



New Albany Architectural Review Board
September 12, 2022 Minutes

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

Those answering roll call:

Mr. Alan Hinson, Chair	Absent
Mr. Francis Strahler	Present
Mr. Jonathan Iten	Present
Mr. Jim Brown	Present, arrived 7:04 p.m.
Mr. E.J. Thomas	Absent
Mr. Andrew Maletz	Present
Ms. Traci Moore	Present
Mr. Michael Durik	Present

Staff members present: Stephen Mayer, Development Services Manager; Chris Christian, Planner; Chelsea Nichols, Planner; and Josie Taylor, Clerk.

Mr. Iten noted Mr. Brown would be arriving soon.

Moved by Mr. Maletz to approve the August 8, 2022 meeting minutes, seconded by Mr. Strahler. Upon roll call: Mr. Maletz, yea; Mr. Strahler, yea; Ms. Moore, yea; Mr. Iten, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

(Mr. Brown entered the meeting at 7:04 p.m.)

Mr. Iten asked Mr. Brown if he had any comments regarding the August 8, 2022 minutes.

Mr. Brown stated no.

Mr. Iten noted there were no members of the public at the meeting and no one to swear in.

**ARB-107-2022 Certificate of Appropriateness
Certificate of Appropriateness for a new parking lot along Swickard Woods Blvd (PID:
222-003178).**

Applicant: City of New Albany; c/o Michael Barker

Mr. Christian presented the staff report.

Mr. Iten asked what a stadium would be.

Mr. Christian discussed the Code provisions for a stadium.

Mr. Iten asked if staff would then not be able to approve a stadium.

Mr. Christian stated most likely, yes, that would need a building permit. Mr. Christian stated this review was only for the parking lot and that any signage would need to be reviewed by the ARB and continued the presentation

Mr. Iten asked if the signage would need to be reviewed by the ARB per the Code.

Mr. Christian stated yes.

Mr. Strahler asked if the property to the east was owned by the township, if the drive was part New Albany and part Plain Township.

Mr. Mayer stated that was correct.

Mr. Strahler asked if any consideration had been given to working with Plain Township on having parking on each side, as on Swickard Woods, rather than having parallel asphalt roads there.

Mr. Mayer stated that had been considered as part of the design process but was not selected as an option at this time, but there could be future project.

Mr. Durik stated he believed the Township would be reticent to placing parking on their property.

Mr. Strahler said okay.

Mr. Durik stated there had been mutual disagreements.

Mr. Brown asked if there had been any consideration given to having some kind of connection point on this to help relieve the pressure.

Mr. Maletz stated that was his question too. Mr. Maletz stated it might cost a few parking spaces, but traffic could become congested there and if drivers there decided to bail out they would need to go around, so a bailout loop might ease traffic.

Mr. Mayer stated a connection had been looked at but the goal was to maximize parking spaces.

Mr. Maletz asked if a connection he pointed out on the presentation was one-way or two-way.

Mr. Mayer stated he believed it was two-way, divided by a central boulevard.

Mr. Iten stated yes, he had driven it.

Mr. Maletz stated that if people were to exit there they would then go down the existing school drive, which tended to run counterclockwise. Mr. Maletz stated he saw two potential issues, one with conflicting traffic and the other due to drivers entering and exiting the intersection as drivers tried to make a left turn.

Mr. Iten stated that existed now.

Mr. Maletz stated not this part.

Mr. Iten stated only a portion of the parking spaces were shown, but they continued all the way over.

Mr. Maletz stated they were going to be dumping the outflow at the same time the school loop would be dumping the outflow and that would cause drivers to try to enter one way as other drivers were trying to exit another way, which could cause a backup at that location.

Mr. Mayer stated it was a fair question and stated the site design was provided by the City Engineer but he did not know what traffic controls would be there.

Mr. Brown stated it would be a one-way condition all the way through to a certain location and then would become a one-way out and would need to be clearly marked.

Mr. Durik asked if a certain area was just a road bed without parking.

Mr. Mayer stated that was correct.

Mr. Durik asked how this all linked together and stated he believed this could be a very confusing traffic pattern. Mr. Durik stated he also agreed there needed to be a break at a location he marked on the presentation, noting that if one car broke down that would create a backup.

Mr. Brown stated the road looked to be 22 feet wide.

Mr. Durik stated it looked wide enough. Mr. Durik indicated a road on the presentation and asked if they were going to put another pad adjacent to that road, how close would that be to the ball park.

