



New Albany Planning Commission
Informal Meeting Minutes Monday, August 5, 2024 - Approved

I. Call to order

The New Albany Planning Commission held an informal meeting on Monday, August 5, 2024 in the New Albany Village Hall. Chair Kirby called the meeting to order at 7:04 p.m. and asked to hear the roll.

II. Roll call

Those answering the roll:

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

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

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

III. Action on minutes: July 15, 2024

Chair Kirby asked whether there were any corrections to the minutes from the July 15, 2024 meeting.

Commissioner Wallace had one change on the top of page three, in the comments attributed to him the word “motion” appeared to be missing after the word “intervening.”

Chair Kirby asked if there were any other corrections.

Hearing none, Commissioner Schell moved to approve the July 15, 2024 meeting minutes as corrected. Commissioner Larsen seconded the motion.

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

Upon roll call: Mr. Schell yes, Mr. Larsen yes, Mr. Wallace yes, Ms. Briggs yes, Mr. Kirby yes. Having five yes votes, the motion passed and the July 15, 2024 meeting minutes were approved as corrected.

IV. Additions or corrections to the agenda

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

Planner II Christian answered none from staff.

Chair Kirby administered the oath to all present who would be addressing the commission. Then he reminded everyone that now would be a good time to silence all cell phones.

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

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

Hearing none, Chair Kirby introduced the first and only case on the agenda and asked to hear from staff.

VI. Cases:

FPL-55-2024 Final Plat

Final Plat for the dedication of public right-of-way for Ganton Parkway West Phase 3 located west of Beech Road and south of Worthington Road.

Applicant: City of New Albany

Planning Manager Mayer delivered the staff report.

Chair Kirby asked whether there were any comments from engineering.

Development Engineer Albright said there were no comments from engineering.

Chair Kirby noted that the City of New Albany was the applicant, and asked for questions from the panel.

Hearing none, Chair Kirby asked whether there was anyone present from the public who wished to comment on the application.

Hearing none, Chair Kirby moved to accept the staff report and related documents into the record for FPL-55-2024. Commissioner Larsen seconded the motion.

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

Upon roll call: Mr. Kirby yes, Mr. Larsen yes, Mr. Schell yes, Ms. Briggs yes, Mr. Wallace yes. Having five yes votes, the staff report and related documents for FPL-55-2024 were admitted to the record.

Commissioner Larsen moved for approval of FPL-55-2024 as stated in the staff report. Commissioner Briggs seconded the motion.

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

Upon roll call: Mr. Larsen yes, Ms. Briggs yes, Mr. Kirby yes, Mr. Wallace yes, Mr. Schell yes. Having five yes votes, the motion passed and FPL-55-2024 was approved as stated.

VII. Other business

- **City code amendment: C.O. 1105 and 1127 prohibiting the commercial cultivation, processing and dispensing of recreational marijuana**

Planning Manager Mayer delivered the staff report.

Commissioner Wallace asked whether has there been any research or review of adverse environmental effects or problems with odor in the cultivation or processing of marijuana either in Ohio or other places where cultivation has been allowed.

Planning Manager Mayer answered that he was not aware of any.

Law Director Albrecht added that there probably has been but he has not found it.

Chair Kirby remarked that he assumed there is a lot of caselaw.

Law Director Albrecht responded yes and this is consistent.

Commissioner Wallace asked Law Director Albrecht whether under Ohio law a dispensary can exist without a cultivation center.

Law Director Albrecht responded that he was not sure.

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

Hearing none, he asked whether anyone was present from the public to comment on the amendment.

Hearing none, he moved to admit the staff report and related documents into the record for the amendments to C.O. 1105 and 1127 prohibiting the commercial processing, cultivation, and dispensing of medical marijuana. Commissioner Larsen seconded the motion.

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

Hearing none, he asked to hear the roll.

Upon roll call: Mr. Kirby yes, Mr. Larsen yes, Mr. Wallace no, Mr. Schell yes, Ms. Briggs yes. Having four yes votes, and one no vote, the motion passed and the documents were admitted to the record.

Commissioner Wallace explained that he voted no because he does not think there is enough evidence to decide whether New Albany should preclude it if the prescription for medical marijuana is correctly prescribed.

Commissioner Schell moved for approval of the amendment to C.O. 1105 and 1127 prohibiting the commercial processing, cultivation, and dispensing of medical marijuana. Commissioner Larsen seconded the motion.

