



**New Albany Planning Commission
March 4, 2024 Informal Meeting Minutes - Approved**

I. Call to order

The New Albany Planning Commission held an informal meeting on March 4, 2024 at the New Albany Village Hall. Chair Kirby called the meeting to order at 7:02 p.m. and asked to hear the roll.

Those answering roll call:

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

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

Staff members present: Law Director Albrecht, Development Engineer Albright, City Engineer Johnson, Traffic Engineer Samuels, Planner II Nichols, Planning Manager Mayer, Deputy Clerk Madriguera.

II. Action on minutes: February 21, 2024

Chair Kirby asked whether there were any corrections to the February 21, 2024 meeting minutes.

Hearing none, Commissioner Wallace moved to approve the February 21, 2024 meeting minutes. Commissioner Larsen seconded the motion.

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

Upon roll call: Mr. Wallace yes, Mr. Larsen yes, Mr. Kirby yes, Mr. Schell yes. Having four votes, the motion passed and the February 21, 2024 meeting minutes were approved as submitted.

IV. Additions or corrections to agenda

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

Planner II Nichols answered that there were not.

Chair Kirby administered the oath to all present who planned to address the commission. He further advised all present that now would be a good time to silence their cell phones.

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

Chair Kirby asked if there were any visitors present who wished to address the commission for an item not on the agenda.



**Planning Commission Staff Report
March 4, 2023 Meeting**

**COURTYARDS AT HAINES CREEK SUBDIVISION
FINAL DEVELOPMENT PLAN**

| | |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| LOCATION: | Generally located at the northwest corner of the intersection at Central College Road and Jug Street Rd NW (PIDs: 222-005156, 222-005157, 222-005158, 222-005159). |
| APPLICANT: | EC New Vision Ohio LLC, c/o Aaron L. Underhill, Esq. |
| REQUEST: | Final Development Plan |
| ZONING: | Courtyards at Haines Creek I-PUD Zoning District |
| STRATEGIC PLAN: | Residential District |
| APPLICATION: | FDP-87-2023 |

Review based on: Application materials received January 7, 2024.

Staff report completed by Chelsea Nichols, Planner.

I. REQUEST AND BACKGROUND

This application is for a final development plan for a new 151 lot age-restricted subdivision known as “Courtyards at Haines Creek”. There is also a preliminary plat application for the subdivision on the agenda, which is evaluated under FPL-09-2024.

The Planning Commission reviewed the zoning change and preliminary development plan for the property on June 20, 2023 (ZC-07-2023) and the zoning change was adopted by city council on July 18, 2023 (O-84-2023). The final development plan application is generally consistent with the approved preliminary development plan. The subdivision zoning text requires 90% of the homes be age-restricted resulting in 136 age-restricted and 15 non-age-restricted homes.

During the rezoning hearing, the city council approved it with a requirement that the applicant “perhaps relocate up to four units shown on the preliminary development plan” near the adjacent neighbor along the western boundary line to provide additional tree preservation. Those four homes have been relocated to the northern area of the site and back onto Reserve C.

The Parks and Trails Advisory Board (PTAB) reviewed the proposed development at their October 2, 2023 meeting and recommended approval with the following conditions:

1. That the open space amenities shall be installed and included as part of the overall subdivision infrastructure improvements (e.g. streets, utilities, etc.).
2. That the final alignment of the leisure path shall be subject to staff approval.
3. Increase the open space with consideration of the wetland on the adjacent property to the north.
4. Review the 42k fee in-lieu payment or purchase land within close proximity to the development.

Since the PTAB meeting, the applicant has addressed condition numbers three and four as part of their recently submitted final development plan. The applicant has increased overall open space and has reduced the deficiency from 3.36 acres to 1 acre, which includes increasing the acreage in Reserve C from 6.2 acres to 6.9. The applicant has also completed and submitted an appraisal in conjunction with their resubmitted final development plan.

In addition, at the PTAB meeting, the applicant verbally committed to sliding relocated lots 152-155 west to allow pedestrian access at the northeast corner. Since that meeting, the applicant has adjusted lots 152-155 to be located more to the west and incorporated two pedestrian access areas with seating in the northeast and northwest areas of the site adjacent to these lots. The Planning Commission should evaluate the lot locations as part of this Final Development Plan application.

II. SITE DESCRIPTION & USE

The 63.5+/- acre zoning area is located in Franklin County and is made up of four properties. The site is generally located at the northwest corner of the intersection at Central College Road and Jug Street Rd NW. The site is located immediately west of the Licking County line and immediately, north of Agricultural zoned and residentially used properties, and there are unincorporated residentially zoned and used properties to the west and north of the site.

III. PLAN REVIEW

Staff's review is based on New Albany plans and studies, zoning text, and zoning regulations. Primary concerns and issues have been indicated below, with needed action or recommended action in underlined text. Planning Commission's review authority is found under Chapter 1159. The property owners within 200 feet of the property in question have been notified.

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

That the proposed development is consistent in all respects with the purpose, intent and applicable standards of the Zoning Code;

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

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

- a. Ensure that future growth and development occurs in general accordance with the Strategic Plan;*
- b. Minimize adverse impacts of development on the environment by preserving native vegetation, wetlands and protected animal species to the greatest extent possible*

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

A. Engage New Albany Strategic Plan

The site is located within the Residential District future land use district. The Engage New Albany Strategic Plan lists the following development standards for the Residential District:

- Organically shaped stormwater management ponds and areas should be incorporated into the overall design as natural features and assets to the community.
- Houses should front onto public open spaces and not back onto public parks or streets.
- All or adequate amounts of open space and parkland is strongly encouraged to be provided on-site.
- A hierarchy of open spaces is encouraged. Each development should have at least one open space located near the center of the development. Typically, neighborhood parks range from a half an acre to 5 acres. Multiple greens may be necessary in large developments to provide centrally located greens.
- Adequate amounts of open space and parkland are encouraged to be provided on site.
- Rear or side loaded garages are encouraged. When a garage faces the street, the front façade of the garage should be set back from the front facade of the house.
- 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. A transfer of residential density can be used to achieve a gross density of 1 dwelling unit per acre.
- Private streets are at odds with many of the community's planning principles such as: interconnectivity, a hierarchy of street typologies and a connected community. To achieve these principles, streets within residential developments must be public.

The Engage New Albany Strategic Plan recommends the following standards as prerequisites for all development proposals in New Albany:

- Development should meet setback recommendations contained in strategic plan.
- Streets must be public and not gated. Cul-de-sacs are strongly discouraged.
- Parks and open spaces should be provided, publicly dedicated and meet the quantity requirements established in the city's subdivision regulations (i.e. 20% gross open space and 2,400 sf of parkland dedication for each lot).

- All or adequate amounts of open space and parkland is strongly encouraged to be provided on-site. If it cannot be provided on-site, purchasing and publicly dedicating land to expand the Rocky Fork Metro Park or park space for the Joint Parks District is an acceptable alternative.
- The New Albany Design Guidelines & Requirements for residential development must be met.
- Quality streetscape elements, including an amenity zone, street trees, and sidewalks or leisure trails, and should be provided on both sides of all public streets.
- Homes should front streets, parks and open spaces.
- A residential density of 1 dwelling unit (du) per acre is required for single-family residential and a density of 3 du per acre for age restricted housing.
 - Higher density may be allowed if additional land is purchased and deed restricted. This type of density “offset” ensures that the gross density of the community will not be greater than 1 unit per acre. Any land purchased for use as an offset, should be within the NAPLS district or within the metro park zone.
 - 3 du/acre is only acceptable if 100% age restricted. Otherwise, the federal regulations and criteria for subdivisions to qualify as age-restricted must be accounted for when calculating density (i.e. 80% age restricted and 20% non-age restricted).
 - Age restriction must be recorded as a deed restriction and included as a requirement in the subdivision’s zoning text.

B. Use, Site and Layout

1. The property is zoned I-PUD under the Courtyards at Haines Creek PUD text.
2. The zoning text section VI(A) permits a maximum of 151 lots in the age-restricted subdivision named “Courtyards at Haines Creek.”
3. The subdivision consists of 136 age-restricted and 15 non-age-restricted homes on approximately 63.5+/- acres. Furthermore, the text prohibits any permanent resident within the age-restricted units from being under the age of 21, to the extent permitted by law.
4. The final development plan is generally consistent with the preliminary development plan that was approved as part of the zoning change application (ZC-07-2023).
5. The text requires that before the issuance of the first building permit for the construction of a home in this zoning district, the applicant/developer shall provide evidence to the city that it has recorded a written restriction requiring the property may only be developed and operated in accordance with the age restriction requirements listed above. Prior to recording the restriction, the text requires the applicant/developer to deliver a draft copy of the restriction to the city’s law director for reasonable review and confirmation. These requirements are consistent with other age-restricted subdivisions in New Albany.
6. Zoning text section VI(D) states that the minimum lot width at the building line shall be 52 feet. All of the proposed lots are meeting these requirements.
7. Zoning text section VI(F) requires the following setbacks:

| SETBACKS | |
|----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Central College Road and Jug Street Rd NW (Engage New Albany strategic plan recommends 100-foot setback) | 100-foot building and pavement setback from the edge of the right-of-way, except homes and other improvements on Lots 71 and 72 shall be permitted within this setback. |
| Front Yard | 20 feet, except for the Lane Homes facing Defiance Drive which shall have a minimum front yard setback of 15 feet. |
| Side Yard | 5 feet |
| Rear Yard | 50 feet for lots with rear boundary lines which also serve as the eastern and western perimeter boundary of this zoning district, 15 |

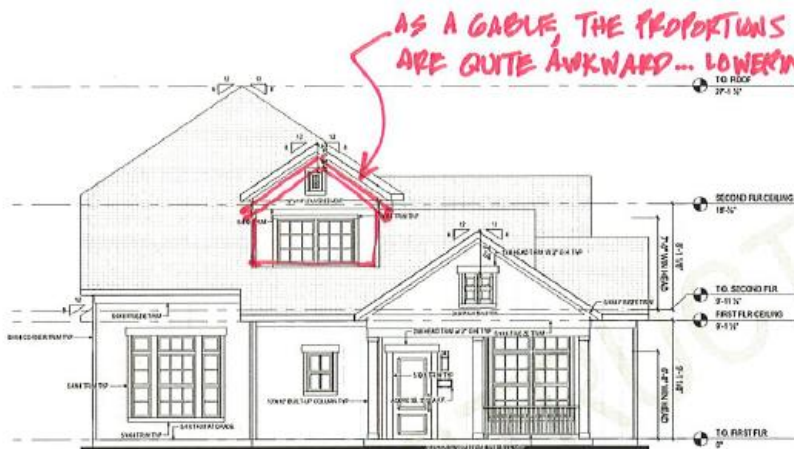
All of the setbacks required in the zoning text are accurately shown on the final development plan. The setbacks for individual homes will be reviewed and approved with each new residential building permit application.

C. Access, Loading, Parking

1. A traffic study was completed and submitted as part of the rezoning. The final development plan is congruent with the traffic study's parameters and recommended improvements. The developer will construct street and drainage improvements to Central College Road and Jug Street. The traffic study recommends that a left turn lane into the subdivision along Central College be installed in the future when all of the homes are constructed. However, the city staff recommends a condition of approval that the developer install the left turn lane as part of the initial ("day one") infrastructure (condition #1).
2. The primary access points into the subdivision are from Central College Road and Jug Street Road NW. Per zoning text requirements and the submitted preliminary plat, the applicant is dedicating right-of-way to the city for a distance that extends 40 feet from the centerlines of Central College Road and Jug Street Road NW.
3. Zoning text section VII(E) requires the right-of-way to be dedicated for the future extension of two streets to the western boundary line of the subdivision. The final development plan shows the construction of the extension for a distance of 10 feet from its westernmost intersection. Signage is also proposed on the plan to be installed at the end of the 10-foot stubs which indicates that these streets may be extended in the future as a through street.
4. Zoning text section VII(E) also requires all internal streets to be dedicated as public streets and built to city standards. The right-of-way for these internal streets is required to be 50 feet with 26-foot pavement widths, measured from front of curb to front of curb. The right-of-way for alleys shall be a minimum of 20 feet with a minimum of 16 feet of pavement. The proposed north-south street shall have a right-of-way of 60 feet in width. These requirements match those found in the city's subdivision regulations.
5. Zoning text section VII(F) requires a 5-foot-wide, concrete public sidewalk to be constructed within the right-of-way on each internal subdivision street (other than Haines Creek Drive, the south side of Cedarville Drive, and the north side of Heidelberg Drive where leisure trail is required). This requirement is being met.
6. Zoning text section VII(G) requires 8-foot-wide, asphalt leisure trails to be installed along the north side of Central College Road, the west side of Jug Street rights-of-way, along both sides of Haines Creek Drive to the intersection with Heidelberg Drive, and along both sides of Heidelberg Drive that goes westward. This requirement is being met.
7. A leisure trail with a minimum width of 8 feet is proposed along the south side of the pond in Reserve "A". This is consistent with the preliminary development plan and zoning text.
8. During the rezoning a 8-foot wide trail was proposed along Central College Road. To minimize impacts to the trees, the applicant proposes an alternate alignment that runs the leisure trail along the south side of the pond in Reserve A. The city is supportive of this alternate route since it minimizes impact to trees and still meets the 2018 Leisure Trail Master Plan's recommendation to provide connectivity and expand the trail network.
9. Zoning text section VII(A) requires all homes to have a minimum of 2 off-street parking spaces on their driveways in addition to a minimum of 2 parking spaces within the garage. This appears to be met and will be reviewed and approved as part of each new residential building permit.
10. Per code section 1167.05(f), the Planning Commission shall determine the number of parking spaces required for the club house since it is a use not mentioned in the code. The applicant proposes 23 designated parking spaces for the club house.

D. Architectural Standards

1. The Architectural standards have been approved as part of the PUD rezoning. The PUD text states the design of the neighborhood borrows from the tradition of summer retreat camps like Lakeside, Ohio and Oak Bluffs Meeting Camp on Martha's Vineyard. These camps were a collection of small cottages around a central meeting house and green. The architectural aesthetic is consistent with the character of New Albany by referencing the "rectangular form houses." The homes in this community are simple forms, generally rectangular in shape.
2. The text requires all homes to be a minimum of 1.5 stories or 1.5 stories in appearance from the front elevation thereby meeting one of the New Albany Strategic Plan's development standards recommendations that all houses should be a minimum of 1.5 stories in appearance and a maximum of three stories. This appears to be met and will be reviewed and approved as part of each new residential building permit.
3. The text requires the final development plan submittal to include detailed architectural elevations and/or renderings and must incorporate additional architectural details including roof plans; garage door design/colors; dormer details; entablature; and shutter specifications; columns, cornice and pediment details; window specifications; louver details, brickmould profile. These architectural plans are to create a baseline set of architectural requirements and guidelines from which each home design will be based. These details are included in the submitted home elevations and have been reviewed by the city architect. The city architect has the following comments:
 - a. The city architect provided a marked sheet indicating suggested revisions to the Lane Homes, specifically with regard to the proposed dormers



The city staff recommends a condition of approval that all applicable home elevations are updated at the time of permitting to meet the city architect's recommendations for the dormers (condition #2). The applicant indicates in their application materials that they agree to this condition.

4. Exterior paint colors for siding, doors, shutters, fascias, cornices, soffits and miscellaneous trim have been submitted. Zoning text section XI(A)(2) states garage doors that are white in color shall only be used in the circumstance when white is the primary exterior color of the individual home. The architectural sheets include white garage doors on houses with non-white colored exteriors. The city staff recommends a condition of approval that the plans be revised at the time of permitting as needed to meet this garage door color requirement (condition #3). The applicant indicates in their application materials that they agree to this condition.
5. Zoning text section IX(C)(3)(i) requires shutters to have appropriate shutter hardware (hinges and shutter dogs.) The city staff recommends a condition of approval that the final shutter hardware is provided on all homes and their design be subject to staff

approval (condition #4). The applicant indicates in their application materials that they agree to this condition.

6. The text states where the courtyard condition is present and is not screened from the view, a decorative fence shall be installed and may extend past the building setback line to provide screening of the courtyard area from the right-of-way. A combination of landscaping and fencing may also be used to achieve the same screening objective, but solid fences shall be prohibited to provide this screening. This appears to be met on the final development plan.
7. The text further states that where the courtyard conditions are adjacent to open space, a decorative fence and landscaping may be installed between the lot line and the courtyard to provide screening. Screening shall have a minimum opacity of 75% to a height of 4 feet. The applicant has submitted an aluminum decorative fencing design and an exhibit indicating the areas where this treatment will occur throughout the subdivision. Staff is supportive of only aluminum fencing to be used in areas along public right-of-way or open space.
8. The zoning text requires on corner lots, the street on which the front façade of a home is required to be located shall be identified as part of the final development plan submittal. This has been submitted and the proposed orientations all appear to be appropriate.
9. Zoning text section IX(C)(2) states that exposed concrete foundation walls shall be prohibited unless otherwise approved as part of the final development plan. It appears as though exposed concrete foundations are not being proposed as part of this final development plan. Individual homes will be reviewed and approved as part of each new residential building permit.

