

  
**New Albany Planning Commission**  
**June 20, 2022 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 Vice Chair Mr. David Wallace at 7:08 p.m.

Those answering roll call:

Mr. Neil Kirby, Chair	Present, arrived 7:19 p.m.
Mr. David Wallace	Present
Mr. Hans Schell	Present
Ms. Sarah Briggs	Present
Mr. Bruce Larsen	Present
Ms. Andrea Wiltrout (Council liaison)	Present

Staff members present: Chris Christian, Planner; Jay Herskowitz, City Engineer for Mr. Ferris; Benjamin Albrecht, Interim City Attorney; and Josie Taylor, Clerk.

Mr. Wallace noted that he would be leading the meeting as Vice Chair until Mr. Kirby's arrival, and, if Mr. Kirby did not arrive, then he would continue to lead the meeting.

Moved by Mr. Larsen to approve the May 2, 2022 and May 16, 2022 meeting minutes, seconded by Ms. Briggs. Upon roll call: Mr. Larsen, yea; Ms. Briggs, yea; Mr. Schell, yea; Mr. Wallace, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

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

Mr. Christian stated the applicant for VAR-59-2022 had requested the variance be tabled.

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

Mr. Wallace asked if there were any persons wishing to speak to the Planning Commission (hereafter, "PC") on items not on tonight's Agenda. (No response.)

**VAR-59-2022 Variance**

**Variance to West Nine 2 Subarea C zoning text section 4(d) to allow a covered porch to be setback approximately 21.5 +/- feet from the rear property line where the zoning text requires a 30-foot setback at 7210 Ebrington Round (PID: 222-004754-00).**

**Applicant: f5 Design/Architecture c/o Todd Parker**

Moved by Mr. Larsen to table VAR-59-2022 until the next regularly scheduled PC meeting on July 18, 2022, seconded by Mr. Schell. Upon roll call: Mr. Larsen, yea; Mr. Schell, yea; Ms. Briggs, yea; Mr. Wallace, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

**ZC-60-2022 Zoning Amendment**

**Rezoning of 25.12 +/- acres from Infill Planned Unit Development (I-PUD) to Infill Planned Unit Development (I-PUD) generally located east of the Bob Evans site, south of Smith's Mill Road and north of State Route 161 (portion of PID: 093-107046-00.000).**

**Applicant: Aaron Underhill, Esq**

Mr. Christian presented the staff report.

Mr. Wallace asked if the fourth bullet point, regarding the reduction of setbacks along Smiths Mill Road, was not being requested.

Mr. Christian stated yes, the applicant had agreed to meet the existing setback on that road.

Mr. Wallace asked if the applicant wanted to provide comments on this application.

Mr. Aaron Underhill, Underhill & Hodge for MBJ Holdings, discussed the application and the site.

Mr. Wallace asked to have the map of the area put up on the presentation and asked Mr. Underhill to indicate where the uses in that area were.

Mr. Underhill discussed prior re-zonings and uses in the area. Mr. Underhill noted the location at this time was expected to have more demand for office and distribution and that was the reason for this application.

Mr. Wallace asked why the setback on the eastern boundary had been reduced.

Mr. Tom Rubey, MBJ Holdings, stated the eastern boundary reduction was so that the two (2) parcels would function more cohesively.

Mr. Wallace stated he was not sure why those factors would require a reduced setback.

Mr. Rubey stated there were parking, building, and landscaping setbacks as well as storm water management issues and allowing a reduced setback on these two (2) parcels would allow their development to be more seamless.

Mr. Wallace stated okay.

Mr. Larsen stated he believed the ownership of the two (2) parcels was the same.

Mr. Rubey stated it was not under the same ownership but would be cooperative, complimentary uses with different ownership.

Mr. Larsen noted a combined site would eliminate that.

Mr. Rubey stated if they were combined it would.

Mr. Underhill stated they did not intend the building to be that close so if the PC wanted them to adhere to Code on that, that would not be a problem, it was more about the pavement, circulation, and storm water management.

Mr. Schell asked how Ohio Health felt about this.

Mr. Rubey stated they were working on this at this time.

[Mr. Kirby joined the meeting at approximately 7:19 p.m.]

Mr. Underhill stated it was normally a collaboration between the parties on these types of matters.

Mr. Schell asked if there had been another setback that had been requested but had then been waived.

Mr. Underhill stated the setbacks along Smiths Mill Road had been reduced but now they would adhere to the existing setbacks to the east along Smiths Mill Road.

Mr. Wallace asked about the access points on Smiths Mill Road noted on page 5, Section F.

Mr. Christian illustrated where that was on the presentation screen and noted it had to do with their need to prevent there being more curb cuts than had originally been planned for.

Mr. Wallace stated okay and noted this language was then referring to an access point that was not directly associated with the parcel being discussed at this time.

Mr. Christian stated correct.

Mr. Wallace asked if there were only a potential two (2) access points for this parcel.

Mr. Christian stated yes, there could potentially be two (2), but even more could be supported with a traffic analysis.

Mr. Wallace asked if this referred to the area as a whole then, not just this parcel.

Mr. Underhill stated it would likely align with other access points across the street.

Mr. Wallace stated got it and asked if there could then be another road inside the parcels that could connect.

Mr. Underhill stated right.

Mr. Wallace asked if the text was clear.

Mr. Christian stated it was from staff's perspective.

Mr. Underhill stated they believed the same language was good for consistency.

Mr. Larsen asked if there were an actual layout on the site would it be handled by staff or would it return to the PC.

Mr. Christian stated that if it were a GE use, which it likely would be, then staff would review it.

Mr. Larsen asked if he had heard correctly on the adjustment to the fifteen (15) foot easement that staff would be open to no building there, just pavement.

Mr. Underhill stated correct.

Mr. Larsen asked if a future tenant required more landscaping on the site, would the applicant be open to that.

Mr. Underhill stated yes.

Mr. Larsen stated he would personally support that.

Moved by Mr. Wallace to accept the staff reports and related documents into the record for ZC-60-2022, seconded by Mr. Schell. Upon roll call: Mr. Wallace, yea; Mr. Schell, yea; Ms. Briggs, yea; Mr. Larsen, yea; Mr. Kirby, abstain. Yea, 4; Nay, 0; Abstain, 1. Motion passed by a 4-0-1 vote.

Moved by Mr. Wallace to approve ZC-60-2022 based on the findings in the staff report with the added condition that the applicant has agreed to a fifteen (15) foot pavement setback and a 25-foot building setback and additional landscaping may be added subject to the review and approval of the City landscape architect, seconded by Ms. Briggs. Upon roll call: Mr. Wallace, yea; Ms. Briggs, yea; Mr. Larsen, yea; Mr. Schell, yea; Mr. Kirby, abstain. Yea, 4; Nay, 0; Abstain, 1. Motion passed by a 4-0-1 vote.

Mr. Kirby noted he abstained as he had not been present for this discussion.

Mr. Wallace continued to lead the PC meeting following Mr. Kirby's arrival.

**FDP-62-2022 Final Development Plan**

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

**Applicant: The Mannik & Smith Group, Inc. c/o Kyle Wrentmore**

Mr. Christian presented the staff reports for both FDP-62-2022 and VAR-63-2022.

Mr. Wallace asked if there was any engineering on this.

Mr. Herskowitz stated engineering had reviewed this and made several comments including adding monumentation, revising the ingress and egress to align with the hotel curb cut on the south side of Woodcrest Drive, and Ohio Department of Transportation (hereafter, "ODOT") criteria required that the sign placed in the public right-of-way was offset two (2) feet by a leisure path or sidewalk.

Mr. Wallace stated thank you.

Mr. Larsen asked how staff determined the square footage of signage that was not a rectangular shape, was it calculated based on a true rectangle.

Mr. Christian stated staff did and noted they drew an imaginary box around it.

Mr. Wallace asked for the applicant's comments.

Mr. Underhill, appearing for the applicant, noted much of this application was driven by the traffic study. Mr. Underhill introduced Mr. Jeff Gilmore, Moo Moo Car Wash, and Mr. Kyle Wrentmore, Mannik & Smith.

Mr. Gilmore stated the location would be open from 7 a.m. to 8 p.m. Monday through Saturday and 9 a.m. to 6 p.m. on Sundays. Mr. Gilmore stated they normally had consistent volume and worked to remove peaks. Mr. Gilmore stated the site had been modified to incorporate Woodcrest access and noted they staffed appropriately on days of high use and worked to mitigate traffic issues. Mr. Gilmore stated they had a bail lane for those who could not go through the car wash and it was perhaps used twice a month. Mr. Gilmore said they had a designated member lane. Mr. Gilmore stated they could wash up to one hundred (100) cars per hour and they normally stacked three (3) or four (4) cars deep. Mr. Gilmore stated they mainly used their lighting in the winter when it got dark earlier.

