



Planning Commission

Meeting Minutes

May 15, 2017

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 7:03 p.m.

Neil Kirby	Present
Brad Shockey	Present
David Wallace	Present
Kasey Kist	Present
Hans Schell	Present
Sloan Spalding (council liaison)	Present

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

Mr. Wallace moved to approve April 17, 2017 minutes, as corrected, seconded by Mr. Kirby. Upon roll call vote: Mr. Kirby, yea; Mr. Shockey, yea; Mr. Wallace, yea; Mr. Kist, yea; Mr. Schell, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

Mr. Wallace wanted it noted on the record that on page 25 of the minutes for the April 17th meeting; condition 17 was discussed earlier in the meeting to clarify the delineation.

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.

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

V-96-2016 Variance

Variations to the Canini Trust Corp PUD and City Sign Code relating to the dimensional requirements for new signage at Turkey Hill at 9880 Johnstown Road within the Canini Trust Corp subarea 8a (PID: 222-000347).

Applicant: Sign Vision Co., Inc.

FDM-22-2017 Final Development Plan Modification

Final Development Plan modification to add outdoor seating at the Turkey Hill site at 9880 Johnstown Road within the Canini Trust Corp subarea 8a (PID: 222-000347)

Applicant: Kwik Shop Inc.

Mr. Mayer presented the staff report for V-96-2016.

Ms. Jackie Russell presented the staff report for FDM-22-2017.

Mr. Ferris presented the engineering staff report.

Mr. Todd Mills, Kroger, stated that based off the last meeting we had reduced the canopy to be able to center signage. Confirmed that the space is not enough for a compact car parking space. He asked what is required.

Mr. Ferris stated that 161"-175" wheel base for compact, 173"-187" for wheel base for full size car.

Mr. Mills stated that the canopy is green in color and approved by ARC. We would request that the wood columns remain a natural color. If you want them painted black I would request that they can be metal to match the other black trim. We made modification to the signage, because the name has changed to prevent confusion with another product.

Mr. Kirby asked what color the posts are in the rendering.

Mr. Schell clarified the staff condition for canopy reduction.

Ms. Russell stated that the canopy would be between the architectural columns.

Mr. Schell asked the applicant for his thoughts on that condition.

Mr. Mills stated that at the last meeting we were asking to center the sign. Will the sign still be relevant if we revised the canopy length to match the staff recommendation? We would prefer to have the canopy extend and provide the symmetry.

Mr. Kist asked for clarification on the required parking because of the discrepancy between the applicant's submittal and the staff report.

Mr. Mills stated that our numbers came from the original application.

Mr. Mayer stated that I believe the applicant based the number on parking spaces on the square footage. Our code does not have a specific recommendation required number of parking spaces. Our staff report used the closest similar use to recommend the number parking spaces, however, our code states that the required parking spaces would be determined by the Planning Commission since it is not specified by code. Our concern is with the number of spaces lost and the unused paved area.

Mr. Schell stated the applicant is concerned about the signage.

Mr. Mayer explained the signage if the canopy is reduced using the color renderings. We believe that the building is the most important thing to be symmetrical with.

Mr. Spalding asked if staff looked at angled parking.

Mr. Mayer stated that we did not look at angled parking because of the cross traffic on the site. Head in parking is typically used on one way traffic. We did look at many other options.

Mr. Wallace wanted to confirm that the applicant's plan would remove four spaces so that means they are going from 36 to 32 spaces.

Ms. Russell stated that they would go from 37 to 33.

Mr. Wallace stated that if we go with the staff recommendation we would have 35 parking spaces. Asked the applicant if they concur with staff recommendation.

Mr. Mills asked if we went with a roll curb with landscaping and keep the canopy the same size, would that be alright.

Mr. Kist asked if the planters would remain.

Mr. Mills stated the planters would remain on the front edge for the added protection and native shrubs in a landscape area.

Mr. Kist stated that I was considering take the two spaces and create a patio using the two parking spaces. Seems like we are wasting a lot of parking space. Mr. Kist repeated the option using the site plan.

Mr. Mills stated that they would prefer not to bring seating into the parking lot.

Mr. Kist asked if they would consume alcohol on the patio.

Mr. Mills stated no, they do not have that kind of permit.

Mr. Kirby stated that would require fencing and access control.

