



Planning Commission

Meeting Minutes

May 16, 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 7:02 p.m.

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

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

Mr. Wallace moved to approve April 4, 2016 meeting minutes, seconded by Mr. Shockey. Upon roll call vote: Mr. Kirby, yea; Mr. Wallace, yea; Ms. Brisk, yea; Mr. Shockey, yea; Mr. Steele, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

Mr. Wallace moved to approve as amended April 18, 2016 meeting minutes, seconded by Mr. Steele. Upon roll call vote: Mr. Kirby, yea; Mr. Wallace, yea; Ms. Brisk, abstain; Mr. Shockey, yea; Mr. Steele, yea. Yea, 4; Nay, 0; Abstain, 1. Motion passed by a 4-0 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 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; Ms. Brisk, yea; Mr. Wallace, yea; Mr. Shockey, yea; Mr. Steele, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

TM-19-2016 Zoning Text Modification

Modification to the zoning text for NACC Section 28 (Ebrington) within the West Nine Subarea C PUD text to reduce the required minimum building rear yard setback (PID: 222-002952 and 222-002948).

Applicant: The New Albany Company

Mr. Stephen Mayer presented the staff report.

Mr. Ed Ferris stated no comments.

Mr. Tom Rubey, The New Albany Company, stated that the idea is that the interior lots are similar to the Oxford subdivision. Many of the same builders will be building in this area. We are concerned with number of swimming pools that will be fronting on the golf course, this area will open up 25 homes on the golf course. It is shocking how many new home builders want pools. Our request tonight is to be consistent with the Oxford subdivision.

Mr. Kirby asked for comments from the public.

No Response.

Mr. Steele asked if there is any intent to change the buildable footprint or is this just to allow flexibility for layout.

Mr. Rubey stated that it was an oversight in my part. This area should have been a separate subarea. This area hits three different price points. The homes will be larger. It is so the lot sizes and regulations are more consistent with Oxford.

Mr. Kirby asked if he received notes from staff after the last meeting.

Mr. Rubey stated yes, that is why we have the narrowed the area.

Mr. Kirby stated that this does not increase the percentage of building coverage.

Mr. Kirby moved to approve TM-19-2016 subject to the condition that West Nine 2 C-PUD Subarea C section 4(d) is modified to add the sentence stating “the minimum rear yard setback shall be fifteen (15) for single family dwellings on the interior lots 42-55 of Hanby’s Loop in the Ebrington subdivision (NACC Section 28)” subject to staff approval, seconded by Mr. Steele. Upon roll call vote: Mr. Kirby, yea; Ms. Brisk, yea; Mr. Wallace, yea; Mr. Shockey, yea; Mr. Steele, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

Mr. Shockey asked staff about the three lots that were part of this application initially and now have been removed requesting the reduced setback. In cases where we modify text or re-plat subdivisions next to lots that are already owned; are owners of those lots notified?

Mr. Mayer stated that for any kind of platting application there are not notifications sent. For a text modification such as this application neighbor notification were sent.

Mr. Shockey stated that for this application the 200' requirement is this area. (shown on map)

Mr. Mayer stated that for this hearing we sent it to the same group as the first notification because the neighbor notifications must be mailed 10 days prior and staff did not change the notifications for the narrowed area.

Mr. Shockey stated that text modification is a neighbor notification process for the public hearing. Re-platting or re-subdividing is not.

Mr. Rubey stated that to clarify from my understanding. If someone purchases two lots and wants to combine them, then no notification. If I need to re-plat and add a lot then I need the 2/3 signatures of other property owners on the recorded plat.

Mr. Shockey asked if the re-platting of the parcels that we have seen in the past were plats that were not recorded.

Mr. Rubey stated that if the re-plat is making it denser the process is different than if it is making it less dense. If I am combining lots which is basically a re-plat from 3 lots to 2 lots then I don't need 2/3 signatures.

Mr. Banchefsky stated that Ohio Revised Code has this horrible process for revising and amending plats and no communities follow it the same. Typically it is done by staff, Planning Commission and Council. I think we do the same notification for either case.

Mr. Shockey asked if this is under Ohio Revised Code subdivision regulations not a city procedure or code.

