


New Albany Planning Commission
June 7, 2021 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 7:10 p.m.

Those answering roll call:

Mr. Neil Kirby, Chair	Present
Mr. Brad Shockey	Present (approx. 8:00 p.m.)
Mr. David Wallace	Present
Mr. Hans Schell	Present
Ms. Andrea Wiltrout	Present
Mr. Chip Fellows (Council liaison)	Present

(Mr. Kirby, Mr. Shockey, Mr. Schell, Ms. Wiltrout, and Mr. Fellows present via Zoom.com).

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

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

Mr. Christian stated none from staff.

Mr. Kirby noted all who would be speaking before the Planning Commission (hereafter, "PC") this evening would be sworn to tell the truth and nothing but the truth on a per case basis.

Mr. Kirby asked if there were any persons wishing to speak on items not on tonight's Agenda.

Mr. Christian reviewed the process on how to speak on the Zoom meeting if anyone wanted to participate.

A few members of the public indicated they wanted to speak regarding issues on the Agenda.

Mr. Kirby noted they would be have an opportunity to speak when the matters on the Agenda they wanted to speak on were being discussed.

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

ZC-15-2021 Zoning Amendment

Rezoning of 38.09 +/- acres from Agricultural (AG) to Infill-Planned Unit Development (I-PUD) located at 7555 Bevelhymer Road and 7325 Walnut Street for an area to be known as the "Woodhaven Zoning District"

Applicant: ALTO Real Estate LLC, c/o Patrick Fisher

Mr. Christian presented the staff report and the procedures involved in a rezoning application.

Mr. Kirby asked if the 2,400 square feet per dwelling unit number mentioned by Mr. Christian was the required amount.

Mr. Christian stated yes.

Mr. Kirby asked if there was any Engineering on this application.

Mr. Herskowitz stated they had looked at the proposed right-of-way dedications along Bevelhymer Road and Walnut Street and they wanted to reserve the right to conduct another review on that after a traffic study was completed to evaluate the need for potential turn lanes on Bevelhymer Road and additional right-of-way needs.

Mr. Kirby asked to hear from the applicant and swore those who would be speaking on the application to tell the truth and nothing but the truth.

Mr. Loreto Canini, Mr. Brandon Belli, Ms. Linda Imenerrey, and John Gioffre swore to tell the truth and nothing but the truth.

Ms. Linda Imenerrey, with EMH& T, introduced those working on this project.

Mr. Mayer pulled Ms. Imenerrey's presentation up on the screen.

Ms. Imenerrey described the project.

Mr. Loreto Canini, Canini & Associates, provided additional detail on the project and noted areas where the project supported the goals of the New Albany Strategic Plan (hereafter, "NASP").

Mr. Kirby asked the applicant to show where the corner and tiny wetland were located.

Mr. Canini stated it was primarily on the west side of the site and then there was a small portion north and south of the site.

Mr. Kirby stated the report's description of the locations.

Ms. Imenerrey placed an image on screen of the wetland areas.

Mr. Canini indicated they were shown in yellow on the screen.

Mr. Kirby asked if the tiny yellow portion was in Lot 2.

Ms. Imenerrey stated it was probably in Lot 3.

Mr. Kirby asked if the storm water was on top of the longer wetland area.

Ms. Imenerrey stated yes, a part of it would be and said they would remove a portion of that wetland. Ms. Imenerrey stated this had been submitted to the Army Corp. of Engineers and had been included in the package.

Mr. Kirby asked how and where they would be mitigated.

Ms. Imenerrey stated they would probably purchase credits.

Mr. Kirby stated okay.

Mr. Schell asked the applicant how they determined the breakdown of 38 and 22 units in the development for single family and age restricted homes, respectively. Mr. Schell asked what the demand was for each.

Mr. Brandon Belli, COO Bob Webb Homes, stated they felt this was the most marketable format for the area.

Ms. Imenerrey stated there were currently about 300 age restricted homes in close proximity to the site.

Mr. Canini stated they felt this project also addressed a currently unmet need in New Albany for an age restricted community with a higher end product as well as one for families seeking single family homes.

Ms. Wiltout asked for an estimate of how many of the units in the recently available age restricted communities in New Albany had been sold or were about to be built out.

Mr. Mayer stated exact numbers were not available, but noted that Nottingham Trace had platted two (2) out of five (5) phases and the Courtyards of New Albany was fully platted with most units sold or being developed.

Ms. Wiltout asked if that meant about half of one division had not yet been sold or built out.

Mr. Mayer stated yes.

Ms. Imenerrey stated that Epcon was looking for more land due to demand.

Mr. Canini stated he could attest to that in the New Albany and Gahanna area. Mr. Canini noted this was also one of the few areas where multiple generations would be able to live in close proximity.

Ms. Wiltout asked if there would be a playground in the community.

Mr. Canini stated they were looking at ideas such as a bocce court, a gathering area, or something that was unique and multigenerational.

Ms. Wilttrout stated there was a lack of a playground in that area and suggested it would be good to have one.

Mr. Canini stated there was a playground in Millbrook.

Ms. Wilttrout stated thank you.

Mr. Canini stated they did not want to repeat as the two communities would be linked and they were looking for what the market wanted.

Mr. Fellows stated the Dominion Club had been a very successful 55+ community in New Albany and there were few for sale. Mr. Fellows asked what the price points would be on this project.

Mr. Belli stated prices were volatile at this time, but said that at this time the age restricted properties would be around \$600,000 and up and the single family units would be about \$750,000 to \$900,000, depending on the market.

Mr. Fellows stated thank you.

Mr. Wallace stated that given those price points the goal of bringing younger families into the community might not be met. Mr. Wallace asked how the \$24,038 fee per acre figure came from.

Mr. Mayer stated staff had asked the Metro Parks what the average price point was for acreage north of Walnut.

Mr. Wallace asked if that was subject to negotiation with the developer and if it could be more.

Mr. Mayer stated yes.

Mr. Wallace asked how the age restriction would be enforced in subsequent sales transactions once the first buyer sells to the second buyer.

Mr. Banchevsky stated the restriction ran with the land and there were requirements in place that appropriate deed restrictions had to be included before permits could be issued by the City. Mr. Banchevsky stated the deed restrictions were also referenced in the zoning text and the City was also a third party beneficiary and could enforce the restrictions in either of those ways. Mr. Banchevsky stated purchasers would see that restriction in their title work.

Mr. Kirby asked what would occur if someone ignored that information.

Mr. Wallace stated buyers did not always pay attention to what they were buying and sellers did not always let buyers know about restrictions and he viewed it as a potential problem.

Mr. Canini stated the HOA would have a declaration filed as part of the title that would spell out the requirements for the 55 and older community.

Mr. Wallace stated people were unlikely to read HOA declarations.

Mr. Canini stated it was a lifestyles type unit that would not likely have a family want to live there and the product was designed for a 55+ aged type of buyer.

Mr. Kirby asked members of the public who wished to speak to raise their hands on Zoom.

Ms. Sarah Dos Santos typed questions on the Zoom chat. Ms. Dos Santos asked about potential flooding and remediation.

Ms. Imenerey stated the pond in the development would be sized for that and noted that as they moved to the Final Development Plan (hereafter, "FDP") they would have to present that information to ensure they did not flood this or adjacent properties.

Mr. Kirby noted Ms. Dos Santos should photograph the current situation.

Ms. Dos Santos asked if New Albany would purchase the road that belonged to Plain Township.

Mr. Kirby asked if the road would be annexed rather than purchased.

Mr. Banchevsky stated that was correct.

Mr. Kirby asked if that also included the maintenance.

Mr. Banchevsky stated that was correct.

Ms. Dos Santos asked how density would be impacted and how they would know if the property being purchased had previously been purchased for this purpose.

