



**New Albany Planning Commission
October 19, 2020 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	Present
Mr. David Wallace	Present
Mr. Hans Schell	Present
Ms. Andrea Wiltrout	Present
Mr. Sloan Spalding (council liaison)	Present

(Mr. Kirby, Mr. Wallace, Mr. Shockey, Mr. Schell, Ms. Wiltrout, and Mr. Spalding present via GoToMeeting.com).

Staff members present: Steven Mayer, Development Services Coordinator (via GoToMeeting.com); Chris Christian, Planner; Ed Ferris, City Engineer (via GoToMeeting.com); Mitch Banchevsky, City Attorney (via GoToMeeting.com); and Josie Taylor, Clerk (via GoToMeeting.com).

Moved by Mr. Schell, seconded by Mr. Wallace to approve the August 17, 2020 meeting minutes. Mr. Schell, yea; Mr. Wallace, yea; Ms. Wiltrout, yea; Mr. Shockey, yea; Mr. Kirby, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5 - 0 vote.

Moved by Ms. Wiltrout, seconded by Mr. Wallace to approve the September 9, 2020 meeting minutes. Upon roll call: Ms. Wiltrout, yea; Mr. Wallace, yea; Mr. Schell, yea; Mr. Shockey, yea; Mr. Kirby, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5 - 0 vote.

Moved by Mr. Wallace, seconded by Ms. Wiltrout to approve the September 21, 2020 meeting minutes. Upon roll call: Mr. Wallace, yea; Ms. Wiltrout, yea; Mr. Shockey, yea; Mr. Kirby, yea; Mr. Schell, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5 - 0 vote.

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

Mr. Christian stated the applicants for VAR-78-2020 requested the application be tabled until the regularly scheduled November Planning Commission (hereafter, "PC") meeting.

Mr. Kirby asked those present who wished to speak before the PC to state they swore to tell the truth and nothing but the truth. Mr. Kirby asked Mr. Christian to indicate those who would be speaking before the PC this evening.

Mr. Christian stated Mr. John Gordon, Mr. Matt Mutchler, Mr. Neil Kirby, Ms. Theresa Kempker, Mr. Joshua Bodman, Ms. Krista Bodman; Ms. Katie Bowman, Mr. Dave Samuelson, Mr. Carter Bean, and Mr. Dustin Mondrach were present this evening.

Mr. Kirby asked if there were any persons wishing to speak on items not on tonight's Agenda. (No response.)

FDP-51-2020 Final Development Plan

Final Development Plan application for a Duke and Duchess gas station development generally located north of State Route 161, south of Smith's Mill Road and west of Beech Road (PID: 093-106512-00.006).

Applicant: EMH&T c/o Katie Miller

Mr. Christian presented the staff reports for FDP-51-2020 and VAR-52-2020.

Mr. Kirby asked for engineering comments.

Mr. Ferris reviewed comments from the Engineering memorandum dated October 6, 2020.

Mr. Dave Samuelson, senior traffic engineer with EP Ferris, provided a review of the traffic study he conducted.

Mr. Kirby asked for comments from the applicant.

Mr. John Gordon, with Englefield oil, discussed the application. Mr. Gordon stated the applicant requested additional passage space toward the back of the site to allow sufficient space for delivery trucks to access the site when trucks unloaded fuel into the storage tanks in that area. Mr. Gordon stated the applicant also requested forty (40) feet on the south side as there was not sufficient space for in/out traffic with the canopy there. Mr. Gordon said the applicant also requested adding a sign on the Beech Road side to allow traffic to see fuel prices. Mr. Gordon noted that a back entrance to the site was not practical as they needed wall space for things such as refrigeration units.

Mr. Kirby asked why an increased drive space at the back was wanted.

Mr. Gordon stated the current size was fine at the front, but safety concerns required a larger space at the back.

Mr. Kirby asked Mr. Gordon for the conditions he requested relief from.

Mr. Gordon stated he was fine with the conditions regarding the ice machine and the back entrance and was willing to drop the variance request for the sign.

Mr. Kirby asked PC members for their comments and questions.

Mr. Schell asked why there was no concern with the width of the aisle on the Johnstown Road side of the site.

Mr. Gordon stated there was a big difference with the aisle width on the Johnstown Road side due to the way the pumps faced.

Mr. Schell asked how much space would be sufficient when a large truck was unloading fuel while other trucks were making deliveries.

Mr. Gordon stated 35 feet minimum were needed for the delivery trucks to be able to unload, so approximately 46 feet were needed for safe passage.

Mr. Carter Bean, with J. Carter Bean Architects, stated the Johnstown Road drive aisle was 46 feet.

Mr. Schell asked if there had been a variance on that.

Mr. Bean stated he did not recall.

Mr. Christian stated no.

Mr. Schell stated thank you.

Mr. Shockey asked if there would be safe access to properties across the road as homeowners across the road had requested.

Mr. Christian stated that issue was with a different location.

Mr. Kirby asked how much space was needed for traffic to move around a fuel truck that was unloading at the back of the site.

Mr. Samuelson stated it could be eight (8) or nine (9) feet and added the applicant had a valid point with the delivery trucks as deliveries were required to be at the back.

Mr. Gordon stated yes, delivery trucks were required to use the back of the site.

Mr. Wallace asked Mr. Gordon to review the site schematic to identify the directions, features, and dimensions.

Mr. Gordon reviewed the site schematics and noted that forty (40) feet off of the right-in/right-out side and forty (40) feet at the canopy and the side road were needed to avoid a bottleneck.

Mr. Wallace asked Mr. Gordon if he wanted that space to be forty (40) feet while staff indicated thirty (30) feet.

Mr. Gordon stated correct.

Mr. Christian stated correct.

Mr. Wallace asked if Mr. Gordon preferred 46 feet off the back entrance but staff indicated thirty (30) feet.

Mr. Christian stated correct.

Mr. Wallace asked staff its view of the space requested given Mr. Samuelson had said about 46 feet would be good.

Mr. Mayer stated safety and functionality were both needed and would be considered.

Mr. Wallace asked if reducing blacktop was a factor.

Mr. Mayer stated there was a goal to obtain as much green space as possible to maintain the rural character of the location and stated sufficient space needed for unloading and deliveries could still be obtained.

Mr. Wallace asked if the space by the canopy could be increased to forty (40) feet .

Mr. Mayer stated it was the same idea and encouraged thirty (30) feet be used.

Mr. Wallace asked if the forty (40) feet near the canopy were left at thirty (30) feet would that mean the curb area extended further toward the canopy.

Mr. Mayer stated they could work with the developer to narrow the asphalt.

Mr. Wallace asked if a compromise could be available.

Mr. Gordon stated the applicant could reduce both, from 46 feet to forty (40) feet and from forty (40) feet to 35 feet, but noted sufficient space would be needed for vehicle doors to open and allow people to enter and exit the vehicles.

Mr. Kirby asked if this change would move the western curb further east.

Mr. Gordon asked Mr. Bean to respond.

Mr. Kirby asked if the landscape area surrounding the monument sign would increase.

Mr. Bean stated yes.

Mr. Mayer stated there would be a shift to the west (left) of a combination of the building and the asphalt. Mr. Mayer stated a condition of proper turning ability being maintained on the site could be arranged.

Mr. Gordon stated the applicant would like to amend the application so the requested space would move from 38 to 30 feet on the right; from 46 feet to forty (40) feet by the fuel tanks; and from forty (40) to 35 feet off the canopy to the south, which is also on the left.

Mr. Mayer stated staff could support that and it was reasonable.

Mr. Kirby asked if an acceptable condition to the applicant would be that the numbers the applicant just provided be used with the building and the canopy shifted west, but not so that the turning motion of trucks be constrained.

Mr. Gordon stated that, for example, for the 38 feet, for example, he was just going to move the parking closer to the store providing more green space off of Beech. Mr. Gordon stated he was not going to move the store or the canopy.

Mr. Kirby asked if there were technical reasons the store could not be shifted.

Mr. Gordon stated they would need to redesign and re-engineer the site if they moved the building.

Mr. Kirby stated that was the issue, moving the building was not a trivial cost.

Mr. Gordon stated correct.

Mr. Shockey asked if there would be a diesel pump on the site.

Mr. Gordon stated every pump would have diesel but the normal customer was a box truck, not a larger truck.

Mr. Shockey asked if, with construction and box type trucks using the site, did the applicant not foresee congestion for the trucks trying to get in and out of the site.

Mr. Gordon stated that was the exact reason the applicant had originally sought forty (40) feet on the west, left side, to avoid bottlenecks in that area.

Mr. Shockey asked if 35 feet were okay but not thirty (30) feet.

Mr. Gordon stated 35 feet were okay. Mr. Gordon stated the forty (40) feet would become 35 feet, the 46 feet would become forty (40) feet, and the 38 feet would become thirty (30) feet.

Mr. Kirby asked if they would offer kerosene or propane on the site.

Mr. Gordon stated propane.

Mr. Kirby stated okay.

Mr. Wallace asked if the comment Mr. Ferris mentioned which was not included in the letter, was that captured and adequately spelled out in the staff report.

Mr. Christian stated he believed that comment had come prior to the applicant's modification to add the right-in/right-out and asked if Mr. Ferris, Mr. Jay Herz, or Mr. Samuelson could confirm that.

Mr. Jay Herz, with E.F. Ferris, stated the initial submittal on the turning analysis did not provide a pork chop at the first drive off of Beech so they had made that comment at the time. Mr. Herz stated that now it looked like they had added it back in.

Mr. Gordon stated the applicant had added it back in and stated he would like permission to work with staff as it was a forty (40) foot entrance and the applicant might prefer a 25 foot entrance and a fifteen (15) foot exit to avoid trucks entering running over the pork chop.

Mr. Ferris stated asked Mr. Samuelson if that would be okay.

Mr. Samuelson stated yes.

Mr. Wallace asked if it that would be adequately captured to have it say City Engineer comments to be addressed, subject to staff approval.

Mr. Christian stated yes.

Mr. Kirby noted they were also discussing the variances. Mr. Kirby stated the first variance was for an ice machines and propane station, the second was for relief from four sided architecture as there were three roads around this site, and the third was the monument sign.

Mr. Gordon stated the applicant dropped the request for the monument sign variance.

Mr. Kirby asked if PC members had any comments or questions on the variance items.

PC members stated no.

Mr. Kirby asked if any members of the public had any questions or comments on the variance items. (No response.)

Moved by Mr. Kirby to accept the staff reports and related documents into the record for FDP-51-2020, seconded by Mr. Wallace. Upon roll call vote: Mr. Kirby, yea; Mr. Wallace, yea; Mr. Shockey, yea; Ms. Wiltrout, yea; Mr. Schell, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5 - 0 vote.

