



Planning Commission

Meeting Minutes

September 16, 2019

7:00 p.m.

Planning Commission met in regular session in the Council Chambers at Village Hall, 99 W. Main Street and was called to order by Planning Commission Chair Mr. Neil Kirby at 7:09 p.m.

Those answering roll call:

Mr. Neil Kirby, Chair	Present
Mr. Brad Shockey	Absent
Mr. David Wallace	Present
Mr. Hans Schell	Present
Ms. Andrea Wiltrout	Present
Mr. Sloan Spalding (council liason)	Present

Staff members present: Steven Mayer, Development Services Coordinator; Chris Christian, Planner; Mitch Banchefsky, City Attorney; Ed Ferris, City Engineer; and Josie Taylor, Clerk

Mr. Wallace provided corrections for the August 19, 2019 Planning Commission minutes.

Moved by Mr. Wallace, seconded by Ms. Wiltrout to approve the August 19, 2019 meeting minutes as corrected. Upon roll call: Mr. Wallace, yea; Ms. Wiltrout, yea; Mr. Schell, yes; Mr. Kirby, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4 - 0 vote.

Mr. Kirby asked if there were any additions or corrections to the agenda.

Mr. Christian replied there were none from staff.

Mr. Kirby stated he would like to hear FPL-69-2019 first.

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

Mr. Kirby invited the public to speak on any non-agenda items. (No response).

FPL-69-2019 Conditional Use

Preliminary and Final Plat for Courtyards at New Albany Phase 2 which includes 37 residential lots on 10.332 acres(PID: 222-001972).

Applicant: EMH&T c/o Matthew Kirk

Mr. Christian presented the staff report.

Mr. Ferris stated the second comment in the report should be ignored.

Mr. Jason Coffee, with Epcon Communities, stated the applicant was present to answer any questions.

Mr. Schell asked what timeframe they were looking at for the final grouping.

Mr. Coffee stated it would depend on the pace of sales, might be spring or summer.

Moved by Mr. Kirby to accept the staff report and related documents into the record for FPL-69-2019, seconded by Mr. Wallace. Upon roll call vote: Mr. Kirby, yea; Mr. Wallace, yea; Mr. Schell, yea; Ms. Wiltrout, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4 - 0 vote.

Moved by Mr. Wallace, to approve FPL-69-2019 based on the findings in the staff report and subject to the City Engineer's comment to delete the second comment as unnecessary, seconded by Mr. Schell. Upon roll call: Mr. Wallace, yea; Mr. Schell, yea; Ms. Wiltrout, yea; Mr. Kirby, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4 - 0 vote.

CU-47-2019 Conditional Use

Conditional use application to allow a monopole cellular tower telecommunication facility to be developed at 5089 Johnstown Road (PID: 222-001516).

Applicant: UAS Inc, c/o Rob Ferguson

Mr. Mayer presented a review of the application.

Mr. Wallace stated the flood plain variance would not go in front of the Board of Zoning Appeals ("BZA," hereafter).

Mr. Mayer replied it would not.

Mr. Kirby asked where the BZA was on the other variance filed by the applicant.

Mr. Mayer stated the BZA had tabled the setback variance until the Planning Commission took final action on the conditional use application.

Mr. Wallace asked if the flood plain variance could be tabled in the same way.

Mr. Mayer stated it could be tabled in the future if need be, but there was no need for any type of motion on the flood plain variance this evening.

Mr. Mayer stated the City had hired an outside expert, Mr. Charles A. Spann, with Connected Nation, to review the matter and provide a report.

Mr. Spann presented his report and discussed his findings. Mr. Spann stated he had not found any gaps in coverage.

Ms. Wiltrout asked what area was shown in Mr. Spann's map versus that provided by Verizon.

Mr. Spann stated they were difficult to line up and noted he had tried to use the roadways as borders to the area he believed was in question.

Ms. Wilttrout asked if the area with the red and yellow was the one represented.

Mr. Spann stated yes.

Mr. Spann stated he could find nothing in Verizon's reports to date that stated this site was the best or only site to correct the dropped call issue.

Mr. Schell asked if the three (3) dropped calls Mr. Spann mentioned in the test area were in the same location or spread out.

Mr. Spann stated they were spread out.

Mr. Schell stated so it was not just one area.

Mr. Spann said no and noted the city had a report with details on all of the dropped calls.

Mr. Kirby asked to return to the color slide showing existing sites. Mr. Kirby stated the colors might be a little deceiving if the legend was not carefully read and asked if the bulk of the map was at -90 or better.

Mr. Spann stated that was correct.

Mr. Kirby asked if the red marked area was at -100.

Mr. Wallace asked what the -90 and -100 meant.

Mr. Spann stated that the further away from zero (0) you got with a negative number the worse the signal strength became. Mr. Spann noted that with most LTE networks the typical cutoff threshold was typically around -120 and said this was modeled a little above that threshold.

Mr. Wallace asked what the green color meant.

Mr. Spann stated it was great.

Mr. Wallace asked what the slightly orange/red meant.

Mr. Spann stated it was less than great but still pretty good.

Mr. Wallace asked what the light blue meant.

Mr. Spann stated the light blue meant you were likely to get service while driving in a car but not in your residence.

Mr. Kirby stated that would be down Reynoldsburg-New Albany Road, further south, below Morse Road and asked Mr. Spann to point out such light blue areas.

Mr. Wallace asked if there were any dark green or grey color areas he could point to on the map.

Mr. Spann stated not on this slide.

Mr. Kirby asked if everything there was 110 or better.

Mr. Spann stated yes, with the possible exception of an area Mr. Spann indicated on the presentation.

Mr. Kirby asked Mr. Spann if he had done studies like this before.

Mr. Spann stated yes.

Mr. Kirby asked if he had found in some of those surveys that there was a need for such towers.

Mr. Spann stated yes.

Mr. Kirby stated so it's been sometimes yes and sometimes no, not always one way.

Mr. Spann replied that was correct.

Ms. Wiltrout asked how Mr. Spann could account for the large difference in findings.

Mr. Spann stated that short of him trying to replicate Verizon's model, he had no idea what time of day the calls were being dropped or what the issue was and it was difficult to speculate.

Mr. Schell asked what time of day Mr. Spann had conducted his test.

Mr. Spann stated he believed he had arrived at about 1:00 pm and driven till 4:30 pm or 5:00 pm.

Mr. Schell stated he was doing testing when people would be driving home from work.

Mr. Spann stated yes.

Ms. Wiltrout asked what time Mr. Spann had said.

Mr. Spann stated it was likely around 1:00 pm to 5:00 pm.

Mr. Wallace asked Mr. Spann if he was an engineer.

Mr. Spann stated yes.

Mr. Wallace asked Mr. Spann if he held his opinions to a reasonable degree of engineering certainty.

Mr. Spann stated yes.

Mr. Schell asked how many of these studies Mr. Spann had performed over the years.

