



New Albany Architectural Review Board
October 11, 2021 Minutes

New Albany Architectural Review Board met in regular session in the Council Chambers at Village Hall, 99 W Main Street and was called to order by Architectural Review Board Chair Mr. Alan Hinson at 7:02 p.m.

Those answering roll call:

| | |
|------------------------|---------|
| Mr. Alan Hinson, Chair | Present |
| Mr. Francis Strahler | Present |
| Mr. Jonathan Iten | Present |
| Mr. Jim Brown | Present |
| Mr. E.J. Thomas | Present |
| Mr. Andrew Maletz | Present |
| Ms. Sarah Briggs | Absent |
| Mr. Michael Durik | Present |

Staff members present: Steven Mayer, Development Services Coordinator; Mr. Chris Christian, Planner; Ms. Jennifer Huber, for Mitch Banchefsky, City Attorney; and Josie Taylor, Clerk.

Moved by Mr. Iten to approve the September 13, 2021 meeting minutes, seconded by Mr. Maletz. Upon roll call: Mr. Iten, yea; Mr. Maletz, yea; Mr. Thomas, yea; Mr. Strahler, yea; Mr. Hinson, yea; Mr. Brown, yea. Yea, 6; Nay, 0; Abstain, 0. Motion passed by a 6-0 vote.

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

Mr. Christian stated none from staff.

Mr. Hinson swore in those wishing to speak before the Architectural Review Board (hereafter, "ARB") this evening to tell the truth and nothing but the truth.

Mr. Hinson asked if anyone wanted to discuss items not on tonight's Agenda. (No response).

**ARB-99-2021 Certificate of Appropriateness and Waivers
Certificate of Appropriateness for the development of a new church located at 5526 Dublin Granville Road and 5321 Harlem Road. Waivers have been requested to the landscaping requirements for the site and to New Albany Design Guidelines and Requirements Section 8 (Civic & Institutional Buildings) III(3) to not require a building entrance along the Dublin Granville Road building elevation (PID: 222-003431 and 222-002058).
Applicant: M+A Architects c/o Jeff Heffner**

Mr. Christian presented the staff report. Mr. Christian noted that only waivers (A) and (B) on the staff report were part of this application. Mr. Christian distributed the applicant's response to the staff report to the ARB members.

Mr. Hinson asked if the applicant had comments to provide.

Ms. Ronda Hobart, Building Committee Chair for New Albany Presbyterian Church, discussed the project, work conducted, meetings held with neighbors, and thanked staff for their assistance in this process.

Mr. Iten noted that the ARB normally looked for four-sided architecture in the community. Mr. Iten stated there was some stone veneer on the building's parking lot front and asked if that would also be on all four (4) sides of the structure.

Mr. Dan Pease, M+A Architects, stated yes.

Mr. Iten stated the architecture looked well done.

Mr. Pease stated it had a relaxed, rural feel.

Mr. Iten asked if the New Albany Company had provided final approval for the use of the stone.

Mr. Pease stated they were working on a final approval.

Mr. Iten stated they might need to return to the ARB if the New Albany Company approved something else.

Mr. Mayer stated the ARB could make that subject to staff approval or have the applicant return.

Mr. Hinson stated he would prefer to see uniformity along the northern tree line along the boulevard. Mr. Hinson asked if the fencing ended at the northeastern corner or wrapped all around the property.

Mr. Pease stated it was all around.

Mr. Hinson stated he would like to see the southern end of the parking lot screened, which again recalled the four-sided architecture, and also screened headlights at night.

Mr. Pease stated okay.

Mr. Mayer stated the southern end of the lot was surrounded by residential areas.

Mr. Maletz stated he needed clarification on the northern and eastern elevations. Mr. Maletz stated the north elevation's roof line peaked at a height that appeared to be below the ridge line of the crossing and massing but yet on the east elevation that did not appear to be consistent. Mr. Maletz asked which one governed.

Mr. Jeff Heffner, Project Manager with M+A Architects, stated the high line on the north elevation was the roofline on the north elevation.

Mr. Maletz asked if there was a connecting ridgeline whose connection was not shown.

Mr. Heffner stated yes and pointed it out on the presentation.

Mr. Maletz asked if that meant the east elevation governed and the north elevation may be somewhat unclear based on its view.

Mr. Heffner stated it was further behind.

Mr. Maletz said the massing and fenestration contained awkward transitions between adjacent roofs. Mr. Maletz stated he could understand moving the entry from the north elevation, but noted that that elevation should be more in tune with the residential areas there. Mr. Maletz stated the south elevation's columns' spacing and thickness needed to be in proportion and should be revisited. Mr. Maletz asked if there was backlighting on the north elevation.

Mr. Pease stated yes, it was meant to be backlit.

Mr. Maletz stated that normally backlighting was not used in the community. Mr. Maletz stated this was a clearly defined residential zone and accommodations needed to be made. Mr. Maletz stated he thought the tree line along US-161 should be parallel with the horse rail fence and the walking path. Mr. Maletz asked if the applicant proposed to partially satisfy the request along Harlem Road, the eastern side of the property, in terms of the woods there.

Mr. Christian stated the applicant had proposed meeting the required quantity of trees along Harlem Road and also to relocate some of the existing trees to the western property line to satisfy screening requirements for 75% opacity.

Mr. Hinson requested an aerial image. Mr. Hinson stated he did not see an issue along the eastern border with trees.

Mr. Maletz stated it seemed there was sufficient room to continue the pattern of plantings down to the property line.

Mr. Hinson stated he too was concerned with the backlighting detail and also wanted to see uniform street trees along the eastern border.