Mr. Wallace asked if we can make the two lost spaces subject to staff approval. Asked if the applicant agrees with staffs conditions with the landscaping of the lost spaces subject to staff approval.

Mr. Mills stated that he is not in agreement with staff's proposal. He wants to keep the canopy that same size.

Mr. Wallace summarized that since the applicant doesn't agree with staff conditions the commission needs to determine which solution is best.

Mr. Mills stated that he doesn't flat reject it but he wants to discuss the canopy. He continued that lighting was another issue that I would like to discuss. We were using the same lights that were approved with the Turkey Hill sign. As you will notice in the picture, these lights are not flood lights; they are spot lights. At night, you can only see a few letters. In your packet is a night rendering and I would request that we change the light fixtures on the entire building, if the board wants to reduce the number of fixtures.

Mr. Wallace wanted to confirm that they chose the number of lights base on the number of lights over the Turkey Hill sign.

Mr. Mills stated that we chose the same fixtures as used on the Turkey Hill sign but the number of lights is based on the lighting the Fresh Eats sign.

Mr. Wallace stated that on the rendering you have five lights and it appears that two of the lights would only be lighting the building.

Mr. Mills stated that if the goal is to reduce the number of fixtures that I would prefer to change to the same fixture that Dairy Queen is using.

Mr. Kist asked if the fixture listed on the drawings is the current fixture.

Mr. Mills stated yes.

Mr. Kirby stated that the current fixture has too narrow focus. He continued that he has no objection to lighting the sign but not the building. A different fixture may be called for but as shown on the architectural drawings you have too many.

Mr. Mills stated that the lights as shown on the drawings would be directionally focused onto the sign.

Mr. Wallace asked if the preference is to change the fixture.

Mr. Mills stated that yes, I would want them all to match.

Mr. Mayer stated that the intent of the condition is to achieve sufficient lighting of the sign but not the building. The Planning Commission can add a condition of approval.

Mr. Kirby stated that the condition could read final lighting specifications are subject to staff approval sufficient to light the signs but not the building.

Mr. Wallace asked if architecturally we want to see five lights even if only three worked. How do we address the fixtures that were already approved?

Mr. Mayer stated that in the condition it can be clarified that lighting can be per staff approval including the existing signage lighting.

Mr. Kist asked about the pendent lighting under the canopy.

Mr. Mills stated that he did not have the specifications for the light with him. His instructions was to find a fixture that compliments the existing outdoor fixtures.

Mr. Schell asked if they have any other locations that have a similar setup.

Mr. Mills stated that the Cleveland Ave. location has an awning but the light fixtures are not the same.

Mr. Schell asked how many parking spaces that awning took.

Mr. Mills stated that it didn't change the parking because the sidewalk dimension was larger.

Mr. Shockey asked what material the canopy is.

Mr. Mills stated that it is all metal.

Mr. Wallace asked for clarification on the columns if we asked you to change the color.

Mr. Mills stated that don't want to have a maintenance issue so if you wanted them black I would like to use the same material so I can just powder coat.

Mr. Shockey asked what size the cedar posts.

Mr. Mills stated 6x6 or 8x8.

Mr. Wallace asked staff if they had any concerns regarding a possible change in material.

Mr. Mayer stated that we would be supportive of the metal. It is consistent with the rest of the building.

Mr. Kist stated that it would blend with the rest of the building.

Mr. Shockey stated that he likes the wood because it would be a nice size post.

Mr. Kirby clarified that the wood post is more substantial.

Mr. Wallace stated that he thought they would just change the material not the size of the post.

Mr. Mills stated that if they change the material they would keep the same size 6x6 or 8x8 column.

Mr. Shockey asked what kind of posts are they?

Mr. Mills stated they are structural posts in nature and anchored.

Mr. Kist asked if we need any discussion on the signage.

Mr. Kirby stated that he likes the signs.

Mr. Schell stated that I have concern with the canopy shortening and the sign is not center.

Mr. Kirby discussed using the site plan the location of the shorten canopy and planters.

Mr. Shockey asked if this was all because of the parking spaces.

Mr. Mayer stated that staffs concerns are with the reduction of parking. The staff recommendation would allow for the reduction of only two parking spaces and retain the five tables that was proposed by the applicant.

Mr. Wallace clarified that the canopy would extend all the way across and the red canopy would be gone.