Mr. Spann stated he started in the wireless industry in 1994 and, through the years, has probably done several hundred of these.

Mr. Kirby asked if the applicant would like to ask Mr. Spann any questions.

Mr. Joe Perotti, attorney for Verizon, stated no, but noted the applicant's engineer had comments to make.

Mr. Kirby asked to hear from the applicant.

Mr. Kurt Bolane, engineer with Verizon, discussed the information submitted by Verizon.

Ms. Wilttrout asked if there was data from August saying she believed they had a map from April.

Mr. Bolane stated the applicant had made a supplemental submission.

Mr. Mayer stated Mr. Christian had handed that out to the Planning Commission at the start of the meeting.

Ms. Wilttrout stated she could see that now on page 3.

Mr. Wallace asked if that was the data Mr. Bolane was referring to when he mentioned they had data that went from August to September.

Mr. Bolane stated that was correct, saying the previous application contained mostly April data. Mr. Bolane stated the April data was when leaves were coming out on trees. Mr. Bolane stated the August data was taken when there were leaves on the trees, so things changed.

Mr. Wallace asked when Mr. Bolane would expect better coverage, when the leaves were out or when they were not.

Mr. Bolane stated it was typically worse when the leaves were out because the signal had to go through the leaves but it depended on whether the frequency was high or low.

Mr. Wallace asked if the additional data about dropped calls in the September 9 supplement was reflecting dropped calls from the period of August 7, 2019 to September 6, 2019.

Mr. Bolane stated yes, noting that had been provided per staff request to see a trend.

Mr. Schell asked if on page 3, the thirty (30) day trend provided the number of dropped calls.

Mr. Bolane stated it provided each of the points with a legend on the right. Mr. Bolane noted the legend was the same used in the April data.

Mr. Wallace asked if that was measuring a range of dropped calls.

Mr. Bolane stated it was a fifty (50) meter square.

Mr. Schell asked if Mr. Bolane could put the legend in layman's terms.

Mr. Bolane stated it was a scale with color that instead of measuring units was measuring buckets of dropped calls within a particular color.

Mr. Kirby stated these were raw numbers and asked if there was a contextual guideline the Planning Commission could apply to evaluate the numbers.

Mr. Bolane stated they were not supposed to be any dropped calls, so none was the answer, according to his bosses. Mr. Bolane stated that, in reality, no, those were just raw drops.

Mr. Kirby asked if he could share what the dropped call numbers were for a typical good coverage zone.

Mr. Bolane stated there were two things: the dropped calls and the capacity need for this application. Mr. Bolane stated the coverage was the coverage, but the application they made was for a capacity need and also for the dropped call need. Mr. Bolane said he would have to check because he did not know if he could share that.

Mr. Kirby stated that had been asked for in prior meetings and Verizon had said that was proprietary information not suitable for public disclosure.

Mr. Bolane stated then that was right.

Mr. Kirby asked if Mr. Bolane had any indicators that showed the capacity need.

Mr. Bolane stated the original application showed a site to the southeast that had capacity and capacity was part of it. Mr. Bolane stated the site to the northwest now was the one that had a capacity need.

Ms. Wiltrout asked if there was any information on that the Planning Commission could review.

Mr. Bolane stated no, he had not updated the slide, but said it was basically page four (4), figure 2, which showed the capacity need for the proposed site.

Mr. Schell asked Mr. Bolane if the thirty (30) day period trend data identified how many dropped calls there were over that thirty (30) day period and roughly how many there were per day.

Mr. Bolane stated no, it did not do that.

Ms. Wiltrout asked if each of the red dots on the dropped calls map was a fifty (50) meter space, how many users would be in that space.

Mr. Bolane stated it depended on location.

Ms. Wiltrout noted that when Mr. Bolane mentioned the disclaimer for the applicant's website he stated service could be due to equipment failure and asked if any of the red dots could be due to equipment failures.

Mr. Bolane stated he did not see any evidence of that, but it could be.

Mr. Schell asked for an explanation of figures 1 and 1A, saying that in April there was a range of 168 to 402 and then in August it was 168 to 5,075.

Mr. Bolane stated that would probably be a bad device. Mr. Bolane stated this was a capacity need for the network, saying they were going to run out of capacity in the near future, and also for the dropped calls.

Mr. Kirby stated the Planning Commission had different sets of dropped calls in front of them but no yardstick to measure them by other than zero (0) or perfection. Mr. Kirby noted that for capacity there were not lots of numbers but an image which showed bands of color that was difficult to interpret.

Ms. Wiltrout stated it looked like the capacity need had changed since the application was submitted.

Mr. Wallace asked if Mr. Bolane could define what he meant by capacity.

Mr. Bolane stated an example of a capacity problem was when you were at an Ohio State University football game and tried to use your phone and it did not work. Mr. Bolane said that would be a capacity problem because everyone was trying to use their

phones at once. Mr. Bolane stated that was not the problem for this site. Mr. Bolane stated it was a capacity problem when they looked at the site and looked at the past to predict the future, based on market trends, equipment, etc. Mr. Bolane stated it was really an educated guess. Mr. Bolane noted that based on what they knew, this was on the capacity trigger list.

Mr. Brandon Pauley (attorney for the residents of 5055 Johnstown Road, 7080 Oxford Loop, 5741 Thompson Road, 6860 Oxford Loop, and other residents in the area) stated the residents' objections and opposition to the application.

Mr. Kirby asked for a recap of Mr. Pauley's prior submissions for the record.

Mr. Pauley reviewed their arguments and the information they had submitted to the Planning Commission. Mr. Pauley stated the residents believed the applicant had not met the required burden of proof to show a significant gap existed.

Mr. Kirby asked Mr. Spann if he had stated he found no gaps.

Mr. Spann stated that was what he had found.

Mr. Kirby asked Mr. Spann if gaps in this usage were the same as gaps in the Telecommunications Act of 1996.

Mr. Spann stated that gaps in the mobile industry were areas where there was not enough signal, ever, to make a call. Mr. Spann noted that he was not an attorney and could not comment on the Telecommunications Act.

Mr. Kirby asked Mr. Banchefsky if under the Telecommunications Act of 1996 significant gaps were what was called out

Mr. Banchefsky stated he was not sure if that was the exact terminology, but he believed the concept was the same.

Mr. Kirby asked Mr. Spann if that was the same thing he was referring to in his report, gaps in coverage.

Mr. Spann stated gaps in coverage, areas where no signal existed.

Mr. Kirby stated they were talking about the same thing.

Ms. Wilttrout asked Mr. Spann if he had analyzed the capacity issue Verizon had just discussed.

Mr. Spann stated that, to a degree, yes.

Mr. Kirby asked Mr. Spann how the throughput he studied here compared to other 4G sites.

Mr. Spann stated it was good.

Ms. Wiltrout asked if capacity was an issue, did Mr. Spann think that Verizon could solve their capacity by adding antennas to existing towers or small cells.

