



## **New Albany Planning Commission**

Monday, October 20, 2025 Meeting Minutes - DRAFT

### **I. Call to order**

The New Albany Planning Commission held a regular meeting on Monday, October 20, 2025 in the New Albany Village Hall. Chair Kirby called the meeting to order at 7:01 p.m. and asked to hear the roll.

### **II. Roll call**

Those answering roll call:

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

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

Staff members present: Engineering Manager Albright, Planner I Blackburn, Planning Manager Christian, Planner I Henderson, Acting Law Director Moser, Planner I Sauter, Engineer I Wood, Planner I Sauter, Deputy Clerk Madriguera.

### **III. Action on minutes: September 15, 2025**

Chair Kirby asked if there were any corrections to the September 15, 2025 meeting minutes.

Hearing none, Commissioner Schell moved to approve the minutes. Commissioner Larsen seconded the motion.

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

Upon roll call: Mr. Schell yes, Mr. Larsen yes, Mr. Wallace abstained from the vote, Ms. Briggs abstained from the vote. Mr. Kirby yes. Having three yes votes, the motion passed and the September 15, 2025 meeting minutes were approved as submitted.

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

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

Engineering Manager Albright introduced Engineer I Wood, a new member of the Community Development Department. He explained that he would be assisting the commission as needed. Engineer Wood greeted the commission and stated that he was looking forward to working with the commission.

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

Chair Kirby asked if there were any visitors present who wished to address the commission for an item not on the agenda. Hearing none, he administered the oath to all present who wished to address the commission.

Thereafter, Chair Kirby introduced the first case and asked to hear the staff report.

## **VI. Cases:**

### **VAR-69-2025 Straits Lane Accessory Structure Setback Variance**

Variance to allow a patio and pergola to encroach into a required accessory structure setback on a 0.17-acre site located at 7820 Straits Lane (PID: 222-004601).

**Applicant: Ciminello's Landscape Design, Inc.**

Planner I Sauter delivered the staff report.

Chair Kirby asked for the location of the 100-year flood elevation.

Engineering Manager Albright explained the boundary and its relationship to the retaining wall.

Chair Kirby asked to hear from the applicant.

Applicant Brian Zets apologized for missing September meeting. He explained that it a scheduling oversight on his part. He explained the application and stated that there were no objections from the neighbors. He further explained that the retention pond functioned well, during heavy and sustained rains the level would rise but was back to normal within one or two hours. He said he had no objection to the two recommended conditions in the staff report. He respectfully requested approval of the variance.

There was discussion of the height of the retention wall.

Commissioner Wallace asked whether the neighboring house was subject to the same regulations, and then asked the applicant whether he considered a deck that was within the regulations.

Planner I Sauter responded that it was.

Mr. Zets responded that the pergola would not fit and other components of the patio would be lost if a deck within the regulations was constructed.

Commissioner Larsen asked whether Mr. Zets had considered removing the shrubs close to the house in order to minimize the encroachment.

Mr. Zets responded that the patio would have to be made smaller and the amenities on the other side would not fit as well, generally anything could be designed but he did not want to remove the shrubs or move the patio.

Commissioner Schell reiterated Commissioner Larsen's questions about removing the shrubs and wanted to talk through the challenges that may exist with re-designing the patio and pergola so it would not encroach. He further asked whether any neighbors had contacted the city regarding this application.

Planner I Sauter said the city has not been contacted.

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

Hearing none, Chair Kirby moved to accept the staff reports and related documents into the record for VAR-69-2025. 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. Schell yes, Mr. Larsen yes. Having five yes votes, the motion passed and the staff reports and related documents were admitted into the record for VAR-69-2025.

Commissioner Schell asked the applicant if he worked with an architect.

Mr. Zets answered yes, through the Ciminello Landscaping Company. Their objective was to take advantage of the small space they had.

Commissioner Larsen moved for approval of VAR-69-2025. Commissioner Wallace seconded the motion.

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

Upon roll call: Mr. Larsen no, Mr. Wallace no, Ms. Briggs no, Mr. Schell no, Mr. Kirby no. Having zero yes votes and five no votes, the motion failed and VAR-69-2025 was denied.

Commissioner Larsen explained that he voted no because there is an alternative to the relief sought in this application.

Commissioner Wallace explained that he voted no because he does not believe this application meets the *Duncan* criteria, because granting this variance would be permitting an advantage to this property owner, and because the applicant had notice of the limitations of this property at the time of purchase.

Commissioner Briggs explained that she voted no because she concurred with Commissioner Larsen and because of the precedential value that would accompany the granting of this request.

Commissioner Schell explained that he did not like voting no on this application, but the precedential value of granting this variance would be significant.

Chair Kirby explained that he voted no because he did not believe this met the *Duncan* criteria, particularly numbers 5,6,11, and 8.

The commission thanked the applicant and wished him the best of luck.

#### **VAR-72-2025 Souder Road Building Height Variance**

Variance to the Souder East R&I Subarea 3 zoning district to allow for an increase in maximum permitted building height from 45 feet to 55 feet (PID: 222-005106).

**Applicant: SI NALL1 LLC c/o Underhill & Hodge LLC, Aaron Underhill, Esq.**

Planner I Henderson delivered the staff report.

Chair Kirby asked if there were comments from engineering.

Development Engineering Manager Albright said there were no comments from engineering.

Chair Kirby asked to hear from the applicant.

Applicant and Attorney Aaron Underhill spoke in support of the application and delivered a presentation. He explained that the fdp would be coming before the commission at a later meeting. The reason for this request is because this property is not marketable with the current height restriction. The current owner does not believe that the highest and best use of the property is residential. They were asking for 10-feet less than the adjacent properties. He explained the site plan.

Applicant Myles Kirsten spoke in support of the application. He explained that his company specialized in developing data centers. This project would focus on cloud computing and eventually the development and maintenance of AI. A single story project was not economically viable for this tenant and future tenants.

Chair Kirby asked for the owners and uses of the neighboring properties.

Planning Manager Christian explained the surrounding owners and uses.

Chair Kirby then stated that the neighboring data centers provided the applicant's screening from the residential properties. He confirmed that more detail would come at final development.

Commissioner Wallace asked whether and why this property was not requesting rezoning. The standards for variances are different than zoning and final development plans. He was struggling with how to grant this variance after denying the prior variance.

Mr. Underhill explained that a single *Duncan* factor did not control. This is the only building type the variance would apply to. This property is a sort of donut hole – they are insulated.

Commissioner Wallace responded that is a stronger argument for zoning than variance

Chair Kirby confirmed that a zoning text modification cannot be used because it would change the neighbors. He then asked what the time frame on an application for rezoning would be.

Planning Manager Christian answered that it would take 3 to 4 months, and he explained the procedures and committee review path. The variance can be approved tonight.

Mr. Underhill stated that the property is not marketable in its current condition.

Mr. Kirsten added that they are in active negotiations with a tenant.

Commissioner Schell asked if the neighbors have been notified and confirmed that there are no residential neighbors.

Mr. Underhill requested that if it is approved, the commission state their reasons for approval.

Chair Kirby agreed and reiterated that the surrounding data centers insulated the property.

Commissioner Larsen asked for an explanation of the racks on the roof.

Mr. Kirsten explained that they provide screening. He stated that he would be willing to plant additional trees at the end of the street, and would be include it in the fdp.

Chair Kirby confirmed that the applicant was willing to agree to the following conditions:

1. The 55-foot extension only applies if the property is used as a data center.
2. There must be 360 degree screening for sight and sound for rooftop mechanical, using the most recent language.
3. There must be screening with trees on Traditions Drive if permitted by the neighbors, and onsite if not.

Chair Kirby asked if there was any member from the public present who wished to comment on the application.

Hearing none, Chair Kirby moved to admit the staff reports and related documents into the record for VAR-72-2025. Commissioner Wallace seconded the motion.

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

Upon roll call: Mr. Kirby yes, Mr. Wallace yes, Ms. Briggs yes, Mr. Schell yes, Mr. Larsen yes. Having five yes votes the motion passed and the staff reports and related documents were admitted into the record for VAR-72-2025.

Chair Kirby moved for approval of application VAR-72-2025 based on the findings in the staff report, with the conditions in the staff report, subject to staff approval and the following additional conditions:

1. The 55-foot extension only applies if the property is used as a data center.
2. There must be 360 degree screening for sight and sound for rooftop mechanical, using the most recent language.
3. There must be screening with trees on Traditions Dr. if permitted by the neighbors, and onsite if not.

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

Upon roll call: Mr. Kirby yes, Ms. Briggs yes, Mr. Larsen yes, Mr. Wallace no, Mr. Schell yes. Having four yes votes and one no vote, the motion passed and VAR-72-2025 was granted.

Commissioner Wallace explained that he voted no for the reasons he discussed during the presentation of the case and because he did not believe this application met the *Duncan* factors. He further explained that he believed that this application was more appropriately a rezoning case.

Chair Kirby explained that he voted yes because the surrounding properties had higher roof tops, and because the applicant agreed to provide additional screening.

### **ZC-78-2025 6600 New Albany-Condit Road I-PUD Rezoning**

Request to allow a zoning change from the Rural Residential sub-district of the Urban Center Code to Infill-Planned Unit Development (I-PUD) for 1.116+/- acres of land at 6600 New Albany-Condit Road (PID: 222-000640).

**Applicant: Rob Riddle c/o Aaron Underhill, Esq., Underhill & Hodge LLC**

Planner I Sauter delivered the staff report.

Chair Kirby asked to hear from the applicant.

Applicant and Attorney Aaron Underhill spoke in support of the application.

Chair Kirby opened the public hearing.

Mr. and Mrs. Jeffers, New Albany Condit Road, neighbors, addressed the commission. Mrs. Jeffers stated that she has spoken to Mr. Riddle, they have had good talks and she has been very clear that she does not want to live next to a business. The driveways are shared at the end and there are already too many cars that use her driveway and front yard as a turn around. She has children and pets, the lots are narrow and there is not a good way to separate the lots. She is not comfortable with this and this will diminish the value of her property. Mr. Jeffers continued that he is concerned about the precedential value of granting this variance.

Commissioner Wallace asked about the fee in lieu. He would rather see trees planted than a fee in lieu.

Planning Manager Christian explained that the city is studying this area, development plans are uncertain. The city does not want the applicant to install a lot of landscaping that would then need to be removed.

Mr. Underhill agreed and said he was not trying to skirt the obligation, rather he is trying to follow the city's lead in a time when future development is in the planning stage.

Chair Kirby remarked that he wanted to be sure that any development in the right of way does not interfere with the installation of a bike path in that neighborhood. It works best if that area is treated as a neighborhood. Unfortunately that does not help this applicant.

Commissioner Larsen confirmed this is property is Village Center and Rural Residential, and asked whether there are minimum widths for driveways.

Mr. Jeffers explained that for a brand-new business the driveway has to be 22-feet wide.

There was discussion of reusing this property without rezoning.

Mr. Riddle explained that he has four full time employees, two of which are in the office five days per week. He has other employees including a photographer and other realtors who are in the office intermittently. There is a team meeting each Monday from 1:30 – 3:30, there are typically nine people. He explained who attends a closing and how long it takes.

There was discussion of the width of the driveway and screening.

Mr. Riddle said that his thought and intention is to do some sort of fence with natural screening to create a barrier for the neighbors. He said he is open to shrinking the garage. He currently offices at Market Street and is inspired by that architecture – noting its heavy trim work and window boxes.

Commissioner Larsen remarked that the 33 parking space minimum sounds like a lot of parking particularly in light of the description just given of the amount of traffic.

Mr. Riddle responded that he is not particularly tied to that number.

Commissioner Wallace asked whether Mr. Riddle's moving van would be parked on site and visible.

Mr. Riddle responded yes, the van would be parked onsite. He further explained that the furniture would be stored onsite as well.

Chair Kirby asked whether city sewer was on the property.

Mr. Riddle responded that it is behind the property at Windsor. It is currently 450-feet behind the home and would cost \$50,000.00 to connect so they are going to stay with septic but they do have city water.

Commissioner Schell asked how the property would be used if this does not pass. Whether it would be used as a rental property.

Mr. Riddle explained that he does not have much other choice although he does not have a desire to be a landlord. He would likely fix it up and sell it. He noted that anyone that has contacted him has inquired about it as a commercial space.

Commissioner Briggs confirmed that council would consider this application after the planning commission's consideration.

Chair Kirby asked about light spillage and providing screening at the driveway, and that signage at the mouth of the driveway would be helpful.

Mr. Riddle agreed that screening is great and further stated that some sort of wall would be good.

Chair Kirby then recapped the main points of discussion and the following possible conditions: that right of way development would not preclude installation of the bike path; the fee in lieu would be in coordination with city staff; that there will be signage at the mouth of the driveway directing cars to the businesses; and the text in 7f on page 5, roof-mounted solar would be exempted from the screening requirement.

Planning Manager Christian confirmed that staff is okay with exempting solar from the rooftop screening requirement.

Commissioner Wallace noted there may not be sufficient room to fit a fence in order to screen the property to the south.

Mr. Jeffers remarked that there is drainage tile there.

Engineering Manager Albright stated that there are many open questions that engineering will be resolved at the final development plan stage.

There was further discussion of fencing and screening between the two properties. Mr. Jeffers remarked that given the choice, he would prefer arbor vitae.

Mr. Underhill stated that the applicant is willing to agree to a condition that this zoning is intended to apply to less than the redevelopment of the property.

Chair Kirby called a 10 minute recess at 9:00 p.m.

Chair Kirby called the commission to order at 9:14 p.m.

There was further discussion of the parking minimum and maximum and the interplay between the Village Center Code, the I-PUD text, and the applicant's parking needs.

Commissioner Briggs remarked that there are a lot of unknowns, there is a possibility of doing some sort of wall, and there is additional engineering review and council review; one of the biggest issues is the wall and the screening; there are unknowns about the drainage.

Mr. Underhill agreed. He remarked that this is a great conversation and the applicant would be willing to table. The engineering questions are fair. The applicant will work on the issues and narrow them down. They would agree to table consideration of this application until the regularly scheduled meeting in December.

Chair Kirby moved to accept the staff report and related documents into the record for ZC-78-2025. 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, Mr. Schell yes, Mr. Larsen yes, Ms. Briggs yes. Having five yes votes, the motion passed and the staff reports and related documents were accepted into the record for ZC-78-2025.

Commissioner Wallace moved to table ZC-78-2025 until the regularly scheduled meeting in December 2025. Commissioner Larsen seconded the motion.

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

Upon roll call: Mr. Wallace yes, Mr. Larsen yes, Mr. Schell yes, Mr. Kirby yes, Ms. Briggs yes. Having five yes votes, the motion passed and the application was laid upon the table until the regularly scheduled meeting in December 2025.

The commission thanked staff and the applicants and wished them good luck.

Thereafter Chair Kirby introduced the final case and asked to hear the staff report.

**CU-79-2025 Batch Plant Conditional Use**

Conditional use request to allow the use and operation of a concrete batch plant located on a portion of 13312 Jug Street Road NW (PID: 095-111756-00.00)

**Applicant: MBJ Holdings LLC c/o Aaron Underhill Esq**

Planner I Blackburn delivered the staff report.

