


New Albany Planning Commission
September 20, 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 7:03 p.m.

Those answering roll call:

Mr. Neil Kirby, Chair	Present
Mr. David Wallace	Present
Mr. Hans Schell	Present
Ms. Andrea Wiltrout	Present
Mr. Matt Shull (Council liaison)	Present

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

Moved by Ms. Wiltrout, seconded by Mr. Schell to approve the August 16, 2021 meeting minutes. Upon roll call: Ms. Wiltrout, yea; Mr. Schell, yea; Mr. Wallace, 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 additions or corrections to the Agenda.

Mr. Christian stated that the Other Business would not be presented this evening and should be removed from the Agenda.

Mr. Kirby swore all who would be speaking before the Planning Commission (hereafter, "PC") this evening to tell the truth and nothing but the truth.

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

Mr. Kirby noted the hearing of cases on the Agenda would be reordered.

FDP-83-2021 Final Development Plan

Final development plan for a 60 lot residential subdivision on 35.7+/-acres located at 7555 Bevelhymer Road and 7325 Walnut Street (PIDs: 222-005169, 222-005168 and 222-005167). Applicant: Bobb Webb Group c/o Brandon Belli

Mr. Christian presented the staff reports for FDP-83-2021 and FPL-84-2021.

Mr. Kirby asked if the active play area recommendation had been picked up as one of the conditions on the final development plan (hereafter, "FDP").

Mr. Christian stated it should be added as a fourth condition.

Mr. Kirby stated he had a question about the conditions listed for the final plat. Mr. Kirby stated the final plat said Ohio Environmental Protective Agency (hereafter, "OH-EPA") and asked if OH-EPA or the Army Corp. of Engineers (hereafter, "ACE") was meant to be used there.

Mr. Herskowitz stated the ACE provided an approval but within the approval had recommended that the applicant obtain a copy of a document from the OH-EPA stating all of their requirements had been met. Mr. Herskowitz stated the applicant had agreed to do that.

Mr. Kirby asked if then meeting the OH-EPA requirements would meet all requirements of the ACE.

Mr. Herskowitz stated yes.

Ms. Wiltrout asked what the original tree preservation zone, the original setback, that had been there was and how much better the zone was now.

Mr. Larry Canini, Canini & Associates, stated they had initially discussed a ten (10) foot boundary for that area due to storm water concerns. Mr. Canini said they moved the plan due east to increase the setback, or protective zone and tree preservation.

Ms. Wiltrout asked for a description of the lots on top.

Mr. Canini stated those were larger estate lots that would front on Walnut.

Ms. Linda Imenerey, EMH& T, stated that all of the lots on the west and south property lines were deeper to be able to accommodate that.

Mr. Kirby asked if the applicant had more to add.

Mr. Canini said he and Ms. Imenerey would be happy to answer any questions.

Mr. Kirby asked if the applicant had any issues with the conditions.

Mr. Canini stated no.

Mr. Schell asked if there had been any discussions with the nearby residents about whether they were in agreement with the changes.

Mr. Canini stated he understood from staff that this had all been worked through. Mr. Canini stated they had spoken to these folks on numerous occasions. Mr. Canini stated he understood from staff there were no concerns from the Tournus Way folks and noted he had personally met with the folks to the south and they were in agreement.

Ms. Wiltrout asked if the applicant had spoken to anyone at the top quadrant about the tree line issues on homes near the lots numbered 3,4, 5, 6, 7, and 8.

Mr. Canini said nothing further than conversations he had with them during PC and City Council meetings.

Mr. Kirby asked if the tree preservation language included that the understory be preserved.

Mr. Canini asked if he was speaking about the under growth.

Mr. Kirby stated he was speaking of things that were not trees.

Mr. Canini stated they had made a commitment that they would walk the line with those owners and, if they felt they would like that removed then they would be happy to do that in the area from lots 3 through 10.

Mr. Kirby stated he was referring to the hash marks on the southern and western borders. Mr. Kirby asked if that was trees only or trees and understory.

Ms. Imenerey stated staff had asked that they follow what had been done in other areas. Ms. Imenerey stated this would be subject to staff approval.

Mr. Kirby asked if this was meant to be in a natural state and not have grass under the trees.

Ms. Imenerey stated that as they understood it that was what the process was.

Mr. Kirby stated, yes, thank you.

Mr. Kirby asked staff what changes City Council had made, particularly with the connections. Mr. Kirby asked if there was still a right-of-way there but it would not be developed.

Mr. Christian stated that was correct, yes.

Mr. Kirby stated the right-of way remained and if the residents wanted the road they could lobby for it.

Mr. Christian stated that was correct.

Ms. Wiltrout asked staff to explain how that type of process would occur.

Mr. Mayer stated that if a roadway were built there in the future it would be part of a capital improvement project by the City which would need to be approved by City Council.

Mr. Wiltrout asked who the residents would work with to get a roadway looked at by City Council.

Mr. Mayer stated residents could contact staff about such issues.

Mr. Kirby stated City Council, if it meant to do this, should provide information about it early in the process.

Mr. Kirby asked if members of the public had questions or comments.

Mr. Wallace asked what, other than residents' requests, would trigger a road extension of that roadway for the City and why not do it now.

Mr. Mayer stated that during the rezoning process a traffic study had been completed which determined the roadway was not needed at this time. Mr. Mayer stated he believed any future road improvement would be driven by residents concerns or comments.

Mr. Wallace stated thank you.

Mr. Gary Sammons, 7278 Upper Clarenton Drive South, stated his home backed up to the west or southwest side of this development. Mr. Sammons stated there were a lot of woods in that

area and asked if the area between the western border and the pond, with the exception of the twenty (20) foot area, was going to be only grass that would be mowed or would trees be preserved there.

Ms. Imenerey stated they hoped to keep trees there and add a meadow mix.

Mr. Sammons asked if this was to be to the extent possible.

Ms. Imenerey stated yes.

Mr. Kirby stated it would stay unless there was a need to remove it due to grading.

Mr. Sammons asked about the pond.

Ms. Imenerey stated it was a ditch, not a stream, and would take drainage from the field.

Mr. Canini stated the county had made changes and this was needed as part of the storm drainage plan.

Ms. Wiltrout asked if the hole in the foliage was to let the stream, the ridge, do its job.

Ms. Imenerey stated yes, that was correct, that was the approximate location of an existing ditch.

Ms. Wiltrout asked if the ditch was wooded at this time.

Ms. Imenerey stated it was not fully wooded but had a fair amount of trees.

Mr. Sammons stated it was wooded on the sides of the ditch.

Mr. Kirby asked if there were any further comments or inquiries from the public. (No response.)

Mr. Shull noted that the basin that was part of Longfield Court had some issues with storm water and other issues which the City had previously tried to help the HOA with. Mr. Shull asked Mr. Canini if the storm water that would be emptying out into another section by Upper Clarenton shown on this presentation would affect those others to the southeast.

Mr. Canini stated there was a property that was in the township between this site and the Millbrook property and noted they were limited in what they could do there. Mr. Canini said that if they were allowed to look at the property they might be able to alleviate issues that might occur in Millbrook.

Mr. Kirby asked if the applicant minded if that were made a condition of approval.

Mr. Canini stated sure.

Mr. Kirby stated neighbors permitting.

Mr. Canini stated neighbors permitting.

Mr. Wallace asked if the applicant had a sense of where the playground or active play area, parks, and trails would be located.

Ms. Imenerrey stated that in this whole park space, which was 3.3 acres, they were trying to do more natural play areas meant for children aged 10 to 12 years old. Ms. Imenerrey stated it would be similar to Rose Run.

Ms. Wiltrout asked where the information that there were a lot of playgrounds for children aged 3 to 5 years of age had come from.

Ms. Imenerrey stated it was from the Parks & Trails Advisory Board.

Ms. Wiltrout asked if that was consistent with staff's recommendations.

Mr. Mayer stated they recommended a condition that a more active, nature focused, play area should be provided, like Rose Run.

Ms. Wiltrout stated there were a lot of those playgrounds coming in. Ms. Wiltrout stated she did not think there were a lot of play areas for children aged 3 to 5 or 7 years of age.

Mr. Wallace asked if they could make the fourth condition subject to staff approval.

Mr. Canini stated yes. Mr. Canini noted the playground in Millbrook was for younger children and the playground at the Links community was for children of a wider age range.

Ms. Wiltrout stated there was not really a natural space there. Ms. Wiltrout stated the Rocky Fork park was pretty sparse.

Mr. Canini stated this site would provide the connectivity to allow people from Millbrook and this community to reach the Rocky Fork park safely. Mr. Canini stated they were also planning to put in a fishing type area.

Ms. Wiltrout stated she liked that and also believed it should be subject to staff approval.

Mr. Kirby stated okay.

Moved by Mr. Kirby to accept the staff reports and related documents into the record for FDP-83-2021, seconded by Ms. Wiltrout. Upon roll call: Mr. Kirby, yea; Ms. Wiltrout, yea; Mr. Schell, yea; Mr. Wallace, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

Moved by Mr. Kirby to approve FDP-83-2021 based on the findings in the staff report, with the three (3) conditions listed in the staff report and the following additional conditions:

4. Active play, as discussed at the Parks & Trails Advisory Board, will be subject to staff approval;
5. If permitted by owners Mr. and Mrs. Brian Dishong, when the engineering is done, the applicant will pursue a more holistic approach, including Millbrook to the south;

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

FPL-84-2021 Final Plat

Final plat for a 60 lot residential subdivision on 35.7+/-acres located at 7555 Bevelhymer Road and 7325 Walnut Street (PIDs: 222-005169, 222-005168 and 222-005167).

Applicant: Bobb Webb Group c/o Brandon Bell

Moved by Mr. Kirby to accept the staff reports and related documents into the record for FPL-84-2021, seconded by Ms. Wiltrout. Upon roll call: Mr. Kirby, yea; Ms. Wiltrout, yea; Mr. Schell, yea, Mr. Wallace, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

Moved by Mr. Schell to approve FPL-84-2021 based on the findings in the staff report, with the four (4) conditions listed in the staff report, seconded by Mr. Wallace. Upon roll call: Mr. Schell, yea; Mr. Wallace, yea; Mr. Kirby, yea; Ms. Wiltrout, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

CU-85-2021 Conditional Use

Conditional use to permit the use of a “batch plant” as an industrial manufacturing and assembly use at 13411 Worthington Road (a portion of PID: 094-106740-00.000).

Applicant: MBJ Holdings LLC, c/o Aaron Underhill

Mr. Mayer presented the staff report.

Mr. Kirby asked if the applicant had any comments.

Mr. Tom Rubey, New Albany Company, stated he would be able to answer any questions.

Mr. Kirby asked if the New Albany Company would retain ownership.

Mr. Rubey stated yes.

Mr. Kirby asked if Savko was the tenant.

Mr. Rubey stated yes.

Mr. Schell asked if the lease would be in existence for a specific period of time.

Mr. Rubey stated it was leased now and was expected to continue to be. Mr. Rubey said they were working with staff to ensure they were in compliance in terms of landscaping, lighting, etc.

Mr. Schell asked if this was a thirty (30) year plan.

Mr. Rubey stated the length of the use of this site depended on the amount of construction and demand for this type of use in the area. Mr. Rubey stated it would probably remain for about five (5) years but beyond that he did not know.

Mr. Schell asked what would happen if it was no longer needed after five (5) years.

Mr. Rubey stated the lease would be terminated and the tenant would then clean up the site and the New Albany Company would put it on the market.

Ms. Wiltrout asked if the next owner would have this conditional use or would this conditional use only apply to this tenant.

Mr. Rubey stated just this tenant, just this lease.

Ms. Wiltrout asked if the clean up would be easier than a gas station.

Mr. Rubey stated yes, the cleaning process was fairly easy.

Ms. Wiltrout stated that surrounding areas were a fit for this type of use.

Mr. Wallace asked staff where the photos in the staff report had been taken from, the street or the roadway.

Mr. Mayer stated it was a combination, taken from the driveway and the roadway.

Mr. Wallace asked if there was a way to make it look nicer from the roadway.

Mr. Rubey reviewed the images Mr. Wallace referred to and stated they would like to work with the City's landscape architect to develop some type of plan to clean up the property along the roadway.

Mr. Wallace thanked Mr. Rubey for that commitment.

Mr. Kirby asked if the conditional use went away if the use changed or if the user changed.

Mr. Rubey stated if the contract with this user terminated he believed the conditional use would terminate.

Ms. Wiltrout stated it ran with the user and the user was the lessee.

Mr. Rubey stated correct.

Mr. Kirby stated the lessee's record in New Albany was checkered and there had been violations.

Mr. Rubey stated he would not argue but noted the company had also done some stellar work.

Mr. Kirby stated he proposed this be for a set term and renewable with the expectation that complaints be quickly remediated.

Mr. Rubey asked if the concern with the tenant was the number of violations that had occurred throughout New Albany.

Mr. Kirby stated on this site.

Mr. Rubey stated staff had noted there had been one complaint in five (5) years and they had immediately installed cleaning, which would continue. Mr. Rubey asked what the concern was.

Mr. Kirby stated it provided a modest amount of motivation to the applicant to continue doing what was right.

Mr. Rubey stated they were required, right now, to clean and address the concerns raised the last time.

Mr. Kirby asked if it was a condition of approval currently.

Mr. Mayer stated yes. Mr. Mayer stated that as it had been permitted temporarily by staff it was also a condition of the zoning permit and would be carried forward as a recommended condition of approval in the staff report.

Mr. Kirby asked if repeated violations would cause the conditional use to be forfeit or would they pay the fine and go on.

Mr. Mayer stated it could come to a fine but the City had been able to work with the tenant, who had been responsive.

Mr. Rubey stated if there was an issue with one of the New Albany Company's tenants it was not taken lightly and they would work to remediate it.

Mr. Kirby stated his discussion with Mr. Banchefsky indicated a non-burdensome time limit would be allowable.

Mr. Banchefsky stated correct.

Mr. Kirby asked if the PC should then add another condition.

Ms. Wiltrout stated she was concerned about interfering between the lessor and lessee relationship and staff had the ability to punish violations.

Mr. Wallace stated that a time limit would also provide an additional tool that could be used to resolve any violations.

Ms. Wiltrout stated that staff already had mechanisms to deal with violations.

Mr. Wallace stated yes, but those were just fines and could be considered as just a cost of doing business. Mr. Wallace stated the time limit would be a tool for the City.

Mr. Rubey stated that if it would be similar to what was done with model homes in the community he would not be opposed to that.

Mr. Wallace stated it made sense from the applicant's perspective because there had only been one complaint and it had been addressed. Mr. Wallace said he would like to see the condition of good conduct, at least on site, continue.

Mr. Schell stated he thought the oversight was fine as it was at this time.

Mr. Wallace asked if Mr. Kirby was fine with a five (5) year length.

Mr. Kirby stated five (5) years was good.

Mr. Schell stated he believed the PC needed to take the company into account. Mr. Schell said the company had done good work and they needed to take the New Albany Company into consideration.

Mr. Wallace stated it was a good point but Mr. Rubey had said it was okay.

Mr. Rubey stated it was okay, but disagreed that the tenant had been irresponsible. Mr. Rubey stated the company had been responsible in the community and no additional constraints were needed.

Mr. Shull asked if the PC was prepared to address this with all conditional uses that would come before the PC. Mr. Shull asked if this had been done previously.

Mr. Kirby stated some things were built into conditional uses and others did have conditional uses added to them.

Mr. Shull stated he understood that but said his question was more about whether the PC would be considering time limits on all conditional uses.

Mr. Kirby stated no.

Ms. Wiltrout stated she thought it was tied to this specific user. Ms. Wiltrout stated she did not want to get into the habit of it.

Mr. Kirby stated no, this was just what was right for this application. Mr. Kirby asked if members of the public had any comments or questions. (No response.)

Mr. Schell asked Mr. Rubey his thoughts on the time limit.

Mr. Rubey stated that if the evaluation for this conditional use, when it returned in five (5) years, would be similar to how model homes were treated, 'have they been a good neighbor,' then he was comfortable with that type of review.

Mr. Kirby said that was exactly what was envisioned.

Moved by Mr. Kirby to accept the staff reports and related documents into the record for CU-85-2021, seconded by Mr. Wallace. Upon roll call: Mr. Kirby, yea; Mr. Wallace, yea; Mr. Schell, yea; Ms. Wiltrout, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

Moved by Mr. Wallace to approve CU-85-2021 based on the findings in the staff report, with the two (2) conditions listed in the staff report and the following additional conditions:

3. The use terminated if the user changes;
4. The applicant will work with the City landscape architect and staff to clean up the site and make it more visually appealing from the roadway and other site lines;
5. The conditional use is limited to five (5) years and renewable;

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

FDP-80-2021 Final Development Plan

Final development plan application for an Aldi development generally located north of US62, east of Walton Parkway and Bevelhymer Road (PID: 222-000617).

Applicant: Aldi, Inc c/o Russ White

Mr. Christian presented the staff reports for FDP-80-2021 and VAR-82-2021.

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

Mr. Herskowitz stated a right hand turn on US-62 was necessary and Mr. Dave Samuelson, the City's traffic engineer, was working with the applicant and moving forward on this. Mr. Herskowitz stated there was nothing further.

Mr. Kirby asked if the additional right-of-way would provide enough room to make that happen.

Mr. Herskowitz stated that was his understanding.

Mr. Rubey stated the applicant's engineers were currently reviewing the site but that it was his understanding at this time that there was no conclusion that US-62 needed a turn lane. Mr. Rubey said if the traffic engineer indicated it was needed they would accommodate that.

Mr. Samuelson stated that was correct.

Mr. Rubey stated he wanted this clarified for the record.

Ms. Wiltrout asked if engineering proposed to do what the traffic engineer's findings indicated was needed.

Mr. Samuelson stated correct.

Ms. Wiltrout stated it was to be determined then.

Mr. Kirby asked if the zoning had been unsure initially and may have missed a few things.

Mr. Christian stated they had researched but could not find any reason why the 15,000 square foot number had been there, with the exception of keeping the retail that would be in place here to neighborhood scale.

Mr. Mayer stated he believed the 15,000 square foot number was to provide for neighborhood scale and consistency with other zoning regulations. Mr. Mayer stated parking needs were also considered. Mr. Mayer stated a larger building could be situated on this location.

Mr. Kirby asked if this location and its neighbors would make a decent PUD.

Mr. Mayer stated it was zoned PUD.

Mr. Christian stated that was correct.

Mr. Kirby stated a PUD that was customized to the uses first should have probably been written for this.

Mr. Mayer stated that was correct.

Mr. Kirby asked if the number of variances and the precedents set here could be problematic going forward.

Mr. Mayer stated that for other sites, such as with the drive-thrus, the PC would be asked to evaluate the unique nature of those applications for issues such as proper parking. Mr. Mayer stated those users would have a larger drive-thru need than parking need. Mr. Mayer said that

in terms of precedents the variances here were common PUD variances and nothing that stood out here.

Mr. Kirby stated the number of parking spots was an easy sell as the applicant was providing a far more effective parking lot with the wider spots. Mr. Kirby said that when considering the Duncan criteria some of the other variances were self-inflicted.

Ms. Wiltrout stated she agreed, but noted that it might cut both ways.

Mr. Kirby stated the developers brought the zoning text and it had passed with modest changes and then brought forth these developments which did not fit the zoning text they wrote and it was hard to justify them under Duncan as not being self-inflicted.

Mr. Mayer stated that no single factor was dispositive, they looked at the collective. Mr. Mayer stated the variances were not substantial and would not change the essential character. Mr. Mayer stated that when considered collectively they looked at good design and that was being done here.

Mr. Banchefsky stated he would concur with Mr. Mayer that that in terms of the Duncan factors not one factor would be determinative.

Mr. Wallace stated that was true, but the problem was that the self-infliction was not a subjective factor, which made it harder to use the other factors to balance it as well as the potential for precedent issues.

Mr. Rubey stated they worked to bring multiple users in at once and more would come. Mr. Rubey stated the users would hopefully make sense structurally and functionally.

Mr. Kirby said a lot had gone right here.

Mr. Rubey stated the multiple variances were part of the package as a whole that he believed made a lot of sense.

Mr. Kirby stated that was what he meant, that if this had been an integrated PUD it would have been easier done when zoned.

Mr. Rubey stated they would have zoned it differently. Mr. Rubey stated this user fit what was in mind at that time.

Ms. Wiltrout stated good design ruled. Ms. Wiltrout asked if the Architectural Review Board (hereafter, "ARB") had reviewed the signs.

Mr. Mayer stated no. Mr. Mayer stated signage was typically reviewed as part of the FDP and there was a condition that additional signage would be subject to staff approval. Mr. Mayer said that if any further variances would be needed they would return to the PC for review.

Ms. Wiltrout asked if someone in the role of an architect had signed off on the signs.

Mr. Mayer stated it would not go before the ARB but would be reviewed City staff.

Mr. Schell asked what the size of the Aldi on Hamilton Road was.

Mr. Russ White, Aldi, stated the Hamilton Road Aldi store was in the 18,000 square foot range.

Mr. Kirby asked how the parking lot size compared.

Mr. White stated he believed that lot was a little smaller and that they normally had about 85 spots.

Mr. Schell stated the Hamilton Road store was then a couple thousand feet smaller than this one.

Mr. White stated yes, the Hamilton Road store had been expanded about three (3) years ago.

Mr. Schell asked what the additional square footage provided.

Mr. White stated their product line had changed over time and this better fit customer preferences. Mr. White said if they were building the Hamilton Road store now the building here was more of what they would build.

Ms. Wiltrout asked why the landscaping variance, of about 2%, was necessary.

Mr. White stated the only way to increase the landscaping would be to reduce the parking.

Ms. Wiltrout asked why 94 spaces, why not 95.

Mr. White stated they needed the larger spacing due to shopping carts.

Mr. Kirby noted internal landscaping was the first to go.

Mr. Mayer stated that here they felt it was well landscaped, it still met Code minimums and was well laid out and landscaped.

Mr. Wiltrout asked if they were within Code.

Mr. Mayer stated that was correct.

Mr. Rubey stated the number of trees exceeded Code requirements.

Mr. Schell asked what the hatch marks on the screen meant.

Mr. White stated water retention.

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

Moved by Mr. Kirby to accept the staff reports and related documents into the record for FDP-80-2021, seconded by Mr. Schell. Upon roll call: Mr. Kirby, yea; Mr. Schell, yea; Ms. Wiltrout, yea; Mr. Wallace, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

Moved by Ms. Wiltrout to approve FDP-80-2021 based on the findings in the staff report, with the four (4) conditions listed in the staff report, 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-82-2021 Variances

Variances to the building area, pavement setback, number of parking spaces, the number of active and operable doors, interior landscaping and signage requirements associated with a final development plan application for an Aldi development generally located north of US62, east of Walton Parkway and Bevelhymer Road (PID: 222-000617)

Applicant: Aldi, Inc c/o Russ White

Moved by Mr. Kirby to accept the staff reports and related documents into the record for VAR-82-2021, seconded by Ms. Wiltrout. Upon roll call: Mr. Kirby, yea; Ms. Wiltrout, yea; Mr. Schell, yea; Mr. Wallace, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

Moved by Mr. Wallace to approve VAR-82-2021 based on the findings in the staff report, with the conditions listed in the staff report, seconded by Mr. Schell. Upon roll call: Mr. Wallace, yea; Mr. Schell, yea; Ms. Wiltrout, yea; Mr. Kirby, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

Mr. Kirby announced a brief break until 9:00 p.m.

FDP-86-2021 Final Development Plan

Final development plan application for an Express Oil development generally located north of US-62, east of Walton Parkway and Bevelhymer Road (PID: 222-000617).

Applicant: JNBG Land Holdings LLC

Mr. Christian presented the staff reports for FDP-86-2021 and VAR-87-2021.

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

Mr. Herskowitz stated all engineering comments had been addressed.

Mr. Kirby asked if the applicant had anything further to add.

Mr. Eric Sable, Express Oil Change, described the business and this project.

Mr. Schell stated there were lots of these on Hamilton Road which was two (2) or three (3) miles away and asked where they would get pick-up traffic for this location.

Mr. Sable stated that with Sheetz there and the other developments going in they believed this location matched their model. Mr. Sable said they normally pulled from an area of around one (1) to three (3) or five (5) mile around for customers.

Mr. Schell asked if income and traffic were both related in their model.

Mr. Sable stated yes.

Mr. Schell asked if anything else went into that.

Mr. Sable stated that was proprietary.

Mr. Schell asked if they were confident enough in this space.

Mr. Sable stated yes.

Mr. Kirby stated a lot of traffic came down US-62. Mr. Kirby asked if members of the public had comments or questions. (No response.)

Mr. Kirby asked the applicant if they were in agreement with all conditions in the staff report.

Mr. Sable stated yes.

Moved by Mr. Kirby to accept the staff reports and related documents into the record for FDP-86-2021, seconded by Ms. Wiltrout. Upon roll call: Mr. Kirby, yea; Ms. Wiltrout, yea; Mr. Schell, yea; Mr. Wallace, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

Moved by Ms. Wiltrout to approve FDP-86-2021 based on the findings in the staff report, with the five (5) conditions listed in the staff report, seconded by Mr. Wallace. Upon roll call: Ms. Wiltrout, yea; Mr. Wallace, yea; Mr. Schell, yea; Mr. Kirby, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

VAR-87-2021 Variances

Variances to the number of active and operable doors and signage requirements associated with a final development plan application for an Express Oil development generally located north of US-62, east of Walton Parkway and Bevelhymer Road (PID: 222-000617).

Applicant: JNBG Land Holdings LLC

Moved by Mr. Kirby to accept the staff reports and related documents into the record for VAR-87-2021, 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.

Moved by Ms. Wiltrout to approve VAR-87-2021 based on the findings in the staff report, 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.

FDP-88-2021 Final Development Plan

Final development plan application for a Dunkin Donuts development generally located north of US-62, east of Walton Parkway and Bevelhymer Road (PID: 222-000617).

Applicant: ms Consultants Inc, c/o Tami Thompson

Mr. Christian presented the staff reports for FDP-86-2021 and VAR-87-2021.

Mr. Kirby asked if the computation for parking spaces per area was for dining area alone or for the whole building.

Mr. Christian state it was for the entire building.

Mr. Kirby asked if only one-half or one-third of the building was for an eating area and the rest was for production.

Mr. Christian indicated yes.

Mr. Kirby noted this meant the net square footage of the building where people could sit down or congregate would be radically different from a location where dining was 90% of the space and the kitchen was only 10% for parking.

Mr. Christian stated that was correct.

Mr. Kirby asked if the number was based on the whole building.

Mr. Christian stated correct.

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

Mr. Herskowitz stated all engineering comments had been addressed.

Mr. Wallace asked which of the entrances was recommended to be removed and asked whether the other entrance would be the only entry to the site.

Mr. Christian stated that was correct.

Mr. Wallace asked if there was another entrance that might come in from a different location through the Aldi and Express Oil Change location (and pointed that out on the presentation).

Mr. Christian stated yes.

Mr. Wallace asked which entry would be more likely to be used.

Mr. Mayer stated the City traffic engineer had indicated the non-recommended driveway was too close to the public roadway and could lead to backups if vehicles could not completely move into the site.

Mr. Samuelson stated that it was just at the end of the curb as vehicles entered and that created an issue with sudden slow-downs.

Mr. Wallace stated that those entering from SR-161 would then enter through the south.

Mr. Christian stated yes, but noted they could also go to the light at Sheetz, turn left, and go around.

Mr. Wallace said okay. Mr. Wallace asked if there had been any study done as to which was a more likely entrance.

Mr. Samuelson stated the study they were reviewing with regard to the right turn at US-62 looked at distribution for all three (3) of the developments and had made some assumptions about how vehicles would turn in.

Mr. Wallace asked what the assumptions were.

Mr. Samuelson stated it would be debatable which way vehicles would go.

Mr. Wallace stated that assuming people enter from Walton Parkway, how would they get turned around to go through the drive-thru.

Mr. Pat Gilligan, Dunkin Donuts, discussed the applications and introduced Jason Longbrake with MS Consultants. Mr. Gilligan discussed circulation through the site.

Mr. Kirby stated it was counterclockwise around the building.

Mr. Gilligan stated correct.

Ms. Wiltrout asked the applicant to show where the cars would go.

Mr. Gilligan demonstrated the drive-thru pattern on the screen and indicated there would be signage as to where the queue would be. Mr. Gilligan stated that 75% of business normally occurred by 11:30 a.m. and also through the drive-thru window. Mr. Gilligan stated it was really a drive-thru model and they had about a twenty (20) second window time at the present window. Mr. Gilligan noted that sites normally had about eighteen (18) parking spaces available.

Mr. Schell asked if this was a prototype building, the first one.

Mr. Gilligan stated yes, noting there was another one currently under construction. Mr. Gilligan stated they had one going in at Englewood, one at Eastgate in Cincinnati, two (2) in Westerville and one just opened in Columbus.

Mr. Schell asked if this move had been pandemic had driven.