Mr. Spann stated, theoretically, yes.

Mr. Kirby stated the Telecommunications Act of 1996 had a number of restrictions it placed on the Planning Commission about the findings for and against and asked Mr. Banchefsky to review those.

Mr. Banchefsky stated the information.

Mr. Kirby asked about what Planning Commission actions would be considered reasonable under the Telecommunications Act of 1996.

Mr. Banchefsky reviewed the applicable New Albany ordinances and requirements.

Moved by Mr. Kirby to accept the staff report and related documents into the record, including the letter from Verizon dated September 9 2019, stamped received on September 11, 2019 (with the aforementioned Figure 1A with the August 7 through September 6 data) and the credentials (CV) for Mr. Spann provided this evening, seconded by Ms. Wiltrout. Upon roll call vote: Mr. Kirby, yea; Ms. Wiltrout, yea; Mr. Schell, yea; Mr. Wallace, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4 - 0 vote.

Moved by Mr. Wallace to approve CU-47-2019 based on the findings in the staff report, with any conditions in the staff report, subject to staff approval, and the documents admitted into the record, seconded by Mr. Kirby. Upon roll call: Mr. Wallace, no; Mr. Kirby, no; Ms. Wiltrout, no; Mr. Schell, no. Yea, 0; Nay, 4; Abstain, 0. Motion denied by a 0 -4 vote.

Mr. Schell noted his vote was mostly based on Mr. Spann's credentials and his study.

Mr. Wallace stated he voted no for reasons in addition to those Mr. Schell mentioned. Mr. Wallace stated that to apply for a conditional use the applicant needed to show why it was not technically feasible to locate on a non-residential zone and he did not believe the applicant made that showing here. Mr. Wallace stated the testimony heard at the last meeting established there were alternatives to this 130 foot tower at this location. Mr. Wallace added that the applicant had stated they had not considered alternatives as they preferred a single tower, although cost was not the main issue. Mr. Wallace stated he discounted the applicant's evidence on the basis of Mr. Spann's report. Mr. Wallace said Mr. Spann had prepared a propagation model using data that indicated there was sufficient service quality with the existing cell site locations and adequate signal levels existed so the proposed tower was not necessary to fill coverage voids. Mr. Wallace stated he did not believe the applicant met its burden to prove a significant gap or need existed. Mr. Wallace noted that City ordinance required the applicant to show the tower needed to be located at the proposed site and why it was technically necessary. Mr. Wallace stated the applicant had not shown evidence of a significant gap

existing nor was he aware of any evidence in the record that showed growth in New Albany and a need for more capacity. Mr. Wallace stated he believed the dropped calls evidence was also insufficient. Mr. Wallace said although the applicant had supplemented the record with additional data of dropped calls during a thirty (30) day period beginning in August 2019, he did not believe the applicant had provided any context for that data. Mr. Wallace said that, in addition, no evidence of customer complaints involving dropped calls or capacity was provided. Mr. Wallace stated he also did not think the applicant had met the requirement to show an inquiry into feasible alternative locations. Mr. Wallace stated he believed there were less intrusive means for the applicant to provide its service to New Albany and other means to achieve their goals without using this site.

Mr. Kirby stated he agreed with Mr. Wallace's statements and noted he would emphasize there was a conflict between need as expressed by the applicant, versus coverage gap as shown by Mr. Spann, versus dropped calls, versus capacity. Mr. Kirby said in the case of dropped calls the Planning Commission was not given context to judge that or capacity as that was deemed Verizon's proprietary information. Mr. Kirby said his own background was in telecommunications and he did not find this convincing.

Ms. Wiltout stated she joined in the dissent expressed by other board members and emphasized that a substantial gap in coverage was not shown on either the dropped calls or the capacity issue, despite repeated requests for additional information on capacity. Ms. Wiltout stated she did not believe that even if a substantial need existed this would be the proper site for the tower given the number of variances required. Ms. Wiltout added she believed there were other locations that could be explored and that had not been done.

FDP-60-2019 Conditional Use

Final development plan application for the Barrington School Development to be developed at the corner of Walton Parkway and Walton Commerce Drive (PID: 222-004461).

Applicant: New Avenue Architects & Engineers c/o Craig Smith

Mr. Christian presented the staff report and asked the Planning Commission to evaluate the number of parking spaces available for employees and customers. Mr. Christian said the applicant had provided a draft document showing a cross access easement with a neighboring property owner that included provisions for shared parking.

Mr. Schell asked Mr. Christian if he could point out the shared parking.

Mr. Christian stated staff had not received a final document but it seemed it would be a rear parking area.

Mr. Schell asked whose that was at this time.

Mr. Christian stated it belonged to the shops on Walton Parkway.

Mr. Wallace asked if the City understood that an easement for parking was the same as an agreement to allow cars from the applicant's site to actually park on the property that is owned by the adjacent landowner.

Mr. Christian stated they had not reviewed at this time as it had just been received.

Mr. Mayer stated they would need to review this to ensure it accomplished what was needed.

Mr. Kirby asked if they would make that condition 1, subject to staff approval.

Mr. Mayer stated that would be a great condition.

Mr. Schell asked if they knew how many spots were in that area.

Mr. Christian stated he did not know the exact number.

Mr. Kirby requested comments from engineering.

Mr. Ferris stated the applicant had addressed most of the engineering comments except for the comment dealing with the easement. Mr. Ferris recommended the easement document be vetted by the Law Director. Mr. Ferris added engineering also wanted to ascertain how much traffic would be on the site with 214 students and 24 staff members using the site. Mr. Ferris stated engineering would like to know what time the applicant intended to have people arrive on the site.

Mr. Craig Smith, with New Avenue Architects introduced Ms. Jessie Hoffman, with the Barrington School.

Mr. Kirby swore Ms. Hoffman to tell the truth.

Ms. Huffman stated parent drop-off was anytime between 7:00 am to about 9:30 am, adding that parents could come anytime during the day. Ms. Huffman noted there should not be much confusion in the parking lots as staff take breaks and parents come and go.

Ms. Wiltrout asked if there were any out-front parallel spots available.

Ms. Hoffman stated they wanted parents to walk their children in.

Ms. Wiltrout asked if there would be anyone helping to bring in multiple children.

Ms. Hoffman stated if a mother had multiple children the director could help them. Ms. Hoffman noted the evening pick-up times were between 2:30 pm to 6:30 pm where parents would come and go.

Ms. Wiltrout asked what the capacity was for children.

Ms. Hoffman replied 214.

Mr. Schell asked if Ms. Hoffman had other locations.

Ms. Hoffman stated there were thirteen (13).

Mr. Schell asked if they were all similar in size.

Ms. Hoffman stated they had one in Cincinnati that could hold almost 200 children and one in Dublin that had 175.

Mr. Kirby asked what their parking space counts were.