Mr. Mayer stated New Albany used a density of one (1) unit per acre for single family or three (3) units per acre for age restricted communities. Mr. Mayer stated this was 100% age restricted and the applicant had proposed making a cash donation for a density offset.

Ms. Dos Santos asked how they could be sure the same property had not already been purchased for density offset.

Mr. Kirby asked the applicant if there were any existing entailments or restrictions on the property.

Ms. Imenerey stated there were no encumbrances on this property for allocation of open space elsewhere, density, or any of those items.

Mr. Canini stated that property was still in the township so it needed to be annexed as part of this process, so that would not have applied.

Ms. Dos Santos stated the property did not have the space for a second outlet and if the applicant did not purchase the Smucker property then putting an exit on Bevelhymer Road as they were proposing made no sense.

Mr. Kirby stated they were proposing a four (4) way stop, not a four (4) way intersection.

Mr. Canini stated the choice to place the exit where proposed on Bevelhymer was because development on that property of about seventeen (17) acres would likely occur someday and placing the exit where indicated would be a safer alignment.

Mr. Kirby stated the lot had a very narrow frontage compared to its acreage.

Mr. Canini stated yes.

Mr. Kirby stated that headlights coming from the new development onto Bevelhymer in this way would be kept from lighting onto houses for some time.

Mr. Canini stated they were sensitive to that and that would be part of the traffic study.

Ms. Dos Santos asked if they would be widening Bevelhymer for a turn lane.

Mr. Canini stated the traffic study would include that determination.

Mr. Kirby asked if the applicant would be responsible for the widening and turn lane.

Mr. Canini stated yes.

Mr. Johnathan T. Murphy, Board President of the Upper Clarenton HOA, stated Upper Clarenton had completed three (3) traffic studies with the New Albany Police Department. Mr. Murphy stated Upper Clarenton had 103 homes yet an average of 732 cars daily traveled through Dean Farm Road at, some at up to 73 mph, per day. Mr. Murphy stated that introducing more traffic onto Tournus Way then to Walnut, with Walnut and Tournus being narrow streets, added more traffic and turned them into single lane streets. Mr. Murphy also noted that there was a lot of foot traffic across Dean Farm Road and Walnut to the Rocky Fork Metro Park and he was concerned about adding more cars to a congested intersection. Mr. Murphy noted further traffic studies might underestimate traffic due to the pandemic at this time.

Mr. Canini asked if they could review the traffic studies Upper Clarenton completed.

Ms. Imenerey stated EMH&T used ITE numbers in the study, so there was not a Covid-19 impact.

Mr. Canini stated they knew Bevelhymer could be congested and they would be happy to study the issue.

Mr. Mayer stated the Police Chief had provided staff the data.

Mr. Canini asked that the information be emailed to him and Ms. Imenerrey.

Mr. Kirby asked if there was an approximate scale of the distance between the eastern most edge of Lot 1 and the corner of Walnut Street.

Mr. Canini stated it was about 450 feet.

Ms. Imenerrey stated that from the right-of-way on Bevelhymer over to the east property line of Lot 1 it was 550 feet, about 650 feet to the driveway.

Mr. Kirby asked if that would be long enough that sight lines to the intersection were sufficient if a direct access to Walnut were used.

Mr. Herskowitz stated no issues had been found previously with cars travelling north on Dean Farm Road at the time the Upper Clarenton subdivision had been platted.

Mr. Kirby stated he was referring to cars travelling east and west on Walnut to and from the Bevelhymer intersection to a hypothetical access point on Walnut at the eastern most lot line on Lot 1.

Mr. Herskowitz stated ODOT's capacity manual normally asked for a 300 foot offset between drives.

Mr. Kirby asked about the pros and cons of a Walnut access and the need for it.

Mr. Herskowitz stated the Memorandum of Understanding (hereafter, "MOU"), had not considered that, but they could look into it.

Mr. Kirby stated they were voting tonight.

Mr. Mayer stated staff had included a study of the Bevelhymer Road and Walnut Street intersection in the MOU.

Mr. Kirby asked if there was a road connection from the proposed subdivision's central road to Walnut Street would anyone use it.

Mr. Mayer stated that based on preliminary discussions they believed the Upper Clarenton residents would go through the proposed subdivision to head south on Bevelhymer to SR 161 and that will help disburse traffic.

Mr. Kirby stated he was asking about the determination about whether anyone would be using such a road to go north to Walnut.

Mr. Mayer stated that could be a condition of approval to be sure it was included in the MOU and traffic study.

Mr. Kirby asked the applicant if they had studied that and knew they did not need it.

Ms. Imenerey asked if Mr. Kirby meant a road connection or a pedestrian connection.

Mr. Kirby stated road connection.

Ms. Imenerey stated they felt there was a not a need for one, but they could take a look at it in terms of the MOU.

Mr. Kirby stated great, and noted it needed to be examined.

Ms. Imenerey stated okay.

Mr. Kirby asked about pedestrian connectivity.

Ms. Imenerey stated that was a condition and they would look to see where it was most appropriate.

Mr. Canini stated the leisure trails would be a byproduct of the traffic study.

Mr. Kirby asked for additional public comment.

Mr. Phil Johnson, 7598 Bevelhymer, stated he lived in the township and preferred the rural views and feel of the community. Mr. Johnson stated Bevelhymer Road was already a busy street due to parks and development and adding additional traffic was concerning. Mr. Johnson also noted the school district was over-capacity. Mr. Johnson stated this changed the community and town dynamics and he was not in favor.

Mr. Kirby stated thank you. Mr. Kirby asked if there would be any landscaping for the right-of-way edge on Bevelhymer and Walnut, particularly deciduous trees.

Ms. Imenerey stated there was a landscape treatment they would place along there. Ms. Imenerey stated it was part of the Rocky Fork Accord document and would be a mix of deciduous and native trees in a mix of sizes. Ms. Imenerey stated it would be provided as part of the FDP.

Mr. Kirby stated yes.

Mr. Canini stated that traveling north on Bevelhymer about the first 150 feet was pine trees and beyond that to Walnut there were no trees on the right-of-way.

Mr. Kirby asked if they would be adding Ohio native trees along Bevelhymer and Walnut.

Mr. Canini stated yes.

Ms. Imenerey stated yes.

Mr. Brian Dishong and Mrs. Meghan Dishong, 7441 Bevelhymer Road, stated their property was south of the proposed development and they were concerned about density and changes to the rural character of the area. Mr. Dishong noted the development proposed six (6) new homes at the edge of their property. Mr. Dishong stated the property line there had huge, mature trees they were concerned about and also noted they worried about potential flooding on their property and losing their creek. Mr. Dishong asked what the plan was for the stub road entering the house in front of them and from Steeplechase Lane to the south.

Mr. Kirby stated the Village would prefer to avoid eminent domain and the annexation process used to bring these properties in required a vote from all owners. Mr. Kirby noted that the drainage rule was that there should be no effect on neighbors' amount of water.

Mr. Dishong asked why the higher density units were placed up against the area with the least density.

Mr. Kirby asked if Mr. Dishong could wait for a few moments.

Mr. Dishong stated okay.

Mr. Kirby asked the applicant if they had the standards language about tree preservation regarding their southern border area.

Mr. Dishong stated it said 'a good faith effort,' which meant nothing.

Mr. Kirby stated unless they committed to it here, which they could do.

Mr. Canini stated they had the same motivation to save trees.

Mr. Dishong stated that all of the trees planted on their southern border by Pulte as part of that negotiation had now been taken down by the current homeowners.

Mr. Canini noted that if they were in a preservation zone they did not have the right to take those down.

Mr. Dishong stated he did not know.

Mr. Kirby stated Mr. and Mrs. Dishong could check with staff to see if Pulte was required to keep those trees there by rights and, if so, they could require the homeowners to put the trees back.

Mrs. Dishong noted the trees in that area were fifty (50) foot trees and when taken down by a homeowner, even if they were required to put them back up, they would get five (5) foot trees.

