



Planning Commission

Meeting Minutes

October 15, 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 7:02 p.m.

Neil Kirby	Present
Brad Shockey	Present
David Wallace	Present
Kasey Kist	Present
Hans Schell	Present
Sloan Spalding (council liaison)	Present (arrived 7:04pm)

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

Moved by Mr. Kirby, seconded by Mr. Wallace to approve the October 1, 2018 minutes, as corrected. Upon roll call vote: Mr. Kirby, yea; Mr. Kist, abstain; Mr. Shockey, yea; Mr. Schell, yea; Mr. Wallace, yea. Yea, 4; Nay, 0; Abstain, 1. Motion passed by a 4-0.

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

Ms. Russell stated none.

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

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

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

VAR-68-2018 Variance

Variance to C.O. 1165.06(e)(2) to allow a pergola to be 256 square feet in an area where city code allows 200 square feet or less.

Applicant: 9 Trees Landscape Construction

Mr. Chris Christian presented the staff report.

Mr. Matt Forchione offered to answer questions.

Mr. Kist asked if the structure is built.

Mr. Forchione stated yes.

Mr. Kist asked if it was only after it was built that it was brought to your attention that it was too big and who brought it to your attention.

Mr. Forchione stated that the zoning officer drove by and noticed the structure. She spoke to the workers onsite. The homeowner had HOA approval.

Mr. Kist asked if this was built concurrently with the home.

Mr. Forchione stated that he is unsure it was a close to the end.

Mr. Kist asked if the owners had taken occupancy.

Mr. Forchione stated that he didn't know the answer. I was onsite the first time when the house was in the framing stages. The owners had a design in mind and that what was built. When built it when they were closing on the house.

Mr. Kist stated that he is trying to determine what was permitted. Was this on the construction documents that were submitted to the city?

Mr. Mayer stated that no. We are trying to be more proactive with zoning inspection in this subdivision for new residential homes. In past years we haven't had the staff or time to complete that. So while visiting a neighboring house staff noticed this pergola under construction and recognized from past inspections that it wasn't part of the permit and spoke to the applicant. The applicant, in return, submitted an application to install the pergola and that is when we discovered that it wasn't meeting the size requirements.

Mr. Kist confirmed that it was not included on the plans.

Ms. Hickok stated correct.

Mr. Schell asked if he was familiar with the size requirement.

Mr. Forchione stated that he was not aware.

Mr. Schell asked if he built other pergolas in New Albany.

Mr. Forchione stated that he probably has. He has built many on the west side of town, Hilliard, Dublin, Arlington. We have built patios in New Albany, no pergolas that I can think of but we do a lot of work so I'm sure it has happened.

Mr. Schell asked if they have size limitation is the other cities.

Mr. Forchione stated Arlington does, Hilliard and Dublin does not as far as size limitations.

Mr. Kist asked if he was aware that a permit did not exist.

Mr. Forchione stated yes, he was aware.

Mr. Kist stated that if this had been submitted they would have found out about the size limitation at plan review.

Mr. Forchione stated correct.

Mr. Wallace asked why the Neiswander Square pergola was denied.

Mr. Mayer explained that I think that was this board. That was unique because that pergola needed multiple variance, I think five variances total. That was another one that was built and then needed to come back for variance. It has multiple setback variance, size variance and material and something else. The board decided that due to the number of variances it didn't meet the criteria for approval.

Mr. Banchefsky stated that variance also received complaints from the neighbor.

Mr. Wallace asked what the cost would be to correct the pergola.

Mr. Forchione stated that about the same as what it cost to build. We looked at the option to modify the existing size to take down to 14x14. The post spacing doesn't allow for that. The homeowners requested to push the posts out to 14x14 due to the size of the table.

Mr. Kirby stated that it would be a complete redo of the pergola.

Mr. Forchione stated that it would be a lot of new material.

Mr. Wallace asked for a cost estimate.

Mr. Forchione stated about \$5,500 range.

Mr. Wallace stated that you looked at modifying the existing structure and you don't think that is aesthetically possible.

Mr. Kirby confirmed the post spacing.

Mr. Forchione stated that they are 14x14 on center. It would look chopped up to redo it. We would need to redo the stone columns and rebuilt the top.

Mr. Shockey asked staff where the dimensions were measured from.

Mr. Forchione stated end of board to end of board.

Mr. Shockey stated that you measured the overhang.

Mr. Mayer stated that we included the overhang.

Mr. Shockey stated that the posts are within a 14x14 dimension.

Mr. Forchione stated that the posts are 14x14 on center.

Mr. Shockey stated that this is over by about 6" each way. Don't have a problem with this variance. The applicant should be aware. You should know that you need permits for this type of work. I can't believe that you would go into any city and build a structure without a permit.

Mr. Forchione stated that he understood.

Mr. Shockey stated that we don't always count overhangs. They may show up in an encroachment in a mortgage survey and it's not black and white but title agency and banks don't require changes to a home because of an overhang encroachment. I think staff argument is reasonable. Never build anything without a permit.

Mr. Forchione stated the we just moved too quickly on this one because it was our busy season.

Mr. Wallace stated that he doesn't agree that it's an overhang encroachment. Asked if the homeowners were present.

Mr. Forchione stated that they are not.

Mr. Wallace stated that trying to decide if they asked for the variance in advance would we have given it to them. We get asked for forgiveness and that undermines the process.

Mr. Kist stated that we only caught this because we did an inspection. That shouldn't be the standard.

Mr. Kirby stated that the staff report is generally positive.

Mr. Mayer stated correct,

Mr. Kirby asked what is too big.

Mr. Mayer stated that in the past the board has looked at the size of the property and house to determine the appropriate scale. We are looking into updating the accessory structure code and I think we are heading to a proportion. The current code is 200sf.

not taking into consideration anything else. How big is too big depends on factors for that lot and how it scales.

Mr. Kirby asked if we have a formula for that.

Mr. Mayer stated no.

Mr. Kirby asked if they will have a formula.

Mr. Mayer stated that we will look into and hope to bring this to the board next year.

