



Planning Commission

Meeting Minutes

March 21, 2016

7:00 p.m.

New Albany Planning Commission met in regular session in the Council Chambers of Village Hall, 99 W Main Street and was called to order by Planning Commission Chair Neil Kirby by at 7:05 p.m.

Neil Kirby	Present
Brad Shockey	Present
David Wallace	Present
Marlene Brisk	Absent
Bill Steele	Absent
Sloan Spalding (council liaison)	Absent - Mr. Shull present as proxy

Staff members present: Adrienne Joly, Deputy Director; Stephen Mayer, Planner; Mitch Banchefsky, City Attorney and Pam Hickok, Clerk.

Mr. Wallace moved to approve as amended January 20, 2016 meeting minutes, seconded by Mr. Kirby. Upon roll call vote: Mr. Shockey, abstain; Mr. Wallace, yea; Mr. Kirby, yea. Yea, 2; Nay, 0; Abstain, 1. Motion passed by a 2-0 vote.

Mr. Kirby asked for any changes or corrections to the agenda.

Mr. Mayer stated none.

Mr. Kirby swore to truth those wishing to speak before the Commission.

Mr. Kirby's invited the public to speak on non-agenda related items.

Mr. Wallace moved to accept the staff reports and related documents in to the record, seconded by Mr. Shockey. Upon roll call vote: Mr. Shockey, yea; Mr. Wallace, yea; Mr. Kirby, yea. Yea, 3; Nay, 0; Abstain, 0. Motion passed by a 3-0 vote.

FDP-112-2015 Final Development Plan

Final Development Plan for the Walton Offices I on 4.2+/- acres generally located east of New Albany-Conduit Road and north of Walton Parkway (PID: 222-003430 and 222-004465).

Applicant: The Daimler Group

V-02-2016 Variance

Variances from the New Albany Company C-PUD development text Subarea 7C: Business Campus (Oak Grove - West) as they relate to landscaping and mounding requirements, and pavement side yard setbacks for the development of Walton

Offices I on 4.2 +/- acres generally located east of New Albany-Conduit Road and north of Walton Parkway (PID: 222-003430 and 222-004465).

Applicant: The Daimler Group

Mr. Stephen Mayer presented the staff report.

Mr. Shockey asked to explain each variance.

Mr. Mayer stated there are four variances. The first variance is mounding along north property line to be 4ft tall where code requires 5-6ft mound. The second variance is related to the amount of landscaping. The applicant submitted to install six trees total and code requires 8 trees per 100ft. closer to the Cedarbrook residents and pines 12ft. on center on the southern half of the buffer zone. This would be a total of 71 trees per code requirements. There are some site constraints so staff is supportive of a variance to reduce the landscaping but believe it should be increased from the submitted plan. The applicant wants to match the neighboring property tree screening. This would be 5 trees per 100ft. for approximately 22 trees. We believe the mounding is appropriate. The last two variances are related to the side yards for the pavement setback.

Mr. Wallace asked if we follow the text we would have a mound between the existing building and the parking lot of the new building. The pavement setback is not needed because they will have future building with a cross access easement.

Mr. Mayer stated that was correct and continued with the staff report.

Mr. Kirby asked if any engineering.

Mr. Joe Ridgeway stated that the only comment was the alternative drive aisle design.

Mr. Tom Rubey, The New Albany Company, stated that our plan is to do a joint venture with the Daimler Group. This is about 50,000 square footage of speculative office space. We are pulling the building as far away from the Cedarbrook residents as possible. We agree with all conditions for the variances and FDP. There is a very strong tree row along the north property line. The request to lower the mound is to protect the existing trees. The standard has been established by the building at 8000 Walton Parkway.

Mr. Kirby stated that his preference would be anything that is under the canopy of existing trees is existing landscaping. We keep the mounding off the roots and the other plantings out of their shade and fill in to the level.

Mr. Rubey stated that the utilities are pulled away from the drip line.

Mr. Kirby asked if they own the property to the east.

Mr. Rubey stated that we do own that property and would expect another building with a full service curb cut.

Mr. Kirby stated that as long as you have the property to the east we can keep doing the side yard setback variance.

Mr. Rubey stated that we will keep working with staff on the details of the brick work and elevations.

Mr. Kirby stated that we have the standard roof top screening language. Can we include the screening noise?

Mr. Rubey stated that this building will not have a separate generator and asked staff how they would interpret that condition.

Ms. Joly stated that fully screening on all sides and that is the case in the elevations that we have seen.

Mr. Kirby stated that louvers would not provide noise protection but a solid wall would.

Mr. Rubey stated that we will agree with that for this application but would like to work with staff on the preferred methods for noise screening.

Ms. Joly stated that the proposed is a solid metal screening wall on all four sides.

Mr. Rubey stated that it is identical to what is on the Water's Edge building. Same height and screening.

Mr. Shockey asked if the screening wall is taller than the roof top units.

Mr. Rubey stated that it is about one foot above the roof top units.

Mr. Shockey asked if that was normal and what is on their building.

Mr. Rubey stated that he is not sure what is on their building.

Mr. Shockey stated that this building is much larger than the existing building.

Mr. Rubey stated that 8000 Walton Parkway is around 40,000 square foot and this building is proposed at about 57,000 square foot. Different orientation but the same height.

Mr. Shockey asked what internally is different.

Mr. Rubey stated that originally we planned on having five twins of the building. Part of the land was sold to Pharmaforce. We did the original building with the Georgetown Group and the finishes are too nice. We have been doing for the past five or six years on the second floor has been used with the city for the Inc. space. We looked at what is the right square footage, type of space, type of tenants etc. We are confident that we understand what the tenants will be and what they need.

Mr. Shockey asked if one more building would be planned to the east.

Mr. Rubey stated yes, that would be the land we own currently.

Mr. Shockey stated that haven't seen a rendering that will bring all three buildings together. Does this need architectural review board approval? I would feel comfortable with staff working with the applicant. We don't want 8000 Walton Parkway to be the orphan building.

Mr. Kirby stated that the closer the exterior looks to 8000 Walton Parkway the better. We want them to look likes siblings.

Mr. Wallace asked if dropping the mounding will still block the headlights.

Mr. Kirby asked what the typographically shift front to back.

Mr. Rubey stated that the mounding that exists behind 8000 Walton Parkway was done in conjunction with the landscaping to screen the headlights. Just as we want the architecture to be a continuation so should the landscaping.

Mr. Kirby stated that headlights are one of the major goals we should check it. The typo could help or hurt you.

Ms. Joly stated that it is about even from Cedarbrook to the first parking row and drops as it goes towards the Walton Parkway.

Mr. Wallace stated that the orientation of the building is different so the headlights will be directed towards the neighbors. It will be important that the screening is correct.

