearing by the Davies. It is their hope that this Council will give sincere consideration to their objections and suggestions in making its important decision on the Application.

Respectfully submitted,

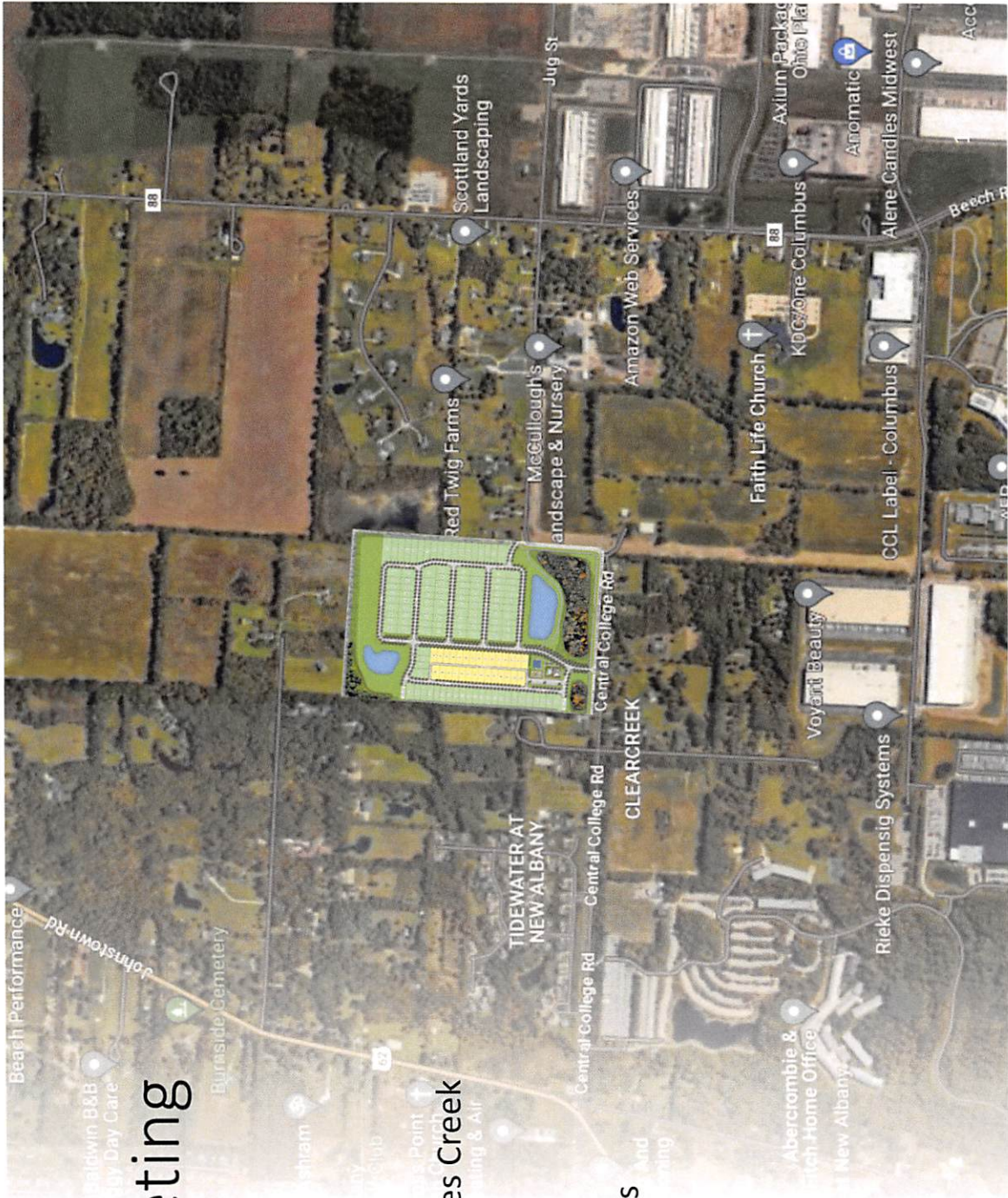
/s/**Jeffrey M. Lewis**

Jeffrey M. Lewis (0021780)
495 South High Street #400
Columbus, OH 43215
Telephone: (614) 384-2075
Facsimile: (614) 384-2076
LawyerLewis@gmail.com
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City Council Meeting July 18, 2023