Mr. Kirby asked how do we be regular and do enforcement. I'm not comfortable with the current way of doing things. On the face of this without a code section this looks alright. We have a large house. Aside from area there are no other violations on this structure.

Mr. Mayer stated correct.

Mr. Kirby stated that we only have one issue which is area. As a large pergola fitting a large house with a large family it makes sense but doesn't meet code. When we evaluate variance criteria all of the is it a nuisance, does it harm public services are easily dealt with. Is it self-inflicted, absolutely fails everyone. To balance those it doesn't meet code, they knew in advance (or should have) and certainly as heard under oath built without a permit which means no reviews. All of the self-inflicted part doesn't look favorably on the application. All of does it fit/meet the character of the area is fine. Coming to the happy medium on what we done needs fixed in code.

Mr. Mayer stated as in weighing the factors.

Mr. Kist stated that we should also address what is too small. If you have a 10,000 sf house then a 200sf pergola is still the maximum size no matter the size of the lot.

Mr. Mayer stated that it also in the opening paragraph that it is also dependent on the size of the rear yard. Code states that 4% of the unimproved rear yard or 200 sf.

Mr. Kist stated that it will almost always default to the 200sf and for this case it does default to the 200 sf.

Mr. Mayer stated that staff is not aware of any that would be less than 200 sf.

Mr. Wallace asked if staff looked at the lighting.

Mr. Mayer stated that it does meet the standards.

Mr. Wallace stated that this is one of the first homes in the subdivision. So we don't have any neighbors to provide feedback.

Mr. Mayer stated that neighbors within 200sf were notified. The map shown is not updated. I think the area is more filled in.

Mr. Wallace asked if a house exists behind this house.

Mr. Forchione explained using the map where other homes are located. They installed 7' arborvitae for screening.

Mr. Schell asked if we have any type of ability to give a penalty.

Mr. Banchefsky stated that it is a violation that can be assessed per day but unsure of the exact amount.

Ms. Hickok stated that the permit was issued with double fees for doing work without the permit but for the code violation I'm unsure of the amount.

Mr. Schell asked if we have done that in this case.

Mr. Mayer stated no, that we always try to work towards resolution and so in this case the submittal of this application. So we have not assessed any fees.

Mr. Banchefsky stated that we may want to notify the HOA's if the city requirements for permitting.

Mr. Kirby moved to approve V-68-2018 subject to the conditions that if the pergola is damage beyond 50% or destroyed that the variance is expired and the pergola can't be rebuilt, seconded by Mr. Shockey. Upon roll call vote: Mr. Kirby, no; Mr. Shockey, yea; Mr. Kist, yea; Mr. Schell, yea; Mr. Wallace, no. Yea, 3; Nay, 2; Abstain, 0. Motion passed by a 3-2.

Mr. Kirby stated that he voted no because the Duncan criteria is not met. The Duncan criteria numbers 8, 9, 10 & 11 is not met. It's not special to the land or structure involved and not applicable to other structures. This lot is just like all the rest. Number 10 - the circumstances do not result from the action of the applicant is a glaring one. Number 11 - is does grant special privilege that your neighbors don't have. Possibly number 5 - whether the property owner purchased the property with knowledge of the zoning restriction. The property owner not here to answer questions. That is why I voted no.

Mr. Wallace stated that he voted no the same reasons just stated on the record.

Mr. Kirby stated that motion passes 3-2.

Mr. Forchione asked where the liability falls for this, the homeowner or the contractor.

Mr. Shockey asked what your contract states. Do you address permits?

Mr. Forchione stated that permits are not addressed at all in the contract.

Mr. Kist stated that as a general contractor I don't start a job until I have a permit in hand. Doesn't matter if the owner gets the permit or I do. It may lie with the owner to get the permit but you shouldn't start work until you have the permit.

Mr. Forchione stated that we are good at getting permit in other municipalities. Many municipalities don't have the pergola permits anymore. We don't do a lot of work in New Albany. I apologize.

Mr. Wallace stated that a call to staff about what permits are required would solve the issue. Our staff cater to help homeowner as best they can.

Mr. Forchione asked how that it will be processed.

Ms. Hickok stated that it will be added back into the review list.

FDP-69-2018 Final Development Plan

Final Development Plan for the expansion of Faith Life Church located at 2487, 2407, and 2337 Beech Road (PID: 095-112590-00.000, 095-111510-00.000, and 095-111504-00.002).

Applicant: Faith Life Church c/o Aaron Underhill, Esq.

Ms. Russell presented the staff report.

Mr. Ed Ferris presented the engineering report.

Mr. Aaron Underhill, Underhill & Hodge, representing the applicant. This application is largely unchanged from last time you saw this. An update of a few points of discussion from the last meeting. Met with the neighbors and it was determined that the neighbors wanted mounding with landscaping instead of fencing. We have offered to purchase properties if anyone is willing to sell. The other item of interest was the steeple element. We originally had a 100' steeple and it has been reduced to 82' and tried to design it proportionally so it looks correct to the main building. Just came up with the dimmer switch idea for the lighting in the steeple. The purpose for the steeple is to provide visibility due to the large setback from the road and the new commercial buildings to the south. The goal is to assist people in finding the church. We feel like the control we will have with the dimmer switch we can work with staff on the lighting. Aside from the expansion there is an economic component to this. They have 65 FTE employees with a payroll of about 2.3 million. Another benefit to the city is that we will record a document that will provide the city with the right of way free of charge at the time they want to build the road. We do have material sample boards. We are largely extending what already exists and using many of the same materials.

Mr. Kirby stated congratulations on the meetings with the neighbors, I wish that happened more. Asked staff about condition 3, what are the numbers for near zero?

Mr. Mayer stated that along some of the property lines they were above what we would normally see, so the condition is that it is zero or near zero foot-candles at the property line.

Mr. Kirby stated that zero is understood but near zero can be interpreted differently. I would like it to have a number.

Mr. Mayer stated that can we say less than 1.

Mr. Kirby stated that we should ask the applicant.