Mr. Gilligan stated not really, Dunkin had always been about this way.

Mr. Schell asked if no change was expected.

Mr. Gilligan stated no.

Mr. Schell asked if he thought this was the new world.

Mr. Gilligan stated yes.

Mr. Kirby stated it was not in a walking neighborhood where customers would walk in and sit down.

Mr. Schell stated yes.

Mr. Schell noted the nearby Dairy Queen had experienced issues with drive-thru traffic.

Mr. Gilligan stated this was a double drive-thru and stated their metric was 140 seconds with a five (5) car stack, so it was about 35 seconds or so per car. Mr. Gilligan noted this model increased their capacity.

Mr. Wallace asked if the way customers approached the store the existing Codes and requirements were out of date.

Mr. Gilligan stated yes, for parking they were out of date. Mr. Gilligan stated the electronic menu board was an issue they ran into and noted that electronic menu boards were a standard for them and tied into their App. Mr. Gilligan stated their menu boards were not entirely static and the bottom third had an image on them that changed. Mr. Gilligan asked if that would be allowed. Mr. Gilligan noted they could dim the menu boards.

Ms. Wiltrout asked why they needed that image.

Mr. Gilligan stated it helped consumers place their orders due to the display of the products, it was a visual for consumers.

Mr. Wallace stated the packet did not contain an image or visual of the electronic menu board and asked the applicant if he had anything that would show the menu board.

Mr. Gilligan stated no.

Mr. Longbrake found an image of the menu board on his cell phone and showed it to the PC members.

Mr. Kirby asked if they had control over the menu boards or if it was corporate software.

Mr. Gilligan stated it was corporate software and ran through corporate.

Mr. Schell asked where the menu boards would be located on the site.

Mr. Gilligan showed where the menu boards would be placed.

Mr. Schell asked if the right side of the boundary would be open.

Mr. Gilligan stated the landscape plan was on a subsequent page.

Mr. Christian stated it was a standard thirty (30) inch tall parking lot hedgerow.

Mr. Schell asked how tall the sign would be.

Mr. Christian stated that if one were driving along US-62 they believed the perimeter landscaping would provide screening from offsite view, but you might see it along private roads.

Mr. Wallace asked if an approval had recently been made where an applicant had adjusted the height of the sign.

Mr. Mayer stated it had been the Turkey Hill car wash.

Mr. Gilligan stated he believed their sign was 54 inches and noted it was engineered to not be too tall or too low for better driver access.

Mr. Schull stated brightness was often a significant issue and asked if it was possible to dim the sign.

Mr. Gilligan stated yes.

Ms. Wiltrout stated that was a staff condition and asked if the applicant would be amenable to dimming the sign.

Mr. Gilligan stated yes.

Mr. Schull asked how much it could be dimmed.

Mr. Gilligan stated they were open in the morning when it was still dark.

Mr. Wallace stated condition number 2 stated there should not be any animation or flashing graphic. Mr. Wallace asked if there was animation or a flashing graphic.

Mr. Gilligan stated no.

Mr. Wallace asked if it was moving.

Mr. Gilligan stated yes, it could show an image of pouring coffee.

Mr. Wallace stated the sign was then animated.

Mr. Gilligan stated yes.

Mr. Wallace asked staff what this condition was trying to eliminate.

Mr. Mayer stated an application for L Brands had the same condition regarding animation or movement but they had allowed the sign to change once every eight (8) seconds. Mr. Mayer stated such signs could become a nuisance and they wanted to be sure they were okay with the use and location. Mr. Mayer stated that if appropriate, parameters could be put in place for a location.

Mr. Kirby asked how much of the sign had animation and how much was static.

Mr. Gilligan stated the bottom thirdish of the menu board moved and it would not be visible from the street.

Mr. Wallace asked what the applicant meant by moved, if it had an image of pouring coffee on it.

Mr. Gilligan stated correct.

Mr. Wallace asked if it would be the bottom third of the sign.

Mr. Gilligan stated yes.

Mr. Kirby asked how far down toward the pavement the sign went.

Mr. Gilligan stated it was about one (1) foot to sixteen (16) inches above ground.

Mr. Wallace stated it was similar to the car wash sign.

Ms. Wiltrout stated it did not seem like a nuisance to drivers.

Mr. Schell stated it could not be seen.

Mr. Kirby asked if the applicant could say that less than half the sign would be animated and would guarantee that.

Mr. Gilligan stated yes.

Mr. Kirby asked if the condition were that it was not fully animated, was mostly static with a minority of the area animated, would the applicant be comfortable with that.

Mr. Gilligan stated yes and noted this location did not have preview boards, only menu boards.

Mr. Kirby asked staff for their thoughts.

Mr. Mayer stated the PC should consider offsite impact and having parameters in place so signs met Code criteria.

Ms. Wiltrout asked if the corporate software would support having a static sign.

Mr. Gilligan stated he was not sure.

Mr. Kirby asked if a franchisee would lose the franchise if they could not use this menu board.

Mr. Gilligan stated no, in that case they would need to use a static board they would need to update manually if required. Mr. Gilligan stated they had static boards but they were changing them all out.

Mr. Wallace asked what percentage of the sign was animated.

Mr. Gilligan stated animation was at most 33% of the sign and probably less.

Ms. Wiltrout asked what could be done if corporate changed the software or board again.

Mr. Wallace stated they would need to return with a new variance.

Mr. Gilligan stated correct.

Mr. Shull asked if a landscaping package along the west side could have the height raised for screening.

Mr. Gilligan stated the site was pretty well screened.

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

Mr. Kirby asked if the applicant was okay with the eight (8) conditions in the staff report for the FDP.

Mr. Gilligan stated yes.

Moved by Mr. Kirby to accept the staff reports and related documents into the record for FDP-88-2021, seconded by Ms. Wiltrout. Upon roll call: Mr. Kirby, yea; Ms. Wiltrout, yea; Mr. Schell, yea; Mr. Wallace, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

Moved by Mr. Wallace to approve FDP-88-2021 based on the findings in the staff report, with the eight (8) conditions listed in the staff report and condition 1 amended to add that three (3) additional parking spaces be installed, seconded by Ms. Wiltrout. Upon roll call: Mr. Wallace, yea; Ms. Wiltrout, yea; Mr. Schell, yea; Mr. Kirby, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

VAR-89-2021 Variances

Variances to the number of active and operable doors, signage and the number of parking spaces requirements associated with a final development plan application for a Dunkin Donuts development generally located north of US-62, east of Walton Parkway and Bevelhymer Road (PID: 222-000617).

Applicant: MS Consultants Inc, c/o Tami Thompson

Moved by Mr. Kirby to accept the staff reports and related documents into the record for VAR-89-2021, seconded by Ms. Wilttrout. Upon roll call: Mr. Kirby, yea; Ms. Wilttrout, yea; Mr. Wallace, yea; Mr. Schell, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

Moved by Mr. Kirby to approve VAR-89-2021 based on the findings in the staff report, with the approval being for a minimum eighteen (18) parking spaces, with the conditions listed in the staff report, and with condition 2 modified so the electronic sign board does not display flashing nor have animated graphics displayed over more than 33% of the area of the sign, and with additional condition 5 that, where possible, animated signs be screened from offsite, subject to staff approval, seconded by Mr. Wallace. Upon roll call: Mr. Kirby, yea; Mr. Wallace, yea; Mr. Schell, yea; Ms. Wilttrout, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

CU-95-2021 Conditional Use

Conditional use application to allow a restaurant drive-thru as part of a Popeyes final development plan generally located south of US-62 within the Canini Trust Corp (PID: 222-000347-00).

Applicant: ms Consultants Inc, c/o Tami Thompson

Mr. Christian presented the staff reports for CU-95-2021, FDP-90-2021, and VAR-91-2021.

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

Mr. Herskowitz stated no comments here.

Mr. Gilligan stated they were fine with all nine (9) conditions in the staff report. Mr. Gilligan stated they would line up with the Dairy Queen and would have 31 spots as the shift of the building put them five (5) feet into the setback area.

Mr. Kirby asked if the PC could approve a variance where none had been requested.

Mr. Christian asked if that was for the setback.

Mr. Kirby stated yes.

Mr. Banchefsky stated yes, the PC could do that.

Mr. Kirby asked if the applicant would be amenable to the same conditions in the Dunkin Donuts application regarding the menu board.

Mr. Gilligan stated yes.

Mr. Schell asked where the menu boards were located on this site.

Mr. Gilligan showed their location and noted 75% of business was drive-thru and they had 46 seats here and 31 spots were adequate.

Mr. Wallace asked for the car route on the site to be illustrated.

Mr. Gilligan demonstrated the traffic flow on the site.

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

Mr. Kirby asked about how much of the space was sit down.

Mr. Gilligan stated that based on square footage it was larger but not based on a percentage of the building.

Mr. Kirby stated it was again more kitchen than dining.

Mr. Gilligan stated yes, it was almost all kitchen.

Moved by Mr. Kirby to accept the staff reports and related documents into the record for CU-95-2021, seconded by Ms. Wiltrout. Upon roll call: Mr. Kirby, yea; Ms. Wiltrout, yea; Mr. Schell, yea; Mr. Wallace, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

Moved by Ms. Wiltrout to approve CU-95-2021 based on the findings in the staff report, with the conditions listed in the staff report, seconded by Mr. Wallace. Upon roll call: Ms. Wiltrout, yea; Mr. Wallace, yea; Mr. Schell, yea; Mr. Kirby, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

FDP-90-2021 Final Development Plan

Final development plan application for a Popeyes development generally located south of US-62 within the Canini Trust Corp (PID: 222-000347-00).

Applicant: ms Consultants Inc, c/o Tami Thompson

Moved by Mr. Kirby to accept the staff reports and related documents into the record for FDP-90-2021, 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.

Moved by Mr. Kirby to approve FDP-90-2021 based on the findings in the staff report, with the nine (9) conditions listed in the staff report, noting that near zero meant 0.1 foot candles and the following additional conditions:

10. The alignment of the drive aisles to match the Dairy Queen grants any required relief to setbacks for parking along US-62 to enable the parking along US-62;

11. the parking along US-62 that was discussed be added;

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

VAR-91-2021 Variances

Variances to the number of parking spaces and their dimensions, the number of active and operable doors, signage and landscaping requirements associated with a final development plan application for a Popeyes development generally located south of US-62 within the Canini Trust Corp (PID: 222-000347-00).

Applicant: ms Consultants Inc, c/o Tami Thompson

Moved by Mr. Kirby to accept the staff reports and related documents into the record for VAR-91-2021, seconded by Mr. Schell. Upon roll call: Mr. Kirby, yea; Mr. Schell, yea; Mr. Wallace, yea; Ms. Wiltrout, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

Moved by Mr. Kirby to approve VAR-91-2021 based on the findings in the staff report, with the conditions listed in the staff report, with condition 2 modified so the electronic sign board does not display flashing nor have animated graphics displayed over more than 33% of the area of the sign, and with a notation that this variance indicates 31 parking spaces are a minimum subject to staff approval, and

5. Where possible, animated signs be screened from offsite, subject to staff approval;

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

PDP-96-2021 Preliminary Development Plan

Preliminary development plan application for a new commercial development generally located south of Smith's Mill Road, directly west of the Lower.com and Bob Evans Office building (PID: 222-001951-00).

Applicant: Neyer Properties Inc. c/o Luke White

Mr. Mayer presented the staff report.

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

Mr. Herskowitz stated ACE permitting was still to be done. Mr. Herskowitz stated there was a stream conservation easement on the site which they needed to verify has been recorded.

Mr. Samuelson stated there was an existing middle turn lane on Smiths Mill Road and the applicant had been asked to check the length of the turn lane at their driveways. Mr. Samuelson stated they had also agreed to look into signage to avoid driver error due to how close their western most drive was to the Abercrombie and Fitch drive.

Mr. Kirby asked if the ACE had a finding would that create a problem here.

Mr. Herskowitz stated a prior permitting had some requirements he believed still needed to be fulfilled.

Mr. Kirby asked if they were running the new channel through the conservation district.

Mr. Herskowitz stated no, it had been built years ago but the old channel had not yet been filled in.

Mr. Mayer stated the new one was established along the eastern side.

Mr. Kirby asked if the variance was so that a conservation zone not be mounded.

Mr. Mayer stated yes.

Mr. Kirby asked for the applicant.

Mr. John Bumgarner, SVP Neyer Properties, stated they were happy to answer any questions and were amenable to the conditions.

Mr. Schell asked if Abercrombie & Fitch owned the property.

Mr. Bumgarner stated they were in contract to purchase the property.

Ms. Wiltrout asked what type of business would be operated at this site.

Mr. Bumgarner stated it was a speculative facility, no tenants yet.

Mr. Schell asked if there would be one (1) or many users.

Mr. Bumgarner stated they were shooting for two (2), hoped for one (1), but it was not known at this time.

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

Moved by Mr. Kirby to accept the staff reports and related documents into the record for PDP-96-2021, seconded by Mr. Wallace. Upon roll call: Mr. Kirby, yea; Mr. Wallace, yea; Mr. Schell, yea; Ms. Wiltrout, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

Moved by Ms. Wiltrout to approve PDP-96-2021 based on the findings in the staff report, with the conditions listed in the staff report, seconded by Mr. Kirby. Upon roll call: Ms. Wiltrout, yea; Mr. Kirby, yea; Mr. Wallace, yea; Mr. Schell, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

Other Business

None.

Poll Members for Comment

None.

Mr. Kirby adjourned the meeting at 10:50 p.m.

Submitted by Josie Taylor.

APPENDIX



Planning Commission Staff Report September 20, 2021 Meeting

WOODHAVEN SUBDIVISION FINAL DEVELOPMENT PLAN

LOCATION: 7555 Bevelhymer Road and 7325 Walnut Street (PIDs: 222-005169, 222-005168 and 222-005167).
APPLICANT: Bobb Webb Group c/o Brandon Belli
REQUEST: Final Development Plan
ZONING: Woodhaven I-PUD Zoning District
STRATEGIC PLAN: Residential District
APPLICATION: FDP-83-2021

Review based on: Application materials received August 20 and September 3, 2021.

Staff report completed by Chris Christian, Planner.

I. REQUEST AND BACKGROUND

The application is for a final development plan for a new 60 lot subdivision to be known as “Woodhaven”. The proposed subdivision will consist of 22 age restricted and 38 traditional single family lots.

The Planning Commission reviewed the zoning change and preliminary development plan for the property on June 7, 2021 (ZC-15-2021) and the zoning change was adopted by city council on July 7, 2021 (O-22-2021). The final development plan application is generally consistent with the approved preliminary development plan.

There is a combined preliminary and final plat application for the property on the agenda however, it will be evaluated under a separate staff report FPL-84-2021.

II. SITE DESCRIPTION & USE

The 35.7+/- 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 Bevelhymer Road and Walnut Street. The site is located immediately east of the Upper Clarenton subdivision, generally south the Rocky Fork Metro Park and Bevelhymer Park and there are unincorporated residentially zoned and used properties to the east and south of the site.

III. PLAN REVIEW

Staff’s review is based on New Albany plans and studies, zoning text, and zoning regulations. Primary concerns and issues have been indicated below, with needed action or recommended action in underlined text. Planning Commission’s review authority is found under Chapter 1159.

The Commission should consider, at a minimum, the following (per Section 1159.08):

That the proposed development is consistent in all respects with the purpose, intent and applicable standards of the Zoning Code;

- (a) That the proposed development is in general conformity with the Strategic Plan/Rocky Fork-Blacklick Accord or portion thereof as it may apply;*
- (b) That the proposed development advances the general welfare of the Municipality;*
- (c) That the benefits, improved arrangement and design of the proposed development justify the deviation from standard development requirements included in the Zoning Ordinance;*
- (d) Various types of land or building proposed in the project;*
- (e) Where applicable, the relationship of buildings and structures to each other and to such other facilities as are appropriate with regard to land area; proposed density may not violate any contractual agreement contained in any utility contract then in effect;*
- (f) Traffic and circulation systems within the proposed project as well as its appropriateness to existing facilities in the surrounding area;*
- (g) Building heights of all structures with regard to their visual impact on adjacent facilities;*
- (h) Front, side and rear yard definitions and uses where they occur at the development periphery;*
- (i) Gross commercial building area;*
- (j) Area ratios and designation of the land surfaces to which they apply;*
- (k) Spaces between buildings and open areas;*
- (l) Width of streets in the project;*
- (m) Setbacks from streets;*
- (n) Off-street parking and loading standards;*
- (o) The order in which development will likely proceed in complex, multi-use, multi- phase developments;*
- (p) The potential impact of the proposed plan on the student population of the local school district(s);*
- (q) The Ohio Environmental Protection Agency's 401 permit, and/or isolated wetland permit (if required);*
- (r) The U.S. Army Corps of Engineers 404 permit, or nationwide permit (if required).*

It is also important to evaluate the PUD portion based on the purpose and intent. Per Section 1159.02, PUD's are intended to:

- a. Ensure that future growth and development occurs in general accordance with the Strategic Plan;*
- b. Minimize adverse impacts of development on the environment by preserving native vegetation, wetlands and protected animal species to the greatest extent possible*
- c. Increase and promote the use of pedestrian paths, bicycle routes and other non-vehicular modes of transportation;*
- d. Result in a desirable environment with more amenities than would be possible through the strict application of the minimum commitment to standards of a standard zoning district;*
- e. Provide for an efficient use of land, and public resources, resulting in co-location of harmonious uses to share facilities and services and a logical network of utilities and streets, thereby lowering public and private development costs;*
- f. Foster the safe, efficient and economic use of land, transportation, public facilities and services;*
- g. Encourage concentrated land use patterns which decrease the length of automobile travel, encourage public transportation, allow trip consolidation and encourage pedestrian circulation between land uses;*
- h. Enhance the appearance of the land through preservation of natural features, the provision of underground utilities, where possible, and the provision of recreation areas and open space in excess of existing standards;*

- i. *Avoid the inappropriate development of lands and provide for adequate drainage and reduction of flood damage;*
- j. *Ensure a more rational and compatible relationship between residential and non-residential uses for the mutual benefit of all;*
- k. *Provide an environment of stable character compatible with surrounding areas; and*
- l. *Provide for innovations in land development, especially for affordable housing and infill development.*

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 streets.
- 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 applicant proposes to create a new 60 lot subdivision named “Woodhaven.” The subdivision will consist of 22 age restricted and 38 traditional single family lots on approximately 35.7+/- acres as permitted in zoning text section VI(A) and (B). The final development plan is generally consistent with the preliminary development plan that was approved as part of the zoning change application (ZC-15-2021).
2. Zoning text section VI(H) requires all lots to have frontage and access on a public street and this requirement is being met.
3. Zoning text section VI(D) states that the minimum lot width at the building line shall be 80 feet for traditional single family lots and 57 feet for age restricted lots. All of the proposed lots are meeting these requirements.
4. Zoning text section VI(F)(5) prohibits homes from backing onto open space or reserve areas. The orientation of the proposed lots will allow this requirement to be met and will be enforced as new building permits are submitted for homes in the subdivision.
5. Zoning text section VI(F)(5) requires the following setbacks:

PERIMETER SETBACKS	
Bevelhymer Road	250 foot building and pavement setback from the centerline of the road.
Walnut Street	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
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.

All of the setbacks required in the zoning text are being met. Setbacks for individual homes will be reviewed and approved as part of each new residential building permit.

C. Access, Loading, Parking

1. The subdivision has two vehicular connections. One connection will be made along Walnut Street and another along Bevelhymer Road aligning with an existing drive-way curb cut. The

- final development plan also stubs a street for a future third connection to Steeplechase Lane if and when the properties to the south redevelop. During the rezoning process, the city council removed the connection proposed to utilize an existing stub of Tornus Way in the adjacent Upper Clarenton subdivision. This area is now proposed to be used as open space and allows the plat allows this area to be used to make the roadway connection in the future if it is desired.
2. Zoning text section VII(F) 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. The applicant submitted typical street sections as part of the application and these requirements are being met.
 3. Zoning text section VII(F) requires that a traffic study be performed at the time of final development plan application and submitted to the city traffic engineer. The text states that the study must include assessing the new proposed intersections, the Walnut Street and Bevelhymer Road intersection and the need for a roadway connection along Walnut Street into the development. This requirement is met as the applicant performed the traffic study and it has been approved by the city traffic engineer. The study concludes the proposed development does not warrant the need for any new turn lanes or other intersection improvements at the the Walnut Street and Bevelhymer Road intersection since the applicant added the connection to Walnut Street.
 4. Zoning text section VII(C) requires the developer to dedicate 40 feet of right-of-way from the centerline of both Walnut Street and Bevelhymer Road and this requirement is being met.
 5. Zoning text section VII(F)(1) and (2) requires a 5 foot wide, concrete public sidewalk to be constructed along internal streets as shown on the final development plan.
 6. Zoning text section VII(G)(1) requires 8 foot wide, asphalt leisure trails to be installed along both Walnut Street and Bevelhymer Road and this requirement is being met.
 7. Zoning text section VII(A) and (B) 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 architectural standards for this section have been approved as part of the zoning text. This development will contain custom designed homes. The Community Development Department staff, including the city architect, will review zoning/building permits to ensure compliance with the architectural standards of the zoning text. The applicant submitted a character images as part of the application to demonstrate the design intent for the homes in the subdivision. These elevations are conceptual only and the approval of the final development plan does not provide pre-approval of any elevation.
2. 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.
3. 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.

4. The text permits the use of the following building materials. The text prohibits the use of vinyl as a building material. Staff recommends a condition of approval that the use of stone be subject to staff approval.
 - 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 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.
6. 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.

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

1. Per C.O. 1159.07, detailed landscaping plans must be provided for all areas of the final development plan. The landscape plan must include the proposed landscape for all reserve areas and street lawns. The applicant submitted a detailed master landscape plan for the subdivision.
2. The city subdivision regulations require parkland and open space to be provided as part of the construction of a new subdivision.
3. C.O. 1187.15(a) requires 2,400 square feet of parkland to be dedicated per dwelling unit, as part of the development of a new subdivision. Additionally, C.O. 1187.16(a) requires 20% of the gross developed land area to be used as open space. The table below shows the required and proposed amounts of parkland and open space.

C.O. Requirement	Shown on FDP as	Required (acres)*	Provided (acres)	Difference	Meets Code?
1187.16 Open Space	Reserves A, B and D	7.14	8.5	1.36	Yes
1187.15 Parkland Dedication	Reserve C	3.3	3.3	0	Yes
Total		10.44	11.8	+1.36	Yes

*Calculations based on 35.7 acres and 60 lots.

4. The final development plan states that all open space and parkland will be owned by the city and maintained by the HOA in perpetuity which is consistent with recently approved subdivisions.
5. Due to the multi-generational nature of this zoning district and the lots within The Post at Woodhaven being age-restricted, this development is exempt from the requirement that all residences be located within 1,200 feet of playground equipment. The adjacency to the Metropark (approximately 1200 feet), Bevelhymer Park (less than 600 feet) and extension of the leisure trails along both Walnut and Bevelhymer Roads provides ample opportunities for active and passive recreational opportunities for the residents of this zoning district. The zoning text states parkland and open space amenities and their locations are subject to the review and approval of the city landscape architect. The proposed amenities include a picnic shelter, fire pit and a bocce ball court and are appropriately located in reserve C which serves as parkland for the community.
6. The Parks and Trails Advisory Board (PTAB) reviewed the proposed development at their September 8th meeting and recommended approval with conditions. The PTAB placed a condition of approval on the application that the developer must add additional play/active amenities in the parkland/open space areas of the site.
7. Zoning text section VII(C)(1) and (2) requires 3 inch caliper street trees to be provided along both sides of all public streets at a rate of 1 per 30 feet on center and the applicant is meeting this requirement. In sum, 394 street trees are required to be planted and 394 are proposed between all new internal public roads and along Bevelhymer Road and Walnut Street.
8. Zoning text section VII(B) requires 4 trees per 100 lineal feet of frontage to be installed within the required setbacks along Walnut Street and Bevelhymer Road in addition to the required street trees.
 - a. The development has 1479 +/- feet of frontage along Bevelhymer Road therefore 59 trees are required and this requirement is met.
 - b. The development has 865 +/- feet of frontage along Walnut Street therefore 35 trees are required and this requirement is met.
9. Zoning text section VII(G)(4) states that tree preservation zones must be established at the time of a final plat application along the southern and northwest boundaries. This requirement is met as these areas are shown on the final plat and evaluated under a separate staff report (FPL-84-2021).
10. The city landscape architect and city forester have reviewed the application and provided the following comments that are also attached in the packets as a memo. Staff recommends a condition of approval that the city landscape architect and city forester comments be addressed, subject to staff approval.
 - a. With a 6.5 foot tree lawn, most of the proposed street trees are not appropriate. The biggest offenders are the honeylocusts and the zelcovas. Consider switching those for something smaller and less aggressive like hardy rubber tree, katsuratree, yellowwood, or golden rain tree. The red maple and sugar maple will lift the sidewalk in that small of a space as well, and I'd recommend hedge or miyabe maples which are smaller. I wouldn't plant pin oak anywhere in the tree lawns, and in this circumstance, I'd suggest English oak as a smaller tree that can tolerate alkaline soil. We regularly remove pin oaks since they can't tolerate our alkaline soil and replace them with Northern red oak which looks very similar but performs better. The London plane trees also need more space. If London plane has to be planted, it should be the exclamation variety because it is more resistant to sycamore anthracnose which is becoming a bigger problem each year. The linden is an appropriate choice.
 - b. There shall be no formal, 30' O.C. street tree plantings along E Walnut St and Bevelhymer Rd. Mix these trees into the required randomized perimeter buffer trees.

- c. Bevelhymer and E Walnut St entry features should remove all proposed plant material of trees, shrubs and perennials. The only planting in the entrances shall be street trees and mown turf. See diagrams A and B on page 2.
- d. Remove all 5 pollinator gardens. The designated no-mow area should perform as a pollinator garden. The no-mow area can incorporate native pollinator species in the seed mix approved by the city of New Albany. Please submit a new plan for review including detailed planting information. See diagram C on page 3.
- e. Relocate trees along the bocce court between sidewalk and bocce court to minimize views of court from the street. See diagram C on page 3.
- f. All proposed horse fences shall be white, per New Albany standard. In order to be consistent with the Engage New Albany Village Traditional roadway character classification, add 4 rail horse fence along Walnut Street and Bevelhymer Road.
- g. At Bevelhymer Rd's entrance, remove the southern portion of leisure trail. Remove all curb ramps associated with the removed leisure trail and crosswalk. See diagram B on page 2.
- h. At Bevelhymer Rd's entrance, shift the pedestrian crosswalk at Steeplechase Lane North. The crosswalk should move south, and be located around the corner from Woodhaven Dr. See diagram B on page 2.
- i. At Walnut St's and Bevelhymer Rd's entrances, the 4-rail horse fence turns should rotate 180 degrees to face away from the roadways. These fences should be 2 panels long, totalling 16'. See diagrams A and B on page 2.
- j. Entrance signs should align with fences at Walnut St and Bevelhymer Rd. See diagrams A and B on page 2.
- k. Please submit additional details for picnic shelter. Please include elevations and details including materials and roof.
- l. Please submit all sign elevations and details for review.

F. Lighting & Signage

- 1. *Zoning text section X(D) states that consistent street lighting must be provided at each street intersection and must not exceed 18 feet in height. These requirements are being met as a standard, 18 foot New Albany green street light is provided at all internal street intersections.*
- 2. Zoning text section X(E) states that lighting of entry features shall be provided and approval as part of the final development plan and must be shielded and landscaped. The applicant proposes to install entry features including landscaping, signage and horse fence at the two entrances into the subdivision. The proposed sign lighting is shielded and landscaped therefore this requirement is met.
- 3. Zoning text section XII(A) states that standard City of New Albany street regulatory shall be used and this requirement is being met. Additionally, the text allows entry feature signage to be installed at the Walnut Street and Bevelhymer Road intersections as approved by the Planning Commission at the time of final development plan. The applicant proposes to install one entry feature post sign at each entry with the following dimensions. Due to the provisions of the text, these signs do not have to meet code requirements however, areas where the signs deviate from code are identified below. The signs appear to be appropriately scaled and located.
 - a. Area: 10.5 ft² per side [larger than the 8 ft² allowed by code]
 - b. Location: one at each subdivision entrance (total of 2 and meets code requirements)
 - c. Lighting: ground mounted lighting, shielded and landscaped [meets code and zoning text requirements].
 - d. Height: 9 feet [taller than the 7 feet allowed by code]
 - e. Colors: maximum of 4 [meets code]

G. Other Considerations

1. Zoning text section XIII(B) states that variances within the zoning district will be heard by the Planning Commission.

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 these comments be addressed, subject to staff approval.