Chair Kirby asked for comments from engineering.

Engineering Manager Albright said there were no comments from engineering.

Chair Kirby asked staff whether there are instances where a conditional use is granted without a time limit.

Planning Manager Christian responded that there are some instances, such as a drive through window that will not have a time limit.

Applicant Tom Rubey from the New Albany Company (NACO), spoke in support of the application. NACO's relationship with the Saavko plant has been very beneficial. A local concrete batch plant helps keep traffic off of the road. There have not been complaints. They are requesting to eliminate the timeframe.

Commissioner Larsen remarked that things change over time and imposing a five year time frame is probably in the city's best interest.

Mr. Rubey suggested the imposition of a 10 year time line; the applicant would agree to a 10-year time frame.

Chair Kirby moved to accept the staff reports and related documents into the record for CU-79-2025. 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. Kirby yes, Ms. Briggs yes, Mr. Wallace yes, Mr. Larsen yes, Mr. Schell yes. Having five yes votes, the motion passed and the staff reports and related documents were admitted into the record for CU-79-2025.

Commissioner Larsen moved for approval of CU-79-2025 based on the findings in the staff report with the conditions in the staff reports and upon the additional condition that approval expires in 10 years, based on staff approval. 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. Larsen yes, Mr. Wallace yes, Mr. Kirby yes, Ms. Briggs yes, Mr. Schell yes. Having five yes votes, the motion passed and CU-79-2025 was approved subject to the conditions in the staff report and the additional condition that approval expires in 10 years.

The commission thanked the applicant and wished him good luck.

**VII. Other business and poll members for comment**

Chair Kirby asked if there was other business before the commission. Hearing none, he polled the members for comment. The members responded that they had no comment.

**VIII. Adjournment**

Having completed their agenda and having no further business, Chair Kirby adjourned the October 20, 2025 meeting of the New Albany Planning Commission without objection at 9:38 p.m.

Submitted by Deputy Clerk Madriguera, Esq.

**Appendix**

**VAR-69-2-25**

**Staff Report**

**Record of Action**

**VAR-72-2025**

**Staff Report**

**Record of Action**

**ZC-78-2025**

**Staff Report**

**Record of Action**

**CU-79-2025**

**Staff Report**

**Record of Action – to be added**



## **New Albany Planning Commission Meeting Agenda**

Monday, October 20, 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:** September 15, 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:**

#### **VAR-69-2025 Straits Lane Accessory Structure Setback Variance**

Variance to allow a patio and pergola to encroach into a required accessory structure setback on a 0.17-acre site located at 7820 Straits Lane (PID: 222-004601).

**Applicant: Ciminello's Landscape Design, Inc.**

*Motion of acceptance of staff reports and related documents into the record for VAR-69-2025.*

*Motion of approval for application VAR-69-2025 based on the findings in the staff report, with the conditions listed in the staff report, subject to staff approval.*

#### **VAR-72-2025 Souder Road Building Height Variance**

Variance to the Souder East R&I Subarea 3 zoning district to allow for an increase in maximum permitted building height from 45 feet to 55 feet (PID: 222-005106).

**Applicant: SI NALL1 LLC c/o Underhill & Hodge LLC, Aaron Underhill, Esq.**

*Motion of acceptance of staff reports and related documents into the record for VAR-72-2025.*

*Motion of approval for application VAR-72-2025 based on the findings in the staff report, with the conditions listed in the staff report, subject to staff approval.*

#### **ZC-78-2025 6600 New Albany-Condit Road I-PUD Rezoning**

Request to allow a zoning change from the Rural Residential sub-district of the Urban Center Code to Infill-Planned Unit Development (I-PUD) for 1.116+/- acres of land at 6600 New Albany-Condit Road (PID: 222-000640).

**Applicant: Rob Riddle c/o Aaron Underhill, Esq., Underhill & Hodge LLC**

*Motion of acceptance of staff reports and related documents into the record for ZC-78-2025.*

*Motion of approval for application ZC-78-2025 based on the findings in the staff report, with the conditions listed in the staff report, subject to staff approval.*

**CU-79-2025 Batch Plant Conditional Use**

Conditional use request to allow the use and operation of a concrete batch plant located on a portion of 13312 Jug Street Road NW (PID: 095-111756-00.00)

**Applicant: MBJ Holdings LLC c/o Aaron Underhill Esq**

*Motion of acceptance of staff reports and related documents into the record for CU-79-2025.*

*Motion of approval for application CU-79-2025 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**



COMMUNITY CONNECTS US

Planning Commission Staff Report  
October 20, 2025 Meeting

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**STRAITS LANE  
ACCESSORY STRUCTURE SETBACK VARIANCE**

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LOCATION: 7820 Straits Lane (PID: 222-004601)  
APPLICANT: Ciminello's Landscape Design, Inc.  
REQUEST: Variance to C.O. 1165.04(b)(3)(C) to allow a patio and pergola to encroach into the required accessory structure setback.  
ZONING: Maplewood I-PUD  
STRATEGIC PLAN: Village Center  
APPLICATION: VAR-69-2025

Review based on application materials received August 19, 2025.

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*Staff report prepared by Lauren Sauter, Planner.*

**I. REQUEST AND BACKGROUND**

The applicant requests a variance to C.O. 1165.04(b)(3)(C) to allow a paver patio to encroach three feet into a five-foot setback and a pergola to encroach four feet into a 10-foot setback. Per the Codified Ordinances, all recreational amenities except for uncovered porches and paved terraces are required to be at least 10 feet away from any side or rear property line; uncovered porches and paved terraces are required to be at least five feet from any side or rear property line.

This application was tabled by the Planning Commission on September 15, 2025. No changes have been made to the application, variance request, or staff report.

**II. SITE DESCRIPTION & USE**

The 0.17-acre site is located in the Strait's Farm neighborhood, also known as New Albany Country Club Section 27 or the Maplewood neighborhood, within the southern boundary of the Village Center. The final plat for this section was approved in 2013 and the property was built in 2014. Strait's Farm may be most directly accessed from State Route 605 to the east or from State Route 62 and Market Street to the north.

The property is abutted on its north (side) and east (rear) property lines by a 1.36-acre reserve with a retention pond/stormwater basin. It has one drainage easement at the west (front) of the property. The site is surrounded by similar higher-density, single-family uses within the same I-PUD residential zoning district, many of which have paved terraces (paver patios). Directly north and northeast of the site, past the reserve, is Maplewood Cemetery and a parcel zoned for Community Facilities.

**III. ASSESSMENT**

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. EVALUATION**

**Variance to C.O. 1165.04(b)(3)(C) to allow a patio and pergola to encroach into the required accessory structure setback.**

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

1. Codified Ordinance Section 1165.04(b)(3)(C) regulates setbacks for recreational amenities and requires paved terraces (paver patios) to be located no closer than five feet to any side or rear property line and all other recreational amenities to be located no closer than 10 feet to any side or rear property line.
2. The applicant proposes two recreational amenities to encroach into the required rear yard recreational amenity setback:
  - A paver patio to encroach three feet into the required five-foot recreational amenity setback. This would locate the patio two feet away from the rear

property line. The proposed patio is limestone and includes a two-foot-tall limestone retaining wall as the rear yard slopes downward.

- i. The 10-foot recreational amenity setback requirement applies to all recreational amenities only except for uncovered porches and uncovered paved terraces, which have a five-foot setback requirement. If a roof or patio cover were to be installed over the proposed paver patio, the recreational amenity setback requirement would increase from five feet to 10 feet, causing the patio to encroach farther into a required setback than what is being reviewed for this variance proposal. Additionally, installing a roof, patio cover, or any other recreational amenity in the required setback would require review and approval by the Planning Commission.
  - o A pergola to encroach four feet into the required 10-foot recreational amenity setback. This would locate the pergola six feet away from the rear property line. The proposed pergola is 12 feet in width and 16 feet in length and is located on the proposed patio. The applicant did not provide the height of the pergola in the application, and C.O. 1165.04(b)(4) requires recreational amenities to not exceed 15 feet in height as measured from the finished floor to the top of the highest point of the roof form; as such, staff recommends a condition of approval that the proposed pergola not exceed 15 feet in height (condition #1).
3. The subject property is abutted on its north (side) and east (rear) by a 1.36-acre reserve with a retention pond. The engineering plans for the subdivision show the retention pond as having a 100-year elevation of 1015.74 feet. In the event of a 100-year flood, if the proposed retaining wall were to be below this elevation, it could offset the water and cause flooding to other properties. Staff recommends a condition of approval that the lowest point of the retaining wall not be located at an elevation within the 100-year flood elevation (condition #2).



Rendering provided by the applicant of the existing lot and retention pond as well as the proposed recreational amenities.

4. Special conditions and circumstances do not exist for the subject property compared to other lots in the immediate area. The Straits Farm subdivision is comprised of single-family homes with very similar lot configurations, all characterized by a higher-density typology that limits buildable backyard space. Many other homes have patios, though staff is unable to confirm whether they all meet setback requirements.
5. The variance preserves the spirit and intent of the zoning requirement, which is to maintain adequate separation of accessory structures between adjacent lots to prevent overcrowding and preserve visual harmony within the subdivision. The subject property abuts a reserve rather than another single-family property, thereby reducing the potential

for overcrowding or visual conflict. Furthermore, paver patios (and uncovered porches) are generally considered less intrusive than other recreational amenities, as evidenced by code allowing such structures to encroach closer to the rear lot line than other recreational amenities (five feet rather than 10 feet). However, allowing these structures to encroach into the recreational amenity setback has the potential to disrupt visual cohesion with other lots in the subdivision, which follow the same setback requirements and establish a uniform rear yard appearance.

6. The essential character of the neighborhood will not be substantially altered if the variance is granted. Visual impact of the recreational amenities or their encroachment is reduced by screening from existing trees and by the reserve and pond acting as a natural buffer between the amenities and other nearby homes.
7. The variance does not appear to be substantial. Numerous variances to setback requirements have been requested for review by the Planning Commission or Board of Zoning Appeals; however, a majority of these have been requested for corner lots that abut two streets and have unique setback configurations.
8. Granting the variance will not adversely affect the delivery of government services.
9. Granting the variance will not adversely affect the health and safety of persons residing or working in the vicinity of the proposed development.

#### **IV. SUMMARY**

The applicant requests a variance to allow two recreational amenities to encroach into a required recreational amenity setback. The paver patio is permitted to be five feet away from any lot line, and it is proposed to be two feet from the rear lot line; the pergola is permitted to be 10 feet away from any lot line, and is it proposed to be six feet away from the rear lot line. Other lots within the subdivision have similarly limited backyard space, and thus unique conditions and circumstances do not exist for the property. The property abuts a 1.36-acre reserve comprised of a retention pond and open green space; the reserve acts as a buffer between other properties and reduces overcrowding that may otherwise be caused by the encroachment. The request meets the spirit and intent of the zoning code and will not substantially alter the essential character of the immediate area.

#### **V. ACTION**

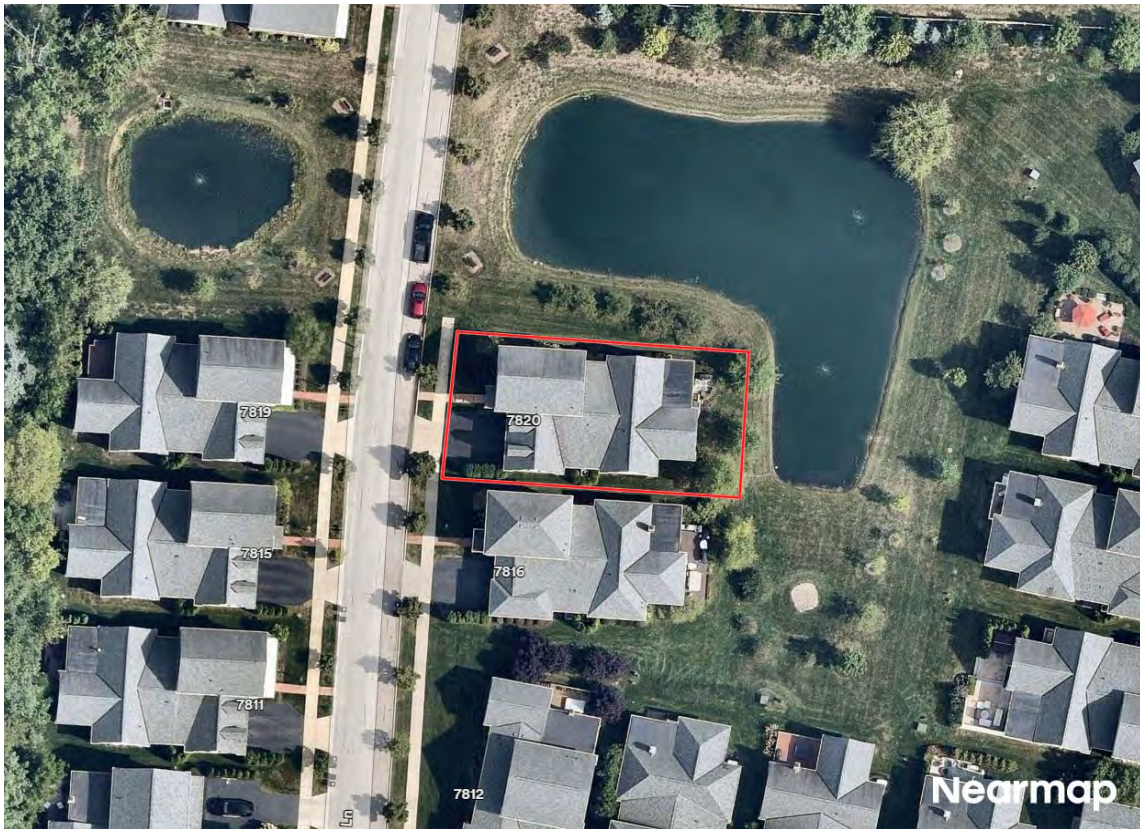
Should the Planning Commission find that the application has sufficient basis for approval, the following motion would be appropriate (conditions may be added):

#### **Move to approve application VAR-69-2025 with the following conditions:**

1. The proposed pergola shall not exceed 15 feet in height.
2. The lowest point of the retaining wall shall not be located at an elevation within the 100-year flood elevation (1015.74 feet).



**Approximate Site Location:**



Source: NearMap





## **Community Development Department**

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

Dear Ciminello's,

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

Wednesday, October 22, 2025

The New Albany Planning Commission took the following action on 10/20/2025.

#### Variance

**Location:** 7820 Straits Lane

**Applicant:** Ciminello's

**Application:** PLVARI20250069 (VAR-69-2025)

**Request:** For variance to allow a patio and pergola to encroach into a required accessory structure setback at 7820 Straits Lane (PID: 222-004601).

**Motion:** To approve

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

**Result:** Variance PLVARI20250069 was Denied by a vote of 0-5.

Recorded in the Official Journal this October 22, 2025.