Mr. Kirby stated the Village could talk about what the proper enforcement was, but there was a right to have them there if they were in a preservation zone.

Mrs. Dishong stated they would prefer to have a southern border preserve space.

Mr. Kirby asked the developer if there was preservation language and a preservation zone on their southern border demarcated in feet.

Ms. Imenerey stated no zone and there was the same good faith effort language.

Mr. Kirby asked the applicant if they knew their backyard minimums enough to guarantee that the trees in say "X" feet of their southern border would stay.

Ms. Imenerey stated they did not have a tree survey along the southern property line to guarantee where those trees were.

Mr. Kirby asked if there was a zone in which they could say all trees in that zone would be kept as part of a preservation zone.

Mr. Canini said they needed to get into the engineering to understand where their water was coming from and what they needed to implement and do. Mr. Canini stated they could not commit to that now as it would be difficult to know how they could protect the Dishongs from receiving any of their water. Mr. Canini stated they could commit tonight to maintain as best they could what is there and could also provide some level of opacity performance.

Mr. Dishong stated it was not a large area, but it was a mature area of about five (5) to ten (10) feet.

Mr. Canini stated a tree survey of some nature or setting stakes in some boundary would provide a sense and noted he would be happy to have Mr. Dishong walk the boundary with him to determine and try to keep the best trees.

Mr. Kirby stated they could commit this evening to have opacity and a denominated, in feet, preservation zone or a tree survey indicating the individual trees that would be saved at the FDP.

Mr. Canini stated right.

Mr. Dishong stated this was a 38 acre property with 150 feet of preservation along every other border and they were fighting over five (5) feet and asked to be given some space on their border, noting their property was the most rural in the area yet had the higher density homes on their border.

Mr. Canini stated the main answer was that they were required to provide a rural setback on Walnut and Bevelhymer.

Mr. Dishong stated that if they had the proper density in the community they would have the room.

Ms. Imenerey stated that the entire site could be done at three (3) dwellings per acre.

Mrs. Dishong stated that math did not make sense as they were spending \$150,000 to buy 6.24 acres. Mrs. Dishong stated that if they were doing that for the three (3) units per acre, $3 \times 6 = 18$ and they wanted to put 22 on those six acres and that was greater than the density guidelines in the community.

Mr. Canini stated they were following about 98% of the points of the comprehensive and strategic plan.

Mr. Dishong asked about the density, as that was the most important part of the 100% for him.

Mr. Canini stated this property could be all age restricted.

Mr. Dishong stated they had stated there were multiple age restricted homes in the area.

Mr. Kirby stated there was a disagreement about density and noted that the PC recommended to City Council but City Council would say yes or no on the zoning change. Mr. Kirby stated they could speak with their elected City Council members.

Mr. Wallace asked if the discussion about the number of trees would not belong in the discussion regarding the FDP, not this discussion about the zoning change.

Mr. Kirby stated that was a condition he wanted to add about enforceable tree language in the zoning so that it would be enforceable in the FDP.

Mr. Wallace stated he believed the developer had agreed to that condition and that he would walk the area with Mr. Dishong, so there may not be more to discuss this evening.

Mr. Kirby asked if there was an easement for drainage.

Ms. Imenerey stated there were easements to the Franklin County Engineer but those would all go away when they reworked the storm drainage through the site.

Mr. Kirby asked if the applicant could describe the process of why they went away.

Ms. Imenerey stated that when they went through the development engineering they would have a storm water analysis prepared and their release rate would have to be the same or less than prior to development.

Mr. Kirby stated that meant the water release rate would be no more than currently exists.

Ms. Imenerrey stated correct.

Mr. Kirby stated that flooding events would be stopped because they would use detention to buffer them.

Ms. Imenerrey stated correct and noted they were required to look at different storm years for their design

Mr. Kirby asked if they had the leeway to reduce the water flow rate to the neighbors.

Ms. Imenerrey stated she could not answer that.

Mr. Canini stated he suspected their design would improve it over the current farm tile.

Mr. Kirby stated farm tile could not handle typical storms.

Mr. Canini stated correct.

Mr. Kirby asked if it currently went to a tile, then it was not a blue line stream or delineated.

Mr. Canini stated no.

Mr. and Mrs. Dishong stated they had a stream.

Mr. Kirby noted there were particular legal definitions used in terms of required control.

Ms. Imenerrey stated they had a ditch and did not have a stream designation. Ms. Imenerrey stated there was no blue line in the floodplain.

Mr. Kirby asked if when they were done the Dishong's flooding would be less than they currently have.

Ms. Canini stated it would be improved but they could not quantify how much more or less it would be, but it would be less.

Mr. Kirby read a comment from the Zoom chat from Mr. Johnson. Mr. Johnson stated that the existing wetlands were going to be reduced or removed entirely through the purchase of points. Mr. Kirby also read Ms. Dos Santos' Zoom chat stating that he had a wall up and that was why they addressed it. Mr. Kirby stated he believed Ms. Dos Santos was referring to the Franklin County easement. Mr. Kirby asked Mr. and Mrs. Dishong if their main issues had been discussed.

Mr. Dishong stated yes. Mr. Dishong stated they wanted to clarify that they would still want to get water through their stream as they enjoyed that and did not want it dried up.

Ms. Imenerrey stated it would not be dried up, they could not do that.

Mr. and Mrs. Dishong stated thank you.

Mr. Eric Duerksen, an Upper Clarenton property owner, stated he echoed Mr. Murphy's concerns about increased traffic entering Upper Clarenton. Mr. Duerksen stated the entrance on Bevelhymer was primarily for the age restricted zone but for the non-age restricted zone Tournus Way would be the access point and said he was surprised access off of Walnut had not been considered as other developments on Walnut all had access onto Walnut.

Mr. Canini stated all of that would be addressed with the traffic study.

Mr. Duerksen stated the Upper Clarenton traffic study would provide an additional study for them.

Mr. Canini stated they were asking for those studies.

Mr. Duerksen asked why there was not a consideration of an entrance on Walnut.

Mr. Canini stated they had followed the guidance provided by the NASP and its goals for connectivity. Mr. Canini noted that when there were stub streets those were generally red flags those streets would connect at some point to another road.

Mr. Duerksen stated they were not saying they were surprised this was occurring, but noted that of all the developments that abutted Walnut Street, Mr. Canini's was the only one without access onto or from Walnut Street.

Ms. Imenerey stated she had addressed that previously and that entrance close to the intersection would not be necessary, but they would look at it as part of the MOU.

Mr. Kirby stated that was a condition.

Mr. Duerksen asked what constituted acceptable parameters for the site to be able to use Walnut as an entrance, what was a pass/fail parameter for the study.

Ms. Imenerey stated the City needed to answer that.

Mr. Mayer stated he did not have the specific numbers to answer that question, but the process for a traffic study required the applicant to create an MOU listing the data to be used, what would be studied, etc. Mr. Mayer stated that once the City Engineer agreed on the data then the developer would complete the study and the City Traffic Engineer would review it for any needed improvements.

Mr. Duerksen stated prior studies found between 600 to 800 cars in a neighborhood with fewer than 120 lots. Mr. Duerksen asked if it would impact the decision at all to have a petition by Upper Clarenton property owners.

Mr. Kirby stated City Council could best address that.

Mr. Fellows stated they would advise Mr. Duerksen and other Upper Clarenton residents to attend the City Council meeting and speak on this issue. Mr. Fellows stated he understood the point Mr. Duerksen made about the Walnut entrance and he would bring that up at City Council.

Mr. Duerksen stated thank you and asked about having the same consideration as the southern border property owner had about tree preservation for the trees on the western border.

Mr. Kirby stated he would be asking for it. Mr. Kirby asked Mr. Fellows when this would be on the Agenda.

Mr. Fellows stated he did not know.

