



Planning Commission

Meeting Minutes

December 19, 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 7:04 p.m.

Neil Kirby	Present
Brad Shockey	Absent
David Wallace	Present
Bill Steele	Present
Mike Durik	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 with corrections the November 21, 2016 meeting minutes, seconded by Mr. Steele. Upon roll call vote: Mr. Kirby, yea; Mr. Wallace, yea; Mr. Steele, yea; Mr. Durik, 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 from staff.

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

CU-22-2014 Conditional Use Extension

Extension of a conditional use for a residential model home located at 7933 Straits Farm North within the New Albany Country Club section 27 – Straits Farm Subdivision (PID: 222-004569).

Applicant: M/I Homes of Central Ohio, LLC

Mr. Mayer presented the staff report.

Mr. Kirby asked for the applicant. (no response). He continue by asking staff if there were any changes from the existing conditional use.

Mr. Mayer stated no.

Mr. Kirby asked for public comment.

Mr. Durik moved to approve CU-22-2014 with the following conditions:

1. The Conditional use permit extension will become effective on January 17, 2017, the current date of expiration.
2. The Conditional use permit is permitted for 12 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; Mr. Wallace, yea; Mr. Steele, yea; Mr. Durik, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

FDP-88-2016 Final Development Plan

Final Development Plan for a 14,000 square foot Brookshire event center on 5.3 +/- acres within the Canini Trust Corp subarea 8a (PID: 222-000347).

Applicant: Brookshire

V-91-2016 Variance

Variences to the Canini Trust Corp PUD text to the landscaping requirements required for the Brookshire event center along Forest Drive within the Canini Trust Corp subarea 8b (PID: 222-000347).

Applicant: Brookshire

Mr. Mayer presented the staff report.

Mr. Kirby asked where how thick the current tree row is near the Plainview homes.

Mr. Mayer showed the area on the map.

Mr. Kirby stated that the border with Plainview is hard to deal with because they were vocal about screening when the rezoning was completed. We need to make sure that we provide as good as or better than expected.

Ms. Joly explained that the proposed mounding is in the area of the narrowest area of the existing tree row.

Mr. Mayer continued with the staff report.

Mr. Ferris presented the engineering comments.

Mr. Mayer continued with the staff report and explained the leisure trail commitment.

Mr. Kirby asked if the wetland park is owned by the city.

Mr. Mayer stated yes.

Mr. Kirby stated that the city will connect the park to Forest Drive.

Mr. Spalding stated that there is a preservation zone in the proposed easement.

Mr. Mayer stated that the city has installed leisure trails in other preservation zones. We asked for the easement so we can get it through the open space.

Mr. John Brooks stated that they have two other banquet facilities in central Ohio. We have been looking at this site for about two years. We believe this is the perfect site for what we do which is banquet and reception facility focused on wedding events. We agree with all staff conditions.

Mr. Kirby asked about a cross access agreement.

Mr. Mayer stated that it is condition three on the final development plan.

Mr. Kirby asked which other parcels this facility will have cross access agreements with.

Mr. Brooks stated that we will have a cross access agreement for at least 24 spaces with the site to the west. (showed on map)

Mr. Kirby asked about COTA parking lot.

Ms. Joly stated that COTA cannot accept cross access agreements because they are non-profit.

Mr. Kirby asked about bike racks.

Mr. Mayer stated that the zoning text requires bike racks in the sub-area. COTA has bike racks which would meet the requirement for the entire subarea.

Mr. Larry Canini, Smith Mill Ventures, showed on the map where they will have an entrance to the wetland park with five parking spaces and more bike racks.

Mr. Durik asked about the number of curb cuts at the circle.

Mr. Canini stated that we are not sure, showed on the map the existing curb cuts. They don't have a specific user for the last parcel on the part of the circle.

Mr. Durik stated that three entryways could cause problems with this one having high volume.

Ms. Joly stated that ideally we would like to share access with one of the other curb cuts.

Mr. Kirby stated that the zoning text requires one bike rack in the entire trust corp.

Ms. Joly stated that we don't have a demonstrated need yet. As this builds out, hopefully once the park is there we will need for more than one bike rack.

Mr. Kirby stated in order to be pedestrian friendly the bike rack should be near the business entrance.

Mr. Steele asked about the new proposed layout, how will the next parcel building be aligned and how will it look with the hotel.

Ms. Joly stated that has been our concern. We spent a lot of time looking at the alignment with the city architect and landscape architect. We decided that the best way to orient this was to angle it and shift it south. That will open up some opportunities for the next parcels alignment which will be a key final development plan to review. (shown on map)

Mr. Brooks stated that we bought a 3.5 acre site thinking we would have plenty of room.

Mr. Steele asked if the proposed alignment is acceptable.

Mr. Brooks stated yes, the alignment shown is what the city staff recommended.

Ms. Joly stated that this is what the applicant submitted after our comments.

Mr. Durik asked if that is residential homes and asked for explanation of landscaping.

Mr. Brooks explained the site on the map.

Mr. Kirby asked if the applicant has spoke to any Plainview residents.

Mr. Brooks stated no. Landscape and trees are important to the success of our business so the 100 foot preservation area is great. If there is a concern we are happy to add to the tree line.

Mr. Kirby stated that the variance depends on this being better than what the code requires.

Mr. Brooks stated that the code would require us to remove the wetland and trees to install a mound and trees. The existing trees are very mature.