#### Condition(s) of Approval:

N/A

Staff Certification:

*Lauren Sauter*

Lauren Sauter  
Planner



**Planning Commission Staff Report  
October 20, 2025 Meeting**

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**SOUDER ROAD BUILDING HEIGHT VARIANCE**

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LOCATION: Generally located east on Souder Road and north of New Albany Road East (PID: 222-005106)  
APPLICANT: SI NALL1 LLC c/o Aaron Underhill, Esq.  
REQUEST: (A) Variance to the Souder East R&I Subareas 2 & 3 zoning district to allow for an increase in maximum permitted building height from 45 feet to 55 feet.  
ZONING: Infill Planned Unit Development (I-PUD)  
STRATEGIC PLAN: Employment Center  
APPLICATION: VAR-72-2025

Review based on: Application materials received September 24, 2025.

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*Staff report prepared by Jay Henderson, Planner I*

**I. REQUEST AND BACKGROUND**

The applicant requests a variance to allow for an increase in maximum building height from 45 feet to 55 feet. The developer intends to construct a data center on the site. The property is within the I-PUD Souder East R&I Subareas 2 & 3 zoning district.

**II. SITE DESCRIPTION & USE**

The site is generally located in Franklin County, east of Souder Road. The variance area is 16.81+/- acres in size and is currently undeveloped. The site is zoned Infill Planned Unit Development (I-PUD), Souder East R&I Subareas 2 & 3. The surrounding areas include properties zoned Souder Road R&I and Agriculture District.

**III. ASSESSMENT**

The application complies with application submittal requirements in C.O. 1113.05, 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.*

#### IV. EVALUATION

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

##### **(A) Variance to the Souder East R&I Subarea 2 & 3 zoning district to allow for an increase in maximum permitted building height from 45 feet to 55 feet.**

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

1. The requested variance will increase the maximum 45-foot building height limitation for a 16.81+/- acre area located in Franklin County. The variance applies to the property located east of Souder Road, approximately 900 feet from the intersection of New Albany Road E and Souder Road. The proposed variance will be less than the sixty-five (65) feet that is permitted throughout the business park. The undeveloped property sits at a greater distance from residential properties compared to the parent parcel. Additionally, the existing data center to the east of this property would serve as a visual buffer to the future data center.
2. The allowance of the variance would allow the owner to meet modern data center programming requirements, as stated by the applicant. The proposed use is permitted and would meet demands for the New Albany business park.
3. The essential character of the surrounding area will not be altered by granting the variance request. The property is surrounded by commercially zoned property. In addition, this variance request does not eliminate the architectural, screening, and landscaping requirements for this property.
4. As stated in the applicant's justification letter, the owner does have prior knowledge of the zoning requirements for maximum building height.
5. The variance preserves the spirit and intent of the limitation text because the height and setback requirements were established to provide restrictions to minimize the impact of neighboring residential uses. The proposed building will be at a further distance than the data center to the east that borders residential properties.
6. The applicant states that the increase in building height is necessary for marketability for data

center users. Additionally, the applicant states that market trends have evolved, and higher building heights are the norm compared to years past.

7. It appears there are special circumstances within these zoning districts that do not apply to other lands. The property, as it stands today, was part of a larger parcel that houses the Nationwide Mutual Insurance Company to the east. The property was split in the following years after being constructed, leaving a chunk of undeveloped land to the west of the site. The zoning text height restrictions were established to preserve the character of the surrounding residential areas. The “base” Office Campus District zoning district establishes a maximum height requirement of sixty-five (65) feet for the permitted uses within this zoning district. If this property were zoned under the traditional Office Campus District (OCD) classification rather than with the limited overlay, this variance would not be needed.
8. The variance also does not appear to be substantial since the base Office Campus District (OCD) zoning classification has a maximum height requirement of sixty-five (65) feet for the permitted uses in this zoning district. The site is located within the Franklin County areas of the Business Park, north of New Albany Road East and along Souder Road. The site is surrounded by property zoned for commercial use. The closest property that is not zoned for or planned for future commercial uses is approximately 340 +/- feet away from this property. Doing so will help the city remain competitive by adapting to new technology and innovation within these sectors, supporting the continued growth of the business park.
9. The applicant has stated that the variance would be the only practical means to remedy the owner’s predicament. A rezoning or zoning text amendment would demand a more time-consuming process and could present a negative effect on the city’s competitive market in the business park areas.
10. It does not appear that the variance would adversely affect the delivery of government services, affect the health and safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to public welfare, or injurious to private property or public improvements in the vicinity. When permits are submitted to the city, the applicable fire department, in conjunction with the city’s chief building official, will complete a review of the development and will be made aware of the building’s height at that time.

## **V. HISTORY**

There have been similar applications heard by the Board of Zoning Appeals (BZA) since 2020.

1. In 2020, the BZA approved variances to allow building heights to exceed the 65-foot building limitation required for four zoning districts (County Line, Winding Hollow, Beech Road South Phase 2 Expansion, and Beech Road South Phase 3 Expansion Limited General Employment). The board noted that the height restriction would not be necessary if the property were zoned for General Employment.
2. In 2021, the BZA approved a variance to allow buildings to exceed the 65-foot building height limitation required in two zoning districts (Beech Interchange Subarea A and Winding Hollow Limited General Employment). There are no residential properties located within 200 feet of the subject parcels.

## **VI. SUMMARY**

Within the city’s standard Office Campus District (OCD), the building height requirement is sixty-five (65) feet, so the applicant seeks to relieve a vested right in the city’s codified ordinances. It does not appear that the essential character of the surrounding area will be altered if the variance is granted, as the property is surrounded by commercial development that includes data centers or undeveloped commercial ground in all directions of this site.

The variance is needed to market the property for all of the permitted uses, including data center and manufacturing, and production that are envisioned for this site. These industries have evolved as technology has advanced, which has led to the need for taller buildings. Eliminating the height restriction will ensure the city’s business park remains competitive in the local and global market.

## **VII. ACTION**

Should the Planning Commission find that the application has sufficient basis for approval, the following motions would be appropriate (The Planning Commission may add conditions).

**Move to approve application VAR-72-2025.**

**Approximate Site Location:**



Source: NearMap



## **Community Development Department**

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

Dear SI NALL1 LLC c/o Underhill & Hodge LLC, Aaron Underhill, Esq.,

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

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

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

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

Thank you.



## Community Development Department

### Decision and Record of Action

Thursday, October 23, 2025

The New Albany Planning Commission took the following action on 10/20/2025 .

#### Variance

**Location:**

**Applicant:** SI NALL1 LLC c/o Underhill & Hodge LLC, Aaron Underhill, Esq.,

**Application:** PLVARI20250072

**Request:** Variance to the Souder East R&I Subareas 2 & 3 zoning district to allow for an increase in maximum permitted building height from 45 feet to 55 feet (PID: 222-005106).

**Motion:** To approve

**Commission Vote:** Motion Approval with Conditions, 4-1

**Result:** Variance, PLVARI20250072 was Approval with Conditions, by a vote of 4-1.

Recorded in the Official Journal this

#### Condition(s) of Approval:

1. 55 foot height increase only applies to a data center use.
2. 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.
3. Screen the view from Traditions Drive; explore putting trees off-site. If that fails adding trees on-site to screen the view from Traditions Drive.

Staff Certification:

Jay Henderson  
Planner





**Planning Commission Staff Report  
October 20, 2025 Meeting**

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**6600 NEW ALBANY-CONDIT ROAD  
I-PUD REZONING**

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LOCATION: 6600 New Albany-Condit Road (PID: 222-000640)  
APPLICANT: Rob Riddle c/o Aaron Underhill, Esq., Underhill & Hodge LLC  
REQUEST: Certificate of Appropriateness  
ZONING: Urban Center Code to Infill-Planned Unit Development (I-PUD)  
STRATEGIC PLAN: Village Center  
APPLICATION: ZC-78-2025

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Review based on application materials received September 17 and October 3, 2025.

*Staff report prepared by Lauren Sauter, Planner I.*

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**I. REQUEST AND BACKGROUND**

This application is a Certificate of Appropriateness for a rezoning (also “zoning amendment,” “zoning change”) of approximately 1.116 acres located at 6600 New Albany-Condit Road. The site is currently zoned Urban Center Code within the Rural Residential sub-district. The applicant proposes to rezone the property from the Rural Residential sub-district to an Infill-Planned Unit Development (I-PUD), thereby establishing a new zoning text.

The application includes a preliminary development plan in conjunction with the rezoning. The preliminary development plan and rezoning are intended to facilitate updates to the existing buildings and site; however, in the longer term, the applicant anticipates redevelopment of the site with a new office building. As such, this report evaluates the appropriateness of both the rezoning (including the implications of the new zoning text for future development) and the preliminary development plan. The evaluation of the preliminary development plan at this stage is general in nature and intended to assess the overall compliance with city regulations and compatibility with the site and adjacent areas; the full, more detailed and technical review will be conducted at the time of the final development plan, which requires review and approval by the Architectural Review Board and the Planning Commission.

The Architectural Review Board is expected to hear and make a recommendation for this application in its meeting on October 13, 2025.

**II. SITE DESCRIPTION & USE**

The subject property comprises approximately 1.116 acres of land and is located within the Village Center, where it is zoned under the Urban Center Code as part of the Rural Residential sub-district. The site currently contains a single-family residence and two accessory detached structures. The property fronts State Route 605, also known as New Albany-Condit Road.

Properties to the immediate south and west of the property are of similar low-density, single-family residential uses that are likewise designated within the Rural Residential sub-district of the Urban Center Code. To the east, the property abuts the Windsor subdivision, which is designated within the Village Residential sub-district of the Urban Center code. This neighboring

development consists of single-family residential uses that are relatively higher in density. To the south, The New Albany-Plain Local Schools campus and associated athletic fields are located in proximity to the subject property.

Moreover, the site is located at the northern boundary of the Village Center district, which, along with the parcel itself, is demarcated by the east-west alignment of State Route 161. A noise wall is planned for installation in the near future along the northern boundary of the subject parcel. New Albany-Condit Road extends northward from the property, crossing over State Route 161 via an overpass to reach areas generally zoned for office uses. South of the property, New Albany-Condit Road transitions into North High Street and eventually intersects U.S. Route 62 and East Dublin-Granville Road.

### **III. EVALUATION**

#### **Rezoning Process and Review Criteria**

Per Codified Ordinance Section 1157.08(b)(2), for zoning changes in a Planned Unit Development zoning district within the Village Center, the Architectural Review Board shall review the proposal and make a recommendation to the Planning Commission. The Planning Commission will review the recommendation and application to make its recommendation to City Council, which takes final action on all rezoning applications.

Planning Commission's review authority of the zoning amendment application is found under C.O. Chapters 1107.02 and 1159.09. 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.

Per Codified Ordinance Section 1111.06, in making its decision on the zoning amendment, 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).

Per Codified Ordinance Chapter 1159.08 the basis for approval of a preliminary development plan in an I-PUD shall be:

- (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 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 of dwelling units 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).

### **New Albany Strategic Plan**

The subject lot is located in the Village Center future land use district of the Engage New Albany Strategic Plan. The Strategic Plan identifies the active mixed-use Village Center as the type of authentic, walkable environment that office users are seeking; the plan highlights adding office space to the Village Center as an important effort, and careful integration and appropriate design of office development will expand the city's offerings.

At the location of the subject parcel, New Albany-Condit Road is identified as both a Business Park Transitional Road (extending north) and a Village Center Road (extending south). The Business Park to the north is characterized by office uses. As a transitional area into the Village Center, the proposed commercial office uses are appropriate in allowing the reuse of the site in a way that is sensitive to its surrounding context, including the office uses to the north and the architectural qualities of the immediate vicinity.

### **Proposed I-PUD Zoning Text Regulations**

The first two sections of the proposed I-PUD zoning text summarize its regulatory intent and general development standards. Where the zoning text is silent on regulations, the Urban Center Code will apply. The specifications set forth in the preliminary development plan are in accordance with the proposed I-PUD regulations.

#### **A. Uses, Development Standards, and Lot and Setback Commitments**

The subject property is proposed to be rezoned to an Infill-Planned Unit Development (I-PUD); where standards or requirements are not outlined in the I-PUD zoning text, the zoning regulations described in the Urban Center Code will apply.

1. The I-PUD zoning texts lists the following permitted uses, and states that a single use or multiple uses may be operated at one time:

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*Table 1: Proposed I-PUD Permitted Uses*

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**Administrative and business offices** not carrying on retail trade with the public and having no stock of goods maintained for sale to customers, such as, but not necessarily limited to:

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Real estate sales and associated services.

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Insurance agents and brokers and associated services.

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Professional, legal, engineering and architectural services.

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Accounting, auditing and bookkeeping services.

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Brokers and dealers in securities, investments and associated services, not including banks and savings institutions.

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**Organizations and associations organized on a profit or non-profit basis** for promotion of membership interests, including:

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Business associations.

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Professional membership organizations.

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Civic, social and fraternal organizations.

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Charitable organizations.

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**Storage within the existing accessory building**, limited to materials and equipment associated with another permitted use in this zoning district.

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- The preceding land use standards are similar to a few uses outlined in the “Services/Business/Professional/Financial” category of the Urban Center Code, including “Administrative and business offices” and “Non-profit or for-profit membership organizations.”
  - Storage within the existing accessory building will not necessarily be the only use of the building. A second user may operate on the site within this building.
  - As a transitional area into the Village Center, the proposed commercial office uses are appropriate in allowing the reuse of the site in a way that is sensitive to its surrounding context, including the office uses to the north and the architectural qualities of the immediate vicinity.
  - As mentioned in the submitted School Impact Statement, the rezoning will eliminate the possibility of additional housing on the property and eliminate occupancy by students.
2. The zoning text establishes the following minimum setbacks (see the proposed zoning text for specific standards). The buildings and pavement specifications in the preliminary development plan are in accordance with the proposed setbacks.

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*Table 2: Proposed I-PUD Setbacks*

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**New Albany-Condit Road (front)**

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Pavement setback:	15 feet
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Building setback, buildings 25 feet in height or less:	15 feet
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Building setback, buildings exceeding 25 feet in height:	30 feet
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**State Route 161 (side/north)**

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Pavement setback:	5 feet
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Building setback:	5 feet
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**Eastern (rear) boundary line of the zoning district**

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Pavement setback:	15 feet
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Building setback:	50 feet
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**Southern (side/south) boundary line of the zoning district**

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Pavement setback:	5 feet
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Pavement setback for the driveway that will serve the existing structures that are to remain on the property:	2.5 feet
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Building setback:	5 feet
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Building setback for any newly constructed buildings:	50 feet
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**B. Access, Loading, Parking, and Other Traffic Commitments**

1. Vehicular access to the zoning district and subject parcel will be provided from New Albany-Condit Road in its existing condition; per the zoning text, if a new building is later proposed for construction, a traffic access study, traffic impact study, or some variation thereof may be required (or waived) by the City Engineer as part of a final development plan.

