



**New Albany Planning Commission Meeting Agenda**  
Monday, December 16, 2024 at 7:00 p.m.

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

**I. Call to order**

**II. Roll call**

**III. Action on minutes:** November 18, 2024

**IV. Additions or corrections to the agenda**

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

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

**VI. Cases:**

**VAR-61-2024 Variance**

A variance request to the Nottingham Trace zoning text Section E(5)(c), to allow a covered porch to encroach into the 29 rear yard setback at 6309 Callaway Square West (PID: 222-005228).

**Applicant: Nancy Willis**

*Motion of Acceptance of staff reports and related documents into the record for VAR-61-2024.*

*Motion of approval for application VAR-61-2024 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.*

**FPL-90-2024 Final Plat**

Final Plat for the dedication of public right-of-way and vacation of public right-of-way in historic Village Center located west of US-62 and east of High Street.

**Applicant: City of New Albany**

*Motion of acceptance of staff reports and related documents into the record for - FPL-90-2024.*

*Motion of approval for application FPL-90-2024 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.*

**VII. Other business**

1. **City Code Amendment: C.O. 1169.16(d) Commercial Wall Signs**
2. **City Code Amendment: C.O. 1115 Conditional Uses**

**VIII. Poll members for comment**

**IX. Adjournment**



COMMUNITY CONNECTS US

Planning Commission Staff Report  
December 16, 2024 Meeting

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**6309 CALLAWAY SQUARE WEST  
COVERED PORCH ENCROACHMENT VARIANCE**

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LOCATION: 6309 Callaway Square West (PID: 222-005228-00)  
APPLICANT: Nancy Willis  
REQUEST: Variance to allow a covered porch to encroach 2.03 feet into the 29-foot rear yard setback  
ZONING: I-PUD (Planned Unit Development)  
STRATEGIC PLAN: Residential  
APPLICATION: VAR-61-2024

Review based on: Application materials received on November 10, 2024.

*Staff report prepared by Kylie Blackburn, Planner.*

**I. REQUEST AND BACKGROUND**

The homeowner requests a variance to allow a new covered porch to encroach approximately 2.03 feet into the 29-foot rear yard setback that is required by the Nottingham Trace zoning text Section E(5)(c). The zoning text allows for decks, screened porches, and patios to encroach into the building setback a maximum of 6 feet. In this case, the minimum rear yard setback for this covered porch is 29 from the rear lot line. The applicant proposes a setback of 26.97 feet from the rear lot line.

This variance was first heard at the September 16<sup>th</sup>, 2024 Planning Commission meeting and was denied with a vote of 1-3. Based on new information presented, the Planning Commission approved a reconsideration request on November 18<sup>th</sup>, 2024. This staff report is for the rehearing of the variance based on the new information presented in November.

**II. SITE DESCRIPTION & USE**

The property is 0.16 acres and contains a single-family home. The lot is west of New Albany Conduit Road and south of Walnut Street. The property is located within the Nottingham Trace subdivision. All the neighboring properties are residential.

**III. ASSESSMENT**

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

*Criteria*

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

All of the factors should be considered and no single factor is dispositive. The key to whether an area variance should be granted to a property owner under the “practical difficulties” standard is

whether the area zoning requirement, as applied to the property owner in question, is reasonable and practical.

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

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

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

#### **IV. EVALUATION**

##### **Variance to allow a covered porch to encroach 2.03 feet into the 29 foot rear yard setback required by the Nottingham Trace zoning text Section E(5)(c).**

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

1. The applicant requests a variance to allow a 25-foot wide by 10-foot deep covered porch with a two-foot deep fireplace to encroach approximately two feet into the 29-foot rear yard setback that is required by the Nottingham Trace zoning text Section E(5)(c). The homeowner proposes to construct a covered patio using columns with a fireplace attached to the side of the patio not within the encroachment.
2. Since the September hearing the homeowner made the following updates:
  - a. Revised the site plan so the fireplace no longer encroaches into the rear yard setback. The setback encroachment has been reduced to approximately 2 feet.
  - b. Submitted additional information that wasn’t available at the September meeting including site photos and a letter of support from the homeowner behind the applicant’s property.
3. The rear yard primary building setback for this property is 35 feet. The home is located 37 +/- feet from the rear property line. The zoning text allows for decks, screened porches and patios to encroach into the primary building setback a maximum of six feet. Therefore, the minimum rear yard setback for decks, screened porches and patios is 29 feet. As a result, the property owner has eight feet of developable space for decks, screened porches and

- patios from the furthest projects rear elevation of the home. The homeowner proposes to encroach the 29-foot setback by 2.03 feet.
4. There do appear to be special conditions and circumstances exist which are peculiar to this property. All of the lots along this western boundary of the subdivision have the same setback. However, the subdivision has varying building setback requirements. Interior lots typically have a 15 to 20-foot primary building setback. Lots located on the periphery of the subdivision, such as this one, have larger setbacks since they are adjacent to existing township or Columbus residences.
  5. The rear of the property beyond the covered porch is a swale condition with a large drop-off in grade that conveys stormwater runoff. The drainage easement is 20 feet in width and the applicant is not proposing to encroach into the easement. The applicant has submitted photos showing there is an existing, mature tree line at the rear property line that provides screening from the rear neighboring property.
  6. The variance does not appear to be substantial. The zoning contemplates rear yard amenities such as this to encroach the setbacks. Additionally, the applicant does not propose to encroach into the drainage easement. The house located behind this property is over 220 feet away from the property line and there appears to be an existing tree line to provide buffering.
  7. The property owner who shares a rear lot line with this property has written a letter stating they do not object to the variance being accepted.
  8. The proposed addition does not appear to alter the neighborhood's essential character because the addition style is similar to other additions in the subdivision. In addition, the design of the columns for the porch will match the front elevation. The applicant has submitted documents showing there is another property with an encroaching patio. Staff has confirmed that the other property is the only other patio encroachment, with a 1.92-foot encroachment. Staff will work with the property owner to submit a variance to the Planning Commission at a later date.
  9. It appears the variance can be solved in some other manner by reducing the covered patio's size. The zoning text contemplates encroachments and permits a 6-foot encroachment into the rear yard setback for all lots. If the size of the patio were reduced by 2 +/- feet, there would be no need for a variance.
  10. The variance will not adversely affect the delivery of government services, the health, and safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.

#### **IV. SUMMARY**

The lot has a larger rear yard setback than a typical home within the subdivision since it is located on the boundary of the subdivision and is adjacent to a township residence. The existing house (outside of the subdivision) behind the subject property is over 220 feet away and there is an existing tree line, the property owner has also stated they do not object to the variance. The covered patio will not impact any public or private utilities or stormwater conveyance.

#### **V. ACTION**

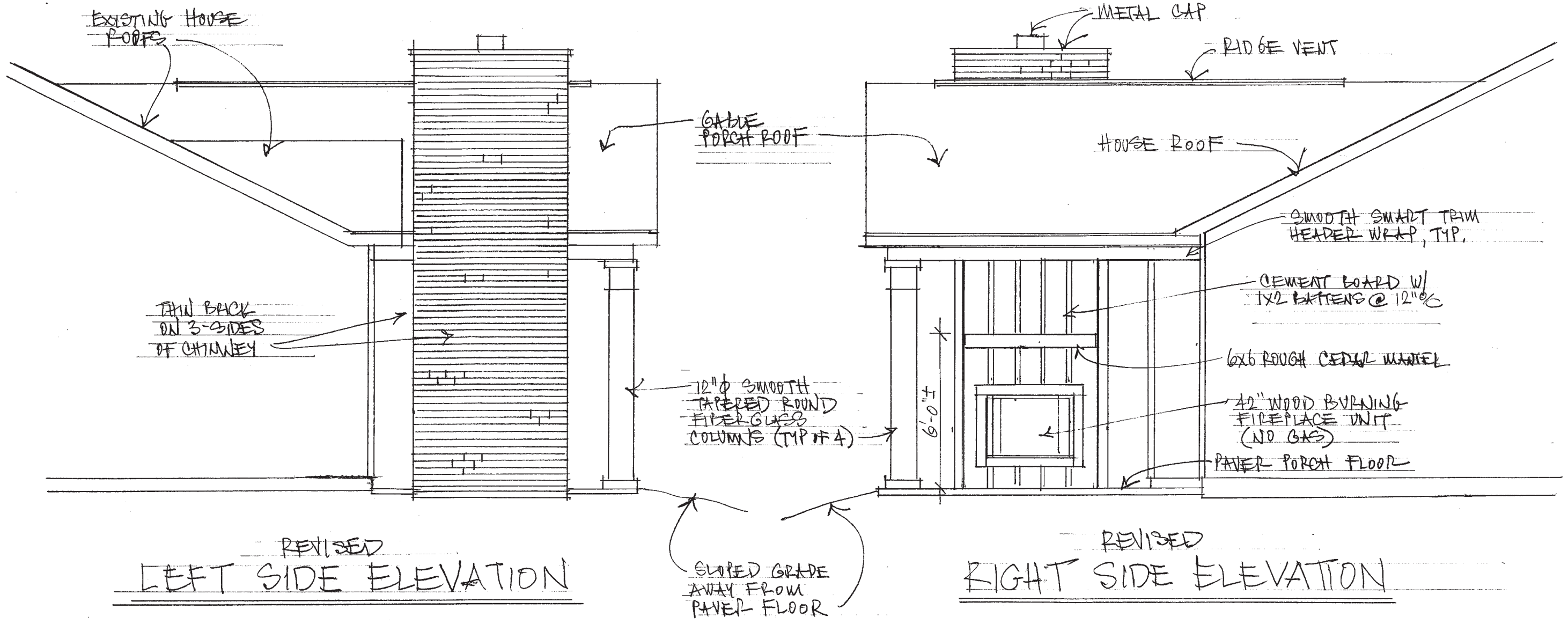
Should the Planning Commission find that the application has sufficient basis for approval, the following motion is appropriate.

Move to approve application VAR-61-2024 based on the findings in the staff report (conditions of approval may be added).