Mr. Mayer stated it would be June 15th for a first reading and a second reading on July 6th.

Mr. Kirby asked if they should speak at both or only one.

Mr. Fellows stated both was fine, but certainly attend for the first reading.

Mr. Duerksen stated thank you.

Mr. Tim Phillips stated he was speaking for his mother at 7447 Bevelhymer Road. Mr. Phillips stated she was on the southern border, the southeastern corner of the proposed development. Mr. Phillips stated he wanted to echo Mr. and Mrs. Dishong's and Mr. Johnson's comments regarding tree preservation and traffic concerns. Mr. Phillips stated he was very opposed to this development and preferred the rural, township feel of this community.

Mr. Kirby stated the stub road on his mother's property would not move unless he and the Dishong's agreed to have it change. Mr. Kirby asked if the Village would get all of Bevelhymer when this was annexed in.

Mr. Mayer stated the City would get only the portions of the road to the right-of-way but that the City would get the maintenance.

Mr. Kirby stated the City got the maintenance and improvements and that the Village would patrol it at that point.

Mr. Mayer stated that was typically part of the maintenance agreement.

Mr. Kirby stated officers could then watch the road and help improve safety and speed issues.

Mr. Fellows stated he agreed Bevelhymer Road needed improvements which could also help with traffic.

Ms. Dos Santos typed in the Zoom chat that there was no cooperation between Plain Township and New Albany for maintenance and police would not come closer than the Millbrook property.

Mr. Canini asked where Ms. Dos Santos' home was located.

Ms. Dos Santos replied on Bevelhymer.

Mr. Canini stated she was then in Plain Township.

Mr. Kirby stated Ms. Dos Santos stated in the Zoom chat that she was in New Albany and noted she must have been annexed in. Mr. Kirby stated that Ms. Dos Santos should speak with her City Council members on having police review of her area.

Mr. Mayer stated staff would be happy to confirm the jurisdictional enforcement for police.

Mr. Gary Sammons, of Upper Clarenton, stated his property backed up to the proposed development and stated he wanted to be sure there would be efforts to preserve the existing trees on the western side.

Mr. Kirby asked PC members if they had any additional questions.

Mr. Shockey stated he had joined the meeting at about 8 p.m. but had not heard the original part of the staff's and applicant's comments but had read the reports and heard others' comments. Mr. Shockey asked about the ability to vote and noted he was willing to abstain if needed.

Mr. Banchevsky stated it was up to Mr. Shockey. Mr. Banchevsky stated that if Mr. Shockey felt he had sufficient understanding of the issues he could vote or he could abstain if he preferred.

Ms. Wiltout thanked members of the public who spoke this evening.

Mr. Kirby stated he had two (2) additional conditions. Mr. Kirby stated he also had a modification to an existing condition on the applicant's Woodhaven Zoning District Infill Planned Unit Development (I-PUD) Zoning Text (hereafter, "Zoning Text"). on page 12, section IX, subsection B, item 4 (hereafter, "IX.B.4"). Mr. Kirby asked to change the last sentence to state only that '[s]olar panels shall be permitted to be installed on roofs.' Mr. Kirby asked if that would be okay.

Mr. Belli stated okay.

Mr. Kirby stated that if the applicant wanted to discuss conditions they could do so at this time.

Ms. Imenerrey stated they agreed with conditions 2 through 7. Ms. Imenerrey stated they were also in agreement with condition 1, but wanted to add language to condition 1. Ms. Imenerrey stated they wanted to add the following sentence to the end of the condition: "Applicant will work with staff on finalizing the site plan modification to address the 20 foot setback." Ms. Imenerrey stated this was about corner lots in the single family area and they needed some room to shift by either losing some open space or adjusting the right-of-way.

Mr. Kirby stated the applicant would agree on principle on condition 1 but, wording would be subject to staff approval for the details on how it would be implemented.

Ms. Imenerrey stated correct.

Mr. Kirby asked staff if they were okay with that.

Mr. Christian stated yes.

Mr. Kirby asked if any PC members had anything further to add.

Mr. Wallace asked if Mr. Kirby's change to the text regarding roofs meant that solar panels could be installed on any roof regardless of whether they were visible from a public street.

Mr. Kirby stated that was correct, that was the intent.

Mr. Wallace stated he could understand why the developer would not care which way the solar panels faced, but that might be something the public and neighbors would be interested in and public comment may be needed on it.

Mr. Schell stated he was also concerned about adding that in.

Mr. Wallace asked if there was a way to address this at the FDP as opposed to in the text.

Mr. Kirby stated the Zoning Text should be fixed as this was a meeting about zoning.

Ms. Imenerrey asked staff for clarification if they were asking for the entire sentence to be removed.

Mr. Mayer stated the recommendation was that the second half of that sentence, "provided that such panels are not visible from a public street" be removed. Mr. Mayer stated staff's recommendation was that it would leave "Solar panels shall be permitted to be installed on the roofs on the rear of homes."

Ms. Imenerrey asked if that was the same as Mr. Kirby had suggested.

Mr. Kirby stated that was more restrictive than he suggested as he did not limit solar panels to the rear.

Ms. Imenerey asked Mr. Belli if he cared where the solar panels were located.

Mr. Belli stated he preferred the rear, but was not opposed.

Mr. Canini asked staff if there was a community wide standard at this time.

Mr. Mayer stated there was not.

Mr. Canini asked Mr. Kirby, as he had solar panels installed, if there had been a required building permit from City Hall.

Mr. Kirby stated there had been for the first panels they installed and they had shown images that indicated they were not visible. Mr. Kirby stated that for the second set it had not been an issue.

Mr. Canini asked if when a building permit was pulled they were then required to go to the PC for approval as the home's exterior was being modified.

Mr. Kirby stated Architectural Review Board (ARB) approval would be needed in the Village Center.

Mr. Canini asked if they could state that solar panels were allowed but must go through the City's process.

Mr. Kirby stated they had to as it was electrical.

Mr. Canini stated right.

Mr. Kirby stated there were permits that had to be pulled before even starting the process and was already under Village purview at a staff level.

Mr. Canini stated there were other hoops to jump through than what was deemed appropriate this evening.

Moved by Mr. Kirby to accept the staff reports and related documents into the record for ZC-15-2021, seconded by Ms. Wilttrout. Upon roll call vote: Mr. Kirby, yea; Ms. Wilttrout, yea; Mr. Schell, yea; Mr. Wallace, yea; Mr. Shockey, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

Mr. Wallace stated he had a point of order for Mr. Banchefsky and asked if they could address Mr. Kirby's proposed change to the solar panels on the roof separately so the vote on the application was not dependent on any PC member's view on that particular change.

Mr. Banchefsky stated he would need to check Roberts Rules.

Mr. Kirby explained the Roberts Rules process involving modifications or amendments to a motion.

Mr. Banchefsky asked if there were no motions pending at this time.

Mr. Kirby stated he had just begun to move for approval.

Mr. Wallace stated he had asked for a point of order.

Mr. Kirby asked Mr. Wallace if he had understood his explanation of Roberts Rules.

Mr. Wallace stated he got it and, if that protocol worked, then he thought he could move to amend.

Mr. Kirby stated yes.

Moved by Mr. Kirby to approve application ZC-15-2021 based on the findings in the staff report, with the seven (7) conditions listed in the staff report, with the following changes and additional conditions:

the wording of IX.B.4 be changed to "Solar panels shall be permitted to be installed on roofs." and does not limit the orientation or visibility;

the wording of condition 1 be modified so that the wording of condition 1 be subject to staff approval and be revised in coordination with the applicant to do effectively the same thing;

Condition 8: Applicant to provide an order of connection if called for by the studies;

Condition 9: The Applicant commits to provide opacity numbers for the southern boundary and the northern edge of the western boundary where there are existing tree rows and the Applicant commits that at final development will have enforceable tree language for preservation;

seconded by Mr. Wallace.

