



Planning Commission

Meeting Minutes

June 20, 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 7:08 p.m.

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

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

Mr. Wallace moved to approve May 16, 2016 meeting minutes, seconded by Mr. Brisk. Upon roll call vote: Mr. Kirby, yea; Mr. Wallace, yea; Ms. Brisk, yea; Mr. Steele, yea. Yea, 4; Nay, 0; Abstain, 0. 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. Craig Srba, 6837 E. Walnut Street, stated that he wanted to thank staff and the city for the assistance with a nuisance noise issue with PharmaForce from January. The noise stopped on February 7th and our neighborhood is once again peaceful.

Mr. Kirby thanked Mr. Srba for coming in to let us know.

Mr. Wallace moved to accept the staff reports and related documents in to the record, seconded by Ms. Kirby. Upon roll call vote: Mr. Kirby, yea; Ms. Brisk, yea; Mr. Wallace, yea; Mr. Steele, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

CU-40-2016 Conditional Use

Conditional use to allow a temporary leasing office for First & Main located at 245 E. Main Street (PID: 222-000152).

Applicant: F&M New Albany RE LLC

Mr. Stephen Mayer presented the staff report and provided updated site plans.

Ms. Brisk asked if this is strictly for leasing offices or will this also be used for employment interviewing.

Mr. Nick Ballou stated that it will be office space for the staff.

Mr. Ferris stated no engineering.

Mr. Ballou stated that the main concern is dividing the public area from the construction area. We will have the parking divided by fencing and adding some temporary walls to divide the deck and office space.

Mr. Kirby asked if the parking will be paved and cleared of snow.

Mr. Ballou stated that we have added enough gravel so that it's suitable for the rain that we have had. As it becomes available to the public we will reassessed to make it suitable for wheelchairs and adding an ADA ramp.

Mr. Steele stated that no exterior lighting was planned for this area. At this time of year it is alright but in the winter it will be dusk and dark during business hours. Is there adequate lighting for the ramp, egress and ingress.

Mr. Ballou stated that the trailers have existing lighting that he believes is adequate.

Mr. Spalding asked when the conditional use will start.

Mr. Mayer stated that they will need to submit a permit for approval. The conditional use will start when the use is allowed.

Mr. Wallace stated that we need to talk about ADA compliance.

Mr. Spalding stated that they have an obligation to follow the law.

Mr. Wallace moved to approved CU-40-2016 subject to the following conditions:

1. The Conditional Use Permit will become effective at the time the Certificate of Occupancy is granted.
2. The Conditional Use Permit is permitted for eight months and that any extension in time is subject to review and approval by the Planning Commission.
3. The sign associated with this application is removed at the time that the permit expires. , seconded by Mr. Steele. Upon roll call vote: Mr. Kirby, yea; Ms. Brisk, yea; Mr. Wallace, yea; Mr. Steele, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

FP-44-2016 Final Plat

Preliminary & Final road plat for an extension of Innovation Campus Way right-of-way dedication and easements between Harrison Road and Mink Road (PID: 9310642200000, 0371120802001, 0351074900000 and 3510747800000).

Applicant: City of New Albany, Ohio

Mr. Mayer presented the staff report.

Mr. Ferris stated that the location map needs the street names labeled and the corporation line needs added. The drainage easement note needs withdrawn and add a note related to stream wetland and preservation zone (see Exhibit A) and revise the plat in accordance with exhibit B.

Ms. Joly stated that the city is the applicant and we agree with all comments. EMH&T is available for any technical questions.

Mr. Steele asked if this will have any impact on the annexation that is in process.

Ms. Joly stated that NACO owns that property and they have signed the application.

Mr. Steele asked if there is anything that could happen to the annexation.

Ms. Joly stated that annexations start at the County and then come to the city. The county is aware of the request and we have road maintenance agreements and annexation agreements with Jersey Township that need to be done before the county commissioners can consider the annexation. We have worked hand in hand with the County Engineer, Bill Lozier and with the Ohio Department of Transportation. Should have no surprises.

Mr. Kirby asked if this was the type of annexation that has all of the property owners' signatures. Can they deny the annexation?

Ms. Joly stated that I don't think they can with the agreements that we have in place.

Mr. Steele stated that this is administrative annexation.

Mr. Spalding asked if the proposed intersection is directly across from Beaver Road on Mink.

Ms. Joly stated that it does not. The new alignment will reduce the impact to nearby residents.

Mr. Spalding stated that previous maps showed this lining up with Beaver.

Ms. Joly stated that conceptually that is where we thought the intersection would occur but after some study we believe this will be better.

Mr. Spalding asked if they will have a signal or stop sign.

Mr. Todd Cunningham, EMH&T, stated that there will be traffic control at the intersection with Mink Street and Innovation Campus Way. Innovation Campus Way traveling eastbound will be stop controlled and ODOT improvements include northbound left turn lanes.

Mr. Kirby asked if we have sufficient sight lines between Beaver and this intersection.

Mr. Cunningham stated yes. Everything we've done has been coordinated with ODOT.

Mr. Kirby asked if it could meet the warrants for signalization in the future.

Mr. Cunningham stated that it would need to be monitored but the intersection will accommodate signalization in the future, if needed.

Mr. Wallace asked why south of Beaver was a better location.

Ms. Joly stated that when we started looking at dedications it became difficult to meet with Beaver. Functionally, with the interchange the southern location seems to work better with what ODOT was designing.

Mr. Cunningham stated that the original intersection at Beaver Road would have required reconstruction to get the appropriate angle. Then to meet the current design criteria, other improvements for channel features and other impacts would have been required further east of Mink in order to accommodate the intersection.

Mr. Wallace stated that it seems like cost related.

