

New Albany Planning Commission Agenda

Monday, December 20, 2021 7:00pm

Members of the public must attend the meeting in-person to participate and provide comment at New Albany Village Hall at 99 West Main Street. The meeting will be streamed for viewing purposes only via Zoom Webinar. There is no public participation via the Zoom Webinar.

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- I. Call To Order
- II. Roll Call
- III. Action of Minutes: November 15, 2021

IV. Additions or Corrections to Agenda

Swear in All Witnesses/Applicants/Staff whom plan to speak regarding an application on tonight's agenda. "Do you swear to tell the truth and nothing but the truth".

V. Hearing of Visitors for Items Not on Tonight's Agenda

VII. Cases:

VAR-120-2021 Variance

Variance to Nottingham Trace zoning text section II(H)(6)(b) to allow a spa to be located above ground at 6164 Nottingham Loop (PID: 222-005088). **Applicant: John and Michele Morgan**

Motion of Acceptance of staff reports and related documents into the record for -VAR-120-2021.

Motion of approval for application VAR-120-2021 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

CU-125-2021 Conditional Use

Conditional use to allow chickens to be housed on a residential property located at 7145 Central College Road (PID: 222-000892-00).

Applicant: Robert Beatty and Mary Ann Akins

Motion of Acceptance of staff reports and related documents into the record for -CU-125-2021. Motion of approval for application CU-125-2021 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

ARB-127-2021 Height Adjustment

Certificate of Appropriateness for a height adjustment review to allow buildings to be 85 feet tall for the Facebook development site generally located south of Worthington Road and west of Harrison Road. (PID: 094-106782-00.00). Applicant: EMH&T c/o Kevin Gradert

Motion of Acceptance of staff reports and related documents into the record for - ARB-127-2021.

Motion of approval for application ARB-127-2021 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

VIII. Other Business

- IX. Poll members for comment
- X. Adjournment



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
Ms. Colleen Briscoe (Council liaison)	Present

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

Moved by Ms. Wiltrout, seconded by Mr. Wallace to approve the October 18, 2021 meeting minutes. Upon roll call: Ms. Wiltrout, yea; Mr. Wallace, yea; Mr. Kirby, yea; Mr. Schell, yea; Ms. Briggs, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

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

Mr. Mayer introduced Ms. Anna van der Zwaag.

ZC-105-2021 Zoning Change

Rezoning of 11.751+/-acres from Limited General Employment (L-GE) located at 7270 New Albany-Condit Road for an area to be known as the "Cornerstone Academy Zoning District" (PID: 222-001945).

Applicant: Cornerstone Academy c/o Aaron Underhill, Esq

Ms. van der Zwaag presented the staff report.

Mr. Kirby asked if the illustration shown on screen included the mounding.

Ms. van der Zwaag stated this was a conceptual drawing and did now show the mounding nor any additional landscaping.

Mr. Aaron Underhill, attorney for the applicant, stated the illustration submitted was conceptual and had been submitted prior to landscaping.

Mr. Kirby asked if there was any engineering on the project.

Mr. Herskowitz stated they concurred with the traffic study's need to determine where full access drives would need to be located. Mr. Herskowitz stated there was a fifty (50) foot right of way currently on New Albany Road East and the applicant had agreed to a fifty (50) foot right-of-way on S.R. 605.

Mr. Kirby asked what the distance between the curb cut on S.R. 605 and the intersection was.

Mr. Herskowitz stated it was at least 300 feet, but he would need to check.

Mr. Kirby stated that was a fifty (50) mile per hour (hereafter, "MPH") zone and he was concerned with the distance to the curb cut. Mr. Kirby stated that due to the easement on this property the curb cut would not be able to be moved much from where it was shown.

Mr. Herskowitz stated that community development north of the creek, and where the curb cut would be, also needed to be considered.

Mr. Kirby stated yes. Mr. Kirby asked staff if this application was only for zoning.

Mr. Mayer stated correct.

Mr. Kirby stated that what was being looked at tonight was only conceptual and was not baked in.

Mr. Mayer stated correct and the curb cut would be subject to the traffic study completion.

Mr. Kirby stated traffic past that curb cut was likely moving at least fifty (50) MPH. Mr. Kirby asked if the applicant wanted to provide comments.

Mr. Underhill, for the applicant, described the project and the use for the site. Mr. Underhill noted easements on the lot made it difficult to use this lot and this project's design was a good fit for this site.

Mr. Kirby asked if there would be a cross access easement on the western drive on New Albany Road East.

Mr. Underhill stated they were showing that on the property line and part of this would have to be done with a recorded instrument, but they did not know what that use would be at this time.

Mr. Kirby asked if there was a commitment in the text for it.

Mr. Underhill stated no, but they would be happy to do so.

Mr. Tom Rubey, New Albany Company, stated they would commit to best efforts to try to do that.

Ms. Wiltrout stated it would be very hard to put another one in.

Mr. Rubey stated he agreed.

Ms. Wiltrout asked if there was a gas line easement on this lot, how could a road be located there.

Mr. Rubey stated the road across the easement had to follow a precise, geometric, ninety (90) degree angle to be allowed to be placed there.

Ms. Wiltrout asked who would bear the risk of the costs if the road were removed because the easement holder needed to get to the gas line.

Mr. Rubey stated that would be Cornerstone.

Mr. Kirby stated that the cross access easement, as drawn a the New Albany Road entrance, was not at a ninety (90) degree angle.

Mr. Rubey stated that was a conceptual drawing and the final development plan (hereafter, "FDP") would come back to the PC when those items were finalized and cleared by the utility company.

Mr. Kirby stated the ability to develop the adjacent parcel rested heavily on the ability to get the easement right.

Mr. Rubey stated he agreed.

Mr. Kirby stated there would not be room for another drive and it had to be done right.

Ms. Wiltrout stated she was concerned about the busy roads around this site. Ms. Wiltrout stated she was concerned about how surrounding areas would respond to a slowdown in traffic during school hours.

Mr. Underhill stated there were some rural residential neighbors nearby but the two closest developments were for empty nesters who normally had less traffic at school peak times. Mr. Underhill stated the City was also looking to modify the offset of Walnut Street at S.R. 605. Mr. Underhill stated the traffic study would better review this issue.

Ms. Wiltrout asked where the decrease in speed would take place.

Mr. Herskowitz stated they had asked that twenty (20) MPH beacon signs be installed.

Ms. Wiltrout asked where those signs would be placed.

Mr. Herskowitz stated they would be in front of the existing school from two (2) parcels in either direction and indicated on the screen where he believed those might be placed.

Ms. Wiltrout asked if they would also be on New Albany Road.

Mr. Herskowitz stated he thought it would only have signage on S.R. 605.

Mr. Underhill stated the intent for circulation was there would be an entry off of S.R. 605 and New Albany Road.

Mr. Rubey stated both S.R. 605 and New Albany Road would have signage.

Mr. Underhill stated state law would dictate signage.

Ms. Wiltrout stated she was concerned this would not be a congruent use. Ms. Wiltrout stated she wondered how a traffic study or a City would assess how residents would respond to a reduction of speed in this area. Ms. Wiltrout asked if there would be any crosswalks affected.

Mr. Rubey stated there was a crosswalk today across S.R. 605 on the north side of New Albany Road and they did not expect more.

Ms. Wiltrout stated the FDP should show that crosswalk being very well protected, such as with flashing lights, etc.

Mr. Rubey stated yes. Mr. Rubey stated the leisure trail over the creak would have a bridge.

Ms. Wiltrout stated she was not sure that would be used.

Mr. Rubey stated the leisure trails were heavily traveled.

Ms. Wiltrout asked if the school could access those leisure trails without having to cross a road.

Mr. Rubey stated yes, exactly.

Mr. Kirby asked if Mr. Mayer had a comment regarding the crosswalks.

Mr. Mayer stated there were currently no leisure trails on the Discover site and they did not anticipate putting in any additional crossings at this time. Mr. Mayer stated those would be evaluated as part of FDP's engineering review.

Mr. Kirby stated it was one of those lesson learned things.

Mr. Mayer stated that site predated the requirement for leisure trails.

Mr. Kirby asked about security and horse fencing on the site.

Mr. Underhill stated he believed it existed already along New Albany Road and would be installed along S.R. 605.

Mr. Kirby asked if that would be sufficient for the purposes here.

Mr. Underhill stated yes.

Mr. Kirby asked if there would be any pedestrian gaps there.

Mr. Rubey stated that would be determined later.

Mr. Kirby asked if there would be a sidewalk or something like a sidewalk to the leisure trail.

Mr. Underhill stated that would be part of the FDP.

Mr. Kirby stated it would be to keep kids off of the drive path the school buses would use.

Mr. Underhill stated yes, that was a great point.

Mr. Kirby stated that at this point it was easy to get it right on the paper.

Ms. Wiltrout stated that, in addition, if it was a soccer field, then maybe they would want a fence that would keep balls from going into the road.

Mr. Underhill stated they would have mounding there.

Mr. Mayer stated staff looked at this with the applicant. Mr. Mayer stated they felt mounding and landscaping would be sufficient. Mr. Mayer stated it would be part of the FDP.

Ms. Briscoe asked how high the mounding would be.

Mr. Underhill stated from between three (3) to twelve (12) feet.

Ms. Briscoe stated it would not stop a soccer ball at three (3) feet tall.

Mr. Mayer stated he agreed, there would be areas where the mounding would taper off, but at approximately six (6) feet it would be consistent with the other three corners.

Mr. Underhill stated they carried over language from the other zoning district to use here so it would be the same. Mr. Underhill stated they also had a requirement in the plan to plant ten (10) trees per 100 linear feet, so that would be in addition to the mounding.

Ms. Briscoe stated the field was very close to S.R. 605

Ms. Wiltrout stated they would need to see more.

Mr. Schell asked how many students.

Mr. Underhill stated 600.

Mr. Schell asked if they would be mostly high school students.

Mr. Underhill stated middle and high school.

Mr. Schell asked if the busing for those students would be part of the traffic study.

Mr. Underhill stated yes.

Mr. Schell stated this was a twelve (12) acre parcel but would only bring 81 jobs to the City.

Mr. Underhill stated there were lots of constraints on the parcel, perhaps without those constraints there could be more economic output.

Mr. Schell asked if there had been little interest in office use for this parcel.

Mr. Underhill stated yes, there was a lot of unusable space on the site and parking was also an issue.

Mr. Schell asked if this had been the first thing that had been able to be placed on this site in a number of years.