Regarding Courtyards at Haines Creek


Submitted by Ronald H. Davies
8200 Central College Road



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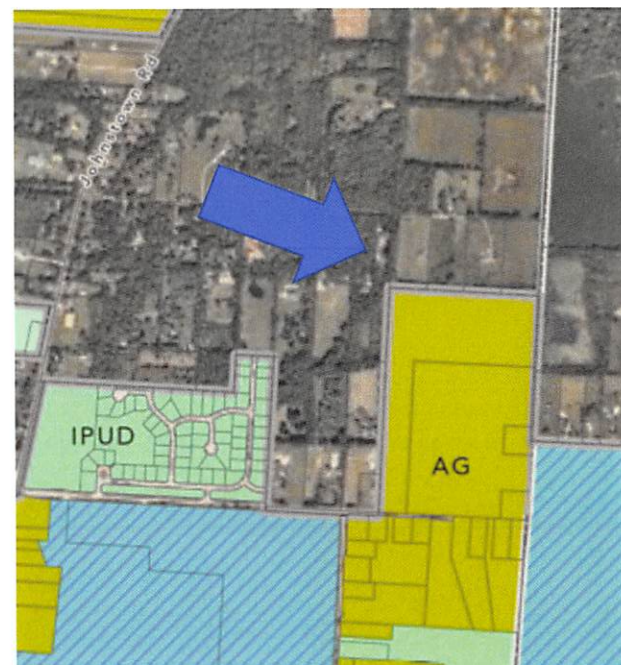
You are being asked by applicant to approve of a wholly unique I-PUD zoning without the benefit of knowing all the details

- How does a City Council approve of zoning change with Permanent/final text that is not complete with a series of known unknowns (& probably some unknown unknowns):
- There are significant water issues on this property with related unknowns. This is waiting for Engineering report, US Army Corp of Engineers.
- There is significant proposed destruction of woodlands on this project – with current layout
- Then you are being asked to allow zoning flexibility for conditions – “both for foreseen and unforeseen” circumstances.

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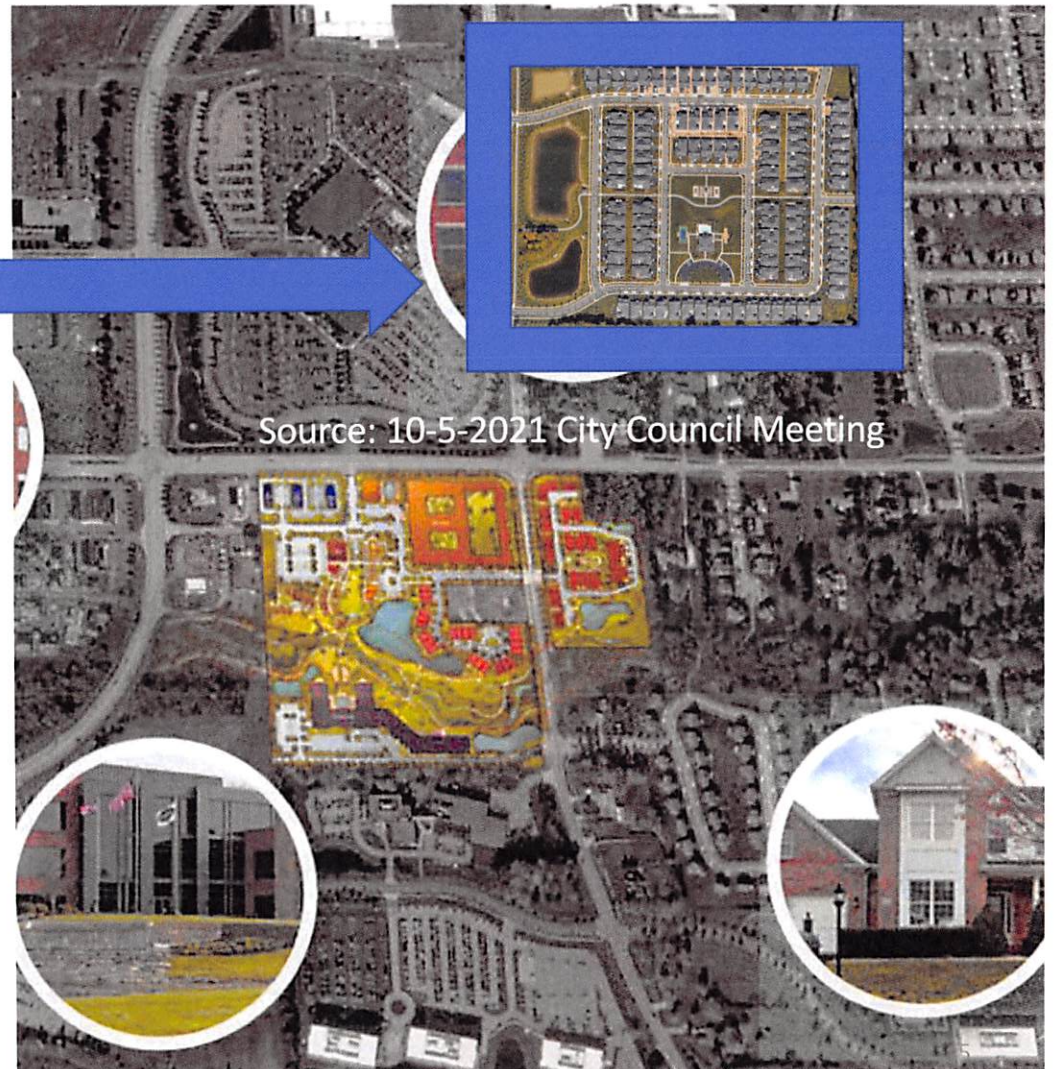