2. A minimum of 33 vehicular parking spaces will be provided to serve the main building and detached accessory building. Additionally, one loading space will be provided on the north side of the accessory building. For any new development, vehicular parking and loading will remain behind the existing home and will be provided per C.O. Section 1167 unless otherwise approved as part of a final development plan.
3. The Strategic Plan has identified the proximal portion of State Route 605 as an area of importance for future pedestrian and vehicular connectivity to the Village Center, and the city is in the preliminary stages of a roadway connectivity plan to guide future roadway and pedestrian improvements. At present, a pedestrian path exists along only a portion of the subject parcel, starting and extending north of the existing vehicular access point. However, right-of-way and topographical constraints cause the extension of the existing sidewalk to be difficult, and once this roadway and connectivity plan is complete, the property owner will pay a fee in lieu of an extension of the path at such time that the City manager or their designee deems appropriate. The fee-in-lieu amount will be approved by City Council.

#### C. Architectural Standards

1. Except as otherwise provided in the zoning text, new development as approved in a final development plan will be designed according to one of the following building typologies as outlined in Section 2.2 of the Urban Center Code: Classic Commercial, Traditional Commercial, Urban Commercial, Courtyard, and Lined.
2. The maximum building height is not to exceed 35 feet.
3. The renovations proposed in the preliminary development plan are generally aligned with applicable Design Guidelines and Regulations. Some standards have been modified by the I-PUD zoning text that allow the development to be more compatible with the existing buildings and be respectful of the site's context with adjacent properties. Modifications to the design standards that are included in the zoning text include standards pertaining to building height, recommended façade materials, and window specifications.

#### D. Buffering, Landscaping, and Screening Commitments

1. Deciduous street trees will be planted within the right-of-way along New Albany-Condit Road at an average distance of 30 feet on center. Alternatively, the developer may pay the city a fee-in-lieu that is approved by city staff.
2. A new fence will be installed along the southern boundary line of the property at a height not exceeding six feet, with design specifications subject to staff approval.
3. Parking lot landscaping will be provided as generally illustrated in the preliminary development plan and as set forth and approved in a future final development plan.
4. Surface parking areas, external mechanical equipment, roof-mounted equipment, service areas, and dumpsters are required to be screened to the specifications outlined in the proposed zoning text.

#### E. Lighting

1. Parking lot lighting is not required to serve the existing structures but is required in association with the construction of a new building on the site. When used, such lighting will include cut-off fixture types and will be downcast and controlled to prevent off-site light spillage. Light poles will not exceed 18 feet in height and will be black or New Albany green and constructed of metal.
2. Building uplighting and landscape uplighting from a concealed source is prohibited. Any permitted ground lighting will be shielded and landscaped.
3. Permanent colored lights or neon lights on the exterior of any building is prohibited.
4. All other lighting will be in accordance with the codified ordinances.

#### **F. Graphics and Signage Commitments**

1. One wall sign is permitted on the front façade of the existing main building that identifies the user of the main building. The sign will comply with the codified ordinances for a wall sign located in the Historic Core or Village Core sub-district of the Village Center.
2. One single-post sign is permitted that identifies the user of the accessory building if that user is different from the user occupying the converted home. The sign will comply with the codified ordinances for a single-post sign located in the Historic Core or Village Core of the Village Center, except that it will have a maximum sign area of 12 square feet per side. The sign will be set back at least five feet from the right-of-way and from any side property line.
3. Architectural Review Board review and approval will be required at a later date for the aforementioned signage and any future proposed signage.
4. Internally illuminated signs are prohibited. Interior window advertisements and signs painted directly on the surface of a building, wall, or fence are prohibited.

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

The City Engineer has reviewed the subject preliminary development plan and provided the following comments. Staff recommends a condition of approval that these comments be addressed by the applicant, subject to staff approval (condition #1).

1. The applicant shall provide evidence that any onsite wastewater treatment or well water systems located on the parcel have been abandoned in accordance with all applicable governmental regulations.
2. The applicant shall provide a Traffic Access Study to determine if improvements in public right-of-way are required to support the project.
3. The applicant shall provide a revised plan showing the curb cut proposed for the development and thoroughly evaluate vehicle site distance.
4. The applicant shall provide more information regarding provision of gravity sewer service for the development.

#### **V. SUMMARY**

The proposed rezoning will allow office uses at 6600 New Albany-Condit Road and establish development standards that are sensitive to the site's existing character. The change is appropriate given the surrounding context and is accompanied by a preliminary development plan aimed at near-term site and building improvements, with the potential for future office redevelopment. The current evaluation is general in nature, with a more detailed review to occur at the final development plan stage.

Located at a transitional point between the New Albany Business Park and the Village Center, the site is well-suited for low-impact office uses. The proposed I-PUD zoning text includes modifications to the Village Center Commercial Design Guidelines and Regulations that are appropriate given the physical context. The plan reflects principles from other sections of the Design Guidelines and Regulations, which support compatibility with surrounding development and encourage maintaining residential character when adapting existing homes for commercial use.

#### **VI. ACTION**

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

**Move to recommend approval of zoning change application ZC-78-2025 to the New Albany City Council with the following conditions:**

1. That the engineer's comments be addressed by the applicant, subject to staff approval.

**Approximate Site Location:**



Source: NearMap

Thence with the Owners' northerly line South 86 degrees 16 minutes 11 seconds East a distance of 135.75 feet to an iron pipe set on the proposed easterly right of way line of State Route 605 said point being 73.53 feet right of proposed Station 33 plus 89.33;

Thence with said right of way line South 25 degrees 04 minutes 36 seconds East a distance of 111.17 feet to an iron pipe set on the Owners' southerly line, said point being 67.11 feet right of proposed Station 32 plus 79.10;

Thence with the Owners; southerly line North 85 degrees 47 minutes 24 seconds West (passing an iron pipe found at 93.79 feet) a distance of 119.89 feet to a point on the Owners' westerly line being 34.00 feet left of proposed Station 33 plus 43.16;

Thence with said westerly line and the existing State Route 605 centerline North 32 degrees 01 minutes 46 seconds West a distance of 118.81 feet to the Place of Beginning, containing 0.284 of an acre, more or less, inclusive of the present road which occupies 10.055 of an acre, more or less.

A gross take of 0.284 of an acre, more or less, is taken from Auditor's Parcel No. 222-640 which contained 1.40 acres, more or less.

The bears for this description were based on the Ohio State Plane Coordinate System, south zone and the North American Datum of 1927.

Owners retain the right of ingress and egress to and from any residual area.

Commonly known as: 6600 New Albany-Condit Road, New Albany, OH 43054

Parcel Number (s): 222-000640-00

**DESCRIPTION VERIFIED**

BRAD FOSTER, P.E., P.S.

BY: MB

DATE: Oct 21, 2024



**DESCRIPTION VERIFIED**

BRAD FOSTER, P.E., P.S.

**fasante**

10/18/2024 7:53:30 AM

\*Submitted via Digital Format





**II. Development Standards - Generally:** Unless otherwise specified in the submitted drawings or in this written text, the standards and requirements of the City's Urban Center Code shall apply to this zoning district. In the event of a conflict between this text or the submitted drawings and a specific provision of the provision of the Codified Ordinances, this text and/or the drawings shall govern.

**III. Uses:**

A. Permitted uses in this zoning district shall include the following. A single use or multiple permitted uses may be operated at any time.

1. Administrative and business offices not carrying on retail trade with the public and having no stock of goods maintained for sale to customers such as (but not necessarily limited to):

- a. Real estate sales and associated services.
- b. Insurance agents and brokers and associated services.
- c. Professional, legal, engineering and architectural services.
- d. Accounting, auditing and other bookkeeping services.
- e. Brokers and dealers in securities, investments and associated services, not including commercial banks and savings institutions.

2. Organizations and associations organized on a profit or non-profit basis for promotion of membership interests, including:

- a. Business associations.
- b. Professional membership organizations.
- c. Civic, social and fraternal organizations.
- d. Charitable organizations.

3. Storage within the existing accessory building on the property, limited to materials and equipment associated with another permitted use in this zoning district.

**IV. Lot and Setback Commitments:**

A. Minimum Parcel Size and Frontage: A lot or parcel within this zoning district shall be a minimum of 1.0 acre in size and shall have a minimum of 100 feet of frontage on a public street.

**6600 NEW ALBANY CONDIT RD**

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NEW ALBANY, OH, 43054



EXISTING



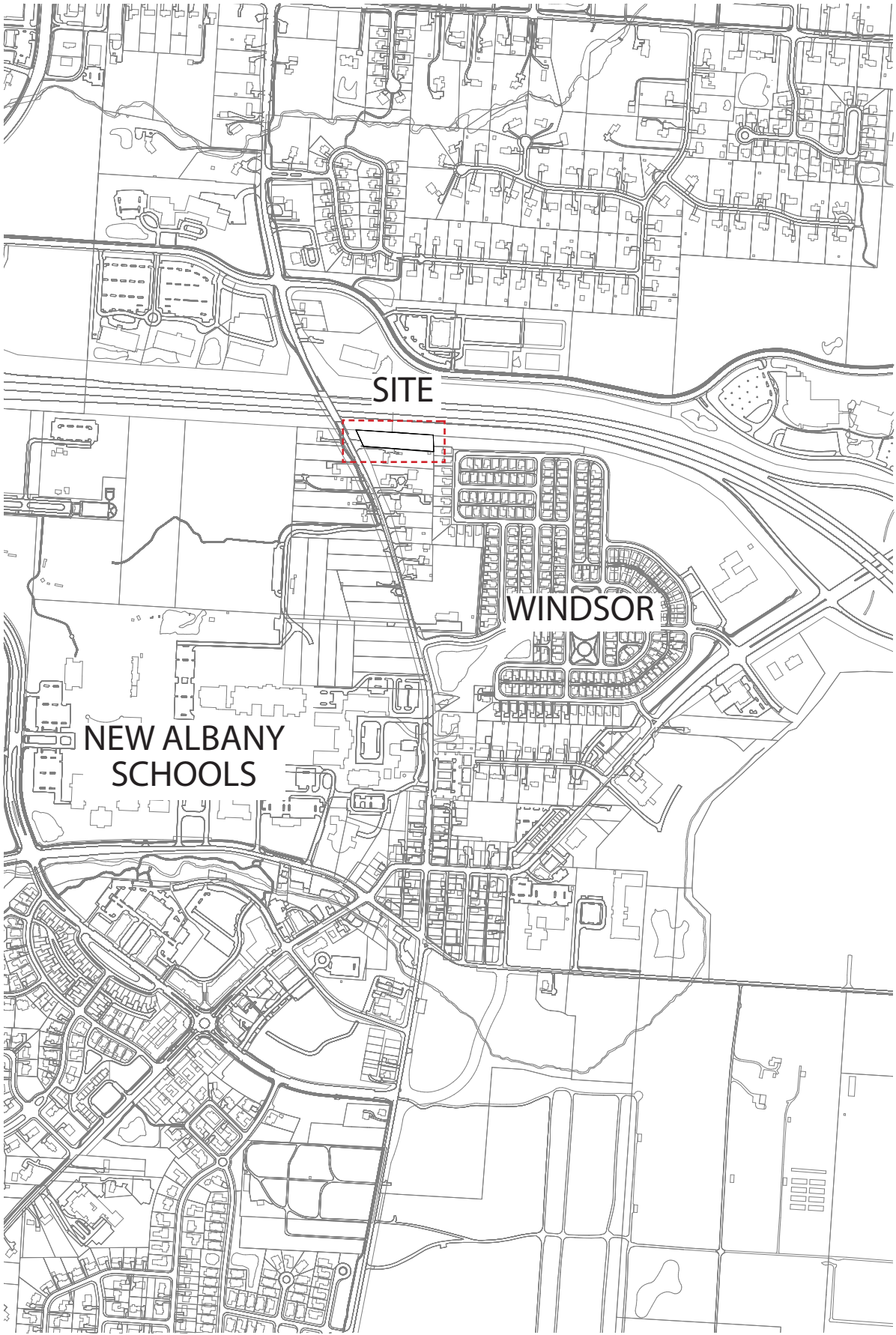
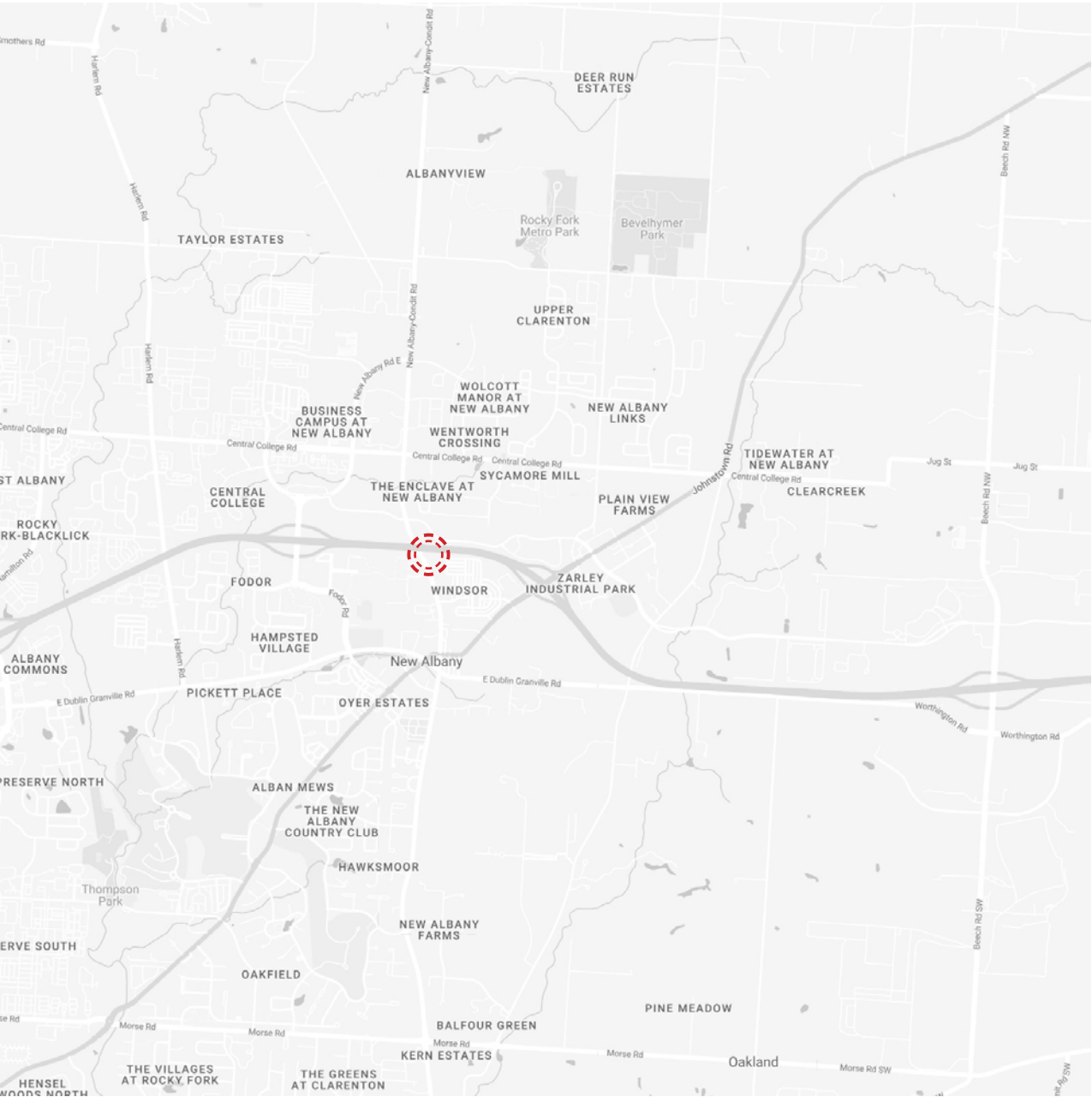


