



**New Albany Planning Commission Meeting Agenda**  
Monday, March 3, 2025 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: February 19, 2025**

**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:**

**ZC-07-2025 Rezoning**

Request to rezone approximately 194.6+/- acres generally located east of Babbitt Road, west of Beech Road, and south of Worthington Road from Agricultural (AG) and Limited General Employment (L-GE) to Limited General Employment (L-GE) for an area to be known as the Ganton Parkway South Zoning District (Parcel IDs: 220-002009, 220-002006, 220-002151, 220-000845, 220-000447, 222-005362, 222-005364, 222-005361, 222-005374, 222-005363, 222-005373, 222-004864, 222-005372, 222-004866, 222-004865, and portions of 094-106494-00.002 and 094-108192-00.000).

**Applicant: City of New Albany and The New Albany Company LLC, c/o Aaron Underhill, Esq.**

*Motion of acceptance of staff reports and related documents into the record for ZC-07-2025.*

*Motion of approval for application ZC-07-2025 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.*

**FDP-03-2025 Final Development Plan**

Final development plan to allow for construction of a 4,816 square foot Speedway gas station on 7.38 acres located at the northwest corner of Mink Street and Innovation Campus Way (PID: 093-107478-00.002).

**Applicant: J. Carter Bean Architect LLC c/o Carter Bean**

*Motion of acceptance of staff reports and related documents into the record for FDP-03-2025.*

*Motion of approval for application FDP-03-2025 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.*

**VAR-04-2025 Variances**

Variances to the number of active and operable doors and signage associated with a final development plan application for a Speedway gas station development at the northwest corner of Mink Street and Innovation Campus Way (PID: 093-107478-00.002).

**Applicant: J. Carter Bean Architect LLC c/o Carter Bean**

*Motion of acceptance of staff reports and related documents into the record for VAR-04-2025.*

*Motion of approval for application VAR-04-2025 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.*

**VII. Other business**

**VIII. Poll members for comment**

**IX. Adjournment**



**New Albany Planning Commission Meeting**  
Wednesday, February 19, 2025

**I. Call to order**

The New Albany Planning Commission held a regular meeting on Wednesday, February 19, 2025 in the New Albany Village Hall. Chair Kirby called the meeting to order at 7:02 p.m. and asked to hear the roll.

**II. Roll call**

Those answering roll call:

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

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

Staff members present: Law Director Albrecht, Development Engineer Albright, Planner Blackburn, Planning Manager Christian, Development Engineering Manager Denny, Deputy Director of Public Service Mayer, Deputy Clerk Madriguera.

**III. Action on minutes: February 3, 2025**

Chair Kirby asked whether there were any corrections to the February 3, 2025 minutes.

Commissioner Wallace said that on page 4 in comments attributed to him, that “wayfinging” most likely should have been “wayfinding.”

Deputy Clerk Madriguera noted the correction.

Hearing no further corrections, Commissioner Wallace moved to approve the February 3, 2025 meeting minutes as corrected. Commissioner Larsen seconded the motion.

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

Upon roll call: Mr. Wallace yes, Mr. Larsen yes, Ms. Briggs yes, Mr. Kirby yes, Mr. Schell yes. Having five yes votes, the motion passed and the February 19, 2025 meeting minutes were approved as corrected.

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

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

Planning Manager Christian stated that there was one change to the agenda. Staff would request to table item 2 under Other business.

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

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

Chair Kirby asked whether there were any visitors present who wished to speak on an item not on the agenda.

Hearing none, he introduced the first case and asked to hear the staff report.

**VI. Cases:**

**FDP-03-2025 Final Development Plan**

Final development plan to allow for construction of a 4,816 square foot Speedway gas station on 7.38 acres located at the northwest corner of Mink Street and Innovation Campus Way (PID: 093-107478-00.002).

**Applicant: J. Carter Bean Architect LLC c/o Carter Bean**

Planning Manager Christian delivered the staff report.

Development Engineer Albright delivered the engineering report.

Commissioner Schell asked whether the color of the building had come before the commission.

Planning Manager Christian answered it has not

Chair Kirby asked the applicant to comment on the application.

Applicant and Architect for the project, J. Carter Bean, 2231 McCoy Road, spoke in support of the application. He addressed the brick color first. He explained that this is not the only building it will be relevant to in the coming years. The New Albany Ballet Company [NABC] is an alternate color. This, like NABC, is a great example of something different without setting a precedent. He further explained that this is a red brick which is flashed which means that over time some of the black will wear off. The brick will be very well done.

Chair Kirby asked whether Mr. Bean had a conflict with conditions 2 and 3, or any of the other conditions.

Mr. Bean answered yes, he had a conflict with condition 1. Having an extra 5 feet of width for the drive aisle is very important to the applicant.

Commissioner Schell asked staff to comment on that issue.

Planning Manager Christian answered that the 30-foot width of the drive aisle is something staff has learned about over time. It is more comfortable for pedestrians.

Commissioner Briggs confirmed that tankers access the property from the rear and not the front.

Chair Kirby asked the applicant to comment on some of the rest of the conditions.

Mr. Bean responded that conditions 4,5,6, are all relative to the fact that the property has not yet been split.

Planning Manager Christian concurred and stated that the intent of the conditions is that if the lot is split the applicant must comply with code.

Chair Kirby asked whether there is a cross access easement for the northern part of the property and confirmed that Mr. Bean was amenable with a condition imposing a cross access easement.

Mr. Bean agreed and continued that, regarding condition 8, that the noncompliant portion of the sign is not the word Welcome, it is the vinyl material for the sign.

Council Member Wilttrout asked whether Mr. Bean was amenable to changing the material for the sign.

Commissioner Larsen remarked that the vinyl is not likely to hold up over time.

Planning Manager Christian added that staff prefers removal of the word “Welcome” from the canopy. If it is permitted to stay then code compliant materials must be used.

Mr. Bean agreed to investigate other materials.

Council Member Wilttrout asked whether there is any way that this does not meet the criteria for a sign.

Chair Kirby asked whether it is oversigned if it says Welcome, and whether the address # constitutes a sign. He further remarked that the commission had approved similar door variances.

Commissioner Larsen raised a concern about the sign specifying the direction for trucks and then remarked that a similar sign should indicate the direction for cars.

Chair Kirby would it be possible to include in the record the rationale for the variance because this is a unique circumstance.

Planning Manager Christian answered yes, it can be clarified in the minutes.

Chair Kirby remarked that there was consensus on variances C and D, and asked whether there any questions on A.

Hearing none, Chair Kirby turned to variance B for wall signs. He stated that on Mink there is a pair of signs.

Following discussion there was consensus that three faces of the building can have a sign up to 50-feet and that the logo next to a sign could constitute a sign, subject to staff approval.

Commissioner Wallace asked whether the stormwater basin a dry basin.

Applicant Steve Fox answered that it is a dry basin and further explained that it is not big enough to put in a proper wet basin.

Mr. Bean clarified that, regarding the canopies, that the diesel canopy has information on it as well, it is directional in nature.

Chair Kirby clarified that condition 8 is relative to building canopy.

Commissioner Wallace asked whether no overnight parking could be a condition of approval.

Planning Manager Christian answered that no overnight parking is already in the zoning text.

Chair Kirby and commission discussed the conditions of approval for FDP-03-2025 as follows:

1. 30 v. 35 feet for drive aisles.

Commissioner Schell remarked that he does not have an issue with 35-feet and asked Mr. Bean whether he was firm.

Planning Manager Christian stated that it is not a code requirement.

Commissioner Schell polled the commission to confirm that they were okay with 35.

2. Black brick.  
Commissioner Larsen asked for a sample of the brick

Mr. Bean responded that did not have a sample of the brick at the meeting.

Commissioner Wallace remarked that he was not inclined to deviate from staff's recommendation without seeing a sample.

Commissioner Briggs agreed that seeing the sample would be helpful but she was willing to live on the edge.

Commissioner Schell stated that he liked the black brick. He asked Law Director Albrecht what the commission's options are.

Law Director Albrecht stated that approval could follow reconsideration but a successful motion for reconsideration must be based on new material.

Chair Kirby stated that he was on the fence about the black brick and he would like to see the sample.

Council Member Wiltout asked whether colors specified in Engage New Albany and whether the requirement is for it to be in the color palette. She asked for the PUD language.

Mr. Bean stated it was silent as to color.

Commissioner Briggs stated that part of the reason for her support of the black brick was the consistency with the Axium building.

Commissioner Larsen stated that he was afraid of setting precedent and noted that Axium uses a smaller percentage of black.

Commissioner Schell asked whether there are any other Speedway buildings that are black.

Mr. Bean answered not like this.

Chair Kirby asked whether there is a secondary color for the brick.

Mr. Bean answered, charcoal.

Chair Kirby asked whether there was anyone from the public to comment on the fdp or the variances.

Hearing none, Chair Kirby asked whether the commission could agree to everything except the brick and the brick will be reviewed at a subsequent meeting.

Law Director Albrecht stated that the commission can vote on all the other things and table the variance for the brick until the next regularly scheduled meeting. He also stated that it would be cleaner to approve everything at the same meeting.

Thereafter Chair Kirby listed the consensus regarding the conditions for FDP-03-2025 and VAR-04-2025.

#### FDP-03-2025

1. Good at 35.
2. Table need to see the brick.
3. Agreed.
4. Agreed.
5. Agreed.
6. Agreed.
7. Agreed.
8. No sign on the canopy and vinyl cannot be used.
9. Down lighting.
10. As stated.
11. Cross access easement to the north if lot is split.

#### VAR-04-2025

- (A). Agreed as submitted.
- (B). Three faces can have a sign up to 50-ft. A logo and name next to each other can be one sign subject to staff approval.
- (C) and (D). There should be a corresponding sign for cars.

Chair Kirby moved to admit the staff reports and related documents into the record for FDP-03-2025. Commissioner Schell 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. Schell yes, Mr. Wallace yes, Ms. Briggs yes, Mr. Larsen yes. Having five yes votes, the motion passed and the staff reports and related documents were accepted into the record for FDP-03-2025.

Chair Kirby moved to table FDP-03-2025 until the next regularly scheduled meeting. 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. Schell yes, Mr. Wallace yes, Ms. Briggs no, Mr. Larsen yes. Having four yes votes, and one no voted, the motion passed and FDP-03-2025 was laid upon the table until the next regularly scheduled meeting.

Commissioner Briggs explained that she voted no because she believed the commission should have approved the entire application at this meeting.

Thereafter the commission took the following action on VAR-04-2025.

#### **VAR-04-2025 Variances**

Variances to the number of active and operable doors and signage associated with a final development plan application for a Speedway gas station development at the northwest corner of Mink Street and Innovation Campus Way (PID: 093-107478-00.002).

**Applicant: J. Carter Bean Architect LLC c/o Carter Bean**

Chair Kirby moved to admit the staff reports and related documents for VAR-04-2025. 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. Schell yes, Mr. Wallace yes, Ms. Briggs no, Mr. Larsen yes. Having four yes votes, and one no voted, the motion passed and the staff reports and related documents were accepted into the record for VAR-04-2025.

Chair Kirby moved to table VAR-04-2025 until the next regularly scheduled meeting. 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. Schell yes, Mr. Wallace yes, Ms. Briggs no, Mr. Larsen yes. Having four yes votes, and one no voted, the motion passed and VAR-04-2025 was laid upon the table until the next regularly scheduled meeting.

Commissioner Briggs explained that she voted no because she believed the commission should have approved the entire application at this meeting.

Chair Kirby called a recess.

At 8:36 p.m., Chair Kirby resumed the meeting.

Following the recess, Chair Kirby clarified that notifications requirements could be met and FDP-03-2025 and VAR-04-2025 could be scheduled for the meeting on March 3, 2025. Thereafter the commission took the following further actions.

#### **Further Action on FDP-03-2025 Final Development Plan**

Final development plan to allow for construction of a 4,816 square foot Speedway gas station on 7.38 acres located at the northwest corner of Mink Street and Innovation Campus Way (PID: 093-107478-00.002).

**Applicant: J. Carter Bean Architect LLC c/o Carter Bean**

Chair Kirby moved to take FDP-03-2025 off the table. 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. Schell yes, Mr. Wallace yes, Ms. Briggs yes, Mr. Larsen yes. Having five yes votes, the motion passed and FDP-03-2025 taken off the table.

Chair Kirby moved to table FDP-03-2025 until the March 3rd meeting. 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. Schell yes, Mr. Wallace yes, Ms. Briggs no, Mr. Larsen yes. Having four yes votes, and one no vote, the motion passed and FDP-03-2025 was laid upon the table until the March 3rd meeting.

Commissioner Briggs explained that she voted no because she believed the commission should have approved the entire application at this meeting.

#### **Further Action on VAR-04-2025 Variances**

Variances to the number of active and operable doors and signage associated with a final development plan application for a Speedway gas station development at the northwest corner of Mink Street and Innovation Campus Way (PID: 093-107478-00.002).

**Applicant: J. Carter Bean Architect LLC c/o Carter Bean**

Chair Kirby moved to take VAR-04-2025 off of the table. 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. Schell yes, Mr. Wallace yes, Ms. Briggs yes, Mr. Larsen yes. Having five yes votes, the motion passed and VAR-04-2025 taken off the table.

Chair Kirby moved to table VAR-04-2025 until the March 3rd meeting. 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. Schell yes, Mr. Wallace yes, Ms. Briggs no, Mr. Larsen yes. Having four yes votes, and one no vote, the motion passed and VAR-04-2025 was laid upon the table until the March 3rd meeting.

Commissioner Briggs explained that she voted no because she believed the commission should have approved the entire application at this meeting.

Chair Kirby introduced the next case and asked to hear from staff.

#### **FDP-05-2025 Final Development Plan**

Final development plan to allow for construction of an AEP electrical sub station on 9.50 acres located at 7375 Souder Road (PID: 222-002282).

**Applicant: AEP, Ohio Transmission Company, Inc. c/o Amy Toohey**

Planning Manager Christian delivered the staff report.

Development Engineer Albright delivered the engineering report.

Chair Kirby asked to hear from the applicant.

Applicant Amy Toohey, AEP 8500 Smith's Mill Road, and Applicant Maggie Beggs, 8500 Smith's Mill Road, spoke in support of the application. They distributed a photo of the Parsons Avenue Substation for reference. Ms. Toohey explained that they do not yet have renderings of the proposed Souder Station, but they are trying to be good community partners and they think landscaping will help.

Commissioner Wallace stated that renderings would be helpful and noted that the commission would not like it to look like the Parsons Substation. He asked whether there was information on the heights.

Applicant Maggie Beggs said the tallest would be about 75 feet. She added that this is a great benefit to New Albany as it shows growth and potential.

Commissioner Schell noted the residents at the hearing and stated that he expected that the commission would hear from neighbors. He asked staff whether there was any response from commercial neighbors.

Planning Manager Christian answered that there was no response from commercial neighbors.

Commissioner Schell thanked Planning Manager Christian and remarked that he assumed that the power needs for AI and computing are being taken into account here.

Ms. Beggs answered yes.

Planning Manager Christian answered that the building height limit is 45-feet.

Chair Kirby opened the public hearing.

Craig Srba, 6837 E. Walnut St. Mr. Srba showed aerial, daytime, and nighttime pictures of local substations. He stated that the power substation will detract from the appearance of the business park and suggested the installation of trees and louvered panels to screen the station. His repeated requests for information from AEP regarding their final development plan had garnered very little response and this is unacceptable. He is concerned about the safety aspect. As a private pilot he has been using a grass landing strip on his property to land his aircraft. The flight path is located directly over the proposed power substation. He is also concerned about light pollution and suggested the use of motion sensors. He urged the applicant and the commission to consider that this is being constructed near an active runway. He requested that the commission reject the application at least table it until a rendering is presented. Mr. Srba stated that he would be okay with a height of 45 feet, and screening, and all electrical lines buried. He also displayed photographs of a 300 year old oak tree that is marked for cutting. He asked the applicant how the power will get from the substation.

Ms. Beggs explained that future needs will be determined as will the size and load of future buildings. She also explained that underground transmission lines expensive and are more difficult to find.

Chair Kirby remarked that the purpose of the substation is to decrease the voltage of high tension wires. He asked the applicant whether she could comment on the necessity of nighttime lighting.

Ms. Beggs responded that safety is the reason for nighttime lighting.

Commissioner Briggs asked whether the lights are on for 24 hours.

Ms. Beggs responded that the lights are on from dusk to dawn.

Commissioner Schell asked whether AEP has considered enclosing the substation.

Ms. Beggs responded that it is not financially feasible, the costs would be passed on to the rate payers.

Chair Kirby asked whether there was any problem with down casting light.

Ms. Beggs responded there was no problem. The facility is designed with down casting, dark sky improved lights.

Commissioner Wallace remarked that the photo from the neighbor showed a lot of light spillage. He continued that he is uncomfortable voting for an application without answers and feedback to the questions.

Commissioner Larsen agreed.

Commissioner Schell remarked that he would really like to see a rendering.

Commissioner Briggs agreed with the comments stated at the meeting. She acknowledged that there are uncertainties but would feel more comfortable having an understanding before voting.

Chair Kirby added that notice of easements would be very helpful, and that there are things missing from the q and a.

Law Director Albrecht stated that the statute provides broad authority to public utilities and that the commission is limited in the restrictions they can impose.

Chair Kirby agreed and acknowledged that AEP is the owner of the property.

Law Director Albrecht agreed and continued that they but cannot affect the general welfare of the public. The commission can require more answers.

Commissioner Briggs stated that she understands the need for this, but the commission's job is to approve items that are of benefit of our community. She asked whether a list of questions could be gathered for a follow-up meeting in order to make sure it is the best it can be.

Law Director Albrecht agreed it was possible to ask for additional information in a reasonable length of time.

Commissioner Wallace remarked that it seems that reasonableness is driven by location; landscaping might be location dependent. If the commission is tabling the application it would be good to have people with answers at the next meeting.

Chair Kirby asked for the height of the trees and asked how tall the lines would be.

Ms. Beggs said she did not know.

Mr. Srba asked for the cost of screening. He suggested that the property can be screened by lining with trees or H- beams with pre-fab walls like on I-270.

Chair Kirby encouraged Mr. Srba to please pass this on to the applicant.

Commissioner Schell remarked that he appreciates AEP's partnership, that he is pleased that AEP is investing in New Albany, and that he was most interested in helping AEP to do their best to make this development presentable.

Anna Srba, 6837 E. Walnut Street, Westerville. She echoed Mr. Srba's comments and stated that this will impact all of us. This business park is very well done. She urged the commission to please consider rejecting or holding this application until it is clear what the structure will look like.

Jim Toney, 7550 New Albany Condit Road. Mr. Toney echoed the comments of Mr. Srba. He asserted that AEP's presentation was very vague and he urged the commission to be sensitive to the residents to the north.

Chair Kirby strongly recommend chatting with the neighbors about landscaping and mounding and with the engineers about drainage. Landscaping goes a long way toward building confidence with the neighbors. Speaking directly with the applicants he noted that there are numerous lines and it would have to be regraded to make it uniform. The commission would like to see their plan. He urged AEP to come armed with that next time.

Chair Kirby asked whether there were any members of the public present who wished to comment on the application.

Hearing none, Chair Kirby moved to accept the staff reports and related documents into the record for FDP-05-2025. 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, Ms. Briggs yes, Mr. Larsen yes, Mr. Schell yes. Having five yes votes, the motion passed and the staff reports and related documents including the applicant's photograph and Mr. Srba's photographs were admitted to the record for FDP-05-2025.

Chair Kirby moved to table FDP-05-2025 to either of the April 2025 meetings or no later than 60 days. Commissioner Schell 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. Schell yes, Ms. Briggs yes, Mr. Larsen yes, Mr. Wallace yes. having five yes votes, the motion passed and FDP-05-2025 was laid upon the table until either of the April 2025 meetings or no later than 60 days.

The commission thanked the applicants and residents.

Chair Kirby encouraged the applicant and the residents to exchange information so they could work together.

## **VII. Other business**

1. Informal Presentation for a Conditional Use for 5065 Forest Drive  
Applicant J. Carter Bean presented the informal review. He said that he was seeking feedback on drive through for a Graeter's Ice Cream Parlor.

Council Member Wiltout stated that it would be easier without it.

Commissioner Wallace strongly suggested that Mr. Bean bring someone in to speak to the necessity of the drive through.

Chair Kirby stated that he would like to see the striping or a traffic plan. He further stated that it was always good to eliminate variance.

2. City Code Amendment: C.O. 1154.08 Technology Manufacturing District Parcel and Yard Requirements. Deputy Director of Public Service requested to table this item. No vote was needed or taken.
3. City Code Amendment: C.O. 1155 Flood Damage Reduction and 1171.03 Preservation of Natural Features.

