



## Planning Commission

### Meeting Minutes

September 17, 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)	Absent

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.

Moved by Mr. Wallace, seconded by Mr. Kist to approve the August 20, 2018 minutes as corrected. Upon roll call vote: Mr. Kirby, yea; Mr. Kist, yea; Mr. Schell, yea; Mr. Wallace, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0.

Moved by Mr. Kirby, seconded by Mr. Wallace to approve the September 5, 2018 minutes. Upon roll call vote: Mr. Kirby, yea; Mr. Kist, yea; Mr. Schell, yea; Mr. Wallace, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0.

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

Ms. Russell stated no changes but wanted to let the board know that updated motions are in the staff report.

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

Mr. Kirby's invited the public to speak on non-agenda related items. (no response)

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

### **CU-59-2018 Conditional Use Extension**

**Two year Conditional use extension request for the Millbrook Farm at Sugar Run Model home at 7405 Steeple Chase Ln (PID: 222-004808).**

**Applicant: Pulte Homes of Ohio, LLC.**

Ms. Russell presented the staff report.

Mr. Todd Kellner, Pulte Homes.

Mr. Kirby asked if any of the details of the conditional use have changed.

Mr. Kellner stated that nothing has changed. Was not aware of the sign was being lit and will remove the lighting. The flagpole was decided not to be installed since it was not allowed to be lit. Everything remains the same and at the current sales rate we are looking at close to two years. Nothing really to add to the previous application.

Mr. Kirby asked any conflicts with the conditions.

Mr. Kellner stated none.

Mr. Kirby moved to accept staff report, seconded by Mr. Kist. Upon roll call vote: Mr. Kirby, yea; Mr. Kist, yea; Mr. Schell, yea; Mr. Wallace, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0.

Mr. Kist moved to approve CU-59-2018 subject to the following conditions:

- 1) The Conditional Use Permit extension will become effective on October 18, 2018, the current date of expiration.
- 2) The Conditional Use Permit is permitted for two (2) years and that any extension in time is subject to review and approval by the Planning Commission.
- 3) The lighting must be removed and sign to not be illuminated per code requirements.
- 4) The signs associated with this application is removed at the time that the permit expires.
- 5) If installed, the flag pole must not be illuminated. , seconded by Mr. Schell. Upon roll call vote: Mr. Kirby, yea; Mr. Kist, yea; Mr. Schell, yea; Mr. Wallace, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0.

## **Other Business**

### **ZC-61-2018 Informal Review of a Zoning Change**

Informal Review of the County Line Zoning District.

Ms. Russell presented the informal application and advised the board that this application will be heard by the Rocky Fork Blacklick Accord on Thursday.

Mr. Aaron Underhill, Underhill Hodge, representing MBJ Holdings and New Albany Company. This zoning is a continuation of other successes, such as the Facebook

project. As you have heard many times, speed to market is key. We are regularly receiving inquiries from users that want large tracts of land. We are doing our best to position sites so we can say that they are ready to go. The intent behind this zoning LGE zoning with a few slight changes from previous zonings (using powerpoint presentation with maps). Two sections are in process of annexation. 224 acres (Plain Township) and 150 acres (Jersey Township). The property in Plain Township will allow for additional commercial development in the Plain Local New Albany School district. Facebook is a prime example of speed to market in conjunction with the City. More success stories include the BBW site and Axiom. This rezoning provides the entitlements. Our plan is to complete this process at Council in early November. A few distinctions are that we are providing some significant setbacks. 300ft for building and pavement from Morse Road. We may need drive aisle to encroach 150ft but no parking would be permitted. 250ft from center line of Babbitt Road and 100 ft. bldg & pavement on Beech Road. Being mindful of the residents we have a requirements of 50ft pavement and 100' building. Screening requirements next to residential are the same as other districts, with the 6' mound with plantings that provide 75% opacity within 5 years. The screening provides a buffer from the parking, headlights, and pedestrians. We have made an effort to restrict certain environmental sensitive sites. We have a conservation easement already.

Mr. Rubey stated that is in the watershed of all of the wetlands that have been mitigated. It is not a requirement from the Army Corp. or Ohio EPA. We will have the acreage before the next meeting.

Mr. Underhill stated that a stream runs through site and we have a 100' wide stream buffer protection zone and a 50' buffer for the other stream that we will impact only one side. There is a requirement to protect trees along perimeter boundaries. Along Morse Road will be planted. Along Beech Road following the Beech Road landscape plan. The market is telling us that we need an increased height. The only place that has a height restriction is office which is 65'. The GE district doesn't have a height limit. The data centers are getting taller and may need height beyond 65' in the future. We have tried to come up with something that doesn't allow it as a right. 65' will be a base height but add option to come to PC for 85' max if meeting other conditions set in the text.

Mr. Kirby asked if AG is a residential use

Mr. Underhill stated yes. Continued with the conditions for increased height requests.