Moved by Mr. Wallace to amend the pending motion to remove the change to IX.B.4 relating to the location and visibility of the solar panels and the text be in the original form set forth in the Zoning Text submission, seconded by Ms. Wiltrout. Upon roll call: Mr. Wallace, yea; Ms. Wiltrout, yea; Mr. Schell, yea; Mr. Kirby, no; Mr. Shockey, yea. Yea, 4; Nay, 1; Abstain, 0. Motion passed by a 4-1 vote.

Moved by Mr. Kirby to approve application ZC-15-2021 based on the findings in the staff report, with the seven (7) conditions listed in the staff report, with the following change and additional conditions:

condition 1 be modified so that the wording of condition 1 be subject to staff approval and be revised in coordination with the applicant to do effectively the same thing;

Condition 8: Applicant to provide an order of connection if called for by the studies;

Condition 9: The Applicant commits to provide opacity numbers for the southern boundary and the northern edge of the western boundary where there are existing tree rows, and Applicant commits that at final development will have enforceable tree language for preservation;

seconded by Mr. Wallace. Upon roll call: Mr. Kirby, yea; Mr. Wallace, yea; Mr. Schell, yea; Ms. Wiltrout, yea; Mr. Shockey, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

There was a brief break at this time in the meeting.

Other Business

NoNa Zoning District Informal Review, Chapter 1131 Residential Estate

Mr. Christian swore Ms. Laura Wedekind and Mr. Justin Leyda to tell the whole truth and nothing but the truth.

Mr. Christian introduced the project and discussed hamlets.

Mr. Aaron Underhill, attorney for Steiner & Associates, discussed the development and zoning text.

Mr. Justin Leyda, Chief Development Strategist with Steiner & Associates, placed a presentation on NoNa on the screen and introduced Mr. Bryan Stone, a partner working on this.

Mr. Yaromir Steiner, Steiner & Associates, discussed the concept, the project, and its impact and benefits on the community.

Mr. Leyda provided additional details on the project's location, design, use, and impacts.

Ms. Wiltout stated it looked great.

Mr. Wallace stated it looked very interesting and he looked forward to hearing more at the next meeting.

Mr. Schell stated it was beautiful. Mr. Schell noted there could be up to 100 more children in the community and asked about capacity issues in the schools.

Mr. Leyda stated they had met with the school district and it had offered to provide written support for the project.

Mr. Steiner asked if the PC would want to see the written support document.

Mr. Kirby stated yes.

Mr. Schell stated he agreed.

Mr. Shockey stated he appreciated the presentation.

Mr. Kirby stated his concerns revolved around the stream corridor, such as how close would things be and what kinds of things would be close to the stream corridor. Mr. Kirby asked if he had heard 200 feet of width.

Mr. Leyda stated it was approximately 190 feet.

Mr. Kirby stated he believed that exceeded the original Rocky Fork on that particular stream. Mr. Kirby asked if anyone could indicate what the Sugar Run or Blacklick corridors were.

Mr. Herskowitz stated the City of Columbus had a formula for a drainage area that was a tributary to a stream at any point. Mr. Herskowitz stated the 190 came right out of that formula from what he could see.

Mr. Kirby stated okay.

Mr. Leyda stated that was correct and noted they were exceeding that minimum requirement.

Mr. Underhill stated Mr. Bill Resh had been to the Rocky Fork Blacklick Accord meeting on behalf of the Friends of Rocky Fork and had provided glowing remarks.

Mr. Kirby stated thank you. Mr. Kirby stated his concerns would be how closely grass would be mowed to the stream, what was their definition of natural, would there be understory or wildlife, would it be like Rose Run before or after the Village put a bridge across it and removed the understory, etc. Mr. Kirby stated those things would indicate whether it would be a natural park or a city manicured park.

Mr. Leyda asked if they should share specific thoughts on that at the next hearing.

Mr. Kirby stated great.

Mr. Steiner stated they would prefer to leave it as wild as they could but had to take some corrective steps on the location as part of the process.

Mr. Kirby stated detention and retention inside the stream corridor was also a potential concern.

Mr. Leyda stated yes and noted they had conversations about that with EMH&T. Mr. Leyda stated the topography and the way this was positioned meant they were showing the basin in the optimal location to minimize tree removal.

Mr. Kirby asked that they bring the rationales to the next meeting.

Mr. Steiner stated that was very important to them and they would do the best they could. Mr. Steiner said he was looking into the possibility of a natural walkable corridor.

Mr. Kirby asked if there were any questions or comments from the public. (A potential member of the public appears to have dropped off the Zoom meeting.)

Mr. Leyda stated they had pushed the commercial parking area away from the residential area.

Mr. Kirby asked if they would offer electric vehicle charging on the lot.

Mr. Leyda stated yes, they would.

Mr. Wallace asked if the inability to control the parcel they were not able to purchase had changed the design in any meaningful way and how did they anticipate that piece could be incorporated into this.

Mr. Steiner stated they had attempted to acquire that parcel.

Mr. Leyda stated their long term perspective was to surrounded that parcel with residential uses and they would not support any other use on that parcel.

Mr. Wallace asked if it was currently zoned residential.

Mr. Leyda stated it was zoned residential now.

Mr. Kirby stated thank you and noted it was really interesting.

District (R-1) Poultry Conditional Use Amendment

Mr. Mayer discussed the issues involved in the proposed Code change and how it came about. Mr. Mayer stated it would apply only to properties zoned R-1.

Mr. Kirby asked staff if a recommendation was needed this evening.

Mr. Mayer stated yes.

Mr. Mayer indicated a member of the public had indicated they wanted to speak on this.

Ms. Mary Ann Akins stated she had the chickens and asked about the proposal.

Mr. Mayer explained what the proposal would do and how it would impact Ms. Akins.

Ms. Akins asked how close neighbors would need to be in order to receive notice.

Mr. Mayer stated neighbors would need to be within 200 feet.

Ms. Akins stated perfect.

Mr. Schell noted it would be up to the PC to determine if the chickens could be kept under the conditional use.

Ms. Akins asked if that was this meeting.

Mr. Kirby stated it was the five members of the PC who voted on the change to the Code.

Ms. Akins asked if it would be a vote on a case by case basis.

Mr. Kirby stated yes.

Ms. Akins stated okay and asked when she would know.

Mr. Kirby stated City Council would need to change Code Chapter 1131 and then the process for a conditional use would need to be followed and then it would be heard by the PC for a vote.

Ms. Akins stated thank you.

Mr. Steiner asked if there was a concern about the number of animals per acre, per house.

Mr. Kirby stated he was concerned about that.

Ms. Wiltout stated the proposed text allowed them to limit the number of animals.

Mr. Mayer stated that was correct.

Mr. Wallace stated there were factors the PC would consider in determining whether the proposed use was appropriate to the location.

Ms. Akin stated she believed the chickens would be allowed as she had horses near her.

Mr. Kirby stated further discussion could wait until the proposed changes to the Code were reviewed.

Ms. Akin stated okay.

Mr. Wallace stated the only recommendation this evening was that City Council vote on this matter.

Mr. Kirby asked if there were any other members of the public wishing to speak. (No response.)

Moved by Mr. Kirby to accept the staff reports and related documents into the record concerning changes to Chapter 1131, seconded by Mr. Wallace. Upon roll call vote: Mr. Kirby, yea; Mr. Wallace, yea; Ms. Wiltout, yea; Mr. Schell, yea; Mr. Shockey, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

Moved by Mr. Wallace to recommend to City Council to amend Chapter 1131, R-1 Residential Estate District Poultry Conditional Use Amendment, seconded by Mr. Kirby. Upon roll call:

Mr. Wallace, yea; Mr. Kirby, yea; Mr. Shockey, yea; Mr. Schell, yea; Ms. Wiltrout, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

Mr. Kirby asked if there was any other business.