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

Upon roll call: Mr. Schell yes, Mr. Larsen yes, Ms. Briggs yes, Mr. Kirby yes, Mr. Wallace no. Having four yes votes, and one no vote, the motion passed and the amendment was favorably recommended to city council.

Commissioner Wallace explained that he voted no for the same reasons that he voted no on the documents motion.

- Informal review of the Hamlet Final Development Plan application**
 Applicant Justin Leyda spoke in support of the application; site demolition is underway; a community wide pattern book has been completed it is about 45 pages and includes all of the details; meeting with restaurateurs and retailers; subarea 4 up to almost 8 acres – the parks will revert to the city; parkland open space is about 30 percent which exceeds the minimum, working to preserve trees; introduced parallel parking which slows down traffic; parkland – the PTAB approved the parkland and open space just prior to this meeting; we have introduced a collection of different styles of leisure areas from more formal restaurant space to less structured informal leisure space; Haley explained to the PTAB that the applicant is working with her on an artwalk and will call for proposals from local artists, working on a concept to give artists a platform for a birdhouse; alternative stormwater strategies – no traditional surface ponds there are permeable pavers and vegetated bioretention basins; preliminary architecture

Applicant Justin Leyda, 4016 Townsfair Way, provided an informal review of the Hamlet Final Development Plan.

Chair Kirby noted that the renderings showed third floor windows and asked whether the third floor would be habitable.

Mr. Leyda answered yes and explained that most of the buildings have three stories of habitable space. He continued that this development is a work in progress and one of the reasons he was presenting an informal review for the commission was to explain the following potential conflicts with zoning text and the resulting requests for waivers:

1. Requesting four foot sidewalks in some individual residential areas. Five foot sidewalks are a little too wide in some areas.

Chair Kirby confirmed that the green space did not shrink. He further noted that older concrete sidewalks are three feet.

Commissioner Briggs asked what the percentage was and whether it was 20%.

Mr. Leyda answered that it was less than that, and further that this is only internal it is not on primary access ways.

Council Member Wiltrout asked whether there other areas in New Albany with four-foot sidewalks.

Planner II Christian answered that Ashton Grove had four-foot walks.

Planning Manager Mayer added that there are other areas as well such as Edge of Woods.

Council Member Wiltrout observed that Pickett Place probably had four-foot walks.

2. Requesting that single family homes in subarea 3 be permitted to front New Albany Condit Road. The current language requires the homes to be duplexes. Permitting single family homes would provide breathing room for the residents.
3. Requesting that the building height in subarea 2 be able to reach 44 feet. This would give the interior the benefit of having nine-foot ceilings.

Council Member Wiltout asked whether the building heights of 36 feet had a garage, and whether the height could be raised on all of them.

Mr. Leyda answered that they do, and that they could not do it with all of them.

Commissioner Larsen asked whether this change would this negate the dormers.

Mr. Leyda responded that some would have dormers and further that they were not looking to change the design regulations and guidelines (drg).

Commissioner Briggs asked for more information about subarea 2.

Mr. Leyda indicated the corner location on the site plan.

Commissioner Schell asked to confirm the location of the apartments and townhomes.

Mr. Leyda indicated the location. He explained that everything is built to condominium quality and he expected the rental price to approach 4k per month.

4. Requesting permission to utilize steps with risers but not a full two feet above grade as required by the dgr. The target resident of these units does not have children and there are no basements. He displayed a rendering that is 18-inches above grade and said there will be a step up from the garage.

Chair Kirby raised the issue of ramping for differently abled persons as a huge selling point.

Council Member Wiltout asked whether there are differing heights in New Albany's over 55 communities.

Planning Manager Mayer stated that Epcon and Nottingham both use differing heights and they may do so pursuant to their zoning texts or pursuant to variances.

Mr. Leyda remarked that Market and Main has two feet.

Commissioner Larsen asked whether review of variances from the dgr are conducted by the Architectural Review Board or the Planning Commission.

Planner II Christian responded that it would be both.

5. Requesting permission to have a commercial tenant utilize up to 10,000 square feet of commercial space. He explained that a larger commercial (not retailer) should be able to use this as an office space and partition it off for partial use as retail space. He continued that the applicants are looking forward to a similar informal presentation before the Architectural Review Board and that they will be back before the commission on September 16th.

Commissioner Wallace remarked that when the commission initially heard this application there was a greater number of apartments.

Mr. Leyda responded that it was 40 flats then and it is still at 40 flats.

Chair Kirby asked whether there an appetite for that much office space – referring to the 10,000 square feet.

