



**New Albany Planning Commission
February 19, 2020 Meeting Minutes**

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 7:05 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 (arrived 7:11p.m.)

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

Moved by Mr. Wallace, seconded by Ms. Wiltrout to approve the January 22, 2020 meeting minutes. Upon roll call: Mr. Wallace, yea; Ms. Wiltrout, yea; Mr. Kirby, yea; Mr. Schell, 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 stated none from staff.

Mr. Kirby swore to truth those wishing to speak before the Commission and asked for cell phones to be silenced.

Mr. Kirby asked if members of the public wished to speak on any non-agenda items. (No response.)

FDP-104-2019 Final Development Plan

Final development plan application for the Holiday Inn Express located at the northwest corner of State Route 161 and Beech Road (PID: 093-106512-00.000).

Applicant: EMH&T c/o Natalie Fremmin

Mr. Christian presented the staff report.

Mr. Kirby asked if there was any Engineering.

Mr. Ferris stated no.

Mr. Kirby asked to hear from the applicant.

Mr. Terry Riddle, for Indiana Hospitality Group, stated they were ready to start upon approval.

Ms. Wiltrout asked applicant if he was fine with the conditions in the staff report.

Mr. Riddle stated absolutely.

Ms. Wiltrout noted there were conditions on materials to meet city requirements.

Mr. Riddle stated that was correct and he believed they had met the requirements for materials, it was just the coating on the signage they had to change.

Mr. Schell asked if the height noted of 49 feet was accurate.

Mr. Riddle stated yes.

Mr. Schell asked if there would be a swimming pool.

Mr. Riddle stated yes.

Mr. Schell asked if the pool was inside or outside.

Mr. Riddle stated it was inside.

Mr. Schell asked if there would be restaurants.

Mr. Riddle stated breakfast would be served.

Mr. Schell asked about a bar.

Mr. Riddle stated no bar.

Mr. Wallace asked if staff was comfortable with the materials.

Mr. Christian stated yes, there was just an issue with sign materials.

Mr. Kirby noted the wrong corner had been marked on the report.

Mr. Christian apologized for the error.

Moved by Mr. Kirby to accept the staff reports and related documents into the record for FDP-104-2019, seconded by Mr. Schell. Upon roll call vote: Mr. Kirby, yea; Mr. Schell, yea; Mr. Wallace, yea; Ms. Wilttrout, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4 - 0 vote.

Moved by Ms. Wilttrout to approve FDP-104-2019 based on the findings in the staff report with the three conditions listed in the staff report, seconded by Mr. Schell. Upon roll call vote: Ms. Wilttrout, yea; Mr. Schell, yea; Mr. Wallace, yea; Mr. Kirby, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4 - 0 vote.

ZC-107-2019 Zoning Change

Rezoning of 0.93 acres from Agricultural (AG) to Infill Planned Unit Development (I-PUD) for an area to be known as the Central College Dining zoning district, located at the northeast corner of Central College Road and State Route 605 (PIDs: 222-001983 and 222-001991).

Applicant: TFTP LLC, c / o Aaron Underhill

Mr. Mayer presented the staff report.

Mr. Kirby asked for Engineering.

Mr. Ferris stated they recommended that fifty feet from the center line of Route 605 and Central College be a dedicated right-of-way. Mr. Ferris noted a traffic study had been submitted to the City and was currently under review. Mr. Ferris stated they would likely comment on that at the final development plan stage.

Mr. Kirby asked for the applicant to speak.

Mr. Aaron Underhill, attorney for the applicant, reviewed the project and some updates to the plan originally presented at the Rocky Fork Blacklick Accord meeting. Mr. Underhill stated he was surprised at the interest in this application and thought the worries and concerns regarding the application were overblown. Mr. Underhill stated he would provide objective information to show the use for this location was appropriate.

Mr. John Gallagher, a traffic engineer for the applicant, presented findings of a traffic study on the intersection. Mr. Gallagher stated the traffic study showed minimal impact. Mr. Gallagher stated the corner would only see an increase of thirty (30) trips at the PM peak time. Mr. Gallagher noted that was one (1) vehicle every two (2) minutes and it would be difficult to discern the difference. Mr. Gallagher added that minor signal timing adjustments may be needed. Mr. Gallagher also noted this intersection, contrary to the opposition website's claims, was not a problem intersection and far from that label.

Mr. Underhill noted that an office use for the property could lead to an even worse traffic impact on the corner.

Mr. Gallagher stated that office use for this location would create more traffic than that proposed here during the PM and AM peak hours, saying traffic timing was often worse for school pedestrian and school bus schedules.

Mr. Kirby asked about the impact this would have on the stacking length that could result due to drivers making a left turn into the location.

Mr. Gallagher stated they had simulated that and had found that only two (2) cars would be stacked at any time and it was not an issue.

Mr. Kirby asked how many feet from the driveway to the intersection.

Mr. Gallagher stated he believed it was a couple hundred.

Mr. Kirby asked what the speed limit was at that point.

A member of the community stated that at that point it was 45 miles per hour on that side of Central College.

Mr. Gallagher stated it was four (4) lanes on Central College that then became two (2) after crossing 605 and that normally, when that is the case, the two (2) lanes will eventually become four (4) which would mean left turn concerns would disappear, but said he could not verify that.

Mr. Kirby asked if there was a plan to increase Central College to four (4) lanes on the east side.

Mr. Mayer stated that west of 605 there were four (4) lanes but east of 605 there were only two (2), identified as rural, and there was no intent to widen that section of road.

Mr. Kirby asked if the intent was to keep Central College at two (2) lanes.

Mr. Mayer stated yes.

Mr. Kirby noted it was against the City's plan to increase the number of lanes on Central College beyond its current two (2) lanes.

Mr. Mayer stated widening was not necessary and traffic signal adjustments may correct for stacking.

Ms. Wiltout noted that the additional thirty (30) trips found in the traffic study seemed a little low. Ms. Wiltout stated that seemed to suggest there would only be thirty (30) people visiting the site at peak hours and asked how those numbers were calculated and their validity.

Mr. Gallagher noted it was from national data compiled by engineers, used for decades in municipal studies, and well vetted and accepted. Mr. Gallagher stated that thirty (30) vehicles did not mean thirty (30) people, it was only thirty (30) vehicles coming and going at peak hours, not number of people there.

Ms. Wiltout asked where the numbers were taken from, was it a brewery.

Mr. Gallagher stated there are a lot of micro-breweries.

Ms. Wiltout asked if it was specific to micro-breweries.

Mr. Gallagher stated he would have to verify, but thought the category was called "drinking place" and could be a micro-brewery, a bar, or any number of other places serving alcohol. Mr. Gallagher stated the data came from studies done all around the country based on square footage of the facility.

Mr. Wallace asked Mr. Gallagher if he obtained data from the city then picked the type of use and extrapolated how much added traffic there would be above the data obtained from the city.

Mr. Gallagher stated he got the traffic counts, the square footage of the facility, and the number of trips per square footage from the national data for a drinking place. Mr. Gallagher stated he then added on a food truck pod for two (2) food trucks to obtain the total traffic per truck as well as for the drinking place, and that was where the thirty (30) trips came from.

Mr. Wallace asked Mr. Gallagher if that meant he had assumed a use of a drinking establishment of certain square feet and then added two (2) food trucks to determine how many more trips would be generated based on this particular use.

Mr. Gallagher stated correct, saying that was added to the background traffic in the intersection and then analyzed and projected out for ten (10) years based on a growth rate obtained from the City.

Mr. Wallace asked what the growth rate referred to.

Mr. Gallagher stated it was the expectation in the increase of background traffic in the location.

Mr. Wallace asked what the conclusion was.

Mr. Gallagher stated the conclusion was that some signal timing adjustments would be needed.

Mr. Wallace asked it would be timing adjustments for how long the lights would be red, yellow, and green.

Mr. Gallagher stated right.

Mr. Wallace asked what other conclusions he had drawn.