Ms. Joly stated that you could add a condition that requires additional screening at the drive aisles.

Mr. Shockey asked if there is an existing swale.

Mr. Rubey stated that it is existing.

Mr. Shockey stated that if I'm look at the drip line properly everything north of the drip line will remain natural.

Mr. Rubey and Mr. Shockey conversation regarding the swale and mound while referring to the map.

Mr. Shockey stated that we have two variances one is the mound height and the second is for the number of trees and spacing. Some of the tree line will be removed and then you will be adding trees.

Mr. Rubey stated that staff stated that we needed to add more trees along the north property line.

Mr. Shockey stated that I don't know the number of trees on the original application versus staff recommendation. The applicant stated that we will try to do as many as we can but we don't know ...

Mr. Rubey stated that the city landscape architect can tell us what the right number, size and species of trees.

Mr. Shockey stated that to be more comfortable this is not about the cost of the number of trees. It is more about having the correct number of trees. The existing are non-quality trees. I don't want to mandate the number of trees. The expectation can be better served between the parties and the city to come up with the right type of opacity.

Mr. Rubey stated that I will be back for the next development plan for the property to the east.

Mr. Kirby stated that you have some control over the pavement elevation. I will be adding a condition that mounding heights are sensitive to headlight screening and pavement elevation partially on the main drive aisles.

Mr. Shull stated that the mound height will be consistent with the property to the west.

Mr. Rubey stated that yes unless the city landscape architect recommends a different solution for headlight screening.

Mr. Shockey stated that would like to have staff and applicant work together on the architecture to try to reflect the potential of multiple buildings with specific notice taken on the roof top unit screening.

Ms. Joly stated that the second condition has "cohesive campus" language.

Mr. Shockey stated that he would like that looked at for the north side of Walton Parkway. The south side will be different.

Mr. Kirby moved to approve FDP-112-2015 subject to the following conditions:

1. City staff's alternative drive aisle curvature design is implemented.
2. Additional exterior architectural detailing is added to building to provide additional depth to the structure and to provide additional vertical elements similar to the Signature Office Building in order to make the building feel more distinctive and the neighboring sites feel like a cohesive campus to the satisfaction of staff.
3. Address the comments of the City Landscape Architect.
4. Cross access easements for the shared access drive and to share parking between the buildings are recorded and provided to city staff.
5. Signage is subject to staff approval.
6. Roof top screening of mechanicals shall also block sound, seconded by Mr. Wallace. Upon roll call vote: Mr. Shockey, yea; Mr. Wallace, yea; Mr. Kirby, yea. Yea, 3; Nay, 0; Abstain, 0. Motion passed by a 3-0 vote.

Mr. Kirby moved to approve V-02-2016 subject to the following conditions:

1. If FDP-112-2015 is not approved the variance shall become null and void.
2. Any impacted trees in the buffer strip are replaced.
3. 5 trees per 100 feet are installed within the buffer strip at this site.
4. Mounding height shall be sensitive to headlight screening and pavement elevations particular on the main drive aisles, seconded by Mr. Wallace.

Mr. Shockey stated for clarification this is for variances A-D. He stated that he doesn't like the finite number of trees listed in the condition.

Mr. Rubey asked if we could add subject to staff and landscape architect approval.

Mr. Kirby amended the motion with Mr. Wallace agreement.

Mr. Kirby moved to approve V-02-2016 subject to the following conditions:

1. If FDP-112-2015 is not approved the variance shall become null and void.
2. Any impacted trees in the buffer strip are replaced.
3. 5 trees per 100 feet are installed within the buffer strip at this site. Final determination provided by city landscape architect.
4. Mounding height shall be sensitive to headlight screening and pavement elevations particular on the main drive aisles, seconded by Mr. Wallace. Upon roll call vote: Mr. Shockey, yea; Mr. Wallace, yea; Mr. Kirby, yea. Yea, 3; Nay, 0; Abstain, 0. Motion passed by a 3-0 vote.

**Time Extension for FDP-08-07 Final Development Plan
Extension for the Forest Drive Office Park final development plan within the Canini
Trust Corp.
Applicant: Canini & Associates**

Mr. Stephen Mayer presented the staff report.

Mr. Kirby asked if this was already expired.

Mr. Mayer stated it expired in October and they are requesting a retroactive extension. He continued with the staff report.

Mr. Kirby asked if this can be extended or should it be a new application.

Mr. Banchefsky stated that the board has the flexibility to approve an extension. Staff has asked to approve a retroactive extension.

Mr. Kirby asked if the applicant agrees to the shorten date.

Mr. Larry Canini stated yes.

Mr. Wallace stated that he is concerned with setting precedent and allowing applicants to miss deadlines.

Mr. Banchefsky stated that Council has done this in the past.

Mr. Kirby stated that we could treat this as a brand new application and add condition we may have missed.

Mr. Shockey stated that we may not have missed them but things change, the area is different.

Mr. Banchefsky stated that we have not advertised this application as a new application.

Mr. Kirby asked if the final development plan and renewals have different notifications.

Ms. Joly stated yes.

Mr. Kirby stated that he would rather table this and provide notification as a new application. This would provide the applicants with the knowledge that if they let it expire, we advertise and they run the risk of a different hearing because of notifications.

Mr. Shockey asked if you know of any expired development plan that we have renewed post expiration.

Mr. Mayer stated that he has not researched it for final development plans but we have done retroactive extensions for conditional uses for model homes.

Mr. Shockey stated that this only applies to something with a time limit.

Mr. Banchefsky stated that we have extended final plats.

Mr. Kirby stated that this is equivalent.

Mr. Shockey stated that this wouldn't be the first time we done this. In a case where the staff memo states that the strategic planning has changed and we don't know if this is an appropriate use any more, that would be our opportunity to make changes.

Mr. Banchefsky stated that you would not have received a positive recommendation from staff.

Ms. Joly stated that an application wouldn't make it on an agenda if we had those types of concerns. When you think of the timing of this final development plan and the recession. This has some factors that are different.

Mr. Wallace stated that I don't have a recollection of retroactive application.

Mr. Banchefsky stated that Council was doing final plats.

Mr. Wallace stated that we have another case for a variance that precedent has been raised by the applicant and caused some controversy. We want to have all the tools in the toolbox.

Mr. Shockey stated PharmaForce expired and then came back a few years later.

Ms. Joly stated that it was the conditional use that was extended.

Mr. Wallace stated that my position is that it's expired.

Mr. Kirby asked if he was in a hurry to build this.

Mr. Larry Canini, Canini & Associates stated that timing for this project was 2006 and moving towards construction of infrastructure in 2007 and then 2008 recession happened. We were having great success in the office park across the street. We would hoping this area would be the medical campus. Things have changed in the office market. This wasn't a rezoning so I think from the neighbors.