Mr. Leyda responded that they have had three conversations.

Planner II Christian indicated that vendors have indicated that the 10,000 square foot limit is burdensome.

Commissioner Larsen remarked that he is concerned that all the buildings would become 10,000 square feet and stated that he would want to restrict it so that not all of them become more than 10,000 square feet.

Mr. Leyda stated that the parking model will be a key factor in these decisions.

Commissioner Larsen stated that the text should address that concern but the plan looks like the applicant is trying to meet the spirit of the project.

Commissioner Schell asked for the approximate number of students.

Mr. Leyda answered that the district planned for 65-67, but the applicant's model comes out to 54-55 students.

Chair Kirby advised Mr. Leyda to please have minimal conditions of approval once the final development plan gets tolerably well-baked.

Mr. Leyda agreed and stated that the applicants had no interest in doing an end-run with this project.

Commissioner Larsen asked whether there were limitations on a drive through with the commercial tenants.

Mr. Leyda answered that coffee shops are permitted to have a drive through.

Commissioner Larsen raised the issue of changing the makeup of subareas. He remarked that such a change would constitute a change to the approved final development plan.

Planner II Christian remarked that the approved zoning text allowed for the boundaries of the subareas to change.

Commissioner Wallace stated that he was concerned that 40 rental units is not very many.

Chair Kirby asked for questions from the public.

Tricia Segnini, 7267 New Albany Links Drive. Ms. Segnini explained that she had concerns about lifting the 10,000 square foot limit. Specifically, she was concerned about missing cute shops or green space. She remarked, however, that she likes what she sees for the most part and is happy to have more commercial.

Mr. Leyda responded that the potential increase is not additive, it is a redistribution of existing space and it could be a second floor.

Matt McFadden, Maynard Place East. Mr. McFadden remarked that this application has come a long way. And, regarding the 44-foot height request, that he would not like to see garage doors while driving on SR 605.

Mr. Leyda remarked that in the civic corridor, the building heights will all feel consistent.

Chair Kirby asked for other questions.

Hearing none, he polled the members for comment.

VIII. Poll members for comment

Commissioner Larsen reported that the US-62 Interchange Workgroup had its second meeting and that work is progressing well. During their second meeting, the group looked at five other areas. The next meeting is September 9th; will be having an open house.

Commissioner Schell mentioned that, as stated at the prior meeting, he would like to tour the area behind the fire department.

Law Director Albrecht asked the commission to coordinate with staff and to be careful not to violate the Open Meetings Act.

IX. Adjournment

Hearing no further comments and having no further business, Chair Kirby adjourned the August 5, 2024 informal meeting of the New Albany Planning Commission at 8:50 p.m.

Appendix

FPL-55-2024

Staff Report

Record of Action

City Code Amendments, C.O. 1105 and C.O. 1127.

Memo



New Albany Planning Commission Meeting Agenda
Monday, August 5, 2024 at 7:00 p.m.

Members of the public must attend the meeting in-person to participate and provide comments at New Albany Village Hall at 99 West Main Street. The meeting will be streamed for viewing purposes only via the city website at <https://newalbanyohio.org/answers/streaming-meetings/>

I. Call to order

II. Roll call

III. Action on minutes: July 15, 2024

IV. Additions or corrections to the agenda

Administration of oath to all witnesses/applicants/staff who plan to speak regarding an application on tonight's agenda. "Do you swear to tell the truth and nothing but the truth."

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

VI. Cases:

FPL-55-2024 Final Plat

Final Plat for the dedication of public right-of-way for Ganton Parkway West Phase 3 located west of Beech Road and south of Worthington Road.

Applicant: City of New Albany

Motion of Acceptance of staff reports and related documents into the record for FPL-55-2024.

Motion of approval for application FPL-55-2024 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

VII. Other business

- **City code amendment: C.O. 1105 and 1127 prohibiting the commercial cultivation, processing and dispensing of recreational marijuana**
- **Informal review of the Hamlet Final Development Plan application**

VIII. Poll members for comment

IX. Adjournment



**Planning Commission Staff Report
August 5, 2024 Meeting**

**GANTON PARKWAY WEST PHASE 3
FINAL PLAT**

LOCATION: 6140 Babbitt Road
APPLICANT: City of New Albany
REQUEST: Final Plat
ZONING: Limited General Employment (L-GE)
STRATEGIC PLAN: Employment Center
APPLICATION: FPL-55-2024

Review based on: Application materials received July 18, 2024

Staff report completed by Sierra Saumenig, Planner

I. REQUEST AND BACKGROUND

The application is for a final plat to dedicate right-of-way for the third phase of Ganton Parkway West. Ganton Parkway is recommended in the Engage New Albany strategic plan to facilitate additional connections within the New Albany International Business Park. This extension of Ganton Parkway West will provide access to existing and new development sites in the future.