Mr. Mayer stated the island would remain the same and so would the bump out. Mr. Mayer stated the City would relocate some of the handicapped parking that was furthest away from the entry points. Mr. Mayer said this was a very technical document that was confusing, but the median was unchanged

Mr. Brown asked if new, angled parking would be going up to the outfield.

Mr. Mayer stated yes.

Mr. Durik stated there was a road cutting in where he indicated on the presentation that was running parallel and would then come around. Mr. Durik asked if that would dump into a specific location.

Mr. Mayer stated it went above.

Mr. Durik asked why a new road was needed if this road was going to dump into the other road.

Mr. Mayer stated that was not a new road way, it would be the same one.

Mr. Iten stated it was the existing roadway with new pavement.

Mr. Mayer said yes, that was right.

Mr. Durik stated okay, that was not clear.

Mr. Iten stated the new part was the angled parking instead of parallel parking.

Mr. Durik stated that they would have people entering, going around, and then parking on the other side.

Mr. Mayer stated that was correct.

Mr. Iten stated the little stub would go away with the new road continuing up. Mr. Iten asked if the only thing the ARB would approve was the parking lot landscape.

Mr. Mayer stated correct.

Mr. Iten stated then the only thing there would be if it hid the headlights.

Mr. Mayer stated that might not be required here due to the adjacent uses.

Mr. Iten stated okay.

Mr. Mayer stated the landscape would be part of the next phase and the intent was to line the green area between the two drives with trees and they also wanted to preserve the existing trees as much as they could.

Mr. Iten asked if they did not want people to see the freeway.

Mr. Mayer stated that was right.

Mr. Durik asked what the dimensions were of the space between the courts and the roadway and if there was any staging area for people who would be waiting to play.

Mr. Mayer stated the staging area was in the middle and there were five (5) foot sidewalks that ran around that were meant for that.

Mr. Durik stated that as they reviewed signage they needed to make it very clear it was a non-parking roadway.

Mr. Iten noted the ARB members had discussed whether an exit to the shared drive would be required or suggested to help eliminate congestion and asked if the ARB members had any ideas on this.

Mr. Strahler stated that even if it was an exit only, just to have some way to get out,

Mr. Maletz stated he thought a traffic plan with directional arrows would be useful as it read as a one-way loop but really was not. Mr. Maletz stated he was concerned there might be some risk here.

Mr. Mayer stated there might be some reasons why a second connection was not made and the City's intent was to maximize parking and this was developed with the City Engineer to ensure there was safe and efficient access and movement on the site and as much parking as possible. Mr. Mayer stated they could return the following month and provide a more directional analysis.

Mr. Durik stated it would be worth considering that and if they lost three (3) or four (4) spots it would be negligible with 75 spots and they also needed to consider what would be reasonable egress and ingress.

Mr. Maletz asked what the hours of operation would be and who the target audience was.

Mr. Mayer stated it would be for New Albany residents as well as to host tournaments. Mr. Mayer stated it would likely be open during the City's general park hours of sunrise to sunset, however, it might eventually have lighting and be in regular use so it might overlap with school and Plain Township operations.

Mr. Maletz stated so it would overlap with school and Plain Township operations in terms of use.

Mr. Mayer stated potentially.

Mr. Durik stated he believed it would and added that as a City park it would also be available for anyone, not just New Albany residents, to use.

Mr. Iten asked if this should be tabled to obtain information about traffic flow.

Moved by Ms. Moore to table the certificate of appropriateness for ARB-107-2022 at this time,

seconded by Mr. Brown. Upon roll call vote: Ms. Moore, yea; Mr. Brown, yea; Mr. Maletz, yea; Mr. Strahler, yea; Mr. Iten, yea. Yea, 5; Nay, 0; Abstain, 0. Motion carried by a 5-0 vote.

Other Business

- **Waiver Code Updates**

Mr. Christian presented the Waiver Code updates, in particular focusing on the language regarding unusual site-specific constraints and the consistency of requests for waivers or variances. Mr. Christian presented three options for ARB review and consideration.

Mr. Maletz asked if it would be possible to use an example that could be reviewed using these options to better understand how these would apply.

Mr. Iten noted the ARB might need to obtain additional information as it worked through this process. Mr. Iten stated it would be useful to go back through some cases they had struggled with and it would also be good to know how City Council would view this issue.