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Source: 10-5-2021 City Council Meeting

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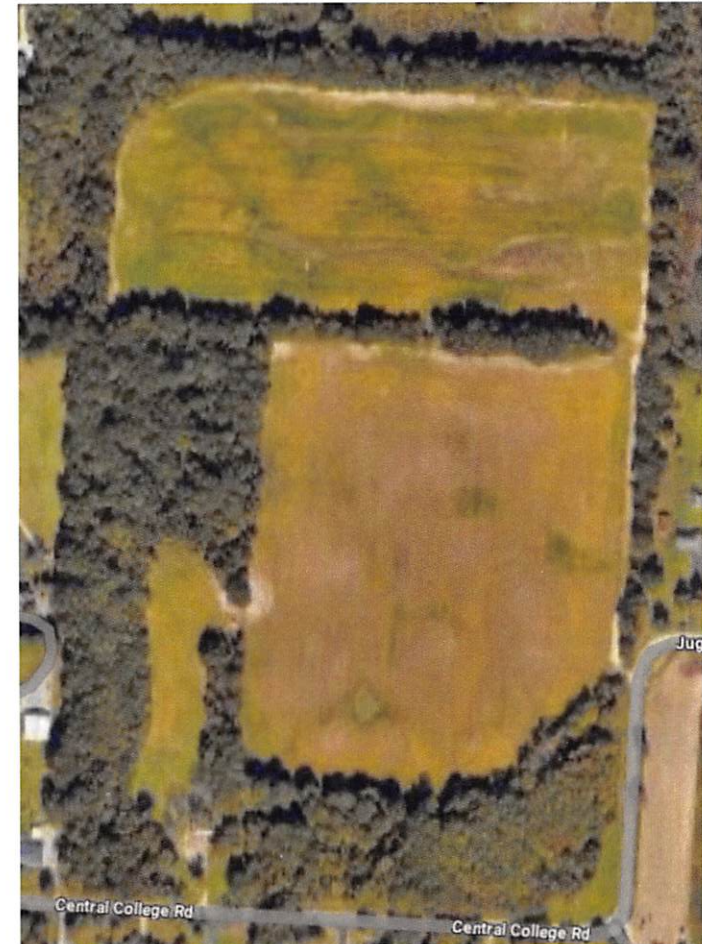
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