



New Albany Planning Commission Agenda
Monday, May 16, 2022 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 the city website at <https://newalbanyohio.org/answers/streaming-meetings/>

I. Call To Order

II. Roll Call

III. Action of Minutes: April 4, 2022

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-41-2022 Variance

Variance to Hawksmoor I-PUD zoning text section III(5)(a) to allow a swimming pool to be located in a side yard at 4 Hawksmoor Road (PID: 222-003482).

Applicant: Capital City Pools, Inc.

Motion of acceptance of staff reports and related documents into the record for - VAR-41-2022.

Motion of approval for application VAR-41-2022 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

VAR-50-2022 Variances

Variances to C.O. 1165.04(a)(1) and C.O. 1165.04(a)(2)(E) to allow a pool house to be 1,110 sq.ft. in size and located approximately 15 feet from the rear lot line where code allows a maximum area of 800 sq. ft. based on the size of the lot and requires a 30-foot rear yard setback at 7230 Southfield Road (PID: 222-004784).

Applicant: Guzzo and Garner Custom Builders

Motion of acceptance of staff reports and related documents into the record for - VAR-50-2022.

Motion of approval for application VAR-50-2022 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


New Albany Planning Commission
April 4, 2022 DRAFT 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 7:01 p.m.

Those answering roll call:

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

Staff members present: Steven Mayer, Development Services Coordinator; Chris Christian, Planner; Ms. Jennifer Chrysler, Director of Community Development; Mr. Ryan Ohly, City Engineer; Benjamin Albrecht, Interim City Attorney; and Josie Taylor, Clerk.

Moved by Mr. Schell to approve the February 23, 2022 and January 19, 2022 meeting minutes, seconded by Ms. Briggs. Upon roll call: Mr. Schell, yea; Ms. Briggs, yea; Mr. Larsen, yea; Mr. Kirby, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

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

Mr. Christian stated none from staff.

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

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

A member of the public called out "What is on the Agenda."

Mr. Kirby read the Agenda items.

CU-33-2022 Conditional Use

Conditional use to allow secondary educational uses within a site zoned Office Campus District (OCD) generally located south of West Campus Road and west of New Albany Road East (PIDs: 222-004500 & 222-004533).

Applicant: NACOT I LLC, c/o Aaron Underhill, Esq.

Mr. Christian presented the staff report.

Mr. Kirby asked if the applicant wished to provide comments.

Mr. Aaron Underhill, Underhill & Hodge, attorney for the applicant, discussed the application and the reasons for the application.

Mr. Kirby asked if this would affect the Final Development Plan (hereafter, "FDP").

Mr. Underhill stated this would not.

Mr. Schell stated there were about 240 students and asked what the number of students would be once this was eventually opened.

Mr. Underhill stated he could not recall.

Mr. Schell asked if this could be 1,000 students in two (2) years.

Mr. Underhill stated he did not think so, noting he believed they would be in good shape.

Ms. Briggs asked if the grades here would be in the middle school to high school range.

Mr. Underhill stated yes, middle school to high school.

Mr. Larsen asked if there were two (2) points of entry on the site.

Mr. Underhill stated two (2), a student and bus drop off area.

Mr. Larsen noted the side entrance currently had no sidewalk and was close to the roadway.

Mr. Christian stated they could look at that at the time of the occupancy permit.

Mr. Underhill stated that was a great point.

Ms. Briggs stated there were two (2) entrances and there were not stop lights.

Mr. Underhill stated that was correct.

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

Moved by Mr. Kirby to accept the staff reports and related documents into the record for CU-33-2022, seconded by Mr. Larsen. Upon roll call: Mr. Kirby, yea; Mr. Larsen, yea; Ms. Briggs, yea; Mr. Schell, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

Moved by Mr. Schell to approve CU-33-2022 with the findings in the staff report and with the conditions listed in the staff report, seconded by Ms. Briggs. Upon roll call: Mr. Schell, yea; Ms. Briggs, yea; Mr. Larsen, yea; Mr. Kirby, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

Engage New Albany Strategic Plan Addendum Adoption—Northeast New Albany Area

Mr. Mayer presented the staff report.

Mr. Kirby stated he presumed there were no engineering comments on this. (No response.) Mr. Kirby asked staff to illustrate the leisure trail placements.

Mr. Mayer reviewed the leisure trails shown on the presentation and identified the proposed future leisure trails.

Mr. Kirby asked if Mr. Mayer could call out certain street names in the area shown on the screen which would be major collectors.

Mr. Mayer stated Clover Valley, Miller, and Harrison Road in the future would be major collector and then principle arterial roads would be a section of Green Chapel and Mink.

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

Moved by Mr. Kirby to accept the staff reports and related documents into the record for the Engage New Albany Strategic Plan Addendum, seconded by Mr. Schell. Upon roll call: Mr. Kirby, yea; Mr. Schell, yea; Ms. Briggs, yea; Mr. Larsen, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

Moved by Ms. Briggs to recommend the Engage New Albany Strategic Plan Addendum for adoption by City Council, seconded by Mr. Larsen. Upon roll call: Ms. Briggs, yea; Mr. Larsen, yea; Mr. Schell, yea; Mr. Kirby, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

ZC-27-2022 Zoning Change

Rezoning of 1689.59+/-acres located within Licking County from Agricultural (AG) to Technology Manufacturing District (TMD) (PIDs: 037-111588-00.001, 037-111354-00.000, 037-111834-00.000, 037-111846-00.000, 037-111858-00.000, 037-111852-00.000, 037-111348-00.000, 037-112200-00.004, 037-111564-00.000, 037-111822-00.002, 037-111822-00.003, 037-111822-00.004, 037-111822-00.000, 037-111822-01.000, 037-111816-01.000, 037-111414-00.001, 037-112530-00.000, 037-112458-00.000, 037-112548-00.000, 037-112500-00.000, 037-112482-00.000, 037-112194-00.000, 037-111660-01.000, 037-112452-00.000, 037-112272-00.000, 037-112350-00.000, 037-112488-00.000, 037-111552-00.000, 037-112038-00.000, 037-111474-01.000, 037-112398-00.000, 037-112098-00.000, 037-112098-00.001, 037-112398-00.001, 037-112164-00.000, 037-111546-00.000, 037-111780-00.000, 037-111816-02.000, 037-112494-00.000, 037-111822-00.001, 037-112314-00.001, 037-111660-00.000, 037-112170-00.000, 037-112098-00.005, 037-112098-00.004, 037-112098-00.002, 037-112098-00.003, 037-112308-00.000, 037-112440-00.000, 037-112290-00.000, 037-111624-00.001, 037-111624-00.002, 037-111624-00.000, 037-112746-00.000, 037-112356-00.000, 037-112536-00.000, 037-112314-00.000, 037-111486-00.000, 037-111480-00.001, 037-111480-00.000, 037-111492-00.000, 037-111474-00.000, 037-111492-00.001, 037-111486-00.001, 037-111828-00.000, 037-111978-00.000, 037-111960-00.000, 037-111966-00.000, 037-111828-00.001, 037-111894-00.001, 037-111414-00.000, 037-111852-00.001, 037-112410-00.000, 037-112734-00.000, 037-112260-00.000, 037-112260-00.002, 037-112260-00.001, 037-112620-00.000, 037-111732-00.000, 037-112062-00.000, 037-112200-00.000, 037-111732-00.002, 037-111732-00.007, 037-111732-00.001, 037-111732-00.005, 037-111732-00.004, 037-111732-00.006, 037-111732-00.008, 037-111732-00.003, 037-111720-00.000, 037-111726-00.000, 037-111456-00.000, 037-111588-00.000, 037-112566-00.000)

Applicant: MJB Holdings LLC, c/o Aaron Underhill, Esq.

Mr. Mayer presented the staff report.

Mr. Kirby asked Mr. Mayer to revisit his first comment on the setbacks, stating he believed they may have been flipped.

Mr. Mayer stated they had been and noted the setbacks were 500 feet for building and 300 feet for pavement.

Mr. Kirby asked if the setbacks exceeded the normally seen 200 foot to 250 foot setbacks typically seen.

Mr. Mayer stated yes, they did.

Mr. Ryan Ohly, City Engineer, discussed the new traffic patterns that might arise in the future and the modeling used to determine that.

Mr. Mayer stated the PC should evaluate the appropriateness of this as a whole, not just as a single site.

Mr. Schell asked Mr. Mayer if mounding and trees would be used as needed in landscaping, screening, etc.

Mr. Underhill, attorney for the applicant, stated he anticipated the landscaping would meet Code as they moved forward.

Mr. Kirby noted it would be to their advantage when building in phases to install the mounding as construction progressed.

Mr. Underhill stated absolutely.

Mr. Schell asked if this development would impact the Johnstown school system.

Mr. Underhill stated it would not impact or burden that school system, but would add financial benefits to the school district.

Mr. Kirby asked if there was any idea regarding how many residences would fit on the 75 parcels.

Mr. Underhill stated it was in township zoning at this time as one (1) unit per five (5) acres.

Mr. Kirby noted that this would be a negative effect on the school system of 75 houses as well as money provided for the schools. Mr. Kirby asked how many houses, by rights per township zoning could have been here.

Mr. Larsen asked about the screening that would be used, along with the mounding.

Mr. Mayer stated thirty (30) trees per each 100 linear foot were required.

Mr. Larsen asked if all of the blue area shown on the screen would be part of this or was some of it for future use.

Mr. Mayer reviewed what was currently annexed and what was future land use.

Ms. Briggs asked if the trigger was for the setback and mounding requirements was from the right of way line.

Mr. Mayer stated yes, that was correct.

Ms. Briggs asked what the neon green area shown on the presentation was.

Mr. Mayer stated that was property recently annexed into New Albany and noted these had defaulted to agricultural use.

Mr. Underhill noted that would be before City Council next month.

Ms. Briggs asked what the red square shown on the presentation was.

Mr. Mayer stated that was property currently outside the re-zoning area and was excluded from the re-zoning.

Ms. Briggs stated thank you.

Mr. Kirby asked if any members of the public had comments to provide.

Mr. Damon Falcone, 105 Aruba Avenue, stated different mounding levels had been mentioned and asked how far from the property lines and TMD lines mounding should begin.

Mr. Mayer stated mounding would be triggered when building occurs within 800 feet of the property line and within 100 feet of a sidewalk.

Mr. Falcone asked if that would affect drainage on the lot.

Mr. Kirby noted that drainage on the lots could not be changed, neither increased nor decreased from the water or drainage currently there. Mr. Kirby indicated the developer could also respond to this issue.

Mr. Tom Rubey, New Albany Company, stated the setback number of 100 feet was a minimum number and setback's could always be greater than that. Mr. Rubey noted that drainage was not to be changed and they would look at a mixture of mounding, trees, landscaping, etc.

Mr. Kirby noted residents could work with the developer on the look and development of mounding, screening, etc.

Mr. Rubey stated absolutely.

Mr. Falcone asked if the 100 foot setback, where there were 34, 40, or 46 foot wide lots that were open and flat, could be increased to a 200 foot setback.

Mr. Kirby stated Code stated that was the minimum but noted he could see if the developer could be flexible and they could talk about it.

Mr. Falcone stated he was also concerned about the effects on the groundwater due to construction and then manufacturing as he had a well.

Mr. Kirby stated Mr. Falcone could obtain a report on the water quality as well as flow prior to the start of construction and, in that way, this could be compared in case any changes occurred.

Mr. Falcone stated the water now was in an agriculturally zoned area.

Mr. Kirby noted that could also be measured to see what was there now.

Mr. Falcone stated that was all he had.

Mr. Kirby stated thank you.

Mr. Chris Anderson, 12030 Jug Street, asked how long it would be before he would need to move out. Mr. Anderson stated that there was a warehouse across the way from him and now there was manufacturing at his backyard and a new road with multiple lanes was being added.

Mr. Kirby noted the judgment call was Mr. Anderson's and said Intel construction could begin this summer.

Mr. Anderson stated they were waiting to see when the new roadways would be approved and started. Mr. Anderson said this could no longer be their forever home.

Mr. Kirby asked staff about the improvements.

Mr. Ohly stated that three (3) lanes of traffic would currently fit in the existing sixty (60) foot right of way. Mr. Ohly noted that Mr. Anderson's section of the road could be done in approximately the first quarter of 2023 or so.

Mr. Anderson asked when the first area would be annexed in and how long would it take for future development in that area.

Mr. Mayer stated that it was up to property owners when to have their land re-zoned or annexed and there was no timeline.

Mr. Anderson asked if there was a timeline.

Mr. Mayer stated no.

Mr. Kirby noted these were not eminent domain actions, it was up to the landowners.

