NEW ALBANY
COMMUNITY CONNECTS US

New Albany Planning Commission Meeting Agenda
Wednesday, January 22, 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: December 16, 2024

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

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

VI. Cases:

ZC-100-2024 Rezoning
Request to rezone 28.10 +/- located at 13785 Lucille Lynd Rd, 13837 Lucille Lynd Rd, 13853 Lucille Lynd Rd, 14062 Worthington Rd, and 0 Worthington Rd in Licking County from Limited Office Campus District (L-OCD) to Infill Planned Unit Development District (I-PUD) for an area to be known as the Beech Interchange Southeast Zoning District (PIDs: 094-108342-00.000, 094-106998-00.000, portion of 094-106740-00.005, 094-107880-00.000-, 094-108720-01.000, 094-108720-00.000).
Applicant: MBJ Holdings, LLC c/o Aaron Underhill

Motion of acceptance of staff reports and related documents into the record for ZC-100-2024.

Motion to approval for application ZC-100-2024 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

VII. Other business
1. **City Code Amendment: C.O. 1115 Conditional Uses**
2. **NAPLS Presentation**

VIII. Poll members for comment

IX. Adjournment

New Albany Planning Commission
Monday, December 16, 2024 Meeting Minutes - DRAFT

I. Call to order

The New Albany Planning Commission held a regular meeting on Monday, December 16, 2024 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 Wiltrout	present

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

Staff members present: Development Engineer Albright, Planner Blackburn, Planner II Christian, Attorney Fishel, Planning Manager Mayer, Planner Saumenig, Deputy Clerk Madriguera.

III. Additions or corrections to the agenda, and oath

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

Planner II Christian answered yes. The applicants for the Hamlet at Sugar Run project wished to present an informal review of an upcoming application. Planner II Christian recommended that the commission hear the informal review under Other business on the agenda.

Chair Kirby and the commission agreed to the addition to the agenda.

Chair Kirby administered the oath to all present who wished to address the agenda and said that now would be a good time to silence all cell phones.

IV. Action on minutes: November 18, 2024

Chair Kirby asked if there were any corrections to the minutes from the November 18, 2024 meeting minutes.

Hearing none, Commissioner Wallace moved for approval of the November 18, 2024 meeting minutes as presented. Commissioner Schell seconded the motion.

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

Upon roll call: Mr. Wallace yes, Mr. Schell yes, Mr. Kirby yes, Mr. Larsen yes, Ms. Briggs yes. Having five yes votes, the motion passed and the November 18, 2024 meeting minutes were approved as presented.

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

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

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

VI. Cases:

VAR-61-2024 Variance
A variance request to the Nottingham Trace zoning text Section E(5)(c), to allow a covered porch to encroach into the 29 rear yard setback at 6309 Callaway Square West (PID: 222-005228).
Applicant: Nancy Willis

Planner Blackburn delivered the staff report.

Commissioner Wallace recalled that the reason the commission agreed to reconsider this case had to do with an improper permitting and whether the applicant received sufficient notice of the setback, and asked staff to confirm whether that was correct. And further whether the lot numbers were changed and whether the deed was correct.

Planning Manager Mayer answered yes. Staff researched the properties on the western edge and discovered that one patio was permitted erroneously, and that a house encroached into the setback. Staff has since begun to notify the owners, and that the city will be doing a sponsor variance. This particular application does not involve erroneous permitting, rather, the encroachment was discovered in the application process. Regarding the deed, a rearyard setback is not noted on the deed. The unique situation here is that the plat number is different than the final development plan lot number. This has likely caused the confusion with this case.

Chair Kirby asked whether the sponsor variance would be the same as the instant variance and whether the encroachment is the same across all of the properties so that, in accordance with the *Duncan* criteria, the sponsor variance would not provide an advantage to any one of the neighbors.

Council Member Wiltrout suggested that the commission consider establishing a maximum, because the staff and the commission was addressing encroachments that have existed for some time.

Chair Kirby asked whether the staff reports for the sponsor variance would be similar.

Planning Manager Mayer responded that the commission had the discretion to establish a maximum and yes, the staff reports will be very similar.

Commissioner Larsen asked whether the maximum can be 2.0 feet instead of including decimals.

Planning Manager Mayer responded affirmatively, that staff could round the maximum up.

Commissioner Larsen continued that there is no reason for this to be greater than 2 feet and the commission could ask the applicant for her view.

Commissioner Wallace asked whether the city agreed that the setback was not visible to the applicant. It struck him that the only reason the existing porches were allowed was because of the city's mistake thus this applicant is asking to have something that other property owners were erroneously granted. He further asked whether there was a discrepancy between the lot numbers that prevented the property owners from receiving notice of the setback.

Applicant Nancy Willis, 6309 Callaway Square W. She pointed out that there are several patios and one screened porch that were approved on her side of the road. She stated that none of the neighbors objected to her application and that she had a letter of support from one of the neighbors. She also quoted prior meeting minutes discussing the discrepancy between the numbering of the lots in zoning text final plat map.

Commissioner Wallace asked whether the city agreed that the setback of lot 107 could be interpreted to be only 15 feet.

Planning Manager Mayer responded that he generally agreed with the applicant that there is a discrepancy that could be confusing.

Commisser Larsen asked whether it was just the pavers that encroached or whether the porch encroached as well.

Planning Manager Mayer responded that they both encroach, the open-sided patio roof encroaches 2.03 feet.

Chair Kirby asked whether the maximum could be established at 2 feet and 1 inch (2.1 ft.), rather than 2.03 in order to make everyone's life easier.

Ms. Willis agreed as did city staff.

Chair Kirby asked whether there were any further questions from the commission and whether there was anyone from the public who wished to comment on the application.

Hearing none, Chair Kirby moved to accept the staff reports and related documents into the record for VAR-61-2024. 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. Schell yes, Mr. Larsen yes, Mr. Wallace yes. Having five yes votes, the motion passed and the staff reports and related documents for VAR-61-2024 were admitted to the record.

Commissioner Briggs moved for approval of VAR-61-2024 based on the findings in the staff report with the conditions in the staff report and the following additional condition:

- The variance would be 2 feet and 1 inch.

Commissioner Schell seconded the motion.

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

Upon roll call: Ms. Briggs yes, Mr. Schell yes, Mr. Kirby yes, Mr. Larsen yes, Mr. Wallace yes. Having five yes votes, the motion passed and VAR-61-2024 was approved subject to the condition as stated above.

Commissioner Wallace stated that he voted yes on this variance, noting that he did not usually vote yes on variance requests, because of the uncertainty as to whether the setback could be enforced against the applicant that was created by the platting document.

Chair Kirby added that likewise it is the city's intent to fix this issue.

Commissioner Schell agreed and stated that he appreciated the letter from the neighbor.

The commission thanked the applicant and wished her good luck.

Chair Kirby introduced FPL-90-2024 and asked to hear from staff.

FPL-90-2024 Final Plat
Final Plat for the dedication of public right-of-way and vacation of public right-of-way in historic Village Center located west of US-62 and east of High Street.
Applicant: City of New Albany

Planner Saumenig delivered the staff report.

Chair Kirby requested that staff use use google maps or other software that would enable the commission to trace the route.

Planner Saumenig agreed and explained the route and the site plan.

Chair Kirby asked about the relationship between this application and the Market Street extension project.

Planning Manager Mayer explained that this is separate from the Market Street extension, the vacation of Third Street, the location of the public alley, Eagle Pizza, and indicated how the extension would proceed. He further explained that he had found what he thought was New Albany's first Strategic Plan from 1997-1998. He stated that it was exciting that they found a property owner that was willing to develop the land in accordance with that strategic plan. He further explained the donation of land for development of the public right of way, and the proposed commercial and residential development.

Commissioner Schell asked about the parking.

Planning Manager Mayer explained that the surface parking would be minimal and that there would be additional garage and underground parking.

Chair Kirby noted that there is a pear tree behind Eagle's Pizza that will be lost.

Commissioner Wallace asked whether the structures will be reviewed administratively.

Planning Manager Mayer replied that the Architectural Review Board will review the structures proposed with the application.

Planner Saumenig stated that it will likely be heard in January.

Commissioner Larsen asked whether it will meet density standards.

Planning Manager Mayer explained that there are no density caps in the Village Center.

Chair Kirby asked if there were any further questions or if anyone from the public was present who wished to testify on the application.

Hearing none, Chair Kirby moved to accept the staff reports and related documents into the record for FPL-90-2024. Commissioner Larsen seconded the motion.

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

Upon roll call: Mr. Kirby yes, Mr. Larsen yes, Mr. Wallace yes, Mr. Schell yes, Ms. Briggs yes. Having five yes votes the motion passed and the staff reports and related documents were admitted into the record for FPL-90-2024.

Commissioner Schell moved to recommend approval to city council of FPL-90-2024 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval. Commissioner Larsen seconded the motion.

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

Upon roll call: Mr. Schell yes, Mr. Larsen yes, Mr. Wallace yes, Mr. Kirby yes, Ms. Briggs yes. Having five yes votes, the motion passed and FPL-90-2024 was favorably recommended to council.

Chair Kirby thanked city staff and introduced the first item of other business.

VII. Other business

Informal Review of the Hamlet

Justin Leyda with Steiner and Associates explained the status of the development and that they expect construction to begin sometime in the spring. The plat was submitted at the end of November. The clearing and mass excavation plans are well underway. They are working on agreements relative to site fencing. He continued that they have been approached by a boutique high-end hotel owner who is interested in occupying some of the space. The design team have examined whether it will work and believe that it will. They have presented an informal review before the Architectural Review Board and are likewise before the commission to present concepts and preliminary renderings of the proposal. They would like to gather feedback in advance of submitting a formal application.

Aaron Underhill, 8000 Walton Parkway, attorney representing the applicant stated that he has been involved in this project for about four years. He recalled that when the hamlet was first presented, it was new and unfamiliar. But an update to the strategic plan provided more specific criteria and pursuant to that criteria the applicants have successfully ushered the hamlet to approval. He further stated that the updated strategic plan provides for hotel uses and that it also encourages commercial usage throughout the day. Along with this will be a co-working space. To those ends, the applicants are hopeful that the proposed modification will provide usage and vibrancy throughout the day, and on the weekends. He hopes that this user will aid in establishing the hamlet as a destination.

Applicant AJ Scott of Steiner and Associates thanked the team and the commission. He recounted their informal presentation to the Architectural Review Board. He further explained that the most significant changes are the addition of a hotel user in place of some of the residences, the addition of a pedestrian corridor, and a more active civic green space. The high-end, boutique hotel user will complement the style of the hamlet. They intended to activate the area to encourage use of the green spaces. The hotel public spaces would become a living room for the public to use all year. The only hotel private space is the exercise space. He noted that the images he would show were not final and he welcomed feedback.

Commissioner Larsen asked Mr. Scott to read the labels indicating the square footage of the spaces on the rendering.

Commissioner Wallace asked and Mr. Scott indicated the location of the main entrance, and explained that vehicular access would be on the other side.

Commissioner Briggs asked whether the hotel was three floors.

Mr. Scott answered that it appeared to be three but was acutally four. He further clarified that there are no sleeping rooms on the first floor. There would be about 130 rooms.

Council Member Wiltout asked whether a variance for height would be required.

Mr. Scott answered no, it was within the maximum height allowance (50 ft).

Commissioner Schell asked whether the larger restaurant spaces were for single restaurant users, whether they were spoken for, and whether there was undergound parking.

Mr. Scott responded yes to the question regarding single restaurant users but they could not identify potential users, and no to the question regarding underground parking.

Commissioner Briggs asked whether there is adequate parking.

Mr. Scott responded that the plan is ahead 15 spaces on the parking requirement. There are 356 spaces to the west, give or take 5.

Commissioner Briggs asked whether the spaces dedicated to users other than residents and whether there was specific parking for the hotel.

Mr. Scott answered no, not at this time.

Commissioner Briggs continued that it does not seem like enough parking.

Council Member Wiltrout confirmed that there was dedicated parking for residents.

Mr. Scott responded that there was it was just not pictured on this rendering.

Mr. Leyda responded that they used the same firm as the original parking analysis and it seems to work. The aisles have been modified to proceed north/south rather than east/west. This creates a clean alley and additional parking.

Chair Kirby noted that hotel user parking may be mostly at night, and retail user parking would be during the day

Commissioner Larsen asked whether the applicants knew how much additional parking will be required. He added that a new final development plan will have to be reviewed if a change to the approved parking is made.

Council Member Wiltrout remarked that because New Albany does not use Uber and Lyft the same as other areas, she asked what models the parking analysis was predicated upon. She noted that the load factor for New Albany might be higher.

Mr. Leyda responded Wells and Associates has experience with this product type. The are in D.C., but they have a number of models and different methodologies that inform their parking analyses, he concluded that this is not an exact science.

Commissioner Schell asked Mr. Leyda whether he had any luck with Taco Bell.

Mr. Leyda responded not yet but they were undeterred because they still feel like the hamlet needs it more than Taco Bell needs it.

Commissioner Larsen noted that the width of the pedestrial pass-through looks a bit tight. He further asked who will stay in the hotel.

Mr. Scott answered that the price point would be about $259.00 per night.

Mr. Leyda added that it would be used by business people during the week and families on the weekends.

Chair Kirby asked whether there were further questions. Hearing none, he thanked the applicants and introduced the next item of other business.

Mr. Underhill thanked the commission and stated that a formal application is forthcoming.

City Code Amendment: C.O. 1169.16(d) Commercial Wall Signs
Planner Saumenig delivered the staff report.

Chair Kirby pointed out that for the second box, square feet per linear square feet, those terms did no go together.

Planning Manager Mayer agreed and observed that it is a typo in existing code.

Commissioner Wallace remarked that that figure was essentially picking up the 1%.

Planning Manager Mayer responded that it could differ a lot, this figure is based on the length of the building and after workshopping the 1% staff determined that the 1 square foot was a better measure.

Commissioner Larsen asked whether this included commercial and fast food drive through signs.

Planner Saumenig answered no, those are handled under a different code section.

Planning Manager Mayer added that this provision includes almost everything else - warehouses and datacenters. Those structures were not contemplated in 2008 when this code provision was enacted.

Commissioner Wallace asked whether, if the rule is one sign per entrance, there is a possibility that there will be multiple entrances which could create a visual problem.

Planning Manager Mayer responded that he did not think that multiple entrances will be a problem, however staff is beginning to see multi-tenant signs on the same side of the building.

Commissioner Larsen asked what is the smallest building that this could apply to.

Planning Manager Mayer responded that it is probably the Zarley office park.

Commissioner Wallace observed that under the new code provision there would be still be three variance requests and asked whether 200 was this the right number.

Planner Saumenig responded that staff recognized that variance requests will still be made, however staff felt like 200 is a good middle ground where the threshold should be.

Commissioner Larsen asked about the doctor's office, and whether the limit should be a % of the sign.

Planning Manager Mayer clarified that this would not apply to any business in the Village Center.

Commissioner Larsen asked about a tier system based on the size of the building.

Planner Saumenig we began with that but the bza had reservations about that method.

Planning Manager Mayer added that staff struggled with defending the figure, it seemed arbitrary.

Commissioner Schell confirmed that are catch-all code provisions that prevent terrible signs.

Planner Saumenig confirmed that there are.

Commissioner Larsen asked about the allowance of neon, he noted that if it is done well it looks cool.

Planning Manager Mayer agreed and stated that there are various areas that allow for neon lighting, no user has taken advanate of the opportunity as of yet. He speculated that the business code has some maximum lumens language.

Chair Kirby moved to recommend the proposed amendment to C.O. 1169.16(d), the commercial wall sign ordinance, to council noting the correction to remove the word "linear." Commissioner Wallace seconded the motion.

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

Upon roll call: Mr. Kirby yes, Mr. Wallace yes, Mr. Larsen yes, Mr. Schell yes, Ms. Briggs yes. Having five yes votes, the motion passed and the amendment, as amended, was recommended to council.

City Code Amendment: C.O. 1115 Conditional Uses
Planner Blackburn delivered the staff report.

Chair Kirby asked whether the city has had a case where the conditional use has expired.

Planning Manager Mayer explained that staff has pre-emptively acted to prevent expiration.

Chair Kirby continued that a conditional use is really close to zoning, which runs with the land. The commission has imposed conditions specifying that the conditional use disappears when the user changes. He wondered whether this amendment to the code was needed.

Planning Manager Mayer responded that was a great question. Staff had researched and had not found outstanding conditional uses, but felt like this code amendment was a best practice.

Commissioner Wallace noted that the version received tonight was slightly alterered from the version circulated with the meeting packet. He advised that the new language should still use "after" two years, rather than "within" two years. [The Planning Commission's approval of the ~~zoning permit~~ conditional use issued in accordance with Section 1115.06 shall become null and void after one (1) year if an occupancy permit has not been issued or after two (2) years if renovations or construction has not begun ~~such use is not carried out within one year after the date of approval~~.]

Commissioner Wallace also asserted that, in the second paragraph, he was unsure what constitutes written evidence. He asked whether it should say evidence because the term written is limiting. Evidence typically is not written. Further he asked how the revocation would be accomplished. Is there a board or commission that considers the revocation?

Chair Kirby asked what was meant by "being given written evidence," perhaps "upon receipt of evidence would be more useful.

Planning Manager Mayer explained the complaint process and further explained that fortunately there has not been a situation like this.

Commissioner Wallace noted that the language presumptively calls for revocation upon presentation of evidence.

Council Member Wiltrout added that there is no provision for due process.

Commissioner Wallace asked staff whether they wanted to have legal counsel review the language to ensure due process and simultaneously provide a process for expiration or revocation.