Ms. Hoffman stated Dublin required one parking spot for 70 children which the City of Dublin had not enforced as her business did not require that number and neighbors had been helpful. Ms. Hoffman stated she did not have an exact number.

Mr. Schell asked how was the traffic at the Dublin and Cincinnati locations.

Ms. Hoffman stated parents were in the building for less than ten (10) minutes and she has never seen a parking jam in Dublin.

Mr. Wallace asked if that was because there was no particular start time to the drop-off.

Ms. Hoffman stated that was correct.

Ms. Wiltout asked if all staff members were there at all times.

Ms. Hoffman stated they were typically on eight (8) hour shifts and had one (1) hour lunches during nap time. Ms. Hoffman stated there were employees who were not there for the whole day, just for parts of the day.

Mr. Kirby asked if there were hours where the entire staff was present.

Ms. Hoffman stated no.

Mr. Kirby asked if there was any time where the employees overlapped as they were entering and leaving the school.

Ms. Hoffman stated they were staggered at fifteen (15) minutes so it could happen that they were all there at once.

Mr. Kirby asked if this had been a problem in the past.

Ms. Hoffman stated no, they had always been able to work with neighbors.

Mr. Schell asked what would happen if she did not have luck with neighbors.

Mr. Smith stated they had the agreement signed by the neighbor.

Mr. Wallace asked if the neighbor had agreed that cars from the Barrington School could park on their property.

Mr. Smith stated yes, adding that the heavy times of day for the applicant did not coincide with the heavy times of day for the neighbor. Mr. Smith noted the back half of the property seemed to be open most of the day.

Ms. Hoffman stated they had always used a financial, rental agreement with neighbors.

Mr. Schell noted such agreements did not always last for years and years.

Ms. Wiltrout suggested they might consider using a drop-off line where staff would help get children out of cars.

Mr. Kirby asked if there were any issues with the requirements or conditions in the staff report.

Mr. Smith said no problems with those, adding that he wanted to discuss a screening issue with staff. Mr. Smith stated they did want to add more windows and showed a plan to the Planning Commission.

Mr. Kirby asked if sidewalks and crosswalks were not a problem.

Mr. Smith stated no.

Moved by Mr. Kirby to accept the staff report and related documents into the record (Item 1), including the illustration with new windows Mr. Smith provided, for FDP-60-2019, seconded by Ms. Wiltrout. Upon roll call vote: Mr. Kirby, yea; Ms. Wiltrout, yea; Mr. Schell, yea; Mr. Wallace, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4 - 0 vote.

Moved by Mr. Kirby, to approve FDP-60-2019 subject to the conditions in the staff report, with Item 1 subject to staff approval and item 9 about sidewalks and crosswalks was required, seconded by Mr. Schell. Upon roll call: Mr. Kirby, yea; Mr. Schell, yea; Mr. Wallace, yea; Ms. Wiltrout, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4- 0 vote.

Other Business

Review and Recommendation to City Council for Updates to Codified Ordinances Section 1173—Private Swimming Pools

Mr. Michael Barker, an engineer with New Albany, discussed the proposed code changes and additions to the codified ordinance.

Mr. Wallace stated the term "and or" should have a slash (/) between the words and be "and/or."

Review and Recommendation to City Council for Updates to Codified Ordinances Section 1181—Stormwater Management and Runoff Control

Mr. Barker discussed the proposed code changes and additions to the codified ordinance.

Mr. Kirby asked if it was NPDES.

Mr. Barker stated NPDES, National Pollution Discharge Elimination System, guidelines were followed.

Mr. Kirby asked if Ohio EPA general construction permits include what used to be called, under Ohio EPA, NPDES.

Mr. Barker stated that was correct.

Mr. Wallace stated there was an extra "per" in the third line of the text at 1181.01(a).

Mr. Kirby asked if the new 1181.04(a) only referred to the preparation phase.

Mr. Barker stated it referred to the planting activity, the activity of farming.

Ms. Wilttrout asked if that was meant for watering the crops.

Mr. Barker stated did not know what the origin of that was.

Mr. Kirby noted it could be read two (2) different ways.

Mr. Barker stated he would review that.

Mr. Wallace stated it looked like that language was historical language and noted Mr. Kirby raised a good point in that it was vague.

Mr. Barker stated they would look at that.

Mr. Wallace noted the word "Nation" in 1181.07(c)(1) should be corrected to "National."

Review and Recommendation to City Council for Updates to Codified Ordinances Section 1183—Soil Erosion and Sediment Pollution

Mr. Barker stated this section had the most significant changes or additions.

Mr. Kirby asked if "surface water," in 1183.04(b), was a defined term.

Mr. Barker stated he was not sure if it was defined.

Mr. Barker noted sections 1183.07 and 1183.08 were new, saying 1183.08 provided a right of entry although others might argue the Ohio Revised Code already provided that.

Mr. Banchefsky stated others might argue differently and there would be more to follow on that.

Mr. Wallace stated there were several typographical errors and pointed them out, saying it likely needed an additional review prior to codification.

Mr. Kirby noted it would be good, where applicable, to indicate time limits and what was considered to be reasonable to help remove ambiguity.

Mr. Wallace noted that in 1183.08(B), where the City has to go to court, he would suggest adding attorneys fees and costs.

Mr. Banchefsky stated fine.

Mr. Barker stated he would take a finer toothed comb through the ordinances.

Moved by Mr. Kirby, to approve the ordinance changes as clarified, seconded by Ms. Wiltrout. Upon roll call: Mr. Kirby, yea; Ms. Wiltrout, yea; Mr. Schell, yea; Mr. Wallace, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4 - 0 vote.

With no further business, Mr. Kirby polled members for comment and hearing none, adjourned the meeting at 9:11 p.m.

Submitted by Josie Taylor.

APPENDIX



Planning Commission Staff Report September 16, 2019 Meeting

COURTYARDS AT NEW ALBANY- AGE RESTRICTED COMMUNITY PHASE 2 FINAL PLAT

LOCATION: 7100 New Albany Condit Road (PID: 222-001972)
APPLICANT: Epcon Communities c/o EMH&T

REQUEST: Final Plat
ZONING: I-PUD Infill Planned Unit Development (Yerke West PUD Text)
STRATEGIC PLAN: Office District
APPLICATION: FPL-69-2019

Review based on: Application materials received August 21, 2019

Staff report completed by Chris Christian, Planner

I. REQUEST AND BACKGROUND

The applicant requests review of a final plat for the Courtyards at New Albany subdivision. The plat includes 37 residential lots and four reserves. This is the last phase of the approved 105 lots for this subdivision.

This site was rezoned to allow 105 age-restricted residential housing on February 21, 2018 by the Planning Commission. The Planning Commission approved the final development plan and the phase one plat for this subdivision on June 18, 2018.