Mr. Steve Nixon, Civil Engineer, stated that the new photometric plan shows from 0 to .4 because it is picking up the interior lighting spillage. Moonlight is 1 foot-candle. We could put a shield on the side to reduce the foot-candles.

Mr. Kist verified that is at the property line.

Mr. Kirby stated yes, we want the parking lot brighter for safety.

Mr. Shockey asked when that is measured.

Mr. Kirby stated that after it is installed and if it's wrong they need to fix it.

Mr. Nixon stated that after 30 days of a burning period they could test the foot-candles.

Mr. Shockey asked where the numbers are coming from.

Mr. Nixon stated that the company providing the fixtures has software to determine the foot-candles.

Mr. Ron Farber, Faith Life Church, stated that it the vendor providing the lighting.

Mr. Shockey stated that the numbers are based upon some professionals design.

Mr. Farber stated that it is part of the statement of work.

Mr. Shockey asked if staff goes out to verify the photometric numbers.

Mr. Mayer stated that we don't get as as-built. Staff doesn't have the equipment for the scientific measurement. Staff will inspect for the pole height and fixtures.

Mr. Shockey stated that we are trusting them to match the science and don't verify the intensity.

Mr. Kirby stated unless there is a complaint.

Mr. Nixon stated that they have the light fixture and a historical footprint of the foot-candles. It is a calculation done in a scientific manner.

Mr. Kirby asked if we have a by ordinance number for how much you can light your neighbors property.

Mr. Ferris stated that typically 0 at the property line.

Mr. Wallace stated that we take out near zero.

Mr. Underhill stated that we will meet the code.

Mr. Kist stated that net gain is zero.

Mr. Kirby stated that you have them turn off all of the lights and measure for the base line and then they turn on the lights and measure again for the spill.

Mr. Shockey stated that we don't do that test.

Mr. Kirby stated that it is complaint driven.

Mr. Underhill stated that if it is complaint based and we would need to have our professional come out to do the reading.

Mr. Kirby asked if the north drive aisle is to be built to street standards.

Mr. Underhill stated no, that was a significant additional cost.

Mr. Kirby stated the halo lighting was mentioned a few times.

Mr. Underhill stated that the monument sign the intent was to match the building. After further review of code we agree to not do the halo lighting on the monument sign but will follow code.

Mr. Kirby stated that top down is preferred. Liked hearing that sign meets code. Any conflicts with conditions?

Mr. Underhill stated no.

Mr. Shockey asked what is the Monroe Township trustee land.

Mr. Farber stated that it is an ambulance station due to the number of calls in the business park.

Mr. Shockey verified that it is a potential safety services building.

Mr. Farber stated that it is already being used out of a single family house.

Mr. Shockey asked that on the PDP that was approved, it showed accessory buildings. Now, they are not being done.

Mr. Underhill stated that the architecture of the proposed accessory buildings, the city architect did not believe that it matched the primary building. We have decided since it is not an immediate need we will be bringing them back to you.

Mr. Shockey asked if we have signature blocks on the final development plan. The accessory structures should not appear on the FDP because you need to come back anyway or continue to show them but note them as future.

Mr. Underhill stated that a note can be added that states future phases.

Mr. Schell stated that he appreciated the neighbor meetings. The last thing, one of the neighbors complained about the trash being picked up at night. Asked if staff make any head way with that.

Mr. Mayer stated that we reach out to the business park when complaints are received. Think it has gotten better.

Mr. Walt Barrett, 2285 Beech Road, stated that he complained about it and it was mostly CCL. They came over and gave a gift and provided a number to call when issues arose.

Mr. Kist stated that you appear to be the only neighbor that showed up at both meetings. Do you feel like your concerns were addressed?

Mr. Barrett stated that the mound and trees is what we wanted.

Mr. Kist asked if the noise from Axium.

Mr. Barrett stated that construction was starting at 5am for CCL. The Axium construction company is much better than the company for CCL.

Mr. Kist asked if he was satisfied with the mounding.

Mr. Barrett stated yes.

Mr. Kist asked if he was able to look at the revised screening.

Mr. Barrett stated that they showed us those plans at the meeting. I'm not sure about the lighting issue. The existing Axium and CCL building lighting is not supposed to come onto our property at all, it does.

Mr. Kirby stated pretty much. There is a way to trim the light from the fixtures to reduce the spillage.

Mr. Barrett stated that he will look at it next time he is outside at night. Only other complaint about Axium is the generator along Beech Road that runs 24 hours a day.

Mr. Kirby asked if that is supposed to be screened for sound.

Mr. Mayer stated that we will look into it. Building is still under construction and more screening may be coming.

Mr. Kist stated that the last note I had was people in the church lot after hours.

Mr. Barrett stated that I don't see those people.

Mr. Farber stated that have talked with the local police and we are working on the ORC text so that we can get a legal sign that the police could enforce.

Mr. Wallace stated that page 7, ARB should confirm that the sign is double sided.

Ms. Russell stated correct.

Mr. Wallace stated that condition 5 states "shall have regulations" and I don't understand what that means.

Mr. Mayer stated that wording came from ARB condition of approval. We had discussions about the dimmer and how do you regulate the lighting from Beech Road. They left it that it shall have regulations. Staff is comfortable with the zoning text language being the regulation that states "should not be any brighter than a level to be seen from Beech Road".

Mr. Kirby confirmed that walkways only apply to the steeple walkways.

Mr. Mayer stated correct.

Mr. Kist asked if that is glass within the curtain wall of the steeple. If so, will it be internally lit?

Mr. Jay Leubbe stated that we will have some exterior metal framing with glass.

Mr. Underhill stated that it will be down lit from the exterior. People can use the walkways but it is not intended to be used.

Mr. Wallace stated that the condition says it needs to be regulated but the regulations are not noted. Staff mentioned that the we may use the standard in the zoning text. Do we want to be more specific in the condition, it may be better for the applicant to be more specific?

Mr. Underhill stated that we had a lengthy discussion at ARB about this. Our intent is not to make it any brighter than needed. The ARB regulation means adjustable with the dimmer. I don't think we can come up with a number tonight.