1. Refer to Exhibit B. As recommended by the Army Corps of Engineers, provide documentation indicating that all OEPA permit requirements have been addressed.
2. Refer to Exhibit C. Revise the title sheet of the FDP to include the signature block and other information as shown on this Exhibit.
3. We will evaluate storm water management, water distribution, sanitary sewer collection and roadway construction related details once construction plans become available

V. RECOMMENDATION

Basis for Approval:

Staff is supportive of the final development plan as it is in conformity with the Residential land use recommendations of the Engage New Albany Strategic Plan and is generally consistent with the preliminary development plan approved as part of the zoning change application.

The proposed use is appropriate for this location as it is sensitive to the existing rural character of this portion of the city near Bevelhimer 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 the zoning text allows for 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.

Staff recommends approval provided that the Planning Commission finds the proposal meets sufficient basis for approval with the conditions of the approval listed below.

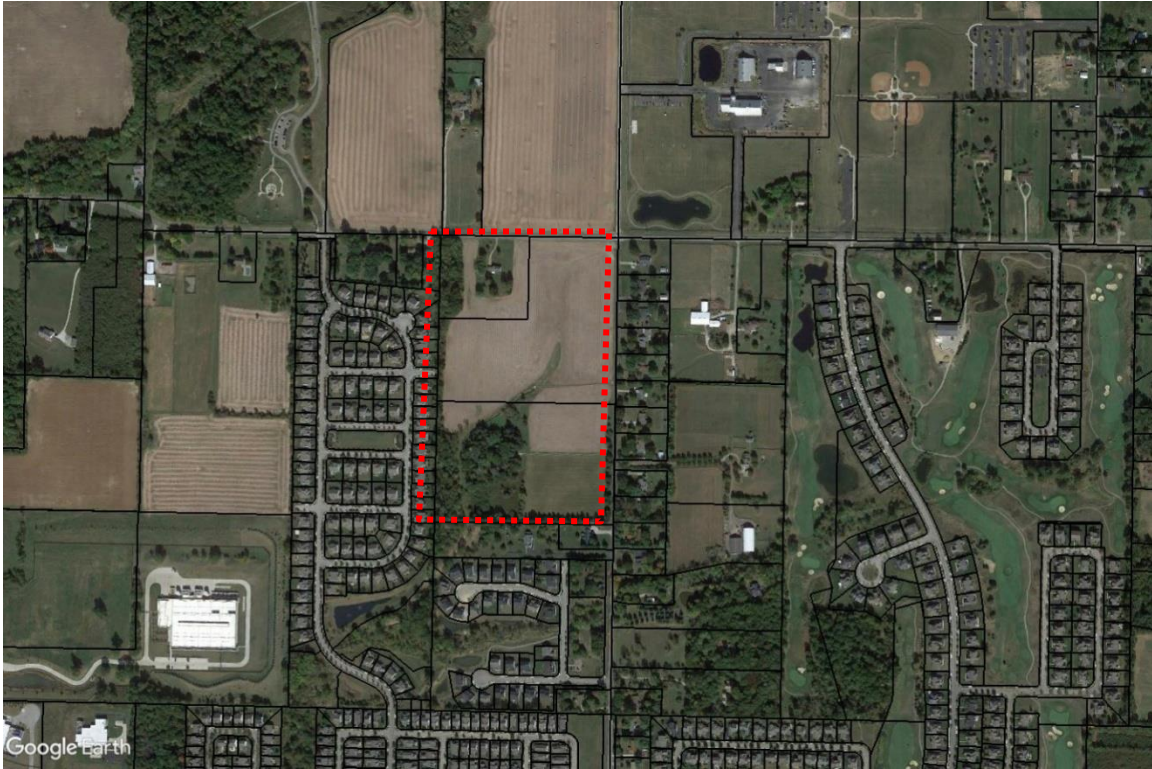
VI. ACTION

Suggested Motion for FDP-83-2021:

Move to approve preliminary development plan application FDP-83-2021 based on the findings in the staff report with the following conditions.

1. The city landscape architect and city forester comments must be addressed, subject to staff approval.
2. The city engineer comments must be addressed, subject to staff approval.
3. The use of stone in the subdivision is subject to staff approval.

Approximate Site Location:



Source: Google Earth

NEW ALBANY
COMMUNITY CONNECTS US
Planning Commission Staff Report
September 20, 2021 Meeting

WOODHAVEN
PRELIMINARY & FINAL PLAT

LOCATION: 7555 Bevelhymer Road and 7325 Walnut Street (PIDs: 220-000107-00, 220-000493-00 and 220-002149-00).
APPLICANT: Bob Webb Group c/o Brandon Belli
REQUEST: Final Plat
ZONING: Infill-Planned Unit Development (I-PUD)
STRATEGIC PLAN: Residential District
APPLICATION: FPL-84-2021

Review based on: Application materials received August 20, 2021.

Staff report completed by Anna van der Zwaag, Acting Zoning Officer.

II. REQUEST AND BACKGROUND

The application is for a final plat for a new 60 lot subdivision to be known as “Woodhaven”. The proposed subdivision will consist of 22 age restricted and 38 traditional single family lots, as well as four reserves (A-D), and seven new public streets.

The Planning Commission reviewed the zoning change and preliminary development plan for the property on June 7, 2021 (ZC-15-2021) and the zoning change was adopted by city council on July 7, 2021 (O-22-2021).

There is a final development plan application for the property on the agenda and is evaluated under a separate staff report FDP-83-2021.

II. SITE DESCRIPTION & USE

The 35.7+/- acre site is located in Franklin County and is made up of three properties. Additionally, there are two residential homes located on two of these properties. The site is located at the southwest corner of Bevelhymer Road and Walnut Street. The site is located immediately east of the Upper Clarenton subdivision, generally south the Rocky Fork Metro Park and Bevelhymer 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 final plat is found under C.O. Section 1187. Upon review of the final plat, the Commission is to make recommendation to City Council. Staff’s review is based on New Albany plans and studies, zoning text, and zoning regulations. Primary concerns and issues have been indicated below, with needed action or recommended action in underlined text.

- The final plat follows the proposed Woodhaven final development plan. The plat shows 60 residential lots, 59 of which are to be developed and one of which is already existing. Additionally, 38 lots (lots 1-38) will be traditional single family lots and 22 lots (39-60) will be age restricted lots.

The proposed lot layout and dimensions match what is shown on the final development plan and meet the requirements of the zoning text.

- The final plat indicates that lots 1 and 2 shall not have driveway access to Walnut Street and shall be accessed from internal streets.
- This phase of the plat contains four (4) reserve areas shown as Reserves “A”, “B”, “C”, and “D” on the plat with a total acreage of 11.8 +/- acres. According to the plat notes, Reserves “A”, “B”, and “C” shall be owned by the City of New Albany and maintained by the homeowners association in perpetuity for the purpose of open space and/or stormwater retention. The plat states that Reserve “D” will also be owned by the City of New Albany and maintained by the homeowners association in perpetuity or until a public road is constructed and Reserve “D” is dedicated to the city as public right-of-way.
- The plat will create seven (7) new publicly dedicated streets totaling 8.196+/- acres. All new streets meet requirements as described in the zoning text:
 - Woodhaven Drive which provides access to the subdivision from Bevelhymer Road with 50 feet of right-of-way.
 - Haven Green Lane, which provides access to the subdivision from Walnut Street with 50 feet of right-of-way.
 - Steeplechase Lane North, which is stubbed from this development to the south property line to provide for a potential future connection through adjacent single family lots with Steeplechase Lane from the Millbrook Farm at Sugar Run subdivision to the south, with 50 feet of right-of-way.
 - Woodhaven Loop, a new two-way loop with two curb cuts off of Steeple Chase Lane North, with 50 feet of right-of-way.
 - Wood Grove Drive with 50 feet of right-of-way.
 - Wood Edge Lane with 50 feet of right-of-way.
 - Steel Wood Drive with 50 feet of right-of-way.
- Proposed developer utility and proposed public utility easements are shown on the plans.
- Per the city’s subdivision regulations, C.O. 1187.04, all new streets shall be named and shall be subject to the approval of the Planning Commission. The applicant’s proposed “Woodhaven” name was adapted from cities worldwide that are named Woodhaven. The applicant proposes to utilize the “wood” theme in the creation of new street names. Steeple Chase Lane North is an extension from Millbrook Farm to the south.
- The final plat appropriately shows the lot widths to be at least 80 feet for traditional single-family homes and 57 feet for age-restricted single-family homes, as required by the zoning text section VI(D).
- The final plat appropriately shows the lot depths to be at least 120 feet for traditional single-family homes and 115 feet for age-restricted single-family homes, as required by the zoning text section VI(E).
- The zoning text section VI(F)(1) states that there shall be a minimum building and pavement setback of 250 feet for the perimeter street setback as measured from the centerlines of Walnut Street and Bevelhymer Road, excluding lots 1 and 2. The final plat meets this requirement.
- The final plat appropriately shows the following front yard setbacks, as required by the zoning text section VI(F)(2):
 - A 120-foot setback for lots 1 and 2 from Walnut Street’s centerline.
 - A 20-foot setback for the traditional single-family homes on lots 3-38.
 - A 20-foot setback for the age-restricted single-family homes on lots 39-60.
- The zoning text section VIII(G)(4) requires that tree preservation zones must be established at the time of a final plat along the southern and northwest boundaries of the zoning district. The final plat shows a 20-foot tree preservation zone along the west and south property lines, and a 40-foot tree preservation zone in the northwest boundary on the west edge of lot 2.
- Plat note “A” requires special markers shall be placed at each lot corner marking the edge of the Tree Preservation Area. These markers will help to delineate the edge of this zone and avoid

encroachment into the zone. The design of the markers will be provided by the applicant and must be approved by the city. These markers should be installed prior to any infrastructure acceptance by the city. Staff recommends a condition of approval that the design be subject to staff approval and the markers are installed prior to any infrastructure acceptance by the city.

- C.O. 1187.04(d)(4) and (5) requires verification that an application, if required, has been submitted to the Ohio Environmental Protection Agency in compliance with Section 401 of the Clean Water Act and to the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. The applicant has submitted the appropriate letter from the U.S. Army Corps of Engineers; however, staff requests evidence of any permits received from the Ohio Environmental Protection Agency as a condition of approval.

IV. ENGINEER'S COMMENTS

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

4. Show all storm sewer located in side yard and backyard areas as lying within a drainage easement.
5. Show all major flood routing paths as lying with a drainage easement.
6. Designate Reserve C as a drainage easement.

V. RECOMMENDATION

Basis for Approval:

The final plat is generally consistent with the final development plan and meets code requirements.

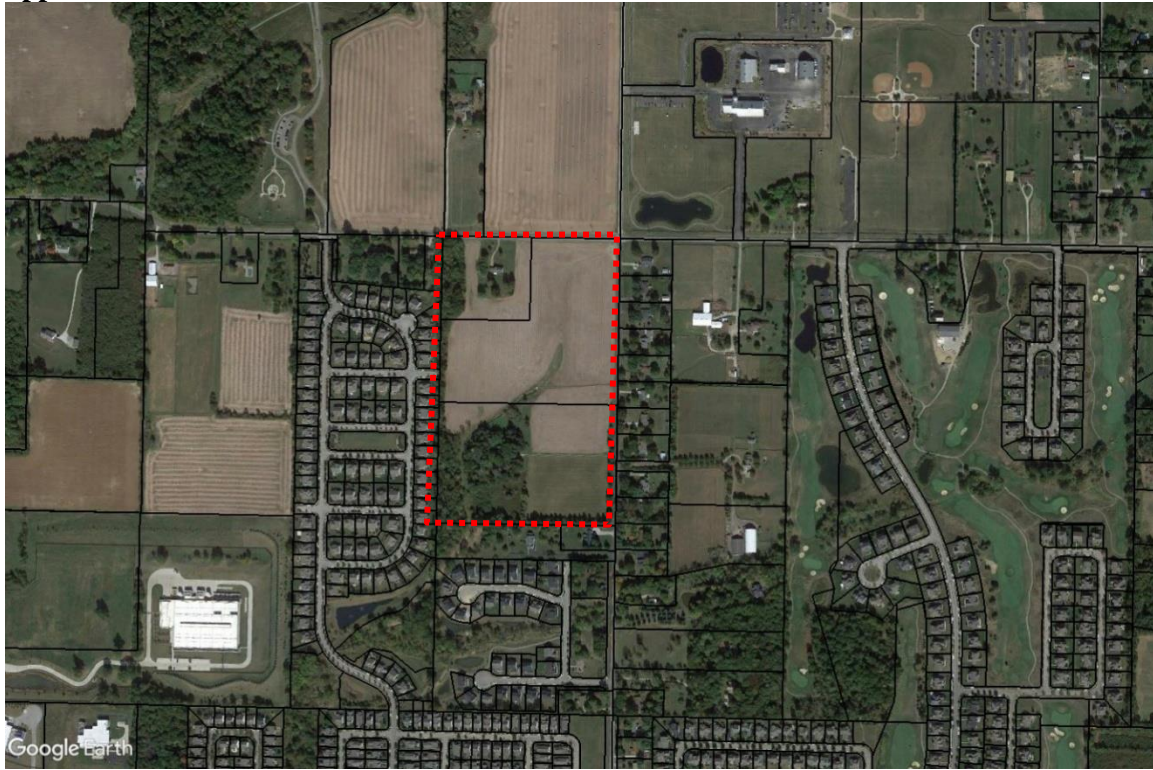
VI. ACTION

Suggested Motion for FPL-84-2021:

Move to approve preliminary plat application FPL-84-2021 with the following conditions.

4. The applicant provides evidence of any applications filed with the Ohio Environmental Protection Agency, as well as any associated permits.
5. The city engineer comments must be addressed, subject to staff approval.
 - a. Show all storm sewer located in side yard and backyard areas as lying within a drainage easement.
 - b. Show all major flood routing paths as lying with a drainage easement.
 - c. Designate Reserve C as a drainage easement.
6. Approval of the final plat is contingent upon the approval of the final development plan for this development.
7. The tree preservation zone sign design be subject to staff approval and the markers are installed prior to any infrastructure acceptance by the city.

Approximate Site Location:



Source: Google Earth



**Planning Commission Staff Report
September 20, 2021 Meeting**

**SAVKO BATCH PLANT
CONDITIONAL USE**

LOCATION: 13411 Worthington Road (PIDs: 094-106740-00.000)
APPLICANT: MBJ Holdings LLC c/o Aaron Underhill
REQUEST: Conditional Use
ZONING: L-GE Limited General Employment (Business Park East, subarea 1)
STRATEGIC PLAN: Employment Center
APPLICATION: CU-85-2021

Review based on: Application materials received August 19, 2021

Staff report completed by Chris Christian, Planner

III. REQUEST AND BACKGROUND

The applicant requests approval for a conditional use application to allow an industrial manufacturing and assembly use to permit the use of a concrete batch plant on a conditional use for a 14.4+/- acre development site within the Business Park East, subarea 1 L-GE zoning district.

On March 15, 2021, the Planning Commission reviewed proposed changes to C.O. 1153 and recommended approval to City Council. The proposed code changes created an industrial manufacturing and assembly use that is a conditional use in the General Employment District. This use falls under the industrial manufacturing and assembly use category therefore a conditional use review and approval is necessary.

II. SITE DESCRIPTION & USE

The overall 14.4 +/- acre development site is generally located east of Ganton Parkway and immediately south of Worthington Road in Licking County. The site is zoned L-GE, is currently undeveloped and completely surrounded by commercially zoned properties. Some of the surrounding uses include Facebook's data center campus, an AEP electric substation, and a future recycling facility to be operated by Vertix.

III. EVALUATION

The general standards for Conditional Uses are contained in Codified Ordinance Section 1115.03. The Planning Commission shall not approve a conditional use unless it shall in each specific case, make specific findings of fact directly based on the particular evidence presented to it, that support conclusions that such use at the proposed location meets all of the following requirements:

(a) *The proposed use will be harmonious with and in accordance with the general objectives, or with any specific objective or purpose of the Zoning Ordinance.*

- The applicant proposes to permit a concrete batch plant at the site. The concrete batch plant has been in operation since 2017 when it was issued temporary approval under "essential services" CO 2205 & 1127 as it was tied to a public infrastructure project for the

construction of Innovation Campus Way from Harrison to Mink Street. Since then it has been used for a combination of public and private development projects in the business campus.

- The city does benefit from this in that it significantly reduces travel distance for large trucks for tasks such as concrete pours and other work. This means there are less trucks driving through the city in order to get to the projects.
- The establishment of the batch plant has also contributed to the city securing several impactful economic development projects with quick construction timelines such as Facebook, Google, and Amazon. To maintain a competitive advantage over other locations and because speed is one of the most important factors when a company is under construction, the continued operation of the batch plant has a positive benefit to the city's economic development goals and indirectly aids its fiscal strength.
- Additionally, as the New Albany International Business Park continues to evolve, the city will continue to require the availability of easily accessible concrete to be used in future roadway improvements. Having the batch plant within the city of New Albany ensures just-in-time delivery of this critical building material.
- The limitation text associated with the rezoning of the property places additional requirements above the General Employment (GE) District requirements for the development of the property. These requirements further ensure that the character of the area is preserved and enhanced by future development.
- The limitation text establishes setbacks that are more stringent than the minimum GE requirements.
 - The text requires a minimum pavement and building setback of 50 from the Dublin-Granville Road right-of-way. The building is currently over 300 feet away from the public right-of-way.
 - There is a minimum building and pavement setback of 50 feet from the southern boundary of the site.
 - The base general employment district requires a 25 foot setback from side and rear property lines for structures and service areas. The batch plant is located over 100 feet from the side property lines and 300 feet from the southern property line.
- The site is immediately surrounded by commercially zoned L-GE within the business park on the south side of Worthington Road. The land across the street is primarily used a mini-storage commercial use and small portion is agricultural.

(b) The proposed use will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.

- The use has been successfully in operation in 2017 without any complaints since once immediately following its initial setup for operation.
- The proposed use complements the manufacturing and production, warehouse, data center and distribution uses which are permitted uses within the overall area. The proposed use is appropriate in the context of the surrounding uses, development patterns and will contribute to the overall success of the New Albany Personal Care and Beauty Campus. The site is located next to an AEP and Facebook substation. The site is located approximately 1,200 feet from the recently approved Axiom recycling center at the corner of Worthington Road and Ganton Parkway East intersection.
- Additional design guidelines for manufacturing facilities contained in the zoning text further ensures their compatibility with the character of the area. The same architectural requirements as the surrounding commercial areas are required.

(c) The use will not be hazardous to existing or future neighboring uses.

- The use will be subject to Codified Ordinance Section 1153.06 which requires that no land or structure within the GE District shall be used or occupied in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable impact on any land which is located in any other zoning district.
 - The applicant, as part of the conditional use statement, has stated that the effects of noise, glare, odor, light, and vibration on adjoining properties is not anticipated to present any untoward or problematic compatibility challenges with adjacent properties.
 - The batch plant's location provides convenient access to construction materials and efficiency for delivery. Easy access to and from State Route 161 for trucks is good for the local environment by providing short routes to and from the highway. The location allows for traffic coming to and from the site to remain on local, city streets. This results in less travel and trips on township and other streets outside of the business park.
- (d) *The area will be adequately served by essential public facilities and services such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.*
- This site is located at the southwest corner of Dublin Granville Road and Ganton Parkway East. A portion of Ganton Parkway East is partially constructed and the city is actively coordinating the completion of the road as part of this project and other development projects in the immediate area. This conditional use will not have any more impact on public facilities and services than will the uses that are permitted in the underlying zoning.
 - The proposed industrial manufacturing and assembly use will produce no new students for the Licking Heights School District.
- (e) *The proposed use will not be detrimental to the economic welfare of the community.*
- The proposed industrial manufacturing and assembly use will generate income tax for the city by the creation of new jobs.
 - The batch plant has had a direct economic benefit to the city by providing cost and time saving given its location within the business park. Additionally, having the batch plant at its current location has served as an incentive to attract new developments to the business park since it provides the same cost and time savings for private infrastructure.
 - The business park has seen over 700% building and development growth in approximately the past 12 years. However, there are many undeveloped properties within the immediate area of the batch plant that could be served in the future.
- (f) *The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.*
- The use will be subject to Codified Ordinance Section 1153.06 which requires that no land or structure within the GE District shall be used or occupied in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable impact on any land which is located in any other zoning district. The applicant states that the proposed use will not include exterior storage of materials or equipment and will not produce noise or odors which are detectable from off-site.
 - The city only received a complaint regarding mud on Worthington Road when the batch plant first established in 2017. The city has no other documented complaints regarding its operation since 2017.
- (g) *Vehicular approaches to the property shall be so designated as not to create interference with traffic on surrounding public streets or roads.*

- The infrastructure in this portion of the city is designed to accommodate the traffic associated with commercial uses.
- There is no reason to believe that that traffic generated by the manufacturing and production uses will have any greater impact than traffic for permitted users in the GE district.
- Due to the proximity of this site to the State Route 161 interchange and its location adjacent to commercially zoned land in the existing business park to the east, south and west, the site appears to be most appropriate for manufacturing and production uses.

V. RECOMMENDATION

Basis for Approval:

Staff recommends approval provided that the Planning Commission finds the proposal meets sufficient basis for approval. The overall proposal appears to be consistent with the code requirements for conditional uses and meets the development standards and recommendations contained in the Engage New Albany Strategic Plan and the New Albany Economic Development Strategic Plan. The proposed industrial manufacturing and assembly use is consistent with the character of the immediately surrounding area: electrical substations and a recycling facility. Additionally, this provides a direct benefit to the city for capital improvement projects for infrastructure and private developments. The site is strategically located where vehicles coming to and from the site can utilize the local business park streets and is close to State Route 161. This conditional use helps the city achieve the goals and recommendations in the New Albany Economic Development Strategic Plan by supporting additional attracting and encouraging continued growth within the business park.

VI. ACTION

Suggested Motion for CU-85-2021:

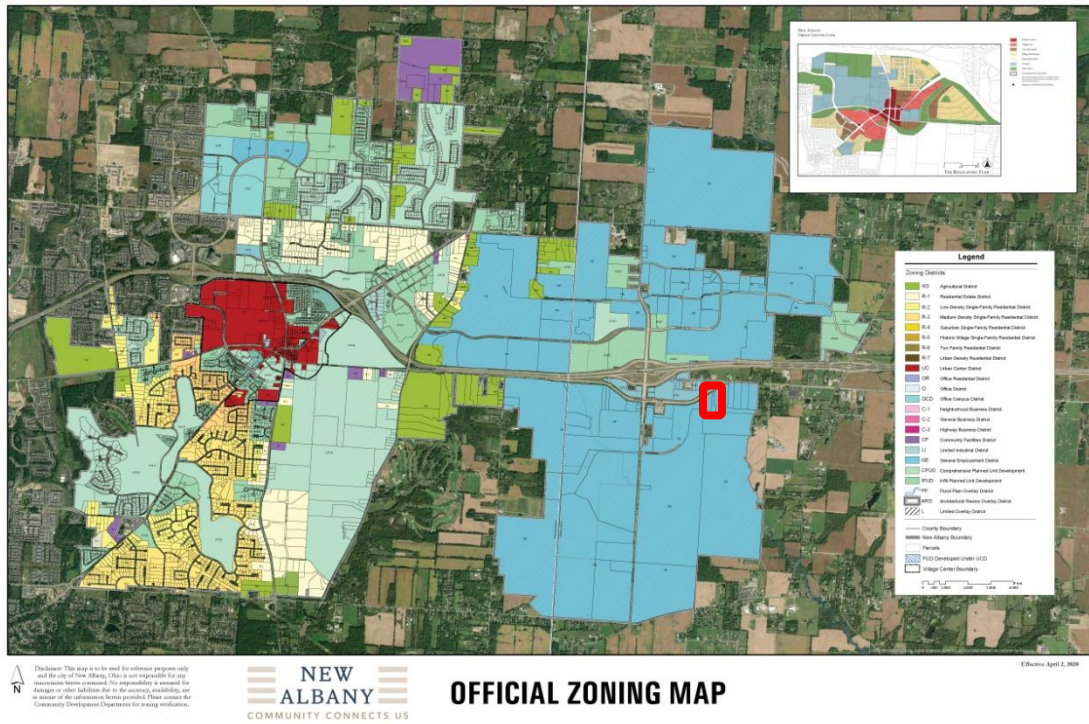
To approve conditional use application CU-85-2021 to allow for industrial manufacturing and assembly use for a concrete batch plant based on the findings in the staff report with the following conditions (conditions may be added)

1. When in use, road shall be cleaned daily.
2. Wheel wash is required for exiting trucks.

Approximate Site Location:



Zoning Map:





**Planning Commission Staff Report
September 20, 2021 Meeting**

**ALDI
FINAL DEVELOPMENT PLAN**

LOCATION: Generally located north of US-62, east of Walton Parkway and Bevelhymer Road (PID: 222-000617).
APPLICANT: Aldi, Inc c/o Russ White
REQUEST: Final Development Plan
ZONING: Walton-62 Commerce District I-PUD
STRATEGIC PLAN: Retail
APPLICATION: FDP-80-2021

Review based on: Application materials received August 20 and September 3, 2021.

Staff report prepared by Chris Christian, Planner

IV. REQUEST AND BACKGROUND

The application is for a final development plan for a proposed Aldi development and a new private road generally located north of US-62 and east of Walton Parkway and Bevelhymer Road. This development includes a grocery store on a 2.574 acre site.

The applicant is also applying for several variances related to this final development plan under application V-82-2021. Information and evaluation of the variance requests are under a separate staff report.

This site is located within the Walton-62 Commerce zoning district which was reviewed and approved by the Planning Commission on March 18, 2019 (ZC-6-2019).

V. SITE DESCRIPTION & USE

The site is generally located north of US-62 and east of Walton Parkway and Bevelhymer Road. The site is 2.574 acres and is currently undeveloped. The applicant is proposing to build a grocery store. Neighboring uses include commercial to the south, east and west as well as the Sheetz development to the north (FDP-16-2020).

III. EVALUATION

Staff's review is based on New Albany plans and studies, zoning text, and zoning regulations. Primary concerns and issues have been indicated below, with needed action or recommended action in underlined text. Planning Commission's review authority is found under Chapter 1159.

The Commission should consider, at a minimum, the following (per Section 1159.08):

- (a) *That the proposed development is consistent in all respects with the purpose, intent and applicable standards of the Zoning Code;*

- (b) *That the proposed development is in general conformity with the Strategic Plan/Rocky Fork-Blacklick Accord or portion thereof as it may apply;*
- (c) *That the proposed development advances the general welfare of the Municipality;*
- (d) *That the benefits, improved arrangement and design of the proposed development justify the deviation from standard development requirements included in the Zoning Ordinance;*
- (e) *Various types of land or building proposed in the project;*
- (f) *Where applicable, the relationship of buildings and structures to each other and to such other facilities as are appropriate with regard to land area; proposed density may not violate any contractual agreement contained in any utility contract then in effect;*
- (g) *Traffic and circulation systems within the proposed project as well as its appropriateness to existing facilities in the surrounding area;*
- (h) *Building heights of all structures with regard to their visual impact on adjacent facilities;*
- (i) *Front, side and rear yard definitions and uses where they occur at the development periphery;*
- (j) *Gross commercial building area;*
- (k) *Area ratios and designation of the land surfaces to which they apply;*
- (l) *Spaces between buildings and open areas;*
- (m) *Width of streets in the project;*
- (n) *Setbacks from streets;*
- (o) *Off-street parking and loading standards;*
- (p) *The order in which development will likely proceed in complex, multi-use, multi-phase developments;*
- (q) *The potential impact of the proposed plan on the student population of the local school district(s);*
- (r) *The Ohio Environmental Protection Agency's 401 permit, and/or isolated wetland permit (if required);*
- (s) *The U.S. Army Corps of Engineers 404 permit, or nationwide permit (if required).*

It is also important to evaluate the PUD portion based on the purpose and intent. Per Section 1159.02, PUD's are intended to:

- m. *Ensure that future growth and development occurs in general accordance with the Strategic Plan;*
- n. *Minimize adverse impacts of development on the environment by preserving native vegetation, wetlands and protected animal species to the greatest extent possible*
- o. *Increase and promote the use of pedestrian paths, bicycle routes and other non-vehicular modes of transportation;*
- p. *Result in a desirable environment with more amenities than would be possible through the strict application of the minimum commitment to standards of a standard zoning district;*
- q. *Provide for an efficient use of land, and public resources, resulting in co-location of harmonious uses to share facilities and services and a logical network of utilities and streets, thereby lowering public and private development costs;*
- r. *Foster the safe, efficient and economic use of land, transportation, public facilities and services;*
- s. *Encourage concentrated land use patterns which decrease the length of automobile travel, encourage public transportation, allow trip consolidation and encourage pedestrian circulation between land uses;*
- t. *Enhance the appearance of the land through preservation of natural features, the provision of underground utilities, where possible, and the provision of recreation areas and open space in excess of existing standards;*
- u. *Avoid the inappropriate development of lands and provide for adequate drainage and reduction of flood damage;*
- v. *Ensure a more rational and compatible relationship between residential and non-residential uses for the mutual benefit of all;*
- w. *Provide an environment of stable character compatible with surrounding areas; and*

- x. *Provide for innovations in land development, especially for affordable housing and infill development.*

Engage New Albany Strategic Plan Recommendations

The Engage New Albany Strategic Plan lists the following development standards for the Neighborhood Retail future land use category:

1. Parking areas should promote pedestrians by including walkways and landscaping to enhance visual aspects of the development.
2. Combined curb cuts and cross access easements are encouraged.
3. Curb cuts on primary streets should be minimized and well-organized connections should be created within and between all retail establishments.
4. Retail building entrances should connect with the pedestrian network and promote connectivity through the site.
5. Integrate outdoor spaces for food related businesses.