Mr. Mayer stated yes.

Mr. Kist stated that he thinks the front elevation canopy is good.

Mr. Wallace asked if the applicant is ok with the front elevation.

Mr. Mills stated yes.

Mr. Kirby stated that they would lose two planters. That plan as shown loses four parking spaces. Staff proposal would only lose two parking spaces. It sounds like architecturally we get one parking spot back and we use the center line between the columns as where the canopy should end.

Mr. Wallace used the site plan and renderings to discuss where the canopy would end.

Mr. Kirby stated that the canopy could end at the edge of the column and gain one parking space back and allow them to have three planters.

Mr. Kist stated that you are removing four really good parking spaces to replace with four 2-top tables that will have limited use. Are you comfortable with that?

Mr. Mills stated yes, from a parking perspective it is the least used side.

Mr. Kist asked why add the second row of planters.

Ms. Russell stated that it is for safety purposes and will allow for growth of the patio.

Mr. Mayer clarified the commission conversation that you could shift the edge of the canopy to the end of the projecting column and pick up the third parking space.

Mr. Spalding asked where drainage would be.

Mr. Mills stated that the drainage has not been covered from a design perspective. It will come down the columns and surface drains into the parking lot.

Mr. Kirby asked where the closest drain in the concrete.

Mr. Mills stated that we will do whatever is required by code.

Mr. Kirby stated that he doesn't know what is required but I'm just seeing ice problems in the parking lot.

Mr. Mills stated that the existing canopy has an interior drain.

Mr. Spalding asked if they wanted to extend the canopy out.

Mr. Mills stated that he wouldn't be opposed to it.

Mr. Kirby stated that someone will parallel park in that open concrete area between the planters.

Mr. Wallace stated that the applicant stated that they were going to landscape that area.

Mr. Shockey stated that you should look at the drainage.

Mr. Kirby confirmed that they are only removing one parking space.

Mr. Mills asked if they are able to re-stripe the parking spaces.

Mr. Mayer stated that code minimum for parking spaces is 9x19 and typically changes to parking lots would need to come to Planning Commission. If you want that as an option it should be discussed tonight.

Mr. Schell asked if staff is comfortable with the staff approval for the removal of three parking spaces.

Mr. Mayer stated yes.

Mr. Wallace stated that number of parking spaces is determined by Planning Commission.

Mr. Kist asked where the canopy will be ending.

Mr. Kirby explained using the site plan and renderings.

Mr. Kist clarified the location of canopy.

Mr. Spalding stated that parking is important but architectural is more important. If the company is willing to give up a few spots, I think 3" inside the column to be silly. It needs to abut the column, it will center the sign and look balanced.

Mr. Kist agreed that the architecture view is more important. He continued that he would rather give up a space than to move the canopy a foot from the column.

Mr. Kirby asked how much you can cantilever the canopy.

Mr. Mills stated that he is not sure. We can extend the canopy to the column band have the post in to allow for the parking space.

Mr. Kist stated that you should duplicate the look on the other end.

Mr. Kirby stated that it's hard to see based on these drawings how far the corner post is into the parking area.

Mr. Wallace stated that I feel like we are getting into the same things as last meeting, which when we discussed the vinyl and once we say they can use it, we lose our ability to control. We are saying that it must be architecturally pleasing to the eye and what happens if it is not.

Mr. Kirby asked if staff understands the commission's intent.

Mr. Mayer stated yes.

Mr. Kirby stated that the desire is architecturally clean and we get a space back and if we need to prioritize we want the architectural and lose all four spaces.

Mr. Wallace stated that because we have flexibility with the parking requirements.

Mr. Spalding asked what will happen inside the building for this new concept.

Mr. Mills stated that he would invite them to the Blacklick location. It is all made to order - burritos, bowls, salads, smoothies, etc.

Mr. Kirby asked the applicant what is the preferred way of protecting the lost parking spaces. The condition requires the lost parking spaces to be planters or striping and I don't want to lock you in if you have a better options. Staff issue is how we will prevent someone from parking there, correct.

Ms. Russell stated yes.

Mr. Kirby stated adding or other methods, approved by staff.

Mr. Mayer asked the applicant to clarify what type of landscaping.

Mr. Mills stated that they would add a rolled curb with native shrubs and mulch.

Mr. Kirby asked for public comment, hearing no response.