Mr. Schell noted the center with the vacuums had two (2) sides and asked if one customer entered would they need to back out to be able to leave.

Mr. Gilmore stated they normally had people exit the car wash then go to the back.

Mr. Schell asked how they would get out.

Mr. Gilmore stated it was a normal parking aisle, drivers would pull in, vacuum, back out, and then exit.

Mr. Schell asked if that was typical of other locations where there were two (2) sides.

Mr. Gilmore stated yes, they tried to have dual vacuums when sites permitted.

Mr. Schell stated so it would be like a typical parking lot and drivers would just need to be careful when backing out. Mr. Schell asked if they had any issues at their other locations.

Mr. Gilmore stated they could not prevent stupid.

Mr. Schell asked of their existing 24 units, how many had this design.

Mr. Gilmore stated at least 85%.

Mr. Christian stated drive aisle widths were typically at 22 feet and this was 24 feet.

Mr. Gilmore stated the spaces were twelve (12) feet wide and had lots of room for ingress and egress.

Ms. Briggs asked if there was one way in and one way out for the vacuums.

Mr. Gilmore stated correct.

Ms. Briggs asked if a driver was to exist the vacuum would the driver run into those exiting the car wash.

Mr. Gilmore stated cars exited the car wash every 45 seconds, providing an adequate window of time for cars at the vacuums to exit those spaces. Mr. Gilmore noted Woodcrest should be easy to get on and most customers did not vacuum.

Ms. Briggs asked if this was the same design used in numerous other locations.

Mr. Gilmore stated yes.

Ms. Briggs asked if there were three (3) kiosks.

Mr. Gilmore stated yes.

Ms. Briggs asked if one faced a different way.

Mr. Gilmore stated they all faced the same way.

Ms. Briggs asked if the digital signs were at each kiosk.

Mr. Gilmore stated that was correct.

Ms. Briggs stated she assumed these would be similar to the ones Dairy Queen used.

Mr. Christian stated he did not know.

Ms. Briggs asked if the signs would not face U.S. 62.

Mr. Gilmore stated that was correct, but if there were no cars present then they would.

Ms. Briggs asked where employee parking was located.

Mr. Gilmore stated there were two (2) spaces shown for staff.

Mr. Kirby stated at the bottom, by the back.

Mr. Wallace and Ms. Briggs indicated the employee spots.

Mr. Kirby stated by the vacuums.

Mr. Gilmore stated there was a handicapped spot and two standard parking spaces.

Mr. Larsen asked how many employees would be on the site at maximum capacity times.

Mr. Gilmore stated two (2) to four (4) when busy.

Mr. Larsen asked if four (4) spots would be needed for those peak times.

Mr. Gilmore stated they often worked with neighbors when extra parking was needed and noted that at this time they had not set up such an arrangement at this location.

Mr. Larsen asked if they then had two (2) spots and one handicapped spot.

Mr. Gilmore said yes.

Ms. Briggs asked if the handicapped spot was for someone who was vacuuming.

Mr. Gilmore stated there was not a vacuum there, it was just a requirement.

Ms. Briggs stated okay.

Mr. Kirby stated he believed Dairy Queen had a variance for size and number of signs but not a digital variance.

Ms. Briggs stated thank you.

Mr. Larsen stated that signage would have ideally been along Forrest Drive had the entrance been there but staff had asked the applicant to have the entrance from the back side. Mr. Larsen noted that in that case the longer side of the building would have faced U.S. 62 which would have permitted a large sign.

Mr. Gilmore stated the building had always been oriented vertically.

Mr. Larsen asked if then the shorter side would have always been toward U.S. 62.

Mr. Gilmore stated yes.

Mr. Larsen stated he understood why the need to advertise with a larger sign where cars driving by would see it, but why would they also want a larger sign on the back side of the buildings where customers would be exiting.

Mr. Gilmore stated that would be consistent with their standards and the scale was right.

Mr. Larsen asked if there were other options.

Mr. Gilmore stated it was their model and they did not have a smaller one.

Mr. Larsen stated he understood.

Mr. Kirby asked if there was no conflict with this use.

Mr. Christian stated correct.

Mr. Kirby asked if the variance was due to the unique use here.

Mr. Christian stated it was more due to the location and proximity to public roadways.

Mr. Kirby asked if Dairy Queen had not needed this set of variances.

Mr. Christian stated they would not have needed that as Dairy Queen had not had direct access to Forrest Drive.

Mr. Kirby stated he was looking to see why this variance was not universally applicable in order to prevent precedents in the future.

Mr. Underhill stated all done here was due to circulation and building orientation.

Mr. Kirby asked if there were any conflicts with the conditions in the staff report or from Engineering.

Mr. Underhill stated no.

Mr. Wallace asked if there would be landscaping to screen the kiosks. Mr. Wallace stated he wanted to ensure staff would have approval over any landscaping so it would screen the kiosks from U.S. 62 and other areas and asked if the applicant would agree to that.

Mr. Underhill stated absolutely.

Mr. Christian stated MKSK would also look at it and an additional eighteen (18) trees would also be added along the front.

Mr. Kirby stated the additional landscape screening should be added to condition 2 in the staff report as that already involved landscaping.

Mr. Schell asked if the plot on the right was currently owned by the same party.

Mr. Underhill stated yes.

Mr. Schell asked what would likely go there.

Mr. Underhill stated a food service use would be most likely.

Mr. Schell asked if there would not be any issues with a high traffic food establishment having an entrance on the same street.



Mr. Underhill stated he did not think so.

Mr. Schell noted that could get backed up.

Mr. Kirby asked if the digital signs would be off when they were closed.

Mr. Underhill stated correct.

Mr. Larsen stated he would request that, due to parking volumes at peak times, the applicant have three (3) parking spots and one (1) handicapped spot.

Mr. Gilmore stated they could close all of the vacuum spaces and use them for staff. Mr. Gilmore stated they wanted the flexibility and this had not been an issue on their high-volume sites.

Mr. Kirby asked if they did not have an agreement from a neighbor would they agree to sacrifice the vacuum spots for staff.

Mr. Gilmore stated yes.

Ms. Briggs asked if there were 24 vacuum spots at this site.

Mr. Wrentmore stated fifteen (15).

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

Moved by Mr. Wallace to accept the staff reports and related documents into the record for FDP-62-2022, seconded by Mr. Kirby. Upon roll call: Mr. Wallace, yea; Mr. Kirby, yea; Mr. Schell, yea; Ms. Briggs, yea; Mr. Larsen, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

Moved by Mr. Kirby to approve FDP-62-2022 based on the findings in the staff report with the conditions listed in the staff report and the additional conditions that:

1. The applicant agrees to use vacuum cleaner spots for employee parking if applicant cannot execute an agreement for additional parking on days when they need additional parking;
2. Modify existing condition 2 in the staff report to add language for the screening of the digital signs along U.S. 62 frontage;

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

#### **VAR-63-2022 Variances**

**Variances to the building/site orientation and site and building signage requirements associated with a final development plan application for a Moo Moo car wash development generally located south of US-62 within the Canini Trust Corp (PID: 222-000617).**

**Applicant: The Mannik & Smith Group, Inc. c/o Kyle Wrentmore**

Moved by Mr. Wallace to accept the staff reports and related documents into the record, for VAR-63-2022, seconded by Mr. Kirby. Upon roll call: Mr. Wallace, yea; Mr. Kirby, yea; Mr. Schell, yea; Ms. Briggs, yea; Mr. Larsen, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

Moved by Mr. Kirby to approve VAR-63-2022 based on the findings in the staff report with the conditions listed in the staff report and the additional condition 4. that the digital signs be turned off when the car wash is closed, seconded by Mr. Schell. Upon roll call: Mr. Kirby, yea; Mr. Schell, yea; Mr. Wallace, yea; Ms. Briggs, yea; Mr. Larsen, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

PC took a break from 8:03 p.m. to 8:18 p.m.

## **Other Business**

### **Engage New Albany Strategic Plan Hamlet Focus Area Planning and Zoning Code Updates Design Guidelines and Requirements Update**

Mr. Christian presented the topics and noted this was a framework for development, not a development proposal.

Ms. Sarah Lilly, Associate Planner, MKSK, discussed the process used and how the hamlet concept was developed.

Ms. Ashley Solether, Landscape Architect, MKSK, discussed the development of the layout of the hamlet.