Mr. Kirby stated that it don't think this will be an issue but didn't want cause a timing issue.

Mr. Canini stated that the eastern side of Forest Drive is zoned office. The corner of Smiths Mill and Forest will be 2-3 story medical building similar to across the street. We typically provide the owner occupied office buildings.

Mr. Kirby asked if we could advertise next month.

Ms. Joly stated yes.

Mr. Kirby stated that we will table this, they will advertise this.

Ms. Joly stated that we will do it as a new FDP.

Mr. Shockey stated that it could be something else.

Mr. Canini stated that this site is engineered.

Mr. Wallace stated that it is a procedural issue. This application is expired. Do we need to vote no to allow...

Mr. Banchefsky stated that it can be tabled indefinitely.

Ms. Joly stated that staff will work with the applicant to get a new submittal.

Mr. Shockey asked if there is anything that wouldn't meet the submittal requirements.

Mr. Kirby moved to table FDP-08-2007 indefinitely, seconded by Mr. Wallace. Upon roll call vote: Mr. Shockey, yea; Mr. Wallace, no; Mr. Kirby, yea. Yea, 2; Nay, 1; Abstain, 0. Motion passed by a 2-1 vote.

Mr. Wallace stated that he doesn't believe that tabling the application is correct way to do it.

V-10-2016 Variance

Variance to the city sign code for the size requirements of a drive-thru menu board sign for Dairy Queen located at 9940 Johnstown Road (PID: 222-000347).

Applicant: F5 Design/Architecture

Mr. Stephen Mayer presented the staff report.

Mr. Kirby asked for engineering.

Mr. Mayer stated no.

Mr. Kirby swore in Mr. Todd Parker.

Mr. Parker, representing the applicant, stated that the Dairy Queen Mid-Ohio representatives stated that after the first variance was approved they were notified that they were doing breakfast and needed more signage.

Mr. Shockey stated that the add on needs taken off.

Mr. Parker stated that he will notify them that it needs removed.

Mr. Wallace asked if breakfast was always planned.

Mr. Parker stated that it was always discussed but not decided until after construction had started.

Mr. Wallace stated that if they had done the market research earlier it could have been included in the original variance.

Mr. Parker stated that IDQ is constantly changing the sign standards. The original sign variance had the DQ logo on top of it which has been removed.

Mr. Shull asked if they will ever want to add the area where the temporary add in is located.

Mr. Parker stated that can't go much further or the cars will hit it.

Mr. Shockey asked if it is a lighted panel.

Mr. Parker stated yes.

Mr. Shockey asked if it is going to say breakfast.

Mr. Parker stated that he was told that they needed the additional signage for breakfast menu but does not know the panel layout.

Mr. Shockey stated that if they need that for breakfast then it should be limited to breakfast.

Mr. Kirby stated that we can't regulate content.

Mr. Wallace stated that it is a valid point. They are stating that they need this additional signage for breakfast then what gets put on the sign should be related to breakfast.

Mr. Shockey stated the retail especially drive thru want as much signage as possible because it's advertising.

Mr. Wallace asked if the panels can change.

Mr. Parker stated that they rotate the panels about every three months.

Mr. Wallace stated that we need to table to find out more information on how the signage works because there is a lot of room on there.

Mr. Banchefsky stated that we can't regulate content, we can tell them size and lighting.

Mr. Wallace stated that by regulating the size we are regulating the content.

Mr. Banchefsky stated that you can't tell them that the breakfast menu needs to fit in a specific area.

Mr. Wallace stated that then we should just say no.

Mr. Parker stated that if I can make the other sign 18sf. larger then we will have two large signs.

Mr. Kirby asked how the variance reads.

Mr. Mayer stated that they can have a sign that meets code and a larger sign.

Mr. Wallace asked how they would ask for a larger sign.

Mr. Mayer stated that the first sign meets code so they would need to apply for a sign permit.

Mr. Kirby asked if staff is happy with our sign code.

Ms. Joly stated yes.

Mr. Parker stated that we can add a hedgerow for screening to hide the sign.

Mr. Mayer showed the tree lawn picture.

Mr. Kirby asked for public comment.

Mr. Wallace moved to approve V-10-2016 subject to the condition that additional landscaping is added along Woodcrest Way to screen the drive-thru menu board subject to staff approval, seconded by Mr. Shockey. Upon roll call vote: Mr. Shockey, yea; Mr. Wallace, no; Mr. Kirby, no. Yea, 1; Nay, 2; Abstain, 0. Motion failed by a 1-2 vote.

Mr. Wallace stated that he is not in favor of variances unless the applicant absolutely demonstrates that the predicament there in was unavoidable and won't be detrimental. I don't think they did that.

Mr. Kirby stated that they had the first variance and I believe it is sufficient for the property.

Moved by Mr. Wallace, seconded by Mr. Shockey to nominate Mr. Kirby as Chair of the New Albany Planning Commission for the year 2015. Upon roll call vote: Mr. Kirby, yea; Mr. Shockey, yea; Mr. Wallace, yea. Yea, 3; nay, 0; abstain, 0. Motion passed by a 3-0 vote.

Moved by Mr. Shockey, seconded by Mr. Kirby to nominate Mr. Wallace as Vice Chair of the New Albany Planning Commission for the year 2015. Upon roll call vote: Mr. Kirby, yea; Mr. Shockey, yea; Mr. Wallace, yea. Yea, 3; nay, 0; abstain, 0. Motion passed by a 3-0 vote.

Moved by Mr. Wallace, seconded by Mr. Kirby to nominate Mr. Shockey as Secretary of the New Albany Planning Commission for the year 2015. Upon roll call vote: Mr. Kirby, yea; Mr. Shockey, yea; Mr. Wallace, yea. Yea, 3; nay, 0; abstain, 0. Motion passed by a 3-0 vote.

Moved by Mr. Kirby, seconded by Mr. Shockey to nominate Ms. Brisk as Board of Zoning Appeals representative for the year 2016. Upon roll call vote: Mr. Kirby, yea; Mr. Shockey, yea; Mr. Wallace, no. Yea, 2; nay, 1; abstain, 0. Motion passed by a 2-1 vote.

Mr. Wallace stated that he voted no so Ms. Brisk is not mad at him.

Moved by Mr. Kirby, seconded by Mr. Wallace establish the date, time, and location of the New Albany Planning Commission , to be consistent with how it has been done in the past. Upon roll call vote: Mr. Kirby, yea; Mr. Shockey, yea; Mr. Wallace, yea. Yea, 3; nay, 0; abstain, 0. Motion passed by a 3-0 vote.

