



Planning Commission

Meeting Minutes

April 16, 2018

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 7:05 p.m.

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

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

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

Mr. Mayer stated no changes.

Mr. Kirby swore to truth those wishing to speak before the Commission.

Moved by Mr. Wallace, seconded by Mr. Schell to approve the March 19, 2018 minutes as corrected. Upon roll call vote: Mr. Kirby, yea Mr. Wallace, yea; Mr. Kist, abstain; Mr. Schell, yea. Yea, 3; Nay, 0; Abstain, 1. Motion passed by a 3-0.

Mr. Banchefsky stated that you can vote for the minutes, because it is an administrative action, even if you were not at the last meeting.

Mr. Kirby's invited the public to speak on non-agenda related items.

Moved by Mr. Wallace, seconded by Mr. Kist to accept into the record the staff reports and related documents. Upon roll call vote: Mr. Kirby, yea Mr. Wallace, yea; Mr. Kist, yea; Mr. Schell, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0.

CU-05-2018 Conditional Use

Conditional use to allow general office and personal service uses at 5780 Zarley Street (PID: 222-000267).

Applicant: Ralph Fallon Builder c/o Ralph Fallon

Ms. Jackie Russell presented the staff report.

Mr. Ed Ferris stated no comments.

Mr. Ralph Fallon stated that we are not converting any space, this warehouse and office space already exist and was permitted years ago. The problem we are running into is that when I have a possible tenant I can't give them permission to move in until I receive this approval. To make it possible to rent the space in a timely manner is why I'm here. Office space would be helpful and the other uses I'm asking for already exist on the street. I would like some clarification on who we can rent the space to.

Mr. Kirby asked if the applicant is in conflict with the staff condition.

Mr. Fallon stated that this is an unusual circumstance that the space has been there for quite a while. It was originally built and went through the building department as an office showroom space. The space lends itself to multiple uses including offices and the requested personal services without any changes.

Mr. Wallace stated that it relates directly with the other business tonight. The reason the applicant is having trouble are because the ones that he's trying to put in there are the ones that he can't have unless he has a conditional use. That is because LI is the type of area that has the light industrial activity and we don't want people walking around such as retail because of large trucks. If that area is changing then we need to talk about if it is zoned properly. I feel like we are trying to fit a square peg in a round hole. Staff doesn't support part of the request.

Mr. Mayer stated that we are opposed to the personal services and retail uses so that this board can review the business including the hours of operation. Office uses can be appropriate for this area. Retail and personal services are more intense with more traffic and varying hours and feel that it's important to evaluate those businesses on a case by case basis. We do feel more comfortable with the office uses.

Mr. Wallace stated that GE is set up that way because we recognize that regular people will be going in and out. The more dangerous types of activities are conditional use so we can evaluate how it will affect the existing permitted businesses. We wouldn't be having this discussion if this was GE but that is not the zoning here.

Mr. Fallon stated that he understands the zoning issue but this space was permitted for that use and went through departments at the village. I'm caught in the middle between the building department and Planning Commission. I would not object to staff review of a personal use but coming to this board for every potential tenant that may come through this board. A tenant may not wait 45-50 days for a board meeting. It is an odd situation because it already exists. The fact that I'm asking for this when the space already exists as office and its keeping with what is currently on the street. I'm not expanding the uses on the street.

Mr. Schell stated that you are stating that you would like office but with the board reviewing the personal use.

Mr. Kirby clarified that the applicant would like staff to review the personal uses.

Mr. Fallon stated that as a landlord it would be easier to have staff review the personal services but it would be nice to have a permanent conditional use to cover a number of potential tenants.

Mr. Schell asked what the time for a tenant plan review.

Mr. Mayer stated that for applications to come to Planning Commission we require 30 days prior to the meeting.

Mr. Kirby asked what the staff review time would be for a tenant plan review.

Mr. Mayer stated that staff commercial plan review is 14 days.

Mr. Wallace asked if there is cost.

Mr. Mayer stated yes.

Mr. Wallace stated that the slide shows us that some conditional uses have been approved in the past.

Mr. Mayer stated that we have more retail product sales and personal services uses more than anything for conditional uses.

Mr. Wallace asked if that included the JD sites.

Mr. Mayer stated yes, that JD has two sales site on Zarley. One is sales and services and the other site is rental.

Mr. Wallace asked what the percentages for the retail product of the JD tractor area.

Mr. Mayer stated that he doesn't have the numbers but it is probably most of it. The Planning Commission also approved a used car sales as long as they are internal to the site.

Mr. Fallon stated that Zarley has a wide variety of business types. To say that this is only light industrial is a misrepresentation of Zarley Street.

Mr. Kist asked if this is the only LI district in New Albany.

Mr. Mayer stated yes.

Mr. Kist stated that only 52% is being used as LI uses.

Mr. Mayer stated that this is an established tenant spaces, made for smaller tenants, desirable rent and this area is sought after because it is more affordable than other areas of New Albany for small businesses.

Mr. Kist asked how long would this conditional use run if this was approved tonight.

Mr. Mayer stated that it is up to the board. Previous retail tenant have been specific to that type of business. When JD equipment was approved the conditional use stays with the property if the use doesn't change. You have also used a clause that if it becomes vacant the conditional use becomes void. Don't remember having a condition that voided the conditional use if the ownership changed.

Mr. Wallace asked if we approved this application what percentages would change.

Mr. Fallon stated this space is about 5,400sf.

Mr. Kirby stated that it would double the amount of office from 3% to 6%.

Mr. Kirby asked staff what the concerns were with the personal use.

Mr. Mayer stated number of parking spaces, number of staff, number of customers, operating hours are the items that we would evaluate.

Mr. Kist asked if staff is comfortable with a condition that would have staff review and approve for personal services.

Mr. Mayer stated yes, looking at the parking it appears to be sufficient for either office or personal services.

Mr. Wallace stated that because we don't know what the business would be we don't know what the parking would be.

Mr. Kist asked if we want to have a condition for expiration.

Mr. Kirby stated that I think we should let it run since we are looking at adding office to the LI district.

Mr. Schell stated that his concern is that the time limit could run out while someone is currently using the building and may hurt resale values.

Mr. Wallace stated that the staff recommendation is that we approve the office use and not the personal services.

Mr. Kirby stated that what I'm hearing that personal services are permitted with approval from staff. Office would not require the staff review.

Mr. Wallace verified that if we approve the application with staff condition then we are approving the office but not the personal services. If we approve the application with amended condition we are basically approving both, office and personal use subject to staff's review.

Mr. Fallon stated that it will give me the flexibility.

Mr. Kist moved to approve CU-05-2018 subject the condition that personal service uses are not permitted to occupy the building without staff review and approval, seconded by Mr. Wallace. Upon roll call vote: Mr. Kirby, yea Mr. Wallace, no; Mr. Kist, yea; Mr. Schell, yea. Yea, 3; Nay, 1; Abstain, 0. Motion passed by a 3-1

Mr. Kirby stated that next time we see a CU we will be lower than 50%. We would be running out of LI uses. To preserve the LI part of the district further conditional uses from the LI side may not be looked upon favorably.

Mr. Wallace stated that is the main reason he voted against it as well as the previously discussed reasons.

CU-24-2018 Conditional Use

Conditional use to allow a model home to be located in the Nottingham Trace subdivision (PID: 222-004904, 222-004905, and 222-004906).

Applicant: Pulte Homes c/o Patty Evans.

Mr. Russell presented the staff report.

Mr. Ferris presented engineering comments.

Mr. Todd Kellner, Pulte Homes, stated that we are excited to be in New Albany. We would prefer to have the model for the entire length of the community as long as we still have lots to sell.

Mr. Kist asked if you would want to move the model home.

Mr. Kellner stated that we are reserving lots 1-8 for model homes and parking. The second model would be on lot 5 and operate both, one as a sales office and the adjacent home as a decorated model.

Mr. Kirby stated that location will not change.

Mr. Kellner stated yes. If things were to change we would come back to this board.

Mr. Kirby asked if any conflicts with the staff conditions.

Mr. Kellner stated that not really, we were planning on lighting the sign but we don't have to. We do have a flag pole on the site. We had some comments from the landscape architect. We were asked to install evergreen shrubs along the front and open space side where the clubhouse will be located for headlight screening. I don't know how necessary that is given that it is a public space with restricted hours.

Mr. Wallace stated that is a condition so we would need a yes or no.

Mr. Kellner stated we would prefer not to do it but no reason to discuss because we will.

Mr. Kirby asked about the condition regarding grass.

Mr. Kellner stated that we fully intend to sod all lots.

Mr. Wallace stated that the engineering comments are not in the staff report and we wanted to make sure that the applicant understands the conditions.

Mr. Kellner stated that his understanding includes sod, construction/silt fence

Mr. Ferris stated also signage requirement for open space on the plat.

Mr. Kist confirmed that the last comment is that once subdivision is accepted by council.

Mr. Kirby asked for public comment.

Mr. Wallace moved to approve CU-24-2018 subject to the following conditions:

1. All city landscape architect's comments are addressed.
2. The temporary parking lot, parking lot lighting, and landscaping are removed at the time that the permit expires.
3. A photometric plan of the parking lot lighting should be provided showing a zero or near zero foot candle along property lines.
4. The Conditional Use Permit will become effective at the time the Certificate of Occupancy is granted.
5. The Conditional use Permit is permitted for three (3) years and that any extension in time is subject to review and approval by the Planning Commission.
6. The sign associated with this application is removed at the time that the permit expires.
7. All City Engineer's comments are addressed as follows:
 - A. Ground cover be maintained between lot No.'s 6, 7, and 8 and Reserve C.
 - B. Place and maintain sediment fence and signage along the perimeter of Reserve C where it abuts the lots containing the model home and temporary parking lot.
 - C. The model home must not be open to the public until the subdivision is accepted by Council, seconded by Mr. Kist. Upon roll call vote: Mr. Kirby, yea Mr. Wallace, yea; Mr. Kist, yea; Mr. Schell, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0

Preliminary and Final Development Plan for new Corporate Office for Feazel Roofing to be located east New Albany Condit Road, south of Walton Parkway, and north of State Route 161 (PID: 222-001510).

Applicant: Moody Engineering c/o James Leeseberg.

VAR-28-2018 Variances

Variances for a new Corporate Office for Feazel Roofing relating to Oak Grove West Subarea 7c.01(1) to the 100' setback from New Albany Condit Rd, variance to Oak Grove West Subarea 7c.01(2) to the 280' setback from State Route 161, variance to Oak Grove West Subarea 7c.04(1)(a) to plant less than 8 trees per 100 feet and 2 shrubs per tree, Variance to Oak Grove West Subarea 7c.04(1)(c) to not plant ten trees along Walton Parkway, Variance to Oak Grove West Subarea 7c.04(2)(a) to not install an earth mound and required vegetation along between the neighboring site, and Variance to Oak Grove West Subarea 7c.04(4) to the leisure trail requirement along New Albany Condit Rd. (PID: 222-001510).

Applicant: Moody Engineering c/o James Leeseberg.

Ms. Russell presented the staff report.

Mr. Wallace asked if the curb cut is not approved is the variance for pavement still required.

Mr. Mayer stated that the variance would still be required if the parking spaces remained.

Discussion about typos in staff report and clarifications of requests.

Mr. Banchefsky suggested separate votes for the PDP, FDP, and each variance.

Mr. Kirby agreed.

Mr. Ed Ferris presented engineering comments.

Mr. Kist asked for clarification about engineering recommendation for the SR 605 curb cut.

Mr. Ferris stated that they would not support the curb cut on SR 605 unless they satisfy the other condition.

Mr. Craig Rutkowski, Moody Nolan, stated that the Feazel Roofing company representatives were called out of town and unable to attend the meeting. We are requesting a lot of variances but a lot of them are tied to the curb cut on SR 605. The access into the site will also serve the development to the north. The curb cut on Walton Parkway will be a shared access and without knowing what type of business will be using that site they are concerned with traffic. The applicant agrees with a right in / right out on SR 605 but they want the employees headed north to be able to exit onto SR 605. They believe that it is very important to their flow of traffic.

Mr. Kirby asked if they have any conflicts with engineering comments.

Mr. Rutkowski stated that agree to revise the signature block and the other items are related to the SR 605 curb cut and/or traffic study.

Mr. Kirby asked staff if the engineering comments are preliminary or final development plan items.

Mr. Mayer stated that engineering related items are attributed to final development plan items. The final engineering details are after the FDP and part of the site improvement plan submittal.

Mr. Kirby asked if the applicant agrees with the ten staff conditions. I'm looking for areas of conflict that we can work out.

Mr. Rutkowski stated that the main area of conflict is the curb cut on SR 605.

Mr. Wallace asked if they agree with the other conditions.

Mr. Rutkowski stated that they are in agreement with staff conditions with the area of conflict being the SR 605 curb cut which some conditions are dependent on the curb cut.

Mr. Wallace stated that we have screening for both site and sound for mechanical devices is that something we should add here because it is adjacent to a residential property.

Mr. Kirby agreed that we should add that condition.

Mr. Rutkowski stated that it will be the same roof top screen wall as Waters Edge and the Walton Office buildings.

Mr. Kirby stated that as long as it is not loud for the neighbors.

Mr. Rutkowski stated that he is not aware of any complaints and all of our units should be fairly quiet.

Mr. Wallace verified that he is alright with the condition for sight and sound.

Mr. Rutkowski stated that he is comfortable for sight but not sure about sound because he doesn't understand where the sound issue has come up. I've never heard any comments directly related to one of the office buildings that we've done related to a sound issue.

Mr. Kist asked if the traffic study has been started because that could provide some insight into this issue and provide valuable data.

Mr. Rutkowski stated that we were going to engage that after this meeting. We looked at the traffic analysis as an engineering item. The staff report referred to the rural nature of SR 605 so the owner didn't want to start the analysis without having a better understanding from staff that if the traffic analysis supports right in / right out that would be accepted by New Albany. There are two properties located north of Walton Parkway including CVG and Sorensen & Sorensen that have curb cuts on SR 605. I realize that it is a different situation.

Mr. Kirby stated that Sorensen asked for access on Walton Parkway and were denied by New Albany Company.

Mr. Rutkowski stated that CVG has curb cuts on both Walton Parkway and SR 605.

Mr. Mayer stated that the SR 605 curb cut is for large truck access only. No employees or vehicular access is not permitted.

Mr. Kirby asked for the applicant to explain how a right in / right out curb cut will provide faster access than Walton Parkway.