SUNCRAFT  
 WILLIS JOB 24121  
 APPROVED BY:  
 X \_\_\_\_\_



REVISED  
 LEFT SIDE ELEVATION

REVISED  
 RIGHT SIDE ELEVATION







October 31, 2024

Dear Planning Commission:

We own the property located at 7558 Schleppi Road, New Albany, Ohio 43054. In September 2024, we received a letter from the City of New Albany regarding a variance request by our neighbor, Nancy Willis, whose property shares a rear lot line with our property. We did not oppose the variance being requested, so we did not contact the Commission or attend the public hearing held on September 16, 2024. Ms. Willis has informed us that the variance was denied and that she is requesting reconsideration of her variance application. We are writing to inform you that we have no objection to the variance being requested by Ms. Willis. We hope you will consider our position when you reconsider the variance request. If you have any questions, please contact us at [arnold.647@gmail.com](mailto:arnold.647@gmail.com) or by phone at (419) 656-8188

Sincerely,



Justiniano Fornales Duro, Jr.  
Brittany Kathleen Duro  
7558 Schleppi Road  
New Albany, OH 43054

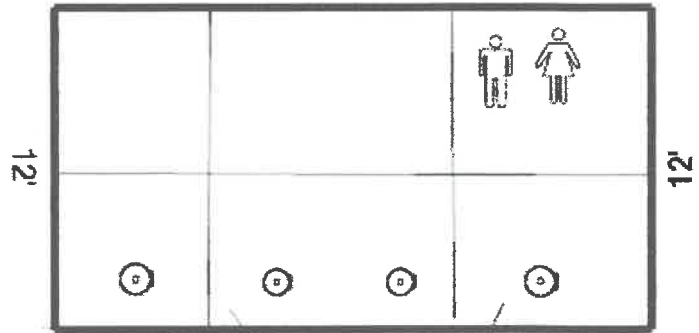


### New Concrete Detail

6321 calloway Sq. West New Albany, OH

All Stamped and Colored  
22'

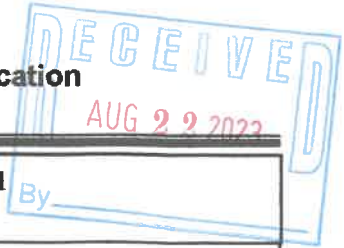
**compacted gravel base**  
**6.5 high strength concrete**  
**D1 Sealeant**



32' monolithic piers due to slope



Community Development Residential Permit Application



Incomplete applications or submittals will not be accepted/reviewed  
PLEASE PRINT CLEARLY

<b>Property</b>	Address <u>6321 Callaway Square West</u> Parcel Number _____ Subdivision <u>Nottingham Trace Phase 3</u> Lot Number <u>109</u> Fire Department _____ County <u>Franklin</u>		
<b>Project Information</b>	Type of Improvement (check all that apply): <input type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Alteration <input type="checkbox"/> Repair <input type="checkbox"/> 1 family <input type="checkbox"/> 2 family <input type="checkbox"/> 3 family		
	Project Valuation (required) <u>\$ 8,500</u>		
	Scope of Work (check all that apply) <input type="checkbox"/> Structural/Floor Plan <input checked="" type="checkbox"/> Site work <input type="checkbox"/> Public sewer tap <input type="checkbox"/> Public water tap <input type="checkbox"/> Electrical <input type="checkbox"/> Heating <input type="checkbox"/> Cooling <input type="checkbox"/> Ventilation <input type="checkbox"/> Gas piping <input type="checkbox"/> Plumbing <input type="checkbox"/> Fire alarm <input type="checkbox"/> Fire suppression <input type="checkbox"/> Foundation start requested <input type="checkbox"/> Other _____		
	Description of Project: <u>12' X 22' PATIO SLAB Replaces Permit: REM-2023-0319</u>		
<b>Contacts</b>	<b>Property Owner's Name:</b> <u>Jeff &amp; Sherry Stern</u>		<b>Contractor:</b> <u>Ronk Construction</u>
	<b>Address:</b> <u>6321 Callaway Square West</u>		<b>Address:</b> <u>PO Box 602</u>
	<b>City, State, Zip:</b> <u>New Albany, OH 43054</u>		<b>City, State, Zip:</b> <u>New Albany, OH 43054</u>
	<b>Phone number:</b> <u>740.706.6295</u>		<b>Phone number:</b> <u>614-260-8866</u>
	<b>Fax:</b>		<b>Fax:</b>
	<b>Email:</b> <u>jeff.stern@outlook.com</u>		<b>Email:</b> <u>ronkconstruction@gmail.com</u>
	<b>Applicant:</b> (circle one) <input checked="" type="radio"/> <b>Owner</b>	<b>Contractor</b> (list contact name below)	<b>Other</b> (complete below information)
	<b>Applicant Contact Name:</b>		
	<b>Company Name:</b>		
	<b>Address:</b>		<b>City, State Zip Code</b>
	<b>Phone number:</b>		<b>Fax:</b>
	<b>Email:</b>		

RECEIVED  
AUG 21 2023

**LS GI LANDMARK SURVEY GROUP, INCORPORATED**  
690 LAKEVIEW PLAZA BLVD, SUITE A, WORTHINGTON OH.43085  
PHONE: (614) 485-9000 WWW.LANDMARKSURVEY.COM

REVISIONS	DESCRIPTION

ORDER NO. NTR3-109-PP DATE: 09/26/22

FOR PULTE HOMES HOUSE STYLE MARTIN RAY HR2F COUNTY OF FRANKLIN  
LOT/SUBDIVISION LOT 109 / NOTTINGHAM TRACE PHASE 3 CITY/TWP OF NEW ALBANY  
ADDRESS 6321 CALLAWAY SQUARE WEST SCALE 1"= 20' DRAWN BY: PY  
MINIMUMS: DEFAULT R: 20' S: 5' BK: UNREC PG: UNREC

*Handwritten:* ZONING APPROVED 8/28/23

*Handwritten:* DECK will be skirted from underside to ground

*Handwritten:* LOCATION OF DECK PATIO SEE ATTACHED FOR ENLARGEMENT

ENGINEERING PLANS AND SUBDIVISION PLAN INFORMATION UNSIGNED AND MAY NOT BE COMPLETE. UNDERSIGNED IS NOT RESPONSIBLE FOR ANY CHANGES THAT MAY OCCUR ONCE PLANS ARE FINALIZED AND SIGNED.

THE STREET AND LOT TREE SPECIMENS SHALL COMPLY WITH FINAL DEVELOPMENT PLAN FOR NOTTINGHAM TRACE. REFERENCE DEVELOPMENT PLAN FOR ADDITIONAL INFORMATION. THE BUILDER WILL BE BONDING THIS WORK.

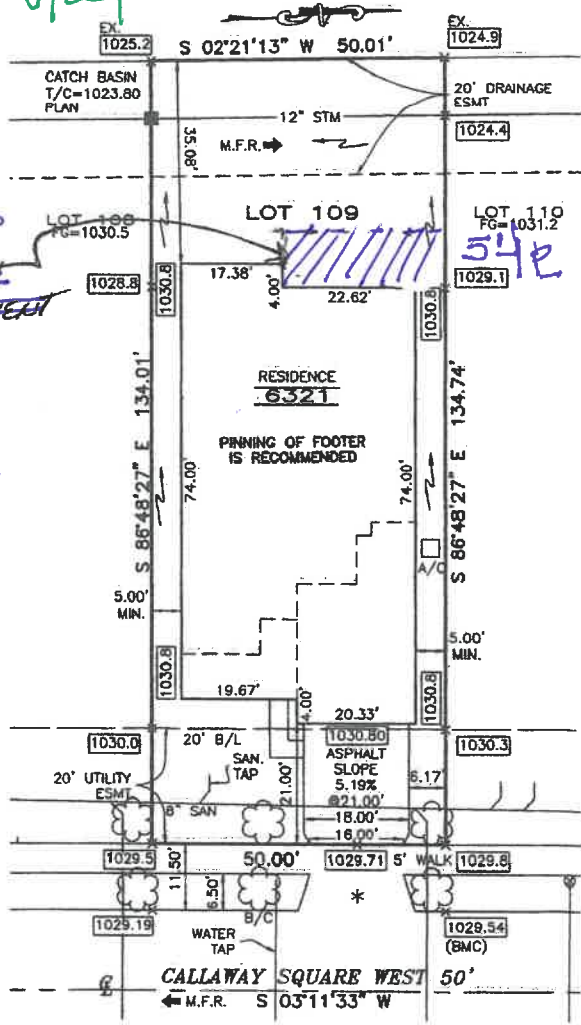
\* STABILIZE CONSTRUCTION ENTRANCE.

LOT CALCULATIONS ARE FOR ESTIMATING PURPOSES ONLY AND SHOULD BE VERIFIED BY THE BUILDER OR CONTRACTOR.

LOCATION	AREA
LOT	8719 S.F.
STRUCTURE	2851 S.F.
DRIVE	375 S.F.
APPROACH	197 S.F.
SEW WALK	38 S.F.
WALK	170 S.F.
SOD	3562 S.F.
SOD S.Y.	368 S.Y.
DRIVE S.Y.	47 S.Y.
LOT AC	0.194 AC
LOT COV	43.82%
SAN PAT	8

THIS PROPERTY IS LOCATED IN FLOOD ZONE X  
MAP NO. 39049C 0202K  
EFF. DATE: 6/17/08

PULTE SLAB (TRENCH & CAP)  
FINISH FLOOR = 1031.47  
FINISH GRADE = 1030.80  
GARAGE PAD = 1030.80  
TOP OF FOOTER = 1030.47  
BOTTOM OF FOOTER = 1027.80  
DRIVE SLOPE DISTANCE = 21



City of New Albany Development Department Review ONLY  
This review or approval does not constitute approval by your homeowners association or the New Albany County County Club Architectural Review Committee, if necessary.

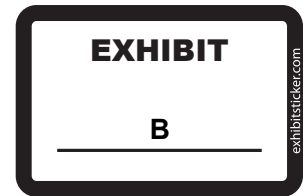
BUILDER TO INSTALL AND MAINTAIN EROSION CONTROL THROUGHOUT ALL PHASES OF CONSTRUCTION. FIELD MODIFICATIONS MAY BE NECESSARY.

WE HEREBY CERTIFY THAT THE FOREGOING PLOT PLAN WAS PREPARED FROM INFORMATION PROVIDED BY THE CLIENT AND DATA OBTAINED FROM ENGINEERED SUBDIVISION PLANS. THIS PLOT PLAN IS TO BE USED BY THE CLIENT FOR THE SOLE PURPOSE OF OBTAINING A BUILDING PERMIT. THE USE OF THE PLOT PLAN FOR ANY OTHER USE IS STRICTLY PROHIBITED.



*Signature:* Scott D. Grundel 09/26/22  
SCOTT D. GRUNDEL, P.S.  
REGISTERED SURVEYOR NO. 8047





## Community Development Department

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

Dear Suncraft Corporation Inc.,

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, September 17, 2024

The New Albany Planning Commission took the following action on 09/16/2024 .

#### Variance

**Location:** 6309 Callaway Square W, Unit:107

**Applicant:** Suncraft Corporation Inc.,

**Application:** PLVARI20240061

**Request:** A variance request to the Nottingham Trace zoning text Section E(5)(c), to allow a covered porch and fireplace to encroach 4 feet into the 29 foot rear yard setback.