Mr. Anderson stated he understood that, but not knowing was a bad position to be in and his property value was decreasing.

Mr. Kirby asked Mr. Anderson if he had spoken with a realtor.

Mr. Anderson stated he had, he could not find what he already had at the right price.

Mr. Schell said Mr. Anderson could keep in touch with staff to find out when things would occur and what areas would be next.

Ms. Jennifer Waldren, 12190 Jug Street, stated she was next door to Mr. Anderson, and asked why certain areas shown on the map were cut out.

Ms. Jennifer Chrysler, Director of Community Development, stated the cut out areas represented pending applications from the owners for annexation.

Ms. Waldren asked if that was because MJB Holdings and others had purchased all of those properties.

Ms. Chrysler stated she did not know if they had purchased all of those properties.

Ms. Waldren said she was in the area that was not to be re-zoned and asked what the timeline needed for that to occur would be.

Ms. Chrysler stated residents could work with their neighbors so that all could benefit from any sales or re-zoning opportunities.

Ms. Waldren stated she was working with a realtor now.

Ms. Chrysler stated there was one realtor working on a sale of some properties on the south side of Jug Street at this time.

Ms. Waldren asked if this meant she should go with her neighbors.

Ms. Chrysler stated it would depend on the options available to Ms. Waldren based on whether she was seeking to only sell her lot or to sell hers and others' lots for development.

Ms. Waldren stated she too would have liked to have a timeline.

Ms. Chrysler stated Ms. Waldren could reach out to her neighbors before anyone was approached about their property and get together if they wished.

Ms. Waldren stated a lot of her neighbors indicated they had been approached.

Ms. Chrysler stated there was a group there working together.

Ms. Waldren asked if a minimum amount of land was needed.

Ms. Chrysler stated she did not know but there was opportunity there.

Ms. Waldren stated they would not be putting in fifty (50) year old trees for screening and she wanted to know when to get off the train.

Mr. Kirby stated Ms. Waldren could check in with both neighbors and staff.

Ms. Waldren stated the developers were not public works.

Mr. Kirby stated true, but she could work with neighbors and together their frontage and acreage could increase values

Ms. Waldren stated she would need to figure out her next steps.

Mr. Kirby said he had experienced the same situation in 2006.

Mr. Matt McQuaid, One Columbus, stated this application for re-zoning would be a great addition to the community and the state. Mr. McQuaid stated this would bring good jobs and increase economic growth in the area and the state.

Mr. Scott Driscoll, 156 Bermuda Drive, stated he was concerned about issues with water and the setbacks. Mr. Driscoll stated manufacturing added an additional risk to the water quality and supply on his land. Mr. Driscoll asked if City water and sewage would be an available option for his neighborhood.

Mr. Kirby asked staff if the City could provide water and sewage in that area.

Mr. Mayer stated that in the Bermuda subdivision they could do that.

Mr. Kirby asked how close they were to be able to accomplish that.

Mr. Mayer stated they did not have those specific at this time, but noted they would need to annex the properties into the City of New Albany first to be serviced.

Mr. Kirby stated it would be good to know how close the sewer line was to the neighborhood and how close the sewer line was to the foundation line to see if property owners could require they be connected.

Mr. Driscoll stated thank you.

Mr. Kirby stated Mr. Driscoll should get with his neighbors on that.

Mr. Driscoll asked if any water issues were later determined he should sue his neighbors.

Mr. Kirby stated no, he would go to the developers in that case.

Mr. Driscoll stated the setback was 100 feet by default and asked if that could be increased due to the noise inherent in manufacturing activities.

Mr. Kirby stated that was a matter for City Council.

Mr. Driscoll asked if there were other opportunities to voice concerns.

Mr. Kirby stated this would go from the PC to City Council.

Mr. Driscoll stated thank you.

Mr. Kirby asked if there were other members of the public.

Mr. Jeremy Osterhouse, 4366 Main Street, stated he now lived on what in the future was likely to be a five (5) lane road and wanted to know when the widening would occur. Mr. Osterhouse asked how much of his property would be taken.

Mr. Ohly stated this was a moving target at this time and they were just surveying now. Mr. Ohly stated in general this street had a sixty (60) foot right-of-way and they would need a 100 foot right-of-way. Mr. Ohly noted the road might also shift or curve and they would need to look at each property specifically. Mr. Ohly stated he would be happy to work with Mr. Osterhouse to look over how his land might be affected.

Mr. Osterhouse asked if a walking trail would be included.

Mr. Ohly stated yes.

Mr. Osterhouse asked if more planning would be occurring on the east side of the area.

Ms. Chrysler stated that was very possible.

Mr. Kirby asked if the EPA and Columbus service lines could be described again.

Mr. Ohly stated that right now it was limited up near Jug Street and the Columbus service boundary line was about just to where the Intel site was.

Mr. Kirby said he was more worried about the EPA line and asked where the EPA line was.

Ms. Chrysler stated the boundary line for the City's service area was north of Mink Road and to the east.

Mr. Osterhouse stated thank you.

Mr. Kirby stated thank you all.

Moved by Mr. Kirby to accept the staff reports and related documents into the record for ZC-27-2022, seconded by Mr. Larsen. Upon roll call: Mr. Kirby, yea; Mr. Larsen, yea; Ms. Briggs, yea; Mr. Schell, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

Moved by Mr. Schell to approve ZC-27-2022 with the findings in the staff report and with the conditions listed in the staff report, seconded by Ms. Briggs. Upon roll call: Mr. Schell, yea; Ms. Briggs, yea; Mr. Kirby, yea; Mr. Larsen, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

Other Business

Mr. Mayer stated there were brochures in the lobby regarding this matter and residents could also check on the City's website for new information and for contact details.

Mr. Kirby noted Mr. Rubey and Mr. Underhill were also available at this time for discussion.

Poll Members for Comment

None.

Mr. Kirby adjourned the meeting at 8:23 p.m.

Submitted by Josie Taylor.

APPENDIX



Planning Commission Staff Report April 4, 2022 Meeting

CORNERSTONE CONDITIONAL USE

LOCATION: Generally located south of West Campus Road and west of New Albany Road East (PIDs: 222-004500 and 222-004533)
APPLICANT: NACOT I LLC, c/o Aaron Underhill, Esq.
REQUEST: Conditional Use
ZONING: Office Campus District (OCD)
STRATEGIC PLAN: Employment Center
APPLICATION: CU-33-2022

Review based on: Application materials received March 4 and 25, 2022.

Staff report prepared by Chris Christian, Planner

I. REQUEST AND BACKGROUND

The applicant requests approval of a conditional use to allow secondary school uses on a 7.283 +/- developed property that is zoned Office Campus District (OCD).

On February 7, 2022, the Planning Commission reviewed and recommended adoption to city council to add secondary school uses as a conditional use in the following zoning districts: Office (O), Office Campus District (OCD) and General Employment (GE). City council adopted these code changes on March 1, 2022 (O-3-2022).

The applicant states that Cornerstone Academy will operate the secondary school on the site on an interim basis as they fundraise and construct a new school facility directly east of this site at the intersection of State Route 605 and New Albany Road East. On November 15, 2022, the Planning Commission reviewed and recommended approval of the Cornerstone Academy I-PUD Zoning District for the permanent school site which was adopted by city council (ZC-105-2021 and O-45-2021).

II. SITE DESCRIPTION & USE

The 7.283+/- acre site is located in the Franklin County portion of the New Albany Business Park. The site contains a 50,461+/- sq. ft. commercial office building that was built in 2012 and is currently vacant. There is also a surface parking lot on both sites that provides a total of 498 parking spaces for the building.

III. EVALUATION

The general standards for Conditional Uses are contained in Codified Ordinance Section 1115.03. The Planning Commission shall not approve a conditional use unless it shall in each specific case, make

specific findings of fact directly based on the particular evidence presented to it, that support conclusions that such use at the proposed location meets all of the following requirements:

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

- The applicant proposes to allow a secondary school use on a 7.283+/- acre commercially zoned property within an existing 50,461 sq.ft office building that is currently vacant. The site is zoned Office Campus District (OCD). The applicant states that there will roughly 240+/- students in 18 classrooms with 25 teachers in the building.
- On February 7, 2022, the Planning Commission reviewed and recommended adoption to City Council to add secondary school uses as a conditional use within the Office (O), Office Campus District (OCD) and General Employment (GE) zoning districts and City Council adopted these changes (O-3-2022).
- Prior to the code changes being adopted, secondary schools, which are considered an educational/institutional use were not a specific land use category identified in the strategic plan. As such, these types of uses were intended to be integrated throughout the community. By adding these types of uses in commercial zoning districts such as this site, it allows diversification within the business park, encourages links between education and workforce development and in this case adds commercial income tax base.
- It does not appear that the proposed use will alter the character of the surrounding area. The site is located on the western edge of New Albany and all surrounding land uses within the city are commercial. Some of these users include Aetna to the north, the New Albany Signature Office Buildings to the south, as well as Discover and American Regent to the east. To the west, within Columbus, there are multi-family and single family attached residential properties. The property is zoned for office uses and contains a large office building that is currently vacant.
- C.O. 1167.05(C)(2) states that 3 parking spaces are required for each classroom in the building or one parking space for every 5 seats in the main auditorium, whichever is greater. The applicant states that there will not be an auditorium in the building but there are 18 classrooms therefore 54 parking spaces are required to be provided. The applicant is far exceeding this requirement as there are 498 existing parking spaces available for use.

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

- The proposed use is harmonious with the existing and intended character for the general vicinity and will not change the essential character of the area as the use is located within an existing building.
- The proposed use is appropriate due to its proximity to the State Route 161 interchange, the New Albany Business Park and nearby residential uses where a school is typically located.

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

- The proposed secondary school use will be permitted in an existing, vacant office building. There are no proposed changes to the building's exterior and/or site. The applicant states that the impact of this use will be positive in that it will serve to lessen P.M. peak traffic impacts when compared to other permitted uses for the site.

(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.

- Since this is an existing site/building, it is already being adequately served by essential public services.

- (e) *The proposed use will not be detrimental to the economic welfare of the community.*
 - The proposed use will improve economic welfare in the city due to creation of jobs which generate income taxes in a building that is currently vacant and thus generating no income tax revenue.
- (f) *The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.*
 - The applicant states that the proposed use will not involve any of the above uses as it operates a traditional school.
- (g) *Vehicular approaches to the property shall be so designated as not to create interference with traffic on surrounding public streets or roads.*
 - A site circulation plan was submitted as part of the application that shows circulation for bus and car traffic on the site. The city traffic engineer states that overall, the proposed use is appropriate for this site from a traffic perspective and provided comments to the applicant on the site circulation exhibit. Staff recommends a condition of approval that the final site circulation plan is subject to the review and approval of the city traffic engineer and must be approved prior to the issuance of a change of occupancy permit.
 - The site is accessible by three existing curb cuts, one along West Campus Road and two off of Nacot Place. The existing building was previously occupied with a commercial office use, iQor with 1,560 employees at its peak. The proposed number of students for the school is 240, which is far below the total number of office employees that used to be on the site. Additionally, there are 498 parking spaces on the site and only 54 spaces are required to be provided per the city parking code for this use. This additional space within the parking lot may be used to provide stacking/queueing for drop off and pick up lanes. For these reasons it does not appear that any additional traffic will be generated as a result of this use compared to what can be generated by the existing permitted uses.

III. RECOMMENDATION

The overall proposal is consistent with the code requirements for conditional uses for secondary schools. The proposed use is appropriate for the site based on the current zoning and its location within the New Albany Business Park. Educational uses, which are a type of institutional use, are not a specific future land use district in the Engage New Albany Strategic Plan. As such, these types of uses are intended to be integrated throughout the community which is why they were added as a conditional use within the Office (O), Office Campus District (OCD) and General Employment (GE) zoning districts by the Planning Commission and City Council.

The conditional use was added so that the Planning Commission could evaluate its appropriateness within the business park at the time they are requested. The site is zoned to allow, and has been occupied by, commercial office uses which typically generate a large number of daytime employees. The anticipated number of students and staff combined will result in approximately 300 daily site users which is far less than the 1,560 people that worked on site historically for iQor. The applicant submitted a site circulation exhibit which has been reviewed by the city traffic engineer who states that the proposed use for the site is appropriate from a traffic generation perspective while retaining the ability to adjust the exhibit as needed prior to the issuance of an occupancy permit. Additionally, there is ample, existing parking space on the site that will allow for additional queueing/stacking for drop off/pick up lanes.

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

IV. ACTION

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

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

Move to approve application CU-33-2022 with the following conditions:

1. The final site circulation plan is subject to the review and approval of the city traffic engineer and must be approved prior to the issuance of an occupancy permit.