Landscape Architect from audience. Stated that they are very mature trees (shown on map). Strong buffer to the east and we have proposed screening towards the west. If the wetland wasn't there we would add even more trees.

Mr. Brooks stated that the landscape plan is included in your packet and explained.

Mr. Wallace stated that I thought the purpose of the mounding was to block the headlights. My concern would be the headlight screening.

Mr. Brooks stated that we would do a hedge row along the circle and parking lot.

Mr. Kirby asked what they consider hedgerow.

Landscape Architect stated that it will be an evergreen hedge planted so that it is a solid vegetative mass. Mixture of understory canopy trees and shrubs along the circle.

Mr. Wallace stated that we should be careful to install shrubs that are in foliage in winter months as well.

Ms. Hickok asked the Landscape Architect for his name for the record.

Landscape Architect is Mike Pistiolas.

Ms. Joly explained that the black and white landscape plan was submitted by the applicant and the color landscape plan provided by MKSK will supplement.

Mr. Kirby stated that we can't put a mound in the wetlands. The mound would be counterproductive in the area of the thick trees because of the number of existing trees. The thin area of the tree line we will install mounding and more trees and the hedgerow.

Mr. Durik asked about the outdoor space.

Mr. Brooks stated that we oriented the building towards the pond away from the homes.

Mr. Pistiolas stated that we have evergreen trees surrounding the outdoor area to screen from the residential in the winter.

Mr. Kirby asked for public comment.

Mr. Tom Conroy, 5811 Plainview Drive, stated that he has no problem with what is going on except for the noise. We occasionally hear the hotels. I also don't know about a walking path coming into our neighborhood.

Mr. Mayer showed on the map the approximate location of the leisure trail.

Mr. Conroy stated that we don't want people walking into our neighborhood. My house is near the thin tree line. I don't have a problem.

Mr. Kirby asked staff if the FDP should be tied to the variance.

Mr. Mayer stated yes.

Mr. Steele asked if the revised landscaping plan include the hedgerow.

Mr. Mayer stated that the hedgerow is not included around the drop off zone on the revised landscape plan.

Mr. Kirby asked if the mound will be more effective here than a hedgerow (shown on map).

Mr. Pistiolas stated that we are not showing a hedgerow because we will have a mound with additional trees.

Mr. Kirby moved to approve FDP-88-2016 subject to the following conditions:

1. Address the comments of the City Engineer to the satisfaction of the City Engineer, subject to staff approval.
2. Landscaping is revised to meet the comments of the city landscape architect, subject to staff approval.
3. Documentation showing shared access and joint parking agreements be submitted to staff.
4. A leisure trail be provided from Plainview Drive to the Kitzmiller Wetland Park (located north of this development).
5. Additional screen wall height or material is added, as necessary, to ensure 100% screening of all mechanical equipment on all four sides, subject to staff approval.
6. A conservation easement or equivalent be placed on this site's buffer zone and the final development plan is revised to identify this buffer area as an open space and conservation zone.
7. Street trees along Forest Drive are subject to staff approval.
8. The landscaping along Forest Drive and the retention basin is subject to staff approval.
9. The ground signs meet the designs standards in the 2013 Trust Corp Signage Recommendations plan and are subject to staff approval.

10. This site uses the same light fixture as the COTA park-n-ride site, subject to staff approval.

11. The leisure trail and water utility easement be vacated from their current locations and new easements re-established on the Canini Trust Corps site to provide leisure trail and water utility access.

12. This building is slightly rotated and shifted south so it is parallel to Forest Drive in order to improve its street presence per the recommendations found in the city landscape architect's review memo.

13. The trash receptacle's wall material is revised to be consistent with the one of main building's materials, subject to staff approval.

14. Contingent on approval of V-91-2016, seconded by Mr. Steele. Upon roll call vote: Mr. Kirby, yea; Mr. Wallace, yea; Mr. Steele, yea; Mr. Durik, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

Mr. Kirby moved to approve V-91-2016 subject to the following conditions:

1. One additional tree is located in this area to meet the minimum 8 trees per 100 lineal feet requirement.

2. A hedgerow of other similar for headlight screening is placed at the porte cochere area as discussed at the meeting, seconded by Mr. Wallace. Upon roll call vote: Mr. Kirby, yea; Mr. Wallace, yea; Mr. Steele, yea; Mr. Durik, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

Informal Review of Canine Companions

Ms. Joly introduced the project.

Ms. Megan Kester and Mr. Don McCarthy stated that they are hear tonight to remind the board of our project and provide an update. (printed PowerPoint presentation provided)

Discussion included headlight screening, building materials and graduation building.

PC Workshop

Ms. Joly stated that staff would like to schedule a training workshop. We would like to talk about strategic planning, West Licking County Accord planning project, code changes and any topics that the board would like to discuss. I think we could use a Monday night informal date, February 6, 2017 at 7pm meeting. We would like to have the meeting in the first quarter of the year.

Mr. Kirby stated that I have a potential code change. Currently code states that solar panels can't be seen from neighboring properties.

Ms. Joly stated that we could add that into the general standards. Stated that we will target 2/6/17.

Mr. Wallace stated that we could look at starting at 6pm.

Ms. Joly stated that if you have other ideas for the meeting please let me know.

Mr. Steele asked about minimizing compliance issues.

Mr. Kirby asked Mitch for guidance if what we've done so far is a bad idea. If we change them how do we minimize the city's exposure? How do we discontinue how we have been doing things?