Mr. Rubey stated that there had been interest, but once the restrictions were identified they made this less than eleven (11) acres and the parking was difficult to fit in. Mr. Rubey stated the math did not work.

Mr. Wallace asked if there were any substantial deviations from the standard text here.

Mr. Underhill stated no, it was consistent.

Mr. Wallace asked if the text allowed permanent lighting and what would it look like.

Mr. Underhill stated they had allowed for lighting up to eighteen (18) feet tall. Mr. Underhill stated they could get into when the lights would be on as part of the FDP and noted that during early evening games, perhaps from 7:30 pm to 9:00 pm or so, the lights could be on.

Mr. Wallace asked if there would be bleachers there.

Mr. Underhill stated he could see bleachers there but he thought they would be screened. Mr. Underhill stated they could commit that the bleachers would not be visible.

Ms. Briggs asked if the bleachers would be on just one side. Ms. Briggs asked if so, then they could be on the non-road side. Ms. Briggs stated she was concerned with how close the field was to S.R. 605 and New Albany Road.

Mr. Underhill stated he did not believe there would be room on the eastern or southern sides due to mounding and planting requirements. Mr. Underhill stated if that were going to happen they could commit to it being on the western side.

Ms. Briggs asked if they could have spectators and play on the same side.

Mr. Underhill stated true.

Mr. Kirby noted that if they turned the field 75 degrees they could be in that easement a lot with bleachers on the corner and already mounded.

Mr. Rubey stated he was on the same page with the safety issues and they would take a closer look in the FDP and would coordinate.

Mr. Underhill stated this was more of a capacity study and while it could move, the question was how much could it move.

Mr. Kirby stated it could be that the field was the same width as the easement and could be lit from both edges and they would be okay.

Mr. Wallace stated the text language said permanent lighting was allowed and asked Mr. Banchefsky if this were approved, then how much control would the PC have at the time of the FDP to dictate what that would look like or to make other changes to the lighting.

Mr. Banchefsky stated he did not think they were locking the lighting location at this point.

Mr. Kirby stated no.

Mr. Banchefsky stated they could look at that at the FDP.

Mr. Kirby stated the text indicated it would be presented at the FDP.

Mr. Wallace stated yes, but it said that permanent lighting was allowed, once permission had been given, then how much control did the PC have to modify it if it was permitted.

Mr. Banchefsky stated the City had photometric standards that addressed lighting.

Ms. Wiltrout stated she was less concerned about lighting due to the commercial properties around this site.

Mr. Underhill stated there was an intent to give the PC review of the location, fixture types, etc., and they had made a commitment to no light spillage offsite. Mr. Underhill stated they wanted to leave it open for possibilities.

Mr. Schell asked where most of the students in the school were coming from.

Mr. Underhill stated New Albany, Columbus, Westerville, and he believed this quadrant of Franklin County was where its students came from.

Mr. Schell stated the students could come from anywhere.

Mr. Underhill stated that was right.

Ms. Briggs asked if the current school was K through twelve (12).

Mr. Rubey stated yes.

Ms. Wiltrout asked if this would increase the number of students.

Mr. Underhill stated they would have more capacity for students in the other facility.

Mr. Kirby stated the stream corridor language called for fifty (50) feet, measured southward from the center line of the stream. Mr. Kirby asked if the centerline of the stream was above the property line or did the stream's center line come partway through.

Mr. Rubey stated it meandered on both sides.

Mr. Underhill stated it had been difficult to write.

Mr. Kirby asked if this could be restricted to the property line going north.

Mr. Underhill stated yes.

Mr. Kirby stated the northern chunk of this, as he read it, was not protected.

Mr. Underhill stated he thought they would not be doing anything to the north of the parking lot.

Mr. Kirby asked if this would be natural or a park.

Mr. Underhill stated that was to be determined.

Mr. Rubey stated they would have an extension of the park at the eastern edge but there was not yet any planning about its look or feel. Mr. Rubey stated they would be open to staff recommendations.

Mr. Mayer stated he agreed, it should be part of the park behind it and they would be working on this.

Mr. Kirby stated they needed to choose if it would be a natural setting or a park without understory.

Mr. Rubey asked if Rose Run had no understory.

Mr. Kirby stated they had taken all but the trees from Rose Run, which made sense for an urban park. Mr. Kirby stated they should pick in this case because the language would change.

Mr. Mayer stated he agreed and said it could be a hybrid and they wanted to keep that flexibility in the text.

Mr. Underhill stated they would be happy to work with staff on that.

Mr. Kirby asked about connections to leisure public streets in the text.

Mr. Underhill stated the word 'leisure' should not be there.

Mr. Kirby stated it was a typo.

Ms. Wiltrout asked if the materials used in a contemporary suburban design had been defined.

Mr. Mayer stated he believed it was the same language in their design guidelines.

Ms. van der Zwaag read the list of materials.

Mr. Underhill stated that was a long list of materials

Ms. Wiltrout stated it had just struck her as being vague.

Mr. Kirby noted the permitted uses did not talk about religious uses and asked. Mr. Kirby asked Mr. Banchefsky if this was not mentioned because religious uses were available to all properties.

Mr. Banchefsky stated that was correct.

Mr. Kirby asked if a church wanted to rent the school on a weekend there would not be a zoning issue.

Mr. Banchefsky stated that was correct.

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

Mr. Craig Srba, 6837 East Walnut Street, asked how many students would attend.

Mr. Rubey stated 600.

Mr. Srba noted it would have a soccer field and asked how many people would be there during a soccer game.

Mr. Rubey stated the soccer field shown was conceptual.

Mr. Srba asked if 600 students would be okay with the parking available.

Mr. Rubey stated yes, there would be sufficient parking for students and for meets and games.

Mr. Srba stated there was a lot of traffic at the intersection of Walnut Street and S.R. 605 in the morning and evening. Mr. Srba stated he believe it would be difficult to slow down. Mr. Srba asked if there might be a roundabout at Walnut Street and S.R. 605 as traffic at 20 MPH would otherwise lead to a traffic back up.

Mr. Kirby stated he understood.

Mr. Srba asked how the school was funded.

Mr. Underhill stated it was a charter school funded through state vouchers.

Mr. Srba asked if there would be a public tax increase so he would pay more.

Mr. Underhill stated no.

Mr. Srba stated okay.

Moved by Mr. Kirby to accept the staff reports and related documents into the record for ZC-105-2021, seconded by Ms. Wiltrout. Upon roll call: Mr. Kirby, yea; Ms. Wiltrout, yea; Mr. Wallace, yea; Mr. Schell, yea; Ms. Briggs, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

Moved by Mr. Kirby to approve ZC-105-2021 based on the findings in the staff report, with the conditions listed in the staff report and also the following conditions:

1. Best efforts to provide cross access easement to the property to the west;

2. Bleachers, if present, will be screened;

3. The stream corridor is fifty (50) feet on each side, limited to the lot line;

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

Other Business

Mr. Kirby asked if there were any Other Business.

Mr. Mayer stated none from staff.

Poll Members for Comment

None.

Mr. Kirby adjourned the meeting at 8:04 p.m.

Submitted by Josie Taylor.

APPENDIX



Planning Commission Staff Report November 15, 2021 Meeting

CORNERSTONE ACADEMY ZONING AMENDMENT

LOCATION:	7270 New Albany-Condit Road (PID: 222-001945)
APPLICANT:	Cornerstone Academy c/o Aaron Underhill, Esq.
REQUEST:	Zoning Amendment
ZONING:	Limited General Employment (L-GE) to Infill Planned Unit Development (I-
	PUD)
STRATEGIC PLAN:	Employment Center
APPLICATION:	ZC-105-2021

Review based on: Application materials received on September 21, 2021, October 14, 2021, and November 2, 2021. *Staff report completed by Anna van der Zwaag, Planner*

I. REQUEST AND BACKGROUND

The applicant requests review and recommendation to City Council to rezone 11.751+/- acres from Limited General Employment (L-GE) to Infill Planned Unit Development (I-PUD) at 7270 New Albany-Condit Road. This application proposes to create a new zoning district to be known as the Cornerstone Academy Zoning District to permit the development and operation of a public charter school facility and related improvements.

The proposed use outlined in the zoning text is limited and will permit the development of primary, intermediate, and secondary schools, with supporting ancillary uses. The site is located in the Engage New Albany 2020 strategic plan Employment Center future land use district.

This application is solely for rezoning the site. A preliminary site plan and architectural renderings were submitted with this application but are subject to final review and approval as part of a final development plan application that will be evaluated by the Planning Commission at a later date.

The Rocky Fork-Blacklick Accord reviewed this application on October 21, 2021 and the motion to approve the application passed by a 9-0 vote.

II. SITE DESCRIPTION & USE

The site is located at 7270 Central College Road and consists of one parcel. The site is currently undeveloped. Neighboring uses and zoning districts include Office Campus District, Limited General Employment, Agriculture, and Infill Planned Unit Development. The site does not directly abut any residential parcels; however, there is a home located in the agricultural zoned property located immediately to the northeast of the site across New Albany-Condit Road. Subarea "B" of the

Nottingham Trace subdivision is located on the north side of the property. This subarea is slated for commercial development at a later date. Reserve "C" of the Nottingham Trace subdivision is located diagonally to the northwest of the site and includes 23.7 acres of parkland.

III. PLAN REVIEW

Planning Commission's review authority of the zoning amendment application is found under C.O. Sections 1107.02. Upon review of the proposed amendment to the zoning map, the Commission is to make recommendation to City Council. Staff's review is based on City plans and studies, zoning text, and zoning regulations. Primary concerns and issues have been indicated below, with needed action or recommended action in <u>underlined text</u>.

A. New Albany Strategic Plan

The Engage New Albany 2020 Strategic Plan lists the following development standards for the Employment Center:

- 1. No freeway/pole signs are allowed.
- 2. Heavy landscaping is necessary to buffer these uses from adjacent residential areas [a landscaping plan can be submitted at a later date].
- 3. Plan office buildings within context of the area, not just the site, including building heights within development parcels.
- 4. All office developments are encouraged to employ shared parking or be designed to accommodate it.
- 5. All office developments should plan for regional stormwater management.
- 6. All associated mechanical operations should be concealed from the public right-of-way and screened architecturally or with landscape in an appealing manner.
- 7. Any periphery security should integrate with the existing landscape and maintain and enhance the character of the road corridor.
- 8. Combined curb cuts and cross-access easements are encouraged.
- 9. The use of materials, colors, and texture to break up large-scale facades is required.
- 10. Maximum building height is 80'.
- 11. Streetscape Roadway Character Classification is Business Park for New Albany Road East and Business Park Transitional for New Albany-Condit Road (see Table 1, below).
- 12. Parking should be located in rear of building and shared parking.