Planning Manager Mayer responded yes, this was a great point. Staff will review the language and resubmit it for consideration.

VIII. Poll members for comment

Chair Kirby polled the members for comment.

The commission members wished all present happy holidays.

IX. Adjournment

Having no further business, Chair Kirby adjourned the December 16, 2024 meeting of the New Albany Planning Commission at 8:30 p.m.

Submitted by Deputy Clerk Madriguera, Esq.

Appendix

VAR-61-2024

- **Staff Report**
- **Record of Action**

FPL-90-2024

- **Staff Report**
- **Record of Action**

NEW ALBANY
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Planning Commission Staff Report
December 16, 2024 Meeting

6309 CALLAWAY SQUARE WEST
COVERED PORCH ENCROACHMENT VARIANCE

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

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

Staff report prepared by Kylie Blackburn, Planner.

I. REQUEST AND BACKGROUND

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

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

II. SITE DESCRIPTION & USE

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

III. ASSESSMENT

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

Criteria

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

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

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

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

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

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

IV. EVALUATION

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

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

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

patios from the furthest projects rear elevation of the home. The homeowner proposes to encroach the 29-foot setback by 2.03 feet.

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

IV. SUMMARY

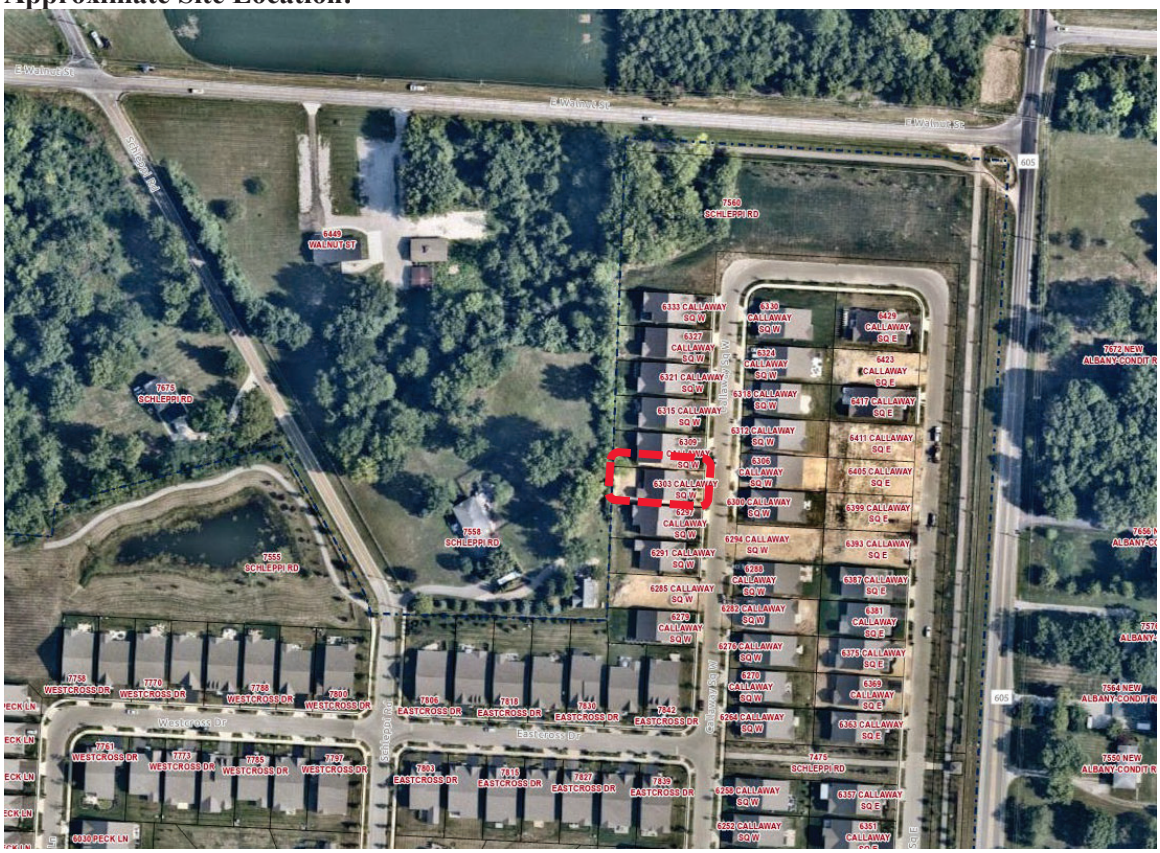
The lot has a larger rear yard setback than a typical home within the subdivision since it is located on the boundary of the subdivision and is adjacent to a township residence. The existing house (outside of the subdivision) behind the subject property is over 220 feet away and there is an existing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

V. ACTION

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

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

Approximate Site Location:



Source: NearMap

LANDMARK SURVEY GROUP, INCORPORATED

690 LAKEVIEW PLAZA BLVD, SUITE A, WORTHINGTON OH.43085
PHONE: (614) 485-9000 WWW.LANDMARKSURVEY.COM

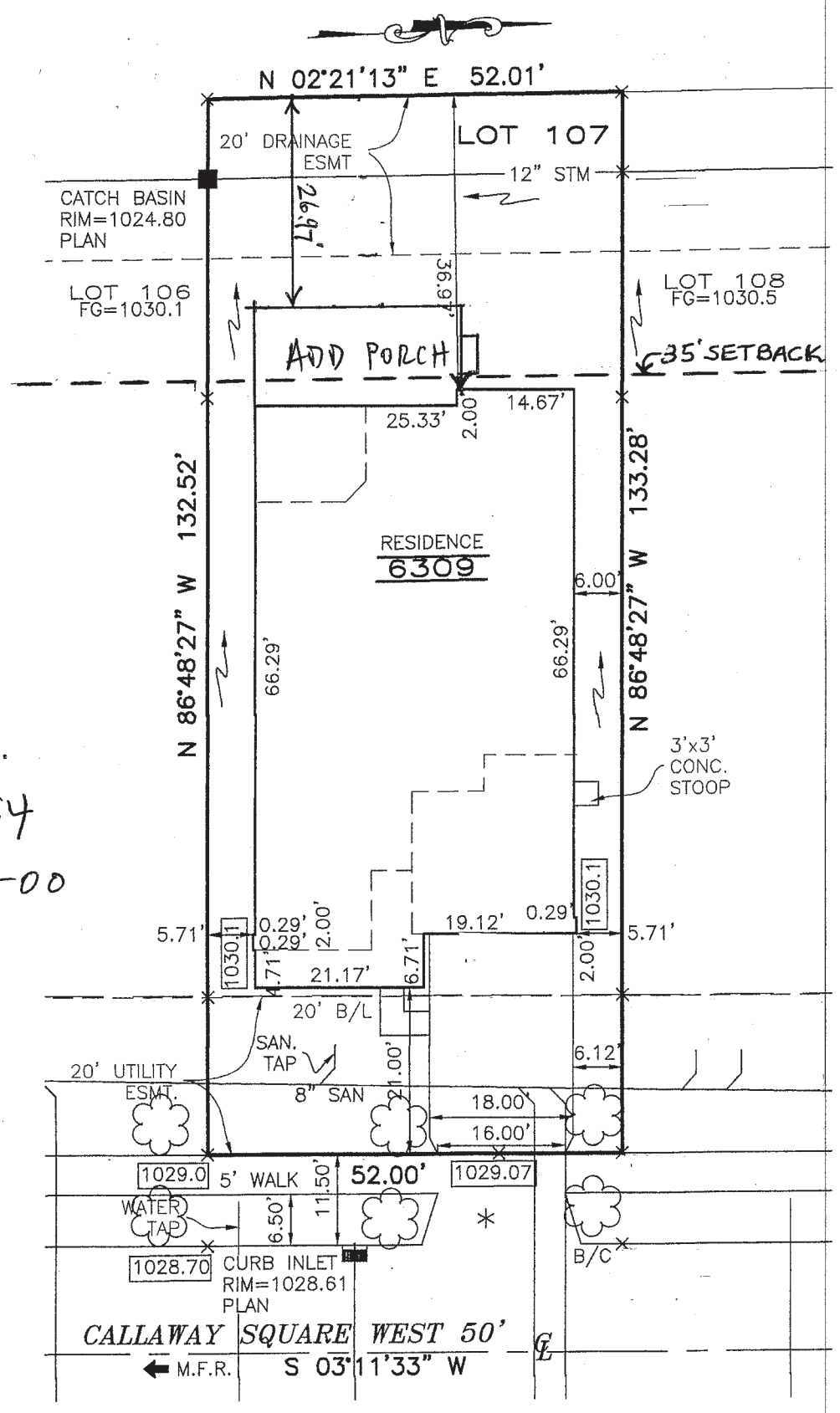
REVISIONS	DESCRIPTION
11/09/22	HOUSE REVISED (PY)

ORDER NO. NTR3-107-PP DATE: 10/25/22

FOR PULTE HOMES HOUSE STYLE ASCEND HR3W COUNTY OF FRANKLIN
LOT/SUBDIVISION LOT 107 / NOTTINGHAM TRACE PHASE 3 CITY/TWP OF NEW ALBANY
ADDRESS 6309 CALLAWAY SQUARE WEST SCALE 1"= 20' DRAWN BY: PY
MINIMUMS: DEFAULT R: 20' S: 5' BK: 132 PG: 138

DocuSigned by: Nancy Willis 11/10/2022
A08B0D389B9246F...

NANCY WILLIS
6309 CALLAWAY SQ W.
NEW ALBANY, OH 43054
PARCEL # 222-005228-00



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

* STABILIZE CONSTRUCTION ENTRANCE.

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

LOT CALCULATIONS	
LOCATION	AREA
LOT	6888 S.F.
STRUCTURE	2811 S.F.
DRIVE	497 S.F.
APPROACH	197 S.F.
SER WALK	25 S.F.
WALK	180 S.F.
SOD	3636 S.F.
SOD S.Y.	404 S.Y.
DRIVE S.Y.	55 S.Y.
LOT AC	0.158 Ac.
LOT COV	40.81%
SAN LAT	6

PULTE SLAB (TRENCH & CAP)
FINISH FLOOR = 1030.77
FINISH GRADE= 1030.10
GARAGE PAD= 1030.10
TOP OF FOOTER 1029.77
BOTTOM OF FOOTER= 1027.10
DRIVE SLOPE DISTANCE= 21

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

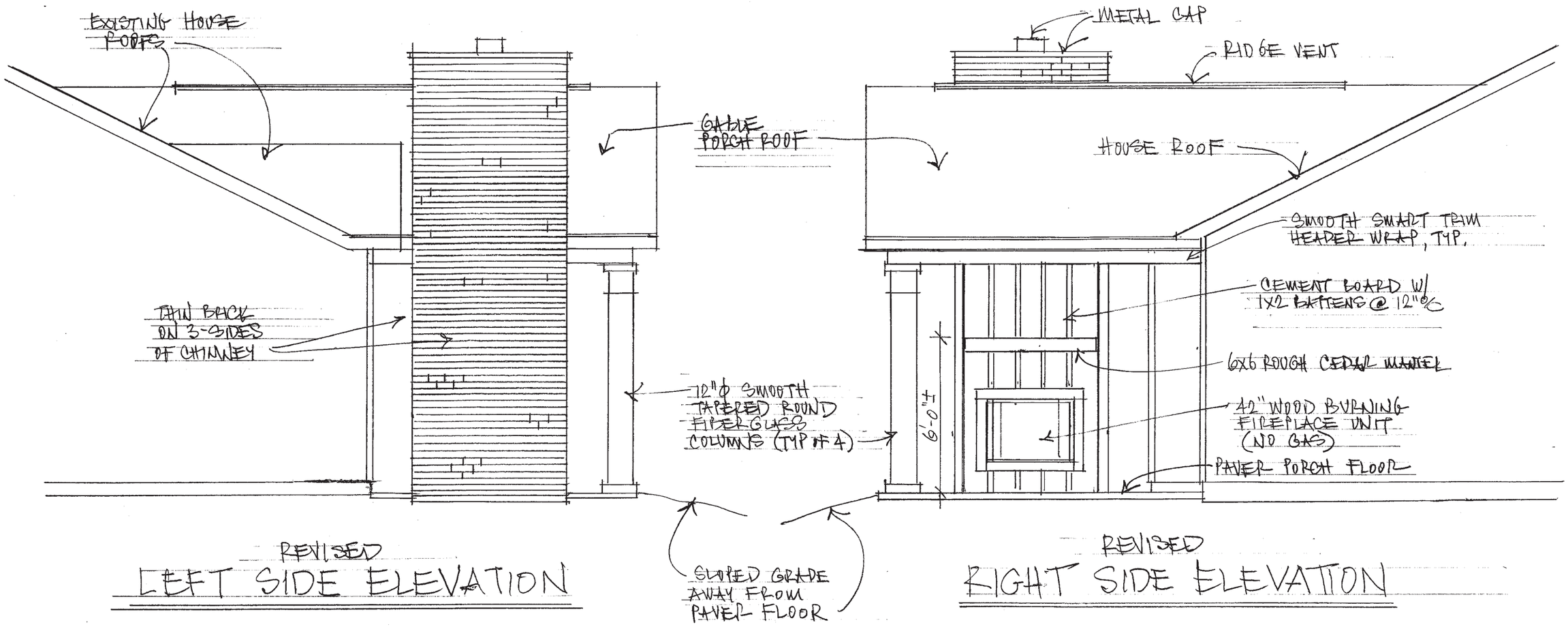
WE HEREBY CERTIFY THAT THE FOREGOING PLOT PLAN WAS PREPARED FROM INFORMATION PROVIDED BY THE CLIENT AND DATA OBTAINED FROM ENGINEERED SUBDIVISION PLANS. THIS PLOT PLAN IS TO BE USED BY THE CLIENT FOR THE SOLE PURPOSE OF OBTAINING A BUILDING PERMIT. THE USE OF THE PLOT PLAN FOR ANY OTHER USE IS STRICTLY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

STATE OF OHIO
SCOTT D. GRUNDEI
S-8047
REGISTERED
PROFESSIONAL SURVEYOR

Scott D. Grundei 10/25/22
SCOTT D. GRUNDEI, P.S. DATE
REGISTERED SURVEYOR NO. 8047

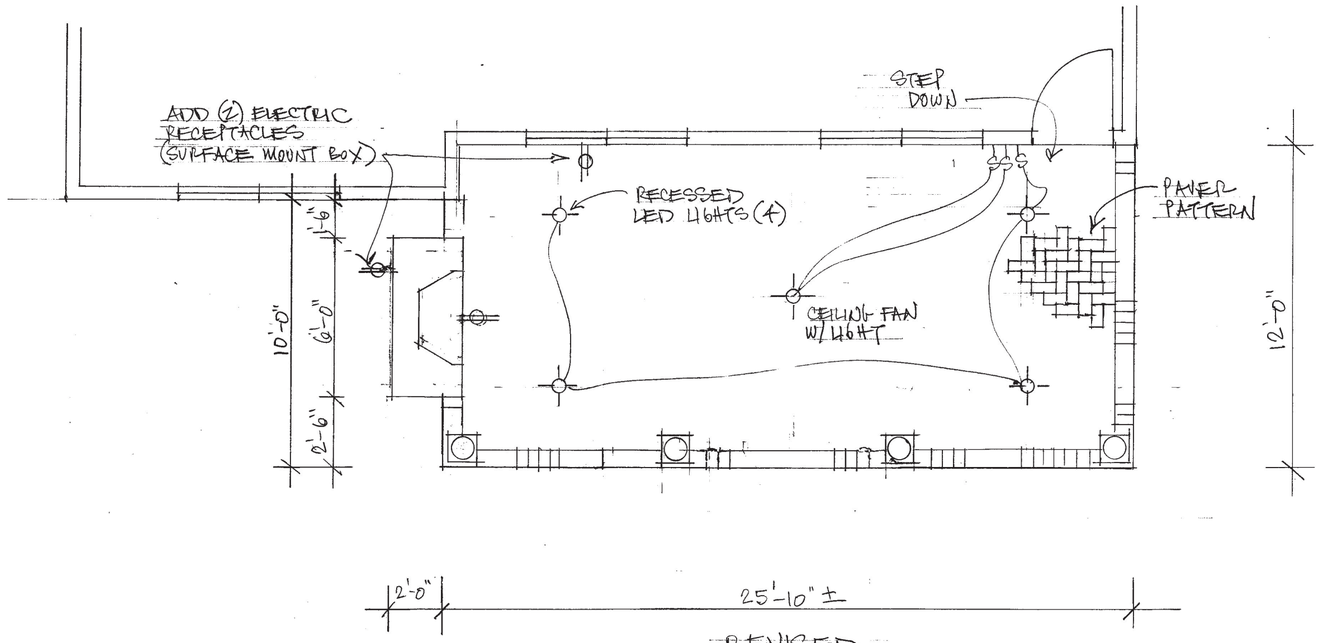
THIS PROPERTY IS LOCATED IN FLOOD ZONE X.
MAP NO. 39049C 0202K
EFF. DATE: 6/17/08