Approximate Site Location:



Source: Google Earth



To: Planning Commission
From: Community Development Department
Re: Draft Engage New Albany Strategic Plan Addendum
Date: April 4, 2022

We are pleased to present the final draft of the Engage New Albany strategic plan Northeast New Albany addendum for your review. At the April 4th Planning Commission meeting city staff is seeking the board's official endorsement of the plan and recommendation of adoption to city council.

Since the adoption of the Engage New Albany Strategic Plan, additional agreements with the City of Columbus have extended New Albany's centralized water and sanitary sewer service areas to the north and east. The purpose of this area plan is to responsibly plan for the future of the Northeast New Albany expansion area and its future incorporation into the city. This expansion area represents approximately 2,737 acres of land, which is currently located within Jersey Township and also sits entirely in Licking County.

The Northeast New Albany Area Plan serves as an addendum to the Engage New Albany Strategic Plan. The recommendations presented in this document are the same or build upon the recommendations in the Strategic Plan. Similar to previous addendums, the Northeast New Albany Area Plan covers primarily covers land uses and mobility.

The plan's overall adoption schedule is as follows.

Planning Commission Adoption	April 4 th
City Council Adoption	April 19 th

Please reach out to Stephen Mayer with any questions ahead of the meeting.



**Planning Commission Staff Report
April 4, 2022 Meeting**

**TECHNOLOGY MANUFACTURING DISTRICT (TMD)
ZONING AMENDMENT**

LOCATION: 1689+/- acre site within Licking County and generally located south of Green Chapel Road, west of Mink Street and north of Jug Street. See Appendix A for list of county parcel identification numbers.
APPLICANT: MBJ Holdings LLC, c/o Aaron Underhill, Esq.
REQUEST: Zoning Amendment
ZONING: Agricultural (AG) to Technology Manufacturing District (TMD)
STRATEGIC PLAN: Employment Center
APPLICATION: ZC-27-2022

Review based on: Application materials received on March 4, 14, 18, and 22, 2022.

Staff report completed by Stephen Mayer, Planning Manager

V. REQUEST AND BACKGROUND

The applicant requests review and recommendation to city council to rezone 1,689+/- acres from Agricultural (AG) to Technology Manufacturing District (TMD). The rezoning area encompasses 75 properties located within the Licking County portion of the New Albany International Business Park.

The proposed zoning district meets the recommended development standards found in the Engage New Albany strategic plan addendum Employment Center land use and the Western Licking County Accord Office/Warehouse land use category by providing compatible general employment uses. The TMD retains or improves upon many of the requirements found in adjacent existing zoning texts.

C.O. 1111.02 (Amendments) allows a change in zoning to be initiated by motion of Council, or by motion of the Planning Commission. In accordance with C.O. 1111 neighbors within 200 feet of the subject property have been notified and rezoning signs have been installed on every property included in this application.

II. SITE DESCRIPTION & USE

The overall site consists of 75 parcels and is located within Licking County. The site is comprised of farm fields and residential homes. The site is generally located south of Green Chapel Road, west of Mink Street and north of Jug Street. These parcels are currently being annexed into the city. The annexation petition was submitted on February 11, 2022 and is scheduled for its first reading at city council on April 19, 2022 and second reading on May 3, 2022. The neighboring uses and zoning districts include L-GE and unincorporated agricultural and residential.

III. PLAN REVIEW

Planning Commission's review authority of the zoning amendment application is found under C.O. 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, proposed zoning

district, and the codified ordinances. Primary concerns and issues have been indicated below, with needed action or recommended action in underlined text.

Per codified ordinance chapter 1111.06 in deciding on the change, the Planning Commission shall consider, among other things, the following elements of the case:

- (a) Adjacent land use.
- (b) The relationship of topography to the use intended or to its implications.
- (c) Access, traffic flow.
- (d) Adjacent zoning.
- (e) The correctness of the application for the type of change requested.
- (f) The relationship of the use requested to the public health, safety, or general welfare.
- (g) The relationship of the area requested to the area to be used.
- (h) The impact of the proposed use on the local school district(s).

A. New Albany Strategic Plan

The Engage New Albany strategic plan lists the following development standards for the Employment Center future land use district:

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

B. Western Licking County Accord

The zoning district is located within the Western Licking County Accord's Office/Warehouse, Office Campus/Transitional Agriculture, and Rural Residential/Agricultural future land use districts. The Western Licking County Accord states that if New Albany annexes land in this area and is able to provide water and sewer services, it would best serve the city of New Albany and Johnstown-Monroe School District as office development in the annexed area.

The accord's land use map is a point in time until any given area begins to develop or change. The proposed zoning meets the WLCA objectives. The TMD advances the employment center opportunities and protects rural corridors through large setbacks and the design guideline's landscaping and mounding requirements. The Accord's recommended development standards for the Office District include, but are not limited to:

1. Building should be oriented to the front of the primary public roadways. (pg. 68)
2. Office buildings should be set back from the primary street right-of-way a minimum of 50 feet to maintain a natural greenway as a visual amenity. (pg. 68)
3. Street trees should be provided on both sides of the street at a minimum of 40 feet on center. (pg. 68)
4. Where new development is adjacent to existing residences a buffer zone shall be created with a minimum width of 25 feet. Such screening within the buffer zone shall consist of natural vegetation planted no closer than 3 feet to any property line. Natural vegetation shall have an

- opaqueness of 75% during full foliage and shall consist of a variety of deciduous and evergreen trees which attain 10 feet in height within 5 years of planting. (pg. 65)
5. Reasonable and good faith efforts shall be made to preserve existing trees and tree rows occurring in the planning area. (pg. 64)
 6. To avoid spill-over lighting from commercial development to residential development. (pg. 66)
 7. To avoid light pollution of the night sky. (pg. 66)
 8. Outdoor light pole fixtures shall not exceed thirty (30) feet. (pg. 66)

C. Use, Site, and Layout

1. The permitted uses include those allowed in the LI (Limited Industrial) District as well as park-and-ride facilities, off-site parking and parking structures, bulk storage tanks, essential services, water and wastewater treatment facilities, gas storage, electric switch yards like (sub-stations), concrete batch plants, solar panels, and truck cell phone lots.
2. With the exception of parking structures and gas storage, all of these uses currently exist within the business park.
3. The chapter identifies two types of developments: flagship and primary projects.
 - A flagship project must be a minimum of 500 acres for a single project.
 - Primary projects are intended to be the same scale and size as the existing manufacturing and distribution centers in the city.
 - Given that flagship projects will only be located on large sites with the large setbacks and enhanced mounding requirements, the code provides flexibility for parking, signage, and architecture.
4. The site is located in the Engage New Albany strategic plan's Employment Center land use district. This site is also located in the Western Licking County Accord's Office/Warehouse, Office Campus/Transitional Agriculture, and Rural Residential/Agricultural districts.
5. Due to the proximity of this site to the State Route 161/Beech Road and State Route 161/Mink Street interchanges and its location adjacent to commercially zoned land in the existing New Albany business park to the south, the site appears to be most appropriate for commercial development.
6. The TMD zoning district establishes more restrictive setback requirements than the development standards from surrounding L-GE limitation texts in the immediate vicinity.
 - Principal Arterial Street Setbacks & Mounding
 - The TMD contains a tiered setback requirement for principal arterial streets. The zoning allows for a reduction in the building and pavement setbacks if the heights of mounding are increased. These regulations are found in codified ordinance chapter 1154.07(d)(1).
 - Minimum 300 feet for pavement and 500 feet for buildings with a mound that is a minimum of 6 feet and a maximum of 8 feet in height within the required minimum pavement setback.
 - Minimum 200 feet pavement setback and 400 building setback with a mound that is a minimum of 10 feet in height and a maximum of 12 feet in height within the required minimum pavement setback.
 - Minimum 100 feet pavement setback and 300 building setback with a mound that is a minimum of 13 feet and a maximum of 15 feet in height within the required minimum pavement setback.
 - Accessory structures such as security facilities, gate houses, security checkpoints, solar panels, bus and shuttle transit stops, and related improvements may be located as close as 100 feet of the rights-of-way and can be located in front or behind the required mounding.
 - Major Collector Setbacks
 - Minimum 25 feet pavement and 50 feet building setbacks. These regulations are found in codified ordinance chapter 1154.07(d)(2).

- Residential Buffering & Setback Requirements
 - Minimum 100 foot building and pavement setback from any district where residences are a permitted use. If a building will exceed 65 feet in height, the minimum required building setback is increased to 300 feet. These regulations are found in codified ordinance chapter 1154.07(f).
 - When a residential property is not adjacent to a Principal Arterial street, a minimum ten (10)-foot high mound is required to be installed along the property line.
 - In areas where existing tree stands or forested areas are present, the city Landscape Architect shall not require such mounding and landscaping where the height and opacity requirements can be met by preserving and/or supplementing the tree stands or forested areas.
- The TMD zoning allows for outdoor storage of materials, equipment, and supplies. Outdoor storage areas for these items are not required to be screened if they are located so that they are not visible from a public street right-of-way or from ground level at a distance of 200 feet from any perimeter boundary line. Otherwise, such outdoor storage areas shall be fully screened to a height of 8 feet. Outdoor storage areas (whether screened or unscreened) shall comply with minimum setback requirements for pavement.

D. Mobility and Parking

1. The city of New Albany hired a traffic engineer, Carpenter Marty, to complete a traffic study for the Technology Manufacturing District (TMD) rezoning. The traffic patterns are expected to change as a result of the new land use and this report provides an in-depth analysis of the expected traffic. The study assumes a full build out of the TMD and provides a basis for infrastructure planning within this area, which includes roadway cross section recommendations. The study utilizes the city of New Albany's thoroughfare plan component within the strategic plan. The thoroughfare plan is developed in partnership with the Mid-Ohio Regional Planning Commission (MORPC) and is designed to a 30-year horizon. Carpenter Marty and city staff used this base data and worked with the Ohio Department of Transportation (ODOT) to perform the area traffic modeling with projected growth rates for final land use buildout for the entire business park. The traffic study recommendations for the TMD are consistent with the Engage New Albany strategic plan addendum's mobility chapter.
2. Chapter 1154.08 (k) requires the developer to dedicate the following right-of-way below. These dedication requirements match the recommendations found in the Engage New Albany strategic plan.
 - a. Principal Arterial Streets: Minimum of 100 feet of right-of-way. That may be reduced to a minimum of 80 feet if approved by the city engineer.
 - b. Major Collector Streets: Minimum of 100 feet of right-of-way. That may be reduced to a minimum of 80 feet if approved by the city engineer.
 - c. Other Public Streets: minimum of 60 feet of right-of-way.
 - d. City code requires the property owner to grant easements to the city which are adjacent to the rights-of-way to the minimum extent necessary to provide for the installation and maintenance of streetscape improvements and/or utilities.
3. Flagship projects do not have any requirement to provide a minimum or maximum amount of vehicular parking spaces or loading spaces. Drive aisles, parking space, and loading space quantity and dimensions shall conform to the standards set forth in the New Albany Technology Manufacturing District Landscape and Architecture Standards Plan found in figure 17B.
4. Primary projects shall conform to the standards set forth in Chapter 1167 (city parking code).