B. Use, Site, and Layout

- 1. The proposed text rezones 11.751+/- acres that is currently zoned as Limited General Employment (L-GE). There is one parcel within the proposed zoning district which is currently undeveloped. Additionally, PUD texts allow for flexibility in design and uses.
- 2. A school impact statement has been submitted. The applicant states that the school will benefit the NAPLSD by providing an alternative school to attend for students who live within the NAPSLD. Therefore, it has potential to reduce the pressure on the district's capacity and have a positive financial impact on the NAPLSD.
- 3. While the school operates as an institutional use rather than an employment center/office use, the school is estimated to generate 81 jobs. As a school, the facility will also likely generate different traffic peaks in the afternoon than the adjacent office uses thereby lessening its impacts on the public streets.
- 4. The zoning text allows primary, intermediate, and secondary schools, along with ancillary uses such as auditoriums, cafeterias, administrative offices, outdoor recreational fields, open space, and playgrounds.
- 5. A stream is located along the northern boundary of this property. As such, the zoning text establishes a Stream Corridor Protection Zone a minimum of 50 feet in width extending southward from the centerline of the stream matching the city codified ordinance requirements.

- 6. The zoning text prohibits permanent sports field netting.
- 7. The applicant is proposing the following setbacks.

Zoning Boundary	Required Setbacks	Notes
	Proposed in the Text	
New Albany-Condit	125 foot building and	The New Albany Strategic Plan recommends
Road/State Route 605	pavement from the	at least 100' of setbacks beyond the right-of-
(Eastern Boundary)	right-of-way	way. The city's Design Guidelines &
		Requirements require that a new building's
		site shall take account of precedent set by
		adjacent buildings. This setback is consistent
		with neighboring properties.
New Albany Road East	125 foot building and	The New Albany Strategic Plan recommends
(Southern Boundary)	pavement from the	at least a 50' setback beyond the right-of-
	right-of-way	way. The 125' setback is consistent with the
		Research and Innovation Campus Design &
		Landscape Standards, and is also consistent
		with neighboring properties.
Northern Boundary	25 foot building and	Exceeds C.O. 1153.04 (c) for the General
-	pavement setback and	Employment district which requires at least
	50 foot Stream Corridor	25 foot rear yard.
	Protection Zone	
Western Boundary	25 foot building and	Matches C.O. 1153.04 (c) for the General
(Not adjacent to right-of-way)	pavement setback	Employment district which requires at least
		25 foot side yard.

C. Access, Loading, Parking

- 1. The zoning text states that vehicular access to and from this zoning district shall be permitted from New Albany-Condit Road and New Albany Road East. A Traffic Impact Study (TIS) shall be completed by the developer and submitted for review, approval, and acceptance by the city traffic engineer no later than the time of filing a final development plan application to determine if full access drives or RI/RO only are permitted. The TIS will also determine if and where right and left turn lanes may be required to minimize traffic back-ups.
- 2. The city's parking code section C.O. 1167.05(c)(2) states that public or private schools are required to have a minimum of three parking spaces for each classroom or one for each five seats in the main auditorium, whichever is greater. The text states that a minimum of 205 parking spaces will be provided on the site and that, should an expansion of the building occur in the future, additional parking shall be provided at the minimum rate of 3 parking spaces for each additional classroom or 1 parking space for each 5 seats in a new auditorium, whichever is greater. These zoning text requirements are compatible with the city's codified ordinances. Compliance with parking standards shall be reviewed with the final development plan.
- 3. The text states that a private drive shall be provided in the northern and western portions of the site which generally runs parallel to the northern boundary line and then turns and runs generally parallel to the western boundary. This private drive shall be the primary route used for bus traffic and may also be used by other vehicles. A bus lane shall be provided adjacent to the west side of the building to allow for student drop-off and pick-up while not impacting the flow of other traffic interior to the site. Another private drive shall connect to the first one in a loop configuration running along the south and east of the building.
- 4. The text states that an eight foot wide leisure trail shall be provided along New Albany-Condit Road (leisure trail is already in existence along New Albany Road East). In addition, the applicant is also providing a leisure trail from New Albany-Condit Road along the stream

corridor on the north end of the site, providing additional connections to the parkland to the northwest of the property.

5. The text commits to providing a clear and defined route of pedestrian and bicycle ingress and egress between buildings and the public street network and adjacent leisure trail.

D. Architectural Standards

- 1. The text states that Architecture for buildings in this zoning district shall be governed by the requirements of the City's Design Guidelines and Requirements for Institutional and Civic Buildings.
- 2. The text requires a maximum building height of 65 feet for primary structures, and buildings shall be no more than two stories.
- 3. Service areas and loading docks shall be fully screened from the view of public rights-of-way.
- 4. The text states that building designs shall not mix architectural elements or ornamentation from different styles, and all building elevations shall be designed to be compatible with each other.
- 5. The text states that building materials shall be appropriate for contemporary suburban designs and avoid overly reflective surfaces. Permitted materials include brick, brick veneer, stone, stone veneer, concrete, aluminum, metal, glass, stucco, and cementitious fiberboard. Reflective or mirrored glass shall be prohibited. The primary masonry color will be earth tones of light and medium sand and/or gray and other façade materials shall be darker in color to provide design interest and contrast.
- 6. All roof-mounted equipment shall be screened on all four sides.

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

- 1. The text states that a landscaping plan shall be submitted with a final development plan application for review by the Planning Commission. Landscaping in this zoning district shall be installed and maintained in accordance with the landscaping plan that is approved by the Planning Commission.
- 2. The text states that a four-board horse fence shall be installed along New Albany-Condit Road and New Albany Road East.
- 3. The zoning text states that a landscape treatment consisting of an average of 10 trees per 100 lineal feet of road frontage shall be installed and maintained along State Route 605 and New Albany Road East within a distance of 55 feet from the right-of-way. These trees shall consist of a mix of deciduous and evergreen species that are native to Ohio, with the locations, number, and spacing to be reviewed as part of a final development plan.
- 4. The zoning text requires mounding along both New Albany Road E and New Albany-Condit Road. The mounding shall have a slope not to exceed 6:1 on the side facing the public street. The mound shall be a minimum of 3 feet and a maximum of 12 feet in height, and its design shall be reviewed as part of a final development plan. 70% of required trees shall be planted on the street side of the mound, and no trees shall be located within the upper quartile crest of the mound.
- 5. The text states that interior landscaping within paved parking areas shall be a minimum of five percent (5%) of the total area of the parking lot pavement. The landscaped areas shall be arranged in such a manner so as to visually break up large expanses of pavement and provide landscaped walking paths between parking lots and the main buildings. These text requirements are consistent with C.O. 1171.06(a).

F. Lighting & Utilities

- 1. The text states that a lighting plan shall be submitted with a final development plan application for review by the Planning Commission. Lighting in this zoning district shall be installed and maintained in accordance with the lighting plan that is approved by the Planning Commission.
- 2. The text states that all parking lot lighting shall be cut-off type fixtures and down cast. No lighting from this site shall spill onto any adjacent property. Parking lot lighting shall be from

a controlled source in order to prevent light from spilling beyond the boundaries of the site. All such lighting shall be of the same light source type and style.

- 3. All parking lot light poles shall be black or New Albany green and constructed of metal. Light poles shall not exceed 18 feet in height.
- 4. No permanent colored lights or neon lights shall be used on the exterior of any building. Uplighting of buildings shall be prohibited.
- 5. All security lighting, when used must be a motion-sensor type system.
- 6. Security lighting, when provided, shall be of a motion-sensor type.
- 7. The text states that permanent lighting of sports fields shall be permitted, provided that no light spillage shall be permitted onto adjacent properties or rights-of-way. Specifications for light poles and fixtures shall be presented for review and approval as part of a final development plan. Light poles for lighting sports fields shall not exceed 18 feet in height unless otherwise approved as part of a final development plan based on operational needs for the field(s) and a demonstration by the applicant that the increased height will not materially and negatively impact adjacent properties.
- 8. All new utilities that are installed in this zoning district shall be located underground.

F. Signage

- 1. The text states that final details for all signs shall be submitted with a final development plan application for review by the Planning Commission.
- 2. The text states that one wall sign shall be permitted on the southern-facing elevation of the school building, and one wall sign shall be permitted on one of the eastern-facing elevations of the building. These signs shall identify the school and may include the school's logo.
- 3. The text states that Secondary wall signs shall be permitted to identify uses within the building to promote wayfinding. These signs shall be placed where architecturally appropriate (as determined by the Planning Commission as part of its review of a final development plan). Such signs shall be of a smaller size and installed at a shorter height than other permitted wall signage.
- 4. A ground sign shall be permitted at the vehicular access point into the site along New Albany-Condit Road and at the vehicular access point along New Albany Road East.
- 5. Directional and wayfinding signage shall be permitted internally within this zoning district as permitted by the Codified Ordinances. The applicant shall provide a plan for designs and locations of such signs for review by the Planning Commission as part of a final development plan application.

IV. ENGINEER'S COMMENTS

The City Engineer, E.P. Ferris reviewed the proposed rezoning application and provided the following comments. <u>Staff recommends a condition of approval that these comments are addressed, subject to staff approval.</u>

- 1. Provide a Traffic Study to evaluate left turns into the site. The study shall determine what roadway striping modifications are required to support the project and how traffic signal operations at the SR 605 intersection may be impacted.
- 2. Show the Stream Corridor Protection Zone and 100 year flood plain limits on the site plan in accordance with this exhibit. Prohibit encroachments of any kind within these areas.
- 3. Refer to Exhibit B. Show, dimension and label the Instrument Numbers of the recorded sanitary sewer easements on the site plan. Limit encroachments within these areas.
- 4. Where not already provided, we recommend that a minimum of 50' of public r/w as measured from roadway centerline be dedicated along all parcel frontages.
- 5. Add the Instrument Number for the existing gas easement that bisects the site and contact gas company representatives to obtain preliminary approval for the project.

- 6. Provide a Traffic Impact Study (TIS) for review and approval. Determine where proposed full access drives may need to be modified to RI/RO only and where right and left turn lanes may be required to minimize traffic back-ups. The TIS should consider peak period trip characteristics for what's currently being proposed and all future expansions.
- 7. Provide 20 MPH school zone signage, flashing beacons, etc. along all frontages and provide associated pavement marking improvements.
- 8. Provide more information regarding internal traffic circulation for busses and parent drop off vehicular traffic.
- 9. Provide more information regarding traffic and parking associated with special events.

