

Planning Commission

Meeting Minutes

April 4, 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 7:11 p.m.

Mr. Sloan Spauling Sworn in the new commission member Bill Steele.

Neil Kirby	Present
Brad Shockey	Present
David Wallace	Present
Marlene Brisk	Present
Bill Steele	Present
Sloan Spalding (council liaison)	Present

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

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 and received no response.

Mr. Wallace moved to accept the staff reports and related documents in to the record, seconded by Ms. Brisk. Upon roll call vote: Mr. Kirby, yea; Mr. Wallace, yea; Mr. Shockey, yea; Ms. Brisk, yea; Mr. Steele, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

CU-23-2016 Conditional Use

Conditional Use for manufacturing and production on 12.1 +/- acres located within Innovation District Subarea B, generally located at the northeast corner of Smith's Mill Road and Beech Road (PID: portion of 093-107004-00.000).

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

FDP-24-2016 Final Development Plan

Final Development Plan for a new multi-tenant site generally located at the northeast corner of Smith's Mill Road and Beech Road (PID: 095-112104-00.000 & 093-107004-00.000).

Applicant: MBJ Holdings, LLC c/o Aaron Underhill, Esq.

V-25-2016 Variance

Variance to the Innovation District Subarea B zoning text for a new multi-tenant site generally located at the northeast corner of Smith's Mill Road and Beech Road (PID: 095-112104-00.000 & 093-107004-00.000).

Applicant: MBJ Holdings, LLC c/o Aaron Underhill, Esq.

Mr. Stephen Mayer presented staff reports for CU-23-2016, FDP-24-2016 and V-25-2016.

Mr. Kirby asked if the curb cut was in the boulevard.

Mr. Tom Rubey stated that it is not in the boulevard but not sure if it's in the striped area. They are in agreement with the condition. The location of the curb cut is south of the zoning line. We were looking for the optimal location to allow for traffic management, design engineering, greywater management and the zoning line.

Mr. Kirby asked if retail is permitted in the out lot.

Mr. Rubey stated yes and a cross access easement would be required to provide access to both lots.

Mr. Mayer continued with the staff report.

Mr. Aaron Underhill, representing the applicant, stated that we have two different zoning and have a strange procedural issue which staff has explained. In regards to the variance on the east side property line, the neighboring property owner doesn't have an issue with the variance because they will have affiliated owners.

Mr. Kirby asked if he would accept a condition of approval that the neighboring property owner puts in writing that they are alright with the variance.

Mr. Underhill stated yes. The IPUD text had a secondary review of the final development plan for the retail uses that are permitted in this zoning.

Mr. Kirby asked for public comment.

No public present.

Mr. Steele asked if an access easement exists for the access to Beech.

Mr. Underhill stated that it is not done yet but we understand that it is required.

Ms. Joly asked that the variance is voted before the final development plan.

Mr. Kirby moved to approve V-25-2016 subject to the condition that the applicant receive written ok from neighbors, seconded by Mr. Wallace.

Mr. Shockey asked about why we are adding this condition on the variance.

Mr. Kirby stated that we have asked for the opinions of the public on previous cases. At first glance, this is entirely self-inflicted and I'm not fond of variances that are self-inflicted. So I looked at who is affected the most and if the most affected party is good with it.... The pool at Ackerly Farm, the response from the applicant and neighbors were very different.

Mr. Wallace stated that the applicant's representative stated that the neighbor was alright with it so we just asked for that statement in writing.

Mr. Shockey stated that on the BZA, I don't ever remember asking for a letter of approval from someone who wasn't present at the meeting.

Mr. Steele stated that I would be concerned with adverse precedence. If we wanted to approve a variance but a neighbor disagrees. Will they be able to look at this case as precedent?

Mr. Mitch Banchefsky stated that he can see it both ways. The applicant's council was sworn in and he's an officer of the court.

Ms. Brisk stated that he represents both parties. So maybe it wouldn't hurt to have it in writing.

Mr. Underhill stated that it is self-inflicted in the fact that we zoned it this way but the text also says that the setbacks can go away if both sides are owned by the same entity. These are related owners but not the same. I don't mind getting the written permission since these are related owners.

Mr. Kirby asked if this PUD text allows for zero lot lines for parcels owned by the same entity.

Mr. Underhill stated that interior lines but not across subareas.

Mr. Kirby stated that if the setback goes away it will look like an interior PUD.

Mr. Shockey moved to amend motion to delete the condition requiring the neighbors' written approval, seconded by Mr. Steele. Upon roll call vote: Mr. Kirby, no; Mr. Wallace, no; Mr. Shockey, yea; Ms. Brisk, no; Mr. Steele, yea. Yea, 2; Nay, 3; Abstain, 0. Motion failed by a 2-3 vote.