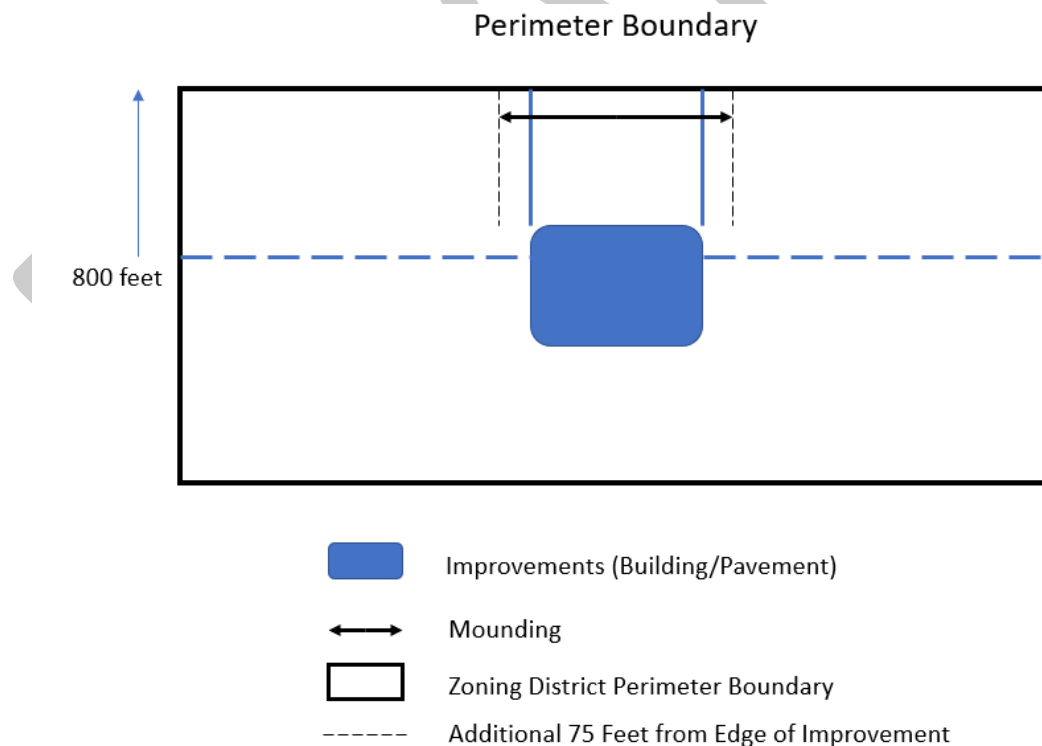
E. Architectural Standards

1. The TMD C.O. 1154.13 includes many of the same or improved architectural standards and requirements established from the General Employment limitation texts recently approved by the Planning Commission and city council in the surrounding business park.
2. C.O. 1154.13 (b) contains general regulations that apply to all primary projects. There are additional standards for non-office building developments such as manufacturing and warehouses facilities. These standards ensure all buildings and their exterior elevations are designed to be compatible with each other and to reflect a consistent design approach that match the rest of the New Albany business park.
3. Primary projects are required to provide complete screening of all roof-mounted equipment on all four sides of buildings with materials that are consistent and harmonious with the building's façade and character. This must screen equipment from off-site view and to buffer sound generated by such equipment. Solar energy systems are excluded from the requirements of this section.
4. Architectural requirements for flagship projects are located in the TMD Landscape Design Standards plan in Figure 20. Flagship projects are required to employ a comparable use of materials on all elevations. Façade colors are required to be coordinated and complement each other.
5. Flagship project's architectural designs for all portions of a building or structure that are visible from a public right-of-way (excluding public rights-of-way whose primary purpose is to accommodate truck traffic or service loading areas) are required to meet the community standard in terms of quality while taking into account the unique nature of the use(s) of the structures.
6. Consistent with the city's Limited Employment (LI) and General Employment (GE) districts, the TMD does not have a height limitation for buildings.

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

1. The Technology Manufacturing District includes a landscape design standard plan. This plan is an extension of the TMD and is intended supplement and expand on the regulations found in codified ordinance 1154. This is the first and only zoning district to include a landscape design standard plan as a zoning requirement. The design standards plan includes street trees, mounding, stormwater basins, parking lot screening. This ensures the creation of a district greenway network with appropriately scaled and designed setbacks, mounding, and landscaping. The regulations are intended to preserve and refine the rural character of the district along the roadway corridors.
2. There is a maximum impervious parcel coverage of 85% on parcels containing flagship projects and 75% on parcels containing Primary projects. Primary projects have to follow the same enhanced landscape screening and mounding requirements as flagship project.
3. C.O. 1154.08 contains the residential buffering and setback requirements:
 - a. When a residential property is not adjacent to a Principal Arterial street, a minimum ten (10)-foot high mound is required to be installed along the property line. The mound shall consist of a mixture of deciduous trees, evergreens and bushes to provide an opacity of 75% on the date that is 5 years after planting to a total height of fourteen (14) feet above the top of the mound.
 - b. The mounding and landscape plan for these areas must be reviewed and approved by the city Landscape Architect.
 - c. In areas where existing tree stands or forested areas are present, the city Landscape Architect shall not require such mounding and landscaping where the height and opacity requirements can be met by preserving and/or supplementing the tree stands or forested areas.
4. Along the principle arterial streets, such as Mink Street and Green Chapel Road, the mounding is required to be landscaped in natural pattern. Figure 6 of the plan states trees

- should be planted on the front (street side) and top of the mound at a rate of 30 trees per 100 linear feet. Trees must be underplanted with native woodland shrubs in massing.
5. Development must comply with the provisions of Chapter 1155 (city floodplain ordinance) unless otherwise provided within the TMD. The TMD requires that all streams with a drainage area greater than fifty (50) acres and their riparian corridors shall be preserved. The corridor's setback width is a minimum of one hundred (100) feet, with at least twenty-five (25) feet on each side of the centerline of the stream. No pavement, structures, or other impermeable surfaces or improvements are permitted in riparian corridors, except for paved leisure trails, benches, and bridges. New vegetation is also allowed to be planted within these corridors.
 6. The TMD requires that trees within wetlands are preserved through Tree Preservation Zones. These zones are established within areas that will be preserved pursuant to applicable federal and state permits and determinations once they are approved and issued by the Ohio EPA and the U.S. Army Corps of Engineers. These Tree Preservation Zones shall be maintained, protected, and preserved in accordance with such permits. If allowed under applicable permits, trees within Tree Preservation Zones may be removed if they present a potential danger to persons or property. Tree Preservation Zones do not include those areas where trees and/or wetland areas are allowed to be removed or filled by relevant permits. The final boundaries of the Tree Preservation Zones will be the same as the boundaries of the portions of the site that will be required to be preserved under applicable federal and state permits, as may be amended from time-to-time.
 7. The required mounding and landscaping must be installed along the entirety of public street frontages and residential property lines abutting the TMD concurrent with building construction unless construction of multiple buildings is phased, in which case required mounding and landscaping may be installed in phases.



8. For each phase of development in the TMD, such required mounding and landscaping shall be installed when it is anticipated (as provided in plans associated with relevant permits) that buildings, paved parking areas, or above-ground equipment or utility infrastructure, once

- constructed within that phase, will be located within 800 feet of the relevant perimeter boundary line (e.g. street or residential property).
9. Parking lots are required to be screened from public streets by a wall, mound, or minimum 3.5-foot-tall evergreen hedge or similar landscaping.

G. Lighting & Signage

1. No light spillage onto properties which are adjacent to property which is zoned in the TMD classification shall be permitted from lighting sources within the TMD per codified ordinance 1154.16(e).
2. Codified ordinance 1154.16 (a) requires all parking lot and private drive lighting shall be cut-off type fixtures and down cast and be from a controlled source in order to minimize light spilling beyond the boundaries of the site.
3. Light poles shall not exceed 30 feet in height, except that light poles located within 300 feet of properties where residential uses exist or are permitted shall be no more than 18 feet in height per codified ordinance 1154.16(a).
4. Figure 14 of the landscape design standards plan contains signage requirements for street entrances to ensure consistency through the district and the surrounding business park. All other signage shall conform to the standards set forth in Chapter 1169 of the codified ordinances of the city of New Albany.

H. Other Considerations

1. The applicant has submitted a school impact statement which states the proposed TMD zoning will result in fewer children in the Johnstown Monroe Local School District and add significant value to the land resulting in a substantial financial benefit to the school district.

IV. ENGINEER'S COMMENTS

The city Engineer has no additional comments on the proposed rezoning.

V. RECOMMENDATION

Basis for Approval:

The TMD takes the best practices from surrounding commercial areas and amplifies them. The TMD incorporates the best practices from the existing limitation texts and developments within the New Albany International Business Park and codifies those best practices. Moreover, it requires many of the larger “enhanced” setbacks, screening and mounding requirements recently approved within the Jug Street North Limitation text established from resident feedback at the Planning Commission and city council meetings.

The proposal matches the land use recommendations found in the Engage New Albany strategic plan addendum. The proposed zoning text meets the development standards found in both the Western Licking County Accord Plan and the Engage New Albany strategic plan. The requirements of the TMD zoning and landscape design standards plan take into account the existing residential nature of the surrounding area by requiring larger setbacks, mounding and landscape restrictions to remain sensitive to those existing uses. The TMD advances the employment center opportunities and protects rural corridors through large setbacks and the design guideline’s landscaping and mounding requirements as recommended in the WLCA.

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

The Planning Commission is to evaluate the appropriateness of this “straight” zoning district to the site. Per codified ordinance chapter 1111.06 in deciding on the change, the Planning Commission shall consider, among other things, the following elements of the case:

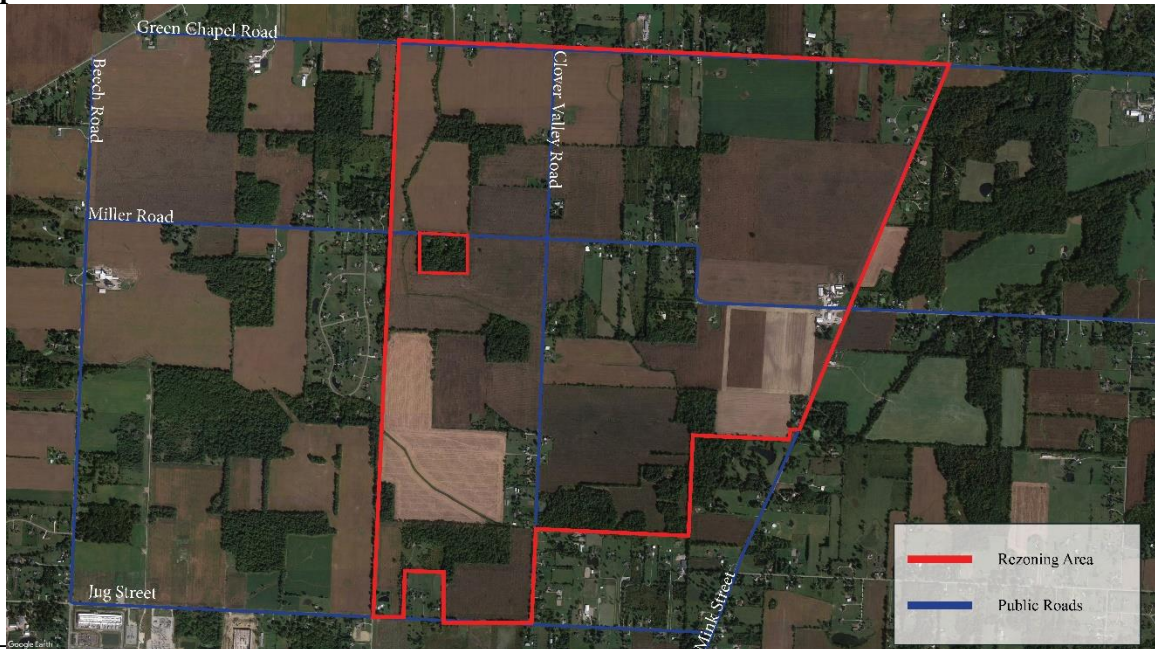
- (a) Adjacent land use.
 - The large scale of the rezoning will result in a more comprehensive planned redevelopment of the area and will ensure compatibility between uses.
- (b) The relationship of topography to the use intended or to its implications.
 - The TMD includes heightened level of standards based on iterations of limitations texts from past zonings over the years.
- (c) Access, traffic flow.
 - The city of New Albany hired a traffic engineer, Carpenter Marty, to complete a traffic study for the Technology Manufacturing District (TMD) rezoning. The traffic study’s recommendations for roadway improvements are consistent with the strategic plan’s functional classification and can appropriately serve the zoning district.
- (d) Adjacent zoning.
 - The property is adjacent to commercially zoned property along portions of its southern and western boundaries. The remainder of the southern and western boundary’s existing land uses are agricultural or residential, however, the Engage New Albany strategic plan recommends future Employment Center uses.
- (e) The correctness of the application for the type of change requested.
 - The applicant has submitted a complete and correct application for this zoning amendment.
- (f) The relationship of the use requested to the public health, safety, or general welfare.
 - The overall effect of the development advances and benefits the general welfare of the community.
 - The TMD ensures consistency and simplifies regulations that are favorable to the surrounding area.
 - Since this chapter permits the same uses established in the business park today plus some more industrial uses, it requires enhanced setbacks and mounding requirements compared to surrounding commercial zoning regulations.
- (g) The relationship of the area requested to the area to be used.
 - Due to the proximity of this site to the State Route 161/Beech Road and State Route 161/Mink Street interchanges, and its location adjacent to commercially zoned land in the existing New Albany business park to the south, the site appears to be most appropriate for commercial development.
- (h) The impact of the proposed use on the local school district(s).
 - The proposed rezoning will allow for the development of businesses that will generate revenue for the school district while eliminating residential units having a positive impact on the school district.

VI. ACTION

Suggested Motion for ZC-27-2022:

Move to recommend approval of the rezoning application ZC-27-2022 to city council.