Mr. Shockey stated that he would like to request from staff a simple list of what applications that the public is notified for.

Mr. Kirby stated that the required notifications and the optional notification.

Ms. Joly stated that we can do that.

Mr. Wallace verified that Mr. Shockey is asking to have it listed in the staff report.

Mr. Shockey stated that it doesn't need to be in the staff report. We just need a list of the applications and which ones are notified. He asked if there are any concerns to have it in the staff report.

Ms. Joly stated that it could be added under the background section.

Mr. Banchefsky stated that you will always have some people that say they weren't notified.

Ms. Joly stated that if we send neighbor letters you have a list of neighbors in your packets.

With no further business, Mr. Kirby polled members for comment and hearing none, adjourned the meeting at 8:53 p.m.

APPENDIX



Planning Commission Staff Report March 21, 2016 Meeting

WALTON OFFICES I PRELIMINARY AND FINAL DEVELOPMENT PLAN

LOCATION: East of New Albany-Conduit Road and north of Walton Parkway
(PID: 222-003430 and 222-004465)

APPLICANT: The Daimler Group

REQUEST: Preliminary and Final Development Plan

ZONING: Comprehensive Planned Unit Development (C-PUD) – New
Albany Company PUD; Subarea 7C: Business Campus (Oak
Grove West)

STRATEGIC PLAN: Freeway Office

APPLICATION: FDP-112-2015

Review based on: Application materials received December 21, 2015 and February 19, 2016.

I. REQUEST AND BACKGROUND

The applicant requests review and approval of a preliminary and final development plan for Walton Offices I. The development plan area consists of approximately 4.2 acres and contains a 57,000 square foot building. The site is located within Subarea 7C: Business Campus (Oak Grove West) of the New Albany Company C-PUD.

The applicant is concurrently requesting approval of variances for the proposed development. These are referenced in this staff report but are discussed in detail in a separate staff report.

II. SITE DESCRIPTION & USE

The site is located directly east of the existing Signature Office building at 8000 Walton Parkway along the north side of Walton Parkway and south of the Cedar Brook subdivision. The site is currently undeveloped and has frontage on Walton Parkway. It

has visibility from the State Route 161 Expressway. The uses permitted in the OCD (Office Campus District) includes administrative, business and professional offices.

The combined preliminary and final development plan site consists of a 2-story office building. Traffic access to the site will be served off of Walton Parkway from two existing curbcuts located at the Signature Office building at 8000 Walton Parkway. A preliminary and final development plan was approved for the site on March 1, 2004 via application FDP-01-2004. This application included the majority of the subarea located north of Walton Parkway and consisted of six two-story office buildings, totaling 233,000 square feet of office space, with 1,053 parking spaces.

The proposed preliminary development plan will replace a preliminary and final development plan approved in 2004 that proposed the development of 2 signature office buildings on the site. Per Codified Ordinance 1159.09(e) “at any time, the applicant and/or his/her successors in title to the property may submit an amended Preliminary Development Plan. In such event the same procedures shall be followed as in the case of an original Preliminary Development Plan and if approved such amended Preliminary Development Plan shall in all respects be considered as if it were the originally adopted Preliminary Development Plan.”

III.PLAN REVIEW

Review is based on zoning text, and planning, subdivision and zoning regulations, including the design standards. Primary concerns and issues have been indicated below, with needed action or recommended action in underlined text.

A. Site and Layout

1. The preliminary and final development plan contains approximately 4.2 acres and will contain a 57,000 square foot office building and add 250 new parking spaces.
2. The site set up similar to Water’s Edge in that the parking is designed to be expanded for additional future phases.
3. Zoning Text section 7c.01 contains various building and pavement setbacks from the centerline of the public rights-of-way. The table below contains the setback distances.

Setback Regulation	Required	Proposed	Standard Met?	Comments
Walton Parkway building setback	65 ft from C/L	65 ft from C/L	Yes	
Walton Parkway pavement setback	65 ft from C/L	181 ft from C/L	Yes	
Northern property line (Cedar Brook) building setback	120 ft	291 ft	Yes	
Northern property line (Cedar Brook) pavement setback	50 ft	52 ft	Yes	

Side yard building setback	30 ft	82 ft (west) 50 ft (east)	Yes	
Side yard pavement setback	15 ft	0 ft (west) 0 ft (east)	NO	Variance Requested
Open Space buffer along Northern Property Line	50 ft	52 ft	Yes	

4. The office building will be located along Walton Parkway with parking located in the rear of the site.
5. A maximum of 80% lot coverage is allowed on the site. The proposed lot coverage for this development is 68%, below the allowable lot coverage.

B. Access, Loading, Parking

Parking

1. Zoning Text section 7c.02 states parking shall be required per the City's Parking Code found in Codified Ordinance Chapter 1167 and the parking and loading requirement of Chapter 1144.03(h)1, 2, & 3. (Note: Chapter 1144.03(h) is now 1144.04(h).)
 - a. The city's parking code (C.O. 1167.05(d)(17)) requires 1 space for each 250 square feet of office space. Therefore 228 parking spaces are required. The applicant is providing 250 new parking spaces.
 - b. The applicant meets the standards found in Chapter 1167.03(a) requiring the parking lot drive aisles to be a minimum of 22 feet wide.
2. Parking will be shared between this building and the Signature Office building. Historically, when parking is shared between building sites, staff has required shared access agreements to ensure traffic can circulate throughout the entire business campus site. It appears one cross access agreement is recorded and another is proposed to ensure accessibility. Staff recommends a condition of approval that cross access easements, if not already recorded, for the shared access drive and to share parking between the buildings must be recorded and provided to city staff.

Circulation

1. The property will be sufficiently served by two entrances from Walton Parkway. The Signature Office building created two entrances along Walton Parkway. The drive aisles serving these main circulation routes are a minimum of 22 feet wide to effectively circulate traffic through the site. It appears one cross access agreement is recorded and another is proposed to ensure accessibility.
2. There is an existing leisure trail along Walton Parkway.
3. City consultants, MKSK and EP Ferris, have reviewed the proposed drive aisle curvature and created an alternative that appears to improve the circulation pattern. Staff recommends a condition that the alternative design is implemented.

Loading and service areas

1. Per Codified Ordinance 1167.06(b)(2) One loading space is required for office buildings between 50,000 and 100,000 square feet. Loading spaces

are provided at the rear entrance of the building to accommodate truck unloading and loading.