Mr. Banchefsky stated that Ohio Revised Code would require 2/3 signature and probate court. The city treats it as legislation and goes through the full process.

Mr. Shockey asked if there is no notification if it is a less dense subdivision re-platting.

Mr. Rubey stated that it's not that there is not notification but you don't need approval from the property owners.

Mr. Shockey asked if there is notification for re-platting which is a public hearing.

Mr. Mayer stated no notification for re-platting.

Mr. Shockey asked if platting requirements exist for a new subdivision.

Mr. Mayer stated that the rezoning needs notification, the final development plan needs notification and the plat has no notification requirement. If the steps are done together we do include multiple applications in one notification letter.

Mr. Shockey stated that we don't normally see plats, we see the final development plan which is the plat.

Mr. Kirby stated that it depends on the zoning classification. The CPUD has both the development plan and platting separate.

Mr. Banchefsky stated that there is little discretion in a new plat if it matches the approved zoning it is just a formality.

Mr. Shockey summarized that the platting is the administrative process to have it recorded. The subdivision process has notification through the final development plan.

With no further business, Mr. Kirby polled members for comment and hearing none, adjourned the meeting at 7:23 p.m.

APPENDIX



Planning Commission Staff Report May 16, 2016 Meeting

EBRINGTON (NACC 28) REAR YARD SETBACK TEXT AMENDMENT

LOCATION: New Albany Country Club Section 28 (Ebrington) (PID: 222-002952 and 222-002948)
APPLICANT: The New Albany Company
REQUEST: Zoning Text Modification
ZONING: West Nine 2 Subarea C PUD Text)
STRATEGIC PLAN: Neighborhood Residential District
APPLICATION: TM-19-2016

Review based on: Application materials received March 10, 2016.

Staff report completed by Stephen Mayer, Community Development Planner.

I. REQUEST AND BACKGROUND

The applicant is requesting a modification to the zoning text for Subarea C of the West Nine 2 C-PUD to reduce the required minimum rear yard setback from a minimum of 30 feet to 15 feet. Subarea C of the West Nine 2 C-PUD text also contains regulations for the Highgrove and Highgrove Farms subdivision, however, this modification proposes to alter the rear yard setback only for the Ebrington subdivision.

The Planning Commission tabled this item on April 18, 2016. The Planning Commission had a brief discussion about the impact of the modification on neighboring lots and if it would create future variance requests. Staff conveyed the Planning Commissioners comments to the applicant. The applicant has agreed to limit the scope of the request to the lots interior to Hanby's Loop.

II. SITE DESCRIPTION & USE

The Ebrington subdivision contains 65 single family lots. This section of the Country Club is approximately 43 acres and is accessed via Southfield Road from the south and Ebrington Road from the north. The site is located south of Highgrove, northwest of Sedgwick Drive and east of Thompson Park in Franklin County. The subdivision currently has infrastructure (roads, sidewalks, leisure trail, tot lot, etc.) installed and one residential lot is under construction. The subdivision is bordered by the Country

Club Golf Course the west, south, and east sides. This proposed subdivision is within subarea C of the West Nine 2 C-PUD zoning.

A preliminary and final development plan modification was approved on June 16, 2014 via application FDM-37-2014. This section of the country club has been platted in three parts: Section 1 approved June 16, 2014 via FPM-38-2014, section 2 approved May 18, 2015 via FP-41-2015, and section 3 approved October 19, 2016 via FPM-92-2015.

II. New Albany Strategic Plan

This subdivision is located in the Neighborhood Residential District of the 2014 New Albany Strategic Plan. The development standards for this type of residential use include:

1. Houses should front onto public open spaces and not back onto public parks or roads.
2. Houses should be a minimum of 1.5 stories in appearance and a maximum of three stories.
3. Rear and side-loaded garages are encouraged. When a garage faces the street, the front facade of the garage must be set back from the front facade of the house.
4. The maximum width of a garage door facing the street is ten feet.
5. Open space should be sited to protect and enhance existing natural features and environmentally sensitive habitats
6. Neighborhood open spaces and parks should be located within 1,200 feet of all houses. They should vary in size and be easily accessible to pedestrians.
7. Streets should have five-foot wide sidewalks on both sides of the street, other than in locations approved for eight-foot leisure trails.
8. Leisure trail connections must be established throughout.
9. Deciduous street trees should be planted 30 feet on center.
10. Primary roads should be designed according to its designated corridor typology
11. Sidewalks should be located on all internal subdivision streets and leisure trails located along all external roadway frontages with connections from sidewalks to the leisure trails.
12. Cul-de-sacs are discouraged in all developments and a multiplicity of connections should be made.