A. Use, Site and Layout

1. The applicant proposes to develop a 19,054 sq. ft. Aldi grocery store and a new private road on a 2.574 acre site. The site is located in the Walton-62 zoning district north of US-62 and east of Walton Parkway and Bevelhimer Road, adjacent to Sheetz. The proposed development is in an appropriate location given its proximity to the New Albany Business Park, State Route 161 and surrounding retail uses.
2. Zoning text section III(A)(2) states that no retail user in this zoning district shall occupy more than 15,000 sq. ft. of floor area of a building. The proposed building exceeds this limitation at 19,054 sq. ft. in size the applicant has requested a variance which will be reviewed under a separate staff report (VAR-82-2021).
3. Zoning text section II(A)(9) requires that the total lot coverage, which includes all areas of pavement and building, to not exceed 80% of the total area. The proposed development is at 69% lot coverage thereby meeting this requirement.
4. The zoning text requires the following setbacks:

Boundary	Required Setback	Proposed Setback
US-62	50 foot building and pavement setback from the right-of-way	100 + foot building setback [meets code] <u>The pavement setback varies due to the alignment of US-62 however, approximately 8 feet of the parking lot is located within the required setback area and a variance has been requested.</u>
Northern Boundary (Existing private road, adjacent to Sheetz)	0 foot pavement and building setback	22+/- foot pavement [meets code] 213+/- foot building [meets code]
Southern Boundary (adjacent to proposed new private road)	0 foot pavement and building setback	18+/- foot pavement [meets code] 31+/- foot building [meets code]

Western Boundary	0 foot pavement and building setback	12+/- foot pavement [meets code] 41+/- foot building [meets code]
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5. The applicant indicates that the development will utilize an underground stormwater detention basin.

B. Access, Loading, Parking

1. The development site will be accessed by an existing private road which was approved by the Planning Commission on March 16, 2020 (FDP-15-2020) and a new private drive that provides an additional connection to US-62. Per zoning text section III(B)(3) and access/circulation exhibit included with the zoning text. The proposed new private drive is in the correct location and may be used for right in, right out access only. There are no design standards in the zoning text for this road since it is private. It is consistent with the design of Woodcrest way as it is 24 feet in width and the proposed streetscape will allow for sidewalks and street trees to be installed.
2. The site is also accessed by one curb cut off a proposed new private access road and two off of an existing private road. All proposed access points are consistent with the approved access/circulation exhibit attached to the zoning text.
3. Zoning text section III(B)(5) requires an additional 5 feet of right-of-way to be dedicated along US-62 in order to accommodate a future right turn lane onto Walton Parkway. In order to meet this requirement, staff recommends a condition of approval that the developer dedicate 5 feet of right-of-way prior to any permits are issued for the project.
4. The city traffic engineer is reviewing access study materials provided by the applicant to determine if any street improvements are required as part of this development. Staff recommends a condition of approval that any necessary street improvements be subject to the city traffic engineer’s approval.
5. According to zoning text section III(B)(4) the applicant is required to install an 8-foot-wide, asphalt leisure trail along Johnstown Road and this requirement is met.
6. Per zoning text section III(B)(4) the applicant is required and proposes to install a 5-foot-wide, concrete sidewalk along their frontages adjacent to private drives. The text also requires, and the applicant is providing, a pedestrian connection from the sidewalk/leisure trail system to the front of their building. ‘
7. Per C.O. 1167.05(d)(1) requires 1 parking space to be provided for every 200 square feet for this use. The building has an area of 19,054 sq. ft. therefore 95 parking spaces are required. The applicant is only providing 94 parking spaces and a variance has been requested.
8. Per C.O. 1167.03(a) the minimum parking space dimensions required are 9 feet wide and 19 feet long. The applicant is proposing to install parking spaces that are 10ft x 19ft along the perimeter of the site and 10ft x 20ft spaces in the interior double rows of parking, exceeding the minimum requirement. The applicant states that Aldi wishes to provide additional parking space width for shopping cart maneuverability between vehicles and reduce the risk of property damages for customers.
9. Per C.O. 1167.03(a) the minimum maneuvering lane width size is 22 feet for this development type. The applicant is proposing maneuvering lanes with varying widths throughout the site that are between 22 and 31 feet. The drive aisles are wider in front of the building and where the trailer trucks need additional space to maneuver the site.
10. According to C.O. 1167.06(b)(3) the applicant is required to provide two off street loading space. The applicant is meeting this requirement by providing two loading spaces at the truck bay.

11. Per zoning text section III(B)(2) the applicant is required to install 8 bicycle parking spaces on site and the applicant is meeting this requirement.

C. Architectural Standards

1. The purpose of the New Albany Design Guidelines and Requirements is to help ensure that the New Albany community enjoys the highest possible quality of architectural design.
2. The zoning text contains architectural standards and regulated by Section 6 of the Design Guidelines and Requirements (Commercial outside the Village Center).
3. The zoning text states that the maximum building height within this zoning district shall not exceed 35 feet. The proposed building height is approximately 28 +/- feet therefore this requirement is being met.
4. The applicant is proposing to use brick, stone, metal and hardie board as building materials. The zoning text permits the use of these materials such as brick, pre-cast stone, wood, glass and other synthetic materials are permitted as long as they are used appropriately. The design of the building and use of materials is appropriate and consistent with other buildings in the immediate area.
5. Zoning text section III(C)(4)(6) states that all visible elevations of a building shall receive similar treatment in style, materials and design so that no visible side is of a lesser visual character than any other. The applicant is accomplishing this requirement by utilizing four sided architecture.
6. DGR Section 6(I)(A)(12) states that buildings shall have operable and active front doors along all public and private roads. The applicant is not providing an active and operable door along the south and west building elevations and a variance has been requested.
7. C.O. 1171.05(b) states that all trash and garbage container systems must be screened. The applicant proposes to install a dumpster enclosure thereby meeting this requirement.
8. Zoning text section III(C)(4)(c) requires complete screening of all roof mounted equipment to screen from off-site view and buffer sound. A roof plan was submitted and the applicant is meeting this requirement.
9. Zoning text section III(C)(5)(c) states that if a flat roof is used, strong cornice lines must be integrated and the applicant is meeting this.

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

1. Zoning text section III(D)(1)(a) states that street trees are required to be installed along Johnstown Road at a rate of 1 tree per 30 feet of frontage. The applicant is required to install 14 trees based on their frontage and this requirement is met. Additionally, the zoning text requires a double row of street trees to be installed along the northern private row adjacent to Sheetz as well as a single row of street trees, planted at the same rate, along all other private road frontages and the applicant is meeting this requirement.
2. Per zoning text section III(D)(1)(b) a four-board horse fence is required to be installed along Johnstown Road and the applicant is meeting this requirement.
3. Per zoning text requirement III(D)(1)(c) a minimum 30-inch-tall landscape hedge must be provided along the perimeter of the parking lot to provide screening from public-rights-of-way and the applicant is meeting this requirement.
4. Per zoning text requirement III(D)(1)(d) 8 trees per 100 lineal feet must be provided throughout the setback area along Johnstown Road. The applicant is meeting this requirement by providing 32 trees along Johnstown Road.
5. Zoning text requirement III(D)(4)(c) states that a minimum of 8% of the total parking lot area shall be landscaped. The applicant is not meeting this requirement as 5.93% of the total parking lot area is landscaped and a variance is requested.
6. Per C.O. 1171.06(3) parking areas should contain a minimum of one tree for every 10 parking spaces. The applicant is providing 94 parking spaces and is therefore required to install 9 trees. The applicant is exceeding this requirement by provided 10 trees within the parking area.

7. The regulations of the zoning text are intended to achieve the same streetscape that exists in the Canini Trust Corp to ensure consistency in the area. The city landscape architect has reviewed the application as well as the other two proposed developments along US-62 and provided the following comments to ensure the intent of the text is met. These comments can also be found in a separate memo attached to this staff report. Staff recommends a condition of approval that the city landscape architect comments are addressed, subject to staff approval.
 - A. Street trees along Johnstown Road should be planted 20' from the edge of pavement to maintain consistent line of street trees. See diagram.
 - B. Street trees along Johnstown Road should be planted at 3" caliper, 30' O.C. per New Albany Code. Placement of trees to be based on center line of private road. See diagram.
 - C. Street trees along Johnstown Road should match the existing large deciduous street tree species on the opposite side of Johnstown Road. All street trees along proposed properties should be the same singular species. See diagram.
 - D. All buffer trees located between street trees and parking lot pavement should be planted in random massings. See diagram.
 - E. Remove and replace all non-native Koelreuteria and Syringa tree species with native, large, deciduous shade trees.

E. Lighting & Signage

1. A detailed photometric plan has been submitted that has zero or near zero candle-foot intensity along all parcel boundaries.
2. Zoning text section E(3)(b) requires all parking lot and private driveway light poles to be cut-off and downcast, not exceed 18 feet in height, painted New Albany Green and the use the same fixture that has been used at Sheetz and throughout the Canini Trust and the applicant is meeting all of these requirements.
3. As part of this final development plan application, the applicant has submitted a sign plan for the site.

Wall Signs

The zoning text and C.O. 1169.15(d) permits a wall sign on each building frontage, with 1 square foot in area per linear square foot of building frontage, not to exceed 50 square feet for retail buildings. The applicant proposes two identical wall signs to be installed on the northern and eastern building elevations with the following dimensions:

- a. Lettering Height: 22 inches [meets code]
 - b. Area: 76 square feet [does not meet code, variance requested]
 - c. Location: one on the eastern elevation (fronting US 62) and one on the northern elevation (fronting private road)
 - d. Lighting: Halo [meets code].
 - e. Relief: 2 inches [meets code]
 - f. Colors: white, light blue and dark blue (total of 3) [meets code].
 - g. Material: Aluminum, pin mounted units [meets code]
- All three signs will feature the company logo and read "Aldi"

Ground Mounted Sign

The zoning text states that all ground mounted signage shall be consistent with the specifications found in the 2013 Trust Corp Signage Recommendations Plan. The applicant is requesting to install one ground mounted sign with the specifications listed below. The applicant is all the recommendations of the sign master plan.

- a. Size: 48 ft. tall and 8 feet 10 inches wide [meet code]
- b. Location: One perpendicular to Johnstown Road [meets code]

- c. Lighting: None [meets code].
- d. Relief: 8 inches [meets code]
- e. Colors: Black, white and light blue (total of 3) [meets code].
- f. Materials: Brick with a precast cap [meets code]

- The sign will feature the company logo and address information

IV. ENGINEER'S COMMENTS

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

1. Refer to Exhibit A. Revise the title sheet of the FDP to include the signature block and other information as shown on this Exhibit.
2. Provide a r/w dedication (minimum 5') along the parcel's frontage. We are currently reviewing a study to determine if a right hand turn lane is required to support operation of the proposed access drive off of US62.
3. If needed, extend the turn lane west to serve the proposed access drive off of US62.
4. A curb cut is proposed approximately 90' north of US62 off of the existing private road. We recommend that this curb cut be removed and relocated to match with the drive aisle located further north along the existing private road.
5. We will evaluate storm water management, water distribution, sanitary sewer collection and roadway construction related details once construction plans become available

V. RECOMMENDATION

Staff recommends approval of the Aldi final development plan provided that the Planning Commission finds the proposal meets sufficient basis for approval. The proposal is meeting many of the goals of the Engage New Albany Strategic Plan such as providing pedestrian access along roadways and into the site and utilizing high quality building materials by incorporating four-sided architecture. The proposed development is in an appropriate location given the context of the surrounding area and will serve as an amenity for the New Albany Business Park. The proposed building is very well designed and is consistent with other retail buildings in the immediate area. Additionally, the streetscape matches what is established at Sheetz as well as across the street at the Canini Trust Corp development site in order to achieve a uniform street design along this primary corridor of the city.

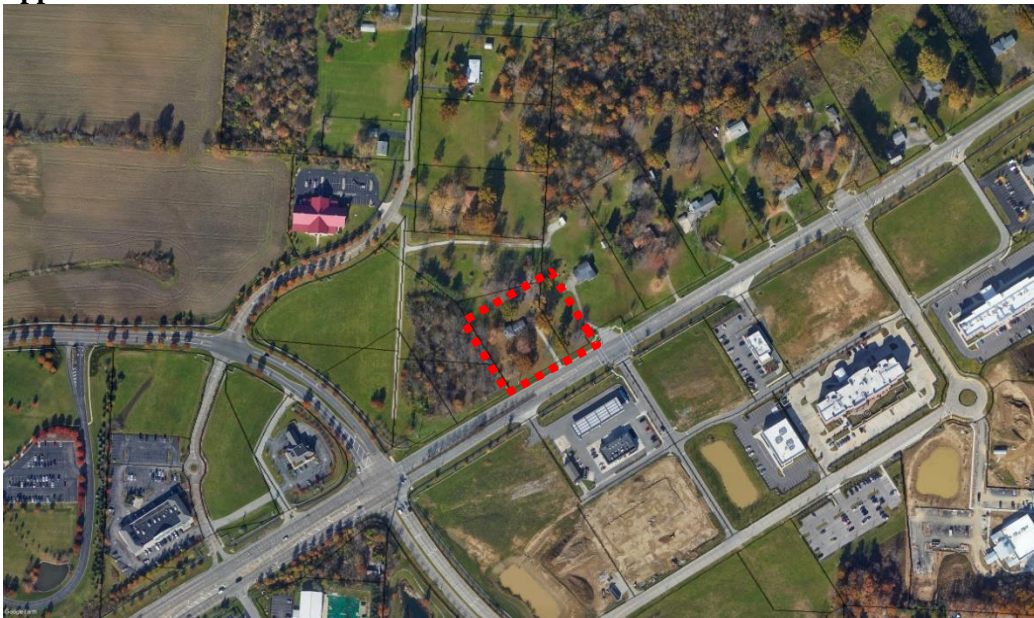
V. ACTION

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

Move to approve final development plan application FDP-80-2021, subject to the following conditions:

1. The developer must dedicate an additional 5 feet of right-of-way along US-62 prior to the issuance of any work permits.
2. Any necessary street improvements as part of this development are subject to the review and approval of the city traffic engineer.
3. The comments of the City Landscape Architect must be met, subject to staff approval.
4. The City Engineer's comments must be addressed subject to staff approval.

Approximate Site Location



Source: Google Earth



**Planning Commission Staff Report
September 20, 2021 Meeting**

**ALDI
VARIANCES**

LOCATION: Generally located north of US-62, east of Walton Parkway and Bevelhymer Road (PID: 222-000617).

APPLICANT: Aldi, Inc c/o Russ White

REQUEST:

- (A) Variance to zoning text section III(A)(2) to allow a retail building to have a floor area of 19,054 sq.ft. where the zoning text allows a maximum area of 15,000 sq. ft.
- (B) Variance to zoning text section III(A)(5) to allow an approximate 8 foot encroachment into the required 50 foot pavement setback along US-62.
- (C) Variance to C.O. 1167.05(d)(1) to allow 94 parking spaces to be installed where code requires a minimum of 95 spaces.
- (D) Variance to DGR Section 6(I)(A)(12) to eliminate the requirement that there be active and operable doors on the south and west building elevations.
- (E) Variance to zoning text section III(D)(4)(c) to allow 5.93% of the parking lot area to be landscape where the zoning text requires a minimum of 8%.
- (F) Variance to C.O. 1169.15(d) to allow two wall signs to be 76 sq. ft. where code allows a maximum of 50 sq. ft. for retail buildings.

ZONING: Walton-62 Commerce District I-PUD

STRATEGIC PLAN: Retail

APPLICATION: VAR-82-2021

Review based on: Application materials received August 20 and September 3, 2021.

Staff report prepared by Chris Christian, Planner

VI. REQUEST AND BACKGROUND

The applicant requests variances in conjunction with the final development plan for an Aldi grocery store located north of US-62, east of Walton Parkway, and south of Bevelhymer Road.

The applicant requests the following variances:

- (A) Variance to zoning text section III(A)(2) to allow a retail building to have a floor area of 19,054 sq.ft. where the zoning text allows a maximum area of 15,000 sq. ft.
- (B) Variance to zoning text section III(A)(5) to allow an approximate 8 foot encroachment into the required 50 foot pavement setback along US-62.
- (C) Variance to C.O. 1167.05(d)(1) to allow 94 parking spaces to be installed where code requires a minimum of 95 spaces.

- (D) Variance to DGR Section 6(I)(A)(12) to eliminate the requirement that there be active and operable doors on the south and west building elevations.
- (E) Variance to zoning text section III(D)(4)(c) to allow 5.93% of the parking lot area to be landscape where the zoning text requires a minimum of 8%.
- (F) Variance to C.O. 1169.15(d) to allow two wall signs to be 76 sq. ft. where code allows a maximum of 50 sq. ft. for retail buildings.

VII. SITE DESCRIPTION & USE

The site is generally located north of US-62 and east of Walton Parkway and Bevelhymer Road. The site is 2.574 acres and is currently undeveloped. The applicant is proposing to build a grocery store. Neighboring uses include commercial to the south, east and west as well as the Sheetz development to the north (FDP-16-2020).

III. EVALUATION

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

Criteria

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

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

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

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

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

III. RECOMMENDATION

Considerations and Basis for Decision

(A) Variance to zoning text section III(A)(2) to allow a retail building to have a floor area of 19,054 sq.ft. where the zoning text allows a maximum area of 15,000 sq. ft.

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

1. The applicant proposes to develop a 19,054 sq. ft. Aldi grocery store. Walton-62 zoning text section III(A)(2) states that the maximum area for a retail user in this zoning district is 15,000 sq. ft. therefore a variance is required.
2. The variance does not appear to be substantial and meets the spirit and intent of the zoning text requirement. While the proposed development is larger than what is permitted by right, the requirement was put into the text to discourage big box retail developments from locating in this area i.e. Walmart, Target, etc. Aldi is a smaller scale, neighborhood grocery store that is appropriately sized for this zoning district and the site it is located on.
3. It does not appear that the essential character of the neighborhood would be altered if the variance request is granted. This area is envisioned to as the retail future land use district in the Engage New Albany Strategic Plan where different retail type uses have been developed and are envisioned to be in the city. The city landscape architect and city engineer have reviewed and approved the proposed site layout and traffic access points.
4. It does not appear that the variance would adversely affect the delivery of government services, affect the health and safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.

(B) Variance to zoning text section III(A)(5) to allow an approximate 8 foot encroachment into the required 50-foot pavement setback along US-62.

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

1. Zoning text section III(A)(5) requires a 50 foot pavement setback along US-62. The applicant proposes a maximum encroachment of 8 feet. or 1,109 sq. ft. (1.42%) of the parking lot, therefore a variance is required.
2. The variance does is not substantial. While the applicant is encroaching into the required setback, they are doing so at the request of the city to ensure a consistent and cohesive design is achieved between all sites along this road frontage. MKSK the city's urban design and planning consultants, reviewed the site plan and recommended that the Aldi site be rotated in order to ensure their parking row along US-62 was aligned with the Express Oil and Dunkin Donuts parking rows. Additionally, while there is a proposed encroachment, it is minor as it is only 1.42% of the total parking area on the site which is not substantial.
3. The approved preliminary development plan for the zoning district shows an access road in front of Aldi and other adjacent sites in order to provide additional vehicular connectivity in the larger district which results in the variance being necessary. In addition, the zoning text requires the developer to dedicate 5 feet of right-of-way along US-62 which contributes to the encroachment.
4. It does not appear that the essential character of the neighborhood will be altered if the variance request is granted. The proposed encroachment is very minor and will not be noticeable from adjacent sites or public rights-of-way.
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.

(C) Variance to C.O. 1167.05(d)(1) to allow 94 parking spaces to be installed where code requires a minimum of 95 spaces.

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

1. Per C.O. 1167.05(d)(1), 1 parking space must be provided for every 200 square feet for this use. The building has an area of 19,054 sq. ft. therefore 95 parking spaces are required. The applicant is providing 94 parking spaces therefore, a variance is required.
2. The variance does not appear to be substantial. The parking requirement is a general requirement for all merchandise stores. Staff is generally supportive of providing less parking, where appropriate, to allow for less paved area and more green space.
3. The problem can be solved in a manner other than granting the variance request. City code states that the minimum parking space dimensions required are 9 feet wide and 19 feet long. The applicant is proposing to install parking spaces that are 10ft x 19ft along the perimeter of the site and 10ft x 20ft spaces in the interior double rows of parking, exceeding the minimum dimensional requirements. The applicant states that Aldi wishes to provide additional parking space width for shopping cart maneuverability between vehicles and reduce the risk of property damages for customers. It appears that only one row of perimeter parking would need to be reduced to 9ft. x 19ft. (the code minimum) and additional parking space would be gained on the site and a variance would not be necessary.
4. 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.

(D) Variance to DGR Section 6(I)(A)(12) to eliminate the requirement that there be active and operable doors on the south and west building elevations.

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

1. The applicant is requesting a variance to eliminate the requirement that buildings have operable and active front doors along all public and private roads. The building has 4 frontages, 3 along private roads and one along US-62. As proposed, the commercial building will have entrances along the northern private road elevation and along US-62 and no others (2/4 elevations are meeting the requirement).
2. As required by the zoning text, the building is designed with the same caliber of finish on all sides of the building using the same building materials.
3. The variance does not appear to be substantial. The same variance has been granted for other buildings within the Canini Trust Corp development. The intent of this requirement is to ensure that buildings maintain a presence on the street which is crucial in pedestrian oriented development. This site and the overall Canini Trust Corp and Walton-62 developments are auto-oriented by design therefore it does not appear that maintaining an entrance on every street is as important in this development scenario.
4. While there isn't an active and operable door on two of the private road elevations, the applicant is providing a strong, easily identifiable architectural feature at the northeast corner of this building which makes the entrance to the building easily identifiable. All sides of the building are designed with the same caliber of finish using the same building materials so none of the elevations appear as a "lesser" side of the building. For these reasons, the spirit and intent of the requirement is being met.
5. It does not appear that the essential character of the neighborhood will be altered if the variance request is granted. As stated, this same variance request has been granted for other developments within the Canini Trust Corp which is directly across the street from the site.
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.

(E) Variance to zoning text section III(D)(4)(c) to allow 5.93% of the parking lot area to be landscape where the zoning text requires a minimum of 8%.

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

1. Zoning text section III(D)(4)(c) requires 8% of the interior parking lot space to be landscaped. The applicant proposes 5.93% rather than 8% therefore a variance is required.
2. The variance does not appear substantial. The applicant is proposing 2.07% less parking lot open space than what is required by the zoning text. Additionally, the zoning text has a larger requirement than what is required by City code. The city's landscape standards require a minimum of 5% parking lot open space. Therefore, while the parking lot open space is less than what is required, it is consistent with the overall city standards.
3. The spirit and intent of the code requirement is being met since the applicant is providing landscape islands at the ends of parking aisles. The parking at the perimeter of the site is also broken up by landscape peninsulas. The parking lot appears to have an appropriate amount of interior landscaping given the layout of the site.
4. The applicant states that in order to meet the 8% landscape requirement, additional parking spaces would have to be removed from the site which is not desirable.
5. It does not appear that the essential character of the neighborhood will be altered by granting this variance request. While the applicant is not meeting this interior parking lot landscape requirement, they are meeting the lot coverage requirements by providing 31% green space on the site which is greater than what is required in the zoning text (20%).
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.

(F) Variance to C.O. 1169.15(d) to allow two wall signs to be 76 sq. ft. where code allows a maximum of 50 sq. ft. for retail buildings.

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

1. The applicant requests to allow two identical, Aldi wall signs to be 76 square feet in size where the zoning text allows a maximum area of 50 sq. ft. for all retail buildings.
2. The applicant proposes to install two identical wall signs, one on the US-62 elevation and one on the northern building elevation.
3. The city sign code (C.O. 1169.08) states sign area shall include the face of all the display areas of the sign and the area of the letters, numbers or emblems mounted on a building wall or wall extension shall be computed by enclosing such letters, numbers or emblems with an imaginary rectangle around the letters, numbers or emblems, and determining the area. The 76 square feet in size includes the colored "band" around the logo and lettering. If the colored bands are not included in the area calculation the sign size is approximately 45 square feet. Therefore, the request does not appear to be substantial.
4. The variance appears to meet the spirit and intent of the zoning text which is to ensure that wall signs are appropriately scaled in relation to the 19,000 sq.ft. size building on which they are located. The proposed wall signs are appropriately integrated into a prominent architectural feature of the building which will make these signs feel more like a part of overall building design.
5. It does not appear the essential character of the neighborhood would be substantially altered or adjoining properties suffer a "substantial detriment" by approving this variance. While the sign is larger than permitted, the design is unobtrusive. Additionally, there are no overly bright or jarring colors.
6. Additionally, sites within the Canini Trust Corp are permitted to have wall signs that are up to 80 sq.ft. in size based on the frontage of their building. If this building were located across the street, they would be permitted to have an 80 sq.ft. wall sign as the building has over 150+/- feet of frontage.

7. It does not appear that the variance would adversely affect the delivery of government services, affect the health and safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.

II. RECOMMENDATION

Staff recommends approval of the requested variances should the Planning Commission find that the application has sufficient basis for approval. It appears that all of the variances are appropriate however the Planning Commission should evaluate the request to reduce the number of parking spaces to ensure an appropriate amount of parking is provided. While, the variance to the required parking spaces does not appear substantial, it does appear it can be solved in another manner other than granting the request as one of the parking rows could be slightly modified to add an additional parking space.

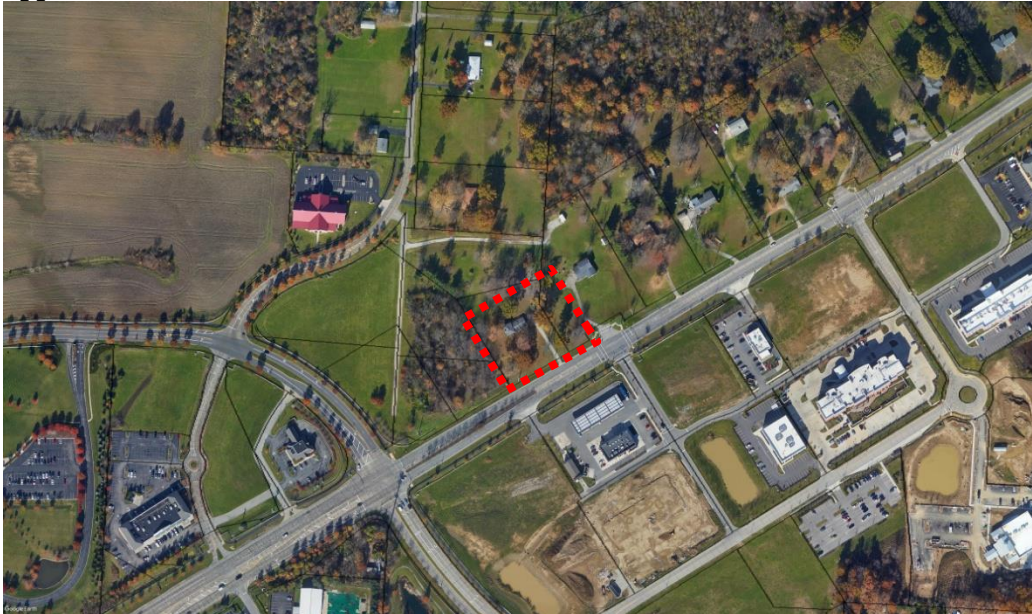
While the building is larger than 15,000 sq. ft. it is a neighborhood scale grocery store that is appropriately designed and sized for this site and the zoning district it is located in. The larger signage appears is designed and scaled appropriately in the relation to the building and the site overall. Due to the auto-oriented nature of this zoning district, and the applicant is still providing a prominent entrance at the corner of the building. Overall the building and site as proposed are well designed and fit appropriately within the context of the corridor.

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 VAR-82-2021.

Approximate Site Location



Source: Google Earth



**Planning Commission Staff Report
September 20, 2021 Meeting**

**EXPRESS OIL CHANGE AND TIRE ENGINEERS
FINAL DEVELOPMENT PLAN**

LOCATION: Generally located north of US-62, east of Walton Parkway and Bevelhymer Road (PID: 222-00617).
APPLICANT: JNBG Land Holdings, LLC
REQUEST: Final Development Plan
ZONING: Walton-62 Commerce District I-PUD
STRATEGIC PLAN: Retail
APPLICATION: FDP-86-2021

Review based on: Application materials received August 20 and September 1, 2021.