Ms. Lilly reviewed the standards developers of a hamlet would need to meet.

Mr. Christian completed the presentation and discussed the proposed Code updates to §1157, §1165, §1187, and the Design Guidelines & Requirements (hereafter, "DGR").

Mr. Wallace asked if PC members had any questions.

Mr. Kirby asked if the gross density for housing units could not exceed six (6) per acre, and 25% was to be open space, was there enough park land built in.

Mr. Christian stated he believed that would need to be evaluated as part of re-zoning and the final development plan process, but he believed that based on their test fit, yes.

Mr. Kirby asked if it had been an easy fit for the test fit.

Mr. Christian stated yes.

Mr. Kirby noted the park land on this was necessary for viability so that people could walk there.

Mr. Christian stated he believed that was right.

Mr. Kirby asked what this hamlet did that the City's downtown did not do or should do.

Mr. Jeff Pongonis, MKSK, stated the Village Center had critical mass there with lots of commercial space. Mr. Pongonis stated he believed the hamlet would not have a lot of impact on the Village Center.

Mr. Kirby asked if this was the right time for this.

Mr. Pongonis stated the scales differed and were not apples to apples. Mr. Pongonis stated he believed if there was room for a Dunkin Donuts on the Trust Corp. site then there would be room for one in the hamlet.

Mr. Kirby noted that the downtown still contained good sites.

Mr. Pongonis stated there were still good sites downtown.

Mr. Kirby asked if those should be prioritized first.

Ms. Adrienne Joly, New Albany Administrative Services Director, stated they saw this as meeting demand to have amenities closer to other parts of the community. Ms. Joly stated this was more of a transition from suburban to more commercial areas. Ms. Joly stated this was a tool for future use and the timing was right to be ahead of that.

Mr. Kirby asked what the housing density was to the north.

Ms. Joly stated it was more suburban and residential with the Links to the northeast.

Mr. Kirby stated okay. Mr. Kirby asked if this was too small or if this size made it viable.

Ms. Joly stated the location formed a bridge east to west between Columbus and New Albany and made it viable.

Mr. Pongonis stated the size was sufficient for variety and viability without competing with the Village Center.

Mr. Kirby asked if it was self contained enough to prevent it from becoming a second downtown, to keep surrounding developers from adding to the hamlet.

Mr. Christian stated any districts would be evaluated by the PC to determine what would be appropriate.

Mr. Kirby stated tools were needed to keep developers from adding or enlarging the hamlet space.

Mr. Pongonis stated the framework and Strategic Plan could help protect the hamlet from evolving in unwanted ways.

Ms. Joly stated yes, the Strategic Plan would be used as well as evaluations regarding needs in the community.

Mr. Larsen stated the Strategic Plan showed Discover commercial use on one corner and the other three (3) corners were mixed use, and noted this looked like the hamlet was a three (3) corner concept.

Ms. Joly stated she believed these were the standards the PC could use to evaluate if a proposal was appropriate for the area proposed.

Mr. Larsen asked why this was not defined as the three corners to begin with, why did they downsize to this particular size.

Mr. Wallace asked to have the Strategic Plan put up at the presentation.

Mr. Christian stated they had reviewed current land uses in the older business parks to see what would be appropriate if those areas were to be redeveloped. Mr. Christian stated that would include this site, as well as the other three (3), but the standards developed for this area would also apply there.

Mr. Larsen asked why not start there, with all three (3) corners.

Mr. Christian noted that they had developed the standards and were then using this location to test the standards, not that they were saying someone had to put a hamlet there.

Ms. Wiltrot asked how would someone know where a hamlet could be placed.

Mr. Christian stated that in addition to these standards developers would also be looking at areas where the City saw the type of use they were considering would be appropriate.

Ms. Wiltrot asked what the actual request to be voted up through City Council was here, was it just for this site or for the area around it.

Mr. Christian stated they were asking City Council to take action on the development standards themselves which could apply to any site.

Ms. Joly stated the geographic area was not part of the standards, the standards were for use in any location where they would be applicable.

Mr. Larsen asked why not define all four (4) corners as potential hamlet sites.

Ms. Joly stated the zoning was very parcel specific whereas the uses on a parcel were normally more broadly determined.

Mr. Larsen stated he would like to know City Council's perspective on this as he felt the use of the site implied it was for this location.

Ms. Joly stated that was right, but this was not a development proposal. Ms. Joly stated this was shown in images because a visual description was an easier way to define a concept and develop the standards.

Mr. Larsen stated an evaluation could be done outside of this amendment, but this amendment showed a specific area.

Ms. Joly stated the words in this amendment were what was important and the visuals were just so people would have a sense of what it could look like.

Mr. Larsen stated it read differently to him.

Ms. Joly stated that was fair input.

Mr. Kirby stated the first of (3) three items was recommending the Strategic Plan Hamlet Focus Area change to City Council.

Ms. Joly stated that was right.

Mr. Schell stated he understood that, but there had been public push back when the first proposal was made and now they were being asked to agree to a plan with 6:1 density and only 25% green space. Mr. Schell stated that once approved that would be the new standard for the future.

Mr. Pongonis stated New Albany had significantly surpassed that density a few times already.

Mr. Schell stated the public push back on this was significant enough that City Council had not approved it.

Ms. Joly stated the six (6) units per one (1) acre was the minimum density to support the retail and restaurants in the hamlet. Ms. Joly stated they needed critical mass to succeed. Ms. Joly also noted that these standards would provide a tool that could be used in future evaluations.

Mr. Schell stated he agreed there should be standards, but he felt he did not know if the standards here were the right standards for the residents of New Albany.

Mr. Wallace stated he understood that these standards had come about due to community interest in this type of development and one of the things that met that demand was the hamlet concept. Mr. Wallace stated he believed City Council had denied a prior proposal partly due to the lack of development standards. Mr. Wallace stated they now had standards developed by professionals which they would evaluate and vote on. Mr. Wallace asked if his understanding was correct.

Ms. Joly stated it was correct.

Mr. Wallace asked Mr. Christian if it was accurate that just having standards did not mean a hamlet would be developed at the corner of Central College and SR 605, only that if a development proposal were made they would then have criteria to evaluate it.

Mr. Christian stated correct.

Mr. Schell asked if the PC could hear from City Council what reasons had caused the prior proposal to be voted down.

Mr. Wiltrout stated she had not been with City Council at that time.

Ms. Joly stated she could provide the minutes on that and she would not want to rely on her memory.

Mr. Albrecht stated the minutes would be more appropriate.

Mr. Kirby noted they had discussed making courtyards into amenities and that they would count open space. Mr. Kirby asked if the standards allowed the PC to decline a courtyard as open space if it was not publicly available.

Mr. Christian stated if it was not dedicated publicly then it would not count as open space.

Mr. Kirby mentioned that the Links considered the golf course open space but residents could not just enter and walk there.

Ms. Joly stated the City had learned since then and as long as it was publicly dedicated and accessible then it counted toward open space.

Mr. Kirby stated he wanted to be sure he could say if it was not public it would not count.

Mr. Pongonis stated the standard practice was that open spaces be publicly accessible.

Mr. Kirby asked if Mr. Pongonis could do a compare/contrast with Evans Farms.

Mr. Pongonis stated he believed they had wanted substantially more commercial on Evans Farms.

Mr. Kirby stated the scale differed and did not apply here.

Ms. Briggs asked Mr. Christian to pull up the conceptual slide. Ms. Briggs asked if when reviewed earlier this month it had included a section she highlighted on the presentation screen.

Mr. Christian stated yes.

Ms. Briggs asked if the PC voted on this and approved it, what happened next, City Council could make changes.

Mr. Christian stated this would be recommended to City Council and City Council would take final action on the development standards.

Ms. Briggs asked if City Council could make changes.

Mr. Christian stated yes.

Ms. Briggs stated thank you.

Mr. Larsen asked if they could make the density 1:1 and then, in areas where there would not be a school impact, such as with an age restricted area, have a higher density there.

Mr. Christian stated they were recommending 6:1 density and developers could make 25% of that age restricted but noted that for these standards they wanted a 6:1 ratio to be met. Mr. Christian noted the 6:1 was the minimum needed to ensure critical mass.

Mr. Larsen noted the public was concerned with school density and if it were age restricted that would help with schools.

Ms. Joly stated the age restricted development was done in the re-zoning process and not as part of standards development and school impact statements were part of the re-zoning process.

Mr. Larsen stated thank you.

Mr. Kirby asked if this was not short shrift to the concept of age in place and all ages.

