



Planning Commission

Meeting Minutes

January 18, 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	Present
David Wallace	Present
Bill Steele	Present
Mike Durik	Present
Sloan Spalding (council liaison)	Absent

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

Mr. Steele moved to approve December 19, 2016 meeting minutes, seconded by Mr. Durik. Upon roll call vote: Mr. Kirby, yea; Mr. Shockey, abstain; Mr. Wallace, yea; Mr. Steele, yea; Mr. Durik, yea. Yea, 4; Nay, 0; Abstain, 1. Motion passed by a 4-0 vote.

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

Mr. Mayer stated none 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. Durik moved to accept the staff reports and related documents in to the record, seconded by Mr. Steele. Upon roll call vote: Mr. Kirby, yea; Mr. Shockey, yea; Mr. Wallace, yea; Mr. Steele, yea; Mr. Durik, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

V-96-2016 Variance

Variances to the Canini Trust Corp PUD and City Sign Code relating to the dimensional requirements for new signage at Turkey Hill within the Canini Trust Corp subarea 8a (PID: 222-000347).

Applicant: Sign Vision Co., Inc.

Mr. Stephen Mayer presented the staff report. He stated that the applicant provided a revised plan tonight. (provided copies to the commission members)

Mr. Darrin Gray, Sign Vision, stated that we took the staff recommendations and adjusted the size of the signs appropriately. We feel that it fits in the area. It will be lit by external gooseneck lights that are the same as the lights over Turkey Hill.

Mr. Kirby asked for more detail about the lighting.

Mr. Gray stated that it will be the same as the gooseneck lights above Turkey Hill. The revised plan provided tonight show the correct lights.

Mr. Wallace asked what the changes are on the revised sign plan.

Mr. Gray stated that we reduced the letter size and is above the architectural feature. It is not larger than the Turkey Hill sign and therefore I don't think it competes with the other sign.

Mr. Steele asked if the Fresh Eats a corporate program.

Mr. Todd Mills, Kroger, stated that they are not a brand specific to Turkey Hill. It was designed to be a stand-alone brand.

Mr. Steele stated that the font can't be changed.

Mr. Mills stated that the font is trademarked.

Mr. Durik asked if this is a new venture to the building.

Mr. Mills stated that it has a sandwich feature in the store now. This will be a separate venture that will have different offerings.

Mr. Shockey asked if it is the hot foods area will be changing.

Mr. Mills stated yes, it will be made to order. It will look completely different; remodel to bring focal point to Fresh Eats.

Mr. Shockey stated that changes my thoughts from when the meeting started. This is incorporating a new food court type area called Fresh Eats. The hope is to have the sign that will bring recognition to what is in the building.

Mr. Mills stated that you would even be able to order online and come pick up your food.

Mr. Shockey asked if the sign plan presented tonight meets the staff recommendations.

Mr. Mayer responded that we recommended a total height of 30" and it looks like they have changed it to 45".

Mr. Shockey stated that it still covers architectural feature.

Mr. Gray stated that the revised sign will not cover the soldier course.

Mr. Shockey stated that he is not sure of the sign on the side elevation. I don't understand why the need for the second sign.

Mr. Gray stated that Fresh Eats will not have any signage on the monument sign.

Mr. Steele asked when the concept will be operational.

Mr. Mills stated mid June.

Mr. Wallace stated the originally three variances were required. Can you look at the revised submittal and advise us which variances are still needed. Can you also provide the size requirements for the sign?

Mr. Mayer responded that they Canini zoning text allows 1 square foot per 1 linear foot of building frontage with a maximum sign of 80 square feet. This building is about 90 linear feet so the maximum would apply. They are proposing is about 41 square feet and the existing Turkey Hill sign is about 30 square feet which would be in the low 70s on the front façade and another 40 square feet on the side.

Mr. Kirby asked if the size requirement was total or per face.

Mr. Mayer stated size is per face.

Mr. Wallace stated that they don't need the size variance anymore.