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

1. Per C.O. 1159.07, detailed landscaping plans must be provided for all areas of the final development plan. The landscape plan must include the proposed landscape for all reserve areas and street lawns. The applicant submitted a detailed master landscape plan for the subdivision.
2. Per the zoning text, street trees shall be required on both sides of internal public streets where homes are present. Street trees shall be a minimum of 2 ½ inches in caliper at installation and shall be spaced at an average distance of 30 feet on center, except that a double row of trees shall be provided along the Haines Creek Drive. These trees may be grouped, provided the quantity is equivalent to 1 tree per 30 feet or fraction thereof or 1 tree per 24 feet or a fraction therefore, as applicable.
3. The zoning requires the developer to work in good faith with the owner of property to the south of Central College Road that is directly across to the street from the subdivision entrance to establish a screening plan and install landscaping at the developer's expense. The applicant proposes to install 27 shrubs at the height of 6 feet tall along the front of the Mason property to screen the front of the home.
4. The zoning text commits to a Tree Preservation Zone which applies to the following areas of the subdivision:
 - a. For a minimum distance of 100 feet from the right-of-way of Central College Road and Jug Street Road NW in Reserve A;
 - b. In areas to the south of the intersection of Jug Street Road NW and a new public street connecting it to the new subdivision;
 - c. Within the northwest corner of the zoning district and covering the tree line along the north property line of Reserve C; and
 - d. Within a distance of 30 feet from the rear property line on any lots where a minimum rear yard setback of 50 feet is required. Trees shall be preserved in accordance with the recommendations of a certified arborist and subject to staff approval.
 - e. The city code does not permit the removal of trees within the 100-year floodplain and stream riparian corridor. The city landscape architect recommends the developer provide a plan that clearly illustrates the tree removal limits outside of those zones if additional trees are to be removed. The developer should preserve

- the maximum number of established groupings of trees present on the site. City staff recommends a condition of approval that this plan be provided at the time of permitting (condition #5).
- f. The city's landscape architect recommends a condition of approval that the developer utilizes fencing around tree drip lines for proper protection along all tree preservation zones, subject to staff approval (condition #6).
5. New Albany's Codified Ordinance requires that 2,400 square feet per home be dedicated as parkland and 20% of the total acreage in the subdivision shall be dedicated as open space. The zoning text states ownership and maintenance of the parkland and open space areas which are shown on the preliminary development plan shall be defined and approved with the final development plan.
- a. For this development the total minimum, required parkland and open space is 21.02 acres.
- b. The applicant is providing multiple reserve areas (A-K) that consists of either open space or parkland. Previously, the applicant proposed to provide 17.66 acres of parkland and open space. However, the applicant has increased the overall open space to 20.02 acres. The applicant indicates they have been able to do this by preparing a more detailed stormwater design and overall site grading analysis. Per C.O. 1187.16 wet and dry stormwater basins shall not be considered parkland or open space.
- c. The proposal does not meet the Codified Ordinance requirements. The plan had previously contained a 3.35-acre deficit in parkland. The current plan contains a 1-acre deficit in parkland.
- d. Per codified ordinance chapter 1159.07(3)(X) the city Planning Commission must review:
- i. The amount and location of open space and parkland required to be provided on-site; and
- ii. The dollar amount of the fee payment based upon an appraisal completed by the applicant as required by 1165.10(d) if less than the required 21.01 acres is provided on-site.
- e. Therefore, the applicant has completed and submitted an appraisal with the final development plan, as required in Chapter 1165.10(d) outlined above. Based upon the appraisal, the developer requests approval of a fee in lieu of \$50,000/acre, which is a total of \$50,000 for this application (\$50,000/acre multiplied by 1.00 = \$50,000).
- f. Planning Commission should evaluate the amount of on-site parkland and open space that is appropriate for this type of development.

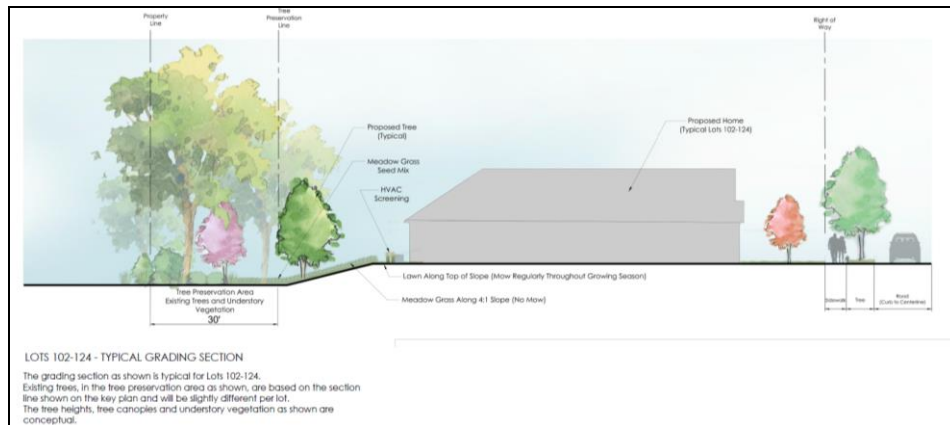
Reserves:

1. The PUD text states "due to the nature of this subarea as an age-restricted community, it shall be exempt from the requirement of Section 1185.15(c)(6) that would otherwise require all residences to be located within 1,200 feet of playground equipment."
2. Reserves A, B, C & J: These are the perimeter areas providing tree preservation and buffering.
- a. Reserve A consists of a large basin, wetlands, preservation of trees, a stream, a pavilion and leisure trail.
- b. Reserve B consists of the preservation of trees.
- c. Reserve C consists of a basin, stream, tree preservation zone, and a drainage swale connecting the stream to an off-site wetland located to the east. The developer is required to provide natural grasses in this area. No artificial pesticides and fertilizers are permitted in this area.
- i. During the rezoning hearing, the city council directed the applicant to perhaps relocate up to four units that were previously along the western boundary to provide additional tree preservation. Those four homes have since been relocated to the northern area of the site and back onto Reserve C. Where those lots were previously located is now Reserve J.

- ii. The PTAB recommended that the applicant review increasing open space with consideration of the wetlands on the adjacent property to the east. The applicant has increased the acreage in Reserve C from 6.2 acres to 6.9 acres.
 - iii. The Planning Commission should evaluate the appropriateness of the four relocated lots along reserve C.
 - d. Reserve J provides tree preservation. The natural vegetation will be untouched. The applicant also proposed a bench just off of the sidewalk within Reserve J as an amenity for the community.
- 3. Reserves D, E, F, and G: These areas are located along the eastern side of Haines Creek Drive and provide a landscaping buffer between the homes and the public street.
- 4. Reserve H: This is the community amenity area which consists of a club house with pool, a community garden, a bocce court, and pickleball courts.
- 5. Reserve I and Reserve K: These areas will be used as greenspace initially, but ultimately serve as future street extensions if and when development occurs to the west. In recognition that these street extensions may never be necessary or will be necessary only with redevelopment of property located to the west, it has been standard practice of the city to allow applicants to count this towards open space requirements.

Western Property Line:

- 1. The zoning text requires a combined building setback and buffer area to be located 50' from the property line along the western perimeter boundary. Within this 50-foot-wide buffer/setback area, there is a 30-foot tree preservation zone. Along with the landscaping plan, the applicant is required to and has submitted a report from a certified arborist. The report details the conditions of existing trees within the minimum required 50-foot rear yard setbacks on the lots of homes that back to the western perimeter boundary line.
 - a. The plan identifies which trees are to be preserved based on the report and provides for the planting of replacement trees, landscaping, and/or other improvements to provide buffering between new homes and adjacent property to the west which is outside of this zoning district.
 - b. 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 is not proposing any landscaping on the adjacent parcel. The applicant has indicated to staff that they had shared the arborist's report with the adjacent property owners before the date when the final development plan was filed with the City. They also indicated that they had a meeting with the property owners on October 16, 2023.
 - c. As part of the city staff's review of the tree study and west buffer landscape plan, the city arborist walked the site and examined the trees the applicant is proposing to remove within the 30' tree preservation area along the western property line. As a result, there were three trees the city arborist asked the applicant to consider preservation (trees 219, 303, and 351). The applicant has since updated the trees on the tree survey as trees to be preserved.
 - d. AC unit screening is required along the western perimeter and lots 63-72 along the eastern perimeter of the subdivision to obscure their view to adjacent properties. The applicant proposes to screen each AC unit with eight (8) Karl Forester tall grass plants.
 - e. Within the 20 feet between the tree preservation zone and building setback limit, the applicant proposes to regrade the area to create building pads that are at the same elevation as the public street. This typical tree preservation and building setback condition is illustrated in the diagram below (from FDP sheet 10/23):



F. Lighting & Signage

1. The text states signage shall be reviewed by the Planning Commission with the final development plan. The applicant has provided this information. Based on the current plan, the design of the entry signs along Central College will match the previously approved signs at the Courtyards at New Albany.
2. Each home must have coach lights on the garage. This appears to be met and will be reviewed and approved as part of each new residential building permit. In addition, uplighting of the exterior of a home shall be prohibited. Security lighting, when used, shall be of a motion sensor type.
3. Light poles within parking lot areas near the clubhouse shall not exceed 18 feet in height, shall be cut-off type fixtures and be down cast. Parking lot lighting shall be from a controlled source in order to minimize light spilling beyond the boundaries of the site. These details were not provided as part of this application and will be reviewed at the time of permitting. The city recommends a condition of approval that all final lighting details be subject to staff approval (condition #7).

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 provided the following comments. Staff recommends a condition of approval that these comments be addressed, subject to staff approval (condition #8).

1. Refer to sheet 3 and sheet 4 of 23. Please label the 100' SCPZ within Reserve A.
2. Verify that the drainage easements shown within the basin areas encompass the 100-year water surface elevation associated with each basin.
3. Please refer to the bottom left-hand corner of sheet 10 of 23 where it is stated "Lots 102-124 Typical Grading Section". Note that on other sheets notes are included stating that Lots 109- 112 have been omitted. Should sheet 10 reflect this as well?
4. Please have a professional surveyor stamp and seal the ALTA survey.
5. Revise the fire truck turning analysis using the template for the 48' Plain Township fire truck, delete reference to the Columbus Fire Truck.
6. We will evaluate storm water management, sanitary sewer collection and roadway construction related details once detailed construction plans become available

V. SUMMARY

The final development plan is in conformity with the residential land use density recommendations of the Engage New Albany Strategic Plan and is consistent with the preliminary development plan design standards approved as part of the rezoning application. The plan also meets the strategic plan recommendation to design stormwater management facilities as an attractive landscape feature and to use four-sided architecture with high quality materials and complementary styled architecture.

Overall, the existing Courtyards at New Albany subdivision located on State Route 605 by Epcon has been successful. This proposal builds on the success of that subdivision by providing a historical color palette that adds more building character to the subdivision. The street network and connectivity are desirable from a site planning perspective. The Engage New Albany Strategic Plan recommends, and this development provides, quality streetscape elements; including an amenity zone, street trees, and sidewalks or leisure trails provided on both side of all public.

The Planning Commission should evaluate the appropriateness of the four relocated lots along Reserve C. The proposed location does not meet the Engage New Albany Strategic Plan's recommendation that "houses should front onto public open spaces and never back onto public parks." In addition, the subdivision is not providing the required minimum amount of parkland and open space as 21 of the 22 required acres are being provided. The equates to 95% of the required parks and open space being provided on-site. The Planning Commission should evaluate the appropriateness and amount of the applicant's fee payment. If the Planning Commission approves this final development plan that does not contain all of the required parkland and open space on-site then the city council, during their review of the final plat application, will take final review and approval on the fee payment amount or land dedication located elsewhere.

The left turn lane on Central College should be installed with the initial phasing of the subdivision. This will ensure vehicular traffic on Central College is not negatively impacted if vehicles are stopped while waiting to turn into the subdivision.

VI. ACTION

Suggested Motion for FDP-87-2023:

Move to approve FDP-87-2023 with the following conditions:

1. The developer shall install the left turn lane on Central College with the initial phasing of the subdivision.
2. The architectural plans be updated at the time of permitting to meet the city architect's recommendation of the following:
 - a. Eliminate the horizontally proportioned grids; and
 - b. Revise the dormers to reflect suggestions in the sketch provided.
3. The plans be revised at the time of permitting as needed to meet the garage door color requirements, subject to staff approval.
4. The final shutter hardware design be subject to staff approval.
5. The city code does not permit the removal of trees with the 100-year floodplain and stream riparian corridor. At the time of permitting, the developer shall provide a clear plan boundary for tree removal limits outside of these zones if additional trees are to be removed. The developer should preserve the maximum number of established groupings of trees present on the site.
6. The developer shall utilize fencing around tree drip lines for proper protection along all tree preservation zones, subject to staff approval.
7. The final lighting details are subject to staff approval.
8. All of the city engineer comments be addressed, subject to staff approval.

404.616-01
February 20, 2024
(Revised 2/21/24)

To: Chelsea Nichols
City Planner

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

Re: The Courtyards at Haines Creek FDP
Feb 2024 Submittal

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

1. Refer to sheet 3 and sheet 4 of 23. Please label the 100' SCPZ within Reserve A.
2. Verify that the drainage easements shown within the basin areas encompass the 100 year water surface elevation associated with each basin.
3. Please refer to the bottom lefthand corner of sheet 10 of 23 where it is stated "Lots 102-124 Typical Grading Section". Note that on other sheets notes are included stating that Lots 109- 112 have been omitted. Should sheet 10 reflect this as well?
4. Please have a professional surveyor stamp and seal the ALTA survey.
5. Revise the fire truck turning analysis using the template for the 48' Plain Township fire truck, delete reference to the Columbus Fire Truck.
6. We will evaluate storm water management, sanitary sewer collection and roadway construction related details once detailed construction plans become available

MEF/JMH

cc: Josh Albright, Development Engineer,
Cara Denny, Engineering Manager,
Kylor Johnson, P.E., City Engineer
Dave Samuelson, P.E., Traffic Engineer



Community Development Department

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

Dear Aaron Underhill, Esq;

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

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

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

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

Thank you.



Community Development Department

Decision and Record of Action

Tuesday, March 5, 2024

The New Albany Planning Commission took the following action on 3/4/2024 .

Final Development Plan

Location: Central College Rd

Applicant: EC New Vision Ohio LLC, c/o Aaron L. Underhill, Esq.

Application: FDP-87-2023

Request: Final development plan review and approval of 151 lot, age-restricted residential housing development on 63.5+/- acres for the subdivision known as the Courtyards at Haines Creek located at 8390 and 8306 Central College Road in Franklin County.

Motion: To approve FDP-87-2023 with conditions.

Commission Vote: Motion to Approve, 3-1

Result: FDP-87-2023 was approved with conditions, by a vote of 3-1.

Recorded in the Official Journal this March 5, 2024.

Condition(s) of Approval: See attached page 3 of this document.

Staff Certification:

Chelsea Nichols

Chelsea Nichols
Planner

1. The developer shall install the left turn lane on Central College with the initial phasing of the subdivision as of 105 units or three years, whichever comes first;
2. The architectural plans be updated at the time of permitting to meet the city architect's recommendation of the following:
 - a. Eliminate the horizontally proportioned grids; and
 - b. Revise the dormers to reflect suggestions in the sketch provided.
3. The plans be revised at the time of permitting as needed to meet the garage door color requirements, subject to staff approval;
4. The final shutter hardware design be subject to staff approval;
5. The city code does not permit the removal of trees with the 100-year floodplain and stream riparian corridor. At the time of permitting, the developer shall provide a clear plan boundary for tree removal limits outside of these zones if additional trees are to be removed. The developer should preserve the maximum number of established groupings of trees present on the site;
6. The developer shall utilize fencing around tree drip lines for proper protection along all tree preservation zones, subject to staff approval;
7. The final lighting details are subject to staff approval;
8. All of the city engineer comments be addressed, subject to staff approval:
 - a. Refer to sheet 3 and sheet 4 of 23. Please label the 100' SCPZ within Reserve A.
 - b. Verify that the drainage easements shown within the basin areas encompass the 100-year water surface elevation associated with each basin.
 - c. Please refer to the bottom left-hand corner of sheet 10 of 23 where it is stated "Lots 102-124 Typical Grading Section". Note that on other sheets notes are included stating that Lots 109- 112 have been omitted. Should sheet 10 reflect this as well?
 - d. Please have a professional surveyor stamp and seal the ALTA survey.
 - e. Revise the fire truck turning analysis using the template for the 48' Plain Township fire truck, delete reference to the Columbus Fire Truck.
 - f. We will evaluate storm water management, sanitary sewer collection and roadway construction related details once detailed construction plans become available
9. City council should consider obtaining their own appraisal for the applicant's fee-in-lieu payment, and that it should perhaps be of value no less than the city's last purchase of parkland;
10. That the open space amenities shall be installed and included as part of the overall subdivision infrastructure improvements (e.g. streets, utilities, etc.), and that the final alignment of the leisure path shall be subject to staff approval; and
11. The applicant shall work with the neighbors on acceptable screening.



**Planning Commission Staff Report
March 4, 2024 Meeting**

**COURTYARDS AT HAINES CREEK SUBDIVISION
PRELIMINARY PLAT**

| | |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| LOCATION: | Generally located at the northwest corner of the intersection at Central College Road and Jug Street Rd NW (PIDs: 222-005156, 222-005157, 222-005158, 222-005159). |
| APPLICANT: | EC New Vision Ohio LLC, c/o Aaron L. Underhill, Esq. |
| REQUEST: | Preliminary Plat |
| ZONING: | Courtyards at Haines Creek I-PUD Zoning District |
| STRATEGIC PLAN: | Residential District |
| APPLICATION: | PPL-09-2024 |

Review based on: Application materials received February 7, 2024 and February 20, 2024.

Staff report completed by Chelsea Nichols, Planner.

I. REQUEST AND BACKGROUND

This preliminary plat application is for the Courtyards at Haines Creek subdivision. This subdivision includes 151 residential lots, 12 reserves (A, B, C1, C2, D, E, F1, F2, G, I, J, K), and ten new public streets on 63.5+/- acres.