II. SITE DESCRIPTION & USE

The neighboring uses and zoning districts include data centers to the north, office use to the west, and residential to the east and south. According to the developer's website, there are currently 24 lots in contract within in the subdivision. The site has committed to be a 100 percent age-restricted neighborhood. This means that all of the units within the development must have at least one occupant who is 55 years of age or older and no under 21 is allowed to be a permanent resident. The site is zoned to allow a maximum of 105 lots. The current plat being reviewed is for 37 residential lots, and known as phase two of the neighborhood. This is the last phase of this development.

III. EVALUATION

Planning Commission's review authority of the final plat is found under C.O. Section 1187. Upon review of the final plat the Commission is to make recommendation to City Council. 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.

- The final plat is generally in compliance with the Courtyards at New Albany final development plan. The plat shows 37 residential lots, which is a phase of the 105 total lots allowed per the zoning text.
- Section VI(E) of the zoning text requires the minimum lot depth shall be 115 feet. It appears all of the lots are meeting this requirement.
- Section VI(D) of the zoning text requires there shall be a minimum lot width of 52 feet at the building line. It appears all of the lots are meeting this requirement.
- Section VI(F)(2) of the zoning text states that the front yard setback shall be 20 feet for all lots. The plat shows a 20 foot front yard setback for all lots.
- This phase of the plat contains four (4) reserve areas totaling 2.541 acres:
 - Reserves "I," "J," "K," and "L," will be owned by the City of New Albany and maintained in perpetuity by the homeowners association.

- Section VII(C) of the zoning text requires the developer to dedicate right-of-way to the city for a distance that extends 50 feet from the centerline of State Route 605/New Albany Condit Road. The plat shows 40 feet of existing right-of-way and the developer proposes to dedicate an additional 10 feet, thereby meeting the requirement of the zoning text.
- The plat will extend: Aster Drive, Lobella Drive, Holly Hock Drive, and Foxglove Drive.
 - All have at least 50 feet of right-of-way as required by the zoning text.

IV. ENGINEER'S COMMENTS

The City Engineer has reviewed the referenced plan in accordance with the engineering related requirements of Code Section 1187 and provided the following comment(s):

1. We will provide additional comments regarding drainage and other utility easements once detailed construction plans become available.
2. Please label Reserve K as a drainage easement.

Staff recommends all the City Engineer's comments are complied with and subject to staff approval. The engineering comments can also under separate cover from the consulting City Engineer, E.P. Ferris & Associates.

V. RECOMMENDATION

Basis for Approval: The final plats are generally consistent with the final development plan and meet code requirements.

VI. ACTION

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

Move to recommend approval to council of FPL-69-2019 with the following conditions, all subject to staff approval:

1. The comments of the City Engineer must be addressed, subject to staff approval.

Approximate site location:



Source: Google Maps



**Planning Commission Staff Report
September 16, 2019 Meeting**

**CELL TOWER
CONDITIONAL USE**

LOCATION: 5089 Johnstown Road (PID: 222-001516-00).
APPLICANT: UAS Inc. c/o Rob Ferguson
REQUEST: Conditional Use
ZONING: R-2
STRATEGIC PLAN: Neighborhood Residential
APPLICATION: CU-47-2019

Review based on: Application materials received May 17, 2019

Staff report prepared by Chris Christian, Planner

IV. REQUEST AND BACKGROUND

This application was last heard by the Planning Commission on August 19, 2019 without discussion. At the July 15, 2019 Planning Commission meeting, the board requested that the city retain an independent expert to review, evaluate and verify the information submitted by the applicant. The city retained Connected Nation to review the submittal, meeting minutes and conduct field tests to verify the applicant's material. Connected Nation is a nonprofit, 501(c)3, working to develop and provide tools, resources, and methods to help local communities, states, and federal agencies create and implement solutions to their broadband (high-speed internet) and digital technology gaps.

Connect Nation's Technical Assistance Report is attached to this staff report as Exhibit "A."
New information added to this staff report from the previous meeting is underlined.

The applicant requests approval of a conditional use for a cell tower to be located on a residentially zoned property. C.O. 1179.06 states Wireless Telecommunications Facilities that include towers, are permitted as a conditional use on any property with an institutional use (e.g., religious, education, recreation, government, park, library, municipal government, hospital, school, utility). The applicant is proposing to install a 130 foot cell tower on the Temple Beth Shalom property located at 5089 Johnstown Road. The property has a residential zoning, but contains a religious use on the property. Therefore a conditional use application must be reviewed by the Planning Commission.

As part of this project, the applicant is also seeking a variance to C.O. 1179.06(3)(a) to allow the proposed cell tower to be setback 40 feet away from a residential lot where code requires a minimum 200 foot setback. The Board of Zoning Appeals will evaluate this variance.

V. SITE DESCRIPTION & USE

The site is located on the west side of Johnstown Road, south of Thompson Road. There is an institutional use on the property, the Temple Beth Shalom. The property is adjacent to another institutional use as well as single family residential and the Oxford subdivision.

VI. EVALUATION

Standards for Conditional Uses:

The general standards for Conditional Uses for wireless telecommunications facilities are contained in Codified Ordinance Section 1179.07. According to the code section, a wireless telecommunications facility which includes a tower may be permitted as a conditional use for review, the applicant must prove that a newly constructed tower is necessary because co-location or an existing tower is not feasible in accordance with C.O. 1179.08.

C.O. 1179.08(c) states a conditional use permit shall be issued only if there is not technically a suitable space reasonably available on an existing tower or structure within the coverage area to be served. With the permit application, the Applicant shall list the location of every tower or antenna support, or structure within the coverage area that could support the proposed antenna. The Applicant must demonstrate that a technically suitable location is not reasonably available on an existing tower or antenna support structure. If another tower or antenna support structure is technically suitable, Applicant must show that it has offered to allow the owner to co-locate the wireless telecommunications facility on another tower within the City owned by Applicant on reciprocal terms, and the offer was not accepted, or the other tower is presumed to be reasonably available.

- Connected Nation completed a mobile drive test and field audit of the applicant's modeling data on August 15 and 16, 2019. The city's consultant conducted the mobile driving test within a 2-3 mile radius of the proposed tower using methodologies approved by the Universal Service Administration Company (USAC) and the Federal Communications Commission (FCC).
 - The field tests and propagation modeling indicates sufficient, theoretical service quality within the applicant's targeted areas.
 - 286 mobile tests were conducted on the Verizon network of which only three (3) failed (and one was canceled) supporting the fact that adequate signal levels are available within the applicant's targeted service areas.
 - **Connected Nation found the proposed placement of a 130 foot tall macro cell at 5089 Johnstown Road, is unnecessary to fill coverage voids within the applicant's targeted service areas.**
- The applicant states there are no towers within a half mile of the proposed location that are suitable to remedy the issues customers are having. There are towers over a mile away that are suitable towers for co-location, and the applicant has already co-located on these towers.
- During the June 17th meeting the applicant stated there is an existing electrical transmission tower in the area but that is not preferred nor does it provide good service.