C. Architectural Standards

1. Zoning Text section 7c.03(1) requires the building be sited with the longest and/or most predominant building façade parallel to a major street. Additionally, the New Albany Design Guidelines and Requirements require the building have an active and operable front door along all public and private roads. The application meets all the requirements by designing the building to front Walton Parkway with doorways on both the front and rear elevations.
2. Exterior building materials are limited to brick as the predominant material with precast cut stone or synthetic accents above the first floor per Zoning Text section 7c.03(3). The proposed building appears to be predominantly brick but contains metal wall panels. The Planning Commission should evaluate the appropriateness of the metal wall panels. The Signature Office building is entirely brick and the Water's Edge buildings contain a higher amount of brick as well.
3. This building does not contain the same level of ornamentation and exterior architectural detailing as the neighboring Signature Office Building. Staff recommends additional exterior architectural detailing is added to building provide additional depth to the structure and to provide additional vertical elements similar to the Signature Office Building in order to make the building feel more distinctive and the neighboring sites feel like a cohesive campus.
4. Flat roofs are permitted but must have a parapet or means of screening all rooftop mechanical equipment. All rooftop screens must be consistent and harmonious to the building's façade and character.
5. The proposed building (excluding metal screen walls) is approximately 32 feet tall. The zoning text requires that the building height be no greater than 45 feet. The building is 40 feet when including the metal screen wall.

D. Buffering, Landscaping, Open Space, Screening

1. Landscaping for the site has been designed to be a continuation of the landscape installed at the neighboring Signature Office Building site to the west.
2. There is a text commitment to provide 8% interior parking lot landscaping on the site. The proposed plan indicates 9% interior parking lot landscaping is provided.
3. Street trees and standard white horse fence are already installed along Walton Parkway and State Route 605.
4. Zoning Text section 7c.04(1)(d) requires the property line to have a 50 foot wide buffer strip containing a 5-6 foot high earth mound. Additionally, Zoning Text section 7c.04(5)(c) requires no existing trees within the setback zones shall be removed or destroyed unless they interfere with utilities and/or curbcut locations. The development plan shows a 52 foot wide buffer zone with a four foot high mound to be located along the northern property line where the tree existing tree canopy is illustrated via a bubble. The applicant has requested a variance to mounding height requirements.

5. Zoning Text section 7c.04(1)(d) requires the northern buffer strip must contain a double row of staggered pines spaced 12 feet on center along the northern edge of the buffer strip. Along the south side of the buffer strip, deciduous and evergreens shall be planted at a standard of 8 tree per 100 linear feet. The applicant has requested a variance to this landscaping requirements.
6. The City Landscape Architect has reviewed the landscape plan and commented the applicant needs to add parking screening plantings to the southeast corner of the parking lot which faces Walton Parkway. Selected plantings should adhere to New Albany parking screening code.
7. The applicant indicates this site will utilize the existing basin on the Signature Office Building site for stormwater retention/detention.

E. Lighting and Signage

1. The exact design of signage will be determined by tenants in the building. No signage has been submitted with this application. Staff recommends future signage is subject to staff approval.
2. The proposed parking lot light fixture is the same parking lot light fixture installed at the Signature Office Building. The submitted photometric plan shows there is no spillage on the public rights-of-way and Cedar Brook properties.

IV. ENGINEER'S COMMENTS

The City Engineer has reviewed the referenced plan in accordance with the engineering related requirements of Code Section 1159.07 and provided the following comment(s):

1. Detailed engineering comments related to the sanitary sewer system, drainage facilities, lighting, etc. will be provided when engineering drawings are submitted for review.
2. The proposed drive aisle has been revised from the last submittal to more closely align with the existing cross access easement located to the west. We find this revision to be acceptable.
3. We understand that additional curb cuts to Walton Parkway will be provided to the east when these lots develop.

The engineering comments can also under separate cover from the consulting City Engineer, E.P. Ferris & Associates.

V. RECOMMENDATION

The development plan is consistent with the purpose and standards of the zoning code and applicable PUD development texts by locating the building closer to Walton Parkway and locating parking in the rear of the site. Furthermore, the building appears to be appropriately located since it further from residential uses and closer to State Route 161. By incorporating staff's proposed drive aisle alternative the site should have improved safety and circulation.

The proposed exterior of the building is not distinctive and therefore does not appear to complement the Signature Office Building. Staff recommends the building design

incorporates additional ornamentation and vertical architectural elements in order to create more distinctive look and complement the Signature Office Building to create a campus feel. The Planning Commission should evaluate the building's exterior to ensure the proposed metal panels compliment and are consistent neighboring office buildings.

V. ACTION

Suggested Motion for FDP-112-2015:

To approve Preliminary and Final Development Plan application FDP-112-2015, subject to the following conditions all subject to staff approval:

1. City staff's alternative drive aisle curvature design is implemented.
2. Additional exterior architectural detailing is added to building provide additional depth to the structure and to provide additional vertical elements similar to the Signature Office Building in order to make the building feel more distinctive and the neighboring sites feel like a cohesive campus.
3. Address the comments of the City Landscape Architect.
4. Cross access easements for the shared access drive and to share parking between the buildings are recorded and provided to city staff.
5. Signage is subject to staff approval.

Approximate Site Location:





**Planning Commission Staff Report
March 21, 2016 Meeting**

**WALTON OFFICES I
VARIANCES**

LOCATION: East of New Albany-Conduit Road and north of Walton Parkway
(PID: 222-003430 and 222-004465)
APPLICANT: The Daimler Group & the New Albany Company
REQUEST: Variances
ZONING: Comprehensive Planned Unit Development (C-PUD) – New
Albany Company PUD; Subarea 7C: Business Campus (Oak
Grove West)
STRATEGIC PLAN: Freeway Office
APPLICATION: V-02-2016

Review based on: Application materials received February 19, 2016.

I. REQUEST AND BACKGROUND

The applicant requests multiple variances from the New Albany Company C-PUD Subarea 7C: Business Campus zoning text and the city's Codified Ordinance for the development of Walton Office I. The preliminary and final development plan area is approximately 4.2 acres and will contain a 57,000 square foot building and an associated 250 space parking area. The zoning text specifies that variance requests be heard by the Planning Commission instead of the Board of Zoning Appeals.

The variances requested are as follows:

- A. Variance to the New Albany Company; Business Campus District (Subarea 7C-Business Campus (Oak Grove West) PUD section 7c.04(1)(d) to allow the northern buffer strip to have a 4 foot high earth mound where code requires a 5-6 foot high earth mound.
- B. Variance to the New Albany Company; Business Campus District (Subarea 7C-Business Campus (Oak Grove West) PUD section 7c.04(1)(d) to reduce the landscaping at the northern buffer strip, which is required to contain a double row of staggered pines spaced 12 feet on center along the northern edge of the buffer strip and deciduous and evergreens to be planted at a standard of 8 trees per 100 linear feet along the south side of the buffer strip, to allow six spruce trees and to utilize the existing landscaping.