V. RECOMMENDATION

Basis for Approval:

Staff are supportive of the proposed rezoning. The primary challenge of the site is the location of the 110' gas easement which runs diagonally from the northeast to southwest corner of the site and bisects the site. No development can occur in this easement, other than access drives which must cross the easement precisely at 90 degrees. This easement along with the large 125' building and pavement setbacks limit the size and type of development that can occur on this site.

The proposed development pattern is consistent with the surrounding built environment. The standards incorporated into Cornerstone's zoning text are compatible not only with the surrounding area, but also with the limitation text that is currently in place for the site (which will be overridden/replaced with the approval of this application). The proposed development utilizes the space available for development and leaves the remainder open for landscaping and green space. The city's landscape architect has reviewed the site and recommends the same streetscape for this site as is established on the other three corners of the New Albany-Condit Road/New Albany Road E intersection. The applicant accomplishes this by committing to provide landscaping improvements including mounding and additional trees. The applicant proposes to use the easement area and open space for soccer fields.

Additionally, staff considered the Engage New Albany 2020 Strategic Plan, which identifies this site within the Northwest Area focus area. The Plan indicated that the Northwest Area needed to be better connected to natural features and amenities. The plan also identifies the New Albany Road E/New Albany-Condit Road intersection as "an important intersection" and recommends that future development at this site be "designed as a walkable, street facing design with landscaped setbacks." In addition to the landscaping commitments previously mentioned, the applicant also committed to installing additional leisure trail along the stream corridor to the north of the site in order to build connections to natural features within the site. Additionally, the zoning text commits to providing additional pedestrian and bicycle access to the site. While the proposed use is institutional and not commercial as identified in Engage New Albany, the proposed zoning text commits to the above described standards that provide compatible landscaping, setbacks and architectural design with surrounding office development and is an appropriate use of the site.

VI. ACTION Suggested Motion for ZC-105-2021:

Move to recommend approval to Council of the rezoning application ZC-105-2021, subject to the following conditions:

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

Approximate site Location:



Source: Google Maps



6164 NOTTINGHAM LOOP SPA VARIANCE

LOCATION: APPLICANT:	6164 Nottingham Loop (PIDs: 222-005088). John and Michelle Morgan
REQUEST:	(A) Variance to Nottingham Trace zoning text section II(H)(6)(b) to
	allow a spa to be installed above ground.
ZONING:	Nottingham Trace I-PUD Zoning District
STRATEGIC PLAN:	Residential
APPLICATION:	VAR-120-2020

Review based on: Application materials received November 19, 2021. Staff report prepared by Chris Christian, Planner

I. REQUEST AND BACKGROUND

The applicant requests a variance to Nottingham Trace zoning text section II(H)(6)(b) to allow a spa to be installed above ground.

II. SITE DESCRIPTION & USE

The property is .22 acres in size, contains a newly built single-family home and is located in the Nottingham Trace subdivision.

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 Nottingham Trace zoning text section II(H)(6)(b) to allow a spa to be installed above ground.

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

- 1. The Nottingham Trace zoning text states "spas shall be located in the rear yard within the building of line the site and shall be completely enclosed by fencing and screened from adjoining properties. Spas may be constructed as part of the house and shall be flush with the top of the paving."
- 2. The applicant proposes to install a spa above ground where the zoning text requires all spas to be installed in ground therefore a variance is required.
- 3. The proposed spa will be installed on top of a new patio at the rear of the home. The applicant states that the 39 sq. ft. spa will be enclosed with a code compliant fence and arborvitae will be installed around the spa area to provide screening from adjacent properties. The property is located in the Nottingham Trace age-restricted subdivision and is surrounded by residentially zoned and used properties.
- 4. It does not appear that the essential character of the neighborhood would be altered if the variance request is granted. The applicant states that they will install arborvitae around the proposed spa area to provide screening for adjacent properties. <u>The applicant did not provide a planting plan as part of the variance application and staff recommends a condition of approval that the proposed number, location and species of the arborvitae screening be subject to staff approval.</u>
- 5. The variance does not appear to be substantial and meets the spirit and intent of the zoning text requirement which is to ensure that there is visual separation and screening from adjacent properties. While the proposed spa will not be installed below ground, the applicant proposes to provide visual screening from adjacent properties with arborvitae plantings.
- 6. In addition to the plantings, the proposed spa maintains larger setbacks from adjacent properties than what is required by code. City code only requires spas to be setback 15 feet from adjacent property lines. The applicant is providing a 27-foot setback from the northern property line, 33 feet from the east and 43 feet from the south. These larger
- PC 21 1220 6164 Nottingham Loop Spa Variance VAR-120-2021

setbacks, in addition to providing arborvitae screening meet the spirit and intent of the requirement of providing visual separation and screening between spas and adjacent properties and therefore is not substantial.

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.

IV. RECOMMENDATION

Staff recommends approval of the requested variance should the Planning Commission find that the application has sufficient basis for approval. While the applicant proposes to install a spa above ground, they are proposing to install arborvitae around the spa area to provide screening as well as maintaining larger setbacks from adjacent properties, greater than what is required by code. In addition, the proposed spa will be enclosed by a code compliant fence and is meeting all other code requirements.

V. ACTION

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

Move to approve application VAR-120-2021 based on the findings in the staff report with the following conditions (additional conditions of approval may be added).

- 1. A code compliant fence must be added around the spa area.
- 2. The spa is completely screened and surrounded on all sides by arborvitae. The number, location and species of the proposed arborvitae screening is subject to staff approval.



Approximate Site Location:

Source: Google Earth

Permit # 1/AP. 120-2021
Board
Mtg. Date



Community Development Planning Application

	Site Address GIGH Nottingham	Loop Neur Alto	any OH 43054
C al	Parcel Numbers		,
	Acres	# of lots created	
tion	Appeal Certificate of Appropriateness Conditional Use	Circle al eliminary Final	Details that Apply Comprehensive Amendment
Project Information	Co Co Minor Commercial Subdivision	eliminary Final mbination Split sement	Adjustment
Project	Variance Extension Request Zoning	nendment (rezoning)	Text Modification
	Description of Request: <u>Installs</u>	tion of hot tub	above ground
	Property Owner's Name: John	Michele Norge	9n
	Address: <u>6164</u> Nottingham City, State, Zip: <u>New Albant</u> C Phone number: <u>614-323-9546</u> Email: <u>51Ver brook 2017@</u>	1 04 43054 1 0 0 m 2 1 com	Fax:
Contacts		22 3pore	
C	Address:	03 80000	
	Phone number:		Fax:
	Email:	· · · · · · · · · · · · · · · · · · ·	
Signature	Site visits to the property by City of New A The Owner/Applicant, as signed below, her employees and appointed and elected offici described in this application. I certify that the true, correct and complete.	eby authorizes Village of als to visit, photograph ar	New Albany representatives, ad post a notice on the property
S	Signature of Owner Signature of Applicant	R. Morgan	Date: 11-19-2021 Date:

John & Michele Morgan 6164 Nottingham Loop New Albany, OH 43054

New Albany Development Department 99 W. Main Street New Albany, OH 43054

November 29, 2021

Dear New Albany Development Group,

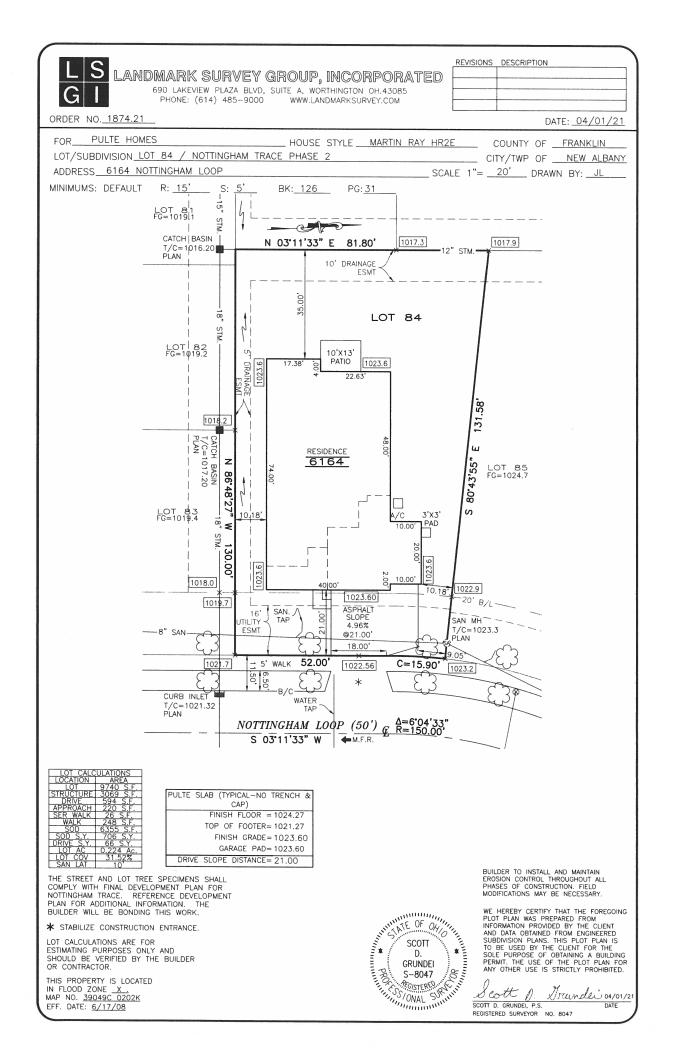
This letter accompanies a variance I submitted for a two seat hot tub at our residential address listed above. The proposed location for the hot tub is the rear NW corner of our home (lot 84). Our intention is to place a fence around the hot tub, a cover, and provide a visual break to adjoining properties with arborvitae. Approval for the location and placement of this hot tub has been obtained from the Board of Directors for Nottingham Trace and will not encumber access to easements or delivery services.

No special privileges are being sought by us for this variance nor will they be conferred to us by approval. This request isn't substantial in relation to the zoning code and will not alter the character of Nottingham Trace or alter the environment of the adjoining properties. This hot tub will not be a detriment to the health and safety of the public nor be a detriment to the aesthetics of the community.

Thank you for your consideration.