Ms. Joly stated there had been discussions of both older people and young families having the ability to live in the community.

Mr. Kirby asked why there was mention of 6:1 being a maximum as well as a minimum.

Ms. Joly stated 6:1 was the minimum needed to work for viability.

Mr. Kirby stated school impact due to density was a pain point and should be part of the standards so it could be a tool for the PC.

Ms. Joly stated that was good feedback. Ms. Joly stated she believed the re-zoning process addressed that and there would be additional information at that time to evaluate, such as the type and number of units involved.

Mr. Christian stated the size of the units would also affect that.

Mr. Kirby asked if the PC could deny a zoning request if the PC said it had to be partially age-restricted.

Mr. Albrecht stated probably not if it met other requirements.

Mr. Kirby stated the lack of standards the PC could use as a basis of denial could be serious.

Mr. Albrecht stated he would need to look further into the age restriction issue, but believed that as land was purchased with certain zoning and parameters ...

Mr. Kirby stated they were creating a re-zoning class and were trying to establish the factors they could review to say yes or no to a developer.

Mr. Albrecht stated he would need to verify that before providing a response.

Mr. Kirby stated that if baked in then a developer would know that was part of the deal.

Mr. Albrecht stated he did not know if the framework could be set up that way. Mr. Albrecht stated he thought it would have to be part of the re-zoning process and the developer would have to volunteer to do that, it could not be mandated.

Mr. Kirby asked if they could deny it on the school impact issue.

Mr. Albrecht stated he thought that would be a factor for consideration.

Mr. Wallace asked if the age restricted piece could be used to ensure the density requirement was being met.

Mr. Kirby stated he would like to say school density meant there could not be that many units, or the unit mix would not work, etc.

Mr. Wallace stated that if the developer could meet the 6:1 needed for viability then they were meeting the requirement.

Mr. Kirby stated school impact was a community issue he'd like to address.

Mr. Larsen stated the commercial space was 200 square feet per unit. Mr. Larsen said that if they had units of 400 square feet then they were at fifty percent (50%) commercial to one (1) but if they had 4,000 square foot single family homes they were then at a five (5) or six (6) percent ratio. Mr. Larsen stated he believed that should be more of a percentage basis than a hard number. Mr. Larsen stated that in the Engage New Albany Plan buildings were forty (40) feet tall at the perimeter and 55-foot buildings as well. Mr. Larsen stated the 2020 Strategic Plan discussed two (2) stories at the perimeter and three (3) elsewhere. Mr. Larsen asked if that was purposely done or an oversight.



Mr. Christian stated the current DGRs stated the current limit was three (3) stories for any multi-family outside of the Village Center and also noted the community had a 45-foot residential height limit. Mr. Christian stated this had informed that.

Mr. Wallace asked if members of the public had any comments or question.

Mr. Matt McFadden, 7073 Maynard Place East, stated the PC did not need to approve anything and could vote no. Mr. McFadden asked if the 6:1 minimum needed viability was for the hamlet and completely contained or did that consider the forty percent (40%) of the city that was within a ten (10) to twelve (12) minute bike ride.

Mr. Christian stated that was for the hamlet itself.

Mr. McFadden asked why not make it 4 or 3:1. Mr. McFadden asked if 6:1 was a minimum then how long before a developer asked why not 8:1 which was close.

Mr. Kirby stated the standard was no more than 6:1 for density, so if a developer asked for 8:1 then the PC could say no, 6:1 is the maximum for density.

Ms. Joly stated they would want to see this incorporated into the zoning text and noted they did not do any variances for density.

Mr. McFadden asked if that would also apply to the park land percentage.

Mr. Christian stated that was now built into the Code with these changes.

Mr. McFadden noted that traffic and school impact would be massively important, particularly to those like him with children who will be in the schools for the next fifteen (15) years or so and who will all be driving down SR 605 as well as west down SR 161, etc.

Mr. Wallace stated thank you.

Ms. Trisha Segnini, 7267 New Albany Links Drive, HOA president and real estate agent, stated more answers and information were need for the local area. Ms. Segnini stated the total number of units was important also how much park space and could any of it be traded. Ms. Segnini stated they should be as restrictive as possible up front and multi-family was not needed here.

Mr. Kirby asked staff if fee-in-lieu of or trade was optional to accept.

Ms. Joly stated yes, that was discretionary.

Ms. Segnini asked if they wanted to trade to have more residential in there or to have less park space, they needed to know what they were getting.

Mr. Kirby stated it was optional for New Albany to allow park space to be traded and the City could decline for cause.

Ms. Segnini asked if it was built in or could the PC decide that.

Ms. Joly stated that to her it was built in by the standards for the hamlet.

Ms. Segnini asked if a retirement home would be part of the plan.

Ms. Joly stated site features lend themselves to certain uses in certain places.

Ms. Segnini stated the public was open to more discussion, thank you.

Mr. Wallace asked for others.

Mr. Bob Segnini, 7267 New Albany Links Drive, stated the community did not want apartments but noted they did want the restaurants. Mr. Segnini stated they also wanted more information about how things were determined, such as the density of 6:1 and what made something viable. Mr. Segnini stated they wanted what was best for the community, not for the developer.

Mr. Kirby asked staff if viability here was to the merchants or the developers.

Mr. Pongonis stated the viability was not for the developer but for the site.

Mr. Kirby asked if MKSK could provide business cards to allow for discussion with residents.

Mr. Pongonis stated he would be happy to.

Mr. Wallace asked if others had any comments.

Mr. Schell asked if police and fire needed to be involved at this time.

Ms. Joly stated that was not done at this point, that would be at the re-zoning and final development plan stage.

Mr. Schell asked if school impacts were found to be high, would that be grounds to deny a proposal.

Mr. Albrecht stated it could be a factor to consider.

Mr. Larsen asked if there was development on an intersection, would they establish setbacks to enable a roundabout.

Ms. Joly stated the City had a roundabout first policy for the City, but a traffic study would determine the need for that during the re-zoning or final development plan stage.

Mr. Kirby asked if ODOT permission would be needed on SR 605.

Ms. Joly stated yes.

Mr. Wallace asked staff if a motion to recommend to City Council was needed here.

Mr. Albrecht stated yes.

Mr. Wallace asked if they could do all three (3) at once.

Mr. Albrecht stated yes, that was fine.

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

Moved by Mr. Kirby to recommend for approval to City Council the Engage New Albany Strategic Plan Addendum, the Planning and Zoning Code Updates, and Design Guidelines and Requirements Update and to request that City Council have language about age restricted or unit balance added, seconded by Mr. Wallace. Upon roll call: Mr. Kirby, yea; Mr. Wallace, yea; Mr. Schell, yea; Ms. Briggs, yea; Mr. Larsen, no. Yea, 4; Nay, 1; Abstain, 0. Motion passed by a 4-1 vote.

Mr. Schell stated he thanked MKSK for their work, but he was still not sure that 6:1 number was right, but he was relying on the experts.

Mr. Larsen stated he did not believe they had worked through and fully defined the geographical area, nor the heights and scale here. Mr. Larsen noted he felt the way this was portrayed it may be misleading and could be better presented.

### **Poll Members for Comment**

Mr. Wallace adjourned the meeting at 10:00 p.m.

Submitted by Josie Taylor.

# APPENDIX



## Planning Commission Staff Report June 20, 2022 Meeting

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### BEECH CROSSING WEST ZONING AMENDMENT

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LOCATION: Generally located east of the Bob Evans site, south of Smith’s Mill Road and north of State Route 161 (portion of PID: 093-107046-00.000)

APPLICANT: MBJ Holdings LLC, c/o Aaron Underhill

REQUEST: Zoning Amendment

ZONING: Infill Planned Unit Development (I-PUD) to Infill Planned Unit Development (I-PUD)

STRATEGIC PLAN: Employment Center

APPLICATION: ZC-60-2022

Review based on: Application materials received May 20, 2022.

*Staff report completed by Chris Christian, Planner.*

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#### I. REQUEST AND BACKGROUND

The applicant requests review and recommendation to rezone 25.120+/- acres of land from Infill Planned Unit Development (I-PUD) to Infill Planned Unit Development (I-PUD) for an area to be known as the “Beech Crossing West Zoning District”.

The proposed rezoning proposes to:

- Add warehousing and distribution uses as permitted uses on the property in addition to the other General Employment (GE) uses that are permitted under the existing zoning.
- Eliminate C-3 (retail, restaurant, personal service etc.) uses that were permitted on a limited portion of the property;
- Eliminate CF Community Facilities uses that were permitted on the entirety of the land;
- Reduce the setback along Smith’s Mill Road; and,
- Reduce the required eastern property line setback for this site.