The Planning Commission reviewed the zoning change and preliminary development plan for the property on June 20, 2023 (ZC-07-2023) and the zoning change was adopted by city council on July 18, 2023 (O-84-2023).

There is a related final development plan application on the March 4th Planning Commission agenda. This application is reviewed under a separate staff report (FDP-87-2023).

II. SITE DESCRIPTION & USE

The 63.5+/- acre subdivision is located in Franklin County. The site is generally located at the northwest corner of the intersection at Central College Road and Jug Street Rd NW. The site is located immediately west of the Licking County line and immediately, north of Agricultural zoned and residentially used properties, and there are unincorporated residentially zoned and used properties to the west and north of the site.

III. PLAN REVIEW

The Planning Commission's review authority of the plat is found under C.O. Section 1187. The staff's review is based on New Albany plans and studies, zoning text, and zoning regulations.

Residential Lots

1. The preliminary plat is consistent with the proposed Courtyards at Haines Creek final development plan. The plat shows 151 residential lots. The proposed lot layout and dimensions match what is shown on the final development plan and meet the requirements of the zoning text.
 - o The plat appropriately shows the lot widths to be at least 52 feet, as required by zoning text section VI(D).
 - o The plat appropriately shows the lot depths to be at least 115 feet, as required by zoning text section VI(E).

- The plat appropriately shows the following front yard setbacks, as required by the zoning text section VI(F)(2):
 - A 15-foot setback for Lane Homes (lots 100 and 101).
 - A 20-foot setback for all other lots on the preliminary plat.
- Zoning text section VI(F)(1) states that there shall be a minimum building and pavement setback of 100 feet from the Central College Road and Jug Street right-of-way. However, the text states that homes and other improvements located on lots 71 and 72 may encroach into this setback. This setback is shown on the plat.
- At the Parks and Trails Advisory Board meeting on Monday, October 2, 2023, the applicant verbally committed to sliding lots 152-155 west to allow access at the northeast corner. The Planning Commission should evaluate the lot location as part of the Final Development Plan application. Staff recommends a condition of approval that the lots on this plat match the lots on the final development plan (condition #1).

Streets

1. The plat creates ten (10) new publicly dedicated streets totaling 10.14+/- acres. All of the new streets meet the right-of-way requirements in the zoning text:
 - Haines Creek Drive provides access to the subdivision from Central College Road, with 60 feet of right-of-way.
 - Cedarville Drive, provides access to the subdivision from Jug Street, with 50 feet of right-of-way.
 - McClellan Drive East, is stubbed from this development to the west property line to provide for a future connection with the existing portion of McClellan Drive located in the Tidewater subdivision, with 50 feet of right-of-way.
 - The city police chief has reviewed the street name and recommends this name be changed to distinguish it from the existing McClellan Drive in the existing Tidewater subdivision located generally to the west of this site. The city staff recommends a condition of approval that the street name be changed to a unique name (condition #2).
 - Wooster Drive, with 50 feet of right-of-way.
 - Hiram Lane, a publicly dedicated alley, with 20 feet of right-of-way.
 - Findlay Drive, with 50 feet of right-of-way.
 - Heidelberg Drive, is stubbed from this development to the west property line to provide for a future connection, with 50 feet of right-of-way.
 - Marietta Drive, with 50 feet of right-of-way.
 - Lourdes Drive, with 50 feet of right-of-way.
 - Defiance Drive, with 50 feet of right-of-way.
2. The utility easements are shown on the plat.
3. Per the city's subdivision regulations, C.O. 1187.04, all new streets shall be named and shall be subject to the approval of the Planning Commission. The applicant proposes to utilize the names of private Ohio colleges as street names within the subdivision. Haines Creek Drive shares the same name as the subdivision.

Parkland, Open Space and Tree Preservation Areas

1. The plat contains twelve (12) reserve areas shown as Reserves "A", "B", "C1", "C2", "D", "E", "F1", "F2", "G", "H", "I", "J", and "K" on the plat with a total acreage of 20.02+/- acres.
 - According to the plat notes, all Reserves other than "H" shall be owned by the City of New Albany and maintained by the homeowner's association in perpetuity for open space and/or stormwater retention.
 - The plat states that Reserve "H" will be owned and maintained by the homeowner's association for a community amenity area.
 - The plat states that Reserve "I" and "K" shall be owned by the City of New Albany and maintained by the homeowner's association until a public road is constructed within the reserves and is dedicated to the city as public right-of-way. Specifically, the city will maintain just the street, which is everything between and including the concrete curbs. Everything else outside of the curbs must be maintained by the HOA in perpetuity.

- The plat states Reserve “J” shall be owned by the City of New Albany and maintained by the homeowner’s association in perpetuity for open space and/or stormwater retention.
 - The plat states trees as shown on the Final Development Plan within Reserve “J” shall be preserved and subject to staff approval. Within this reserve, only the construction of paths/trails/sidewalks, underground utility lines and underground storm water management infrastructure shall be permitted.
 - The plat includes a 14-foot-wide general utility easement along Wooster Drive. A plat note requires healthy mature trees and understory vegetation to be preserved unless they conflict with the installation of permitted utility or storm water infrastructure. And, when trees are removed from the reserve due to utility installation, reasonable efforts shall be made to plant new trees in areas within the reserve. Trees shall not be required to be planted in easements and/or locations that may harm the health of preserved trees or unreasonably encroach into the rear yards of lots.
 - Trees and understory vegetation within the reserve may be trimmed, cut, or removed if they are diseased, dead, or of a noxious species or if they present a threat of danger to persons or property.
 - The plat states that within the area consisting of Reserve C1 and C2, the application of fertilizer or other lawn treatment chemicals shall be prohibited. Within this area, prairie grass shall be planted and maintained and the landscape plan shall provide for the planting of additional trees to increase buffering of the site from the properties to the north.
2. Various tree preservation zones are shown on the preliminary plat and comply with the tree preservation zone requirements of zoning text section VI(G).
 3. The plat requires the developer to provide Tree Preservation Zone signs on every other lot line. It states the design shall be subject to staff approval and shall be installed by the developer before infrastructure acceptance by the city.
 4. C.O. 1187.04(d)(4) and (5) requires verification that an application, if required, has been submitted to the Ohio Environmental Protection Agency in compliance with Section 401 of the Clean Water Act and to the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. The applicant states that a delineation report is currently under review with the U.S. Army Corps of Engineers; however, the permits have not yet been issued. Staff requests evidence of any permits received from the Ohio Environmental Protection Agency as a condition of approval (condition #3).

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 provided the following comments. Staff recommends a condition of approval that these comments be addressed by the applicant, subject to staff approval (condition #4).

1. The project narrative states that proposed stormwater retention will be provided within Reserves A and C. Sheet 3 of the 3 of the plans contain notes however permitting stormwater retention within Reserve J and within the Tree Preservation Zones (TPZ). We recommend that reference to underground retention be removed from the Reserve J and TPZ note blocks.
2. Clearly show each of the three phases on the Vicinity Map shown on sheet 1 of 3.
3. Clearly delineate the area represented by the 100-year water surface elevation at each basin and show this area as lying within a drainage easement.
4. Note that City Policy is to provide drainage structures at every other parcel line in rear yard areas. This may require that a drainage easement be shown in the rear yard areas of Lots 102-124.
5. Notify staff one week in advance of the beginning of the Ohio EPA public comment period regarding wetland permitting.

V. ACTION

Basis for Approval:

The preliminary plat is generally consistent with the final development plan and meets code requirements. Should the Planning Commission approve the application, the following motion would be appropriate:

Suggested Motion for PPL-09-2024:

Move to approve preliminary plat application PPL-09-2024 with the following conditions:

1. That the lots on this plat match the lots on the final development plan.
2. That the proposed McClellan Drive street name be changed to a unique name to distinguish it from the existing McClellan Drive in the existing Tidewater subdivision located generally to the west of this site.
3. Evidence of any permits received from the Ohio Environmental Protection Agency shall be provided to the city staff.
4. The city engineer comments are addressed, subject to staff approval.
5. Approval of the preliminary plat is contingent upon the approval of the final development plan for this development.

Approximate Site Location:



Source: ArcGIS



Community Development Department

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

Dear Aaron Underhill, Esq;

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

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

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

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

Thank you.



Community Development Department

Decision and Record of Action

Tuesday, March 5, 2024

The New Albany Planning Commission took the following action on 3/4/2024 .

Final Development Plan

Location: Central College Rd

Applicant: EC New Vision Ohio LLC, c/o Aaron L. Underhill, Esq.

Application: PPL-09-2024

Request: Preliminary plat application for the Courtyards at Haines Creek subdivision, which includes 151 residential lots, 12 reserves (A, B, C1, C2, D, E, F1, F2, G, I, J, K), and ten new public streets on 63.5+/- acres.

Motion: To approve PPL-09-2024 with conditions.

Commission Vote: Motion to Approve, 3-1

Result: PPL-09-2024 was approved with conditions, by a vote of 3-1.

Recorded in the Official Journal this March 5, 2024.

Condition(s) of Approval: See attached page 3 of this document.

Staff Certification:

Chelsea Nichols

Chelsea Nichols
Planner

1. That the lots on this plat match the lots on the final development plan.
2. That the proposed McClellan Drive street name be changed to a unique name to distinguish it from the existing McClellan Drive in the existing Tidewater subdivision located generally to the west of this site.
3. Evidence of any permits received from the Ohio Environmental Protection Agency shall be provided to the city staff.
4. The city engineer comments are addressed, subject to staff approval:
 - a. The project narrative states that proposed stormwater retention will be provided within Reserves A and C. Sheet 3 of the 3 of the plans contain notes however permitting stormwater retention within Reserve J and within the Tree Preservation Zones (TPZ). We recommend that reference to underground retention be removed from the Reserve J and TPZ note blocks.
 - b. Clearly show each of the three phases on the Vicinity Map shown on sheet 1 of 3.
 - c. Clearly delineate the area represented by the 100-year water surface elevation at each basin and show this area as lying within a drainage easement.
 - d. Notify staff one week in advance of the beginning of the Ohio EPA public comment period regarding wetland permitting.
5. Approval of the preliminary plat is contingent upon the approval of the final development plan for this development.

404.616-02
February 19, 2024

To: Chelsea Nichols
City Planner

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

Re: The Courtyards at Haines
Creek Preliminary Plat
Phase 1, 2 and 3

We reviewed the referenced plat in accordance with Code Section 1187.05. Our review comments are as follows:

1. The project narrative states that proposed stormwater retention will be provided within Reserves A and C. Sheet 3 of the 3 of the plans contain notes however permitting stormwater retention within Reserve J and within the Tree Preservation Zones (TPZ). We recommend that reference to underground retention be removed from the Reserve J and TPZ note blocks.
2. Clearly show each of the three phases on the Vicinity Map shown on sheet 1 of 3.
3. Clearly delineate the area represented by the 100 year water surface elevation at each basin and show this area as lying within a drainage easement.
4. Note that City Policy is to provide drainage structures at every other parcel line in rear yard areas. This may require that a drainage easement be shown in the rear yard areas of Lots 102-124.
5. Notify staff one week in advance of the beginning of the Ohio EPA public comment period regarding wetland permitting.

MEF/JMH

cc: Josh Albright, Development Engineer
Cara Denny, Engineering Manager
Kylor Johnson, City Engineer
Ryan Ohly, Development Department
Dave Samuelson, P.E. Traffic Engineer

From: [Chelsea Nichols](#)
To: [Christina Madriguera](#)
Cc: [Aaron Underhill](#)
Subject: FW: CY of New Albany Council Meeting Minutes and Final Conditions
Date: Monday, March 11, 2024 12:09:12 PM
Attachments: [image002.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image003.png](#)

Hi Christina,

Please see below. I believe this is the email below. I copied Aaron so that he can correct me if I am wrong.

Thank you!

Chelsea Nichols
Planner II
she/her/hers



phone 614.939.2254
direct 614.245.8871



newalbanyohio.org

From: Chelsea Nichols
Sent: Friday, August 18, 2023 10:24 AM
To: Menerey, Linda <lmenerey@emht.com>
Cc: Stephen Mayer <smayer@newalbanyohio.org>
Subject: RE: CY of New Albany Council Meeting Minutes and Final Conditions

Hi Linda,

Yes, I believe you will need to get approval on your proposed parkland and open space in the FDP from the Parks and Trails Advisory Board (PTAB) before going back to Planning Commission (PC) for approval on the FDP. Steve is copied on this email so that he can correct me if I am wrong.

The October PTAB meeting will be held on Monday, October 2nd. The filing deadline for that meeting will be Friday, September 1st.

The motion to amend the ordinance included the following:

1. The applicant shall update the zoning text to state roof mounted solar panels are permitted provided they are south facing and not visible from the front of the house.
2. The applicant shall updated the zoning text to correctly reference a preceding code section regarding rear yard setbacks (section VI(F)(4)(b)).
4. The applicant shall update the text language requiring that they move up to 4 units along the western

- boundary to an area otherwise within the development to provide for additional preservation of trees and protection to the western boundary;
5. The applicant shall update the zoning text to require screening of ground mounted equipment such as AC units and generators along the western and eastern boundaries;
 6. The applicant shall update the zoning text to provide clarification that the first 30' within the 50' western and eastern bufferyard is a tree preservation zone;
 7. The applicant shall update the zoning text to require the developer to work with the adjacent neighbor, located to the south along Central College Road, to establish a screening plan on the neighbor's property across from both proposed entrances and exits of the subdivision.

Attached is the updated zoning text reflecting the conditions from City Council. Feel free to let me know if you have any questions.

Thank you,

Chelsea Nichols
Planner



phone 614.939.2254
direct 614.245.8871



newalbanyohio.org

From: Menerey, Linda <lmenerrey@emht.com>
Sent: Friday, August 18, 2023 10:12 AM
To: Chelsea Nichols <cnichols@newalbanyohio.org>; Jennifer Mason <jmason@newalbanyohio.org>
Subject: CY of New Albany Council Meeting Minutes and Final Conditions

Jennifer:

Can you send the meeting minutes and Conditions of Approval from the Council hearing on July 5, 2023 for the Courtyards at Haines Creek?

Chelsea:

We are working to submit the FDP on 9/15 for the October 16 PC hearing.
We need to get to a Parks and Trails Advisory Board meeting before that, correct?
When would we be able to get feedback from that Board?

Linda M. Menerey PLA ASLA
Senior Planner | Landscape Architect- OH
Associate



EMH&T Engineers, Surveyors, Planners, Scientists
5500 New Albany Road, Columbus, OH 43054
v. 614.775.4710 | c. 614.578.3727 | lmenerrey@emht.com

Courtyards at Haines Creek

Final Development Plan

Master Grading Plan

- No previous grading plan has been presented to any board or commission
- The extent of change to the current level of the property should have been considered earlier in the process

Environmental Permitting

- Pending Ohio EPA approval
- Impacts acres of wetlands
- New Albany Instagram post

