


New Albany Planning Commission
December 21, 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 7:02 p.m.

Those answering roll call:

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

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

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

Mr. Kirby asked staff if his comment on page three (3) of the November 16, 2020 Planning Commission draft minutes asking, "if they were decent on any development on neighboring properties," was sufficient as presented or required further clarification.

Mr. Christian stated he could review the recording and statements for clarity.

Mr. Kirby stated the intent was to make sure that both sides of Kitzmiller were serviceable as well as being able to take it all the way south across the bridge.

Mr. Christian stated yes.

Moved by Mr. Wallace with the potential correction as discussed on the record to approve the November 16, 2020 meeting minutes, seconded by Mr. Schell. Mr. Wallace, yea; Mr. Schell, yea; Ms. Wiltrout, abstain; Mr. Kirby, yea. Yea, 3; Nay, 0; Abstain, 1. Motion passed by a 3-0-1 vote.

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

ZC-66-2020 Zoning Change

Rezoning of 3.35+/- acres from R-1 and Infill Planned Unit Development (I-PUD) to Infill Planned Unit Development (I-PUD) located at 4093 Reynoldsburg New Albany Road and 6 Hawksmoor Drive for an area to be known as the "Hawksmoor North Zoning District" (PIDs: 222-000630 & 222-004874).

Applicant: D&H Hawksmoor Properties Ltd., c/o Aaron Underhill, Esq.

Mr. Christian presented the staff report.

Mr. Kirby asked for Engineering comments.

Mr. Herskowitz stated Engineering had reviewed the preliminary plans and requested that the engineering plans be resubmitted and revised to show the new lot configurations. Mr. Herskowitz noted an environmental site assessment would be needed for lot 19.

Mr. Kirby asked the applicant for comments.

Mr. Aaron Underhill, of Underhill & Lodge, LLC., attorney for the applicants D&H Hawksmoor Properties Ltd., introduced Mr. Tom Warner of Advanced Civil Design and Mr. Scott Griffen, representing the owner, and discussed the project.

Mr. Kirby asked Engineering if they were good on the right-of-way on Reynoldsburg-New Albany Road.

Mr. Herskowitz stated they had obtained all the right-of-way they needed with the initial Hawksmoor project.

Mr. Kirby asked if the final development plan would show the orientation of both of the houses.

Mr. Underhill stated yes, that was correct. Mr. Underhill stated the eastern most parcel would have the home facing eastward but the western had some flexibility.

Mr. Kirby stated he would set an expectation that it did not abandon addressing Hawksmoor Drive. Mr. Kirby noted that, as an example, the house located one lot west of the westernmost lot, could be perceived as being diagonal so it somewhat addressed Hawksmoor while being pulled back from it. Mr. Kirby noted that how the corner of the L shaped lot was turned would be important and the house should at least nod toward Hawksmoor, in his opinion.

Mr. Underhill stated that was fair enough and noted it would be up to the applicant to show if the design worked on the site. Mr. Underhill added that the lot might have an accessory structure which address Hawksmoor.

Mr. Kirby stated that would be fine but it should not be left as an unaddressed issue.

Ms. Wiltrout stated her question might relate to the second phase of this project and noted that she appreciated the increased setback on the east property. Ms. Wiltrout asked if the trees on the west lot would be incorporated into the design.

Mr. Underhill stated the area in red on the northwest portion of the site shown on the screen was a tree preservation zone. Mr. Underhill stated they were also protecting the trees in the orange zone shown on the western portion of the lot on the screen. Mr.

Underhill stated any other trees that would be protected would depend on where the house would sit.

Ms. Wilttrout stated okay.

Mr. Schell stated he understood they went down to two (2) homes from three (3) and asked if there would ever be a time, if this did not pass, that they would want to split the lots further. Mr. Schell asked what the worst case scenario could be here.

Mr. Underhill stated they could not know but noted that the owners here were residents of the Hawksmoor community and had a vested interest in seeing the continuation of the same sort of homes being constructed on these lots. Mr. Underhill said he thought it would be difficult to subdivide these lots in a manner that would make sense and fit with the current character of the area.

Mr. Kirby asked what the frontage along Reynoldsburg-New Albany Road was, as that could settle a lot of issues.

Mr. Underhill asked Mr. Christian if he knew.

Mr. Christian stated he thought it was probably 150 feet.

Mr. Kirby stated the frontage would stop them from subdividing it. Mr. Kirby stated R1 lots required 125 feet minimum on frontage he believed.

Mr. Underhill stated that was a good point and added that frontage, without a rezoning, would be an impediment.

Mr. Mayer stated that if it were subdivided a final plat would be required and would need to be reviewed by the Planning Commission and, ultimately, City Council for approval.

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

Mr. Mayer stated that if anyone from the public was there they would need to unmute themselves. Mr. Mayer stated the function to unmute was at the bottom of the screen, if someone wished to speak or they could send a chat using the message bubble at the top right of the screen.