Moved by Mr. Wallace to approve FDP-51-2020 based on the findings in the staff report with an amendment to condition 1) in the staff report to provide that:

- the drive aisle on the east side be reduced from 38 to thirty (30) feet as a result of shifting the green space;
 - that the 46 foot drive aisle be reduced to forty (40) feet; and
 - the forty (40) foot drive aisle, also on the west side, be reduced to 35 feet,
- and with the other conditions as stated in the staff report, seconded by Mr. Schell. Upon roll call: Mr. Wallace, yea; Mr. Schell, yea; Mr. Shockey, yea; Mr. Kirby, yea; Ms. Wiltrout, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

Moved by Mr. Kirby to accept the staff reports and related documents into the record for VAR-52-2020, seconded by Ms. Wiltrout. Upon roll call vote: Mr. Kirby, yea; Ms. Wiltrout, yea; Mr. Schell, yea; Mr. Wallace, yea; Mr. Shockey, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5 - 0 vote.

Moved by Mr. Kirby to approve VAR-52-2020 conditions A) and B) as listed in the staff report, but not condition C) which was withdrawn by the applicant, seconded by Mr. Schell. Upon roll call: Mr. Kirby, yea; Mr. Schell, yea; Mr. Wallace, yea; Mr. Shockey, yea; Ms. Wiltrout, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

VAR-60-2020 Variances

Variances to C.O. 1165 to allow a detached garage to be 1,591 square feet in size where city code allows a maximum of 1,200 square feet, to C.O. 1165.04(a)(4) to allow a garage to be constructed of metal and to New Albany Design Guidelines and Requirements Section 5(II)(B)(3) to allow garage doors to be greater than 10 feet wide (PID: 222-004789).

Applicant: F5 Design c/o Todd Parker

Mr. Christian presented the staff report.

Mr. Kirby asked if there were any Engineering comments on this application.

Mr. Ferris stated there were no comments.

Mr. Kirby called for the applicant.

Mr. Matt Mutchler, architect with F5 Design, stated the applicant reduced the area to be more in line with a two (2) acre parcel as the site has a much larger appearance than its actual size due to certain factors.

Mr. Kirby asked the PC members for comments or questions.

Mr. Wallace asked if the elevations now being reviewed were the same as those shown previously.

Mr. Mutchler stated no, the elevations now on the screen were the revised ones with some of the changes being a lowered roof pitch and a change to metal siding and a metal roof.

Mr. Wallace state he saw that at this time.

Mr. Mayer stated it was also shown with the proposed house addition.

Mr. Schell asked what the additional landscaping on Bevelhymer would include.

Mr. Mutchler stated it would be hemlock and arborvitae trees.

Mr. Schell asked if neighbors would be able to see the barn.

Mr. Mutchler stated not really. Mr. Mutchler stated the applicant would be maintaining as many trees on the north and west sides of the property as they could and would plant new trees on the east side so the only approach would be from the driveway side of the south. Mr. Mutchler stated the barn would be screened on three sides.

Mr. Schell stated thank you.

Ms. Wiltrout stated she thanked the applicants for reformatting to include PC comments.

Mr. Kirby asked if there were any questions of comments from members of the public. (No response.)

Moved by Mr. Wallace to accept the staff reports and related documents into the record for VAR-60-2020, seconded by Ms. Wiltrout. Upon roll call vote: Mr. Wallace, yea; Ms. Wiltrout, yea; Mr. Schell, yea; Mr. Shockey, yea; Mr. Kirby, abstain. Yea, 4; Nay, 0; Abstain, 1. Motion passed by a 4 - 0 - 1 vote.

Moved by Ms. Wiltrout to approve VAR-60-2020 based on the findings in the staff report with the conditions listed in the staff report subject to staff approval, seconded by Mr. Wallace. Upon roll call: Ms. Wiltrout, yea; Mr. Wallace, yea; Mr. Schell, yea; Mr. Shockey, yea; Mr. Kirby, abstain. Yea, 4; Nay, 0; Abstain, 1. Motion passed by a 4 - 0 - 1 vote.

Mr. Wallace stated he believed that the changes made from the initial application to the current application, the fact that there used to be a barn on the property, and the size and nature of the property were sufficient to meet the Duncan requirements for a variance.

Mr. Kirby stated he turned over the PC meeting at this time to Mr. Wallace for review of the following application.

ZC-72-2020 Zoning Change

Rezoning of 0.93 acres from the Village Core sub-district of the Urban Center Code to the Rural Residential sub-district of the Urban Center Code located at 4653 Reynoldsburg New Albany Road (PID: 222-000343).

Applicant: Neil Kirby and Theresa Kempker

Mr. Christian presented the staff report.

Mr. Wallace asked if there were any Engineering comments.

Mr. Ferris stated no.

Mr. Wallace asked for comments from the applicants.

Mr. Neil Kirby, homeowner, stated they were requesting the ability to enjoy and use their property in the future as they currently did.

Mr. Wallace stated that it seemed that if the applicants experienced a fire on the site they would be unable to rebuild the current buildings on their property.

Mr. Kirby and Ms. Theresa Kempker, homeowners, stated that was correct.

Mr. Wallace asked if there were any alternatives to a rezoning if something terrible happened, would the applicants be able to obtain a variance or something similar to reconstruct.

Mr. Christian stated no, this was the only option.

Ms. Wilttrout asked how long the applicants had waited to do this.

Mr. Kirby and Ms. Kempker stated this would be their third or fourth re-zoning since they purchased the property.

Mr. Schell asked if the applicant foresaw a need for future re-zoning.

Mr. Kirby and Ms. Kempker stated they did not particularly.

Mr. Shockey stated future owners could re-zone to urban zoning if needed.

Mr. Wallace asked if members of the public had any questions or comments. (No response.)

Moved by Mr. Wallace to accept the staff reports and related documents into the record for ZC-72-2020, seconded by Ms. Wilttrout. Upon roll call vote: Mr. Wallace, yea; Ms. Wilttrout, yea; Mr. Shockey, yea; Mr. Schell, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4 - 0 vote.

Moved by Ms. Wilttrout to approve ZC-72-2020 based on the findings in the staff report, seconded by Mr. Wallace. Upon roll call: Ms. Wilttrout, yea; Mr. Wallace, yea; Mr. Shockey, yea; Mr. Schell, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

ZC-73-2020 Zoning Change

Rezoning of 1.92 acres from Residential Estate District (R-1) to Limited Office District (L-O) located at 10087 Johnstown Road for an area to be known as the "Bold Reach Property Zoning District" (PID:222-000612). Applicant: Joshua & Krista Bodman

Mr. Christian presented the staff report.

Mr. Kirby asked for Engineering comments.

Mr. Ferris stated no comments.

Mr. Kirby called for the applicant.

Mr. Joshua Bodman, applicant, discussed the application.

Mr. Kirby asked for comments and questions from PC members.

Mr. Shockey asked which part of the limiting text was more restrictive than what the general office district provided.

Mr. Mayer stated that the limitation that came into play with the redevelopment scenario was that it established the office use and the standard office district setback and screening so it defaulted back to the Codified Ordinance. Mr. Mayer stated that where it became a limitation was when it had larger setbacks, additional architectural standards, site access standards, and landscape standards for consistency in this corridor.

Mr. Shockey asked if the limitation text allowed for non-conformity with the setback and gravel parking without storm drainage.

Mr. Mayer stated non-conformities ran with the site and any improvements to the site would need to meet the non conforming section, which did not permit a property to become more non-conforming. Mr. Mayer noted that, depending on the improvement to the property, additional improvements could be needed. Mr. Mayer asked Mr. Banchefsky for comment.

Mr. Banchefsky stated that was correct.

Mr. Shockey stated that what this could mean is that if the applicant wanted to blacktop the parking area the applicant would need to meet current requirements for that. Mr. Shockey stated that might involve engineering, water retention, storm drainage, or changes to the setback.

Mr. Mayer stated that was correct and it would depend on the type of proposal.

Mr. Shockey asked if there were City water and sewer on the property.

Mr. Bodman stated it was not on the property, but water and sewer were present on the street there.

Mr. Shockey asked if they had the existing well system tested at the time they purchase the property. Mr. Shockey asked if staff would need to review that.

Mr. Mayer stated this could be looked into.

Mr. Shockey stated he supported the application but just wanted to discuss some of the issues that might arise.

Mr. Dustin Mondrach, MILHOAN Architects LLC, stated staff had helped to craft text that allowed the existing primary structure to remain and have small, minor modifications that could adapt its use to a small scale office. Mr. Mondrach noted it was when they got into full redevelopment that would need to meet new standards.

Mr. Banchefsky stated that rezoning and the limitation text allowed the applicant to maintain the property, make minor adjustments to it, but not expand on any of the existing non-conformities.

Mr. Kirby asked if the right of way on Johnstown Road had been expanded since it was redeveloped.

Mr. Mayer stated that at this time there were no right-of-way commitments and there was sufficient right-of-way.

Mr. Kirby asked if, in the past, the right of way line on Johnstown road move closer to the house.

Mr. Mayer stated yes.

Mr. Kirby asked if it was not always nine (9) feet.

Mr. Mayer stated it seemed it had changed over time.

Mr. Kirby asked if any members of the public had any questions or comments. (No response.)

Moved by Mr. Kirby to accept the staff reports and related documents into the record for ZC-73-2020, seconded by Mr. Schell. Upon roll call vote: Mr. Kirby, yea; Mr. Schell, yea; Ms. Wiltrout, yea; Mr. Wallace, yea; Mr. Shockey, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5 - 0 vote.

Moved by Mr. Schell to approve ZC-73-2020 based on the findings in the staff report with the conditions listed in the staff report subject to staff approval, seconded by Ms. Wiltrout. Upon roll call: Mr. Schell, yea; Ms. Wiltrout, yea; Mr. Shockey, yea; Mr. Wallace, yea; Mr. Kirby, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

VAR-78-2020 Variance

Variance to C.O. 1164.04(a)(1) to allow a detached accessory structure to be 2,027 square feet in size where city code allows a maximum of 1,200 square feet at 8 Highgrove Farms (PID: 222-004640-00).

Applicant: Brian Kent Jones Architects dba The Jones Studio c/o Aaron Underhill, Esq

Mr. Christian stated the applicant requested this item be tabled until the November regularly scheduled PC meeting.

Moved by Mr. Shockey to table VAR-78-2020 until the November regularly scheduled PC meeting, seconded by Ms. Wiltrout. Upon roll call: Mr. Shockey, yea; Ms. Wiltrout, yea; Mr. Wallace, yea; Mr. Kirby, yea; Mr. Schell, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

Other Business

Mr. Kirby asked if there was any Other Business.

Mr. Christian stated none from staff.

Poll Members for Comment

Mr. Kirby requested comments from members.

PC members stated they had no comments.

Mr. Kirby adjourned the meeting at 8:58 p.m.

Submitted by Josie Taylor.