Mr. Durik stated that we shouldn't be seeing variances when they are just starting the building. They should follow the guidelines.

Mr. Wallace stated that what we saw was blatant non-compliance.

Mr. Spalding stated that we made a change in the pool code and that going forward they need to follow the code.

Mr. Steele stated that a production lot is different than an estate lot.

Mr. Kirby asked if we have a records retention issue. Are we creating problems in the future?

Mr. Banchefsky stated that the problem is the evolving from a small village to city.

Ms. Joly stated that we can provide our records retention policy and have a discussion.

Mr. Kirby stated that we may need to also look at access. We should be able to find the items in an inventory.

Ms. Joly stated that we received new software 2 years ago that is parcel based. We couldn't use it fully utilize it because we didn't have the GIS and fiber capabilities. We can now upgrade our software. We have a large warehouse at fireproof. One of our projects this winter is to transfer the steno notepads into our data system.

Mr. Wallace asked if we could type in a word and search all documents.

Ms. Joly stated no. Our software creates a case that can be searched by address or a keyword that we enter into the description. We could do a quick demo of our software.

Mr. Wallace asked if we could have access to the software.

Ms. Joly stated no, we don't have the licenses. I don't know that it would fit the needs for board members.

Mr. Mayer stated that it has been helpful in the past when board members have requested information in advance of the meeting such as previous meeting minutes or related cases.

Mr. Banchefsky stated that one more item to review at the workshop would be minor text amendments completed by staff.

Mr. Kirby stated that it's worth thinking about but we need a box around it so it doesn't become judgement calls.

With no further business, Mr. Kirby polled members for comment and hearing none, adjourned the meeting at 8:46 p.m.

Submitted by Pam Hickok



**Planning Commission Staff Report
December 19, 2016 Meeting**

**NACC 27 – STRAITS FARM
MODEL HOME CONDITIONAL USE EXTENSION**

LOCATION: 7933 Straits Farm North (222-004569)
APPLICANT: M/I Homes of Central Ohio, LLC
REQUEST: Extension of a Conditional Use for a Residential Model Home
ZONING: I-PUD (NACC 28 – Straits Farm)
STRATEGIC PLAN: Neighborhood Residential District
APPLICATION: CU-22-2014

Review based on: Application materials received March 25; April 4, 2014; and June 30, 2016.

I. REQUEST & BACKGROUND

The applicant requests conditional use approval extension for a residential model home located at 7933 Straits Farm North within the Straits Farm subdivision (New Albany Country Club Section 27). The unit serves as the model home and sales office for M/I Homes of Central Ohio, LLC for homes within this subdivision. This is the only model home at the subdivision.

The conditional use was originally approved by the Planning Commission on April 21, 2014. A six month extension was approved by the Planning Commission in July 2016 and is set to expire on January 17, 2017. The requested duration of this conditional use extension is 12 months. The applicant states the model home will continue to operate as it has been for the past two years.

This area is zoned I-PUD and the residential uses are coincident with those in our code, making this requested use a conditional use in the district.

II. LOCATION

The model home is located at the first corner of the subdivision after entering from Reynoldsburg-New Albany Road along Straits Link. The subdivision has 51 platted lots and is located west of Reynoldsburg New Albany Road (State Route 605), south of the Maplewood Cemetery, east of the Ackerly Park subdivision, and north of the Reserve subdivision in Franklin County.

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. 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 model home is located on Lot 4 at the first corner of the subdivision after entering from Reynoldsburg-New Albany Road along Straits Link. The proposed location appears to be appropriate and is easily accessible not only by roads, but also by sidewalks and nearby trails. The location of this model home is on the subdivision's primary road: Straits Link.
2. *It is integrated in the existing community with customary exterior residential lighting.*
The home utilizes house light fixtures consistent with the style and architectural features present the other homes planned and under construction within the subdivision. The applicant has previously indicated there will be landscape lighting and will be on a timer to go off by 8:00pm during winter hours.
3. *The use is approved with limited duration.*
The applicant states that they would like to utilize the conditional use for 12 months
4. *One sign is permitted.*
The site has one ground sign (see details below).
5. *Shall not be used as a general real estate brokerage office.*
The applicant states that the model home 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 that the model home will operate five days a week, from 11:00am to 6:00pm. These operating hours are generally consistent with the operating hours of other approved model homes.

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

The applicant states the model home is staffed with one New Home Consultant.

3. *Provisions for parking for employees and customers*

Parking for employee and customers is provided on the driveway. If there is a need for additional parking, on-street parking can be utilized.

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

The site has one ground sign installed that meets code requirements. C.O. Section 1169.10(e) of the sign code permits one (1) sign not to exceed two feet by three feet in dimension or six square feet in area. No sign shall extend more than four feet above grade. Signage shall not be illuminated nor shall it be nearer than ten feet to any street right-of-way. The applicant has the following sign:

1. Dual-post ground sign to read "Showcase Collection" with the applicant's name and contact number.

a. Size: 2' x 3" (6 square feet) [meets code].

b. Height: 4' 0" feet [meets code].

c. Location: The sign will be facing the corner where Straits Link and Straits Farm North intersect, and is 13 feet from the street right of way [meets code].

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

5. *Landscaping and screening*

The landscaping appears to be appropriate for the area.