No response.

Moved by Mr. Kirby to accept the staff reports and related documents into the record for ZC-66-2020, seconded by Ms. Wilttrout. Upon roll call vote: Mr. Kirby, yea; Ms. Wilttrout, yea; Mr. Schell, yea; Mr. Wallace, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

Moved by Ms. Wiltrout to approve ZC-66-2020, including the Engineering comments as requested, seconded by Mr. Schell. Upon roll call: Ms. Wiltrout, yea; Mr. Schell, yea; Mr. Wallace, yea; Mr. Kirby, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

VAR-91-2020 Variance

Variance to C.O. 1165.04(B)(2)(C) to allow a deck to be located closer than 10 feet from the rear property line at 7115 Longfield Court (PID: 222-004800).

Applicant: Thomas & Carmella Hagerman

Mr. Christian stated the applicant requested to have this application tabled until the regularly scheduled January 2021 Planning Commission meeting.

Moved by Mr. Kirby to table VAR-91-2020 until the January 2021 regularly scheduled Planning Commission meeting, seconded by Ms. Wiltrout. Upon roll call: Mr. Kirby, yea; Ms. Wiltrout, yea; Mr. Wallace, yea; Mr. Schell, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

VAR-92-2020 Variances

Variances to the Mink Street Interchange zoning text to allow a building and paved areas to encroach into the required building and pavement setbacks for a property generally located at the southwest corner of Innovation Campus Way and Mink Street(PID: 093-107478-00.001).

Applicant: EMH&T c/o Katie Bauman

Mr. Christian presented the staff report for a total of three (3) variances, VAR-92-2020 (A), (B), and (C).

Mr. Kirby asked for Engineering comments.

Mr. Herskowitz stated there were no Engineering comments at this time.

Mr. Kirby asked for the applicant's comments.

Ms. Katie Bauman, with EMH&T, stated she was representing the owner for this application. Ms. Bauman stated the site plan had been reworked and they no longer had a need for VAR-92-2020 variance (B).

Mr. Kirby asked Ms. Bauman to confirm that variance VAR-92-2020 (B) was no longer requested and should be removed.

Ms. Bauman stated that was correct.

Mr. Kirby asked if Mink Street expanded into the larger right-of-way, going south.

Mr. Mayer stated it did widen but he was not sure if it took up the full right-of-way.

Mr. Kirby noted the dotted line suggested that.

Ms. Bauman stated she believed Mr. Mayer was correct.

Mr. Mayer stated, yes, that was correct.

Mr. Kirby asked when the right-of-way expansion had occurred.

Mr. Herskowitz stated he believed it was when the interchange had been built, around 2017.

Mr. Kirby asked if that predated the zoning of this property.

Mr. Christian stated the property had been rezoned in 2016.

Mr. Kirby asked if the right-of-way changed out from under the applicant as opposed to the right-of-way being there when the design was started.

Ms. Bauman stated the right-of-way had been in existence since the owner purchased the land.

Mr. Kirby stated he was asking more about the zoning than the ownership transfer.

Mr. Mayer stated they could check the zoning district.

Mr. Christian stated he could pull that information up.

Mr. Kirby asked if any of the neighbors were present, particularly those to the south to begin with. Mr. Kirby asked if anyone from the State of Ohio or from the area on screen where the cursor was currently pointing was present. (No response.)

Mr. Kirby stated that if the State of Ohio removed the residential rights on its property then most of the need for variance (C) would go away.

Mr. Christian stated that if the residential uses were not permitted then variance (C) would not be needed.

Mr. Kirby asked if the commercial property to the west of the State of Ohio property also forced the variance.

Mr. Christian stated no.

Mr. Kirby asked if it was not zoned residential

Mr. Christian stated correct.

Mr. Kirby stated the issue was that the State of Ohio had a property that, by rights, forced them to have the variance. Mr. Kirby stated that if that were gone it would be simple.

Mr. Christian stated a letter had been timely sent out to the State of Ohio notifying them of this variance request.

Mr. Kirby asked if there was existing residential use zoning on the east side of Mink Street that was being used.

Mr. Christian stated yes and added there was also a mixed use office overlay. Mr. Christian stated they had all been notified.

Mr. Kirby asked if they were in New Albany or in the township.

Mr. Christian stated they were in the township.

Mr. Kirby stated they had the township overlay.

Mr. Christian stated that was correct.

Mr. Kirby stated that was another neighbor the Planning Commission would like to hear from but was not.

Mr. Wallace asked if the problem would go away if they made the building smaller.

Mr. Ven Bhindwallam, speaking for the property owner, stated the proposed building size was due to their relocation of a current 300,000 square foot facility in Etna to New Albany and a smaller building would not serve their needs.

Mr. Wallace asked staff for further explanation of a reference in the recommendations section of the staff report in paragraph seven (7).