Mr. Heffner stated the diagram was in response to staff's comments and he was concerned that there could be an issue with placing trees in the space due to an easement for utilities. Mr. Heffner stated that if they could they would and, otherwise, they would put them on the western edge. Mr. Heffner stated they originally had a straight row of trees along US-161 but the City landscape architect had requested they not be placed that way. Mr. Heffner stated they would work with the City landscape architect to determine where they would go. Mr. Heffner stated they would consider the comments on the lighting. Mr. Heffner stated the southern property line had eighty (80) feet of trees and noted the parking lot was lower than the surrounding property by about three (3) or four (4) feet.

Mr. Iten asked if that was lower due to the slope of the land.

Mr. Heffner stated yes and grading.

Mr. Hinson stated the parking lot lighting poles on this property would be about 21 feet tall and asked staff for the average height of such poles in the community.

Mr. Mayer stated they would normally be in the twenty (20) to thirty (30) foot range in commercial parking locations and it was common in other areas for them to be eighteen (18) feet tall.

Mr. Maletz asked what the material used for the parking islands would be.

Mr. Heffner stated grass.

Mr. Maletz stated he would like the ARB to review the style of the lighting fixtures.

Mr. Christian stated a photometric plan had been submitted with the application and showed near zero candle foot intensity at adjacent property lines and noted a cutoff fixture was being used.

Mr. Hinson asked how tall the lights were in the Methodist Church project that was recently completed.

Mr. Mayer stated they could look that up.

Mr. Iten stated he was satisfied that the front entrance on US-161 satisfied the condition for the waiver as it met the site specific constraints requirement. Mr. Iten stated the parking lot screening waiver he struggled with and was less inclined to grant the waiver on it. Mr. Iten stated he also agreed with Mr. Maletz regarding the column massing. Mr. Iten stated he would not be offended by halo type lighting that was not too bright.

Mr. Strahler asked if there would be additional signage on the site.

Mr. Mayer stated none was proposed at this time.

Mr. Iten stated that was subject to staff approval and he would like to see it.

Mr. Maletz stated he would agree with that.

Mr. Thomas stated there were none there now but they were anticipated.

Mr. Heffner stated they anticipated a sign at each entry.

Mr. Hinson asked members of the public to provide their comments at this time.

Mr. Kevin Hoffman, 5199 Harlem Road, asked staff to put his presentation on screen. Mr. Hoffman discussed the project and its impacts on the surrounding residents. Mr. Hoffman noted concerns regarding style, design, structures on the site, screening, opacity, lighting, sound, and traffic.

Dr. Michael Hallet, 4658 Tensweep, stated he echoed Mr. Hoffman's comments and noted the landscaping and property should preserve the character of the community. Dr. Hallet stated residents around the property did not want to see lighting from the parking lots or the building on their properties. Dr. Hallet suggested lights could be dimmed, placed on timers, or motion detectors.

Ms. Susie Banchefsky, 5300 Harlem Road, stated she was speaking for her household as well as other neighbors who could not be present this evening. Ms. Banchefsky stated this was a large development in an unimproved, rural corridor. Ms. Banchefsky stated the second entrance on Harlem Road should have limited use, was directly across from a resident's home, and noted a traffic study could be needed to determine the safety and impact of this on traffic and the community. Ms. Banchefsky stated the lights were too tall for a residential area and should be dimmed or turned off at certain times. Ms. Banchefsky also noted opacity, buffering, and screening should be required. Ms. Banchefsky said current construction on the site was making current leisure trails difficult to use and unsafe.

Mr. Dean Haldeman, 5187 Harlem Road, stated his residence was on the southern side of the church building and that he also echoed the comments made by others and shared the concerns they mentioned. Mr. Haldeman stated the Harlem Road entry could be viewed as primary by some who found access easier that way and the rural character of the road was not designed for that use. Mr. Haldeman stated there should not be a sign on that second entrance. Mr. Haldeman stated he had concerns regarding buffering and the landscaping requirements should not be waived. Mr. Haldeman stated this church would act as a community gateway and should be held to higher standards.

Ms. Caryn Morgan, 5215 Harlem Road, stated she echoed prior speakers' points regarding lighting, screening, and the use of the Harlem Road entry. Ms. Morgan stated the community's high standards should be maintained.

Mr. John Farber, 5250 Harlem Road, stated he too echoed prior speakers' comments and asked that the ARB please view this application from the perspectives of the community's residents. Mr. Farber stated this was a rural area.

Mr. David Milroy, pastor New Albany Presbyterian Church, stated they wanted to be good neighbors. Mr. Milroy stated they would withdraw their waiver for the southern part of the parking lot. Mr. Milroy stated timing was critical for construction at this time of year and they would like to work with all to help the project progress.

Mr. Iten thanked everyone for the polite discourse this evening.

Mr. Hinson stated he agreed, all arguments were thoughtfully delivered and the ARB would take their concerns seriously. Mr. Hinson stated the ARB appreciated that the request for waiver (B) on the application had been withdrawn.

Mr. Iten stated there had been a lot added this evening. Mr. Iten stated he would like to speak with counsel regarding what was considered to be legally adjacent as that would affect the review for the waiver and staff recommendations. Mr. Iten stated this would need some time to be fully assessed.

Mr. Brown stated this could be tabled.

Mr. Iten stated he would be glad to attend a special meeting on this due to the timing.

Mr. Maletz stated he echoed Mr. Iten's comments and there were items that needed further review. Mr. Maletz stated he thought there was a fairly substantial list of items on which there were still unanswered questions, such as those involving parking, architectural discrepancies, landscaping, buffering, lighting, ancillary structures, dumpster locations, etc. Mr. Maletz noted this list of items could be too much to be determined this evening

Mr. Iten asked how quickly legal counsel could respond to the issue of what was adjacent, as that response was needed.