Mr. Wallace asked about screening for site and sound.

Mr. Underhill stated that we will check that although I think another section addresses the site and sound screening.

Mr. Kist asked if Facebook has the 65' height restriction.

Mr. Underhill states yes.

Mr. Mayer stated that Facebook may have some architectural features that are above 65' by a few feet.

Mr. Underhill stated that AEP has an element that is at 73'.

Mr. Mayer stated that AEP has a feature that is 73-74' and more recently the Faith Life Church was approved for the clock tower at 80'.

Mr. Underhill stated that it wouldn't surprise him if Facebook requested a similar element in the future.

Mr. Wallace stated that Facebook would need to rezone to go higher. This text will build in the criteria for the height above the base height restriction.

Mr. Underhill stated that if we didn't address the height then there is not height limit.

Mr. Rubey stated that rezoning versus variance. We think it's critical to allow such a process to request the height increase. Fire Department input is needed.

Mr. Underhill stated that the other criteria include building needs sprinkler, Fire Department approval and architectural elements need incorporated. We are not comfortable just allowing the 85' height.

Mr. Schell asked if the setbacks would change if they went to 85'.

Mr. Underhill showed using the map the setback implications.

Mr. Schell asked if the preservation / conservation will have buildings.

Mr. Underhill stated no buildings and no impervious surface. It needs to stay in its natural state unless additional mitigation is needed.

Mr. Rubey stated that extensive wetland planting and grading to use that as a bank as a wetland mitigation site. It will be inspected for multiple years prior to acceptance.

Mr. Kirby asked if they have any circulation plans.

Mr. Rubey stated that the access would be limited to Beech Road due to the conservation area.

Mr. Rubey stated that access to the site will be limited to Beech Road with emergency access off of Morse Road and emergency and utility access on Babbitt Road. The section of frontage is more than sufficient for access off of Beech Road.

Mr. Underhill stated that construction traffic will be prohibited from Babbitt Road.

Mr. Kirby asked if access to the north connecting to the wishbone loop.

Mr. Underhill stated that he could foresee access to the north.

Mr. Kirby stated that if we have access to Beech and a connection to the wishbone. That provides two major connections to improved roads. Easy to do verbal.

Mr. Rubey stated that the text states that if the parcels have a common ownership then they can be combined. Until we have a user I don't think we can provide a commitment on a circulation plan. Having the goal on the record makes sense.

Mr. Underhill stated that they understand the concept.

Mr. Kist stated that we would ideally want a single user but this could be multiple users.

Mr. Rubey stated that we would then need to come back for platting and then could discuss circulation and access issues.

Mr. Kirby asked if public or private roads.

Mr. Rubey stated one user will probably be private but multiple users would have public roads.

Mr. Kirby asked how many acres.

Mr. Underhill stated that this is 635 acres. 259 acres already zoned.

Mr. Kirby asked how many acres is A&F headquarters.

Mr. Rubey stated that it is larger.

Mr. Underhill stated he believes originally it was around 375 acres but it has been added onto.

Mr. Mayer stated that he could ballpark 300 acres.

Mr. Underhill stated they have added to since with the 2 additional distribution centers and Evans Road

Mr. Kirby you may want to have the numbers available for the public for comparison.

Mr. Wallace stated that you may also want to have the A&F setbacks available also for comparison purposes.

Mr. Rubey stated that they will be at the Rocky Fork Blacklick Accord on Thursday.

Mr. Underhill stated that only the Franklin County portion will be heard by the Rocky Fork Blacklick Accord. This could be a big asset to the school district.

Mr. Rubey stated that we will be back in a few weeks. Any other items let us know.

Mr. Kirby stated no public present.

With no further business, Mr. Kirby polled members for comment and hearing none, adjourned the meeting at 7:42 p.m.

Submitted by Pam Hickok

# APPENDIX



## Planning Commission Staff Report September 17, 2018 Meeting

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### PULTE HOMES – MILLBROOK FARM AT SUGAR RUN MODEL HOME CONDITIONAL USE EXTENSION

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LOCATION: 7405 Steeplechase Lane (222-004808)  
APPLICANT: Pulte Home of Ohio, LLC  
REQUEST: Conditional Use Extension for a Residential Model Home  
ZONING: I-PUD (Infill Planned Unit Development –  
Millbrook Farm at Sugar Run PUD text)  
STRATEGIC PLAN: Town Residential District  
APPLICATION: CU-59-2018

Review based on: Application materials received May 6, 2014, June 17, 2016 and August 15, 2018.

*Staff report prepared by Chris Christian, Intern and Jackie Russell, Development Services Coordinator.*

#### **I. REQUEST & BACKGROUND**

The applicant requests an extension to a conditional use approval for a residential model home located at 7405 Steeplechase Lane (Lot 20) within the Millbrook Farm at Sugar Run subdivision. The conditional use was originally approved by the Planning Commission on August 15, 2016 and will expire on October 18, 2018. The home serves as a model home for Pulte Home of Ohio, LLC for the entire 30 lot subdivision. The applicant indicated that 19 homes have been sold within the community, and ten lots still remain to be sold.