EXISTING

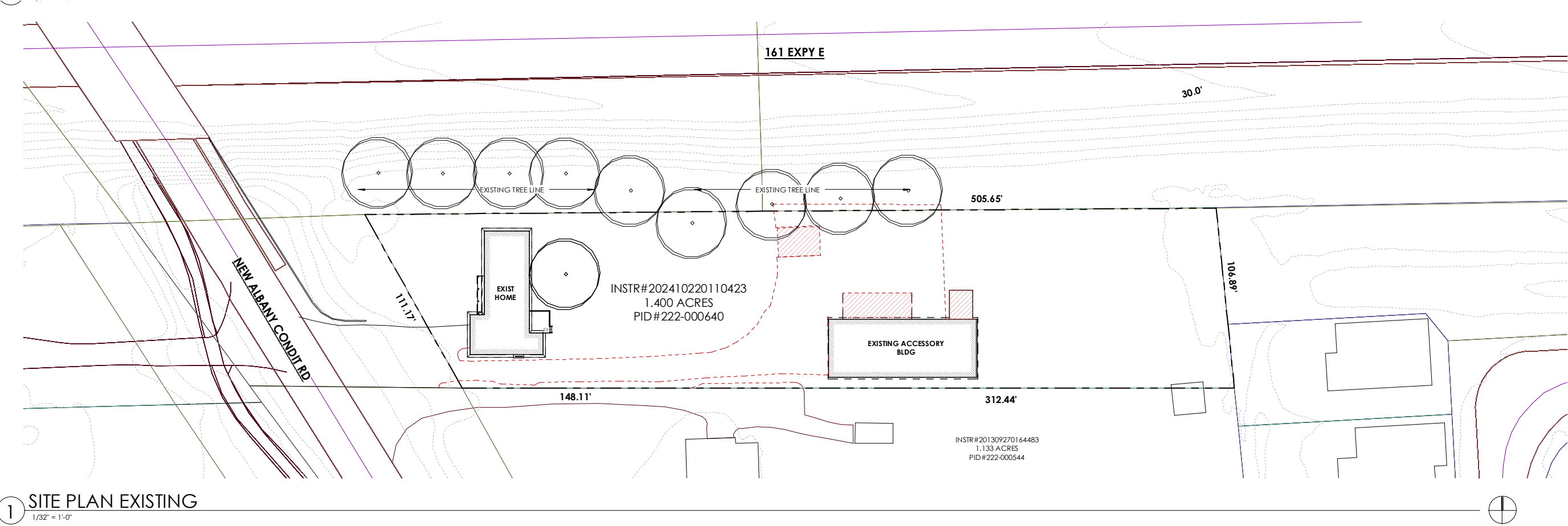




# LOCATION MAP

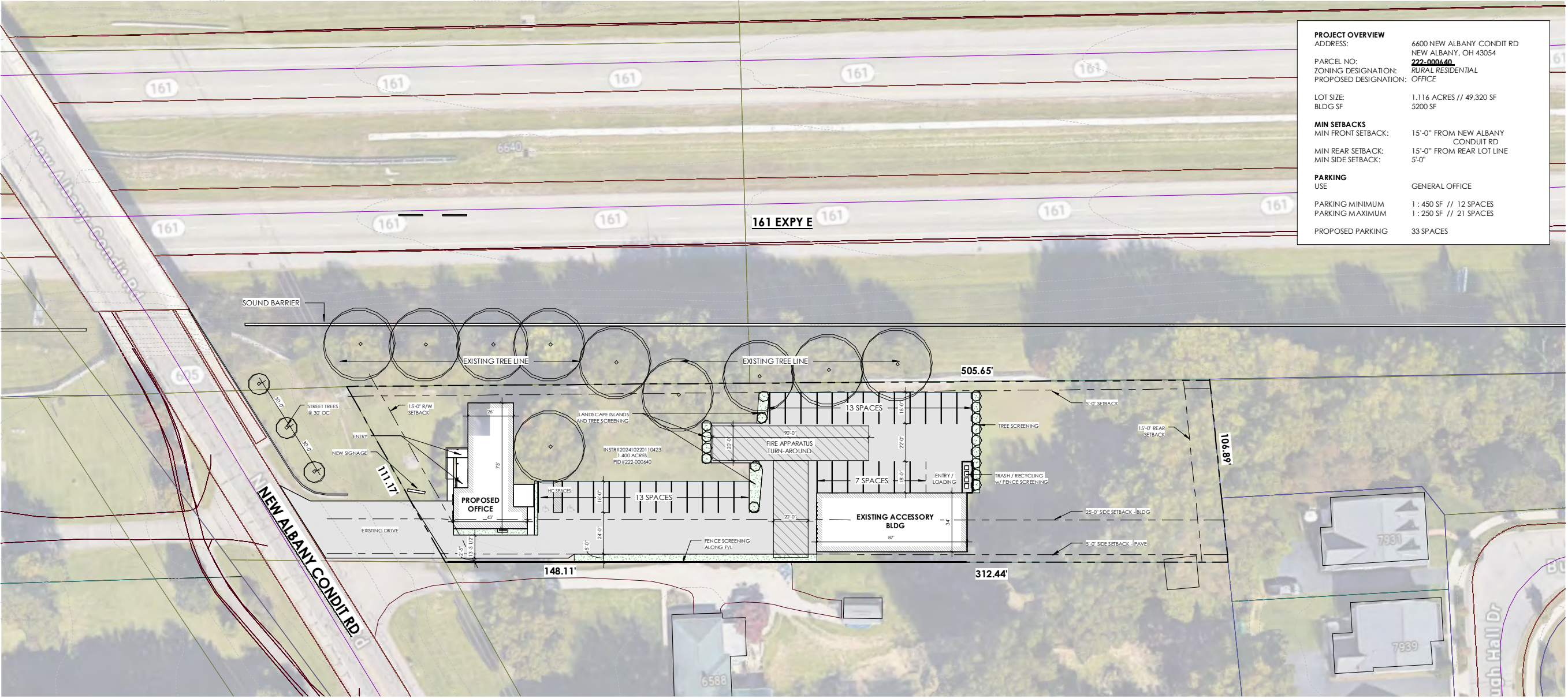


# EXISTING SITE PLAN





# PROPOSED SITE PLAN



2 SITE PLAN PROPOSED  
1/32" = 1'-0"





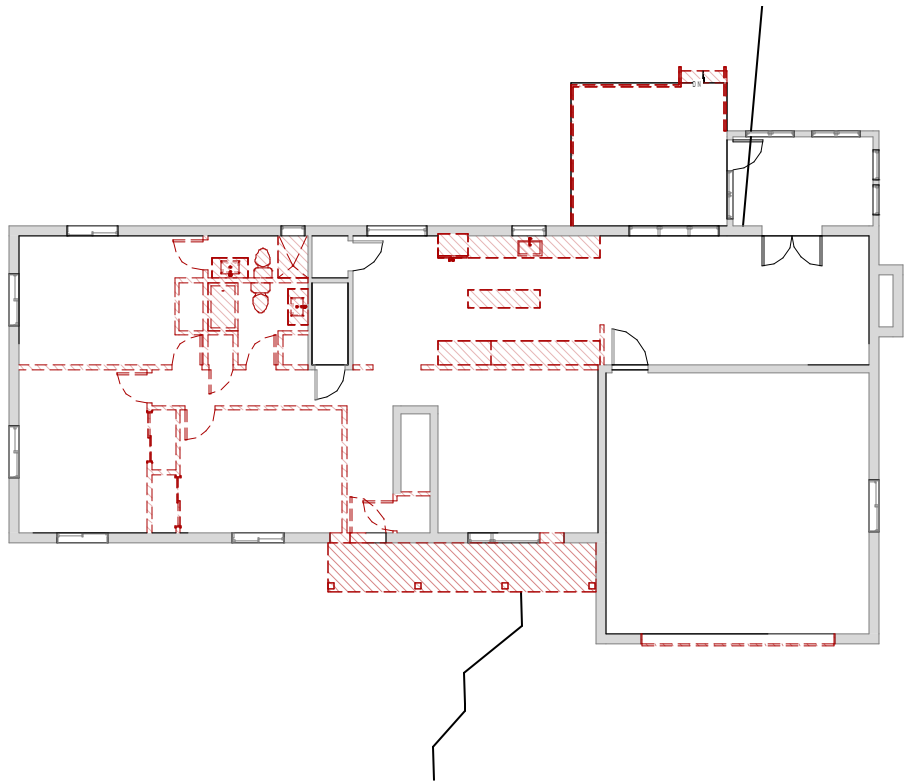


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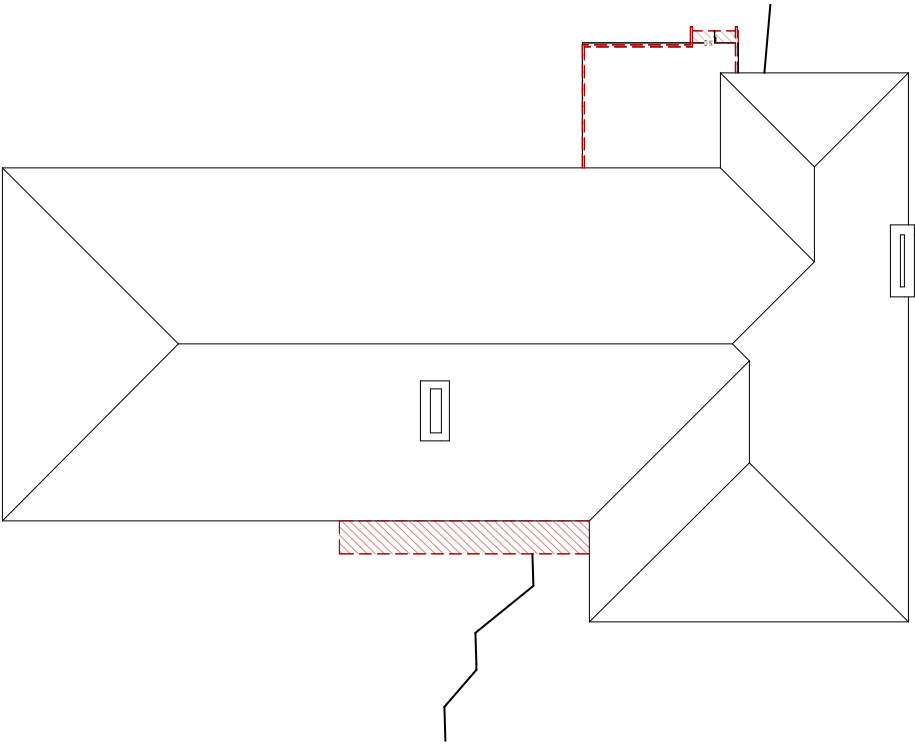




# EXISTING

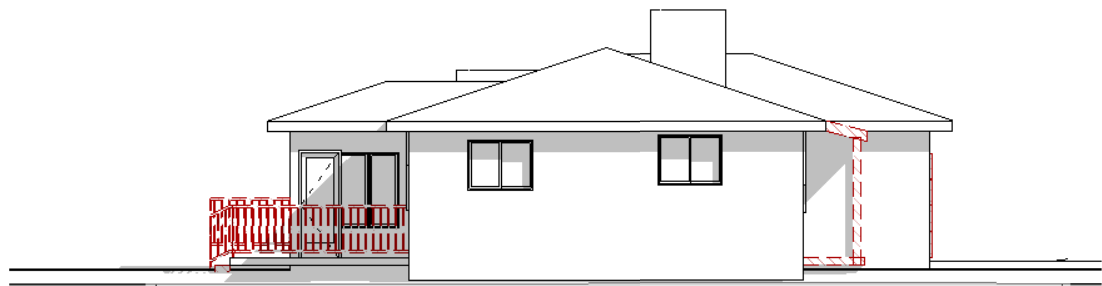


1 FIRST FLOOR EXISTING  
1/8" = 1'-0"

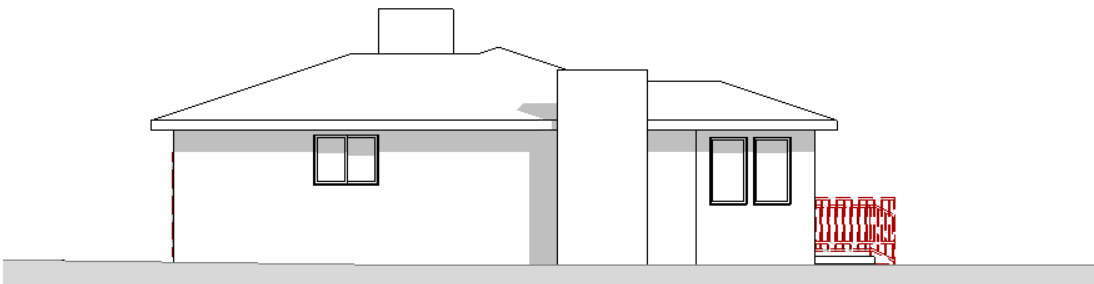


2 ROOF PLAN EXISTING  
1/8" = 1'-0"

# EXISTING



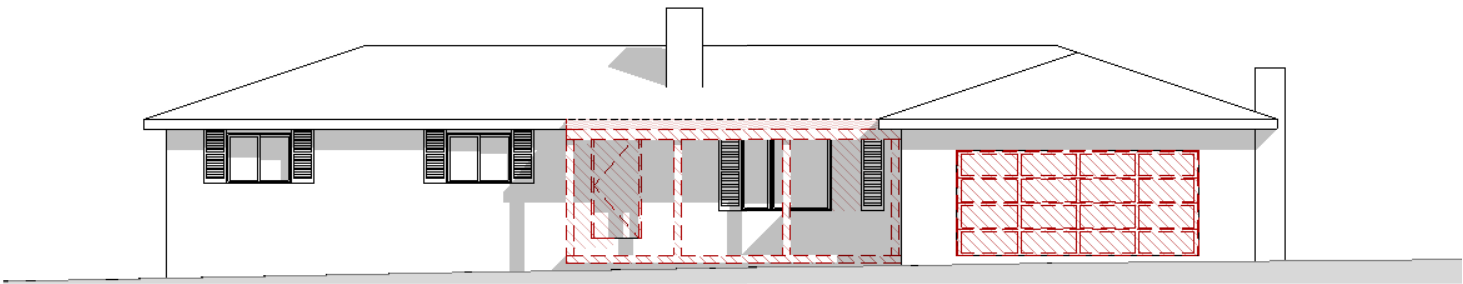
EX (LEFT) SIDE ELEVATION  
1/8" = 1'-0"