Mr. Mayer stated that they would also meet the letter height so no variance needed. Variance A to allow a second sign on front elevation would still be required. Variance B for the lettering height is not needed. Variance C (a) that signs must integrate with building and (b) do not create an appearance of competition between adjacent signs would be at Planning Commissions discretion. Variance C (c) that signs do not block portions of architectural detailing, windows, entries or doorways would not be required.

Mr. Wallace asked if they needed a variance for the sign on the side of the building.

Mr. Mayer stated no, they are allowed one wall sign per face that is along a roadway.

Mr. Kirby asked why the sign on the side elevation is on the front corner.

Mr. Mills stated that it is for visibility, the closer to the State Route 62 the better.

Mr. Wallace asked why the front elevation is not centered.

Mr. Mills stated that it is a preference. That is the side that Fresh Eats will be located in the building. We will be proposing a canopy and we wanted the sign over the canopy.

Mr. Durik asked why they didn't have a complete plan.

Mr. Kirby asked if the canopy would need board approval.

Ms. Joly stated that it is a final development plan change. We noticed it on the sign plan and recommended that they work with the New Albany Company prior to revising the final development plan.

Mr. Shockey asked if we should see it all at once.

Mr. Kirby asked if we have different time frames. Are you building the sign and canopy at the same time?

Mr. Mills stated they should be done at the same time.

Mr. Kirby asked if the existing lights on the side will go away.

Mr. Steele asked if ARC commented on the sign placement.

Mr. Mills stated that they didn't call out the location, they told us that they were alright with the sign color and commented on the color of the canopy.

Mr. Steele asked if we have any other branded concepts that could end up at this location.

Mr. Mills stated no.

Mr. Kirby stated that you have two signs that you can see from the same corner which is why you have conflict and over signage. If you move the side sign to center over the floodlight (shown location on overhead). When you bring this back with the canopy, a view from a pedestrian view with the sign and canopy will be helpful.

Mr. Mills asked if the plans submitted tonight would work if we added the canopy.

Mr. Kirby stated yes, we want to see the canopy so we can see the depth, shading and lighting.

Mr. Shockey stated that I don't have a problem with the signs but I want to see the entire project for a complete submittal.

Mr. Mills asked which portion of the canopy needs to come back for review.

Ms. Joly stated that we will need the elevations, materials, and color and site plan.

Mr. Kirby stated that we will also need lighting information since the lighting needs to change on that corner.

Mr. Shockey asked if the same architect.

Ms. Joly stated that was Carter Bean.

Mr. Mills stated that he wasn't involved with this project.

Mr. Wallace asked if the new restaurant concept changes the parking requirement.

Ms. Joly stated that we know they have some food services now. We will need to review because we know that overall this entire project has parking challenges. We want to make sure the overhang doesn't impact the existing parking.

Mr. Shockey asked if the parking spaces will be right up against the eating area.

Mr. Mills stated that he has looked at CAD and it lays out that the columns will be within the existing sidewalk.

Mr. Mills asked if the canopy would need Planning Commission if it meets all the code requirements.

Ms. Joly responded that this is a planned unit development so anything that impacts the site requires Planning Commission review as a final development plan.

Mr. Kirby asked if the outside storage in front of the window will go away.

Mr. Mills stated it will be moved. Will the canopy be considered an architectural feature? We are looking at two options regarding the canopy and the existing awning.

Ms. Joly stated that it part of what we need to look at. Both options can be submitted.

Mr. Kirby asked when the canopy should be ready to come back for review.

Mr. Mills stated it will probably be April.

Mr. Wallace stated that it would be better to submit an entire package.

Mr. Steele stated that he understands the need for the signs and the concept. I understand the asymmetric pulls the eyes to the sign but it distorts the balance of the building. I would like to see some balance and symmetry.

Mr. Durik stated that originally I would have voted no, but after discussion, it will be similar new business. Let's see the entire project.

Mr. Kirby stated that I would prefer to have minimal variances if the current variance requests can be deleted since they have revised the submittal.

Mr. Gray stated that the location of the sign is the biggest issue.