Mr. Kirby moved to approve V-25-2016 subject to the condition that the applicant receive written ok from neighbors, seconded by Mr. Wallace. Upon roll call vote: Mr. Kirby, yea; Mr. Wallace, yea; Mr. Shockey, yea; Ms. Brisk, yea; Mr. Steele, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

Mr. Wallace moved to approve FDP-24-16 subject to the following conditions:

1. Any necessary revision to the number, locations and spacing of curb cuts as determined by the City Traffic Engineer are provided and subject to staff approval.
2. This applicant is required to install the standards found in the Personal Care and Beauty Campus landscape standards plan, subject to staff approval.
3. All future signage is subject to staff approval.
4. Address the comments of the City Engineer to the satisfaction of the City Engineer.
5. A lot combination resulting in the building not being situated over lot lines is approved and recorded prior to a building permit being issued.
6. Complete screening of all roof-mounted equipment is required on all four sides of façade and character, and the screening wall will also block sound.
7. The interior parking lot landscaping calculation is provided on the development plan or landscape plan and is subject to staff approval.
8. A photometric plan is submitted and subject to staff approval.
9. A pedestrian circulation system that connects to the public street per the zoning text requirement is installed, subject to staff approval.
10. The future, potential curb cut on Smith's Mill Road is subject to staff approval.
11. Cross access easements required for out lots, seconded by Mr. Steele. Upon roll call vote: Mr. Kirby, yea; Mr. Wallace, yea; Mr. Shockey, yea; Ms. Brisk, yea; Mr. Steele, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

Mr. Banchefsky stated that the motion changes are related to a court case. We need to refer to the staff report to provide more definitive criteria in terms of a record of action to show what the commission's basis for action is.

Mr. Kirby asked for more information on the case.

Mr. Banchefsky stated that it is a court case involving the New Albany Board of Zoning Appeals. The judge has remanded it back to the BZA.

Mr. Wallace asked when we will received the enhanced language.

Mr. Banchefsky stated that it will be provided but we are basically having you refer to the staff report.

Mr. Kirby moved to approve CU-23-2016 based on the fact that it meets the specified criteria under 1115.03(A-G) sections contained in the staff report, seconded by Ms. Brisk. Upon roll call vote: Mr. Kirby, yea; Mr. Wallace, yea; Mr. Shockey, yea; Ms. Brisk, yea; Mr. Steele, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

Informal Review of Proposed Amendment to Codified Ordinance 1173
Applicant: City of New Albany

Ms. Adrienne Joly presented information regarding the pool code. The Lambton Park pool variance is scheduled to come back to the next Planning Commission meeting. She provided a memo and an updated code change.

Ms. Brisk asked why we are going out of the way to make an exception for properties on the golf course.

Mr. Shockey stated that it's similar to the case where we granted access because it is not public access.

Mr. Steele stated that it was controlled access.

Ms. Brisk stated that a lot of our conversation was with pedestrian access. A golf course to me is pedestrian traffic.

Ms. Joly stated that it is controlled or limited access.

Mr. Shockey asked if any leisure trails exist in the golf courses.

Ms. Joly stated no public leisure trails just cart paths.

Mr. Shockey stated that I understand the backing requirement but is permission ever going to be granted for a homeowner to attach a backing onto the horse fence.

Mr. Kirby stated that if the golf course owns the fence then the homeowner can't do maintenance.

Ms. Joly stated that it would be up to the homeowner to receive permission.

Mr. Wallace stated that the other aspect is to eliminate the attractive nuisance. By creating a scenario where the pool can be seen through the fence as opposed to a barrier we are undercutting the purpose of having the fence which is to eliminate the attractive nuisance.

Ms. Joly continued with the information presented. We are waiting on some resource information. Some of the considerations would include the specifications, material, maintenance and life span.

Mr. Steele stated a well designed pool cover is a tremendous safety feature but not many meet that standard.

Ms. Brisk stated that her concerns are the mesh coming loose, maintenance of pool covers, attractive nuisance, quality of pool covers and the maintenance of pool covers.

Mr. Wallace asked for clarification of the fencing requirements for the other property lines if they share a common property line with a golf course.

Ms. Joly stated that if they use the horse fence they must have a fence or wall on the other property lines and have a pool cover.

Mr. Kirby asked if the horse fence along roadways are in the right of ways.

Ms. Joly stated that it is typically one foot out of the right of way on private property and maintained by HOA.

Mr. Wallace stated that the other fence portion that is listed in iii goes from where to where...

Ms. Joly stated that enclosed, it doesn't need to run with the property line. Two enforcement cases regarding pool fences have this condition.

Ms. Pam Hickok stated that two homes in Highgrove have the horse fence in the rear and black typical iron fencing connecting the house to the rear horse fence.

Ms. Joly stated that it doesn't have to be located on the property line.

Mr. Kirby stated that if you install an automatic pool cover you are allowed to have a 44" fence.

Mr. Shockey stated that he didn't understand where the push is to change our code. I don't think the height matters because the horse fences are not owned by the property owner and they are maintained by the HOA. I would believe that the HOA has rules about attaching anything the horse fences.

Mr. Kirby asked who owns the maintenance of the fence is a big deal. The homeowner could state that they don't maintain the fence so it is the HOA responsibility.

Mr. Rubey stated that the HOA maintains the fence.

Mr. Shockey asked if there is a prohibition to nailing things to the fence.