The applicant requests an extension for two (2) years. The applicant stated the current sales pace for this community is one home sold every other month which creates the need to operate this model home for another two years. This area is zoned I-PUD and the residential uses are coincident with those in our code, making this requested use a conditional use in the district.

#### **II. LOCATION**

The model home is located at the entrance of the subdivision at the northwest corner of Millbrook Farm Drive and Steeplechase Lane. The subdivision is located north of Camden Drive (within the Dominion Club of the New Albany Links subdivision), west of Bevelhymer Road, and east of the Upper Clarenton subdivision. The subdivision is adjacent to and located on the north and south side of Sugar Run. Existing surrounding land uses includes residential.

### III. EVALUATION

#### General Standards for Conditional Uses (C.O. 1115.03)

The Planning Commission shall not approve a conditional use unless it shall in each specific case, make specific findings of fact directly based on the particular evidence presented to it, that support conclusions that such use at the proposed location shall meet all of the following requirements:

- (a) *The proposed use will be harmonious with and in accordance with the general objectives, or with any specific objective or purpose of the Zoning Ordinance.*
- (b) *The proposed use will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.*
- (c) *The use will not be hazardous to existing or future neighboring uses.*
- (d) *The area will be adequately served by essential public facilities and services such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.*
- (e) *The proposed use will not be detrimental to the economic welfare of the community.*
- (f) *The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.*
- (g) *Vehicular approaches to the property shall be so designated as not to create interference with traffic on surrounding public streets or roads.*

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

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

1. *Appropriate location within the community.*  
The model home is located on Lot 20 at the northwest corner of Millbrook Farm Drive and Steeplechase Lane. The proposed location appears to be appropriate and easily accessible not only by roads, but also by sidewalks and nearby trails. The location of this model home is on the subdivision's primary road.
2. *It is integrated in the existing community with customary exterior residential lighting.*  
The home utilizes house light fixtures consistent with the style and architectural features with the planned future homes in accordance with city code.
3. *The use is approved with limited duration.*  
The applicant has stated that they would like to utilize the conditional use for an additional two (2) years.



4. *One sign is permitted.*  
The applicant proposes to use the existing ground sign and existing flag 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 model home operates Monday – Saturday, from 11:00am to 6:00pm and 12:00pm (noon) to 5:00pm on Sunday. These operating hours are the same hours the model home is operating under now and 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 model home is staffed with one permanent salesperson during hours of operation.
3. *Provisions for parking for employees and customers*  
Parking for employee and customers is available only on the street. The garage is used as an office and welcome center.
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 has the following sign:
  1. Dual-post ground sign reads, “The Pulte Home Gallery at Millbrook at Sugar Run.”
    - a. Size: 1.5’ x 3” (5 square feet) [meets code].
    - b. Height: 36” feet [meets code].
    - c. Location: The sign is located at the front of the property, perpendicular to New Albany Links Drive.
    - d. Lighting: Planning Commission first approved the conditional use with the condition requiring the sign to not be illuminated. Upon visiting the site, staff noticed that the sign is currently being externally illuminated. Staff recommends a condition of approval requiring the lighting must be removed and sign to not be illuminated per code requirements.
  2. Previously, the applicant indicated that a flag pole would be installed on the site. Upon visiting the site, it does not appear that the flag pole was built. Planning Commission approved the previous conditional use application with the condition requiring the pole is not illuminated. Staff recommends a condition of approval that if installed the flag pole must not be illuminated, in order to maintain the previous condition on the application.
5. *Landscaping and screening*  
The proposed landscaping appears to be consistent with neighboring residences and appropriate for the location.

#### **IV. RECOMMENDATION**

The overall proposal is generally consistent with the code requirements for model home conditional uses. The operational aspects of the proposed model home are consistent with

successfully operating model homes in other New Albany neighborhoods and it has been successfully operating for the past two years. Staff is not aware of any complaints associated with the operation of the model home from neighbors. Staff recommends approval provided that the Planning Commission finds the proposal meets sufficient basis for approval.

## V. ACTION

**Move to accept the staff report and all other related documents into the record for application CU-59-2018.**

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

**Move to approve application CU-59-2018 based on the findings in the staff report with the following conditions, subject to staff approval:**

- 1) The Conditional Use Permit extension will become effective on October 18, 2018, the current date of expiration.
- 2) The Conditional Use Permit is permitted for two (2) years and that any extension in time is subject to review and approval by the Planning Commission.
- 3) The lighting must be removed and sign to not be illuminated per code requirements.
- 4) The signs associated with this application is removed at the time that the permit expires.
- 5) If installed, the flag pole must not be illuminated.

### Approximate Site Location:



Source: Google Earth