Mr. Christian stated that typically during reviews of these types of projects they would look at the existing rights-of-way along these roads during the engineering permitting process. Mr. Christian stated that in this case, as variances were needed, they took a quick look. Mr. Christian stated it had been determined that along the narrower portion of Mink Street the right-of-way followed the edge of pavement and they were aware that in the future they will need additional right-of-way. Mr. Christian stated they wanted to note that future need would not make issues worse.

Mr. Kirby asked if that meant that additional right-of-way growth would be to the north and would not affect anything.

Mr. Christian stated that was correct.

Mr. Wallace stated that helped.

Mr. Schell asked what the height of the building was.

Mr. Bhindwallam stated it would be close to 36 feet clear.

Mr. Schell asked how tall the trees being planted would be.

Ms. Bauman stated she believed there was a chart in the presentation showing that and asked Mr. Christian to show that part of the presentation on screen.

Mr. Christian showed the image on screen.

Ms. Bauman stated she thought the trees would be seven (7) to eight (8) feet in height.

Ms. Schell asked if, due to Covid-19, they might not need to speak with someone at the State of Ohio. Mr. Schell asked Mr. Bhindwallam what the actual size of his current building was.

Mr. Bhindwallam stated it was a bit larger than 300,000 square feet.

Mr. Schell asked if Mr. Bhindwallam had said they had initially wanted 350,000 square feet.

Mr. Bhindwallam stated yes, but they did not know the requirement on the land and the need for variances was decreased by having a 300,000 square foot building.

Mr. Kirby asked if there were any conflicts with the two (2) conditions listed in the staff report.

Ms. Bauman stated they were on board with those conditions.

Mr. Kirby asked if the parking to the south, currently marked in red on the screen, was truck parking.

Ms. Bauman stated that was trailer storage, correct.

Mr. Kirby asked if that would normally be green space due to the residential use.

Mr. Christian stated that was correct.

Mr. Kirby stated he wished there were assurances from the southern property owner as then they would not need variance (C) at all.

Mr. Christian stated that when he notified the State of Ohio the address was that of a local office in Johnstown. Mr. Christian stated the State of Ohio also owned two other properties across the street where there had previously been structures that were now vacant.

Mr. Kirby asked if there might be a condition on the (C) variance that, for example, a block would be proposed in the area that would be green, which would go away, if they obtained an assurance from the southern property owner no residential use would occur. Mr. Kirby stated that if the southern property owners agreed for this to be treated as non-residential then the southern part of this would be a compete slam dunk.

Mr. Schell stated he would feel better about having some type of condition on that point to obtain some kind of assurance from the State of Ohio that they were okay with that.

Mr. Kirby stated a time limit for a response could be put in place as well and asked what the applicant thought about this.

Mr. Wallace asked Mr. Banchefsky if the State of Ohio needed to be treated any differently as a sovereign entity than any other land owner would be in this case.

Mr. Banchefsky stated the State of Ohio was like any other property owner but more bureaucratic and dealing with the Covid-19 issue at this time also impeded matters. Mr. Banchefsky stated such a condition could be used, but it was not likely they would hear back. Mr. Banchefsky stated the State of Ohio should be treated like any other property owner.

Ms. Wiltout asked if the State of Ohio had been provided normal notice, like in any other case.

Mr. Christian stated that was correct.

Mr. Banchefsky stated that was a good point. Mr. Banchefsky stated if they had been given notice and had decided not to show up, then go ahead and proceed.

Mr. Kirby stated thank you.

Mr. Wallace stated he was not opposed to the proposed condition but did not think it was necessary.

Ms. Wiltout stated she agreed and noted she was hesitant about requiring it in this situation and not in other situations, as that could establish a precedent that might not be good to set.

Mr. Banchefsky asked if the point was that, simply because it was the State of Ohio, they should be provided additional time.

Mr. Kirby stated it was more due to Covid-19 and making sure the neighbors were on board, noting that in a live meeting the neighbors across the street very likely could have shown up.

Ms. Wiltout stated it could be said it was even easier to appear when meetings were virtual. Ms. Wiltout stated she wondered if they started this then future neighbors in another proceeding could request additional time for another person or neighbor.

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 VAR-92-2020, seconded by Ms. Wiltout. Upon roll call vote: Mr. Kirby, yea; Ms. Wiltout, yea; Mr. Schell, yea; Mr. Wallace, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

Moved by Mr. Wallace to approve application VAR-92-2020 (A)and (C), with (B) withdrawn, based on the findings in the staff report, with the conditions listed in the staff report, subject to staff approval, seconded by Ms. Wiltout. Upon roll call: Mr. Wallace, yea; Ms. Wiltout, yea; Mr. Kirby, yea; Mr. Schell, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

Other Business

Mr. Kirby asked if there was any Other Business.

Mr. Christian stated none from staff.

Mr. Mayer stated the Engage New Albany plan was being wrapped up. Mr. Mayer stated they were looking to review the plan at the regularly scheduled Planning Commission February meeting.

