



Planning Commission

Meeting Minutes

December 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 7:03 p.m.

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

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

Moved by Mr. Wallace, seconded by Mr. Kirby to approve November 19, 2018 minutes. Upon roll call vote: Mr. Kirby, yes; Mr. Schell, yes; Mr. Wallace, yes. Yea, 3; Nay, 0; Abstain, 0. Motion passed by a 3-0.

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

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

Ms. Russell stated that staff would like to add an informal review of the Harrison South rezoning.

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

CU-76-2018 Conditional Use

Conditional use for a temporary sales office at the New Albany Healthy Campus at 7320 Smith's Mill Road (PID: 222-004964).

Applicant: New Albany Healthcare Real Estate, LLC.

Ms. Russell presented the staff report.

Mr. Kirby asked if condition four should be flipped. So this will cease to be effective when the model home receives occupancy.

Ms. Russell stated yes.

Mr. Mike Mattingly, New Albany Healthcare, stated that the leasing component is important and typically we should be able to lease 40-50% of the units prior to occupancy. We do not have any issues with the conditions but have a questions about condition number 3 which states that the temporary parking lot and landscaping will need to be removed at the time of sales trailer expiration. The parking lot is the permanent parking lot. We will remove the trailer, ramp and remove or move the landscaping. Condition 5 should be plenty of time, we expect 4-5 months of use prior to opening the model home.

Mr. Kirby asked if we need new wording for conditions 3 & 4.

Ms. Russell clarified that condition 4 is for the occupancy for the sales trailer.

Mr. Mattingly verified that we will need to get occupancy for the sales trailer.

Ms. Russell stated yes, we inspect the tie-downs.

Mr. Wallace moved to accept staff reports and related documents into the record for CU-76-2018, seconded by Mr. Schell. Upon roll call vote: Mr. Kirby, yes; Mr. Schell, yes; Mr. Wallace, yes. Yea, 3; Nay, 0; Abstain, 0. Motion passed by a 3-0.

Mr. Wallace moved to approved CU-76-18 based on the findings in the staff report and information reported during the hearing, subject to the following conditions and 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 sales trailer 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. Kirby. Upon roll call vote: Mr. Kirby, yes; Mr. Schell, yes; Mr. Wallace, yes. Yea, 3; Nay, 0; Abstain, 0. Motion passed by a 3-0.

**FDM-79-2018 Final Development Plan Modification
Final Development Plan Modification for exterior modifications at 9835 Johnstown Road
(PID: 222-003563).**

Applicant: Greg Munster

Ms. Russell presented the staff report.

Mr. Ferris presented the engineering report.

Mr. Daniel DeGreve stated that we provided an amended site plan on November 30, 2018 and am not sure if the engineer was able to review that site plan. We will have a "do not enter" sign.

Mr. Kirby asked if any conflict with the staff report conditions.

Mr. DeGreve stated no.

Mr. Schell asked if the property was purchased or leased.

Mr. Munster stated that he purchased.

Mr. DeGreve stated that he has samples of the screening material (provided to the board members). He stated that it is a motorized system and explained how the system would work.

Mr. Wallace confirmed that the traffic will be one way around the building.

Mr. DeGreve stated that we will have signage stating "no entry" to direct the traffic in the correct direction.

Mr. Wallace asked if pavement will be marked.

Mr. DeGreve stated that the pavement will be marked and a "do not enter" sign.

Mr. Wallace asked how the traffic will be routed around the teller stands.

Mr. Munster stated that it will be a raised deck.

Mr. DeGreve stated that possible raised flower boxes may be also located there.

Mr. Kirby moved to accept staff reports and related documents into the record, seconded by Mr. Wallace. Upon roll call vote: Mr. Kirby, yea; Mr. Schell, yea; Mr. Wallace, yea. Yea, 3; Nay, 0; Abstain, 0. Motion passed by a 3-0.