Staff report prepared by Chris Christian, Planner

VIII. REQUEST AND BACKGROUND

The application is for a final development plan for a proposed Express Oil Change and Tire Engineers development generally located north of US-62 and east of Walton Parkway and Bevelhymer Road. This development includes a motor vehicle service establishment on a 1.01 acre site.

The applicant is also applying for several variances related to this final development plan under application V-87-2021. Information and evaluation of the variance requests are under a separate staff report.

This site is located within the Walton-62 Commerce zoning district which was reviewed and approved by the Planning Commission on March 18, 2019 (ZC-6-2019).

IX. SITE DESCRIPTION & USE

The site is generally located north of US-62 and east of Walton Parkway and Bevelhymer Road. The site is 1.01 acres and is currently undeveloped. The applicant is proposing to build a motor vehicle service establishment. Neighboring uses include commercial to the south, east and west as well as the Sheetz development to the north (FDP-16-2020).

III. EVALUATION

Staff's review is based on New Albany plans and studies, zoning text, and zoning regulations. Primary concerns and issues have been indicated below, with needed action or recommended action in underlined text. Planning Commission's review authority is found under Chapter 1159.

The Commission should consider, at a minimum, the following (per Section 1159.08):

- (a) *That the proposed development is consistent in all respects with the purpose, intent and applicable standards of the Zoning Code;*

- (b) *That the proposed development is in general conformity with the Strategic Plan/Rocky Fork-Blacklick Accord or portion thereof as it may apply;*
- (c) *That the proposed development advances the general welfare of the Municipality;*
- (d) *That the benefits, improved arrangement and design of the proposed development justify the deviation from standard development requirements included in the Zoning Ordinance;*
- (e) *Various types of land or building proposed in the project;*
- (f) *Where applicable, the relationship of buildings and structures to each other and to such other facilities as are appropriate with regard to land area; proposed density may not violate any contractual agreement contained in any utility contract then in effect;*
- (g) *Traffic and circulation systems within the proposed project as well as its appropriateness to existing facilities in the surrounding area;*
- (h) *Building heights of all structures with regard to their visual impact on adjacent facilities;*
- (i) *Front, side and rear yard definitions and uses where they occur at the development periphery;*
- (j) *Gross commercial building area;*
- (k) *Area ratios and designation of the land surfaces to which they apply;*
- (l) *Spaces between buildings and open areas;*
- (m) *Width of streets in the project;*
- (n) *Setbacks from streets;*
- (o) *Off-street parking and loading standards;*
- (p) *The order in which development will likely proceed in complex, multi-use, multi-phase developments;*
- (q) *The potential impact of the proposed plan on the student population of the local school district(s);*
- (r) *The Ohio Environmental Protection Agency's 401 permit, and/or isolated wetland permit (if required);*
- (s) *The U.S. Army Corps of Engineers 404 permit, or nationwide permit (if required).*

It is also important to evaluate the PUD portion based on the purpose and intent. Per Section 1159.02, PUD's are intended to:

- y. *Ensure that future growth and development occurs in general accordance with the Strategic Plan;*
- z. *Minimize adverse impacts of development on the environment by preserving native vegetation, wetlands and protected animal species to the greatest extent possible*
- aa. *Increase and promote the use of pedestrian paths, bicycle routes and other non-vehicular modes of transportation;*
- bb. *Result in a desirable environment with more amenities than would be possible through the strict application of the minimum commitment to standards of a standard zoning district;*
- cc. *Provide for an efficient use of land, and public resources, resulting in co-location of harmonious uses to share facilities and services and a logical network of utilities and streets, thereby lowering public and private development costs;*
- dd. *Foster the safe, efficient and economic use of land, transportation, public facilities and services;*
- ee. *Encourage concentrated land use patterns which decrease the length of automobile travel, encourage public transportation, allow trip consolidation and encourage pedestrian circulation between land uses;*
- ff. *Enhance the appearance of the land through preservation of natural features, the provision of underground utilities, where possible, and the provision of recreation areas and open space in excess of existing standards;*
- gg. *Avoid the inappropriate development of lands and provide for adequate drainage and reduction of flood damage;*
- hh. *Ensure a more rational and compatible relationship between residential and non-residential uses for the mutual benefit of all;*
- ii. *Provide an environment of stable character compatible with surrounding areas; and*

- jj. *Provide for innovations in land development, especially for affordable housing and infill development.*

Engage New Albany Strategic Plan Recommendations

The Engage New Albany Strategic Plan lists the following development standards for the Neighborhood Retail future land use category:

- 6. Parking areas should promote pedestrians by including walkways and landscaping to enhance visual aspects of the development.
- 7. Combined curb cuts and cross access easements are encouraged.
- 8. Curb cuts on primary streets should be minimized and well-organized connections should be created within and between all retail establishments.
- 9. Retail building entrances should connect with the pedestrian network and promote connectivity through the site.
- 10. Integrate outdoor spaces for food related businesses.

F. Use, Site and Layout

- 6. The applicant proposes to develop a 4,732 sq. ft. Express Oil Change and Tire Engineers on a 1.01 acre site. The site is located in the Walton-62 zoning district north of US-62 and east of Walton Parkway and Bevelhymer Road, adjacent to the proposed Dunkin’ Donuts (FDP-88-2021) and proposed Aldi (FDP-80-2021). The proposed development is in an appropriate location given its proximity to the New Albany Business Park, State Route 161 and surrounding retail uses.
- 7. Zoning text section III(A)(2) states that no retail user in this zoning district shall occupy more than 15,000 sq. ft. of floor area of a building. The proposed building meets this limitation requirement.
- 8. Zoning text section II(A)(9) requires that the total lot coverage, which includes all areas of pavement and building, to not exceed 80% of the total area. The proposed development is at 71.9% lot coverage thereby meeting this requirement.
- 9. The zoning text requires the following setbacks:

Boundary	Required Setback	Proposed Setback
US-62	50 foot building and pavement setback from the right-of-way	55 + foot pavement setback [meets code] 130+/- foot building setback [meets code]
Northern Boundary (Adjacent to proposed private road)	0 foot pavement and building setback	16+/- foot pavement [meets code] 15+/- foot building [meets code]
Southern Boundary (adjacent to proposed Dunkin Donuts)	0 foot pavement and building setback	0+/- foot pavement [meets code] 32+/- foot building [meets code]
Western Boundary	0 foot pavement and building setback	19+/- foot pavement [meets code] 102+/- foot building [meets code]

10. The applicant indicates that the development will utilize an underground stormwater detention basin.

G. Access, Loading, Parking

12. The development site will be accessed by an existing private access road which was approved by the Planning Commission on March 16, 2020 (FDP-15-2020) and a new proposed private drive that provides an additional connection to US-62 (proposed in the Aldi Final Development Plan, FDP-80-2021). All proposed access points are consistent with the approved access/circulation exhibit attached to the zoning text.
13. Zoning text section III(B)(5) requires an additional 5 feet of right-of-way to be dedicated along US-62 in order to accommodate a future right turn lane onto Walton Parkway. In order to meet this requirement, staff recommends a condition of approval that the developer dedicate 5 feet of right-of-way prior to any permits are issued for the project.
14. According to zoning text section III(B)(4) the applicant is required to install an 8-foot-wide, asphalt leisure trail along Johnstown Road and this requirement is met.
15. Per zoning text section III(B)(4) the applicant is required and proposes to install a 5-foot-wide, concrete sidewalk along their frontages adjacent to private drives. The text also requires, and the applicant is providing, a pedestrian connection from the sidewalk/leisure trail system to the front of their building. ‘
16. Per C.O. 1167.10(d)(10) requires 1 parking space to be provided for every 400 square feet for automobile sales and service uses. The building has an area of 4,732 sq. ft. therefore 12 parking spaces are required. The applicant is exceeding this requirement and providing 21 spaces. Additionally, the applicant is providing 2 queuing spaces in front of each bay door that does not conflict with traffic in the access drive along the front elevation of the building.
17. Per C.O. 1167.03(a) the minimum parking space dimensions required are 9 feet wide and 19 feet long and the applicant is meeting this requirement.
18. Per C.O. 1167.03(a) the minimum maneuvering lane width size is 22 feet for this development type and the applicant is providing a 22 foot wide maneuvering lane along the one side of the building and 24 foot drive maneuvering lanes in front and behind the building.
19. According to C.O. 1167.06(b)(2) the applicant is required to provide one off street loading space and the applicant is meeting this requirement with one on site.
20. Per zoning text section III(B)(2) the applicant is required to install 2 bicycle parking spaces on site and the applicant is exceeding this requirement by providing 4.

H. Architectural Standards

1. The purpose of the New Albany Design Guidelines and Requirements is to help ensure that the New Albany community enjoys the highest possible quality of architectural design.
2. The zoning text contains architectural standards and regulated by Section 6 of the Design Guidelines and Requirements (Commercial outside the Village Center).
3. The zoning text states that the maximum building height within this zoning district shall not exceed 35 feet. The proposed building height is approximately 22 +/- feet therefore this requirement is being met.
4. The applicant is proposing to use brick, stone, metal and EIFS as building materials. The zoning text permits the use of these materials such as brick, pre-cast stone, wood, glass and other synthetic materials are permitted as long as they are used appropriately. The design of the building and use of materials is appropriate and consistent with other buildings in the immediate area.
5. Zoning text section III(C)(4)(6) states that all visible elevations of a building shall receive similar treatment in style, materials and design so that no visible side is of a lesser visual character than any other. The applicant is accomplishing this requirement by utilizing four sided architecture.

6. DGR Section 6(I)(A)(12) states that buildings shall have operable and active front doors along all public and private roads. The applicant is not providing an active and operable door along the northern building elevation and a variance has been requested.
7. C.O. 1171.05(b) states that all trash and garbage container systems must be screened. The applicant proposes to install a dumpster enclosure thereby meeting this requirement.
8. Zoning text section III(C)(4)(c) requires complete screening of all roof mounted equipment to screen from off-site view and buffer sound. A roof plan was submitted and it is not clear if this screening is provided. In order to meet this requirement, staff recommends a condition of approval that all rooftop mechanical units be screened in order for visibility and to buffer sound generated subject to staff approval.
9. Zoning text section III(C)(5)(c) states that if a flat roof is used, strong cornice lines must be integrated and the applicant is meeting this.

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

1. Zoning text section III(D)(1)(a) states that street trees are required to be installed along Johnstown Road at a rate of 1 tree per 30 feet of frontage. The applicant is required to install 5 trees based on their frontage and this requirement is met. Additionally, the zoning text requires a single row of street trees, planted at the same rate, along all other private road frontages and the applicant is meeting this requirement.
2. Per zoning text section III(D)(1)(b) a four-board horse fence is required to be installed along Johnstown Road and the applicant is meeting this requirement.
3. Per zoning text requirement III(D)(1)(c) a minimum 30-inch-tall landscape hedge must be provided along the perimeter of the parking lot to provide screening from public-rights-of-way and the applicant is meeting this requirement.
4. Per zoning text requirement III(D)(1)(d) 8 trees per 100 lineal feet must be provided throughout the setback area along Johnstown Road. The applicant is meeting this requirement by providing 11 trees along Johnstown Road.
5. Zoning text requirement III(D)(4)(c) states that a minimum of 8% of the total parking lot area shall be landscaped. The applicant is exceeding this requirement by providing 10.69% of interior landscape in the parking lot.
6. Per C.O. 1171.06(3) parking areas should contain a minimum of one tree for every 10 parking spaces. The applicant is providing 21 parking spaces and is therefore required to install 2 trees. The applicant is exceeding this requirement by provided 3 trees within the parking area.
7. install 2 trees and this requirement is met.
8. The regulations of the zoning text are intended to achieve the same streetscape that exists in the Canini Trust Corp to ensure consistency in the area. The city landscape architect has reviewed the application as well as the other two proposed developments along US-62 and provided the following comments to ensure the intent of the text is met. These comments can also be found in a separate memo attached to this staff report. The city landscape architect has reviewed the application and provided the following comments. These comments can also be found in a separate memo attached to this staff report. Staff recommends a condition of approval that the city landscape architect comments are addressed, subject to staff approval.
 - F. Street trees along Johnstown Road should be planted 20' from the edge of pavement to maintain consistent line of street trees. See diagram.
 - G. Street trees along Johnstown Road should be planted at 3" caliper, 30' O.C. per New Albany Code. Placement of trees to be based on center line of private road. See diagram.
 - H. Street trees along Johnstown Road should match the existing large deciduous street tree species on the opposite side of Johnstown Road. All street trees along proposed properties should be the same singular species. See diagram.
 - I. All buffer trees located between street trees and parking lot pavement should be planted in random massings. See diagram.

- J. Remove and replace all non-native Koelreuteria and Syringa tree species with native, large, deciduous shade trees.

J. Lighting & Signage

1. A detailed photometric plan has been submitted that has zero candle-foot intensity along all parcel boundaries.
2. Zoning text section E(3)(b) requires all parking lot and private driveway light poles to be cut-off and downcast, not exceed 18 feet in height, painted New Albany Green and the use the same fixture that has been used at Sheetz and throughout the Canini Trust. There are no proposed light poles for the site.
3. As part of this final development plan application, the applicant has submitted a sign plan for the site.

Wall Signs

The zoning text and C.O. 1169.15(d) permits a wall sign on each building frontage, with 1 square foot in area per linear square foot of building frontage, not to exceed 50 square feet for retail buildings. The applicant proposes three wall signs on the US-62 elevation of the building the following dimensions:

Express Oil | Tire Engineers Wall Sign

- h.* Lettering Height: 22 inches [meets code]
 - i.* Area: 54 square feet [does not meet code, variance requested]
 - j.* Location: one centered on the US-62 elevation of the building
 - k.* Lighting: Halo [meets code].
 - l.* Relief: 5 inches [meets code]
 - m.* Colors: red and blue (total of 3) [meets code].
 - n.* Material: Aluminum, pin mounted units [meets code]
- The sign will feature the company logo/name “Express Oil Change| Tire Engineers”

AutoCare Wall Sign

- a.* Lettering Height: 16 inches [meets code]
 - a.* Area: 11+/- square feet [meets code]
 - b.* Location: one on the US-62 elevation of the building [meets code]
 - c.* Lighting: External gooseneck [meets code].
 - d.* Relief: 5 inches [meets code]
 - e.* Colors: white (total of 1) [meets code].
 - f.* Material: Aluminum, pin mounted units [meets code]
- The sign will read “Auto Care”

Oil Change Wall Sign

- a.* Lettering Height: 16 inches [meets code]
 - b.* Area: 12+/- square feet [meets code]
 - a.* Location: one on the US-62 elevation of the building [meets code]
 - o.* Lighting: External gooseneck [meets code].
 - b.* Relief: 5 inches [meets code]
 - c.* Colors: white (total of 1) [meets code].
 - d.* Material: Aluminum, pin mounted units [meets code]
- The sign will read “Oil Change”

Ground Mounted Sign

The zoning text states that all ground mounted signage shall be consistent with the specifications found in the 2013 Trust Corp Signage Recommendations Plan. The applicant is requesting to install one ground mounted sign with the specifications listed below. The applicant is meeting all the recommendations of the sign master plan. The color listed on the ground sign says dark grey as recommended in the plan however, the color shown appears to be light blue. Staff recommends a condition of approval that dark grey be used as the background color on the ground mounted sign.

- g.* Size: 3 feet, 4 inches tall and 4 feet, 10 inches wide [meet code]
 - h.* Location: One perpendicular to Johnstown Road [meets code]
 - i.* Lighting: None [meets code].
 - j.* Relief: 8 inches [meets code]
 - k.* Colors: Black, white and light blue (total of 3) [meets code].
 - l.* Materials: Brick with a precast cap [meets code]
- The sign will feature the company logo and address information

IV. ENGINEER'S COMMENTS

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

6. Refer to Exhibit A. Revise the title sheet of the FDP to include the signature block and other information as shown on this Exhibit.
7. Provide a r/w dedication (minimum 5') along the parcel's US62 frontage. This dedication will help support construction of a potential additional right-hand turn lane at Walton Parkway should the need arise at some future point..
8. We will evaluate storm water management, water distribution, sanitary sewer collection and roadway construction related details once construction plans become available

V. RECOMMENDATION

Staff recommends approval of the Express Oil final development plan provided that the Planning Commission finds the proposal meets sufficient basis for approval. The proposal is meeting many of the goals of the Engage New Albany Strategic Plan such as providing pedestrian access along roadways and into the site and utilizing high quality building materials by incorporating four-sided architecture. The proposed development is in an appropriate location given the context of the surrounding area and will serve as an amenity for the New Albany Business Park. The proposed building is very well designed and is consistent with other retail buildings in the immediate area. Additionally, the streetscape matches what is established at the other adjacent proposed development sites as well as across the street at the Canini Trust Corp development site in order to achieve a uniform street design along this primary corridor of the city.

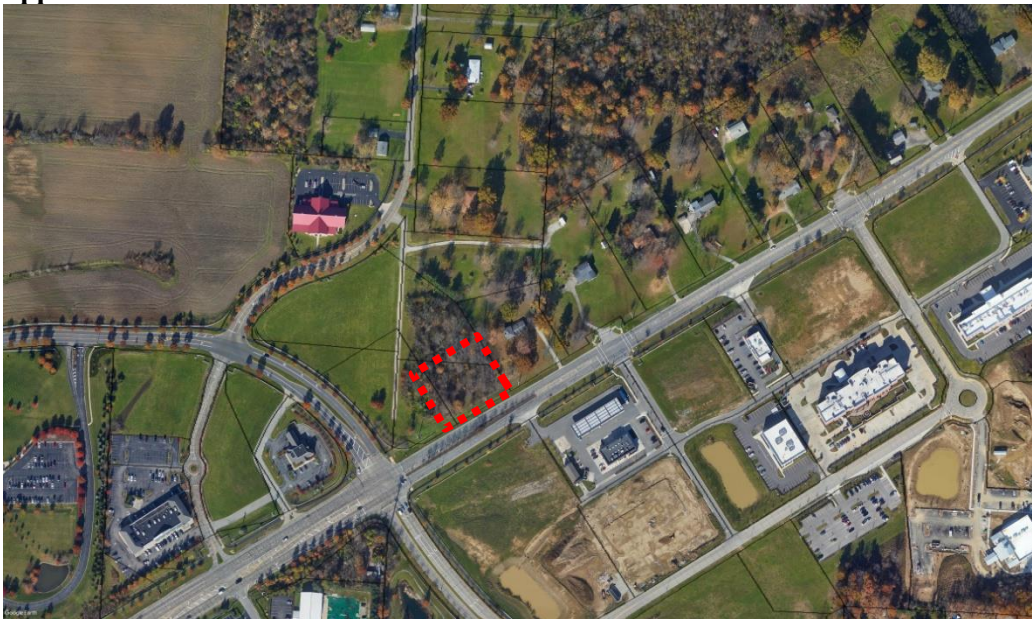
V. ACTION

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

Move to approve final development plan application FDP-88-2021, subject to the following conditions:

1. The developer must dedicate an additional 5 feet of right-of-way along US-62 prior to the issuance of any work permits, subject to staff approval.
2. All rooftop mechanical units must be screened from view and buffer sound in accordance with the zoning text requirements, subject to staff approval.
3. The comments of the City Landscape Architect must be met, subject to staff approval.
4. Dark grey must be used as the background color for the ground mounted monument sign subject to staff approval.
5. The City Engineer's comments must be addressed subject to staff approval.

Approximate Site Location



Source: Google Earth



**Planning Commission Staff Report
September 20, 2021 Meeting**

**EXPRESS OIL CHANGE AND TIRE ENGINEERS
VARIANCES**

LOCATION: Generally located north of US-62, east of Walton Parkway and Bevelhymer Road (PID: 222-00617).
APPLICANT: JNBG Land Holdings, LLC
REQUEST: (G) Variance to DGR Section 6(I)(A)(12) to eliminate the requirement that there be active and operable doors on the northern building elevation.
(H) Variance to C.O. 1169.15(d) to allow a wall sign to be 54 sq. ft. where code allows a maximum of 50 sq. ft. for retail buildings.

ZONING: Walton-62 Commerce District I-PUD
STRATEGIC PLAN: Retail
APPLICATION: VAR-87-2021

Review based on: Application materials received August 20 and September 1, 2021.

Staff report prepared by Chris Christian, Planner

X. REQUEST AND BACKGROUND

The applicant requests variances in conjunction with the final development plan for an Express Oil located north of US-62, east of Walton Parkway, and south of Bevelhymer Road.

The applicant requests the following variances:

- (A) Variance to DGR Section 6(I)(A)(12) to eliminate the requirement that there be active and operable doors on the northern building elevation.
- (B) Variance to C.O. 1169.15(d) to allow a wall sign to be 54 sq. ft. where code allows a maximum of 50 sq. ft. for retail buildings.

XI. SITE DESCRIPTION & USE

The site is generally located north of US-62 and east of Walton Parkway and Bevelhymer Road. The site is 1.01 acres and is currently undeveloped. The applicant is proposing to build a motor vehicle service establishment. Neighboring uses include commercial to the south, east and west as well as the Sheetz development to the north (FDP-16-2020).

III. EVALUATION

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

Criteria

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

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

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

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

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

III. EVALUATION

Considerations and Basis for Decision

(A) Variance to DGR Section 6(I)(A)(12) to eliminate the requirement that there be active and operable doors on the northern building elevation.

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

7. The applicant is requesting a variance to eliminate the requirement that buildings have operable and active front doors along all public and private roads. The building has 3 frontages, 2 along private roads and one along US-62. As proposed, the commercial building will have entrances along the eastern private road elevation and along US-62 and not along the northern private road (2/3 elevations are meeting the requirement).
8. As required by the zoning text, the building is designed with the same caliber of finish on all sides of the building using the same building materials.
9. The variance does not appear to be substantial. The same variance has been granted for other buildings within the Canini Trust Corp development. The intent of this requirement is to ensure that buildings maintain a presence on the street which is crucial in pedestrian oriented development. This site and the overall Canini Trust Corp and Walton-62 developments are auto-oriented by design therefore it does not appear that maintaining an entrance along every street is as important in this development scenario.

10. While there isn't an active and operable door on some of the elevations, the applicant is providing easily identifiable entrances along all other elevations. While the applicant is not providing an active and operable entrance on the private road elevation, they are providing one along the primary street corridor US-62, which is the primary intent of the requirement. Additionally, all sides of the building are designed with the same caliber of finish using the same building materials so none of the elevations appear as a "lesser" side of the building.
11. It does not appear that the essential character of the neighborhood will be altered if the variance request is granted. As stated, this same variance request has been granted for other developments within the Canini Trust Corp which is directly across the street from the site.
12. It does not appear that the variance would adversely affect the delivery of government services, affect the health and safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.

(B) Variance to C.O. 1169.15(d) to allow two wall signs to be 54 sq. ft. where code allows a maximum of 50 sq. ft. for retail buildings.

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

8. The applicant requests to allow a wall sign to be 54 square feet in size where the zoning text allows a maximum area of 50 sq. ft. for all retail buildings.
9. The variance is not substantial. While the sign is larger, it is only 4 sq. ft. larger than what is permitted by right and is appropriately scaled to fit within the "sign space" on the building and it does not appear to be overly large.
10. It does not appear the essential character of the neighborhood would be substantially altered or adjoining properties suffer a "substantial detriment" by approving this variance. While the sign is larger than permitted, the design is unobtrusive.
11. Additionally, sites within the Canini Trust Corp are permitted to have wall signs that are up to 80 sq.ft. in size based on the frontage of their building. If this building were located across the street, they would be permitted to have an 80 sq.ft. wall sign as the building has over 100+/- feet of frontage.
12. 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.

III. RECOMMENDATION

Staff recommends approval of the requested variances should the Planning Commission find that the application has sufficient basis for approval. It appears that all of the variances are appropriate and meet the design intent for the zoning district that this site is located in.

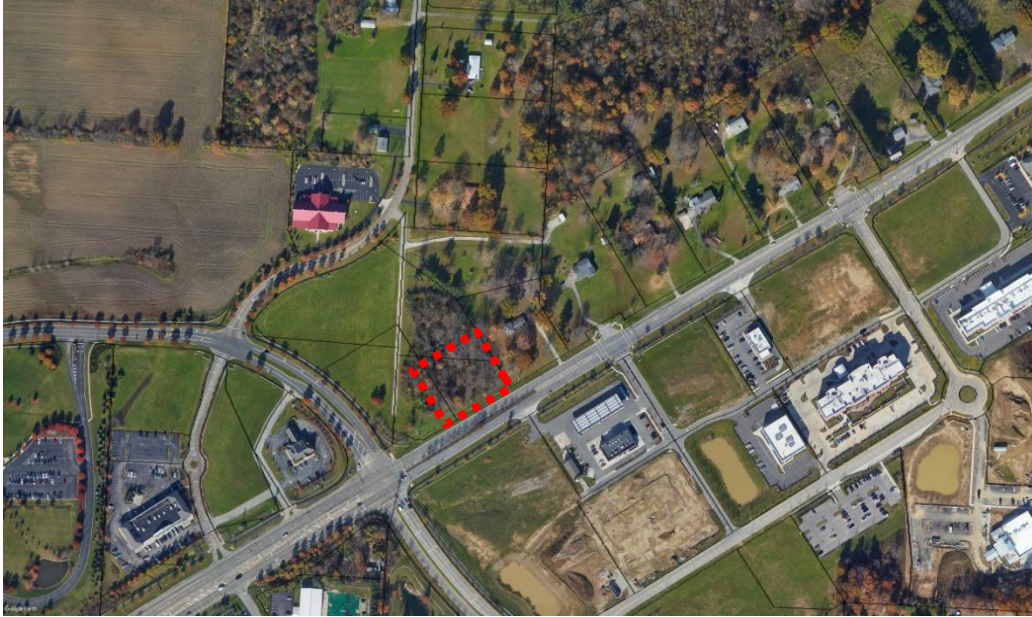
While the applicant will be permitted to install larger signage than what is permitted, it is designed and scaled appropriately in the relation to the building and the site overall. Due to the auto-oriented nature of this zoning district, providing active and operable front doors on every elevation does not appear to be necessary since the applicant is providing a prominent entrance along the primary road corridor US-62 which is the primary intent of the requirement. Lastly, it does not appear that these granting of the variances will 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.

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 VAR-87-2021.

Approximate Site Location



Source: Google Earth



**Planning Commission Staff Report
September 20, 2021 Meeting**

**DUNKIN' DONUTS
FINAL DEVELOPMENT PLAN**

LOCATION: Generally located north of US-62, east of Walton Parkway and Bevelhymer Road (PID: 222-000617-00).
APPLICANT: ms consultants c/o Tami Thompson
REQUEST: Final Development Plan
ZONING: Walton-62 Commerce District I-PUD
STRATEGIC PLAN: Retail
APPLICATION: FDP-88-2021

Review based on: Application materials received August 20 and September 3, 2021.

Staff report prepared by Chris Christian, Planner

XII. REQUEST AND BACKGROUND

The application is for a final development plan for a proposed Dunkin' Donuts development generally located north of US-62 and east of Walton Parkway and Bevelhymer Road. This development includes a restaurant with a drive-thru on a 1.145 acre site.

The applicant is also applying for several variances related to this final development plan under application V-89-2021. Information and evaluation of the variance requests are under a separate staff report.

This site is located within the Walton-62 Commerce zoning district which was reviewed and approved by the Planning Commission on March 18, 2019 (ZC-6-2019).

XIII. SITE DESCRIPTION & USE

The site is generally located north of US-62 and east of Walton Parkway and Bevelhymer Road. The site is 1.145 acres and is currently undeveloped. The applicant is proposing to build a restaurant with a drive-thru. Neighboring uses include commercial to the south, east and west as well as the Sheetz development to the north (FDP-16-2020).

III. EVALUATION

Staff's review is based on New Albany plans and studies, zoning text, and zoning regulations. Primary concerns and issues have been indicated below, with needed action or recommended action in underlined text. Planning Commission's review authority is found under Chapter 1159.