Poll Members for Comment

Mr. Kirby asked for members' comments.

Members stated they had no comments.

Mr. Kirby adjourned the meeting at 8:13 p.m.

Submitted by Josie Taylor.

APPENDIX



Planning Commission Staff Report December 21, 2020 Meeting

HAWKSMOOR NORTH ZONING AMENDMENT

LOCATION: 4093 Reynoldsburg New Albany Road (PID: 222-000630) and 6 Hawksmoor Drive (PID: 222-004874)
APPLICANT: D&H Hawksmoor Properties Ltd., c/o Aaron Underhill, Esq.
REQUEST: Zoning Amendment
ZONING: R-1 and Infill Planned Unit Development (I-PUD) to Infill Planned Unit Development (I-PUD)
STRATEGIC PLAN: Neighborhood Residential
APPLICATION: ZC-66-2020

Review based on: Application materials received December 3, 2020.

Staff report completed by Chris Christian, Planner.

I. REQUEST AND BACKGROUND

The applicant requests review and recommendation to City Council for a proposed zoning change and preliminary development plan. The request is to rezone 3.35+/- acres to Infill Planned Unit Development (I-PUD) from R-1 and Infill Planned Unit Development (I-PUD).

The rezoning area consists of two properties, one along Reynoldsburg New Albany Road and one that is a part of the Hawksmoor subdivision. The applicant's intent is to adjust the two parcel boundaries so that they are more equal in size, subject to similar development standards found in the existing Hawksmoor (I-PUD) zoning text.

This area will be known as the Hawksmoor North Zoning District, and will be zoned Infill Planned Unit Development (I-PUD).

This application was tabled at the September and November Planning Commission meetings. Due the I-PUD zoning classification, the applicant must return to the Planning Commission for review and approval of a final development plan application.

II. SITE DESCRIPTION & USE

The zoning district consists of two parcels and it is located within Franklin County. One parcel fronts onto Reynoldsburg New Albany Road, is zoned R-1 and contains a single family home. The other parcel is located within the Hawksmoor subdivision and is currently vacant. The immediate neighboring zoning districts include the Hawksmoor I-PUD zoning district located south of and encompassing some portions of the district, Section 5 of the New Albany County Club and other residentially zoned and used properties to the east, west and north of this site

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.

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

Per Codified Ordinance Chapter 1159.08 the basis for approval of a Preliminary Development Plan in an I-PUD shall be:

- (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 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 of dwelling units 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).

A. New Albany Strategic Plan

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

1. Houses should front onto public open spaces and not back onto public parks or roads.
2. Houses should be a minimum of 1.5 stories in appearance and a maximum of three stories.
3. Rear and side loaded garages are encouraged. When a garage faces the street, the front façade of the garage must be setback from the front façade of the house.

4. The maximum width of a garage door facing the street is ten feet.
5. Open space should be sited to protect and enhance existing natural features and environmentally sensitive habitats.
6. Neighborhood open spaces and parks should be located within 1,200 feet of all houses. They should vary in size and be easily accessible to pedestrians.
7. Streets should have five-foot wide sidewalks on both sides of the street, other than in locations approved for eight-foot leisure trails.
8. Leisure trails must be established throughout.
9. Deciduous street trees should be planted 30 feet on center.
10. Primary roads should be designed according to its designated corridor typology.
11. Sidewalks should be located on all internal subdivision streets and leisure trails located along all external roadway frontages with connections from sidewalks to leisure trails.
12. Cul-de-sacs are discouraged in all developments and a multiplicity of connections should be made.

B. Use, Site and Layout

1. The text allows the permitted uses and accessory uses of C.O. 1131 which is the city’s R-1 zoning district. A maximum of two single family homes are permitted within the zoning district, one on each parcel.
2. The zoning district currently contains two residentially zoned properties, one along Reynoldsburg New Albany Road which contains a single family home and one undeveloped property located within the Hawksmoor subdivision. The text allows the existing property lines to be modified, to be more balanced so that one property is 1.63+/- acres in size and the other is 1.72+/- acres.
3. The applicant used the existing Hawksmoor zoning district development standards to create the proposed text. Due to the proposed I-PUD zoning classification the applicant must return to the Planning Commission for review and approval of a final development plan application.
4. The text permits the home on the western parcel to be oriented either towards Hawksmoor Drive or towards the western boundary line. The home on the eastern parcel must be oriented towards Reynoldsburg-New Albany Road.
5. The text establishes the following setbacks for each property. These setbacks are also shown on the preliminary development plan.