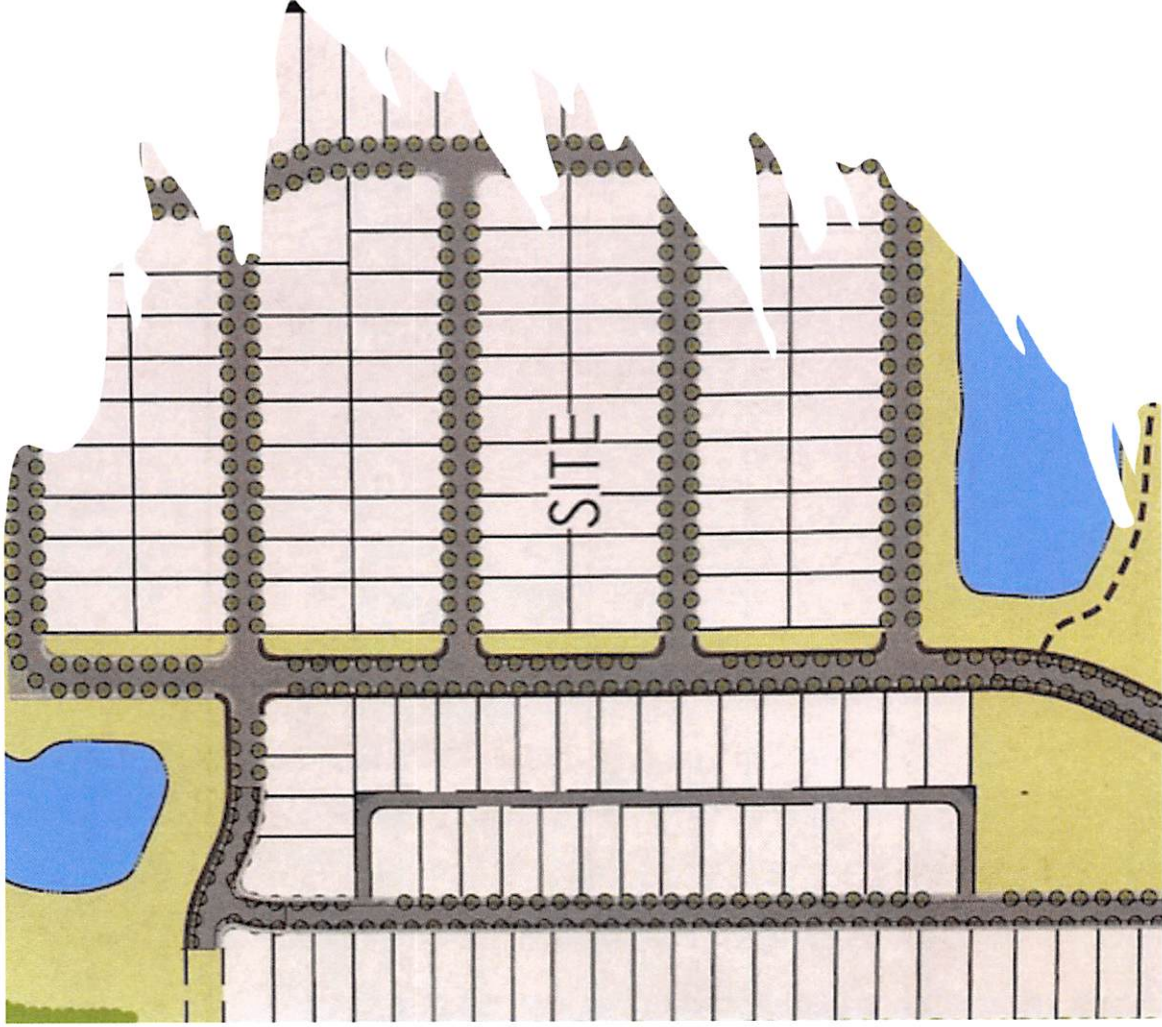
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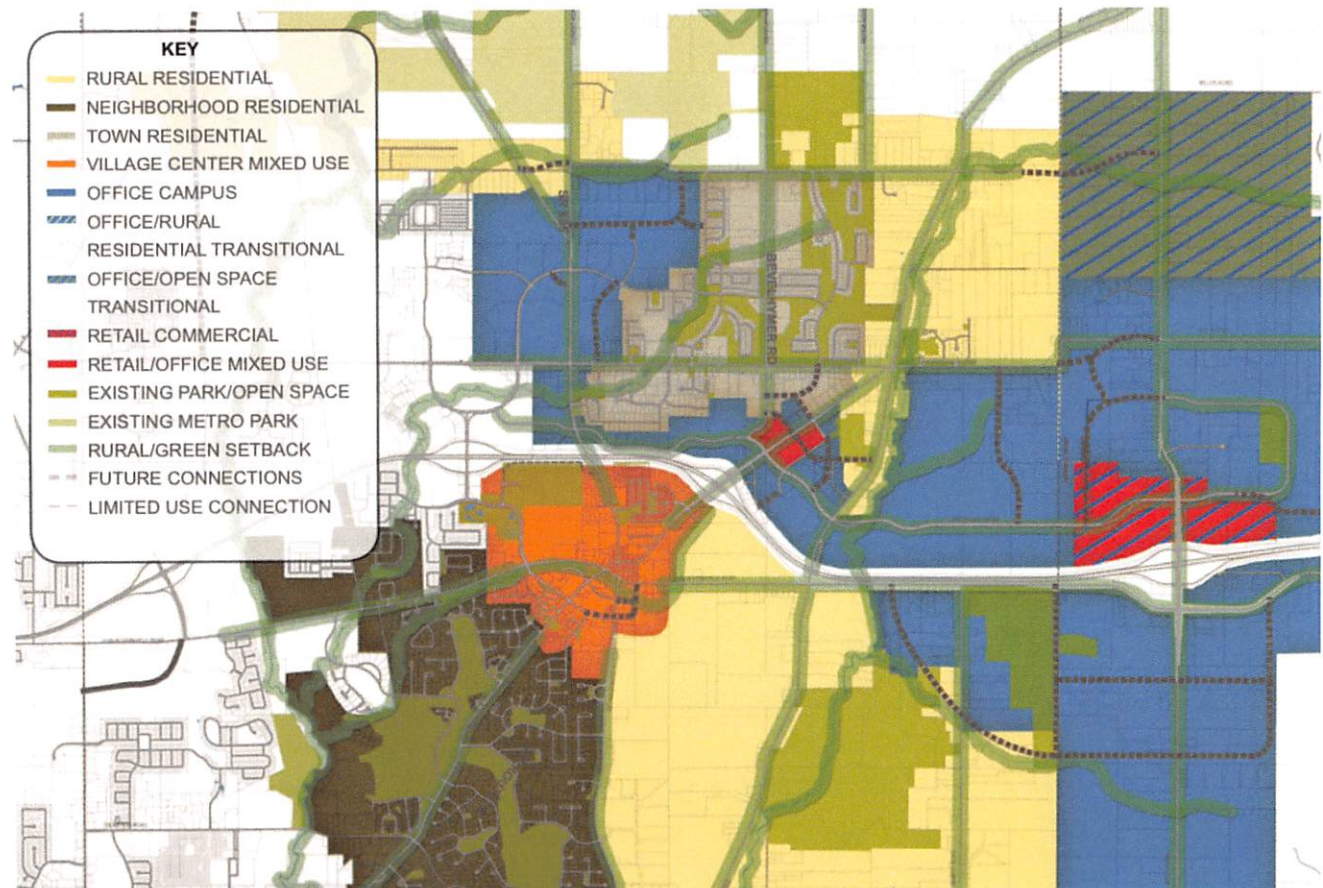
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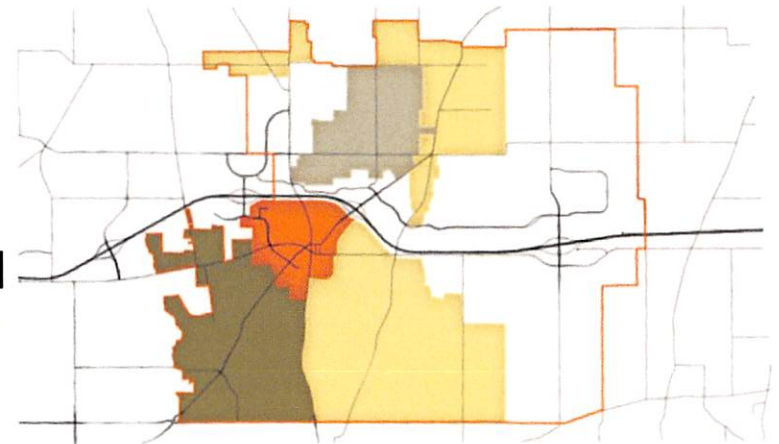
LAND USE