APPENDIX



Planning Commission Staff Report October 19, 2020 Meeting

DUKE & DUCHESS FINAL DEVELOPMENT PLAN

LOCATION: Generally located north of State Route 161, south of Smith's Mill Road and west of Beech Road (PID: 093-106512-00.006).
APPLICANT: EMH&T c/o Katie Miller
REQUEST: Final Development Plan
ZONING: Beech Crossing I-PUD
STRATEGIC PLAN: Retail/Office Mix
APPLICATION: FDP-51-2020

Review based on: Application materials received September 18 and October 2, 2020

Staff report prepared by Chris Christian, Planner

I. REQUEST AND BACKGROUND

The application is for a final development plan for a proposed Duke and Duchess development generally located north of State Route 161, south of Smith's Mill Road and west of Beech Road. This development includes a gas station and convenience store on a 2.1 acre site.

The applicant is also applying for several variances related to this final development plan under application V-52-2020. Information and evaluation of the variance requests are under a separate staff report.

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).

II. SITE DESCRIPTION & USE

The site is generally located north of State Route 161, south of Smith's Mill Road and west of Beech Road. The site is 2.1 acres and is currently undeveloped. This is the second proposed development for this zoning district. The Planning Commission approved a final development plan application for Holiday Inn Express in this zoning district on February 19, 2020.

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.*

New Albany Strategic Plan Recommendations

The 2014 New Albany Strategic Plan lists the following development standards for the Retail/Office Mix future land use category:

- 1. Parking areas should promote pedestrians by including walkways and landscaping to enhance visual impacts of the development.
- 2. Building architecture and design should complement and follow the standards set by previous retail developments in New Albany.
- 3. Entrances to sites should respect existing road character and not disrupt the Green Corridor strategy recommendations.
- 4. Combined curb cuts and cross access easements are encouraged.
- 5. When parking vastly exceeds minimum standards, it should be permeable or somehow mitigate its impact.
- 6. 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 are preferred between individual buildings.
- 7. Walkways at least 8 feet in width should run the length of the building.
- 8. Green building and site design practices are encouraged.
- 9. Large retail building entrances should connect with pedestrian network and promote connectivity through the site.

A. Use, Site and Layout

- 1. The applicant is proposing to construct a gas station and convenience store on the 2.1 acre site. The zoning text permits a maximum of one gasoline service station within this 95.48 acre zoning district. The proposed development is in an appropriate location given its proximity to the New Albany Business Park and State Route 161.
- 2. *The Beech Crossing I-PUD zoning text places a limitation on total acreage that can be utilized for retail uses in the Beech Road / Smith's Mill Road area. The intent is to limit retail development to a maximum of 92 acres in this general area. Once 92 acres have been developed with retail uses found in the C-3 and GE zoning districts, the remainder of the land from all of these subareas can only allow non-retail General Employment (GE) zoning district uses listed in their respective zoning texts. This 2.1 acre development is subject to this overall 92 acre retail limitation.*
- 3. The development site is approximately 2.1 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). This private road will be constructed by another private developer and will include street trees and a sidewalk along the road.
- 4. 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.
- 5. 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.
- 6. Per zoning text section C(5) the applicant is required to provide a pedestrian connection into the public leisure trail along Beech Road and this requirement is being met with the proposed plans.

7. 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 73% lot coverage thereby meeting this requirement.
8. The PUD zoning text requires the following setbacks from these perimeter boundaries:
 - a. Beech Road:
 - Required—75 foot building and 40 foot pavement
 - Proposed— Pavement: 40 feet [requirement met]
 - Gas canopy: 114 +/- feet [requirement met]
 - Convenience store: 126 +/- feet [requirement met]
 - b. Internal Parcel Boundaries (northern property line):
 - Required—10 foot building and pavement setback
 - Proposed—10 foot pavement and 55 foot building setback [requirement met]
 - c. Outparcel Access Road:
 - Required—15 foot building and pavement setback
 - Proposed— Pavement: 24+/- feet [requirement met]
 - Gas canopy: 51 +/- feet [requirement met]
 - Convenience store: 104 +/- feet [requirement met]
9. The applicant indicates that the onsite stormwater will be conveyed to an off-site stormwater basin to the west of this site.

B. Access, Loading, Parking

1. The site is proposed to be accessed from two curb cuts along a private road which was previously approved by the Planning Commission on October 21, 2019 (FDP 72-2019). Street trees and sidewalk along the private road will be installed by a separate developer when the road is constructed.
2. Section II(B)(1)(c) of the zoning text states that two vehicular access points along the private road are permitted at this site. One of the access points may be 40 feet wide by right and the second may be up to 40 feet wide if justified by a truck turning analysis.
 - The applicant proposes one full access, 40 foot wide access point along the western property and one right in-right out only, 40 foot wide access point along the southern property line.
 - Staff is supportive of the right in, right out, but recommends a condition of approval that the final design be further reviewed as part of the engineering submittal for a private site improvement plan, subject to city traffic engineer's approval.
 - A truck turning analysis was submitted demonstrating the need for two 40 foot wide access points in order to accommodate large fuel trucks entering and exiting the site.
3. The city parking code does not have parking standards for convenience stores associated with a gasoline station use. The Planning Commission should evaluate the appropriateness of the number of parking spaces provided on site.
 - The applicant is providing 31 parking spaces on site. Staff is supportive of the number of parking spaces provided on site. The applicant is providing the same number of spaces that will be provided at the previously approved site on Johnstown Road which has a slightly smaller building and provides the same number of gas pumps.
 - Per Codified Ordinance 1167.05(d)(8) gasoline service stations require 2 for each service bay plus 1 for each 2 gasoline dispensing units, plus 1 for each employee during main shift. This site has 16 gasoline pumps and could have up to 10 employees during the main shift resulting in 18 parking spaces being required.
 - City code does not have specific parking space requirements for convenience stores associated with a gasoline station use. The closest use within the city parking code is retail

shopping centers which require one parking space for each 200 square feet of gross floor area. The convenience store is 5,513 square feet which would require 28 parking spaces. The applicant is providing 31 parking spaces which appears to accommodate both the gasoline pump and convenience store uses.

4. According to C.O. 1167.06(a)(2) the applicant is required to provide one off street loading space. The applicant is meeting this requirement by providing one loading space behind the convenience store.
5. Per C.O. 1167.03(a) the minimum parking space dimensions required are 9 feet wide and 19 feet long and the applicant is meeting this requirement.
6. Per C.O. 1167.03(a) the minimum maneuvering lane width size is 22 feet for this development type. The applicant is proposing maneuvering lanes with varying widths throughout the site that are between 30 and 46 feet. The applicant has submitted a truck turning analysis to justify the wide drive aisles. While the turning study shows a need for 40 foot wide curb cuts, the city engineer comments that the internal drive aisles on the entire site can be reduced to 30 feet wide and still allow trucks to safely and sufficiently travel through the site. The proposed maneuvering lanes are wider than what was approved for both the Sheetz site and the Turkey Hill site which are similar developments. Reducing the drive lanes widths to 30 feet will result in less paved area on the site and be more consistent with other gas stations in the community. Staff recommends a condition of approval that the maneuvering lane widths on the site be reduced to 30 feet and that any extra "green space" created be added to the Beech Road side of the site.

C. 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 buildings with this use shall be a minimum of one story and a maximum of two stories in height and this requirement is being met as the convenience store is a one story building.
4. The applicant is utilizing the same barn vernacular building design that is being used for their existing New Albany location on Johnstown Road. The primary building material for the convenience store is hardi-plank which will also be used on a portion of the gas canopy columns and both of the rooves will be metal which are all permitted building in the zoning text.
5. C.O. 1165.08(h)(2) states that outdoor storage of products is prohibited. The applicant proposes to install an ice machine and kerosene station outside of the building underneath a trellis that is attached to the convenience store therefore a variance is required. This variance request is evaluated under a separate staff report.
6. 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 meeting this requirement by providing rooftop screening on the rear elevation, where the rooftop mechanical units are located, that is complementary to the desired barn design.
7. DGR Section 6(I)(A)(4) states that the number, location, spacing and shapes of window openings shall be carefully considered, particularly for buildings in retail use and shall impart a sense of human scale. 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. DGR Section 6(I)(A)(12) states that buildings shall have active an operable front doors along all public and private streets. The convenience store fronts onto Beech Road, and the private road to the south and west. The building is design with an active and operable front door along Beech Road and the private road to the south. The applicant requests a variance to eliminate this requirement for the west elevation of the building. This variance request is evaluated under a separate staff report.
10. C.O. 1171.05(b) states that all trash and garbage container systems must be screened, not be located in front yards and meet the minimum required pavement setbacks. The applicant proposes to install a dumpster enclosure at the rear of the parking, within the pavement setback and it will be completely screened with a dumpster enclosure therefore these requirements are being met.
11. The city architect reviewed the proposal and is supportive of the proposed design stating that the overall massing is clean and effective, following a rural aesthetic in both proportion and materials.

D. 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. Horse fence is already installed along Beech Road 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 Beech Road. The applicant is meeting this requirement by providing 18 trees along their 301 feet of frontage 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 shows 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 is required and proposes to install 13 trees with shrubs underneath them along the northern property line therefore this requirement is being met.
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 31 parking spaces, providing 4 trees and 10% of the total parking area is landscaped. This requirement is being met.
7. The City Landscape Architect reviewed the proposal and provided the following comments. Staff recommends a condition of approval that the Landscape Architect's comments are addressed, subject to staff approval.
 - a. If additional green space is added to the site through a reduction in pavement push building and gas canopy closer to the private drive to address future pedestrian usage in the future development to the west.
 - b. Based on the submitted truck-turn analysis, 30 foot wide drive aisles are adequate for truck access around the site. Adjust all drive aisles around the building and gas canopy to 30 foot wide typical.
 - c. Evergreen shrubs planted for parking screening should be planted with no breaks.
 - d. Perimeter trees (trees installed along the private road) should be planted 30 feet on center to match the future street trees to be installed by others.

E. Lighting & Signage

1. Section II(H)(1) of the zoning text requires all parking lot light poles to be downcast and use cut-off type fixtures in order to minimize light spilling beyond the boundaries of the site. Site lighting is proposed to be down cast, but not cut-off. A detailed photometric plan was submitted showing light spillage from this site onto Beech Road and other properties within this zoning district. In order to minimize the amount of light spilling beyond the boundaries of the site and to meet the requirements of the zoning text, staff recommends a condition of approval that cut-off type light fixtures must be used in order meet code requirements.
2. Section II(H)(3) states that all parking lot poles within the entire zoning district shall be black or New Albany Green, be constructed of metal and not exceed 30 feet in height. The applicant proposes to use 21 foot tall parking lot light poles however color and material details were not provided. Staff recommends a condition of approval that all parking lot light poles be black or New Albany Green and constructed of metal, subject to staff approval.
3. As part of this final development plan application, the applicant has submitted a sign plan for the site. The applicant proposes to install two wall signs, one on the eastern building elevation and one on the south elevation. The applicant also proposes to install two monument signs along the private road, one along the southern boundary of the site and one on the western boundary of the site.