Mr. Schell moved to approve FDM-2018-79 with the following conditions:

1. The proposed windows must match the design of the existing windows.
2. The proposed screens must remain "up" unless they are actively being used.
3. All proposed light fixtures meet code requirements.
4. Final design and approval of the proposed screen be subject to staff approval.
5. All the City Engineer's comments are complied with and subject to staff approval, seconded by Mr. Wallace. Upon roll call vote: Mr. Kirby, yes; Mr. Schell, yes; Mr. Wallace, yes. Yea, 3; Nay, 0; Abstain, 0. Motion passed by a 3-0.

V-80-2018 Variance

Variance to allow for a third sign at the New Albany Healthy Campus at 7320 Smith's Mill Road (PID: 222-004964).

Applicant: New Albany Healthcare Real Estate, LLC.

Ms. Russell presented the staff report.

Mr. Wallace asked for explanation of the gap in the fence due to the leisure trail.

Ms. Russell stated that along Smith's Mill Road there is a once used leisure trail and there is a gap in the fence for access to the leisure trail.

Mr. Kirby asked for wording for condition five.

Ms. Russell stated that the gap in the horse fence to be closed to provide continuity of the site.

Mr. Mike Mattingly stated that based on the orientation of the building, we believe that the signage is appropriate. We designed the building to focus the attention on Smiths Mill Road and aligned the Smith's Mill entrance with the hospital entrance. The signage for the hospital and the medical office building was in the horse fence which is why we chose that type of signage. We are more than willing to change the sign type.

Mr. Wallace asked if the idea for the third sign is to guide the traffic to the Forest Drive entrance.

Mr. Mattingly stated that most of the traffic will come in through Forest Drive. It is an identifier before they pass the building.

Mr. Wallace asked if the sign will have an arrow.

Mr. Mattingly stated no. This is a prominent corner and the presence they will see the building beyond. Most of the staff parking will be off of Forest Drive.

Mr. Wallace stated that you're comfortable, this sign will achieve the goal that you want.

Mr. Mattingly stated yes. Condition 5 is already being worked on. Condition 3 the lighting will match the other Canini Trust corp signs. Condition 1, how do we terminate the fencing.

Mr. Mayer stated that the fence would terminate per the Canini signage plan.

Mr. Mattingly stated that if we turn the sign to be parallel to Smith's Mill then it defeats the purpose of the visual presence. We wanted the sign to face the corner.

Mr. Wallace asked if that is what staff wanted.

Mr. Mayer stated that the signage plan shows the signs as parallel.

Mr. Wallace so someone coming down Smith's Mill will pass it before they see the sign.

Mr. Mayer stated that we believe that it would still be visible. The diagonal orientation only provides visibility to traffic one direction.

Mr. Wallace stated that this concerns me because most of the traffic will be coming from Johnstown Road. That is why I asked what the purpose of the sign was. The sign is to direct people to the right place and secondly the sign needs to fit in. If the sign is not going to do what they need it to do we shouldn't grant a variance if it won't do what it is supposed to do.

Mr. Mayer stated that staff can work with the applicant to find the appropriate angle.

Mr. Mattingly stated that the sign is expensive and we want it to work.

Mr. Kirby the horse fence termination needs to be done correctly. Having the sign partly angled seems to make sense.

Mr. Wallace stated that I heard that staff will work with the applicant to accomplish the goal of directing traffic while attempting to meet the sign code. Is the language good enough in the condition.

Mr. Mattingly stated we have enjoyed working with staff.

Mr. Kirby stated that condition 2 stated that sign 1 in exhibit E is to be used. Is that a conflict? Exhibit E are the signs.

Mr. Mattingly stated that he is alright with the sign type 1 if we can work with staff on orientation.

Mr. Wallace and Mr. Kirby discussing the conditions of approval.

Mr. Wallace moved to accept staff reports and related documents, seconded by Mr. Kirby. Upon roll call vote: Mr. Kirby, yes; Mr. Schell, yes; Mr. Wallace, yes. Yea, 3; Nay, 0; Abstain, 0. Motion passed by a 3-0.