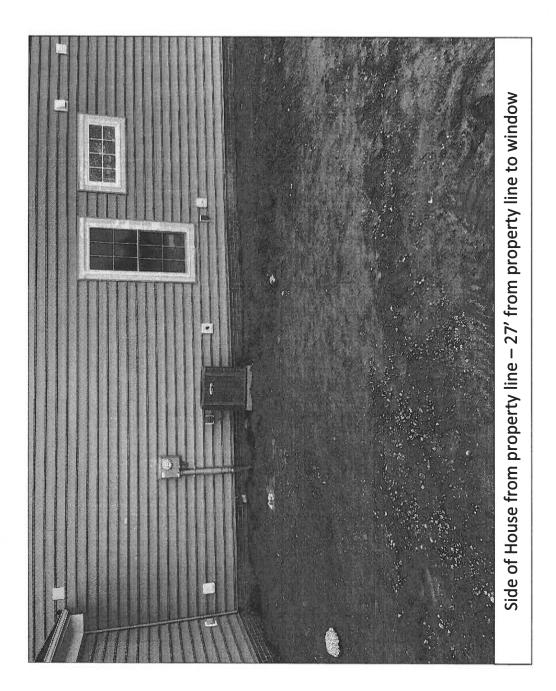
Cordially,

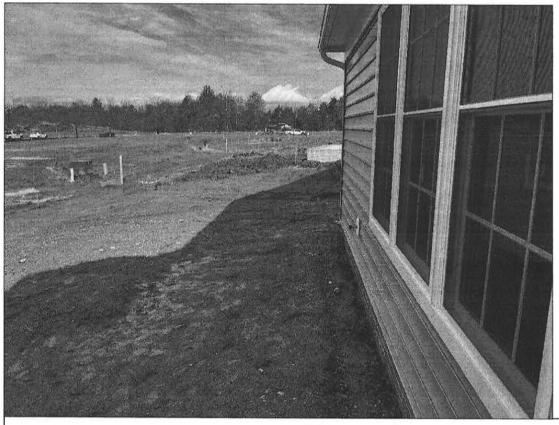
John & Michele Morgan



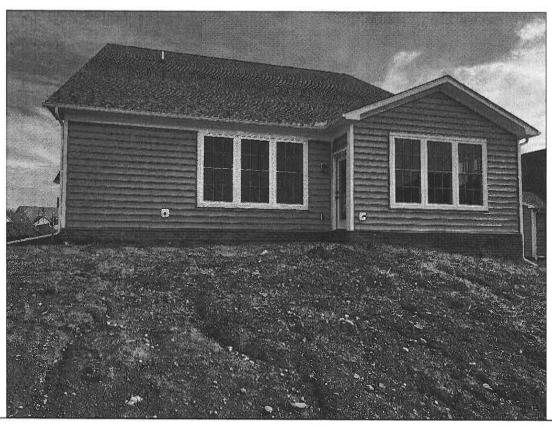


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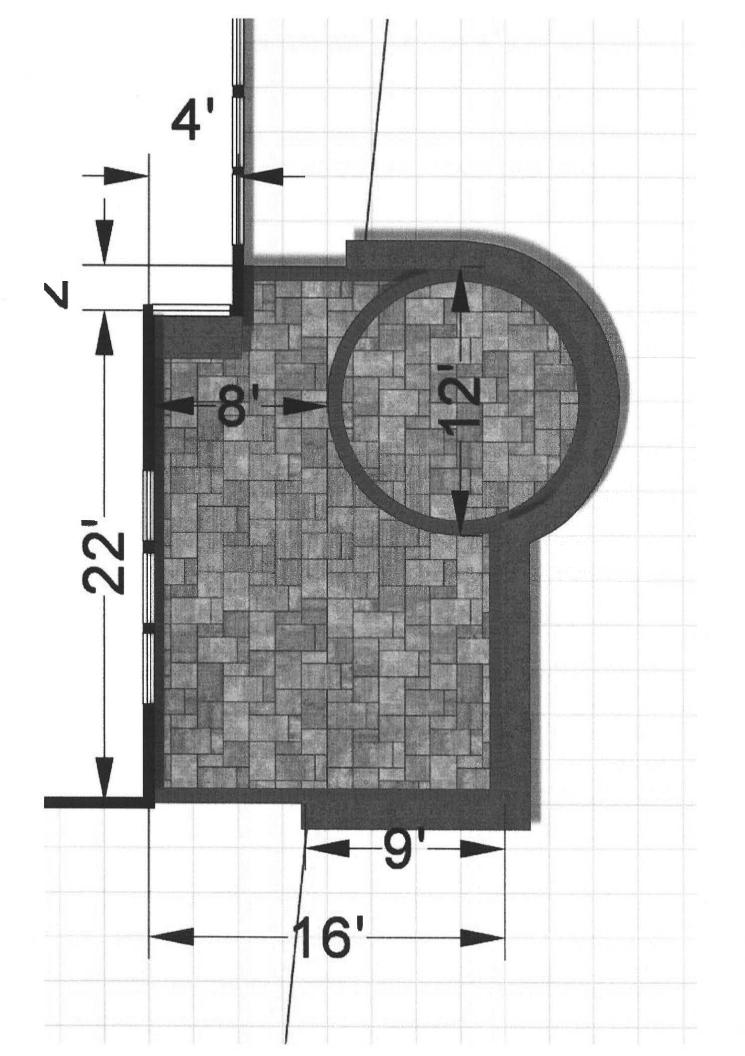




Back of house from Sunroom door – 22'8'' from door to edge of house



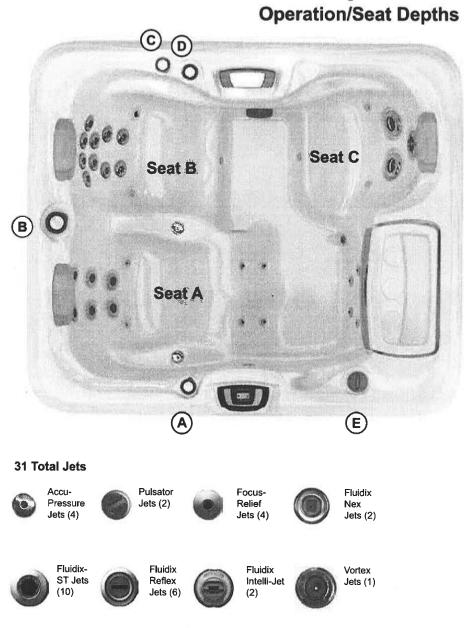
Back of house from property line – 39' from property line to house



Sundance® Spas 880 Capri® Specifications

	opcomounons	
	69" x 82" x 30.5" (175.5 cm x 208.5 cm x 77.5 cm)	°0 5-3
Perimeter		
Seating Capacity:		14**
Dry Weight:		B C
Filled Weight (Spa Volume):		0 .
Filled Weight (Average Fill):		man 1
Water Capacity (Total Volume):		A
Water Capacity (Average Fill):		
Controls:	880 Touch Interface LCD Control, Displays	¢ (C)
	Temperature, Time, Cycles and Jet/Air System Control.	The second s
	Offers Customizing of Filtration Cycles, Lighting, Water	
Water Delivery	Temperature Setting and other features	Observations Operations
	1 TheraMax High-Flow Pump and 8-Hour Dynamic Flow	
Pump 1:	North America (60 Hz): 1-Speed/2.5 HP Continuous, 11.	
Dumm 2:	Export (50 Hz): 1-Speed/2.0 HP Continuous, 7.0A Ma	
Pump 2:	High Output Dynamic Flow, 8-Hour Filter/Circulation Pur	mp (35 gpm), Programmable for
Total Undraista	Daily Start Time and Duration	
Total Hydrojets:		
	6 Fluidix Reflex, 2 Pulsator, 4 Focus-Relief, 4 Accu-Pres	ssure
Seat B Jets:		
Seat C Jets:		
Air Blower:		
	8 Air Injector Jets with Quiet High Speed Air Pump	
	2/1 (Standard air control with LED lights and massage s	
	MicroClean® Ultra Filtration System, 130 ft² (2 interlocki	
water Treatment:	Automatic Brominator and Dynamic Flow Circulation Sys	stem; Factory installed
1 imháinn.	CLEARRAY® Active Oxygen System	
Lighting:	Multi-Colored Sunglow LED Lighting System (1 Waterfal	ll, 1 Main light, 2 Air controls,
Skint Cabinat (Sun Side TW)	1 Massage Selectors, Exterior lights)	
Skirt Cabinet (SunSide !!!!):	Modern Hardwood, Brushed Gray and Vintage Oak (Equ	upped with Standard Exterior
Shall Calara	Lights)	
Shell Colors:	North America: Platinum, Celestite (Gypsum), Sahara, N	Aonaco, Midnight, Porcelain
	Export: All North America Colors	
Handrails:		
ComforTone Headrests:		
neater:	North America (60 Hz): Low Flow 5.5 kW with Titanium I	
Electrical Deguinementes	Export (50 Hz): Low Flow 2.7 kW with Titanium Elem	ent
Electrical Requirements:	North America (60 Hz): 240 VAC@40A or 50A;	
	Export (50 Hz): 230-240 VAC@1x25A, 2x16A (see ma	
	or Suitably Rated Circuit Breaker to Comply with Loc	-
	Certain Countries May Require Dual Power Inputs; T Required for This Configuration.	WO GFCI/RCD Breakers are
Limited Warranty*:		
	Component Leaks, 5 Years Equipment and Controls, 5	rears Cabinet, 5 Years Jets,
	2 Years Lights, 1 Year Stereo	E Vaara Diversiaa
	Export (50 Hz): 10 Years Shell, 7 Years Shell Surface	
	Component Leaks, 5 Years Equipment and Controls, Jets, 2 Years Lights, 2 Years Stereo	, o rears cadiner, o rears
Waterfall Feature	Adjustable Flow Rate; Colored Lighting	
	Factory Installed BLUEWAVE® 2.0 Wireless Spa Stereo	System with Auvilian 2 E
	mm headphone jack connection, Bluetooth® compatible	
	powered subwoofer	, - premium speakers and a
Special Features:	MicroClean® Plus Versatile Filter Lid, Optional Filter Lid	Pillow seat. Optional (Factory
-	Installed) SmartTub™ Module	
	,	

Sundance Spas 880 Capri



Air Control - Activates Seat A Jets (6 Fluidix Reflex, 2 Pulsator, 4 Focus Relief, 4 Accu-Pressure)

- B Massage Selector Adjusts Massage Level Between Seat A Jets and Seat C Jets + Seat B Jets
- Air Control Activates Seat B Jets (2 Fluidix Nex, 10 Fluidix-ST) and Seat C Jets (1 Vortex, 2 Fluidix Intelli-Jet)
- Waterfall Selector [8-Hour Circ. Pump] - Controls Waterfall Output

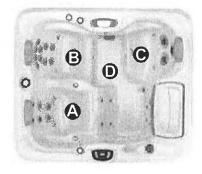
(E) Sunscent Dispenser

• Focus-Relief Jets: Work with both the blower and Jets Pump 2. The blower introduces air to the jet and the Jets Pump forces water through.