Mr. Christian stated no.

Poll Members for Comment

None.

Mr. Kirby adjourned the meeting at 11:05 p.m.

Submitted by Josie Taylor.

APPENDIX



Planning Commission Staff Report June 7, 2021 Meeting

WOODHAVEN ZONING DISTRICT ZONING AMENDMENT

LOCATION: 7555 Bevelhymer Road and 7325 Walnut Street (PIDs: 220-000107-00, 220-000493-00 and 220-002149-00).
APPLICANT: ALTO Real Estate, LLC c/o Patrick Fisher
REQUEST: Zoning Amendment
ZONING: Agricultural (AG) to Infill-Planned Unit Development (I-PUD)
STRATEGIC PLAN: Residential District
APPLICATION: ZC-15-2021

Review based on: Application materials received on May 7 2021

Staff report completed by Chris Christian, Planner.

I. REQUEST AND BACKGROUND

The applicant requests review and recommendation to City Council to rezone 38+/- acres from Agricultural (AG) to Infill-Planned Unit Development (I-PUD). The proposed zoning will permit 22 age restricted and 38 traditional single family lots within a new residential subdivision. The zoning area will be known as the “Woodhaven Zoning District.”

On May 20, 2021, the Rocky-Fork Blacklick Accord Panel recommended approval of the application. The application met 96% of the Accord Town Residential land use district development standards.

The site is currently being annexed into the city. The annexation and associated rezoning are both scheduled to be heard by City Council as ordinances with an anticipated first reading on June 15th and second reading on July 7, 2021. Once the rezoning application has been approved by City Council, the application must return to the Planning Commission with a final development plan application due to the Infill-Planned Unit Development (I-PUD) zoning classification.

Chapter 1159 of the city’s Codified Ordinances (Planned Unit Development District) permits the use of more flexible land use regulations and provides flexible design and development standards in order to facilitate the most advantageous land development techniques. Planned Unit Development zoning is often used to establish district designations for uses that are harmonious with the general area and the Strategic Plan. The objective of a Planned Unit Development zoning is to encourage ingenuity, imagination and design efforts to produce development that maintains the overall land use intensity and open space objectives of the city code and the Strategic Plan while departing from the strict application of dimensional standards found in traditional zoning districts.

II. SITE DESCRIPTION & USE

The 38+/- acre zoning area is located in Franklin County and is made up of three properties and there are two residential homes located on two of them. The site is located at the southwest corner of Bevelhymmer Road and Walnut Street. The site is located immediately east of the Upper Clarenton subdivision, generally south the Rocky Fork Metro Park and Bevelhymmer Park and there are unincorporated residentially zoned and used properties to the east and south of the 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.

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).

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. Engage New Albany Strategic Plan

The site is located within the Residential District future land use district. The Engage New Albany Strategic Plan lists the following development standards for the Residential District:

- Organically shaped stormwater management ponds and areas should be incorporated into the overall design as natural features and assets to the community.
- Houses should front onto public open spaces and not back onto public parks or roads.
- All or adequate amounts of open space and parkland is strongly encouraged to be provided on-site.
- A hierarchy of open spaces is encouraged. Each development should have at least one open space located near the center of the development. Typically, neighborhood parks range from a half an acre to 5 acres. Multiple greens may be necessary in large developments to provide centrally located greens.
- Adequate amounts of open space and parkland are encouraged to be provided on site.
- Rear or side loaded garages are encouraged. When a garage faces the street, the front façade of the garage should be set back from the front facade of the house.
- Any proposed residential development outside of the Village Center shall have a base density of 1 dwelling unit per gross acre in order to preserve and protect the community's natural resources and support the overall land conservation goals of the community. A transfer of residential density can be used to achieve a gross density of 1 dwelling unit per acre.
- Private streets are at odds with many of the community's planning principles such as: interconnectivity, a hierarchy of street typologies and a connected community. To achieve these principles, streets within residential developments must be public.

The Engage New Albany Strategic Plan recommends the following standards as prerequisites for all development proposals in New Albany:

- Development should meet setback recommendations contained in strategic plan.
- Streets must be public and not gated. Cul-de-sacs are strongly discouraged.
- Parks and open spaces should be provided, publicly dedicated and meet the quantity requirements established in the city's subdivision regulations (i.e. 20% gross open space and 2,400 sf of parkland dedication for each lot).
 - All or adequate amounts of open space and parkland is strongly encouraged to be provided on-site. If it cannot be provided on-site, purchasing and publicly dedicating land to expand the Rocky Fork Metro Park or park space for the Joint Parks District is an acceptable alternative.
- The New Albany Design Guidelines & Requirements for residential development must be met.
- Quality streetscape elements, including an amenity zone, street trees, and sidewalks or leisure trails, and should be provided on both sides of all public streets.
- Homes should front streets, parks and open spaces.
- A residential density of 1 dwelling unit (du) per acre is required for single-family residential and a density of 3 du per acre for age restricted housing.
 - Higher density may be allowed if additional land is purchased and deed restricted. This type of density "offset" ensures that the gross density of the community will not be greater than 1 unit per acre. Any land purchased for use as an offset, should be within the NAPLS district or within the metro park zone.

- 3 du/acre is only acceptable if 100% age restricted. Otherwise, the federal regulations and criteria for subdivisions to qualify as age-restricted must be accounted for when calculating density (i.e. 80% age restricted and 20% non-age restricted).
- Age restriction must be recorded as a deed restriction and included as a requirement in the subdivision's zoning text.

B. Use, Site and Layout

1. The proposed zoning text is Infill-Planned Unit Development (I-PUD) that will permit the development of a new 60 lot residential subdivision. The site is currently being annexed into the city.
2. There is an existing residential lot along Walnut Street that is proposed to be rezoned as part of this application with an existing residential home on it. Based on the preliminary development plan, the applicant proposes to split this lot for a total of 2 lots that front onto Walnut Street. The zoning text states that if the existing home on lot 1 is demolished, it is subject to the same standards for all other homes in the zoning district.
3. The Engage New Albany Strategic Plan Residential land use district states that the gross density is 1 dwelling unit per acre and up to 3 units per acre if the development is 100% age restricted.
 - Proposal includes 37 single family units and 22 age restricted units (100% restricted)
 - Single family recommended density is one unit per acre (38.08 gross acres minus 37 units = 1.09 acres remaining for age restricted)
 - 22 age restricted units requires 7.33 acres at 3 units per acre so the application is 6.24 acres short of meeting strategic plan density recommendations (7.33 minus 1.09 = 6.24)
4. The applicant proposes to offset their density by paying a fee-in-lieu to the city towards land acquisition within the Metro Park Growth Area in the amount of \$150,000(\$24,038.46 fee payment per acre as proposed) which will be reviewed and approved by City Council.
5. While the applicant proposes to exceed the density recommendations, the proposed rezoning permits a mixed generational subdivision with 38 traditional single family lots and 22 age restricted lots. In order for a residential development to meet the federal age-restriction requirements, at least 80% of the units in the development must have at least one occupant who is 55 years of age or older. The applicant proposes to exceed this requirement for the 22 age restricted lots by requiring 100% of the units to have at least one occupant who is 55 years of age or older.
6. A school impact statement was submitted with the application. The applicant uses a 0.8 student-per-home ratio for traditional single family units (38 units x 0.8 = 30.4 students) and a 0.05 ratio for age-restricted units (22 units x 0.05 = 1.1 students). The total number of students estimated to be generated with the subdivision is 31.5. Based on this estimation, the applicant projects that this development will have a net positive financial impact on the school district.
7. The zoning district is made up of one subarea and permits the following uses:
 - Traditional, detached single family homes;
 - 100% age-restricted, detached single family homes that are subject to the age restriction requirements;
 - Publicly or privately owned parks and open spaces;
 - Residential accessory uses in accordance with C.O. 1131.03; and
 - Residential model homes and temporary sales offices that are subject to a conditional use approval by the Planning Commission.
8. Section IV of the zoning text states that the age restricted units shall be age restricted in accordance with the Fair Housing Act and the HOPA Exemption so that a minimum of 100% of the homes shall be required to have at least one occupant that is age 55 or older. Prior to

being issued a temporary or permanent certificate of occupancy for the first home in this subarea, the applicant/developer shall deliver written and legally binding documentation to the City to provide confirmation that the project legally complies with the Act and the HOPA Exemption. Failure to comply with the Act and/or the HOPA Exemption shall constitute a zoning violation that is enforceable by the City. The text requires the applicant/developer shall provide evidence to the city that it has recorded a written restriction requiring the property may only be developed and operated in accordance with the requirements listed above. Prior to recording the restriction the text requires the applicant/developer to deliver a draft copy of the restriction to the city’s law director for reasonable review and confirmation. These requirements are consistent with other age-restricted subdivisions in New Albany.

