



# Planning Commission

Meeting Minutes

November 19, 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 7:06 p.m.

Neil Kirby	Present
Brad Shockey	Present
David Wallace	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. Schell to approve the September 17, 2018 minutes. Upon roll call vote: Mr. Kirby, yea; Mr. Shockey, yea; Mr. Schell, yea; Mr. Wallace, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0.

Moved by Mr. Wallace, seconded by Mr. Kirby to approve the October 15, 2018 minutes. Upon roll call vote: Mr. Kirby, yea; Mr. Shockey, 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 none from staff.

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

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

### **CU-75-2018 Conditional Use**

**Conditional use request for the Courtyard at New Albany sales trailer at 7100 New Albany Condit Road (PID: 222-001972).**

**Applicant: Epcon Communities**

Ms. Jackie Russell presented the staff report.

Mr. Jason Coffey, Epcon Communities, stated that they are supportive of staff comments and conditions.

Mr. Schell asked how long do you expect it take for the community to sell out.

Mr. Coffey stated around 3 years, maybe 4 years.

Mr. Shockey asked for the reason of the addendum in the submittal.

Mr. Coffey stated that they are placing the trailer on a parcel that they have not purchased at this time.

Mr. Shockey asked if there will be pre-sales prior to road construction.

Mr. Coffey stated that we will start selling out of the sales trailer with closings near the end of 2019.

Mr. Shockey asked what entrance is being used for the sales trailer.

Mr. Coffey showed on the map the location of the sales trailer.

Mr. Shockey asked if the road would be completed at that time.

Mr. Coffey explained the phasing for this project. Phase 1 is not in the same location as the sales trailer. We will be back in a few months for conditional uses for the club house and model home. Once those are up and running we will close the sales trailer.

Mr. Shockey asked how they will access the sales trailers and what material will be used.

Mr. Coffey stated that we will have a paved surface to the sales trailer with a curb cut off of SR 605.

Mr. Shockey asked if the pavement would be less than what is required by engineering for a roadway.

Mr. Mayer stated correct, this will be temporary.

Mr. Shockey confirmed that this area will be temporary and will be removed once the model home is completed.

Mr. Coffey stated that that portion of 605 is 3-lane and we thought that would be the best place to add a curb cut.

Mr. Shockey asked if that was explained in the submittal packet.

Ms. Russell stated yes, I think staff tried to show that it was temporary.

Mr. Kirby asked for questions from the public. (no response)

Mr. Wallace asked if lighting is planned for the site.

Mr. Coffey stated that it was not allowed to have trailer lighting.

Mr. Wallace asked if that will be a problem in the winter when you're open until six.

Mr. Coffey stated that we will have lights inside to let people know that we are open for business and we are done at six.

Mr. Wallace stated that when we approved first & main I remember an issue with safety that we discussed at length.

Mr. Mayer stated that First & Main has street lighting to assist.

Mr. Wallace stated that as long as there is enough lighting for safety. When would you expect to open?

Mr. Coffey stated that with the holidays, it may be the first of the year.

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

Mr. Schell moved to approve CU-75-2018 subject to the following conditions:

- 1) The parking lot spaces to be 9 x 19, to meet code requirements.
- 2) The height of the shrub surrounding the parking lot must be increased to a minimum of 3.5-feet to meet C.O. 1171.06(b). The temporary parking lot, and landscaping are removed at the time that the permit expires.
- 3) The Conditional Use Permit will become effective at the time the Certificate of Occupancy is granted.
- 4) The Conditional Use Permit is permitted for one (1) years and that any extension in time is subject to review and approval by the Planning Commission, or until such time that the model home is open and operable.
- 5) The sign associated with this application is removed at the time that the permit expires, seconded by Mr. Wallace. Upon roll call vote: Mr. Kirby, yea; Mr. Shockey, yea; Mr. Schell, yea; Mr. Wallace, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0.

With no further business, Mr. Kirby polled members for comment and hearing none, adjourned the meeting at 7:21 p.m.

Submitted by Pam Hickok

# APPENDIX



## Planning Commission Staff Report November 19, 2018 Meeting

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### COURTYARDS AT NEW ALBANY SALES TRAILER CONDITIONAL USE

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LOCATION: 7100 New Albany Condit Road (222-001972)  
APPLICANT: Epcon New Albany, LLC.  
REQUEST: Conditional Use for a Sales Trailer  
ZONING: I-PUD (Yerke West Zoning District)  
STRATEGIC PLAN: Office District  
APPLICATION: CU-75-2018

Review based on: Application materials received October 18 and November 21, 2018.

*Staff Report prepared by: Jackie Russell, Development Services Coordinator*

#### **I. REQUEST**

The applicant is seeking conditional use approval for an industrialized unit sales trailer to be at the future Aster Road curb cut (which was not platted within the phase 1 plat) within the Courtyards at New Albany subdivision. The unit will serve as the sales office for Epcon Communities for the homes within this subdivision.

This area is zoned I-PUD with permitted uses of single-family detached and attached residences subject to age restriction requirements, public and private parks/open space, one amenities center/clubhouse, and a maximum of one residential model home. The code also allows a temporary sales office to be open and operated until the model home is open for use.

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.

The requested duration of this conditional use is until the model home is open and operating, with a maximum of 12 months.