Mr. Gallagher stated that was it.

Mr. Wallace asked about stacking.

Mr. Gallagher stated there was not enough traffic for that.

Ms. Wiltrout asked what if the traffic grew, with the plan to keep Central College to two (2) lanes, how could they fix a problem if it were to present itself.

Mr. Gallagher stated he had assumed growth for ten (10) years out.

Ms. Wiltrout asked if peak time was rush hour and asked if any analysis had been done at about 8p.m., when people may be going to the bar.

Mr. Gallagher stated yes, it was rush hour, and he had not done an analysis at a different time, but said one could be done.

Mr. Kirby asked when the ambient traffic fell off.

Mr. Gallagher stated he could not recall that.

Mr. Kirby stated that might mean the potential conflict disappeared then.

Mr. Gallagher stated traffic, based on his observations, fell off quite a bit outside of peak time.

Mr. Schell asked what the typical or regular sized property request Mr. Gallagher would normally receive, as he had stated this was smaller than usual.

Mr. Gallagher stated that most municipalities tended to fall back to the Columbus Code which stated 100 trips during any given peak hour for residential.

Mr. Wallace asked Mr. Ferris if it was correct that he had the report but had not yet completed the analysis.

Mr. Ferris replied that was correct.

Mr. Wallace asked what the analysis consisted of, what was he looking for.

Mr. Ferris stated they would look at the report to see if they agreed with the findings in the report.

Mr. Wallace asked if, from an engineering standpoint, it would be important for the Planning Commission to know what the Engineering review was prior to voting to change the zoning.

Mr. Kirby asked if the Planning Commission should wait until Engineering completed its review.

Mr. Banchefsky stated traffic was not a sole basis for approval or not, it was peripheral.

Mr. Wallace stated his question was about the Engineering view of that, not whether it was a major or minor factor.

Mr. Banchefsky stated he wanted to point out that the case law did not support final determination based on traffic.

Mr. Underhill stated the applicant would agree not to proceed to City Council for a vote until Engineering completed its review of the traffic study. Mr. Underhill also added that if Mr. Ferris thought the report was off, the applicant would return to the Planning Commission.

Ms. Wilttrout asked if real numbers could be put on that, such as the thirty (30) vehicles, the no stacking, etc.

Mr. Gallagher stated the city already approved the thirty (30) vehicles, it was part of the upfront stuff.

Mr. Wallace noted the problem was that if zoning was changed all that could go in there was the nano-brewery and they were really, in a way, almost approving the final development plan.

Mr. Underhill stated it was in his client's best interest to have that resolved. Mr. Underhill noted it was a 3,300 square foot building , including the basement, a very small building and that helped with traffic and who would be there.

Mr. Wallace asked how the food trucks would get onto the property.

Ms. Wilttrout asked if a diagram could be seen of the parking lot.

Mr. Underhill provided an image on the slide presentation.

Mr. Wallace asked where the trucks would be.

Mr. Underhill illustrated the food truck area and stated they would require food trucks to come and leave, respectively, before and after business hours so they would enter when there was no one in the parking lot.

Mr. Wallace asked how they would get in.

Mr. Underhill stated it would be something they needed to think about for the final development plan.

Mr. Kirby asked if the trucks were going to be under the drip line.

Mr. Underhill stated they would have standard tree preservation practices.

Mr. Kirby stated he wanted to know if the food trucks would be under the drip line, as the diagram seems to suggest.

Mr. Underhill stated that appeared to be the case.

Mr. Kirby asked to restrict them so they would not be under the drip line of existing, mature trees.

Mr. Underhill stated they would try their best to do that.

Mr. Kirby noted it was about to become a condition of approval, so if he had any opposition it should be discussed now.

Mr. Underhill stated he did not know how large the drip line was and added they could try to move the food trucks north.

Mr. Wallace asked if Mr. Kirby was concerned about root damage.

Mr. Kirby stated yes.

Mr. Underhill stated they had made a commitment to preserve the trees and part and parcel of that was to make sure they would locate the food trucks in a way that did not damage the root system.

Mr. Kirby stated that would be approved by staff when they pulled permits.

Mr. Underhill stated the answer would be in the final development plan.

Mr. Kirby stated that would be a condition of approval on the final development plan regarding truck parking

Ms. Wiltrout asked about the family friendly ideas for the brewery.

Mr. Underhill stated there were plans to have cornhole in the yard, this was not to be a place to go get drunk in, there would be no shot glasses, no live bands on the deck, and it would be pedestrian and pet friendly.

Ms. Wiltrout asked about music being louder than the traffic sounds and asked how this would be determined and what traffic noise it would be measured against, whether at 10p.m. or at rush hour.

Mr. Underhill stated the intent was to provide an objective standard to judge against.

Mr. Kirby asked if he was willing to baseline that prior to construction.

Mr. Underhill stated absolutely though he did not know if would be done through decibels or otherwise.

Ms. Wiltrout stated it would be most important to do so at 9 or 10 p.m., during sleep hours and times when people might get rowdier.

Ms. Wiltrout asked if there would be any incentives for people to walk up to the brewery.

Mr. Underhill stated dogs would be welcomed, they would connect to the leisure trails, and they would offer a water feature as well as bike racks.

Mr. Kirby noted that on page 3 of 13 it stated outdoor music would be played and asked if that could be reworded because it read as a mandate that music must be played at a volume equal to the ambient noise when what it wanted to say was it would never be louder than the ambient noise.

Mr. Underhill stated that was right.

Mr. Kirby asked if there was a limit to the times of special event hours.

Mr. Underhill stated it was an absolute limit at 12a.m.

Mr. Kirby asked the applicant to describe the difference between regular nights and special events.

Mr. Underhill stated those were the times, for example, the Fourth of July, when people would want to stay late and watch fireworks from the yard. Mr. Underhill stated perhaps wedding receptions could be held here, but thought that would be dropped if it were an issue.

Mr. Kirby stated, if he was reading it correctly, it would be one (1) more hour on the food trucks, except for the building and the deck, which would still close at midnight.

Mr. Underhill stated that was correct.

Mr. Kirby asked about the signage on page 4, item 6, asking if sandwich boards could be restricted to only when the food trucks were present.

Mr. Underhill stated absolutely.

Mr. Kirby asked for a commitment to the photometric plan.

Mr. Underhill stated it would be available at the final development plan stage.

Mr. Kirby stated so that was already a part of the process and did not need to be a condition.

Mr. Christian stated correct.

Mr. Kirby asked if the deck was a building or a structure.

Mr. Mayer stated it was a structure.

Mr. Kirby stated it was inconsistent in the text in terms of encroachment.

Mr. Mayer stated the intent was to attach to the building as an extension of the building so the building setback would apply.

Mr. Kirby asked on which side of the fence the trees would be.

Mr. Mayer stated that was to be evaluated based on the final development plan, adding that staff recommended that the trees be on the residential side and fence be on the business side.

Mr. Schell stated Mr. Underhill had noted the food trucks would plug in so the normal noise of a generator would not be there, but asked if they would emit smells that could be unpleasant.

Mr. Underhill stated that would not be a problem most of the time and thought the Code would deal with that as a nuisance, but did not know how to measure that, adding that there was not an intent or desire to do that.

Mr. Schell asked if it was a problem in their other restaurants.

Mr. Undershill stated no.

Mr. Schell noted that independently owned food trucks presented an insurance issue as the insurance for the location would not apply to the food trucks and asked how they would ensure they were insured.

Mr. Underhill stated the agreement with the food truck owners would require them to carry insurance for their liability.

Mr. Schell asked if it was a six (6) foot privacy fence.

Mr. Underhill stated it could be as high as anyone wanted, six (6) feet or more, they were open to ideas.

Mr. Kirby asked what the deck height would be.

Mr. Underhill stated three (3) feet.

Mr. Kirby stated that made a six (6) foot fence only a three (3) foot fence.

Mr. Schell asked if it would be white.

Mr. Underhill stated yes.