II. SITE DESCRIPTION & USE

The proposed right-of-way dedication extends westward from Ganton Parkway West Phase 2, which created a curb-cut at the Franklin County/Licking County line to provide additional connections within the New Albany International Business Park. The property is zoned L-GE and allows the same uses as the Personal Care and Beauty Park such as office, distribution, and warehousing uses.

III. PLAN REVIEW

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

1. The Planning Commission and City Council approved a final plat for the Ganton Parkway West phase 2 in April 2022 and May 3, 2022, respectively. The right-of-way is being phased in order to allow for flexibility regarding development opportunities. Additional phases will be platted as new development occurs in the area.
2. This plat dedicates right-of-way to the city of New Albany for an extension of Ganton Parkway West. The dedication extension consists of approximately 1,540 +/- linear feet of a new public street totaling approximately 3.818 +/- acres. No reserves are being platted or lots being created within this new right-of-way extension.
3. This proposed street dedication location is also identified as a future connection in the Engage New Albany strategic plan. Similar to the development of other roads within the New Albany Business Park, this road will be extended in the future to provide a connection to Worthington Road and is envisioned to ultimately connect back to Johnstown Road in the Village Center, leveraging the freeway frontage in between and providing roadway connections for future development parcels.

4. The plat dedicates 100' of right-of-way. The street extends through the Winding Hollow L-GE zoning district. The zoning text contains a provision for this roadway and contemplates the general alignment shown on the plat. The text requires the developers of this property to dedicate an amount of right-of-way as mutually agreed upon by the city and the developer for the construction of a public street. The city is supportive of the 100 feet of right-of-way and the zoning requirements are being met.
5. Ganton Parkway West is identified as a minor arterial road typology in the Engage New Albany strategic plan. The plan indicates the road should be designed at a larger scale in order to accommodate heavier traffic traveling into the business park. The 100 feet of right-of-way is consistent with the 115-foot recommendation in the Engage New Albany Strategic Plan .
6. There is an existing streetscape and utility easement on the north side of the street that was recorded via separate instruments to ensure desired street improvements can be accommodated. Additionally, the plat shows a proposed streetscape and utility easement on the south side of the street to also accommodate street improvements.

IV. ENGINEER'S COMMENTS

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

V. SUMMARY

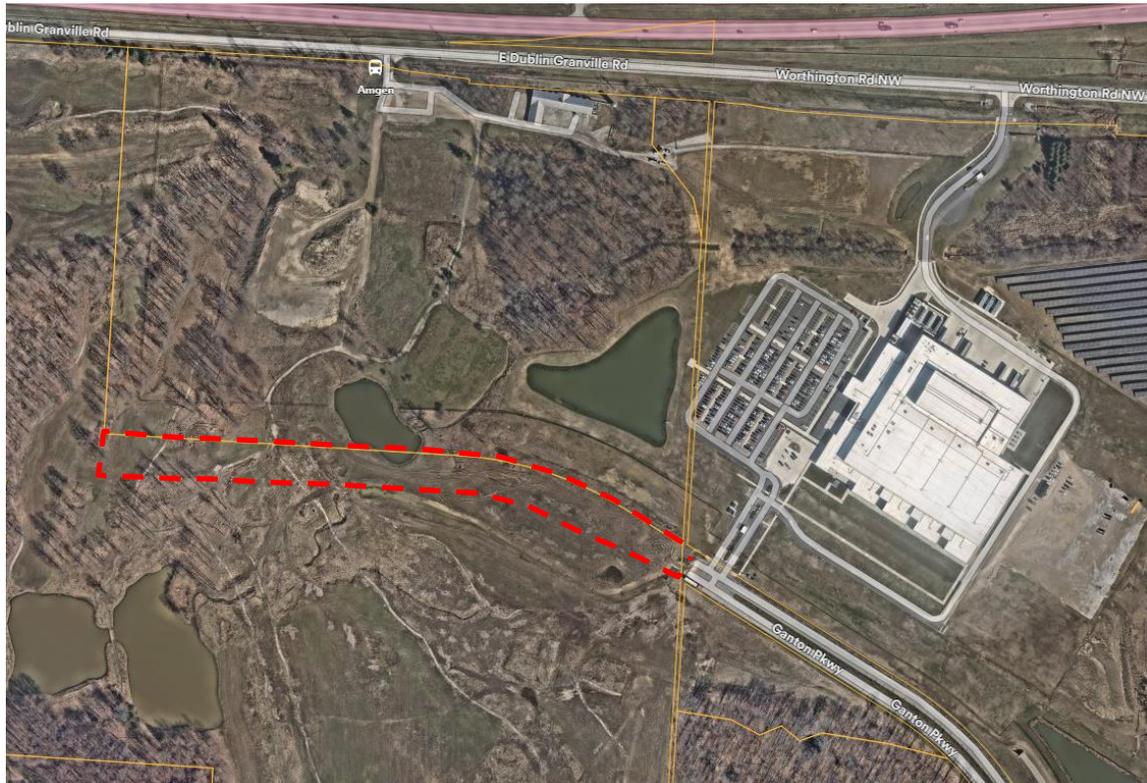
The proposed road plat is consistent with the goals and objectives found in the Engage New Albany strategic plan for this area. This road will serve as a critical connection within the New Albany Business Park and provide access for existing and new development sites in the future.

