


New Albany Planning Commission
December 6, 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 7:04 p.m.

Those answering roll call:

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

Staff members present: Steven Mayer, Planning Manager; Chris Christian, Planner; Mitch Banchevsky, City Attorney; Jennifer Chrysler, Community Development Director and Josie Taylor, Clerk.

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

Mr. Christian stated none from staff.

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

Other Business

Codified Ordinance 1154

Mr. Mayer discussed the intentions of Chapter 1154 and reviewed its provisions. Mr. Mayer asked the Planning Commission (hereafter, "PC") to recommend the adoption of Chapter 1154 to City Council.

Mr. Kirby asked if the design standards on page 15 for slopes and mounding had a minimum or maximum number for the slope, Mr. Kirby asked if it could be presented so that it should be at least this number or it cannot be more than this number.

Mr. Mayer stated right, so you could not do a 2:1 as that would be steeper.

Mr. Kirby stated right, as long as that could be clearly construed. Mr. Kirby asked if there was a maximum building height the fire department had previously noted for buildings and fire safety.

Mr. Mayer stated no and noted the fire department was part of the building review process and they could comment on the plans during that process.

Mr. Kirby asked if had been codified or baked in.

Mr. Mayer stated it had been baked in.

Mr. Kirby stated that when Discover had been done that had been an issue.

Mr. Mayer stated correct.

Mr. Schell asked if all were comfortable that this ordinance would set New Albany up for the next five (5) years or so.

Mr. Mayer stated he thought everything incorporated in this chapter had stood the test of time and hopefully there would not be any updates, but they do always try to improve.

Ms. Wiltrout asked staff to highlight difference between the existing and the new Code.

Mr. Mayer stated there were uses such as satellites and solar panels that were added. Mr. Mayer stated they also put in more safeguards with additional screening and setback standards.

Ms. Wiltrout asked Mr. Mayer to explain the process used in §1154.05(n) which requires the Community Development Director or his/her designee to make a determination regarding conditional uses.

Mr. Mayer stated this provision also existed in the office campus district. Mr. Mayer stated that to determine similar uses staff would look at chapter definitions and design intent and if they fit then that could be determined administratively. Mr. Mayer stated that if denied, then applicants could have the PC review.

Ms. Wiltrout asked if this was not an extra power for staff.

Mr. Mayer stated no.

Mr. Wallace noted he had some housekeeping notes on this ordinance. Mr. Wallace said that in §1154.03 there was a reference to the 'Director' but in other sections it was to the 'Community Development Director' and the references should be the same throughout. Mr. Wallace stated that in §1154.05(b) the word 'principle' was used but it should be 'principal.' Mr. Wallace stated a comma should also be placed after the word "car-pooling" as the sentence was confusing. Mr. Wallace asked if in §1154.05(f) there had been any thought of specific screening for those types of adjacent structures.

Mr. Mayer stated they would be subject to the same landscaping and mounding requirements as in any other development.

Mr. Wallace asked if the PC could review plans that were submitted.

Mr. Mayer stated the PC would not review them.

Ms. Jennifer Chrysler, Director of Community Development, stated they had tried to address screening and had determined the best way to deal with it was through color selection and additional setbacks.

Ms. Wiltrout stated right.

Mr. Wallace stated there was a distinction between concrete batch plants in a flagship project and in a primary project and asked what that was.

Mr. Mayer stated it was based on the size of the site. Mr. Mayer stated if it was a flagship project it was a permitted use and if it was a primary project then it was a conditional use.

Mr. Wallace stated okay. Mr. Wallace asked if the renewal language in §1154.06 had come about due to the conversation a couple of weeks ago about the existing concrete batch plant.

Mr. Mayer stated yes, it was made to have a limited lifespan.

Mr. Sloan Spalding, Mayor, City of New Albany, asked what the limit was.

Mr. Mayer stated four (4) years for a concrete batch plant in a primary project.

Mr. Wallace stated that in §1154.08(j) the reference provided was to §1154.08 but should be §1154.09.

Mr. Mayer stated thank you.

Mr. Wallace stated §1154.10(a)(1) had a capital "A" for the first clause but the second used a lower case "b" and either capital letters or lower case letters should be used, not both.

Mr. Mayer stated yes, he saw, okay.

Mr. Wallace stated §1154.11 made a distinction between subsections (a) and (c) and asked how they differed or worked together. Mr. Wallace asked if subsection (c) was just to indicate staff's forms should be used.

Mr. Mayer stated subsection (c) was about using the specific forms.

Mr. Wallace stated he saw the need to clarify this further as it could raise red flags. Mr. Wallace stated that §1154.11(d) should have a colon added after the word 'with' as it had a list of items following it. Mr. Wallace stated he was not sure of the use of the word 'storage' in §1154.12(b) as storage and processing are not operated. Mr. Mayer stated the language should be reviewed for clarity. Mr. Wallace noted there was also a reference to a zoning permit in §1154.12(b)(1) and said that was not clear. Mr. Wallace stated §1154.12(b)(4) was also not clear what was meant by '[b]uilding facades may be used to meet this requirement.'

Mr. Mayer said that was meant to say that a building could screen a hazardous storage tank.

Mr. Wallace stated okay, that made sense. Mr. Wallace stated language in §1154.13(b)(1)(G) excluded solar energy systems from any screening requirements and maybe there should be some as they could be unsightly.

Mr. Kirby said screening would not work as it could intrude on or compromise function.

Mr. Wallace stated screening could be required to the extent it would not prohibit access and function.

Mr. Kirby stated best efforts on screening.

Mr. Wallace stated his proposal would be: solar energy or systems shall be excluded from the requirements of the section to the extent the requirements prohibit or limit access necessary for function.