Mr. Schell stated Enclave residents worried over capacity that might spill over, asking if they could handle the capacity if there were 47 cars in the lot. Mr. Schell asked if there were 75 cars trying to get in, would that be feasible, where would they go.

Mr. Underhill stated he had no data on that, but his sense was that they would not have that overflow.

Mr. Kirby stated people would walk in and walk out.

Mr. Underhill stated that was right, and he believed the properties to the south would ultimately develop and provide opportunities for overflow parking.

Mr. Schell stated it was a historic building but could be torn down as no law prevented it.

Mr. Underhill stated that was correct unless federal money had been used and, if not, then no legal bar to tearing it down.

Mr. Kirby stated some of the documents in the package were out of date and asked if there was anything that needed to be done for clarification on the documentation.

Mr. Christian asked which documents.

Mr. Kirby indicated the document, stating it had the deck on the wrong side.

Mr. Mayer stated that was the prior submission to the Rocky Fork Blacklick Accord meeting and added there were some new letters recently received to hand out this evening.

Mr. Wallace stated they wanted to be sure the slide presentation was included as part of the record.

Mr. Mayer stated sure.

Mr. Underhill noted staff had the plan he had shown that evening.

Mr. Mayer stated yes.

Mr. Christian provided Planning Commission members with handouts of community residents' letters and emails regarding this application.

Mr. Kirby asked if these were part of the documentation that would be in the record.

Mr. Christian stated yes.

Mr. Wallace asked Mr. Underhill if there was an occupancy limit the Plain Township Fire Department would have for the building.

Mr. Underhill stated absolutely, but he did not know what that was.

Mr. Wallace asked what it might be, was it driven by interior square footage.

Mr. Underhill stated the maximum occupancy per Code was 99 people, including staff, although they did not anticipate being at that level.

Mr. Kirby noted that was from the Fire Marshall and they would work with that when they obtained an occupancy permit.

Mr. Mayer stated it would be reviewed and approved by the City.

Mr. Schell asked if that was for the deck also.

Mr. Kirby stated that was separate.

Mr. Underhill stated he anticipated it would be, as it was external to the building.

Mr. Kirby asked for a comparison of the size of the deck to the main floor.

Mr. Joe Claire, a commercial real estate agent with the applicant, stated the deck was about half that of the main floor and the interior square footage, not including bathrooms, was about 1,300 square feet and the basement, for which there was no plan at this time, was a split level.

Ms. Char Steelman, a resident of the community, stated the original application spoken about at the Rocky Fork Blacklick Accord meeting had six (6) events per year, then jumped to 24 per year, and now was back to twelve (12) per year and was not a concession, it was twice the original application amount. Ms. Steelman noted that if the business was to generate such few vehicles how successful could it be. Ms. Steelman stated that in terms of the numbers, New Albany required about thirteen (13) parking spaces for administrative offices but restaurants needed to have 44 or 47 spots, so if it were office then only thirteen (13) spaces were needed, so it really would not generate that many vehicle trips.

Mr. Gallagher stated if the existing building were converted to office, it would need about 10,000 square feet.

Mr. Kirby stated that to rebuild this from scratch, the 200 foot setback would not permit a new building of that size, it would need to be no more than the 3,000 square foot building, so using a 10,000 square foot office building would not be appropriate.

Mr. Underhill stated this building would go away and the site become unusable due to these factors.

Mr. Kirby stated his point was that as a small property, on its own, there was a 3,000 square foot building that was grandfathered and could be used while something new would not be grandfathered. Mr. Kirby stated it would not be worth the money.

Mr. Underhill stated if this were not approved then the likelihood would be a lot of variance requests would be coming in for this property in the future.

Mr. Kirby stated that due to the building size, if used as office, then smaller parking and traffic would make sense.

Ms. Steelman stated the impact of the site on the neighbors was a concern from the Rocky Fork Blacklick Accord meeting and the neighbors had not been heard yet and she had concerns regarding games in the yard area and if it were all ADA complaint.

Mr. Kirby asked about bathroom locations in the building.

Mr. Claire stated there would be a ramp attached to the deck with access.

Mr. Underhill stated there would be a ramp attached to the deck that would provide entry and be ADA compliant.

Ms. Steelman asked about special events and the traffic they would bring. Ms. Steelman also asked why this was being looked at as a retail district rather than an office district.

Mr. Mayer stated that office was on the 2014 Strategic Plan and noted that when applications differed from the land use, they evaluated the applications in terms of what most closely matched the use for the property.

Ms. Steelman noted that would then mean that since the building was being repurposed then the setback requirements normally used in the community for retail would mean nothing.

Mr. Mayer stated the Central College and 605 setbacks were in the Strategic Plan for the road sections but there were no specific setbacks in place for neighbors and adjacent properties, although screening was recommended.

Ms. Steelman asked if the setbacks were part of the City Code.

Mr. Mayer stated that was correct, City Code recommended a 25 foot buffer be provided between commercial uses and residential uses.

Ms. Steelman stated there was only about five (5) feet here.

Mr. Mayer stated he thought the applicant was proposing about five (5) or ten (10) feet.

Ms. Steelman stated that was what she meant when she said the setbacks did not apply here.

Mr. Kirby stated the building would likely not make a setback.

Ms. Steelman noted that the residential property of Mr. Haag was right next to this property and asked others to imagine what it would be like to live next to a bar, regardless of what it was being called, it was still a bar. Ms. Steelman stated this was being called a transitional area, but noted that currently the east side of 605 was residential and the commercial areas were in the City of Columbus and to the west by a quarter or third of a mile. Ms. Steelman noted this location was surrounded on three sides by residential property. Ms. Steelman asked that the best for the residents in the area be done and added that the trail here ended at Mr. Haag's property and was a trail to nowhere.

Mr. Kirby noted that trails to nowhere were often necessary to create connections that may not be apparent.

Mr. Christopher Haag, a resident directly next door to the location, provided a slide presentation and stated this was a residential area and commerce was on the west side of 605 as 605 acted as the separation between commercial and residential. Mr. Haag added that the retail fast food locations in the area were in Columbus, not New Albany. Mr. Haag stated the 2020 New Albany Strategic Plan had the property identified as residential for future land use. Mr. Haag stated there were thirty (30) single family homes within 1,000 feet of the location and noted they would be impacted the most with traffic, noise, odors from brewing and dumpsters. Mr. Haag added the intersection was a busy intersection and would not be safe to walk. Mr. Haag added there were new housing communities going into this area and it was already packed with children who were out in the area often and many children biked or walked to school through this intersection and it did get backed up with people trying to turn left who had to cross three lanes of traffic. Mr. Haag stated this is the first new bar in New Albany in forty (40) years and it was the only one that was completely surrounded by three (3) residential properties and it was only some fourteen (14) feet from its nearest neighbor. Mr. Haag stated the fence line allowed people to see into his property, especially when on the deck. Mr. Haag noted the noise he experienced when the Lions Club used the location for events and people parked in his yard and along 605. Mr. Haag stated he had a petition signed by 216 people and that a .93 acre location was not a dining district, it was residential and that was what residents wanted it to be. Mr. Haag added that residents in

Hampstead, who were most in favor of the bar, were located quite a distance from this location and many of them were also in Columbus. Mr. Haag also noted that when accidents in the area occur, cars often end up in the location where the applicant is now proposing to build the deck and said he felt the speed limit should be reduced.

Mr. Kirby stated the Planning Commission had little control over speed limits on 605 due to Ohio Department of Transportation regulations but a similar situation was also in place for Central College.

Mr. Ferris stated that was generally correct.

Mr. Haag stated that in areas where commercial uses occurred, the limit was normally 25 miles per hour. Mr. Haag asked who would enforce the number of special events.

Mr. Kirby stated that was complaint driven enforcement and would be a zoning violation for them to exceed it and had a per happening penalty.

Mr. Mayer stated it would be a zoning enforcement violation, enforceable through fines.

Mr. Haag asked how it would be investigated.