WESTERN PARCEL

Perimeter Boundary	Existing Requirement	Proposed Text
Southern Boundary (Adjacent to Hawksmoor Drive)	10 foot building setback	40 foot building setback
Northern and Southern Boundary (Not adjacent to Hawksmoor Drive)	Northern boundary: 50 foot building setback Southern boundary: 20 foot building setback	Northern boundary: 30 foot building within the existing tree preservation zone (adjacent to lot 26) and 20 foot building setback (adjacent to lot 4) Southern boundary: 20 foot building setback

Eastern Boundary	20 foot building setback	50 foot building setback
Western Boundary	20 foot building setback	<p>Minimum 20 foot building setback if the home is oriented towards Hawksmoor Drive. If the home is oriented towards the western property line, a minimum 50 foot building setback is required.</p> <p><u>As described in the text and shown on the preliminary development plan, a new 20 foot wide tree preservation zone will be created along a portion of the western property line. The text states that no structures or paved areas are permitted to be constructed in this area regardless of how the home on this property is oriented.</u></p>

- This property will become more of a flag shaped lot and due to this, the applicant proposes to treat the eastern boundary as the rear property line and establish a standard 50 foot setback. Based on the city code definition of a rear yard, the northern property line would typically serve as the rear yard however, staff is supportive of this treatment due to the unique shape of the lot. There is an existing 30 foot wide tree preservation zone on the property that will remain as part of this rezoning and provide buffering for neighboring properties.

EASTERN PARCEL

Perimeter Boundary	Existing Requirement	Proposed Text
Eastern Boundary	50 foot building setback	130 foot building setback
Western Boundary	50 foot building setback	50 foot building setback
Northern and Southern Boundaries	20 foot building setback	20 foot building setback

- The 130 foot building setback is consistent with the established building setback of homes located within the Hawksmoor subdivision and surrounding area.

C. Access, Loading, Parking

1. The text states that an attached garage with a minimum of two spaces will be provided on each property.
2. Parking will be provided per code requirements (Chapter 1167) and will be evaluated at the time of development of the site.
3. There is an existing sidewalk along Hawksmoor Drive and a leisure trail along 605 therefore there are no additional pedestrian connectivity requirements in the text or are required by the city's codified ordinances.
4. No additional right-of-way is needed along Hawksmoor Drive or Reynoldsburg-New Albany Road.

D. Architectural Standards

1. The proposed rezoning seeks to implement many of the same or improved standards found in the existing Hawksmoor zoning text. Due to the site being zoned I-PUD, the applicant must return to the Planning Commission for review and approval of a final development plan where final architectural details, in addition to other items will be reviewed in detail.
2. Due to the unique nature of the property being a flag shaped lot, the text permits the front façade of the home on the western property to face the western property line or towards the front of the property (Hawksmoor Drive).
3. The zoning text retains the same list of permitted exterior buildings materials found in the existing Hawksmoor zoning text. The existing Hawksmoor text only permits the use of stone on the foundation of a home or for architectural detailing, however the applicant proposes to allow stone to be used as a primary building material within this zoning district which appears to be an appropriate building material since other homes in Hawksmoor utilize stone and is consistent with the established English Village theme. The proposed text retains the maximum 45 foot building height for the primary residential home found in the existing Hawksmoor zoning text. All other structures are permitted to have a maximum height of 25 feet which is consistent with the city's codified ordinances.
4. The proposed text requires all swimming pools and spas to be fully enclosed and screened from adjoining properties and must meet the fencing requirement of C.O. 1173.

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

1. There are existing street trees along Hawksmoor Drive and Reynoldsburg New Albany road therefore there are no additional street tree requirements in the proposed text.
2. There are no additional parkland or open space requirements since the applicant is not creating a new subdivision and no new lots are being created.
3. There is an existing 5,610 square foot drainage easement, no build zone, and tree preservation zone located at the rear of the existing Hawksmoor parcel that will remain unchanged. The text also establishes a new 20 foot wide tree preservation zone along a portion of the western boundary line of the western parcel.

E. Lighting & Utilities

1. *The proposed text retains the lighting provisions of the existing Hawksmoor zoning text.*
2. *All new utilities are required to be installed underground which is consistent with the existing Hawksmoor zoning text.*

F. Other Considerations

1. *According to the zoning text, variances will be heard by the Planning Commission.*
2. *Due to the I-PUD zoning classification, the applicant must return to the Planning Commission with a final development plan application. The zoning text allows minor modifications to be made to the development, subject to staff review, after a final development plan has been approved if the modifications do not substantially differ from what was approved by the Planning Commission, meets the requirements of the New Albany Design Guidelines and Requirements and does not require a variance.*

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 the following comments. Staff recommends a condition of approval that the City Engineer's comments are met, subject to staff approval.

1. Revise the sanitary and street plans for the subdivision to show how water and sanitary service will be provided and how surface drainage will be managed. (see Code Section 1159.07(02) D.)

2. Provide a schedule for site development. (see Code Section 1159.07(02) F.)
3. Provide documentation verifying that all Ohio EPA and Army Corps of Engineers permitting requirement have been addressed. (see Code Section 1159.07(02) J.&K.)