Mr. Rutkowski stated that he understands that it is service and sales calls that will be leaving this site, a certain amount of vehicles will be leaving at the same time and worried about stacking in the parking lot and that vehicles going north and west will block the employees headed east. They want a quicker access onto SR 605.

Mr. Kirby confirmed that it is to clear out the right turns onto Walton Parkway.

Mr. Wallace stated that he doesn't understand what the urgent need for speed is.

Mr. Rutkowski stated that it is important to them. The concern is what development is going to happen to the north of them that will add to the traffic flow on their site. In the mornings when the service force arrives and all leaves at the same time they don't want the staff being held up by their co-workers or the possibility of daycare.

Mr. Wallace asked if this will be their only facility.

Mr. Rutkowski stated that this is the only facility. The shingles are delivered directly to the job site. The warehouse is for the service people to use for inside storage of materials and product such as sealants.

Mr. Kirby asked if there is space to move the parking spaces from the residential.

Mr. Rutkowski stated that we agree to remove the 14 parking spaces and add 5 parallel parking spaces.

Mr. Schell asked how many employees will be there on the typical day.

Mr. Rutkowski stated that they have between 60-80 employees but they don't have a permanent person that is in the space.

Mr. Kist asked if it should be taken into account that there is an existing residential curb cut.

Mr. Rutkowski stated that the property to the north is residential and privately owned and the next property I believe is owned by The New Albany Company.

Mr. Kirby asked for someone to verify ownership of the neighboring properties.

Audience members verified that they own the property.

Mr. Rutkowski agreed to keep the 25' residential buffer.

Mr. Kirby asked if they still needed the SR 605 variance for pavement.

Mr. Rutkowski stated no.

Mr. Rutkowski stated that the biggest challenge in developing this site is Feazels strong interest in having two curb cuts but not knowing what will be to the north of us.

Mr. Schell asked if staff is open to consider that with results of the traffic study.

Mr. Mayer stated that the preference is that no curb cut. If there does need to be further analysis that it only be put in if warranted by additional traffic analysis. Other things we don't know if it is a full access entrance there may be a need for a drop left. If it is warranted we would like to limit that access to right in /right out. It currently shows a large turning radius. In reducing the radii and limiting to the right in right out will help in keeping the rural character of the streetscape. Walton Parkway was the road built to service the commercial properties and we feel that it is important to keep traffic limited to Walton Parkway to keep the streetscapes that were planned for.

Mr. Kirby asked if this was Rocky Fork Blacklick Accord property.

Mr. Mayer stated yes.

Mr. Wallace stated that he is concerned with a possible cut through problem.

Mr. Mayer stated that the traffic impact analysis should take into account for the overall traffic impact in the future. The site to the north is zoned for additional office space.

Mr. Wallace stated that it is hard to predict whether the property to the north will be one large single user or multiple smaller users.

Mr. Mayer stated that is correct but it should be office use based on the zoning.

Mr. Wallace asked if their access would be off of SR 605 or Walton Parkway.

Mr. Mayer stated that we would need to take a look at the proximity. There is a safe distance between existing intersections to put a curb cut. We have also requested a cross access easement is placed over the main drive aisle so that could share the access.

Mr. Rutkowski stated that they have a shared access off of the main drive.

Mr. Kirby asked the site line distance before the first curb cut.

Mr. Ferris stated 300'.

Discussion regarding a second curb cut on Walton Parkway.

Mr. Rutkowski asked if the SR 605 is not approved tonight could they come back later if they were having issues.

Mr. Mayer stated yes.

Mr. Kirby stated that he is not a believer in the SR 605 curb cut. The topo and everything else like the bike path.

Mr. Spalding stated that with the drop from the roadway the sight line will be horrible with the railing along the bridge.

Mr. Rutkowski stated that sight line at the crown of SR 605 headed north, I don't believe there is much of a topo drop.

Mr. Spalding stated that he is more concerned with the trucks pulling out of the facility.

Mr. Randy Arthur, son of owner and we have lived there for 53 years. I'm concerned about me getting out of the driveway. There is a lot of activity in that area coming over the 161 and then we have all the buses come that. It has taken me 3-4 minutes to back out of the driveway. My concern is more traffic coming out and headed north is will be even more for me to pay attention to. We like being residents. We wouldn't be in favor of the 605 curb cut because it is already a difficult situation.

Mr. Wallace stated that I think everyone agrees that there will not be a full intersection and now we need to determine if a right in right out is justified.

Mr. Arthur stated that people going north on 605 will start to cut through. We would trust a traffic analysis.

Mr. Steve Coleman, 5435 Snider Loop, showed his house on the map and where his view would be. He stated that he supports the other resident because the speed limit changes to 45 mph and people start to speed up right over the bridge. Traffic is already

backed up and cars have a very hard time pulling out of the Enclave subdivision. I would not support adding the SR 605 curb cut.

Mr. Rutkowski asked if his concern is traffic headed south.

Mr. Coleman stated both north and south traffic.

Mr. Rutkowski stated that he has driven the site many times and doesn't believe that the speed limit changes to 45 mph until after Walton Parkway.

Discussion regarding speed limit change location.

Mr. Rutkowski stated that we have updated the renderings and have the exterior materials based on NACO comments.

Mr. Kirby stated that he would like to see the west elevations and window changes.

Mr. Rutkowski stated that the windows that are being requested on the west elevation are along the flex space. They don't want people looking into the service bays. The revised site plan shows the dumpster on the west elevation to integrate it into the façade of the building. I think it would be reasonable if we installed a small section here, maybe just turn the corner.

Mr. Kist asked if those are overhead doors and is this designed for the trucks to drive through and load the trucks.

Mr. Rutkowski stated that they will park some vehicles in there overnight, storage of marketing materials and supplies for the service trucks.

Mr. Kist asked if the garage doors are glass then why the objection to the windows.

Mr. Rutkowski stated that we will be frosting the doors. We don't think it adds a lot of value to the architecture to add glass to that façade. We have the rhythm of the glass windows with brick detailing.

Mr. Wallace asked for the west elevation rendering.

Mr. Rutkowski stated that we submitted it. We would rather not wrap the windows around the west elevation. We don't think it adds architectural value. I would anticipate that we will be screening whatever glass is there. I don't think they would want people looking in to the building from SR 605. The most important view for Feazel is from SR 161.

Mr. Kirby asked if they took trees down already.

Mr. Rutkowski stated yes. They had to remove trees prior to April 1st to beat the Indiana Bat season.

Mr. Banchefsky stated that it is an environmental regulation.

Mr. Kirby asked if the zoning calls for good faith preservation of trees.

Mr. Rutkowski stated that he didn't know.

Ms. Russell read the tree preservation section from the zoning text.

Mr. Kirby stated that he would assume that the current plan would require all of those trees to go away.

Mr. Rutkowski stated that he thinks so, the retention pond will serve multiple properties. The pond is oversized for our site because of the possible development.

Mr. Wallace asked for clarification of the staff recommendation for the west elevation.

Mr. Mayer stated that the city architect reviewed the application he stated that they did a good job with adding a lot of glass and integrating it on a predominately brick building on all sides except the west elevation which is also the closest elevation to SR 605. In general our design guidelines and the strategic plan state that buildings should face public ways and have active environments. Commended the architect for the brick detailing. We feel like adding some partial windows or a few windows to break up the large brick expanse.

Mr. Kirby stated that it was a mistake at CVS and would probably be a mistake here. If you have the three glass garage doors you will be able to see the length of the flex space driving north on SR 605 and adding a window would not show any more than already exists.

Mr. Rutkowski stated that we are planning on adding light frosting/film so you can't see through the garage doors. We are not to that level of detail at this time. Our percentage of glass on this building is high and we are close to meeting the energy code requirements.

Mr. Wallace stated that where you chose to put glass doesn't match what the city architect would like to see it to meet our four-sided architecture requirement. Asked the applicant if they could work with staff on a compromise for the proper amount of glass.

Mr. Rutkowski stated that we can study it and work with the city staff. We don't want to add glass to all five brick panels. Could we just turn the corner?

Mr. Kirby stated that turning the corner and adding one window would tie together the elevations. I will let the staff and the city architect decide the need for the other windows.

Mr. Rutkowski stated that we received information that our signage on the SR 161 elevation will need a variance. That variance request was not in place for this meeting but wanted to discuss tonight. It will be consistent with the signage on the Water's Edge buildings.

Mr. Kirby asked if they had enough height for the sign to be visible from SR 161.

Mr. Rutkowski stated yes. He continued that staff also asked us to review how the signage works with the architecture and we agree to work with staff on that issue.

Mr. Mayer stated that neither this text nor the Water's Edge text allows for signage on the SR 161 frontages. I believe that two of the Water's Edge buildings received a variance for signage. Staff understands the need for signage on 161. Staff's concern is about proportion with the elevation.

Mr. Kirby asked the city attorney if this is approved and is developed. Are we allowed to restrict potential users to the north due to traffic concerns?

Mr. Banchefsky stated that each site is evaluated on its own merit. The development to the north will need to take into consideration this site.

Mr. Wallace stated that it is a conditional use traffic is one of the main factors we review.

Mr. Banchefsky stated that there are cases that state you can't zone for traffic only. The way that we do traffic studies seems to work well.

Mr. Kirby stated that this helps with access to SR 605.

Mr. Rutkowski stated that he has no involvement with the property to the north.

Mr. Kirby stated that we are glad to have the shared access easement.

Mr. Rutkowski stated that he wishes he could express in words Feazel's concern with having one access. That is the most important thing on this site.

Mr. Kist stated that if he was Feazel he would ask for it to. We need to look at this site as it sits now and agree that if we approve this without the curb cut on SR 605 and the need arises later that they could come back.

Mr. Rutkowski stated that not sure if they will invest the money if they can't have the second curb cut because it will affect the business operations.

Mr. Kirby stated that it provides a convenient cut through.

Mr. Rutkowski stated that he doesn't think it will be a problem.

Mr. Wallace stated that it will be people going to the dance academy, restaurants or the businesses further east. New Albany is wonderfully designed but it is designed to send you north or south of SR 161.

Mr. Kist stated that it is a 22 foot lane.

Mr. Wallace stated that the justification we heard was that the employees need to get out of the warehouse fast. That doesn't persuade me.

Mr. Rutkowski stated that it is also the way they want the employees to maneuver the site.

Mr. Wallace stated that it appears they would want the trucks to come up SR 605 and into the flex space.

Mr. Rutkowski stated that he believes the trucks will be coming in off of Walton Parkway because it will be an easier flow.

Mr. Wallace stated that if they will be primarily entering from Walton Parkway they I'm not sure that the curb cut is needed. I think I need to hear more. Staff recommends the right in right out only.

Mr. Rutkowski stated that he read the staff report as the it was all based on the traffic impact study. I didn't read the staff report as a strong objection the to curb cut. We are not doing anything that others have not done.

Mr. Kirby asked how many curb cuts Waters Edge has on SR 605.

Mr. Mayer stated none.

Mr. Rutkowski stated that they have three curb cuts on Walton Parkway. We wouldn't have this problem if we had two curb cuts on Walton Parkway.

Mr. Schell stated that he would like to hear from the business owner and would like the traffic study.

Mr. Rutkowski stated that if we are going to invest in a traffic study we wanted to know that if there was an engineering solution that the city would be accepting of the curb cut.

Mr. Kist asked if a second curb cut on Walton Parkway was possible.

Mr. Rutkowski stated that they don't own the land.

Mr. Kirby stated that you would need cooperation

Mr. Rutkowski stated that moving the curb cut east would be difficult because we want the building along SR 161. It would also be an engineering issue because the proposed curb cut was placed across from the existing curb cut for the office across the street.

Mr. Spalding asked if a leisure trail fee in lieu has been done for commercial or retail. It will be a path to nowhere.

Mr. Kirby stated that it is one that we need because of the bridge behind it.

Mr. Spalding asked why we would want to encourage people to cross when there is a path across the street.

Mr. Kirby stated that people don't now. They go over the bridge now.

Mr. Rutkowski stated that I think we did that for Waters Edge.

Mr. Mayer stated that it was put it in escrow.

Mr. Spalding stated that if we are not going to build a path that will be connecting two points together I would prefer that they pay today's rate and the city uses that money to build a connection

Mr. Mayer stated that is why we are not supportive of the leisure trail variance because there are other options such as paying a fee-in-lieu.

Mr. Spalding explained that current leisure trail along the east side of the road.

Mr. Kirby stated that I've seen people on the west side. Paths to nowhere are the keys to getting grants to somewhere.

Mr. Rutkowski stated that we typically don't see that type of fence at bridge locations. A good example is the New Albany Road bridge with sidewalks and no fence.

Mr. Spalding stated that is in Columbus. The east side sidewalk is raised and requires the sidewalk for safety.

Mr. Rutkowski stated that the east side of the bridge has less room between the white line and guard rail by 3ft versus the west side. The existing conditions are different.

Ms. Russell stated that the leisure trail is not required along Walton Parkway.

Mr. Mayer explained that a leisure trail on the south side of Walton Parkway was not envisioned.

Mr. Kirby asked the city attorney what the reason is for splitting the PDP and FDP motions.

Mr. Banchefsky stated that this is a comprehensive PUD so the PDP/FDP can be voted together.

Mr. Kist verified that the client was averse to doing the traffic study until a decision has been made about the curb cut.

Mr. Rutkowski stated that he is only adverse to it if the results would be accepted. If it determines that a right in/right out would work and the city would accept it then we would do the traffic study. If the city just doesn't want the curb cut on SR 605 then they don't want to spend the money.

Mr. Kist stated that I didn't interpret that as a hard no. I thought it was dependent on the traffic study. Knowing that staff doesn't want it unless there is a need. We can't take into account the future user just the development of this parcel.

Mr. Rutkowski stated that they will make an assumption.

Mr. Kist asked if the traffic study will be black and white or will it still be a judgement call.

Mr. Mayer stated that it is hard to say. They do use assumptions.

Mr. Wallace stated that we don't have to follow staff recommendation. Asked the applicant if the board should vote without the traffic study versus having the traffic study completed.

Mr. Rutkowski stated that he would like to know have an informal temperature of the room.

Mr. Wallace stated that it appears to be a piece of information that some have said they would like to have.

Mr. Kirby requested a 5 minute break.

Mr. Kirby called the meeting back to order.

Mr. Kirby stated that we are going to review the variances. Variance A for pavement setback is not required; variance B encroachment towards SR 161- no issues; variance C landscaping along SR 161 - no conflict; variance D mounding - no conflict; variance E side yard setback - denied because of the residence to the north.