IV. RECOMMENDATION

The overall proposal is generally consistent with the code requirements for model home conditional uses. The operational aspects of the proposed model home are consistent with successfully operating model homes in other New Albany neighborhoods and it has been successfully operating for the past two years. Staff is not aware of any complaints associated with the operation of the model home from neighbors. Staff recommends approval provided that the Planning Commission finds the proposal meets sufficient basis for approval.

V. ACTION

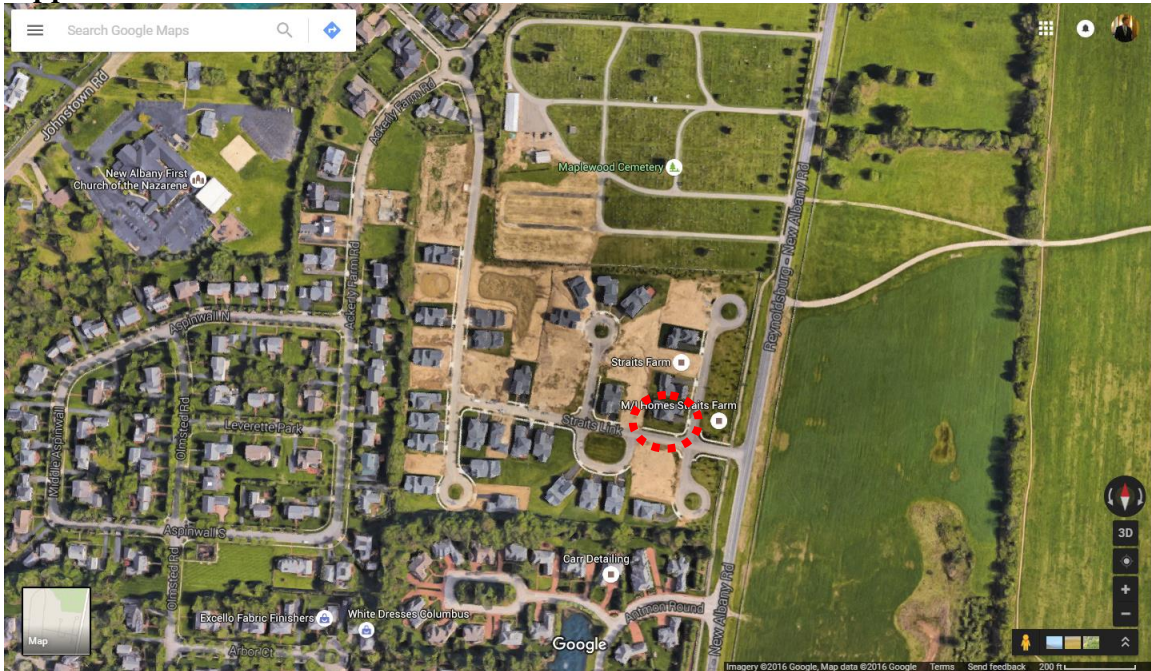
Should the Planning Commission find that the application has sufficient basis for approval, the following motion would be appropriate:

Move to approve an extension of application CU-22-2014 based on the findings in the staff report with the following condition(s) of approval, subject to staff approval:

- 1) The Conditional Use Permit extension will become effective on January 17, 2017, the current date of expiration.

- 2) The Conditional Use Permit is permitted for 12 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: Franklin County Auditor



**Planning Commission Staff Report
December 19, 2016 Meeting**

**BROOKSHIRE EVENT CENTER
FINAL DEVELOPMENT PLAN & SIMILAR USE**

LOCATION: Southeast side of Johnstown Road, northeast of Smith's Mill Road north and west of the Plain View subdivision, west of Kitzmiller Road (PID: 222-000347)

APPLICANT: Brookshire

REQUEST: Final Development Plan & Similar Use

ZONING: Infill Planned Unit Development (I-PUD) Canini Trust Corp subarea 8B

STRATEGIC PLAN: Neighborhood Retail District

APPLICATION: FDP-88-2016

Review based on: Application materials received November 18 and December 7, 2016.

Staff Report completed by Stephen Mayer, Community Development Planner.

VI. REQUEST AND BACKGROUND

The applicant requests review of a final development plan for a Brookshire event center.

The zoning text allows uses contained in the OCD Office Campus District, Section 1144.02 and the conditional uses contained in Section 1144.03. Hotel/motel including conference and banquet facilities are listed as a conditional use. The applicant wishes to operate a banquet/event center, but the city's codified ordinance don't specify that as a use in any of the commercial use districts. The most similar use in the city code is hotel/motel including conference and banquet facilities.

Per codified Ordinance 1127.02(e) applications for zoning permits for uses not specifically listed in the permitted building or use classifications of the zoning district, which the applicant feels qualify as a similar use under the provisions of this section, shall be submitted to the Planning Commission. The applicant requests, as part of this final development plan application, the Planning Commission review and make a determination if this use is similar.

VII. SITE DESCRIPTION & USE

The site is currently vacant and is located within the Canini Trust Corp Development on the Southeast side of Johnstown Road, northeast of Smith's Mill Road north and west of the Plain View subdivision, west of Kitzmiller Road. The site is located along the

traffic circle portion of Forest Drive in the rear corner of the site adjacent to the Plainview subdivision. The zoning permits uses included in the OCD (Office Campus District) including administrative, business and professional offices, health care and nursing home uses.

In 2007 the Planning Commission approved a final development plan for the Forest Drive Office Park which consists of a 5 single story office buildings which will be located around a central parking area. That application expired but was renewed by the Planning Commission on April 18, 2016. The COTA park-and-ride facility is located immediately to the south of this development.