Mr. Kirby stated that they appear to compete because they are too close to the corner.

Mr. Kirby moved to table V-96-2016 until April 17, 2017, seconded by Mr. Steele. Upon roll call vote: Mr. Kirby, yea; Mr. Wallace, yea; Mr. Shockey, yea; Mr. Steele, yea; Mr. Durik, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

Ms. Joly reminded the board that we will have a workshop on February 6th at 6pm and will provide pizza and salad. We have a full agenda.

With no further business, Mr. Kirby polled members for comment and hearing none, adjourned the meeting at 7:47 p.m.

Submitted by Pam Hickok

APPENDIX



Planning Commission Staff Report January 18, 2017 Meeting

TURKEY HILL FRESH EATS SIGN VARIANCES

LOCATION: 9880 Johnstown Road (PID: 222-004736)
APPLICANT: Sign Vision Co., Inc
REQUEST: Variance
ZONING: Infill Planned Unit Development (I-PUD) Canini Trust Corp
subarea 8a
STRATEGIC PLAN: Neighborhood Retail District
APPLICATION: V-96-2016

Review based on: Application materials received December 29, 2016 and January 5, 2017.

Staff Report completed by Stephen Mayer, Community Development Planner.

I. REQUEST AND BACKGROUND

The applicant requests multiple sign variances for additional wall signs to advertise a service at Turkey Hill.

The variances requested are as follows:

- A. Variance to Canini PUD text section 8a.06(3)(i) to allow a second wall sign on the front elevation where code permits a maximum of one wall sign per retail tenant on each elevation of a the building that fronts or sides on a public or private road.
- B. Variance to City Sign Code section 1169.16(d) to allow lettering height of 30 inches where codes permits a maximum height of 24 inches.
- C. Variances to the following City Sign Code's General Requirements section 1169.12
 - a. Sign integrate with the building/site on which they are located and adjacent development in scale, design, and intensity.
 - b. Signs do not create an appearance of competition between adjacent signs.
 - c. Signs do not block portions of architectural detailing, windows, entries, or doorways

II. SITE DESCRIPTION & USE

The site consists of the Turkey Hill convenience store, gas canopy, and car wash and are located within the area known as the Canini Trust Corp subarea 8a. Turkey Hill received approval of a final development plan, variances, and conditional use approval for the project on September 15, 2014 by the Planning Commission. The site is approximately 2.169 acres located adjacent and to the east of the U.S. 62 circle.

The site was granted sign variances in 2015 for the car wash. Two of the car wash's five signs each received two variances from the Planning Commission.

The variances were to allow the signs to be 6'8" in height where code allows a maximum of three feet and to be 8 sq. ft. and 6 sq. ft. in area where code allows a maximum of four feet for directional signs

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 text section 8a.06(3)(i) to allow a second wall sign on the front elevation where code permits a maximum of one wall sign per retail tenant on each elevation of a the building that fronts or sides on a public or private road.

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

1. The applicant requests a variance to allow a Fresh Eats wall sign on the front elevation of the Turkey Hill convenience store. The PUD zoning permits one wall mounted sign per retail tenant on each elevation of the building that fronts or sides on a public or private road.
2. The applicant states in their narrative that Fresh Eats is an additional service inside Turkey Hill that will have a mix of freshly prepared foods, grab-and-go items, and take-home staples. It is not a stand-alone business or tenant.
3. The entire convenience store currently has one wall sign on the front elevation. The Turkey Hill business name and logo are centered on the building totaling approximately 31.6 square feet.
4. The PUD texts permits one (1) square foot of sign face per each lineal foot of building shall be allowed, not to exceed a maximum of 80 square feet. The convenience store is 95.7 feet wide therefore a maximum of 80 square feet is allowed.
5. The proposed Fresh Eats sign is 41.16 square feet. Combined, the total signage for the front elevation would be 72.76 square feet.
6. The applicant also proposes a second wall sign along the building elevation facing Woodcrest Way that is the same size and design. The proposed sign would be the only wall sign on that elevation and is permitted by code. However, a variance is needed for the height of the proposed letters. That variance is described in detail below.
7. The sign appears too large and uncoordinated for this portion of the building and is covering some architectural detailing on the building's exterior. The variance may be substantial due to it being out of the scale with this portion of the structure and since it is covering architectural detailing.
8. In November 2015 the Planning Commission approved variances for the car wash's signs. Two signs each received two variances to allow for the car wash's signs to be