Mr. Wallace verified that the brightness of the steeple is able to be changed.

Mr. Kirby stated yes, regulated.

Mr. Wallace stated that regulated is not the right word. Regulated would be putting a standard on it.

Mr. Kirby stated that the brightness can be adjusted.

Ms. Russell stated that we had the same conversation but that it can be adjusted.

Mr. Kirby stated that the light is adjustable and no brighter than need to be seen from Beech Road.

Ms. Russell stated the with a dimmer.

Mr. Kirby stated that adjustable is fine. They can decide how to make it adjustable.

Mr. Kist verified that the dimmer is for all lights on the steeple and advised the applicant that it's not inexpensive.

Mr. Underhill stated that it will be multiple dimmers and we are aware of the cost. We didn't want to install and then need to take it all out to fix it.

Mr. Wallace asked if ARB was alright with the clock face and if anyone had concerns with it.

Mr. Shockey stated that he liked it.

Mr. Kirby stated that it was a historic element for church steeples.

Mr. Shockey asked about chimes.

Mr. Underhill stated that it will not have chimes.

Mr. Wallace and Mr. Kirby reviewing conditions of approval.

Mr. Kirby confirmed that changes to condition 3 by removing "near zero", condition 5 was revised and condition 11 is to clearly mark the future phases on the final development plan.

Ms. Russell stated that she had a note that condition 6 was going to be removed and asked for clarification.

Mr. Kirby asked if the current documents meet the sign code.

Ms. Russell stated no, but the applicant has committed to changing the sign.

Mr. Kirby stated that condition 6 remains.

Mr. Wallace asked if any additional items were submitted that need to be accepted into the record. The material board

Mr. Underhill responded.

Mr. Mayer stated that we should accept into the record the material board which staff will take a picture of for the record.

Mr. Wallace moved to accept staff report and other documents and information as presented by the applicant including the landscape plan and exterior material board, seconded by Mr. Kist. Upon roll call vote: Mr. Kirby, yea; Mr. Shockey, yea; Mr. Kist, yea; Mr. Schell, yea; Mr. Wallace, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0.

Mr. Wallace moved to approve FDP-69-2018 subject to following conditions all subject to staff condition:

1. The parking lot by the provision center must be screened with a 3.5 foot high evergreen shrub to meet C.O. 1171.06(b).
2. 46 additional trees be added to the site and the tree planting total is increased to 58.26 inches.
3. The photometric plan be revised along the southern, southwestern and eastern property lines to have a zero foot candle intensity along all parcel boundaries.
4. Parking lot lighting must be black or New Albany green and the parking lot light intensity should a zero foot candle at all parcel boundaries.
5. Regarding the steeple element, the applicant shall install a dimmer for the proposed clock face and steeple walkways and the brightness of the steeple and walkway lighting must be able to be adjusted based on a lighting plan to be submitted to ensure the brightness doesn't exceed a level greater than that which is required to allow visibility from Beech Road, subject to staff approval.
6. Applicant must revise the sign lighting to meet code requirements or request a separate variance.
7. The city landscape architect's comments are addressed, subject to staff approval.
8. The proposed dumpster enclosure be at least six feet high and final design be subject to staff approval.
9. Applicant shall install leisure trail along Beech Road.
10. All of the City Engineer's Comments are satisfied.
11. Final Development Plan is clearly marked for future phases, to match what's being approved, seconded by Mr. Kirby. Upon roll call vote: Mr. Kirby, yea; Mr. Shockey, yea; Mr. Kist, yea; Mr. Schell, yea; Mr. Wallace, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0.

Other Business - Harrison Road Area Plan Addendum to the New Albany Strategic Plan

Mr. Kirby asked if the colors could be adjusted. Black type on blue background is hard to read.

Mr. Mayer presented the plan and PowerPoint presentation.

Mr. Kirby asked where the water agreement end.

Mr. Mayer showed on the map that it ends at Harrison in this area and on the north side of SR 161 it goes to Mink.

Mr. Kirby asked if it follows the EPA line.

Mr. Mayer stated that he is not sure if it follows the 208 line.

Mr. Kirby stated that for future negotiations with Columbus. We will destroy Harrison Road if development happens. We may need an Innovation type road to direct traffic. Can we look forward that far? There may be pressure to go to Mink Road.

Mr. Spalding stated that the strategic plan should highlight the fact that increased development will require road improvements.

Mr. Mayer stated that the Western Licking Accord recommendations match what is proposed in this plan. He continued with the presentation.

Mr. Shockey stated the bike lane on the top example.

Mr. Mayer stated that is a more formal street that recommends bike lane on both sides.

Mr. Shockey asked if the bike riders will stay in the bike lanes.

Mr. Mayer stated that they are permitted to ride in the roadway. If a bike rider is established they are to be treated as a car.

Mr. Kist asked how the building will be accessed if built in a location shown on the map.

Mr. Mayer stated that it depends a lot of traffic counts and traffic studies. The city prides itself on keeping narrow roadways to maintain the rural character. We want to encourage access off of Beech Road. Depending on the amount of traffic maybe a turn lane. He continued with the presentation.

Mr. Kirby asked if we are able to mandate development outside of the jurisdiction. Someone wants to develop who may or may not have access to Beech, can we say they have to put a road through to Mink before we will approve development west of Harrison.

Mr. Mayer stated that planning best practices would want to take a look at the roadway system. It makes a difference if you have one mega-user or multiple small users. You can't deny access to a public road.

Mr. Kirby stated that lets look at a bad scenario, a Discover Card size business builds on Harrison Road. They just pull permits. How do we tell them no, they can't put 400 employees on Harrison Road.

Mr. Mayer stated that it becomes part of the engineering review which always includes a traffic study. We always look back at the strategic plan to see how it fits and work with developers to figure out the best option.

Mr. Kirby stated that I don't want someone to say that this document says we could do it. If we are going to save Harrison we need to make them go to Beech.