Mr. Mayer stated a Code Enforcement Officer would be sent and there were also special event permits that could be filed and used to track the number of events.

Mr. Underhill stated the applicant would agree to zero special events.

Mr. Haag stated the same enforcement question would apply to noise and hours enforcement.

Mr. Kirby stated it was a zoning violation.

Mr. Haag asked whom he would call.

Mr. Mayer stated it would be a zoning violation and enforcement, and the city would then monitor and investigate those.

Mr. Haag asked if a fine could be issued just based on his complaint.

Mr. Mayer stated the City would investigate through means such as monitoring, asking residents, and other methods, and if needed they could coordinate with the police department and fines could be used.

Mr. Haag stated living some twenty feet away, he was not comfortable with that as a business is unlikely to close doors if customers are still present and paying for service.

Mr. Haag noted he was concerned about the impact on the property's septic system.

Mr. Kirby asked the applicant where the leach field for that septic system was and if it was on the same property.

Mr. Claire stated Franklin County had stated the current septic system was sufficient for their uses and the leach field was due east of the building and went south.

Mr. Kirby asked if he had that from Franklin County.

Mr. Claire stated yes, a letter from Franklin County about their use and a report from the people who did it.

Mr. Haag stated property value was a concern for all residents in the area and noise not just from operations but also when about eighty (80) people are on the property that would generate a great deal of noise pollution, was a concern. Mr. Haag added residents wanted a quiet neighborhood and relied on the 2014 Strategic Plan when opting to purchase homes here and this bar violated the desires of the residents in this community.

Mr. Kirby noted that after the Planning Commission voted, then the City Council would vote. Mr. Kirby asked how tall Mr. Haag would want the fence to be if it had to go in.

Mr. Haag stated at a minimum it would need to exceed the height of an average person on the deck.

Mr. Kirby asked if ten (10) feet would do it.

Mr. Haag stated yes and noted screening and trees should also be present.

Mr. Kirby stated they had arbor vitae on his side of the fence.

Mr. Haag stated he did not know if the location of his driveway would leave enough room for that, but trees would help with noise but, on the east side, another resident would have lights from cars onto his property.

Mr. Kirby asked if the applicant would have fencing on that side and if it was over four (4) feet tall.

Mr. Underhill stated yes.

Mr. Haag asked if the applicant would be putting fencing all the way around.

Mr. Underhill stated yes.

Mr. Kirby asked if mature trees on the northern property line would interfere with fencing on the applicant's side.

Mr. Haag stated the mature tree was on his side.

Mr. Kirby asked if they would agree to work together to minimize damage to Mr. Haag's tree.

Mr. Schell asked Mr. Haag when the Lions Club was active in the building, how many events did they have and when.

Mr. Haag stated it was rented out a lot and it was very active for several years with concerts and weddings while he lived there. Mr. Haag said there is now a current tenant, a church, that meets there regularly for services and Bible study.

Mr. Schell asked if Mr. Haag had any issues with the owners through this.

Mr. Haag stated no.

Mr. Kirby called for a break and called the meeting back to order after ten (10) minutes.

Ms. Wendy Knodell-Smith, a resident in the community, stated she moved to the community for safety and that was her main concern. Ms. Knodell-Smith stated a bar 1,000 feet from her home was not a safe place for her children. Ms. Knodell-Smith stated there was a bike path on Central College the kids used to get to school or walk their dogs on and the bike path was right across the parking lot for the bar, and stressed this was not a restaurant. Ms. Knodell-Smith stated no one moved to New Albany to live near food trucks and that this would bring down property values and hoped New Albany would protect its residents from that. Ms. Knodell-Smith noted that there was almost no traffic at about 8p.m. so stating that noise on the property would not be above traffic noise meant people would have to be silent on the property. Ms. Knodell-Smith noted this was still an area where deer frequented and a bar was out of place here when residential construction was taking place near this property, adding a community center would be a good potential use. Ms. Knodell-Smith added that bar businesses normally had increased criminal activity and adult behaviors associated with them that were not appropriate near family homes. Ms. Knodell said off premises drinking could occur here and it was also not a good fit for the community and there were other locations that would be a better fit. Ms. Knodell-Smith noted that Hampstead Village was going to be buffered from the new Target, and asked why that was not done here. Ms. Knodell-Smith stated that making a left out of the parking lot required drivers to cross three lanes of traffic and that was hard to do when sober, let alone when a person had been drinking.

Mr. Schell asked Mr. Underhill what the pricing would be for a beer as that could impact clientele type.

The applicant stated it would be between \$6 and \$10.

Mr. Schell asked if there would be a Happy Hour.

The applicant stated no.

Ms. Knodell-Smith asked where delivery trucks would be able to park for deliveries as they could not pull in to the lot and then pull out.

Mr. Lawrence Cohen, a resident of the community, stated he was in opposition to the proposed zone change. Mr. Cohen stated it would be inconsiderate and irresponsible for the Planning Commission and City Council to approve this proposal that would impact rights of adjacent owners to have quiet enjoyment of their property. Mr. Cohen noted traffic dangers would be brought to the intersection that were not currently present. Mr. Cohen said the potential stacking the business would create as people attempted to turn left in and out of the location across three (3) lanes of traffic, and traffic at peak times, were different from what had been alleged here. Mr. Cohen said he had been disturbed by parties on neighbors' yards, but the situation here would be worse in noise and less easily dealt with for neighbors so close to this location. Mr. Cohen added that while current plans did not call for the food trucks to be at the location for lunch service, it seemed a likely future use and food truck traffic would become a concern at those hours also. Mr. Cohen noted the area was not transitional, as had been said, it was clearly residential, noting that

the development of the Epcon communities proved this. Mr. Cohen urged the Planning Commission not to recommend this for approval.

Ms. Wiltrout asked if the noise concern was from the outside, asking if the noise were inside the building would it be a concern.

Ms. Loni Burnap, a resident in the community, stated that one of the changes from the original proposal was that the applicant had mentioned there would be no music at all, but this evening they mentioned having music. Ms. Burnap asked if there would be music or bands.

Ms. Wiltrout asked about the noise of talking on the patio and asked if there was a way to keep the noise inside the building.

Mr. Underhill stated there would be no live bands and any outside music would be at a low level for mood. Mr. Underhill stated conversations held outside should be discussed as use of the deck was needed for the business.

Mr. Kirk Smith, a resident of the community, stated this proposal flew in the face of the 2014 and 2020 New Albany Strategic Plans which stated the community would bring establishments such as this into the City center. Mr. Smith stated this was a request to put a bar into a residential area, which is the opposite of the Strategic Plan vision. Mr. Smith noted there were plenty of locations in New Albany for this business that would not shoehorn it into a residential area. Mr. Smith questioned where the environmental waste, the byproduct of the brewery, would go.

Mr. Claire stated they would use city water and waste would have minimal impact.

Mr. Smith noted the liquor permit would legally allow liquor sales until 2a.m. and the only way to stop that would be to file a complaint so it would just be a zoning issue, not illegal. Mr. Smith stated for neighbors here it would be less than fifty (50) feet to a dumpster and asked if the food waste would be hauled away or go into the dumpster.

Mr. Claire stated the food truck operations would haul their own waste.

Mr. Smith stated that the independent food truck owners proposed for this location had an incentive to go where their potential revenue was highest and the requirements for them to be on the property before and after closing, with zero opportunity for revenue, argued against having established food trucks on this property, and they would be serving only alcohol. Mr. Smith asked if there was a contingency plan in place for food if food trucks were not available or would customers only be consuming alcohol.

Mr. Kirby stated that was wandering far from the zoning question.

Mr. Smith asked Mr. Gallagher if his traffic assumptions had taken into consideration the three (3) businesses known to be going in that would be adding traffic to the community at this time.

Mr. Gallagher stated yes, that was part of the background growth that was agreed on by the City.

Mr. Smith asked Mr. Gallagher if he knew what time the light at that intersection began blinking yellow and red.