The Commission should consider, at a minimum, the following (per Section 1159.08):

- (a) *That the proposed development is consistent in all respects with the purpose, intent and applicable standards of the Zoning Code;*

- (b) *That the proposed development is in general conformity with the Strategic Plan/Rocky Fork-Blacklick Accord or portion thereof as it may apply;*
- (c) *That the proposed development advances the general welfare of the Municipality;*

- (d) *That the benefits, improved arrangement and design of the proposed development justify the deviation from standard development requirements included in the Zoning Ordinance;*
- (e) *Various types of land or building proposed in the project;*
- (f) *Where applicable, the relationship of buildings and structures to each other and to such other facilities as are appropriate with regard to land area; proposed density may not violate any contractual agreement contained in any utility contract then in effect;*
- (g) *Traffic and circulation systems within the proposed project as well as its appropriateness to existing facilities in the surrounding area;*
- (h) *Building heights of all structures with regard to their visual impact on adjacent facilities;*
- (i) *Front, side and rear yard definitions and uses where they occur at the development periphery;*
- (j) *Gross commercial building area;*
- (k) *Area ratios and designation of the land surfaces to which they apply;*
- (l) *Spaces between buildings and open areas;*
- (m) *Width of streets in the project;*
- (n) *Setbacks from streets;*
- (o) *Off-street parking and loading standards;*
- (p) *The order in which development will likely proceed in complex, multi-use, multi-phase developments;*
- (q) *The potential impact of the proposed plan on the student population of the local school district(s);*
- (r) *The Ohio Environmental Protection Agency's 401 permit, and/or isolated wetland permit (if required);*
- (s) *The U.S. Army Corps of Engineers 404 permit, or nationwide permit (if required).*

It is also important to evaluate the PUD portion based on the purpose and intent. Per Section 1159.02, PUD's are intended to:

- kk. Ensure that future growth and development occurs in general accordance with the Strategic Plan;*
- ll. Minimize adverse impacts of development on the environment by preserving native vegetation, wetlands and protected animal species to the greatest extent possible*
- mm. Increase and promote the use of pedestrian paths, bicycle routes and other non-vehicular modes of transportation;*
- nn. Result in a desirable environment with more amenities than would be possible through the strict application of the minimum commitment to standards of a standard zoning district;*
- oo. Provide for an efficient use of land, and public resources, resulting in co-location of harmonious uses to share facilities and services and a logical network of utilities and streets, thereby lowering public and private development costs;*
- pp. Foster the safe, efficient and economic use of land, transportation, public facilities and services;*
- qq. Encourage concentrated land use patterns which decrease the length of automobile travel, encourage public transportation, allow trip consolidation and encourage pedestrian circulation between land uses;*
- rr. Enhance the appearance of the land through preservation of natural features, the provision of underground utilities, where possible, and the provision of recreation areas and open space in excess of existing standards;*
- ss. Avoid the inappropriate development of lands and provide for adequate drainage and reduction of flood damage;*

- tt. *Ensure a more rational and compatible relationship between residential and non-residential uses for the mutual benefit of all;*
- uu. *Provide an environment of stable character compatible with surrounding areas; and*
- vv. *Provide for innovations in land development, especially for affordable housing and infill development.*

Engage New Albany Strategic Plan Recommendations

The Engage New Albany Strategic Plan lists the following development standards for the Neighborhood Retail future land use category:

- 11. Parking areas should promote pedestrians by including walkways and landscaping to enhance visual aspects of the development.
- 12. Combined curb cuts and cross access easements are encouraged.
- 13. Curb cuts on primary streets should be minimized and well-organized connections should be created within and between all retail establishments.
- 14. Retail building entrances should connect with the pedestrian network and promote connectivity through the site.
- 15. Integrate outdoor spaces for food related businesses.

K. Use, Site and Layout

- 11. The applicant proposes to develop a 2,269 sq. ft. Dunkin’ Donuts restaurant with a drive-thru and on a 1.145 acre site. The site is located in the Walton-62 zoning district north of US-62 and east of Walton Parkway and Bevelhymmer Road, adjacent to the proposed Express Oil Change and Tire Engineers (FDP-86-2021). The proposed development is in an appropriate location given its proximity to the New Albany Business Park, State Route 161 and surrounding retail uses.
- 12. Zoning text section III(A)(2) states that no retail user in this zoning district shall occupy more than 15,000 sq. ft. of floor area of a building. The proposed building is 2,269 sq. ft. and meets this requirement.
- 13. Zoning text section II(A)(9)) requires that the total lot coverage, which includes all areas of pavement and building, to not exceed 80% of the total area. The proposed development is at 64% lot coverage thereby meeting this requirement.
- 14. The zoning text requires the following setbacks:

Boundary	Required Setback	Proposed Setback
US-62	50 foot building and pavement setback from the right-of-way from p/l	91+/- foot building setback [meets code] <u>The pavement setback varies due to the odd shape of the lot however there is an approximate 20 foot +/- encroachment and a variance has been requested.</u>
Northern Boundary (Adjacent to proposed Express Oil Change and Tire Engineers (FDP-86-2021))	0 foot pavement and building setback from p/l	23+/- foot pavement [meets code] 51+/- foot building [meets code]
Southern Boundary (adjacent to Walton Parkway)	65 foot pavement and building setback from centerline	55+/- foot pavement [meets code]

		75+/- foot building [meets code]
Western Boundary (adjacent to existing access road)	0 foot pavement and building setback from p/l	12+/- foot pavement [meets code] 100+/- foot building [meets code]

15. The applicant indicates that the development will utilize an underground stormwater detention basin.

L. Access, Loading, Parking

1. The site is accessed by two curb-cuts off an existing access road on the western edge of the site. One of the proposed curb cuts will be used as a right-in only to the site and the other will allow full access. Based on a truck turn analysis submitted with the application it does not appear that the proposed right-in access point is necessary to meet the expected truck traffic on the site. The city traffic engineer has reviewed and commented that the curb cut should be removed based on its proximity to Walton Parkway. Based on this information, staff recommends a condition of approval that the right in curb cut be removed.
2. According to zoning text section III(B)(4) the applicant is required to install an 8-foot-wide, asphalt leisure trail along Johnstown Road and Walton Parkway. The applicant is meeting this requirement.
3. Per zoning text section III(B)(4) the applicant is required and proposes to install a 5-foot-wide, concrete sidewalk along the east side of the existing private access road that runs along the western edge of the site. The text also requires, and the applicant is providing a striped pedestrian connection from the building to the sidewalk through the parking lot and these requirements are met. However, the pedestrian walkway is not connected to the primary door and is not connected to the surrounding internal walkways. Staff recommends a condition of approval requiring this internal pedestrian walkway from the private drive sidewalk is connected to the primary entrance.
4. Zoning text section III(B)(5) requires an additional 5 feet of right-of-way to be dedicated along US-62 in order to accommodate a future right turn lane onto Walton Parkway. In order to meet this requirement, staff recommends a condition of approval that the developer dedicate 5 feet of right-of-way prior to any permits are issued for the project.
5. The city traffic engineer is reviewing access study materials provided by the applicant to determine if any street improvements are required as part of this development. Staff recommends a condition of approval that any necessary street improvements be subject to the city traffic engineer’s approval.
6. Per C.O. 1167.05(d)(4) requires 1 parking space to be provided for every 75 square feet for this use. The building has an area of 2,269 sq. ft. therefore 30 parking spaces are required. The applicant is only providing 15 parking spaces and a variance has been requested.
 - a. In addition, the same code section requires additional spaces in all drive-thru lanes equal to 25% of the required number of parking spaces. Based on this calculation, 8 spaces are required in the drive-thru lanes and the applicant is exceeding this by providing 14 spaces.
7. There are 12, 90-degree angle parking spaces along the frontage of the site. Per C.O. 1167.03(a) the minimum parking space dimensions required are 9 feet wide and 19 feet long and the applicant is meeting this requirement.
8. There are 3, 30-degree angle parking spaces on the north side of the building. Per C.O. 1167.03(a) the minimum parking space dimensions required are 13 feet wide and 20 feet long and the applicant is meeting this requirement.

9. Per C.O. 1167.03(a) the minimum maneuvering lane width size is 22 feet for this development type. The applicant is proposing maneuvering lanes with varying widths throughout the site that are between 22 and 24 feet. The shared access drive in front of the building is larger at 24 feet and staff believes this is appropriate.
10. According to C.O. 1167.06(b)(3) the applicant is required to provide one off street loading space and this requirement is met.
11. Per zoning text section III(B)(2) the applicant is not required to install any bicycle parking spaces.

M. Architectural Standards

1. The purpose of the New Albany Design Guidelines and Requirements is to help ensure that the New Albany community enjoys the highest possible quality of architectural design.
2. The zoning text contains architectural standards and regulated by Section 6 of the Design Guidelines and Requirements (Commercial outside the Village Center).
3. The zoning text states that the maximum building height within this zoning district shall not exceed 35 feet. The proposed building height is approximately 24 +/- feet therefore this requirement is being met.
4. The applicant is proposing to use brick, stone, metal and EIFS as building materials. The zoning text permits the use of these materials such as brick, pre-cast stone, wood, glass and other synthetic materials are permitted as long as they are used appropriately. The design of the building and use of materials is appropriate and consistent with other buildings in the immediate area.
5. Zoning text section III(C)(4)(6) states that all visible elevations of a building shall receive similar treatment in style, materials and design so that no visible side is of a lesser visual character than any other. The applicant is accomplishing this requirement by utilizing four sided architecture.
6. DGR Section 6(I)(A)(12) states that buildings shall have operable and active front doors along all public and private roads. The applicant is not providing an active and operable door along the south and west building elevations and a variance has been requested.
7. C.O. 1171.05(b) states that all trash and garbage container systems must be screened. The applicant proposes to install a dumpster enclosure thereby meeting this requirement.
8. Zoning text section III(C)(4)(c) requires complete screening of all roof mounted equipment to screen from off-site view and buffer sound. A roof plan was submitted and the applicant is meeting this requirement.
9. Zoning text section III(C)(5)(c) states that if a flat roof is used, strong cornice lines must be integrated and the applicant is meeting this.

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

1. Zoning text section III(D)(1)(a) states that street trees are required to be installed along the following roads:
 - a) Johnstown Road at a rate of 1 tree per 30 feet of frontage. The applicant is required to install 5 trees based on their frontage and this requirement is met.
 1. Walton Parkway at a rate of 1 tree per 30 feet of frontage. There are existing street trees installed along Walton Parkway therefore this requirement is satisfied.
 2. Private road planting rate meets the approved landscape plan for the road.
2. Per zoning text section III(D)(1)(b) a four-board horse fence is required to be installed along Johnstown Road and Walton Parkway and the applicant is meeting this requirement.
3. Per zoning text requirement III(D)(1)(c) a minimum 30-inch-tall landscape hedge must be provided along the perimeter of the parking lot to provide screening from public-rights-of-way and the applicant is meeting this requirement.

4. Per zoning text requirement III(D)(1)(d) 8 trees per 100 lineal feet must be provided throughout the setback area along Johnstown Road and Walton Parkway. The applicant is meeting this requirement by providing 13 trees along Johnstown Road and 19 trees along Walton Parkway.
5. Zoning text requirement III(D)(4)(c) states that a minimum of 8% of the total parking lot area shall be landscaped and the applicant is exceeding this requirement by providing 9.5%.
6. Per C.O. 1171.06(3) parking areas should contain a minimum of one tree for every 10 parking spaces. The applicant is providing 15 parking spaces and is therefore required to install 2 trees and this requirement is met.
7. The regulations of the zoning text are intended to achieve the same streetscape that exists in the Canini Trust Corp to ensure consistency in the area. The city landscape architect has reviewed the application as well as the other two proposed developments along US-62 and provided the following comments to ensure the intent of the text is met. These comments can also be found in a separate memo attached to this staff report. Staff recommends a condition of approval that the city landscape architect comments are addressed, subject to staff approval.
 - K. Street trees along Johnstown Road should be planted 20' from the edge of pavement to maintain consistent line of street trees. See diagram.
 - L. Street trees along Johnstown Road should be planted at 3" caliper, 30' O.C. per New Albany Code. Placement of trees to be based on center line of private road. See diagram.
 - M. Street trees along Johnstown Road should match the existing large deciduous street tree species on the opposite side of Johnstown Road. All street trees along proposed properties should be the same singular species. See diagram.
 - N. All buffer trees located between street trees and parking lot pavement should be planted in random massings. See diagram.
 - O. Remove and replace all non-native Koelreuteria and Syringa tree species with native, large, deciduous shade trees.
 - P. The fence on the northern corner of Johnstown Road and Walton Parkway should be curved

O. Lighting & Signage

1. A detailed photometric plan has been submitted that has zero or near zero candle-foot intensity along all parcel boundaries.
2. Zoning text section E(3)(b) requires all parking lot and private driveway light poles to be cut-off and downcast, not exceed 18 feet in height, painted New Albany Green and the use the same fixture that has been used at Sheetz and throughout the Canini Trust. The applicant is meeting the height requirements however, the proposed light fixture and color does not meet the zoning text requirements. Staff recommends a condition of approval that the light fixture in Exhibit A of the zoning text be used and be painted New Albany Green.
3. As part of this final development plan application, the applicant has submitted a partial sign plan for the site. Details for the proposed monument sign, site entrance directional signs were not provided in addition to other sign details needed for a full evaluation. Staff recommends a condition of approval that these signs and all other sign details be subject to staff approval and must meet code requirements and 2013 Trust Corp Signage Recommendations Plan. Any additional variances needed for signs will be heard by the Planning Commission in the future once a full sign permit is submitted and evaluated by staff. The signs that were included on the architectural elevation sheets and are evaluated to the best of staff's ability below based on the information provided.

Wall Signs

The zoning text and C.O. 1169.15(d) permits a wall sign on each building frontage, with 1 square foot in area per linear square foot of building frontage, not to exceed 50 square feet for retail buildings. The applicant proposes the following two wall signs.

East Elevation Wall Sign

- m.* Lettering Height: approximately 22+/- inches [code max of 24 in.]
 - n.* Area: 25.9+/- square feet [code max of 33 sq. ft. based on building frontage]
 - o.* Location: one on the eastern elevation (fronting US 62) [meets code]
 - p.* Lighting: information not provided [external and halo permitted].
 - q.* Relief: not provided [code minimum of 1 inch relief]
 - r.* Colors: orange and pink (total of 2) [meets code].
 - s.* Material: not provided [must meet requirements of C.O. 1169.12(g)]
- The sign will read “Dunkin”.

South Elevation Wall Sign

- a.* Lettering Height: 30+/- inches [exceeds code maximum of 24 inches however, a variance was not requested and may be needed in the future]
 - b.* Area: 12.5+/- square feet [code max of 50 sq. ft. based on building frontage]
 - c.* Location: one on the south elevation (fronting Walton Parkway) [meets code]
 - d.* Lighting: information not provided [external and halo permitted].
 - e.* Relief: not provided [code minimum of 1 inch relief]
 - f.* Colors: orange and pink (total of 2) [meets code].
 - g.* Material: not provided [must meet requirements of C.O. 1169.12(g)]
- The sign will read “DD”.
4. The applicant proposes to install two drive thru menu board signs at the rear of the site which is permitted C.O. 1169.11(c). One of the signs is 25.4 sq. ft. and the other is 10.5 sq. ft. C.O. 1169.04 states that digital/electronic signs are prohibited. The proposed menu board signs are digital and a variance has been requested. All other code requirements for this sign type are met.
 5. The applicant proposes to install two directional “clearance” signs near the drive-thru. The signs are 12 feet tall which exceeds the code maximum of 3 feet for this signs type and a variance will be required however, it was not requested as part of this application. Based on the information submitted, the signs will feature the company logo and will not be illuminated.

IV. ENGINEER’S COMMENTS

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

9. Refer to Exhibit A. Revise the title sheet of the FDP to include the signature block and other information as shown on this Exhibit.
10. Provide a r/w dedication (minimum 5’) along the parcel’s frontage. Revise the FDP to show a right hand turn lane beginning just west of the existing ADA ramp at the existing private road. Extend the turn lane west to serve the proposed access drive off of US62.
11. Remove the curb cut located just east of the existing RI/Ro off of Walton Parkway. Site vehicular access is accommodated by the proposed full access curb cut off of the existing private road.

12. We will evaluate storm water management, water distribution, sanitary sewer collection and roadway construction related details once construction plans become available

V. RECOMMENDATION

Staff recommends approval of the Dunkin Donuts final development plan provided that the Planning Commission finds the proposal meets sufficient basis for approval. The proposal is meeting many of the goals of the Engage New Albany Strategic Plan such as providing pedestrian access along roadways and into the site and utilizing high quality building materials by incorporating four-sided architecture. The proposed development is in an appropriate location given the context of the surrounding area and will serve as an amenity for the New Albany Business Park. The proposed building is very well designed and is consistent with other retail buildings in the immediate area. Additionally, the streetscape matches what is established at Sheetz as well as across the street at the Canini Trust Corp development site in order to achieve a uniform street design along this primary corridor of the city.

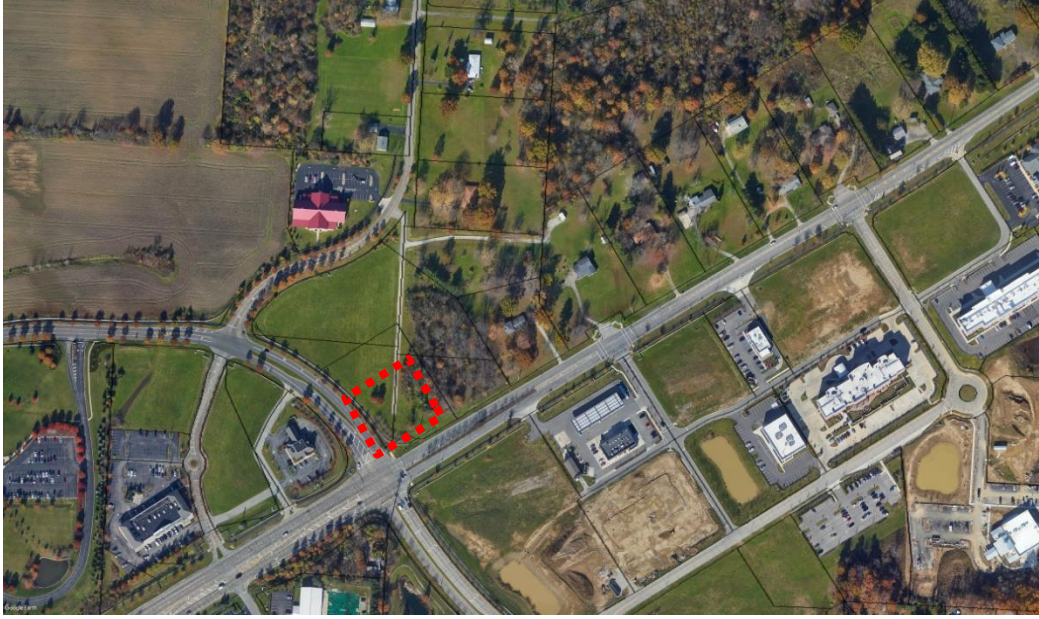
V. ACTION

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

Move to approve final development plan application FDP-88-2021, subject to the following conditions:

1. The proposed right in only curb cut along the private road must be removed.
2. The developer must dedicate an additional 5 feet of right-of-way along US-62 prior to the issuance of any work permits.
3. Any necessary street improvements as part of this development are subject to the review and approval of the city traffic engineer.
4. The comments of the City Landscape Architect must be met, subject to staff approval.
5. The light fixture in Exhibit A of the zoning text must be used and be painted New Albany Green.
6. The monument, directional and all other sign details be subject to staff approval and must meet code requirements and the 2013 Trust Corp Signage Recommendations Plan.
7. The City Engineer's comments must be addressed subject to staff approval.
8. The internal pedestrian walkway from the private drive sidewalk is connected to the primary entrance.

Approximate Site Location



Source: Google Earth



**Planning Commission Staff Report
September 20, 2021 Meeting**

**DUNKIN' DONUTS
VARIANCES**

LOCATION: Generally located north of US-62, east of Walton Parkway and south of Bevelhymer Road (PID: PID: 222-000617-00).

APPLICANT: ms consultants c/o Tami Thompson

REQUEST:

- (I) Variance to C.O. 1167.05(d)(4) to allow 15 parking spaces to be installed where code requires a minimum of 30 spaces.
- (J) Variance to DGR Section 6(I)(A)(12) to eliminate the requirement that there be active and operable doors on the Walton Parkway and US-62 building elevations.
- (K) Variance to zoning text section III(A)(5) to allow an approximate 20 foot encroachment into the required 50 foot pavement setback along US-62.
- (L) Variance to C.O. 1169.04 to allow digital menu sign boards to be used where code prohibits electronic signs.

ZONING: Walton-62 Commerce District I-PUD

STRATEGIC PLAN: Retail

APPLICATION: V-89-2021

Review based on: Application materials received August 20, 2021.

Staff report prepared by Chris Christian, Planner

XIV. REQUEST AND BACKGROUND

The applicant requests variances in conjunction with the final development plan for a Dunkin' Donuts restaurant with drive-thru located north of US-62, east of Walton Parkway, and south of Bevelhymer Road.

The applicant requests the following variances:

- (A) Variance to C.O. 1167.05(d)(4) to allow 15 parking spaces to be installed where code requires a minimum of 30 spaces.
- (B) Variance to DGR Section 6(I)(A)(12) to eliminate the requirement that there be active and operable doors on the Walton Parkway and US-62 building elevations.
- (C) Variance to zoning text section III(A)(5) to allow an approximate 20 foot encroachment into the required 50 foot pavement setback along US-62.
- (D) Variance to C.O. 1169.04 to allow digital menu sign boards to be used where code prohibits electronic signs.

IV. SITE DESCRIPTION & USE

The site is generally located north of US-62 and east of Walton Parkway and Bevelhymer Road. The site is 1.145 acres and is currently undeveloped. The applicant is proposing to build a restaurant with

a drive-thru. Neighboring uses include commercial to the south, east and west as well as the Sheetz development to the north (FDP-16-2020).

V. 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.

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

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

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

III. RECOMMENDATION

Considerations and Basis for Decision

(A) Variance to C.O. 1167.05(d)(4) to allow 15 parking spaces to be installed where code requires a minimum of 30 spaces.

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

1. C.O. 1167.05(d)(4) requires 1 parking space to be provided for every 75 square feet for this use. The building has an area of 2,269 sq. ft. therefore 30 parking spaces are required. The applicant is providing 15 parking spaces, therefore a variance is needed.
2. The variance request may preserve the “spirit and intent” of the zoning requirement. Staff believes that it is reasonable to expect some of these restaurant uses to see a larger share of

their customer traffic in the drive-thru versus as dine in guests. While the applicant is not meeting the on-site parking requirements, they are exceeding the number of required stacking spaces in the drive-thru as they are only required to have 8 and are providing at least 14 spaces. Staff recommends that the Planning Commission discuss the Dunkin Donuts business model with the applicant to ensure/confirm whether the number of on-site parking spaces meets the expected needs of the site and is their standard. If this is the standard number of spaces provided for a Dunkin Donuts operation of this size, then the variance may be appropriate.

3. It appears the problem can be solved by some manner other than the granting of a variance. The site has a 65 foot setback from the centerline of Walton Parkway. There is currently over 20 feet of green space between setback line and existing pavement along Walton Parkway. It appears the site could accommodate an extra 15 parking spaces along Walton Parkway without necessitating any other changes to the site. However, that may require a portion of the parking lot to be located partially within an easement would cut down on the green space along Walton Parkway which is not desirable.
4. It appears the problem can be partially solved by some manner other than the granting of a variance. Staff recommends a minimum setback of 12 feet from behind the horse fence to any parking space pavement so there is green space to provide for screening and landscaping. By keeping this minimum of 12 feet of green space it appears that approximately 10-12 additional 90 degree parking spaces can be added along Walton Parkway. There is also an easement along Walton Parkway and it appears that adding additional spaces would not require the parking to be located within the easement.
5. Staff recommends a condition of approval requiring additional head-in parking is added to the drive aisle along Walton Parkway. The parking must be located a minimum of 12 feet behind the horse fence so landscaping and head light screening can be provided, subject to staff approval.
6. It does not appear that the variance would adversely affect the delivery of government services, affect the health and safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.

(B) Variance to DGR Section 6(I)(A)(12) to eliminate the requirement that there be active and operable doors on the Walton Parkway and US-62 building elevations.

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

13. The applicant is requesting a variance to eliminate the requirement that buildings have operable and active front doors along all public and private roads. The building has three frontages, one along private a road, one at US-62 and one along Walton Parkway. As proposed, the commercial building will have one primary entrance (that consists of active and operable doors facing the northern property line (does not front a street). There is a service door on the rear of the building facing the private street.
14. As required by the zoning text, the building is designed with the same caliber of finish on all sides of the building using the same building materials.
15. The variance appears to preserve the "spirit and intent" of the zoning requirement. The intent of this requirement is to ensure that buildings maintain a presence on the street and not contain blank or "empty" building elevations so their architectural vibrancy and interest on all sides of a building which is crucial in pedestrian oriented development. This site and the overall Canini Trust Corp and Walton-62 developments are auto-oriented by design therefore it does not appear that maintaining an entrance on every street is as important in this development scenario. All sides of the building are designed with the same caliber of finish using the same building materials so none of the elevations appear as a "lesser" side of the building.
16. While there isn't an active and operable door along the public streets and private road elevations, the applicant is providing a strong architectural features and materials so the building adequately addresses the primary street (US 62) architecturally. The building is

designed so the front door architectural elements such as the architectural canopy, retail storefront windows and cement panels front US 62. The side and US 62 elevations of this building make the entrance to the building easily identifiable.

17. MKSK, the city's urban design consultant reviewed the design and layout of the site to determine if it was possible to rotate the building so that the entrance was located along a public road. It was determined that the current orientation of the building was most optimal due to the fact that rotation could create an undesirable traffic circulation pattern resulting in driving conflicts internal to the site, and place the drive-thru ordering area along public roads.
18. It does not appear that the essential character of the neighborhood will be altered if the variance request is granted. As stated, this same variance request has been granted for other developments within the Canini Trust Corp which is directly across the street from the site.
19. It does not appear that the variance would adversely affect the delivery of government services, affect the health and safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.

(C) Variance to zoning text section III(A)(5) to allow an approximate 20 foot encroachment into the required 50 foot pavement setback along US-62.

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

6. Zoning text section III(A)(5) requires a 50 foot pavement setback along US-62. The applicant proposes a maximum encroachment of 20 feet of the parking lot, therefore a variance is required.
7. The variance does is not substantial. While the applicant is encroaching into the required setback, they are doing so at the request of the city to ensure a consistent and cohesive design is achieved between all sites along this road frontage. MKSK the city's urban design and planning consultants, reviewed the site plan and recommended that Dunkin Donuts provide the same parking space and drive aisle alignment as the neighboring the Express Oil and Dunkin Donuts parking rows. This provides design consistency between sites and allows for cross access between sites. While there is a proposed encroachment, it is minor in relation to the total parking area on the site since it is just for a portion of the US 62 frontage.
8. The approved preliminary development plan for the zoning district shows an access road in front of Aldi and other adjacent sites in order to provide additional vehicular connectivity in the larger district which results in the variance being necessary.
9. It appears there are 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 since the site is located at the Walton Parkway and US 62 intersection where there is additional right-of-way dedications that don't exist on other sites. In addition, the zoning text requires the developer to dedicate 5 feet of right-of-way along US-62 which contributes to the encroachment. This additional right-of-way to provide for a future drop-right turn lane for southbound US 62 traffic turning onto Walton Parkway.
10. While this encroachment places the parking closer to an area where an additional turn lane may be constructed in the future, there is sufficient green space to accommodate all of the streetscape elements such as street trees, leisure trail, horse fence, and buffer landscaping.
11. It does not appear that the essential character of the neighborhood will be altered if the variance request is granted. The proposed encroachment is very minor and will not be noticeable from adjacent sites or public rights-of-way since there will be a consistent streetscape provided.
12. 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.

(D) Variance to C.O. 1169.04 to allow digital menu sign boards to be used where code prohibits electronic signs.

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

1. C.O. 1169.04 states that digital/electronic signs are a prohibited sign type. The applicant proposes to allow digital menu board signs to be used on the site therefore, a variance is required.
2. The placement of the digital menu board signs is directed away from public roads and the heavy landscape buffer requirements will provide additional screening from off-site view. Additionally, the signs are meeting all other menu board sign requirements in city code which requires the following:
 - a. The sign is located on the property to which it refers;
 - b. The sign is not visible from the public right-of-way;
 - c. The sign is single-face only and does not exceed thirty-two (32) square feet in size; and,
 - d. The sign is not placed in front of the building setback line.
3. The city's sign code states the purpose of the sign regulations are to are intended to provide design regulations for sign types so that they may fit harmoniously with structures and their surroundings. It is the intent of these regulations to prevent signs from becoming a distraction or obstruction to the safe flow of pedestrian and vehicular traffic, to prevent signs from becoming a nuisance factor to adjacent properties or uses, to protect and encourage a healthful economic and business environment in the community, and thereby protect the general health, safety, and welfare of the community. Accordingly, the city's sign code Codified Ordinance Chapter 1169.04 lists flashing, animated, and electronic signs as prohibited sign types. Staff recommends a condition of approval requiring the menu board sign does not employ any animated or flashing features on the sign.
4. Additionally, in order to spirit and intent of a typical menu sign, staff recommends. The menu must be static so it not used as a reader board with scrolling or frequent display changes.
5. To prevent the sign from becoming a nuisance factor to adjacent properties or uses at night staff recommends an automatic brightness dimmer is installed to ensure the sign is not overly bright.
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.