9. The zoning text establishes the following setbacks.

PERIMETER SETBACKS	
Bevelhymmer Road (Strategic Plan recommends 185 foot setback)	250 foot building and pavement setback from the centerline of the road.
Walnut Street (Strategic Plan recommends 185 foot setback)	250 foot building and pavement setback from the centerline of the road, excluding lots 1 and 2 (see below).
LOTS 1&2 SETBACKS	
Front Yard (Walnut Street)	120 feet from the centerline of Walnut Street.
Side Yard	10 feet. The text establishes a 40 foot western side yard setback for lot 2 and a tree preservation area within this setback area.
Rear Yard	30 feet
TRADITIONAL SINGLE FAMILY LOTS (LOTS 3-38)	
Front Yard	20 feet
Side Yard	5 feet
Rear Yard	30 feet for lots that with rear boundary lines along the western boundary of the zoning district, 25 feet for all other lots.
AGE RESTRICTED SINGLE FAMILY LOTS (LOTS 39-60)	
Front Yard	20 feet from the right-of-way that the home fronts onto and 10 feet from other rights-of-way for the side of houses on a corner lot. <u>Staff recommends a condition of approval that a portion of zoning text Section F(2)(c) is revised so the part that says “and a minimum 10 foot setback from the other right of way” is removed. This provision would allow for the side of a home that “fronts” a public street to project beyond the neighbor home that isn’t a corner lot condition. The same setback should be applied to all street frontages regardless of the orientation of the home to ensure no structures project beyond others.</u>
Side Yard	5 feet
Rear Yard	30 feet for lots that with rear boundary lines along the western boundary of the zoning district, 25 feet for all other lots.

10. The Engage New Albany Strategic Plan identifies Bevelhymer Road and Walnut Street as “Village Traditional” roadways and recommends a 185 foot setback. The applicant is meeting and exceeding this recommendation by providing a 250 setback from these roadways with the exception of the existing lot(s) along Walnut Street. These large setbacks are appropriate as they are sensitive to the rural character of the roadways and general area.
11. The zoning text states that all homes in the subdivision must be accessed from a public road and not back onto open space and reserve areas. The preliminary development plan demonstrates this requirement, meeting an important development standard of the Engage New Albany Strategic Plan.
12. The zoning text states that the maximum lot coverage for traditional single family lots is 40% and 50% for age –restricted lots.

C. Access, Loading, Parking

1. The subdivision has two vehicular connections. One connection will utilize the existing stub of Tornus Way in the adjacent Upper Clarenton subdivision on the west and one new connection along Bevelhymer Road aligning with an existing curb cut. The preliminary development plan also stubs a road for a future third connection to Steeplechase Lane if and when the properties to the south redevelop.
2. The text requires all internal streets to be dedicated as public streets and built to city standards. The right-of-way for these internal streets are required to 50 feet with 26 foot pavement widths, measured from front of curb to front of curb. These requirements match those found in the city’s subdivision regulations.
3. The city engineer has reviewed the application and recommends that in conjunction with the filing of a final development plan with the City a traffic study shall be filed by the applicant unless the City waives this requirement or modifies it to require less than a full study. The study must include, but not be limited to, the Bevelhymer Road and Walnut Street intersection the new curb cut into the subdivision on Bevelhymer Road. Staff recommends this commitment be added to the zoning text as a condition of approval.
4. The text requires the developer to dedicate 40 feet of right-of-way from the centerline of both Walnut Street and Bevelhymer Road and that additional right-of-way will be provided based on the recommendations of the traffic impact study for the development.
5. The text requires a 5 foot wide public sidewalk to be constructed along internal streets as shown on the preliminary development plan.
6. The text requires 8 foot wide, asphalt leisure trails to be installed along both Walnut Street and Bevelhymer Road and additional paths and sidewalks through open spaces may be approved as part of a final development plan application. Staff recommends a condition of approval that the text is revised to include language that leisure trails that provide a more direct connection from the subdivision to Walnut Street be included as part of the final development plan.
7. The text requires all homes to have a minimum of 2 off street parking spaces on their driveways in addition to parking within a garage and permits on street parking as well.

D. Architectural Standards

1. The New Albany Design Guidelines and Requirements (DGRs) ensure neighborhoods will sustain their quality and vibrancy over time. These guidelines have been developed by New Albany to ensure that the community enjoys the highest possible quality of architectural design that has made the community successful thus far. The text states that all home designs in this development are intended to use elements of traditional American architectural themes. The text requires four sided architecture to be employed on all homes and prohibits blank wall facades. The applicant has provided architectural renderings and the text requires more detailed renderings/elevations to be provided with a final development plan application. The zoning text requires all traditional single family homes to adhere to the DGRs with some exceptions

- outlined in the text. The exceptions include the use of stone as primary building material and allowing garages to be located on the front of homes.
2. The text states that age restricted units will not be required to strictly adhere to the DGRs however to allow deviations that accommodate that serve the active adult population while meeting the spirit and intent of the DGRs. The text states that all age restricted homes will be craftsman architecture as the primary design with different elevations used throughout the development.
 3. The city architect has reviewed the application and is supportive of all proposed home elevations. The city architect states that the age-restricted home massing is appropriate in this case since it is complimentary to the craftsman architectural style that is being employed.
 4. The text permits the use of the following building materials. The text prohibits the use of vinyl as a building material.
 - a. Brick and brick veneer
 - b. Stone and simulated stone when it is complimentary to a specific architectural style as approved as part of a FDP and by the city architect
 - c. Cementitious or composite siding
 5. The DGRs state that the most appropriate building materials for residential homes are brick and true wood. Cementitious or composite siding, such as hardi plank have been used successfully in other residential neighbors in New Albany and has proven to be successful. Stone is only permitted by right in one other New Albany subdivision, Hawkmoor, where a European architectural design is employed which makes the use of this material appropriate. The Architectural Review Board has approved the use of stone for individual lots where it is appropriate based on the desired home style. The city architect states that the use of this material may be appropriate for this subdivision and its use will be reviewed at the time of a final development plan.
 6. The text allows roofs to be of natural slate wood shake or wood shingle, or an architectural grade fiberglass asphalt shingle. Metal standing seam shall be permitted as roof material only on porches. Solar panels are permitted to be installed on roofs on the rears of homes that face southward, provided they are not visible from a public street. Staff recommends a condition of approval that the requirement that solar panels are not visible from public rights-of-way be removed from the zoning text in order to encourage their use.
 7. The text prohibits exposed concrete foundations.
 8. The text states that the maximum building height for traditional single family homes is 45 feet with a minimum 1.5 stories and a maximum of 2.5 stories (1.5 stories in appearance is permitted). Age restricted homes have a maximum height of 35 feet with a minimum of 1.5 stories (1.5 stories in appearance is permitted). These requirements meet the requirements of the DGRs.
 9. The DGRs and Engage New Albany Strategic Plan encourage rear and side loaded garages to be used. The strategic plan states that when front loaded garages are used, they should be setback from the front façade of the home. The intent of these requirements and recommendations is to ensure that garages are not the architectural focal point of a home by reducing their visibility from public rights-of-way. The text allows garages to be front loaded if the following requirements are met in order to meet the spirit and intent of the DGRs and strategic plan.
 - a. Traditional single family home garages must be setback a minimum of 10 feet from the front foundation of the porch.
 - b. Age restricted single-family home garages must be setback a minimum of 2 feet, 8 inches from the front façade of the home. This is consistent with recently approved age-restricted subdivisions.
 - c. All front loaded garages are required to use single bay garage doors with a maximum of 9-10 feet in width. This meets the DGR requirement that garage doors be no larger than 10 feet in width.