FUTURE LAND USE PLAN



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 - Consider alternate plants to reduce # of DU’s in outlying residential areas
 - Higher density in Village Center – not on outlying areas



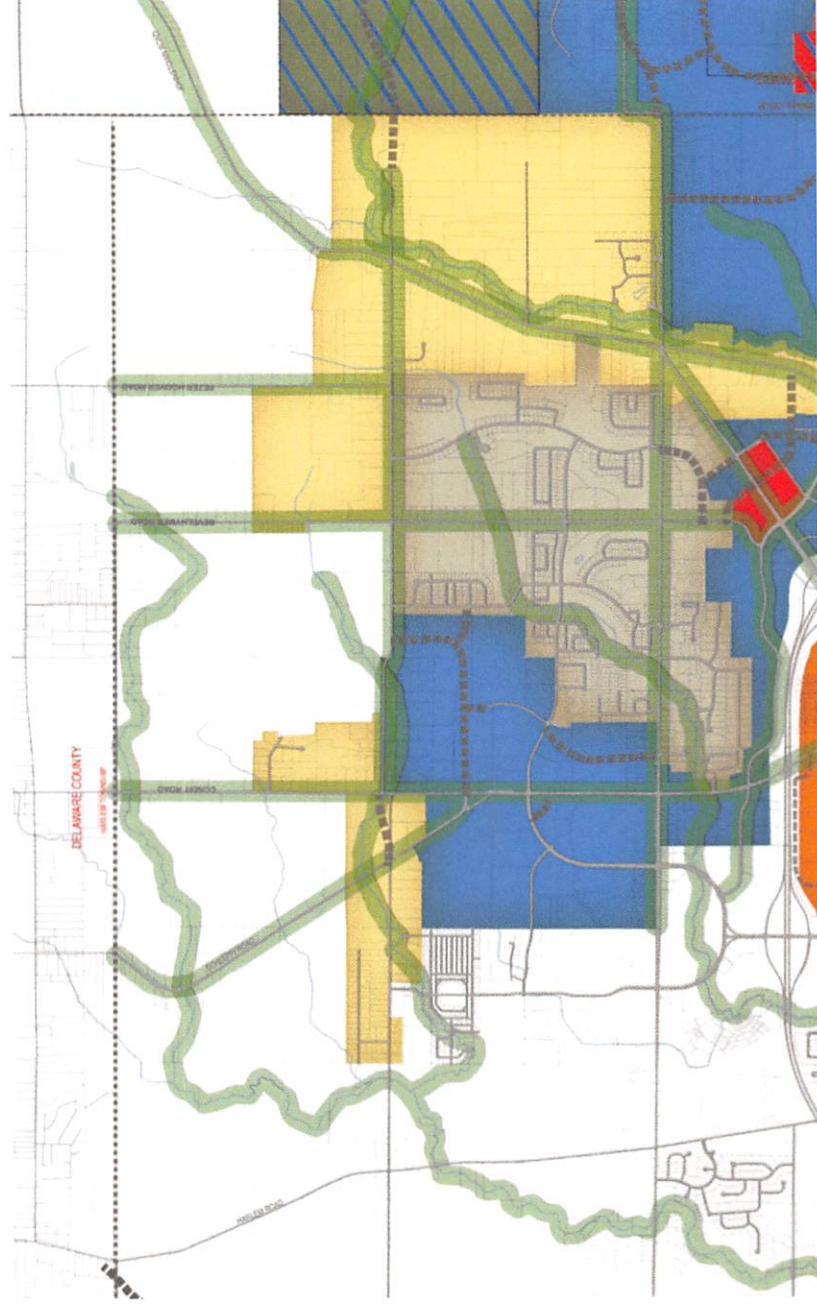
RESIDENTIAL DISTRICTS STRATEGY

- Preserve and contribute to the pastoral character of the community.
- Provide open spaces and other amenities.
- Utilize cluster development patterns.
- Encourage innovation and high quality design.
- Capitalize and protect natural features of a site.
- Use quality architecture and design.