Mr. Mayer stated there was a process for appeals of staff's interpretations of Code. Mr. Mayer stated the City's Board of Zoning Appeals heard such appeals.

Mr. Iten asked if the ARB was required to accept staff's interpretation.

Mr. Mayer stated that if the ARB accepted staff's interpretation here and it was later successfully appealed by the applicant, then that would hold for the Code's interpretation.

Mr. Iten stated he would prefer to avoid that process and wanted to get it right at this time. Mr. Iten asked if being aware of a legal opinion would change staff's opinion.

Mr. Mayer stated the appeal process would be used.

Mr. Thomas stated there was a need to review the finer points of law here and there were also a lot of people who had been very respectful when presenting their concerns. Mr. Thomas stated it should be possible for all to work together to arrive at an agreement and noted that could be a faster way to resolve these matters.

Ms. Hobart stated they had previously met with residents and had made many changes in response to their requests. Ms. Hobart stated there was a letter in the packet indicating the changes the applicant had made due to neighbor concerns.

Mr. Thomas stated these things sometimes needed to go through several iterations. Mr. Thomas said that additional time seemed to be needed here.

Mr. Hinson stated there were some benefits to be obtained from the applicant's location at this site and the applicant's willingness to take care of the screening addressed a large concern. Mr. Hinson stated he agreed with Mr. Thomas' comments regarding time and said there were a lot of concerns that could be taken care of by the applicant and neighbors working together. Mr. Hinson stated he would be happy to schedule a special meeting for this and he would recommend tabling this project at this time.

Ms. Hobart asked if the meeting could be set at this time.

Mr. Mayer stated staff could work to schedule a special meeting.

Mr. Iten stated he would like to see a legal opinion. Mr. Iten asked staff if mounding could be an option for screening.

Mr. Mayer stated mounding had been used in conjunction with screening at other locations but said he was not sure about this corridor on US-161 and Harlem Road. Mr. Mayer stated rural areas were typically not mounded.

Mr. Iten stated he needed more time to assess the additional materials and then review the comments made this evening.

Moved by Mr. Iten to table the certificate of appropriateness for ARB-99-2021, seconded by Mr. Thomas. Upon roll call vote: Mr. Iten, yea; Mr. Thomas, yea; Mr. Hinson, yea; Mr. Strahler, yea; Mr. Brown, yea; Mr. Maletz, yea. Yea, 6; Nay, 0; Abstain, 0. Motion carried by a 6-0 vote.

Mr. Mayer stated staff would work to schedule the meeting and provided suggestions for available dates.

Mr. Hinson asked Mr. Hoffman to provide staff with his presentation materials.

Mr. Iten asked that Mr. Hoffman also provide one to the applicant.

Mr. Hinson asked if there was any other business.

Mr. Christian stated none from staff.

Moved by Mr. Hinson to adjourn the meeting, seconded by Mr. Iten. Upon roll call: Mr. Hinson, yea; Mr. Iten, yea; Mr. Strahler, yea; Mr. Brown, yea; Mr. Thomas, yea; Mr. Maletz, yea. Yea, 6; Nay, 0; Abstain, 0. Motion passed by a 6-0 vote.

Meeting adjourned at 9:15 p.m.

Submitted by Josie Taylor.

APPENDIX



Architectural Review Board Staff Report October 11, 2021 Meeting

CERTIFICATE OF APPROPRIATENESS & WAIVERS NEW ALBANY PRESBYTERIAN CHURCH

LOCATION: 5526 Dublin Granville Road and 5321 Harlem Road (PIDs: 222-003431 and 222-002058)
APPLICANT: M+A Architects c/o Jeff Hefner
REQUEST: Certificate of Appropriateness & Waivers
ZONING: Agricultural (AG)
STRATEGIC PLAN: Residential
APPLICATION: ARB-99-2021

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

Staff report prepared by Chris Christian, Planner.

I. REQUEST AND BACKGROUND

This certificate of appropriateness application is for the development of a new, 26,457 sq. ft. church and parking lot (196 spaces) at 5526 Dublin Granville Road and 5321 Harlem Road.

Per Section 8 of the New Albany Design Guidelines and Requirements, civic and institutional facilities must submit a development plan for review by the Architectural Review Board (ARB). The purview of the ARB review includes the evaluation of site design, building locations, form and massing information and a palette of design elements that includes exterior materials, window and door design, colors and ornamentation.

The applicant requests the following waivers as part of the application.

- (A) Waiver to New Albany DGR Section VIII (III)(3) to eliminate the requirement that there be a building entrance along the Dublin Granville Road.
- (B) Waiver to C.O. 1171.06(b) to eliminate the requirement that the western and southern parking areas be screened from primary streets, residential areas and open space by a 3.5-foot minimum evergreen hedge, masonry wall or a combination of wall and plantings.
- (C) Waiver to C.O. 1171.05(c) to eliminate the requirement that 75% opacity screening be provided between the proposed institutional use and adjacent residentially zoned properties on the western property line.
- (D) Waiver to C.O. 1171.04(a) to eliminate the requirement that street trees be planted along Harlem Road at a rate of one tree for every 30 feet of lot frontage.

Per Codified Ordinance Chapter 1157.09(b) the Architectural Review Board is to review the visual and functional components of the building and its site. Public streets are considered outside the site's boundaries and fall under the purview of the City Engineer.