#### II. SITE DESCRIPTION & USE

The overall 25.120 +/- acre site consists of one parcel and is located in Licking County. The site has frontage on Smiths Mill Road and is located north of SR 161, generally west of Beech Road, and east of the Lower.com site. Immediate neighboring zoning districts include the Columbus Southern Power Company GE Zoning District to the north, the Blacklick L-GE Subarea D Zoning District to the west, and the Beech Crossing Zoning District directly to the east of the site. The site is currently vacant.

#### III. PLAN REVIEW

Planning Commission’s review authority of the zoning amendment application is found under C.O. Chapters 1107.02 and 1159.09. 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 text, 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).

In addition to these requirements, Codified Ordinance Chapter 1159.08 provides the basis of approval for a preliminary development plan in an I-PUD zoning district:

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

#### **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 the 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. Use, Site and Layout**

1. The proposed text rezones approximately 25.120+/- acres from Infill Planned Unit Development (I-PUD) to Infilled Planned Unit Development (I-PUD).
2. The following table provides an overview of the proposed zoning use changes compared to the existing Beech Crossing I-PUD zoning district text:

<b>Use Category</b>	<b>Existing Zoning Text</b>	<b>Proposed Zoning Text</b>
Community Facility (CF) Uses	Permitted on the entire property	Not permitted
C-3 Uses (Retail, Personal Service, Restaurant etc.)	Permitted on a limited portion of the property	Not permitted
Certain General Employment (GE) Uses	Permitted	Permitted
Warehousing and Distribution Uses	Not Permitted	Permitted

3. The proposed text carries over the existing list of prohibited uses including but not limited to: industrial product sales and services, mini-warehouses, off-premises signs, radio/television broadcast facilities, and sexually oriented business.
4. The text establishes the following setbacks which are consistent with those established in surrounding zoning districts:

<b>Perimeter Boundary</b>	<b>Existing Zoning Text</b>	<b>Proposed Pavement &amp; Building Setback</b>
SR 161 (Southern)	125 foot building and pavement setback from the edge of right-of-way	125 foot building and pavement setback from the edge of right-of-way
Eastern Boundary	25 feet building and pavement setback	15 feet building and pavement setback
Western Boundary	25 feet building and pavement setback	25 feet building and pavement setback
Smith’s Mill Road (Northern)	55 feet pavement and 100 feet for buildings from the edge of right-of-way	55 feet pavement and 100 feet for buildings from the edge of right-of-way

5. The text contains the same provision for elimination of setbacks for building and pavement when this zoning district and any adjacent parcel located outside of this zoning district come under common ownership, are zoned to allow compatible non-residential uses, and are combined into a single parcel.
6. Due to the proximity of this site to the SR 161 interchange and its location adjacent to commercially zoned and used land in the existing Licking County business park to the east and west, the site appears to be most appropriate for commercial development.

**C. Access, Loading, Parking**

1. The proposed text contains the same language from the existing Beech Crossing zoning text regarding the number of access points permitted along Smith's Mill Road (ZC-102-2019). The text permits the following curb cuts:
  - a. One full movement access point on the south side of Smith's Mill Road at its intersection with the Outparcel Access Road. This curb cut exists today.
  - b. Two other full movement access points along Smith's Mill Road, provided that they are adequately spaces from one another in order to preserve traffic safety.
  - c. Additional access points may be permitted if approved by the city based on a traffic analysis that is approved by the City Traffic Engineer.
2. The city engineer reviewed the application and determined that no additional right-of-way is needed.
3. Parking will be provided per code requirements (Chapter 1167) and will be evaluated at the time of development of the site.
4. City code requires an 8-foot-wide leisure trail to be installed along Smiths Mill Road

**D. Architectural Standards**

1. The proposed rezoning carries over the same architectural standards for General Employment uses as they exist in the Beech Crossing text today.
2. The proposed text maintains a maximum 65-foot building height limitation, consistent with other GE zoning texts in the New Albany Business Park.
3. The proposed text contains the same architectural requirements as surrounding business park zoning districts.
4. The City's Design Guidelines and Requirements do not provide architectural standards for warehouse and distribution type facilities. Due to the inherent size and nature of these facilities careful attention must be paid to their design to ensure they are appropriately integrated into the rest of the business park. This zoning text contains specific design requirements for uses not governed by the DGRs, which will ensure the quality design of these buildings.
5. The proposed text contains a requirement for complete, four-sided screening of all roof-mounted equipment for sight and sound.
6. The proposed text requires all accessory structures, generators, storage tanks, trash receptacles or any other similar improvement to be located behind a building façade that that does not front onto a public road.

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

1. Maximum lot coverage for this subarea is 80%. This matches the surrounding zoning districts.
2. The proposed zoning text contains the same landscaping, open space and screening standards as the existing Beech Crossing zoning district.
3. In addition to street trees, additional trees must be planted within the setback areas along both Smith's Mill Road and State Route 161 at a rate of 6 trees for every 100 feet of road frontage

along the perimeter. The trees may be grouped or regularly spaced to create a more natural appearance.

4. Minimum tree sizes and heights for on-site trees match the standards in the surrounding business districts.
5. Four-board white horse fence will be required along both State Route 161 Smiths Mill Road.
6. A gas line easement burdens the southwestern portion of the zoning district along and near SR 161. The proposed zoning text takes this easement into account and states that the horse fence and street trees will be placed outside of the right-of-way and gas line easement.

#### **F. Lighting & Signage**

1. *The proposed text retains the lighting and signage standards found in the existing Beech Crossing I-PUD zoning text.*
2. *All signage shall conform to the standards set forth in Codified Ordinance Section 1169.*
3. *All lighting shall be cut-off type fixtures and down cast to minimize light spilling beyond the boundaries of the site. The maximum height is 30 feet.*
4. *The zoning text requires landscape lighting details to be included in the landscape plan which is subject to review and approval by the City Landscape Architect.*

#### **IV. ENGINEER'S COMMENTS**

The City Engineer has reviewed the referenced plan in accordance with the engineering related requirements of Code Section 1159.07(b)(3) and has no comments.

#### **V. RECOMMENDATION**

##### ***Basis for Approval:***

The proposed rezoning is consistent with the principles of commercial development in the Engage New Albany strategic plan and the existing business park in Licking County. The text contains the same development standards as the surrounding zoning districts where General Employment (GE) uses are permitted as well as provisions landscape provisions that exist today in the Beech Crossing zoning district which will ensure a consistent development pattern in the immediate area.

1. The rezoning will result in a more comprehensive planned redevelopment of the area and will ensure compatibility between uses (1111.06(a)).
2. The IPUD rezoning application is an appropriate application for the request (1111.06(e)).
3. The overall effect of the development advances and benefits the general welfare of the community (1111.06(f)).
4. 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 (1111.06(h)).

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

#### **VI. ACTION**

##### **Suggested Motion for ZC-60-2022:**

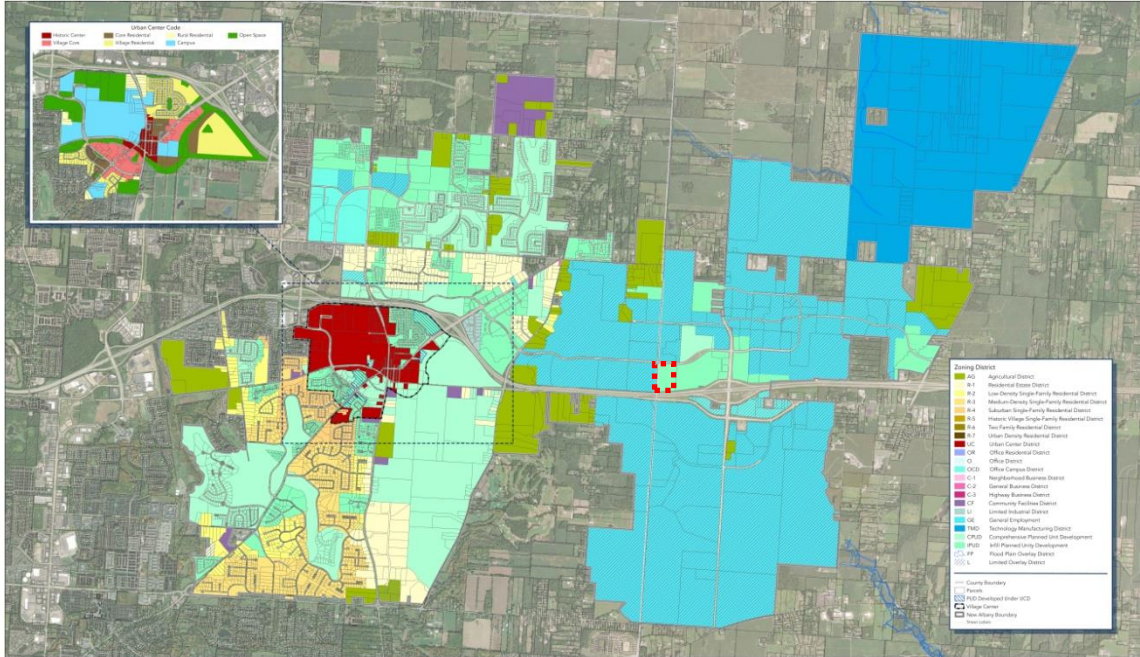
Move to recommend approval to City Council of Zoning Change application ZC-60-2022 (conditions of approval may be added).