VI. RECOMMENDATION

Staff recommends that the Planning Commission discuss the Dunkin Donuts business model with the applicant to ensure/confirm whether the number of on-site parking spaces meets the expected needs of the site and is their standard. If this is the standard number of spaces provided for a Dunkin Donuts operation of this size, then the variance may be appropriate.

The Planning Commission should evaluate the appropriateness of using a digital menu board sign at this site. The electronic menu board sign may be appropriate if there are parameters in place to ensure the sign is unobtrusive as possible to ensure it doesn't become a nuisance or distraction. Approval of the variance may set a precedent for additional electronic menu board signs in the future so staff recommends additional restrictions and regulations regarding the display and brightness of the sign are implemented to ensure it meets the purpose of the sign code regulations.

Due to the auto-oriented nature of this zoning district, providing active and operable front doors on every elevation does not appear to be necessary, and the applicant is still providing a high-quality designed building. Overall the building and site as proposed are well designed and fit appropriately within the context of the corridor.

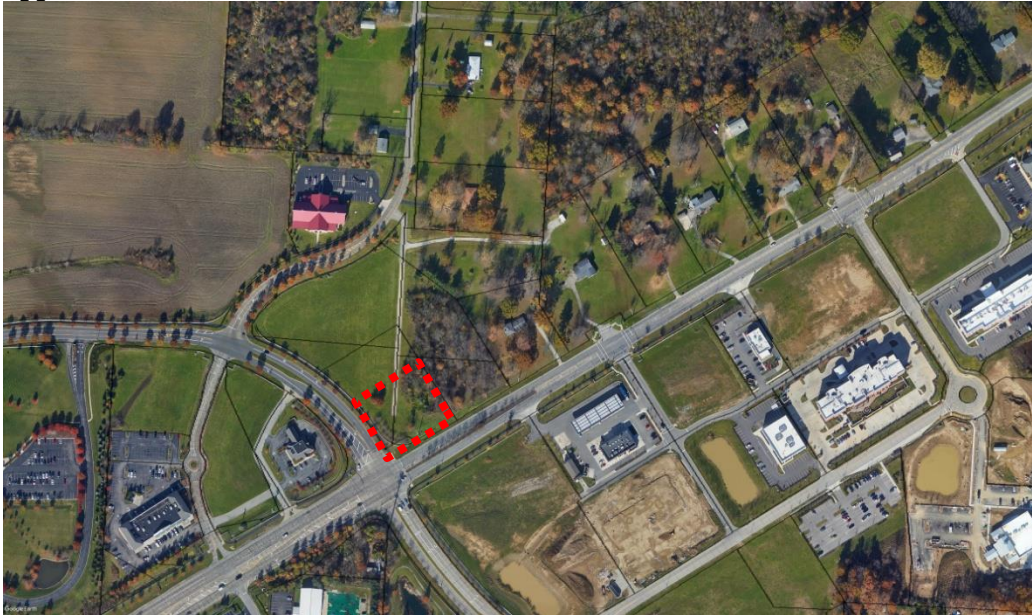
V. ACTION

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-89-2021, subject to the following conditions:

1. Additional head-in parking is added along Walton Parkway. The parking must be located a minimum of 12 feet behind the horse fence so landscaping and head light screening can be provided, subject to staff approval.
2. The electronic menu-board signs do not display any flashing, moving or animated graphics.
3. The menu must be static so it not used as a reader board with scrolling or frequent display changes.
4. An automatic brightness dimmer is installed to ensure the menu sign is not overly bright.

Approximate Site Location:



Source: Google Earth



**Planning Commission Staff Report
September 20, 2021 Meeting**

**POPEYES
CONDITIONAL USE**

LOCATION: Located at the southeast corner of US-62 and Forest Drive
(PID: 222-000347)
APPLICANT: ms Consultants c/o Tami Thompson
REQUEST: Final Development Plan
ZONING: Infill Planned Unit Development (I-PUD): Canini Trust Corp, subarea 8a
STRATEGIC PLAN: Retail
APPLICATION: CU-95-2021

Review based on: Application materials received August 20 and September 3, 2021.

Staff report prepared by Chris Christian, Planner

XV. REQUEST AND BACKGROUND

The applicant requests approval of a conditional use to allow a drive-thru to be developed as part of a Popeyes restaurant use. The Canini Trust Corp (I-PUD) zoning text allows the C-2 General Business (Commercial) District which permits restaurant uses. Drive-thru facilities associated with a permitted use are conditional uses.

This request is in conjunction with a final development plan and associated variances for the Popeyes restaurant.

XVI. SITE DESCRIPTION & USE

The site is located on the southeast corner of US-62 and Forest Drive within the Canini Trust Corp site. The site is 1.14 acres and is currently undeveloped. The site is immediately located south of Forest Drive. There is an undeveloped lot to the south between this site and Dairy Queen.

III. EVALUATION

The general standards for Conditional Uses are contained in Codified Ordinance Section 1115.03. The Planning Commission shall not approve a conditional use unless it shall in each specific case, make specific findings of fact directly based on the particular evidence presented to it, that support conclusions that such use at the proposed location meets all of the following requirements:

- (h) *The proposed use will be harmonious with and in accordance with the general objectives, or with any specific objective or purpose of the Zoning Ordinance.*

Uses:

- The applicant proposes to develop a 3,272 sq. ft. Popeyes restaurant with a drive-thru on a 1.14 acre site. The site will be accessed from two curb cuts along Woodcrest Way which is a private road. The building is surrounded by the parking lot, a drive-thru lane and internal drive aisles.

- The Engage New Albany Strategic Plan identifies this area as the retail future land use area. The proposed use is appropriate based on its proximity to State Route 161, the New Albany Business Park and the surrounding uses. The site is located within the Canini Trust Corp which envisions this type of use.
- It does not appear that the proposed use will alter the character of the surrounding area. This area is zoned to allow restaurant users and there is an existing restaurant with a drive through facility close to this site. Additionally, the Planning Commission recently approved the Sheetz development which included a drive-thru facility and will be located across the street from this proposed development. This subarea of the Canini Trust Corp also contains a gas station and the Dairy Queen restaurant with a drive-thru.

Architecture:

- The commercial building is well designed using high quality building materials with strong cornice lines along all sides of the building and incorporates large, appropriately designed windows along the primary facades of the building.
- The drive through window is located on the Forest Drive elevation of the building and is appropriately designed using the same building materials that are used on other elevations of the building.
- The overall height of the building is 20 feet which meets the 45-foot maximum height allowed by the zoning text.
- All of the mechanical equipment is located on the roof of the building and will be fully screened from the public rights-of-way as well as private roads.

Parking & Circulation:

- Per Codified Ordinance 1167.05(d)(4) requires a minimum of one parking space for every 75 square feet of restaurant floor area space. The building is 3,272 square feet in size therefore 44 parking spaces are required. The applicant is only providing 22 parking spaces and a variance has been requested.
- Additionally, the city parking code requires a minimum number of stacking spaces in the drive thru lane must be provided. The required number of drive-thru stacking spaces must equal 25% of the total required parking spaces for the drive-thru tenant space. Based on this calculation, 11 stacking spaces must be provided and the applicant is exceeding this requirement by providing 12.
- The building is surrounded by a parking lot and an internal drive aisle. Customers can enter and exit the site from Woodcrest Way. The proposed drive-thru lane appears to appropriately positioned on the site so that the drive-thru traffic does not interfere with traffic circulation on the rest of the site and will not cause traffic to back up onto public roads. The menu board is located at the rear of the site and the internal drive that leads to the menu is overly wide so that stacking can be provided and not conflict with other internal site traffic.
- The Trust Corp site has a strong internal roadway network that supports car-oriented developments. The lot is surround by private roads on two sides that allows traffic to and from the site to be dispersed. The private road network consisting of Woodcrest Way and another private drive provides multiple connections to public streets.

Landscaping:

- A landscape plan has been submitted with the final development plan application for this site. The City Landscape Architect's comments can be found in the final development plan staff report.

- (i) *The proposed use will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.*
- The proposed use is harmonious with the existing and intended character for the general vicinity and will not change the essential character of the area.
 - The proposed use is appropriate due to its proximity to the State Route 161 interchange and the New Albany Business Park.
 - This site is located within the Canini Trust Corp which envisions this type of use. There is an existing restaurant with a drive-thru facility that is developed in this zoning district. Additionally, the Planning Commission recently approved a final development plan for Sheetz which included a restaurant drive-thru facility and is located right across the street from this proposed development.
- (j) *The use will not be hazardous to existing or future neighboring uses.*
- The use does not appear it will be hazardous to the existing or future neighboring uses. It appears that this an appropriate location for drive-thru facility.
- (k) *The area will be adequately served by essential public facilities and services such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.*
- Sewer and water service are available in this location.
 - There is a planned city project for roadway improvements along US-62. These improvements include extending the leisure trail from the Windsor subdivision under the State Route 161 overpass all the way to the Smith's Mill Road and US-62 intersection which will encourage multi-modal transportation at this site.
 - The proposed commercial development will produce no new students for the school district.
- (l) *The proposed use will not be detrimental to the economic welfare of the community.*
- The proposed use will likely economic welfare in the city due to creation of jobs which generate income taxes and provide amenities for the business park.
- (m) *The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.*
- It does not appear the site will involve operation that will be detrimental to adjacent uses. This area of the city is auto-oriented and is in close proximity to the State Route 161. US-62 is currently heavily traveled therefore it is reasonable to assume that this development will be frequently visited and serve as an important asset to those in the surrounding area.
- (n) *Vehicular approaches to the property shall be so designated as not to create interference with traffic on surrounding public streets or roads.*
- The site is proposed to be accessed via two new curb cuts along Woodcrest Way which is a private road.
 - The building is surrounded by the parking lot and internal drive aisle. The proposed drive through lane appears to be properly positioned on the site so that the drive through traffic does not interfere with the traffic circulation on the rest of the site and will not cause traffic to back up onto public roads.

XVII. RECOMMENDATION

The overall proposal is consistent with the code requirements for conditional uses. The proposed use is appropriate for the site based on the current zoning and the Engage New Albany Strategic Plan. Retail

has historically been approached in a thoughtful and prescribed way that promotes a planned amount of land being dedicated to this use. Due to the close proximity of this site to State Route 161 and this portion of the business park, the drive-thru is an appropriate use in this location. This application of retail is appropriate and is strategically located to provide auto oriented services/retail uses due to its proximity to the interchange and to serve this end of the business park. The proposed use will not change the character of the US-62 corridor as there is an existing restaurant with a drive-thru facility within the Canini Trust Corp site and the Sheetz drive-thru development located across the street. The drive-thru lane is in an appropriate location as it is oriented away from public roads and it will not interfere with traffic circulation on the rest of the site. Additionally, staff recommends a condition of approval that the conditional use permit will become void if type of use, other than a restaurant, occupies this tenant space.

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

XVIII. ACTION

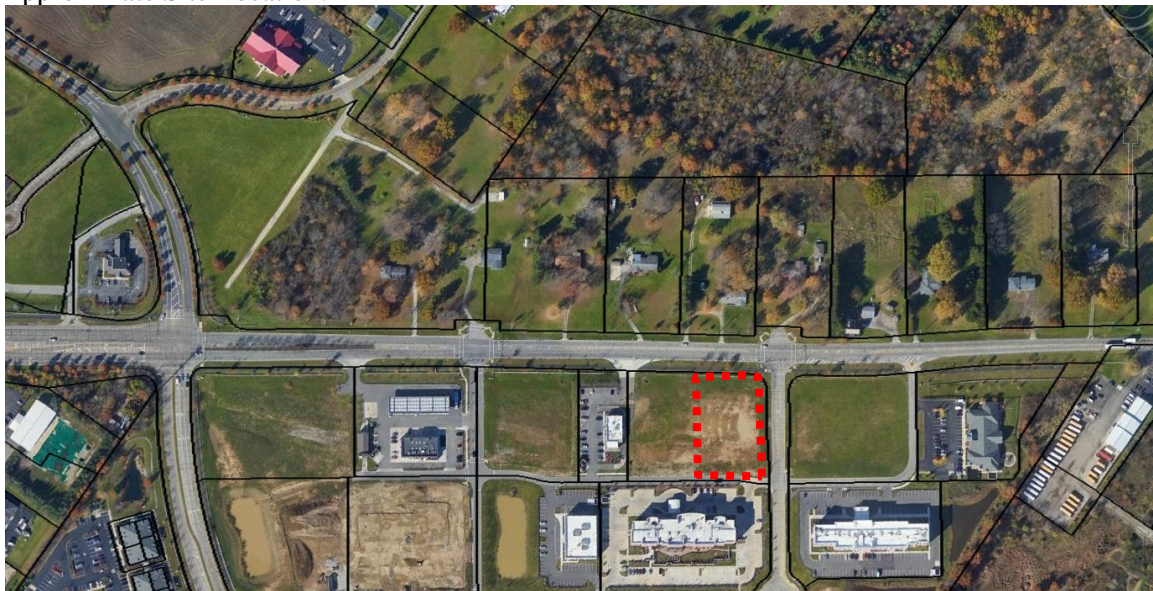
The Commission shall approve, approve with supplementary conditions, or disapprove the application as presented. If the application is approved with supplementary conditions, the Planning Commission shall direct staff to issue a zoning permit listing the specific conditions listed by the Planning Commission for approval.

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

Move to approve application CU-95-2021 with the following conditions:

1. The conditional use permit will become void if or a different kind of business, other than a restaurant, occupies this tenant space.

Approximate Site Location:



Source: Google Earth



**Planning Commission Staff Report
September 20, 2021 Meeting**

**POPEYES
FINAL DEVELOPMENT PLAN**

LOCATION: Located at the southeast corner of US-62 and Forest Drive
(PID: 222-000347)
APPLICANT: ms consultants c/o Tami Thompson
REQUEST: Final Development Plan
ZONING: Infill Planned Unit Development (I-PUD): Canini Trust Corp, subarea 8a
STRATEGIC PLAN: Retail
APPLICATION: FDP-90-2021

Review based on: Application materials received August 20 and September 3, 2021.

Staff report prepared by Chris Christian, Planner

XIX. REQUEST AND BACKGROUND

The application is for a final development plan for a proposed Popeyes located at the southeast corner of US-62 and Forest Drive within the Canini Trust Corp. The development includes a dine in restaurant with a drive-thru on a 1.14 acre site.

The zoning text allows Office buildings and the permitted uses contained in the Codified Ordinances of the Village of New Albany, OCD Office Campus District, Section 1144.02 and C-2, Commercial District, Section 1147.02, and the conditional uses contained in Section 1147.02, which includes restaurants with drive-thru facilities. The applicant has applied for a conditional use to be heard by the Planning Commission at tonight's meeting under case CU-95-2021.

The applicant is also applying for several variances related to this final development plan under application VAR-91-2021. Information and evaluation of the variance requests are under a separate staff report.

XX. SITE DESCRIPTION & USE

The site is located on the southeast corner of US-62 and Forest Drive within the Canini Trust Corp site. The site is 1.14 acres and is currently undeveloped.

III. EVALUATION

Staff's review is based on New Albany plans and studies, zoning text, zoning regulations. Primary concerns and issues have been indicated below, with needed action or recommended action in underlined text. Planning Commission's review authority is found under Chapter 1159.

The Commission should consider, at a minimum, the following (per Section 1159.08):

- (a) *That the proposed development is consistent in all respects with the purpose, intent and applicable standards of the Zoning Code;*

- (b) *That the proposed development is in general conformity with the Strategic Plan/Rocky Fork-Blacklick Accord or portion thereof as it may apply;*
- (c) *That the proposed development advances the general welfare of the Municipality;*
- (d) *That the benefits, improved arrangement and design of the proposed development justify the deviation from standard development requirements included in the Zoning Ordinance;*
- (e) *Various types of land or building proposed in the project;*
- (f) *Where applicable, the relationship of buildings and structures to each other and to such other facilities as are appropriate with regard to land area; proposed density may not violate any contractual agreement contained in any utility contract then in effect;*
- (g) *Traffic and circulation systems within the proposed project as well as its appropriateness to existing facilities in the surrounding area;*
- (h) *Building heights of all structures with regard to their visual impact on adjacent facilities;*
- (i) *Front, side and rear yard definitions and uses where they occur at the development periphery;*
- (j) *Gross commercial building area;*
- (k) *Area ratios and designation of the land surfaces to which they apply;*
- (l) *Spaces between buildings and open areas;*
- (m) *Width of streets in the project;*
- (n) *Setbacks from streets;*
- (o) *Off-street parking and loading standards;*
- (p) *The order in which development will likely proceed in complex, multi-use, multi-phase developments;*
- (q) *The potential impact of the proposed plan on the student population of the local school district(s);*
- (r) *The Ohio Environmental Protection Agency's 401 permit, and/or isolated wetland permit (if required);*
- (s) *The U.S. Army Corps of Engineers 404 permit, or nationwide permit (if required).*

It is also important to evaluate the PUD portion based on the purpose and intent. Per Section 1159.02, PUD's are intended to:

- ww. Ensure that future growth and development occurs in general accordance with the Strategic Plan;*
- xx. Minimize adverse impacts of development on the environment by preserving native vegetation, wetlands and protected animal species to the greatest extent possible*
- yy. Increase and promote the use of pedestrian paths, bicycle routes and other non-vehicular modes of transportation;*
- zz. Result in a desirable environment with more amenities than would be possible through the strict application of the minimum commitment to standards of a standard zoning district;*
- aaa. Provide for an efficient use of land, and public resources, resulting in co-location of harmonious uses to share facilities and services and a logical network of utilities and streets, thereby lowering public and private development costs;*
- bbb. Foster the safe, efficient and economic use of land, transportation, public facilities and services;*
- ccc. Encourage concentrated land use patterns which decrease the length of automobile travel, encourage public transportation, allow trip consolidation and encourage pedestrian circulation between land uses;*
- ddd. Enhance the appearance of the land through preservation of natural features, the provision of underground utilities, where possible, and the provision of recreation areas and open space in excess of existing standards;*
- eee. Avoid the inappropriate development of lands and provide for adequate drainage and reduction of flood damage;*
- fff. Ensure a more rational and compatible relationship between residential and non-residential uses for the mutual benefit of all;*
- ggg. Provide an environment of stable character compatible with surrounding areas; and*

hhh. Provide for innovations in land development, especially for affordable housing and infill development.

Engage New Albany Strategic Plan Recommendations

The Engage New Albany Strategic Plan lists the following development standards for the Neighborhood Retail future land use category:

- 16. Parking areas should promote pedestrians by including walkways and landscaping to enhance visual aspects of the development.
- 17. Combined curb cuts and cross access easements are encouraged.
- 18. Curb cuts on primary streets should be minimized and well-organized connections should be created within and between all retail establishments.
- 19. Retail building entrances should connect with the pedestrian network and promote connectivity through the site.
- 20. Integrate outdoor spaces for food related businesses.

P. Use, Site and Layout

- 16. The applicant proposes to develop a 3,272 sq. ft. Popeyes restaurant with a drive-thru on a 1.14 acre site. Restaurants with drive-thru facilities are a conditional use within this zoning district and the applicant has applied for this conditional use to be heard by the Planning Commission at tonight’s meeting under case CU-95-2021.
- 17. The proposed use is appropriate given the proximity of this site to State Route 161 and the surrounding commercial development surrounding this site. Some of the surrounding uses include Home2Suites, the Turkey Hill gas station, convenience store and car wash as well as Dairy Queen which also has a drive-thru facility.
- 18. Zoning text section 8a.01(7) requires that the total lot coverage, which includes areas of pavement and building, to not exceed 80% and the applicant is meeting this requirement with 61% total lot coverage.
- 19. The zoning text section 8a.01 requires the following setbacks:

Road	Requirement	Proposed
US-62	50 foot building and pavement setback	50 foot pavement [meets code] <u>90+/- building</u> [meets code]
Forest Drive	20 foot building and pavement setback	20+/- foot pavement [meets code] 72+/- foot building [meets code]
Southern Boundary (adjacent to future development site)	0 foot building and pavement setback	4+/- foot pavement [meets code] 60+/- foot building [meets code]
Woodcrest Way	20 foot building and pavement	25+/- foot pavement [meets code] 86+/- foot building [meets code]

- 20. The zoning text encourages shared access drives between sites by allowing for zero pavement setbacks and by including a provision stating that where appropriate shared access and joint parking agreements between adjacent parcels maybe required by the Village Development Director. Historically the city staff and Planning Commission have encouraged shared curb cuts and connecting drive aisles between sites. The Dairy Queen final development plan includes a row of parking along the US 62 frontage and a drive aisle between that parking and the building. The Dairy Queen drive through established a curb cut to the northern site so this pattern of development can be continued to the adjacent site to the north. While there is an

undeveloped site between Dunkin Donuts and Dairy Queen, this site is not matching the row of parking along the US 62 frontage and a drive aisle established by Dairy Queen.. This creates an inconsistent character within this area that is undesirable from a master site design and planning standpoint. It appears that adjustments can be made to the site plan in order to address these concerns and maintain the established character in the area. Additionally, the site is not meeting the parking space requirements it appears that additional spaces can be added to the site if it is revised. Staff recommends a condition of approval that the site be redesigned so that it is consistent with character established by Dairy Queen to the south, subject to staff approval.

Q. Access, Loading, Parking

1. The site will be accessed from two curb cuts along Woodcrest Way which is a private road. The building is surrounded by the parking lot, a drive-thru lane and internal drive aisles. The drive-through appears to be appropriately positioned on the site where it does not interfere with traffic on the rest of the site and will not cause traffic to back up onto public roads.
2. Per Codified Ordinance 1167.05(d)(4) requires a minimum of one parking space for every 75 square feet of restaurant floor area space. The building is 3,272 square feet in size therefore 44 parking spaces are required. The applicant is providing 22 parking spaces and a variance has been requested. Additionally, the city parking code requires a minimum number of stacking spaces in the drive thru lane must be provided. The required number of drive-thru stacking spaces must equal 25% of the total required parking spaces for the drive-through tenant space. Based on this calculation, 11 stacking spaces must be provided and the applicant is exceeding this requirement by providing 12.
3. Per C.O. 1167.03(a) the minimum parking space dimensions required are 13 feet wide and 20 feet long and the applicant is meeting this requirement.
4. Per C.O. 1167.03(a) the minimum maneuvering lane width size is 22 feet for this development type and this is requirement is met.
5. According to C.O. 1167.06(b)(2) the applicant is required to provide one off street loading space and one has not been identified on the site plan. In order to ensure that there is sufficient space on the site for delivery trucks to park without interfering with drive-thru or other traffic, staff recommends a condition of approval that a 30x12 foot loading space is added on the site in accordance with C.O. 1167.03(b).
6. Per the approved final development plan for the Canini Trust Corp's Woodcrest Way private road network, the applicant is required to install a 5 foot sidewalk along Woodcrest Way and this requirement is met.

R. Architectural Standards

1. The purpose of the New Albany Design Guidelines and Requirements is to help ensure that the New Albany community enjoys the highest possible quality of architectural design.
2. The zoning text contains architectural standards and regulated by Section 6 of the Design Guidelines and Requirements (Commercial outside the Village Center).
3. The zoning text states that the maximum building height within this zoning district shall not exceed 35 feet. The proposed building height is approximately 20 +/- feet therefore this requirement is being met.
4. The applicant is proposing to use brick, fiber cement panels, metal and EIFS as building materials. The zoning text permits the use of these materials such as brick, pre-cast stone, wood, glass and other synthetic materials are permitted as long as they are used appropriately. The design of the building and use of materials is appropriate and consistent with other buildings in the immediate area.
5. Zoning text section 8a.03(1) states that all visible elevations of a building shall receive similar treatment in style, materials and design so that no visible side is of a lesser visual character than any other. The applicant is accomplishing this requirement by utilizing four sided architecture.

6. DGR Section 6(I)(A)(12) states that buildings shall have operable and active front doors along all public and private roads. The applicant is not providing an active and operable door along the front and rear building elevations and a variance has been requested.
7. C.O. 1171.05(b) states that all trash and garbage container systems must be screened. The applicant proposes to install a dumpster enclosure thereby meeting this requirement.
8. A roof plan was submitted and all rooftop mechanical equipment will be fully screened from all public roads.
9. Zoning text section 8a.03(3)(b) states that if a flat roof is used, strong cornice lines must be integrated and the applicant is meeting this.

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

1. Codified Ordinance 1171.06(a)(3) requires one tree per 10 parking spaces. The applicant is providing 22 parking spaces thereby requiring 2 trees and the applicant is meeting this requirement.
2. The zoning text section 8a.04(5) requires that there be a minimum of eight (8) deciduous or ornamental trees per 100 lineal feet planted throughout the setback areas along US-62 and Forest Drive. The proposed site has approximately 143 feet of frontage along US-62, requiring 11 trees to be installed and the site has 194 feet of frontage along Forest Drive, requiring 16 trees to be installed and the applicant is meeting these requirements.
3. Zoning text section 8a.04(2) requires that street trees must be planted along Forest Drive and US-62 at a rate of one tree for every 30 feet. There are 3 existing street trees along US-62 and the applicant proposes to add 2 to meet this requirement. The applicant is required to install 6 trees along Forest Drive and they are exceeding this requirement by providing 9.
4. The zoning text requires a minimum of 8% interior parking lot landscaping on the site. The applicant is meeting and exceeding this requirement by providing 9% interior parking landscaping on the site.
5. Per zoning text 8a.04(4)(a) parking lots shall be screened from rights-of-way within a minimum 36 inch high evergreen landscape hedge or wall. The landscape plan shows a 30" shrub to screen the parking lot from Smith's Mill Road, US-62 as well as the private road.
6. Zoning text section 8a.05(3) requires that trash receptacles and exterior storage areas be fully screened from public roads. The applicant is meeting this requirement by providing a brick trash container enclosure with wood slat doors behind the building along the private road.
7. The City Landscape Architect has reviewed the referenced plan in accordance with the landscaping requirements found in the New Albany Codified Ordinances and zoning text and provides the following comments. Staff recommends all the City Landscape Architect's comments are met, subject to staff approval.
 1. Remove all Dwarf Korean Lilac from eastern parking edge and replace with Green
 2. The proposed frontage road along Johnstown Road should align with the existing Dairy Queen frontage road. Adjust the building location away from Johnstown Road to accommodate the new frontage road location. Affected angled parking spaces may be relocated as head-in parking spaces along Johnstown Road. See diagram.
 3. Please submit monument sign elevations and details for review.
 4. Confirm all exterior dumpster enclosure walls are masonry veneer.
 5. Remove the 'Love That Chicken' sign from the side of the building.
 6. Select neutral color for canopy (A10). Consider matching proposed color of hardietrim boards, or a dark charcoal.
 7. Please provide all sign and panel details for all signage on building. Details should include mounting, materials, colors, and size information. These will be reviewed per New Albany's code.

T. *Lighting & Signage*

1. The applicant has submitted a photometric plan however, the extent of the light spillage was not evaluated out to the property lines. Staff recommends a condition of approval that an updated photometric plan be submitted showing zero or near zero light spillage at the property lines.
2. Zoning text section 8a.05(e) and (f) requires all parking lot and private driveway light poles to be cut-off and downcast, not exceed 20 feet in height, painted New Albany Green and the use the same fixture that has been used at Dairy Queen and throughout the Canini Trust Corp. Staff recommends a condition of approval that the light fixture in Exhibit C of the zoning text be used, be no more than 20 feet tall and be painted New Albany Green.
3. As part of this final development plan application, the applicant has submitted a partial sign plan for the site. Details for the proposed monument sign were not provided in addition to other sign details needed for a full evaluation. Staff recommends a condition of approval that these signs and all other sign details be subject to staff approval and must meet code requirements and 2013 Trust Corp Signage Recommendations Plan. Any additional variances needed for future signs will be heard by the Planning Commission in the future. The signs that were submitted are evaluated to the best of staff's ability below.

Wall Signs

Zoning text section 8a.06(3)(i) permits one wall mounted sign per retail tenant on each elevation of the building that fronts or sides on a public or private road. One square foot of sign face is permitted per each lineal foot of the building, not to exceed 80 square feet in size. The applicant proposes the following wall signs.

North Elevation Wall Sign

- a. Area: information not provided [max of 80 sq. ft. based on frontage]
 - b. Lettering height: information not provided [24 inch maximum]
 - c. Location: one on the north building elevation [meets code]
 - d. Lighting: information not provided [external and halo permitted]
 - e. Relief: information not provided [code minimum of 1 inch relief]
 - f. Color: orange (total 1) [meets code]
 - g. Materials: not provided [must meet requirements of C.O. 1169.12(g)]
- The sign will read "POPEYES"

US-62 Elevation Wall Sign (1 of 2)

- a. Area: information not provided [max of 80 sq. ft. based on frontage]
 - b. Lettering height: none proposed
 - c. Location: one on the US-62 building elevation [meets code]
 - d. Lighting: information not provided [external and halo permitted]
 - e. Relief: information not provided [code minimum of 1 inch relief]
 - f. Color: tan (total 1) [meets code]
 - g. Materials: not provided [must meet requirements of C.O. 1169.12(g)]
- The sign will feature the company logo.