Mr. Rubey stated that the HOA has tried to prohibit items from being attached to the fence but they have had a difficult time enforcing it.

Mr. Banchefsky stated this was brought to our attention other than the application was the new technology and standards. The City of Columbus is

considering using the new standards. I spoke to the Board of Building Standards because they are in process of updating the building code to see if they will be regulating residential pools. The Board of Building Standards stated that they will only be regulating the electric work for the pool covers. I think the focus is the new technology of the pool covers...

Mr. Wallace stated that the problem is that we haven't seen the evidence showing that the new technology is safer than a fence.

Mr. Kirby stated that he was looking for a third party who interest is in the results such as an insurance company.

Ms. Joly stated that as a staff, with the number of these that we have had. We have several in code enforcement that didn't build as permitted. If we could craft an exception what would the factors be and what layers of protection would we want. Any code change need to come to this board first and then to Council. Do we just lower the height from five to four? Do we take it a step further to address the pool covers? Or do we require a variance. If you have any direction tonight we could put it on the agenda for the next meeting.

Mr. Kirby stated that if most communities are using the forty-eight inch fence than it...

Mr. Shockey stated that he is fine with the forty-eight inch fence but couldn't support the rest.

Ms. Brisk stated that the fence height is fine but not comfortable with the horse fence.

Ms. Joly stated that maybe a reduction in the height of the fence is enough of a reduction in the visual impact.

Mr. Shockey stated that it would be more residential friendly in scale.

Ms. Brisk asked if Dublin has a maximum of 48" as stated in the staff report.

Ms. Joly stated that something is missing in the note. I think the 48" maximum is in reference to a solid wall.

Mr. Wallace stated that look at the language for backing.

Ms. Joly stated that we have the language in section e to apply to the 48" fence standard.

Mr. Kirby stated that he is not comfortable with the exception part and any maintenance needs to be by the homeowner.

Mr. Banchefsky stated that the fence should be maintained by the homeowner.

Mr. Steele asked if it was a 10 acre lot and they want to install a top of the line pool cover.

Ms. Brisk stated that is what a variance is for.

Ms. Joly restated that she should keep section (e) until the exception language starts.

Ms. Brisk asked if attractive nuisance is relevant.

Mr. Banchefsky stated that the goal of all the municipalities is to keep kids out of the pool area.

Ms. Brisk stated that a wrought iron fence feels like more of a barrier than a horse fence.

Mr. Kirby asked that Chapter 1175 is included with the code changes.

With no further business, Mr. Kirby polled members for comment and hearing none, adjourned the meeting at 8:36 p.m.

APPENDIX



Planning Commission Staff Report April 4, 2016 Meeting

INNOVATION DISTRICT SUBAREA B CONDITIONAL USE

LOCATION: Northeast corner of Smith's Mill Road and Beech Road within Innovation District Subarea B (PID: 093-107004-00.000)

APPLICANT: MBJ Holdings, LLC c/o Aaron Underhill, Esq.

REQUEST: Conditional Use for Manufacturing and Production

ZONING: Infill Planned Unit Development (I-PUD) Innovation Zoning District text Subarea B

STRATEGIC PLAN: Office District and Mixed Retail/Office District

APPLICATION: CU-23-2016

Review based on: Application materials received March 18, 2016.

Staff report completed by Stephen Mayer, Community Development Planner.

I. REQUEST AND BACKGROUND

The applicant requests approval for manufacturing and production as a conditional use within Innovation District Subarea B. The district is zoned PUD and permits L-GE uses. The proposed conditional use will allow for the manufacturing, processing, fabrication, packaging, or assembly of goods. The conditional use is being requested in anticipation of a potential user who wishes to break ground this year. If approved, the conditional use will apply to the entire 12.1 acre zoning district.

Per C.O section 1115.05 property owners within 200 feet of the property in question have been notified.

II. SITE DESCRIPTION & USE

The site is located within Licking County, north of state route 161, east of Beech Road within the portion of the business park known as the Personal Care and Beauty Campus. The Planning Commission recommended approval of the PUD zoning on July 7, 2010 (via ZC-04-10/PDP-02-10).

The neighboring uses and zoning districts include L-GE and Planned Unit Development (PUD). The subarea consists of 12.1 +/- acres. The neighboring uses and zoning districts include L-GE zoned districts. The site undeveloped.