- C. Variance to the New Albany Company; Business Campus District (Subarea 7C-Business Campus (Oak Grove West) PUD section 7c.01(1) to reduce the minimum side yard pavement setback from 15 feet to zero (0) feet on the east and west side yards.
- D. Variance to the New Albany Company; Business Campus District (Subarea 7C-Business Campus (Oak Grove West) PUD section 7c.04(2)(a) to eliminate the requirement that side yard setback areas contain mounding with a mixture of deciduous shade trees and evergreen trees and shrubs.

II. EVALUATION

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

Criteria

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

All of the factors should be considered and no single factor is dispositive. The key to whether an area variance should be granted to a property owner under the “practical difficulties” standard is whether the area zoning requirement, as applied to the property owner in question, is reasonable and practical.

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

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

8. *That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district.*
9. *That a literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Zoning Ordinance.*
10. *That the special conditions and circumstances do not result from the action of the applicant.*

11. *That granting the variance requested will not confer on the applicant any special privilege that is denied by the Zoning Ordinance to other lands or structures in the same zoning district.*
12. *That granting the variance will not adversely affect the health and safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.*

III. RECOMMENDATION

Considerations and Basis for Decision

A. Variance to the New Albany Company; Business Campus District (Subarea 7C-Business Campus (Oak Grove West) PUD section 7c.04(1)(d) to allow the northern buffer strip to have a 4 foot high earth mound where code requires a 5-6 foot high earth mound.

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

1. Zoning Text section 7c.04(1)(d) requires the property line to have a 50 foot wide buffer strip containing a 5-6 foot high earth mound. The applicant proposes a four foot high earth mound across the entire buffer strip except for a small area at the northwest corner of the site where existing electrical boxes prohibit it. The applicant states the neighboring property to the west has a four foot high mound and they wish to install a four foot high mound at this site to match and continue the existing landscaping.
2. The site contains a mature tree line along the rear of the Cedar Brook residences and the buffer area on this site. In order to increase the mound's height and maintain the slope of the mound it would require more land and this could impact the existing trees.
3. The variance does not appear to be substantial and preserves the "spirit and intent" of the zoning requirement since the likely objective of the requirement is to screen cars and their headlights. City code requires a minimum height of four feet of landscaping, mounding, or walls to screen vehicles from streets and neighboring properties. The four foot tall mound appears to adequately screen vehicle headlights from Cedar Brook residences.
4. It does not appear that the variance would adversely affect the delivery of government services, affect the health and safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.

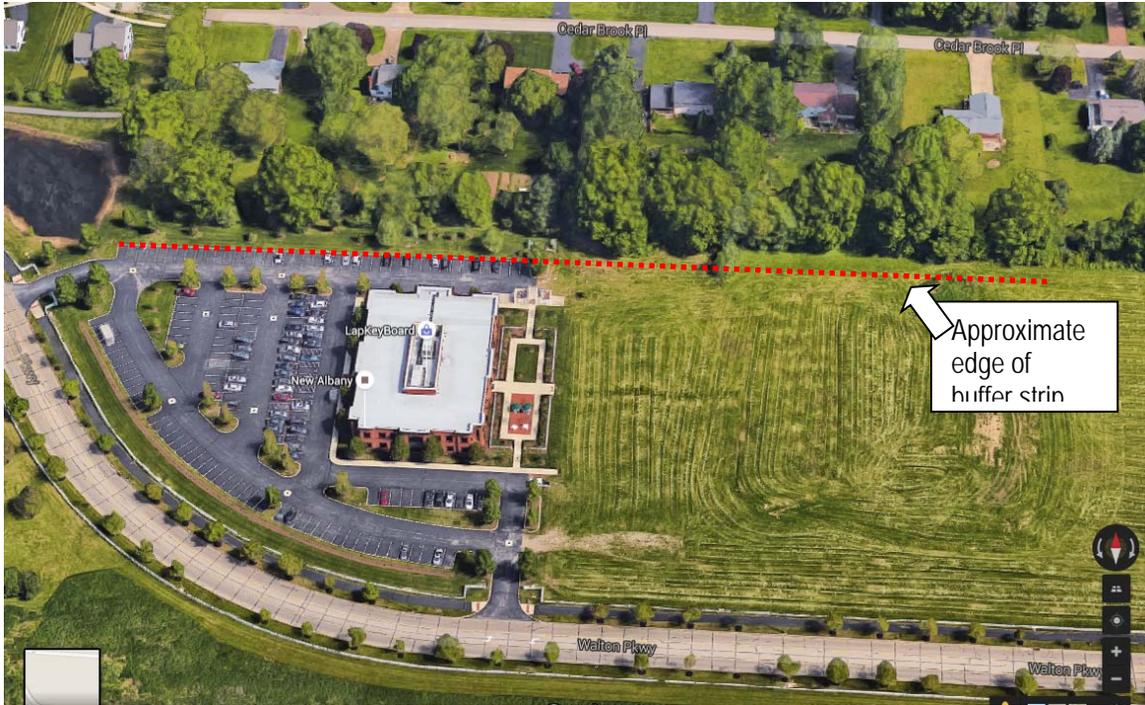
In summary, staff supports this variance request for a reduction in the minimum mounding height from five feet to four feet. The variance preserves the "spirit and intent" of the zoning requirement since the likely objective of the requirement is to screen cars and their headlights. For this reason the request does not seem substantial.

B. Variance to the New Albany Company; Business Campus District (Subarea 7C-Business Campus (Oak Grove West) PUD section 7c.04(1)(d) to reduce the landscaping at the northern buffer strip, which is required to contain a double

row of staggered pines spaced 12 feet on center along the northern edge of the buffer strip and deciduous and evergreens to be planted at a standard of 8 trees per 100 linear feet along the south side of the buffer strip, to allow six spruce trees and to utilize the existing landscaping.