SUNCRAFT
WILLIS JOB 24121
APPROVED BY:
X



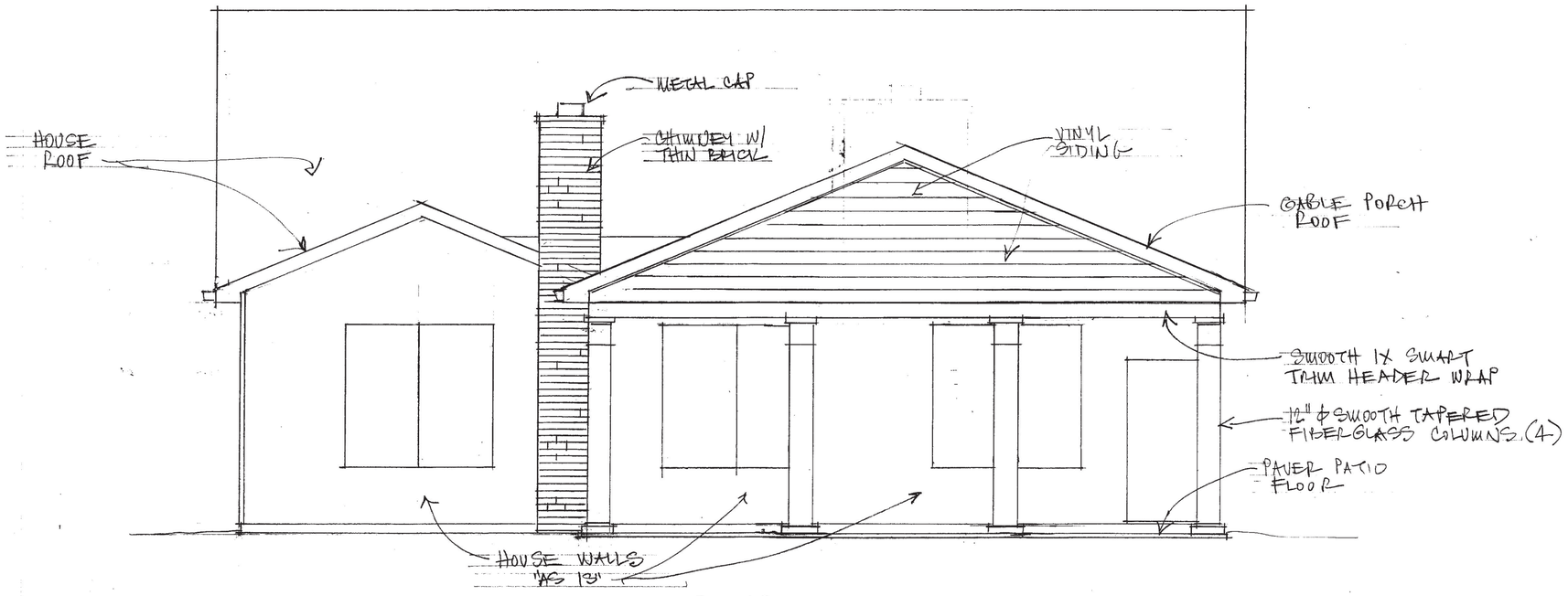
REVISED
LEFT SIDE ELEVATION

REVISED
RIGHT SIDE ELEVATION



REVISED
PORCH PLAN

INTERIOR & EXTERIOR OF PORCH TO BE PAINTED WHITE
SW ARTIC WHITE - SATIN
#JH.10-20



REVISED
REAR ELEVATION

COPYRIGHT
Suncraft Corporation, Inc., retains the common law copyright to the material appearing herein. This drawing is the property of Suncraft Corp., Inc. and is not to be used for purposes other than construction by Suncraft Corp., Inc. All drawings and written material appearing herein constitute the original and unpublished work of Suncraft Corp., Inc. and the same may not be copied, used or disclosed without the written consent of Suncraft Corp., Inc.

DESIGNER	BJ
SCALE	1/4" = 1'0"
DATE	30 OCT 24
CHECKED	
REVISED	

APPROVED_____ DATE_____
APPROVED_____ DATE_____

SUNCRAFT®
DESIGNED RIGHT. BUILT RIGHT.
Suncraft Corporation, Inc.
122 West Johnstown Road
Columbus, OH 43230
Phone: (614) 475-0000
Fax: (614) 475-0986

NANCY WILLIS
6309 CALLOWAY SQ. W. NEW ALBANY

☐ PRELIMINARY
☐ PERMIT
■ CONSTRUCTION

CONTRACT - PLAN #	SHEET #
24121	1

Planning Commission Staff Report
December 16, 2024 Meeting

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

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

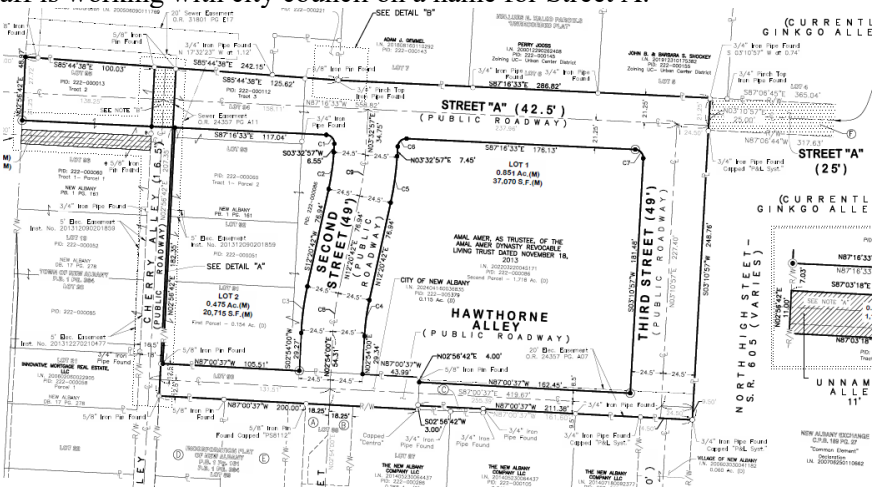
Review based on: Application materials received October 25, 2024

Staff report completed by Sierra Saumenig, Planner

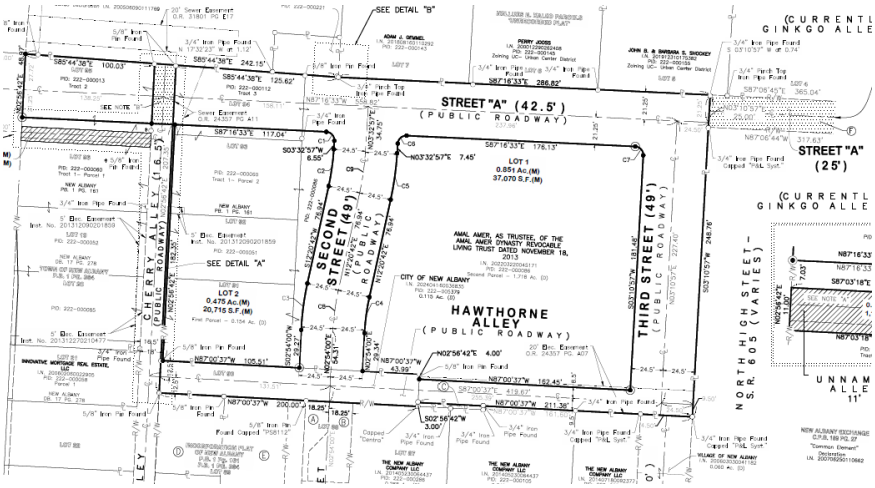
I. REQUEST AND BACKGROUND

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

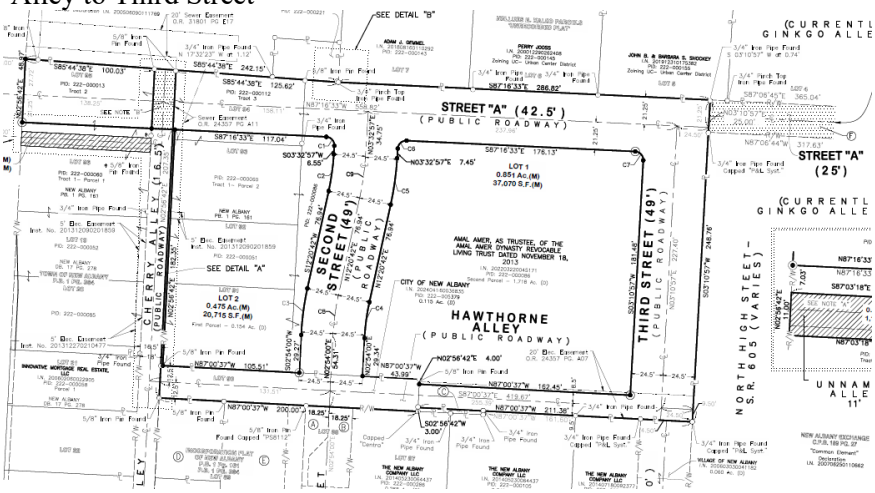
1. Extends right-of-way for Second Street, Third Street, and Street A (as shown below). City staff is working with city council on a name for Street A.



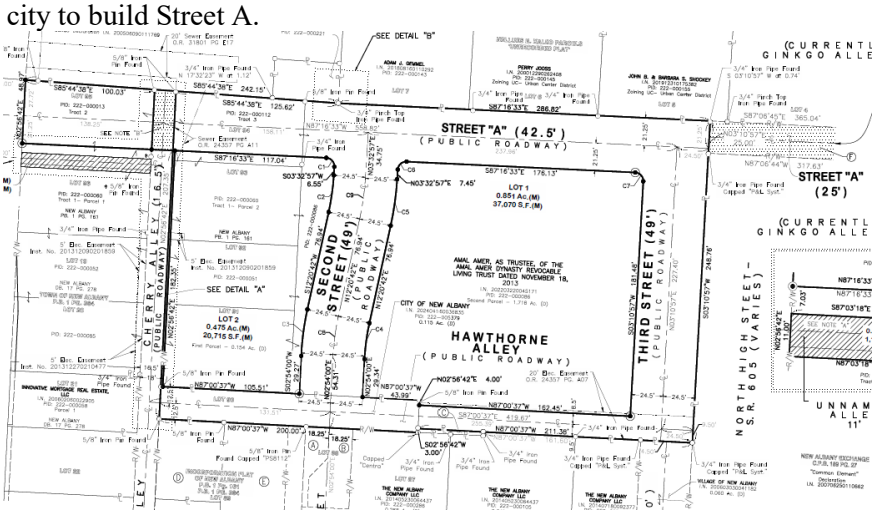
2. Formally names and dedicates the highlighted section (below) as public-of-way and part of Street A.



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



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



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

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

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

II. SITE DESCRIPTION & USE

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

III. PLAN REVIEW

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

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

IV. ENGINEER'S COMMENTS

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

V. SUMMARY

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

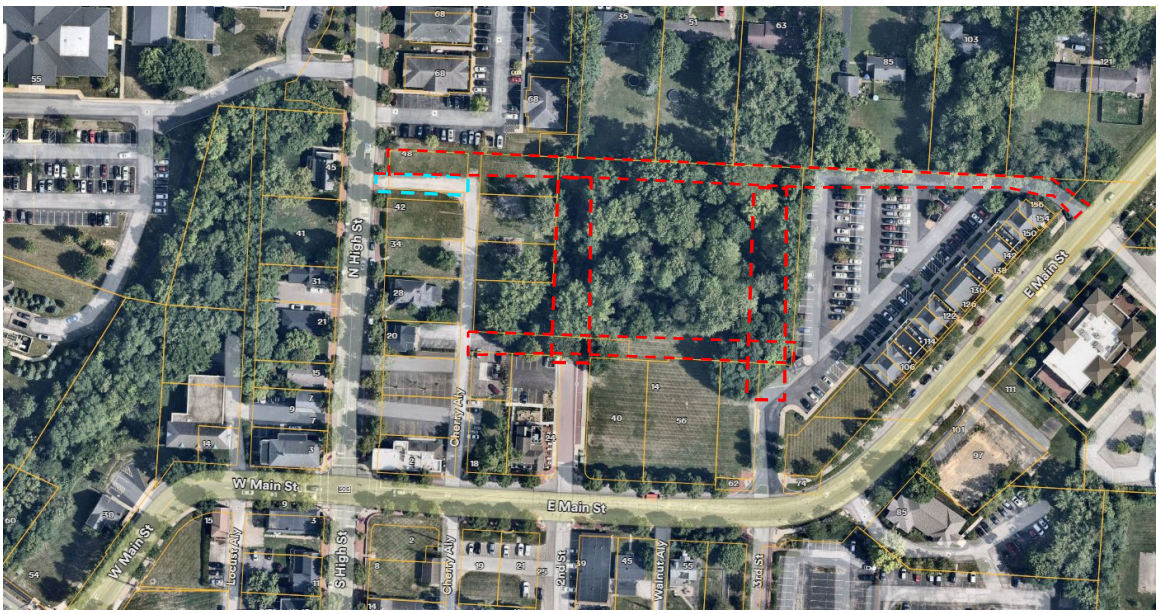
development agreement, results in a cohesive expansion of the historic Village Center streets in the strategic plan's recommended grid pattern.

VI. ACTION

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

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

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



Source: Nearmap

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December 16, 2024 Meeting

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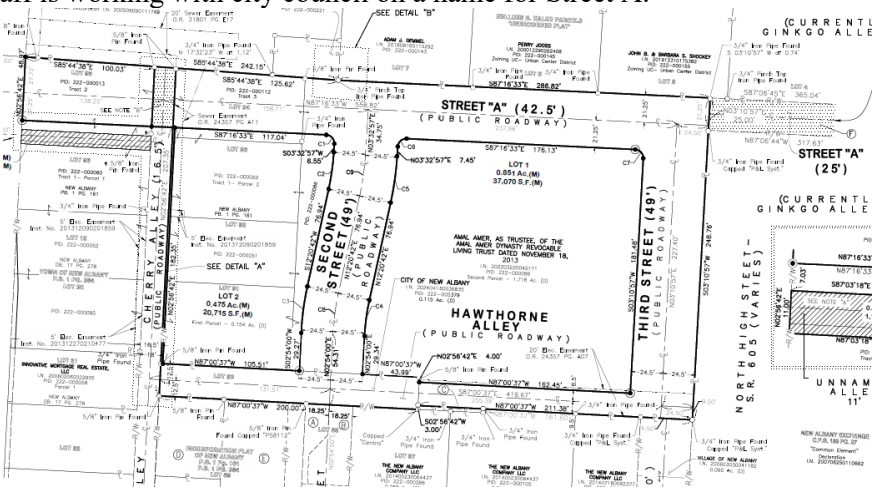

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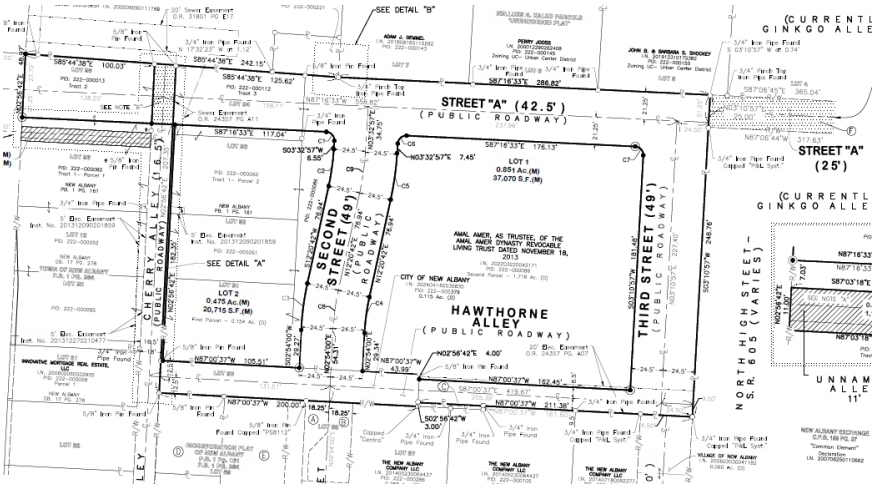

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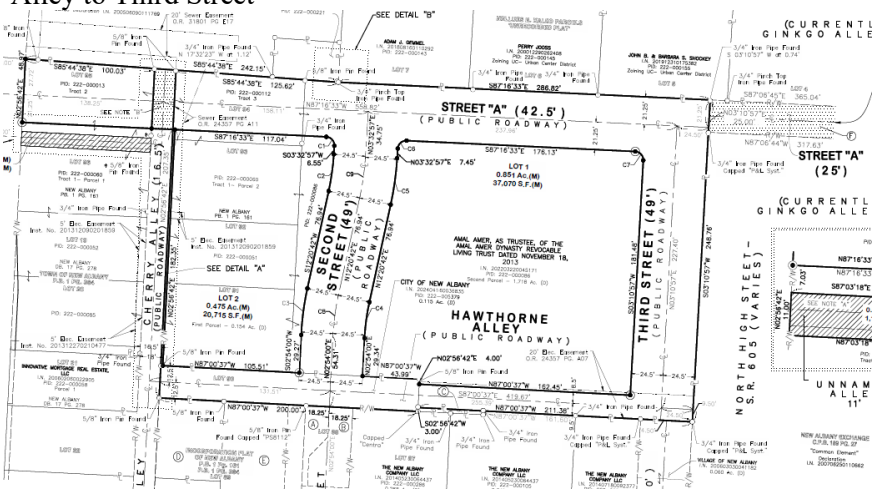