taller and larger than allowed by code. Staff and the Planning Commission were supportive of these variances at the time since, according to the staff report, “the overall site has limited signage since there is only one wall sign on the convenience store and no signage on the gas pump canopy so the site will not appear ‘overly signed’ if this variance is granted.” There are five exterior ground signs at the car wash. The essential character of the neighborhood may be substantially altered or adjoining properties suffer a “substantial detriment” by the additional signage given its proposed design, scale and the fact that the car wash was granted variances to allow signs larger in size than allowed by code.

B. Variance to City Sign Code section 1169.16(d) to allow lettering height of 30 inches where codes permits a maximum height of 24 inches.

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

1. The applicant also requests to allow both Fresh Eats signs to have lettering 30 inches in height. The city sign code allows a maximum lettering height of 24 inches.
2. The existing Turkey Hill sign on the front elevation has 23 inch tall letters.
- 3.
4. The signs are proposed to be located on the left side of the front elevation and the right side of the north elevation. The two signs therefore are located at the same corner of the structure. Both signs cover a brick soldier course that runs between the building’s different massing elements.
5. The variance may be substantial due to it being out of the scale with this portion of the structure and since it is covering architectural detailing.
6. The city sign code section 1169.12 requires “signs integrate with the building/site on which they are located and adjacent development in scale, design, and intensity.” The proposed Fresh Eats sign on both elevations appear to be out of scale for the building and their proposed location on the building. The sign does not appear to fit on the building. Turkey Hill is a one story structure. Large 30 inch tall lettering does not appear to integrate with the design of the structure.
7. The city sign code section 1169.12 requires signs “do not create an appearance of competition between adjacent signs. For example, all signs on a single building have similar scale, placement and proportion as to create harmony among all sign designs.” The size and design of the sign appear to create competition between this sign the existing Turkey Hill sign.
8. In November 2015 the Planning Commission approved variances for the car wash’s signs. Two signs each received two variances to allow for the car wash’s signs to be taller and larger than allowed by code. Staff and the Planning Commission were supportive of these variances at the time since, according to the staff report, “the overall site has limited signage since there is only one wall sign on the convenience store and no signage on the gas pump canopy so the site will not appear ‘overly signed’ if this variance is granted.” There are five exterior ground signs at the car wash. The essential character of the neighborhood may be substantially altered or adjoining properties suffer a “substantial detriment” by the additional signage given its proposed design, scale and the fact that the car wash was granted variances to

allow signs larger in size than allowed by code.

9. The surrounding signage within the entire Canini Trust Corp should be considered. The architecture is of a higher quality here than typical commercial centers and each site complements its neighbors. The signage needs to reflect this same high standard of quality and be a reflection of the architecture.

C. Variances to the following City Sign Code's General Requirements section 1169.12:

- a. **Sign integrate with the building/site on which they are located and adjacent development in scale, design, and intensity.**
- b. **Signs do not create an appearance of competition between adjacent signs.**
- c. **Signs do not block portions of architectural detailing, windows, entries, or doorways**