LAW DIRECTOR COMMENTS

It is the law director's opinion that given the specific provisions set forth in Codified Ordinance Section 1157.09, entitled "Criteria for Evaluation of Application for Certification of Design Appropriateness", the Architectural Review Board does not have jurisdiction to consider or condition approval on off-site traffic issues.

This is due to the fact that Codified Ordinance Section 1157.09 (b) specifically states that staff, as well as the Board, consider "The visual and functional components of the building and its site, including but not limited to landscape design and plant materials, lighting, vehicular and pedestrian circulation, and signage." Accordingly, it is clear that all of these criteria relate to on-site conditions. Additional support for this proposition is found in the remaining subsections of this Code section which sets forth various other review criteria, all of which address on-site conditions. These review criteria include:

- Distinguishing qualities of the building, structure, site, historic material, distinctive architectural or environmental features;
- Historical architecture;
- Distinctive stylistic features and craftsmanship;
- Minimizing damage to historical elements by surface cleaning;
- Ensuring new structural additions/alterations can be removed without damage to the original structure;
- Documentation and use of the same architectural features;

Lastly, Codified Ordinance Section 1157.02 entitled "Purpose" clearly establishes the purpose of the Architectural Review District as being "...to protect and preserve these assets, by regulating the architectural characteristic of structures and their surroundings..." and to "...recognize, preserve and enhance the architectural and historical character of the community and to prevent intrusions and alterations within the established zoning districts which would be incompatible with their established character."

Based on the foregoing, it is the law director's opinion that pursuant to the Codified Ordinances, off-site traffic issues are not within the purview of the Architectural Review Board's evaluation and decision regarding this Application. As noted above, a review of off-site traffic issues is conducted by the City Engineer and staff.

II. SITE DESCRIPTION & USE

The 12.3 +/- acre development site is located in Franklin County at the southwest corner of the Dublin Granville Road and Harlem Road intersection. The site is zoned Agricultural (AG), contains two existing homes and is surrounded by residentially zoned and used properties.

III. EVALUATION

The ARB's review is pursuant to C.O. Section 1157.06 (Architectural Review Overlay District). No environmental change shall be made to any property within the city of New Albany until a Certificate of Appropriateness has been properly applied for and issued by staff or the Board. Per Section **1157.09 Design Appropriateness**, the building and site should be evaluated on these criteria:

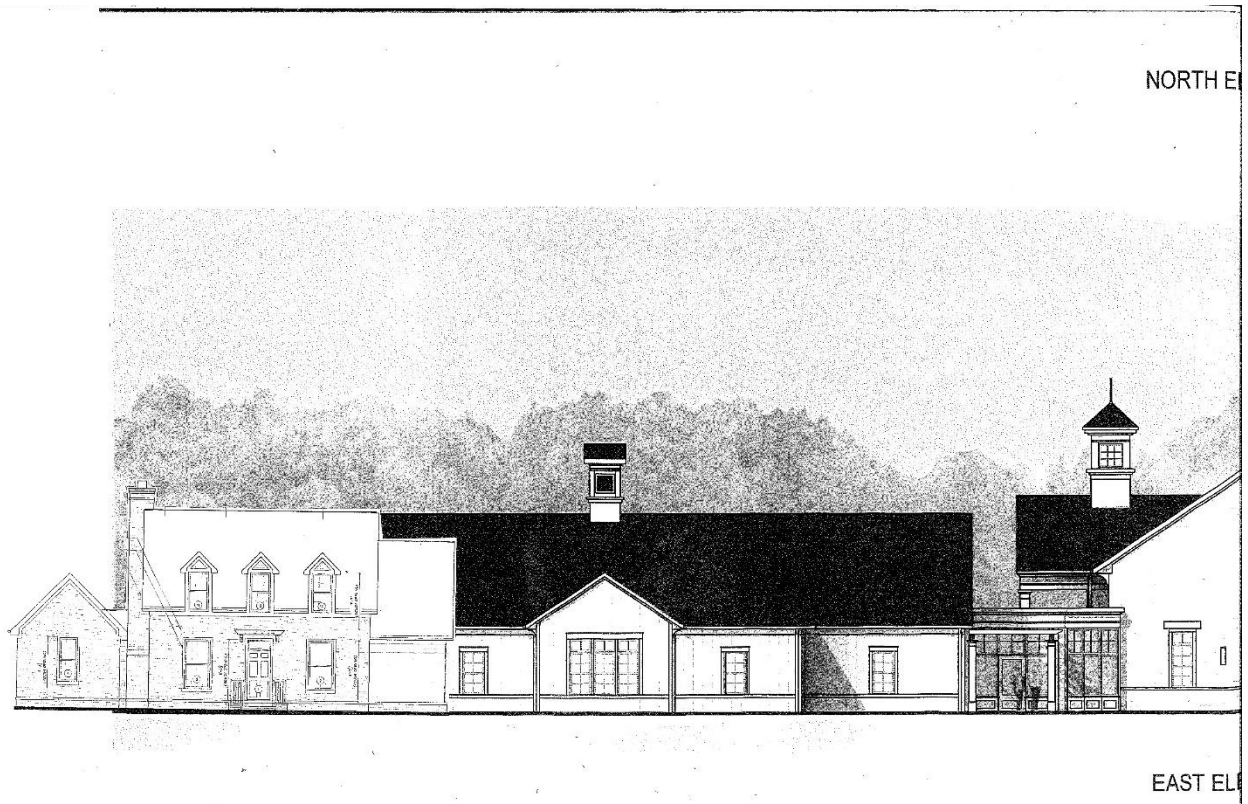
1. *The compliance of the application with the Design Guidelines and Requirements and Codified Ordinances.*