(a) A wireless telecommunications facility which includes a tower may be permitted as a conditional use in a residential or commercial district. In order to be considered for review, the applicant must prove that

a newly constructed tower is necessary because co-location or an existing tower is not feasible in accordance with Section 1179.08. The following steps must also be taken for the application to be considered for review in this category:

- C.O. 1179.08(a) states that in order to encourage the location of wireless telecommunications facilities on publically-owned property, the City shall undertake an identification of publically-owned properties that the City determines are suitable for such use. At the June 17th meeting the Planning Commission requested the applicant provide data that supports the claim that there is no suitable land at Thompson Park to locate the cell tower. The applicant provided a floodplain map of the park but has not submitted any new documentation to show they investigated, thoroughly, the possibility of other viable alternatives within Thompson Park.
- The applicant stated at the June 17, 2019 Planning Commission meeting the service provider has explored the possibility of locating the cell tower on the Thompson Park property but stated that due to floodplain concerns, the provider did not pursue this option. However, the city's engineer has found the current proposed site at Temple Beth Shalom is also within the 100 year floodplain.
- Thompson Park is located approximately 3,400 feet from the US 62 and Thompson Road intersection which the applicant says is the center of the search radius. The tower site is a slightly more than one-half mile from the center of starting search area. Additionally, the current proposed tower location does not serve one of the highest dropped call areas. Furthermore, Connected Nation's Technical Assistance Report finds the proposed placement of a 130 foot tall macro cell at 5089 Johnstown Road, is unnecessary to fill coverage voids within the applicant's targeted service areas.

(1) The Applicant shall demonstrate that the Tower must be located where it is proposed in order to service the applicant's service area. There shall be an explanation of why a Tower and this proposed site is technically necessary.

- Connected Nation utilized a comprehensive radio frequency (RF) planning software to study the Verizon wireless network in the applicant's targeted service area. The software creates a propagation model to map the level of service. The propagation model found the vast majority of the applicant's targeted service area has an existing robust signal strength for inside/outside mobile coverage. Select areas receive adequate outside coverage and acceptable indoor coverage. Very few locations have reasonable outside coverage and limited to very limited indoor coverage. Therefore, the propagation model did not find any discernable "holes" in coverage.
- The applicant has submitted documentation showing the number of 4G dropped calls during April 2019 in the area surrounding this site. The applicant states that this tower will reduce the number of dropped connections within the documented outlined area. The applicant states the proposed tower location will also provide capacity relief to the adjacent site to the south. However no empirical data has been provided in support of this capacity issue.
- While the applicant has supplied documentation showing the number of dropped calls, it does not provide any context to the total number of calls made or total number of homeowners served in the area. The "raw" number of dropped calls does not provide a sufficient explanation of the tower is technically necessary since there is no other data with which to compare it.

- Additionally the map showing the dropped calls is only one month of data. The limited scope of data does not provide enough explanation of why the tower and site is technically necessary. The applicant has not submitted evidence that there is no other alternative to the installation of the proposed tower at this site. Therefore, staff believes that this code requirement is not being met.
- (2) *Where the wireless telecommunications facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property supports the application and that the vehicular access is provided to the facility.*
- The applicant has provided written documentation from the property owner stating that they support the application.
- (3) *The applicant shall present a site/landscaping plan showing the specific placement of the wireless telecommunications facilities on the site; showing the location of existing structure, trees and other significant site features; and indicating type and locations of plant materials used to screen the facilities, and the proposed color of the facilities.*
- At the July 15, 2019 Planning Commission meeting the city engineer shared the original Temple Beth Shalom development plan which show the proposed macro tower is located within the 100 year floodplain. City code does not permit residential, industrial and/or commercial development within the 100 year floodplain per C.O. 1155.04(a). Therefore an additional variance is required for the tower's location which must be heard by the Planning Commission. The applicant has not submitted a full application for this additional variance request.
 - The Temple Beth Shalom site is approximately 6.65 acres and is adjacent to another institutional use property, single family residential and the Oxford subdivision. The cell tower will be located 250+ feet away from the Temple Beth Shalom, 600+ feet from the Oxford subdivision and 500+ feet from the nearest single family home.
 - The applicant is proposing to install a 130 foot cell tower with a 10 foot lightning rod on the property for a total height of 140 feet.
 - This property is adjacent to on the edge of the community where the general vicinity is mostly rural in nature and has larger, single family residential lots.
 - The tower is going to be located in the rear of the Temple Beth Shalom property where the primary building is set back approximately 370+/- feet from Johnstown Road and approximately 880+/- feet from Thompson Road.
 - The tower will be located in a 31'x50'x7' fenced area and all ground equipment will be installed within the fenced area.
 - The applicant has provided a landscape plan as a part of the submittal and it appears that the proposed landscaping will screen ground equipment and mechanical units associated with the tower. The applicant will install twenty, five foot tall arborvitae trees to screen ground level equipment.
 - The cell tower will be installed in the back of the Temple Beth Shalom property. There is an existing tree stands that between the cell tower and the adjacent residential properties to the west and north.
 -
- (4) *Applicant shall present a signed statement indicating:*

- a. *The applicant agrees to allow for the potential co-location of additional wireless telecommunications facilities by other providers on the applicant's structure or within the same site location; and*
- b. *That the applicant agrees to remove the facility within one hundred eighty (180) days after the site's use is discontinued.*
 - The applicant has provided a letter stating that the tower will be removed with 180 days after the use is discontinued and agrees to allow for the potential co-location of additional wireless telecommunications facilities by other providers.
- (b) *A conditional use permit must be approved by the Planning Commission with a subsequent building permit issued for construction of new Towers in nonindustrial districts. Co-location of antennas on a single tower, antennas attached to existing structures/buildings, towers located in industrial districts, or replacement towers to be constructed at the site of a current tower are permitted uses and will not be subject to the conditional use permitting process.*
 - The applicant is required to submit permits for construction to be reviewed by city staff if the application is approved by the Planning Commission.
- (c) *Any decision to deny a request to place, construct or modify a wireless telecommunications facility and/or tower shall be in writing and supported by evidence contained in a written record of the proceedings of the Planning Commission.*

VII. RECOMMENDATION

The applicant states there is a critical need existing in the area and the company seeks to fill a service gap that cannot be remedied via co-location. However, Connected Nation's Technical Assistance Report finds the proposed placement of a 130 foot tall macro cell at 5089 Johnstown Road, is unnecessary to fill coverage voids within the applicant's targeted service areas.

The Technical Assistance Report's propagation model finds there is an adequate network coverage for indoor and outdoor use. The propagation model finds the vast majority of the applicant's targeted service area has an existing robust signal strength for inside/outside mobile coverage. Additionally, the proposed macro tower is located within the 100 year floodplain. City code does not permit the construction of towers within the 100 year floodplain. Therefore an additional variance will be required for the tower which must be heard by the Planning Commission, in addition to the variances that must be heard by the Board of Zoning Appeals.