Mr. Mayer stated that he could not speak for City Council, but said that the test for a waiver was rather strict and purposely set up that way. Mr. Mayer stated the reason for the update was not to remove those standards but to provide for review of a situation where good design did not quite meet Code Requirements. Mr. Mayer mentioned this sometimes occurred with signs.

Mr. Iten stated one example he recalled was that of the barn approved on Market Street where it was difficult to say there was a constraint as it had been a historic building. Mr. Iten stated that in that case he believed he would have been happier with the word condition rather than the word constraint. Mr. Iten noted that the word condition would be a less rigorous test and would it be possible that one could always find a condition whereas the same would not be true of a constraint but the word condition was used elsewhere.

Mr. Christian stated he agreed with these comments and staff could present the exercises for the ARB. Mr. Christian stated the difference was that the third criteria did not only have to be met, but the remaining three (3) criteria items also had to be met and, if not, it would be denied.

Mr. Iten asked if the request did not meet criteria A then the ARB would not even consider it.

Mr. Mayer stated yes.

Mr. Iten stated that criteria B was then the same thing, so A and B were real gate keepers. Mr. Iten noted criteria B was like the Brewdog sign.

Mr. Maletz asked if that had been a waiver.

Mr. Iten stated it had been a waiver but also included the sign Code. Mr. Iten stated in that case the intent of the standard could not be met because the standard was that there should not be one. Mr. Iten noted that once a sign was approved at a location, the approval stayed with the location regardless of the how the next user would use it.

Mr. Mayer stated he thought that would always be a consideration with any waiver. Mr. Mayer stated they felt the second option, by adding the word building would take signage scenarios into account.

Mr. Maletz stated that the building specific conditions or constraints seemed to be an appropriate clarification. Mr. Maletz stated he tended to agree that including the word building would potentially provide the ARB with some latitude to debate more

than just the site constraints but he also supported the need to place constraints around it in some way. Mr. Maletz asked if it should be building-specific or just building specific.

Mr. Iten said he would defer to the City's legal counsel and asked if this would be for only an existing building or would it include a new building being designed.

Mr. Maletz stated that existing conditions mattered.

Mr. Mayer stated that historically site specific constraints had included both developed and undeveloped.

Mr. Durik stated he believed second option was the best and the third option was too open. Mr. Durik stated the ARB needed to control and manage what was appropriate for New Albany. Mr. Durik stated a lot was happening in the City and the City should preserve its ability to control, but not in a Draconian manner.

Mr. Maletz stated he agreed.

Mr. Christian stated staff had also believed the second option seemed to be the best.

Mr. Maletz stated the test for the ARB, and perhaps other Boards, was that there had been cases where they had a good, thoughtful, solution they wanted to approve for all the right reasons but were hesitant to approve due to Code language. Mr. Maletz stated he would be comfortable with that discretion even if something did check all of the other criteria.

Mr. Iten stated that as the word condition was used elsewhere, his concern was that condition might be too soft a term, particularly if reviewed by a court. Mr. Iten stated it would be helpful for staff to provide a few exercises the ARB could look through, as well as an email of the language so it could be further reviewed. Mr. Iten asked if the exercises could perhaps be available in November, as he would not be present in October.

Mr. Brown stated they would need Mr. Iten for this.

Mr. Mayer stated staff may need a month or two to review the exercises.

Mr. Iten stated older cases might also be useful, such as that of the barn and the concrete driveway they had turned down.

Mr. Mayer stated those would be two good examples.

Mr. Strahler asked if there was a time frame for this.

Mr. Mayer stated none had been set and staff was happy to workshop this and then the Planning Commission and City Council would need to approve this.

Mr. Iten asked if there were any comments. (No response.)

Moved by Mr. Maletz to adjourn, seconded by Mr. Strahler. Upon roll call vote: Mr. Maletz, yea; Mr. Strahler, yea; Mr. Brown, yea; Ms. Moore, yea; Mr. Iten, yea. Yea, 5; Nay, 0; Abstain, 0. Motion carried by a 5-0 vote.

Meeting adjourned at 7:55 p.m.

Submitted by Josie Taylor.

APPENDIX



Architectural Review Board Staff Report September 12, 2022

TENNIS AND PICKLEBALL COURT PARKING LOT CERTIFICATE OF APPROPRIATENESS

LOCATION: Located on the New Albany Plain Local Schools Campus adjacent to the Miracle Field, located near the Plain Township Aquatic Center (PID: 222-003178).