**Motion:** To approve

**Commission Vote:** Motion Denied, 1-3

**Result:** Variance, PLVARI20240061 was Denied, by a vote of 1-3.

Recorded in the Official Journal this September 17, 2024

**Condition(s) of Approval:** N/A

Staff Certification:

*Sierra Cratic-Smith*

Sierra Cratic-Smith Planner

November 1, 2024

**New Albany Planning Commission**  
**99 West Main Street**  
**New Albany, Ohio 43054**

**Request for Reconsideration of Denial of Application: VAR-61-2024**

The New Albany Planning Commission held a hearing on the above variance application on September 16, 2024. A copy of the application, along with the Planning Commission Staff Report is attached as Exhibit A. The Planning Commission denied the variance request. A copy of the Decision and Record of Action is attached as Exhibit B.

Since receiving the denial, circumstances affecting the subject property have substantially changed. The plan for the proposed porch has been revised to locate the proposed fireplace chimney (2 feet in depth) to the left side of the porch, instead of extending 2 feet into the back yard. *See* Revised Plan, attached as Exhibit C. Under the revised plan, the chimney will be brick, as the Commission requested. The original application incorrectly stated that “[t]he rear of the house is located 36.97’ from the rear lot line.” Exhibit A, p. 3 (unnumbered) at ¶ 3. This measurement did not take into account the 2’ recess in the exterior wall at the rear of the house where the covered porch would be located. The measurement from the rear lot line to the exterior rear wall of the house (where the porch would be located) is 38.97 feet. There is a 35-foot special rear yard setback. “Decks, patios, and screened porches may encroach a maximum of 6 feet into the minimum required rear yard setback.” Zoning Regulation E(6). “The Zoning text for the subdivision does say for all decks, patios and screen porches, so it’s covered or uncovered, we believe that this regulation would apply.” *See* excerpt of Sept. 16, 2024 Hearing Transcript, attached as Exhibit D, p. 4. Therefore, 3.97’ of the backyard is outside of the setback. The revised plan requests a variance of 2.03’.

I previously requested a variance of 4’ (including the chimney), for which the planning commission staff recommended approval. The staff noted: “The variance does not appear to be substantial.” Exhibit D, p. 1. “The house located behind this property [7558 Schleppi Road] is over 220 ft away from the property line, and there appears to be an exiting tree line that provides buffering as well.” *Id.* at p. 2. “The proposed covered patio doesn’t alter...the neighborhood’s essential character because it’s similar to others in the subdivision. However, the proposed fireplace includes siding on the exterior. According to the Nottingham Trace Zoning Text, only brick is permitted as an exterior material for fireplaces.” *Id.*

New information is available, which is discussed below.

Justin and Brittany Duro, the owners of the property (7558 Schleppi Road, New Albany, Ohio 43054), which abuts the rear lot line of the subject property, have submitted a letter stating that they do not object to the requested variance. They did not attend the September hearing or contact the staff prior to that hearing. The Duro’s letter is attached as Exhibit E. I have also attached photographs of the backyard of my property, which abuts 7558 Schleppi Road. These photographs (1) show the back of my house (1 photo) and (2) the tree and bush line buffer between my property and the Schleppi Road property (2 photos) as Exhibit F.

The adjoining neighbors’ patios were discussed during the September 16, 2024 meeting. A member of the commission stated: “We don’t know if the other patios are in the same setback or not or compliance, so that would be important to understand, I think to make a decision.” Sept. 16,

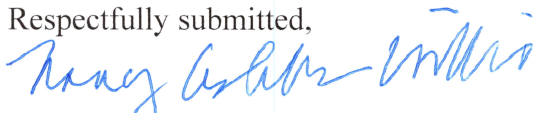
2024 Minutes Transcript, p. 4. Since the meeting, I have learned that the property owners at 6321 Callaway Square West, a neighboring property to the right of the subject property, were given a permit to build a 12' x 22' patio. The patio extends beyond the allowable 6' encroachment, and the property owners were not required to seek a variance. The permit application and two photos of the patio at 6321 Callaway Square West are attached as Exhibit G. The survey shows that the property has a 35.08' back yard. The patio begins at the recessed 4' rear exterior wall of the house. Factoring in the allowable 6' encroachment, the 12' patio extends 1.92' into the 35' setback. The property owners were not required to obtain a variance. I'm simply asking to do what these property owners have already been permitted to do.

The Commission and the staff also discussed at the hearing that shrinking the patio was a viable alternative to a variance. Exhibit D, pp. 2, 4. "I know shrinking those patio sometimes makes it difficult, but there is an option to shrink it...so instead of 12ft out, ten feet out." *Id.* at p. 4. The contractor, Jeff Broveyz of Suncraft, testified that "the width of the porch 12ft is kind of a minimum if you ask me. For a usable space to be able to put furniture, a table and chairs, and I'd hate to see it become narrower than that because it would really, you know, make the space not as usable." *Id.* at p. 2-3. Reducing the patio from a depth of 12' would result in inadequate space to accommodate a wheelchair and furniture. I have family members and friends in wheelchairs. I also was in a wheelchair on and off for almost two months last year. The Better Homes and Gardens website advises that a dining area for six to eight people requires a 12x12 space and pathways should be 3-4 feet wide. <https://www.bhg.com/home-improvement/patio/designs/how-to-choose-patio-size/> (last accessed 10/31/2024). Reducing the depth of the patio to 10' does not provide a viable alternative.

Finally, the recorded plat map for Nottingham Trace Phase 3 identifies the lot I purchased in Nottingham Trace as Lot 107. A copy of the recorded plat map is attached as Exhibit H. The deed to me identifies the property as Lot 107. A copy of the deed is attached as Exhibit I. The zoning regulations state that Lot 107 has a rear yard setback of 15'. Zoning Regulation E(5)(d). This raises potential legal issues.

In conclusion, the 35' rear yard setback affects only 10 properties in Nottingham Trace, a development that currently consists of more than 150 homes. Since so few properties are affected, allowing the requested variance will not open a floodgate of variance requests or set a generally applicable precedent. Furthermore, a literal interpretation of the zoning regulations would deprive me of rights commonly enjoyed by my neighbors and other properties in the neighborhood, while granting the variance will not confer any special privilege to my property. For the reasons listed above, I respectfully ask the Commission to reconsider my variance application as revised and approve a 12' x 27.10' patio as described in Exhibit C.

Respectfully submitted,



Nancy Ashbrook Willis  
6309 Callaway Square West  
New Albany, OH 43054

Enclosures

**Planning Commission Staff Report**  
**December 16, 2024 Meeting**

**SECOND STREET, THIRD STREET, HAWTHORNE ALLEY, AND STREET A  
 FINAL PLAT**

LOCATION: West of US-62 and east of High Street  
 APPLICANT: City of New Albany  
 REQUEST: Final Plat  
 ZONING: Core Residential and Historic Center  
 STRATEGIC PLAN: Village Center  
 APPLICATION: FPL-90-2024

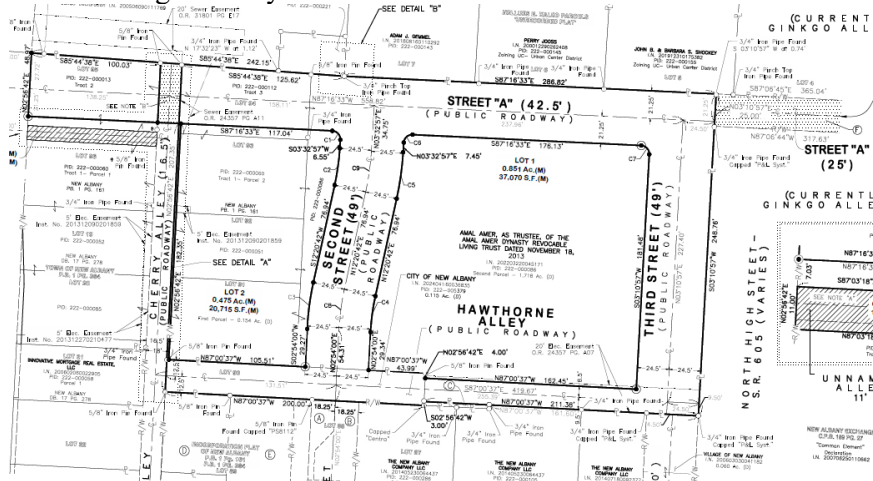
Review based on: Application materials received October 25, 2024

*Staff report completed by Sierra Saumenig, Planner*

**I. REQUEST AND BACKGROUND**

The application is for a final plat to dedicate and extend right-of-way along with a land swap of right-of-way. This final plat is designed by the city engineer and includes the following:

1. Extends right-of-way for Second Street, Third Street, and Street A (as shown below). City staff is working with city council on a name for Street A.





commitments from the city to construct the public infrastructure. The agreement includes a provision that such dedications shall be completed prior to the city beginning construction of the streets and alleys via the execution of this final plat containing these streets and alleys. Additionally, it requires that the private site improvements shall be designed and constructed in conformance with the city construction documents for the public street improvements and standard construction specifications.

The city is obligated to design, construct and pay for improvements and modifications to Street A, Second Street, Third Street, Cherry Alley, and the proposed Hawthorne Alley. These improvements include pavement, relocation of private utilities, installation of public utilities, vehicular traffic signage, stormwater management infrastructure, streetlights, construct and install sidewalks, street trees, and lane striping. The city will design, construct and pay for a proportionate amount of stormwater storage volume within the public right-of-way that can be credited and utilized by the private development in the amount of land being dedicated.

## **II. SITE DESCRIPTION & USE**

The site is currently vacant and the private development will be heard by the Architectural Review Board in the near future for a three building development including a mixed use building, apartments, and townhomes. This final plat is a crucial component to provide the initial grid and allow for future extensions of the street network.

## **III. PLAN REVIEW**

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

1. This plat dedicates right-of-way to the city of New Albany for an extension/development of various streets including:
  - Second Street: The dedication consists of approximately 185 +/- linear feet of a new public street extension totaling approximately 49 feet of right-of-way width.
  - Third Street: The dedication consists of approximately 185 +/- linear feet of a new public street extension totaling approximately 49 feet of right-of-way width.
  - Proposed Hawthorne Alley: The dedication extension consists of approximately 396 +/- linear feet of a new public alley totaling approximately 18 feet of right-of-way width.
2. Additionally, the plat includes a land swap/vacation of approximately 0.0025 acres of right-of-way in order for the city to have land to develop Street A.
3. This area north of Main Street between SR 605 and US 62 is disconnected and unorganized. The extension of the street grid and establishment of street connections creates a walkable street pattern and blocks for new, appropriately scaled development. The proposed public street pattern follows the recommendations contained in the Engage New Albany strategic plan. The city participation encourages growth within the Village Center and ensure the streets are walkable and designed to emphasize the pedestrian experience
4. No additional easements are included in the final plat.