Deputy Director of Public Service Mayer introduced Shawn Arden, Director of Water Resources from EMH&T. He explained that since the workshop in February, ODNr had reviewed and approved the proposed update. Staff was seeking approval of the commission and a favorable recommendation to city council.

Mr. Arden noted the hour and explained that the amendment was intended to update the New Albany ordinances regarding riparian areas following the newly released FEMA floodplain map. The proposed amendment was intended to promote uniformity.

Commissioner Wallace stated that in reviewing the minutes from last meeting, he thought that one of the goals was to remove the riparian language from 1155 and place it into 1171, but he could not locate the language in 1155. He also noted numbering changes and possible inconsistencies, it would have been helpful to get a redline version. He also wondered whether a single term should be used, “riparian area” rather than “riparian corridor,” and that it was confusing to use the terms interchangeably.

Mr. Arden acknowledged the confusing language and stated that it could be a definitional section. The intent was that riparian area was only in 1171.

Commissioner Wallace moved to recommend to council the changes to the city code 1155 and 1171 with the changes discussed at the meeting. Commissioner Briggs seconded the motion.

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

Upon roll call: Mr. Wallace yes, Ms. Briggs yes, Mr. Kirby yes, Mr. Schell yes, Mr. Larsen yes. Having five yes votes, the motion passed and the code amendments were favorably recommended to the city council subject to the comments and suggestions at the meeting.

#### **VIII. Poll members for comment**

Chair Kirby polled the commission members for comment.

#### **IX. Adjournment**

Hearing no further comments and having finished all the business on the agenda, Chair Kirby adjourned the February 19, 2025 Planning Commission meeting at 10:25 p.m.

Submitted by Deputy Clerk Madriguera, Esq.

#### **Appendix**

##### **FDP-03-2025**

###### **Staff Report**

###### **Record of Action**

##### **VAR-04-2025**

###### **Staff Report**

###### **Record of Action**

**FDP-05-2025**

**Staff Report**

**Record of Action**

**AEP Photo – to be added**

**Mr. Srba Photos**

**Proposed Code updates to 1155 and 1171**



**Planning Commission Staff Report  
February 19, 2025 Meeting**

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**SPEEDWAY  
FINAL DEVELOPMENT PLAN**

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LOCATION: Generally located at the northwest intersection of Mink Street and Innovation Campus Way (PID: 093-107478-00.002)  
APPLICANT: J. Carter Bean Architect LLC c/o Carter Bean  
REQUEST: Final Development Plan  
ZONING: Mink Interchange I-PUD  
STRATEGIC PLAN: Retail/Employment Center  
APPLICATION: FDP-03-2025

Review based on: Application materials received February 4, 2025

*Staff report prepared by Sierra Saumenig, Planner*

**I. REQUEST AND BACKGROUND**

The final development plan application is for a proposed Speedway gas station generally located at the northwest intersection of Mink Street and Innovation Campus Way. This development includes a gas station/convenience store, an unleaded fuel canopy, and a diesel fuel canopy for semi-trucks.

The applicant is also applying for several variances related to this final development plan under application VAR-04-2025. Information and evaluation of the variance requests are under a separate staff report.

This site is located within the Mink Interchange zoning district which was reviewed and approved by the Planning Commission on September 19, 2016 (ZC-66-2016) and by city council on October 4, 2016 (O-21-2016).

**II. SITE DESCRIPTION & USE**

The site is generally located north of Innovation Campus Way and west of Mink Street. It is bordered by commercial properties to the north (New Albany 525), west (AmplifyBio), and south (Axium Building 6), with residential areas in Jersey Township to the east.

**III. EVALUATION**

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

- a. *That the proposed development is consistent in all respects with the purpose, intent and applicable standards of the Zoning Code;*
- b. *That the proposed development is in general conformity with the Strategic Plan/Rocky Fork-Blacklick Accord or portion thereof as it may apply;*
- c. *That the proposed development advances the general welfare of the Municipality;*

- d. *That the benefits, improved arrangement and design of the proposed development justify the deviation from standard development requirements included in the Zoning Ordinance;*
- e. *Various types of land or building proposed in the project;*
- f. *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;*
- g. *Traffic and circulation systems within the proposed project as well as its appropriateness to existing facilities in the surrounding area;*
- h. *Building heights of all structures with regard to their visual impact on adjacent facilities;*
- i. *Front, side and rear yard definitions and uses where they occur at the development periphery;*
- j. *Gross commercial building area;*
- k. *Area ratios and designation of the land surfaces to which they apply;*
- l. *Spaces between buildings and open areas;*
- m. *Width of streets in the project;*
- n. *Setbacks from streets;*
- o. *Off-street parking and loading standards;*
- p. *The order in which development will likely proceed in complex, multi-use, multi- phase developments;*
- q. *The potential impact of the proposed plan on the student population of the local school district(s);*
- r. *The Ohio Environmental Protection Agency's 401 permit, and/or isolated wetland permit (if required);*
- s. *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.*



### **Engage New Albany Strategic Plan Recommendations**

The Engage New Albany Strategic Plan recommends the following development standards for the Neighborhood Retail future land use category:

1. Parking areas should promote pedestrians by including walkways and landscaping to enhance visual aspects of the development.
2. Combined curb cuts and cross access easements are encouraged.
3. Curb cuts on primary streets should be minimized and well-organized connections should be created within and between all retail establishments.
4. Retail building entrances should connect with the pedestrian network and promote connectivity through the site.
5. Integrate outdoor spaces for food related businesses.

#### **A. Use, Site and Layout**

1. The applicant is proposing to construct a 4,816 sq. ft. gas station/convenience store on the 9.39-acre site. The proposed development will be on 7.38-acres of the site and the remaining 3.72-acres is proposed to be a future development. The zoning text permits gasoline and other fuel stations, with or without convenience stores. The proposed development is in an appropriate location given its proximity to the New Albany Business Park and State Route 161.
2. Per the zoning text, plans for the development of gas stations shall be created in a manner that discourages overnight truck parking. The applicant proposes to install “no overnight truck parking” signage on the property.
3. The zoning text requires the following setbacks from these perimeter boundaries:

<b>Road</b>	<b>Requirement</b>	<b>Proposed</b>
Mink Street	50-foot pavement setback 100-foot building setback	75-foot pavement setback [meets code] 100-foot building [meets code]
Innovation Campus Way	50-foot building and pavement	65+/- foot pavement [meets code] 153+/- foot building [meets code]
Riparian Corridor Setback	Minimum 150-foot setback (75 feet in each direction of from the centerline of the creek).	Applicant has labeled the setback and are permitted per zoning text section C(4) one paved vehicular crossing to cross through the setback area. The applicant proposes one vehicular crossing through the setback area.

4. Zoning text section II(C)(9) requires that the total lot coverage, which includes areas of pavement and building, to not exceed 80%. The plan meets this requirement with a proposed 43.6% lot coverage amount.
5. The applicant indicates that the onsite stormwater will be conveyed to an off-site stormwater basin to the west of this site.

#### **B. Access, Loading, Parking**

1. The site is accessed from three proposed curb cuts:
  - One 35' right in/right out access along Mink Street that will function as a shared drive between the developments on the site.
  - One 35' right in/right out access along Innovation Campus Way.
  - One full 55' access entrance along Innovation Campus Way intended for trucks entering and exiting.
2. The city parking code does not have parking standards for convenience stores associated with a gasoline station use. The Planning Commission should evaluate the appropriateness of the number of parking spaces provided on site.
  - The applicant is providing 36 parking spaces on site.

- Per Codified Ordinance 1167.05(d)(8) gasoline service stations require 2 for each service bay plus 1 for each 2 gasoline dispensing units, plus 1 for each employee during main shift. This site has 10 gasoline pumps and could have up to 5 employees during the main shift resulting in 10 parking spaces being required.
  - City code does not have specific parking space requirements for convenience stores associated with a gasoline station use. The closest use within the city parking code is retail shopping centers which require one parking space for each 200 square feet of gross floor area. The convenience store is 4,816 square feet which would require 25 parking spaces. The applicant is providing 36 parking spaces which appears to accommodate both the gasoline pump and convenience store uses. This is generally consistent with other gas stations in the city such as Duke and Duchess.
2. According to C.O. 1167.06(a)(2) the applicant is required to provide one off street loading space. The applicant is meeting this requirement by providing one loading space behind the convenience store.
  3. Per C.O. 1167.03(a), the minimum parking space dimensions required are 9 feet wide and 19 feet long and the applicant is meeting this requirement.
  4. Per C.O. 1167.03(a), the minimum maneuvering lane width size is 22 feet for this development type. The applicant is proposing maneuvering lanes with varying widths throughout the site that are between 28 and 35 feet. The proposed maneuvering lanes are wider than what was approved for Sheetz, Turkey Hill, and the Duke and Duchess site, which are similar developments. Reducing the drive lanes widths to 30 feet will result in less paved area on the site and be more consistent with other gas stations in the community. Staff recommends a condition of approval that the maneuvering lane widths on the regular vehicle gas side of the site be reduced to 30 feet (condition #1).

### **C. Architectural Standards**

1. The purpose of the New Albany Design Guidelines and Requirements is to help ensure that the New Albany community enjoys the highest possible quality of architectural design. The site falls under Section 6 of the Design Guidelines and Requirements, Commercial Outside the Village Center and there are also architectural requirements in the zoning text.
2. The zoning text states that buildings with this use shall be a minimum of one story and a maximum of two and a half stories in height and this requirement is being met as the convenience store is a one-story building.
3. The primary building material for the convenience store is brick and a thermally modified wood.
  - The DGR's state that traditional materials such as wood, stone, brick, and concrete are preferred.
  - The city architect has reviewed the proposed black brick and acknowledges the applicant's justification that surrounding buildings, particularly the Axiom, feature a similar material palette. However, a gas station is a smaller structure with a different use compared to commercial buildings. When looking at other smaller, human-scaled buildings in the vicinity, black brick is an industrial-like finish that has not been previously used. Instead, warm natural color brick is found throughout New Albany. The city architect believes Speedway should be consistent with other retail uses in the city, as the it is not the size of a warehouse, nor is it required to look to its warehouse neighbors for exterior material justification. Staff recommends a condition of approval that the black brick be revised to a natural colored brick, subject to staff approval (condition #2).
4. Zoning text section E.4(b) states that all rooftop mechanical units must be screened to limit off site visibility and sound. The applicant is meeting this requirement by providing rooftop screening so that the mechanical units are not seen from the property lines.
5. DGR Section 6(I)(A)(4) states that the number, location, spacing and shapes of window openings shall be carefully considered, particularly for buildings in retail use and shall

- impart a sense of human scale. The city architect states that the windows of this building are arranged and sized appropriately.
6. DGR Section 6(I)(A)(6) states that all visible elevations of a building must receive similar treatments in style, materials and design so that no visible side is of a lesser character than any other.
    - The city architect has reviewed the elevations and is okay with the blank facades as long as the brick panels are recessed by ½ inch consistently around the entire building. Staff recommends a condition of approval that the brick panels are recessed by 1.2 inches on all four sides of the building (condition #3)
  7. DGR Section 6(I)(A)(12) states that buildings shall have active and operable front doors along all public and private streets. The convenience store fronts onto Mink Street and Innovation Campus Way on the south side. The building is designed with an active and operable front door along Mink Road and the rear of the building however, the applicant is not providing an active and operable door on the Innovation Campus Way elevation. The applicant requests a variance to eliminate this requirement for the south elevation of the building which is evaluated under a separate staff report.
  8. C.O. 1171.05(b) states that all trash and garbage container systems must be screened, not be located in front yards and meet the minimum required pavement setbacks. The applicant proposes to install a dumpster enclosure at the rear of the parking area, within the pavement setback and it will be completely screened with a dumpster enclosure therefore these requirements are being met.

**D. Parkland, Buffering, Landscaping, Open Space, Screening**

1. An 8' asphalt leisure path is already installed along the Mink Street and Innovation Campus Way site frontages.
2. Per zoning requirements, a four-board horse fence is required to be installed along Mink Street and Innovation Campus Way. The applicant proposes to install the fences on these street frontages however, it's unclear if the proposed horse fence along Mink Street is proposed for the entirety of the road frontage. Staff recommends a condition of approval that the proposed horse fence along Mink Street is the entire property line, unless the lot is split (condition #4).
3. Per zoning text requirements II(F)(1) a minimum of 10 trees per 100 lineal feet must be installed within the required setback area along Mink Street. The applicant states they are meeting this requirement by providing 85 trees along their 846 feet of frontage on Mink Street however the plans do not show 85 trees. Staff recommends a condition of approval that the applicant must provide 85 trees within the required minimum pavement setback along Mink Street unless the lot is split, then the applicant only needs to provide 10 trees per 100 linear feet of their property line (condition #5).
4. Per zoning text requirement II(F)(3), a minimum 4-foot-tall landscape buffer must be provided to screen parking areas along all public rights of way. The proposed landscape plan shows that a 4-foot-tall landscape buffer will be installed along the parking areas that are along public rights of way, therefore this requirement is being met.
5. Per zoning text requirement II(F)(5), a street row shall be established along publicly dedicated right-of-way and shall contain 3 trees for every 100 feet of road frontage. There are existing street trees along Mink Street that count toward this requirement however, street trees are not shown on the landscape plans. Staff recommends a condition of approval that street trees are added to both Mink Street and Innovation Campus Way frontages at the rate of 3 trees for every 100 feet of road frontage. If the lot is split then the applicant only needs to provide street trees along their property line on Mink Street (condition #6).
6. Codified Ordinance 1171.06(a)(3) requires one tree per 10 parking spaces to be installed in the parking lot. The applicant is providing 36 parking spaces thereby requiring 4 trees and this requirement is met.
7. Codified Ordinance 1171(5)(e) requires parking lots over fifty thousand (50,000) square feet: A minimum of one tree for every five thousand (5,000) square feet of ground coverage and a total tree planting equal to twenty-five (25) inches plus one-half inch in

tree trunk size for every four thousand (4,000) square feet over fifty thousand (50,000) square feet in ground coverage. The applicant states that the parking lot and building is approximately 321,423 sq. ft. requiring 65 trees at 59" total caliber (CAL). The applicant states that existing trees onsite are meeting this requirement however, it is unclear how many trees and caliber are provided. Staff recommends a condition of approval that the applicant meets Codified Ordinance 1171(5)(3) and provides the specific number of required trees and caliber on the landscaping plans (condition #7).

8. The City Landscape Architect reviewed the proposal and has the same landscaping comments as city staff.

#### **E. Lighting & Signage**

1. Zoning text section II(G) requires all parking lot light poles to be downcast and use cut-off type fixtures in order to minimize light spilling beyond the boundaries of the site. Site lighting is proposed to be down cast, but not cut-off. A detailed photometric plan was submitted showing no light spillage from this site onto Mink Street, Innovation Campus Way, and other properties within this zoning district
2. Zoning text section II(H)(3) states that all parking lot poles within the entire zoning district shall be black or New Albany Green, be constructed of metal and not exceed 30 feet in height. The applicant proposes to use 30-foot tall parking lot light poles that are black.
3. As part of this final development plan application, the applicant has submitted a sign plan for the site. The applicant proposes to install four wall signs: two on the Mink Street Road elevation, one on the south elevation, and one on the north (rear elevation). The applicant proposes to install two monument signs, one along Mink Street and one along Innovation Campus Way. Additionally, canopy signs are proposed at both the entrances. Lastly, three directional signs are proposed at the access points into the site.
4. The proposal does include internal "do not enter signs" for semitrucks as well as signage on the rear canopy indicating the enter and exit for the gas pumps. These signs are unregulated and are not evaluated under this staff report.
5. The two canopies above the entrances into the convenience store say "Welcome" in vinyl lettering which is not permitted. Staff recommends a condition of approval to remove "Welcome" from the canopy signs, as vinyl is not an approved material and to minimize excessive signage. (condition #8).
6. The applicant proposes to install three directional signs at the proposed entrances to the site.
  - Two of the signs say "Speedway" with the logo and directional arrow.
  - One sign includes the logo and "trucks" with a directional arrow.
  - The signs are 5 feet tall and 6 sq. ft. in size which exceeds the permitted height and size requirements. The applicant requests a variance to exceed the required height and square footage for directional signs which is evaluated under a separate staff report.

#### **Wall Signs**

- The zoning text and C.O. 1169.15(d) permits a wall sign on each building frontage either on a public or private road, with 1 square foot in area per linear square foot of building frontage, not to exceed 50 square feet.

#### **Mink Street Elevation Wall Sign - "Speedway"**

- a. Area: 25 sq. ft. [meets code]
- b. Lettering Height: 23.5 [meets code]
- c. Location: Mink Street elevation
- d. Lighting: internal illumination [meets code]
- e. Relief: 5" [meets code]
- f. Color: one color [meets code]
- g. Materials: aluminum [meets code]

**Mink Street Elevation and Innovation Campus Way Wall Signs “S”  
Speedway Logo**

- a. Area: 31.1 sq. ft. [meets code]
- b. Lettering Height: N/A [logo]
- c. Location: on the Mink Street and Innovation Campus Way elevations [meets code]
- d. Lighting: internal illumination [meets code]
- e. Relief: 6” [meets code]
- f. Color: three colors [meets code]
- g. Materials: polycarbonate [meets code]

**Rear Elevation Wall Sign “S” Speedway Logo**

- a. Area: 19.9 sq. ft. [meets code]
- b. Lettering Height: N/A [logo]
- c. Location: on the rear elevation [meets code]
- d. Lighting: internal illumination [meets code]
- e. Relief: 6” [meets code]
- f. Color: three colors color [meets code]
- g. Materials: polycarbonate [meets code]

Retail only allows one sign per business frontage. The site has two proposed frontages and therefore, two wall signs are permitted. The applicant is proposing 4 wall signs and a variance has been requested which evaluated under a separate staff report.

**Ground Mounted Signs**

The applicant proposes to install two monument signs: one along Mink Street and one along Innovation Campus Way. The monument signs shall be consistent with the specifications found in the New Albany Innovation Campus Way Design Guidelines, as adopted by the Planning Commission. The applicant is meeting a majority of the recommendations of the sign plan however there are some revisions needed, such as relocating the address off the brick base and underneath “Speedway.” Staff recommends a condition of approval that the address numbers be relocated on the face of the sign and the lighting be revised to a ground-mounted up light. (condition #9).

- a. Area: 38.8 square feet [meet code]
  - b. Location: One perpendicular to Mink Street and Innovation Campus Way [meets code]
  - c. Lighting: internally illuminated on the logo side [does not meet code].
  - d. Relief: 8 inches [meets code]
  - e. Colors: Black, green, red, white (total of 4) [meets code].
  - f. Materials: Brick with a precast cap [meets code]
- The sign will feature the company logo and provide gas pricing information. The gas prices are to be changeable price plates and not automatic.

**IV. ENGINEER’S COMMENTS**

The City Engineer has reviewed the application and provided the following comments. These comments can also be found in a separate memo attached to this staff report. Staff recommends a condition of approval that the comments of the city engineer are addressed, subject to staff approval (condition #10).

1. As commented on previously please add site distance triangles at each curb cut shown on sheet L1.0 and remove impediments to motorist view.

2. We will evaluate storm water management, sanitary sewer collection and roadway construction related details once detailed construction plans become available.

## **V. SUMMARY**

The proposal is meeting many of the goals of the Engage New Albany Strategic Plan such as providing pedestrian access along roadways into the site and utilizing high quality building materials. However, the brick should be a naturalized color to be consistent with similar retail uses within New Albany. Although the site is auto-oriented and must adequately serve large fueling trucks, it appears there is an opportunity to reduce the pavement without negatively affecting trucks ability to safely navigate the site.

The proposed development is in an appropriate location given the context of the surrounding area and will serve as an amenity for the New Albany Business Park. The proposed building and fuel canopy are well designed, with the recommended conditions of approval, and the use is appropriate given the surrounding commercially zoned area.