Wall Signs

- 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 each with the following dimensions:
 - a. Lettering Height: 20.21 inches [meets code]
 - b. Area: 37.72 square feet [meet code]
 - c. Location: one on the eastern elevation and one on the southern elevation
 - d. Lighting: halo lighting [meets code].
 - e. Relief: 5 inches [meets code]
 - f. Colors: red and yellow (total of 2) [meets code].
 - g. Material: information was not provided. Staff recommends a condition of approval that the material used for the signs must meet city sign code requirements and are subject to staff approval.
- Both wall signs will read “Duchess” and feature the company logo.
- 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 two wall signs that are appropriately scaled for the building and are appropriate for this area given the desired development type.

Ground Mounted Signs

The applicant proposes to install two monument signs along the private road, one along the southern boundary of the site and one on the western boundary of the site designed to match the 2013 Trust Corp Signage Recommendations Plan. Section II(I)(1) of the zoning text states that ground mounted signage along Beech Road is prohibited and that a ground mounted sign for a gas station is permitted to be located along the western portion of the private road if it is located outside of the required pavement setback. One of the proposed ground mounted signs is located inside the required pavement setback and oriented towards Beech Road therefore a variance is required and has been requested by the applicant. This and other variance requests will be evaluated under a separate staff report. Based on this alternate sign location, the applicant submitted a site plan that shows the removal of approximately 50 +/- feet of the existing horse fence along Beech Road in order to accommodate the desired sign location. In order to protect

the established character of Beech Road, staff recommends a condition of approval that no horse fence is removed along Beech Road, beyond what is necessary for the construction of the private road as approved by the Planning Commission (FDP-72-2019).

- a.* Area: 27.88 square feet [meet code]
- b.* Location: One perpendicular to the private road on the western boundary of the site and one perpendicular to Beech Road [does not meet code, variance requested]
- c.* Lighting: one spot uplight one each side of both signs [meets code].
- d.* Relief: 8 inches [meets code]
- e.* Colors: Black, yellow, green and white (total of 4) [meets code].
- f.* Materials: Brick with a precast cap [meets code]

- The signs will feature the company logo and provide gas pricing information.

IV. ENGINEER'S COMMENTS

The City Engineer has reviewed the application and provided the following comments. These comments can also be found in a separate memo attached to this staff report. Staff recommends a condition of approval that the comments of the city engineer are addressed, subject to staff approval.

1. We reviewed the Traffic Access Study (9/18/20) submitted by the applicant and are in general agreement with it's findings.
2. We agree with staff that the drive aisle widths surrounding the site building and fuel canopy can be narrowed. Based on the truck turn analysis provided by the applicant, we further agree that the site plan be modified to provide a maximum 30-foot drive aisle width.

V. RECOMMENDATION

Staff recommends approval of the Duke & Duchess final development plan provided that the Planning Commission finds that the proposal meets sufficient basis for approval. The proposal is meeting many of the goals of the 2014 New Albany Strategic Plan such as providing pedestrian access along roadways into the site and utilizing high quality building materials. 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 proposed building and fuel canopy are very well designed and the use is appropriate given the surrounding commercially zoned area.

Although the site is auto-oriented and must adequately serve large fueling trucks, it appears there is an opportunity to reduce the pavement without negatively affecting trucks ability to safely navigate the site. With staff's recommended pavement reductions, a larger landscape buffer can be accomplished along Beech Road that will enhance and promote the rural character of the area and allow the buildings on site to be located closer to the private road which will enhance the pedestrian experience at this site. This will ensure the site meets the 2014 New Albany Strategic Plan recommendations of enhancing and protecting the character of rural roads as well promote the pedestrian experience on the site.

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-51-2020, subject to the following conditions:

1. All internal drive aisles must be reduced to 30 feet wide.
2. The final design of the right in, right out will be determined as part of a private site improvement plan and is subject to city traffic engineer's approval.
3. The city landscape architect comments must be addressed, subject to staff approval.

4. Cut-off light fixtures must be used on the site.
5. All parking lot light poles must be black or New Albany green and be constructed of metal.
6. The material used for the proposed wall signs must be sign code requirements.
7. No horse fence is permitted to be removed along Beech Road, beyond what is necessary for the construction of the private road as approved by the Planning Commission (FDP-72-2019).
8. The city engineer comments must be addressed, subject to staff approval.

Approximate Site Location



Source: Google Maps



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

**DUKE & DUCHESS
VARIANCES**

LOCATION: Generally located north of State Route 161, south of Smith's Mill Road and west of Beech Road, east of Walton Parkway and south of Bevelhymer Road (PIDs: 222-000616 and 222-000615).

APPLICANT: EMH&T c/o Katie Miller

REQUEST:

- (A) Variance to C.O. 1165.08(h)(2) to allow an ice machine and kerosene station to be located outside the building where city code does not permit exterior storage of products.
- (B) Variance to New Albany Design Guidelines and Requirements Section 6(A)(12) to eliminate the requirement that buildings have active and operable doors along all public and private roads.
- (C) Variance to zoning text section II(I)(1) to allow a monument sign to be located inside the required pavement setback along Beech Road.

ZONING: Beech Crossing I-PUD

STRATEGIC PLAN: Retail/Office Mix

APPLICATION: V-52-2020

Review based on: Application materials received October 2, 2020.

Staff report prepared by Chris Christian, Planner

III. REQUEST AND BACKGROUND

The applicant requests variances in conjunction with the final development plan for a Duke and Duchess gas station and convenience store generally located north of State Route 161, south of Smith's Mill Road and west of Beech Road.

The applicant requests the following variances:

- (A) Variance to C.O. 1165.08(h)(2) to allow an ice machine and kerosene station to be located outside the building where city code does not permit exterior storage of products.
- (B) Variance to New Albany Design Guidelines and Requirements Section 6(A)(12) to eliminate the requirement that buildings have active and operable doors along all public and private roads.
- (C) Variance to zoning text section II(I)(1) to allow a monument sign to be located inside the required pavement setback along Beech Road.

II. SITE DESCRIPTION & USE

The site is generally located north of State Route 161, south of Smith's Mill Road and west of Beech Road. The site is 2.1 acres and is currently undeveloped. This is the second proposed development for this zoning district. The Planning Commission approved a final development plan application for Holiday Inn Express in this zoning district on February 19, 2020.

III. EVALUATION

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

Criteria

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

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

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

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

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

III. RECOMMENDATION

Considerations and Basis for Decision

(A) Variance to C.O. 1165.08(h)(2) to allow an ice machine and kerosene station to be located outside the building where city code does not permit exterior storage of products.

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

1. The applicant is requesting a variance to allow an ice box and a kerosene station on the location outside of the building. The ice box and kerosene are proposed to be located along the southern building elevation, facing the gas canopy. City code does not allow any products to be stored outside of the building.
2. The intent of this requirement is likely to ensure there is not an abundance of “clutter” on the outside of buildings.
3. The variance does not appear to be substantial as the applicant is only proposing to store two products outside the permitted building. Similar variances were granted for Turkey Hill, Sheetz

and the other New Albany Duke and Duchess location on Johnstown Road, all of which are the same uses. The variance will not impact existing development, as the ice box and kerosene storage station will likely generate very little extra visitors compared to the main function of the Duke and Duchess convenience store.

4. It does not appear that the essential character of the neighborhood would be substantially altered or adjoining properties suffer a “substantial detriment” since they will be screened from Beech Road by a wall on both sides. This screening wall is constructed using the same material that is used on the rest of the building so it will not appear out of place. Additionally, it is likely that the required setback landscaping will provide additional screening from both Beech Road as well as the private road.
5. The variance preserves the “spirit and intent” of the zoning requirement since the product area will be appropriately screened from the primary street (Beech Road) and neighboring properties with the screening walls.
6. It does not appear that the variance would adversely affect the delivery of government services, affect the health and safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.

(B) Variance to New Albany Design Guidelines and Requirements Section 6(A)(12) to eliminate the requirement that buildings have active and operable doors along all public and private roads.

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

1. The applicant is requesting a variance to eliminate the requirement that buildings have operable and active front doors along all public and private roads.
2. As proposed, the convenience store will have two active and operable entrances, one along the Beech Road elevation and one along the southern property line at the private road. The rear of the building, adjacent, also adjacent to private road on the western side of the site will have service doors.
3. As required by the zoning text, the building is designed with the same caliber of finish on all sides of the building using the same building materials.
4. The design and function of convenience stores in general make it difficult to locate active and operable doors along multiple roadways.
5. The variance does not appear to be substantial. The same variance has been granted for other successful developments within the Canini Trust Corp which has a very similar type of improvement pattern that is envisioned in this zoning district. The intent of this requirement is to ensure that buildings maintain a presence on the street which is crucial in pedestrian oriented developments. The zoning district seeks to balance pedestrian and vehicular travel. While strong leisure trail and sidewalk connections are required, this site is envisioned to be auto-oriented by design therefore it does not appear that maintaining a strong presence on the street is as important in this development scenario.
6. While there isn’t an active and operable door on the western building elevation, all sides of the building are designed with the same caliber of finish using the same building materials so this elevation not appear as a “lesser” side of the building.
7. It does not appear that the essential character of the neighborhood will be altered if the variance request is granted. The applicant is proposing strong landscaping by establishing a double row of street trees along this lot frontage.
8. It does not appear that the variance would adversely affect the delivery of government services, affect the health and safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.

(C) Variance to zoning text section II(I)(1) to allow a monument sign to be located inside the required pavement setback along Beech Road.

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

1. The applicant requests a variance to allow a monument sign to be located within the required pavement setback along Beech Road which is not permitted in the zoning text. In order to accommodate the new sign location, the applicant proposes to remove approximately 50 feet of horse fence installed along Beech Road. The applicant states that the variance is needed in order to increase off-site visibility of the sign from Beech Road to advertise gas prices. Staff is not supportive of the variance request.
2. The variance request does not meet the spirit and intent of the zoning requirement which is to expressly prohibit signage from being oriented towards Beech Road, outside of the pavement setback in order to avoid being used for off-site advertisement. An important goal of the 2014 New Albany Strategic Plan is to maintain and protect the rural character of Beech Road. Additionally, the city sign code encourages signs to be appropriate to their setting. This site is located in an overall larger development which will be served by smaller, internal roads where this type of signage is more appropriately located as it is oriented towards these roads.
3. It appears granting the variance requested will confer on the applicant a special privilege that is denied by the Zoning Ordinance to other lands or structures in the same zoning district. The zoning prohibits ground signage for all properties fronting Beech Road. The zoning text includes a space for gateway features at the corner of Smith's Mill Road and Beech Road. The features have not been determined at this time, but may include wayfinding and signage. The intent is that by prohibiting private signage along the corridor future gateway features will be more prominent and will allow the street frontage to appear less "crowded" to ensure a rural character is maintained.
4. It appears that the variance request is substantial. Approving this type of variance request may set a precedent for future development with the overall 95 area zoning district. Additionally, the applicant proposes to remove approximately 50 feet of horse fence that is installed along Beech Road. The addition of signage as well as the removal of horse fence will compromise the rural character of Beech Road.
5. It appears that the variance request can be solved in another way other than granting the variance request. The zoning text permits the installation of a monument sign for this site if it is located outside of the required building setback along Beech Road. This exact same sign is permitted to be located 6 +/- feet further west into the site and oriented perpendicular to the private road. While the sign would not be oriented towards Beech Road, it appears that the sign and its content would still be visible from the road.
6. A gas station user at this corner was envisioned and its signage was considered during the rezoning process. The zoning text specifically mentions that gas station users may have signage along the private drive off Beech Road.
7. It does not appear that the variance would adversely affect the delivery of government services, affect the health and safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.