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

1. Zoning Text section 7c.04(1)(d) requires the northern buffer strip must contain a double row of staggered pines spaced 12 feet on center along the northern edge of the buffer strip. Along the south side of the buffer strip, deciduous and evergreen trees shall be planted at a standard of 8 trees per 100 linear feet.
2. The applicant states the proposed buffer strip will continue the landscaping density from the adjacent property at 8000 Walton Parkway. The applicant proposes to install a total of six (6) evergreens in the south side of the buffer strip.
3. The property is approximately 435 feet side long in the buffer strip area. Eight trees per 100 linear feet results in 35 trees being required along the south side of the buffer strip. Additionally, along the northern edge of the buffer strip, a double row of staggered pines spaced 12 feet on center results in 36 trees being required.
4. The Signature Office Building's site has approximately 360 feet of property that abuts Cedar Brook residences. Staff visited the site and counted 19 trees (mix of deciduous and pine) in the buffer strip that appear to have been planted when the site was developed. This equates to approximately five trees per 100 linear feet. Staff recommends this same planting density (5 trees per 100 feet) is installed within the buffer strip at this site. This will result in approximately 22 trees being installed.
5. The site contains a mature tree line along the rear of the Cedar Brook residences and the north side of the buffer strip. Staff cannot determine if the trees are on the Cedar Brook or New Albany Company property. The drip line (canopy) of the existing trees may prevent or negatively impact additional landscaping on the north side of the buffer strip.
6. The south side of the buffer strip, adjacent to the parking lot, does not appear to have any impediments to installing landscaping.
7. The "spirit and intent" of this regulation is likely to screen the building from the residences to the north. However there appears to be a large amount of young and mature trees existing on the site that provides screening.
8. The applicant must extend the sanitary line that runs within this buffer strip. While impacting the existing trees is not anticipated, staff recommends a condition of approval that any impacted trees in the buffer strip are replaced.
9. It does not appear that the variance would adversely affect the delivery of government services, affect the health and safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.



In summary, the variance request is really two parts: (1) the required landscaping on the north side of the buffer strip and (2) required landscaping on the south side of the buffer strip. It appears the existing landscaping in the buffer strip may prohibit additional landscaping from prospering, if there is room for it to be planted. It appears landscaping on the south side of buffer strip (closer to the parking lot) appears more plausible. The “spirit and intent” of this regulation is likely to screen the building from the residences to the north. However it appears this being accomplished via a large mixture of younger and more mature trees existing on the site.

C. Variance to the New Albany Company; Business Campus District (Subarea 7C-Business Campus (Oak Grove West) PUD section 7c.01(1) to reduce the minimum side yard pavement setback from 15 feet to zero (0) feet on the east and west side yards.

D. Variance to the New Albany Company; Business Campus District (Subarea 7C-Business Campus (Oak Grove West) PUD section 7c.04(2)(a) to eliminate the requirement that side yard setback areas contain mounding with a mixture of deciduous shade trees and evergreen trees and shrubs.

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

1. The requested variance will remove the required interior pavement side yard setbacks to allow for zero (0) lot line development on this parcel within development plan’s area. Zero lot line development will allow the site to be owned by several different owners but still maintain a comprehensive feel.
2. Zoning Text section 7c.04(2)(a) requires landscaping within the setback areas for side lots shall contain a minimum of a 4 foot earth mound, having a minimum width of twenty feet beginning at the side property line. Two adjoining parcels may

combine their mound to have one 4' high mound. The mound shall be planted with a mixture of deciduous shade trees and evergreen trees and shrubs.

3. The applicant states the proposed development is part of a master planned area that is set up with access easements and shared parking. The proposed parking lot will continue to the east when the future building is developed and would require the mounding to be removed in the future. As such, the applicant proposes to not install the mounding and landscaping between the sites.
4. Without these variances the parking area would not be able to be easily shared among users of different buildings. The sharing of parking areas and detention areas is a key recommendation of the city's strategic plan.
5. The property owner may have purchased the property with the knowledge of the zoning restriction; however, the proposed variance would allow for a more desirable site plan for the property than the existing zoning setback restrictions by creating a continuation of phased sites resulting in one cohesive site design.
6. The applicant states the proposed development is part of a master planned area that is set up with access easements and shared parking.
7. The same variance was granted for Water's Edge campus. Approving the variance request will allow this site to appear as a continuation of the Signature Office Building and other future phases.
8. It does not appear that the variance would adversely affect the delivery of government services, affect the health and safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.

In summary, staff supports these variance requests for a reduction in internal side yard pavement setbacks and to eliminate the landscaping requirements. The variances do not appear to be substantial since zero lot line development will allow the site to be owned by several different owners but still maintain a comprehensive feel. Without these variances the parking area would not be able to be easily shared among users of different buildings. The sharing of parking areas is a key recommendation of the city's strategic plan. The proposed variance would allow for a more desirable site plan for the property than the existing zoning setback restrictions by creating a continuation of multiple phases resulting in one cohesive site design.

III.ACTION

Suggested Motion for V-02-2016 (the variances may be considered together or separately and acted on as one motion or five separate motions):

To approve variance application V-02-2016 subject to the following conditions, all subject to staff approval:

1. If FDP-112-2015 is not approved the variance shall become null and void.
2. Any impacted trees in the buffer strip are replaced.
3. 5 trees per 100 feet are installed within the buffer strip at this site.

Approximate Site Location:



Source: Google Maps



**Planning Commission Staff Report
March 21, 2016 Meeting**

**FOREST DRIVE PROFESSIONAL PARK – FINAL DEVELOPMENT PLAN
EXTENSION**

LOCATION: Southeast side of Johnstown Road, northeast of Smith’s Mill Road north and west of the Plain View subdivision, west of Kitzmiller Road.
APPLICANT: Smith’s Mill Ventures LLC
REQUEST: Extension of Final Development Plan FDP-08-07
ZONING: I-PUD (Planned Unit Development)
STRATEGIC PLAN: Neighborhood Office District
APPLICATION: FDP-08-07

Review based on: original application materials and new extension application received February 19, 2016.

Staff report prepared by Stephen Mayer, Community Development Planner.

II. REQUEST AND BACKGROUND

The applicant is seeking an extension of a Final Development Plan for the Forest Drive Professional Park. The final development plan area contains approximately 5.5 acres and contains five 8,575 square foot office buildings and an associated parking area. The site is located within Subarea 8b of the Canini-Trust Corp I-PUD.

This final development plan was originally approved by the New Albany Planning Commission on October 15, 2007. A reconsideration of the final development plan was approved by the Planning Commission on November 19, 2007 to revise the turning radii within the parking area. Per Codified Ordinance Chapter 1159.11, if construction has not begun within two years of approval of the Final Development Plan, all approvals and permits shall be invalidated and canceled. Such two year period may be extended by the Planning Commission for good cause.

- In 2009, the FDP was first granted an extension to the expiration to change the expiration from October 15, 2009, to October 15, 2011.
- In 2011, the FDP was again granted an extension to the expiration to change the expiration from October 15, 2011, to October 14, 2013.
- Without an extension, the final development plan will expire. The applicant has applied for a two year extension. Staff recommends the extension becomes effective the October 14, 2015 (the current expiration date).

III. SITE DESCRIPTION & USE

The site is located at the intersection of S.R. 62 and Forest Drive within the Canini Trust Corp. The Marriott Courtyard Hotel is currently located adjacent to the Forest Drive traffic circle and southeast of Johnstown Road.