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

1. The city's sign code contains general requirements for all permanent signs. The regulations include the sign's context and compatibility, execution, and continuity.
10. The city sign code section 1169.12 requires signs "do not create an appearance of competition between adjacent signs. For example, all signs on a single building have similar scale, placement and proportion as to create harmony among all sign designs." The size and design of the sign appear to create competition between this sign the existing Turkey Hill sign in two ways. The proposed letters are taller than the existing Turkey Hill sign's letters and the colors are not harmonious with the existing signs colors.
2. The city sign code section 1169.12 also requires "signs integrate with the building/site on which they are located and adjacent development in scale, design, and intensity." The proposed Fresh Eats sign on both elevations appear to be out of scale for the building and their proposed location on the building. The sign does not appear to fit on the building given the overall size and height of the sign. Turkey Hill is a one story structure. Large 30 inch tall lettering does not appear to integrate with the design of the structure.
3. The city sign code section 1169.12 requires "signs do not block portions of architectural detailing, windows, entries, or doorways." The proposed sign is covering a brick soldier course architectural detail.
4. The variance may be substantial due to it being out of the scale with this portion of the structure and since it is covering architectural detailing.
5. The essential character of the neighborhood may be substantially altered or adjoining properties suffer a "substantial detriment" given the current design and scale of the signage. In November 2015 the Planning Commission approved variances for the car wash's signs. Variances were approved to allow for the car wash's signs to be taller and larger than allowed by code. Staff and the Planning Commission were supportive of these variances at the time since, according to the staff report, "the overall site has limited signage since there is only one wall sign on the convenience store and no signage on the gas pump canopy so the site will not appear 'overly signed' if this variance is granted."
6. The applicant justifies the second wall sign by stating Fresh Eats would be adversely

impacted by not having their own building identification, as they are not located inside of every Turkey Hill so the two are not always synonymous.

7. The applicant justifies the lettering height variance stating there are only two letters in the entire sign that are over 24 inches in height. All of the other letters are under 24 inches. The applicant states the word “eats” would not be visible from the street if the lettering is reduced to meet code requirements.

V. CONCLUSION

Staff does not recommend approval of the requested variances based on the current signs’ design. The car wash has signage that is taller and larger than code requirements. Previous variances for the car wash signs were approved by the Planning Commission based on the fact that there is only one wall sign on the convenience store and no signage on the gas pump canopy. Planning Commission and staff felt the site would not appear “over signed” with larger and taller signage at the car wash. Adding an additional 82 square feet of signage between the two Fresh Eats signs may “tip the scales” of over signing the site. Additionally, the signs are not an appropriate size based on the size and scale of the building and the existing Turkey Hill wall signage. The Fresh Eats signs are larger in area and height than the existing Turkey Hill sign and cover architectural detailing on the building’s exterior. Finally, the font, size and colors are not integrated with the existing wall sign on the conveniences store building.

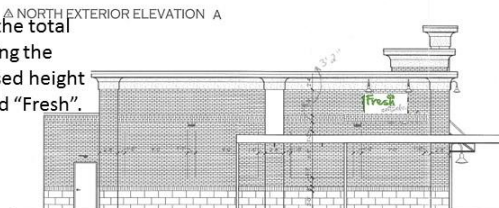
While staff does not support the request, we offer a recommendation below should the Planning Commission wish to consider approval of the application. Staff recommends that both signs are scaled down in size so they fit below the proposed lighting and above the soldier course. This results in the total sign height being the original proposed height of just the word “Fresh.” If both of the entire signs are proportionally scaled down so the total sign height is reduced from 52 inches to 30 inches the signs would not cover any architectural detailing or create an appearance of competition between the existing Turkey Hill sign. This results in the sign becoming closer to the appropriate in scale, design, and intensity of the existing signage. Staff believes this will also reduce the appearance of over signing the site.

Staff’s recommendation for the Fresh Eats signs:

Scaled down so it above the soldier course and below the proposed lighting.
Total sign height reduced from 52 inches to 30+/- inches.



This results in the total sign height being the original proposed height of just the word "Fresh".



Area: $52 \times 114 = 4116 \text{ sq ft}$
RECEIVED
JAN 5 2017
BY: _____



VI. ACTION

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

Move to approve application V-96-2016 based on the findings in the staff report with the following conditions of approval:

1. A second wall sign for Fresh Eats is permitted on the front elevation.
2. Both Fresh Eats signs are scaled down so they are located below the proposed lighting and above the soldier course. Both of the entire signs are proportionally scaled down so the total sign height is reduced from 52 inches to 30 inches.

Approximate Site Location:



Source: Bing Maps