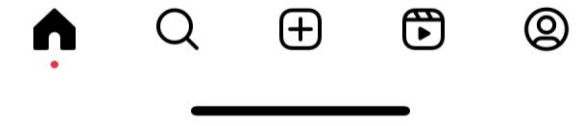


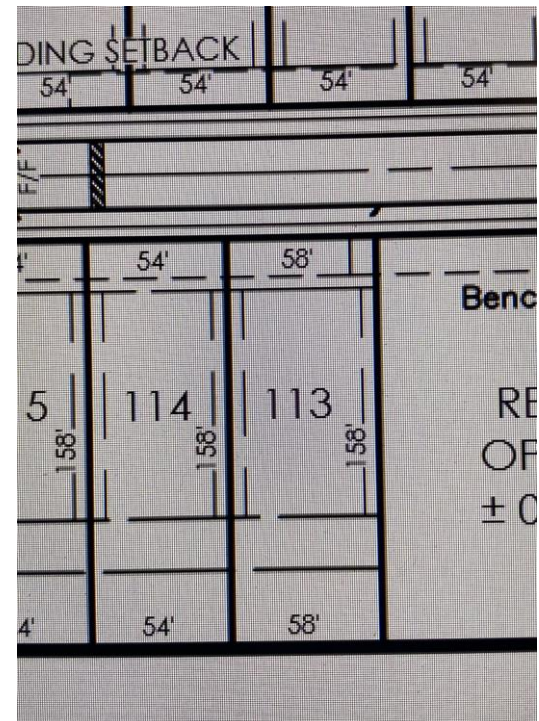
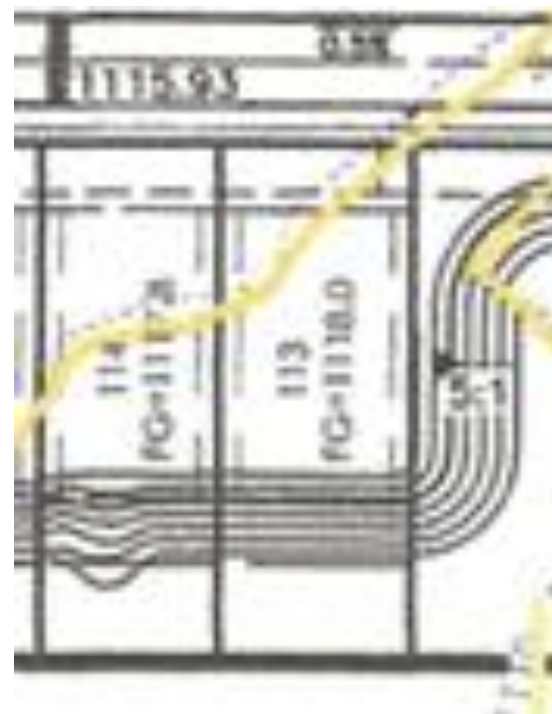
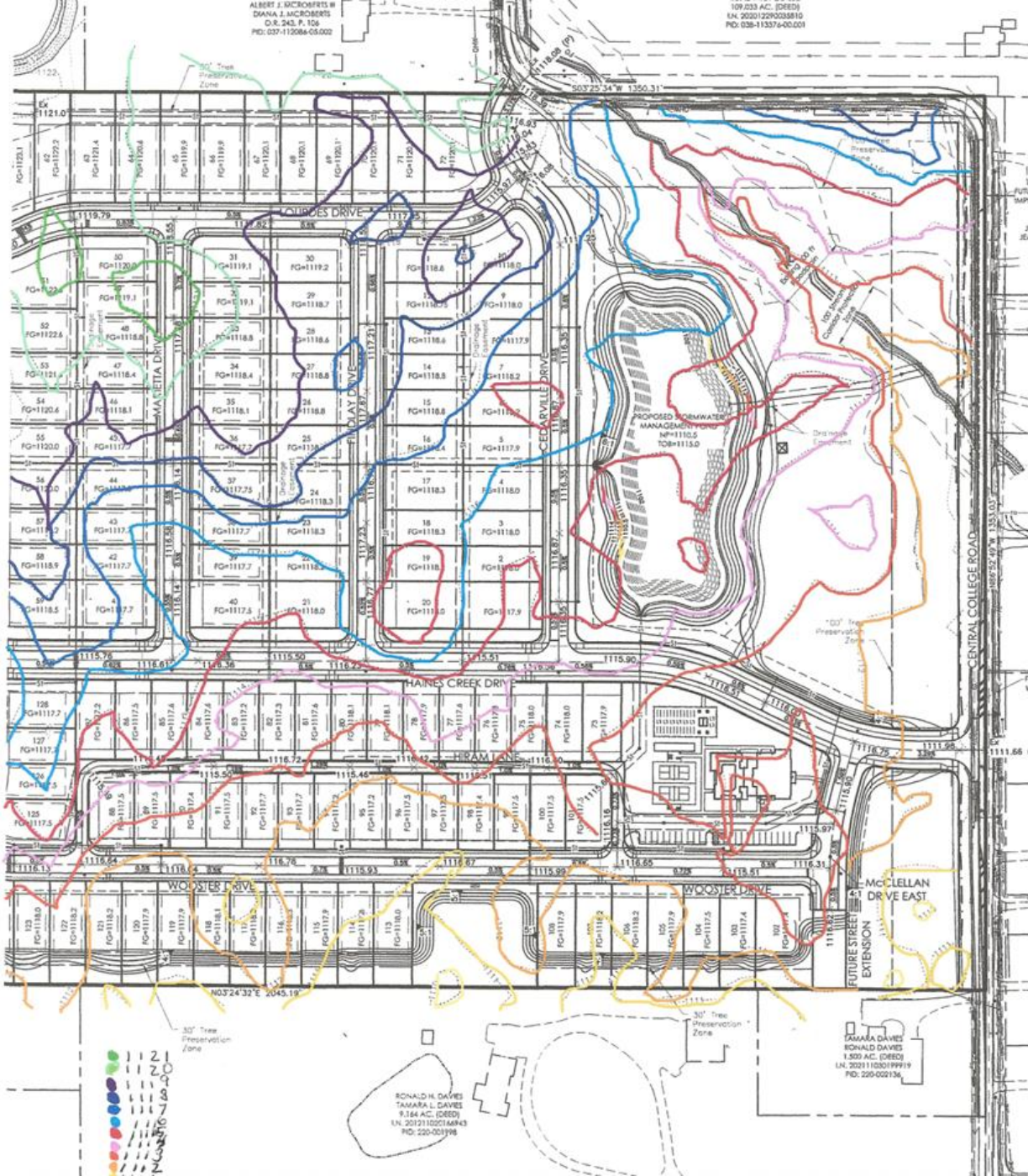
Wetland Park, Swickard Woods, and numerous wetland mitigation banks scattered throughout our city. Wetlands offer unique benefits, such as enhancing water quality, mitigating floods, controlling erosion, providing recreational opportunities, and supplying natural resources for free. Protecting wetlands is a priority, and we proudly celebrate World Wetlands Day on February 2.

[#newalbanyohio](#)

View all 3 comments

 Add a comment...





$158' \times 58' = 9164 \text{ft}^2$
 $1118 - 1110 = 8 \text{ft}$
 $9164 \text{ft}^2 \times 8 \text{ft} = 73312 \text{ft}^3$ or 2715 cubic yards

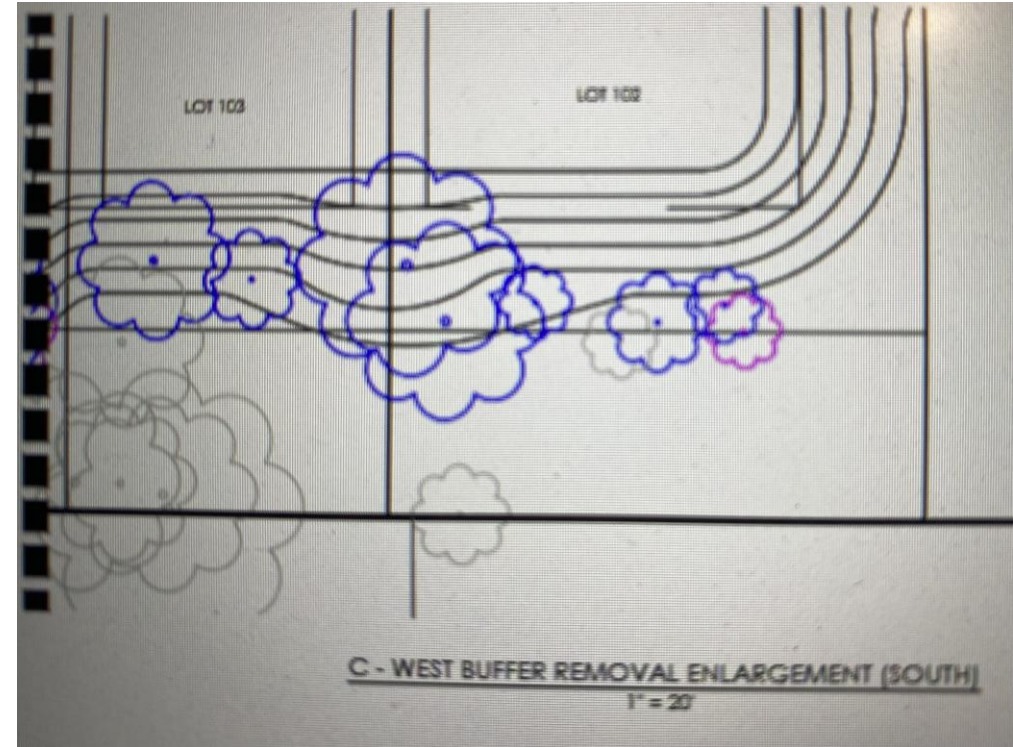
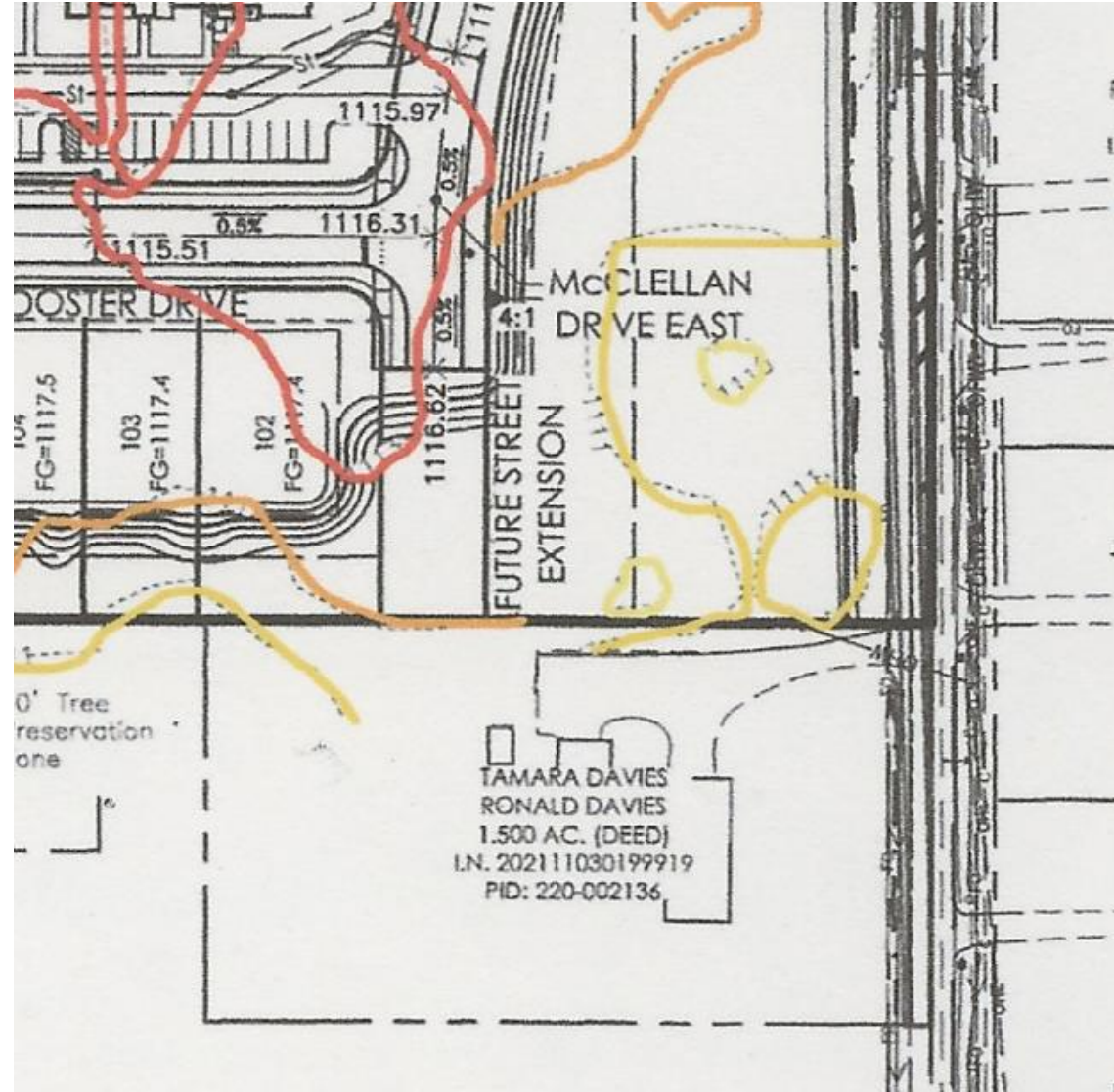
Dump truck load = 10 to 14 cubic yards

Therefore lot #113 will need 194 to 272 dump trucks full of dirt.

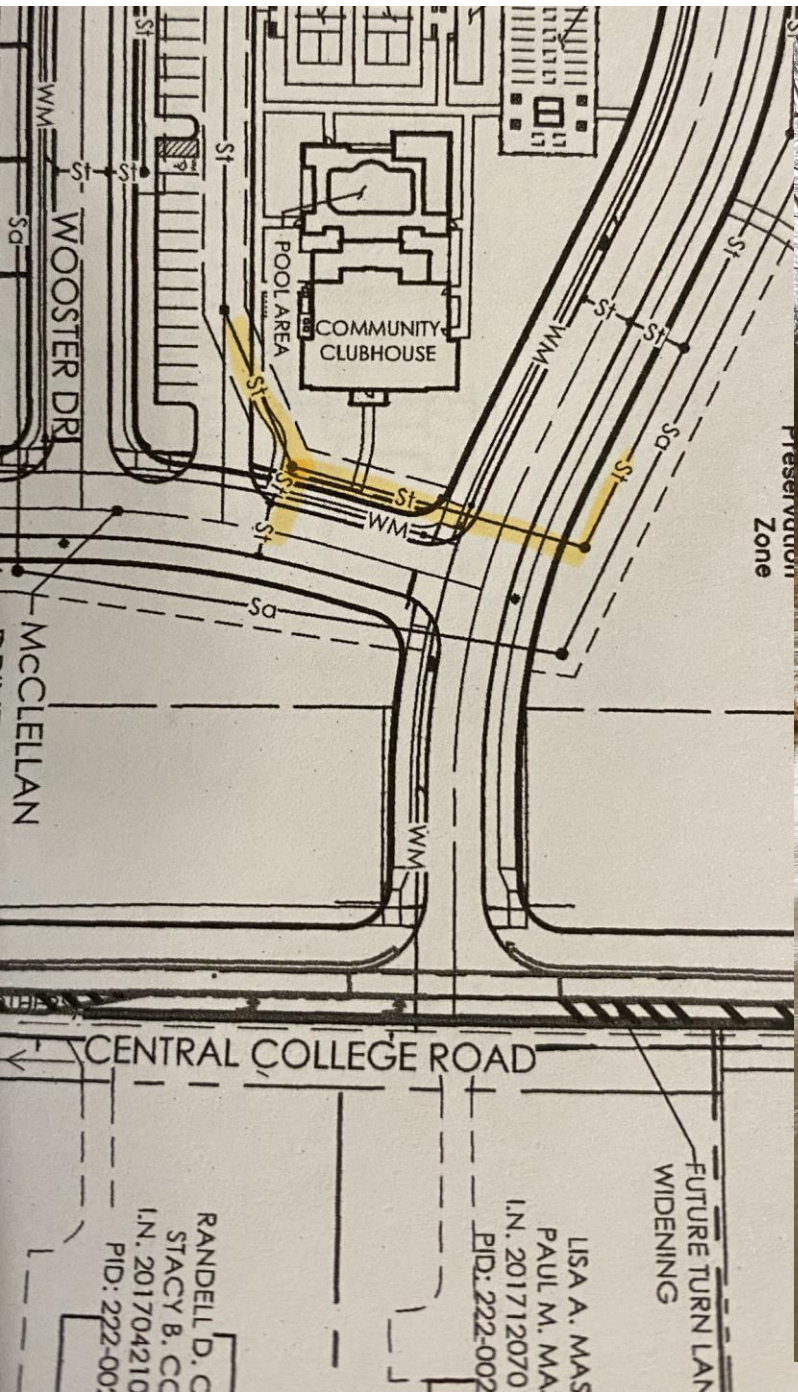
The Commission should consider, at a minimum, the following (per Section 1159.08): That the proposed development is consistent in all respects with the purpose, intent and applicable standards of the Zoning Code;

(g) Building heights of all structures with regard to their visual impact on adjacent facilities;

The home on lot# 102 will be 7 feet higher than the home at 8238 Central College Rd



The road stub will be 7 feet above grade for our home at 8238 Central College Rd. This disparity negatively effects the home's value.











The Courtyards at New Albany IGA Clubhouse

Aster Dr

© 2024 The Home Depot



Handwritten blue annotations on the site plan:

- 3, 4.4, 4.7, 4.8, 5.8, 6.4, 6.3, 6.8, 7.3, 7.1, 6.9, 7, 8.3, 8.3
- 3.2, 4.5, 4.5
- 6.5, 7.1, 7.3, 7.6, 7.6, 7.3, 8.1, 8.3, 8.0, 8.6, 7.3, 7.7, 7.3
- 7.4, 7.6, 7.9, 8.9, 8.7, 8.4, 7.5, 7.8, 8.8, 8.0, 9.3, 9.4
- 8.5, 8.1, 8, 8.5, 7.2, 7.3, 7.3
- 8

Basements?

- Are any of the homes in the Courtyards at Haines Creek going to have basements?
- Any walkout basements?

Play Structures

- Of the 151 homes (with only patios and no back yards) 15 homes will be able to have children and others will likely have visiting children (grandchildren), no play structures are being built. There is not even a flat piece of open ground for ball playing.
- March 6, 2023 NA Parks & Trails Advisory Board Minutes has a playground being built for Alden Woods. This is a development of 9 homes on 9 acres.
- New Albany has a goal of having pocket parks for kids that has not been met.

Open Space

- Epcon is counting the “Future Road Extension” parcels as open space. If these parcels are ever converted to roads, The Courtyards at Haines Creek will be short .28 acres of open space. Is New Albany going to subtract .28 acres from what Epcon is counting as open space?

Deed and Covenant Language on 10%

- The 'SAMPLE' Declaration of Covenants (72 pages in length) does not contain information on how the 10% of the homes (with persons under the age of 21) is going to be handled.
- We have asked in prior meetings about how this will be allotted, managed and communicated to prospective buyers. We have not heard a definitive answer. I believe this should be put in writing prior to approval of the development plan.
- When will the documentation for managing the homes with exceptions to the 21 and over rule be delivered?
- We have noted that Epcon's advertisements do not contain any notices of the 55+ requirements. Will New Albany ask Epcon advertise to potential buyers that the community is age restricted?