Furthermore, at the July 15th Planning Commission meeting the applicant's technical expert stated the search ring and location of the tower has moved over time, indicating the tower does not have to be located at the proposed location.

Therefore staff recommends denial of the conditional use application based on the number of variances required for the proposed location and the findings of Connected Nation's Technical Assistance Report.

VIII. ACTION

The Commission shall approve, approve with supplementary conditions, or disapprove the application as presented. If the application is approved with supplementary conditions, the

Planning Commission shall direct staff to issue a zoning permit listing the specific conditions listed by the Planning Commission for approval.

As the Commission is aware, staff has recommended as a best practice to always make motions in the positive, i.e. a motion to approve. Correspondingly, staff typically provides the Commission with model language and a general rationale for such approval motion, which is true in this case as shown below. Accordingly, if a majority of the commission were to vote against such motion to approve, the application would fail. In such a case, since staff has not provided rationale for denial, it remains incumbent on each Commissioner, to clearly state his/her reason/basis for such vote.

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

Move to approve application CU-47-2019 with the following conditions:

- 1) The BZA variance application must be approved.
- 2) Variance(s) to the city's floodplain regulations must be approved.

Approximate Site Location:



Source: Google Maps



**Planning Commission Staff Report
September 16, 2019 Meeting**

**BARRINGTON SCHOOL
FINAL DEVELOPMENT PLAN**

LOCATION: Located at the corner of US-62 and Theisen Drive
(PID: 222-004730-00)
APPLICANT: New Avenue Architects & Engineers c/o Craig Smith
REQUEST: Final Development Plan
ZONING: Oak Grove Section II Subarea 7D—Section 2 Business Park (South Oak
Grove Retail)
STRATEGIC PLAN: Village Center Mixed Use
APPLICATION: FDP-60-2019

Review based on: Application materials received August 16, 2019.

Staff Report completed by Chris Christian, Planner

IX. REQUEST AND BACKGROUND

The application is for a preliminary and final development plan for the proposed Barrington School development located at the corner of Walton Parkway and Walton Commerce Drive, north of the Shops at Walton Parkway and northwest of Munster Financial. The development includes a 10, 368 square foot daycare facility on 1.568 acres. The site is located within Subarea 7D—Section 2 Business Park (South Oak Grove Retail) district of the Oak Grove II zoning text.

X. SITE DESCRIPTION & USE

The site is located at the corner of Walton Parkway and Walton Commerce Drive, north of the Shops at Walton Parkway and east of Munster Financial. The site is 1.568 acres and is currently undeveloped. The applicant is proposing to build a 10, 368 square foot daycare facility.

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.*

■ **Use, Site and Layout**

1. Nursery schools and day care facilities are a permitted use per the zoning text. The proposed development is in an appropriate location given its proximity to the New Albany Business Park and US-62. The applicant states the daycare will operate between the hours of 7:00am and 6:30pm during the week with up to 24 staff members and a maximum number of 214 children.
2. The development site is approximately 1.568 acres and includes a 10,368 square foot daycare facility and a playground area. The site will be accessed via a new curb cut along Walton Commerce Drive and will establish a connection to the Shops at Walton Parkway in order to utilize the existing connection to the roundabout on Walton Commerce Drive.
3. According to zoning text section 7d-S2.04(7) the applicant is required to install leisure trail along Walton Parkway. Leisure trail exists on the north side of Walton Parkway. There is an existing 5 foot wide sidewalk on the south side of Walton Parkway along a portion of the Tween Brands property up to the edge of this property. The applicant proposes to install a 5 foot sidewalk along Walton Parkway to create a connection to the existing sidewalk system on the east side of Walton Commerce Drive. Staff is supportive of the concrete sidewalk in this case because it is used on the Tween Brands site as well as on the east side of Walton Commerce Drive. The zoning requirement only pertains providing leisure trail along public roads therefore the applicant is not required to install leisure trail along Walton Commerce Drive, a private road.
4. The PUD zoning text requires the following setbacks from these perimeter boundaries:
 - a. Walton Parkway:
 Required—65 foot building and pavement setback
 Proposed— 65 foot building and pavement [requirement met]
 - b. Southern Property:
 Required—Zero foot building and pavement setback
 Proposed—Approximately 98 foot building and 24 foot pavement [requirement met]
 - c. West Property:
 Required—30 foot building and 10 foot pavement
 Proposed— 30 foot building and 20 foot pavement [requirement met]
 - d. East Property:
 Required—30 foot for building and 10 foot pavement
 Proposed— approximately 82 foot building and 30 foot pavement [requirement met]
5. Storm water retention for the site will be via an underground storage tank.

■ **Access, Loading, Parking**

- a. The site is proposed to be accessed by one new curb cut along Walton Commerce Drive which is a private road. The applicant states that a cross access easement and shared parking agreement has been executed between the property owners of both sites. This connection will also provide access to the existing roundabout on Walton Commerce Drive. Staff recommends a condition of approval that the applicant must provide documentation demonstrating that the cross access easement has been executed.
- b. The zoning text requires that the total lot coverage, which includes all areas of pavement and building, to not exceed 80% of the total area. The proposed development is at 39% lot coverage thereby meeting this requirement.
- c. According to C.O. 1167.05(c)(3) the minimum number of parking spaces for this use are one parking space per 15 students of the proposed capacity. Based on this requirement the applicant is required to install 15 parking spaces however the applicant is proposing 23 parking spaces including two ADA accessible spaces. The applicant is proposing to have just enough parking spaces for their employees, leaving no available parking spaces for customers. Staff recommends that the Planning Commission evaluate the number of parking spaces provided to ensure that there adequate amount for both employees and customers.

■ **Architectural Standards**

1. The purpose of the New Albany Design Guidelines and Requirements is to help ensure that the New Albany community enjoys the highest possible quality of architectural design.
2. The zoning text contains architectural standards and the site also falls under the Section 6 of the Design Guidelines and Requirements, Commercial.
3. The zoning text states that the maximum building height in this zoning district shall not exceed 65 feet. Architectural elements such as monitors, chimneys and cupolas may exceed this limitation. The proposed building height is approximately 23 feet therefore this requirement is being met.
4. The zoning text requires that building materials be traditional and natural in appearance such as brick, pre-cast stone, wood, glass and other synthetic materials are permitted as long as they are natural in appearance. The applicant is proposing to use hardie board and brick as the primary building materials which is permitted by the zoning text and are appropriate for the employed architectural style.
5. The zoning text allows pitched, flat and mansard roofs. The applicant is proposing a pitched roof. The zoning text states that all rooftop equipment must be screened from public roads and adjacent properties and the screening should be coordinated with the rest of the architecture so as to avoid being seen as an “add-on”. The applicant is meeting this requirement as the plans show the rooftop units fully screened.
6. DGR Section 6(I)(A)(2) states that a building designed in a traditional American architectural style must employ all the character defining architectural elements of that style. The proposed building employs and achieves a traditional Georgian architectural style.
7. DGR Section 6(II)(A)(12) states that all building shall have active and operable front doors on both public and private streets. The applicant is meeting this requirement

with operable and active doors along both Walton Parkway and Walton Commerce Drive.