**Approximate Site Location:**



**Zoning Map:**



# Official Zoning Map

Disclaimer: This map is to be used for reference purposes only and the City of New Albany, Ohio is not responsible for any inaccuracies herein contained. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use, or misuse of the information herein provided. Please contact the Community Development Department for zoning verification.





**Planning Commission Staff Report  
June 20, 2022 Meeting**

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**MOO MOO CARWASH  
FINAL DEVELOPMENT PLAN**

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LOCATION: 1.10+/- acre site within the Canini Trust Corp (PID: 222-000347)  
APPLICANT: The Mannik & Smith Group, Inc. c/o Kyle Wrentmore  
REQUEST: Final Development Plan  
ZONING: Canini Trust Corp I-PUD: Subarea 8D  
STRATEGIC PLAN: Retail  
APPLICATION: FDP-62-2022

Review based on: Application materials received on March 10, 2022.

*Staff report completed by Chris Christian, Planner*

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**II. REQUEST AND BACKGROUND**

The application is for a proposed Moo Moo carwash located south of US-62 within the Canini Trust Corp. The development includes an automated carwash and car vacuums on a 1.10-acre site.

The applicant is also applying for several variances related to this final development plan under application VAR-63-2022. Information and evaluation of the variance requests are under a separate staff report.

This site is part of the Canini Trust Corp I-PUD: Subarea 8D zoning district that was approved by the Planning Commission during their March 21, 2022 meeting (ZC-21-2022) and adopted by City Council (O-10-2022).

**II. SITE DESCRIPTION & USE**

The site is located on the southwest corner of US-62 and Forest Drive within the Canini Trust Corp zoning district. The site is 1.10+/- acres and is currently undeveloped and is bounded by US 62, Forest Drive and Woodcrest Way on all four sides.

**III. EVALUATION**

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

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

- (a) *That the proposed development is consistent in all respects with the purpose, intent and applicable standards of the Zoning Code;*
- (b) *That the proposed development is in general conformity with the Strategic Plan/Rocky Fork-Blacklick Accord or portion thereof as it may apply;*
- (c) *That the proposed development advances the general welfare of the Municipality;*

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

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

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

**Engage New Albany Strategic Plan Recommendations**

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

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

**A. Use, Site and Layout**

1. The applicant proposes to develop a 3,751 sq. ft. Moo Moo carwash on a 1.10 acre site. The Canini Trust Corp: Subarea 8D zoning text permits drive-through automated car washes and related accessory uses including car vacuums which are also proposed for the site.
2. The proposed use is appropriate given the proximity of this site to State Route 161 and the surrounding commercial development surrounding this site. Some of the surrounding uses include Home2Suites, the Turkey Hill gas station, convenience store and car wash as well as Dairy Queen and Popeyes which is currently under construction.
3. Zoning text section III(E) states that the vehicular entry point into the carwash must be located at the rear of the building so that traffic exits the building through the building elevation facing US 62. As proposed, the circulation is revised so the entrance into the carwash will be located along the US-62 elevation and the exit along the Woodcrest way elevation and a variance to this requirement has been requested.
4. Zoning text section III(A)(4) requires that the total lot coverage, which includes areas of pavement and building, to not exceed 75%\_and this requirement is met as the lot coverage is 56%.
5. The zoning text section 8a.01 requires the following setbacks:

<b>Road</b>	<b>Requirement</b>	<b>Proposed</b>
US-62	75 building and pavement setback from the edge of right-of-way	75 foot pavement [meets code] 117 +/- building [meets code]
Forest Drive	15 foot building and pavement setback from the edge of right-of-way	30+/- foot pavement [meets code] 27+/- foot building [meets code]
Northern Boundary (adjacent to future development site)	0 foot building and pavement setback	5+/- foot pavement [meets code] 114+/- foot building [meets code]
Woodcrest Way	10 foot building and pavement from the edge of pavement	10+/- foot pavement [meets code] 38+/- foot building [meets code]

**B. Access, Loading, Parking**

1. Zoning text section III(C)(3) states that vehicular access to this site must be provided from Woodcrest Way and Forest Drive only. The site will be accessed from one full access along Woodcrest Way which is a private road. Queueing to enter the carwash will be provided around the perimeter of the site, with vacuums at the center of it. Once vehicles exit the carwash, they may either turn into the vacuum area or leave the site via the curb cut along Woodcrest Way. An exit only, escape lane is also proposed along Woodcrest Way in order to ensure there is an

- exit for vehicles that are too large to go through the drive through. This exit will be blocked off under normal day to day operations and not used as a normal exit or entrance into the site.
2. The zoning text section further states that at the time of a final development plan, a traffic analyses may be required at the discretion of the city traffic engineer. A traffic study was provided by the applicant and the city traffic engineer is supportive of the proposed site circulation pattern and curb cut locations.
  3. Zoning text section III(C)(4) states that a car wash shall provide at least two aisles to queue vehicles for entry into the carwash and a third aisle must be provided to allow customers and visitors to bypass the queuing aisles and exit the property. Further, the text requires two means of ingress/egress to be provided where vacuums are present on the site. The applicant is partially meeting these requirements as three drive aisles are present, one of which could be used by customers to bypass queuing cars and exit the property via the escape lane along Forest Drive. Due to the orientation of the site/building, which was largely dictated by the traffic study, the applicant is only providing one means of ingress/egress in the vacuum area of the site and a variance has been requested.
  4. Zoning text section III(C)(1) states that the Planning Commission shall review and approve the number of required parking spaces as part of this final development plan as city code does not provide standards for an automated car wash use.
    - a) A total of 15 vacuum spaces are being provided with an additional 3 standard parking spaces, including one handicap parking space. Based on the proposed use, it appears that the number of parking spaces for visitors is sufficient however, staff recommends that the Planning Commission confirm with the applicant where the employees will park on the site.
  5. Per C.O. 1167.03(a) the minimum parking space dimensions required are 9 feet wide and 19 feet long and the applicant is meeting this requirement.
  6. Per C.O. 1167.03(a) the minimum maneuvering lane width size is 22 feet for this development type and this is requirement is met.
  7. Per the approved final development plan for the Canini Trust Corp's Woodcrest Way private road network and the requirements of the zoning text, the applicant is required to install a 5 foot sidewalk along Woodcrest Way and Forest Drive and these requirement is met.

### **C. Architectural Standards**

1. The purpose of the New Albany Design Guidelines and Requirements is to help ensure that the New Albany community enjoys the highest possible quality of architectural design.
2. The zoning text contains architectural standards and is also regulated by Section 6 of the Design Guidelines and Requirements (Commercial outside the Village Center).
3. The zoning text states that the maximum building height within this zoning district shall not exceed 35 feet. The proposed building height is approximately 25 +/- feet therefore this requirement is being met.
4. The applicant is proposing to use brick and fiber cement panels as the primary building materials which are permitted as well as asphalt roof shingles. The design of the building and use of materials is appropriate and complimentary to the other buildings in the immediate area.
5. Zoning text section III(D)(2) states that all visible elevations of a building shall receive similar treatment in style, materials and design so that no visible side is of a lesser visual character than any other. The applicant is accomplishing this requirement by utilizing four-sided architecture. The proposed car wash architecture is designed to resemble a historic American barn.
6. DGR Section 6(I)(A)(12) states that buildings shall have operable and active front doors along all public and private roads. However, the zoning text exempts carwash uses from exempt meeting this requirement as long as a rear and side door is provided on the building and this requirement is met.
7. C.O. 1171.05(b) states that all trash and garbage container systems must be screened. The applicant proposes to install a dumpster enclosure thereby meeting this requirement.