Mr. Mayer stated that we have developers improve roads and staff will work with the developer.

Mr. Kirby asked if Worthington Road can handle the additional traffic.

Mr. Mayer stated yes, I think so.

Mr. Spalding stated that we entered into a road maintenance agreement for Worthington Road to Mink.

Mr. Mayer stated that staff would like a motion tonight.

Mr. Kirby moved to recommend approval to City Council noting concern, seconded by Mr. Schell. Upon roll call vote: Mr. Kirby, yea; Mr. Shockey, yea; Mr. Kist, yea; Mr. Schell, yea; Mr. Wallace, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0.

With no further business, Mr. Kirby polled members for comment and hearing none, adjourned the meeting at 8:53 p.m.

Submitted by Pam Hickok

APPENDIX



Planning Commission Staff Report October 15, 2018 Meeting

7435 STEEPLECHASE LANE PERGOLA VARIANCE

LOCATION: 7435 Steeplechase Lane (PID: 222-004791)
APPLICANT: 9 Trees Landscape Construction
REQUEST: Variance to Codified Ordinance Chapter 1165.06(e)(2) to allow a pergola to be 256 square feet in area where code permits a maximum of 200 square feet.;
ZONING: I-PUD Millbrook Farm at Sugar Run
STRATEGIC PLAN: Town Residential District
APPLICATION: V-68-2018

Review based on application materials received on September 14, 2018.

Staff report prepared by Chris Christian, Development Intern.

I. REQUEST AND BACKGROUND

The applicant requests a variance to Codified Ordinance Chapter 1165.06(e)(2) to allow a pergola to be 256 square feet in area where code permits a maximum of 200 square feet. The applicant installed a pergola on a paver patio in the rear yard of this property prior to being issued a permit for construction. Staff, during its review of the application, determined the variance for the pergola are required to be permitted as built.

II. SITE DESCRIPTION & USE

The site currently has a single family home on it and is located in the Millbrook Farm subdivision. The home is currently under construction and has a temporary occupancy permit. The lot area is .33 acres according the Franklin County Auditor.

III. EVALUATION

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

Criteria

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

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

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

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

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

III. RECOMMENDATION

Considerations and Basis for Decision

- A. Variance to Codified Ordinance Chapter 1165.06(e)(2) to allow a pergola to be 256 square feet in area where code permits a maximum of 200 square feet.**

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

1. Codified Ordinance Chapter 1165.08(e)(2) states the area of an open-sided structure may not exceed four percent (4%) of the unimproved required rear yard or 200 square feet whichever is less.
2. Staff estimates the required rear yard is approximately 9,700 square feet. Four percent (4%) of this space totals 388 square feet, so the 200 square feet total applies.
3. The request does not appear to be substantial since it meets all other code requirements. Furthermore, if city code allowed the four percent of the unimproved required rear yard to apply, the variance would not be needed.

4. It does not appear the essential character of the neighborhood would be substantially altered or adjoining properties suffer a “substantial detriment.” It appears that the pergola will be screened from the public street using arborvitae and from the rear using cherry dogwood trees. Staff believes that once the plantings have time to mature, they will provide adequate screening. Additionally, the pergola is installed in an appropriate location over a patio paver in the rear yard.
5. It appears that granting the variance will not adversely affect the health and safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.
6. It appears granting the variance will not adversely affect the delivery of government services.
7. The variance preserves the “spirit and intent” of the zoning requirement since it appears to be properly scaled for the size of the building and lot. According to the Franklin County Auditor the house is 3,846 square feet in size and is two stories in height. Even though the applicant is requesting an additional 56 square feet of area, it is still small compared to the home. The home has 1881 square foot building footprint. 256 square feet is only 13.61% of the building’s footprint which is a small amount and results in appropriate scale to the home.
8. Staff conducted research on other pergola and open sided structure variances for size. See the results in the table below:

<u>Unimproved Rear Lot</u>	<u>Proposed Size</u>	<u>Location</u>	<u>Outcome</u>
72,000 sq. ft.	480	Farms	Approved
7,500 sq. ft.	252	Neiswander Square	Denied
2,803 sq. ft.	325*	Ealy*	Approved*
14,500 sq. ft.	320	Lambton Park	Approved
4,550 sq. ft.	320	Links	Approved
9,700 sq. ft.	256	Millbrook Farm	<i>pending</i>

* Not a pergola, different type of open-sided structure (same size requirements)

9. The size regulation seems to be intended to achieve an appropriate scale between pergolas (and other open sided structures), the lot that they sit on, and the primary structure. The pergola appears to be appropriately designed and sized for this lot, and strict application of the regulation on lots of this size would not achieve a scale that is appropriate.

In summary, the variance request does not appear to be substantial. The request is to allow the pergola to be 56 square feet larger than the maximum found in the code section. The home is 3,846 square feet and a slightly larger pergola appears to be appropriately scaled with the house. The pergola appears to be screened from neighbors and from the public street once the installed landscaping matures.

V. ACTION

Should the Planning Commission find that the application has sufficient basis for approval, the following motions would be appropriate (conditions of approval may be added):

Move to approve application V-68-2018 based on the findings in the staff report.

Approximate Site Location:



Source: Google Earth



**Planning Commission Staff Report
October 15, 2018 Meeting**

**FAITH LIFE CHURCH EXPANSION
FINAL DEVELOPMENT PLAN**

LOCATION: 2487, 2407, and 2337 Beech Road (PID: 037-112590-00.000, 037-111510-00.000, 037-111504-00.002)
APPLICANT: Faith Life Church c/o Aaron Underhill Esq
REQUEST: Final Development Plan
ZONING: I-PUD, Faith Life Church Zoning District
STRATEGIC PLAN: Office District
APPLICATION: FDP-69-2018

Review based on: Application materials received September 14, 26, and 27, 2018.

Staff Report prepared by Jackie Russell, Development Services Coordinator.

I. REQUEST AND BACKGROUND

The application is for a Final Development Plan of a new addition of a chapel, classrooms, auditorium, lobby, kitchen/café area, and offices to the Faith Life Church. The application also includes a new parking lot and one new curb cut along Beech Road.