V. RECOMMENDATION

Basis for Approval:

The proposed rezoning is consistent with the residential development strategies of the 2014 New Albany Strategic Plan. The rezoning allows for the existing property lines to be modified to achieve two equal sized lots so there is additional net housing density, modifies the existing rear yard setbacks for the western property and allows stone to be used as a primary building material. Beyond these modifications, the proposed text retains the development standards of the Hawksmoor I-PUD zoning text which will ensure a uniform, consistent development pattern in the immediate area.

Historical staff reports for this subdivision reveal that the design intent of this subdivision is to recall an “English Village”. The subdivision is heavily landscaped and contains a formal hedgerow and brick sidewalk. This zoning text continues to the English Village theme established in Hawksmoor and making the use of stone appropriate here.

The proposal is sensitive to the established character of the immediate area and compliments the neighboring properties. The size of the properties is more in kind with the existing estate lots in Hawksmoor to the west and those found across the street in the New Albany Farms subdivision, as they are larger than the typical Country Club sized lot.

The proposal meets many of the residential development strategies the 2014 New Albany Strategic Plan including:

1. Preserves and contributes to the pastoral character of the community.
2. Capitalizes and protects existing and new natural feature areas on the site.
3. Uses high quality architecture and design.
4. Achieves an appropriate density that is consistent with the immediate area.

Overall, the proposed development meets:

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 I-PUD rezoning application 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 as it provides a consistent, uniform development pattern similar to the surrounding area (1111.06(f)).
4. Today, two homes may be constructed in this area since the district currently consists of two properties. The proposed rezoning retain the maximum number of two homes, having no impact on the school district (1111.06(h)) from a housing perspective. The overall site area is greater than 3 acres therefore the applicant could have requested to split the properties into 3 lots and still meet the Strategic Plan goal of maintaining one housing unit per acre.

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

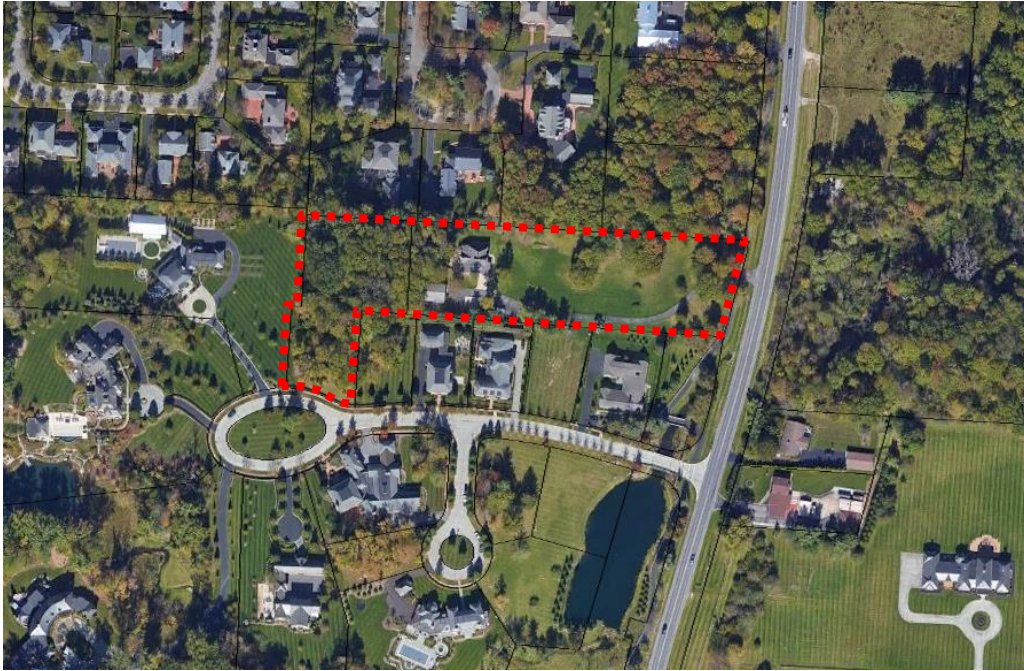
VI. ACTION

Suggested Motion for ZC-66-2020:

To recommend approval to Council of Zoning Change application ZC-66-2020 with the following condition (additional conditions of approval may be added).

1. The City Engineer's comments must be addressed, subject to staff approval.

Approximate Site Location:



**NEW
ALBANY**
COMMUNITY CONNECTS US
Planning Commission Tabling Memo
December 21, 2020 Meeting

**7115 LONGFIELD COURT
VARIANCE**

LOCATION: 7115 Longfield Court (PID: 222-004800-00)
APPLICANT: Thomas & Carmella Hagerman
REQUEST: Variance
ZONING: Millbrook Farm (I-PUD)
STRATEGIC PLAN: Town Residential
APPLICATION: VAR-91-2020

Tabling Memo completed by Chris Christian, Planner

The applicant requests that this application be tabled until the January 20, 2021 Planning Commission meeting.

Based on this request, staff recommends the following motion.