## **IV. ENGINEER'S COMMENTS**

The city engineer has reviewed the referenced plan in accordance with the engineering related requirements of Code Section 1187 and has no comments.

## **V. SUMMARY**

The proposed street plat is consistent with the goals and objectives found in the Engage New Albany strategic plan for this area. These street improvements serve as a critical connection within the Village Center and allow for further street extensions. The city council approved a resolution to purchase a 0.12-acre parcel from Innovative Mortgage Real Estate via Resolution R-49-2023 in the fall of 2023. That purchase, with the right-of-way dedication contained in the

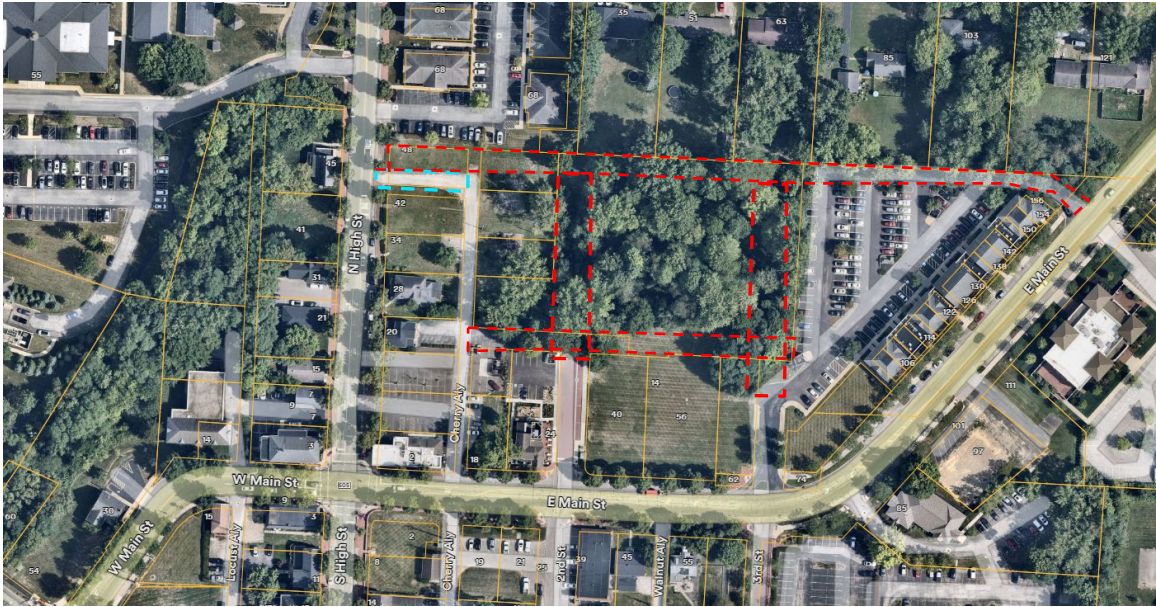
development agreement, results in a cohesive expansion of the historic Village Center streets in the strategic plan's recommended grid pattern.

**VI. ACTION**

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

Move to recommend approval to City Council of application FPL-90-2024.

**Approximate Street Dedications/Extensions Shown in Red and land to be swapped shown in Blue:**



Source: Nearmap



**Planning Commission Staff Report**  
**December 16, 2024 Meeting**

**SECOND STREET, THIRD STREET, HAWTHORNE ALLEY, AND STREET A  
 FINAL PLAT**

**LOCATION:** West of US-62 and east of High Street  
**APPLICANT:** City of New Albany  
**REQUEST:** Final Plat  
**ZONING:** Core Residential and Historic Center  
**STRATEGIC PLAN:** Village Center  
**APPLICATION:** FPL-90-2024

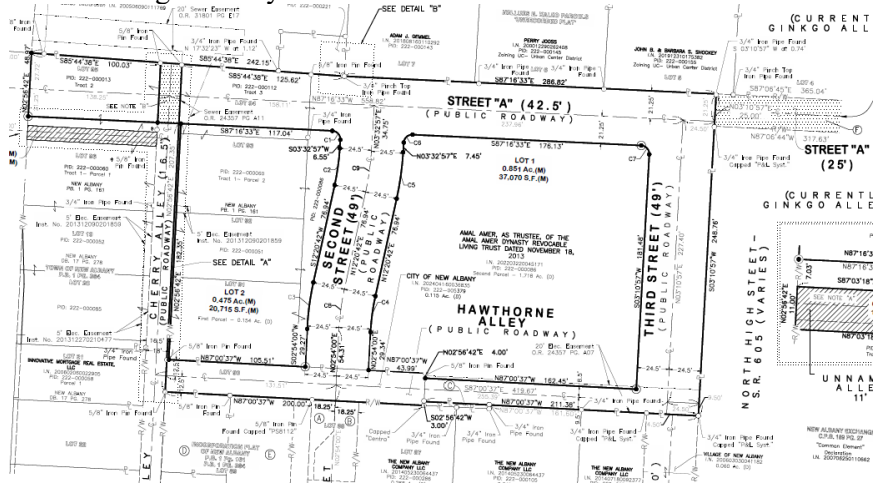
Review based on: Application materials received October 25, 2024

*Staff report completed by Sierra Saumenig, Planner*

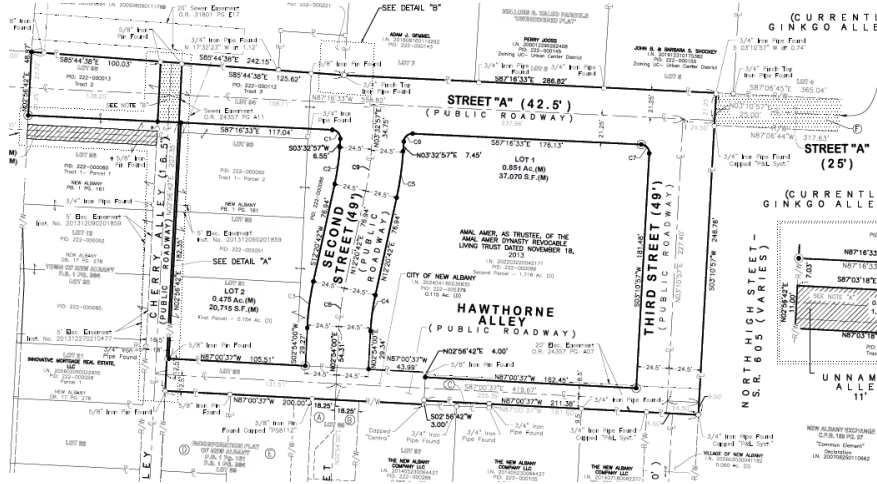
**I. REQUEST AND BACKGROUND**

The application is for a final plat to dedicate and extend right-of-way along with a land swap of right-of-way. This final plat is designed by the city engineer and includes the following:

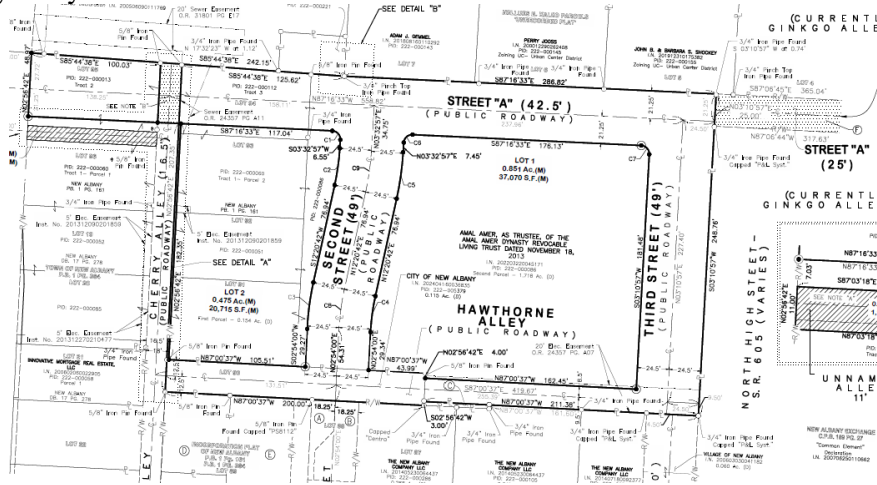
1. Extends right-of-way for Second Street, Third Street, and Street A (as shown below). City staff is working with city council on a name for Street A.



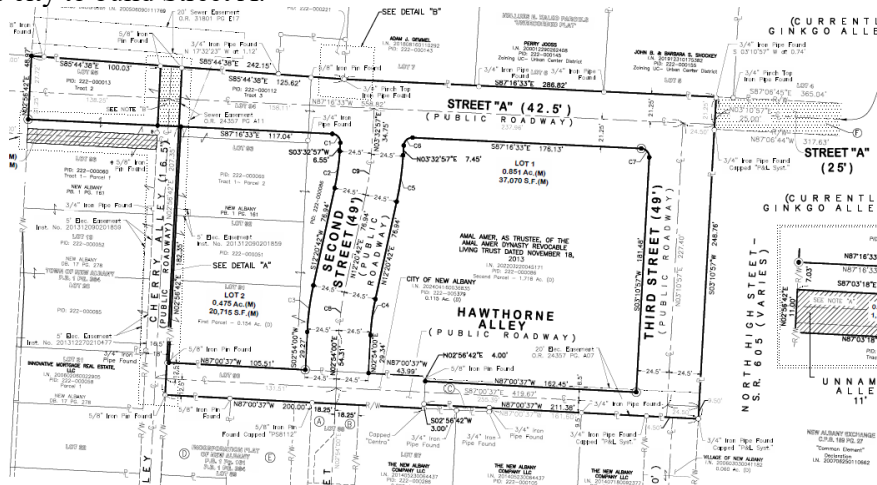
- Formally names and dedicates the highlighted section (below) as public-of-way and part of Street A.



- Formally names the highlighted right-of-way to Hawthorne Alley that extends from Cherry Alley to Third Street



- Vacates the highlighted right-of-way to swap land with the parcel to the north to allow for the city to build Street A.



On December 3, 2024 city council approved a developer's agreement in relation to this final plat request. The New Albany Towne Center LLC and Amer Amal Trust agree to dedicate the property necessary for public right-of-way via the platting process at no cost, in exchange for

commitments from the city to construct the public infrastructure. The agreement includes a provision that such dedications shall be completed prior to the city beginning construction of the streets and alleys via the execution of this final plat containing these streets and alleys. Additionally, it requires that the private site improvements shall be designed and constructed in conformance with the city construction documents for the public street improvements and standard construction specifications.