Mr. Kirby stated 10p.m. or 11p.m.

Mr. Larry Piper, a resident of the community, stated he lived directly east of the location and would be directly affected by this. Mr. Piper stated noise was not a problem when the church was there, but when the Lions Club began leasing it out there were a lot of parties and a lot of problems for him as people spilled onto and even used his yard to relieve themselves, and he saw all of the lights and heard all of the noise in his home. Mr. Piper noted it was a dangerous intersection and he had seen several accidents, including one that almost forced the vehicles onto the property. Mr. Piper stated it was very difficult to turn left and people parked in his driveway when the location ran out of parking spaces. Mr. Piper asked about water drainage.

Mr. Kirby noted they could not change drainage.

Mr. Piper stated he was only fifteen (15) feet from the property line and he would hear every noise and see all the lighting. Mr. Piper stated he was not in favor of this and, as far as the septic system, he said he had been condemned at one time for not having sufficient leaching area and that was just for a family of four (4), so he did not see how it would be okay for the bar's use.

Mr. Patrick Spangler, a resident of the community, stated he was the first Enclave resident in 2007, and noted that he had been there when the Lions Club held events and those attending would park in every spot at the Enclave community near his home. Mr. Spangler stated there were thirteen (13) children under the age of twelve (12) in that community area who were walking and taking school busses who should not be exposed to a bar when they were in their community. Mr. Spangler also noted he could smell the Lucky Yee restaurant from his home and wondered how the brewery smell would be.

Mr. Kirby noted the outside tank in the proposed location was not a real brew tank, it was a decorative feature that offered water.

Mr. Spangler asked it could be switched to beer.

Mr. Kirby stated it would need different licensing.

Mr. Spangler also mentioned that a lot of people already used his part of the Enclave to turn around and that would get worse. Mr. Spangler stated there was not enough parking at the location and they would end up parking in the Enclave, on his street, and worried he would have to call and complain all the time. Mr. Spangler asked about televisions used for games and the noise that would generate.

Mr. Claire stated there were no plans for a television.

Mr. Spangler stated he had moved to New Albany due to its planning and that was why they wanted to be inside the New Albany Corporate limit and this was a residential area. Mr. Spangler stated this was a bar, not a bar/restaurant, and bars bring bad behaviors. Mr. Spangler stated this was a residential community with deer, birds, etc., and with a 55 and older community in the area, this bar was not wanted here and noise and other complaints would be routinely filed.

Mr. Brad Griffith, a resident and business owner in the community, noted that while the best of intentions seemed to be involved here, he did not think the proposed business was the best fit for the community. Mr. Griffith also noted that if this location would open for lunch, it may lure Discover Card employees who would smoke near the Enclave community and as young children were getting on and off buses for kindergarten.

Mr. Underhill stated there would be no smoking on patio but it was hard to control the parking lot.

Mr. Kirby asked if the deck was a structure as there was a lack of clarity.

Mr. Mayer stated they would defer to the applicant but a condition that would only allow the deck and no other structures could be put in.

Moved by Mr. Kirby to accept the staff reports and related documents, including the presentations from the meeting, the updated diagrams and documents, and the additional documents handed out, into the record for ZC-107-2019, seconded by Mr. Schell. Upon roll call vote: Mr. Kirby, yea; Mr. Schell, yea; Ms. Wiltrout, yea; Mr. Wallace, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4 - 0 vote.

Moved by Mr. Kirby to approve ZC-107-2019 based on the findings in the staff report with the conditions in the staff report and the following conditions:

1. Trucks are to avoid the existing, mature trees on the final development plan approval;
2. Baseline noise measurements are to be done prior to construction;
3. The noise text is to be updated;
4. Sandwich board text is to be updated;
5. Arbor vitae will be on the outside of the fence;
6. There will be zero special events;
7. The default for the northern privacy fence height is ten (10) feet unless otherwise agreed to with the neighbor on that side;
8. Work with neighbors to minimize damage to the trees when they cross the lot line;
9. No outdoor televisions;
10. Deck as a structure, but no other structure, with wording to be done to staff approval;
11. No smoking on the deck;
12. The vote of the City Council is delayed until the City Engineer has had a chance to report on the traffic report;

seconded by Mr. Wallace. Upon roll call vote: Mr. Kirby, no; Mr. Wallace, no; Mr. Schell, no; Ms. Wiltrout, no. Yea, 0; Nay, 4; Abstain, 0. Motion failed by a 0 - 4 vote.

Mr. Kirby noted that the conditions were in place as City Council still needed to vote on this application. Mr. Kirby stated the current adjacent land use and zoning, and the small size of the parcel, were the reasons he voted no.

Mr. Wallace noted he agreed with Mr. Kirby's comments and wanted to state that while commercial use near residential locations is often approved, those areas are typically larger than the property here and this location was also much closer to residential areas than was typical. Mr. Wallace noted it was positive to try and save the historic building, and development may see that bulldozed, but this was just not a good location for this business.

Mr. Schell stated that he had to agree with Mr. Kirby and Mr. Wallace, although he did like the concept. Mr. Schell noted he did not realize how large the opposition was and that there was too much opposition for him to vote for it.

Ms. Wiltrout stated she ultimately voted no because the adjacent plan use was the deciding factor and it was too close to neighbors' homes.

Other Business

Engage New Albany Strategic Plan Update

Mr. Kirby asked staff if they could delay the Engage New Albany Strategic Plan Update due to the lateness of the hour.

Mr. Mayer stated they could delay.

With no further business, Mr. Kirby polled members for comment.

Ms. Wilttrout thanked the residents for their participation.

Mr. Kirby stated it was a nice plan, but it was too close to neighbors with not enough buffer.

Mr. Kirby adjourned the meeting at 10:40 p.m.

Submitted by Josie Taylor.

APPENDIX



Planning Commission Staff Report February 19, 2020 Meeting

HOLIDAY INN EXPRESS FINAL DEVELOPMENT PLAN

LOCATION: Located at the northwest corner of State Route 161 and Beech Road
(PID: 093-106512-000.00)
APPLICANT: EMH&T c/o Natalie Fremming
REQUEST: Final Development Plan
ZONING: Northwest Beech Interchange Zoning District
STRATEGIC PLAN: Retail/Office Mix
APPLICATION: FDP-104-2019

Review based on: Application materials received on November 15 and December 16, 2019 and January 16 and 30, 2020

Staff Report completed by Chris Christian, Planner

I. REQUEST AND BACKGROUND

The application is for a final development plan for the proposed Holiday Inn Express located at the northwest corner of Beech Road and State Route 161. The development includes a 96 room, four story hotel on a 3.57 acre site.

This site is located within the Beech Crossing zoning district which was reviewed and approved by the Planning Commission on January 22, 2020 (ZC-102-2019). The application was reviewed under these zoning regulations to ensure there no non-conformities created.

II. SITE DESCRIPTION & USE

The site is located at the northwest corner of State Route 161 and Beech Road. The site is 3.57 acres and is currently undeveloped. The applicant is proposing to build a 96 room, four story hotel.