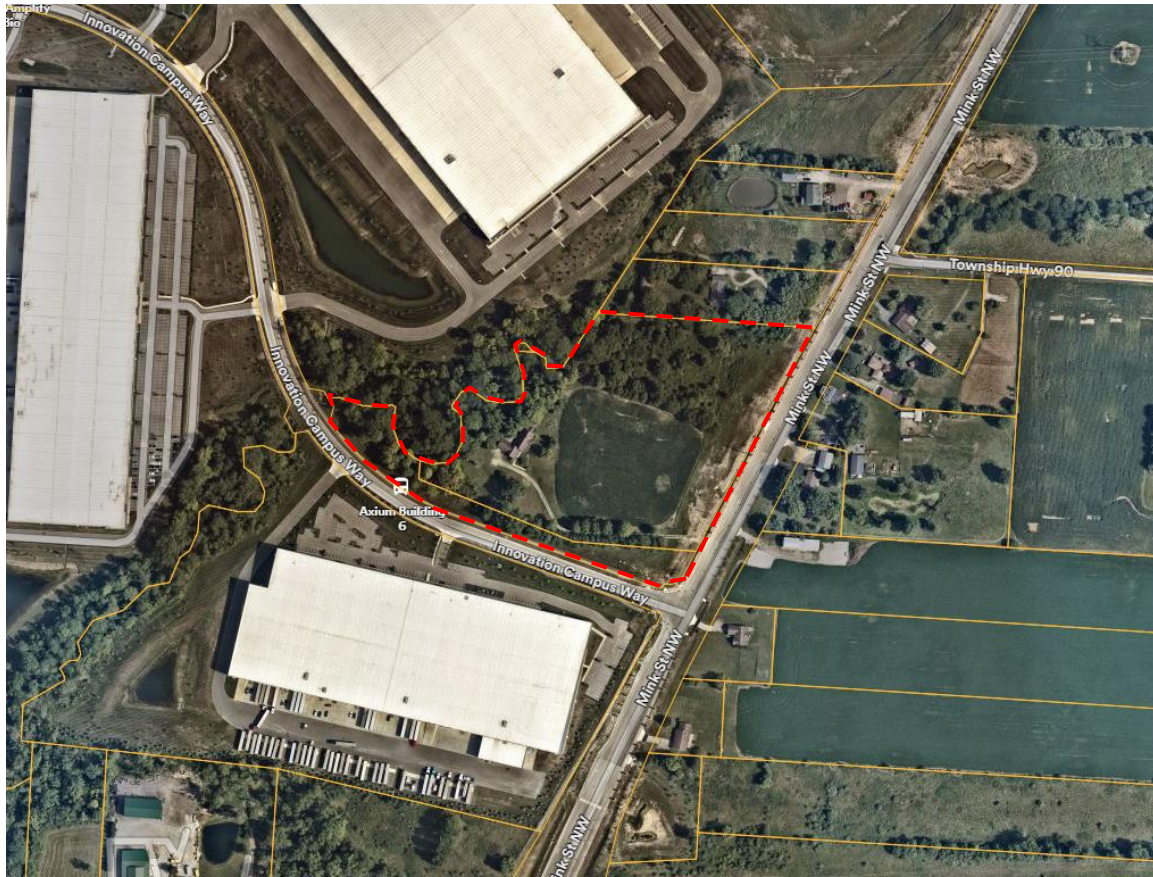
## **V. ACTION**

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

### **Move to approve final development plan application FDP-03-2025, subject to the following conditions:**

1. All internal drive aisles must be reduced to 30 feet wide.
2. That the proposed black brick be revised to a natural colored brick, subject to staff approval
3. The brick panels are recessed by ½ inch on all four sides of the building.
4. That the proposed horse fence along Mink Street is the entire property line unless the lot is split.
5. That the applicant must provide 85 trees within the required minimum pavement setback along Mink Street unless the lot is split then the applicant only needs to provide 10 trees per 100 linear feet of their property line.
6. Street trees are added to both Mink Street and Innovation Campus Way frontages at the rate of 3 trees for every 100 feet of road frontage. If the lot is split then the applicant only needs to provide street trees along their property line on Mink Street.
7. That the applicant meets Codified Ordinance 1171(5)(3) and provides the specific number of required trees and caliper on the landscaping plans.
8. Remove "Welcome" from the canopy signs, as vinyl is not an approved material and to minimize excessive signage.
9. That the address numbers be relocated on the face of the monument sign and the lighting be revised to be a ground-mounted up light.
10. The city engineer's comments must be addressed, subject to staff approval.

## Approximate Site Location



Source: NearMaps



## **Community Development Department**

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

Dear J. Carter Bean Architect,

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, February 25, 2025

The New Albany Planning Commission took the following action on 02/19/2025 .

#### Final Development Plan

**Location:** 1825 Mink St., New Albany, OH 43054

**Applicant:** J. Carter Bean Architect,

**Application:** PLFDP20250003

**Request:** FDP-03-2025 Final Development Plan

Final development plan to allow for construction of a 4,816 square foot Speedway gas station on 7.38 acres located at the northwest corner of Mink Street and Innovation Campus Way (PID: 093-107478-00.002).

**Motion:** Move to table to the March 3, 2025, Planning Commission meeting

**Commission Vote:** Motion Tabled, 5-0

**Result:** Final Development Plan, PLFDP20250003 was Tabled, by a vote of 5-0.

Recorded in the Official Journal this February 25, 2025

**Condition(s) of Approval:** None

Staff Certification:

*Chris Christian*

Chris Christian  
Planning Manager



**Planning Commission Staff Report  
February 19, 2025 Meeting**

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**SPEEDWAY  
VARIANCES**

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LOCATION: Generally located at the northwest intersection of Mink Street and Innovation Campus Way (PID: 093-107478-00.002)

APPLICANT: J. Carter Bean Architect LLC c/o Carter Bean

REQUEST: (A) Variance to Design Guidelines and Requirements Section 6(I)(A)(12) to eliminate the requirement for active and operable front doors on the Innovation Campus Way elevation.  
(B) Variance to C.O. 1169.16(d) to allow four wall signs where code only permits two and to allow a wall sign to be installed on a building elevation that does not front a street.  
(C) Variance to C.O. 1169.18(d) to allow directional signs to be 6 sq. ft. where code permits up to 4 sq. ft.  
(D) Variance to C.O. 1169.18(b) to allow directional signs to be 5 feet in height where code permits up to 3 feet.

ZONING: Mink Interchange I-PUD

STRATEGIC PLAN: Retail

APPLICATION: VAR-04-2025

Review based on: Application materials received February 4, 2025

*Staff report prepared by Sierra Saumenig, Planner*

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**I. REQUEST AND BACKGROUND**

This application includes four (4) variance requests related to a final development plan for a proposed This development includes a gas station/convenience store, an unleaded field canopy, and a diesel fuel canopy for semi-trucks.

The applicant requests the following variances:

- (A) Variance to Design Guidelines and Requirements Section 6(I)(A)(12) to eliminate the requirement for active and operable front doors on the Innovation Campus Way elevation.
- (B) Variance to C.O. section 1169.16(d) to allow four wall signs where code only permits two and to allow a wall sign to be installed on a building elevation that does not front a street.
- (C) Variance to C.O. 1169.18(d) to allow directional signs to be 6 sq. ft. where code permits up to 4 sq. ft.
- (D) Variance to C.O. 1169.18(b) to allow directional signs to be 5 feet in height where code permits up to 3 feet.

**II. SITE DESCRIPTION & USE**

The 9.39-acre site is generally located north of Innovation Campus Way and west of Mink Street. It is bordered by commercial properties to the north (New Albany 525), west (AmplifyBio), and south (Axium Building 6), with residential areas in Jersey Township to the east.

### III. EVALUATION

The application complies with application submittal requirements in C.O. 1113.03, and is considered complete. The property owners within 200 feet of the property in question have been notified.

#### *Criteria*

The standard for granting of an area variance is set forth 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.*

### III. ASSESSMENT

#### *Considerations and Basis for Decision*

#### **(A) Variance to Design Guidelines and Requirements Section 6(I)(A)(12) to eliminate the requirement for active and operable front doors on the Innovation Campus Way elevation.**

The following should be considered in the Commission's decision:

1. The applicant requests a variance to eliminate the requirement that buildings have operable and active front doors along all public and private roads. The building has two frontages: Mink Street (public street) and Innovation Campus Way (public street).
  - a. The commercial building has active doors on the Mink Street frontage but not on the Innovation Campus Way frontage, therefore a variance is required.
2. As required by the DGRs, the building is designed with the same caliber of finish on all sides of the building using the same building materials.
3. The design and function of auto-oriented development makes it difficult to locate active and operable doors along multiple roadways. The Planning Commission has granted variances for similar retail uses in the past.
4. The variance appears to preserve the "spirit and intent" of the zoning requirement. The intent of this requirement is to ensure that buildings maintain a presence on the street and not contain blank or "empty" building elevations so there is architectural vibrancy and interest on all sides of a building. This site is auto-oriented by design therefore it does not appear that maintaining an entrance on every street is as important in this development scenario. All sides of the building are designed with the same caliber of finish using the same building materials so none of the elevations appear as a "lesser" side of the building.
5. While there isn't an active and operable door along the all of public streets and private road elevations, the applicant is providing a strong architectural features and materials so the building adequately addresses the primary street (Mink Street) architecturally. The building is designed so the front door architectural elements such as the architectural canopy and retail storefront windows front Mink street, making this entrance more identifiable.
6. It does not appear that the essential character of the neighborhood will be altered if the variance request is granted. As stated, this same variance request has been granted for other retail developments in New Albany.

#### **(B) Variance to C.O. 1169.16(d) to allow four wall signs where code only permits two and to allow a wall sign to be installed on a building elevation that does not front a street.**

The following should be considered in the decision of the board:

- C.O. 1169.16(d) states that one wall sign, up to 50 sq. ft. in size, is permitted to be installed per building frontage. The building has two frontages (Mink and Innovation), therefore two wall signs are permitted to be installed. The applicant proposes to install four wall signs therefore, a variance is required.
  - The signs are all under 50 sq. ft.





Innovation Campus Way Elevation



Rear Elevation

- The variance does not appear to be substantial for the wall sign on the rear elevation. While this elevation does not front a street, it is the elevation where semitruck drivers will enter and exit the convenience store. It is also the smallest sign at 19.9 sq. ft.
- The variance does appear to be substantial for the additional wall sign on the Mink Street elevation. The signs include a “Speedway” sign and the Speedway logo which is repeated functionality. The applicant proposes multiple signs that indicate the development is a Speedway gas station.
- It does not appear that the essential character of the neighborhood will be altered if the variance request is granted as there is limited retail in the area. However, if other retail developments with similar signage were developed, granting this variance request may set a precedent for future cases.
- Granting the variance will not adversely affect the health, safety, or general welfare of persons living in the immediate vicinity.
- Granting the variance will not adversely affect the delivery of government services.

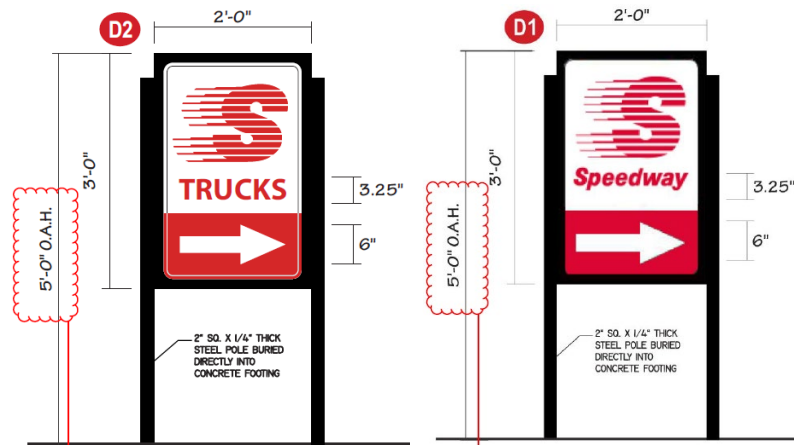
#### ***Considerations and Basis for Decision***

**(C)Variance to C.O. 1169.18(d) to allow directional signs to be 6 sq. ft. where code permits up to 4 sq. ft.**

**(D)Variance to C.O. 1169.18(b) to allow directional signs to be 5 feet in height where code permits up to 3 feet.**

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

1. C.O. 1169.18 states that directional signage should have a maximum area of 4 sq. ft. and a maximum height of 3 feet.
  - a. The applicant proposes three directional signs which is permitted as the site has three lot access points. Both signs are 5 feet in height and 6 sq. ft., therefore requiring a variance.



2. The applicant states it can be difficult for semitrucks drivers to see smaller signs due to the elevated driving position.
3. The variance request does not seem substantial given the need to accommodate both semitrucks and regular vehicles for fueling. Properly sized directional signage will necessary to guide patrons to the appropriate access points.
4. The variance meets the spirit and intent of the zoning requirement which is to ensure a consistent design for directional signage is achieved for similar retail uses. While the signs are slightly larger than the permitted size, they generally align with the established standards. However, the applicant is not providing the required landscaping on all sides of the sign with a defined bed and all-season plant material. To ensure the spirit and intent of the requirement is met, staff recommends a condition of approval that the applicant meets the landscaping requirements for directional signs found in 1169.18(b)(1) of the Codified Ordinance (condition #1).
5. It does not appear that the essential character of the neighborhood will be altered if the variance request is granted as the applicant adheres to the permitted number of directional signs and the proposed signs are not significantly larger than what is allowed.
6. Granting the variance will not adversely affect the health, safety, or general welfare of persons living in the immediate vicinity.
7. Granting the variance will not adversely affect the delivery of government services.

## II. SUMMARY

Given the auto-oriented and commercial nature of this zoning district, requiring active and operable front doors on every elevation seems unnecessary. The applicant has thoughtfully included a door on both the Mink Street frontage and the rear elevation, where semitruck drivers would enter. Additionally, the proposal includes a pedestrian connection from Innovation Campus Way, providing direct access for patrons to the primary entrance.

Allowing wall signs to be installed on the three building elevations does not appear to be substantial. However, having two wall signs on the Mink Street frontage seems redundant, as the property already includes multiple signs clearly identifying it as a Speedway gas station. There are multiple signs on the property that allude to the use being a Speedway gas station. Lastly, while the applicant is meeting the directional signage quantity, the proposed size of the signs is larger than code permits. Nevertheless, given the dual focus on semitruck and vehicular drivers, the larger signs are a reasonable accommodation to ensure clear and effective navigation and do not appear to be substantial in terms of visual or aesthetic impact.

## V. ACTION

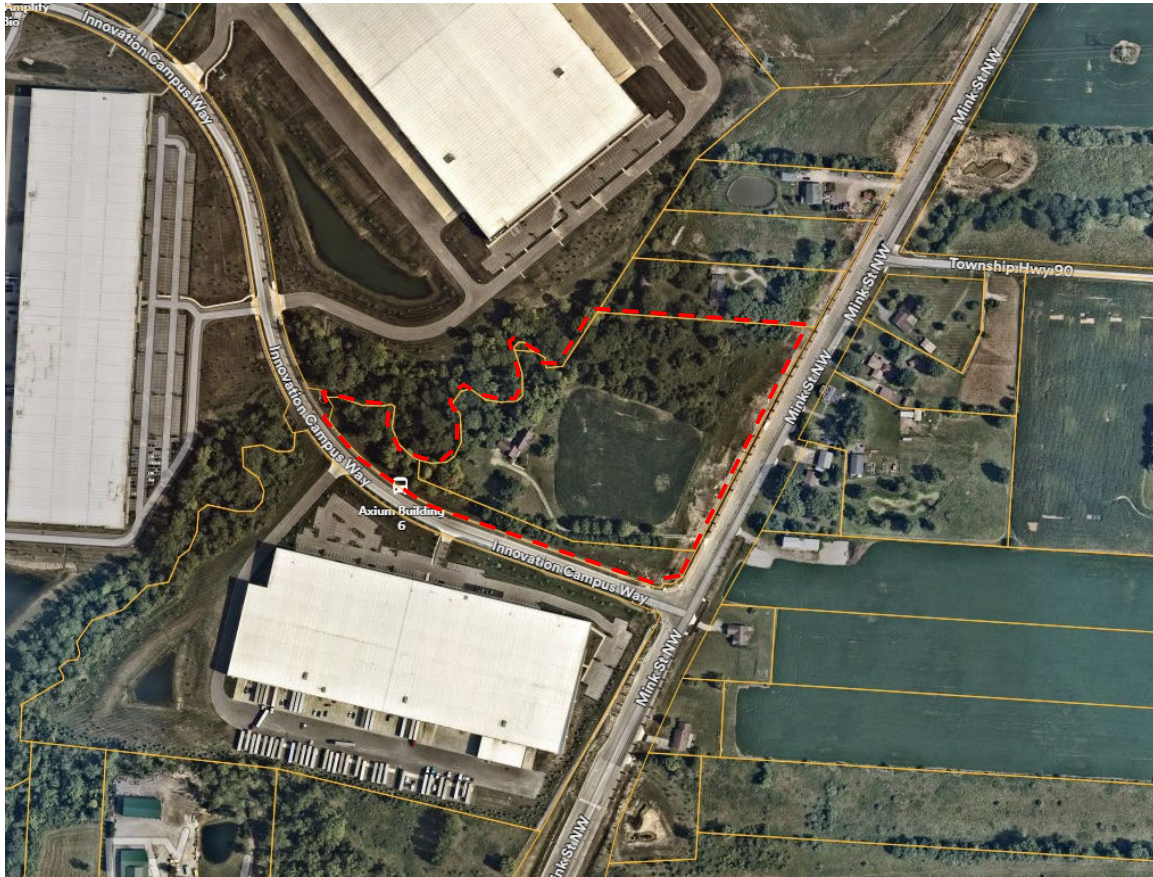
Should the Planning Commission find that the application has sufficient basis for approval, the following motion would be appropriate:

**Move to approve application VAR-04-2025, subject to the following conditions:**



1. That the applicant must meet the landscaping requirements for directional signs found in 1169.18(b)(1) of the Codified Ordinance.

**Approximate Site Location:**



Source: Nearmap



## **Community Development Department**

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

Dear J. Carter Bean Architect,

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, February 25, 2025

The New Albany Planning Commission took the following action on 02/19/2025 .

#### Variance

**Location:** 1825 Mink St., New Albany, OH 43054

**Applicant:** J. Carter Bean Architect,

**Application:** PLVARI20250004

**Request:** Variances to the number of active and operable doors and signage associated with a final development plan application for a Speedway gas station development at the northwest corner of Mink Street and Innovation Campus Way (PID: 093-107478-00.002).

**Motion:** Move to table to the March 3, 2025, Planning Commission meeting

**Commission Vote:** Motion Tabled, 5-0

**Result:** Variance, PLVARI20250004 was Tabled, by a vote of 5-0.

Recorded in the Official Journal this February 25, 2025

**Condition(s) of Approval:** None

Staff Certification:

*Chris Christian*

Chris Christian  
Planning Manager



**Planning Commission Staff Report  
February 19, 2025 Meeting**

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**AEP SUBSTATION  
FINAL DEVELOPMENT PLAN**

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LOCATION: 7375 Souder Road (PID: 222-004891)  
APPLICANT: AEP, Ohio Transmission Company, Inc. c/o Amy Toohey  
REQUEST: Final Development Plan  
ZONING: Souder East Office, Research, & Information District I-PUD  
STRATEGIC PLAN: Employment Center  
APPLICATION: FDP-05-2025

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Review based on: Application materials received January 23, 2025

*Staff report prepared by Sierra Saumenig, Planner*

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**I. REQUEST AND BACKGROUND**

This final development plan application is for a proposed AEP electrical substation located at 7375 Souder Road.

The property in question is zoned I-PUD and is located within the Souder East Office, Research, & Information District Subarea 4. The proposed use (electrical substation) is permitted as this use is identified as an essential service which is permitted in all zoning districts.

It's important to note as this use is a public utility and essential service, the applicant has broader flexibility and does not need to seek variances if a zoning requirement cannot be met per the city law director. Overall the plan is meeting the applicable zoning requirements however there is flexibility for the number of curb cuts, stormwater basin design, and street trees within a utility corridor.

**II. SITE DESCRIPTION & USE**

The site is generally located north of New Albany Road on the west side of Souder Road. The site is 9.50 acres and is currently undeveloped. Surrounding uses include Canine Companions to the west, undeveloped and commercial uses to the east, commercial to the south, and residential to the north.

**III. EVALUATION**

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

- a. *That the proposed development is consistent in all respects with the purpose, intent and applicable standards of the Zoning Code;*
- b. *That the proposed development is in general conformity with the Strategic Plan/Rocky Fork-Blacklick Accord or portion thereof as it may apply;*
- c. *That the proposed development advances the general welfare of the Municipality;*

- d. *That the benefits, improved arrangement and design of the proposed development justify the deviation from standard development requirements included in the Zoning Ordinance;*
- e. *Various types of land or building proposed in the project;*
- f. *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;*
- g. *Traffic and circulation systems within the proposed project as well as its appropriateness to existing facilities in the surrounding area;*
- h. *Building heights of all structures with regard to their visual impact on adjacent facilities;*
- i. *Front, side and rear yard definitions and uses where they occur at the development periphery;*
- j. *Gross commercial building area;*
- k. *Area ratios and designation of the land surfaces to which they apply;*
- l. *Spaces between buildings and open areas;*
- m. *Width of streets in the project;*
- n. *Setbacks from streets;*
- o. *Off-street parking and loading standards;*
- p. *The order in which development will likely proceed in complex, multi-use, multi-phase developments;*
- q. *The potential impact of the proposed plan on the student population of the local school district(s);*
- r. *The Ohio Environmental Protection Agency's 401 permit, and/or isolated wetland permit (if required);*
- s. *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.*

### **Engage New Albany Strategic Plan Recommendations**

The Engage New Albany Strategic Plan lists the following development standards for the Employment Center future land use category:

1. No freeway/pole signs are allowed.
2. Heavy landscaping is necessary to buffer these uses from adjacent residential areas.
3. Plan office buildings within the context of the areas, not just the site, including building heights within development parcels.
4. Sites with multiple buildings should be well organized and clustered if possible.
5. All office developments are encouraged to employ shared parking or be designed to accommodate it.
6. All office developments should plan for regional stormwater management.
7. All associated mechanical operations should be concealed from the public right-of-way and screened architecturally or with landscape in an appealing manner.
8. Any periphery security should integrate with the existing landscape and maintain and enhance the character of the road.
9. Combined curb cuts and cross-access easements are encouraged.
10. The use of materials, colors and textures to break up large scale facades is required.