Mr. Kirby and Mr. Wallace discussed the conditions.

Mr. Kirby moved to approve V-96-2016 subject to the following conditions:

1. The number of lighting fixtures is reduced to 1-2 downcast lights for each Fresh Eats sign, seconded by Mr. Wallace. Upon roll call vote: Mr. Kirby, yea; Mr. Shockey, yea; Mr. Wallace, yea; Mr. Kist, yea; Mr. Schell, yea. Yea, 5; Nay, 0; Abstain, 0. Motion 5-0 by a 5-0 vote.

Mr. Kirby moved to approve FDM-22-2-017 subject to the following conditions:

1. Final lighting specifications are subject to staff approval sufficient to light the signs but not the building.
2. The columns are black to match the preexisting building design, sized as presented and material subject to staff approval.

3. The final canopy design is redesigned so there are only one parking spaces removed and the canopy length down the side of the building is shortened provided architecture is clean.

4. Planters or striping or other methods approved by staff are added along the drive aisle where parking spaces have been vacated, seconded by Mr. Wallace. Upon roll call vote: Mr. Kirby, yea; Mr. Shockey, yea; Mr. Wallace, yea; Mr. Kist, yea; Mr. Schell, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

Mr. Mayer stated that Adrienne Joly has been promoted to the Director of Administration Services. Jackie Russell is our clerk and will be helping write staff reports and attending meetings.

Mr. Wallace asked if we can receive an update of the swimming pool compliance. I believe there is a pool being used that has been denied. It is a problem and should not tolerated by the city. We had many pools with conditions that we needs to make sure they are being complied with.

Mr. Mayer stated that that will not be a problem to provide an update.

With no further business, Mr. Kirby polled members for comment and hearing none, adjourned the meeting at 8:28 p.m.

APPENDIX



Planning Commission Staff Report May 15, 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 January 5, 2017, and April 25, 2017.

Staff Report completed by Stephen Mayer, Community Development Planner.

I. REQUEST AND BACKGROUND

This sign variance application was heard and tabled by the Planning Commission on January 18, 2017 to allow the applicant additional time to prepare canopy plans for the Planning Commission's review and approval. A final development plan modification application for the addition of an outside seating area has been submitted per the Planning Commission's request. The FDP modification is also on this meeting's agenda so the commission can evaluate both applications comprehensively.

The applicant has further revised the sign from the previous meeting and eliminated the need for some of the variances. The Planning Commission previously commented they would like see some balance and symmetry between the signs and their locations on the building by moving the side sign to center over the floodlight. The applicant has revised both signs by relocating them further away from the corner of the building and centering them on the architectural features of the building so they would not create competition between each other.

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.

II. SITE DESCRIPTION & USE

The site consists of the Turkey Hill convenience store, gas canopy, and car wash and is 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 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, is permitted by code, and does not require any variances.
3. 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.
4. 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 with letters measuring 23 inches in height.
5. 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 for each building face. The convenience store is 95.7 feet wide therefore a maximum of 80 square feet is allowed.
6. The proposed Fresh Eats sign is 14.6 square feet. Combined, the total signage for the front elevation would be 46.2 square feet.
7. The proposed sign is ½ inch thick, black PVC with a painted vinyl face. The sign projects one inch from the exterior wall face.
8. The variance appears to preserves the "spirit and intent" of the zoning requirement since the sign is less than the total sign area allowed for the building. Additionally,

it does not cover any architectural detailing and appears to be appropriately placed on the building.

9. The sign plan shows five downcast lights for each sign. The Canini Trust Corp text prohibits washing of the building with lighting. The Planning Commission should evaluate the proposed lighting. Staff recommends a condition of approval requiring the lighting is reduced to one or two downcast lights for each sign.
10. It appears 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.
11. It does not appear the variance would adversely affect the delivery of government services.
12. 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.

V. CONCLUSION

Staff recommends approval of the requested variance should the Planning Commission find that the application has sufficient basis for approval. The variance request does not appear to be substantial since the signs have been significantly scaled down in size and redesigned so they do not appear obtrusive. Additionally, the signs appear to be appropriately located on the building since they have been moved further from the same corner to create balance and symmetry between the signs and building. It does not appear the essential character of the neighborhood would be substantially altered or adjoining properties suffer a "substantial detriment" based on the size and design of the signs. Although the applicant is requesting an additional sign on the front elevation, the overall sign area on this building elevation is less than the total amount allowed.