III. EVALUATION

Staff's review is based on New Albany plans and studies, zoning text, and 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. The applicant is proposing to develop a 96 room, four story hotel at the corner of State Route 161 and Beech Road. Hotels 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 State Route 161.
2. The development site is approximately 3.57 acres and will be accessed by a private road which was reviewed and approved by the Planning Commission on October 21, 2019 (FDP-72-2019). The zoning text requires all private drives that provide access to more than one site shall be designed and built to match public street standards. The new access drive shown on the final development plan is designed to serve future adjacent sites as well as this site therefore it must be built to public standards which will include street trees and sidewalk on both sides of the road. The applicant is providing side walk on the east side of the road. Street trees and the side walk on the west side of the road will be installed as future development occurs. The proposed plan meeting this requirement.
3. According to zoning text section C(1) the applicant is required to install leisure trail along Beech Road. Since leisure trail exists along Beech Road the applicant is not required to install it.
4. Per zoning text section C(4) the applicant is required to connect into the existing pedestrian circulation system. The applicant is meeting this requirement by providing a direct connection into the sidewalk that will be constructed with the outparcel access road which was reviewed and approved by the Planning Commission on October 21, 2019.
5. Per zoning text section C(5) the applicant is required to provide a pedestrian connection into the public leisure trail along Beech Road. The applicant is meeting this requirement. The same text section also encourages shared connections between sites where possible. The proposed connection of the sidewalk to the leisure trail will allow site(s) to the north to connect into this connection. Staff recommends a condition of approval that an access agreement be provided allowing the site(s) to the north to connect into the sidewalk in order to provide access to the hotel site.
6. 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 47.3% lot coverage thereby meeting this requirement.
7. The PUD zoning text requires the following setbacks from these perimeter boundaries:
 - a. Beech Road:
Required—75 foot building and 40 foot pavement
Proposed— 125 foot building and 42 foot building [requirement met]
 - b. State Route 161:
Required—the northern boundary line of the existing gas line easement or 125 foot building and pavement
Proposed—177 foot building and 82 foot pavement [requirement met]
 - c. Outparcel Access Road:
Required—15 foot building and pavement setback
Proposed—358 foot building and 286 foot pavement [requirement met]
8. The applicant indicates that the onsite stormwater will be conveyed to an off-site stormwater basin via a proposed ditch.

■ **Access, Loading, Parking**

1. The site is proposed to be accessed from a private road which was previously approved by the Planning Commission on October 21, 2019 (FDP 72-2019). The zoning text requires that the new road to this site and the previously approved private contain the same streetscape design and the applicant is meeting this requirement by providing sidewalk on the east side of the road. Street trees and the side walk on the west side of the road will be installed as future development occurs.
2. According to C.O. 1167.05(d)(13) the minimum number of parking spaces for this use are one parking space for each sleeping room plus one for each employee during the main shift. Since the hotel has 96 rooms and the applicant states that there will be 10 employees on the main shift, 106 parking spaces are required. The applicant is proposing to provide 111 parking spaces which meets this requirement.
3. According to C.O. 1167.06(b)(2) the applicant is required to provide one off street loading space. The applicant is meeting this requirement by providing one loading space underneath the front entry canopy.

■ **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 for hotels in this zoning district shall not exceed 65 feet. Architectural elements such as parapets, mechanical screening and cupolas may exceed this limitation. The proposed building height is approximately 49 feet therefore this requirement is being met.
4. The applicant is proposing to use two different colors of brick, cast stone and metal wall panels as exterior building materials. The zoning text permits the use of these materials such as brick, pre-cast stone, wood, glass and other synthetic materials are permitted as long as they are natural in appearance. The city architect states that the use of multiple materials is appropriate as they are used to break up the scale of the building.
5. Zoning text section E.4(b) states that all rooftop mechanical units must be screened to limit off site visibility and sound. The applicant is not proposing to install any rooftop mechanical unit.
6. DGR Section 6(I)(A)(1) states that buildings need not follow the stylistic practice of traditional American commercial architectural and that contemporary forms and designs are encouraged which is the design the applicant is achieving with this application.
7. DGR Section 6(I)(A)(4) states that the number, location, spacing and shapes of window openings shall be carefully considered. The city architect states that the windows of this building are arranged and sized appropriately.
8. DGR Section 6(I)(A)(6) states that all visible elevations of a building must receive similar treatments in style, materials and design so that no visible side is of a lesser character than any other. The applicant is meeting this requirement by using the same materials on all building elevations.
9. C.O. 1171.05(b) states that all trash and garbage container systems must be screened. The applicant proposes to install a dumpster enclosure thereby meeting this requirement.
10. The city architect reviewed the proposal and is supportive of the proposed design stating that the use of massing and different building materials help break up the scale of the building, the windows are appropriately sized and located and that the signage is low key and well integrated into the building.

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

1. Street trees have already been installed along Beech Road therefore the applicant is not required to install them.

2. Per zoning requirements G(a) and G(3)(a) a four board horse fence is required to be installed along Beech Road and State Route 161. Horse fence is already installed along Beech Road and State Route 161 therefore this requirement is being met.
3. Per zoning text requirements G(2) and (G)(3)(b)(i) a minimum of 6 trees per 100 lineal feet must be installed within the required setback area along State Route 161 and Beech Road. The applicant is meeting this requirement by providing 28 trees along State Route 161 and 17 trees along Beech Road.
4. Per zoning text requirement G(3)(c) a minimum 3.5 foot tall landscape buffer must be provided to screen parking areas along all public rights of way. The proposed landscape plan states that a 3.5 foot tall landscape buffer will be installed along the parking areas that are along public rights of way, therefore this requirement is being met.
5. Per zoning text requirement G(3)(d) a landscape buffer is required to be installed within the required setback of any interior side parcel line and shall consist of a ten foot landscape buffer with grass and landscaping and deciduous trees planted at a rate of 4 trees for every 100 feet of side property line and deciduous shrubs must be planted under the trees. The applicant has not provided the required landscaping along its northern property line which sides a future site. Therefore staff recommends a condition of approval that 14 additional deciduous trees are planted along the northern property line along with deciduous shrubs underneath the trees, subject to review and approval of the city landscape architect.
6. Per zoning text requirement G(7) a minimum of one tree for every 10 parking spaces is required and at least 5 percent of the vehicular use area shall be landscaped. The applicant is providing 111 parking spaces, providing 20 trees and 8% of the total parking area is landscaped. This requirement is being met.
7. The city's landscape architects reviewed the applicant and are supportive of the proposed landscape plan.

■ **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. The applicant is proposing to use all cut off light fixtures on site therefore this requirement is being met.
3. The applicant proposes to install three wall signs, one on the northern elevation, on the east elevation and one on the south elevation. The material for all three signs was not indicated on the plans Staff recommends a condition of approval that the material used for the signs must meet city sign code requirements. The wall signs on the north and south elevations are identical and have the following dimensions:

Wall Signs (North and South Elevations)

- The zoning text and C.O. 1169.15(d) permits a wall sign on each building frontage either on a public or private road, with 1 square foot in area per linear square foot of building frontage, not to exceed 75 square feet. The applicant proposes two identical wall signs to be installed on the northern and southern building elevations with the following dimensions:
 - a. Lettering Height: 34 inches [meets code]
 - b. Area: 74.99 square feet [meet code]
 - c. Location: one on the southern elevation and one on the northern elevation
 - d. Lighting: internally illuminated [meets code].
 - e. Relief: varies between 3 inches 5 inches" [meets code]
 - f. Colors: green and white, (total of 2) [meets code].
 - g. Material: information was not provided.

Wall Signs (East Elevation)

- The zoning text and C.O. 1169.15(d) permits a wall sign on each building frontage either on a public or private road, with 1 square foot in area per linear square foot of building frontage, not to exceed 75 square feet. The applicant proposes to install one wall sign on the east elevation with the following dimensions:
 - a. Lettering Height: varies, maximum 34 [meets code]
 - b. Area: 74.99 square feet [meet code]
 - c. Location: located on the east elevation
 - d. Lighting: internally illuminated [meets code].
 - e. Relief: varies between 3 inches 5 inches” [meets code]
 - f. Colors: green and white, (total of 2) [meets code].
 - g. Material: information was not provided.
- All three signs will feature the company logo and read “Holiday Inn Express” and the sign on the east elevation will also read also include “& Suites”.
- DGR Section 6(II)(A)(8) states that signage for this building type shall be as simple and unobtrusive as possible and shall avoid overly bright or jarring colors. The applicant is proposing three wall signs that are appropriately scaled for the building and are appropriate for this area given the desired development type.

IV. ENGINEER’S COMMENTS

The City Engineer has reviewed the application and has no comments.