Mr. Rutkowski stated that we are not requesting that any more.

Mr. Mayer stated that should read that we recommend denial of the area along the residential and staff is supportive of the variance along the commercial property.

Mr. Kirby verified that the variance should only apply to the part that abuts commercial property.

Mr. Coleman stated that he lives right behind Sorensen & Sorensen and his patio faces this area (showing on map). He stated that he understands that there will be another commercial building blocking his view of this property but Sorensen promised the completion of landscaping when the second building was constructed within five years. It has been eight years and nothing is there. I'm worried that the same could happen here and that in the winter he could see the view. He has a twelve and a half foot easement that he is not allowed to plant trees on. He would prefer that a mound is required.

Mr. Kirby stated that the planting plan calls for trees on the north side of the access drive.

Mr. Coleman used the map to show the line of view.

Mr. Kirby stated that the planting is the actual required planting plan. There is a gap in the plantings.

Mr. Rutkowski stated that we can shift three trees. There was a break for a drive stub. The trees are about 25' apart.

Mr. Coleman stated that would be great and asked if any of them could be evergreens.

Mr. Rutkowski stated that we can look at the landscaping along the north side of property. We don't want to overload it because we want to seem contiguous with the other site.

Mr. Kist stated that this variance is for mounding and don't believe that mounding would help with the screening.

Mr. Kirby stated that the variance E can be approved with the screening sensitive to block the view. Variance F omitting the street trees along New Albany Condit Road.

Mr. Rutkowski stated that we think we meet the intent, the same landscape architect that did Waters Edge is doing our landscape plan and will do the same thing on the east side that the west side has.

Mr. Kirby asked if the zoning are close enough for that to work.

Mr. Mayer stated yes, I think both zoning text require street trees and additional landscape buffer along SR 605.

Mr. Rutkowski stated that with the leisure trail will need to snake through there our site may not be able to have many street trees.

Mr. Mayer stated that staff will work with them on the placement of the street trees. I agree where the fencing will be close to the street.

Mr. Kirby stated that the street trees variance is G. Variance G is denied and the applicant can come back to us if they don't think it can meet similar to Waters Edge. Variance F is leisure trail - denied.

Mr. Wallace asked if we need a condition for the street trees to match Waters Edge.

Mr. Kirby stated that he added it as condition twelve under the FDP.

Mr. Rutkowski showed on the map the location of the east side leisure trail and street trees in comparison to the west side and where their property line is located.

Mr. Kirby asked in removing the 13 parking spaces you wanted to add some back in.

Mr. Rutkowski stated that we would like to install 4-5 parallel parking spaces and keep the setback at 25' which will also help the neighbor because they will not have any headlight parking facing the house.

Mr. Kirby asked staff if condition two will allow them to add the parallel parking spaces in.

Mr. Mayer stated that he would recommend adding that parallel spaces are permitted if they fit.

Mr. Kirby stated that variance F would be denied and condition 3 would still apply. My personal thought is to not approve the curb cut tonight but for it to be something that could be brought back to the commission.

Mr. Mayer stated that the curb cut would need to come back as a FDP modification which would have the same type of notifications.

Mr. Kirby and Mr. Wallace discussed FDP conditions.

Mr. Kirby verified the conditions with staff. For the PDP/FDP the first three as written, four goes away, five through ten stay, eleven is screening for sight and sound, twelve 605 trees like Waters Edge as much as fits, thirteen no 605 curb cut at all, if needed, bring back as an amendment to the FDP, fourteen condition two from variances with adding back the parallel parking spaces if they fit. For the variances that carry the conditions include conditions one and three from the staff report. Variance E only applies to commercial and northern trees planted to block the view.

Mr. Kirby moved to approval FDP-25-2018 subject to the following conditions:

1. A lot line adjustment must be executed prior to obtaining a building permit.
2. Address the comments of the City Landscape Architect.
3. Address the comments of the City Engineer.
4. 8 foot wide, asphalt leisure trail must be installed along New Albany-Condit Road. The

space where the office abuts the residential property shall have a buffer zone of 25 feet and should have a side yard mound with plantings which reaches 75% opacity within 5 years of installation.

5. All parking facing public right-of-way or adjacent properties must be screened with an evergreen hedge installed at a 3.5 foot minimum height, subject to staff approval.
6. A cross-access easement shall be placed on the main drive off of Walton Parkway so it can be shared with a future user if the property to the north would develop.
7. Windows should be installed on the west elevation, subject to staff approval.
8. All rooftop equipment is completely screened on all four sides, subject to staff approval.
9. Final signage shall be reduced in area, subject to staff approval.
10. Screening shall be for sight and sound.
11. The street trees installed along SR 605 shall be installed like the street trees at the Water's Edge Building across the street, as much as fits.
12. No curb cut is allowed along SR 605, additional access will require a Final Development Plan Modification to be heard by the Planning Commission.
13. Remove 13 parking spaces and replace with 25' wide buffer containing a mound with plantings. Parallel spaces are permitted if they fit in the area, seconded by Mr. Wallace. Upon roll call vote: Mr. Kirby, yea Mr. Wallace, yea; Mr. Kist, yea; Mr. Schell, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0

Mr. Kirby stated that V-28-2018 A has been withdrawn by the applicant.

Mr. Kirby moved to approve V-28-2018 B subject to the following conditions:

1. If FDP-25-2018 is not approved the variance shall become null and void.
2. Eight foot wide asphalt leisure trail shall be installed along New Albany-Condit Road, seconded by Mr. Kist. Upon roll call vote: Mr. Kirby, yea Mr. Wallace, yea; Mr. Kist, yea; Mr. Schell, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0

Mr. Kirby moved to approve V-28-2018 C subject to the following conditions:

1. If FDP-25-2018 is not approved the variance shall become null and void.
2. Eight foot wide asphalt leisure trail shall be installed along New Albany-Condit Road, seconded by Mr. Schell. Upon roll call vote: Mr. Kirby, yea Mr. Wallace, yea; Mr. Kist, yea; Mr. Schell, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0

Mr. Kirby moved to approve V-28-2018 D subject to the following conditions:

1. If FDP-25-2018 is not approved the variance shall become null and void.
2. Eight foot wide asphalt leisure trail shall be installed along New Albany-Condit Road, seconded by Mr. Kist. Upon roll call vote: Mr. Kirby, yea Mr. Wallace, yea; Mr. Kist, yea; Mr. Schell, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0

Mr. Kirby moved to approve V-28-2018 E only along the portion of the property which is adjacent to the commercial use, subject to the following conditions:

1. If FDP-25-2018 is not approved the variance shall become null and void.
2. Eight foot wide asphalt leisure trail shall be installed along New Albany-Condit Road

3. Trees are planted to block the view from the residents to the north, seconded by Mr. Schell. Upon roll call vote: Mr. Kirby, yea; Mr. Wallace, yea; Mr. Kist, yea; Mr. Schell, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0

Mr. Kirby moved to approve V-28-2018 F subject to the following conditions:

1. If FDP-25-2018 is not approved the variance shall become null and void.
2. Eight foot wide asphalt leisure trail shall be installed along New Albany-Condit Road, seconded by Mr. Kist. Upon roll call vote: Mr. Kirby, no; Mr. Wallace, no; Mr. Kist, no; Mr. Schell, no. Yea, 0; Nay, 4; Abstain, 0. Motion failed by a 0-4

Mr. Rutkowski stated after the motion was made for variance F to clarify that it was for the Leisure Trail.

Mr. Kirby confirmed that it was.

Mr. Kirby moved to approve V-28-2018 G subject to the following conditions:

1. If FDP-25-2018 is not approved the variance shall become null and void.
2. Eight foot wide asphalt leisure trail shall be installed along New Albany-Condit Road, seconded by Mr. Kist. Upon roll call vote: Mr. Kirby, no; Mr. Wallace, no; Mr. Kist, no; Mr. Schell, no. Yea, 0; Nay, 4; Abstain, 0. Motion failed by a 0-4

Mr. Mayer reminded the board that our code requires and denied motions have the reasons stated for the record.

Mr. Kirby stated that he doesn't believe they are warranted or justified. Don't meet the Duncan criteria.

Mr. Kist stated same.

Mr. Wallace stated same.

Mr. Schell stated same.

Other Business

Modifications to Codified Ordinance 1153 Limited Industrial (LI) District & General Employment (GE) District

Mr. Mayer presented the staff report.

Mr. Kirby stated that I read this as it would apply to the entire property that borders the county line. We need to change to wording to clarify that it should only apply to the two lots of same ownership that touch the county lines.

Mr. Mayer stated that he agrees with Mr. Kirby with the intent.

Mr. Kirby stated that what I want to say is that the two parcels can be treated as one parcel. That is what we mean where they cannot be combined. He stated that he likes the idea but we need to get the wording correct.

Mr. Mayer asked if they would like to have this come back in a month.

Mr. Kirby stated that he is not in favor of integrating office with LI in Zarley. NACO is not bringing in any LI and tonight we hit my comfort level with the percentage of LI. We are at 50% LI permitted uses. We need a place where we have the LI zoning.

Mr. Kist stated that he looked at the same data and see that the industrial may not be needed. I see that it is at 50% already and going down. I think that there are better options for LI further up SR 62 and in Johnstown. That is where those businesses are located. I look at the same data and think this is a good option.

Mr. Wallace stated that it is because we eroded what Zarley was supposed to be.

Mr. Kist stated that we haven't made it easy for people to locate in Zarley with the conditional use process and they continue to come and go through the process.

Mr. Kirby stated that this is the business side of the problem that we have that no one can afford to build a house in New Albany because there is a limited supply of houses built before 1985. And we are not making any more houses at the price point. I'm not convinced that any of our developers are doing that on the housing side. Our school teachers and firefighters can't live in our community. We may have a similar problem with small office that the only place to go is Zarley.

Mr. Mayer stated that it is partially affordability but we don't have many small office spaces. We usually get large corporations. We have the incubator which has a waiting list for it.

Mr. Kirby asked if 68 N High is built out and sold.

Mr. Schell stated that I believe the rent is higher than at Zarley.

Mr. Schell asked if it becomes more general office at what point would we need to add sidewalks. The CrossFit people run back and forth on the street. If we keep allowing office, I agree with the change for office, but when do we need to look at lighting and sidewalks.

Mr. Mayer stated that we have had the discussion internally that we made the connection to the business park what do we need to do to make it feel like part of the Business Park. City Council review and decides the capital projects each year so it is something that would need to be decided by them. I agree that there are infrastructure needs and a lack of street trees, street lights and sidewalks with exception to the new development such as JD Equipment. Valid comment to make it feel like part of the

Business Park. Council will also to review and approve this code change and PC could ask Council to consider that as the uses change do other things need to change.

Mr. Kirby stated that added infrastructure could drive up the rent. I would like to see this again.

Mr. Mayer reviewed the two changes discussed. Is there anything PC would like from staff when we bring this back?

Mr. Schell stated that the breakdown of uses was great.

Mr. Kirby stated that he is not a fan of office in LI. This may be something that Council may need to consider is where is the cheap office space in New Albany. It is Zarley by default not by design. Is there a way to make subsidized office space; there is a clear need. What is the next step from the incubator? Where do the small 20 employee offices go?

Annual Organizational Meeting

Moved by Kist, seconded by Wallace to nominate Mr. Kirby as Chair of the New Albany Planning Commission for the year 2018. Upon roll call vote: Mr. Kirby, yea Mr. Wallace, yea; Mr. Kist, yea; Mr. Schell, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0.

Moved by Kirby, seconded by Schell to nominate Mr. Wallace as Vice Chair of the New Albany Planning Commission for the year 2018. Upon roll call vote: Mr. Kirby, yea Mr. Wallace, abstain; Mr. Kist, yea; Mr. Schell, yea. Yea, 3; Nay, 0; Abstain, 1. Motion passed by a 3-0.

Moved by Kirby, seconded by Wallace to nominate Mr. Shockey as Secretary of the New Albany Planning Commission for the year 2018. Upon roll call vote: Mr. Kirby, yea Mr. Wallace, yea; Mr. Kist, yea; Mr. Schell, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0.

Moved by Wallace, seconded by Kirby to nominate Mr. Kist as Board of Zoning Appeals representative for the year 2018. Upon roll call vote: Mr. Kirby, yea Mr. Wallace, yea; Mr. Kist, yea; Mr. Schell, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0.

Moved by Kirby, seconded by Kist to nominate Mr. Wallace as Community Reinvestment Authority Housing Council representative for the year 2018. Upon roll call vote: Mr. Kirby, yea Mr. Wallace, abstain; Mr. Kist, yea; Mr. Schell, yea. Yea, 3; Nay, 0; Abstain, 1. Motion passed by a 3-0.

Moved by Mr. Kirby, seconded by Mr. Wallace establish the date, time, and location of the New Albany Planning Commission , to be consistent with how it has been done in the past. Upon roll call vote: Mr. Kirby, yea Mr. Wallace, yea; Mr. Kist, yea; Mr. Schell, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0.

With no further business, Mr. Wallace polled members for comment and hearing none, adjourned the meeting at 10:39 p.m.

Submitted by Pam Hickok

APPENDIX



Planning Commission Staff Report April 16, 2018 Meeting

5780 ZARLEY STREET GENERAL OFFICE AND PERSONAL SERVICE CONDITIONAL USE

LOCATION: 5780 Zarley Street (PID: 222-000267)
APPLICANT: Ralph Fallon Builders
REQUEST: Conditional Use for future office and personal service use
ZONING: LI [Limited Industrial District]
STRATEGIC PLAN: Office
APPLICATION: CU-05-2018

Review based on: Application materials received January 10 and March 21, 2018.

Staff report completed by Jackie Russell, Development Services Coordinator.

I. REQUEST AND BACKGROUND

The applicant requests approval to allow future office and personal service uses within a portion of the building at 5780 Zarley Street. General Office and Personal Service Uses are a conditional use within the Limited Industrial Zoning District. The applicant does not have a specific tenant but requests the use of 5,648 square feet of both office and personal service use. The applicant has proposed limiting the use to the following options for personal services: gym/workout, and music lessons/ instructional/ educational. All other personal services uses would not be permitted.

In December 2017, the Planning Commission approved a conditional use to allow general office activities within 2,752 square feet of this same building for New Albany Security. This business employs a total of 20 employees, but typically will have 5-6 employees at the office at any given time throughout the day.

At the February 21, 2018 meeting the Planning Commission tabled the application since the applicant was not present and the Commission had specific questions for the applicant. At the March 19, 2018 meeting the Planning Commission agreed to table the application per the applicants request to modify their application.