- C.O. 1129.03(d) states that religious exercise facilities and related uses are permitted to be developed in the Agricultural (AG) zoning district, provided that these uses do not occupy a lot of less than 5 acres in size. The proposed development includes a new, 26,457 sq. ft. church and parking lot (196 spaces) on a 12.3+/- acre site, meeting the requirements of this code section.
- The development site is made up of two properties, each containing a single-family home. The application indicates that one of the homes will be preserved and the other will be demolished.
- C.O. 1129.06 provides the following development standards for Agricultural (AG) zoned properties. The Agricultural District contains the following minimum building setbacks.

| Building Setback Requirement | Proposed | Requirement Met? |
|--|---|-------------------------|
| Minimum 5 acre lot area | 12.3+/- acres | Yes |
| 200 foot minimum lot frontage | Dublin Granville Road: 590 ft Harlem Road: 690 ft | Yes |
| 50 foot minimum front yard setback | Dublin Granville Road: 103 ft Harlem Road: 180 ft | Yes |
| 20 foot minimum side yard | Southeast side yard: 315 ft West side yard: 141 ft | Yes |
| 50 foot minimum rear yard | 526 ft | Yes |
| 45 foot maximum building height *Cupolas and steeples are permitted to exceed the maximum building height | 34.4 ft maximum roof height 48.9 ft steeple height | Yes |

- DGR Section 8(III)(2) states that the selection of architectural style shall be appropriate to the context, location and function of the building. The style should be based on traditional practice in American architecture. In general, high-style designs with grander scale are appropriate for major structures, including churches. The city architect has reviewed the application and states that the building is designed in an American Rural Vernacular style with a human scale despite possessing a large footprint. The city architect comments that the size, massing and style are appropriate given the location in which the development is proposed.
- DGR Section 8(III)(3) states that entrances to civic and institutional buildings shall be oriented toward primary street and roads and shall be of a distinctive character that makes them easy to locate. The proposed church is designed with the main entrance facing the parking lot however it does include an entrance on the Harlem Road elevation. There is not an entrance on the Dublin Granville Road elevation and a waiver is requested to this requirement and is evaluated under the waiver section of the staff report.
- DGR Section 8(III)(4) states that civic and institutional designs shall follow the precedents of traditional American architectural design, with particular care paid to the proportions of wall height to width; roof shape; and proportions of windows and doors. The details and design characteristics of the traditional style selected for a new building shall be carefully studied and faithfully rendered in the proposed building design. The city architect comments that the American Rural Vernacular style building is faithfully designed and detailed in the chosen style that allows it to “fit in” with the surrounding context much better than a more grandiose design would have in this case.
- The city architect comments that while the proposal will have a large footprint, the applicant has successfully kept the overall height of the proposed structure low while still maintaining an expected presence and importance. Evidence of this can be found the image below which shows the existing home on the site which will be preserved, in front of the

proposed Harlem Road elevation. The proposed structure maintains similar roof heights and eave lines which will further ensure that the proposal is sensitive to the surrounding area architecturally.



- The applicant provided the proposed building materials on the plans as well as provided a material sample board for review as follows:
 - Board and batten, hardi plank siding as the primary building material.
 - Manufactured stone used on the primary, narthex and sanctuary building massing.
 - Aluminum primary building entrances.
 - Dimensioned, asphalt roof shingles.

All of the proposed building materials are high quality. Additionally, hardi plank and stone have been used as building materials for residential homes along Harlem Road.

- The application indicates that there will be a future playground and patio spaces installed on the eastern side of the property. Staff recommends a condition of approval that these future improvements be subject to staff approval and be appropriately screened from adjacent properties.

2. *The visual and functional components of the building and its site, including but not limited to landscape design and plant materials, lighting, vehicular and pedestrian circulation, and signage.*

Landscape

- Per C.O. 1171.06(b), parking lots must be screened from primary streets, residential areas and open space by a 3.5 foot minimum evergreen hedge, masonry wall or a combination of wall and plantings. Please refer to exhibit A which demonstrates where on the site this requirement is not being met. The applicant has requested a waiver from this requirement

along the southern and western parking lot areas which will be evaluated under the waiver section of the staff report.

- The applicant is partially meeting this requirement along the eastern boundary of the parking lot. The landscape plan indicates that 24 inch parking lot hedgerow will be installed in front of the parking spaces that face Harlem Road.
- The site plan shows a future playground area between the proposed hedgerow and building resulting in a gap in the headlight screening. Staff recommends a condition of approval that additional hedgerow screening be added around the “future playground” space indicated on the plans to fully meet this requirement since it is adjacent to the parking area.
- C.O. 1171.06(a)(2) states that a minimum of 5% of the overall parking lot area must be landscaped. The applicant is exceeding this requirement by providing grassed, landscape islands that make up 7.22% of the total parking area.
- C.O. 1171.05(c) states that for commercial, industrial, office and institutional uses which abut districts where residences are a permitted use, a buffer zone with a minimum width of 25 feet should be created. Such screening within the buffer zone shall consist of natural vegetation planted no closer than 3 feet to any property line. Natural vegetation shall have an opaqueness of 75% during full foliage and shall be a variety which will attain 10 feet in height within 5 years of planting. This requirement applies to the residentially zoned properties to the west and south since those share a common lot line/boundary.
 - The applicant is providing the minimum 25 foot recommended buffer zone from the abutting residential properties.
 - It appears the existing trees and vegetation remaining on the site will be utilized to meet the requirements of this code section. Staff recommends a condition of approval that additional landscape must be planted on the site if the minimum 75% opacity screening is not achieved with existing landscaping.
 - Please refer to exhibit A which demonstrates where the 75% opacity requirement is not being met. The applicant has requested a waiver to this requirement along a portion of the western property line.
- Per C.O. 1171.04(a), street trees along Harlem and Dublin Granville are required to be planted at an average rate of one tree for every 30 feet of linear lot frontage.
 - Dublin Granville Road: $590 \text{ feet of frontage} / 30 = 20$ required street trees. The applicant proposes to install 15 street trees and the requirement is not met. Staff recommends that an additional 5 street trees be planted along Dublin Granville Road and that all street trees planting be randomized (staggered and installed on both sides of the leisure trail) in order to be more in character with the rural area.
 - Harlem Road: $690 \text{ feet of frontage} / 30 = 23$ required street trees. The applicant has requested a waiver to this requirement which will be evaluated under the waiver section of the staff report.
- C.O. 1171.05(b) states that for institutional uses, all trash and garbage container systems shall be screened or enclosed by walls, fences or natural vegetation to screen them from view. The code further states that the container systems shall not be located in front yards and shall conform to the side and rear yard pavement setbacks and this requirement is being met.
- The city landscape architect reviewed the application and provided the following comments. Staff recommends a condition of approval that the city landscape architect comments be addressed, subject to staff approval.
 1. Street trees along Dublin Granville Rd should be planted in random massings of native deciduous shade trees. Include more variety of species and provide the required quantity of trees.