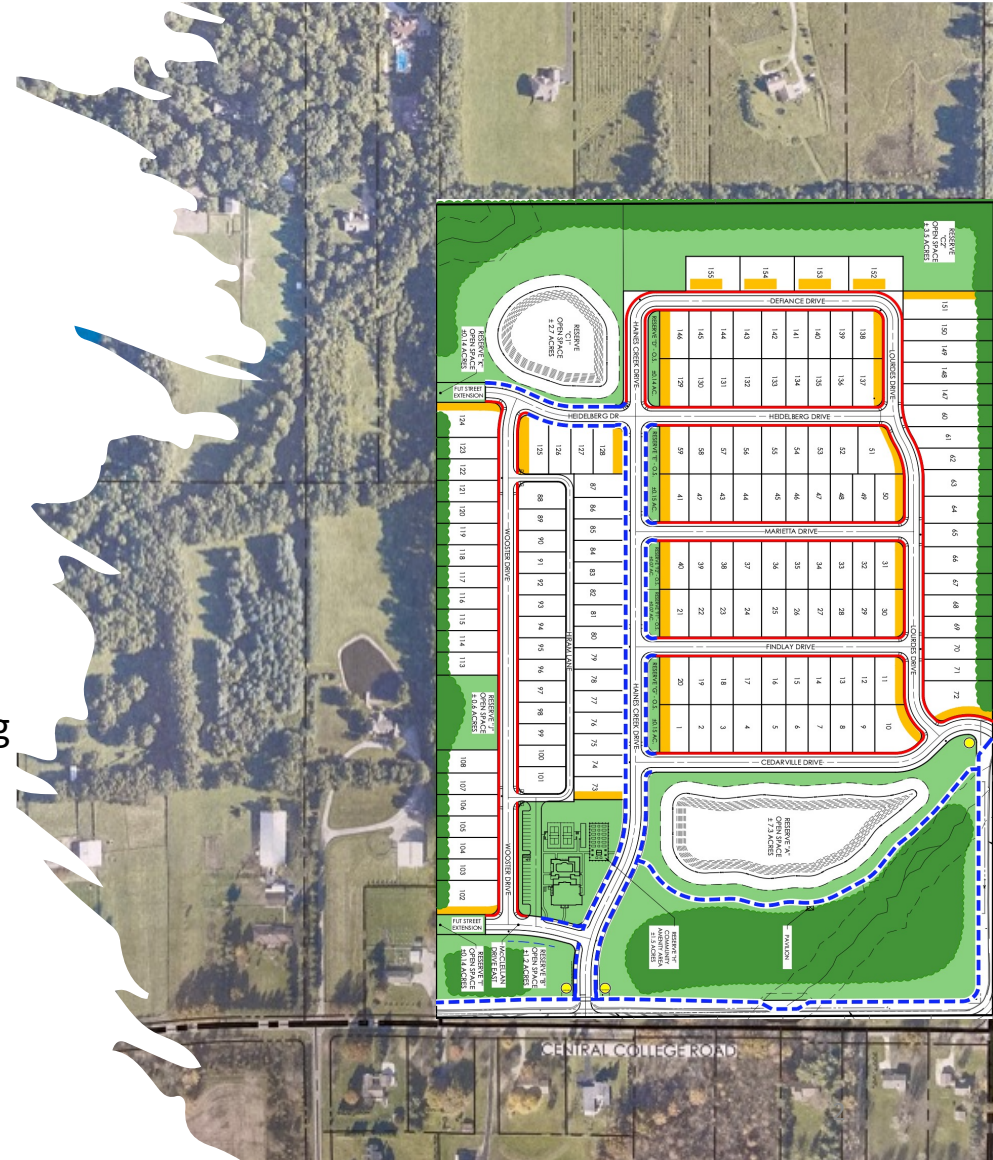
If age restricted housing becomes Unconstitutional.....

- Q. Compliance with Zoning Requirements. Certain provisions of this
- Declaration may have been included herein as a result of governmental requirements
- established through the zoning and development plan approval processes in the State,
- County, City, Township and/or Village in which the Property is located. Compliance with
- all such governmental requirements, for so long as such requirements are effective and
- binding, is required by this Declaration. However, in the event the governmental entity(ies)
- change or agree to a modification of such underlying obligation(s), or if such obligations
- lapse or for any reason whatsoever become legally unenforceable, this Declaration shall be
- deemed modified, ipso facto and without the need for further action on the part of the
- Declarant or any Member, such that this Declaration requires compliance with the obligation
- as affected by such change or modification.

January 2023 article, Familial-Status Discrimination: A New Frontier in Fair Housing Act Litigation from Yale Law Journal stating: “A key provision in the Fair Housing Act (FHA) – the Housing for Older Persons Act (HOPA) exemption – has allowed municipalities to weaponize senior housing to discriminate against families, obstruct affordable housing, and perpetuate race and class segregation.”

Courtyards at Haines Creek Development Application

- This application has not been a straightforward proposal and consistently has had strong votes against it.
- New Albany strategic plans have historically and consistently designated this area a rural residential area. This development is not consistent
- The Rocky Fork-Blacklick Accord had two meetings on this development – one was quite lengthy and split committee. Vote 5-3.
- The Planning Commission had an extensive meeting with substantial committee member opposition to density and location. Vote 3-2 with 14 conditions.
- The City Council added additional conditions
- The property is surrounded land by Plain Township/Licking County – this community will be an **island**.





You are being asked by applicant to approve final steps of an island project in the wrong place, high density with destruction of wetlands and forest without the required open space, parkland, trails and connectivity to the New Albany Community

- These community decisions have decades of implications and set precedents
- There are significant water issues on this property with known and unknown challenges including 10 wetlands
- The project is asking for numerous exceptions & special treatments.

The Community has objected to the density of this development

- The neighbors on this project have been quite clear and consistent – this density is not in character with the surrounding area. [a principle the planning commission is suppose to use in approvals]
- The Planning Commission itself was split (3-2) in its June meeting on the approval- a single vote difference would have changed the outcome.
- At the PC meeting a commissioner noted – this development was in the wrong place.
- Parks and Trails Commission – noted the lack of facilities, connections to the community. Nearest playground equipment is 1.7 miles away.

I-PUD Zoning Text language is important

- Because this is an IPUD – the language included in the zoning and the public commitments are incredibly important. What is said and not said, matters.
- From the beginning we have sought space, easements and protections from encroachments on the rear of Western homes due to the nature & scale of this development.
- This effort led to a 30' tree preservation zone – but on close reading:
 - VI. G. Tree Preservation Zones (pg 4/17)
 - “Within these areas, only the construction of **roads**, [*emphasis added*] paths/trails/sidewalks, underground lines and underground storm water management infrastructure may be permitted”. **Its really not much protection of preservation.**

As part of protecting the Western Boundary we have focused on encroachments and easements

- Encroachments: VI (I, J, K) (p5 & 6/17)
 - IPUD has clear language structure around front and side encroachments (VI, I & J) – but it is **silent on rear encroachments**.
 - Except in K – it states: “Encroachments shall not be allowed in storm or drainage easements in side or rear yard”s.
 - The **only protection** against **rear encroachments** – requires an **easement**.
- Easements are essential for added protection on rear encroachments as per the text.
- On July 18, 2023 – the applicant committed to an easement on the west side to the city council.
- **The current plan fails to meet that requirement and must be modified**

City Council Meeting Minutes July 18, 2023

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.

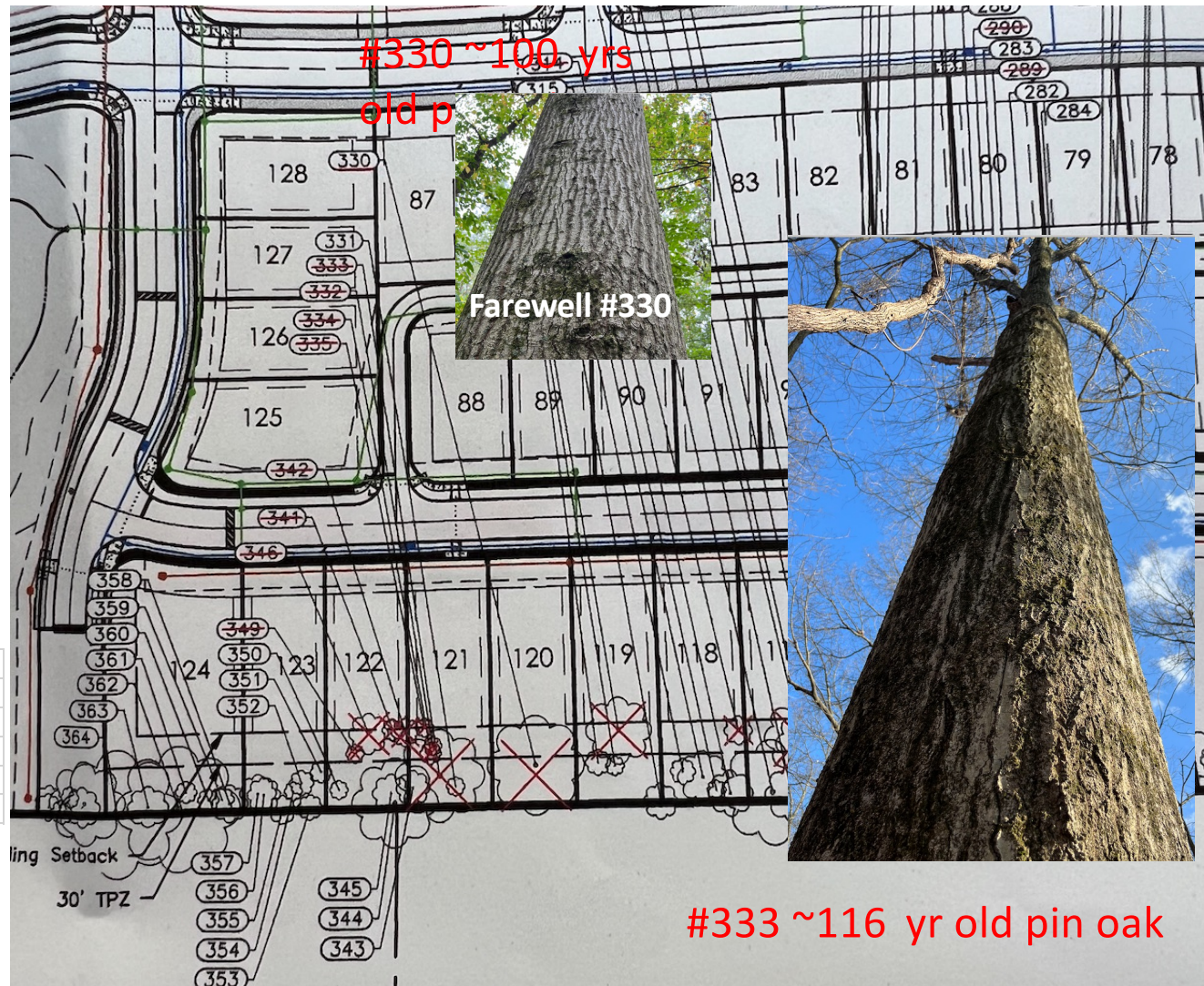
- During July 18th City Council meeting – Applicant confirmed there is an easement on Western property – but this is not depicted in the final development plan (FDP) or in any text.

Existing Tree Survey 19/23

- Why is the city allowing the removal of 330 & 333?
- Both in tree protection zone
- Both in good condition (per Arborist)
- ~93 & 116 yrs old

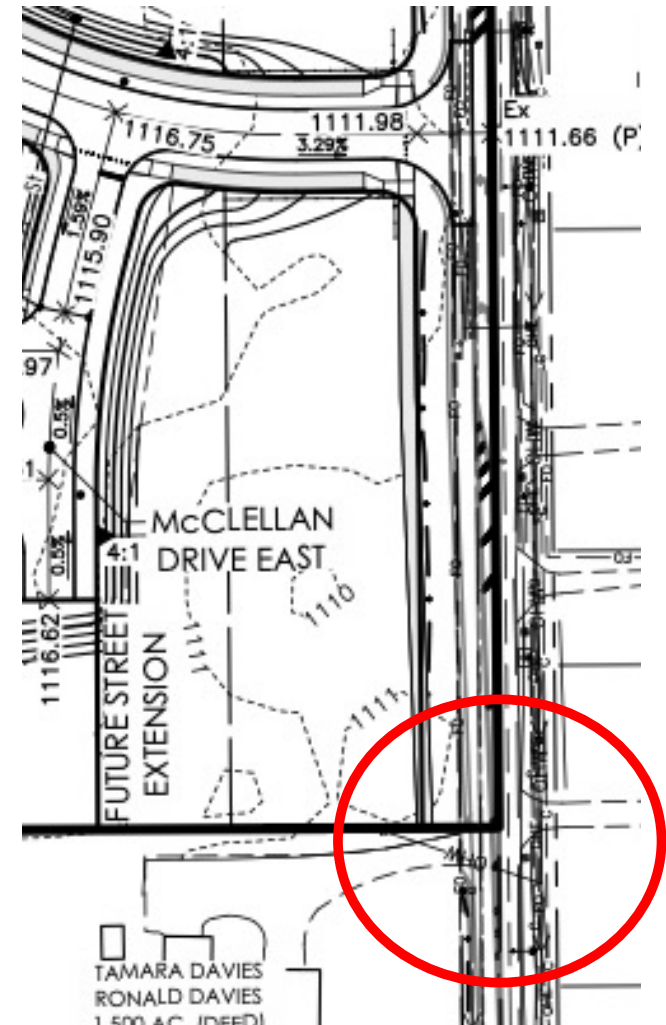
| Survey # | | Trunk size | | Age |
|----------|--------------|-------------------|------|-----|
| 175 | Pin Oak | 6 | Poor | 18 |
| 194 | Pin Oak | 12 | Fair | 36 |
| 221 | Silver Maple | 17, 15, 11, 11, 9 | Good | 51 |
| 330 | Pin Oak | 31 | Good | 93 |
| 333 | Red Oak | 29 | Good | 116 |

Tree Age source sources: <https://theforestguild.com/estimating-the-age-of-trees/>
<https://www.cliftonparkopenspaces.org/treecalculator/>
<https://8billiontrees.com/trees/how-to-tell-how-old-a-tree-is/>



Right of Way (RoW) usage

- As applicant notes –
 - “no improvements are necessary to the existing roadway”
 - “An Eastbound left turn lane....is warranted...2034”.
- Yet the City seems to ignore the study and is asking for a left turn lane now.
 - Has anyone studied the timing of the traffic patterns?
 - We would note our observations that traffic is east bound at 6:30 AM (morning commute) and reverse in the PM.
 - So an east bound left turn lane does nothing unless there is a high degree of east bound traffic turning into this project early in the morning. (this is in conflict with Applicant’s statement that 55+ communities generate less car trips on average.
- This requires the use of a RoW on the North side of CC that is not in New Albany.
- Could we expect a courtesy note that there may be impact on 8238 Central College’s driveway (note: 8238 is not in New Albany), the drain lines etc....?



In Lieu of Payment

City Council
Slide

- From the beginning we challenged the \$42K/acre.
- We brought current market data – but were continually told the \$42K/acre was based on an appraisal – later learned to be a 9/2022 appraisal

- In September we discovered the City **actually purchased** the comparison land above for \$59+K/acre

The Planning Commission should not accept or recommend a \$50K/acre in lieu of payment. Instead:

- Require the open space/park land be on site – even at the cost of several lots, **or**
- Or require the actual purchase/dedication of land to the community or
- Significantly increase the fee in lieu of payment

Side note: 2 acres on Kitzmiller (<1 mile from this site) went under contract in 3 day sales process with multiple bids –for **\$375K**. (it does have a very old house which might have value or incur the cost to scrape. It has no sewer)

Applicant is offering minimal in lieu of payment

Walnut/Bevelhimer corner has rapidly inflated

- 8/22 27 acres Bevelhimer Road, \$7.3m (\$269K/acre)(believe this is a sub parcel of property below)
- 9/21 36.6 acres, \$2.63m (\$72K/acre)
- No current land for sale (per Zillow) in Rocky Fork area)



Source: Zillow 7/18/2023

11

Appendix

Applicant is offering minimal in lieu of payment for parkland

Walnut/Bevelhymer corner has rapidly inflated

- 8/22 27 acres Bevelhymer Road, \$7.3m (\$269K/acre)(believe this is a sub parcel of property below)
- 9/21 36.6 acres, \$2.63m (\$72K/acre)
- No current land for sale (per Zillow) in Rocky Fork area)



Source: Zillow 7/18/2023

The “appraisal” included in the package for value of a hypothetical acre of that is zoned rural without sewer. It excludes valuable attributes such as relevant time periods, inside/outside a city and relevant school districts. Of course buying 1-3 acres costs more per acre than purchasing bulk acreage.

- Sale #1022 - \$59,734/acre. Perhaps the most proximate piece to Haines Creek, inside New Albany and inside NASD. Date 12/10/2023.
- Sale #1735 - \$61,370/Acre. Its in Westerville and not in NASD. Date 8/3/2022
- Sale #1518 - \$48,649/Acre. Its in Westerville and not in NASD. Date 6/15/2021
- Sale #1302 - \$58,515/Acre. Its in Westerville and not in NASD. Date 6/1/2020
- Sale #1939 - \$52,500/Acre. Its in Westerville and not in NASD. Date 11/1/2019
- Sale #1251 - \$53,536/Acre. Its in Blendon Township and not in NASD. 4/23/2019
- Sale #1670 - \$45,002/Acre. Is Babbit Road Rural? ~20 acres. Date 7/7/2021
- Sale #1671 - \$45,045/Acre. Is Babbit Road Rural? ~19 acres. Date 7/26/2021
- Sale #1795 - \$42,300/Acre. Is Babbit Road Rural? ~40 acres. Date 8/4/2021
- Sale #1921 - \$42,000/Acre. XXXXX where is this? \$42,000/Acre. ~37 acres. Date 12/1/2020
- Sale #1516 - \$38,196/Acre. ~40 acres. Its in Westerville and not in NASD. Date 6/15/2021
- Sale #1552 - \$34,663/Acre - ~22 acres. Its in Westerville, not in NASD and its crossed by powerlines. Date 6/25/2021
- Sale #1142 - \$42,000/Acre - ~4 acres. It is in Blendon Township, not in NASD. 2/25/2021. We questions the appraisal reported actual amounts spent in the purchase – per page 31 of the appraisal – actual amount appears to \$183,000 which equals \$45,750/Acre.
- Then there is 2019 emails suggesting a piece of land in Columbus used for park space was purchased in Noe Bixby area for \$36,426. Timeline and location make this irrelevant.