APPLICANT: City of New Albany

REQUEST: Certificate of Appropriateness

ZONING: Urban Center Code—Campus sub-district

STRATEGIC PLAN: Village Center

APPLICATION: ARB-107-2022

Review based on: Application materials received on August 29, 2022.

Staff report prepared by Chris Christian, Planner II and Chelsea Nichols, Planner.

I. REQUEST AND BACKGROUND

City council approved funding for the installation of new tennis and pickleball courts along Swickard Woods Boulevard, adjacent to the Miracle Field. The city requests review of a new vehicular parking lot, containing 75 stalls, associated with the project. New parking lots require review and approval by the ARB. However, tennis courts, pickleball courts and other related improvements do not require review and approval by the ARB.

Per Section 1157.07(b) any major environmental change to a property located within the Village Center requires a certificate of appropriateness issued by the Architectural Review Board. This section of city code states that a new parking lot constitutes as a major environmental change. The code also states that the construction of sports fields and associated bleachers, fences, dugouts and like facilities not requiring a commercial building permit, as approved by the Community Development Department are considered a minor environmental change and do not require ARB review and approval. For these reasons, the new parking lot must be reviewed and approved by the ARB. However, the tennis courts, pickleball courts and other associated improvements do not require review and approval by the ARB as they are minor environmental changes.

II. SITE DESCRIPTION & USE

The property is zoned Urban Center District (Campus sub-area) and is located on Swickard Woods Boulevard east of the New Albany Learning Center, west of the Plain Township Aquatic Center and south of State Route 161. The Miracle Field is also located on the southern portion of this site which was reviewed and approved by the ARB on April 8, 2019 (ARB-26-2019).

III. EVALUATION

A. Certificate of Appropriateness

The ARB's review is pursuant to C.O. Section 1157.06. No environmental change shall be made to any property within the City of New Albany until a Certificate of Appropriateness has been properly applied for and issued by staff or the Board. Per Section **1157.07 Design Appropriateness**, the modifications to the building and site should be evaluated on these criteria:

1. *The compliance of the application with the Design Guidelines and Requirements and Codified Ordinances.*
 - Section 8 of the Design Guidelines and Requirements (DGRs) - Civic and Institutional Buildings - provides the requirements for campus building typologies and sites inside the Village Center. The proposed parking lot is designed to accommodate parking for new tennis and pickleball courts that are to be installed on the site.
 - DGR Section 8.II(2) states that site plantings and landscaping shall be of an appropriate scale and design based on the architectural design of a new building. While no new buildings are being reviewed as part of this application, a landscape plan will be developed for the site in the future. Staff recommends a condition of approval that the landscape plan be subject to staff approval.
 - DGR section 8.II(3) states that asphalt, brick, stone or simulated stone driveway pavers are appropriate surfaces for driveways and parking areas. Asphalt is the proposed material for the driveway and parking lot therefore this requirement is met.
2. *The visual and functional components of the building and its site, including but not limited to landscape design and plant materials, lighting, vehicular and pedestrian circulation, and signage.*
 - The proposed parking lot will provide parking for new tennis and pickleball courts being installed at the rear of the site. There are two entrances/exits for the new parking lot, one off an existing driveway used for the Plain Township Aquatic Center and one where Swickard Woods Boulevard currently dead ends around the northern portion to allow for full circulation of the site.
 - The new lot contains 75 parking stalls and all code requirements for parking spaces and drive aisles are being met. The stalls are to be located on the eastern portion of the site and a sidewalk will also be constructed in the parking lot area to provide pedestrian connectivity to the onsite amenities.
 - A detailed lighting plan has not been prepared. Staff recommends a condition of approval that any site lighting fixtures be subject to staff approval.
 - There are no proposed signs at this time. Future permanent signage will be subject to ARB review and approval.
3. *The distinguishing original qualities or character of a building, structure, site and/or its environment shall not be destroyed.*
 - It does not appear that the original quality or character of the site will be destroyed or compromised as part of the installation of the parking lot.
4. *All buildings, structures and sites shall be recognized as products of their own time.*
 - Not applicable.
5. *Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be created with sensitivity.*
 - Not applicable.

6. *The surface cleaning of masonry structures shall be undertaken with methods designed to minimize damage to historic building materials.*
 - Not applicable.
7. *Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the original structure would be unimpaired.*
 - Not Applicable.