II. SITE DESCRIPTION & USE

The site is located on the seventh lot south of U.S. 62 on the eastern side of Zarley Street within the Zarley Industrial Park. Currently the site has an existing structure with parking areas in the front and on the east side. The site is bordered by another business to the north, Zarley Street on the west, and the Smith's Mill Office Park to the east, and Via Tessoro to the south.

The site is zoned LI- Limited Industrial. Permitted uses within LI district include industrial product sales, industrial service, manufacturing and production, warehouse and distribution, research and production, and vehicle service. Conditional uses within the LI district include general office activities, personal service, and retail product sales and service. Adjacent land uses are generally small scale office and warehouse uses. Previously, conditional uses were approved for personal services and retail use in this area.

III. EVALUATION

The general standards for Conditional Uses are contained in Codified Ordinance Section 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 meets 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.*

Uses:

- The proposed use will be for general office activities and limited personal services. There is no specific tenant known and this application will allow the owner to advertise the space as available office space.
- Since the last Planning Commission meeting an additional use has been added to the application to contain personal service uses limited to gym/workout facility and musical lessons/education, but will not permit other personal service uses like salon. There is no specific tenant known and this application will allow the owner to advertise the space as available personal service space, in addition to the office use.
- In December 2017, the Planning Commission approved a conditional use to allow general office activities within 2,752 square feet of this same building for New Albany Security.

Architecture:

- The applicant is proposing to move into the existing building on the site. There are no exterior building or site modifications proposed as part of the use.
- According to the Franklin County Auditor the building was constructed in 2000. According to documents provided by the owner the building has approximately 14,000 square feet of space.

Parking:

- According to the site plan provided by the applicant the facility currently has 25 parking spaces. However, the site plan is slightly out-of-date and staff observed 42 marked parking spaces when visiting the site.

- Per Codified Ordinance 1167.05(d)(17) the required parking for professional, administrative and business offices is one for each 250 square feet of gross floor area. The previously approved office space for New Albany Security encompasses approximately 2,700 square feet of space which requires 11 parking space.
- With this application the owner proposes to allow for an additional 5,648 square feet of office or personal service limited to gym/workout facility and musical lessons/education, but will not permit other personal service uses. If the applicant decides to use the as office then the space will require 23 parking spaces.
- This leaves eight parking spaces as flex parking and for use with the warehousing portion of the building. The owner mentioned at the previous conditional use application that he is using it as storage space.
- Per Codified Ordinance 1167.05(d)(5) the parking requirements for personal services is one space for each 200 square feet of gross floor area. The applicant is proposing a 5,648 possible personal service space, which requires 28 parking spaces.
- If the applicant pursues a personal service in the remaining space there will be a flex of 3 spaces between the New Albany Security spaces and the personal service spaces.

Signage:

- The applicant has not proposed any signage as this time. All signage must meet the requirements found in Codified Ordinance Section 1169.

Landscaping:

- The applicant has not proposed any new landscaping at this time.

(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.

- The entire lot is approximately one (1) acre, but the area for these conditional uses are only a portion of the existing building.
- The neighboring properties and uses are generally personal services, office and warehouse uses, and retail.
- Other approved conditional uses include general office activities, personal service, retail, and office/warehouse conditional uses.

(c) The use will not be hazardous to existing or future neighboring uses.

- The uses will be subject to Codified Ordinance Section 1153.06 which requires that no land or structure within the LI District shall be used or occupied in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable impact on any land which is located in any other zoning district.
- It does not appear the uses will be hazardous to existing and future neighbors.

(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.

- Sewer and water service are available in this location.
- The proposed commercial development will produce no new students for the school district.

(e) The proposed use will not be detrimental to the economic welfare of the community.

- The proposed uses will generate tax income from the jobs.

(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.

- The uses will be subject to Codified Ordinance Section 1153.06 which requires that no land or structure within the LI District shall be used or occupied in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable impact on any land which is located in any other zoning district.

(g) Vehicular approaches to the property shall be so designated as not to create interference with traffic on surrounding public streets or roads.

- The future office user or personal service user is proposed to be located within the Zarley Industrial Park. This site is the seventh lot on the left when entering the Industrial Park from U.S. 62.
- There are other office users and personal service users already existing in the Zarley Industrial Park, so the traffic should be the same or similar as what it is now.
- A road connection to Forest Drive was constructed by the city in 2016 to provide an additional entrance into the Zarley Industrial Park.

IV. RECOMMENDATION

The purpose and function of the Zarley Industrial Park has changed significantly since 2012. The Planning Commission has approved nine conditional uses for personal service, retail product sales and general office uses. The number of tenant spaces in the industrial park is attractive to small businesses. The city of New Albany seeks to encourage small business growth within the city, and by the sheer number of approved applications the industrial park is beginning to function more as a business park. Staff is supportive of this continued evolution of the Zarley Industrial Park because it encourages small business growth within the city limits. Below is a chart outlining the current uses in Zarley Park.

Use Type	Square feet	% of of Park	Number of Users
Personal Service CU	42,149	25.5%	6
Retail Product Sales CU	29,818	18.0%	3
Office CU	5,099	3.1%	2
Subtotal	77,066	46.6%	11
Religious (Permitted)	1,324	0.8%	1
LI District Permitted Uses	86,873	52.6%	12

The city has invested in the area via the new road segment, Via Tessoro. This new road provides connectivity to the city's business park and allows for Zarley Park to be a part of the business park. Based on this fact, and the Planning Commission's previous discussion and request, city staff is researching rezoning the park to allow for office uses. However, it is important to preserve the Limited Industrial zoning in this area for the possibility of a future need to attract more industrial type uses here.

Staff recommends approval to allow only the office conditional use to run with the property in this limited space so office tenants can change without a conditional use. This allows for maximum flexibility for the owner and still allows for the LI uses in the future if so desired while staff researches how best to permit office throughout the entire park. The overall proposal appears to be generally consistent with the code requirements for conditional uses for general office activities.

Staff recommends that the personal service uses remain on a case-by-case basis. The personal service uses in totality appear to drive more incoming and outgoing traffic to the site, and could have wider range of different users. Staff recommends that the Planning Commission continue to evaluate each personal service tenant on their own merits when requesting the conditional use.

There are currently several other companies with approved conditional uses at the Zarley Industrial Park. The conditional uses do not appear to be negatively affecting the schools, nor will it create any dangerous, injurious, noxious or other objectionable impacts on the land.

Staff recommends approval with conditions provided that the Planning Commission finds the proposal meets sufficient basis for approval.

V. ACTION

The Commission shall approve, approve with supplementary conditions, or disapprove the application as presented. If the application is approved with supplementary conditions, the Planning Commission shall direct staff to issue a zoning permit listing the specific conditions listed by the Planning Commission for approval.

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

Move to approve application CU-05-2018 to allow office uses within the 5,648 suite space as submitted at 5780 Zarley Street .

- 1. Personal service uses are not permitted to occupy the building without Planning Commission review and approval.**



Source: Bing Maps



**Planning Commission Staff Report
April 16, 2018 Meeting**

**NOTTINGHAM TRACE
MODEL HOME CONDITIONAL USE**

LOCATION: Lot 6, Lot 7, and Lot 8(222-004904, 222-004905, and 222-004906)
APPLICANT: Pulte Homes of Ohio, LLC.
REQUEST: Conditional Use for a Residential Model Home
ZONING: I-PUD (Nottingham Trace)
STRATEGIC PLAN: Office District
APPLICATION: CU-24-2018

Review based on: Application materials received March 16 and April 2, 2018.

Staff Report prepared by: Jackie Russell, Development Services Coordinator

VI. REQUEST

The applicant is seeking conditional use approval for a residential model home to be located on lot 6, 7, and 8 (as shown on the phase 1 plat) within the Nottingham Trace subdivision. The unit will serve as the model home and sales office for Pulte Homes of Ohio, LLC, for the homes within this subdivision. Two of the lots are proposed to be used for a temporary parking lot to serve the model home and sales office.

This area is zoned I-PUD with permitted uses of single-family detached residences subject to age restriction requirements, public and private parks/open space, one clubhouse, and a maximum of 2 residential model homes at any given time. The text requires review and approval of the Planning Commission in accordance with Section 1133.04(d) of the Codified Ordinances of the City of New Albany. This will be the first of two model homes in the subdivision.

The requested duration of this conditional use is until all lots within the community have been sold or for a period of time to be no less two (2) years.

VII. LOCATION

The proposed model home is located at lot 6, 7, and 8 of the first phase plat. The home is along Reserve "C" which will be a public park and along the proposed Nottingham Boulevard which connects to New Albany-Condit Road. The first phase has 58 lots, but the entire subdivision will be a maximum of 240 lots.

The subdivision is located generally west of State Route 605/ New Albany-Condit Road, south of Walnut Street, east and west of Schleppe Road, and east of the Upper Albany subdivisions. The subdivision is in Franklin County. The subdivision is an age-restricted neighborhood. This means that at least 80 percent of the units within the development must have at least one occupant who is 55 years of age or older.

VIII. 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:

- (h) *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.*
- (i) *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.*
- (j) *The use will not be hazardous to existing or future neighboring uses.*
- (k) *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.*
- (l) *The proposed use will not be detrimental to the economic welfare of the community.*
- (m) *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.*
- (n) *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 proposed model home will be located on Lot 6 and the temporary parking lot will be located on Lot 7 and Lot 8. The model home will be located close to the subdivision entrance along the primary drive when entering from New Albany-Condit Road. The proposed location appears to be appropriate and is easily accessible not only by roads, but also by sidewalks and nearby trails, as it is located on the Reserve "C" which will be dedicated open space. The location of this model home is located on Nottingham Boulevard.

2. *It is integrated in the existing community with customary exterior residential lighting.*

The home will utilize coach lighting fixtures consistent with the style and architectural features present on the other homes planned within the subdivision. The applicant has

indicated there will be a seven foot tall lamp post at the front of the home. Additionally there will be four lamp posts within the parking lot which will be 12 feet in height. Both posts will use the same light fixture. Staff recommends a photometric plan be submitted. Lighting should be zero or have a near zero foot candle along property lines. Staff also recommends that the 12 foot tall light posts be downcast light fixtures instead of the acorn light fixture.

3. *The use is approved with limited duration.*

The applicant has stated that they would like to utilize the conditional use until all lots within the community have been sold or for a period of time no less than 2 years. Historically, the Planning Commission has approved conditional uses for other model homes within the community for 1-3 years depending on the size of the subdivision. Since this model will utilized for the entire 240 lot subdivision, staff recommends the model home approval is permitted for three (3) years and that any extension in time is subject to review and approval by the Planning Commission.

4. *One sign is permitted.*

Applicant is proposing one ground sign (see details below).

5. *Shall not be used as a general real estate brokerage office.*

The applicant has stated 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 has indicated that the model home will operate Monday through Friday, from 11:00am to 6:00pm and 12:00pm to 5:00pm on Sunday. 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 has stated that there will be no more than 2 sales representatives staffing the house during its hours of operation.

3. *Provisions for parking for employees and customers*

The applicant has indicated that parking for employee and customers will be provided within the temporary parking lots located on lots 7 and lots 8. There are 11 parking space provided. It appears that the parking lot spaces are 9 x 20 which meets code requirements. Access is provided from the parking lot to the sale model via landscaped pathways. Staff recommends a condition of approval that the temporary parking lot, parking lot lighting, and landscaping are removed at the expiration of the permit.

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

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 is proposing the following sign:

1. Ground sign to read “Welcome to The Pulte Home Gallery at Nottingham Trace” with the applicant’s link to the gallery: pulte.com/Nottingham.
 - a. Size: 1.75’ x 3.5’ (6 square feet) [meets code].
 - b. Height: 3.5 feet [meets code].
 - c. Location: The sign will be facing Nottingham Boulevard, and is a minimum of 10 feet from the street right-of-way [meets code].
 - d. The sign does not appear to be illuminated [meets code]. Planning Commission should confirm with the applicant that the sign will not be illuminated.

5. *Landscaping and screening*

The city landscape architect commented:

- a) Remove red twig dogwood shrubs from parking screening and replace with evergreen shrubs installed at
- b) . Continue evergreen parking screening along entirety of western parking lot edge with a minimum 24” height.

Staff recommends a condition of approval that all city landscape architect comments are addressed.

IX. 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. Staff recommends approval provided that the Planning Commission finds the proposal meets sufficient basis for approval.

X. ACTION

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

Move to approve application CU-24-2018 with the following conditions, subject to staff approval:

- 1) All city landscape architect’s comments are addressed.
- 2) The temporary parking lot, parking lot lighting, and landscaping are removed at the time that the permit expires.
- 3) A photometric plan of the parking lot lighting should be provided showing a zero or near zero foot candle along property lines.
- 4) The Conditional Use Permit will become effective at the time the Certificate of Occupancy is granted.
- 5) The Conditional Use Permit is permitted for three (3) years and that any extension in time is subject to review and approval by the Planning Commission.
- 6) The sign associated with this application is removed at the time that the permit expires.



**Planning Commission Staff Report
April 16, 2018 Meeting**

**FEAZEL ROOFING CORPORATE OFFICE
PRELIMINARY AND FINAL DEVELOPMENT PLAN**

LOCATION: East of New Albany-Conduit Road, south of Walton Parkway, and north of State Route 161 (PID: 222-001510 and 222-000354))
APPLICANT: Moody Engineering c/o Jesse Leeseberg
REQUEST: Preliminary and Final Development Plan
ZONING: Comprehensive Planned Unit Development (C-PUD) – New Albany Company PUD; Subarea 7C: Business Campus (Oak Grove West)
STRATEGIC PLAN: Freeway Office
APPLICATION: FDP-25-2018

Review based on: Application materials received March 16, 2018 and April 2, 2018.

Staff Report prepared by Jackie Russell, Development Services Coordinator.

XI. REQUEST AND BACKGROUND

The applicant requests review and approval of a preliminary and final development plan for the Feazel Roofing Corporate Office. The development plan area consists of approximately 5.026 acres and contains a one story, 24,500 square foot office building, 5,000 of the square feet will be used as flex space for storage of service vehicles and office/service call supplies. The site is located within Subarea 7C: Business Campus (Oak Grove West) of the New Albany Company C-PUD.

The applicant is concurrently requesting approval of variances for the proposed development. These are referenced in this staff report but are discussed in detail in a separate staff report.