#### **A. Use, Site and Layout**

1. The applicant proposes to develop an AEP electrical substation that is named Souder Station. The existing total site size is 9.50 acres. The proposed use is appropriate for this location in the New Albany Business Park. It will satisfy an existing and future electrical need in the area. The use is permitted as it is an essential service that is permitted in all of the city's zoning districts.
2. The station will contain electrical equipment that is installed on a gravel pad and secured by fencing. Additionally, there are two transmission poles that connect to the station. These poles are situated on the east side, outside the station fence, and are linked to the equipment within the station, as well as AEP's existing transmission network.
3. The applicant will install a leisure trail and horse fence along Souder Road.
4. The PUD zoning text requires the following setbacks from these perimeter boundaries. Since the site does not consist of pavement or a building, these setbacks do not apply.

<b>Perimeter Boundary</b>	<b>Required Setback</b>
Souder Road	30-foot building and pavement
Western Boundary	50-foot building and pavement
Northern Boundary	50-foot building and pavement
Southern Boundary	25-foot building and pavement

5. The applicant indicates that the onsite stormwater will be conveyed to an onsite stormwater basin on the south end of the site.

#### **B. Access, Loading, Parking**

1. The site is proposed to be accessed from two curb cuts along Souder Road including:
  - a. One full-service curb cut on the northern part of the site.
  - b. One full-service curb cut on the southern part of the site.
2. Parking is not applicable for this site as the site is not regularly occupied or staffed.

#### **C. Parkland, Buffering, Landscaping, Open Space, Screening**

1. The applicant is providing street trees along Souder Road in the tree lawn between the leisure trail and road pavement with the exception of the utility corridor.
2. The New Albany Business Park Research and Information Campus Design Guidelines require 15 trees per 100 linear feet to be planted along Souder Road however, the applicant is not able to do so due to the utility corridor. In lieu of providing this landscaping on Souder Road, staff recommend a condition of approval that the applicant

include naturalized plantings in the northwest corner of the site to provide additional screening (condition #1)

3. Zoning text section H(4) requires an earthmound with landscaping along the northern property line that is shared with Parcel Number 222-000596. The earthmound shall be a minimum of 6 feet in height at its crest and shall be planted with evergreen or deciduous trees at an average rate of 12 trees per 100 lineal feet. This has already been installed and will remain in place.
4. The applicant is providing naturalized trees around the basin to help with screening.

#### **D. Lighting & Signage**

1. Zoning text section V(I) requires all parking lot lights to be cut-off and downcast, not exceeding 30 feet in height, and be black or New Albany Green.
  - The applicant submitted a photometrics plan showing no light spillage from property lines and the mounting height of poles to be 29 feet.
2. The applicant proposes to install two address placards along the horse fence at the proposed entrances that meet the New Albany Business Park Research and Information Campus Design Guidelines.

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

The City Engineer has reviewed the application and provided the following comments. Staff recommends a condition of approval that the comments of the city engineer are addressed, subject to staff approval (condition #2).

1. Engineering staff will evaluate storm water management, water distribution, sanitary sewer collection and roadway construction related details once construction plans become available.

#### **V. SUMMARY**

Since the substation is an essential service, it will contribute economic value by meeting current and future electrical demands in the area, which is essential for the expanding business park. The proposed development is in an appropriate location given the context of the surrounding area and serves as an important resource for the New Albany Business Park.

#### **V. ACTION**

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

#### **Move to approve final development plan application FDP-05-2025, subject to the following conditions:**

1. That the applicant includes naturalized plantings in the northwest corner of the site to provide additional screening
2. Engineering staff will evaluate storm water management, water distribution, sanitary sewer collection and roadway construction related details once construction plans become available.

## Approximate Site Location



Source: NearMap



## **Community Development Department**

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

Dear AEP Ohio Transmission Company 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, February 25, 2025

The New Albany Planning Commission took the following action on 02/19/2025 .

#### Final Development Plan

**Location:** 7375 Souder Rd.

**Applicant:** AEP Ohio Transmission Company Inc,

**Application:** PLFDP20250005

**Request:** Final development plan to allow for construction of an AEP electrical sub station on 9.50 acres located at 7375 Souder Road (PID: 222-002282).

**Motion:** Move to table the application until either the April 7th or 21st meeting agenda.

**Commission Vote:** Motion Tabled, 5-0

**Result:** Final Development Plan, PLFDP20250005 was Tabled, by a vote of 5-0.

Recorded in the Official Journal this February 25, 2025

**Condition(s) of Approval:** None

Staff Certification:

*Chris Christian*

Chris Christian  
Planning Manager









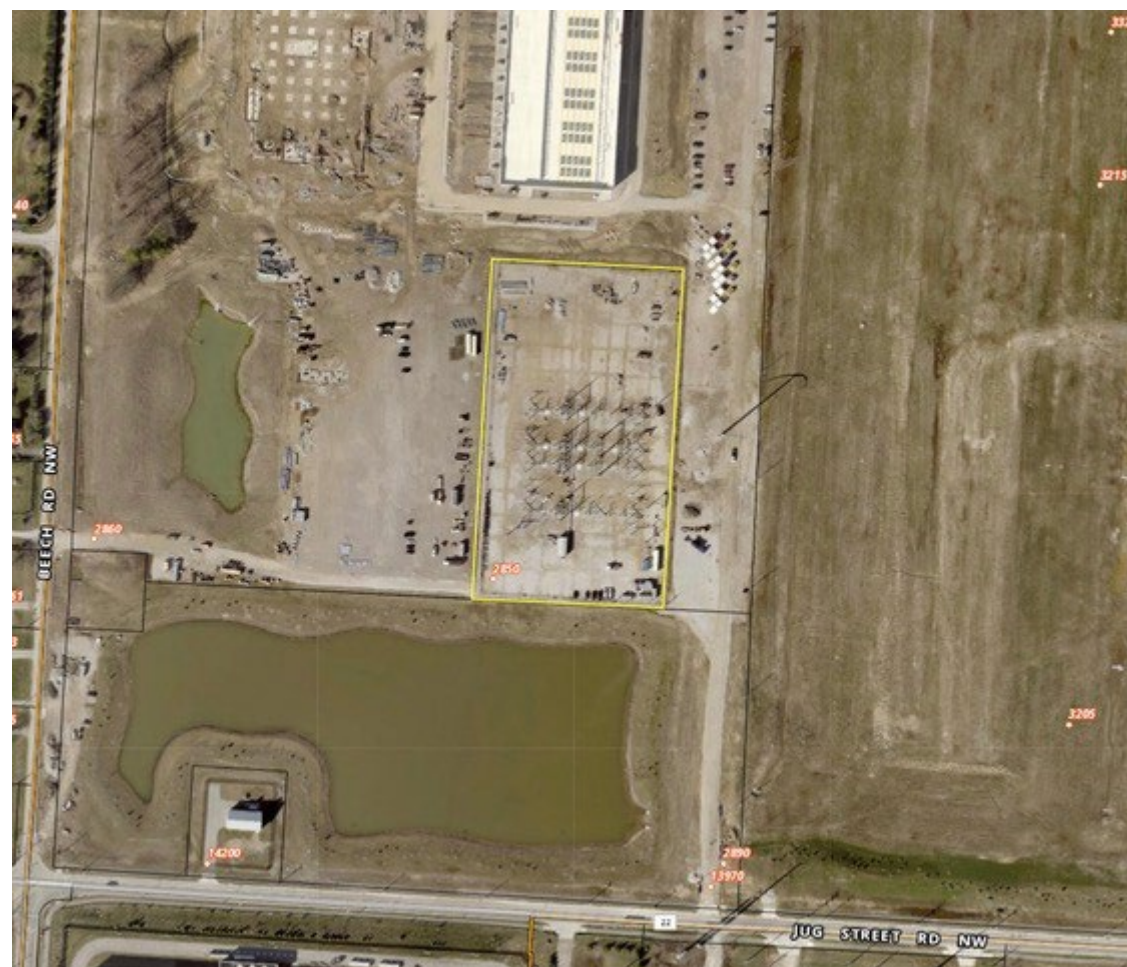










































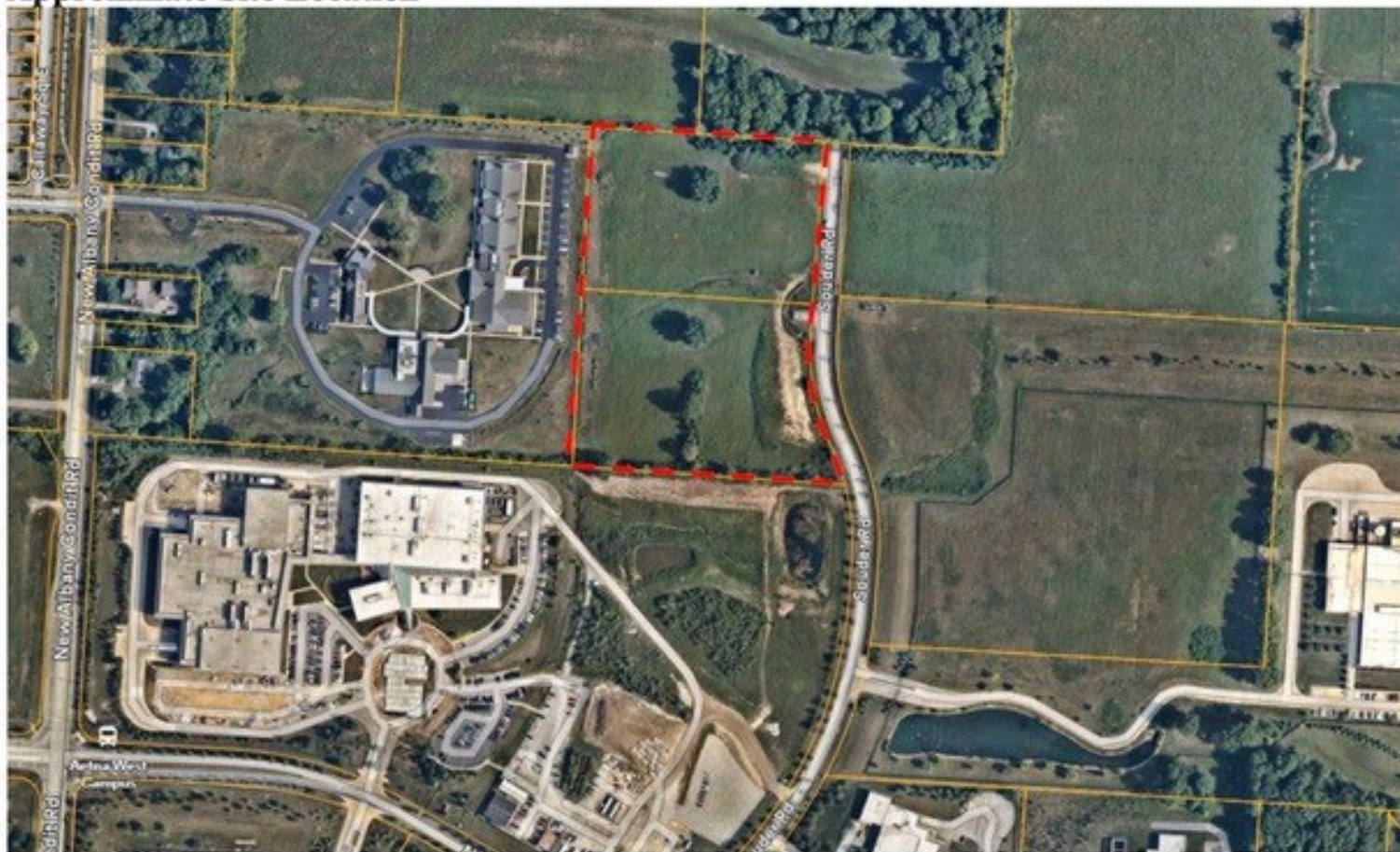




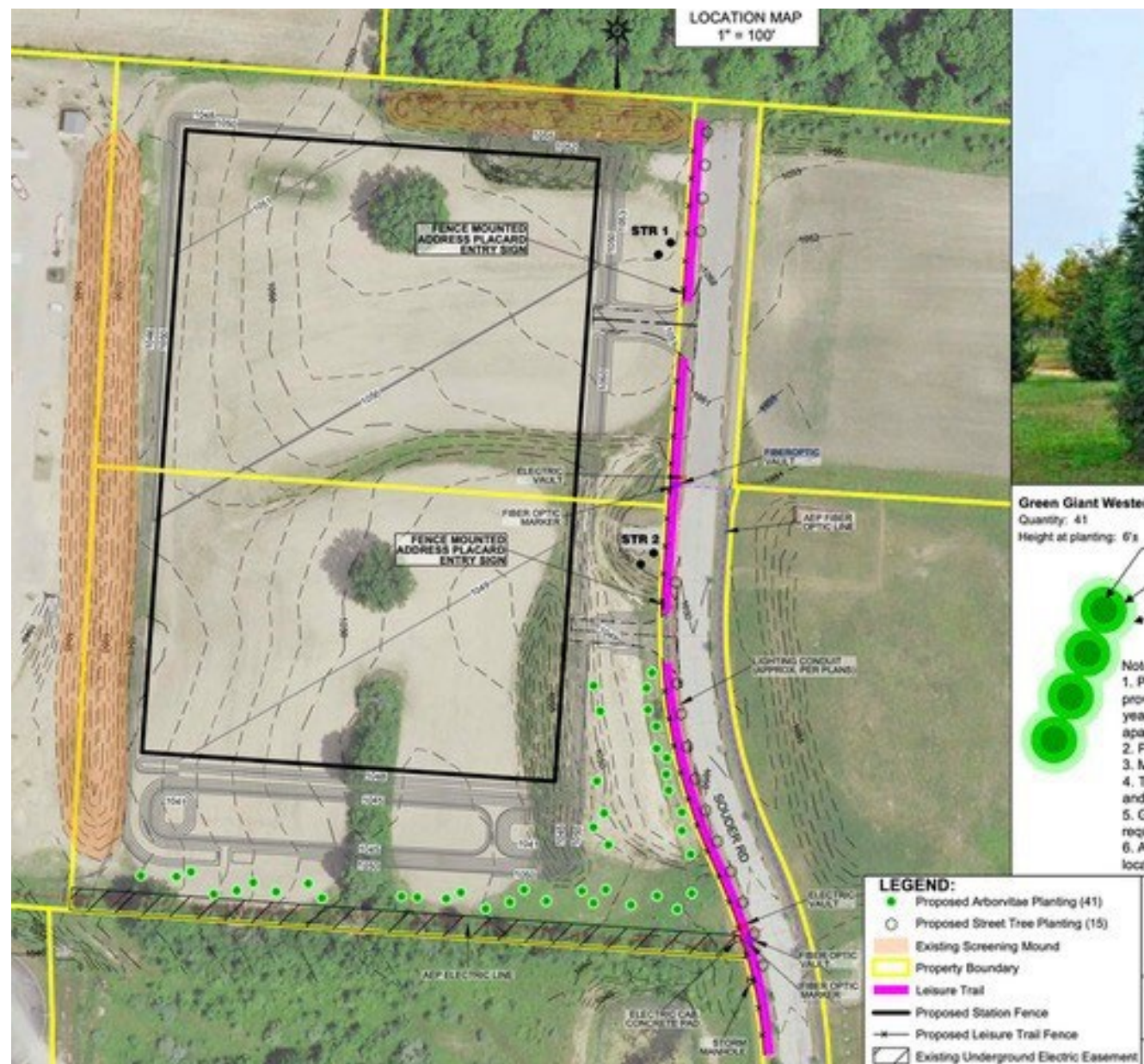




### Approximate Site Location



Source: NearMap









**Planning Commission Staff Report  
March 3, 2025 Meeting**

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**GANTON PARKWAY SOUTH  
ZONING AMENDMENT**

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**LOCATION:** 194.6+/- acres generally located east of Babbitt Road, west of Beech Road, and south of Worthington Road (Parcel IDs: 220-002009, 220-002006, 220-002151, 220-000845, 220-000447, 222-005362, 222-005364, 222-005361, 222-005374, 222-005363, 222-005373, 222-004864, 222-005372, 222-004866, 222-004865, and portions of 094-106494-00.002 and 094-108192-00.000).

**REQUEST:** Zoning Amendment

**ZONING:** AG (Agricultural) and L-GE (Limited General Employment District) to L-GE (Limited General Employment District)

**STRATEGIC PLAN:** Mixed Use

**APPLICATION:** ZC-07-2025

**APPLICANT:** City of New Albany and The New Albany Company LLC, c/o Aaron Underhill, Esq.

Review based on: Application materials received on January 31, February 6, and February 11, 2025.

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*Staff report completed by Chris Christian, Planning Manager*

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**I. REQUEST AND BACKGROUND**

The city of New Albany and The New Albany Company LLC are co-applicants on this application which includes a rezoning of 194.6+/- acres. The request proposes to create a new limitation text for the area known as the “Ganton Parkway South Zoning District” by zoning the area to Limited General Employment (L-GE) from Agriculture (AG) and Limited General Employment (L-GE). The proposed rezoning serves as an expansion of the New Albany International Business Park. The city has partnered with the property owners on this application to ensure that the proposed standards are harmonious with the surrounding area so a consistent development pattern is achieved.

The proposed zoning is a limitation text. A limitation text can only establish more restrictive requirements than the zoning code. The Limited General Employment District permits office, data center, manufacturing & production, warehouse & distribution, and research & production uses. The text contains the same list of permitted, conditional, and prohibited uses as other similar zoning districts that are also zoned Limited General Employment (L-GE) in the immediate area. This rezoning also serves to extend the same or similar zoning and development standards to the property as it currently applies to much of the developed and undeveloped land in its general vicinity.

**II. SITE DESCRIPTION & USE**

The overall 194.6+/- acre rezoning site consists of 17 properties, located in both Franklin and Licking County. The site is located on the east side of Babbitt Road. Five of the subject parcels are currently being annexed into the city. The annexation petition was submitted on January 30, 2025. Its first reading at city council is on April 1, 2025 and its second reading is scheduled for April 15, 2025.

The site is comprised of farm fields, residential homes, and vacant land. The neighboring uses and zoning districts include L-GE and unincorporated agricultural and residential.

### **III. PLAN REVIEW**

Planning Commission's review authority of the zoning amendment application is found under C.O. Chapters 1107.02. Upon review of the proposed amendment to the zoning map, the Commission is to make recommendation to city council. Staff's review is based on city plans and studies, proposed zoning text, and the codified ordinances. Primary concerns and issues have been indicated below, with needed action or recommended action in underlined text.

Per Codified Ordinance Chapter 1111.06 in deciding on the change, the Planning Commission shall consider, among other things, the following elements of the case:

- (a) Adjacent land use.
- (b) The relationship of topography to the use intended or to its implications.
- (c) Access, traffic flow.
- (d) Adjacent zoning.
- (e) The correctness of the application for the type of change requested.
- (f) The relationship of the use requested to the public health, safety, or general welfare.
- (g) The relationship of the area requested to the area to be used.
- (h) The impact of the proposed use on the local school district(s).

#### **A. Engage New Albany Strategic Plan**

The Engage New Albany Strategic Plan designates the area as the Mixed-Use future land use category. However, given the proposed rezoning, staff has evaluated this proposal against the Employment Center standards. The strategic plan lists the following development standards for the Employment Center land use category:

- 1. No freeway/pole signs are allowed.
- 2. Heavy landscaping is necessary to buffer these uses from adjacent residential areas.
- 3. Plan office buildings within context of the area, not just the site, including building heights within development parcels.
- 4. Sites with multiple buildings should be well organized and clustered if possible.
- 5. All office developments are encouraged to employ shared parking or be designed to accommodate it.
- 6. All office developments should plan for regional stormwater management.
- 7. All associated mechanical operations should be concealed from the public right-of-way and screened architecturally or with landscaping in an appealing manner.
- 8. Any periphery security should integrate with the landscape and maintain and enhance the character of road corridor.
- 9. Combined curb cuts and cross-access easements are encouraged.
- 10. The use of materials, colors, and texture to break up large-scale facades is required.