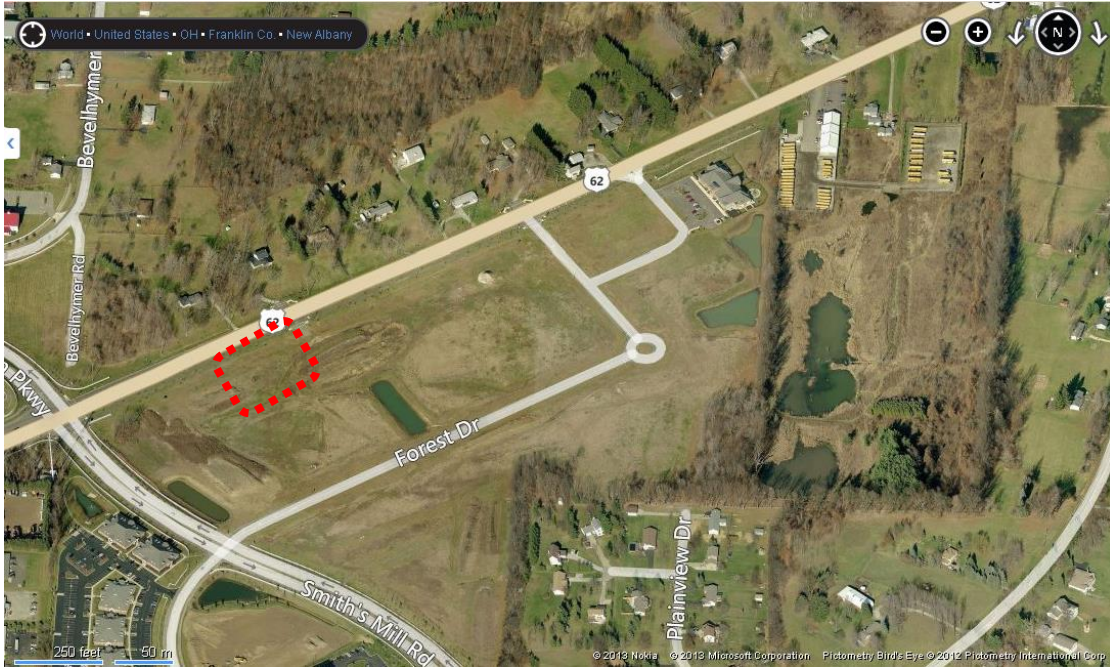
VI. ACTION

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. The number of lighting fixtures is reduced to one or two downcast lights for each sign

Approximate Site Location:



Source: Bing Maps



**Planning Commission Staff Report
May 15, 2017 Meeting**

**TURKEY HILL
FINAL DEVELOPMENT PLAN MODIFICATION**

LOCATION: Generally northeast of the Smith's Mill Road and Johnstown Road intersection (PID: 222-004736)
APPLICANT: Kwik Shop, Inc. (Rep Todd Mills)
REQUEST: Final Development Plan Modification
ZONING: Infill Planned Unit Development (I-PUD) Canini Trust Corp subarea 8A
STRATEGIC PLAN: Neighborhood Retail District
APPLICATION: FDM-22-2017

Review based on: Application materials received April 18, 19 and May 3, 2017.

Staff Report completed by Jackie Russell, Community Development Planner.

II. REQUEST AND BACKGROUND

The applicant requests review of a modification to the final development plan for Turkey Hill located within the Canini Trust Corp. The modification proposes to remove four existing parking spaces in order to construct a canopy to cover an outdoor seating area.

The applicant has applied for a sign variance to be heard by the Planning Commission at tonight's meeting under case V-96-2016. The information and evaluation of that case is under a separate staff report.

The original final development plan for this business was approved in September 2014. In addition, prior variances have been approved for this site. These variances includes the distance between a gasoline service station and a residentially zoned district, outdoor storage for a list of permitted items, and a conditional use permit for the gasoline station.

III. SITE DESCRIPTION & USE

The site is located generally northeast of the Smith's Mill Road and Johnstown Road intersection, which is in the Canini Trust Corp subarea 8A. The Canini Trust Corp currently is home to the COTA park-n-ride facility, Hampton Inn and Suites, Marriott Hotel, and Tutor Time. Residential is located across Johnstown road, and the site is bordered by Woodcrest Way. by the North.