II. SITE DESCRIPTION & USE

The site is located southwest of the existing Signature Office building at 8000 Walton Parkway and immediately north of State Route 161 along the south side of Walton Parkway and east of New Albany-Condit Road. The site currently has a one story home with a shed which will be removed from the site prior to development. The site has frontage along Walton Parkway, New Albany-Condit Road, and State Route 161 Expressway. The uses permitted in the OCD (Office Campus District) includes administrative, business and professional offices.

The final development plan site consists of a single-story office building. Traffic access to the site will be served off of a proposed curb-cut along Walton Parkway and a second proposed curb-cut along New Albany-Condit Road.

III. PLAN REVIEW

Review is based on zoning text, and planning, subdivision and zoning regulations, including the design standards. Primary concerns and issues have been indicated below, with needed action or recommended action in underlined text.

A. Site and Layout

1. The office campus district permits the use of administrative and business offices, professional offices, other associations either profit or non-profit, and religious uses. The flex space used for interior truck parking and other storage is considered an accessory use to the administrative office since the square footage of the space is ancillary in size and use to daily tasks. The zoning district allows storage as an accessory use.
2. The preliminary and final development plan contains approximately 5.026 acres and approximately 24,500 square foot office building. It includes three exterior truck parking spaces and 88 regular car parking spaces.
3. The site is set up to provide access along Walton Parkway and New Albany Condit Road.
4. Zoning Text section 7c.01 contains various building and pavement setbacks from the centerline of the public rights-of-way. The table below contains the setback distances.

Setback Regulation	Required	Proposed	Standard Met?	Comments
Walton Parkway building setback	65 ft from C/L	117 +/- ft from C/L	Yes	
Walton Parkway pavement setback	65 ft from C/L	65 +/- ft from C/L	Yes	
State Route 161 building setback	285 ft from C/L	256 +/- ft	NO	Variance Requested
State Route 161 pavement setback	235 ft from C/L	235 +/- ft	Yes	
Side yard building setback	30 ft	140 +/- ft	Yes	
Side yard pavement setback	15 ft	15 +/- ft		
New Albany-Condit Road building and pavement setback	100 ft	Pavement 92 +/- ft, Building 250 +/- ft	Pavement – NO Building - Yes	Variance Requested

5. The office building will be located along Walton Parkway with parking located in the rear of the site.

6. A maximum of 80% lot coverage is allowed on the site. The proposed lot coverage for this development is 42%, below the allowable lot coverage.
7. During the review staff noticed the final development plan area is over two properties, a lot line adjustment must be executed prior to obtaining a building permit. Staff recommends a condition of approval for a lot line adjustment to be made prior to a building permit issuance.

B. Access, Loading, Parking

Parking

1. Zoning Text section 7c.02 states parking shall be required per the City's Parking Code found in Codified Ordinance Chapter 1167 and the parking and loading requirement of Chapter 1144.03(h)1, 2, & 3. (Note: Chapter 1144.03(h) is now 1144.04(h).)
 - a. The city's parking code (C.O. 1167.05(d)(17)) requires 1 space for each 250 square feet of office space. The overall building has a square footage of 24,500; 5,000 of the square footage for the building is used for storage space. Based on 19,500 square feet of office space, 78 parking spaces are required. The applicant is providing 88 total parking spaces.
 - b. The city's parking code C.O. 1167 requires two spaces for each three employees during the work shift having the greatest number of employees, plus one for each vehicle maintained on the premise. It appears the applicant has space for 6 service trucks to be stored in the warehouse space, and 3 onsite truck parking spaces within the parking lot.
 - c. Staff recommends the Planning Commission verify how many employees are working in the warehouse space, having the greatest number of employees on the main shift, in order to evaluate the parking for the warehouse portion completely.
 - d. The applicant meets the standards found in Chapter 1167.03(a) requiring the parking lot drive aisles to be a minimum of 22 feet wide.

Circulation

1. The property is proposed to be served by two entrances: one from Walton Parkway and one from New Albany-Condit Road. The Walton Parkway entrance appears to be appropriately designed and located to align with the Signature Office Building's curb cut. However staff is not supportive of the New Albany-Condit Road curb-cut and recommends further analysis is completed.
 - a. The City Traffic Engineer has reviewed the proposal and comments it appears there may be site distance concerns for traffic turning out of the site due to a significant grade change and proximity to the bridge that will likely need a guard rail similar for the leisure path. This creates public safety concerns since there could sight distance limitations.
 - b. A sidewalk bollard, rail, or similar infrastructure will need to be installed along the leisure trail to ensure safety for the public, these barriers should be included in the traffic impact analysis.
 - c. City Staff recommends a traffic impact analysis is completed by the applicant to address site distance concerns relating to public safety and to determine if a left turn lane is warranted.

- d. New Albany-Condit Road is identified as a semi-rural street in the 2014 New Albany Strategic Plan. The proposed curb-cut along New Albany- Condit Road has a large turning radius of 50 feet. The largest turning radius inside the site appears to be 30 feet. Walton Parkway is classified as a commercial collector street that is used primarily for traversing through the business park according to the 2014 New Albany Strategic Plan. The Strategic Plan's thoroughfare component's hierarchy of streets recommends that access should be limited to Walton Parkway only.
- e. If a traffic impact analysis warrants access to New Albany- Condit Road the City Traffic Engineer has commented in order to maintain the rural character of New Albany- Condit Road, they recommend that the proposed access be limited to a right-in, right-out only.
- 2. Oak Grove West Section 7c.04(7) requires leisure trails shall be provided throughout this subarea in a manner consistent with the existing leisure path structure. In order to be consistent with the existing leisure path structure leisure trail must be installed along New Albany-Condit Road, but does not have to be installed along Walton parkway. The applicant is requesting a variance to this code section. Staff recommends a condition of approval to require the leisure trail to be installed along SR 605.
- 3. The access point provided on Walton parkway will be a shared access point for this property and future development on the adjacent northern property. Staff recommends a condition of approval that a cross-access easement shall be placed on the main drive off of Walton Parkway so it can be shared with a future user if the property to the north would develop.

Loading and service areas

- 1. Per Codified Ordinance 1167.06(b)(2) no loading space is required for office buildings between 0 and 50,000 square feet.

C. Architectural Standards

- 1. Zoning Text section 7c.03(1) requires the building be sited with the longest and/or most predominant building façade parallel to a major street. Additionally, the New Albany Design Guidelines and Requirements require the building have an active and operable front door along all public and private roads. The application meets all the requirements by designing the building to front Walton Parkway with doorways on both the front and rear elevations.
- 2. Exterior building materials are limited to Pewter Frost brick as the predominant material. The zoning text section 7c.03(3) requires that building materials shall be limited to the following: brick as the predominant material with precast cut stone or synthetic accents. Precast or synthetic materials may be used above the ground story. Tinted glass shall be permitted, reflective or mirrored glass shall be prohibited. Prefabricated metal or untreated masonry block buildings shall be prohibited. Alternative building materials may be used subject to ARB approval. The proposed building is predominantly brick with glass curtain walls on the front and back elevations of the building and features numerous storefront windows on the other exterior elevations.

3. The City Architect reviewed the submittal and commented the building has a modernistic approach with the large windows. The city architect recommends the addition of glass on the west elevation since that is the elevation which will be seen along New Albany-Conduit Road. Staff recommends a condition of approval to have glass installed on the west elevation since it is visible from New Albany-Conduit Road.
4. Flat roofs are permitted but must have a parapet or other means of screening all rooftop mechanical equipment. All rooftop screens must be consistent and harmonious to the building's façade and character. It appears there is a sufficient rooftop screening. However, staff recommends condition of approval that all rooftop equipment is completely screen on all four sides, subject to staff approval.
5. The proposed building (excluding metal screen walls) is approximately 19 feet and 4 inches tall. The zoning text requires that the building height be no greater than 45 feet.

D. Buffering, Landscaping, Open Space, Screening

1. There is a text commitment to provide 8% interior parking lot landscaping on the site. The proposed plan indicates 10% interior parking lot landscaping is provided.
2. The applicant must provide a minimum of one tree for every 5,000 square feet of ground coverage and a total tree planting equal to twenty-five inches plus one half inch in tree trunk size for every four thousand square feet over fifty thousand square feet in ground coverage per C.O. 1171.05(e)(3). The applicant is meeting code requirements by providing the 17 required trees and provides over the 29.5 required to the tree planting.
3. The applicant must provide a minimum of one deciduous canopy tree for every 10 parking spaces per C.O. 1171.06(a)(3). The applicant must provide 9 trees to meet code and is meeting the code requirement.
4. The applicant is exceeding parking lot landscaping requirements by providing at least 8 additional trees and additional shrubs.
5. Street trees and standard white horse fence are already installed along Walton Parkway. The City Landscape Architect commented that a white horse fence should be installed along New Albany Condit Road and tie into the existing guardrail.
6. The applicant is requesting a variance to zoning Text section 7c.04(1)(a) to the New Albany Company Business Campus District (Subarea 7C- Business Campus (Oak Grove West) PUD section 7c.04(1)(a) to omit the required 8 trees per 100' and two shrubs per a tree, as well as the additional one or two shade trees per 300 linear feet within the 235 pavement setback from SR 161. The applicant is proposing to not provide any additional landscape to be located within the State Route 161 setback area, currently the southern portion of the setback has existing trees and other naturalized landscaping.
7. The applicant is requesting a variance to 7c.04(1)(b) to the New Albany Company Business Campus District (Subarea 7C- Business Campus (Oak Grove West) PUD section 7c.04(1)(b) to omit the 5' – 6' earth mound along the New Albany-Condit Road. The applicant is proposing to not install a mound along New Albany- Condit Road due to the grade difference between the road and the site.
8. The applicant is requesting a variance 7c.04(2)(a) to the New Albany Company; Business Campus District (Subarea 7C- Business Campus (Oak Grove West) PUD

section 7c.04(2)(a) to eliminate the requirement that side yard setback areas contain mounding. The applicant appears to be providing landscaping between the residential property and commercial property, but has requested a variance to the mound requirement.

9. The City Landscape Architect has reviewed the landscape plan and commented the following and can also be found under a separate cover from MKSK:
 - a. Provide four-rail horse fence along entire New Albany Condit Road frontage and terminate at existing guard rail.
 - b. Remove 13 parking spaces and 9 European Hornbeams on the north side of the access road immediately adjacent to the existing residential Remove shrubs and ornamental trees from New Albany Condit Road frontage. Replace ornamental trees with large deciduous shade trees.
 - c. Remove ornamental trees from Walton Parkway frontage.
 - d. All parking facing public ROW or adjacent properties must be screened with an evergreen hedge installed at a minimum of 24" height.
 - e. Provide large deciduous shade trees around proposed detention pond. Plantings should be in random massings and naturalize the detention pond borders.
10. Staff recommends a condition of approval that the City Landscape Architect's comments are addressed.
11. The applicant is proposing a detention basin to be located on the side of the property between the building and Walton Parkway.
12. Per City code section 1171.05(a) (a) Screening of Service Areas. For commercial, industrial, office, institutional and multiple-family uses, all areas used for service, loading and unloading activities shall be screened on those portions of the lot which abut districts where residences are a permitted use. Screening shall consist of walls, landscaped earthen mounds, fences, natural vegetation or an acceptable combination of these elements, provided that screening must be at least seven (7) feet in height. Natural vegetation screening shall have a minimum opaqueness of seventy-five percent (75%) during full foliage. The use of year-round vegetation, such as pines or evergreens, is encouraged. Vegetation shall be planted no closer than three (3) feet to any property line.
 - a. The applicant is proposing to use the existing fifteen foot buffer between existing parking lot and residential property to locate 9 trees.
 - b. Historically the Planning Commission has not approved a commercial property be located less than 25 feet from a residential property.
 - c. The city's landscape architect recommends that thirteen parking spaces be replaced with a 25' wide buffer containing the required side yard mound with plantings which will reach the 75% opacity during full foliage within 5 years of installation. Staff recommends a condition of approval requiring the plantings and side-yard mound be installed. The applicant is requesting a variance to the mound.
13. Per C.O. 1171.06(a)(3) a minimum of one deciduous canopy tree should be used for every ten parking spaces, per the city requirement 9 trees must be provided. The applicant meets code requirements by providing 14 deciduous trees within the parking lot area.

E. Lighting and Signage

1. It appears signage will be located on the south and east elevation. There will be address signage located on the north elevation. The applicant has proposed two signs to be located along the south elevation and one sign along the east elevation. Per zoning text 7c.06(7)(g) signage shall be prohibited along the New Albany

Expressway right-of-way frontage, therefore signage must be moved off of the south elevation or a variance can be requested. The proposed signage appears to be one color and backlight, which meets code.

2. The zoning text permits one primary wall sign per a building frontage on public right-of-way, which permits three wall signs for the applicant. The sign is proposed to be 14.5' x 5.25', which is an area of 76 square feet which meets code. However, staff recommends the signage to be down-sized per 1169.12(a)(1) which requires signs must be consistent with the design/style of the building on which they are located. The city sign code also requires signs integrate with the building/site on which they are located and adjacent development in scale, design, and intensity. Staff recommends a condition of approval that final signage is reduced in area and location is subject to staff approval. The proposed parking lot light fixture appears to be the same parking lot light fixture installed across the street at the Signature Office Building and Walton Office Buildings. The submitted photometric plan shows there is no spillage on the public rights-of-way and the neighboring residential property.

IV. ENGINEER'S COMMENTS

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

1. To maintain the rural character of SR 605, we recommend that the proposed access off of SR 605 be limited to RI/RO only.
2. Please add site distance triangles to the landscape plans at both proposed access drives and evaluate Intersection Site Distance.
3. Please revise the signature block in accordance with Exhibit A (see attached).
4. We will evaluate storm water management, water distribution, sanitary sewer collection and roadway construction related details once construction plans become available

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

V. RECOMMENDATION

Staff recommends approval of the development plan since it is consistent with the purpose and standards of the zoning code and applicable PUD development text. The use is an appropriate use for the area, and continues the campus feel and approach that's been completed across the street. The building proposal utilizes a modernist approach. By adding windows to the west elevation four-sided architecture will be incorporated. In order to maintain the pastoral character of the area, staff believes the New Albany-Condit Road curb-cut be removed to protect not only the character of the area, but also to protect the safety of the public. Lastly, staff recommends increasing the buffer to 25 feet between the office building and the residential property in order to maintain an appropriate buffer area.