Approximate Site Location:



Source: Google Earth and city staff

APPENDIX A: List of county parcel identification numbers for subject properties

PIDs: 037-111588-00.001, 037-111354-00.000, 037-111834-00.000, 037-111846-00.000, 037-111858-00.000, 037-111852-00.000, 037-111348-00.000, 037-112200-00.004, 037-111564-00.000, 037-111822-00.002, 037-111822-00.003, 037-111822-00.004, 037-111822-00.000, 037-111822-01.000, 037-111816-01.000, 037-111414-00.001, 037-112530-00.000, 037-112458-00.000, 037-112548-00.000, 037-112500-00.000, 037-112482-00.000, 037-112194-00.000, 037-111660-01.000, 037-112452-00.000, 037-112272-00.000, 037-112350-00.000, 037-112488-00.000, 037-111552-00.000, 037-112038-00.000, 037-111474-01.000, 037-112398-00.000, 037-112098-00.000, 037-112098-00.001, 037-112398-00.001, 037-112164-00.000, 037-111546-00.000, 037-111780-00.000, 037-111816-02.000, 037-112494-00.000, 037-111822-00.001, 037-112314-00.001, 037-111660-00.000, 037-112170-00.000, 037-112098-00.005, 037-112098-00.004, 037-112098-00.002, 037-112098-00.003, 037-112308-00.000, 037-112440-00.000, 037-112290-00.000, 037-111624-00.001, 037-111624-00.002, 037-111624-00.000, 037-112746-00.000, 037-112356-00.000, 037-112536-00.000, 037-112314-00.000, 037-111486-00.000, 037-111480-00.001, 037-111480-00.000, 037-111492-00.000, 037-111474-00.000, 037-111492-00.001, 037-111486-00.001, 037-111828-00.000, 037-111978-00.000, 037-111960-00.000, 037-111966-00.000, 037-111828-00.001, 037-111894-00.001, 037-111414-00.000, 037-111852-00.001, 037-112410-00.000, 037-112734-00.000, 037-112260-00.000, 037-112260-00.002, 037-112260-00.001, 037-112620-00.000, 037-111732-00.000, 037-112062-00.000, 037-112200-00.000, 037-111732-00.002, 037-111732-00.007, 037-111732-00.001, 037-111732-00.005, 037-111732-00.004, 037-111732-00.006, 037-111732-00.008, 037-111732-00.003, 037-111720-00.000, 037-111726-00.000, 037-111456-00.000, 037-111588-00.000, 037-112566-00.000.



**Planning Commission Staff Report
May 16, 2022 Meeting**

**4 HAWKSMOOR DRIVE
POOL LOCATION VARIANCE**

LOCATION: 4 Hawksmoor Drive (PID: 222-003432).
APPLICANT: Capital City Pools, Inc.
REQUEST: (A) Variance to Hawksmoor zoning text section II(5)(a) to allow a swimming pool to be located in a side yard at 4 Hawksmoor Drive.
ZONING: Hawksmoor I-PUD Zoning District
STRATEGIC PLAN: Residential
APPLICATION: VAR-41-2022

Review based on: Application materials received March 17, 2022.

Staff report prepared by Chris Christian, Planner

I. REQUEST AND BACKGROUND

This application was reviewed and tabled by the Planning Commission during their April 18th meeting in order to give the applicant time to gather letters of support from neighboring property owners. Letters collected to date are included in the meeting packet.

The applicant requests a variance to Hawksmoor zoning text section II(5)(a) to allow a swimming pool to be located in a side yard at 4 Hawksmoor Drive.

II. SITE DESCRIPTION & USE

The property is .73 acres in size contains a newly built single-family home and is located in the Hawksmoor subdivision. The original platted lots 4 & 5 were combined by the property owner into this single lot in 2020.

III. EVALUATION

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

Criteria

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

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

1. *Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without the variance.*

2. *Whether the variance is substantial.*
3. *Whether the essential character of the neighborhood would be substantially altered or adjoining properties suffer a “substantial detriment.”*
4. *Whether the variance would adversely affect the delivery of government services.*
5. *Whether the property owner purchased the property with knowledge of the zoning restriction.*
6. *Whether the problem can be solved by some manner other than the granting of a variance.*
7. *Whether the variance preserves the “spirit and intent” of the zoning requirement and whether “substantial justice” would be done by granting the variance.*

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

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

III. RECOMMENDATION

Considerations and Basis for Decision

(A) Variance to Hawksmoor zoning text section II(5)(a) to allow a swimming pool to be located in a side yard at 4 Hawksmoor Drive.

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

1. The Hawksmoor zoning text states “all swimming pools/spas shall be located in the rear yard within the building line of sight and shall be completely enclosed by fencing and screened from adjoining properties.”
2. The applicant proposes to install a swimming pool in the side yard, therefore a variance is required.
3. The proposed pool is to be located in the side yard, setback further from the public street than the principle structure within a code compliant fence. Additionally, the applicant proposes to install a 7-8 foot tall evergreen landscape hedge around the entire pool area to provide screening. In addition to this screening, there is an existing 7 foot tall evergreen landscape hedge that runs along the site frontage nearest to the pool, providing more screening on top of what is proposed.
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 pool area to provide screening for adjacent properties.
5. The variance meets the spirit and intent of the zoning text requirement which is to ensure that swimming pools/spas are screened from adjacent properties and public rights-of-way. While the applicant proposes to locate the swimming pool in a side yard, they are providing substantial landscape screening from adjacent properties and public rights-of-way thereby meeting the intent of the zoning text requirement.
6. The variance does not appear to be substantial. All other code requirements including

setbacks from adjacent properties and pool fencing are being met. In addition, the base city code requirements for pools do not state that pools cannot be located in a side yard therefore the applicant is still meeting the base pool location zoning requirements found in city code.

7. It does not appear that this problem may be solved in another manner other than granting the variance request. The existing house was built in 2007. The lots within the Hawksmoor subdivision are small and in order to meet the setback and landscaping requirements the property owner used the neighboring lot that they purchased in 2020 to accommodate additional recreational amenities for their enjoyment.
8. 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

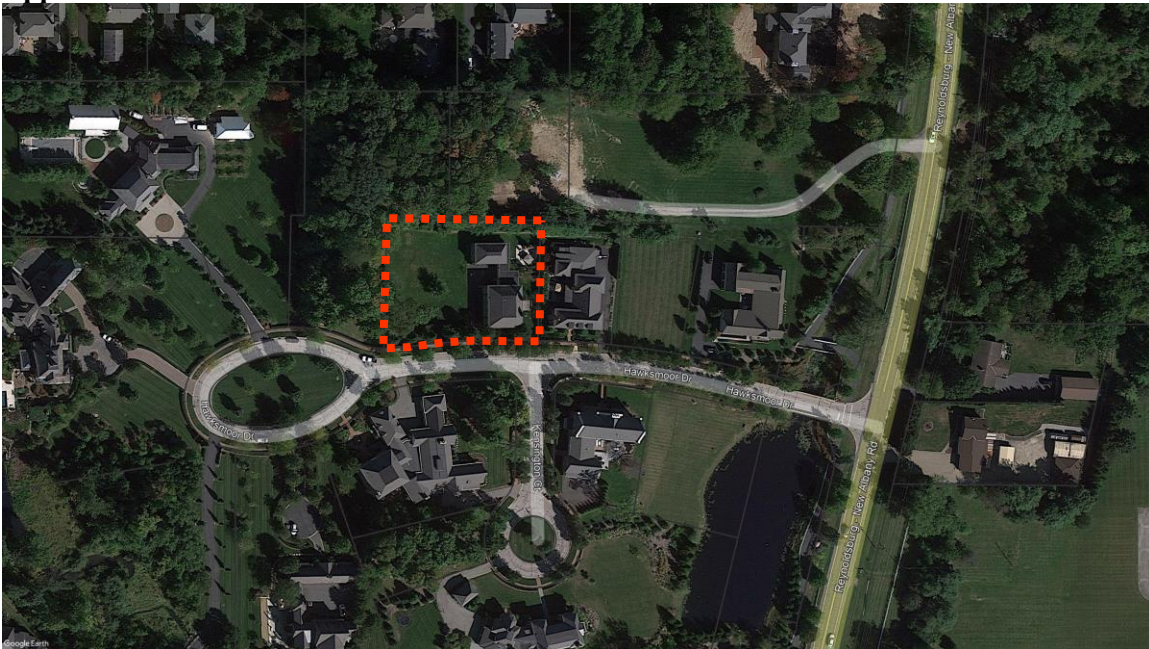
Staff recommends approval of the requested variance should the Planning Commission find that the application has sufficient basis for approval. While the applicant proposes to install a swimming pool in a side yard, they are proposing to install a 7-8-foot evergreen hedge around the perimeter of the entire pool area which meets the intent of the zoning requirement to screen these areas from adjacent properties and public rights-of-way. Additionally, there is an existing 7-foot-tall evergreen shrub row along the entire front of the lot, providing three layers of screening to ensure that the intent of the code requirement is substantially met. The proposed pool 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-41-2022 based on the findings in the staff report (conditions of approval may be added).

Approximate Site Location:



Source: Google Earth

HAWKSMOOR

Dear Committee Members of the New Albany Planning Commission,

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We understand the request for approval is not the normal inclination of the Committee as the Committee feels it may set a precedent for the Hawksmoor Community. However, we, members of the community, challenge your predisposition to state that 4 Hawksmoor Drive is the only lot conducive to allowing a pool in the side yard. The variance request is a one-time request and has the backing all members of the Hawksmoor Community, as signed herein.

In closing, we, the community members of Hawksmoor, feel the approval of this variance request is necessary for the continued success and growth of our community. The City of New Albany prides itself on inclusivity and diversity; approval of this variance request will not only prove to our community the City's willingness to truly hear its constituents, but to also show true diversity within the community planning. We appreciate your time and support in this matter.

Sincerely,

Hawksmoor Community Members

Signature: Richard J. Kolaska
Richard J. Kolaska (May 3, 2022 16:03 EDT)
Email: kolaska@compreim.com

12 Hawksmoor Dr

HAWKSMOOR

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Sincerely,

Hawksmoor Community Members

Signature: 
Lisa Rumpke (May 3, 2022 20:57 EDT)
Email: lcrumpke@gmail.com

4 Hawksmoor Drive

HAWKSMOOR

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Sincerely,


Hawksmoor Community Members

LOT 8 - 8 Hawksmoor Drive

HAWKSMOOR

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Sincerely,



LOT 2 - 2 Hawksmoor Drive

Hawksmoor Community Members

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Sincerely,



LOT 17 - 17 Hawksmoor Drive

Hawksmoor Community Members

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Sincerely,



LOT 18 - 18 Hawksmoor Drive

Hawksmoor Community Members

HAWKSMOOR

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Sincerely,

Hawksmoor Community Members

Signature: Michele McIntire
Michele McIntire (May 3, 2022 18:36 EDT)

Email: Mimi@encore-living.com

1 Hawksmoor Drive

HAWKSMOOR

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Sincerely,

Hawksmoor Community Members

Signature: 
Andrew Rumpke (May 3, 2022 20:57 EDT)
Email: andrew.rumpke@rumpke.com

4 Hawksmoor Drive

HAWKSMOOR

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Sincerely,

Hawksmoor Community Members

Signature: 
Michael J Morris (May 5, 2022 17:25 EDT)

Email: michaeljmorrismd@yahoo.com

HAWKSMOOR

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Sincerely,

Hawksmoor Community Members

Signature: Mark Lesh & Stephanie Gill
Mark Lesh & Stephanie Gill (May 6, 2022 19:39 EDT)

Email: mleshmd@gmail.com

10 Hawksmoor Drive

HAWKSMOOR

Dear Committee Members of the New Albany Planning Commission,


Please let this letter serve as a formal show of support for the variance requested by Capital City Pools, Inc. to allow a pool in the side yard of 4 Hawksmoor Drive (PID: 222-003482). As members of the Hawksmoor Community, we feel the proposed pool project will provide a heightened aesthetic to a presently unoccupied lot.