What does this show?

- Recent purchases in the New Albany area are few – which means the land that is available is more valuable than outside. So added weight should have been given to the New Albany land.
- We see evidence that Westerville land is worth \$\$48K-\$61K. However, that is a different community and different school district. The most recent sale – which should generally be given more weight in the analysis than older sales indicates a value of \$61k/Acre.
- We see that ~80 acres on Babbit Road was acquired for \$3.6million in the summer of 2021. That's a scale quite different.
- We actually only have 1 sale included that is of smaller scale – a 4 acre parcel in 2021
- But we have a more recent transaction – 2 acres at 6550 Kitzmiller went under contract for \$375K cash with multiple bidders after in ~48 hrs of listing. This property is less than a mile from Haines Creek and has no access to sewer. Which is one of the criteria the evaluation uses in its hypothetical piece of land.

In Summary – land values for a replacement acre in the vicinity of Haines Creek is more than Applicant is offering.

Further items from City Council Meeting on 7/18/2023

- It's a bit confusing as we talk about rear yards – since these home do not have those
- In the City Council meeting we pointed out the error in the IPUD document – which had cut/paste from some other development and included language on rear yards
- Storage buildings are not allowed in utility easements, but have their own setbacks

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

Planning Commission

- Significant problems with grading plan
- Applicant has done backflips trying to squeeze 151 homes into this site – with 10 wetlands and a lot of drainage.
- At one time they were proposing a 7 foot (or higher?) wall on West side- try to visualize that.
- RFBA, Planning Commission, City Council and Parks & Trails Commission have all raised questions about wildlife migration



Central College Road - from Johnstown Road to the County line

COUNTY ROAD IN PLAIN TP.

ROW = 40'

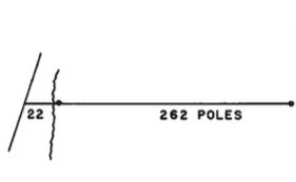
on
PETITION OF JACOB KITTMILLER & OTHERS

To the Commissioners of the County of Franklin and State of Ohio, The petition of the undersigned respectfully represents that their interests and convenience require the location of a County Road Commencing at the County line of Franklin and Licking in Plain Township at the N. E. Corner of James Evans Land to run thence due west on the line between said Evans Land and Jacob Kittsmillers and thence so as to intersect the road leading from the State road that runs from Johnstown to Columbus to Lees mill at or near the School house in a place called Smiths settlement and your petitioners therefore pray that the proper and legal steps may be taken to authorize the location and establishment of said road and will ever pray.

Dated this fourteenth day of September in the year of Our Lord one thousand eight hundred & forty eight Jacob Kittsmiller Roland Evans John Darly Jr Lewis Ward Henry Smith George Clouse Jonathan Webb Frederick Cole Saml. Evans Daniel Rhoads Joseph Huffman Geo Wagner Samuel Horlocker James Wagner Nicholas Benedict John Daily Peter Hoover James Evans Samuel Smith David Smith Walter Goodrich Lewis Beach Hercules Campbell D Zuim T. B. Butcher Samuel Hoover Geo. Smith

Plat and survey of a County Road petitioned for by Jacob Kittsmiller & others

PLAT.



Pursuant to an order from the Commissioners of Franklin County after being qualified according to Law I proceeded on the 26th of May under the direction of Daniel Swickard Nicholas Neiswander and Samuel Baughman as viewers therein named to make a survey of the ground for a Road petitioned for by Jacob Kittsmiller and others as follows, viz. Commencing at county line of Franklin and Licking Counties in Plain Township at the N. E. corner of James Evans land and run thence west on the line between said Evans and Kittsmiller Crossing Blacklick at 262 poles from thence 22 poles to the place of termination intersecting the Road leading to Lees mill

Total distance 284 poles

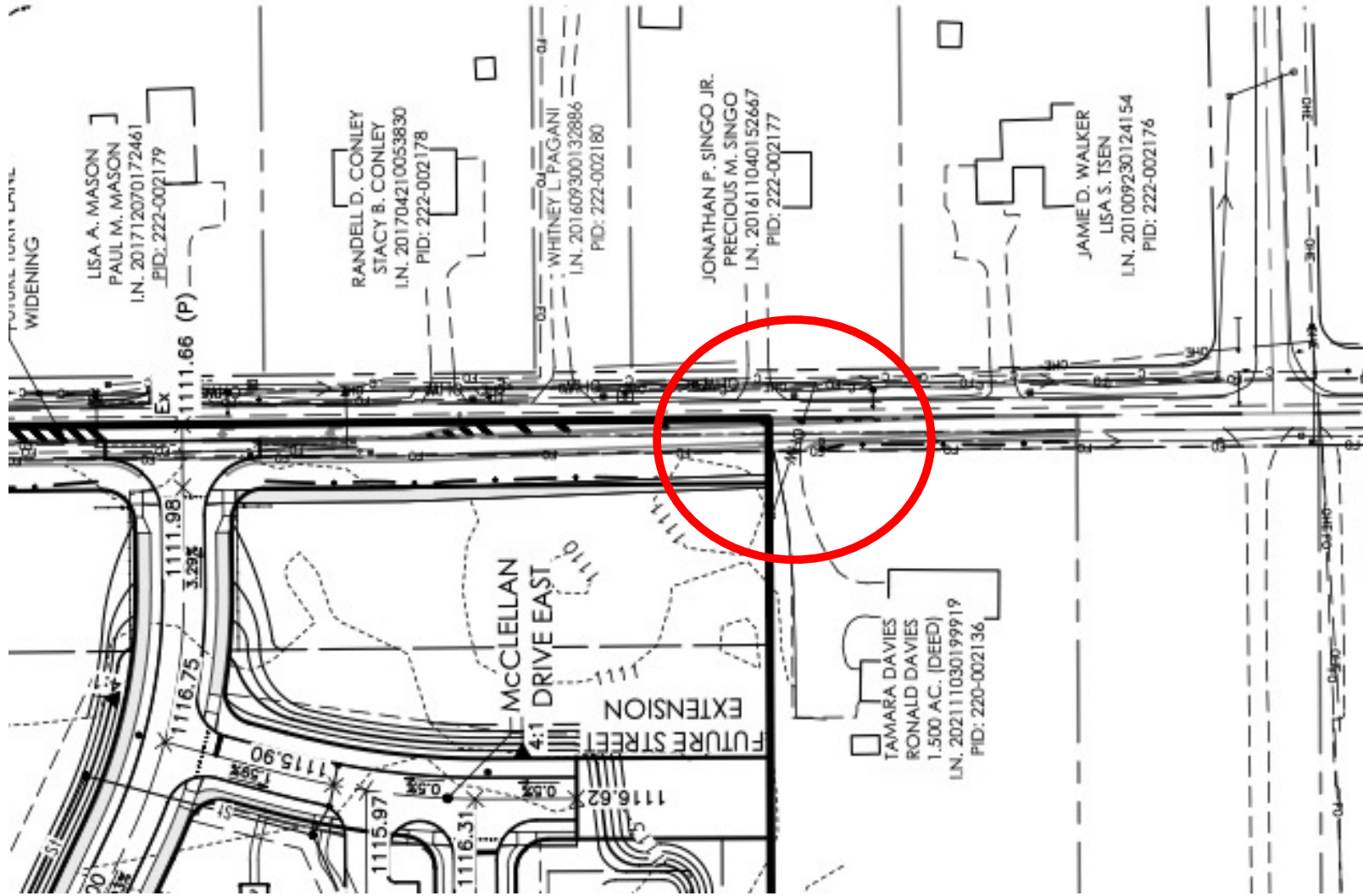
I certify the above plat and survey to be correct May 26th 1849

Archibald Smith Surveyor

Pursuant to an order from the Commissioners of Franklin County Dated the 26th day of May 1849 we have examined the ground for a Road petitioned for by Jacob Kittsmiller & others and do believe that if said Road be opened it will be of public utility

We further say that the said road is to be 40 feet in width Dated May 26th 1849

7
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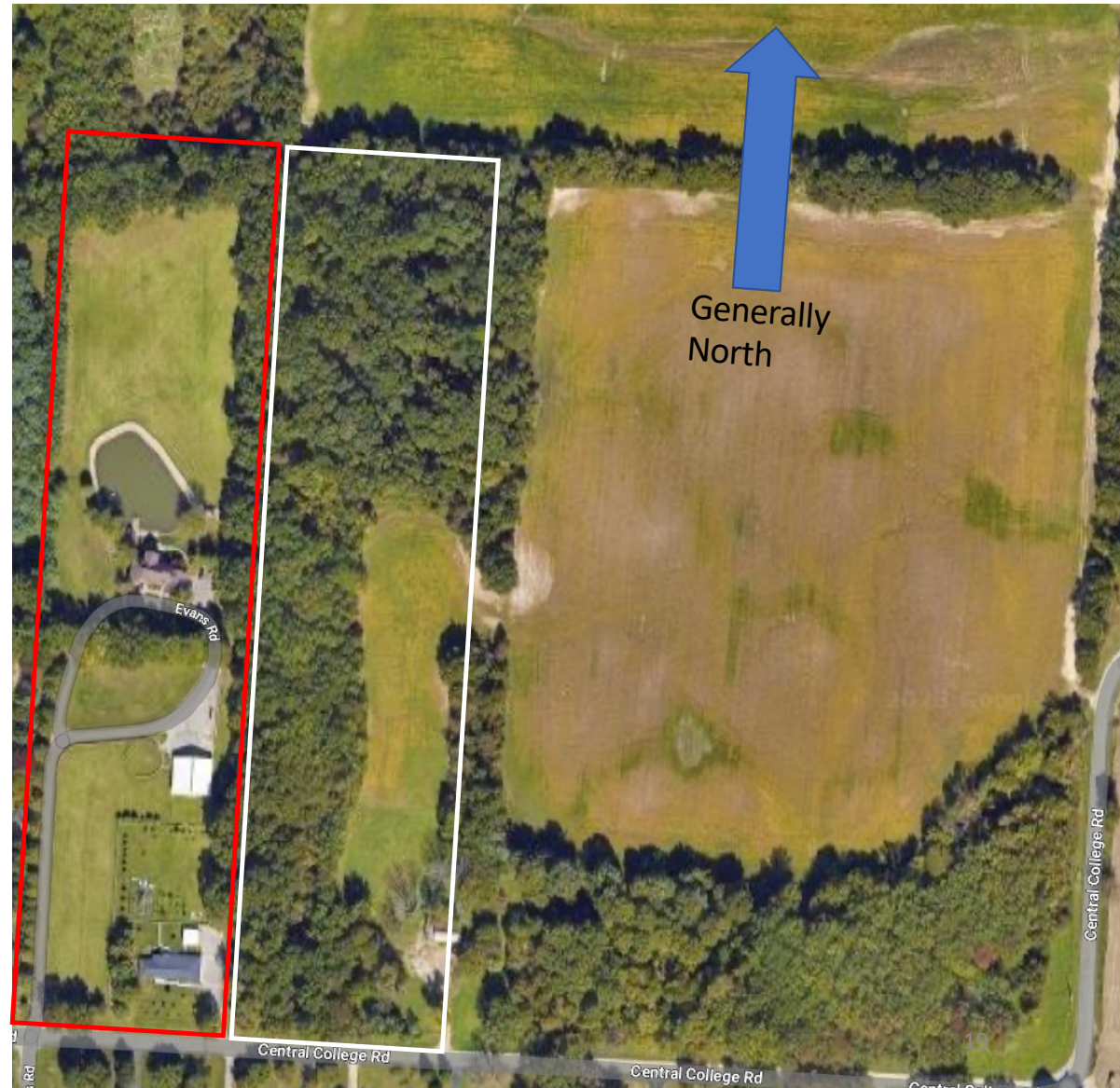


1849 RoW established with the road.

Property on North side of CC that is not in New Albany – only has a 20’ RoW

Woodland Protections

- Red Box ~11 acres
- White box – same size as red box.
- Applicant wants to clear cut majority of trees in the white box.
- Current plan does not retain substantial woodlands



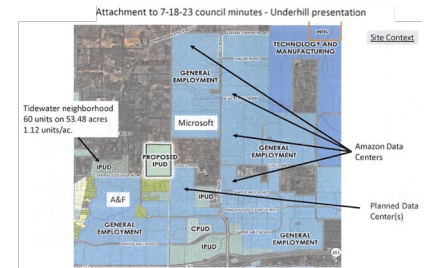
Parks and Trails - Highlights

Slide presented to the Parks and Trails Commission 2023

- Short ~3.6 acres of on site park/open space
- Nearest playground equipment is 1.7 miles away – no path to it
- Site is an Island with no trail or other connection to New Albany
- Applicant is asking for waivers and in-lieu of payments for open space
- Waiver of Section 1187.15(c)(6) – requirement for all residences to be located within 1200 ft of playground – 15 homes are not ASR.
- Applicant is suggesting in lieu of payments at below market prices for at \$42K/acre.

Applicant's "Site Context" – from City Council MTG

- Attachment to 7-18-2023 Council minutes
- Within this "Context" – there is not a single park with playground equipment.
- Applicant is asking to build 151 homes – with no playgrounds.



Nearest playground equipment – 1.7 miles away at Bevelhymer and New Albany Road E.

| | | Diameter (inches) | # of trunks | Type | Approx. Age | | |
|-----|--------|-------------------|-------------|------------------|-------------|----------------------|--------------|
| 175 | Remove | 6 | | Pin Oak | 18 | Tree Protection Zone | |
| 176 | Remove | 6 | | Swamp Oak | 30 | Set back zone | |
| 177 | Remove | 8 | | Pin Oak | 24 | Set back zone | |
| 178 | ? | | | | | | No data |
| 179 | ? | | | | | | |
| 180 | Save | 6 | | Swamp White Oak | 30 | | |
| 181 | Remove | 6 | | Silver Maple | 18 | Set back zone | |
| 182 | ? | | | | | Set back zone | |
| 183 | Remove | 18 | | Pin Oak | 54 | | |
| 184 | Remove | 16 | | Pin Oak | 48 | Set back zone | |
| 185 | ? | 10 | | Pin Oak | 30 | | |
| 186 | Remove | 8 | | American Elm | 32 | Set back zone | |
| 187 | Remove | 13 | 2 | Silver Maple | 39 | Set back zone | |
| 188 | Save | 14 | | Pin Oak | 42 | | |
| 189 | ? | 16 | | Pin Oak | 48 | | |
| 190 | ? | 23 | | Pin Oak | 69 | | |
| 191 | ? | 13 | | Swamp White Oak | 65 | | |
| 192 | ? | 18 | | Pin Oak | 54 | | |
| 193 | Remove | 12 | | Pin Oak | 36 | Set back zone | |
| 194 | Remove | 6 | | Pin Oak | 36 | Tree Protection Zone | |
| 195 | ? | 10 | | Pin Oak | 36 | | |
| 196 | ? | 18 | | Pin Oak | 36 | | |
| 197 | Save | 16 | | Pin Oak | 48 | Set back zone | Doc conflict |
| 198 | Save | 13 | | Pin Oak | 39 | Set back zone | Doc conflict |
| 199 | Remove | 7 | | Pin Oak | 21 | Set back zone | |
| 200 | Remove | 12, 8 | 2 | Pin Oak | 36 | Set back zone | |
| 201 | Remove | | | | | | No data |
| 202 | Save | 9 | | Pin Oak | 36 | | |
| 203 | Save | 11 | | Pin Oak | 33 | | |
| 204 | ? | 8 | | Pin Oak | 24 | | |
| 205 | ? | 10 | | American Elm | 40 | | |
| 206 | Save | 8 | | Pin Oak | 24 | | |
| 207 | ? | | | | | | No Data |
| 208 | Save | 7 | | Pin Oak | 21 | | |
| 209 | Save | 15 | | Pin Oak | 45 | | |
| 210 | Save | 8 | | Pin Oak | 24 | | |
| 211 | ? | 7 | | Pin Oak | 21 | | |
| 212 | ? | 10 | | American Elm | 40 | | |
| 213 | Remove | 12 | | Silver Maple | 36 | Set back zone | |
| 214 | Remove | 10 | | Pin Oak | 30 | Set back zone | |
| 215 | ? | 8,7,7 | 3 | Silver Maple | 24 | | |
| 216 | ? | 23 | | Pin Oak | 69 | | |
| 217 | ? | 7 | | Silver Maple | 18 | | |
| 218 | ? | 6 | | American Elm | 24 | | |
| 219 | Remove | 6 & 6 | 2 | Silver Maple | 18 | Tree Protection Zone | |
| 220 | Remove | 14, 13, 11, 10 | 4 | Silver Maple | 42 | Set back zone | |
| 221 | Remove | 17, 15, 11, 11, 9 | 5 | Silver Maple | 51 | Tree Protection Zone | |
| 222 | Remove | 15 | | Silver Maple | 45 | Set back zone | |
| 223 | Remove | 12, 11 | 2 | Silver Maple | 36 | Set back zone | |
| 224 | ? | 8 | | American Elm | 32 | | |
| 225 | ? | 11 | | Pin Oak | 33 | | |
| 226 | ? | 10 | | Pin Oak | 30 | | |
| 227 | ? | | | | | | No data |
| 228 | Remove | 17 | | Pin Oak | 51 | Set back zone | |
| 229 | Remove | 11 | | Silver Oak | 33 | Set back zone | |
| 230 | Save | 6 | | American Elm | 24 | | |
| 231 | ? | | | | | | |
| 232 | ? | 18, 13 | | Pin Oak | 54 | | |
| 233 | Save | 6 | | Silver Maple | 18 | | |
| 234 | Remove | 10 | | Pin Oak | 30 | Set back zone | |
| 235 | Remove | 8, 7 | | Silver Maple | 24 | Set back zone | |
| 236 | ? | | | | | | No data |
| 237 | | | | | | | No data |
| 238 | | | | | | | No data |
| 239 | Remove | 6 | | Silver Maple | 18 | Set back zone | |
| 240 | Save | 6 | | Shagbark Hickory | 45 | | |
| 241 | ? | 12 | | Pin Oak | 36 | | |
| 242 | Remove | 10 | | Silver Maple | 30 | Set back zone | |
| 243 | Remove | 7 | | American Elm | 28 | Set back zone | |
| 244 | ? | | | | | | |