Mr. Cunningham stated that the safety and environmental impacts; we looked at all the factors including cost but cost was not the ultimate driver.

Mr. Kirby asked if Mink Road is the end of the Columbus Water district.

Ms. Joly stated that is correct.

Mr. Kirby stated that we are not expecting New Albany to extend further east of Mink Road.

Ms. Joly stated that we are working with Johnstown and Jersey Township to come up with a plan, similar to the Rocky Fork Blacklick Accord. Land uses and street connections will be part of the land use document. Licking County started a Transportation Improvement District (TIDD) that will allow them to apply for funding through ODOT for various projects. We have been working with the county engineer and the TIDD to improve Jug Street, which is another great example of the partnership.

Mr. Spalding stated that there is a small stream near Beaver Road that we would have needed to cross if the roads aligned.

Mr. Cunningham stated that we also have streams on the west side of Mink Road.

Mr. Steele asked if any areas that meet the wetland preservation.

Mr. Cunningham stated that we have a permit in process but the dimensions have not be determined. The New Albany Company has agreed to preserve some of the features.

Mr. Steele asked how the note in the engineers comments exhibit A would apply.

Ms. Joly stated that this is an example of the wording we have used in the past. I think the right of way dedication will be done exclusive of these areas.

Mr. Cunningham stated that we can't construct the road without the permits. We will not be building a roadway over something.

Ms. Joly stated that the condition can be amended.

Mr. Tom Rubey, The New Albany Company, stated that we plan on coming in with a plan within the next 60 days. We will have all of the information in the land use zoning information.

Mr. Wallace moved to approve PP/FP-44-2016 subject to the following condition to address the comments of the City Engineer to the satisfaction of the City Engineer, seconded by Mr. Brisk. Upon roll call vote: Mr. Kirby, yea; Ms. Brisk, yea; Mr. Wallace, yea; Mr. Steele, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

ZC-48-2016 Zoning Text Modification

Modification to the New Albany Country Club Section 21 Subarea 2 zoning text for five (5) lots on the east side of Ogden Woods Boulevard to reduce the required

minimum setback for pools and its walks (PID: 222-004561, 222-004562, 222-004563, 222-004564, and 222-004565).

Applicant: Miller Troyer Custom Homes

Mr. Mayer presented the staff report.

Ms. Brisk asked if the picture of the house has a pool.

Mr. Mayer stated that it doesn't have a pool.

Mr. Kirby asked for engineering comments.

Mr. Ferris stated no comments.

Mr. Rubey stated that he created the text for this area and did not have any idea that people would want pools in this area. Miller Troyer owns the lots. We decided to endorse the idea because German Village is developed very densely and do allow pools. We are asking for a 10' from pool and 7' from pavement areas. We have come up with a series of different possible layouts for the remaining three lots. We can have pools in this area currently. What it the proper setbacks and screening.

Mr. Kirby asked what the grade difference was that was noted in staff report.

Mr. Mayer stated that we would measure the height from the grade of the footing to the top of wall.

Mr. Rubey stated that we would use the grade at the house to measure the wall from.

Mr. Kirby asked if the wall is the same height on both sides of the wall.

Ms. Brisk asked if any gates will be part of these brick walls.

Mr. Rubey stated that the existing house has a gate on the alley side so I would expect them to have gates.

Mr. Steele asked the location of the wall to the pool on the lots that have platted easements. He is concerned about creating an attractive nuisance by having the wall too close to the pool. A change to the top of the wall may prevent that issue.

Mr. Rubey stated that we are not modifying the buildable area of the lots. The location of the brick wall would not be changing.

Mr. Steele stated that he is more worried about kids using the brick wall as a diving board.

Mr. Spalding asked if two homes have already been constructed and maybe sold.

Mr. Rubey stated that there are five lots and two have been constructed and sold.

Mr. Spalding asked if the two that have been sold what to have the brick fence.

Mr. Rubey stated that one has the brick fence and the other doesn't.

Mr. Spalding stated that he is concerned that we would have alternating brick fence and no brick fence.

Mr. Rubey stated that we could. If they have a pool the brick wall is required. If they do not have a pool then they do not have to have a brick wall.

Ms. Brisk stated that maybe it would look better if we required everyone to have the brick wall.

Mr. Spalding asked what the size the pool would be.

Mr. Rubey stated 12'x10' pool. It will not be a large pool.

Mr. Rubey stated that when this was originally platted this area had 8 lots, it was replatted with 5 lots. We never thought that we would have this influx of pools.

Ms. Brisk stated that will have pedestrian traffic through that alley. It is a cut thru and during events it will be used a lot.

Mr. Wallace stated that I don't think we can insist that the homeowner that doesn't have the brick wall, install one.

Ms. Brisk verified that we have an owner without a wall.

Mr. Wallace stated that this is basically a variance for 5 lots.

Mr. Rubey stated that we looked at many options including seeking a variance through BZA or change the zoning text with this board.

Mr. Wallace stated that we decided that some changes to the ordinance would be better done with a variance.

Mr. Rubey stated that this was a zoning change instead of the variance because there is no hardship, it wasn't addressed when the land was originally zoned.

Mr. Wallace stated that the Richmond Square condos will back this area.

Ms. Joly stated that we followed the same notification as we would for a variance. We did hear from two residents from Richmond Square and they are here tonight.

Mr. Kirby asked for public comments.