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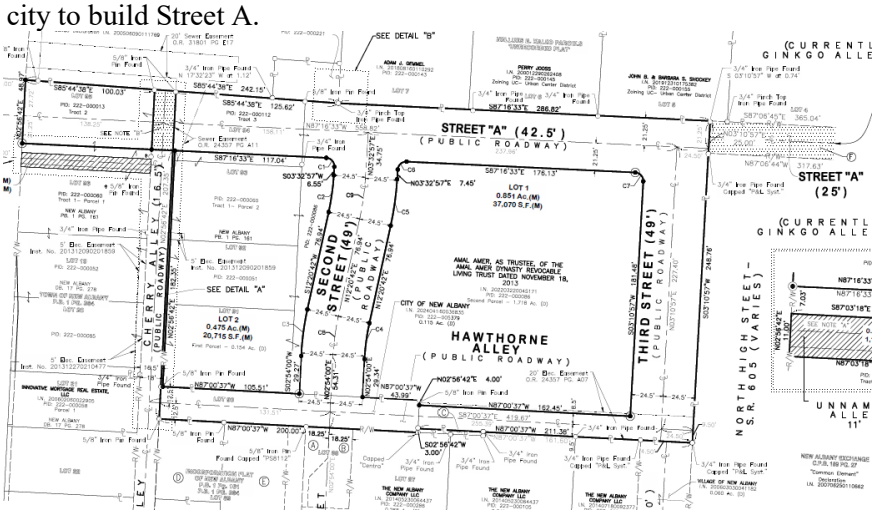

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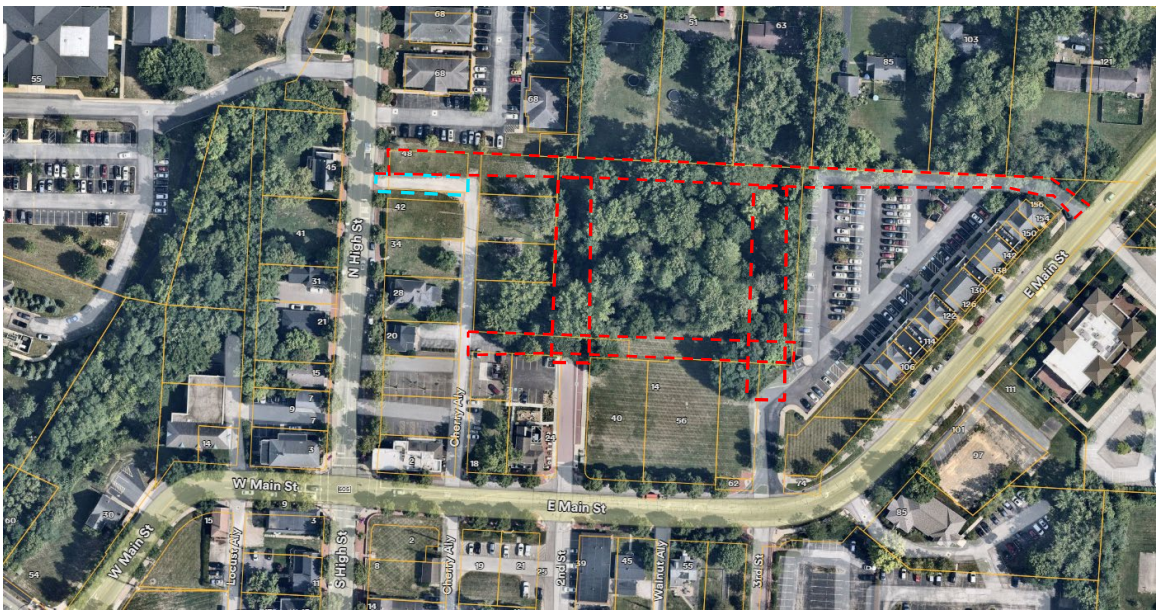


Source: Nearmap

NEW ALBANY

Community Development Planning Application

Submission

Submit planning applications and all required materials via email to planning@newalbanyohio.org

Paper copies are not required at this time however, 12 paper copies of the entire submission will be required ahead of a board hearing date. The planner assigned to your case will inform you when the paper copies need to be delivered to our offices. Fee invoices will be issued to you once the application is entered.

Project Information

Site Address Cherry Av

Parcel Numbers 222-000086

Acres 1.91 # of lots created N/A

Choose Application Type		Description of Request:
☐ Appeal	☐ Extension Request	R/W dedications,
☐ Certificate of Appropriateness	☐ Variance	extensions, and
☐ Conditional Use	☐ Vacation	vacation -
☐ Development Plan		second street, third
☑ Plat		street, Hawman Alley
☐ Lot Changes		and street A
☐ Minor Commercial Subdivision		
☐ Zoning Amendment (Rezoning)		
☐ Zoning Text Modification		

Contacts

Applicant Information		Property Owner Information	
Name	City of New Albany	Name	Amer Amal TR
Address	99 W. Main St.	Address	4647 Wilkin Ct
City, State, Zip	New Albany, OH 43054	City, State, Zip	New Albany, OH 43054
Phone Number	614-939-2250	Phone Number	—
Email	—	Email	—

Signature

Site visits to the property by City of New Albany representatives are essential to process this application. The Owner/Applicant, as signed below, hereby authorizes Village of New Albany representatives, employees and appointed and elected officials to visit, photograph and post a notice on the property described in this application. I certify that the information here within and attached to this application is true, correct and complete.

Signature of Owner [signature] Date: 10/9/24

Signature of Applicant Date:

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

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

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

Quarter Township 4, Township 2, Range 16, United States Military Lands

City of New Albany, Franklin County, Ohio

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

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

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

In Witness Whereof, **JOSEPH STEFANOV, CITY MANAGER OF THE CITY OF NEW ALBANY, OHIO**

has hereunto set his hand this _____ day of _____ , 20__.

Signed and acknowledged in the presence of:

CITY OF NEW ALBANY, OHIO

_____

_____ *By:* _____

JOSEPH STEFANOV, CITY MANAGER

STATE OF OHIO
COUNTY OF FRANKLIN ss:

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

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

My commission expires _____ _____
Notary Public, State of Ohio

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

Signed and acknowledged in the presence of:

THE AMAL AMER DYNASTY REVOCABLE LIVING TRUST, DATED NOVEMBER 18, 2013

_____

_____ *By:* _____

AMAL AMER, AS TRUSTEE

STATE OF OHIO
COUNTY OF FRANKLIN ss:

Before me, a Notary Public, in and for said State, personally appeared **AMAL AMER, AS TRUSTEE, OF THE AMAL AMER DYNASTY REVOCABLE LIVING TRUST, DATED NOVEMBER 18, 2013** *who acknowledged the signing of the foregoing instrument to be his free and voluntary act and deed and the free and voluntary act and deed of said* **THE AMAL AMER DYNASTY REVOCABLE LIVING TRUST DATED NOVEMBER 18, 2013** ***the uses and purposes expressed therein.***

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

My commission expires _____ _____
Notary Public, State of Ohio

Approved this _____ day of _____, 20__ _____
Mayor, New Albany, Ohio

Approved this _____ day of _____, 20__ _____
City Engineer, New Albany, Ohio

Approved this _____ day of _____, 20__ _____
Council Representative to Planning Commission New Albany, Ohio

Approved this _____ day of _____, 20__ _____
Chairperson, Planning Commission, New Albany, Ohio

Approved this _____ day of _____, 20__ _____
Finance Director, New Albany, Ohio

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

Transferred this _____ day of _____, 20__ _____
Auditor, Franklin County, Ohio

_____
Deputy Auditor, Franklin County, Ohio

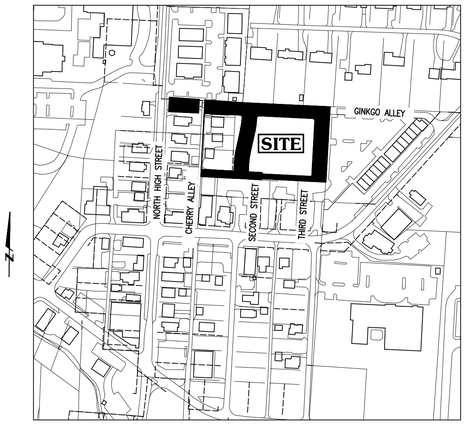
Filed for record this _____ day of _____, 20__ at _____ . _____
Recorder, Franklin County, Ohio

Fee $_____

File No. _____

Recorded this _____ day of _____, 20__ _____
Deputy Recorder, Franklin County, Ohio

Plat Book _____, Pages_____



LOCATION MAP
NTS

SURVEY DATA:

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

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

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

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

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

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

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

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

PREPARED BY

E. P. FERRIS AND ASSOCIATES, INC.

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

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

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

STATE OF OHIO
MATTHEW LEE SLOAT
S-8342
REGISTERED
PROFESSIONAL SURVEYOR

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

Quarter Township 4, Township 2, Range 16, United States Military Lands

City of New Albany, Franklin County, Ohio

ACREAGE BREAKDOWN

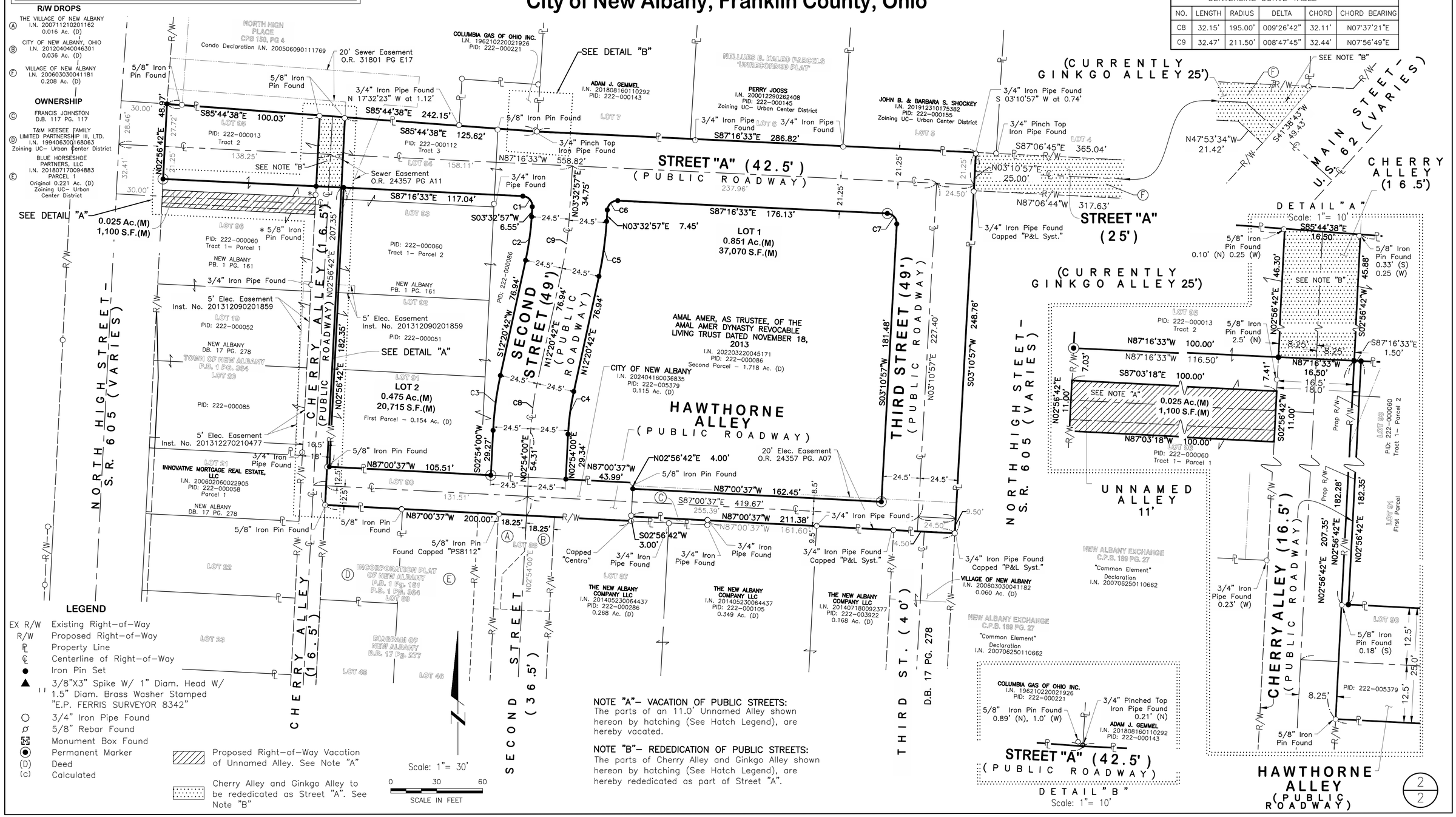
PARCEL ID	R/W ACREAGE	LOT 2	LOT 1	
222-000060	0.002 AC.	0.138 AC.		
222-000051	0.002 AC.	0.113 AC.		
222-000086	0.586 AC.	0.207 AC.	0.851 AC.	
222-000112	0.1023 AC.	0.017 AC.		
222-000013	0.109 AC.			
222-005379	0.115 AC.			
CHERRY ALLEY	0.017 AC.			
TOTAL	0.933 AC.	0.475 AC.	0.851 AC.	= 2.259 AC.

CURVE TABLE

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

CENTERLINE CURVE TABLE

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



Planning Commission Staff Report
January 22, 2025 Meeting

BEECH INTERCHANGE SOUTHEAST ZONING DISTRICT ZONING AMENDMENT

LOCATION:	28.10 +/- acres located at 13785 Lucille Lynd Rd, 13837 Lucille Lynd Rd, 13853 Lucille Lynd Rd, 14062 Worthington Rd, and 0 Worthington Rd in Licking County (PIDs: 094-108342-00.000, 094-106998-00.000, portion of 094-106740-00.005, 094-107880-00.000-, 094-108720-01.000, 094-108720-00.000).
APPLICANT:	MBJ Holdings LLC c/o Aaron L Underhill, Esq
REQUEST:	Zoning Change
ZONING:	Office Campus District (OCD) to Infill Planned Development (I-PUD)
STRATEGIC PLAN:	Mixed-Use
APPLICATION:	ZC-100-2024

Review based on: Application materials received on December 20, 2024

Staff report completed by Kylie Blackburn, Planner

I. REQUEST AND BACKGROUND

The applicant requests a review for the rezoning of 28.10 +/- acres. The request proposes to create a new zoning district to be known as the "Beech Interchange Southeast Zoning District" by zoning the area to Infill Planned Unit Development (I-PUD) from Office Campus District (OCD).

The proposed zoning text contains the same list of permitted, conditional, and prohibited uses as other similar zoning districts, such as Beech Interchange Southwest Zoning District and Mink Interchange Zoning District, which is located directly to the west from this site. This zoning district would be flexible to facilitate the development of services, retail, restaurants, and related uses throughout the Zoning District and opportunities for employment-generating uses to be developed within roughly the eastern two-thirds of the site.

II. SITE DESCRIPTION & USE

The overall site consists of six parcels located within Licking County. The zoning district is generally located to the southeast of and adjacent to State Route 161/Beech Road interchange. The neighboring uses and zoning districts include L-GE and I-PUD. The site is undeveloped with two lots having single family homes on them.

III. PLAN REVIEW

Planning Commission's review authority of the zoning amendment application is found under C.O. Chapters 1107.02 and 1159.10. Upon review of the proposed amendment to the zoning map, the Commission is to make recommendation to the city council. The staff review is based on city plans and studies, proposed zoning text, and the codified ordinances. Primary concerns and issues have been indicated below, with needed action or recommended action in <u>underlined text</u>.

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

(a) Adjacent land use.

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

A. Engage New Albany Strategic Plan

The 2020 Engage New Albany strategic plan designates the area as the Retail future land use category. The strategic plan lists the following development standards for the Retail District land use category:

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

B. Use, Site and Layout

1. The proposed text permits uses set forth in the C-3, Highway Business District for subarea A and B. Permitted uses include a mix of retail stores and personal service uses. In addition, gasoline and diesel fueling stations with or without convenience stores (and other accessory uses), vehicle charging stations, and restaurants and banks with drive-throughs shall be permitted uses.
2. In addition, the following uses shall be prohibited:
    a. Self-service laundries
    b. Funeral services
    c. Automobile sales
    d. Motor vehicle sales and service (combined) establishments
    e. Commercial recreational facilities
    f. Carry out food and beverage establishments with drive-thru facilities. To clarify, this prohibited use is intended to include uses such as drive-thru and carry-out beer and wine sales and is not intended to apply to restaurants with drive-thrus.
3. In this zoning district, the term “gasoline service station” shall include, but not be limited to, service stations selling gasoline, diesel, and/or any other fuel for trucks and/or passenger vehicles, and/or offering charging stations for electric vehicles.” Special provisions outlined in the zoning text for gasoline and diesel service stations include:
    a. Sections 1165.08(a) through (d) of the Codified Ordinances shall not apply.
    b. Such uses shall be permitted to serve the commercial trucking industry in addition to regular (non-truck) motorists, but the overnight parking of trucks shall be prohibited.
    c. Showers and bathing facilities serving truck drivers or others shall be prohibited.
    d. No lodging shall be permitted as part of the use.
4. The proposed text permits uses set forth in the (GE) General Employment District for Subarea B only. The text contains the same list of permitted, conditional, and prohibited uses as other similar zoning districts that are also zoned L-GE. The text allows office, data center, manufacturing & production, warehouse & distribution, and research & production uses.
5. In addition, the following uses shall be prohibited:
    a. Industrial product sales (See Section 1153.03 (a)(1))

b. Industrial services (See Section 113.03(a)(2))
c. Mini-warehouses (See Section 1153.03(a)(4)(c))
d. Tool rental and household moving centers, sales of cars, motorcycles, boats and recreational vehicles, repair of TV's, appliances, precision instruments, and business machines, locksmiths, upholsters and furniture refinishing (See Section 1153.03(b)(3)).
e. Vehicle services (See Section 1153.03(b)(4) except as associated with "travel centers," as such term is defined in Section II.A.S.d of this text
f. Radio/television broadcast facilities (See Section 1153.03(c)(1))
g. Sexually-oriented businesses (See Section 1153.03(c)(3))

6. The proposed L-GE text requires the following setbacks which are the same as the southwest zoning district:
    a. State Route 161: There shall be a minimum pavement setback of 25 feet and a minimum building setback of 50 feet from the right-of-way of State Route 161.
    b. Beech Road: There shall be a minimum pavement setback and a minimum building setback of 50 feet from the Beech Road right-of-way.
    c. Worthington Road: There shall be a minimum pavement setback of 25 feet and a minimum building setback of 50 feet from the right-of-way of Worthington Road.
    d. Eastern Perimeter Boundary: There shall be a minimum pavement and building setback of 25 feet from the eastern perimeter boundary of this Zoning District.
    e. Internal Parcel Lines: There shall be zero setback requirement for pavement and a minimum building setback of 10 feet from internal parcel lines within this Zoning District.
    f. Canopies: Canopies over fuel pumps as part of gasoline service station use may encroach into minimum building setbacks, subject to approval by City staff.
    g. Public Street Frontage: An individual parcel shall not be required to have public street frontage, or may have frontage on a public street right-of-way to which vehicular access is prohibited, if that parcel has the right to vehicular access to and from Worthington Road by and through one or more recorded instruments providing perpetual easements in favor of the parcel for these purposes.