The application was heard and approved by the Architectural Review Board on October 8, 2018. The Design Guideline and Requirements Section 8(III)(1) requires, “Civic and institutional projects must submit a development plan for review by the Architectural Review Board.”

II. SITE DESCRIPTION & USE

The properties contain a 52,000 +/- square foot church structure, parking areas, and two homes used by the church on 36.2 acres. The neighboring uses and zoning districts include L-GE to the south and west, and across the street along Beech Road. The property to the west is currently being annexed and rezoned to L-GE. Neighboring uses include residential to the north and east of the church properties.

III. EVALUATION

Staff's review is based on New Albany plans and studies, zoning text, zoning regulations. Primary concerns and issues have been indicated below, with needed action or recommended action in underlined text. Planning Commission's review authority is found under Chapter 1159.

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

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

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

- a. *Ensure that future growth and development occurs in general accordance with the Strategic Plan;*
- b. *Minimize adverse impacts of development on the environment by preserving native vegetation, wetlands and protected animal species to the greatest extent possible*
- c. *Increase and promote the use of pedestrian paths, bicycle routes and other non-vehicular modes of transportation;*
- d. *Result in a desirable environment with more amenities than would be possible through the strict application of the minimum commitment to standards of a standard zoning district;*
- e. *Provide for an efficient use of land, and public resources, resulting in co-location of harmonious uses to share facilities and services and a logical network of utilities and streets, thereby lowering public and private development costs;*
- f. *Foster the safe, efficient and economic use of land, transportation, public facilities and services;*

- g. *Encourage concentrated land use patterns which decrease the length of automobile travel, encourage public transportation, allow trip consolidation and encourage pedestrian circulation between land uses;*
- h. *Enhance the appearance of the land through preservation of natural features, the provision of underground utilities, where possible, and the provision of recreation areas and open space in excess of existing standards;*
- i. *Avoid the inappropriate development of lands and provide for adequate drainage and reduction of flood damage;*
- j. *Ensure a more rational and compatible relationship between residential and non-residential uses for the mutual benefit of all;*
- k. *Provide an environment of stable character compatible with surrounding areas; and*
- l. *Provide for innovations in land development, especially for affordable housing and infill development.*

A. New Albany Strategic Plan

The Faith Life Church properties are located within the Office District of the 2014 New Albany Strategic Plan. While they are located in this district, the strategic plan does not offer any development standards for Religious/Institutional Uses. For your reference the 2014 New Albany Strategic Plan development standards for the Office District are listed below:

1. Office buildings should not exceed five stories in height.
2. The design of office buildings should include four-sided architecture in order to address multiple frontages when present
3. On-Street parking is discouraged.
4. Primary parking should be located behind buildings and not between the primary street and the buildings.
5. Parking areas should be screened from view.
6. Loading areas should be designed so they are not visible from the public right-of-way, or adjacent properties.
7. Sidewalks/leisure trails should be placed along both sides of all public road frontage and setback 10 feet from the street.
8. Common open spaces or green are encouraged and should be framed by buildings to create a “campus like” environment.
9. Appropriate screening should be installed as a buffer between the office district and adjacent residential. If mounding is necessary to achieve this the “reverse slope” type with a gradual slope side toward the right-of-way is preferred.
10. Street trees should be provided at no greater a distance than 40 feet on center.
11. Individual uses should be limited in size, acreage, and maximum lot coverage.
12. No freeway/pole signs are allowed.
13. Heavy landscaping is necessary to buffer these uses from adjacent residential areas.
14. A 200 foot buffer should be provided along State Route 161.
15. Structures must use high quality building materials and incorporate detailed, four sided architecture.
16. When double fronting sites exist, office buildings should address both frontages.
17. Plan office buildings within the context of the area, not just the site, including building heights within development parcels.
18. Sites with multiple buildings should be well organized and clustered if possible.

19. All office developments should employ shared parking or be designed to accommodate it.
20. All office developments should plan for regional stormwater management.
21. Office developments should provide connections to the regional trail system.
22. Green building and site design practices are encouraged.
23. Innovative and iconic architecture is encouraged for office buildings.

B. Use, Site and Layout

1. The final development plan contains approximately 36.2 acres and an expansion of 108,906 square feet to include new main auditorium, chapel, office space, and classrooms

C. Architectural Standards

1. The PUD text permits building material and designs which deviate from the City's Design Guidelines and Requirements for civic and institutional uses since there is an existing structure today that does not meet the requirements of the DGRs. This is in order to allow a consistent design for construction of expansions and new buildings that will create a campus environment.
2. The City architect commented "Although large in overall square footage, the proposed building is scaled in proportion to other warehouses in the immediate vicinity, and thus seems acceptable. Likewise, the height of the building, at less than 50' tall, seems correct given the overall size of its footprint."
3. The PUD text allows existing structures within this zoning district on the date this zoning text became legally effective. The PUD text contains the following architectural requirements which apply to this building addition:
 - a. Section V(A) of the PUD text states the maximum building height for primary structures shall not exceed 50 feet when measured to the top of the roof.
 - i. The maximum building height at the top of the parapet wall is 40 feet which meets code requirements.
 - b. Section V(A) of the PUD text requires the steeple element which is proposed for the expanded portion of the primary structure in this zoning district shall not exceed a maximum height of 80 feet. Minor architectural elements on the steeple that exceed the height requirement must be reviewed and approved by the city's Architectural Review Board and Planning Commission as part of a final development plan application review and if the boards determine it to be architecturally appropriate.
 - i. The top of the steeple roof is 82 feet in height.
 - ii. The city architect has reviewed the steeple and comments that at 80 feet tall it is designed as more of an "open-type" structure as opposed to a completely solid mass. This distinction is important, because the openness of the steeple compensates for a taller height, and the steeple will read as an architectural element (much like a chimney on a home). Given the scale and context of this building, the steeple height is appropriate."
 - c. The PUD text states the new steeple structure will incorporate tinted glass and clear anodized aluminum framed curtain wall to match the existing building and new curtain wall, and it will be constructed over a split-face CMU base, to be located at the corner of the new church chapel. The new steeple also will include structural

steel and concrete visible through the glass and aluminum framed curtain walls. The design meets these requirements.