- Create established neighborhoods that will continue to be invested in over time.
- With the exception of the Village Center, densities in residential areas may be reduced if appropriate.
- Consider alternative growth strategies to reduce the number of residential units in the outlying residential areas of the community.
- Allow aggregate density calculations within same planning district.
- Encourage higher density housing within the Village Center. 7

2015 Strategic plan update

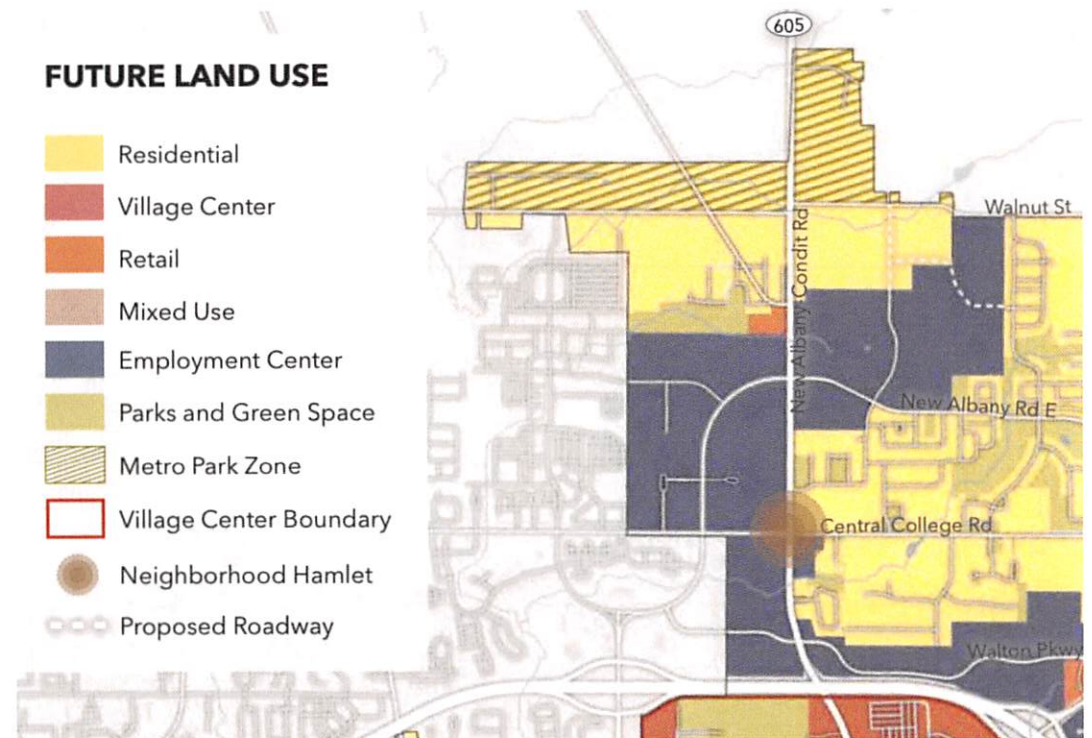
- Same rural residential designation of applicant's property