C. Access, Loading, Parking

1. Vehicular access to and from this Zoning District shall be permitted only along Worthington Road. No vehicular access shall be permitted along Beech Road.
2. Two vehicular access points shall be permitted along Worthington Road with full turn movements, provided that such access points are at least 500 feet apart. Subject to the provisions in the text, the full turn movement access points may serve multiple parcels within the Zoning District. Other vehicular access points shall be permitted along Worthington Road, but only if they are restricted to right-in and right-out turning movements and otherwise meet City spacing and safety standards. Final locations of the proposed access points will be reviewed for approval as part of the first final development plan that is filed for this Zoning District, except that in the case of proposed development of GE, General Employment uses, such locations and specifications shall be reviewed for approval by the City Engineer.
3. One full movement access point shall be permitted, but not required, on Lucille Lynd Road.
4. Internally within the Zoning District, private roadways and/or drives shall be utilized to provide vehicular circulation, which locations and specifications for the same to be reviewed and approved as part of one or more final development plans, except that in the case of proposed development of GE, General Employment uses, such locations and specifications shall be reviewed for approval by the City Engineer. If more than one use/user or property owner is expected to be located or to own property within this Zoning District, then one or more declarations of reciprocal easements or reciprocal easement agreements shall be recorded against the real property within this Zoning

District prior to the issuance of the first building permit in the Zoning District to provide for perpetual vehicular and pedestrian cross access easements, cross utility easements, and other easements which are necessary or desirable for efficient development.

5. In conjunction with the filing of the first final development plan for this Zoning District, or if no final development plan application is required then before filing the first application for a zoning permit in this Zoning District, a traffic study shall be filed by the applicant unless the City Engineer requires less than a full study as determined prior to the filing of the relevant application. The study or analysis which is approved along with the application shall apply to other developments within the Zoning District unless otherwise modified as part of a subsequent approved study or analysis as part of another application. A memorandum of understanding detailing the scope of all required traffic studies/analyses shall be agreed upon by the City Engineer and the applicant prior to the filing of the relevant application.
6. Pedestrian Access:
    a. An 8-foot wide leisure trail shall be provided along the Zoning District's frontage on Worthington Road and shall connect on the west with an existing leisure trail on Beech Road.
    b. A 5-foot wide concrete sidewalk shall be provided on both sides of all roadways internal to the Zoning District.
    c. For any use and associated development occurring as permitted in the C-3, Highway Commercial District, an internal pedestrian circulation system of walkways shall be created so that a pedestrian using a sidewalk or leisure trail.
    d. Every development as contemplated under Pedestrian Access of the proposed zoning text shall be required to connect into the internal pedestrian circulation system by direct connection to a leisure trail or sidewalk.
    e. Walkways, no less than five (5) feet in width, shall be provided along the full length of the building along any façade featuring a customer entrance and along any façade abutting public parking areas. Such walkways may be omitted to accommodate drive-through lanes, where necessary or desirable to reduce or eliminate conflict between pedestrian and vehicular traffic.

D. Architectural Standards

1. The proposed architectural standards are consistent with existing I-PUD districts that permit retail and commercial, such as Beech Interchange Southwest Zoning District.
2. The proposed rezoning implements many of the same standards and limitations set forth in the New Albany Architectural Design Guidelines and Requirements and neighboring commercial zoning districts.
3. The city Design Guidelines and Requirements do not provide architectural standards for warehouse and distribution type facilities. Due to the inherent size and nature of these facilities, careful attention must be paid to their design to ensure they are appropriately integrated into the rest of the business park. The limitation text includes the same specific design requirements for uses not governed by the DGRs as those in the other subareas of the business park, which ensures the quality and consistent design of these buildings throughout this portion of the business park.
4. The zoning text section E.1. gives architectural standards for buildings containing as its primary use any use which is permitted or conditional under Section II.B.2 of the proposed text (i.e. General Employment District uses). Service and loading areas shall be screened in accordance with the Codified Ordinances unless otherwise provided in the proposed text.
5. There are no maximum building height requirements for GE uses. This is consistent with city code and other zoning districts in the surrounding area.
6. Section E.1.e. permits exterior building materials to be appropriate for contemporary suburban designs and shall avoid overly reflective surfaces. Traditional materials such as, but not limited to wood, stone, brick, and concrete shall be permitted, and contemporary

materials such as, but not limited to, aluminum, metal, glass, stucco, or cementitious fiberboard (e.g., hardiplank or equivalent) shall be permitted on buildings not employing traditional styles. Architectural precast concrete panels and/or poured-in-place concrete tilt-up panels shall be permitted. The use of reflective or mirrored glass shall be prohibited.

7. Section E.1.v of the zoning text requires complete screening of all roof-mounted equipment on all four sides of the building using materials that are consistent and harmonious with the building's façade and character. The text indicates that the screening is provided to screen equipment from off-site view but also to buffer sound generated by the equipment.
8. The zoning text section E.2. gives architectural standards for buildings containing as its primary use any use which is permitted under Section II.B.1 of this text (i.e., C-3, Highway Business District uses). Buildings shall be designed with a comparable level of detail on all sides. Buildings shall be a minimum of one (1) story and a maximum of two (2) stories, except that hotels and office buildings may exceed two stories and are permitted to be a maximum of 65 feet in height. Architectural elements such as parapets, cupolas, mechanical screening, or similar features may exceed these maximum building heights.
9. Section E.2.c permits exterior materials such as Hardi Plank or its equivalent, brick, stone, cultured stone, metal, EIFS and composite material (except vinyl). Exterior wall finish materials must be used to complete massing elements.
10. Section E.2.g of the zoning text requires 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, but is not required to be the same material as the building's façade. Such screening shall be provided in order to screen the equipment from off-site view and sound generated by such equipment. When the requirements of this subsection cannot be met due to State Route 161 being at a higher elevation than a building in this Zoning District, deviations with regard to the screening requirements from State Route 161 may be approved as part of a final development plan.
11. Section E.2.g.ii of the zoning text requires complete screening of all ground-mounted mechanical and other equipment at ground level by walls, fencing, or landscaping that is consistent and harmonious with the materials on and character of the nearest primary building. Such screening shall be provided in order to screen the equipment from off-site view and sound generated by such equipment.

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

1. Maximum lot coverage for this subarea is 80%, which is the same requirement as existing I-PUD districts that permit retail and commercial, such as Beech Crossing.
2. Standard tree preservation practices will be in place to preserve and protect trees that are to remain on site during all phases of construction, including the installation of snow fencing at the drip line.
3. State Route 161 Treatment: A four-board white horse fence shall be required generally running parallel to State Route 161 along the perimeter of this Zoning District but outside of the right-of-way.
4. Within the minimum required pavement setback along Beech Road and Worthington Road, landscaping shall be coordinated and consistent throughout. The following also shall be provided:
    a. A four-board white horse fence shall be required along the street frontages. The final location will be determined as part of a final development plan application or zoning permit application, as applicable.
    b. A landscaped area shall be required behind the fence and within the required pavement setbacks. This buffer shall consist of deciduous shade trees planted at a rate equal to six (6) trees or more for every 100 lineal feet of street frontage. Such trees may be equally spaced or randomly grouped and shall be of species which are native to Central Ohio. No single species shall be used for more than one-third of the trees required by this paragraph. Minimum sizes for trees required to be planted pursuant to this paragraph shall be two (2) or three (3) caliper inches, provided that no more than 50% of these trees shall be two (2) inches in caliper.

c. A landscape buffer to screen parking areas shall be located within the pavement setback along all public rights-of-way. This buffer may contain landscape material, mounding, or a combination of both and shall have a minimum height of 3.5 feet at installation and a minimum opacity of 75% within 3 years of installation.

5. Street trees already exist along Beech Road. No additional street tree plantings shall be required along that street. A street tree row shall be established along Worthington Road and private roads and shall contain one (1) tree for every thirty (30) feet of street frontage.
6. Within this zoning district, there shall be no less than one (1) tree planted for every ten (10) parking spaces located therein. At least five percent (5%) of the vehicular use area shall be landscaped or green space (or tree areas). Parking lots shall be designed to accommodate parking lot islands with tree(s) at the end of parking aisles.

F. Lighting & Signage

1. All parking lot and private driveway lighting shall be cut-off type fixtures and down cast. Parking lot lighting shall be from a controlled source in order to minimize light spilling beyond the boundaries of the site.
2. All parking lot lighting shall be of the same light source type and style. Building, pedestrian, and landscape lighting may be incandescent or metal halide.
3. All parking lot light poles shall be black or New Albany green and constructed of metal. Light poles shall not exceed thirty (30) feet in height.
4. Uplighting of buildings shall be prohibited. Landscape uplighting from a concealed source shall not be permitted.
5. No permanent colored lights or neon lights shall be used on the exterior of any building.
6. All new electrical utilities that are installed in this Zoning District shall be located underground.
7. All other lighting on the site shall be in accordance with City Code.
8. Street lighting must meet the City Standards and Specifications.
9. Signage for all uses in this Zoning District shall comply with relevant provisions of the Codified Ordinances unless a master signage plan that provides alterative standards is provided for review and approval by the Planning Commission as part of a final development plan. In the event of a conflict between an approved master sign plan and the relevant provision of the Codified Ordinances, the approved master sign plan shall govern. One wall mounted sign per tenant shall be permitted on each elevation of the building that fronts or sides on a public or private road, but parking lot drive aisles shall not be construed as private road. Retail tenants are permitted one sandwich board sign, not to exceed six (6) square feet in area, per side. The signs may be placed on the sidewalk in front of the appropriate tenant space, but may not be sited in a location that interferes with vehicular sight distance.

IV. ENGINEER'S COMMENTS

The City Engineer, E.P. Ferris reviewed the proposed rezoning application and provided the following comments.

1) Existing r/w as measured from the Worthington Rd. centerline varies from approximately 90' to over 100' along the parcel frontage. This should be sufficient to support the project.

V. SUMMARY

This zoning district facilitates the development of service, retail, restaurant, and gasoline service station uses to serve employees within, and visitors to, the area such as the New Albany International Business Park, as well as others traveling along State Route 161. The proposed zoning text contains the same list of permitted, conditional, and prohibited uses as other similar zoning districts, such as Beech Interchange Southwest Interchange Zoning District, which is located generally to the west of this site. The proposed text is appropriate given the type of retail and commercial mixture of uses that are envisioned for this area in the 2020 Engage New Albany Strategic Plan.

V. ACTION

Suggested Motion for ZC-100-2024:

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

Move to approve application ZC-100-2024, based on the findings in the staff report (conditions of approval may be added)

Approximate site Location:

Source: NearMap

NEW ALBANY

Community Development Planning Application

Submission

Submit planning applications and all required materials via email to planning@newalbanyohio.org

Paper copies are not required at this time however, 12 paper copies of the entire submission will be required ahead of a board hearing date. The planner assigned to your case will inform you when the paper copies need to be delivered to our offices. Fee invoices will be issued to you once the application is entered.

Project Information

Site Address 13785, 13837, and 13853 Lucille Lynd Rd.; 14062 and 0 Worthington Road

Parcel Numbers 094-108342-00.000, 094-106998-00.000, portion of 094-106740-00.005, 094-107880-00.000, 094-108720-01.000, 094-108720-00.000

Acres 29.26+/- # of lots created

Choose Application Type		Description of Request:
☐ Appeal	☐ Extension Request	Rezoning of the subject property from the
☐ Certificate of Appropriateness	☐ Variance	L-OCD, Limited Office Campus District classification
☐ Conditional Use	☐ Vacation	to I-PUD, Infill Planned Unit Development
■ Development Plan		classification to permit commercial
☐ Plat		and employment-generating uses, and
☐ Lot Changes		review of associated preliminary development plan
☐ Minor Commercial Subdivision		
■ Zoning Amendment (Rezoning)		
☐ Zoning Text Modification		

Contacts

Applicant Information		Property Owner Information	
Name	MBJ Holdings, LLC	Name	Same as applicant
Address	c/o Aaron Underhill, Esq., Underhill & Hodge LLC	Address	
City, State, Zip	8000 Walton Pkwy, Ste 120, New Albany, OH 43054	City, State, Zip	
Phone Number	(614) 335-9320	Phone Number	
Email	aaron@uhlawfirm.com	Email	

Signature

Site visits to the property by City of New Albany representatives are essential to process this application. The Owner/Applicant, as signed below, hereby authorizes Village of New Albany representatives, employees and appointed and elected officials to visit, photograph and post a notice on the property described in this application. I certify that the information here within and attached to this application is true, correct and complete.

Signature of Owner By: _____ Date: 12/20/24

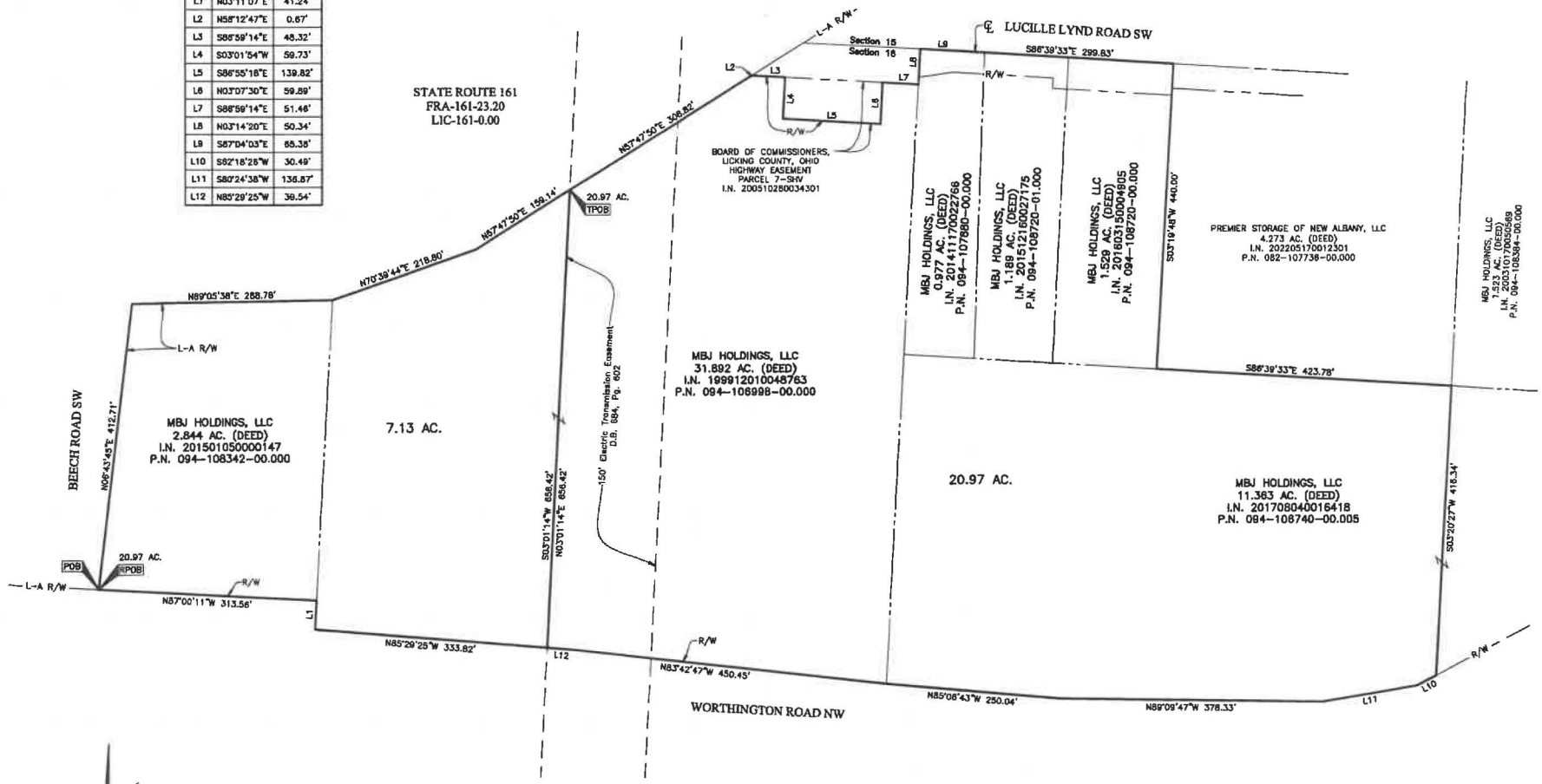
Signature of Applicant By: _____ Date: 12/20/24

Attorney for Owner/Applicant

ZONING EXHIBIT

SECTION 16, QUARTER TOWNSHIP 3, TOWNSHIP 2, RANGE 15
UNITED STATES MILITARY DISTRICT
CITY OF NEW ALBANY, COUNTY OF LICKING, STATE OF OHIO

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N03°11'07"E	41.24'
L2	N58°12'47"E	0.67'
L3	S86°59'14"E	48.32'
L4	S03°01'54"W	59.73'
L5	S86°55'18"E	139.82'
L6	N03°07'30"E	59.89'
L7	S86°59'14"E	51.46'
L8	N03°14'20"E	50.34'
L9	S87°04'03"E	65.38'
L10	S82°18'28"W	30.49'
L11	S80°24'38"W	136.87'
L12	N85°29'25"W	39.54'



NOTE:
This exhibit was prepared using documents of record for zoning purposes only, and is not to be used for deed transfer.