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 1159.

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

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

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

- a. *Ensure that future growth and development occurs in general accordance with the Strategic Plan;*

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

A. New Albany Strategic Plan

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):
 - Retail users should have footprints no larger than 80,000 square feet, individual users should be no greater than 60,000 square feet.
 - 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.
 - Parking should be located to the rear of the building.
 - Sidewalks or leisure trails should be included along primary roadways as well as internal to the developments.
 - Structures must use high quality building materials and incorporate detailed, four sided architecture.

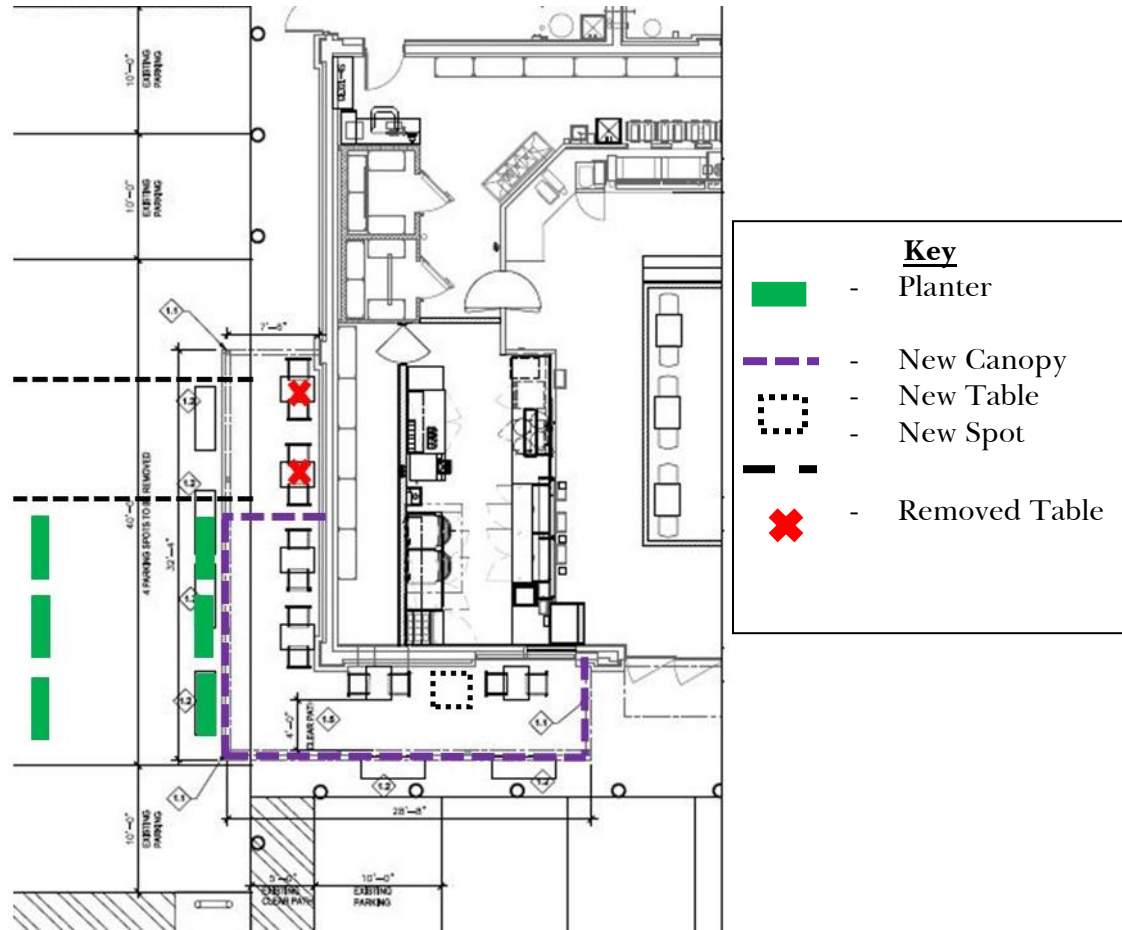
B. Use, Site and Layout

1. The final development plan modification proposes to remove four existing parking spaces to add outdoor furniture, planters, and a canopy.
2. The applicant has submitted two options for the canopy area. The alternate has a smaller canopy and seating area in the front of the building. Both options propose the same modifications to the parking lot on the side of the building.
3. The total lot coverage will not be changed.