III. PLAN REVIEW

Review is based on the city's Strategic Plan, existing 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.

1. The applicant requests a reduction in the required minimum rear yard setback from 30 feet to 15 feet as required by West Nine 2 C-PUD Subarea C section 4(d) for the lots interior to Hanby's Loop.

2. The PUD text is silent on the rear yard setbacks for other types of improvements that may occur in the rear yard such as swimming pools, patios, decks, etc. Therefore, the city's codified ordinances apply.
3. The city's General Development Standards (C.O. 1165) requires the following setbacks:

Improvement:	Minimum Rear Yard Setback	Impacted by Modification?
<u>An open, uncovered porch or paved terrace</u> may project into a required rear yard, if a minimum distance of twenty (20) feet is maintained to any rear lot line.	20 feet	Depends on site plan
<u>Storage Buildings, Recreational Structures and Similar</u>	Shall not be located nearer to any side or rear property line than the minimum side and rear yard setback dimension specified for the zoning district containing the structure;	YES
<u>Detached garages and carports</u>	Ten feet (10') from any lot lines of adjoining lots	NO
<u>Decks</u>	At least five feet (5') from the side and rear property lines and do not occupy any part of a platted easement	NO
An <u>open-sided structure</u> includes but may not be limited to a gazebo, tent, pergola, canopy or trellis	Rear yard setback line	YES
<u>Swimming Pools</u>	15 feet minimum	NO

2. The proposed modification will allow for a larger building footprint on the property. However, the modification will also allow for greater design flexibility for homes on the lots.
3. The minimum are 15 feet front yard setbacks along all the streets except for Ebrington Road which has 30 feet front yard setbacks. The zoning text requires a minimum side yard setback of seven (7) feet for single-family dwellings and zero feet for cluster dwellings and attached product types.
4. The zoning text is silent on the maximum lot coverage amount; therefore the codified ordinance requirement of 30% maximum applies. The applicant will still be required to meet this code requirement.
5. There are 65 lots within the subdivision. Currently one (1) building under construction and one (1) permit is under review. The lot under construction does not back onto another residential lot.
6. With the change to only apply this request to the lots interior to Hanby's Loop, it will not affect any occupied homes.
7. The Highgrove and Highgrove Farms subdivision requires a minimum rear yard setback of 30 feet.

8. To clarify this text amendment only applies to the Ebrington subdivision, staff recommends a sentence stating “the minimum rear yard setback shall be fifteen (15) for single family dwellings on the interior lots of Hanby’s Loop in the Ebrington subdivision (NACC Section 28).”

IV. RECOMMENDATION

Basis for Approval:

The stated intent of this text modification is to decrease and eliminate variances related to the rear yard setback, particularly for paved terraces, recreational structure, etc. The zoning code requires storage buildings, recreational structures, gazebos, pergolas, canopies or a trellis to meet the rear yard setback. By reducing to 15 feet, there will be greater design flexibility to locate these types of improvements. While this text modification will allow for greater buildable area and possible larger footprints, because these are custom homes there’s also a greater possibility of designing a site to meet these standards. By limiting the scope of the request to only the lots interior to Hanby’s Loop, the possibility of creating future variance requests in minimized. Modifying the rear yard setback does not appear to change the essential character of the neighborhood. With the change to only apply this to lots interior to Hanby’s Loop, it will not affect any existing homes in another subdivision.

V. ACTION

Suggested Motion for TM-19-2016:

Move to approve development text modification application TM-19-2016 with the following conditions of approval (conditions of approval may be added):

1. West Nine 2 C-PUD Subarea C section 4(d) is modified to add the sentence stating “the minimum rear yard setback shall be fifteen (15) for single family dwellings on the interior lots of Hanby’s Loop in the Ebrington subdivision (NACC Section 28) t.” Subject to staff approval.

Approximate site location:



Source: Google Maps