IV. EVALUATION

- The Codified Ordinances allow for the Planning Commission to extend final development plans for good cause. The requested extension will give the applicant more time to move forward with the development. Market and financing conditions have affected the project's timing.
- The entire Canini Trust Corp project is intended to be a mix of commercial uses. The Canini Trust Corp has been strategically located to provide auto oriented services/retail uses due to its proximity to the interchange and to serve the business park.
- This proposed office park complements the retail by bringing employees to the site. The Canini Trust Corp is designed to accommodate vehicles and pedestrians so people can walk or drive from their office to the retail users.
- Per the zoning text at least 176,000 square feet of building space shall be developed for office use in total between Subarea 8a, 8b and 8c. None of the developed sites contain office uses.
- The conditions that were present when the final development plan was originally approved are still valid and the plan is not expected to be altered. The staff report from the original application, record of actions, and past minutes are attached for reference.

V. RECOMMENDATION

The overall proposal is generally consistent with the code requirements for extending a final development plan. The application is consistent with the Planning Commission's original approval. The office buildings are still an appropriate and desired use within the Canini Trust Corp.

Staff recommends approval of the two year extension provided that the Planning Commission finds the proposal meets sufficient basis for approval.

VI. ACTION

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

Move to approve application extension FDP-08-07 with the following conditions:

- 1) The Final Development Plan extension will be become effective October 14, 2015, the current date of expiration.
- 2) The Final Development Plan extension is permitted for two years (to expire on October 13, 2017) and that any extension in time is reviewed and approved by the Planning Commission.
- 3) The conditions of approval placed on the approval of the original final development plan application FDP-08-07 as approved by the Planning Commission on October

15, 2007 and the Reconsideration of FDP-08-07 as approved by the Planning Commission on November 19, 2007 still apply.

Approximate Site Location:



Source: Google Maps



**Planning Commission Staff Report
March 21, 2016 Meeting**

**DAIRY QUEEN
DRIVE-THRU SIGN VARIANCE**

LOCATION: 9940 Johnstown Road (PID: 222-000347)
APPLICANT: F5 Design/Architecture
REQUEST: Variance
ZONING: Infill Planned Unit Development (I-PUD) Canini Trust Corp
subarea 8a
STRATEGIC PLAN: Neighborhood Retail District
APPLICATION: V-10-2016

Review based on: Application materials received February 17, 2016.

Staff Report completed by Stephen Mayer, Community Development Planner.

VII. REQUEST AND BACKGROUND

The applicant has applied for the following sign variance at the Dairy Queen restaurant:

- A. Variance to Codified Ordinance section 1169.11(c)(3) to allow a drive-thru menu board sign to be 47.56 square feet in area where code allows a maximum of 32 square feet.

On May 18, 2015 the Planning Commission approved a variance to allow this drive-thru menu board sign to be 40 square feet in area. The applicant now requests to add an additional 7.56 square feet of sign board area to the existing sign for a total of 47.56 square feet.

II. SITE DESCRIPTION & USE

The site is home to Dairy Queen restaurant. A final development plan and conditional use to allow the drive-thru was approved by the Planning Commission on December 15, 2014, and the restaurant received occupancy on December 15, 2015. The site is approximately 0.884 acres and is located adjacent to the east of U.S. 62. It is located generally at the northeast corner where a full traffic signal is planned along U.S. 62 after the Smith's Mill Road intersection (heading north). The Canini Trust Corp currently is home to the COTA park-n-ride facility, Hampton Inn and Suites, Marriott Hotel, Turkey Hill, and Tutor Time.

III. EVALUATION

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

Criteria

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

All of the factors should be considered and no single factor is dispositive. The key to whether an area variance should be granted to a property owner under the “practical difficulties” standard is whether the area zoning requirement, as applied to the property owner in question, is reasonable and practical.

13. *Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without the variance.*
14. *Whether the variance is substantial.*
15. *Whether the essential character of the neighborhood would be substantially altered or adjoining properties suffer a “substantial detriment.”*
16. *Whether the variance would adversely affect the delivery of government services.*
17. *Whether the property owner purchased the property with knowledge of the zoning restriction.*
18. *Whether the problem can be solved by some manner other than the granting of a variance.*
19. *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*):

20. *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.*
21. *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.*
22. *That the special conditions and circumstances do not result from the action of the applicant.*
23. *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.*
24. *That granting the variance will not adversely affect the health and safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.*

III. RECOMMENDATION

Considerations and Basis for Decision

A. Variance to Zoning Text section 8a.06(6)(h) to allow a drive-thru menu board sign to be 47.56 square feet in area where code allows a maximum of 32 square feet.

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

1. On May 18, 2015 the Planning Commission approved a variance to allow this drive-thru menu board sign to be 40 square feet in area. The applicant now requests to add an additional 7.56 square feet of sign board area to this existing sign for a total of 47.56 square feet.
2. The applicant, in their narrative, states the new sign adds a small panel to display the breakfast menu.
3. The drive-thru menu board sign is located at the rear of the building along Woodcrest Way.
4. Although the sign is larger than code allows, it will not be visible from any public right-of-ways (Forest Drive and US 62). There are street trees installed between the menu board and Woodcrest but appears to provide little to no screening from the internal roads. Staff recommends the Planning Commission consider requiring additional landscaping to screen the menu board sign from the internal road Woodcrest Way. There is a strip of land between the sidewalk and drive-thru where landscaping may be installed.
5. The site has two drive-thru menu board signs. The total drive thru signage is smaller than the total maximum allowed:
 - a. Each menu board sign is allowed to be a maximum of 32 square feet.
 - b. The site has two menu signs: 40 square foot and 14 square for a total 54 square feet.
 - c. The additional 7.56 square will result in a total menu board sign area (for the entire site) of 61.56 square feet. This is less than the total maximum allowed (64 square feet max allowed between both signs).



6. The variance does not appear to be substantial due to the location of sign in

relation to the primary roads (Forest Drive and US 62) and landscaping that will provide screening. Additionally, the site has been strategically located to provide auto oriented services/retail uses due to its proximity to the interchange and to serve this end of the business park. Drive-thru signs are intrinsically linked to auto oriented services/retail areas.

7. It does not appear that the variance would adversely affect the delivery of government services, affect the health and safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.

Staff recommends approval of the requested variance should the Planning Commission find that the application has sufficient basis for approval. The larger menu board appears to be acceptable given the location of the sign (at the rear of the building and screened from the primary streets) and requiring additional landscaping on-site will provide screening from internal streets. Additionally, it does not appear that the granting of the variance will 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.

V. ACTION

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

Move to approve application V-10-2016 with the following conditions of approval (conditions may be added):

1. Additional landscaping is added along Woodcrest Way to screen the drive-thru menu board subject to staff approval.

Approximate Site Location:



Source: Google Maps