Mr. Kirby moved to approve V-80-18 subject to the following conditions:

1. Final orientation of the sign and termination of the horse fence is subject to staff approval.
2. Sign 1, in exhibit E, be the design used for the monuments signs along Smith's Mill Road, both at the Smith's Mill entrance and the proposed corner sign, which adheres to the Canini Trust Corp Master Sign plan.

3. If the signs are to be lit, staff recommends the lighting be shielded, ground mounted lighting in order to match the lighting type that used by all the other signs currently installed, subject to staff approval. \
4. All final sign designs and locations shall match the Canini Trust Corp Master Sign Plan. condition 1-5
5. The applicant must close the gap in the horse fence for continuity of the site, seconded by Mr. Wallace. Upon roll call vote: Mr. Kirby, yes; Mr. Schell, yes; Mr. Wallace, yes. Yea, 3; Nay, 0; Abstain, 0. Motion passed by a 3-0.

Informal Discussion regarding Harrison Road South Zoning

Mr. Mayer provided a summary of the rezoning application that is planned for the January 7, 2019 meeting. Rezoning within the Harrison East strategic plan addendum that was recently approved. 357 acres rezoned to be consistent with other perimeter boundaries and with the stepped setbacks for additional height.

Mr. Aaron Underhill stated that the success is well known. Facebook is really creating some interest in the area around it. We believe that we have a tried and true zoning text with setbacks that are respective of the residents. We will have some neighbors living there and they are aware of what may be built there. This area is in the process of being annexed. We are nearing the water/sewer limits. This zoning picks up everything from the west side of Beech Road and enhances the Facebook site.

Mr. Kirby stated that some parcels will not have frontage on a public street.

Mr. Underhill stated that we will need to combine the parcels into one parcel with frontage.

Mr. Kirby stated that for the bulk of Harrison Road you don't have access. I'm not unhappy with that. The access is expected to be from Worthington Road.

Mr. Underhill stated that you're likely to see access to the north for a single user.

Mr. Kirby asked if any concern with connecting to Facebook access.

Mr. Underhill stated that it may depends on the use and security concerns. A number of tree stands are existing on the property and we are in the process of evaluating the trees for permitting for mitigation.

Mr. Schell stated that you mentioned that some of these neighbors have sold part of their land.

Mr. Underhill showed on the map some of the neighbors that have sold part of their properties to NACO.

Mr. Wallace asked if they will continue living there.

Mr. Underhill stated that he thinks so, as well as farming the land. The city needs to be complemented on setting up these zoning district up and then Council with the creative incentives. You wouldn't believe the interest we have with the big names coming here. These big pieces of land are important for these types of users. Another step in economic development.

Mr. Kirby asked for public comment. (no response). He asked if this would all be combined into a single lot.

Mr. Underhill stated believe so but the parcels that front on Worthington Road may not but the balance would.

Mr. Kirby asked if the stream is 100' centered over stream or 100' from center of creek.

Mr. Underhill stated that we are abutting residential so there could be some circumstances where we are out further than 50' from center of creek because the more restrictive would apply.

Mr. Schell asked if the northern portion of Harrison are single family homes. Trying to determine how many residents are affected.

Mr. Underhill stated that he is not sure. (used Google maps on overhead to review the area)

Mr. Kirby asked how the search was going for a new board member.

Mr. Spalding stated that an offer was extended and we have not heard back.

With no further business, Mr. Kirby polled members for comment and hearing none, adjourned the meeting at 8:02 p.m.