#### **B. Use, Site and Layout**

- 1. The proposed zoning text is a limitation text. A limitation text can only establish more restrictive requirements than the zoning code.
- 2. The Engage New Albany Strategic Plan designates the area as the Mixed-Use future land use category. However, given the proposed rezoning, staff has evaluated this proposal against the Employment Center standards. Office and commercial uses are a component of the mixed-use category. The strategic plan intent for the mixed use within this area is to have employment center uses but allow for incorporation of retail and residential uses if appropriate. The proposed uses are consistent with the zoning in the surrounding area.
- 3. Due to the proximity of this site to Ganton Parkway, State Route 161/Beech Road interchange, and its location adjacent to other Limited General Employment (L-GE) zoned land in the existing New Albany International Business Park to the north and east, the site appears to be most appropriate for the proposed type of development.

4. The limitation text contains the same list of permitted, conditional, and prohibited uses as other similar zoning districts that are also zoned L-GE. The text allows office, data center, manufacturing & production, warehouse & distribution, and research & production uses. Personal service and retail product sales and services are only allowed as accessory uses to a permitted use in this subarea.
5. Prohibited uses include industrial product sales and services, mini-warehouses, personal services, vehicle services, radio/television broadcast facilities, and sexually oriented business.
6. The proposed L-GE text requires the following setbacks that are generally consistent with those in the surrounding area.
  - Babbitt Road: There shall be a minimum building setback of 140 feet from the centerline of Babbitt Road. There shall be a minimum pavement setback of 90 feet from the centerline of Babbitt Road.
  - Ganton Parkway: There shall be a minimum building and pavement setback of 25 feet from the Ganton Parkway right-of-way.
  - Perimeter Boundaries: Minimum pavement setback of 50 feet and a minimum building setback of 100 feet from boundaries adjacent to property where residential uses are permitted. There shall be a minimum 25-foot building and pavement setback for all other boundaries.

#### **C. Access, Loading, Parking**

1. Vehicular access shall be provided to and from this zoning district along Ganton Parkway and Babbitt Road. The city has installed a portion of Ganton Parkway West and is designing an additional extension to the west to serve this site. Additionally, the city is designing plans to improve Babbitt Road. The zoning text permits at least three full movement access points along both roads. Similar to other zoning districts in the immediate area, the final locations and permitted turn movements at each access point are subject to the review and approval of the City Engineer.
2. Parking and loading will be provided per code requirements (Chapter 1167) and will be evaluated at the time of development for each individual site.
3. The zoning text states that 40 feet of right-of-way is required to be dedicated along Babbitt Road, as measured from the centerline of Babbitt Road, for a total width of 80 feet. Additionally, the text requires the property owner to grant easements to the city adjacent to the aforementioned 40-foot right-of-way, not to exceed 35 feet in width on either side, to provide for the installation and maintenance of streetscape improvements, public utility lines, and leisure paths. The City Engineer has evaluated the proposed right-of-way width, as well as the easements, and states that these widths are sufficient to allow for improvements to Babbitt Road.
4. The zoning text acknowledges that 100 feet of right-of-way already exists to allow for the extension of Ganton Parkway West.
5. An 8-foot-wide asphalt leisure trail is required to be installed along the Babbitt Road and Ganton Parkway frontages of the site.

#### **D. Architectural Standards**

1. The proposed rezoning implements many of the same standards and limitations set forth in the New Albany Architectural Design Guidelines and Requirements and neighboring commercial zoning districts.
2. There are no maximum building height requirements in the zoning text. This is consistent with city code and other commercial zoning districts in the surrounding area.
3. The New Albany Design Guidelines and Requirements do not provide architectural standards for warehouse and distribution type facilities. Due to the inherent size and nature of these facilities, careful attention must be paid to their design to ensure they are appropriately integrated into the rest of the business park. The limitation text includes the same specific design requirements for uses not governed by the DGRs as those in the other subareas of the business park, which ensures the quality and consistent design of these buildings throughout this portion of the business park.



4. Zoning text section II(E)(6) requires complete screening of all roof-mounted equipment on all four sides of the building using materials that are consistent and harmonious with the building's façade and character. The text indicates that the screening is provided to screen equipment from off-site view but also to buffer sound generated by the equipment.

**D. Parkland, Buffering, Landscaping, Open Space, Screening**

1. Maximum lot coverage for this subarea is 75%, which is the same requirement as the surrounding L-GE zoning districts.
2. Standard tree preservation practices will be in place to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line.
3. For perimeter boundaries which abut properties containing existing residential uses or has a zoning classification which permits the development of residential uses that are not owned by the developer a minimum six (6) foot high mound shall be installed along the property line and shall include a landscape buffer on the mound which shall consist of a mixture of deciduous trees, evergreens and bushes to provide an opacity of 75% on the date that is 5 years after planting to a total height of 10 feet above ground level.
  - a. These mounds shall be installed within the minimum pavement setback area as required by this zoning text and may encroach on the abutting property if that owner agrees with the mound's installation on his/her property.
  - b. The plan for these areas must be reviewed and approved by the City's Landscape Architect.
4. There shall be no less than one (1) tree planted for every ten (10) parking spaces located therein. At least five percent (5%) of the vehicular use area shall be landscaped or green space (or treed areas). Parking lots shall be designed to accommodate parking lot islands with tree(s) at the end of parking aisles.
5. Master Landscape Standards Plan:
  - a. Unless a landscape and signage standards plan is developed for this specific area and approved by the Planning Commission, the City of New Albany Business Campus South – Beech Road South Landscape Standards Master Plan which was previously created for the Beech Road corridor and approved by the Planning Commission on June 5, 2017 shall apply to the Babbitt Road frontage in this Zoning District.
6. Babbitt Road:
  - a. Landscaping and mounding within the minimum required pavement setback along Babbitt Road shall be coordinated and consistent throughout this Zoning District and surrounding areas.
  - b. In addition to street trees, a landscape buffer is required to be installed within the pavement setback along Babbitt Road. The text states that the buffer shall contain one (1) tree for every thirty (25) feet of road frontage.
7. In recognition of the significant amount of land area and the lengths of the perimeter boundaries contained within this Zoning District, for all portions of the Zoning District where there is required landscaping as contemplated in the zoning text, it may be installed in phases. For each phase of development in the Zoning District, such required landscaping and/or mounding shall be installed when it is anticipated (as provided in plans associated with relevant permits) that buildings, paved parking areas, or aboveground equipment or utility infrastructure, once constructed within that phase, will be located within 500 feet of the relevant perimeter boundary line or when construction is anticipated along a property boundary where there is an adjacent residential use.

**E. Lighting & Signage**

1. The text states that the sign regulations from C.O. 1169 apply to this zoning district. In addition, there are standards for signage in the Business Campus South – Beech Road South Landscape Standards Master Plan that apply.

2. All parking lot and driveway lighting shall be cut-off type fixtures and down cast. Parking lot lighting shall be from a controlled source in order to minimize light spilling beyond the boundaries of the site.
3. The maximum height of light poles is 30 feet.
4. The zoning text requires lighting details to be included in the landscape plan which is subject to review and approval by the City Landscape Architect.

#### **F. Other Considerations**

1. The property owner has submitted a school impact statement which states the proposed L-GE zoning will add significant value to the land and proposes the means to provide additional value by way of improvements.

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

The City Engineer has no comments on this submittal.

#### **IV. SUMMARY**

The limitation text provides for stricter limitations in use and design than the straight General Employment zoning districts and retains or improves upon many of the requirements found in adjacent existing zoning texts. Due to the proximity of this site to Ganton Parkway, State Route 161/Beech Road interchange, and its location adjacent to other Limited General Employment (L-GE) zoned land in the existing New Albany International Business Park to the north and east, the site appears to be most appropriate for the proposed type of commercial development.

The change in use for the area enables the continued growth and success of the New Albany International Business Park and ensures a consistent development pattern throughout this general area, as envisioned in the Engage New Albany Strategic Plan. The requirements of the zoning text consider the existing residential nature of the surrounding area and include different landscape restrictions to remain sensitive to those existing uses.

1. The large scale of the rezoning will result in a more comprehensive planned redevelopment of the area and will ensure compatibility between uses (1111.06(a)).
2. The L-GE rezoning application is an appropriate application for the request (1111.06(e)).
3. The overall effect of the development advances and benefits the general welfare of the community (1111.06(f)).
4. The proposed rezoning will allow for the development of businesses that will generate revenue for the school district while having a positive impact on the school district (1111.06(h)).

#### **V. ACTION**

##### **Suggested Motion for ZC-07-2025:**

Should the Planning Commission find that the application has sufficient basis for approval, the following motion would be appropriate (conditions may be added):

**Move to approve application ZC-07-2025 based on the findings in the staff report.**

**Approximate Site Location:**



Source: NearMap



## **Ganton Parkway South Zoning District**

### **Subject Property Parcel Numbers and Addresses**

Franklin County 220-002009, 5980 Babbitt Road

Franklin County 220-002006, 5920 Babbitt Road

Franklin County 220-002151, 0 Babbitt Road

Franklin County 220-000845, 5900 Babbitt Road

Franklin County 220-000447, 5860 Babbitt Road

Franklin County 222-005362, 0 Babbitt Road

Franklin County 222-005364, 5782 Babbitt Road

Franklin County 222-005361, 5760 Babbitt Road

Franklin County 222-005374, 0 Babbitt Road

Franklin County 222-005363, 5708 Babbitt Road

Franklin County 222-005373 0 Babbitt Road

Franklin County 222-004864, 6140 Babbitt Road

Franklin County 222-005372, 0 Babbitt Road

Franklin County 222-004866, 6108 Babbitt Road

Franklin County 222-004865, 6016 Babbitt Road

Portion of Licking County 094-106494-00.002, 0 Ganton Parkway West

Portion of Licking County 094-108192-00.000, 0 Ganton Parkway West

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**ZONING DESCRIPTION**  
**194.6± ACRES**

Situated in the State of Ohio, County of Franklin and Licking, City of New Albany, lying in Lots 4, 5 and 6, Quarter Township 4, Township 2, Range 16, and Section 16, Township 2, Range 15, United States Military District, and being all of the remainder of that 4.321 acre tract conveyed as Parcel I and that 1.462 acre tract conveyed as Parcel II to MBJ Holdings, LLC by deed of record in Instrument Number 202409160096381 (Franklin County), the remainder of that 177.497 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201808070105494 (Franklin County), that 2.345 acre tract conveyed to The New Albany Company by deed of record in Instrument Number 201409300128871 (Franklin County), those 0.607 acre and 5.176 acre tracts conveyed to Joseph D. Sicilian and Judith R. Sicilian, Trustees by deed of record in Instrument Number 202403040021341 (Franklin County), the remainder of that 5.169 acre tract conveyed to Greg P. Rybski, Trustee by deed of record in Instrument Number 202203180044079 (Franklin County), that 3.616 acre tract conveyed to Greg P. Rybski, Trustee by deed of record in Instrument Number 202203180044072 (Franklin County), those 3.107 acre tract conveyed as Parcel 1 and 10 acre tract conveyed as Parcel 2 to Julianna DiIullo, Trustee by deed of record in Instrument Number 201106230078708 (Franklin County), that 5 acre tract conveyed to Julianna DiIullo, Trustee by deed of record in Instrument Number 201106230078705 (Franklin County), that 78.012 acre tract conveyed to QTS New Albany III, LLC by deed of record in Instrument Number 202312280134885 (Franklin County), part of the remainder of that 13.699 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201805020008526 (Licking County), that 68.591 acre tract conveyed to MBJ Holdings LLC by deed of record in Instrument Number 200212230049294 (Licking County), (all references are to the records of the Recorder's Office, Franklin and Licking Counties, Ohio) and being more particularly described as follows:

Beginning, for reference, at the centerline intersection of Dublin-Granville Road (width varies) and Babbitt Road (width varies), being the northwesterly corner of that 2.491 acre tract conveyed as Parcel No. 3-WDV1 to Franklin County, Ohio by deed of record in Instrument Number 200609140183992 (Franklin County), and the common corner of said Lot 6, and Lot 7, 10 and 11 of said Quarter Township 4, Township 2, Range 16;

Thence South 03° 35' 33" West, with the centerline of said Babbitt Road, a distance of 1224.83 feet to a point at the northwesterly corner of said 2.345 acre tract, being the TRUE POINT OF BEGINNING;

Thence South 86° 22' 51" East, across said Babbitt Road and with the northerly line of said 2.345 acre tract, a distance of 30.00 feet to a point in the easterly right-of-way of said Babbitt Road, a southwesterly corner of said 1.462 acre tract;

Thence North 03° 35' 33" East, with said easterly right-of-way line, the westerly lines of the remainder of said 4.321 acre and 1.462 acre tracts, a distance of 343.71 feet to the northwesterly corner of the remainder of said 4.321 acre tract;

Thence South 86° 22' 51" East, with the northerly line of the remainder of said 4.321 acre tract, a distance of 264.70 feet to a point at the northernmost northeasterly corner of the remainder of said 4.321 acre tract;

Thence South 49° 31' 07" East, continuing with the northerly line of the remainder of said 4.321 acre tract, a distance of 185.26 feet to a point at the northeasterly corner of the remainder of said 4.321 acre tract;

Thence South 40° 17' 02" West, with the easterly line of the remainder of said 4.321 acre tract, a distance of 115.00 feet to a point of non-tangency;

Thence with the northerly lines of the remainder of said 4.321 acre, 1.462 acre, 177.497 acre, 1.462 acre and 177.497 acre tracts, the following courses and distances:

## **ZONING DESCRIPTION**

**194.6± ACRES**

**- 2 -**

With the arc of a curve to the left, having a central angle of 36° 16' 28", a radius of 456.41 feet, an arc length of 288.96 feet, a chord bearing of South 67° 58' 27" East and chord distance of 284.16 feet to a point of non-tangency;

South 86° 22' 44" East, a distance of 1385.02 feet to a point of curvature;

With the arc of a curve to the right, having a central angle of 28° 42' 43", a radius of 1050.00 feet, an arc length of 526.18 feet, a chord bearing of South 72° 01' 23" East and chord distance of 520.69 feet to a point of tangency; and

South 57° 40' 01" East, a distance of 199.78 feet to a point in the line common to said Licking and Franklin counties, being the northeasterly corner of the remainder of said 177.497 acre tract and the westerly terminus of the northerly right-of-way line of that portion of said Ganton Parkway dedicated by Instrument Number 202205310013436 (Licking County);

Thence South 03° 44' 01" West, with said common county line, the easterly line of said 177.497 acre tract and the westerly line of that portion of said Ganton Parkway dedicated by Instrument Number 202205310013436, a distance of 113.90 feet to a point at the westerly terminus of the southerly right-of-way line of that portion of said Ganton Parkway dedicated by Instrument Number 202205310013436, the northwesterly corner of said 13.699 acre tract;

Thence South 57° 40' 01" East, leaving said common county line and with the southerly right-of-way line of that portion of said Ganton Parkway dedicated by Instrument Number 202205310013436, the northerly line of said 13.699 acre tract, a distance of 575.07 feet to a point;

Thence South 53° 07' 43" West, across said 13.699 acre and 68.591 acre tracts, a distance of 665.03 feet to a point in the line common to said Licking and Franklin counties, the line common to said 68.591 acre and 177.497 acre tracts;

Thence South 03° 44' 01" West, with said common county line, the easterly lines of said 177.497 acre and 78.012 acre tracts, a distance of 1758.67 feet to a point at the southeasternmost corner of said 78.012 acre tract;

Thence North 86° 15' 59" West, leaving said common county line and with a southerly line of said 78.012 acre tract, a distance of 707.42 feet to a point;

Thence South 02° 00' 53" West, with an easterly line of said 78.012 acre tract, a distance of 491.90 feet to a point in the line common to said City of New Albany and said Township of Plain, being the southernmost southeasterly corner of said 78.012 acre tract;

Thence with the line common to said City of New Albany and Township of Plain, the following courses and distances:

North 86° 05' 24" West, with the southerly line of said 78.012 acre tract, a distance of 1227.00 feet to a point;

North 03° 31' 53" East, with an easterly line of said 78.012 acre tract, a distance of 354.04 feet to a point; and

North 86° 07' 12" West, with a southerly line of said 78.012 acre tract, a distance of 750.01 feet to a point in the westerly right-of-way line of said Babbitt Road, a southwesterly corner of said 78.012 acre tract;

Thence with said easterly right-of-way line and the westerly line of said 78.012 acre tract, the following courses and distances:



## **ZONING DESCRIPTION**

**194.6± ACRES**

**- 3 -**

North 03° 31' 54" East, a distance of 172.64 feet to a point in the line common to said City of New Albany and said Township of Plain;

South 86° 28' 06" East, continuing with said common township and city line, a distance of 5.00 feet to a point;

North 03° 31' 54" East, continuing with said common township and city line, a distance of 250.00 feet to a point;

North 86° 28' 06" West, with the line common to said Township of Plain and said City of New Albany, a distance of 5.00 feet to a point;

North 03° 31' 54" East, a distance of 236.70 feet to a point; and

North 03° 35' 33" East, a distance of 729.10 feet to a point in the southerly line of said 5 acre tract, a northwesterly corner of said 78.012 acre tract;

Thence North 86° 23' 36" West, across said Babbitt Road, with the southerly line of said 5 acre tract, a distance of 30.00 feet to a point in the centerline of said Babbitt Road;

Thence North 03° 35' 33" East, with the centerline of said Babbitt Road, with the westerly lines of said 5 acre, said 10 acre, said 3.107 acre, said 3.616 acre, said 5.169 acre, said 5.176 acre and said 2.345 acre tracts, a distance of 1493.39 feet to the TRUE POINT OF BEGINNING containing 194.6 ± acres, more or less;

This description is for zoning purposes only and is not to be used for transfer or be interpreted as a boundary survey.

EVANS, MECHWART, HAMBLETON & TILTON, INC.



## **GANTON PARKWAY SOUTH ZONING DISTRICT (L-GE)**

### **Information concerning specific Code requirements for rezoning submittal**

Per C.O. 1111.04(c) and (d), a written statement of the existing use and zoning district a written statement of the proposed use and zoning district.

Response: Currently the property is largely undeveloped. However, a portion of it is owned by QTS New Albany III LLC and is in the process of being developed with data center uses. Several homes are located on parcels that are being annexed to the City. Currently, already-annexed parts of the subject property are zoned in the L-GE, Limited General Employment category, albeit in two different zoning districts. This rezoning will consolidate those two districts to provide one set of zoning regulations for 194.6+/- acres. 29.8+/- acres of the subject property are in the process of being annexed to the City and, by being included in the rezoning, will expand the area that will have the L-GE zoning classification. Given that data center uses are already planned for development on a portion of the subject property, the market has proven that business park-type users will be interested in this area. This rezoning will foster the ability to attract uses that are complementary to nearby businesses such as Amgen, Meta, and Google.

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

Response: The subject property is in close proximity to a major interchange on State Route 161 at Beech Road and has significant frontage on Ganton Parkway. Therefore, it could attract a variety of uses under the L-GE zoning classification. Significant employers such as Amgen and Amazon Distribution are found nearby, as well as a number of data centers. The subject property is well-positioned to complement these uses and to serve their employees. The property does adjoin existing residential uses on the south, but this rezoning includes setback, screening, and buffering commitments that have been successfully implemented on similarly situated properties throughout the community.

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

Response: The property either is or will be subject to The New Albany Business Park CCRs and will be part of The New Albany Business Park Association. It is anticipated that new easements for utilities may be needed in the future based on actual development patterns.

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

Response: Portions of the property owned by QTS New Albany III LLC are in the process of being developed with data center uses. Development of the balance of the site will occur based on market demand after final zoning approval is received.

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

Response: See separate written communication from EMH&T.

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

Response: See separate written communication from EMH&T.



January 27, 2025

Mr. Steve Mayer  
City of New Albany  
Development Department  
99 West Main Street  
New Albany, OH 43054

**Subject: Ganton Parkway South Rezoning District – Environmental Compliance**

Dear Mr. Mayer,

This letter serves to inform the City of New Albany of environmental conditions associated with the Ganton Parkway South Rezoning District, located south of the proposed Ganton Parkway extension, east of Babbitt Road, north of the Google data center property, and west of the forested Conservation Easement parcel, in the City of New Albany, Franklin County and Licking County, Ohio. The property contains approximately 193.6 total acres which consists of residential estate lots, woodlots, and former golf course property.

The assembled parcels contain a combination of project areas that are subject to previous environmental permitting and due diligence efforts by the New Albany Company.

The eastern approximate one-third of the site received a Nationwide Permit (NWP) from the U.S. Army Corps of Engineers (USACE) and an Isolated Wetlands Permit (IWP) from the Ohio EPA for stream and wetland impacts. The southern approximate one-third of the site received an NWP from the USACE and IWP from the Ohio EPA for stream and wetland impacts. The northern approximate one-third of the site has been delineated for Waters of the U.S. and this report is currently under review at the USACE. This portion of the site is expected to require permits from the USACE and the Ohio EPA for stream, pond, and wetland impacts.