EMHT
Evans, Mechwart, Hambleton & Tilton, Inc.
Engineers • Surveyors • Planners • Scientists
5500 New Albany Road, Columbus, OH 43054
Phone: 614.775.4500 Toll Free: 866.775.3648
emht.com

Date:	December 19, 2024
Scale:	1" = 100'
Job No:	2024-0006
Sheet:	1 of 1

REVISIONS

MARK	DATE	DESCRIPTION

2024 NACO General Engineering Services / 20240006-VS-ZONE-06

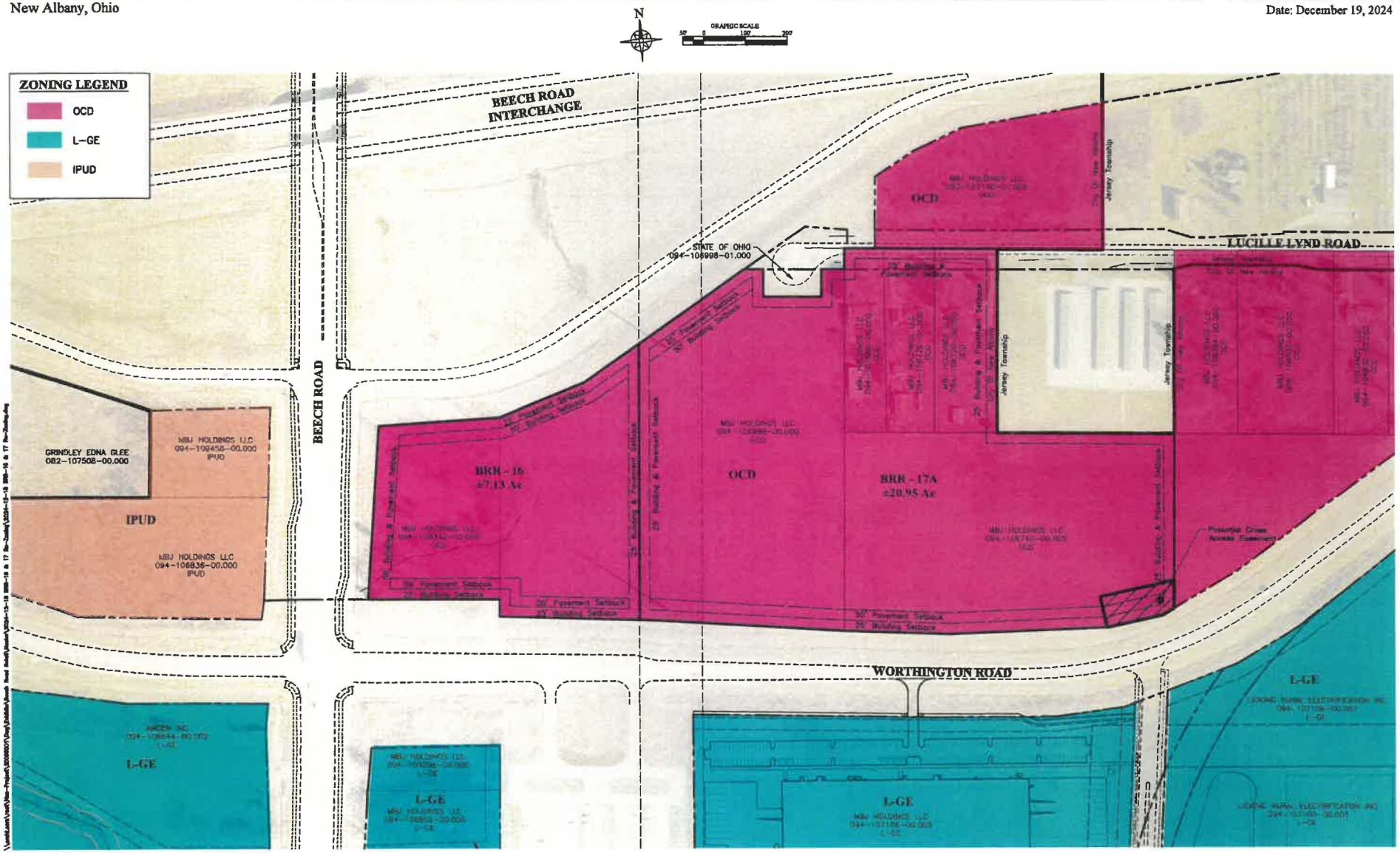
J:\2024\0006\Dwg\04\Sheets\Exhibits\20240006-VS-ZONE-06.dwg plotted by Webb, Tampus on 12/19/2024 12:24:47 PM last saved by twebb on 12/19/2024 12:24:39 PM

BEECH INTERCHANGE SOUTHEAST ZONING DISTRICT - EXISTING SITE

THE NEW ALBANY COMPANY

New Albany, Ohio

Date: December 19, 2024

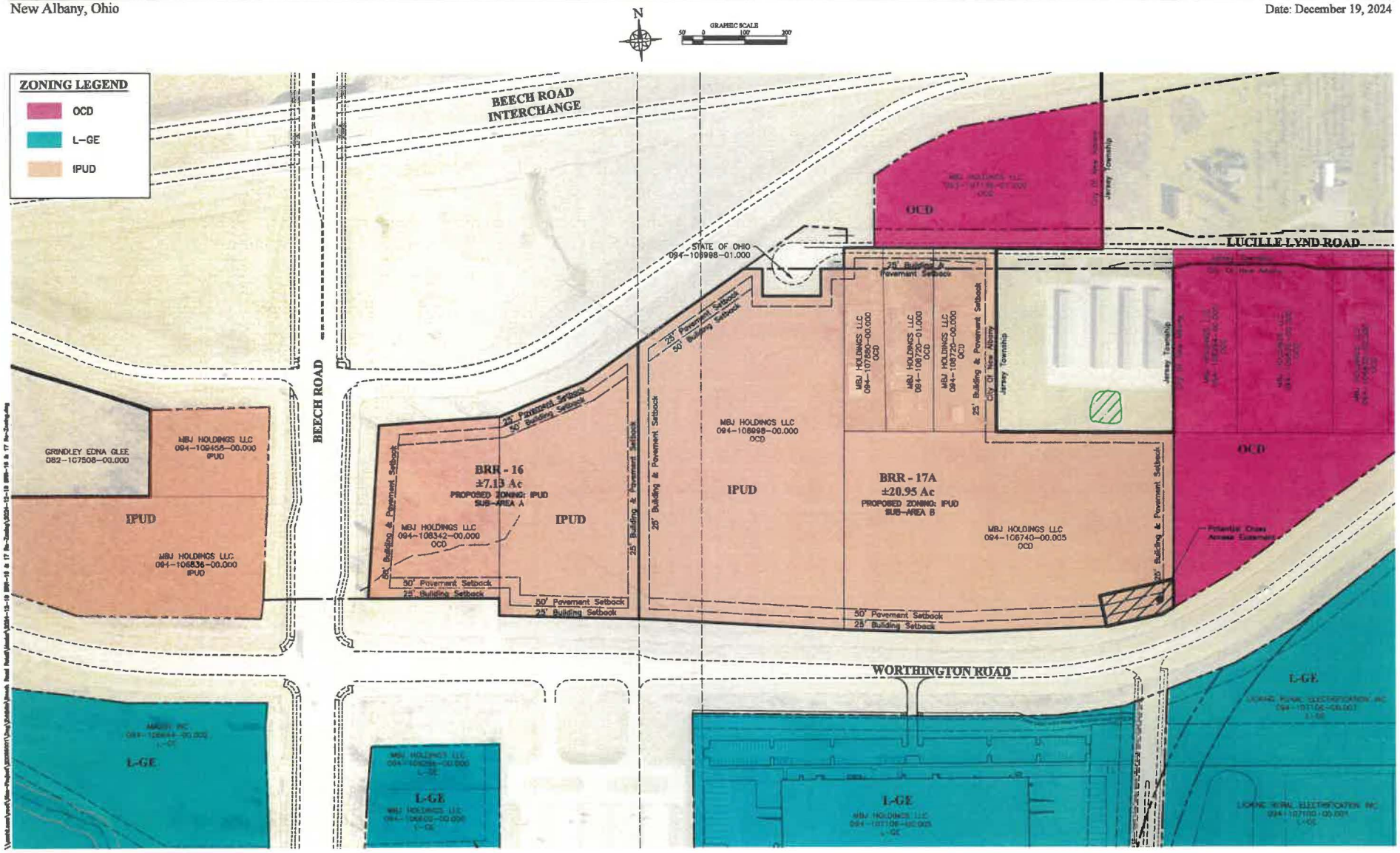


BEECH INTERCHANGE SOUTHEAST ZONING DISTRICT - PROPOSED ZONING

THE NEW ALBANY COMPANY

New Albany, Ohio

Date: December 19, 2024



SUBAREA A

7.13 ACRES

Situated in the State of Ohio, County of Licking, City of New Albany, lying in Section 16, Quarter Township 3, Township 2, Range 15, United States Military District, being all of that 2.844 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201501050000147, and part of that 31.892 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 199912010048763 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

BEGINNING at the intersection of the easterly limited access right-of-way line of Beech Road NW with the northerly right-of-way line of Worthington Road NW, being the southwesterly corner of said 2.844 acre tract;

Thence North 06° 43' 45" East, with said easterly limited access right-of-way line, a distance of 412.71 feet to the intersection of said easterly limited access right-of-way line with the southerly limited access right-of-way line of State Route 161 (FRA-161-23.20/LIC-161-0.00);

Thence with said southerly limited access right-of-way line, the following courses and distances:

North 89° 05' 38" East, a distance of 288.78 feet to a point;

North 70° 39' 44" East, a distance of 218.80 feet to a point; and

North 57° 47' 50" East, a distance of 159.14 feet to a point in the westerly line of that 150 foot wide electric easement of record in Deed Book 684, Page 602;

Thence South 03° 01' 14" West, across said 31.892 acre tract and with said westerly easement line, a distance of 656.42 feet to a point in said northerly right-of-way line of Worthington Road NW;

Thence with said northerly right-of-way line, the following courses and distances:

North 85° 29' 25" West, a distance of 333.82 feet to a point;

North 03° 11' 07" East, a distance of 41.24 feet to a point; and

North 87° 00' 11" West, a distance of 313.56 feet to the POINT OF BEGINNING, containing 7.13 acres, more or less.

This description was prepared using documents of record for zoning purposes only, and is not to be used for deed transfer.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

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SUBAREA B

20.97 ACRES

Situated in the State of Ohio, County of Licking, City of New Albany, lying in Section 16, Quarter Township 3, Township 2, Range 15, United States Military District, being part of that 31.892 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 199912010048763, part of that 11.363 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201708040016418, all of that 0.977 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201411170022766, all of that 1.189 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201512160027175, and all of that 1.529 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201603150004905, (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at the intersection of the easterly limited access right-of-way line of Beech Road NW with the northerly right-of-way line of Worthington Road NW;

Thence North 06° 43' 45" East, with said easterly limited access right-of-way line, a distance of 412.71 feet to the intersection of said easterly limited access right-of-way line with the southerly limited access right-of-way line of State Route 161 (FRA-161-23.20/LIC-161-0.00);

Thence with said southerly limited access right-of-way line, the following courses and distances:

North 89° 05' 38" East, a distance of 288.78 feet to a point;

North 70° 39' 44" East, a distance of 218.80 feet to a point; and

North 57° 47' 50" East, a distance of 159.14 feet to the TRUE POINT OF BEGINNING;

Thence North 57° 47' 50" East, with said southerly limited access right-of-way line, a distance of 308.82 feet to a point;

Thence North 58° 12' 47" East, continuing with said southerly limited access right-of-way line, a distance of 0.67 feet to the intersection of said southerly limited access right-of-way line with the southerly right-of-way line of Lucille Lynd Road SW;

Thence with said southerly right-of-way line of Lucille Lynd Road SW, the following courses and distances:

South 86° 59' 14" East, a distance of 48.32 feet to a point;

South 03° 01' 54" West, a distance of 59.73 feet to a point;

South 86° 55' 18" East, a distance of 139.82 feet to a point;

North 03° 07' 30" East, a distance of 59.89 feet to a point; and

South 86° 59' 14" East, a distance of 51.46 feet to a point in the line common to said 31.892 and 0.977 acre tracts;

Thence North 03° 14' 20" East, with said common line, a distance of 50.34 feet to a point in the centerline of said Lucille Lynd Road SW;

Thence South 87° 04' 03" East, with said centerline, a distance of 65.38 feet to a point;

Thence South 86° 39' 33" East, continuing with said centerline, a distance of 299.83 feet to the northwesterly corner of that 4.273 acre tract conveyed to Premier Storage of New Albany, LLC by deed of record in Instrument Number 202205170012301;

Thence South 03° 19' 48" West, with the westerly line of said 4.273 acre tract, a distance of 440.00 feet to the southwest corner thereof;

South 86° 39' 33" East, with the southerly line of said 4.273 acre tract, a distance of 423.78 feet to the southeast corner thereof;

Thence South 03° 20' 27" West, across said 11.363 acre tract, a distance of 416.34 feet to a point in said northerly right-of-way line;

Thence with said northerly right-of-way line, the following courses and distances:

South 62° 18' 26" West, a distance of 30.49 feet to a point;

South 80° 24' 38" West, a distance of 136.87 feet to a point;

North 89° 09' 47" West, a distance of 378.33 feet to a point;

North 85° 06' 43" West, a distance of 250.04 feet to a point;

North 83° 42' 47" West, a distance of 450.45 feet to a point; and

North 85° 29' 25" West, a distance of 39.54 feet to a point in the westerly line of that 150 foot wide electric easement of record in Deed Book 684, Page 602;

Thence North 03° 01' 14" East, across said 31.892 acre tract and with said westerly easement line, a distance of 656.42 feet to the TRUE POINT OF BEGINNING, containing 20.97 acres, more or less.

This description was prepared using documents of record for zoning purposes only, and is not to be used for deed transfer.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

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BEECH INTERCHANGE SOUTHEAST ZONING DISTRICT

INFILL PLANNED UNIT DEVELOPMENT (I-PUD) TEXT

DECEMBER 20, 2024

I. INTRODUCTION: The Beech Interchange Southeast Zoning District (hereinafter, the "Zoning District") includes real property located to the southeast of the State Route 161/Beech Road interchange. It encompasses 28.10+/- acres which, prior to the approval of this text, is zoned in the L-OCD, Limited Office Campus District under the City's Codified Ordinances. The City's Strategic Plan recommends retail uses for the property within this proposed Zoning District and recommends employment uses for properties adjacent to it to the east. These recommendations reflect the unique location of the property in an area where a variety of non-residential use types are appropriate. The purpose of this rezoning is to create a new I-PUD, Infill Planned Unit Development (I-PUD) District that is flexible to facilitate both the development of service, retail, restaurant, and related uses throughout the Zoning District and opportunities for employment-generating uses to be developed within roughly the eastern two-thirds of the site.

This zoning text is modeled after two others which previously were approved by the City. Retail-type uses and development standards are carried over from the Beech Interchange Southwest District, which was approved in 2023 and is located to the west of this Zoning District across Beech Road. In addition, use rights, development standards, and the review processes set forth herein are similar to the Mink Interchange Zoning District, which was approved in 2016 for property located to the northwest of the interchange of Mink Street and State Route 161. That district allows for the same hybrid of uses as this proposal and has resulted in the construction of a sizable light manufacturing facility. It is expected that existing and ongoing development in the vicinity of that district will yield new retail-type development within the remaining undeveloped portions of the Mink Interchange District in the not-too-distant future. This Zoning District may achieve a similar result while also leaving open the possibility that it will be developed with retail-type uses in its entirety.

II. SUBAREAS: The Zoning District is comprised of two subareas. Subarea A includes 7.13+/- acres in the western portion of the site bounded by Beech Road on the west, Worthington Road on the south, State Route 161 on the north, and the western edge of an electric transmission line easement on the east. Subarea B consists of 20.97+/- acres found to the east of and adjacent to Subarea A, between State Route 161 and Lucille Lynd Road.

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

standards. These component standards ensure consistency and quality throughout the development.

A. Permitted Uses: Permitted uses in this Zoning District are as follows:

1. Subarea A and Subarea B: Within each of Subarea A and Subarea B, those uses set forth in the Codified Ordinances of the City of New Albany, C-3, Highway Business District, Section 1149.02. In addition, gasoline and diesel fueling stations with or without convenience stores (and other accessory uses), vehicle charging stations, and restaurants and banks with drive-throughs shall be permitted uses. The conditional uses listed in Section 1149.03 of the Codified Ordinances shall not be permitted uses or conditional uses in this Zoning District. In addition, the following uses shall be prohibited:

a. Self-service laundries
b. Funeral services
c. Automobile sales
d. Motor vehicle sales and service (combined) establishments
e. Commercial recreational facilities
f. Carry out food and beverage establishments with drive-thru facilities. To clarify, this prohibited use is intended to include uses such as drive-thru and carry-out beer and wine sales and is not intended to apply to restaurants with drive-thrus.