FUTURE LAND USE PLAN



Future land used – for Court Yards at New Albany was designed to be Employment – Vs current site has always been rural residential

- Transitioning from Employment designation to dense residential is a different discussion
- Vs. Today's discussion
- Pg 51



Engage New Albany Page 145

- “city should investigate ways to encourage property owners to adopt native and low-impact landscapingversus monoculture lawns”

Figure 3.43 | Tree Cover Map



According to the Arbor Day Foundation, a mature tree absorbs 48 pounds of carbon dioxide per year. The city should plant trees in public rights-of-way, parks, and other green spaces to continue to expand the tree canopy, which currently covers 13% of the study area (see figure 3.43). The city should also work to control the spread of invasive plant and animal species.

Authority over green spaces on private property is limited, but the city should investigate ways to encourage property owners to adopt native and

low-impact landscaping practices to help decrease residential water usage. This could include an educational campaign about the benefits of native landscaping versus monoculture lawns or it could take the form of a water rebate program for property owners who implement low-impact landscaping.

Finally, along stream corridors, the city can partner with other community groups and organizations to start a creek clean-up volunteer program or event to keep the waterways free from pollution.



Purpose and Intent of PUD - code



1159.02 - PURPOSE AND INTENT.

- “application of flexible and creative land developmentis often difficult or impossible within traditional zoning district. [PUD is not necessary here – the plan is neither creative nor flexible. Current zoning could enable development of this property within existing code and guidelines without resorting to PUD.
- 12 Pud considerations, including “provide an environment of stable character compatible with surrounding areas [the surrounding areas for this project is a rural residential area. – the project’s density is not compatible with rural residential.
- (b) Minimize adverse impacts....by preserving native vegetation [this project destroys inordinate native vegetation – even the open space is vastly grass requiring on going maintenance]
- (h) enhance the appearance of the land through preservation of natural features
- (g) encourage public transportation, allow trip consolidation and encourage pedestrian circulation between land uses [this project does not encourage pedestrian travel between land uses – its an island with no path connection to any adjoining property or land use]
- (i) provide for innovations in land development, especiallyinfill development. [This is not an infill project. It is in a rural area.]

The application of flexible and creative land use regulations to the development of land is often difficult or impossible within traditional zoning district standards. In order to permit the use of more flexible land use regulations and to facilitate use of the most advantageous techniques of land development, it is often necessary to establish a Planned Development District designation in which development is in harmony with the general purpose and intent of this Code, and the Strategic Plan. The objective of a Planned Development District is to encourage ingenuity, imagination and design efforts on the part of builders, architects, site planners and developers, to produce development that is in keeping with overall land use intensity and open space objectives of this Code and the Strategic Plan, while departing from the strict application of the dimensional standards of the traditional Districts. Planned Development Districts are intended to allow design flexibility and provide performance standards that may:

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

(Ord. 44-97, Passed 12-16-97; Ord. 25-2007, Passed 7-10-07.)

Western Licking County Accord (WLCA)

PROTECT NATURAL FEATURES

The natural and agrarian features of the WLCA Accord area are the greatest contributor to its rural character. Protecting these features is paramount to the WLCA Accord. Thus, all six of the implementation strategies work to accomplish this objective, and recommend doing so in the following ways:

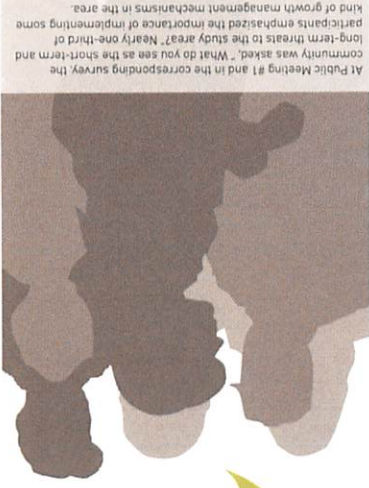
Tree stands, tree rows, fields, and stream corridors
The outstanding natural features of the accord area are its existing tree stands, tree rows, fields of crops and pasture, and stream corridors. Design standards and future planning efforts should include specific land control mechanisms to protect, enhance, and reflect these natural features.

GROWTH AND COMMUNITY IDENTITY

As growth occurs in the WLCA Accord area, land development controls must be in place in order to preserve the character of the area. But first, the character of the area must be clearly defined so that it can be properly protected. The WLCA Accord proposes the following implementation strategies to protect community identity in the study area.