Mr. John La Porte, 7 Richmond Square, stated that a few things to consider is the use of the pool. The noise the pool will create. The type of activity that a fire pit or fire place would be is different than pool activity. When a government agency sets a regulation it was set for a reason and it should be followed. We don't like this idea. Our balconies are on the rear and will look right down on these pools. I understand that people want outdoor involvement in their homes at some point we need some give and take between how big is my home and how much do I want a pool. These properties were supposed to be high density homes and now they're not. Now the builder wants to cram in. Are you willing to compromise New Albany's status and level of architectural detail? This area is quiet but that roadway is very busy. Our garages load from the back. We spend hours on our balconies and having kids in the pools all day long will interrupt my enjoyment of my property. If they want a pool they should look for an appropriate lot. We have more arborvitae than any other community. Thanked Steve Mayer for explaining the process and help me to understand the proposal. I agree that no one would have recognized this ten years ago and I'm not sure it should be recognized now because it is not the right thing to do.

Ms. Brisk stated that I could not have said that more eloquently than the way you just said it. I have had an issue with putting pools in these very dense areas in the urban center for exactly the reasons you just said. I feel exactly as you do, a pool is different than a fire pit or patio. It becomes a party for hours at a time.

Mr. La Porte stated that the commission by entertaining this variance has put the responsibility back on the community. The job of the government is to protect the community from itself. I believe that high density housing was originally planned and it was changed from eight lots to five for some good reason. These are large homes with no green space and no relieve the architecture. It is getting bigger as Richmond Square grows. I think this is wrong.

Mr. Steele stated that he has great empathy for your position. This is not a referendum on whether they can or cannot have a pool. It will only change the size of the pool.

Mr. La Porte stated that I agree but let's not help them. Take very careful consideration, look at the bigger issue and community.

Mr. Andrew Klaus, 8 Richmond Square and I am also speaking on behalf of Terry Mellendorf, 9 Richmond Square who is out of town. We support everything that Mr. La Porte said. This is not an alley it is a road that is travelled

with vehicles and pedestrian traffic. I marched off seven feet and I'm not sure if you could fit the arborvitae between the wall and street. That would change the entire ambiance of the entire street. There is a difference between a pool and a hot tub. Pool parties will go on all day long. That is a street and you would be changing the look of the street. It is not a back alley, it has street lamps. It would clearly change the appearance of the street. It was designed that way for a reason and you shouldn't be building up to the curb.

Mr. Kirby stated that it is only twenty feet wide.

Mr. Klaus stated that many cars park there on both sides of the road.

Ms. Joly stated that she believes the parking is mostly construction related.

Mr. John Robinett, 4 Richmond Square, stated that he is speaking on behalf of the association. I agree with other comments the other comments and believe that it will change the ambience. The major concern is the reduction of the setback by 50%.

Mr. Spalding asked if the objection to the pool or also the brick wall.

Mr. Robinett stated that the objection is to the setback.

Mr. Kirby asked how close the wall can be built currently.

Ms. Joly stated that currently they can build a wall on the property line but I think the setback they are concerned about is with the pool and pool deck.

Ms. Brisk stated that they could put the wall up now but less incentive to build the wall if you don't have a pool.

Mr. Wallace asked what the standards are for this type of application.

Mr. Mitch Banchefsky stated that he needs to look but the same as any other zoning ordinance but basically reasonable and appropriate for the neighborhood.

Mr. Wallace stated that for a zoning change we have many list of factors that we review.

Mr. Banchefsky is looking for it.

Mr. Wallace stated that we are evaluating competing land uses. We are not putting the onus on the nearby property owners. It's good that we have the information from you. We are seeing more and more big homes on moderate size lots which is causing some of the issues that we are seeing here tonight.

Mr. La Porte stated that it is your job to resolve the issues and protect the community from bad decision.

Mr. Kirby stated that we are volunteers so it is our task

Ms. Brisk stated that much of it is based on input. We are seeing this more and more. They want everything and we can't always stop them. It would have never occurred to me that your balcony would look down on the pools. The input is always valuable.

Mr. La Porte stated that our balcony is our living space.

Mr. Wallace stated that we can't tell them they can't have a pool only that they have to work within the code dimensions.

Mr. La Porte stated that is what he is asking that we do.

Mr. Steele stated that an unintended consequence could choose to install a hot tub instead of a pool.

Ms. Brisk stated that they could install a pool without screening and just a fence per our current code that could be seen from the roadway.

Mr. Kirby stated that we need to decide if we want a larger pool with a brick wall or a small pool with a wrought iron fence and less screening.

Mr. Steele stated that the brick wall would be better sound barrier.

Mr. La Porte stated that he understands. He asked how the permit is reviewed.

Mr. Kirby explained that they would need to submit a permit and if the pool plan meets the current pool code then the permit would be issued. The current code requires the fence to be 4 feet tall and 15 feet setback.

Ms. Brisk stated that the brick wall will not help your view from the balcony but if you're concerned about the street view do you want the brick wall.

Mr. Wallace stated that in exchange for the code change the builder is offering to add the brick wall to better the screening.

Mr. La Porte asked if you want a series of brick walls.

Mr. Wallace shared the codified ordinance factors for the basis for plan approval for an IPUD which is code 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 or portion thereof as it may apply; (c) That the proposed

development advances the general welfare of the Municipality; (d) That the benefits, improved arrangement and design of the proposed development justify the deviation from standard development requirements included in the Zoning Ordinance; (e) Various types of land or building proposed in the project; (f) Where applicable, the relationship of buildings and structures to each other and to such other facilities as are appropriate with regard to land area; proposed density of dwelling units may not violate any contractual agreement contained in any utility contract then in effect; (g) Traffic and circulation systems within the proposed project as well as its appropriateness to existing facilities in the surrounding area; (h) Building heights of all structures with regard to their visual impact on adjacent facilities; (is) 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).

Mr. Kirby asked for any further questions.

Mr. Wallace asked about the third condition for the arborvitae requirement.

Mr. Kirby stated that he is not sure which is best; the brick wall or the arborvitae.