Submitted by Pam Hickok

APPENDIX



**Planning Commission Staff Report
November 19, 2018 Meeting**

**COURTYARDS AT NEW ALBANY
SALES TRAILER CONDITIONAL USE**

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



**Planning Commission Staff Report
December 17, 2018 Meeting**

**MUNSTER FINANCIAL – 9835 JOHNSTOWN RD
FINAL DEVELOPMENT PLAN MODIFICATION**

LOCATION: 9835 Johnstown (PID: 222-003563)
APPLICANT: Greg Munster
REQUEST: Final Development Plan Modification
ZONING: Infill Planned Unit Development (I-PUD) Oak Grove subarea 7d Section 2
STRATEGIC PLAN: Office District
APPLICATION: FDM-79-2018

Review based on: Application materials received November 16 and 30, 2018.

Staff Report completed by Jackie Russell, Development Services Coordinator.

VI. REQUEST AND BACKGROUND

The applicant requests review of a modification to the final development plan for Munster Financial to locate at the former Key Bank site at 9835 Johnstown Road. The modification proposes to make exterior modifications such as painting the brick, new windows, and converting the drive through to an outdoor.

Neighbors within 200 feet of the subject parcel have been notified.

VII. SITE DESCRIPTION & USE

The site encompasses approximately 1.288 acres on U.S. 62. It is located generally at the intersection of the Smith's Mill Road and U.S. 62, which is in the Oak Grove subarea 7D, section 2. It is located west of the Shops at Walton Parkway. The original Final Development Plan for this site was approved on September 19, 2005, FDP-6-05. The current surrounding property uses are empty developable lots, restaurants, and a pet resort/training center.

III. EVALUATION

Staff's review is based on New Albany plans and studies, zoning text, zoning regulations. Primary concerns and issues have been indicated below, with needed action or recommended

action in underlined text. Planning Commission's review authority is found under Chapter 1159.

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

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

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

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

- h. Enhance the appearance of the land through preservation of natural features, the provision of underground utilities, where possible, and the provision of recreation areas and open space in excess of existing standards;*
- i. Avoid the inappropriate development of lands and provide for adequate drainage and reduction of flood damage;*
- j. Ensure a more rational and compatible relationship between residential and non-residential uses for the mutual benefit of all;*
- k. Provide an environment of stable character compatible with surrounding areas; and*
- l. Provide for innovations in land development, especially for affordable housing and infill development.*

A. New Albany Strategic Plan

1. This building is located within the Future Land Use Office district, below are the applicable development standards found 2014 New Albany Strategic Plan for the Office District:

- Office building should not exceed five stories in height.
- On-street parking is discouraged.
- Primary parking should be located behind buildings and not between the primary street and the buildings.
- Parking areas should be screened from view.
- Loading areas should be designed so they are not visible from the public right-of-way, or adjacent properties.
- Sidewalks/leisure trails should be placed along both sides of all public road frontage and setback 10 feet from the street.
- Common open spaces or greens are encouraged and should be framed by buildings to create a “campus like” environment.
- Street trees should be provided at no greater a distance than 40 feet on center.
- Individual uses should be limited in size, acreage, and maximum lot coverage.
- Heavy landscaping is necessary to buffer these uses from adjacent residential areas.
- Structures must use high quality building materials and incorporate detailed, four-sided architecture.
- Plan office buildings within context of the area, not just the site, including building heights within development parcels.
- Sites with multiple buildings should be well organized and clustered if possible.
- All office developments should employ shared parking or be designed to accommodate it.
- Innovative and iconic architecture is encouraged for office buildings.

B. Use, Site and Layout

1. The proposed use of the building is to be a professional office and employ ten people.
2. The current site contains a building with former bank drive-thru featuring a porte-cochere and a drive aisle surrounding the building.
3. The applicant is proposing to use the existing porte-cochere drive-thru as a covered deck. As a result of the drive-thru change to deck, the existing drive aisle around the site will be changed to a one-way drive aisle with a painted direction arrow on the asphalt to indicate the exit of the site. Additionally, the applicant will install a do not enter sign in front of the deck, near the drive aisle.