US-62 Elevation Wall Sign (2 of 2)

- a. Area: information not provided [max of 80 sq. ft. based on frontage]
- b. Lettering height: information not provided [24 inch maximum]
- c. Location: one on the US-62 building elevation [meets code]
- d. Lighting: information not provided [external and halo permitted]
- e. Relief: information not provided [code minimum of 1 inch relief]

- f. Color: orange (total 1) [meets code]
- g. Materials: not provided [must meet requirements of C.O. 1169.12(g)]
 - The sign will read “POPEYES”.

South Elevation Wall Sign

- a. Area: information not provided [max of 80 sq. ft. based on frontage]
 - b. Lettering height: information not provided [24 inch maximum]
 - c. Location: one on the southern building elevation [does not meet code, a future variance will be needed.]
 - d. Lighting: information not provided [external and halo permitted]
 - e. Relief: information not provided [code minimum of 1 inch relief]
 - f. Color: orange (total 1) [meets code]
 - g. Materials: not provided [must meet requirements of C.O. 1169.12(g)]
 - The sign will read “Louisiana Kitchen” and feature the company logo.
4. The applicant proposes to install two drive thru menu board signs at the rear of the site which is permitted C.O. 1169.11(c). One of the signs is 25.4 sq. ft. and the other is 10.5 sq. ft. C.O. 1169.04 states that digital/electronic signs are prohibited. The proposed menu board signs are digital and a variance has been requested. All other code requirements for this sign type are met.
 5. The applicant proposes to install one directional “clearance” sign near the drive-thru. The signs are 12 feet tall which exceeds the code maximum of 3 feet for this signs type and a variance will be required however, it was not requested as part of this application.
 6. The applicant proposes to install a wall sign that reads “Love that Chicken” on the south elevation of the building. New Albany Design Guidelines and Requirements (Commercial Outside Village Center) Section I.A.8 states that signage for commercial buildings shall be as simple and unobtrusive as possible. The city urban design consultant, MKSK, has reviewed the proposed sign and recommends that it be removed based on this requirement. Staff recommends a condition of approval that the “Love that Chicken” sign be removed from the building.
 7. The applicant proposes to install 3 “decorative panels” on the southern building elevation of the building that meet the city code definition of a sign per C.O. 1169.02. Additional details about these signs will need to be evaluated with a future sign permit.
 8. The applicant proposes to install 4 digital displays on the northern elevation of the building. New Albany Design Guidelines and Requirements (Commercial Outside Village Center) Section I.A.8 states that signage for commercial buildings shall be as simple and unobtrusive as possible. The city urban design consultant, MKSK, has reviewed the proposed sign and recommends that it be removed based on this requirement. Staff recommends a condition of approval that the 4 digital display signs be removed from the building.

IV. ENGINEER’S COMMENTS

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

13. We will evaluate storm water management, water distribution, sanitary sewer collection and roadway construction related details once construction plans become available.

V. RECOMMENDATION

Staff recommends approval of the Popeyes final development plan provided that the Planning Commission finds the proposal meets sufficient basis for approval. The proposal is meeting many of the goals of the Engage New Albany Strategic Plan such as providing pedestrian access along roadways and into the site and utilizing high quality building materials by incorporating four-sided architecture. The proposed development is in an appropriate location given the context of the surrounding area and will serve as an amenity for the New Albany Business Park. The proposed building is very well designed and is consistent with other retail buildings in the immediate area.

V. ACTION

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

Move to approve final development plan application **FDP-90-2021**, subject to the following conditions:

1. Conditional use application CU-95-2021 must be approved.
2. A 30x12 foot loading space is added on the site in accordance with C.O. 1167.03(b).
3. The City Landscape Architect's comments must be addressed, subject to staff approval.
4. A revised photometric plan must be submitted showing zero or near zero candle foot light intensity at the property lines.
5. The light fixture in Exhibit C of the zoning text be used, be no more than 20 feet tall and be painted New Albany Green.
6. The monument sign and all other sign details are subject to staff approval and must meet code requirements and the 2013 Trust Corp Signage Recommendations Plan.
7. The "Love that Chicken" sign be removed from the building.
8. The 4 digital display signs be removed from the building.
9. The City Engineer's comments must be addressed, subject to staff approval.

Approximate Site Location:



Source: Google Earth



**Planning Commission Staff Report
September 20, 2021 Meeting**

**POPEYES
VARIANCES**

LOCATION: Located at the southeast corner of US-62 and Forest Drive (PID: 222-000347).
APPLICANT: ms consultants c/o Tami Thompson
REQUEST:

- (M) Variance to C.O. 1167.05(d)(4) to allow 22 parking spaces to be installed where code requires a minimum of 44 spaces.
- (N) Variance to DGR Section 6(I)(A)(12) to eliminate the requirement that there be active and operable doors on the US-62 and rear, private road building elevations.
- (O) Variance to C.O. 1169.04 to allow digital menu board signs where code prohibits digital/electronic signs.

ZONING: Infill Planned Unit Development (I-PUD): Canini Trust Corp, subarea 8a
STRATEGIC PLAN: Retail
APPLICATION: VAR-91-2021

Review based on: Application materials received August 20 and September 3, 2021.

Staff report prepared by Chris Christian, Planner

XXI. REQUEST AND BACKGROUND

The applicant requests variances in conjunction with the final development plan (FDP-90-2021) for a Popeyes located at the southeast corner of US-62 and Forest Drive within the Canini Trust Corp. The development includes a din-in restaurant with a drive-thru on a 1.14 acre site.

The applicant requests the following variances:

- (G) Variance to C.O. 1167.05(d)(4) to allow 22 parking spaces to be installed where code requires a minimum of 44 spaces.
- (H) Variance to DGR Section 6(I)(A)(12) to eliminate the requirement that there be active and operable doors on the US-62 and rear, private road building elevations.
- (I) Variance to C.O. 1169.04 to allow digital menu board signs where code prohibits digital/electronic signs.

XXII. SITE DESCRIPTION & USE

The site is located on the southeast corner of US-62 and Forest Drive within the Canini Trust Corp site. The site is 1.14 acres and is currently undeveloped.

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.

37. *Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without the variance.*
38. *Whether the variance is substantial.*
39. *Whether the essential character of the neighborhood would be substantially altered or adjoining properties suffer a “substantial detriment.”*
40. *Whether the variance would adversely affect the delivery of government services.*
41. *Whether the property owner purchased the property with knowledge of the zoning restriction.*
42. *Whether the problem can be solved by some manner other than the granting of a variance.*
43. *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*):

44. *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.*
45. *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.*
46. *That the special conditions and circumstances do not result from the action of the applicant.*
47. *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.*
48. *That granting the variance will not adversely affect the health and safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.*

III. RECOMMENDATION

Considerations and Basis for Decision

(A) Variance to C.O. 1167.05(d)(4) to allow 22 parking spaces to be installed where code requires a minimum of 44 spaces.

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

1. Per C.O. 1167.05(d)(4), 1 parking space must be provided for every 75 square feet of restaurant floor area space. The building is 3,272 square feet in size therefore 44 parking spaces are required. The applicant is providing 22 parking spaces therefore, a variance is required.
2. The variance request may preserve the “spirit and intent” of the zoning requirement. Staff believes that it is reasonable to expect some of these types of uses to see a larger share of their customer traffic in the drive-thru versus as dine in guests. While the applicant is not meeting the on-site parking requirements, they are exceeding the number of required stacking spaces in the drive-thru as they are only required to have 8 and are providing at least 12 spaces. Staff recommends that the Planning Commission discuss the Popeyes business model with the applicant to ensure/confirm whether the number of on-site parking spaces meets the expected needs of the site and is their standard. If this is the standard number of spaces provided for a

- Popeyes operation of this size, then the variance may be appropriate.
3. The zoning text encourages shared access drives between sites by allowing for zero pavement setbacks and by including a provision stating that where appropriate shared access and joint parking agreements between adjacent parcels maybe required by the Village Development Director. Historically the city staff and Planning Commission have encouraged shared curb cuts and connecting drive aisles between sites. The Dairy Queen final development plan includes a row of parking along the US 62 frontage and a drive aisle between that parking and the building. The Dairy Queen drive through established a curb cut to the northern site so this pattern of development can be continued to the adjacent site to the north. While there is an undeveloped site between Dunkin Donuts and Dairy Queen, this site is not matching the row of parking along the US 62 frontage and a drive aisle established by Dairy Queen. This creates an inconsistent character within this area that is undesirable from a master site design and planning standpoint. It appears that adjustments can be made to the site plan in order to address these concerns and maintain the established character in the area.
 4. By redesigning the drive aisle so it aligns with the Dairy Queen site it appears additional head-in parking spaces along US 62 can be added to reduce the parking space deficit on the site without encroaching the pavement setback area. Staff recommends a condition of approval requiring additional head-in parking is added to the drive aisle along US 62 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.

(B) Variance to DGR Section 6(I)(A)(12) to eliminate the requirement that there be active and operable doors on the US-62 and rear, private road building elevations.

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

20. The applicant is requesting a variance to eliminate the requirement that buildings have operable and active front doors along all public and private roads. The building has three frontages, two along private roads and one along US-62 As proposed, the commercial building will have an entrance along the Forest Drive elevation (1/3 elevations are meeting the requirement).
21. As required by the zoning text, the building is designed with the same caliber of finish on all sides of the building using the same building materials.
22. The variance appears to preserve the "spirit and intent" of the zoning requirement. The intent of this requirement is to ensure that buildings maintain a presence on the street and not contain blank or "empty" building elevations so their architectural vibrancy and interest on all sides of a building which is crucial in pedestrian oriented development. This site and the overall Canini Trust Corp and Walton-62 developments are auto-oriented by design therefore it does not appear that maintaining an entrance on every street is as important in this development scenario. All sides of the building are designed with the same caliber of finish using the same building materials so none of the elevations appear as a "lesser" side of the building.
23. While there isn't an active and operable door along the all of public streets and private road elevations, the applicant is providing a strong architectural features and materials so the building adequately addresses the primary street (US 62) architecturally. The building is designed so the front door architectural elements such as the architectural canopy and retail storefront windows front US 62. The US 62 elevation of this building make the entrance to the building easily identifiable.
24. It does not appear that the essential character of the neighborhood will be altered if the variance request is granted. As stated, this same variance request has been granted for other developments within the Canini Trust Corp.
25. It does not appear that the variance would adversely affect the delivery of government services, affect the health and safety of persons residing or working in the vicinity of the proposed

development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.

(C) Variance to C.O. 1169.04 to allow digital menu board signs where code prohibits digital/electronic signs.

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

7. C.O. 1169.04 states that digital/electronic signs are a prohibited sign type. The applicant proposes to allow digital menu board signs to be used on the site therefore, a variance is required.
8. The placement of the digital menu board signs is directed away from public roads and the heavy landscape buffer requirements will provide additional screening from off-site view. Additionally, the signs are meeting all other menu board sign requirements in city code which requires the following:
 - e. The sign is located on the property to which it refers;
 - f. The sign is not visible from the public right-of-way;
 - g. The sign is single-face only and does not exceed thirty-two (32) square feet in size; and,
 - h. The sign is not placed in front of the building setback line.
9. The city's sign code states the purpose of the sign regulations are to are intended to provide design regulations for sign types so that they may fit harmoniously with structures and their surroundings. It is the intent of these regulations to prevent signs from becoming a distraction or obstruction to the safe flow of pedestrian and vehicular traffic, to prevent signs from becoming a nuisance factor to adjacent properties or uses, to protect and encourage a healthful economic and business environment in the community, and thereby protect the general health, safety, and welfare of the community. Accordingly, the city's sign code Codified Ordinance Chapter 1169.04 lists flashing, animated, and electronic signs as prohibited sign types. Staff recommends a condition of approval requiring the menu board sign does not employ any animated or flashing features on the sign.
10. Additionally, in order to spirit and intent of a typical menu sign, staff recommends. The menu must be static so it not used as a reader board with scrolling or frequent display changes.
11. To prevent the sign from becoming a nuisance factor to adjacent properties or uses at night staff recommends an automatic brightness dimmer is installed to ensure the sign is not overly bright.
12. 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.

VII. RECOMMENDATION

Staff recommends that the Planning Commission discuss the Popeyes business model with the applicant to ensure/confirm whether the number of on-site parking spaces meets the expected needs of the site and is their standard. If this is the standard number of spaces provided for a Popeyes operation of this size, then the variance may be appropriate.

The Planning Commission should evaluate the appropriateness of using a digital menu board sign at this site. The electronic menu board sign may be appropriate if there are parameters in place to ensure the sign is unobtrusive as possible to ensure it doesn't become a nuisance or distraction. Approval of the variance may set a precedent for additional electronic menu board signs in the future so staff recommends additional restrictions and regulations regarding the display and brightness of the sign are implemented to ensure it meets the purpose of the sign code regulations.

Due to the auto-oriented nature of this zoning district, providing active and operable front doors on

every elevation does not appear to be necessary, and the applicant is still providing a high-quality designed building. Overall the building and site as proposed are well designed and fit appropriately within the context of the corridor.

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 VAR-91-2021, subject to the following conditions:

1. Additional head-in parking is added to the drive aisle along US 62 subject to staff approval.
2. The electronic menu-board signs do not display any flashing, moving or animated graphics.
3. The menu must be static so it not used as a reader board with scrolling or frequent display changes.
4. An automatic brightness dimmer is installed to ensure the menu sign is not overly bright.

Approximate Site Location:



Source: Google Earth


**NEW
ALBANY**
COMMUNITY CONNECTS US
Board of Zoning Appeals Staff Report
September 20, 2021 Meeting

**SMITH'S MILL ROAD SITE
VARIANCES**

LOCATION: South of Smith's Mill Road, north of State Route 161, east of A&F distribution center and west of Thirty-One Gifts (PID: 222-001951).
APPLICANT: Al. Neyer, LLC
REQUEST: Preliminary Development Plan under the requirements of the limitation text
ZONING: L-GE (Limited General Employment), Blacklick District Subarea D Zoning Text
STRATEGIC PLAN: Employment Center District
APPLICATION: PDP-94-2021

Review based on: Application materials received August 30 and September 8, 2021.

Staff report completed by Chris Christian, Planner.

XXIII. REQUEST AND BACKGROUND

The applicant requests review of a preliminary development plan for a warehouse and distribution center. The area which contains the subject property was rezoned from GE (General Employment) to L-GE in 1999.

Variations needed to develop the property as proposed are to be heard by the Board of Zoning Appeals on September 27, 2021. These variations are to Blacklick District Subarea D Zoning Text Section 1.05 to reduce mound and screening requirements along the New Albany Expressway.

II. SITE DESCRIPTION & USE

The site is located on 41.295+/- acres on the south side of Smith's Mill Road, north of the 161 New Albany Expressway, immediately east of the Abercrombie and Fitch distribution center. This property is directly across the street from the A&F DC-1 Fleet Parking Lot. The site is currently undeveloped.

This parcel consists of existing wooded areas and tree lines along the east and south property lines, and a small stream runs along these areas. The subject property was previously delineated as part of a larger effort by EMH&T and was found to contain a wetland and an intermittent stream. The New Albany Company (NACO) obtained a permit that allowed the wetland to be filled and the stream to be rerouted along the eastern and southern property boundaries. NACO built the rerouted stream and then sold the property to A&F. The rerouted stream lies within an Environmental Covenant held by the Ohio EPA. A&F was responsible for filling the wetland and 'original' stream. These natural elements are all to be preserved.

This parcel is zoned L-GE, Limited General Employment. Permitted uses within this L-GE district includes manufacturing and production, warehouse and distribution, research and production, general office activities, personal service, retail product sales and service.

III. PLAN REVIEW

Staff's review is based on New Albany plans and studies, zoning text, and zoning regulations. Primary concerns and issues have been indicated below, with needed action or recommended action in underlined text. Planning Commission's review authority is found under Chapter 1159.

The Commission should consider, at a minimum, the following (per Section 1159.08):

- (a) *That the proposed development is consistent in all respects with the purpose, intent and applicable standards of the Zoning Code;*
- (b) *That the proposed development is in general conformity with the Strategic Plan/Rocky Fork-Blacklick Accord or portion thereof as it may apply;*
- (c) *That the proposed development advances the general welfare of the Municipality;*
- (d) *That the benefits, improved arrangement and design of the proposed development justify the deviation from standard development requirements included in the Zoning Ordinance;*
- (e) *Various types of land or building proposed in the project;*
- (f) *Where applicable, the relationship of buildings and structures to each other and to such other facilities as are appropriate with regard to land area; proposed density may not violate any contractual agreement contained in any utility contract then in effect;*
- (g) *Traffic and circulation systems within the proposed project as well as its appropriateness to existing facilities in the surrounding area;*
- (h) *Building heights of all structures with regard to their visual impact on adjacent facilities;*
- (i) *Front, side and rear yard definitions and uses where they occur at the development periphery;*
- (j) *Gross commercial building area;*
- (k) *Area ratios and designation of the land surfaces to which they apply;*
- (l) *Spaces between buildings and open areas;*
- (m) *Width of streets in the project;*
- (n) *Setbacks from streets;*
- (o) *Off-street parking and loading standards;*
- (p) *The order in which development will likely proceed in complex, multi-use, multi-phase developments;*
- (q) *The potential impact of the proposed plan on the student population of the local school district(s);*
- (r) *The Ohio Environmental Protection Agency's 401 permit, and/or isolated wetland permit (if required);*
- (s) *The U.S. Army Corps of Engineers 404 permit, or nationwide permit (if required).*

It is also important to evaluate the PUD portion based on the purpose and intent. Per Section 1159.02, PUD's are intended to:

- iii. *Ensure that future growth and development occurs in general accordance with the Strategic Plan;*
- jjj. *Minimize adverse impacts of development on the environment by preserving native vegetation, wetlands and protected animal species to the greatest extent possible*
- kkk. *Increase and promote the use of pedestrian paths, bicycle routes and other non-vehicular modes of transportation;*
- lll. *Result in a desirable environment with more amenities than would be possible through the strict application of the minimum commitment to standards of a standard zoning district;*
- mmm. *Provide for an efficient use of land, and public resources, resulting in co-location of harmonious uses to share facilities and services and a logical network of utilities and streets, thereby lowering public and private development costs;*
- nnn. *Foster the safe, efficient and economic use of land, transportation, public facilities and services;*
- ooo. *Encourage concentrated land use patterns which decrease the length of automobile travel, encourage public transportation, allow trip consolidation and encourage pedestrian circulation between land uses;*

- ppp. Enhance the appearance of the land through preservation of natural features, the provision of underground utilities, where possible, and the provision of recreation areas and open space in excess of existing standards;*
- qqq. Avoid the inappropriate development of lands and provide for adequate drainage and reduction of flood damage;*
- rrr. Ensure a more rational and compatible relationship between residential and non-residential uses for the mutual benefit of all;*
- sss. Provide an environment of stable character compatible with surrounding areas; and*
- ttt. Provide for innovations in land development, especially for affordable housing and infill development.*

E. New Albany Strategic Plan

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

2. No freeway/pole signs are allowed.
3. Heavy landscaping is necessary to buffer these uses from adjacent residential areas.
4. Plan office buildings within context of the area, not just the site, including building heights within development parcels.
5. Sites with multiple buildings should be well organized and clustered if possible.
6. All office developments are encouraged to employ shared parking or be designed to accommodate it.
7. All office developments should plan for regional stormwater management.
8. All associated mechanical operations should be concealed from the public right-of-way and screened architecturally or with landscape in an appealing manner.
9. Any periphery security should integrate with the existing landscape and maintain and enhance the character of the road corridor.
10. Combined curb cuts and cross-access easements are encouraged.
11. The use of materials, colors, and texture to break up large scale facades is required.

F. Use, Site and Layout

6. The 41.295 acre development plan site contains approximately 542,683 square foot warehouse and distribution building. The building is oriented towards the north and south sides of the property and the dock doors face the side property lines thereby not fronting any public street.
7. The site is relatively flat and open. Existing trees and a small stream as described above are to be preserved and incorporated in to the site design.
8. The stormwater management plan is still under development. The applicant has indicated that dry detention facilities within the 161 setback and a small pond near the main headquarters building will be included as part of the final plan.
9. Section 1.02(1) of the Zoning Text requires that a building with a loading dock is developed along State Route 161 it must be located 200 feet from the right-of-way. The applicant has proposed locating the warehouse and distribution building (which contains 90 loading docks not facing the expressway) 207 feet from the State Route 161 right-of-way. The loading dock area does not they would not be visible from the expressway since it does not face the expressway and the landscaping within the conservation easement area provides sufficient screening.
10. Zoning text section 1d.01(4) requires the following setbacks:

Perimeter Boundary	Required Setback	Proposed Setback
State Route 161	125 foot pavement setback from ROW	132 +/- feet

State Route 161	135 foot building setback from ROW	207 +/- feet
Smith's Mill Road	95 foot pavement from c/l	129 +/- feet
Smith's Mill Road	135 foot pavement from c/l	204 +/- feet
East and west property lines	For any structure or service area, the required side yard shall be not less than twenty-five (25) feet from any interior lot line.	315 +/- feet (west) 460 +/- feet (east)

All of the proposed lots are meeting the minimum required setbacks.

11. The maximum lot coverage for structures and paved areas within the LI or GE Districts the maximum lot coverage shall be seventy-five percent (75%). The remainder of the site shall be landscaped in natural vegetation. The applicant states the lot coverage is 56%.

G. Access, Loading, Parking

Parking

8. The parking calculation for this warehousing and distribution uses is two parking spaces for each three employees during work shift having greatest number of employees, plus one for each vehicle maintained on the premises. The applicant is proposing 336 spaces.

Loading and service areas

9. Based on the square footage of the proposed building, five (5) loading spaces are required. The proposal include 90 loading docks and 114 trailer spaces.

Access and circulation

10. Section 1.03 of the limitation text requires all entry drives be coordinated with improvement in road rights-of-way and landscaping.
11. The property is proposed to be serviced by two entrances/exits on Smith's Mill Road. This entry drives will be located on either side of the site and will connect all the parking areas separate parking areas within the site.
12. Smith's Mill Road is a four lane road built provide a good system to service the New Albany business park.
13. The applicant is providing horse fence and an eight foot wide asphalt leisure trail along the Smith's Mill Road frontage. This will provide a consistent streetscape with the neighboring sites. The leisure path with connect to the existing path to the properties to the west and east.

H. Architectural Standards

7. The zoning text requires warehouse/distribution buildings be designed to be harmonious in character to other warehouse/distributions on the campus. Façade colors and materials shall be coordinated to complement each other.
 - a. The building is using the same menu of materials as the A&F distribution center to the west and the Lower.com site to the east by utilizing a mixture of pre-cast concrete, decorative metal canopies, well defined entrances, and varied designs to break up the massing of the building.
8. Section 1.02(5) of the Blacklick Subarea D Zoning Text which limits building to a maximum height of 60 feet. The applicant has affirmed that the building will have a maximum height of 44 feet.
9. The building has double frontages (Smith's Mill Road and 161 Expressway), and the building's architecture appropriately addresses both streets evenly in the architectural design.
10. The text requires any external mechanical equipment on the rooftop or ground to be totally screened all four sides with materials that are similar to or are the same as the majority of the buildings. The applicant is providing four-sided screening for visuals and sound. Roof-top

screening is provided for the future office areas with four-foot tall parapet walls and at the corners equipment will utilize a pre-fabricated screening system.

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

1. The zoning text requires the parking area have an interior landscaping that is a minimum 8% of the total parking area. The applicant is providing the full 8% interior landscaping area by breaking up the parking lots with tree islands.
2. The zoning text requires one street tree per 30 feet of frontage along Smith's Mill Road. The landscape appears to show the street trees spaced at a length greater than 30 feet apart. Per the city landscape architect's comments below, staff recommends the landscape plan is updated to show street trees at 1 per 30 feet, subject to staff approval.
3. Section 1.05(1) of the Zoning Text requires that screening and mounding to a height of 8 feet and 100% opacity shall be achieved along the 161 New Albany Expressway. Additionally, the Zoning Text requires a mixture of ten deciduous and evergreen trees planted per 100 linear feet. The property has an existing vegetated conservation easement that the developer is proposes to utilize to provide the required screening and landscaping. The applicant has requested a variance from the screening requirements along State Route 161. This request for variance, V-97-2021, will be evaluated by the BZA during their September 27, 2011 meeting.
4. Section 1.05(2)(c) requires a minimum of one tree for every five thousand (5,000) square feet of ground coverage and a total tree planting equal to twenty-five (25) inches plus one-half inch in tree trunk size for every four thousand (4,000) square feet over fifty thousand (50,000) square feet in ground coverage. Staff has historically interpreted this to mean the over fifty thousand (50,000) square feet in ground coverage only applies to the trunk size requirement. In this case 200 trees are required ($1,000,100/5,000 = 200$) and 143" of total tree trunk DBH. There are currently 145 new trees with a total DBH of 362.5 inches proposed and the applicant proposes to utilize 55 existing trees on the site within the conservation easement area. The applicant commits to inventorying the trees within this area and providing it to city staff prior to construction. If the existing trees are insufficient, as determined by the city, then additional trees shall be added to the site.
5. The zoning text requires all service areas including loading docks, exterior storage of materials, supplies, equipment, or trash containers shall be totally screened at ground level from all public roads and adjacent properties. The applicant notes that that service area dumpsters locations have not been determined at this. Staff will evaluate the location and design of these items during the review of a building permit.
6. The city landscape architect has reviewed the application and provided the following comments below. These comments can also be found in a separate memo attached to this staff report. Staff recommends a condition of approval that the city landscape architect comments are addressed, subject to staff approval.
 - a. All *Quercus bicolor* street trees along Smith's Mill Rd should be planted at 3" caliper, 30' O.C. per New Albany Code.
 - b. Plant random massings of native, deciduous shade trees in the basins. The western basin requires a more robust planting, as it should provide some screening to the adjacent property.
 - c. Reorganize tress on Smith's Mill Rd's mound. The public facing slope of the mound should include more trees to match the precedent set at Abercrombie & Fitch located to the west. See diagram.

F. Lighting & Signage

4. *Signage is not included in the submittal. Signage for the site will be reviewed by city staff.*
5. *The zoning text specifies standards for the design of exterior lighting. The text requires that light fixtures be no taller than 28 feet, that lighting levels be a minimum of .5 foot candles and 8 foot candles in parking areas and that lighting levels be no greater than .1 foot candles measured 10 feet outside of the property line.*
 - a. The applicant has submitted a photometric plan that meets the lighting requirements.
 - b. The proposed lighting fixtures meet the requirements and are proposed to be 25 feet high. The applicant is proposing bronze colored lighting poles and fixtures for the parking lot lighting. Staff recommends a condition of approval that the parking lot lighting poles and fixtures are colored black to match the surrounding fixtures at neighboring sites.

G. Other Considerations

1. EMH&T recently visited the property and observed that the original stream was not filled by A&F. The stream is still flowing from drain tiles and localized runoff. The original wetland was filled and is being farmed. There are also several new wetlands along the original stream. EMH&T is in the process of preparing a delineation report for the property. The delineation report will be coordinated with the U.S. Army Corps of Engineers (USACE). The site plan will require the original stream and new wetlands to be filled. EMH&T will be preparing the necessary permits.
2. The proposed preliminary development plan is required under the zoning text for the property. The zoning text does not require review of a final development plan for this property. Additionally, staff recommends that future development does not need to return for Planning Commission approval.

IV. ENGINEER’S COMMENTS

The City Engineer has reviewed the referenced plan in accordance with the engineering related requirements of Code Section 1159.07 (b)(2) and has issued the following review comments below. Staff recommends a condition of approval that these comments be addressed, subject to staff approval.

1. In accordance with code sections 1159.07 (b)(2) J and K, provide ACOE permitting documentation when available.
2. Provide the Instrument Number for the Stream Preservation Easement shown on the plans.
3. 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 since the development plan is consistent with the purpose, intent and standards of the limitation text. The proposed development integrates with the existing warehouse and distribution center use to the west and the Lower.com office to the east. The building is designed to have a similar level of finish on all four sides and properly addresses State Route 161 and Smith’s Mill Road. The site plan has been carefully laid out to properly address the public right-of-way and existing conditions on the site.

Staff recommends approval provided that the Planning Commission finds the proposal meets sufficient basis for approval with the conditions of the approval listed below.

VI. ACTION

Suggested Motion for PDP-94-2021:

Move to approve preliminary development plan application PDP-94-2021 based on the findings in the staff report with the following conditions:

8. Approval of the preliminary development plan is contingent on the approval of V-97-2021 by the Board of Zoning Appeals or the development plan is modified to eliminate the need for the requested variances.
9. Signage is subject to staff approval.
10. The parking lot lighting poles and fixtures are colored black to match the surrounding fixtures at neighboring sites.
11. The city engineer comments are addressed subject to staff approval.
12. The city landscape architect comments are addressed subject to staff approval.

Approximate Site Location:



Source: Google Earth