Mr. Steele stated that it's a tough choice.

Mr. Kirby stated that will adding the arborvitae condition change the location of the wall.

Ms. Joly stated that there are usually easements that would move the wall back.

Mr. Rubey stated that it is a public alley that has a right of way.

Ms. Joly stated that she believes that it is five feet.

Discussion regarding measurement of right of way in relation to wall and pool.

Ms. Joly stated that this discussion is very interesting in terms of the trends and people looking for all of the amenities and uses and knowing that they can have everything they want in this location which is the village center with all of the events. It is a national trend. Part of what we liked about doing it as a text modification is that we could think of it comprehensively instead of individually

as they were proposed. We looked at this alley as the buffer and allows for more separation from other properties. The elevation is part of what happens when you have different housing types in a compact area. I think it's definitely appropriate for neighbors to bring up.

Mr. Steele stated that we would need to have gates in the rear for fire and safety concerns.

Ms. Joly stated that the gate needs to meet the height requirement with a self-latching gate.

Mr. Spalding asked about the location of the brick wall on the site plan.

Ms. Joly and Mr. Rubey explained the site plan.

Mr. Kirby asked if the ARC has standards for fencing.

Mr. Rubey responded from the audience.

Ms. Brisk stated that she is presuming that the neighbors that are present would rather take their chances on the smaller pool with a wrought iron fence.

Mr. La Porte stated that the 5 foot wall will not help them because we are on the second floor. Our garages are at ground level. I agree that they can do what they want but are you going to help them in a way that is not appropriate for the rest of the neighborhood.

Audience member stated that four more units are being built. Property values will be affected.

Mr. La Porte stated that the actual equipment for pool can take up a lot of space and I haven't heard any discussion about how that fits in.

Ms. Brisk stated that it is required to be within the brick wall.

Audience member stated that it may be a deterrent to only have room for a small pool.

Mr. Wallace moved to approve ZC-48-2016 subject to the following conditions:

1. The text modification read "Pool decks and paved walkways may be permitted within seven (7) feet of adjacent lot lines."
2. The text modification includes language required pool equipment is located within the brick walled area.
3. Arborvitae or similar plantings are planted adjacent to the wall with an exception to the gate, seconded by Mr. Brisk. Upon roll call vote: Mr. Kirby, no; Ms. Brisk, no; Mr. Wallace, no; Mr. Steele, yes. Yea, 1; Nay, 3; Abstain, 0. Motion failed by a 1-3 vote.

Mr. Wallace stated that he voted no because based on the information that was presented I don't believe the benefits justifies a change. In regards to the factor related to the relationship of building and structures there has been some statements regarding the unique nature of their adjacent property with second floor outdoor living space looking down on these areas would have an adverse effect.

Mr. Kirby stated that this is supposed to be transition density between Keswick and North of Woods and it's trying to change to Country Club typical homes.

Ms. Brisk concurs with both Mr. Kirby and Mr. Wallace.

Mr. Kirby stated that if it was zoned this way originally it may have been different.

With no further business, Mr. Kirby polled members for comment and hearing none, adjourned the meeting at 8:56 p.m.

APPENDIX



Planning Commission Staff Report June 20, 2016 Meeting

FIRST & MAIN (GRANGER SENIOR LIVING) TEMPORARY LEASING OFFICE CONDITIONAL USE

LOCATION: 245 E. Main Street (PID: 222-000152)
APPLICANT: F&M New Albany RE LLC
REQUEST: Conditional Use for a Temporary Leasing Office
ZONING: C-PUD: NACO 1998 PUD Subarea 4C: Village Commercial,
NACO 1998 PUD Subarea 3D: Ganton, and UCD Urban Center
District Village Core and Campus subareas)
STRATEGIC PLAN: Village Center
APPLICATION: CU-40-2016

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

Staff report prepared by Stephen Mayer, Community Development Planner.

I. REQUEST

The applicant requests to operate a temporary welcome and marketing center for use as a leasing office for the Granger Senior Living development now called First and Main. Urban Center Code Section 4.1 lists “temporary lot sales offices” as a conditional use. The Planning Commission has previously determined that temporary leasing offices are a similar use to temporary sales offices and therefore require a conditional use application per the parcel’s zoning (determined with application CU-142-2013).

The temporary leasing office consists of two mobile trailers located to the rear of the site. These trailers will serve as a leasing office until the building is finished being constructed. Once completed, the structure will contain a permanent leasing office. The requested duration of this conditional use is eight months.

II. LOCATION & BACKGROUND

Plans for the site include the development and operation of an assisted living, memory care, congregate care, and independent living uses serving senior citizens and other individuals in need of assistance with the activities of daily living. The site is zoned Urban Center Code (UCC) and Comprehensive Planned Unit Development (C-PUD). The C-PUD portion of the site is located within the Urban Center Overlay District. The proposed development will consist of two larger scaled buildings (Donut and L-

building) close to Main Street that will be connected by an enclosed walkway. The donut is currently under construction and is anticipated to open during the winter of 2016.

III. EVALUATION

General Standards for Conditional Uses (C.O. 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 shall meet 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.*
- (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.*
- (c) *The use will not be hazardous to existing or future neighboring uses.*
- (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.*
- (e) *The proposed use will not be detrimental to the economic welfare of the community.*
- (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.*
- (g) *Vehicular approaches to the property shall be so designated as not to create interference with traffic on surrounding public streets or roads.*

Residential model homes and leasing offices. Per Code, these are newly constructed homes or temporary structures placed in a newly constructed subdivision and used by a homebuilder or developer to display home styles and lot availability in a subdivision to promote the sale of new housing units. The model home may be staffed and furnished. (C.O. 1165.11)

The criteria and the applicability of this application are detailed below (Section 1165.11(a)):

1. *Appropriate location within the community.*
The location of this temporary leasing office is along the site's primary road (Main Street) and appears to be appropriately located.
2. *It is integrated in the existing community with customary exterior residential lighting.*
The applicant states there will be no exterior lighting of the trailers.
3. *The use is approved with limited duration.*
The applicant states they would like to utilize the conditional use for eight months.
4. *One sign is permitted.*
Applicant proposes one ground sign (see details below).
5. *Shall not be used as a general real estate brokerage office.*

The applicant indicates the leasing office will not be used as a general real estate brokerage office.