2. Street trees along Harlem Rd should be planted in random massings of native deciduous shade trees.
3. Provide planting in basin in order to meet 75% screening opacity in 5 years from installation. Trees should be planted with naturalized spacing and grouping.
4. Consider naturalizing the evergreen screen with more species of trees and a randomized spacing.

Parking and Circulation

- The site will be accessed by two curb cuts, one primary entrance along Dublin Granville Road at the existing (upper) Harlem Road intersection and one secondary entrance along (middle) Harlem Road. The city engineer has reviewed the application during preliminary meetings with the applicant and approved the site layout and general locations of curb cuts along public roads. During preliminary meetings, an importance was placed on ensuring that the curb cuts were designed in a way so that the primary entrance into the site was off of Dublin Granville Road and that Harlem Road was designed to be used as a secondary access point to the site. In order to ensure that the intent of treating the Harlem Road entrance as secondary is achieved, staff recommends a condition of approval that the drive aisle be reduced from 24 feet to 22 feet.
- C.O. 1165.06 requires and 8-foot-wide leisure trail to be installed along Dublin Granville Road and Harlem Road. The city recently completed construction of a leisure trail along Harlem Road, including the frontage of this site. The applicant proposes to install leisure trail along the entire Dublin Granville Road frontage of the site, therefore this requirement is met.
- C.O. 1167.05(c)(1) requires 1 parking space for every 3 seats in the main auditorium to be provided on site. There are 460 seats in the auditorium therefore, 154 parking spaces are required and the applicant is exceeding this requirement by providing 196.

Lighting and Signage

- The site plan indicates that there will be two signs installed on the site, one at each entrance however the details of these signs are not provided. Staff recommends a condition of approval that these signs be subject to staff approval and must meet all city sign code requirements.
 - The applicant submitted a detailed photometric plan as part of the application showing zero candle-foot light intensity along adjacent residential properties.
 - The applicant indicates that there will be a cross installed on the Dublin Granville Road building elevation and that it will be halo illuminated.
3. *The distinguishing original qualities or character of a building, structure, site and/or its environment shall not be destroyed.*
 - The applicant indicates that one of the existing homes on the property will be demolished. The other home will remain on the site and there are no improvements proposed at this time. Staff recommends a condition of approval that any future, exterior repairs to the home be subject to staff approval.
 4. *All buildings, structures and sites shall be recognized as products of their own time.*
 - The proposed building material selection are in kind with the proposed architecture of the structure which is sensitive to the established architectural character of the immediate area.
 5. *Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be created with sensitivity.*
 - The proposed building improvements are sensitive to the rural residential character of the

area.

6. *The surface cleaning of masonry structures shall be undertaken with methods designed to minimize damage to historic building materials.*
 - Not Applicable as there are no proposed modifications to the existing structure that will remain on the site.
7. *Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the original structure would be unimpaired.*
 - Not applicable.

Waiver Requests

C.O. 11130.10 states an applicant who wishes to have a requirement of the Zoning Ordinance waived must apply to the ARB through city staff for said waiver in conjunction with a certificate of appropriateness application that will be reviewed by the Architectural Review Board. The ARB's review is pursuant to C.O. Section **1113.11 Action by the Architectural Review Board for Waivers**, within thirty (30) days after the public meeting, the ARB shall either approve, approve with supplementary conditions, or disapprove the request for a waiver. The ARB shall only approve a waiver or approve a waiver with supplementary conditions if the ARB finds that the waiver, if granted, would:

1. *Provide an appropriate design or pattern of development considering the context in which the development is proposed and the purpose of the particular standard. In evaluating the context as it is used in the criteria, the ARB may consider the relationship of the proposed development with adjacent structures, the immediate neighborhood setting, or a broader vicinity to determine if the waiver is warranted;*
2. *Substantially meet the intent of the standard that the applicant is attempting to seek a waiver from, and fit within the goals of the Village Center Strategic Plan, Land Use Strategic Plan and the Design Guidelines and Requirements;*
3. *Be necessary for reasons of fairness due to unusual site specific constraints; and*
4. *Not detrimentally affect the public health, safety or general welfare.*

The applicant requests the following waivers as part of the application.