Move to table application VAR-91-2020 until the January 20, 2020 Planning Commission meeting.



**Planning Commission Staff Report
December 21, 2020 Meeting**

**AXIUM 4
VARIANCES**

LOCATION: Generally located at the southwest corner of Innovation Campus Way and Mink Street (PID: 093-107478-00.001).

APPLICANT: EMH&T c/o Katie Miller

REQUEST:

- (A) Variance to zoning text section II(C)(2) to allow a building to encroach 50 feet into the required 100 foot building setback along Mink Street.
- (B) Variance to zoning text section II(C)(2) to allow a paved area to encroach 13 feet into the required 50 foot pavement setback along Mink Street.
- (C) Variance to zoning text section II(C)(5) to allow a parking lot to be located 25 feet from the southern property line where the zoning text requires a 50 foot pavement setback.

ZONING: Mink Interchange I-PUD

STRATEGIC PLAN: Retail/Office Mix

APPLICATION: V-96-2020

Review based on: Application materials received December 4, 2020.

Staff report prepared by Chris Christian, Planner

II. REQUEST AND BACKGROUND

The applicant requests the following variances for a proposed new commercial development.

The applicant requests the following variances:

- (A) Variance to zoning text section II(C)(2) to allow a building to encroach 50 feet into the required 100 foot building setback along Mink Street.
- (B) Variance to zoning text section II(C)(2) to allow a paved area to encroach 13 feet into the required 50 foot pavement setback along Mink Street.
- (C) Variance to zoning text section II(C)(5) to allow a parking lot to be located 25 feet from the southern property line where the zoning text requires a 50 foot pavement setback.

II. SITE DESCRIPTION & USE

The 22.4 acre site is generally located at the southwest corner Innovation Campus Way and Mink Street in Licking County. The property is located in the Mink Interchange I-PUD zoning district which was reviewed and approved by the Planning Commission on September 19, 2016 (ZC-66-2016) and by City Council on October 4, 2016 (O-21-2016). The properties directly north and west of the site are zoned to permit commercial uses. The properties located to the east of the site, across Mink Street contain residentially zoned and used properties and are outside of the city limits. There are two properties located to the south of this site, one contains a commercial use, and the other is vacant and owned by the State of Ohio.

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 zoning text section II(C)(2) to allow a building to encroach 50 feet into the required 100 foot building setback along Mink Street.

(B) Variance to zoning text section II(C)(2) to allow a paved area to encroach 13 feet into the required 50 foot pavement setback along Mink Street.

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

1. The applicant is requesting variances to allow a portion of a new commercial building to encroach 50 feet into the required 100 foot building setback along Mink Street and an associated truck maneuvering lane to encroach 13 feet into the required 50 foot pavement setback along Mink Street.
2. There are special conditions and circumstances of this property that are not applicable to other land in the same zoning district that provide justification for the variance request. The portion

of the property where the encroachments occur is along the ODOT right-of-way for the Mink Street/State route 161 interchange. The ODOT limited access right-of-way is wider than the typical right-of-way along the other portions of Mink Street. The typical distance between the centerline of Mink Street and the edge of the right-of-way is approximately 40+/- feet and where the ODOT right-of-way begins on this site, this measurement increases to approximately 70+/- feet. This ODOT right-of-way width creates additional separation from the residential neighbors on the east side of Mink Street than other areas of the zoning district. Additionally, the zoning text establishes a 75 foot riparian corridor setback requirement along the western boundary of this site. The text states that no structures or paved areas are permitted to be constructed in this setback area with the exception of one paved driveway. Due to these conditions, the building cannot be shifted in either direction.

3. The variance does not appear to be substantial as the applicant is requesting a variance to allow a small portion of the building and pavement areas to encroach into the required setbacks.
 - a. The applicant states that the pavement encroachment in this area is needed in order to accommodate a truck maneuvering lane. Approximately 275 sq. ft. of the overall 59,920 sq. ft. maneuvering lane is encroaching into which equates to 0.4% so it does not appear to be substantial.
 - b. Only a small portion of the building is encroaching into the required 100 foot building setback along Mink Street. Approximately 4240 sq. ft. of the overall 316,550 sq. ft. building encroaches into the required setback which equates to 1.34%.
4. The variance preserves the “spirit and intent” of the zoning requirement. When this zoning district was adopted, the intent of providing larger setbacks along Mink Street was to ensure that there is adequate space along the road to provide landscaping and establish the roadway character. The zoning text requires a minimum of 10 trees per 100 feet of lot frontage within the Mink Street pavement setback. The applicant submitted a landscape plan that meets this requirement with the pavement setback encroachment. It appears with the roadway character will be preserved since a small corner of the building encroaches into the building setback and the landscape buffering can still be provided. In order to enhance this screening, staff recommends a condition of approval that a minimum of 12 trees per 100 feet and 75% opacity be provided along the Mink Street portion of the site where the pavement and building encroaches into the required setbacks, subject to staff approval.
5. It does not appear that the essential character of the neighborhood will be altered if the variance is granted. While the building and pavement areas may be closer to the road, the zoning text for this site contains the same requirements as other New Albany Business Park zoning texts. This includes complete four sided, sight and sound screening of rooftop mechanical units and establishing a landscape buffer along public roads. When this and other nearby properties were rezoned, there were three residentially zoned and used properties directly east of this site. Since the time of the rezoning, one of these homes has been demolished and the property is owned by the State of Ohio.
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.
7. As part of staff’s review of the setback requirements, it was determined that additional right-of-way is needed to be dedicated along a portion of the Mink Street frontage of the site in order to accommodate future roadway improvements. Based on a cursory review guided by the New Albany Strategic Plan, it appears any additional right-of-way will not cause more of the building or pavement areas on site to encroach further into the required setbacks based on the submitted material.