If you have any questions regarding this information or require additional documentation, please do not hesitate to contact me at (614) 775-4515.

Sincerely,

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Robert F. Milligan  
Director of Environmental Services  
Principal

Cc: Todd Cunningham, EMH&T



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

P: 614.335.9321  
F: 614.335.9329  
aaron@uhlfirm.com

January 23, 2025

Mr. Chris Christian  
Planner II  
City of New Albany  
99 W. Main Street  
New Albany, Ohio 43054

**RE: School Impact of Zoning of 194.6+/- Acres Located at 6140 Babbitt Road, in New Albany, Ohio**

Dear Chris:

The New Albany Company LLC, MBJ Holdings, LLC, and QTS New Albany III LLC own or control 194.6+/- acres of real property (the “Property”) located to the south of and adjacent to Ganton Parkway and to the east of and adjacent to Babbitt Road. This letter accompanies an application to rezone portions of the Property from two separate L-GE, Limited General Employment classifications to a new L-GE, Limited General Employment classification, and to rezone 29.8+/- acres of the Property that are being annexed to the City from the AG, Agricultural District classification to the same L-GE, Limited General Employment classification as the balance of the Property. The large majority of the site is located in the New Albany Plain Local School District, with a limited portion being located in the Licking Heights Local School District.

The portion of the Property that is owned by QTS New Albany III LLC is being developed with data center uses, while the balance of the Property is undeveloped. The proposed rezoning will apply a single, unified L-GE, Limited General Employment district to the site and will continue to facilitate the development and operation of the same types of uses found throughout the New Albany International Business Park. By extending the L-GE zoning to the portions of the Property being annexed, it will eliminate the right to construct approximately 6 homes on real property that otherwise would be given an AG zoning classification upon annexation. This presents an opportunity to eliminate new financial burdens on the New Albany Plain Local School District that would be associated with new homes. The rezoning will provide the means to facilitate new revenue sources for it and the Licking Heights Local School District.

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

Sincerely,

Aaron L. Underhill  
Attorney for the Applicant

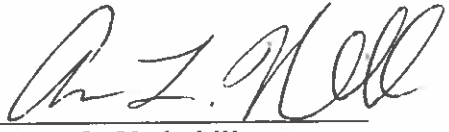
**AFFIDAVIT OF FACTS**

I, Aaron L. Underhill, in my capacity as attorney for the applicant listed on the zoning application pertaining to 194.6+/- acres for the proposed Ganton Parkway South Zoning District, being first duly sworn, do hereby state and depose the following:

That accompanying this affidavit is a list of all property owners located within two hundred (200) feet of the parcel(s) that are the subject of the application and their addresses as appearing on the Licking County Auditor's current tax list; and

That said list is based solely on the records of the Offices of the Auditors of Franklin County, Ohio and of Licking County, Ohio, as provided on its website on or about the date of this affidavit.

Further Affiant sayeth not.

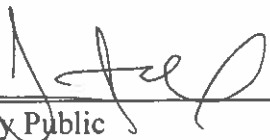
By:   
Aaron L. Underhill  
Attorney, Underhill & Hodge LLC

STATE OF OHIO  
COUNTY OF FRANKLIN SS.

The foregoing instrument was acknowledged before me on the 24th day of January, 2025, by Aaron L. Underhill, who acknowledged the foregoing signature to be his voluntary act and deed.



Justin M. Fox  
Attorney At Law  
Notary Public, State of Ohio  
My Commission Does Not Expire  
Sec. 147.03 R.C.

  
Notary Public  
My Commission Expires: \_\_\_\_\_

**APPLICANTS:**

The New Albany Company  
8000 Walton Parkway Suite 200  
New Albany, Oh 43054

City of New Albany  
99 West Main Street  
New Albany, Oh 43054

**PROPERTY OWNERS:**

MBJ Holdings, LLC  
6108 Babbitt Road  
New Albany, Ohio 43054

The New Albany Company LLC  
6016 Babbitt Road  
New Albany, Ohio 43054

The Rybski Preservation Trust  
5920 Babbitt Road  
New Albany, Ohio 43054

The Joseph D. Sicilian and Judith R.  
Sicilian Family Trust  
5980 Babbitt Road  
New Albany, Ohio 43054

Juliana Diiullo Revocable Trust  
5900 Babbitt Road  
New Albany, Ohio 43054

QTS New Albany III LLC  
12851 Foster Street  
Overland Park, KS 66213

**ATTORNEY:**

Underhill and Hodge LLC  
Aaron Underhill  
8000 Walton Parkway, Suite 120  
New Albany, Oh 43054

**SURROUNDING PROPERTY OWNERS:**

AEP Ohio Transmission Company  
4315 Ganton Parkway  
New Albany, Oh 43054

Amgen Inc.,  
4150 Ganton Parkway,  
New Albany, Oh 43054

Preylock New Albany LLC  
1245 Beech Road SW  
New Albany, Oh 43054

Greg Rybski  
5920 Babbitt Rd  
New Albany, OH 43054

Marjorie Cannon  
6015 Babbitt Rd  
New Albany, Oh 43054

BMU LLC  
7735 E. Dublin Granville Rd  
New Albany, OH 43054-9793

Demetra Mutchler  
5853 Babbitt Rd  
New Albany, OH 43054

Dirk Stevens  
6111 Babbitt Rd  
New Albany, OH 43054

Michael Derflinger  
5945 Babbitt Rd  
New Albany, OH 43054

Daniel Cox Jr  
5933 Babbitt Rd  
New Albany, OH 43054

John Coleman  
6145 Babbitt  
New Albany, OH 43054-9788

Walter and Lois Doran  
5800 Forest Hills BLVDA-114  
Columbus, OH 43231-6916

# **GANTON PARKWAY SOUTH ZONING DISTRICT**

## **L-GE, LIMITED GENERAL EMPLOYMENT**

### **ZONING LIMITATION TEXT**

**FEBRUARY 6, 2025**

**I. INTRODUCTION:** The Ganton Parkway South Zoning District (hereinafter, the “Zoning District”) includes real property located to the south of and adjacent to Ganton Parkway and to the east of and adjacent to Babbitt Road. The vast majority of the site is or will be located in the Franklin County portion of New Albany, while a limited portion is located in Licking County. It includes 194.6+/- acres in total, with 164.8+/- acres being within the municipal limits and 29.8+/- acres in the process of being annexed. Prior to the approval of this text, the already-incorporated portions of the subject property are zoned in the L-GE, Limited General Employment classification, with some of the land being part of the Winding Hollow Zoning District and the balance being part of the Babbitt East Zoning District. Upon annexation, the aforementioned 29.8+/- acres otherwise would be classified in the AG, Agricultural Zoning District, per the Codified Ordinances.

One purpose of this rezoning is to consolidate the zoning standards for the subject property into a single district. This will eliminate complexities associated with administering standards from two existing L-GE zoning districts and the creation of a third similar district which otherwise would be needed to provide development standards for the land that is being annexed to the City. Another purpose is to update standards based on changed conditions in the area since the existing zoning districts were approved, taking into account the construction of Ganton Parkway and the significant development that has occurred in recent years to the south of the State Route 161 expressway along the Beech Road and Ganton Parkway corridors. This zoning will position the Zoning District to be competitive in seeking to attract meaningful economic development projects that are complementary to those that have been developed on other nearby sites.

**II. DEVELOPMENT STANDARDS:** Unless otherwise specified in this text, the development standards of Part Eleven of the Codified Ordinances of the City of New Albany shall apply to this Zoning District. Basic development standards are compiled regarding proposed density, site issues, traffic, circulation, landscape, and architectural standards. These component standards ensure consistency and quality throughout the development.

**A. Permitted Uses:** Permitted uses in this Zoning District include the permitted and conditional uses contained and described in the Codified Ordinances of the City of New Albany, GE General Employment District, Sections 1153.02 and 1153.03, provided that conditional uses shall be reviewed in accordance with Chapter 1115, Conditional Uses. The following uses from these code sections shall be prohibited:



1. Industrial product sales (See Section 1153.03(a)(1));
2. Industrial service (See Section 1153.03(a)(2));
3. Mini-warehouses (See Section 1153.03(a)(4)(c)). For purposes of clarification, this prohibition applies only to such facilities that are made available for rental to the general public.
4. Personal service (See Section 1153.03(b)(2)) and retail product sales and service (See Section 1153.03(b)(3)), except that such uses shall be allowed as accessory uses to a permitted use in this Zoning District;
5. Vehicle services (See Section 1153.03(b)(4));
6. Radio/television broadcast facilities (See Section 1153.03(c)(1)); and
7. Sexually-oriented businesses (See Section 1153.03(c)(3)).

B. Access, Parking, Site Circulation, and Traffic Commitments:

1. Vehicular Access: Vehicular access to and from this Zoning District shall be permitted from at least three full movement access points on each of Babbitt Road and Ganton Parkway. Locations of all public street access points and the permitted turn movements for each access point shall be subject to the approval of the City Engineer.

2. Ganton Parkway:

a. Existing Improvements: The property owner has previously dedicated to the City a total of 100 feet of right-of-way for Ganton Parkway to its existing terminus (on the date of this text) at the Franklin County-Licking County boundary line, as well as easements adjacent to the right-of-way to the extent necessary to provide for the installation and maintenance of streetscape improvements, public utility lines, and leisure paths. No further dedication of rights-of-way or easements shall be required relating to the existing street and related improvements.

b. Extension: It is anticipated that Ganton Parkway will be extended westward and northward into the Franklin County portions of the City through or along the northern portion of this Zoning District to intersect with a realignment of Babbitt Road, and then beyond to intersect with or connect to East Dublin-Granville Road. To the extent that right-of-way and/or easements have not been dedicated to the City from other properties outside of this Zoning District, right-of-way shall be dedicated to the City from this Zoning District so that a total of 100 feet of right-of-way is available for the extension of Ganton Parkway. Easements adjacent to the right-of-way also shall be dedicated to the City to the extent necessary to provide for the installation and maintenance of streetscape improvements, public utility lines, and leisure paths, provided that such width are consistent with those provided for already-existing portions of Ganton Parkway to the east. Additional right-of-way and easements shall be dedicated to the City at the intersection of Ganton Parkway and Babbitt

Road in order to accommodate appropriately engineered intersection improvements, as mutually agreed by the property owner and the City at the time a final plat is approved for the extension of Ganton Parkway.

3. Babbitt Road: On the date of this text, Babbitt Road generally runs along the western boundary of this Zoning District and extending northward to an intersection with East Dublin-Granville Road. It is anticipated that Babbitt Road may be realigned in conjunction with a planned extension of Ganton Parkway as contemplated in the immediately preceding subsection. The total right-of-way for existing Babbitt Road and any realignment thereof shall be a maximum of 80 feet. Right-of-way shall be dedicated to the City within this Zoning District to a width of 40 feet as measured from the centerline of existing Babbitt Road and at a width of 80 feet for any realigned portions of Babbitt Road which ultimately intersects with or connects to the extension of Ganton Parkway. The developer shall grant easements to the City which are adjacent to the aforementioned 80-foot rights-of-way to the extent necessary to provide for the installation and maintenance of streetscape improvements, public utility lines, and leisure paths, provided that such easements no to exceed 35 feet in width. Additional right-of-way and easements shall be dedicated to the City should Ganton Parkway and Babbitt Road intersect in order to accommodate appropriately engineered intersection improvements, as mutually agreed by the property owner and the City at the time a final plat is approved for the realignment of Babbitt Road.

4. Other Public Streets: All other public streets constructed within this Zoning District shall have a right-of-way width that is appropriate for the character and anticipated usage of such streets as guided by the most recent City of New Albany Strategic Plan as determined at the time that such street improvement is proposed.

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

D. Lot and Setback Commitments:

1. Lot Coverage: There shall be a maximum lot coverage in this Zoning District of 75%.

2. Setbacks:

a. Babbitt Road: There shall be a minimum pavement setback of 90 feet and a minimum building setback of 140 feet from centerline of the Babbitt Road right-of-way.

b. Ganton Parkway: There shall be a minimum pavement and building setback of 25 feet from the right-of-way of Ganton Parkway.

c. New Public Streets: There shall be a minimum pavement and building setback of 25 feet from the right-of-way for any other new public street within this Zoning District.

d. Perimeter Boundaries: There shall be (i) a minimum pavement setback of 50 feet and a minimum building setback of 100 feet from all perimeter boundaries of this Zoning District which are adjacent to property on which residential uses are permitted, and (ii) a minimum pavement and building setback of 25 feet from all other perimeter boundaries that are not adjacent to a public right-of-way.

e. Elimination of Setbacks: In the event that a parcel located within this Zoning District and an adjacent parcel located within or outside of this Zoning District (i) come under common ownership or control, (ii) are zoned to allow compatible non-residential uses, and (iii) are combined into a single parcel, then any minimum building, pavement, or landscaping setbacks set forth in this text as they apply to common property lines shall no longer apply with respect to these parcels. In addition and in accordance with Codified Ordinances Section 1153.04(g), in the event that a parcel within this Zoning District and an adjacent parcel zoned in the GE, General Employment or LI, Limited Employment District classification (a) come under common ownership or control, and (b) are zoned to allow compatible non-residential uses, but (c) cannot be combined into a single parcel due to the parcels being situated within separate Ohio counties, then any minimum building, pavement, or landscaping setbacks shall no longer apply where these parcels' lot lines abut on Ohio county boundaries.

E. Architectural Standards:

1. Service and Loading Areas: Service areas and loading docks shall be screened to limit visibility from off-site.

2. Building Design:

a. Building designs shall not mix architectural elements or ornamentation from different styles.

b. Buildings shall be required to employ a comparable use of materials on all elevations.

c. The number, location, spacing, and shapes of windows and door openings shall be carefully considered. Primary entrances to buildings shall be made sufficiently prominent that they can be easily identified from a distance.

d. For office buildings and complexes, achieving a human or pedestrian scale is of less concern. When achieving such a scale is desired, it may be achieved by careful attention to width of facades, size and spacing of window and door openings, and floor to floor heights on exterior walls.

e. Use of elements such as shutters, cupolas, dormers, and roof balustrades shall be avoided in building designs that are not based on traditional American architectural styles. Such elements may be employed only when they are common elements of a specific style, and this style shall be replicated in its entirety. When shutters are employed, even if they are non-operable, they must be sized and mounted in a way that gives the appearance of operability.

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

g. Accessory or ancillary buildings, whether attached or detached, shall be of similar design, materials and construction as the nearest primary structure. Fenestration themes that employ windows, panels and piers that are consistent with the architectural vocabulary of the building are encouraged.

3. Building Form:

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

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

4. Materials:

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

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

c. Generally, the quantity of materials selected for a building shall be minimized. A single material selection for the independent building components of roof, wall and accents is permitted (i.e., Architectural Grade shingle roof with Brick Masonry wall and EIFS Cornice and Accents).

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

e. Additional Standards for Uses Not Governed by DGRs: Buildings that are constructed to accommodate certain uses are not governed by the City's Design Guidelines and Requirements (DGRs). For example, buildings that are constructed for the operation of warehousing and/or distribution uses are not subject to the DGRs and can present challenges in meeting the community standard for architectural design. Such buildings are necessarily large and typically include long walls that together form a square or rectangular box. The goal for the development of buildings that are not subject to the DGRs is to balance the practical needs of these buildings with the desire to provide exterior designs that are attractive and complimentary to the architecture that will be found elsewhere in this zoning district.

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

In conjunction with an application for a certificate of appropriateness for each building or structure in this Zoning District that is not subject to or governed by the DGRs, the applicant shall be required to submit to the City illustrations of the proposed exterior design of the building or structure for review and approval by the Design Review Committee contemplated in Section 1157.08(a)(1)(D) of the City Code. In designing



such buildings, the user or applicant shall take into account the following, which are intended to set a level of expectation for the quality of design:

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

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

F. Buffering, Landscaping, Open Space, and Screening: The following landscaping requirements shall apply to this Zoning District:

1. Tree Preservation: Standard tree preservation practices will be in place to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line.
2. Street Trees: A street tree row shall be established along all publicly dedicated rights-of-way within or adjacent to this Zoning District and shall contain one (1) tree for every thirty (30) feet of road frontage. Trees may be grouped or regularly spaced. Minimum street tree size at installation shall be three (3) caliper inches. This requirement may be waived in areas where existing vegetation occurs, subject to approval of the City Landscape Architect.
3. Parking Areas: Within this Zoning District, there shall be no less than one (1) tree planted for every ten (10) parking spaces located therein. At least five percent (5%) of the vehicular use area shall be landscaped or green space (or treed areas). Parking lots shall be designed to accommodate parking lot islands with tree(s) at the end of parking aisles.
4. Minimum On-Site Tree Sizes: Unless otherwise set forth herein, minimum tree size at installation shall be no less than two and one half (2 ½) inches in caliper for shade trees, six (6) feet in height for evergreen trees, two (2) inches in caliper for ornamental trees, and thirty (30) inches in height for shrubs. Caliper shall be measured six (6) inches above grade.
5. Pedestrian Circulation: Unless they are part of a campus which for safety or security reasons requires access by the public to be restricted, for buildings whose primary use is office, an internal pedestrian circulation system shall be created so that a pedestrian using a public sidewalk along a public street can access the adjacent buildings through their parking lots as delineated with markings, crosswalks, and/or different materials, directing foot traffic, where possible, away from primary access drives. Pedestrian connections shall be provided between parking lots and the front of buildings. A building shall be considered to have offices as its primary use when greater than 50% of its total square footage is occupied by office uses. The requirements of this paragraph shall not apply to any building with a main entrance which is located 500 feet or more from a public right-of-way.
6. All street trees that are not installed prior to infrastructure acceptance shall be bonded to guarantee installation.
7. All project landscape plans are subject to review and approval by the City Landscape Architect.
8. Screening – Residential Uses: For those perimeter boundaries which abut properties containing existing residential uses or, as determined at the time that an application is filed for a building permit (“Building Permit”) in this Zoning District, has a zoning classification which permits the development and operation

of residential uses thereon that are not owned by the developer (any real property meeting either of the foregoing criteria to be referred to herein as “Residential Property”), a minimum six (6) foot high mound shall be installed along the property line and shall include a landscape buffer on the mound which shall consist of a mixture of deciduous trees, evergreens and bushes to provide an opacity of 75% on the date that is 5 years after planting to a total height of 10 feet above ground level. These mounds shall be installed within the minimum pavement setback area as required by this zoning text and may encroach on the abutting property if that owner is in agreement with the mound’s installation on his/her/its property. The plan for these areas must be reviewed and approved by the City’s Landscape Architect. For purposes of determining which properties qualify as a Residential Property hereunder, if two properties have an intervening public street right-of-way between them, they shall still be considered abutting.

If there are existing trees within this perimeter area and the City Landscape Architect recommends preservation of them then the mounding may be omitted and the existing trees may be utilized as the required screening. The requirement for 75% opacity 5 years after installation is still applicable with this alternative and, therefore, if necessary, additional landscaping materials (i.e., deciduous trees, evergreens or bushes) shall be planted along those perimeter boundary areas to meet the 75% opacity requirement. The plan for these areas must be reviewed and approved by the City’s Landscape Architect.

Utilities and permitted access drives may be placed within or cross through perimeter boundaries which abut residentially zoned and used properties and the screening provided for above, provided, however, that the developer shall use good faith efforts to place utilities in a manner that minimizes the impact on the required screening.

In recognition of the amount of land area contained within this Zoning District, the following provisions shall apply to the installation of the required mounding and landscaping contemplated in this Section F.8:

- a. Such mounding and landscaping shall be required to be installed along the entirety of the perimeter boundaries of any individual tax parcel, or project phase within a tax parcel, which includes a perimeter boundary line of this Zoning District that abuts Residential Property and upon which construction of buildings and/or pavement is to be undertaken pursuant to the issuance of a Building Permit by the City and installation shall be complete prior to the issuance of a Certificate of Occupancy; or
- b. If the perimeter boundary line of the tax parcel, or project phase within a tax parcel, on which construction is to occur does not include a perimeter boundary line of this Zoning District that abuts a Residential Property, but an application for a Building Permit has been issued by the City with respect to that tax parcel, or project phase within a tax parcel,

which allows for construction of a structure or pavement within 500 feet of a perimeter boundary line of a Residential Property, then the mounding and landscaping required by this Section F.8 shall be required to be installed along the entirety of the shared boundary line with that Residential Property and installation shall be complete prior to the issuance of a Certificate of Occupancy.