III. EVALUATION

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

- (a) *The proposed use will be harmonious with and in accordance with the general objectives, or with any specific objective or purpose of the Zoning Ordinance.*
- The zoning text associated with the rezoning of the property places additional requirements, above the general GE requirements, on the development of the property. These requirements further ensure that the character of the area is preserved and enhanced by future development.
 - The zoning text establishes a more stringent setback along Beech Road where a minimum building and pavement setback of 50 feet is required. Future internal roads shall have a minimum 25 feet building and pavement setback. Side and rear setbacks will follow the GE zoning district standard of 25 feet from any structure or service area.
 - The applicant has submitted a final development plan for a portion of this area for the Planning Commission to review at tonight's meeting. Since this subarea is zoned PUD, a final development plan must be reviewed and approved by the Planning Commission for all future developments.
 - The Planning Commission approved the same request for:
 - 221 acres at Innovation Campus District Subarea A in July 2010;
 - 102 acres at Innovation District Expansion subarea in Sept. 2010;
 - 33.7 acres at Beech Road West zoning district in January 2016;
 - 178 acres at Harrison East zoning district in January 2016.
- (b) *The proposed use will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.*
- The proposed use will complement the office and distribution uses which are permitted uses within the area. The New Albany business park consists of four clusters. The Personal Care and Beauty Campus is planned for manufacturing, warehousing, and distribution uses. New Albany's Personal Care and Beauty Campus is the first of its kind in the country, and has attracted global industry leaders as a result of its ability to seamlessly integrate product manufacturing, labeling, packaging and distribution within a single campus.
 - Additional design guidelines for warehouse type manufacturing facilities contained in the zoning text further ensure their compatibility with the character of the area. The same architectural requirements as the existing Innovation District subarea A and Expansion subarea are required.
 - The City's 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 Innovation District Subarea B zoning text includes

specific design requirements for uses not governed by the DGRs, which ensures the quality design of these buildings.

- (c) *The use will not be hazardous to existing or future neighboring uses.*
 - The use will be subject to Codified Ordinance Section 1153.06 which requires that no land or structure within the GE District shall be used or occupied in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable impact on any land which is located in any other zoning district.

- (d) *The area will be adequately served by essential public facilities and services such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.*
 - The subarea is located adjacent to Beech Road, close to the Beech Road/State Route 161 interchange. Additional roadways such as an extension of Innovation Campus Way are being installed to serve these commercial properties.
 - Sewer and water service is readily available for extension in this location.
 - The proposed manufacturing and production use will produce no new students for the school district.

- (e) *The proposed use will not be detrimental to the economic welfare of the community.*
 - The proposed manufacturing and production uses will generate income tax for the city by the creation of new jobs.

- (f) *The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.*
 - The use will be subject to Codified Ordinance Section 1153.06 which requires that no land or structure within the GE District shall be used or occupied in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable impact on any land which is located in any other zoning district.
 - The applicant, as part of the conditional use statement, has committed to attracting only users to the site that do not produce excessive amounts of traffic, noise, smoke, fumes, glare or odors.

- (g) *Vehicular approaches to the property shall be so designated as not to create interference with traffic on surrounding public streets or roads.*
 - The infrastructure in this portion of the city is designed to accommodate the traffic associated with commercial uses.
 - There is no reason to believe that that traffic generated by the manufacturing and production uses will have any greater impact than traffic for permitted users in the GE district.
 - Due to the proximity of this site to the State Route 161 interchange and its location adjacent to commercially zoned land in the existing Licking

County business park, the site appears to be most appropriate for manufacturing and production uses.

V. RECOMMENDATION

Basis for Approval:

The overall proposal appears to be consistent with the code requirements for conditional uses and meets the development standards and recommendations contained in the 2014 New Albany Strategic Plan and New Albany Economic Development Strategic Plan. The proposed manufacturing and production use will likely complement the permitted uses within the subarea. New Albany has four distinct clusters of commerce within the overall business park. The Personal Care and Beauty Park cluster is the appropriate area for manufacturing, packaging and distribution. The Personal Care and Beauty Park contains infrastructure designed to accommodate the traffic associated with manufacturing and production uses and is strategically located close to State Route 161.

The zoning text for this area establishes more restrictive regulations for development and therefore many of the city's strategic plan's office development standards are required to be implemented. The manufacturing and production uses must follow the same development standards as any other permitted use in this area. This conditional use meets the recommendations in the New Albany Economic Development Strategic Plan by providing additional business type diversity, and attracting supply-chain industries.

Staff recommends approval provided that the Planning Commission finds the proposal meets sufficient basis for approval.

VI. ACTION

Suggested Motion for CU-23-2016:

To approve application CU-23-2016 (conditions may be added).

Approximate Site Location:



Source: Google Maps.



**Planning Commission Staff Report
April 4, 2016 Meeting**

**MULTI-TENANT BUILDING II
FINAL DEVELOPMENT PLAN**

LOCATION: Northeast corner of Smith's Mill Road and Beech Road within Innovation District Subareas A & B (PID: 095-112104-00.000 and 093-107004-00.000)

APPLICANT: MBJ Holdings, LLC c/o Aaron Underhill, Esq.

REQUEST: Final Development Plan

ZONING: Infill Planned Unit Development (I-PUD) Innovation Zoning District text Subarea B and Limited General Employment (L-GE) Innovation Zoning District Subarea A Limitation Text

STRATEGIC PLAN: Office District and Mixed Retail/Office District

APPLICATION: FDP-24-2016

Review based on: Application materials received March 23, 2016.

Staff Report completed by Stephen Mayer, Community Development Planner.

II. REQUEST AND BACKGROUND

The applicant requests review of a final development plan for a new multi-tenant building located at the northeast corner of Smith's Mill Road and Beech Road and immediately west of the existing Pizzuti multi-tenant building.