- d. Section V(D)(1) of the PUD text requires that the addition is to reflect an architectural style and character that compliments the existing structure.
 - i. The city architect has reviewed and commented that the proposed addition is appropriately designed.
- e. Section V(D)(2) of the PUD text states the addition to the existing primary building will use materials that are substantially similar or complimentary to the existing building. The primary building color will be earth tones of light and medium sand and the primary exterior building material shall be split-face concrete masonry units (CMU). Light sand is the main body color of the existing building, with contrasting bands and outlines in darker sand-tone split-face masonry; the proposed addition will repeat this palette and add a deeper earth-tone contrast color for some wall surface. Earth-toned, stone column bases/piers at the new main and secondary entries will add textural variation and emphasize the entries.
 - a. The proposed addition is to be constructed with light sand CMU and a darker tan CMU bands to provide architectural detailing. Additionally a cream EIFS system will be used.
- f. The PUD text requires the new addition shall repeat existing Exterior Insulation and Finish Systems (EIFS)/stucco finishes in light sand coordinated with the light CMU wall areas, and darker contrasting stucco treatment in keeping with the amber color that emphasizes the current main entry.
 - i. The city architect comments “The color and materials chosen for the addition will complement the existing structure and will feel “of kind” with the surroundings. The use of glass, fenestration, and signage is appropriate for buildings of this scale and function.” The city architect is supportive of these materials being used on the accessory buildings to create a campus feel for future applications.
 - ii. The text requires complete screening of all roof-mounted equipment from sight and sound. All roof mounted equipment appears to be screened and meet code requirements.
- i. The PUD text requires the new main entry will be further emphasized with a barrel vault roof canopy structure finished in standing seam metal roof panels that travels through the main building to act as a connecting spine extending from this new front east entry to the rear west secondary entry.
 - j. This canopy/spine element will utilize similar materials and colors mentioned, including split-face CMU, EIFS, metal wall panels, steel columns on stone piers, aluminum framed glazing per the PUD text. The building is meeting this requirement by providing large canopies over the main entrances. As proposed an entrance will be located on the main façade, the west elevation, which fronts onto Beech Road.
 - k. This building meets the PUD requirements of having four sided architecture and uses split-face concrete masonry units (CMU) Exterior Insulation and Finish Systems (EIFS), visible structural steel within the new steeple, aluminum and glass curtain walls, and metal barrel vaulted roofs over entrances.
 - l. The ARB commented that the architect did a nice job continuing the curve of the building.

D. Buffering, Landscaping, Open Space, Screening

1. The text permits all existing landscaping as permitted and legally conforming with the zoning.
2. Codified Ordinance 1171.06(b) requires that parking lots shall be screened from primary streets and residential areas with a minimum of 3.5 foot high evergreen shrub, or masonry wall.
 - a. The landscape plan is meeting screening requirements since it proposes 23 coverage trees and 49 evergreen trees between the new parking lot and the residents along Beech road. Additionally, a 3.5 foot mound will be installed between the Beech Road residents and the proposed parking lot. It appears trees will be installed on the mound to provide additional screening for the neighbors.
 - b. Staff recommends a condition of approval to include screening of the parking lot from the future public right-of-way by the provision center with a 3.5 foot high evergreen shrub to meet C.O. 1171.06(b).
3. Codified Ordinance 1171.06(a)(2) requires a minimum of five square feet of green space (tree islands) for every one hundred square feet of parking area. The applicant is adding +/- 15,611 square feet of parking islands for the 312,227 square feet +/- of parking lot, which is 5% landscaping area and meets the code requirement.
4. Codified Ordinance 11761.06(a)(3) requires one canopy tree should be installed for every 10 parking spaces. The applicant is providing 683 parking spaces therefore requiring 69 trees. The applicant meets code requirements by proposing 69 trees.
5. Codified Ordinance 1171.05(e)(2) requires a minimum of one tree for every 5,000 square feet of ground coverage and a total planting equal to ten (10) inches plus one-half inch in tree trunk size for every 2,000 square feet over 20,000 square feet in ground coverage. The site has a total ground coverage area of 316,106 sq. ft. which results in the requirements of having to provide 63 trees and a tree planting totaling 58.26 inches.
 - a. The applicant is providing 17 trees and a tree planting totaling 31", within the proposed parking lot. Staff recommends a condition of approval that 46 additional trees be added to the site and the tree planting total is increased to 58.26 inches.
6. The city's landscape architects comments are as follows below. Staff recommends a condition of approval requiring the city landscape architect's comments are addressed, subject to staff approval.
 - a) Detention pond edges should be more naturalized, the edges of the two proposed detention ponds should be softened to appear more natural.
 - b) An 8' leisure trail should be added along the length of the Beech Road frontage. The ARB placed a condition requiring the same condition, which has been carried over in the conditions below. Provisions should be made to preserve existing tree stands and tree rows.
 - c) Provide a complete planting plan including plant schedule.

7. The applicant is proposing two detention basins one to be located along the western property line behind the future support building and the second to be located north of the existing church building.