4. There are no additional site modifications.

C. Access, Loading, Parking

1. There are no proposed access changes for the site.
2. Per C.O. 1167.06(b)(1) there are no required loading spaces for this building, based on the size of building.
3. As a part of the original Final Development Plan leisure trail is required only along U.S. 62 to match the design in the area per the development text. Leisure trail was not required along Walton Parkway due to the same requirement.
4. Currently the site design has 26 parking spaces.
5. Parking will not be altered by this final development plan modification.
6. The city's parking code 1167.05(d)(17) requires one parking space be required for each 250 square feet of gross floor area for an office use.
7. The building has a gross floor area of 3, 297 square feet, which requires the applicant to provide 13.2 parking spaces. The applicant is meeting code requirements and providing a sufficient number of parking spaces to meet city code.

D. Architectural Standards

1. The existing building contains a pattern of "bricked in" areas to appear as if windows were once located there. The applicant is proposing to add five additional windows, where the brick in's used to be located. Staff recommends a condition of approval that the proposed windows must match the design of the existing windows.
2. The existing building exterior is a traditional, red brick. The applicant is proposing to maintain the existing brick material but will paint the exterior of the building an off-white.
3. The existing drive-thru has three lanes and is covered by the port-cochere. It is built with brick columns, and traditional shingles. The applicant is proposing to convert the drive-thru area to become a covered deck with a TREX composite material to be placed under the covered drive through area and be flush with the building floor level. The applicant is proposing to install screens which may be dropped to better enclose the area. Staff recommends a condition of approval that the proposed screens must remain "up" unless they are actively being used.
4. No specification sheet was provided for the proposed screen. Staff recommends a condition of approval that final design and approval of the proposed screen be subject to staff approval.
5. The color of the deck will be "clam shell, "which is a gray.
6. The city's architect reviewed the architectural changes and is supportive of the modifications, adding, "it is a very nice design."

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

1. The submitted plans indicate that no changes will be made to the landscaping as a result of the final development plan modification.
2. No modifications are required since the impervious area has not increased and proper landscaping was done at the time of final development plan.

F. Lighting & Signage

1. No proposed signage at this time.

2. The applicant is proposing to replace the existing gooseneck down cast fixtures with the bronze devaux grand sconce. The code requires that all external building lighting shall be cut-off and down cast fixtures. The proposed fixture does not meet code requirements. Staff recommends a condition of approval that all proposed light fixtures meet code requirements.

G. Other Considerations

1. None.

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. Please refer to Exhibit A. Show all line work (existing utilities, easements, pavement markings, fencing, path, etc.) on the referenced FDP in accordance with this exhibit.
2. Please refer to Exhibit B. Revise the referenced FDP by showing LA R/W in accordance with this exhibit.

Staff recommends a condition of approval that all the City Engineer's comments are complied with and subject to staff approval.

V. RECOMMENDATION

Staff recommends approval should the Planning Commission find that the application has sufficient basis for approval. Staff is supportive of the proposed modification as an updated design to a preexisting building. It also appears the proposed modifications meet all code requirements. By adding additional windows to the property, additional vibrancy will be added to the building and help break up the large expanses of brick. White painted brick has been a successful tool used within other areas of the Business Park such as Tween and New Albany Ballet, and both are within close proximity to this site. The applicant has successfully discovered a way to convert the existing reuse of the property, while along the flexibility for a conversion back if needed in the future.

VI. ACTION

Move to accept the staff report and all other related documents into the record for application FDM-79-2018.

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

Move to approve application FDM-79-2018 based on the findings in the staff report with the following conditions, subject to staff approval:

1. The proposed windows must match the design of the existing windows.
2. The proposed screens must remain "up" unless they are actively being used.
3. All proposed light fixtures meet code requirements.
4. Final design and approval of the proposed screen be subject to staff approval.
5. All the City Engineer's comments are complied with and subject to staff approval.