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Sincerely,

Hawksmoor Community Members

Signature: 
Barb Derrow (May 6, 2022 19:50 EDT)
Email: Barbderrow@gmail.com

7 Hawksmoor Dr..

HAWKSMOOR

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Sincerely,

Hawksmoor Community Members

Signature: *Michael J Morris*
Michael J Morris (May 9, 2022 16:58 EDT)
Email: MorrisMJ@jjsortho.com

16 Kensington Court

HAWKSMOOR

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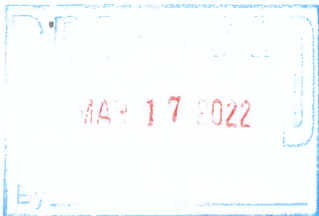
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Sincerely,



LOT 6 - 6 Hawksmoor Drive







Hawksmoor Community Members



Permit # _____
Board _____
Mtg. Date _____

NEW ALBANY

Community Development Planning Application

Project Information	Site Address <u>4 HAWKSMOOR ROAD, NEW ALBANY, OH</u>																																																												
	Parcel Numbers <u>222-003482</u>																																																												
	Acres <u>.73</u> # of lots created <u>4 PLS COMBINED INTO (1) LOT</u>																																																												
	<table border="1"><thead><tr><th>Choose Application Type</th><th colspan="4">Circle all Details that Apply</th></tr></thead><tbody><tr><td><input type="checkbox"/> Appeal</td><td></td><td></td><td></td><td></td></tr><tr><td><input type="checkbox"/> Certificate of Appropriateness</td><td></td><td></td><td></td><td></td></tr><tr><td><input type="checkbox"/> Conditional Use</td><td></td><td></td><td></td><td></td></tr><tr><td><input type="checkbox"/> Development Plan</td><td>Preliminary</td><td>Final</td><td>Comprehensive</td><td>Amendment</td></tr><tr><td><input type="checkbox"/> Plat</td><td>Preliminary</td><td>Final</td><td></td><td></td></tr><tr><td><input type="checkbox"/> Lot Changes</td><td>Combination</td><td>Split</td><td>Adjustment</td><td></td></tr><tr><td><input type="checkbox"/> Minor Commercial Subdivision</td><td></td><td></td><td></td><td></td></tr><tr><td><input type="checkbox"/> Vacation</td><td>Easement</td><td></td><td>Street</td><td></td></tr><tr><td><input checked="" type="checkbox"/> Variance</td><td></td><td></td><td></td><td></td></tr><tr><td><input type="checkbox"/> Extension Request</td><td></td><td></td><td></td><td></td></tr><tr><td><input type="checkbox"/> Zoning</td><td>Amendment (rezoning)</td><td></td><td>Text Modification</td><td></td></tr></tbody></table>	Choose Application Type	Circle all Details that Apply				<input type="checkbox"/> Appeal					<input type="checkbox"/> Certificate of Appropriateness					<input type="checkbox"/> Conditional Use					<input type="checkbox"/> Development Plan	Preliminary	Final	Comprehensive	Amendment	<input type="checkbox"/> Plat	Preliminary	Final			<input type="checkbox"/> Lot Changes	Combination	Split	Adjustment		<input type="checkbox"/> Minor Commercial Subdivision					<input type="checkbox"/> Vacation	Easement		Street		<input checked="" type="checkbox"/> Variance					<input type="checkbox"/> Extension Request					<input type="checkbox"/> Zoning	Amendment (rezoning)		Text Modification	
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	Description of Request: <u>4 PLS</u> <u>THE TWO LOTS WERE COMBINED THRU FRANKLIN COUNTY (9/11/2020) - VARIANCE TO ALLOW CONSTRUCTION OF AN IN-GROUND 20 X 50 CONC. SWIMMING POOL IN A SIDE YARD LOCATION DUE TO INABILITY TO BUILD BEHIND THE HOUSE IN THE REAR YARD DUE TO SETBACK REQ'S. (TREE PRESERVATION ZONE). PROPOSED POOL TO BE SCREENED BY 7'-8' HT. EVERGREEN HEDGE ON 3 SIDES (NORTH, WEST, EAST). EXIST. HEDGE ON SOUTH (STREET) SIDE.</u>																																																												
Contacts	Property Owner's Name: <u>ANDREW & LISA CRUMPKE</u>																																																												
	Address: <u>4 HAWKSMOOR DR.</u> City, State, Zip: <u>NEW ALBANY, OH 43054</u> Phone number: <u>614-623-8943</u> Email: <u>lcrumpke@gmail.com</u>																																																												
	Applicant's Name: <u>CAPITAL CITY POOLS, INC.</u>																																																												
	Address: <u>12555 WORTHINGTON RD.</u> City, State, Zip: <u>PATASKALA, OH 43062</u> Phone number: <u>614-402-2352</u> Email: <u>mike@capitalcitypools.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.																																																												
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Fence installed to local 4 state guideline with self closing latches

DETAILS
SEE 51

15' side property setback

bluestone pool decking - 24 x 26" x 1-1/2" thick minimal joints

(35) Taxus capitata
7-8' tall hedge to screen pool

shrubbery + coping

(40) Thuja plicata 'Green Giant'
10-12' tall hedge to screen from future building



Pool Equipment - completely screened with 6' tall
evergreens + 4' solid lower fence / gate

20' Limestone coping

30' conservation area setback

4' gate

DETAILS
SEE 51

GARAGE

grandover planting
with Boston ivy on the wall

6' gate

DETAILS
SEE 51

DRIVE

RESIDENCE

Existing Fagus grandifolia (American Beech)
to remain and to be protected during pool
construction process with snow fencing beyond drip line

EXISTING Taxus capitata hedge
7' high as shown
and likely screen
hedge from view

Existing Pine / Thuja evergreen screening

RUMPKE

4 Hawkmoor Drive
New Albany, OH



0 5 0 20
SCALE IN FEET
1" = 5'



[AUDITOR OFFICE](#)[SEARCH](#)[ONLINE TOOLS](#)[REFERENCE](#)[CONTACT MICHAEL](#)[Summary](#)[Land Profile](#)[Residential](#)[Commercial](#)[Improvements](#)[Permits](#)[Mapping](#)[Sketch](#)[Photo](#)[StreetSmart](#)[Aerial Photos](#)[Transfers](#)[BOR Status](#)[CAUV Status](#)[Tax & Payments](#)[Tax Distribution](#)[Tax Calculators](#)[Value History](#)[Rental Contact](#)[Incentive Details](#)[Quick Links](#)

Parcel ID: 222-003482-00

RUMPKE ANDREW M

Map Routing: 222-N053P -017-00

4 HAWKSMOOR DR

1 of 1

[Return to Search Results](#)**OWNER**

Owner

RUMPKE ANDREW M

RUMPKE LISA CANOS

Owner Mailing /

Contact Address

[Submit Mailing Address Correction Request](#)

Site (Property) Address

4 HAWKSMOOR DR

[Submit Site Address Correction Request](#)

Legal Description

4 HAWKSMOOR DRIVE

HAWKSMOOR

LOTS 4-5

Calculated Acres

.73

Legal Acres

0

Tax Bill Mailing

View or Change on the Treasurer's Website

If you have recently satisfied or refinanced your mortgage, please visit the above link to review your tax mailing address to ensure you receive your tax bill and other important mailings.

Parcel Permalink

<https://apps.franklincountyauditor.com/redir/Link/Parcel/222-003482-00>

eAlerts

[Sign Up for or Manage Property eAlerts](#)

The Auditor's office provides a Property eAlerts tool through which a property owner can sign up to receive an automated email alert whenever a change in owner or value is made to their property record. Click on the above button to sign up for or manage your Property eAlerts.

Tools

[View Google Map](#)[Print Parcel Summary](#)**Actions**[Neighborhood Sales](#)[Proximity Search](#)[Printable Version](#)[Custom Report Builder](#)**Reports**[Proximity Report](#)[Map Report](#)[Parcel Summary](#)[Parcel Detail](#)[Go](#)**MOST RECENT TRANSFER**

Transfer Date

SEP-11-2020

Transfer Price

\$0

Instrument Type

CB

Parcel Count

1

2021 TAX STATUS

Property Class

R - Residential

Land Use

510 - ONE-FAMILY DWLG ON PLATTED LOT

Tax District

222 - PLAIN TWP-NEW ALBANY CORP

School District

2508 - NEW ALBANY-PLAIN LSD [SD Income Tax]

City/Village

NEW ALBANY CORP

Township

PLAIN TWP

Appraisal Neighborhood

05102

Tax Lien

No

CAUV Property

No

Owner Occ. Credit

2021: Yes 2022: Yes

Homestead Credit

2021: No 2022: No

Rental Registration

No

Rental Exception

No

Board of Revision

No

Zip Code

43054

Pending Exemption

No

2021 AUDITOR'S APPRAISED VALUE



AUDITOR OFFICE

SEARCH

ONLINE TOOLS

REFERENCE

CONTACT MICHAEL

Summary

Land Profile

Residential

Commercial

Improvements

Permits

Mapping

Sketch

Photo

StreetSmart

Aerial Photos

Transfers

BOR Status

CAUV Status

Tax & Payments

Tax Distribution

Tax Calculators

Value History

Rental Contact

Incentive Details

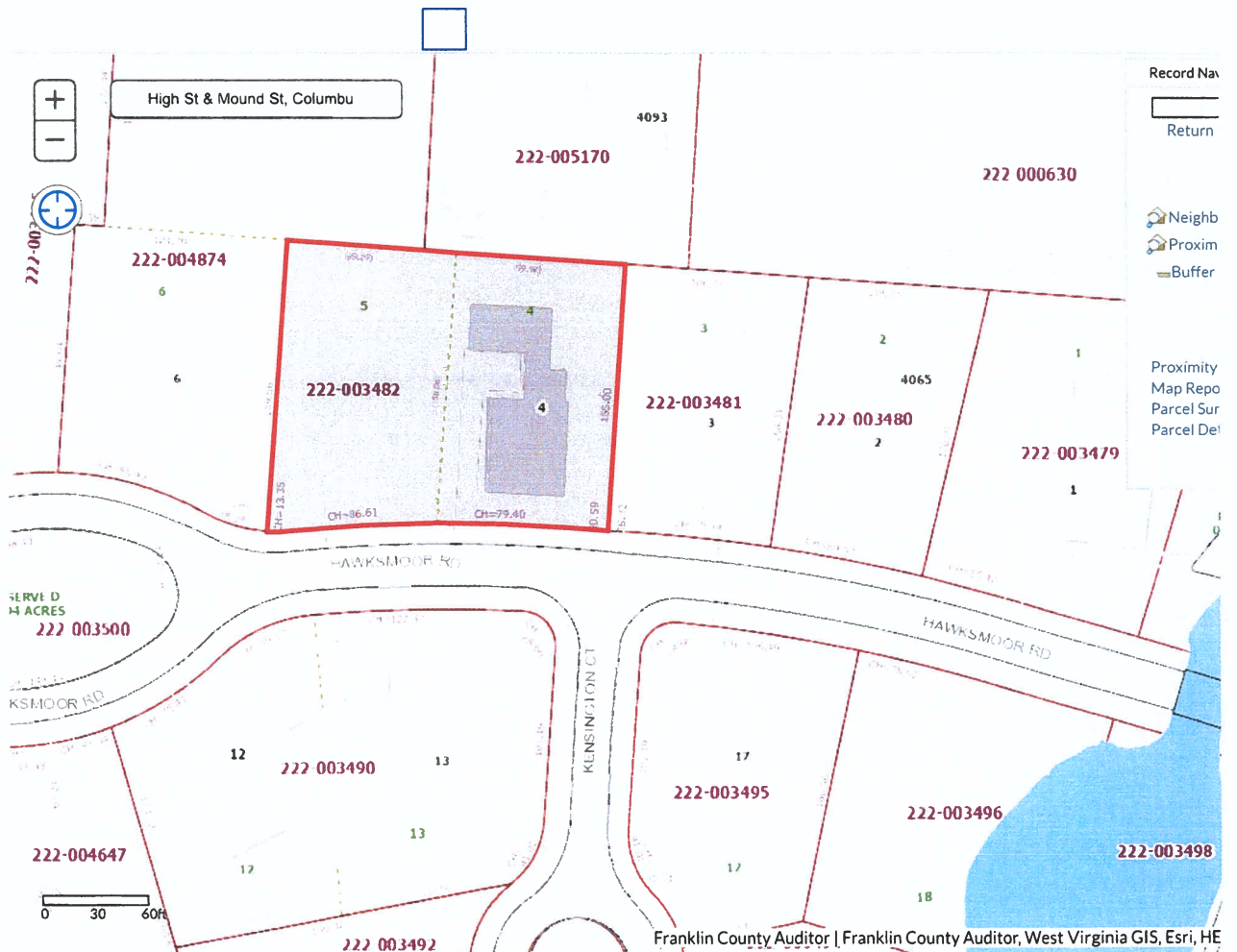
Quick Links

Parcel ID: 222-003482-00

RUMPKE ANDREW M

Map Routing: 222

4+



Adjacent 4 Hawksmoor Neighbors

-3 Hawksmoor Drive 222-003481-00 (Patrick Fehring 18133 Mission Pt Northville, MI 48168)