EX (RIGHT) SIDE ELEVATION  
1/8" = 1'-0"



EX REAR ELEVATION  
1/8" = 1'-0"



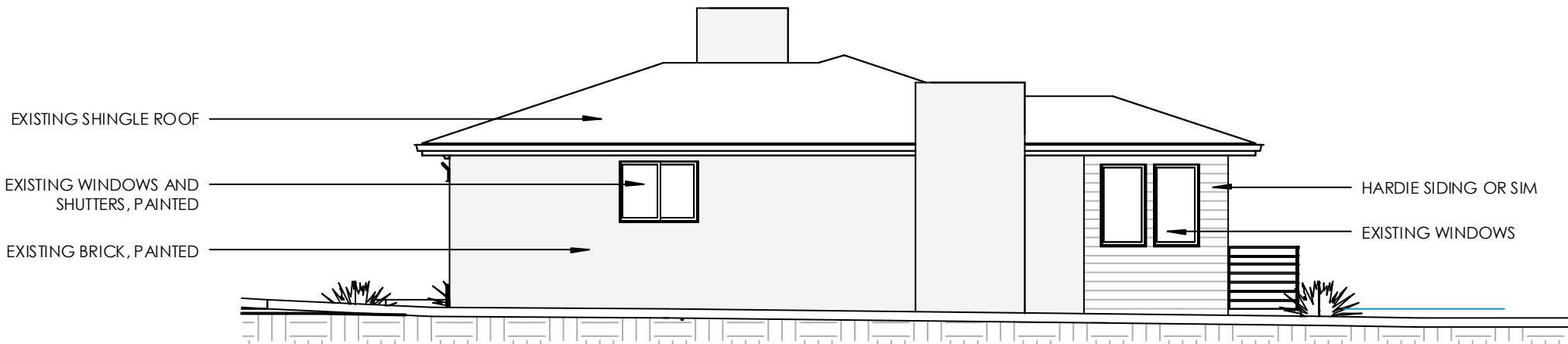
EX FRONT ELEVATION  
1/8" = 1'-0"

PROPOSED



FRONT ELEVATION

1/8" = 1'-0"



SIDE (RIGHT) ELEVATION

1/8" = 1'-0"

# PROPOSED

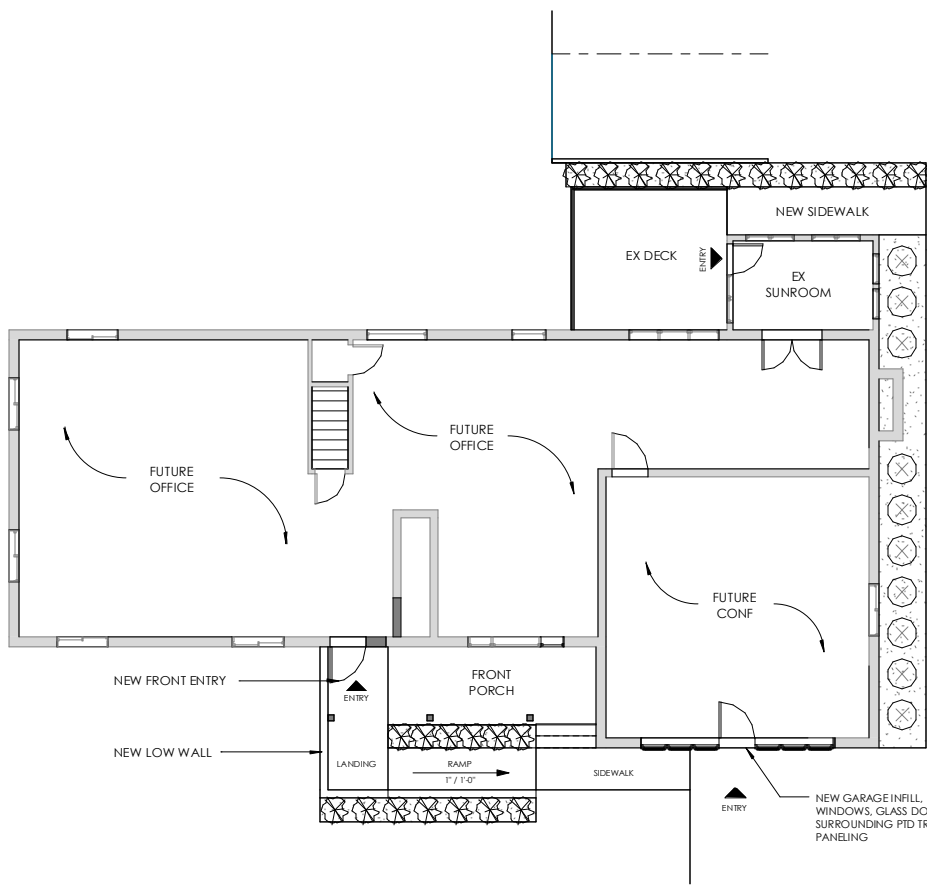


SIDE (LEFT) ELEVATION  
1/8" = 1'-0"

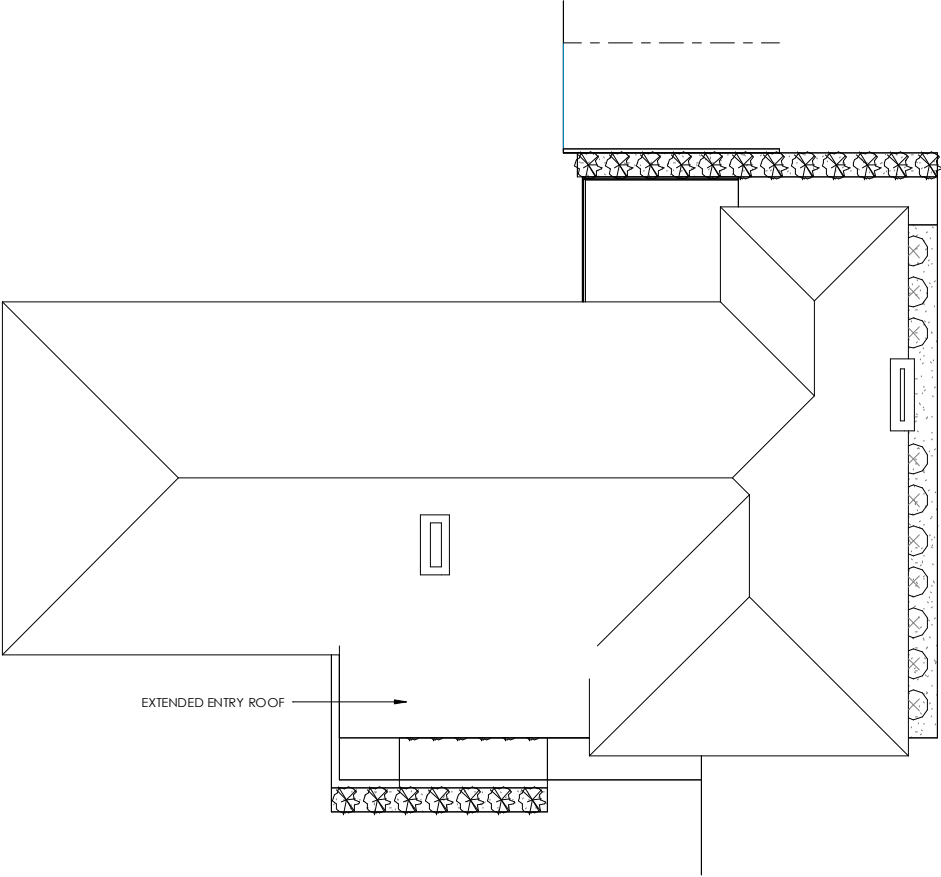


REAR ELEVATION  
1/8" = 1'-0"

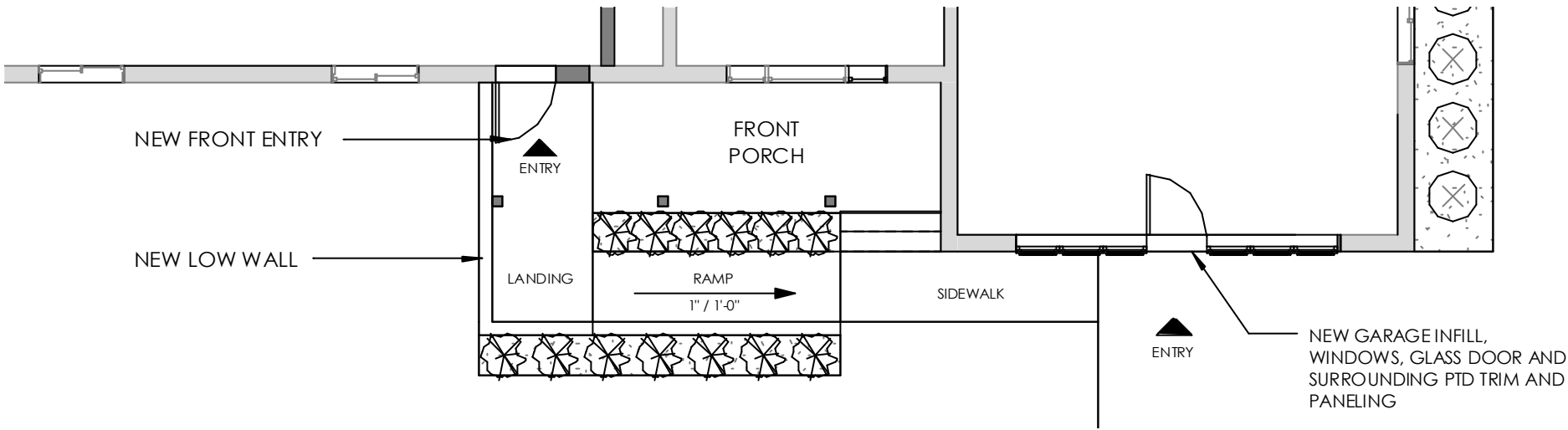
PROPOSED



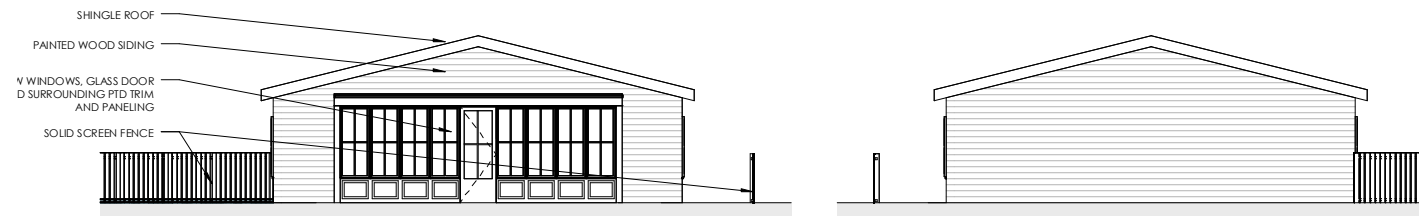
1 FIRST FLOOR PROPOSED  
1/8" = 1'-0"



2 ROOF PLAN PROPOSED  
1/8" = 1'-0"

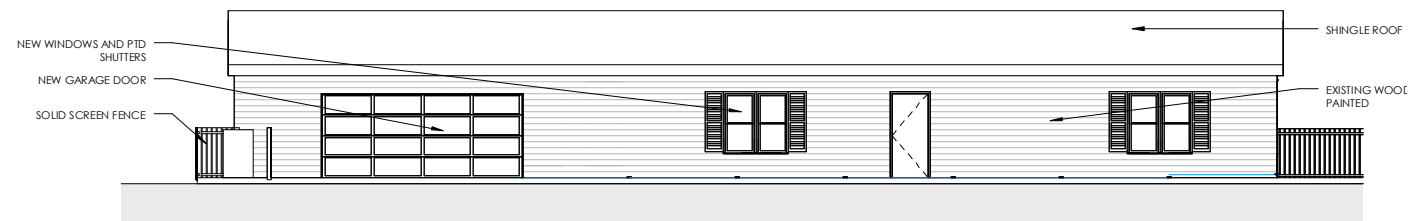


# PROPOSED



6 ACC BLDG ELEV 1  
1/8" = 1'-0"

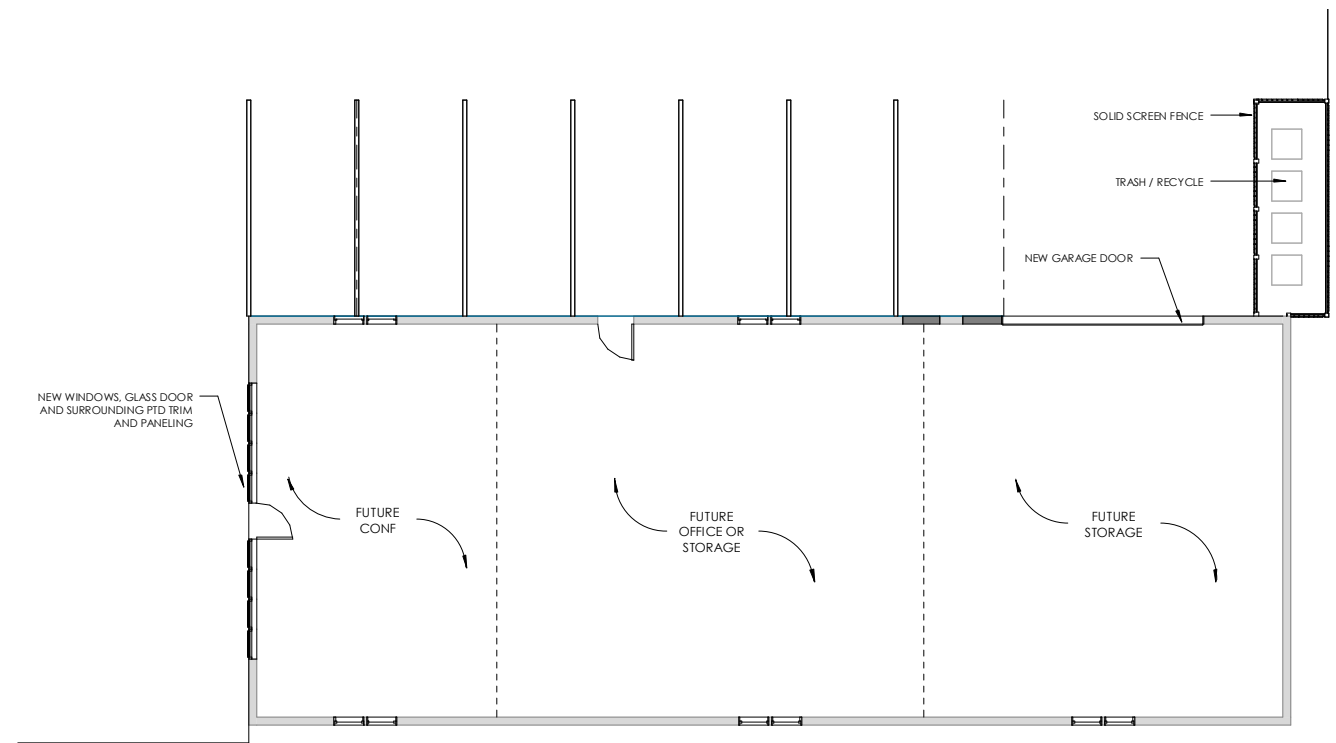
5 ACC BLDG ELEV 4  
1/8" = 1'-0"