Approximate Site Location:



Source: Franklin County Auditor



**Planning Commission Staff Report
December 17, 2018 Meeting**

**THE AVENUE DEVELOPMENT
SIGN VARIANCES**

LOCATION: 7320 Smith's Mill Road (PID: 222-004964)
APPLICANT: New Albany Healthcare Real Estate, LLC.
REQUEST: Variance
ZONING: Infill Planned Unit Development (I-PUD) Canini Trust Corp subarea 8b
STRATEGIC PLAN: Neighborhood Retail District
APPLICATION: V-80-2018

Review based on: Application materials received November 20, and 30, 2018.

Staff Report completed by Jackie Russell, Development Services Coordinator.

VIII. REQUEST AND BACKGROUND

The applicant requests a variance to allow for an additional monument sign for the New Albany Health Campus Development.

The variances requested are as follows:

- A. Variance to Canini PUD text section 8b.06(d) to allow a third monument on site where code permits a maximum of one ground mounted sign per a building frontage along a road.

II. SITE DESCRIPTION & USE

The primary building and site is currently under construction and is located within the area known as the Canini Trust Corp subarea 8b. The site encompasses approximately 8.4 acres located at the northeast corner of Smith's Mil Road and Forest Drive. The Canini Trust Corp is home to the Dairy Queen, Turkey Hill, COTA park-n-ride facility, Hampton Inn and Suites, Marriott Hotel, Home2Suites by Hilton, and Tutor Time.

III. EVALUATION

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

Criteria

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

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

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

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

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

IV. RECOMMENDATION

Considerations and Basis for Decision

A. Variance to Canini PUD text section 8b.06(d)(i) to allow a third monument sign where code permits a maximum of one monument signs per a road frontage.

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

1. The applicant requests a variance to allow a third monument sign for the development. The PUD zoning permits one monument signs per a road frontage. The site has frontage on two public streets: Smith’s Mill Road and Forest Drive there by allowing a maximum of two ground, monument signs.
2. The proposed sign locations are at the site’s entrances along Smith’s Mill Road and Forest Drive, and at the intersection of Smith’s Mill and Forest Drive on the corner.
3. Two of three proposed sign designs, Sign 1 and Sign 2 which can be found in the applicant’s submittal material as Exhibit E, which meets the requirements found in the Canini Trust Corp Sign Master plan and do not require any additional variances.
4. There is currently horse fence installed on the site along Smith’s Mill Road. At the time of the final development plan a sign plan had not been submitted and staff recommended

additional horse fence be installed to turn the corner on Forest Drive. The applicant states in their narrative that they are planning to install the sign integrated within the horse fence that is required be installed and turn the corner as part of this development. However, now that staff is aware a sign is proposed to be located on this corner, staff recommends the sign follow the design criteria found in the Canini Trust Corp Sign Master Plan so that the sign along Smith's Mill Road is parallel to the road, is installed immediately adjacent to the drive (complying with site triangles), and is used to terminate the fence. The Canini Trust Corp Sign Master Plan also states signs will not be permitted to break the fence in any location.