This final development plan is for a 260,000 square foot industrial warehouse building. The building will have vehicular parking for employees on the west and south sides and truck loading (service area) on the east side. The applicant has submitted a conditional use application to allow manufacturing and production uses within the PUD zoned portion of this site.

Per C.O section 1159.10 property owners within 200 feet of the property in question have been notified.

III. SITE DESCRIPTION & USE

The site is currently undeveloped and a small portion is used for stormwater detention. All of the parcels are within Licking County and owned by MBJ Holdings.

The site is located within two zoning districts. The northern portion of the property is zoned L-GE, under the Innovation District Subarea A Limitation Text. The southern portion of the property of development is zoned I-PUD under the Innovation District

Subarea B PUD Text. The zoning runs with land. Therefore, the portions of the development under each zoning district will be reviewed with the corresponding zoning standards.

III.EVALUATION

Staff's review is based on New Albany plans and studies, PUD text, and zoning regulations. Primary concerns and issues have been indicated below, with needed action or recommended action in underlined text. Planning Commission's review authority is found under Chapter 1159.

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

- a. *That the proposed development is consistent in all respects with the purpose, intent and applicable standards of the Zoning Code;*
- b. *That the proposed development is in general conformity with the Strategic Plan/Rocky Fork-Blacklick Accord or portion thereof as it may apply;*
- c. *That the proposed development advances the general welfare of the Municipality;*
- d. *That the benefits, improved arrangement and design of the proposed development justify the deviation from standard development requirements included in the Zoning Ordinance;*
- e. *Various types of land or building proposed in the project;*
- f. *Where applicable, the relationship of buildings and structures to each other and to such other facilities as are appropriate with regard to land area; proposed density may not violate any contractual agreement contained in any utility contract then in effect;*
- g. *Traffic and circulation systems within the proposed project as well as its appropriateness to existing facilities in the surrounding area;*
- h. *Building heights of all structures with regard to their visual impact on adjacent facilities;*
- i. *Front, side and rear yard definitions and uses where they occur at the development periphery;*
- j. *Gross commercial building area;*
- k. *Area ratios and designation of the land surfaces to which they apply;*
- l. *Spaces between buildings and open areas;*
- m. *Width of streets in the project;*
- n. *Setbacks from streets;*
- o. *Off-street parking and loading standards;*
- p. *The order in which development will likely proceed in complex, multi-use, multi- phase developments;*
- q. *The potential impact of the proposed plan on the student population of the local school district(s);*
- r. *The Ohio Environmental Protection Agency's 401 permit, and/or isolated wetland permit (if required);*
- s. *The U.S. Army Corps of Engineers 404 permit, or nationwide permit (if required).*

It is also important to evaluate the PUD portion based on the purpose and intent. Per Section 1159.02, PUD's are intended to:

- a. *Ensure that future growth and development occurs in general accordance with the Strategic Plan;*
- b. *Minimize adverse impacts of development on the environment by preserving native vegetation, wetlands and protected animal species to the greatest extent possible*

- c. *Increase and promote the use of pedestrian paths, bicycle routes and other non-vehicular modes of transportation;*
- d. *Result in a desirable environment with more amenities than would be possible through the strict application of the minimum commitment to standards of a standard zoning district;*
- e. *Provide for an efficient use of land, and public resources, resulting in co-location of harmonious uses to share facilities and services and a logical network of utilities and streets, thereby lowering public and private development costs;*
- f. *Foster the safe, efficient and economic use of land, transportation, public facilities and services;*
- g. *Encourage concentrated land use patterns which decrease the length of automobile travel, encourage public transportation, allow trip consolidation and encourage pedestrian circulation between land uses;*
- h. *Enhance the appearance of the land through preservation of natural features, the provision of underground utilities, where possible, and the provision of recreation areas and open space in excess of existing standards;*
- i. *Avoid the inappropriate development of lands and provide for adequate drainage and reduction of flood damage;*
- j. *Ensure a more rational and compatible relationship between residential and non-residential uses for the mutual benefit of all;*
- k. *Provide an environment of stable character compatible with surrounding areas; and*
- l. *Provide for innovations in land development, especially for affordable housing and infill development.*

A. New Albany Strategic Plan

This building is located within two future land use districts: office and mixed retail/office. Since the site will likely contain warehouse and distribution, and possibly manufacturing and production uses, below are the development standards found 2014 New Albany Strategic Plan for the office district:

1. Office buildings should not exceed five stories in height.
2. The design of office buildings should include four-sided architecture in order to address multiple frontages when present
3. On-Street parking is discouraged.
4. Primary parking should be located behind buildings and not between the primary street and the buildings.
5. Parking areas should be screened from view.
6. Loading areas should be designed so they are not visible from the public right-of-way, or adjacent properties.
7. Sidewalks/leisure trails should be placed along both sides of all public road frontage and setback 10 feet from the street.
8. Common open spaces or green are encouraged and should be framed by buildings to create a “campus like” environment.
9. Appropriate screening should be installed as a buffer between the office district and adjacent residential. If mounding is necessary to achieve this the “reverse slope” type with a gradual slope side toward the right-of-way is preferred.
10. Street trees should be provided at no greater a distance than 40 feet on center.
11. Individual uses should be limited in size, acreage, and maximum lot coverage.
12. No freeway/pole signs are allowed.