9. Babbitt Road and Ganton Parkway:

a. Landscaping within the minimum required pavement setback along each of Babbitt Road and Ganton Parkway shall be coordinated and consistent throughout this Zoning District and surrounding areas.

b. A landscape buffer shall be located within the required minimum pavement setback along Babbitt Road. The buffer shall be planted with a minimum quantity of one tree per 25 feet, in addition to street trees. Trees shall be randomly planted to create a naturalized appearance. Trees shall be of native species. Evergreen trees or shrubs shall not be permitted in the area between the buffer landscape and the edge of street pavement. For landscaping which is not used to meet zoning text, Codified Ordinances, and street tree requirements, the minimum caliper of tree material may be reduced to 1" caliper to gain additional plant material.

c. The landscape buffer may consist of mounding. Mounding, when used, shall be a maximum of 12 feet in height. Trees shall be planted on the mound with a minimum of 70% of the trees occurring on the street side. No trees shall be located within the upper quartile of the crest of the mound.

10. Preservation Areas: Certain portions of the Zoning District contain environmentally sensitive elements that will be preserved and protected. These "Preservation Zones" shall be deemed to include all minimum pavement setbacks along the perimeter boundaries of the Zoning District that are not adjacent to a public right-of-way. Within the Preservation Zones located within these perimeter setbacks, the developer shall preserve existing healthy and mature trees and vegetation but shall be permitted to place utilities within or allow them to cross through these areas, provided, however, that the developer shall use good faith efforts to place utilities in a manner that minimizes the impact on healthy and mature trees. Trees that are in good health and that are at least four (4) caliper inches in diameter at a height of three (3) feet above the ground shall be preserved where reasonably practical. Trees within these areas may be removed if they present a danger to persons or property.

Other Preservation Zones shall be located outside of the minimum required perimeter pavement setbacks. Such Preservation Zones shall be sized and located in accordance with applicable federal and state permits once they are

approved and issued by the Ohio Environmental Protection Agency and the U.S. Army Corps of Engineers, as may be amended from time-to-time. Prior to commencing development in a portion of the Zoning District that contains a Preservation Zone that is located outside of the minimum required perimeter building and pavement setbacks, the developer shall provide detailed legal descriptions of such Preservation Zone to the Director of Development for record keeping and enforcement purposes. Should the boundaries of any Preservation Zone that is located outside of the minimum required perimeter pavement setbacks change in the future as a result of amendments to or replacements of the relevant federal and state permits, then the developer shall provide updated legal descriptions to the Director of Development within a reasonable amount of time after such information is available, and the updated legal descriptions then shall be considered to be enforceable as amended.

G. Lighting:

1. All parking lot and private driveway lighting shall be cut-off type fixtures and down cast. Parking lot lighting shall be from a controlled source in order to minimize light spilling beyond the boundaries of the site.
2. All parking lot lighting shall be of the same light source type and style. Building, pedestrian, and landscape lighting may be incandescent or metal halide.
3. All parking lot light poles shall be black or New Albany green and constructed of metal. Light poles shall not exceed 30 feet in height.
4. Landscape uplighting from a concealed source shall be subject to staff approval. All uplighting fixtures must be screened by landscaping. Lighting details shall be included in the landscape plan which is subject to review and approval by the City Landscape Architect.
5. No permanent colored lights or neon lights shall be used on the exterior of any building.
6. Security lighting, when used, shall be of a “motion sensor” type.
7. All other lighting on the site shall be in accordance with City Code.
8. Street lighting must meet the City Standards and Specifications.

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

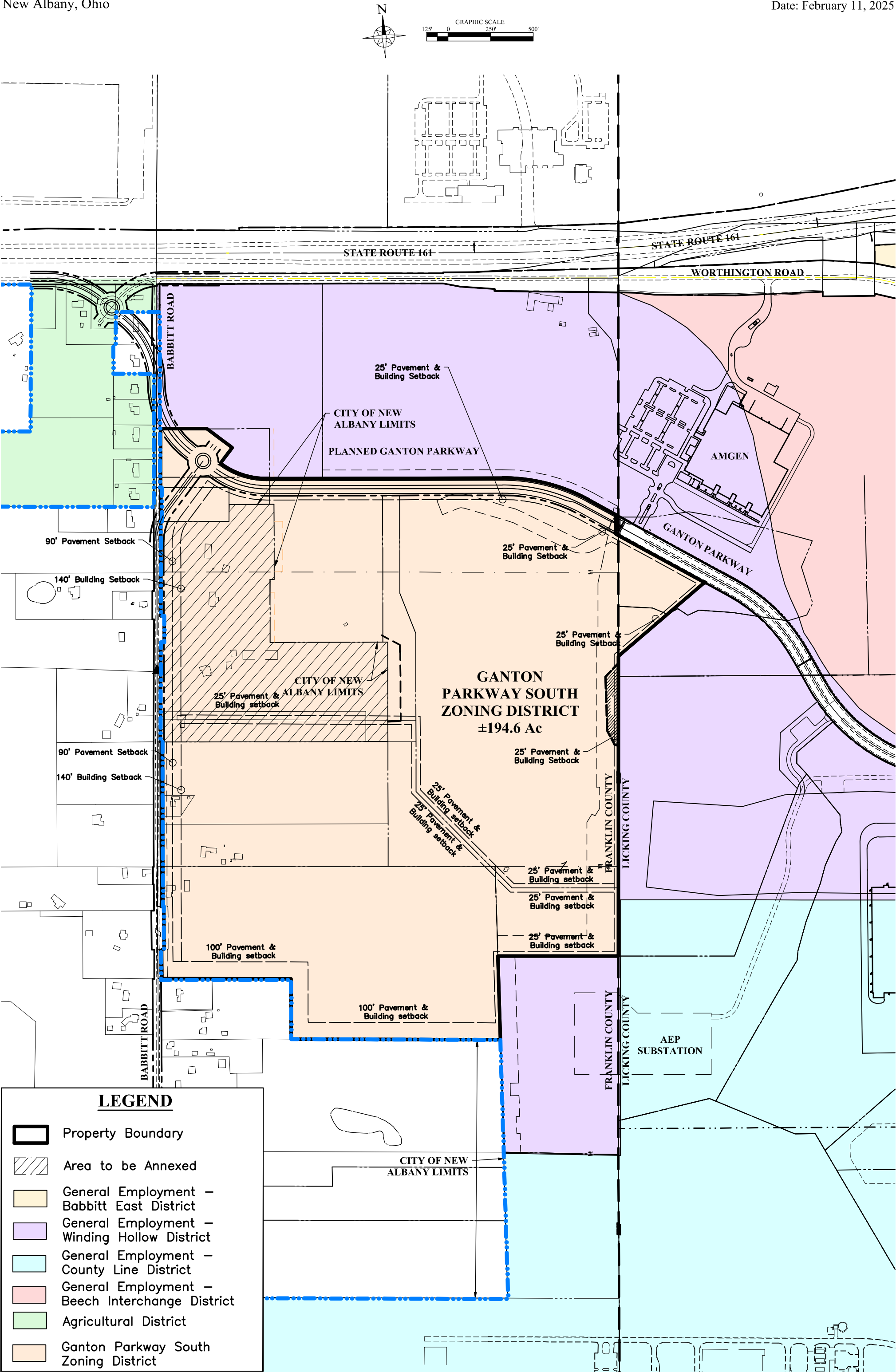
I. Utilities: All utility lines in this Zoning District shall be installed underground.



THE NEW ALBANY COMPANY

Date: January 27, 2025







**Planning Commission Staff Report  
March 3, 2025 Meeting**

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**SPEEDWAY  
FINAL DEVELOPMENT PLAN**

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LOCATION: Generally located at the northwest intersection of Mink Street and Innovation Campus Way (PID: 093-107478-00.002)  
APPLICANT: J. Carter Bean Architect LLC c/o Carter Bean  
REQUEST: Final Development Plan  
ZONING: Mink Interchange I-PUD  
STRATEGIC PLAN: Retail/Employment Center  
APPLICATION: FDP-03-2025

Review based on: Application materials received February 4, 2025

*Staff report prepared by Sierra Saumenig, Planner II and Chris Christian, Planning Manager*

**I. REQUEST AND BACKGROUND**

This application was tabled by the Planning Commission during their February 19<sup>th</sup> meeting so that the applicant could present a physical sample of the proposed brick to the commission. The staff report is unchanged however, an updated list of conditions of approval is included below that reflects the Planning Commission's discussion during the first hearing. This updated list is also included at the end of the report.

FDP-03-2025 Conditions of Approval

1. All internal drive aisles must be reduced to 30 feet wide. **PC was comfortable with the 35-foot widths so this condition of approval may be removed.**
2. That the proposed black brick be revised to a natural colored brick, subject to staff approval. **The application was tabled so that the applicant could present a physical brick sample.**
3. The brick panels are recessed by ½ inch on all four sides of the building. **Agreed**
4. That the proposed horse fence along Mink Street is the entire property line unless the lot is split. **Agreed**
5. That the applicant must provide 85 trees within the required minimum pavement setback along Mink Street unless the lot is split then the applicant only needs to provide 10 trees per 100 linear feet of their property line. **Agreed**
6. Street trees are added to both Mink Street and Innovation Campus Way frontages at the rate of 3 trees for every 100 feet of road frontage. If the lot is split then the applicant only needs to provide street trees along their property line on Mink Street. **Agreed**
7. That the applicant meets Codified Ordinance 1171(5)(3) and provides the specific number of required trees and caliper on the landscaping plans. **Agreed**
8. Remove "Welcome" from the canopy signs, as vinyl is not an approved material and to minimize excessive signage. **PC agreed.**
9. That the address numbers be relocated on the face of the monument sign and the lighting be revised to be a **down cast lighting source, similar to other monument signs in the area.**
10. The city engineer's comments must be addressed, subject to staff approval. **Agreed**

**11. A cross access easement must be provided for the site to the north, if the lot is split.**

The final development plan application is for a proposed Speedway gas station generally located at the northwest intersection of Mink Street and Innovation Campus Way. This development includes a gas station/convenience store, an unleaded fuel canopy, and a diesel fuel canopy for semi-trucks.

The applicant is also applying for several variances related to this final development plan under application VAR-04-2025. Information and evaluation of the variance requests are under a separate staff report.

This site is located within the Mink Interchange zoning district which was reviewed and approved by the Planning Commission on September 19, 2016 (ZC-66-2016) and by city council on October 4, 2016 (O-21-2016).

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

The site is generally located north of Innovation Campus Way and west of Mink Street. It is bordered by commercial properties to the north (New Albany 525), west (AmplifyBio), and south (Axium Building 6), with residential areas in Jersey Township to the east.

## **III. EVALUATION**

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

- a. *That the proposed development is consistent in all respects with the purpose, intent and applicable standards of the Zoning Code;*
- b. *That the proposed development is in general conformity with the Strategic Plan/Rocky Fork-Blacklick Accord or portion thereof as it may apply;*
- c. *That the proposed development advances the general welfare of the Municipality;*
- d. *That the benefits, improved arrangement and design of the proposed development justify the deviation from standard development requirements included in the Zoning Ordinance;*
- e. *Various types of land or building proposed in the project;*
- f. *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;*
- g. *Traffic and circulation systems within the proposed project as well as its appropriateness to existing facilities in the surrounding area;*
- h. *Building heights of all structures with regard to their visual impact on adjacent facilities;*
- i. *Front, side and rear yard definitions and uses where they occur at the development periphery;*
- j. *Gross commercial building area;*
- k. *Area ratios and designation of the land surfaces to which they apply;*
- l. *Spaces between buildings and open areas;*
- m. *Width of streets in the project;*
- n. *Setbacks from streets;*
- o. *Off-street parking and loading standards;*
- p. *The order in which development will likely proceed in complex, multi-use, multi- phase developments;*
- q. *The potential impact of the proposed plan on the student population of the local school district(s);*
- r. *The Ohio Environmental Protection Agency's 401 permit, and/or isolated wetland permit (if required);*
- s. *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.*

#### **Engage New Albany Strategic Plan Recommendations**

The Engage New Albany Strategic Plan recommends the following development standards for the Neighborhood Retail future land use category:

1. Parking areas should promote pedestrians by including walkways and landscaping to enhance visual aspects of the development.
2. Combined curb cuts and cross access easements are encouraged.
3. Curb cuts on primary streets should be minimized and well-organized connections should be created within and between all retail establishments.
4. Retail building entrances should connect with the pedestrian network and promote connectivity through the site.
5. Integrate outdoor spaces for food related businesses.

#### **A. Use, Site and Layout**

1. The applicant is proposing to construct a 4,816 sq. ft. gas station/convenience store on the 9.39-acre site. The proposed development will be on 7.38-acres of the site and the remaining 3.72-acres is proposed to be a future development. The zoning text permits gasoline and other fuel stations, with or without convenience stores. The proposed development is in an appropriate location given its proximity to the New Albany Business Park and State Route 161.
2. Per the zoning text, plans for the development of gas stations shall be created in a manner that discourages overnight truck parking. The applicant proposes to install "no overnight truck parking" signage on the property.
3. The zoning text requires the following setbacks from these perimeter boundaries:

Road	Requirement	Proposed
Mink Street	50-foot pavement setback	75-foot pavement setback [meets code]



	100-foot building setback	100-foot building [meets code]
Innovation Campus Way	50-foot building and pavement	65+/- foot pavement [meets code] 153+/- foot building [meets code]
Riparian Corridor Setback	Minimum 150-foot setback (75 feet in each direction of from the centerline of the creek).	Applicant has labeled the setback and are permitted per zoning text section C(4) one paved vehicular crossing to cross through the setback area. The applicant proposes one vehicular crossing through the setback area.

4. Zoning text section II(C)(9) requires that the total lot coverage, which includes areas of pavement and building, to not exceed 80%. The plan meets this requirement with a proposed 43.6% lot coverage amount.
5. The applicant indicates that the onsite stormwater will be conveyed to an off-site stormwater basin to the west of this site.

#### **B. Access, Loading, Parking**

1. The site is accessed from three proposed curb cuts:
  - One 35' right in/right out access along Mink Street that will function as a shared drive between the developments on the site.
  - One 35' right in/right out access along Innovation Campus Way.
  - One full 55' access entrance along Innovation Campus Way intended for trucks entering and exiting.
2. The city parking code does not have parking standards for convenience stores associated with a gasoline station use. The Planning Commission should evaluate the appropriateness of the number of parking spaces provided on site.
  - The applicant is providing 36 parking spaces on site.
  - Per Codified Ordinance 1167.05(d)(8) gasoline service stations require 2 for each service bay plus 1 for each 2 gasoline dispensing units, plus 1 for each employee during main shift. This site has 10 gasoline pumps and could have up to 5 employees during the main shift resulting in 10 parking spaces being required.
  - City code does not have specific parking space requirements for convenience stores associated with a gasoline station use. The closest use within the city parking code is retail shopping centers which require one parking space for each 200 square feet of gross floor area. The convenience store is 4,816 square feet which would require 25 parking spaces. The applicant is providing 36 parking spaces which appears to accommodate both the gasoline pump and convenience store uses. This is generally consistent with other gas stations in the city such as Duke and Duchess.
2. According to C.O. 1167.06(a)(2) the applicant is required to provide one off street loading space. The applicant is meeting this requirement by providing one loading space behind the convenience store.
3. Per C.O. 1167.03(a), the minimum parking space dimensions required are 9 feet wide and 19 feet long and the applicant is meeting this requirement.
4. Per C.O. 1167.03(a), the minimum maneuvering lane width size is 22 feet for this development type. The applicant is proposing maneuvering lanes with varying widths throughout the site that are between 28 and 35 feet. The proposed maneuvering lanes are wider than what was approved for Sheetz, Turkey Hill, and the Duke and Duchess site, which are similar developments. Reducing the drive lanes widths to 30 feet will result in less paved area on the site and be more consistent with other gas stations in the community. Staff recommends a condition of approval that the maneuvering lane widths on the regular vehicle gas side of the site be reduced to 30 feet (condition #1).

#### **C. Architectural Standards**

1. The purpose of the New Albany Design Guidelines and Requirements is to help ensure that the New Albany community enjoys the highest possible quality of architectural design. The site falls under Section 6 of the Design Guidelines and Requirements, Commercial Outside the Village Center and there are also architectural requirements in the zoning text.
2. The zoning text states that buildings with this use shall be a minimum of one story and a maximum of two and a half stories in height and this requirement is being met as the convenience store is a one-story building.
3. The primary building material for the convenience store is brick and a thermally modified wood.
  - The DGR's state that traditional materials such as wood, stone, brick, and concrete are preferred.
  - The city architect has reviewed the proposed black brick and acknowledges the applicant's justification that surrounding buildings, particularly the Axiom, feature a similar material palette. However, a gas station is a smaller structure with a different use compared to commercial buildings. When looking at other smaller, human-scaled buildings in the vicinity, black brick is an industrial-like finish that has not been previously used. Instead, warm natural color brick is found throughout New Albany. The city architect believes Speedway should be consistent with other retail uses in the city, as the it is not the size of a warehouse, nor is it required to look to its warehouse neighbors for exterior material justification. Staff recommends a condition of approval that the black brick be revised to a natural colored brick, subject to staff approval (condition #2).
4. Zoning text section E.4(b) states that all rooftop mechanical units must be screened to limit off site visibility and sound. The applicant is meeting this requirement by providing rooftop screening so that the mechanical units are not seen from the property lines.
5. DGR Section 6(I)(A)(4) states that the number, location, spacing and shapes of window openings shall be carefully considered, particularly for buildings in retail use and shall impart a sense of human scale. The city architect states that the windows of this building are arranged and sized appropriately.
6. DGR Section 6(I)(A)(6) states that all visible elevations of a building must receive similar treatments in style, materials and design so that no visible side is of a lesser character than any other.
  - The city architect has reviewed the elevations and is okay with the blank facades as long as the brick panels are recessed by ½ inch consistently around the entire building. Staff recommends a condition of approval that the brick panels are recessed by 1.2 inches on all four sides of the building (condition #3)
7. DGR Section 6(I)(A)(12) states that buildings shall have active and operable front doors along all public and private streets. The convenience store fronts onto Mink Street and Innovation Campus Way on the south side. The building is designed with an active and operable front door along Mink Road and the rear of the building however, the applicant is not providing an active and operable door on the Innovation Campus Way elevation. The applicant requests a variance to eliminate this requirement for the south elevation of the building which is evaluated under a separate staff report.
8. C.O. 1171.05(b) states that all trash and garbage container systems must be screened, not be located in front yards and meet the minimum required pavement setbacks. The applicant proposes to install a dumpster enclosure at the rear of the parking area, within the pavement setback and it will be completely screened with a dumpster enclosure therefore these requirements are being met.

#### **D. Parkland, Buffering, Landscaping, Open Space, Screening**

1. An 8' asphalt leisure path is already installed along the Mink Street and Innovation Campus Way site frontages.
2. Per zoning requirements, a four-board horse fence is required to be installed along Mink Street and Innovation Campus Way. The applicant proposes to install the fences on these

- street frontages however, it's unclear if the proposed horse fence along Mink Street is proposed for the entirety of the road frontage. Staff recommends a condition of approval that the proposed horse fence along Mink Street is the entire property line, unless the lot is split (condition #4).
3. Per zoning text requirements II(F)(1) a minimum of 10 trees per 100 linear feet must be installed within the required setback area along Mink Street. The applicant states they are meeting this requirement by providing 85 trees along their 846 feet of frontage on Mink Street however the plans do not show 85 trees. Staff recommends a condition of approval that the applicant must provide 85 trees within the required minimum pavement setback along Mink Street unless the lot is split, then the applicant only needs to provide 10 trees per 100 linear feet of their property line (condition #5).
  4. Per zoning text requirement II(F)(3), a minimum 4-foot-tall landscape buffer must be provided to screen parking areas along all public rights of way. The proposed landscape plan shows that a 4-foot-tall landscape buffer will be installed along the parking areas that are along public rights of way, therefore this requirement is being met.
  5. Per zoning text requirement II(F)(5), a street row shall be established along publicly dedicated right-of-way and shall contain 3 trees for every 100 feet of road frontage. There are existing street trees along Mink Street that count toward this requirement however, street trees are not shown on the landscape plans. Staff recommends a condition of approval that street trees are added to both Mink Street and Innovation Campus Way frontages at the rate of 3 trees for every 100 feet of road frontage. If the lot is split then the applicant only needs to provide street trees along their property line on Mink Street (condition #6).
  6. Codified Ordinance 1171.06(a)(3) requires one tree per 10 parking spaces to be installed in the parking lot. The applicant is providing 36 parking spaces thereby requiring 4 trees and this requirement is met.
  7. Codified Ordinance 1171(5)(e) requires parking lots over fifty thousand (50,000) square feet: A minimum of one tree for every five thousand (5,000) square feet of ground coverage and a total tree planting equal to twenty-five (25) inches plus one-half inch in tree trunk size for every four thousand (4,000) square feet over fifty thousand (50,000) square feet in ground coverage. The applicant states that the parking lot and building is approximately 321,423 sq. ft. requiring 65 trees at 59" total caliber (CAL). The applicant states that existing trees onsite are meeting this requirement however, it is unclear how many trees and caliber are provided. Staff recommends a condition of approval that the applicant meets Codified Ordinance 1171(5)(3) and provides the specific number of required trees and caliber on the landscaping plans (condition #7).
  8. The City Landscape Architect reviewed the proposal and has the same landscaping comments as city staff.