#### **II. LOCATION**

The proposed sales trailer is located at the future curbcut of Aster Road across from the existing Discover curbcut along New Albany Condit Road. The trailer is located north of Reserve "L" which will be a public park and a stormwater retention pond

The subdivision is located generally east of State Route 605/ New Albany-Condit Road, south of TJX data center, west of the Wentworth crossing subdivision, and generally north of Central College. The subdivision is in Franklin County. The subdivision is an age-restricted neighborhood.

### 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 proposed sales trailer is proposed to be located at the curbcut for the future Aster drive, across from an existing Discover curbcut on New Albany Condit Road. The proposed location appears to be appropriate and is easily accessible as it is located along New Albany Condit Road.
  - Since this is located on a section of the subdivision that is not platted, it is away from the residential lots. Therefore it does not appear it will impact the residential lots, or neighboring properties.
2. *It is integrated in the existing community with customary exterior residential lighting.*
  - The sales trailer will not be utilizing an exterior lighting.
3. *The use is approved with limited duration.*

- The zoning text states that the sales trailer will be operable until the model home is open and operating. Additionally, C.O. 1165.11(c) (5) requires, “sales offices in trailers... are permitted for a duration of twelve (12) months.” Staff recommends a condition of approval that the Conditional Use Permit is permitted for one (1) year and that any extension in time is subject to review and approval by the Planning Commission, or until such time that the model home is open and operable.
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 sales trailer 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 sales trailer will operate Monday through Saturday, from 10:00am to 6:00pm and 12:00pm to 6:00pm 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 a maximum of 4 sales representatives staffing the trailer 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 in front of the trailer. There are 6 parking space provided.
  - The parking lot spaces are 9 x 18, which does not meet code requirements. Staff recommends a condition of approval that resizes the parking lot spaces to be 9 x 19, to meet code requirements.
  - Access is provided from the parking lot to the sales trailer via a sidewalk.
  - Staff recommends a condition of approval that the temporary parking lot, and landscaping are removed at the expiration of the permit.
4. *Size, lighting, content and location of signage*
  - C.O. Section 1169.10(j) of the sign code permits residential for sale signs not to exceed thirty-six (36) square feet in area and eight (8) feet in height, for areas with more than 100 feet of street frontage. Signs must be installed so that they do not interfere with the safe movement of vehicular and pedestrian traffic. The applicant is proposing the following sign:
    1. Ground sign to read “Sales Center” with the applicant’s hours, phone number and link to their website.
      - a. Size: 5.6’ x 4’ (22.4 square feet) [meets code].

- b. Height: 8.2 feet [meets code].
- c. Location: The sign will be facing New Albany Condit Road and does not appear to be located in an area which would interfere with the safe movement of vehicular or pedestrian traffic [meets code].
- d. The sign will not be illuminated [meets code].

5. *Landscaping and screening*

- The applicant is providing hedges surrounding the parking lot in addition to additional landscaping around the trailer. As proposed, the Dense Yew does not meet code requirements for height. Staff recommends a condition of approval to increase the height of the shrub surrounding the parking lot to a minimum of 3.5-feet to meet C.O. 1171.06(b).

In addition to the above-listed criteria for model homes, permission to occupy a temporary sales office for the purpose of home and lot sales within a newly constructed subdivision shall be granted only if the following conditions are met:

(1) *Such facility is located on a main arterial roadway or highway.*

- The applicant is proposing to locate the sales trailer to be located along New Albany Condit Road, which is a main arterial roadway.

(2) *Such facility is substantially screened by the use of landscaping and/or mounding.*

- The applicant is proposing to screen the parking lot and additional landscaping around the sales trailer. Additionally, staff is requiring a condition of approval to increase the height of the shrub surrounding the parking lot to meet the minimum 3.5 foot height requirement in C.O. 1171.06(b).

(3) *Such facility shall not create a nuisance to surrounding properties.*

- Since this is located on a section of the subdivision that is not platted, it is away from the residential lots. Therefore it does not appear it will impact the residential lots, or neighboring properties. Additionally, the applicant has provided a statement which says, “The activity of new home sales will be conducted inside the facility, such activity will not have an effect on elements such as noise, glare, odor, light, fumes, and vibration on adjoin properties.”

(4) *Such other conditions as the Planning Commission deems appropriate.*

(5) *Sales offices in trailers or mobile homes are permitted for a duration of twelve (12) months. Users of such facilities may apply to the Planning Commission for an extension of an additional twelve (12) months.*

- Staff is requiring a condition of approval that the sales trailer Conditional Use Permit is permitted for one (1) years and that any extension in time is subject to review and approval by the Planning Commission, or until such time that the model home is open and operable.

#### IV. RECOMMENDATION

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

**V. 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-75-2018 with the following conditions, subject to staff approval:

- 1) The parking lot spaces to be 9 x 19, to meet code requirements.
- 2) The height of the shrub surrounding the parking lot must be increased to a minimum of 3.5-feet to meet C.O. 1171.06(b). The temporary parking lot, and landscaping are removed at the time that the permit expires.
- 3) The Conditional Use Permit will become effective at the time the Certificate of Occupancy is granted.
- 4) The Conditional Use Permit is permitted for one (1) years and that any extension in time is subject to review and approval by the Planning Commission, or until such time that the model home is open and operable.
- 5) The sign associated with this application is removed at the time that the permit expires.

**APPROXIMATE SITE LOCATION:**



Source: Google Maps