| | | Diameter (inches) | # of trunks | Type | Approx. Age | | | Diameter (inches) | # of trunks | Type | Approx. Age | | | |
|-----|--------|-------------------|-------------|-------------------|-------------|----------------------|--|-------------------|-------------|----------------|-------------|------------------|---------|----------------------|
| 245 | Remove | 10 | | Pin Oak | 30 | Set back zone | | 305 | | | | | No data | |
| 246 | ? | 6 | | Silver Maple | 18 | | | 306 | Remove | 20 | | Pin Oak | 60 | Set back zone |
| 247 | ? | 17, 16 | 2 | Silver Maple | 54 | | | 307 | Remove | 23 | | Pin Oak | 69 | Set back zone |
| 248 | ? | | | | | | | 308 | | | | | | No data |
| 249 | ? | | | | | | | 309 | ? | 17 | | Red Oak | ç | Set back zone |
| 250 | ? | | | | | | | 310 | Save | 32 | | Pin oak | 96 | Set back zone |
| 251 | ? | | | | | | | 311 | | | | | | No data |
| 252 | ? | | | | | | | 312 | | | | | | No data |
| 253 | ? | | | | | | | 313 | | | | | | No data |
| 254 | ? | | | | | | | 314 | Remove | 9 | | American Elm | 36 | Set back zone |
| 255 | ? | | | | | | | 315 | ? | 14 | | Red Oak | 56 | Set back zone |
| 256 | ? | | | | | | | 316 | ? | 11 | | Red Oak | 44 | |
| 257 | ? | | | | | | | 317 | Save | 16 | | Red Oak | 64 | Set back zone |
| 258 | ? | | | | | | | 318 | ? | 8 | | American Elm | 32 | |
| 259 | ? | | | | | | | 319 | ? | 9 | | Red Oak | 36 | |
| 260 | ? | | | | | | | 320 | ? | | | | | No data |
| 261 | ? | | | | | | | 321 | ? | | | | | |
| 262 | ? | | | | | | | 322 | Remove | 21 | | Red Oak | 84 | Set back zone |
| 263 | ? | | | | | | | 323 | ? | 6 | | Pin Oak | 18 | |
| 264 | ? | | | | | | | 324 | Save | 8 | | American Elm | 32 | |
| 265 | ? | | | | | | | 325 | ? | | | | | No data |
| 266 | ? | | | | | | | 326 | ? | | | | | No data |
| 267 | ? | | | | | | | 327 | ? | | | | | |
| 268 | ? | | | | | | | 328 | ? | | | | | |
| 269 | ? | | | | | | | 329 | ? | | | | | |
| 270 | ? | | | | | | | 330 | Remove | 31 | | Red Oak | 124 | Tree Protection Zone |
| 271 | ? | | | | | | | 331 | ? | 6 | | American Elm | 24 | Tree Protection Zone |
| 272 | ? | | | | | | | 332 | ? | 6 | | American Elm | 24 | Set back zone |
| 273 | ? | | | | | | | 333 | Remove | 29 | | Red Oak | 116 | Tree Protection Zone |
| 274 | ? | | | | | | | 334 | Remove | 7 | | American Elm | 28 | Set back zone |
| 275 | ? | | | | | | | 335 | Remove | 6 | | Silver Maple | 18 | Set back zone |
| 276 | ? | | | | | | | 336 | ? | | | | | No data |
| 277 | Remove | 17 & 16 | 2 | Silver Maple | 51 | Tree Protection Zone | | 337 | ? | | | | | No data |
| 278 | ? | | | | | | | 338 | ? | | | | | No data |
| 279 | Remove | 9 | | American Elm | 36 | Set back zone | | 339 | ? | | | | | No data |
| 280 | ? | 8 | | American Elm | 32 | | | 340 | ? | | | | | No data |
| 281 | ? | | | | | | | 341 | Remove | 7 | | Sugar Maple | 38.5 | Set back zone |
| 282 | ? | 6 | | American Elm | 24 | | | 342 | Remove | 9 | | American Elm | 36 | Set back zone |
| 283 | ? | 13 | | Pin oak | 39 | | | 343 | ? | 11 | | Red Oak | 44 | |
| 284 | ? | 8 | | American Elm | 32 | | | 344 | Save | 28 | | Pin Oak | 84 | |
| 285 | ? | 10 | | Red Oak | 40 | | | 345 | ? | 12 | | Swamp White Oak | 60 | |
| 286 | Remove | 9 | | American Elm | 36 | Set back zone | | 346 | Remove | 13 | | Silver Maple | 39 | |
| 287 | Save | 21 | | Pin oak | 63 | | | 347 | ? | | | | | No data |
| 288 | Save | 19 | | Pin oak | 57 | | | 348 | ? | | | | | |
| 289 | Remove | 7 | | American Elm | 28 | Set back zone | | 349 | Remove | 6 | | American Elm | 24 | Set back zone |
| 290 | Remove | 8 | | Bur Oak | 40 | Set back zone | | 350 | ? | 6 | | Box Elder | | |
| 291 | ? | | | | | | | 351 | Remove | 7 | | Shagbark Hickory | 21 | Tree Protection Zone |
| 292 | ? | 8 | | American Elm | 32 | Tree Protection Zone | | 352 | ? | 8 | | American Elm | 32 | |
| 293 | ? | 8 | | American Elm | 32 | Tree Protection Zone | | 353 | ? | 8 | | Red Oak | 32 | |
| 294 | ? | 6 | | American Elm | 24 | Tree Protection Zone | | 354 | ? | 6 | | Pin Oak | 18 | |
| 295 | ? | | | | | | | 355 | ? | 9 | | Swamp White Oak | 45 | |
| 296 | ? | | | | | | | 356 | ? | 11 | | Red Oak | 44 | |
| 297 | ? | 7 | | Red Oak | 28 | Set back zone | | 357 | ? | 12, 10, 9 | 3 | Silver Maple | 36 | |
| 298 | Save | 10 | | Red Oak | 40 | Set back zone | | 358 | ? | 12, 8, 8, 7, 6 | | Silver Maple | 36 | |
| 299 | Save | 10 | | American Elm | 40 | | | 359 | ? | 8 | | Red Oak | 32 | |
| 300 | Remove | 16 | | Red Oak | 48 | Set back zone | | 360 | ? | 7 | | Swamp White Oak | 35 | |
| 301 | ? | | | | | | | 361 | ? | 7 | | American Elm | 28 | |
| 302 | Remove | 8 | | Swamp White Oak | 32 | Set back zone | | 362 | NT | 40 | | Red Oak | 160 | At Risk |
| 303 | Remove | 7 | | Shellbark Hickory | 21 | Tree Protection Zone | | 363 | | 13, 6 | | Silver Maple | 36 | |
| 304 | Remove | 6 | | American Elm | 24 | Set back zone | | 364 | NT | 41 | | Red Oak | 164 | At Risk |

Original – based on Tree report

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

VI. Cases:

FDP-87-2023 Final Development Plan

Final development plan review and approval of a 151 lot, age-restricted residential housing development on 63.5+/- acres for the subdivision known as the Courtyards at Haines Creek located at 8390 and 8306 Central College Road in Franklin County (PIDs: 222-005156, 222-005157, 222-005158, 222-005159).

Applicant: EC New Vision Ohio LLC, c/o Aaron L. Underhill, Esq.

Planner II Nichols delivered the staff reports of FDP-87-2023 and PPL-09-2024 in a single presentation.

Chair Kirby asked whether the first two conditions requested by the Parks and Trails Advisory Board and listed on the first page of the commission's staff report, had been addressed and whether they had been agreed upon. He further noted that there is verbal agreement on conditions 3 and 4, but wanted to check on conditions 1 and 2.

Planner II Nichols responded that the commission could carry those items forward.

Chair Kirby asked for comments from engineering.

Development Engineer Albright delivered the engineering report.

Commissioner Schell asked staff about the payment in lieu, more specifically where does the payment go and how is the payment used.

Planning Manager Mayer explained that the city has a parks and trails fund. The payment would be deposited into the fund and the city council has the discretion to use those funds throughout the community.

Chair Kirby asked to hear from the applicant

Applicant Aaron Underhill, 8000 Walton Parkway, counsel for EC Vision which is Epcon Communities. Mr. Underhill stated that the applicants are asking for approval of the final development plan and preliminary platting. He continued that the development team, many of whom were present at the meeting, has left no stone unturned with these applications. There have been many tweaks and changes. An arborist report has been prepared. In this process there are fewer policy questions and the focus was on accomplishing the text. They were not requesting any variances, they agreed with the conditions but would be asking for a modification of one of them. He addressed the properties on the north side, and explained that conservation easements limited the organization of the property. He further explained that they wanted to preserve as many trees as possible, and were working to improve drainage. He stated that they had been working with the neighbors, the Davies, at the direction of the commission and city council to improve the layout of the proposed development. This work and the discussions prompted the location of four houses on the north which is adjacent to the open space. He stated that perhaps this development is an exception to the rule. He noted that the four houses had been reoriented so the side was facing the open space, so it was their view that those houses were not technically backing up to open space. Furthermore, they were not proposing a density that was at the maximum of three dwelling units per acre, but were proposing 2.8 dwelling units per acre. He explained that they were short one acre of parkland, they had an appraisal performed, and were prepared to pay a fee in lieu of \$50k for the acre. He stated that the applicants agreed with all of the conditions in both staff reports, but they would request that installation of the eastbound left-

turn lane be phased in rather than the current language in the recommended condition that it be installed on day one. He reiterated that there was a who were ready to answer questions.

Chair Kirby asked Mr. Underhill whether he would agree to language that included a calendar date with the no later than 105 units language – the lane will be installed no later than [date specified] or 105 units, whichever comes first.

Mr. Underhill responded yes, they would propose three years from the issuance of the first building permit for a home in phase one.

Commissioner Schell asked about the parking spaces for the clubhouse

Applicant Jason Coffee, Epcon, responded that there is a parking lot for 23 cars. He continued that this is designed as a walkable community, and furthermore, there is also parking on the street.

Commissioner Larsen asked what the expected maximum occupancy would be, and whether it could be rented for parties.

Mr. Coffee responded that it was expected to be 80-100 people max, and that it can be rented. It would also be used for neighborhood events. He noted that this features a larger amount of parking than most communities in New Albany.

Chair Kirby asked, regarding the four relocated lots, whether the front doors face the street.

Mr. Coffee responded yes and displayed a graphic which showed the orientation of the houses. He explained that the houses had been reoriented so it would not appear that they could use the open space as their backyard.

Chair Kirby asked whether there was a plan to mark the difference between that area, the 15-foot, and the preservation zone.

Mr. Underhill responded yes, he thought they made a commitment in the text that they had to do that.

Chair Kirby confirmed that lawn mowing was part of the text.

Mr. Underhill responded yes, and that there would only be one.

Commissioner Larsen asked whether the residents would have egress to that area.

Mr. Underhill said no, there is egress from the side but they would have to go around the house.

Chair Kirby asked the applicants to describe the current drainage to the west.

Patricia Brown, Senior Project Manager from EMH&T, explained the drainage on the western property line. The slope is an undulating slope of 4:1 to 5:1 it is a gradual slope that one would commonly see, and there would not untreated surface water. All the roof drainage would be to the street. The amount of water flow and the rate of flow will not be increased. Neighbors currently have a drainage issue; this development will mitigate the existing issue.

Chair Kirby confirmed that the amount of water to the west would be the same.

Ms. Brown agreed, there would not be an increase in flow or rate. She stated that the western area has flooding and that their plan mitigates that.

Chair Kirby asked whether the applicants had anything written from the neighbors saying they agree that less water will be on delivered, noting that the rule states that one neighbor cannot change another neighbor's drainage.

Ms. Brown responded no, but she had heard that they were appreciative that the flooding would be mitigated.

Commissioner Wallace asked, on the issue of the name of McClellan drive being changed, was there any concern regarding emergency vehicles going the wrong way. It seemed as though developer may be anticipating a connection with Tidewater in the future. If that were to happen, could the street name could be changed back to prevent confusion.

Planning Manager Mayer responded yes, the name is changed in order to prevent confusion. It is staff's intent that it be one continuous name if the street connects to Tidewater. In the future the city council can do a street name change.

Planner II Nichols added that it was only the Clubhouse that fronts on to the street.

Council Member Wiltout cautioned that remembering Maynard Place, perhaps that should not be done.

Commissioner Schell asked the applicant whether he had examined every opportunity to meet the parkland requirement.

Mr. Underhill replied yes, they had examined every opportunity.

Commissioner Larsen remarked that if the four houses were eliminated, they would be close to meeting the requirement.

Mr. Underhill agreed that they would be closer, but 151 homes had been permitted by the zoning. The four houses were rotated and took up a bit more space, but they were still not at maximum density. In addition, the houses were not backing up to the open space, it was the side that would face the open space.

Commissioner Wallace asked how close they were to meeting the parkland/open space requirement before moving the four houses.

Mr. Underhill responded that prior to the move they were at 17 acres, now they are at 20 acres.

Commissioner Larsen remarked that, for staff, just because there is no egress, doesn't mean they are not backing up to open space.

Planning Manager Mayer responded that the backing has to do with the dimensions of the lot, the rear is opposite from the front. Here staff would view it as backing up to the open space and that is a consideration for the commission.

Mr. Underhill added that the location of the homes was the result of extensive discussions with Council. He read the condition stating that up to four houses from the western boundary would be relocated. He continued that during the discussion it was clear that the homes would be relocated to the northern boundary, and distributed the minutes of the meeting as support for the fact that they committed to Council that they would be moved to that location.

Planning Manager Mayer remarked that if the commission approves the application without the four houses, a development plan modification would be required to add them back after the fact.

Commissioner Schell asked the applicant to give a ballpark value of those homes.

Mr. Underhill responded that they were valued at about \$600k each on average. He also stated that the revenue to the schools would be substantial.

Commissioner Schell thanked him and said, so it is about \$2.4 million total.

Chair Kirby asked for further questions from the commission. Hearing none, he opened the public hearing.

Planner II Nichols called the following speakers:

Tamara Davies, 8200 Central College Road and 8238 Central College Road. She spoke from the attached slides. She stated that this development had been under consideration by various boards for almost a year, and yet this was the first meeting at which a grading plan was available. She noted that it was not required earlier, but considering the changes in grading she thought it should have been available sooner. She noted that the Master Grading Plan was missing from the electronic packet for a period of time.

Planner II Nichols responded that it had been posted electronically, and that it was in the paper packets.

Ms. Davies stated that the Master Grading Plan should have been considered earlier in the process. She stated that Section 1159.08(g), for I-PUDs, required the commission to consider that the proposed development is consistent with the building heights with regard to their visual impact on adjacent facilities. The home lot proposed on #102 would be seven feet higher than her home at 8238 Central College, and this disparity negatively affects the home's value. She posed a number of questions including: where is the dirt coming from; how many loads of dirt would be needed; what kind of mess would this create; what kind of damage would the roads sustain from the trucks; and how would the truck drivers be paid. She stated that she was asking because she heard that truck drivers were paid by the load. Payment by the load created an incentive for them to rush which increased the risks to safety. She had posed her questions to Epcon and they had responded that they did not know. She stated that she found that hard to believe. She explained a slide which included her calculation of how much dirt and loads would be needed. Additionally, the change in grading raised her concern regarding storm water and flooding. She showed a photo of a box truck on Central College Road when the road was flooded and she stated that she was concerned about the water.

Chair Kirby asked when the photo was taken.

Ms. Davies answered that it was taken four years ago. She acknowledged that some work had since been performed on Central College Road. Nonetheless she didn't think the storm drain could handle any more water, considering the increase in paved surfaces, and she was concerned about it. She continued that she appreciated the increase in trees and the break in the homes. She remained concerned about the unanswered questions.

Mr. Underhill responded that there is a storm water management plan with this development and as a result the water drainage would improve because at present there is no master stormwater plan. He continued that Section 1159.08(g) is a zoning provision and as such does not apply to final development plans. In terms of fill, testimony has to be from a qualified expert.

Ms. Brown added that the earthwork numbers are still in flux. She further explained that the dirt taken from the basins will be spread. The dirt brought in would be regulated for cleanliness, and

that it could not come from certain sources but she acknowledged that she is not a geotechnical engineer.

Mr. Coffee added that they work with a Geotech Engineer who will certify the suitability of the dirt used. They rely on those certifications in order to sell the homes.

Chair Kirby responded, so you have legal liability regarding contaminated soil.

Mr. Coffee answered yes, we know the source of the dirt and it is tested. It must be suitable for compaction. It typically comes from local sources.