The city is obligated to design, construct and pay for improvements and modifications to Street A, Second Street, Third Street, Cherry Alley, and the proposed Hawthorne Alley. These improvements include pavement, relocation of private utilities, installation of public utilities, vehicular traffic signage, stormwater management infrastructure, streetlights, construct and install sidewalks, street trees, and lane striping. The city will design, construct and pay for a proportionate amount of stormwater storage volume within the public right-of-way that can be credited and utilized by the private development in the amount of land being dedicated.

## **II. SITE DESCRIPTION & USE**

The site is currently vacant and the private development will be heard by the Architectural Review Board in the near future for a three building development including a mixed use building, apartments, and townhomes. This final plat is a crucial component to provide the initial grid and allow for future extensions of the street network.

## **III. PLAN REVIEW**

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

1. This plat dedicates right-of-way to the city of New Albany for an extension/development of various streets including:
  - Second Street: The dedication consists of approximately 185 +/- linear feet of a new public street extension totaling approximately 49 feet of right-of-way width.
  - Third Street: The dedication consists of approximately 185 +/- linear feet of a new public street extension totaling approximately 49 feet of right-of-way width.
  - Proposed Hawthorne Alley: The dedication extension consists of approximately 396 +/- linear feet of a new public alley totaling approximately 18 feet of right-of-way width.
2. Additionally, the plat includes a land swap/vacation of approximately 0.0025 acres of right-of-way in order for the city to have land to develop Street A.
3. This area north of Main Street between SR 605 and US 62 is disconnected and unorganized. The extension of the street grid and establishment of street connections creates a walkable street pattern and blocks for new, appropriately scaled development. The proposed public street pattern follows the recommendations contained in the Engage New Albany strategic plan. The city participation encourages growth within the Village Center and ensure the streets are walkable and designed to emphasize the pedestrian experience
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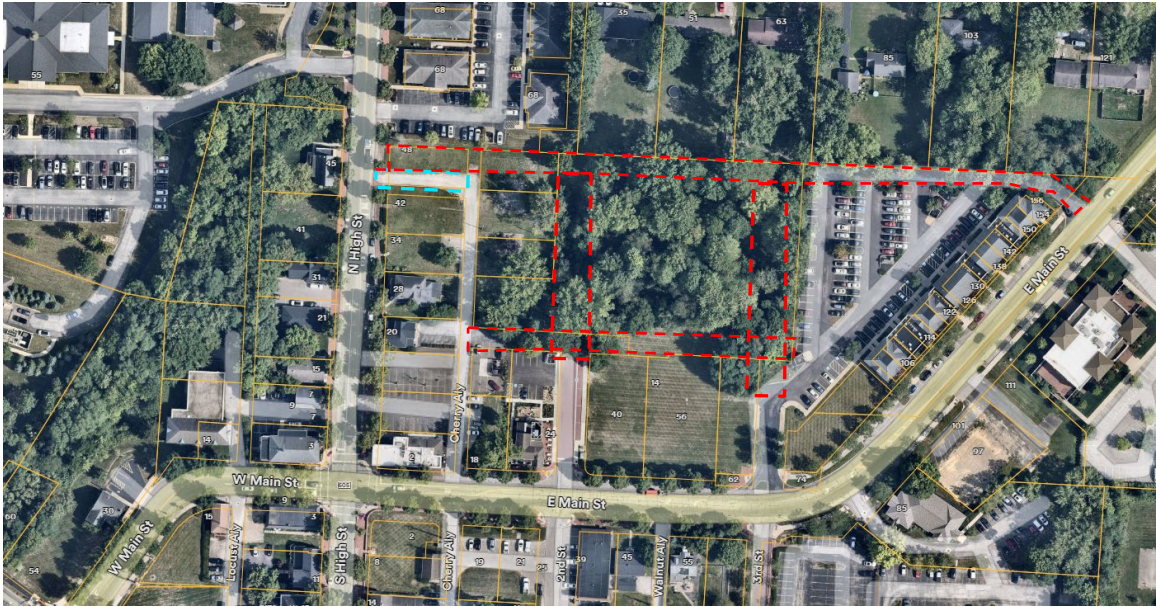
development agreement, results in a cohesive expansion of the historic Village Center streets in the strategic plan's recommended grid pattern.

**VI. ACTION**

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

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**Approximate Street Dedications/Extensions Shown in Red and land to be swapped shown in Blue:**



Source: Nearmap

# NEW ALBANY

## Community Development Planning Application

<b>Submission</b>	<p>Submit planning applications and all required materials via email to <a href="mailto:planning@newalbanvohio.org">planning@newalbanvohio.org</a></p> <p>Paper copies are not required at this time however, 12 paper copies of the entire submission will be required ahead of a board hearing date. The planner assigned to your case will inform you when the paper copies need to be delivered to our offices. Fee invoices will be issued to you once the application is entered.</p>																									
<b>Project Information</b>	<p>Site Address <u>Onemy Av</u></p> <p>Parcel Numbers <u>222-00056</u></p> <p>Acres <u>1.91</u> # of lots created <u>N/A</u></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;">Choose Application Type</th> <th style="width: 40%;">Description of Request:</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/> Appeal</td> <td rowspan="10" style="vertical-align: top;"> <u>riw dedications, extensions, and vacation - second street, third street, Hammond Alley and street A</u> </td> </tr> <tr> <td><input type="checkbox"/> Certificate of Appropriateness</td> </tr> <tr> <td><input type="checkbox"/> Conditional Use</td> </tr> <tr> <td><input type="checkbox"/> Development Plan</td> </tr> <tr> <td><input checked="" type="checkbox"/> Plat</td> </tr> <tr> <td><input type="checkbox"/> Lot Changes</td> </tr> <tr> <td><input type="checkbox"/> Minor Commercial Subdivision</td> </tr> <tr> <td><input type="checkbox"/> Zoning Amendment (Rezoning)</td> </tr> <tr> <td><input type="checkbox"/> Zoning Text Modification</td> </tr> <tr> <td><input type="checkbox"/> Extension Request</td> </tr> <tr> <td><input type="checkbox"/> Variance</td> </tr> <tr> <td><input type="checkbox"/> Vacation</td> </tr> </tbody> </table>		Choose Application Type	Description of Request:	<input type="checkbox"/> Appeal	<u>riw dedications, extensions, and vacation - second street, third street, Hammond Alley and street A</u>	<input type="checkbox"/> Certificate of Appropriateness	<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Development Plan	<input checked="" type="checkbox"/> Plat	<input type="checkbox"/> Lot Changes	<input type="checkbox"/> Minor Commercial Subdivision	<input type="checkbox"/> Zoning Amendment (Rezoning)	<input type="checkbox"/> Zoning Text Modification	<input type="checkbox"/> Extension Request	<input type="checkbox"/> Variance	<input type="checkbox"/> Vacation									
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<b>Signature</b>	<p>Site visits to the property by City of New Albany representatives are essential to process this application. The Owner/Applicant, as signed below, hereby authorizes Village of New Albany representatives, employees and appointed and elected officials to visit, photograph and post a notice on the property described in this application. I certify that the information here within and attached to this application is true, correct and complete.</p> <p>Signature of Owner <u></u> Date: <u>10/9/24</u></p> <p>Signature of Applicant _____ Date: _____</p>																									

Department Address: 7815 Walton Parkway • New Albany, Ohio 43054 • Phone 614.939.2254

Mailing Address: 99 West Main Street • P.O. Box 188 • New Albany, Ohio 43054

# SECOND STREET, THIRD STREET AND STREET "A" DEDICATION AND 11' UNNAMED ALLEY VACATION

## Quarter Township 4, Township 2, Range 16, United States Military Lands City of New Albany, Franklin County, Ohio

Situated in the State of Ohio, County of Franklin, City of New Albany, Quarter Township 4, Township 2, Range 16, United States Military Lands, being part of Lot 90 of the plat of New Albany, as recorded in Plat Book 1, Page 161, all of a 0.115 acre tract, as conveyed to THE CITY OF NEW ALBANY by deed of record in Instrument Number 202404160036835, being part of Lot 90 and 95, all of Lot 91, 92, 93, and 94 of said plat of New Albany, and being all of a 0.154 acre tract and being all of a 1.718 acre tract, as conveyed to AMAL AMER, AS TRUSTEE, OF THE AMAL AMER DYNASTY REVOCABLE LIVING TRUST, DATED NOVEMBER 18, 2013 by deed of record in Instrument Number 202203220045171, all references refer to the record of the Recorder's Office, Franklin County, Ohio.

The undersigned, THE CITY OF NEW ALBANY, F/K/A VILLAGE OF NEW ALBANY a municipal corporation of the State of Ohio, by JOSEPH STEFANOV, CITY MANAGER and AMAL AMER, AS TRUSTEE, OF THE AMAL AMER DYNASTY REVOCABLE LIVING TRUST DATED NOVEMBER 18, 2013, owners of the lands platted herein, duly authorized in the premises, does hereby certify that this plat correctly represents its "SECOND STREET, THIRD STREET AND STREET "A" DEDICATION AND 11' UNNAMED ALLEY VACATION" and does hereby accept this plat of same and dedicates to public use, as such, all of Second Street, Third Street, and Theisen Drive, Cherry Alley and Hawthorne Alley shown hereon and not heretofore dedicated.

Easements are hereby reserved in, over, and under areas designated on this plat as "Utility Easement", the aforementioned designated easement permit the construction, operation and maintenance of all public and quasi public utilities, above beneath and on the surface of the ground, and where necessary, for the construction, operation, and maintenance of service connections to all adjacent lots and lands and for storm water drainage. Within those areas designated "Drainage Easement" on this plat, an additional easement is hereby reserved for the purpose of constructing, operating and maintaining major storm water drainage swales and or other storm water drainage facilities. No above grade structures, dams or other obstructions to the flow of storm water runoff, unless approved by the City Engineer, are permitted within Drainage Easement areas as delineated on this plat. Areas shown hereon outside of the platted area are within land owned by the undersigned and easements are hereby granted therein for the uses and purposes expressed herein.

In Witness Whereof, JOSEPH STEFANOV, CITY MANAGER OF THE CITY OF NEW ALBANY, OHIO  
has hereunto set his hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Signed and acknowledged  
in the presence of: \_\_\_\_\_  
CITY OF NEW ALBANY, OHIO

By: \_\_\_\_\_  
JOSEPH STEFANOV,  
CITY MANAGER

STATE OF OHIO  
COUNTY OF FRANKLIN ss:

Before me, a Notary Public, in and for said State, personally appeared JOSEPH STEFANOV, CITY MANAGER OF THE CITY OF NEW ALBANY, OHIO who acknowledged the signing of the foregoing instrument to be his free and voluntary act and deed and the free and voluntary act and deed of said CITY OF NEW ALBANY, OHIO for the uses and purposes expressed therein.