III.EVALUATION

Staff's review is based on New Albany plans and studies, zoning text, 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 1127 & 1159.

SIMILAR USE:

Per codified ordinance 1127.02(e) the Planning Commission shall determine whether the requested use is similar to those uses permitted in the specific district. In order to find that a use is similar, the Planning Commission shall find that all of the following conditions exist:

- a. *Such use is not listed as a permitted or conditional use in another zoning district.*
- b. *Such use conforms to basic characteristics of the classification to which it is to be added and is more appropriate to it than to any other classification.*
- c. *Such use creates no danger to health and safety and creates no offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences to an extent greater than normally resulting from uses listed in the classification to which it is to be added.*
- d. *Such use does not create traffic congestion to a greater extent than uses listed in the classification to which it is to be added.*

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

1. Banquet and event centers are not listed as a permitted or conditional use in another zoning district. The most similar use in the city code is hotel/motel including conference and banquet facilities found in chapter 1144 whose uses are permitted at this site.
2. It appears a banquet/event center conforms to same basic characteristics of the classification to which it is to be added and is more appropriate to it than to any other classification since the district allows for hotels and motels which are permitted to include banquet rooms and facilities in addition to overnight sleeping accommodations.
3. It appears a stand-alone banquet facility use creates no danger to health and safety and creates no offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences to an extent greater than normally resulting from uses listed in the classification to which it is to be added. This use is currently is undertaken within hotels.

4. It does not appear the use will create traffic congestion to a greater extent than uses listed in the classification to which it is to be added. It seems reasonable that a hotel/motel that includes conference and banquet facilities would generate the same traffic as a stand-alone banquet facility.
5. Per codified ordinance 1127.02(e) any use found similar shall thereafter be considered as a permitted use in that district.

FINAL DEVELOPMENT PLAN:

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

1. This site is located in the Neighborhood Retail district of the 2014 New Albany Strategic Plan. The development standards for this type of use include (but are not limited to):
 - a) Retail users should have footprints no larger than 80,000 square feet, individual users should be no greater than 60,000 square feet.
 - b) Landscaping should be high quality, enhance the site and contribute to the natural, pastoral setting of New Albany. Heavy, but appropriate landscaping is necessary to buffer these uses from any adjacent residential uses.
 - c) Parking should be located to the rear of the building.
 - d) Sidewalks or leisure trails should be included along primary roadways as well as internal to the developments.
 - e) Structures must use high quality building materials and incorporate detailed, four sided architecture.

B. Use, Site and Layout

1. The final development plan site is approximately 5.309 acres and will contain a single building with 14,180 square feet of space. The building is surrounded by a 148 space parking lot. Access to the site will be from Forest Drive via a curb cut located within the traffic circle.
2. The building's primary façade faces southeast so the great hall room within the building faces the forested area at the northeast corner of the site.
3. The total lot coverage, which includes all areas of pavement and building coverage, shall not exceed 80% of the total lot area per subarea 8b.01(8). The plans show 35% lot coverage for the site.

4. PUD text section 8b.01(6) requires the permitted maximum density within this subarea shall not exceed the ratio of 12,000 gross square feet of building per net acre of site. This is the first building within the subarea and is meeting the requirement within its own site.
5. The zoning text requires the following setbacks:

Requirement	Proposed
0 foot for pavement and buildings for adjoining side properties (south)	5 foot pavement 250 +/- foot building
0 foot for pavement and buildings for adjoining side properties (west)	5 foot pavement 77 +/- foot building
100 foot for pavement and buildings from the Plain View subdivision.	100 foot pavement 142 +/- foot building
25 foot building & pavement setback from northern property line (Kitzmilller Wetland Park)	25 foot pavement 88 +/- foot building
30 feet for buildings and 20 feet for pavement setback from Forest Drive	170+ feet pavement 325 feet building

C. Access, Loading, Parking

Parking

1. The city parking code does not have standards for the number of required spaces for a banquet/event center use. Therefore, per Codified Ordinance 1167.05(f), the Planning Commission shall determine the number of parking spaces required.
2. The site plan includes 148 parking spaces.
3. The applicant has submitted a parking narrative and justification in their submittal. Brookshire anticipates 2 to 3 regular employees. The applicant states this site plan and building footprint is modeled after a Brookshire existing facility in Delaware, Ohio which has been open since 2005. That facility has 134 parking spaces and a larger ballroom than the one planned here. The applicant states parking has not been issue there.
4. The parking narratives states that historically over 95% of their wedding events have less than 200 attendees.
5. The applicant states wedding attendees are likely to stay at the hotels across the street and could walk over to this facility.
6. Section 8b.02(4) states it is intended that within this subarea parking spaces will be shared between users to better meet parking quantity requirements. At the time of final development plan(s) review and approval, where appropriate shared access and joint parking agreements between adjacent parcels maybe required by the Village Development Director. The applicant states they will have a shared parking and access agreement with the undeveloped parcel to the west. Staff recommends a condition of approval requiring documentation showing shared access and joint parking agreements be submitted to staff.

7. Section 8b.02(3) requires bicycle racks to be provided within the subarea. The COTA park-and-ride facility has three bike racks located on the north end of their site near the shelters.