V. RECOMMENDATION

Staff recommends approval of the Holiday Inn Express final development plan provided that the Planning Commission finds the proposal meets sufficient basis for approval. The proposed development is in an appropriate location given the context of the surrounding area and will serve as an amenity for the New Albany Business Park. The applicant is meeting and exceeding the pedestrian connectivity requirements of the zoning text to ensure that pedestrians can access not only their site but other sites within the overall area. The building is well designed as it utilizes appropriate materials to achieve a contemporary architectural design while adhering to the requirements of the zoning text and the New Albany Design Guidelines and Requirements.

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-104-2019, subject to the following conditions:

1. An access agreement must be executed that will allow a site(s) to the north to connect into the sidewalk in order to provide access to their site.
2. 14 additional trees must be planted along the northern property line along with deciduous shrubs underneath the trees, subject to review and approval of the city landscape architect.
3. The material used for the building signage must meet city sign code requirements.

Approximate Site Location:



Source: Google Maps



**Planning Commission Staff Report
February 19, 2020 Meeting**

**CENTRAL COLLEGE DINING DISTRICT
ZONING AMENDMENT**

LOCATION: 6678 Central College Road (PIDs: 222-001983-00 & 222-001991-00)
APPLICANT: TFTP LLC c/o Aaron L Underhill
REQUEST: Zoning Change
ZONING: Agricultural (AG) to I-PUD Infill Planned Unit Development
STRATEGIC PLAN: Office
APPLICATION: ZC-107-2019

Review based on: Application materials received on December 16 and 24, 2019 and January 7 and 9 and February 7, 2020.

Staff report completed by Chris Christian, Planner

III. REQUEST AND BACKGROUND

The applicant requests review and recommendation to City Council to rezone 0.93+/- acres to Agricultural (AG) to Infill Planned Unit Development (I-PUD) at 6678 Central College Road. This application proposes to create a new zoning district to be known as the Central College Dining District.

The proposed uses outlined in the zoning text are limited and will allow a historic building on the site to be repurposed to allow for a dining facility which can include micro-brewing and/or winery as an accessory use, food truck on site, churches and other religious facilities, and administrative offices with the exception of medical office uses. The site is located in the 2014 New Albany Strategic Plan's Office Campus future land use district. However given the proposed use, staff has evaluated the proposal under the Neighborhood Retail District.

This application is solely for rezoning the site. A preliminary site plan and architectural renderings were submitted with this application but are subject to final review and approval as part of a final development plan application that will be evaluated by the Planning Commission at a later date.

The Rocky Fork-Blacklick Accord reviewed this application on January 15, 2020 and the motion to approve the application failed by a 3-3 vote. The Rocky Fork-Blacklick Accord cited concerns on parking, traffic, and the impact of the site's operations on neighbors. Since the Accord's hearing the applicant has made several updates to the proposed zoning text including:

- Increased the number of parking spaces from a minimum of 40 to 47
- Provided a limitation to the amount of beer that can be produced on site per week
- Relocated the deck to the west elevation of the building
- Reduced the Central College Road pavement setback by one foot to accommodate additional parking
- Reduced the maximum number of food trucks on site to two at one time instead of three
- Provided a closing time of midnight for both the inside of the building and the patio

II. SITE DESCRIPTION & USE

The site is located at 6678 Central College Road and consists of two parcels. The sites contain one historic building which was constructed in 1836 and an unimproved parking lot. The neighboring uses include commercial and residential properties.

III. PLAN REVIEW

Planning Commission's review authority of the zoning amendment application is found under C.O. Sections 1107.02. Upon review of the proposed amendment to the zoning map, the Commission is to make recommendation to City Council. Staff's review is based on City plans and studies, zoning text, and zoning regulations. Primary concerns and issues have been indicated below, with needed action or recommended action in underlined text.

A. New Albany Strategic Plan

The 2014 New Albany Strategic Plan lists the following development standards for the Neighborhood Retail District:

1. Retail buildings should have footprints no larger than 80,000 square feet, individual users should be no greater than 60,000 square feet.
2. Well organized, common green space should be designed with retail developments.
3. Landscaping should be high quality, enhance the site and contribute to the natural, pastoral setting of New Albany. Heavy, but appropriate landscaping is necessary to buffer these uses from any adjacent residential areas.
4. Individual uses should be limited in size, acreage, and maximum lot coverage.
5. Curb cuts on primary streets should be minimized and well organized connections should be created within and between all retail establishments. Combined curb cuts and cross-access easements between parking areas are preferred between individual buildings
6. Parking should be located in the rear of the building
7. Sidewalks or leisure trails should be included along primary roadways as well as internal to the developments
8. No freeway/pole signs are allowed
9. Structures must use high quality building materials and incorporated detailed, four-sided architecture.
10. Drive-thrus are discouraged, if they occur they must be located to the rear of the site.
11. Store windows must be a significant part of all street facades.

B. Use, Site and Layout

1. *The proposed text rezones 0.93 acres that is currently zoned as Agricultural (AG). There are two parcels within the proposed zoning district consisting of one existing structure which was built in 1836 and is listed on the historic building inventory of the Rocky Fork Blacklick Accord, and one unimproved parking lot. Staff recommends a condition of approval that the applicant submits an application to execute a lot combination for the two parcels at the time of the final development plan.*
2. The text states that only the existing structure on this site will be permitted to be operated, that no additional structures are permitted to be constructed within the zoning district, and redevelopment of the site will require the site to be rezoned.
3. *The proposed uses outlined in the zoning text are limited and will allow a historic building on the site to be repurposed to allow for a dining facility which can include a*

- nano-brewing and/or winery as an accessory use, food trucks on site, churches and other religious facilities, and administrative offices with the exception of medical office uses.*
4. *The text provides a list of what food truck types are and are not permitted within the zoning district to ensure those services remain transient in nature.*
 5. *This application is solely for rezoning the site. A preliminary site plan and architectural renderings were submitted with this application but are subject to change after review and approval of a final development plan application that will be evaluated by the Planning Commission at a later date.*
 6. *The proposed uses appear to be appropriate due to the close proximity of this site to adjacent commercial uses and other retail/restaurant uses. This site serves as a transitional area between these areas and residential to the east.*
 7. *The proposed text contains operational limitations for the proposed restaurant and food truck uses.*
 - a. *No more than two food trucks may be operated within the zoning district and the text does not permit food trucks to be parked on site overnight.*
 - b. *Food trucks are permitted to operate between the hours of 10:00am to 10:00pm with the exception of special events which allow for food truck operation until 11:00pm. The text states that the building and outdoor deck shall close no later than midnight. Special events include operations or activities that lead to an increased activity on the site as compared to normal and customary business operations. Some examples of “special events” include, but are not limited to, weddings, receptions and holiday celebrations such as Independence Day and Labor Day. The text states that a maximum of twelve special events are permitted each year.*
 - c. *Food trucks are required to be powered via a permanent electric source and outdoor generators are not permitted.*
 - d. *Outdoor music is required to be played at a volume that is not audible from off-site and is no louder than the noise that is generated from automobile traffic on the adjacent roads.*
 - e. *Food trucks must be powered using a permanent electric source and outdoor generators are not permitted.*
 - f. *Lights from food trucks must be directed in a way that does not allow the light to spill off-site and must be solely for the purpose of providing illumination for pedestrian safety, the cooking and serving spaces.*
 8. *The applicant is proposing the following setbacks.*

Zoning Boundary	Required Setbacks Proposed in the Text	Notes
State Route 605	30 foot building and pavement from the right-of-way. A wooden deck may extend 15 feet into the minimum building setback.	The New Albany Strategic Plan recommends 185 foot setback from the centerline from the road for new developments. However, since the application is proposing to repurpose the building and parking lot, they propose to match the existing pavement and building setbacks.