4 ACC BLDG ELEV 2  
1/8" = 1'-0"

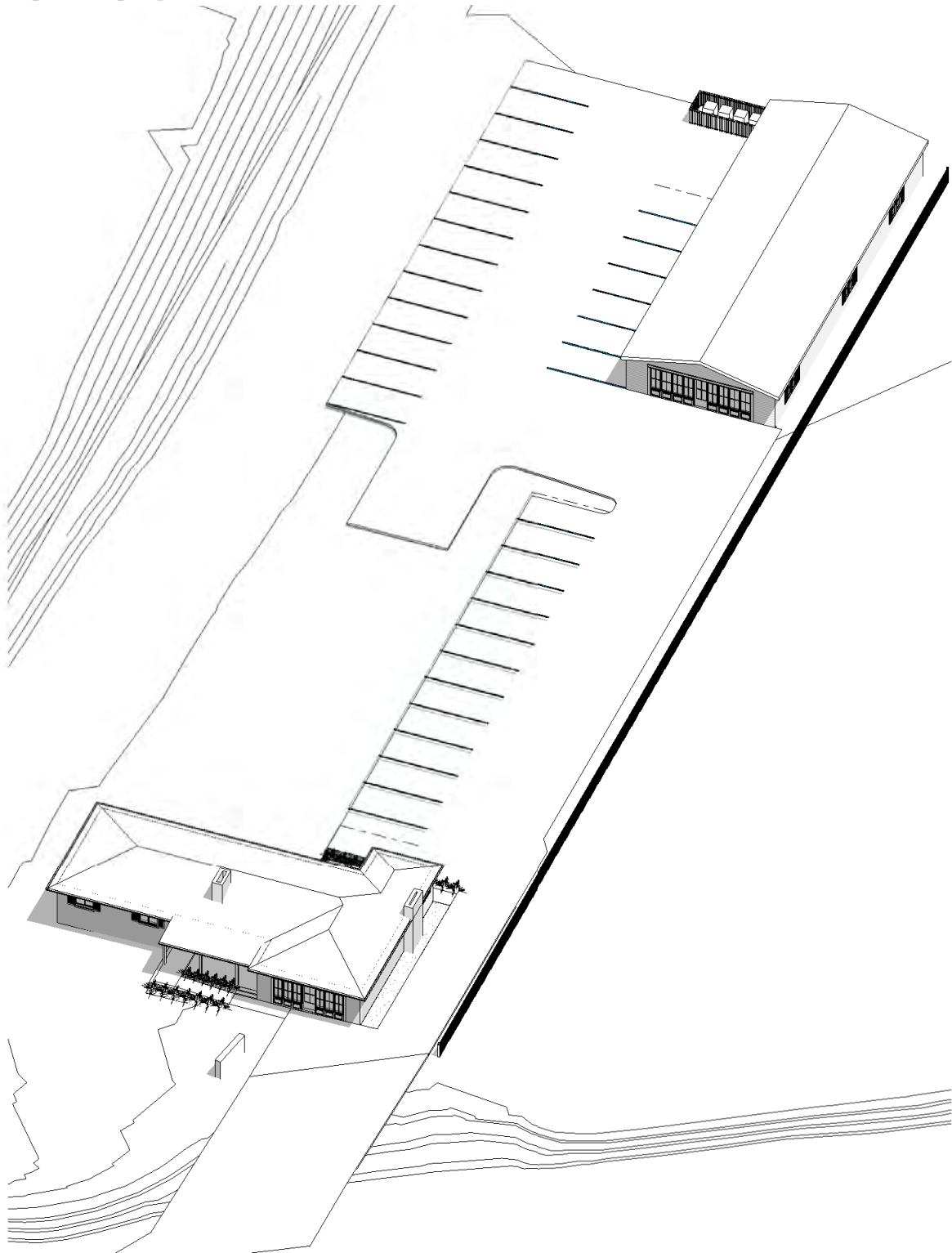


3 ACC BLDG ELEV 3  
1/8" = 1'-0"



1 ACCESSORY BLDG PLAN  
1/8" = 1'-0"

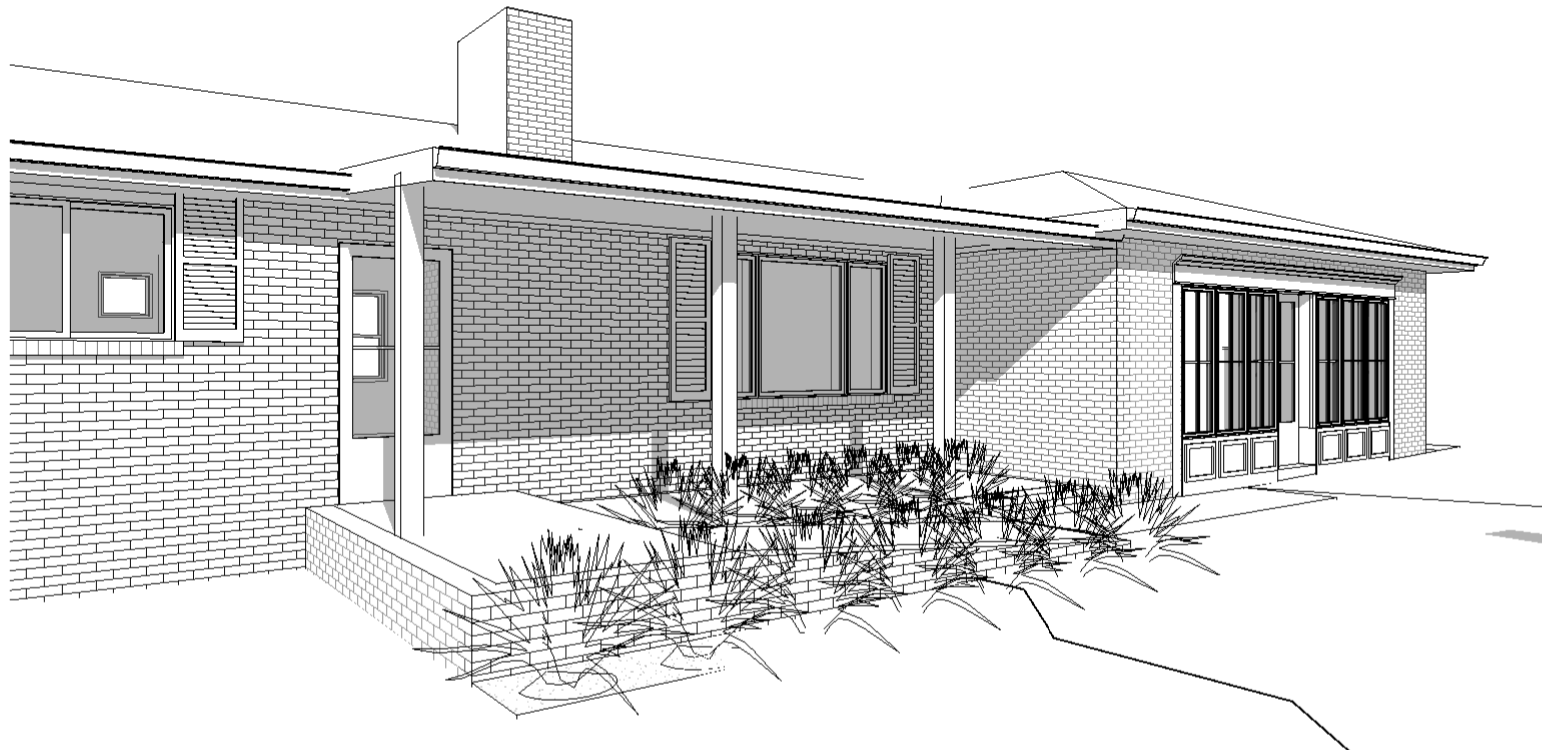
PROPOSED



2 ROOF AXON



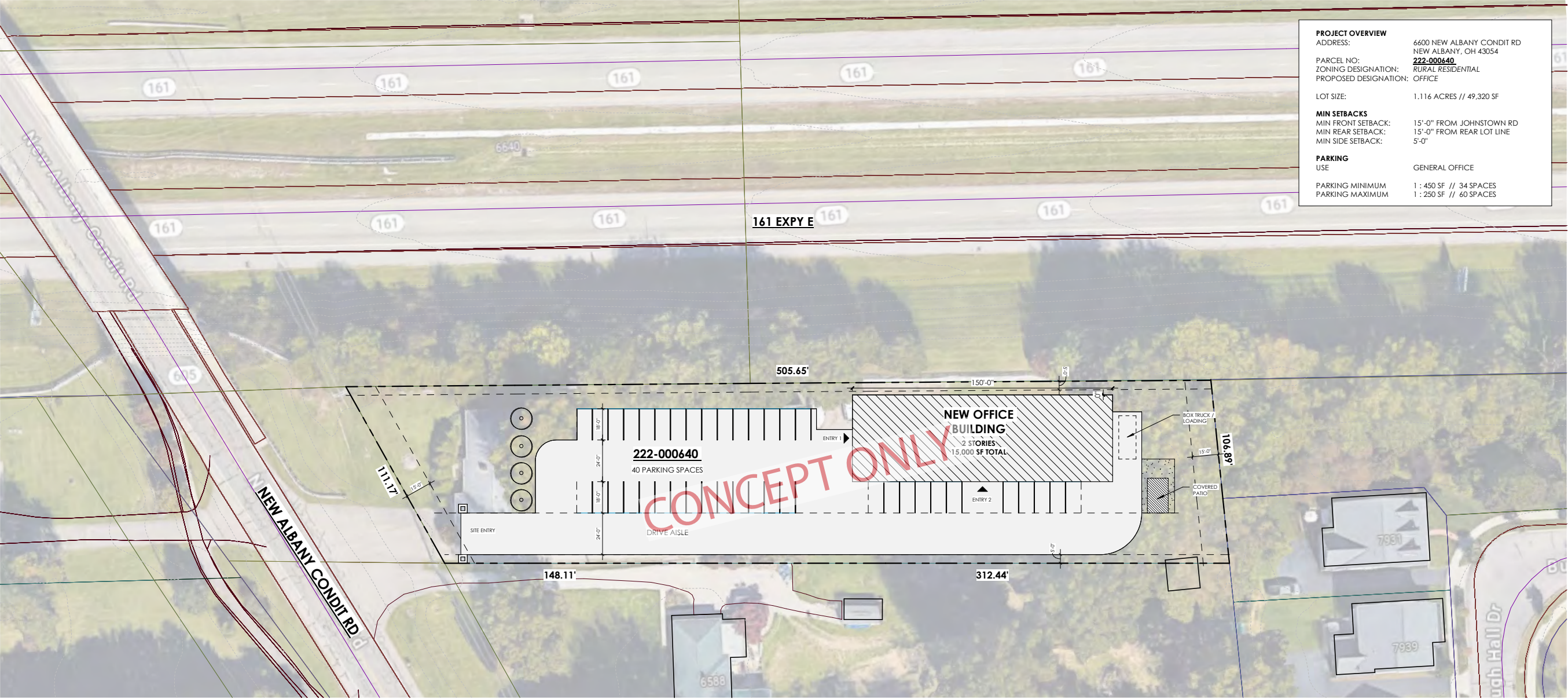
1 PERSPECTIVE 1



4 PERSPECTIVE 2



# CONCEPT PLAN



2 SITE PLAN PROPOSED  
1/32" = 1'-0"



## **Community Development Department**

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

Dear Rob Riddle c/o Aaron Underhill, Esq., Underhill & Hodge LLC,

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

Wednesday, October 22, 2025

The New Albany Planning Commission took the following action on 10/20/2025.

#### **Zoning Amendment**

**Location:** 6600 NEW ALBANY CONDIT RD

**Applicant:** Rob Riddle c/o Aaron Underhill, Esq., Underhill & Hodge LLC

**Application:** PLZC20250078 (ZC-78-2025)

**Request:** To allow a zoning change from the Rural Residential sub-district of the Urban Center Code to Infill-Planned Unit Development (I-PUD) at 6600 New Albany-Condit Road.

**Motion:** To approve

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

**Result:** Zoning Amendment PLZC20250078 was Tabled by a vote of 5-0.

Recorded in the Official Journal this October 22, 2025.

#### **Condition(s) of Approval:**

N/A

Staff Certification:

*Lauren Sauter*

Lauren Sauter  
Planner



**Planning Commission Staff Report  
October 20, 2025 Meeting**

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**HARRISON ROAD TRIANGLE BATCH PLANT  
CONDITIONAL USE**

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**LOCATION:** Located on a portion of 13312 Jug Street Road, adjacent to Harrison Road NW and generally to the north of Jug Street (PID: 095-111756-00.000)  
**APPLICANT:** MBJ Holdings LLC, c/o Aaron Underhill, Esq.  
**REQUEST:** Conditional Use  
**ZONING:** L-GE Limited General Employment District  
**STRATEGIC PLAN:** Employment Center  
**APPLICATION:** CU-79-2025

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Review based on: Application materials received September 19, 2025.

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*Staff report completed by Kylie Blackburn, Planner I*

**I. REQUEST AND BACKGROUND**

The applicant requests approval for a conditional use application to allow the permanent operation of a concrete batch plant on 26.2+/- acres within the business park. The site is zoned L-GE with the limitation text known as Harrison Road Triangle Zoning District.

Industrial manufacturing and assembly uses are a conditional use in the General Employment District. Concrete batch plants fall under the industrial manufacturing and assembly use category; therefore, a conditional use approval is necessary.

The batch got its first conditional use on September 27, 2021 (CU-85-2021) for its former site on Worthington Road and another on September 19, 2022 (CU-101-2022) for its previous location at 8680 Ganton Parkway. On March 3, 2023, a conditional use application was approved by the Planning Commission (CU-18-2023) to allow for the operation of the batch plant at the current Savko site on 13312 Jug Street Road until October 31, 2025. The applicant wishes to eliminate the end date of the conditional use for this site.

**II. SITE DESCRIPTION & USE**

The overall 26.2+/- acre development site is located on a portion of 13312 Jug Street Road, adjacent to Harrison Road NW and generally to the north of Jug Street in Licking County. The site is zoned L-GE, within the Harrison Road Triangle Zoning District limitation text, and is surrounded by commercially zoned properties also located within the business park, except for the unincorporated residential lots to the north. These residential lots immediately to the north of this site are owned by the same property owner (MBJ Holdings LLC) as this application site.