-6 Hawksmoor Drive 222-004874-00 (Jeffrey Peters 4381 Antmon Round Columbus, OH 43054)

-7 Hawksmoor Drive 222-003485-00 (Phil Derrow 7 Hawksmoor Drive New Albany, OH 43054)

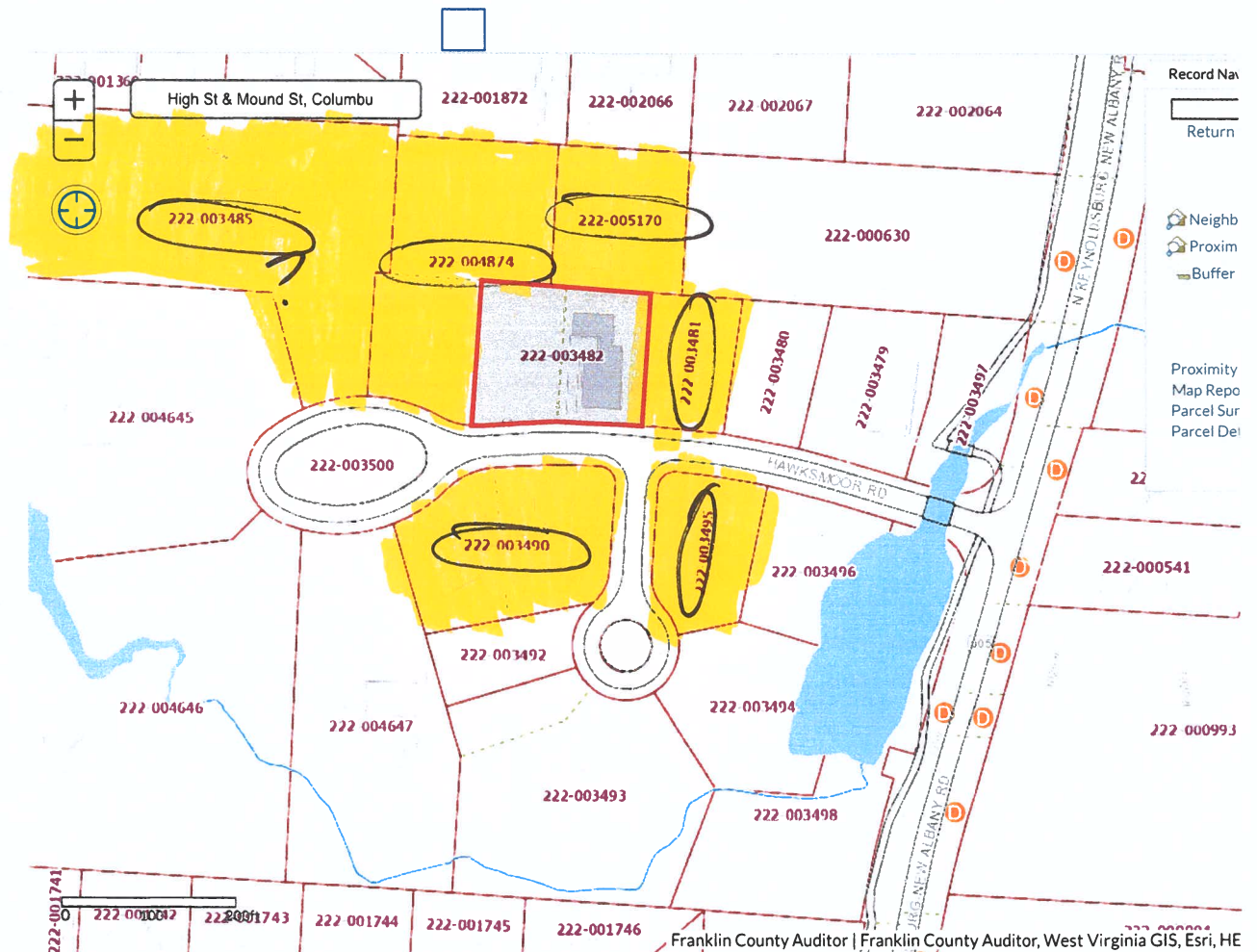
-12 Hawksmoor Drive 222-003490-00 (Rick Kolaska 12 Hawksmoor Drive New Albany, OH 43054)

-17 Hawksmoor Drive 222-003495-00 (Hawksmoor 17 LTD 230 West St Ste# 200 Columbus, OH 43215>>> currently rented by Trevor Woods 17 Hawksmoor Drive New Albany, OH 43054)

Parcel ID: 222-003482-00
RUMPKE ANDREW M

Map Routing: 222
41

- Summary
- Land Profile
- Residential
- Commercial
- Improvements
- Permits
- Mapping
- Sketch
- Photo
- StreetSmart
- Aerial Photos
- Transfers
- BOR Status
- CAUV Status
- Tax & Payments
- Tax Distribution
- Tax Calculators
- Value History
- Rental Contact
- Incentive Details
- Quick Links



NEED LIST OF CONTIGUOUS
PROPERTY OWNERS, PARCEL NUMBERS,
ADDRESSES, AND CONTACT (PHONE, OR
E-MAIL)

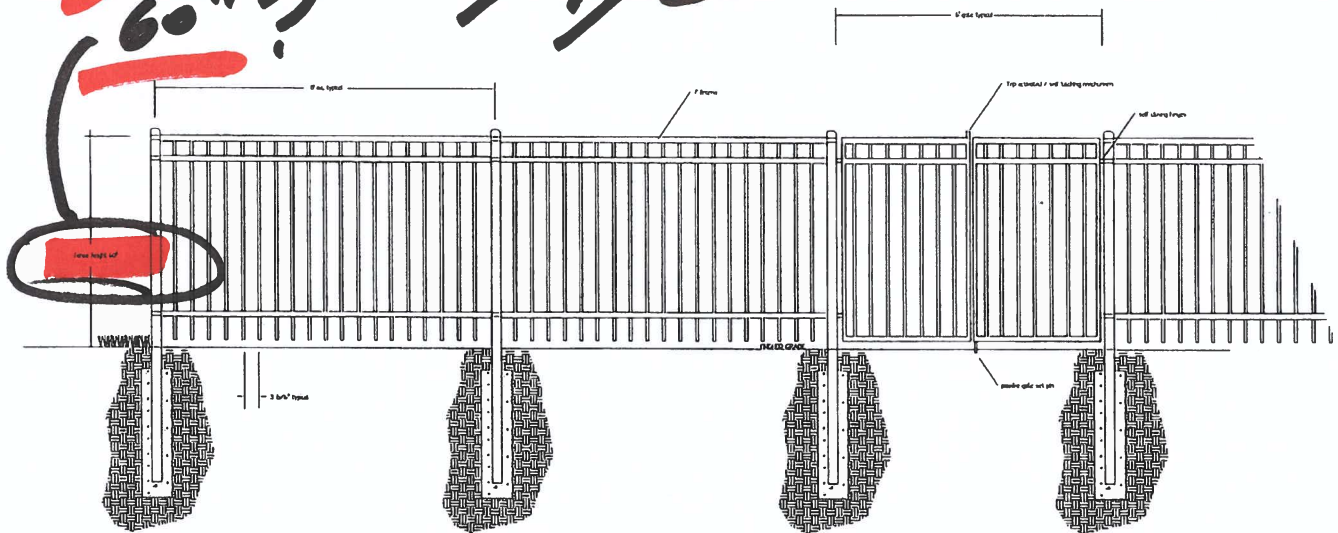
Rumpke, 4 Hawksmoor Drive, New Albany, OH



01/08/2020

THEY'RE SHOWING 60" HT.?
 FENCE REQ. IS 48" HT.

✓ 60"? 3/9/22



POOL FENCE

scale 1" = 1' when printed on 24" x 36"



RUMPKE RESIDENCE			
4 Hawksmoor			
New Albany, OH			
date	1" = 1'	date	9.30.20
drawn by	rmccullough	checked by	
		drawn by	SI









**Planning Commission Staff Report
May 16, 2022 Meeting**

**7230 SOUTHFIELD DRIVE
ACCESSORY STRUCTURE VARIANCES**

LOCATION: 7230 Southfield Drive (PID: 222-004784).
APPLICANT: Guzzo & Garner Custom Builders
(A) Variance to CO 1165.04(a)(1) to allow an accessory structure to be 1,110 sq. ft. in size where code allows a maximum area of 800 sq. ft. based on the size of the lot.
(B) Variance to CO 1165.04(a)(2)(E) to allow an accessory structure to be located 15+/- feet from the rear property line where the code requires a 30-foot setback.
ZONING: West Nine I-PUD Zoning District
STRATEGIC PLAN: Residential
APPLICATION: VAR-50-2022

Review based on: Application materials received on April 21, 2022

Staff report prepared by Chris Christian, Planner

I. REQUEST AND BACKGROUND

This application was reviewed and tabled by the Planning Commission during their May 2nd meeting in order to give the applicant time to gather letters of support from neighboring property owners. Letters collected to date are included in the meeting packet.

The applicant requests the following variances associated with the construction of a new accessory structure on the property.

- (A) CO 1165.04(a)(1) to allow an accessory structure to be 1,110 sq. ft. in size where code allows a maximum area of 800 sq. ft. based on the size of the lot.
- (B) CO 1165.04(a)(2)(E) to allow an accessory structure to be located 15+/- feet from the rear property line where the code requires a 30-foot setback.

II. SITE DESCRIPTION & USE

The property is .50 acres in size and contains a single-family home as well as a swimming pool. The lot is located in the Ebrington subdivision. The applicant also owns the adjacent property to the west and has completed a lot line adjustment application which differs from how the lot lines are shown on the Franklin County Auditor's website at the time of writing this staff report. The new property lines are reflected correctly in the packet materials.

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) CO 1165.04(a)(1) to allow an accessory structure to be 1,110- sq. ft. in size where code allows a maximum area of 800 sq. ft. based on the size of the lot.

(B) CO 1165.04(a)(2)(E) to allow an accessory structure to be located 15+/- feet from the rear property line where the code requires a 30-foot setback.

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

1. Lots 31 and 32 in the Ebrington subdivision are under the common ownership. There is an existing house and swimming pool on lot 32. The applicant submitted a permit application to construct the subject accessory structure on lot 31. During the permit review process, staff identified the code deviations and a lot line adjustment application was completed. The applicant is requesting the variances in order to align the accessory structure with the existing pool on the property.
2. C.O. 1165.04(a)(1) permits different sizes of accessory structures based on the size of the

- lot they are located on.
- The current code allows for an additional 400 square feet of space for every acre, starting at a maximum of 800 sq. ft. for lots less than one acre.
 - Lot 32 is .754 acres in size. In sum the two adjacent properties, under common ownership, are a total of 1 acre in size. If the two lots were combined, a variance would not be required.
 - However, the properties cannot be combined because it would create other non-conformities on the lot. Because of that, in order to construct a 1,110 sq. ft. accessory structure, a variance is required.
3. C.O. 1165.04(a)(2)(e) states that accessory structures must be setback 30 feet from a rear property line and the applicant requests a variance to allow this structure to be located 15 feet away.
 4. There are special circumstances and conditions which are peculiar to the land that justify the variance requests given the ownership and location of lots 31 and 32 in relation to the roundabout. The property owner seeks to construct an accessory structure next to the pool either on one or both properties but a variance is needed due to the technical definitions of rear and side yards.
 5. The accessory structure cannot be located on its own lot per C.O. 1131.02 as an accessory structure cannot exist without a primary structure. For this reason, a lot line combination or adjustment is required. However, both options result in a variance(s) being required. For these reasons, it does not appear that the problem may be solved in another manner other than granting a variance request.
 - i. If the lots are combined:
 - Due to the lot location on a roundabout, it would have three frontages.
 - a. The proposed accessory structure would be located in a front yard.
 - b. The new combined lot would have a new rear yard as defined by city code, making the current side lot line a rear lot line. As stated, there is an existing home on the lot and it would be encroaching into the required rear yard setback.
 - A variance to C.O. 1165.04(a)(2)(A) to allow an accessory structure to be located in the front yard would be necessary.
 - A variance to the zoning text would be necessary to allow an existing home to be located in the 30-foot rear yard setback.
 - ii. The lot line is adjusted (current scenario):
 - The lot that the accessory structure is located on is only .754 acres in size therefore a 800 sq. ft. accessory structure is permitted to be developed
 - As defined by city code, the rear lot line remains as currently identified and the proposed accessory structure is located within the rear yard setback.
 - A variance to CO 1165.04(a)(1) is needed to allow the accessory structure to be 1,110 sq. ft. in size to be developed.
 - A variance to C.O. 1165.04(a)(2)(E) is needed to allow the accessory structure to be located 15 feet from the rear property line.
 - iii. In order to avoid creating non-conformities with the existing home and pool and encourage good design, the applicant submitted a lot line adjustment application rather than a lot line combination as recommended by city staff.
 6. It does not appear that the essential character of the neighborhood would be altered if the variance is granted. The rear lot line of lot 32 runs along the side lot line of lot 30. There is an existing accessory structure on lot 30 that is located only 10 feet away from this same property line, which is closer than what is being proposed for the subject property. In order to provide screening and buffer lot 30, staff recommends that landscaping be added along the rear lot line where the encroachment into the setback is proposed, subject to staff approval.
 7. While the applicant needs variances to construct the desired accessory structure, the plan accomplishes good design which is a hallmark of residential development in New Albany and will not alter the character of the surrounding area. City code regulations, nor zoning

texts, can contemplate every development scenario that may occur within a subdivision and a literal interpretation of these provisions deprives the applicant of rights commonly enjoyed by other residentially zoned and used properties in the city.