Mr. Kirby stated something along those lines.

Mr. Wallace stated the same thing should also be done in §1154.13(b)(1)(I).

Ms. Wiltrout asked who would make that determination.

Mr. Mayer stated it would have to be proven by the contractor or architect who would provide some type of documentation to staff.

Mr. Wiltrout stated it was not the PC then.

Mr. Mayer stated correct.

Mr. Wallace stated the first sentence in §1154.14(a) was long and ran on and might need a comma or may be better split into two (2) sentences.

Mr. Mayer stated yes.

Ms. Wiltrout asked who "they" were.

Mr. Wallace stated the phrase 'permitted by-right' in §1154.15(c) permitted did not need the dash.

Mr. Kirby stated the last entry in the table of contents had '1158.18' but should have '1154.18.'

Mr. Mayer stated thank you.

Mr. Schell asked if those looking at the community would be comfortable with the ordinance and would put the community ahead of the competition.

Ms. Chrysler stated she did. Ms. Chrysler stated those considering site selections looked at codes and ordinances and did not normally call. Ms. Chrysler stated having the information available increased transparency and absolutely, having one document was a big deal.

Mr. Kirby asked if Google or Facebook could rezone if they wished through this chapter.

Mr. Mayer stated he thought so.

Mr. Kirby stated that would be the win here.

Ms. Chrysler stated Facebook or Google were great examples and they might want to do that in the future if needed.

Mr. Mayer stated that other than mounding and landscaping he believed they had taken everything into consideration.

Ms. Chrysler stated there would be additional mounding.

Mr. Mayer stated yes.

Mr. Spalding asked if residential setbacks would still apply when the residence was outside the City.

Mr. Mayer stated that was correct.

Mr. Spalding asked if the hedgerows and trees required in parking lots would not affect sight lines, could there be deviation.

Mr. Mayer stated breaks were allowed for safety.

Mr. Spalding stated thank you.

Moved by Mr. Kirby to accept the staff reports and related documents into the record for Chapter 1154, seconded by Mr. Wallace. Upon roll call: Mr. Kirby, yea; Mr. Wallace, yea; Mr. Schell, yea; Ms. Briggs, yea; Ms. Wiltrout, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

Moved by Mr. Wallace to recommend approval of Chapter 1154, with the recommendations and changes noted, to City Council, seconded by Ms. Briggs. Upon roll call: Mr. Wallace, yea; Ms. Briggs, yea; Ms. Wiltrout yea; Mr. Schell, yea; Mr. Kirby, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

2021-2022 Planning Projects Update

Mr. Mayer discussed upcoming improvements and projects. Mr. Mayer said work on SR-161 and US-62 would enhance pedestrian safety with bike lanes and leisure path connections to the Village Center and Smiths Mill Road. Mr. Mayer stated the medians would have additional trees and there would be changes to the on and off ramps for pedestrian safety and improved sight lines.

Mr. Kirby asked if there could be lights used that prevented right turns when bikes were using the bike lane for safety as a control mechanism or warning.

Mr. Mayer stated that was a great comment and he would double check this issue with the service department. Mr. Mayer stated all the intersections would see improvements for pedestrians and traffic.

Mr. Kirby stated the buttons on crosswalks probably saved lives, particularly at night and a right turn on green could be a killer scenario.

Mr. Wallace stated there was an epidemic of no stopping at stop signs as well.

Mr. Mayer stated he would review signal use and warnings light and report back.

Mr. Spalding stated he believed there was such a lane on Westerville Road at SR-161.

Mr. Mayer stated Taylor Farm Park would have forested wetlands similar to the Ohio Department of Transportation's wetland on Fodor Road near Resurrection Church. Mr. Mayer stated there would be leisure trails of nearly two (2) miles with various loops. Mr. Mayer stated there would be a parking lot as part of phase 1 and the house and barn there now were being evaluated for use.

Mr. Kirby stated it was a historic house.

Mr. Mayer stated it was structurally sound and could be considered for reuse.

Mr. Kirby stated staff might want to consider a live-in caretaker so the property would be cared for and in use so that any concerns could be identified more readily.

Mr. Mayer stated all utilities were turned off at this time and police had enhanced patrols to the site.

Mr. Kirby stated they should get heat on to keep the house in shape.

Mr. Mayer stated Rose Run Park II included the area east US-62 and south of Granville Street and the Market Street extension from SR-605 to Third Street in the summer of 2022.

Mr. Kirby asked where the creek was.

Mr. Mayer showed the creek on screen and said it would not be impacted.

Mr. Kirby asked if Market Street would end on Third Street.

Mr. Mayer stated correct.

Mr. Kirby asked if the roundabout would be for next summer.

Mr. Mayer stated there was no timeline for construction yet, but the initial design plan should be by summer 2022.

Mr. Kirby stated he believed the area between Market Street and Village Hall might be showing more trees than were truly there.

Mr. Mayer stated it was a conceptual drawing.

Mr. Kirby stated developers might want to see what was actually there.

Mr. Mayer stated they anticipated additional code updates throughout 2022 and one of their big updates would be to the Design Guidelines & Requirements for things such as solar panels, for example.

Mr. Kirby stated it was hard to do this in zoning texts.

Mr. Mayer stated he agreed that would be a future code update.

Ms. Chrysler stated there were also minor updates on short term rentals.

Mr. Mayer stated they would also like to do a signage update for temporary and special events signage. Mr. Mayer stated the non-conforming code section was also being updated.

Mr. Kirby stated he looked forward to it.

Poll Members for Comment

None.

Mr. Kirby adjourned the meeting at 8:12 p.m.

Submitted by Josie Taylor.