In Witness Thereof, I have hereunto set my hand and affixed my official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

My commission expires \_\_\_\_\_  
Notary Public, State of Ohio

In Witness Whereof, AMAL AMER, AS TRUSTEE, OF THE AMAL AMER DYNASTY REVOCABLE LIVING TRUST, DATED NOVEMBER 18, 2013, has hereunto set his hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Signed and acknowledged  
in the presence of: \_\_\_\_\_  
THE AMAL AMER DYNASTY  
REVOCABLE LIVING TRUST, DATED NOVEMBER 18, 2013

By: \_\_\_\_\_  
AMAL AMER, AS TRUSTEE

STATE OF OHIO  
COUNTY OF FRANKLIN ss:

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In Witness Thereof, I have hereunto set my hand and affixed my official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

My commission expires \_\_\_\_\_  
Notary Public, State of Ohio

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_  
\_\_\_\_\_  
Mayor, New Albany, Ohio

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_  
\_\_\_\_\_  
City Engineer, New Albany, Ohio

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_  
\_\_\_\_\_  
Council Representative  
to Planning Commission New Albany, Ohio

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_  
\_\_\_\_\_  
Chairperson,  
Planning Commission, New Albany, Ohio

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_  
\_\_\_\_\_  
Finance Director, New Albany, Ohio

Approved and accepted by Ordinance No. \_\_\_\_\_, passed \_\_\_\_\_, 20\_\_, wherein all of Street "A", Second Street, Third Street, Cherry Alley, and Hawthorne Alley shown dedicated hereon are accepted, as such, by the Council for the City of New Albany, Ohio. The City of New Albany, Ohio by its approval and acceptance of this plat, does hereby vacate all of the eleven foot unnamed Alley as shown hereon by hatching and rededicates those portions of Cherry Alley and Ginkgo Alley as Street "A" as shown hereon by hatching (See hatching legend on sheet 2). The City of New Albany, Ohio, approval of this plat shall become null and void unless recorded prior to \_\_\_\_\_, 20\_\_.

Transferred this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_  
\_\_\_\_\_  
Auditor, Franklin County, Ohio

\_\_\_\_\_  
Deputy Auditor, Franklin County, Ohio

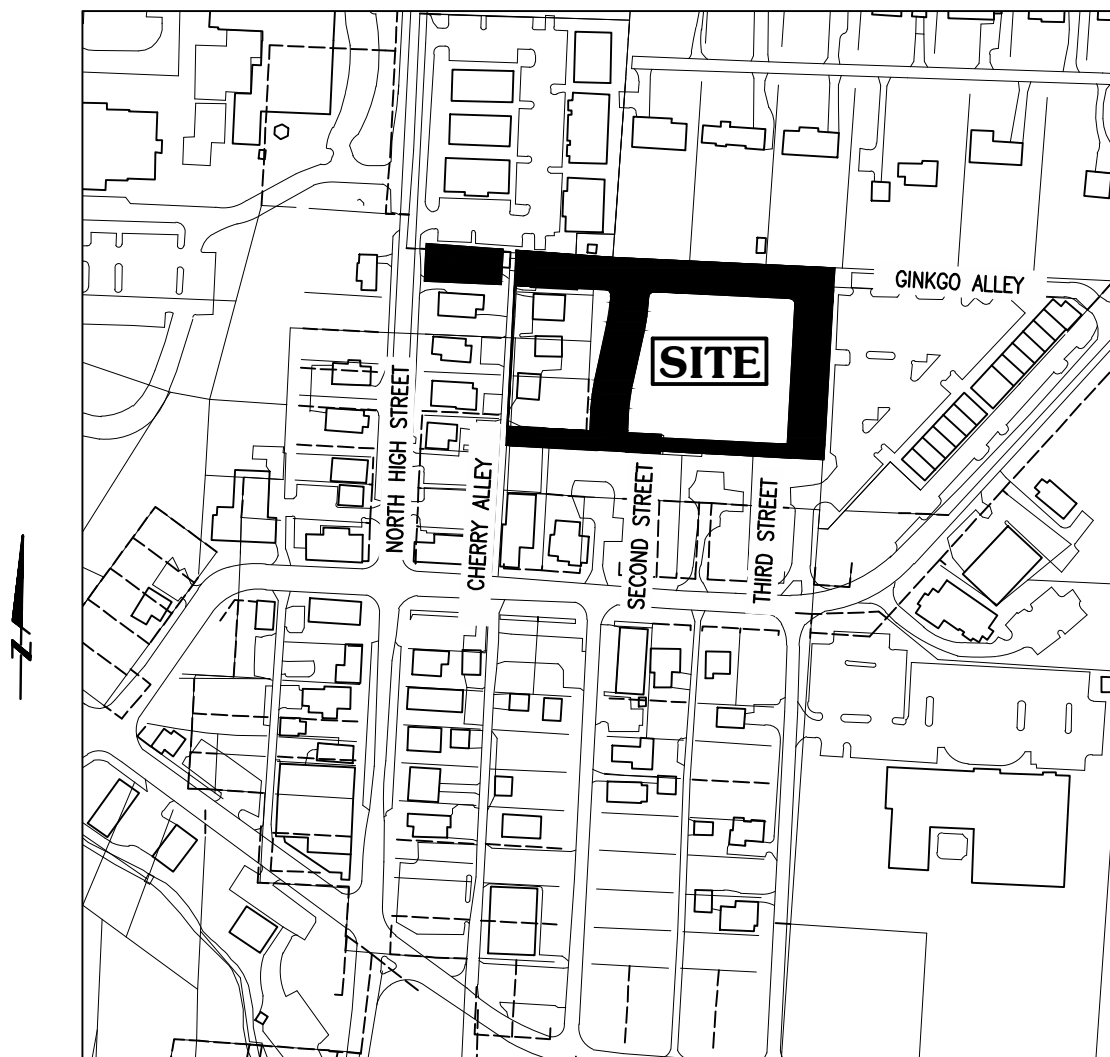
Filed for record this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_  
\_\_\_\_\_  
Recorder, Franklin County, Ohio

Fee \$ \_\_\_\_\_

File No. \_\_\_\_\_

Recorded this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_  
\_\_\_\_\_  
Deputy Recorder, Franklin County, Ohio

Plat Book \_\_\_\_\_, Pages \_\_\_\_\_



**LOCATION MAP**  
NTS

**SURVEY DATA:**

**BASIS OF BEARINGS:** The bearings shown on this plat were transferred from a field traverse originating and is based on the Ohio State Plane Coordinate System, South Zone as per NAD 83, 1986 adjustment. A bearing of North 10°31'41" East was held for a portion of the existing centerline of Reynoldsburg-New Albany Road, between centerline monuments FCGS 9916A and FCGS 9916B designated the "basis of bearing" for this plat.

**SOURCE OF DATA:** The sources of recorded survey data are the records of the Franklin County, Ohio, Recorder, referenced in the plan and text of this plat.

**IRON PINS,** where indicated hereon, unless otherwise noted, and are solid steel reinforcing bar five-eighths inch (5/8") diameter, thirty inches long with a plastic cap placed in the top end bearing the name "E.P. FERRIS SURVEYOR 8342".

**PERMANENT MARKERS:** Permanent markers, where indicated hereon, are to be one-inch diameter, thirty-inch long, solid iron pins, are to be set to monument the points indicated and are to be set with the top end flush with the surface of the ground and then capped with an aluminum cap stamped EP Ferris. Once installed, the top of the cap shall be marked (punched) to record the actual location of the point. These markers shall be set following the completion of the construction/installation of the street pavement and utilities and prior to the City of New Albany, Ohio's acceptance of these improvements. The New Albany, Ohio, Municipal Engineer shall be notified when the markers are in place.

**FLOOD NOTE:**

All of the subject property is located in Zone X (Areas determined to be outside of the 0.2% annual chance floodplain) and Zone X (Areas of 0.2% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.) of Flood Insurance Rate Map (FIRM) Map Number 39049C0208K (June 17, 2008).

**SURVEYOR**

E. P. FERRIS AND ASSOCIATES, INC.  
CONSULTING CIVIL ENGINEERS & SURVEYORS  
2130 QUARRY TRAILS DR., 2ND FLOOR,  
COLUMBUS, OHIO 43228

**OWNER**

KHALED AMR, AS TRUSTEE OF THE  
KHALED AMR DYNASTY REVOCABLE LIVING TRUST DATED NOVEMBER 18, 2013  
AMAL AMER AS TRUSTEE, THE AMAL AMER DYNASTY  
REVOCABLE LIVING TRUST DATED NOVEMBER 18, 2013  
4647 WILKIN COURT  
NEW ALBANY, OHIO 43054  
THE CITY NEW ALBANY, F/K/A VILLAGE OF NEW ALBANY  
99 W. MAIN STREET  
NEW ALBANY, OHIO 43054

**DEVELOPER**

THE CITY NEW ALBANY, F/K/A VILLAGE OF NEW ALBANY  
99 W. MAIN STREET  
NEW ALBANY, OHIO 43054

PREPARED BY

**E. P. FERRIS AND ASSOCIATES, INC.**

CONSULTING CIVIL ENGINEERS & SURVEYORS  
2130 QUARRY TRAILS DR., 2ND FLOOR, COLUMBUS, OHIO 43228

We do hereby certify that we have surveyed the above premises, prepared the attached plat, and that said plat is correct to the best of my knowledge. All dimensions are in feet and decimal parts thereof.