The Planning Commission is also to consider the following (*1165.11 (b)*):

1. *Hours of operation*

The applicant indicates the leasing office will typically operate Monday through Saturday from 8:00am to 8:00pm. These operating hours are generally consistent with the operating hours of other approved model homes and the surrounding businesses.

2. *Number of employees and maximum number of employees at the site at one time.*

The applicant has stated that there could be a maximum of six employees staffing the office during its hours of operation.

3. *Provisions for parking for employees and customers*

The applicant has indicated parking for employees will be at an existing, separate lot used by construction personnel. There are six spaces adjacent to the trailers for customers. Intermediate pavement will be installed for customer parking and access.

4. *Size, lighting, content and location of signage*

C.O. Section 1169.09(h) of the sign code permits one (1) residential for lease sign per street front with a maximum size of sixteen square feet. Signs shall only be permitted in the property offered for lease and shall not be located in the right-of-way or illuminated. The applicant is proposing the following sign:

1. Dual-post ground sign to read "Welcome Center" with additional contact information.

a. Size: 4' x 4' (16 square feet) [meets code].

b. Location: The proposed sign is located next to the trailers and appears to be more than 200 feet from the Main Street right of way [meets code].

c. The sign will not be illuminated [meets code].

5. *Landscaping and screening*

The office trailers will be landscaped on all four sides.

In addition to the above-listed criteria for model home, permission to occupy a temporary sales office for the purpose of home and lot sales within a newly constructed subdivision shall be granted on if the following conditions are met (*1165.11 (c)*):

1. *Such facility is located on a main arterial roadway or highway.*

The office will be accessed off of Main Street. The location for this leasing office appears to be appropriate.

2. *Such facility is substantially screened by the use of landscaping and/or mounding.*

3. The office trailers will be screened with landscaped on all four sides. Staff recommends landscaping is subject to staff approval to ensure an appropriate landscaping treatment.

4. *Such facility shall not create a nuisance to surrounding properties.*

The applicant indicates the leasing is approximately 225 feet from Main Street. It appears the trailers are located the same distance to the nearest neighbor. Furthermore, this site and the neighboring lot to the south are active

construction zones. Therefore, it does not appear the trailers will be a nuisance to surrounding properties.

5. *Such other conditions as the Planning Commission seems appropriate.*

The Planning Commission may elect to add additional conditions of approval.

6. *Sales offices in trailers or mobile homes are a permitted for a duration of 12 months. Users of such facilities may apply to the Planning Commission for an extension of an additional 12 months.*

The applicant has requested 8 months for the duration of this conditional use.

Once the main building is completed, the applicant has indicated they will remove the temporary leasing office location. The applicant will have to reapply for a conditional use if they wish to extend the duration of the use.

IV. RECOMMENDATION

The overall proposal is generally consistent with the code requirements for temporary sales/leasing office conditional uses. The operational aspects of the proposed leasing office are consistent with successfully operating model homes in other New Albany neighborhoods. Furthermore, the applicant requests a relatively short duration and this leasing office will be located in a business oriented area rather than a residential subdivision. Given these reasons staff recommends approval provided that the Planning Commission finds the proposal meets sufficient basis for approval.

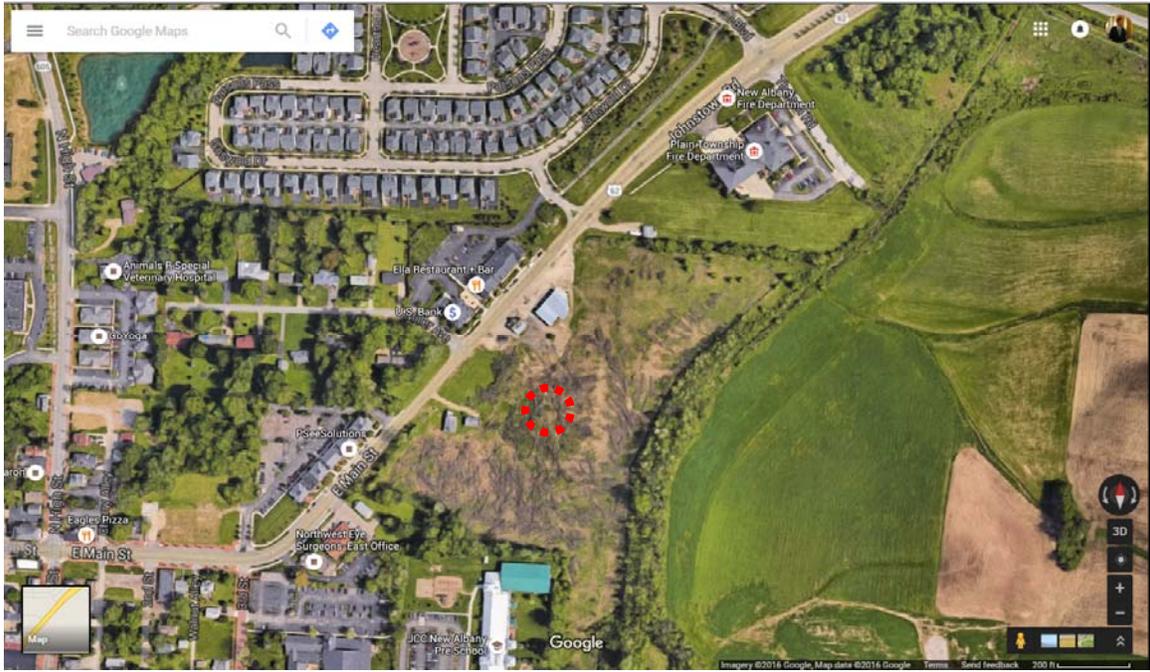
V. ACTION

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

Move to approve application CU-40-2016 with the following conditions, subject to staff approval:

- 1) The Conditional Use Permit will become effective at the time the Certificate of Occupancy is granted.
- 2) The Conditional Use Permit is permitted for eight months and that any extension in time is subject to review and approval by the Planning Commission.
- 3) The sign associated with this application is removed at the time that the permit expires.

Approximate Site Location:



Source: Google Maps



**Planning Commission Staff Report
June 20, 2016 Meeting**

INNOVATION CAMPUS WAY – PRELIMINARY AND FINAL ROAD PLAT

LOCATION: East of Harrison Road and west of Mink Road, and north of State Route 161, and right-of-way dedication along the east side of Harrison Road. (PID: 9310642200000, 0371120802001, 0351074900000 and 3510747800000).

APPLICANT: City of New Albany

REQUEST: Preliminary and Final Road Plat for an extension of Innovation Campus Way

ZONING: L-GE (Limited General Employment) & pending AG (Agricultural)

STRATEGIC PLAN: Office Campus

APPLICATION: FP-44-2016

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

Staff report completed by Stephen Mayer, Community Development Planner.

VI. REQUEST AND BACKGROUND

The application is for a combined preliminary and final plat for an extension of Innovation Campus Way in Licking County. Innovation Campus Way will extend east of Harrison Road eastward approximately 6,797 feet to Mink Road. This plat also contains additional right-of-way dedication along the east side of Harrison Road. The new extension road will serve the Personal Care and Beauty Campus.

VII. SITE DESCRIPTION & USE

The proposed road is located within incorporated areas of New Albany and sections of land that are currently being annexed to the City. City Council introduced an ordinance (O-13-2016) to annex 74.59 acres of land generally located west of Mink Road and adjacent to the city's current corporate limit (area known as Harrison East Zoning District) on May 17, 2016. The area is zoned or planned for future office, research, production, and warehousing uses.

VIII. EVALUATION

Planning Commission's review authority of the preliminary and final plat is found under C.O. Section 1187. Upon review of the final plat the Commission is to make recommendation to City Council. Staff's review is based on city plans and studies, zoning text, zoning regulations. Primary concerns and issues have been indicated below, with needed action or recommended action in underlined text.

- This plat dedicates right-of-way for Innovation Campus Way and a portion of the east side of Harrison Road to the City of New Albany. There are no reserves being platted or lots created with this plat.
- This extension of Innovation Campus Way consists of 6,797 +/- feet of new right-of-way from Harrison Road eastward to Mink Road.
- The Innovation Campus Way dedication area extends east to the future New Albany city corporate boundary where land is currently being annexed to the city.
- Innovation Campus Way will contain 60 feet of right-of-way and various easements.
- The Harrison East limitation text section VI(D) requires a total of 60 feet of right-of-way for an extension of Innovation Campus Way and 30 feet of right-of-way from the centerline of Harrison Road. The plat dedicates this amount of right-of-way.
- The Harrison East limitation text section VI(D) requires the developer shall grant easement to the city which are adjacent to the aforementioned rights-of-way to the extent necessary to provide for the installation and maintenance of streetscape improvements. The plat grants a minimum of a 25 foot easement on the south side and 20 feet on the north side of Innovation Campus Way. Note “B” of the plat states “the Association comprised of the owners of the fee simple titles to the lots in New Albany Business Park East and/or developer reserve the right to construct or cause to be constructed and maintain or cause to be maintained hiking/biking trails, landscaping, street trees, fencing and other amenities within the public right-of-way and within the areas adjacent to the public right-of-way.
- The road plat is generally in compliance with the road plat for Innovation Campus Way west of Harrison Road which contains 60 feet of right-of-way.
- A U.S. Army Corps of Engineers permit has been submitted and is anticipated to be issued in June or July of 2016. Environmental impacts from construction of the road have been considered and included in the U.S. Army Corps of Engineers permit.
- The construction of the Mink Road/State Route 161 interchange by ODOT and the future office uses in this area will increase traffic in this corridor. This road connection and the overall design of the campus allows for the separation of vehicle and truck traffic. The right-of-way dedication and easements meet the recommended amount of space in the 2014 New Albany Strategic Plan Addendum to install adequate drive lanes, ditches, leisure trail, and other amenities.
- The 2014 New Albany Strategic Plan’s Addendum Thoroughfare Plan shows conceptual connections to address existing and future traffic pressures. The strategic plan shows a road extending from Harrison Road extending east to Mink Road. This proposed right-of-way location is very similar to the conceptual alignment shown in the Strategic Plan.

IX. ENGINEER’S COMMENTS

The City Engineer has reviewed the referenced plat in accordance with Code Section 1187.06. Our review comments are as follows:

Cover Sheet

1. Recommend that the corporate boundaries be labeled and shown on the Location Map for all areas that will soon become annexed. Please show and label the corporate boundary on all other sheets where applicable.