2. Subarea B: Within Subarea B only, the permitted and conditional uses contained and described in the Codified Ordinances of the City of New Albany, GE General Employment District, Sections 1153.02 and 1153.03, provided that conditional uses shall be reviewed in accordance with Chapter 1115, Conditional Uses. The following uses from these code sections shall be prohibited:

a. Industrial product sales (See Section 1153.03(a)(1))
b. Industrial service (See Section 1153.03(a)(2))
c. Mini-warehouses (See Section 1153.03(a)(4)(c))
d. Tool rental and household moving centers, sales of cars, motorcycles, boats and recreational vehicles, repair of TV's, appliances, precision instruments, and business machines, locksmiths, upholsters and furniture refinishing (See Section 1153.03(b)(3)).
e. Vehicle services (See Section 1153.03(b)(4)) except as associated with "travel centers," as such term is defined in Section II.A.2.d of this text
f. Radio/television broadcast facilities (See Section 1153.03(c)(1))
g. Sexually-oriented businesses (See Section 1153.03(c)(3))

3. Special Provisions for Gasoline and Diesel Service Stations: In this Zoning District, the term "gasoline service station" shall include, but not be limited to, service stations selling gasoline, diesel, and/or any other fuel for trucks and/or passenger vehicles, and/or offering charging stations for electric vehicles. This definition is intended to clarify and, if applicable, expand the meaning of the same term as defined in the Codified Ordinances, and shall not in any way restrict or limit that definition. With regard to gasoline service stations in this Zoning District:

a. Sections 1165.08(a) through (d) of the Codified Ordinances shall not apply.

b. Such uses shall be permitted to serve the commercial trucking industry in addition to regular (non-truck) motorists, but the overnight parking of trucks shall be prohibited.

c. Showers and bathing facilities serving truck drivers or others shall be prohibited.

d. No lodging shall be permitted as part of the use.

B. Vehicular Access:

1. Limitations. Vehicular access to and from this Zoning District shall be permitted only along Worthington Road. No vehicular access shall be permitted along Beech Road.

2. Access Points: Two vehicular access points shall be permitted along Worthington Road with full turn movements, provided that such access points are at least 500 feet apart. Subject to the provisions of Section B.4 below, the full turn movement access points may serve multiple parcels within the Zoning District. Other vehicular access points shall be permitted along Worthington Road, but only if they are restricted to right-in and right-out turning movements and otherwise meet City spacing and safety standards. Final locations of the proposed access points will be reviewed for approval as part of the first final development plan that is filed for this Zoning District, except that in the case of proposed development of GE, General Employment uses, such locations and specifications shall be reviewed for approval by the City Engineer.

3. Lucille Lynd Road: One full movement access point shall be permitted, but not required, on Lucille Lynd Road.

4. Internal Circulation: Internally within the Zoning District, private roadways and/or drives shall be utilized to provide vehicular circulation, with locations and specifications for the same to be reviewed and approved as part of one or more final development plans, except that in the case of proposed development of GE, General Employment uses, such locations and specifications

shall be reviewed for approval by the City Engineer. If more than one use/user or property owner is expected to be located or to own property within this Zoning District, then one or more declarations of reciprocal easements or reciprocal easement agreements shall be recorded against the real property within this Zoning District prior to the issuance of the first building permit in the Zoning District to provide for perpetual vehicular and pedestrian cross access easements, cross utility easements, and other easements which are necessary or desirable for efficient development. Maintenance of private drives and sidewalks internal to this Zoning District shall be the responsibility of the owners of property within this Zoning District. A copy of the relevant recorded instrument(s) as contemplated by this paragraph shall be submitted to the City along with the first application for a building permit in this Zoning District.

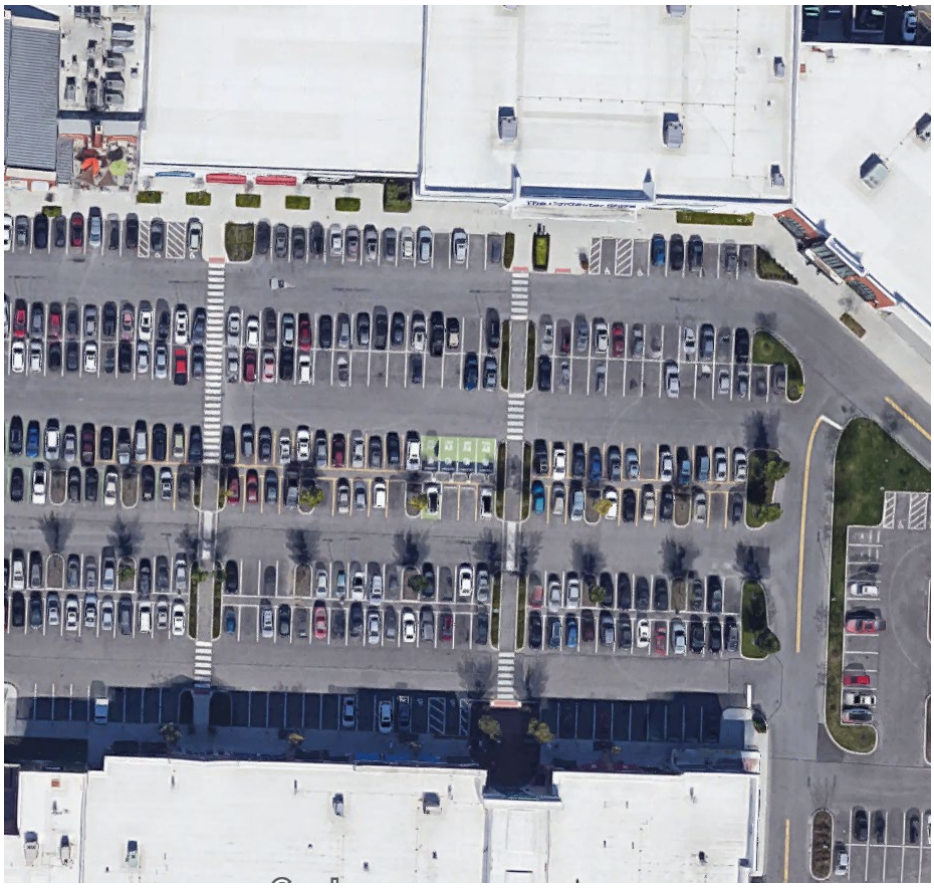
5. Traffic Analysis: In conjunction with the filing of the first final development plan for this Zoning District, or if no final development plan application is required then before filing the first application for a zoning permit in this Zoning District, a traffic study shall be filed by the applicant unless the City Engineer requires less than a full study as determined prior to the filing of the relevant application. The study or analysis which is approved along with the application shall apply to other developments within the Zoning District unless otherwise modified as part of a subsequent approved study or analysis as part of another application. A memorandum of understanding detailing the scope of all required traffic studies/analyses shall be agreed upon by the City Engineer and the applicant prior to the filing of the relevant application.

C. Pedestrian Access:

1. Leisure Trail: An 8-foot wide leisure trail shall be provided along the Zoning District's frontage on Worthington Road and shall connect on the west with an existing leisure trail on Beech Road. The leisure trail shall be installed no later than the date when the first certificate of occupancy is issued for a building within the Zoning District.

2. Sidewalks: A 5-foot wide concrete sidewalk shall be provided on both sides of all roadways internal to the Zoning District..

3. Internal Circulation: For any use and associated development occurring as permitted in the C-3, Highway Commercial District, an internal pedestrian circulation system of walkways shall be created so that a pedestrian using a sidewalk or leisure trail as described above can access adjacent buildings through their parking lots as delineated with markings, crosswalks, and/or different materials, directing foot traffic, where possible, away from primary access drives. One example of a possible design that meets these requirements is depicted below, but other designs may be provided as determined on a development-by-development basis.



4. Connections: Every development as contemplated in the immediately preceding Section II.C. 3 of this text shall be required to connect into the internal pedestrian circulation system by direct connection to a leisure trail or sidewalk.

5. Along Buildings: Walkways, no less than five (5) feet in width, shall be provided along the full length of the building along any façade featuring a customer entrance and along any façade abutting public parking areas. Such walkways may be omitted to accommodate drive-through lanes, where necessary or desirable to reduce or eliminate conflict between pedestrian and vehicular traffic.

D. Setbacks; Lot Coverage:

1. State Route 161: There shall be a minimum pavement setback of 25 feet and a minimum building setback of 50 feet from the right-of-way of State Route 161.

2. Beech Road: There shall be a minimum pavement setback and a minimum building setback of 50 feet from the Beech Road right-of-way.

3. Worthington Road: There shall be a minimum pavement setback of 25 feet and a minimum building setback of 50 feet from the right-of-way of Worthington Road.

4. Eastern Perimeter Boundary: There shall be a minimum pavement and building setback of 25 feet from the eastern perimeter boundary of this Zoning District.

5. Internal Parcel Lines: There shall be a zero setback requirement for pavement and a minimum building setback of 10 feet from internal parcel lines within this Zoning District.

6. Canopies: Canopies over fuel pumps as part of a gasoline service station use may encroach into minimum building setbacks, subject to approval by City staff.

7. Lot Coverage: There shall be a maximum lot coverage of 80% in this Zoning District, measured on a parcel-by-parcel basis.

8. Public Street Frontage: An individual parcel shall not be required to have public street frontage, or may have frontage on a public street right-of-way to which vehicular access is prohibited, if that parcel has the right to vehicular access to and from Worthington Road by and through one or more recorded instruments providing perpetual easements in favor of the parcel for these purposes.

E. Architectural Standards: Architectural requirements for buildings in this Zoning District will differ based upon the types and/or locations of intended uses for each building. Requirements for each building type are set forth below. The requirements of the City's Design Guidelines and Requirements ("DGRs") shall apply when a particular standard is not addressed in this text, unless a deviation from the DGRs is approved herein or as part of a final development plan.

1. GE, General Employment Uses: The following architectural standards shall apply to any building containing as its primary use any use which is permitted or conditional under Section II.B.2 of this text (i.e., GE, General Employment District uses):

a. Service and Loading Areas: Service areas and loading areas shall be screened in accordance with the Codified Ordinances unless otherwise provided in this text.

b. Building Design:

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

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

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

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

v. All elevations of a building that are visible from a public right-of-way shall receive similar treatment in terms of style, materials, and design so that such elevations are not of a lesser visual character than any other.

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

vii. Elements such as meter boxes, utility conduits, roof and wall projections such as vent and exhaust pipes, basement window enclosures, and trash containers shall be designed, located, or screened so as to minimize their visibility and visual impact.

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

c. Building Form:

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

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

d. Materials:

i. Exterior wall finishes: Exterior building materials shall be appropriate for contemporary suburban designs and shall avoid overly reflective surfaces. Traditional materials such as, but not limited to, wood, stone, brick, and concrete shall be permitted, and contemporary materials such as, but not limited to, aluminum, metal, glass, stucco, or cementitious fiberboard (e.g., hardiplank or equivalent) shall be permitted on buildings not employing traditional styles. Architectural precast concrete panels and/or poured-in-place concrete tilt-up panels shall be permitted. The use of reflective or mirrored glass shall be prohibited.

ii. Prefabricated metal buildings and untreated masonry block structures are prohibited.

iii. Generally, the quantity of materials selected for a building shall be minimized.

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

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

f. Additional Standards for Uses Not Governed by DGRs: Buildings that are constructed to accommodate certain uses are not governed by the City's Design Guidelines and Requirements (DGRs). For example, buildings that are constructed for the operation of warehousing and/or distribution uses are not subject to the DGRs and can present challenges in meeting the community standard for architectural design.

Such buildings are necessarily large and typically include long walls that together form a square or rectangular box. The goal for the development of buildings that are not subject to the DGRs is to balance the practical needs of these buildings with the desire to provide exterior designs that are attractive and complimentary to the architecture that will be found elsewhere in this zoning district.

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

In conjunction with an application for a certificate of appropriateness for each building or structure in this subarea that is not subject to or governed by the DGRs, the applicant shall be required to submit to the City illustrations of the proposed exterior design of the building or structure for review and approval by the Design Review Committee contemplated in Section 1144.04(q) of the City Code. In designing such buildings, the user or applicant shall take into account the following, which are intended to set a level of expectation for the quality of design:

i. Architectural design for all portions of a building or structure that are visible from a public right-of-way (excluding public rights-of-way whose primary purpose is to accommodate truck traffic or service loading areas) shall meet the community standard in terms of quality while taking into account the unique nature of the use(s) that will be found therein.

ii. Uninterrupted blank wall facades shall be prohibited to the extent that they are visible from a public right-of-way. Design variations on long exterior walls shall be employed in order to create visual interest. Examples of such design variations include, but are not limited to, the use of offsets, recesses and/or projections, banding, windows, and/or reveals; scoring of building facades; color changes; texture or material changes; and variety in building height.

iii. The use of one or more architectural or design elements may be used to soften the aesthetics of the building, such as but not limited to canopies, porticos, overhangs, arches, outdoor patios, community spaces, or similar devices.

iv. Contemporary exterior designs, while not required, shall be encouraged in order to create architecture that does not look aged or dated even many years after the facility is built.

v. Landscaping and/or the use of existing vegetation shall be utilized where appropriate to enhance the aesthetics of the building and to lessen its visual impact when viewed from public rights-of-way.

2. C-3, Retail-Type Uses: The following architectural standards shall apply to any building containing as its primary use any use which is permitted under Section II.B.1 of this text (i.e., C-3, Highway Business District uses):

a. Style: Buildings shall be designed with a comparable level of detail on all sides.

b. Height: Buildings shall be a minimum of one (1) story and a maximum of two (2) stories, except that hotels and office buildings may exceed two stories and are permitted to be a maximum of 65 feet in height. Architectural elements such as parapets, cupolas, mechanical screening or similar features may exceed these maximum building heights.

c. Materials:

i. Cementitious products such as Hardi Plank or its equivalent, brick, stone, cultured stone, metal, EIFS and composite material (except vinyl) shall be used as exterior wall finish materials where appropriate. Exterior wall finish materials must be used to complete massing elements. The application of brick veneer to a single building façade shall be prohibited. Alternative building materials may be used subject to Architectural Review District approval (Chapter 1157), provided, however, that when Chapter 1157 requires review and action by the Architectural Review Board, said review and action instead shall be undertaken by the Planning Commission. Exterior wall finish materials must be used to complete massing elements.

ii. Prefabricated metal buildings, untreated masonry block structures, and buildings featuring poured concrete exterior walls are prohibited.

iii. Generally, the quantity of materials selected for a building shall be minimized.

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

v. The same palette of exterior finishes and color shall be used on all sides of each building.

d. Roof: General roof massing shall incorporate pitched roofs. Flat roofs shall be permitted, but must integrate strong cornice lines. Acceptable roof materials include natural and synthetic slate, cedar shake, dimensional asphalt shingle, and standing seam metal. Roof elements shall be incorporated that emphasize and reduce the building scale at the building storefront such as, but not limited to, dormers, cupolas, roof spires, and hip and gable roofs.

i. Gutters and Downspouts: Sloped roofs shall be required to employ gutters and downspouts for drainage.

ii. Gutter Specifications: Gutters shall be of a metal type and shall be painted to match fascias.

iii. Scuppers: Scuppers may be used on the rear of a building with a parapet in lieu of interior drains. Scupper boxes on the rear of a building shall be painted to blend in with the exterior color or shall be of a manufactured metal of a color which complements the finished material to which it is affixed. Through-wall scuppers may be permitted where parapet walls are used. Overflow drains may be an open scupper through a parapet. An open scupper shall be detailed to minimize its appearance on the building elevation.

e. Exterior Doors: All exterior doors other than doors whose primary purpose is for the entry or exit of customers shall be made of a heavy gauge metal. Such doors shall be painted with a color that blends with the color of the exterior masonry on the elevation on which the door is located.

f. Service and Loading Areas: Service and loading areas shall be screened in accordance with the Codified Ordinances.

g. Mechanical Equipment: The following standards shall be required and shall be scaled according to the size of the individual tenant. These features may be scaled to a group of smaller side-by-side tenants when architecturally appropriate:

i. 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, but is not required to be the same material as the building's facade. Such screening shall be provided in order to screen the equipment from off-site view and sound generated by such equipment. When the requirements of this subsection cannot be met due to State Route 161 being at a higher

elevation than a building in this Zoning District, deviations with regard to the screening requirements from State Route 161 may be approved as part of a final development plan.

ii. Complete screening shall be required of all ground-mounted mechanical and other equipment at ground level by walls, fencing, or landscaping that is consistent and harmonious with the materials on and character of the nearest primary building. Such screening shall be provided in order to screen the equipment from off-site view and sound generated by such equipment.

3. Buildings constructed within this Zoning District are exempt from the requirement of New Albany Design Guidelines Section 6 (I)(A)(1) which prohibits buildings from backing onto public rights-of-way, as it relates to the State Route 161 entrance ramp.

F. Parking: Parking and loading spaces shall be provided for each use per Section 1167 of the Codified Ordinances of the City of New Albany unless otherwise approved as part of a final development plan.

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

1. Tree Preservation: Standard tree preservation practices will be in place to preserve and protect trees that are to remain on site during all phases of construction, including the installation of snow fencing at the drip line.

2. SR 161 Treatment: A four-board white horse fence shall be required generally running parallel to State Route 161 along the perimeter of this Zoning District but outside of the right-of-way.