- (A) Waiver to New Albany DGR Section VIII (III)(3) to eliminate the requirement that there be a building entrance along the Dublin Granville Road.
- (B) Waiver to C.O. 1171.06(b) to eliminate the requirement that the western and southern parking areas be screened from primary streets, residential areas and open space by a 3.5-foot minimum evergreen hedge, masonry wall or a combination of wall and plantings.
- (C) Waiver to C.O. 1171.05(c) to eliminate the requirement that 75% opacity screening be provided between the proposed institutional use and adjacent residentially zoned properties on the western property line.
- (D) Waiver to C.O. 1171.04(a) to eliminate the requirement that street trees be planted along Harlem Road at a rate of one tree for every 30 feet of lot frontage.

(A) Waiver to New Albany DGR Section VIII (III)(3) to eliminate the requirement that there be a building entrance along the Dublin Granville Road.

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

1. DGR Section 8(III)(3) states that entrances to civic and institutional buildings shall be oriented toward primary street and roads and shall be of a distinctive character that makes them easy to locate. The proposed church is designed with the main entrance facing the parking lot however

it does include an entrance on the Harlem Road elevation. There is not an entrance on the Dublin Granville Road elevation therefore, a waiver is required.

2. The intent of requirement is to ensure that institutional buildings maintain a strong presence on the street. While the applicant does not propose to have an entrance along Dublin Granville Road, this building elevation is the most prominent to properly address the major public road to which it faces and provides a distinctive design element, much like a building entrance does which substantially meets the intent of the standard that they are seeking a waiver from, and the goals of the Village Center Strategic Plan, the New Albany Strategic Plan and the Design Guidelines and Requirements.
3. The request appears to provide an appropriate design or pattern of development considering the context in which the development is proposed. The building is situated in a way to properly address the major public road that it fronts onto so that while it does not contain a door, the presence of the building is most prominent along this street, making the building easily identifiable. Additionally, while the elevation does not contain a door, other architectural elements are provided such as the steeple and appropriately spaced windows that complete the elevation while the door is absent.
4. It appears that granting the waiver is necessary for reasons of fairness due to unusual site-specific constraints and characteristics. The New Albany Design Guidelines and Requirements do not take the surrounding development context into consideration as it relates to the placement of institutional structure on a site. The site is surrounded by residentially zoned and used properties. Based on information submitted with the application, the applicant has met with surrounding neighbors which influenced the location and orientation of the building on the site in order to be considerate to neighbors. If the building was flipped 180 degrees so that entrances were provided along Dublin Granville Road, the tallest and most prominent portions of the building would be located closer to adjacent residential properties which is undesirable.
5. It does not appear that the waiver would detrimentally affect the public health, safety or general welfare.

(B) Waiver to C.O. 1171.06(b) to eliminate the requirement that the western and southern parking areas be screened from primary streets, residential areas and open space by a 3.5-foot minimum evergreen hedge, masonry wall or a combination of wall and plantings.

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

1. Per C.O. 1171.06(b), parking lots must be screened from primary streets, residential areas and open space by a 3.5-foot minimum evergreen hedge, masonry wall or a combination of wall and plantings. Please refer to exhibit A which demonstrates where on the site this requirement is not being met. The applicant requests a waiver to this requirement along the southern and western parking areas.
2. Staff is not supportive of the waiver request along the portion of the western property line as identified in exhibit A. The intent of requirement is to ensure proper parking lot screening is achieved in order to limit vehicle headlights shining onto adjacent roads and properties. The area along this property line where the waiver is requested is adjacent to residentially zoned property, some of which is residential open space. Based on information submitted by the applicant and a recent site visit by staff, there is no existing landscaping between the parking lot and where the waiver is being requested and any headlights would be easily visible in this area. For these reasons, staff does not believe that the waiver request along the western property line is appropriate as it does not meet the spirit and intent of the requirement, does not provide an appropriate pattern of development considering the context in which the development is proposed, is not necessary for reasons of fairness due to unusual site-specific constraints and it would be detrimental to the general welfare of neighboring properties if it is granted.
3. Staff is supportive of the waiver along the southern portion of the parking lot. The applicant is preserving 389 existing trees on the site, a majority of which are on the southern portion of the property. The applicant states that this existing tree area is 80 feet deep and they have not

removed the existing underbrush in this area which substantially meets the intent of the standard that they are seeking a waiver from, and the goals of the Village Center Strategic Plan, the New Albany Strategic Plan and the Design Guidelines and Requirements.

4. The request along the southern property line appears to provide an appropriate design or pattern of development considering the context in which the development is proposed due to the existing conditions of the property. The existing, established trees and underbrush meet this requirement without the need of providing additional landscape planting.
5. It appears that granting the waiver is necessary for reasons of fairness due to unusual site-specific constraints and characteristics. As mentioned, the southern portion of the site contains a large number of existing trees that the applicant intends to preserve and use to meet this requirement. The city code requirement does not take existing site conditions into account which may meet the intent of the requirement without the installation of a hedgerow.
6. It does not appear that the waiver along the southern parking area would detrimentally affect the public health, safety or general welfare.

(C) Waiver to C.O. 1171.05(c) to eliminate the requirement that 75% opacity screening be provided between the proposed institutional use and adjacent residentially zoned properties on the western property line.