13. Heavy landscaping is necessary to buffer these uses from adjacent residential areas.
14. A 200 foot buffer should be provided along State Route 161.
15. Structures must use high quality building materials and incorporate detailed, four sided architecture.
16. When double fronting sites exist, office buildings should address both frontages.
17. Plan office buildings within the context of the area, not just the site, including building heights within development parcels.
18. Sites with multiple buildings should be well organized and clustered if possible.
19. All office developments should employ shared parking or be designed to accommodate it.
20. All office developments should plan for regional stormwater management.
21. Office developments should provide connections to the regional trail system.
22. Green building and site design practices are encouraged.
23. Innovative an iconic architecture is encouraged for office buildings.

B. Use, Site and Layout

1. Both the Innovation District subareas A & B allows limited permitted and conditional uses within the General Employment District (GE) such as warehouse and distribution, research and production, and general office activities.
2. The Planning Commission approved a conditional use to allow manufacturing and production uses within Innovation Campus District Subarea A in July 2010. The northern portion of this site is within Subarea A.

Requirements		<u>Proposed*</u>
<u>Innovation District Subarea A</u> <u>Limitation Text</u>	<u>Innovation District Subarea B</u> <u>PUD Text</u>	
	Minimum building setback of 100 feet from Smith’s Mill Road right-of-way	241± feet
	Minimum pavement setback of 50 feet from Smith’s Mill Road right-of-way	145± feet
Minimum 25 foot pavement and building setback from Innovation Campus Way right-of-way		80± building 90± pavement
For any structure or service area within the GE Districts, the required side yard shall be not less than twenty-five (25) feet from any interior lot line.	For any structure or service area within the GE Districts, the required side yard shall be not less than twenty-five (25) feet from any interior lot line.	14+/- feet from service area to eastern property line. Variance Requested

*Assumes a lot combination so the building does not site on a lot line.

3. The proposed building is located over existing lot lines. Staff recommends a condition of approval that a lot combination is executed so the building does not cross lot lines prior to a building permit being issued.
4. Stormwater retention for the site will be controlled by the existing pond on the west side of the site. Final stormwater calculations will be submitted during the final engineering approval process.

C. Access, Loading, Parking

Parking

1. Per Codified Ordinance 1167.05(e)(1) manufacturing, compounding, processing, assembling, packaging or treating of goods; warehousing, distribution and service industries are required to provide two (2) parking spaces for each three (3) employees during work shift having greatest number of employees, plus one (1) for each vehicle maintained on the premises.
2. Since the number of employees is unknown at this time, staff will evaluate the parking at the time of occupancy for each tenant.

Loading and service areas

1. Codified Ordinance 1167.06(a)(5) requires four loading spaces for a 264,000 commercial/industrial use building. The applicant has provided building elevations showing 69 loading spaces can be provided on the site.

Circulation

1. The zoning text section VII(F) requires an internal pedestrian circulation system shall be created so that a pedestrian using a public street can access the adjacent building through their parking lots as delineated with markings, crosswalks, and/or different materials, directing foot traffic, where possible, away from primary access drives. Staff recommends a condition requiring a pedestrian circulation system that connects to the public street per the zoning text requirement is installed, subject to staff approval.
3. The applicant proposes the following curb cuts for this site:
 - a) One proposed right-in, right-out and a second potential curb cut onto Smith's Mill Road for vehicular employee parking. Staff recommends this future potential curb cut on Smith's Mill Road is subject to staff approval.
 - b) One curb cut on Innovation Campus Way for vehicular employee parking and a second curb cut on this tree for truck traffic.
 - c) One curb cut on Beech Road for vehicular employee parking.
4. Both subareas have zoning requirements that the number, locations, and spacing of curb cuts on public rights-of-way shall be determined and approved at the time that the that a certificate of appropriateness is issued or a final development plan is approved for this subarea.
5. The city traffic engineer is currently reviewing the site plan. Staff recommends any necessary revisions to the number, locations, and spacing of curb cuts as determined by the City Traffic Engineer are provided and subject to staff approval.
6. There is an existing leisure trail along Smith's Mill Road meeting code requirements.

D. Architectural Standards

1. The City's 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 proposed zoning text includes specific design requirements for uses not governed by the DGRs, which will ensure the quality design of these buildings.
2. Subarea A & B have the same architectural standards:
 - a. Buildings are required to employ a comparable use of materials on all elevations. The building appears to utilize similar materials on all four sides.
 - b. Primary entrances to buildings are required be sufficiently prominent that they can be easily identified from a distance. The applicant proposes to install glass and metal panel architectural focal points next to primary entrances.
 - c. The permitted exterior building materials include wood, stone, brick, and concrete, aluminum, metal, glass, stucco, or hardiplank type material. The applicant has told staff the building materials and colors will match the existing Pizzuti building to the east.
3. The façade of the building uses a variety of materials and colors to break up the overall mass of the building. The building will be mainly constructed of concrete panels, metal, and glass. This is consistent with the existing building in the Personal Care and Beauty Park.
4. Subareas A & B requires 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. Staff recommends the complete screening of all roof-mounted equipment and appurtenances to be required on all four sides of the building with materials that are consistent and harmonious with the building's façade and character, and the screening will also block sound. This will provide additional noise abatement to neighboring properties in addition to improved aesthetics.
5. The building is appropriately oriented with main entrances facing the public roads and the truck loading area to the rear of the site.
6. The total building height of 38 feet meets code requirements (maximum of 65 feet permitted).