3. Treatment Along Beech Road and Worthington Road: Within the minimum required pavement setback along Beech Road and Worthington Road, landscaping shall be coordinated and consistent throughout. The following also shall be provided:

a. Fence: A four-board white horse fence shall be required along the street frontages. The final location will be determined as part of a final development plan application or zoning permit application, as applicable.

b. Setback Landscaping: A landscaped area shall be required behind the fence and within the required pavement setbacks. This buffer shall consist of deciduous shade trees planted at a rate equal to six (6) trees or more for every 100 lineal feet of street frontage. Such trees may be equally spaced or randomly grouped and shall be of species which are

native to Central Ohio. No single species shall be used for more than one-third of the trees required by this paragraph. Minimum sizes for trees required to be planted pursuant to this paragraph shall be two (2) or three (3) caliper inches, provided that no more than 50% of these trees shall be two (2) inches in caliper. The City Landscape Architect may approve deviations to the caliper requirements on a case-by-case basis.

c. Screening of Parking: A landscape buffer to screen parking areas shall be located within the pavement setback along all public rights-of-way other than Lucille Lynd Road. This buffer may contain landscape material, mounding, or a combination of both and shall have a minimum height of 3.5 feet at installation and a minimum opacity of 75% within 3 years of installation.

4. Stormwater Basins: Wet and dry stormwater basins shall conform to the standards set forth in Section 1171.08 of the Codified Ordinances unless other design solutions are found to be appropriate. Other design solutions may be appropriate if the City Landscape Architect finds that an alternative design, shape, and appearance is appropriate in particular relationship to streetscape and other site design considerations. One or more stormwater basins may be shared to serve some or all development within this Zoning District, so as to eliminate the need for each parcel to have its own on-site basin. Where shared stormwater basins are proposed, they shall be reviewed and approved by City staff without the requirement to be reviewed as part of a final development plan. Installation of stormwater basins shall include simultaneous installation of screening, buffering, and other aesthetic enhancements near the basins.

5. Street Trees: Street trees already exist along Beech Road. No additional street tree plantings shall be required along that street. A street tree row shall be established along Worthington Road and private roads and shall contain one (1) tree for every thirty (30) feet of street frontage. Street trees along Worthington Road shall be installed along the entire street frontage when the first parcel develops in this Zoning District. Street trees shall be located a minimum of ten (10) feet from the edge of the right-of-way unless the City's Landscape Architect approves planting these trees closer to the right-of-way or within the right-of-way. Minimum street tree size at installation shall be three (3) caliper inches. All street trees that are not installed prior to infrastructure acceptance shall be bonded to guarantee installation. The City Landscape Architect may approve deviations to the caliper requirements on a case-by-case basis.

6. Parking Areas: Within this Zoning District there shall be no less than one (1) tree planted for every ten (10) parking spaces located therein. At least five percent (5%) of the vehicular use area shall be landscaped or green space (or tree areas). Parking lots shall be designed to accommodate parking lot islands with tree(s) at the end of parking aisles. Parking areas should be designed to foster pedestrian connectivity by accommodating the required pedestrian

connections/walkways and provide landscaping to enhance visual aspects of the development. Particular attention shall be given to quantity or plan material and size of parking lot landscape islands closest to buildings.

7. Minimum On-Site Tree Sizes: Unless otherwise set forth herein, minimum tree size at installation shall be no less than two and one half (2 ½) inches in caliper for deciduous trees, six (6) feet in height for evergreen trees, two (2) inches in caliper for ornamental trees, and thirty (30) inches in height for shrubs. Caliper shall be measured six (6) inches above grade. The city landscape architect may approve deviations to the caliper requirements on a case-by-case basis.

H. Lighting:

1. All parking lot and private driveway lighting shall be cut-off type fixtures and down cast. Parking lot lighting shall be from a controlled source in order to minimize light spilling beyond the boundaries of the site.

2. All parking lot lighting shall be of the same light source type and style. Building, pedestrian, and landscape lighting may be incandescent or metal halide.

3. All parking lot light poles shall be black or New Albany green and constructed of metal. Light poles shall not exceed thirty (30) feet in height.

4. Uplighting of buildings shall be prohibited. Landscape uplighting from a concealed source shall not be permitted.

5. No permanent colored lights or neon lights shall be used on the exterior of any building.

6. All new electrical utilities that are installed in this Zoning District shall be located underground.

7. All other lighting on the site shall be in accordance with City Code.

8. Street lighting must meet the City Standards and Specifications.

I. Signage: Signage for all uses in this Zoning District shall comply with relevant provisions of the Codified Ordinances unless a master signage plan that provides alterative standards is provided for review and approval by the Planning Commission as part of a final development plan. In the event of a conflict between an approved master sign plan and the relevant provision of the Codified Ordinances, the approved master sign plan shall govern. One wall mounted sign per tenant shall be permitted on each elevation of the building that fronts or sides on a public or private road, but parking lot drive aisles

shall not be construed as a private road. Retail tenants are permitted one sandwich board sign, not to exceed six (6) square feet in area, per side. The signs may be placed on the sidewalk in front of the appropriate tenant space, but may not be sited in a location that interferes with vehicular sight distance.

H. Utilities: All new utilities shall be installed underground.

I. Phasing of Improvements: Each phase of development in this Zoning District shall include an appropriate share of the proposed vehicular circulation system, landscaping and outdoor spaces, screening and other site and architectural amenities of the entire project. The extent of these improvements shall be determined for each phase of a specific project at the time of the project's final development plan approval and may not be based solely upon a proportional or equal share of the entire site.

IV. GENERAL MATTERS:

A. Development Review Procedure: The majority of the acreage within this subarea may be developed with uses that are permitted in the GE, General Employment District, subject to the limitations described in this zoning text. It is the intent that development proposals for the operation of these uses will be processed and reviewed by the City in the same manner as if they were not being developed within a planned zoning district. Furthermore, it is the intent that any use that is permitted under this zoning text but would not be permitted to be developed and operated in the GE, General Employment zoning classification of the City's Codified Ordinances will be subject to further review by the City's Planning Commission in accordance with relevant provisions of Chapter 1159 (Planned Unit Development) of the City's Codified Ordinances.

The following procedures shall apply to the review of development proposals within this Zoning District:

1. Development proposals for uses that are permitted pursuant to Section II.A.1 above shall be reviewed by City staff in accordance with Chapter 1157 of the City's Codified Ordinances.

2. Development proposals for uses that are permitted in Section II.A.2 shall be reviewed by the City's Planning Commission in accordance with Chapter 1159 of the City's Codified Ordinances.

B. Conditional Uses: Any person owning or having an interest in property may file an application to use such property for one or more of the conditional uses provided by this zoning text. Applications for conditional uses shall follow the procedure and comply with the requirements of Chapter 1115, Conditional Uses, of the Codified Ordinances of the City of New Albany.

C. Appeals and Variances:

1. Appeals:

a. Taking of Appeals: Appeals to the Board of Zoning Appeals concerning interpretation or administration of the text or the underlying zoning ordinance by the Zoning Officer or any other administrative official may be taken by any person aggrieved, including a tenant, or by a governmental officer, department, board, or bureau. Such appeal shall be taken within twenty days after the date of the decision by filing a notice of appeal specifying the grounds thereof with the officer from whom the appeal is taken and the Board of Zoning Appeals.

b. Imminent Peril: An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Officer certifies to the Board of Zoning Appeals, after notice of appeal shall have been filed with him, that by reason of facts stated in the application a stay would, in his opinion, cause imminent peril to life or property. In such case, the proceeding shall not be stayed other than by a restraining order which may, on due cause shown, be granted by the Board of Zoning Appeals, after notice to the Zoning Officer or by judicial proceedings.

c. Nature of Variance: On a particular property, extraordinary circumstances may exist making a strict enforcement of the applicable development standards of this text or the Zoning Ordinance unreasonable and, therefore, the procedure for variance from development standards is provided to allow the flexibility necessary to adapt to changed or unusual conditions, both foreseen and unforeseen, under circumstances which do not ordinarily involve a change of the primary use of the land or structure permitted.

2. Variance Process: The procedures and requirements of Chapter 1113, Variances of the Codified Ordinances of the City of New Albany shall be followed in cases of appeals. The Planning Commission shall hear requests for variances in this Zoning District.

BEECH INTERCHANGE SOUTHEAST
ZONING DISTRICT (I-PUD)

Information concerning specific Code requirements for rezoning submittal by MBJ Holdings, LLC

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

Response: Currently the property is largely undeveloped but does contain two single-family homes and several pole barns. It is presently zoned in the L-OCD, Limited Office Campus District classification under the City's Codified Ordinances. This rezoning seeks to apply the I-PUD, Infill Planned Unit Development classification to the site in order to allow for the development of a wide range of retail, personal service, restaurant, and related uses to serve the business park and travelers on State Route 161. Given its location, the property also may be attractive for a limited subset of GE, General Employment District uses and therefore this rezoning will allow a portion of the property to be developed accordingly as an alternative.

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

Response: The subject property is at a major interchange on State Route 161 and is situated to serve employees within the business park as well as large volumes of highway traffic. At the same time, its visibility and easy access to a robust vehicular transportation network could make it attractive for employment-generating uses. A self-storage facility is adjacent to the subject property, which is not an intensive use and therefore will be minimally impacted by development within the new zoning district. Significant employers such as Amgen and Amazon Distribution are found nearby, as well as a number of data centers. The subject property is well-positioned to complement these uses and to serve their employees.

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

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

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

Response: Development of the site will occur based on market demand after final zoning approval is received.

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

Response: See separate written communication from EMH&T.

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

Response: See separate written communication from EMH&T.

Engineers, Surveyors, Planners, Scientists

December 18, 2024

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

Subject: Beech Road Retail Sites 16 and 17A – Environmental Compliance

Dear Mr. Mayer,

This letter serves to inform the City of New Albany of environmental conditions associated with the Beech Road Retail Sites 16 and 17A project, located south of State Route 161, east of Beech Road, and north of Worthington Road, in the City of New Albany, Licking County, Ohio. The property consists of farmland, residential estate lots, cleared woodlots, and fallow fields.

The former woodlot at the southwestern corner of the site contains an intermittent stream that would likely be considered jurisdictional upon review by the U.S. Army Corps of Engineers (USACE). No other potential Waters of the U.S. (streams or wetlands) were observed on the property. Impacts to the potential stream for development would likely require a Nationwide Permit from the USACE.

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

Sincerely,

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Robert F. Milligan
Director of Environmental Services
Principal

Cc: Todd Cunningham, EMH&T

AFFIDAVIT OF FACTS

I, Aaron L. Underhill, in my capacity as attorney for the applicant listed on the zoning application pertaining to 28.10+/- acres known as Licking County Parcel Numbers 094-108342-00.000, 094-106998-00.000, a portion of 094-106740-00.005, 094-107880-00.000, 094-108720-01.000, and 094-108720-00.000, being first duly sworn, do hereby state and depose the following:

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

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

Further Affiant sayeth not.

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

STATE OF OHIO
COUNTY OF FRANKLIN SS.

The foregoing instrument was acknowledged before me on the 20th day of December 2024, by Aaron L. Underhill, who acknowledged the foregoing signature to be his voluntary act and deed.

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

_____
Notary Public

My Commission Expires: _____

APPLICANT/OWNER:

MBJ Holdings LLC
13254 Worthington Rd
New Albany, OH 43054

ATTORNEY:

Aaron Underhill
8000 Walton Parkway Ste 120
New Albany, OH 43054

SURROUNDING PROPERTY OWNERS:

PJP Holdings LLC
13425 Worthington Rd, New Albany
Ohio 43054
PN:094-107106

Licking Rural Electrification INC
13245 Worthington Rd, New Albany
Ohio 43054
PN:094-107106

Premier Storage of New Albany
13761 Lucille Lynd Rd, New Albany
Ohio 43054
PN: 082-107736

MBJ Holdings LLC
13254 Worthington Rd
New Albany, OH 43054
PN: 094-109296
094-108342

Distribution Land Corp
8885 Smiths Mill Rd
New Albany, OH 43054
PN: 035-107268

Underhill & Hodge LLC
ATTORNEYS & COUNSELORS AT LAW

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December 20, 2024

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

RE: School impact of zoning of 28.10+/- acres located to the southeast of the Beech Road interchange on State Route 161

Dear Chris:

MBJ Holdings, LLC owns certain real property consisting of 28.10+/- acres located to the southeast of the Beech Road interchange on State Route 161. This letter accompanies an application to rezone the Property from the L-OCD, Limited Office Campus District classification to the I-PUD, Infill Planned Unit Development classification under the City of New Albany's Codified Ordinances. The purpose of this letter is to address the impact of this zoning on the Licking Heights Local School District.

The proposed zoning will allow retail, personal service, restaurant, and similar uses across the entire site and will permit employment-generating uses within the eastern two-thirds of the property. Both the current zoning and the proposed zoning will accommodate only non-residential uses of and development on the subject property. Therefore, the rezoning will continue to present opportunities for development that will generate new real estate tax revenues for the school district while producing no schoolchildren for the district to educate.

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

Sincerely,

Aaron L. Underhill

Aaron L. Underhill
Attorney for the Applicant

NEW ALBANY
COMMUNITY CONNECTS US

To: Planning Commission

From: City Staff

Re: Conditional Use Expiration Amendment to the Codified Ordinances

Date: January 22, 2025

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

Based on the city zoning code regulations, the majority of conditional uses have an accompanying final development plan application that is being heard at the same time. By synchronizing these timelines and "actions" the proposed changes will ensure consistency and reduce uncertainty for developers and stakeholders. At the December 16, 2024 Planning Commission meeting concerns were raised regarding the revocation provision in C.O. 1115.07. More specifically, whether the existing language provided sufficient due process.

The proposed changes improve the application experience and reduce procedures to provide a more responsive development environment. They also increase due process in the event that a determination regarding revocation must be made.

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

C.O. 1115.07 further provides that the city may revoke the zoning permit upon written evidence by any resident or city official of violation of the zoning ordinance and/or written terms and conditions upon which approval was based.

Below is a table setting forth New Albany's existing expiration and revocation provisions.

	Conditional Use Duration	**"Action"**	**Final Development Plan Duration**	**"Action"**	**Revocation**
New Albany	One (1) year	If such use is not carried out	Within 2 years	Construction has not begun	Municipality may revoke the zoning permit upon written evidence by any resident or official of the Municipality of violation …

Research

An analysis of seven local city regulations was conducted to assess the expiration and revocation of final development plan and conditional use approvals. The findings indicate that conditional use permits generally have an expiration period ranging from one to two years. In contrast, the timeframe for the final development plan exhibits more variability, with most durations falling between two to three years. The outliers with spans of five and eight years. And further that conditional use violation or revocation proceedings, whether via the zoning code enforcement or revocation proceedings, provide due process for the conditional use permit holder.

City	**Conditional Use Duration**	**"Action"**	**Final Development Plan Duration**	**"Action"**	**Revocation**
Westerville	Two (2) years	The conditional use has begun	Two (2) years	Have not been commenced	Planning Commission may revoke the cu. Zoning Officer must give notice and reasons for violation, the cu holder has 30 days to comply. Upon failure to comply, the Zoning Officer shall notify the Planning Commission who shall

					continue or revoke the cu at its next regular meeting
Dublin	One (1) year	Construction has begun	Three (3) years	If progress on PUD is discontinued	No specific cu revocation provision
Granville	One (1) year unless renovations/ construction is required then two (2) years	Commencement or renovations/construction has begun	Two (2) years	If construction has not begun	No specific cu revocation provision
Newark	One (1) year	The use or structure has been started	Five (5) years	If construction has not begun	No specific cu revocation provision
Johnstown	Eighteen (18) months	Not fully implemented	Eight (8) years	Unless construction has commenced on at least seventy percent (70%) of the total acreage	Planning Commission may revoke the zoning certificate if it finds, based on written evidence by any citizen or official, a violation of the ordinance or the terms or conditions upon which approval was based
Powell	One (1) year	Has been instituted or utilized	Within two (2) years	If required plats are not yet properly recorded and/or if construction has not begun	By the BZA upon a finding of non-compliance by the zoning administrator, and after notice and an opportunity for a hearing have been given. 1129.12

Upper Arlington	Six (6) months	Lack of commencement on actual construction or business	Two (2) years - unless a Building Permit has been issued	Construction has not begun	No specific cu revocation provision

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

Conversely, with the exception of Johnstown (which is very similar to New Albany's revocation provision), New Albany's conditional use revocation provision does not align closely with other cities analyzed because it does not provide the conditional use holder with due process - meaning notice and an opportunity for a hearing on the violation or revocation. This is true whether the other city addresses alleged violations of the conditional use with zoning code enforcement proceedings or revocation proceedings specific to conditional uses. Prior to finding a violation of the zoning code, Dublin, Granville, Newark, and Upper Arlington provide notice and the right to a hearing via zoning code enforcement proceedings. Likewise, prior to taking action on a conditional use permit, Powell, and Westerville provide notice and the right to a hearing via conditional use permit revocation proceedings.

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

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

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

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

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

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

The Planning Commission ~~Municipality~~ may revoke the approved conditional use. ~~zoning permit~~ The Municipality shall notify a conditional use holder with the reasons for violation of the terms and/or conditions of the approved conditional use and a statement that the conditional use holder shall have 30 days to comply with the approved conditional use. If the conditional use holder does not comply, a Planning Commission hearing shall be scheduled. The requirements for public notice and notification of parties of interest shall be as specified in Section 1115.05. The Planning Commission may either revoke, continue, or modify the approved conditional use. ~~written evidence by any resident or official of the Municipality of violation of the Zoning Ordinance and/or written terms and conditions upon which approval was based.~~

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