V. ACTION

Suggested Motion for PDP/FDP-25-2018:

To approve Preliminary and Final Development Plan application FDP-25-2018, subject to the following conditions all subject to staff approval:

1. A lot line adjustment must be executed prior to obtaining a building permit.
2. Address the comments of the City Landscape Architect.
3. Address the comments of the City Engineer.
4. A traffic impact analysis is completed by the applicant to address site distance concerns relating to public safety, to determine if a left lane is warranted along SR 605, and the need for the New Albany-Condit Road curb-cut. If a curb cut is warranted, it limited to a right-in, right-out only.
5. 8 foot wide, asphalt leisure trail must be installed along New Albany-Condit Road. The space where the office abuts the residential property should have a buffer zone of 25 feet and should have a side yard mound with plantings which reaches 75% opacity within 5 years of installation.
6. All parking facing public right-of-way or adjacent properties must be screened with an evergreen hedge installed at a (3.5)-foot minimum height, subject to staff approval.
7. A cross-access easement shall be placed on the main drive off of Walton Parkway so it can be shared with a future user if the property to the north would develop.
8. Windows should be installed on the west elevation, subject to staff approval.
9. All rooftop equipment is completely screen on all four sides, subject to staff approval.
10. Final signage shall be reduced in area, subject to staff approval.

Approximate Site Location:



Source: Google Maps



**Planning Commission Staff Report
April 16, 2018 Meeting**

**FEAZEL ROOFING CORPORATE OFFICE
VARIANCES**

LOCATION: East of New Albany-\Condit Road, south of Walton Parkway, and north of State Route 161 (PID: 222-001510 and 222-000354))
APPLICANT: Moody Engineering c/o Jesse Leeseberg
REQUEST: Variances
ZONING: Comprehensive Planned Unit Development (C-PUD) – New Albany Company PUD; Subarea 7C: Business Campus (Oak Grove West)
STRATEGIC PLAN: Freeway Office
APPLICATION: VAR-28-2018

Review based on: Application materials received March 16, 2018 and April 2, 2018.

Staff report prepared by Jackie Russell, Development Services Coordinator.

XII. REQUEST AND BACKGROUND

The applicant requests multiple variances from the New Albany Company C-PUD Subarea 7C: Business Campus zoning text and the city’s Codified Ordinance for the development of Feazel Roofing Corporate Office. The preliminary and final development plan area is approximately 5.026 acres and will contain a 24,500 square foot building and an associated 91 space parking area. The zoning text specifies that variance requests be heard by the Planning Commission instead of the Board of Zoning Appeals.

The variances requested are as follows:

- A. Variance to the New Albany Company; Business Campus District (Subarea 7C- Business Campus (Oak Grove West) PUD section 7c.01(1) to the one hundred foot setback from New Albany- Condit Road to allow pavement to be located 92 +/- feet from the centerline.
- B. Variance to the New Albany Company; Business Campus District (Subarea 7C- Business Campus (Oak Grove West) PUD section 7c.01(2) to encroach the 280 foot building setback from State Route 161 by 24 +/- feet.
- C. Variance to the New Albany Company; Business Campus District (Subarea 7C- Business Campus (Oak Grove West) PUD section 7c.04(1)(a) to omit the required 8 trees per 100’ and two shrubs per a tree, as well as the additional one or two shade trees per 300 linear feet within the 235 pavement setback from SR 161.
- D. Variance to the New Albany Company; Business Campus District (Subarea 7C- Business Campus (Oak Grove West) PUD section 7c.04(1)(b) to omit the 5’ – 6’ earth mound along the New Albany-Condit Road.

- E. Variance to the New Albany Company; Business Campus District (Subarea 7C- Business Campus (Oak Grove West) PUD section 7c.04(2)(a) to eliminate the requirement that side yard setback areas contain mounding.
- F. Variance to the New Albany Company; Business Campus District (Subarea 7C- Business Campus (Oak Grove West) PUD section 7c.04(4) to omit the installation of leisure trail along New Albany-Condit Road.
- G. Variance to C.O. 1171.04 section to eliminate the requirement of one street tree per 30 feet of frontage along New Albany-Condit Road.

II. EVALUATION

The application complies with 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.*

III.RECOMMENDATION

Considerations and Basis for Decision

A. Variance to the New Albany Company; Business Campus District (Subarea 7C- Business Campus (Oak Grove West) PUD section 7c.01(1) to the one hundred foot setback from New Albany- Condit Road to allow pavement to be located 92 +/- feet from the centerline.

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

1. The zoning text section 7c.01(1) requires that the building and pavement setback shall be one hundred feet from the centerline of New Albany-Condit Road. The applicant proposes to encroach the pavement setback by 8+/- feet to locate a parking space.
2. The variance does not appear to be substantial and appears to preserves the "spirit and intent" of the zoning requirement since only a portion of the parking space is located in the pavement setback and the encroachment is a small amount. Also, given the large setback distances and change in grade between the parking lot and public right-of-way, it does not appear the encroachment will alter the essential character of the area.
3. The Water's Edge property across the street received the same variance to reduce the required pavement setback to 87 +/- feet instead of the 100 foot requirement.
4. Since the same variance was approved at Water's Edge, it does not appear that the essential character of the neighborhood would be not be substantially altered or adjoining properties would suffer a substantial detriment.
5. The property owner may have purchased the property with the knowledge of the zoning restriction; however, the proposed variance allows for a more desirable site plan which creates parking along the drive aisle which connects New Albany-Condit Road to Walton Parkway for the property. Due to the nature of the lot, if the parking lot moved to the east, the pavement setback along Walton Parkway would also be in violation. Therefore the problem cannot be easily solved through means other than a variance or elimination of parking.
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 this variance request for a reduction in the minimum required pavement setback from 100 feet to 92 feet from New Albany-Condit Road. The variance is not substantial in nature as the entire encroachment is pavement, instead of a building.

Additionally it is only a portion of the parking space that is encroaching the setback. Given the large setback distances and change in grade along this corridor, it does not appear the encroachment will be noticeable from the public rights-of-way.

B. Variance to the New Albany Company; Business Campus District (Subarea 7C- Business Campus (Oak Grove West) PUD section 7c.01(2) to encroach the 280 foot building setback from State Route 161 by 24 +/- feet.

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

1. The zoning text section 7c.01(2) requires that the building setback shall be 280 feet from the centerline of State Route 161. The applicant proposes to encroach the pavement setback by 22 +/- feet to locate a portion of the building.
2. The variance does not appear to be substantial and preserves the "spirit and intent" of the zoning requirement since the encroachment is primarily the southeast portion of the building and the majority of the building will comply with the setback requirements. Additionally, this proposal is a one story structure which lessens the visual impacts of being closer to the street.
3. The variance is sought to mimic the design approach of the Water's edge buildings across the street. The same variances were approved for Water's Edge I, II, and III. The encroachment at the Water's Edge phase III was 49 +/- feet as it was the closest to SR 161. The encroachment is less than the Water's Edge Phase 3 encroachment into the building setback of SR 161.
4. Since the same variance was approved at Water's Edge, it does not appear that the essential character of the neighborhood would be not be substantially altered or adjoining properties would suffer a substantial detriment.
5. Approving the variance creates a uniformity with the overall site design, building positioning and orientation with relation to the other buildings that front SR 161. Therefore, the building's location appears to be appropriate for the site and will preserve the essential character of the area.
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 this variance request for a reduction in the minimum required building setback from 280 feet to 256 feet from the State Route 161 Expressway. The variance is not substantial in nature as the majority of the building will not encroach into the setback. Additionally, the proposed placement of the building is uniform with the overall orientation of the Water's Edge campus across the street.

C. Variance to the New Albany Company; Business Campus District (Subarea 7C- Business Campus (Oak Grove West) PUD section 7c.04(1)(a) to omit the required 8 trees per 100' and two shrubs per a tree, as well as the additional one or two shade trees per 300 linear feet within the 235 pavement setback from SR 161.

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

1. Zoning Text section 7c.04(1)(a) requires that within the 235 foot setback from the centerline of State Route 161 eight trees shall be planted per 100 lineal feet and have two deciduous shrubs installed per a tree. Additionally, one or two shade trees per 300 lineal feet shall be installed. The applicant proposes that no additional landscaping be added to the setback. The applicant states that the detention area and drainage swale for the site is located on the south side of the building. The applicant also states that additionally the southern portion of the site is heavily wooded within the R/W and setback area.

2. This planting requirement is designed to screen the building from the roads. However, in certain cases it is more visually desirable to have buildings visible from roads, such as the expressway, instead of blocked by heavy landscaping.
3. A similar variance was approved for the Water's Edge Campus, Phases I, II, and III. Approving the variance request will allow this site to appear in unison with the nearby buildings. Therefore the variance does not appear to be substantial since the existing landscaping is meeting the spirit and intent of the zoning requirement at this site.
4. The property owner may have purchased the property with the knowledge of the zoning restriction. However, the landscaping requirements do not appear to be necessary or desirable in the required locations.
5. 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 this variance request for a reduction from the landscaping requirements along State Route 161. It is desirable not to hide the building behind a landscape buffer, but instead highlight the building. This same variance was granted nearby at the Water's Edge campus for all three phases of the project and will allow uniformity along the public right-of-way. Additionally, the southern portion of the site is already heavily wooded.

D. Variance to the New Albany Company; Business Campus District (Subarea 7C- Business Campus (Oak Grove West) PUD section 7c.04(1)(b) to omit the 5' – 6' earth mound along the New Albany-Condit Road.

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

1. Zoning Text section 7c.04(1)(b) requires an earth mound to be located within the one hundred foot setback from the centerline of New Albany-Condit Road.
2. The applicant states with the elevation of the roadway and the existing ditch, a mound is not feasible along New Albany Condit Road.
3. The site has a special condition or constraint with the grade change between the roadway and the site. In order to preserve the existing treatment along New Albany-Condit Road, staff is supportive of the request.
4. It does not appear that approving the variance is substantial or will be a detriment to the essential character of the area since the building across the street do not have a mound along New Albany Condit Road either.
5. 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 this variance request to omit the mounding requirement along New Albany-Condit Rd. The grade level between the road and the site creates a ditch. Staff is supportive of the request to preserve the existing treatment along New Albany Condit Road. This same variance was granted nearby at the Water's Edge campus for all three phases of the project and will allow uniformity along the public right-of-way.

E. Variance to the New Albany Company; Business Campus District (Subarea 7C- Business Campus (Oak Grove West) PUD section 7c.04(2)(a) to eliminate the requirement that side yard setback areas contain mounding.

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

1. The zoning text section 7c.04(2)(a) requires that landscaping within the setback areas for side lots (lot line adjacent to Arthur property) shall contain a minimum of a 4' earthmound, having a minimum width of twenty feet beginning at the side property line.
2. The applicant has complied with the landscaping requirements in this area but, has requested a variance to the mounding requirement.
3. According to C.O. 1171.05(c) for commercial, industrial, office and institutional uses which abut districts where residences are a permitted use, a buffer zone with a minimum width of twenty-five (25) feet should be created.
4. As proposed the space between the residential property and the Feazel property is fifteen feet. Historically, the Planning Commission has not approved commercial projects to be located less than 25 feet apart.
5. Staff recommends the mounding be installed and the buffer space between the residential property and the Feazel property be increased to twenty five feet.
 - a. The city landscape architect recommends repositioning the 13 parking spaces and 9 European Hornbeams on the north side of the access road immediately adjacent to the existing residential lot to provide a 25' wide buffer. Per City code section 1171.05, a 25' wide buffer should be provided and landscaping that reaches 75% opacity within 5 years of installation is required. Additionally the zoning text requires the sideyard setback areas to contain a mound with plantings. Staff recommends a condition of approval requiring the parking is repositioned, a 25 foot wide side yard buffer is required along the lot line that borders the residential lot, and mounding and landscaping that reaches 75% opacity within 5 years of installation is installed, subject to staff approval.
6. Approving the variance could cause the essential character for the residential home owner a detriment since they would not have additional headlight screening, and will be located very closely to the commercial property.
7. The variance does not appear to preserve the "spirit and intent" of the zoning requirement since the mounding creates an additional separation between the uses and provides additional buffering in addition to the landscaping. Furthermore, there is no site in the city which has not been approved with such a small buffer

In summary, staff is not supportive of this variance request. As proposed the space between the residential property and commercial property is only fifteen feet. By adding the mound the residents receive more screening from headlights and the view of the building. Staff feels it is important to maintain the essential character of the area between the residential property and commercial property with a larger setback area and mounding in order to buffer the neighboring resident.

H. Variance to the New Albany Company; Business Campus District (Subarea 7C- Business Campus (Oak Grove West) PUD section 7c.04(7) to omit the installation of leisure trail along New Albany-Condit Road.

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

1. The zoning text requirement is that in section 7c.04(7) leisure trails shall be provided throughout this subarea in a manner consistent with the existing leisure path structure.
2. Leisure trail currently exists north of site (north of Walton Parkway) and to the south of site along the State Route 161 overpass. Therefore staff recommends the applicant install leisure trail that comes across the SR 605 bridge and continue it up the length of their site. The city's Leisure Trail Master Plan identifies it as a piece of a route within the leisure trail system and as a missing link between the Village Center and Metro park. It is also identified as a missing link which will be filled with development.
3. Based on the zoning text requirement is that in section 7c.04(4) leisure trails shall be provided throughout this subarea in a manner consistent with the existing leisure path structure, the applicant is not required to install leisure trail along Walton Parkway since there is no leisure path structure on the south side of Walton Parkway.
4. The applicant says there is not sufficient room to place an 8' trail between the existing edge of pavement and the existing guard rail. Additionally, the existing drainage swale and utilities to the north of the property would be adversely impact by the construction of the path.
5. Similar conditions exist on the west side of State Route 605 and the Water's Edge 3 building installed leisure trail in order to meet code requirements.
6. The New Albany subdivision regulations (C.O. Chapter 1187) states a developer must install leisure or can pay a fee-in-lieu. Council has the authority to approve application for a fee in-lieu of sidewalk and/or trail construction. If council finds the trail is not appropriate because it is impracticable due to topographical conditions or site constraints or other trails do not exist in the area and there is no likelihood for trails to be constructed then a fee in-lieu may be pursued. The in-lieu fees shall be based upon the current cost of constructing sidewalks and/or trails in their required locations. The applicant shall provide a construction cost estimate, paid for by the applicant, to the Community Development Department a minimum of fifteen (15) working days prior to the council meeting at which the applicant desires his application to be heard. The submitted estimate shall be reviewed by the Village Engineer. The estimate shall be evaluated based on three (3) current quotes/estimates for construction materials and other information as needed. The estimate information shall then be reviewed and approved by Council. Since the codified ordinance provide alternatives to the installation of leisure trail construction Staff recommends denial of the variance. Staff is not aware of any variances being approved to the city's leisure trail requirements.
7. Approving the variance will cause a detriment to the essential character of the area, and to the remainder of the city. The city works to connect loops within the trail system to increase the walkability of the city. This portion of leisure trail gets an additional loop close to closing. Staff recommends a condition of approval that the 8' wide asphalt leisure trail is added.