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

1. The overall lot coverage is 73.82%. Subarea B allows a maximum lot coverage of 75% and has 65% coverage within this subarea. Subarea A's lot coverage is 81.17% within just this subarea. Variances were granted by the Board of Zoning Appeals (V-08-10 and V-09-10) to eliminate the maximum lot coverage requirements for any single lot or parcel, provided that in the aggregate the coverage with impervious surfaces shall not exceed 80% (increase in coverage from the required 75%). The variances apply to the Innovation District Subarea A. The current overall lot coverage throughout the entire Subarea A is 52%
2. The city of New Albany has a Personal Care and Beauty Campus landscape standards plan that all of the existing developments in this area have

- incorporated into their site. . The landscape elements in these standards include drainage swales, lanes, bridges, hedgerows, native tree and shrub massings, broad earthen berms, and meadow expanses. The intent of this “big” landscape is to ground and appropriately scale the large buildings planned for this campus.
3. A landscape plan has not been submitted. Staff recommends a condition of approval requiring this site to install the standards found in the Personal Care and Beauty Campus landscape standards plan, subject to staff approval.
 4. Four rail horse fence, street trees, and leisure trail are already installed along the entire Smith’s Mill Road frontage as required by code.
 5. The Innovation District Subarea A & B zoning requires a minimum of 5% interior parking lot landscaping on the site. The plan does not contain this information. Staff recommends a condition that the development plan or landscape plan contains this information for staff to review.

F. Lighting & Signage

1. The applicant has not submitted a sign plan for the site. Staff recommends any future signage is subject to staff approval. Per the zoning text all signage must conform to the standards set forth in Codified Ordinance Chapter 1169.
2. A photometric plan has not been submitted. Staff recommends a condition that a photometric plan is submitted and subject to staff approval.

IV. ENGINEER’S COMMENTS

The City Engineer is reviewing the development plan at the time of this staff report’s publishing. Staff recommends all of the City Engineer’s comments are complied with and subject to staff approval.

V. RECOMMENDATION

Staff recommends approval since the development plan is consistent with the purpose, intent and standards of the limitation text and PUD development text and is in conformity with the 2014 New Albany Strategic Plan. The proposed development integrates with the existing, neighboring multi-tenant building. Furthermore, the building and site layout is generally consistent with the existing buildings and sites in the Personal Care and Beauty Campus.

VI. ACTION

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

Move to approve final development plan application FDP-24-2016, subject to the following conditions:

1. Any necessary revisions to the number, locations, and spacing of curb cuts as determined by the City Traffic Engineer are provided and subject to staff approval.
2. This site is required to install the standards found in the Personal Care and Beauty Campus landscape standards plan, subject to staff approval.
3. All future signage is subject to staff approval.
4. Address the comments of the City Engineer to the satisfaction of the City Engineer.

5. A lot combination resulting in the building not being situated over lot lines is approved and recorded prior to a building permit being issued.
6. Complete screening of all roof-mounted equipment is required on all four sides of the building with materials that are consistent and harmonious with the building's façade and character, and the screening will also block sound.
7. The interior parking lot landscaping calculation is provided on the development plan or landscape plan and is subject to staff approval.
8. A photometric plan is submitted and subject to staff approval.
9. A pedestrian circulation system that connects to the public street per the zoning text requirement is installed, subject to staff approval.
10. The future, potential curb cut on Smith's Mill Road is subject to staff approval.

Approximate Site Location:



Source: Google Maps.



**Planning Commission Staff Report
April 4, 2016 Meeting**

**MULTI-TENANT BUILDING II
SETBACK VARIANCE**

LOCATION: Northeast corner of Smith's Mill Road and Beech Road within Innovation District Subarea A (PID: 095-112104-00.000 and 093-107004-00.000)

APPLICANT: MBJ Holdings, LLC c/o Aaron Underhill, Esq.

REQUEST: Variance to Codified Ordinance Section 1153.04(c) to allow a service area to be setback 14+/- feet from a side lot line where code requires a minimum of 25 feet.

ZONING: Infill Planned Unit Development (I-PUD) Innovation Zoning District text Subarea B

STRATEGIC PLAN: Office District and Mixed Retail/Office District

APPLICATION: V-25-2016

Review based on application materials received March 23, 2016.

IV. REQUEST AND BACKGROUND

The applicant requests a variance to allow a service area, used for truck loading, to be located approximately 14 feet from a side lot line. Codified Ordinance Chapter 1153.04 (c) requires that any structure or service area within the LI or GE Districts, shall be not less than 25 feet from any interior lot line.

Per C.O section 1113.05 property owners within 200 feet of the property in question have been notified.