4. The applicant states in their sign variance 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. The use is permitted within the Canini Trust Corp.

C. Access, Loading, Parking

1. Currently the site design has 37 parking spaces. Following the removal of 4 parking spaces, 33 parking spaces will be available.
2. Per Codified Ordinance 1167.05(d)(8) gasoline service stations require 2 for each service bay plus 1 for each 2 gasoline dispensing units, plus 1 for each employee during main shift. This site has 10 gasoline pumps and, according to the original final development plan application, there could be up to 8 employees during the main shift resulting in 13 parking spaces being required.
3. Convenience stores associated with gasoline stations are not specifically mentioned in the parking code and parking for this use must be determined by the Planning Commission. As a guideline, the closest parking regulation requires one space for each 200 square feet of gross floor area for food, department or general merchandise and similar retail uses. This would require 23 parking spaces for just the convenience store based on its square footage and a total of 36 spaces for the entire site. The one parking space per 200 square feet is meant to account for employees as well as customers
4. The existing parking spaces are dimensioned 10 feet wide and 19 feet deep. Currently the awning and planters encroaches 4 feet into the existing parking spaces that are to be removed. The plans do not indicate what is proposed for the remainder of the removed parking spaces. The Planning Commission should evaluate the appropriateness of the parking lot design. Staff recommends a condition of approval requiring the area is striped or additional planter boxes are added to the end removed parking spaces to ensure customers do not try to parking in this area.
5. The City Engineer commented that “there is approximately 174 inches of paved area available adjacent to the proposed planters.”
6. Staff recommends decreasing the length of the canopy down the side of the building and shifting the tables from the side of the building to the front. Staff believes that as a result two less parking spaces will have to be removed and the canopy can still accommodate at least five tables. The diagram below shows the shorten canopy on the side of building so it terminates in the middle of the wall’s architectural projection. Since two parking spaces are removed, this results in a smaller remaining area that the applicant could use for additional seating and planters.
7. The current bike racks required by the zoning text section 8c.02 (3) will remain.



D. Architectural Standards

1. The submitted plans show a black canopy with wood column supports. Staff recommends the Planning Commission evaluate the appropriateness of the unpainted wood columns. The majority of the building is brick with black and red accents. Staff recommends that the wooden column supports be painted black to be consistent with the existing building design and surrounding area.
2. Dairy Queen, who is also located in the Canini Trust Corp, has an outdoor patio area with a black stained pergola made also of wood.
3. Applicant proposes to add six or seven planters to delineate the seating area.

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

1. No proposed changes.

F. Lighting & Signage

1. The submitted plans show that the attached downcast lights are removed from the building. Lighting will be replaced with downcast hanging lights, which appear to be centered in the canopy. Staff recommends that upon approval final

specs specifications for the new proposed lighting be submitted for review and subject to staff approval.

2. Current proposed signage is reviewed in a separate staff report.

G. Other Considerations

1. None.

IV. RECOMMENDATION

Staff recommends approval should the Planning Commission find that the application has sufficient basis for approval. Staff is supportive of the proposed use but recommends the Planning Commission evaluate the design of the canopy and layout of the site. It appears the large, undesignated paved space leftover from the removal of the parking spaces could be better utilized. By shortening the length of the canopy area on the side of the building some of the parking spaces can remain, resulting in a smaller remaining paved area that the applicant could use for additional seating and planters. There appears to be flexibility with the amount of parking that is necessary for the site. Eight parking spaces are required for employees based on the maximum number of employees during peak hours. Employee parking is also accounted for in the flat convenience store parking requirement that is provided as a guideline. Staff believes that the removal of two parking spaces is reasonable.

V. ACTION

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

Move to approve final development plan modification application **FDM-22-2017** subject to the following conditions:

1. Final lighting specifications are subject to staff approval.
2. The wood columns are painted black to match the preexisting building design.
3. The final canopy design is redesigned based on staff's recommendation so there are only two parking spaces removed and the canopy length down the side of the building is shortened.
4. Planters or striping are added along the drive aisle to the area where parking spaces have been vacated.

Approximate Site Location:



Source: Franklin County Auditor