IV. RECOMMENDATION

Staff recommends approval of the requested variances A and B to allow outside storage of an ice machine and kerosene station and to eliminate the DGR requirement that there be active and operable front doors along all public and private roads should the Planning Commission find that the application has sufficient basis for approval. It appears that these variances are appropriate based on the proposed use of the site as a gas station and convenience store. These two requested variances are similar to other variances that have been approved by the Planning Commission for other developments within the Canini Trust Corp and other successful gas station and convenience store developments within the city. The building's architectural design ensure the outdoor storage are appropriately located on the site and screened from the primary street (Beech Road).

Staff is not supportive of the variance request to allow a monument sign to be located within the required pavement setback along Beech Road. The 2014 New Albany Strategic plan emphasizes the importance of maintaining and protecting the rural character of Beech Road which would be compromised by granting this variance request. The intent of the zoning requirement is to expressly prohibit advertisement of any user within this zoning district along Beech Road since it a primary entry/gateway into the community. The prohibition allows for this space to maintain a high degree of rural aesthetic and use for future community gateway features into the site. The sign type is appropriate however it can be relocated 6 feet further into the site, be oriented towards the private road and still maintain some visibility from Beech Road. Approving this variance request may set a precedent for future, similar cases for other development within the overall 95 acre zoning district. Treating all developments the same along this corridor will ensure a consistent streetscape.

V. ACTION

Should the Planning Commission find that the application has sufficient basis for approval, the following motions would be appropriate (The Planning Commission can make one motion for all variances or separate motions for each variance request):

Move to approve application V-52-2020.

Approximate Site Location:



Source: Google Maps



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

**7435 BEVELHYMER ROAD
ACCESSORY STRUCTURE VARIANCES**

LOCATION: 7435 Bevelhymer Road (PID: 222-004789)
APPLICANT: f5 Design c/o Todd Parker
REQUEST: (A) Variance to C.O. 1165.04(a)(1) to allow a detached garage to be 1,591 square feet in size where city code allows a maximum of 1,200 square feet.
(B) Variance to New Albany Design Guidelines and Requirements Section 5(II)(B)(3) to allow garage doors to be greater than 10 feet wide.
(C) Variance to C.O. 1165.04(a)(4) to allow a garage to be constructed of metal.
ZONING: Millbrook Farm Infill Planned Unit Development (I-PUD)
STRATEGIC PLAN: Town Residential
APPLICATION: VAR-60-2020

Review based on: Application materials received on October 2, 2020.

Staff report prepared by Chris Christian, Planner.

IV. REQUEST AND BACKGROUND

On September 9, 2020, the Planning Commission reviewed and tabled this application to in order to allow the applicant to revise the variance request. During the meeting, the Planning Commission commented about the size and scale of the proposed garage as the variance request was to allow the garage to be 68% larger than what is permitted in city code and taller than what is permitted in code. Since the hearing, the applicant has reduced the size of the proposed garage from 2,017 square feet in size to 1,591 square feet, revised the height to meet code requirements, added a variance to allow the barn to be constructed of metal and retained the request to allow wider garage doors.

The application has been modified to include the following variance requests:

- (A) Variance to C.O. 1165.04(a)(1) to allow a detached garage to be 1,591 square feet in size where city code allows a maximum of 1,200 square feet.
- (B) Variance to New Albany Design Guidelines and Requirements Section 5(II)(B)(3) to allow garage doors to be greater than 10 feet wide.
- (C) Variance to C.O. 1165.04(a)(4) to allow a garage to be constructed of metal.

V. SITE DESCRIPTION & USE

The 1.03 acre property was rezoned in 2014 as part of the rezoning for the Millbrook subdivision. The property currently contains a single family home. The surrounding properties are zoned Agricultural (AG) and Infill Planned Unit Development (I-PUD) and contain residential uses. The Millbrook subdivision is located west of the property and unincorporated residential and agricultural properties to the north. There is a 2.16 acre property just south of this site that is dedicated as public open space as part of the Millbrook Farm development and contributes to the rural character of Bevelhymer Road.

VI. ASSESSMENT

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

Criteria

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

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

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

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

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

III. EVALUATION

(A) Variance to C.O. 1165.04(a)(1) to allow a detached garage to be 1,591 square feet in size where city code allows a maximum of 1,200 square feet.

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

1. The applicant proposes to construct a 1,591 square foot garage near the northern property line of the lot. C.O. 1165.04(a)(1) states that the maximum permitted area for a detached structure on lots between 1 and 2 acres is 1,200 square feet therefore a variance is required.
2. The applicant states that as recently as 2015, a barn of similar size stood on this property. The Plain Township Fire Department performed a controlled burn of the barn before it was removed from the site. While the previous barn may have been larger, it was located in the rear of the property and the property itself, at the time, was 5 acres. As part of the Millbrook Farms subdivision development, the lot was subdivided and the barn was demolished to allow for the creation of additional lots.

3. The variance does not appear to be substantial. Previously, the applicant requested a variance to build a structure that was 68% larger than what is permitted to be built on the property by right. The applicant has reduced the overall size and scale of the structure by reducing the area as well as reducing the height of the structure to meet code requirements.
 - While the area exceeds what is permitted by right for a property this size, it is now only 33% larger than what is permitted by code. Additionally, that the structure will only take up 3.65% of the total lot area.
 - The size falls within the tier system established in city code that allows accessory structures to be larger based on the size of the lot. The codified ordinances allows for accessory structures to be a maximum of 1,600 square feet for lots larger than 2 acres.
 - While the structure is larger than what is permitted by right, it is meeting all setback requirements for the property.
 - Additionally, the city architect states that the proposed barn design is appropriate as barns are historically larger structures used to store larger vehicles.
4. It appears that the essential character of the neighborhood will not be substantially altered if the variance is granted as the size and scale of the structure has been revised. The applicant's intent is to design the structure to resemble a barn which pays homage to the rural character of Bevelhymer Road and the historic use of the property. The barn form of architecture is appropriate for the rural character of Bevelhymer Road and the general character of the area. The property is not located within the subdivision itself and serves as a transition property from the typical subdivision lots to the west and rural, township lots to the east. Given this is transitional nature, it does not appear adjoining properties will suffer a "substantial detriment" by allowing an accessory structure this size.
5. While the property is adjacent to residentially owned and used properties, there is also a 2.16 acre property directly to the south of the property that is dedicated public open space as part of the Millbrook subdivision development and contributes to the rural, transitional character of Bevelhymer Road. While the 2.16 acre open space is not a part of the applicant's property, the presence of it enlarges the appearance of the property from the road. There is existing established landscaping along the northern and western property lines that appear to provide adequate screening of the structure along those property lines. Additionally, the applicant has added additional landscaping to the proposed plans in order to lessen its visual impact from Bevelhymer Road.
6. It appears that granting the variance will not adversely affect the health and safety of persons residing in the vicinity.
7. Granting the variance would not adversely affect the delivery of government services.

(B) Variance to New Albany Design Guidelines and Requirements Section 5(II)(B)(3) to allow garage doors to be greater than 10 feet wide.

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

1. The applicant proposes to construct a detached garage with one door being 12 feet wide. New Albany Design Guidelines and Requirements Section 5(II)(B)(3) states that garage doors must be no greater than 10 feet wide therefore a variance is required.
2. The variance does not appear to be substantial as the request for a wider door appears to be appropriate in this case. The city architect has reviewed the proposed door width and is supportive of the width as it relates to the desired design of a barn which are typically larger and taller accessory structures used to store larger vehicles which necessitates having a larger door to allow for proper clearance. The applicant only proposes to have one of the four garage doors wider than what is permitted.
3. It does not appear that the essential character of the neighborhood would be substantially altered by granting the variance. The door width is consistent with the desired architectural design of the building.

4. It appears that granting the variance will not adversely affect the health and safety of persons residing in the vicinity.
5. Granting the variance would not adversely affect the delivery of government services.

(C) Variance to C.O. 1165.04(a)(4) to allow a garage to be constructed of metal.

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

1. C.O. 1165.04(a)(4) states that accessory structures that all finished surfaces of a detached accessory structure must be complementary to the primary structure and be wood, brick, composite siding or any combination thereof. Previously, the applicant proposed to use hardi-plank as the primary building material for the garage. The applicant has revised the plans to use metal as the primary building material in order to better mimic the historic design of a barn, therefore a variance is required.
2. The variance does not appear to be substantial. The city architect states that metal is a common and appropriate building material for barns therefore the variance request appears to be appropriate given the typical design of a barn. It appears the request provides an appropriate design or pattern of development considering the context in which the development is proposed as Bevelhymer Road serves as a transition from the more dense residential development to the west and south to the more rural residential development to the north.
3. It appears that the essential character of the neighborhood will not be substantially altered if the variance is granted as the size and scale of the structure has been revised. The applicant's intent is to design the structure to resemble a barn which pays homage to the rural character of Bevelhymer Road and the historic use of the property. The city architect states that metal is a common and appropriate building material for a barn. The barn form of architecture is appropriate for the rural character of Bevelhymer Road and the general character of the area.
4. It does not appear that the proposed waiver would detrimentally affect the public health, safety or general welfare.
5. Granting the variance would not adversely affect the delivery of government services.