The site undeveloped. The site is located within Licking County, north of state route 161, east of Beech Road within the portion of the business park known as the Personal Care and Beauty Campus. The neighboring uses and zoning districts include L-GE and Planned Unit Development (PUD). The portion of the site within this subarea consists of 6.87+/- acres. The neighboring uses and zoning districts include L-GE zoned districts.

The site is located within two zoning districts. The northern portion of the property is zoned L-GE, under the Innovation District Subarea A Limitation Text and requires the Board of Zoning Appeals to review variances. The southern portion of the property of development is zoned I-PUD under the Innovation District Subarea B PUD Text and requires the Planning Commission to review variances. The zoning runs with land.

Therefore, the portions of the development's variance request under each zoning district will be reviewed by the corresponding board and commission.

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 Codified Ordinance Section 1153.04(c) to allow a service area to be setback 14 feet from a property line where code requires a minimum of 25 feet.

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

1. The site is zoned L-GE (Limited-General Employment). The limitation text is silent on side yard setbacks, so regulations found in Codified Ordinance 1153 (General Employment District) apply.
2. Per Codified Ordinance Section 1153.04(c) for any structure or service area within the GE Districts the required side yard shall be not less than twenty-five (25) feet from any interior lot line. The applicant is proposing a service area that encroaches the side yard setback by approximately 11 feet (10.73 feet per the submitted plans).
3. The applicant proposes to develop a 260,000 square foot industrial warehouse building. A truck loading area (service area) is located on the east side of the site.
4. The applicant states this property will likely soon be under the same ownership and control as the property to the east. The property is owned by two unaffiliated entities both of whom are supportive of the setback reduction.
5. 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 buffer between different types of commercial uses. However, in this case, the neighboring property is the existing Pizzuti multi-tenant building that permits the same uses. These two properties are consistent and compatible in nature.
6. It does not appear the essential character of the neighborhood would be substantially altered or adjoining properties suffer a "substantial detriment" since this same development pattern is utilized in other areas of the Personal Care and Beauty Campus.
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.

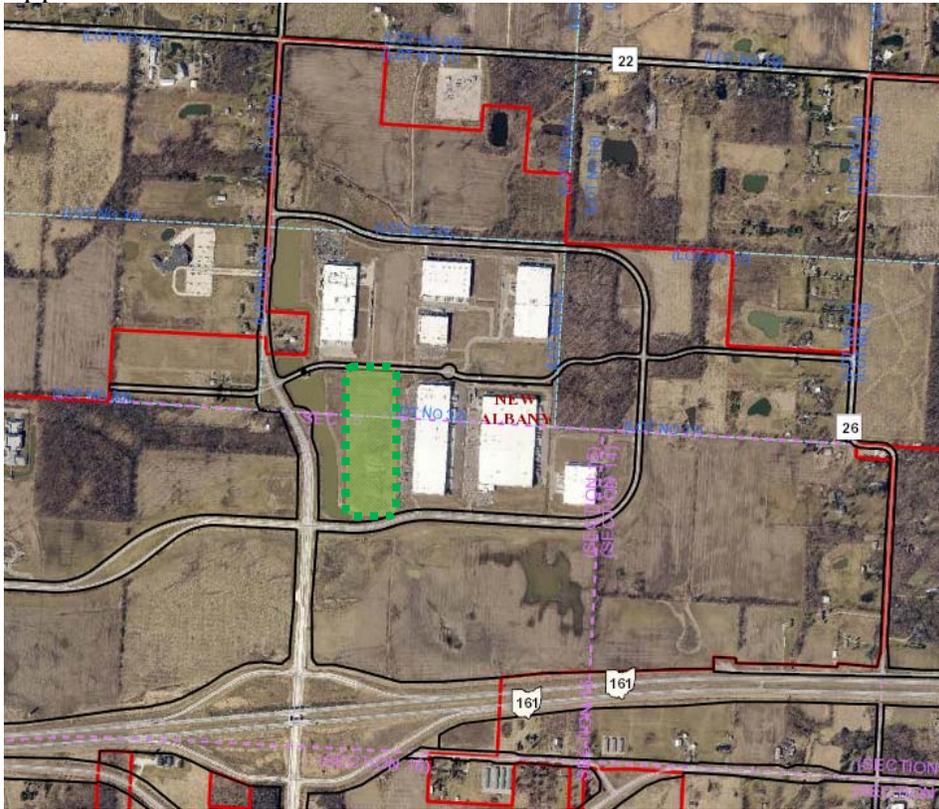
In summary, the variance request does not appear to be substantial given the fact that this property and the neighboring parcel are consistent and compatible in nature. The intent of the regulation is likely to provide buffering between general employment uses (office and personal services) and other "industrial" uses like research and production, and warehouse and distribution. However, in this case, the neighboring property is also a multi-tenant building that permits the same uses. These two properties are consistent and compatible in nature, and will likely soon be under the same ownership and control.

III.ACTION

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

Move to approve the variance application V-25-2016.

Approximate Site Location:



Source: Licking County Auditor (City Boundary in red and site in green).