2. Please label the street names on the Index Map.
3. Add a Drainage Easement note block to the cover sheet.

Sheet 2

4. Refer to Exhibit A found under separate cover. Please add a note similar to this to the plat.

Sheet 3-4

5. Refer to Exhibit B found under separate cover. Revise the plat in accordance with this exhibit.

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

V. RECOMMENDATION

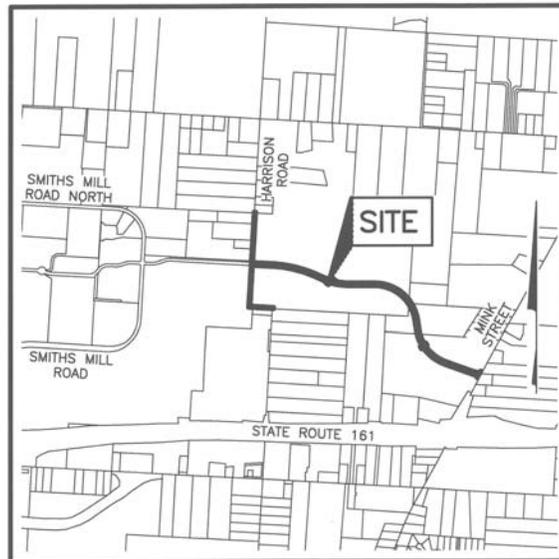
Basis for Approval: The road plat is consistent with the overall vision for the area and meets code requirements.

VI. ACTION

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

Move to approve PP/FP-44-2016 with the following condition(s):

1. Address the comments of the City Engineer to the satisfaction of the City Engineer.



LOCATION MAP AND BACKGROUND DRAWING

NOT TO SCALE:



**Planning Commission Staff Report
June 20, 2016 Meeting**

**OGDEN WOODS EAST
POOL SETBACK TEXT AMENDMENT**

LOCATION: 7665, 7679, 7695, 7705, & 7715 Ogden Woods Boulevard (PID: 222-004561, 222-004562, 222-004563, 222-004564, & 222-004565)
APPLICANT: Miller Troyer Custom Homes
REQUEST: Zoning Text Modification
ZONING: I-PUD (New Albany Country Club Section 21 Subarea 2)
STRATEGIC PLAN: Village Center District
APPLICATION: ZC-48-2016

Review based on: Application materials received May 27, 2016.

Staff report completed by Stephen Mayer, Community Development Planner.

X. REQUEST AND BACKGROUND

The applicant requests a modification to the New Albany Country Club Section 21 Subarea 2 zoning text for five lots on the east side of Ogden Woods Boulevard to reduce the required minimum setback for pools and its walks. The request is to allow pools to be 10 feet from the side and rear property lines, and to allow it decking (paved areas) to encroach an additional three feet (7 feet from side and rear property lines). The New Albany Country Club Section 21 Subarea 2 zoning text contains regulations for the Richmond Square and some Keswick homes, however, this modification proposes to alter the pool regulations only for the these five lots.

Neighbors within 200 feet of the subject properties have been notified.

II. SITE DESCRIPTION & USE

The parcels are generally located east of Ogden Woods Boulevard, south of Keswick Drive, and west of McDonald Lane (alley) within the New Albany Country Club Section 21. This platted area of the New Albany Country Club consists of 5 lots. This section was resubdivided from seven (7) platted lots into five (5) lots in 2013. Within this 5 lot section, two homes are under construction or built, leaving 3 lots for sale.

These parcels are used for detached single family residences. There are existing single family detached homes across the street along Ogden Woods Boulevard and single family residences to east at Keswick.

XI. New Albany Strategic Plan

The 2014 New Albany Strategic Plan lists the following development standards for the Village Center District:

1. Encourage higher residential density in the Village Center by promoting alternative forms of residential development
2. Maintain smaller lot sizes, rear alley systems, and community open space in developments
3. Continue to create new connections while protecting existing connections between the Village Center, neighborhoods, and civic spaces.

The 2014 New Albany Strategic Plan lists the following development goals for the single-family residential in the Village Center District:

4. All buildings should continue to uphold the high quality of architecture established in other New Albany neighborhoods.
5. Front facades should be inviting, and have a strong relationship to the street
6. Front entrances should be located on the street
7. Developments should continue to emphasize the importance of pedestrian connections to the Village Center
8. Off-street parking/garage should be located to the rear with alley access.
9. Developments should consist of higher density than found in other New Albany neighborhoods.

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 PUD text is silent on swimming pools so the city's Codified Ordinances apply. The city's Codified Ordinance Section 1173.02(c) requires pools, including any walks, paved areas, equipment, and appurtenances thereto, shall not be closer than fifteen (15) feet to any property line.
2. The applicant requests a reduction in the required minimum pool setback from 15 feet to 10 feet as required by the city's pool code. Additionally, they propose to allow decking around the pool to be a minimum of three feet in width.
3. Staff recommends a condition of approval requiring the text modification read "Pool decks and paved walkways may be permitted within seven (7) feet of adjacent lot lines." This will clarify what material and how close it can be to lot lines.
4. The applicant also proposes to modify the text so as to require that fencing consisting of a minimum five foot high brick wall that matching the main house is constructed.
5. The applicant states in their narrative that 88% of buyers surveyed said their top frustration with today's spec homes is a lack of engaging outdoor living areas, including pools, spas, fireplaces, fire pits, pizza ovens, and other water features. 7 out of the last 9 high end spec home buyers said having a pool is one of their highest priorities. The applicant states it is critical we engage this aspect of today's new construction world and accommodate buyer's need and wants. The