Spa Operation Subject To Change Without Notice

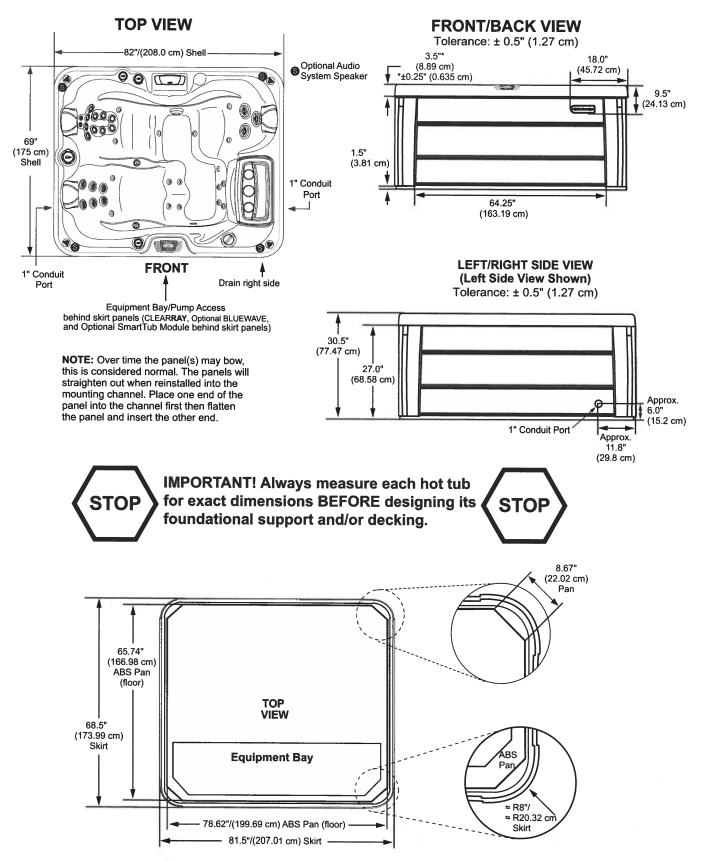
SEAT DEPTHS

A = 24.25" (61.60 cm) B = 26.38" (66.99 cm) C = 25.75" (65.41 cm) D = 26.88" (68.26 cm) Listed dimensions represent distance from top of acrylic to lowest point in seat. Tolerance ± 0.5" (1.27 cm).



Sundance Spas 880 Capri

Portable Dimensions



Dimensions/specifications subject to change without notice. Tolerance: ± 0.5" (1.27 cm)

Dimensions/Specifications Subject To Change Without Notice



7145 CENTRAL COLLEGE POULTRY CONDITIONAL USE

LOCATION:7145 Central College Road (PID: 222-000892-00)APPLICANT:Robert Beatty and Mary Ann AkinsREQUEST:Conditional UseZONING:R-1STRATEGIC PLAN:ResidentialAPPLICATION:CU-125-2021

Review based on: Application materials received November 29, 2021 Staff report completed by Chris Christian, Planner

I. REQUEST AND BACKGROUND

The applicant requests approval to allow the feeding, grazing or sheltering of poultry in a confined area as a conditional use at 7145 Central College Road under the R-1 zoning district. The applicant has six (6) existing chickens (hens) on their property in a coop and seek a conditional use approval in order to allow them to remain on the property.

On June 7, 2021, the Planning Commission recommended to City Council that the feeding, grazing or sheltering of poultry be added as a conditional use in the R-1 zoning district. City Council adopted this code update on July 6, 2021(O-24-2021).

II. SITE DESCRIPTION & USE

The .97-acre property is zoned R-1 and currently contains a 1,963 sq.ft. single family home that was built in 1990. There are residentially zoned and used properties to the north, west and south of the site and an institutional use to the east.

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.

In addition, C.O. 1131.04(e)(1) states that the Planning Commission shall consider and may set conditions on the following as part of its decision to allow the feeding, gracing or sheltering of poultry: type of poultry, location/distance from property lines, limiting the number of animals, enclosures/structure requirements, fence requirements, noise conditions, sanitary standards, prohibition of specific animals such as rooster(s), sale of animal products and the killing/slaughter of animals on a site.

- (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 submitted a site plan demonstrating these setbacks for the home and the existing chicken coop on the property. The applicant has six (6) chickens (hens) in the chicken coop on the rear yard of the site which maintains large setbacks from

PC 21 1220 7145 Central College Road Conditional Use CU-125-2021

adjacent properties. In addition, the entire backyard is enclosed by a 6-foot-tall privacy fence and there is an established evergreen tree row along the rear property line. All of these site characteristics ensure that the proposed use will be harmonious with the objectives of the zoning ordinance and provide additional screening and buffering from neighboring properties.

- (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.
 - There are residentially zoned and used properties to the north, west and south of the site and an institutional use to the east.
 - This property is a historic township property along Central College Road. These lots are typically larger, rural lots which differ from the typical subdivision lot in the city. This lot is .97 acres in size and the home and chicken coop maintain significant setbacks from adjacent properties. The chicken coup is located towards the center of the lot but closer to the institutionally used property to the east. While the coop is located closer to this property line, the drive aisle for the church adds additional separation along this property line.
- (c) The use will not be hazardous to existing or future neighboring uses.
 - The applicant states that they currently have 6 chickens (hens) on the property as pets and does not sell their eggs. It does not appear that the use of chickens will be hazardous to existing or future neighboring uses. <u>Staff recommends a condition of approval that a maximum of 6 chickens are permitted. If any additional chickens are kept on the property, a new conditional application must be reviewed and approved by the Planning Commission.</u>
- (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.
 - The use of feeding, grazing and/or sheltering chickens on this property will not have an impact on the delivery of essential public facilities and services.
- (e) 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 that the proposed use will involve activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare.
 - The applicant has six (6) chickens (hens) on the site that are used as pets in a chicken coop, their eggs are not sold, and the entire rear yard area is enclosed in a six (6) foot tall privacy fence which was installed by the property owner this year.
- (f) Vehicular approaches to the property shall be so designated as not to create interference with traffic on surrounding public streets or roads.
 - The proposed use will not create any interference with traffic on surrounding public streets or roads.

V. RECOMMENDATION

Basis for Approval:

The proposal appears to be consistent with the code requirements for conditional uses and meets the development standards for the site. The property is an older township property which are larger than the typical subdivision lot in the city. This allows for larger setbacks for the home and chicken coop from adjacent properties and is enclosed entirely by a privacy fence. Since it is just PC 21 1220 7145 Central College Road Conditional Use CU-125-2021

hens – and not a rooster – it does appear there will be any potentially objectionable noise conditions.

The applicant maintains a small number of chickens on the property as pets and does not intend to sell their eggs. It appears that the proposed use is generally harmonious for the site on which it is located, will not alter the character of the surrounding area or create any negative off-site impacts on the general public, infrastructure or the delivery of essential services.

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

VI. ACTION Suggested Motion for CU-125-2021:

To approve conditional use application CU-125-2021 based on the findings in the staff report with following condition of approval (conditions may be added)

1. A maximum of six chickens (hens) are kept on the site.

Approximate Site Location:



Permit #	
Board	
Mtg. Date	



Community Development Planning Application

		LAL COLLEG	E PA,	
	Parcel Numbers 222 - 000 8	92-00		
	Acres95	# of lots created		
	Choose Application Type	Ci	rcle all Details that Apply	
Project Information	 Appeal Certificate of Appropriateness Conditional Use Development Plan Plat Lot Changes Minor Commercial Subdivision Vacation Vacation Variance Extension Request Zoning Description of Request: AS PETS ON PR 	Preliminary Fina Preliminary Fina Combination Spli Easement Amendment (rezonin DITIONAL DISTRUCT	al it Adjustment Street ng) Text Modification USE OF CHICKEN NGLE FAMILY DI - 72A	
Contacts	Address: <u>7145 CENTRAL</u> City, State, Zip: <u>NEW ALBA</u> Phone number: <u>614-726-CEM</u> Applicant's Name: <u>ROB</u> Address: <u>7145 CEM</u> City, State, Zip: <u>NEW ALA</u> Phone number: <u>614-726-CEM</u> Email: <u>BUCKEVENUT</u>	ERT BEATTY STRAL COLLEGE BANY OH 6090 120 Y4400.	Fax: Fax: (Mary Ann Akin: E 20 43054 Fax: com/ mary angkins a	5) 2 <u>s: mail.com</u>
Signature	Site visits to the property by City of New Albany representatives are essential to process this application. The Owner/Applicant, as signed below, hereby authorizes Village of New Albany representatives, employees and appointed and elected officials to visit, photograph and post a notice on the property described in this application. I certify that the information here within and attached to this application is true, correct and complete. Signature of Owner Signature of Applicant Date: 11/24/21 Date: 11/24/24			rty

	on Final		650.00	
	Planning	Plus each lot	15.00 / each	
	Engineering fee	1-25 lots (minimum fee \$1,000.00)	155.00 /each	
	Engineering fee	26-50 lots	3875.00 75.00 / each	
	Engineering fee	Each lot over 26 Over 51 lots	5750.00	
Lot Changes		Each lot over 51	50.00 / each 200.00	
Minor Commerce	cial Subdivision		200.00	
Vacation (Street			1200.00	
Variance Non-si Single	ngle family, commerci Family residence junction with Certifica	ial, subdivision, multiple properties tion of Appropriateness	600.00 250.00 100.00 0.00	
Zoning	Rezoning - First 1	0 acres	700.00	
	Kezoning - 1 list 1	Each additional 5 acres or part thereof	50.00 / each	
	Rezoning to Rock	y Fork Blacklick Accord	250.00	
	Text Modification		600.00	
	oachment		800.00	