8. The zoning text requires that garbage can and other waste containers shall be kept in storage buildings or within approved screened areas. The applicant proposes to install a dumpster enclosure which meets the requirement of the zoning text. Staff recommends a condition of approval that the color of the trex dumpster gate be subject to staff approval.

■ ***Parkland, Buffering, Landscaping, Open Space, Screening***

1. Street trees have already been installed along both Walton Parkway and Walton Commerce Drive therefore the applicant is not required to install them.
2. Per zoning text requirement 7d-S2.04(1)(b) wood rail horse fence must be constructed along Walton Parkway. The applicant is meeting this requirement by installing new horse fence along Walton Parkway.
3. Per zoning requirement 7d-S2.04(1)(c) parking lots shall be screened from public rights-of-way with a minimum 30" high evergreen landscape hedge or wall. The applicant proposes to install a hedge around the parking areas to meet this requirement.
4. Per zoning requirement 7d-S2.04(2)(a) landscaping within the perimeter side yard setback areas shall be planted with a mixture of deciduous shade trees, ornamental trees and evergreen trees. The zoning text states six trees per lineal feet of lot line and two deciduous shrubs per tree are required. The applicant is meeting this requirement by planting 34 trees within the side yard setback area and 68 shrubs.
5. Per zoning text requirement 7d-S2.04(3)(a) the required amount of interior landscaping area shall be a minimum of eight (8%) of the total area of the parking lot pavement. The total parking area is equal to 9,264 square feet. The applicant has provided 1,104 square feet of interior parking lot landscaping which is equal to 11% which exceeds the requirement of the zoning text.
6. Per zoning text requirement 7d-S2.04(3)(b) a minimum of one tree per 5,000 square feet for parking areas up to 20,000 square feet is required. The proposed parking lot is 9,264 square feet therefore two trees are required to be planted in the parking lot and the applicant is meeting this requirement.
7. The plans show an area for a future expansion of the playground area. Staff recommends a condition of approval that any expansion of the playground area, be subject to staff approval based on the minimal impact of this type of construction being predominantly ground cover, fencing, and playground equipment.
8. The city's landscape architects planting plan comments are as follows below. Staff recommends a condition of approval requiring the city landscape architect's comments are addressed and that the final landscape design be subject to staff approval.
 - a) The western line delineating the trees to be saved does not take into account the grading required for the building. Reconsider trees to be saved and infill trees lost with random massings along western edge of the building.
 - b) The landscape should be indicative to the existing character along Walton Parkway and Walton Commerce Parkway. eg: large deciduous shade trees in random massings. If a more formal character is desired, consider deciduous ornamental trees lining the proposed sidewalk.

- c) Add trees to the playground area to provide shade and some visual screening of the play equipment.
- d) Parking lot screening shrubs should be evergreen.
- e) If the proposed playground expansion occurs at a later time, the fence surrounding the playground area should be lined with evergreen shrubs. If the expansion does not occur, the currently proposed fence should be lined with evergreen shrubs.

■ *Lighting & Signage*

1. A detailed photometric plan has been submitted that has zero or near zero foot candle intensity along all parcel boundaries.
2. Site lighting is proposed to be down cast. The zoning text also requires site lighting to be cut off. Staff recommends a condition of approval that cut off light fixtures be used on the site.
3. According to zoning text section 7d-S2.05(3)(f) all light poles and standards shall be black or New Albany Green and be constructed of metal. The submitted plans do not specify the color of the poles. Additionally, the proposed parking lot lights differ from those at the Shops at Walton Parkway parking lot. In order to provide consistency in the area, staff recommends a condition of approval that the light poles either be black or New Albany green, constructed of metal and match the parking lot pole type used at the Shops at Walton Parkway parking lot.
4. The applicant does not propose any signage at this time. Staff recommends a condition of approval that signage for this site be subject to staff approval.

IV. ENGINEER'S COMMENTS

The City Engineer has reviewed the referenced plan in accordance with the engineering related requirements of Code Section 1159.07(b)(3) and provided the following comments in addition to the comments already addressed in the staff report or by the applicant:

1. Refer to Exhibit A. In accordance with Code Section 1159.07 (3) (E) add a signature block to the cover sheet as shown on Exhibit A.
2. Refer to Exhibit B. Add a sheet Index to the FDP cover sheet similar to what is shown on Exhibit B.
3. Refer to Exhibit C. Previously approved plans refer to the Private Drive as Walton Commercial Drive. Revise the FDP accordingly.
4. Refer to Exhibit D. The location of the dumpster as currently proposed creates a choke point at the proposed southern curb cut and also presents a safety issue in that motorist sight distance is affected. Please revise the location of the dumpster to eliminate this condition.
5. Refer to Exhibit E. Verify that there is a recorded access agreement that corresponds to the common access drive highlighted on this Exhibit. Determine how the access drive and/or agreement, or the FDP, must be modified to allow common access.

Staff recommends a condition of approval requiring the city engineer's comments are addressed, subject to staff approval.

V. RECOMMENDATION

Staff recommends approval of the Barrington School final development plan provided that the Planning Commission finds the proposal meets sufficient basis for approval. The building is well designed as it follows typical American architectural precedent for this type of building and the proposed development is in an appropriate location given the context of the surrounding area and proximity to the New Albany Business Park and US-62. The development is sensitive to the established character of Walton Parkway and maintains appropriate building and pavement setbacks and the structure is oriented to address Walton Parkway which is desirable.

The applicant is exceeding landscaping requirements of the zoning text and city code and is proposing consistent connections to the existing trail network on adjacent sites. The applicant has done their due diligence in working with the city and the property owner to the south to establish a connected parking that will utilize the existing curb cut along the private road.

Overall, this development is well suited for its location and has an attractive site design. However, staff recommends that the Planning Commission evaluate the site's programming and number of parking spaces to ensure there is adequate parking.

V. ACTION

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

Move to approve final development plan application FDP-60-2019, subject to the following conditions:

1. The applicant must provide documentation demonstrating that a cross access easement has been executed.
2. The color of the trex dumpster gate be subject to staff approval.
3. Future expansion of the playground area be subject to staff approval.
4. The city landscape architect comments are addressed and that the final landscape design be subject to staff approval.
5. Cut off light fixtures must be used on the site.
6. All light poles must either be black or New Albany green, constructed of metal and match the parking lot pole type used at the Shops at Walton Parkway parking lot.
7. Final sign location and design be subject to staff approval.
8. The city engineer's comments are addressed, subject to staff approval.

Approximate Site Location:



Source: Google Maps