8. Granting the variance may 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.

In summary, staff is not supportive of this variance request. The city focuses on connecting loops within the leisure trail system; this installation will allow for a significant portion of another loop to be almost finished. Therefore, approving the variance request will cause a detriment to the zoning subarea and the rest of the city. Staff is not supportive of the variance since the city's codified ordinances give options for the applicant to pursue instead of the leisure trail. Lastly, this space of trail is identified as a route within the city's Leisure Trail Master plan. It is also identified as a missing link to connect Village Center and the metro park and it has been indicated that the space is to be filled with development.

I. Variance to C.O. 1171.04 section to eliminate the requirement of one street tree per 30 feet of frontage along New Albany-Condit Road.

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

1. C.O. 1171.04 requires one street tree be installed per 30 feet of frontage.
2. The applicant is requesting a variance to not install street trees along New Albany-Condit Road. Walton Parkway already has existing street trees, therefore does not need a variance to this requirement.
3. When reviewing the subarea, Water's Edge III, to the west, has street trees installed on New Albany- Condit Road. The street trees are randomly placed, to appear more natural. The Strategic Plan Thoroughfare Plan identifies SR 605 as a semi-rural road, therefore the street trees should be installed and should be randomly located to meet the rural aesthetic of the streetscape. By approving the variance request the applicant will alter the character of the streetscape.
4. The applicant is providing 28 trees, in addition to street trees, as required by the zoning text along New Albany Condit Road.
5. It appears that all existing trees along New Albany-Condit Road are to be removed prior to development.
6. Does not meet the spirit and intent of the zoning requirements. The character of the city's streetscape is an important component of New Albany's character. Staff recommends the required number of street trees are installed subject to staff approval.
7. 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 does not support this variance request. The character of the area and streetscape will be altered since the tree plantings will not match the other side of the street. A more desirable site plan will be created if street trees are installed.

III.ACTION

Suggested Motion for V-28-2018 (the variances may be considered together or separately and acted on as one motion or five separate motions):

Staff recommends approval of the following variances:

- A. Variance to the New Albany Company; Business Campus District (Subarea 7C- Business Campus (Oak Grove West) PUD section 7c.01(1) to the one hundred foot setback from New Albany- Condit Road to allow pavement to be located 92 +/- feet from the centerline.
- B. Variance to the New Albany Company; Business Campus District (Subarea 7C- Business Campus (Oak Grove West) PUD section 7c.01(2) to encroach the 280 foot building setback from State Route 161 by 24 +/- feet.
- C. Variance to the New Albany Company; Business Campus District (Subarea 7C- Business Campus (Oak Grove West) PUD section 7c.04(1)(a) to omit the required 8 trees per 100' and two shrubs per a tree, as well as the additional one or two shade trees per 300 linear feet within the 235 pavement setback from SR 161.
- D. Variance to the New Albany Company; Business Campus District (Subarea 7C- Business Campus (Oak Grove West) PUD section 7c.04(1)(b) to omit the 5' – 6' earth mound along the New Albany-Condit Road.

Staff recommends denial of the following variances:

- F. Variance to the New Albany Company; Business Campus District (Subarea 7C- Business Campus (Oak Grove West) PUD section 7c.04(2)(a) to eliminate the requirement that side yard setback areas contain mounding.
- G. Variance to the New Albany Company; Business Campus District (Subarea 7C- Business Campus (Oak Grove West) PUD section 7c.04(4) to omit the installation of leisure trail along New Albany-Condit Road.
- H. Variance to C.O. 1171.04 section to eliminate the requirement of one street tree per 30 feet of frontage along New Albany-Condit Road.

Subject to the following conditions, all subject to staff approval:

- 1. If FDP-25-2018 is not approved the variance shall become null and void.
- 2. Remove 13 parking spaces and 9 European Hornbeams on the north side of the access road immediately adjacent to the existing residential lot. Per City code section 1171.05, replace the parking spaces with a 25' wide buffer containing a mound with plantings which reaches 75% opacity within 5 years of installation.
- 3. Eight foot wide asphalt leisure trial should be installed along New Albany Condit Road.

Approximate Site Location:



Source: Google Maps



Memorandum

TO: New Albany Planning Commission

FROM: New Albany Community Development Department

DATE: April 10, 2018

RE: Modifications to Codified Ordinance 1153 Limited Industrial (LI) District & General Employment (GE) District

Proposal:

Staff proposes the following two code updates:

1. To modify Codified Ordinance Chapter 1153 to permit General Office Activities & Data Centers as a permitted use within the Limited Industrial (LI) zoning district. General Office Activities & Data Centers are a permitted use within the General Employment (GE) zoning district.
2. To modify Codified Ordinance Chapter 1153 to permit the elimination of setback where lots cannot be combined due to county boundaries in both the Limited Industrial (LI) and General Employment (GE) zoning district

Background & Evaluation:

The purpose and function of the Zarley Park has changed significantly since its creation in 1986. Since the Planning Commission has approved numerous conditional uses for personal service, retail product sales and general office uses within Zarley Park, the board requested that staff look at permitting office in the Zarley Park.

The city of New Albany seeks to encourage small business growth within the city, and by the sheer number of approved applications the industrial park is beginning to function more as a business park. Staff is supportive of this continued evolution of the Zarley Industrial Park because it encourages small business growth within the city limits. Therefore, after weighing several options, staff recommends adding General Office Activities & Data Centers as a permitted use within the Limited Industrial (LI) zoning district.

This modification to the city's codified ordinances appears as it have a positive benefit on areas outside of the Zarley Park for future rezoning. The majority of the Licking County portion of the New Albany business park is zoned Limited General employment (L-GE) with a conditional use approval for manufacturing and production in order to allow mix of uses that matches the city's New Albany Economic Development Strategic Plan by providing additional business type diversity, and attracting supply-chain industries and technology parks. Allowing General

Office Activities & Data Centers as a permitted use within the Limited Industrial (LI) zoning district will allow for fewer public board and commission reviews, but still preserve the Planning Commission’s ability to evaluate and place limitations on the Limited Industrial (LI) zoning district just as it has for the General Employment (GE) district historically.

Activity	District	
	LI	GE
<u>Industrial Categories</u>		
• Industrial Product Sales	P	C
• Industrial Service	P	C
• Manufacturing and Production	P	C
• Warehouse and Distribution	P	P
• Research and Production	P	P
• General Office Activities & Data Centers	€ P	P
• Personal Service	C	P
• Retail Product Sales and Service	C	P
• Vehicle Service	P	P
<u>Other Activities</u>		
• Radio/Television Broadcast Facility	P	C
• Off-Premises Signs	P	P
• Sexually Oriented Businesses	N	P
• Religious exercise facilities and related uses	P	P
• Car fleet and truck fleet parking	C	C
• Park-and-Ride Facility	P	P
P = Permitted Activity		
C = Conditional Activity		
N = Not Permitted or Conditional		

As the Licking County portion of the New Albany business park has grown, and continues to grow, it is encompassing land that straddles both sides of the Franklin and Licking County boundary. Since property in each county is regulated by separate county auditors, it cannot be combined into a single parcel for development. However, properties covering multiple counties could be developed holistically since it is located within the city limits.

If a developer wants to develop a site or locate a building on a site that covers multiple counties, an interior property would exist since the parcels cannot be combined. Therefore, as the city code exists today, a variance to the interior lot line (where the county line is located)

would be required to development the site comprehensively. By eliminating setbacks from interior lot lines that match county lines, it allows for a more desirable site plan for the property than requiring a setback variance to be evaluated from an interior lot within a comprehensive development.

Staff proposes the following addition to allow the elimination of setbacks along county lines:

(g) Elimination of Setbacks: In the event that a parcel zoned GE or LI District and an adjacent parcel zoned GE or LI District (a) come under common ownership or control, and (b) are zoned to allow compatible non-residential uses, but (c) cannot be combined into a single parcel due to the parcels being within separate Ohio counties, then any minimum building, pavement, or landscaping setbacks set forth in this chapter shall no longer apply with respect to these parcels' lot lines that are matching Ohio county boundaries.

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

Move to recommend approval of the modifications to Codified Ordinance Chapter 1153 to allow general office activities and data centers within the LI district and to allow the elimination of setbacks along Ohio county boundaries as presented.

CHAPTER 1153 - LI LIMITED INDUSTRIAL AND GE GENERAL EMPLOYMENT DISTRICTS²⁴

Footnotes:

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Cross reference— Districts established - see P. & Z. Ch. 1125; Noxious or offensive odors - see GEN. OFF. 521.09

1153.01 - PURPOSE.

These regulations are established to provide for a range of industrial and other employment-generating activity, while protecting the health, safety and welfare of the users of the district and residents of the City. Two (2) separate industrial districts are established.

- (a) **LI - Limited Industrial District**. This district provides areas where most industrial and industrial related activities may locate. Retail activities are limited and residential uses are prohibited. The district is intended for areas which are primarily undeveloped, having larger lots and irregular block patterns.
- (b) **GE - General Employment District**. This district provides areas for a wider range of employment opportunities. The district allows for a more restricted range of industrial activities, but a wider range of office, business and retail uses. As with the LI District, this district is intended for areas which are primarily undeveloped.

(Ord. 08-2006. Passed 9-5-06; Ord. 07-2007. Passed 2-20-07; Ord. 20-2008. Passed 7-15-08; Ord. O-15-2011. Passed 8-16-11; Ord. [O-07-2015](#). Passed 3-3-15.)

1153.02 - PERMITTED AND CONDITIONAL ACTIVITIES.

Permitted and conditional activities in each district are as shown on the following table. Descriptions and characteristics of activity categories listed are contained in Section 1153.03.

Activity	District	
	LI	GE
Industrial Categories		
• Industrial Product Sales	P	C
• Industrial Service	P	C
• Manufacturing and Production	P	C
• Warehouse and Distribution	P	P
• Research and Production	P	P
• General Office Activities & Data Centers	P	P
• Personal Service	C	P
• Retail Product Sales and Service	C	P
• Vehicle Service	P	P
Other Activities		
• Radio/Television Broadcast Facility	P	C
• Off-Premises Signs	P	P
• Sexually Oriented Businesses	N	P

• Religious exercise facilities and related uses	P	P
• Car fleet and truck fleet parking	C	C
• Park-and-Ride Facility	P	P
P = Permitted Activity		
C = Conditional Activity		
N = Not Permitted or Conditional		

(Ord. 36-2003. Passed 1-13-04; Ord. 08-2006. Passed 9-5-06; Ord. 07-2007. Passed 2-20-07; Ord. 20-2008. Passed 7-15-08; Ord. O-15-2011. Passed 8-16-11; Ord. [O-15-2013](#) . Passed 6-4-13; Ord. [O-07-2015](#) . Passed 3-3-15.)

1153.03 - ACTIVITY CATEGORIES FOR INDUSTRIAL AND GENERAL EMPLOYMENT DISTRICTS.

(a) Industrial Categories .

(1) Industrial product sales .

- A. Characteristics . Firms are involved in the sale, rent or lease of products generally intended for industrial or commercial users. Sales may be wholesale or retail. Emphasis is on on-site sales or order taking and may include display areas. Products may be delivered to the customer.
- B. Accessory activities . Accessory activities may include administrative offices, product repair, and warehouses.
- C. Examples . Industrial product sales activities may include: sale of machinery, and equipment, special trade tools, electrical supplies, janitorial supplies, restaurant equipment, office furniture, and store fixtures. Industrial product sales also include industrial equipment and vehicle rentals.
- D. Exceptions . Firms that primarily engage in retail sales to the general public are classified as retail product, sales and service.

(2) Industrial service .

- A. Characteristics . Firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment or products. Few customers especially the general public, come to the site.
- B. Accessory activities . Accessory activities may include administrative offices.
- C. Examples . Industrial service activities may include welding shops; machine shops; tool and appliance repair; electric motor repair, truck and large equipment repair, storage and salvage; headquarters for building, heating, plumbing, or electrical contractors; printing, publishing and blueprinting; janitorial and building maintenance services; laundry, dry- cleaning, and carpet cleaning plants; and photofinishing laboratories.

(3) Manufacturing and production .

- A. Characteristics . Firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on-site. Relatively few customers come to the manufacturing site.
- B. Accessory activities . Accessory activities may include administrative offices, cafeterias, employee recreational facilities, warehouse, storage yards, outlets, and caretaker's quarters. Retail outlet as an accessory to manufacturing plants shall be treated as retail product sales and service.

- C. Exceptions. Manufacturing of goods to be sold primarily on-site and to the general public are classified in the retail product sales and service category. Manufacturing of products related to research activities under Section 1153.03(a)(5).

(4) Warehouse and distribution.

- A. Characteristics. Firms are involved in the movement, storage and/or sales of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer. The category includes wholesale sales which are not open to the general public and where on-site sales are low.
- B. Accessory activities. Accessory activities may include administrative offices, truck fleet parking and maintenance areas, repackaging of goods, and showrooms or display areas, but generally not for direct sale.
- C. Examples. Warehouse and distribution firms may include warehouse used by retail stores such as furniture and appliance stores; food and hardware distributors; household moving and general freight storage; distribution of industrial items; building materials, plumbing and electrical distributors; truck terminals; parcel services; major post offices; mail order houses; and public mini-warehouses.

(5) Research and production.

- A. Characteristics. Firms engaged in research, synthesis, analysis, development and testing laboratories, including the fabrication, assembly, mixing and preparation of equipment, materials (raw and processed) and components incidental or convenient or necessary to the conduct of such activities. The category also includes production facilities that require the continual or recurrent application of research knowledge and activity as an integral part of the manufacturing process. Such production facilities may produce commercial quantities of products intended for wholesale sales and distribution. An allowed use in this district shall operate entirely within an enclosed structure, emitting no vibrations, dust, smoke, noxious gas, odor or toxic fumes. Noise shall not be emitted past the property limits, if such sound levels exceed typical traffic background noise.
- B. Accessory activities. Accessory activities may include administrative and executive offices for personnel engaged in general administrative, supervisory, purchasing, accounting and other functions related to office operations.
- C. Examples. Firms engaged in pharmaceutical and medical, research, production, development, and testing laboratories; technology and biotechnology firms.
- D. HVAC equipment, emergency power systems and similar operating equipment shall be screened from public rights-of-way and residential districts in accordance with Chapter 1171 of these Codified Ordinances.