(C) Variance to zoning text section II(C)(5) to allow a parking lot to be located 25 feet from the southern property line where the zoning text requires a 50 foot pavement setback.

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

1. The applicant is requesting a variance to allow a parking lot to be located approximately 25 feet from the southern boundary of the site. The zoning text states that the minimum building and pavement along this property line is 25 feet unless it is adjacent to a property where residential uses are permitted. There are two properties that are adjacent to this site along the southern property line:
 - a. One is zoned and used as commercial, and
 - b. The other is currently vacant, owned by the State of Ohio (ODOT) but zoned to permit a mix of residential and office uses. Since residential is permitted a variance is required.
2. The adjacent parcel along Mink Street, which is owned by the State of Ohio, had a single family home on the property at the time the Mink Interchange I-PUD zoning district was established but it has since been demolished. The adjacent properties are located in and zoned by Jersey Township. The underlying zoning for the ODOT property is rural residential, but contains a mixed use office district overlay that applies to the site which permits commercial uses. The property is in the city of New Albany's future growth area and is identified in the 2014 New Albany Strategic Plan and the Western Licking County Accord as future commercial land use.
3. The variance request does not appear to be substantial and appears to meet the intent of the zoning text requirement which is to ensure that there is an adequate separation between residential and commercial properties. While the State of Ohio property is zoned to allow residential uses, it could become an office or similar commercial use given its zoning and prominent location along State Route 161. The adjacent properties are zoned and used as commercial and a commercial use as recommended in both the 2014 New Albany Strategic Plan and the Western Licking County Accord.
4. It does not appear that the essential character of the neighborhood will be altered if the variance request is granted. While the applicant is encroaching into the required setback, they are proposing to provide a substantial landscape buffer along the southern property line at a rate of 12 trees per 100 feet of property line to provide screening, which is not required by the zoning text. C.O. 1171 requires that a landscape buffer, achieving 75% opacity be provided along the portions of this site that abut properties where residential uses are permitted. There is an existing landscape row along this property line that the applicant proposes to reestablish as part of the new development. Staff recommends a condition of approval that any existing trees within the proposed 25 foot pavement setback be preserved and that new trees be added in order to achieve a planting rate of 12 trees per 100 feet and 75% opacity screening, subject to staff approval.
5. 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 with conditions. Due to the site location near the State Route 161 interchange the right-of-way width along the portion of the site where the setback encroachment occurs is larger than the typical right-of-way width along different sections of Mink Street which creates unique circumstances. The spirit and intent of the building and pavement setback along Mink Street is to ensure that there is adequate space for enhanced landscaping along the road to provide screening and establish the roadway character. The applicant is meeting the landscaping requirements of the text along this road even as they are encroaching into the required setbacks, thereby meeting the intent of the requirement. In order to enhance this screening, staff recommends that a minimum of 12 trees per 100 feet and 75% opacity be provided along the Mink Street portion of the site

where the pavement and building encroaches into the required setbacks.

While one of the properties along the southern portion of the site is zoned to allow for residential uses, it is owned by the State of Ohio and there are no structures currently on the property. Reducing the required pavement setback along this property line appears to be appropriate as it matches the required pavement setbacks between two commercially zoned and used properties. The property is zoned rural residential however, there is a mixed use office district overlay that also applies to the property which permits commercial uses. If the property were to be redeveloped in the future, commercial development appears to be the most likely scenario as it is recommended in the New Albany Strategic Plan and Western Licking County Accord future land use plans and matches current land use in the immediate area, west of Mink Street.

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-96-2020 with the following conditions (conditions of approval may be added).

1. A minimum of 12 trees per 100 feet and 75% opacity be provided along the Mink Street portion of the site where the pavement and building encroaches into the required setbacks, subject to staff approval.
2. Any existing trees within the proposed 25 foot pavement setback be preserved and that new trees be added in order to achieve a planting rate of 12 trees per 100 feet and 75% opacity screening, subject to staff approval

Approximate Site Location:



Source: Google Maps