Circulation

1. The site will be accessed from one entrance drive off of the traffic circle on Forest Drive.
2. Section 8b.03(9)(a) requires an asphalt leisure trail, six (6) feet in width, to be built along Forest Drive. The site plan shows this leisure and appears to meet code requirements.
3. This section of the zoning text also requires a leisure trail from Forest Drive to the Plain View Country Estates Subdivision. The trail has not been provided. Staff has reviewed the meeting minutes from the Canini Trust Corp rezoning and it appears the intent of the trail was to provide access to the future Kitzmiller Wetland Park. Therefore, staff recommends a condition of approval requiring a leisure trail be provided from Plainview Drive to the wetland park itself (located north of this development).

Loading and service areas

1. City parking code chapter 1167.06(a) requires two loading spaces for this sized facility. The rear of the building has a loading zone that can accommodate two or more trucks thereby meeting this requirement.
2. A trash receptacle area is located along the north elevation of the building next to the loading zone. The trash receptacles are screened on all four sides with an eight foot tall split face CMU wall, and wood swinging doors. The CMU and doors will be painted to match the building. The zoning text requires the trash receptacles are screened with an 8 foot tall wall of landscaping, but is silent on wall material. CMU is a standard size rectangular concrete block used in building constructed. The zoning states prefabricated metal or untreated masonry block buildings shall be prohibited for buildings. Staff recommends the trash receptacle's wall material is revised to be consistent with the one of main building's material, subject to staff approval.

D. Architectural Standards

1. Section 8b.03(1) requires buildings shall be sited with the longest and/or most predominant building facade parallel to a major street unless otherwise approved by the Village of New Albany Planning Commission. The building has two main entries facing Forest Drive and the porte cache on the south elevation. While the building has its longest façade facing Forest Drive, it is not parallel to the street. All of the previous structures within the Canini Trust Corp have been site so they are perfectly parallel to Forest Drive. Staff recommends this building is slightly rotated and shifted south so it is parallel to Forest Drive in order to improve its street presence. See the city landscape architect's comments for recommended alignment.

2. The city architect comments that it seems that the ultimate reason behind the building orientation is to locate their outdoor ceremony garden where it has the most privacy and best views (facing the tree line).
3. Section 8b.03(2) requires buildings shall be designed to be seen from 360 degrees with the same caliber of finish on all facades/elevations. Building additions, whether attached or detached, shall be of similar design, materials, and construction. Building designs shall be consistent throughout the entire development. Explanation and justification for any building design shall be submitted with the final development plan.
4. The city architect comments the Brookshire Banquet Center meets the city's architectural guidelines and he has no issue with the aesthetics nor the massing. He also does not have concerns with use of different materials, as compared to the surrounding buildings whom all use brick, because the scale of this structure is so different than its four to five-story monolithic neighbors (the hotels). In simple terms, the neighboring buildings look like they should be of brick, while this project, given its vernacular massing, looks like it should be of siding and stone.
5. The text requires cementitious products such as Hardi Plank or its equivalent cementitious product, brick, wood siding, cultured stone, and composition materials as acceptable exterior wall finish materials. Acceptable roof materials include natural and synthetic slate, cedar shake, dimensional asphalt shingles, and standing seam metal. The applicant is proposing a standing seam metal roof with vertical board and batten siding, and stone veneer along the water table.
6. The city architect comments that the material selections for the Brookshire Banquet Center are appropriate for a vernacular piece of architecture. Stone would have almost always been used on rural foundations, not brick, so it would look odd to substitute the two.
7. Zoning Text 8b.03(4) requires true divided light or simulated divided light windows with exterior muntins where appropriate to the building style. The applicant proposed aluminum clad or fiberglass windows. The building elevations appear to show true divided light or simulated divided light windows with exterior muntins.
8. The building elevations show the mechanical equipment located on the roof may not be fully screened from view of the public right-of-ways and the Plain View subdivision. Staff recommends a condition of approval that additional screen wall height or material is added, as necessary, to ensure 100% screening of all mechanical equipment on all four sides, subject to staff approval.

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

1. Note "C" on the preliminary development plan states that for purposes of wetland protection all site improvements will take place outside of the 30 foot wetland protection buffer zone. The submitted site plan shows all the improvements outside of the buffer area.
2. Note "D" on the preliminary development plan identifies the 100 foot building setback as an open space as Open Space "A". Staff has reviewed the original