The use will be restricted to the location at the southernmost portion of the site as shown on the plan. Per the text, residential uses are located to the north of the site and will be a minimum of 400 feet away from this use. In addition, a portion of the use will need to be located south of a planned public street that the city anticipates constructing. This street will generally extend east to west through the southern area of the zoning district, as shown in the exhibit included with this application

The use includes the outdoor storage of materials such as (but not necessarily limited to) stone, sand, and gravel. These materials are used to produce and manufacture concrete and cement on the site. More specifically, roller-compacted concrete is produced, and a gravity silo cement operation is present. The latter of which produces poured-in-place concrete.

There are no sales made from the batch plant and the general public is not solicited nor permitted to visit the site for any purchases.

In requesting conditional use, the applicant has provided a site plan that demonstrates the current layout of the batch plant operations.

### III. EVALUATION

The general standards for conditional uses are contained in Codified Ordinance Section 1115.03. The planning commission shall not approve a conditional use unless it shall in each specific case, make specific findings of fact directly based on the particular evidence presented to it, that support conclusions that such use at the existing location meets all of the following requirements:

(a) *The proposed use will be harmonious with and in accordance with the general objectives, or with any specific objective or purpose of the Zoning Ordinance.*

- The applicant proposes a permanent concrete batch plant at the existing site.
- The concrete batch plant has been in operation since 2017; first along Worthington Road, Ganton Parkway and now at their current site off of Harrison Rd. It has been used for a combination of public and private development projects in the business park.
- The city does benefit from this in that it significantly reduces travel distance for large trucks for tasks such as concrete pours and other work. This means there are less trucks driving through the city in order to get to the projects.
- Additionally, as the New Albany International Business Park continues to evolve, the city will continue to require the availability of easily accessible concrete to be used in future roadway improvements. Having the batch plant within the city of New Albany ensures just-in-time delivery of this critical building material.
- The limitation text associated with the rezoning of the property places additional requirements above the General Employment (GE) District requirements for the development of the property. These requirements further ensure that the character of the area is preserved and enhanced by future development.
- Per the zoning text, there is a required 25' pavement and 50' building setback along Harrison Road and along the future east-west street.
  - Per the previous approval, while the raw materials storage can be located within the 50' building setback, the batch plants must be located outside of the 50' building setback. The city staff recommends a condition of approval that there be no batch plants within the building setback and no material storage within the pavement setback or easements. These setbacks are currently being met on the existing site.
  - Staff recommends a condition of approval that any material storage within the future right-of-way and utilities must be removed before city mobilization for construction of the future street. At that time, the materials storage must be out of the established right-of-way, easements, and setbacks related to this public street (condition #1).
- Per the zoning text, there is a required 25' pavement and building setback from the western boundary. However, the city engineer recommends a condition of approval requiring the batch plant and material storage to be located no closer than 50' from the western boundary due to an existing easement.
- Per the zoning text, there is a minimum of 400 feet setback from this use to residential uses that are located to the north of the site. This use is meeting that setback requirement as shown on the site plan.
- Vehicular access with full turning movements is off Harrison Road NW only to the south of the planned future intersection of that street with the planned east-west public street to be constructed by the city in the future. When the new public street is

constructed and open for public use, the operator of the Batch Plant shall work with the City to determine if access can be more safely provided from the new street instead of Harrison Road NW, and if this is the case, it will modify its access improvements accordingly. The city staff suggests that this be a condition of approval (condition #2).

- Wheel wash stations are provided within the property at the vehicular exit point and are required to be used by trucks that are exiting the property. The operator of the batch plant shall clean and sweep Harrison Road NW each day while the batch plant is operating. They shall perform this task to the extent that any dirt or debris is present on the street due to traffic traveling to or from the Property.

*(b) The proposed use will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.*

- The existing use complements the manufacturing and production, warehouse, data center, and distribution uses, which are permitted uses within the overall area. The existing use is appropriate in the context of the surrounding uses, development patterns, and will contribute to the overall success of the Business Park.
- The additional design guidelines for manufacturing facilities contained in the zoning text have further ensured their compatibility with the character of the area. The same architectural requirements as the surrounding commercial areas have been required.

*(c) The use will not be hazardous to existing or future neighboring uses.*

- The use is subject to Codified Ordinance Section 1153.06 which requires that no land or structure within the GE District shall be used or occupied in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable impact on any land which is located in any other zoning district.
  - The applicant, as part of the conditional use statement, has stated that the effects of noise, glare, odor, light, and vibration on adjoining properties are not anticipated to present any untoward or problematic compatibility challenges with adjacent properties.
- The batch plant's location provides convenient access to construction materials and efficiency for delivery. Easy access to and from State Route 161 for trucks is good for the local environment by providing short routes to and from the highway. The location allows for traffic coming to and from the site to remain on local, city streets. This results in less travel and trips on township and other streets outside of the business park.
- The site fronts the Harrison Road extension, which is the haul road used by Intel and the supplier park construction and delivery trucks. This road was constructed for this purpose and can handle the construction vehicle traffic that will be associated with the use.

*(d) The area will be adequately served by essential public facilities and services such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.*

- The city has made significant investments in the improvement of Harrison Road NW. Given the Property's proximity to nearby development sites, as well as the Beech Road interchange on State Route 161, the existing batch plant location will ensure efficient passage of vehicles.
- The nature of the uses is such that they do not require the use of public water or sanitary sewer services.
- The industrial manufacturing and assembly use will produce no new students for the Licking Heights School District.

*(e) The proposed use will not be detrimental to the economic welfare of the community.*

- The proposed industrial manufacturing and assembly use generates income tax for the city with its jobs.



- The establishment of the original batch plant at its former site has also contributed to the city securing several impactful economic development projects with quick construction timelines such as Facebook, Google, and Amazon. To maintain a competitive advantage over other locations, and because speed is one of the most important factors when a company is under construction, the continued operation and relocation of the batch plant, even though it is temporary in nature, has a positive benefit to the city's economic development goals and indirectly aids its fiscal strength.
- (f) *The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.*
- The use will be subject to Codified Ordinance Section 1153.06, which requires that no land or structure within the GE District shall be used or occupied in such a manner to create any dangerous, injurious, noxious or otherwise objectionable impact on any land which is in any other zoning district. The city only received a complaint regarding mud on Worthington Road when the batch plant was first established in 2017. The city has no other documented complaints regarding its operation since 2017.
- (g) *Vehicular approaches to the property shall be so designated as not to create interference with traffic on surrounding public streets or roads.*
- The applicant has one full access curb cut along Harrison Road NW.
  - The infrastructure in this portion of the city is designed to accommodate the traffic associated with commercial uses and construction vehicles.
  - There is no reason to believe that the traffic generated by this use will have any greater impact than traffic for permitted users in the GE district.
  - Due to the proximity of this site to State Route 161, and its location adjacent to commercially zoned land in the existing business park to the east, south and west, the site is appropriate for manufacturing and production uses.

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

The city Engineer has reviewed the referenced plan in accordance with the engineering related requirements of Code Section 1159.07(b)(3) and provided the following comments.

- The city Engineer has no comments at this time.

#### **V. SUMMARY**

The overall proposal appears to be consistent with the code requirements for conditional uses and meets the development standards and recommendations contained in the Engage New Albany Strategic Plan and the New Albany Economic Development Strategic Plan. The proposed industrial manufacturing and assembly use is consistent with the character of the immediately surrounding area. Additionally, this provides a direct benefit to the city for capital improvement projects for infrastructure and private developments. The site is strategically located where vehicles coming to and from the site can utilize the local business park streets. The batch plant, as it exists today, has not received any complaints; the only complaint the city has received was in 2017, as previously mentioned

The proposed permanent conditional use aligns with and supports the goals outlined in the New Albany Economic Development Strategic Plan by promoting continued growth and investment within the business park. Granting this use on a permanent basis will allow the applicant to operate without interruption, ensuring long-term contributions to the city's economic development.

#### **VI. ACTION**

**Suggested Motion for CU-79-2025:**

To approve the conditional use application CU-79-2025 to allow for industrial manufacturing and assembly use for a concrete batch plant based on the findings in the staff report with the following conditions (additional conditions may be added):

1. Material storage within the future right-of-way and utilities must be removed before city mobilization for construction of the east-west street. The materials storage must also be out of the established right-of-way, easements, and setbacks related to this future east-west public street;
2. At such time as the new public street is constructed and open for public use, the operator of the Batch Plant shall work with the City to determine if access is more safely provided from the new street instead of Harrison Road NW, and if this is the case, it will modify its access improvements accordingly.
3. The conditional use terminates if the current use changes.

**Approximate Site Location:**



Source: NearMap



## **EXHIBIT A**

### Scioto Ready Mix – New Albany Projects

The following is a list of projects Scioto has supplied the vast majority (if not all) of the ready mix concrete to the following projects:

- Facebook/Meta
- Google
- Amazon Data Centers– 11 buildings
- Amazon Distribution Center
- QTS
- Minor amount to Intel thru Gilbane
- Vantage 3 buildings
- Multiple Van Trust warehouses
- Pharmavite
- Multiple AEP substations
- DSV
- L Brands – DC8 Warehouse
- CCL Warehouse
- Multiple Beauty Park Warehouses

## EXHIBIT B

### Savko – New Albany projects

The FOLLOWING LIST identifies public and private site work projects which have been undertaken since the early 1990s by Savko in New Albany that include underground utilities, earthwork and street construction:

- New Albany Country Club Sections 1-30. Section 1 was completed in 1991. Currently making design changes to Section 30
- Greensward Road
- Highgrove subdivision
- New Albany Country Clubhouse infrastructure/basement
- Beech Road Reconstruction/widening from Morse Rd to Jug Street
- Market and Main Roundabout
- Greensward & SR 62 Roundabout
- The Farms subdivision
- Numerous wetland projects
- Rose Run Ditch environmental improvements
- Smith's Mill Road

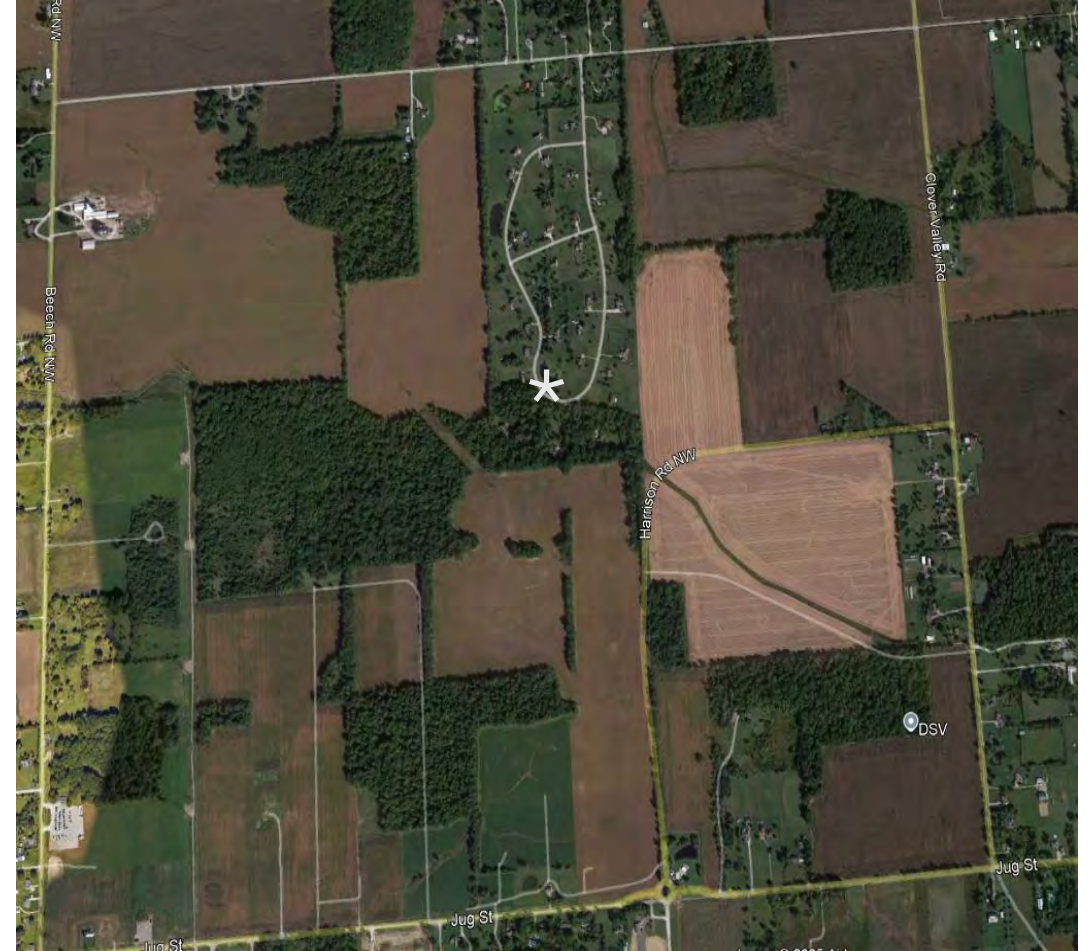
- 3 phases of Ganton Parkway
- All phases of Innovation Campus Way
- Fodor Road
- Forest Drive
- Thurston Hall Boulevard
- Chatham Green
- Keswick Drive
- Ogdenwoods Boulevard
- Upper Clarenton subdivision
- Courtyards of New Albany subdivision
- Souder Road
- Walton Parkway
- New Albany Links subdivision
- New Albany Road N/S/E/W
- Central College Road
- Yantis Drive
- Brandon Road
- Lambton Park
- Southfield
- McClellan Drive
- Briscoe Parkway Paving & Curb
- Horizon Court Paving & Curb
- Abercrombie Distribution Warehouse
- Smith's Mill Shops

- Bob Evans Headquarters
- Woodhaven subdivision
- Majority of warehouses in the beauty park, specifically:
  - L Brands DC8 Warehouse
  - Anomatic
  - KDC
  - Veepak
  - CCL
  - Axium

## EXHIBIT C



Google Earth  
September 2025



Google Earth  
May 2023



EXHIBIT D



\* = Owned by MBJ Holdings, LLC



## **Community Development Department**

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

Dear N.M. Savko & Sons, 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, October 21, 2025

The New Albany Planning Commission took the following action on 10/20/2025 .

#### Conditional Use

**Location:** 13312 JUG STREET RD NW

**Applicant:** N.M. Savko & Sons, Inc.,

**Application:** PLCU20250079

**Request:** Conditional use request to allow the use and operation of a concrete batch plant located on a portion of 13312 Jug Street Road NW (PID: 095-111756-00.00)

**Motion:** To Approve

**Commission Vote:** Motion Approval with Conditions, 5-0

**Result:** Conditional Use, PLCU20250079 was Approval with Conditions, by a vote of 5-0.

Recorded in the Official Journal this October 21, 2025

#### Condition(s) of Approval:

1. Material storage within the future right-of-way and utilities must be removed before city mobilization for construction of the east-west street. The materials storage must also be out of the established right-of-way, easements, and setbacks related to this future eastwest public street
2. At such time as the new public street is constructed and open for public use, the operator of the Batch Plant shall work with the City to determine if access is more safely provided from the new street instead of Harrison Road NW, and if this is the case, it will modify its access improvements accordingly.
3. The conditional use terminates if the current user changes or after 10 years.

Staff Certification:

Kylie Blackburn  
Planner