VII. RECOMMENDATION

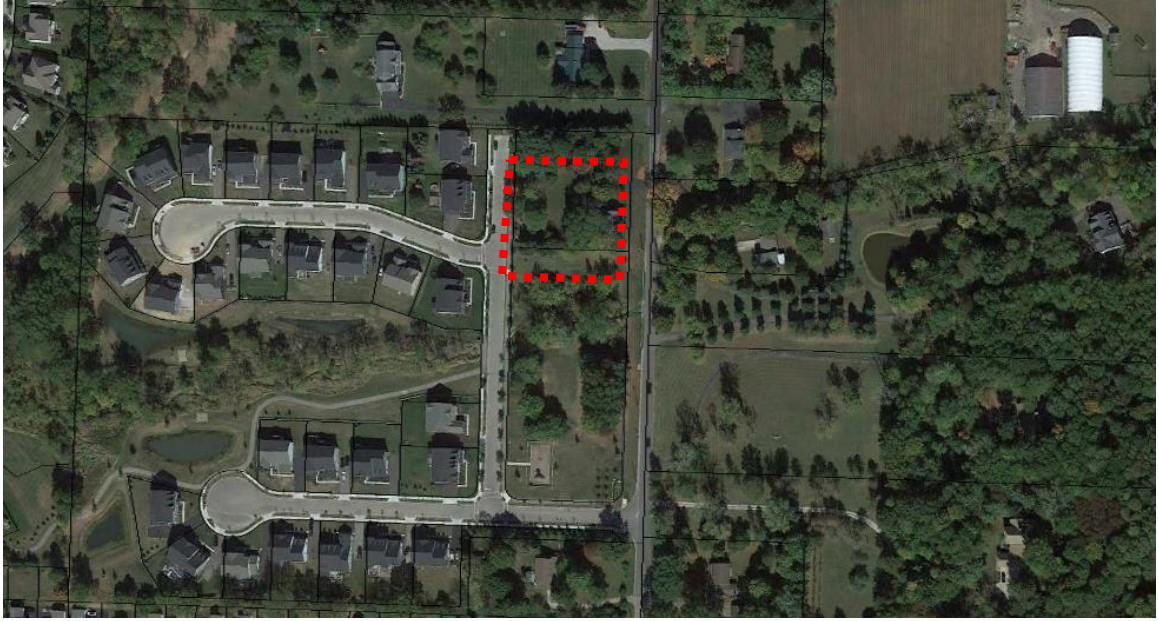
Historically the Planning Commission has taken into consideration the surrounding character and context, in addition to the lot itself. The applicant proposes a multi-purpose accessory structure designed in the vernacular barn form. The architectural design and material of the structure appears to be appropriate given the primary residence's farmhouse architectural style and the rural nature and character of Bevelhymer Road. While the structure is still larger than what is permitted by city code, the applicant has revised the request by making the size of the structure smaller and reducing the height to reduce the visual impact of it on adjacent properties. While the property is included in the Millbrook subdivision, it is not fully integrated within the subdivision since the primary structure was preserved from the original farmland. This results in the property serving more as a transitional property and less as a typical residential subdivision lot. The larger accessory structure and associated variances appear to be appropriate based on these characteristics and circumstances result in a property. Moreover, the proposed size does not result in the property itself feeling "overbuilt" or too dense.

V. ACTION

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

Move to approve application V-60-2020.

Approximate Site Location:



Source: Google Earth



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

**4653 REYNOLDSBURG NEW ALBANY ROAD
URBAN CENTER CODE ZONING AMENDMENT**

LOCATION: 4653 Reynoldsburg New Albany Road (PID: 222-000343)
APPLICANT: Neil Kirby and Theresa Kempker
REQUEST: Zoning Amendment
ZONING: Urban Center Code: Village Core Sub-District to Rural Residential Sub-District
STRATEGIC PLAN: Village Center
APPLICATION: ZC-72-2020

Review based on: Application materials received September 9, 2020.

Staff report completed by Chris Christian, Planner.

VIII. REQUEST AND BACKGROUND

This applicant requests review and recommendation to rezone 0.93 acres located at 4653 Reynoldsburg New Albany Road. The site is currently zoned under the Urban Center Code Village Core sub-district. The applicant proposes to rezone the property Rural Residential sub-district of the Urban Center Code.

The Urban Center Code Village Core sub-district does not permit detached single family uses or structures. The property is currently being used for both resulting in non-conforming use and structures. Due to the city's non-conforming use chapter (C.O. 1117), if the use should be discontinued or abandoned, or if more than fifty percent (50%) of the market value of the home is lost the property could not be continued to be used as a single family use or have a rural residential structure rebuilt on it. The rezoning will remove the non-conformities and allow for the existing use and structure to be permitted by-right.

Because this property is located in the Village Center, the Architectural Review Board is scheduled to review the application at their October 12, 2020, regularly scheduled meeting.

II. SITE DESCRIPTION & USE

The 0.93 acre property is located within the Village Center and is zoned under the Urban Center Code within the Village Core sub-district. The site currently contains a single family home and a large historic barn. The Maplewood Cemetery is located directly south of this property, the estate property to the east, undeveloped land to the west and north as well as Market Street.

III. PLAN REVIEW

Planning Commission's review authority of the zoning amendment application is found under C.O. Chapters 1107.02 and 1159.09. 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, proposed zoning text, and the codified ordinances. Primary concerns and issues have been indicated below, with needed action or recommended action in underlined text.

Per Codified Ordinance Chapter 1111.06 in deciding on the change, the Planning Commission shall consider, among other things, the following elements of the case:

- (a) Adjacent land use.
- (b) The relationship of topography to the use intended or to its implications.
- (c) Access, traffic flow.
- (d) Adjacent zoning.
- (e) The correctness of the application for the type of change requested.
- (f) The relationship of the use requested to the public health, safety, or general welfare.
- (g) The relationship of the area requested to the area to be used.
- (h) The impact of the proposed use on the local school district(s).

A. Use, Site and Layout

1. This application is for a rezoning of 0.93 acres from the Village Core sub-district to the Rural Residential sub-district of the Urban Center Code. The intent of the application is to ensure that the detached single family residential use and rural residential building typology is permitted which is how the property is being used today.
2. The site is currently located within the Village Core sub-district of the Urban Center Code which does not permit detached single family residential uses or the rural residential building typology. C.O. 1117.06 states that if more than 50% of a structure is damaged or destroyed, it cannot be rebuilt in such a way to continue the nonconformities. The existing residential use and building typology are both nonconforming based on the permitted uses and building typologies for properties located within the Village Core sub-district.
3. The applicant is requesting that the property be reclassified to the Rural Residential sub-district to remove the non-conformity and better reflect how the site is being used and to ensure it can be used in the same manner in the future. There are no proposed changes to the site or the buildings on it. Any future changes are still subject to the applicable requirements of city code and the Urban Center Code.

Urban Center Code Compliance

1. Allowable Land Uses

This property, along with a large number of properties in the Village Center were rezoned by the city in 2011 into the Urban Center Code District. The Urban Center Code District is broken down into seven sub-districts in order to regulate future development as prescribed by the 2006 Village Center Strategic Plan. This property is currently located within the Village Core sub-district and the applicant proposes to rezone it to be in the Rural Residential sub-district in order to match how the property is currently used and ensure that it can continue to be used this way in the future.

Each sub-district allows for different permitted, conditional, and accessory uses and building typologies. A detailed list of current and proposed land uses are provided below. The Village Core sub-district permits significantly more commercial land uses compared to the Rural Residential sub-district which is primarily intended to permit only residential uses.

Urban Center Code Land Use	Current Permitted Land Uses (Village Core)	Proposed Permitted Land Uses (Rural Residential)
<u>Residential</u>		
Home Occupation	P	P
Live-Work / Joint living-working quarters	P	X
Single-Family detached	X	P

Multi-Family with two or more dwelling units	P	X
Convalescent / Congregate Care Centers	P	X
Coach House/Accessory dwelling	P	P
Residential model home / Temporary lot sales office	Conditional Use	X
<u>Services/Business/Professional/Financial</u>		X
Administrative and business offices	P	X
Professional offices	P	X
Non-profit or for-profit membership organizations	P	X
Personal services	P	X
Business support services	P	X
Medical services - clinic, urgent care	P	X
General and special hospital and clinics	P	X
<u>General Services</u>		
Banquet Facilities	P	X
Lodging - hotel	P	X
Bed & Breakfast	X	Conditional Use
Day care centers	P	X
Veterinary offices and animal hospitals, not including outside facilities	P	X
New and used car sales and services, located completely within an enclosed facility	Conditional Use	X
<u>Recreation/Education/Institutional</u>		
Civic	P	X
Government facility	P	P
Educational facility	P	X
Religious exercise facility	P	X
Parks, playgrounds and open space	P	P
Recreational facility	X	P
Private health/fitness facility	P	X
Studio-art, dance, martial arts etc.	P	X
Cinema	P	X
<u>Retail</u>		
Restaurants	P	X
Retail stores	P	X
Drive-through facility	Conditional Use	X
Gas stations	Conditional Use	X

P = permitted use

X = prohibited use

The Urban Center Code states that these sub-districts were created in order to identify area of common building form based upon existing conditions and the recommended future conditions identified from the 2006 Village Center Plan. The existing single family home and accessory structure on this property are shown in both the 2006 Village Center Strategic Plan and the Urban Center Code conceptual renderings so it appears their continued use were contemplated to be preserved as the Village Center continued to develop.

The Village Center Strategic Plan specifically identifies this property and immediate area to the south as the “South Village District”. The plan states that this district serves as a transition between the dense Village Center and some of the northern New Albany Country Club neighborhoods which are set back into more rural road corridors that are designed to maintain and pay homage to the pastoral character of the community. Market Street is located directly north of this site and is intended to serve as a transition from the dense Village Center to the more rural areas of the community where this type of rural residential development would be expected. Due to the existing relationship between this site and the immediate neighborhood as well as the broader vicinity, it appears that the existing rural residential development pattern is appropriate and fits within the goals of the Village Center Strategic Plan as the property is shown in the plan.

2. Lot and Building Standards

The existing lot and buildings on it are meeting the Urban Center Code Rural Residential building standards as detailed below.

Rural Residential Sub-District Development Standards Comparison

Standard	Minimum	Maximum	Proposed
Lot Area	20,000 sq. ft.	No max	40,510 +/- square feet (0.93 acres) [Meets requirement]
Lot Width	100 feet	No max	150 +/- feet [Meets requirement]
Lot Coverage	No min	50%	10.14% [Meets requirement]
Street Yard	20 feet	No max	25.8 +/- feet [Meets requirement]
Side Yard (South)	15 feet	No max	54 +/- feet [Meets requirement]
Side Yard (North)	15 feet	No max	26.4 +/- feet [Meets requirement]
Rear Yard	20 feet	No max	112 +/- feet [Meets requirement]
Building Width	No min	No max	Single family home—40 feet Accessory structure/barn—40 feet [Meets requirement]
Stories	1	2.5	2 stories
Height	No min	35 feet	Single family home—unknown Accessory structure/barn—30 feet

B. Access, Loading, Parking

1. There are no proposed changes to the site or the buildings on it. Any future changes are still subject to the applicable requirements of city code and the Urban Center Code.

C. Architectural Standards

1. There are no proposed changes to the site or the buildings on it. The standards of the New Albany Design Guidelines and Requirements, city code and the Urban Center Code still apply if any modifications are made to the property or the buildings on it in the future.

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

1. There are no proposed changes to the site or the buildings on it. The standards of the New Albany Design Guidelines and Requirements, city code and the Urban Center Code still apply if any modifications are made to the property or the buildings on it in the future.
2. No open space or parkland is required as part of this rezoning.

E. Lighting & Signage

1. There are no proposed changes or additions to the existing lighting or signage requirements for the property. Any future changes are still subject to the requirements of the New Albany Design Guidelines and Requirements, city code and the Urban Center Code.

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 no comments.