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

1. C.O. 1171.05(c) states that for commercial, industrial, office and institutional uses which abut districts where residences are a permitted use, a buffer zone with a minimum width of 25 feet should be created. Such screening within the buffer zone shall consist of natural vegetation planted no closer than 3 feet to any property line. Natural vegetation shall have an opaqueness of 75% during full foliage and shall be a variety which will attain 10 feet in height within 5 years of planting. Residentially zoned and used properties surround the site therefore this requirement applies.
 - a. The applicant is providing the minimum 25 foot recommended buffer zone from adjacent residential properties.
 - b. The applicant is preserving 389 existing trees in various locations on the site. existing trees to remain on site in order to meet the requirements of this code section.
 - c. Please refer to exhibit A which demonstrates where the 75% opacity requirement is not being met. The applicant has requested a waiver to this requirement along a portion of the western property line.
2. Staff is not supportive of the waiver request. The intent of requirement is to ensure proper screening is achieved between residential and non-residential uses and in this case, an institutional use that is surrounded by residential areas. The area along this property line where the waiver is requested is adjacent to residentially zoned property, some of which is residential open space. For these reasons, staff does not believe that the waiver request is appropriate as it does not meet the spirit and intent of the requirement, does not provide an appropriate pattern of development considering the context in which the development is proposed, is not necessary for reasons of fairness due to unusual site-specific constraints and it would be detrimental to the general welfare of neighboring properties if it is granted.

(D) Waiver to C.O. 1171.04(a) to eliminate the requirement that street trees be planted along Harlem Road at a rate of one tree for every 30 feet of lot frontage.

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

1. The city's Codified Ordinance Section 1171.04(a) requires deciduous canopy trees to be installed along roadways as part of new development no less than twenty-four feet and no more than thirty-six feet on center unless otherwise approved by the city architect. Historically, the city has enforced the required number of trees to be planted at an average rate of one tree for every 30 feet of lot frontage. At a rate of one tree per 30 feet the applicant would have to install 23 trees

- along Harlem Road and proposes none therefore, a waiver is required. Staff is not supportive of the waiver request.
2. The applicant states that there are a large number of existing trees along the Harlem Road frontage that they are preserving and believe that it is unnecessary to add additional trees. Staff recommends that the applicant work with the city landscape architect to identify where the required number of street trees may be located on the site.
 3. The waiver request does not meet the spirit and intent of the requirement and does not provide an appropriate pattern of development considering the context in which it is proposed. The Engage New Albany Strategic Plan identifies this section of Harlem Road as a minor collector road and recommends that street trees be installed, randomly, along it in order to achieve the desired rural road character. Another residential development strategy found in the plan is to preserve and contribute to the pastoral character of the community and to capitalize and protect natural features on sites.
 4. It appears that granting the waiver may be necessary for reasons of fairness due to unusual site-specific constraints and characteristics as there are existing trees along Harlem Road. However, this problem can be solved in another way other than granting the variance. Staff is supportive of and encourages the existing tree stand to be preserved as part of construction, however it appears that there is adequate room on the rest of the site to plant the required trees. In order to preserve the existing trees, the applicant may plant the required street trees in another location on the site outside the typical tree lawn. New homes that have been constructed along Harlem Road have provide street trees randomly located in front and side yards in order to maintain the rural character of the corridor. Staff recommends that the applicant plant the required trees at various other locations on the property. Approving the waiver request could set a precedent for future, similar requests. Alternatively, the Board of Zoning Appeals approved a waiver to this requirement with a condition that the applicant purchase and donate the required number of street trees to the city (VAR-59-2020) which the ARB could consider in this case.
 5. It does not appear that the waiver would detrimentally affect the public health, safety or general welfare.

IV. RECOMMENDATION

The Architectural Review Board should evaluate the overall proposal based on the requirements in the Design Guidelines and Requirements and the city's codified ordinances. The site is located in a unique location in the community with a large amount of protected, preserved open space to the west and established residentially zoned and used properties along all other boundaries. The New Albany Design Guidelines and Requirements state that the architectural style of a new institutional building shall be appropriate to the context, location and function of the building. As noted by the city architect, the applicant has gone to great length to ensure that the proposed structure is "in kind" with the immediate area by using appropriate, high quality building materials that have been used on residential homes in the immediate area. Additionally, the applicant has appropriately located the building to properly address the public streets, placing the parking area predominately behind the building and away from adjacent residential properties.

While the proposed building location, elevations and building materials are appropriate from a planning and design perspective, another important component of the site is being sensitive to the residential character of the immediate area. The applicant proposes to preserve a substantial number of trees on the site in order to be sensitive to neighbors in the surrounding area. However, providing appropriate headlight screening, proper buffering and street trees where existing landscape is not present on the site to ensure it buffers neighboring uses and maintain the rural character of the general area. With the exception of the headlight screening along the southern, rear property line where the existing trees and

understory remain and in order to be sensitive to the established residential character of the area, staff recommends that all landscape requirements as described in the staff report be met.

V. ACTION

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

Move to approve application ARB-99-2021 including waiver A and a portion of waiver B along the southern property line, subject to the following conditions of approval:

1. The future playground and patio improvements are subject to staff approval and must be screened from adjacent properties, subject to staff approval.
2. Parking lot hedgerow screening be added around the “future playground” space indicated on the plans to fully meet the parking lot headlight requirement, subject to staff approval.
3. The minimum 3.5-foot minimum evergreen hedge for headlight screening and the 75% opacity screening is provided along the western side of the property where the detention basin is located, subject to staff approval.
4. Additional landscape must be planted on the site if the minimum 75% opacity screening is not achieved with existing landscaping at any location on the site, subject to staff approval.
5. 5 additional street trees be planted along Dublin Granville Road and that all street trees planting be randomized (staggered and installed on both sides of the leisure trail) in order to be more in character with the rural area, subject to staff approval.
6. The city landscape architect comments must be addressed, subject to staff approval.
7. The drive aisle that extends from Harlem Road must be reduced from 24 feet to 22 feet.
8. Future, exterior repairs to the existing home site are subject to staff approval.
9. Street trees are added along Harlem Road and their location are subject to staff approval.

Approximate Site Location:



Source: Google Earth