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

1. The strategic plan states that a hierarchy of open spaces is encouraged, that each development should have at least one open space located near the center of the development and that homes do not back onto open spaces or public roads. The applicant is meeting these recommendations by prohibiting homes from backing onto open space and providing open space around an existing natural feature close to the center of the development.
2. The Codified Ordinances contain requirements about the provision of open space and parkland dedication. The table below shows the required and proposed amounts. Per C.O. 1187.16 wet and dry stormwater basins shall not be considered open space. The proposed amounts meet the Codified Ordinance requirements and the applicant is exceeding the required amount of open space dedication.

C.O. Requirement	Shown on PDP as	Required (acres)*	Provided (acres)	Meets Code?
1187.16 Open Space	Open Space	7.14	8.1	Yes
1189.15 Parkland Dedication	open Space	3.3	3.3	Yes
	Total	10.44	11.4	Yes

*Calculations based on 35.7 acres (acreage after right-of-way dedications) and 60 lots.

3. C.O. 1187.15(c)(6) requires all residences to be located within 1,200 feet of playground equipment. The proposed text exempts the developer from this requirement. The text states that due to the multi-generational nature of the proposed community and the close proximity to Bevelhymer Park and the Rocky Fork Metro Park, they would like to deviate from providing traditional playground and instead provide different amenities within these areas. Some character images of these amenities are provided in the preliminary development plan and may include community gardens, pavilions, picnic tables and benches and bocce ball courts. The text states that final locations and details of these amenities shall be provided with the final development plan. The PDP identifies an area along Walnut Street, within the 250 foot buffer area, as parkland (reserve A). Staff recommends that more active recreation such as bocce ball and pickle ball be interior to the site within reserve D in order to maintain the agrarian streetscape. Staff recommends a condition of approval that the amenities and their final locations be subject to review and approval by the city landscape architect.
4. The text contains standard tree preservation language that reasonable and good faith efforts will be made to preserve existing trees on the property. The text and preliminary development plan also identify the western and southern boundaries of the site where existing trees are present and commits to identifying them on the landscape plan as part of the FDP application. The text establishes a 40 foot wide tree preservation area along the western boundary of lot 2 which matches the required side yard setback for the lot.
5. The text commits to provided 2.5 caliper street trees along all public roads at an average rate of 30 feet on center expect that trees may be grouped along Walnut and Bevelhymer Road as long as the same equivalent amount is provided. C.O. 1171.04 states that the minimum street tree size shall be 3 inches in caliper at installation. The applicant states that 3 inch caliper trees are difficult to obtain at this time. Staff recommends a condition of approval that the text is modified to require 3 inch caliper street trees in order to meet code requirement unless otherwise approved by the city landscape architect if there are shortages at the time of development. The text allows deviations in street tree spacing as appropriate to provide a desirable streetscape and to avoid interfering with required street and lot improvements.

E. Lighting & Signage

1. *The text requires coach lights to be installed on the garage of each home and that the locations be consistent from house to house.*
2. The text prohibits up lighting of homes and that all security lighting be motion sensor type.
3. The text states that street lighting shall not exceed 18 feet in height, that fully shielded cut off type fixtures be used and be consistent throughout the subdivision.
4. The text requires lighting of entry features and any other lighting to be approved as part of a final development plan application.
5. *The text requires standard New Albany street regulatory signage to be used and that any entry feature signage be subject to review and approval at the time of a final development plan application.*

IV. ENGINEER'S COMMENTS

The City Engineer has reviewed the referenced plan in accordance with the engineering related requirements of Code Section 1159.07(b)(3) and provided the following comments. Staff recommends a condition of approval that the city engineer comments be addressed, subject to staff approval.

1. We recommend that the applicant provide a Traffic Study that identifies potential traffic issues associated with the development. At a minimum, the study should investigate the need for providing a dedicated left hand turn lane off of Bevelhymer Road and study the magnitude of site traffic that may utilize the existing internal road network of the Upper Clarenton subdivision as a cut thru to reach Walnut Street.
2. We will evaluate storm water management, sanitary sewer collection and roadway construction related details once construction plans become available.

V. RECOMMENDATION

Basis for Approval:

Staff recommends approval of the proposed rezoning application. The proposed use is appropriate for this location within the city as it is located in the Engage New Albany Residential future land use district and is sensitive to the existing rural character of this portion of the city near Bevelhymer Park and the Rocky Fork Metro Park. The street network, rural setbacks, open space and layout are very desirable from a site planning perspective. The applicant meets many of the planning principles that are important to the city of New Albany including not backing homes onto open space, maintaining the rural character of existing roadways and using complimentary architecture that meets many of the New Albany Design Guidelines and Requirements. While there are some architectural deviations for the age-restricted housing units, the applicant commits to meeting single garage door width requirements for all homes in the subdivision to lessen the visibility of the doors and using high quality, four sided architecture throughout the subdivision.

While the applicant exceeds the density recommendation, they are providing a unique, mixed generational subdivision where 22 residential lots will be 100% age restricted requiring at least one person aged 55 years or older living in the home. This accomplishes an important goal found in the strategic plan by providing a diversity of housing options and is unique compared to other recently approved age-restricted subdivisions. The applicant proposes to pay a fee to the city in the amount of \$150,000 to fund the purchase of land within the Metro Park growth area to offset the density as an alternative means to meet the Engage New Albany strategic plan's recommendations.

The proposed rezoning accomplishes the following city code considerations found in C.O. 1111.06:

1. The zoning amendment will result in a more comprehensive planned redevelopment of the area and will ensure compatibility between uses in the immediate area (1111.06(a)).
2. The proposed zoning classification is consistent with other adjacent zoning districts (1111.06(b)).
3. The zoning amendment application is an appropriate application for the request (1111.06(e)).
4. The overall effect of the development advances and benefits the general welfare of the community (1111.06(f)).

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

VI. ACTION

Suggested Motion for ZC-15-2021:

To recommend approval to city council of zoning amendment application ZC-15-2021 based on the findings in the staff report with the following conditions.

1. The portion of zoning text Section F(2)(c) is revised so the part that says “and a minimum 10 foot setback from the other right of way” is removed. The same setback should be applied to all street frontages regardless of the orientation of the home to ensure no structures project beyond others.
2. In conjunction with the filing of a final development plan with the City a traffic study shall be filed by the applicant unless the City waives this requirement or modifies it to require less than a full study. The study must include, but not be limited to, the Bevelhymer Road and Walnut Street intersection the new curb cut into the subdivision on Bevelhymer Road.
3. The text is revised to include language that leisure trails that provide a more direct connection from the subdivision to Walnut Street be included as part of the final development plan.
4. The requirement that solar panels are not visible from public rights-of-way must be removed from the zoning text.
5. Parkland and open space amenities and final locations be subject to review and approval by the city landscape architect.
6. The text must be modified to require 3 inch caliper street trees in order to meet code requirement unless otherwise approved by the city landscape architect if there are shortages at the time of development.
7. The city engineer comments must be addressed, subject to staff approval.

Approximate Site Location:



Source: Google Earth