#### **E. Lighting & Signage**

1. Zoning text section II(G) requires all parking lot light poles to be downcast and use cut-off type fixtures in order to minimize light spilling beyond the boundaries of the site. Site lighting is proposed to be down cast, but not cut-off. A detailed photometric plan was submitted showing no light spillage from this site onto Mink Street, Innovation Campus Way, and other properties within this zoning district
2. Zoning text section II(H)(3) states that all parking lot poles within the entire zoning district shall be black or New Albany Green, be constructed of metal and not exceed 30 feet in height. The applicant proposes to use 30-foot tall parking lot light poles that are black.
3. As part of this final development plan application, the applicant has submitted a sign plan for the site. The applicant proposes to install four wall signs: two on the Mink Street Road elevation, one on the south elevation, and one on the north (rear elevation). The applicant proposes to install two monument signs, one along Mink Street and one along Innovation Campus Way. Additionally, canopy signs are proposed at both the entrances. Lastly, three directional signs are proposed at the access points into the site.

4. The proposal does include internal “do not enter signs” for semitrucks as well as signage on the rear canopy indicating the enter and exit for the gas pumps. These signs are unregulated and are not evaluated under this staff report.
5. The two canopies above the entrances into the convenience store say “Welcome” in vinyl lettering which is not permitted. Staff recommends a condition of approval to remove "Welcome" from the canopy signs, as vinyl is not an approved material and to minimize excessive signage. (condition #8).
6. The applicant proposes to install three directional signs at the proposed entrances to the site.
  - Two of the signs say “Speedway” with the logo and directional arrow.
  - One sign includes the logo and “trucks” with a directional arrow.
  - The signs are 5 feet tall and 6 sq. ft. in size which exceeds the permitted height and size requirements. The applicant requests a variance to exceed the required height and square footage for directional signs which is evaluated under a separate staff report.

#### **Wall Signs**

- The zoning text and C.O. 1169.15(d) permits a wall sign on each building frontage either on a public or private road, with 1 square foot in area per linear square foot of building frontage, not to exceed 50 square feet.

#### **Mink Street Elevation Wall Sign - “Speedway”**

- a. Area: 25 sq. ft. [meets code]
- b. Lettering Height: 23.5 [meets code]
- c. Location: Mink Street elevation
- d. Lighting: internal illumination [meets code]
- e. Relief: 5” [meets code]
- f. Color: one color [meets code]
- g. Materials: aluminum [meets code]

#### **Mink Street Elevation and Innovation Campus Way Wall Signs “S” Speedway Logo**

- a. Area: 31.1 sq. ft. [meets code]
- b. Lettering Height: N/A [logo]
- c. Location: on the Mink Street and Innovation Campus Way elevations [meets code]
- d. Lighting: internal illumination [meets code]
- e. Relief: 6” [meets code]
- f. Color: three colors [meets code]
- g. Materials: polycarbonate [meets code]

#### **Rear Elevation Wall Sign “S” Speedway Logo**

- a. Area: 19.9 sq. ft. [meets code]
- b. Lettering Height: N/A [logo]
- c. Location: on the rear elevation [meets code]
- d. Lighting: internal illumination [meets code]
- e. Relief: 6” [meets code]
- f. Color: three colors color [meets code]
- g. Materials: polycarbonate [meets code]

Retail only allows one sign per business frontage. The site has two proposed frontages and therefore, two wall signs are permitted. The applicant is proposing 4 wall signs and a variance has been requested which evaluated under a separate staff report.

#### **Ground Mounted Signs**

The applicant proposes to install two monument signs: one along Mink Street and one along Innovation Campus Way. The monument signs shall be consistent with the specifications found in the New Albany Innovation Campus Way Design Guidelines, as adopted by the Planning Commission. The applicant is meeting a majority of the recommendations of the sign plan however there are some revisions needed, such as relocating the address off the brick base and underneath “Speedway.” Staff recommends a condition of approval that the address numbers be relocated on the face of the sign and the lighting be revised to a ground-mounted up light. (condition #9).

- a. Area: 38.8 square feet [meet code]
  - b. Location: One perpendicular to Mink Street and Innovation Campus Way [meets code]
  - c. Lighting: internally illuminated on the logo side [does not meet code].
  - d. Relief: 8 inches [meets code]
  - e. Colors: Black, green, red, white (total of 4) [meets code].
  - f. Materials: Brick with a precast cap [meets code]
- The sign will feature the company logo and provide gas pricing information. The gas prices are to be changeable price plates and not automatic.

#### IV. ENGINEER’S COMMENTS

The City Engineer has reviewed the application and provided the following comments. These comments can also be found in a separate memo attached to this staff report. Staff recommends a condition of approval that the comments of the city engineer are addressed, subject to staff approval (condition #10).

1. As commented on previously please add site distance triangles at each curb cut shown on sheet L1.0 and remove impediments to motorist view.
2. We will evaluate storm water management, sanitary sewer collection and roadway construction related details once detailed construction plans become available.

#### V. SUMMARY

The proposal is meeting many of the goals of the Engage New Albany Strategic Plan such as providing pedestrian access along roadways into the site and utilizing high quality building materials. However, the brick should be a naturalized color to be consistent with similar retail uses within New Albany. Although the site is auto-oriented and must adequately serve large fueling trucks, it appears there is an opportunity to reduce the pavement without negatively affecting trucks ability to safely navigate the site.

The proposed development is in an appropriate location given the context of the surrounding area and will serve as an amenity for the New Albany Business Park. The proposed building and fuel canopy are well designed, with the recommended conditions of approval, and the use is appropriate given the surrounding commercially zoned area.

#### V. ACTION

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

**Move to approve final development plan application FDP-03-2025, subject to the following conditions:**

1. All internal drive aisles must be reduced to 30 feet wide. **PC was comfortable with the 35-foot widths so this condition of approval may be removed.**



2. That the proposed black brick be revised to a natural colored brick, subject to staff approval. **The application was tabled so that the applicant could present a physical brick sample.**
3. The brick panels are recessed by ½ inch on all four sides of the building. **Agreed**
4. That the proposed horse fence along Mink Street is the entire property line unless the lot is split. **Agreed**
5. That the applicant must provide 85 trees within the required minimum pavement setback along Mink Street unless the lot is split then the applicant only needs to provide 10 trees per 100 linear feet of their property line. **Agreed**
6. Street trees are added to both Mink Street and Innovation Campus Way frontages at the rate of 3 trees for every 100 feet of road frontage. If the lot is split then the applicant only needs to provide street trees along their property line on Mink Street. **Agreed**
7. That the applicant meets Codified Ordinance 1171(5)(3) and provides the specific number of required trees and caliper on the landscaping plans. **Agreed**
8. Remove "Welcome" from the canopy signs, as vinyl is not an approved material and to minimize excessive signage. **PC agreed.**
9. That the address numbers be relocated on the face of the monument sign and the lighting be revised to be a **down cast lighting source, similar to other monument signs in the area.**
10. The city engineer's comments must be addressed, subject to staff approval. **Agreed**
11. **A cross access easement must be provided for the site to the north, if the lot is split.**

### Approximate Site Location



Source: NearMap



## Planning Commission Staff Report March 3, 2025 Meeting

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### SPEEDWAY VARIANCES

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LOCATION: Generally located at the northwest intersection of Mink Street and Innovation Campus Way (PID: 093-107478-00.002)

APPLICANT: J. Carter Bean Architect LLC c/o Carter Bean

REQUEST: (A) Variance to Design Guidelines and Requirements Section 6(I)(A)(12) to eliminate the requirement for active and operable front doors on the Innovation Campus Way elevation.  
(B) Variance to C.O. 1169.16(d) to allow four wall signs where code only permits two and to allow a wall sign to be installed on a building elevation that does not front a street.  
(C) Variance to C.O. 1169.18(d) to allow directional signs to be 6 sq. ft. where code permits up to 4 sq. ft.  
(D) Variance to C.O. 1169.18(b) to allow directional signs to be 5 feet in height where code permits up to 3 feet.

ZONING: Mink Interchange I-PUD

STRATEGIC PLAN: Retail

APPLICATION: VAR-04-2025

Review based on: Application materials received February 4, 2025

*Staff report prepared by Sierra Saumenig, Planner II and Chris Christian, Planning Manager*

#### I. REQUEST AND BACKGROUND

This application was tabled by the Planning Commission during their February 19<sup>th</sup> meeting so that the applicant could present a physical sample of the proposed brick to the commission (see associated final development plan staff report). The variance staff report is unchanged however, a brief overview of the commission's discussion regarding the variances is included below.

Variance (A): The commission believed that this variance was consistent with similar requests that have been approved by the board in the past.

Variance (B): The commission and applicant generally agreed that a total of 3 wall signs were acceptable as compared to 4. However, the commission clarified that a logo and a business name located directly next to one another would be considered one sign for the purposes of this application, subject to staff approval.

Variances (C) and (D): The commission understood the rationale provided by staff, and the applicant, to justify granting these variances. However, there was some conversation about the need to adjust the sign content to provide appropriate direction for both small and large vehicles.

This application includes four (4) variance requests related to a final development plan for a proposed This development includes a gas station/convenience store, an unleaded field canopy, and a diesel fuel canopy for semi-trucks.

The applicant requests the following variances:

- (A) Variance to Design Guidelines and Requirements Section 6(I)(A)(12) to eliminate the requirement for active and operable front doors on the Innovation Campus Way elevation.
- (B) Variance to C.O. section 1169.16(d) to allow four wall signs where code only permits two and to allow a wall sign to be installed on a building elevation that does not front a street.
- (C) Variance to C.O. 1169.18(d) to allow directional signs to be 6 sq. ft. where code permits up to 4 sq. ft.
- (D) Variance to C.O. 1169.18(b) to allow directional signs to be 5 feet in height where code permits up to 3 feet.

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

The 9.39-acre site is generally located north of Innovation Campus Way and west of Mink Street. It is bordered by commercial properties to the north (New Albany 525), west (AmplifyBio), and south (Axium Building 6), with residential areas in Jersey Township to the east.

## **III. EVALUATION**

The application complies with application submittal requirements in C.O. 1113.03, and is considered complete. The property owners within 200 feet of the property in question have been notified.

### ***Criteria***

The standard for granting of an area variance is set forth 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.*

### III. ASSESSMENT

#### *Considerations and Basis for Decision*

#### **(A) Variance to Design Guidelines and Requirements Section 6(I)(A)(12) to eliminate the requirement for active and operable front doors on the Innovation Campus Way elevation.**

The following should be considered in the Commission's decision:

1. The applicant requests a variance to eliminate the requirement that buildings have operable and active front doors along all public and private roads. The building has two frontages: Mink Street (public street) and Innovation Campus Way (public street).
  - a. The commercial building has active doors on the Mink Street frontage but not on the Innovation Campus Way frontage, therefore a variance is required.
2. As required by the DGRs, the building is designed with the same caliber of finish on all sides of the building using the same building materials.
3. The design and function of auto-oriented development makes it difficult to locate active and operable doors along multiple roadways. The Planning Commission has granted variances for similar retail uses in the past.
4. The variance appears to preserve the "spirit and intent" of the zoning requirement. The intent of this requirement is to ensure that buildings maintain a presence on the street and not contain blank or "empty" building elevations so there is architectural vibrancy and interest on all sides of a building. This site is auto-oriented by design therefore it does not appear that maintaining an entrance on every street is as important in this development scenario. All sides of the building are designed with the same caliber of finish using the same building materials so none of the elevations appear as a "lesser" side of the building.
5. While there isn't an active and operable door along the all of public streets and private road elevations, the applicant is providing a strong architectural features and materials so the building adequately addresses the primary street (Mink Street) architecturally. The building is designed so the front door architectural elements such as the architectural canopy and retail storefront windows front Mink street, making this entrance more identifiable.
6. It does not appear that the essential character of the neighborhood will be altered if the variance request is granted. As stated, this same variance request has been granted for other retail developments in New Albany.

#### **(B) Variance to C.O. 1169.16(d) to allow four wall signs where code only permits two and to allow a wall sign to be installed on a building elevation that does not front a street.**

The following should be considered in the decision of the board:

- C.O. 1169.16(d) states that one wall sign, up to 50 sq. ft. in size, is permitted to be installed per building frontage. The building has two frontages (Mink and Innovation), therefore two wall signs are permitted to be installed. The applicant proposes to install four wall signs therefore, a variance is required.
  - The signs are all under 50 sq. ft.



Mink Street Elevation



Innovation Campus Way Elevation



Rear Elevation

- The variance does not appear to be substantial for the wall sign on the rear elevation. While this elevation does not front a street, it is the elevation where semitruck drivers will enter and exit the convenience store. It is also the smallest sign at 19.9 sq. ft.
- The variance does appear to be substantial for the additional wall sign on the Mink Street elevation. The signs include a "Speedway" sign and the Speedway logo which is repeated functionality. The applicant proposes multiple signs that indicate the development is a Speedway gas station.
- It does not appear that the essential character of the neighborhood will be altered if the variance request is granted as there is limited retail in the area. However, if other retail developments with similar signage were developed, granting this variance request may set a precedent for future cases.
- Granting the variance will not adversely affect the health, safety, or general welfare of persons living in the immediate vicinity.
- Granting the variance will not adversely affect the delivery of government services.

#### *Considerations and Basis for Decision*

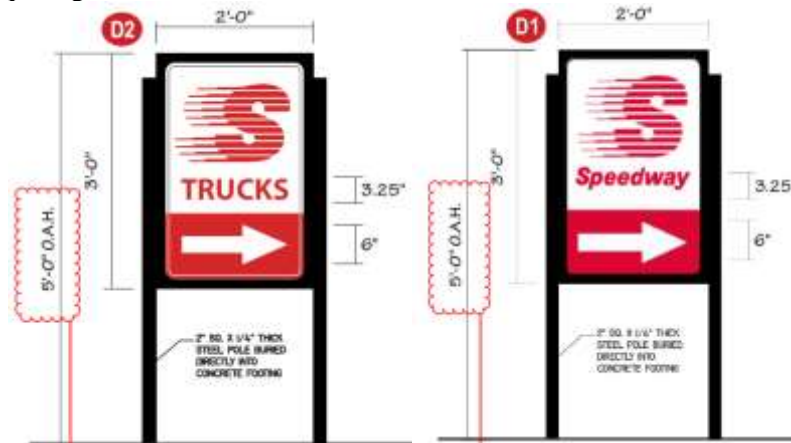
**(C)Variance to C.O. 1169.18(d) to allow directional signs to be 6 sq. ft. where code permits up to 4 sq. ft.**

**(D)Variance to C.O. 1169.18(b) to allow directional signs to be 5 feet in height where code permits up to 3 feet.**

The following should be considered in the Commission's decision:



1. C.O. 1169.18 states that directional signage should have a maximum area of 4 sq. ft. and a maximum height of 3 feet.
  - a. The applicant proposes three directional signs which is permitted as the site has three lot access points. Both signs are 5 feet in height and 6 sq. ft., therefore requiring a variance.



2. The applicant states it can be difficult for semitrucks drivers to see smaller signs due to the elevated driving position.
3. The variance request does not seem substantial given the need to accommodate both semitrucks and regular vehicles for fueling. Properly sized directional signage will necessary to guide patrons to the appropriate access points.
4. The variance meets the spirit and intent of the zoning requirement which is to ensure a consistent design for directional signage is achieved for similar retail uses. While the signs are slightly larger than the permitted size, they generally align with the established standards. However, the applicant is not providing the required landscaping on all sides of the sign with a defined bed and all-season plant material. To ensure the spirit and intent of the requirement is met, staff recommends a condition of approval that the applicant meets the landscaping requirements for directional signs found in 1169.18(b)(1) of the Codified Ordinance (condition #1).
5. It does not appear that the essential character of the neighborhood will be altered if the variance request is granted as the applicant adheres to the permitted number of directional signs and the proposed signs are not significantly larger than what is allowed.
6. Granting the variance will not adversely affect the health, safety, or general welfare of persons living in the immediate vicinity.
7. Granting the variance will not adversely affect the delivery of government services.

## II. SUMMARY

Given the auto-oriented and commercial nature of this zoning district, requiring active and operable front doors on every elevation seems unnecessary. The applicant has thoughtfully included a door on both the Mink Street frontage and the rear elevation, where semitruck drivers would enter. Additionally, the proposal includes a pedestrian connection from Innovation Campus Way, providing direct access for patrons to the primary entrance.

Allowing wall signs to be installed on the three building elevations does not appear to be substantial. However, having two wall signs on the Mink Street frontage seems redundant, as the property already includes multiple signs clearly identifying it as a Speedway gas station. There are multiple signs on the property that allude to the use being a Speedway gas station. Lastly, while the applicant is meeting the directional signage quantity, the proposed size of the signs is larger than code permits. Nevertheless, given the dual focus on semitruck and vehicular drivers, the larger signs are a reasonable accommodation to ensure clear and effective navigation and do not appear to be substantial in terms of visual or aesthetic impact.

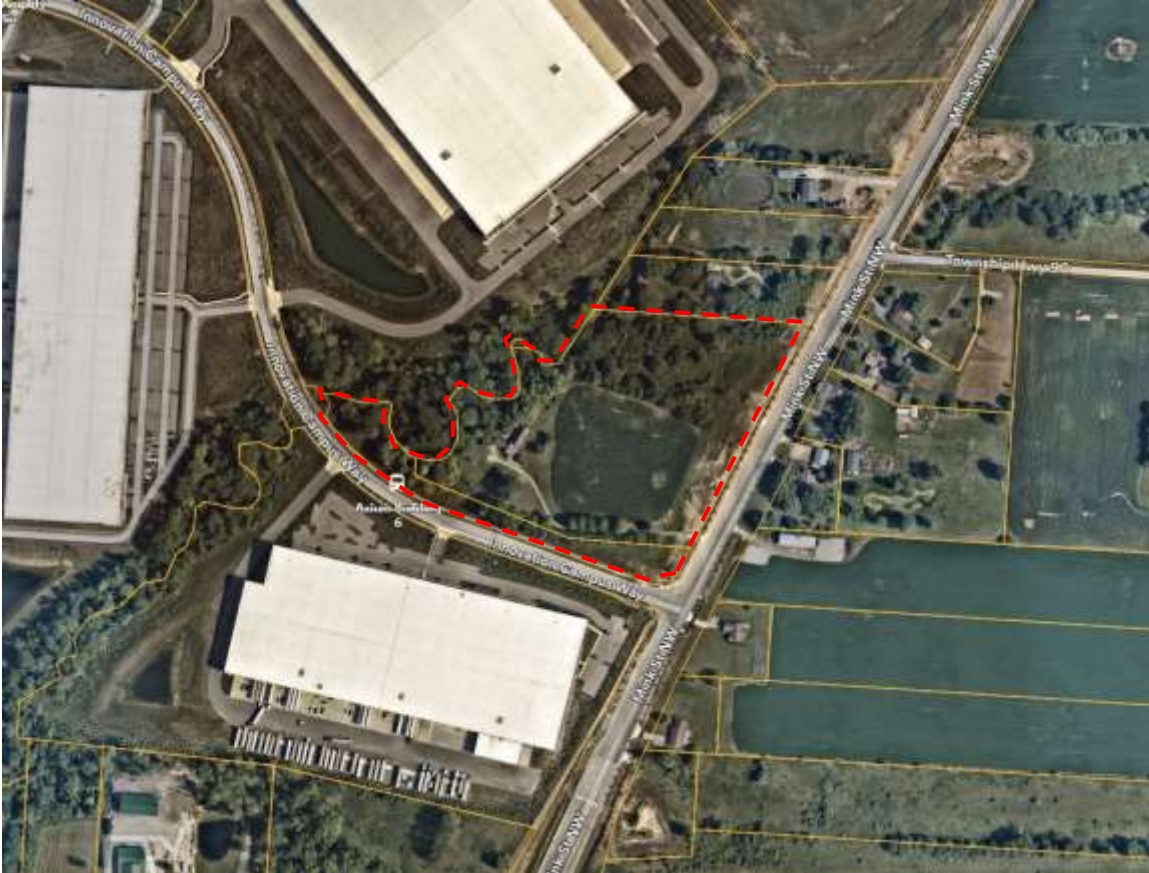
## V. ACTION

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

**Move to approve application VAR-04-2025, subject to the following conditions:**

1. That the applicant must meet the landscaping requirements for directional signs found in 1169.18(b)(1) of the Codified Ordinance.

**Approximate Site Location:**



Source: Nearmap