Central College	17 building and 14 pavement from the right-of-way	The New Albany Strategic Plan recommends 250 setback from the centerline from the road for new developments. However, since the application is proposing to repurpose the building and parking lot, they propose to match the existing pavement and building setbacks.
Northern Boundary	30 foot building and 5 foot pavement. The text allows a deck to extend one foot into the required building setback. Steps that provide pedestrian access are permitted to extend further into the required setback.	<ul style="list-style-type: none"> • C.O. 117.05(c) recommends commercial and, office uses which abut districts where residences are a permitted use create a 25 foot buffer zone. • <u>The application proposes to require a 5 foot setback. Within this buffer zone the text requires installing all the required landscape screening by providing a 6 foot privacy fence and 6 foot tall arborvitae.</u>
Eastern Boundary	100 foot building and 10 foot pavement	<ul style="list-style-type: none"> • C.O. 117.05(c) recommends commercial and office uses which abut districts where residences are a permitted use create a 25 foot buffer zone. • <u>The application proposes to create a 10 foot setback. Within this buffer zone the text requires installing all the required landscape screening by providing a 6 foot privacy fence and 6 foot tall arborvitae.</u>
Western Boundary (Not adjacent to right-of-way)	10 foot pavement setback from the western perimeter boundary that is not adjacent to State Route 605	<ul style="list-style-type: none"> • C.O. 117.05(c) recommends commercial and office uses which abut districts where residences are a permitted use create a 25 foot buffer zone. • <u>The application proposes to create a 10 foot setback. Within this buffer zone the text requires installing all the required landscape screening by providing a 6 foot privacy fence and 6 foot tall arborvitae.</u>

C. Access, Loading, Parking

1. The texts states that vehicular access into this zoning district will be provided from one full movement access point on Central College Road. The city engineer has reviewed the proposal and recommends that a traffic study be completed that evaluates left turning movements in to the site from Central College Road as part of the final development plan application.

2. The city's parking code section C.O. 1167.05(d)(3) states that restaurant uses, provide a minimum of one off street parking space for each 75 square feet of gross floor area be provided. According to the Franklin County Auditor website, the existing structure has a floor area of 3,335 square feet therefore 44 parking spaces would be required. If the site were to be used for administrative offices, the city parking code would require 13 parking spaces as one parking space is required for every 250 square feet of floor area. The text states that a minimum of 47 parking spaces will be provided on the site and that the amount of parking provided on the site will be reviewed and approved as part of a final development plan application.
3. The text states that an eight foot wide leisure trail shall be provided along both Central College Road and State Route 605. In addition, the applicant is also providing a 5 foot wide concrete sidewalk from the leisure trail along Central College Road to the front entrance of the building.
4. The text states that a minimum of 10 bicycle parking spaces shall be provided on site.

D. Architectural Standards

1. The text states that the existing historical building on site maybe enhanced by the following improvements. Additional improvements are permitted and all exterior improvements will be reviewed and approved by the Planning Commission as part of a final development plan application.
 - a. Painting the building in a manner that is consistent with its historical character.
 - b. Replacements and upgrades to the building trim.
 - c. Construction of a deck on the west side of the building.
 - d. Enhancements to the building entrance along Central College Road.
 - e. Incorporation of a pedestrian door on the north side and/or east side of the building.
2. The proposed text permits the installation of a 15 foot tall brewery tank outside of the building. The tank shall not occupy more than 150 square feet of space unless otherwise approved as part of a final development plan application. The purpose of the tank is to identify the use of the building and will provide a source of drinking water for cyclists and pedestrians using the leisure trail system.

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

1. The text states that street trees shall be provided along State Route 605 and Central College Road at a rate of 1 tree per 30 lineal feet.
2. The text states that a four-board horse fence shall be installed along State Route 605 and Central College Road.
3. The zoning text states that a minimum 6 foot tall privacy fence shall and a hedgerow of 6 foot tall arborvitae shall be provided along the entirety of the eastern, northern and the western boundary line where it does not about public right-of-way. This level of screening is consistent with recently approved commercial development applications that were adjacent to residentially zoned where the 25 foot wide screening buffer could not be achieved.
4. The zoning text states that open spaces within the zoning district may be utilized for "low intensity" games and activities. Additionally, the text allows for outdoor dining in green spaces using fixtures and/or removable furniture which will be reviewed and approved as part of a final development plan application.
5. The text states that all mechanical equipment, service areas and dumpsters shall be screened at ground level from all adjacent properties and adjacent public streets.

E. Lighting & Signage

1. The text states that parking lot lighting shall not exceed 18 feet in height and must be a downcast, cut-off light fixture in order to eliminate light spilling beyond the boundaries of the zoning district and must be turned off every night by 10:30pm.
2. The text states fully shielded, cut-off type lighting shall be used throughout the zoning district

and that all permanent light fixtures, plans and specifications shall be provided for review and approval as part of a final development plan.

3. The text states that street lights shall be provided at two locations within the zoning district. Staff recommends a condition of approval that the street light types, fixtures and locations are reviewed and approved as part of a final development plan application.
4. The zoning text states that no building or landscape up lighting is permitted within this zoning district.
5. All security lighting, when used must be a motion-sensor type system.
6. The text allows for three signs to be installed on site: one above the primary building entrance, one on the brewery tank, one ground sign if the brewery tank sign is not installed and one directional sign at the access point to the zoning district for wayfinding purposes. External illumination is the only permitted sign lighting type. All signs must meet the requirements of the city sign code unless otherwise approved as part of a final development plan.

F. Other Considerations

1. The text states that all new utilities will be installed underground.

IV. ENGINEER'S COMMENTS

The City Engineer, E.P. Ferris reviewed the proposed rezoning application and provided the following comments. Staff recommends a condition of approval that these comments are addressed, subject to staff approval. .

1. Provide a Traffic Study to evaluate left turns into the site. The study shall determine what roadway striping modifications are required to support the project and how traffic signal operations at the SR 605 intersection may be impacted.
2. A minimum of 40' of R/W was dedicated along all Lion's Club parcel frontages as part of ODOT's 2004 Roadway Improvements project. We recommend that additional R/W be dedicated along Central College Road so that a total of 50' of R/W as measured from the road centerline is provided along the entire Central College Road frontage.

V. RECOMMENDATION

Basis for Approval:

Staff is supportive of the proposed rezoning. The site is designated as office campus on the 2014 New Albany Strategic Plan's future land use map. However, due to the close proximity of adjacent commercial and retail/restaurant uses, the proposed uses are appropriate for the site since it serves as a transitional area from residential to the east. The proposal meets the 2014 New Albany Strategic Plan recommendation that retail types of development should be focused in the Village Center and in key business park locations since it can serve the business park and residents.

The 2014 New Albany Strategic Plan recommends neighborhood retail should be designed at the appropriate scale and have quality site design and architecture. The PUD text is providing a narrowly tailored set of regulations to provide for the reuse of the property while preserving and enhancing the site and existing historic structure to ensure these recommendations are being met. The text only allows the existing structure to be used. The text states that no additional structures shall be permitted to be constructed on the site and that construction of any structures in this district shall require the approval of another rezoning application. The text also does not allow the existing structure to be outfitted with a ventilation/exhaust hood for cooking. These regulations ensure the building and site cannot be completely redeveloped as part of this application.

The proposal allows for the development of a neighborhood scaled dining facility or administrative office on this site. The specialty dining facility is intended to provide a dining options and seeks to create a place for business park employees and families to walk or bike to. The abundant amount of bicycle parking on site and the construction of the new deck on the western elevation will activate and encourage outdoor use at this corner of Central College Road and State Route 605. In addition, the applicant has revised the proposed text to address the concerns of the Rocky Fork Blacklick Accord including limiting the hours of operation and revising the site plan to ensure that parking requirements are being met.

VI. ACTION

Suggested Motion for ZC-107-2019:

Move to recommend approval to Council of the rezoning application ZC-107-2019, subject to the following conditions:

1. The applicant must submit an application to execute a lot combination for the two parcels at the time of the final development plan.
2. Street light types, fixtures and locations shall be evaluated at the time of a final development plan.
3. The City Engineer's comments are addressed, subject to staff approval.

Approximate site Location:



Source: Google Maps