Appeal			250.00
Certificate of Appr	opriateness		100.00
		wo family residential	100.00
		sidential or commercial	300.00
	ARB - Signage		75.00
Conditional Use			600.00
Development Plan	- Preliminary PUD	or Comprehensive	750.00
	Planning fee	First 10 acres	
		Each additional 5 acres or part thereof	50.00 / each 155.00 / each
	Engineering fee	1-25 lots	
		Minimum fee	1000.00 3875.00
	Engineering fee	26 – 50 lots	· · · · · · · · · · · · · · · · · · ·
		Each additional lot over 26	75.00 / each 5750.00
	Engineering fee	Over 51 lots	
		Each additional lot over 51	50.00 / each
Development Plan	– Final PUD	7 10	650.00
	Planning fee	First 10 acres	
		Each additional 5 acres or part thereof	50.00
	Engineering fee	1-25 lots	155.00 / each
	D	(minimum fee \$1,000.00)	3875.00
	Engineering fee	26 – 50 lots Each additional lot over 26	75.00 / each
	- · · ·		5750.00
	Engineering fee	Over 51 lots Each additional lot over 51	50.00 / each
		Each additional lot over 51	300.00
Development Plan			600.00
-	/ Text Amendment		
Plat – Road Prelin			350.00
	Planning fee	no lots on either side of street	1.00 / LF
	Engineering fee	lots on one side of street	.50 / LF
		Minimum fee	1,000.00
		Minimum ree	
Plat – Road Final	Diaming for		350.00
	Planning fee	no lots on either side of street	1.00 / LF
	Engineering fee	lots on one side of street	.50 / LF
		Minimum fee	1,000.00
	Dulining	Minimum ree	
Plat – Subdivisio			650.00
	Planning	Plus each lot	50.00 / each
	En sin sering foo	1-25 lots	-
	Engineering fee	(minimum fee \$1,000.00)	155.00 / each
	Engineering fee	26-50 lots	3875.00
	Engineering ree	Each lot over 26	75.00 / each
	Engineering fee	Over 51 lots	5750.00
	Engineering ice	Each lot over 51	50.00 / each
			-
1			

REID MOORE 7125 CENTRAL COLLER RD FRANKLIN CHURCH 7175 CENTRAL COLLEGE RD DAVID & FUNK 8416 MARWITHE PL RYAN LEVEN 8406 MARWITHE PL ROBERT DEAN 7166 CENTRAL COLLEGE +7206

FENCE FENUC TENCE HOUSE Hello! I have attended 2 200 m meetings regarding my Chickens you ank all for your Consideration, Just Sh time 4 1 have a reminder, Chickens (hens) as gutdoor pete. I don not sell their oggs. Mare a lovely Moliday I Americaly Mary Enn akine

1115.02 APPLICATION FOR CONDITIONAL USE.

Any such person owning or having an interest in property may file an application to use such property for one or more of the conditional uses provided for by this Ordinance in the zoning district in which the property is situated. At a minimum the application shall contain the following information:

(A) Name, address, and phone number of applicant.

(b) Legal description of the property as recorded in the Franklin County Recorder's office.

(c) Description of existing use.

(d) Present zoning district.

(e) Description of proposed conditional use.

(f) A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic circulation, open spaces, landscaping, refuse, and service areas, utilities, signs, yards, and such other information as the Commission may require to determine if the proposed conditional use meets the intent and requirements of this Ordinance.

(g) A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, light, fumes, and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district.

(n) The names and addresses of all property owners within 200 feet, contiguous to, and directly across the street from the property, as appearing on the Franklin County Auditor's current tax list. The applicant shall also provide the addresses of all property within the above reference boundaries.

(i) Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the deliberations of the Planning Commission.



SIDECAT LLC HEIGHT ADJUSTMENT

LOCATION:South of Worthington Road, north of Morse Road, and west of Harrison
Road SW. (PID: 094-106782-00.000).APPLICANT:EMH&T c/o Kevin GradertREQUEST:Height adjustment to allow buildings to be 85 feet tall
L-GE (Limited General Employment), Harrison South Zoning DistrictSTRATEGIC PLAN:Employment Center District
ARB-127-2021

Review based on: Application materials received November 19, 2021.

Staff report prepared by Chris Christian, Planner.

I. REQUEST AND BACKGROUND

The applicant requests Planning Commission review to allow the height of a new building on the Sidecat LLC development site to be a maximum of 85 feet tall in accordance with the height adjustment standards found in Harrison South L-GE zoning text section F.

II. SITE DESCRIPTION & USE

The site is located on 279.62+/- acres in Licking County and is generally located south of Worthington Road, east of Beech Road, north of Morse Road and west of Harrison Road. The neighboring uses and zoning districts include L-GE and unincorporated agricultural/residential.

This parcel is currently undeveloped, zoned Limited General Employment (L-GE) and is owned by Sidecat LLC who has developed data center uses on adjacent parcels in the immediate area.

III. ASSESSMENT & EVALUATION

Harrison South zoning text section J states that it is anticipated that technology-oriented companies such as Sidecat LLC, may have certain operational and design requirements necessitating the development of buildings in excess of 65 feet in height. The applicant is requesting approval of a height adjustment by the Planning Commission due to operational, design and technological requirements.

This section of the zoning text gives the Planning Commission the authority to increase the allowable height for a building to a maximum of 85 feet within this zoning district and provides the following procedure and basis of approval for these application types.

J.1. Procedure for Approval: A property owner or other applicant seeking an increase in building height as contemplated in this Section J shall request the Planning Commission's review by filing an application with the City on a form that is prescribed by its zoning staff. Such an application and any decisions made thereon by the Planning Commission shall not be considered to be a variance, but instead shall be considered to be administrative in nature in that the Planning Commission's function will be to apply and administer the requirements of Section J.2 below to any application made pursuant hereto. The Planning Commission shall hold a public hearing on the application at its first meeting following the date that is 30 days after the

application is filed in a manner that is deemed to be complete by the City's zoning staff or on such later date as may be agreed by the applicant. The Planning Commission may vote on the application at any time following such public hearing, provided that in no circumstance shall such a vote occur later than the next meeting of the Planning Commission which immediately follows the meeting when the public hearing occurred (unless the applicant otherwise consents).

The Planning Commission's decision to approve or disapprove the application shall be based upon its consideration of the matters contemplated in Section J.2, and a decision to approve the application may be issued with conditions that are not inconsistent with the requirements set forth in Section J.2.

J.2 Basis for Approval: Harrison South L-GE zoning text section J.2 provides the following requirements that the Planning Commission ensures are met prior to approving the height adjustment request:

Requirement	Proposed	Requirement Met?
Minimum 300 ft building setback from	Worthington Road: 4754 ft	Yes.
Harrison and Worthington Road.	Harrison Road: 900 ft	
Minimum 250 ft setback from any	Southern residential parcel: 1199 ft.	Yes.
residentially zoned parcel.	Eastern residential parcel: 732 ft	
The applicant must demonstrate a need	The applicant states that the need for	Yes.
for the increase in building height is	the increased building height is a result	
either (a) the result of a technological	of both technological and operational	
or operational need or other function	needs. To the meet the business	
that cannot be accommodated with a	capacity needs with the current 65-foot	
65-foot-tall building or (b) reflects the	height limitation, the proposed building	
best and favored industry practices.	would need to have an untenably large	
• •	footprint that would compromise	
	business operations. Technically, the	
	building is comprised of two, tall	
	stories with a third mechanical story	
	above. The applicant states that this	
	technical arrangement and tall floor to	
	floor heights are critical to the optimal	
	building performance of mechanical	
	systems and energy efficiency.	
Roof mounted equipment must be	The applicant states that they will meet	Staff will verify that these
screened to limit view from	these requirements and this will be	requirements are met during the
Worthington Road and Harrison Road.	verified during the construction permit	construction permit review
-	review process for the project.	process.
No lights or signage are permitted to be	The applicant states that they will meet	Staff will verify that these
installed higher than 65 feet on the	these requirements and this will be	requirements are met during the
building.	verified during the sign permit review	sign permit review process.
	process for the project.	
No blank wall facades are permitted	The applicant states that they will meet	Staff will verify that these
and the building must be designed in a	these requirements and this will be	requirements are met during the
way to reduce or eliminate a monolithic	verified during the construction permit	construction permit review
building form.	review process for the project.	process.
A sprinkler system must be used.	The applicant states that a sprinkler	Staff will verify that this
- •	system will be used which will be	requirement is met during the
	verified during the construction permit	construction permit review
	review process for the project.	process.
The applicant must confirm that a taller	The applicant states that West Licking	Yes.
building can be serviced by the relevant	Fire Department has confirmed that	
fire department.	they will be able to provide fire	

suppression services for an 85-foot-tall building.	

IV. RECOMMENDATION

Staff recommends approval of the height adjustment application. The applicant has provided sufficient information to ensure that the additional requirements of the zoning text will be met with a taller building height. A second layer review of these requirements will also occur during the construction permit review process for the project by city and fire department staff. Additionally, variances have been approved by the Board of Zoning Appeals in the immediate area to remove height limitations for similarly zoned properties so the 85-foot building height is consistent with surrounding zoning requirements.

V. ACTION

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

Move to approve application ARB-127-2021 (conditions of approval may be added).



Approximate Site Location:

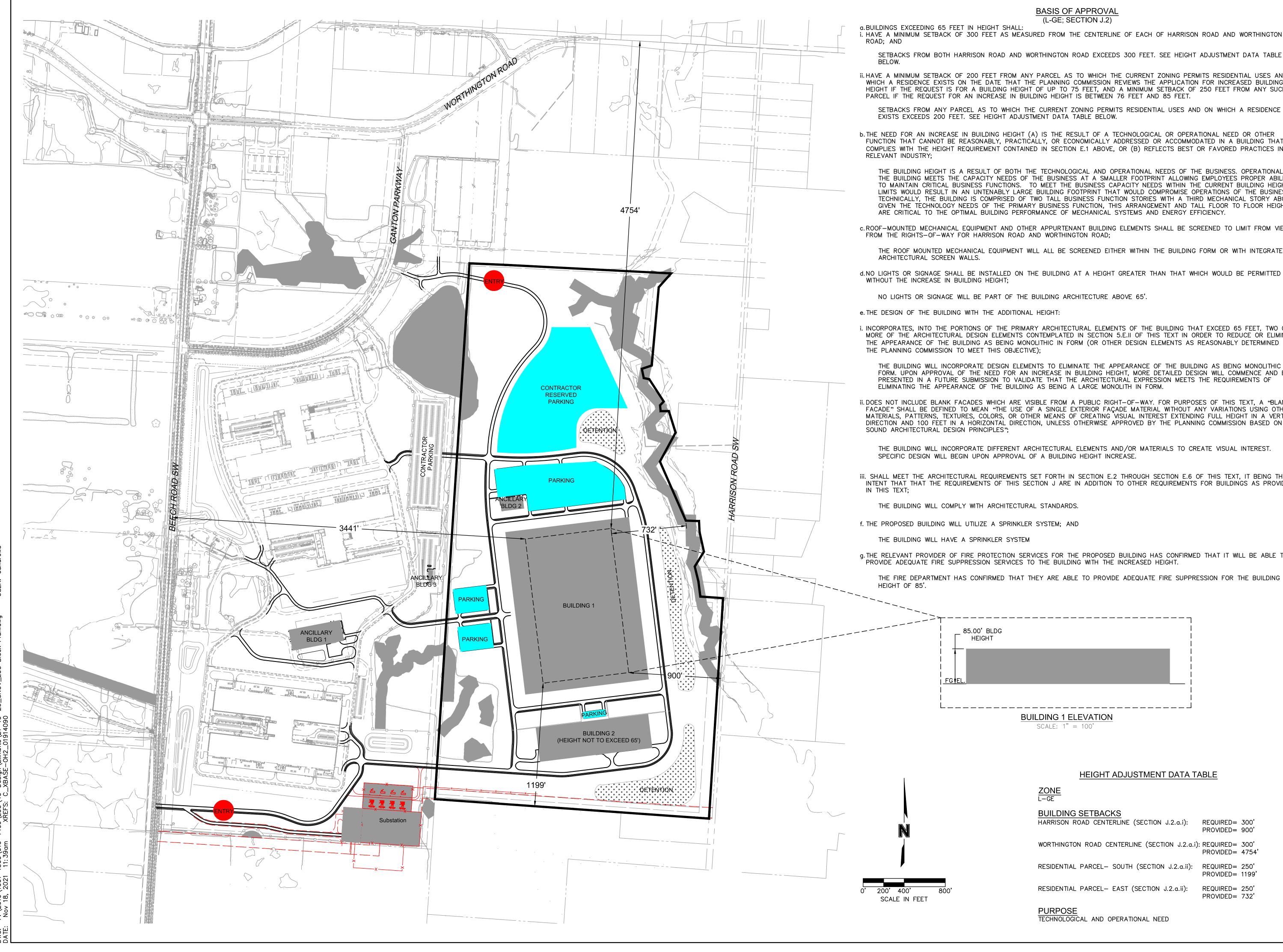
Source: Google Earth

Permit #	
Board	
Mtg. Date	



Community Development Planning Application

-	Site Address SIDECAT LLC	Harrison Rd SW, New	Albany, OH 43054	4
	Parcel Numbers 094-106782-0			
	Acres 279.62	# of lots created	1	
	Chasse Application Type	Circle	all Details that Apply	
RES	Choose Application Type	Circle	an Detans that Appry	
(7.5m)	UUCertificate of Appropriateness			
E	□□Conditional Use			
ati		Preliminary Final Preliminary Final	Comprehensive	Amendment
Ē	Plat Lot Changes	Preliminary Final Combination Split	Adjustment	
for	□ Minor Commercial Subdivision	combination opin	majaonnen	
=	□□Vacation	Easement	Street	
ect				
Project Information	Extension Request Zoning	Amendment (rezoning)	Text Modification	
4		Amendment (rezoning)	Text Widdinieation	
			and the first state of the	
		Owner is requesting a b		
	65° pe	er the zoning text to a p	proposed 85 build	ing neight.
LaL.				
NUM				
	Sid	ecat LLC		
	Property Owner's Name: Sid Address: 1 Hacker Way			
1×1	City, State, Zip: Menlo Park,	CA 94025		
	Phone number: Paul Clemen	ts - 801-910-4579	Fax:	
~	Email: phc@fb.com			
Contacts				
mta	Applicant's Name: Key	vin Gradert		
ů	Address: 550	0 New Albany Road, (Columbus, OH 430)54
k st	City, State, Zip: Col	umbus, OH 43054	A	
No. 21	Phone number: 614	.775.4387	Fax:	
	Email: kgr	adert@emht.com		
Tel Tel	Site visits to the property by City of	New Albany representatives	are essential to process t	his application.
	The Owner/Applicant, as signed bel	ow, hereby authorizes Village	e of New Albany represe	entatives,
ę	employees and appointed and elected			
tin	described in this application. I certifitrue, correct and complete.	y that the information here wi	thin and attached to this	application is
Signature	true, correct and complete.	0		
Sig		P.O A	المراجعين المعتور	11/12/21
	Signature of Owner	Ann Gradert	Date	11/00/2021
555	Signature of Applicant	Anna An anna Anna Anna Anna Anna Anna A	Date	



	BASIS OF APPROVAL
	(L-GE; SECTION J.2)
CHALLA	· · · · · ·

i. HAVE A MINIMUM SETBACK OF 300 FEET AS MEASURED FROM THE CENTERLINE OF EACH OF HARRISON ROAD AND WORTHINGTON

SETBACKS FROM BOTH HARRISON ROAD AND WORTHINGTON ROAD EXCEEDS 300 FEET. SEE HEIGHT ADJUSTMENT DATA TABLE

iI. HAVE A MINIMUM SETBACK OF 200 FEET FROM ANY PARCEL AS TO WHICH THE CURRENT ZONING PERMITS RESIDENTIAL USES ANI WHICH A RESIDENCE EXISTS ON THE DATE THAT THE PLANNING COMMISSION REVIEWS THE APPLICATION FOR INCREASED BUILDING HEIGHT IF THE REQUEST IS FOR A BUILDING HEIGHT OF UP TO 75 FEET, AND A MINIMUM SETBACK OF 250 FEET FROM ANY SUCH

SETBACKS FROM ANY PARCEL AS TO WHICH THE CURRENT ZONING PERMITS RESIDENTIAL USES AND ON WHICH A RESIDENCE

FUNCTION THAT CANNOT BE REASONABLY, PRACTICALLY, OR ECONOMICALLY ADDRESSED OR ACCOMMODATED IN A BUILDING THAT COMPLIES WITH THE HEIGHT REQUIREMENT CONTAINED IN SECTION E.1 ABOVE, OR (B) REFLECTS BEST OR FAVORED PRACTICES IN

THE BUILDING HEIGHT IS A RESULT OF BOTH THE TECHNOLOGICAL AND OPERATIONAL NEEDS OF THE BUSINESS. OPERATIONAL THE BUILDING MEETS THE CAPACITY NEEDS OF THE BUSINESS AT A SMALLER FOOTPRINT ALLOWING EMPLOYEES PROPER ABILI TO MAINTAIN CRITICAL BUSINESS FUNCTIONS. TO MEET THE BUSINESS CAPACITY NEEDS WITHIN THE CURRENT BUILDING HEIGH LIMITS WOULD RESULT IN AN UNTENABLY LARGE BUILDING FOOTPRINT THAT WOULD COMPROMISE OPERATIONS OF THE BUSINES TECHNICALLY, THE BUILDING IS COMPRISED OF TWO TALL BUSINESS FUNCTION STORIES WITH A THIRD MECHANICAL STORY ABO GIVEN THE TECHNOLOGY NEEDS OF THE PRIMARY BUSINESS FUNCTION, THIS ARRANGEMENT AND TALL FLOOR TO FLOOR HEIGH

C.ROOF-MOUNTED MECHANICAL EQUIPMENT AND OTHER APPURTENANT BUILDING ELEMENTS SHALL BE SCREENED TO LIMIT FROM VIE

THE ROOF MOUNTED MECHANICAL EQUIPMENT WILL ALL BE SCREENED EITHER WITHIN THE BUILDING FORM OR WITH INTEGRATED

MORE OF THE ARCHITECTURAL DESIGN ELEMENTS CONTEMPLATED IN SECTION 5.E.II OF THIS TEXT IN ORDER TO REDUCE OR ELIMI THE APPEARANCE OF THE BUILDING AS BEING MONOLITHIC IN FORM (OR OTHER DESIGN ELEMENTS AS REASONABLY DETERMINED

THE BUILDING WILL INCORPORATE DESIGN ELEMENTS TO ELIMINATE THE APPEARANCE OF THE BUILDING AS BEING MONOLITHIC FORM. UPON APPROVAL OF THE NEED FOR AN INCREASE IN BUILDING HEIGHT, MORE DETAILED DESIGN WILL COMMENCE AND PRESENTED IN A FUTURE SUBMISSION TO VALIDATE THAT THE ARCHITECTURAL EXPRESSION MEETS THE REQUIREMENTS OF

iI. DOES NOT INCLUDE BLANK FACADES WHICH ARE VISIBLE FROM A PUBLIC RIGHT-OF-WAY. FOR PURPOSES OF THIS TEXT, A "BLAN FACADE" SHALL BE DEFINED TO MEAN "THE USE OF A SINGLE EXTERIOR FAÇADE MATERIAL WITHOUT ANY VARIATIONS USING OTH MATERIALS, PATTERNS, TEXTURES, COLORS, OR OTHER MEANS OF CREATING VISUAL INTEREST EXTENDING FULL HEIGHT IN A VERT DIRECTION AND 100 FEET IN A HORIZONTAL DIRECTION, UNLESS OTHERWISE APPROVED BY THE PLANNING COMMISSION BASED ON

THE BUILDING WILL INCORPORATE DIFFERENT ARCHITECTURAL ELEMENTS AND/OR MATERIALS TO CREATE VISUAL INTEREST.

THE FIRE DEPARTMENT HAS CONFIRMED THAT THEY ARE ABLE TO PROVIDE ADEQUATE FIRE SUPPRESSION FOR THE BUILDING

HEIGHT ADJUSTMENT DATA TABLE

L-GE		
BUILDING SETBACKS HARRISON ROAD CENTERLINE (SECTION J.2.a.i):	REQUIRED= PROVIDED=	
WORTHINGTON ROAD CENTERLINE (SECTION J.2.a.i)	REQUIRED= PROVIDED=	
RESIDENTIAL PARCEL- SOUTH (SECTION J.2.a.ii):	REQUIRED= PROVIDED=	
RESIDENTIAL PARCEL- EAST (SECTION J.2.a.ii):	REQUIRED= PROVIDED=	

NEW ALBANY, OH NEW ALBANY, OH
CONCEPTUAL SITE PLAN CONCEPTUAL SITE PLAN No. DATE REVISIONS DESCRIPTION No. DATE REVISIONS DESCRIPTION No. DATE REVISIONS DESCRIPTION 2021 2021 2021 2021 2021 2021 2021 2021
CONCEPTUAL SITE PLAN
CONCEPTUAL SITE PLAN
1 1 1 4