8. There are no rooftop mechanical units proposed for the building.

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

1. Codified Ordinance 1171.06(a)(3) requires one tree per 10 parking spaces. The applicant is providing parking spaces thereby requiring 2 trees and the applicant is meeting this requirement.
2. The zoning text section III(G)(4) requires that there be a minimum of eight (8) deciduous or ornamental trees per 100 lineal feet planted throughout the setback areas along US-62 and Forest Drive. The proposed site has approximately 194 feet of frontage along US-62, requiring 16 trees to be installed and the site has 247 feet of frontage along Forest Drive, requiring 20 trees to be installed. In order to meet these requirements, staff recommends a condition of approval that 18 additional buffer trees must be installed within the US-62 setback area.
3. C.O. 1171.04(a) requires that street trees must be planted along Forest Drive and US-62 at a rate of one tree for every 30 feet. There are 8 existing street trees along US-62 meeting the requirement along this roadway. The applicant is required to install 8 trees along Forest Drive and they are exceeding this requirement by providing 13.
4. C.O. 1171.06(2) requires a minimum of 5% interior parking lot landscaping on the site. The applicant is meeting and exceeding this requirement by providing 6% interior parking landscaping on the site.
5. Per zoning text section III(G)(3), parking lots shall be screened from US-62 with a minimum 30-inch-high evergreen landscape hedge or wall and this requirement is met.
6. The City Landscape Architect has reviewed the referenced plan in accordance with the landscaping requirements found in the New Albany Codified Ordinances and zoning text and provides in a memo attached to this staff report. Staff recommends all the City Landscape Architect's comments are met, subject to staff approval.

**E. Lighting & Signage**

1. The applicant submitted a photometric plan showing zero light spillage onto adjacent properties.
2. Zoning text section III(H)(3)(a) requires all parking lot and private driveway light poles to be cut-off and downcast, not exceed 18 feet in height, painted New Albany Green and the use of the same fixture that has been used at Dairy Queen and throughout the Canini Trust Corp. These requirements are being met.

**Wall Signs**

C.O. 1169.16(d) permits one wall mounted sign per building frontage. One square foot of sign face is permitted per each lineal foot of the building, not to exceed 50 square feet in size. The applicant proposes to install two identical wall signs on the building, one on the front (US 62 frontage) and one on the rear (Woodcrest Way) elevations with the following dimensions.

**Wall Signs**

- a. Area: 50 square feet [does not meet code and a variance has been requested]
  - b. Lettering height: 14 inches at the tallest [meets code]
  - c. Location: one on the north and one on the south building elevations [meets code]
  - d. Lighting: external, gooseneck [meets code]
  - e. Relief: 1.5 inches [meets code]
  - f. Color: red, white and black (total 3) [meets code]
  - g. Materials: HDU panel [meets code]
- The sign will read "\$5 MooMoo Carwash Express and Vacuum" and feature the company logo

3. The applicant proposes to install three drive thru menu board sign at the front of the site which is permitted C.O. 1169.11(c) as long as they are screened from public rights-of-way which they are according to the landscape plan. The proposed menu board signs are digital and a variance has been requested. All other code requirements for this sign type are met.
4. The applicant proposes to install a monument sign along the US-62 frontage of the site. The proposed monument sign meets all of the requirements of the Canini Trust Corp Master Sign Recommendations Plan however, a portion of the proposed sign is located in the right-of-way which is not permitted per C.O. 1169.05(a) and a variance has been requested.

#### **IV. ENGINEER'S COMMENTS**

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

#### **V. RECOMMENDATION**

Staff recommends approval of the MooMoo Carwash final development plan provided that the Planning Commission finds the proposal meets sufficient basis for approval. The proposal is meeting many of the goals of the Engage New Albany Strategic Plan such as providing pedestrian access along roadways and into the site and utilizing high quality building materials by incorporating four-sided architecture. The city traffic engineer has reviewed the traffic study and is supportive of the general site circulation as it will not negatively impact traffic on adjacent roadways. The proposed development is in an appropriate location given the context of the surrounding area and will serve as an amenity for the New Albany Business Park. The proposed building is very well designed and is consistent with other retail buildings in the immediate area.

#### **VI. ACTION**

**Suggested Motion for FDP-62-2022 (Conditions of approval may be added):**

Move to approve FDP-62-2022 with the following conditions:

1. 18 additional trees must be planted within the US-62 building and pavement setback area.
2. The city landscape architect comments must be addressed, subject to staff approval.
3. The city engineer comments must be addressed, subject to staff approval.

**Approximate site Location:**





Source: Google Earth



**Planning Commission Staff Report  
June 20, 2022 Meeting**

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**MOO MOO CARWASH  
VARIANCES**

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LOCATION: 1.10+/- acre site within the Canini Trust Corp (PID: 222-000347)  
APPLICANT: The Mannik & Smith Group, Inc. c/o Kyle Wrentmore  
REQUEST: (A) Variance to zoning text section III(E) to allow the entry point of the carwash to be located at the front of the building where the text requires it be located at the rear of the building.  
(B) Variance to zoning text section III(C)(4) to allow one entry/exit point for a car vacuum area where the text requires two means of entry/exit.  
(C) Variance to C.O. 1169.16(d) to allow two wall signs to be 50 sq. ft. in size where code allows a maximum of 31 sq. ft. based on the frontage of the building.  
(D) Variance to C.O. 1169.05(A) to allow a monument sign to be located partially in the public right-of-way.  
(E) Variance to C.O. 1169.04 to allow digital menu board signs where code prohibits digital/electronic signs.

ZONING: Canini Trust Corp I-PUD: Subarea 8D  
STRATEGIC PLAN: Retail  
APPLICATION: VAR-63-2022

Review based on: Application materials received on March 10 and April 10, 2022.

*Staff report completed by Chris Christian, Planner*

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**III. REQUEST AND BACKGROUND**

The applicant requests variances in conjunction with the final development plan (FDP-62-2022) for a Moo Moo carwash located south of US-62 within the Canini Trust Corp. The development includes an automated carwash and car vacuums on a 1.10-acre site.

The applicant requests the following variances:

(A) Variance to zoning text section III(E) to allow the entry point of the carwash to be located at the front of the building where the text requires it be located at the rear of the building.  
(B) Variance to zoning text section III(C)(4) to allow one entry/exit point for a car vacuum area where the text requires two means of entry/exit.  
(C) Variance to C.O. 1169.16(d) to allow two wall signs to be 50 sq. ft. in size where code allows a maximum of 31 sq. ft. based on the frontage of the building.  
(D) Variance to C.O. 1169.05(A) to allow a monument sign to be located partially in the public right-of-way.  
(E) Variance to C.O. 1169.04 to allow digital menu board signs where code prohibits digital/electronic signs.

## II. SITE DESCRIPTION & USE

The site is located on the southwest corner of US-62 and Forest Drive within the Canini Trust Corp zoning district. The site is 1.10+/- acres and is currently undeveloped and is bounded by US 62, Forest Drive and Woodcrest Way on all four sides.

## III. EVALUATION

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

### *Criteria*

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

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

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

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

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

## III. RECOMMENDATION

### *Considerations and Basis for Decision*

**(A) Variance to zoning text section III(E) to allow the entry point of the carwash to be located at the front of the building where the text requires it be located at the rear of the building.**

**(B) Variance to zoning text section III(C)(4) to allow one entry/exit point for a car vacuum area where the text requires two means of entry/exit.**