V. RECOMMENDATION

Basis for Approval:

Staff is supportive of the proposed rezoning application. The proposed zoning change from the Village Core sub-district to the Rural Residential sub-district will result in less dense development in the Village Center however, it appears appropriate from both a use and development standpoint as it creates a transition from the Village Center and rural character of Reynoldsburg-New Albany Road to the south and east. and the proposal matches the future land use recommendations in the 2006 Village Center Strategic Plan as well.

The Village Center Strategic Plan specifically identifies this property and immediate area to the south as the "South Village District". The plan states that this district serves as a transition between the dense Village Center and some of the northern New Albany Country Club neighborhoods which are set back into more rural road corridors that are designed to maintain and pay homage to the pastoral character of the community. Both of the existing structure on the site were built prior to a significant majority of the new buildings in the immediate area and are at least 100 years old. These existing rural residential buildings on the site and its current use promote and contribute to the historic pastoral character of New Albany which accomplishes an important development goal of the 2014 New Albany Strategic Plan.

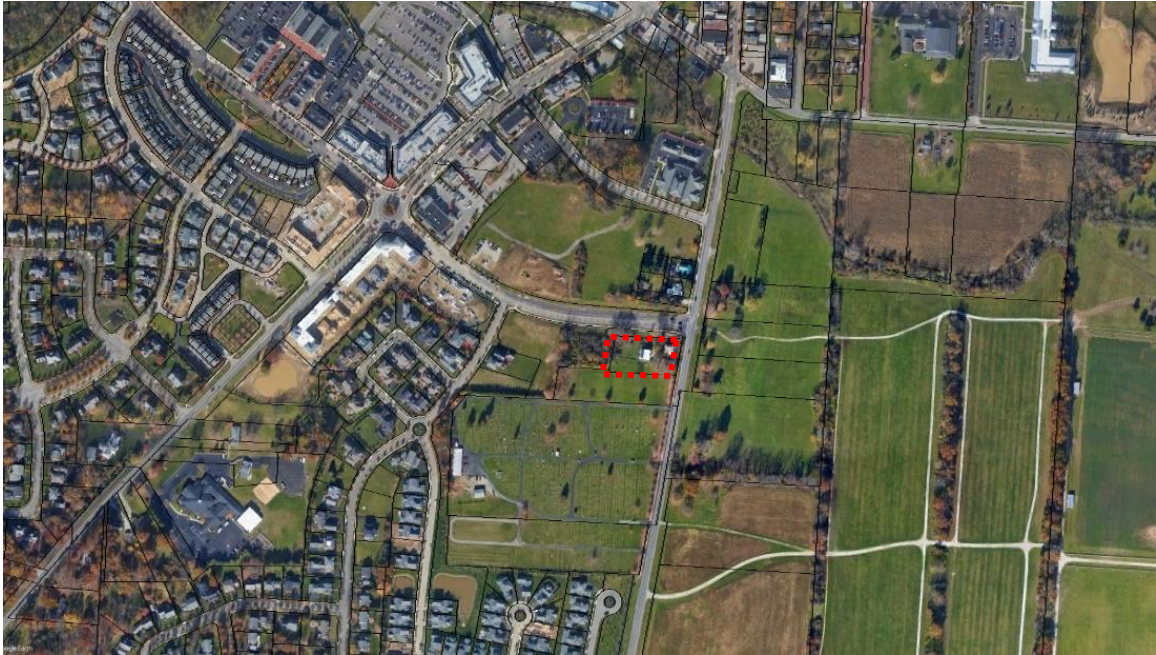
Staff recommends approval provided that the Planning Commission finds the proposal meets sufficient basis for approval.

VI. ACTION

Suggested Motion for ZC-72-2020:

To recommend approval to Council of Zoning Change application ZC-72-2020.

Approximate Site Location:





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

**10087 JOHNSTOWN ROAD
ZONING AMENDMENT**

LOCATION: 10087 Johnstown Road (PID: 22-000612)
APPLICANT: Joshua and Krista Bodman
REQUEST: Zoning Amendment
ZONING: R-1 (Residential Estate District) to L-O (Limited Office District)
STRATEGIC PLAN: Town Residential
APPLICATION: ZC-73-2020

Review based on: Application materials received September 16 and October 2, 2020.

Staff report completed by Chris Christian, Planner.

IX. REQUEST AND BACKGROUND

The applicant requests review and recommendation to rezone 1.92 +/- acres from R-1 (Residential Estate District) to L-O (Limited Office District) within Franklin County. The proposed zoning is a limitation text which can only established more restrictive requirements compared to the requirements of city code. The proposed rezoning allows an existing residential home to be used for small business office space and ensures a consistent development pattern in the immediate area if the site is redeveloped in the future.

The applicant wishes to permit office uses to be located in an existing single family home on the property. The property has historically been used as a residence and a furniture repair business and has since been annexed into the city. The city's codified ordinances allow for the continued use of land at the time of annexation even though it was non-conforming with the city's zoning. However, city code states once a non-conforming use has been discontinued or abandoned it shall not thereafter be returned to a non-conforming use. The furniture repair business has closed and since the property is zoned for residential uses, the property must be rezoned to allow for office uses.

Additionally, the zoning text provides additional requirements for the property in the event that the existing building is demolished, replaced or a new building is constructed as the site redevelops. These additional zoning text requirements set standards for redevelopment that are consistent with those established in zoning texts in the immediate area. This includes the Walton-62 I-PUD zoning text to the southeast of this site and the Canini Trust Corp I-PUD zoning text to the south.

II. SITE DESCRIPTION & USE

The overall site consists of one parcel and it is located within Franklin County. The site is 1.92+/- acres in size and is located on the east side of Johnstown Road (US-62) directly north of the Canini Trust Corp development. The general area includes residentially zoned (R-1) properties as well as properties zoned for commercial development including the Canini Trust Corp to the south and the Walton-62 zoning district to the southeast. The site currently contains a single family home and an accessory

structure. The home is non-conforming as it is located just 9.4 feet from the Johnstown Road right-of-way where city code requires a minimum 50 foot setback along this road.

III. PLAN REVIEW

Planning Commission's review authority of the zoning amendment application is found under C.O. Chapters 1107.02 and 1159.09. Upon review of the proposed amendment to the zoning map, the Commission is to make a recommendation to City Council. Staff's review is based on city plans and studies, proposed zoning text, and the codified ordinances. Primary concerns and issues have been indicated below, with needed action or recommended action in underlined text.

Per Codified Ordinance Chapter 1111.06 in deciding on the change, the Planning Commission shall consider, among other things, the following elements of the case:

- (i) Adjacent land use.
- (j) The relationship of topography to the use intended or to its implications.
- (k) Access, traffic flow.
- (l) Adjacent zoning.
- (m) The correctness of the application for the type of change requested.
- (n) The relationship of the use requested to the public health, safety, or general welfare.
- (o) The relationship of the area requested to the area to be used.
- (p) The impact of the proposed use on the local school district(s).

D. New Albany Strategic Plan

This property is located within the Town Residential future land use district however it was evaluated under the Office District development standards as it is the intended use for the site. The 2014 New Albany Strategic Plan lists the following development standards for the Office District:

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

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

E. Use, Site and Layout

1. The rezoning encompasses a total of 1.92+/- acres located in Franklin County. The proposed zoning text is a limitation text. A limitation text can only establish more restrictive requirements than the zoning code.
2. The applicant requests to permit office uses to be located in an existing single family home on the property. The property has historically been used as a residence and a commercially as a furniture repair business since being annexed into the city. The city's codified ordinances allow for the continued use of land at the time of annexation even though it was non-conforming with the city's zoning. However, city code states once a non-conforming use has been discontinued or abandoned it shall not thereafter be returned to a non-conforming use. The furniture repair business has closed and since the property is zoned for residential uses, the property must be rezoned to allow for office uses.
3. The home is non-conforming as it is located just 9.4 feet from the Johnstown Road right-of-way where city code requires a minimum 50 foot setback along this road. The proposed zoning text permits the existing non-conforming setback along Johnstown Road to remain in accordance with the C.O. 1117, the non-conforming use code section unless the existing primary structure on the property is destroyed or the property is redeveloped. In accordance with C.O. 1117, no improvements or changes may be made to the building or site to cause either to become more non-conforming. This code section also states that if more than 50% of the market value of the existing building is lost, the building is not permitted to be reconstructed to continue the non-conformity. While the structure still exists, improvements may be made to it or the site and the development standards of C.O. 1143 (Office District) apply.
4. The text permits the site to be redeveloped in the future if the existing primary structure on the site is removed and replaced. In this event, the development standards of the C.O. 1143 (Office District) apply to the site unless otherwise addressed in the zoning text. These additional zoning text requirements set standards for redevelopment that are consistent with those established in zoning texts in the immediate area. This includes the Walton-62 I-PUD zoning text to the southeast of this site and the Canini Trust Corp I-PUD zoning text to the south.
5. Chapter 1143 (Office District) of the New Albany Codified Ordinances permits the following uses:

Permitted Uses	Conditional Uses
<u>Administrative and Business Offices</u>	<u>Limited personal services, generally involving the care of the person and/or personal effects, consisting of:</u>
Brokers and dealers in securities, investments and associated services	Commercial Photography
Insurance agents and brokers in associated services	Barber and Beauty Shops
Real estate sales and associated services	Funeral home, mortuaries and related facilities
<u>Professional Offices</u>	Veterinary office and animal hospitals
Medical and medical related activities	Nursery schools and/or day care facilities
Other health or allied medical facilities	
Professional, legal, engineering and architectural services	

Accounting, auditing and other bookkeeping services	
<u>Not for Profit Organizations and Associations</u>	
Business associations	
Professional membership organizations	
Civil, social and fraternal organizations	
Religious Exercise Facilities and Related uses	

- The proposed use and its location is appropriate given the close proximity to other commercial development in the immediate area and the proximity to the State Route 161 interchange.
- The following table provides the required building and pavement setbacks for the property prior to development as the site exists today and if the site is redeveloped in the future.

Setback	Existing, non-conforming (pre-redevelopment) Setbacks	Redevelopment
Front	25 feet building and pavement (property does not conform to this standard)	50 foot building and pavement
Sides	15 foot building 25 foot pavement	15 foot building 25 foot pavement
Rear	20 foot pavement 45 foot building	20 foot pavement 45 foot building

F. Access, Loading, Parking

- The zoning text permits the existing full access curb cut on Johnstown Road to remain unless the site is redeveloped and there is an existing private drive built up to this property line on an adjacent site as envisioned on Exhibit A of the zoning text. In this event, the existing curb cut along Johnstown Road must be removed and instead use the private road for vehicular access to the site.
- Parking will be provided per code requirements (Chapter 1167) and will be evaluated at the time of redevelopment of the site or when a change of occupancy permit is applied for.
- When the site redevelops, the text requires leisure trail to be developed on Johnstown Road.