(b) Sales and Service Categories.

(1) General office activities and data centers.

- A. Characteristics. Firms where activities are conducted in an office setting and generally focus on business or personal services. If the office activity is part of a larger firm, it does not need to be on the same site as the primary activity. Most people coming to the site are employees.
- B. Accessory activities. Accessory uses may include: cafeterias, health facilities, or other amenities primarily for the use of employees in the firm or building.
- C. Examples. Examples include professional services such as lawyers, accountants, engineers, or architects; financial businesses such as brokerage houses, lenders, or realtors; data-processing; sales offices; industrial or commercial company headquarters when not adjacent with other portions of the firm; and government offices.

(2) Personal service.

- A. Characteristics. These establishments provide on-site personal services or entertainment to the general public or business person.
- B. Accessory activities. Accessory uses may include administrative offices, product sales and laboratories.
- C. Examples. Examples include barbers, hair salons and personal care services; banks, savings and loans, and credit unions; continuous entertainment activities such as arcades, bowling alleys, ice rinks libraries, and museums; cafes, restaurants, bars, and taverns, day care facilities; laundromats; business and trade

schools; dance and martial arts schools; health clubs, gyms, racquet centers, membership clubs, and lodges; medical related offices such as doctors, dentists, optometrist and veterinarians; public service agencies such as employment offices, social service agencies, and permit issuing offices.

(3) Retail product sales and service .

- A. Characteristics . Firms are involved in the sale, lease or rent of used products or goods to the general public and/or provide on-site product repair or services for consumer and business goods. Goods are displayed and sold on-site, and use or consumption is primarily off-site. Goods are generally taken off-site by the customer at the time of sale or may be delivered by the firm. For items being serviced, customers generally deliver and pick up the items and spend little time at the site.
- B. Accessory activities . Accessory uses may include: offices, storage and display of goods.
- C. Examples . Examples include stores selling apparel, housewares, furniture, hardware, auto parts, flowers, personal care items, sporting goods, office products and machines, and computers; food, produce or meat markets; delicatessens and caterers; tool rental and household moving centers; sales of cars, motorcycles, boats, and recreational vehicles; repair of TVs, appliances, shoes, precision instruments, and business machines; laundry or dry cleaning drop-off; on-site launderer; photo drop-off; quick printing or reproducing; tailors; locksmiths; upholsterers; and furniture refinishing.
- D. Exceptions .
 - 1. Lumber yards and similar building material sales which sell primarily to contractors and do not have a retail orientation are classified in the industrial product sales category.
 - 2. Repair and service of consumer vehicles is classified in the vehicle service category. Repair of motor vehicles in conjunction with vehicle sale is classified in the vehicle service category.
 - 3. Repair and service of industrial vehicles and equipment is classified in the industrial service category.

(4) Vehicle services .

- A. Characteristics . Firms servicing automobiles, light trucks and other consumer vehicles such as motorcycles, boats and recreational vehicles.
- B. Accessory activities . Accessory uses may include offices and sales of parts.
- C. Examples . Examples may include gas stations, vehicle repair, auto body shop, alignment shop, auto upholstery shop, tire sales and mounting, towing and vehicle storage; and surface or garage fee parking.

(c) Other Activity Categories .

- (1) Radio or television broadcast facility . Characteristics. Any and all devices, equipment, machinery, structures or supporting elements necessary to produce nonionizing, electromagnetic radiation within the range of frequencies from one hundred (100) KHz to three hundred (300) GHz and operating as a discrete unit to produce a signal or message.
- (2) Off-premises signs . Subject to regulations of Section 1169.08.
- (3) Sexually oriented businesses as defined, regulated and licensed by Chapter 743 entitled "Sexually Oriented Business Establishments" provided the proposed location of such use is more than seven hundred fifty (750) feet (as measured from property line to property line) from all of the following uses:
 - A. Any other place licensed to operate a sexually oriented business.
 - B. Any elementary school, middle school or high school.
 - C. Any child day-care center or nursery school.
 - D. Any park, playground, playfield or community center publicly owned or operated.
 - E. Any residential use or residential zoning district.
 - F. Any place licensed for the sale of beer or intoxicating liquor for consumption on the premises.
 - G. Any place of worship.
 - H. Any public library.
- (4) Religious exercise facilities and related uses.

- (5) Fleet parking. Shall only be used to park car fleets and truck fleets (fleet parking) providing services directly to and for the benefit of a primary business located on a contiguous real estate

parcel as set forth herein. In addition to meeting all of the requirements of this chapter, fleet parking shall also require conditional use approval pursuant to Chapter 1115 of this Zoning Code.

- A. Characteristics. Fleet parking is permitted only as a conditional use and only when used in conjunction with a contiguous parcel containing the primary business served by the fleet parking (primary business parcel). For the purposes of this chapter, contiguous shall mean that the proposed fleet parking parcel shares a contiguous boundary with the primary business parcel for a continuous length of at least fifteen percent (15%) of the perimeter of the property upon which fleet parking is proposed. The fleet parking parcel cannot be used as a junkyard, salvage yard, impound lot, or similar facility, or for car or truck vehicle repair or service, even if the permitted business use would allow such activities on the primary business parcel.
- B. Location. Fleet parking shall be located on a parcel which is contiguous with the parcel that contains a permitted primary business associated with the parking area;
- C. Justification. In addition to the conditional use provisions set forth in Chapter 1115 of this Zoning Code, an applicant for fleet parking must also demonstrate to the Planning Commission that sufficient space for fleet parking does not exist on the primary business parcel, and that it is not practicable to combine the proposed fleet parking parcel with the primary business parcel;
- D. Setbacks. Fleet parking shall be set back from the public right-of-way at least forty (40) feet; and
- E. Landscaping. Landscaping shall be provided as follows, subject to the approval of the City Landscape Architect or designee:
 1. Car fleet parking:
 - a) A minimum three (3) foot tall mound but no greater than five (5) feet tall, shall be provided between the public right-of-way and parking area. The mound shall have a slope no steeper than 4:1 on that part of the slope that abuts the parking area. The mound shall have a slope no steeper than 9:1 that part of the slope that abuts the public right-of-way. If necessary due to site constraints and upon a showing of extenuating circumstances, the Planning Commission may approve a steeper slope as part of the conditional use approval for only that part of the slope that abuts the public right-of-way. In no instance, however, shall the Planning Commission approve a slope steeper than 6:1 for that part of the slope.
 - b) The mound shall be planted with deciduous shade trees at the rate of ten (10) trees per one hundred (100) linear feet. Some evergreen trees may be used as appropriate in the context of the location and to the design intent of the site, subject to City Landscape Architect approval. Trees shall be planted with random spacing (naturalized) within tree groupings approximately eight (8) to fifteen (15) feet on center.
 - c) Trees planted on the mound facing public right-of-way shall be located as follows: Trees shall be planted in naturalized massings. Massings shall include no less than three (3) trees and no more than twenty-five (25) trees. No more than ten percent (10%) of massings shall include three (3) trees and no less than fifty percent (50%) of massings shall include less than eight (8) trees. Massings shall be separated by varying distances, from twenty (20) feet to fifty (50) feet. Massings shall be planted on upper ½ of mound, but staggered along contours to avoid the impression that trees are planted in a line.
 - d) Tree species shall be native to central Ohio and varied to promote diversity as follows: no given species shall account for more than twenty percent (20%) of the overall quantity of trees. At least five (5) different species shall be used. Tree plant lists must be submitted for review.
 2. Truck fleet parking:
 - a) A minimum nine (9) foot mound but no greater than fifteen (15) foot tall shall be provided between the public right-of-way and parking area. The mound shall have a slope no steeper than 4:1 on that part of the slope that abuts the parking area. The mound shall have a slope no steeper than 9:1 that part of the slope that abuts the public right-of-way. If necessary due to site constraints and upon a showing of extenuating circumstances, the Planning Commission may approve a steeper slope as part of the conditional use approval for only that part of the slope that abuts the public

right-of-way. In no instance, however, shall the Planning Commission approve a slope steeper than 6:1 for that part of the slope.

- b) The mound shall be planted with deciduous shade trees at the rate of twelve (12) trees per one hundred (100) linear feet. Some evergreen trees may be used as appropriate in the context of the location and to the design intent of the site, subject to City Landscape Architect approval. Trees shall be planted with random spacing within tree groupings approximately eight (8) to fifteen (15) feet on center.
 - c) Trees planted on the mound facing public right-of-way shall be located as follows: Trees shall be planted in naturalized massings. Massings shall include no less than three (3) trees and no more than twenty-five (25) trees. No more than ten percent (10%) of massings shall include three (3) trees and no less than fifty percent (50%) of massings shall include less than eight (8) trees. Massings shall be separated by varying distances, from twenty (20) feet to fifty (50) feet. Massings shall be planted on upper ½ of mound, but staggered along contours to avoid the impression that trees are planted in a line.
 - d) Tree species shall be native to central Ohio and varied to promote diversity as follows: no given species shall account for more than twenty percent (20%) of the overall quantity of trees. At least five (5) different species shall be used. Tree plant lists must be submitted for review.
- (6) Park-and-ride facility. A facility providing daily parking as the principle use which may include accessory shelters for mass transit passengers or carpooling that typically includes parking lots and associated structures located along or near public transit routes.

(Ord. 36-2003. Passed 1-13-04; Ord. 08-2006. Passed 9-5-06; Ord. 07-2007. Passed 2-20-07; Ord. 20-2008. Passed 7-15-08; Ord. O-15-2011. Passed 8-16-11; Ord. [O-15-2013](#). Passed 6-4-13; Ord. [O-07-2015](#). Passed 3-3-15.)

1153.04 - LOT AND YARD REQUIREMENTS.

- (a) Minimum Lot Area. No minimum lot area is required in the LI or GE Districts; however, lot area shall be sufficient to provide for all yards and distances as required by this Zoning Code.
- (b) Lot Width. All lots shall abut a public or private street and have adequate lot width to provide for yards and distances as required by this Zoning Code.
- (c) Side Yards. For any structure or service area within the LI or GE Districts, the required side yard shall be not less than twenty-five (25) feet from any interior lot line.
- (d) Rear Yards. For any structure or service area within the LI or GE Districts, the required rear yard shall not be less than twenty-five (25) feet from any interior lot line.
- (e) Maximum Lot Coverage. For structures and paved areas within the LI or GE Districts the maximum lot coverage shall be seventy-five percent (75%). The remainder of the site shall be landscaped in natural vegetation.
- (f) Distance From Residential Districts. In no case shall any structure, service area, or parking area in any LI District be located less than fifty (50) feet from any district where residences are a permitted use. In no case shall any structure, service area or parking area in any GE District be located less than fifty (50) feet from any district where residences are a permitted use.
- (g) Elimination of Setbacks: In the event that a parcel zoned GE or LI District and an adjacent parcel zoned GE or LI District (a) come under common ownership or control, and (b) are zoned to allow compatible non-residential uses, but (c) cannot be combined into a single parcel due to the parcels being within separate Ohio counties, then any minimum building, pavement, or landscaping setbacks set forth in this chapter shall no longer apply with respect to these parcels' lot lines that are matching Ohio county boundaries.

(Ord. 08-2006. Passed 9-5-06; Ord. 07-2006. Passed 2-20-07; Ord. 20-2008. Passed 7-15-08; Ord. O-15-2011. Passed 8-16-11; Ord. [O-07-2015](#) . Passed 3-3-15.)

1153.05 - EXTERIOR DEVELOPMENT.

- (a) Exterior Operations. Exterior operations include: outdoor processing, assembly or fabrication of goods; movement of bulk goods not in containers or pipelines; maintenance, repair and salvage of equipment. Exterior operations shall not be permitted in the GE District.
- (b) Exterior Storage. Exterior storage includes the outdoor storage of: raw or finished goods (packaged or bulk) including gases, chemicals, gravel, building materials; packing materials; salvage goods; machinery; equipment; damaged vehicles, etc. Exterior storage shall be permitted in the LI District but not permitted in the GE District, unless an acceptable plan for screening such storage is submitted to and approved by the Planning Commission.
- (c) Exterior Display. Exterior display includes the display of products, vehicles, equipment and machinery for sale or lease. Display items are intended to be viewed by customers and are not just being stored or parked. Exterior display does not include damaged vehicles, vehicles or equipment being serviced, bulk goods and materials, or other such products. Exterior display shall not be permitted in the LI District but shall be permitted in the GE District.

(Ord. 08-2006. Passed 9-5-06; Ord. 07-2007. Passed 2-20-07; Ord. 20-2008. Passed 7-15-08; Ord. O-15-2011. Passed 8-16-11; Ord. [O-07-2015](#) . Passed 3-3-15.)

1153.06 - OFF-SITE IMPACTS.

No land or structure in the LI or GE Districts shall be used or occupied in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable impact on any land which is located in any other zoning district. Such impacts may result from noise, vibration, odor, smoke or dust, or glare. Statements in writing that such uses comply or will comply with such uses may be required by the Planning Commission from the owner. In cases of doubt, the Municipality shall select and arrange for an independent survey by a professional engineer qualified in the particular field and the costs for such service shall be paid by the owner.

- (a) Noise. The sound pressure level of any operation on a lot within the LI or GE Districts shall not exceed the average intensity of street traffic noise in the nearest residential districts, and no sound shall be objectionable due to intermittence, best frequency or shrillness.
- (b) Vibration. No vibrations which are perceptible without the aid of instruments shall be permitted, as measured on the lot within the non-industrial district.
- (c) Odor. No emission of odorous matter in any quantities so as to produce a public nuisance shall be permitted, as measured on the lot within the non-industrial district.
- (d) Dust and Smoke. The emission of smoke, soot, fly ash, fumes, dust or other types of pollutants borne by the wind shall be controlled so that the rate of emission and quantity deposited do not create a public nuisance, as measured on the lot within the non-industrial district.
- (e) Glare. Exterior lighting shall be used in a manner that produces no glare on public highways or non-industrial zoned land.

(Ord. 08-2006. Passed 9-5-06; Ord. 07-2007. Passed 2-20-07; Ord. 20-2008. Passed 7-15-08; Ord. O-15-2011. Passed 8-16-11; Ord. [O-07-2015](#). Passed 3-3-15.)