Chair Kirby asked about the total elevation gains, and whether the numbers quoted were close.

Ms. Brown answered that the building pad elevations are being brought up in order to improve drainage to the basins with gravity flow. This is an effort to mitigate the current drainage and flooding issues. When the public roads are improved, storm sewers will be installed. She indicated the flow of stormwater on the site plan.

Catherine Saveson, 8383 Clouse Road. Ms. Saveson said she is the neighbor to the north. She acknowledged the increase from \$42k to \$50k for the fee in lieu, and stated that the \$50k per acre fee in lieu seemed ridiculously low when property was selling for \$280k. She did not think parkland could be bought in New Albany for \$50k. She recommended that the city do an appraisal. She noted that the properties on the north seemed a lot larger and asked why.

Mr. Coffee responded that it was because those homes were reoriented so the sides on those properties are facing the northern border. The long side of the home was oriented to the rear of the lot. When the properties were on the west, they were oriented so the short side of the property faced the rear of the lot. The change in orientation made the homes appear larger.

Ms. Saveson asked whether the no spray zone could be extended on the east side abutting the Licking County wetlands.

Planner II Nichols explained that there is a 50-foot setback on the east side, and there was also a portion that contains the 30-foot preservation zone, which is along the lots that abut the adjacent neighbor to the east.

Chair Kirby noted that it would be inherently no-spray because nothing was happening there. He asked whether there are limits on spraying on the east.

Planner II Nichols answered no, the spray limit is only on the north side.

Mr. Underhill explained that was to facilitate drainage on the east. The area was adjacent to residential neighbors. There was an existing dam breach and they were trying to mitigate that and existing drainage issue.

Chair Kirby asked Mr. Coffee whether he had any thoughts about what your customers would demand as far as grass treatments in the light green area, and whether meadow grass is acceptable.

Mr. Coffee responded that Epcon residents typically like manicured grass, however it made sense to compromise on the north.

Planner II Nichols confirmed that the orange was just the 50-foot set back and the red was the 30-foot tree preservation.

Ms. Saveson continued that she would love to see that be a no-spray zone wrap around the corner. She also said that eliminating the four houses on the north side.

Richard W. Otten, Jr., 8383 Clouse Road. He said that this development brought 42-acres of rooftops and asphalt and it presented an environmental disaster. He appreciated the preservation land on the north side. He further cautioned against spraying, noting that even eliminating mosquitoes eliminated pollinators. He noted that this property has been wetlands and too wet to develop and now they are going to build it up and make it mount Haines Creek.

David Jones, 8337 Clouse Road. Mr. Clouse said he did not understand how this development could not increase flooding. He remarked that eliminating the four houses on the north was the best solution. It was worth what the developer projected that they would lose. He confirmed the location of trees that would not be eliminated, and further asked about the liability that could come with the sale of property with contaminated property, and about the impact of the project on his water which was well water.

Chair Kirby stated that he was not an attorney but he believed that a developer was liable if they sold a lot with contaminated materials. He further advised Mr. Jones to have his well tested right now and certified. It was not expensive and well worth the cost. Chair Kirby stated that if Mr. Jones' well goes dry during the course of this construction, he must prove it was due to the construction which would require proof of the status of the well prior to construction.

Mr. Jones thanked Chair Kirby for that insight and asked how the commission felt about the exceptions to rules and the fee in lieu.

Council Member Wiltout said that Council will review the fee in lieu with the final plat.

Mr. Jones stated that he purchased his property 20 years ago and paid \$50k per acre all he is asking is for the rules to be followed.

Chair Kirby asked the applicants to address how the water from east to west is handled.

Ms. Brown responded that the water from the wetland basin is currently coming through the property into the stream in the corner, the plan was to install an undulating swale on the northern side and on into the stream. This will assist drainage by providing a pathway to the stream.

Chair Kirby asked whether it will be detained in the ponds.

Ms. Brown responded that it will not be detained in the ponds, it will go to the streams. The water coming from the street will go to the basins and will be released into the streams after it has been treated.

Mr. Jones indicated areas on the site plan where drainage takes place, and he asked why New Albany has a parkland and open space requirement that it does not enforce.

Council Member Wiltout explained that payment of the fee in lieu was not an exception, the code established two ways of satisfying the requirement, dedication of the land, or a contribution to support parkland. The rule establishes two ways to satisfy the requirement.

Commissioner Wallace restated that the goal is to support parkland – either by creating it at the site or supporting it elsewhere in the community.

Chair Kirby the guiding documents require parkland within 900 feet, which this development does it is just not big enough. He further observed that it is a big win if there is a tot lot within 900 feet.

Mr. Underhill responded that the most likely alternative zoning of single family residential would yield 1 acre of parkland for every single-family home. This development meant a greater amount of parkland because of the number of homes. He stated that the \$50k per acre figure was an increase from the initial figure. He further explained that the \$50k figure was necessarily lower than the value of developable acreage, noting that there were no utilities. He further shared which appraiser they had used for the updated appraisal.

Commissioner Schell asked staff whether the city had their own appraiser.

Planning Manager Mayer answered they did not, however it is staff's view that this figure was a fair and professional appraisal of the land as it exists today, which is what our code relies on.

Chair Kirby noted that the best appraisal is the recent purchase price.

Ron Davies, 8200 Central College Road. Referred to the cross-section housing diagram, he discussed the slope and grading that would be added. The proposed grading would diminish the value of the Davies' neighboring property. He further noted that there would be water draining from those houses, and asked if the drainage would be improved all the way to Tidewater.

Ms. Brown explained that the rooftops are going to be going toward the street; she explained the pathway of the drainage. She indicated that drainage will be improved to what is the Evans but not all the way to Tidewater – was their belief at this time.

Mr. Davies indicated the location of current drains that could not handle existing water.

Ms. Brown explained that they were still in the engineering process but would be improving the drainage.

Chair Kirby stated that the rule is that you cannot give them more water.

Ms. Brown stated correct, and continued that they would not be increasing any of the water that is going to the west.

Mr. Davies delivered the attached slide presentation, and asked how the applicant was planning to address the additional water flow.

Mr. Underhill asked whether the applicants could address all the questions at the end of the presentation.

Mr. Davies agreed to that but noted that at times it had been difficult to get all the answers. He noted that this has not been straightforward. There have not been strong votes in support of this development and multiple conditions have been imposed on this development.

Chair Kirby asked whether an easement has been recorded [on the western property] yet.

Mr. Underhill responded that it would be part of the final plat, it is not part of the current documents, he was not sure whether they wanted a preservation easement, but they planned to protect that zone.

Planning Manager Mayer responded that staff was asked about this as well. At the council meeting [on July 18] the minutes include that it was discussed that the homes on the east and west side would have conservation easements. However there had been additional engineering for

drainage for the homes on the west side. The applicant has gone above and beyond by moving infrastructure to the front of the houses on the west side. The final plat will set the easements based on final engineering.

Chair Kirby confirmed that the easement will be added with the final plat.

Mr. Underhill responded that the easement on the west is no longer necessary because the homes have been moved.

Mr. Davies continued that there is a reason we focus on easements, the I-PUD documents provide additional protections, and July 18th minutes confirmed support for the easement and he was asking for it to be retained. He asked why two trees were planned for removal. He noted that they are on lots 120 and 121, and they are estimated to be older than 120 and 90 years old.

Ms. Brown responded that the text required the city arborist to review the trees for safety. The city arborist has identified them as needing to be removed so they would not fall in the future on homes on the adjacent property. The city forester confirmed the same finding.

Planner II Nichols confirmed that the city forester walked the site and examined every tree recommended for removal. The city forester confirmed the city arborists finding that the trees needed to be removed for safety.

Ms. Brown confirmed that the development would not increase any of the flow rates, it is being controlled, via the undulating swale, and with the provision of an outlet structure. Tidewater will have the same amount of drainage, but it will arrive at a different rate.

Chair Kirby remarked, same water, different flow rate.

Mr. Davies commented on the traffic study, that the eastbound left turn lane almost does nothing. As this is an over 55 community, there would not be morning drivers. The commuting traffic today is eastbound in the morning. A left turn lane going in almost does nothing, so would request that installation of the turn lane be put off until 2034.

Samantha Rufo, 9175 Lee Hall Court, President of the Tidewater Homeowners' Association. She reminded everyone of the New Albany motto, Community Connects Us, and stated that Tidewater is not connected. She recommended using recent sale figures of the land north of Walnut for the purpose of establishing an acceptable number, so the applicant pay fair market value. She requested that, with the pond adjacent, that the city hire a third party to test the water and to create a revised stormwater plan. She posed questions about what phase the parks would be installed, this area should not be any less important than any other area in New Albany. Finally she asked how the green space behind units 152 and 154 be accessible to the public

Mr. Coffee responded that there are access points on the corners, and the applicant slid them down at Council's request. There would be a sitting area overlooking the open space.

Chair Kirby asked whether there was any walkable access indication.

Mr. Coffee responded no, the applicant thought it best to leave it natural.

Commissioner Schell remarked to Law Director Albrecht that the commission keeps getting stuck on the \$50k. Noting that the developer was paying the appraiser, whether it made sense for the city to get an independent appraisal.

Law Director Albrecht stated that there is a process in the code to do that at the direction of council.

Chair Kirby stated that the commission can recommend that council do that.

Commissioner Wallace asked about an old barn that was on the property.

Planning Manager Mayer explained that the city could not determine any place for or reuse for the barn.

Chair Kirby called a 10-minute recess at 9:10 p.m.

Chair Kirby called the meeting to order at 9:20 p.m. and asked whether there were further comments or questions.

Ms. Davies said that her concern is that lot 102 is going to sky above the property next to it and it is too late to do anything now because the zoning review is complete. This would impact her property at 8238 Central College. She continued that the master grading plan was not available at the time the zoning was considered. That they did not know at that time that the lot would be raised. And this is bait and switch because someone knew of this ahead of time and nobody mentioned it.

Chair Kirby asked Ms. Davies whether she had asked for vegetation on her side of the line. The commission cannot demand that the developer do anything on her property.

Ms. Davies stated that this will negatively impact the value her property and we did not know that at the time of the zoning, and that screening would not help because it [the grading] is sky high.

Chair Kirby encouraged her to get with the developer regarding options. Such efforts would be helpful to the developer when Council considered the plat.

Ms. Saveson noted the additional park space available and asked whether the ponds were now deeper.

Chair Kirby remarked that the rearranging of the houses was part of it.

Ms. Brown explained that as the design team continued to refine the site plan the basins of the ponds have been tightened down and the surface area of the water has been reduced.

Chair Kirby confirmed that the water surface area does not count as parkland/open space.

Ms. Saveson asked what was meant by the water being treated in the basins before going into the streams.

Ms. Brown explained that it was not a chemical process, rather the water is held and then released in phases as the sediment drops out.

Ms. Saveson thanked Ms. Brown and followed by asking whether, if the treatment involves the sediment dropping out, the bottom will need to be dredged.

Ms. Brown responded that the sediment does not accumulate very fast, but sometimes they are dredged. She stated that the homeowners' association maintains the storm basins.

Chair Kirby asked for further questions from the commission and noted that the commission's issues included the fee in lieu and/or acreage and asked for suggestions on wording of the condition.

Commissioner Schell stated that the commission could ask council to consider a second appraisal for the fee in lieu, and asked Planning Manager Mayer what would happen if a city appraisal comes back higher.

Planning Manager Mayer responded that council has the discretion to establish the fee in lieu.

Chair Kirby noted that the [western] easement got removed because it was a drainage easement. He asked about the tree preservation was an easement as well.

Mr. Underhill responded that it was a zoning commitment.

Ms. Brown responded that the language for the tree preservation will be outlined on the final plat and was added to the preliminary plat, and would be recorded with the final plat.

Chair Kirby remarked that over time, those tree preservation zones get forgotten about, but easements are recorded and show up on everyone's deeds whereas conservation zones do not.

Mr. Underhill responded that if the commission wanted a condition they would agree to that, but his view was that the best place was on the preliminary plat and the final plat.

Planning Manager Mayer added that essentially all an easement does is give access to someone access to property they do not own. In the past the commission has required that easements be moved away from tree preservation zones. He further stated that his understanding is that the plat serves as the enforcement mechanism, and that the tree preservations are recorded on the lot of record with the site plan.

Chair Kirby noted that what he was getting at was the interaction between the easements and the zoning text. The enforcement mechanism is the plat. Regarding the left turn lane, there were a myriad of proposals. He asked whether a street name for McClellan had been chosen yet.

Planning Manager Mayer responded that street names come with the final plat application.

Chair Kirby thanked Planning Manager Mayer and noted that there was time on that issue. He then asked whether the applicant had any disagreement with the conditions on the final development plan application.

Mr. Underhill replied no.

Chair Kirby remarked that drainage is an issue. He further suggested that the applicant work with neighbors for screening.

Planning Manager Mayer recommended the commission vote on the final development plan application first and the preliminary plat application second.

Chair Kirby noted that there were additional conditions on the final development plan, but no additional conditions with the preliminary plat application.

Chair Kirby moved to accept the staff reports and related documents including materials submitted by the applicant, Ms. Davies' slide presentation, and Mr. Davies slide presentation into the record for FDP-87-2023. Commissioner Wallace seconded the motion.

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

Upon roll call: Mr. Kirby yes, Mr. Wallace yes, Mr. Larsen yes, Mr. Schell yes. Having four yes votes the motion passed and the documents were admitted to the record.

Chair Kirby moved for approval of FDP-87-2023 based on the findings in the staff report with the conditions in the staff report as amended below and the following additional conditions, all subject to staff approval:

9. Council seek an independent appraisal for the value of the fee in lieu and further guided Council that the value should be no less than the last purchase.

10. Parks and Trails, items 1 and 2 from the front of the staff report, the open space and leisure path.

[1. That the open space amenities shall be installed and included as part of the overall subdivision infrastructure improvements (e.g. streets, utilities, etc.). 2. That the final alignment of the leisure path shall be subject to staff approval.]

11. The applicant should work with neighbors on acceptable screening.

Mr. Underhill then requested a modification to condition 1 in the staff report. He requested that it be installed as of 105 units or 3 years.

Chair Kirby asked Commissioner Wallace whether he would accept an amendment.

Commissioner Wallace agreed to the amendment.

As amended the conditions are as follows:

1. The developer shall install the left turn lane on Central College with the initial phasing of the subdivision as of 105 units or 3 years, whichever comes first.

9. Council seek an independent appraisal for the value of the fee in lieu and further guided Council that the value should be no less than the last purchase.

10. Parks and Trails, items 1 and 2 from the front of the staff report, the open space and leisure path.

[1. That the open space amenities shall be installed and included as part of the overall subdivision infrastructure improvements (e.g. streets, utilities, etc.). 2. That the final alignment of the leisure path shall be subject to staff approval.]

11. The applicant should work with neighbors on acceptable screening.

Council Member Wiltrout asked whether the condition requiring the applicant to work with the neighbors on screening felt right, in terms of an enforcement mechanism.

Chair Kirby responded that the condition was suggestive rather than descriptive.

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

Upon roll call: Mr. Kirby yes, Mr. Wallace yes, Mr. Larsen no, Mr. Schell yes. The motion passed, having three yes votes and one no vote. FDP-87-2023 was approved subject to the

conditions in the staff report as amended above and with the additional conditions as stated above.

Commissioner Larsen explained that he thought the applicant had done a lot of good work on the application and the open space and breaking up the long lines, however he voted no because he continued to struggle with the north line. The four houses on the northern property line should be removed because they do not improve the property, rather they take away from it.

PPL-009-2024 Preliminary Plat

Preliminary plat of the Courtyards at Haines Creek subdivision located at 8390 and 8306 Central College Road in Franklin County (PIDs: 222-005156, 222-005157, 222-005158, 222-005159).

Applicant: EC New Vision Ohio LLC, c/o Aaron Underhill, Esq.

Chair Kirby moved to accept the staff reports and related documents into the record for PPL-009-2024. Commissioner Wallace seconded the motion.

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

Upon roll call: Mr. Kirby yes, Mr. Wallace yes, Mr. Schell yes, Mr. Larsen yes. Having four votes in favor, the staff reports and related documents were admitted to the record.

Commissioner Wallace moved for approval of PPL-009-224 based on the findings in the staff report with the conditions in the staff report, subject to staff approval. Commissioner Schell 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. Wallace yes, Mr. Schell yes, Mr. Larsen no, Mr. Kirby yes. The motion passed, having three votes in favor and one vote against. PPL-009-2024 was approved subject to the conditions in the staff report, subject to staff approval.

Commissioner Larsen explained that he voted no on PPL-009-2024 for the same reasons he voted no on FDP-87-2023. He further stated that he appreciated the input from the public, and wished the applicant good luck at Council.

Chair Kirby noted that this was not done at the commission, that council gets this next.

Commissioner Schell remarked that this application was greatly improved in comparison with the first day it was presented.

Chair Kirby noted that he would not shed any tears if the houses were removed.

The commission wished the applicant good luck.

VII. Other business

Chair Kirby asked whether there was other business before the commission. Hearing none, he polled the members for comment.

VIII. Poll members for comment

The commissioners wished all a good evening.

IX. Adjournment

Having no further business, Chair Kirby adjourned the March 4, 2024 informal meeting of the New Albany Planning Commission at 9:45 p.m.

Submitted by Deputy Clerk Madriguera, Esq.

Appendix

FDP-87-2023

Staff Reports

Applicant Submission

Ms. Davies' Slide Presentation

Mr. Davies' Slide Presentation

Record of Action

PPL-009-2024

Staff Reports

Record of Action