VI. ACTION

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

Move to recommend approval to City Council of application FPL-55-2024.

Approximate Street Location Shown in Red:



Source: Nearmap



Community Development Department

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

Dear CITY OF NEW ALBANY,

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

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

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

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

Thank you.



Community Development Department

Decision and Record of Action

Monday, August 12, 2024

The New Albany Planning Commission took the following action on 08/05/2024 .

Final Plat

Location: 6140 Babbitt RD

Applicant: CITY OF NEW ALBANY,

Application: PLFPL20240055

Request: Final Plat for the dedication of public right-of-way for Ganton Parkway West Phase 3 located west of Beech Road and south of Worthington Road.

Motion: To approve

Commission Vote: Motion Approved, 5-0

Result: Final Plat, PLFPL20240055 was Approved, by a vote of 5-0.

Recorded in the Official Journal this August 12, 2024

Condition(s) of Approval: None

Staff Certification:

Sierra Saumenig
Planner



TO: Planning Commission

FROM: Community Development Department

DATE: August 5, 2024

RE: Amendment to Codified Ordinance Chapter 1105 (Definitions) and Chapter 1127 (General Regulations) for Recreational Marijuana

The city council, at their July 16, 2024 meeting, requested that staff prepare legislation to prohibit recreational marijuana in the city at the August 6, 2024 meeting. This memo contains the city staff's proposed updates to the city codified ordinances regarding the commercial cultivation, processing, and dispensing of recreational marijuana for the Planning Commission to consider and take action on. Ohio Issue 2, the Marijuana Legalization Initiative, was on the ballot in Ohio as an indirectly initiated state statute on November 7, 2023. The ballot measure was approved.

Via ordinance 0-19-2017 the city council adopted legislation that defined medical marijuana, and implemented a prohibition on medical marijuana cultivators, dispensaries and processors.

Current city code is limited to the commercial cultivation, processing and dispensing of medical marijuana. Since the codified ordinances are currently silent on the use of recreational marijuana, this memo contains draft code updates prohibiting the commercial cultivation, processing and dispensing of recreational marijuana for city council consideration. Similar to medical marijuana, the proposed code update will prohibit the commercial cultivation, processing, and dispensing of recreational marijuana and its cultivation on city-owned property.

Section 1105.02 (jjj) to be amended (shown in red font) in the Definitions section of the Codified Ordinances of the city to read as follows:

(~~mmm~~jjj) "~~Medical~~ marijuana" means **recreational or medical** marijuana, as defined in Ohio Revised Code §3719.01, that is cultivated, processed, dispensed, tested, possessed, or used for a **medical or recreational** purpose. In accordance with Chapter 1127 of the Codified Ordinances, the cultivation, processing and dispensing of **recreational or** medical marijuana shall not be permitted in any zoning district within the City.

Additionally, section 1127.02 (j) to be amended (shown in red font) in the General Regulations section of the Codified Ordinances of the city to read as follows:

(j) The **commercial** cultivation, processing and dispensing of ~~medical~~ marijuana, as defined in Section 1105.02 (~~mmm~~jjj), shall not be permitted in any zoning district within the City. **The cultivation of marijuana shall not be permitted on city-owned property.**