5. Staff recommends a condition of approval requiring the sign at the corner be parallel to Smith's Mill Road, is installed immediately adjacent to the drive (complying with site triangles), and is used to terminate the fence in order to meet the Canini Trust Corp Sign Master Plan.
6. There is currently a gap existing in the leisure trail along Smith's Mill Road where a former trail was utilized. As part of this applicant to ensure the horse fence is complete between the monuments signs, staff recommends a condition of approval that the gap in the horse fence be closed to allow for continuity of the site.
7. The applicant also states in their narrative that they are requesting the variance in order to identify the facility from the most traveled point of entry.
8. The proposed smaller monument sign, to be used along Forest Drive, is constructed of aluminum and PVC, is 8" thick, and will have .5" thick lettering. The proposed sign is navy with white lettering/trim, with a brick and concrete capped base, which meets the Sign Recommendation Plan. The Canini Trust Corp Sign Master Plan indicates that all monument signs to be located along Forest Drive must be no more than 4' tall and 4' 10" wide. The proposed design for sign 2 in exhibit E of the applicant's submittal material meets the requirements of the Canini Trust Corp Sign Master Plan sign type 4.
9. The proposed large monument signs, to be used along Smith's Mill Road, is constructed of aluminum and PVC, is 8" thick, and will have .5" thick lettering. The proposed sign is navy with white lettering/trim, with a brick and concrete capped base, which meets the Sign Recommendation Plan. The Canini Trust Corp Sign Master Plan indicates that all monument signs to be located along Smith's Mill Road must be no more than 4' tall and 8' 10" wide. The proposed design for sign 1 in exhibit E of the applicant's submittal material meets this requirement of the Canini Trust Corp Sign Master Plan sign type 2.
10. The two proposed sign designs appear to have no lighting. The Planning Commission should confirm with the applicant that the signs will not be lit. If the signs are to be lit, staff recommends the lighting be shielded, ground mounted lighting in order to match the lighting type that used by all the other signs currently installed, subject to staff approval.
11. While the two signs located adjacent to the curb cuts match the Canini Trust Corp Sign Master plan's recommends, the applicant requests to place a horse fence style sign at the corner of Smith's Mill Road and Forest Drive to create continuity with the hospitals and medical office building across the street. Staff is not supportive of the horse fence design and recommends this sign is redesigned so it matches the design and location requirements found in the Canini Trust Corp Sign Master plan. Per the master plan's recommends this sign at the corner must the match the sign located adjacent to the curb along Smith's Mill Road.
12. In 2013 the Planning Commission reviewed and approved the Canini Trust Corp Sign Master Plan as a part of V-04-13. The site standards were developed in partnership to

provide up front direction to the applicants in the Canini Trust Corp to create a consistent design with other signage inside the City. Signage is an important component of the overall aesthetic and in order to achieve the consistency in look and design, the signs must all be designed to meet the same standard. The overall plan for the site was designed to minimize the amount of signage that typical is associated with retail uses and coordinate the site's over signage with The signage and site design strategy developed aims specifically to address some of these issues.

13. The variance appears to preserves the “spirit and intent” of the zoning requirement since the third proposed sign location satisfies a location indicated within Canini Trust Corp Sign Recommendation Plan.
14. It appears that granting the variance will not substantial alter the essential character of the area by allowing three signs since the site is on a large lot. Additionally the signs have been appropriately located within the site so it does not appear too overcrowded or oversized. The distance from the proposed corner sign to the second Smith's Mill Road Sign is approximately 914 ft +/-, which is a greater distance then other areas within the Canini Trust Corp between signs.
15. 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.
16. It does not appear the variance would adversely affect the delivery of government services.

V. CONCLUSION

Staff recommends approval of the requested variance should the Planning Commission find that the application has sufficient basis for approval. The variance request does not appear to be substantial since the proposed sign locations meet the recommendations within the Canini Trust Corp Sign Recommendation plan. Additionally, it does not appear that the area will be substantial altered by granting the variance since the signs appear to be appropriately located within the site given the size of the lot, and will not cause the site to feel over-signed or crowded. With staff's recommended conditions of approval the signs will be appropriately designed and located so that future signage at the Canini Trust can be consistent with this site.

VI. ACTION

Move to accept the staff report and all other related documents into the record for application V-80-2018.

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

Move to approve application V-80-2018 based on the findings in the staff report with the following conditions, subject to staff approval:

1. The horse fence must be terminated at the sign, and not integrated into the fence in order to meet the Canini Trust Corp Sign Recommendation Plan.
2. Sign 1, in exhibit E, be the design used for the monuments signs along Smith's Mill Road, both at the Smith's Mill entrance and the proposed corner sign, which adheres to the Canini Trust Corp Master Sign plan.
3. If the signs are to be lit, staff recommends the lighting be shielded, ground mounted

lighting in order to match the lighting type that used by all the other signs currently installed, subject to staff approval. \

4. All final sign designs and locations shall match the Canini Trust Corp Master Sign Plan.

Approximate Site Location:



Source: Google Maps