BY: \_\_\_\_\_  
Matthew Lee Sloat, P.E., P.S.  
Registered Surveyor No. 8342

# SECOND STREET, THIRD STREET AND STREET "A" DEDICATION AND 11' UNNAMED ALLEY VACATION

Quarter Township 4, Township 2, Range 16, United States Military Lands  
City of New Albany, Franklin County, Ohio

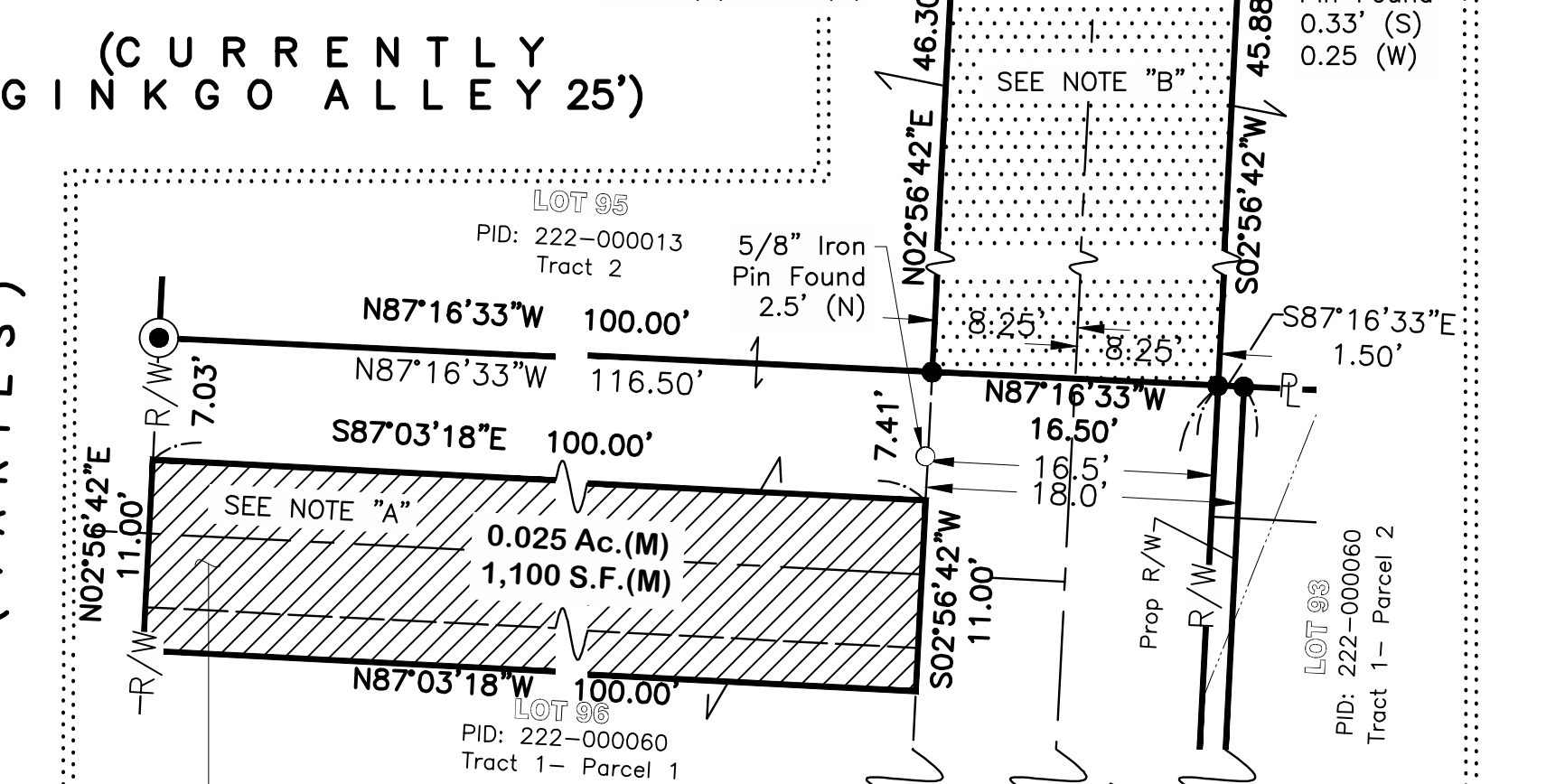
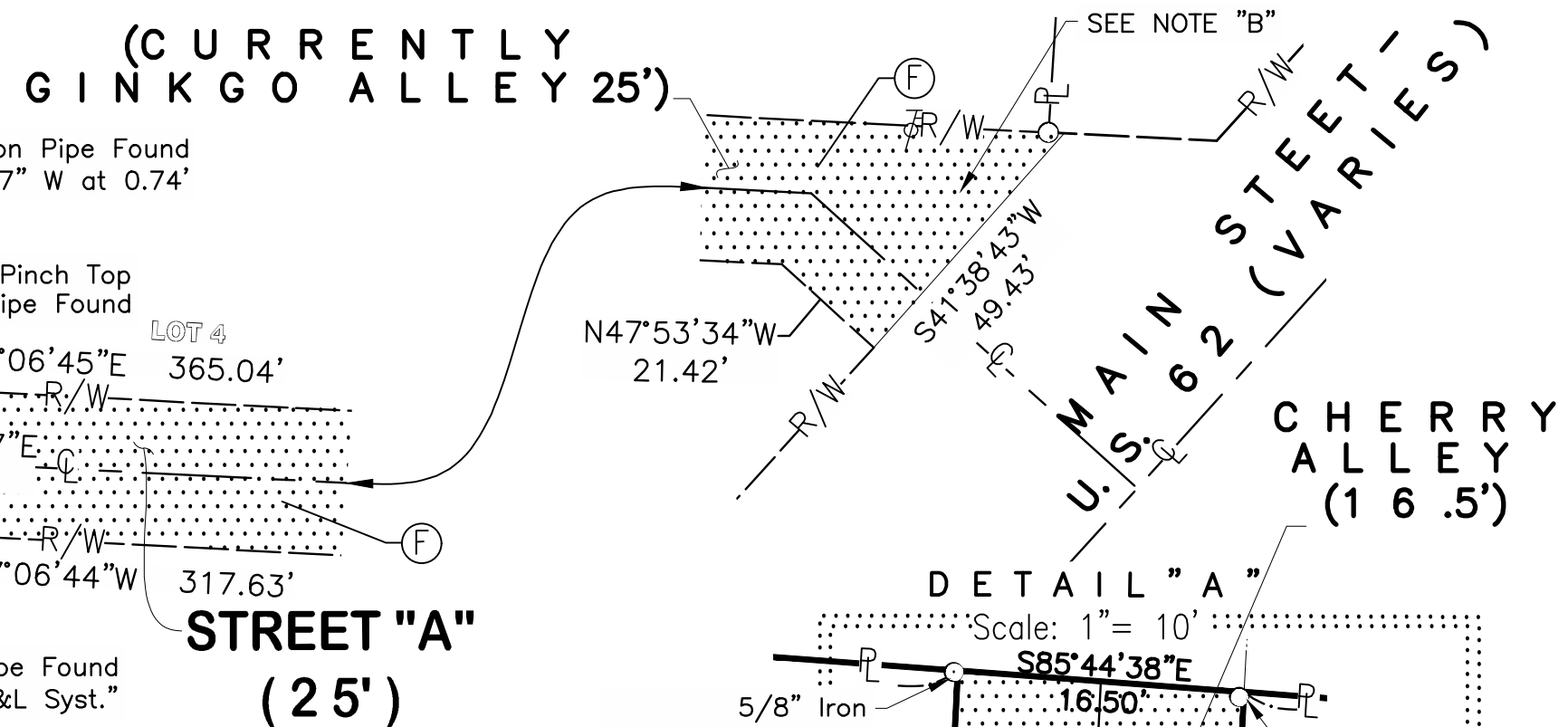
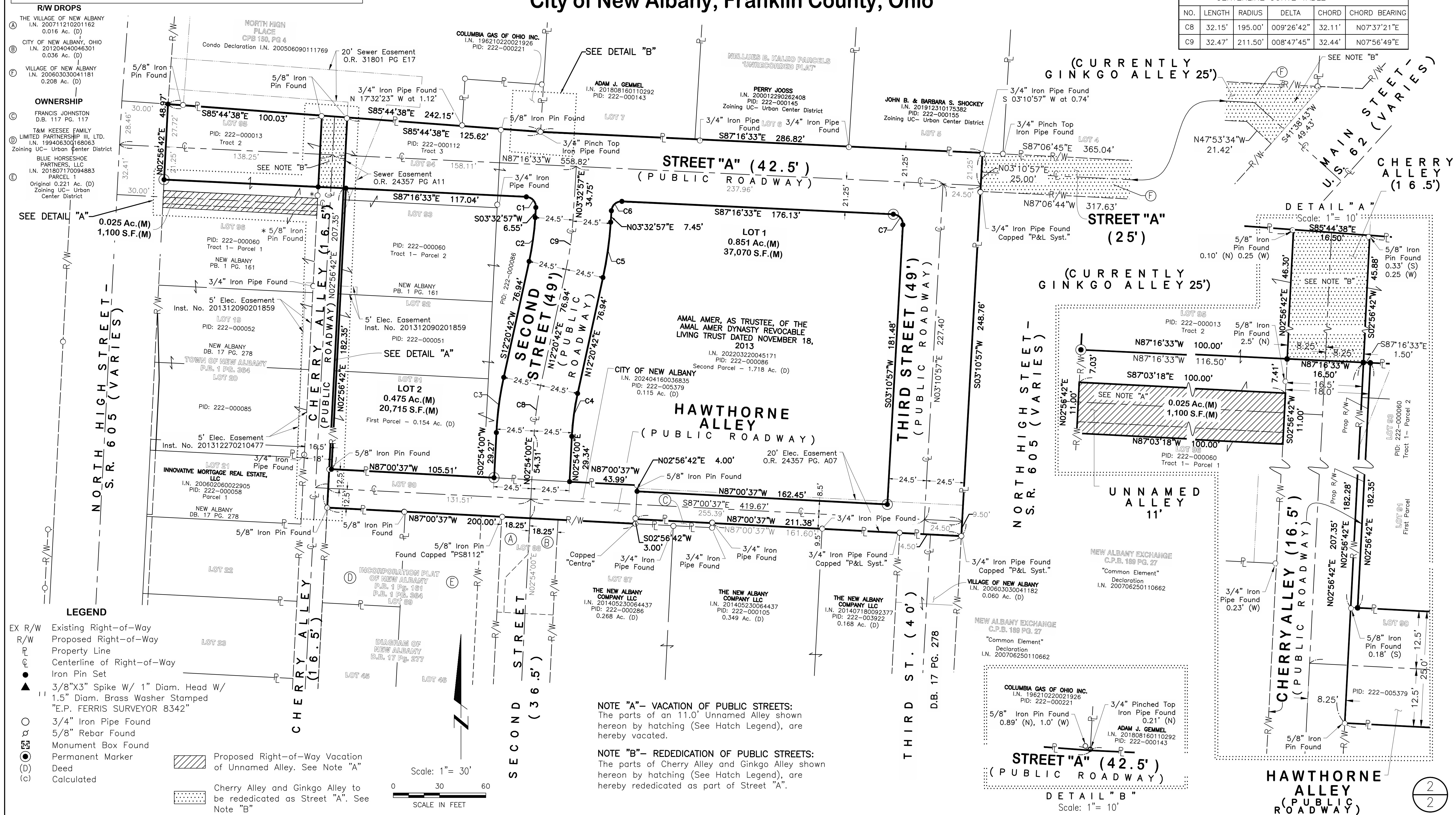
### ACREAGE BREAKDOWN