- rezoning minutes and it appears the intent of the open space is to provide a buffer from the Plain View subdivision and provide wetland protection. Staff recommends a condition of approval requiring a conservation easement or equivalent be placed on this site's buffer zone and the final development plan is revised to identify this buffer area as an open space and conservation zone.
3. Zoning text section 8b.04(5)(b) requires a mound and a minimum of 8 trees per 100 lineal feet will be provided within the proposed buffer area in Subarea B, abutting the Plain View subdivision on the eastern edge of the development site. The majority of the buffer area on this site consists of woods and wetlands. Given those constraints and the desire to preserve these features the applicant has provided a mound and trees only at the southeastern corner of site along the east side of the parking lot. The applicant requests a variance to allow the remainder of the site to remain undisturbed. See variance application for additional information.
 4. Street trees are required along Forest Drive spaced at a minimum distance of 30 feet on center and be 2.5 inch caliper trees. The landscape plan shows two street trees. Based on the amount of frontage it appears additional street trees may be required. Staff recommends a condition of approval requiring street trees along Forest Drive are subject to staff approval.
 5. Per zoning text 8b.04(4)(a) parking lots shall be screened from rights-of-way within an evergreen landscape hedge or wall. The parking lot is being screened from Forest Drive and meeting landscaping requirements.
 6. Codified Ordinance 1171.06(a)(3) requires one tree per 10 parking spaces. The proposed site plan provides 150 parking spaces thereby requiring 15 trees. The PUD zoning text 8c.04(6) requires these trees be at least 2.5 inches in caliper at installation. The applicant meets code requirements by providing 15 trees each with 2.5 inches in caliper.
 7. The zoning text 8b.04(5)(a) requires that there be a minimum of eight (8) deciduous or ornamental trees per 100 lineal feet planted throughout the setback areas along Forest Drive. The proposed site has approximately 252 feet of frontage along Forest Drive, therefore a minimum of 20 trees are required. These trees shall be either 2 ½ inch caliper deciduous shade trees, 1 1/2 inch caliper ornamental trees, or a combination of both. The applicant provides 20 deciduous shade trees sized three inch caliper and has organized them around the retention basin. Staff recommends the landscaping along Forest Drive and the retention basin is subject to staff approval.
 8. Codified Ordinance 1171.05(e)(3) requires a minimum of one tree for every 5,000 square feet of ground coverage and a total tree planting equal to 25 inches plus one-half inch in tree trunk size for every 4,000 square feet over 50,000 feet in ground coverage. The site has a total ground coverage area of 82,998 which results in the requirements of having to provide 17 trees and a tree planting totaling 29.5 inches. 24 trees, each with an individual DBH of 2.5 inches or larger are provided thereby meeting code requirements.
 9. Per C.O.1171.08(e) landscape treatments at the perimeter of wet and dry stormwater basins shall be designed either with maintained turf to the pond's edge or a naturalized planting of native landscape material, subject to approval of the Village Landscape Architect.

10. The City Landscape Architect has reviewed the development plan. The landscaping comments can be found under separate cover from the consulting City Landscape Architect, MKSK. The landscaping should be subject to staff approval.
11. The zoning text requires a minimum of 8% interior parking lot landscaping on the site. The amount of interior parking lot landscaping proposed is 8.1%.

F. Lighting & Signage

1. The applicant has submitted a sign plan for ground signage. The ground signs appear to meet the designs in the 2013 Trust Corp Signage Recommendations plan. Staff recommends this is subject to staff approval.
2. The applicant has submitted parking light details. The PUD zoning text 8b.05(1) requires all light poles shall be black or New Albany Green. Parking lot lighting shall be of a standard light source type and style, and be consistent throughout the subarea with a maximum height of 20 feet (including light fixture). All parking lot fixtures shall be cut-off style or goose neck style fixtures. The applicant is proposing a 20 feet tall holophane style light. The exact catalog number and style is not provided so staff recommends a condition of approval this site uses the same light fixture as the COTA park-n-ride site, subject to staff approval.
3. The submitted photometric plan shows reasonable light levels throughout the site. It appears there is no light pollution to the neighboring Plain View subdivision.

G. Other Considerations

1. Per subarea 8b.01(7) at least 176,000 square feet of building space shall be developed for office use in total between Subarea 8a, 8b and 8c. None of the developed sites in the entire Trust Corp contain office uses.
2. The site contains a leisure trail easement and a water easement from Forest Drive to the Plain View subdivision. These easements were established from the previously approved final development plan for the site. The existing easement locations aren't congruent with the Brookshire site layout. Therefore staff recommends a condition of approval requiring the leisure trail and water utility easement be vacated from their current locations and new easements re-established on the Canini Trust Corps site to provide leisure trail and water utility access. Vacation and dedication of new easements will require city council's approval.

IV. ENGINEER'S COMMENTS

The City Engineer has reviewed the referenced plan in accordance with the engineering related requirements of Code Section 1159.07(b)(3) and provided the following comment(s):

1. Detailed engineering comments related to the sanitary sewer system, drainage facilities, lighting, etc. will be provided when engineering drawings are submitted for review.

2. Refer to Exhibit A. Please add this note to the cover sheet of the FDP. Also, add a symbol for a “5/8” inch capped iron pin to be set at property corners and where the property boundary deflects. Refer to the legend on sheet C101 of the FDP.
3. Refer to Exhibit B. Please provide documentation for vacating the 40’ easement. Provide an easement at an alternative location that will enable a public water line to be extended through the Brookshire site to serve the Plainview subdivision.

Staff recommends all the City Engineer’s comments are complied with and subject to staff approval. The engineering comments can also under separate cover from the consulting City Engineer, E.P. Ferris & Associates.

V. RECOMMENDATION

Staff recommends approval based on the proposed use since it is appropriate for the site. The development plan appears to be generally consistent with the purpose, intent and standards of the zoning code and applicable I-PUD development text. Furthermore, it will provide a public transit stop that will benefit the whole community.

V. ACTION

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

Move to approve the similar use and final development plan, based on the information in the staff report, application FDP-88-2016, subject to the following conditions:

1. Address the comments of the City Engineer to the satisfaction of the City Engineer, subject to staff approval.
2. Landscaping is revised to meet the comments of the city landscape architect, subject to staff approval.
3. Documentation showing shared access and joint parking agreements be submitted to staff.
4. A leisure trail be provided from Plainview Drive to the Kitzmiller Wetland Park (located north of this development).
5. Additional screen wall height or material is added, as necessary, to ensure 100% screening of all mechanical equipment on all four sides, subject to staff approval.
6. A conservation easement or equivalent be placed on this site’s buffer zone and the final development plan is revised to identify this buffer area as an open space and conservation zone.
7. Street trees along Forest Drive are subject to staff approval.
8. The landscaping along Forest Drive and the retention basin is subject to staff approval.
9. The ground signs meet the designs standards in the 2013 Trust Corp Signage Recommendations plan and are subject to staff approval.
10. This site uses the same light fixture as the COTA park-n-ride site, subject to staff approval.