- tall brick walls will add character and quality to the yards and the neighborhoods.
6. The PUD text requires a 15 foot building setback along Ogden Woods Boulevard but allows zero lot line development. The underlining zoning is R-7 (Urban Density Residential District) which does not contain lot coverage requirements.
 7. This wall is also intended to provide privacy and outdoor living space. The two existing homes have 6-7 tall arborvitae installed around the outdoor living area. One home has a brick wall and arborvitae installed. The outdoor living spaces' finished grade also appears highly than the alley, resulting in the wall and landscaping appear taller.
 8. The lots back onto a public alley. At the closest distance, the brick privacy wall could be 5-6 feet away from the alley due to platted easements.
 9. Since the PUD text allows zero lot line development, decking and paved outdoor areas, and a five foot tall brick wall could be built up to the property lines assuming there are not easements or other encumbrances. However, when the paved areas and decking are built as part of a pool's appurtenances then city code requires them to be setback 15 feet from property. Therefore, outdoor living space amenities are "penalized" when associated with a pool.
 10. These five lots are unique because they are surrounded by public streets and alleys so they are "islanded" off from other homes. Additionally, since all of these home do not back onto other lots, it appears they are less accessible. While they do back onto a public alley, the alley does not contain any pedestrian walkways so it is unlikely there will be much, if any, pedestrian traffic.
 11. The New Albany Planning Commission heard a similar variance application at the Ackerly Park subdivision in the fall of 2015. Ackerly Park is a similar development containing large homes on smaller lots. At this meeting the Planning Commission members discussed neighbor input and the pool equipment. This applicant has not specified where the pool equipment will be located. Staff recommends a condition of approval requiring the pool equipment is located within the brick walled area.
 12. It appears that granting the variance will not adversely affect the health and safety of persons residing in the vicinity.
 13. Granting the variance would not adversely affect the delivery of government services.

IV. RECOMMENDATION

Basis for Approval:

The latest modifications to the city's pool code requires a wall or fence not be less than forty-eight (48) inches in height to surround all pools. Additionally, the intent of these regulations are now codified to clarify the such wall or fence shall be of such design and construction as to effectively prevent a child from crawling or otherwise passing through or under such fence or barrier. The applicant proposes to require a minimum five foot high brick wall. Such as wall will prevent a child from accessing the pool.

The city's Planning Commission has cited safety concerns with the proximity to neighbors and publicly traveled roads/alleys when hearing variances related to pools. The lots on Ogden Woods do not have any rear adjoining neighbors. The public alley will likely have little pedestrian traffic.

Another safety concern the Planning Commission has stated that the five foot wall height is not a visual barrier for most people. This is the only application recently heard with a brick wall surrounding the pool. The lots also have an additional grade change so the brick walls and pools are at a higher finished grade than the alleys resulting in the walls appearing taller. The brick walls will act as a visual and physical barrier for most people. The tall arborvitae at the existing homes appear to add an additional layer of visual screening and deterrent for people pass over the wall. The Planning Commission should consider requiring the arborvitae be installed for all homes with a pool.

Given these unique features of the lots, and the additional screening and barrier requirements which appear to meet the intent of the city pool code, staff recommends approval of this text modification application.

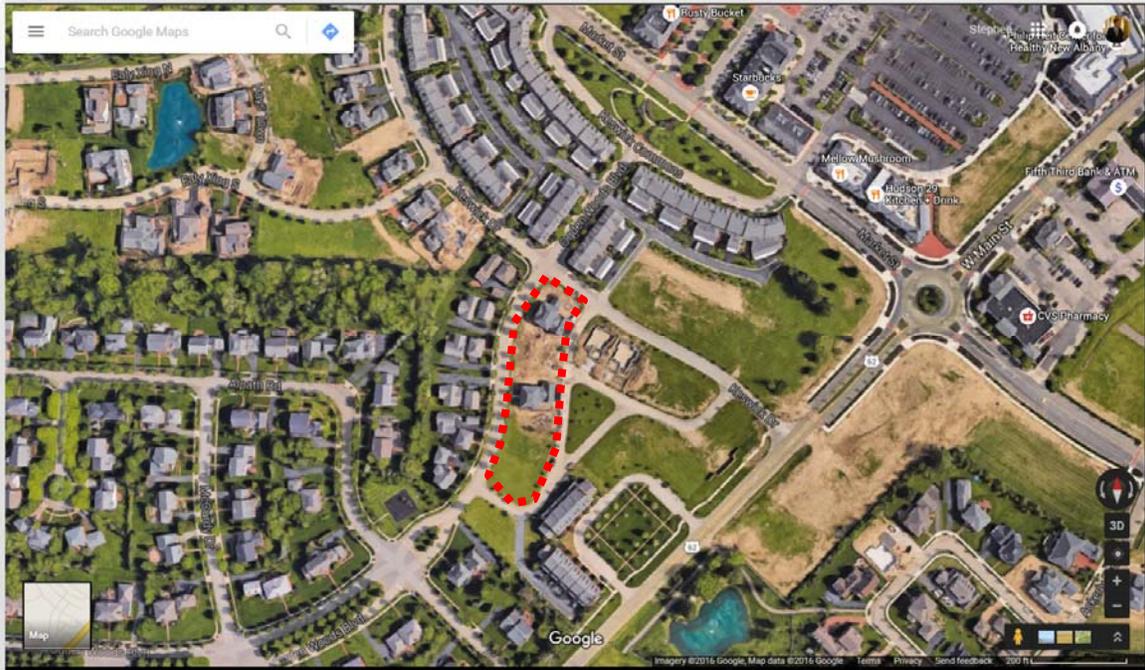
V. ACTION

Suggested Motion for ZC-48-2016:

Move to approve text modification application ZC-48-2016 with the following conditions of approval (conditions of approval may be added):

1. The text modification read "Pool decks and paved walkways may be permitted within seven (7) feet of adjacent lot lines."
2. The text modification includes language requiring pool equipment is located within the brick walled area.

Approximate Site Location:



Source: Google Maps