G. Architectural Standards

- The proposed rezoning implements the same architectural zoning requirements found in the Walton-62 zoning text where commercial land uses are permitted.
- Section 6 of the New Albany Design Guidelines and Requirements apply to this site.
- The maximum building height is 35 feet.
- The proposed text contains a requirement for complete, four-sided screening of all roof-mounted equipment for sight and sound.
- The text requires dumpsters and service areas to be fully screened from all public roads and adjacent properties.

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

- Maximum lot coverage for this subarea is 80%. This matches the surrounding commercial zoning districts.
- The proposed zoning text contains the same tree preservation language as the neighboring approved Walton-62 zoning text.

3. The text requires the same landscape treatments that are found in the Walton-62 zoning district including the minimum number of street trees along Johnstown Road as well as interior landscaping.
4. Minimum tree sizes and heights for on-site trees match the standards in the surrounding business districts.
5. C.O. 1171.05(C) recommends that a minimum 25 foot wide buffer be created between commercial and residential properties and requires a landscape buffer to be installed along property lines to achieve a minimum of 75% opacity screening. This requirement will have to be met once the site is redeveloped.

G. Lighting & Signage

2. *All signage shall conform to the standards set forth in Codified Ordinance Section 1169.*
3. *All lighting shall be cut-off type fixtures and down cast to minimize light spilling beyond the boundaries of the site. The maximum height is 30 feet.*
4. The zoning text contains the same signage requirements of the Walton-62 zoning text including the adoption of the 2013 Trust Corp Signage Recommendations Plan in order to ensure consistent signage is achieved in the immediate area.

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 no comments.

V. RECOMMENDATION

Basis for Approval:

The proposed use and its location appear to be appropriate given the close proximity to other commercial development in the immediate area and the proximity to the State Route 161 interchange. According to the city's Codified Ordinances, the "purpose of the O Office District is to provide locations for administrative, business and professional offices, recognizing that such uses may provide a suitable transition between residential areas and commercial areas which have a higher intensity of use." This rezoning is meeting the intent of this purpose by providing a limited number of types of office uses and an appropriate transition from the more intense retail uses to the south to the predominately residential area of the city to the north. The city of New Albany seeks to encourage small business growth while achieving a cohesive and consistent pattern of development. The proposed text allows the property owner to repurpose the existing single family residential home by allowing small office uses within it while ensuring a consistent development pattern with the immediate area if the site redevelops in the future. The proposed text retains all of the existing zoning regulations that apply to nearby zoning districts in the immediate area including the Canini Trust Corp and the Walton-62 zoning districts located immediately south and southeast of this site.

1. The rezoning will result in a more comprehensive planned redevelopment of the area and will ensure compatibility between uses (1111.06(a)).
2. The limitation text rezoning application allowing office uses is an appropriate application for the request (1111.06(e)).
3. The overall effect of the development advances and benefits the general welfare of the community (1111.06(f)).
4. The proposed rezoning will allow for the development of businesses that will generate revenue for the school district while eliminating residential units having a positive impact on the school district (1111.06(h)).

Staff recommends approval provided that the Planning Commission finds the proposal meets sufficient basis for approval.

VI. ACTION

Suggested Motion for ZC-73-2020:

To recommend approval to Council of Zoning Change application ZC-73-2020.

Approximate Site Location:





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

**8 HIGHGROVE FARMS
ACCESSORY STRUCTURE AREA VARIANCE**

LOCATION: 8 Highgrove Farms (PIDs: 222-004640-00)
APPLICANT: Brian Kent Jones dba The Jones Studio c/o Aaron Underhill
REQUEST: Variance to C.O. 1165.04(a)(1) to allow a detached garage to be 2,027 square feet in size where city code allows a maximum of 1,200 square feet.
ZONING: West Nine 2: Subarea C I-PUD
STRATEGIC PLAN: Neighborhood Residential
APPLICATION: VAR-78-2020

Review based on: Application materials received on September 18 and October 2, 2020

Staff report prepared by Chris Christian, Planner.

X. REQUEST AND BACKGROUND

The applicant requests a variance to C.O. 1165.04(a)(1) to allow a detached garage to be 2,027 square feet in size where city code allows a maximum of 1,200 square feet.

C.O. 1165.04(a)(1) states that the maximum permitted area for a detached structure on a lot between 1 and 2 acres in size is 1,200 square feet therefore a variance is required. Lots greater than 2 acres in size are permitted to construct accessory structures up to 1,600 square feet in area.

XI. SITE DESCRIPTION & USE

The 1.84 acre property is located in section 26 of the New Albany Country Club and is zoned under the West Nine 2 I-PUD zoning district. The property currently contains a single family home, a detached garage and a swimming pool. The surrounding properties are residentially zoned and used.

XII. ASSESSMENT

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

Criteria

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

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

25. *Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without the variance.*
26. *Whether the variance is substantial.*
27. *Whether the essential character of the neighborhood would be substantially altered or adjoining properties suffer a "substantial detriment."*
28. *Whether the variance would adversely affect the delivery of government services.*
29. *Whether the property owner purchased the property with knowledge of the zoning restriction.*
30. *Whether the problem can be solved by some manner other than the granting of a variance.*
31. *Whether the variance preserves the "spirit and intent" of the zoning requirement and whether "substantial justice" would be done by granting the variance.*

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

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

III. EVALUATION

Variance to C.O. 1165.04(a)(1) to allow an accessory structure to be 2,027 square feet in size where city code allows a maximum of 1,200 square feet.

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

8. The applicant proposes to construct a 2,027 square foot garage near the northwestern property line of their lot which is 1.84 acres. C.O. 1165.04(a)(1) states that the maximum permitted area for a detached structure on a lot between 1 and 2 acres in size is 1,200 square feet therefore a variance is required.
9. The variance request meets the spirit and intent of the requirement which is to ensure that detached structures are properly scaled in relation to the size of the lot. While the structure is larger than what is permitted by code, the proposed structure takes up only 2.52% of the total lot area. If the proposed structure was 1,200 square feet in size as permitted by code, it would take up 1.5% of the total lot area. The 1.02% difference appears to be minimal and therefore not substantial and the proposed structure is properly scaled in relation to the size of the lot.
10. There are special circumstances that are peculiar to this property that justifies the variance request and does not result from any action of the property owner. There is an existing 10 foot wide, platted storm water easement that runs through the property behind the existing house that does not permit the installation of any above grade structures within it. Due to this condition, the amount of space available on the property to develop above grade structures is limited. If the easement did not exist, the applicant could simply attach the proposed accessory structure to the home and no variance for its size would be necessary.
11. The request does not appear substantial. The property is larger than the typical size of a New Albany Country Club lot and is located in a section where larger lots with larger homes are commonplace. The applicant provided an analysis, based on information obtained from the Franklin County Auditor's website, demonstrating the ratio of the size of a residence as a percentage of the size of a lot for homes in Highgrove Farms and Highgrove. This analysis does not include any accessory structures that may exist on these properties. Between these two

subdivisions, the average home takes up 13.53% of the size of a property. If the variance is approved, 11.86% of the total lot area will be taken up with the primary home and the new accessory structure on this property. The lot to the west of this site is currently undeveloped however the same type of a large home-property ratio can be expected as this is a large, estate sized lot.

12. It does not appear the essential character of the neighborhood would be substantially altered or adjoining properties would suffer a "substantial detriment." The proposed accessory structure is located completely in the rear yard of the lot, backing onto the golf course which provides adequate separation between this structure and other neighborhoods to the north and will limit its visibility from public rights-of-way. The structure is meeting all other code requirements and, as required by code, is designed to appear as an extension of the house by using the same material. .
13. It appears that granting the variance will not adversely affect the health and safety of persons residing in the vicinity.
14. It appears that the variance will not adversely affect the delivery of government services, the health and safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.

XIII. RECOMMENDATION

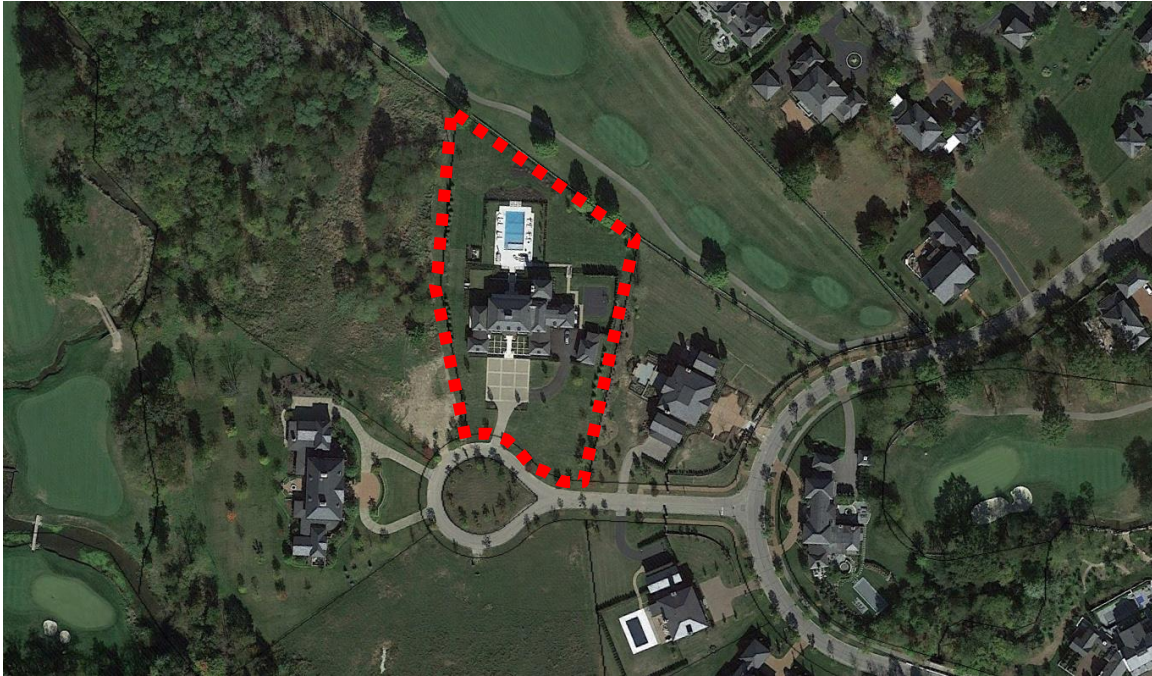
Staff is supportive of the variance request. Even though the proposed structure is larger than what is permitted by code, this size and scale development pattern is consistent with the character of the immediate neighborhood. Highgrove Farms contains large estate lots with large building areas. Although the structure may seem large, it does not appear that the essential character of the neighborhood would be substantially altered due to the granting of the variance request. Additionally, the proposed structure will be located behind the home and will back onto the golf course which reduces its visibility from public rights-of-way. The lot has a special condition since it has an existing storm sewer easement that bisects the property. While the area behind the easement is buildable, the easement forces any construction to be a standalone structure. If the easement did not exist, the applicant could simply attach the proposed structure to the primary house and the variance would not be needed.

V. ACTION

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

Move to approve application V-78-2020.

Approximate Site Location:



Source: Google Earth