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

1. Section III(E) of the Canini Trust Corp Subarea 8D zoning text requires that the vehicular entry point into a building containing a car wash use shall be located in the rear of the building such that traffic will exit the building through the front. In simpler terms, the intent of this requirement is to ensure that the car wash entrance would be located in the rear of the site, opposite of US-62. As submitted, the entrance into the proposed car wash is located along the US-62 elevation of the building therefore, a variance is required.
2. Section III(C)(4) of the zoning text states that where automobile vacuum parking spaces are located, at least two means of ingress/egress shall be provided. As submitted, the applicant proposes to install only one entry/exit point from the vacuum area therefore a variance is required.
3. The applicant submitted a traffic study for the proposed development as required by the city traffic engineer per the requirements of the zoning text. The purpose of this requirement is to ensure that the proposed use will not have a negative impact on traffic for the adjacent roadways, particularly US-62. In order to accomplish this, the city traffic engineer provided the following direction to the applicant:
  - a. Locate the primary curb cut(s) into the site along Woodcrest Way which is a private roadway.
  - b. Prohibit regular traffic access along Forest Drive due to the proximity of US-62 based on the findings of the traffic study.
4. In order to meet these requirements, provide sufficient queuing on the site and eliminate any potential for a negative impact on US-62, and, the applicant flipped the orientation of the building as proposed which resulted in the proposed variance requests.
5. The variance request preserves the “spirit and intent” of the zoning requirement. The intent of the requirement is to ensure that the drive-thru functions of the proposed use are screened from primary roadways and in this case, US-62. While the applicant proposes to have this function of the building facing US-62, they are providing landscape screening in order to provide a visual buffer. The city landscape architect has reviewed the proposed landscape plan with these requirements in mind as part of the final development plan application (FDP-62-2022) and recommended some modifications in order to ensure the intent of this requirement is still met as part of the variance request.
6. The intent of the requirement for providing two means of ingress/egress for the vacuum area is to that additional connectivity will provide better traffic flow within the site and ease of access between the different functions of the site. While the applicant proposes to deviate from this original requirement, an additional ingress/egress access would not improve traffic flow on the site and would likely have a negative impact on it based on the city traffic engineer’s review of site circulation. It appears that the original intent of the requirement is met while only providing one mean of access.
7. Additionally, while the orientation of the building is different than what is required, the visual impact of the structure will not change as it is designed with a 360-degree architectural approach with the same building materials and treatments being used on all side of the building. When the business is not operating, the public will not be able to perceive which side of the building is the front or rear.
8. If the variance requests are not granted, the applicant would be forced to reorient the site circulation pattern which may result in the curb cuts into the property to be located on Forest Drive. As stated, the city traffic engineer is not supportive of any permanent curb cuts along Forest Drive in order to preserve acceptable traffic control and access into the site which in turn has a direct impact on public roadways in the immediate area, namely US-62 which is a heaviest traveled road in the city. For these reasons, if the variance requests are not granted, the essential character of the neighborhood may be altered and the adjoining property owners may suffer a substantial detriment.

**(C) Variance to C.O. 1169.16(d) to allow two wall signs to be 50 sq. ft. in size where code allows a maximum of 31 sq. ft. based on the frontage of the building.**

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

1. The applicant requests to allow two identical, MooMoo Car Wash wall signs to be 50 square feet in size where the zoning text allows a maximum area of 31 sq. ft. for all retail buildings.
2. The applicant proposes to install two identical wall signs, one on the US-62 elevation and one on the Woodcrest Way building elevation.
3. The variance appears to meet the spirit and intent of the zoning text which is to ensure that wall signs are appropriately scaled in relation to the building on which they are located. The proposed wall signs are appropriately integrated into the architecture of the building which will make these signs feel more like a part of overall building design.
4. It does not appear the essential character of the neighborhood would be substantially altered or adjoining properties suffer a "substantial detriment" by approving this variance. While the sign is larger than permitted, the design is unobtrusive. Additionally, there are no overly bright or jarring colors. Additionally, other sites within the Canini Trust Corp and the Walton-62 zoning districts have received variances to exceed the sign area limitations for the same reasons as described above.
5. It does not appear that the variance would adversely affect the delivery of government services, affect the health and safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.

**(D) Variance to C.O. 1169.05(A) to allow a monument sign to be located approximately 8 feet in the public right-of-way.**

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

1. C.O. 1169.05(a) states that signs may not be installed in any public easement, right-of-way, or no build zone, except publicly owned signs such as traffic control signs and directional signs. The applicant proposes to install their monument sign in the location required by the zoning text however it is partially located in the right-of-way therefore, a variance is required.
2. Staff is supportive of the variance request as it does not appear to be substantial. The zoning text requires developers to follow the Canini Trust Corp Master Sign Plan which was approved by the Planning Commission. Since then, many monument signs have been installed within this area, meeting the requirements of the sign plan. The plan includes requirements for size, color and location. The plan requires monument signs to be placed between the horse fence and leisure trail, both of which are existing along US-62 today. The variance is required in order for the sign to meet the location requirements and be consistent with other sign locations along US-62. While the sign is located within the right-of-way, it would not be obvious that this is the case unless you were looking at the lot lines on paper.
3. The special conditions and circumstances do not result from the action of the applicant. The sign requires monument signs to be placed between the horse fence and leisure trail, both of which are existing along US-62 today. These are located a consistent distance from the public street, but the right-of-way narrows, resulting in the need for this variance.
4. There appear to be special conditions and circumstances which are peculiar to this property that justify the variance request. While the sign plan accounts for size, color and location requirements, it does not take the varying right-of-way location along US-62 in account. In addition to the existing horse fence and leisure trail, there are also existing gas and water lines running along the frontage of the property, limiting where this sign could be located. If the sign were to be relocated just outside of the right-of-way it would be installed above these utility lines which could not be supported. As proposed, the sign is not located above any utility lines and the city engineer is supportive of its location.
5. Staff recommends a condition of approval requiring a hold harmless agreement to be entered into which specifies that the applicant is responsible for maintenance, ownership and liability

concerning the sign subject to the review and approval of the city law director and a right-of-way permit must be obtained.

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

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

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

1. C.O. 1169.04 states that digital/electronic signs are a prohibited sign type. The applicant proposes to allow three pay stations for the car wash each of which include a small digital menu board therefore, a variance is required. The Planning Commission has approved digital menu board signs in the immediate area following the same general principles below. It appears that these same general principles and conditions of approval are applicable to this site and staff recommends approval of the variance with the conditions specified below. However, staff recommends that the Planning Commission weigh these same factors for this specific proposal when making a determination.
2. The city's codified ordinances state the purpose of the sign regulations are to are intended to provide design regulations for sign types so that they may fit harmoniously with structures and their surroundings. It is the intent of these regulations to prevent signs from becoming a distraction or obstruction to the safe flow of pedestrian and vehicular traffic, to prevent signs from becoming a nuisance factor to adjacent properties or uses, to protect and encourage a healthful economic and business environment in the community, and thereby protect the general health, safety, and welfare of the community. Accordingly, the city's sign code codified ordinance chapter 1169.04 lists flashing, animated, and electronic signs as prohibited sign types. Staff recommends a condition of approval requiring the menu board sign does not employ any animated or flashing features on the sign.
3. Additionally, in order to meet spirit and intent of a typical menu sign, staff recommends the menu must be static so it not used as a reader board with scrolling or frequent display changes.
4. To prevent the sign from becoming a nuisance factor to adjacent properties or uses at night staff recommends an automatic brightness dimmer is installed to ensure the sign is not overly bright. There will be landscaping installed in between the location of the proposed menu signs and US-62. This additional landscaping will provide buffering in order to limit the view of them from off-site.
5. It does not appear that the variance would adversely affect the delivery of government services, affect the health and safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.

**II. RECOMMENDATION**

Staff is supportive of the variances related to the site orientation and circulation due to the findings of the traffic study submitted with the final development plan which has been reviewed and approved by the city traffic engineer. The city staff goals for this private site layout are to (1) maximize the number of cars that can be queued on-site and (2) ensure the proper on-site circulation to maximize functionality of the drive-through. Additionally, to ensure there are no off-site impacts, the applicant (1) removed a permanent curb cut along Forest Drive and (2) submitted a traffic study showing traffic generated from the site doesn't negatively impact the public streets. City staff and the developer agree the only way to accomplish all of the on-site and off-site goals is to flip the orientation of the building and have one entry/exit point from the vacuum area. Additionally, the wall sign size and monument sign location variances are appropriate as the signs are designed and located in similar locations as



other signs within the same zoning district and therefore will complement the area.

The Planning Commission should evaluate the appropriateness of using a digital menu board sign at this site for this application. The board has approved digital menu board signs for other sites in the immediate area and it appears that the same standards of approval for those signs would apply in this case. The proposed electronic menu board sign may be appropriate if there are parameters in place to ensure the sign is unobtrusive as possible to ensure it doesn't become a nuisance or distraction. For this reason, staff recommends additional restrictions and regulations regarding the display and brightness of the sign are implemented to ensure it meets the purpose of the sign code regulations.

## V. ACTION

Should the Planning Commission find that the application has sufficient basis for approval, the following motions would be appropriate (The Planning Commission can make one motion for all variances or separate motions for each variance request):

### **Move to approve application VAR-63-2022, subject to the following conditions:**

1. A hold harmless agreement to be entered into which specifies that the applicant is responsible for maintenance, ownership and liability concerning the sign subject to the review and approval of the city law director and a right-of-way permit must be obtained. The electronic menu-board signs do not display any flashing, moving or animated graphics.
2. The menu must be static so it not used as a reader board with scrolling or frequent display changes.
3. An automatic brightness dimmer is installed to ensure the menu sign is not overly bright.

### **Approximate site Location:**



Source: Google Earth