8. The Ebrington subdivision contains large and small lots where large estate homes as well as cluster development is desired. These two lots are smaller, cluster lots therefore having larger structures located closer to property lines is more appropriate as it is consistent with the desired development pattern for this section of Ebrington. There are very limited instances where this type of development scenario may occur however the applicant has taken these unique site characteristics into account as part of development of the accessory structure to maintain the character of the Ebrington subdivision. Additionally, the proposed site layout achieves an appropriate design as it aligns with the existing pool on the site and it is located an appropriate distance from the primary structure.
9. 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 variances are proposed, a variance(s) will always be necessary to build a detached accessory structure at this site due to a literal interpretation of the zoning code, the common ownership and location of lots 31 and 32 in relation to the roundabout and the definition of side, rear and front yards found in city code. Taking all of these items into consideration, the applicant followed a permitting path as recommended by city staff that preserves the essential character of the Ebrington subdivision and maintains good design which is a hallmark of all residential development in New Albany. Plus, additional landscaping will provide a buffer for the neighboring property owner where the setback encroachment is proposed.

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-50-2022 based on the findings in the staff report with the following condition of approval (conditions of approval may be added).

1. Landscaping must be added along the rear property line where setback encroachment is proposed, subject to staff approval.

Approximate Site Location:



Source: NearMap

Dear Property Owner(s),

We, Dan and Jenelle Snyder of 7230 Southfield Road, would like to request your support of our pool house project to be located on our property. We have submitted a planning application to the New Albany Planning Commission, requesting variances to the following code sections in order to accommodate the project.

(A) C.O. 1165.04(a)(1) to allow an accessory structure to be 1,110 sq. ft. in size where code allows a maximum area of 800 sq. ft. based on the size of the lot.

(B) C.O. 1165.04(a)(2)(E) to allow an accessory structure to be located 15+/- feet from the rear property line where the code requires a 30-foot setback.

The application is scheduled to be reviewed by the Planning Commission during their May 16th meeting. Ahead of this meeting, the board requested that we meet with adjacent property owners to discuss the project and ask that they sign a letter of support.

After reviewing the plans, I am supportive of the project:

Name:

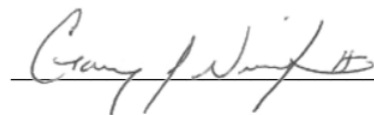
Gary Niederpruem

Address:

8413 Kiernan Drive

New Albany, OH 43054

Signature



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After reviewing the plans, I am supportive of the project:

Name:

Michael Castelforte

Address:

3930 Ebrington Road

New Albany, OH 43054

Signature

Michael Castelforte

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After reviewing the plans, I am supportive of the project with the condition that the conceptual landscaping as shown along my southern, side property line is installed at Snyder's expense:

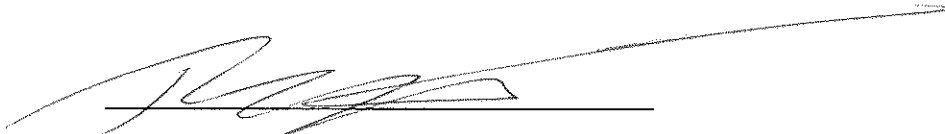
Name:

ROBERT & NATASHA PETROFF

3910 EBRINGTON ROAD

Address:

Signature



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After reviewing the plans, I am supportive of the project:

Name:

Ashely Deal

Ryan Deal

Address:

6988 Hanbys Loop

New Albany, OH 43054

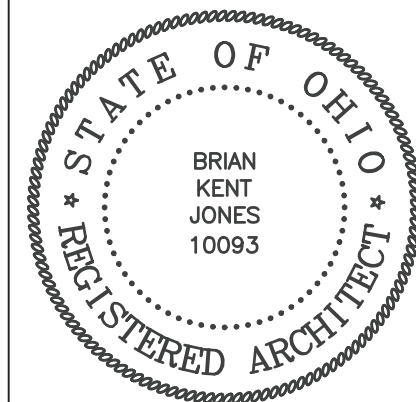
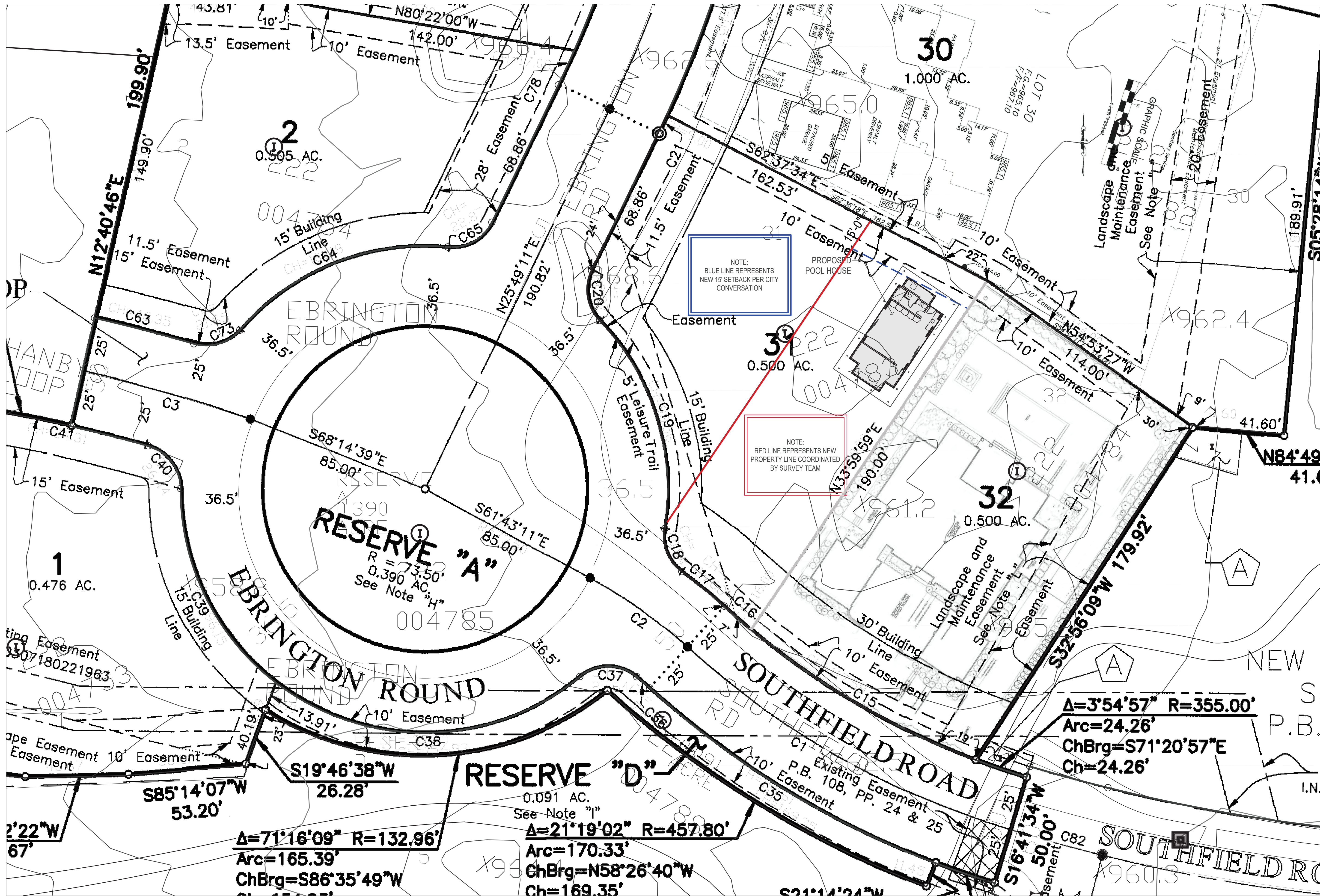
Signature

Ashely Deal
Ryan Deal



Community Development Planning Application

Project Information	Site Address <u>7230 Southfield Rd</u>																				
	Parcel Numbers _____																				
	Acres _____ # of lots created _____																				
Contacts	<div style="display: flex; justify-content: space-between;"> <div> Choose Application Type <input type="checkbox"/> Appeal <input type="checkbox"/> Certificate of Appropriateness <input type="checkbox"/> Conditional Use <input type="checkbox"/> Development Plan <input type="checkbox"/> Plat <input type="checkbox"/> Lot Changes <input type="checkbox"/> Minor Commercial Subdivision <input type="checkbox"/> Vacation <input checked="" type="checkbox"/> Variance <input type="checkbox"/> Extension Request <input type="checkbox"/> Zoning </div> <div> Circle all Details that Apply <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;">Preliminary</td> <td style="width: 20%;">Final</td> <td style="width: 20%;">Comprehensive</td> <td style="width: 40%;">Amendment</td> </tr> <tr> <td>Preliminary</td> <td>Final</td> <td></td> <td></td> </tr> <tr> <td>Combination</td> <td>Split</td> <td>Adjustment</td> <td></td> </tr> <tr> <td>Easement</td> <td></td> <td>Street</td> <td></td> </tr> <tr> <td colspan="2">Amendment (rezoning)</td> <td colspan="2">Text Modification</td> </tr> </table> </div> </div>	Preliminary	Final	Comprehensive	Amendment	Preliminary	Final			Combination	Split	Adjustment		Easement		Street		Amendment (rezoning)		Text Modification	
	Preliminary	Final	Comprehensive	Amendment																	
	Preliminary	Final																			
Combination	Split	Adjustment																			
Easement		Street																			
Amendment (rezoning)		Text Modification																			
Description of Request: <u>increase size of accessory structure from 800 to 1200 + encroach rear yard setback from 30ft to 15ft.</u>																					
Signature	Property Owner's Name: <u>Daniel & Jenelle Snyder</u> Address: <u>7230 Southfield Rd</u> City, State, Zip: <u>New Albany, OH 43054</u> Phone number: <u>614-546-8358</u> Fax: _____ Email: <u>dan@lower.com</u>																				
	Applicant's Name: <u>Guzzo & Garner Custom Builders</u> Address: _____ City, State, Zip: _____ Phone number: _____ Fax: _____ Email: _____																				
	<p>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.</p> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"> <div style="width: 60%;"> <p>Signature of Owner _____</p> <p>Signature of Applicant <u>Jenelle Snyder</u></p> </div> <div style="width: 35%;"> <p>Date: <u>4-20-22</u></p> <p>Date: <u>4-21-22</u></p> </div> </div>																				



SNYDER RESIDENCE
7230 Southfield Rd.
New Albany, Ohio 43054

JONES

BRIAN KENT JONES ARCHITECTS, INC.
580 CITY PARK AVENUE, COLUMBUS, OH 43215
P 614-538-6729 F 614-540-7015

ARCHITECTURAL SITE PLAN

REVISIONS

04 MARCH 2022

CONSTRUCTION DOCUMENTS

SP.1



ARCHITECTURAL SITE PLAN
Scale: 1" = 40' - 0"

REVISIONS

ARCHITECTURAL SITE PLAN

SP.2

09 JULY 2021
SCHEMATIC DESIGN

JONES

BRIAN KENT JONES ARCHITECTS, INC.
503 CITY PARK AVENUE COLUMBUS, OH 43215
P 614-388-3729 F 614-348-7015

SNYDER RESIDENCE

7230 SOUTHFIELD RD.
NEW ALBANY, OHIO 43054

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DRAWINGS AND SPECIFICATIONS AS INSTRUMENTS OF PROFESSIONAL SERVICE ARE AND SHALL
REMAIN THE PROPERTY OF THE ARCHITECT. THESE DOCUMENTS ARE NOT TO BE USED IN WHOLE
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AUTHORIZATION OF BRIAN KENT JONES, ARCHITECT.