B. Urban Center Code Compliance

- The Urban Center Code provides the following lot and building standards:

Standard	Minimum	Maximum	Proposed
Lot Area	No min	No max	N/A
Lot Width	No min	No max	N/A
Lot Coverage	No min	No max	Unknown
Street Yard	30 feet	No max	60 +/- feet
Side Yard (East)	20 feet	No max	20 feet
Side Yard (West)	20 feet	No max	Greater than 400 feet
Rear Yard	20 feet	No max	41 +/- feet
Building Width	No min	No max	N/A
Stories	1	4	N/A
Height	No min	55 feet	N/A

- Urban Center Code Section 2.140.1 states that parking shall be provided as needed and supported by evidence-based standards. As stated, 75 parking stalls are to be provided to accommodate the new tennis and pickleball courts. This amount of parking contemplates major events or tournaments that may take place on the site. In addition, the ample amount of parking will provide additional spaces for the Miracle Field and the Plain Township Aquatic Center. The township has stated the need for additional parking in the past to accommodate a growing number of pool visitors.
- Urban Center Code Sections 2.1240.2 and 5.30 state that 2 bicycle parking spaces are to be provided based on the number of off-street parking spaces and this requirement is met.

IV. RECOMMENDATION

Staff recommends approval of this application provided that the ARB finds that the proposal meets sufficient basis for approval with the conditions listed below. The proposed parking lot will provide new parking spaces for the tennis and pickleball courts that are to be installed on the site. These spaces will provide ample parking for any events or tournaments that take place on the site. Additionally, the parking lot will serve to provide additional parking opportunities for the Miracle Field and Plain Township Aquatic Center.

V. ACTION

Should the Architectural Review Board find sufficient basis for approval the following motions would be appropriate. Conditions of approval may be added.

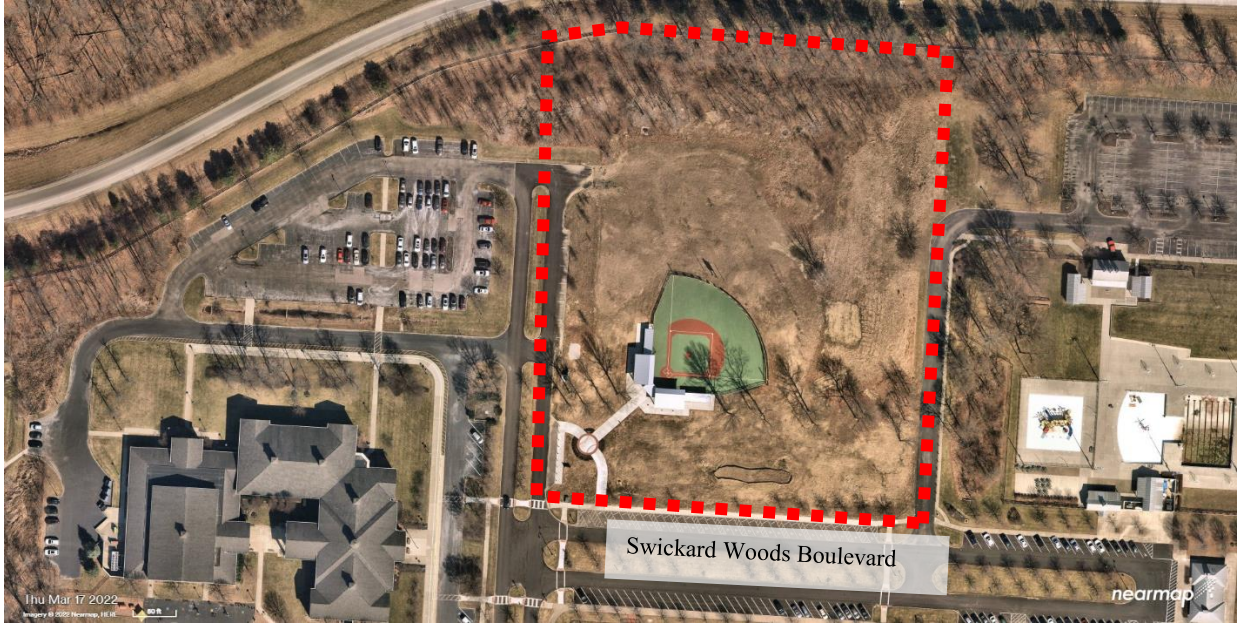
Suggested Motion for ARB-107-2022:

Move to approve Certificate of Appropriateness application ARB-107-2022 with the following conditions:

1. The landscape plan for the site is subject to staff approval.

- Any site lighting is subject to staff approval.

Approximate Site Location:



Source: Google Earth