E. Lighting and Signage

- a) A detailed photometric plan has been submitted. Staff recommends the photometric plan be revised along the southern, southwestern and eastern property lines to have a zero or near zero foot candle intensity along all parcel boundaries.
- b) The parking lot lighting appears to be down cast, it also appears that the parking lot lighting fixture is proposed to be bronze. The zoning text requires that parking lot lighting must be New Albany Green or black. Staff recommends a condition of approval that the parking lot lighting must be black or New Albany green.
- c) The clock tower is proposed to have an illuminated clock face and downcast lighting within the exterior walkways. Staff recommends the ARB evaluate the appropriateness of the clock face illumination and downcast lighting of the tower.
 - a) Council required that uplighting of the steeple be prohibited. The zoning states lighting may be considered as part of a final development plan which demonstrates that such light does not extend to property outside of this zoning district and that the lighting does not exceed a level of brightness than is greater than that which is required in order for the steeple to be seen from Beech Road during nighttime hours, both as determined by the Planning Commission in its sole discretion.
- d) At the time of the review the Architectural Review Board commented and placed a condition on the application that the applicant shall install a dimmer for the proposed clock-face and exterior walkways, and the brightness of the steeple lighting shall be regulated, subject to staff approval. The applicant has provided a sign inventory of all of the existing signs within the zoning district, and the new proposed signs. This was a requirement of the Planning Commission at the rezoning applicant.
- e) The existing, and proposed internal by-right signs, as defined by the city's sign code not require review and approval by the Planning Commission The two proposed wall signs and one proposed monument sign shall be reviewed.

Monument Sign

- The zoning text permits one additional ground sign at the northern vehicular access point, to meet C.O. 1169.17(c)
- City sign code chapter 1169.17(c) permits a maximum area of 30 s.f. and allows one wall sign per business entrance. External and internal illumination is allowed. The applicant proposes a monument sign with the following dimensions:
 - a. Area: 24 square feet [meets code]
 - b. Location: at the northern access point
 - c. Lighting: Halo Lighting [does not meet code]. Staff recommends a condition of approval that the applicant must revise the sign lighting to meet code requirements or request a separate variance.
 - d. Height: 53 feet and a 2 foot base for a total of 5 feet [meets code]
 - e. Width: 8 feet [meets code]

- f. Colors: black (total of 1) [meets code].
- g. Material: Spit face CMU [meets code]
- The sign will read “The Now Center Faith Life Experience Love, Experience Community, Experience the Good Life FaithLifeChurch.org”
- The ARB should confirm with the applicant if the sign is double sided.

Wall Sign (East Elevation – Facing Beech Road)

- The zoning text and C.O. 1169.16(d) permits a wall sign on the east and west facing elevation with the top of the sign no higher than 40 feet from grade, not to exceed 120 square feet. The applicant proposes a wall sign with the following dimensions:
 - a. Lettering Height: maximum of 4 feet
 - b. Area: 105.67 [meet code]
 - c. Location: on the east elevation, adjacent to the main entry.
 - d. Lighting: halo lighting [meets code].
 - e. Relief: 8” [meets code]
 - f. Colors: black, (total of 1) [meets code].
 - g. Material: stainless steel, aluminum finish. The ARB should confirm with the applicant which material will be chosen [meets code]
- The sign will read “Faith Life.”
- The sign is proposed to be installed at 26 feet high on the building, which meets the zoning text requirement.

Wall Sign (West Elevation – At Secondary Entrance)

- The zoning text permits a wall sign on the east and west facing elevation one wall sign with the top of the sign no higher than 40 feet from grade, not to exceed 120 square feet. The applicant proposes a wall sign with the following dimensions:
 - a. Lettering Height: maximum of 4 feet”
 - b. Area: 117.33 [meet code]
 - c. Location: on the west elevation, near the secondary entry canopy.
 - d. Lighting: halo lighting [meets code].
 - e. Relief: 8” [meets code]
 - f. Colors: black, (total of 1) [meets code].
 - g. Material: stainless steel, aluminum finish. The ARB should confirm with the applicant which material will be chosen [meets code]
- The sign will read “Faith Life.”
- The sign is proposed to be installed at 26 feet high on the building, which meets the zoning text requirement.

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. Revise the FDP in accordance with the most current corporate boundaries (see Exhibit A).
2. Provide an easement where force main is proposed to be constructed on adjacent property to the south.

3. The Ohio Environmental Protection Agency's 401 permit, and/or isolated wetland permit and the U.S. Army Corps of Engineers 404 permit, or nationwide permit, should be submitted if required.

The engineering comments can also under separate cover from the consulting City Engineer, E.P. Ferris & Associates. Staff recommends a condition of approval that all of the City Engineer's Comments are satisfied.

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 expansion is primarily CMU and EIFS to match the existing material used on the existing building, to create a campus feel, which is appropriate according to the City Architect. While the proposed design requirements differs from the City's Design Guidelines and Requirements for civic and institutional uses, which require traditional American architecture, staff is supportive of the variation since there is an existing structure today that does not meet the requirements of the DGRs. Allowing a consistent design for construction of expansions and new buildings will create a campus environment. The Planning Commission should evaluate the proposed, illuminated clock-face and walk way to determine if it is consistent with the character of the area.

Staff recommends approval of the Final Development Plan for the expansion provided that the Planning Commission finds the proposal meets sufficient basis for approval with staff's recommended conditions.

V. ACTION

Suggested Motion for FDP-69-2018:

Move to accept the staff report and all other related documents into the record for application FDP-69-2018.

To approve Final Development Plan application FDP-69-2018, subject to the following conditions all subject to staff approval:

1. The parking lot by the provision center must be screened with a 3.5 foot high evergreen shrub to meet C.O. 1171.06(b).
2. 46 additional trees be added to the site and the tree planting total is increased to 58.26 inches.
3. The photometric plan be revised along the southern, southwestern and eastern property lines to have a zero or near zero foot candle intensity along all parcel boundaries.
4. Parking lot lighting must be black or New Albany green and the parking lot light intensity should a zero foot candle at all parcel boundaries.
5. The applicant shall install a dimmer for the proposed clock-face and walkways, and the brightness of the steeple and walk way lighting shall have regulations, subject to staff approval. A lighting plan must be submitted to show that the brightness does not

exceed a level greater than that which is required in order to be seen from Beech Road, subject to staff approval.

6. Applicant must revise the sign lighting to meet code requirements or request a separate variance.
7. The city landscape architect's comments are addressed, subject to staff approval.
8. The proposed dumpster enclosure be at least six feet high and final design be subject to staff approval.
9. Applicant shall install leisure trail along Beech Road.
10. All of the City Engineer's Comments are satisfied.

Approximate Site Location:



Source: Google Maps