- > Identify and map area-defining characteristics of each jurisdiction.
 - > Guide land use within the study area according to a Future Land Use Map.
 - > Follow land use design standards created for the WLCA Accord.
 - > Update related plans and codes to respond to these features and reflect these efforts.
- If growth is managed by the listed mechanisms with a clear understanding of each community's defining characteristics, community identity will be reflected in new development. If growth is not deliberately managed, the area risks allowing development that is not authentic or contributing to the existing community identity. Defining characteristics may include:
- > Development pattern and density
 - > Streetscapes and treatment of road frontage
 - > Architecture style
 - > Historic structures, barns, farmhouses, and other defining building types
 - > Rural landscapes and trees

Lack of Growth Management
(23 responses)



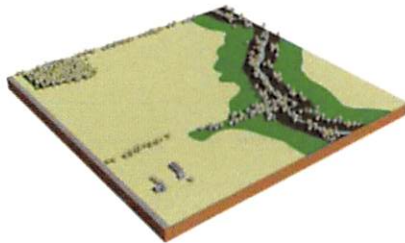
3 Manage & Focus Growth

MANAGE & FOCUS RESIDENTIAL GROWTH

- 2
- 3
- 4
- 5

Implementing a strategy to control development patterns and location, even if central water and sewer is extended into the WLC Accord area, will ensure the study area can maintain its rural character in any growth scenario.

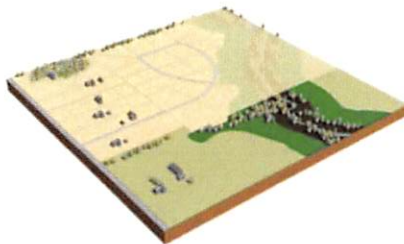
Original Rural/Agricultural Parcel



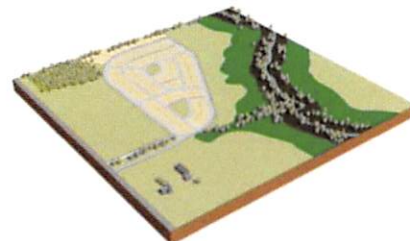
Typical Subdivision **



Minor Subdivision*



Conservation Subdivision **



* Development that can occur with well and septic.

** Occurs only with central water and sewer service.
** These scenarios contain the same number of lots.

Conservation Subdivision

The WLC Accord recommends implementing standards for conservation subdivision design so the WLC Accord area is prepared in the case central water and sewer services are extended into the area. Even if this is unlikely within the next decade, having these mechanisms in place is an essential planning exercise to ensure the continued preservation of rural character in this area.

Along with the continued growth pressure in the region, housing preferences are changing. The population demographics that are and will demand housing during the next 20 – 30 years—baby boomers, millennials and the upcoming generation—tend to prefer smaller homes on smaller lots than was normal in the 1970s – 1990s.

Conservation Subdivision regulations would fit this demand in the case that housing demand increases in the study area while protecting the rural character that current residents want to preserve. Standards should be written to encourage the preservation of contiguous open space and rural frontage along the road corridors, as illustrated by the map and diagram.

Benefits to a Conservation Subdivision



Expected residential market demand is for smaller lots in walkable neighborhoods with shared and connected community and natural amenities.

Growth management on rural parcels

The diagrams above show four scenarios of growth on a hypothetical farm parcel. A typical minor subdivision with well and septic-served lots will divide the land into large parcels, segment the rural corridor frontage and privatize open space. A typical subdivision with water and sewer connection will maximize

development and divide all buildable land into parcels, segment the rural corridor frontage, and privatize open space. A Conservation Subdivision with water and sewer connection enables the same number of lots to be created, but divides a smaller amount of land into smaller lots, thus preserving the rural corridor frontage and contiguous open space.



TO: Council

FROM: Jennifer Mason, Clerk of Council

DATE: July 18, 2023

RE: 2023 Mid-Year Board and Commission Appointments

This memo identifies that there is an opening on the Rocky Fork Blacklick Accord. It also lists those willing to be reappointed to board and commission positions.

New Albany East Community Authority

2-year term

- Council Member Mike Durik is willing to be reappointed as the local government representative for the term 5/18/23-5/17/25
- Pat Losinski is willing to be reappointed to the term 5/18/23-5/17/25

Rocky Fork Blacklick Accord

3-year term

- **One open position**
- Todd Brubaker is willing to be reappointed (3rd term of 4 max) to the term – 7/1/23-6/30/26

Sustainability Advisory Board

3-year term

- Peter Barnes is willing to be reappointed to the term 7/1/2023-6/30/26
- Charles Schumacher is willing to be reappointed to the term 7/1/2023-6/30/26