PARCEL ID	R/W ACREAGE	LOT 2	LOT 1
222-000060	0.002 AC.	0.138 AC.	
222-000051	0.002 AC.	0.113 AC.	
222-000086	0.586 AC.	0.207 AC.	0.851 AC.
222-000112	0.1023 AC.	0.017 AC.	
222-000013	0.109 AC.		
222-005379	0.115 AC.		
CHERRY ALLEY	0.017 AC.		
<b>TOTAL</b>	<b>0.933 AC.</b>	<b>0.475 AC.</b>	<b>0.851 AC. = 2.259 AC.</b>

CURVE TABLE					
NO.	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C1	10.30'	6.50'	090°49'29"	9.26'	S41°51'48"E
C2	28.71'	187.00'	008°47'45"	28.68'	S07°56'49"W
C3	36.18'	219.50'	009°26'42"	36.14'	S07°37'21"W
C4	28.11'	170.50'	009°26'42"	28.07'	N07°37'21"E
C5	36.23'	236.00'	008°47'45"	36.19'	N07°56'49"E
C6	10.12'	6.50'	089°10'31"	9.13'	N48°08'12"E
C7	10.26'	6.50'	090°27'30"	9.23'	S42°02'48"E

CENTERLINE CURVE TABLE					
NO.	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C8	32.15'	195.00'	009°26'42"	32.11'	N07°37'21"E
C9	32.47'	211.50'	008°47'45"	32.44'	N07°56'49"E

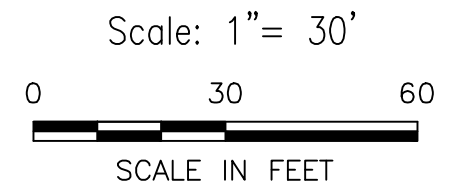


### LEGEND

- EX R/W Existing Right-of-Way
- R/W Proposed Right-of-Way
- Property Line
- Centerline of Right-of-Way
- Iron Pin Set
- 3/8"x3" Spike W/ 1" Diam. Head W/ 1.5" Diam. Brass Washer Stamped "E.P. FERRIS SURVEYOR 8342"
- 3/4" Iron Pipe Found
- 5/8" Rebar Found
- Monument Box Found
- Permanent Marker
- (D) Deed
- (c) Calculated
- Proposed Right-of-Way Vacation of Unnamed Alley. See Note "A"
- Cherry Alley and Ginkgo Alley to be rededicated as Street "A". See Note "B"

**NOTE "A" - VACATION OF PUBLIC STREETS:**  
The parts of an 11.0' Unnamed Alley shown hereon by hatching (See Hatch Legend), are hereby vacated.

**NOTE "B" - REDEDICATION OF PUBLIC STREETS:**  
The parts of Cherry Alley and Ginkgo Alley shown hereon by hatching (See Hatch Legend), are hereby rededicated as part of Street "A".







To: Planning Commission  
 From: City Staff  
 Re: Commercial Wall Sign Amendment to the Codified Ordinances  
 Date: December 16, 2024

**Background & Existing Conditions**

Enclosed are the proposed codified ordinance modifications to chapter 1169(16)(d)(2) “Permanent Signs: Building Sign Types.” Based on the amount of recent wall sign variance requests for larger and a greater quantity of these signs in the Licking County portion of the business park, the Board of Zoning Appeals directed the city staff to research and propose code updates. The city sign code currently permits commercial/warehousing uses to have a wall sign up to 75 square feet and to allow one sign per building frontage.

**Research**

The table below indicates recent variances that have been requested in regards to wall sign size and quantity of wall signage.

Site/Variance Case	Wall Sign Request
Amazon (VAR-35-2021)	- Wall signs to be 297 and 270 sq. ft.
Axiom Packaging (VAR-16-2022)	- Two wall signs per building frontage
Amgen (VAR-81-2023)	- Two wall signs to be 98 sq. ft.
Axiom 6 (VAR-07-2024)	- Wall sign to be 240 sq. ft.
Crown Lift Trucks (VAR-26-2024)	- Wall sign to be 139 sq. ft. - Two wall signs per building frontage
AmplifyBio (VAR-46-2024)	- Wall sign to be 215 sq. ft. - Three signs per building frontage
DSV (VAR-65-2024)	- Wall sign to be 166.25 sq. ft.
Pharmavite (VAR-74-2024)	- Wall sign to be 143.6 sq. ft.
QTS (VAR-65-2024)	- Wall signs to be 200 sq. ft.

*\*these cases may have requested additional variances but for the purposes of this memo, the table only includes the variances related to the code amendment.*

The city staff workshopped code changes with the Board of Zoning Appeals (BZA) on August 26, 2024 and October 28, 2024. Given the large scale of commercial and warehouse buildings, a size of 75 square feet for wall signs doesn’t feel appropriately proportioned for these types of

structures in Licking County. This section of code was adopted in 2010, and is a one size fits all approach meaning that the 75 square foot size limitation is for all types of commercial uses and different sizes of buildings including office, warehouse, data centers, etc. The Licking County portion of the business park started to grow in 2012 and therefore, the code doesn't contemplate the large, several hundred-thousand square foot buildings developed now. Furthermore, these buildings can have multiple tenants, and limiting signage to one per building frontage can create challenges for effective wayfinding. Due to the larger façades of these commercial buildings, most if not all of these sign size requests have been below or just above 1% of the building façade they are proposed to be installed on and thus, the requests have not been substantial.

**Recommendation**

Based on recently approved variance requests, staff and the Board of Zoning Appeals concluded that allowing wall signs to be up to 200 square feet and allowing one per business entrance should help reduce the amount of variance requests. This code amendment more appropriately considers the size of the building when determining the allowable size and quantity of wall signs. City staff acknowledges there will still be sign variance requests but staff and the BZA feel it is appropriate to consider those on a case-by-case basis.

1169.16(d)(2)

Commercial/Warehousing	<p><del>One per building frontage</del></p> <p><u>One per building entrance</u></p>	<p>1 <del>s.f.</del> per linear <del>s.f.</del> of building frontage, not to exceed <del>20075</del> <u>s.f.</u></p>	<ul style="list-style-type: none"> <li>- Maximum 18" projection from building (A)</li> <li>- Maximum lettering height 36" (B)</li> <li>- Minimum 1" sign relief (C)</li> </ul>	<p>External Internal Neon Halo</p>
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Please contact city staff if you have any questions.



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To: Planning Commission

From: City Staff

Re: Conditional Use Expiration Amendment to the Codified Ordinances

Date: December 16, 2024

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**Background & Existing Conditions**

Enclosed are the proposed codified ordinance modifications to chapter 1115.07 Conditional Uses. There is a discrepancy in the expiration dates and the action that must be completed to establish approvals for final development plans (FDP) and Conditional Use applications.

Based on the city zoning code regulations, the majority of conditional uses have accompanying final development plan application that is being heard at the same time. By synchronizing these timelines and “actions” the proposed changes will ensure consistency and reduce uncertainty for developers and stakeholders. The proposed changes improve the application experience and reduce procedures to provide a more responsive development environment.

Chapter 1115.07 states that a conditional use will become null and void if the use it was approved for is not carried out within one (1) year of the date it was approved. However, it is possible to request and receive an extension of the timeline for a six (6) month period. Chapter 1159 states an applicant has two (2) years to begin construction from the day the final development plan is approved, or all of the approvals and permits will become null and void. Within the two (2) year period the applicant may be given an extension from the Commission based on good cause.

Below is a table comparing existing expiration and revocation.

	<b>Conditional Use Duration</b>	<b>“Action”</b>	<b>Final Development Plan Duration</b>	<b>“Action”</b>
New Albany	One (1) year	If such use is not carried out	Within 2 years	Construction has not begun

## Research

An analysis of seven local city regulations was conducted to assess the expiration and revocation of final development plan and conditional use approvals. The findings indicate that conditional use permits generally have an expiration period ranging from one to two years. In contrast, the timeframe for the final development plan exhibits more variability, with most durations falling between two to three years. The outliers with spans of five and eight years.

City	Conditional Use Duration	“Action”	Final Development Plan Duration	“Action”
Westerville	Two (2) years	The conditional use has begun	Two (2) years	Have not been commenced
Dublin	One (1) year	Construction has begun	Three (3) years	If progress on PUD is discontinued
Granville	One (1) year unless renovations/construction is required then two (2) years	Commencement or renovations/construction has begun	Two (2) years	If construction has not begun
Newark	One (1) year	The use or structure has been started	Five (5) years	If construction has not begun
Johnstown	Eighteen (18) months	Not fully implemented	Eight (8) years	Unless construction has commenced on at least seventy percent (70%) of the total acreage
Powell	One (1) year	Has been instituted or utilized	Within two (2) years	If required plats are not yet properly recorded and/or if construction has not begun
Upper Arlington	Six (6) months	Lack of commencement on actual construction or business	Two (2) years - unless a Building Permit has been issued	Construction has not begun

Overall, the duration of New Albany conditional use permits aligns closely with the timelines and actions established by the other cities analyzed. In terms of final development plans, New Albany falls on the lower end of the timeline spectrum. Generally, the primary "actions" for these permits relate to whether construction has commenced, which is consistent with New Albany's current criteria.

### **Recommendation**

The city staff recommends the following updates to the conditional use chapter:

1. Update the expiration period of conditional uses to two years for renovation or new construction projects so it matches the final development plan timeframe.
2. Update the action step from "if such use is not carried out" to "occupancy permits being issued" to clarify what must be completed in order for the conditional use to not expire.
3. Provide more flexibility for the Planning Commission to review and approve conditional use extensions.

This provides developers with a better grasp of what is expected of them, enhancing transparency and accountability. And it modernizes code to contemplate that there are varying degrees and scales of development projects that have received a conditional use approval.

The city staff proposes the following amendment (new language shown in red and removed language in strikethrough) to chapter 1115 – Conditional Uses:

#### **1115.07 - EXPIRATION AND REVOCATION OF ZONING PERMIT ISSUED UNDER CONDITIONAL USE PROVISIONS.**

The **Planning Commission's** approval of the ~~zoning permit~~ **conditional use** issued in accordance with Section 1115.06 shall become null and void if **an occupancy permit has not been issued after one (1) year or within two (2) years if renovations or construction is required** ~~such use is not carried out within one year after the date of approval.~~

The Municipality may revoke the ~~conditional use zoning permit~~ upon written evidence by any resident or official of the Municipality of violation of the Zoning Ordinance and/or written terms and conditions upon which approval was based.

The Planning Commission may grant an extension of a ~~zoning permit~~ **conditional use** issued in accordance with Section 1115.06 ~~for an additional period of six (6) months~~ **for good cause.**