11. The leisure trail and water utility easement be vacated from their current locations and new easements re-established on the Canini Trust Corps site to provide leisure trail and water utility access.
12. This building is slightly rotated and shifted south so it is parallel to Forest Drive in order to improve its street presence per the recommendations found in the city landscape architect's review memo.
13. The trash receptacle's wall material is revised to be consistent with the one of main building's materials, subject to staff approval.

Approximate Site Location:



Source: City Staff



**Planning Commission Staff Report
December 19, 2016 Meeting**

**BROOKSHIRE EVENT CENTER
VARIANCES**

LOCATION: Southeast side of Johnstown Road, northeast of Smith's Mill Road north and west of the Plain View subdivision, west of Kitzmiller Road (PID: 222-000347)

APPLICANT: Brookshire

REQUEST: Variances

ZONING: Infill Planned Unit Development (I-PUD) Canini Trust Corp subarea 8b

STRATEGIC PLAN: Neighborhood Retail District

APPLICATION: V-91-2016

Review based on: Application materials received November 18 and December 7, 2016.

Staff Report completed by Stephen Mayer, Community Development Planner.

VIII. REQUEST AND BACKGROUND

The applicant requests variances in conjunction with the final development plan for the Brookshire event center at the Canini Trust Corp Subarea 8b.

The variances requested are as follows:

- A. Variance to Canini PUD zoning text section 8b.04(5)(b) to eliminate the requirement for portions of the buffer area, abutting the Plain View subdivision on the eastern edge of the development site which requires a mound and a minimum of 8 trees per 100 lineal feet be provided.

II. SITE DESCRIPTION & USE

The site is currently vacant and is located within the Canini Trust Corp Development on the Southeast side of Johnstown Road, northeast of Smith's Mill Road north and west of the Plain View subdivision, west of Kitzmiller Road. The site is located along the traffic circle portion of Forest Drive in the rear corner of the site adjacent to the Plainview subdivision. The zoning permits uses included in the OCD (Office Campus District) including administrative, business and professional offices, health care and nursing home uses.

In 2007 the Planning Commission approved a final development plan for the Forest Drive Office Park which consists of a 5 single story office buildings which will be

located around a central parking area. The COTA park-and-ride facility is located immediately to the south of this development.

III.EVALUATION

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

Criteria

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

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

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

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

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

IV. RECOMMENDATION

Considerations and Basis for Decision

A. Variance to Canini PUD zoning text section 8b.04(5)(b) to eliminate the requirement for portions of the buffer area, abutting the Plain View subdivision on the eastern edge of the development site which requires a mound and a minimum of 8 trees per 100 lineal feet be provided.

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

1. Zoning text section 8b.04(5)(b) requires a mound and a minimum of 8 trees per 100 lineal feet will be provided within the proposed buffer area in Subarea B, abutting the Plain View subdivision on the eastern edge of the development site.
2. The applicant proposes a six foot mound, within the buffer zone, along the eastern edge of the parking lot at the southeast corner of the site. The mound is about 80 feet wide. Five trees are located on the Plain View side of the mound. Staff recommends one additional tree is located in this area to meet the minimum 8 trees per 100 lineal feet requirement.
3. This area has special conditions and circumstances that do not result from the action of the applicant because, with the exception of the mounding area, the entire buffer zone is either heavily wooded or contains protected wetlands.
4. It appears installing a mound along the entire buffer is undesirable because by doing so it appears the mound would change the essential character of the neighborhood by either removing existing trees and/or impacting a wetland. This may result in the neighbors suffering a "substantial detriment."
5. The variance does not seem substantial given the amount of existing and proposed landscaping on the site. The intent of the requirement is to buffer the Plain View subdivision from commercial uses and the proposed landscaping along with staff's recommended conditions of approval appear to meet the intent of the zoning requirements.
6. It does not appear that the variance would adversely affect the delivery of government services, affect the health and safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.

In summary, staff supports the granting of the abovementioned variances. The majority of the buffer area on this site consists of woods and wetlands. Given those constraints and the desire to preserve these features the applicant has provided a mound and trees only at the southeastern corner of site along the east side of the parking lot. This mound will screen the parking area. It appears installing the mound and landscaping as the text requires would have a negative impact on the site. The intent of the buffer zone is to be open space, and staff recommends in the final development plan that a conservation easement or equivalent be placed over the buffer zone to ensure it is not impacted by development. Mounding and replacing existing trees with new plantings does not appear to meet the intent of the requirement in this area and could provide less screening for neighbors.

V. ACTION

Should the Planning Commission find that the application has sufficient basis for approval, the following motions would be appropriate (The Planning Commission can make one motion for all variances or separate motions for each variance request):

Move to approve application V-91-2016 based on the findings in the staff report with following condition of approval (conditions may be added)

1. One additional tree is located in this area to meet the minimum 8 trees per 100 lineal feet requirement

Approximate Site Location:



Source: City Staff